

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

Monclova Township Board of Zoning Appeals
Summary for July 11, 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 Ross, Board Member Stewart

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

Record of Proceedings:

MOTION: Limes moved to approve the April 10, 2023 minutes as submitted by Recording Secretary.

SECOND: Ballmer

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

Public Hearing:

Chairman Stanton noted that there are three variance requests before the Board; gave details.

The first case is a variance request to allow a pool in a side yard per Section 9.15A of the Zoning Resolution; Site Location: 7505 Creek Ridge Drive; Applicant: Mark and Cindy Martin/Agent: James Moline Builders.

Chair called for comments from Zoning Administrator Wagner. Wagner highlighted various items including but not limited to: unique topography; steep drop off close to edge of building area; adherence to Zoning Resolution would not be possible.

Mark Martin, 3050 Deep Water Lane, Maumee / Monclova Township (4:36 PM). Questioned why location of proposed pool is considered a side yard. Wagner noted that the requirement is for the pool to be completely behind the home. Stewart and Ballmer further explained the concept of being behind any projection of the house. Martin stated his understanding and asked for approval of this request.

There were no questions from the Board members.

Chair called for anyone in attendance in favor of the request to come forward. Ryan Moline, representing the builder, made himself available for questions but did not have anything further to present.

1 Chair asked for anyone in attendance who opposed the change to identify themselves. No one
2 came forward.

3 Chair closed that portion of the hearing that accepts public testimony.

4 Ballmer noted the following points: Monclova Township Zoning Resolution's 16.2C lists five
5 criteria that must be considered:

- 6 1) There are unique physical circumstances or conditions as the rear of the lot is a ravine
7 and to construct a retaining wall to hold the pool and fill with material would be
8 prohibitive;
- 9 2) Because of the ravine, the proposed pool cannot be located in the required rear yard;;
- 10 3) The hardship has not been created by applicant. The applicant has designed the house
11 around the pool so as to utilize the garage to screen the pool from neighbors to the west;
- 12 4) The variance will not alter the essential character of the neighborhood in which this
13 property is located; and
- 14 5) The variance will represent the minimum variance that will afford relief.

15 Ballmer moved to approve the variance to Section 9.15A to allow an in-ground swimming pool
16 in a side yard at 7505 Creek Ridge Drive.

17 Stanton seconded the motion.

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

20 The second case of the evening proceeded: Conditional Use request to allow a solar energy
21 project; Site Location: 3941 Technology Drive; Applicant: Dana Limited; Agent: GEM Energy

22 Chair called for the applicant or agent to come forward. Kyle Kreft GEM Energy; 3942
23 Technology Drive, was sworn in. Gave location details; 10-acre project; working with Toledo
24 Edison; a similar representative project is located at Penta Career Center.

25 Questions from board: Stanton asked about start date; construction start in fall. In service
26 roughly this time next year. Site will remain same elevation, per inquiry from Stanton. Grass
27 will be planted which will improve runoff on site. Kreft described minor grading for water
28 drainage. Ballmer asked about county involvement. Lucas County's Dave Golis will be in a
29 meeting with GEM in the near future. Ballmer asked about panels being anti-glare. Kreft
30 confirmed that the units inherently have no glare but rather absorb the light. Ballmer was
31 concerned about north-bound 475 traffic. Not designed to reflect sunlight per Kreft. Many are
32 built near expressways.

33 Ballmer asked about landscape screening. Anything proposed for east side. Kreft spoke of-
34 existing tree line. Chair called for questions from the board. Having no questions offered, Chair
35 called for anyone in favor of the change to come forward. No one in attendance came forward.
36 Chair called for those opposed to identify themselves. No one came forward.

37 Stanton moved to enter into Executive Session.

1 Seconded by Ross.
2 Yes: Board Member Stanton, Board Member Limes, Board Member Ballmer, Board Member
3 Ross, Board Member Stewart

4 The Board returned from Executive Session at 5:10 PM.

5 Ballmer stated the following points pertaining to Section 8:

- 6 a. The proposal fits in with the general objectives of the Monclova Land Use Plan in that
7 the proposed solar energy project will serve an existing facility located in the M-1
8 district.
- 9 b. The project will not change the essential character of the area s it is screened on the west
10 by the Senator Group; and on the north by Dana in a manufacturing/industrially zoned
11 area;
- 12 c. The project will not be hazardous or disturbing to the existing or future neighbors;
- 13 d. The project will be adequately served by public services;
- 14 e. The project will not involve uses, activities, processes, materials, or equipment that will
15 be detrimental by reason of excessive production of traffic, noise, smoke fumes,
16 vibrations, or odors.

