

City of Defiance Planning Commission

September 18, 2023, Meeting Minutes

ATTENDANCE:

Name	Title	Yes	No
Jen Clady Rosebrook*	Defiance City Planning Commission Chairman		X
Steve Hoffman Jr.*	Defiance City Planning Commission Vice-Chairman	X	
Drew Shindler *	Defiance City Planning Commission Member	X	
Gary Butler*	Defiance City Planning Commission Member	X	
Mike Adams*	Defiance City Planning Commission Member <i>(Representative from Parks Board)</i>	X	
Mike McCann*	Defiance City Mayor	X	
Ryan Mack*	Defiance City Administrator <i>(Representative to Defiance Reinvestment Area Committee)</i>		X
Melinda Sprow	Defiance City Engineer	X	
Rex Robison	Defiance City Zoning Commissioner	X	
Niki O. Warncke	Defiance City Planning Commission Clerk	X	
Sean O'Donnell	Defiance City Law Director	X	
Connie Seimet	Defiance City Planning Commission Secretary	X	

* Voting Members of Committee

OTHERS PRESENT (as noted on "sign in" sheet):

Name	Company	Address	Phone No.
Daniel Gray		810 Nicholas	419-980-0386
Chris Van Gunten		225 Riverdale Dr.	419-779-7462
Meghan Toma Swiney		818 Nicholas St.	419-980-3334
Joseph Prehauser		807 Nicholas St.	419-789-4884
Tim Thourot		18532 Painter Rd.	419-393-2828
Laura Wtts(?)		815 Nicholas St.	419-439-9151
Gary Prehauser		4144 Timberlane, Defiance, OH 43512	419-789-9400
Karen & Clint Sexton		711 E High St., Defiance, OH 43512	419-782- 8634/419-434- 0805
Josh Mast		340 Northwood	
Richard Wittenberg		215 Riverdale Dr.	419-784-1907
Brandon Case		221 Riverdale Dr.	419-439-2116

Vice Chairman Hoffman called the meeting to order at 4:30 p.m. with a quorum present.

ADMINISTRATIVE ITEMS:

- Mayor McCann made a motion to approve the August 21, 2023, Planning Commission Meeting Minutes; Mr. Shindler seconded the motion. The motion carried unanimously.
- Ms. Warncke said Chairman Clady Rosebrook had contacted her and will not be able to make the meeting tonight due to an emergency at her house.
- Clerk's Report: Ms. Warncke said the Comp Plan will be presented to council next Tuesday (September 26, 2023).

PLANNING ITEMS:

ITEM 1:

VARIANCE REQUEST

PROJECT LOCATION: 225 RIVERDALE DRIVE, DEFIANCE, OH 43512

APPLICANT: CHRIS & LEISHA VAN GUNTEN, 225 RIVERDALE DRIVE, DEFIANCE, OH 43512

Description: Parcel I020141003400 is located in Riverdale Heights Extension, Lot 103 in the City of Defiance, Noble Township, Defiance County, OH. Applicant would like to construct an accessory building totaling 1280 square feet, 560 square feet larger than permitted.

-Variance request to allow an accessory use in excess of 720 s.f. per *City of Defiance Planning and Zoning Code*, Chapter 1169.10.B.7.

Vice Chairman Hoffman read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Ms. Warncke said she received a letter from Travis and Kristy Stoller, 236 Johnson Circle. The letter was included with the Planning Commission packet sent to all members for their review.

Mr. Chris Van Gunten, owner, was present. Mr. Van Gunten explained that the building would be 4' from the side and 6' from the rear property lines and 1280' would be the largest that it would be. Mr. Van Gunten is trying to find a contractor at this time. Mr. Van Gunten explained that the driveway would be extended back to this building (4' from the property line). Mr. Van Gunten explained it would be a post frame building to with colors to match his house.

Ms. Sprow said they need to make sure the surface water does not drain onto the neighbor's property. Mr. Van Gunten said he understands.

Mayor McCann wanted to know if the property had been surveyed. Mr. Van Gunten has not found the pins yet and if he cannot find them, he will hire a surveyor. Mayor McCann said a survey would be a wise decision and would be money well spent.

