

Minutes

Bethel Township Board of Zoning Appeals

April 23, 2015 – 6:30 P.M.

Regular Meeting

Bethel Township Fire Bay, 8735 S. 2nd Street – Brandt, Tipp City, Ohio

Board of Zoning Appeals Member(s) Present: Reese, Sonnanstine, Butt, Fisher

Board of Zoning Appeals Members(s) Absent: Durst, Gross

Staff Present: Jeff Green– Director of Planning & Zoning

Meeting was moved to Bethel township fire bay because of the amount of people showing up at the meeting.

Mrs. Fisher called the meeting to order at 6:38 PM.

Mr. Sonnanstine: Everyone in the audience should be aware their comments are being recorded electronically. I also suggest everyone in the audience is given a 3-minute time limit due to large crowd present.

Each member of the Board introduced themselves.

New Business:

Mr. Green read the first case:

Case V-03-15: A request from Mollee and Chad Gray of 6143 Ross Rd, New Carlisle, OH, 45344. The applicant requests that an automatic pool cover be installed instead of a fence for an in ground pool that is to be installed later this summer. The property is identified as Miami County Parcel ID # A01-078970.

Mr. Green made his staff presentation.

Mr. Green asked if the Board had any questions of him.

The board had no questions

Mollee Gray was there to represent herself. She wanted to add that travelers insurance has approved an automatic pool cover instead of a fence. Mr. Kramer is here to talk to you about them.

Dave Kramer: I am a representative of Knickerbocker pools. Presented a packet about automatic pool covers to the BZA. Never been a drowning death with automatic pool cover. Presented reasons why people get automatic pool cover. Explained why fences (in

his opinion) are less safe than automatic pool covers. Explained safety advantages of automatic pool covers and how they prevent children from drowning.

Mrs. Reese: So Mrs. gray will be able to manually close the cover, correct?

Mr. Kramer: Yes you can manually close the cover, although it is not easy. It takes two adults. Explains the process of how to manually close it.

Mrs. Reese: Mollee what are your plans to keep the cover opened and closed?

Mrs. Gray: It will be closed at all times because I have a 9 and 12-year-old. They want to be able to control pull access for them. We will have a key that is locked up so they cannot get to it.

Mr. Sonnanstine: How big is your lot?

Mrs. Gray: 1.73 acres. Referenced site plan for pool. There is also a pond 6 inches by our property line.

Board discusses the site plan

Jerry Hirt: Lives at 8765 SR 202. Mr. Hirt is a township trustee. He explained how Mr. and Mrs. Gray originally came to a trustees meeting about changing the code. Informed board that the trustees forwarded the Gray's to get a variance to try and get their pool in before the end of summer. The Zoning commission will be looking at including automatic pool covers in the code at a workshop meeting in June.

No other residents wanted to speak

Public Hearing Closed

Board goes into more discussion about possibility of a precedent being set.

Bonnie Mchenry: can you please state what you are saying loudly for conditions? We are having trouble hearing you.

Mrs. Reese: I motion that pass the variance with stipulations Jeff read in his staff report and with the additional stipulation the lot be at least 1.5 acres in size.

Jeff Butt: Seconded.

VOTE

Mrs. Reese	Yes
Mrs. Fisher	Yes
Mr. Butt	Yes
Mr. Sonnanstine	No
Mrs. Durst	N/A
Mr. Gross	N/A

Motion to approve case V-03-15 approved 3-1 with the following conditions:

1. Provide continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool.
2. Be capable of supporting no less than four hundred and eighty five (485) pounds imposed load upon completely drawn cover.
3. Is installed with track, rollers, rails, guides, or other accessories necessary to accomplish subdivision “1” and “2”, in accordance with the manufacturer’s instructions.
4. Bear an identification tag indicating the name of the manufacturer, name of the installer, installation date and applicable safety standards.
5. Parcel must be at least 1.5 acres in size.

