

Board of Zoning Appeals

January 11, 2024

Mr. Blomer called the meeting to order and announced the matters before the Board at 7:00 p.m.

Members present: Adam Paul
Michael Blomer
Ryan Ziemba
Mark Wernery
Holly Rousch
Susan Erickson

Mr. Blomer opened nominations for Board of Zoning Appeals Chairman for 2024. Mr. Ziemba with the second of Mr. Paul nominated Mr. Blomer for Chair. Mr. Blomer accepted the position of Board Chairman.

Roll Call: Mark Wernery Yes
Adam Paul Yes
Ryan Ziemba Yes
Michael Blomer Yes
Holly Rousch Yes

Mr. Blomer opened nominations for Board of Zoning Appeals Vice Chairman for 2024. Mr. Blomer with the second of Mr. Paul nominated Mr. Ziemba for Secretary. Mr. Ziemba accepted the position of Board Vice Chairman.

Roll Call: Adam Paul Yes
Ryan Ziemba Yes
Holly Rousch Yes
Michael Blomer Yes
Mark Wernery Yes

Mr. Blomer opened nominations for Board of Zoning Appeals Secretary for 2024. Mr. Blomer with the second of Mr. Paul nominated Mr. Wernery for Secretary. Mr. Wernery accepted the position of Board Secretary.

Roll Call: Ryan Ziemba Yes
Holly Rousch Yes
Michael Blomer Yes
Mark Wernery Yes
Adam Paul Yes

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during the course of the hearing. Mr. Blomer asked any persons wishing to offer testimony or speak during the hearing, to raise their right hand; an oath was administered.

Ms. Cathy Walton presented the staff report for the variance request. The subject property is located at 10817 Schlottman Road, Loveland, Ohio 45140. The property owners are Yury and Katherine Pivor. The legal notice was published in *The Pulse Journal* on Sunday, December 3, 2023, and additionally was sent out to all neighboring property owners within 200 feet of the subject parcel. The applicant has requested a variance from section 4.9.4(E) to construct an approximate 24' x 48' detached garage in a front yard, where it is required to be in a rear yard.

Ms. Walton states the applicant started the construction of the garage prior to a permit. A violation letter was sent to the applicant which prompted the variance request. In addition, there is a temporary portable storage container on the property. Per zoning code, a portable container can be on a residential property not to extend 14 consecutive days from when the permit was approved. The applicant did not submit a permit for the container to the zoning department. Ms. Walton's recommendation is to approve the variance request with the condition to remove the storage container.

Mr. Blomer made a motion to open public comments.

Mr. Pivor came forward to speak.

Mr. Pivor acknowledges that he was at fault with building the structure without submitting a zoning application. He claims that he intended to submit the application, but time got away from him. He is willing to comply with all zoning codes and make this situation right. The current location of the garage is the only option due to the lack of space in the backyard.

Mr. Blomer asked Mr. Pivor if the garage would be used for business purposes.

Mr. Pivor responded by saying no, the garage will only be used to store vehicles and household items.

Mr. Blomer asked what the current stage of construction is.

Mr. Pivor explained that currently the frame and roof of the building are the only completed jobs to date.

Mr. Blomer asked the dimensions and estimated completion time of the building.

Ms. Pivor responded by saying 24' x 48' with 14' walls, a four-car garage. He is constructing the garage with the help of a friend and should be completed within a month or two. Mr. Pivor also said that he is in the process of getting rid of the empty storage container.

Mr. Blomer asked if the storage pod is part of the construction for the garage.

Mr. Pivor explains that the storage pod is currently empty. He ran a restaurant that was shut down due to COVID and used to store equipment and appliances with hopes to resell.

Mr. Blomer asks for the approximate timeline for the completion of construction if the variance is granted.

Mr. Pivor hopes to have it done in the next few months, weather permitting.

Mr. Blomer asked Ms. Walton if there were any variance concerns.

Ms. Walton confirmed the request meets all variance requests.

Mr. Blomer called those who were in favor to approach the microphone.

Epaminondas Papadimas came forward. Mr. Papadimas is a friend of Mr. Pivor and the architect for the garage. He ensures that the garage will be built to code and aesthetically pleasing from the roadway. Trees would be an option to limit visibility from the road.

Mr. Blomer called those who were against the request to approach the microphone.

Bill Niemeyer stated that though he understood the garage is partially built, he is concerned that other residents will build without going through the proper steps with zoning if this is approved. He also wants to ensure that Mr. Pivor does not have plans to run any business out of the garage.

Mr. Blomer explained that if the variance is approved, conditions can be set.

Ted Rishforth came forward to say that he is not strongly opposed to the garage but would like conditions to be set, he is more concerned of the visual appearance from the street.

Morley Thompson is a neighbor who questions not only the usage of the new garage but a dump truck that has been parked outside of the house for months.

Mr. Ziemba asked the board if Mr. Pivor is allowed commercial vehicles on his residential Property.

Mr. Blomer: It is not against the code to have a commercial vehicle.

Ms. Walton: A home occupancies application must be submitted if a business is ran out of a home.

Mr. Blomer explains to the other board members that Mr. Pivor started the project and “on the radar” so he does not have the ability to not finish the project and would have to comply with the conditions set forth tonight. He has neighbors that want to protect the integrity of their neighborhood and properties.

