

**BOARD OF TRUSTEES**  
Peter J. Kambelos, MD  
Nicholas J. Kelly  
Allen M. Freeman

**Fiscal Officer**  
Debbie S. Schwey

**Administrator**  
M. Tim Williams



950 Locust Corner Road  
Cincinnati, Ohio 45245

(513) 752.6262  
Fax # (513) 752.8981  
[www.piercetownship.org](http://www.piercetownship.org)

**PIERCE TOWNSHIP ZONING COMMISSION**  
**Regular Meeting**  
**6:00pm**  
**Tuesday July 2, 2024**  
**AGENDA**

**I. Call to Order:** Donna Cann, Chair of Zoning Commission

1. Roll Call: Mr. Schuler \_\_\_\_\_ Mr. Stitt \_\_\_\_\_ Ms. Benzing \_\_\_\_\_ Ms. Cann \_\_\_\_\_ Mr. Bergman \_\_\_\_\_ Ms. Cannon \_\_\_\_\_ Ms. Baker \_\_\_\_\_
2. Pledge of Allegiance
3. Approval of Meeting Minutes: June 4, 2024

**II. New Business:**

1. Welcome our newest Zoning Commission member, Ms. Sarah Baker

**III. Old Business:**

1. ZC2024-003 A site plan and architecture application within the Downtown Overlay (DO) to renovate a vacant structure and convert to a grocery store, located at 14 and 16 W Main St Pierce Township, Ohio 45102; submitted by applicant and owner(s) Sam Patel.

**IV. Additional Business:**

**V. Motion to adjourn:**

**VI. Meeting adjourned at:**

**Grocery Site Plan/Architecture (July Plan Set)**

**Summary:** A plan submittal to remodel the former Dollar General Store and convert to a grocery store. This is a follow up meeting to address issues delineated by the Zoning Commission during the June 4, 2024 meeting.

**List of June 4,  
2024 ZC  
Conditions**

- 1) *Signage (Wall and Freestanding to be revised) to match style of the Land Use Plan “Brothers Marketplace” externally illuminated signage*
  - a. *Waiver: Freestanding monument sign permitted up to 8’*
  - b. *Waiver: Wall sign (8X3) permitted on eastern façade above door*
- 2) *Enter/Exit signage/markings as applicable will be designed to show the west curb cut as an entrance and eastern curb cut as an exit.*
- 3) *Drive aisle in front of the building to be removed and replaced with planter(s) to prevent cut through traffic. Some parking may be permitted but is subject to review and must comply with the 30’ Row setback per 11-3 of the Resolution.*
- 4) *15’ deep grass and shrub (double row) landscape buffer to be installed in the front yard, along with planters/space for outdoor seating.*
- 5) *Eastern side yard to be surveyed to determine compliance with the drive aisle dimensions.*
- 6) *Parallel parking may be permitted lieu but must be shown on the plans*

**Staff Analysis:**

- 1) Item 1. Signage: ZC discussion needed. Staff’s perspective is that the signage on the western side wall is more closely compliant than the front wall signage. The inspiration for the signage recommended is below (2023 Land Use Plan):



Externally Illuminated Wall Sign

- 2) Item 2. Enter/Exit signage/markings: Generally compliant

**Pierce Township  
Zoning Commission  
July 2, 2024  
Case Number: ZC2024-003**

- 3) Item 3. Front Drive aisle: Provide a couple options on the proposed planter boxes (wood, metal, decorative etc).
  - a. Based on the distance, a 3<sup>rd</sup> planter box is needed to prevent thru traffic and secondly, the seating should be buffered on both sides to protect from vehicles.
- 4) Item 4. Front Yard Landscaping/Outdoor Seating: Generally compliant however, the seating area should be softened with a small amount of turf/artificial grass pad or similar to avoid pavement in disrepair and clearly delineate pedestrian spaces vs. vehicular spaces.

**Covington Yard  
Turf**



- 5) Items 5 & 6 Eastern Side Yard: Pick up area compliant with parallel parking.