Moving on to second case

Mr. Green read the second case.

Case CU-02-15: A request from Three Springs Lake, 7745 Agenbroad Rd, Tipp City, OH, 45371. The applicant requests conditional use approval to allow for a pay lake and camp ground to be allowed on the property located at 7745 Agenbroad Rd, Bethel Township, Miami County, Ohio. The property is identified at Miami County Parcel ID # A01-059400.

The board had no questions for Mr. Green

Chris Conard was there to speak on behalf of the applicant.

Mrs. Reese: Before we start I wish to recuse myself from this case because my property abuts the applicant's property.

Mr. Carter, the attorney representing the Donahue's asked if the board could speak up because he could not hear them. He also when he should speak.

Mrs. Fisher: Let Mr. Conard speak first. You will go after him, then anyone else who wishes to speak may.

Mr. Conard: Are myself and Mr. Carter limited to 3 minutes as well

Mr. Fisher: Yes, everyone

Mr. Conard: There has been some question about whether or not the pay lake has been in continuous operation. Because of the number of people here we will not go after that here. But we do not waive the possibility of doing it at another time.

Mr. Green: Just for clarification for the audience. If it were proven that the pay lake did not shut down for a period of time, then the applicant would not need a conditional use as it would just be considered a continuation of use.

Mr. Conard: When one looks at the definition of a commercial recreation facility it clearly fits that definition. Land use operated as a business. The primary purpose is to provide public with an amusing or entertaining activity. Many of the people here have been at the lake, and while we recognize it was in significant disrepair. Mr. Durst and his family have spent significant sweat and equity to clean it up. I have here with me an original petition signed by virtually everyone on Bethel road (should be Bethelville road) along with a few on Agenbroad rd.

Mr. Conard: One of the things I seen expressed with the people in opposition is the fear that the pay lake may revert to the way it was when it was owned by the prior owner. I want to assure the board and the members of the community that this is being addressed. The rules are being enforced. The Durst family is committed to making this a family friendly site. No guns, no alcohol, no loud noise or excessive noise. We have no objection with the conditions of the staff report. No littering, there are dumpsters and bathrooms in place. It is clear that the highest and best use of the land is for a pay lake. Presented photographs and explained what they are.

Board examined the photographs

Mr. Butt: Will there be any food or beverages sold at the lake?

Mr. Conard: Yes, there is what I call a bait shop. It was in existence prior to Mr. Durst owning it. It will have a pop machine and prepackaged food. It will not be made and served like a restaurant. It will be prepackaged food, cold drinks, no alcohol. Also bait

and fishing materials will be sold in the bait shop. The bait shop has been restocked, cleaned, and is in good operational order. Mr. Conard stops talking.

Board examines and discusses evidence given

Jack Carter comes up to speak. He is the attorney representing the Donahue family. Mr. Carter presents the board with who owned the pay lake and what's been happening to the land (if it's been split) over the years.

Mr. Carter: The Donahues are the adjoining property owners to the west and north of the pay lake. They live at 7835 Agenbroad Rd. They are here in opposition to the conditional use because they strongly believe it would have an adverse effect on their property and the neighborhood. Mr. Conard has acknowledged that there has been trouble at this pay lake in the past. We have yet to be able to go on the pay lake and examine the property and improvements being made. While Big O has bought the Pay Lake and made improvements to it, this does not entitle them to just get approval for the conditional use permit. It is up to the board to make sure all zoning resolutions are followed through for the benefit of the neighborhood. We also reserve the right to talk about whether or not there was a continuation of use for this property. We tried to reconstruct the history of the property and believe there have been several times when the pay lake may have been shut down for a period of time.

