

HANCOCK REGIONAL PLANNING COMMISSION



BOARD PACKET JUNE 17TH, 2020

BOARD MEMBERS

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GREG BURKS - HSWCD
PAUL CRAUN
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CHRISTINA MURYN – FINDLAY MAYOR
BOB NICHOLS
JODY O'BRIEN
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JIM FERGUSON
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STEPHANIE PHILLIPS
DAVE PLOEGER – MARION TWP.
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FRED RODABAUGH – VILLAGE OF BLUFFTON
POLLY SANDHU
LAUREN SANDHU - BRWP
GEORGE WALTON – VILL. OF N.BALTIMORE
JERRY WOLFORD – CASS TWP.

STAFF

MATT CORDONNIER, DIRECTOR
LIZZIE ESSINGER
JACOB MERCER
JUDY SCRIMSHAW
JESS SELLS

HANCOCK REGIONAL PLANNING COMMISSION BOARD PACKET

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Municipal Building

3rd Floor Conference Room

May, 2020 **HANCOCK REGIONAL PLANNING COMMISSION**

**Meeting Dates
2020**

**All meetings are held at 7:30 p.m. in the
Municipal Building Third Floor Conference Room**

Meeting Date	Notice
January 15, 2020	January 8, 2020
February 19, 2020	February 12, 2020
March 18, 2020	March 11, 2020
April 15, 2020	April 8, 2020
May 20, 2020	May 13, 2020
June 17, 2020	June 10, 2020
July 15, 2020	July 8, 2020
August 19, 2020	August 12, 2020
September 16, 2020	September 9, 2020
October 21, 2020	October 14, 2020
November 18, 2020	November 11, 2020
December 16, 2020*	December 9, 2020

❖ December meeting cancelled unless there are issues that require approval before the January meeting.

**Officers
2019**

Name	Title
Polly Sandhu	President
Brett Gies	Vice President
Stephanie Phillips	Secretary
Jody O'Brien	Treasurer

HRPC Minutes
3rd Floor Conference Room
Municipal Building
May 20th, 2020

MINUTES

MEMBERS PRESENT: Lauren Sandhu, Polly Sandhu, Brett Gies, Stephanie Phillips, Don Bledsoe, Christie Ranzau, Grant Russel, Jeff Hunker, Ed May, Brian Robertson, , Paul Craun, Thom Bissell, Jim Ferguson, Greg Burks, Christopher Moody,

MEMBERS ABSENT: Bob Nichols, Dave Ploeger, Fred Rodabaugh, George Walton, Jerry Wolford, Christina Muryn, Jody O'Brien

STAFF PRESENT: Matt Cordonnier, Judy Scrimshaw

GUESTS: Johanna Harris, Nate Harris, Neal Harris, Julie Harris

CALL TO ORDER

Matt Cordonnier called the meeting to order at 7:33 p.m. The meeting was held via Zoom Meetings due to the current pandemic conditions.

Judy Scrimshaw called the roll. There are 15 members present online.

COMMITTEE REPORTS

Subdivision Review

Mr. Cordonnier explained the variance request. He showed a map on screen. This is a proposed lot split. The Harrises are requesting a variance on the 3-1 depth to width ratio and from the required 275' of frontage. The lot dimensions are 200' x 1524' and contains 7 acres. The Subdivision Review Committee met on this last week and recommended approval of the variances.

Mr. Cordonnier stated they were under the understanding from conversations with

Judy last year and this March that the configuration was fine. When a drawing was sent to Judy from the title agent, she then informed the title company of the issues. Ms. Scrimshaw confirmed that she had not seen a layout of the lot until the title company sent it to her that day.

Don Bledsoe asked if they owned all of the land surrounding this. Ms. Scrimshaw replied yes. This 59-acre farm is somewhat L-shaped. There is not very much road frontage, then the land goes east and turns south behind the woods.

Christie Ranzau asked if there were a reason, they would not change it to be in conformance or closer to conformity. Nate Harris stated that they are in the process of building their dream home. He had spoken with Judy at HRPC and Peterman Associates. They had discussed a potential flag lot configuration also. Mr. Harris stated that he was told the 3 to 1 ratio would not apply as a minor lot split. Johanna Harris said that they had conversation with Matt and he mentioned bringing a drawing of the survey to Judy in March however, he called her as soon as the survey was complete. She did not mention anything about the regulations being on the website and they were not aware of that. They moved forward with this based on the recommendations they had received earlier.

