



City of Germantown, Ohio Board of Zoning Appeals

MINUTES OF MEETING HELD ON October 13, 2025

(Prepared on October 22, 2025)

The Board of Zoning Appeals (BZA) met in regular session on October 13, 2025, at 7:00 p.m. in the City Building Council Chambers.

Meeting Summary:

Two BZA cases were heard on October 13, 2025, by the City of Germantown BZA. The first case was V #25-06 for a fence height variance at 103 Strawberry Fields Drive.

The second case was V #25-07 for four (4) Variance Requests at 1020 Dayton Germantown Pike:

1. Variance request to allow five single-family dwellings on a large 15-acre parcel.
2. Variance request to allow a private drive to access the five single-family homes that is designed to City standards.
3. Variance request to allow for a large accessory structure that is across the drive from any single-family dwelling.
4. Variance request to allow each single-family dwelling to be on an individual septic system.

Members Present:

The following members were present at the Call to Order: Mrs. Izor, Mr. Dalton, Mrs. Spencer, Mr. Herner, Mr. Trieber, Mr. Jones.

Members Absent:

All members were present.

Also Present:

Also present were Chad Adkins, the City Planner and many visitors from the public.

Excuse Absent Members:

None.



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Opening Discussion:

Mrs. Izor started the meeting by introducing the two cases followed by the roll call. Mrs. Izor asked to modify the meeting agenda by making a motion to reverse the order of the public hearing, with Mr. Dalton seconding that. All in favor vote, all approved (Agenda had 25-07 before 25-06).

Public Hearing V #25-06:

Mrs. Izor stated the board would hear CU #25-06 for fence height variance, made by Ginger Shumate at 103 Strawberry Fields Drive to allow a desired fence height (6-feet or 72 Inches) that is three feet taller (3-feet or 36 inches) than allowed along a frontage. This is for a corner lot with frontages along East Market Street and Strawberry Fields Drive. Mrs. Izor asked for the applicant presentation, and Mr. Adkins provided the site plan on the screens for reference during the discussions.

Applicant Presentation

Mrs. Shumate clarified that they would like to replace the existing fence which is in terrible shape and has been there since they bought the home in 2006. The new fence would be for a new wooden privacy fence in the same location. Mr. Adkins clarified the section of the fence along E Market Street should be setback 35 feet from the property line, for this corner lot, and this where the variance is needed.

Mrs. Izor clarified that the new fence is a replacement in the same location and the same height. Mrs. Izor asked for the staff summary.

Staff Summary

Mr. Adkins provided a short overview, stating that the application is a typical request for fences on corner lots. Mr. Adkins referenced the detailed staff report and noted the section that does not comply with the Zoning Resolution. Mr. Adkins noted this is a huge improvement and stated that due to the location there are no safety or site triangle concerns with the intersection of Strawberry Fields and E. Market Street.

Mr. Adkins stated a recommendation to align the fence to the frontage established by the existing homes with porches along E. Market Street. Mr. Adkins reviewed the recommendation to move the fence nine feet further back from E. Market Street.



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Mr. Jones asked for clarification on the staff recommendation, and Mr. Adkins noted the nine-foot recommendation. Mr. Jones asked Mrs. Shumate if she had any concerns with this recommendation, and Mrs. Shumate noted several trees, and her daughter mentioned a utility box that exists in this area, along with sprinkler lines. It was noted that this utility box is currently protected by the existing fence, and if the fence was moved back the electrical box would be exposed. It was also referenced about the neighbor's driveway and there is plenty of room in this area without moving the fence back an additional nine feet. Mr. Jones noted this and stated he does not agree with the staff recommendation. Mrs. Izor also agreed and stated that the community is used to this fence in the current location.

Mr. Herner clarified that the rest of the fence is compliant. Mr. Adkins stated that it is accurate, the only variance is for the section along E. Market Street, which is to the side of the house, which faces Strawberry Fields.

Mr. Jones noted that we are not increasing the non-conformity, which has existing since previous ownership.

Mrs. Izor asked if any gates would be added, and Mrs. Shumate showed an eight-foot gate and a four-foot gate, both facing Strawberry Fields. There are no gates proposed along E. Market Street.

Mrs. Izor opened the Public Hearing at 7:13 p.m.

Proponents Recognized

Brenda Falls, 644 E. Market Street, hopes that the fence can be replaced just as it is. Ms. Falls stated some safety concerns with the utility box and that children on bikes like to ride through this area. Brenda is in support of the fence replacement project.

Opponents Recognized

None

Close Public Hearing

Mrs. Izor closed the Public Hearing at 7:18 p.m.

