

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS
September 10, 2019

Members present: Jo Lengel, Rich Hill, Bryan Mullins, Dennis Coz, Donna Newsome,
and Jan Helt, Secretary

Meeting called to order by Chairperson Jo Lengel at 7:00pm. Ms. Lengel stated we are
the Board of Zoning Appeals, we are the court.

Ms. Lengel asked for a motion to waive the reading of the minutes until after the appeal.
Mr. Hill motioned Mr. Mullins seconded the motion.

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

- 2019 - 17364

Ms. Lengel administered Oath of Truthfulness to all present who wished to speak at this
variance hearing.

Ms. Lengel explained the format of the meeting and then gave an overview of how the
meeting would be run.

Appeal 2019 – 17364 was called.

This application submitted by Jerimiah Westbrook 17364 Old State Road (Parkman
Township), Ohio, is requesting a variance from the Parkman Township Zoning
Resolution for property located at, same address which shall be in accordance with all of
the applicable regulations for the District and the following regulations: ARTICLE 1V
Section 402.6 A 2. Each side yard 25 feet.

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

Mr. Westbrook explained the request for variance as follows:

Mr. Westbrook stated he needed to do 16 feet instead of 25 feet side lot to build his
accessory building next to Robert Byler's property. He stated if he moved it further back
he would possibly interfere with Mr. Byler's agriculture business. Mr. Westbrook stated
where he wanted to place the building it would be hidden from the road and would not
take away from the beauty of his property.

Ms. Lengel asked if there was anything else there was not. Ms. Lengel closed that
portion of the meeting and opened the meeting to the public.

Open Floor to Public:

Ms. List said she is fine with it since it would be hidden from the road.

Ms. Lengel asked if anyone else had anything to add. Ms. Lengel closed that portion of
the meeting.

Ms. Lengel asked for a motion to grant the variance. Mr. Hill moved to grant and Mr. Mullins seconded the motion. Motion is on the table.

Ms. Lengel opened the meeting to the Board members for questions to the applicant/owner.

Board Members Questions/Comments to Applicant/Owner:

Mr. Spelich said Mr. Westbrook asked for a permit to build an accessory building he stated it would be 16 feet off of the side property line instead of 25 feet.

Mr. Westbrook stated the building is 40 by 32.

Ms. Lengel asked Mr. Westbrook if he had 25 feet available to the property line anywhere on his property.

A question was asked why on the original application Mr. Westbrook had stated that he had 20 feet side lot set back and only needed 5 feet.

Mr. Spelich stated that was actually before Mr. Westbrook measured the property correctly.

Mr. Hill asked Mr. Westbrook if he could maybe move the building back or what is the distance from the attached garage and the accessory building.

Mr. Westbrook stated that moving the accessory building back would obstruct the view of his property in the back.

Mr. Hill asked what the distance from the attached garage to the proposed accessory building.

Mr. Westbrook said it would be 42 feet.

Mr. Spelich stated you need 3 feet from the driveway.

Mr. Mullins asked if he could extend lip of the driveway.

Mr. Hill said he could widen the driveway to the building that might work.

Mr. Hill stated we have zoning rules and I'm just exploring some other possibilities.

Mr. Westbrook stated it would still not give him 25 feet from the property line. Where he wants to put the building is the best place to put it on his lot. He stated if he could knock off 6 feet that would be 22 feet, but the cost would go up because pole buildings are sold in 8 foot increments. Mr. Westbrook stated he would rather try to squeeze it in his driveway than anywhere else on his property.

Mr. Coz asked why 25 the zoning rule feet from the property line.

Ms. Lengel said there are many reasons so you don't get too close to your neighbor's property, fire trucks, ambulance etc., need to get through.

Ms. Lengel said along those lines can you reduce the size of the building.

Mr. Westbrook said he just wants to get things out of view, like his tractor, trailer, other vehicles etc. the size is dictated by the toys he has. As far as putting the building off of the driveway part of it would have to be graded to accommodate the accessory building there is a small gully there. As far as the accessory building the county code calls for 8 feet tresses on the building. The building would have to be a lot smaller than what I need and want.

