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Pierce Township Board of Zoning Appeals Hearings
950 Locust Corner Road
January 24th, 2024
5:00 pm
Agenda

- I. Call to Order: Fred Heyse, BZA Chair
 - II. Roll Call: Mr. Motz_____Mr. Sander_____Mr. Holte_____Mr. Lembke_____
Ms. Spitzmiller_____Mr. Heyse_____Mr. Buhr_____
 - III. Pledge of Allegiance
 - IV. Nomination and Selection of Officers
 - V. Review and Approval of:
 - a. Hearing Minutes from October 18, 2023
 - VI. **Oath taken by all attendees and staff wishing to speak during these hearings**
 - a. Staff presentation
 - b. Applicant presentation
 - c. Discussion by the Board
 - d. Open public comment
 - e. Motion to close public comment
 - f. Additional discussion by the Board
 - g. Motion to approve/deny/approve with modification(s)
 - VII. New Business (Public Hearings):
 - 1) Case BZA2023-007: An application for a setback variance per Article 7 Planned Unit Development, to construct an awning. The site is located at 59 Gladiola Way, Pierce Township, Ohio, 45102, Parcel # 290109.190. and the application has been submitted by applicant, Jeff Oslin, on behalf of owner(s) Elizabeth and Thomas Yingling.
 - VIII. Other business:
 - IX. Adjournment
- Next Meeting: as needed

**Pierce Township
Board of Zoning Appeals
January 24, 2024
Case Number: BZA2023-007**

Dimensional Variance: 59 Gladiola Way (290109.190.)

Summary: An application for a Variance to construct an awning to cover an existing deck. Awnings permanently affixed to dwellings are considered part of the primary structure and are required to comply with a setback of 30' (PUD). The applicant proposes a 280 sq. ft awning with a rear yard setback of 22' (+/-), a reduction of approximately 7'8".

Owner/Applicant: Thomas and Elizabeth Yingling - Jeff Oslin (Applicant)

Property Location: 59 Gladiola Way, Pierce Township, Ohio 45102, Parcel # 290109.190. (Lot 36)

Property Profile:

Acreage: .15 acres

Current Use: Single Family Dwelling

Zoning: Planned Unit Development (PUD)

Prepared By: Eddie F. McCarthy, Director

Action Required: The BZA shall make a decision on the variance application in accordance with 3.08: Variances B) 2).

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Vicinity Map:



Staff Analysis and Recommendation:

History:

1. **July 2023** – Deck permit was approved with a 25' setback from the rear property line, thus to preserve the greenbelt. However, it was constructed with a 1' overhang into the 25' greenbelt (24' setback).



Commentary – *It is recommended that encroachments into greenbelts be limited. Specifically, staff recommends this encroachment be removed or relief be requested.*

The deck was permitted (permit attached), with a 25' setback shown.

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Staff Analysis:

Staff has reviewed the proposal (Dated December 21, 2023) in accordance with 3.08: Variances B) 2), specifically:

The following factors shall be considered and weighed by the BZA to determine practical difficulty:

- (a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

Staff Comment: *The backyard for this lot does appear to be approximately 10' shallower than neighboring sites along Gladiola (See 61 and 57 Gladiola). The shallowness appears to be due to the fact that the dwelling has more depth than neighboring sites. There are also limitations in the rear yard, including a greenbelt and storm sewer easement.*

- (b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Staff Comment: *The property may continue as a residence in the absence of an approval.*

- (c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

Staff Comment: *A smaller awning may be constructed that does not encroach into the setback. An awning of 7' width (extending 7' off of the home) would be permissible by right. Secondly, the proposal fails to match the circumstance on the ground. The applicant appears to be requesting a greater variance than would be necessary to cover the existing deck. A variance of 6' (not 7' 8") appears to be the appropriate request; in no case should the awning extend past the deck.*

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- (d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

Staff Comment: *The greenbelt buffer in the rear yard should remain in a generally natural state. It should be noted that a tree has been removed and replaced with far less mature vegetation.*

- (e) Whether the variance would adversely affect the delivery of governmental services including, but not limited to water, sewer, police and fire protection, trash pickup;

Staff Comment: *No effect*

- (f) Whether special conditions or circumstances exist as a result of actions of the owner;

Staff Comment: *It is likely that the owner did not create the circumstances on site (larger home on a shallow lot) but staff has reached out to DR Horton to confirm if the home was a speculation home to confirm (1/18/2024 email).*

- (g) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

Staff Comment: *A 7' wide awning could be installed without a variance. Other measures, including an umbrella or similar may also be installed on the existing deck without a permit or by right.*

- (h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

Staff Comment: *An awning of sufficient depth and coverage is possible with either a lesser variance or in full compliant with the resolution. An awning that both fails to meet the rear yard setback and encroaches into the greenspace buffer fails to meet the intent of the resolution.*

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- (i) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Staff Comment: *A special privilege would not be granted in this case, unless an encroachment into the greenbelt occurs. It appears that the neighboring properties would be capable of installing an awning without issue. The scale is debatable however, as a 7' awning would be possible in this case, not a more extensive awning.*

No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Staff Recommendation and Board of Zoning Appeals Decision:

Deck Encroachment:

Special consideration should be given to the deck encroachment. Although this is a seemingly secondary component, Legal Counsel has advised that it is a critically related factor and appurtenant; it is located directly underneath the proposed awning in the rear yard and may be considered by the Board for relief in the present hearing. At present, it is located approximately 24' from the rear lot line, 1' within the greenspace buffer.

Staff's perspective is that although the deck was properly permitted, it was improperly constructed. The contractor has an obligation to build to spec and comply with the 25' setback and greenbelt protection. *At this time, staff has not received a material request for consideration of the deck.*

Awning Request:

The awning should be considered in conjunction with the deck. Staff recommends tabling of the request until such time that the applicant provides justification or a pathway for remedying the deck component. The full extent of the awning remains in flux, while the extent of the deck remains a variable.

