

Waterville Zoning Township Commission

at 7:30 pm. At the Waterville Township Hall on October 19, 2015

OFFICIALS

Chairman, Glenn A. Banas

Vice Chairman, Thomas R. Wardell

Member, Keith A. Moosman

Member, Rich Hertzfeld

Member, William J. Burkett

Property Standards/Assistant Inspector, James E. Fischer

Zoning Inspector, Eric H. Gay

** Indicates Absent*

GUESTS

Karen M. Schneider, Trustee Vice Chairman

Karen Schaeffer – Note Taker

ROLL CALL

Guest Note Taker, Karen Schaeffer, called the roll and all five (5) commissioners were present: Glenn Banas, Thomas R. Wardell, Keith A. Moosman, Rich Hertzfeld and William J. Burkett.

MINUTES

Thomas A. Wardell made a motion to dispense with the reading of the minutes of the September 21, 2015 meeting and to approve the minutes with no additions, deletions and/or corrections.

Seconded by William J. Burkett.

Motion carried.

CORRESPONDENCE

None.

Report on Planning Commissions review of Pump Station Zoning language

Eric H. Gay reported that the Zoning Board sent the text amendment about the Compressor Station to the county. Bill Herbert and Josh saw no issues with it and will be on Planning Commission docket for November 18. At the last Zoning Board meeting, reviewed with John Widmer. Eric H. Gay suggested that John Widmer attend the county meeting as well as himself and Karen Schneider. By the next Zoning Board Meeting, November 16, 2015, should receive Planning Committee recommendations.

The Stables

Status of Completion of Outstanding Issues

Duke Wheeler stated that the sound panels are up. He sent a letter to Solicitor, Dawn E. Sanderson, two (2) weeks ago about updates.

William J. Burkett reported that there was no agency approval on well as of last week and asked Duke Wheeler if there was agency approval as of today. There is not.

Duke Wheeler – Music – no speakers outside; doors closed on Western wall, change times on Friday, Saturday, Sunday for new contracts.

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William J. Burkett noted that music was changed to amplified sound.

A special meeting was held revoking agricultural status based on use of The Stables as a wedding hall. The Special Use Permit was reviewed. At the August meeting, it was agreed by Motion to require an occupancy permit from the County and to have agency approval on the well. At the September, 2015 meeting amplified sound would stop at 8:00 p.m. Sunday through Thursday, and 11:00 p.m. on Friday and Saturday; West facing door would remain closed; outside speakers facing East and only used by clergy, the Bride and Groom.

Duke Wheeler responded, and repeated many times during the meeting, that he is not required to obtain an occupancy permit from the county because it is agriculturally exempt. The building won't qualify for an occupancy permit.

William J. Burkett stated that Lucas County AREIS shows no water or sewer shown at the property. The Health Department won't permit well for commercial use. It's a \$400 application to convert the well to potable use. Duke Wheeler responded he will not do that, use is not significant enough.

A public water system is for use of 20 people more than 30 days in a year. Confirmation was received from John Borrell that an owner must apply for a permit change of use – there is no update as of today.

Statements from residents on Obee Road concerning sound issues with The Stables

Dawn Rosanbly – 11351 Obee – sits outside in the evenings and noise is not an issue, but has concerns if The Stables becomes a vacant building.

Pat Maguire – 11130 Obee – noise is not offensive but has concerns about the speed of trucks. Traffic is horrendous.

Steven Anderson – Obee Road – no noise and the place has been dressed up.

Attorney Bob Battin, just hired by Duke Wheeler. Special Use Permit was approved April, 2014, reviewed in February, 2015 with no complaints. Another review in August, 2015. In July, 2014, Zoning Inspector Eric H. Gay agreed that it was “ag” exempt; the Fire Department signed off on it, County stated no building regulations. The Township Trustees, without notice, revoked “ag” exemption. A Special Use Permit was requested on July 4, 2014 and granted July 7, 2014 by Eric H. Gay.

Glenn A. Banas – started with noise complaints and possible safety issues for what Duke Wheeler is trying to do, which should be enforced by the County and the Fire Department. There is a safety concern with no fire suppression in place and no potable water.

Karen Schneider – The Whitehouse Fire Department came to the Township asking for a supplemental letter regarding agricultural exemption from the Township. The Township Attorney was uncomfortable with that due to the changing use of the building.

