

RECORD OF PROCEEDINGS

Minutes of

MIAMI TOWNSHIP BOARD OF ZONING APPEALS

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

NOVEMBER 05, 2025

Held

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The Miami Township Board of Zoning Appeals met in regular session on Wednesday, November 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, Steve Reece, Todd Munro, Greg Horn, and Wayne Loudermilk. Also present: Township Planner Allison Bahr, Planning and Zoning Administrator Brian Elliff, and Board Secretary Kelly Gibson.

APPROVAL OF MINUTES

Mr. Loudermilk made a motion to approve the previous minutes from October 01, 2025, seconded by Mr. Horn. Upon the roll call, all voted "Yes."

COMMON RULES OF CONDUCT

The common rules of conduct were read to the gallery by Board Secretary Ms. Gibson.

CONTINUED HEARINGS

None.

PUBLIC HEARINGS**BEAVER CREEK SITE MANAGEMENT, LLC – 5452 DRY RUN RD – CASE #1067**

Mrs. Gibson read the Notice of Public Hearing for Case #1067. The Applicant is seeking Conditional Use approval for a Single-Family Residential Subdivision and 10' front yard setback variance. Speakers for the case were sworn in by Mr. Merrill, and Mr. Merrill called for a summary of the Staff Report.

Mrs. Bahr explained that the Location is zoned "R-2" Residence District and is 20.55 acres in total size. The Property Owner is Adam Davisson, the Applicant is Beaver Creek Site Management, LLC (Ed Farrugia) and the Representative Contact is Abercrombie & Associates Inc (Doug Smith). The Applicant is requesting an R-2 conditional use approval for a proposed subdivision at 5452 Dry Run Road, Milford OH, approximately 900 feet north of Pine Bluffs Way. The proposed subdivision will consist of forty single-family lots and two open space lots for a total of forty-two lots. The applicant is in addition requesting a ten-foot front yard setback variance from 50 feet to 40 feet.

Mrs. Bahr continued, stating that the gross density of the proposed development is 1.99 dwelling units per acre, which is a density less than the allowable 2.6 dwelling units per acre. The proposed development does not meet the minimum front yard setback requirement of 50 feet; the proposed 40 foot front yard setback (requiring a 10' variance) is consistent with the neighboring Pine Bluffs subdivision. The site plan was shown to the Board. There were no further questions for Mrs. Bahr.

Mr. Merrill asked the Applicant to present their case. Mr. Craig Abercrombie addressed the Board and discussed his reasoning for the requests. According to Mr. Abercrombie, the setback reduction variance will allow for larger backyards instead of frequently unused front yards. Mr. Loudermilk asked the applicant if they would still build if they did not receive the setback reduction variance. Mr. Joe Ferruggia stood and stated that they would indeed still build. There were no further questions for the applicant.

There were several adjoining property owners and interested citizens in attendance. For this reason, Mr. Elliff stated that there would be a three-minute rule for each speaker. The first to speak, Darien Hewett, stated that 350 new homes have been built off of Dry Run Road over the last 20 years. As a long-term resident of the area, she said that this rate of building has been shocking. She also stated that Dry Run is a very rugged road, and many homes do not even have access to sewer lines, including the proposed development. Looking at the site plan, Ms. Hewett inquired about whether the developer plans to tie in sewage lines from the

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Pine Bluffs development, and if so, was that system built to withstand the addition of 40 more homes. Finally, Ms. Hewett stated that it would be a shame to see this beautiful property developed and lose the natural flora and wildlife that live there. As such, Ms. Hewett said that if the development is to happen, the addition of more trees to hide the homes would be desirable.

The second speaker, Mr. Joe Gundlack, stated that he was originally drawn to the area due to its rural nature. Mr. Gundlack asked if there is a variance request for the number of housing units and was told there was not. Mr. Gundlack continued, stating that even when the weather is great, Dry Run is a treacherous Road. As such, he felt that by adding homes and additional traffic to the area this problem could become worse.

