

**Hiram Township Board of Zoning Appeals
McKinnon Application for Variance
March 18, 2020**

Board Members: Chairman, Janet Pancost, Tierney Bryant, Gary Bott, and Tom Franek.

Public Present: Walter McKinnon, Charles & Linda Morris, Charles Patterson, and Zoning Inspector Rich Gano.

The meeting was called to order at 7:00 p.m.

Secretary, Eric Hankinson stated that a legal notice for the meeting was published on March 8, 2020 and that adjoining property owners were notified via certified mail on March 7, 2020.

Mrs. Pancost explained what the BZA is and how the meeting will work.

Mrs. Pancost swore in the audience members for those in attendance that wish to speak during the meeting.

Mrs. Pancost then asked Mr. McKinnon to explain why he was applying for a variance. Years ago he was told that before he could build a building, he had to consolidate the 3 lots he owned. He has done that. He has a number of items that he wants to store (equipment, vehicles, etc) and also use as a garage to repair his vehicles outside of the elements. He does have a shed on the property. Mrs. Pancost asks if it is "a shed on a sled" which Mr. McKinnon answers "yes."

Mr. Franek inquires about the location of the proposed building. Mr. McKinnon stated that the building would be placed next to his house, about 10' from the property line, and as far back as he could prior to the sudden drop off. He is hiring a crew to build the building, and it is to match the color of his home. He mentions that he has spent a significant amount of time to clean the outside of the home up.

Mr. Franek asked about the setback of the building. Mr. McKinnon mentioned that he could only go back 40' because any further would cause the building to be off the edge of the drop off. The building would be 34' away from the house.

Mrs. Pancost asks Mr. Gano if he has been to the property. She asked about the slope at the rear of the property and Mr. Gano confirmed the significance of the slope.

Mrs. Bryant asked about the existing shed which is 8' x 20'. Mr. McKinnon confirmed that is the dimensions of the existing shed. She then asked that he wanted to build a permanent 24' x 32' pole building. Mr. McKinnon confirmed that is his intent and the building would have a concrete apron on it.

The Board discussed the dimensions and locations amongst themselves.

Mrs. Pancost asks Mr. Gano if Mr. McKinnon would be seeking a variance for lot line on the side of property, the setback from Road Right of Way, and the fact that the building would not be in the rear of the property.

Mr. Franek asks about the property lot lines. Mr. McKinnon stated that a survey done revealed that the lot was originally meant for a township park as the other side of the river is also part of the property. However, the township sold the property and the house was built on it.

Mrs. Pancost asked Mr. Morris if he had any further questions or comment. He stated that originally when the building was first planned to be built years ago, it would have been too close to the road for his liking. However, given that the proposed location of the permanent building is now about 40' off Road Right of Way, his concern that drives would not be able to see through the curve is no longer an issue.

Mrs. Pancost then closed public comments for the meeting so that the Board can discuss amongst themselves.

Mr. Franek commented that Mr. McKinnon's circumstance is what the BZA is about, that there is a hardship to be able to build due to the configuration of the lot. Mrs. Bryant agreed.

Mrs. Pancost reviewed some basic Zoning code regarding the McKinnon property, how the new pole building will match the existing house, and that she does not have any further questions.

Michael Moats (not present) mailed a letter to the BZA. Mrs. Pancost read the letter, which stated that Mr. Moats had no issue with Mr. McKinnon constructing his building.

The Board then moves onto answering the Guidelines for Variance Request.

Guidelines for Variance Request:

1) ***Whether the land will yield a reasonable return or whether there can be any beneficial use of the land without the variance?***

Tom Franek: Yes

Janet Pancost: Yes

Gary Bott: Yes

Tierney Bryant: Yes

2) ***Whether the variance proved substantial?***

Tom Franek: No

Janet Pancost: No

Gary Bott: No

Tierney Bryant: No

3) ***Whether the essential character of the neighborhood would be substantially altered or whether adjoining landowners would suffer a substantial detriment as a result of the variance?***

Tom Franek: No

Janet Pancost: No

Gary Bott: No

Tierney Bryant: No

- 4) ***Whether the variance would adversely affect the delivery of government services?***
Tom Franek: No
Janet Pancost: No
Gary Bott: No
Tierney Bryant: No
- 5) ***Whether the applicant purchased the land with knowledge of the zoning regulation?***
Tom Franek: No
Janet Pancost: No
Gary Bott: No
Tierney Bryant: No
- 6) ***Whether the applicant's predicament feasibly can be obviated through some other method other than the variance?***
Tom Franek: No
Janet Pancost: No
Gary Bott: No
Tierney Bryant: No
- 7) ***Whether the spirit and intent behind the zoning regulation would be observed and substantial justice done by granting the variance?***
Tom Franek: Yes
Janet Pancost: Yes
Gary Bott: Yes
Tierney Bryant: Yes

Mrs. Bryant motioned to accept the variance as requested, Mr. Franek seconded.

Roll Call Vote on the Motion:

Tom Franek: Yes
Janet Pancost: Yes
Gary Bott: Yes
Tierney Bryant: Yes

Mrs. Pancost then explains to Mr. McKinnon what happens once these meeting minutes are journalized.

Mrs. Pancost asks Mr. Hankinson when the next time they could meet in due to the possible restrictions because of the Coronavirus pandemic sweeping the nation. After discussing, March 25th, 2020 will be scheduled as a working session to journalize the minutes of this meeting.

The Board then moves onto journalization of minutes from the March 4th 2020 BZA meeting.

The Board provides Mr. Hankinson with a few corrections to the minutes for clarification purposes.

Mrs. Bryant motions to accept the minutes with the changes provided, Mr. Bott seconds.

Roll Call Vote on the Motion:

Tom Franek: Yes
Janet Pancost: Yes

Gary Bott: Yes

Tierney Bryant: Yes

Mrs. Bryant motions to adjourn, Mr. Bott seconds.

Roll Call Vote on the Motion:

Tom Franek: Yes

Janet Pancost: Yes

Gary Bott: Yes

Tierney Bryant: Yes

The meeting is adjourned at 7:45pm.