

MINUTES
ONTARIO PLANNING COMMISSION
May 11, 2016

The Ontario Planning Commission met in regular session on May 11, 2016, at 5:00 p.m., in the Municipal Building with Chair Susan Wiles presiding. The following Commission members were present at roll call: Chair Susan Wiles, Mayor Randy Hutchinson, Service-Safety Director Jeff Wilson, Mick Motley and Jill Knight. Also, in attendance were Law Director Andrew Medwid, Zoning Inspector Dan Herrold, K.E. McCartney Engineer Kelsey Keller, and Clerk of Council Cathy VanAuker.

Mrs. Wiles presented for approval the minutes of the regular Planning Commission meeting held April 13, 2016. Mrs. Knight moved to approve the minutes as presented and Mr. Wilson seconded the motion. Five members voted Aye, zero Nay, and the motion to approve the minutes passed.

First to come before the Commission was Dave Morehead, representing Avita Ontario Hospital located at 715 Richland Mall, Plant Operations Director for Avita, seeking final approval as a Hospital for Hospital Signage.

- Avita is applying for the new hospital signage code permit that was established based on recommendations by Avita and Ohio Health.

Mr. Motley moved for final approval of the Avita Hospital Signs. Mayor Hutchinson seconded the motion. At roll call, five members voted Aye, zero Nay and the motion passed.

The next item on the agenda brought Joseph Cline, 1917 Teakwood Drive, forward to represent two variance requests: 1) final site plan approval and variance request for an in-ground swimming pool and patio to be located in a side yard at 1917 Teakwood Drive and 2) final site plan approval and variance request for an in-ground swimming pool and deck to be located in a side yard at 930 State Route 314 North.

1917 Teakwood Drive

- This location does not have enough room behind the condo for a swimming pool.
- Clines own the adjoining property and would like to build the swimming pool on the side lot.
- The shed will be moved to the back right corner of the lot and the pool will be built at the current location of the shed.
- There will be a retention wall with steps and a ramp to the pool.
- The fence surrounding the pool will be 5' tall white vinyl, not privacy, meeting all codes.

At 5:07 p.m., Mrs. Wiles opened the public hearing portion of the meeting pertaining to the variance request to build a swimming pool on the adjacent lot next to 1917 Teakwood Drive.

Eddie Gallo, 1800 Spring Village Lane, came forward to support both variance requests presented by the Cline family. Robert Cline has been encouraged to do water therapy rehabilitation. This property only allows for the proposed positioning and this is the type of property improvement the city should want to encourage. Mr. Gallo said he spoke to several fellow council members and they have no objections to either variance request.

Craig Hunt, 3680 Park Avenue West, was next to approach the Commission questioning the reason for the variance. Mr. Herrold said the whole front of the pool and patio would need to be behind the rear building line in order for there not to be a variance required, this would be considered the back yard behind the building. Mr. Hunt asked if they were to sell either property would it affect the new owners and become a nuisance.

- Mr. Cline said they plan to combine the lots because the side lot has a gas line running through it making it difficult to build on the property.
- Mr. Gallo said the property to the back is a parking lot for apartments so it won't affect future development.

At 5:12 p.m., the public hearing for the variance request at 1917 Teakwood Drive was closed.

Mr. Wilson moved to approve the variance request for an in-ground swimming pool and patio at 1917 Teakwood Drive. Mrs. Knight seconded the motion. At roll call five members voted Aye, zero Nay, and the motion passed.

Mayor Hutchinson moved for final site plan approval at 1917 Teakwood Drive. Mrs. Knight seconded the motion. At roll call five members voted Aye, zero Nay, and the motion passed.

930 State Route 314 North

- Mr. Cline said the existing above-ground pool and deck would be torn down. There is a drainage line located directly behind this area. An in-ground pool with a concrete deck will be installed where the above ground pool was removed.
- The same type of 5' vinyl fencing used at Teakwood will surround this swimming pool.

At 5:14 p.m. Mrs. Wiles opened the public hearing portion of the meeting pertaining to the variance request for an in-ground swimming pool and deck to be located in a side yard at 930 State Route 3143 North.

Steve Massey, 943 State Route 314 North, said he has lived across the road at this address for 32 years. He was there when the existing pool went in and he has no objections with them proceeding with their proposed plans.

At 5:15 p.m., the public hearing for the variance request at 943 State Route 314 North was closed.

Mr. Motley moved to approve the variance request for an in-ground swimming pool and deck at 943 State Route 314 North. Mrs. Knight seconded the motion. At roll call five members voted Aye, zero Nay, and the motion passed.

Mr. Wilson moved for final site plan approval at 943 State Route 314 North. Mr. Motley seconded the motion. At roll call five members voted Aye, zero Nay, and the motion passed.

The next item on the agenda was the continued discussion about farm animals within the city limits of Ontario. Mrs. Wiles opened the floor for public commentary.

Jackie Argo, 3326 Mabee Road, addressed Commission members and hoped they took seriously the odor problems within the city produced by established farms. She did not complain last year because she was told the owner would take care of the problem. Since then manure was dumped in a field less than one football field from her home so she believes the owner is not interested in taking care of the odor. They have experienced the odor twice this spring and hot weather has not started. Last year when the air was hot and humid the stench filled the valley and rose up the hill making it unbearable to set out and enjoy the back yard. She asked the Commission to find a solution to this problem but she realizes it is very difficult. This only affects two homes on Mabee Road but similar problems could be at their homes next. She hopes to see a solution soon and will continue to complain until there is one.

