

## Hamilton Township Board of Zoning Appeals September 12, 2024

Mr. Blomer called the meeting to order and announce the matters before the Board at 6:05 p.m.

Members present:

Michael Blomer  
Mark Wernery  
Holly Roush  
Adam Paul  
Susan Erickson

Mr. Blomer explained the procedures and guidelines the Board would use to reach a decision during 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.

Mr. Blomer made a motion with the second from Mr. Wernery to approve the August 8, 2024, regular meeting minutes.

All in favor. Aye.

Ms. Walton presented the staff report for the variance request located at 7635 Harwood Court, Maineville, Ohio 45039. The applicant is Michael Mullins. The legal notice was published in *The Journal News* on September 1, 2024, and additionally was sent out to all neighboring property owners within two hundred feet of the subject parcel.

The applicant is requesting a variance from Section 4.9.5.N(1) to construct an approximately 12'x 25' in-ground pool approximately five feet into the rear setbacks where twenty feet is required. The request involves a 15-foot preservation easement and encroaches five feet into a stormwater easement. Mr. Wells indicates that the proposed location of the pool is essential to ensure that the ladder is a safe distance from the patio and remains outside the 15-foot preservation easement at the rear of the property.

Mr. Blomer opened the floor to public comments and invited the applicant to address the Board.

Mr. Mullins explained that the yard is on an incline and he wishes to maintain the existing patio with a five-foot buffer between the patio and the pool for safety. He emphasized that he will not encroach on the preservation easement and plans to plant greenery and install screening instead.

Mr. Blomer welcomed those who were in favor of the project.

Mr. Brian Mahan lives across the street from the applicant and supports the build.

Mr. Blomer welcomed anyone against the variance to address the Board, in which there were none.

The Board agreed that the request is reasonable due to the size and topography of the yard.

Ms. Walton requested that the Board have the HOA approve building into the storm easement as a condition of the variance approval.

Mr. Wernery made a motion, seconded by Mr. Paul, to approve the variance request for the construction of an approximately 12' x 25' in-ground swimming pool, encroaching about 5 feet into the rear yard setback where 20 feet is required. The approval is contingent upon obtaining HOA approval for building within the storm easement prior to construction.

Roll Call:	Mr. Blomer	Yes
	Mr. Paul	Yes
	Mr. Wernery	Yes
	Ms. Roush	Yes
	Ms. Erickson	Yes

Ms. Walton presented the staff report for the variance request found at 747 E. Fosters-Maineville, Morrow, Ohio 45152. The owner and applicant is Gregory and Tammy Hunt. The legal notice was published in *The Journal News* on September 1, 2024, and additionally was sent out to all property owners within two hundred feet of the subject parcel.

The applicant has requested a variance from Section 6.2 Site Development Standards, Table 6.1 in order to split an existing 3.692 lot into one 2.495 acre and one 1.200-acre lot. The HTZC requires all lots in the R-1 district to have a minimum lot size of 2 acres.

Mr. Blomer invited the owners to address the Board.

Mr. Gregory Hunt mentioned that the Warren County Health Department has approved a septic system for the smaller lot he requested. He plans to build a smaller, long-term one-story house with three bedrooms and two bathrooms on this property. His son intends to move into the existing house, which will remain on the 2.48-acre parcel. There is a water easement in place, with plans to install a waterline in the future. Currently, Mr. Hunt has an agreement with DJ Patel for water access to replace the existing cistern.

With nobody there in favor of or against the variance request, Mr. Blomer closed the public comments section for deliberations.

Mr. Blomer feels that the owner has done his due diligence and fits well with the area.

Mr. Paul believes it's a minimal variance request.

Ms. Roush made a motion with the second from Mr. Blomer to approve the variance allowing the split of the existing 3.692-acre lot located at 757 E. Fosters-Maineville into one 2.495 acre and one 1.200-acre lot.

Roll Call:	Mr. Paul	Yes
	Mr. Wernery	Yes
	Ms. Roush	Yes
	Ms. Erickson	Yes
	Mr. Blomer	Yes

Ms. Walton presented the staff report for the variance request found at 6352 State Route 48, Maineville, Ohio 45039. The applicant is Shooters Sports Grill . The legal notice was published in *The Journal News* on September 1, 2024, and additionally was sent out to all property owners within two hundred feet of the subject parcel.

The applicant is seeking approval for a new sign at the entrance on Towne Center Boulevard. When the current sign was approved, the neighboring properties were residential, but they are now being developed for commercial use, and a new road has been built along the north property line, creating a new entrance for the property.