Ms. Lengel asked Mr. Spelich if Parkman allows Pole barns.

Mr. Spelich said yes it is in our zoning.

Ms. Lengel stated that she knows Mr. Westbrook has a turnaround couldn't he put the building on the other side of your property.

Mr. Westbrook stated his septic system is on that side.

Mr. Mullins asked if Mr. Westbrook had visible pins around his property or how do you know the measurements are correct. Did you go with the Geauga County map?

Mr. Westbrook stated he did go with the county but he also found the pins on his property he said the property is new to him.

Ms. Lengel asked for any other questions there were none, closed that portion of the meeting.

Board Members, Discussion/Deliberation.

Ms. Lengel stated we have an appeal for a 36 % variance our goal is to stay within 20% this is significantly more.

Mr. Hill stated we can't set perimeters we can only deal with facts in front of us.

Ms. Lengel led the Board in considering the following issues:

- 1) Is there a reasonable return or beneficial use without the variance
Yes there is a reasonable return and beneficial use without the variance.
- 2) Is the variance substantial? **Yes it is 36%**
- 3) Would adjoining properties suffer or be altered? **No, adjoining properties would not suffer.**
- 4) Is variance averse to providing government services? **No, does not affect it at all.**
- 5) Was purchase of property with knowledge of the restrictions? **No, he was not aware he is from Portage County where it is 15 feet from the property line.**
- 6) Can predicament be obviated by means other than by variance? **Yes, put up a smaller building.**
- 7) Would the spirit and intent of the zoning be upheld? **No**

Ms. Lengel asked for any other questions or comments from the Board members, closed that portion of the meeting and asked for a roll call on the motion to grant the variance.

ROLL CALL:

Jo Lengel –	NO
Rich Hill -	NO
Bryan Mullins -	NO
Dennis Coz -	NO
Donna Newsome -	NO

Ms. Lengel advised applicant Mr. Westbrook that the variance has been denied and that he had 30 days to appeal the decision. Decision Forms would be mailed within the next ten days.

- **2019 - 17364**

The members completed the Decision Form and Fact Finding Sheet.

Roll call to accept the Fact Finding Sheet.

ROLL CALL

Jo – Lengel -	YES
Rich Hill -	YES
Bryan Mullins -	YES
Dennis Coz -	YES
Donna Newsome -	YES

Mr. Mullins made a motion to accept the finding of the facts and Mr. Hill seconded, and the motion passed unanimously.

Minutes of August 13, 2019 –Mr. Hill motioned and Mr. Mullins moved to approve the minutes with corrections. Mr. Mullins seconded and the motion passed unanimously.

Ms. Lengel asked if there was any old business. There was not.

Ms. Lengel asked for new business.

Ms. Lengel asked Mr. Spelich if there was anything new going on in our Township.

Mr. Spelich stated they are sending out letters to residents who are not following the zoning regulations in Parkman Township. There are at least 5 different issues going on at this time. Some homes need to be inspected again because it has been a few years since the last inspection. There is a residential area that has an industrial business going on that is being addressed. There are many areas we are discussing and looking at ways to improve Parkman Township. The county Prosecutor Sheila Salem is on board and is helping us with addressing these issues.

The post office is still up in the air, they are talking about putting up a trailer or modular building where the gas station owner has removed a home in Parkman. Nothing is concrete yet. The government is saying it is going to happen but no one knows when that will happen.

Ms. Lengel stated that Dave Dietrich has been hired to do some training with the new members on the BZA. Ms. Lengel stated that Dave Dietrich dropped off some training pamphlets for BZA members. Mr. Dietrich will be sitting down with members and doing some training with all members.

Ms. Lengel asked for any other questions, there were none.

Adjournment:

Ms. Lengel asked for a motion to adjourn, Ms. Newsome motioned, Mr. Coz seconded, the motion passed unanimously. The meeting adjourned at 8:00p.m.

Respectfully Submitted,

Jan Helt Date
Secretary, BZA

Jo Lengel Date
Chairperson, BZA