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Upon review of the foregoing, staff recommends that the Board of Zoning Appeals consider tabling of the application in accordance with 3.08: Variances B) 2), until a material request for the deck is also submitted.

Determination(s):

3.08: Variances

A) Review Procedure The review procedure for variances shall be as follows:

1) Step 1 – Application

- (a) An application for variance may be made by the person having legal authority, including an authorized agent, or by a governmental officer, department, board or bureau. (b) The completed application shall include a copy of maps, data, and any other requirements specified in Section 3.04 (Common Review Requirements) and shall be submitted to the Zoning Inspector.
- (c) Each application shall be signed by the owners, or the authorized agent for the owner, attesting to the truth and correctness of all facts and information presented with the applications.
- (d) The Zoning Inspector shall transmit a copy of the application to the BZA.

2) Step 2 – Public Hearing with the Board of Zoning Appeals

- (a) The BZA shall fix a reasonable time for the public hearing on the variance application, give at least 10 days of notice in writing to the owner and owners of adjoining properties, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the County at least 10 days before the date of such hearing.
- (b) At the hearing, the BZA may continue the hearing in order to obtain additional information or to cause further notice, as it deems proper to be substantially interested in said variance application. In the case of a continued hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

3) Step 3 – Decision

- (a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the variance application.
- (b) A certified copy of the BZA's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector who shall incorporate the terms

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and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a zoning permit.

(c) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.

(d) Any party adversely affected by a decision of the BZA may appeal the decision to the Clermont County Court of Common Pleas.

B) Review Criteria

1) The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance. The following factors shall be considered and weighed by the BZA.

2) Area/Dimensional Variance

The following factors shall be considered and weighed by the BZA to determine practical difficulty:

(a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are:

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exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(e) Whether the variance would adversely affect the delivery of governmental services including, but not limited to water, sewer, police and fire protection, trash pickup;

(f) Whether special conditions or circumstances exist as a result of actions of the owner;

(g) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and

(i) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Check # 1349
\$400



RECEIVED

DEC 21 2023

950 Locust Corner Road
Cincinnati, Ohio 45245

PIERCE
Township

(513) 752.6262
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PIERCE TOWNSHIP ZONING OFFICE

2050215-2023

Appeal No. BZA2024-001

Appeal from Decision of Zoning Inspector

Or

Request for Variance

Appeal and \$400.00 fee filed
With Township Inspector
On 12/21/23

NOTICE: This appeal must be typewritten or printed and must be filled within thirty (30) day of the date of the decision being appealed.

TO THE PIERCE TOWNSHIP BOARD OF ZONING APPEALS

1. Jeff Oslin
Name

3453 West 140th St. Cleveland, OH 44111 (216) 469-7331
Address Phone Number

Hereby requests the Board of Zoning Appeals to authorize issuance of a Zoning Certificate for:

59 Gladiola Way
Pierce Township, OH 45102

Or grant a variance on the property described herein.

Attached hereto is a copy of the decision rendered by the Zoning Inspector.

2. Applicant is Contractor Jeff Oslin representing BrightCovers
Capacity in which you appear _____

Of the property which is the subject of this appeal. Such property is located on the West
North, South, East, West

Side of Gladiola Way and is known as No. 59
Street or Road

State name of plot and lot number therein or amount of acreage, Section, Town, and Range number thereof:

Residential 510 R Single Family Dwelling
Total acres: .1508 Pierce Twp / W Cler LSD
Lot 36

3. State the section or sections of the Zoning Resolution under which it is claimed this application or appeal may be granted: PUD Regulations Article 7

4. State fully the facts on which this application or appeal is based. (Attach additional sheets if necessary.)

See attached Letter of Intent

5. Give names and addresses of the owners of all abutting lots or property as well as those on the other side of the street, or streets, immediately opposite said property: _____

See attached

6. Is there any case pending in court or summons involving the use of the premises or the ownership thereof? Yes _____ No X if yes, please explain: _____

7. Are there any restrictive covenants, any restrictions of record by deed or otherwise which would prevent the proposed use of the premises? Yes _____ No X if yes, what are they?

8. Is there any petition pending to change the zoning regulations affecting these premises?

Yes _____ No X proposed change. _____

9. Has any previous application or appeal been filed in connection with these premises?

Yes _____ No X if yes, when? _____

10. Attach a plot layout, drawn to scale, showing the actual shape and dimension of the lot, of the building and accessory building(s) existing and the lines within which the proposal building shall be erected or altered.

I hereby depose and say that all the above statements and the statements contained in all exhibits transmitted herewith are true.

Jeff Oslin

Appellant

Subscribed and sworn to be me this 18th day of December,

20 23.

My commission expires October 3rd, 2027, 20 27.



COLBY ELLIS
Notary Public, State of Ohio
My Commission Expires:
October 3, 2027

[Signature]
Notary Public

Letter of Intent
In Support of Request for Variance
Yingling Residence – 59 Gladiola Way – Pierce Township, OH 45102

This letter is in support of a variance to the rear yard property setback. The intention is to build a new aluminum framed awning over an existing patio.

The proposed new structure is 20-foot wide (roof mount) and 14-foot projected (from dwelling) a 280 square foot open air structure on parcel 290109.190T.

As such, based on the current code, the setback requirement for this non-complying project is thirty feet. We are requesting a 7-foot 8-inch variance to permit the structure on the lot. The homeowner and contractor hereby appeal to the zoning board to permit the construction of the aforementioned project.

What is perhaps most relevant here, and what I would ask the board to consider, is (1) the lot size is smaller in comparison to other properties in this area; (2) the awning is only covering the existing deck; (3) the lot is not a thru street to the public; (4) the proposed project is to be built over an already existing patio; (5) the structure will protect homeowner and property from harmful UV rays; (6) the structure will provide protection from elements for homeowner; (7) there is no undue burden on any neighboring residence and (8) the construction of the project will only take 1 day to complete and (9) the proposed cover will not obstruct any governmental services from being performed.

