

## Monclova Township Board of Zoning Appeals

Summary for March 12, 2018

The meeting commenced with the Pledge of Allegiance to the Flag at 5:30 PM led by Chair Diane Ohns.

### **Roll Call:**

Present: Board Member Ohns, Board Member Brigham, Board Member Downey, and Board Member Ballmer

Absent: Board Member Plocek

Staff Members Present: Zoning Administrator Eric Wagner, Fire Chief Kevin Bernhard, Deputy Chief Michael George, Law Director Dawn Sanderson, and Recording Secretary/Support Staff Kathleen Stewart Kuns

### **Record of Proceedings:**

MOTION: Ballmer moved to suspend reading and approve the February 12, 2018 minutes as submitted by Recording Secretary.

SECOND: Downey

Yes: Board Member Ohns, Board Member Downey, Board Member Brigham, and Board Member Ballmer

### **Public Hearing:**

Chair Diane Ohns commenced the public hearing to review the compliance of a one-year exception for a temporary use to run a business as a home occupation on a property without residing on the property. Subject property is 6715 Monclova Road.

Zoning Administrator Eric Wagner gave the Board details in regards to the property owner Martin Sniadecki's compliance with the Board's conditions of August 17, 2017 approval. Wagner stated that two conditions are not being complied with. All non-business related vehicles be removed. Large older fire vehicle is sitting outside. Since the new year, off-road racing has started again.

Ohns called for testimony and swore in Robert Gosselin, 6655 Monclova Road.

Gosselin commented on ATV activity in September through February. None since the heavy rains. Gosselin also stated that the track remains intact on the property.

Downey asked if contact was made with law enforcement. Gosselin estimated that on the 14<sup>th</sup> or 15 of February he contacted Township Administrator Harold Grim. Mr. Grim contacted Capt. Luettker to verify enforcement of the noise ordinance.

Ohns called for additional testimony.

Dawn Sniadecki, 800 W. Wayne Street, one of the property owners at 6715 Monclova Road. Sniadecki asked if business was not there, could off-road activity occur. Wagner stated that there could be an issue with noise resolution but will refrain from conjecture.

Martin Sniadecki, property owner at 6715 Monclova Road, was sworn in. Sniadecki stated that he is planning on using the fire truck as a parade vehicle in addition to using it as a means to water crops that will be planted this summer. Sniadecki added that the Board required planting as a condition and the fire truck will allow him to water the crop. Chair stated that the Board is dealing with this property as a Home Occupation. Ohns stated that it was what Sniadecki agreed to.

Ohns stated that the Board will now move to Executive Session for deliberation on the matter (5:45 approx.). Law Director and Zoning Administrator attended Executive Session.

The Board returned from Executive Session at 6:35 PM.

Ballmer moved to return from Executive Session and enter General Session.

SECOND: Downey

Yes: Ohns, Brigham, Downey, and Ballmer

Ohns asked for a motion to rescind one year exception for a temporary Home Occupancy use, which was granted on August 14, 2017 to Martin Sniadecki and that to have an effective date of May 1<sup>st</sup>, 2018. Ballmer so moved.

SECOND: Downey

Chair called for discussion.

Ballmer noted six items were conditions of approval. Some of those have not been in compliance. The compliance date was October 31<sup>st</sup>, 2017. To date, some of those still not taken care of. Those that are known to not be in compliance: No outside storage of vehicles or trailers except for vehicles and trailers marked "Martin Electric" and used specifically and purposefully for that specific business. Ballmer noted that the fire truck that was in front of the property has been moved to the back. Ballmer stated that we (Board of Zoning Appeals) wanted vehicles and apparatus other than business related be stored indoors, garaged, or removed from the site by that particular date, October 31<sup>st</sup>. Ballmer continued saying that we heard tonight that there is still some off-road vehicle usage on this site. That was one of the requirements, that we wanted it stopped.

Ohns stated her understanding from the Zoning Administrator that several notices were sent to Mr. Sniadecki with regard to this; those being dated in November, December, and in February. There has been no compliance with regard to the Exception conditions. Ohns noted that there

was a one year timeframe placed on this Exception for the temporary Home Occupancy use exception, with less than six months into approval three notices have been sent with no participation from Mr. Sniadecki.

Chair called for additional discussion. Chair called for a vote.

Yes: Ohns, Brigham, Downey, and Ballmer

The Home Occupation exception granted by the Board of Zoning Appeals will be rescinded May 1<sup>st</sup>, 2018.

Ohns stated that that being the case, the Board will proceed with the Finding of Facts and asked Recording Secretary to provide this week. That being the case, a meeting on March 16, 2018 at 2:00 PM was discussed and the Board was in agreement with that meeting date. Ohns stated to Mr. Sniadecki that Zoning Administrator Wagner will make sure that Mr. Sniadecki has a copy.

**Adjournment:**

MOTION: Downey moved to adjourn.

SECOND: Ballmer

Yes: Ohns, Brigham, Downey, and Ballmer

Motion unanimously passed.

Respectfully Submitted:

Kathleen Stewart Kuns, Recording Secretary

Accepted by:

\_\_\_\_\_  
Diane H. Ohns

\_\_\_\_\_  
Melva Plocek

\_\_\_\_\_  
Lois A. Brigham

\_\_\_\_\_  
Dan Downey

\_\_\_\_\_  
Jeffrey Ballmer

Roll calls taken in random order. Official minutes will display signatures. This meeting was electronically recorded. Audio is available at [monclovatwp.org](http://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.