

**Hiram Township Board of Zoning Appeals
Regular Business Meeting
January 5, 2017**

Board Members: Chairman, Janet Pancost, Gary Bott, Wendell Schulda, Tom Franek and Bette Gualtieri.

Public Present: None

Janet Pancost called the meeting to order at 6:30 p.m.

The members reviewed the meeting minutes of the Hopkins Variance Request Hearing on December 7, 2016.

Wendell Schulda stated that the Hopkins Variance was approved with conditions and that the conditions have a time frame in which they need to be done. When does that time frame start? Mrs. Pancost answered after the minutes have been journalized.

The members continued to review the minutes.

Mr. Schulda asked if any of the inspections have been done. Mrs. Pancost shared that she has gotten a few emails from Zoning Inspector, Rich Gano and it seems that the Building Department is responding. Mr. Schulda asked if Mr. Gano was following up with the matter. Mrs. Pancost stated that Mr. Gano is doing a great job as is Mrs. Hopkins. Mrs. Hopkins could have waited but it speaks to her mother-in-law's safety and it didn't appear as though any of the neighbors had an objection.

Grammatical and clarification corrections were made.

Bette Gualtieri referenced condition number one and stated that additional language should be added with regard to passing the inspection. There was a discussion regarding electrical requirements. Condition number one should be revised to read:

- 1. The Portage County Building Department performs an electrical inspection within thirty days and the property passes inspection.**

There was additional discussion regarding electricity requirements.

Gary Bott referenced condition number five and asked if there is anything in the current Zoning code that prohibits the rental of an in-law suite. Mrs. Pancost answered that there is a provision regarding an in-law suite. However, an in-law suite is attached to the home and not a separate residence which this is. Mr. Franek read language from the Zoning Code regarding in-law suites.

There was a brief discussion regarding properties in the Township.

Mr. Schulda stated that after all the discussions he still isn't certain how the building is constructed. Are there footers or is it a pole barn. Mrs. Gualtieri expressed that more information regarding measurements and pictures would have been helpful. Mrs. Pancost stated that the fact that the Building Department has to inspect it should resolve any issues regarding the building being a pole barn. There was further discussion regarding pole buildings and foundations.

Bette Gualtieri made a motion to approve the December 7, 2016 meeting with changes. Wendell Schulda seconded the motion. Roll Call: Janet Pancost YES, Bette Gualtieri YES, Tom Franek YES, Wendell Schulda YES, Gary Bott YES.

The members reviewed the minutes of the Yoder Variance Request Hearing on December 22, 2016.

Grammatical and clarification corrections were made.

Mr. Schulda asked for clarification regarding condition number three, specifically where the four hundred and seventy feet number came from. Mrs. Pancost answered that it is along the lot line to the point where it would split. Part of the driveway already exists. Mr. Bott stated that he thought that the driveway was to go on the fifty foot parcel. Mrs. Pancost answered that initially it was however, there is an existing driveway. Mr. Bott asked what happens if Mr. Yoder decides to sell the property, where does his driveway go? Mrs. Pancost answered that they will have a choice to make.

Mr. Bott further stated that taxes go by foot frontage and they will have lower property taxes. Mr. Franek replied that Mr. Bott should have brought this up at the Hearing and that he had an opportunity to convince the other members. Mrs. Pancost expressed the importance of dialogue and letting people know what you are thinking and why you are thinking it. Mr. Schulda asked if there is any specification in the Zoning Code regarding driveways. Mrs. Pancost answered no. Mr. Bott discussed driveways and emergency vehicle requirements.

There was a discussion regarding the CAUV and agricultural properties. Mrs. Gualtieri stated that Mr. Yoder and Mr. Miller still need approval from the County to split the lot. Mrs. Pancost stated that they are going to have to get a PERK test, surveyed, mylar, take the mylar to Regional Planning and then recorded with the tax map office. However, the PERK test is the first step. Mr. Franek stated that the term "PERK test" is no longer used, it would be a septic approval.

The members continued to review the minutes.

Mr. Schulda asked who enforces the conditions, Rich Gano? Mrs. Pancost confirmed the same. Mr. Schulda asked if Mr. Gano is going to go out and measure the driveway. Mrs. Pancost answered yes. She added that enforceability is tough. There was a brief discussion regarding another Township property with a previous variance request and enforceability.

The members continued to review the minutes.

Mr. Franek stated that Trustee, Jack Groselle had contacted him and asked if they considered adding to the conditions that neither lot could be split again unless a road was put in. Mrs. Pancost shared an email from Zoning Inspector, Rich Gano regarding the same. She further stated that the one proposed condition says that you cannot build any other residence on this property. Then the second one says that if you do, you have to put a road in. Mr. Franek explained that a development would purchase access off of Norton Road from other properties. Mr. Schulda stated that Zoning already states that only one residence is permitted per lot. Why would you need to add it as a condition? If they wanted to build another house, they would have to come before the BZA. Mrs. Gualtieri stated that you can't just put in a subdivision because you have land, they would still have to go through zoning. Mr. Franek stated that you cannot legally ask them give up all development rights without giving them any

compensation. Mr. Bott stated that there is water standing on the property. Mr. Franek stated that where they are proposing to build and the back five acres is not bad. Mrs. Pancost asked everyone's opinion on adding to the conditions. Mr. Schulda stated that if they want to build another residence, it is prohibited in our Zoning Code and they would have to come back before us. Mrs. Pancost stated that it is superfluous. Mr. Bott questioned what if they build a house without coming to us first? Mrs. Pancost replied, "what can we do", "you can't keep people from doing the wrong thing". Mrs. Pancost stated that she doesn't feel that the additional language is needed and that she is content with the conditions as they are. Mrs. Gualtieri agreed. Mrs. Pancost stated that if they wanted to do another lot split, they would have to come before the BZA again. Mr. Franek stated that he thinks that everyone is not comfortable with flag lots and smaller than allowed frontage.

Tom Franek motioned to approve the December 22, 2016 minutes with corrections but without added conditions. Wendell Schulda seconded the motion. Roll Call: Janet Pancost YES, Bette Gualtieri YES, Tom Franek YES, Wendell Schulda YES, Gary Bott YES.

Mrs. Pancost asked if there was any other business. There was none.

Wendell Schulda motioned to adjourn. Bette Gualtieri seconded the motion. Roll Call: Janet Pancost YES, Bette Gualtieri YES, Tom Franek YES, Wendell Schulda YES, Gary Bott YES.

The meeting adjourned at 8:02 p.m.