

City of Defiance Planning Commission

September 15, 2014, Meeting Minutes

ATTENDANCE:

Name	Title	Yes	No
Steve Graf*	Defiance City Planning Commission Chairperson	X	
Mark Hall*	Defiance City Planning Commission Vice-Chairperson <i>[Representative from Parks Board]</i>	X	
Paul Sulpizio*	Defiance City Planning Commission Member	X	
Drew Schindler*	Defiance City Planning Commission Member	X	
Dan Bohn*	Defiance City Planning Commission Member <i>(Representative to Zoning Board of Appeals)</i>	X	
Bob Armstrong*	Defiance City Mayor	X	
Jeff Leonard*	Defiance City Administrator	X	
J. Roger Engel	Defiance City Zoning Board of Appeals	X	
Lee Rausch	Defiance City Engineer/Planning Commission Clerk	X	
Connie Seimet	Defiance City Planning Commission Secretary	X	

* Voting Members of Committee

OTHERS PRESENT:

Name	Company	Address	Phone No.
Jean Weible		1246 Pinehurst Drive, Defiance	
Craig Riedel		1246 Hilton Head Ct., Defiance	
Richard Hughes		792 Deerwood Drive, Defiance	
Nick & Abigail Gill		1372 Pinehurst Drive, Defiance	
Mike Ketcham		1926 Edgewood Dr., Defiance	
Mike & Kathy Suzo		716 Deerwood Dr., Defiance	
Daniel Herko		1302 Hilton Head Ct., Defiance	
Ruth & Larry Schafer		705 Domersville, Defiance	
Ron Posey		1917 Darbyshire, Defiance	
Sandy & Vic Dunlap		1318 Pinehurst Dr., Defiance	
Gary Westrick		1225 Carpenter Rd., Defiance	
S.G. Brugler		1520 Edenberry Ct., Defiance	
George Masterson		1019 Latty St., Defiance	
Phil Flory		1450 Pinehurst Dr., Defiance	419-980-0834
Randy Wright		714 Burning Tree, Defiance	419-438-6365
Louise & James Parsons		1318 Byrnwyck Ct., Defiance	419-782-0172
Greg Timmons		841 Inverness Dr., Defiance	419-769-0865
Jack Long		1245 Hilton Head Ct., Defiance	419-438-4880
Mindy Cline		1275 Pinehurst Drive., Defiance	419-782-0900
Larry Plummer		21297 Kiser Rd., Defiance	419-782-3155
Tony Hoeffel		114 Hogan Lane, Bryan	
Kit Johnson		Owns: 1261 Pinehurst; Lives at: 5982 Rd 24, Continental, OH	419-596-3530
Susan Hurt		1532 Edenberry Ct., Defiance	
Jim & Dee Spengler		1396 Heatherdowns Dr., Defiance	
Paul & Denise Kimberly		708 Burning Tree, Defiance	419-782-6440
Deb Zeller		764 Deerwood, Defiance	419-782-3707
Floyd & Ann Culver		1330 Pinehurst Dr., Defiance	
Bill Brownson		1288 Pinehurst Dr., Defiance	419-784-0764

James Meyer		854 Inverness Dr., Defiance	419-784-5215
Leroy Sanders		1262 Pinehurst Dr., Defiance	419-784-1148
Ann Clevenger		834 Inverness Dr., Defiance	419-784-3277
Phyl Snyder		1505 Edenberry Ct., Defiance	419-784-3860
Paul & Sharon Gearing		1293 Quail Hollow, Defiance	419-782-8614
Alan & Debra Fick		802 Inverness Dr., Defiance	419-782-3800
Joseph Westrick		813 Inverness Dr., Defiance	419-782-4159
Gerald & Carolyn Saco		16568 Cullen Rd., Defiance	419-395-1452
Bernard Bates		1302 Byrnwyck Ct., Defiance	419-782-9801
Nancy Jehanyer		1329 Pinehurst Dr., Defiance	419-782-1455
David Williams	City of Defiance, Law Director		

Chairperson Mr. Graf called the meeting to order at 4:30 p.m. with a quorum present.

ADMINISTRATIVE ITEMS:

Approval of the Planning Commission Meeting minutes from August 18, 2014:

- Mr. Sulpizio made a motion to approve the August 18, 2014, Planning Commission Meeting Minutes. Mr. Bohn seconded the motion. The motion carried unanimously.

Administrative Activities:

- Mr. Rausch said there have been changes made to the updated Zoning Code. One item clarifies the M-3 Zoning and warehouse uses; another section has been changed regarding non-conforming uses regarding residential areas (in areas not zoned for residential use) and those owners being able to add on or in case of a fire (which has been burned over 50%), being able to rebuild (changes are attached to the end of these minutes). Mayor Armstrong made the motion to recommend passage of the changes to the proposed Zoning Code, seconded by Mr. Sulpizio. All members voting aye, the motion was approved. Mayor Armstrong commented that Mr. Rausch did a good job in revising the changes to the code.

Clerk's Report:

- Mr. Rausch said we now have a color rendering of the print for Ashley Furniture (which he shared with all). They are starting to "move dirt around" on the site.

PLANNING ITEMS:

Planning Item 1 – PROPOSED FINAL PLAT FOR STONEGATE ESTATES REPLAT, REVIEW AND RULE –

Resubmittal. Location description: Tony Hoeffel, applicant for the property owners of said subdivision (Northwest Ohio Development Co., LLC), Final Plat for Stonegate Estates Replat of Lots 1-8 & Lots 19-22, located in the City of Defiance described as the NW ¼, of Section 23, T4N, R4E, Noble Twp., Defiance County, Ohio. Existing use is R-2 "Medium Density Residence". Said request is by the owners of this site. Revised Plat Received on August 20, 2014.

