

Minutes for the Rushcreek Township Zoning Commission Meeting

December 5, 2022 7:00 PM

Rushcreek Township Office

A meeting for the Rushcreek Township Zoning Commission Board was called to order by Chairman, David Foltz. All stood and pledged allegiance to our country's flag.

Roll call was taken with the following board members present: David Foltz, Chairman; Bruce Duck, Vice-Chairman; Board members Josh Shultz, Shad Kistler and Carla Johnson, Minute recorder.

Order of Business: Reviewing of the Regional Planning Commission Board recommendations of the rezoning of Richard Estep's property located at the corner of State Route 37 and Oak Hill Rd. Parcel# 0340016830. The RPC staff recommended **disapproval** of the rezoning of the said property. The motion was passed.

Present at this meeting of the Rushcreek Township Zoning Commission Board meeting was Charles Hockman who is a member of the Regional Planning Commission Board. Charles brought to light a few more reasons for the RPC's disapproval of the rezoning. He stated that the Rushcreek Township Resolution, Page 49, Section D, #3 under Accessory Uses says "Dwelling units, provided said units are located in a building whose principal use is first permitted in the B-1 District. Also Section G, under Lot Area and Yard Requirements, #4 say "minimum rear yard depth shall be (50) fifty feet. There were also concerns made by the Health Department that septic tank is not up to standard with potential run-off down the hill.

Richard Estep and his attorney, Bruce Broyles, received a letter explaining the recommendations of the RPC's decision. Richard and Bruce are now coming to the Rushcreek Township Zoning Board to state their opposition to the RPC's recommendations.

Bruce had these responses to their concerns:

1. Location of the intersecting highway: State Route 37 should be defined as a highway.

2. Increased traffic: The only traffic at this business will be when they drop off vehicles to Mr. Estep or Mr. Estep himself coming to work on Wednesday's for 5 Hours of required hours of operation.
3. Property Values in Area: As a business Mr. Estep would be increasing property values by paying Fairfield County K through 12 school tax revenue.
4. Increased theft and Crime: the light on the building should help to prevent theft. Which Mr. Estep has pointed downward following the list of amendments to the zoning of the said parcel written up by Rushcreek Township Zoning Commission Board.
5. Dwelling Units: Richard Estep got a permit to put the mobile home on this property over 20 years ago. It is now a house with a basement placed where previous mobile home was. There is a tenant presently residing at this dwelling but the lease is up in April and it will not be reinstated. According to Mr. Estep, after tenant moves out of this dwelling place, this home will be turned into Mr. Estep's office. Bruce, Richard's attorney, said they would go by all regulations on this office.
6. Septic: Mr. Estep will have a Porta-john and will not be tying into the existing septic. The leach bed at the primary head of the property Richard will be using bleach tablets in.

The meeting was ended with a roll call to leave decision of Rushcreek Township Zoning Commission Board for Richard Estep to rezone said property as a B-1 business with the updated approved stipulations passed unanimously.

The following are the updated modifications/stipulations being required:

1. No more than 1 outside light permitted in area of the buildings and car lot. Light needs to shine down not out.
2. No more than 10 vehicles allowed on the lot at one time.
3. Repairs on vehicles are not permitted on property.
4. Vehicles must run and drive.
5. When Parcel is sold it must be reverted back to R_-R Rural Residential District. This must be recorded in the real estate deed as a restriction and Mr. Estep must present a copy of this to the trustees showing proof.

6. The tenant must be out of the dwelling and the building be converted to an office for the dealership. The doublewide must be inspected and approved by the zoning inspector before property is rezoned B-1.

Carla A. Johnson

Paul [unclear]
J. S. [unclear]
Tom Thomas