

SWANCREEK TOWNSHIP BOARD OF ZONING APPEALS

9-21-17

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, David Smith, Vice Chairman, Renee Walker, Sue Whitaker, & Gregg Winseman,

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

Visitors: See Sign In Sheet

New Business:

Marvin Lot Line Exchange/Split:

Walt Hallett, III, Zoning Inspector, 5565 Co. Rd. D, Delta, Ohio, was sworn in to testify and stated his case:

Walt Hallett received zoning application #26-17, for a lot split that would create an area less than the required 1 acre, exclusive of the right of way. The lot exchange to the abutting property at Lieway Ranch, 3 parcels in the same ownership, would create a non-conforming lot of record.

(Property owned by Mr. Robert Wayner, 6656 Co. Rd. 1-1, Swanton)

The zoning permit application was denied by virtue of Zoning Articles: 100-5.1 Conflicting Regulations, 100-8.4 Area Height & Bulk AG/RE District and 100-23 Definitions, in a letter dated 7-13-17. Mr. Marvin submitted a variance request at the same time as the zoning permit application by way of legal counsel.

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

Kevin Marvin 6590 Co. Rd. 1-1, Swanton, OH Sworn in to testify:

Represented by Legal Counsel, Brandon McClain Rehkopf, Mokensturm, Ltd.,

1119 Adams St., Toledo, Ohio 43604

Mr. Marvin's attorney explained Mr. Marvin is requesting a land swap involving 3 parcels.

He discovered that property lines were incorrect involving his neighbor's properties, after building a garage.

Mr. Marvin's garage slightly impedes on Mr. Wayner's property and Mr. Wayner's horse grazing area impedes onto Mr. Marvin's property. Property surveys were conducted and a plan to correct the issue, as to not destroy any structures that are already placed and to function as they have been.

Mr. Marvin verified the lot lines were incorrect when he paid his property taxes.

He had obtained a zoning permit for a shed. Due to the error in incorrect lot lines, the shed is within 6" of the property line, not the 5' required setback.

He received notice from the Health Department the septic setback is ok.

There is a horse grazing area on his property that was placed prior to his purchasing it. He does not wish to disrupt it. He is asking to swap land in the right of way to the north for his land being used for the grazing area, to make it right. No other properties will be affected.

Darrin Gramling asked for clarity on the original property lines, referring to the survey submitted at the time of the variance request. Mr. Marvin explained the survey and current structures.

Attorney Brandon McClain Rehkopf asked Mr. Marvin the following questions:

Would you say although the acreage that is being exchanged is not exactly the same amount, the value of the acreage you are acquiring is roughly equal, Mr. Marvin stated absolutely. He plans on applying for a three car garage after this.

Any change in pedestrian or vehicle traffic? Mr. Marvin stated No.

Do you plan on changing the use of the property? Mr. Marvin stated No.

You have spoken with the Health Department, this property exchange will not affect your ability to maintain a property septic system set back? Mr. Marvin stated that is correct.

Will this have any value effect on neighboring properties? Mr. Marvin stated Not that I can see.

Any further questions for Mr. Marvin? The Board does not have any further questions at this time, will call him back to the podium if needed.

Darrin Gramling asked for public testimony on behalf of the request:

Robert Wayner, 6656 Co. Rd. 1-1, Swanton, Ohio Sworn in to testify:

Mr. Wayner reiterated Mr. Marvin's testimony. He stated he followed the lots from the previous owner that he had purchased it from. He feels the land swap is the best thing to do to fix the issue and agreed that it would have no effect on neighboring properties.

