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950 Locust Corner Road  
Cincinnati, Ohio 45245

(513) 752.6262

Fax # (513) 752.8981

[www.piercetownship.org](http://www.piercetownship.org)

Board of Zoning Appeals  
Meeting Minutes  
Case #V1-2019 & V2-2019  
April 18, 2019

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 6:30pm, on Thursday April 18, 2019, at the Pierce Township Administration Building, 950 Locust Corner Road.

**CALL TO ORDER/ROLL CALL**

Chairman Bob Sander called the meeting to order. Board members answering roll call Mr. Raymond Lembke, Ms. Lynn Holman and Mr. Bob Sander. Township personnel who were also present: Ms. Loretta Rokey, Township Administrator/Zoning Inspector and Mrs. Laura Waczovszky, Administrative Assistant.

**PLEDGE OF ALLEGIANCE**

Chairman Bob Sander led everyone in the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

**APPROVAL OF MINUTES FROM JUNE 4, 2018 MEETING**

Mr. Lembke made a motion, seconded by Mr. Sander to approve the minutes of the June 4, 2018 hearing as presented. Roll call on motion: Mr. Lembke-yea, Ms. Holman-abstained, Mr. Sander-yea.

**OATH TAKEN BY ATTENDEES**

Chairman Sander administered the oath of attendees.

**CASE #V1-2019 1231 ELMWOOD DRIVE**

Chairman Sander opened the hearing on case # V1-2019 1231 Elmwood Drive.

**STAFF REPORT FOR CASE V1-2019 1231 ELMWOOD DRIVE**

The property owners, Matthew & Lisa Vinson have applied for a permit to construct a 23 X 37 inground swimming pool on this 6.57-acre dead end lot. This zoning district is Single Family Residential (SFR). The site plan indicates that this location is considered the side yard per our zoning code section 4.06-1. The proposed setback distances are 75 feet from the neighboring parcel to the west and 100 feet from the neighboring parcels to the south, east, and west.

The rear yard of the property has overhead power lines running through it which, (C.G& E easement) limits the area of future construction.

2.05(B)3 provides the BZA power to authorize variances from provisions or requirements of the zoning resolution that will not be contrary to the public interest, but only when the zoning provisions or requirements of the zoning resolution would cause unnecessary hardship and the spirit of the resolution shall be observed and substantial justice done.

#### **PRESENTATION FROM APPLICANT MRS. VINSON**

Mrs. Vinson gave her testimony about why is she requesting a variance for placement of the swimming pool in the side yard. The Board asked the easement to the power lines, adjacent property owners, location of the pool, side yard setback, and other swimming pools in neighborhood. Board also asked if any neighbors had any issues with the pool in the side yard.

#### **PUBLIC COMMENT**

None

#### **DELIBERATION BY BOARD OF ZONING APPEALS**

The Board discussed the hardships in the section 3.08(B)(2) (a-h), location of pool, no change in character to neighborhood, and hardship for the applicant.

#### **MOTION**

A motion made by Mr. Lembke seconded by Ms. Holman to approve the area variance application for a 23 X 37 inground swimming pool on 6.57 acres in the side yard. Roll call on motion: Mr. Lembke-yea, Ms. Holman-yea, Mr. Sander-yea. Motion carries.

#### **CASE #V2-2019 1157 FAGINS RUN ROAD**

Chairman Sander opened the hearing on case # V2-2019 1157 Fagins Run Road.

#### **STAFF REPORT FOR CASE V2-2019 1157 FAGINS RUN ROAD**

The property owners, Jeffrey & Melissa Hayward have applied for a permit to construct an 18 X 36 inground swimming pool on this 7.03-acre lot. This zoning district is Single Family Residential (SFR). The site plan indicates that this location is considered the side yard per our zoning code section 4.06-1. The proposed setback distances are 300 feet from the neighboring parcel to the west, 900 feet from the neighboring parcels to the south, 77 feet from the neighboring parcels to the east, and 140 feet from the neighboring parcels to the north.

The rear yard of the property has leach lines running through it along with a steep grade which limits the area of future construction.

2.05(B)3 provides the BZA power to authorize variances from provisions or requirements of the zoning resolution that will not be contrary to the public interest, but only when the zoning provisions or requirements of the zoning resolution would cause unnecessary hardship and the spirit of the resolution shall be observed and substantial justice done.

**PRESENTATION FROM APPLICANT MR. HAYWOOD**

Mr. Haywood gave his testimony about why is he requesting a variance for placement of the swimming pool in the side yard and he had a signature from one neighbor. The Board asked about the landscape mound, and retaining wall.

**PUBLIC COMMENT**

None

**DELIBERATION BY BOARD OF ZONING APPEALS**

The Board discussed the hardships in the section 3.08(B)(2) (a-h), location of pool, no change in character to neighborhood, and hardship for the applicant.

**MOTION**

A motion made by Mr. Lembke seconded by Ms. Holman to approve the area variance application for a 23 X 37 inground swimming pool on 6.57 acres in the side yard. Roll call on motion: Mr. Lembke-yea, Ms. Holman-yea, Mr. Sander-yea. Motion carries.

**ADJOURNMENT**

Mr. Heyse made a motion to adjourn. Mr. Lembke 2<sup>nd</sup> the motion. Roll call- all yeas

Meeting adjourned at 7:20pm

ATTESTED;

The foregoing minutes were approved by the Pierce Township Board of Zoning Appeals on February 24, 2020.

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Bob Sander, Chairman

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Date