

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP BOARD OF ZONING APPEALS PUBLIC HEARING & REGULAR MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held _____ Thursday, February 14, 2019 _____
7:00 p.m.

Chairman Dubiel opened the Meeting of the Madison Township Board of Zoning Appeals at 7:00 p.m., with the following people present: Mr. T. Sill, Mr. E. Francis, Ms. L. Diak, Mr. R. Glover, and Chairman B. Dubiel. Mr. F. Walland was present as Zoning Inspector and Mrs. M. Howell.

A motion to approve the minutes from the January 10, 2019 meeting was presented by Mr. Sill, seconded by Mr. Francis.

Roll call: All "Ayes."

Mr. Walland informed those in attendance that the first item on the agenda this evening is for a Conditional Use Permit request for a Planned Unit Development on Green Road, which was continued from the January Hearing. He stated that the applicant is Redwood USA LLC, and the location is on Green Road, Permanent Parcel #01-B-126-0-00-005-0 and the property is zoned B-2, Regional Business District.

Mr. Walland informed those in attendance that the applicant is seeking a CUP for a PUD in accordance with Section 142.4.5.7 of the Madison Township Zoning Resolution. He also informed those in attendance that since the last meeting he has had no contact from the applicant, so he e-mailed her today and asked if she would be present this evening. He stated that the applicant replied to the email stating that she would not be present. Mr. Walland stated for the record that he emailed Ms. Rakoci back and asked if she wanted to continue the hearing or withdraw the application for the CUP, and if she would like to continue, to please provide the changes to the plan so he could provide the information to the Board. Again, he stated that her reply was that she was seeking a continuance on the hearing and that there is no change to the original plans presented to the Board.

Mr. Francis asked if there is anything to vote on. Mr. Walland stated that the plans were not at a point to vote on because there were items he felt needed to be addressed before an actual vote on the CUP. Mr. Pasqualone, Township Solicitor, interjected that the Board could in fact vote on the CUP this evening seeing as the applicant gave no grounds for a continuance request.

The Board discussed and agreed to vote on Redwood's PUD Conditional Use Application based on the information provided.

The Board voted unanimously (5-0) to deny Redwood USA LLC, CUP #19-001 for a Planned Unit Development on Green Road, Permanent Parcel #01-B-126-0-00-005-0.

A motion to close the Public Hearing for CUP #19-001 was presented by Mr. Glover, seconded by Mr. Sill.

Roll call: All "Ayes."

Mr. Walland advised those in attendance that the Public Hearing for Conditional Use Permit #18-002 was continued from the January 10, 2019 Meeting. He stated for the record that the applicants are Mr. & Mrs. Wyndham, located at 2451 Bennett Rd., Permanent Parcel #01-B-103-0-00-008-0, 01-B-103-0-00-002-0, 01-B-103-0-00-007-0, 01-B-103-0-00-009-0, 01-B-103-0-00-010-0, & 01-B-103-0-00-023-0 and the properties are zoned A-R, Agricultural Residential District. Mr. Walland stated for the record that the applicants are requesting a Conditional Use Permit to operate a Place of Public Assembly in accordance with Section 142.4.5.6 of the Madison Township Zoning Resolution.

Mr. Walland informed those in attendance that this is the fourth (4th) meeting on this matter and there has been a lot of dialogue on this CUP. He stated for the record that the Legal Ad was advertised in The News-Herald on January 25, 2019 and the Neighbor/Owner letters were mailed on January 24, 2019. Mrs. Howell stated for the record that the Continued Public Hearing was advertised and letters were mailed out because the wrong date was provided at the January Meeting for the February Meeting. She added that the Zoning Office tried to cover all bases and notified anyone who spoke at the January meeting as well.

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Mr. Walland asked if there was anyone in the audience who had any new information to provide for this hearing.

Chairman Dubiel administered the Oath of Accuracy to Stephanie Blake.