**Additional  
Discussion**

- 1) *Additional parking spaces shown in front*
- 2) *Front door (SR 125) has been modified from June 2024 plan set*
- 3) *Signage*
- 4) *Front awning removed*

**Staff Analysis:**

- 1) Item 1: Clarity needed on parking spaces 17-21 and the drive aisle width. The drive aisle is 2-way, meaning the Resolution requires a 22' drive aisle.
  - a. 2 extra spaces shown (21 and 20)
  - b. A delineation between the parking and the outdoor seating is recommended; a 3<sup>rd</sup> planter could be used.
- 2) Item 2: The site plan appears to show the door facing SR 125 as being moved. A single door (rather than double width) may be more feasible, to ensure the seating is accessible and the architecture is balanced.
- 3) Item 3: Revise; The freestanding signage note states " 16' " in height. The waiver approved allows for 8' tall signage.
- 4) Item 4: The front (SR 125) awning was removed. ZC discussion needed. This is a subjective item to be determined by the ZC.

**Action(s) Required:**

- 1) The Zoning Commission shall review the development in accordance with all adopted plan documents and in accordance with the Downtown Overlay District’s standards and make a recommendation on the foregoing, in addition to the conditions delineated during the June 4, 2024 meeting.

**Prepared By:** Eddie F. McCarthy, Director of Community Development and Planning

**17.16: Development Review Procedures**

1) Development reviews shall be in accordance with Article 3, except site plan reviews within the Downtown Overlay which shall also be reviewed and approved by the Zoning Commission. The Zoning Commission shall review the development in accordance with all adopted plan documents and in accordance with the Downtown Overlay District’s standards.

