

**Hiram Township Board of Zoning Appeals
Huffman Application for Variance
March 29, 2017**

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

Public Present: Dean Huffman, Christy Huffman, Thea Mozingo, Eric Hankinson, Tierney Bryant and Zoning Inspector, Rich Gano.

The meeting was called to order at 6:30 p.m.

Secretary, Kellie Durr stated that a legal notice was published on March 15, 2017 and that adjoining property owners were notified via certified mail on March 11, 2017.

Janet Pancost explained the Board of Zoning Appeals and the evening's process.

The Board members introduced themselves.

Mrs. Pancost swore in the audience members.

Mrs. Pancost stated that there is an Application for Variance from the Huffmans and asked what they needed a variance for. Christy Huffman provided copies of the proposed addition to the members. The members reviewed the same.

Dean Huffman stated that they purchased the property from Mr. Huffman's father after he had passed away. The pole barn is an existing building. It was originally a shop with livable quarters in the front. They would like to modify the existing quarters, update the electric and add a 29 foot by 29 foot addition for their son and his family who are forced to move back from California. Mr. Huffman stated that he would have his son live with them but they currently have their other son and his 4 children living with them. Their other son has been living with them for the past 2 years. Mr. Huffman further stated that he is trying to come up with some adequate means to help their son and his family. He was hoping to modify what exists as well as add on some space.

The proposed addition drawings were shared with the audience.

Bette Gualtieri asked if the barn would still be used as a barn. Mr. Huffman answered as a "shop". Mrs. Gualtieri asked what equipment would be stored there. Mr. Huffman stated that there is wood working equipment currently stored there. He also stated that he raises cattle and was originally going to put the addition on for the cattle. Now he would like to modify this space for his son. Mrs. Gualtieri asked what else is stored there besides wood working equipment. Mr. Huffman answered wood working equipment and miscellaneous supplies such as lumber and feed. Mrs. Gualtieri asked if there would be any hay storage. Mr. Huffman answered no and that he stores that in a separate place. Mrs. Gualtieri asked for the proposed total living space. Mr. Huffman reviewed the proposed addition's drawings with the members. The proposed total living space would be 1,400 square feet. Mrs. Gualtieri asked Mr.

Gano what the code stipulates for a two bedroom residence regarding square footage. Mr. Bott answered 1,500 square feet. Mrs. Gualtieri stated that it would be below the square footage for a residence.

Mr. Bott recalled that Mr. Huffman's father built the structure. Mr. Bott asked if the building was a pole building. Mr. Huffman answered yes, it is a pole structure with a concrete pad. Everything is sound. Mr. Huffman further stated that he has resided the building. Mr. Bott asked if Sandy McDermott is Mr. Huffman's sister. Mr. Huffman confirmed the same. Mr. Bott asked if this is the same building that Terry Wells worked out of. Mr. Huffman answered yes. Mr. Bott stated that this is currently an agricultural pole building. Mr. Huffman answered "correct" and discussed Mr. Wells' business.

Mrs. Pancost asked if Mr. Huffman has spoken with the Portage County Building Department yet. Mr. Huffman answered that he has not as he was told he would need a variance. Mr. Bott asked if a firewall was needed as it is an agricultural building. Mr. Gano answered that he is not sure. Mrs. Pancost stated that it would be a question for the Portage County Building Department.

There was a brief discussion regarding a similar property located in the Township. Mrs. Pancost stated that it is going to be difficult to turn an agricultural building into a habitable dwelling and dealing with the Portage County Building Department. The lack of a foundation may be an issue. Mr. Gano shared his experience with the property owner of a similar property and the difficulties they have had. Mr. Huffman stated that they want to update everything.

Mrs. Gualtieri asked why they would not just build another residential structure. Mr. Huffman answered that he does not have the frontage for it. He further stated that he previously came before the Board to split some of his property for his daughter. Mrs. Gualtieri stated that Mr. Huffman is proposing a residential structure without the frontage. Mr. Huffman answered "essentially" but that the property would still be owned by him and he is asking to remodel an existing structure with additional space. He would like to add a 29 foot by 29 foot area. Mr. Huffman stated that this building was used for a similar purpose in the past.