Mr. Graf read the item to all. Mr. Graf stated that the plat has been revised to meet current setback requirements.

Mr. Hall would like to make the motion to approve the Final Plat for Stonegate Estates Replat, seconded by Mayor Armstrong. All members voting aye, the motion was approved.

Planning Item 2 – PROPOSED PERMANENT REZONING, 1708 BALTIMORE STREET, REVIEW AND

RULE: Location description: Parcels B012104001701, B012104001100, B012104001200, B012104001301, B012104000500, B012104000400, B012104000301, B012103001700,

B012103001800, B012103001901, B012103000500, B012103000400, B012103000301, B012103000300, B012103000200, B012103000100, located in the City of Defiance, Defiance County, Ohio. Rezoning request is for the entire property. Proposed rezoning of 1708 Baltimore Road is M-3 "General Industrial" District. Existing zoning is M-2 "Limited Industrial" District. Said request is by the Baker's Propane Inc.

Mr. Graf read the item to all. There are many small parcels on this lot, which are owned by Mr. Ron Burk. Mr. Graf said the proposed use is bulk propane. Mr. Graf said the proposed buyer would like this lot because there is a building on the property already.

Mr. Engel commented the existing zoning is B-3 not M-2. Mr. Rausch said that is correct; there was an error on the above information. Mr. Rausch said there is M-3 across the street.

Mayor Armstrong asked Mr. Engel if he was comfortable with the safety concerns and bulk storage. Mr. Engel said that will be handled through the State and they have specific restrictions; there was a tank at the former Zeller property (which has since been removed). Mr. Rausch said the safety issue was discussed in great length in Project Review. Mr. Graf thought there was another bulk station down the street and across the tracks. Mr. Rausch confirmed there was.

Mr. Rausch read two letters from neighboring property owners opposing the rezoning – one from Carolyn Kopera-Saco and Gerald Saco, 1612 River Street and another from Loretta Gerken, owner of "The Barber Shop", 1602 River Street. Both letters are in the Planning Commission file, copies attached.

Mr. Rausch mentioned that this rezoning request would need to go to Zoning Board of Appeals (ZBA) as well, since it is "below-the-line". Mr. Leonard commented that if they didn't say what business would be going into the property (which they do not have to) would that affect our decision? Mayor Armstrong said the zoning would be contiguous, what grounds could we deny the zoning. Mr. Graf agreed it would be contiguous, it would not be spot zoning. Mr. Leonard said the former Fire Chief was concerned with a current propane business that wanted to add on years ago, which was outside City limits. Mr. Engel said there was an area that was annexed in behind the propane business that was why the City was concerned with that propane business. Mr. Engel said the State has very strict requirements for bulk stations. Mr. Engel said the only way this business will be able to go onto the property, is if it is rezoned to M-3. Mr. Engel said the tanks will be located at the back of the property; a site plan will need to be submitted for ZBA (there is a sewer easement that will be taken into consideration as well). Mr. Bohn was concerned as to where the tanks would be placed. Mr. Engel said the State would follow with the specific requirements.

Mr. Leonard wanted to know if this is the best and highest use of the land. Mr. Rausch said this would generate tax dollars. Mr. Engel said that is why it is being brought to Planning Commission. Mr. Graf said he can understand why they are interested in the property, as it is already developed. Mr. Sulpizio asked about the trucks coming in and out. Mr. Rausch said that would be part of their Access Management Plans that would be reviewed by the City. Mr. Leonard wanted to know if the site is compatible to the surrounding zoning. Mr. Graf said it would not be considered spot zoning.

Note: There was **not** a representative from Baker's Propane at the meeting.

Mr. Ron Posey, 1917 Darbyshire, wanted to know why the representatives from ODOT and EPA aren't here. Mr. Leonard wanted to know why they would be present, as this is City property and City jurisdiction. Mr. Rausch said this is only a Planning Commission meeting. Mr. Leonard said this is a meeting for a rezoning request only and the owners will need to meet the requirements of all City and State Codes (including EPA).

Mayor Armstrong would like to make the motion to approve the recommendation to Council for rezoning to M-3, seconded by Mr. Leonard. All members, except Mr. Bohn, voted aye, the motion was approved.

Planning Item 3 – PROPOSED MASTERSON PROPERTY PERMANENT REZONING, REVIEW AND RULE
(Tabled from 8/18/14 meeting). Location description: Parcel J050018000200, located in the City of Defiance, Defiance County, Ohio. Rezoning request is for the entire parcel. Proposed rezoning of the southern 500 feet is O-R “Office-Residential” District. Proposed rezoning of the remainder is M-2 “Limited Industrial” District. Existing use is R-2 “Medium Density Residence” District. Said request is by the City.

Mr. Graf read the item to all. Mr. Graf commented that with the new Rt. 24 and the updated railroad in place it allows this property to be a good location for potential development.

Mr. Culver, 1330 Pinehurst, is concerned about what is happening by not knowing (as the Planning Item 2 was just passed). Mr. Culver said there were things taken out of the new Zoning Code (like slaughter houses). Mr. Culver felt the buffer zone being moved to 500 ft. is “somewhat decent.” Mr. Leonard said this is a tough decision for the City; however, they are common in other areas. No one wants to down grade anyone’s property. The decision made is the best and highest use of the property. Mr. Leonard continued that during the ZBA meetings, people can voice their opinion about a specific business that is interested in buying the property; this meeting is only to rezone the current property – with not having someone who is interested in the property. He would not oppose voting to put the property back to R-2 zoning if the land did not develop under M-2 and an investor wanted to construct residential housing. Mr. Culver wanted the City to make a wise decision for the zoning of the property. Mr. Leonard said that is what we are going to do; this decision is not made lightly, he has put much research in this decision.