Brian Robertson commented that since this is a family farm as stated, could they answer the question as to why they cannot modify it to comply. He stated that it is okay if there is a reason, but it will help the Board to know if you perhaps will be selling off some land in the future or putting it in a different family members name, etc. Neal Harris replied that they went with the 200' because they were informed that it was okay. If they would have known about the 275', they would have had the survey done that way. The survey cost \$800. Now they would have to pay for another survey and he stated he doesn't feel they should have to pay for another survey. Johanna Harris stated that they have been working on this process for some months now and didn't know there was any problem until a couple weeks ago. Now there could be a couple months again, additional costs and it's a real problem for their family if they have to do that.

Jeff Hunker asked them to share with the Board what they had told the Committee last week about where they want to build the house. Nate Harris explained that most of the 7 acres would still be farmed. They plan to set the house back next to the woods. Nate commented that they have the house staked out, the septic approved.

Christie Ranzau asked Judy Scrimshaw to clarify the process they went through, what she saw, etc. Ms. Scrimshaw replied that she honestly could not remember a conversation with them. Johanna Harris had mentioned that they had started this process last year at some time. If we did speak last year, this regulation

probably was not in place yet. They mentioned speaking to her in March also. Ms. Scrimshaw stated that we had a variance meeting in March about the frontage on lots over 5 acres. He went to Subdivision Review on March 10 for that. At the timeframe that they say, they called me that month, that would have been fresh in my mind. She admitted she had nothing to prove one way or the other. Judy replied that she does not recall seeing any drawing of their proposal until the title agent sent it over a couple weeks ago. Ms. Scrimshaw stated that if she made a mistake, she really is not sure. Christie commented that nothing was sent before that time for approval, no drawings or anything. Ms. Scrimshaw replied no. She stated that normally if she does get something ahead of time she files it by Township with notes on it in case she is not there when it comes in, so others in the office have a reference on what is going on and also for herself if it takes months until a deed finally appears. She had nothing in her file for this one.

Johanna Harris asked to clarify something. She stated that they did mention last year but they only mentioned the 3 to 1 ratio in the conversation on March 16. She said Nathan called and asked those questions then. They were going to her to get all the information and how to proceed. She stated that Judy never requested a drawing or anything. Johanna said they had called over 6 times on this. They were advised on the Board of Health and talking with the Engineer's office.

Nathan Harries responded that he has talked with Ben regarding a driveway. After talking with Ben, they had to go at least 200' across the front to have an area that they could align a drive with one across the street. They would prefer to have the drive in the southwest corner, but that would need a variance.

Polly Sandhu commented that she does not have much issue with the 3 to 1 ratio for the location of the property and what they intend to do with it. However, a variance is usually granted due to some kind of hardship or limitations on the property that prevent them from being able to meet the regulation. She stated that she does not see any hardship with providing the 275' of frontage.

Julie Harris replied that because they were led to believe after talking with the Planning Commission that this was not a problem, they had the survey done. Now they would have to have another survey done and spend another \$800. It is land they don't really need and would amount to another 3 acres they would have to buy. Ms. Harris said that is a hardship. Don Bledsoe asked if they were quoted an additional \$800 to add that frontage. Ms. Harris replied that they did not get a quote and hope they don't need to do so. That would be extra land they had to maintain and would increase their real estate taxes also and take away from their farmland. It would also affect their farm income. They already are buying 7 acres to do the rectangle because they were told the rectangle was easier to do than to try to do an odd shape lot. Don Bledsoe asked if they could not continue to farm

it. Julie Harris stated that they would no longer own it. It's a decrease to their income and an FSA issue. It is also an increase cost for them to have to buy more. They just want to be able to sell a lot to their children. Ms. Harris stated that placing the home back on the lot provides more privacy for the neighbor across the road. It is more private to be back off the road near the woods. They are only selling to them because they are family. They do not want a subdivision.

Neal Harris asked why 275 feet. Was that number pulled out of thin air? Why is there a maximum 3 to 1 depth to width ratio rule? He stated that he thinks common sense should enter into this at some point. Matt Cordonnier replied that the County Subdivision Regulations are very similar to those in all 88 counties in Ohio. The 3 to 1 ratio is prevent the very long narrow lots. There are probably a few out there now that may be 200' x 3000' in size. It is designed to provide for orderly division of land. Mr. Harris asked if common sense rules at some point or not. Julie Harris stated that they went to their Township also and there is no zoning. Jim Ferguson stated that common sense is in the eye of the beholder in a case like this. He said it makes sense from the planning standpoint, but probably not to Mr. Harris. He said he understands what they are trying to do, that is not the issue. We have regulations that we have to follow so the entire county is uniform. Mr. Ferguson said that they are asking for two variances here and will be asking for another for the driveway.

