Board of Zoning Appeals Hearing Minutes

Greenfield Township, Fairfield County, Ohio

Hearing called to order by Elizabeth McNeese at 6:02 PM

The Pledge of Allegiance is recited.

Roll call: Dave Bichard: here; Elizabeth McNeese: here; Danielle Keefer: here; Amy Brown: here; Leann Racki: here. Absent from this meeting: Lee Winters

This is an official proceeding. This meeting is being recorded. The minutes will be published on our website, and the recording available via public records request to the township if needed.

Applicant: Travis and Dawn Rice
Application number: 26-063
Tax Parcel#: 0130082000 (Gessellville Lot 31)
Address: 0 Lancaster-Kirkersville Rd NW, Lancaster, OH 43130
Current Zoning District Classification: R-1 Residential
Development Standard: §310.06(B): Minimum Lot Width
All lots shall have at least one hundred fifty (150) feet of frontage on a dedicated, improved street or highway. The minimum width of the lot cannot be less than one hundred fifty (150) feet at any point.
Variance: Lot 31 of Gessellville Subdivision has 211.5 feet of frontage however it is on a platted alley that is not maintained by either Greenfield Township nor the County, but by the property owners themselves.

Elizabeth McNeese notes we will accept public comment from township officials, the applicant, and the public. Zoning Inspector Jeff Willamsen is sworn in and reads the reason for the variance request. The applicants intend to join the parcel with 2 other parcels to comprise one parcel of approximately 2.49 acres. They have plans to build a home on the lot. The request was unable to be processed due to the lot currently being non-conforming with the road frontage requirements. By definition in the zoning code, there is no road frontage. Currently, 337 and 335 Lancaster Kirkersville Road has frontage on the same driveway have frontage on the same driveway this property will use. The inspector was told by the officer that the owner of the driveway, James Bilbury, has verbally given permission for the applicant to use the driveway. This is rare, but not unheard of in our township. The Greenfield Township Fire Chief has approved the use of the driveway, or their vehicles, since they already must service 335 and 337 Lancaster Kirkersville Road. The properties ended up in this situation because of the creation of the Gesselville subdivision back in the early 1900s. Since that time, roads and alleys have been abandoned, abandoned, or vacated by the county and or

township, leaving properties unbuildable because they are isolated from roads. Also not unheard of in our township and county

Elizabeth McNeese asks to clarify they have plenty of frontage on the alley or the road that's been abandoned. Jeff Williamsen confirms the alley running toward the south of the property is filled with trees. But the driveway that is being kept by Mr. Bilbury is used by a couple of properties at this time.

Elizabeth asks for clarification that the Fire Chief anticipates no issues with fire access to these properties so long as the driveway is maintained. Jeff confirms this and further notes that the driveway continues along through a farm property and ends on Coonpath Road. The Fire Department does not even need to turn trucks around on the driveway, as they can just cut through the farm, which a lot of full size trucks already do.

Elizabeth asks if the driveway is not managed or maintained by the county, but by the applicants, and the owner of the driveway has granted permission for the applicant to use. Jeff confirms they are not.

Amy Brown asks for clarification on exhibit D. Jeff notes the road labeled “Main” is Route 158 and the area labeled “South Alley” is the driveway. The area labeled “Public Road” is GInder Road.

Danielle Keefer asks for clarification on Exhibit D. The lot labeled 20 is the property at 3335 Lancaster Kirkersville Road.

Dave Bichard asks about the “South Alley”/driveway. It was an alley in years past, but is no longer maintained by the county. Jeff believes it has been abandoned by the county. Amy questions if it is a Township road, and if it has been confirmed that the Township abandoned it. Jeff reports he believes the way it works is that the residents ask for it to be vacated so the residents then are responsible for maintenance of it.

