

**Minutes - APPROVED****Bethel Township Zoning Commission****May 23, 2019 – 7:30 pm.****Regular Meeting****Township Meeting Room, 8735 S. Second Street – Brandt, Tipp City, Ohio**

**Zoning Commission Member(s) Present:** Lorna Furderer, Chair; Julie Reese, Vice-Chair; Bill Serra; John Berbach; Sherry Anderson (Alternate); Jess Underwood (Alternate)

**Zoning Commission Member(s) Absent:** Polly Turner

**Staff Present:** Marty Caskey – Director, Planning and Zoning

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

ZC and staff introduced themselves.

**New Business**

**Case: ZA-02-19:** A request from David Bednar, 8965 Bellefontaine Rd., New Carlisle, OH 45344, and Edward Bednar, 398 Silverdale Te., Beavercreek, OH 45440, both represented by Steven Leffel, Surveyor, to rezone three parcels presently zoned R-1C to R-1AAA for the purpose of combining the three parcels into two parcels:

1. 8955 Bellefontaine Road owned by Edward Bednar: A03-003500, 1.08 acres
2. No address Bellefontaine Road owned by Edward Bednar: A03-003400, 1.05 acres
3. 8965 Bellefontaine Road owned by David Bednar: A03-003300, .95 acres

The newly created north parcel (E-B) to be 2.0649 acres. The newly created south parcel (D-B) to be .9788 acres. Rezoning to be contingent on receiving variances for both newly created parcels and a conditional use for the E-B parcel.

Variances: Road frontage on both new parcels less than required, and an existing residence closer than 20 feet from the existing side property line, and parcel less than two acres on D-B.

Conditional use: On parcel E-B allowing for an existing accessory building to remain without a principal residence.

Mr. Caskey presented the staff report.

Mr. Caskey asked if there were any questions for him and noted the applicants were both present.

Questions were held for the applicants.

Mr. Caskey asked the Bednars if the report was accurate. They said it was and gave a short overview of why they wanted to change the parcels from three to two.

Ms. Furderer asked if the board had any questions for the applicants.

Ms. Reese asked how the frontage was determined.

Mr. Edward Bednar responded that there is a fence line now that determined the layout of the two proposed parcels.

Ms. Reese asked about drainage. The Bednars noted there was a crushed culvert under the existing house's driveway and they will fix that.

Mr. Underwood stated this change was actually good for the Township since it brings the three non-conforming parcels into two less non-conforming parcels and doesn't change the use of the properties.

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

None.

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

Ms. Natalie Donohue said she wasn't opposed but asked about the non-conformity. Mr. Caskey explained the several issues and that any rezoning for these new parcels would be contingent on the Bednars receiving Board of Zoning Appeals permission for three variances and one conditional use.

Ms. Furderer closed the discussion.

Ms. Furderer called for a motion.

**Motion:**

Ms. Reese moved to recommend approval of Case ZA-08-18 contingent on the variances and conditional use approval.

Mr. Berbach seconds the motion.

**VOTE:**

Ms. Furderer – Yes

Mr. Underwood – Yes

Mr. Berbach – Yes

Ms. Reese – Yes

Mr. Serra – Yes

**Case ZA-02-19 recommended for approval 5 – 0.**

**Case: ZA-01-19:** A request from Michael Gutmann, Trustee, PO Box 910, Piqua, OH 45756, to rezone 18.492 acres of 93.438 acres presently zoned A-2 on the northeast and northwest corners of Agenbroad and Dayton-Brandt Roads, New Carlisle, OH 45344, and Tipp City, OH 45371, from A-2 Domestic Agriculture to R-1AAA Single Family Residence. This will allow for up to eight residential lots to be split. Miami County Parcel ID #A01-059300.

Mr. Caskey stated the applicant had not provided the necessary county health department information to the county planning commission and therefore, the Bethel Township Zoning Commission could not act on the case. Mr. Caskey suggested tabling the case.

Ms. Furderer called for a motion.

**Motion:**

Mr. Berbach moved to table Case ZA-01-19 for a period not to exceed 90 days.

Mr. Serra seconds the motion.

**VOTE:**

Ms. Furderer – Yes  
 Mr. Underwood – Yes  
 Mr. Berbach – Yes  
 Ms. Reese – Yes  
 Mr. Serra – Yes

**Tabling Case ZA-01-19 approved 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 questions from the December meeting had been answered that afternoon. Gravel is a permitted surface, a percentage of “improved surface” can be adopted into the zoning resolution, the number of cars a resident owns and has parked on the property cannot be limited if they are licensed and not “junk” vehicles, and there are no enforceable ways to limit the length of gravel driveways.

Mr. Caskey called out the changes of 20% improved surface in the front yard and that Article 35 was now designated as residential and commercial.

Steve and April Kingery were present and spoke again about their fear that property owners would gravel their entire front yards and park cars all over. Mr. Caskey noted that if the recommended percentage of improved surface, which includes the driveway, is 20% of the front yard area, that would limit the number of cars as well as the amount of surface coverage.

Mr. Caskey also explained the enforcement powers and process the Township has for cases of zoning infractions. The Kingerys stated that wasn't enough.

Ms. Reese stated that many people come to the Township because there are fewer "rules" than a city has and the ZC and Trustees can't legislate the entire Township for one problem property.

The Kingerys stated they would prefer to just leave Article 35 as is since the Township's enforcement powers are limited. They stated they may have to move.

Mr. Caskey noted that the residents of Eastland and Westland roads are able to start a Homeowners Association according to the deeds for those parcels. The Kingerys didn't want to spend their money to help do that. Mr. Caskey stated they did have options and wanted to ensure the Zoning Commission was aware.

Mr. Underwood suggested the differences between residential and commercial be separated more understandably. Mr. Caskey will do that.

After this discussion, it was suggested to simply allow the Article 35 update to be tabled indefinitely. The ZC agreed and no vote was taken.

### **Public Comments**

Ms. Natalie Donohue asked several questions about the Gutmann rezoning case. Mr. Caskey answered those to her satisfaction.

### **Approval of Minutes: January 2019**

#### **Motion:**

Mr. Underwood moved to approve the minutes for January 2019 with the wording of electrical line in the first case noted that they are high-voltage lines.

Ms. Reese seconds the motion.

#### **VOTE:**

Ms. Furderer – Yes

Mr. Underwood – Yes

Ms. Reese – Yes

Mr. Serra – Abstain  
Mr. Berbach – Abstain

**Motion approved 3 – 0.**

**Staff Comments:**

There will not be a meeting in June unless the Gutmann rezoning starts up again. (The following day, that case missed the county deadline and won't be heard in June.)

**Zoning Commission Comments:**

None.

**Adjournment:**

Motion by Ms. Reese.

Seconded by Mr. Underwood.

VOTE:

Ms. Furderer – Yes  
Mr. Underwood – Yes  
Mr. Berbach – Yes  
Ms. Reese – Yes  
Mr. Serra – Yes

**Motion approved 5-0.**

Meeting Adjourned 9:04 p.m.