

Board of Zoning Appeals Hearing Minutes

Greenfield Township, Fairfield County, Ohio

Greenfield Township Board of Zoning Appeals

Hearing date 06/24/2025

Meeting called to order by Amy Brown at 7:03 PM

Amy Brown read off the purpose of the hearing stating the following:

Applicant: Mithoff Companies Ltd.

Application Number 36-2025

Tax parcel number: 0130051900

Physical address: 4255 Coonpath Road, Carroll OH 43112

Current Zoning District Classification: B-1

Development standard: Greenfield Township Zoning Resolution 3/12/2025

Section 340.05 (C) (1) The minimum front yard depth shall be one hundred (100) feet from the right-of-way for all structures if such lot fronts along a highway designated as an arterial or major collector highway on the Fairfield County Thoroughfare Plan.

Section 340.05 (C) (3) Any building or structure constructed on a lot fronting two (2) different thoroughfares is required to meet the front yard setbacks from both roads

Variance: applicant is requesting 57.26 feet and 76.73 feet, per Zoning Exhibit dated 05/13/2025

Roll Call: Jill Maiher- present, Leann Racki- present, Amy Brown- present, Dave Richard- present

Also in attendance; Jeff Williamsen, Greenfield Township Zoning Inspector

The Pledge of Allegiance was recited.

Amy Brown notes that anyone giving testimony must sign in and be sworn in.

David is sworn in and is cleared to provide testimony.

Amy notes that this board will hear the background and receive comment on the application from the township, the public and applicant.

Jeff Williamsen, Zoning Inspector was sworn in. Late last year Jeff received an anonymous complaint about the property stating that the trailer was too close to Coonpath Road. Jeff investigated and contacted the owner, who in turn had his attorney contact Jeff. There was some communication with the attorney, but then David indicated Mithoff Properties was interested in buying the property. We discussed the restrictions of that lot and noted the need for a variance if they plan to do anything with

the property. Approximately 1 month ago, the transaction was completed and Mithoff is now the owner of the property. They have now filed for the variance.

Amy notes a letter that was given to the board by Jeff from McGuire's Distinctive Trucks at 4185 Coonpath Road, noting they do not have any reservations and are in favor of the request. Jeff confirms this.

Applicant David Dryden offers testimony, stating he is the facilities director with Company Wrench and Mithoff Companies and notes the purchase of the property. He states they are temporarily using it for some of the equipment. As part of our due diligence on the property, we submitted our variance application to relocate the existing office building about 50-60 feet over, to improve the distance from Coonpath and 33. We plan to use the office for equipment sales with similar set up. The intention is for this to be a sales office. Most of the sales staff is in and out of the office, and the lot is more of a display area. When they improve the asphalt and the trailer, there will be power and we've been talking with the county about water to the building when the water line is completed. Our plan is to relocate it and update the inside and outside of the building, including replacing trim, paint, replacing the deck and stairs. This will refurbish everything on the exterior.

Dave Bichard asks if it is a trailer or permanent structure, as there are no utilities there. David Dryden notes there is a bathroom and kitchenette inside the building. There is an open reception area, IT closet and 2 offices. It is the same trailer that was across the street on the used car lot. Dave Bichard notes there is no foundation, and it is still mobile. David Dryden notes there are no wheels, even though it was brought in on wheels. They block and level it, and strap it down for wind purposes. The tires that it rode in on are taken off and are sitting inside the trailer now. The intent is not for it to be mobile.

Dave Bichard questions the classification of the structure, and if it has a title. Discussion regarding the type of building, foundation and permanence of the structure continues. The structure is modular, pre-fabricated in 2 pieces, brought to the location on wheels and axles, then put together on a block and leveled, with wind straps to secure it to the ground. A structure, such as a mobile home, is considered permanent if it is on a slab. It is the only structure on the property, so it is not considered an accessory structure.

David Dryden notes that the structure on the property can not be moved anywhere on the property without a variance. Jeff Williamsen notes it is currently classified as B-1. Dave Bichard asks if we would approve a permanent brick and mortar building there within these parameters of space. This is 57 feet from Route 33, which is just over 50% of the 100 feet required in the code. Jeff notes we don't really get into what the structure is made of anymore, so long as it is habitable according to the county. This is similar to the argument we had about barndominiums and tiny homes since they are not normal-framed construction.

Jeff asks Dave Bichard to clarify that we should be thinking about this as though they were building a permanent brick and mortar structure. He confirms, yes, they are just sliding this over, but if there were a brick and mortar building, would 57 feet be enough or would we be asking for the 100 feet?

The current structure is too close to Coonpath, and likely not even 100 feet from Route 33 already. David Dryden notes it is ready to go, but disconnected from utilities, awaiting approval to move it. Based on the geometry of the site and limited, and the limitations of the property, this is the optimal location for the structure. Since we already have the approved asphalt areas, it gives us the best distance off

Coonpath to decompress the intersection as much as possible. If it moves over further, we get too close to the highway. They thought this made the most logical sense based on the property.

Jeff Williamsen states based on the setbacks, this is a non-buildable property without a variance. David Dryden states the modular building makes the most sense and they are not considering a conventional construction building. Their intent by purchasing the property because of the way it is situated and re-use the amenities that are already there.

Dave Bichard asks if he were to purchase several acres on 33 and put this type of building as an office building, is there any limitation to the type of building, certain exterior, or a certain "look" it has to have. Jeff Williamsen states, no, there is no certain look required. David Dryden notes the intent is to improve the look of the building by updating the exterior.

Amy Brown asks if there are any more questions from the board for the applicant. She makes a motion to adjourn for deliberation in an executive session. Leann Racki seconds the motion.