Mr. Carter: I sense that the sentiment of this is that it has always been a pay lake and what's the big deal. But there is a lot more at stake than can I just can I run a pay lake. The Donahue property is entirely surrounded on two sides. There is a broken down wire fence that runs 675 feet on the west edge. There is trampled down wire fence on the north edge that runs for 255 feet. The back portion of their property is wooded. But in the past when the pay lake was in operation they've had debris such as beer cans, bottles, tires. They've had trees chopped down, picnic table was almost stolen, people wondering around the property, firearm discharge, etc. Again your responsibility is to do what is consistent with the zoning resolution and your job is to determine if it's best for the neighborhood.

Mr. Butt: You talked about all music and gunfire. How long ago did this happen?

Mr. Carter: According to our information, as we've been trying to reconstruct the history of the pay lake, when the Donahues bought the property in 1994 it did not appear to be in operation. Someone in circa 2001 tried to reopen, we believe that was Mr. Camden. It was closed again with Mr. Shepherd never used it as a pay lake. It was reopened by his son Mark Shepherd briefly before Big O (current owners) bought the property. 2001 is when the top part of the pay lake came into existence so circa 2001.

Mrs. Fisher can we have a show of hands of the amount of people who are opposed to the Conditional use being approved.

Begin counting.

Mrs. Fisher: instead could all opposed stand up.

Mr. Butt: one representative per property please.

Begin count

9 properties opposed.

Discussion begins on the opposed

Mr. Carter: you will not be limiting speakers to those adjoin the pay lake correct? Because you should be looking at the adverse effect on the whole neighborhood.

Mrs. Fisher: Correct and everyone can speak.

Mrs. Mchenry: I have a question why did Mrs. Reese recuse herself.

Mr. Green: She recused herself because she is an adjoining property owner to the pay lake

Mrs. Mchenry: I am doing this so the audience can be clear.

Mrs. Fisher: it happened because Mr. Reese felt that this could be considered a conflict of interest.

Public opposed

Randal Donahue: lives at 7835 Agenbroad Rd. presented the board with a list of concerns and past problems. I adjoin the pay lake. I believe this pay lake will be a negative impact to the health, safety, and welfare of our neighborhood. I believe this will attract a significant number of people to this are, and this neighborhood is a quite one. I believe this could increase criminal activity. My kids should be able to go onto their own woods without fear of seeing people trespass on our land. Listed past examples of these things occurring when the pay lake was in operation. Gunfire has erupted as recently as last year. Intoxicated patrons stumble past my property, fights have broken out on that property. I have concerns about litter and trash being thrown on my property. Listed past debris that showed up on his property. I believe this will significantly increase traffic in area. People have turned around in our and neighbor's driveway and speeding up and down the road. I have a whole list of concerns so the board can review.

James Davidson: 6870 Bethelville Dr. Just wanted to say he was opposed to pay lake.

Kristen Garlough: 6960 Bethelville Dr. We are the first house on Bethelville and since opening we have had a consistent amount of people turning around in our driveway. I noticed the lawyers for the approved side talk about going to the people around the neighborhood for their opinion. We have never been approached for our opinion. I am

concerned because we have two children 2 and 4-year-old and concerned about traffic coming in and out and the safety issues that might accompany this pay lake. Very concerned about increased traffic. Has been increased noise including yelling and profanity around midnight. We are also concerned with pay lake/campground and the food fish that might be cut up and left could endanger kids and pets for people in this neighborhood. Currently only a four-foot-tall fence at the front of the property has been erected. The existing fence on Bethelville is old and worn down. In some places the fence is maybe 2 feet high. With them clearing out the land it makes it easier for kids to wonder onto the property, when it was overgrown it was difficult to get through. We bought our house in 2011 and would strongly consider not buying it if we knew there was a campground that was going to be erected right across the street, especially within line of sight. When in our house was bought the pay lakes were closed to the public and no trespassing signs on the property. There was a sign on the front gate that said not open.

Neal Sonnanstine: So there was a sign on the front gate that said this place was not open.

Mrs. Garlough: yes, the only access to the property from the road was a closed no trespassing sign on the gate.

Mr. Butt: I'm trying to find the hours of this establishment. It is open from when to when?

