

**Greenfield Township Board of Zoning Appeals Meeting
October 18, 2023 @ 7:00 PM, Township Fire Department**

Timothy Martin Variance

Chairman Dave Bichard called the meeting to order at 7:02 PM

Roll Call Present:

Josh Arter – Y

Elizabeth McNeese – Y

Jeff Williamsen – Y

Dave Bichard = Y

Also in attendance was Greenfield Twp Zoning Inspector Tom Erlenwien, Timothy Martin, Mia Martin and Megan Bell.

Vice-Chairman Josh Arter gave the opening statement:

The application is for a zoning variance for setback requirements of a new home.

Owner: Timothy & Mia Martin

Property Address: 2215 Lancaster-Kirkersville Rd, Lancaster, Ohio 43130

Current Classification: R-1

Current Language: Section 310.06-Development Standards under item C. Minimum Front yard is 75 feet from a state highway ROW.

Variance request:

We request variance of the 75 feet from the ROW for state route 158. The parcel split of the original property, and the layout for the well and septic, forced the orientation change of the home and its new location on the property. We request a variance of the 75 minimum as follows:

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The front edge of the home is 70 feet from the edge of the highway pavement. The “Right of Way” for the state route extends 35 feet from the center of the highway. The center of the pavement is an additional 14 feet (total of 84 feet). We request variance to the front yard requirements of 75 be reduced to 49 feet.

Timothy Martin and Megan Bell were sworn in.

Chairman Bichard asked for Zoning Inspector Erlenwien’s opinion. Mr Erlenwien stated that the plot drawings and application that he received for the building permit showed the building in compliance to our code. While the home was under construction, he received calls from residents questioning the position of the building. Discussion on what happened showed the health department’s position of the septic field and well caused the orientation of the building to be changed putting it out of compliance with the Greenfield Twp Zoning Code. Mr Erlenwien stated that he understands that these things happen and that he did not have a problem with the building’s present position.

Mr Martin explained that this is the first home he has ever built and didn’t realize that there was an additional requirement from the State for Right-of-Way (ROW). When the septic tank was planned by the Fairfield Health Department, it required the house be twisted which put it within the 75-foot Township requirement. Without doing that, the lot would be unbuildable.

Mr Erlenwien stated that there are similar situations occurring along Havensport Rd, where for lots to be buildable, the septic field would have to be across the road.

There was back-and-forth discussion to clarify the drawings in the variance application.

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Ms Bell explained that the property was originally 11 acres and was split roughly in half. Then it was split again into the three \approx 1.5-acre lots.

Mr Arter asked if the house moved or if it was rotated. Mr Martin said it was rotated. If it had not been rotated, it would have met the Township 75-foot requirement but not the additional Ohio State ROW requirement of an additional 35-feet.

Mr Arter then clarified that the requirement would have been 110-feet from the center of Highway 158. Now the corner of the house closest to the road would be 84-feet and that is what the variance is all about. He asked if the house has already been built and Mr Martin replied "Yes".

Chairman Bichard asked if we are in compliance with the State as far as their Right-of-Way is concerned. Mr Erlenwien replied, "Yes, this is only a variance for our code."

Mr Erlenwien stated that the original application showed the house much further back on the lot than where it was actually built.

Mr Arter asked if the well and septic were in yet. Mr Martin said the septic is in but the well is not.

Mr Arter asked if after the septic was sighted and the house moved, did anyone reach back out to the Township? Mr Martin replied, "No, unfortunately...that's no excuse...I did not understand that it did not comply with the Township requirement and ever more so with the State".

Ms Bell observed that no one would have realized it if someone hadn't complained about it.

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Ms McNeese asked if any of the people that complained were here tonight. The answer from Mr Erlenwien was “No”.

Mr Arter said that we should take into consideration the hardship if the variance is not approved.

Mr Martin replied that he would have to tear down the house and would not be able to build on that lot and would suffer a severe financial penalty. He also noted that he has well over 6 figures invested in this property.

Ms McNeese asked if Mr Martin is working with a builder. Mr Martin replies yes. He added that the builder said there is nothing that shows the 35-foot ROW for State Route 158.

Mr Arter asked if the builder is from Fairfield County. Mr Martin replied yes. Mr Arter asked if they have built in Greenfield Township before. Mr Martin replied yes. Mr Arter said that the builder is aware of Greenfield Township Zoning Regulations, whether they said so or not. Mr Arter reiterated that the Zoning Code does state 75-feet from the State ROW, but doesn't state what the State ROW is and that you would have to call to find that out.

Chairman Bichard stated that when we make decision it should be based on what it looks like for you (Mr Martin) and in this case it looks really bad! I would call that a hardship.

Mr Erlenwien stated that he has documents sent to him by the State of Ohio that show where their ROWs are, but there it is not detailed enough to show by individual property.

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Mr Arter asked Mr Erlenwien if he has confirmation from the State that the ROW for this property is 35-feet. Mr Erlenwien replied yes.

Chairman Bichard asked if there were any further questions or comments.

Ms McNeese moved to accept the Variance as written. Mr Arter 2nd.

Roll Call:

Arter – Yes

McNeese – Yes

Williamsen – Yes

Bichard – Yes

Mr Erlenwien then said a question came up from Megan Bell – can she get her permit now and the answer is no. The minutes need to be approved and published before the decision is final and the variance granted.

Mr Arter made a motion to adjourn. 2nd – Ms McNeese

Roll Call:

Arter – Yes

McNeese – Yes

Williamsen – Yes

Bichard – Yes

Meeting adjourned at 7:23 PM

Minutes Submitted by: Jeff Williamsen