PERRY TOWNSHIP
BOARD OF ZONING APPEALS HEARING MINUTES
June 18, 2020 7:00 pm via Zoom

CALL TO ORDER BY: Michael London @ 7:10pm
Pledge of Allegiance recited

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ROLL CALL:
Brown  London  Saylor  Steck  Warvel  Simon-Alternate

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CASE # BZA 2019 006 continuation
Owners: C.L.E.O. Holdings, LLC (Dean Brunk)
Address Being: 2639 Crawford Toms Run Rd, Brookville, OH 45309
Property located on the west side of Crawford Toms Run Rd, 1974.7' south of Amity Rd.
Parcel #L53 02808 0004 (78.957 acres). Property is in an agricultural district.

Nature of Appeal: Reduction of road frontage. 30' is requested, 300' is required.

VISITORS:

SWEARING/AFFIRMING IN OF WITNESSES:

Discussion: Continuation read by Michael London.
Mr. Saylor agrees to the road frontage as long as access to the cemetery is stipulated, he's okay with it. Mike Brown concur with Mr. Saylor. All document we have is fine. Mr. Warvel Private cemetery not public. 40 acres of additional farm ground also needs to be stipulated, to have access. Dean Brunk owns the 40 acres. Michael London asked Brad Warvel who should the cemetery have access to. Public Brad Warvel stated.

MOTION TO CLOSE PUBLIC PORTION OF HEARING  David Saylor  SECOND Mike Brown

ROLL CALL:
Brown  London  Saylor  Steck  Warvel  Simon-Alternate

Discussion/Decision: Michael London entered a motion in case BZA 2019006 to grant a reduction of road frontage 82.23' as requested for this property 2639 Crawford Toms Run Rd, Brookville, OH 45309 with the following stipulations 1) Owners must assure that there is access to the existing cemetery to the public. 2) That there is access to the adjacent 40 acres for the owner of that property. We have an understanding as the Board to include the parcel #’s for the 40 acres.

Variance Questions read by Michael London- all members answered True
Mike Brown – Y, David Saylor- Y, David Steck Abstain, Brad Warvel Y and Michael London Abstain

MOTION TO CLOSE HEARING  David Saylor  SECOND Mike Brown

ROLL CALL:
Brown  London  Saylor  Steck  Warvel  Simon-Alternate

CASE # BZA 2020 001
Owners: Mark & Sharilyn Miller Trs
Address Being: 11109 Old Dayton Rd, New Lebanon, OH 45345
Property located on the north side of Old Dayton Rd, east of Clayton Rd.
Parcel #L53 02902 0010 (10.02 acres). Property is in an agricultural district.

Nature of Appeal: Lot split of 2.272 acres including an existing home from parcel # L53 02902 0010 (10.02 acres.)
The remaining parcel will be 7.748 acres of agricultural land with a road frontage of 23.63’. The 2.272 acres will have a depth of 440’. Per Article 7 Section 703 A. 1. The minimum road frontage required of the Perry Township Zoning Regulation the maximum depth may not exceed 400’ in depth from the road right of way.

VISITORS:

SWEARING/AFFIRMING IN OF WITNESSES: Jeff Miller, Charlie Hypes

Discussion: Michael London ask if anyone that has been sworn in to speak in favor. Jeff Miller in favor. His son would like to buy a property in front to make it affordable for his son that is why. Jeff can answer any questions. Zoning Administrator stated a call came in yesterday opposing the lot split. No reason given. Charlie Hypes I used to live next door 11105 Old Dayton Road. When I spoke to Tara in 2011 he wanted to sell his property and was told he couldn’t get it. Jeff want to get a variance. Charlie Hypes was told he could not split the property. Hates to see small farms dismantled. What will the 23’ of road frontage do to resale. Rather see it not split but understands the reasoning to make it more affordable to Jeff’s son.
MOTION TO CLOSE PUBLIC PORTION OF HEARING  David Saylor  SECOND Mike Brown
With out objection so ordered

ROLL CALL:
Brown  London  Saylor  Steck  Warvel  Simon-Alternate

Discussion/Decision: Brad Warvel abstain because Millers Company and his Company do business together. Mike Brown concerned with the road frontage remaining 23.63’. David Saylor if you take the whole 10 acres it still does not meet the required road frontage. Zoning text does not allow us to go below 50’ and the depth on the 2 acres should remain as is. David Steck clarification-is it the little log house looking at the wrong place. Not sure which one it is. Looking at the specifications why can’t the 440’ be cut back to 400’. Is there a reason for that? Two things going on the frontage and depth 23’ not close to the zoning requirements. Visually don’t see an issue with it. 23’ allows access to the field. Understand what Jeff Miller is trying to do. Michael London will entertain a motion when it’s clear, when it’s not clear he won’t. If no motion David Saylor motion on BZA2020001 since neither one meets the zoning text not to allow this appeal to be approved. Second by Mike Brown.

