

# Board of Zoning Appeals Hearing Minutes

Greenfield Township, Fairfield County, Ohio

Greenfield Township Board of Zoning Appeals  
Meeting Minutes 12/18/2024

Meeting called to order by Elizabeth McNeese at 6:02 PM

Roll Call Present: Donna Kosch-yes, Amy Brown-yes, Dave Bichard- yes, Jeff Williamsen – Yes, Leann Racki - Yes, Elizabeth McNeese- Yes

Also in attendance; Jeff Williamsen, Greenfield Township Zoning Inspector

Secretary Leann Racki read the purpose of the hearing:

This hearing is to hear the application for a variance on the following property:

OWNER: DA Coakley Farms LLC

PROPERTY ADDRESS: Election House Rd  
Lancaster, OH 43130

TAX PARCEL #: 0130005311

CURRENT ZONING CLASSIFICATION: Rural Residential (R1)

VARIANCE: Greenfield Township Zoning Resolution, Section 310.06.B - "All lots shall have at least one hundred fifty (150) feet of frontage on a dedicated, improved street or highway." DA Coakley Farms is asking for a variance for 134.3 feet.

Elizabeth McNeese noted the purpose of this meeting is to hear the variance request. She requests anyone who wishes to speak to be signed in. She stated this is an official proceeding. The meeting will be recorded and minutes will be published on the website. The recording will be available by official public records request.

Elizabeth McNeese explains the process of the applicant presenting the case, swearing in each person testifying during this hearing. The applicant will then have an opportunity to rebut the information presented during the testimony of others during the hearing.

Elizabeth McNeese swears in Jeff Williamsen, Greenfield Township Zoning Inspector.

Jeff Williamsen gives background to this current hearing and the variance application. Last month, the developers for Coakley Farms approached the Zoning Inspector asking for a variance as above. The reasons will be outlined by the applicants. The actual subdivision has been tabled by Fairfield County Regional Planning in anticipation of feedback from Greenfield Township. So the current configuration depends on whether the current variance is approved or not.

Elizabeth McNeese asks for testimony from the applicants. She swears in Randy Vantilburg and Ron Kendle for testimony. Randy Vantilburg with the Mannik and Smith Group, the consulting engineers. Ron Kendle is developing the property and buying it from DA Coakley.

Ron Kendle explains he bought this land about 3 years ago from a friend, and they have developed 4 lots on other land in town. Those lots sold within a couple of weeks. Farming is not paying as well as it used to and he had some land that wasn't producing as much on Election House Road. Over the last 3 years, which is how long this has been going on, I have been met with Tom and his wife who live in a home behind the project and have been working through this to help alleviate his long driveway and hopefully be able to put some homes in there for the new schools that are here and be good neighbors. So, we have been working slowly. We have already met with the County and now we are here to meet with the Township. We are trying to dot all our i's and cross all our t's so we don't waste a lot of time.

Randy Vantilburg notes we have been working on this a long time. We started with the Regional Planning Commission probably 2 years ago. We met with the County Engineer to make sure we had site distance squared away before we could even get to this step to be sure the project was feasible. We worked with the County Engineer for a long time. We've worked out access and what that looks like on Election House Road especially with the hard curve to the South. We've got a plan with them for what we need to take care of for site distance. What we are here for tonight is the variance for the frontage on Election House Road at the north side, as it's not really an entrance. Mr. Robinson who lives at the far back corner of the property is technically now part of the project as well. He is here and has joined in with us on the project. At the end of the day we will be taking his long driveway out to Election House Road and flipping that to make access to Lot 16, making Lot 16 a flag lot on Election House. His future driveway will then come out to the cul-de-sac as you see on the plan. The variance request is for that flag lot. We needed to have 150 feet of frontage for the flag lot, but there is only 134 feet there now between the 2 parcels. The only way to get 150 is to buy property from the other 2 neighbors which is not really feasible and does not make sense in this case. That is why we are respectfully asking the Board to entertain this as a variance and grant it so we can move forward.

Elizabeth McNeese clarifies that this is not actually an entrance to the new subdivision. This is just basically a drive entrance for the specific lot 16. The road frontage there now is not changing. Randy Vantilburg confirms the private driveway and the frontage will combine the frontage of 2 properties and Lot 16 will own the whole frontage.

No further questions from the Board. No further testimony from the applicants.

Elizabeth McNeese explains the purpose of this meeting is to determine if we will approve this specific variance request. Specifically related to the road frontage. The fact that there is a potential subdivision there has already been planned, and not by this Board. What they are building there does not fall under the realm of our responsibility and we have no control over the rules that exist. Our purpose today is just to decide if we will allow the variance to combine the 2 parcels at the road to allow access for the Lot. Please tailor your commentary and testimony to be relevant to the topic we are discussing today. Since there is a long list of people wanting to testify, we will limit you to 3 minutes to allow everyone to be heard.

Testimony from the opposing residents.

