

Monclova Township Board of Zoning Appeals

Summary for June 9, 2025

This meeting commenced with the Pledge of Allegiance to the Flag at 5:30 PM led by Chair Michelle Ross.

Roll Call:

Present: Board Member Ross, Board Member Stanton, Board Member Stewart, Board Member Ballmer, Darrell Limes

Staff Members Present: Eric Wagner, Zoning Administrator; Recording Secretary/Support Staff Kathleen Stewart Kuns

Record of Proceedings:

Ross moved, Ballmer seconded, to approve May 12, 2025 minutes as submitted by the Recording Secretary.

Yes: Board Member Ross, Board Member Stanton, Board Member Stewart, Board Member Ballmer, Board Member Limes

Public Hearing:

Chair noted that the hearing is to consider a variance to Section 9.12 B1. Applicant is requesting a variance to allow a 9,600 sq ft pond as opposed to the required ½ acre minimum pond size (21,780 sq ft). Location: 9956 LaPlante Road/parcel #38-34341; Applicant: Jacob Newcomer.

Chair Michelle Ross asked Zoning Administrator Eric Wagner to review the request. Wagner noted Resolution requirement and commented on narrowness of lot and several accessory buildings on the lot that inhibit pond placement.

Jacob Newcomer, 9956 LaPlante Road, was sworn in and stated that downsized pond size is due to lot size and shape. Larger pond design would overwhelm property and cause other concerns. Need space for cattle that he raises. Land has a natural grade. Stated that the pond is not intended for irrigation but for recreational use. Newcomer stated that there would be no impact to neighbors and noted that a neighbor is present in support. Newcomer added that he will meet safety features, best practices, and would abide by requirements of Zoning Administrator Wagner. He referenced other properties in Monclova Township that have similar downsized pond and does not have an impact on the neighborhood. Smaller size has less environmental impact, less upkeep.

Chair called for questions from the Board:

Stewart received confirmation that the depth of the pond would follow requirements, which he believed was 17 feet at center. Newcomer confirmed that he would follow scope of zoning requirements.

Ballmer confirmed that the area is completely fenced in and applicant is considering mounding on one side of the pond but is aware of mounding requirement of 4 feet at highest. Ballmer and Newcomer conversed about keeping the pond far enough away from animal waste.

Ballmer noted that he would not want to see a bigger pond by clearing the natural feature of the woods.

Stanton inquired about the type of soil, for which Newcomer noted that when he was digging for a well, there was a sand vein until about 12 feet, then clay.

Limes inquired about timeline for which Newcomer stated that he paused obtaining quotes until and if he received approval from the Board.

Chair called for testimony in favor or opposition, at which point William Barrow, 3050 Indian Wells Court, came forward and was sworn in. Barrow stated that Newcomer is improving the property and takes good care of his property. He stated that Newcomer is third generation Monclovia. Barrow added that it is his belief that the smaller pond is the only way to fit the pond on the property for it to function properly.

Stacy Erard, 9944 LaPlante, was sworn in. Erard stated that she is the neighbor to the east and is in attendance to give support for the request. Does amazing job with property.

As there were no other questions from the Board, Ross moved, Stanton seconded, to close that portion of the hearing that accepts public testimony.

Yes: Board Member Ross, Board Member Stanton, Board Member Stewart, Board Member Ballmer, Board Member Limes

Ross called for Find of Facts.

Ballmer stated the following regarding Section 9.12.A Ponds:

9.12A Permitted in A/R district, C, M, and Suburban Residential districts meeting area requirements and various safety and permitting criteria.

9.12B Design Requirements-Proposed side slope, beach area, and depth meet the design requirements. 9.12C proposed setback from the right of way and side yard exceeds the minimum.

Applicant is requesting a variance of section 9.12 B1 which requires a minimum pond surface area of 1/2 acre or 21,780 square feet in order to construct a pond of 9,600 square feet of surface area.

Section 16.2C Variances to the zoning code can be granted if the request meets criteria:

1-Unique circumstances will not allow a 1/2 acre pond to fit between the two existing buildings, driveway, and pastureland for animals.

2-To conform to the standards, the construction would clear out over 1/2 acre of woods.

3-The hardship was not caused by the property owner.

4-The variance, if authorized, will not alter the essential character of the neighborhood or district.

5-The variance, if authorized, will represent the minimum variance that will afford relief.

Ballmer moved to grant a variance of 9.12 B1, to allow a 9,600 square foot pond as opposed to the required 1/2 acre (21,780 sf) minimum pond size at 9956 LaPlante Road. Seconded by Stanton.

Yes: Board Member Ross, Board Member Stanton, Board Member Stewart, Board Member Ballmer, Board Member Limes

Adjournment:

As there was no other business posted for this meeting, Ross moved, Stanton seconded, to adjourn.

Yes: Board Member Ross, Board Member Stanton, Board Member Stewart, Board Member Ballmer, Board Member Limes

Respectfully Submitted:

Kathleen Stewart Kuns, Recording Secretary

Accepted by:

Michelle Hudson Ross

Doug Stanton

Keith Stewart

Jeff Ballmer

Darrel Limes

Roll calls taken in random order. Official minutes will display signatures. This meeting was electronically recorded. Audio is available at monclovatwp.org during that same calendar year. Also on file in the Office of the Fiscal Officer in accordance with the township’s Records Retention Schedule.