

PARKMAN TOWNSHIP BOARD OF ZONING APPEALS
Regular Meeting
Tuesday, April 11, 2017

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

Members not present: Dale Komandt

The meeting was called to order by **Ms. Sharp-Gates** at **7:00 PM**.

Ms. Sharp-Gates introduced herself and then had everyone else do the same. Ms. Sharp-Gates 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.

Ms. Gazley made a motion to dispense with the reading of the minutes of **March 14** meeting until after the appeals are heard. **Ms. Jo Lengel** seconded the motion. Motion passed unanimously.

Ms. Sharp-Gates had everyone individually (who wanted to speak at this hearing) recite aloud the Oath of Truthfulness.

There are three **area** variance permit application to be addressed by the Board at this meeting:

2017-17283, # 2017-17271, and # 2017-16755

First Appeal 2017-17283 Mr. Caputo 17283 Newcomb Road was called.

This application submitted by Michael Caputo 17283 Newcomb Road (Parkman Township), Middlefield Ohio 44062, 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 IV Section 402.6.

Mr. Fisher presented a Power of Attorney allowing him to speak at this hearing for Mr. Caputo.

Ms. Sharp-Gates asked Mr. Fisher for his explanation for requesting a variance to Parkman Township Zoning Resolution.

Mr. Fisher said he thought he sold part of his property of 19 acres to Mr. Caputo and kept 2.68 acres for himself the title company told him everything was done and taken care of. He had no reason to think otherwise. He said when Mr. Caputo received the bill for taxes for all the land was when they realized all the land was in Mr. Caputo's name. They called the Planning Commission to have the lot split. Once the lot was split both homes were too close to the side lot on each parcel. Mr. Fisher stated he is here to get a variance for both properties. Mr. Fisher showed everyone the location of both properties on the map. Mr. Fisher stated Mr. Caputo's side lot is 21 feet and should be 25 feet (off by 4 feet). Mr. Fisher stated his side lot is 23 feet (off by 2 feet). Ms. Sharp-Gates asked for any other questions. There were none. Ms. Sharp-Gates closed that portion of the meeting.

Ms. Sharp-Gates opened floor to the public there were no questions.

Ms. Sharp-Gates closed the general discussion and asked for a motion and a second to grant the variance.

Ms. Lengel motioned Ms. Preston seconded the motion to grant the variance.

Board Members Questions/Comments to Applicant.

Ms. Preston stated that she knows the side lot is 21 feet but how about the front; is it 75 feet? Mr. Spelich stated that the front is correct 75 feet. Mr. Spelich stated when there is a lot split the Planning Commission lets Mr. Spelich know exactly what is needed as far as a variance. Mr. Fisher stated that Mr. Caputo's home was built in 1810 and his home was built in 1968.

Ms. Lengel asked if both properties needed leach beds as it was shown on the map. Mr. Freeman Miller stated that Mr. Caputo needs a septic it has already been approved. Mr. Fisher does not need one. There are currently two homes on the property with one septic.

Ms. Lengel stated that the leach beds on the map looked pretty close to the property line. Mr. Freeman Miller stated that the leach beds can be ten feet to the property line. Ms. Lengel asked why the letter from the Planning Commission stated "small sub-division". Mr. Spelich stated that is what they call a small lot split. A large lot split more than two would be a large sub-division.

Mr. Hill stated that they are essentially here forever. Proposing one home per lot, they are stuck without a variance.

Ms. Lengel asked what the other building on the Mr. Fisher's lot is., Mr. Spelich said it is a shed considered agricultural.

Ms. Sharp-Gates asked for any other questions. There were none. Ms. Sharp-Gates closed that portion of the meeting.

FINDING OF FACTS:

The Board 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, within 20%. It is 16%.
- 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 testimony.
- 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.

Ms. Sharp-Gates stated there is a motion and a second on the floor and asked for a roll call from Ms. Helt our secretary.

ROLL CALL

Kathy Preston	Yes
Rich Hill	Yes
Jo Lengel	Yes
Cindy Gazley	Yes
Lucinda Sharp-Gates	Yes

Ms. Sharp-Gates 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.

