

Minutes

Bethel Township Board of Zoning Appeals

November 19, 2015 – 6:30 P.M.

Regular Meeting

Bethel Township Meeting Room, 8735 S. 2nd Street – Brandt, Tipp City, Ohio

Board of Zoning Appeals Member(s) Present: Sonnanstine, Gross, Butt, Fisher

Board of Zoning Appeals Members(s) Absent: Durst, Reese

Staff Present: Jeff Green– Director of Planning & Zoning

Mrs. Fisher called the meeting to order at 6:30 PM.

Each member of the Board introduced themselves.

New Business:

Mr. Green read the first case:

Case V-10-15: A request from Gordon Wells of 5206 Summerset Dr, Tipp City, OH 45371. The applicant requests a decrease in the required road frontage from one hundred and seventy-five (175) feet to seventy (70) feet of road frontage and a decrease in the required size of a lot from thirty-two thousand five hundred (32,500) sq. ft. to twenty-three thousand five hundred (23,500) sq. ft. located at 9060 SR 202, Tipp City, OH, 45371. The property is identified as Miami County parcel ID # A01-086204.

Mr. Green made his staff presentation.

Mr. Green asked if the Board had any questions of him.

The board had no questions

Mr. Wells was there to present himself and gave the BZA. The property in question was my mothers who died in May. What we are proposing is part of the estate settlement. My older sister is buying the existing house but does not want all the land that goes with it. I decided that if we split and make the frontage 70 feet, which is consistent with the lot to the south then everything would be fine.

Mr. Wells: I also have a site plan for the boards review.

Mr. Green: For the record the site plan Mr. Wells handed out will be considered Exhibit 2.

Mr. Wells goes over his site plan with the board.

Mr. Wells: As Mr. Green mentioned, the proposed lots are typical for other properties in Phoneton. The lot at 4405 US 40 is 73 feet in frontage. The existing 70-foot lot is appraised at \$4800.

Mr. Butt: Which lot is that?

Mr. Wells: Lot 4. This indicated to me the lot is buildable. The new 70-foot lot that I am proposing at one time had a residence on it. The existing and proposed lots can be hooked up to the sewer.

Mr. Green: The county should require all properties to hook up to the sewer. Whatever the board decides, check with ODOT to ensure that you can put a driveway in the lots.

Mr. Wells: I will

Mr. Gross: Who owns lot 203

Mr. Green: Myrtle Wells estate

Mr. Gross: Your sister lives in 202

Mr. Wells: Yes, and she would be getting lot 203

Mr. Gross: Lot 224, is that yours.

Mr. Wells: Yes

Mrs. Fisher: It looks like it was part of your northern neighbor's property

Mr. Wells: I do not know why that lot was created that way.

Mr. Gross: Well its zoned for business so it throws a curve into it

Mr. Wells: portion is attached to lot 223.

Mr. Green: No, lot 224 is its own lot. That is why it has its own parcel number.

Mr. Sonnanstine: So can we make a decision based on lot 224 being zoned differently?

Mr. Green: Yes, because this variance is regarding the reduction of total lot size.

No further questions for Mr. Wells

Joe Sumpter: 8800 State route 202. I do believe lot 205 is zoned neighborhood business residential, correct me if I'm wrong.

Mr. Green: That is correct

Joe Sumpter: I do believe that lot 31 on the proposed plan (parcel 223) when this was platted, may be a street or an easement for a street. So lot 5 (parcel 204) would be combined with lot 31 (parcel 223) is that correct?

Mr. Green: Yes, according to the proposed plan 70 feet would be taken from parcel 204 and combined with lot 31 (parcel 223) in the back.

Mr. Sumpter: So Mrs. Gregory's lot would extend another 70 feet or so to the North is that correct.

Mr. Wells: yes, she would get lot 4 (parcel 203).

Mr. Sumpter: Alright, thank you. I see no reason why this should be denied. This is conducive to build on and is like much of Phoneton. I think the frontage is sufficient. I support the plan.

Mrs. Fisher: Ok Thank you.

Mr. Sumpter: I just don't want to see lot 31 (parcel 223) landlocked.

Mr. Green: if possible we would try and prevent that now and in the future.

