

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

FEBRUARY 05, 2025

20

The Miami Township Board of Zoning Appeals met in regular session on Wednesday, February 05, 2025, 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: Randy Merrill, Greg Horn, Todd Munro, Wayne Loudermilk, Steve Reece, and Cheryl Eckelman (alternate). Also present: Township Planner, Jamie Kreindler; Zoning and Property Maintenance Inspector, Steve Mick; and Secretary, Kelly Gibson.

SWEARING-IN

Members of the Board were sworn in by Trustee Mary Wolff for the year 2025.

APPROVAL OF MINUTES

Mr. Loudermilk made a motion to approve the previous minutes from January 08, seconded by Mr. Munro. Upon the roll call, all voted “Yes” except for Mr. Horn and Mr. Reece, who abstained.

COMMON RULES OF CONDUCT

Waived.

CONTINUED HEARINGS

None.

PUBLIC HEARINGS

ATLANTIC SIGN COMPANY – 1093 STATE ROUTE 28 – CASE #1052

Mrs. Gibson read the Notice of Public Hearing for Case #1052. The Applicant requests a variance from MTZR Section 24.10E3 to add a second digital sign with pricing information on the fuel service canopy. Speakers for the case were sworn in by Mr. Merrill, and Mr. Merrill called for a summary of the Staff Report.

Ms. Kreindler explained that the Location is zoned “B-2” General Business District and is 20.32 acres in total size. The Property Owner is Suso 3 Mulberry LP, and the Applicant/Representative is Alex Barnett of Atlantic Sign Company. The Location is called the Mulberry Square Shopping Center and has multiple tenants including Kroger, Planet Fitness, Penn Station, and more. Kroger is the largest tenant at the Location and has a gas station in the northwest part of the property. Currently, they have two non-digital fuel price signs on the fuel canopy.

Ms. Kreindler continued that in September 2024, a zoning certificate was issued for a new digital price sign for the Kroger gas station in addition to other new signage. Kroger is requesting a variance to allow a second digital sign with pricing information on a second canopy of the gas station. This is a variance from Section 24.10E3 which states that “*In addition to the allowed signage, a maximum of one canopy face may contain digital signage with pricing information. The digital signage shall count toward the maximum signage allowance.*”

Ms. Kreindler shared the site plan and a digital representation of the intended signage as well as photos taken at the site. There were no further questions for Ms. Kreindler.

Mr. Merrill asked the Applicant to present their case. Alex Barnett introduced himself as the Applicant and Representative for the case. Mr. Barnett stated that the request comes because of a current regional rebranding campaign by Kroger, part of which involves replacing old scroller-type fuel signs which he states are no longer manufactured or serviceable. The proposed sign is not larger but does switch from analog to digital numbering.



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Minutes of

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Meeting

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There were no adjoining property owners or interested citizens in attendance. Mr. Merrill asked for the Township Staff Recommendation. Ms. Kreindler recommended denial of the variance and stated that the requested variance did not reasonably meet the hardship criteria.

The open portion of the hearing was closed, and Mr. Merrill called for discussion. Mr. Munro indicated that the hardship was not immediately clear. Mr. Reece responded that the hardship is future-based and hypothetical. Mr. Merrill asked Ms. Kreindler if the intent was to replace the old sign or to add an additional sign. Mr. Reece indicated that they are only allowed to have one digital sign, have already been approved for one digital sign, and are requesting to replace another analog sign with an additional digital sign. Mr. Horn stated that the signs are going to go exactly where they currently are, so he does not see the hardship.

Mr. Reece made a motion to accept the recommendation of denial from the Township Planner. Mr. Munro seconded the motion. Upon roll call, Mr. Loudermilk voted "No," while all others voted "Yes." The variance was denied.

#### **TIM MERK – 601 BRANCH HILL LOVELAND ROAD – CASE #1053**

Mrs. Gibson read the Notice of Public Hearing for Case #1053. The Applicant requests a variance to construct an accessory detached garage with a second floor in the "R-1" Residence District. Speakers for the case were sworn in by Mr. Merrill, and Mr. Merrill called for a summary of the Staff Report.

Ms. Kreindler explained that the Location is zoned "R-1" Residence District and is 6.12 acres in total size. The Property Owner is Brett Hubers, and the Applicant is Tim Merk. The Location is accessed via a private driveway and setback more than 2,000 feet from Branch Hill Loveland Road. Surrounding the Location are more larger lot single-family homes accessed from the private driveway as well as homes in the Miami Trails subdivision to the south and west.

Ms. Kreindler continued that the Applicant is proposing to build a new garage with a second-floor space for crafting, music, and recreational activities. As stated by the Applicant, the previous garage was destroyed by a fallen tree. Since the Location is greater than 5 acres, the total size of the proposed accessory building is acceptable per the Miami Township Zoning Resolution (MTZR). However, the Applicant is requesting a variance to increase the number of stories allowed for an accessory building, which is limited to one story. Mr. Horn asked if the variance was for both the height and number of stories. Ms. Kreindler explained that it would just be for the number of stories. Ms. Kreindler further explained that the topography of the land did not allow for the structure to be attached to the home, leading to the need for an accessory structure. The importance of there not being any bathrooms or bedrooms included was discussed because this would qualify as a second residential structure which is not allowed.

Mr. Merrill asked the Applicant to present their case. Mr. Merk discussed that the garage would sit on the northwest side of the property and further detailed other design choices. Mr. Merk explained that the building would be very well hidden with only one neighbor having a view of the structure's roof.

There were no adjoining property owners or interested citizens in attendance. Mr. Merrill asked for the Township Staff Recommendation. Ms. Kreindler recommended approval of the variance, stating that hardship criteria had been met given the steep topography of the area and unique physical characteristics including limited visibility.

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

Mr. Munro made a motion to approve the variance in Case #1053 and noted that use of the garage as a residential structure would not be allowed. Mr. Loudermilk seconded the motion. Upon roll call, all voted "Yes."

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OLD BUSINESS

None.

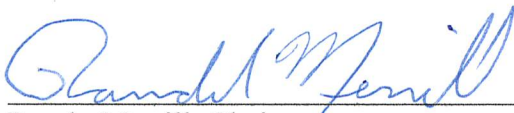
NEW BUSINESS

None.

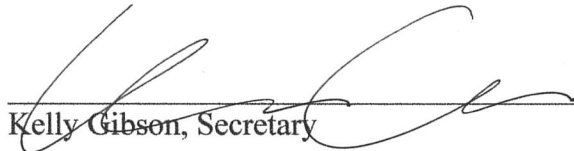
ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully Submitted,



Randy Merrill, Chairperson



Kelly Gibson, Secretary

CC: Board of Zoning Appeals Members, BZA File