

LIMA-ALLEN COUNTY REGIONAL PLANNING COMMISSION

VARIANCE PETITION

CASE NO.: AM-V01-21

**DATE OF REVIEW BY THE
DEVELOPMENTAL CONTROLS
COMMITTEE:** 03-02-2021

PETITIONER(S): Thomas W. Medsker (3-M Enterprises)
4200 Neely Road
Elida, Ohio 45807

REASON FOR VARIANCE: **Inadequate frontage**

DESCRIPTION OF PARCEL: 36-2100-02-016.000

LOCATION OF PARCEL: NW 1/4 of Section 21 T3S, R6E, American Township

COMMENTS:

The subject parcel is owned by Thomas W. Medsker (3-M Enterprises) of Elida, Ohio. The 14.95-acre parcel has access along Neely Road and Mr. Medsker owns the adjacent parcel to the north. The owner is interested in performing a series of land transfers to adjacent parcels and leaving a remainder of approximately 5.389 acres. This land division would leave the remainder with approximately 60' of frontage along Neely Rd, less than the 65' required by The Allen County Subdivision Regulations. Please See Attached Surveys for a clear representation of the planned land division.

Currently, Allen County Subdivision Regulations require minimum a road frontage of 65'. The proposed remainder of parcel 36-2100-02-016.000 would only have 60' of total frontage along Neely road. This would take the proposed parcel out of compliance with the American Township Zoning Regulations as well, but a zoning variance has already been issued by the township as of 3-25-2009

Staff Cannot approve this proposed land division while it is in non-compliance With the Allen County Subdivision Regulations. Staff discussed the site non-compliance with both the County Subdivision regulations as well as the American Township Zoning Regulations (Please note that the site has received a variance from American township) and concluded that a County variance would need to be issued before the division could be completed. Based on the stipulations of HB 22, such a land division would need to receive a variance from the Regional Planning Commission.

STAFF RECOMMENDATION:

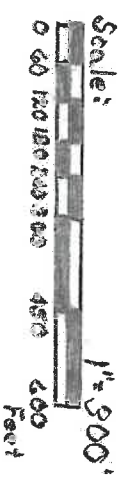
Staff recommends approval. This decision is based on the acceptance from variance issued by the township, its conformance with the area's comprehensive plan, the sites existing condition, and its compliance with section 109 of the Allen County Subdivision Regulations.

DCC RESPONSIBILITIES:

The Developmental Controls Committee has the responsibility to: (1) approve the variance petition as submitted; (2) approve the variance petition on conditions as specified; (3) deny the variance petition as submitted based on cause; or, (4) at the request of the petitioner table a decision until certain issues can be resolved.

SPLIT OF PARCEL N^o
36-2100-02-016.000
and Revised Description
FOR PARCEL N^o
36-2100-02-015.000
Part of NW¹/₄, Section 21,
T-3-S, R-6-E, American
Township, Allen County, Ohio

