

# Zoning Public Hearing

## June 21, 2018

**All individuals wishing to speak at both hearings were sworn in.**

Don Feller spoke on behalf of Habitat for Humanity. He gave a history on the parcel in question located at 280 South Meilke Road. He is requesting a zoning change from RA to R3. This will conclude the initial plan Habitat for Humanity had when the Lucas County Commissioners gifted the land. He read a letter from the Lucas County Planning Commission in favor of the zoning change. Trustee Valentine asked if there was tax abatement on the proposed plan. Mr. Feller answered no tax abatement. The home would generate over \$17,000 per year in taxes. Trustee Bettinger asked if one house can go on an acre, the answer was there would be no need for rezoning if that was the case.

Mike McIntyre, Executive Director of Habitat for Humanity explained the current layout of the existing Habitat village. He gave the criteria to qualify for Habitat Humanity. He gave a visual comparison of homes in the habitat village and adjacent properties on Meilke and Angola Roads (documents attached to minutes). The Habitat homes rated higher in appearance. He also did research on crime in the area. He explained this would be the extent of their efforts in the Oak Grove Estates. This expansion would affect two non-Habitat homeowners, but offer 13 new homes in Habitat housing. Trustee Valentine asked why not go out into the community and assist current struggling homeowner's vs. development in Oak Grove Estates. Mr. McIntyre explained a lower monthly expense is one of the benefits Habitat offers. He also explained they have a loan program for repairs for struggling properties in the community.

Marcia Lindsay, Meilke Road, stated her concern was the ditch being blocked adjacent to her property. Her property will flood if the ditch is blocked. She was concerned about the ditch maintenance monies Habitat currently receives. She was concerned that garbage on Meilke Road has doubled since Habitat was established. She explained Habitat was told not to come back for any rezoning years ago.

Mike Varanese, Meilke Road, asked how many times property could be split. He explained Habitat has split their property several times already.

They have exceeded the number of times it could be split. He felt the tax base is not worth it.

Greg Lapoint, Crissey, stated traffic and garbage has increased.

Ray Lindsay, Meilke Road, is questioning the validity of the pictures. He is curious is there a homeowners association in the Habitat Village.

Alex O., Oak Shadow and current Habitat Village resident, has lived at her residence for 9 years. She has not observed any crime and she feels the neighborhood is safe. She explained Habitat gave her the opportunity to make something of herself. She said all her neighbors are making their way and they pay their taxes. She wanted to stress this is not low-income housing where people are getting handouts.

Molly Lanz, S. Meilke, appreciates what Habitat does for people, but she does not think it should be spread out. She is against the rezoning.

Adella Harris, Eber Road, she is speaking for Habitat and she would be happy to see 13 more houses. She feels this will help the community grow and develop.

Mr. Feller explained the monies Mrs. Lindsay mentioned do not go to Habitat maintenance. He explained the ditch would not be blocked. He explained this is a major subdivision and is not bound by the split zoning laws.

Mr. McIntyre spoke that he did not see trash around the Habitat village. He also stressed the homeowners are buying products and services from businesses in the area.

Trustee Hood explained he did not like the picture that was being painted of Habitat having trash on the streets. He also explained previous Board members who told Habitat not to come back and ask for

more re zoning did not speak for the entire Board. He explained he lives in Oak Grove and Habitat village landowners have been good neighbors. Trustee Valentine had a concern for providing services to the new homeowners. He feels the property taxes generated do not cover the costs.

Trustee Bettinger expressed Habitat is a wonderful program and the community has done its part.

Trustee Hood said all communities should have a mixture of low, moderate and high-income housing. Everyone deserves to have a place to live. Trustee Valentine asked how much low-income housing could Spencer Township absorb. Trustee Hood said 13 additional lots is what the Township can absorb.

Trustee Bettinger made a motion to deny the R3 for Habitat for Humanity, Trustee Valentine seconded. Roll call vote: Trustee Hood: abstain, Trustee Bettinger: yes, Trustee Valentine: yes.

