

Parkman Township Board of Zoning Appeals
Regular Meeting
May 10, 2016

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

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

Members not present: Nancy Ferguson absent with apologies.

Approval of Minutes:

Ms. Gazley called the meeting to order at 7:30pm. Ms. Gazley asked for a motion to waive the reading of the minutes at this time. Ms. Lucinda Sharp-Gates motioned. Ms. Lengel seconded. Motion passed unanimously.

Ms. Gazley introduced herself and all board members did the same. Ms. Gazley gave the Oath of Truthfulness to all persons in attendance that planned on providing testimony at this hearing, including the applicant, Mr. Steven Lee Stoltzfus and Mr. Spelich, ZI. Ms. Gazley explained the agenda of the meeting for all attending.

Ms. Gazley explained there are regulations which are written by the Zoning Commission. The Board of Zoning Appeals may grant variances from those regulations only in circumstances where there are unique characteristics of the parcel, for example a lot cannot be built upon under the regulations because of the lay of the land. There are specific criteria that we have to adhere to. Ms. Gazley stated that the procedure is to go through the questions which are the factors for an **area variance** which must be considered by the BZA in deciding on a variance.

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

VARIANCE REQUEST # 2016-17160 Mr. Steven Stoltzfus 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 IV 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) accessory buildings per lot are permitted.*

Ms. Gazley asked Mr. Spelich, Zoning Inspector, what the variance request was from his perspective. Mr. Spelich stated that Mr. Stolfus called first and then came to the office requesting a permit to build another accessory building on his land. In 2011 he applied for and received a permit to build a 20X36 accessory building for a home occupation variety store. He has 4.8 acres and wants to build a 3200 square foot accessory building to enlarge his variety store. Since he does not have quite 5 acres he is only allowed a 1500 square foot building. Mr. Spelich told him he would need to apply for an area variance to build his 40X80 building. Mr. Spelich stated that the current accessory building would be used for agriculture.

Applicant Explanation for requesting variance to Parkman Township Zoning Resolution:

Ms. Gazley asked the appellant Mr. Steven Stolfus if he had anything to add. Mr. Stolfus said that they have outgrown the current accessory building they are in right now. He needs more space for his Variety Store.

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:

- a. Is there a reasonable return or beneficial use without the variance? **Mr. Stolfus 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.**
- b. Whether the Variance is substantial: **Mr. Stolfus stated yes.**
- 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, the neighborhood would not be altered and Mr. Stolfus feels the building would not be a detriment to the neighborhood.**
- d. Whether the variance would adversely affect the delivery of government services: **No**
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction: **Yes, Mr. Stolfus stated he was aware of Zoning but when he bought the property he did not have plans to build a store.**
- f. 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.**
- g. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance: **Yes**

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

Ms. Gazley asked if there was anything else; there was not. Ms. Gazley closed that portion of the meeting.

Ms. Lengel moved to grant the variance “put it on the table” Ms. Sharp-Gates seconded.

Ms. Sharp-Gates stated that there is already an accessory building on the property which is 1500 square foot (28X48) =1344square ft. You are requesting a 3200 square foot which is more than double with 500 foot for storage of inventory. With your home and the current accessory building where would this accessory building be built? Mr. Stolfus showed everyone on the map that he felt he had plenty of room for the new building. His home is well back behind the building.

Ms. Lengel asked if the map shows all 4.8 acres, it looks like the building would be 55 feet from the road and it needs to be 75 feet. Mr. Stolfus stated that could be adjusted to 75 feet. Everything can be moved back. Ms. Lengel asked if the “bank” of the land is up or down, Mr. Stolfus stated it goes up and then down. Ms. Lengel asked Mr. Stolfus why he does not build something for his buggies, tools, and tractor etc. Maybe add on to the existing building making it 28X48 which would give him room for storage too.

Mr. Stolfus stated eventually he wants to retire from his current job and run the store with his wife and daughter. He would like to add more items which would bring more sales. The existing accessory building would be used for buggies, tractors etc. and considered agriculture.

