

**RECORD OF PROCEEDINGS**

Minutes of

**MIAMI TOWNSHIP BOARD OF ZONING APPEALS**

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

**SEPTEMBER 04, 2024**

Held \_\_\_\_\_

\_\_\_\_\_20\_\_\_\_\_

The Miami Township Board of Zoning Appeals met in regular session on Wednesday, September 04, 2024, at 7:00 p.m. at the Miami Township Civic Center. Chairperson Randy Merrill called the meeting to order and led the Pledge of Allegiance.

**ROLL**

Attending: Steve Reece, Todd Munro, Greg Horn, Wayne Loudermilk, and Randy Merrill. Also present: Township Planner, Jamie Kreindler, and Secretary, Kelly Gibson.

**APPROVAL OF MINUTES**

Mr. Munro made a motion to approve previous minutes from August 07, 2024, seconded by Mr. Reece. Upon roll call, all voted "Yes," except for Mr. Merrill, who abstained.

**COMMON RULES OF CONDUCT**

Waived.

**CONTINUED HEARINGS**

None.

**PUBLIC HEARINGS****DANIEL RYAN – 5831 LEE WAY – CASE #1045**

Mrs. Gibson read the Notice of Public Hearing for Case #1045.

The applicant is requesting a setback reduction variance to construct a 4-car garage 44' off the front property line on a corner lot.

Speakers for the case were sworn in by Mr. Merrill.

Mr. Merrill called for a summary of the Staff Report.

Ms. Kreindler explained that the property is zoned Residence District (R-1) and is 1.24 acres in size. The property is located on a corner lot with road frontage on both Hobby Horse and Lee Way. As a corner lot, the applicant's property is considered to have two front yards according to Miami Township Zoning Resolution Section 5.06B. Ms. Kreindler stated that the minimum front yard setback is 50 feet, meaning that the applicant's request would require a 6-foot setback reduction.

The elevation drawing for the garage and other site photos were shown on screen. Ms. Kreindler noted that the garage extension would only eliminate part of the existing driveway, and no greenspace would be impacted.

Mr. Merrill asked the applicants to present their case. At the podium, Susan Ryan stated that the couple would like to keep the existing trees intact.

There were no questions for the applicant, and no adjoining property owners and/or interested citizens were in attendance.

Mr. Merrill asked for the Township staff recommendation. Ms. Kreindler recommended approval of the setback reduction variance, stating that unique setback considerations can be made due to hardships innate to corner lots. Given that the setback reduction would not be substantial, Ms. Kreindler stated that the practical difficulties standards had been reasonably met in the case.

The open portion of the meeting was closed, and Mr. Merrill called for discussion. There were no additional concerns or comments.

Mr. Reece made a motion to approve the above stated variance in Case #1045. Mr. Munro seconded the motion. Upon roll call, all voted "Yes."

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**PIG CANDY BBQ – 370 & 372 BRIDGE STREET – CASE #1046**

Mrs. Gibson read the Notice of Public Hearing for Case #1046.

The applicants are requesting multiple variances to repurpose an existing church building into a BBQ restaurant.

Speakers for the case were sworn in by Mr. Merrill.

Mr. Merrill called for a summary of the Staff Report.

Ms. Kreindler explained that the property owners for the case are Paul Montgomery and Christina Goehrig. Ben Novosel, an architect with Insomnia Design, represents the property owners. As stated by Ms. Kreindler, the property is zoned General Business District (B-2) and previously operated as Branch Hill United Methodist Church. The applicants intend to repurpose the church into a BBQ restaurant called Pig Candy BBQ.

Restaurants are a permitted use in the B-2 district. Ms. Kreindler stated that the applicants propose several changes to the site, including demolishing a previous residence, adding a covered porch, new parking, and new signage. The applicants have previously completed site plan review with Community Development staff, which identified the need for three variances:

1. Variance from MTZR Section 11.07H to account for the odor and smoke released from the outdoor smoker.
2. Front, side, and rear yard setback reduction variances from the "Area, Bulk and Yard Requirements in the B-2 General Business District" table for the principal building and dumpster.
3. Variance from MTZR Section 24.10D to increase the size allowed for minor signs.

Site plans and elevation drawings were presented to the Board which demonstrated the variance requests.

Mr. Munro asked if the applicants plan to use the same type of smoker equipment that Midwest Best, another local BBQ restaurant, uses. According to Mr. Munro, that equipment is made to keep smoke odors contained. Ms. Kreindler replied that she was unsure about the specifics of the equipment but stated that in speaking with the applicants, there did not appear to be significant concern about the smoke odors.

Mr. Merrill asked the applicants to present their case. Ms. Goehrig appeared before the Board, stating that the smoker to be used at the property is very similar to the smoker at the restaurant's current and first location, and that the applicants have not had previous complaints about the smell.

