

Minutes**Bethel Township Zoning Commission****August 28, 2007 – 7:00 P.M.****Regularly Scheduled Meeting****Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio**

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

Zoning Commission Member(s) Absent: **Wells**

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.

Jesse Underwood – Chairperson – 5010 Eastland Drive
 Robert Bush - Commission Member - 5635 Studebaker Road
 Polly Turner – Commission Member – 6435 Scarff Road
 Judy Sheldon – Commission Member – 4905 Rudy Road
 Mike Gebhart – Bethel Township Director of Planning & Zoning

Mr. Underwood stated that copies of the agenda are available on the podium.

Mr. Underwood stated that the Zoning Commission had a quorum for the meeting with four out of the five members present. Mrs. Wells has an excused absence.

Mr. Underwood went over the power and duties of the Bethel Township Zoning Commission as outlined in the Ohio Revised Code.

Mr. Underwood stated that tonight's agenda has three (3) cases.

Mr. Underwood stated that Case #ZA-10-07 was the first case this evening. The Chair noted that it did not appear that the applicants or their representative appeared to be in attendance.

Mr. Gebhart asked if the Chair would entertain the idea of reversing the order listen on the agenda to move Case ZA-10-07 to the end of the new business to allow more time if the applicant for this case is running late. Mr. Gebhart advised that one of the two other cases this evening was going to receive a staff recommendation to table.

Mr. Underwood stated that he would entertain reversing the order to allow the applicants for Case ZA-10-07 more time to arrive if no other Commission members were opposed to

that. No one spoke up. Mr. Underwood stated that the order would be reversed and proceeded with the announcing of Case ZA-12-07 would be now heard.

Mr. Gebhart read the case.

Case #ZA-12-07, a request from Julie Sibthorp, 2449 Emerson Avenue, Salt Lake City, Utah and Todd Sonnanstine, 973 Janet Drive, Columbus Ohio. The parcel in question is located at 9510 S. State Route 202. The applicants would like to subdivide and rezone a 24.762-acre lot from A-2 General Agriculture. This would create two (2) new lots with a proposed zoning of A-1 General Agriculture. Lot #1 would be 11.272-acres and lot #2 would be 12.449-acres. The parcel of land is located at 9501 S. State Route 202, Tipp City, Ohio, Miami County, Bethel Township, Town 2, Range 9, Section 29.

Mr. Gebhart stated and apologized for a typo in the agenda description of the property. The address should read 5910 S. State Route 202.

Mr. Gebhart read his staff report for the Zoning Commission.

Mr. Gebhart went over the aerial map of the area.

Mr. Gebhart read staff's recommendation of approval.

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.

One of the Co-Applicants, Mr. Todd Sonnanstine of 973 Janet Drive, Columbus, OH spoke on behalf of himself and his sister who could not attend the meeting since she lives in Utah.

Mr. Sonnanstine wanted to make sure the physical address was correct as 5901 S. State Route 202.

Mr. Gebhart apologized for the error in reversing the address.

Mr. Sonnanstine stated that his goal, as well as his sister, was to live on the farm and not "hack" it up. Neither applicant is in a position to move to the area yet, but this case needed to be brought to the Zoning Commission as part of finalizing the estate of his late father.

Mr. Underwood asked the Commission if there were any questions.

Mr. Bush asked about the boundary lines are on the property? Mr. Sonnanstine said that the official stakes from the surveyor were not in place. Mr. Bush asked Mr. Sonnanstine

what the distance was from the side of the barn to the proposed lot line to the north. Mr. Sonnanstine couldn't give him an answer.

Mr. Gebhart stated that because of the proposed lots were all to be zoned agricultural over 10-acres, the set backs could not be enforced on a barn.

Mr. Bush asked about the driveway. Mr. Sonnanstine said the driveway for Lot #2 is not present. Mr. Gebhart stated that ODOT would not officially comment on a driveway for Lot #2 since a driveway permit was not submitted to them yet (ODOT). However, they did state that there needed to be 495' between driveways when an application was submitted.