Ms. Stephanie Blake, 2217 Bennett Rd., Madison, OH. Ms. Blake informed those in attendance that she has a letter from her daughter, Arianna Farnsworth, who was unable to attend this evening. Ms. Blake read her daughter's letter for the record. Ms. Blake stated that there have been numerous occasions that strangers have been on their property. Mr. Walland asked her if the police were notified of these occurrences. Ms. Blake stated that the police were not notified.

Mr. Walland stated for the record that he did receive a letter today from a township resident who is not in favor for this Conditional Use Permit.

Chairman Dubiel administered the Oath of Accuracy to Mike Blake.

Mr. Mike Blake, 2217 Bennett Rd., Madison, OH. Mr. Blake asked what the Public Hearing is for. Mr. Walland stated that late last year the Trustees had requested that he check out the property and find out exactly what was taking place on the property. He stated that after he spoke to the Wyndhams he reviewed the Zoning Resolution to verify that what they were doing was permitted. He informed those in attendance that under the Conditional Use Section, Places of Public Assembly is permitted in all districts except the M-1 District. He then stated that he at that point contacted the Wyndhams and informed them of the need to obtain a Conditional Use Permit. Mr. Blake asked if a place of public assembly is the same as a place of residence. Mr. Walland commented that he would think not. Mr. Blake stated that he felt the same way and that is the issue he has. Mr. Blake stated that he is totally fine with the public assembling and worshipping, but building a campground and having people stay there as a residence for 1, 2, or 3 nights, like what is proposed, in his opinion is very different than gathering for an assembly. Mr. Walland stated for the record that an individual cannot call up and reserve space on the Wyndham property to camp overnight and furthermore, the spiritual events dictate when there would be any overnight guests. Mr. Blake stated that according to their website, it is a place that you can call up and pay the fee and stay there for four (4) days.

Ms. Diak advised those in attendance that she is a neighbor on Bennett Road, so at this time she is recusing herself from this hearing and will abstain from voting on this Conditional Use Permit.

Chairman Dubiel administered the Oath of Accuracy to Mr. Jeff Wyndham.

Mr. Jeff Wyndham, 2451 Bennett Rd., Madison, OH. Mr. Wyndham asked if the Board had received the emails he had sent to the Zoning Department. The Board acknowledged the receipt of Mr. Wyndham's e-mail documents. Mr. Wyndham stated that the final item he would like to convey to the Board regarding the whole process in doing this, is that most of the people that will attend the Memorial Day Event are authentically his immediate friends and acquaintances and anyone else there is vouched for by their membership in the organization, by the people from their local group that they arrived with and their desire to involve themselves in our work. Mr. Wyndham stated that in his opinion the neighborhood is safe because the most immediate neighbor to all of the guests is his own home and he does not have the slightest worry for the behavior of the guests. Mr. Wyndham commented that Captain Sopko had informed him that the Building Department has stated that they have no jurisdiction regarding the buildings on the property because it is zoned A-R. Mr. Walland stated for the record that there may have been some miscommunication regarding that matter, but that he will confirm that. Mr. Walland stated for the record that Captain Sopko has visited the site and that Captain Sopko felt the access for emergency personnel is adequate, but that he had a few issues with some electrical, which would need to be addressed if the CUP is approved. Mr. Wyndham confirmed that they are willing to address anything Captain Sopko feels needs addressing.

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Mr. Wyndham reiterated that they are not running a commercial campground. He stated that no one can call and pay to camp. He stated that the overnights run with their spiritual events. He also added the monies collected are used to reimburse for waste disposal and clean-up. Mr. Walland asked if there is a maximum number of attendees for the events. Mr. Wyndham stated that in his opinion the system they have in place could potentially support no more than one hundred-fifty (150) attendees. Mr. Walland stated that in his opinion there should be a maximum number of overnight guests established. Mr. Wyndham informed those in attendance that his group does purchase event insurance for the Memorial Day Event.