Mr. Conard: The intent is that there will be three seasons depending on weather. By November 1st through winter the operation will be closed. It will be open again in the spring sometime in the March-April time frame. The hours will be Friday at 7AM to Sunday at Midnight. From Memorial Day weekend to Labor Day weekend will be considered peak time. The intention is for the lake to be closed Monday, Tuesday and probably Wednesday as they get a feel for how the business is going. But for peak season it will be open from Thursday 7AM to Sunday at midnight.

Mr. Butt: So Thursday to Sunday 24 hours a day?

Mr. Conard: Correct. The operations are controlled by at least two employees. Right now it is family, because the Durst family is rather large.

Jamie Krull: 6890 Bethelville Dr. Live directly across from Pay Lake. I am opposed to it being a camping ground. It will bring increased vehicle and foot traffic. People who come camping could walk down the street. Increased noise and light pollution, and trash. Of course with people there will be trash. I have also never been approached about my opinion on this pay lake from Big O. Concerned about property value. I also have grandchildren that come over and this operation makes me hesitant about their safety. You have people from different neighborhoods and walks of life could potentially make me concerned about the safety.

Lorna Furderer: 7880 Palmer. I have a few questions. Are you open?

Misty Blair: yes

Mrs. Furderer: When?

Mrs. Blair: May 1st of 2015.

Mrs. Furderer: Do you have a business license incorporated with the state?

Mrs. Blair: Yes

Mrs. Furderer: Are these displayed

Mrs. Blair: yes

Mrs. Furderer: Are there any noise standards?

Mrs. Blair: Yes, It is posted that there should be no loud noise or you will be asked to leave.

Mrs. Furderer: What's the township procedure for noise?

Mr. Green: I go out with a decibel reader to measure if it is too loud.

Mrs. Furderer: I understand you were waiting for conditional use approval before you get your sign permit. Are you planning on getting the sign permits?

Mrs. Blair: Yes

Mr. Conard: The assumption was the business was grandfathered in

Mr. Green: Township records are not good. The only thing for this property is a letter I sent to Mr. Durst indicating he needed a conditional use for this property and one to Mr. Shepherd late last year. I did not think the pay lake ever actually opened.

Mrs. Blair: I could show you from someone's sight that they won tickets to the pay lake as recently as 2014. Presents the board with a google satellite view that identifies this property as bill's trout lake

Board examines documentation given by Mrs. Blair

Mrs. Furderer: what is the actual zoning of this property?

Mr. Green: A-2 general agriculture

Mrs. Furderer: Have we done any studies on pay lakes around residential property, not in this township but in general.

Mr. Green: No

Mr. Sonnanstine: there is a similar operation on Ross road called Miami River adventure.

Mr. Green: Did it require a conditional use?

Mr. Sonnanstine: Yes it did

Mr. Green: Do you know the year?

Mr. Sonnanstine: about 2 years ago right before you came here.

Mrs. Fisher: It is a comparable operation

Mrs. Furderer: Are you talking about the canoe place.

Mr. Sonnanstine: Yes

Mrs. Furderer: that place does not stay open 24 hours a day. My concerns are the trash and traffic. We were ready to slit our throats last weekend because of the trash and traffic. There has been red worm, meal worms, etc, (bait) in Styrofoam cups on the side of the road. Traffic and trash have increased greatly. Where our driveway is at your kind of take your life in your hands. People haven't sopped at the stop sign by Agenbroad and Palmer and it's not local people or local cars. It is a major concern to us. Have we done a traffic study, I know one was done at S Palmer.

Mr. Green: No

Mrs. Furderer: Can we request one?

Mr. Green: We can ask the county.

