

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

January 17, 2007

Record of Proceedings

Board members present: Tom Baker, Bill Grimsley, Darrin Gramling, and Gregg Winseman, Alternate.

Elected Officials: Phil Wiland & James Leu

Employees: Walt Hallett, III, Zoning Inspector
& Christine Lauch, Administrative Assistant

Visitors: See sign in sheet

- Meeting was called to order at 7:00pm by Darrin Gramling
- Bill Grimsley lead in Pledge of allegiance

- **New Business:**

- Variance Permit Requested by Jay & Jodi Hospital
- Walt Hallett, III, Zoning Inspector: Stated his case

The Hospital's had an approved Zoning Application #83-05 for replacement of a porch/foyer. The #83-05 permit issued, which is issued for 12 months, expired as of October 20, 2006 and was revoked. On October 12, 2007 Walt Hallett, Zoning Inspector, investigated the property and found that the original permit application's proposed construction had been altered and the structure was modified from what was approved. Walt stated that he sent the Hospital's a certified letter of violation sighting the Swancreek Township Resolution article numbers: 100 5.9 (#6) Blight, 100-20.6 Expiration of Zoning Permit, & 100-20.91 Failure to Obtain a Zoning Permit. The modified structure is encroaching the right-of-way setback for front yard placement. The blight issue will be dismissed and released if the Variance Request is approved. #100 5.9 #6 will no longer be valid if they received a valid Zoning Permit.

Walt also stated that other structures on County Road 3 are past the setback line. A building line was established before the Zoning Resolution; however, the Resolution does not give the Zoning Inspector leeway for prior lines.

- The Board of Zoning Appeals discussed pictures Walt submitted to the township with the violation. Walt explained the modification shown in his pictures and the setback requirement.

- Darrin Gramling called Mr. & Mrs. Hospital to the stand to testify.
- Mr. & Mrs. Hospital were sworn in by Bill Grimsley

Jay Hospital stated that they weren't aware that they could not change the structure, once the permit was issued. He explained that the reason for the change was due to placement of their stairs. Jodi Hospital said the original square footage of the house was 1271 and it is now 2600. The Hospital's submitted pictures of surrounding neighbors who also have gone beyond the required setback requirements for front additions. Tom Baker asked the Hospitals when they anticipate finishing the home. Mr. Hospital stated that he originally was doing the work himself; however, his job takes him out of town now, so he hired a construction company to finish it and that it will be completed this year.

Darrin Gramling asked if it was a local company. Mr. Hospital said they are out of Fremont. Darrin Gramling reminded the Hospitals that they have 12 months to complete the structure and that they are now aware that they cannot move it any further forward. Mr. Hospital inquired about the driveway. He wanted to know if he could loop it around or if there are any stipulations. Walt Hallett told him as long as he keeps the current access there are no stipulations other than he cannot place it over his leach field.

The Hospital's discussed the fence that is on their property. They inquired about height regulations for a replacement fence. Walt Hallett told them he would discuss that with them at a later time.

- Darrin Gramling called on the Public for opposed and/or in favor of the Hospitals Variance Request. No public members came forward to testify.

Standards Set Described in Article 100-21.5 list.

#1. Location, size and character as it relates to the development of the surrounding neighborhood and regulations of applicable zoning district.

Pictures submitted by the Hospitals and testimony proved other structures have same size & character in the surrounding neighborhood.

All Agreed.

#2. Impact on vehicular and pedestrian traffic.

No - All Agreed.

#3. Any possible nuisance emanating from the proposed use.

No - All Agreed

#4. Location, height nature of buildings and other structures as they relate to appropriate development and use of adjacent lands and buildings and how the proposed use affects values of other lands.

Improving surrounding neighborhood and home value - All Agreed.

#5. Whether the proposed use will be harmonious with the physical and economic aspects of adjacent property.

Harmonious - All Agreed.

#6. The necessity of the proposed use for public convenience at this location.

N/A

#7. Will the proposed use protect the public health, safety and welfare.

N/A

#8. The effect the proposed use will have on the value of other property in the area in which it is to be located.

Use is living space, not a business - N/A

Darrin Gramling instructed the Hospitals to make sure they finish the exterior of the structure by the 12 month allowance period.

Darrin Gramling asked the board for questions/concerns. Tom Baker stated he sees no reason not to approve the Variance Request based on the Standard's guidelines.

- Darrin Gramling made Motion to approve Variance Request, 2nd by Bill Grimsley
~ Roll call: Tom Baker - yes, Darrin Gramling - yes, Bill Grimsley - yes

• Old Business:

- Tom Baker Motioned to approve the minutes of 11-15-07, 2nd by Darrin Gramling
~ Roll call: Tom Baker - yes, Darrin Gramling - yes, Bill Grimsley - yes

- Tom Baker Motioned to adjourn the meeting, Darrin Gramling, 2nd
~ Roll call: Tom Baker - yes, Darrin Gramling - yes, Bill Grimsley - yes

- Meeting adjourned at 7:36 p.m.