Deliberation & Decision

Mrs. Izor asked for final comments from staff. Mr. Adkins stated this was a wonderful discussion and the electrical box was not considered with the recommendation to move the fence back nine feet. The applicant did not have anything to add.



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Mr. Jones clarified that he supports keeping the fence in the same location, despite the staff's recommendation to move back an additional nine feet. Mrs. Izor agreed and stated that the fence should remain where it is to protect the electrical box.

Motion:

Mrs. Izor moved to approve CU #25-06 in its current location at six feet tall:

Mr. Trieber seconded the motion. Mr. Adkins called the vote:

- Mrs. Izor, Yes.
- Mr. Herner, Yes.
- Mrs. Spencer, Yes.
- Mr. Dalton, Yes.
- Mr. Trieber
- 5- Yes, 0- No. MOTION APPROVED.

Public Hearing V #25-07:

Mrs. Izor introduced V #25-07 and the four variances and asked for the applicant presentation.

Applicant Presentation:

Mr. Kolosik provided an overview of the desire to use the 15-acre property for five single-family dwelling units with a private drive and a large accessory structure. This is for their family to move to this location, and they have lived here for 4.5 years and love Germantown. They purchased the 94-acres with the idea for the family to live while being adjacent to their current home.

Mr. Adkins provided an aerial photo of the properties, and Mr. Kolosik reviewed the plans which were also shown on the screen for reference. The plan was reviewed, with the first two houses being a short-term development, with the additional three units being completed in the future. The setup would be similar to a condo and a land-lease.

Mr. Kolosik referenced previous discussions with the Zoning team about the proposed development and the need for two primary variances. Mr. Kolosik stated that the requirements established for Fire Safety and road standards would be met with any house built, regardless of the location on the plan. Mr. Kolosik ended by saying the objective is to build family homes to enjoy the property with.

Mrs. Izor asked for clarity about what the one large lot is. Mr. Adkins showed the 15-acre property, with context to the overall 94-acres (the former Bear Creek PUD that was never finalized or built). Mr. Adkins clarified there is no replat taking place at this time; however, the layout will be in the



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deed/survey as required by the City of Germantown and Montgomery County Auditor (which also assigns addresses).

Mr. Trieber asked for clarity on the 94-acres. Mr. Kolosik reviewed on the screen that showed the aerial photo with property lines. It was also indicated that the location of the first two homes (closer to Dayton Germantown Pike), with the other three dwellings being in the future and where these are on the proposed site plan.

Mr. Jones stated that an undue hardship must be shown. Mr. Jones then asked how the use of septic will be used on this property. Mr. Adkins stated that the use of the septic is another variance request, to be discussed later, because if the first two variances are not approved there other two variance requests are not needed.

Mr. Jones then reviewed the site plan and asked if this is a concept or an official plan? Mr. Kolosik stated that this is the plan proposed and re-reviewed the plan for each home to have about 1-acre. Mr. Jones asked what would trigger the Subdivision Regulations and the need to install curb, gutter, sidewalk, etc.? Mr. Kolosik stated that anything beyond five homes would trigger those requirements.

The conversation shifted to the costs related to connecting to the sewer system. Mr. Jones stated this is about later on and what could potentially happen and if the board is OK with five homes being on septic or not. It could be subdivided later on.

Mr. Kolosik stated that he has no plans for anything beyond the five homes with a private drive. The remaining land would remain (private) open space.

Mr. Dalton clarified that the Kolosik's own the property that surrounds the 15-acre parcel. Mr. Kolosik reviewed the properties which shows there is one neighboring property (to the 15-acre property) along Dayton Germantown Pike. These neighbors supported this project at the Planning Commission Workshop in September.

Mr. Herner asked several questions about the installation of the fire hydrants. Mr. Adkins clarified that every home must be within 500-feet of a fire hydrant and referenced the requirements letter from the Fire Chief. Mrs. Izor asked for clarity, and Mr. Adkins provided the staff summary.

Staff Summary:

Mr. Adkins provided the staff summary and focused on the requirements for Fire Department Standards as provided by the Fire Chief based on review of the proposed plans for five homes with a private drive (see attached). Mr. Adkins reviewed all of the requirements which have been relayed to the Kolosik's from the beginning of the discussions.



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Mrs. Izor asked if a new hydrant is needed for the first two homes. It was reviewed and stated that this will need to be coordinated as part of the approval process. Mrs. Izor asked about utilities and this would be on City water, with electrical being provided from an existing power pole. These details and the need for utility easements are required as with any development and will be determined if approved.

Mr. Trieber clarified that anything above ground requires an easement, but once it goes underground it does not require an easement. Mr. Adkins stated these details need to go through the formal plan reviews and approval process, with easements shown on the survey, etc.

