



**Berkshire Township Board of Zoning Appeals
Regular Meeting Minutes
November 15, 2023**

Call to Order: Kim Zianno Hartman called the meeting to order at 7:03 p.m.

Determination of a Quorum/Roll Call: Members Dorothy Kerr, Kim Zianno Hartman, Scott Lillie, Bruce Denton, James Spurrier and Ellen Ebe (Alternate). Also, present were David Weade, Zoning Inspector; Donielle Owen, Meeting Secretary.

Motion to approve the minutes: A motion to approve the meeting minutes from the August 16th, 2023, meeting was made by Dorothy Kerr and seconded by Kim Zianno Hartman. The motion was approved 5-0.

Announcements: Statement of Policy

As is the adopted policy of Berkshire Township, all applicants will be granted an opportunity to make their formal presentation. Following the applicant's presentation preliminary questions or points of clarification from the board will be allowed. The audience will then be granted an opportunity to comment. Each individual will be granted 3 minutes. We ask that you be brief and to the point. The Chairperson may limit repetitive comments and close public comments after a reasonable time. The board will follow with questions and take action if needed.

Participants Sworn in by Donielle Owen, Meeting Secretary:

Jason McComas
Justin Shear

New Business:

**Variance Application #23-149-McComas Builders, LLC for Matt and Erin Reckner
6978 Dustin Road, Galena, OH 43021**

Requesting a variance for an existing home for a 22' setback from the 130' that is required by Berkshire Township. The architect put 120' on the prints and the Township requirement is 130'. The addition will be a significant improvement to a well-maintained property. The driveway will stay in the same location.

Kim Zianno Hartman requested confirmation of the small rectangular building on the plan; Jason McComas stated that the building was removed.

Dorothy Kerr asked if there are updated documents with the 130' setback referenced, and Jason McComas stated there is not.

James Spurrier requested confirmation of the total reduction being requested; Jason McComas stated that 108' would be the total. Requesting a reduction of 22' from 130'.

David Weade confirmed that the architect mistakenly entered 120' believing that this was being done in Geona Township and the paperwork was not updated.

Kim Zianno Hartman asked if this is the only option due to the location of the septic; Jason McComas said yes.

Dorothy Kerr requested information on the location of the septic on the diagram submitted with the application; Jason McComas stated that 12' from the rear of the garage is the leach field.

Dorothy Kerr requested confirmation that the Health Department approval letter was received; Jason McComas stated that the approval letter was received but he did not currently have that letter with him.

Dorothy Kerr asked where the location of the additional living space is; Jason McComas stated that the additional living space is located above the garage.

Bruce Denton made the Motion to Approve Variance Application #23-149. James Spurrier seconded. Motion approved 5-0.

David Weade stated that the applicant will need to come back to the Township for the Zoning Certificate and will need to bring the approval letter from the Health Department.

Variance Application #23-150: Trinity Homes for 1619 Summerford Drive Justin Shear

They are still building in the subdivision and with the model lot that is available they designed a smaller home due to the smaller lot size and would like to have a patio on the lot.

Kim Zianno Hartman requested the size of the patio being requested; Justin Shear stated the request is for a 14'x18' wide patio with a 6' surrounding radius.

Dorothy Kerry asked what is behind the property; Justin Shear stated that behind the property is tree lined.

Dorothy Kerr asked if there's any existing patio; Justin Shear stated there is not an existing patio.

Dorothy Kerr asked if there is a space of 2' between the house and proposed patio; Justin Shear stated there is a space of 2' between the house and the patio.

Ellen Ebe asked if the plan is to build the patio now; Justin Shear stated the plan is to build the patio in the spring of 2024.

James Spurrier stated this would be a large patio.

Dorothy Kerr asked if the patio could possibly be built extending to the end of house and shortened to make a rectangular; Justin Shear stated that it would be awkward and not an ideal design and he doesn't prefer a 12x12 square patio.

Kim Zianno Hartman asked if the patio could go out the opposite way; Justin Shear stated that the patio would then be an odd shape.

Scott Lillie asked if the patio could be built to the right of the landing; Justin Shear stated there's a lower level, much like a split-level house, making it beneath grade and typically patios are not built in that location.

Scott Lillie stated the patio could be the entire width of the house and possibly make the patio 14'.

Ellen Ebe is there an expectation that the future homeowners may be unhappy with the proposed patio; Justin Shear stated the future homeowner will most likely want a larger patio.

Scott Lillie asked if the house was already built; Justin Shear stated the house has been built and is the Burlington plan.

Ellen Ebe stated that it would behoove the applicant to build the nicest patio that they possibly can.

James Spurrier stated the patio could be placed to the North/South by turning it and there would be an additional 6'. Justin Shear stated that option would work and would also be less of an encroachment;

Dorothy Kerr asked about the questions on the application stating that the information is mismatched; David Weade clarified the application has seven questions on page 2 to be answered and somehow, the items on the application have been blended and mixed up.

Bruce Denton requested confirmation of the location of this house and if it's the lot closest to Cheshire Road; Justin Shear stated the location of the house is the 3rd or 4th house on the left and not the first house.

James Spurrier asked what is to the south? Justin Shear stated there's a walkway and woods.

Dorothy Kerr asked if the woods are a part of the lot; Justin Shear stated there are trees on the lot that will remain.

Scott Lillie asked how many lots are left to develop; Justin Shear stated there are 39 homes left to build in the first phase then an additional 30 homes to build all with different setback requirements.

David Weade stated the developer agreed to have a 40' setback in the rear for the lots located at the front of the development and once beyond that entrance area then the setback is 40' to 50' depending on the location of the garage.

Scott Lillie asked how to avoid this issue in the future. David Weade stated the developer would need to initiate the change through the Zoning Commission.

James Spurrier made a motion to approve Variance Application #23-150-changing the request to a reduction in 40' setback of 8' to make the setback 32' from the rear property line. Bruce Denton seconded. Motion approved 3-2.

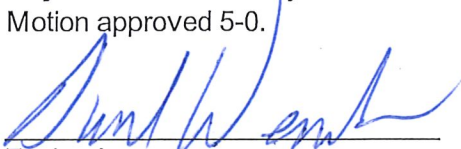
David Weade stated the applicant must obtain a Zoning Certificate from the Township before building anything and that he will also type up a notice that the variance request passed and will note the requirement details for future use.

Public Participation: NONE

Other Business: New Code changes adopted. New sections printed for the board and will be presented at the next meeting.

Regional Planning Commission Updates: NONE

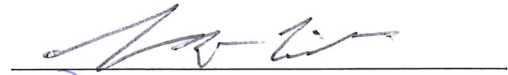
Adjournment: Dorothy Kerr motioned to adjourn the meeting at 8:04pm. Scott Lillie seconded; Motion approved 5-0.




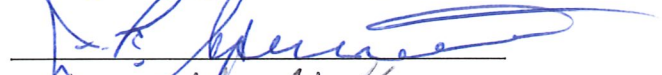
Zoning Inspector


Meeting Secretary

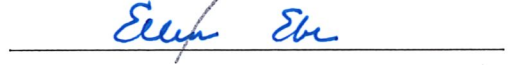
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Board Members