

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

8-19-2010

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 6:31 p.m. by Chairman, Darrin Gramling.

Mr. Gramling led in the Pledge of Allegiance.

New Business:

Variance Requested by Mandy Proffitt & Corey Haven, 6021 Co. Rd. EF, Delta Ohio

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

Walt stated zoning permit #23-10 was denied by virtue of Zoning Resolution Articles 100-5.1, 100-5.3 (#1b), 100-6.2 (#1), 100-18.1 & 100-23. Mr. Haven placed a 24' x 36' accessory building in the front yard of the dwelling that is not in compliance of front yard placement or road right of way setbacks. The existing dwelling is already a nonconforming setback placement.

Walt stated the parcel is an irregular, "pie-shaped" established lot that is under 5 acres. He discussed placement of the structure with Mr. Haven. With respect to the leach field, etc. Mr. Haven could not find a resolution to move the structure, because there is no back yard on the property.

Gregg Winseman asked if there was a ditch behind the property. Walt Hallett said yes, however, the dwelling was constructed prior to zoning, so Regional Planning and the Health Department approved construction of the dwelling. Walt Hallett stated there is a 'drop off' in the rear yard. Walt stated there is possibly an issue of obstruction of view, nothing else offends compliance.

The board discussed the location of the septic and well. Walt Hallett stated, had it not been between where the house and the semi-constructed accessory building is now, they would have had the ability to attach it to the dwelling, however, it would limit the space of the accessory building and that this is the only area where the accessory building could go.

David Smith pointed out that it is extremely close to the road. Mr. Smith was concerned that in the event the County was in need to widen the road, hypothetically, for example, it would hinder any county improvement. Gregg Winseman stated county could possibly do any work necessary across the street.

Darrin Gramling asked if there were any past issues with this property. Walt Hallett stated yes, with a porch, however, any past issues would have no barring on this case. If the board were to approve the Variance Request, it would establish a new building line for this lot for placement on this parcel. David Smith stated the lot is totally nonconforming anyway. Mr. Hallett noted that other neighborhood homes are also nonconforming for setback placements.

Mr. Cory Haven was sworn in to testify on behalf of Mandy Proffitt.

Chris asked for clarity of the relationship of Mr. Haven to Ms. Proffitt. Mr. Haven stated they are married; they just never changed her last name on the parcel.

Mr. Haven reiterated that there is nowhere else to build. He stated he called around to several entities and found out his area was in fact in a zoned area.

Mr. Haven submitted pictures of the property for the board to review (attached to file).

Darrin Gramling asked for some clarity of a sketch of the property (also attached to file).

Mr. Gramling asked how far behind the barn is the land slope. Mr. Haven said about 4', just enough to mow.

Darrin Gramling questioned the setback placement from the road. The semi-constructed building is 24' deep by 36' wide. Mr. Gramling asked Mr. Haven if he would be willing to downsize to 12' x 16' instead.

Mr. Haven stated that he purchased a package from Menards and the tresses are preset. He also needs 10' off leach and 6' off septic, per the Health Department.

David Smith voiced his concern of parking in front of the structure. It would obstruct traffic view. He asked if Mr. Haven could move the door to the East side. Mr. Haven said yes, but he cannot drive over the leach field. The board discussed obtaining a driveway permit. Trustee Leu stated the building is only 4' off of the road right of way from the center line of the road. The township would not approve a driveway permit, because there is already obstruction of view issues on that road.

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.

Walt Hallett submitted Swancreek Township Zoning Article 100-21.4 Authority #2 for the board to review:

To authorize, upon appeal in specific cases such variance from the terms of the Zoning Resolution as will not be contrary to the public interest when owing to special conditions a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

Darrin Gramling stated that he felt that the biggest issue with this case is that the structure is too close to the road; however, Mr. Haven has options that would not be of detrimental costs.

David Smith stated if the board did not have enough information as to how close to the road right of way the structure is located, they could table the decision. His biggest concern is parking obstructing the view of traffic.

The board reviewed the standards and voted as follows:

Standards Set Described in Article100-21.5

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: Darrin Gramling-Possible issues, Gregg Winseman-Possible issues, David Smith-Possible issues ROLL: All Agreed
3. Any possible nuisance emanating from the proposed use.
VOTE: Darrin Gramling-N/A, Gregg Winseman-N/A, David Smith-N/A 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: Darrin Gramling-No affect to value, Gregg Winseman-No effect to value, David Smith-No effect to value ROLL: All Agreed
5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.
VOTE: Darrin Gramling-Yes-harmonious, Gregg Winseman-Yes-harmonious, David Smith-Yes-harmonious ROLL: All Agreed

- 6. The necessity of the proposed use for public convenience at this location.
VOTE: Darrin Gramling-N/A, Gregg Winseman-N/A, David Smith-N/A ROLL: All Agreed
- 7. Will the proposed use protect the public health, safety, and welfare?
VOTE: Darrin Gramling-N/A, Gregg Winseman-N/A, David Smith-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.
VOTE: Darrin Gramling-No effect, Gregg Winseman-No effect, David Smith-No effect
 ROLL: All Agreed

➤ Darrin Gramling motioned to approve the Variance Request, a 2nd was heard from Gregg Winseman.

~ **Roll: Darrin Gramling - No, Gregg Winseman - Yea, David Smith - no**

Variance Request Denied

➤ Darrin Gramling motioned to approve the 7-15-10 Minutes, Gregg Winseman 2nd motion

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

Darrin asked the board if they wanted to continue to do the Pledge of Allegiance. The board agreed to continue it at all meetings.

The upcoming Zoning Commission meeting was discussed regarding the current nuisance factor language not being specific enough. Chris stated Mr. Lange instructed her to pass along the meeting information to the Board of Zoning Appeals for any/all input and stated the meeting is October 8, 2010 at 6:00 p.m. if they wish to attend.

➤ Darrin Gramling motioned to adjourn the meeting, Gregg Winseman, 2nd motion

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

Meeting adjourned at 7:20 p.m.

 Darrin Gramling, Chairman

 Gregg Winseman, Vice Chairman

 David Smith, Board Member

 Board Member

 Board Member

 Board Alternate Member