

# YORK TOWNSHIP BOARD OF APPEALS

February 10, 2022

The York Township Board of Zoning Appeals held their monthly meeting in the York Town Hall/Fire complex on February 10, 2022.

Chris Kosman called the meeting to order at 6:30 pm.

The Pledge of allegiance was said.

## **Board Members Present:**

Ronald Fabich, Richard Hill, Chris Kosman, Roger Mittler, and Alternate Jessica Gerspacher were present. Christine Barnes was unable to attend.

Chris Kosman asked Jessica Gerspacher to come forward to sit with the Board Members.

## **Guests:**

Dorothy Crouch-Zoning Inspector; Stephan Ibos-Zoning Inspector David Hull – Board Member of York Township Zoning Commission; Dan Wish; Guy Roach-Board Member of York Township Zoning Commission; Ted Wolff; Colene Conley-York Township Trustee; Richard Monroe-York Township Trustee

## **Minutes:**

The Board Members reviewed the proposed minutes from the January 3, 2022 meeting. Roger Mittler made a motion to approve the proposed minutes. Ronald Fabich seconded the motion. Roll Vote: Ronald Fabich-abstain; Richard Hill-aye; Chris Kosman-aye; Roger Mittler-aye; Jessica Gerspacher-aye. Minutes approved.

Chris Kosman swore in everyone wishing to speak during the Public Hearings.

Chris Kosman asked Board Members if they would be ok with opening the Public Hearing for Wolff Bros. Supply Inc. first. All Board Members agreed

## **Public Hearing: Wolff Bros. Supplies, Inc. – variance**

Chris Kosman explained that two Board Members will be recusing themselves from the Board for the Public Hearing regarding Wolff Bros. Supplies, Inc.

Chris Kosman also explained that we also have a Board Member that is unable to attend today's meeting, this will leave only three (3) Board Members available for the Wolff Bros. Supplies, Inc. Public Hearing; not enough to have a Public Hearing; need a minimum of four (4) Board Members. Chris Kosman stated the Public Hearing is tabled.

Board Members, Ted Wolff and all in attendance were in agreement for rescheduling the Public Hearing for Wolff Bros. Supply, Inc. to February 17, 2022, at 6:30 pm.

**Public Hearing: Dan Wish – variance**

Chris Kosman asked Dan Wish to explain his variance.

Dan Wish explained his plans for his variance of the side lot to building structure setback distance from fifteen (15) feet to twelve (12) feet which will allow for a deck, stairway to exit from an upstairs sunroom door down to ground elevation. Dan Wish went on to explain the picture and the plans.

Dan Wish also explained the Pulte Home Owners Association approved of his plans.

Chris Kosman asked is the deck line going to be elevated above the fence line. Dan Wish answered yes it will.

Chris Kosman asked Dan Wish to explain the deck and the landing off of the deck. Dan Wish explained.

Christ Kosman asked if any one had any questions.

Roger Mittler explained that he drove by the property and has no questions for Dan Wish.

Ronald Fabich explained in looking over Dan Wish’s plans he noticed looking at the property line which slants in. Ronald Fabich stated with the property line slanting in there is really about five (5) feet of a variance at the bottom of the stairs of the deck.

Roger Mittler asked if the fence is parallel to the property line. Dan Wish answered the fence is about six (6) inches off of the property line

Roger Mittler asked if the staircase is staying within the fence and is not encroaching the property line and has enough room to open the gate. Dan Wish answered that is right.

Chris Kosman suggested the Board Members review the Duncan Factors.

*Duncan Factor #1:*

- . *Will the property yield a reasonable return.*
- . *Can there be a beneficial use or the property without the variance.*

Roger Mittler answered yes. Roger Mittler explained he understands why Dan Wish would like the variance but the property can be used without the deck.

*Duncan Factor #2:*

- . *Is the variance substantial?*

Roger Mittler answered after looking at the property and the plans he does not feel the variance is substantial .

*Duncan Factor #3:*

- . *Will the essential character of the neighborhood be substantially altered?*
- . *Will adjoining properties suffer a substantial detriment if the variance is granted?*

Jessica Gerspacher answered she does not feel the neighborhood would be altered.

*Duncan Factor #4:*

- . *Will the variance adversely affect the delivery of governmental services?*

Jessica Gerspacher, Roger Mittler, Chris Kosman agreed this variance will not affect the delivery of governmental services.

*Duncan Factor #5:*

- . *Did the property owner purchase the property with the knowledge of the zoning restrictions?*

Dan Wish stated he did not purchase the property with the knowledge of the zoning restrictions.

*Duncan Factor #6:*

- . *Can the problem be solved by some matter other than the granting of a variance?*

The Board Members discussed the in ground pool on the property.

*Duncan Factor #7:*

- . *Does the variance preserve the “spirit and intent” of the zoning requirement and Will “substantial justice” be done by granting the variance?*

Christ Kosman feels the variance will not cause a problem with the spirit or intent of the zoning requirement. Roger Mittler agreed.

The Board Members reviewed the answers of the Duncan Factors:

*Duncan Factor #1:*

- . *Will the property yield a reasonable return.*
- . *Can there be a beneficial use or the property without the variance?*

Answer: Yes

*Duncan Factor #2:*

- . *Is the variance substantial?*

Answer: Not substantial

*Duncan Factor #3:*

- . Will the essential character of the neighborhood be substantially altered?*
- . Will adjoining properties suffer a substantial detriment if the variance is granted?*

Answer: No

*Duncan Factor #4:*

- . Will the variance adversely affect the delivery of governmental services?*

Answer: No affect

*Duncan Factor #5:*

- . Did the property owner purchase the property with the knowledge of the zoning restrictions?*

Answer: No

*Duncan Factor #6:*

- . Can the problem be solved by some matter other than the granting of a variance?*

Answer: Yes

*Duncan Factor #7:*

- . Does the variance preserve the “spirit and intent” of the zoning requirement and Will “substantial justice” be done by granting the variance?*

Answer: Yes

Ronald Fabich made a motion to grant the variance request from Dan Wish, 5649 Elmer Way, Medina. (Parcel # 045-05B-14-187) for a variance from Section 301.07 of the York Township Zoning Resolution. The request is for a variance from the required minimum side lot clearance of fifteen (15) feet. A ten (10) foot property line set back must be maintained and the deck and stair case are to be built (dimensions) per the drawing supplies in the variance application. Richard Hill seconded the motion. Roll Vote: Ronald Fabich-aye; Richard Hill-aye; Chris Kosman-aye; Roger Mittler-aye; Jessica Gerspacher-aye. Motion approved.

**Correspondence:**

There was no correspondence.

**Old Business:**

Duncan Factors were discussed.

**New Business:**

Board Members, Dorothy Crouch, David Hull, and Guy Roach reviewed Site Reviews and Public Hearings.

**Adjourn:**

Roger Mittler made a motion to adjourn the meeting at 7:20pm. Jessica Gerspacher seconded the motion. All Board Members voted aye in a voice vote. Motion approved.

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Chris Kosman, Vice Chairperson

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Mary Lenarth, Secretary