Lawrence Baer (2326 Carroll Eastern Road) is sworn in by Elizabeth McNeese. Lawrence wants to take the opportunity to speak his mind today on this specific lot. I understand the lot is needing 150 feet and only has 134 or so to make it, which is not a terrible request. He states that the project is quite complicated with a lot of work going into it already, but he feels it should be held to state and local regulations, of which zoning is a regulation. Variances should only be asked for when there are no other

options, but there are other options here. They are making money off selling this property. They might have turned this thing inside out and there may be no other options, but they should stay within regulations and not need any variances from the regulations.

Janett Miller (5623 Election House Road), is sworn in to testify. Janet states her concern is that they went through a lot to get her son's home built as well as their own and we had to stick with the regulations. We needed to stick with the required frontage. She expresses concern that they are not staying within regulations and concerned with drainage and water supply.

John Miller (5623 Election House Road) is sworn in to testify. He states that this company should be looking at other avenues and variances should be allowed for individuals. He states he needed to go through a lot to get his house built and they should not get a shortcut. Our water supply is low and he expresses concern about drainage.

David Joos (5610 Election House Road) is sworn in to testify. He expresses similar concerns stating that with something of this caliber we should be following regulations.

Jesse Aurant (5480 Election House Road) is sworn in to testify. He explains his lot is right in front of the proposed Lot 16. His concerns include similar concerns with road frontage should not be not the first thing you look at. There could be other designs and if that lot is all by itself why the rest of the development really needs that. It's a lot of houses causing concern with septic, water and road noise.

Valerie Bassett (5136 Election House Road) is sworn in to testify. Valerie states she does not live close to this, but close enough to state we should stick by the regulations. If not, why have them? They are set up for a reason and everyone else has to follow them. I sympathize with all the other people who are concerned with this and they should have to find another way.

John Crutcher (5484 Election House Road) is sworn in to testify. John states he built his house 30 years ago and the property was listed as 'vacant farmland'. We paid a premium for the 2 acres with the prescribed 150 feet of frontage. We followed all the rules and paid about 3 times the going rates for vacant farmland. Now some company from Columbus comes down and thinks they don't have to follow the rules. It's not right. If you don't like the rules, change it. Don't make a variance for one person when other residents had to pay for additional surveys, have property moved around. 134 is not near 150 feet. It's not just a little bit.

No other testimony in opposition to the request.

Applicants return to the podium and re-identify themselves.

Elizabeth McNeese asks if there are any answers they have for the concerns heard from neighbors.

Ron Kendle states they are trying to undo what was done already. This land is being called Coakley Estates because the property they are purchasing worked for Mr. Coakley. Tom Robinson obtained this property and wanted to build a house away from the road 30 years ago. When we met recently, his wife liked the idea that a subdivision would allow them to not have to take care of this long driveway anymore. Tom has been at every meeting they have had with Jeff Williamsen. I have had some of these folks want to buy some of these lots to have more of a buffer. We have followed the rules of the county to make sure we have big lots and we aren't in their backyard. The gentleman near lot 16 actually has a

shed on our property, but we are not worried about this as it will not impact our building area. Tom was our biggest concern as his address is even going to change, and he is willing to have that happen. We felt like we were being very neighborly. All we are trying to do is take back what he paid for from Mr. Coakley. It is already a driveway, but it will just be a shorter driveway to a closer lot.

Randy V. adds that this 134 feet is existing. We can't get 150 feet with a second access for lot 16 with a parallel driveway as the county will not let us have that. We can't do both in this case and without this variance we will completely lose access to Lot 16 without this.

Elizabeth McNeese clarifies that the 134 feet is just that, 134 feet, it was not designed that way, and the line is not being redrawn at the road. And that property has been there a long time, likely pre-dating the 150 foot rule. This board has no authority over the rules and regulations over this development. It sounds like the neighbors would love to hear from you regarding their concerns about utilities. We do consider the concerns about utilities, but not to that level in this hearing.

Ron Kendle states they have considered all of the utilities and discusses where wells, septic systems can go and how big the houses can be.

Randy states they have met with the County Engineer and Health Department. There are still applications to be made for the septic systems, as we need the approval of the Township to proceed. We need to make a formal application to the Health Department for the septic system approvals. But, we know from design and anticipate we will be able to make this work based on preliminary soil evaluations that we have done. We are taking the process step-by-step. We meet county, state and federal laws for drainage and we know there is a creek on the property we need to protect. We need to meet water quality standards and you can see the retention basins in the plan.

Amy Brown asks if the variance is denied today, can the project proceed by scrapping lot 16 or does that scrap the entire plan?

Applicants state with the cost of the land, the requirements for the roads, it would not work well without Lot 16.

Dave Bichard asks if this creates financial hardship and the applicants confirm it would be.

The applicants have already bought the land. They could have made smaller lots, but they wanted to keep larger lots. At the beginning of the project, they considered an access point there without the need for 150 feet of frontage, but because of sight distance issues and other issues, we could not get the second access and we needed to make a cul-de-sac. This is the absolute maximum length of the cul-de-sac road or we will need a variance for a longer cul-de-sac road, which causes safety issues with fire department access and other things. The fire department has agreed that this current plan is acceptable.