Mr. Hill asked if he could live with a 2000 square foot building. Would that be something feasible? If you build up both floors would be counted. What about a smaller building say 40X50 or 40X 60? Mr. Hill stated he would still need a variance for a 40X60 building.

Ms. Preston asked Mr. Stolfus to tell us about his business. He stated that they sell hats, gloves etc. we are a variety store. My wife and daughter work there. Maybe a 40X60 building would work. Ms. Lengel asked about parking, Mr. Stolfus stated that it would be the whole length of the building. Mr. Stolfus showed everyone the plans on how he intended to build the store. He said maybe over stock could be stored on the second floor. It is feasible but he really was not planning on a second floor. He has a second floor now and they have to carry everything up and then down again. He would also have to put in a supporting beam in the center of the building and he does not want to do that either, it would raise the cost of the building.

Ms. Sharp-Gates asked him if he would need a sprinkler and he said yes he would.

Ms. Gazley asked if there was anything else the board wanted to ask; closed that portion on the meeting.

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? **Everyone agreed, extremely substantial.**

- 3) Would adjoining properties suffer or be altered or suffer a substantial detriment? **Ms. Sharp-Gates said yes she felt it would alter the neighborhood but it would not be a detriment.**
- 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 two story if allowed; or build a smaller building. Mr. Hill stated we need to consider the fact that Mr. Stolfus is only .2 acres off of 5 acres allowing a 2000 square foot building.**

- 7) Would the spirit and intent of the zoning be upheld? **Ms. Gazley stated no, because he wants a 3200 square foot building and only 1500 is allowed. The spirit of zoning incident to the home in a residential area.**

Ms. Gazley asked if there was anything anyone wanted to add.

Ms. Lengel stated the building is way over size. Ms. Lengel asked if we can amend the Variance to accommodate a smaller building. Ms. Gazley assured everyone that, per her previous question to the County Prosecutor, we can amend the variance; we just need to vote to do that.

Ms. Gazley asked Mr. Stolfus if he would like to amend the variance to accommodate a smaller building now. Since he has 4.8 acres we could possibly vote to amend the variance to allow the 2000 foot building or less. Ms. Gazley stated Mr. Stolfus did not have to make a decision now. We could continue this variance next month and make a decision then. In the meantime Ms. Gazley stated that she would check with the Prosecutor's office on the second floor issue; whether it is counted in the square footage of the building or not.

Ms. Gazley stated to Mr. Stolfus that we can vote on the current issue tonight or meet next month and vote on the current issue or a new proposal.

Mr. Stolfus stated he needed some time to think about it and decide what he wants to do. He needs to talk to his family, he really does not want a second floor. He said at this time he prefers to put the variance on hold until next month.

Ms. Lengel made a motion to table the variance until next month. Ms. Sharp-Gates seconded. The decision was made to table the variance until June 14, 2016. The motion passed unanimously.

Ms. Gazley informed Mr. Stolfus 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.

We had a short discussion on the fact that according to the Planning Commission Ohio Health Department is allowing two septic systems on one property no matter how many acres you have. However, zoning does not allow more than one home on small parcels of property.

Ms. Gazley asked Mr. Spelich if he had any updates. Mr. Spelich stated that he has quite a few homes being built by Amish and Yankee. Mr. Spelich stated he continues to send letters out to non-compliant residents in Parkman Township. Parkman Auto is gone nothing is there any more. Amen Towing is in Portage County. He stated he got an E-mail from a person, who raises wolf dogs in Mayfield Heights, looking for a place to keep her dogs.

New Business or Old Business:

Ms. Gazley asked if everyone received their information on NE Ohio Zoning and Planning workshop. Everyone said yes and some had already signed up.

Ms. Lengel motioned to approve the minutes with corrections. Ms. Gazley seconded the motion. Motion passed unanimously.

Adjournment:

Ms. Preston motioned to adjourn, Ms. Gazley seconded, the motion passed unanimously. The meeting adjourned at around 9:00 p.m.

Respectfully Submitted by Jan Helt BZA Secretary, _____ Date_____

Chairperson, Cindy Gazley_____ Date_____