Eric H. Gay was questioned about how this happened – issues with “ag” exempt permits a format was developed. The onus would be on the owner if challenged. There is a declaration of

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applicant of use of the building. Eric Gay, another trustee and the County Planning Commission had a meeting with the Solicitor – there may have been a stretch as to what was the use of the building, it is on Duke Wheeler to prove.

The building was originally building as a barn for horses. A concrete floor was poured and Anthony Wayne Schools used it for basketball. It was agriculturally exempt from the beginning.

Glenn A. Banas questioned why it was changed. Karen Schneider responded that there was a change in use – there is concern for the safety of people for assembly purposes; no approved fire suppression methods, ingress and egress. No plans were ever submitted to Lucas County.

Attorney Battin – the form that Eric H. Gay signed states agricultural exempt, it would be for a court to decide.

William J. Burkett recommends to the Trustees that two (2) conditions were not met – agency approval of well and no fire suppression

Attorney Battin raised the issue of due process to Duke Wheeler, and mentioned it several more times during the meeting, stating that there was no notice that Special Use Permit was being revoked. William J. Burkett responded that it was revoked on October 29, 2014, he was told again in August and no action has been taken to obtain a building permit or make the water potable.

Duke Wheeler raised the issue again that the building was rented to Anthony Wayne Schools for several years. He told the County that he will have weddings there, that there is no footer or foundation, it's a pole barn. Over \$150,000 was invested in widening a driveway, landscaping and has posted signs informing guests not to drink the water. His consultant advised him he does not need a commercial well. He is filing for annexation because he doesn't want his farm to be in this community.

Glenn A. Banas questioned if the Township has any liability.

Attorney Battin stated that as an agricultural exempt building there is no liability, it is all on Duke Wheeler. The Ohio Revised Code takes the power away from trustees.

Eric H. Gay expressed that he would like to see Duke Wheeler apply for an occupancy permit.

William J. Burkett made a motion that the Zoning Commission recommend to the Trustees that the Special Use Permit of The Stables located at 11781 Obee Road be suspended until conditions of the permit are met and the Zoning Commission has opportunity to review such documentation.

The use of the building is not agriculturally exempt – needs occupancy permit and agency approval on water.

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William J. Burkett – let it be between Duke and the County. From a public safety viewpoint, the Fire Marshal will not go out. It's A3 use according to building officials.

Glenn A. Banas – if the Township is not liable, doesn't want to pursue anything.

William J. Burkett concerning timing, this has been going on since July 2014. The Township received a letter for County Prosecutor John Borrell, dated August 5, that the owner will have to apply for a building permit for change of use. It's not agriculturally exempt because the Trustees revoked the permit. A determination of occupancy must be made by a building inspector.

William J. Burkett read the motion again, stating that conditions were not met concerning the occupancy permit and agency approval on the well. Keith Moosman seconded the issue. Resident Pat Maguire requested that it be recorded in the minutes that it was the third time the motion was presented. James E. Fischer noted that the motion was not technically legal until it was seconded.

Rich Hertzfeld stated that the zoning book does not deal with water well issues.

Thomas R. Wardell the question of the change of the use of the building is not the Zoning Board's problem. Zoning Board can make recommendations to Trustees.

Roll call taken on the motion. The motion did not pass.

Will carry on conversation next month.

Martha Wheeler extended an invitation for board members to visit The Stable.

New Business:

None

Zoning Inspector's Report:

Year to date, 33 permits, seven (7) since the last meeting

Two (2) – three (3) new houses in Coventry Glen

Schedel Road property split

Sign issue at Coventry Glen: double face sign 4 x 8. He talked to owner today informing him that he has to take it down, it's still up.

Fallen Timbers – Monclova Township site plan – new villa platted

Joe Torre – Jack Fisher property on Dutch Road

Plats II and III of Coventry Glen – no permits issued until mounding issue is resolved. Mounding requirement recorded at County.

Glenn A. Banas inquired if mounding requirement was stipulated in the deed? Owner offered \$15,000 cash to forget about mounding.

Eric H. Gay to give permits to Fiscal Officer, Renee Hertzfeld.

Property Standards Officer Report

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None

James E. Fischer – sign at Coventry Glen impairs view on Dutch Road.

The new road will be a horseshoe – signs in right of way and side streets. Recommends that Eric H. Gay take a look, have signs moved back of sidewalk. A real estate sign does not need a permit.

Thomas A. Wardell motioned and Keith Moosman seconded adjournment of meeting. Motion carried.

Meeting adjourned at 9:10 p.m.

Original on file