PERRY TOWNSHIP

BOARD OF ZONING APPEALS HEARING MINUTES

## 10 Apr 2025 7:00 pm

CALL TO ORDER BY Manfred Schreyer @ 7:00pm

##### PLEDGE OF ALLEGIANCE

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**ROLL CALL:**

**Schreyer** Here  **Steck** Here  **Seim** Here  **Freshour** Here

##### VISITORS: Lisa & John Childers, Mike Hughes

##### SWEARING/AFFIRMING IN OF WITNESSES: Al Acker swore in all visitors wishing to speak in favor or against BZA case # 2025 002V. Mike Hughes raised his hand and took the oath.

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##### CASE # BZA 2025 002V

##### Owners: Lisa & John Childers

**Address Being:** 12501 Brookville Pyrmont Rd Brookville, OH 45309

Parcel #L55 02704 0004 (23.1 acres). The Childers’s wish to do a variance to split 3.1 acres from the 23.1-acre parcel. The remaining 20-acres will remain zoned for agricultural purposes only. Property is in an agricultural district.

##### Nature of Appeal: Manfred Schreyer: The purpose of the meeting is to review the Case BZA#2025 002V.

filed by Lisa & John Childers for the property at 12501 Brookville Pyrmont Rd Brookville, OH 45309, Perry Township, Montgomery County. The applicant is requesting a variance in accordance with Perry Township Zoning Regulation, Article 4, Section 403.B.1.

As members of the Board of Zoning Appeals, it is our duty to revie these cases at a public hearing and render for or against based on the application, staff report, and evidence presented and heard at this hearing.

Introduction of the Case BZA# 2025 002V

**Al Acker** read the staff report (see attached)

**Testimony:** by Mike Hughes, 278 Johnsville-Brookville Rd.

Is your intent to sell the agricultural portion and is it possible to stop it from being sold to someone to split up and then we have hundreds of houses? Can the deed be restricted somehow?

**Mr. Childers**: We have a buyer, and he is a neighbor who currently farms it.

**Al Acker:** I do not believe the BZA can do a deed restriction, however; I believe that the zoning regulation restricts number of times a lot may be split.

**Manfred Schreyer**: Is there any other questions or comments.

Review of Article 4 Section 405.

**Manfred Schreyer:** The Board of zoning appeals may authorize variances from the terms of this resolution as stated in Section 403.B., when the Board has made finding of the facts, based upon the standards set out in Subsection 405.5. The staff report has addressed each of these standards.

**Manfred Schreyer:** Any of the Board members or audience (sworn in) have additional questions pertaining to Section 405 or the requests by the applicant? Close he public Hearing The time is 7:15pm.

**Manfred Schreyer:** Standards of Variance.

The Board shall not grant a variance unless it shall in each specific case, make specific findings solely based upon evidence to it that support conclusion that:

The variance requested arises from the special condition of or involving the property which are unique, that is a situation which is not ordinarily found in the same zoning district and that situation results from the enforcement of this resolution and not by an action or actions of the property owner, the applicant or any other person or party who has had control of the property.

**Al Acker:** True or False

**Schreyer** True  **Steck** True **Seim** True **Freshour** True

**Manfred Schreyer**: The strict application of the provision of this resolution from which a variance is requested will not constitute unnecessary hardship upon the property owner represented in the application.

**Al Acker:** True or False

**Schreyer** True  **Steck** True **Seim** True **Freshour** True

**Manfred Schreyer**: The variance desired will not adversely affect the public health, safety, and morals.

**Al Acker:** True or False

**Schreyer** True  **Steck** True **Seim** True **Freshour** True

**Manfred Schreyer**: The variance desired will not compromise the general spirit and intent of the resolution.

**Al Acker:** True or False

**Schreyer** True  **Steck** True **Seim** True **Freshour** True

**Manfred Schreyer** The variance desired will not compromise the preservation of prime agricultural and open spaces.

**Al Acker:** True or False

**Schreyer** True  **Steck** True **Seim** True **Freshour** True

**Manfred Schreyer**: Is thee a motion to grant or deny BZA case # 202**5** 00**2**V as presented or with stipulation the Board would impose?

**Manfred Schreyer**: I make the motion to grant.

**David Steck**: Seconded.

**Al Acker**: Stipulation?

**Manfred Schreyer**: Deeds are completed within 6 months. The split of 3.1 acres will be zoned residential and the remaining will remain agricultural.

**Schreyer** Yes  **Steck** Yes **Seim** Yes  **Freshour** Yes

**Manfred Schreyer:** Mr. Childers just be aware of the taxes that will affect you since CACV will no longer affect you.

**Manfred Schreyer**: Motion to adjourn.

**David Steck**: Seconded.

**Schreyer** Yes  **Steck** Yes **Seim** Yes  **Freshour** Yes

**Respectfully submitted,**

**Al Acker**

**Perry Township – Montgomery County Zoning Administrator.**