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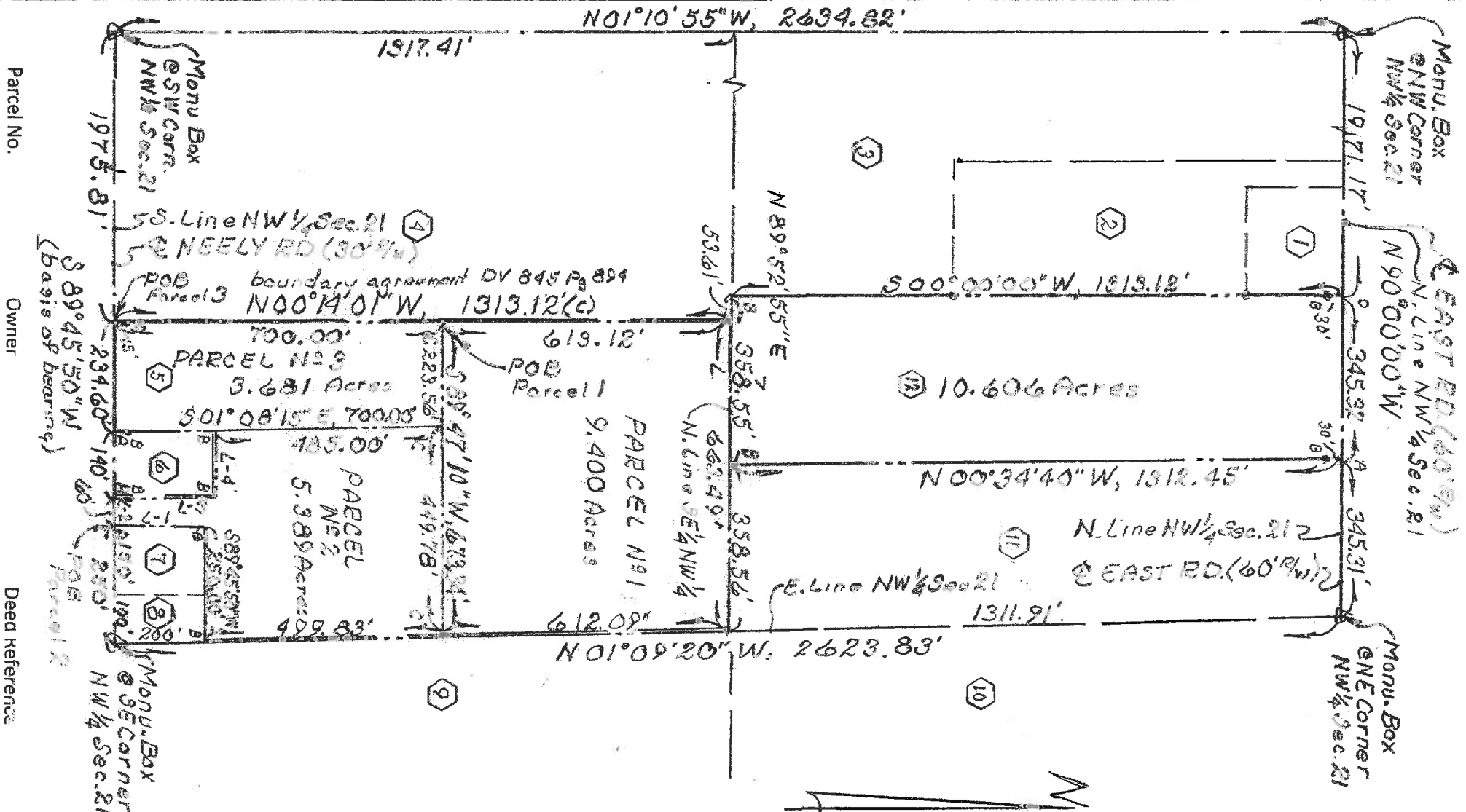


Reference Material:
Agreement To Locate Boundary Lines
Allen County Recorder's Office
DV 845, Pg. 394

Client:
Thomas W. Medsker
4200 Neely Rd
Elida, Ohio 45807

Prepared by:
NUCK and MORRISSEY, LLC
Consulting Engineer & Surveyors
2807 Chapel Hill Dr.
Lima, Ohio 45805

Reviewed by: *JA*
Allen Co. Engineer/Tax Map Office
1-7-2021
Date



Parcel No.	Owner	Deed Reference
1 36-2100-02-002.001	Jon & Craig L. TROYER	OR 2010, Pg. 13035
2 36-2100-02-002.002	Jon & Craig L. TROYER	OR 2010, Pg. 13035
3 36-2100-02-002.002	Jon & Craig L. TROYER	OR 2010, Pg. 13035
4 36-2100-02-014.000	Carol E. BOWERS	DV 934, Pg. 373
5 36-2100-02-015.000	Thomas W. MEDSKER	DV 795, Pg. 513
6 36-2100-02-016.002	Charisse A. SOLOMON	OR 2009, Pg. 8300
7 36-2100-02-016.001	Vicky L. ALLEN	OR 2008, Pg. 15109
8 36-2100-02-017.000	Jason & Elaine M. DANC	OR 2017, Pg. 8870
9 36-2100-01-006.000	Michael D. LANDERS	DV 820, Pg. 104
10 36-2100-01-005.000	Hessling Brothers Enterprises LLC DV 871, Pg. 887	
11 36-2100-02-001.00	Pauline A. & Lawrence J. SNEARY OR 2010, Pg. 6401	
12 36-2100-02-001.001	3m ENTERPRISES	DV 527, Pg. 706