Mr. Blake commented that he is concerned about Mr. Wyndham's comment regarding other organizations holding events on his property.

Ms. Blake stated for the record that she is a clinical mental health counselor and knows how quickly people can have horrible things happen that change the rest of their lives. She added that they are not comfortable with all of the people that are so close to their house.

Mr. Walland stated for the record that the Conditional Use is a permitted use with conditions and that it is his opinion that when the conditions are established that is what the Board is voting and approving, it is not a vote on whether or not to permit the Place of Public Assembly. Mr. Francis confirmed that the conditions for the Conditional Use Permit are what the Board would be voting on.

Mr. Walland stated for the record that there are about four (items), that in his opinion, the Board needs to come to agreement on. He stated where the Blake's property abuts the Wyndham property, he feels there should be some type of physical barrier there and there has been discussion about fencing the entire property. Chairman Dubiel stated that in his opinion he feels the entire property should be fenced. Mr. Wyndham stated that the notion of fencing the entire property comes down to what does a fence consist of, because if the Board is talking a chain link fence, that would not be reasonable. Mr. Walland stated that he would disagree with a chain link fence because that would restrict the free migration of wildlife. Mr. Wyndham referenced his suggestion of a white rope designating the property line. Chairman Dubiel replied that that is totally inadequate. Chairman Dubiel stated in his opinion he feels the fence should be impenetrable, that no one visiting the Wyndham property can get through it or over it. Mr. Wyndham stated that the owners of the wooded land between his property and Dock Road do occasionally use all the wooded areas for hunting, including his property, and there are two (2) paths that lead out from that property that are occasionally used by four wheelers and snowmobiles and he would not want a unprepared snowmobiler to run into a fence. Mr. Wyndham asked about farm fencing which would be a physical barrier without undo expense. Mr. Sill commented that he felt the property line that abuts the Blake property should be a chain link fence and the balance of the perimeter should be more than just a rope. Chairman Dubiel stated that he feels the entire perimeter should be fenced. Mr. Sill stated that the requirement cannot be unreasonable. Mr. Sill also added that he agrees with allowing the wildlife free range. Mr. Glover stated that he agrees with having a more solid boundary fence between the Blake's property and the Wyndham's property. Mr. Wyndham stated that the fencing at the Blake property in his opinion should round the corner and continue on the eastern property line for about one hundred (100) feet or so. Mr. Walland agreed that that corner should be encompassed with fencing. Mr. Wyndham stated that there would be signage along the entire boundary. Mr. Francis stated that a chain link fence between the Wyndham's property and the Blake's property would be reasonable in his opinion and that requiring a chain link fence around the entire property would be a bit excessive. Mr. Sill commented that a compromise would be a chain link fence on the northern and southern boundaries and then some other sort of fencing along the eastern property line. Mr. Walland stated that the conditions need to be established and if the Wyndham's object to the conditions then they could object. Mr. Sill asked Mr. Francis what his thoughts are on the farm fencing along the eastern property line and chain link fencing along the north and south property lines. Mr. Francis stated that he thought the fencing was for the property line between the Blake's and the Wyndham's, and after physically inspecting the property, the vegetative barrier that has been talked about is pretty dense and pretty thick, it doesn't allow for easy access to the additional

RECORD OF PROCEEDINGS

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length of the northern property line. He stated that he did not believe a barrier would be required for the north, south and east property lines. Mr. Sill added that he is thinking along the lines of not just today, but for future use and how things can expand. Mr. Glover stated that he agrees with Mr. Sill regarding the fencing.

Mr. Walland stated the length of stay for the overnight guests would be difficult for him to monitor. He stated that in his opinion out-of-town guests would typically show up on Friday evening and leave on Sunday. Chairman Dubiel stated that the guests could be required to sign in upon arrival and sign out upon departure. Mr. Glover stated that in his opinion that would be very difficult to enforce. Mr. Sill concurred that there really isn't a way to police the overnight stay length. The Board discussed and agreed that the schedule of events would establish the number of overnight stays there would be per event. Mr. Walland stated that for someone to bring him a complaint regarding overnight stays, they would have to enter upon the property and taken pictures for evidence. Chairman Dubiel stated that the Wyndhams should be required to register people when they arrive and record when they leave.

