

MINUTES
ONTARIO PLANNING COMMISSION
SEPTEMBER 13, 2023

The Ontario Planning Commission met in regular session on September 13, 2023, at 4:05 p.m., in the Municipal Building with Chair Jill Knight presiding. Present during roll call were Commission members Jill Knight, Service-Safety Director Knapp, Mayor Randy Hutchinson, Diane Wolfe, and Rick Pauley; Engineer Mark Rufener, Law Director Andrew Medwid, Zoning Inspector Michael Morton and Clerk of Council Cathy VanAuker.

The minutes of the regular Planning Commission meeting of July 12, 2023 were presented for approval. Hearing no corrections, the minutes were approved as presented.

The first item on the agenda brought forward Craig Donley, 982 Twp Rd 1514, Ashland, seeking a rezone for a 19-acre parcel on Walker Lake Road, from R-2 to R-3, to build apartments. The majority of the 200 garden style apartments would be two bedrooms.

- The annexation has not been finalized on the adjoining 11-acre Mansfield property that is zoned multi-family. Without approval, water and sewer can't be installed outside the city limits, making it difficult to build on the back lot.
- The proposed site plan for both parcels is 20 buildings with 24 units per building.
- A TIF may be applied to the Walker Lake Road property due to the needed infrastructure.
- No variances are requested at this time because the final plan or density of the development have not been determined.
- Engineer Rufener said a traffic impact study is needed to understand the effects of new development, and R-3 is concerning with the current infrastructure.
- Construction would start at the front of the property for the least expensive infrastructure costs.

Mrs. Knight moved to approve the rezone application of Craig Donley, parcel number 038-60-500-61-000, on Walker Lake Road from R-2 to R-3, second by Mrs. Wolfe. Five members cast their votes, zero aye, five nay, and the motion failed.

Next to come before the Commission was Roger Hetler, 2555 Fairway Crossing, requesting a variance to place a shed in the side yard of his property because his back yard is not buildable due to the natural grade. Mr. Hetler also owns the neighboring lot and his house is over the lot line. Inspector Morton said there is a significant drop to the rear of the property that would require an unreasonable amount of dirt work.

- The shed is 14' x 24' moveable structure.

At 4:30 p.m., the public hearing was opened for the variance request by Mr. Hetler to place a shed in the side yard at his property located at 2555 Fairway Crossing.

At 4:31 p.m., hearing no one who wished to speak, the public hearing was closed.

Mrs. Knight moved to approve the variance request by Roger Hetler to place a shed in the side yard at 2555 Fairway Crossing, second by Mrs. Wolfe. Five members cast their votes aye, zero nay, and the motion passed.

Next on the agenda were two variance requests submitted by Doug Basham, 2381 PAW, for (1) a 4' rear yard variance, and (2) to build a detached garage in the side yard. Contractor for the project, Andy Wigton, 249 Pugh Road, came forward to answer questions.

- Inspector Morton said the home addition was for an in-law suite that would encroach on the rear yard setback line by 4'.
- The detached garage will be northeast of the existing garage in the front yard.
- The tree line will remain on the east side.

Mrs. Knight moved to approve the 4' rear yard variance and to allow a detached garage in the side yard, as requested by Doug Basham at 2381 PAW, second by Mayor Hutchinson. Five members cast their votes aye, zero nay, and the motion passed.

The next item on the agenda was a discussion on the inconsistencies between Zoning Section 1145.16 (b) Single Non-Conforming Lots of Record, and Section 1145.23 Public Access.

- Inspector Morton referenced the handout depicting the contradiction. Section 1145.16 states a structure can be built on a lot that does not meet the current width lot size requirement. Section 1145.23 states no structure shall be constructed on any parcel of land unless the minimum lot width requirements are met at the minimum front yard setback line.
- Law Director Medwid said 1145.16 was passed in 2001 and 1145.23 was passed in 2002. The most recent date prevails, therefore, leaving both codes in the book doesn't matter.

The next discussion item was Hours of Construction to identify acceptable hours developers may work. This does not apply to the city or anyone more than 1,000 feet of a residence. The proposed hours are 7:00 a.m. to 9:00 p.m. Code violation is a minor misdemeanor subject to a \$150 fine for every 30 minutes.

- Hours of Construction is a new code.
- The Law Director will decide the location of this code in the Zoning Book.

Mayor Hutchinson moved to approve the changes, amended to \$150 fine for each 30 minutes of violation, second by Mrs. Knight. Five members cast their votes aye, zero nay, and the motion passed.

The next item brought before the Commission was the discussion of Public Nuisances: Inconsistencies, Section 1145.24. The Ohio Protection Agency referenced in this section does not exist.

- The Ohio EPA (Environmental Protection Agency) doesn't address anything about noise.
- Links on the Ohio EPA website were included for verification.
- No standards are established.
- Inspector Morton will research the Ohio Safety and Health Administration noise standards.

The last item to come before the Commission pertained to creating a city-wide overlay on code for building materials for new construction because currently there are no requirements.

- Inspector Morton will research code that other communities have in place.

At 5:13 p.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mayor Hutchinson, second by Mrs. Knight.

Jill Knight, Chair

Date