



Berkshire Township Board of Zoning Appeals
Regular Meeting Minutes
June 18, 7:00pm

Call to Order: Kim called the meeting to order at 7:00 p.m.

Determination of a Quorum/Roll Call: Members Dorothy Kerr, Kim Zianno Hartman, Fred Grunewald, Erika Crawford, James Spurrier, and Ellen Ebe present. Also, present were David Weade, Zoning Inspector and Alison Newton, and Alison Newton, Meeting Secretary.

Motion to approve the minutes:

Jim made a motion to approve the meeting minutes from January 15, 2025th. Dorothy seconded. Fred abstained. Motion approved 5-0.

Ellen made a motion to approve the meeting minutes from February 19, 2025th. Kim seconded. Dorothy, Fred, and Jim abstained. Motion approved 3-0.

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

David made a point to explain that the Board of Zoning Appeals is the legal entity of the township and the Ohio Revised Code requires that three members must approve the application whether there are three, four, or five board members present. For the first application, Jim is recusing himself from the application hearing tonight, and his grandson will be speaking on behalf of his application, Erika will then be a voting board member for this application. Erika will not vote for the second application of the night.

Regional Planning Commission Updates: none

Participants sworn in by Kim Zianno Hartman:
Greg McDaniel, Shawn Tribble, Nathan Painter, Nicholas Loprinzi

New Business:

Application 25-064 James Spurrier Variance Front setback application

Shawn Tribble spoke on behalf of his grandparents (Jim and Clara Spurrier) to reduce their front setback from 130ft to 90ft. He explained that the 130ft setback would push development back on the property which would require the loss of vegetation and issues with drainage lines. He noted that without the setback the lot is unbuildable, and he does not think that this is a substantial change to the character of the neighboring properties. He explained that many of the neighboring houses have existing setbacks that are of similar distance, if not closer to the street.

Kim asked about the photograph provided, and if the house would be in line with the neighbor's house. Shawn noted that it would be similar to the neighboring house and Shawn said that the house to the north sits closer to the road than their proposed house.

Erika made a motion to approve application 25-064. Ellen seconded. Motion approved 5-0.

Application 25-065 Fischer Homes Variance Model Home application

David made a note that letters submitted from community members were placed in front of the board members for the meeting tonight.

Nathan Painter speaking on behalf of the applicant Fischer Homes, he noted that the model home on Goldwell Rd was approved to last for 3 years with the possibility of a 1-year extension. He noted that the model home use is overdue at this time and they are here asking for an extension for several months to allow the model home to be used while the new model is being built and should be ready by October 31. The new model home has been permitted and is under construction and should be ready in mid to late September. He stated that they need this model home open until the new model home is completed to continue to operate and sell units in their development. Nathan acknowledged some concerns that were brought to his attention, one of which is parking, he noted that they checked on parking and parking sign which will be replaced and will be in compliance with the Township's policy. He noted complaints about construction debris that has now been cleaned up. Finally, to address the complaint about damage to a property of a nearby home, they are in contact with that homeowner to remedy the situation.

Erika noticed that the amendment that was accepted by the board in 2016 that the model should not be used for sales outside of the development. Nathan said that there was one lot left. She asked why there was a delay with the building of the new model home and Nathan indicated it was delayed due to permitting.

Fred asked if there could have been a model home built in Ivy Wood earlier, Nathan indicated yes.

Kim asked when the first model home was opened, Nathan noted that was in 2020. She inquired if these sections (Ivy Wood, Goodwell) are considered one development, Nathan said yes they are all part of the Northstar development. Kim asked if there were other Fisher Homes model homes nearby, Nathan did not know if there were other model homes in the area for customers to visit. Erika noted that she drove by the neighborhood and thought the houses looked quite different in the two sections. Nicholas noted that one is a patio product, one is a two-story housing product so there might be differences in Goldwell and Ivy Wood.

Jim asked if the last lot is Goldwell is the model home, Nicholas said no. Jim asked if there were similar homes in the neighborhood that people could see before making a purchasing decision, Nicholas said yes, if they wanted to view the exterior. Jim asked for clarification on the date of the existing model home, the applicant said the permit was issued in April of 2020. Jim asked Nathan his role in this development, Nathan noted that he is a lawyer in charge of zoning, and not intimately familiar with the homes. Jim asked for specifics about the contract and who would be in charge of maintaining the document, Nathan said he did not know who was in charge of this at Fischer Homes.

