

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

12-19-13

Record of Proceedings - MINUTES

Meeting was called to order at 6:30 p.m. by Darrin Gramling, Chairman

Mr. Gramling led in the Pledge of Allegiance.

Roll Call was taken by Administrative Assistant, Chris Lauch.

Board members present: Darrin Gramling, Chairman, Gregg Winseman, Vice Chairman, Dennis Lazenby, Steve Fuzinski, & David Smith

Elected Officials: None

Employees: Walt Hallett, III, Zoning Inspector & Chris Lauch, Administrative Assistant

Visitors: See Sign In Sheet

New Business:

Variance Request for Marvin Sherman of 4458 Albon Road, Monclova, OH for 3929 Co. Rd.1, Swanton, OH

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

Walt Hallett reviewed his denial of Zoning Permit Application #55-13. Mr. Sherman's Variance Request was submitted at the time he submitted his Zoning Permit Application to "split a parcel more than two acres with less than 250' of front width". This lot split was already approved several years ago by County, which left one parcel, to the south, with sub required frontage and makes it an unbuildable lot. The north parcel is conforming; however, the south parcel is pie-shaped.

Mr. Sherman would like to sell these parcels. Mr. Hallett reviewed his denial by virtue of Zoning Articles 100-5.1, 100-8.4, 100-18.1, and 100-23 as stated in his letter. Walt Hallett stated that when the lot split was approved the Auditor's office keep the parcel numbers the same for convenience to the property owner for the tax bill.

Darrin Gramling asked when this area was zoned. Dennis Lazenby stated that according to his research, zoning was enacted in 2001. Walt Hallett explained that the lot split was a legal non-conforming lot split prior to zoning, per the 1990's records.

Darrin Gramling asked if County Road 1 was a road that Swancreek Township would need to issue a driveway permit to. Walt said yes, the purchaser would need to obtain a driveway permit from the Township. The Township's Maintenance Department issues driveway permits after doing a site inspection for proper drainage placement, etc.

Dennis Lazenby asked if there was enough area for a setback for a house. Walt Hallett stated this would not be an issue; there is enough area measured off from the center line of the road, back 80'. Walt Hallett reviewed the Area, Height and Bulk regulations for this district. Dennis Lazenby stated he felt with a 12' side setback requirement for area for a new construction of a dwelling is in compliance; the hardship in this case is that, if left the way it is currently, it is a totally unbuildable lot. Dennis Lazenby stated it is not reasonable to leave unbuildable lots. Steve Fuzinski agreed that it is the Board's intent and responsibility to attempt to clear up issues like this.

Mr. Sherman has informed Walt Hallett that he has a buyer for the south parcel. There is already a home on the north parcel.

Steve Fuzinski questioned the previous owner's lot split. Walt stated that Mr. Sherman's father was the previous owner of the property when it was split and that he has since passed away. Walt Hallett explained that the Fulton County Regional Planning Commission was not involved in lot splits at that time. Since then, there are several entities involved to ensure compliance.

David Smith asked when the Regional Planning Commission started talking a look at lot splits. Walt Hallett said at least in the 1980s, prior to that, the Fulton County Auditor had sub-division regulations that were required and the Fulton County Commissioners reviewed lot split applications. The regulations were very loose and this is a unique situation, as well, because there is a lot in between these two lots that was split off, which has already been purchased. The Board further discussed old regulations.

Darrin Gramling asked the Board if they had any further questions for Mr. Hallett, hearing none.

Mr. Marvin Sherman was sworn in to testify:

Mr. Sherman stated that he agreed with all of Mr. Hallett's testimony. His Father bought and split the property many years ago. There were no regulations back then for lots with over one acre.

Darrin Gramling questioned if there would be any recourse later with any County entity. He asked Mr. Sherman if he has contacted the County Auditor's office to see if there will be any issues regarding the parcel numbers. Mr. Sherman said that he is following the steps needed; going through the Township's requirements first, having the property surveyed, and will be meeting with Rod Creagor, Fulton County Engineer's office, for access requirements, such as the required pipe width for the creek.

