

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

6-16-2011

Record of Proceedings - MINUTES

Board members present: Darrin Gramling, Chairman, Gregg Winseman, Vice Chairman, & 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:

Variance Request for John Gilders 4061 Co. Rd. 6-1, Delta Ohio

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

Mr. Gilder's is requesting another six months, so that he can finish building his dwelling.

Mr. Hallett denied application #21-10 by virtue of Article 100-5.6, 100-8.3#9 & 100-8.4.

Mr. Gilder's received an approved Conditional Use on 12-16-11 for a six month extension.

Walt Hallett also pointed out to the Board that this property is listed under the owners of Lynette & Jeremy Nation.

Mr. Hallett stated that once the exterior is finished he can issue a Final Occupancy Certificate on behalf of the Township, however, Mr. Gilders will need to check with the Health Department for any issue they may have.

John Gilders, 4061 Co. Rd. 6-1, Delta, Ohio was sworn in to testify:

Mr. Gilders said he needed the additional six (6) months to finish his home. Mr. Gilders has not been able to finish his dwelling due to the excessive rain.

Chuck McPhearson asked Mr. Gilders if the dwelling will be habitable in six months, Mr. Gilders said yes.

Darrin Gramling clarified with Mr. Gilders that he needs this structure to live in until the new dwelling is habitable? Mr. Gilders; yes. Mr. Gramling stated that the temporary structure shall be moved off site if the Variance Request is approved. Mr. Gilders; will be moved and has a possible buyer already for it.

Walt Hallett told Mr. Gilders to make sure he contacts the Fulton County Auditor when it is removed.

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: Does not relate

ROLL: Darrin Gramling - Does not, Gregg Winseman - Does not,

Chuck McPhearson - Does not, David Smith - absent

2. Impact on vehicular and pedestrian traffic.
VOTE: N/A
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A,
 Chuck McPhearson - N/A, David Smith - absent

 3. Any possible nuisance emanating from the proposed use.
VOTE: N/A
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A,
 Chuck McPhearson - N/A, David Smith - absent

 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,
 Chuck McPhearson - N/A, David Smith - absent

 5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.
VOTE: Is not
 ROLL: Darrin Gramling - Is not, Gregg Winseman -Is not,
 Chuck McPhearson - Is not, David Smith - absent

 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,
 Chuck McPhearson - N/A, David Smith - absent

 7. Will the proposed use protect the public health, safety, and welfare?
VOTE: N/A
 ROLL: Darrin Gramling - N/A, Gregg Winseman - N/A,
 Chuck McPhearson - N/A, David Smith - absent

 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: Yes, possible
 ROLL: Darrin Gramling - yes, Gregg Winseman - yes, Chuck McPhearson - yes,
 David Smith - absent
- Darrin Gramling motioned to approve the Variance Request to continue the use of the temporary structure (trailer) to be removed from the property on 12/16/1, a second was heard from Chuck McPhearson.
 ~ **Roll:** Darrin Gramling - yes, Gregg Winseman - yes, Chuck McPhearson - yes,
 David Smith - absent

Variance Request Permit Granted

New Business:

Variance Request for Donald Marshall, 6555 Co. Rd. 2, Swanton, Ohio

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

Mr. Marshall's permit #18-11 was denied by virtue of Articles 100-6.1, 100-6.5, 100-8.4 & 100-18.1. Walt explained to the Board that lots with continuous frontage, in single ownership is considered one parcel per the Zoning Resolution. Also, by adding to the parcel the frontage would be under the required 250'. Attached to this case file is a drawing of exhibit "Lot A & Lot B" referred to on documentation submitted to the Township Zoning Inspector.

The Board discussed sub-division regs, this would not be an issue if the parcels were located in a sub-division.

Donald Marshall sworn in to testify:

Mr. Marshall wishes to make both lots the same width with the same acreage and would like to split the lots to make them even.

The board discussed Mr. Marshall's requests and asked him where dwellings and accessory buildings are located now. Mr. Marshall said he currently lives in the dwelling to the North, there is a garage. The other dwelling is under renovation.

Darrin Gramling asked Mr. Marshall if his intent was to sell one or both of the parcels. Mr. Marshall stated that "Lot A" is currently for sale, with the approval of the BZA it will sell for 5 acres, instead of the current 3 acres.

The Board reviewed the aerial view of "Lot A & Lot B".

Chuck McPhearson asked Mr. Marshall if driveway access will be needed. Mr. Marshall stated there are already two driveways; there will be no change because he is not adding further access.

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: Does not relate

ROLL: Darrin Gramling - Does not, Gregg Winseman - Does not,
Chuck McPhearson - Does not, David Smith - absent

2. Impact on vehicular and pedestrian traffic.

VOTE: No effect

ROLL: Darrin Gramling - no effect, Gregg Winseman - no effect,
Chuck McPhearson - no effect, David Smith - absent

3. Any possible nuisance emanating from the proposed use.

VOTE: No

ROLL: Darrin Gramling - No, Gregg Winseman - No,
Chuck McPhearson - No, David Smith - absent

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: No effect

ROLL: Darrin Gramling - no effect, Gregg Winseman - no effect, Chuck McPhearson - no effect, David Smith - absent

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

VOTE: Harmonious

ROLL: Darrin Gramling - Is not, Gregg Winseman -Harmonious, Chuck McPhearson - Harmonious, David Smith - absent

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, Chuck McPhearson - N/A, David Smith - absent

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

VOTE: N/A

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

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

ROLL: Darrin Gramling - No effect, Gregg Winseman - No effect, Chuck McPhearson - No effect, David Smith - absent

➤ Darrin Gramling motioned to approve to the Variance Request for the ability to create a lot over two acres with non-conforming width with the ability to sell as two separate parcels.

~ **Roll: Darrin Gramling - yes, Gregg Winseman - yes, Chuck McPhearson - yes, David Smith - absent**

Variance Request Permit Granted

Darrin went over the past conditionally granted appeals. Walt Hallett gave updated information to the Board. Meridew trailer removed? - yes, Hospital case - ok, Demaline case - ok, Dickson case - ok.

➤ Gregg Winseman motioned to approve the 12-16-11 Minutes, Chuck McPhearson 2nd motion.

~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, Chuck McPhearson - yea David Smith - absent**

➤ Darrin Gramling motioned to adjourn the meeting, Chuck McPhearson, 2nd motion

~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea Chuck McPhearson- yea**
Meeting adjourned at 7:31 p.m.

Darrin Gramling, Chairman

Gregg Winseman, Vice Chairman

David Smith, Board Member

Chuck McPhearson, Alternate Board Member