

Monclova Township Board of Zoning Appeals

Summary for February 13, 2023

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

Roll Call:

Present: Board Member Stanton, Board Member Limes, Board Member Ballmer, Board Member Downey, Board Member Ross

Staff Members Present: Zoning Administrator Eric Wagner, Support Staff Kathleen Stewart Kuns

Record of Proceedings:

MOTION: Stanton moved to approve the January 9, 2023 minutes as submitted by Recording Secretary.

SECOND: Downey

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

Public Hearing:

Chairman Stanton noted that there are two variance requests before the Board. Request #1, variance of 7.13 feet from the required 100 feet setback from Salisbury Road, and #2, variance of 10.17 feet from the required 15 feet setback between an accessory building and the main dwelling per Section 9.2A of the Zoning Resolution. Both variances are for the same property, 8231 Salisbury Road. The applicant is Brian Wagner.

Zoning Administrator Wagner gave a brief summary of the case for the 30x36 garage/accessory building including the stop work order that was placed on the structure until he completed this appeal process.

The applicant, Brian Wagner, came before the Board and was sworn in. He stated that the contractor poured the pad for the accessory building as well as the driveway; not able to verify if the contractor actually pulled permits. Feller Finch assisted him with drainage issues and county requirements after receiving the stop work order. Stated that he was not familiar with the process. Considered connecting the two structures with a portico to address the issue of the distance between the accessory building and the home, but architect Doug Kime did not believe it would look aesthetically correct.

Per Ballmer's inquiry, Brian Wagner commented on the installation of the siding, which will match the house; erecting fencing for dog; wall with fire rating due to the proximity of the two structures.

Ross asked about landscape buffering. Property owner stated that Blue Spruce trees will be added; replacement for trees that have died. Ross received confirmation that the pines will continue past the driveway.

Stanton queried about completion timetable if variances are granted. Brian Wagner stated they will complete as soon as appeal is granted.

Ballmer asked about sidewalk. Brian Wagner stated that they had struggled to find contractors but does have someone contracted for the work now.

As there was no one else desiring to speak about the variance, Chair called for a motion. Ballmer moved to close that portion of the hearing that accepts public testimony; seconded by Ross.

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

Stanton asked for additional questions or comments from the Board. There were no additional comments, Stanton moved to enter into Executive Session at approximately 5:40 PM. Seconded by Ballmer.

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

The Board returned from Executive Session with Stanton moving to enter into General Session at 6:04 PM. Seconded by Ross

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

Ballmer stated that there are two variances to consider; one easily addressed; and the other, more complicated.

Ballmer noted the consideration of a 10 foot variance of required 15 foot separation. If granted, the variance, per Section 16.2C of the Zoning Resolution, won't alter the essential character of the neighborhood and represents the minimum variance that will afford relief. Ballmer moved to approve 10.17 feet variance from the required 15 feet between an accessory building and the main structure.

Seconded Downey.

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

Ballmer stated that platting process creates a legal document. This subject parcel is lot 40 of the Stoney Creek subdivision. Platting establishes property lines, rights-of-way. The right-of-way

also provides public access. It allows for installation of streets, sewer lines, water lines; additionally platting establishes other easements, i.e. cable, phone, internet; provides a place that is definitive for drainage improvement; establishes building lines, which are different from setback; creates uniformity. Ballmer recalled three others that he is aware of that have come before the Board of Zoning Appeals that needed to re-plat, i.e. Stonebrooke. Re-platting is what the BZA will recommend.

Ballmer further added that the building line is fixed; legal document is in order to receive relief.

Ballmer stated that, because of the platting of this subdivision, the 50 foot building line is fixed, made part of a legal document and cannot be encroached. In order to receive relief, lot 40 in Stoney Creek subdivision, known as 8231 Salisbury Road, must be re-platted showing a bump out of 8 feet to the north, to a 42 foot building line around the existing accessory building. The bump out should begin on the 50 foot building line, 133 feet from the westerly property line and extend 40 feet easterly. The building line easterly and westerly of the bump out should remain at 50 feet.

Ballmer added, upon recording of re-plat of lot 40 of Stoney Creek subdivision, a zoning certificate for an accessory building can be granted from the Monclova Township Zoning Department and a building permit from Lucas County Building Regulations may be obtained.

The unfinished sidewalk along the right-of-way should also be complete within 30 days of the recording of the re-plat or by June 13, 2023, whichever is later. Landscape must be completed utilizing the same plant species and spacing.

Seconded by Limes.

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

Ballmer explained process to applicant-case goes before Plan Commission. Stated that Feller Finch would be familiar process. A one lot re-plat would take care of issue of building line.

Dan Downey was thanked for his service.

At 6:16 PM, Stanton moved to adjourned. Downey seconded.

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

Respectfully Submitted:

Kathleen Stewart Kuns, Recording Secretary

Accepted by:

Doug Stanton

Darrel Limes

Jeffrey Ballmer

Daniel Downey

Michelle Hudson Ross

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.