

MINUTES

DEFIANCE TOWNSHIP ZONING BOARD OF APPEALS 04-26-16 MEETING

DATE: Tuesday, April 26th, 2016

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

TIME: 6:30 P.M. session

The meeting 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, 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 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.

Attached are:

- 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 then asked Mr. Price to explain the project and the need for the conditional use permit(s).
- a) Price stated – the addition is necessary to store both their personal possessions (snow mobiles, mowers, bikes etc and to store customer bikes that were awaiting repair or had been repaired. They are out of space and at this time have no room for their personal equipment.

- b) The Chair then stated that Mr. Price had been given a conditional use permit in 2007 to construct and home on this property and in 2008 a conditional use permit had been approved to operate a cottage business. Given that the home had not been constructed the conditional use permits were no longer valid. (conditional use permits have authority for a two year period for the proposed projects to be completed. The home construction was required for the cottage business permit.) The Chair asked why the home hasn't been constructed.
- i) Price stated they just don't have the money for home construction at this time. Their resources are being placed into the business.
- c) The Chair asked if there were any concerns from anyone present regarding this current request?
- i) Tom Webb was recognized:
- (1) Mr. Webb stated:
- (a) There was supposed to be a residence constructed from which a small motor cycle repair shop was to operate. The current business is much larger then neighbors expected. I am especially concerned with the noise and safety issues. The motor cycles are tested on a dyno machine which is very loud and can be heard at my residence which is, I estimate, over ½ mile away. The bikes are also road tested on Cromley road and on State Rte 111 past my home. The speeds are excessive as is the noise. This was supposed to be a small business, the first conditional use permit conditions were not met. It is my opinion that this business should be on land zoned for commercial business.
- ii) The Chair asked if there were any other concerns by anyone present.
- (1) Mr. Joe Webb was recognized:
- (a) Mr. Webb asked if the zoning request was to have this property zoned commercial.
- (2) The Chair responded – That is not the request. The property is zoning agricultural and the request is for a conditional use permit to expand the business building and to operate the cottage business from this property. The land is not being re-zoned.
- (3) Mr. Webb further stated:
- (a) Tom has covered our concerns. I just wish to note I live on the dead end of this road. Motorcycles are tested along the length of the road. I feel it is unsafe for my small children to walk or ride bikes on the road. There are neighbors who used to walk this road for exercise, they no longer due out of concern for their safety. The testing also creates noise issues. I have called Mr. Price and informed him of this but nothing has been done about the noise or the safety issues. I built my home on a dead end road for quiet and no traffic, in my opinion this situation is negatively affecting my property values.
- (b) Mr. tom Webb then stated that in the future if my children wished to building a home on my property adjacent to the Price property they may not due to the conditions described.
- iii) The Chair then recognized Mrs. Price.
- (1) Mrs. Price stated:
- (a) We believe we have been good neighbors. I have never heard one word of compliant concerning our business.
- (i) (Joe Webb noted he had called her husband in the past as he had stated).
- (b) Mrs. Price continued:
- (i) We are not expanding the business we only need storage room. We intend to be respectful of our neighbors.
- iv) The Chair asked if the board members had any questions or comments.
- (1) Mr. Rosendale stated that he is familiar with the noise created by the dyno machine. He suggested that the room in which the machine is operated should be sound-proofed.
- v) The Chair noted he has concerns with the safety & noise issues which were brought up. He would like to address these concerns with the Prosecutor's Office to ensure that whatever decision the Board made would be legal.
- (1) The Board concurred.

- vi) The Chair requested a motion to table the request until May 24th. This would allow for time to discuss the issue with the Prosecutor and to re- notify and publize the continuance of this session as is required.
- vii) Mr. Rosendale moved to table the request until May 24th – 6:30 p.m. when the Appeal Bd will reconvene at 618 South Clinton to continue their review and to take additional comments on this proposal.
- viii) 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>

The vote being unanimous – four yeas and no nays, the motion to approve the continuance was approved.

- 2) The Chair asked if there is any other business to come before the Board?
 - a) There was none.
- 3) 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