

HARRISON TOWNSHIP
Board of Zoning Appeals
Monday, June 12, 2017
7:00 p.m.

The meeting of the Harrison Township Board of Zoning Appeals was called to order at 7:00 p.m. on Monday, June 12, 2017.

Those present:

Charles Waldron
Jerry Barnes
Patricia Larrick
Steven Russell
Donald Marlow

Justin Riley Olszewski,
Zoning Manager, Development Dept.

APPROVAL OF THE MINUTES:

Mr. Steven Russell made a motion to approve the minutes dated April 10, 2017. Ms. Patty Larrick seconded the motion. Motion carried and passed 5-0. Mr. Don Marlow made a motion to approve the minutes dated May 8, 2017. Mr. Steven Russell seconded the motion. Motion carried and passed 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

Case No. BZA-06-17

Case# BZA-06-17 was initiated by Mamatov Ruslan, 3245 Dry Run St., Tipp City, OH 45371. The applicant is requesting a Conditional Use permit to establish a truck and motor freight terminal operation under Article 29, Section 2903(G), in the "OSI- 2" Office/Service/Industrial District. The property is located at 5848 Poe Ave, Harrison Township, Montgomery County, Ohio.

Staff stated that the property is located at the property is located at 5848 Poe Ave. The property is located on the east side of Poe Ave. The property is currently zoned "OSI-2" Office/Service/Industrial as is the surrounding zoning. The surrounding land use in all directions is of a nature of commercial and/or Industrial. The property had most recently operated as a fence company. Access to the property is off of Poe Ave. Article 29, Section 2904 lists the performance standards in the "OSI-2" Office/Service/Industrial District. The site is pre-existing and appears to meet all applicable portions of this section. Article 4, Section 406.05 lists the general "Standards for Conditional Use."

Staff then stated that there are two sections of the Zoning Resolution we must consider when entertaining a conditional use request for any use in the “OSI-2” Office/Service/Industrial zone. Section 2904 “Minimum Performance Standards” and Section 406, “Standards for Conditional Use.” Section 2904 spells out the specific conditions for the specific use in the “OSI-2” District while Section 406.05 spells out the general standards to consider for any conditional use application.

The site currently operates in a conforming manner under Section 2904 with the exception of the screening requirements, which do not apply unless the property is adjacent to a residential zone.

Section 406.05: Standards for Conditional Use

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusion that:

- A. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.
- B. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Site is pre-existing and operates in a conforming manner.

- 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.

There are currently multiple access points which adequately serve the site.

- D. All necessary permits and license 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.

The applicant will need to address this requirement to the Board. The Board will need to ensure the operator submits proof of required licenses to township staff in order to have in this case file.

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

Site is pre-existing and is not within any proximity of a residential district.

- 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 in harmony with the appropriate and orderly development of the district in which it is located.

Site is pre-existing and appears to meet this requirement.

- 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.

Any new structures or alterations to the site must conform to standards set for the in the Zoning Resolution.

- H. The Conditional Use desired will not adversely affect the public health, safety and morals.

The Board must determine from the facts submitted with this case, by township staff and the applicant in addition to any and all testimony given before the board if the proposed use meets this standard.

Staff recommended that the Board take all information and testimony into consideration.

The applicant, Mamatov Ruslan, 3245 Dry Run St., Tipp City, Ohio was duly sworn and stated

There being no proponents or opponents, Mr. Charles Waldron closed the public portion of the meeting.

After some discussion among Board members, Mr. Jerry Barnes made a motion to approve BZA-06-17 with conditions. Mr. Don Marlow seconded the motion. Motion carried and passed 5-0.

Case No. BZA-07-17

Case# BZA-07-17 was initiated by Randy Takhar, 7030 Poe Avenue, Dayton, Ohio 45414. The applicant is requesting a Conditional Use permit to establish a truck and motor freight terminal operation under Article 23, Section 2303(F)(G), in the "I-1" Light Industrial District. The property is located at 5307-5311 Webster Street, Harrison Township, Montgomery County, Ohio.

