

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

8-18-2011

Record of Proceedings - MINUTES

Roll Call was taken by Chris Lauch, Administrative Assistant; Board members present: Darrin Gramling, Chairman, Gregg Winseman, Vice Chairman, David Smith, Board Member & Chuck McPhearson, Alternate. 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.
Pledge of Allegiance

New Business:

Variance Request for Kenneth Gilders,

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

Mr. Gilder's is requesting construction of a pond. His proposed pond permit of an 85' x 60' pond was denied by virtue of Articles: 100-5.1, 1005.2 (#14), 1008.2 (#10 a, b, c, &d) & 100-23. Mr. Gilder's parcel is sub the five acres required, under setback requirements, under the area and size for the pond, and slope depth is not 3:1 ratio. Walt stated that Mr. Gilder's is going to keep the dirt on his property if the Variance is approved. Walt explained that the filling in of areas that Mr. Gilder's is wishing to fill in, could potentially be a flood plane issue and referred the Board to Article 100-5.2 #14, which refers to EPA, Fulton County Health Department, Fulton County Regional Planning, Fulton County Engineers and he also stated that the Army Chore all could have jurisdiction over filling a flood plane.

Walt stated the pond does not fall under the 'garden size pond' in the Zoning Resolution.

Mr. Gilder's established his proposed outlet/overflow for the pond

The Board discussed the size of the proposed pond, rear and side setbacks and site inspection pictures submitted by Walt Hallett, and elevation between new pond and Bad Creek. There are other ponds in the immediate area that have been there for over 20 years.

Kenneth Gilders, 4199 Co. Rd. 6, Delta, Ohio was sworn in to testify:

Mr. Gilders stated he lives on a family farm. His brother sold his property; however, the neighbor also would like to get rid of standing water. He would like to utilize the dirt from the proposed pond to fill this area in. He also cannot mow the area as it is because it is too wet and he has concerns of mosquitoes.

Darrin Gramling asked Mr. Gilders if there was a possibility of more tile that could be placed vs. the pond. Mr. Gilders said there is not enough 'fall' to get the proper drainage.

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 - Does not
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 - N/A
3. Any possible nuisance emanating from the proposed use.
VOTE: No nuisance - The use will not be a nuisance because it is recreational, possible drainage issues.
ROLL: Darrin Gramling - No nuisance, Gregg Winseman - No nuisance,
Chuck McPhearson - No nuisance, David Smith - No nuisance
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 - No effect
5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.
VOTE: Yes is harmonious
ROLL: Darrin Gramling - No is not harmonious, Gregg Winseman - yes is harmonious,
Chuck McPhearson - yes is harmonious, David Smith - Yes, is harmonious
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 - N/A
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 - N/A
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 - Possible increase in value
 - David Smith motioned to conditionally grant the Variance Request to meet the minimum depth of 17' or side slope ratio of 3:1 pitch, a second was heard by Darrin Gramling
~ **Roll:** Darrin Gramling - no, Gregg Winseman - yes, David Smith - yes,
Chuck McPhearson - abstained.

Variance Request Permit Conditionally Granted

New Business:

Variance Request for Harold Yunker 1167 Co. Rd. EF, Swanton, Ohio

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

Mr. Yunker's permit was denied by virtue of Articles 100-5.1, 100-5.3 (#1b), 100-18.1 & 100-23. Mr. Yunker wishes to place a new accessory building in front of an old building that will be torn down after new construction, causing front yard placement.

Harold Yunker sworn in to testify:

Mr. Yunker's concern of tearing down the old accessory building before constructing a new one is safety. He has a lot of items of value in the old building. He checked into PODs and storage units for these items and stated that it would be too expensive to store all of his things. He has been broken into in the past.

Mr. Yunker stated that there is a house on the corner with front yard placement of an accessory building and he is aware that corner lots have different regulations for zoning.

The Board discussed placement of the new building in the rear behind the old building. Mr. Yunker said there was an old barn back there that was torn down and it has a lot of debris there. He is not confident about digging a foundation back there. Chuck McPhearson asked Mr. Yunker if there is room to build between the old and new buildings. Mr. Yunker said there is only a few feet.

Mr. Yunker said he has people asking to purchase his old building.

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 - Does not

2. Impact on vehicular and pedestrian traffic.

VOTE: No impact

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

3. Any possible nuisance emanating from the proposed use.

VOTE: No nuisance

ROLL: Darrin Gramling - None, Gregg Winseman - None,
Chuck McPhearson - None, David Smith - None

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 - no effect

5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.
VOTE: Harmonious
 ROLL: Darrin Gramling - yes, Gregg Winseman -yes, Chuck McPhearson - yes, David Smith - yes

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 - N/A

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 - N/A

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 - No effect
 - Darrin Gramling motioned to approve to the Variance Request as proposed,
 - David Smith 2nd the motion.
 ~ **Roll:** Darrin Gramling - yes, Chuck McPhearson - yes, David Smith - yes, Gregg Winseman - abstained

Variance Request Permit Granted

- Gregg Winseman motioned to approve the 6-16-11 Minutes, Chuck McPhearson 2nd the motion.
 ~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea, Chuck McPhearson - yea David Smith - abstained**

- Gregg Winseman motioned to adjourn the meeting, Chuck McPhearson, 2nd motion
 ~ **Roll: Darrin Gramling - yea, Gregg Winseman - yea Chuck McPhearson- yea**

Meeting adjourned at 7:50 p.m.

 Darrin Gramling, Chairman

 Gregg Winseman, Vice Chairman

 David Smith, Board Member

 Chuck McPhearson, Alternate Board Member