

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.



