

MINUTES

Bethel Township Zoning Commission

July 28, 2022 – 7:30 p.m.

Regular Meeting

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

Zoning Commission(s) Present: Board members: Josh Wilkerson, John Berbach, Lorna Furderer , Ron Corbett

Alternate Present: Jess Underwood

Member(s) not present: - Bill Serra

Staff Present: Mike Arnold – Director, Planning and Zoning

Mrs. Furderer brought the meeting to order at 7:30p.m.

Zoning Commission and staff introduced themselves.

New Business

Case: ZA-05-22: 8540 Mann Rd Tipp City, Oh 45371

Taylor Shafer addressed the board with why she requests the rezoning of the property. Stated she is purchasing the property, found out through the loan process that the place is zoned business and needs it zoned residential in order to secure loan.

No proponents or opponents. Public hearing closed.

Mr. Wilkerson asked about current use.

Mr. Arnold stated it is currently vacant

Mr. Underwood commented on how it was to be used.

Mr. Arnold stated it is to be used as a residence only

Mrs. Furderer asked if there were any questions from the audience

NONE

MOTION

Mr. Underwood moved to recommend APPROVAL of rezoning from B-3 to R-1AAA

Mr. Berbach second

VOTE

Mr. Underwood YES

Mr. Berbach YES

Mr. Wilkerson YES

Mrs. Furderer YES

CASE ZA-05-22 APPROVED 4-0

Mr. Corbett joined to table, Mr. Serra did not show

Case ZA-01-22: ZTA-01-22 Zoning text amendment

Mr. Arnold announced the proposed changes from the Bethel Township Zoning Commission and the recommendations back from the Miami County Planning Commission. (Miami County Planning Commission had no problem with Acreage or Road frontage requests, but advised against 3:1 Ratio for multiple reasons)

Mr. Berbach commented on the time and effort put forth by the Zoning Commission to come up with the recommendations they did

Mrs. Furderer asked if there was anyone in the crowd that would like to speak for the recommended changes

Michele Pfrogner – 7105 S. Palmer Rd. – thanked the commission for increasing min acreage to 3, and would have liked to see 5 acre min.

Natalie Donohue – 7835 Agenbroad – Thanked the commission for the time and effort put into the recommended changes

Mrs. Furderer asked if there was anyone against

Mrs. Durst had question on the R1AAA

Mr. Arnold answered, clarifying that lots with Water and sewer to stay at 1 acre minimum for R1AAA.

Mrs. Furderer asked for clarification on creating different zoning requirements for residential properties north of 40

Mr. Arnold stated we cannot create different zoning regulations based on geographical location

Mr. Underwood explained about the timeline from 2018 to now on wanting increased minimum acreage.

Mr. Corbett explained that road frontage had increased to 300 feet from 175.

Mr. Underwood asked for clarification on the 3-1 ratio.

Garrett Evans – 6764 Bethelville asked questions on the A2 zoning.

Mr. Underwood agreed that 300 ft frontage would work with the 3-acre minimum.

MOTION

Mr. Underwood moved to adopt text amendment; Mr. Berbach seconded

VOTE

Mr. Underwood	YES
Mr. Berbach	YES
Mr. Wilkerson	YES
Mr. Corbett	YES
Mrs. Furderer	YES

Case ZTA-01-22 voted for unanimously to recommend APPROVAL

Brief recess.

Case: ZA-03-22: A request from D.A. Bowman Construction to re-zone Miami County Parcel #A01-059300, 60.457 acres currently zoned A-2, to R-1AAA.

Mrs. Furderer recused herself and handed over the meeting to John B, vice chair.

Mr. Arnold presented the case.

Ian and Alex Bowman gave overview of case.

Ian Bowman gave background on homes built on Dayton Brandt and Agenbroad on the old Denlinger farm. They purchased the Shaw farm early 2022. Developing now – 3-acre sites. They changed/adjusted from 2 to 3 acres to give the rural feel. Said they will abide by our requested zoning change to adjust road frontage to meet the 3 to 1 ratio, if need be, so the current plan they have platted out will change. There will be a 30 acre buffer between Bethelville and the lots platted out for a drainage swale. They plan on building 2 homes per year on average. Not starting building til summer 2023. No homes will be started until drainage issue is addressed and done.

Alex Bowman went over the drainage issues on Bethelville, what the trustees have done for water issues along with the county. Have worked with Holzen on drainage at no cost to the residents or township. The swale will catch runoff and move to dry basin with drainage tile to absolve water runoff. Working with Cozatt Engineering on design. Again, no cost to residents.

Ian Bowman stated if all goes well and is approved, drainage work will start in September. He went over meeting new zoning regulations from tonight. Full plan available for all to review.