17 Stewart moved to approve the request subject to:

- 18 1) Letter from Captain Bockelman dated June 22, 2023;
- 19 2) Review and approval of storm water and drainage plan by Lucas County Engineer; and
- 20 3) Plans approved by Monclova Township Fire Prevention Bureau.

21 Seconded by Ballmer.

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

24 At 5:14 PM, Chair commenced the final hearing for the evening, request for Conditional Use to
25 operate Bed and Breakfast per Section 4.2C of the Monclova Township Zoning Resolution; Site:
26 5931 River Road; Applicant: Christopher and Melissa Burns/Agent Ty Mahaffey, Attorney

27 Wagner gave review; house with walk out basement operating as a BnB operation. Applicants
28 live upstairs; Accommodations are in the walk out basement. Site plan was submitted.

29 Chair called for the applicant or agent to come forward.

30 Chris Burns, 5931 River Road, was sworn in. Burns spoke of tourists coming in and offering an
31 experience. No more than six people. Set up is efficient and safe. Smoke detectors, CO
32 detectors, and fire extinguishers present.

33 Stanton asked about offerings. Burns stated that he offers liability. Reservation is guaranteed;
34 clean; they stay at BnBs and are familiar with what can be offered. Mimicked what has been
35 offered to him and his wife successfully.

36 Burns further added that they offer hammock; paths cut in; Sidecut Park-like setting; fire ring 15
37 feet round; walk to end of property is rocky beach. The property offers an experience.

1 Ross asked about vetting. Burns stated that when they contemplate a guest they look at reviews,
2 time of year, length that they have been on Air BnB. Look at, for instance April bookings, where
3 the renter might want a prom party. They don't have to accept everything. They do not allow
4 partying, smoking; quiet hours at 10 PM. They have cameras.

5 Stewart asked about length of stay. Applicant stated the average is 3 days.

6 Stanton queried about busiest time of year. Burns stated that the fishing season is their busiest
7 time; summer is always busy; January is quiet.

8 Ballmer received confirmation that the accommodation is a one bedroom with additional pullouts
9 to accommodate six guests.

10 Ballmer received confirmation that they provide a continental breakfast-pastries, coffee, juice,
11 and some fruit.

12 Melissa Burns, 5931 North River Road, was sworn in. She stated that they have a stocked
13 kitchen, snacks, cereal bar.

14 Chris Burns stated that breakfast items are in the refrigerator; they try not to intrude on the
15 guests. Guests tend to be independent.

16 Upon questioning, Burns stated that they will not allow occupancy if they are not there.

17 Stanton asked about parking. Where are you putting six vehicles?

18 Christopher Burns-We can accommodate 'X' number of cars. Would ask guest to consider
19 carpooling. Can actually accommodate 4 in driveway. Incidence of street parking? Yes. A lot
20 of people use River Road as topography is different.

21 Stanton asked if there were any questions from Board.

22 Ballmer asked about Monclova Township's lodging tax and Lucas County's lodging tax. Burns
23 not technically a hotel. Ballmer stated that the law covers everything. Burns believed he is
24 paying. Staff stated that the township is not in receipt of a quarterly payment.

25 Mr. Burns commented on R-3 occupancy use. Noted following fire code. Stanton questions
26 sprinklers.

27 Stanton quoted Fire Department Captain Bockelman's letter of July 5 – regarding R-3; structure
28 must have automatic sprinkler. Burns stated that he spoke with City of Toledo fire inspector.
29 Biggest factor is occupancy. 10 or more is R-1. He believes he is an R-3.

30 Stanton asked for those in favor to identify themselves.

31 Donald Nietter 5925 North River Road, was sworn in. Lives adjacent to the house. Commented
32 on the investment that the Burns have made in the house. On that section of the road especially
33 in wintertime, you will park on the road. Harris believes that the renters will come back for
34 amphitheater, walleye fishing, good way to promote the area. There is fox; bald eagles' nest,
35 rapids in the river that can be enjoyed.

