



Miami Township, Clermont County Ohio  
**BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
*Louis M. Ethridge, AICP*

**BZA Case No. 845**  
**SETBACK VARIANCE**

**HEARING DATE**

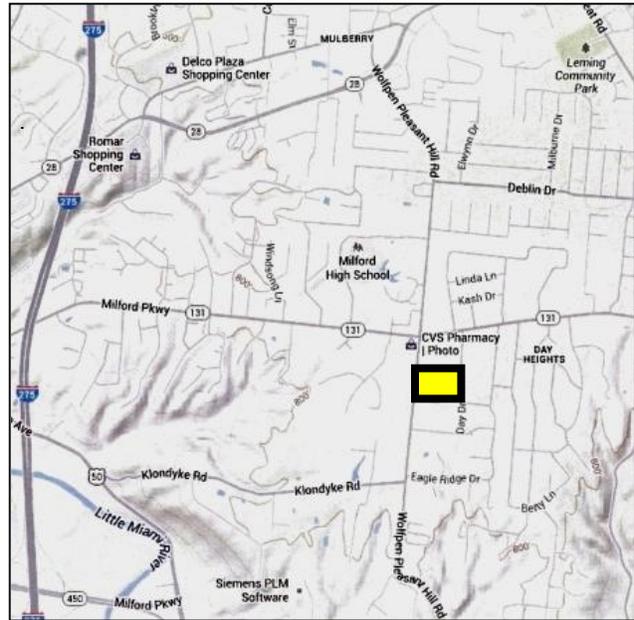
October 7, 2013

**APPLICANT**

Kyle and Lori Weber  
 Lori's H2O Skills, LLC  
 1084 Kimberly Drive  
 Milford, Ohio 45150

**ACTION REQUESTED**

The applicant is requesting a thirty (30) foot rear yard setback variance to construct a natatorium (indoor swimming pool) addition to an existing commercial building.



**PROJECT CHARACTERISTICS**

**Location:** 5610 Wolfpen-Pleasant Hill Road 600 feet south of SR 131.

**PID:** 18-40-18-001A

**Lot size:** .953 acre

**Zoning:** B-2 General Business

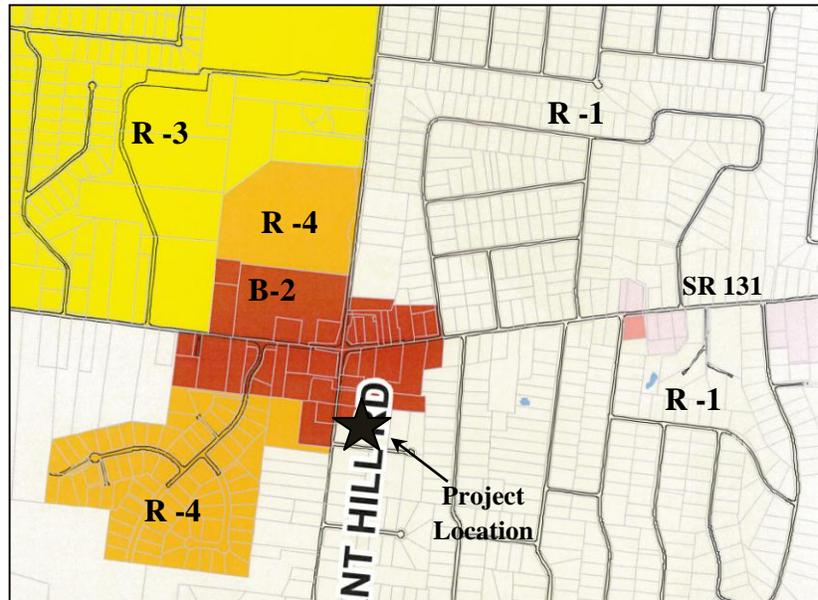
**APPLICABLE ZONING**

Chapter 11: B-2 General Business District - Section 11.01 (O) Permitted Uses to include: "Indoor commercial recreation including, bowling alleys, skating rinks, theaters, provided the use is at least one-hundred (100) feet from any Residence District"

**ZONING PROFILE**

Zoning districts abutting and across from the subject site:

**North** – "B-2" General Business District; **South** – "R-1" Single Family Residential; **East** - "R-1" Single Family Residential; and **West** – "B-2" General Business District.



**LAND USE PROFILE**

Land uses abutting and across from the subject property includes: **North** – dental office; **South** – residential single-family subdivision; **East** – wooded rear yard of one single-family home; and **West** – vacant commercial land parcel.

**ABUTTING PROPERTY CHARACTERISTICS**

Between the eastern end of the proposed natatorium and the rear property line is seventy (70) feet of dense woods. Directly behind this wooded buffer is another heavily wooded tract which constitutes about one-third of the neighboring residential property.



(not to scale-for illustration purposes only)

**COMPARABLE DECISION**

Case # 718 - On January 3, 2005 the Board of Zoning Appeals granted a variance reducing the rear yard setback from seventy-five (75) feet to fifty (50) feet in an industrial zoning district that abuts a residential zoning district to accommodate the construction of a 11,400 square foot single-story office building. The BZA approved the variance with two conditions: 1) the building use was to remain office; and 2) a ten (10) foot landscape buffer was to be maintained at the residential property line.

## **SITE PLAN REVIEW**

The site plan submitted by the applicant was reviewed by the Director of Community Development with the assistance of the Miami Township Fire Department and the Miami Township Service Department as required by Miami Township's site plan review process for development in "B-2" General Business Districts. The list below summarizes the findings of that review:

- **Township Plans and Zoning Policies.** The Miami Township VISION 2025 Comprehensive Land Use Plan calls for the "redevelopment" of existing land use patterns in several areas within the Township including the location of the proposed swim skills facility. The establishment of a training/learning facility for children in close proximity to the community's high school and junior high school campuses is consistent with the redevelopment strategy.
- **Grading and Drainage.** The final approved grading and drainage plan for this facility to be submitted to the Clermont County Building Department will be designed to meet the engineering standards set by the Clermont County Building Department to secure the required storm water control permit and protect the steep hillside.
- **Off Street Parking and Loading.** The site plan submitted includes a total of 37 ninety-degree angle parking spaces, 4 of which are designated "handicapped parking". The number of spaces, their dimensions, the required aisle widths, and parking setback lines meet the requirement of the Miami Township Zoning Resolution - Chapter 23: Off Street Parking and Loading.
- **Lighting.** Lighting in parking lots and walkways will be shielded so that substantially all the directly emitted light falls with the property line.
- **Screening and Landscaping.** The application includes a preliminary screening and landscaping plan that meets the perimeter fencing and landscaping requirements of the Miami Township Zoning Resolution - Chapter 23: Off Street Parking and Loading.

## **STAFF PERSPECTIVES**

1. Unlike other indoor commercial recreation facilities such as a movie theater or bowling alley, this is a unique one-on-one training facility teaching infants and children how to swim. With a maximum of ten students per day, this facility will in no way generate the vehicular or pedestrian traffic associated with other commercial recreational facilities. The size of the proposed pool (23' x 35') will prevent any future transformation of the facility into a commercial swim club.
2. The heavily wooded area more than seventy (70) feet deep along the entire rear lot line of the proposed natatorium property provides a more than adequate buffer between the proposed land use and the abutting residential property.

## **STAFF RECOMMENDATION**

Staff recommends *approval* of this requested variance reducing the rear yard setback from one-hundred (100) feet to seventy (70) feet.