

Minutes

Bethel Township Board of Zoning Appeals

June 7, 2007 – 7:30 P.M.

Special Meeting

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

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

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

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

Case # CU-05-07: Conditional Use application for a home occupation at 8455 Overlook Drive.

Applicant: Michael Labosky

Address: 8180 Flick Road
Tipp City, OH 45371

Case was withdrawn by applicant.

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

Case # V-01-07: Variance to allow for a third accessory building

Applicant: Robert Lawson
7805 E. Singer Road
Dayton, OH 45424

Address: 7805 E. Singer Road
Dayton, OH 45424

Case V-01-07: a request from Robert Lawson, 7805 E. Singer Road, Dayton, Ohio. The applicant is requesting the Board of Zoning Appeals grant a VARIANCE under Sec. 7.11 of the Bethel Township Zoning Resolution to allow for the placement of a third accessory building on this parcel. The building will be 30' x 40', or 1,200 square feet. There are currently two (2) accessory buildings already existing on this parcel. They are 576

square feet and 196 square feet in size for a total of 772 square feet. The parcel of land is currently zoned R-1AAA One Family Housing. The property in question is located at 7805 E. Singer Road, New Carlisle, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 7.

Mrs. Fisher asked if the applicant was present:

Mr. Lawson, 7805 E. Singer Road, was present and discussed his reasons for asking for the variance. Approximately 10 years ago Mr. Lawson asked the Little's for permission to build a garage on the piece of ground that the Little's owned just behind Mr. Lawson's land. The garage houses Mr. Lawson's car collection. Mr. Lawson believed that he had a verbal agreement with Mr. Little to sell him the land, some day that the barn was built on. He approached Mr. Little about buying the property recently, and Mrs. Little was not interested in selling. Mr. Lawson stated that at this point, he decided to move the garage, piece by piece, and to rebuild it on his land.

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

Mr. Little, 7835 Singer Road, spoke. He indicated that he and his wife are not opposed to the moving of the garage. They do not dispute that Mr. Lawson owns it. They are concerned about how the garage would be moved because they didn't want to see any damage done to the tree line.

Mrs. Little spoke up that Mr. Lawson is a good neighbor, but didn't want to sell any of their land at this time.

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

There were no comments in opposition.

There was considerable discussion among the Board, staff and the Little's and the Lawson's.

Mrs. Fisher and staff brought up the idea of tabling the request for 60 days to allow the two neighbors to discuss the situation and come to some sort of formal agreement.

Members of the Board were in agreement.

RECOMMENDATION:

Staff recommends the tabling of the request for 60 days to allow the Lawson's and the Little's to come to agreement with a lawyer on language giving Mr. Lawson the first right to purchase the land the accessory building sits on when Mr. and Mrs. Little pass away.

MOTION:

Motion was made to table the request for 60 days.

Motion made by Mr. Paden:

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	

Motional to passed 4-0.

MOTION:

Motion was made by to approve the April 18, 2007 minutes as submitted by staff.

Motion made by Mr. Biggs:

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	

Motional to passed 4-0.

MOTION:

Motion was made to adjourn.

Motion made by Mr. Paden:

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	

Motional to passed 4-0.

Meeting was adjourned