

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

DECEMBER 04, 2024

20

The Miami Township Board of Zoning Appeals met in regular session on Wednesday, December 04, 2024, at 7:00 p.m. at the Miami Township Civic Center. Vice Chair Greg Horn called the meeting to order and led the Pledge of Allegiance.

ROLL

Attending: Greg Horn, Todd Munro, Wayne Loudermilk, Steve Reece, and Cheryl Eckelman (alternate). Also present: Township Planner, Jamie Kreindler, and Secretary, Kelly Gibson.

APPROVAL OF MINUTES

Ms. Eckelman made a motion to approve the previous minutes from November 06, 2024 meeting, seconded by Mr. Munro. Upon the roll call, all voted "Yes."

COMMON RULES OF CONDUCT

Waived.

CONTINUED HEARINGS

None.

PUBLIC HEARINGS**LEGACY ESTATES SUBDIVISION – BRANCH HILL GUINEA ROAD – CASE #1050**

Mr. Munro recused himself due to a connection to the case.

Mrs. Gibson read the Notice of Public Hearing for Case #1050. The Applicant requests a variance from MTZR Section 25.08C to not install a sidewalk along Branch Hill Guinea Road for the new Legacy Estates subdivision. Speakers for the case were sworn in by Mr. Horn, and Mr. Horn called for a summary of the Staff Report.

Ms. Kreindler explained that the Location is zoned "R-1" Residence District and is 9.68 acres in total size. As shown in the development plans presented to the Board, ten lots are proposed with access off a dedicated street (Belle Meade Farm Drive) and a private driveway (Legacy Estates Drive). The plan includes internal sidewalks for the ten new lots as required per Miami Township Zoning Resolution (MTZR) Section 25.08A.

Ms. Kreindler continued that MTZR Section 25.08C also requires sidewalk installation along the abutting collector road, Branch Hill Guinea Pike. There is approximately 1,200 linear feet of sidewalk that is required along Branch Hill Guinea Pike per MTZR Section 25.08C, and the Applicant requests a 100% variance from MTZR Section 25.08C to forgo this sidewalk regulation. Ms. Kreindler indicated that the sidewalk regulation promotes safety and connectivity for the community at large, which is a priority established in the Miami Township 2023 Land Use Plan.

Ms. Kreindler shared the portion of the Land Use Plan which identifies Branch Hill Guinea Pike as one of the "Targeted Future Connections." She added that the variance request does not align with Township's Land Use Plan and could pose public safety concerns due to the high amount of traffic crashes in the area and students who may be walking to a school which is present near the proposed subdivision. There were no further questions for Ms. Kreindler.

Mr. Horn asked the Applicants to present their case. Mr. Carl Hartman introduced himself as the Applicant and Engineer for the development and stated that a sidewalk is meant to move people from Point A to Point B. Mr. Hartman stated that he does not agree with the Township's requirement because, at least for the foreseeable future, the sidewalk would not connect to anything on either side. Mr. Hartman also indicated a hardship in that the slope and grade of the area would increase the difficulty and costs associated with conforming to the regulation. Additionally, he stated that he does not typically see many people using the existing sidewalks on Branch Hill Guinea Pike. Furthermore, Mr. Hartman stated that there

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Meeting

BEAR GRAPHICS 800.325.8094 FORM NO. 10148

Held

DECEMBER 04, 2024

20

are plenty of nearby neighborhoods with sidewalks that already exist and could be used for exercise or things of that nature.

Mr. Hartman introduced a traffic study completed by Caroline Duffy which he stated would indicate that most traffic accidents in the area are animal-related, which cannot be eliminated with more sidewalks. Further, he indicated that 88% of the traffic from Branch Hill Guinea Pike to Wards Corner exceed 40 mph. According to Mr. Hartman, welcoming pedestrians to walk along this stretch of road would be a potential public safety hazard. Finally, Mr. Hartman stated that if the Township does want to create sidewalks for the length of the road, there are many ways to go about it without requiring private developers to build them.

Mr. Loudermilk asked the Applicant what the hardship is in building the sidewalk. Mr. Hartman answered that it would be expensive to build the sidewalk. Mr. Richard Brown, part owner of the project and future president of its homeowner's association, introduced himself and stated that it is unfair of the Township to expect the owners to maintain a sidewalk that doesn't lead anywhere or, in his opinion, serve a purpose.