Mr. Merrill asked if the existing building is already close to the property line. Ms. Kreindler responded that yes, it is already in non-conformance.

Mr. Novosel appeared before the Board and stated that the variances requested are necessitated by both the area of the location and the need to make the building suitable for restaurant use. Mr. Novosel stated that the applicants wish to keep the front of the building facing Bridge Street free of unsightly or hazardous equipment. Mr. Merrill asked about the height of the fence which is proposed to surround the smoker. Mr. Novosel responded that one fence which would enclose HVAC equipment is proposed to be 8 feet tall, and the fence surrounding the smoker would be 7 feet tall in addition to a knee wall.

After some discussion about the general layout of the area and nearby businesses, Mr. Novosel mentioned that the house that is proposed to be demolished is not in good shape. Furthermore, Mr. Novosel noted that many of the properties in the area are located close to the street due to the nature of commerce along that route.

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There were no adjoining property owners and/or interested citizens in attendance.

Mr. Merrill asked for the Township staff recommendation. Ms. Kreindler recommended approval of the multiple variances requested and stated that the case is unique given the Township's recent influx of church vacancies and the need to find ways to repurpose those buildings. Due to the existing building being non-conforming and the challenges associated with repurposing a church, Ms. Kreindler stated that the hardship criteria were reasonably met.

The open portion of the meeting was closed, and Mr. Merrill called for discussion. There were no additional concerns or comments.

Mr. Munro made a motion to approve the multiple variances in Case #1046 as presented. Mr. Loudermilk seconded the motion. Upon roll call, all voted "Yes."

#### **CINCINNATI PINE MULCH – 1224 US 50 – CASE #1047**

Mrs. Gibson read the Notice of Public Hearing for Case #1047.

The applicants are requesting relief from Miami Township Zoning Resolution Section 12.08C to forgo the screening and buffering requirement for outdoor storage in an industrial zone.

Speakers for the case were sworn in by Mr. Merrill.

Mr. Merrill called for a summary of the Staff Report.

Ms. Kreindler explained that the property is zoned Planned Industrial Park District (I), the property owner is Longleaf Properties LLC, and the representative is Scott Kravitz. Ms. Kreindler stated that Cincinnati Pine Mulch is a seasonal business which uses the lot to store trailers used for the distribution of pine mulch across the Midwest, which are considered as outdoor storage. Per MTZR Section 12.08C, all outdoor storage must be screened from any adjacent street or property. Ms. Kreindler noted that existing and proposed landscaping does not screen the entire frontage of the location, requiring a variance.

Photos of the property were shown to the Board.

Mr. Merrill asked the applicants to present their case. Mr. Kravitz appeared before the Board and stated that he would be happy to answer any questions.

Mr. Munro asked if the trailers on the property are temporary or permanent. Mr. Kravitz responded that the trailers come and go during the operational season, however, some do stay for up to 12 months.

There were no adjoining property owners and/or interested citizens in attendance.

Mr. Merrill asked for the Township staff recommendation. Ms. Kreindler recommended approval of the requested variance, stating that staff did not find that adjoining property owners would be substantially impacted, especially given that three of the four sides of the property are buffered by an existing tree line. Ms. Kreindler also noted that she had spoken to Division Chief Stoffolano of the Miami Township Fire Department, who reviewed the plans and commented that no fencing along the frontage of the site would be preferable as to allow the fire department full access to the location in case of fire.

The open portion of the meeting was closed, and Mr. Merrill called for discussion. There were no additional concerns or comments.

Mr. Reece made a motion to approve the above stated variance in Case #1047. Mr. Horn seconded the motion. Upon roll call, all voted "Yes."

#### **OLD BUSINESS**

None.

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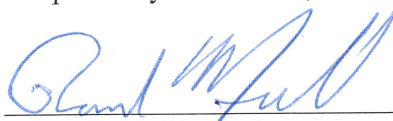
**NEW BUSINESS**

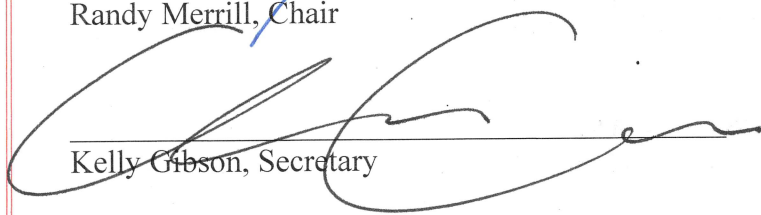
None.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:28 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Randy Merrill, Chair

  
\_\_\_\_\_  
Kelly Gibson, Secretary

CC: Board of Zoning Appeals Members, BZA File