

**Minutes**

**Bethel Township Board of Zoning Appeals**

**October 22, 2015 – 6:30 P.M.**

**Regular Meeting**

**Bethel Township Meeting Room, 8735 S. 2<sup>nd</sup> Street – Brandt, Tipp City, Ohio**

**Board of Zoning Appeals Member(s) Present: Sonnanstine, Gross, Butt**

**Board of Zoning Appeals Members(s) Absent: Durst, Fisher, Reese**

**Staff Present: Jeff Green– Director of Planning & Zoning**

Mr. Gross called the meeting to order at 6:30 PM.

Each member of the Board introduced themselves.

New Business:

Mr. Green read the first case:

**Case V-09-15:** A request from David Baumgardner of 7114 US 40, Tipp City, OH 45371. The applicant requests a decrease in the side yard setback from the required twenty (20) feet to ten (10) feet located at 7114 US 40, Tipp City, OH, 45371. The property is identified as Miami County parcel ID # A01-052250.

Mr. Green made his staff presentation.

Mr. Green asked if the Board had any questions of him.

The board had no questions

Mr. Baumgardner was there to present himself and gave the BZA a proposed site plan.

Mr. Green: the site plan will become exhibit 2

Mr. Baumgardner: I have had a problem with theft before. There is currently some parking behind the existing garage. I would like to put an office building closer to the road for more exposure/advertising. I would like to point out that the survey markers that were left on the property indicate that I have 60 ft and not 56 like the computer originally said.

Mr. Green: I would like to say something should anyone ever come back to look at this case. My system is not absolute; it is basically a rough estimation from an aerial. A surveyor is the only true way to determine property lines accepted by a court.

Mr. Baumgardener: The neighbor to the west is the Miami county pump station. No one resides there.

Mr. Gross: What is that zoned?

Mr. Green: It is primarily zoned I-1 Light industrial, but it also has portion of the property zoned as A-2 general agriculture. It's one of those weird ones. Everything around the pump station is owned by Mr. Baumgardner.

Mr. Gross: So all the surrounding property colored green is his?

Mr. Green: Yes. It totals 10 acres if all parcels are combined.

Mr. Gross: What is the purpose of leaving 8 ft. between the buildings?

Mr. Baumgardner: It will be there for room to build the new building and maintenance for both buildings.

Mr. Green: Is the existing building going to be ok 5-10 years down the road?

Mr. Baumgardner: Yes

Mr. Green: So it is structurally sound?

Mr. Baumgardner: yes, the building is still in pretty good order and should be around for a while.

Mr. Sonnanstine: Let's go back to the property pin. So there is a surveyor property pin that your measurements are being taken from.

Mr. Baumgardener: Yes, the one in the front still has the rebar. The total distance turned out to be 60 ft.

Mr. Sonnanstine: If you were to put this in the back of the property, then this whole issue goes away.

Mr. Baumgardner: It would yes, but I want this building to be where I take customers and leave the back open for landscaping. We also do patios so it would be like a display. If I try and put it on the other parcel, then I would be in the wrong zoning.

Mr. Gross: So you measured from the edge or center of 40

Mr. Baumgardener: I measured from the edge

Mr. Gross: Ok. The easement from a state route is usually 40 ft.

Mr. Green: Whether this board approves or denies this case, Mr. Baumgardner would need to give me a parking plan for this property as well as meet and landscaping requirements. Basically screening because it is not a residential process. Therefore, these would need to be submitted to obtain a zoning certificate.

No residents in attendance

Public Hearing Closed.

Discussion amongst the Board

Mr. Sonnanstine: Do we trust this map?

Mr. Gross: Yes, I stopped to look at this property the other day. It looks about right.

Mr. Sonnanstine: So he wants a 10 ft reduction to go from a 32 ft wide building to a 42 ft wide building.

Mr. Gross: No, this would just be for a buffer. The building would not get any bigger.

Mr. Butt: Correct, he is trying to have at least 8 ft. between the buildings.

Mr. Green: Please note that he originally thought he had less space to work with after my rough estimation on the computer.

Mr. Sonnanstine: From a precedent standpoint, is this dangerous ground it approved?

Mr. Gross: I do not think it would be dangerous ground, because his neighbor is a pump station.

Mr. Sonnanstine: That's right. We could also base the conditional approval on that.

Mr. Gross: Jeff had made the recommendation to allow a 5 ft reduction instead of a 10 ft reduction.

Mr. Green: Correct, I think allowing basically a 50% reduction from what our code says is dangerous in most situations.

Mr. Butt: After seeing the map and looking at the aerial, I do not see this as significant.

Mr. Sonnanstine: He wants 10 ft, but Jeff thinks 15 ft.

Mr. Green: Correct.

Mr. Butt: So if someone else, let's say 100 ft away wants something similar. Would we have to give it to them?

Mr. Green: No, each case is unique as you know. Given that the neighbor to the West is the pump station and could have no occupant, a business would not disrupt that property as there is no one living there. So, I do not think that it could be used against us. Even if he put it on the opposite side of the existing structure, he would need a variance a business structure would be next to residence. The barn is positioned in a way because it kind of screws with everything else.

Mr. Gross: How did the county get that piece of land?

Mr. Green: I don't know? If anything, possibly eminent domain because it would be used as a public utility. However, I'm not sure.

Board Discussion closed

Mr. Butt: Motion to approve case V-09-15 and give Mr. Baumgardner a 5 ft reduction in the setback to build his 32x32 building

Motion seconded by Mr. Sonnanstine

VOTE

Mrs. Reese	N/A
Mrs. Fisher	N/A
Mr. Gross	Yes
Mr. Sonnanstine	Yes
Mrs. Butt	Yes

Motion to approve case V-09-15 approved 3-0 for a 5 ft reduction in side yard setback

Approval of minutes:

Motion to approve December 2014 meeting minutes made by Mr. Sonnanstine

Mrs. Butt: Seconded

Vote

Mrs. Reese:	N/A
Mr. Butt:	Yes
Mr. Gross:	Yes
Mr. Sonnanstine:	Yes
Mrs. fisher:	N/A
Mr. Durst	N/A

**Adjournment:**

Motion was made by Mr. Sonnanstine to adjourn and seconded by Mr. Butt.