Hamilton Township Zoning Code, Section 9.8.3, provides two options for signage for single-occupant buildings: Option 1 allows one wall sign up to 1.5 feet per linear foot of building frontage, with a maximum size of 120 square feet. Option 2 permits one wall sign up to 1.5 square feet per linear foot (max 60 square feet) and one ground sign not exceeding 40 square feet.

Mr. Blomer opened the floor to public comments and invited the applicant to address the Board.

Mr. Rick Drescher, owner of Shooters Sports Grill, has lost full access to the parking lot from State Route 48 due to new construction. However, he has gained a back entrance from Towne Center Boulevard and believes it would be appropriate to install a sign there, similar to one at another business location. The existing sign on State Route 48 is too costly, so he is seeking a simpler design that includes spot lighting and landscaping.

Mr. Blomer asked what the construction material of the sign would be.

Mr. Drescher explained that he hasn't inquired into the design details yet; he wants to ensure that a second wall sign will be approved first. He agreed that the signage will be in compliance with sign regulations in the Hamilton Township Zoning Code.

Mr. Roush confirmed that a sign is needed for the entrance to Shooters on Towne Center Boulevard, as the drive is located past the restaurant's parking lot.

With nobody there in favor of or against the variance request, Mr. Blomer closed the public comments section for deliberations.

The Board members unanimously agreed that the signage is needed with the growth of development on State Route 48 and the uniqueness of the lot.

Mr. Blomer made a motion with a second from Mr. Paul to approve a variance from the nonresidential sign regulations for the property at 6352 State Route 48, Maineville, Ohio 45039.

Roll Call:	Mr. Wernery	Yes
	Ms. Roush	Yes
	Ms. Erickson	Yes
	Mr. Blomer	Yes
	Mr. Paul	Yes

Ms. Walton presented the staff report for the variance request found at 717 Stephens Road, Maineville, Ohio 45039. The applicant is Hutzel Landscaping . The legal notice was published in *The Journal News* on September 1, 2024, and additionally was sent out to all property owners within two hundred feet of the subject parcel.

The applicant has requested a change in non-conforming use per section 10.4.2 to change the use of the buildings from landscaping use to storage use. The applicant is no longer using the buildings for the landscaping business and would like to rent space in the buildings for large asset storage (boats, RV, etc.)

Mr. Blomer opened the floor to public comments and invited the applicant to address the Board.

Ms. Rebecca Hutzel is the daughter of Rose and Gerald Hutzel, owners of Hutzel Landscaping at 717 Stephens Road since 1989. Following her father's passing in 2021, the landscaping business ceased operations. To manage property and overhead costs, she is seeking to use existing pole barns for storage. This request aims to replace the non-conforming use for one of the three parcels, while the other two are designated for nursery use.

Mr. Wernery asked Ms. Hutzel for clarification if vehicles would be stored outside of the pole barns at any time for the business.

Ms. Hutzel stated that only their vehicles for maintaining the property would be outside at times, all vehicles being stored for this use would be inside.

Mr. Blomer asked if a fence would be installed.

Ms. Hutzel confirmed that there is already a fence surrounding the entire property, and she plans to install a gate at the main entrance. The employees will handle moving vehicles in and out of the barn, as she wants to maintain privacy while generating income with minimal foot traffic. Each barn is 500 square feet and has 14-foot doors. Customers will need to provide 24 hours' notice for pickup and drop-off.

Mr. Blomer inquired about Ms. Hutzel's future plans for the two existing parcels. She responded that they intend to keep them as a nursery and preserve the land.

Mr. Blomer opened the floor to those in favor or the proposal.

Mr. Philip Wenger, who lives directly behind the parcel, expressed his appreciation for how the Hutzel family has maintained the property, describing it as looking like a park. He is in favor of the request and does not believe it will impact the neighboring residents.

With nobody there against the variance request, Mr. Blomer closed the public comments section for deliberations.

Ms. Walton suggested Ms. Hutzel apply for an Agricultural Exemption for their equipment.

Mr. Wernery made a motion, seconded by Mr. Blomer, to approve a variance to replace the non-conforming use for the property at 717 Stephens Road, Maineville, Ohio 45039, with the condition that all customer parking is restricted to the buildings only.

Roll Call:	Ms. Roush	Yes
	Ms. Erickson	Yes
	Mr. Blomer	Yes
	Mr. Paul	Yes
	Mr. Wernery	Yes

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

All in favor. Aye.