

BURTON TOWNSHIP

BOARD OF ZONING APPEALS

14821 Rapids Road | Burton, Ohio 44021 | 440.834.1500

MEETING MINUTES

Date: June 8, 2021

Time: 7:00 p.m.

Place: Burton Township Administration Building

Purpose: Public Hearing to consider application #1526-21 submitted by Abner Hershberger Jr.

Board Member(s) Present: Chairman Tim Snyder, Alan Skeen, John Nelson, Leonard Fife, 1st Alternate Frank Vecchio, 2nd Alternate Joe Dallos.

Absent: None.

Attendees: John Detweiler, Raymond Miller Jr., Abner Hershberger Jr., Jake Slabaugh, John Gurtz, Rick Gruber.

PUBLIC HEARING

Chairman Snyder calls the public hearing to order at 7:00 p.m. Roll Call of the Board shows Tim Snyder, Alan Skeen, John Nelson, Len Fife, 1st Alternate - Frank Vecchio, 2nd Alternate - Joe Dallos present. 1st Alternate, Frank Vecchio will fill in for the open Board Member Position.

Chairman Snyder states the purpose of the hearing which is to consider the Application #1526-21, submitted by Abner Hershberger Jr. for the property located at 14303 Butternut Road in Burton Township, Parcel #04-150988. Mr. Hershberger is requesting an area variance seeking relief from Article IV, Section 402.6, Paragraph A from the Burton Township Zoning Resolution.

Abner Hershberger Jr. of 14303 Butternut Road is affirmed. Mr. Hershberger explains that his community is in need of a new school. The school located on Burton Windsor is overflowing and options for another school within the area are limited.

Mr. Hershberger states he is asking for a variance in order to have two hundred and forty (240) feet of setback width at the building in order to split sixty (60) feet to the new school parcel for the driveway. He states his parcel only has three hundred (300) feet of setback currently.

Questions from Chairman Snyder disclose that a house, barn and pasture currently reside on the parcel and that Mr. Hershberger has lived on the property for approximately eight (8) years.

Chairman Snyder moves on to review the Duncan Factors in consideration for the area variance.

- A. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the property lot without the variance? **Mr. Hershberger states the parcel will stay residential if no variance is granted.**
- B. Whether the variance is substantial? **Mr. Hershberger states "yes."**

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- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance? **Mr. Hershberger states "I don't think so."**
- D. Whether the variance would adversely affect the delivery of governmental service? **Mr. Hershberger states "no."**
- E. Whether the lot owner's purchased the lot with the knowledge of the zoning restriction. **Mr. Hershberger states "no."**
- F. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance? **Mr. Hershberger states "Not to my knowledge."**
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? **Mr. Hershberger states "Yes, no harm will be done."**

Chairman Snyder asks if there are any other particular characteristics of the parcel that have an effect of where to build. "I don't think so" is Mr. Hershberger's response.

Raymond R. Miller Jr. of 14255 Butternut Road is affirmed. Mr. Miller states that he currently owns the property that the school will be built on and that Mr. Hershberger is only providing a space for the driveway to allow access to his parcel where the school will be built.

Clarification of the map filed with the application, determines that items listed as "B" and "C" will be combined as a new lot of record with a sixty (60) foot frontage. The new lot of record will be created by a reconfiguration or lot split and ownership of the new lot would belong to the school.

Mr. Miller attests a similar variance was granted for another property on Butternut requesting relief of the three hundred (300) foot requirement. Rick Gruber, Zoning Inspector, confirms that an area variance was granted for Voorhees located on Butternut Road for a house to be built in less than the three hundred (300) foot requirement.

Chairman Snyder states that each application is separate and considered on an individual basis. He explains that one application does not set precedence for another even though the requests may be similar.

Rick Gruber, Zoning Inspector, of 14369 Broadwood Drive is sworn in. He states the intention of the request is to split a piece of Mr. Hershberger's parcel and Mr. Miller's parcel and consolidate into a third (3rd) parcel located behind Mr. Hershberger's parcel. Mr. Gruber states the only requirement not being met by this design would be the dimension across at the building setback for Mr. Hershberger's parcel, so he is seeking a variance of sixty (60) feet from the three hundred (300) foot requirement. This variance would allow them to move forward with consolidating the third (3rd) parcel in order to develop their school.

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Mr. Skeen asks if any other variances would be required for the new lot of record, beyond the conditional use certificate. Mr. Gruber states “no.”