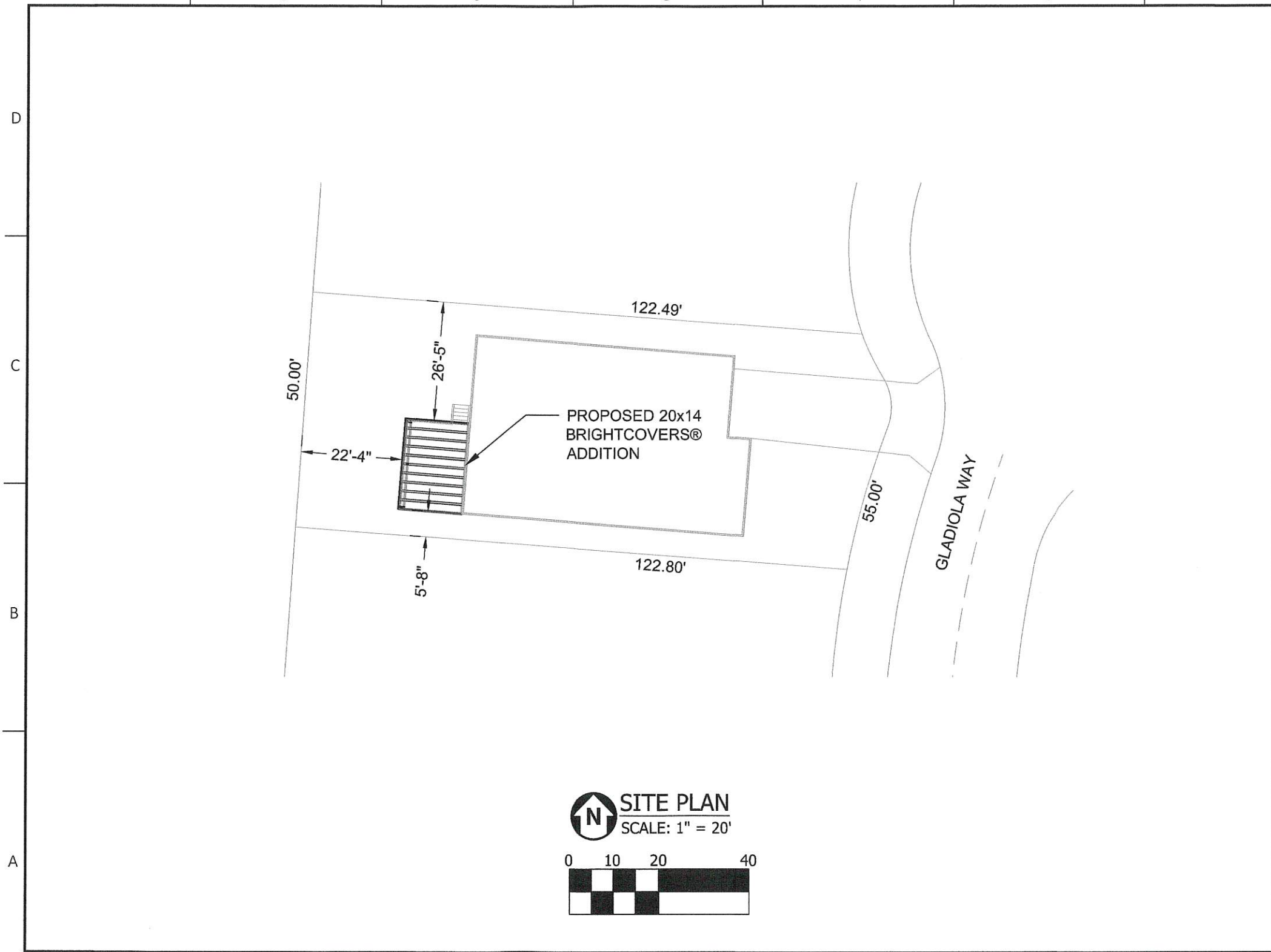
Thank you for your consideration.

Respectfully submitted,

Betty & Thomas Yingling
Homeowners

Jeff Oslin
BrightCovers Representative

APPLICANT Jeff Oslin (Contractor) 3453 West 140 th St. Cleveland, OH 44111	PROPERTY OWNER Elizabeth & Thomas Yingling 59 Gladiola Way Amelia, OH 45102	
CONTRACTOR Translucent LLC dba BrightCovers 3453 West 140 th St. Cleveland, OH 44111		
SURROUNDING PROPERTY OWNERS	SURROUNDING PROPERTY OWNERS	SURROUNDING PROPERTY OWNERS
Robert Paul Rein 61 Gladiola Way Amelia, OH 45102	Matthew & Christan Stiverson 3590 Hiatt Ave Amelia, OH 45102	Miguel Angel Parada 58 Gladiola Way Amelia, OH 45102
Jyoji Maruishi 57 Gladiola Way Amelia, OH 45102	Jeanne Stilgenbauer 56 Gladiola Way Amelia, OH 45102	Zachary & Tiffini Gochoel 54 Gladiola Way Amelia, OH 45102



3453 West 140th Street
Cleveland, OH 44111
(855) 412-7444
www.BrightCovers.com
permits@BrightCovers.com

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NOTES:
1. ALL DIMENSIONS SHALL BE FIELD VERIFIED.
(UNLESS WHERE REFERENCE (REF.) IS SHOWN)
2. PARTS DESIGNED AND INSTALLED IN ACCORDANCE WITH THE FOLLOWING:
- 2019 OHIO RESIDENTIAL CODE (ORC)
- 2017 OHIO BUILDING CODE (OBC)
- 2020 AA ALUMINUM DESIGN MANUAL (ADM)
- 2017 AA ALUMINUM STANDARDS AND DATA.
3. STRUCTURAL LOADS IN ACCORDANCE WITH THE FOLLOWING:
- ASCE 7-10 (MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES), REF. ATTACHED LOAD TABLES.