Mayor McCann said we have had several large buildings requested at Planning Commission lately (which is a good way to make sure all items were enclosed in a building and not sitting around outside). Mayor McCann noted his comment was not specifically for this item.

Mr. Richard Wittenberg, 215 Riverdale, wanted to know what the building would be used for. Mr. Van Gunten said it would be used for storage for his various cars, his service truck and other items. Mr. Wittenberg wanted to know what color it would be. Mr. Van Gunten said it would be a dark grey or black two tone, they are still figuring that out.

Mr. Brandon Case, 221 Riverdale, his house is next to Mr. Van Gunten's house. Mr. Case said he was present during Mr. Casey Darrow's variance request a few years ago (another neighbor) and that building turned out very well and he feels Mr. Van Gunten's building will turn out well too; he feels Mr. Van Gunten will be able to put everything under one roof. Mr. Case is in favor of the variance.

- Mayor McCann made a motion to approve the Variance request to allow an accessory use in excess of 720 s.f. - up to 1,280 sf maximum; seconded by Mr. Shindler. All members voting aye, the motion was approved.

ITEM 2:

VARIANCE REQUEST

PROJECT LOCATION: 1137 COLUMBUS AVENUE, DEFIANCE, OH 43512
APPLICANT: CLINT & KAREN SEXTON, 711 E. HIGH STREET, DEFIANCE, OH 43512

Description: Parcel B014157A02200 is located in Oak Park Addition Lots 41 & 42, City of Defiance, Richland Township, Defiance County, OH. Applicant would like to construct an accessory building totaling 1280 square feet, 560 square feet larger than permitted.

-Variance request to allow an accessory use to be established prior to the principal use for which it serves per *City of Defiance Planning and Zoning Code*, Chapter 1169.10.B.4.

-Variance request to allow an accessory use in excess of 720 s.f. per *City of Defiance Planning and Zoning Code*, Chapter 1169.10.B.7.

Vice Chairman Hoffman read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Mr. Clint Sexton, 711 E. High Street, was present.

Mayor McCann explained an accessory building is built normally to be an accessory to a house. Mr. Sexton said he hoped they could build an accessory building at his address on E. High – he cannot do that, as there is no room. Mr. Sexton said they would like to have a storage building for storage of an RV and a van. Mr. Sexton said he had the property surveyed and he is within the requirements; the building will be 32' x 40' with a porch on the side and will include 10' and 12' doors. Mr. Sexton said he wants to have electrical, water and sewer to the building and the drainage will be on his lot (he owns two lots).

Mr. Hoffman wanted to know what the eve height would be. Mr. Sexton said it would be 14'.

Mr. Adams wanted to know what it was zoned. Mr. Robison said it is zoned residential. Mr. Adams is concerned with a pole barn being there without a house.

- Mayor McCann made the motion to approve the Variance request to allow an accessory use to be established prior to the principal use for which it serves; seconded by Mr. Butler. All members voting aye, the motion was approved.

- Mayor McCann made a motion to approve the Variance request to allow an accessory use in excess of 720 s.f. but not to exceed 1,280 sf; seconded by Mr. Butler. All members voting aye, the motion was approved.

ITEM 3:

VARIANCE REQUEST & CONDITIONAL USE PERMIT REQUEST

PROJECT LOCATION:
APPLICANT:

818 NICHOLAS STREET, DEFIANCE, OH 43512

MEGHAN J. SWINEY, 818 NICHOLAS STREET, DEFIANCE, OH 43512

Description: Parcel B013126002700 is located in Holgate's Addition to N DE ^Lot 76 & 77 PT^, City of Defiance, Noble Township, Defiance County, OH. Applicant would like to have a dog grooming and boarding business within her home. Kennel and dog services are not allowed in the R-2 District per 1169.06-I, hence the Conditional Use Permit request. The variance request is for the signage size, maximum permitted size for a wall sign in a residential district is 2 square feet. Applicant is proposing signage that is 15 square feet.

-Variance requested to allow a wall sign larger than the maximum 2 square feet permitted per *City of Defiance Planning and Zoning Code*, Chapter 1179.06.A.