At that juncture, Mr. Ziembra made a motion with a second from Mr. Paul to close the public comment portion of the meeting to begin deliberations.

Mr. Blomer states that the variance would have to be approved with conditions, one being the temporary pod to be removed by February 1, 2024. The second condition is to have some form of landscaping screening from the street view of the garage.

Mr. Ziembra agrees that a year-round evergreen be planted for screening.

Mr. Paul agrees with both the removal of the container and landscaping screening. He understands that the structure's placement is due to hardship with the lack of a backyard.

Mr. Blomer has difficulty deliberating on a case that asks for forgiveness instead of approval.

Mr. Wernery another issue is that the structure is already built.

Mr. Ziembra understands Mr. Pivor took it upon himself to start the building and that is also a hardship if it needs to be taken down. We cannot vote based off the fact that Mr. Pivor has already built the structure before asking for the variance, just if the structure is allowed in the front yard.

Mr. Wernery if we can put conditions that work with the neighbors then he would be more inclined to vote yes to the variance request.

Mr. Ziembra made a motion with a second from Mr. Paul to approve the requested variance for an accessory structure in the front area of 10817 Schlottman Road, Loveland, Ohio 4510 with conditions. The conditions include removal of the temporary portable storage container by February 1, 2024, and to plant trees in front of the garage in accordance with 8.4.4.

Roll call:	Adam Paul	Yes
	Michael Blomer	No
	Ryan Ziembra	Yes
	Mark Wernery	Yes
	Holly Rousch	Yes

Ms. Cathy Walton presented the staff report for the variance request. The subject property is located at 7507 Twin Lakes Drive, Morrow, Ohio 45152. The property owners are James and Peggy Deutsch. The legal notice was published in *The Pulse Journal* on Sunday, December 3, 2023, and additionally was sent out to all neighboring property owners within 200 feet of the subject parcel. The applicant has requested a variance from section 4.9.4(E) to construct an approximate detached 24' x 26' workshop/garage with a 16' x 36' slab in the front yard, where it is required to be in a rear yard.

Mr. Blomer invited the applicant to come forth.

Mr. Deutsch explained the project is a workshop for his woodworking hobby. The requested structure would be built beside an existing attached garage with access to the driveway. He brought attention to the board that neighbors submitted letters in his favor.

Mr. Blomer acknowledges the township received the letters. He asked Mr. Deutsch if this workshop will be used for a business and if it is already built.

Mr. Deutsch confirmed that he will not use this for business purposes and construction has not started.

Mr. Blomer invited all those in favor of the workshop to come forward.

Bob Stansfield has lived next the Deutsch's property for the last eighteen years. He believes Mr. and Mrs. Deutsch are the first owners that want to enhance to looks of the house.

Ms. Walton stated that the two submitted letters were from two adjacent properties from Mr. and Mrs. Deutsch's property.

Mr. Blomer invited all those against the workshop to come forward.

Mr. Wernery made a motion with a second from Mr. Ziembra to approve the requested variance for an accessory structure in the front yard area at 7507 Twin Lake Drive, Morrow, Ohio 45152.

Roll Call:	Mark Wernery	Yes
	Adam Paul	Yes
	Ryan Ziembra	Yes
	Michael Blomer	Yes
	Holly Rousch	Yes

Ms. Cathy Walton presented the staff report for the variance request. The subject property is located at 5803 Classicway Boulevard, Morrow, Ohio 45152. The applicant is Dave Flynn. The legal notice was published in *The Pulse Journal* on Sunday, December 3, 2023, and additionally was sent out to all neighboring property owners within 200 feet of the subject parcel. The applicant has requested a variance from section 4.9.5(M) to construct a 20' x 12' unenclosed deck 2.5' into the rear yard setback of 30 feet.

Mr. Blomer commented that he is familiar with the neighborhood and expects to see many variances to come because there is lack of space with a large farm pond in the rear.

Mr. Blomer invites Mr. Flynn forward to speak.

Mr. Flynn confirms that the property owner is requesting a larger deck making the rear setback 28.5' from the back property line.

Mr. Wernery confirms that the applicant is asking for a 2.5' variance.

Mr. Flynn confirms the setback request.

Mr. Wernery made a motion with a second from Mr. Ziembra to approve the request for variance at 7507 Twin Lakes Drive, Morrow to construct a 24' x 24' detached garage with a 16' x 36' slab in the front yard.

Roll call as follows:	Adam Paul	Yes
	Michael Blomer	Yes
	Ryan Ziembra	Yes
	Mark Wernery	Yes
	Holly Rousch	Yes

Mr. Blomer made a motion with a second from Mr. Paul to approve the September 14, 2023, Board of Zoning Appeals meeting minutes.

All in favor. Aye.

Ms. Walton suggested moving the time for the meetings from 7 p.m. to 6 p.m. to mimic the trustee meeting time.

All in favor. Aye

Mr. Blomer asked Ms. Walton if bylaws have been drafted for the board.

Hamilton Township Administrator, Jeff Wright stated he would get with law director Ben Yoder regards to the bylaws and training.

With no further business to discuss, Mr. Blomer made a motion with a second from Mr. Paul to adjourn.

All in favor. Aye.