Mrs. Pancost asked if Mr. Huffman has considered putting an attached in-law suite on his home. Mr. Huffman stated that it would take a lot of modification. Mrs. Pancost asked about Mr. Huffman's basement and converting that into a livable space. Mr. Huffman answered that it is not currently a livable space and there would be no access out. There was a brief discussion regarding egress windows. Mr. Huffman stated that he is hoping that this is a temporary situation for the next 3 to 5 years.

Mr. Bott asked if the building has its own septic system. Mr. Huffman answered yes. Mr. Bott asked the system's rating. Mr. Huffman answered that it is a 1,000 gallon tank and he would have to look up the leach field information. Mr. Bott stated that the septic system Mr. Huffman currently has may not be up to code. Mr. Huffman stated that it is something that he would have to look into. If it is a tremendous amount to do cost wise, he may have to reassess.

Thea Mazingo who owns the property adjacent to the Huffmans asked about the set back and if it would encroach on her property. Mr. Huffman answered that it is 30 feet on the side and 95 feet away.

Mr. Schulda asked about the utilities. Mr. Huffman answered that the building has its own electric with a separate meter. Mr. Schulda asked how the building is heated. Mr. Huffman answered that it was

propane but he is changing it to electric. He further stated that there is a 200 amp service to the building. Mr. Schulda asked when the original building was built. Mr. Huffman answered about 35 years ago. Pictures of the building were reviewed.

Mrs. Gualtieri stated that it appears as they have started building already. Mr. Huffman answered that they had, it was for their cows and their artificial insemination program, things have changed in the mean time. Mrs. Gualtieri asked for clarification that the renovations Mr. Huffman started were for agricultural purposes and there were no inspections. Mr. Huffman confirmed the same.

Mrs. Pancost stated that she empathizes with Mr. and Mrs. Huffman's situation. Mrs. Pancost stated that she is looking at the situation and sees a pole barn and the potential issues they are going to have with the Portage County Building Department. From the zoning side, having two houses on one lot runs counter to the Hiram Township Zoning Code and the Comprehensive Plan. Mrs. Pancost stated that there is a similar property in Hiram Township and it has been difficult to navigate. Mr. Huffman asked if it would be possible to talk with the Portage County Building Department to see what they require. Mrs. Pancost stated that he would need approval from the Zoning Board to proceed. Mrs. Pancost stated that she is fully aware of Mr. Huffman's challenges. Mr. Huffman stated that there is no way that they could have 2 additional families living in one house and that he has to do something.

Mr. Bott stated that the notes say that there is an existing concrete footer and slab. The drawings were reviewed. Mr. Huffman stated that there is a trench footer. Mr. Huffman stated that he built the footer because he used to store hay with a metal awning covering it. Mr. Bott reviewed where the pole building is and asked if it is a pole building sitting on a footer. Mr. Huffman answered that it is not but the poles themselves have footers. Mr. Bott stated that it would have been better if there were footers. Mr. Huffman stated that if he would have to dig the two sides out and pour a 40 inch footer beneath it, that may be an option they would have to do if it would help alleviate some concerns. Mr. Huffman stated that his first approach was to get a variance. Mr. Huffman further stated that if the County comes back and needs engineering, they would have to do it. If it means putting a footers in, it may be somewhat of a better remedy.

Mrs. Gualtieri asked what the projected cost was for the project. Mr. Huffman answered \$50,000. Mrs. Gualtieri asked if Mr. Huffman was planning on his son living there for 3 to 5 years. Mr. Huffman answered that was "hoping". Mrs. Gualtieri suggested renting a reasonable structure for his son to live in with the money instead. Mr. Huffman stated that he suppose that he could tell them they are on their own. Mrs. Gualtieri said that she wasn't suggesting that but that instead of putting the money into the building they could rent someplace instead. Mr. Huffman stated that he has already put money into the building. Mrs. Gualtieri asked how much more Mr. Huffman is estimating it would take to complete the project. Mr. Huffman answered \$15,000 to \$20,000 at the most. Mrs. Gualtieri stated with that money, they could rent someplace for \$600 a month.

Mrs. Pancost asked what happens to the building when Mr. Huffman's son moves out. Mr. Huffman stated that could be converted back to what they were originally going to use it for but that he isn't sure. He stated that he couldn't sell it separate from his property. Mrs. Pancost stated that the current zoning allows for an attached in-law suite and that it has to be occupied by a family member. If the Variance is approved, the addition could never be used as a rental property. Mr. Huffman stated that he

does not have any intention of that. Mr. Huffman stated that he wants to keep the property in the family and that it is not something that he is interested in.

