

Minutes**Bethel Township Board of Zoning Appeals****January 24, 2019 – 6:30 p.m.****Regular Meeting****Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio**

BZA Member(s) Present: Board members: Debbie Fisher, Jeff Butt, Steve Owens, Judy Poettinger, Darrin Anderson; Alternate: Randy Perkins

Member(s) not present: None

Staff Present: Marty Caskey – Director, Planning and Zoning

Mrs. Fisher brought the meeting to order at 6:31 p.m.

BZA and staff introduced themselves.

New Business

Case: CU-05-18: A request from Chenya Lightle, 5425 Rudy Road, Tipp City, OH, 45371, requesting approval of a zoning conditional use to operate a bed and breakfast at the same address. A bed and breakfast is a conditional use under Article 15 of the Bethel Township zoning Resolution. The property is identified as Miami County Parcel ID #A01-087044.

Mr. Caskey presented the staff report and asked if there were any questions for him.

Mrs. Fisher asked if the applicant was available.

Applicant was asked if she had anything to add to the staff report.

Ms. Lightle spoke for her mother, the parcel owner, and stated she concurred with the report. She said they have been operating for a few months but did not know they were in violation. She said the basement of the home is set up as a suite with bedroom, bathroom, sitting room and kitchen available. The suite has a separate entrance and a reserved parking space.

Mrs. Fisher asked if the board had any questions.

Mr. Butt asked about the timeline and if the conditional use was only needed through May 2019.

Ms. Lightle said that was the plan.

Mrs. Anderson (Zoning Commission member) asked about usage.

Ms. Lightle said they are booked for several months with travelling nurses and a couple of lawyers.

Mrs. Fisher asked if there were any others in attendance wanting to speak in favor of CU-05-18.

None.

Mrs. Fisher asked if there were any in attendance wanting to speak against CU-05-18.

Mr. Art Hatton noted that he was a neighbor and while he didn't have any specific problems with the request, he was concerned about commercial uses in residential areas.

Mr. Caskey said these parcels are zoned agriculture and a B&B is an approved conditional use.

Mr. Hatton said then there should be no time or other restrictions on them.

Mr. Caskey said the applicants were the ones who mentioned the dates.

Mr. Hatton asked what the definition of B&B was.

Mr. Caskey replied we have definitions in our resolution for them, but any B&B is regulated by the County and State.

Mr. Hatton asked about fire codes and safety, such as escape windows from a basement.

Mr. Caskey repeated that those issues were governed from the county and state.

Mr. Hatton asked about meals.

Applicant said kitchen facilities are available.

Mrs. Fisher asked if there were any questions from the board.

Ms. Poettinger asked the applicant if the basement bedroom was legal and had a regulation egress window, and the reply was "no".

Mr. Butt asked if the BZA could go into executive session to discuss this.

Mr. Caskey said that his understanding of the sunshine laws provided by a journalist did not allow that for this type of discussion so deliberations should be in public.

(Please note that after-meeting follow-up with the Township's legal person will be started to better understand this issue.)

Mr. Perkins, alternate to the BZA, stated that the resolution should be updated to reflect the growing use of Airbnb.

Mrs. Fisher asked if there were any additional questions.

None.

Motion:

Motion to approve Case CU-05-18 with the conditions that is expires December 31, 2019 and all Bethel Township, Miami County and State of Ohio regulations are adhered to by Mr. Anderson.

Seconded by Mr. Butt.

VOTE:

Mrs. Fisher – Yes
Ms. Poettinger – No
Mr. Anderson – Yes
Mr. Butt – Yes
Mr. Owens – Yes

CU-05-18 approved 4 - 1.

Old Business

Approval of minutes from November and December 2018.

Motion to approve the November minutes by Mr. Butt.

Seconded by Mr. Owens.

VOTE:

Mrs. Fisher – Yes
Ms. Poettinger – Yes
Mr. Anderson – Abstain
Mr. Butt – Yes
Mr. Owens – Yes

November 2018 minutes approved 4 – 0.

Motion to approve the December minutes by Mr. Anderson.

Seconded by Mrs. Poettinger.

VOTE:

Mrs. Fisher – Abstain
Ms. Poettinger – Yes
Mr. Anderson – Yes
Mr. Butt – Yes
Mr. Owens – Abstain

December 2018 minutes approved 3 – 0.

4: Other Business**Communications and Reports**

Next meeting will be February 28, 2019, at 6:30 p.m.

Board of Zoning Appeals Comments

None.

Adjournment:

Motion to adjourn by Mr. Anderson.

Seconded by Mr. Butt.

VOTE:

Mrs. Fisher – Yes
Ms. Poettinger – Yes
Mr. Anderson – Yes
Mr. Butt – Yes
Mr. Owens – Yes

Meeting adjourned at 7:15 p.m.