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Board of Zoning Appeals
Meeting Minutes
Case #AC2020-009
September 21, 2020

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 6:30pm, on Monday September 21, 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 and Warren Ritchie, Township Legal Counsel.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES FROM AUGUST 31, 2020 MEETING

Mr. Lembke made a motion, seconded by Mrs. Holman to approve the minutes of the August 31, 2020 hearing with the following modification – Page 3, paragraph 4, beginning with “Mr. McCarthy...” to be removed from the text. Roll call on motion: Mr. Holte, yea; Mr. Sander, yea; Mrs. Holman, yea; Mr. Heyse, yea; Mr. Lembke, yea.

OATH TAKEN BY ATTENDEES

Vice Chairman Holte administered the oath to attendees.

CASE #AC2020-009

Vice Chairman Holte opened the hearing on case #AC2020-009.

STAFF REPORT FOR CASE #VC2020-009 GLEN MARY DEVELOPMENT LLC

Mr. McCarthy presented his staff report for BZA case #AC2020-009. An application for an Appeal regarding Amelia Zoning Ordinance (Via Moratorium 2019-031 as amended) Section 152.064 Modifications; whereby staff classified the applicant’s submittal as a Major Modification, submitted by Glen Mary Development, LLC), for property located approximately 390’ southwest of the intersection of SR 125 and Glen Mary Drive Pierce Township, Ohio 45102, Parcel #290109.040.

PRESENTATION FROM APPLICANT

Mr. Farruggia gave his testimony about the appeal filled regarding Amelia Zoning Ordinance (Via Moratorium 2019-031 as amended) Section 152.064 Modifications; whereby Pierce Township staff classified the applicant's submittal as a Major Modification. Attorney Rick Paolo stated the document (attached) was created by Attorney Tom Keating and submitted to Attorney Rick Paolo for reference.

Attorney Rick Paolo provided a background of the applicant's submittal of the modifications to Glen Mary Development. He explained about the financing on the condos (Freddie Mac, Fannie Mae, FHA, HUD), maintenance of yards on the new plan, new lot lines, and established that the greenspace is to be owned by the HOA.

Mr. Lembke asked about the title of Condo vs. Landominium. Mr. Heyse asked about the new lot lines. Doug Smith from MSP talked about the setbacks, side yard, exterior side yard, rear yard, ingress/egress easement, lot line distances from the building(s), and HOA maintenance.

Mr. Lembke talked about modification classifications, specifically 152.064 sub section (A) (1) (h). Mr. Holte asked Township Legal Counsel Warren Ritchie if this board has a right to say major or minor modification. Township Legal Counsel Warren Ritchie explained major vs. minor modification.

Mr. McCarthy talked about staff process, explained why it was considered a major modification, Amelia regulations, Township Boards (Zoning & BZA), and accessory structures. Mr. Heyse talked about Amelia regulations on page 54 a-g, Landominium, and accessory structures (HOA Documents).

PUBLIC COMMENT

None

Close Public Hearing

1st Lembke 2nd Heyse; motion passes 5-0

MOTION

Mr. Lembke explained his dissention as it pertains to ownership and intensity. Mr. Ritchie explained that the primary use remains the same and affects to neighboring property appears do not appear to be affected. Ms. Holman believes that based on the documentation, the modification is minor.

Mr. Heyse made a motion, seconded by Mr. Sander to grant the appeal AC2020-009 with the following condition(s):

- a) Submitted HOA documents, factual and legal issues are to be included in the official record
- b) External modifications and accessory structures are not permitted in the Landominium section of the Glen Mary Development
- c) Condition(s) language acceptable to Pierce legal counsel to be Included on the record plat.

Findings: Review of the Amelia Ordinance and foregoing submittals from the applicant including HOA documents, graphics, factual and legal issues provide assurance that external modifications and accessory structures are not permitted in the Landominium section of the development and the resultant effect(s) of the lot creation enables classification as a minor modification.

Roll call on motion: Mr. Holte, yea; Mr. Sander, yea; Mrs. Holman, yea; Mr. Heyse, yea; and Mr. Lembke, dissention. Motion passes 4-1.

ADJOURNMENT

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

ATTESTED;

The foregoing minutes were approved by the Pierce Township Board of Zoning Appeals on October 12, 2020.

Ryan Holte, Vice Chairman

Date