

Minutes

Bethel Township Zoning Commission

January 26, 2017 – 7:30 pm.

Regular Meeting

Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio

Zoning Commission Member(s) Present: Furderer, Berbach, Turner, Serra Underwood, Reese

Member(s) not present: None

Staff Present: Caskey – Township Planning and Zoning

Ms. Furderer called the meeting to order at 7:30 pm.

ZC and staff introduced themselves.

New Business

Case: ZA-07-16: A request from Bethany Horn, DVM, to rezone 2.518 acres to B-2, Office/Residential District from R-1AAA, Single Family Residential on ground presently used for residential purposes and located at 968 Bellefontaine Rd, New Carlisle, OH 45344. This will allow for the establishment of a veterinary clinic if a conditional use request is approved at the February 2017 Board of Zoning Appeals meeting. The property is identified as Miami County Parcel ID # A03-004800.

Mr. Caskey presented the staff report.

Mr. Caskey asked if there were any questions for him.

No questions.

Ms. Furderer: Any comments from those for the request?

Dr. Horn was unable to attend. No other citizens supporting were present.

Ms. Furderer: Any comments from those against the request?

Mr. Frank Rich was present and spoke against the rezoning. His concerns were: traffic up the driveway, driveway width, drainage, the separate septic system and barking dogs at night.

A vigorous discussion took place with these topics being explored and the relevant resolution sections noted.

1. Traffic up the driveway would be minimal and not a consideration for this board.
2. Driveway width is set by Clark County and approved.
3. Drainage is the responsibility of the property owner and the Miami County Engineer. Since the drainage is originating on Mr. Rich's property and not on the Horn property, that issue is not relevant.
4. Mr. Rich stated that the drainage would interfere with the second septic system. Mr. Rich is not an engineer and the septic would need to be approved by the Miami County Health

Department and all code-related concerns are managed by Miami County. Again, Mr. Rich was referred to the county.

5. As for the barking dogs, Mr. Rich has problems with barking dogs in Clark County and does not wish to be bothered additionally. Dr. Horn had previously stated that no kennels will be onsite, and that any dogs “staying over” would be recovering from surgery and would be inside the building. It was noted that Bethel Township has a noise resolution if it became a problem. He said the noise resolution in Clark County doesn’t work. Mr. Caskey stated that the noise resolution in Bethel Township has already been tested and worked. He could not speak to Clark County’s enforcement.
6. Mr. Rich stated that Mr. Caskey called him a “liar” because Mr. Caskey corrected some misinformation Mr. Rich was stating. The board stated that that had not happened and the board and Mr. Caskey were simply trying to get all aspects of his concerns covered.
7. Mr. Rich asked what would keep someone else from buying the property and putting a kennel. Mr. Underwood noted that would be a separate conditional use and would need to be taken to the BZA prior to opening a kennel.
8. Mr. Rich stated that the property was not zoned R-1AAA but A-1. Mr. Underwood noted that both the 2002 and 2008 Township zoning maps show the property as R-1AAA and Mr. Caskey noted the County GIS system and the County Planning Commission show the property as R-1AAA.
9. Mr. Rich then left the meeting room.

Public discussion is closed.

Ms. Furderer: do we have any further discussion on this case?

Ms. Reese asked about two septic systems on a two-acre property. The applicants are working with the Miami county Health Department and a septic engineer on that. While we have a zoning resolution section that states a two-acre minimum for a lot with septic, it does not state that each septic system must have two acres.

Mrs. Reese asked if the motion should be stated with the condition that the clinic building be insulated so the sound would not carry. Mrs. Furderer stated that all that is covered by US and County building standards and would be overseen by the county inspector.

Mrs. Reese stated that the motion should include the conditions that the conditional use for a veterinary clinic be passed.

Motion:

Mrs. Turner moved to approve with the condition that the conditional use for a veterinary clinic be passed.

Mr. Berbach seconds the motion.

VOTE:

Ms. Furderer – Yes

Mr. Turner – Yes

Ms. Reese – No

Mr. Serra – Yes

Mr. Berbach – Yes

Case ZA-07-16 approved 4-1.

Approval of September 2016 Minutes

Motion:

Mr. Serra moved to approve the minutes for September 2016.

Mr. Berbach seconds the motion.

VOTE:

Ms. Furdereer – Yes

Mr. Turner – Yes

Ms. Reese – Yes

Mr. Serra – Yes

Mr. Berbach – Yes

Motion approved 5-0

Approval of December 2016 Minutes

Motion:

Mr. Underwood moved to approve the minutes for December 2016.

Mrs. Reese seconds the motion.

VOTE:

Ms. Furdereer – Yes

Mr. Turner – Abstain

Ms. Reese – Yes

Mr. Serra – Abstain

Mr. Berbach – Abstain

Mr. Underwood – Yes

Motion approved 3-0

Staff Comments:

Mr. Caskey presented reports on the four issues brought up at the December meeting.

Mr. Underwood asked for a report on the progress of the GIS mapping update at the next meeting.

Mr. Caskey sent Tom Harner of the MVRPC the approved rezonings for the last four years. He believes the best way to update this is to edit the zoning layer to incorporate our changes at their office, and when done, we can print new maps and publish it online through the Miami county GIS application.

Tom acquired changed parcels from the county a few months ago and this should contain the parcels we need. Tom now has all the information needed to update our zoning layer and will add this activity to his project list. He began the week of January 16 and there is no cost to the Township.

Mr. Underwood stated the Township should be prepared to act on the medical marijuana issues upcoming.

Mr. Caskey brought the topic up again at the January 17 work session and there is no change in the Trustees' opinions. They felt that since our zoning resolution is already set up to regulate any facet of the legal production and sale of medical marijuana, that no formal request to the Trustees from the Zoning Commission was needed. They welcomed any citizen input into the issue at any Trustee meeting.

Ms. Furderer asked if the Township would pay to send the board members or a representative to the Miami Valley Regional Planning Commission December conference at Sinclair College.

The Township will pay the registration fee for any volunteer board members wanting to attend the December 2017 event.

Mr. Underwood asked about the approved minimum size of R-1AAA lots.

Mr. Caskey researched this question and contacted Jeff Green as well. No formal changes were made to the size of R-1AAA lots. There was a recommendation in the Bethel Township Comprehensive Land Use Plan to have a minimum R-1AAA lot size as three acres. This is a recommendation and not a regulation.

Zoning Commission Comments:

Mrs. Reese thinks residential lots should be a minimum of three acres and asked for a work session to review that. Once meetings with cases slow down, that will be scheduled.

Adjournment:

Motion by Mr. Berbach.

Seconded by Mr. Serra.

VOTE:

Ms. Furderer – Yes

Mr. Turner – Yes

Ms. Reese – Yes

Mr. Serra – Yes

Mr. Berbach – Yes

Motion approved 5-0

Meeting Adjourned 8:45 p.m.