Nathan conceded that now they need the variance due to the permit of the model home in 2020 being expired

Dorothy asked about the permit for the model home, she did not see any indication of the extension for the year or after that, she asked if there was an application to extend. Strike Nathan explained that there can be an extension per the policy for one year and that was applied for and used.

Chair Hartman offered to the applicant the option to continue the meeting to a different date so that Jeremey (a colleague at Fischer) could be present to provide more information, as he could not be here tonight.

Dorothy asked about the application having answered questions to the 7 questions but did not provide the other text, David noted that the application was acceptable.

Jim noted that under item 2 of the application, whether the variance is substantial, they set forth terms and conditions relative to the model home. Nathan noted the

descriptions that were provided to demonstrate the request is not substantial in terms of time.

Dorothy asked if the applicant was aware of the letters that were sent to David, the applicant said they (Tim Braider) had received some of them. She asked about the terms of HOA, the applicant explained that the HOA is relinquished when they sell and close the last lot and move out of the model home.

Public comment:

Gregory McDaniel, resident of Goldwell, explained that Fischer Homes' control of their HOA until they move out creates concerns with him and his neighbors. He explained that he and his neighbors have no say in the financial goings on, and other things such as resident lists. His concern lies with the fact that they have no say in what is going on and could be making contracts for next year including snow removal. He has a strong desire to manage his own community along with his other neighbors.

Mark Kurtzaho, resident of Goldwell, explained that he lives in the neighborhood and wanted to note that Fischer Homes has contractor trucks in front of the model home and that he was not happy with the upkeep of his lawn, especially with the high HOA fees.

Nicholas explained that Nationwide is the developer. Fischer Homes controls the HOA, he said that they keep ownership until they close on the last lot in the community. He also noted that the nearest model home was 20 minutes away, and if they keep operation of the model home it might expedite the timeline of turning over the HOA.

Dorothy asked for clarification of the HOA, it was clarified the remaining lot has to be closed and the model home has to be closed as well.

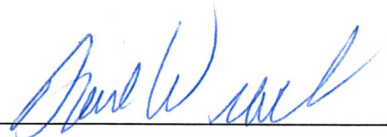
David made a point of clarification about the sidewalk along Wilson Rd and the pond on the east end of the Goldwell development are not on the same HOA as the Fischer Homes, that is the Nationwide HOA.

Jim made a motion to deny application **25-065** based on the fact that the variance is considered substantial. Dorothy seconded. Motion approved 5-0.

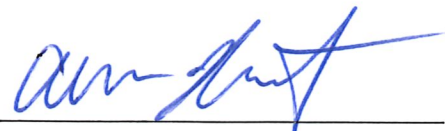
David told the applicant that they have 30 days from this hearing to close the model home.

Other business: none

Adjournment: Fred made a motion to adjourn the meeting at 7:49pm. Kim seconded. Motion approved 5-0.



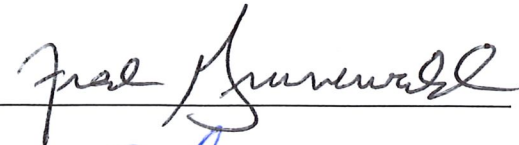
Zoning Inspector

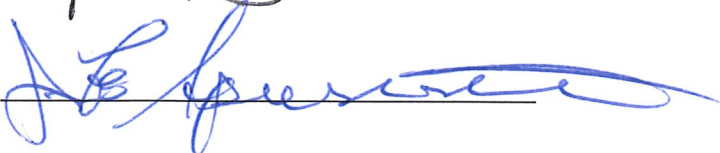


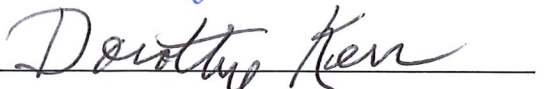
Meeting Secretary



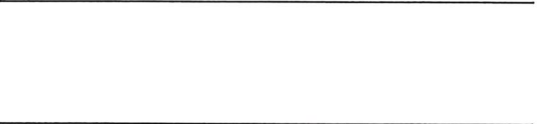
Date













Board Members