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Board of Zoning Appeals
Meeting Minutes
CASE# BZA2024-001, BZA2024-002, BZA2024-003
March 27th, 2024

The Board of Zoning Appeals of Pierce Township, Clermont County, Ohio met at 5:00pm, on Wednesday March 27th 2024, 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. Steven Neukam, Mr. Fred Heyse, and Mr. John Buhr. Members absent, Mr. Brad Motz. Mr. Buhr is filling in for the absence of Mr. Motz. Township personnel who were also present: Mr. Eddie McCarthy, Pierce Township Director of Community Development and Planning.

PLEDGE OF ALLEGIANCE

Chair Fred Heyse led everyone in the Pledge of Allegiance.

NOMINATION AND SELECTION OF OFFICERS

Mr. Holte made a motion to nominate Mr. Fred Heyse to serve as Chair, seconded by Mr. Buhr. Roll call on motion; All aye.

Mr. Lembke made a motion to nominate Mr. Holte as Vice Chair, seconded by Mr. Sander, Roll call on motion; All aye.

APPROVAL OF MINUTES FROM JANUARY 24TH, 2024 MEETING

Mr. Sander made a motion to approve the January 24th, 2024 Meeting Minutes, seconded by Mr. Holte. Roll call on motion; Mr. Sander, aye, Mr. Holte, aye; Mr. Lembke, aye; Mr. Heyse, aye; Mr. Buhr, aye.

OATH TAKEN BY ATTENDEES

Chair Fred Heyse administered the oath to attendees.

NEW BUSINESS

CASE #BZA2024-001 763 OLD LOCUST HILL ROAD

Chair Fred Heyse opened the hearing on case #BZA2024-001 763 Old Locust Hill Road

STAFF REPORT

Mr. McCarthy presented a staff report for case #BZA2024-001. 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 8' tall ground mounted solar panels (74' X 11' in area).

The property owner, Mr. Michael Luggen, is also the applicant and is looking to place the solar array on a vacant parcel adjacent to the property.

The Board discussed possibly conditioning an approval to combine the lots to avoid setting precedent that allows accessory structures to be built on parcels without a primary use. The Board also discussed ensuring that visibility of the array from the adjacent property owners needs to be as limited as possible.

PRESENTATION FROM APPLICANT

The property owner, Mr. Michael Luggen, gave his presentation and discussed vegetative screening not being a problem, Mr. Luggen also discussed the practical difficulty in combining the lots due to wanting to possibly sell his parcels separately in the future.

PUBLIC COMMENT

Mr. Lembke made a motion to open public comment, seconded by Mr. Holte. Roll call on motion, all aye.

Residents raised concerns for possible noise emanating from the array, or the array being used for non-residential purposes.

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

MOTION

The Board rediscussed the importance of having a vegetative screen to reduce visibility of the array, as well as a combination of the lots into a single parcel.

Mr. Lembke raised concerns over creating precedent to allow the accessory use to expand into a larger than anticipated use in the future, separate from the home.

Mr. Lembke and Mr. Holte made a point to highlight that the only properties that are directly affected visibly from the proposed array are owned by the applicant, and any future buyer of the property would be aware of the arrays in place.

Mr. Lembke made a motion to approve the variance with the following conditions: (1) That a lot combination takes place to combine the parcel with the solar panels and the parcel with the primary dwelling into one parcel. (2) That the northwest portion of the parcel with the array receives a vegetative screen to reduce visibility (3) Applicant must comply with federal, state, and local laws. (4) Approved for use by the residence only with the exception of net metering. This was seconded by Mr. Holte. Roll call on motion. Mr. Buhr, aye; Mr. Holte, aye; Mr. Heyse, aye; Mr. Sander, aye; Mr. Lembke, aye. Motion passes.

CASE #BZA2024-002 917 BELMONT BOULEVARD

Chair Fred Heyse opened the hearing on case #BZA2024-002 917 Belmont Boulevard

STAFF REPORT

Mr. McCarthy presented a staff report for case #BZA2024-002. An application for a dimensional variance(s), per Article 4 Residential Zoning Districts and Use Regulation, to construct a detached garage outside of a rear yard. This application was submitted by the owners of the property, Ronald and Peggy Boehl.

