

Minutes**Bethel Township Board of Zoning Appeals****May 24, 2007 – 7:00 P.M.****Regularly Scheduled Meeting****Bethel Township Meeting Room, 8735 S. 2nd Street-Brandt**

Zoning Commission Member(s) Present: **Bush, Sheldon, Turner, Wells
Chairperson Underwood**

Zoning Commission Member(s) Absent: **None**

Staff Present: Gebhart – Director of Planning & Zoning

Mr. Underwood called the meeting to order at 7:00 pm.

Mr. Underwood started by having the members of the Zoning Commission and Township Staff present introduce themselves.

Robert Bush - Commission Member - 5635 Studebaker Road

Judy Sheldon – Vice Chairperson – 4905 Rudy Road

Polly Turner – Commission Member – 6435 Scarff Road

Lana Wells – Commission Member - 5330 Eastland Drive

Jesse Underwood – Chairperson – 5010 Eastland Drive

Mike Gebhart –Bethel Township Director of Planning & Zoning

Mr. Underwood stated that agendas were available at the podium.

Mr. Underwood asked if everyone could hear him over the noise of the air conditioner. No one indicated that his volume was not loud enough.

Mr. Underwood discussed the purpose and the powers of the Zoning Commission as outlined in the Chapter 519 of the Ohio Revised Code. He described the process that the evenings events would take place in. He stated that he would start with the reading of the application, which would be followed by comments from the applicant. At that time he would call for anyone wishing to address the Commission in support of the application. He would next call for anyone wishing to speak in opposition to the proposed zoning. Mr. Underwood stated that anyone wishing to speak would need to come to the podium, state their name and address before making any comments. He also instructed the audience that comments must be addressed to the Commission, and that there would be no questioning between members of the audience to each other. All questions would come from the Commission members. At the end of this process, Mr. Underwood stated, that a motion would be placed on the floor and voted on by the Zoning Commission.

Mr. Underwood stated that there would be two (2) cases heard tonight, not three (3) as advertised. He explained that case ZA-07-07 had been tabled by the Miami County Planning Commission.

Mr. Underwood asked Mr. Gebhart to read the first case.

Case #ZA-06-07, a request from Thomas G. Young, 8350 Taylorsville Road, Huber Heights, Ohio. The applicant would like to subdivide and rezone an approximate 1.808-acre parcel from an existing 36.87-acre parcel of land zoned A-2 General Agriculture to R-1AAA at 2287 East Ross Road, Tipp City, Ohio. The remaining 35.063-acres will remain zoned A-2 Domestic Agriculture. The parcel in question is located at 2287 East Ross Road, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 33.

Mr. Gebhart presented staff's report for this request. He utilized the GIS aerial maps projected on the wall to give the Commission an overview of the area of the proposed rezoning.

Staff recommends approval, but is concerned about the "dead space" that would be created behind the proposed parcel.

Mr. Underwood asked if that concluded staff's report. Mr. Gebhart indicated his report was finished.

Mr. Underwood stated that at this time we would hear from the applicant.

Mr. Thomas Young, 8350 Taylorsville Road, Huber Heights spoke on behalf of his request. He stated that he was there to answer any question that the Commission might have.

Mr. Underwood asked about the driveway on the property. He was unclear of the actual size of the lot because the surveyor had not marked off the ground. Mr. Underwood asked about the "dead space"? Mr. Young stated that the surveyor had made the lot this way. He didn't consider it "dead space".

Mrs. Wells expressed her concern about future sale of the larger lot with this "dead space".

Mr. Bush expressed concern about the ingress/egress agreement for the property at the rear.

Mr. Bush is very concerned about exotic animal at the property. Mr. Bush felt it was either a cougar or a mountain lion. Mr. Young said he had the proper licenses for the animal. Mr. Bush again said he was concerned about the "dead space". Mr. Young did not understand what the problem was, and that he didn't consider it "dead space".

The question was brought up whether this “dead space” was the only area on the overall acreage that was high enough to be considered outside of the flood plain. The “dead space” would be in the only area on the remaining acreage that would be higher than 816’ to be considered outside the flood plain. The applicant indicated at this time he is going to continue to have it farmed, and not sell it.

He asked for anyone wishing to speak from the public.

Support for the application:

None

Hearing none, Mr. Underwood moved on.