Vote: Jill Maiher- yes, Leann Racki- yes, Amy Brown- yes, Dave Bichard- yes. Adjourned meeting for executive session at 7:20 PM

Amy Brown motions to resume the hearing at 7:36 PM. Dave Bichard seconds this.

Vote: Jill Maiher- yes, Leann Racki- yes, Amy Brown- yes, Dave Bichard- yes.

Dave Bichard asks Jeff Williamsen about the code's rear-yard requirements of 50 feet, with only 20 feet at this time. This means the building would not meet frontage, sideage or rear. Jeff confirms this.

David Dryden is asked by Amy Brown if the building is in the place that gives the most frontage. He confirms this, and states that there is no place on this property that would satisfy the setbacks. So, based on the geometry and improved asphalt that already exists, we are hugging the back of the asphalt which is 20.56 feet off the property line of McGuire's. He states in conversation with them, they had no objection to this. This is really a triangle with a limited area and trying to pull away from Coonpath, the next most logical place for the structure is on the inside corner, but if we go any further south, we close in on the distance off 33 again. So this allows us to have our equipment area, and the access point will allow equipment maneuverability in the lot.

Amy clarifies the measurements of the front, side and rear per the codes and compares them with the measurements of the proposed location on the prints provided. Jeff notes that the Coonpath side will be considered a frontage as well due to being on the corner.

David Dryden states because of the triangle, no matter where you move the structure, you will increase one distance and decrease the other. Based on mathematical calculations with our civil engineers, this location makes the most sense to back off of Coonpath and Columbus (33). The 20 feet at the back of the property, it is green space.

Amy Brown clarifies the definition of the building in our code, which is noted to state: a structure permanently fixed to the land with one or more floors and roof, supported by columns and walls used and intended for shelter or enclosure of persons, animals or property. David Dryden states this will be secured like any structure, with block piers like any other building, behind the skirting. These are the

structural supports which are spaced down the sides and across and on top of that, there is anchoring for uplift in case of high wind or tornado. Amy asks Jeff if this meets the “permanently affixed to the land” in the code on page 1-9. Jeff notes the main thing is the wheels, similar to the way they determine if a car is junk or mobile. The same thing will apply here as a mobile home is a permanent structure without wheels.

Amy clarifies we are being asked to consider if this is a permanent structure as well as all 3 setbacks. Dave Bichard states from our standpoint, it is a building and now you are asking 25-50 % variance for all of the codes for setbacks. This building breaks every code, not one thing applies.

In review of the code for restroom and running water, Amy asks about the plans for this. David Dryden indicates there is already an existing septic. They are in conversation for the running water which should be ready in the next few months. There is a small kitchenette and bathroom, and once it is remodeled, it will have all those amenities, making it a fully functional building.

Amy asks about signage. David Dryden confirms he has already been talking with Jeff about the sign requirements and working to comply with those codes. He is considering a monument sign, primary and secondary sign due to being on the corner. David is working on complying with this and if he can't make it work, they will apply for a variance on the signage. But that is a future issue.

Amy refers to page 1-22, defining a trailer, which states “ a structure standing on wheels or hauled by another vehicle, towed, or hauled by another vehicle, and used for short-term human occupation, carrying materials, goods, or objects, or as a temporary office.”

Dave Bichard states this would not apply as this will be considered as a permanent structure as any temporary structure can only remain on the property for 90 days. Amy notes a permanent structure will violate all the same codes. David Dryden indicates that is the reason for the variance as they cannot meet any of the dimensions due to the small size of the parcel.

Dave Bichard asks Jeff Willamsen if the property was looked into when owned by the previous owners and Jeff reports, yes, he was dealing with the lawyers in another state about it, so the current owners were aware of the issue when purchasing.

Continued discussion on the classification of the structure. The code defines it as a mobile home, modular home and this is not going to be used as a home. It is designed to be used as a business, commercial structure. This is not designed as a residential structure and it will have all the required utilities.

Dave Bichard notes a permanent structure of any type, cannot comply with any of the current codes. Jeff notes it is a non-buildable lot, and hence the reason for the variance request.

Amy Brown clarifies the variance request includes rear setback and the frontage on both Route 33 and Coonpath. Signage will be saved for another time. David Dryden confirms building location is the thing being considered at this time.

Amy clarifies that the rear clearance is not on the variance and cannot be considered. Jeff Williamsen proposes adding the rear clearance to the variance at this time. Amy asks if there are any other questions, of which there are none.

Amy requests testimony from anyone who opposes this request, but there is none.

Amy notes concerns with the property, because of the shape, location and major intersection of the Township. This is not just a few feet, it is a significant amount of feet on all sides of this property. In order to grant this variance we would need to make significant concessions in the rear footage, the front and side of 25-50%. She notes significant concerns given the location of this property. As we know to get back on 33, you need to traverse this intersection as you cannot get on 33 going north.

Amy motions to deny this application. Dave Bichard seconds.

Vote: Jill Maiher- I agree, Leann Racki- I agree, Amy Brown- yes, I agree, Dave Bichard- yes, I agree.

Jill notes the code stating the rear variance requires only 20 feet if not adjacent to a residential lot. So, the rear concession is not required.

Amy discusses the concern with the frontage on a major highway, which is being requested to be cut in half with a lot of traffic, multiple lanes and turn lanes on both roads. David Dryden notes moving the structure is taking it from 0 to 76 feet on the Coonpath side. Amy notes we cannot deal with the enforcement of the setbacks and this does not play into our decision.

David Dryden notes this would bring a lot of business to the area, and Amy Brown notes that is not an issue we can consider.

Amy makes a motion to adjourn. Dave seconds the motion.

Vote: Jill Maiher- yes, Leann Racki- yes, Amy Brown- yes, Dave Bichard- yes

Meeting adjourned at 8:01 PM

Meeting minutes approved 07/02/2025