MOTION TO CLOSE HEARING  SECOND

ROLL CALL:
Brown Yes  London Abstain  Saylor Yes  Steck Yes  Warvel Abstain  Simon-Alternate
Motion approved. Appeal denied. Zoning Administrator will follow up with the Millers.

CASE # BZA 2020 002

Owners: Brian R. & Cynthia L. Lamb

Address: 4111 Crawford Toms Run Rd. Brookville, Ohio 45309
Property located on the West side of Crawford Toms Run Rd 1340.0 feet/miles, South of the intersection of Providence Pike.
Parcel #/L55 02708 0020 (20.351 acres). Property is in an agricultural district.
Nature of Appeal Placement of a new pole barn in front of house.

VISITORS:

SWEARING/AFFIRMING IN OF WITNESSES:

Discussion Michael London read the case. Michael London asked if anyone to speak in favor Brian Miller- Thank you for your time, the property rolls back steep. The pole barn would be in the swale – drainage issues if the barn is back there. Security issues if the barn is placed in another location. The leading edge of the barn would be 155.2’ from the road. Charlie Hypes opposite situation-knows the area with the creek issue. No problem with the barn being where he’s proposing. Michael London anyone against-No.

MOTION TO CLOSE PUBLIC PORTION OF HEARING  Mike Brown  SECOND Brad Warvel
with out objection so ordered.

ROLL CALL:
Brown  London  Saylor  Steck  Warvel  Simon-Alternate

Discussion/Decision: Brad Warvel from the description and the drainage sees no problem. David Steck -does not have a problem with the 7”. Believes it will be an improvement. The 7” would not even be noticeable. Might consider raising the grade. Mr. Lamb will consider that. David Saylor need to live by the zoning text. Article 38 I David Saylor said. Can make exceptions but Mike Brown familiar with property. Believes it will be an improvement. Understand the owner’s reason, but also understands David Saylor’s concerns. David Saylor asked the size of the building. Its big will not see the house going north. Michael London entered a motion BAZ2020002 to approve the appeal as requested which delineated on the property plot variance sketch the appeal and drafted by Stephen Pope April 28, 2020.

MOTION TO CLOSE HEARING Brad Warvel  SECOND David Steck

ROLL CALL:
Brown Yes  London Abstain  Saylor Yes  Steck Yes  Warvel Yes  Simon-Alternate


MOTION TO ACCEPT THE 5th of March 2020 MINUTES  Mike Brown  SECOND David Saylor
Minutes from 3-5-2020 Received by all and reviewed without objection so ordered.

ROLL CALL:
Brown  London  Saylor  Steck  Warvel  Simon-Alternate

OTHER ANNOUNCEMENTS / PUBLIC COMMENTS:

New BZA Regular Member: David Steck New BZA 2nd Alternate Member: Dale Seim
Carport at 9800 Westbrook Rd
Carport 9800 Westbrook Kate Christian gave a recap of the case. Kate stated the property owners have not been advised of the situation. Mike Brown believes the owners misrepresented the information to the Zoning Administrator. It looks like a Morton Building with out a door. Davis Saylor anything said is not in disrespect to Kate. Motor home and car or truck in it always. Motor home belongs to mom and dad. Three years ago, we approved a split. Think they need a letter due to misrepresentation on the paperwork to ask permission to leave the building or remove. Brad Warvel pole barn with ou doors not completely behind the house Does not conform to the definition. Agrees they should be sent a letter. David Steck pole barn is a permanent structure. Kind of pushed the envelope. Agree a letter should be sent and come before the board needs to be address further. Michael London suggestion Zoning Administrator based on the feedback get with Nathaniel to see if we can send a letter to the property owner. Need to be clear on what to do. Kate stated that she already reached out to Nathaniel. Kate will forward the email on Monday.

Michael London stated to send your feedback to the Zoning Administrator. David Saylor Something, we need to do as a Board in the right way. Mike Brown agrees with everything willing to meet the prosecutor. David Steck Variance with people around must agree. Michael London stated never been before the Board. Brad Warvel asked Kate to read the definition of the carport. Asked what Nathaniel said Kate read the email in brief and the 4 options she came up with. Michael London note in minutes Zoning Administrator will share the communication from the prosecutor. BZA to share thoughts to Zoning Administrator to have a meeting with the prosecutor's schedule.

MOTION TO CLOSE PUBLIC PORTION OF HEARING  Michael Brown  SECOND Brad Warvel

Michael London Thanked Kate for her Hard work as Zoning Administrator, Karen said she would have big shoes to fill – Lots of experience on the Board.
Michael London Thanked Jason Hartshorn for all his help.

MOTION TO ADJOURN  Michael London  Time: 9:05 PM

MOVED David Saylor  SECOND Brad Warvel