

MINUTES
ONTARIO PLANNING COMMISSION
OCTOBER 13, 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, Engineer Mark Rufener, and Clerk of Council Cathy VanAuker.

Mrs. Hellinger presented for approval the minutes of the regular Planning Commission meeting on September 8, 2021. Hearing no corrections, the minutes were approved as presented.

The first item to come before the Commission was a variance request submitted by Vernon Barnhill, 1701 Spring Village Lane, seeking approval for a zero lot line. The minimum lot width required by Section 1141.01 needs varied by 11.7 feet. Mr. Barnhill would like to build a duplex on the vacant filled lot, at 1598/1600 Spring Village Lane. A lot of the rubble was put on this lot when the cul-de-sac was taken out to connect to Home Road. The building permit and plans are approved for a duplex. He would like to offer, as a buyer's option, a third bedroom and a bathroom on the lower level, to increase the overall square footage since the main level is 918 sf per unit.

- Mayor Hutchinson said this lot does create issues. The city moved the bike trail so it wouldn't cross the front of the property, which made the lot available for development.
- The building can't go deeper into the lot to increase the square footage because the lot was filled, and footers must be on solid soil. There is a slope in the rear of the lot. Construction can't be closer to the street and still maintain the 35' setback.
- Mr. Morton verified all other required setbacks are met, including lot square footage because it is a deeper lot.
- Code requires 1,000 sf per unit. The proposed units are 918 sf.
- Mr. Barnhill said the basement is dug and the water/sewer is in. It would be a hardship to change.
- The plan submitted to the Zoning Inspector for permit approval identified each unit at 1,174 sf, but garages were not noted. The plan submitted for the zero lot line variance request indicated each garage at 266 sf, reducing the per unit living area to 918 sf.
- A bedroom and bathroom in the basement would add 200 sf to each side, at a cost of \$20,000 per unit.
- The units would be offered for sale when the building is under roof.
- Mayor Hutchinson supported the lot split because when changes were made to the cul de sac to create the extension, the lot lost frontage.

At 5:17 p.m., the public hearing was opened for the variance request submitted by Vernon Barnhill for a zero lot line.

At 5:18 p.m., calling three times and seeing no one who received notification letters who wished to speak, the public hearing was closed.

Commission members continued discussion.

- Mr. Morton referenced the definition of minimal allowable floor area is exclusive to areas devoted to basements, unfinished attics, detached garages, breezeways, closed and unenclosed porches. Therefore, the finished bedroom/bath in the basement would not be included in the total square footage. If more of the basement is above ground than below ground, then it is not considered a basement.
- Mr. Medwid said, after giving more consideration to the floor area residential code, if a finished and permanent bedroom and bathroom were built in the basement then it wouldn't be considered part of the basement and would be included in the square footage of the basement.

Mr. Wilson moved to approve Mr. Barnhill's variance request of 7.5' on each side and requiring the addition of the bedroom and bathroom in the basement to meet the square foot requirement. Second by Mrs. Knight. Four members voted Aye, zero Nay, and the motion passed.

Mrs. Knight moved to approve the 11.7' variance on the minimum lot width requirement, second by Mr. Wilson. Four members voted Aye, zero Nay, and the motion passed.

Next to come before the Commission was Dominick Strassell, 1025 Elizabeth Avenue, requesting an 11' front yard setback variance, which will match the setback of the existing homes and keep his home out of the creek in the back yard. This would place the new home at the same location as the previous home that burned down. Code 1141.01 requires a 35' front yard setback.

- Mr. Morton said the front of the house meets the required setback but the porch encroaches the setback.
- The new home will be a 1,600 sf, two-story.

At 5:31 p.m., the public hearing was opened for the variance request submitted by Dominick Strassell for an 11' front yard setback.

At 5:32 p.m., calling three times and seeing no one who received notification letters who wished to speak, the public hearing was closed.

Mayor Hutchinson moved to approve Dominick Strassell's 11' variance request to locate his home closer to the road to allow for a rear garage entrance, second by Mrs. Knight. Four members voted Aye, zero Nay, and the motion passed.

Next to come forward was Shuree Eldridge, 2253 Woodland Park Drive, requesting a 29' variance to erect a fence on a corner lot. Code 1145.05 requires corner lots to comply with the minimum front yard setback facing both streets.