Mr. Walland stated for the record that in his opinion there should be a maximum number of overnight guests per event. Mr. Sill asked if Captain Sopko had any limits from a safety stand point. Captain Sopko stated that his discussion with Mr. Wyndham was that any time there would be an event, they would notify the Madison Fire Department how many people will be attending the event. He added that would be for any of the larger events and the property was inspected and there is ample access for safety vehicles. The Board discussed and agreed that the maximum number of overnight guests shall not exceed one hundred-fifty (150) people and that the Fire Department must be notified of the duration of an event and the number of overnight guests.

Mr. Walland stated that the only other item he had for a possible condition is the driveway access. He stated that there has been discussion regarding the turn-off on the northern driveway well before the Blake's property which could be used for accessing the camping area and there was also discussion about entering the property near the Wyndham's house. Mr. Sill stated that with the fence going down both sides completely that helps a lot, but maybe moving the northern entrance south so it would be off the property line forty (40) feet. Mr. Walland stated that in his opinion that would be a bit excessive. Mr. Wyndham stated that they are willing to divert traffic so that the traffic would not pass the property line that abuts the Blake property. Mr. Blake stated that all the traffic that enters the northern drive is visible from his property. Mr. Wyndham stated that he is willing to make his residence driveway the primary entrance. Mr. Wyndham also stated that the only entrance for cars to access the northern half of the property is the northern driveway. Mr. Walland asked if the camping area is accessible from the Wyndham's personal driveway. Mr. Wyndham stated that there is no car road from the big meadow in the back. Mr. Wyndham stated that he could keep the primary traffic using his personal driveway as the entrance, but the traffic on the northern driveway cannot be reduced to zero (0). Mr. Walland stated that the condition will be that the main entrance and exit will be located on the south side of the Wyndham's house and the north driveway will be used for emergency vehicles only. Mr. Wyndham stated for the record that the only way in to their worship area is from the northern driveway.

Mr. Walland also added that the noise ordinance is also a condition, no excessive noise from 11:00 pm until 7:00 am.

Mrs. Howell confirmed that other conditions to be included are; parking areas defined on a map, solid waste disposed of properly and appropriate number of toilets to serve the attendees, signage to identify the property, obtain any required Zoning and/or Building Department permits for structures that have been erected, an inspection of the property by the Madison Fire District shall be required with a written approval report submitted to the Zoning Office, provide the proposed schedule of events, which will establish the number of overnight stays per event, the total number of overnight guests per event not to exceed one hundred fifty (150) people, for each scheduled event the Madison Fire District will be notified in advance of the dates and number of guests attending. Mr. Sill commented that in his opinion that covers all the

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conditions. Mrs. Blake stated that she would like to see a maximum number of overnight events established. The Board discussed with Mr. Wyndham and decided that a maximum of six (6) events per year that will have overnight guests.

Chairman Dubiel stated for the record that he would like to continue the hearing so the Conditional Use Permit hard copy can be reviewed by the Board. The Board discussed and agreed to continue the Public Hearing until March 14, 2019.

A motion to continue the Public Hearing until March 14, 2019 was presented by Chairman Dubiel, seconded by Mr. Sill.

Roll call: All "Ayes."

Ms. Diak abstained due to the fact that she recused herself from the Conditional Use Permit Hearing.

There being no further matters before the Board, a motion was presented by Mr. Francis to adjourn the meeting, seconded by Mr. Sill.

Roll call: All "Ayes."

The meeting was adjourned at 8:35 p.m.



Bill Dubiel, ~~Chairwoman~~
Chairman



~~Lora Diak, Secretary~~ Acting
Evan Francis

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