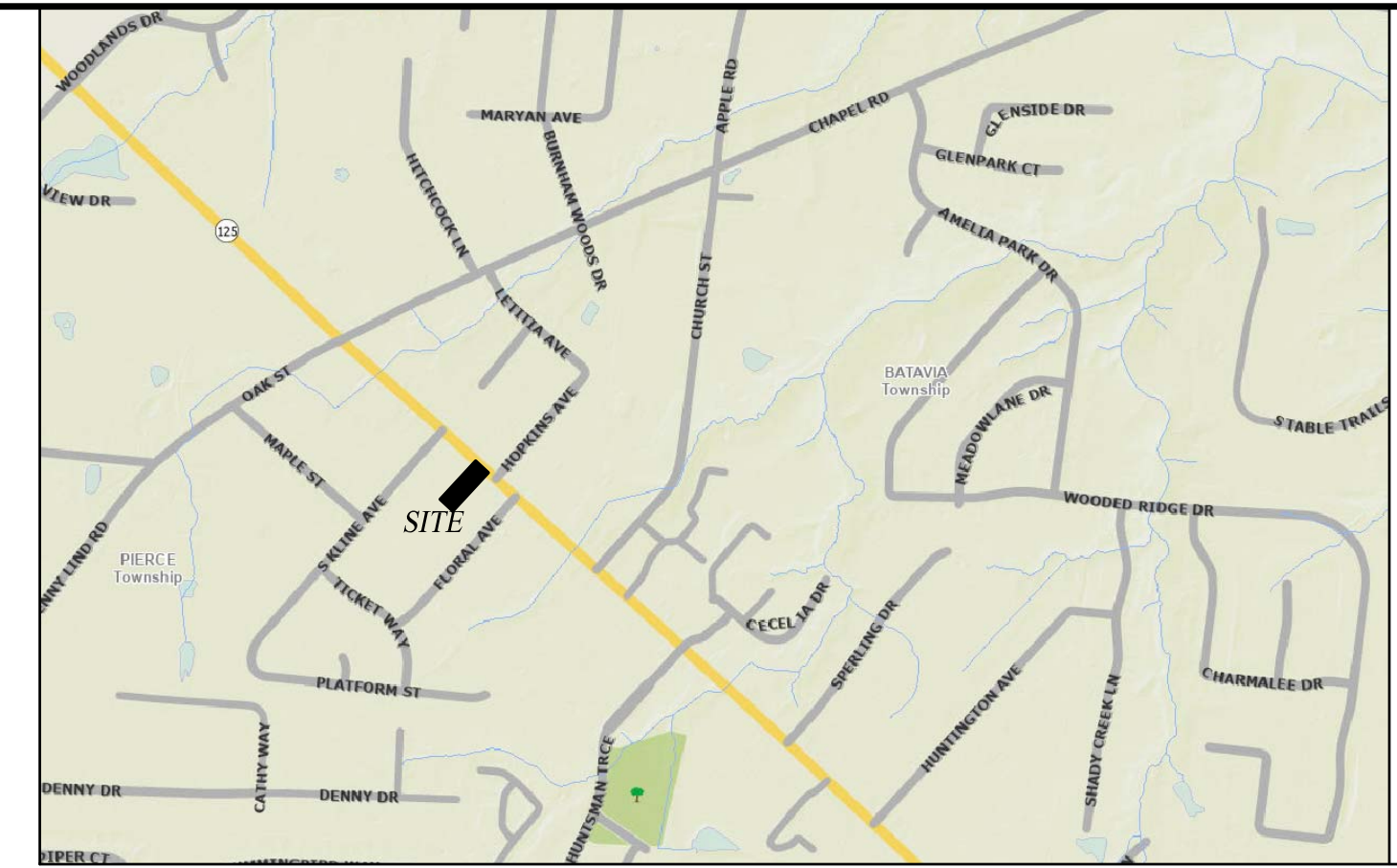
**3.04: Common Review Requirements**

The requirements of this section shall apply to all development review applications and procedures subject to development review under this zoning resolution, unless otherwise stated.

**H.** The Zoning Commission may waive or vary regulations, excluding expressly prohibited use(s), when the following are found:

- 1) The waiver enables a proposal to better comply with adopted Township Planning Documents.
- 2) The health, safety and welfare of the community are protected and/or enhanced.

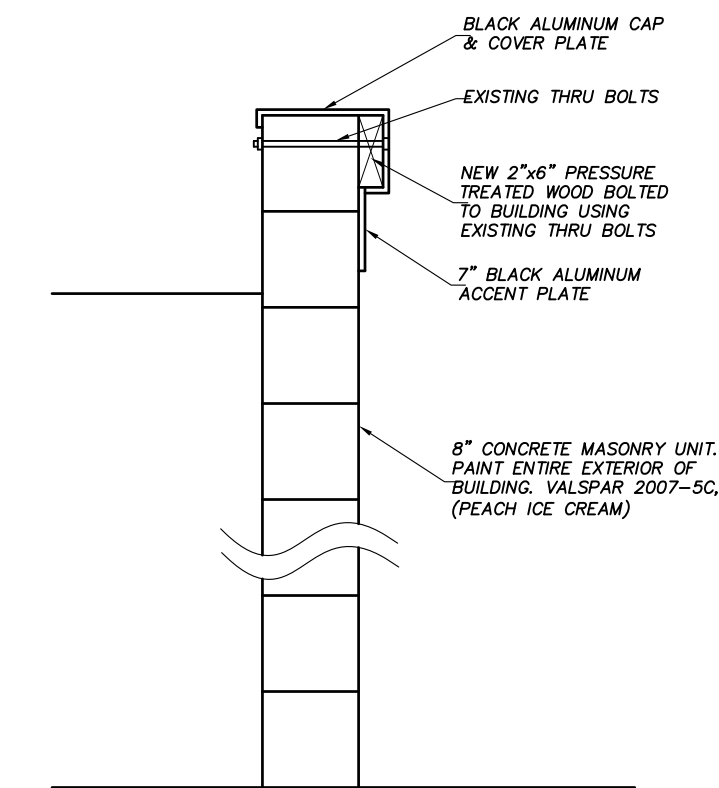
NOTE: EXISTING 15' WIDE EASEMENT FOR UTILITY SERVICE NOT DETAINABLE D.B. 035, PG 353, FEB. 1978 NO OTHER EASEMENTS DETERMINED IN A 40 YEAR SEARCH OF RECORDS.



VICINITY MAP

NOTES:

1. PARKING REQUIRED: 1 SPACE/250 SF OF BUILDING = 28 SPACES. PARKING PROVIDED: 3 HANDICAP & 27 CONVENTIONAL = 30 SPACES.
2. NEW SIGN TO BE INSTALLED AT LOCATION OF PREVIOUS SIGN. HEIGHT 16'-0" ABOVE FINISH GRADE, 64 SF PER SIGN FACE. SIGN CONTRACTOR TO SECURE SEPARATE PERMIT.
3. SITE PLAN DEVELOPED FROM FIELD SURVEY PERFORMED BY GARY P. NICHOLS, OHIO REG. SURVEYOR #6657, DATED 6/14/24.
4. REMOVE EXISTING PAVEMENT TO ACHIEVE A DISTANCE OF 15' FROM REAR OF SIDEWALK. PLANT DOUBLE ROW OF 18" VERTICAL BOXWOODS, STAGGERED, PLANTED AT 4' O.C. WITH MULCH BED.
5. DESIGNATION OF ONE WAY ENTRANCE AND EXIT TO BE ARROWS PAINTED ON PAVEMENT.
6. 4'x10'x24" FLOWER BOXES TO BE PLANTED WITH SEASONAL PLANTINGS.