Kit Johnson, 1261 Pinehurst, wanted to know what zoning code will be followed tonight. Mr. Graf said we will be using the old zoning code. Mr. Johnson said then we will be lost if the new zoning code is not voted in, then the zoning would not be effective. Mr. Rausch clarified when we vote tonight, it is for the old zoning, and however it is the same as the new code. Mr. Graf said if we vote “yes” we recommend to Council the new code and the new 2030 Land Use Plan – to be presented as one in an ordinance approving the 2030 Land Use Plan – which would take three full readings before approving them. Mr. Rausch said the way it will go to Council is the document and the rezoning. There are several other rezoning areas that will be included in this as well.

Mr. Williams said the Planning Commission will make a recommendation to include the revised zoning code changes to Council. Then Council can approve it with a majority to vote. This will be an adoption of a long term master plan. There are other changes of zoning in the City as well. City Council will review and approve the zoning changes and it will become a comprehensive master plan. Mr. Williams said they have been working on the revised Zoning Code for many years. Mr. Graf said they have been working on revising the plan for approximately four years.

Ms. Sandy Dunlap, 1318 Pinehurst Drive, is scared that the rezoning will make the zoning designation meaningless. Mr. Leonard stated the zoning is a guiding document.

Leroy Sanders, 1262 Pinehurst, wants to know if the residents can appeal to Council, if this rezoning is approved tonight. Mr. Graf said there would be three readings of the ordinance, by Council, before the zoning is permanent. Mr. Graf said the business interested in the property must go through ZBA as well.

Mr. Leonard said that any interested business may have to rezone the property, which would go before Planning Commission and Council.

Jean Weible, 1246 Pinehurst, wanted to ask if anyone had visited their housing area. Some had been through it. Ms. Weible asked if there was any interest in the area and number of jobs that will be brought to the area. Mr. Leonard said he can't share, since we don't know the business coming in, there are industrial "feelers" in the area. Mr. Graf said the size of the area will not be GM or JM. Mr. Leonard is not getting into Economic Development tonight. Mr. Rausch said we are hoping for office buildings to go into the buffer area, there are new criteria in the zoning code (more upscale criteria). Ms. Weible wanted to know if there was a comparable area in Napoleon that this proposed area would be compatible to. Mr. Bohn said there is an industrial park in Napoleon. Mr. Graf said there are nice homes near an industrial park in Archbold. Mr. Leonard said there is criteria with any business interested in the site, during ZBA that is when residents need to come to the meeting. Mr. Hall said the former SK Handtool has residential all around it, this is not the type of area that will be created in the future by the City. Mayor Armstrong said there have been areas developed in the City for specific types of businesses, he wants to be open to as many jobs to come to this area as possible. Mayor Armstrong doesn't want to create more noise than JM and smell as GM, good decisions will be made.

Richard Hughes, 792 Deerwood, agrees we need jobs in the city, he feels the neighborhood is nice and he doesn't want to see it ruined.

Mr. Graf said Dr. O'Donnell is in the neighborhood now. That would be a type of business that we would hope for in that area.

Louise Parsons, 1318 Byrnwyck, is concerned with the O-R zoning and what can be put in the zoning, since O-R is such a broad zoning type. Mr. Rausch said there could be a McDonald's Restaurant put in the area beside Dr. O'Donnell's office right now, the area is zoned B-3. Ms. Parsons claims the City knows what is going into the area now, but won't tell them, that is why they are upset. Mr. Rausch said the Planning Commission meetings are advertised on the City's website and in The Crescent News; the meetings are normally held the third Monday of each month.

Mayor Armstrong said the area is attractive to potential businesses. He is not aware of any specific businesses who are interested in the area.

Phil Flory, 1450 Pinehurst, said since George Masterson still owns the property, why don't we leave the area zoned as it is and when someone wants to buy the property rezone it then. Mayor Armstrong said the developers look at the property that is zoned what they are looking for. He feels he is doing the public a disservice by not rezoning it for the possible business who may be looking at it. Mr. Graf said the 2030 Lane Use Plan is required by the State and by having the rezoning matters resolved in the plan, the City makes itself available for Federal and State funds that may help with infrastructure development.

Ms. Weible has a copy of the 2030 Strategic Plan, she referenced a paragraph and wanted to know if the paragraph would be taken out, it states: "...provide adequate housing opportunities for residents: we would encourage the development of new high end housing similar to the Kettenring Hills Development." Mr. Leonard said if someone wants to develop the land for residential use, he would be in favor of that as well, this section will not be removed from the plan.

Carol Johnston, owns property on Pinehurst, said this is still the United States and the City should not decide for Mr. Masterson, this sounds like what they do in other countries. Ms. Johnson doesn't want to see the people forced out of this subdivision by people putting in an industrial development.

Mr. Al Fick, 802 Inverness, said there is an area available for development on the northern side Elliott Road and wanted to know why the businesses wouldn't look to that area as well. Mayor Armstrong commented that area is outside City limits.

Mayor Armstrong would like to make the motion to recommend the rezoning of the Masterson property to Council, seconded by Mr. Hall. All members voting aye, the motion passed.

OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:

- None at this time.

ADJOURNMENT OF MEETING:

A motion was made by Mr. Hall, seconded by Mr. Bohn to adjourn the meeting at 5:43 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

Connie M. Seimet

Planning Commission Secretary

Lee P. Rausch
Planning Commission Clerk

Steve Graf
Planning Commission Chairperson

***Note the following pages reference the revised Zoning Use Table:**

CHAPTER 1169. Zoning Districts and Use Regulations
Section 1169. 06 Principally Permitted Uses

6. Use Determination and Unlisted Uses

- a. The zoning commissioner shall make the determination if a proposed use is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section and code.
- b. The zoning commissioner may determine that a proposed use is substantially similar to a use that is permitted, permitted with standards, or a conditional use established in [Table 1169. 06-1: Principally Permitted Uses](#) based on the proposed use activities, character of use, similarity to existing uses within the city, or information on the use as may be available from third-party land use resources such as documentation from the American Planning Association, Urban Land Institute, or similar organizations. If the zoning commissioner finds that the proposed use is substantially similar to a use established in [Table 1169. 06-1: Principally Permitted Uses](#), the application shall be processed in the same manner as the similar use.
- c. If the zoning commissioner makes the determination that a use is prohibited, the application shall not be processed and the application fee shall be returned.
- d. If the applicant disagrees with the zoning commissioner’s determination regarding the proposed use, the applicant may choose to take one of the following actions:
 - i. The applicant may appeal the determination of the zoning commissioner to the BZBA pursuant to [Section 1165. 09 Appeals](#);
 - ii. The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to [Section 1165. 03 Zoning Text and Map Amendments](#); or
 - iii. The applicant may present their case to the planning commission and/or city council to request that the city initiate a text amendment to address the proposed use and applicable standards.

C. Permitted Use Table

TABLE 1169. 06-1: PRINCIPALLY PERMITTED USES																
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED																
USE TYPE	P-1	S-1	A-1	R-1	R-2	R-3	P-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
AGRICULTURAL USE CLASSIFICATION																
Agriculture	P	P	P	C										P	P	C
Forestry	P	P	P													
Plant Cultivation	P	P	P	P	P	P	P	P								
Specialized Animal Raising and Care	C		C													
RESIDENTIAL USE CLASSIFICATION																
Adult Family Homes or Small Residential Facilities			C	C	C	C		C								1169. 08 A. 1.
Adult Group Homes or Large Residential Facilities			C	C	C	C		C								1169. 08 A. 1.

CHAPTER 1169. Zoning Districts and Use Regulations
Section 1169. 06 Principally Permitted Uses

TABLE 1169. 06-1: PRINCIPALLY PERMITTED USES																
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED																
USE TYPE	E-1	S-1	A-1	R-1	R-2	R-3	R-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
Apartments on Upper Floors								P		P	C	C				1169.08 A. 2.
Dwellings, Multi-Family						P		P	C							
Dwellings, Single-Family			P	P	P	P				P						
Dwellings, Two-Family				C	P	P				P						
Dwellings, Zero Lot Line				Permitted if approved as a PUD.												1171.07 A. 5.
Mobile Home Parks							PS									1169.08 A. 3.
Nursing or Convalescent Homes		C		C	C	C		C	C	C	C					1169.08 A. 4.
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																
Airports		C	C													
Cemeteries		C	C													
Charitable and Philanthropic Institutions			C					P	P	P						
Community Gardens	PS	PS	PS	C	C	C	C	C					PS	PS	PS	1169.08 B. 1.
Cultural Institutions			C					P								
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospitals		C									C					
Parking Lots & Garages	C									C	PS	PS	PS	PS	PS	1169.08 B. 2.
Public and Government Buildings or Uses	C	P	P	P	P	P	P	P	P	P	P	P	C	C	C	
Public Community Centers	C	P		C	C			P	P	P	P	P	P	P	P	
Recreational Facilities, Noncommercial	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Religious Places of Worship		P	P	P	P	P	P	P	C	C	C	C	C	C	C	
Solar Farms		C	C										C	C	C	
Telecommunication Towers and Facilities		C											C	C	C	1169.08 B. 3.
COMMERCIAL USE CLASSIFICATION																
Animal Hospitals & Veterinary Clinics									C	C	C					1169.08 C. 1.
Assembly Halls & Conference Centers								P	P	P	C	C	C			1169.08 C. 2.
Automotive Fuel Sales									C	C	P	C	C	C	C	1169.08 C. 3.
Automotive Repair									C	C	P	C	C	C	C	1169.08 C. 4.
Automotive Sales or Rental									C	C	P	C	C	C	C	1169.08 C. 5.
Automotive Service									C	C	C	C				1169.08 C. 3.
Bakeries & Dairies											C					
Banks and Financial Institutions								C	C	P	P	P				
Bars or Taverns								C	C	C	C	C	C	C	C	
Bed and Breakfast Establishments						C										1169.08 C. 6.
Boarding Houses					C	C		C	C	C	C					
Building Trades & Services											P	P	P	P		
Car Washes										PS	PS	PS				1169.08 C. 7.
Clubs, Lodges, or Other Social Meeting Places								C	P	P	C	C	C			1169.08 C. 8.
Commercial Entertainment Facilities										C	C	P				

CHAPTER 1169. Zoning Districts and Use Regulations
Section 1169. 06 Principally Permitted Uses

