PARKMAN TOWNSHIP BOARD OF ZONING APPEALS

Regular Meeting

January 10, 2017

Members present: Jo Lengel, Rich Hill, Lucinda Sharp-Gates, Kathy Preston, Nancy Ferguson, and Jan Helt (Secretary)

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

Members not present: Cindy Gazley and Dale Komandt.

Meeting was called to order by Jo Lengel (Acting Chairman) at 7:30 p.m.

**Minutes Approval:**

Ms. Lengel asked for a motion to waive the reading of the minutes at this time. Ms. Sharp-Gates motioned. Ms. Preston seconded. Motion passed unanimously.

Ms. Preston motioned to put on the floor, seconded by Ms. Sharp-Gates the application submitted by Matthew E. Kurtz, Variance Request #2016-1669 located at 16669 Nash Road (Parkman Township,) Middlefield Ohio 44062, and Eli R. Kurtz, Variance Request #2016-16976 located at16976 Nash Road (Parkman Township,) Middlefield Ohio 44062 are requesting a variance from the Parkman Township Zoning Resolution for property located at, same addresses as above, which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE IV Section 402.5 Minimum Lot Width. The minimum lot width shall be 200 feet.

Ms. Lengel introduced herself and all board members did the same. Ms. Lengel explained to everyone in attendance that this meeting is a continuation of December’s meeting. Ms. Lengel gave the Oath of Truthfulness to all persons in attendance that planned on providing testimony at this hearing, which were not in attendance at the December meeting. All testimony from December is carried forth to January 10, meeting.

At the December meeting 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.

Ms. Lengel asked Mr. Spelich, Zoning Inspector, what the variance request was, from his perspective. Mr. Spelich explained that 60 acres was divided equally between the three Kurtz brothers, each receiving 20 acres. Eli and Matthew each have a 178.8 foot frontage and they need 200. The flag lot is 60 feet. Not 50 feet. Mr. Spelich referenced to the new map everyone received in their packets showing the numbers.

Mr. Eli Kurtz Sr. stated that he would like everyone to keep an open mind and allow his sons Eli and Matthew to build their respective homes on their property. He stated we would appreciate your cooperation in this matter. We all want to work with the Board and get this done tonight.

Chris Fisher, a neighbor, stated that he fully agrees with Eli Kurtz Sr. statement.

Chrissy Fuller another neighbor stated she used to farm that land and she has no objection to Kurtz brothers building homes and farming the land.

Mr. Hill asked how long it has taken to do all this surveying of the land, purchasing the land, splitting the lots, issues with the pond etc. Mr. Spelich spoke up and stated it has been about two ½ years since the Kurtz brothers first came to the zoning office. Mr. Hill stated he would rather see homes and farming on the land rather than a developer come in. He had heard a rumor that someone wanted to build a golf course on that property. He did not want that to happen.

Ms. Preston asked where the homes will be located on the land. Mr. Kurtz stated one behind the pond and one further back. Mr. Kurtz showed everyone on the map where they would be located.

Ms. Sharp-Gates asked if there was already a barn on the property. Mr. Kurtz stated yes there are actually two barns, one on each property. Ms. Sharp-Gates asked if there will be three driveways. Mr. Kurtz stated yes there would be 3 driveways; the 60 foot flag lot and two lots with a frontage of 178.8 for each of the Kurtz brothers Eli and Matthew. Ms. Sharp-Gates asked if it was within the 10% of total land.

Mr. Hill stated it depended on the lot size and the situation we use 20% as a guide. Ms. Sharp-Gates stated that you can’t develop that land; it could be used for agriculture purposes. Mr. Hill stated that there was talk about a golf course maybe going in there, that is why he bought the land behind his property himself to preserve it as it is. It did not want to see that happen. Ms. Sharp-Gates insisted that can’t happen.

**FINDING OF FACTS:**

The Board reviewed the facts in regard to the appeal:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance**: Could be used for agricultural. Could also be 1 or 2 lots?**

1. Whether the variance is substantial: **No**
2. 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, low impact, plenty of acreage**

**.**

d. Whether the variance would adversely affect the delivery of governmental services: **No**  . **problem with deliveries.**

e. Whether the property owner purchased the property with the knowledge of the zoning

restriction: **Yes, they did have knowledge of restrictions**.

f. Whether the property owner’s predicament feasibly can be obviated through some method

other than a variance: **Yes, they could have 2 lots instead of three.**

g. Whether the spirit and intent behind the zoning requirement would be observed and

whether substantial justice will be done by granting the variance: **Yes it would**

**Ms. Lengel** motioned to approve the finding of facts for the appeal, and Ms. Sharp-Gates**-** seconded the motion. Motion passed unanimously. Roll call to grant the appeal followed:

ROLL CALL:

**Rich Hill** **Yes**

**Nancy Ferguson Yes**

**Kathy Preston Yes**

**Lucinda Sharp-Gates No**

**Jo Lengel Yes**

**Ms. Lengel** stated the Appeal has been granted. Ms. Lengel 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.

**Minutes Approval:**

Ms. Sharp-Gates motioned to approve minutes. Ms. Preston seconded. Motion passed unanimously.

**OLD OR NEW BUSINESS:**

Ms. Lengel stated that Ms. Gazley is resigning as chairperson. She would like to give someone else a chance to be chairperson. There was some discussion on taking turns chairing the meetings. Rich Hill stated he might be away too much to be the chairperson. Ms. Sharp-Gates stated she would be willing to try but she might miss a few meetings. Maybe each year someone else can take a turn. Ms. Preston said she would do it with some guidance. Ms. Lengel said maybe Ms. Gazley can train her. It was stated that any member of the BZA can talk to the County Prosecutor not just the chairperson.

Ms. Lengel motioned to nominate Ms. Sharp-Gates to be the new chairperson for the BZA for 2017. Mr. Rich Hill seconded and the motion carried forward.

Ms. Sharp-Gates made a motion to move our meetings from 7:30p.m.to 7:00 p.m. Ms. Preston seconded. Motion passed unanimously. Ms. Helt stated that would coincide with the ZC and the Trustees meetings.

**ADJOURNMENT**:

Ms. Sharp-Gates motioned to adjourn, Ms. Preston seconded, the motion passed unanimously. The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

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Jan Helt Date Jo Lengel Date

Secretary, BZA Acting Chairman, BZA