

# 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, March 14, 2019

20

7:00 p.m.

Chairman Dubiel opened the Meeting of the Madison Township Board of Zoning Appeals at 7:02 p.m., with the following people present: Mr. T. Sill, Mr. E. Francis, Mr. R. Glover, and Mr. B. Dubiel. Ms. L. Diak was absent. Mr. F. Walland was present as Zoning Inspector and Mrs. M. Howell.

A motion to approve the minutes from the February 14, 2019 meeting was presented by Mr. Glover, seconded by Mr. Francis.

Roll call: All "Ayes."

Mr. Walland stated for the record that the Public Hearing for Conditional Use Permit #18-002 was continued from the February 14, 2019 Meeting. He stated for the record that the applicants are Susan & Jeff 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 fifth (5<sup>th</sup>) meeting on this matter and asked if anyone had any **new** information or questions that have not been addressed.

Chairman Dubiel administered the Oath of Accuracy to anyone wishing to speak regarding CUP #18-002.

Mr. Jeff Wyndham, 2451 Bennett Rd., Madison, OH. Mr. Wyndham confirmed that the Board had received his letter that he had sent to Mr. Walland. The Board acknowledged that they had received the letter. Mr. Wyndham summarized his letter by stating that it contains his researching of the cost of fencing materials. He stated that he is concerned of the financial burden if required to fence three thousand (3,000) linear feet of property boundaries.

Mr. Wyndham read from his letter; *To be a little more emphatic, I hope that we can avoid extra cost based on efforts to provide "security" against what is essentially a non-existent threat. Despite the Blakes' frequent repetition of two or three, now long ago, incidents there has been zero reason to expect security difficulties. While we have kept a "high road" approach throughout this process, I do wish to say that much.* Mr. Wyndham informed those in attendance that he spoke with a contractor who quoted ten dollars (\$10) per linear foot. Mr. Wyndham again read from his letter; *One thing that seems plain is that the standard roll of perimeter fencing of most any grade in four foot (4') in height. I do think that a four foot (4') fence must be sufficient for the task. We are not building a jail or an impound lot. A four foot (4') fence would be a clear boundary marker for foot traffic and prevent casual wandering off of (and on to) our property. A four foot (4') field fence would be my favorite characterization for what we are being asked to build, allowing me to shop for materials without specifying a brand.*

Mr. Wyndham provided the information of two different fencing types. Mr. Walland asked Mr. Wyndham if the fencing is some type of mesh fabric that would go from the ground up. Mr. Wyndham confirmed that is correct, rectangular grid of fencing, bottom to top. Mr. Francis asked what the material for the fence is. Mr. Wyndham stated that the material of the fencing would be metal. Mr. Walland asked if it would be similar to chicken wire. Mr. Wyndham confirmed, similar to chicken wire, but a bigger grid. Mr. Wyndham stated that he would prefer to set the fencing six inches (6") off the ground, to allow small creatures to move freely under the fencing. Mr. Wyndham also stated that he really doesn't want to put a deer fence in the middle of the southern boundary. Mr. Wyndham added that the poles are a larger cost than the actual fencing. Mr. Wyndham stated that his favorite fencing outcome would be to fence only the contiguous boundary with the Blake's property. Mr. Wyndham added that his thoughts would be to fence the northeast corner so that it was clear as to where the boundary is located and would also have signage there as well. Chairman Dubiel commented that at the last meeting Mr. Wyndham was in agreement to have a six foot (6') fence along the north and south



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property lines and a farm fence along the east property line and now it appears that Mr. Wyndham is backing away from that. Mr. Wyndham stated that he never agreed to that fencing, he stated that this is entirely a discussion of what he is going to be forced to spend. Mr. Wyndham stated for the record that he intends to meet whatever standards are proposed by the Board. Mr. Francis questioned Mr. Wyndham regarding the four foot (4') fence around the entire property and at the end of the discussion, the comment regarding if it were only the northern boundary that Mr. Wyndham would consider a six foot (6') metal fence. Mr. Francis asked Mr. Wyndham if he is willing to fence the northern boundary with a six foot (6') metal fence. Mr. Wyndham stated that he would, but if someone wants to get past a fence, they will get past a six foot (6') fence as well.

Ms. Stephanie Blake, 2217 Bennett Rd., Madison, OH. Ms. Blake stated that in her opinion if the Wyndham's had agreed to the six foot (6') chain link fence, then that's what should be required. Ms. Blake stated that a split rail fence is not adequate in her opinion. Mr. Francis asked Ms. Blake if her and her husband would be comfortable with a six foot (6') chain link fence on the northern property line. Ms. Blake stated that a six foot (6') chain link fence was discussed for the northern and southern property lines. Mr. Francis added that Mr. Wyndham had stated that they would be willing to extend the fencing around the corner traveling fifty (50) to one hundred (100) feet southerly along the eastern boundary. Ms. Blake stated that she would like to see the fencing extend one hundred feet (100') along the eastern boundary.

Mr. Francis asked the length of the eastern boundary. Mr. Walland stated that it is approximately thirteen hundred feet (1,300'). Mr. Walland stated for the record that there has only been one abutting property owner who has shown up, and if it was required to fence the entire perimeter, then the interior properties are not being treated the same.

Mr. Wyndham questioned the discussion from the last meeting regarding the northern driveway, he stated that they would use the southern drive even though it is ridiculously inconvenient for the way the property is used and there still will be traffic in and out of that northern driveway, which is really not even near the Blake's house. Mr. Walland asked Mr. Wyndham about the first turn-off on that drive. Mr. Wyndham stated that they plan on using that turn-off instead of the one that is close to the Blake's property line no matter what. Mr. Wyndham stated that they are going to keep cars off of the eastern half of the north road as much as possible.

