

**LITCHFIELD TOWNSHIP
BOARD OF ZONING APPEALS
APPLICATION FOR VARIANCE #71422
AUGUST 8, 2022
6:30p.m.**

<i>Board members</i>	<i>Trustees</i>	<i>Zoning Insp.</i>	<i>Zoning Comm</i>	<i>Other</i>
Dave Borling	Dennis Horvath	Eric Noderer	Mike Roth	Secretary Fozio
Rodney Allgire				Stacy Burley
Dan Ankney				Ken Barth
Bob Reusch				
Mark Buser-Alt				
Sandy Andrews				

CALL THE MEETING TO ORDER:

Borling began the meeting at 6:36pm with the Pledge of Allegiance.

Borling noted that anyone wishing to speak needs to be sworn in. He reminded all attendees to please silent cell phone. He mentioned that Mark Buser is sitting as an alternate but will not vote since there is a full board of 5 members. Borling asked if any board member had a conflict with the variance; no members needed to recuse themselves.

Borling stated that he will be following the resolution process for a rear-lot split; he read application #71422 out loud. He asked board members if they have the application and all documents; they did.

Zoning Inspector Noderer read excerpts from the zoning resolution to assist the board with their decision making. He told the board that since there is a lot of information, the printed handout he provided to the board is his explanation; the application request is to vary from Section 305.03.1 reference the easement.

Borling swore in Stacey Burley; Stacey said in 1998 he created the current parcel; the easement was required per county planning and the highway engineer; his only option was to create the lot with a 60-foot-wide drive to split in the future; a variance hearing was conducted in 1998 and approved by the township. He is requesting to split the lot and make two lots out of one. Borling asked Horvath for comment to the previous approval; Horvath had no comment. Noderer also had nothing further to share.

Borling looked at the current parcel details and considerations:

- 28.153-acre parcel with a residential dwelling; garage with attached canopy.
- Would both parcels conform with the current zoning resolution.
- Section 305 requires a minimum 3 acres and would follow Section 305.03.3.

Borling feels both parcels conform with the resolution; it would require an access strip of 30 feet; currently there is 60 feet that would be split. He noted that one parcel would have the residence and one parcel would have the pond and would need to meet Section 219.01.1; the side property line will meet the minimum 15 feet side yard clearance; the new parcel would have the accessory building/CAUV for an agricultural building that is currently round bales. Borling asked about the roadbed since it is not noted on the application. Burley said if he needs to do it, he will; he noted the 5-foot clearance requirement for a driveway.

Burley provided Borling with a copy of the easement; Borling read the 1998 letter from county planning regarding his requested easement. Borling also read a letter regarding the 1998 easement request from Mike Salay with the highway engineer.

The board discussed the history of extending Crows Nest Lane to Route 83; the Burley easement was granted anticipating that Crows Nest would be extended but that has not been done 24 years later; Horvath noted that the township has no plans to extend Crows Nest Lane. Burley noted that if the road were to get extended the easement would go away.

Borling moved to the Duncan Factors (Section 703 of the Litchfield Twp. Zoning Resolution):
Board consensus determines that:

1. The property can be used as is without the variance.
2. The request is not substantial.
3. The request does not cause a detriment to the neighborhood.
4. The request does not negatively impact government services.
5. The applicant was aware of the zoning requirement at the time of the application.
6. There is no other way around the variance.
7. The request meets the spirit and intent of the Litchfield Township Zoning Resolution.

Borling opened the floor to public comment of which there was none.

Allgire made a motion to approve variance application #71422 as presented; the motion was seconded by Bob R; no additional discussion; Roll Call vote: Ankney-yes, Borling-yes, Bob-yes, Andrews-yes, Allgire-yes; Motion carries.

Borling made a motion to adjourn the meeting at 7:21pm, seconded by Bob and approved by all.

Dave Borling-Chairperson

Dan Ankney-Vice Chairperson

Please note:

- Meeting minutes are not verbatim.
- Meeting minutes will not be posted to the Litchfield Township webpage until they are officially approved by the board.
- Approved meeting minutes are the official record of the meeting.
- Any attachments mentioned can be requested of the Zoning Inspector.

For Reference:

The Ohio Supreme Court set forth the "Duncan Factors" when considering area variances. There are seven (7) factors, all of which must be considered during the review process. All factors do not have to be satisfied; rather they shall be weighed together in the analysis.

1. Will the property yield a reasonable return, or can there be a beneficial use of the property without the variance?
2. Is the variance substantial?
3. Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment if the variance is granted?
4. Will the variance adversely affect the delivery of governmental services?
5. Did the property owner purchase the property with knowledge of the zoning restrictions?
6. Can the problem be resolved by some manner other than the granting of the variance?
7. Will the variance preserve the "spirit and intent" of the zoning resolution, and will "substantial justice" be done by granting the variance?