Elizabeth McNeese asks if there is any way that any of that property could be re-parceled since it is less than 150 feet.

Dave Bichard answers it would still need 150 feet since it is a flag lot. The flag lot issue has been dealt with by the Board in the past.

Applicants state that when this was parceled out years ago, they parceled it out the way it is, but should have allowed for the 150 feet at that time. We are doing our best to deal with those decisions made years before. They state they kept the neighbors on Election House Road in mind to be sure there was not a house in their backyard.

Mindy Killoran (2268 Carroll Eastern Road) asks if the applicants currently own it as no sale is listed since 2014. Applicants state it is under a land contract to pay the current owner. Mindy asks to clarify if the water tests have been done to be sure it is a viable option. Applicants explain details of house locations, well locations, septic locations and all have been determined by meetings with the Planning Commission and County boards.

Elizabeth McNeese asks that discussion be limited to the variance at hand only. No further questions or comments.

John Crutcher (5484 Election House Road) asks to rebut some testimony. He indicates errors in testimony from the applicants. He states the reason they don't have 150 feet because of the addition of the road to the subdivision. He states the applicant didn't "do his homework" and now we have to bend rules because of the lack of investigation prior to beginning the project.

Jeff Williamsen, Zoning Inspector, clarifies that the road frontage in question already has a driveway in place and it takes up approximately half of that frontage currently. When lot 16 goes in, they will take the existing driveway as well as the other space. It is actually going to increase the frontage from the existing set up, though it still does not meet the 150 feet requirement.

No further questions. Dave Bichard motions to go into executive session and Leann Racki seconds that. Elizabeth McNeese explains the executive session.

Vote for executive session: Donna Kosch- yes, Amy Brown- yes, Dave Bichard- yes, Elizabeth McNeese-yes, Leann Racki- yes.

Board members enter the executive session at 6:42 PM.

Amy Brown motions to return from executive session, Dave Bichard seconds the motion. Vote to re-convene after executive session: Donna Kosch- yes, Amy Brown- yes, Dave Bichard- yes, Elizabeth McNeese-yes, Leann Racki- yes.

Board members return from executive session at 6:56 PM

Elizabeth McNeese asks the applicants to return for questions.

Randy Vantilburg and Ron Kendle return to answer questions.

Amy Brown asks for clarification on what happens if the variance is denied. Amy asks that the 15 foot variance will only impact Lot 16. Applicants confirm the other lots will be able to go forward without Lot 16 if the variance is denied as there is already access planned for the rest of the lots. They will lose access to the driveway in the back. The house the driveway currently goes to will access the property using a different road. Applicants state they are ripping out the long driveway and creating backyards for the other lots. Mr. Robinson's property would no longer be a part of this. We would lose Lot 16 and the

depth for the other lots would not work, so they would be losing 4 lots total. They would not be able to allow access to the cul-de-sac, and without Lot 16, there is no reason to include the Robinson property as the depths for lots 12, 13 and 15, possibly lot 14 as well. The width of the driveway is standard 12 foot driveway, but the property itself is roughly 25 feet total. Thus, without that land, they will need to reconfigure the whole project.

Elizabeth McNeese asks if they don't have Lot 16 and the driveway, are the applicants certain that the lots would not work, or would they just need to re-draw lines to know for sure. Applicants state that the depth of the lots are an issue, there would be very little space to build a home on them without the depth.

Amy Brown asks if they have considered extending the cul-de-sac for access to Lot 16. Applicant states they are not able to extend the length of the cul-de-sac without a variance from the County Board of Engineers. They have not applied for a variance yet for that issue.

Amy Brown asks if a variance for the cul-de-sac length is granted, would they be able to keep the lots? Applicants state it could, in theory, but there are hurdles to this process. Applicant highly doubts that a variance for the length of the road will be granted. Discussion regarding other options continues and Amy Brown indicates that the applicants are asking us to make exceptions to our rules, when there are other rules they are other avenues before coming to us to ask for this. Applicants state the other options also include variances, which impacts more area than the 15 feet requested at this time. Amy states the longer road is within a cul-de-sac and does not impact one of the busier roads in the area.

Dave Bichard indicates that we need to keep this issue at the basic request and forget what is going on behind it. This is a flag lot, which historically the BZA does not pass. Just Lot 16 being a flag lot is a difficult thing for the BZA.

No further questions.

Leann Racki made a motion to vote on the variance request. Donna Kosch- no, Amy Brown- no, Dave Bichard- no, Elizabeth McNeese-no, Leann Racki- no.

Elizabeth McNeese explains that the board has unanimously decided to deny the variance at this time. These results will be final upon approval of our meeting minutes.

Dave Bichard made a motion to adjourn. Donna Kosch seconded. Vote: Donna Kosch- yes, Amy Brown- yes, Dave Bichard- yes, Elizabeth McNeese-yes, Leann Racki- yes.

Meeting adjourned at 7:13 PM