Parkman Township Board of Zoning Appeals

 Regular Meeting

June 14, 2016

Members present: Cindy Gazley, Betty Jo Lengel, Lucinda Sharp-Gates, Kathy Preston, Dale Komandt, Nancy Ferguson and Jan Helt (Secretary)

Also in attendance: John Spelich (Zoning Inspector) Residents as shown on the sign in sheet

Members not present: Rich Hill absent with apologies.

Ms. Gazley called the meeting to order at 7:30pm. Ms. Gazley stated that Rich Hill would not be at the meeting. He said this is his last month to work and then he is retired. He will see us next month.

**Approval of Minutes:**

Ms. Gazley made a motion since this is a continuation of a variance from last meeting we should go over the minutes now before we continue with the variance. The motion passed unanimously.

Minutes for May 10, 2016 accepted as read.

Ms. Gazley stated that she spoke with the Geauga County Prosecutor Sheila Salem as to whether the square footage described in our Zoning Regulation refer to the total square footage of a building i.e. all floors for a building with more than one story, or does square footage refer to the footprint on the land? Sheila Salem stated that it is up to the Zoning Inspector to interpret the zoning regulation, variance factors, and whether the entire square footage meets or exceeds a substantial variance factor. Ms. Gazley stated that when we review the factors we can consider this element. Ms. Gazley asked Mr. Spelich if he had any problems with anything. Mr. Spelich stated that he understood that it is his call and he could handle it. Mr. Spelich stated he has always used the footprint square footage. All of our fees are calculated on footprint square footage. Ms. Ferguson said at the group meeting of the Zoning Commission and Board of Zoning Appeals the ZC stated it was not clear. Mr. Spelich stated that the building inspector goes by all footage up, down and basement.

Ms. Gazley stated that it is still a continuation of last month’s meeting everyone has already been given the Oath of Truthfulness.

Ms. Lengel motioned to put the variance back on the table Ms. Sharp-Gated seconded. Motion passed unanimously.

There is one appeal to be addressed by the board at this meeting:

**VARIANCE REQUEST # 2016-17160 Mr. Steven Stolzfus** 17160 Farmington Rd; Parkman

This application submitted by Steven Lee Stoltzfus 17160 Farmington Road, West Farmington Ohio 44491 (Parkman Township) is requesting a variance from the Parkman Township Zoning Resolution for property located at, 17160 Farmington Road, Parkman Township which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V ***Section 402.2 Permitted accessory buildings, Structures, and uses (which are on the same lot with and incidental or subordinate to the principal building, structure, or use).G. Accessory buildings designed and used for, but not limited to, the storage of tools, equipment, supplies, freezer lockers, and other personal property owned by the occupants of the principal building or structure not to exceed 1,000 square feet per building on lots of record under 2.5 acres, 1,500 square feet per building on 2.5 to 5 acre lots,2,000 square feet per building for more than 5 acres and up to 10 acre lots, and 2,500square feet per building on greater than 10 acre lots. A maximum of(2)accessary buildings per lot are permitted.***

Ms.Gazley asked Mr. Stolfus if he had made a decision on the size of the building he wanted . Mr. Stolfus stated that he wanted to do everything right. He said he would settle for a 36x56 square foot ( 2,016 sq. ft.) building but he really wanted 36x60 building. Ms. Gazley asked about the existing building what his plans were. Mr. Stolfus stated he would store his buggies and garden tools and other tools and equipment in that building. It would be agricultural. Mr. Spelich said he would agree with that, he would consider it agriculture also. Ms. Lengel stated that a 36x60 building would be 2,160 square foot building.

Ms. Preston stated that Mr. Stolfus is allowed to have 2 accessory buildings on his property. There is no other accessory building on the lot right now since the other building is considered agriculture. Ms. Lengel stated if we go with 36x60 he will be over by 660 square feet. Mr. Stolfus stated he is not interested in a second floor for storage. He wants a high ceiling with great lighting. He wants it to really look beautiful with a lot of great lighting.

Ms. Ferguson made a motion to grant the variance for the purpose of “ putting it on the table,” Ms. Lengel seconded the motion. Motion passed unanimously.

Mr. Stolfus stated he would like the board to vote on the smaller building 36x60 and he would accept 36x56 building also

.

**Applicant Explanation for requesting variance to Parkman Township Zoning Resolution**:

Mr. Stoltfus needs more retail space and storage area. He wants the building to look nice.

