

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

6-24-2010

Record of Proceedings - MINUTES

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

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 Requested by James & Virginia Rains of 3499 Co. Rd. C, Swanton, Ohio

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

Walt stated zoning permit #20-10 was denied by virtue of Articles 100-8.4, 100-18.1 and 100-23 (definitions). The Rain's mobile home was destroyed by the recent tornado and wished to replace the structure, sub required 24' width of gross living area. Walt stated there is no consideration or provision in the zoning resolution to allow this request.

Walt discussed specifications for mobile/manufactured homes. The original mobile home was a non-conforming use of land, due to the zoning resolution not allowing two dwellings on one parcel. Upon the zoning application submission, he became aware of the non-conforming.

Walt did a site inspection and declared the structure unsafe and sent them a letter (attached).

Chris asked for clarity of the several addresses listed on documentation. A correction was made to the address where the structure location will be on the Variance Request form. It was initialed by the owner.

Darrin Gramling asked Mrs. Rains if her intent was to remove the new structure at a later date, she stated no. She said it would be long term. Walt said a non-conforming use validation certificate/application would be needed.

Darrin Gramling asked if there is any Federal jurisdiction or laws for the Governor declaring this area an emergency, or for an act of God. Walt Hallett said he spoke with the Fulton County Prosecuting Attorney's office and they stated there is no provision for this and that a variance request was needed.

Virginia Rains 3499 Co. Rd. C, Swanton, Ohio was sworn in to testify:

Mrs. Rains stated they are currently working with several agencies to get assistance and plans. They have obtained information for a double wide mobile home to replace the destroyed mobile home. Mr. Hallett said this structure would still be non-conforming, due to the lack of 1200 square feet living area requirement.

Darrin Gramling asked Mrs. Rains if this structure has an approved septic system from the Fulton County Health Department. Mrs. Rains said yes.

Keith Hudson, 3459 Co. Rd. C, Swanton, Ohio was sworn in to testify:

Mr. Hudson submitted several proposed blue prints from I.S.O.H. Outreach, (attached) who have stated they will be helping with funding. They have contractors who go out and find housing. The structures are State approved with required stickers affixed. He plans to place the structure on peers in the event he would like to move it at a later time. The original plan obtained from F.E.M.A. mentioned above, did not meet our zoning regulations in size either. Mr. Hudson also stated that the structure purchased will be professionally installed.

Mr. Gramling and Mr. Smith questioned how the Fulton County Auditor would recognize this structure, as far as property owner or owner of the structure. Walt Hallett said if it is affixed to the property the Auditor might assess it as personal property and may be taxed differently. Darrin Gramling said it would basically relate to leasing a lot.

The board discussed the definitions of manufactured and mobile homes.

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: Darrin Gramling-Doesn't relate, Gregg Winseman-Doesn't relate, David Smith-Doesn't relate. ROLL: All Agreed
2. Impact on vehicular and pedestrian traffic.
VOTE: N/A ROLL: All Agreed
3. Any possible nuisance emanating from the proposed use.
VOTE: Darrin Gramling-No nuisance, preexisting, Gregg Winseman-No nuisance, David Smith-No nuisance ROLL: 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.
VOTE: No Effect ROLL: All Agreed
5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.
VOTE: Darrin Gramling-Not harmonious, Gregg Winseman-Not harmonious, David Smith-Not harmonious ROLL: All Agreed
6. The necessity of the proposed use for public convenience at this location.
VOTE: N/A ROLL: All Agreed
7. Will the proposed use protect the public health, safety, and welfare?
VOTE: N/A ROLL: 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.
Darrin Gramling stated the use is a new dwelling -
VOTE: Darrin Gramling-Yes, improvement, Gregg Winseman-Yes, David Smith-Yes
ROLL: All Agreed

➤ Darrin Gramling motioned to “approve the Variance Request to replace mobile home that was totally destroyed by tornados with similar structure that doesn’t meet district requirements”.

A 2nd was heard from Gregg Winseman.

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

➤ Darrin Gramling motioned to approve the 3-18-10 Minutes

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

➤ David Smith motioned to adjourn the meeting, Gregg Winseman, 2nd motion

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

Meeting adjourned at 7:15 p.m.

Darrin Gramling, Chairman

Gregg Winseman, Vice Chairman

David Smith, Board Member

Board Member

Board Member

Board Alternate Member