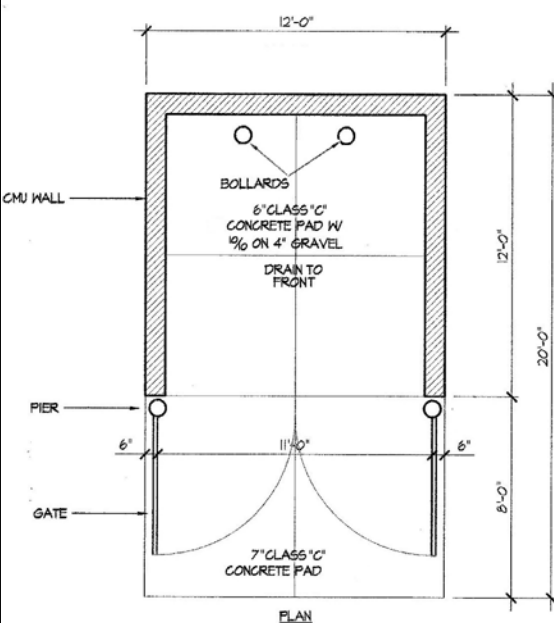
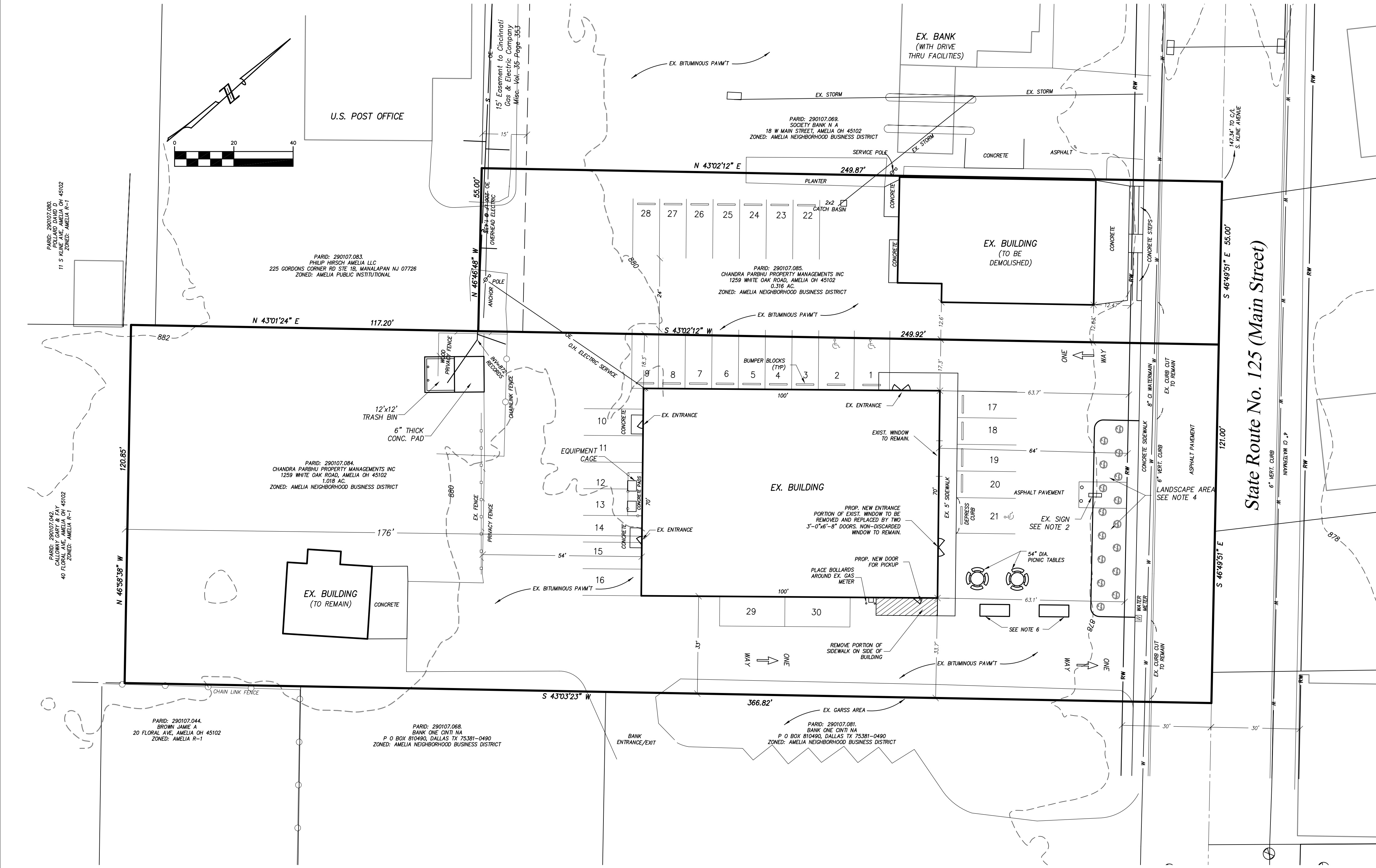
SECTION OF FRONT ELEVATION  
SCALE: 3/4" = 1'-0"