CUSTOMER:
THOMAS & BETTY YINGLING
59 GLADIOLA WAY
AMELIA, OH 45102
CLERMONT COUNTY
PARCEL# 290109.190T

DESCRIPTION:
20' WIDTH X 14' LENGTH
SIDING TO DECK
BLACK FRAME & GREY PANELS

JOB NUMBER: 351021_2023/10/YINGLING

PART & DWG NO: 20X14.1V.000-000.000-000.X13-4D3.G32.BY

DRAWN: NP APPROVED: JO

ISSUED FOR PERMIT: 10/16/2023

NO.	REVISIONS	DATE
-	-	-

TITLE:
SITE PLAN

SHEET: 2 REV: 0



Closure Summary

Precision, 1 part in: 179749.888'
 Error distance: 0.014'
 Error direction: S88°00'00"E
 Area: 7.4763 acres
 Square area: 3258.5044
 Perimeter: 2546.500'
 Point of Beginning
 Easting: 147691.9199'
 Northing: 380257.0093'
 Side 1: Line
 Direction: N83°32'36"W
 Distance: 76.110'
 Easting: 1476836.3054'
 Northing: 380265.7929'
 Side 2: Line
 Direction: N05°53'54"E
 Distance: 40.490'
 Easting: 1476840.4863'
 Northing: 380306.0685'
 Side 3: Line
 Direction: N83°21'06"W
 Distance: 79.330'
 Easting: 1476761.6697'
 Northing: 380315.2530'
 Side 4: Line
 Direction: N83°20'15"W
 Distance: 348.410'
 Easting: 1476413.6126'
 Northing: 380355.6757'
 Side 5: Line
 Direction: N07°06'04"E
 Distance: 342.880'
 Easting: 1476457.9897'
 Northing: 380695.9257'
 Side 6: Line
 Direction: N07°50'43"E
 Distance: 77.840'
 Easting: 1476468.6247'
 Northing: 380773.0371'
 Side 7: Line
 Direction: S81°37'16"E
 Distance: 268.360'
 Easting: 1476735.1096'
 Northing: 380733.7864'
 Side 8: Line
 Direction: N05°10'37"E
 Distance: 177.780'
 Easting: 1476751.1510'
 Northing: 380810.8412'
 Side 9: Line
 Direction: N42°31'04"E
 Distance: 112.470'
 Easting: 1476627.1604'
 Northing: 380993.7392'
 Side 10: Line
 Direction: N77°34'55"E
 Distance: 112.300'
 Easting: 1476686.6231'
 Northing: 380107.8855'
 Side 11: Line
 Direction: S67°12'13"E
 Angle: [-144°47'08"]
 Deflection angle: [035°12'52"]
 Distance: 112.300'
 Easting: 1477040.3611'
 Northing: 380974.3770'
 Side 12: Line
 Direction: S31°59'21"E
 Distance: 148.420'
 Easting: 1477118.9679'
 Northing: 380848.4949'
 Side 13: Line
 Direction: S28°15'33"W
 Angle: [-121°45'06"]
 Deflection angle: [058°14'54"]
 Distance: 228.700'
 Easting: 1477017.8036'
 Northing: 380643.3963'
 Side 14: Line
 Direction: S05°33'28"W
 Distance: 138.250'
 Easting: 1477004.4142'
 Northing: 380605.7962'
 Side 15: Line
 Direction: S21°42'11"W
 Distance: 50.000'
 Easting: 1476985.9244'
 Northing: 380459.3405'
 Side 16: Curve
 Clockwise
 Radius: [375.076']
 Arc length: 15.750'
 Delta angle: 002°24'22"
 Chord direction: S67°24'51"E
 Chord distance: 15.750'
 Easting: 1477000.4683'
 Northing: 380453.2507'
 Side 17: Line
 Direction: S23°47'28"W
 Angle: [-090°00'00"]
 Deflection angle: [090°00'00"]
 Distance: 214.500'
 Easting: 1476913.9341'
 Northing: 380257.0088'

290109.-

66 OPEN SPACE



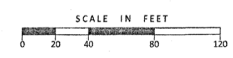
CURVE AND LINE TABLES

LINE TABLE			LINE TABLE		
Line #	BEARING	LENGTH	Line #	BEARING	LENGTH
L1	S21°42'11"W	50.00'	L18	N23°47'26"E	13.83'
L2	N05°53'54"E	40.49'	L19	N23°47'26"E	20.21'
L3	S01°11'08"W	10.62'	L20	N05°09'55"E	25.85'
L4	S05°33'28"W	6.28'	L21	N05°09'55"E	25.87'
L5	S71°45'46"E	9.21'	L22	N84°50'05"W	20.00'
L6	S86°08'11"E	6.69'	L23	N61°38'01"W	15.10'
L7	S86°08'11"E	30.42'	L24	N61°38'01"W	15.10'
L8	N84°24'57"E	67.12'	L25	N83°20'25"W	30.48'
L9	S84°26'32"E	19.74'	L26	S06°39'35"W	30.00'
L10	S05°33'28"W	10.00'	L27	S83°20'25"E	40.82'
L11	S84°26'32"E	110.42'	L28	N84°24'57"E	24.52'
L12	S84°26'10"E	90.55'	L29	N05°09'55"W	20.00'
L13	S05°10'26"W	123.94'	L30	N84°24'57"E	27.56'
L14	S05°10'26"W	104.07'	L31	S74°27'08"E	90.33'
L15	S71°45'46"E	106.25'	L32	S15°32'52"W	20.00'
L16	N05°09'55"E	231.28'	L33	S74°27'08"E	87.43'
L17	N23°47'26"E	26.19'			

