

Draft

HUNTINGTON TOWNSHIP ZONING BOARD OF APPEALS 45955 STATE ROUTE 162 WELLINGTON OHIO 44090

December 6, 2022

MEETING: The Zoning Board of Appeals held a special scheduled public hearing on December 6, 2022 called to order by Chairman Dan Goble with the Pledge of Allegiance at 7:00 P.M. at the Huntington Township Hall.

IN ATTENDANCE: Dan Goble, Carl Strekely, Paul Dria, Jonathon Traut, Doloris O'Connor, Zoning Inspector Nora Klebow, Secretary Sheila Lanning, Kenny Knapp, Robert Holmes, Michael Bowman and Glen Knapp (arrived at 8:00 PM).

Chairman Goble asked for roll call with five members present: Dan Goble= yes, Jon Traut= yes, Carl Strekely= yes, Paul Dria= yes, Doloris O'Connor= yes.

Chairman Goble: The minutes of the previous meeting have been distributed prior to this meeting. Hearing no corrections to the minutes there was a **Motion** by O'Connor with a second by Dria to approve the minutes of 7/26/2022 as distributed. Roll call vote: Dan Goble= yes, Jon Traut= yes, Carl Strekely= yes, Paul Dria= yes, Doloris O'Connor= yes.

Goble: with members present, is there any unfinished business. O'Connor: the Ferguson conditional permit was for six months, is that time up? Traut: can Lanning enlighten the Board on progress with Ferguson. Lanning: Ferguson attended the Zoning Commission meeting 11/15/2022 to discuss his purchasing of property on SR 162 and SR 58 from the McGinnis family. Some of this property is currently zoning B1 and he is considering moving his business from McMillan Road to this new location. He was inquiring about how much of the property is zoned B1 with the remainder of Agricultural Residential. He stated to the Zoning Commission Board that he had addressed the shipping container violation on his McMillan Road property. In regards to Conditional permits, they are awarded for calendar year and will be reviewed in February by this board. Klebow: Ferguson may have to reapply for another conditional permit in 2023 to carry him till he is relocated to the property on SR 162 that he is attempting to purchase. Ferguson also inquired about setbacks. Traut: if everyone remembers that conditional permit meeting, I think Ferguson took it upon himself when he realized that this conditional permitting is not going to work for real long and he needed to address it. I commend him for addressing this situation, there are others who have not addressed issues they have been asked to address. If he does need another conditional in February, I am sure we will work with him. Klebow: he is headed in the right direction.

Chairman Goble: Secretary read the agenda for the new business. Lanning: today we are here to hear from Kenny and Leah Knapp about their request for a variance.

Chairman Goble: To those of you present at this meeting, the burden of proof is upon the applicant. The applicant here today has the right to have an attorney present. I will now administer the oath to all individuals who intend to give testimony, introduce documents, or provide comments. All individuals please stand and raise your right hand. "Do you swear to tell the truth the whole truth and nothing but the truth so help you God?"

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All attendees stood and unanimously answered “I Do”.

Chairman Goble: This a request for a zoning variance under 6.14.13, splitting the property at 400-foot frontage. To maintain a 50-foot setback requirement from the existing pond on the property would reduce the frontage to 365 feet. This would have many affects including reduction on acreage of the new parcel and impacts to future structure and septic system locations. For consideration there are existing ponds on the east and west that are closer to property boundaries than this proposed split would be. If the 400-foot frontage property split is allowed the pond would be approximately 20 feet from the property line. The Board also a copy of the original deed, survey of lot split with topography overlay, addresses of adjoining property owners and real estate purchase agreement.

Chairman Goble: Calling for abstentions by any board member who has a conflict of interest pertaining to these specific matters before the board. No abstentions heard.

Chairman Goble: recognizes the Zoning Inspector Nora Klebow for remarks. Klebow: application is very clear; the situation is that Mr. Knapp plans on building a home for family. Land is gently slopped, Mr. Knapp has checked with the Lorain County Health Department on location of the home sewage system. The pond is over 20 years old and is stable and well maintained. I believe the zoning resolution setbacks are to protect the interest of neighboring property owners from a new pond. Mr. Knapp is the party that is affected by the setback when this property is split. Chairman Goble: recognized the applicant Kenny Knapp for remarks. Knapp: thank the Board for their time, the application spells out the reasoning. The biggest thing is the placement of the septic system based upon soil samples, the pond and property line. Location would be easier with the 400-foot split and one straight clean parallel line. The only thing that we have is the maintenance issues associated with the pond. Bowman: what changed with the zoning resolution recent change to ponds. Lanning: pond set backs were 50 feet previous to this 2022 amendment. The amendments were mainly with building new ponds. Holmes: always happen to see good families moving into the Township and I don't see any problem with this variance. Strekely: in the event you decide not to take the additional property, would there be a fence or some barrier there to sell it to someone else. Knapp: that is always on the table but I am not a huge fan of fences. Goble: did you know the offsets from the right away before you picked the parcel. Knapp: I did not know the pond setback, that was brought up by the surveyor. Goble: describe the “practical difficulties”. Knapp: makes it a little harder for locating the sewage infrastructure, it would not prevent us from doing it but make it more difficult. Discussion on spray head sewage treatment system and setbacks. Goble: based these questions on the Lorain County Zoning Presentation listing “practical difficulties”. Is the property usable without the variance, is there another way without the variance and does the property owner have knowledge of this variance. Traut: he is the beneficiary of the variance and the adjacent property the disadvantage and no one from that side is here to disagree. Goble: property bought and sold, now it has variance on both sides. We create two variances off one property split. Does the second parcel become an additional application. Goble: Technically the current owner is splitting the property and they

HUNTINGTON TOWNSHIP ZONING BOARD OF APPEALS

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should be applying for the variance. O'Connor: could the current owner come back on the buyer for this. Klebow: it would be good if they were here and be more straightforward. Discussion on the current property owner, Glenn Knapp. A call was made to Glenn Knapp to attend the meeting. Goble: Chair called for a recess. Glenn Knapp arrived at 7:52 PM and was administered the Oath by Chairman Goble. Chairman Goble: reviewed what the Board had discussed and asked if Glenn Knapp agreed with the application. Mr. Glenn Knapp stated that he agreed with the variance application and would sign with a Notary affirming that he takes no exception to this variance application.

Secretary polled the individual Board members for their approval or denial of the variance application: Jon Traut= yes, Carl Strekely= yes, Paul Dria= yes, Doloris O'Connor= yes, Dan Goble= yes.

Chairman Goble: hearing no further business the meeting is moved to adjourn on a ***Motion*** by Traut with a second by Dria at 8:09 PM.

Signed

Chairperson

Attest:

Secretary