

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## MIAMI TOWNSHIP BOARD OF ZONING APPEALS

BEAR GRAPHICS 800.325.8094 FORM NO. 10148

August 2, 2023

Held \_\_\_\_\_ 20\_\_\_\_\_

The Miami Township Board of Zoning Appeals met in a regular session on Wednesday, August 2, 2023, at 7:00pm at the Miami Township Civic Center, 6101 Meijer Drive, Miami Township, Ohio 45150.

Chairman Steve Reece called the meeting to order and led the Pledge of Allegiance.

Upon roll call, the following members were present: Steve Reece, Randy Merrill, Wayne Loudermilk, Greg Horn, and Todd Munro. Also present: Township Planner, Jamie Kreindler, Board Secretary, Lori Pegg.

Mr. Loudermilk made a motion to approve the minutes of the July 5, 2023, Board of Zoning Appeals meeting, seconded by Mr. Merrill. Mr. Munro abstained, and all others voted "AYE."

## PUBLIC HEARINGS

Case #1024

The Board called Case #1024, Jamie & Tim Lehane, applicants for 1682 Foxwood Trail. They are requesting a variance from Section 8.01B4 of the MTZR which requires the finished side of fencing to face outwards.

Ms. Kreindler reviewed the application and noted the applicant received a zoning certificate in March 2023 for a 6' privacy fence replacement in their rear yard. After receiving the certificate, they requested to apply for a variance so that the unfinished side of the new privacy fence along the rear property lines faced out.

In visiting the site, staff observed that there is an existing wood privacy fence on the property. Currently, the unfinished side of the privacy fencing faces out towards the neighboring properties. There is a chain link fence on the neighboring property at 933 Blackburn Drive. Staff also observed that there is significant overgrowth behind the Applicants' existing privacy fence so it would not affect the aesthetic of the neighbor's property.

Mr. Munro made a motion to approve the variance as stated, seconded by Mr. Loudermilk and all voted "AYE."

Case #1025 was withdrawn by the applicant.

Case #1026

The Board called Case #1026, Jeff Johnson, applicant for Milford Exempted Village Schools, located at 5735 Wolfpen Pleasant Hill Rd. He is requesting several variances for the construction of a new middle school and grandstand/press box as well as site parking.

The Location is zoned "R-2" Residence District. The parcel with the stadium and fieldhouse is 9.76 acres, and the parcel with the proposed new middle school is 16.82 acres. There are additional remaining parcels, and in total the combined size of the parcels is approximately 75.68 acres.

There are multiple variances being requested for the proposed development of the existing Milford High School and Junior High School campus. The scope of the project includes a new Milford Middle School, new Milford Fieldhouse, new Home Grandstand/Press Box, demolition of the existing Junior High School, and related site improvements.

A zoning certificate for the new Milford Fieldhouse has already been issued. The requested variances pertain to the area, height, and setback of the new Home Grandstand/Press Box – which is

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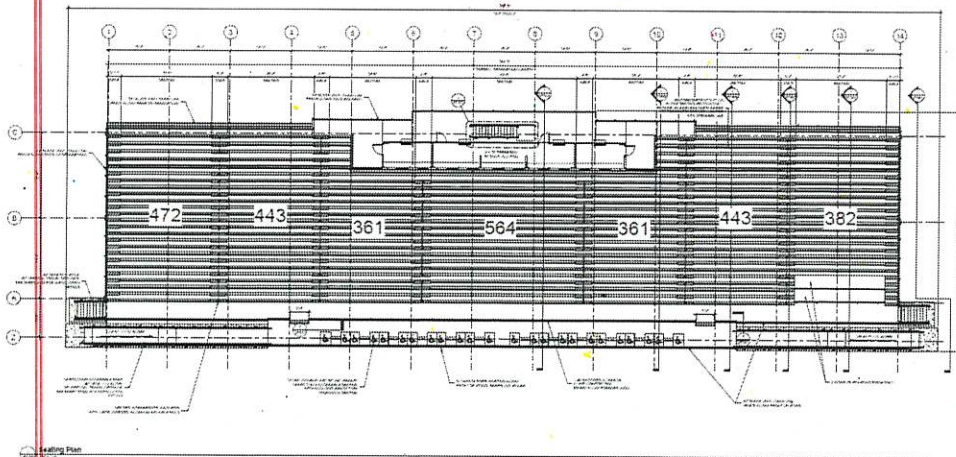
considered an accessory to the Fieldhouse – the height of the new Milford Middle School, and the interior parking lot landscaping.

The Applicant previously went through the Site Plan Review process with Planning & Zoning Administrator, Brian Elliff. As a result of that process, a total of six variances were identified.

Mr. Russell Miller, Project Manager from SHP presented the following information regarding the variances.