Terry Bennett: 7865 Agenbroad road. My concern is property value. Theft. When Bill's was open I had two thefts. Red Tail was a joke deal. I haven't had much of a problem when nothing was running. Now I have trash and beer cans the last few weekends. Nothing against the Durst Family I like them all. But if it's a business he is running. What kind of people typically come to a pay lake, not all but a lot, I know some people from Dayton have come up here and they had a good time but they are partiers. I can hear some noise in my backyard. There is a big tree line between my house and the pay lake. I just want to be able to resell my house in case I wish to move. The noise and theft are huge concerns for me. I do not feel safe leaving my garage door open. I like to work out of my garage, and I do not feel safe leaving it open during the weekends so people driving by can look.

Jane Sessions: 4108 S Dayton Brandt rd. I drive on Palmer or Dayton Brandt every day. I Have questions. What's the capacity for camping?

Mr. Conard: Can I address the camping situation

Mr. Fisher: yes.

Mr. Conard: Think of this more as a drive in. No RVs or mobile homes. Families go there set up tents and the kids fall asleep while parents stay up and fish. There will be no showers. It's not intended to hang out there for the weekend. It's come and fish. The pass is for 12 hours only.

Kristen Garlough: Can I make a comment on that?

Mr. Fisher: Yes, though this will be the last comment before we get back to Mrs. Sessions.

Mrs. Garlough: How will they regulate people from not staying longer? Will they turn away people with RVs that plan on staying 24 hours plus?

Mr. Conard: The tickets are time stamped and they are monitored. Can't overstay the timestamp.

Mrs. Garlough: But if they do not anticipate it being a campground. Our biggest concern is that it turns into a campground.

Mrs. Sessions: how many people can be there at one time (capacity)? And do you have enough parking.

Mr. Durst: We've been getting around 40-50 people at a time.

Mrs. Sessions: So you have parking for around 40?

Misty Blair: there is 12 acres for people to fill.

Mrs. Sessions: Subtracting the size of the lake?

Discussion on how many people the lake can have

Mr. Conard: The cars pull up to the side of the lakes and "car fish." Most people won't want to leave the car at the front gate because of the distance to the bait shop. It's hard to define how much space available there is.

Mrs. Sessions: How many port a potty's and how often are they serviced?

Mrs. Blair: 4 and they are serviced every Wednesday

Mrs. Sessions: Do you have a septic tank?

Mr. Durst: We do but no one uses it. The tank was present when we bought the property.

Mrs. Sessions: Trash. Do you have a dumpster and how often is it emptied?

Mrs. Blair: We have a dumpster and it is emptied every Thursday

Mrs. Sessions: Does it get full

Mrs. Blair: It gets full but it's not been overfull been overfilled

Mrs. Sessions: Do you allow fires

Mr. Durst: yes

Mrs. Sessions: If a firearm discharges or set off fireworks what happens.

Mr. Durst: We call the sheriff's department.

Mrs. Sessions: Hopefully. How do you fill the lake with fish?

Mr. Durst: A fish company brings fish into the pay lake.

Mrs. Sessions: Is the company on the DNR list

Mr. Durst: Yes

Mrs. Sessions; Ok great

Natalie Donahue: 7835 Agenbroad. I am opposed because our property adjoins it about 600 feet. My husband has already said all the things we have experienced in the past. Big O never one time came over to ask us how we could make this a good relationship. This should be noted. I also know two people that know Bill Shepherd and he never opened the Pay Lake on purpose. He only had friends fish with him. I also know that Red Tail Fish lakes was sent a letter by Jeff but they never replied. There was some mention of having groups come by. I have boys are two steps from being eagle scouts. I would also like to mention as a parent the local Bethel Committee for the Boy Scouts they tend to go to areas such as state parks. It is a huge impact. I grew up on Studebaker rd. and lived in Bethel all my life. We found a nice house on Agenbroad Rd. in 1994 and at that time bill Camden did not run it as a pay Lake. It was not until 2001, as Mr. Carter stated, that Bill Camden had the potential to run that (the pay lake). I also have a few ideas for conditions:

- Have proper insurance.
- Operating hours through the weekends. May 1st-october 1st 7AM-7PM

People For

Misty Blair: Presented Facebook profile indicating this person was at Red Tail fishing lakes in 2014, per Facebook. Went over to the board and showed where they have started to replace fencing. Misty presented a map where other fencing would be proposed and completed in the future. Presented Pay stubs for Pay Lake.

