

Minutes

Bethel Township Board of Zoning Appeals

April 19, 2007 – 7:30 P.M.

Regularly Scheduled Meeting

Firehouse, 8735 S. Second Street – Brandt, Tipp City, Ohio

Board of Zoning Appeals Member(s) Present: Biggs, Fisher, Paden, Senseman and Studebaker

Board of Zoning Appeals Members(s) Absent: None

Staff Present: Gebhart – Director of Planning & Zoning

Mrs. Fisher called meeting to order.

Each member of the Board introduced themselves.

Mrs. Fisher discussed the moving the approval of the minutes to the end of the meeting.

MOTION:

Motion was made to move the approval of the minutes of the previous meeting to the end of this meeting.

Motion made by Mr. Senseman:

Second: Mr. Paden

<u>Role Call:</u>	<u>Yea</u>	<u>Na</u>
Mr. Biggs	X	
Mrs. Fisher	X	
Mr. Paden	X	
Mr. Senseman	X	
Mr. Studebaker	X	

Motional to passed 5-0.

Mrs. Fisher explained the process of the meeting to residents present for the meeting.

Mrs. Fisher asked Mr. Gebhart to read the case.

Case # CU-02-07: Renewal of a Conditional Use previously approved by the Board.

Applicant: Steve Weichbrodt

Address: 5930 Rudy Road
Tipp City, OH 45371

A request from Steve Weichbrodt, 5930 Rudy Road, Tipp City, Ohio. The applicant is requesting to re-establish the CONDITIONAL USE granted by the Board of Zoning Appeals on June 17, 2004 for this property, for a home-based business under Sec. 14.04.8 of the Bethel Township Zoning Resolution. A CONDITONAL USE was approved in 2004, but expired because the applicant did not begin construction on the approved project within one (1) calendar year of the approval. The property is currently zoned A-1 Domestic Agriculture, and the zoning will remain the same. The property in question is located at 5930 Rudy Road, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 29.

Mrs. Fisher asked if the applicant was present:

Mr. Weichbrodt was present and discussed his plans for the property including the building of his home on the property.

Mrs. Fisher asked for comments in favor of the request:

There were no comments.

Mrs. Fisher asked for comments in opposition to the request:

Mr. Ken Metz of 5770 S. Rudy Road spoke. He was not in opposition to the application, but wanted to be on record about the concerns he has about potential drainage problems onto his property located next to Mr. Weichbrodt's property. Mr. Metz was concerned that construction on Mr. Weichbrodt's property might cause significant flooding on his property.

Mr. Gebhart advised Mr. Metz and Mr. Weichbrodt that any drainage issues would not be handled by the Township, but would be a civil matter between the two property owners. Both gentlemen said that they understood this.

No others spoke in opposition to the application.

RECOMMENDATION:

Staff recommends approval of the request.

MOTION:

Motion was made to approve the request.

Motion made by Mr. Senseman:

Second: Mr. Biggs

<u>Role Call:</u>	<u>Yea</u>	<u>Na</u>
Mr. Biggs	X	

Mrs. Fisher	X
Mr. Paden	X
Mr. Senseman	X
Mr. Studebaker	Abstain

Motional to passed 4-0.

Mrs. Fisher asked Mr. Gebhart to read the case.

Case # CU-03-07: Conditional Use.

Applicant: Scott Allen
 9039 Hanley Road
 Dayton, OH

Address: 5930 Rudy Road
 Tipp City, OH 45371

A request from Scott Allen, 9039 Hanley Road, Dayton, Ohio. The two (2) parcels in question are located at 4490 U.S. Route 40 (Old Bethel Twp Fire House). The applicant is requesting a CONDITIONAL USE under Articles 14.04.08 and 5.04.07 of the Bethel Township Zoning Resolution to own and operate an automobile/light truck repair facility and a lot to sell them on. The two (2) parcels are currently zoned A-1 Domestic Agriculture and R-1AAA Single Family Housing. The property in question is located at 4490 U.S. Route 40, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 25.

