

## SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

June 19, 2008

### Record of Proceedings - MINUTES

Board members present: Bill Grimsley, Darrin Gramling, Gregg Winseman and Walt Lange, Alternate.

Elected Officials: James Leu

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

Visitors: Robert Meiring, Fritz Wells

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

Bill Grimsley led in Pledge of Allegiance

#### **New Business:**

- The board welcomed new members Gregg Winseman and Walt Lange, Alternate
  - Mr. Bill Grimsley Motioned to nominate Darrin Gramling as new Chairman, due to the resignation of Earl Rowland. Gregg Winseman 2<sup>nd</sup> Motion
  - ~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea
  - Darrin Gramling Motioned to nominate Bill Grimsley as new Co-Chairman, Gregg Winseman 2<sup>nd</sup> Motion.
  - ~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea
  - Darrin Gramling Motioned to not read the Minutes out loud at the meetings for the year of 2008. The Board will review them prior to the meeting and approve/reject them at the meetings to save time.
- The board discussed the request for members of the Amendment Committee. Chris Lauch, Administrative Assistant, explained that the township is looking to do an extensive study on AG/RE districts that need, or should be, changed to RI - residential districts, as well as reviewing the current Zoning Resolution, page by page, to update it. Walt Lange stated that the Trustees should summon Steve Brown of the Fulton County Planning Commission to serve on this committee, as he is educated in the codes. Chris Lauch stated that she would make sure it is on the next Trustee's meeting agenda. There were no volunteers for the committee.

#### **Variance Permit Requested by Robert Meiring**

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

Mr. Hallett stated that the Meiring's have placed 2 - 12' x 24' accessory buildings at their residence. The Zoning Permit #14-08 was denied by virtue of 100-5.3 and 100-8.4. The front yard set back for these buildings are short the footage required by the Swancreek Township Zoning Resolution. Mr. Hallett explained that the acreage and side yard setbacks are in compliance, however, Mr. Meiring needed to request a Variance due to the fact that the accessory buildings are about 10' in front of the dwelling. Mr. Hallett gave definition as to how this set back is to be measured, as well as the Definition of front and side yard setbacks.

Mr. Hallett explained his certified letter that was sent to the Meirings (attached).

Mr. Hallett stated that the Meirings have complied with the filling for the Variance Request within the 20-day appeal period.

Mr. Hallett explained that the Meirings have a hardship issue due to the fact that proper placement would have to be in low lying areas, which are considered as flood plain..

Mr. Hallett received the driveway permit from Fulton County as he refers to access in his certified letter. The permit was granted and in compliance with Fulton County.

Darrin Gramling asked Mr. Hallett if the Resolution being implemented for this case is the older 1959 draft. Mr. Hallett said yes.

Darrin Gramling stated that the board has basically two choices; to force the Meirings to move the accessory buildings or grant the Variance Request and let them keep everything the same. Walt Hallett stated that if the board motions to grant the Variance Request they are only forgiving 10' with the existing building line established being the dwelling and if the board decides not to grant the Variance Request, Mr. Meiring would have to go before the Fulton County Planning Commission to get approved for placing the structure in a flood plain and that he felt that would be unreasonable, however, due to the stipulations of our Resolution he could not approve the Meiring's Zoning Permit Application.

Walt Lange stated that the buildings line up with a building next door and that it fits.

- Mr. Meiring was sworn in to testify.

Mr. Meiring stated that because of the flooding he placed the buildings in line with other buildings.

Darrin Gramling asked Mr. Meiring where the property line was because the Fulton County Auditor's data is still showing he owns the property next door. Mr. Meiring stated that the land was split between the barn and the shed; he owns the new house to the west. The Fulton County Auditor's data for the parcels are wrong.

Mr. Meiring said that he could not put the sheds on the East side of the dwelling because his leach field is there and that he could not place them behind his home because of the low lying area.

Mr. Gramling asked Mr. Meiring if he was aware of the zoning in place at the time of construction and questioned why he didn't contact the township for a Zoning Permit Application. Mr. Meiring said that the seller of the sheds, who is from Indiana, told him he didn't need a permit because it is not a permanent structure with a concrete foundation.

The board discussed the Swancreek Township Resolution definition of structure.

Mr. Hallett said these types of buildings are not taxable, however, are considered structures.

Mr. Lange reiterated that there is an established building line and that Mr. Meiring could not place the accessory buildings behind the dwelling due to the flood plain.

Darrin Gramling ask Mr. Hallett if the Variance goes with the owner or the property, if the property was sold, would the Variance still stand with a new owner. Mr. Hallett stated that if the Board wanted the Variance approval to go only with the current owner it would have to be a conditionally granted Variance.

- Darrin Gramling asked Chris Lauch if the new appointed board members needed to be sworn into the board before the vote. Chris Lauch, the administrative Assistant, said she searched the ORC, etc, and they do not need to be sworn in. Only witnesses and Walt Hallett, people who are testifying, need to be sworn in.

- Darrin Gramling called on the Public for opposed and/or in favor of the Meiring's 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.*

Darrin Gramling stated that the sheds are equal to the homes in the area and placement from the road setback. Gregg Winseman stated that it lines up with neighbors accessory building.

All Agreed.

*#2. Impact on vehicular and pedestrian traffic.*

Gregg Winseman stated that the driveway was permitted by Fulton County, it is a U-shaped drive so there is not potential hazard.

No - All Agreed

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

N/A - 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.*

Gregg Winseman said the buildings are movable, it is a storage use and it is not taxable - there is not affect in values. Neighbors have similar storage buildings.

Darrin Gramling said there is no impact. Bill Grimsley agreed.

No impact - All Agreed

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

Not an issue - All Agreed.

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

N/A - All Agreed

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

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.*

Reiterated Standard #4

N/A - All Agreed

➤ Darrin Gramling made Motion to approve Variance Request, 2<sup>nd</sup> by Gregg Winseman  
~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea

**•Old Business:**

Approval of January 17, 2008 Minutes

Tom Baker absent, no quorum for approval of January 17, 2008 Minutes - to be put on next agenda

➤ Darrin Gramling Motioned to adjourn the meeting, Gregg Winseman, 2<sup>nd</sup>  
~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea

•Meeting adjourned at 7:35 p.m.

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