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Board of Zoning Appeals  
Meeting Minutes  
Case #VC2020-004 & VC2020-005  
May 27, 2020

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 5:00pm, on Wednesday May 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. Gregg Gentile, Mr. Ryan Holte, Mr. John Buhr, Mrs. Lynn Holman, Mr. Fred Heyse, 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:**

**MOTION**

Mr. Buhr made a motion, seconded by Mr. Holte to close the nominations for chair and vice-chair.

Mr. Holte made a motion, seconded by Mr. Sander to nominate Gregg Gentile for chair of the Board of Zoning Appeals. Roll Call: Mr. Holte, yea; Mr. Lembke, absent; Mrs. Holman, yea; Mr. Heyse, yea; Mr. Sander, yea; and Mr. Gentile, yea.

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

**MOTION**

Mr. Gentile made a motion, seconded by Mr. Heyse to vote Ryan Holte as vice-chair to Pierce Township Board of Zoning Appeals. Roll call: Mr. Lembke, absent; Mr. Holte, yea; Mrs. Holman, yea; Mr. Gentile, yea; Mr. Heyse, yea; and Mr. Sander, yea.

**APPROVAL OF MINUTES FROM APRIL 27, 2020 MEETING**

Mr. Gentile made a motion, seconded by Mr. Holte to hold off on approval of the minutes of the last meeting to the next meeting due to the fact we have not reviewed them. Roll call on motion: Mr. Holte, yea; Mr. Sander, yea; Mrs. Holman, yea; Mr. Heyse, yea; Mr. Gentile, yea; Mr. Lembke, absent.

**OATH TAKEN BY ATTENDEES**

Chairman Sander administered the oath to attendees.

## **CASE #VC2020-004 27 LOCUST HILL ROAD**

Chairman Sander opened the hearing on case #VC2020-004 27 Locust Hill Road for a dimensional variance.

## **STAFF REPORT FOR CASE #VC2020-004 27 LOCUST HILL ROAD**

Mr. McCarthy presented his staff report for BZA case #VC2020-004. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution, 4.06(F)(12) "Solar panels are permitted when attached to the roof of a principal or accessory building", to install 11.3' tall ground mounted solar panels (73' X 11' in area). Mr. McCarthy provided his staff analysis and recommendations.

## **PRESENTATION FROM APPLICANT**

Mr. Pearce gave his testimony about why he is requesting a dimensional variance to install 11.3' tall ground mounted solar panels (73' X 11' in area).

## **PUBLIC COMMENT**

None

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

Mr. Holte asked Mr. Pearce if his neighbors are aware of the request and if he received any objections from neighbors. Mr. Pearce stated his neighbors are aware of the request and he has not received any objections from neighbors. Mr. Holte asked if there is any structure around the solar panels. Mr. Pearce stated they are free standing with 42' holes with concrete and south facing slope below the house. The panels will not be visible from adjoining property.

Mr. Sander asked Mr. McCarthy if he received any comments from the neighbors and Mr. McCarthy stated he only received one request for a copy of the variance application.

Mr. Heyse stated the majority of the roof slopes to the north but one part of it slopes to the west and is covered by trees, so the power would be blocked and it's not feasible to mounted the array to the roof. Mr. Pearce stated yes.

Mr. Gentile asked about future size requirements; Mr. Pearce stated that a roof mounted array would only provide enough electric for two household appliances. Mr. Pearce stated the solar panels would provide 20% of the household needs during the winter and during the summer possibly 40%-50% only depends on the weather. Mr. Gentile asked if he thought he would have to add to the array. Mr. Pearce spoke about the government program and it's about saving energy and not making money.

Mr. Heyse asked Mr. McCarthy about his comment about it being advisable to revisit this resolution; it's not an activity by this board; it would be by the Zoning Commission. Mr. McCarthy explained why he mentioned to add more clarity to the zoning resolution. Mr. Heyse stated he would like to have the board add one consideration for a contingency, to have the applicant to maintain the heavy vegetation buffer between this project and all close by properties in the future. Mr. Pearce stated he sent out emails to the property owners near his property informing them of the variance request, map, and reason why he is asking for the variance with no responses. Mr. Sander asked Mr. Heyse if he still wanted the above consideration and Mr. Heyse stated to modify stating the property owner takes no actions on removing any vegetation on his property. Mr. Pearce stated the HOA inspects and approve all removal of trees four feet in diameter.