Danielle Keefer asks about Exhibit B. Jeff states the two roads that the arrow is pointing to were vacated. Danielle notes that South Alley is not labeled as vacated. Jeff notes that Orchard and Mulberry Streets currently have trees and structures on them and he believes they have been vacated as well. Similarly in Havensport subdivision and off of Mt. Zion Road as well, citing that this is not an unusual situation in the Township

Elizabeth McNeese states her main concern is that the area is being maintained and it is drivable and the Fire Department is comfortable accessing the area But combining these lots increases the acreage into one larger parcel.

Danielle Keefer makes it clear that the Fire Chief approved the use of the driveway, provided there is a maintained access road. It is approved with conditions of

maintenance. Elizabeth clarifies that the Fire Chief has not indicated a concern for access from their perspective.

Dave Bichard asks the length of South Alley, based on the map. The group estimates the length is roughly about 600 feet. The property owners confirm the length.

Jeff notes that the fire department just wants to be sure that no trees, large roots and such are not growing on the property. They discuss other nearby property owners and who maintains it, and other properties have no frontage either.

Travis Rice, 5405 Cincinnati Zanesville Road, Lancaster OH, property owner is sworn in. He confirms he has been maintaining the driveway, including putting 60 ton of stone in last year and fixed it up. He owns and maintains parcel 20 as well, as his son lives there. They plan to build a house near his son. South Alley is not abandoned, but Orchard and Mulberry are, per Fairfield County records.

Dave Bichard asks why it is not maintained and Jeff answers it is because it is an alley, not a road. Danielle asks for clarification that South Alley is being used as his driveway. Travis confirms. He notes Dennis Andrews (a neighbor) on the other side of South Alley, also uses the same driveway, and the 3335 address does also. Travis indicates he currently owns 3335. Mr. Henwood owns the farm and uses the same driveway as well.

Elizabeth asks Travis Rice how many addresses are currently using the driveway for access. He indicates 3 at this time, his property and a gentleman that lives way back in the woods, and 4 if this variance is approved and they are able to build. The farm also is able to use the South Alley, but not always.

Danielle Keefer asks where James Bilbrey lives. Travis indicates that is the name of the man in the woods. Mr. Rice enters additional documentation including a list of names of adjacent property owners, letters, and signatures indicating they do not oppose them building on this parcel. There are indications that some of the property owners were not able to be reached at this time, but he has 4/7 signatures.

Amy Brown asks for clarification on the size of the combined lots. Travis Rice indicates it will be nearly 3 acres.

Travis Rice notes he had a septic company, Flowers, come out to test the viability of the property for septic, and the indication is that it will be acceptable. He was unable to find a copy of the documents from the septic company at this time when asked.

Mr. Rice also has pictures of the parcels, 20, 21, 30 and 31, showing he has improved the property. When they purchased the property, there were dilapidated buildings, downed trees, and they have cleaned up the neighborhood significantly.

Danielle Keefer asks if he has gotten in touch with the county health department. He indicates that he has, but they advised him to obtain the variance before pursuing it further with the health department.

Elizabeth McNeese asks when they purchased the property and the Rices indicates it was likely in August of 2024.

Danielle Keefer asks for clarification regarding the driveway maintenance, citing the claim he maintains it, but did he get permission from Mr. Bilbrey to use it. He states he does not need it because it is not vacated, and still on Fairfield County's maps.

Amy Brown asks if there is an official easement from the County or Township allowing him to use South Alley. Elizabeth McNeese refers to the larger, colored map Mr. Rice has provided, indicating the vacated roads are in red, but South Alley is not vacated.

The Board discusses the need for easement or permission for the Alley to be used. Jeff Williamsen indicates that it is still part of the Gesselville subdivision, but he is unsure if there are any setbacks involved in this.

Elizabeth McNeese notes we are entering into the record this larger map of the Village of Gesselville, indicating the platts, the vacated roads and that South Alley has not been vacated. Mr. Rice obtained this from the Fairfield County Map room.

Danielle Keefer asks for clarification that we are only asking for relief from 310.06B, and not 410.1A, and or 310.06C. Jeff indicates, yes, just the road frontage.