LINES

LEGEND

L-1 S 01°09'20" E, 200.00'

A PK nail and shiner found

L-2 S 89°45'50" W, 60.00'

B 5/8 inch rebar found

L-3 N 01°08'15" W, 215.00'

C Capped 5/8 rebar set

L-4 S 89°45'50" W, 140.00'

D Mine spike found

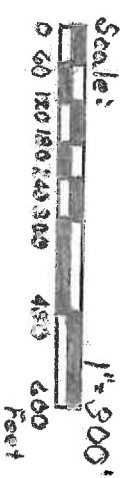
I hereby certify the accompanying map and survey, which it represents to be correct to best of my knowledge and belief. All rebar set and called for are topped with a plastic Peramark cap stamped:
KUCK & MORRISSEY L.S. 6470

Date: 1/4/2021
Richard D. Morrissey, L.S. 6470 (Ohio)
KUCK & MORRISSEY, L.L.C.



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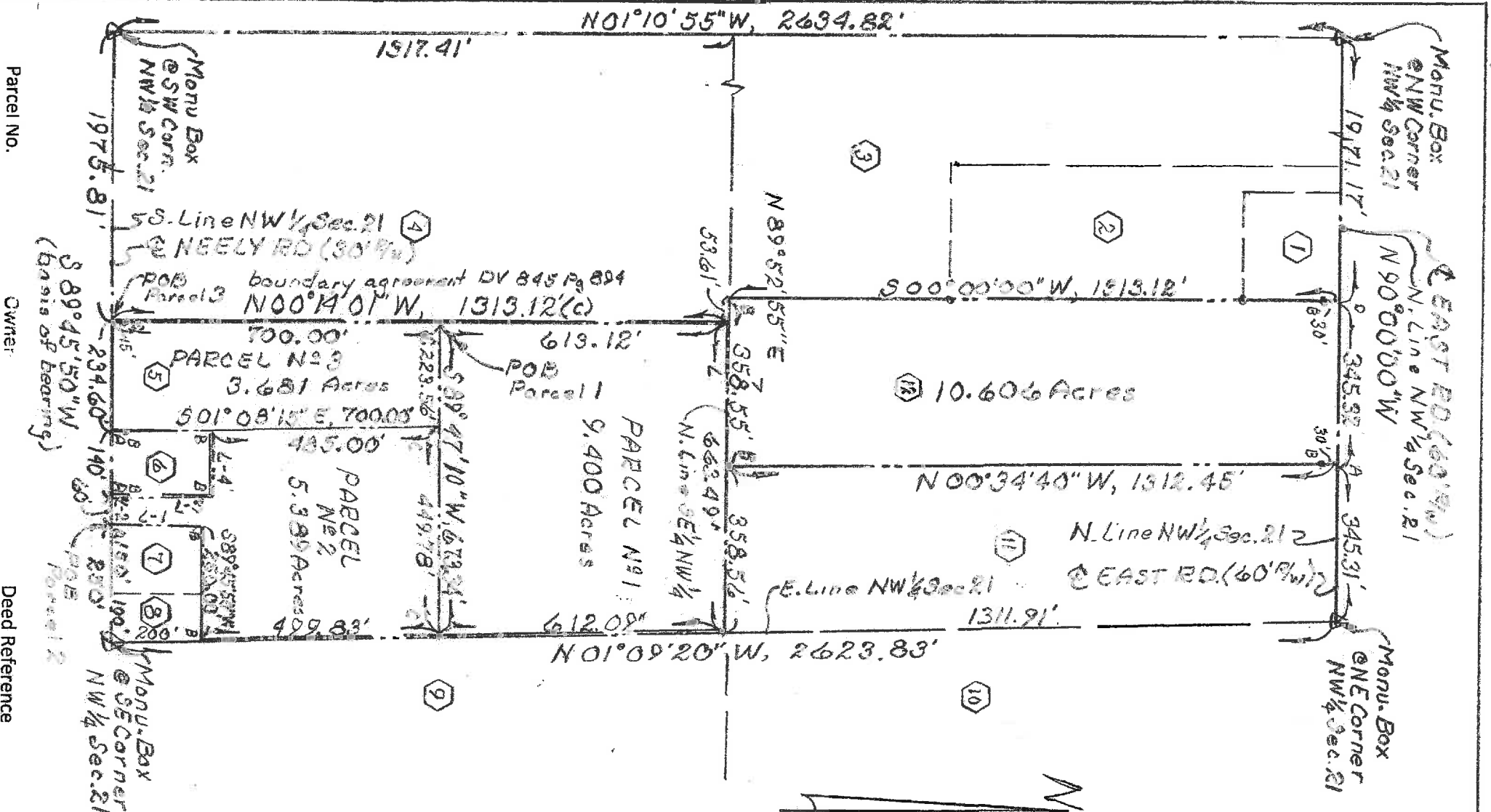


