

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____

FEBRUARY 7, 2024

_____20_____

The Miami Township Board of Zoning Appeals met in a regular session on Wednesday, February 7, 2024, at 7:00pm at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

The meeting was called to order by Chairman Randy Merrill.

The Pledge of Allegiance was led by Chairman Merrill.

A motion was made by Steve Reece to temporarily appoint John Langenheim as Acting Secretary as needed, seconded by Wayne Loudermilk. All voted "AYE."

Upon roll call, the following members were present: Steve Reece, Todd Munro, Greg Horn, Wayne Loudermilk, and Randy Merrill. Also present: Township Planner, Jamie Kreindler; Township Law Director, Joe Braun; and Acting Secretary, John Langenheim.

Mr. Reece made a motion to approve the minutes of the January 3, 2024, Board of Zoning Appeals meeting, seconded by Mr. Munro. All voted "AYE."

Acting Secretary, Mr. Langenheim, read the Common Rules of Conduct.

There were no continued hearings.

PUBLIC HEARINGS

Case #1035

The Board called Case #1035. Mr. Langenheim read the Notice of Public Hearing. Paul and Ava Flacke at 1243 East Mills Drive are requesting a 12-foot setback reduction variance to construct a rear screened porch.

Chairman Merrill swore in all speakers for Case #1035.

Ms. Kreindler presented the staff explanation including overview of the case, applicable zoning regulations, site plan, and elevation drawings. The property is part of the Mills of Miami subdivision and zoned "R-PUD" Residential Planned Unit Development, which is regulated by Miami Township Zoning Resolution Chapter 15. Zoning Commission Case #503 sets forth the minimum zoning requirements for the Mills of Miami subdivision, and the minimum rear yard setback requirement is 35' measured to the center of the alley. The proposed enclosed porch is approximately 18.9' long by 9.8' wide. It is setback 15' off the rear property line and 23' to the center of the alley. Since the minimum rear yard setback required is 35' to the center of the alley, the Applicants are requesting a setback reduction variance of 12' for the screened porch addition. This property is a corner lot, and the proposed addition would be located on an existing concrete pad inside an existing 6' privacy fence on the property.

Chairman Merrill recognized Paul Flacke, the Property Owner and Applicant for the case. Mr. Flacke referenced traffic patterns in the area and pictures previously presented by Ms. Kreindler.

Chairman Merrill recognized Don Seig, the Project Manager from Patio Enclosures, who the Flacke's are planning to have construct the enclosure. Mr. Seig referenced material already presented.

Ms. Kreindler presented the staff recommendation that the request would not change the character of the neighborhood and that the practical difficulties standards were reasonably met in this case. Staff recommended approval of the 12-foot setback reduction variance for a screened porch addition in Case #1035.

Chairman Merrill closed the open portion of the public hearing, and the Board discussed the facts of the case.

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Mr. Reece made a motion to approve the variance in Case #1035, seconded by Mr. Loudermilk.

All voted "AYE."

Case #1036

The Board called Case #1036. Mr. Langenheim read the Notice of Public Hearing. Justin Mamrak at 6644 Epworth Road is requesting a 7-foot setback reduction variance to construct a carport in the rear yard.

Chairman Merrill swore in all speakers for Case #1036.

Ms. Kreindler presented the staff explanation. The property is zoned "R-1" Residence District, and per Section 5.06B, the minimum side yard setback requirement is 10'. Mr. Mamrak is requesting a setback reduction variance of 7' to build a carport 3' off the left side property line. The dimensions of the proposed carport are 20' by 14' or 280 square feet total. Ms. Kreindler referenced that there was a letter of support from the neighbor at 6646 Epworth Road that was included in the variance application.

Chairman Merrill recognized the Property Owner and Applicant, Mr. Mamrak, to present his application. Mr. Mamrak referenced photos and stated there was previously a carport on the property that was damaged in a storm. He purchased the property in 2015 and would like to restore the carport in his backyard.

Ms. Kreindler presented the staff recommendation. The existing parcel and placement of the house are non-conforming, making it difficult to meet the side setback regulation. The practical difficulties standards for the requested variance in Case #1036 are reasonably met. Staff recommended approval of the setback reduction variance for the carport to be installed 3' off the left side property line.

Chairman Merrill closed the open portion of the public hearing, and the Board discussed the facts of the case.

Mr. Reece made a motion to approve the variance in Case #1036, seconded by Mr. Horn. All voted "AYE."

Case #1037

The Board called Case #1037. Mr. Langenheim read the Notice of Public Hearing. Cincinnati Classical Academy, 6285 and 6287 Tri Ridge Boulevard, is requesting a use variance to operate a K-12 school in the "I" Planned Industrial Park District.

Chairman Merrill swore in all speakers for Case #1037.

