

WESTFIELD TOWNSHIP BOARD OF ZONING APPEALS

May 1, 2006 @ 7:30 p.m.

Public Hearing

Application for Side Yard Variance

Submitted by Andrew Thur – 9820 Hulbert Road

Chairman Michael Schmidt called the meeting to order at 7:30 p.m. Roll call indicated four members of the Board of Zoning Appeals were present: Michael Schmidt, Larry Bensinger, Kevin Daugherty and Ron Oiler. Robert Gecking arrived at 7:40 p.m.

Others in attendance included Trustees Jeff Plumer and Tim Kratzer, Zoning Inspector Gary Harris, Zoning Commission member Jim Likley and the applicant Andrew Thur.

**MINUTES**

Upon motion by Larry Bensinger, duly seconded by Ron Oiler, the April 1, 2006, meeting minutes was unanimously approved.

The following is a condensed summary of tonight's meeting, which was recorded on audiotape.

**PUBLIC HEARING – Andrew Thur**

Chairman Mike Schmidt opened the public hearing in regard to the application submitted by Andrew Thur. The application is for a side yard variance on the North side of his property at 9820 Hulbert Road.

Andrew Thur was sworn in by the secretary. He stated that he wanted to put a barn 14' off of the North side of his property, 228' off the road. He has the written consent of the property owners on the South (Brad Fast) and North (Dorothy Naylor and Cheryl Hewit) sides of his property as well as the new owner across the road (Burkholder). At present there is no one living at the property to the North and he takes care of the property for Mrs. Naylor. The zoning code provides for 25' side yard and he is requesting a variance of 11' because of the swale and the way the water drains across the middle of his property and there are big trees on the property as well.

In addition to the pictures submitted with his application, Mr. Thur showed the Board pictures that a neighbor took two years ago when there was a big rain/hail storm. A few weeks ago when we had a rainstorm he had 8" of water standing. The Board reviewed all the pictures and discussed the swale drainage problems (both from the front and from the North side) and the property layout as well as the neighboring properties and the proposed building.

Bensinger – You show water drainage coming off that North side and cutting back through. Is there a line under there that drains it?

Thur – I haven't done any excavating so I don't know whether they put in any field pipe or not but when I piped in my front ditch we found a field drain that came from that area up to the front ditch. If there is a field drain I will have to work around it.

Schmidt – Sounds like it might not make that much difference if you have that much water - that's the reason you are asking for an 11' variance.

Bensinger – It's surprising that you have so much water sitting there because from the road it looks as though there is a natural slope.

Thur – It's about 5 degrees – in 32' it drops off 2 ½'.

Daugherty – My only question would be if you could you slide the barn back but it looks like it might not be too practical.

Bensinger – My concern is that the lots are narrow and was set up under our previous zoning code. My concern would be the neighbor to the North and whether they truly understand.

Thur – I took my property layout to my North neighbor (Cheryl) and explained the layout and where the barn would be located and there was no issue. I've got it back far enough.

Schmidt – All the houses are in line along there and the barn would be back 228'.

Bensinger – Where are you planning on the drive going back?

Thur – The drive will come off the existing front driveway turnaround area and then come as close to the North property line as possible. I already put a culvert in. It will be 10' from the property line.

There was more discussion about the driveway extension and Zoning Inspector Gary Harris verified that the drive has to be a minimum of 10' from the property line.

Daugherty – How high is the building – what size?

Thur – It's going to be a loft barn, so I'm guessing it will be about 22-24'. It will have a gambrel roof; the barn would be 24' x 48' except for the pad/porch on the side – that's why I show 32' but the barn itself would be 24' x 48'.

Gecking – I have no questions. There were no objections from the neighbors.

Oiler – I have no objections – it looks like to would fit in and the swale limits the location of the barn.

Daugherty – My only concern is the size of the barn on this narrow lot. You do have a limited choice of where to put it and the neighbors don't have a problem.

Thur – There is a neighbor just up the road that has a similar size barn on his property. That’s why I wanted to go narrower and longer so it doesn’t look overpowering.

Bensinger – I guess I don’t have a problem. It seems as though the neighbor’s drive is right there but you say you want to come close - the code says the driveway has to be 10’ from all side and rear lot lines.

Thur – I’m figuring 10’ from the property line. That way I can build a small swale to catch the water and run it to the back of the barn. I can move it in a little bit and I’ll have to deal with the swale in the front.

Schmidt – I don’t have a problem either. On your property, it’s a logical place for a barn and you really don’t have any other options as far as the water situation.

Jim Likley was sworn in by the secretary. He indicated if it was going to be a new driveway the applicant would need to get a permit for a culvert.

Thur – The drive will be coming off the existing drive turnaround. The culvert is already in; my whole front ditch is piped in.

Schmidt – If you wanted to put in a new driveway, you need to get a permit. If you just want to go off your turnaround, you’re okay. If a new drive goes out to the road, you need a permit.

A motion was made by Larry Bensinger to grant a variance with respect to Section 303 D 1, side yard width – an 11’ variance permitting the structure to be built no closer than 14’ from the North property line. Ron Oiler seconded the motion.

Ron Oiler also indicated to Mr. Thur that there was a one-year time frame for this variance and he would need to build the barn within that time frame. The Board concurred and Mr. Thur acknowledged this fact.

Roll Call Vote:	Bensinger	- yes
	Daugherty	- yes
	Gecking	- yes
	Oiler	- yes
	Schmidt	- yes

**MOTION CARRIED.**

This concludes the public hearing for the Thur variance request.

**OTHER BUSINESS/ANNOUNCEMENTS**

- (1) For informational purposes only, a memo dated 4/11/06 addressed to the Westfield Township Zoning Commission recommending an amendment to our zoning code relative to Home Occupation was distributed to the Board.

- (2) The Westfield Township Trustees Public Hearing on the zoning amendments and G. Carrasco's application for a zoning district change for the campground property is scheduled for Wednesday, May 10, 2006, at 7:30 p.m.
- (3) There is a tentative informational meeting by ODOT scheduled for Wednesday, May 24, 2006, at 7:00 p.m. to discuss the status of the interchange/intersection upgrades.

Upon motion by Ron Oiler and seconded by Robert Gecking, it was unanimous that the meeting be adjourned. Adjourned at 8:30 p.m.

Marlene L. Oiler, Certified PP, PLS  
Westfield Township Board of Zoning Appeals Secretary

(Minutes approved 6/19/06)