Next Appeal # 2017-17271 Mr. William Fisher Houselcraft Road, Bristolville

This application submitted by William Fisher, 17271 Newcomb Road (Parkman Township), Middlefield Ohio 44062, 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 lot of the information from the first variance Mr. Caputo pertains to Mr. Fisher's variance also. It is the same property.

Board Members Questions/Comments to Applicant.

Ms. Sharp-Gates asked for question from the general public there were none.

Ms. Sharp-Gates asked for a motion and second from the board to grant the variance.

Ms. Lengel motioned to grant the variance and Ms. Preston seconded.

Ms. Gazley questioned the total land for Mr. Fisher. Mr. Fisher stated 2.68 acres.

Ms. Gazley asked if he was living on the property. Mr. Fisher stated he is the owner of record, he rents the property out. Mr. Fisher stated he lives on Houselcraft in Bristolville .

Ms. Sharp-Gates asked for any other questions. There were none. Ms. Sharp-Gates closed that portion of the meeting.

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. with-in 20% it is 9%

- 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 testimony.
 - 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.
- Ms. Sharp-Gates stated there is a motion and a second on the floor and asks for a roll call from Ms. Helt our secretary.

ROLL CALL

Kathy Preston	Yes
Rich Hill	Yes
Jo Lengel	Yes
Cindy Gazley	Yes
Lucinda Sharp-Gates	Yes

Ms. Sharp-Gates 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.

Next Variance #2017 – 16755 Michael Slaubaugh 15962 Nauvoo Road

This application submitted by Michael and Freeman Slaubaugh, 15962 Nauvoo Road, Middlefield Ohio 44062, is requesting a variance from the Parkman Township Zoning Resolution for property located at, 16755 Madison Road (Parkman Township) which shall be in accordance with all of the applicable regulations for the District and the following regulations: ARTICLE 1V Section 402.5. The minimum lot width shall be 200 feet.

Mr. Spelich explained that Mr. Slaubaugh purchased the property in 2016 lot #25-11960 2.78 acres. He knew he had the acreage to build but he did not realize that he only had 167.5 frontage and he needed 200 foot.

Mr. Freeman stated that he researched the minimum frontage back to 1980 maybe it was grandfathered in but no one would say that or approve it as being grandfathered in. Mr. Freeman stated that he was told that it was up to the zoning inspector to make that decision.

Ms. Lengel motioned and Mr. Hill seconded to grant the variance.

Board Members Questions/Comments to Applicant

Mr. Freeman stated that there was zoning before 1980.

Mr. Spelich stated it is all hearsay; there is no proof that the lot is grandfathered in. He felt Mr. Slaubaugh needed to do it right and get the variance that way there would not be a problem down the line.

Ms. Preston stated she felt the land could be grandfathered in possibly, there is no way to know for sure.

It was stated we could research further but who has time for that. Mr. Spelich and Mr. Freeman did research but did not get far, nobody knew for sure. The parcel goes way back.

Ms. Gazley stated that Mr. Spelich our zoning Inspector is the one who makes that determination as to go for a variance or not. Mr. Spelich decided to err on the side of caution and go for the variance.

Ms. Sharp-Gates asked for any other questions. There were none. Ms. Sharp-Gates closed that portion of the meeting.

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. with-in 20%.

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 testimony.

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.

Ms. Sharp-Gates stated there is a motion and a second on the floor and asks for a roll call from Ms. Helt our secretary.

ROLL CALL

Kathy Preston	Yes
Rich Hill	Yes
Jo Lengel	Yes
Cindy Gazley	Yes
Lucinda Sharp-Gates	Yes

Ms. Sharp-Gates 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.

New Business:

Mr. Spelich gave his update on what is going on in Parkman Township.

There was a motion to adjourn the meeting by **Ms. Gazley** and seconded by **Ms. Lengel**. The meeting was adjourned at **8:22 P.M.**

Respectfully Submitted,

Jan Helt Date

Secretary, BZA

Lucinda Sharp-Gates Date

Chairman, BZA