



# City of Germantown, Ohio Board of Zoning Appeals

## MINUTES OF MEETING HELD ON JUNE 9, 2025

(Prepared on June 11, 2025)

The Board of Zoning Appeals (BZA) met in regular session on June 9, 2025 at 7:00 p.m. in the City Building Council Chambers.

### Meeting Summary:

Two BZA cases were heard on June 9, 2025 by the City of Germantown BZA. The first case was CU#25-03 for a Home Occupation at 300 Lindell Drive, which is a Conditional Use. The second case was V#25-03 for a fence height variance at 328 W Market Street.

### Members Present:

The following members were present at the Call to Order: Mr. Treiber; Mrs. Izor; Mr. Dalton; Mr. Herner.

### Members Absent:

The following members were not present at the Call to Order: Ms. Spencer; Mr. Jones.

### Also Present:

Also present were Chad Adkins, the City Planner and several visitors (See sign-in sheet).

### Excuse Absent Members:

Mrs. Izor stated that Ms. Spencer would not be at the meeting due to illness.

### Motion:

Mrs. Izor asked to adjust the agenda to move the Public Hearings before Approval of the Minutes. There were no objections.





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### **Public Hearing CU#25-03:**

Mrs. Izor stated the Board would hear Conditional Use Application CU #25-03 for a Home Occupation, made by Isaac and Ashley Hull at 300 Lindel Drive.

#### *Applicant Presentation*

Mr. Hull provided an overview of his business and stated that he was not aware that he would need a permit for use of his property. Mr. Hull uses his home address as the business address, which is a secondary source of income. The business provides trailers to customers who fill up the trailer at their own property, which is then retrieved by Mr. Hull and the contents are disposed of. He is asking to use his driveway so that he can periodically store a trailer for early morning delivery, for minor maintenance when at the residence, and for added security.

Mr. Hull has rented an off-site facility for the primary storage of the three trailers, but he still desires to use his residence for storage on a short-term basis. Mr. Hull stated that he has not had the trailer at the residence for several weeks.

#### *Staff Summary*

Mr. Adkins stated the zoning is R-1R-1 and the Home Occupation is a secondary business for Mr. Hull. Mr. Adkins stated that the applicant is requesting to store of only one trailer at a time, and that the trailer will primarily be at 300 Lindell on Friday's due to Mr. Hull's work schedule.

Mr. Adkins then provided a review of the Zoning Code, which states specific requirements for storage of commercial vehicles and trailers in residential areas, which requires any storage to be done inside of an enclosed building. Mr. Adkins noted that this requirement is not possible at 300 Lindell Drive; however, specific conditions may allow for the requested use to meet the intent of the Zoning Resolution. These conditions for discussion purposes are:

1. Specify that no more than one trailer can be stored in the driveway at a time.
2. Place a time-limit per week on how long trailers can be stored.
3. Specify that no trailer is permitted to be stored on specific days.
4. Limit the maintenance that can be maintained.

The Public Hearing opened at 7:09 p.m.



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### *Proponents Recognized*

None.

### *Opponents Recognized*

Opponent #1 stated the following:

- This is a residential subdivision.
- If allowed, it will affect our property values.
- Neighbors have no idea what he is hauling.
- If allowed, who else will request to use their property this way, or what else will come?
- Lindell Drive is a busy road especially during school with many buses.
- Neighbors have seen the trailers in the front yard.
- We do not know the environmental impact on our neighborhood.

Opponent #2 state the following:

- Long-time resident.
- This is a quaint little town, there are enough business areas.
- We accept businesses as-is but not in the residential neighborhood.
- Concerned about battery leakage.
- There used to be no maintenance on streets, back in the 1970s, and the code stated that.
- Opposed to having a business like this in the residential area.

### *Final Statement from Staff*

Mrs. Izor asked for any final comments from staff. Mr. Adkins stated that cleaning of the trailers is done off-site before the trailer would be brought back to the residence at 300 Lindell Drive.

### *Final Statement from Applicant*

Mrs. Izor asked for a final statement from the applicant. Mr. Hull stated the following:

- I rent the trailers out, they hardly come back to my house anymore.
- I rented a place on 725 outside of town to store the trailers.
- They will only be at my house for an hour or two, to change a battery or fill my tires.
- Most compressors cannot fill the tires to 120 PSI as required, I use specialized equipment.
- I am requesting to run my business by the book, but do not have a separate facility beyond the rented storage facility on 725.
- Trailers have GPS and you can track how long they are in the driveway.



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### *Close Public Hearing*

Mrs. Izor closed the Public Hearing at 7:16 p.m.

