



## GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE SPECIAL MEETING HELD ON JANUARY 7, 2021

**The meeting was held at the German Township Hall located at 12102 St. Rt. 725 West, Germantown, OH 45327 and virtually using WebEx.**

The SPECIAL MEETING was called to order by Board President Tyler Rehmert at 7:01 pm. In attendance were:

**President Tyler Rehmert**  
**Fiscal Officer Mark Heistand**

**Vice-President Abra Reed**

**Trustee Jacob Stubbs**  
**Zoning Inspector Halie Sewell**

**ONLINE VISITORS:**

Name	Name	Name	Name
Kyle Brummett	Deb Cross	Sandy Lemen	BG
Karen Carmickle	Kurt Jacoby		

The Germantown Press was notified of the virtual meeting on 12/31/20 at 11:53 am.

Mr. Rehmert led the group in the Pledge of Allegiance.

The announced purpose of the Special Meeting was:

- To hold a Public Hearing for Case #2020-39-ZC filed by German Township Zoning for Kyle Brummett of 408 McClure Road, Lebanon, Ohio 45036. The subject property is Parcel ID# D14 00904 0053 located at the corner of Route 4 and Eby Road. The parcel is currently split zoned Agricultural/Residential-1. The applicant is seeking a change in zoning to Office/Residential-1. If adopted by the Board of Trustees, the proposed zoning change will be effective in 30 days.

**ZONING CASE #2020-39-ZC:**

Mr. Rehmert reviewed the process to be followed in the Public Hearing, noting the following:

- The Trustees will review the case, receive testimony from the Zoning Inspector, the applicant, proponents and opponents and render a decision for or against the request. The decision will be based on the following: the standards as they apply to the application; the staff report; the testimony heard during the Public Hearing; the recommendation by the Montgomery County Planning Commission; and the recommendation by the German Township Zoning Commission.
- All testimony will be under oath. Everyone who wishes to speak during the Public Hearing (Zoning Inspector, applicant, proponents and opponents) will give their name and address and be sworn in before testifying. Once the Public Hearing is closed and the Trustees begin

deliberation, there will be no further public testimony unless the Trustees have a question that needs to be answered.

- The Oath was as follows: Do you solemnly swear or affirm that any testimony you shall give before the Board of Trustees during the Public Hearing shall be the truth, the whole truth, and nothing but the truth? Is so, answer, "I do."

Mrs. Reed made a MOTION, seconded by Mr. Stubbs, to open the Public Hearing for Case #2020-39-ZC. The MOTION WAS APPROVED by a unanimous voice vote.

Testimony by the Zoning Inspector:

- Mrs. Sewell reviewed the packet of materials related to the case that was provided to the Trustees in advance of the meeting. The packet included: (A) Staff Report; (B) Zoning Change Application including Affidavit, Deed & Resolution; (C) Recommendation from the Montgomery County Planning Commission; (D) Recommendation from the German Township Zoning Commission; (E) Plot Plan; (F) Photo and Overhead View; (G) List of Property Owners within 300' of Property; and (H) Public Hearing Notice.

Testimony by the Applicant:

- **Kyle Brummett, 408 McClure Road, Lebanon, Ohio 45036.** After being sworn, Mr. Brummett discussed his plans for this property. Three people will work during business hours, with no extra activity. He has found another location for firearms courses.

Testimony by Proponents:

- None

Testimony by Opponents:

- Mr. Heistand read emails dated 12/22/20 and 12/24/20 from **Kandice Tate, aka Kandi Davis, 9221 Eby Road, Germantown, OH 45327.** Her 12/22/20 email forwarded an email she received on 12/14/20 from Douglas Clark at the Ohio Department of Transportation. Mr. Heistand noted that a third email was received from Ms. Tate on 11/15/20. Since that email was substantially similar to Ms. Tate's 12/24/20 email, he did not read the 11/15/20 email.
- **Sandra Lemen, 9381 Eby Road, Germantown, OH 45327.** After being sworn, Ms. Lemen stated that she lives down the lane from the subject property. She has three children and is a foster parent. She is concerned about gun shooting that is occurring on the subject property. Her children walk past the subject property to catch the school bus. She noted that the property wasn't quiet during spring and summer 2020. She is concerned about the flow of traffic on the lane. At times the lane was blocked by vehicles at the subject property. She also noted that a go kart was used on the property last summer, creating noise.