Mr. Gebhart asked to point out Exhibit 5 from the County Planning Director had provided a memo that he is working on concerning large lot splits. If this particular rezoning is approved, the proposed new policy described in Exhibit 5 would help to control any future lot splits.

Mr. Underwood asked Mr. Gebhart to restate his position as to the barn location. Members of the Commission asked Mr. Sonnanstine what was in the barn today. He replied that it full of straw and farm equipment.

Mr. Underwood asked about the driveway again.

Mrs. Sheldon asked Mr. Sonnanstine if any property would be sold. Mr. Sonnanstine said that if anything were sold, it would be the lot with the house on it. Mr. Sonnanstine is trying to buy the remaining land from Mrs. Sibthorp.

He asked for anyone wishing to speak from the public.

Support for the application:

Neal Sonnanstine, 5950 SR 202, stated that he was in support of his niece and nephews request. He lives across the street from the parcel in question.

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

Opposition against the application:

None

Mr. Underwood brought the discussion to a close on the application.

Mr. Underwood asked staff if there were any written submittals for this case? Mr. Gebhart stated no.

Having heard all public comments, Mr. Underwood closed that portion of the case.

Mr. Underwood asked for discussion from the Commission.

Mr. Bush wanted to see the old Cadillac removed as a Junk Vehicle Problem.

Mr. Underwood questioned what happens if the property is re-zoned and sold, what happens to the barn if it isn't used for agriculture? Mr. Gebhart stated that the barn would become a zoning violation. He stated that he would outline that in the letter of approval or denial to the applicants. He stated that the BZA could grant a variance to the new owners if that should occur. Mr. Gebhart spoke directly to Mr. Sonnanstine about the barn and what it was subject to.

Mr. Underwood suggested that the final survey show the side property line to the north is a minimum of 20 feet, and that would make sure that there was no future violation. Mr. Sonnanstine said he understood.

Mr. Bush wanted clarification of whether a full survey had been done? Mr. Sonnanstine said a final survey was still to be done.

Mr. Underwood asked about a county tile in the area. Mr. Bush said that he did not believe that was an issue on that side of the road. Mr. Sonnanstine asked how he could find out for sure. Mr. Gebhart asked Mr. Sonnanstine to call County Engineer Doug Christians office concerning the field tile question.

Mr. Underwood asked about the County Planning Commission report. Mr. Gebhart stated that the report is in the supplemental packet given to the Commission before the meeting. Mr. Gebhart stated that those documents showed that the Miami County Planning Commission and Planning staff both recommended approval of Case ZA-12-07.

Mr. Underwood closed the Commission's discussion, and called for a motion.

Mrs. Sheldon asked if the widening of the lot to include a 20' set back from the north property line could be a requirement of the Commission's motion? Mr. Underwood stated that Mr. Gebhart had asked the County Prosecutor's office for an opinion on whether conditions /modifications could be added to the approval process. He said currently the motion could only be for approval, denial or to table. He did state that comments could be added to the approval.

A motion to approve was made by Mr. Bush for Case ZA-12-07 as presented.

Mrs. Sheldon seconded motion.

Mr. Underwood asked for any other discussion. Mr. Underwood having heard none asked for a roll call vote.

Mr. Bush – Yea

Mrs. Turner – Yea

Mrs. Sheldon - Yea
Mr. Underwood - Yea

Motion passed 4-0.

Mr. Gebhart stated that all cases heard this evening would have their public hearing before the Bethel Township Board of Trustees next Tuesday night, August 28th at 6:15 PM before their regularly scheduled meeting. The Trustees vote on the matter will come at their next regularly scheduled meeting on September 11, 2007.

Mr. Sonnanstine asked for the dates again. Staff read through the dates again.

Mr. Underwood asked for the next case to be read, ZA-11-07.

Mr. Gebhart read the request:

Case #ZA-11-07, a request from the Bethel Township Trustees, 8735 S. 2nd Street-Brandt, Tipp City, Ohio. This application seeks to amend the text of the Bethel Township Zoning Resolution for the following zoning districts of B-1, B-2, B-3, I-1 and I-2. The amendment requests to change the minimum lot size for each of these districts to a minimum of 20-acres.

