

**Miami Township
Board of Zoning Appeals
Monday, January 3, 2017**

Members of the Board of Zoning Appeals present:

James Hamilton, Chairman
Greg Clatterbuck
Richard Poore
Fred Sinder

Members of Miami Township Staff present:

Kyle Hinkelman, Deputy Director

GENERAL MEETING

Mr. Hamilton called the meeting to order at 7:00 PM.

Action on minutes for December 5, 2016

Mr. Clatterbuck made a motion to approve the minutes from December 5, 2016. Mr. Poore seconded the motion and the vote was Mr. Clatterbuck and Mr. Poore ayes and for Mr. Hamilton and Mr. Sinder who abstained from the vote. The motion passed.

THE OATH

Mr. Hamilton administered the Oath of Truth to the following people:

Wade Gates, Applicant, 10800 Green Apple Rd, Miamisburg
Jason Harmeyer, 5138 Montgomery Ave, Franklin Ohio
Kyle Hinkelman, Miami Township

NEW BUSINESS

BZA #809-17 Variance

Mr. Hamilton announced the case to be heard as BZA #809-17 filed by Wade Gates of 10800 Green Apple Road, Miami Township, Ohio

Mr. Hamilton asked Mr. Hinkelman if the case had been properly advertised and the nearby landowners notified to which he replied they had.

Mr. Hinkelman stated that the applicant is seeking approval of a conditional use request under Article 8, Section 803. The applicant is requesting to split their lot into two lots, with one lot being a 5-acre (217' x1,180') tract and the remainder being a 19.47-acre tract with the primary house. The conditional use request is to allow a lot with a greater depth than 400 feet.

Mr. Hinkelman informed the Board that the applicant's request was to split a 5-acre lot from the existing 19.47-acre, but the frontage does not meet the code requirement. The intent in an Agricultural district is to keep larger lots, the 5-acre lot does not meet the frontage or depth requirements. It is deeper than permitted and does not have enough frontage. Mr. Hinkelman then went over the site plan that the applicant submitted.

Mr. Clatterbuck asked if the lot was wooded. Mr. Hinkelman confirmed that the split lot is largely wooded. Mr. Clatterbuck also asked for confirmation that the pond is preventing the frontage from being two hundred and fifty feet frontage. Mr. Hinkelman responded the he didn't believe the pond was a problem, but the applicant is asking that the pond is not included in the split.

Mr. Sinder asked if the plot line is on the edge of the pond or not. Mr. Hinkelman stated that the applicant would have a better understanding where the plot line would be located exactly. Mr. Sinder also asked if the Township has any codes on how close the plot line could be to water. Mr. Hinkelman stated that the Township does not.

Mr. Wade Gates stepped forward, explained that he owns the property and is looking to split the property. Mr. Sinder asked how close is the property line to the pond. Mr. Wade stated that it is on the edge of the pond, he also stated that a friend is looking to buy the land and build a house.

Mr. Clatterbuck asked if the pond is going to continue to grow. Mr. Gates confirmed that it has been the same for years and is not going to be changed. Mr. Clatterbuck also asked again if this parcel is approximately 90% wooded and Mr. Gates confirmed this.

No more questions were asked of Mr. Gates.

Mr. Jason Harmeyer asked if the Board has any question of him as the buyer of the lot, and no questions were asked of him.

Mr. Hamilton asked if there was anyone else present to speak in favor or opposition to this case or if there were any other public comments and no one came forward.

The Board discussed the case.

The Board proceeded to vote on the following findings of fact:

A. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.

Clatterbuck: Y Hamilton : Y Sinder: Y Poore: Y

B. The Adequate utility, drainage and other such necessary facilities have been or will be provided.

Clatterbuck: Y Hamilton: Y Sinder: Y Poore: Y

C. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.

Clatterbuck: Y Hamilton: Y Sinder: Y Poore: Y

D. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.

Clatterbuck: Y Hamilton: Y Sinder: Y Poore: Y

E. All exterior lights for artificial open-air illumination are so shaded as to avoid casting direct light upon any adjacent property located in a Residential District.

Clatterbuck: N/A Hamilton: N/A Sinder: N/A Poore: N/A

F. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be compatible with the appropriate and orderly development of the district in which it is located.

Clatterbuck: Y Hamilton: Y Sinder: Y Poore: Y

G. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.

Clatterbuck: N/A Hamilton: N/A Sinder: Y Poore: N/A

H. The Conditional Use requested will not adversely affect the public health, safety, or morals.

Clatterbuck: Y Hamilton: Y Sinder: Y Poore: Y

Mr. Clatterbuck made a motion to approve case 809-17 based on the findings of fact and exhibits A-H. Mr. Poore seconded the motion and the vote was all ayes.

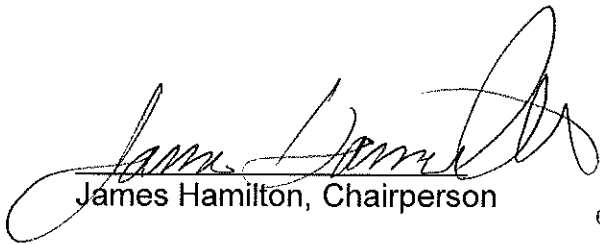
Additional Business Items and Announcements:

Mr. Hinkelman confirmed that Mr. Palm is on vacation and will be back working with the Board next month. Mr. Hinkelman also confirmed that there will a training session either in February or March.

Mr. Poore made a motion that Mr. Hamilton be the Chair and Mr. Clatterbuck be the vice Chair and Mr. Sinder seconded the motion and the vote was all ayes.

Mr. Hamilton motioned to adjourn the meeting at 7:30 p.m. and the vote was all ayes.

Respectfully Submitted,
Sarah Hone, Recording Secretary



James Hamilton, Chairperson

2/6/17