Ms. Gazley closed that portion of the meeting and led the board in the following:

**Board Members Question/comments to the applicant and answers from the applicant and application: These are from our first variance meeting on May 10, 2016**

1. Is there a reasonable return or beneficial use without the variance? **Mr. Stoltfus stated that by adding square footage to our store we will be able to do more sales to make a successful business in Parkman Township.**
2. Whether the Variance is substantial: **Mr. Stoltfus stated yes**.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance: **No, the neighborhood would not be altered and Mr. Stoltfus feels the building would not be a detriment to the neighborhood.**
4. Whether the variance would adversely affect the delivery pf government services: **No**
5. Whether the property owner purchased the property with the knowledge of the zoning restriction: **Yes, Mr. Stoltfus** **stated he was aware of Zoning but when he bought the property he did not have plans to build a store.**
6. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance: **No, there isn’t any other way than a variance.**
7. Whether the spirit and intent behind the zonin**g** requirements would be observed and substantial justice done by granting the variance: **Yes**

Ms. Gazley asked Mr. Stolzfus why he said yes to question g; he stated he was not sure why.

Ms. Gazley led the board in considering the following issue for finding of the facts.

1. Is there a reasonable return or beneficial use without the variance? **Yes, Ms. Lengel stated it can be used for pasture. There are alternatives and the current store is doing well.**
2. Is the variance substantial? **Yes**
3. Would adjourning properties suffer or be altered or suffer a substantial detriment? **No it would not.**
4. Is variance adverse to providing government services**? No**
5. Was purchase of property with knowledge of the restrictions? **Yes**
6. Can predicament be obviated by means other than a variance? **Ms. Lengel stated yes build a smaller building. (At the first Meeting.) Mr. Hill stated we need to consider the fact that Mr. Stoltfus is only .2 acres off of 5 acres allowing a 2,000 square foot building.**
7. Would the spirit and intent of the zoning be upheld**? Ms. Lengel stated Mr. Stoltfus is 2/10 of an acre shy of 5 acres it does make it incident to his home. 36X60 building is 30% over the amount allowed.**

Ms. Gazley asked if there was anything else; there was not. Ms. Gazley closed that portion of the meeting and asked for a roll call on the motion to grant the variance. Roll call: Cindy Gazley-YES, Jo Lengel-YES, Lucinda Sharp-Gates-YES, Kathy Preston-YES, Dale Komandt-YES Nancy Ferguson abstained (not present at first meeting).

Ms. Gazley advised applicant Mr. Steven Stoltfus that the variance is granted for a 36X60 accessory building and he has 30 days to appeal the decision. Decision forms would be mailed within the next 10 days.

Ms. Gazley thanked Mr. Stoltfus for working with us.

Ms. Gazley informed Mr. Stolzfus his portion of the meeting was done and he could leave or stay for the rest of the meeting. Ms. Gazley closed that portion of the meeting.

2016-171260-Mr Steven Stoltfus

The members completed the Decision Form and the Finding of the Facts Sheet.

Roll call to accept the finding of the facts sheet

Cindy Gazley YES

Lucinda Sharp-Gates YES

Jo Lengel YES

Kathleen Preston YES

Dale Komandt YES

**New Business or Old Business**

Ms. Gazley asked Mr. Spelich if he had any updates. Mr. Spelich stated that he is still working on sending out letters to clean up Parkman Township. He discussed thr status of one of the vacant homes in town. Mr. Spelich said he has to check with trustees about the width of flag lots. Amish are saying the trustees voted on 50 foot driveway and Mr. Spelich felt they voted on 60 foot driveway. This was back in 2008. Mr. Spelich said he will research this and get back to us with the right answer.

John Yoder of Middlefield Pallet Shop is looking into phase two to update his property on Nelson Road. He is planning a very large addition. He is working on drawing up the plans now. Eventually he wants to purchase land from Rubin Byler. His property is zoned Industrial and Mr. Byler’s is commercial. Mr. Spelich said he is very busy right now and if the Kovach farm sells he will be even busier. Mr. Spelich told everyone that he and Ms. .Helt are planning on hosting the next inspectors meeting at Parkman Community House in September.

Ms. Gazley asked if there was anything else. There was not.

**Adjournment:**

Ms Sharp-Gates motioned to adjourn and Ms. Lengel seconded, motion passed unanimously. The meeting adjourned at around 8:45 p.m.

Respectfully Submitted by Jan Helt BZA Secretary, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_

Chairperson, Cindy Gazley\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_