### *Deliberation & Decision*

Mrs. Izor asked if there are any questions from the board. Mr. Trieber stated he has not heard of a trailer that needs a battery and asked Mr. Hull what kind of trailers are they?

Mr. Hull responded that he has three lift trailers that require batteries for the hydraulic lift. These are brand new trailers and they use regular car batteries that need to be charged about every three weeks. These are not special batteries and many people change similar batteries out in their driveways regularly, without leaks.

Mr. Trieber stated there is nothing that prevents Mr. Hull from running the business from inside the house from an office. However, Mr. Trieber has concerns about having the trailers in the driveway in front of the house. Mr. Trieber stated that trailers and boats need to be stored behind the residences, to keep residential areas from being cluttered. Mr. Hull stated that there are boats and trailers in many driveways currently and he keeps his trailers clean. Mr. Trieber stated that he used to operate a business with a trailer and he rented space, and acknowledged the additional costs.

Mr. Herner asked and clarified that the trailers are metal sided, not platforms with wooden boards. Mr. Hull responded that is correct and he always brings his trailers back clean after each use. He does not want to look like "Jed Clampett".

Mr. Herner then asked specifically where the trailers are parked? Mr. Hull stated that it is only in the driveway. Mr. Herner stated that he looked at the property and the driveway is not very wide. Mr. Hull stated that his wife can park in the driveway with a trailer. Mr. Hull continued: if a trailer is there, it is hooked up to the truck and usually after 8 p.m., and then it is gone by 6 a.m. the next morning. Trailers are not at 300 Lindell Drive during the daytime.

Mr. Herner then asked where the trailer is coming from? Mr. Hull stated that he will bring the trailer to his house typically at 8 p.m. for early morning drop-off, by 6 a.m. Mr. Hull has to work at 6 a.m. Monday through Thursday, so he usually drops the trailers off around 5 a.m. and then retrieves later that evening.

Mrs. Izor asked if Mr. Hull operates the hydraulics at 4:30 a.m.? Mr. Hull stated that he wakes up and leaves, he never operates the trailers in his driveway.



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Mrs. Izor asked for clarifications based on the staff report and how long trailers will be on the property. Mr. Hull stated that it is usually an hour here or an hour there, or overnight for early delivery the next morning, arriving around 8:00 p.m. and leaving by 6 a.m.

Mrs. Izor asked if any maintenance tools create noise late at night or require storage. Mr. Hull said no, and that he does not do any maintenance after 9 p.m. and is usually in bed by then.

Mrs. Izor asked about the concerns of what type of materials are hauled. Mr. Hull stated that he does not run a hauling business, he rents trailers out to people. If someone needs to empty their garage, he brings them the trailer and they fill it up. Mr. Hull picks it up, disposes of the contents, and cleans the trailer.

Mrs. Izor asked about the size of the trailers, with the largest being 7 feet by 14 feet. Mr. Hull stated that the largest is the only one that he needs to charge the battery on, about every 4-5 uses.

Mrs. Izor asked if charging a battery for 1-2 hours requires a permit. Mr. Adkins stated that this could be normal business and quoted Zoning Code 1129.07:

*No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, **except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.** All automotive vehicles or trailers of any type within a residential zoning district must be operable with current license plates or shall be parked or stored in a completely enclosed building.*

Mr. Adkins stated that yes, 1-4 hours would be routine use. Mrs. Izor asked if Mr. Hulls request even needs to be reviewed. Mr. Adkins stated that this is necessary because this is about the over-night storage and the maintenance for service somewhere else. Mr. Herner agreed.

Mr. Hull added that he does not need to use his driveway that often anymore, and now that he has his storage facility he is figuring out how best to limit activity at 300 Lindell Drive, but he would like to be able to have the options while being compliant.

No additional questions.

Mrs. Izor then asked that the BZA discuss and clarify potential conditions as recommended by staff. The first is for 72 hours or a three day maximum. This is more than needed, and it is safe to say that no more than 12 hours maximum a week is adequate. Mr. Hull agreed. Mrs. Izor stated that there needs to be a balance and thanked Mr. Hull for limiting the impact to the greatest extent possible.



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The second condition for consideration is no more than one trailer at a time. Mr. Hull agreed.

The third condition would be that storage would be limited to Fridays, Saturdays, and Sundays. Mr. Hull agreed.

The fourth condition is that maintenance would be limited to routine maintenance, tire pressure checks, and battery charging. Mr. Hull agreed.

Mrs. Izor asked the BZA if there additional conditions for consideration? None.

