

MINUTES  
ONTARIO PLANNING COMMISSION  
OCTOBER 9, 2024

The Ontario Planning Commission met in regular session on October 9, 2024, at 4:00 p.m., in the Municipal Building with Chair Jill Knight presiding. Present during roll call were Commission members Jill Knight, Diane Wolfe, Rick Pauley, Service-Safety Director Adam Gongwer, and Mayor Kris Knapp; Engineer Mark Rufener, Law Director Andrew Medwid, Zoning Inspector Benji Hall and Clerk of Council Cathy VanAuker.

Mayor Knapp introduced Benji Hall as the new Zoning Inspector.

The minutes of the regular Planning Commission meeting of August 14, 2024, were presented for approval. Hearing no corrections, the minutes were approved as presented.

The first item on the agenda was a request brought by Jennifer Krack, representing Raising Canes, to amend their August 14, 2024 variance approval by adding a 6" setback to the north side and west side for property at 720 Lex-Springmill Road. Ms. Krack said County comments included a different accessibility code than what was originally communicated to them when they designed the layout of the site. This grew the vestibules by approximately 6" because of the very tight turns, parking, and circulation around the site due to ADA requirements.

- Director Gongwer said ADA accessibility requirements increased in February and this request is to accommodate the change.

Mrs. Knight moved to approve the variance request by Raising Canes to increase the amount of the August 14, 2024 variance by 6" on the north side and the west side in order to grow the vestibules by 6" into the setback. Second by Mrs. Wolfe. Five members cast their votes aye, zero nay, and the motion passed.

The next item on the agenda was a variance request by Chris Dininger for a 3' setback from the rear property line instead of 5' to build a 30' x 48' addition to the existing garage on property located at 1768/1770 Walker Lake Road.

At 4:04 p.m. the public hearing was opened for the variance request submitted by Mr. Dininger.

Gregory Hall, 1771 Victoria Court, was not opposed to the garage being built but was concerned about potential water run-off. His backyard is downhill toward his house and he has had water in his basement.

Bill Flanagan, 1765 Victoria Court, said the easement has not been well maintained, and questioned if the variance would impact access to the water and sewer lines.

At 4:11 p.m., hearing no one else who wished to speak that received letters, the public hearing was closed.

Chris Dininger, 1768 Walker Lake Road, said the addition to the garage would be for storage, a golf simulator and pool table. There is a fire hydrant at the edge of the fence. The addition would not impede access to the easement, nothing would be done on the easement. The north side of the building would be even with the privacy fence and attached to the garage.

- Richland County Codes and Permits said to contact Richland County Stormwater because the garage floods.
- The garage is 4' lower than the house. Water runs down the driveway to the garage. There are two catch basins in the front yard.
- Mr. Dininger said the Richland County plat shows a 40' no build line from Walker Lake Road, and Director Gongwer informed him there is a 40' no build line off Farmcrest Drive. Zoning for his location does not allow two out buildings, they must be connected.
- Engineer Rufener was concerned about the 8' easement that shouldn't be built on because it is to provide access to repair the water line.
- The easement touches the north edge of the property but is not on his property.
- Mr. Dininger would like to replace 48' of the fence with the north wall of the building then reattach the fence to the corner of the new building.
- The addition can't be moved too far toward the center of the yard or it would be over the sewer line that runs diagonally across the yard.
- The drawing shows the existing garage could be 3' over the property line
- A variance wouldn't be necessary if the addition was built 8' in from the back of the garage.
- Director Gongwer said without more information they couldn't allow the addition to be built without knowing the exact location of the property line and the easement.

Mr. Dininger decided not to continue with his request for a variance because he did not want to pay for a neighborhood survey or wait another month until Inspector Hall could verify the exact location of the easement.

The next item to come before the Commission was a request by Darrell Arnold, 3090 Horizon Drive, to rezone two parcels at 3052 Mabee Road from R-1 Residential to Business for Arnold's Landscaping. Mr. Arnold said a new building was constructed to run the landscaping and garden center operation. The Park Avenue West Garden Center will move to this location.

- The Shafer Nursery buildings were torn down to build the new structure.
- Law Director Medwid said, prior to zoning, Shafer Nursery operated as a business and because the building never sat empty the time didn't lapse requiring it to revert to Residential, allowing it to remain a business.
- When Law Director Medwid asked what amount of traffic increase is expected for the retail and event center, Mr. Arnold said they are only transferring their Park Avenue West business to Mabee Road to sell trees, plants and shrubs, and at some point have a coffee bar if they get the zoning, but there isn't an event center at this time. All of the landscaping crews will move to the Park Avenue location which will reduce the truck traffic on Mabee Road. May is their busiest month. Mabee Road retail sales will open November 9<sup>th</sup>.

Mrs. Wolfe moved to approve the rezone request submitted by Darrell Arnold to rezone two parcels at 3052 Mabee Road from R-1 Residential to Business, second by Mayor Knapp. Five members cast their votes aye, zero nay, and the motion passed. The public hearing, recommending the rezone, will go before Council on November 20, 2024.

The final item on the agenda, a zoning violation, was no longer a concern because documentation verified the proper procedure was followed and approved.

At 5:09 p.m., with no further business to come before the Planning Commission, the meeting was adjourned upon a motion by Mrs. Wolfe, second by Mr. Pauley.

/s/ Kris Knap, Mayor

03-12-2025