

**Hiram Township Board of Zoning Appeals
Yoder Variance Request
December 22, 2016**

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

Public Present: Jeanne Alger, David Miller, Lester Yoder, Garrett Dunn, Susan Pflieger, James Pflieger, Joyce Wareham, Doug Workman, Cheryl Selesky and Jim King.

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

Secretary, Kellie Durr confirmed that a legal notice was published on December 9, 2016 and that neighboring property owners were notified via certified mail on December 6, 2016.

Mrs. Pancost explained the process of the evening's meeting.

Mrs. Pancost swore in interested audience members. A sign in sheet was passed around to the audience members. Lester Yoder was sworn in. The Board members introduced themselves.

Mrs. Pancost asked that Mr. Yoder inform the Board why he was here. Mr. Yoder answered that he bought 31.6 acres on Mumford Road that has two hundred feet of frontage. He would like to split the parcel with David Miller, leaving 100 feet of frontage on each parcel. They would like to each build a house on the property.

Wendell Schulda asked what relation David Miller was to Mr. Yoder. Mr. Yoder answered that it is his brother-in-law. He is married to his wife's sister. Mr. Schulda thanked Mr. Yoder.

Mrs. Pancost stated that Mr. Yoder has supplied a map with a rough sketch of how he would like to divide his lot and where he would propose to build each house. Mrs. Pancost welcomed the audience to review the map. The map was reviewed. There was a question as to why the neighbors were notified. Mrs. Pancost explained the legal obligation to notify property owners within five hundred feet of Mr. Yoder's parcel. Mrs. Pancost stated that the adjacent property map is also available for review.

Mrs. Pancost asked if any of the Board members had questions for Mr. Yoder. Mrs. Pancost asked Mr. Yoder if he knew that the Township required two hundred feet of frontage when he bought the lot. Mr. Yoder answered yes. He further stated that his intentions were to build a home on the parcel by himself. When he went to the bank, he found that it would cost more money than he expected to build a house. His brother-in-law was looking for land. This is his wife's only sister and they always dreamed of living close to each other. They discussed the matter and if they sold six or seven acres, it would help Mr. Miller out as well as Mr. Yoder.

Mr. Schulda confirmed the Mr. Yoder currently lives in Geauga County. Mr. Yoder confirmed the same. Mr. Schulda asked what the frontage requirement was in Geauga County. Mr. Yoder answered that it is also two hundred feet of frontage.

Garrett Dunn asked what the requirement was for a septic system. Mrs. Pancost answered that it is something that would go through the county. This is not something that the Board of Zoning Appeals would deal with or control.

Mr. Yoder added that the two hundred feet of frontage in Geauga County recently was updated to sixty feet of frontage but you need to own two and a half acres. Mr. Schulda asked if both Mr. Miller and Mr. Yoder would build houses on this property. Mr. Yoder answered yes. Mr. Schulda asked if they would be building the houses at the same time. Mr. Yoder answered probably close, maybe not the same year. Mr. Schulda asked how many driveways there would be. Mr. Yoder answered that they would like one driveway and split it in the back.

Mrs. Gualtieri asked about accessory buildings, how many barns there would be. Mr. Yoder answered that there would be a barn on each lot. Mrs. Gualtieri asked if Mr. Yoder would be farming on the property. Mr. Yoder answered that he isn't sure yet. There is a five acre field in the back of the property that he could do a little bit with. Mrs. Gualtieri asked if Mr. Yoder had an agricultural permit. Mr. Franek asked if she was referring to the CAUV. Mrs. Gualtieri said no and mentioned an agricultural district. Mr. Yoder answered that he hasn't heard of an agricultural permit. Mrs. Gualtieri confirmed that farming would not be Mr. Yoder's main income. Mr. Yoder confirmed the same but that he would like to farm a little. Mrs. Pancost stated that if she recalls correctly, the back of the property is heavily wooded and wet which would limit agricultural capabilities. Mr. Yoder stated that the field is not wet and that the previous property owner made a pond.

Mrs. Gualtieri asked if the front of the property was wooded or open. Mr. Yoder answered that it was open. Mrs. Gualtieri asked what point it was open to. Mr. Yoder showed the same on the map. Mrs. Pancost asked Mr. Yoder to show where the five acre part suitable for farming was. Mr. Yoder did the same. Mrs. Pancost stated that there is some acreage in the front and back that he can do something with.

Jim Pflieger asked if the mill buildings were Mr. Yoder's. Mr. Yoder answered yes. Mr. Pflieger asked about the existing driveway. Mrs. Gualtieri asked if there was an existing driveway. Mr. Yoder answered yes. Mrs. Pancost asked where the mill was located. Mr. Yoder showed her the same on the map and stated that it is by the road. Mrs. Pancost asked how far the driveway went. Mr. Yoder replied that it was just "up front". Mr. Pflieger stated that they use to make pallets for Solon there.

Mrs. Gualtieri asked if any of the neighboring properties had views on the matter. Mr. Pflieger stated that there is a dead property between them but that he would be the closest neighbor. Jeanne Alger was sworn in. Ms. Alger stated that she is behind them and close to the five acre portion. Ms. Alger showed her property location on the map. Mrs. Gualtieri asked what Ms. Alger's opinion was. Ms. Alger replied that she doesn't mind but that she understands why other people closer would.