Grant Russel asked what the frontage for the entire property is now. He stated it looks like 425 to 450 feet. Mr. Harris replied that that is correct. Mr. Russel stated that if this lot need 275' that the remainder parcel would then be under the minimum. Ms. Scrimshaw stated that we can only look at parcels up to 20 acres, so there is nothing in the Regulations to control 50 acres as long as they have at least a 60' strip touching a road. The Subdivision Regulations only cover lots up to 20 acres.

Brian Robertson stated that we have a process for deviations. It is about consistency to an extent. We try to use common sense and be fair. There are many people that develop and do go by the guidelines, play by the playbook, have the uniformity that we talked about. They may ask why this person gets an exception or gets preferential treatment. It is a balance for the Board. There are many members here with different areas of expertise. He feels the overwhelming concern with this particular situation is that they are asking for two deviations and a future one also. Therefore, we do want to be sure we have some kind of consistency for others that have been granted a deviation or denied one or those that just follow the guidelines.

Johanna Harris stated that this is not preferential treatment. They did everything based on information given by Judy. She said it is an emotional hardship for them.

It has taken them months to get through this process only to have a title agent tell them it is not correct and they can't get their deed approved. And now they are expecting a baby. Nathan Harris commented that sometime when he had called he felt as if Judy just wanted to get him off the phone as quickly as possible

Grant Russel responded that he has known Judy Scrimshaw for many years now and she has always spoken with the public in a professional manner. If a mistake was made, we are looking at how to rectify it and how to move forward and be true to the codes. He stated that he thinks there is some conversation to be made about the 275' and how that affects the frontage of the remaining lot. Claiming that there are special hardship because of family situations or others. Does that mean that if you were not expecting a child that we should deny your request? Mr. Russel said that the facts need to speak for themselves and make the case. It should not be based on communication issues with Judy. That does not fly with him. At this point in time, he would be prone to deny the variance unless there are substantive reasons for it to be granted. He stated that a miscommunication with Judy is not a substantive reason.

Neal Harris replied that they are only trying to point out all of the facts. If someone is giving out the wrong information, that needs to be corrected. Johanna Harris said they are not trying to cut anyone down. They just are trying to provide the facts on their communication on the matter. Nathan Harris said there is no need to argue here. He stated that he appreciates everyone listening to their side and some of their opinions. He has been able to review the documentation on the website. He stated that he is a site director and his wife is a pharmacist. They are intelligent people. His father has farmed for many years and done many land splits. He read a line from the Subdivision Regulations. "Such that in the spirit of the regulations will be observed and substantial justice done". It is the spirit of the regulations. He faces this in his job with policies and those types of things also. They are just looking to build their country home. They did not intend to have to ask for variances based on the guidance they received. They are close on the 275' of frontage at the 200' they have.

Jeff Hunker responded that he made the motion in the Subdivision Review Committee to recommend approval of the variances. He stated that part of why he did that was the intention of the use of the land. He is a rural person himself and values farmland preservation. The intention is to farm the land other than the area needed for the house site. It is their choice to have a house a quarter mile off the road. Mr. Hunker asked that if they need the 275' of width, how deep does that need to go before it could narrow up to the 200 feet. They have also made it known that this is a single lot split and they have no intention of selling off more lots. They do not want to do a subdivision.

Judy Scrimshaw stated that they do not have to do 275' all the way back. We have had other instances where they have done something similar and narrowed as it went back. There is nothing in the regulations that says it must go straight back the full depth of the parcel. Technically, it would meet the requirement as long as it is that width at the right-of-way. Jim Ferguson asked if it would need to be at least 60 feet. He stated that if they did not get the variance for the driveway on the south side, would they need that width to run parallel to the road and south to the drive. Ms. Scrimshaw stated no, that there is nothing to state the drive has to be that wide. She stated that the survey goes out to the centerline of the road so we could not count the right of way depth because you could not drive across that if you needed to for some reason. She thinks it should be beyond that enough to allow a drive path if needed. If it is a 60' right-of-way, it is measured 30' from the centerline.