Mr. Underwood asked if there was anyone who would like to speak against the zoning application.

Opposition against the application:

None

Hearing none, Mr. Underwood moved on.

Mr. Underwood closed the public hearing portion of the case.

Discussion among Zoning Commission members and applicant about how to correct the “dead space issue.

Discussion continues among the Zoning Commission.

Mr. Gebhart explained that any future construction on the remaining approximate 35-acres would need County Flood Plain Administrator approval to build on. Most of the property is below 816’.

Discussion continues among the Zoning Commission concerning the lot size.

A motion to approve was made by Mrs. Wells for Case ZA-06-07.

Mrs. Turner seconded the motion.

Mr. Bush – Yea

Mrs. Turner – Yea

Mrs. Wells - Yea

Mrs. Sheldon - Yea

Mr. Underwood - Yea

Motion passed 5-0.

Meeting adjourned.

Mr. Gebhart announced that the public hearings for all cases heard tonight before the Bethel Township Board of Trustees would be June 12, 2007.

Mr. Underwood asked Mr. Gebhart to read the next case.

Case #ZA-07-07, a request from Roy D. Ford, 9310 South State Route 202, Tipp City, Ohio. The applicant would like to rezone his 5.552-acre parcel of land from A-1 Domestic Agriculture to I-1 Light Industrial. The parcel in question is located at 9310 South State Route 202, Tipp City, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 25.

The Miami County Planning Commission tabled this request pending more information from the OHIO EPA concerning this request.

Mr. Underwood and Mr. Gebhart both stated that the Bethel Township Zoning Commission should waiting to act on this case. Both stated that the ORC requires the county planning commission to make a recommendation before the township zoning commission acts on the case.

Mrs. Turner made a motion to table the case.

Mrs. Wells seconded the motion.

Mr. Underwood asked for the roll to be called.

Mr. Bush – Yea

Mrs. Turner – Yea

Mrs. Wells - Yea

Mrs. Sheldon - Yea

Mr. Underwood - Yea

Motion passed 5-0.

Mr. Gebhart asked if the temperature in the room was good, or if the air conditioner needed to be turned on again.

Mr. Underwood asked Mr. Gebhart to read the next case.

Case #ZA-09-07, a request from Joan K Klopff, 8656 E. State Route 571, New Carlisle, Ohio. The applicant would like to subdivide and rezone an approximate 5.459-acre parcel of land zoned A-1 Domestic Agriculture into three (3) new parcels zoned R-1AAA at 8656 E. State Route 571, New Carlisle, Ohio. The proposed new Lot #1 would be 1.519-acres, Lot #2 would be 1.970-acres and Lot #3 would be 1.970-acres. The parcel

in question is located at 8656 E. State Route 571, New Carlisle, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 4.

Mr. Underwood asked if that concluded staff's report. Mr. Gebhart indicated his report was finished.

Mr. Underwood stated that at this time we would hear from the applicant.

Joan K. Klopf, 8656 E. State Route 571 spoke on behalf of her case. Mrs. Klopf gave a brief explanation of her request.

Jeff Bonham, 5561 S. Dayton-Brandt Road. Mr. Bonham has limited power of attorney for Mrs. Klopf. He spoke on behalf of the applicant as to how the lots were laid out and to issues with ODOT.

Mr. Bush spoke extensively with Mr. Bonham concerning the driveway permitting issue.

Mrs. Wells and Mrs. Turner spoke to clarify the driveway issue. Mrs. Turner stated lot #3 already has an approved driveway. Mrs. Wells said buyers beware as far as the driveway issue. Mr. Bush said he didn't disagree with either Mrs. Wells or Mrs. Turner.

Mrs. Wells asked Mr. Gebhart his thoughts. He explained that he is not a traffic engineer and doesn't do well with the access management plan. He stated that ODOT would have final say.

He asked for anyone wishing to speak from the public.

Support for the application:

None

Hearing none, Mr. Underwood moved on.

Mr. Underwood asked if there was anyone who would like to speak against the zoning application.

