



PLAIN TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES

January 8, 2019

Chair, Mike Roberts called the Plain Township Board of Zoning Appeals Meeting to order at 7:00 p.m.

ROLL CALL

Attending the Plain Township Board of Zoning Appeals meeting were Mike Roberts, Richard Martin, Chris Barrett, and Brad Martin. Zoning Officer and Assistant Zoning Officer, Ben Collins and Mary Fee, were also present.

ELECTION OF CHAIR

Mr. Richard Martin made a motion to appoint Mike Roberts as the 2019 Board of Zoning Appeals Chair. Mr. Barrett seconded the motion. All in favor. Motion carried.

ELECTION OF VICE CHAIR

Mr. Roberts made a motion to appoint Richard Martin as the 2019 Board of Zoning Appeals Vice Chair. Mr. Brad Martin seconded the motion. All in favor. Motion carried.

ADDITIONS OR CORRECTIONS TO AGENDA

None

APPROVAL OF MEETING MINUTES

December 11, 2018 Meeting Minutes

Mr. Richard Martin made a motion to approve the meeting minutes of December 11, 2018 as submitted. Mr. Barrett seconded the motion. All in favor. Motion Carried.

RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

Mr. Jeffrey Krider
Mr. Mike Jessy

Mr. Roberts asked those in attendance if they were planning on speaking. The visitors were sworn in by Mr. Roberts.

ZONING OFFICER'S REPORT

Mr. Collins gave a quick summary of the zoning issues currently taking place in the township. In 2018 most zoning issues were through the Board of Zoning Appeals and we expect it to be the same for 2019. December has been quiet. The Franklin County Prosecutor's office has an online system in place to help with prosecution of zoning issues that the township is learning to use for properties that will not comply after repeated requests. Mr. Richard Martin asked if that is something the township regularly sees. Mr. Collins commented that typically residents comply once they are asked and the issue is brought to their attention. A couple properties were discussed.

Condolences on the passing of Don Brosius, long time legal counsel for the township, were expressed by all.

NEW BUSINESS

Mr. Roberts made a motion to approve the 2019 Filing Deadlines and Meeting Schedule, the 2019 Rules of Procedure, the 2019 Board of Zoning Appeals Fees, and to designate the Zoning Officer as the Secretary of the Board of Zoning Appeals. Mr. Brad Martin seconded the motion. All in favor. Motion carried.

The 2019 Board of Zoning Appeals Members Term List, updated 1/8/2019 was reviewed. Mr. Roberts let the board know that he would not be seeking another term when his term ends in December.

Variance Application 01-08-2019-01 - 7585 Central College Road – Section 970.06, to allow a Non-conforming Structure and Land in combination to be rebuilt if demolished/destroyed.

Mr. Roberts had a question about the nature of the variance. Mr. Collins commented that according to our zoning text, a non-conforming use shall not be rebuilt if destroyed. This is typical treatment of grandfathered uses. The property is one of several residential homes that were rezoned for commercial use, but continue to be used as a residence. A proposed buyer wants to purchase the property and use it as a residence. The mortgage company wants assurance that the structure can be rebuilt if it is destroyed before they will loan money on the property. There was another property on Central College that was treated the same way. Mr. Jeff Kriber, Realtor representing the seller introduced himself. Mr. Roberts asked if the variance allows for the owner to rebuild any type of property or if it has to be the same. Mr. Collins indicated that the language of approval could include a "rebuild in like". Mr. Collins stated that without this variance, if the property were destroyed, the owner could NOT rebuild the property as a residence. This variance allows the owner to rebuild a single family home. The variance will follow the land. Conditional uses do not survive a real estate transfer, however a variance does.

Mr. Richard Martin made a motion to accept application 01-08-2019-01 and schedule this case for public hearing in February. Mr. Roberts seconded the motion. All in favor. Motion Carried.

OLD BUSINESS

Mr. Brad Martin reminded the board that the approval of the June 12, 2018 minutes were moved to the January meeting. The approval of minutes for June 12, 2018 was moved to the February 12, 2019 meeting due to the absence of the zoning board members that were in attendance at the June 8, 2018 meeting.

HEARINGS

Conditional Use Application 12-11-2018-01 – 8003 Walnut Street – Section 405.04 of the Rural Zoning District to allow a home based business.

