

Minutes

Bethel Township Zoning Commission

December 20, 2018 – 7:30 pm.

Regular Meeting

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

Zoning Commission Member(s) Present: Lorna Furderer, Chair, Polly Turner, John Berbach, Bill Serra, Julie Reese, Sherry Anderson (Alternate), Jess Underwood (Alternate)

Zoning Commission Member(s) Absent: None

Staff Present: Marty Caskey – Director, Planning and Zoning

Ms. Furderer called the meeting to order at 7:34 p.m.

ZC and staff introduced themselves.

New Business

Case: ZA-07-18: A request from Jamie Cline and Mark Underwood, 1634 Hillsdale Ave., Dayton, OH 45414, to rezone 1.2 acres at 7390 SR 202, Tipp City, OH 45371, from R-1AAA and R-1B to B-2 Office/Residential District. This will allow for the establishment of a professional services business (acupuncture) in the building formerly used as a church, daycare and classrooms. Rezoning contingent upon variance approval by the Board of Zoning Appeals for parcel less than two acres. Miami County Parcel ID #A01-250050.

Mr. Caskey presented the staff report and noted that a motion should be presented with the condition that the total acreage variance be granted by the Board of Zoning Appeals.

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

No questions.

The applicant, Ms. Cline, and her attorney, Ms. Sarah Worley, Esq., were present to answer questions. Ms. Cline stated that the report was accurate and elaborated on her use of the building for professional services.

Ms. Furderer asked if the board had any questions for Ms. Cline or Ms. Worley.

General questions about acupuncture and the business.

Ms. Furderer asked if there was anyone else in favor of the request wishing to speak.

Mr. Paul Storck, 7430 SR 202 stated he was for the change.

Ms. Furderer asked if there was anyone opposed to the request wishing to speak.

Mr. Jess Underwood, ZC Alternate, asked about the easement, sign and screening. Mr. Caskey noted the screening and sign would adhere to Township regulations and the easement was owned by Bethel Township.

Ms. Furderer called for a motion.

Motion:

Ms. Turner moved to approve Case ZA-07-18 with the condition that the acreage variance is granted by the Board of Zoning Appeals.

Mr. Berbach seconds the motion.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Reese – Yes

Ms. Turner – Yes

Case ZA-07-18 passes 5 – 0.

Case: ZA-08-18: A request from Dean Bowman Construction, 504 N. Children’s Home Rd., Troy, OH 45373, to rezone 9.179 acres on St. Rt. 202, Tipp City, OH 45371, from A-1 Domestic Agriculture to R-1AAA Single Family Residence. This will allow for four residential lots to be split. Miami County Parcel ID #A01-250050.

Mr. Caskey noted this case should be tabled as health department requirements were not submitted to the County in time due to the holidays.

Ms. Furderer called for a motion.

Motion:

Mr. Berbach moved to table Case ZA-08-18 until the January 24, 2019, meeting.

Mr. Serra seconds the motion.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Reese – Yes

Ms. Turner – Yes

Case ZA-08-18 tabled until January 24, 2019 passes 5 – 0.

Case: ZA-09-18: A request from Robert Zugelder, 8808 Deer Chase Dr., Huber Heights, OH 45424, to rezone approximately 3.728 acres of 7.287 acres on St. Rt. 201 to I-1 Light Industrial from A-2 General Agriculture in order to bring the entire parcel into a single zoning district as one-half of the parcel is already I-1. This will allow for the use of the entire parcel for I-1 purposes. Miami County Parcel ID #A01-048250.

Mr. Caskey presented the staff report.

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

No questions.

The applicant, Mr. Zugelder, was present to answer questions.

Ms. Furderer asked if the board had any questions for Mr. Zugelder.

General questions about what Mr. Zugelder planned for the property. He stated that he didn't have confirmed plans, but would be looking at available I-1 uses.

Ms. Furderer asked if there was anyone else in favor of the request wishing to speak.

Mr. Niswonger stated he was fine with it. He has Castle Body Shop next door.

Ms. Furderer asked if there was anyone opposed to the request wishing to speak.

Mr. Jess Underwood, ZC alternate, asked about screening. Mr. Zugelder assured the board that any requirements would be met or exceeded.

Mr. Steve Wolf, 8741 Mann Rd., Tipp City, OH 45371, was opposed because he said his property was already surrounded by businesses.

Ms. Furderer called for a motion.

Motion:

Mr. Berbach moved to approve Case ZA-09-18.

Ms. Turner seconds the motion.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Reese – Yes

Ms. Turner – Yes

Case ZA-09-18 passes 5 – 0.

Case: ZTA-02-18: A request from the Bethel Township Board of Trustees to review, and present changes if necessary, Bethel Township Zoning Resolution Article 35 – Off Street Parking. Discuss changes and prepare a motion to pursue any said changes.

Mr. Caskey noted that there were several people wanting to discuss the off-street parking article, specifically the use of gravel as an “improved” surface.

The attendees speaking asked the following questions:

Does the township have the right to set limits on the amount of gravel parking areas a residence can have and can we set permit requirements and fees for driveways and parking areas?

We do not have permits or zoning certificates for driveways at this time, but they are subject to Miami County rules for access to roadways. Should we require permits.

We already have a percentage of impervious surface limits, but gravel isn't impervious, it's "improved" surface. Can that be regulated?

Mr. Caskey stated he would ask the Township legal contact these questions (and did December 21, 2018) and get back to the board when answers were available.

Mr. Caskey also said the vehicles at the property in question are still an issue and noted that they are subject to the health department for the junk, but the legal contact is researching the vehicle part.

Approval of Minutes: September 2018

Motion:

Mr. Serra moved to approve the minutes for September 2018.

Ms. Turner seconds the motion.

VOTE:

Ms. Furderer – Abstain (Not present for that meeting)

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Reese – Yes

Ms. Turner – Yes

Motion approved 4 – 0

Staff Comments:

There will be a case January 24, 2019, at 7:30 p.m.

Zoning Commission Comments:

The Zoning Commission recommended a change to the resolution that minimum R-1AAA residential lot size is three acres without sewer. It is presently two acres. The Trustees rejected that and left the minimum lot size at two acres. Two members of the zoning commission asked if they can put a referendum on the ballot to force the change to three acres. I understand there are legislative and administrative actions by the trustees and administrative actions are not subject to referendum (or I may have that backwards). I have requested information on that.

Adjournment:

Motion by Ms. Turner.

Seconded by Mr. Serra.

VOTE:

Ms. Furderer – Yes

Mr. Berbach – Yes

Mr. Serra – Yes

Ms. Reese – Yes

Ms. Turner – Yes

Motion approved 5-0

Meeting Adjourned 9:06 p.m.