Mrs. Fisher asked if the applicant was present:

Mr. Allen was present and discussed his plans for the property.

Mrs. Fisher asked for comments in favor of the request:

There were no comments.

Mrs. Fisher asked for comments in opposition to the request:

Mr. Doug Gross of 7355 S. St. Rt. 202 spoke. He was not in opposition to the application, but wanted to know the business would handle taking care of hazardous materials including motor oil. Mr. Allen’s business partner stated that they had set up an account with a service that would come and dispose of all the hazardous material including motor oil. Mr. Gross said that he has a heater that ran off of old motor oil, and would be happy to take their used motor oil.

No others spoke in opposition to the application.

RECOMMENDATION:

Staff recommends approval of the request with the conditions outlined in the staff report.

MOTION:

Motion was made to approve the request with conditions.

Motion made by Mr. Studebaker:

Second: Mr. Senseman

<u>Role Call:</u>	<u>Yea</u>	<u>Na</u>
Mr. Biggs	X	
Mrs. Fisher	X	
Mr. Paden	X	
Mr. Senseman	X	
Mr. Studebaker	X	

Motional to passed 5-0.

Mrs. Fisher asked Mr. Gebhart to read the case.

Case # CU-04-07: Renewal of a Conditional Use previously approved by the Board.

Applicant: Harold D. Gross
7355 S. St. Rt. 202
Tipp City, OH 45371

Address: 7355 S. St. Rt. 202
Tipp City, OH 45371

A request from Harold D. Gross, 7355 S. St. Rt. 202, Tipp City, Ohio. The applicant is requesting to continue the Board of Zoning Appeals CONDITIONAL USE granted to the previous owner of the property, for a home-based business under Sec. 14.04.3 of the Bethel Township Zoning Resolution. The parcel of land is currently zoned A-2 General Agriculture. The property in question is located at 7385 S. St. Rt. 202, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 27.

Mrs. Fisher asked if the applicant was present:

Mr. Gross was present and discussed his reasons for asking for the continuation of the Conditional Use granted to Mr. Allen Senseman the current property owner. Mr. Gross has run a truck transmission shop out of the barn currently located in Mr. Senseman's 80+-acre property. Mr. Gross stated that there was a zoning amendment application in process for the parcel of ground that he is attempting to purchase from Mr. Senseman. If Mr. Gross does buy the property, he has to apply to continue the BZA granted Conditional Use that is currently in Mr. Senseman's name.

Mrs. Fisher asked for comments in favor of the request:

There were no comments in favor.

Mrs. Fisher asked for comments in opposition to the request:

There were no comments in opposition.

RECOMMENDATION:

Staff recommends approval of the request with the conditions outlined in the staff report.

MOTION:

Motion was made to approve the request with conditions.

Motion made by Mr. Paden:

Second: Mr. Biggs

<u>Role Call:</u>	<u>Yea</u>	<u>Na</u>
Mr. Biggs	X	
Mrs. Fisher	X	
Mr. Paden	X	
Mr. Senseman	Abstain	
Mr. Studebaker	X	

Motional to passed 4-0.

Minutes of the March 2007 Board of Zoning Appeals meeting were discussed and approved as submitted by staff.

MOTION:

Motion was made by to approve the March 2007 minutes as submitted by staff.

Motion made by Mr. Biggs:

Second: Mr. Studebaker

<u>Role Call:</u>	<u>Yea</u>	<u>Na</u>
Mr. Biggs	X	
Mrs. Fisher	X	
Mr. Paden	X	
Mr. Senseman	Abstain	
Mr. Studebaker	X	

Motional to passed 4-0.

MOTION:

Motion was made to adjourn.

Motion made by Mr. Paden:

Second: Mr. Studebaker

<u>Role Call:</u>	<u>Yea</u>	<u>Na</u>
Mr. Biggs	X	
Mrs. Fisher	X	
Mr. Paden	X	
Mr. Senseman	X	
Mr. Studebaker	X	

Motional to passed 5-0.

Meeting was adjourned