

MINUTES
ONTARIO PLANNING COMMISSION
SEPTEMBER 8, 2021

The Ontario Planning Commission met in regular session on September 8, 2021, at 5:00 p.m., in the Municipal Building with Chair Susan Hellinger presiding. Present during roll call were Commission members Susan Hellinger, Jill Knight, Mayor Randy Hutchinson and Service-Safety Director Jeff Wilson; Law Director Andrew Medwid, Zoning Inspector Michael Morton, and Clerk of Council Cathy VanAuker.

Mrs. Hellinger presented for approval the minutes of the regular Planning Commission meeting on August 11, 2021. Hearing no corrections, the minutes were approved as presented.

The first item to come before the Commission was a variance request submitted by Steve Flockenzier, 2880 Walker Lake Road, for the minimum square footage of a new home construction. Per Section 1141.01(b), the minimum floor area for a one family dwelling unit must be 1,200 sf.

Mr. Flockenzier said Richland County does not allow part of the house to be included in the total square footage because code states the walls can't be less than seven feet throughout one-half of the area of the room. If the loft was included, the house would be 1,500 sf -1,600 sf. The house is a half-mile off the road on 8 ½ acres, and the neighbors do not have a problem with the house he wants to build.

At 5:02 p.m., the public hearing was opened for the variance request by Steve Flockenzier to build a home less than 1,200 sf.

At 5:02 p.m., seeing no one who received notification letters, the public hearing was closed.

Mayor Hutchinson said he supports this variance request based on the planned location where the home will be built. He would not support the request if it was in a residential neighborhood.

Mayor Hutchinson moved to approve the variance request submitted by Steve Flockenzier for construction of a new home under 1,200 sf at 2880 Walker Lake Road. Second by Mrs. Knight. Four members cast their votes Aye, zero Nay, and the motion was approved.

The next item on the agenda brought Gary M^c Enteer forward seeking a variance request for a lot split with no frontage on an existing street. Section 1145.23 (b) requires that any parcel of land with a structure must have access to a City accepted roadway.

Mr. M^c Enteer said the property is located at 1655 (rear) West Fourth Street, behind two buildings, Fisher Auto Parts and Modern Office Methods. A permanent easement exists to the building that is accessible from the street. The owner of Chad's Automotive would like to purchase the building but a lot split is required.

- Mayor Hutchinson recommended registering the easement with the deed.
- Mr. Morton must approve the lot split before it goes to the county for approval.
- Mr. Medwid said the map indicates the easement stops 75' before access to the building.

- The property for sale must touch the easement either by extending the easement or selling more property.
- Mr. M^c Enteer said he will contact his attorney with the information the Commission provided, to determine the best way to sell the property, then he will contact the Zoning Inspector when he is ready to come back to Planning Commission.

At 5:22 p.m., the public hearing was opened for the variance request by Mr. M^c Enteer for a lot split with no road frontage.

At 5:23 p.m., seeing no one who received notification letters, the public hearing was closed.

Next to come before the Commission was Tina Vermillion, 1661 Victoria Court, asking for a variance request to place a shed in the side yard next to an existing attached garage. Section 1145.01 (b) states all accessory structures must be placed in the rear yard. Ms. Vermillion said the shed can not be placed in the back yard due to the incline of the property.

Kip Vermillion, 1661 Victoria Court, said he plans to store cars in the shed and when he goes to a new location he can take the shed with him.

- The shed would be 6' from the lot line and 6' from the garage.
- The size of the shed is 12' x 32'.
- The driveway will be extended a short distance.
- The backyard begins to slope up 10' -15' behind the house.
- There will be a garage door on the shed.

At 5:25 p.m., the public hearing was opened for the variance request by Tina Vermillion to place a shed in the side yard.

At 5:26 p.m., seeing no one who received notification letters, the public hearing was closed.

Mrs. Knight moved to approve the variance request submitted by Tina Vermillion to put the shed/garage in the side yard, at 1661 Victoria Court. Second by Mayor Hutchinson. Four members cast their votes Aye, zero Nay, and the motion was approved.

Mrs. Hellinger asked the police department to check on the status of the vehicles parked on Clare Road. An additional car was parked there today. Sergeant Barnhart said the three trucks have not been running for a very long time. One engine is being rebuilt. There was question as to who handles this situation, the police or zoning inspector. Mayor Hutchinson said the police department usually handles inoperable motor vehicles.

- Code states a vehicle must be over 10 years old to be considered a junk vehicle.
- All of the cars have license plates.
- The vehicles have flat tires, broken windows, two of the vehicles are on jack stands and all three vehicles have oil pans underneath.
- Law Director Medwid said the violation would be a zoning infraction because it is in the zoning code. The Zoning Inspector can issue a citation through the court.

Concession Stands

The next item was the discussion of concession applications. Mayor Hutchinson said to allow concessions, which includes food trucks and tents, to set up for 180 days is too lenient. There currently is not a permit fee. This would not pertain to restaurants staffing outside food wagons or tents on their property.

- Legislation from four municipalities were included for review.
- Some neighboring communities do not allow concessions to operate in one location for more than 3 consecutive days and no more than twice a year.
- Mr. Wilson said concessions are becoming more popular so the regulations need addressed. Merchants with brick and mortar buildings pay mortgages, road impact fees when their business goes in, and they must meet payroll.
- Mayor Hutchinson suggested three days at one location, then the vendor has to move, and a combined total of 30 days per year.
- Mr. Wilson recommended not allowing a concession to set up more than twice at the same location.
- Mr. Morton will compile suggestions to review at the next meeting, and possibly for a vote, with an effective date of January 1, 2022.
- Mayor Hutchinson suggested not requiring a permit fee for vendors at city events or counting toward their 30 days.
- Recommendations were suggested for the amount of the permit fee to be \$100 or \$200.
- Concession vendors will need permission from the property owner to set up.
- Vendors should be required to notify the Zoning Inspector each time they set up so the location and number of days are monitored.
- A vendor must operate 21 consecutive days before they are required to pay income taxes.
- On some weekends there are up to a dozen concession stands within the city.

Public Hearing Letters of Notification

Mrs. Hellinger said some cities require more than abutting properties to receive letters of notification. Willard sends letters within 300' of the property making the request.

At 5:55 p.m., with no further business to come before the Planning Commission, the meeting was adjourned.

Susan Hellinger, Chair

Date