Vice Chairman Hoffman read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Ms. Warncke noted the dog kennel portion of the request was removed by Administration, as it is not an allowable Conditional Use Variance request for the R-2 District according to the *City of Defiance Planning and Zoning Code, Chapter 1169.06: Principally Permitted Uses*. It is still listed on the agenda because it was removed after the notices were published and mailed.

Mr. Robison said the dog-grooming portion of the variance and the signage variance would need to be discussed.

Ms. Megan Swiney, 818 Nicholas, was present. Mayor McCann wanted to know if Ms. Swiney was aware of the boarding portion of the variance. Ms. Swiney did not know about that. Mayor McCann said the boarding portion would not be allowed in her zoned area— only the dog-grooming portion (if approved at the meeting tonight). Ms. Swiney said she was fine with that, it would just add some income for her with the dog-grooming business.

Mayor McCann said the address is located in College Overlay District and the sign is in excess of that Code. Mayor McCann explained with being in the College Overlay District, variances cannot be granted and she must comply with that regulation.

Ms. Swiney explained she has a bedroom with a shower next to it that would be converted into the area for the dog grooming business.

Mr. Tim Thourot, 18532 Painter Road, owns 815 Nicholas; he said there is a lot of barking and a lot of traffic in the neighborhood. Mr. Thourot thinks it will be a huge problem at that location and that everyone understands. Mr. Thourot wanted to know who enforces the noise ordinance for a barking dog. Mr. O'Donnell said the Police Department would handle that matter and explained the consequences of a barking dog complaint and noise ordinances. Mr. Thourot said the barking dogs might be a problem.

Mr. Daniel Gray, 810 Nicholas, strongly opposes these requests. Mr. Gray noted two ORC Codes 505.14 and 505.15 that opposes this type of business in the R-2 code. Mr. Gray said not all the houses and apartments in the neighborhood want to add to the traffic problem in the neighborhood.

Ms. Swiney said Nicholas Street is congested due to the parking situation. Ms. Swiney said she owns the property at 814 Nicholas as well and can make that area into a parking area so people can pull into that lot from Nicholas and pull out into the alley. Ms. Swiney said she would plan to groom only one dog per hour and by appointment only, there would not be any the congestion.

Mayor McCann asked Mr. O'Donnell if the ORC Codes that Mr. Gray mentioned applicable in the City. Mr. O'Donnell said they were not and because of the Charter we are able to set our own Zoning Codes.

Mr. Joseph Prehauser, 807 Nicholas; said he works third shift and the dogs are constantly barking and owner (of 818 Nicholas) is constantly running his motorcycle. Mr. Prehauser has never spoken with the owners of 818 Nicholas and does not know them. Mr. Prehauser said it is very annoying and they should leave the neighborhood.

- Mr. Adams made a motion to DENY the Conditional use Variance requested to allow dog grooming services; seconded by Mr. Butler. All members voting aye, the motion to DENY was approved.

ITEM 4:

REZONING: FINAL PUD OVERLAY REVIEW REQUEST

This case Let Lie at the August meeting.

PROJECT LOCATION: 492 DOMERSVILLE ROAD, DEFIANCE, OH 43512

APPLICANT: SCOTT AYRES, 14271 JEFFREY RD. #119, IRVINE, CA 92620.

Description: Parcel J050018000200 is approximately 8.5 acres located in the NE ¼ of the SW ¼ of Section 18, T4N, R4E in the City of Defiance, Richland Township, Defiance County, Ohio. Applicant is requesting review for the Final PUD Overlay to construct multi-family townhomes, a convenience store, retail space, and self-storage.

Vice Chairman Hoffman read the item to all.

Ms. Warncke said there has not been any changes to the request at this point and no one was present to represent it item.

- Mayor McCann made the motion to "Let it Lie"; seconded by Mr. Shindler. All members voting aye, the motion was approved.

OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:

- None.

ADJOURNMENT OF MEETING:

A motion was made by Mayor McCann, seconded by Mr. Butler adjourn the meeting at 5:10 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

Connie M. Seimet

Planning Commission Secretary

Niki O. Warncke

Planning Commission Clerk

Jen Clady Rosebrook

Planning Commission Chairman