

## MIAMI TOWNSHIP ZONING BOARD OF APPEALS

MARCH 2, 2015

This meeting was called to order by Rick Goettke, Chairman.

The Pledge of Allegiance was given.

Upon roll call the following members were present: Harry Holbert, Wayne Loudermilk, Todd Munro, Rod Trombley, Rick Goettke and Carol Turchick.

Mr. Loudermilk made a motion to approve the minutes of the February 2, 2015 meeting, seconded by Mr. Munro with all voting "YES".

Mr. Fronk was sworn in for the hearing.

Reading of the Common Rules of Conduct was waived and there were no continued hearings.

Public hearings: Case #854, Copper Creek Homes, was called and the notice of public hearing was read aloud. Mr. Fronk gave an explanation of the request noting the proposed development is a nine lot subdivision right off Beech Road and eight homes will be built. One lot will have a detention pond on it. The proponent is requesting a 15 foot front yard variance to allow for a 35 foot front yard setback, including lot #1 which is a corner lot and needs the variance for both front and front/yard setbacks.

The proponent, Mr. Doug Smith of McGill Smith Punshon, came forward to reiterate what Mr. Fronk stated and to explain the topography of the property and how the water will flow. Mr. Smith stated they plan on keeping the evergreens as a buffer, won't clear the hillside and the County will probably maintain the pond. Mr. Smith explained by moving the houses closer it will help preserve the natural buffer. The Board asked about the type of homes that will be built and Mr. Smith stated they would be approximately \$600,000.00. The Board asked about other agencies and their comments. Mr. Smith stated he has letters from other agencies and they are in favor of the development. The Board asked if the pond will remain on lot 4 and that lot 4 will never be built on. Mr. Smith stated it will not be built on. The Board asked about the panhandle lots to the east of the property and Mr. Smith stated the evergreens will be a buffer between those driveways and the development.

The Board asked for adjoining property owners, who wished to speak, to come forward. Mr. Gerald Siegert of Beech Road came forward and was sworn in. Mr. Siegert asked about the trees being kept along the east side of the property and runoff from the pond.

Mr. Kenneth Worley of Second Street in Miamiville came forward and was sworn in. Mr. Worley has property to the west of the proposed development and asked where will all of the runoff, from all of the homes, go?

Mr. Robert Schneider of Beech Road came forward and was sworn in. Mr. Schneider came forward with concerns of water runoff from the existing pond.

Mr. Fronk advised the residents to contact three people at the County level. Those being Heath Wilson, the storm water engineer with the County Building Department, Jeremy Evans, he is an engineer with the County Engineers Department and John McMannis who is the Director of the county water and soil conservation district. Mr. Fronk stated these three individuals are very knowledgeable in storm water management. Mr. Fronk also stated having the County maintain the pond is a much better idea than have a homeowners association maintain the pond. Mr. Fronk reminded the Board the issue with the water runoff is beyond the scope of what this Board does in deciding the variance. Mr. Fronk recommended the Board grant a 15 foot variance for all of the building lots including a 15 foot variance for the front/side yard of lot #1. Mr. Fronk did note the subdivision plan has been approved by the County.

The open portion of Case #854 was closed and the Board discussed the case noting the size of the lots the, surrounding area, footprint of homes compared to the size of the lots, the possibility of cutting down the trees if the variance is not granted, no buffering requirements under the straight R-1 zoning, keeping the buffer on the east side of the property and water runoff from the pond.

Mr. Loudermilk made a motion to approve the 15 foot variance request to allow a 35 foot front yard setback on all lots and to grant a 15 foot variance on lot #1 to allow a 35 foot front yard from Beech Road, seconded by Mr. Munro. Upon roll call the vote was as follows: Mr. Holbert, "NO"; Mr. Loudermilk, "YES"; Mr. Munro, "YES"; Mr. Trombley, "NO" and Mr. Goettke, "NO".

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Mr. Holbert made a motion to approve the 15 foot variance request to allow a 35 foot front yard setback on all lots and to grant a 15 foot variance on lot #1 to allow a 35 foot front yard from Beech Road and on the east side of the property line that no timbers be removed behind lots 1, 2 or 3 seconded by Mr. Loudermilk. Upon roll call the vote was as follows: Mr. Holbert, "YES"; Mr. Loudermilk, "YES"; Mr. Munro, "YES"; Mr. Trombley, "NO" and Mr. Goettke, "NO".

CASE #854 ~ VARIANCE REQUEST APPROVED AS MODIFIED.

New business: One new application was presented to the Board. Lynne Engelman, 1117 Deerhaven Court, Loveland, Ohio 45140 request a variance of 8 feet into the front yard for the construction of a covered front porch. Such property is located on the south side of Deerhaven Ct. approximately 400 feet from Doe Ct., Miami Township. Area in acreage is .459 acres.

Mr. Munro made a motion to accept this application as Case #855 and set it for public hearing on April 6, 2015 at 7:30 p.m., seconded by Mr. Loudermilk with all voting "AYE".

Mr. Munro advised the Board he would be abstaining from Case #855.

With no further business to come before the Board the meeting was adjourned.

Respectfully submitted,

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Richard Goettke, Chairman

Jo Brotherton, Secretary

Sound reference

C: Zoning Board Members BZA & RZC  
Board of Trustees  
Director of Community Development  
Zoning Administrator  
Fiscal Officer  
File