#### Variance Request #1 – MTZR 5.04F

- On the site plan, the proposed Grandstand/Press Box is labeled as “Bleachers.” This structure is considered an accessory to the main Fieldhouse on the parcel.
- Section 5.04F of the zoning code limits the size of accessory structures to 1,800 square feet for lots that are 5 acres or greater. The proposed accessory Grandstand/Press Box is 16,650 square feet, which is well over what the code allows.
- While the MTZR identifies schools as conditional use in residential districts, the accessory structure regulations do not accommodate a large academic campus such as this. The accessory structure code applies more so to sheds, garages, and the like in residential zones. It is not suited for accessory uses to school sports stadiums such as bleachers and press boxes; thus, variance approval is required.

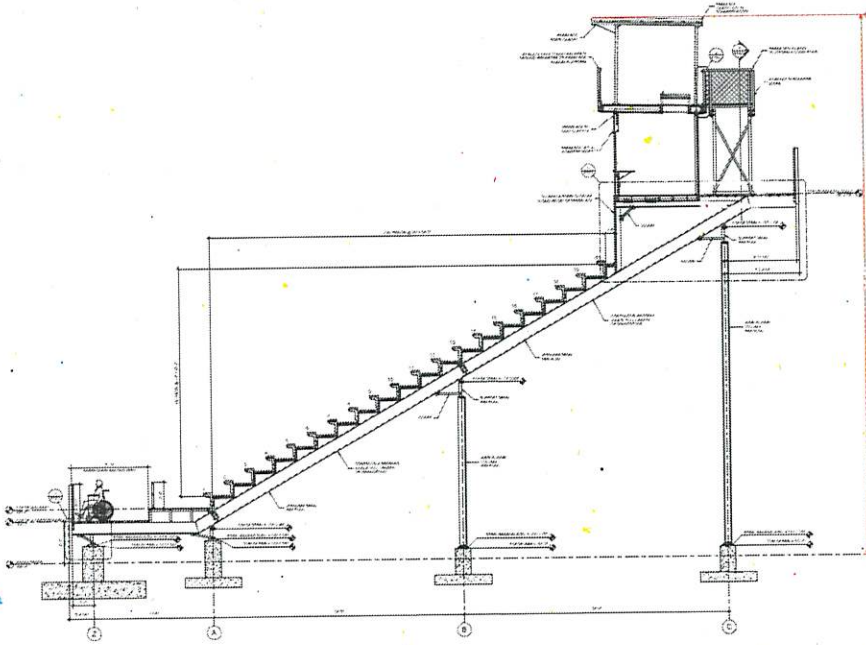


#### Variance Request #2 – Lot Area, Bulk Yard, and Screening Requirements in the “R-1 District” – Maximum Height for Accessory Structures

- This part of the code limits the height of accessory structures to 22 feet (for buildings between 1,201 to 1,800 square feet). The height of the proposed Grandstand/Press Box is approximately 52'-8" tall, which is more than double what the code allows.
- In the letter to the BZA, the Applicant states that the accessory structure “does not change the existing use of the site and will not alter the essential character of the neighborhood. This variance will allow for a structure that will improve the facility for the Milford EVSD community as a whole.”

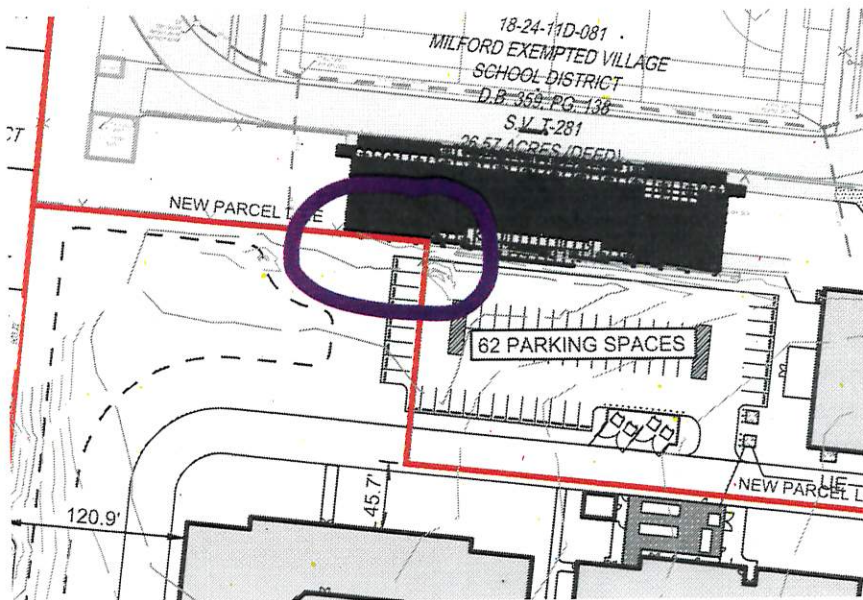
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**Variance Request #3 – Lot Area, Bulk Yard, and Screening Requirements in the “R-1 District” – Minimum Yard Requirements for Accessory Structures**

- The code states that the minimum setback for accessory structures is 10 feet. However, if an accessory building is more than 15’ tall, it must be setback an additional foot for each additional foot in height.
- The Applicant is unable to meet the minimum setback requirement. As shown in the site plan below, part of the proposed bleachers touches the new parcel line in red.
- In their submission to the BZA, the Applicant writes: “The majority of the proposed Grandstand/Press Box exceeds the required setback, however the west end of the proposed Grandstand/Press Box does not.”



