

Board of Zoning Appeals Meeting Minutes

Greenfield Township, Fairfield County, Ohio

Dacey Zoning Violation Appeal Hearing, January 3, 2024

Chairman Dave Bichard called the meeting to order at 6:02 PM

Roll Call Present: Josh Arter – Y, Elizabeth McNeese – Y, Jeff Williamsen – Y,
Dave Bichard – Y

Josh Arter read the meeting notice:

The Greenfield Township, Fairfield County, Ohio, Zoning Board of Appeals gives notice that a Public Hearing will be held on January 3, at 6:00 p.m., at the Greenfield Twp. Fire Department, 3245 Havensport Rd, Carroll, Ohio 43112, on application for a variance for the following property.

Owner: Elijah Dacey

Property Address: 1665 Ginder Rd. Lancaster, Ohio 43130

Tax Parcel ID#: 0130004000

Current Classification: R1

1. Change in the required R-1 development standards under Section 310-06 Minimum side yard of 20 feet. Variance request is for a reduced side of 9 & 13.5 for a wraparound porch to maintain the symmetry of the added wraparound porch.

Witnesses sworn in: Elijah Dacey and Liljana Veljanovski. Also in attendance is Lonnie Kosch.

Zoning Inspector Tom Erlenwein stated that Elijah Dacey did come to him prior to construction and Tom said that the side yard requirement needed to be checked prior to issuing a permit. Sometime later, Tom Erlenwein drove by and noticed that the porch was under construction. Tom Erlenwein did measure the side yard setback and determined that it did not meet the minimum side yard width and that Elijah Dacey would have to get a variance prior to any permit being issued.

Tom Erlenwein mentioned that in conversation with Elijah Dacey that Elijah Dacey did mention that he could 'knock off' the portion of the porch that is in violation.

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Tom Erlenwein mentioned that a lot of work was done on the Dacey home to improve its overall appearance over the years.

Jeff Williamsen asked Elijah Dacey if he knew he needed a permit. Elijah Dacey replied "Yeah, when I started and then I got busy."

Josh Arter asked Elijah Dacey what the neighbors thought and noted that there were no neighbors at the meeting to give their opinion.

Elijah Dacey replied that they asked if he wanted them to come and that he said no and that they did not have a problem with the porch.

Liljana Veljanovski stated that the neighbor's driveway on the east side of their house is the original driveway to their house and that it was shared.

Elijah Dacey said that he will fix the downspout drainage with a French drain and provide a retaining wall along the side of the neighbor's driveway.

Josh Arter asked what kind of hardship bringing the porch into compliance would impose. Elijah Dacey replied that originally the porch was not going to wrap around and that it was only going to be on the front of the house, and then it grew to over the garage side (west) and eventually to the east side (where the violation occurs). He wanted the extension on both sides to provide balance to the appearance of the house.

Josh Arter asked if Elijah Dacey had to bring the porch into compliance, about what would be the cost. Elijah Dacey said that he could get a quote from the contractor. Josh Arter said that would not be necessary.

Elizabeth McNeese stated that it seems that Elijah Dacey knew he needed a permit and not necessarily a variance but moved ahead on a very expensive project regardless and that that is where she is struggling. Liljana Veljanovski said that everything just moved so fast... and that the contractor was able to move so quickly.

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Elizabeth McNeese pointed out that if the process had been followed properly, we would not be where we are today, and that it looks like the process was ignored and that it would be easier to ask for forgiveness later.

Liljana Veljanovski said that they were aware that they needed a permit and that they did not know they would need a variance.

Zoning Board of Appeals members recessed at 6:16 PM to deliberate.

Zoning Board of Appeals hearing reconvened at 6:31 PM.

Jeff Williamsen made a motion to vote on the approval of the variance, Elizabeth McNeese second.

Dave Bichard made a roll call for those in favor of voting: Josh Arter – Y, Elizabeth McNeese – Y, Jeff Williamsen – Y, Dave Bichard – Y

Dave Bichard made a roll call on approval of the variance: Josh Arter – No, Elizabeth McNeese – No, Jeff Williamsen – No, Dave Bichard – No

The application for a variance for:

Owner: Elijah Dacey, Property Address: 1665 Ginder Rd. Lancaster, Ohio 43130, Tax Parcel ID#: 0130004000

is denied.

Liljana Veljanovski asked what that means, and Tom Erlenwein stated that the next step would be for Elijah Dacey to go to the Common Pleas court. Liljana Veljanovski said that is exactly what they are going to do.

Dave Bichard asked if there were any further questions.

Liljana Veljanovski asked why it was denied. Various members of the Board stated that Elijah Dacey knew he needed a permit but went ahead anyway. Once it was discovered it did not comply with the setback code, then he initiated the process to get a variance after the porch was almost completed.

Liljana Veljanovski asked if they had applied for the variance prior to commencing construction, it would have been approved but because they didn't

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the answer was definitely No? In answering, the Board consensus was that it would probably have been a No at that point and then design changes could have taken place to keep the porch in compliance and the building permit issued. Elizabeth McNeese stated the porch is just too close to the property line.

Liljana Veljanovski asked if she could get the names of the Board of Zoning Appeals members. She was told our names would be in the minutes.

Josh Arter made a motion to adjourn. Jeff Williamsen second.

Roll Call: Josh Arter – Y, Elizabeth McNeese – Y, Jeff Williamsen – Y, Dave Bichard – Y

Meeting adjourned at 6:40 PM

Minutes submitted by: Jeff Williamsen

Approved: Roll Call: Josh Arter – Absent, Elizabeth McNeese – Y, Jeff Williamsen – Y, Dave Bichard – Y. January 10, 2024

(Hearing recording and evidentiary documents are available via a public records request.)