**BIG DADDY'S STORE**  
**SITE PLAN**  
14 W. MAIN ST.  
(STATE ROUTE 125)

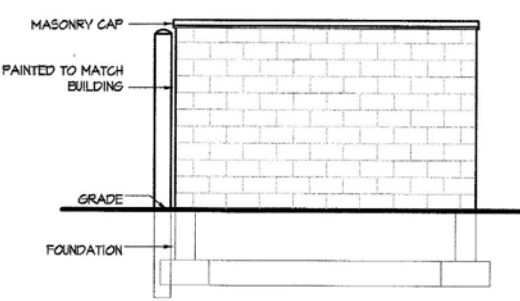
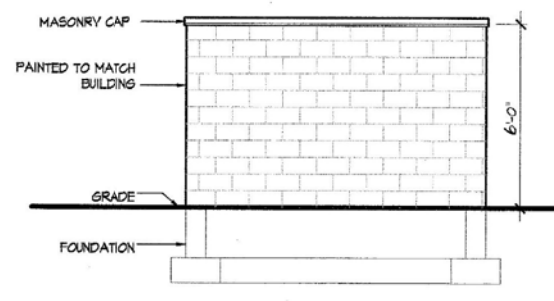
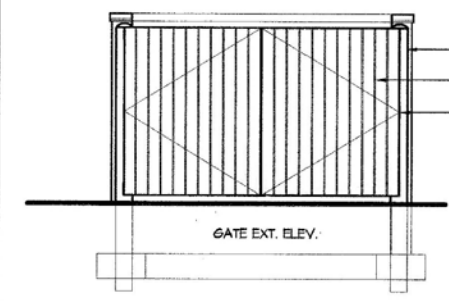
PIERCE TOWNSHIP - CLERMONT COUNTY, OHIO

**OWNER:**  
CHANDRA PARBHU PROPERTY MANAGERMENTS INC  
1259 WHITE OAK ROAD  
AMELIA OH 45102

**ENGINEER:**  
C.G. HARTMAN  
3478 HOLLY RIDGE  
CINCINNATI, OHIO 45245



TRASH BIN DETAIL



H:\144\Projects-Kar\Hartman-Amelia\Site\Amelia v2.dwg Jan 21, 2024 1:35pm

REVISIONS		C. G. HARTMAN & ASSOC.	
6/20/24	ADDED SURVEY	PROJECT ENGINEER	
		3478 HOLLY RIDGE	
		CINCINNATI, OHIO 45245	
DATE	SCALE	OWN	FILE #
3/25/24	1" = 20'	K.a.w.	
			SHEET #
			1

# FINNEY LAW FIRM

4270 Ivy Pointe Boulevard, Suite 225, Cincinnati, OH 45245

June 21, 2024

Finney Law Firm, LLC  
Eli N. Krafte-Jacobs  
*Eli@Finneylawfirm.com*  
Phone: (513) 797-2853  
Fax: (513) 943-6669

**VIA ELECTRONIC MAIL TO:**

Chandra Parbhu Property Managements, Inc.  
c/o Shailesh Patel  
14 W. Main Street  
Amelia, Ohio 45102  
*supersamfoodmart@gmail.com*

***Re: Prescriptive Easement at 14 W. Main Street, Amelia, Ohio 45102***

To Whom It May Concern:

As you may be aware, I was retained as counsel for Chandra Prabhu Property Managements, Inc., Shailesh “Sam” Patel (the “Owner”), and Carl G. Hartman for purposes of opining as to the state of an easement located at 14 W. Main Street, Amelia, Ohio 45102.

