



PLAIN TOWNSHIP BOARD OF ZONING APPEALS

MEETING MINUTES

February 12, 2019

Chair, Mike Roberts called the Plain Township Board of Zoning Appeals Meeting to order at 7:00 p.m.

ROLL CALL

Attending the Plain Township Board of Zoning Appeals meeting were Mike Roberts, Valerie Jorgensen, Richard Martin, and Chris Barrett. Zoning Officer Ben Collins was also present. Shane Clapham and Assistant Zoning Officer Mary Fee were absent.

ADDITIONS OR CORRECTIONS TO AGENDA

None

APPROVAL OF MEETING MINUTES

January 8, 2019 Meeting Minutes

A short discussion was held regarding the hearing for Conditional Use Application 12-11-2018-01. It was noted that the hearing portion of the meeting was done in transcript form.

Mr. Martin made a motion to approve the meeting minutes of January 8, 2019 as submitted. Mr. Barrett seconded the motion. All in favor. Motion Carried.

June 12, 2018 Meeting Minutes

Mr. Martin made a motion to approve the meeting minutes of June 12, 2018 as submitted. Mrs. Jorgensen seconded the motion. All in favor. Motion Carried.

RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

Mr. Jim & Kathy Dittmer

ZONING OFFICER'S REPORT

Township staff attended the Ohio Township Association winter conference. Mary and I attended a session on Agritourism and some classes on other zoning issues such as junk vehicles and other nuisance items. There is a property at Central College and Harlem Road that is being used as a business with 3 dump trucks. Working on that to get the vehicles removed. It has been forwarded on to the prosecutor for enforcement. Going a little further north on Harlem Road, the owners of Pioneer Landscaping have agreed to not operate out of the property. We worked with the prosecutor's office to get this accomplished.

NEW BUSINESS

None

OLD BUSINESS

None

HEARINGS

Variance Application 01-08-2019-01 - 7585 Central College Road – Section 970.06, to allow a Non-conforming Structure and Land in combination to be rebuilt if demolished/destroyed.

Mr. Roberts was interested in why a lending institution would require a variance for rebuilding. Mr. Collins explained that our current zoning would not permit rebuilding without the variance. The property is zoned general business and general does not permit a home to be rebuilt. Under our zoning, a house could not be built on a vacant parcel zoned general business.

Mr. Roberts asked Mr. & Mrs. Dittmer if they lived near the property and if they used the property as a business. They indicated that do live near the property and use the property as a residence. Mr. Roberts asked if they had thoughts about using the property as a business. Mrs. Dittmer asked about the zoning and if her house burns down, her insurance company could not rebuild the house as a residence. Mr. Collins said that our current zoning text under general business that the property cannot be used as a home if destroyed. Mrs. Dittmer asked why she was allowed to live in the property now as a residence. Mr. Collins explained that there is something called a legal pre-existing non-conforming use which our zoning text recognizes and permits as long as you continue to use the property as a residence there is no issue.

Mrs. Jorgensen asked why the bank would require this, wouldn't the insurance money pay off the debt. Mr. Collins indicated he did not know the particulars. There was a discussion about the banks requirements. Mr. Roberts asked if this transaction was dependent upon our ruling. Mr. Collins stated that the MLS shows that the property has closed, but they would still like the variance. Mr. Martin explained that without the variance the home cannot be rebuilt, the insurance money could go to either the homeowner or the lender, depending upon the insurance that was on the property. Mr. Barrett gave a brief explanation of insurance underwriting. Mr. Collins explained that our zoning language states that if the structure is destroyed, it can only be rebuilt in conformance with the zoning then in effect. General Business does not allow residential, they cannot build a house. There was a brief discussion about the properties in the area and their uses. Mr. Roberts asked what the harm was in rebuilding a home in the area if it were destroyed. Mr. Collins replied that if it were truly a commercial area, it might be incompatible with the current uses and it might be the natural consequence. Mr. Roberts stated that this variance would not set precedence and that anyone else who was in the same situation would have to obtain a variance on their property too. Mr. Barrett commented that if the area were strictly businesses then the variance request would be more difficult, the property in question is surrounded by houses and residences.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Mike Roberts made a Motion to Approve the Variance Application 01-08-2019-01 - 7585 Central College Road – Section 970.06, to allow a Non-conforming Structure and Land in combination to be rebuilt if

demolished/destroyed with the stipulation that it be rebuilt substantially the same as to size and style.

Richard Martin seconded the motion; a roll call vote was taken:

Mike Roberts	Yes
Valerie Jorgensen	Yes
Richard Martin	Yes
Chris Barrett	Yes

The motion to approve the application as stated above has Passed.

BOARD MEMBER COMMENTS

None

PUBLIC COMMENTS

None

ADJOURNMENT

Mr. Roberts adjourned the meeting.

The regularly scheduled public meeting of the Plain Township Board of Zoning Appeals was adjourned.

****AS APPROVED****



Ben Collins
Zoning Board of Appeals Secretary