

Board of Zoning Appeals

May 9, 2024

Mr. Blomer called the meeting to order and announced the matters before the Board at 6:00 p.m.

Members present: Susan Erickson
 Adam Paul
 Michael Blomer
 Mark Wernery

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 first variance request. The subject property is located at 10255 Grog Run Road, Loveland, Ohio 45140. The owner purchased the property in December 2021. The owner is requesting ground mounted solar panels in the side yard stating that a roof mount is not feasible due to roof design. They have also cited topographical difficulties in the rear yard, making the side yard the only feasible location for installation. The HTZC requires all ground mounted solar panels be installed in a rear yard area. The legal notice was published in *The Dayton Daily* on Sunday, March 31, 2024, 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.R to install ground-mounted solar panels in a side yard area.

John Miller introduced himself as the representative for Kokosing Industrial who will be installing the solar panels. Mr. Miller explains that due to the design of the homeowner's roof, the panels are unable to be installed. The rear property has a significant drop making the solar panels unable to be positioned in the rear yard. The site for the panels will be at least 250 feet off the road.

Mr. Wernery inquired about the dimensions of the solar panels that will be installed in the side yard.

Mr. Miller stated that the panels will be roughly 40 inches wide by 70 inches long, totaling 422 square feet.

Ms. Erickson questions why the applicant cannot install the panels on the roof of the existing garage that is located behind the house.

Mr. Miller explains that the garage does not receive adequate sunlight for the panels. He ensures that the panels will be as far back as possible.

Mr. Blomer invited anyone for or against the request, in which there were none.

The Board discussed the hardships for the case, the grading of the backyard, cost, and the location of the house.

Mr. Blomer made a motion with a second from Mr. Paul to approve the installation of ground-mounted solar panels in the side yard, located at 10255 Grog Run Road, Loveland, Ohio 45140.

Roll call:	Mark Wernery	Yes
	Adam Paul	Yes
	Susan Erickson	Yes
	Michael Blomer	Yes

Ms. Walton presented the staff report for the variance request located at 7054 Quellin Boulevard, Maineville, Ohio 45039. The applicant is Anchor Pools. The legal notice was published in *The Journal News* on April 26, 2024, 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.N (1) to construct an 18' x 36' in-ground swimming pool 8 feet into the right-side yard setback, 4 feet into the left-side yard setback, and 8 feet into the rear-yard setback requirement of 20-feet.

The Board and the homeowner, Karl Adkins agreed to revisit the case at the June 13th Board of Zoning Appeals Meeting after the homeowner can contact Anchor Pools for more design options that do not require variances from all property lines.

Mr. Blomer made a motion with a second from Mr. Wernery to table the requested variance to the June 13th Board of Zoning Appeals Meeting.

Roll Call:	Mark Wernery	Yes
	Michael Blomer	Yes
	Adam Paul	Yes
	Susan Erickson	Yes

Ms. Walton presented the staff report for the variance request located at 2009 Route 22&3, Morrow, Ohio 45152. The applicant is Joe Geraci. The legal notice was published in *The Dayton Daily* on March 31, 2024, 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 1.8.3 in order to construct a new single-family residence on a lot with no frontage. The case is continuing from the April 11, 2024 meeting, giving the applicant the opportunity to address concerns from neighboring properties from the Board of Zoning Appeals.

Mr. Geraci explained that the new drawings show the approximate location of where the dwelling and accessory structures will be located on the parcel. He included possible entry access to an adjoining property. In the previous meeting, there were concerns about storm water and placement of the septic tank which were also proposed in the drawing by Mr. Geraci.

Mr. Wernery asked the applicant if the now demolished house was on the property prior to the surrounding houses being developed.

Ms. Walton said that she believes the property has a landlock agreement.

Mr. Blomer invited anyone in favor of the variance to approach the Board, in which there were none.

Mr. Blomer invited anyone against the variance to approach the Board.

Ms. Deborah Kaleta asked for clarification that only one house will be permitted on the property and the location of the proposed barn.

Ms. Walton explained that only one primary residence can be built on a lot with at least 2 acres, if another dwelling is built it cannot exceed 35% of the primary structure. The proposed location of an accessory structure, in this case a barn, must be five feet from the property lines.

Mr. Tom Randall has concerns that a business will run out of the property that the proposed site plan shows a gravel road around the perimeter of the land.

Ms. Sandra Randall states that the landowner, Mr. Reynolds, removed the trees that were on the south side of his property and now there is a lack of privacy in their lot.

Ms. Carol Schumaker would like the applicant to explain how the construction trucks will access the property during the building.

Mr. Blomer invited the applicant back to address the questions from the residents.

Mr. Geraci ensured that a business would not run out of the house and construction trucks will access the property as they have been, and that is the easement access from Route 22&3.

Mr. Blomer closed the public comment portion for deliberations.

Mr. Blomer reminds the applicant, neighbors, and Board members of what they are allowed to vote on. He would like to consider adding landscaping conditions to the variance.

Mr. Paul thinks Mr. Reynolds bought the land with the assumption he would be able to build a new house that the now demolished house was unoccupiable.

Ms. Erickson and Mr. Wernery agreed that they are both against placing landscaping conditions, and that neighbors can add landscape buffers on their property side if needed.

Mr. Blomer made a motion with a second from Mr. Paul to approve the requested variance to allow a single-family residence on a lot without frontage at 2009 E. US 22&3 Morrow, Ohio 45152

Roll Call:	Michael Blomer	No
	Mark Wernery	Yes
	Adam Paul	Yes
	Susan Erickson	Yes

Mr. Blomer made a motion with the second from Mr. Paul to approve the April 11, 2024, regular meeting minutes.

All in favor. Aye.

With no further business to discuss, Mr. Paul made a motion with a second from Mr. Wernery to adjourn at 7:36 p.m.

All in favor. Aye.