

November 21, 2016

Mr. Jim Eichmann – Chairman
Mr. Ted Leugers – Vice-Chairman
Mr. Tom Scheve – Member
Mr. Jim LaBarbara – Secretary
Mr. Jeff Heidel – Member
Mr. Steve Scholtz - Alternate

Item 1. – Meeting called to Order

Vice-Chairman Leugers called the meeting of the Board of Zoning Appeals to order at 7:00 P.M. on Monday, November 21, 2016.

Item 2. – Roll Call of the Board

Mr. LaBarbara called the roll.

Members Present: Mr. Scheve, Mr. Leugers, Mr. Heidel, Mr. LaBarbara and Mr. Scholtz

Members Absent: Mr. Eichmann

Also Present: Harry Holbert and Beth Gunderson

Item 3. – Opening Ceremony

Mr. Leugers led the Pledge of Allegiance.

Item 4. – Swearing in of Those Providing Testimony

Mr. Leugers swore in all those providing testimony.

Item 5. – Approval of Minutes

Mr. Leugers stated the next order of business was to approve October 17, 2016 meeting minutes.

Mr. Leugers asked for any corrections to the October 17, 2016 meeting minutes. No response.

Mr. Scheve made a motion to approve the October 17, 2016 meeting minutes.

Mr. Heidel seconded.

Mr. LaBarbara called roll to approve the minutes.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz – AYE

Mr. Leugers explained that this is a public hearing and the process by which the hearing would be run.

Item 6. – Old Business

Case: SYCB160026
Applicant: Karin and William Wiles
Location: 4114 Jud Drive
Request: Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB160019.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz - AYE

Case: SYCB160027
Applicant: Linda Adkins
Location: 4565 Sycamore Road
Request: Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB160027.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz - AYE

Case: SYCB160028
Applicant: TRA Architects
Location: 8063 Montgomery Road
Request: Variance

Mr. Holbert presented the resolution approving with conditions the variance request for Case SYCB160028.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers - AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz – AYE

Case: SYCB160023- Continued to 12/19/2016

Applicant: Nicholas Bucciere
Location: 9125 Montgomery Road
Request: Appeal

Case: SYCB160020
Applicant: Joseph Buckley
Location: 11256 Marlette Drive
Request: Variance

Mr. Holbert presented the landscape plan submitted by the applicant for the Board's review. Mr. Holbert stated that based on the conditions of the approval for this case, the applicant has complied with the first two conditions of the approval. The third condition was for the applicant to submit a landscape plan to be approved by staff. Mr. Holbert has reviewed the landscape plan submitted and made notations on items that he feels are not sufficient to comply with the landscape requirements of the zoning resolution. Mr. Holbert noted the applicant waited until after the deadline to submit his landscape plan, therefore, it is nearing the end of the planting season. Because of that he recommended the applicant be required to plant the landscaping within two weeks.

Mr. Scheve said at the time they approved the resolution, he was not anticipating that it would cost the applicant a fortune to screen the playset.

Mr. Holbert noted his recommendation was only to add the mounding and a couple additional trees.

Mr. Scheve requested that the applicant address the board.

Mr. Joseph Buckley, of 11256 Marlette Drive, Sycamore Township, OH 45249, was sworn in and addressed the Board.

Mr. Scheve asked the cost

Mr. Buckley said the cost to implement the landscape plan he proposed would be about \$1,200. He said Mr. Holbert's recommendation will be higher, probably at least \$1,000 more.

Mr. Buckley noted the type of trees were chosen because they would sit in a gully.

Mr. Scheve asked what it cost the applicant to switch out the yellow plastic on the playset to green,

Mr. Buckley said it cost \$600.

Mr. Scheve said he thought the applicant had said at the first hearing that he could not move the playset but it has been moved.

Mr. Buckley said at the time he did not think he could move it but he was able to do so.

Mr. Scheve asked if the playset would be removed for the winter.

Mr. Buckley answered no.

Mr. Scheve noted moving the playset under the tree has provided additional screening that the Board was not aware of at the previous meeting.

Ms. Emily Mathews, of 11283 Marlette Drive, Sycamore Township, OH 45249, was sworn in and addressed the Board. She said she likes Mr. Holbert's idea because the pine tree has branches that start above her head and therefore it does not block the playset.

Mr. Scheve expressed concern about the trees being planted this late in the season and then dying.

Mr. Holbert said it is currently at the edge of the perfect time to plant, noting as long as the ground is not frozen, the trees should live. Mr. Holbert noted the reason this is so late is because the landscape plan was submitted late by the applicant.

Mr. Scheve said this seems extreme to shield a minor nuisance.

Mr. Holbert said he reviewed it based on the Board's conditions noting he was following their direction to approve a landscape plan that would screen the playset.