Mrs. Huffman stated that she spoke with some neighbors: Sue Pancost, Patty Wiseman and Sandy Palodino and they did not have a problem with the proposed addition. Mrs. Pancost read a note from Barb Pereces for the record. The note stated that Barb Pereces would not be able to attend the Hearing and that she was fine with Mr. and Mrs. Huffman's proposed addition.

Mr. Gano stated that he brought pictures of the building but neglected to include an aerial view of the property. Mr. Gano stated that the Huffmans are very far off the road. Mr. Gano stated that he is not trying to "sell it either way". Mr. Huffman stated that the local police and fire department come up and down the driveway once a month or so. Mr. Huffman stated that they were told that it is preferred that they have address markers. Mrs. Pancost stated that she tried to bring an aerial view of the property as well but didn't due to the quality of the picture. Mr. Gano stated that going forward this is something he will do.

The Board members reviewed the maps, pictures and drawings.

Mrs. Pancost asked if there were any questions. Mr. Schulda stated that there is a "Private Drive" sign at the driveway and he chose not to drive down because of it. However, he could identify 4 of the 5 houses. Mr. Huffman stated that one of the houses isn't built yet. Mr. Schulda asked if it is number 6048. Mrs. Huffman answered "correct". Mr. Huffman stated that it will be on the west side of the driveway.

Mr. Bott stated that he did drive down the driveway. Mr. Bott expressed his concerns with the safety or lack of safety of the pole barn. Mr. Huffman stated as far as the safety aspect, one of the responsibilities in his occupation is making sure of tenant separation, fire ratings and fire foams to protect. Mr. Huffman stated that these are things that they would be doing. He further stated that that last thing he would ever want is for something to be an issue. Mr. Huffman stated that he would have no issue making this compliant.

Mrs. Pancost asked if there were any other questions. Mr. Schulda asked Mr. Gano if the Zoning Code does not allow 2 residences on one parcel. Mr. Gano confirmed the same. Mr. Schulda clarified that the Huffmans are asking for an exception. Mr. Huffman asked how this would differ from an in-law suite. Mr. Gano answered that in-law suites are attached and that there is a provision in the code for them.

Mrs. Pancost asked what the chances are that their kids are going to be able to move out. Mr. Huffman stated that he is hoping. He further stated that there are issues he doesn't want to discuss but that it would give them a good start with a new baby. He does not see this as a permanent solution. Mrs. Pancost stated that she prefers to hold to Zoning but that her heart says that they are trying to maintain their property within their family and she understands it. Mrs. Pancost stated that it sounds like Mr. Huffman has a good handle on what is needed.

Mr. Huffman stated that if the footer is required it would be a relatively easy fix. If engineering is required, it is no problem to have them look at it. Thea Mozingo asked if there is a way to do what the Huffmans are asking but also down the road Zoning is still protected. Mrs. Pancost stated that if the Variance was approved, they are not receiving a variance to separate this into 2 parcels. If they were to

sell the property in the future, they could not sell one residence to someone and the other to someone else. It is not subdividing the property. Mrs. Pancost stated that if there was plenty of frontage an easier solution would be to split the lot. Mrs. Pancost reviewed Zoning requirements and the Comprehensive Plan and how it originated. Mrs. Pancost further stated that it is a large parcel that is maintained. Mrs. Gualtieri stated that the building is already built and they are not changing the footprint. Mrs. Pancost stated that she would rather see a functioning farm of large acreage remaining with 2 dwellings rather than having 2 separate parcels with diminished acreage. Mrs. Pancost added that it isn't an easy decision.

Mrs. Gualtieri stated that her main concern is that it is an agricultural building and they are trying to renovate it and make it adequate for people to live in. Mrs. Pancost stated that could add a condition that in order for the Variance to hold, they are to meet all of the requirements of the Portage County Building Department to convert the building into livable dwelling. Mrs. Gualtieri asked what the Zoning Code allowed for square footage of an in-law suite. Mr. Gano read Section 601-2 (B)(11)(C)(3):

The Mother/Father-in-Law Suite shall be a clearly subordinate part of the single-family dwelling. It shall be no greater than eight hundred (800) square feet or forty percent (40%) of the floor area of the principal dwelling unit.