1 Debbie Russert, 5925 River Road, was sworn in. Spoke of the owners and the improvements
2 they've made. Good neighbors.

3 Stanton called for others desiring to speak in favor. no one came forward.

4 Stanton called for those opposed to come forward. Gary Kuns, Jr., agent for property owners to
5 south – two lots known as 5959 North River Road, was sworn in. Not against or for. Applicants
6 are nice, good neighbors. Beautiful property and beautiful improvements. Commented that they
7 have been operating a BnB for a year before applying. Commented on impact of BnB on
8 neighborhood. Parking is an issue. Guests have parked at 5959 River. The property line goes to
9 center line, which is unique, but they are parking on someone else's property. Additionally,
10 Kuns questioned what will happen if there are situations that arise. Questioned the ability to
11 enforce. Conditional Use goes with property. He concurred that it is parkland like – they walk
12 the river; which means they are on private property. Policing may be an issue. Is the township
13 prepared. Will this open up a can of worms. Business model without commercial zoning.
14 Cannot put a fence up as the river rises. What is recourse if it doesn't work out.

15 Questions from Board. None

16 Stanton called for testimony in opposition to the request. Gary Kuns, 5959 North River Road,
17 was sworn in. Applicants are good people. No difficulties. He owned the property previously
18 and made improvements. The Burns' completed the improvements and finished the basement
19 nicely. That is not the issue. It is a family neighborhood. Would anyone like that situation in
20 side yard. Spoke of privacy. He will sell open lot eventually and questions impact on the value
21 of the lot. Driveway is narrow and steep and would make roadway parking a continued
22 attraction.

23 Ballmer asked about submitted picture and ability to determine who the trucks belonged. Kuns
24 responded that the guests parked, went to the home currently operating as a BnB, and then later
25 he observed that they went fishing. No problems with fishing but they move on to his property.
26 Not inclined to ask them to leave, but it is happening. The biggest issue is the precedent.

27 Stanton asked about Kuns' observation to busiest time of year for impact, Walleye Run? Kuns
28 responded that the fishing season is impactful, but other times as well.

29 Christopher Burns was allowed to approach and comment. Burns commented on Gary Kuns' lot
30 being a buffer. Commented that it will not be a BnB forever.

31 Wagner clarified Mr. Burns' comment - Conditional Use follows property. Would end if vacant
32 for a period of time, but if sold, the BnB would continue with new property owners. Burns stated
33 that there are multi-family units in the area.

34 Melissa Burns stated that they are not operating a hotel/motel. 10 or less renters in their BnB.
35 Will not be impactful. Mr. Burns stated that the comment of the driveway being steep is
36 subjective.

37 Stanton moved to close that portion of the hearing that accepts public testimony. Ross seconded.
38 Yes: Board Member Stanton, Board Member Limes, Board Member Ballmer, Board Member
39 Ross, Board Member Stewart

1 Stanton moved to enter into Executive Session; Ballmer seconded.
2 Yes: Board Member Stanton, Board Member Limes, Board Member Ballmer, Board Member
3 Ross, Board Member Stewart

4 The Board returned from Executive Session at 6:57 PM.

5 Stanton moved to enter into General Session to continue discussion. Seconded by Ballmer.
6 Yes: Board Member Stanton, Board Member Limes, Board Member Ballmer, Board Member
7 Ross, Board Member Stewart

8 Conversation regarding questions or clarifications. Would like to have the Fire Prevention
9 Officer in attendance. The board suggested further deliberation. Suggested July 25 at 4:30 PM.
10 Staff will get confirmation from Capt. Bockelman regarding his attendance due to Safety
11 Township activities, but at this point will post continuance. Interested parties will have
12 confirmation.

13 At approximately 7:00 PM, Stanton moved to adjourned. Ross seconded.

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

16 Respectfully Submitted:

17 Kathleen Stewart Kuns, Recording Secretary

18 Accepted by:

19 _____
20 Doug Stanton, Chair

Darrel Limes, Vice Chair

21 _____
22 Jeffrey Ballmer

Michelle Hudson Ross

23 _____
24 Keith Stewart

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

28