CURVE TABLE					
Curve #	RADIUS	LENGTH	CHD LENGTH	CHD BEARING	DELTA
C1	375.00'	15.75'	15.75'	S67°24'45"E	002°24'22"
C2	400.00'	110.63'	110.28'	N76°31'09"W	015°50'47"
C3	200.00'	108.40'	107.08'	S21°05'07"W	031°03'18"
C4	12.50'	11.91'	11.46'	S68°16'18"W	064°34'19"
C5	375.00'	51.54'	51.50'	N72°33'10"W	007°52'27"
C6	375.00'	52.05'	52.01'	N80°27'58"W	007°52'00"
C7	421.08'	108.52'	108.22'	N76°01'01"W	014°45'59"
C8	12.50'	0.66'	0.66'	S39°28'05"W	003°02'09"
C9	57.50'	59.96'	57.28'	N67°49'20"E	099°44'38"
C10	57.50'	35.11'	34.57'	S64°48'49"E	034°59'05"
C11	57.50'	35.11'	34.57'	S29°49'44"E	034°59'05"
C12	57.50'	35.11'	34.57'	S09°09'21"W	034°59'05"
C13	57.50'	35.11'	34.57'	S40°08'25"W	034°59'05"
C14	57.50'	35.11'	34.57'	S75°07'30"W	034°59'05"
C15	57.50'	56.96'	56.41'	N58°07'27"W	058°45'03"
C16	12.50'	12.57'	12.05'	S55°38'18"E	097°30'27"
C17	12.50'	19.63'	17.68'	N50°33'28"E	090°00'00"
C18	12.50'	19.41'	17.52'	S38°55'16"E	088°57'28"
C19	225.00'	27.96'	27.96'	S09°07'21"W	007°07'28"

CURVE TABLE					
Curve #	RADIUS	LENGTH	CHD LENGTH	CHD BEARING	DELTA
C20	175.00'	28.03'	28.00'	S107°08'11"E	010°08'11"
C21	175.00'	9.19'	9.19'	S161°41'11"E	016°41'11"
C22	225.00'	32.77'	32.74'	S161°41'11"E	016°41'11"
C23	12.50'	10.94'	10.59'	N04°02'11"E	004°02'11"
C24	12.50'	14.73'	13.90'	S51°30'31"E	051°30'31"
C25	27.50'	56.05'	53.60'	S07°21'21"E	007°21'21"
C26	57.50'	43.96'	42.90'	N07°31'11"E	007°31'11"
C27	57.50'	35.34'	34.79'	N31°59'11"E	031°59'11"
C28	57.50'	35.34'	34.79'	N67°12'11"E	067°12'11"
C29	57.50'	35.34'	34.79'	S77°34'11"E	077°34'11"
C30	57.50'	35.34'	34.79'	S42°22'11"E	042°22'11"
C31	57.50'	43.22'	42.21'	S03°13'11"E	003°13'11"
C32	57.50'	10.85'	10.84'	S23°43'11"E	023°43'11"
C33	57.50'	25.30'	25.08'	S72°34'11"E	072°34'11"
C34	57.50'	38.38'	34.82'	N03°14'11"E	003°14'11"
C35	72.50'	15.03'	15.00'	N28°21'11"E	028°21'11"
C36	57.50'	12.08'	12.06'	S18°21'11"E	018°21'11"
C37	57.50'	1.80'	1.80'	N27°44'11"E	027°44'11"

LEGEND
 MONUMENTS
 (UNLESS NOTED OTHERWISE)
 EX 5/8" IRON PIN
 EX SPK
 EX NOTCH
 EX NAIL
 EX STONE
 EX CONIC MON.
 EX FENCE LINE
 EX 5/8" IRON PIN SET
 EX 1" IRON PIN SET
 EX SPIKE SET
 EX NOTCH SET
 EX NAIL SET
 EX CONIC MON. SET



GLEN MARY P SUBDIVISION SINGLE FAMILY PHASE 2 PIERCE TOWNSHIP MILITARY SURVEY NO. CLERMONT COUNTY OH

Date: March 11, 2021
 Scale: 1" = 40'
 Drawn by: LH Proj. Mgr.: DAS
 Survey Database: N/A
 DWG: 16449023-REC-02 Single family
 X-Ref(s):
 Project Number: 16449
 File No.: Sheet No.: 2/2

Architect:
 Engineering:
 Planning:
 Surveying:

NOTES
 NORTH BASED ON US STATE PLANE RAD 83 (OHIO SOUTH ZONE 3402)
 OCCUPATION GENERALLY ALONG BOUNDARY LINES, UNLESS SHOWN OTHERWISE.
 MONUMENTATION GENERALLY IN GOOD CONDITION UNLESS NOTED OTHERWISE.
 TIES TO CLERMONT CO. MONUMENTS:
 P.O.B. 35.415 AC. -> MON. NO. 69 = N 89°09'30"E, 5295.48'
 P.O.B. 35.415 AC. -> MON. NO. P109 = S 46°15'29"E, 7607.02'
 MON. NO. 69 -> MON. NO. P109 = S 02°09'19"E, 5341.15'
 (NR) = NON-RADIAL LINE TO CURVE.
 STORM EASEMENTS GRANTED TO H.O.A. AND TO BE MAINTAINED BY THE H.O.A.

RECEIVED
MAR 26 2020
BY: SFA

[illegible][illegible][illegible]

ENVIRONMENTAL PROBLEMS AND OTHER OPEN SPACE AREAS. THE HUNTERDON ASSOCIATION WILL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF ALL TRAILWAYS, INCLUDING THE TRAILWAY TO THE HUNTERDON ASSOCIATION. THE TRAILWAY TO THE HUNTERDON ASSOCIATION WILL BE DESIGNED BY THE LOCAL SERVICE. THE TRAILWAY TO THE HUNTERDON ASSOCIATION WILL BE DESIGNED BY THE LOCAL SERVICE. THE TRAILWAY TO THE HUNTERDON ASSOCIATION WILL BE DESIGNED BY THE LOCAL SERVICE.