Mr. Horn asked the Township Planner about the actual plan to accomplish sidewalk connectivity in the area. Ms. Kreindler stated that while there are no tangible plans today, the 2023 plan is fairly new and intended to serve as a vision for the future.

There were no adjoining property owners or interested citizens in attendance. Mr. Horn asked for the Township Staff Recommendation. Ms. Kreindler recommended denial of the variance and stated that the requested variance is substantial and does not align with the 2023 Land Use Plan or the Township's goals of making the streets safer and better connected.

The open portion of the hearing was closed, and Mr. Horn called for discussion. There was mention of a recent case where a variance was approved for an industrial development to not install sidewalks, but that this was a different situation. Mr. Reece stated that the crux of the issue would be determining if the hardship reasoning given by the Applicant was well founded. Mr. Horn stated that it would indeed be a large price tag for a sidewalk which doesn't currently have a purpose.

Mr. Horn made a motion to accept the recommendation of denial from the Township Planner. Mr. Loudermilk seconded the motion. Upon roll call, Mr. Reece voted "No," Mrs. Eckelman chose to abstain, Mr. Loudermilk voted "Yes," and Mr. Horn voted "Yes." The variance was denied.

CINTAS CORPORATION – 27 WHITNEY DRIVE – CASE #1051

Mrs. Gibson read the Notice of Public Hearing for Case #1051. The Applicant requests a setback reduction variance from MTZR Section 12.06D to install three outbuildings 20' off the rear property line. Speakers for the case were sworn in by Mr. Horn, and Mr. Horn called for a summary of the Staff Report.

Ms. Kreindler explained that the Location is zoned "I" Planned Industrial Park District and is 7.49 acres in total size. There are three outbuildings in the rear of the main building that are setback approximately 20 feet from the rear property line. As stated in the Staff Report, each of the outbuildings is roughly 20 feet wide by 20 feet deep (400 square feet in area) and 13.5 feet in height. Ms. Kreindler stated that the accessory buildings serve as temporary storage for fabrics that are processed at the business.

Ms. Kreindler continued that in the Township's industrial zoning district, the minimum rear yard setback for buildings is 40 feet as stated in Section 12.06D of the Miami Township Zoning Resolution (MTZR). The Applicant is requesting a rear yard setback reduction variance of 20 feet to allow the outbuildings to remain in their existing location. Ms. Kreindler shared a comment from Fire & EMS Division Chief Joe Stoffolano that if the buildings were moved in accordance with the zoning regulations, it would pose an increased hazard to the Cintas building, as these buildings can catch fire and shouldn't be located near

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

DECEMBER 04, 2024

20

the main building. As stated in the application, Cintas requests the variance to continue to provide a safe work environment for its employees.

Mr. Horn asked how long the buildings had been there, and why this was coming up now. The Applicant stated they had been there many years. Ms. Kreindler stated that the Applicant came to the Zoning Office to apply for permits for the buildings in question along with other buildings that are located closer to the main building. The Zoning Office was able to issue permits for the closer buildings, but not the other three, leading to the variance request.

Mr. Horn asked the Applicant to present their case. Mr. Gary Coffman introduced himself and stated his address for the record. Mr. Coffman stated that he represents 11 Cintas locations between Indiana and Ohio. Regarding frequent fires at the Location, Mr. Coffman indicated that when these buildings catch fire, it is not usually due to something Cintas has done, but rather it is a fabric or material that they have picked up from a customer which can heat up and spontaneously combust. According to Mr. Coffman, many safety measures including temperature sensors and alarm systems are in place to catch the fires as soon as possible, but keeping the buildings away from the main building is a safety measure to prevent unnecessary spread to the main structure.

There were no adjoining property owners or interested citizens in attendance. Mr. Horn asked for the Township Staff Recommendation. Ms. Kreindler recommended approval of the variance, stating that the request aligns with the general health, safety and welfare of the community, and the hardship criteria had been reasonably met due to the impracticality of moving the buildings.

The open portion of the hearing was closed, and Mr. Horn called for discussion. Everyone agreed that the request was reasonable.

Mr. Reece made a motion to approve the variance in Case #1051 as stated. Mr. Loudermilk seconded the motion. Upon roll call, all voted "Yes."

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully Submitted,



Greg Horn, Vice Chair



Kelly Gibson, Secretary

CC: Board of Zoning Appeals Members, BZA File