

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

Monclova Township Board of Zoning Appeals

Summary for January 24, 2017

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

**Roll Call:**

Present: Board Member Lemle, Board Member Plocek, Board Member Brigham, Board Member Downey, and Board Member Ohns

Absent: None

Staff Members Present: Zoning Administrator Eric Wagner, Deputy Chief Mike George, and Recording Secretary/Support Staff Kathleen Stewart Kuns

**Record of Proceedings:**

**MOTION:** Downey moved to approve the January 9, 2017 minutes as submitted by Recording Secretary.

**SECOND:** Plocek

**Yes:** Board Member Lemle, Board Member Plocek, Board Member Brigham, Board Member Downey, and Board Member Ohns

**Public Hearing, continued:**

Conditional Use to Section 4.2(c) of the Zoning Resolution to allow a banquet hall at 5402 South Jerome Road; Applicant: Brad and Debbie Wotring/Agent: Greg Feller of Feller Finch and Associates.

Verification was made on the record of the publication of the Notice of the January 9<sup>th</sup> meeting in the newspaper and written Notice to adjoining property owners given. Zoning Administrator Wagner confirmed and had copies of documents in his possession.

As an informational comment, Chair noted that there have been questions submitted to township employees and the Law Director regarding the procedures for conducting meetings by the Board of Zoning Appeals.

Lemle stated the following as prepared by Law Director: Courts have determined that the Board of Zoning Appeals performs a “quasi-judicial” function and therefore are not “meetings” for purposes of O.R.C. 121.22. The Board of Zoning Appeals may adjourn into Executive Session to deliberate as supported by Opinion 2000-035 of the Ohio Attorney General.

Further, for the lawyers present, Lemle commented that the following citations may be of interest:

1. Groff-Knight v. Board of Zoning Appeals of Liberty Twp., 5th Dist. No. 03CAH08042, 2004 WL 3465744 (June 14, 2004)
2. 6<sup>th</sup> District Court of Appeals, In re Application for Additional Use of Property v. Allen Twp. Zoning Bd. of Appeals, 2013-Ohio-722

Chair noted meeting minutes will be available on the website tomorrow (1.25.2017).

Chair summarized what happened at the last meeting:

- a. After testimony from the applicants and their representatives, many interested persons were given an opportunity to testify;
- b. The Chair entertained questions from individual board members;
- c. Thereafter, the Board adjourned to deliberate;

- 50 d. Upon returning to the regular meeting, given the late hour, the Board wished to  
51 continue the hearing until today so the applicants could offer testimony and evidence  
52 to refute testimony in opposition and to then make further inquiries, if need be.  
53

54 The applicants/representative was asked to come forward. Greg Feller was issued the oath.  
55

56 Barry Savage, Anthony Drive, interjected and asked if additional testimony from neighbors  
57 could be heard. Chair noted that the public portion of the hearing was closed on January 9<sup>th</sup>.  
58 The Board is offering rebuttal testimony opportunity from the applicant or their agent. Savage  
59 submitted a petition with approximately 85 signatures of those in opposition to the Conditional  
60 Use.  
61

62 Greg Feller was sworn in at 5:34 PM. Feller commented on road traffic. Recognized that  
63 Jerome Road is not a major highway but feels it is adequate; gave example of 2-12 feet lanes.  
64 Additional road comments. Applicant has agreed to abide by Plan Commission comments.  
65 Doors of barn will face away from neighbors.  
66

67 Chair called for questions from board members.

68 Lemle-Will you strictly adhere to hours of operation? Feller stated applicant is in agreement to  
69 stipulations set forth in Plan Commission comments.

70 Lemle-Storm water comment.

71 Ohns-Asked for affirmation that request is strictly for use as a banquet hall. Mr. Wotring and  
72 Mr. Feller both answered in the affirmative.  
73

74 Ohns stated that all seating must be inside the banquet facility. Ohns stated that, according to the  
75 testimony from the last meeting, she understood that there might be outside seating, which is not  
76 allowed by township Code.  
77

78 Zoning Administrator Eric Wagner concurred with Board Member Ohns, and further commented  
79 that in A/R districts, of which the subject parcel is in, seating may not be outside; whether  
80 temporary or permanent- all seating must be inside.  
81

82 Feller and Mr. Wotring stated that they were unaware of that requirement but they would adhere  
83 to zoning requirements.  
84

85 Ohns asked about walking path.

86 Feller stated that the Wotring's owns the land across the street by the river and they were  
87 planning to have a walking path to that area (crossing River Road).  
88

