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Monclova Township Board of Zoning Appeals

Summary for Augusts 14, 2017

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

Roll Call:

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

Absent: Board Member Plocek

Staff Members Present: Zoning Administrator Eric Wagner, Deputy Fire Chief Michael George, Law Director Dawn Sanderson, Township Administrator Harold Grim, and Recording Secretary Kathleen Stewart Kuns

Record of Proceedings:

MOTION: Downey moved to approve the July 10, 2017 minutes as submitted by Recording Secretary.

SECOND: Brigham

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

Public Hearing:

A variance of Zoning Resolution Section 4.5(D) of 3.84 feet from the required setback of 10 feet for a new residence at 8045 Quarry Road; applicant: Matt Townsend
Zoning Administrator Wagner stated the following: New house on Quarry Road, has slope; has a proposed covered deck with roof that projects into 10 foot setback.

Chair called upon the applicant or agent to come forward and give testimony. Matt Townsend was sworn in and stated the following:

Matt Townsend, 3122 Quarry Road, came forward and was sworn in. Mr. Townsend stated that subject property is adjacent to ramp area purchased by rim owners, which is the boat access for all rim owners as well as access for township emergency purposes and practices. The variance is for 20 square feet into the sideyard setback. Proposing to build a concrete wall/aluminum fence enhancement similar to former concrete wall and existing fence respectively. Townshend stated his belief that the request is reasonable.

Ballmer asked about fencing location.

Ohns asked if this was the same property that had issues several times previously, most recently last year. Wagner confirmed.

Ballmer asked about option to move four feet over.

Brigham moved, Ballmer seconded the motion, to approve the request as submitted.

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

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42 **Public Hearing:**

43 A one year exception for a temporary use to run a business as a home occupation on the property
44 without residing on subject parcel at 6715 Monclova Road; applicant: Martin Sniadecki.
45 Zoning Administrator Wagner stated the following: Applicant is running business out of pole
46 barn on property. He came before the Board of Zoning Appeals in 2009 to obtain a temporary
47 use. Was supposed to come in annually but this was neglected. Wagner notified property owner
48 this summer.

49 Chair called upon the applicant or agent to come forward and give testimony. Martin Sniadecki,
50 800 West Wayne St. in Maumee, was sworn in.

51 Mr. Sniadecki gave the following information: Property in transition zone near commercial.
52 Lived there in 1986. No water, sewer, gas. Couldn't build new house as surrounding land had
53 unknown zoning future. Doesn't want to commit to commercial if area would be residential.

54 Ballmer confirmed that it has been since 2009 since Applicant came before the Board of Zoning
55 Appeals and received approval for one year, with requirement for annual BZA review.
56 Applicant has not come before the BZA since that time.

57 Chair called for those in opposition to the change.

58 Robert Gosslin, 6655 Monclova Road, as sworn in. Gosslin stated that he has resided at this
59 location since 1996. In 2001 ATV/motorcycling activity started. Activity has ramped up every
60 year; all hours of the week and times. Activity creates dirt/dust issues. Gosslin believes the
61 adjacent property's activity harms property value. Originally farm field. Does not believe his
62 property will sell with track. Has called Lucas County Sheriff about the noise issue. Asked
63 Board of Zoning Appeals for consideration of these issues.

64 Ballmer confirmed location of Gosslin home.

65 Ohns asked about motorcycling. Sniadecki stated that it's his kids. Was told by deputy that it's
66 his right to ride on his property.

67 Downey stated that the Board will move into Executive Session to discuss the matter.

68 Zoning Administrator Wagner and Law Director Sanderson were invited into the Executive
69 Session.

70 Board resumed regular session at 6:22 PM with Downey moving, Ballmer seconding the motion,
71 to return to General Session.

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

74 Downey asked Township Administrator Harold Grim for additional information on noise
75 complaints.

76 Administrator Grim stated that Township has received complaints. Noise resolution was written
77 in 2005 and recently updated due to changes in Ohio Revised Code. Not sure where we are with
78 enforcement at this time.

79 Ballmer commented on what is allowed and not allowed for home occupation, stating that Home
80 Occupation is allowed in A/R-service oriented businesses is acceptable. Request might be more
81 intensive use. There may be a need for parking but should conform to Section 6 of the Zoning
82 Resolution which states vehicles should be stored indoors. Ballmer commented on eight years of
83 Sniadecki failing to obtain a zoning certificate per Section 14.4.

84 Ballmer moved to approve a one year zoning certificate for a Home Occupancy usage for the
85 property known as 6715 Monclova Road subject to the following:

- 86 1. No outside storage of vehicles or trailers except for vehicles and trailers marked “Martin
87 Electric” and used specifically and purposefully for that specific business. These
88 vehicles and trailers should be no closer to the road than the front of the commercial
89 building.
- 90 2. Vehicles and apparatus other than business related shall be stored indoors, garaged, or
91 removed from the site by October 31, 2017.
- 92 3. There shall be no off-road vehicle usage on the site. The existing dirt track shall be
93 restored to a “grassed” condition by October 31, 2017 and maintained as yard or farm. It
94 shall not be allowed to be overgrown with weeds or high grass.
- 95 4. The entire property shall be properly maintained and kept neat and trimmed.
- 96 5. Each July, the property owner shall apply to the BZA for a one year temporary use for
97 Home Based Business as per Section 14.3H until such time as the business ceases
98 operations on the property or the property owner is granted a change in zoning to C-2
99 General Commercial for this property.
- 100 6. The BZA, during the annual review for the temporary usage permit, shall discuss any
101 neighbor complaints that have occurred during the past year.

102 SECOND: Brigham

103 Discussion: None

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

106 Downey confirmed with applicant that he understood the conditions. Wagner stated that he
107 would forward the conditions to the applicant.

108 **Adjournment:**

109 MOTION: Downey moved to adjourn.

110 SECOND: Ohns

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

113 Motion unanimously passed.

114 Respectfully Submitted:

115 Kathleen Stewart Kuns, Recording Secretary

116 Accepted by:

117 _____

118 Dan Downey

Melva Plocek

119

120 _____

121 Lois A. Brigham

Diane H. Ohns

122 _____

123 Jeffrey Ballmer

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