Mr. Berbach asked if there was anyone against

Beth Houston -6650 S. Palmer – not wholly against, not wholly for. Worried about the drainage/flooding of her farm from this. The area that is being addressed will have an effect on her farm and drainage, which already has issues that have somewhat been helped by engineering and new culvert drainage. Alex answered that the township and county said there is a viable option to help her with that and to work on her ditch and pasture.

Rick Raterman – 6495 Bethelville – question on detention pond – Alex answered that the engineer still working on to see if it will be a 2 or 4 hour drain for the detention pond. They talked about the flooding of all areas of Bethelville.

FOR (continued) – Josh Garlough 6960 Bethelville – asked about size of drainage ditch

Alex Bowman answered 150 ft slope of 30 inches

Josh G asked about depth of detention pond – Alex answered that is being looked into

Josh G asked about who will maintain/farm the 30 acres with the detention pond/swale.

Alex Bowman answered it must stay farmland and they will most likely sell or rent out the farmland.

Josh G asked about the tree line on Bethelville.

Alex Bowman answered that not much will be removed but small portion will.

Josh G asked about the homes on Agenbroad (the 2 lots to sell) – will the state or township fix the drain on Agenbroad, water ponding and drainage and potential washout? And what about the creek line down Agenbroad?

Alex Bowman answered the elevation of the houses are important – the ditch line to route the water is important to look at as well.

Garrett Evans 6764 Bethelville – questions on the 30 acres with creek, stream and swale – how much of that is usable farmland for crops? Has there been soil, depth and perk testing done? Said that the natural springs there are still running water and the catch basin area is holding water, even as dry as it has been.

Alex Bowman said that testing is being done and the limestone is there.

Alex Bowman – preliminary engineering has been done. Talked about the usable farm area where the swale is.

Mr. Berbach asked if there was anyone FOR

Kristin Garlough 6960 Bethelville – not for or against, but wondered how will the township hold the Bowmans accountable/responsible for making sure drainage is fixed? She said the pay lakes/fishing lakes were supposed to have done fencing but never did and nobody has made them do what they said they would.

Mr. Arnold answered her, stating that the Bowmans can state they will not move forward until the drainage issues are proven to be fixed, but we cannot legally hold them to that once the re-zoning is approved. Also stated the maintenance on the property is the responsibility of the landowner

Ian Bowman said they have a document for the trustees to sign that says Bowmans will not start building until drainage is resolved.

Mr. Arnold again stated that a written agreement is not legally binding

Kristin G asked what the drainage area will look like – rock, dirt, grass??

Alex Bowman answered – Grass

Kristin G asked if there would be a conservation area/wetland?

Alex Bowman said it is possible, not opposed and will discuss that option

Kristin G asked if there was a study done on runoff from the school and how it will affect building?

Wayne Denlinger 7520 Agenbroad – not for or against – went over runoff and direction it goes. Has lived there since 1955 (?) and wanted to keep it farmland but siblings wanted to sell family farm.

Natalie Donahue – 7835 Agenbroad – reminded everyone about the referendum a year ago was all due to the drainage issue at hand. We are now at the same point – let the Bowman’s take the risk of drainage solution, and then do the zoning review. Asked us to table this or vote no til drainage is fixed. Also said they can change their minds on the 3 acres and go back to 2 if our zoning is approved tonight, as we can’t hold them to 3 until our zoning text amendment is passed by trustees and takes effect. Our land use plan says rural development – this is not rural, but is community sprawl. Felt that if the land had gone up for sale as a fair market sale, then farmers would have had the chance to purchase and keep it as farmland. The more the township is developed, the less chance we have to take advantage of grants, farmland preservation, CRP’s, etc. for agriculture. Went over the increase of traffic on Dayton Brandt/Agenbroad currently, potential traffic due to the New Carlisle/Scarff Annexation when people use it as a cut-thru to get to the school, as well as the 571/Dayton Brandt area homeowners are troubled due to traffic/accidents. Again reminded everyone of the referendum and “no” vote – is in favor of the 5 acre minimum lots and not the 3. States we are losing our rural feel – still have some pockets of it – but if we keep growing, it will affect those that live here for a reason.

Beth Houston – 6650 Palmer – went over comments from the Bowmans at previous meetings and is impressed that they offered up to fix drainage issues. Went over how the township residents are “scarred” from the Trevor Bean ordeal.

Rachael Kiplinger – 7660 E St Rt 571 – concerned about traffic. She is near corner of 571/Dayton Brandt – adds that number of houses on Dayton Brandt is a real issue and hazard. Very detrimental – asked if there had been a traffic study on Dayton Brandt? Agreed that the thru traffic to get to school and also when turning left off of Dayton Brandt onto 201 is hard to do already and is a huge concern for safety.

Garrett Evans – asked Bowmans to clarify the map. Alex Bowman went over where the lots are plotted. Garrett asked more questions on the swale – “dry” creek is almost always wet – spring always runs in it.

