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Board of Zoning Appeals
Meeting Minutes
Case #VC2020-003
April 27, 2020

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 5:00pm, on Monday April 27, 2020, via Zoom Video Conference.

CALL TO ORDER/ROLL CALL

Chairman Bob Sander called the meeting to order. Board members answering roll call Mr. Raymond Lembke, Mr. Ryan Holte, Mr. John Buhr, Mrs. Lynn Holman and Mr. Bob Sander. Township personnel who were also present: Mr. Eddie McCarthy, Planning & Zoning Administrator.

PLEDGE OF ALLEGIANCE

Chairman Bob Sander led everyone in the Pledge of Allegiance.

NOMINATIONS FOR CHAIR OF PIERCE TOWNSHIP BOARD OF ZONING APPEALS:

Call for Nominations: 1st Ryan Holte nominated Raymond Lembke
2nd Bob Sander nominated Gregg Gentile

Ryan Holte rescinded his nomination for Raymond Lembke

Motion will be made at a later date

NOMINATIONS FOR VICE-CHAIR OF PIERCE TOWNSHIP BOARD OF ZONING APPEALS:

Call for Nominations: 1st Bob Sander nominated Ryan Holte

Motion will be made at a later date

APPROVAL OF MINUTES FROM FEBRUARY 24, 2020 MEETING

Mr. Lembke made a motion, seconded by Mr. Buhr to approve the minutes of the February 24, 2020 hearing as presented.

Mr. Lembke amended the motion seconded by Mr. Buhr to approve the minutes of the February 24, 2020 hearing cross referencing letter dated April 27, 2020 regarding the traffic impact study. Roll call on motion: Mr. Holte-yea, Mr. Lembke-yea, Mrs. Holman, abstained, Mr. Buhr-yea, Mr. Sander-yea.

OATH TAKEN BY ATTENDEES

Chairman Sander administered the oath to attendees.

CASE #VC2020-003 796 LOCUST CORNER ROAD

Chairman Sander opened the hearing on case #VC2020-003 796 Locust Corner Road for the dimensional variance.

STAFF REPORT FOR CASE #VC2020-003 796 LOCUST CORNER ROAD

Mr. McCarthy presented his staff report for BZA case #ZC2020-003. Application for two (2) Dimensional Variance(s) to construct a 960 sq. ft - 24' X 40' (+/-) storage building for property located at 796 Locust Corner Road Pierce Township, Ohio 45102, Parcel #272814D033, submitted by Heritage Acres Memorial Sanctuary, LLC. The applicant requests two (2) dimensional variance(s) from Pierce Township Zoning Resolution, 4.05(D)(2) (Cemeteries), which states that "All chapels, mausoleums, accessory buildings, or other buildings shall be located a minimum of 200 feet from all street rights-of-way and all lot lines in a residential zoning district", to permit an accessory building with setbacks of approximately 185' and 60', respectively. The subject lot is zoned Single Family Residential (SFR) and abutting properties are zoned SFR and Planned Unit Development (PUD). While the subject lot is utilized as a cemetery, it appears that all adjoining properties are used for residential purposes.

PRESENTATION FROM APPLICANT

Ms. Conley gave her testimony about why they are requesting two-dimensional variance(s) to construct a 960 sq. ft storage building on the existing concrete slab where a previous building was demolished. The former superstructure was in poor condition and was torn down when the property changed hands. The slab, however, is in good condition, and is situated on one of the flattest locations on the property, not requiring any new earthwork or roads to be constructed.

PUBLIC COMMENT

Mark & Kim Kilgore who live at 795 Locust Corner Road stated they have an issue with the location of the building; they can see it from their home and asked if the building could be moved to where the equipment will be used. Mr. Lembke asked Mr. Kilgore how long have they lived in their home, 41 years. Ms. Conley stated they would place shrubs that would hide the building and ask Mr. Kilgore if they could see the previous building.

Paul S. representing Misty Meadows LLC stated they have no issues with the variance request as well as adjacent property owner Janet Burdsall.

Mr. Gupton stated the township should have received letters of support from the neighbors.

DELIBERATION BY BOARD OF ZONING APPEALS

The Board discussed storing equipment outside, building expansion, any letters of support from neighbors, foot print of building, total acreage, and setbacks.

MOTION

A motion was made by Mr. Holte seconded by Mr. Buhr to proceed with staff recommendations that we grant conditional approval of application in accordance with 3.08 of the Zoning Resolution with 1-6 findings as shown below:

- 1) *The Variance is the minimum necessary, due to placement on existing slab*
- 2) *Character of the neighborhood does not appear to be adversely impacted; a green metal building in a highly rural area (building of similar footprint to prior)*
- 3) *Delivery of government services does not appear to be adversely impacted*
- 4) *The circumstances are not the result of the applicant's actions*

- 5) *The spirit and intent of the resolution is being met; the setbacks remain substantial and greater than setbacks typically required for storage structures in SFR*
- 6) *The applicant does not appear to be obtaining a special benefit*

Roll call on motion: All Aye

ADJOURNMENT

At 5:50 PM, Mr. Lembke made a motion to adjourn seconded by Mr. Holte Roll call on Motion: All Aye

ATTESTED;

The foregoing minutes were approved by the Pierce Township Board of Zoning Appeals on May 27, 2020.

Bob Sander, Chairman

Date