The Owner purchased the property in December of 2023. As counsel for the title company handling the transaction, I ordered and reviewed the title examination used in the same. That examination covered a search period of more than 70 years, going back to February 24, 1950. In that exam, there is no recorded document evidencing an easement across the rear of the property. While such a document would be clear evidence of the existence of an easement, it is not the only way by which an easement can be established, as is the case here.

Under Ohio law, an easement can be created by prescription, which is akin to taking the fee simple ownership by adverse possession. The only difference between a prescriptive easement and taking title by adverse possession is that, with the former, the party is only acquiring a right to use the property rather than title to the underlying property itself. In order to find that a prescriptive easement exists, the parties must satisfy the following four (4) elements: (i) the easement is open and notorious; (ii) the easement is and has been adverse to the property rights of the owner; (iii) the easement has been used continuously; and (iv) for a period of at least twenty-one (21) years. As shown below, each of these elements is satisfied in the case at hand.

First, for an easement to be considered open and notorious, the party claiming the easement must not attempt to hide the use thereof, and the use must be obvious such that the owner of the property could not be deceived as to the property’s use. A review of the site makes clear that these elements are satisfied. The easement claiming has not and could not hide the existence of a paved over roadway and, similarly, the owner of the property cannot legitimately claim to be unaware of the use of the drive.

4270 IVY POINTE BOULEVARD 513.943.6650 PHONE  
SUITE 225 513.943.6669 FAX  
CINCINNATI, OHIO 45245

Second, for an easement to be adverse to the rights of the property owner, the use of the easement must limit the property owner's right to the full use and enjoyment of the property. If, for example, the existence of the easement prevents the property owner from building a structure or erecting a fence, then use of the easement is adverse to the property owner's rights. That is exactly the case here. The existence of the drive prevents the property owner from building a structure, erecting a fence, or using that portion of land for anything else other than a paved drive or roadway.

The third and fourth elements are appropriately analyzed together. As long as the easement claimant, or the predecessors in interest, used the property both: (i) continuously and (ii) for a period of twenty-one (21) years, then this element is satisfied. Our title work and the information provided by parties with actual knowledge of the circumstances evidences that here the easement has, in fact, been used both continuously and for more than twenty-one (21) years, thereby satisfying the third and fourth elements.

In sum, a prescriptive easement is obtained when the easement is open and notorious, the use thereof has been adverse to the property owner, continuous, and for a period of more than twenty-one (21) years. Each of those elements is satisfied in this case and, for that reason, barring any facts of abandonment or termination not in the public record, there exists a prescriptive easement over the portion of paved roadway traversing behind the property commonly known as 14 W. Main Street, Amelia, Ohio 45102.

Please feel free to contact me should you have any questions or concerns.

FINNEY LAW FIRM, LLC,  
an Ohio limited liability company

By: *Eli N. Krafc-Jacobs*  
Name: Eli N. Krafc-Jacobs  
Title: Attorney

cc: Carl Hartman

Freestanding Sign Option 1

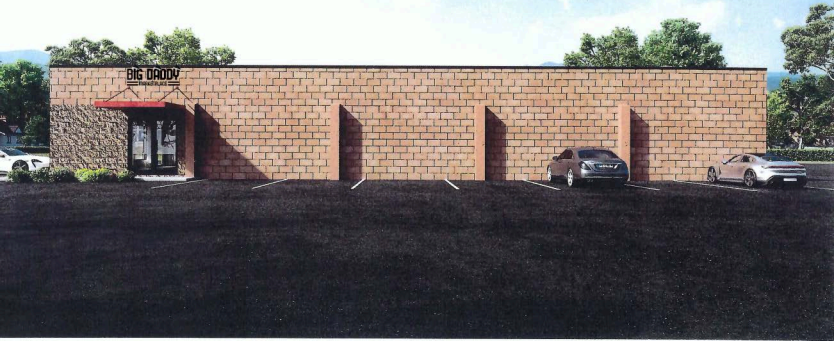




## Freestanding Sign Option 2



# Eastern Wall Sign



# Front Facade Wall Sign Option 1



## Front Facade Wall Sign Option 2