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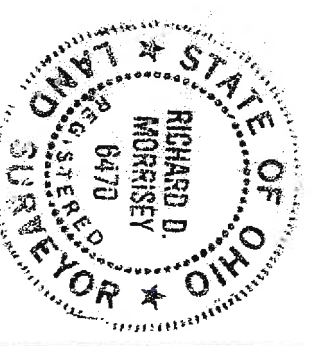
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- L-2 S 89°45'50" W, 60.00' b 5/8 inch rebar found
- L-3 N 01°08'15" W, 215.00' c Capped 5/8 rebar set
- L-4 S 89°45'50" W, 140.00' d Mine spike found

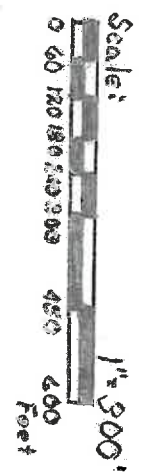
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KUCK & MORRISSEY, LLC.



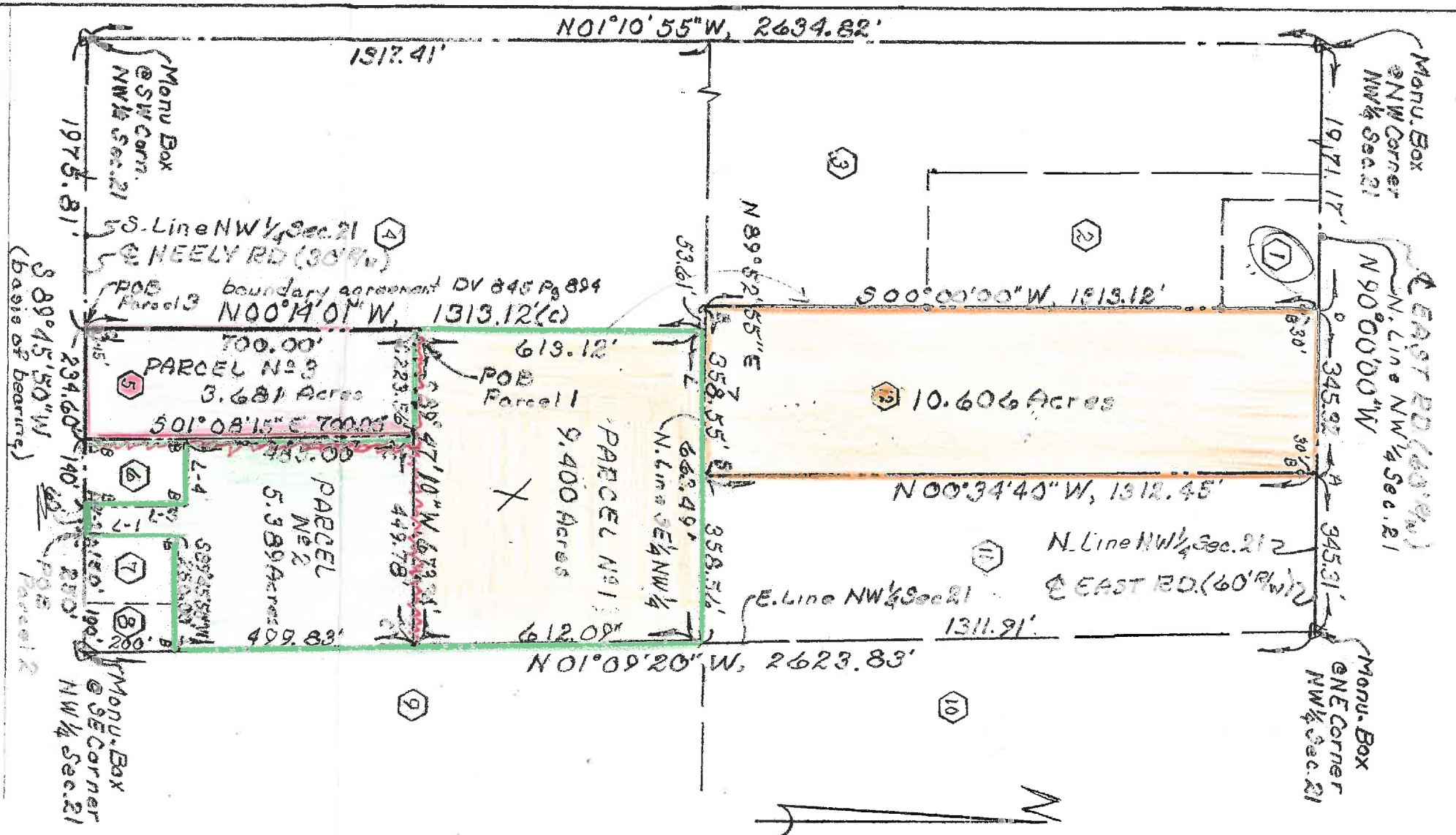
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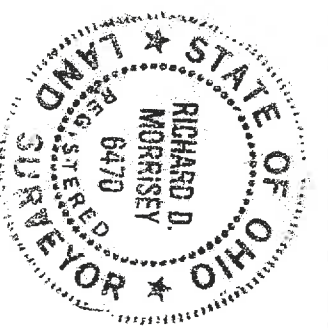
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KUCK & MORRISSEY, LLC.