Mr. McCarthy pointed out that many other properties already have garages in the front yard of the property.

PRESENTATION FROM APPLICANT

Mr. Luggen spoke and discussed that the proposed garage would be used just to store personal vehicles, and that due to the topography there would be no other suitable location for construction.

PUBLIC COMMENT

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

A neighbor from down the street spoke in favor of the project, and the project builder spoke regarding the fact that the visibility of the garage is no different if it is the rear, or front yard, but the impact on the land and cost is greater if placed in the rear yard.

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

MOTION

Mr. Sander made a motion to approve the dimensional variance, with the condition that the project follows all federal, state, and local laws. This was seconded by Mr. Holte. Roll call on motion; Mr. Buhr, aye; Mr. Holte, aye; Mr. Heyse, aye; Mr. Sander, aye; Mr. Lembke, aye. Motion passes.

CASE #BZA2024-003 262 W MAIN STREET

Chair Fred Heyse opened the hearing on case #BZA2024-002 917 Belmont Boulevard

STAFF REPORT

Mr. McCarthy presented a staff report for case #BZA2024-003. An application for a dimensional variance(s), from Pierce Township Zoning Resolution, 12.10 B) to construct (3) three signs (1 Wall Sign Permitted per Tenant) – (1) Drive Thru; (2) Pickup Signs for the Kroger Company. 12.10 B) 1) states, “each business or tenant within a GB zoning district shall be permitted one wall sign for each side of the building that faces a public roadway.”

This proposal was submitted by Brooke Alini of Atlantic Sign Company, on behalf of Kroger. The three signs proposed are a 23.8 sq. ft “Pickup” sign (A) (Potential Variance Required) Facing South (SR 125), a 23.8 sq. ft “Pickup sign (B) (Potential Variance Required) Facing West (Adjoining Property), and a 31.8 sq. ft “Pharmacy Drive Thru” (A) (sign is a smaller version of previously permitted – Variance not required)

The Board discussed if the various uses within the Kroger were considered separate business or not, such as the pharmacy and pick-up uses, and whether frontage would be an issue regarding the proposed pharmacy signage.

PRESENTATION FROM APPLICANT

The applicant, Brooke Alini, discussed that the Pick-up sign cannot be viewed from any separate parcel since it is located in the rear of the building and is not visible from any separate parcel.

PUBLIC COMMENT

Mr. Lembke made a motion to open public comment, seconded by Mr. Holte. Roll call on motion; all aye. With no public comment, Mr. Lembke made a motion to close public comment, seconded by Mr. Sander. Roll call on motion; all aye.

MOTION

Mr. Holte recused himself due to having to leave the meeting, Mr. Steve Neukam fills in for his role. Mr. Lembke discussed the previous approved signage from a 2011 Variance, and if the pharmacy is considered a separate business from Kroger or not.

Mr. Lembke made a motion to approve the pickup sign (sign B) due to the fact that the sign cannot be seen by the Right of Way, or any residences nearby, seconded by Mr. Buhr. Roll call on motion; Mr. Buhr, aye; Mr. Neukam, aye; Mr. Heyse, aye; Mr. Sander, aye; Mr. Lembke, aye; motion passes.

Mr. Lembke made a motion to deny the variance for proposal A, the pick-up and pharmacy signs, as they are two separate signs that do not fall into the 2011 Approved Variance. No second was made, and therefore the motion fails.

Mr. Neukam made a motion that proposal A falls within the 2011 interpretation, and therefore no further action is needed. This was seconded by Mr. Buhr. Roll call on motion Mr. Buhr, aye; Mr. Neukam, aye; Mr. Heyse, aye; Mr. Sander, aye; Mr. Lembke, no. Motion passes 4-1.

ADJOURNMENT

At 7:28 PM, Mr. Buhr made a motion to adjourn seconded by Mr. Lembke.

Roll call on motion: All, aye.

Fred Heyse, Chair

Date