Brooke Coll introduced herself and was sworn in. Mrs. Coll said she and her mother had lived in the area for many years and reiterated concerns about increased traffic. She also asked where the run-off is supposed to go that will be created by the additional concrete. A retention pond was mentioned.

A fourth speaker, Marsena Cathcart, was sworn in and reiterated Mrs. Huett's concerns about losing the rural charm and wildlife in the area and stated that she would like to see a lot of trees included in the new development.

Finally, Mr. George Nicholas was sworn in and inquired about the possibility of asking the developers to shoulder some financial responsibility in making the road more suitable for the increased traffic it will cause. Mr. Elliff answered, stating that while surrounding Townships have tried to employ such strategies, these efforts were challenged in court. As a result, it was determined that state law prohibits this type of agreement because it is considered a tax, and Townships cannot charge tax.

Mr. Merrill asked for the Township Staff Recommendation. Mrs. Bahr recommended approval of the Conditional Use and variance requests given the following conditions:

- Sump pump lines added reference
- Fire hydrant installed across from lot 18 or 19

Mr. Elliff added a comment that Townships are also not allowed to deny zoning requests based upon the traffic they may create. While the concern is valid, state law prevents this.

The open portion of the hearing was closed, and Mr. Merrill called for discussion. Mr. Loudermilk made a motion to sequester the Board for discussion. The motion was seconded by Mr. Munro. Upon roll call, all voted "Yes," except for Mr. Horn, who voted "No."

The Board returned at 7:41 p.m. and Mr. Munro said that in discussion, it was determined that the Board is limited in its power in this case, except for in the case of the setback.

Open session was resumed at 7:42 p.m. Joe Farruggia stated in response to resident concerns that the proposed development will have appropriate capacity for sewer and water, plans to include tree line buffers, and will include retention ponds for water run-off.

Mr. Merrill reiterated that traffic concerns were the responsibility of the County and that the Township cannot allow the traffic concerns to influence their decision tonight.

The open portion of the meeting was again closed. In discussion, Mr. Reece added that he has seen many developments go into the Township such as this and that they appeared to have little measurable traffic impact.

Mr. Reece made a motion to approve the variance and Conditional Use requests in Case #1067, on the condition that sump pump lines were added and a fire hydrant be installed across from lot 18 or 19. Additionally, additional buffering should be added. Mr. Loudermilk seconded the motion. Upon roll call, all voted "Yes."

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OLD BUSINESS

None.

NEW BUSINESS

William Schalk/KBA Incorporated Case #1068
1300 US Route 50 (Commercial Variance) Parcel #192408C170

Mrs. Bahr introduced the case as complete and distributed the materials. The applicant is requesting a commercial variance for a dock addition into the rear setback.

Mr. Reece made a motion to set the case for public hearing on December 03, 2025.

Mr. Reece seconded the motion. Upon roll call, all voted "Yes."

Paul Shirley/Branches Church Case #1069
6642 Branch Hill Guinea Pike Parcel #174043C036

Mrs. Bahr introduced the case as complete and distributed the materials. The applicant is requesting a parking variance for off-street parking.

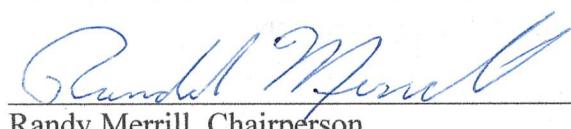
Mr. Reece made a motion to set the case for public hearing on December 03, 2025.

Mr. Munro seconded the motion. Upon roll call, all voted "Yes."

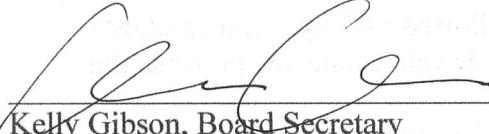
ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully Submitted,



Randy Merrill, Chairperson



Kelly Gibson, Board Secretary

CC: Board of Zoning Appeals Members, BZA File