

— THE VILLAGE OF — SWANTON

Planning Commission
Meeting Agenda
January 8, 2019 • 6:30 p.m.

1. Call to Order
2. Roll Call: Mr. DeGood, Mr. Dzyak, Mr. Erdman, Mayor Roth, Mr. Young
3. Approval of Minutes: *December 4, 2018*
4. Public Hearing
 - a. Variance Request - 111 Crestwood Drive
 - b. Variance Request - 117 Lincoln Street
5. Zoning Staff Report
 - a. 2018 Stats and Revenue
 - b. Zoning Classification 300 Hallett Avenue
6. Open Forum
7. Adjourn

APPLICANT: Swanton Local Schools
108 North Main Street
Swanton, Ohio 43558

REQUEST: Variance request of §150.101 to allow vinyl stockade fence 11-12 feet off the property line

LOCATION: 111 Crestwood Drive

DESCRIPTION: Parcel number 14-025188-00
Brookside Addition Lots 5, 6, 7, & 8
Zoned R2 One Family Residential

HISTORY: Addition- December 2001
Identification Sign- August 2002
Conditional Use- October 2016
Conditional Use- August 2017

AREA DESCRIPTION: EXISTING ZONING

NORTH: One Family Residential (R2)
EAST: One Family Residential (R1)
SOUTH: One Family Residential (R2)
WEST: One Family Residential (R2)

STAFF COMMENTS AND RECOMMENDATION

§ 150.101 REQUIRED FRONT YARD SETBACKS.

Fences shall be constructed on, or not more than one foot, from the property line.

A review of Section 150.305(H), “Reasons for Granting Variances”, reveals that the applicant appear to meet 3 of the 4 requirements for variance approval:

1. **150.305(H)(1) “Where the literal application of the provisions of this Zoning Code would result in unnecessary hardships peculiar to the property involved and not based on conditions created by the owner”.**

The proposed fence is to enclose trash receptacles. The parcel involved is not rectangular or square and abuts an unimproved alley. There is a buffer from the alley to the trash receptacles and parking lot line as shown in the submitted drawing.

2. **150.305(H)(2) “Where other exceptional circumstances or geographical or geological conditions, or type of adjoining development, are only applicable to the property involved or to the intended use of the property and do not apply to other property within the same zone unless the same exceptional circumstances prevail”.**

There are no known exceptional circumstances only applicable to this property.

3. **150.305(H)(3) “Where granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located...”.**

The granting of the requested variance would not be materially detrimental to improvements to the neighborhood as this fence could be an aesthetically pleasing addition to the neighborhood.

4. **150.305(H)(4) “The granting of a variance will not be contrary to the general purposes, intent and objectives of this Zoning Code. When applying for a variance or modification, the applicant shall substantiate and state his claim for granting of the variance.”**

The purpose of the zoning code and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under state laws, the public health, safety, convenience, comfort, prosperity and the general welfare of the village. This zoning code is intended

to achieve, among others, the following objective: To protect the character and values of residential, institutional and public use, business, commercial and manufacturing uses

Please review the Notice of Appeal- Variance form submitted by Swanton Local Schools (enclosed).

Though the variance request only fits 3 of the 4 criteria, I believe the granting of this variance is in line with the objectives of the Zoning Code as it would protect the public welfare and potentially protect the character of the residential uses surrounding the school.

APPLICANT: Arthur Barner
117 Lincoln Avenue
Swanton, Ohio 43558

REQUEST: Variance request of §150.051 to encroach on side yard setback by 18"-24"

LOCATION: 117 Lincoln Avenue

DESCRIPTION: Parcel number 14-023880-00
JH Millers 2nd Addition Lot 11
Zoned R2 One Family Residential

HISTORY: Garage- August 1993

AREA DESCRIPTION: EXISTING ZONING

NORTH: General Business (B2)
EAST: Light Industrial (M2)
SOUTH: One Family Residential (R2)
WEST: General Business (B2)

STAFF COMMENTS AND RECOMMENDATION

§ 150.051 SCHEDULE OF AREA, YARD AND HEIGHT REGULATIONS.

District	Dwelling Unit	Minimum Lot Area		Minimum Yard Dimensions			Maximum Height
		Per Dwelling Unit (sq. ft.)	Minimum Width of Lot (ft.)	Front Yard Depth (ft.)	Side Yard (ft.)	Rear Yard Depth (ft.)	Main Buildings (stories)
R-2	1-family	8,400	70	25	7	25	2

A review of Section 150.305(H), “Reasons for Granting Variances”, reveals that the applicant does not appear to meet the requirements for variance approval:

1. **150.305(H)(1) “Where the literal application of the provisions of this Zoning Code would result in unnecessary hardships peculiar to the property involved and not based on conditions created by the owner”.**

The parcel abuts Lincoln Avenue to the East, an alley to the North, and an alley to the West.

2. **150.305(H)(2) “Where other exceptional circumstances or geographical or geological conditions, or type of adjoining development, are only applicable to the property involved or to the intended use of the property and do not apply to other property within the same zone unless the same exceptional circumstances prevail”.**

There are no known exceptional circumstances only applicable to this property.

3. **150.305(H)(3) “Where granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located...”.**

The granting of the requested variance could possibly be materially detrimental to the public welfare as the proposed car port would be six (6) ft. from the alley. Currently there is 24 ft from the alley to the current edge of the garage.

4. 150.305(H)(4) “The granting of a variance will not be contrary to the general purposes, intent and objectives of this Zoning Code. When applying for a variance or modification, the applicant shall substantiate and state his claim for granting of the variance.”

The purpose of the zoning code and the intent of the legislative authority in its adoption is to promote and protect to the fullest extent permissible under state laws, the public health, safety, convenience, comfort, prosperity and the general welfare of the village. This zoning code is intended to achieve, among others, the following objective: To protect the character and values of residential, institutional and public use, business, commercial and manufacturing uses

Please review the Notice of Appeal- Variance form submitted by Mr. Barner (enclosed).

The variance request does not meet the criteria, I do not believe the proposed car port is in line with the objectives of the Zoning Code as it may be detrimental to the public welfare so close to an alley motorists utilize.

Zoning Staff Report Notes

1. 2018 Permits
 - a. 80 Permits issued
 - i. See detailed spreadsheet enclosed
 - b. Review of revenue sheet

2. Zoning Classification of 300 N. Hallett
 - a. After a review of the Zoning Map it came to my attention that the property at 300 N. Hallett which was annexed in 2013 never had legislation to change zoning classification to conform with Village classifications
 - b. This parcel was part of a larger group of parcels annexed in 2013
 - c. Unsure of why it was not changed but I recommend to Planning Commission to review in order for Village zoning classification compliance
 - d. Please see enclosed map

Respectfully Submitted:

Rosanna Hoelzle

Village Administrator and Zoning Inspector

PC Mtg 01.08.2019