

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

9-19-13

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, & Sue Whitaker, Alt., David Smith - Absent

Elected Officials: None

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

Visitors: See Sign In Sheet

New Business:

Variance Request for Edwina Mattimore and Matthew Mattimore, 4647 Co. Rd. 5, Delta, OH

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

Walt Hallett reviewed his denial of Zoning Permit application # 34-13 and the dimensions of the lots with the Board. Mrs. Edwina Mattimore is requesting a Variance Request to split off 6.345 acreage from her 44.86 acre parcel and add it to Matthew Mattimore's parcel.

Mr. Mattimore's parcel is currently in full compliance with respect to the required frontage. He currently has one acre. The addition of 6.345 acreage, becoming 7.35 acres, would create a non-conforming lot by virtue of Swancreek Township Zoning Article 100-8.4 "Minimum Lot Size Per Dwelling Unit". Width in feet of 2 acres or more requires 250' frontage. Mr. Hallett referred the Board to "Exhibit A", submitted by Mrs. Mattimore's attorney, Mr. Kaper, at the time the Variance Request was submitted. "Exhibit A" is a survey plat with the explanations of all of the dimensions and proposed lot split/addition, attached to case file.

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

Mr. Terry Kaper, Attorney, 109 St. Rt. 109, Wauseon, Ohio, Sworn in to testify on behalf of the Matthew & Edwin Mattimore:

Mr. Kaper submitted an aerial view of the wooded area Mrs. Mattimore is requesting to be split from her property and added to Mr. Mattimore's, for the Board's review.

Mr. Kaper felt that Mr. Hallett had explained the Variance Request well and that he did not have much more to add.

Darrin Gramling asked Mr. Kaper why Mrs. Mattimore didn't want to make the lot split square. Mr. Kaper explained that the request is only for the wooded area. The other portion is currently being farmed.

Darrin Gramling asked the Board if they had any further questions for Mr. Kaper. None

Darrin Gramling asked for any public support for the Variance Request. None.

Darrin Gramling asked for any public opposition for the Variance Request. 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: 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: None
ROLL: Full Board Agreed

Darrin Gramling asked the Board and Mr. Hallett for any further discussion. None.

***Two Board members abstained from voting in these hearings, because it was thought that there were an even number of members present, however, one board member was not present, making an odd number of members present. For this reason only, two Board members abstained from the votes of these Variance Request hearings.

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

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

Variance Request Permit Granted

New Business:

Variance Request for Mr. & Mrs. Hernandez of 2231 Co. Rd. D, Swanton, Ohio

Walt Hallett reviewed Zoning Permit application #40-13 that he denied by virtue of Swancreek Township Zoning Article 100-7.1 #11 "Off-Street Parking and Loading Requirements with the Board. In accordance to this Article, travel trailers shall be parked in the side or rear yard.

Mr. & Mrs. Hernandez have a travel trailer parked in their front yard. Mr. Hallett said this would not be an issue if it were stored inside an accessory building. Mr. Hallett explained that the Hernandez's live on a corner lot. Corner lot parcels are subject to the regulations of two front yards. The travel trailer cannot be parked on either the side yard that adjoins another road, nor in the front yard.

The Hernandez's would have to drive through their yard if they chose to store the travel trailer in the rear yard. Mr. Hallett said there is no curb cut or access point on the Bird Song Lane side. The Hernandez's would have to apply for access through the Township's driveway permit process to obtain access off of Bird Song Lane and that there are a series of building, etc on the West side. However, the Township does not have access management. The East side of their yard has trees and the rear yard has the leach field, as well.

Mrs. Hernandez, Sworn in to testify:

Mrs. Hernandez submitted pictures to the Board for their review, attached to the case file.

She testified that they have had several neighbors that have been 'broken into' and that they would not be able to see the travel trailer if it was parked over there.

Mrs. Hernandez stated that she and her husband have both had several health issues and have been unable to use the travel trailer to go camping. It is usually stored at the campground during the camping season.

Darrin Gramling asked Mrs. Hernandez how far back the leach field extends.

Mr. Hernandez, Sworn in to testify:

Mr. Hernandez said it was over 100' off of their house and it is over half of the width of the house to the South property line.

He does not consider the current placement of the travel trailer to be in his front yard. He feels where it is, is a side yard.

He stated that he would have to cut down five large trees if he parked it on that side and felt that there would be issues with the neighbors if it was parked there.

Darrin Gramling asked Mr. & Mrs. Hernandez how long they have had the travel trailer, if the license was up-to-date and how long it has been on the property.

Mrs. Hernandez said they have owned it for approximately seven years, yes, the license is always up-to-date. They have not been able to use it due to health issues for the last two years and that they cannot afford to store it off site.

Darrin Gramling asked Mrs. Hernandez if anyone was living in the travel trailer or is it just being stored there. She stated no, that her son will sleep in it when he comes into town to visit and that it is just being stored.

The Board discussed the current placement.

Mrs. Hernandez stated it will be moved once they are able to start camping again. If the Board doesn't allow them to keep it stored there, they plan to purchase one that sets on top of a truck. She asked the Board if they allow her to store it there, will they be able to still store it once the camping season is over? Darrin Gramling said yes, if the motion will describe as such.

Greg Winseman asked Mr. Hallett if an unlicensed vehicle is considered unusable. Mr. Hallett said yes, there is regulation in the Zoning Resolution to regulate that, he referred to Zoning Article 100-5.9 #1.

Steve Fuzinski stated that he felt corner lots are punished, because they are considered two front yards and that constitutes hardship. Mr. Fuzinski said if a time frame were put on the approved Variance Request, the Hernandez's always have the right to come back to the Board of Zoning Appeals.

Mr. Hallett stated that if the Variance Request is granted for a certain time frame, if someone else moved in they could store a travel trailer there, as well, until the time period set was up, because the Variance goes with the property.

Darrin Gramling asked for any public support for the Variance Request. None.

Darrin Gramling asked for any 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: None

ROLL: Full Board Agreed

3. Any possible nuisance emanating from the proposed use.

VOTE: None if only storing

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: Not permanent, 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: 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: Not a permanent structure, Will have no effect.
 ROLL: Full Board Agreed

The Board discussed seasonal placement and placing a time limit on the storage on the property, as well as the motion verbiage.

The Board discussed the definitions of recreational vehicle, travel trailer and camper.

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

➤ Dennis Lazenby motioned to conditionally grant the Variance Request of the recreational vehicle/camper/travel trailer to be stored in the front yard for a period of two years, which will expire on September 19, 2015, 2nd by Darrin Gramling.

~ **Roll Call:** Darrin Gramling - yes, Gregg Winseman - yes, Dennis Lazenby - yes, Steve Fuzinski—abstained, Sue Whitaker - abstained.

Variance Request Permit Granted

- Minutes approval meeting set for 9-26-13 at 6:30 p.m.
- Dennis Lazenby motioned to adjourn the meeting, So Moved. Meeting adjourned at 7:30 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