TABLE 1169. 06-1: PRINCIPALLY PERMITTED USES																
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED																
USE TYPE	E-P	S-1	A-1	R-1	R-2	R-3	R-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
Commercial Recreation Facilities, Indoors		C	C	C	C	C					C	C	P	C	C	
Commercial Recreation Facilities, Outdoors		C	P	C	C						C		C			1169.08 C. 9.
Convenience Stores								C	C	C	P	P				
Dry Cleaner								P	P	P	P	P				
Educational Institutions, Commercial								P		P						
Family Day Care Home, Type A				C	C	C	C									
Family Day Care Home, Type B				P	P	P	C									
Funeral Homes and Mortuaries				C	C	C		C	C	C	P					
Garden or Landscape Supply Store											P	P	P			
Green Houses and Nurseries			P										P			
Hotels & Motels										P	P	C				
Internet Cafés									C	C	C	C				
Internet Sweepstakes Establishments											C	C				
Kennels			PS										PS	PS	PS	1169.08 C. 10.
Laundry or Laundromat									P	P	P	P				
Lodging Houses					C	C		C	C	C	C					
Lumber Yard											C	C	P	P	P	
Medical and Dental Centers or Outpatient Clinics						C		P	P	P	P	P				
Mobile Home Sales							C									
Nursery Schools or Childcare Centers					C	C	C	C	C	C	C					1169.08 C. 11.
Offices								P	P	P	P	P	P	P	P	
Printing & Publishing								C	C	C	C	C	C			
Restaurants								C	C	P	P	P	C	C	C	1169.08 C. 12.
Restaurants, Fast Food								C	C	C	P	C	C	C	C	
Retail and Service Commercial Uses								P	P	P	P	P	P	C	C	
Self-Storage Facilities or Mini-Warehouses													PS	PS	PS	1169.08 C. 13.
Services, Business								P	P	P	P	P				
Services, Financial								P	P	P	P	P				
Services, Personal								P	P	P	P	P				
Services, Professional				C	C	C		P	P	P	P	P				
Sexually Oriented Businesses															PS	1169.08 C. 14.
Tattoo/Piercing Parlors or Studios								C	C	C	C	C				
Transportation Equipment Sales & Repair											P	P	P	P	P	
Transportation & Trucking Terminals											C	C	C	C	P	
Truck, Trailer, or Farm Implement Sales and Service													PS	PS	PS	

CHAPTER 1169. Zoning Districts and Use Regulations
Section 1169. 07 Similar Use Determination

TABLE 1169. 06-1: PRINCIPALLY PERMITTED USES																
P = PERMITTED PS = PERMITTED WITH STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED																
USE TYPE	E-P	S-1	A-1	R-1	R-2	R-3	R-4	O-R	B-1	B-2	B-3	B-4	M-1	M-2	M-3	ADDITIONAL REQUIREMENTS
Truck Washes												PS	PS	P	P	1169.08 C. 7.
Wholesale Businesses												C	C	P	P	

INDUSTRIAL USE CLASSIFICATION																	
Auto & Metal Salvage Operations (Junkyard)																C	1169.08 D. 1.
Building Materials Sales & Storage														P	P		1169.08 D. 2.
Bulk Plant													C	C	C		
Contractor Offices and Storage														P	P	P	1169.08 D. 3.
Crematory								C	C	C	C			C	C	C	1169.08 D. 4.
Grain Elevator & Feed Mills															C	P	
Laboratories								C						P	P	P	
Manufacturing, General																	P
Manufacturing, Limited																	P
Manufacturing, Restricted														P	P	P	
Mineral, Gravel, or Sand Extraction	C		C												C	C	1169.08 D. 5.
Oil & Gas Well															C	P	
Oil & Gas Well Equipment Sales & Storage																C	
Research & Development Facilities		C												C	C	C	
Sawmill																	C
Slaughterhouses																	C
Stockyards														P	P	P	
Warehousing, Distribution, or Storage Facility														P	P	P	

1169. 07. SIMILAR USE DETERMINATION

- A.** Where there is a proposed use that is not currently listed in Table 1169. 06-1: Principally Permitted Uses, the zoning commissioner may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B.** The zoning commissioner should consider the nature, operation, and function of the use in its determination of the appropriate district.
- C.** The zoning commissioner may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning code or, as an alternative, the zoning commissioner may make a recommendation to the planning commission that a new district and/or new provisions be adopted pursuant to Section 1165. 03 Zoning Text and Map Amendments.

G. Termination of Nonconforming Uses

1. Termination of Use through Discontinuance

A nonconforming use which is discontinued for a period of one year shall not again be used except in conformity with the regulations of the district in which it is located (unless the same is in litigation and the litigation has started within the first 12 months).

2. Termination of Use by Damage or Destruction

- a. If a nonconforming single-family residential use in a nonresidential district is damaged or destroyed to any extent, ~~but not to an extent greater than 50% of the principal structure's value~~, such structure and use may be reestablished on the same lot. Such reestablishment of the use shall require the issuance of a zoning permit.
- b. If a nonconforming, nonresidential use in a residential district is damaged, but not to an extent greater than 50% of the principal structure's value, such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning permit.
- c. If a nonconforming, nonresidential use in a residential district is damaged beyond 50% of the principal structure's value, such structure and use may only be reestablished with approval by the BZBA after consideration of surrounding uses and the impact of the nonconforming use.

H. Exceptions for Existing Industries

Nothing in this code shall prohibit the expansion of present industries at the same or adjoining properties (including across streets), provided that the land classification is the same as that of the industry, and that setback and yard dimensions are not less than those in existence around the original property at the time of enactment of this code. Lesser yard requirements for expansion of existing industries shall be determined, upon application, by the BZBA.