Eric Campbell – 6295 Dayton Brandt – states his property floods from all directions. Asked township why they and the county haven’t done anything to alleviate current resident issues on flooding/runoff? John Berbach suggested he approach the trustees and the county – we are zoning board and that is not in our ability to handle.

Nikki O’Quinn – 7925 Windham – asked about issues with flooding in their area at Windham, Newbury and Winterhill.

NOT FOR OR AGAINST – JUST COMMENTS/QUESTIONS

Mike Raterman 6250 Bethelville – wants to make sure Bowmans are held accountable – they could do a minimal job but wants to know if they are truly doing their due diligence. Accountability is what he wants. Alex Bowman responded to this – they will be held accountable – said there can be a legal way to do so – they can bond the project with either the township or the county.

Kristin Garlough – asked is there a conditional approval that can be done and appreciates the efforts of all.

Josh Williams – new resident soon on 571 – plans to build on parent’s property next year. They have same concerns. Good plan is better than a bad plan, accountability needs to be done as well.

Michele Pfrogner – did the Bowman’s talk to all Bethelville residents and surrounding homeowners to go over objections/input? Ian Bowman said they tried – sent emails, walked the area. Michele asked if the Bowmans could do something in good faith so the residents can trust them? Ian responded that they can do a legally binding document – they have been working hard on addressing the issues and have plans, spent a lot of money to do this. Does not want this to be a detriment. Mrs. Pfrogner asked if they had any private meetings with Mr. Arnold prior to this meeting Ion Bowman said no

Wayne Denlinger – put in a reference for the Bowman’s saying they do what they say they will.

Garrett Evans – said trust issue was addressed, he felt. Rezoning to 300 ft road frontage would make them have to adjust their current plot plan. Went over the steps they have to do from county to zoning to trustees for approval of replotting. Mike Arnold interjected and explained the process.

Josh Garlough – asked about the layout of the current plot plan and if 5 acre lots would be more beneficial and then do conservation reserve on the wetlands area or farming area? Or even a charitable tax write off?

Natalie Donohue – asked why the rezoning sign only went up a few days ago, asked if the Bethelville residents all received a zoning letter, residents in the crowd stated they did receive notice letter and they spoke with residents not present and they also received notice letter. Asked the Bowmans how they decide which houses get built first, second, and the process. Ian explained the customer picks the lot. Said they will only try to do 2 home a year. Natalie asked if 4 customers wanted houses, would they still stick to 2 or do the 4? Ian said 2. Kristin Garlough asked the price of the houses – Ian said not decided.

Vice Chair John Berbach closed the public session and went to Board discussion.

Josh Wilkerson – his initial impression is that the Bowmans are trustworthy. In the past, it has not been that way. However he has yet to hear how many houses total they are putting in. Drainage is a major issue. When last referendums happened, 2800 residents of the township voted no to this. Tonight, we have heard all about runoff and yes, they have a plan. Is this plan different? Why haven’t we come up with the solution before this? We had a hard no from the public previously. We need to discuss this further. He continued that the water issues previously were a detriment to building houses in the wet areas.

Ron Corbett – he also is impressed with the Bowmans and their plans to appease the public. He is interested to see if grants are available to help with wetland development for more convention retention/detention areas.

Jess Underwood – stated there were lots of comments tonight. He did have a letter from the County Commissioners that he had not had a chance to read over yet. Stated our zoning commission had items that have not been addressed on the application for this – there were some “holes” on the application per our zoning code that need looked at and a properly detailed application was not done. He felt we needed to table this and get more info.

John Berbach agreed with Jess. He is interested to see what trustees take on this is. Great plan, but needs more work. Bethelville drainage needs worked on and completed first, then look at the zoning for the housing plan. Smaller issues need addressed.

Ian Bowman interjected and asked what needed addressed from John’s point of view. Jess said well and septic issues. Ian said soil samples were done by the health department. John felt that tabling was best at this time as he was worried the trustees would not approve our new zoning text amendment to increase minimum lot size to 3 acre minimum. Ian Bowman said they will stay at 3 acres. Alex Bowman added he still doesn’t understand what needs worked on.

John Berbach asked for a motion.

MOTION

Jess Underwood moved to table to get more info and get clarification.

John Berbach seconded.

VOTE

Mr. Underwood	YES
Mr. Wilkerson	YES
Mr. Corbett	YES
Mr. Berbach	YES

Motion carried 4-0 to table until August meeting.

Chair Lorna Funderer took back over the meeting.

Minutes from last meeting were unanimously approved.

PUBLIC COMMENTS

Kristin Garlough – asked where the Bowman case goes from here – Mike explained.

STAFF COMMENTS

ZONING COMMISSION COMMENTS

Alex Bowman – pled for us to find a solution on this.

Josh Garlough – asked about why we tabled this – board answered that we approved our text amendment that needed to be heard at next trustee meeting and this needs to be done before we can move forward with this rezoning.

John Berbach moved to adjourn.

Jess Underwood seconded.

Meeting adjourned unanimously.