Mr. Leugers said the Board needs to vote to approve either Mr. Buckley's plan or Mr. Holbert's plan.

There was some discussion about the types of trees that were proposed in both plans.

Mr. Scholtz made a motion to go with the staff recommendation.

Mr. LaBarbara seconded.

Mr. Scheve – NEA
Mr. Leugers – AYE
Mr. Heidel – NEA
Mr. LaBarbara – AYE
Mr. Scholtz – AYE

Item 7. – New Business

Case: SYCB160029
Applicant: SFA Architects
Location: 8283 East Kemper Road
Request: Conditional Use

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert noted the applicant had previously been approved to build a 1,500 square feet Robotics lab. The applicant is now requesting to construct a 7,795 square feet robotics lab with a 20 square feet building sign. He noted the location of the new robotics lab is similar, however, the larger building now crosses over property lines and therefore does not meet the setbacks. He said the Board should inquire if the larger building affects the number of parking spots and/or landscaping. Mr. Holbert noted the submittal lacked details on the dumpster enclosure and that no new lighting plan was submitted. Mr. Holbert showed the proposed exterior elevations and floor plan for the new robotics building. Mr. Holbert noted there are five separate parcels all owned by Cincinnati Hills Christian Academy. Current zoning for all five parcels is "A" – single Family Residential.

Mr. Holbert went through the standards for review of a conditional use. He noted the final retention/detention plan should be reviewed by Hamilton County Soil and Water. Mr. Holbert then listed several conditions that staff recommends should the Board decide to approve the proposed modification to the Conditional Use.

The Board asked questions of Mr. Holbert.

Mr. Heidel asked the reasoning for a lot consolidation.

Mr. Holbert said it would give the applicant flexibility because they would not have to worry about setback requirements between parcels.

Mr. Scheve asked if the proposed addition would impact the adjacent property owners or if they had responded to notices.

Mr. Holbert said staff had not heard from those property owners.

Mr. Scheve said it seems that enlarging the building is not adversely affecting anyone.

Mr. Heidel asked how many times they have requested changes in the last two years.

Mr. Holbert said they have only come before the Board once in 2015.

Mr. LaBarbara asked if the construction so far had been going well.

Mr. Holbert answered yes, noting that CHCA takes good care of their property.

Mr. Scheve asked if there would be an increase in traffic.

Mr. Holbert said they have done a lot to minimize the traffic issues including having police directing traffic.

Mr. Heidel asked if their enrollment would be increasing.

Mr. Holbert deferred to applicant.

Mr. Leugers asked if the applicant was present and wished to speak.

Mr. Randy Brunk, Headmaster of Cincinnati Hills Christian Academy, addressed the Board. Mr. Brunk said this is not a growth project but a change to the way students are learning with the addition of innovation spaces. Mr. Brunk discussed the changes that had been made to the campus so far. He noted a 160 space parking lot that had been added has really helped traffic issues. He noted lately there has been a problem with the traffic light on Kemper Road noting he has tried to reach someone at Hamilton County for help with that.

Mr. Brunk said a student's parents were so thrilled with the robotics program they donated quite a bit of money to help make the new robotics building bigger.

Mr. Scheve asked about the look of the building if it would look different than the existing building.

Mr. Brunk said the building will be attractive but more in concert with the purpose of the building as an innovation space.

Mr. Scholtz asked if the cost would affect the size of the building.

Mr. Brunk said it is highly unlikely the size will change.

Mr. LaBarbara asked if parking spots would be lost due to the construction.

Mr. Brunk stated they will lose about six or eight spaces. He also said he will work with staff to ensure the dumpster and landscaping are in compliance with zoning requirements.

Mr. LaBarbara asked about what was located in the house at 8247 East Kemper Road.

Mr. Brunk answered that is the alumni house.

Mr. Scheve asked if the plan submitted could be changed.

Mr. Brunk said he is confident that it will stay the same except for possibly slight changes to the building shell depending on cost.

Mr. Scheve asked how Mr. Brunk would address lost parking spaces.

Mr. Brunk said the parking lot is more than sufficient for most events.

Mr. Scheve asked if the robotics center would be open for competition with other schools.

Mr. Brunk answered no, saying it has a practice floor for CHCA students to use. He added it will not add traffic but will allow enough room for the building to be used by students in grades K-12.

Mr. LaBarbara asked if any existing trees would be removed.

Mr. Brunk said there are a few dead trees and some honeysuckle in the existing buffer. He will work with Harry to make sure they comply with landscaping requirements. Mr. Brunk brought up the challenges they are facing with creek on the property.

Mr. Scheve asked if the ISR will be affected.

Mr. Holbert said there is so much green space they would not be close to the .50 threshold.

Mr. Leugers asked if the applicant had seen the staff recommendations.

