

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

July 16, 2009

Record of Proceedings - MINUTES

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

Roll Call was taken by Administrative Assistant, Chris Lauch.

Elected Officials: Trustee James Leu

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

Visitors: None

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

Mr. Gramling led in the Pledge of Allegiance.

New Business:

Variance request by Mr. Strauss for an 800 sq. ft. addition to his dwelling located at 4034 Co. Rd. 6-1, Delta, Ohio, parcel # 24-046588-01.000. Mrs. Strauss, previous last name Clingaman, also owns the property located on the corner of County Road D and County Road 6-1, parcel # 24-046552-000.

• Variance Requested by Jon Strauss

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

Mr. Hallett stated Mr. Strauss's zoning permit #41-09 was denied by virtue of resolution articles 100-5.1, 100-6.2, 100-8.4, 100-18.1 & 100-23.

Mr. Strauss's road right of way setback is currently under the footage required for the AG/RE zoned district he lives in. His proposed addition would make it even more of an encroachment on County Road 6-1, even with the removal of a porch. The County Road D setbacks are in compliance.

The addition to his dwelling would make this structure more conforming because it lacks the 1,200 minimum sq. ft. It is currently 1,096 sq. ft., however, it would still be shy of the requirement.

The placement of the dwelling is nonconforming, which Mr. Strauss has submitted and has been approved for a nonconforming validation certificate, however, the Zoning Resolution Article 100-6.2 states a nonconforming structure cannot be enlarged or altered. Mr. Hallett stated the proposed addition is harmonious with the neighboring properties; however, he cannot approve the permit. Mr. Strauss's requirement variance can only be obtained through approval of the Board of Zoning Appeals.

The Board discussed measurements taken by Greg Winseman and Mr. Hallett who did site inspections. Gregg Winseman stated he measured 83' from the center line of the road. The Board reviewed aerial views, pictures and a hand-drawn site plan that Mr. Strauss presented to them.

Mr. Strauss was sworn in to testify

Mr. Strauss stated his hardship; when he married his wife he has three kids and the home is too small. He cannot place the addition in the rear of the home because of the pool and cannot go to the South of the home because the well is located there. He stated that he does not want to do the addition on the North side of the home because it would cost a lot more in concrete and does not wish to build upward. He wants to keep it a single level dwelling.

Mr. Strauss said his neighbor, Mr. Johnson's, setback is only 75'.

Mr. Strauss is requesting a 14' additional setback for his proposed addition. His wife purchased the corner lot and fixed the dwelling up from an eyesore. He would like to add to and fix up their home to improve the property value, as well as the neighborhood.

Dave Smith questioned Mr. Strauss about the current leach field placement.

Darrin Gramling asked Mr. Strauss if he realized he was in a zoned district of the township when he started digging the footer. Mr. Strauss said he was aware and knew he needed a zoning permit, however, was not aware of the setback issue.

There was no public testimony.

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.*

Yes - relates - All Agreed.

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

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

No impact - All Agreed

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

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

N/a - All Agreed

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

#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.*

Relates and will improve values - All Agreed

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

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

Yes harmonious with other structures in the area - All Agreed.

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

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

N/A - All Agreed

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

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

N/A - All Agreed

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

#8. *The effect the proposed use will have on the value of other property in the area in which it is to be located.*

Increase values - All Agreed

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

➤ Gregg Winseman made motion to approve the zoning permit for the proposed addition with the 80' setback respected, Variance Approved, 2nd by Darrin Gramling

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

Walt Hallett asked the Board if they would like to be made aware of past condition uses and conditionally granted variances that he finds currently in noncompliance. Mr. Hallett needs the Board of Zoning Appeals for enforcement of these issues. The Board agreed to be kept abreast of these circumstances.

• Old Business:

Approval of 3-19-09 Minutes:

➤ Gregg Winseman Motioned to approve the Minutes, with the correction of 2008 to 2009 typo, 2nd By David Smith

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

➤ Gregg Winseman Motioned to adjourn the meeting, a 2nd was heard by Darrin Gramling

~ Roll: Darrin Gramling - yea, David Smith - yea, Gregg Winseman - yea - Meeting adjourned at 7:43 p.m.

Darrin Gramling

Gregg Winseman

David Smith