1181.04. NONCONFORMING STRUCTURES

A nonconforming building or structure may continue to be used or occupied by a use permitted in the applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. Any nonconforming structure may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure, unless otherwise specified in this code.
- B. A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

CHAPTER 1181. Nonconformities
Section 1181.05 Nonconforming Lots

- C.** The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this code specified for such use, except the regulations to which the building did not conform prior to the change in use.
- D.** The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- E.** A nonconforming trailer or mobile home, once removed, shall not be replaced by another unit, unless the replacement is installed within one week of the removal of the previous unit.
- F. Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**

- 1.** If a nonconforming structure is damaged, ~~but not to an extent greater than 50% of the principal structure's value,~~ such structure and use may be reestablished on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment of the use shall require the issuance of a zoning permit. If an owner rebuilds a legally nonconforming structure under this provision, they may expand the structure provided, as stated in [Subsection 1181.04 A.](#), any expansion or change does not increase the nonconformity that existed prior to the damage.
- 2.** If a nonconforming structure is damaged beyond 50% of the principal structure's value, such structure shall only be rebuilt in compliance with the requirements of this code.
- 3.** If the owner voluntarily removes the structure or reduces the nonconformity, that has not been damaged or destroyed, that owner shall not be permitted to rebuild the structure to the original height, size, or setback.

1181.05. NONCONFORMING LOTS

A nonconforming lot of record may be used in accordance with this section.

A. Existing Lots of Record

- 1.** Any lot of record 60 feet or less, existing on the effective date of this code in any R-2 or R-3 District, may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth in this code. Each side yard shall be a minimum of five feet.
- 2.** Any lot of record 85 feet or less, existing on the effective date of this code in any R-1 District, may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth in this code. Each side yard shall be a minimum of eight feet.
- 3.** BZBA approval shall not be required when the provisions above apply.

Mon. Sept. 15, 2014

To Whom It May Concern:

I am Carolyn Kopera-Laco. I kept the Kopera name, and with a hyphen I added Laco, when I married Jerry in 2004.

I am the owner of the home with the address of 1612 River St. Defiance. This home sets on a 2 lot property - adjacent to part of the 1708 Baltimore Rd. property - whose owner has requested a zoning change from M-2 Limited Industrial District to a M-3 General Industrial District, with a possibility of placing a 30,000 gallon propane tank on his property.

Although, my husband Jerry Laco and I live at another address ^{16568 Cullen Rd} (Defiance, Ohio 43512) - this 1612 River St. property has, at least, a 69 year owned by Kopera family history attached with it. My father & mother in law had this house built probably about 1935 - as I was told - and there were only the neighbors across the street - Ray & Eleanor Rickman and maybe the Shipman Building, being in process of being built in this area, at that time. In 1942, my 1st husband, John Eugene Kopera was born, just forward, to 1965 John and I were married. As the years went by - John, my father in-law passed away and many years later, my mother in-law, May passed away. Then my husband, John and I were owners of this property. Then in 1995 - my husband John passed away from Cancer - leaving me, as the owner of this property.

-over-
pg 1.

Now, I would like to have it be known - I feel like with me being the only connection left to the Kopera family and I need to tell the person who has asked for the zoning change - my husband 'Jerry' and I, are very much opposed to a 30,000 gallon propane tank being placed anywhere on this 1708 Baltimore Rd. property that is located next to our 1612 River St property, as we understand, is the reason for this zoning change request.

There are several reasons why we are opposed to this.

Both of us feel, even just the thought of having that huge quantity of propane in the area, so close to our house is really frightening to us! And, we feel we shouldn't have to even be caught in this situation. We also need to know - who ever heard of a city allowing a 30,000 gallon propane tank being placed within its city limits, close to homes - when the whole town of Deshonia is connected to natural gas! There certainly would be no benefit to the city of Deshonia - would there be?

And, everyone also needs to know - we have used this 1612 River St. property as rental property for the last 25 years. We have heard many favorable comments from our tenants we've had over those years, telling us they really like renting our house and where it is located, next to the river and they also like the quiet in this area - which would all change to noisy propane trucks all day long if this propane tank thing materializes. Also, a stinky odor gets put into propane, therefore a small smell

(continues on)

