

RECORD OF PROCEEDINGS

Minutes of

Meeting

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

October 4, 2023

Held _____ 20 _____

The Miami Township Board of Zoning Appeals met in a regular session on Wednesday, October 4, 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 and Todd Munro. Also present: Township Planner, Jamie Kreindler, Zoning Inspector, John Langenheim, Law Director Joe Braun, and Board Secretary, Lori Pegg.

Mr. Munro made a motion to approve the minutes of the September 6, 2023, Board of Zoning Appeals meeting, seconded by Mr. Loudermilk. All voted "AYE."

PUBLIC HEARINGS

Case #1029

The Board called Case #1029. Rochelle Montes, 5513 Mt. Zion Rd., who filed a timely appeal of the Notice of Violation served on July 7, 2023.

Mr. Reece opened the Public Hearing, and the Notice of Public Hearing was read. Ms. Kreindler and Mr. Langenheim were sworn in by Chairman Reece. Ms. Kreindler explained that Mrs. Montes is appealing a zoning violation notice that was served on July 7, 2023. Ms. Kreindler summarized the process for the case as outlined in the bylaws, noting that three affirmative votes were needed to overturn staff's decision.

Ms. Kreindler's presentation included the staff summary, notice of violation, findings of the case, staff report, maps, and photographs of the property. The zoning violation involved various violations including failure to remove all animal containment structures and all non-household pets (goats, roosters, etc.) and failure to obtain a permit for and exceeding the maximum allowed size for a chicken coop.

Chairman Reece administered the oath to Rochelle, Mark, and Deklan Montez. Mrs. Montez introduced her son Deklan, who is seventeen years old and has been diagnosed with autism. Their family purchased this property and moved from the west coast to create a farm-like environment as a means of therapy for Deklan. She was not aware of these zoning issues when they purchased the home, the goat pen and chicken coop were existing, so she didn't know that they weren't allowed. Deklan spoke on his own behalf and stated that taking care of the animals gave him a sense of responsibility and focus.

Ms. Kreindler reviewed and submitted the following exhibits:

- A. Notice of Zoning Violation
- B. Zoning Complaint
- C. Courtesy Violation Notice
- D. Email from Appellant, dated June 23, 2023
- E. Drone photos, location conditions on September 13, 2023
- F. Reasonable accommodation letter, emailed to Appellant on September 15, 2023
- G. Email from the Appellant, dated September 20, 2023
- H. Dimensions of the location parcel
- I. Miami Township staff report, BZA Case 1029
- J. Miami Township Zoning Resolution; Chapters 5, 6, 25 and 30
- K. Zoning Map

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Ms. Kreindler noted that staff and the Township's Legal Counsel, Mr. Joe Braun, met with the Montez family to discuss reasonable accommodation that included keeping one goat and six chickens, which is normally allowed on residential properties of this size. The family declined, stating that goats are herding animals, and they must live in pairs, or they would become so depressed they would die.

Mr. Reece asked for public comments.

Mr. Reece administered the oath to Ms. Ramona Wolbers, 5509 Mt. Zion, the daughter of the original complainant. She noted that her mother respectfully withdraws her complaint as she is not a property owner in the area. She asked for help rezoning her property and the property belonging to the Montez family into Stonelick Township which she believes it was in 2020. Mr. Braun noted that it is a complicated process to change the lines of the Township as one Township cannot annex into another.

Ms. Montes noted that they checked with Stonelick Township and if the backyard property was in Stonelick Township the problem would be with the location of the structures, not the structures or the animals.

Mr. Reece closed the open portions of the meeting and asked Mr. Braun if they still needed to consider the appeal as the complainant has withdrawn the complaint. Mr. Braun noted that as it has already been brought to the attention of the Township, the complaint stands. The complaint is based on the conditions the Township observes.

The Board discussed the appeal and their two options which were:

1. To find that the appeal in this case is *not well taken*, the Notice of Violation is affirmed, and the applicant shall comply with the directives in the Notice of Violation.
2. To find that the appeal in this case is *well taken*, and the Notice of Violation is hereby vacated.

Based upon the zoning code and these two options, Mr. Munro made a motion to find the appeal is not well taken and the Notice of Violation is affirmed, and the applicant shall comply with the directives in the Notice of Violation, seconded by Mr. Loudermilk and all voted "AYE."

Case #1030

The Board called case #1030. Gemini Pools, 1368 State Route 131, Suite A, who filed a timely appeal of the Notice of Violation served on July 27, 2023.

Mr. Reece opened the Public Hearing, and the Notice of Public Hearing was read. Ms. Kreindler explained that Gemini Pools is appealing a zoning violation notice that was served on July 27, 2023. Ms. Kreindler summarized the process for the case as outlined in the bylaws, noting that three affirmative votes were needed to overturn staff's decision.

Ms. Kreindler's presentation included the staff summary, notice of violation, findings of the case, staff report, maps, and photographs of the property. The zoning violation involved various zoning violations including outdoor storage and improper location of an accessory building.

Chairman Reece administered the oath to Paul Knepp Jr., Mario Knepp and Susan Day. Mr. Knepp noted that Gemini Pools was started by his father and has been a family business for over 30 years. He stated that the items were in the front of the building so they could easily be loaded into customer vehicles. The skids of chemicals had custom made covers and were replaced when they showed signs of wear and tear. The storage shed was also used for easy access to items needed by customers. They have been working on updating the conditions of the building and the lot, but

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summer is their busy season and they have not had the time or the funds to update some of the more expensive items.

Ms. Kreindler reviewed the following exhibits:

- A. Notice of Violation
- B. Neighbor Complaint
- C. Courtesy Violation Notice
- D. Photos, Location conditions on July 25, 2023
- E. Photos (including drone images), Location conditions on September 21, 2023
- F. Miami Township Staff Report, BZA Case 1030
- G. Miami Township Zoning Resolution, Chapters 10 and 25
- H. Zoning Map

Mr. Reece asked for public comments.

Chairman Reece delivered the oath to Chris Roma, owner of Just Guns and Ammo located at 1366 State Route 131. Mr. Roma noted that the delivery trucks that come into Gemini Pools block their customers and tear up their parking lot. When asked to have them stop they were rudely dismissed. He stated that he upkeeps his property and they should be held to the same standards.

Mr. Reece closed the public portion of the hearing.

The Board discussed the appeal and their two options which were:

1. To find that the appeal in this case is *not well taken*, the Notice of Violation is affirmed, and the applicant shall comply with the directives in the Notice of Violation.
2. To find that the appeal in this case is *well taken*, and the Notice of Violation is hereby vacated.

Based upon the zoning code and these two options, Mr. Merrill made a motion to find the appeal is not well taken and the Notice of Violation is affirmed, and the applicant shall comply with the directives in the Notice of Violation, seconded by Mr. Loudermilk and Mr. Merrill voted "AYE." Mr. Munro and Mr. Reece voted "NO." The Bylaws of the Board of Zoning Appeals notes that in the event of a tie, the Notice of Violation is affirmed, and the applicant shall apply with the directives.

NEW BUSINESS

Ms. Kreindler presented Case #1031, Rivergate Properties, 1002 Heiserman Road. The applicant is requesting several variances to construct a warehouse on Heiserman Road. The application is complete.

Mr. Munro made a motion to set Case #1031 for public hearing on November 1, 2023, seconded by Mr. Merrill and all voted "AYE."

With no further business to come before the Board, the meeting was adjourned at 8:10 p.m.

Steve Reece, Chairman

Lori Pegg, Secretary