Misty Blair: I have a three year old son. My son loves the place. He has caught his first fish there. The former owners did use this place has a dump. It was disgusting. My family members have cleaned up so much trash it has disgusted me. If the board came out and saw what we did they would understand. As you can see from the pictures already presented many families have been coming by and enjoying themselves. As far as we knew when we bought the place it was a pay lake. Neighbors I have talked to tell me our cleanup should raise their property values. The neighbors that I have not talked to already and concerned about their property values, just a little insight, Bill had that property as a Pay Lake way before I was born. Why would you purchase your property that long ago and now throw it up as it is a very bad concern?

Discussion on history of the pay lake

Rick Ratterman: 6495 Bethelville Dr. We bought our property in 2000. We won the property to the north. We bought the land from Mr. Camden and out the time it was a very operational Pay Lake. It was not a concern to me or I wouldn't have bought the place. You can see when Bill sold the lake. It got shaky after that. The place went to rack and ruin with the Shepherd's and my concerns started. No control over who came and who went. Red tail cut 4 wheel trails through my property. I know Chris wouldn't do that. Chris will run a good operation and has all permits. If you grant him this variance (should be a conditional use) he will be above board. Then people could take legal action against him if he doesn't run up to state and local standards. I do not think you will hear firearms go off. He does not allow fire arms or drinking. Red tail was a drunk fest and they did steal fire wood. Chris sells firewood, I doubt he would need to steal any. I had the same problems as many of you when it was with the Shepherds. I believe the problems in the past will be cured. On a busy day at Bill's pay lake it was shoulder to shoulder. In the winter time people came and cut holes in the ice and fish. The shepherds burnt a barn where the fire department had to come out. There sat a half burn barn. Chris removed the barn and the foundations for it. So as far as I'm concerned it's a positive.

Mr. Green: How long did Bill have the pay lake in operation?

Mr. Ratterman: until he sold it. I do not know when he sold it exactly. It should be a county record.

Discussion begins on who owned the pay lake and when

Marie Nesko: 7777 E Agenbroad Rd. Her dad dug the original lakes on the property in 1960s. I lived there and grew up there. None of the family ever drowned in the lakes. The lakes were always well run and watched out for potential problems. I think Mr. Durst improved my property values after he cleaned it up. My house is directly in front of Pay Lake. Mr. Shepherd bought it but passed it away. His son Mark shepherd inherited and made promises and wanted to open but never fulfilled them. The property is beautiful again, like I remember as a child. I want to thank Mr. Durst.

Andrew Shank: 221 S 3rd street (Tipp City). I've been going to Bill Pay Lake since the 1990s. It's always been a pay lake. I knew people that went to fish there when it was Red tail. Since May 1st (when the lakes were opened again) I have been there every day. I know there has been no loud noise, trash, or drinking. I watch Misty and her grandpa pick up trash every single day. I think it's great what they are doing to the place. I have been to numerous pay lakes. This is up there with them. The Thompsons, who live right behind the lakes, trust the pay lakes and they have small children. They could not be here tonight.

No one else present who wishes to speak for.

Mr. Butt: No alcohol served at the lake, are patrons allowed to bring their own alcohol?

Mr. Conard: No, alcohol will not be permitted on the pay lakes land. Signs are posted and it would be grounds for eviction.

Mr. Sonnnanstine: Are there any sign permits listed in the records?

Mr. Green: No. No sign permits in our records for this pay lake.

Mr. Sonnanstine: Nothing historic?

Mr. Green: No

Mr. Sonnanstine: Campsites and port a potty's. Are there any township rules about that?

