

Violet Township Board of Zoning Appeals

January 18, 2018

Mrs. Gillette called the meeting to order at 7:30 p.m. and roll was called.

Members present: Mr. Dellinger, Mr. Rector, Mr. Kluczynski, Ms. Schirtzinger, Mrs. Cole and Mrs. Gillette and Mr. Collins. Also present were Kelly Sarko, Zoning Inspector and Jenn Huber, Township Legal Counsel were present.

Mrs. Gillette swore in those wishing to speak. It was noted for the record that Ms. Sarko had also been sworn in.

Case Number 01-VA-2018

An application for variance filed by Cary Purcell and Aubrey Campbell, 19334 Hopewell Rd, Mt. Vernon, OH, for property located at 6620 Lithopolis-Winchester Road, Canal Winchester, owned by Land View Properties LLC, 19334 Hopewell Road, Mt. Vernon, Ohio. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3A2-02 to allow the construction of a second single-family dwelling on the subject property.

Ms. Sarko explained that after discussions with the applicant, it was determined that a variance from the same section of the Code, Section 3A2-02 is instead being requested to allow the creation of a new lot which contains less than 100' of frontage.

Ms. Sarko reported the property is located on the east side of Lithopolis-Winchester Road and contains 2.5 acres. It is zoned R-1 single family residential. The property contains a single family home that has 1152 square feet of living area per the County Auditor's office.

The applicants are proposing to split the property into two parcels, one 1.8-acre parcel and the other, a .635-acre parcel. The existing home on the property would be on the .635-acre parcel. The applicants have indicated the driveway will be shared and there will be an easement for the driveway and a maintenance agreement.

Section 3A2-02 allows one single-family dwelling shall be located on each lot which shall contain not less than one hundred (100) feet frontage, except those lots which are located on the termini of cul-de-sacs, which lots must have a minimum of seventy feet frontage (70) and at least one hundred (100) feet of width at the front line, and each lot must contain an area of not less than twenty thousand (20,000) square feet.

Mrs. Gillette asked the record show the variance Mr. Purcell is requesting, is a variance to allow the lot to be split into two and have less than 100' of frontage on the larger lot. The last page of the packet shows the proposed layout of the lot split and their frontages.

Cary Purcell is the owner of the property at 6620 Lithopolis-Winchester Rd., it is titled under Landview Properties, LLC, and as a single owner LLC which he is also an owner. Mr. Purcell explained his daughter was present and she is the owner of the parcel immediately to the north and adjacent to the property. She currently occupies the residence on that parcel.

Mr. Purcell explained the original request was to allow two dwellings on one lot. He said he took the suggestion to modify the application and split the property so there would be one home on each parcel. One of the lots has less than 100 feet of frontage; the other parcel will have 110 feet of frontage and meets other requirements of the code for the side setbacks, which are fifteen feet each side. He said it exceeds 20,000 square feet outside of the right-of-way. As he understand it, there is a 60-foot easement on Lithopolis-Winchester Road and that 60' easement for the purpose of this drawing is measured 30' from the centerline. He said the smaller lot, has 25,520 square feet.

Violet Township Board of Zoning Appeals

January 18, 2018

He said the existing single family home on the (on the smaller lot) is a rental. There is no garage or carport or any accessory buildings. It has a cistern and septic system. He noted that Fairfield County Health Department assessed the entire lot for primary and secondary leech fields.

He said he is working with James Mako at Fairfield County Regional Planning Commission regarding the lot split.

Ms. Schirtzinger said the parcel number is wrong in attachment B and it should be 037022170. She asked him to amend this. She said this number is referenced throughout the document, especially questions 8, 9, and 10.

Mr. Purcell said none of the neighbors has any objections. Mr. Purcell said they were amiable to any conditions that the Board would require.

Ms. Gillette asked if the lot that has the house that is rented, if that lot (house) is subject to the 1550 square foot requirement. Ms. Sarko said it is required to have 1,150 square feet.

Mr. Rector asked about the frontage and if the minimum was 110 feet. Ms. Sarko said the minimum is 100 feet. Ms. Sarko added in discussing this request with Mr. Purcell she noted the new line needed to be 15 feet from the existing home. She said they have created a 25-foot setback on that side. The driveway is wholly contained on the existing house parcel.

Mr. Rector asked if the County assessed whether Mr. Purcell had enough room for the secondary septic system on the existing lot. Mr. Purcell said they flagged the areas that were bad. He said they told them they had to have their source of water cistern by well needs to be 50' away from that and that is why it goes so far back. Mr. Rector asked if Attachment "C" was accurate as far as what they want to split. Mr. Purcell said it only identifies the leased premises. There is a fence in place and there is a lease agreement with this parcel that identifies the leased premises. It is not intended to be the entire parcel. Mr. Purcell said the Attachment "C" represents the parcels versus identifying the premises.

Mr. Kluczynski asked why he split 110 and 75 versus 185. Mr. Purcell said it was to accommodate both the driveway and the primary and secondary leech field. He said their 110 by 250 should accommodate both the primary and secondary leech fields. He said the Health Department told him if there is any problem, they could always go with a contained septic system.

Ms. Schirtzinger asked Mr. Purcell when he is speaking about a primary and secondary leech field, is it for the smaller property. Mr. Purcell said this was correct and what the Health Department told him was they have approved his existing leech field and now to approve lot splits they require him to have enough space for a secondary leech field. Ms. Schirtzinger said she wanted to make sure he was talking about a leech field for the 1.88 acres.

