

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS
Regular Meeting
TUESDAY, AUGUST 14, 2012

Members present: Cindy Gazley, Jo Lengel, Jon Ferguson, Jerry Jacobs, and Lucinda Sharp-Gates

Members not present: Rich Hill

Others Present: Jacob J. Miller, William P. Weaver, Carlos Nieves, Robert Kramer, John Spelich, Zoning Inspector

The meeting was called to order by Cindy Gazley at 7:30 p.m.

Cindy Gazley explained the format of the meeting and then gave an overview of how the meeting would be run. Everyone was asked to sign in on the sheet provided.

Jon Ferguson made a motion to dispense with the reading of the minutes of the June 12, 2012 meeting until after the appeal is heard. Jerry Jacobs seconded the motion. Motion passed unanimously.

Cindy Gazley administered Oath of Truthfulness to all present.

Sworn in witnesses: Jacob J. Miller, William P. Weaver, Carlos Nieves, Robert Kramer and John Spelich.

There is an area variance application to be addressed by the Board at this meeting:

- **NUMBER-2012-16550**

Applicant Explanation for requesting variance to Parkman Township Zoning Resolution.

This application, submitted by Jacob J. Miller, 16495 Hosmer Road (Parkman Township), Middlefield, Ohio, is requesting a variance from Parkman Township Zoning Resolution for property located at 16495 Hosmer Road, Parkman Township. Mr. Miller transferred property to his father in law, William Weaver. After the property transfer, the site was surveyed and it was found that his home is approximately 1 foot off the north property line. Mr. Miller seeks an area variance for this property. He was asking for 10 feet to bring the lot into conformance.

Cindy Gazley asked for any other information. There was none. Cindy Gazley closed that portion of the meeting.

Open Floor to Public.

Mr. Weaver purchased his property in 1968 and it had never been surveyed. When they did have it surveyed the property line was a foot from the house. John Spelich said that

that there must be a 25 ft. set back. Robert Kramer (neighbor) testified that he is in favor of the variance. Carlos Nieves (neighbor) stated he was in favor of the variance.

Cindy Gazley asked for any other questions from the public. There were none. Cindy Gazley closed that portion of the meeting.

Board Members Questions/Comments to Applicant.

Cindy Gazley asked the board members if they had any questions. There were none. Cindy Gazley closed that portion of the meeting.

Cindy Gazley asked if there was a motion to grant the variance. Jon Ferguson moved and Jerry Jacobs seconded the motion to grant the variance.

Board Members Discussion/Deliberation.

Cindy Gazley led the Board in considering the following issues.

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance: yes
- b. Whether the variance is substantial: no
- c. 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: they will not
- d. Whether the variance would adversely affect the delivery of governmental services: no
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction: no
- f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance: no
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: yes
- h. Such other criteria which relate to determining whether the zoning regulation is equitable: none

APPROVE THE ROLL CALL AS TO WHETHER TO APPROVE THE VARIANCE

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| CINDY GAZLEY | Yes |
| JO LENGEL | Yes |

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| JON FERGUSON | Yes |
| LUCINDA SHARP-GATES | Yes |
| JERRY JACOBS | Yes |

Cindy Gazley stated that a letter will be mailed to the applicant within 10 days with the decision results of the appeal. This decision may be appealed with the Geauga County Court of Common Pleas within 30 days.

FINDING OF FACTS:

The committee reviewed the facts in regard to the appeal:

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance: Yes
- b. Whether the variance is substantial: No
- c. 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
- d. Whether the variance would adversely affect the delivery of governmental services: No
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction: No
- f. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance: No
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance: Yes
- h. Such other criteria which relate to determining whether the zoning regulation is equitable: No

Jon Ferguson made a motion to approve the finding of facts for the appeal, and Jerry Jacobs seconded the motion.

ROLL CALL TO APPROVE THE FINDING OF FACTS

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| Cindy Gazley | Yes |
| Lucinda Sharp-Gates | Yes |
| Jo Lengel | Yes |
| Jon Ferguson | Yes |

Jerry Jacobs

Yes

Old Business

Jo Lengel made a motion to approve the minutes of the June 12, 2012 meeting. The motion was seconded by Jerry Jacobs. The motion passed with Lucinda Sharp-Gates abstaining.

John Spelich asked the Parkman Township Trustees if the appellant had to pay 250.00 dollars extra for the Jacob J. Miller appeal. They waived the extra fee.

Cindy Gazley asked Patrick Joyce about putting the current version of the Zoning Regulation on the Parkman website. He has no news for us on this. Cindy Gazley will follow up. Also Board of Zoning Appeals members all need a hard copy of the current Zoning Regulation. Cindy Gazley will follow up with Patrick Joyce again.

Cindy Gazley asked if the BZA minutes have been posted to the Parkman website yet. Debbi Dudek has not yet completed this. Cindy Gazley will follow up.

Cindy Gazley asked Patrick Joyce about where the BZA might be able to get their ethics training as they requested. Patrick Joyce does not have an answer but will follow- up on this.

Cindy Gazley asked whether John Spelich had investigated the Parkman Auto situation yet. He has not done so yet. He will follow- up on this.

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New Business

None

A motion was made by Jerry Jacobs to adjourn the meeting and seconded by Jon Ferguson. The meeting was adjourned at 8:30 p.m.

Cindy Gazley, BZA Chair