Mr. Green: It all falls under the conditional use for commercial recreational facility

Mr. Sonnanstine: let me clarify something. You said the pay lake appears to have closed down for an extended period of time. If it is proven otherwise would they need this hearing?

Mr. Green: No.

Mr. Carter: It is my understanding if the Pay Lake is out of operation for two years they need to get a new conditional use.

Discussion on whether or not the pay lake was in continuous use.

Mr. Butt: We are not going to make any determinations on whether it was in continuous use or not at this time. We will investigate however.

Board examines and discusses case information

Mr. Conard: Again reserves the right to appeal history of the pay lake at a later date. As a practical matter if the board adopts the staff recommendation the conditions are acceptable to us. It's unfortunate the records are not complete because I don't think anyone here knows all the facts about the history right now.

Mr. Carter: I think Mrs. Nesko shed a lot of light about the history of the pay lake.

Mrs. Nesko: My parents dug it.

Mrs. Nesko talks about how the pay lakes came into being and her life pertaining to them

Closing Arguments

Mr. Carter: Appreciate everyone's help with facts/opinions. It's hard not to take these things personally. I don't take this personally, although I can understand why Mr. Durst might take this personally. It's just what the best use of this land is for everyone? How will it affect the whole neighborhood? Of course it will benefit Mr. Durst and Big O lakes, but there is a larger picture here. The Donahues and some others have talked about how things didn't run well in the past and of course they talk about the future as positive and wonderful. But it's been open about two weeks and we have already had some problems here. If you allow this, then all the other problems that have happened in the past could easily recur. So we remain opposed and reserve the right to talk about valid prior non-conforming use that we do not think existed.

Mr. Conard: The Durst have invested a lot of time and money and they really want to do the right thing. I think all the evidence presented supports that and their desire to be good neighbors. You've seen one of the diagrams where fencing would be put up. I believe Mr. Durst talked to Mr. Green about a privacy fence. There's every intention to enforce business regulations and the law. Never been any intention to not follow the law. They believed that it was a continuing operation here. Marie Nesko talked about this. She knows best what the history was and she believes the pay lake was in operation. Staff report is well reasoned and agreeable. Past owners have used this place as a dump. Chris has been spending a lot of time trying to clean it up. I ask what is safer, an ongoing business that is lit up with lines of sights for the homes that want them, or no oversight with ponds and grounds for nuisances. Or is it more responsible to have someone like Chris Durst running a business. Only the market can determine property values. Here is an unassailable truth, those lakes have been there before every property owner bought their property and they certainly knew they were there. The ongoing operation of these

lakes, I think the evidence shows doesn't harm anyone, can enhance values, and I think some of the concerns like people backing into some neighbor's driveways will be addressed like any responsible business owner who wants to be a good neighbor will address. The fence has been constructed and will continue to be constructed. I mean the land is zoned A-2, what will you do turn it into a pig farm? The running joke of zoning right? I think that everyone here knows in good faith Chris and the Durst family will address these concerns.

Public Comments closed

Board discusses evidence and case

Mr. Butt: Motion to continue operation till August 27th meeting with the following conditions:

- Sign permits must be applied for
- No additional improvements to operation

Mr. Sonnanstine Seconded

VOTE

Mrs. Reese:	N/A
Mrs. Fisher:	Yes
Mr. Gross:	N/A
Mr. Sonnanstine:	No
Mr. Butt	Yes
Mr. Durst	N/A

Case CU-02-15 approved 2-1 till the August 27th meeting with the above conditions.

Approval of minutes:

Mrs. Fisher: Motion to defer minutes to next meeting

Mr. Butt: Seconded

Vote

Mrs. Reese:	Yes
Mrs. Fisher:	Yes
Mr. Butt:	Yes
Mr. Sonnanstine:	Yes

Mr. Durst	N/A
Mr. Gross	N/A

Adjournment:

Motion was made by Mr. Sonnanstine to adjourn and seconded by Mrs. Reese.