

Board of Zoning Appeals Hearing Minutes

Greenfield Township, Fairfield County, Ohio

Greenfield Township Board of Zoning Appeals

Meeting Minutes 03/24/2025

Meeting called to order by Elizabeth McNeese at 7:00 PM

The Pledge of Allegiance was recited by the group.

Roll Call Present: Donna Kosch-yes, Amy Brown-yes, Dave Bichard- yes, Elizabeth McNeese- Yes, Leann Racki - Yes

Also in attendance; Jeff Williamsen, Greenfield Township Zoning Inspector

Elizabeth McNeese noted the purpose of this meeting is to hear the variance request. She requests anyone who wishes to speak to be signed in. She stated this is an official proceeding. The meeting will be recorded and minutes will be published on the website. The recording will be available by official public records request.

Secretary Leann Racki read the purpose of the hearing:

This hearing is to hear the application for a variance on the following property:

OWNER: Jill Maiher

PROPERTY ADDRESS: 3670 Havensport Road
Carroll, OH 43112

TAX PARCEL #: 0130039630

CURRENT ZONING CLASSIFICATION: Rural Residential (R1)

VARIANCE: 415.03 Accessory Uses and Structures, Breezeways and Accessory structures on Residential Parcels

(D) Permanent Accessory Structure

(iv) Shall not exceed four thousand (4,000) square feet or an area dimension that is seventy five (75) percent of the footprint (ground floor) dimension of the Principal Structure, whichever is greater

The applicant currently has an existing accessory struction 50' x 100' or 5,000 square feet and wishes to build an additional accessory structure 40' x 60' or 2,400 square feet to serve as a garage.

As a part of this meeting, anyone wishing to speak for or against the variance will be allowed to do so and will be sworn in individually as they approach the lectern.

Elizabeth McNeese swears in Jeff Williamsen, Greenfield Township Zoning Inspector.

Jeff Willamsen gives background to this current hearing and the variance application. On 2/20/2025, Jeff states he received a phone messenger from Ms. Maiher in regard to information regarding building a pole barn. He spoke with her about the possibility of an Agricultural Exemption for her property. He questioned this because on examination of the property records on the county website, he observed the following: The property is 13.58 acres, the satellite view clearly showed cultivation is happening, there is a CAUV (Current Agricultural Use Value) notification on the tax record and the satellite image from 2024 shows 2 large accessory buildings. One is 50' x 100' and one is 60' x 100'. Both exceed the 4,000 sq ft maximum for zoning without the agricultural exemption. On Friday 2/21/2025 Jeff received Ms. Maiher's application for an accessory building. In a return email he incorrectly stated that she may have an agricultural exemption. After searching to the best of his ability while working remotely, Jeff was unable to find an agricultural exemption online nor in the office files. He informed her that there was no agricultural exemption on Wednesday 02/26/2025, and sent her a copy of the exemption form via email. A site visit was set up for Tuesday 03/04/2025 at 10 AM. I observed the 60' x 100' building was no longer there, but the 50' x 100' was still there. She noted the 60 x 100 building was in disrepair and would have cost more to fix than to demolish and build the new 40' x 60' building. The foundation for the 40x60 was already in place. In that conversation, Ms. Maiher told Jeff she could not honestly apply for the agricultural exemption. Jeff explained that she would then need to apply for a variance for the building since the 50' x 100' already exceeds the 4,000' maximum. She submitted the application on 03/05/2025 and the process for this hearing was initiated.

Donna Kosch asks for clarification if the building application is for a new building or replacement. The legal notice states "additional accessory building". But the one has already been torn down. Jeff clarifies that the new building is in addition to the currently existing building. The 60' x 100' has been torn down on 2/10/2025. Donna clarifies some images on different websites used by the Township and Jeff states he uses the County Auditor's website.

Elizabeth clarifies that there were 2 buildings, each on their own exceeded the 4,000 square foot maximum. Jeff confirms this statement. She asks if the property is being used for agriculture. Jeff confirms, but states it is not being cultivated by Ms. Maiher. The agricultural exemption reads that the accessory buildings must be used solely for agriculture. The buildings are being used for her late husband's shop equipment and train collections. The new building will be used as a garage.

The buildings were built in 1995, 1996 and 2016, according to Donna's report from her research on the Township's website.

No further questions for Jeff Williamsen.

