

Greenfield Township Board of Zoning Appeals Hearing

June 21, 2022 @ 6:00PM at the Township Fire Department

Chairman Dave Brown called the hearing to order.

Roll Call: Tim Anderson, Jeff Williamsen, Josh Arter, and Dave Brown

Chairman Dave Brown stated that this was a variance hearing to receive public comment on the property owned by Ricky N. Daniels at 4013 Stringtown Rd NW, Lancaster, OH 43130. Mr. Daniels is requesting a variance to the Section 310.06(B), specifically the minimum 150 feet frontage requirement; He then read the proposed variance and legal description.

Ricky Daniels, Ryan Daniels, Jack Barr, Jim Beiter, Caitlin Barbee, and Kevin Paulus were sworn in.

Ricky Daniels stated that he would like to split his lot and give half of it to his son Ryan.

Chairman Brown asked whether he wanted to split half the lot.

Ricky Daniels answered with around 3.99 acres.

Chairman Brown asked whether the remaining approximate 6 acres was staying with Ricky.

Ricky Daniels confirmed.

Jeff Williamsen asked where the specific lot split was going to occur.

Ricky Daniels explained that the proposed split is to be at the NE corner of the main property. The south property line of the split will be on the north side of the existing driveway.

Chairman Brown reiterated that Mr. Daniels will be keeping the 6 acres and parting off the remaining 4 acres.

Ricky Daniels confirmed.

Chairman Brown requested any questions from the board.

Tim Anderson asked whether the hardship for the variance was because this is a flag property and doesn't have the required road frontage.

Ricky Daniels confirmed and said that the required frontage for a property is 60ft for 10 acres or more.

Chairman Brown stated that at the time it was zoned agricultural, which is 60ft.

Jeff Williamsen asked who would share the responsibilities now and later down the road.

Ricky Daniels said that he has another son that will get his half and will draw up an easement or agreement that both parties have rights to the road and have to maintain it themselves.

Chairman Brown confirmed that it is just a gravel drive and not a road.

Chairman Brown asked whether anyone else would like to speak.

Ryan Daniels agreed with Ricky Daniels that a shared driveway or a 50/50 split would work the best to keep the property from being land locked; and would require an easement and an attorney to get involved.

Chairman Brown asked whether the two properties in front shared the driveway also.

Ryan Daniels stated that the current driveway is only for their property. Also, the north property of the driveway doesn't have enough room to purchase anymore to gain more access due to the location of the house.

Chairman Brown stated that is a different discussion at some point.

Jack Barr made a comment that he is opposed to the variance because years ago a 150ft minimum road frontage requirement was put in place to ensure that properties with only 60ft of road frontage couldn't split up a large rear parcel into a smaller parcels and have an impact on the road itself.

Chairman Brown asked whether the existing houses on the road at the front of the property were built prior to the new requirement of 150ft.

Jack Barr said that the requirement was put in place about 3 years ago, so Ricky Daniels is grandfathered in.

Ricky Daniels stated that he is not interested in splitting the property up in to a bunch of lots. He just wants to split out one section and keep the rest for himself. The only resident of the split property would be his son Ryan. His property would eventually go to his other son once he passes.

Chairman Brown asked whether this other son was living there.

Ryan Daniels said that his brother was living in Columbus and in the military. Also, that he (brother) is not interested in the property until his dad passes but they would both love to live on the land at some point. His grandpa worked so hard to get the land so long ago and that it would be a great spot to build, but he has no interest in subdividing the land any further; at least at this time because it is just he and his wife.

Chairman Brown responded that this current variance is only to split the property into two parcels.

Caitlin Barbee clarified that the Daniels' went to the Regional Planning Commission first begin this lot split and were directed to the Greenfield Township variance process.

Ryan Daniels reiterated that the Regional Planning Commission would not allow the parcel to be split without a variance.

Josh Arter asked whether they have met with Water and Soil Conservation as far putting in another septic system, leach field, and well.

Ricky Daniels said that they have not had anyone look at the property yet, that a surveyor recommended they contact Greenfield Township first before moving forward. Also, he had no problems putting in both years ago.

Jim Beiter stated that he was on the zoning board for over 20 years and had a part in instituting the 150ft road frontage rule. His concern is that down the road, when the property(s) are sold and not owned by family; the maintenance of the road will be undetermined. This doesn't set a good precedence for the future and could lead to problems.

Ricky Daniels asked what kind of problems that could be.

Jim Beiter responded that the maintenance of the driveway to begin with.

Ricky and Ryan Daniels both responded that it would be handled with a legal document.

Jim Beiter expressed concerns with that based on his previous 20 years on the zoning board and that he is against the variance.

Chairman Brown stated that all of the responsibility would have to be outlined in the deed for the lot split.

Caitlin Barbee confirmed that statement that the Regional Planning Commission would require that on the deed.

Jack Barr asked how long the 60ft wide driveway was from the road to the parcel.

Josh Arter responded with 836ft.

Jack Barr expressed concerns with the maintenance of the driveway and request that if the variance is approved that something must be put in the deed about a 50/50 shared maintenance of the driveway.

Kevin Paulus expressed concerns with the maintenance of the property/roadway once it is sold outside of the family. Also, the 150ft minimum requirement is to establish a minimum driveway width and property road frontage.

Chairman Brown stated that the property doesn't have even the current road frontage requirement.

Kevin Paulus mentioned that if this is allowed, what precedence does this set for the rest of Greenfield Township to allow a shared driveway to multiple parcels.

Jeff Williamsen stated that the driveway did meet the requirements, at the time, when put in.

Kevin Paulus said that the driveway was put in at 60ft, the minimum requirement. If more parcels were planned, more road frontage should have been allotted.

Josh Arter stated that if more than once parcel was planned at that time, more than 60ft would have been allotted.

Ricky Daniels said that the parcel met the 60ft requirement for one house at that time.

Jack Barr expressed concerns with the expansion of the lot splits from a single at this point in time to more in the future, all sharing the same road/driveway.

Jim Beiter mentioned that even in the past, a property with 60ft of road frontage was considered a flag property.

Ryan Daniels expressed that this land was intended to be passed onto family from his grandfather.

Ricky Daniels asked what would happen if he wanted to build another house on his existing parcel.

Josh Arter responded that the existing home would have to be torn down first.

Chairman Brown stated that he would entertain a motion.

Tim Anderson made a motion to deny the variance as presented; with Josh Arter seconding.

Chairman Brown asked for any other discussion; with none, a roll call vote.

Roll Call: Anderson – yes; Williamsen – yes; Arter – yes; Brown - yes
Motion Carried 4-0

Dave Brown stated that he would entertain a motion to adjourn.

Jeff Williamsen made a motion to adjourn; Tim Anderson seconding.
Roll Call: Arter – yes; Williamsen – yes; Anderson – yes; Brown - yes
Motion Passed 4-0

Hearing adjourned at 6:32PM

Minutes submitted by Josh Arter