

COLERAIN TOWNSHIP ZONING HEARING BOARD MINUTES
Stephen King 2022-06
August 3, 2022 at 7:00 P.M.

Members present were: Bob Stanley, Chairman, Doug Eaby, Vice-Chairman, Tammy Rineer, Member, and Sara Hodgkiss, Alternate. Sara served Cases 2022-05 and 2022-07. Tammy served case 2022-06. Josele Cleary, Zoning Hearing Board Solicitor was present as well as Allen Blank Court Reporter. A listing of others in attendance will be kept on file.

This Case immediately followed the Joseph Fisher Case. Ms. Cleary opened up the Case by reading the notice.

At this time Ms. Cleary asked if anyone wished to be recognized as a party. The following resident stepped forward: Nanci Caskey. Ms. Cleary then asked the applicant if he had any objections to recognizing any of the residents that wished to claim party status. He did not.

A motion was made by Doug Eaby and seconded by Bob Stanley to recognize the above stated resident with party status. The vote was unanimous.

At this time Mr. Fishers council Sam Goodley stepped forward to present his case by explaining the Special Exception request, reading from the pertaining zoning ordinance sections, details of the plan as well as location, history of existing buildings and use of those buildings on the property.

All witnesses and those testifying were sworn in.

Mr. Goodly called Mr. King his witness. Mr. King verified that he is the owner of the property in question as well as stating the acreage, the location of proposed buildings, who is planning on residing on the proposed third dwelling, the current uses of the property, the proposed use of request, that he is aware of the setbacks required, setback of proposed dwelling, and finally verified that the request he applied for will not violate Section 6.36 of the Zoning Ordinance.

Ms. Cleary asked Ms. Caskey if she had any questions for Mr. King and she did not. Questions were opened to the audience.

Scott Kulicke asked for clarification of Mr. Goodley's opening statement regarding the plan complying with Section 6.04 of the Zoning Ordinance. He then asked the relationship of the two tenants on the property which Mr. King verified are not related. Mr. Kulicke stated that he felt he did not comply with section 6.04 since he could simply remove a tenant and have a home for his son. Mr. Goodly explained that the request was not for section 6.04.

Mr. Kulicke asked what the plans were for the existing kennel and Mr. King responded that it is now being rented out for goats.

Ms. Cleary asked Mr. King to describe all the uses that are currently on the property, when he purchased it what use he has planned for the 50 acres of farm ground and 12 acres of woods that will be left for his use after renting the rest out, did all the current uses begin after he purchased it. Mr. King verified that he will be growing crops and milking cows to go along with the proposed

house and barn. He also gave an approximate size for the house and barn. He purchased the property in 2018 and began all the current uses at that time.

Mr. Eaby commented positively on Mr. King renting the farm out and letting the son run the farm. Mr. Stanley asked for verification that the "Spring House" marked on the plan is the cottage referred to and he stated it is.

After a very long question and answer question session and much confusion concerning all the many uses and areas rented out Sara Hodgkiss suggested the applicant mark- up his plan with all the different uses and their areas within the 91 acres.

Ms. Cleary suggested a five- minute recess so the plan could get marked up for clarification. The plan will get marked Exhibit A1.

Mr. Stanley asked the audience if anyone wished to come take a look at Exhibit A1. Ms. Cleary stated for the record that during the recess the plan and application were marked up with the different areas and uses as Exhibit A1. Ms. Cleary invited any interested audience members to come view said plan. Mr. Goodly was asked to explain the markings which he did. Mr. Goodley asked Mr. King to verify if what he stated was true and he did so.

Ms. Hodgkiss asked for more clarification on who is renting what and their uses are. Mr. King obliged.

Mr. Kulicke asked for verification that through all the questioning there are currently five uses on the property. After Mr. King answered, Ms. Cleary asked for more clarification as she was feeling confused since Mr. King mentioned another future use. Ms. Hodgkiss suggested continuing the hearing until September to give Mr. King more time to prepare better documentation.

Mr. Stanley mentioned that a decision has to be made on what is presented today. Ms. Cleary made it clear what an applicant needs to do when they apply and also to present what they are asking for in their testimony.

Ms. Cleary explained what her understanding is so far in the hearing. Mr. King forgot about ten acres he rents out and came up and marked it on the plan. Ms. Cleary went through all of the uses with Mr. King and he verified each statement she made.

Stephanie Pierce asked Mr. King is a manure pit or sileage containers are planned and he stated yes. She also asked Mr. King what the plans were for the two existing homes and he stated that he wants to keep renting them out. Also, she asked what he would do if the Township would not allow that. he stated that he would have the option of demolishing the cottage. She also expressed concern over any existing historical buildings being demolished.

At this time Ms. Clearing explained the options available to the Board for the purposes of rendering a decision.

Mr. Eaby expressed his concern that the hearing should be continued as he is very confused about the drawing.

Ms. Cleary asked the applicant if he desired a continuance to present more evidence to the Board and he did.

Mr. Stanley made a motion for a continuance but there was not a second.

A motion was made by Bob Stanley and seconded by Doug Eaby to close testimony and go into executive session. After some time, Mr. Stanley called the meeting back to order.

A motion was made by Tammy Rineer and seconded by Doug Eaby to grant the Special Exception with conditions that were ready Ms. Cleary and listed below. The vote was unanimous.

The Conditions are as follows:

1. Use of the property shall be limited as said forth in the testimony. Landowner shall not rent land or buildings to additional tenants. There shall be three single family detached dwellings, one dairy operation of app. 62 acres and one-horse boarding and goat operation of ten acres. Single family dwellings may have residential accessory structures which would be the storage sheds mentioned.
2. Dog breeding or kennel operation is not to be established on the property.
3. Landowner shall comply with Storm Water management Ordinance and all other applicable Township Ordinances.
4. Landowner shall demonstrate to the Township that Landowner has obtained a Manure Management Plan and an Odor Management Plan prior to an issuance of an occupancy permit for the proposed dairy barn. Operator of the dairy operation shall implement the Manure Management Plan and Odor Management Plan
5. Applicant shall not remove any historic dwelling without approval from the Zoning Hearing Board.
6. Applicant shall comply with and adhere to all of the testimony presented.
7. Any violation of a condition is a violation of the Zoning Ordinance punishable as such.
8. The Applicant shall obtain permits necessary for the use.
9. Conditions are binding on the landowner, his successors and assigns.

A motion to adjourn at 9:44 was made by Doug Eaby and seconded by Tammy Rineer. The vote was unanimous.

Respectfully Submitted,

Carmen B. Wiker, Asst. Zoning Hearing Board Secretary