Mrs. Izor asked for additional clarity, and how this will be developed like a similar subdivision. Mr. Adkins clarified that the City does not allow Private Drives and there is limited access that exists to the 94-acres. The five proposed parcels do not have access to a public frontage (ROW), they do not meet this connection standard and this is the main issue with this proposed development.

The staff recommendation is to allow five single-family homes with access from a private drive. The road would be designed to City standards. Mrs. Izor asked about any access concerns. Mr. Jones stated that maintenance is a concern, and any private roads have to be maintained to fire department standards.

Mr. Trieber discussed the need for fire access and a fire lane, with ugly signs every eighty feet required. Mr. Kolosik clarified that the private drive will meet fire department requirements without a fire lane needing to be established. Dead-end water mains were also mentioned as a concern with this and what happens with the water utility? Mr. Adkins stated that any improvements needed must meet all City and County standards and requirements for public utility connections.

Mr. Kolosik reiterated that safety is paramount and that the road will be wide enough for fire apparatus. The site plan was reviewed which shows a 50-foot ROW for the drive, the standards will be met for any home built.

Mrs. Izor asked for any additional comments for the applicant and then asked for the complete staff report.

Mr. Adkins re-reviewed and discussed the Planning Commission workshop, which focused on the density reduction from the Bear Creek PUD development. The assumption is that all utilities will be improved to meet standards.



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Mr. Adkins then reviewed the four variances requested:

1. Variance request to allow five single-family dwellings on a large 15-acre parcel.
 2. Variance request to allow a private drive to access the five single-family homes that is designed to City standards.
 3. Variance request to allow for a large accessory structure that is across the drive from any single-family dwelling.
 4. Variance request to allow each single-family dwelling to be on an individual septic system.
- Staff is supportive of Variances 1, 2 and 3, but not supportive of Variance 4 and the use of septic.

Mr. Herner asked what the accessory structure would be used for. Mr. Kolosik stated it would be a workshop and a maintenance facility for the property maintenance.

Mrs. Izor asked if this is a subdivision and what the difference is between this variance and why not rezoning to Agricultural? Mr. Adkins stated that the issue is with access and not underlying zoning. Mr. Jones stated that the zoning is not the real concern. Mr. Adkins stated that it is due to the lack of access to a public ROW, there is no public road that extends into the property to allow it to be subdivided, without creating a new public roadway or establishing a private drive (which is not allowed by code and results in Variance Request #2).

Mr. Jones shifted to the request to use septic instead of connecting to the public sewer. Mr. Kolosik would prefer not to connect to the sewer due to the cost. Mrs. Izor asked to focus on each variance at a time and re-reviewed the four variances requested, with the conditions that would trigger the Major Subdivision Requirements.

It was also noted that the road would be established with a 50-foot ROW easement and any building would meet the setback standards for the underlying zoning.

Mr. Kolosik reviewed the desire to use septic and the costs for connecting to the sewer, with the first house being 700-feet away from the road. Mr. Trieber asked if they have investigated the soils. No, the soils have not been tested yet. The request is about the costs for connecting at this time, the tests will follow.

It was then discussed about the Bear Creek PUD and that some of those proposed units also needed to be on septic due to the topography. Mr. Jones then stated the reasons for requiring to connect to the sewer system for sanitation purposes and that City's exist for this sanitation purpose.



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Mrs. Izor asked if the City engineer has any comments on this. Mr. Adkins stated that staff would like to see this connected to the sewer system. Mr. Dalton then asked if the first two houses would be on septic or be connected to the sewer system. Mr. Kolosik stated that all homes would have their own individual septic system.

Mrs. Izor stated that this is tough situation, and Mr. Adkins stated that the first two houses should be connected, and the last three houses could be studied for the potential use of septic. Mr. Jones also suggested that this connect to the sanitary sewer system.

The discussion ended and Mrs. Izor opened the Public Hearing at 8:10 p.m.

Proponents Recognized:

Mr. Kirby Strayer at 1250 Dayton Germantown Pike. They installed a septic system 20 years ago and they do not have any issues. The lot was 1.25 acres. Asks that the City allows septic instead of making them pay to connect to the sewer, everybody else is on septic.

Steve Fox with Burkhardt Engineering spoke that the private road will be designed to City standards. Mr. Fox also stated why the sanitary sewer is out there, due to the previous plans for Bear Creek PUD, which was required for that project (as a Major Subdivision) and is assumed to have been sized for approximately 40+ homes. Mr. Fox closed by saying he felt this was a positive development proposal.

Cindy Strayer spoke about her approval of this project and hopes that the City allows this to happen. This will make Germantown a nicer place to live and for families.