Mr. Francis stated for the record that the northern boundary line measures on the map that was provided, thirteen hundred and nine feet (1,309') and the eastern boundary line measures fourteen hundred twenty feet (1,420').

Chairman Dubiel administered the Oath of Accuracy to Mr. Mike Blake.

Mr. Mike Blake, 2217 Bennett Rd., Madison, OH. Mr. Blake stated that he wasn't going to speak this evening because he thought this meeting was going to be just voting on the things that were agreed upon at the last meeting, but now he feels like Mr. Wyndham is dictating a whole different set of terms from what were agreed upon. Mr. Blake stated that he is still upset that a major campground is going in next to his property. Mrs. Howell and Mr. Walland stated for the record that there was no agreement, that a draft was drawn up for the Board to work from and there were no final decisions made. Mr. Francis stated for the record that once the Board finalizes the conditions, Mr. Blake will realize that most everything talked about at the last meeting is included in the finalized conditions. Mr. Francis asked Mr. Blake what he thought was the agreement for the fencing. Mr. Blake stated that it was discussed at the last meeting that there would be a six foot (6') chain link fence along the north and south boundaries and some kind of boundary in the woods, but not a six foot (6') boundary and there would be no traffic on the north drive, that it was to be used for emergency purposes. Mr. Francis stated that there have been various thoughts regarding the fencing, other than that, most all of the other items discussed at the last meeting are still the same.



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A motion to enter into executive session at 8:21 p.m. to discuss and finalize the conditions of the CUP was presented by Mr. Sill, seconded by Mr. Glover.

Roll call: All "Ayes."

Mr. Walland informed those in attendance that the Board is entering into an executive session to finalize the conditions for CUP #18-002, the two main points being the fence and the north driveway.

Chairman Dubiel stated for the record that the Board of Zoning Appeals meeting is now resumed. Mrs. Howell stated for the record that all members of the Board are still present.

Mr. Walland stated for the record that Mrs. Howell will read the conditions set by the Board for CUP #18-002 for a Place of Public Assembly:

1. *An inspection of the property by the Madison Fire District shall be required with a written approval report submitted to the Zoning Office*
2. *The Place of Public Assembly shall be permitted unless prohibited by court order, a petition seeking ballot referendum or other such legal measures are presented and brought forward*
3. *Obtain any required Zoning and/or Building Department permits for structures that have been erected*
4. *A six foot (6') chain link fence along the northern property line continuing one hundred feet (100') southerly on the eastern property line*
5. *The total number of overnight guests per event not to exceed one hundred fifty (150) people*
6. *For each scheduled event the Madison Fire District will be notified in advance of the dates and number of guests attending and the Zoning Inspector shall be notified at least 48 hours in advance of non-scheduled events*
7. *The main entrance and exit drive will be located on the south side of the Wyndham's home and event traffic shall be directed to use the **first** right on to Ring Road, as shown by attached Exhibit A*
8. *Provide the proposed schedule of events, which will establish the number of overnight stays per event*
9. *A maximum of six (6) events per year that will have overnight guests*
10. *Parking areas defined on a map based on maximum occupancy*
11. *Solid waste disposed of properly and appropriate number of toilets to serve the attendees*
12. *Signage to identify the property*
13. *There shall be no excessive noise after 11:00 pm and before 7:00 am*
14. *The Grantee of this Conditional Use Permit shall comply with all federal, state and local laws, statutes, rules and regulations including but not limited to, those set forth herein, and those relating to structures, lights, signs, and accessory uses*
15. *Applicant must provide written approval from any governmental agency claiming jurisdiction on this activity*
16. *Noise, vibration, glare or electrical interference off site, shall not be deemed excessive by the Madison Township Board of Zoning Appeals*
17. *The Madison Township Board of Zoning Appeals may revoke this Conditional Use Permit upon written evidence and proof that there has been a violation of this Conditional Use Permit or any of its terms and conditions set forth herein. Should a written complaint be received by the Zoning Inspector,*

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*who indicates one or more of these conditions has been breached, a hearing before the Board of Zoning Appeals shall convene to discuss the issues.*

*18. This Permit shall be valid for the parcel, company name, and property owners as specified on this permit and shall not be transferable upon sale of parcel, business name or business operation. Should the business expand with additional partners, officers, or investors who have controlling interest in the operation, the applicant shall immediately notify the Zoning Inspector in writing of such changes who shall, if necessary, set a public hearing to review the information.*

Chairman Dubiel stated for the record that the conditions must be met before any events can occur. Mr. Wyndham stated that they will do their best to meet all requirements before May 6<sup>th</sup>, which would be their first "day event."

Mr. Walland had the Board vote on CUP #18-002.

The Board approved CUP #18-002 by a vote of 3-1:

Chairman Dubiel: No                      Mr. Francis: Yes  
Mr. Sill: Yes                                Mr. Glover: Yes

The Public Hearing for CUP #18-002 was closed at 8:29 p.m.

Mr. Walland stated that there is no new or old business for the Board at this time. Mrs. Howell stated for the record that at this time there is nothing on the April Agenda for the Board.

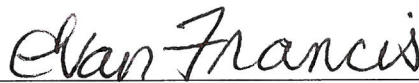
There being no further matters before the Board, a motion was presented by Mr. Glover to adjourn the meeting, seconded by Mr. Francis.

Roll call: All "Ayes."

The meeting was adjourned at 8:30 p.m.



Bill Dubiel, Chairwoman



Evan Francis, Acting Secretary