

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP BOARD OF ZONING APPEALS MEETING

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held Thursday, November 14, 2019 20
7:00 p.m.

Chairman B. Dubiel opened the Meeting of the Madison Township Board of Zoning Appeals at 7:03 p.m., with the following people present: Mr. T. Sill, Mr. E. Francis, Ms. L. Diak, and Chairman B. Dubiel. Mr. R. Glover was absent. Mr. F. Walland was present as Zoning Inspector and Mrs. M. Howell.

A motion to approve the minutes from the September 12, 2019 Meeting was presented by Ms. Diak, seconded by Mr. Francis.

Roll call: Chairman Dubiel: Yes Mr. Francis: Yes Ms. Diak: Yes

Mr. Sill abstained due to the fact that he was absent from the September 12, 2019 Meeting.

Mr. Walland offered to continue the Public Hearing since one Board member was absent and the required affirmative vote would still need to be three (3). Mr. Logan West, representing the owner, stated that he would like to proceed with the hearing this evening.

Chairman Dubiel administered the Oath of Accuracy to any member in attendance who wished to speak during the hearing.

Mr. Walland stated for the record that the Public Hearing this evening is for Variance Request #19-003 for Craig & Lisa McKim, owners of 5846 Chapel Rd., Permanent Parcel # 01-B-130-F-00-002-0, and the parcel is zoned R-2, Single Family Residential. Mr. Walland informed those in attendance that the property is located on the corner of Chapel Road and Simmons Place. He also stated that the required setback on both streets is forty (40) feet. Mr. Walland informed those in attendance that the contractor for the applicant, LMK Construction, filed an application to build a 24' X 40' addition on to the existing garage, along the west side where it abuts Simmons Place. He explained, that at the time, the contractor did not locate the property line correctly and provided incorrect dimensions on the drawing. He added that when the walls of the addition went up, it was clear that there was an error on the application. Mr. Walland informed those in attendance that a survey was performed and the proposed structure was found to be 15.75 feet from the property line, instead of the required forty (40) feet. He stated that a stop work order was issued and the property owners are requesting a variance of twenty-four and a quarter (24.25) feet in order to continue with the construction of the proposed addition.

Mr. Walland stated for the record that the Neighbor/Applicant letters were mailed on October 25, 2019 and the Public Hearing was advertised in The News-Herald Legal Section on October 26, 2019.

Mr. Walland stated for the record that the Zoning Department received one letter from a neighbor who is not opposed to the variance, a phone call from a neighbor who stated they are not opposed to the variance, and an email from a local resident who is opposed to the variance.

Mr. Walland asked if the Board had any questions for him. The Board did not.

Mr. Logan West, 3977 Dayton Rd., Madison, OH.

Mr. West stated for the record that he is part owner of LMK Construction and asked the Board if they had any questions for him. Mr. Sill asked how the location and sides were determined for this project. Mr. West stated that they had taken measurements based on where they thought the property lines were. He added, obviously there was a misunderstanding. Mr. West stated that the measurements they had were not the measurements that Mr. Walland thought they had. Mr. Walland stated that Mike Hutchinson, Mr. West's partner, thought the edge of the road was the property line and that is where he was taking his measurements from. Mr. West stated that he was not the one who pulled the measurements, but obviously there was an error in the location of the property line.

Mr. Walland stated that there is a portion of the addition that extends past the front of the house, which has been acknowledged as an error as well. He added that the front of the house

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establishes the front yard setback for Chapel Road and that that portion of the proposed structure will be removed. Mr. West stated that there are trees along the Simmons Place side of the McKim's property. Mr. Sill asked Mr. Walland if there are any measurements on the distances, the distance from the existing garage to the edge of the road. Mr. Walland stated that he has not verified the numbers himself, but the field survey indicates the measurements. Mr. Sill asked if the existing garage is located at the forty (40) foot setback. Mr. Walland and Mr. West stated, that is correct. Mr. Walland stated that the "iron pin found" (IPF) is thirty (30) feet from the center line of Simmons Place. Mr. Sill asked how the calculation came about that anything would fit in that area. Mr. West stated that they did not understand where the property line was on the west side of the McKim's property. Mr. Francis asked with the existing garage being at the forty (40) foot setback and there is depth on the property, has there been any thought to build the addition on the back side of the garage. Mr. West stated the biggest issue with that is that it would not be easily usable if it was located in the back yard. Mr. West added that it was not a practical location.

Chairman Dubiel asked if there were any further questions from the Board and if there was anyone else who wished to speak regarding this variance request. Mr. Sill asked Mr. Walland where the plans were submitted. Mr. Walland stated that the plans are brought into the Zoning Department first for a Zoning Permit and then they would go to the Building Department for a permit from them. Mr. West stated that they should have gotten a survey and that they have learned a lesson on the importance of accurately locating the property lines.

Mr. Sill asked if the email that was received by the Board today was to be included in the packet. Mrs. Howell stated that it was an email that the Zoning Office received yesterday afternoon from a local resident who lives on Old Mill, so it was forwarded to the Board this morning. Mr. Walland commented that the email referenced an understanding that Mr. McKim was going to repair motorcycles out of the proposed garage addition, and just for the record, home occupations are permitted as long as they do not negatively impact the neighborhood. Mr. Francis asked if that was fact or hearsay. Mr. Walland stated that Mr. McKim had commented to him that was his intention when Mr. Walland had visited the property. Mr. Sill commented that he has seen things like this before and asked if the addition could be added to the back side of the garage with an access door between the two sections. Mr. West stated that with the wall height being taller than the existing garage, it would necessitate completely reframing the rear of the existing garage. Mr. Walland asked if there is a room above the proposed garage addition. Mr. West replied that there is not. Mr. Francis reiterated that there are two neighbors that have no problem with the variance and one local resident who has a problem with the variance. Mr. Walland stated that is correct. Mrs. Howell added that the neighbors who do not have a problem with the variance request live directly across the street on Chapel Road and the other one who is opposed to the variance request is a local resident on Old Mill. Mr. West asked if the person who is opposed to the variance is aware that the proposed addition was going to be moved back to line up with the front of the house. Mrs. Howell stated for the record that she replied to the email, clarifying the fact that the variance was only for the setback for Simmons Place and that it was her understanding that the portion extending past the front of the house was going to be removed.

There were no further questions or comments.

Mr. Walland asked the Board members to vote on Variance Request #19-003.

Mr. Sill: No

Chairman Dubiel: No

Ms. Diak: No

Mr. Francis: Yes

The Board members voted and denied Variance #19-003, with a 3-1 vote (one member absent) for a minimum front yard setback variance of twenty-four and a quarter (24.25) feet for Mr. & Mrs. McKim.

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Mr. Walland asked the Board if there was any other business to discuss. Mr. Sill asked if there was anything else coming up. Mr. Walland informed the Board that there is a variance application, for a covered front porch, for the December Meeting.

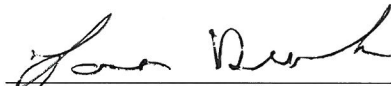
There being no further matters before the Board, a motion was presented by Mr. Sill to adjourn the meeting, seconded by Mr. Francis.

Roll call: All "Ayes."

The meeting was adjourned at 7:39p.m.



Bill Dubiel, Chairman



Lora Diak, Secretary

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