- Mr. Roberts: You are Michael, right?
- Mr. Jessy: Yes
- Mr. Roberts: Didn't we talk to you a few years ago about home based firearms?
- Mr. Jessy: I spoke to Ben by email briefly two years ago when I was researching what the current zoning ordinances were and how I might be affected, how our property was zoned but I think it was just an email exchange, I might have spoken to Mary once too briefly,
- Mr. Collins: It might have been mentioned briefly that there was an inquiry.
- Mr. Jessy: Yeah, there was never any sort of hearing or any; I've never been here, in front of you all.
- Mr. Roberts: I understand that this is an internet sale of sporting rifles, guns and related items, now do I assume that this means you don't have significant quantities of these materials on your site.
- Mr. Jessy: That is absolutely correct. The intention is to transfer between an FFL to another FFL, which is federally licensed.
- Mr. Roberts: So you are just the broker?
- Mr. Jessy: More or less. There would be some transactions but that is not the primary, the primary, that's what I wanted to make sure I stressed, is going to be an online dealer-to-dealer type business. There are no plans for any sort of retail or you know footprint, anything like that. I want to make sure, I think I included that in the notice, but I want to make sure that everyone understands that there is no intention of retail traffic. There will be no sign out front, no parking lot; there is no enlargement of the driveway. The most there would ever be would be would be the usual FedEx or UPS trucks that come and drop off our Amazon Prime stuff. (overlapping voices)
- Mr. Roberts: Then you really don't have any traffic through your property of any significance.
- Mr. Jessy: No exactly. (overlapping voices)
- Mr. Roberts: I seem to recall that we had a ...
- Mr. Collins: We had a case like this one...
- Mr. Roberts: Three or four years ago? Six years ago? It was essentially the same sort of criteria and restrictions etc., etc.
- Mr. Collins: That is true
- Mr. Roberts: OK
- Mr. Collins: The reason for the conditional use is because it is a home occupation that includes the sale of items not produced on the premises. If he was just selling wickets he made at home, he wouldn't need a conditional use
- Mr. Richard Martin: At the meeting you were absent from Mike, we did discuss that and was concerned that there would be some retail or large storage of guns. But you cleared that up for us, appreciate that.
- Mr. Roberts: Any questions for Mr. Jessy from anybody? *(to the board)*
- Mr. Barrett: I have one; I guess just in terms of...will there will be ammunition or gun powder storage or anything?
- Mr. Jessy: No. no gun powder storage, ammunition, yes, however, I would say very likely that it would just be moved from a distributor directly to a customer, rather than through me. So, there is no intention of warehousing any significant quantity of it (ammunition).
- Mr. Roberts: But, there could be some there from time to time?
- Mr. Jessy: Yeah exactly, that is what I wanted to say. Absolutely not, there will be some, but it would be for more personal use...something that was ordered for a customer specifically, but it would not be a large quantity to then sell.

Mr. Brad Martin: So you wouldn't have inventory. You would basically have product that you would be moving at a particular time?

Mr. Jessy: Exactly, that's correct.

Mr. Collins: Is the home sprinklered?

Mr. Jessy: No, there is no sprinkler; there is a fire and smoke alarm system which is monitored through a monitored alarm system to the fire department, but no sprinklers. We do have fire extinguishers.

Mr. Roberts: I see that the ATF is the licensing group.

Mr. Jessy: That is correct.

Mr. Roberts: Do they visit you or audit you in any way shape or form during the course of the year?

Mr. Jessy: They do, there are regularly scheduled audits as well as random inspections. They can just come at any time essentially and check your bound books. In order to even apply for the license there is a rigorous process, meeting with ATF agents and going through this here is one of the steps you know that basically to make sure that from a zoning point of view that I'm within compliance to run a business. It is a very, very regulated industry.

Mr. Roberts: Brad, any questions?

Mr. Brad Martin: No

Mr. Roberts: Richard?

Mr. Richard Martin: Nope, I'm good.

Mr. Roberts: Chris, you Ok?

Mr. Barrett: Yes sir

Mr. Roberts: Okay. I move to approve the Variance (reading other application), excuse me, let me start over, Conditional Use Application 12-11-2018-01 – 8003 Walnut – Section 405.04 of the Rural Zoning District to allow a home based business. May I have a second?

Mr. Richard Martin: I will second that

Mr. Martin: Thank you

Mr. Roberts: All in favor, wait, should we call roll?

Mary Fee: Mike Roberts

Mike Roberts: Aye

Mary Fee: Richard Martin

Richard Martin: Aye

Mary Fee: Chris Barrett

Chris Barrett: Aye

Mary Fee: Brad Martin

Brad Martin: Aye

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Mike Roberts made a Motion to Approve the application for 8003 Walnut Street, requesting a Conditional use under Section 405.04 of the Plain Township Zoning Resolution to allow a home based business for internet sales of firearms related items not produced on the premises.

Richard Martin seconded the motion; a roll call vote was taken:

Mike Roberts	Yes
Richard Martin	Yes
Chris Barrett	Yes
Brad Martin	Yes

The motion to approve the application as stated above has Passed.

Mr. Richard Martin: When will this start.

Mr. Jessy: Immediately. I'm going to begin the FFL process right away. More or less I just need a letter.
Mr. Collins: We will draft a letter of approval that will need the chair's signature.
M. Roberts: Let me know when it's ready and I'll stop down.

BOARD MEMBER COMMENTS

None

PUBLIC COMMENTS

None

ADJOURNMENT

Mr. Roberts moved to adjourn the meeting. Mr. Brad Martin Seconded the motion. All in favor.

The regularly scheduled public meeting of the Plain Township Board of Zoning Appeals was adjourned.

****AS APPROVED****



Ben Collins
Zoning Board of Appeals Secretary