89 Ohns stated that, per Lucas County Plan Commission written testimony, the county was  
90 concerned with that aspect of the plan.  
91

92 Downey – parking question. Feller stated that if they received approval, they will comply with  
93 zoning. They understand that all parking must be on paved, impervious substance (5:41 PM).  
94

95 Plocek inquired about runoff. Feller noted that professional advisers will design parking lot.  
96

97 Ohns asked for clarification on door placement. Feller stated that the face of the barn will look  
98 towards Jerome Road. Feller referred to submission from last meeting.  
99

100 Wotring stated that access in terms of doors will be on the north, the west and the east.

101 Ohns confirmed that doorways on north side, facing the hill, will lead up to neighbors. Wotring  
102 stated that there may be times when the doors are open. Ohns questioned how applicant will  
103 address noise?  
104

105 Wotring commented on availability of information regarding decibel levels. Cannot tell until the  
106 building is up what kind of decibel level it would be (5:44 PM). Will consider things to insulate  
107 and limit impact of sound.  
108

109 Ohns questioned size of doors. Noted no door placement on the three sides of the building in  
110 drawing that was presented on the 9<sup>th</sup> of January - only notes one side.  
111

112 Lemle confirmed it's a banquet hall. Wotring commented that it is a barn; sided in wood.  
113  
114 Ohns moved to adjourn to Executive Session at 5:47 PM for deliberations.  
115  
116 Savage stated that he had additional comments and wanted to present. Lemle noted that public  
117 testimony was closed at the last meeting. Chair accepted written items from Savage.  
118  
119 Brigham seconded the motion to adjourn to deliberate.  
120 Yes: Board Member Lemle, Board Member Plocek, Board Member Brigham, Board Member  
121 Downey, and Board Member Ohns

122 Return to regular session at 6:26 PM.  
123 Chair stated that she will accept a motion on the matter at this time.  
124 Ohns moved to grant the appeal; seconded by Downey.  
125 Discussion from member of the Board:  
126 Lemle – Cited 8.2 of conditional use – disturbing to the existing neighborhood.  
127 Plocek concurred with statement, stating that is would be against the existing neighborhood that  
128 it would be in.  
129 Brigham- Is not harmonious with the nearby community.  
130 Ohns stated that one of her concerns is 8.2(d) - adequately serviced by essential public facilities  
131 – limited protection, noted that there is one Sheriff's deputy for protection throughout the  
132 township; has potential to draw oversight over to that area disproportionately. Ohns noted her  
133 other concern was lack of public sanitary service and septic concerns for area.  
134 Lemle commented on vagueness of use (6:29 PM).  
135 Ohns stated both River Road and Jerome Road are two-lane roads with busy traffic at times.  
136 During hours of operation, recreational use going on at the same time for Maumee River and the  
137 MetroPark. Cars parked on roadway for recreational purposes. Concerned about adding vehicle  
138 to area in similar timeframe.  
139 As there were no additional comments from the Board of Zoning Appeals, Chair called for vote.

140 No: Board Member Lemle, Board Member Plocek, Board Member Brigham, Board Member  
141 Downey, and Board Member Ohns

142 Vote was unanimous. Appeal not granted.

143 For the record, written Findings of Fact and the Board's decision will be prepared and made  
144 available in the Zoning Office.  
145

146 Organizational items for 2017:  
147 The Board was in agreement to keep meeting date and times to the second Monday of the month  
148 at 5:30 PM.  
149

150 Plocek moved to nominate Dan Downey as 2017 chair; seconded by Ohns.  
151 Yes: Lemle, Plocek, Brigham, Downey, and Ohns

152 Ohns moved to name Plocek as 2017 Vice Chair; seconded by Lemle.  
153 Yes: Lemle, Plocek, Brigham, Downey, and Ohns

154 **Adjournment:**

155 MOTION: Ohns moved to adjourn.  
156 SECOND: Plocek  
157 Yes: Lemle, Plocek, Brigham, Downey, and Ohns  
158 Motion unanimously passed.  
159 Respectfully Submitted:  
160  
161 Kathleen Stewart Kuns  
162 Recording Secretary

163

164 Accepted by:

165 \_\_\_\_\_  
166 Karen Lemle

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

167

168 \_\_\_\_\_  
169 Lois A. Brigham

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

170

171 \_\_\_\_\_  
172 Diane H. Ohns

173

174 Official minutes will display signatures. This meeting was electronically recorded. Audio is available at [monclovatwp.org](http://monclovatwp.org) during that same  
175 calendar year. Also on file in the Office of the Fiscal Officer in accordance with the township's Records Retention Schedule.  
176

DRAFT DRAFT