

ROYALTON TOWNSHIP ZONING BOARD OF APPEALS

Regular Meeting

July 15, 2013

7:00 p.m.

Members Present: Chairman Ed Kretchman, Ryan Arnt, William Foust, Ted Kalin, John Olson

Absent: None

Others Present: William Boyd, Royalton Township Building Official/Zoning Administrator

Chairman Kretchman opened the meeting at 7:00 p.m. Roll call was taken with all members present.

I. Previous Minutes

The minutes of the June 12, 2013 Zoning Board of Appeals meeting were reviewed. Mr. Arnt made a motion to accept the minutes as presented. Mr. Kalin seconded the motion and the motion carried.

II. Agenda

The proposed agenda was accepted with no changes.

III. Citizens' Comments

There were no citizens' comments.

IV. Public Hearing

Variance Request at 2093 Jasper Dairy Road

Chairman Kretchman opened the Public Hearing which involves property located at 2093 Jasper Dairy Road, Parcel ID No. 11-17-0028-0001-08-3. The zoning district is Agricultural. The proposed property split would create a 5-acre parcel having 200 feet of width. The Royalton Township Zoning Ordinance Number 20, Section 4.04 does address and regulate development standards for the Agricultural district which states that no parcel shall be created that has less than 250' of width. Mr. William Marske, son of the applicant Mr. Raymond Marske, presented their proposal for a variance review for subject property. Mr. Marske stated that in the mid-1980's his father, Raymond Marske, sold a parcel of property leaving 200' of frontage to make a 5-acre lot. This 200' frontage met the zoning requirement at that time. This parcel has a fairly new well distanced about 500' back from the house. They tried unsuccessfully to drill a good well closer to the house but the current well was the closest they could get to the house. They would like to include this well on the newly created parcel with the house.

There were no public comments.

Chairman Kretchman closed the Public Hearing at 7:10 p.m.

V. Unfinished Business

None

VI. New Business

A. Variance Request at 2093 Jasper Dairy Road - ZBA Discussion

Mr. Arnt stated that since the sale of property in the 1980's took place, the ordinance has changed. Mr. Boyd stated at the time of that sale, the lots were compliant.

Mr. Olson asked if there were any setback problems. Mr. Boyd said there were no setback problems.

Mr. Olson asked how far back from the road is the house. Mr. Marske said house is about 40' to 50' from site line. House has been there since 1952 or 1953; there was an addition in the 1960's.

Mr. Foust asked why a depth of 1,089' for the parcel. Mr. Marske answered to make the barn in the middle.

Mr. Foust said a double variance is being requested; asking to modify the front width requirement and asking to modify the 4 to 1 ratio. Bowling alley shaped lots are not desirable. Mr. Marske said they want to take into consideration the location of the well. The well is that far back so that his dad could get good water; it's maybe about 600' from the house.

Mr. Kalin asked Mr. Marske if the property change is for him. Mr. Marske said his father is doing this so the remaining property can be sold off. His niece is possibly interested in buying it someday.

Chairman Kretchman asked for ZBA members thoughts.

Mr. Arnt said he understands an application could have been made back when the first parcel was split; this is a unique situation; doesn't see anything else to cause harm; would rather see a smaller split with easement to the well.

Mr. Olson said he has a problem defining hardship. One possibility would be to widen property behind lot to get back to 5 acres; try to make least amount of variance; questioned if that 200' frontage is going to be like that forever or will it be developed. Mr. Marske said there would not be enough to put 60' road so there wouldn't be any plans to do that. Mr. Olson said lots could be put on one side of road.

Mr. Foust said he is adamant about not having bowling alley lots. He would rather vote on something specific; variance needs to be the minimum necessary.

Mr. Kalin said that he doesn't see where not granting this would cause a hardship; the need for a variance has been self-created.

Mr. Olson said another way to clean it up would be to combine those two lots. Mr. Marske said the barn is in there.

Mr. Arnt made a motion that Mr. Marske bring back to next ZBA meeting a certified survey with well location so that we can make a determination of exact location. Mr. Olson seconded the motion.

Mr. Foust commented to Mr. Marske that he hopes he can understand where the ZBA is coming from regarding the bowling ally shaped parcel; he advised Mr. Marske to be creative to see if he can come up with another solution.

Mr. Boyd said this can be further discussed at a meeting next month on August 19.

Mr. Kalin stated he thinks we are going down a slippery slope; should see if there is a way to combine the two lots; this is really changing drastically from where the ordinance goes. Unless something very different is proposed, this does not meet anything that is in our rules.

Mr. Olson said he had seconded the motion, but do we really need a certified survey?

Mr. Kalin made an amendment to the motion to bring back a site plan showing where the well is located with measurements from the center of the road to the well instead of a certified survey. Mr. Arnt seconded the amendment to the motion. The amendment passed with a roll call vote.

Mr. Marske said the only hardship would be that his niece would like to purchase a part of the property.

A roll call vote was taken on the original motion with amendment and passed with all ayes.

Mr. Foust made a personal comment to Mr. Marske advising him not to spend a lot of money coming up with a different proposal because there is no guarantee that the variance will be approved.

VII. Reports

No reports for Township or Planning Commission.

VIII. Adjournment

Mr. Foust made a motion to adjourn. Mr. Kalin seconded the motion and the motion carried. The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Linda Heil

Linda Heil
Recording Secretary