RECORD OF PROCEEDINGS

3/25/2009

Meeting

Minutes of American Township Board of Zoning Appeals

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held 8:00 PM Wednesday, March 25, 19 2009

Hearing recorded.

Hearing at the request of Thomas W. Medsker for a variance on a lot size with a private sewage system located at 4200 Neely Rd. Tax Map #36-2100-02-015.000.

Hearing called to order with the following members present: Mary Hawk, Nancy Kline, Paul Schulz, Brooks Flinn and Norm Grigsby, Chairman.

Chairman asked Zoning Inspector Brad Settlage to give reason for the variance. Mr. Settlage stated that other properties along Neely road were of similar size or smaller but in order for Mr. Medsker to get a lot split the Lima/Allen County Regional Planning Commission (RPC) said he would have to have either a letter of acknowledgement from the township trustees on the lot size or a variance. Mr. Settlage stated that the township trustees felt a variance was required because of difficulties Mr. Medsker might have selling the property or getting loans from banks as the property would not meet the require lot size. Mr. Settlage stated Mr. Medsker wished to have a lot size reduction of less than an acre, the property is zoned M-1 Manufacturing which requires 100 ft. of road frontage, the variance includes reducing the required amount of road frontage from 100 ft. down to 60 ft.

Chairman asked Mr. Medsker for more information. Mr. Medsker stated in 1991 he got approval from the Health Dept. to build but never did the lot split at that time and now that he wants this split the original lot size for a private residential sewage system has changed. Mr. Medsker stated he has 15 acres of land and would have an easement going to the rear of the property for possible development.

Chairman asked board members for comments. Mrs. Hawk stated that she had talked to Steve Kayitin Allen County Sewage Engineer and was told a public sewer system was possible but not enough homes there now to support the cost of installing a public system.

With no further comments Chairman asked for a motion. Motion was made by Mr. Flinn to grant the variance approving the lot size reduction of less than 1 acre, and the reduction of the road frontage from 100 ft. down to 60 ft., seconded by Mr. Schulz. Roll call, Mrs. Hawk, Yes; Mrs. Kline, Yes; Mr. Schulz, Yes; Mr. Flinn, Yes; and Mr. Grigsby, Yes. Motion passed with a 5-0 vote.

With no further business to discuss a motion was made by Mr. Schulz to adjourn seconded by Mrs. Kline, roll call, all yes.

Norm Grigsby
Norm Grigsby, Chairman

Suzell Conkle
Suzell Conkle, Recording Secretary

Suzell Conkle, Recording Secretary