[illegible]

OWNER
GLEN MARY PARTNERS, LLC
2364 HEATHER HILL BLVD NORTH
CINCINNATI, OHIO 45244

TAX PARCEL ID:	290109.128 & 290109.040
EXISTING USE:	VACANT LAND
PROPOSED USE:	SINGLE-FAMILY & MULTI-FAMILY
PRESIDENT ZONING:	"R-PUD" RESIDENTIAL PLANNED
NUMBER OF SINGLE FAMILY HOMES:	65
NUMBER OF MULTI FAMILY UNITS:	96

TOTAL AREA:	35.37 ACRES
AREA IN SINGLE FAMILY LOTS:	12.99 ACRES
AREA IN MULTI-FAMILY LOTS:	8.53 ACRES
AREA IN OPEN SPACE:	9.85 ACRES
AREA IN PARK:	3.99 ACRES
PROPOSED DENSITY:	4.55 DU / AC
PUP DEVELOPING MINIMUM BUILDING DESIGN ST	52'
LOT WIDTH (ø BLDG. LINE)	5,980 SF
MIN LOTS (ø BLDG. LINE)	52'
SETBACKS	
FRONT YARD	25'
SIDE YARD	5'
REAR YARD	30'
MAX. BUILDING HEIGHT SINGLE-FAMILY	35'
MAX. BUILDING HEIGHT MULTI-FAMILY	45'

ARCHITECTURAL STANDARDS: 60% OF BUILDING FACADES ARE TO BE STONE, BRICK, MASONRY, CONCRETE COMPOSITE OR

ACCESSORY STRUCTURES: ACCESSORY STRUCTURES ARE TO BE CONSTRUCTED PER THE PIERCE TOWNSHIP RESOLUTION, SECTION 4.06, EFFECTIVE DATE 7/25/2017.

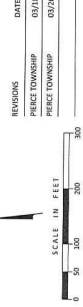
FENCES: FENCES ARE TO BE CONSTRUCTED PER THE PIERCE TOWNSHIP ZONING RESOLUTION, SECTION 4.06, EFFECTIVE DATE 7/25/2017.

INDEX OF SHEETS	
C1	COVER SHEET
C2	PARCEL EXHIBIT MAP
C3-C4	IMPROVEMENT PLAN
C5-C6	GRADING & S.W.P.P. PLAN
C7	OPEN SPACE EXHIBIT
D101	NORTH STREET TREES & BL
D102	SOUTH STREET TREES
D103	ENTRANCE FEATURE ENLA
D100	LIGHTING PLAN

MSP
DESIGN
McGill Smith Punshon

- Architecture
- Engineering
- Landscape Architecture
- Planning

3750 Park 42 Drive
Suite 1903
Cleveland OH 44131
Phone 513.751.0004



REVISIONS

CONFERENCE TOURS/STUDY

03/11/2011

FINANCE TOWN/JHR

BOARD OF TRUSTEES

Nicholas J. Kelly
Peter J. Kambelos, MD
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

Zoning Permit

Number:	ZONE-046218-2023	Permit Date:	07/25/2023
Address:	59 GLADIOLA WAY AMELIA, OH 45102	Parcel #:	290109.190.
Name:	DECK	Fees Paid:	\$55.00
Type:	Residential	Township/Village:	Pierce Township
		County:	Clermont County
		Square Footage:	20
Conditions of Permit (If Any):		Declared Value:	\$16,000.00
		Conditions of Zoning Variance (If Any):	

Owner - Primary:

**THOMAS R & ELIZABETH S YINGLING
2354 BAUER RD
BATAVIA, OH 45103**

Applicant - Primary:

ANTHONY ELDER

It is hereby certified that the above use as shown on the plats and plans submitted with the application conforms with the applicable provisions of the Pierce Township Zoning Resolution or other governing regulations. The issuance of this Permit does not allow for the violation of the Pierce Township Zoning Resolution or other governing regulations.

The Applicant and/or Owner is responsible for obtaining all building permits (if required) prior to commencing work on the proposed improvements. Please contact Clermont County Permit Central at 732-7213 regarding building code compliance and Pierce Township Fire Department at 513-752-6273 regarding fire code compliance. Additional permits may be required.

APPROVED BY:


Zoning Inspector

THIS PERMIT MUST BE POSTED AT THE JOB SITE

It is the responsibility of the Owner/Applicant to schedule all required inspections.

Please know that construction must begin within 6 months and be completed within 1 year of the date permitted.

***Use and Occupancy is not approved until you receive a Certificate of Occupancy from the
Clermont County Building Inspection Department.***

BOARD OF TRUSTEES

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Fax # (513) 752.8981

www.piercetownship.org**ZONING PERMIT**Application No. 046218-2023Applicant Name: Anthony Elder

Date: _____

Address: 59 Gladiola WayPhone: 513-846-5533City, State & Zip Code: Amelia OH 45102 Email: tat-elder@yahoo.comParcel Address: Same

Parcel No. _____

City, State & Zip Code: SameParcel Owner Name (if different than applicant): Tom & Elizabeth YinslingParcel Owner Address (if different than applicant): Same

Current Zoning District: _____ Current Use (if any): _____

Type of Work (check applicable box): New Construction: ☒ Remodel/Expansion: _____ Fence: _____ Minor Lot Split _____

Signage: _____ Change of Use: _____ Accessory Structure (detached garage, shed, etc): _____ Other: _____

Architect/Engineer: _____

General Description of Work: Building a deck 20x141. Size of Building/Sign/Etc.: Total Sq. Ft.: 28 Length: 20 ft. Width: 14 ft. Height: 3'3" total 62. Approx. Cost of Work: \$ 16,000 3. Lot Size: 1/2 sq. ft./acres4. Setbacks from Property Lines: Front: _____ ft. Rear: 25 ft. Side: 8 ft. Side: _____ ft.5. For Sign Applicants: A. Sign Type: _____
(e.g. ground mounted, pole mounted, wall mounted, etc.)

