

MINUTES
ONTARIO PLANNING COMMISSION
JUNE 29, 2021

The Ontario Planning Commission met in special session on June 29, 2021, at 8:00 a.m., in the Municipal Building with Chair Susan Hellinger presiding. Present during roll call were Commission members Susan Hellinger, Jill Knight, Mick Motley, Mayor Randy Hutchinson and Service-Safety Director Jeff Wilson; Law Director Andrew Medwid, K.E. McCartney Engineer Mark Rufener, Zoning Inspector Michael Morton, and Clerk of Council Cathy VanAuker.

Mrs. Hellinger presented for approval the minutes of the regular Planning Commission meeting on June 9, 2021. Hearing no corrections, the minutes were approved as presented.

The first item to come before the Commission was a request submitted by David Litt, seeking approval to place a shipping container for storage in a Business District, on property located at 1619 W. 4th Street. This request was tabled at the last meeting pending a Council decision on updating code.

- Mr. Morton said the legislation states shipping containers are prohibited in Residential Districts and can only be used for their intended purpose in a Business District. The shipping container would serve as temporary storage, 2-3 years, for construction equipment needed for Mr. Litt's business.

- David Litt, 956 Fulwell Drive, came forward to say the storage container would house ladders, scaffolding, and other necessary items for his construction business. He is looking for a permanent location for his shop. All items would be secured inside the 8' x 8' x 20' container. The storage container is less expensive than building a shed and easier to move.

- This Business District property borders an Industrial Park District.

- The location isn't visible from the street and the container would sit back by the tracks.

- Mr. Motley said there is an existing storage building on the property that is not visible and was doubtful the container would be an eyesore. Mr. Wilson concurred.

- The legislation approved by Council does not define temporary.

Mr. Motley moved to approve the variance request submitted by Mr. Litt for a shipping container to be located at 1619 W. 4th Street, for a period of two years. Second by Mrs. Knight. Five members cast their votes Aye, zero Nay, and the motion passed. The two years will begin once the container is in place.

The next item to come before the Commission was a variance request by Polly Mosier, 50 Woodbine Drive, to allow a shed in the front yard. Per Section 1145.01(b), accessory buildings shall not be erected in any required yard but the rear yard. Mrs. Mosier came forward to say the house is only 5' – 8' from the rear property line so there isn't room to place a shed in the back yard. The house was built in 1927 without a basement. She moved into the house in 2007. Jeff Baker, 50 Woodbine Drive, came forward with Mrs. Mosier, to support the need for a storage shed.

At 8:12 a.m., the public hearing for the variance request to allow a shed in the front yard was opened.

Mr. Wilson explained the documents distributed to the Commission:

- (1) A letter, with pictures, from Seth and Elizabeth Hooks, 54 Woodbine Drive, expressing their concerns regarding the unacceptable condition of the neighboring property, and asking the variance be denied.
- (2) Aaron Huml, 55 Maple Lane, phoned in his comments, would like the property cleaned up but is not opposed to a shed in the front yard.

Mrs. Mosier said there are two sheds in the front yard, but a tree limb fell on one shed so the roof leaks. She obtained the second shed to keep her stored items dry.

- Mrs. Mosier moved into the house in 2007 but wasn't aware she needed permits for the sheds.
- Tables, chairs, and a trampoline remain in the front yard, everything else was cleaned up.

Mr. Metz, legal counsel for Elizabeth Metz, was attending to answer any questions on her behalf.

Doug Theaker, 1865 Westover Lane, owns the wooded lot on Park Avenue West and Woodbine Drive next to the Mosier property. Mr. Theaker had no objections to Mrs. Mosier's request.

Mr. Morton has previously spoken to Mrs. Mosier concerning complaints from the neighbors regarding the yard mess, continuous yard sales, odors, working on small engines and the possibility of dumping fluids on the ground.

In response to Mrs. Hellinger's questions, Mrs. Mosier said if the sheds have to be removed because they do not have permits and are located in an area not allowed by code, she would not have any place for the items stored in the sheds because she doesn't have a basement.

Mrs. Mosier said she first contacted the Zoning Inspector because neighbors were throwing dog manure over the fence into her yard.