Danielle Keefer asks about requirements from the fire department and any specific requirements about road width, load requirements or any other specifications. Jeff Williamsen indicates there are none that he is aware of, and the Fire Chief indicated that so long as it is maintained, he is agreeable. There are already houses back there and it is being used already.

Amy Brown asks if legal counsel has been consulted regarding liability with allowing the road to be maintained by a resident. Jeff indicates he has not.
Elizabeth McNeese reiterates this is not an unusual condition in Fairfield County and the Township, in which the driveway access is maintained by residents to multiple properties. Jeff indicates it is considered a private driveway. Amy Brown cites conditions in which subdivisions roads have been maintained by the builder during the building process, after which they turn over to the township or county to be public roads. Elizabeth states we need to consider that this is already being used as a driveway, and the implications if it were determined that a new property cannot use the driveway and what that would do to the other properties already using it. This is not changing the look or feel of the neighborhood, nor adding increased burden to the existing driveway. It is cited that the addresses need to be properly marked and recorded so that if the Fire Department does need to access the property, there is no confusion.

Danielle Keefer asks if Mr. Rice was aware of this issue when purchasing the property and he indicates he was not aware. He had made multiple calls and emails, without response during that time period in which there was a change in Zoning Inspector. He got to the point to he was gonna lose the property and purchased it.

Mr. Rice indicates he leveled the hump in the middle of the driveway, put in new stone and keeps the trees trimmed back. He indicates no concern over continuing to maintain it as he has been. He has no concerns that the farm equipment will not cause any difficulty in this.

Randy Henwood, 3265 Lancaster Kirkersville Road is sworn in. He indicates he would strongly endorse Mr. and Mrs. Rice for the development of this property. He feels they will be outstanding neighbors and they have already significantly improved the property. He notes he has other neighbors to the north and the south with junk cars on it. He has made complaints, but it has not been cleaned up. Travis has fixed his property up. His deed refers to that alley as a common property line and cannot have been vacated without my knowledge. I have owned that property for more than 40 years, and that alley is an alley. The platt states the right-of-ways are dedicated for public use forever. They haul livestock in trailers in and out of there. One neighbor had some culvert work done and there was big equipment in there that pulled in and out. So trucks and traffic can easily get in and out of there. I plow the driveway in the winter and we all work together to maintain it. He reports the property to the west and south was developed several years ago into 9 or 10 lots that all have 60-foot access to Coonpath, so they do not have 150 feet of frontage either.

Elizabeth McNeese asks Mr. Henwood to clarify his property on the map. He identifies the property labeled 0130036911 on the paperwork provided by Mr. Rice at the beginning of his testimony. The deed indicates that South Alley is his north property line. He denies any concerns with this being used by Mr. and Mrs. Rice. He notes that a previous owner used the driveway for access to a car repair business, and had trailers and tow trucks loop around and go straight out on the road rather than try to back out onto 158. He notes a good friend was killed attempting to back out of there years ago. He also reports concrete trucks have been in and out of there over the years. There is a dam back there near the Hickory Ridge subdivision. Mr. Henwood states he is very excited to have Travis and Dawn Rice as neighbors. His son and daughter-in-law live there now and have 3 great kids that they enjoy.

Elizabeth McNeese asks if anyone else has any other questions. None are noted.

Dave Bichard makes a motion to approve the variance request on the condition that the alley is maintained for emergency vehicles, as outlined by the Fire Chief. Leann Racki seconds the motion.

Vote: Dave Bichard: yes; Elizabeth McNeese: yes; Amy Brown: yes; Danielle Keefer: yes; Leann Racki: yes.

Elizabeth McNeese notes the application for the variance has been approved. Jeff Williamsen has 30 days after the minutes are approved to issue the variance. Leann Racki makes a motion to adjourn, Dave Bichard seconds.

Vote: Dave Bichard: yes; Elizabeth McNeese : yes; Amy Brown : yes; Danielle Keefer : yes; Leann Racki: yes.

Elizabeth McNeese declares the meeting is adjourned at 6:45 PM

Approval of minutes: 11/09/2026