

Minutes

Bethel Township Board of Zoning Appeals

December 28, 2006 – 7:30 P.M.

Regularly Scheduled Meeting

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

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

Zoning Commission Member(s) Absent: Chairperson Wells -excused

Staff Present: Gebhart – Director of Planning & Zoning

Vice Chairman Underwood called the meeting to order at 7:30 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
Ed Broerman - Commission Member - 5260 E. St. Rt. 571
Judy Sheldon – Commission Member – 4905 Rudy Road
Polly Turner – Commission Member – 6435 Scarff Road
Jesse Underwood – Commission Member – 5010 Eastland Drive
Mike Gebhart –Bethel Township Director of Planning & Zoning

Mr. Underwood acknowledged that each member of the Commission had received an informational packet from Township Staff including an agenda. He stated that the approval of minutes would be at the end of the meeting.

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 read the request:

Zoning Commission Case #ZA-08-06, a request initiated by the Bethel Township Zoning Commission to change Self-Service Storage Units (Store-n-locks) from a

Permitted Use in the I-1 Light Industrial District to a Conditional Use in the same district. By moving the Self-Service Storage Units for Permitted to Conditional in the I-1 Light Industrial District, the Zoning Commission and staff felt that they could better regulate the quality and quantity of such businesses within the Township.

This case also added a definition for what a Self-Service Storage Unit is to Article 3.02 of the Bethel Township Zoning Resolution.

Add the following definition to Article 3.02 of the Bethel Township Zoning Resolution:

Self Storage Building/ Self-Service Storage Building (and Storage Yard) – A building containing individual, compartmentalized and controlled access stalls, rooms or lockers or property that is leased, rented or owned by different individuals for the storage of individual possessions or personal property.

Remove from the PERMITTED PRINCIPLE USES under Article 11.02 of the Bethel Township Zoning Resolution for the I-1 Light Industrial District:

36. Storage buildings storage buildings and storage yards for building supplies and equipment, food fabrics, hardware, rental storage units or similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles. Such storage facilities shall be enclosed and concealed by a fence or walls no less than five (5) feet six (6) inches high.

Add to the CONDITIONAL USE under Article 11.04 of the Bethel Township Zoning Resolution for the I-1 Light Industrial District:

Self-Service Storage Building, Self Storage buildings and storage yards, Storage buildings for building supplies and equipment, food fabrics, hardware, rental storage units or similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles. Such storage facilities shall be enclosed and concealed by a fence or walls no less than five (5) feet six (6) inches high.

Mr. Underwood asked for comments from the applicant, which would be the Director of Planning & Zoning, Mike Gebhart.

Mr. Gebhart began his explanation of how and why self-storage units came up. He explained that in discussions with the Township Trustees and Township Administrator, concern had been voiced about the number of self-storage units in the southern portion of the Township. Gebhart explained that there was an I-1 Light Industrial Lot located on Route 40, and that there were other I-1 Light Industrial areas in the Township that could be turned into self-storage areas.

Gebhart felt that it was important to regulate self-storage facilities and that as a permitted use there were no controls in place. He felt that it was better to change self-storage facilities to a conditional use. He explained that he thought it would be better for the Board of Zoning Appeals to be able to judge each conditional use application on a case by case basis.

Gebhart also explained that in the new Zoning Resolution that will be submitted to the Zoning Commission at some point in the first quarter of 2007, that the language before them tonight is identical to how it will be in the new Code.

Gebhart also added that with the warm weather season coming, the likelihood of someone seeking a zoning certificate to start construction of a new self-storage center.

Mr. Bush commented that he wasn't sure if this was really the answer to the problem. Gebhart agreed that the conditional use approval was only good for the current owner, and that if the property was sold, the new owner would need to reapply with the BZA to continue the conditional use. Bush commented that he was concerned on how the BZA would go about the process of granting the conditional use. Gebhart stated that he hoped to provide the BZA and Zoning Commission with some educational seminars over the next 18 months. Gebhart felt that it was important to provide both boards with as much information as possible with the new Zoning Resolution coming. Gebhart also stated that staff would not be recommending approval to the BZA on future issues.

Bush and Gebhart discussed the issue further, and the approval issues related to the Board of Zoning Appeals

Mr. Underwood asked for clarification from Mr. Bush on his position. Mr. Bush said he supports the change in this amendment, but wants to see the BZA to understand their role and to stop undercutting the Zoning Commission.

Mr. Underwood said he wanted to be fair to both Boards. He said that in the past both Boards were left to find things out on their own, and now that there was staff to help provide information that he hoped this would start to change.

Discussion continued between the Commission and Mr. Gebhart concerning what the time frame was for this amendment to take effect. There was discussion about the land behind the Township Building and the Fire House being for sale, and the possibility of that land being turned into additional self-storage buildings.

Other communities screening for self-storage areas was discussed.

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

A motion for the approval of the amendment was made by Mr. Bush.

Motion was seconded by Mr. Broerman.

Mr. Broerman – Yea

Mr. Bush – Yea

Mrs. Sheldon – Yea

Mrs. Turner - Yea

Mr. Underwood – Yea

Motion passed 5-0.

Mrs. Turner asked the question of when the public hearing would be. Mr. Gebhart stated that it would be January 9, 2007 at 6:45 pm in this building.

Minutes from last meeting, November 30, 2006, were discussed. The way the minutes are prepared was discussed. Mr. Gebhart stated that on cases that are not contentious, he paraphrases the content. On cases such as the Dollar's application on Agenbroad, he prepares detailed minutes so that the Trustees are aware of specific opposition. He also stated that the actual audio tape is available if anyone wishes to hear the exact language.

A motion was made for the approval of the minutes with the revisions discussed by Mr. Bush.

Motion was seconded by Mrs. Turner.

Mr. Broerman – Yea

Mr. Bush – Yea

Mrs. Sheldon – Yea

Mr. Underwood – Yea

Motion passed 5-0.

Mr. Underwood asked about the minutes from the July meeting. Mr. Gebhart said that they were still not ready. Trustee Hirt is still putting together the minutes.

Mr. Broerman made a motion to adjourn.

Motion was seconded by Mrs. Sheldon.

Mr. Broerman – Yea
Mr. Bush – Yea
Mrs. Sheldon – Yea
Mr. Underwood – Yea

Motion was passed 4-0.

Meeting adjourned.

Mr. Jesse Underwood,
Vice-Chairperson

Mr. Michael Gebhart,
Commission Secretary