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Board of Zoning Appeals  
Meeting Minutes  
Case #VC2020-007 & VC2020-008  
August 31, 2020

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 6:30pm, on Monday August 31, 2020, via Zoom Video Conference.

**CALL TO ORDER/ROLL CALL**

Vice Chairman Ryan Holte called the meeting to order. Board members answering roll call Mr. Ryan Holte, Mr. Ray Lembke, 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**

Vice Chairman Ryan Holte led everyone in the Pledge of Allegiance.

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

Mr. Lembke made a motion, seconded by Mrs. Holman to approve the minutes of the April 27, 2020 hearing as presented. Roll call on motion: Mr. Holte, yea; Mr. Sander, yea; Mrs. Holman, yea; Mr. Heyse, abstained; Mr. Gentile, yea; Mr. Lembke, yea.

Mr. Sander made a motion, seconded by Mr. Heyse to approve the minutes of the May 27, 2020 hearing as presented. Roll call on motion: Mr. Holte, yea; Mr. Sander, yea; Mrs. Holman, yea; Mr. Heyse, yea; Mr. Lembke, abstained.

**OATH TAKEN BY ATTENDEES**

Vice Chairman Holte administered the oath to attendees.

**CASE #VC2020-007**

Vice Chairman Holte opened the hearing on case #VC2020-007 1335 SR 125 for a dimensional variance.

**STAFF REPORT FOR CASE #VC2020-007 1335 SR 125**

Mr. McCarthy presented his staff report for BZA case #VC2020-007. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution 6.06 (Table 6.06-1 General Business Front Yard Setback) to allow an addition on an existing structure. The required setback is 40'; the applicant is proposing a setback of 7'1" (approx. 20' to the edge of pavement).

Mr. McCarthy stated both cases were advertised. Mr. McCarthy read into the record Mr. Hartman's letter dated August 29, 2020.

## **PRESENTATION FROM APPLICANT**

Mr. Hartman gave his testimony about why he as agent to property owner is requesting a dimensional variance to add an addition on an existing structure located at 1335 SR 125 Super Sam. Mr. Hartman talked about the history, immediate area consideration, business needs, and site and building considerations.

## **PUBLIC COMMENT**

None

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

Mr. Holte talked about the setbacks 40ft (old) 7ft (new) with other surrounding businesses do not meet the 40ft setback requirement so there is no other way to mitigate that reduction of the setback. Mr. Holte asked about the relocation of the dumpster, Mr. Hartman stated the dumpster will probably put the dumpster in a closure with a gate in front of the dumpster (northwest corner of building).

Mrs. Holman asked Mr. McCarthy to explain the difference between faux windows vs. functional window. Mr. McCarthy explains the difference between faux windows vs. functional window. Mr. Hartman explained the proposed flood plan and elevation.

Mr. Heyse asked Mr. Hartman about any security issues with the storage. Mr. Hartman explained about the security concerns. Mr. Heyse asked Mr. McCarthy about the entire elevation southside would be a continuous wall, would staff still have an issue. Mr. McCarthy explained about the elevation with a continuous wall.

Mr. Lembke asked if they opted to place the addition on the SR 125 side, you would still the setback issue, Mr. Hartman stated yes and it would not lend itself to the current operations. Mrs. Holman talked about the current traffic and Mr. Heyse stated he went thru the drive thru and only found one issue with the location of the dumpster.

## **MOTION**

Mr. Lembke made a motion, seconded by Mr. Heyse to approve the request with the conditions that the applicant must comply with all federal, state, and local regulations; the faux windows be replaced by a feature satisfactory to staff and the applicant; the dumpster shall be relocated away from the new addition.

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

## **CASE #VC2020-008**

Vice Chairman Holte opened the hearing on case #VC2020-008 3613 El Rego Drive for a dimensional variance.

## **STAFF REPORT FOR CASE #VC2020-008 3613 El Rego Drive**

Mr. McCarthy presented his staff report for BZA case #VC2020-008. An application for one (1) dimensional variance(s), from Pierce Township Zoning Resolution 6.05 (Table 6.05-1 Single Family Residential Front Yard Setback), to allow an addition on an existing structure. The required setback is 50'; the applicant is proposing a 23.37' setback. Mr. Heyse stated that he believes that the proposal adversely affects the character of the neighborhood.

**PRESENTATION FROM APPLICANT**

Mr. Roush, Architect gave his testimony about why the property owner is requesting a dimensional variance to add an addition on the existing structure located at 3613 El Rego Drive. Mr. Roush stated the reason why the addition is being requested on the side yard and not the back yard.

**PUBLIC COMMENT**

Mr. Jerry & Gail Rice -3609 El Rego Drive stated they do have an issue with the addition in the rear yard but are okay with the placement in the front yard.

Mr. David Luebbering – 3618 El Rego Drive stated he would like to keep the front yard setbacks at 50ft.

**DELIBERATION BY BOARD OF ZONING APPEALS**

Mr. Heyse talked about the location of the addition on the side yard. Mr. Roush talked about all the changes that would have to happen if they addition was placed in the rear yard. Mr. Heyse asked Mr. Roush about the additional cost if the addition was placed in the rear yard. Mr. Ball, Builder spoke about the changes that would need to be completed if the addition was placed in the rear yard and it would be additional \$30,000.00 if the addition was placed in the rear yard.

Mr. Sander asked if the neighbors were notified of the public hearing. Mr. McCarthy stated the neighbors were notified of the public hearing.

**MOTION**

Mr. Heyse made a motion, seconded by Mr. Lembke that the board deny case VC2020-008 based on the staff report and the fact that viable alternatives appear to exist. Mr. Heyse previously stated that he believed that the proposal adversely affects to the character of the neighborhood. Roll call on motion: Mr. Sander, yea; Mr. Holte, yea; Mrs. Holman, nay; Mr. Lembke, yea; and Mr. Heyse, yea.

**ADJOURNMENT**

At 7:40 PM, Mr. Lembke made a motion to adjourn seconded by Mr. Heyse Roll call on Motion: All Aye

ATTESTED;

The foregoing minutes were approved by the Pierce Township Board of Zoning Appeals on September 21,2020.

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Ryan Holte, Vice Chairman

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Date