Opposition against the application:

Mr. Gebhart stated that he spoke with Kelly Bulger, 8796 SR 571 on the phone. She called in opposition to the request today. She is sick and unable to attend this meeting. She wanted to be placed on the record as being opposed to this rezoning

The Commission asked where Ms. Bulger lived in relation to the applicant. Mr. Gebhart stated next door

Norma Hirst, 6225 South Scarff. She lives right next door to the corner lot owned by Mrs. Klopf. Mrs. Hirst asked about minimum standards for house size. Mr. Gebhart

stated that 1,500 square feet is the minimum size home that can go in. She also wanted to know whether a mobile home was allowed on this lot.

Mrs. Wells stated that the zoning for the corner lot is not in question tonight. It had been rezoned years prior to this hearing.

Mrs. Hirst also questioned whether Mrs. Turner should vote on this request. Mrs. Hirst claimed Mrs. Turner is the applicant's best friend. Mr. Gebhart along with several Commission members said that Mrs. Turner had decided prior to the meeting to recuse herself from voting in this particular case.

Mr. Underwood discussed the difference between mobile and modular homes.

Virginia Motko, 6265 S. Scarff Road spoke in favor of the application.

Mr. Underwood asked if there was anyone else who would like to speak in opposition to the request.

Debbie Young, 8796 SR 571. She spoke in opposition to the request.

Ms. Young asked how the property was to be auctioned. Mrs. Klopf spoke on how the auction of this property will be handled.

Mr. Underwood asked for anyone else wishing to speak against the application. He saw none. He closed the public hearing for citizen comments.

Mr. Underwood asked for comments among the Commission.

Mrs. Wells said she had issues concerning the driveway, but also stated buyers-beware.

Mr. Bush stated that he doesn't agree. Mrs. Wells questioned his comment. Mr. Bush and Mrs. Wells debated the driveway issue.

Mrs. Turner commented on the driveway issue saying that only 1 driveway needed to be added. Mrs. Sheldon agreed with Mrs. Turner.

Mrs. Sheldon had no significant concerns.

Mr. Underwood is concerned about the 1 lot that doesn't meet street frontage. He is also concerned about the accessory buildings. Mr. Underwood's biggest concern is the Strategic Development plan. He is concerned about the dividing line between Conservation Development and Traditional Neighborhood running through Lots #2 and #3.

Members of the Commission discussed the Strategic Development map.

Unidentified resident spoke up about concern for building upkeep.

Mr. Gebhart stated that he and Mrs. Klopff had discussed non-conformance issues for the accessory structures. Mrs. Klopff is aware of those issues.

Mr. Underwood ended his comments.

Mr. Underwood called for a motion.

Mrs. Sheldon asked about the driveway issue around the barn.

Mr. Underwood again called for a motion.

Mrs. Wells made a motion to approve the request.

Mrs. Sheldon seconded the motion.

Mr. Underwood asked for the roll to be called.

Mr. Bush – No

Mrs. Turner – Abstained

Mrs. Wells - Yea

Mrs. Sheldon - Yea

Mr. Underwood - No

Motion is denied because of a 2-2-1 vote.

Since the vote was split 2-2-1, the ORC requires that the vote go down as a recommendation for denial. The Trustees would have to vote unanimously to approve the request in order to overturn the Zoning Commissions decision.

Mr. Gebhart again stated the date of the Trustees public hearing.

Commission comments.

Mr. Underwood moved on to the next item on the agenda.

Mr. Bush made a motion to approve the minutes for the April 26, 2007 meeting.

Mrs. Wells seconded the motion.

Mr. Underwood asked for the roll to be called.

Mr. Bush – Yea

Mrs. Turner – Yea

Mrs. Wells - Yea

Mrs. Sheldon - Yea
Mr. Underwood - Yea

Motion passed with a vote of 5-0.

Mr. Underwood moved on to the next item on the agenda, the approval of the May 3, 2007 special meeting.

Mrs. Wells made a motion to approve the minutes for the May 3, 2007 special meeting.

Mrs. Sheldon seconded the motion.

Mr. Bush asked about whether a discussion by several Commission members with a resident outside the meeting should be included in the minutes. Mr. Gebhart stated that he felt it should not because it was outside of the announced public meeting, and the Commission's vote had already taken place.

Mr. Underwood asked for the roll to be called.

Mr. Bush – Yea
Mrs. Turner – Yea
Mrs. Wells - Yea
Mrs. Sheldon - Yea
Mr. Underwood - Yea

Motion passed with a vote of 5-0.

Meeting adjourned.