Next to come forward was Bud Adams, 3318 Mabee Road, which is next to the hog farm. He has lived there for over 40 years and is concerned about the value of his property. If he should decide to sell who would want to buy next to a pig farm? Sometimes at night the pigs squeal so he must turn on the air conditioner when it gets hot so they can sleep. They have a motor home next to the garage and they have to close the windows and run the air so there isn't the smell. There are times when there isn't a bad smell, but there is a smell. He's lived there a long, long time then someone comes in with pigs and when it affects his way of life and quality of life there is a problem. He would like this handled in a way that is even for everyone, he doesn't want to be the bad neighbor, but he wants the problem addressed in a timely fashion. He would like to have people over and have cook outs. The house he lives in was built by his dad in 1963. The pigs have been there 3 years.

Connie Smith, 506 Shelby Ontario Road, was next to come forward to say we are a fortunate community. We have small business, factories, industry, retail, restaurants, housing, a hospital and farming. Not many communities can say they are as fortunate as we are. We can't please everyone all the time but we can please most everyone most of the time. We are a city because we reached the amount of residents to declare we are not a village any more but can become a city. Mrs. Smith has lived in a three mile radius for 67 years, on the south side of Rock Road, Rudy Road, the farm at the corner of Milligan and Rock Road, and at the current farm. 75% of her time has been spent on farming. Richland means 'rich land' and the community was based on farm land. As a 40 year retired teacher she understands diversity and has worked with thousands of children. The country was founded upon diversity, it is inevitable, we're all different. Change doesn't have to mean to eliminate or diminish, the real meaning of change is to add on, growth through more, not replacement. People move here not because we are a city, but because of what we are, because of our schools, churches, we draw good people because of our diversity. Let's

not have restrictions or regulations but we must have rules. We all have to live by rules, every day. We can't change things that are already here, we need to find ways to make them better. We can't have the odors, I don't understand why there would be, because I don't think anyone has ever complained about my cattle. People come and look at the cattle and take pictures. I'm for the farmers, because I am one. I hope that when we do make rules, we make them so they are fair. If somebody moves onto a lot because they have 5 acres and they want to have a couple of horses or chickens we wouldn't want to tell them they can't have it. We have to build on what we have and not eliminate something that's been a part of this for many, many years.

Next to speak to the Commission was Mary Ann Stotts, 3901 Park Avenue West, who has lived in Ontario for 63 years. Historically we are an agricultural community and encourages communication and working with neighbors rather than putting down laws for restrictions that govern and restrict people from doing what they want to do. She grew up on a farm and didn't have any problems with horses and cows. Sometimes people just need to talk to each other to work out differences rather than restricting everyone in the community.

Commission members continued the discussion.

Mr. Motley said they have no intentions of eliminating existing farms, that is not what they were discussing at the last meeting. There is a problem with a change of use of a farm that has recently created odors for the neighbors.

In response to Mrs. Knight's question if the odor depends on the wind or if it was constant, Mrs. Argo said sometimes it is the wind but is when it is wet and humid in the summer time. Their neighborhood sits in a valley and her side property is part of the valley and it comes up the hill so the Adams suffer more than she does. It's an on-going problem in the summertime and she didn't complain because she was told the owners would take care of the problem but the problem wasn't taken care of. This kind of problem can affect the entire community because the new allotments are being built around farmlands next to 5 acres that could turn into farms. She likes to be outside and they eat almost every meal outside in the summertime but she feels the quality of her life has changed over the last three years. She believes in being a good neighbor and expects to be treated well by her neighbors.

- Mr. Adams said when the air is stagnate it gets pretty bad.
- Mr. Argo said this is not a few hogs, this is a hog farm that has had between 12 to 30 hogs. Currently there are probably about a dozen. The manure has been dumped in a pile and the way it is piled it can't be plowed under unless it is raked. He doesn't want to get rid of animals, he just wants him to be a good neighbor. Renters don't stay long in the house.
- Mrs. Argo said thirty years ago when they moved into the city they were under the understanding, as well as the neighbors and the mayor at that time, that the horse farm was grandfathered in and the surrounding area was a grain farm which would stay there, no more livestock, and when the horse farm was done, it was done. If she would have known then that livestock could have been next to them they would have considered that before moving. A realtor will have a difficult time getting someone to look at their house

yet alone get a fair price for the house knowing a hog farm is a football field distance away. This has affected their property value and their quality of life.

- Mr. Medwid asked what was the longest time the manure has sat in piles and the shortest amount of time when it hasn't affected them. Mrs. Argo said she called the Mayor after the manure sat for two weeks and they were getting odor, it's been two months and it is still sitting there in piles. She offered to show pictures.
- Mrs. Wiles said she empathizes because she used to own a hog farm and now lives in the city. The Commission needs time to review the comments and the material they have received. They may find the laws of Ohio may take precedence and the city could be limited with what can be done.
- Mayor Hutchinson said he would like more time to review the information. Farming built this community and he does not want to take farms out of the city but he wants to be fair to everyone.

When Mrs. Knight asked Mr. Carmack if he has made attempts to control the odor, Mr. Carmack said lime was put down last year. There is a pile right now but it's been too wet this spring to get out there but as soon as it dries up it will be turned under.

Mrs. Knight inquired about the progress of the Eric's Lawn Furniture sign. Mr. Herrold said a sign permit does not expire but he will contact them if they don't do something soon.

At 5:44 p.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mr. Motley and a second by Mrs. Knight.

Susan Wiles, Chair

Date