

MINUTES

DEFIANCE TOWNSHIP ZONING BOARD OF APPEALS 05-24-16 MEETING

DATE: Tuesday, May 24th, 2016

LOCATION: 618 South Clinton Street – Defiance, Ohio
In the Offices of Northwest Realty

TIME: 6:30 P.M. session

The meeting was a continuation of the April 26th session, see minutes of the 4-26 session for details. This session was called to order by Mr. Lynn Keller, Chairman of the Defiance Township Zoning Bd of Appeals. Mr. Keller asked the clerk to call the roll.

The Clerk then called the roll for attendance. Board of Appeals members present were: Lynn Keller, Scott McKibben, Thomas Rosendale and Sherry Shock. Board member Larry Plummer was excused.

With four of five voting members answering present a quorum was declared.

Other Township representatives present were: Mr. John Dimer – Township Zoning Inspector, & Jason Shaffer, Diane Mayer, & Dan Peck– Township Trustees.

Visitor(s) present was: Tom Webb 15370 State Rte 111, Joe Webb 19577 Cromley Rd, Jim & Deb Price 20326 Cromley Rd., Jayme & Stacie Price 19626 Cromley rd, Patty Diemer 2361 Defiance-Paulding Co Line Rd #10, Rhonda Shaffer 13386 State Rte 15, & JoEllen Houck 8 DeVille Dr. all of Defiance, Ohio.

Chairman Keller then read item 1 of the agenda:

Item 1: **Price:** A request for a "conditional use" permit to allow for the addition to a business building and for a second "conditional use permit" to operate said business (Dead End Motor Cycles) on property currently zoned Agriculture owned by Jayme Price. The parcel is located at 19850 Cromley Road, Defiance, Ohio, 43512, in section 18 on 6 acres more or less of Defiance Township, Defiance, County, Ohio. The parcel ID is B1100-18000-401.

Board members had received at the April 24th session the following:

- a. copy of the application & reasons for the "conditional use" permit request – construction of an addition to a business and the operation of a cottage business on land currently zoned agriculture.
 - b. a Soil & Water review
 - c. aerial of full parcel from co auditor's web page
 - d. Parcel ID from the County Auditor's web page - contains legal description as provided to clerk
 - e. Emails detailing a history of conditional use permits issued for the property as requested previously by Mr. Price.
 - f. Proposed draft language from the Prosecutor's Office for consideration by the Appeals Board.
- 1) The Chair stated he has conducted his follow up per the April 24th session with the Prosecutor's Office. The Chair further stated he has visited the site and noted that Price has erected speed warning signs so that his customers were aware of this concern. (speed was a issue raised at the April 24th session). The Chair stated that he learned from the Prosecutor that noise and speed issues are not in the realm of control by the Township. Such issues should they reoccur need to be reported to law enforcement (the Sherriff's office). The Chair stated that Mr. Price should instruct his customers to be

respectful of the neighbors and to use common sense. The Chair noted that noise after 9 p.m. is considered a violation.

- 2) The Chair then asked if there were any comments or questions from anyone in attendance.
 - a) Mr. Jim Price was recognized;
 - i) Mr. Jim Price stated over the years he had only one experience with what he thought was excessive speed. Price stated this has not been a continuing problem.
- 3) The Chair stated that if the “conditional use” for the cottage business is approved the motion will include that the “conditional use” will expire if the property is sold.
- 4) The Chair asked if any of the Board members has comments or questions.
 - a) Board members stated that several had visited the business and had no additional questions at this time.
- 5) The Chair requested a motion.
 - a) Mrs. Shock moved to approve the request for a “conditional use” permit to operate a cottage business from the agriculturally zoned parcel B1100-18000-401 - located at 19850 Cromley Road, Defiance, Ohio, 43512. Said ‘Permit” to be reviewed by the Zoning Appeals Bd in six (6) years and “permit” approval to expire upon sale of this property.
 - b) Mr. McKibben seconded and the vote was called.

Lynn Keller, Chair	<u> yea </u>	Thomas Rosendale	<u> yea </u>
Scott McKibbern	<u> yea </u>	_Sherry Shock	<u> yea </u>

The vote being unanimous – four yeas and no nays, the motion to approve a “conditional use” permit to operate a cottage business known as Dead End Motor Cycles) on property currently zoned Agriculture owned by Jayme Price, said property located at 19850 Cromley Road, Defiance, Ohio, 43512 with noted riders was approved.

- 6) The Chair then asked if there was a motion to approve the request for a “conditional use” permit for the addition of a building for the storage of items both personnel and for the business Dead End Motor Cycles. Said building to be constructed adjacent to the current building now housing the business. (see handouts from the April 24th session for details.) The building is to be 40 x 60 with a 15 x 40 lean to attached.
 - a) Mr. Deimer was recognized and was asked if the proposal raised any concerns in his opinion as Zoning Inspector.
 - i) Mr. Diemer replied he had no issues with the proposal as presented in the drawings from the “Soil and Water” review.
 - b) Mr. Rosendale moved to approve a “conditional use” permit to allow for the construction of the building as presented on the soil & water review for use as defined above.
 - c) Mrs. Shock seconded and the vote was called.

Lynn Keller, Chair	<u> yea </u>	Thomas Rosendale	<u> yea </u>
Scott McKibbern	<u> yea </u>	_Sherry Shock	<u> yea </u>

d) The vote being unanimous – four yeas and no nays, the motion to approve a “conditional use” permit to allow for the construction of a building for purposes stated above and sized as noted above was approved.

7) The Chair asked for a motion to adjourn.

It was moved by Mr. Rosendale and 2nd by Mrs. Shock.

4 yeas – 0 neas

The meeting was adjourned.

MEETING ADJOURNED