

**SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS**

**12-16-2010**

**Record of Proceedings - MINUTES**

Board members present: Darrin Gramling, Chairman, Gregg Winseman, Vice Chairman, & David Smith, Board Member & Chuck McPhearson, Alternate

Roll Call was taken by Chris Lauch, Administrative Assistant

Elected Officials: Trustee, James Leu

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

Visitors: See sign in sheet

Meeting was called to order at 6:30 p.m. by Chairman, Darrin Gramling.

Mr. Gramling led in the Pledge of Allegiance.

**New Business:**

**Conditional Use Permit for John Gilders 4061 Co. Rd. 6-1, Delta Ohio**

**Walt Hallett, III, Zoning Inspector, was sworn in to testify and stated his case:**

Walt Hallett explained to the Board that under Article 100-8.3 #9 Mr. Gilders has the ability to have a temporary structure for six months. Mr. Gilder's is requesting another six months, so that he can finish building his dwelling. Mr. Gilder's Zoning Permit does not expire for twelve (12) months from the date of approval.

Article 100-8.3 states: One extension of this constraint, not to exceed six (6) months, may be granted by the BZA upon appeal.

Walt Hallett also pointed out to the Board that this property is listed under the owners of Lynette & Jeremy Nation. Darrin Gramling asked Walt if there are any legalities of approving his Conditional Use Permit when the parcel is in another person's name. Walt stated there is no language that would support that it cannot be granted.

**John Gilder's, 4061 Co. Rd. 6-1, Delta, Ohio was sworn in to testify:**

Mr. Gilder's said he needed the additional six (6) months to finish his home. The ownership will be put into his name, however, for now it is in his stepson's name. Darrin Gramling asked Mr. Gilder's if he is in the process of purchasing the land; Mr. Gilder's said yes.

Darrin Gramling asked for public support of this case, none.

Darrin Gramling asked for public opposition, none.

Darrin Gramling asked the board for any further discussion - 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: N/A**

ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A, David Smith - N/A,  
Chuck McPhearson - N/A

2. Impact on vehicular and pedestrian traffic.

**VOTE: N/A**

ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A, David Smith - N/A,  
Chuck McPhearson - N/A

3. Any possible nuisance emanating from the proposed use.  
**VOTE: NO**  
 ROLL: Darrin Gramling - No, Gregg Winseman - No, David Smith - No,  
 Chuck McPhearson - No
  
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.  
**VOTE: N/A**  
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A, David Smith - N/A,  
 Chuck McPhearson - N/A
  
5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.  
**VOTE: N/A**  
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A, David Smith - N/A,  
 Chuck McPhearson - N/A
  
6. The necessity of the proposed use for public convenience at this location.  
**VOTE: N/A**  
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A, David Smith - N/A,  
 Chuck McPhearson - N/A
  
7. Will the proposed use protect the public health, safety, and welfare?  
**VOTE: N/A**  
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A, David Smith - N/A,  
 Chuck McPhearson - 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.  
**VOTE: No Effect - Temporary Structure**  
 ROLL: Darrin Gramling - No effect, Gregg Winseman - No effect, David Smith - No effect,  
 Chuck McPhearson - No effect

- Darrin Gramling motioned to approve the Conditional Use permit until time allowed of 6/18/2011, a 2<sup>nd</sup> was heard from David Smith.  
 ~ **Roll:** Darrin Gramling - yes, Gregg Winseman - yes, David Smith - yes, Chuck McPhearson abstained from the vote for an odd number vote.

### **Conditional Use Permit Granted**

- Darrin Gramling motioned to approve the 8-19-10 Minutes, Gregg Winseman 2<sup>nd</sup> motion.  
 ~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, David Smith - yea, Chuck McPhearson abstained from the vote**
  
- Gregg Winseman motioned to approve the 2011 schedule of every 3<sup>rd</sup> Thursday of the month, if new business, Chuck McPhearson 2<sup>nd</sup> motion.  
 ~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, David Smith - yea, Chuck McPhearson - yea**

- Darrin Gramling motioned to not read each Minutes of the meetings out loud at the meetings or 201. The Minutes are reviewed by the Board prior to the meeting and the public is provided a hard copy at every meeting, Chuck McPhearson 2<sup>nd</sup> motion.  
~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, David Smith - yea, Chuck McPhearson - yea**
  
- Gregg Winseman nominated Darrin Gramling for Chairman for 2011.  
~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, David Smith - yea, Chuck McPhearson - yea**
  
- David Smith nominated Gregg Winseman for Vice Chairman for 2011.  
~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, David Smith - yea, Chuck McPhearson - yea**

Darrin asked for any further business. Walt Hallett reminded the Board of the conditionally granted appeals. Chris will get the Board and Walt the updated summary.

- Darrin Gramling motioned to adjourn the meeting, Gregg Winseman, 2<sup>nd</sup> motion  
~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea David Smith - yea**  
Meeting adjourned at 7:00 p.m.

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Darrin Gramling, Chairman

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Gregg Winseman, Vice Chairman

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David Smith, Board Member

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Board Member

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Board Member

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Board Alternate Member