



## PLAIN TOWNSHIP BOARD OF ZONING APPEALS

### MEETING MINUTES

January 9, 2018

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 Shane Clapham. Zoning Officer and Assistant Zoning Officer, Ben Collins and Mary Fee, were also present.

#### ELECTION OF CHAIR

Mr. Martin made a motion to appoint Mike Roberts as the 2018 Board of Zoning Appeals Chair. Mrs. Jorgensen seconded the motion. All in favor. Motion carried.

#### ELECTION OF VICE CHAIR

Mr. Roberts made a motion to appoint Richard Martin as the 2018 Board of Zoning Appeals Vice Chair. Mr. Clapham seconded the motion. All in favor. Motion carried.

#### ADDITIONS OR CORRECTIONS TO AGENDA

None

#### APPROVAL OF MEETING MINUTES

##### **December 12, 2017 Meeting Minutes**

Mr. Clapham made a motion to approve the meeting minutes of December 12, 2017 as submitted. Mrs. Jorgensen seconded the motion. All in favor. Motion Carried.

#### RECOGNITION OF VISITORS/ CITIZEN'S COMMENTS

Mr. Todd Parker  
Mr. Mark Beckner  
Mr. Josh Beckner  
Ms. Alexis Sage  
Ms. Ellie McNutt  
Mr. Craig Srba

Mr. Roberts asked those in attendance if they were planning on speaking. The visitors were sworn in by Mr. Roberts.

## **ZONING OFFICER'S REPORT**

Mr. Collins gave a quick summary of the zoning issues currently taking place in the township. A few new houses going up on Bevelhymer Road. No rezoning applications were received by the township in 2017. Mr. Collins reminded the board that the township is looking for residents to serve on the Zoning Commission and Board of Zoning Appeals.

## **NEW BUSINESS**

### **2018 Filing Deadlines and Meeting Schedule**

Mr. Roberts made a motion to approve the 2018 Filing Deadlines and Meeting Schedule. Mr. Clapham seconded the motion. All in favor. Motion carried.

### **2018 Rules of Procedure**

Mr. Roberts made a motion to approve the 2018 Rules of Procedure. Mr. Martin seconded the motion. All in favor. Motion carried.

### **Designate the Zoning Officer as the Secretary of the Board of Zoning Appeals**

Mr. Roberts made a motion to designate the Zoning Officer as the Secretary of the Board of Zoning Appeals. Mrs. Jorgensen seconded the motion. All in favor. Motion carried.

### **2018 Board of Zoning Appeals Fees**

Mr. Roberts made a motion to approve the 2018 Board of Zoning Appeals Fees. Mr. Clapham seconded the motion. All in favor. Motion carried.

The 2018 Zoning Commission Members Term List, updated 1/9/2018 was reviewed.

## **OLD BUSINESS**

None

## **HEARINGS**

### **Conditional Use Application 12-12-2017-01 – 6900 Walnut Street, requesting a conditional use to use a portion of home for Yoga Studio.**

A short discussion was held regarding the conditional use request. Neighbor, Craig Srba of 6837 Walnut Street, indicated his support and spoke in favor of the conditional use.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Shane Clapham made a Motion to Approve Conditional Use Application 12-12-2017-01 – 6900 Walnut Street, requesting a conditional use to use a portion of home for Yoga Studio.

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

Valerie Jorgensen	Yes
Mike Roberts	Yes
Richard Martin	Yes
Shane Clapham	Yes

The motion to approve the application as stated above Passed.

**Variance Application 12-12-2017-02 – 11631 Johnstown Road, requesting a variance to increase size of accessory structure in excess of the permitted square footage.**

A discussion was held regarding the variance request. Mr. Roberts remarked that it was a very large, prominent building and questioned its use. Mr. Mark Beckner testified that they are not running a business; they use the building to store old and new cars. The family collects cars and bikes. Mr. Josh Beckner submitted an album of interior and exterior pictures of the existing accessory structure for review. Mr. Martin raised some concerns: the property is residential, why do you need such a large building. Mr. Mark Beckner responded that they collect cars and bikes. The cars and bikes are restored and often given away as charity raffles. Mr. Mark Beckner referenced an Autism bike that raised over \$200,000. Mr. Roberts asked about the original variance application (when the building was built initially in 2016). Was it a conditional use? Mr. Collins replied that it was a variance to exceed the permitted square footage. It was for personal use.

Concern about commercial use at the site was discussed. Mr. Mark Beckner said that he drives a commercial pickup truck for his personal use. The trailers on the site are either car haulers or bike haulers. They are not being used in their commercial business. There are no vehicles that are used in the cement business being stored at 11631 Johnstown Road.

Mr. Collins read the factors that need to be considered for an area variance, promulgated by the State Supreme Court of Ohio: (1) whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; (2) whether the variance is substantial; (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; (4) whether the variance would adversely affect the delivery of governmental services (*e.g.*, water, sewer, garbage); (5) whether the property owner purchased the property with knowledge of the zoning restriction; (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance; (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Mr. Roberts indicated that he counted 8 adjacent property owners and they were notified of the hearing. The board had received no concerns from the public about the variance. Mr. Roberts asked the board if they had any concerns or comments about the application. Mr. Clapham replied that he had no objections and due to the location of the addition, it should have minimal impact on the neighbors. Mrs. Jorgensen voiced that she is basing her decision on the fact that the neighbors had no concerns that had been brought before the board.

Upon the conclusion of the hearing and following the presentation of the facts and testimony, Mike Roberts made a Motion to Approve Variance Application 12-12-2017-02 – 11631 Johnstown Road, requesting a variance to increase size of accessory structure in excess of the permitted square footage.

Shane Clapham seconded the amended motion; a roll call vote was taken:

Valerie Jorgensen	Yes
Mike Roberts	Yes
Richard Martin	Yes
Shane Clapham	Yes

The motion to approve the application as stated above Passed.

### **BOARD MEMBER COMMENTS**

Mr. Roberts commended the maintenance staff for the great job keeping the road clear and safe through snow removal.

### **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\*\***



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Ben Collins  
Zoning Board of Appeals Secretary