

Minutes

Bethel Township Board of Zoning Appeals

November 15, 2007 – 7:30 P.M.

Regularly Scheduled Meeting

Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio

**Board of Zoning Appeals Member(s) Present: Biggs, Fisher, Paden, Sonnanstine
Greg Schwieterman (alternate)**

Board of Zoning Appeals Members(s) Absent: Senseman

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.

NEW BUSINESS:

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

Case # CU-07-07: Conditional Use under Section 14.04 of the Bethel Township Zoning Resolution.

Applicant: Barbara Brewer

Address: 5578 SR 202
Tipp City, OH 45371

Case CU-07-07: a request from Barbara Brewer, 5578 SR202, Tipp City, Ohio. The applicant is requesting to expand the CONDITIONAL USE previously granted by the Board of Zoning Appeals on March 27, 1996 and May 20, 1999 under Sec. 14.04 of the Bethel Township Zoning Resolution, to operate a licensed massage therapy facility. The applicant would like to expand the business to include a physician's office in an already existing building. The property is currently zoned A-2 General Agriculture. The property in question is located at 5578 SR202, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 29 & 35.

Mr. Gebhart read his staff report and presented a brief power point presentation with pictures of the location. The Brewer's requested and were granted a CONDITINAL USE by the Board of Zoning Appeals on March 27, 1996, which allowed for the operation of a Licensed Message Therapy business known as Harmony Farms on site under Article 15.04.19 of the Bethel Township Zoning Resolution. On May 20, 1999, the Brewer's

received permission to expand their CONDITIONAL USE to build an approximate 5,450 sq. ft. building associated with their Licensed Message Therapy business.

Article 15.04.19 allowed any Permitted business in a B-1 Highway Business District to operate as a Conditionally Permitted business in an A-2 General Agriculture District.

In this application, Mrs. Brewer would like to expand this CONDITIONAL USE to include a physician’s office, in an already existing building, as an extension of their business. Harmony Farms believes in the holistic approach to healing. Many of their clients suffer from illnesses which message therapy is prescribed as part of a holistic approach to overcoming their ailments. Harmony Farms would like to have a physician’s office on site to better serve those clients.

This will not be a physician’s office that would be high traffic. This would not be a general practice office seeing multiple patients for colds, flu or other conditions on a daily basis. The physician’s office would work in conjunction with a holistic medical approach to offer clients more choices in treating their ailment. Auto traffic would not change significantly from existing traffic patterns.

Mrs. Fisher asked if the applicant was present:
Barbara Brewer, 5578 SR 202 spoke on behalf of her application.

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

There were no comments in favor of the request.

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

There were no comments in opposition.

There was discussion among the Board and staff concerning this request.

STAFF RECOMMENDATION:

Staff recommends approval of the request.

MOTION:

Motion was made to approve the request.

Motion made by Mr. Biggs:

Second: Mr. Sonnenstine

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

Mr. Sonnanstine X
Mrs. Fisher X

Motion passed 5-0.

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

Case CU-08-07: a request from Barbara Brewer, 5578 SR202, Tipp City, Ohio. The applicant also seeks a CONDITIONAL USE to building a second single family dwelling under Section 16.04 of the Bethel Township Zoning Resolution. The applicant wishes to build a new smaller home on the property and utilize the current residential structure as office space for current employees. The property is currently zoned A-2 General Agriculture. The property in question is located at 5578 SR202, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 29 & 35.

Mr. Gebhart read his staff report and presented a brief overview of the power point that went along with Case CU-07-07.

Mrs. Fisher asked if the applicant was present:

Mrs. Brewer was.

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

There were no comments in favor of the request.

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

There were no comments in opposition.

There was discussion among the Board and staff concerning this request.

RECOMMENDATION:

MOTION:

Motion was made to approve the request for a second home, and to expand the request to allow the current single family residence to be included in the complex of buildings associated with Harmony Farms. The motion would allow three (3) buildings in the business complex and one (1) new single family residence.

Motion made by Mr. Paden:

Second: Mr. Sonnanstine

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

Mr. Schwieterman	X
Mr. Sonnanstine	X
Mrs. Fisher	X

Motion passed 5-0.

OLD BUSINESS:

Mrs. Fisher asked if there was any old business.

Mr. Gebhart stated that this was a follow up to a case from the Spring of 2007.

Case CU-03-07: 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.

Mr. Gebhart stated that the BZA granted a Conditional Use for this case, and that the business had opened without meeting the conditions set forth by the BZA.

The Board agreed that the applicant should be present at the next meeting to discuss compliance with meeting conditions set forth in their spring '07 approval.

Mrs. Fisher asked if all members of the Board had reviewed the minutes of the September 20, 2007 meeting. All indicated that they had. Mrs. Fisher asked for a motion to approve.

MOTION:

Motion was made by to approve the September 20, 2007 minutes as submitted by staff.

Motion made by Mr. Schwieterman

Second: Mr. Biggs

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

Motion passed 5-0.

MOTION:

Motion was made to adjourn.

Meeting was adjourned