B. Size of Text/Graphics (within sign area): Total Sq. Ft.: _____ Length: _____ ft. Width: _____ ft.

C. Type of illumination (if any): _____

6. For Change of Use Applicants: A. Proposed new use: _____

B. No. of Employees: _____ C. No. of Office/Apartment Units: _____ (Please complete back page)

7. Acknowledgement: It is the responsibility of the applicant to review the property deed for covenants, easements, and/or other restrictions that may inhibit the issuance of a zoning certificate or violate a subdivision regulation. Pierce Township does not administer or enforce private agreements. Consequently, violators of deed covenants or other restrictions are liable for potential legal actions from private owners, home owners associations and/or other vested parties.
8. Applications for Zoning Permits must include applicable documentation which may include one or more of the following:
- A plat of the lot to be developed with dimensions, lot and parcel number, with evidence that the lot has been surveyed.
 - A site plan drawn to scale showing the location and dimensions of proposed and existing buildings, driveways, parking areas, landscaping, signage, topography and/or other public or private features necessary to demonstrate compliance with the Zoning Resolution.
 - Photographs, drawings, renderings, product specifications, material data sheets, informational brochures and/or similar information that helps to demonstrate compliance with the Zoning Resolution.
9. Please contact Zoning Department staff with any questions or concerns using the contact information listed on the front page of this application. The Pierce Township Zoning Resolution, Zoning Map and Permit Fee schedule can be found online at: www.piercetownship.org (Go the Zoning Department page for links to the Resolution, Map and Fee Schedule).
10. As owner(s) of the property located at 59 Gladiola Way, we hereby grant permission to Members of the Board of Zoning Appeals and Staff of Pierce Township to enter the property for visual inspection of the exterior premises. The purpose of said inspection is to review the existing conditions of the subject site as they are related to the application filed.

I hereby state that the above information, together with all submitted materials, is a true statement and covenant and agree to comply with the laws of the State of Ohio and with the Pierce Township Zoning Resolution relating thereto.

Applicant

Signature: 

Date: 7-13-23

(FOR TOWNSHIP USE ONLY)

Fee Amount Paid: \$ 55 Cash Date: 7/13/23

After application review, a Zoning Permit is hereby:

APPROVED

DENIED

OTHER

Comments/Conditions of Approval:

Reviewed by: 

Date: 7/25/23



Eclipse Community
Management, LLC
P.O. Box 750631
Dayton, OH 45475

June 12, 2023

Yingling
59 Gladiola Way
Amelia, OH 45102

RE: Deck

Greetings,

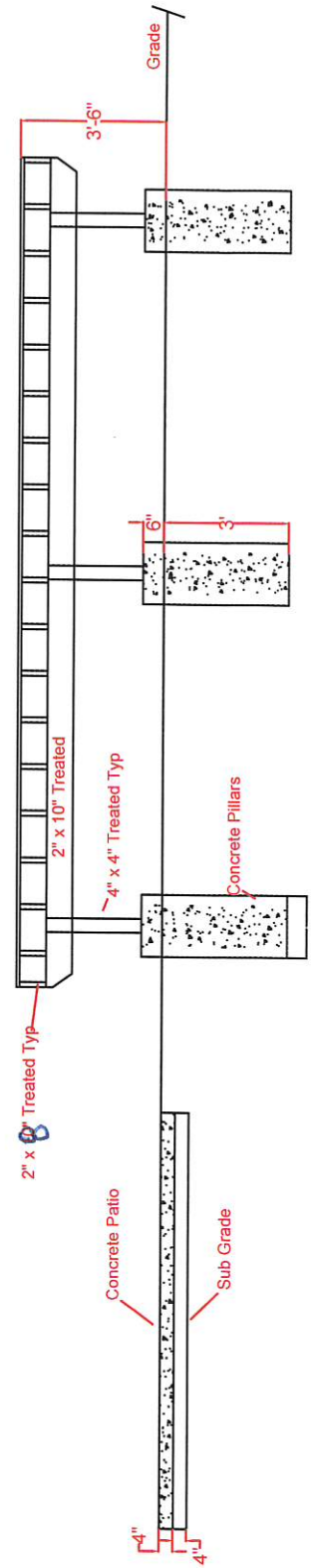
The Association has reviewed your application for the above stated project and has approved the request as submitted. We appreciate the investment in your home and our community as a whole.

If you have any questions, please do not hesitate to contact Eclipse Community Management by email at GMRY@eclipsecommunities.com or by telephone at 513-494-4049. We wish you the best of luck!

Thank you,

Board of Directors
Glen Mary Park H.O.A.





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Board of Zoning Appeals
Meeting Minutes
CASE# BZA2023-005 & CASE# BZA2023-006
October 18, 2023

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 5:00pm, on Wednesday October 18, 2023, at the Pierce Township Administration Building, 950 Locust Corner Road.

CALL TO ORDER/ROLL CALL

Chair Fred Heyse called the meeting to order. Board members answering roll call, Mr. Bob Sander, Mr. Ryan Holte, Mr. Ray Lembke, Mr. Fred Heyse, and Mr. John Buhr. Members absent, Mr. Brad Motz, Ms. Linda Spitzmiller. Township personnel who were also present: Mr. Eddie McCarthy, Pierce Township Director of Community Development and Planning, and Andrew Higgins, Planning and Zoning Assistant.