Mr. Sherman said that his Father purchased the land from Tom Franklin. His father was a builder. The Walter's own the home on the other parcel. He stated the split was pie-shaped, due to the ditch. It was in compliance back then, however, the regulations have changed.

Darrin Gramling asked the Board if they had any further questions for Mr. Sherman. Hearing none.

Darrin Gramling asked for any public support for the Variance Request. Hearing none.

Darrin Gramling asked for any public opposition for the Variance Request. Hearing 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 Comply
ROLL: Full Board Agreed
2. Impact on vehicular and pedestrian traffic.
VOTE: No Effect
ROLL: Full Board Agreed
3. Any possible nuisance emanating from the proposed use.
VOTE: None
ROLL: Full Board 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: N/A
ROLL: Full Board Agreed
5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.
VOTE: N/A
ROLL: Full Board Agreed

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

VOTE: N/A

ROLL: Full Board Agreed

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

VOTE: N/A

ROLL: Full Board 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: No Effect

ROLL: Full Board Agreed

Darrin Gramling asked the Board and Mr. Hallett for any further discussion.

Walt Hallett asked the Board if they would like to make these two separate cases, due to the Variance Request being for a lot split; approve/deny the lot split and then another hearing for the new owner to build a new dwelling on a parcel with 50' frontage. The Board discussed this and agreed that as long as all of the setbacks are in compliance, they did not need to have this case back for review or approval.

David Smith stated that Mr. Sherman or a new owner will need to follow through with County entities, such as the Health Department for septic, to ensure a new dwelling is setback far enough. Gregg Winseman said with the size of the lot, a new house will not be able to be set up towards the front of the property also. Walt Hallett stated the width setbacks required. Steve Fuzinski and Dennis Lazenby told Mr. Sherman, and agreed, that the Auditor's office will need to separate the parcel numbers once the properties are sold because the Auditor's office did not separate parcel numbers to these lots. Walt Hallett stated that the north and south parcels are one deed, new deeds will be recorded and the new parcel numbers will be assigned after the properties are sold, which will clear up the parcels having the same number. Chris Lauch asked permission to address the Board and Walt Hallett. The Board said yes. She asked if a non-conforming validation certificate would need to be issued. Walt Hallett told her no, because it is validated by the Board of Zoning Appeals, so there will be no certificate needed, if the Board approves the Variance Request. The Board agrees that corrections are needed prior to issues like this taking place.

Based on the above consideration, the Board finds as follows:

➤ Dennis Lazenby motioned to approve the non-conforming lot on the south portion of the lot split; a second was heard from Greg Winseman.

~ **Roll Call:** Darrin Gramling - Yes, Gregg Winseman - Yes, Dennis Lazenby - Yes, Steve Fuzinski – No.

Variance Request Permit Granted

New Business:

- 2014 Meeting Schedule:
 - Dennis Lazenby motioned to approve the 2014 meeting schedule. The meetings will remain the 3rd Thursday of each month, if new business, at 6:30 p.m., a second was heard from Gregg Winseman. Meeting minutes approval meetings will be scheduled at the time of all hearing meetings.

~ **Roll Call:** Darrin Gramling - Yes, Gregg Winseman - Yes, Dennis Lazenby - Yes, Steve Fuzinski – Yes.

- Meeting Minutes Approval Meeting: Set for January 9, 2014 at 6:30 p.m.
- Dennis Lazenby motioned to adjourn the meeting, So Moved. Meeting adjourned at 7:14 p.m.

Darrin Gramling, Chairman

Gregg Winseman, Vice Chairman

David Smith, Board Member

Dennis Lazenby, Board Member

Steve Fuzinski, Board Member

Sue Whitaker, Alternate Board Member