Jill Maiher is sworn in to speak on the variance application. She has been trying to clean up her property since her husband passed away 6 years ago. She got rid of one building already, a couple of years ago that was built in 2012 or 2016. The 60'x 100' building had a leaking roof, damaged walls and it needed to be torn down. Jill contacted Jeff about the permit and started the process for a new building to house her equipment including 2 skid loaders, an excavator, 2 trucks, a dump trailer, and 2 mowers which are being used to maintain the property. The back half has always been farmed (leased out to the farmer), which is why she has her CAUV. A couple of years ago a drain tile needed to be repaired, which is why she has some of this equipment. She did not need the large building and could not find anyone to repair it adequately, but still needs a place to house her equipment. The other building has welders, drill presses, lathe etc to repair equipment. None of the other equipment will fit into the 50' x 100' building.

Elizabeth asks to clarify why she did not apply for the agricultural exemption. Jill states she was not comfortable signing the application, which would indicate she is personally farming it. She states she is maintaining the land, but not personally farming it. She does rent the land and it is a business according to her accountant, but she does not feel it is her own farming business.

Donna clarifies with the CAUV, she is still eligible for the exemption since the land is being farmed according to the revised code. Jill states she did not understand this, as she does not have an LLC or anything. The other part she states she is not comfortable swearing to, is that it requires you to apply for a permit if at some time they are no longer using it for farming and she did not want to be responsible to remember that in the future if things changed. We went in when we built the other barn and the inspector at that time asked many questions, and told them they were zoned for agriculture. She was unsure if something like that was signed back then or not, so she felt it appropriate to pursue the variance.

Elizabeth asks that the new building will be going where the old one was, and it is much smaller and Jill Maiher confirms.

Elizabeth McNeese asks for anyone else to speak in favor of the variance request.

Scott Lines was sworn in (3845 and 3600 Havensport Road). Scott states he has no issue with the new building. It will help the property look better, keep her stuff inside and the whole thing will look a lot better.

Ken Root (3647 Havensport Road) was sworn in. He begins with a question if the board wants her to do an agricultural exemption as it would be the easiest thing. Jeff Williamsen states it would be a legal document stating that the building would be used solely for agricultural uses. Jill Maiher states her equipment to help maintain both the farm and the private side of the property.

Dave Bichard asks why it is not zoned agricultural already. Jeff Williamsen states there is no agricultural zone, it is R-1 which is both. Then an agricultural exemption is obtained, which will allow accessory buildings under the exemption.

Elizabeth McNeese states this board is not able to say what she should or should not do for the exemptions. This board is here to consider the application for the variance to add the new building to the property, with or without the exemption, we can still review this request.

Ken Root states it is unfortunate that the new 4,000 square foot limit was added, after she already had a larger building in the past. She has been making the place look better and is replacing the old one with a much nicer one. She will be able to protect her equipment and clean up the property. He lives across the street and is in favor of her doing this. He feels she is doing everything asked of her and is making a positive change to the property.

Elizabeth McNeese asks for any further supporters of the variance. There were no further speakers. Elizabeth McNeese asks for anyone in opposition, and there were none.

Donna Kosch asks if all of the neighbors had received notice of this and had anyone responded. Jeff states they were notified, and there were no responses.

Jill Maiher states she had texted all of her neighbors about her plans, and this hearing and everyone responded positively.

Leann Racki asks to clarify the timing of demolishing the old building and the plans for the new building. The old building was demolished on February 10, 2025 and the new one is ready to be built when the variances are approved.

Amy Brown clarifies that the other 50' x 100' building also exceeds the 4,000 square foot limit and is it able to house the equipment planned for the new one. Jill Maiher states that the other older building is a shop building and she is trying to clean it out, but at this time it cannot fit the other equipment needed to be stored.

No further questions at this time.

Amy Brown motions to approve the variance. Donna Kosch seconds.

Vote: Donna Kosch-yes, Amy Brown-yes, Dave Bichard- yes, Elizabeth McNeese- Yes, Leann Racki - Yes

Elizabeth McNeese states that the variance has been approved. Members discussed the reasons for approval of the variance.

Leann Racki makes a motion to adjourn and Dave Bichard seconds.

Vote: Donna Kosch-yes, Amy Brown-yes, Dave Bichard- yes, Elizabeth McNeese- Yes, Leann Racki - Yes

Elizabeth McNeese adjourns the meeting at 7:27 PM