Mr. Gebhart stated that staff asked the Miami County Planning Commission to table this request because the request needed to be “tweaked” or removed from consideration. The County Planning Commission tabled the request at the August 21st meeting. Staff asked the Bethel Township Zoning Commission to table this item for the same reason.

Mr. Underwood stated that the Commission should not act before the Miami County Planning Commission does. He asked for a motion to table.

Mrs. Turner moved to table the request.

Mr. Bush seconded the motion.

Mr. Underwood asked for discussion. Hearing none, he asked for the roll to be called.

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

Motion passed 4-0.

Mr. Underwood stated that the third case on the agenda is Case ZA-10-07.

Mr. Gebhart read the case:

Case #ZA-10-07, a request from David A. & Kama L. Dick, 7575 US RT 40, New Carlisle, Ohio. The applicants would like to rezone a 3.0358-acre parcel of land from R-1AAA One Family Housing to B-1 Highway Business District. The parcel of land is located at 7575 US RT 40, New Carlisle, Ohio, Miami County, Bethel Township, Town 2 Range 9 Section 8.

Mr. Gebhart asked Mr. Underwood to read into the minutes the time that this particular case was being started.

Mr. Underwood replied that the record should show that Case ZA-10-07's hearing began at 7:30 PM.

Mr. Gebhart read his staff report for the case, which included using the aerial map to show the property location.

This case, because it was filed before July 12, 2007, should be evaluated using the previous zoning resolution.

Mr. Gebhart reviewed the Miami County Planning staff's recommendation of denial because it did not meet the requirements of the Bethel Township Strategic Development Map. Mr. Gebhart also reviewed the Miami County Planning Commission vote of 8-1 to approve.

Mr. Gebhart discussed the concept of flexibility stated in the Strategic Development Plan. Mr. Gebhart spoke on the property being north side of US 40, which is an area designated for Traditional Neighborhood and not Commercial/Retail as the map shows on the south side of US 40.

Mr. Gebhart said he would recommend denial because the map currently shows the areas as Traditional Neighborhood, and could not recommend a commercial building lot in this area.

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.

The applicant was not present.

Support for the application:

None

Mr. Underwood saw no one wishing to speak for the application

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

Opposition against the application:

Dan Bernard, 7948 Ross Road, spoke against the request because the land use plan does not allow for this.

Mr. Gebhart addressed Mr. Bernard's question about the County Planning Commission vote. Mr. Gebhart explained why he thought the County Planning Commission voted the way they did.

Anita Bernard, 7948 Ross Road, spoke against the request because the land use plan does not allow for this.

Mr. Underwood asked for anyone else wishing to speak against the plan. Mr. Gebhart stated that he did have four (4) letters in opposition to the request. Those letters were from the following residents:

Patricia Bernard, 7891 E. SR 40
Patricia Mannix, 5145 Eastland Drive
Dan Heberling, as owner of 7790 Ross Road
Fran Morford, 6570 East Walnut

Mr. Gebhart read each of these letters into the record.

Mr. Gebhart stated that he received no letters in support of the application. He did state that he received numerous phones concerning this application. He stated that he advised calls that if they were in support or against this application, or any other application, to come to the meeting to express their feelings.

Mr. Underwood asked for any other public comments. Seeing none, he closed the public comment portion for this case.

Mr. Underwood asked for discussion from the Commission.

Mr. Bush stated his concern that the applicant was not here to support their application.

Mr. Underwood reminded Mr. Bush that the applicant is not required to attend the meeting.

Mr. Bush talked about his concerns for traffic volume in the area with a soccer field and a church.

Mr. Gebhart spoke to the Chair as to why 7575 US 40 is used as the address for this case. Mr. Gebhart stated that 7575 US 40 is the mailing address for the Dick's as property

owners, but the parcel in question is two (2) lots east of 7575 US 40. There is no address assigned to the vacant parcel of land, but the correct lot is identified in the applications filed as the eastern most lot that the applicant owns.

