Special Beavercreek Trustee's Meeting

Tuesday, May 27, 2014

Mr. Kretz brought the meeting to order at 7:00 p.m.

Roll Call: Mr. Kretz; Mr. Paxson.

Others: Dawn Frick, Legal Counsel; Alex Zaharieff, Township Administrator; Ed Amrhein, Zoning Administrator; Laurie Brown, Zoning Clerk.

Case #792 – Text Amendment to the Beavercreek Township Zoning Resolution

Mr. Amrhein stated this amendment was considered and approved at the May 1st Zoning Commission meeting. The staff report from that meeting is in the Trustees' packets, as well as a copy of the resolution.

Ms. Brown read the public hearing notice into the record.

Mr. Amrhein asked that the record show there are no properties zoned B-4 in the Township. He clarified for Mr. Kretz that B-2 and B-3 are the only business districts in the Township.

This amendment came about through discussions with a couple of property owners, one of whom owns the property at the corner of Beaver Valley and Dayton-Xenia Roads. This property has had a number of owners and is currently for sale again. There have been a number of inquiries with regard to using the property as a business as well as living there.

Due to the unique nature of the request, and having so few properties in the Township to which this would apply, Mr. Amrhein asked that he be able to retain the right to review such proposals for residential use in these districts on a case-by-case basis. That is why he is asking that it be listed as a Conditional Use.

The property previously mentioned is configured in such a way as to have a full apartment upstairs. The current owner has teenage daughters with compromised health who go to school half days. She would like to be able to put them upstairs in the apartment, rather than have to close her business to take care of them at home.

Prospective buyers have said they would like to run a business on the property and live in the upstairs apartment.

Mr. Amrhein emphasized there is plenty of parking and screening, and the property is appropriately zoned for business. However, the current zoning resolution does not permit residential in a business district. It does not show residential anywhere on Table 2, which covers Permitted and Conditional Uses. The proposed amendment would make a minor change to the table, parenthetically alone or in conjunction with commercial uses, to add residential as a Conditional Use under B-2 and B3,

In looking around the Township for other properties to which this would apply, Mr. Amrhein noted that it would include the Vantage Homes site as well. Vantage Homes is in a B-3 business district and the owner has been renting out the model homes. Mr. Amrhein has made the owner aware that he is not in compliance with the zoning code. The owner, who is also trying to sell the property, asked if anything could be done to permit residential. The result is the resolution before the board this evening.

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Mr. Amrhein noted that the safety valve in maintaining control is that it will be a Conditional Use and subject to approval by the Board of Zoning Appeals on a case-by-case basis..

Mr. Kretz asked if this would apply in the situation of Stonehill Village where there is residential and business planned as part of the PUD.

Mr. Amrhein noted that PUDs are different. It would be negotiated as part of the specific site plan approval process for the PUD, a process that would have to be approved by the Zoning Commission and the Trustees.

Mr. Kretz said he was thinking of a situation like the The Greene, where there are apartments above the retail space.

There was brief discussion regarding the part that fire inspection and prevention would play in a property comprised of both residential and business. Mr. Paxson stated that the fire department has no authority over the residential part of the property, but would have authority to regulate the business part.

Mr. Zaharieff said the first floor, which is identified as business, would be subject to fire inspections. The second floor, where the living quarters are, would not be. Even the building department is limited in their authority. They would be able to issue an occupancy permit, but would only be allowed to inspect the business portion of the property.

Mr. Kretz expressed concern that a commercial business considered too small to require a fire suppression system would now be adding a residential component. He wondered if the Township had governance over this through the zoning process.

There was brief general discussion of Stonehill Village and the proposed development for the McGinnis property and how this might be affected by the proposed change.

Mr. Amrhein noted that the Conditional Use process provides very broad latitude for the Board of Zoning Appeals with regard to imposing conditions. Mr. Kretz was satisfied that this addressed his concerns.

There was no one present from the public to speak for or against the proposed text amendment.

2014-215 Mr. Paxson moved to approve Case #792:

WHEREAS, the Ohio Revised Code grants to the Board of Township Trustees the authority to establish and amend a Zoning Resolution for the Township; and

WHEREAS, the Zoning Commission of Beavercreek Township has recommended an amendment to the Beavercreek Township Zoning Resolution Text proposed by the Zoning Administrator; and

WHEREAS, the Board of Beavercreek Township Trustees wishes to amend the Zoning Resolution according to the recommendation of the Zoning Commission; and

WHEREAS, this Resolution has been approved as to form by Township Legal Counsel;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Beavercreek Township hereby amends the Zoning Resolution of Beavercreek Township as follows:

Table 2, Schedule of Permitted Principal Uses, shall include a line that reads "Residential (either alone or in combination with commercial uses)" and the letter "C" in the columns under Zoning District B-2 and B-3. This amendment is intended to make residential uses conditionally permissible in designated Zoning Districts, subject to regular approval procedures for such Conditional Use as specified in the Beavercreek Township Zoning Resolution, Article 22.07(5); and

BE IT FURTHER RESOLVED That this amendment shall take effect at the earliest date allowed by law.

Mr. Kretz seconded the motion. The Vote: Mr. Paxson, yes; Mr. Kretz, yes. The motion carried.

2014-216 Mr. Paxson moved to adjourn. Mr. Kretz seconded the motion. The Vote: Mr. Kretz, yes; Mr. Paxson; yes. The motion carried.

The hearing adjourned at 7:17 p.m.

Trustee: _____

Fiscal Officer: _____