Mr. Sumpter: Well if you do it the way its spelled out it won't be.

No further residents are in attendance.

PUBLIC DISCUSSION CLOSED

Mrs. Fisher: is there any more questions from the board.

Mr. Gross: Mr. Wells since lot 4 (parcel 203) is going to your sister, are you going to combine it with her lot or leave it separate?

Mr. Wells: I do not know what she is planning, but I would recommend she combine it.

Mr. Green: That's a recommendation I would make to the board.

Mrs. Fisher: I'm not so sure that is a permanent structure

Mr. Gross: It's not

Mr. Green: Either way, by combining parcel 203 and 202 it would bring it into compliance with the setbacks for the code and move the property lines away from the

side of the house. It would also allow for the houses propane tank to be on the same lot as the house.

Mr. Butt: So if we allow the proposed plan, lot 5 would have 70 feet in width meaning with current setbacks they could only build a 30 ft. long house correct?

Mr. Green: Yes, my recommendation addressed that. I recommended that we take about 25 to 30 feet from parcel 203 and add it to lot 5. This will bring its frontage up to 95 to 100 feet allowing for more building room for a potential house.

Mr. Butt: Is your sister building a house on parcel 203?

Mr. Wells: No, she is not

Mr. Green: The second part of my recommendation is take parcel 223 and add it to the lots directly in front of it. So instead of parcel 223 only being a part of the newly created lot 5 which would make a "T," instead give a portion of 223 to parcel 203, lot 5, and parcel 204 to make it more rectangular.

Mr. Gross: Can you illustrate your recommendation?

Mr. Green illustrated his recommendation this on the whiteboard.

Mr. Sonnanstine: Are you going to use different colors

Mr. Green: I am indeed

Mr. Sonnanstine: So just to be clear you are recommending that we require lot 5 to be given an additional amount of frontage and make parcel 223 split off in accordance to whatever parcel is in front of them correct?

Mr. Green: Correct.

The board discusses Mr. Green's recommendations

Mr. Sonnanstine: Mr. Wells has presented his ideas and desires and is obviously working with family considerations. While I feel awkward he wants a 70-foot lot T shaped lot in the middle but I believe he has to work with his family and while it looks strange to us, it probably works.

Board Discussion closed

Mr. Sonnanstine: Motion to approve case V-10-15 as presented by Mr. Wells.

Motion seconded by Mr. Gross

VOTE

Mrs. Reese	N/A
Mrs. Fisher	Yes
Mr. Gross	Yes
Mr. Sonnanstine	Yes
Mrs. Butt	Yes

Motion to approve case V-10-15 approved 3-0 as Mr. Wells has presented.

Approval of minutes:

September:

Mr. Sonnanstine motion to approve September minutes

Mr. Butt: Seconded

Vote

Mrs. Reese:	N/A
Mrs. Fisher:	Yes
Mr. Butt:	Yes
Mr. Gross:	Yes
Mr. Sonnanstine:	Yes
Mr. Durst	N/A

October:

Mr. Sonnanstine motion to approve October minutes

Mr. Gross: Seconded motion

Vote

Mrs. Reese:	N/A
Mrs. Fisher:	Yes
Mr. Butt:	Yes
Mr. Gross:	Yes
Mr. Sonnanstine:	Yes
Mr. Durst	N/A

Board of Zoning Appeals Comments

Mr. Sonnanstine: What has happened with the fence case over in West Charleston

Mr. Green: The fence dispute at 4300 W Charleston-Ginghamsburg RD has quieted significantly. Last I hear the Niemeyers, the people who we granted a variance for the front yard fence, haven't had any more issue with the fence in the front. However, it was always the back fence that was in dispute. From what I heard the Blackburn's, the people in opposition, claimed it was cutting off access to their leechfield. In addition, from the picture the Blackburn's took the fence was pretty tall. However, after re-grading the fence is exactly at 6ft in height. The fence also has a gate for the Blackburn's to use to access the leechfield. I know a police report was filed that the Blackburn's vandalized the fence, the Niemeyer's lawyer threatened legal action and it has since quieted down.

Adjournment:

Motion was made by Mr. Gross to adjourn and seconded by Mr. Sonnanstine.