## **Jeff Davis Public Hearing Request for Zoning Change R-A to C-1**

Eric Chapel, legal representative for Jeff Davis spoke in regards to the history of the property. The property was a junkyard for decades. Mr. Davis obtained the property on land contract. The area had been zoned residential in the 1990's he explained. Mr. Davis has cleaned up the property since he has owned it. He wants to establish a tow lot and landscaping business. Mr. Chapel gave a history of the adjacent properties.

Mr. Chapel explained Mr. Davis was charged criminally when he first acquired the property; this case was dismissed in court. Mr. Chapel stated the Lucas County Planning Commission approved the proposed zoning change. He also explained the Spencer BZA approved the zoning change in favor of Mr. Davis as well. He stressed this would be a tow lot,

not a junkyard. Mr. Davis would like to store landscaping supplies as well such as mulch and other equipment on the back of the lot.

Mr. Davis is seeking an Industrial classification. He has shown he will conduct his business this way with the improvements he has made Mr. Chapel explained.

John Borell, Assistant Prosecuting Attorney for Lucas County, stated he has been dealing with this property for decades. Mr. Borell explained some of the history of the property. Mr. Borell stated he was instructed to warn Mr. Davis before he purchased the property he may not be able to use it for his intended use. This property has been a problem way before Mr. Davis Mr. Borell explained. Mr. Borell explained Mr. Davis is not being picked on; this property has had a history of not conforming.

Trustee Bettinger asked if Mr. Davis knew the property was RA when he purchased it. Mr. Borell explained he did inform him of the classification, he does not know if Mr. Davis had already purchased the property when he explained that it was RA.

Jeff Davis, Meilke Road, stated when he purchased the property there was not a case against the property. He stated he has a lucrative business that will generate income. He also stated he had purchased the property when Mr. Borell called him.

Mr. Davis explained Spencer zoning told him we needed special use, then M1 which he was told would never pass.

Marcia Lindsay, Meilke, has a problem with the property being rezoned. If the property is sold what could go in there is the concern.

Lee Herbert, Old State Line Road, he said we should not be afraid of a properties past; we need to look at the future. He knows Mr. Davis as being an honest man and he supports Mr. Davis' endeavors.

Casie B., S. Meilke, said since Mr. Davis has owned the property he has cleaned up the property and he has been a good neighbor.

Molly Lanz, S. Meilke, likes what Mr. Davis has done to the property. She would like to see him conduct his business on the property.

Donald Nix, Old State Line Road, asked what was the special use that was previously granted to the property. He feels the Township does not have the records to prove what happened in the past. If the Township has the proof, it should present it.

Adella Harris, Eber Road, feels Mr. Davis should be able to open a legal business. He has made improvements and deserves a chance.

Rose Pepper, Crissey, stated she worked for the Hoots. What is the difference between a junkyard and a storage yard? She would rather see a storage yard. Mr. Davis is honest.

Retavia McCaster, Irwin Road, spoken on behalf of Mr. Davis. She is in support of Jeff Davis.

Mr. Chapel stated Mr. Davis is/was not operating his business out of that property. He was in the process of cleaning up the property when he was criminally charged. He explained the Lucas County Planning Commission voted unanimously in favor of Mr. Davis.

Trustee Bettinger stated Meilke Road is residential; it is not an area where we want commercial properties. There are 2 areas where Mr. Davis can have his business. She explained we are trying to make our Township good.

Trustee Hood explained we allow violations throughout the Township, but we are shooting Mr. Davis down who is trying to legally obtain his business privileges.

Trustee Valentine explained how property values are determined and Mr. Davis was warned of the history of the property.

Trustee Bettinger made a motion to deny C1 classification of Mr. Davis' property, Trustee Valentine seconded. Roll call vote: Trustee Hood: abstain, Trustee Bettinger: yes, Trustee Valentine: yes.

Trustee Bettinger made a motion to adjourn, Trustee Hood seconded.  
Roll call vote: Trustee Hood: yes, Trustee Bettinger: yes, Trustee  
Valentine: yes.

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Dawn E. McDonald  
Fiscal Officer