- Mr. Morton said the intersection is a 4-way stop and the setback requirement would not be an issue for visibility.
- The 6' fence will be made of aluminum but resemble rod-iron, and will be placed behind pine trees.
- With the 29' variance, the fence would be 21' from Forest Hill Drive.

At 5:35 p.m., the public hearing was opened for the 29' variance request submitted by Shuree Eldridge, to place a fence on a corner lot.

At 5:36 p.m., calling three times and seeing no one who received notification letters who wished to speak, the public hearing was closed.

Mr. Wilson moved to approve the variance request submitted by Shuree Eldridge for a 29' variance request to place a fence on a corner lot, second by Mrs. Knight. Four members voted Aye, zero Nay, and the motion passed.

The next item to come before the Commission was submitted by Dave Farrow, 893 Red Maple Lane, requesting a 5' variance on the north setback of a corner lot. Code 1141.01 requires a 35' setback. Doug Anderson, 6899 County Road 51, Big Prairie, came forward because he is the builder and representative for Mr. Farrow, who lives in Virginia. This corner lot is not wide enough to meet the required setbacks for an average home.

- Mr. Morton said this is a challenging lot to build on. The 5' setback would not create visibility problems and the house would be 45' from the road.

At 5:40 p.m., the public hearing was opened for the variance request submitted by Dave Farrow for a 5' setback on a corner lot.

Tom Mills came forward on behalf of his mother-in-law, Mary Schwartz, who owns 24 acres west of this lot, asking for clarification on the variance request. After the variance was explained, Mr. Mills said he didn't have any problems with the request.

At 5:41 p.m., hearing no one else who wished to speak, the public hearing was closed.

Mrs. Knight moved to approve the 5' corner lot north setback variance request submitted by Dave Farrow for property located at 893 Red Maple Lane, second by Mayor Hutchinson. Four members voted Aye, zero Nay, and the motion passed.

The next agenda item was a discussion on the list of concession code suggestions. Mayor Hutchinson said he would like to approve guidelines at the next meeting and forward them to Council. More food trucks and concessions are setting up within the city. He has not received any complaints from the brick and mortar stores.

- Concession stands must operate 21 consecutive days before they are required to pay taxes.
- The regulations would not apply to non-profit organizations.
- Thirty days per year would be the maximum number of days allowed to set up in the city.
- City sponsored events would not count toward the 30 days.
- The vendor may be required to email the Zoning Inspector 24-48 hours in advance as to their location.
- Law Director Medwid said a notice of code violation should be established and vendors should be required to register all vehicles operating as concessions. This would be separate from the application, which includes the business information and dates of operation. Also, reference to the code section for concession stands should be noted on the application. If code changes then the application doesn't need updated.
- Mr. Morton was asked to prepare an application to review at the next meeting.

Commission members agreed to change the next Planning Commission meeting to November 17, 2021 at 4:00 p.m.

Mayor Hutchinson said he still receives complaints about the empty church structure on Park Avenue West. The Zoning Inspector will coordinate with the appropriate agencies to have a full inspection. Inspections have been done at this site in the past but not since 2017. The Health Department, Fire Department and County Codes Department participate in the inspection.

- Mayor Hutchinson was contacted by someone trying to find the owner because he is interested in purchasing the property.

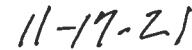
Mr. Morton said there is interest in the R-1 property at Walker Lake Road and Boyce Parkway that was the former site of the Jehovah Witness Hall. This lot was possibly grandfathered with the rezone when Ontario became a city. Those interested in purchasing the property would like to open a music school.

- Conditionally, the building can be used as a private school or a church. The question was if the music school would be considered a private school or a business.
- The Zoning Inspector will check if city utilities are connected, if not, it would be a stipulation for the change of use by the new buyer.

- Code requires a private school to have two acres, this property has 1 ¼ acres. The size of the playground must be a minimum of 150 sf of outdoor playground area for each child.
- Mrs. Hellinger suggested, as part of the response, the city is interested in working with them to move forward but need more information on the operation of the school.

At 6:13 p.m., with no further business to come before the Planning Commission, the meeting was adjourned.


Susan Hellinger, Chair


Date