Mr. Brunk answered yes he had seen them and agrees it makes sense to consolidate the lots. He said sometimes signage is granted per lot, so if they consolidate to one lot he wondered if there could be consideration given that each building needs to have signage for identification.

Mr. Leugers asked if there was anyone present from the public who wished to speak. No response.

Mr. Leugers closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Scheve said it appears that the new proposal does not adversely affect anyone and that CHCA does quality work.

Mr. Leugers entertained a motion.

Mr. Scheve made a motion to approve the Conditional Use request for Case SYCB160029 with the conditions recommended by staff.

Mr. Scholtz seconded.

Mr. LaBarbara called roll.

Mr. Scheve – AYE
Mr. Leugers – AYE
Mr. Heidel – AYE
Mr. LaBarbara – AYE
Mr. Scholtz - AYE

Mr. Holbert said a resolution would be prepared for the next meeting.

Case: SYCB160030
Applicant: Russell E. Moody
Location: 6626 Branford Court
Request: Variance

Mr. Holbert presented the case and case history in a power point presentation. Mr. Holbert explained that the applicant requests to construct an addition that would be 28.1 feet from the rear property line where a 35 feet setback is required. He said the applicant submitted a survey to support the setback measurements. Mr. Holbert showed the existing and proposed exterior elevations and the proposed floor plan. Mr. Holbert also showed the Board an aerial view of the property in which he had measured the distances from the proposed addition to the nearest buildings. Mr. Holbert also showed the existing rear yard buffer which he did not think would be affected by the addition.

The Board asked questions of Mr. Holbert.

Mr. Scholtz asked if the addition came out farther than the existing deck.

Mr. Holbert said it appears to be pretty close to the edge of the deck.

Mr. LaBarbara noted there is a large buffer in the rear.

Mr. Holbert agreed.

Mr. LaBarbara asked if the neighbors had responded with comments.

Mr. Holbert said staff had not received any comments from neighbors regarding the proposal.

Mr. Heidel asked if there was a water problem.

Mr. Holbert said he cannot answer that.

Mr. Scheve asked how far into the setback they propose to go.

Mr. Holbert said about seven feet.

Mr. Scheve asked if the deck was non-compliant.

Mr. Holbert said he doesn't know how long the deck has been there and that it could have been approved by Hamilton County.

Mr. Scheve asked if the house directly behind the property in question could see this home.

Mr. Holbert said he is not sure but there is quite a large buffer.

Mr. Leugers asked if the applicant was present and wished to speak

Mr. Russell Moody, of 5152 Willis Ave, Cincinnati, OH 45208, the architect and applicant for the project, addressed the Board. Mr. Moody said his client has lived in this house quite a long time and would like to have a first floor bedroom area allowing them to stay in house as they age. Mr. Moody said the proposed porch will be over the existing deck. He noted there is pretty extensive landscaping in the rear and said that buffer area will not be affected by construction. He said he is not aware of any water problems. He noted it would be very unobtrusive to the neighbors.

Mr. Scheve asked why they could not build a smaller addition that would be in compliance with the zoning code.

Mr. Moody said in order to be complaint with the setback requirement, the owners would have to give up something, like the laundry room or the screened porch which would negatively affect the enjoyment of their house. He noted building a two story addition would not help because the goal is to create a one floor living space.

Mr. LaBarbara asked if the proposed addition would be even with the existing deck.

Mr. Moody answered yes.

Mr. Leugers asked when the house was built.

Mr. Moody asked the owner who said he thought around 1980. There was some discussion that the house is probably older than that.

Mr. Leugers asked if there was anyone present from the public who wished to speak. No response.

Mr. Leugers closed the floor to comments from the public and the Board discussed the issues brought before them.

Mr. Leugers said there are lots of the houses built before Township control of local zoning when setbacks were different. He said that is a hardship. He said there is quite a bit of buffering and the Board could add a condition that the existing buffer must remain. He noted the existing deck already violates the setback requirement.

Mr. Leugers entertained a motion.

Mr. LaBarbara made a motion to approve the variance request for case SYCB160030 with the condition that the existing buffer remain.

Mr. Heidel seconded.

Mr. LaBarbara called roll.

Mr. Scheve – NEA

Mr. Leugers – AYE

Mr. Heidel – AYE

Mr. LaBarbara – AYE

Mr. Scholtz -AYE

Item 8. – Date of Next Meeting

Mr. Leugers noted the date of the next meeting – Monday, December 19, 2016.

Mr. Scheve asked about case SYCB160023 which keeps being continued. Mr. Holbert said there are lawyers involved trying to settle it.

Item 9. – Adjournment

Mr. Leugers entertained a motion to adjourn.

Mr. Scheve moved to adjourn, seconded by Mr. Heidel. Vote: All Aye.

The meeting adjourned at 8:24 P.M.

Minutes recorded by: Beth Gunderson, Office Administrator