

**SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS**

**7-15-2010**

**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 for property located at 3471 Co. Rd. C, Swanton, Ohio**

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

Walt stated zoning permit #28-10 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. Mr. Hallett did a site inspection and found the structure to be unsafe. The Rain's wish to replace the structure, instead of restoring it. The nonconforming use of land was validated by Walt, after the Rain's filed for a nonconforming use validation application, due to multiple dwellings on one parcel.

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

Mrs. Rains stated that the last Variance that was approved by the board actually meets the size requirements now because they found a larger manufactured home.

The size of the new Variance Request was discussed.

Gregg Winseman asked if the frontage was in compliance, Mrs. Rains said yes.

Mrs. Rains stated that the lot lines have all been changed due to a neighbor building a structure on another neighbor's property. They are working with Fulton County to rectify this.

David Smith wanted clarification of the placement of the manufactured homes. There will still be two mobile homes on that lot, but they will be placed further apart than they originally sat.

David Smith questioned the situation of the property owner not being the owner of the manufactured home, in the even it were to be moved at a later time. Mrs. Rains stated they have intentions of working up some paper work drawn up in regards to this.

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: Does not relate, does not effect values. Darrin Gramling - does not, Gregg Winseman - does not, David Smith - does not** 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 because it is a new structure, 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 2<sup>nd</sup> 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, Darrin Gramling, 2<sup>nd</sup> motion

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

Meeting adjourned at 6:55 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