Dave Bunger at 706 Dayton Pike stated he agrees that the use of septic should be approved. Everybody else has septic and no issues. He is concerned that everyone will be required to connect to the public sewer.

An additional neighbor (Sheila) stated that they have septic and there are no issues.

Opponents Recognized:

None.

Close Public Hearing:

Mr. Adkins noted that the City is supportive and suggests that the first two houses connect to the sewer and the three future homes can be studied for the use of septic. Mr. Adkins also stated that only new construction is required to connect to the public utility systems, the City does not mandate that an existing home connect to the public utility, but residents have that option.



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Mr. Kolosik closed by stating the importance of family and the extreme costs to develop this land as a family, on their own. They want to do it right and with respect to neighbors. They are committed to doing what they are asked to do.

Mrs. Izor closed the public hearing at 8:23 p.m.

Deliberation & Decision:

Mrs. Izor asked if there were any comments or questions. Mr. Jones mentioned that this is estate lots and likes it but is concerned about the lack of connection to the sanitary sewer. Mr. Jones is also concerned about the maintenance of the private drive and the maintenance required in 20-30 years. Mrs. Izor asked how this is handled for private drives. Mr. Adkins stated that HOAs do this and that they must meet Fire Apparatus requirements. Mr. Trieber stated how California has outlawed private drives due to the maintenance issues and lack of maintenance over time.

Mrs. Izor motioned to approve Variance Request #1 to allow five single-family dwellings on a large 15-acre parcel, with the following conditions:

1. Any future change beyond the five single-family dwelling units would trigger the Major Subdivision Requirements.

Mr. Herner seconded and the vote was called:

- Mrs. Izor, Yes.
- Mr. Herner Yes.
- Mrs. Spencer, Yes.
- Mr. Dalton, Yes.
- Mr. Trieber, Yes.
- 5- Yes, 0- No. MOTION APPROVED.

Mrs. Izor moved to approve Variance Request #2 to allow a private drive that is designed to meet City standards, with the following conditions:

1. Driveway must be designed to meet fire apparatus and turning radius with a turnaround at the end.
2. Driveway must be designed as a public road with paved and dustless surfaces.
3. Any future change beyond the five single-family dwelling units would trigger the Major Subdivision Requirements and the private drive would need to be built to City standards per subdivision regulations.

Mr. Trieber / Mrs. Spencer seconded and the vote was called:



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- Mrs. Izor, Yes.
- Mr. Herner Yes.
- Mrs. Spencer, Yes.
- Mr. Dalton, Yes.
- Mr. Trieber, Yes.
- 5- Yes, 0- No. MOTION APPROVED.

Mrs. Izor moved to approve Variance Request #3 to allow for a large accessory structure that is across the private drive from the first two dwelling units. Mr. Dalton seconded and the vote was called:

- Mrs. Izor, Yes.
- Mr. Herner Yes.
- Mrs. Spencer, Yes.
- Mr. Dalton, Yes.
- Mr. Trieber, Yes.
- 5- Yes, 0- No. MOTION APPROVED.

Mrs. Izor moved to table Variance Request #4 to allow each single-family dwelling to be on an individual septic system:

1. Need to determine feasibility of the use of septic systems.
2. Need more information on requirements regarding the use of septic systems.
3. It was determined that they need to go through the exemption process to install a septic system with the County and State. This is a requirement for any new septic system installation and needs additional study. The BZA does not want to say yes to something when the feasibility is unknown.
4. The County and State requirements must be met for any new system; this is beyond any BZA approvals.
5. Mr. Jones reiterated these requirements and stated anything must pass Public Health Codes, and the motion should include this condition.



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Based on this discussion:

Mrs. Izor moved to approve Variance Request #4 to allow each single-family dwelling to be on an individual septic system, with the following condition:

1. Each septic system must meet County and State requirements.

Mr. Dalton seconded and the vote was called:

- Mrs. Izor, Yes.
- Mr. Herner Yes.
- Mrs. Spencer, Yes.
- Mr. Dalton, Yes.
- Mr. Trieber, Yes.
- 5- Yes, 0- No. MOTION APPROVED.

Consider Approval of the Meeting Minutes of the September 14, 2025, BZA Meeting

Mr. Herner moved to approve the minutes with the correction noted on Page 3 to change Mrs. Izor to Mr. Herner. Mr. Dalton seconded, All in favor, unanimous approval of the meeting minutes at 8:44 p.m. with the change noted.

Adjournment:

Mrs. Izor closed the meeting at 8:45.

If you have any questions please contact Chad Adkins: chadkins@germantown.oh.us

End of Staff Report