Mrs. Pancost stated that looking at the lot she understands the reasons why they want to split it. However, there are a few things that she is not pleased with. First, even though the frontage is two hundred feet, it looks like the dog leg portion further back is less than two hundred feet which is a concern. If the lot were slightly more traditionally shaped she would be more comfortable with it. Mrs. Pancost asked if there were other comments.

Mr. Schulda asked Mr. Yoder what assurances he could give the Township that if this variance is granted and the lots are legally split with the Auditor's Office that he won't turn around and sell it to make a profit. Mr. Yoder answered that he wouldn't do that and added that he isn't planning on doing that. Mr. Schulda stated that he could though. Mr. Yoder answered that he hadn't thought about that but he could, but it isn't his intention.

Mr. Yoder addressed the previous comment regarding the property being less than two hundred feet all the way back. He stated that he thought that the property went straight back and when he first saw the map he thought it was incorrect. Mrs. Gualtieri asked if Mr. Yoder contacted the neighboring property owners to see if he could buy some of their property to make more frontage. Mr. Yoder answered that he spoke with "Charlie" and asked about purchasing two hundred feet. Mr. Yoder stated that "Charlie" did not want to sell. Mr. Yoder and Mr. Pflieger reviewed the map. Mr. Yoder added that he spoke with some neighbors on Udall to no avail. Zoning Inspector, Rich Gano suggested he apply for a variance. There was a brief discussion regarding property owners. Mr. Franek stated that Charles Gotthardt was at the last meeting and publically stated that he did not have a problem with this.

Mrs. Pancost asked if the existing driveway was centered roughly on the front. Mr. Yoder answered that it is a u-shaped driveway that hasn't been used and it is roughly close to center. Mrs. Pancost asked Mr. Bott what the minimum width of a driveway is to safely get emergency vehicles in. Mr. Bott answered twelve feet but fifteen feet is better. Mr. Bott stated that more than that is needed at the roadway. Mrs. Pancost asked how much is needed. Mr. Bott stated that it varies by road but this road would be fifteen feet. Mr. Bott further discussed driveway requirements for safety vehicles and stated that the driveway needs to be able to support forty-two tons. Mr. Bott further stated that he wished that there was something in zoning regarding driveway requirements as there are some places they cannot get in.

Mrs. Pancost asked if they considered instead of doing two one hundred foot wide lots, to do one hundred and fifty foot frontage with a fifty foot access to the back acreage. Mr. Yoder answered that he would do that if they thought it was a better that way. He added that he has no problem with that. Mr. Pflieger stated that the power lines leave the road. Mr. Yoder referred to the drawings on the tax map where he would like to build, the house furthest front is quite a ways back. There was a brief discussion on the same. Mrs. Pancost stated that it is about one thousand feet back. The map was reviewed.

Mrs. Pancost asked if there were any thoughts or opinions. Mr. Bott asked about the five acre field in the back. Mr. Bott asked if there were any farming fields closer to the Mumford Road. Mr. Bott asked if the field was closer to Udall or Mumford. Mr. Yoder answered Udall. Mrs. Pancost asked if Mr. Yoder contacted neighbors about purchasing property. Mr. Yoder stated that they contacted the neighboring property owners and they have the same issue in not having enough frontage to sell. Mr. Franek confirmed that they spoke with Mr. Bauman. Mr. Yoder and Mr. Miller confirmed the same. The map was reviewed.

Mrs. Gualtieri asked how does this fit in with our Comprehensive Plan. We want to maintain a rural aspect. Will this infringe on that? Mr. Franek stated that it wouldn't as the houses are going to be so far back. Mrs. Pancost stated that the "spaghetti lots on State Route 82 are some of the most miserable lots" and we have dealt with issues with those lots. She added that she isn't a fan of the one hundred foot frontage. Mrs. Gualtieri added that this property has more acreage than those properties. She

added that her main concern would be safety and appearance. Mrs. Pancost added that she would be much happier with this if we did a fifty-foot frontage going back to a flag lot rather than two one hundred feet frontages. Mrs. Gualtieri asked if Mr. Yoder agreed with this. Mr. Yoder answered yes. The map was reviewed.

Mrs. Pancost stated what she is envisioning is a fifteen feet wide driveway at the roadway for emergency vehicles with a twelve foot driveway back. It would be one driveway going back and split off. This would save you on material for your gravel base. Mr. Yoder stated that he was hoping to do one driveway for both houses. Mr. Franek stated that they would like that too. But if the property sold they have to have the ability to put in a separate drive if needed. Mr. Franek further stated that his concern is that it is not good soil for building on, a septic system and having livestock. With the septic system, you need to make sure that you are cleaning it out regularly as your neighbors could be affected by it. Mrs. Pancost asked if a PERK test has been done. Mr. Yoder answered that he hasn't but a previous owner did and septic was approved for one house. Mr. Bott asked how long ago that test was done. Mr. Yoder stated that he believes it was done in 2000. Mr. Yoder stated that he was told that it was still good as long as nothing has changed on the property since then. Mrs. Gualtieri pointed out that was for one home. Mrs. Pancost stated that she believed that there are different types of septic systems. Mr. Pflieger stated that his home needed to have a mound system as the water table is too high. Mr. Franek asked if Mr. Pflieger had a basement and if it was dry. Mr. Pflieger answered yes and that it was dry. Mrs. Gualtieri expressed her concern that if the variance is approved and the property cannot sustain two septic systems. Mr. Franek stated that if the variance is approved, it could be a condition.

