

Minutes**Bethel Township Zoning Commission****September 27, 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, 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.

Swearing in of new 2nd Alternate Member: Harold D. Gross by Deborah Watson
Township Fiscal Officer.

Mr. Gross moved to sit at the Commission table.

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

Jesse Underwood – Chairperson – 5010 Eastland Drive
Lana Wells – Commission Member – 5130 Eastland Drive
Robert Bush - Commission Member - 5635 Studebaker Road
Polly Turner – Commission Member – 6435 Scarff Road
Judy Sheldon – Commission Member – 4905 Rudy Road
Harold Gross – Commission Member/ 2nd Alternate – 7355 SR 202
Mike Gebhart – Bethel Township Director of Planning & Zoning

Mr. Underwood stated that copies of tonight’s agenda and recent Zoning Commission minutes were available at the podium.

Mr. Underwood stated that we have a quorum this evening, and that Mrs. Wells would not be voting on tonight’s case because of her friendship with the applicant. Mr. Gross, as an alternate will be voting. Mr. Underwood stated that with Mr. Gross voting, quorum requirements were still met.

Review of Commission procedure for audience members as per the Ohio Revised Code. Mr. Underwood pointed out that the Zoning Commission was able to make recommendations with conditions per the Miami County Prosecutor’s opinion provided by Mr. Gebhart.

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

Case #ZA-13-07: An application from Deanna K Davis, 7788 Staley Road, New Carlisle, OH 45344 & Jim Frederick of 7790 Staley Road, New Carlisle, OH 45344. The applicants would like to subdivide and rezone a 33.172-acre parcel of land located at 4904 Dayton-Brandt Road, New Carlisle, OH 45344. The county parcel ID # is A01-032310. The applicant wishes to create three (3) new lots all zoned R-1AAA One Family Housing. Lot #1 would be an approximate 4.59-acre parcel. Lot #2 would be 1.305-acre parcel of land, and Lot #3 would be an approximate 4.09-acre parcel. The parcel in question is located at 4904 Dayton-Brandt Road, New Carlisle, Ohio, Miami County, Bethel Township, Town 2 Range 9, Section 12.

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

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

Mr. Gebhart explained that the applicants had been working with him for over a year on this project.

Mr. Gebhart stated that his staff report was incorrect in saying that the application should use the new amended Zoning Resolution to evaluate the application. He explained that it was a “typo” and should have indicated that the old code should be used to evaluate this case since it was started over a year ago.

Mr. Gebhart read staff’s recommendation of approval with conditions.

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.

Jim Frederick of 7790 Staley Road spoke on behalf of the application. Mr. Frederick explained that Mrs. Davis has no driveway because she utilizes Mr. Frederick’s driveway. Mr. Frederick explained that Mrs. Davis would then give him a easement to access his property.

Mr. Underwood asked for any questions for Mr. Frederick.

Mr. Bush asked about what variance they received from the BZA? Mr. Gebhart stated that they received a variance from street frontage from 175’ to 125’.

Mr. Bush asked for clarification on what Mr. Frederick’s street frontage is? Mr. Gebhart stated that it would be 125’. Mr. Bush gave suggestions as to how the driveway could be placed on the property.

Discussion ensued between the Commission and Mr. Frederick concerning driveway placement in the future.

Mr. Underwood asked for a clarification as to the lot dimensions because the numbers didn't add up. Mr. Gebhart stated that this was an error on his part, and corrected them.

Mr. Underwood stated that he was concerned about Mr. Frederick's new lot being over 4.0-acres. Mr. Underwood and the Commission discussed options for this proposed lot. Mr. Underwood is concerned about future splitting of this lot and density requirements for Conservation Development as called for in the Bethel Township Strategic Development Plan.

Mr. Frederick and Mrs. Davis indicated that they would be willing to address the issue with Mr. Frederick's lot being over 4.0-acres when Mr. Cozatt, the surveyor, prepares the final site plan.

Mr. Underwood had another question concerning new Lot #3 (3.222-acre lot for Greg Davis to build a new home on). He wanted to know how close the detached garage for the lot north of the proposed lot three (3) is? Mr. Gebhart stated that it is approximately 59.63'. Mrs. Davis spoke up and said that the aerial photograph did not show that there is a new garage on that lot.

Mr. Underwood asked about county field tiles? He also asked about a utility easement. Mr. Gebhart asked if he was talking about the power drop. Mr. Bush stated that the power pole would have to be moved. Mr. Frederick and Mrs. Davis said that they would work with Mr. Cozatt in the final site plan.

Mr. Underwood asked about the Elizabeth Township Historical District Map, and if it included the property involved in this case? Mr. Gebhart stated that he would get clarification before the Trustee public hearing.

Mr. Underwood asked about the old Miami County Green Space Plan. Mr. Gebhart stated that the new County Comprehensive Plan deferred to the Bethel Township Strategic Development Plan. Mr. Underwood asked Mr. Gebhart to have that clarified before the Trustee public hearing.

Mr. Underwood also expressed concern about density and the size of the road. Mr. Underwood asked if the applicants would be agreeable to adding 10' to the street right-of-way. Mr. Gebhart explained the request to the applicants. Mr. Gebhart stated that nothing is in the works to expand Staley Road, but in the future the right-of-way would allow the curve in the road to be minimized. This would create a safer curve.

Mr. Underwood asked for anyone wishing to speak from the public.

Support for the application:

None

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

Opposition against the application:

None

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

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

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

Mr. Gebhart read the motion three (3) times to make sure the motion correctly stated the Zoning Commission's recommendations for approval.

1. Lot #2 is enlarged to 2-acres to meet the minimum requirements for an R-1AAA One Family Housing District.
2. Lot's #1 and 3 must remain a minimum of 2-acres, but not more than 3.999-acres.
3. Deed language that allows 7790 Staley Road to use the driveway at 7788 Staley Road to access this property.
4. The right-of-way be increased by 10', to an overall total of 30', on the west side of Staley Road from the south property line of 7700 Staley Road to the south property line of 7790 Staley Road (This would allow the room for any future corrective modification to the bend in Staley by the County Engineer.)

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. Wells –abstain

Mr. Gross - Yea

Mrs. Sheldon - Yea

Mr. Underwood - Yea

Motion passed 5-0-1.

Mr. Gebhart stated that tonight's case would have their public hearing before the Bethel Township Board of Trustees next Tuesday night, October 9th at 6:30 PM before their regularly scheduled meeting. The Trustees vote on the matter will come at their next regularly scheduled meeting on October 23, 2007.

Approval of the May 24, 2007 Minutes:

Motion to approve the minutes of the May 24, 2007, Bethel Township Zoning Commission was made by Mr. Bush.

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

Motion passes 5-0

Mr. Gebhart stated that the minutes of the August 23, 2007 meeting were not ready and asked that their approval be waived until the next meeting.

Motion to waive the minutes of the August 23, 2007, Bethel Township Zoning Commission was made until the next meeting was made by Mrs. Turner.

Mr. Bush seconded the motion.

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

Motion passes 4-0-1

Mr. Gebhart gave a brief overview of next months meeting agenda.

Discussion among Commission on various topics.

Mr. Bush stated that for medical reasons he may not be able to attend the October, November and December meetings.

Mrs. Wells indicated that she would be on vacation the week of the October 2007 meeting, and would be absent.

Motion was made to adjourn.

Seconded by Mr. Bush.

Mr. Bush – Yea
 Mrs. Turner – Yea

Mrs. Wells – Yea
Mrs. Sheldon – Yea
Mr. Underwood – Yea

Motion passes 5-0

Meeting adjourned.