

**HARRISON TOWNSHIP**  
**Zoning Commission**  
**Thursday, May 18, 2017**  
**7:00 p.m.**

The regularly scheduled meeting of the Harrison Township Zoning Commission was called to order at 7:00 p.m. on Thursday, May 18, 2017.

**Those present:**

Vary Welch

Kaye Cooper

Dennis Bensman

Mattie White

Justin Riley Olszewski, Zoning Manager  
Development Department

**Those not present:**

FJ Thomas

**APPROVAL OF THE MINUTES:**

Ms. Kaye Cooper made a motion to approve the minutes of the September 15, 2016 Zoning Commission meeting. Mr. Dennis Bensman seconded the motion. Motion carried and passed 4-0.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Case No. ZC-01-17**

Case No. ZC-01-17 was initiated by the Harrison Township Board of Trustees, 5945 N. Dixie Drive, Dayton, OH 45414, requesting to change the zoning district classification from “PD-3” Planned Development Business to “R-2” Single Family Residential. The property includes parcels E20-01006-0033 & E 20-01006-0057 and is located on the north side of Shiloh Springs Road east of Wolf Road in Harrison Township, Montgomery County, Ohio.

Staff stated that the Montgomery County Planning Commission recommended an action of denying the re-zoning at their May 11<sup>th</sup>, 2017 meeting. The Montgomery County Prosecutor’s office has recommended the action of tabling the case indefinitely until the federal tax foreclosure proceedings of “United States vs. Wampler et al” can be concluded. The United States Department of Justice has also recommended that no action be taken on the property until the matter is resolved.

The Harrison Township Board of Trustees initiated this case to change the outmoded zoning of “PD-3” (for which there are no development and use standards enumerated in the Zoning Resolution) to “R-2” Single-Family Residential in case the property was acquired by a third party who would then be bound by the parameters of the zoning resolution. The stance of the US Department of Justice, the Internal Revenue Service, and the Montgomery County Prosecutor’s office is that the question of correct notification of ownership and the valuation of a property for sale purposes may be adversely affected by a re-zoning to a residential use and therefore subject the Board to potential litigation by the federal government in the future.

Staff recommends the Zoning Commission table case ZC-01-17 indefinitely until the federal civil proceedings have concluded.

After some discussion among board members Ms. Mattie White made a motion to table Case ZC-01-17 indefinitely. Mr. Dennis Bensman seconded the motion. Motion carried and passed 4-0.

**ADJOURNMENT:**

There being no further business to discuss, Ms. Kaye Cooper made a motion to adjourn. Mr. Dennis Bensman seconded the motion. Motion carried and passed 4-0.

Respectfully submitted,

Harrison Township  
Zoning Commission

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Shonda Hill,  
Executive Secretary

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Vary Welch, President

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FJ Thomas, Vice President

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Kaye Cooper

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Mattie White

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Dennis Bensman

Attested as to Signatures,

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Justin Riley Olszewski,  
Zoning Manager,  
Development Department