## **MOTION**

Mr. Holte made a motion, seconded by Mrs. Holman to grant the dimensional variance subject to staff recommendations shown below and federal, state, and local regulations.

Staff recommends that the Board of Zoning Appeals consider conditional approval of the application in accordance with 3.08: Variances B) 2), contingent upon the following:

1. The applicant must comply with all federal, state and local regulations.

Roll call on motion: Mr. Holte, yea; Mr. Sander, yea; Mrs. Holman, yea; Mr. Heyse, yea; Mr. Gentile, yea; and Mr. Lembke, absent. Motion passes.

## **CASE #VC2020-005 3176 JENNY LIND ROAD**

Chairman Sander opened the hearing on case #VC2020-005 Jenny Lind Road for a dimensional variance.

## **STAFF REPORT FOR CASE #VC2020-005 3176 JENNY LIND ROAD**

Mr. McCarthy presented his staff report for BZA case #VC2020-005. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution, 4.06-1 "Detached Accessory Garages or Other Buildings are to be located in the rear yard", to install a 972 sq. ft accessory structure (Detached Garage) in the front yard. Mr. McCarthy provided his staff analysis and recommendations.

## **PRESENTATION FROM APPLICANT**

Mr. Watkins gave his testimony about why he is requesting a dimensional variance to install a 972 sq. ft accessory structure (Detached Garage) in the front yard. We really only have one option to build a detached garage for our home and that is to construct it on the north side. The rear contains our septic system, the other side is a very extreme downslope which runs into a tributary of 10 Mile Creek, and the front faces the road. In addition, the only feasible driveway access to said detached garage is by connecting to the existing driveway and wrapping around to the north side

## **PUBLIC COMMENT**

None

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

Mr. Holte asked Mr. Watkins if the neighbors are aware of his plans and any objections. Mr. Watkins stated he received no objections to the plans.

Mr. Sander asked Mr. McCarthy if he's received any objections. Mr. McCarthy stated he received no objections.

Mr. Heyse stated the setback requirements were not mentioned/addresses from the side yard & adjacent property and Jenny Lind Road. Mr. McCarthy stated the applicant is compliant with all setbacks (side yard, 5ft.; Jenny Lind, 25 ft.) Mr. Heyse asked about a second curb cut and Mr. McCarthy explained about a second curb cut and would go through Clermont County Engineers Office. Mr. Watkins stated he did look into a second curb cut when he built the home but it was not feasible.

Mr. Holte asked the Mr. Watkins about the driveway entrance, looks like it will be aligned with the driveway. Mr. Sander visited the property and asked Mr. Watkins for his help when backing out his driveway, Mr. Sander stated Mr. Watkins has definitely done his homework.

Mr. Heyse stated this variance would not impact the neighbors, he noticed there were two other non-conforming garages located in the front yard slightly north on Jenny Lind Road. This is not a material impact of the overall neighborhood.

Mr. McCarthy stated he can't speak of specific references to other driveways.

**MOTION**

Mr. Gentile made a motion, seconded by Mr. Heyse that the board grant a dimensional variance for 3176 Jenny Lind Road Pierce Township according to staff recommendations with the contingently upon the applicant following all federal/state/local setbacks to the zoning plan. Roll call on motion: Mr. Sander, yea; Mr. Holte, yea; Mrs. Holman, yea; Mr. Gentile, yea; and Mr. Heyse, yea.

Staff recommends that the Board of Zoning Appeals consider conditional approval of the application in accordance with 3.08: Variances B) 2), contingent upon the following:

1. The applicant must comply with all federal, state and local regulations.
2. The applicant must comply with setback regulations.

**ADJOURNMENT**

At 5:52 PM, Mr. Gentile 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 August 31,2020.

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Ryan Holte, Vice-Chairman

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Date