### Motion:

Mrs. Izor moved to approve CU #25-03 with the following conditions:

1. No more than one trailer stored in the driveway at a time.
2. Limit of no more than 12 hours overnight per week.
3. Storage is only allowed on Fridays, Saturdays, and Sundays.
4. Maintenance is limited to tire rotations, routine maintenance, battery charging, and lubrication with no painting or outside storage or part or tools.

Mrs. Izor stated that conditional use permits can be revoked at any time if the conditions are not met. Mr. Adkins called the vote:

- Mr. Trieber, No: Due to the specific language in Section 1129.07 and 1129.14 in the Zoning Code.
- Mrs. Izor, Yes; Because this is typical to a lot of residential areas, with trailers, lawn mowers, etc. which exhibit the same type of use as requested.
- Mr. Dalton, Yes. Agrees with what Mrs. Izor said.
- Mr. Herner No: We don't want to set a precedent for commercial equipment in a residential neighborhood.
- 2- No, 2- Yes. MOTION TABLED due to lack of a majority vote.



## City of Germantown, Ohio Board of Zoning Appeals

### **Public Hearing V #25-03:**

Mrs. Izor stated the Board would hear Variance Application V #25-03 for a fence that exceeds the maximum height in the front yard of the property, made by Bethany Potter at 328 W Market Street. Mrs. Izor stated that this is for a corner lot, and there are a lot of variances for corner lots.

#### *Applicant Presentation:*

Ms. Potter from 328 W. Market Street stated that they are replacing their old rusty fence with a new fence in a similar location. The section along Maple Street is what needs a variance for the fence height. A drawing from the fence company was provided in hard copy during the meeting.

The Board reviewed the drawing and asked a few questions, which clarified the boards' questions about the fence location and setbacks.

Ms. Potter stated that the fence will be one foot back from the edge of the sidewalk. It was determined there are no visual obstructions created from the proposed picketed fence and the one-foot setback helps to ensure that. The fence will also stop at the driveway and detached garage, which is before the alley, and there is enough sight distance for a vehicle traveling in the alley.

Mrs. Izor stated that the alley will get a little bit of traffic during summer season, and safety is important. Mrs. Izor then stated that the fence is setback enough and will not create a visual obstruction.

Mrs. Potter clarified that the previous fence was rusty chainlink and has been removed.

#### *Staff Summary:*

Mr. Adkins provided a summary of the staff report, and stated that the site plan and permit will be coordinated if the 48 inch height requirement is granted. That includes all segments of the fence for the complete fence replacement. The fence will end at the driveway and garage along the alley to the rear of the property.

Mrs. Izor asked if there are any concerns about visibility. Mr. Adkins stated that the fence proposed is picket style with gaps and ends at the driveway and garage, there are no site safety concerns. It was also clarified that the fence is not in the front of the house towards Market Street. Mr. Adkins also noted that the zoning code allows for a decorative component of a fence that could be one foot higher than the maximum 36 inch height requirement. Mr. Adkins noted that this fence is a decorative fence and that he recommends approval of the variance as requested.





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### *Proponents Recognized:*

None.

### *Opponents Recognized:*

None.

### *Final Statement from Staff:*

Mr. Adkins noted a few conditions that could be considered. Mr. Adkins noted that if there are sight safety concerns, then the fence height could be reduced.

Mr. Dalton noted that he had a similar situation in 1974 on a corner lot, and he was not allowed to extend the fence closer towards the lot frontage. Mr. Dalton wants to ensure that extending the fence towards the back of the house (along Maple Street) is allowed currently. Mr. Adkins noted that the height is in question, and that the location is compliant. Mrs. Izor clarified that the fence proposed is allowed within the zoning code, but the fence height is what is being considered. Mr. Dalton wanted to ensure there will not be any additional issues, and it was confirmed that this meets the zoning code if the variance for the height is granted.

### *Close Public Hearing:*

Mrs. Izor closed the public hearing at 7:52.

### *Deliberation & Decision:*

Mrs. Izor moved to approve without conditions and Mr. Herner seconded.

- Mr. Trieber, Yes.
- Mrs. Izor, Yes.
- Mr. Dalton, Yes.
- Mr. Herner Yes.
- 0- No, 4- Yes. MOTION APPROVED at 7:53.

### *Motion:*

Approved.



## City of Germantown, Ohio Board of Zoning Appeals

### **Consider Approval of the Meeting Minutes of the May 12, 2025 BZA Meeting**

Mr. Dalton moved to approve the minutes, Mrs. Izor seconded. All in favor, unanimous approval of the meeting minutes.

### **Adjournment:**

Mrs. Izor closed the meeting at 7:54.

If you have any questions please contact Chad Adkins: [chadkins@germantown.oh.us](mailto:chadkins@germantown.oh.us)

End of Staff Report