Ms. Kreindler presented the staff explanation for the case which included an overview of the application, applicable sections of the zoning resolution, fact history, unnecessary hardship standards for use variances, zoning map, site plan, elevation plans, public safety implications, site photos, and connections to the Township's land use plan.

Ms. Kreindler stated that Chapter 12 of the Miami Township Zoning Resolution regulates the "I" Planned Industrial Park District, and K-12 schools are not a permitted use in this zone. For a use variance to be approved, the Applicant must demonstrate by clear and convincing evidence that all the unnecessary hardship standards are satisfied. Ms. Kreindler reviewed each of the seven unnecessary hardship standards for use variances and provided the staff analysis for each of the standards.

Chairman Merrill recognized Jed Hartings, Cincinnati Classical Academy Board President, to present his application. Mr. Hartings referenced materials showing the school's attendance rates,

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participation rates, and current performance. Mr. Hartings also referenced all points of the application stating his disagreement with the staff report. He provided his analysis of the case with use of site plans, photographs, traffic studies, and maps of the area.

Chairman Merrill recognized Attorney David Robertson, the Representative for Cincinnati Classical Academy. Attorney Robertson referenced materials previously presented by Ms. Kreindler and Mr. Hartings as well as his presentation citing the Miami Township Zoning Resolution. Attorney Robertson presented the possibility that the requested use variance did meet the unnecessary hardship standards.

Chairman Merrill recognized Jack Kelly, who spoke on behalf of the Property Owner. Mr. Kelly stated that the Property Owner is in a position of hardship. Mr. Kelly presented to the Board that the Property Owner was disappointed in how the case had been handled and hoped that a positive outcome could be reached.

Chairman Merrill recognized Elizabeth Hickman who presented information regarding increased revenue that the project would possibly bring to the area. Ms. Hickman presented aerial photographs and the Miami Township zoning map. She also cited the Miami Township Land Use Plan text, her interpretation of it, and how it applied to this application as well as the lack of other potential usages for the subject property.

Chairman Merrill recognized Kyle Hetzel who spoke as a potential family that would relocate to Miami Township to follow the school. Mr. Hetzel then began to satirically speak on what he called government interference and sarcastically stated that Cincinnati Classical Academy should never be allowed in an area like Miami Township. He then went on to cite potential positive effects of the school on the area.

Chairman Merrill recognized Jennie Blevins who asked the Board to objectively look at the application. She stated that she believes the academy is a great opportunity for the Township.

Chairman Merrill recognized and swore in David Todd as an Adjoining Property Owner. Mr. Todd is the owner of Parcel #182518K064, referred to as the "Gun Club." Mr. Todd presented aerial images of how the land looked prior to development. He shared prior uses of the land by his family and what was previously allowed on the property. Mr. Todd concluded that he had no issues with the proposed school and believed that the academy would effect the area positively.

Chairman Merrill recognized John Spieser, the Superintendent of Milford Schools, as an Interested Citizen. Mr. Spieser stated that the school would create a cost for existing schools and citizens. Mr. Spieser concluded that he did not believe the academy was a benefit for the Township and local school districts.

Chairman Merrill recognized Ms. Kreindler to present the staff recommendation. Ms. Kreindler stated that the Township staff does not believe that the Applicants have satisfied their burden of proving that the unnecessary hardship criteria were met by clear and convincing evidence. Ms. Kreindler recommended the denial of the use variance request as stated in the staff report.

Chairman Merrill closed the open portion of the public hearing.

Mr. Reece made a motion to privately deliberate Case #1037, seconded by Mr. Loudermilk. Mr. Munro and Mr. Horn voted "NO" and all other members voted "AYE."

The Board adjourned for private deliberation with the Township's Law Director.

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The Board returned, ending deliberative session.

The Board discussed the facts of the case.

Mr. Reece made a motion to deny the requested use variance in Case #1037, seconded by Mr.

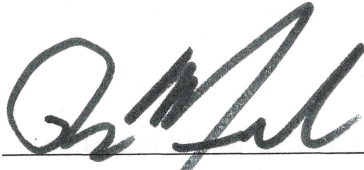
Horn. All voted "AYE."

NEW BUSINESS

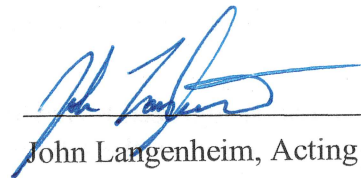
Mr. Loudermilk made a motion to set Case #1038 for public hearing on March 6, 2024, seconded by Mr. Horn. All voted "AYE."

With no further business to come before the Board, the meeting was adjourned. The next regularly scheduled meeting will be held on March 6, 2024.

Respectfully Submitted,



Randy Merrill, Chairman



John Langenheim, Acting Secretary

Cc: Board of Zoning Appeals Members, BZA File