Staff stated that the property is located at 5307-5311 Webster Street. The property is located on the west side of Webster Street. The property is currently zoned "I-1" Light Industrial as is the surrounding zoning. The surrounding land use in all directions is of a Commercial and/or Industrial nature. The property has been vacant and tax delinquent prior to the most recent acquisition of the property. Access to the property is off of Webster St. Article 23, Section 2304

lists the performance standards in the “I-1” Light Industrial District. Article 4, Section 406.05 lists the general “Standards for Conditional Use.”

Staff then stated that there are two sections of the Zoning Resolution we must consider when entertaining a conditional use request for any use in the “I-1” Light Industrial zone. Section 2304 “Minimum Performance Standards” and Section 406, “Standards for Conditional Use.” Section 2304 spells out the specific conditions for the specific use in the “I-1” District while Section 406.05 spells out the general standards to consider for any conditional use application.

SECTION 2304 MINIMUM PERFORMANCE STANDARDS -

In addition to other applicable requirements contained in this zoning resolution, the following standards shall apply to all uses within the "I-1" District.

- A. The business or industrial activity shall be conducted wholly within a completely enclosed building, and all outdoor storage shall be prohibited; except for those conditional uses authorized by the Board of Zoning Appeals, where the Board finds that outdoor storage is intrinsically associated with the business operation.
- B. No noise from any operation conducted on the premises, either continuous or intermittent shall violate the provisions of Article 44.
- C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
- E. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.

- F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

The proposed uses of the property appear to meet these requirements. Any further details should be addressed to the board.

- I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.

There is a non-conforming residence on the property that would be able to be used for this purpose.

- K. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and except for parking areas, the grounds shall be planted and landscaped.

Site is pre-existing and appears to meet this requirement.

- L. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other material shall be permitted subject to the following conditions:

- M. The handling of radioactive material, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with:

Proposed use does not indicate that these conditions will apply

Section 406.05: Standards for Conditional Use

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusion that:

- A. The proposed Conditional Use will comply with all applicable regulations of this Resolution, including lot size requirements, development standards and use limitations.
- B. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Site is pre-existing and is developed in a conforming manner.

- 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.

Current access is off of Webster St. which adequately serve the site.

- D. All necessary permits and license 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.

The applicant will need to address this requirement to the Board. The Board will need to ensure the operator submits proof of required licenses to township staff in order to have in this case file.

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

Site is pre-existing and is not within any proximity of a residential district.

- 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 in harmony with the appropriate and orderly development of the district in which it is located.

Site is pre-existing and appears to meet this requirement.

- 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.

Any new structures or alterations to the site must conform to standards set for the in the Zoning Resolution.

- H. The Conditional Use desired will not adversely affect the public health, safety and morals.

The Board must determine from the facts submitted with this case, by township staff and the applicant in addition to any and all testimony given before the board if the proposed use meets this standard.

Staff recommends, given the re-utilization and economic benefit of a formerly vacant tax delinquent site, approval of this conditional use.

The applicant, Randy Takhar, 7030 Poe Ave., was duly sworn and stated that he has been in the trucking business since 2007. He currently has a location in Middletown and is looking to move that location to Webster Street. Mr. Takhar stated that he does not plan on having any outdoor

storage of any kind being that the building is rather large. Mr. Takhar then stated that the hours of operation would be somewhere between 6 am to 8:00pm.

There being no proponents or opponents, Mr. Charles Waldron closed the public portion of the meeting.

After some discussion among Board members, Mr. Jerry Barnes made a motion to approve BZA-07-17 with conditions. Mr. Don Marlow seconded the motion. Motion carried and passed 5-0.

ADJOURNMENT:

There being no further business to discuss, Mr. Steven Russell made a motion to adjourn the meeting. Mr. Don Marlow seconded the motion. Motion carried and passed 5-0.

Respectfully submitted,

Harrison Township
Board of Zoning Appeals

Shonda Hill
Executive Secretary,
Admin. Department

Charles Waldron, President

Patricia Larrick, Vice President

Steven Russell

Jerry Barnes

Donald Marlow

Attested as to Signatures,

Justin Riley Olszewski
Zoning Manager,
Development Department