**Variance Request #4 – MTZR 5.05**

- Section 5.05 restricts the maximum height of a principal structure to 2 ½ stories or 35’. The academic wing (west end) of the proposed Milford Middle School is 3 stories or 45’-9” tall. This exceeds what the zoning code allows by 10’-9”.

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- In their application, the Applicant writes that “the footprint of the new Middle School must be as compact as possible. The result is a Middle School design that is taller than is allowable by the Miami Township Zoning Resolution for the R-2 District.”
- Moreover, the Applicant explains that the “project does not change the use of the existing campus and will not alter the essential character of the neighborhood, nor do we see any adjoining property owner suffering a substantial detriment. This new school building will greatly benefit the educational mission of the Milford EVSD.”



#### Variance Request #5 – MTZR 23.04B7b

- Sheets L100, L101, L102, L103, and L104 show the landscape plan and plant details. A decent amount of landscaping is included with the proposed scope of work to add buffering between adjoining residential properties and the frontage along Wolfpen Pleasant Hill Road.
- The school district is taking the opportunity to improve site circulation and add additional parking as a part of their proposed development. Terminal islands with required landscaping are not currently provided in the plan, specifically in the parking lot east of the proposed Middle School and Fieldhouse. In other locations, terminal islands are included in the design; however, landscaping is not included.
- Section 23.04B7b requires terminal islands with landscaping at the end of every row of parking. As a result, a variance is needed from this section of the code.

#### Variance Request #6 – MTZR 23.04B7c

- Section 23.04B7c specifies intermediary islands with landscaping in rows of parking that exceed 25 or more contiguous spaces. Since intermediary landscape islands are not currently provided in the proposed design, a variance from this section is also needed.
- In their letter to the BZA, the Applicant explains the financial and operational burden of terminal and intermediary islands with landscaping. They write, “This is particularly an issue with regard to snow clearing as is required in order to keep schools open during winter weather.” Moreover, they state that “the inclusion of intermediary parking islands eliminates potential parking spaces and complicates maintenance for the district during warmer months.”
- Additionally, the Applicant describes the site as follows: “This is a very large and deep site with parking set back from adjoining residential property lines at significant distances. The proposed design is careful to screen parking areas from adjacent residential properties and to provide/maintain adequate buffer yards. [...] while landscaping is not shown in all terminal islands, additional landscaping is distributed around the proposed Middle School and Fieldhouse visible from Wolfpen Pleasant Hill Road.”
- Lastly, the Applicant states that “The proposed site improvements will improve site circulation and parking conditions on the existing school campus and will not substantially alter the essential character of the neighborhood. Adjoining property owners will not suffer substantial detriment as a result of this variance, and it is our belief that these developments as a whole will greatly improve upon the existing site conditions.”

In BZA Case #805, Milford High School received conditional use approval in the “R-2” Residence District. In BZA Case #817, Milford Junior High School (future middle school) also received conditional use approval in the “R-2” Residence District. It is acknowledged that the conditional use approvals for Milford High School and Milford Middle School remain in place with the proposed improvements and modifications to the site.

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There were no public comments. The Board discussed the project and the overall campus. Mr. Johnson also noted that the new bleachers/press box size will allow for band competitions and future championship games due to the number of spectators it will be able to hold.

Mr. Munro made a motion to approve the variances as requested, seconded by Mr. Horn and all voted "AYE."

NEW BUSINESS

Ms. Kreindler presented Case #1027, Atlantic Sign Company, applicant for 1075 State Route 28. The applicant is requesting a variance from Section 24.07D1B of the MTZR to allow for a larger wall sign to be added to the front of the Planet Fitness building. The application is complete.

Mr. Munro made a motion to set Case #1027 for hearing on September 6, 2023, seconded by Mr. Horn and all voted "AYE."

Ms. Kreindler presented Case #1028, One Stop Sign Company, applicant for 906 State Route 28. The applicant is requesting a variance from Chapter 24 Section E to update the pole sign at the Arby's location. The application is complete.

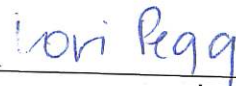
Mr. Loudermilk made a motion to set Case #1028 for hearing on September 6, 2023, seconded by Mr. Munro and all voted "AYE."

With no further business to come before the Board, the meeting was adjourned. The next regularly scheduled meeting will be held on Wednesday, September 6, 2023.

Respectfully Submitted,



Steve Reece, Chairman



Lori Pegg, Secretary

cc: Board of Zoning Appeals Members, BZA File