- When Mrs. Hellinger read from one of the letters submitted by a neighbor listing the numerous items in the yard, Mr. Baker said most of them have been cleaned up and are no longer on the property.
- City code allows garage/yard sales to be held three times a year, up to three days for each event.

Mr. Wilson said in 2017, the former Zoning Inspector addressed similar issues with Mrs. Mosier concerning the junk at this property.

Mrs. Mosier said the shed she purchased from the corner lot before the condemned house was torn down is in good shape.

- Mr. Morton suggested the best location for the shed, and to get it away from the street, is to remove the damaged steel shed and replace it with the other shed. This would provide Mrs. Mosier a place to store items since she does not have a basement or rear yard. The current location of the shed doesn't meet the minimum setback requirements for a home: 35' from the right-of-way and 50' from the edge of the road, which is a safety measure for driving visibility. The shed is 8' x 12'.
- Mrs. Mosier will contact the person who moved the shed to her property.
- Mrs. Mosier said the house she lives in used to be a garage that was converted into a house when the original house burned.
- Mr. Theaker asked if the tree that fell on the shed was from his property, if so, he would remove the tree. Mr. Metz said the tree that fell was not from Mr. Theaker's property.

At 8:33 a.m., the public hearing was closed.

Mr. Wilson moved to approve the variance request by Mrs. Mosier, for the shed to remain in the front yard, as it now sits. Mrs. Knight seconded the motion. Mrs. Hellinger clarified that a 'no' vote means the sheds have to be moved. No members cast Aye votes, five Nays, and the motion failed. Mrs. Hellinger reiterated, the sheds have to be removed from the property.

- Mayor Hutchinson said he denied the request because the location of the shed is so close to the road, that can not be allowed. Perhaps they can work with the Zoning Inspector or Law Director on a better location.
- Mr. Motley said, she can have a shed, just not at the location.
- Mrs. Knight suggested moving the shed back farther from the road where the truck is parked.
- Mrs. Hellinger said the property needs cleaned up as soon as possible.

The next agenda item was a variance request by Diane Andrews, 14001 Deal Road, Gambier, for a lot split at the dead end of Beverly Lane.

At 8:39 a.m., the public hearing was opened for the Beverly Lane lot split.

Matthew Hanning, of Hanning Surveying, came forward representing Ms. Andrews, who would like to separate the house from the rest of the farmland that will eventually be sold. He would like to keep the lot uniform with the other lots on the street, but this property only has a 60' frontage at the cul-de-sac, the minimum lot width requirement is 85'.

- The layout of the lot allows access to the house from Beverly Lane and would cut-off access to the rest of the farmland. Future development on the farmland would be accessed from Lewis Road.
- The owners would like to maintain the original intent of the land and not allow Beverly Lane to extend through to Lewis Road.

Law Director Medwid said the Tax Map Office suggested the property owners need to show the easements on the property and to leave an easement to Lewis for future development. Mayor Hutchinson said if there is an easement and there is a lot split, they need to know about the easement as a protection for the owners.

Mr. Morton said there is enough room to take 60' from the property for a road to extend Beverly and still meet the minimum conforming requirements because the house would then have additional road frontage.

At 8:33 a.m., the public hearing was closed.

Mayor Hutchinson moved to approve the variance request submitted by Diane Andrews for a lot split at the end of Beverly Lane, second by Mrs. Knight. Five members cast their votes Aye, zero Nay, and the motion passed.

Mr. Wilson presented a question raised by Council pertaining to the legislation rezoning ten lots on Park Avenue West from Business to General Industry and to consider Industrial Park, which creates zoning consistency to the north and south of the properties. IP was not considered during the initial discussion, the legislation could be amended, and voted on at the next meeting.

- Mayor Hutchinson said IP makes more sense because IP is on both sides of the road and back to Tappan Drive.

Mr. Wilson moved to recommend the rezone legislation presented to Council be changed from General Industry to Industrial Park. Second by Mr. Motley. Five members cast their votes Aye, zero Nay, and the motion passed.

At 8:51 a.m., with no further business to come before the Planning Commission, the meeting was adjourned.

Susan Hellinger, Chair

Date