

# SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

6-20-13

## 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.

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

Elected Officials: None

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

Visitors: None

### **New Business:**

#### **Variance Request for Jacob & Renee Gracia, 5560 Co. Rd. D, Delta, OH**

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

Walt Hallett reviewed his denial of permit application #22-13, which violates Zoning Articles: 100-5.1, 100-5.2 (8), 100-8.4, 100-5.3 (a), 100-18.1 and 100-23.

Walt Hallett stated that Mr. Gracia's Variance Request is to erect a 6' fence for reasons of complete screening from the right-of-way and a 32' x 16' built-in swimming pool.

Due to his lot being a corner lot, his lot is considered, by way of the Zoning Resolution, two 'front yards'. His hardship is lot placement for both. Placement is usually where the lot access is, however, not for a corner lot.

Front yard placement for a fence is only allowable for a 3' or 36" fence.

Mr. Gracia submitted his Zoning Permit Application and Variance Request at the same time based on a conversation he had with Walt when he inquired about the corner lot compliance.

Steve Fuzinski asked the distance from the proposed fence to Co. Rd. D. Walt Hallett measured out the build line. The house is currently set back further than the build line requirement.

Gregg Winseman stated that the house is set back at least 150' and that the trees that are there are within 20' off of the road. Dennis Lazenby stated that his concern was safety of the fence placement; site from the road.

Steve Fuzinski asked if the fence was going to be about 40' or more off Co. Rd. D. Gregg Winseman said, if measured off the house, the fence would be at least 90' off of the road. Mr. Hallett said it could be possibly 20' shy. The regulation for a bare lot, that is not a corner lot, is 110'.

The Board discussed right-of-way measurements for the proposed fence and pool.

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

#### **Mr. Gracia Sworn in to testify:**

Mr. Gracia stated the fence will be at least 70' off of the right-of-way. There will be 42' between the pool and the end of the fence and another 30' to the road. He said his trees block more to the corner than the fence will.

David Smith asked Mr. Gracia if placement was going to be approximately where he currently has a volleyball net. Mr. Gracia said yes, it will about 4' closer to his house.

Mr. Gracia said he wants a 6' vinyl fence because of safety reasons; he wants to protect anyone from getting into the pool and for privacy. Mr. Gracia said that he got a great deal on the fence because a friend of his took it down from his property.

Gregg Winseman stated that the other side yard has the leach field located there.

Dennis Lazenby stated that if this were not a corner lot, the hearing would not be needed if the placement was in the side, or behind the dwelling.

Steve Fuzinski stated that basically there is no where else to put the pool.

Darrin Gramling asked Mr. Gracia if he had a reason why the pool needed to be 32' x 16'. Mr. Gracia said that it is really not that large, if you look at one that is already built. He also stated that he will also be using it for his daughter's swimming practice. She is on a swim team. He said he cannot turn it the other direction. If he were to turn it the other direction, it may become closer to the other property line. He also wants to put a sidewalk in between. Mr. Gracia stated that if someone is coming off of Co. Rd. 5-2 there will be no obstruction of view.

Darrin Gramling asked for public support for the Variance Request.

**Mr. Gregg Winseman, 5600 Co. Rd. D, Delta, Ohio was Sworn in to testify:**

Mr. Winseman stated that he lives right next door and he has no problem with it.

Darrin Gramling asked for further public support, none.

Darrin Gramling asked for public opposition for the Variance Request, none.

Darrin Gramling asked the Board and Mr. Hallett 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**  
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: No Effect**  
ROLL: Full Board Agreed
5. Whether the proposed use will be harmonious with the physical and economic aspects of the adjacent property.  
**VOTE: Harmonious**  
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: N/A**

ROLL: Full Board Agreed

Darrin Gramling asked the Board and Mr. Hallett again for any further discussion - none.

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

- Dennis Lazenby motioned to approve the Variance Request as requested; a second was heard from David Smith.  
~ **Roll Call:** Darrin Gramling - yes, Gregg Winseman - abstained, David Smith - abstained, Dennis Lazenby - yes, Steve Fuzinski– yes.

### **Variance Request Permit Granted**

- Gregg Winseman motioned to approve the May 16, 2013 Minutes, a 2<sup>nd</sup> was heard from Darrin Gramling.  
~ **Roll Call:** Darrin Gramling - yes, Gregg Winseman - yes, David Smith - abstained, Dennis Lazenby - yes, Steve Fuzinski– yes

Minutes approval meeting set for 6-27-13 at 6:30 p.m.

~Dennis Lazenby motioned to adjourn the meeting, So moved. Meeting adjourned at 6:58 p.m.

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Darrin Gramling, Chairman

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Gregg Winseman, Vice Chairman

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David Smith, Board Member

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Dennis Lazenby, Board Member

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Steve Fuzinski, Board Member

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Sue Whitaker, Alternate Board Member