

PRAIRIE TOWNSHIP BOARD OF ZONING APPEALS  
Minutes of the March 12<sup>th</sup> , 2019 Meeting

Members Present: Mark O'Loughlin, Doug Owsley, Bill Gallaer, John Cardwell, Sherry Henning  
(Alternate)

Members Absent: Bruce Steele

Others in Attendance: Dana Scott and Connie Swisher from Zoning

Chairman O'Loughlin called the meeting to order at 7:00 P.M.

Mr. O'Loughlin swore in those wishing to speak.

Mr. O'Loughlin asked for a motion to approve the minutes of the February 12<sup>th</sup> , 2019 meeting.

Ms. Henning made a motion to approve and a second from Mr. Owsley. All members voted in favor to approve.

**Old Business: None**

**New Business: A) Variance Application: 633-VA-19**

**Applicant:** Jerry Hughes, 520 Murnan Road, Galloway, Ohio 43119

**Location:** 520 Murnan Road, Galloway, Ohio 43119

**Request:** To grant a Variance from the provisions of Section 930 Table 2 (Dimensional Requirements); to allow the owner to create a new lot with less road frontage than the Resolution requires in a SER (SuburbanEstate Residential) Zoning District.

Ms. Scott gave the facts of the Variance request. Property is a 3.5 acre parcel located on the east side of Murnan Road, just south of Broad and Kuhlwein. Current zoning is SER and is surrounded by SER to the North, West and South. Rural located to the East directly behind the property. Applicant is seeking a variance to create a new lot. The new lot will be approx. 61ft of road frontage with a lot area of 2.5 acre. That will leave a 1 acre lot with 154ft of road frontage where he resides currently. The dimensional requirements say that the minimum lot is to be 150ft and a minimum lot area of at least one acre. If granted tonight, the zoning staff would like to request that the accessory structure be removed from the newly created lot at the time of the lot split or a principal structure be created on the newly created lot within 6 months. Applicant did go down and apply for lot split with Franklin County and he was denied. Reason for denial was that the applicant did not meet the requirements of the Zoning resolution without a Variance. Ms. Scott showed pictures of the property.

Speaking was Paul Baker (620 Murnan Road) who stated that there is a pretty severe water problem on Murnan Road. If a structure is put on the split lot, the water will run to his pasture or they would have to put a drainage tile and run it down Murnan Road in his front yard which is already under water. His biggest concern is where the water is going to go.

Speaking for was Jerry Hughes (Applicant) who stated that there is already a lot of work planned for

the water with the county. They have authorized \$87,000 for a study to see what can be done to fix the water problem. He stated that he has no problem taking the shed down. He stated that if he gets this Variance, there are still 2 more from the county for him to address. Mr. Hughes bought the property in 1978 and moved in in 1980. He bought the additional 2.5 acres in 1984. He thought that he was buying an investment for the future. 34 years later he discovered that there is no parcel number for that lot. He has a deed for both lots but no parcel numbers. He talked to the County Department of Health and Development Planning. He said that they pulled the file from years ago and they saw no problem with what he wanted to do on the property. He said that the lots were split from day one and would need to be resurveyed with the existing pins. Mr. Hughes said that he had a new survey.

Mr. O'Loughlin asked the applicant what he planned to do with the new lot? Mr. Hughes stated that if he doesn't sell to build a house, he will build a house himself and build a driveway so that he can at least get to his shed. If he gets the split he will be selling his house and he would like to keep the 2.5 acres. He stated that he has spent 3 years and \$3000 to get this accomplished.

Speaking against was Laura Baker (620 Murnan Road) who was concerned that if the property is sold and a new house built, who would move in the house and what kind of kids might live there . Her property is zoned farming.

Mr. Baker returned to talk about water problems in the surrounding area. There is a drainage problem and no current solutions.

At 7:17pm, Mr.Owlsy made a motion to recess for private deliberations for the purpose of discussing the merits of the application. Second by Mr. Cardwell. All Board members voted in favor.

Board returned to session at 7:27 pm.

Chairman O'Loughlin called Mr. Hughes (applicant) back up to the podium for some questions. He asked Mr.Hughes if he knew what the deed or zoning restrictions were when he bought the property? Mr. Hughes replied No.

Mr. O'Loughlin asked when the current restrictions took effect? Zoning replied that the road frontage took effect in 1983.

Chairman O'Loughlin stated that the problem here is that if we do the split, we have created 2 nonconforming properties. We are taking a conforming situation and making it nonconforming.

**Mr. Owsley stated the determining factors of whether or not to grant the request:**

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|----|--|--------------------|
| 1) | property in question will yield a reasonable return or whether there can be any beneficial use of the property without a Conditional Use | Whether the<br>YES |
| 2) | Conditional Use is substantial (creates nonconforming property)  | Whether the<br>YES |
| 3) | essential character of the neighborhood be altered (all of the current properties are similar or the same)                               | Whether the<br>YES |
| 4) | Conditional Use adversely affect governmental services   | Whether the<br>NO  |
| 5) |  | Whether            |

- |    |   |                   |
|----|---|-------------------|
|    | property owner purchased the property with knowledge of zoning restrictions. (owner did not know but restriction was in place)  | YES               |
| 6) | property owner's predicament be obviated through some other method.   | Whether the<br>NO |
| 7) | spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the conditional use. | Whether the<br>NO |

Mr. Owsley made a motion to accept the Variance as presented.

Mr. Cardwell seconded the motion.

Roll Call Vote:	Ms. Henning	Against
	Mr. Cardwell	Against
	Mr. Owsley	Against
	Mr. Gallaer	Against
Chairman	Mr. O'Loughlin	Against

**The Variance is Denied**

**Announcements:** Township is working on a Resolution for Contractors to be required to register with Township, HVAC, Electrical etc.... The Township will need an Appeals Board and this will likely become part of the BZA.

Working on a changes to Article 18

One law change and is effective in 10 days is that we don't have to go to the Regional Planning Commission for recommendation on amendments to the code or the map. This will shorten rezoning times.

**Adjournment:** 7:40 pm

Submitted by Bill Gallaer