

**Wood County Planning Commission  
February 2, 2010**

The Wood County Planning Commission met in regular session on Tuesday, February 2, 2010 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Anthony Allion, Tim Brown, John Brossia, Jim Carter, Patrick Fitzgerald, Richard Kohring, Alvin Perkins and Donna Schuerman. Planning Commission staff in attendance was Dave Steiner and Rachel Runion. In addition to Planning Commission members and staff, eleven guests were also present.

Chairman Allion called the meeting to order. Upon calling the meeting to order, Mr. Brown made a motion to approve the December 1, 2009 Planning Commission meeting minutes. Mr. Kohring seconded the motion with Commission members in full support.

**New Business:**

**WOOD COUNTY PLANNING COMMISSION ACTIVITIES REPORT**

Mr. Steiner passed out a copy of the staff activities report for December 2009 and January 2010. Mr. Steiner noted that the intern from BGSU finalized the GIS zoning maps for all zoned Wood County Townships, that work had begun on Wood County's 2010 CHIP Application, and that the Director had been working with the U.S. Census Bureau as part of Wood County's "Complete Count" committee. Mr. Steiner concluded his discussion of the activities report by stating that an open house with FEMA and ODNR had been hosted regarding the update of Wood County's floodplain maps.

**ELECTION OF OFFICERS FOR THE 2010 PLANNING COMMISSION**

Mr. Steiner noted that the next order of business was the report of the Nomination Committee for officers for the 2010 Planning Commission Board. Mr. Kohring who represented the nominating committee stated that the committee had decided to recommend that Mr. Anthony Allion be the Chairman, Mr. Richard Kohring be the Vice Chairman, and Ms. Donna Schuerman be the Secretary. There being no further discussion from the Planning Commission members, Mr. Kohring made a motion to accept the Nominating Committee's recommendation. Ms. Schuerman seconded the motion with Commission members in full support.

**ZONING – PLAIN TOWNSHIP**

An application had been submitted by Kuntry Haven Construction, LLC to rezone a portion of a thirteen acre parcel of land in Section 29 of Plain Township from an Agricultural zoning classification to a Commercial zoning classification. The purpose of the request was that the applicant wished to run a construction business on the subject parcel and needed to rezone a portion of it to a Commercial classification in order for the use to be compliant.

Mr. Steiner began the review and discussion of the item by explaining the reasons for the applicant's request, noting the location of the parcel, stating the zoning surrounding the parcel, and noting that the parcel was located in an area designated as being part of an

urban – small town expansion area by the Wood County Land Use Plan. Mr. Steiner also noted that there were no utilities available to the parcel. Mr. Steiner concluded his review and discussion of the item by reminding the Planning Commission members that the Commission would only be providing a recommendation to the Township, and that if the parcel in question were to be rezoned to commercial, than any commercial use would be allowable on the parcel.

When the item was turned over to the Planning Commission for their review and discussion, several questions were asked. Mr. Brossia asked what the main problem with the property and its current use was. Mr. Steiner explained that the main problem was that it was being used for a commercial business and it wasn't zoned for that. It was asked how the business was allowed to continue up to this point in time. Mr. Steiner explained that the use was illegal and in violation of the zoning code. Mr. Steiner further explained that the applicant had been prosecuted for the violation by the Wood County Prosecutor's Office and that the result of a judge's ruling was that the applicant needed to cease operating the business or get the property rezoned. Mr. Steiner further addressed the legal aspect of the item by passing out a letter from the Wood County Prosecutor's Office that outlined the events surrounding the parcel and the applicant. It was asked what commercial uses would be allowed if the property were to be rezoned to a commercial zoning classification. Mr. Steiner stated that currently Plain Township did not have separate classes of commercial uses, just one general commercial classification. Mr. Steiner then stated that since there are no distinct commercial districts, any commercial use would be allowable on the property if the property were to be rezoned commercial. A question was asked regarding the type of business that was currently operating illegally on the property. Mr. Jestin Shank, owner of the parcel as well as the business stated that he ran a pole barn construction business on the parcel. He further explained that it had originally been a horse boarding operation. He then explained that since 2001 it has been the site of his business. Mr. Shank noted that his business was agricultural since he constructed barns and agricultural outbuildings. Mr. Steiner explained that even though the business was agriculturally oriented, it was still a commercial operation and it needed to be operating in an area zoned for commercial. A question concerning the zoning classification of the Wood County Landfill located directly north of the parcel was asked. Mr. Steiner explained that the landfill was zoned "S-Special", a classification reserved for government and semi-public uses. Mr. Steiner further stated that the landfill was exempt from zoning since it was a public entity. Mr. Fitzgerald asked Mr. Steiner what the time frame was for expected development in areas slated as urban-small town expansion areas by the Land Use Plan. Mr. Steiner stated that five to ten years was the generally accepted timeframe for development in these areas.

When the item was turned over to the audience for questions and comments, several comments and concerns were raised. Mr. Don Stichler asked if a conditional use could be granted to allow the business to operate on the property. Mr. Steiner stated that he wasn't sure, but that the applicant would need to apply to the Plain Township Board of Zoning Appeals. Mr. Shank explained that all waste he generated as a result of the business was not kept on sight but rather hauled to the landfill. Mrs. Donna Katane stated she was concerned about the character of the area surrounding the parcel changing if the

commercial zoning was allowed. Mr. Shank stated that approximately thirteen people would be out of work if the Township forced him to cease running the business from his parcel. Mr. Hal Hannah asked where the closest commercially zoned parcel was located in relation to Mr. Shanks parcel. Mr. Steiner stated that the nearest commercially zoned parcel was located at the corner of Liberty Hi Road and U.S. Route 6 and was the site of the former Lewis Sanitation Service.

There being no new items for discussion, a motion was made by Mr. Fitzgerald to recommend to Plain Township that the Township deny the request to rezone the property from Agricultural to Commercial and that the Township work with the applicant to find a solution to the problem. Mr. Kohring seconded the motion with Commission members in full support.

**DIRECTOR'S TIME:**

During Director's Time, Mr. Steiner stated that he had nothing to report.

There being no further matters to discuss, the meeting stood adjourned after a motion from Ms. Schuerman and a second from Mr. Perkins.