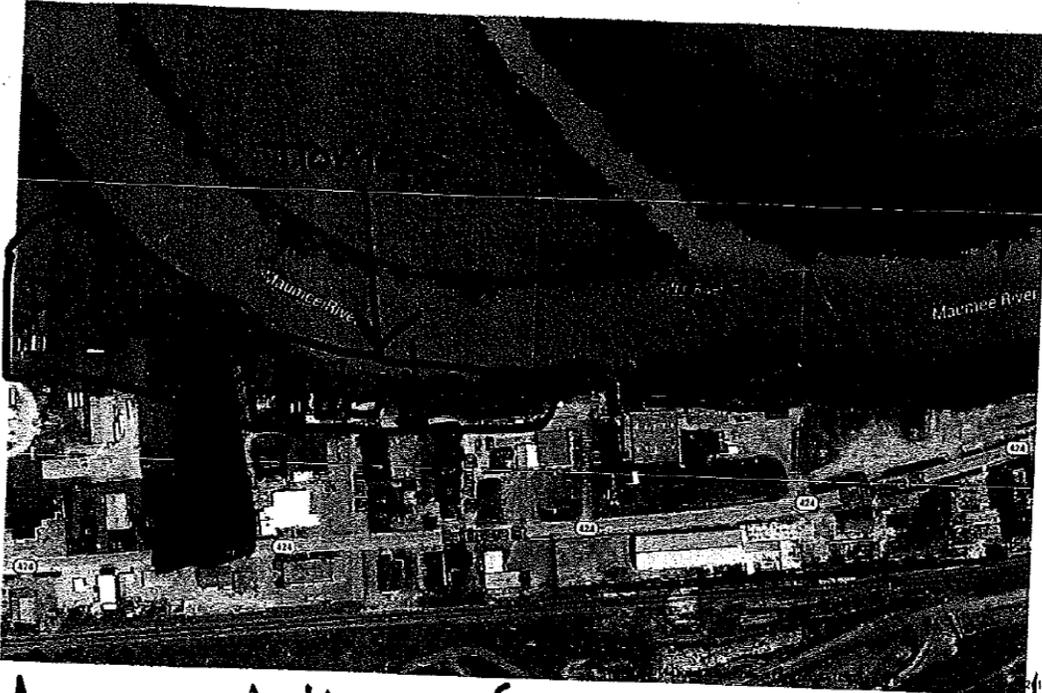
p 92

could appear from each time when a connect & disconnect to tank is made to trucks - which would be undesirable to anyone living in this area. And, also, propane isn't exactly safe - Jerry's Mom got killed in a propane explosion.

We are also concerned, and we feel some of these tenants would not feel comfortable, living so close to a filled propane tank of that size and therefore would no longer rent our house from us. There is also almost a \$35,000 rental income, in the next 5 years, alone, at stake here, too, which is part of our retirement income.

To the City of Defiance - we ask, please don't agree to this zoning change to take place if that involves that huge 30,000-gallon propane tank being placed close to our house property. We are seriously counting on your help in our favor, and we will be sincerely grateful to you if you are able to do that.

Sincerely,
Carolyn Kopera-Sacco
Gerald Sacco



Jeffrey

A. prehistoric Burial Mounds

The Barber Shop
 100 River St
 Maumee, OH 43512



Ematta Gerken
 Master Barber

phone - text - facebook
 419.784.6872
 egerken@yahoo.com

Serving Ohio - Michigan - Wisconsin



Mayor Armstrong & Lee Rausch ^{Please read out loud at meeting}
Public Spaces Make cities
Work Better.
Small industrial towns must
Work together to Survive.

Tiny Pockets of city parks,
and waterfront resources help
people and cities to withstand
the changing times.

There is proof this is
working in cities across America.

You even said in the
Newspaper "We must work together"

Please Respect Your plea!

We want to be the
Best Hometown.

The
West Side citizens

Sept. 10. 2014

Hear Defiance City Leaders.

Thank you for your time.

We the citizens & Businesses of Baltimore Road would like to express our thoughts on this rezoning issue

We are requesting **NO** to (M-3 zoning)
M-2 fits this Space Much Better!

The Issue of waterfront resources & Prehistorical burial mounds should be closely addressed. This land was dedicated in 1930 to protect its ^{rich} history but soon fell into for closure.

We have over 29 other lands on Baltimore Rd. for sale and better suited for M-3 zoning. There are 12 homes and families in this neighborhood. We have already been pushed to the limit with the City Municipal heavy construction & eyesores. And Omnivisor's unbearable Air Quality & Burning fallout everywhere. Please Respect our **plea**!!
for Best Hometown.

Suggestions

① Many other fitting properties for this type of zoning.
• 30 properties for sale on Baltimore Road, Persion Drive, Industrial Park and Plumbers Business Center.
old (Sohio Station) is perfect

② This property could be used for our future riverview cemetery. (Which it stands at this present time. It was set aside more than 300 years ago. Maybe we should take note and be aware of this important issue.

③ No Benefits to neighbors, Risk of Explosion
Danger Site
High Insurance Rates.

William Richmond - 11608 Locust
 Mike Kelly & family 11612 River Street
 Sharon Oprila A 11612 River Street
 Roger & Kim Genken 11608 River Street
 Greg & Koretta Genken 11602 River St.
 Rick & Gina Beatty - 1821 Baltimore Rd.
 Patty: Doug White & - 1508 Cherry St.
 Sally & Ray Boyd family - 1506 Cherry St.
 Lois Devine Kohot - Cherry St.
 Bob Durr - 1502 Cherry St.
 Neal Collins - 1502 Cherry St.
 John Hurst - 1402 Elm St.
 Paul & Cindy Kinn 1404 Elm St.
 Ray & Joan family 1406 Elm St.
 Anita & Joe Kimpel family 1408 Elm St.
 Joe Stikmain - Dilly Door - Baltimore
 Richard Rose - Maumee trim - Baltimore
 Bruce Kunosh - Auto Sales Baltimore
 George Morris - Heating AC Baltimore
 Hilltop printing - Vern -
 B & H Alignment - Dan Baukman
 All Occassion - Cheryl Ruppel

32 - No Vote

We are in touch with
U.S. Dept. of
Interior.