Darrin Gramling asked for public testimony in opposition of the 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 meet zoning district
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: No
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: No Effect
ROLL: Full Board Agreed
6. The necessity of the proposed use for public convenience at this location.
VOTE: No Effect
ROLL: Full Board Agreed.
Renee Walker expressed the location is good for public convenience.
7. Will the proposed use protect the public health, safety, and welfare?
VOTE: No Effect
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 - No effect on value
ROLL: Full Board Agreed

➤ Greg Winseman motioned to grant the variance request to include the following:

Combine 17.921 Acre Combined Parcel, Parcel Split B Parcel #26-050580-02.000 (Wayner): Parcel Split Size 4982.30Sq. Ft. – 0.114 Acres, Parcel Split C Parcel #26-050580-01.000 Marvin: Parcel split Size 13108.3 Sq. Ft. – 0.301 Acres, Parcel B from #26-050580-02.000 to Parcel #26-050580.01.000

Granting request of land splits as submitted on the legal surveys; Pages 2, noted to be assigned titles of: Article A; 17.921 Acre Combined Parcel, Article B; 0.114 of an Acre Split Parcel B, Article C; 0.899 of an Acre Combined Parcel and Article D; The summary of the splits, as well as Article E; The Legal Survey Articles to be attached to the record, 2nd by Darrin Gramling

ROLL CALL: Darrin Gramling-yes, Gregg Winseman-yes, Renee Walker-yes, Sue Whitaker-yes, David Smith-yes

Davis addition to a non-conforming dwelling/business:

Walt Hallett, Zoning Inspector testified

Mr. Davis has an existing legal non-conforming use for a custom cabinet and countertop shop. The use of the property and the business is isolated to a 28'x34' accessory building on the east side, toward the front of the property.

Walt Hallett received a zoning permit application \$32-17 for a 13'x45' addition to the accessory building on the north side.

The building conforms to the district, due to no regulations on property over 5 acres.

The addition to the legal non-conforming was denied by virtue of 100-5.1 Conflicting Regulations, 100-6.1 (b,c,d) Statement of Purpose, 100-6.4 (1,2) Non-Conforming Use of Structures, and 100-23 Definitions.

Mr. Davis submitted a variance request at the same time as the zoning permit application.

Mr. Davis wishes to dissolve the non-conforming status through his variance request.

Walt Hallett referred to Article Principally Permitted uses; C1 and C2 districts. Mr. Davis's request is close to being a Home Occupancy.

Joseph Davis, 4131 Co. Rd. 6, Delta, OH Sworn in to testify

Mr. Davis's intent is to add on to an existing non-conforming building. He needs space for his business. David Smith inquired about traffic. Mr. Davis stated that it is mostly commercial work. All future use would remain the same. He has no show room. He has UPS pick ups and has a box truck for deliveries. Renee Walker inquired if his hour are during regular business hours. Mr. Davis said yes and his delivery truck operates in early morning.

The board reviewed an aerial of the property. Mr. Davis explained the drawing he submitted. The board discussed the dimensions of the building and the proposed addition. Mr. Davis has no future plans of expansion, he plans on scaling down.

Renee Walker asked if the non-conforming status is taken away, what happens in the future; what stops Mr. Davis from building larger buildings and affecting neighbors? Mr. Davis stated that there is no more buildable space, due to the creek and his septic system location.

Darrin Gramling asked for public testimony in opposition of the request: Hearing none.

Darrin Gramling asked for public testimony on behalf of the request:

Bill Taylor, 6111 Co. Rd. D, Delta, OH Sworn in to testify

Mr. Taylor stated that he has lived there prior to the Davis's. He said they are exceptional neighbors. He supports their business.

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 meet zoning district
ROLL: Full Board Agreed
2. Impact on vehicular and pedestrian traffic.
VOTE: No Issue
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: Yes, 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.
 Renee Walker expressed the location is good for public convenience.
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

The board discussed the difference between voting for only the addition and voting to remove the non-conforming.

- Darrin Gramling motioned to remove the non-conforming status for the existing business at the residence and approve the variance request for a home-based business to be confined to the current structure with the addition to continue the business as a custom cabinet/counter top shop, Sue Whitaker, 2nd

ROLL CALL: Darrin Gramling-yes, Gregg Winseman-yes, Renee Walker-yes, Sue Whitaker-yes, David Smith-yes

Minutes approval will be at the next regularly scheduled meeting on October 19, 2017 at 6:30 p.m.

- Darrin Gramling motioned to adjourn the meeting, 2nd by David Smith - So Moved.

Meeting adjourned at 7:37p.m.

Darrin Gramling, Chairman

David Smith, Vice Chairman

Gregg Winseman, Board Member

Sue Whitaker, Board Member

Renee Walker, Board Member

Alternate Board Member