HARRISON TOWNSHIP
Board of Zoning Appeals
Monday, January 28, 2020
7:00 p.m.

The meeting of the Harrison Township Board of Zoning Appeals was called to order at 7:00 p.m. on Tuesday, January 28, 2020.

Those present:
Charles Waldron
Patricia Larrick
Don Marlow
Steven Russell
Jerry Barnes

Justin Riley Olszewski,
Zoning Administrator, Development Dept.

APPROVAL OF THE MINUTES:
Ms. Patty Larrick made a motion to approve the minutes from the Wednesday, December 11, 2019 BZA meeting. Mr. Steven Russell seconded. Motion carried and passed 5-0.

NEW BUSINESS
Case No. BZA-01-20
Case #BZA-01-20 was initiated by The Corner Club, LLC (Thomas Reichert, CEO), 1856 Old Springfield Rd., Vandalia, OH 45377. The applicant is requesting a Conditional Use permit under Article 21, Section 2103(J) to allow for a private club or lodge, excluding adult entertainment, in the “B-3” Business District. The property is located at 7500 N. Main St., Harrison Township, Montgomery County, Ohio.

Staff stated that the property is located on the east side of N. Main St. at Dog Leg Rd. The property is currently zoned “B-3” Business. The surrounding zoning is “B-3” Business to the south and west, Single Family Residential to the east, and the City of Clayton to the north. The surrounding land use is commercial and residential. The property most recently operated as a restaurant & bar. Access to the property is off of both N. Main St. and Dog Leg Rd. The applicant is requesting a similar operation to the previous use, but with access restricted to club members only. Article 21, Section 2103(J) lists “Private Clubs & Lodges, excluding adult entertainment” as a Conditional Use in the “B-3” Zoning District.
Article 21, Section 2104 (A-L) lists twelve requirements that must be met in order to obtain a conditional use permit for a private club or lodge, excluding adult entertainment, in the “B-3” Business District. Article 4, Section 406.05 lists the general “Standards for Conditional Use”. The following are the criteria for granting a conditional use permit for a private club or lodge:

A. The business activity will be conducted wholly within a completely enclosed building.
   Applicant must address this to the board, specifically addressing outdoor common areas or patio type uses.

B. The business establishment shall not offer goods, service, food, beverages or make sales directly to customers in automobiles, except for drive-in window for pick-up or delivery and which will be provided with adequate drive-way space on the premises for waiting vehicles.
   Does not appear to be applicable.

C. All business shall be of retail or service character.
   Proposed use appears to meet this requirement.

D. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
   Not applicable to the proposed use.

E. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
   The property has 532 feet of wooded buffer between the parking lot and the eastern boundary which appears to meet this requirement.

F. 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.

G. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
2. A solid fence or a non-deteriorating material.
3. Masonry wall.
   The property is served by 532 feet of wooded buffer between the parking lot and the far eastern boundary.
H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.

Applicant must address this to the board, specifically pertaining to music or other such live performances that may take place at this location.

Standards for Conditional Use 406.05

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

Appears to meet this requirement.

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

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

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.

Appears to meet this requirement.

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.

Applicant has applied for a liquor license for the property, and the Board of Trustees objected to this application at their January 6, 2020 meeting.

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.

Property is served by the aforementioned 532 feet of wooded buffer between the parking lot and the eastern boundary.

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.

Applicant must address this to the board.

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.

Applicant must address this to the board.
H. The Conditional Use desired will not adversely affect the public health, safety and morals.

**Applicant must address this to the board.**

**Recommendation:**

Staff recommends the board take all information and testimony into consideration.

Mr. Tom Reichert, representing The Corner Club, 1856 Old Springfield Rd. was duly sworn and said that he was there to inform the community of their intentions and had a question regarding the staff report with regards to the necessary permits and licenses. He stated that he thought that the previously scheduled meeting had been cancelled, to which the BZA board informed him that it was the Board of Zoning Appeals meeting (previously) had been cancelled, not the Board of Trustees meeting. He then stated they are a private club such as the VFW and American Legion, and that the ages of club members will range from 40 to 60 years of age and that the Corner Club has applied for their liquor license. He also states that, although not a guarantee, the club will be closed on most nights of the week, by 11:00 pm. He then states that there will also be a restaurant within the club that would be accessible to non-members for carry out service, and possibly (if permitted) be open to the public for lunch. The Board then asked Mr. Reichard to differentiate between a private and non-private club, to which the applicant replied a private club is a lot about security and that persons cannot enter without prior approval, and says it is a safer environment. When asked if the doors would be secured, Mr. Reichert replied the doors will be secured. Mr. Reichert states that he would like to see, or anticipates approximately 500 to 800 members for the club. He also stated that a member of the club would be permitted to bring up to two (2) guests with them when visiting the club.

When asked by the Board, Mr. Reichert says that he anticipates the construction to be completed by the second week of February, with doors open by March 1, 2020, providing everything goes well with permitting. The applicant also states that with regards to outdoor entertainment, he is of the understanding that the club would be permitted to put some sort of outside deck/entertainment area in the future just for outside use. Staff then stated that an outdoor deck would be permitted, excluding live outdoor entertainment. Staff also states that all sales/purchases would have to be conducted inside the establishment. The applicant then asked if he wanted, would he be allowed to sell outside, to which staff replied “that would be up to the Board to approve the appeal”.

Ms. Mary Anne Gorischek, was duly sworn and stated that she lives close to the building and was unsure if they were leasing or buying and was unsure of the reason for the move. She also asked if the establishment would be open 7 days a week, to which the Board replied yes, as previously indicated by the applicant. She also addressed her concerns about the possible outdoor music and then expressed concerns about possibly alcohol impaired drivers.
There being no others to speak on behalf or in opposition of, Mr. Waldron closed the public speaking portion of the meeting.

After some discussion among the Board and staff, Mr. Don Marlow made a motion to approve BZA Case #01-20 with conditions; contingent upon receiving state approved liquor license. Ms. Larrick seconded the motion. Motion carried and passed 5-0.

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

Respectfully submitted,

Harrison Township
Board of Zoning Appeals

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Regina Moore
Administrative Assistant

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Charles Waldron, President

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Patricia Larrick, Vice President

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Steven Russell

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Jerry Barnes

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Don Marlow

Attested as to Signatures,

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Regina Moore
Administrative Assistant