

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

November 19, 2009

Record of Proceedings - MINUTES

Board members present: Darrin Gramling, Gregg Winseman, & David Smith

Roll Call was taken.

Elected Officials: Trustee, James Leu

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

Visitors: See sign in sheet

Meeting was called to order at 7:00 p.m. by Darrin Gramling.

Mr. Gramling led in the Pledge of Allegiance.

New Business: Variance Requested by Lyle & Melva Dickson & Robert & Teresa Ondo, Daughter

Walt Hallett, III, Zoning Inspector: Stated his case -

Mr. Hallett stated the township received a citizen complaint. He did a site inspection where he found that a 5th wheel travel trailer was removed and a park model was placed. Mr. Hallett sent the Dickson's a violation letter sighting Articles 100-5.2 (\$ & #6), 100-5.6, 100-5.9 (#7), 100-8.2, 100-8.4 and 100-23 and gave them the ability to remove the structure within 30 days to comply with the zoning resolution. The Dickson's filed a zoning permit application, which was denied by virtue of 100-5.2 (#1,#2,#4,#6), 100-5.6, 100-8.2, 100-8.4, 100-18.1, & 100-23. Mr. Hallett stated that he looked into the possibility of a nonconforming validation certificate and a conditional use, however, the residential structure did not meet the provisions for either. The Dickson's submitted a Variance request based on family hardship, due to health issues. (see application submitted by Mrs. Ondo, daughter).

The board review pictures of the structure.

David Smith asked for clarification of what the structure is exactly and how it is titled. He also had fire safety concerns due to it being close to a barn. Mr. Hallett stated the structure is within the regulations of 10' setback from a main structure and that our resolution does not regulate fire safety.

David Smith also asked Mr. Hallett if Fulton County would have to approve sharing of the septic and well.

Mr. Hallett said that the Dickson's may have to comply with any county regulations, however, he has not found anything to substantiate if they will have to or not. He contacted Kim Cupp, of the Fulton County Health Department, who told him the Dickson's may have to file for a variance with them to continue sharing the systems.

Mr. Hallett stated the township's variance application is to determine if the use can continue possibly conditionally granted.

Darrin Gramling swore in Mr. Lyle Dickson of 4910 Co. Rd. 4, Swanton, Ohio:

Mr. Dickson provided the board with doctor statements on behalf of he and his wife (see file) as well as pictures and the title of the structure, which states it is a travel trailer park model.

Mr. Dickson said his daughter has lived there to take care of them since 2000 and that he was not aware of the zoning laws. He said his daughter is committed to taking care of them and that he understands that he will have to also get approval from the Fulton County Health Department, he has already contacted them.

The board reviewed Mr. Dickson's documentation.

Darrin Gramling asked Mr. Dickson if the structure was anchored to the ground. Mr. Dickson stated it was and the 5th wheel that was removed was not. Mr. Gramling asked Mr. Dickson if his intent was to keep this structure on a temporary basis. Mr. Dickson said yes, until the death of he and his wife. Mr. Gramling asked Mr. Dickson of the possibility of an addition to his home. Mr. Dickson stated that due to setbacks of the pond, septic, well and driveway this wasn't a possibility.

Darrin Gramling asked for public opposition or support - none.

The board reviewed the standards and voted as follows:

Standards Set Described in Article 100-21.5

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

VOTE: Does not- Darrin Gramling-No, Gregg Winseman-No, David Smith-No

2. Impact on vehicular and pedestrian traffic.

VOTE: N/A - All Agreed

3. Any possible nuisance emanating from the proposed use.

VOTE: Does not cause nuisance - Darrin Gramling-No nuisance, Gregg Winseman-No nuisance, David Smith-No nuisance

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.

Board discussed temporary use.

VOTE: Does not effect values - Darrin Gramling-No effect, Gregg Winseman-No effect, David Smith-No effect

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

VOTE: Is not harmonious - Darrin Gramling-Not harmonious, Gregg Winseman-Not harmonious, David Smith-Not harmonious

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

VOTE: N/A - All Agreed

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

VOTE: N/A - All Agreed

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

VOTE: No effect because temporary - Darrin Gramling-No effect, Gregg Winseman-No effect, David Smith-No effect

The board discussed conditions of granting the variance request.

➤ Motion to approve the variance request as follows by Darrin Gramling, 2nd by Gregg Winseman
~ Roll: Darrin Gramling - yea, David Smith - yea, Gregg Winseman - yea

Upon testimony heard of hardship for health issues of Melva & Lyle Dickson, parents of Teresa Ondo, the Variance Request is conditionally granted for: Condition #1: Temporary use of a travel trailer as a residence until the passing of Melva & Lyle Dickson, parents.
Condition #2: Upon the Fulton County Health Department Variance approval.

Darrin Gramling asked if there were any volunteers for the Vice Chairman seat available due to the resignation of Mr. Grimsley. Darrin nominated Gregg Winseman, David Smith 2nd the motion.

Chris will keep the discussion of OTA training on the Agenda for the next meeting on Old Business.

The board discussed past conditionally granted hearings that they requested to be kept aware of.

Darrin Gramling has issues with the ones that have a “completed by” date. The board discussed how these should be regulated. Walt Hallett will let the Trustees and the BZA know if he becomes aware of any issues. Trustee Leu discussed the complaint based article with the board.

➤ Gregg Winseman motioned to approve the 9-17-09 Minutes, 2nd By David Smith

~ Roll: Darrin Gramling - yea, David Smith - yea, Gregg Winseman - yea

➤ Darrin Gramling motioned to adjourn the meeting, Gregg Winseman, 2nd

~ Roll: Darrin Gramling - yea, David Smith - yea, Gregg Winseman - yea -

Meeting adjourned at 8:05 p.m.
