

Pierce Township Zoning Commission
Meeting Minutes

March 3, 2015 6:30 p.m.

The Zoning Commission of Pierce Township, Clermont County, Ohio met in Regular Meeting at 6:30 p.m., on Tuesday March 3, 2015, at the Pierce Township Administration Building, 950 Locust Corner Road.

CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Chairman Paul Houston called the meeting to order. Board members answering roll call: Mr. Paul Houston, Mr. Jeff Stitt, Mr. Dick Schuler, Ms. Karen Rebori, Mr. Stan Shadwell and Mr. Tom Sill. Township personnel who were also present: Mr. Tim Hershner, Township Administrator, Mr. Tom Keating, Township Legal Counsel and Ms. Laura Bassett, Administrative Assistant.

The meeting began with the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Approval of Minutes – October 14, 2014

Mr. Shadwell made a motion, seconded by Ms. Rebori to approve the minutes of the October 14, 2014 Regular meeting of the Zoning Commission as submitted. Roll call on motion: All aye

Approval of Minutes – January 6, 2015

Mr. Shadwell made a motion, seconded by Ms. Rebori to approve the minutes of the January 6, 2015 Regular meeting of the Zoning Commission as submitted. Roll call on motion: All aye

Approval of Minutes – January 20, 2015

Mr. Shadwell made a motion, seconded by Ms. Rebori to approve the minutes of the January 20, 2015 Regular meeting of the Zoning Commission as submitted. Roll call on motion: All aye

ZONING COMMISSION BUSINESS

Mr. Hershner states this meeting is zoning 102 continuation of Zoning 101. Mr. Hershner talks about the flowcharts on PowerPoint and explains each step for permit applications, zone change, and variance.

Mr. Hershner asked Mr. Keating do we have the right to a final review to ensure the permit was completed as stated. Jen Chamberlain asked about decision approval for zoning permits. Mr. Hershner states if it's black/white he has the authority to approve the permit and give Laura verbal approval to issue the permit. Mr. Keating talks about approval of a permit and what happened with an item was not constructed correctly. Mr. Schuler asked Mr. Keating could the owner sue the township. Mr. Houston talks about contractor/residents with the HOA where he lives in Legendary Run.

Mr. Schuler asked what would be the process to fight the permit. Mr. Hershner talks about the process of the BZA hearing.

Mark Cann talks about when zoning was put in place in 1961 and the non-conforming buildings in Pierce Township. Mr. Hershner talks about the list we have that was in place for non-conforming.

Mark Cann asked if the owner dies what happens. Mr. Hershner states as long as it's still running as that since the non-conforming, yes it would be okay. But if it's not ran does not run within two years then no, it cannot be used as it was when it was non-conforming. Mr. Hershner talks about the property on Hopper Hill – Maddox Farm property (zoned general business) which a landscaping company was on this property but now the houses are being rented out.

Mark Cann asked if we found on the original list that was not legit in 1961 and what can we do. Mr. Keating states it's non-conforming now and then.

Mr. Shadwell asked about home occupations on workflow sheet. Mr. Hershner explains the home occupations. Mr. Stitt talks about his neighbor who hands out business cards with name and number but without his address but he states he does not run a repair shop out of his home.

Mr. Hershner talks about a property which the owner was running his construction company out of his home for 20 years and had a dumpster in the side yard along with company vehicles. This property has moved to a business location.

Mr. Houston states I know there is about 10 residents from his home that runs a business out of their homes. Mr. Hershner talks about the property on Behymer Road who placed a sign in his yard about his business.

Mr. Stitt talks about the property owner who runs a tree service from his home and has company vehicles in his back yard. Mr. Hershner talks about Clermont County Court and how the courts move the cases to mediation so an agreement can be made by the property owner.

Mr. Shadwell talks about the zone change that has a mixed use. Jen Chamberlain talks about how the younger generation is now working out of their home instead of purchasing/renting an office.

Mr. Keating talks about home occupations now and how they can become legal and illegal. Mr. Hershner goes over the zoning resolution on home occupation. Mr. Stitt states we need to review the home occupation section of the zoning resolution.

Ms. Rebori asked Mr. Keating could he forward any updates with cases on zoning to the Zoning Commission board members but he stated he would need to know the specific zoning cases then he could forward the case information.

Mr. Keating talks about a zoning violation and how the BZA gets involved and how neighbors are allowed to attend the hearing. Mr. Stitt asked about a renter and Mr. Keating stated no the owner of the property has to apply for a variance or an appeal.

Mr. Hershner goes over the zone change flowchart and Mr. Keating states the Board of Zoning is superior to the Planning Commission if the township would go to court. The judge would ask the Board of Zoning Commission members to testify.

Mark Cann asked how long the Board of Trustees has to make a decision. Mr. Keating states there's not a clear answer to that question because it could be continued and continued.

Mr. Hershner talks about the process on a decision on a zone change from the Board of Zoning Commission to the Board of Trustees. Jen Chamberlain asked about the role of the Planning Commission and is the recommendation in the zone change documents. Mr. Hershner stated yes the recommendation documents are in the zone change.

Jen Chamberlain asked why crucial elements not included in the flowchart and Mr. Hershner stated because that is more of a PUD which is in the zoning resolution. Jen Chamberlain asked about why it's not required for a property owner to have a plan when imitating a zone change. Mr. Hershner talks about how a zone change starts and what's needed when initiated by a property owner/business/township. Mr. Schuler goes over the zoning resolution rules on a zone change.

Mr. Hershner talks about the variance application process. Mr. Stitt asked if a property owner receives a variance approval does that stay with the property. Mr. Hershner states yes it stays with the property. Mr. Sill talks about when he was on the BZA board and how approvals from the BZA worked.

Mr. Hershner explains the system for BZA approvals and Mr. Keating stated the president of the BZA would sign the approval letter.

Mr. Hershner talks about the zoning violations with in the township and talks about home rule which you need to have 15,000 residents. Mr. Keating talks about the process of the zoning violations with in the township. Possible criminal charges, cases go to the Prosecutor's office then Clermont County Court and mediation. Mr. Keating talks more about what the Township can do via mediation and the Township has to take an active role and these types of cases are not easy to win.

Ms. Rebori ask if Larry Gross is able to complete this task as the zoning violation officer as Mr. Keating is stating. Mr. Keating explains the criminal process of a nuisance of zoning violations.

Mark Cann asked is there a penalty for the nuisance in the township. Mr. Hershner states yes there is a lien placed on the property owners taxes. Mr. Hershner talks about the current nuisance the township had and how the township had the property cleaned up and a lien placed on the property owners taxes. Mr. Keating stated the township has the option to sue the property owner but it would be a last resort.

Mr. Shadwell talks about the Lucky property and how the township had to clean the property but now the property won a Beautification award.

ADJOURNMENT

At 8:29 p.m., Mr. Schuler made a motion, seconded by Mr. Stitt that the meeting be adjourned. Roll call on motion: All aye.

ATTESTED;

The foregoing minutes were approved by the Pierce Township Zoning Commission on:

Paul Houston, Chairman
Pierce Township Zoning Commission

Date