Mr. Vecchio inquires about the existing buildings located on the parcel. He asks if they will still meet setback requirements if the variance is granted. Mr. Gruber states “yes” and explains that the area lost from the variance will be made up from a split from Mr. Miller to keep the total area of Mr. Hershberger’s parcel the same.

Referring to the provided map, Mr. Nelson asks where the school will be located. Mr. Gruber states that the school will be located in the area labeled “B”.

Mr. Gruber states the Geauga County Planning Commission (GCPC) will not consider a lot consolidation if a variance is required. Approval of a variance from the applicable township is needed in order for the GCPC to complete the consolidation.

Mr. Nelson asks if there is any other option to access the property to the school. Mr. Miller states that other options were considered however, the surrounding properties are all approximately three hundred (300) feet as well. He states that Mr. Kauffman’s property only has a sixty (60) foot frontage to access his large parcel and there is no way to access from Kenny Hoar’s property either.

With no further questions, Chairman Snyder circles back to some administrative issues. Secretary O’Neill confirms that all adjacent property owners had been notified, as well as the public through newspaper publication.

Chairman Snyder states for the record no other public comment is presented. With no further questions from the Board, Chairman Snyder closes the public portion of the hearing at 7:21 p.m. and the Board goes into private deliberation.

At 7:22 p.m. the public hearing is reopened and Chairman Snyder entertains a motion.

Mr. Vecchio makes a motion to grant a variance to Abner A. Hershberger, Jr. as described in Application #1526-21 for the property located at 14303 Butternut Road, Burton Township, this parcel being Parcel #04-150988. Applicant is requesting an area variance from the Burton Township Zoning Resolution as amended August 19, 2019 from Article IV, Section 402.6, Paragraph A, requiring the minimum lot width at building set-back to be three hundred (300) feet. This variance will allow applicant to build with a minimum lot width at building set-back of two hundred and forty (240) feet instead of the required three hundred (300) feet.

Mr. Nelson seconds the motion. Chairman Snyder calls for discussion. The Parcel number is confirmed. Mr. Dallos comments that applicant will build within the two hundred and forty (240) feet. Chairman Snyder comments they can build at the two hundred and forty (240) feet. Mr. Vecchio states that the applicant is not building, the house is existing, the Board is allowing the parcel to be shrunk at the building set-back in order to keep the lot buildable. With no discussion on the motion it goes to a vote.

Roll Call Vote: Tim Snyder - yes, Alan Skeen - yes, John Nelson - yes, Len Fife - yes, Frank Vecchio - yes. All in favor. None opposed. Motion carries.

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Chairman Snyder announces that the request for variance has been granted. He states that any opposition has the ability to appeal this decision within the next thirty (30) days. Therefore, any progress made on this matter is done at the risk of the applicant. With nothing further to discuss Chairman Snyder concludes this portion of the public hearing at 7:25 p.m.

Chairman Snyder entertains a motion to accept the Findings of Facts as read. Mr. Skeen makes a motion to accept as written.

Mr. Vecchio seconds the motion. Chairman Snyder calls for discussion. With no discussion on the motion it goes to a vote.

Voice vote: All in favor. None opposed. Motion carries.

OTHER BUSINESS

The Board reviews the minutes from May 11, 2021, Application #1521-21 submitted by Philip C. Miller. Mr. Vecchio makes a motion to approve the minutes as written. Mr. Dallos seconds the motion. Chairman Snyder calls for discussion. With no discussion on the motion it goes to a vote.

Voice vote: All in favor. None opposed. Motion carries.

The Board reviews the minutes from May 18, 2021, Application #1524-21 submitted by Melvin D. Miller. Mr. Skeen makes a motion to approve the minutes as written. Mr. Dallos seconds the motion. Chairman Snyder calls for discussion. With no discussion on the motion it goes to a vote.

Voice vote: All in favor. None opposed. Motion carries.

The Board reviews the minutes from November 7, 2019, Application #1459-21 submitted by Andrea Mierau. Mr. Skeen makes a motion to approve the minutes as written. Mr. Vecchio seconds the motion. Chairman Snyder calls for discussion. With no discussion on the motion it goes to a vote.

Voice vote: All in favor. None opposed. Motion carries.

NEXT MEETING

At this time there is no new business, therefore the next meeting will be scheduled as needed.

ADJOURNMENT

With no further business to discuss, Chairman Snyder entertains a motion to adjourn. Mr. Vecchio so moves. Mr. Skeen seconds the motion. Voice vote: All in favor and the meeting concludes at 8:06 p.m.



Chairman, Timothy Snyder Date 8-10-2021



Secretary, Katie O'Neill Date 8/10/21