Mr. Kluczynski asked about the age and condition of the rental. Mr. Purcell said the rental was built in 1984 and it is in average to good condition. He said it was purchased at Sheriff's sale and was rehabbed. It had been temporarily condemned because it had a hole in the roof. It was auctioned and bought from the bank. Two auctions failed and they bought it from the bank. He put about \$8,000 into rehabbing it and now it is a regular unit. He said his daughter lives next door.

Violet Township Board of Zoning Appeals

January 18, 2018

Mrs. Gillette referring to Attachment "D", proposed location of the new house, asked if that was the location of where the house will be because it is not on the drawing of the lot split. Mr. Purcell said that was correct. He explained their objective was how they could deal with the two lots in such a way to be able to build a home back there. This would be their primary residence. Mrs. Gillette referred to the drawing of the lot split and said more or less it would be a little further back but almost behind where the existing home is. Mr. Purcell said that is 271' back from the property line. He said that was noted in the attachment with answers. Mrs. Gillette found it to be question 5.

Mr. Rector asked what the future plans were for the rental property. Mr. Purcell said it would remain as it is for the short term. Mr. Purcell said that one of the things they had said in their application, was if there was a restriction or a condition upon there being two residential properties they would be agreeable to a restriction saying that either needs to be torn down or eliminated on a certain date or to restrict ownership and transfer so long as two (homes) are there. He said they would be amiable to whatever terms the board might recommend. The property was purchased four years ago and they would be fine with eliminating it but hope it can remain as a rental.

Mr. Dellinger asked about the driveway and their plans for the driveway. Mr. Purcell said it would be a shared driveway with a maintenance agreement as far as keeping gravel and keeping it maintained. One of the drawings shows the driveway branching off and that would be part of the lease arrangement with the tenant. Mr. Purcell said there would be a common driveway used for 65 feet.

Mr. Collins asked if the rental were to be damaged beyond repair what he would do. Mr. Purcell said they would look to demolish it, but he noted a new roof was put on. Structurally, the house was a manufactured home. Mr. Collins asked if the manufactured house was damaged would it be rebuilt or torn down. Mr. Purcell said if there conditions placed by Violet Township they would follow those conditions. They would rebuild unless there was some type of condition saying it has to be destroyed.

Ms. Sarko said the Zoning Code requires that if a home is damaged or destroyed by more than 60% of its fair market value, then it can only be rebuilt in conformity with the Zoning Code.

Mr. Dellinger asked if the property was substantially level. Mr. Purcell said it was. He said in the back there is a low place where the new house will located. When there is a huge rain, 4-6 inches, there will be standing water towards the back. The water seems to be flowing from areas off the property.

Mr. Dellinger asked how he planned to handle the downspout runoff from the house. Mr. Purcell said there is a swale on Mary Lou's (neighboring owner) property that has been there a number of years. It goes across his daughter's property as well. He said it appears that is something that has been there for years. He said when it rains; you can see the actual flow in the swale. It is a northwardly flow and it comes from the south of the property. Mr. Dellinger asked if he planned to do anything underground. Mr. Purcell did not know what the recommendation would be from the homebuilders.

Mrs. Cole commented that Mr. Purcell did a nice job presenting this and thanked him. Mr. Purcell said that Aubrey Campbell did it all.

John Perz, 6680 Lithopolis-Winchester Road said he is the neighbor north of Bryan and Aubrey. He has no concerns about a lot split.

Violet Township Board of Zoning Appeals

January 18, 2018

Bryan Campbell, 6650 Lithopolis-Winchester Road explained he and his wife (Aubrey) just got married and they would like to expand their family. This would mean a lot to them and right now, they are very close to the road so they would like to be away from the road.

Aubrey Campbell, 6650 Lithopolis-Winchester Road said this would provide them an opportunity to stay in the community and to raise a family.

Mr. Kluczynski asked Mr. Purcell how he would address the driveway, if he did not like the way the driveway was being shared. Mr. Purcell said for one thing, there would be an easement filed. Therefore, if someone were to buy that property they are buying subject to any easement of record. It is full notice to the person who would be looking at the property if in fact that parcel were subsequently sold. You could also record the shared driveway in this agreement so there is nothing hidden. Ms. Schirtzinger commented that what Mr. Purcell says is correct.

Mr. Collins made the motion to approve Case No. 01-VA-2018 as revised on January 18, 2018, a variance from Section 3A2-02 to have a lot that contains less than 100 feet of frontage but in no case not less than 75 feet of frontage with the condition there be a shared driveway easement with a maintenance agreement. Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Collins, yes; Ms. Schirtzinger, yes; Mrs. Cole, yes; Mr. Kluczynski, yes; Mrs. Gillette, yes. Motion carries.

Mr. Kluczynski made a motion to approve the minutes from August, September, October and November of 2017. Mrs. Cole seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mrs. Cole, yes; Mr. Collins, yes; Ms. Schirtzinger, yes; Mrs. Gillette, yes. Motion carried.

Mr. Kluczynski made a motion to nominate Cathy Schirtzinger as Chairman; Tom Collins as the Vice Chair and Don Rector as the Secretary. Mrs. Cole seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mrs. Cole, yes; Mr. Collins, yes; Ms. Schirtzinger, yes; Mrs. Gillette, yes. Motion carried.

Mrs. Cole suggested we consider getting an interpreter for an applicant that cannot hear. She said it is something to consider or maybe have something on the application.

Mr. Kluczynski made a motion to adjourn the meeting at 8:45 p.m. Seconded by Ms. Schirtzinger. Roll call vote: All in favor: all ayes.

Respectfully submitted,

Rick Dellinger, Acting Secretary

Cathy Schirtzinger, Chair

Date: _____