Mr. Gebhart followed up Mr. Bush's comments concerning attendance by the applicants. He stated that he mailed the applicants a copy of the public notice advertising this meeting when the 300' notifications were mailed to the surrounding property owners.

Mr. Bush asked about properties in the area and their zoning.

Discussion occurred among the Commission.

Mrs. Sheldon wanted to ask the applicants about an actual size of the building they were considering building? She stated that she had questions as to the actual uses of the building.

Mr. Gebhart stated that no site plan was presented. He said that in discussions with the applicants, it was perceived by staff, that the buildings would house Mr. Dick's roofing business and Mrs. Dick's real estate business.

Mr. Gebhart provided information on the previous application by the Dick's for this application.

Mr. Underwood wanted clarification on the number of 10-15 possible employees for the business. Mr. Gebhart explained that the Ohio EPA is the regulating body for on site sanitation in a rezoning application to Business or Light Industrial. The employee count given to Ohio EPA by the applicant was 10-15 employees.

Mr. Underwood addressed the flexibility issue from the Strategic Development Plan. He stated that the Commission needed to be aware of applying the flexibility uniformly. He stated that the requested business-zoning district would allow for things such as bars, which he was concerned about.

Mr. Underwood also addressed screening issues for a commercial lot next to a residential lot.

Mr. Underwood also addressed the term spot zoning. He stated he felt this was spot zoning.

Mr. Gebhart clarified his position on what flexibility meant concerning this plan.

Mr. Underwood asked for other Commission comments.

Mrs. Turner stated her concern about using US 40 as a dividing line for two totally different zoning classifications.

Mr. Underwood concurred with Mrs. Turner, but expressed his desire to stick to the plan map before him.

Mr. Gebhart agreed with Mrs. Turner, and gave examples of better planning along US and State Routes in the area. He stated that the Trustees asked staff to start the process of re-examining the Strategic Development map.

Mr. Underwood asked for any more discussion among the Commission. Seeing none, he asked for a motion on Case ZA-10-07.

Mr. Bush moved to deny Case ZA-10-07.

Mrs. Turner seconded the motion.

Mr. Underwood asked for discussion. Hearing none, he asked for the roll to be called.

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

Motion to recommend denial passed 4-0.

Mr. Underwood asked Mr. Gebhart to mail the applicants their decision since they were not in attendance. Mr. Gebhart asked Mr. Underwood to enter into the minutes the time the case was decided. Mr. Underwood replied 8:05.

Mr. Underwood moved on with the agenda items, and asked for approval of the previous meetings minutes.

Mr. Gebhart stated that the minutes from the previous meeting were not ready for approval yet, and asked that this be waived until the next meeting.

Mr. Underwood asked for a motion to approve postponement of the approval of the May 24, 2007 meeting minutes until the September 2007 Zoning Commission meeting.

Mrs. Turner made a motion to waive.

Mr. Bush seconded the motion.

Mr. Underwood asked for the roll to be called.

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

Motion to waive the approval of the May 24, 2007 meeting until the September 2007 Zoning Commission meeting passes 4-0.

Zoning Commission comments.

Mr. Underwood asked for a motion to direct the Bethel Township Board of Trustees to re-examine the Bethel Township Strategic Development plan and map.

Mrs. Turner made a motion.

Mr. Bush seconded the motion.

Mr. Underwood asked for the roll to be called.

Mr. Bush – Yea

Mrs. Turner – Yea

Mrs. Sheldon - Yea

Mr. Underwood - Yea

Motion passed 4-0 to direct the Trustees to re-examine the Strategic Development plan and map.

Mr. Bush made a motion to adjourn.

Mrs. Turner seconded the motion.

Mr. Bush – Yea

Mrs. Turner – Yea

Mrs. Sheldon - Yea

Mr. Underwood - Yea

Motion passed 4-0 to adjourn.

Meeting adjourned.