Bureau of
Indian Affairs

Contacts. > Meeting Set #
Sept. 29. 2:00

~~OSHA~~ → Explosive Dept.
fed & Ohio State

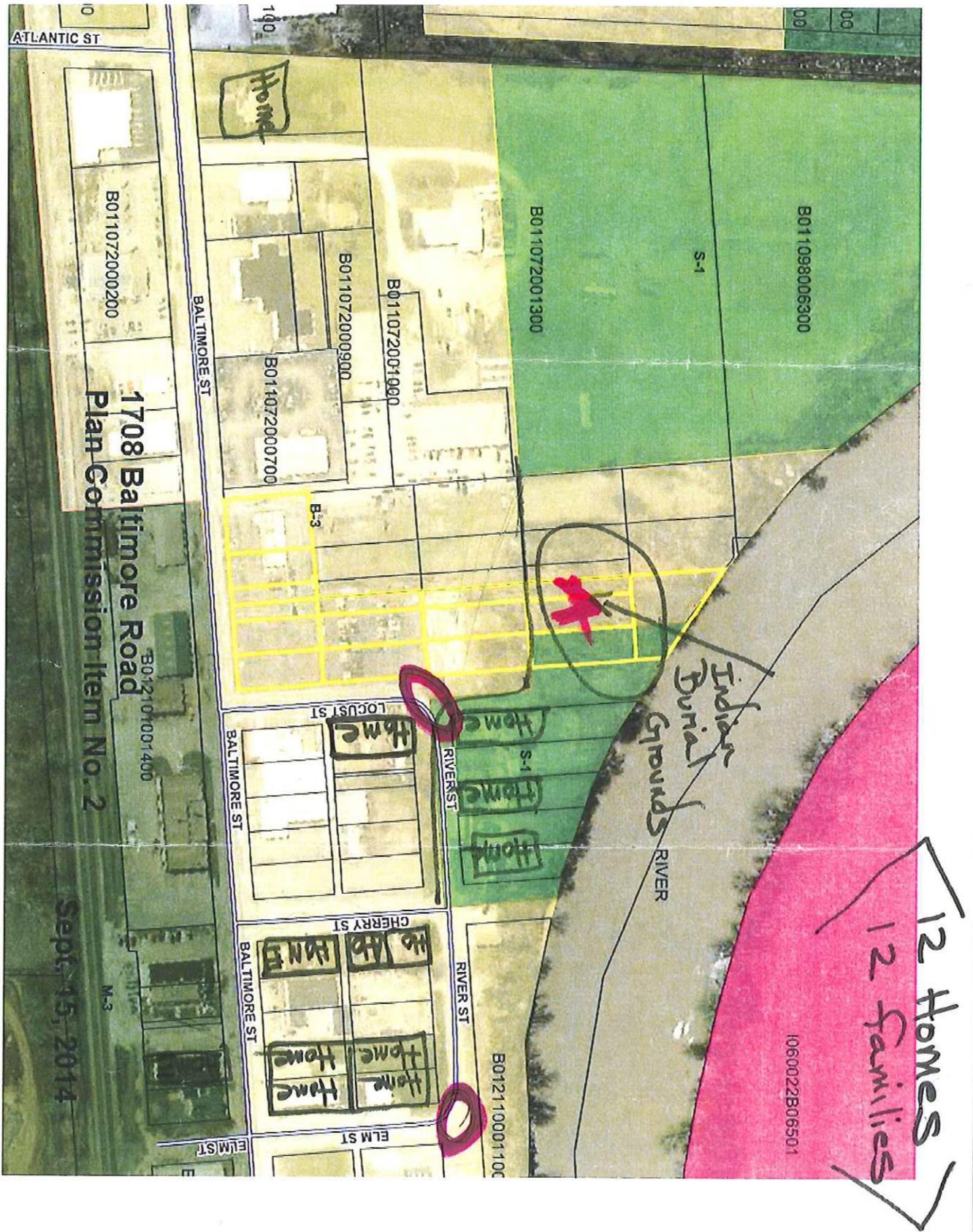
Faulty tank Storage.
Inspectors. ~
29,000 gallons or more.

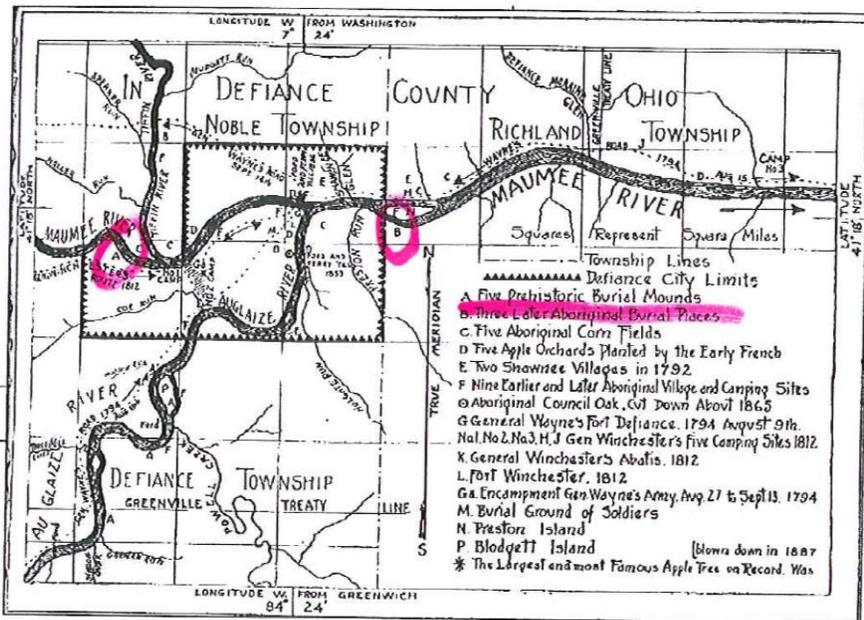
~~Ohio green spaces.~~
ground Soil.

Ohio Attorney General's office
William Robertson - Explosive Attorney
at Law. ~

U.S. Dept of Interior
~~Bureau of Indian Affairs~~

(Land (Buy Back) Programs





1 of 2