Mrs. Pancost asked Mr. Schulda what his thoughts were and reviewed the map with him. Mrs. Gualtieri asked how long Mr. Yoder has owned the property. Mr. Yoder answered it will be two years in April. Mr. Franek asked if there was any timber. Mr. Yoder answered that there isn't anything worthwhile on it. Mr. Pflieger stated that there is a lot of ash that is dead. There was a discussion regarding logging.

Mrs. Pancost asked Mr. Franek how he felt about the proposed fifty foot frontage. Mr. Franek answered that he likes it and he would like to see the smaller lot as large as possible. The map was reviewed. Mrs. Pancost stated that it preserves as much frontage as possible. Mr. Franek asked Mr. Yoder his preference as to where the fifty foot of frontage follows. Mr. Yoder answered that it doesn't matter to him but if given the choice he would prefer it to follow the corner.

Mrs. Pancost showed the proposed split on the map to the members and Mr. Yoder. The members discussed possible conditions and language for the same. The proposed conditions are as follows:

- 1. Lot split shall be 50 feet on the north boundary starting at Mumford Road adjacent to C. Gotthard parcel number 21-006-00-00-009-005 going back 470 feet and then extending to the north east corner of the parcel owned by K. Trudick parcel number 21-006-00-00-003-001.**
- 2. This variance is contingent upon both parcels receiving septic and well approval by the County Health Department. If either parcel fails to receive approval, the variance for the lot split is null and void.**
- 3. There shall be one driveway (curb cut) at Mumford Road. The driveway shall be 15 feet wide for a minimum of 470 feet from the road. After that point, the driveway shall be 12 feet wide at a minimum.**

Mr. Yoder confirmed that the driveway needs to be in the fifty foot section where it is split and that it couldn't be on the one hundred and fifty foot section. Mr. Franek asked if it was because of the existing driveway. Mr. Yoder answered yes. Mrs. Pancost asked how far back it goes. Mr. Yoder answered three hundred to four hundred feet. Mr. Pflieger answered two hundred feet. The map was reviewed. Mrs. Pancost stated that they would not be stipulating where the driveway should go and reviewed the driveway condition.

Mr. Bott asked why they were approving the variance if the driveway isn't on the fifty foot frontage parcel. Mrs. Pancost stated that it will allow us to stick a little closer with current zoning and the Comprehensive Plan. We will have one lot with one hundred and fifty feet of frontage and one lot with fifty feet of frontage. The lot with fifty feet of frontage has a large amount of acreage with a small amount of frontage but to look at it visually, driving down the street you won't see that there is a house there and with one driveway you aren't going to see that there is more than one house there. For a visual impact and keeping the rural feel of the township it won't have as big of an impact. If the property is ever sold, you won't have someone coming back to ask for a variance to build. It will limit the property.

Mr. Franek stated that if Mr. Yoder and Mr. Miller are good with the fifty foot frontage, so is he. Mr. Yoder answered that he is good with it.

Tom Franek motioned to approve the variance with the conditions stated. Bette Gualtieri seconded the motion. ROLL CALL: Tom Franek YES, Bette Gualtieri YES, Janet Pancost YES, Wendell Schulda NO, Gary Bott NO.

Mrs. Pancost stated that there will be a meeting on January 5, 2017 to journalize the meeting minutes and explained the appeal process. Mrs. Pancost further stated that she didn't believe that they are planning on breaking ground before February 5, 2017 but if they were planning, she would caution them to wait. Mr. Yoder confirmed that both lots have to pass well and septic and asked who was responsible for the same. Mr. Franek answered that Mr. Yoder is responsible for the same and explained the process. Mr. Yoder asked how soon they would do this after he calls. Mrs. Pancost stated that she is not sure and that he would have to work with them. She further stated that Mr. Yoder would have to get a mylar and it would have to go to Regional Planning for their approval and then on to the Tax Office. Mr. Franek informed Mr. Yoder that he is going to have to explain to the Health Department the variance. Mrs. Pancost added that Mr. Yoder could wait until he had a copy of the variance to proceed. Mr. Bott suggested that Mr. Yoder go to the Health Department rather than call them.

Mrs. Pancost provided Mr. Yoder with a copy of the "Procedures for Recording Minor Subdivisions" from the Portage County Regional Planning Commission and told him that it would be a good place to start and that it could be a guideline for him. Mr. Schulda confirmed that the property would need surveyed. Mrs. Pancost confirmed the same and that she would recommend that he wait to have the property surveyed until the Health Department has done their inspection.

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

The meeting adjourned at 8:08 p.m.