Response by Applicant:

- Mr. Brummett noted that most of the traffic is due to the residences on the lane. His son's go kart was only there one day last summer. Recreational gun shooting is no longer done at this property, but at his home on five acres in Lebanon. His employees typically arrive at 9 PM to pick up security vehicles and return the vehicles between 3-5 AM. Responding to a statement in Ms. Tate's email, he noted that he was not evicted out of his old location in Middletown. He came to an agreement with his landlord, moved out at the end of his lease in March 2020 and was refunded almost half of his security deposit.

Mr. Stubbs made a MOTION, seconded by Mr. Rehmert, to close the Public Hearing for Case #2020-39-ZC. The MOTION WAS APPROVED by a unanimous voice vote.


Board of Trustees Deliberation:

- Mrs. Reed asked Mr. Brummert about new construction on his property. He responded that he received a temporary permit to build a carport to protect his tractor and other equipment.
- Mr. Stubbs asked about the offices that will be built. Mr. Brummett responded that the offices are being built in the existing building. The construction carport will be removed by February.
- Mr. Rehmert commented that Mr. Brummett previously applied for a rezoning to Business-4, which was denied by the Trustees at a hearing on 10/1/20. He noted that the County and the Township Zoning Commission has recommended approval of the rezoning in this case. He noted that Mr. Brummett has certified that the business will not create a nuisance from traffic, noise, smoke or odor. He spoke to the Ohio Department of Transportation about traffic study requirements (a potential noted by ODOT's Douglas Clark in his 12/14/20 email to Kandice Tate).
- Mr. Stubbs noted that when the Zoning Commission recommended approval of the rezoning, their approval was conditional that no active firearm training be conducted on the property. Mrs. Reed noted that the owners could shoot firearms on the property, but not the employees.
- Mrs. Reed asked Mr. Brummett about the three employees who will work at the facility and if they would be receiving visitors. He responded that there will not be customer visits at the facility. Clients are visited at their locations.
- Mr. Rehmert noted that even though Mr. Brummett's type of business is not specifically listed as an allowable professional service under OR-1, he feels that the list is broad enough to encompass this business.

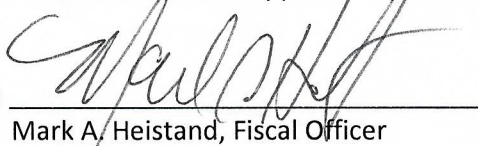
Mr. Rehmert introduced **RESOLUTION 2021-09**, seconded by Mr. Stubbs: **A RESOLUTION APPROVING A REZONING OF PARCEL ID# D14 00904 0053 FROM SPLIT ZONED A/R-1 TO OFFICE/RESIDENTIAL-1 AS FILED BY KYLE BRUMMETT OF 408 McCLURE ROAD, LEBANON, OHIO 45036 IN CASE #2020-39-ZC, SUBJECT TO THE REQUIREMENT THAT NO ACTIVE FIREARM TRAINING BE CONDUCTED ON THE PROPERTY.** The roll was taken and the adoption vote was as follows: Mr. Rehmert-Yes; Mrs. Reed-Yes; Mr. Stubbs-Yes. **RESOLUTION 2021-09 WAS ADOPTED.**

**MEETING ADJOURNED:**

With no further business, Mr. Stubbs made a MOTION, seconded by Mrs. Reed, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 7:39 pm.

Signed:   
Tyler Rehmert, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at their meeting on February 8, 2021.

Signed:   
Mark A. Heistand, Fiscal Officer