PLEDGE OF ALLEGIANCE

Chair Fred Heyse led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES FROM JUNE 29, 2023 MEETING

Mr. Lembke made a motion to approve the June 29, 2023 Meeting Minutes, seconded by Mr. Sander. Roll call on motion; All aye.

OATH TAKEN BY ATTENDEES

Chair Fred Heyse administered the oath to attendees.

NEW BUSINESS**CASE #BZA2023-005 3581 HIATT AVENUE**

Chair Fred Heyse opened the hearing on case #BZA2023-005 3581 Hiatt Avenue.

STAFF REPORT

Mr. McCarthy presented a staff report for case #BZA2023-005. An application for a Variance for a swimming pool that has been constructed at 3581 Hiatt Avenue, Pierce Township, Ohio 45102, Parcel # 282807D229., submitted by Dave Ahrman, property owner. Swimming Pools are required to comply with 4.05 F.) 13.). The above ground pool was constructed without a zoning permit 11' from the property line (15' required).

Mr. McCarthy also explained the timeline regarding the applicant applying for a deck permit to be placed around their pool which had been constructed without a permit. The homeowner was advised on the zoning process as it relates to applications, and variances.

Mr. Holte raised the question regarding the approved building permit for the pool, of whether or not Clermont County Permit Central was alerted that the approval occurred without a zoning permit. Mr. McCarthy addressed this question, as the director of Permit Central, Mr. Bruce Crase, had informed Mr. McCarthy that this was a highly unusual scenario, and should be considered an anomaly, as it has never happened before.

PRESENTATION FROM APPLICANT

The Applicants, Mr. Dave Ahrman, and Ms. Lucinda Ahrman gave their testimony regarding the variance. Mr. Ahrman took responsibility for neglecting to go through the zoning application process for the pool and fence on his property, and stated that he only realized the zoning process was necessary when his deck contractor applied for a zoning application.

Mr. Ahrman also provided a list of surrounding neighbors who supported the pool being on the property.

Mr. Buhr spoke with Mr. McCarthy about the permitting process at permit central, to which Mr. Bruce Crase, Chief Building Official advised on the process which requires zoning approval. Mr. Crase also highlighted that this accident happened from someone a new employee at Permit Central.

Mr. Lembke highlighted that the Ohio Law does not require the home owner to rely on government officials for proper information, the burden is on the homeowner to understand the processes and ensure that they are correct in their behavior.

PUBLIC COMMENT

Mr. Lembke made a motion to open public comment for discussion on case #BZA2023-005, seconded by Mr. Holte. Roll call on motion; all aye.

No public comments made.

Mr. Lembke made a motion to close public comment, seconded by Mr. Holte. Roll call on motion; All aye.

MOTION

Mr. Lembke discussed the hardship of the pool being built already, and that the applicants don't seem to have any bad intent behind their variance. Mr. Lembke also discussed concern for setting precedent regarding allowing people to circumvent the normal zoning codes that apply to residents.

Mr. Sander highlighted that the Ahrmans attempted to do the right thing and follow the proper procedures for their pool, they were just misinformed from the County.

Mr. Lembke stated that if a motion passes to approve the variance, then it must be well documented that the Ahrmans made a "good faith effort" to follow the rules, and appear to have no intention to get around the zoning rules and regulations regarding their pool.

The Board discussed if a vegetative buffer would be necessary if approved. After discussing, The Board deemed the vegetative screen, or any other visual buffer as unnecessary, as no one has complained and the pool has been in place for some time.

Mr. Lembke made a motion to approve the variance due to the good faith effort made by the Ahrmans and no ill intent being represented in their case. Seconded by Mr. Holte.

Roll call on motion: Mr. Sander; aye, Mr. Holte; aye, Mr. Lembke; aye Mr. Heyse; aye, Mr. Buhr; aye.

Motion passes for approval.

CASE #BZA2023-006 1262 SR 749

Chair Heyse opened the hearing on case #BZA2023-006 1262 SR 749.

STAFF REPORT

Mr. McCarthy presented the staff report regarding an application for an expansion of a nonconforming use per 13.04 E.), to construct a room addition on a site with two dwellings, a non-conforming use per (6.05 D). The applicant proposes constructing a room addition on a house sited on a property with two dwellings, thus an expansion of a non-conformity. As it pertains to Residential Sites: 6.05 D states - All permitted uses shall be located on an individual and separate lot. The applicant's proposal is a 2nd story family room addition of approx. 446 sq. ft (20X22), proposed above the garage and attached to the main dwelling on site.

Mr. McCarthy also stated that the apartment appears to be in use by existing tenants, and that the addition proposed does not appear to have any negative effects on the surrounding area.

PRESENTATION FROM APPLICANT

Mr. Jason Wells, the contractor and applicant for the variance, spoke regarding the minimal impact that the addition, and that due to the large size of the property and the hill around the property, none of the adjacent property owners could see the addition on the property. Mr. Wells also made clear that the footprint of the structure is not altered by the addition.

PUBLIC COMMENT

Mr. Buhr made a motion to open public comment for discussion on case #BZA2023-006, seconded by Mr. Lembke. Roll call on motion; all aye.

No public comments made.

Mr. Lembke made a motion to close public comment, seconded by Mr. Buhr. Roll call on motion; All aye.

MOTION

The Board discussed the clear lack of any impact on adjacent property owners with the proposed addition. Mr. Lembke made a motion to approve the variance with regard to its lack of impact on the surrounding properties. Second by Mr. Holte.

Roll call, Mr. Sander; aye, Mr. Holte; aye, Mr. Lembke; aye, aye, Mr. Heyse; aye, Mr. Buhr; aye. Motion passes.

ADJOURNMENT

At 6:15 PM, Mr. Holte made a motion to adjourn seconded by Mr. Lembke

Roll call on motion: All, aye.

Fred Heyse, Chair

Date