

June 28th,

2011

Held

19

The adjudicatory hearing was called to order at 6:01 p.m. by Chairman Rogers. The roll call showed members Rick Cox, Roger Digel-Barrett, Cheri Rogers, Claudette VanDyne, Mark Schaff and clerk Laura Brown present. The meeting was audio recorded for the record.

VA-11-04

The hearing was to consider an Area Variance from Section 917.C.2 to allow the creation of two parcels under the minimum lot area requirement for the Agricultural District at 6969 Palmer Road (Parcel #010-017016-05.000). Chairman Rogers explained the process. John Carlisle and Chris Harkness, Zoning Administrator, were sworn in. Mr. Carlisle, of 6767 Palmer Road, will be representing the applicants, Floyd and Donna Simms. For the record, Mr. Simms was in the audience.

John Carlisle stated the applicant has lived on Palmer Road since 1969. They purchased the original piece of property and had the property split into two parcels. Walter and Lillian Davis owned the property to the right (East) and after an accident with their grandson, they asked the Simms to purchase the property from them. The Simms would like to downsize and correct the landlocked parcel. Floyd and Donna Simms have entered into a contract to sell the land to John Carlisle, which will correct the landlocked parcel that was previously created. John Carlisle also discussed giving the portion of the property that lies at the edge of their property to Thomas and Susan Ferraro.

Chris Harkness provided an overview of the application. He feels practical difficulties exist. He recommends that the Board of Zoning Appeals approve the requested Area Variance because the standards for practical difficulties (Section 512.B) have been met, with the following condition: The proposed 4.468 acre piece to be divided off of the 7.488 acre parcel shall be sold to an adjacent property owner and merged with a parcel that has existing road frontage at the time of transfer.

Chairman Rogers closed the testimony portion of the hearing at 6:17 p.m.

Cheri Rogers discussed the township receiving copies of the documentation when the sale of the property is complete. John Carlisle is going to purchase the land and then take it from there. Mark Schaff urged the Board of Zoning Appeals to not go beyond what is required of the committee. Rick Cox stated what the applicant is requesting to do is not any different then what is there now. The staff recommendation requires the applicant or buyer to merge the parcel.

Mark Schaff moved to approve the requested Area Variance VA-11-04 because the standards for practical difficulties (Section 512.B) have been met, with the following condition: The proposed 4.468 acre piece to be divided off of the 7.488 acre parcel shall be sold to an adjacent property owner and merged with a parcel that has existing road frontage at the time of transfer, and that the applicant provide a copy of the purchase agreement, to be included with the final order. The motion was seconded by Claudette VanDyne and the roll call was as follows: Rick Cox, yes; Roger Digel-Barrett, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 5-0.

Rick Cox moved to close the hearing at 6:20 p.m. The motion was seconded by Roger Digel-Barrett and passed 5-0.

Approved as read July 27, 2011

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

Cheri Rogers
Cheri Rogers, Chairman