Mrs. Gualtieri asked how many bedrooms are permitted. Mrs. Pancost stated that the Code does not specify the number of bedrooms. Mrs. Pancost read Section 601-2 (B)(11)(C)(1):

The Mother/Father-in-Law Suite shall be a complete, separate housekeeping unit (including kitchen and bathroom facilities) that functions as a separate unit from the original unit.

Mrs. Pancost asked how many square feet with the proposed addition the dwelling would be. Mr. Huffman answered that existing space is 800 square feet, 60 feet x 40 feet which is 19 feet or 20 feet off the front of the building. The proposed addition would be 600 square feet.

Mr. Gano asked if the matter could be recessed to find out what the Portage County Building Department would require. Mr. Gano stated that it is harder for him to track this type of a matter. Mr. Huffman asked if he would be turned away without a Variance. He asked if they would require full drawings and prints before they would speak with him. Mrs. Pancost stated that it is a possibility. Mrs. Huffman stated that they have no problem taking care of things. Mr. Huffman stated that he could call the Portage County Building Department. Mr. Bott advised Mr. Huffman not to call them but rather go down and speak with them face to face for better results. Mr. Huffman stated that his concern is that they aren't going to speak with him without a Variance. He further stated that if it helps the Board to make their decision, he will speak with the Building Department.

Mr. Schulda stated that he is a fan of having the Huffmans speaking with the Building Department to get a feasibility study and what is required to make this a living space so that the Huffmans are aware of what is needed cost wise, structure wise and inspection wise. Mr. Gano referred to a similar property in the Township and stated that it has been quite a process for those property owners. Mrs. Gualtieri suggested preparing a letter from the Board of Zoning Appeals for the Portage County Building Department stating that the information is needed.

Mrs. Pancost asked what type of time frame the Huffmans were looking at. Mr. Huffman stated the sooner the better. Mrs. Pancost asked the members for their thoughts on how to proceed. Mr. Schulda stated that he was in favor of recessing the meeting to allow the Huffmans to talk with the Building Department.

Bette Gualtieri motioned to recess the Huffman Hearing. The Huffman's are to go to the Portage County Building Department and request a feasibility opinion to convert the agricultural building to a residence.

Mr. Schulda asked if this is something that the Building Department would do. Mr. Gano stated that he will follow up with the Building Department. He added that Mr. Huffman would have to pay for the study. Mr. Gano further stated that he felt this was fair to ask. Mrs. Pancost stated that even if the County says no, the Board is still faced with making a decision. This is just giving them a chance to see if it is feasible.

Mr. Schulda asked Mr. Huffman what happens if it is cost prohibitive. Mr. Huffman stated that there are limitations and he has to see where it is going to go. He further stated that he knows that they are going to need the electric modified and he has already factored that in. The only thing he hadn't thought of was the foundation. Insulation and fire proofing have also been factored in.

Gary Bott seconded the motion. Roll Call: Janet Pancost YES, Bette Gualtieri YES, Wendell Schulda YES, Gary Bott YES.

Mrs. Pancost stated that the meeting will be recessed and we will reconvene. There was a discussion regarding the time needed. Mr. Huffman stated that he can contact the Building Department tomorrow to schedule a meeting. Mr. Huffman further stated that he has experience already with the Building Department. There was further discussion regarding timing and the scheduling of the next meeting. The next meeting was scheduled for Wednesday, April 12, 2017 at 6:30 p.m.

Mr. Schulda stated that he had a positive observation, of all the neighbors that were notified of the Hearing, not one had a negative objection. Mr. Huffman stated that he appreciated that.

The new Zoning Board of Appeal's alternate, Tierney Bryant introduced herself.

The members reviewed the March 13, 2017 meeting minutes. There was a discussion regarding minutes taken verbatim, accuracy and historical knowledge. There was also a brief discussion regarding addresses and last names.

Wendell Schulda motioned to approve the March 13, 2017 minutes. Gary Bott seconded the motion. Roll Call: Janet Pancost YES, Bette Gualtieri YES, Wendell Schulda YES, Gary Bott YES.

The meeting recessed at 8:10 p.m.