

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS
September 18, 2008
Record of Proceedings - MINUTES

Board members present: Bill Grimsley, Darrin Gramling, Gregg Winseman

Roll Call was taken

Elected Officials: James Leu & Phil Wiland

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

Visitors: James Krasula, Casey Kennedy & Family

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

Bill Grimsley led in Pledge of Allegiance

New Business:

Variance Request to build a dwelling located at 1277 Co. Rd. D, Swanton, Ohio.

• Variance Requested by James Krasula

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

Mr. Hallett stated that Mr. Krasula applied for a Zoning Permit to construct a dwelling at the above mentioned property. The Zoning Permit # 36-08 was denied.

Mr. Hallett stated the conflicting regulations 100-6.5 & 100-8.4. Mr. Hallett stated that he has the ability to approve the permit, however, would like clarity from the Board due to the conflicting regulations. This property is a non-conforming lot of record, Article 100-6.5, which allows the dwelling. Article 100-8.4 states that any parcels over 2 acres shall have 250' frontage. This property does not meet the requirements for the minimum required frontage of 250' for parcels over 2 acres. This property only has 99' frontage. Mr. Hallett stated that all other requirements are met for this property and that access has already been granted. Mr. Krasula will also be obtaining a water tap from the Swancreek Water District upon approval of his Variance.

This property has an accessory building in place already also.

Darrin Gramling asked Walt Hallett about the history of this parcel. Walt Hallett told Mr. Gramling there is a past Conditional Use Permit request; however, it should have no bearing on this hearing. Mr. Hallett explained Mr. Krasula's past Variance and told the Board that the use of this accessory building is for personal storage only. He has no employees. He does not consider it an operation and has not received any complaints thereof.

Darrin Gramling asked Walt Hallett if conditions can be put on the Variance approval that he not be able to implement an operation. Mr. Hallett explained that Article 100-5.8 "Home Occupancy" gives the ability if the requirements are met in this AG/RE district. Mr. Hallett stated the only issue for this hearing is for the lack of 250' frontage.

Bill Grimsley stated that Mr. Hallett alludes to a cul-de-sac in his notes. Walt Hallett said this property has the ability to be a rural subdivision due to the requirement met of 60' right-of-way. Mr. Krasula does not have any limitations of that ability as long as he meets Fulton County's specs.

• Mr. Krasula was sworn in to testify -

Mr. Krasula stated that he only wants one house and will not be constructing a road. This property was passed down to him from his father and he would like to build his home there.

Mr. Krasula gave the Board a notarized letter from his neighbor Shawn McManaman (attached) who expressed his support.

Darrin Gramling asked Mr. Krasula if his intent was to build only one home and not a sub division. Mr. Krasula reiterated that his intent is to build only one home.

Darrin Gramling read two notarized letters of opposition from Mr. Casey Kennedy and Mrs. Eloise Sullivan and the support letter from Mr. McManaman out loud to the Board and the public.

•Mr. Casey Kennedy sworn in to testify -

Mr. Kennedy stated that he'd like to save the Board time by not having to go through the Standards by stating that he is not in opposition of one home being constructed. He is only opposing future development because it would reduce his property value.

Chris Lauch, Administrative Assistant, stated that the Standards, (Article 100-21.4) are Township policy.

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.

#2. Impact on vehicular and pedestrian traffic.

No impact - All Agreed

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

None - 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.

Yes, relates - All Agreed

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

Yes - All Agreed.

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

N/A - All Agreed

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

N/A - 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.

No effect-All Agreed

➤ Gregg Winseman made Motion to conditionally grant the Variance Request for Mr. James Krasula for 1277 Co. Rd. D property for a single home dwelling to remain a 36.287 acre lot, 2nd by Bill Grimsley

~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea

•Old Business:

Approval of January 17, 2008 Minutes

Approval of June 19, 2008 Minutes

Approval of August 21, 2008 Minutes

➤ Darrin Gramling Motioned to approve the Minutes, Gregg Winseman, 2nd

~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea

➤ Gregg Winseman Motioned to adjourn the meeting, Bill Grimsley, 2nd

~ Roll: Gregg Winseman - yea, Bill Grimsley - yea, Darrin Gramling - yea

•Meeting adjourned at 7:46 p.m.