Brian Robertson stated that he agreed with Mr. Russel that we need to get off the Regional Planning focus because we work with so many of these over the years. We understand how the Board works and the strengths and weaknesses there, but he thinks the firm doing the surveying for you should be your first line of advising on compliance. He said he doesn't think another piece of surveying should cost the same as the initial survey work. He commented that Mr. Russel had given his opinion of what the focus of this should be. If we make the lot 275' then you are making the remaining lot even more non-compliant. That may be an adverse impact for future development. The Board needs to look at the potential impact here and as Mr. Hunker noted, keeping land in production is also critical.

Christopher Moody asked if the land is now a part of the house lot, is there anything that would not allow it to be farmed any more. Christie Ranzau replied that they can still farm it or do whatever they want. Polly Sandhu stated that it was her understanding all along that they did intend to farm the land in front of the house over to the driveway after it is built. For that reason she is having trouble understanding why the extra 75' would be a hardship understanding that you still intend to farm it. It won't change the use of the land but it will bring the lot into compliance on the frontage. She is struggling with this. Ms. Sandhu also stated that she has worked with Judy in her capacity for the last 37 years and she agrees with Mr. Russel that she has never seen her willfully lead anyone down the wrong path. She has always been kind and works with people.

Mr. Harris stated that yes, they do intend to keep the farmland in production and they are just trying to work through the regulations as they were brought up to them. He said he agreed with Grant that going 275' on their lot would put the other 52 acres out of compliance. Mr. Ferguson stated that Judy had stated earlier that that will not be the case since there is nothing in the rules to govern the size of frontage for lots over 20 acres except the bare minimum needed for a flag lot of

60 feet.

Matt Cordonnier commented that he can't help but think that a flag lot might be the best solution to the situation. He shared an illustration on the screen of a layout a possible flag lot. The Harrises could apply for a variance for the access at the south line. If they did not get the variance, they could record an easement from their parents across the front of the land to come in across from the person on the other side of the road. They could potentially go with less land. In the scenario he showed, a variance on the size of the flag may be needed. If they did a conventional flag lot with 5 acres and a pole going through to the back of the lot the only variance would be for the driveway location. Of course, there would be the time and expense of a new survey and a small delay in beginning construction.

Don Bledsoe asked what the answer was on how deep they needed to go with the extra 75' of frontage. Ms. Scrimshaw replied that that road does have 60' of right-of-way. Therefore, 30' from the centerline gets them to the edge of that right-of-way. She would think that a depth wide enough for a potential drive lane paralleling the road would be enough.

Jim Ferguson stated that when we give variances there is normally some physical barrier that does not allow the property to be configured in compliance. Something like a creek running through it is an example. This is just a plain flat field. Stephanie Phillips commented that three variances is a lot for this type of situation.

Jeff Hunker stated that he understands the solution is to add possibly a 75'x60' piece, which is roughly 1/10 acre. They would meet the guidelines as far as the width. Ms. Scrimshaw said she thinks that could work. As long as there is enough behind the right-of-way line to potentially drive on if needed. Paul Craun asked if you own and buy to the centerline of the road. Judy answered that it is always surveyed to the centerline.

Nate Harris stated that he understand the recommendation is for them to get an extra 75' along the front for about 1/10 acre and that will suffice for the 275' of road frontage. Will the 3 to 1 depth to width ratio still require a variance? Polly Sandhu stated that it does require a variance but she does not feel there is much push back on that. Jeff Hunker stated that he agrees. Johanna Harris commented that how can they reconfigure and still have to ask for a variance. If that is okay, why is it difficult to approve the way it is now? Nate said he believes that it is the number of variances they are asking for including the driveway. Now it would be one variance on the lot and the potential for one for the access. To meet the spirit of the regulation, he thinks adding the 1/10 acre is something they could agree to.

Christopher Moody questioned using the flag lot as Matt had suggested instead as

the solution. He asked if purchasing the extra acreage at the front is the recommendation of the board. Mr. Cordonnier commented that the flag lot was a suggestion, but if the Board feels that just adding the additional 75' will suffice that is up to them. We can do that and grant the variance on the 3 to 1 and walk out of here with a solution tonight.

Polly Sandhu asked if the Harrises have any comments on the proposal of a flag lot. There would be no need for any variances with that. Nate Harris replied that they did discuss a flag lot, but they would have no way of guaranteeing a drive way permit on the pole ahead of time. The layout they have allows them to request the variance in the southwest corner but still have land across from the drive on the west side if needed. Jeff Hunker agreed that this made sense. Mr. Cordonnier replied that the solution would be an easement from his parents to go across the front to get to the point of that drive if the variance was not granted. Jeff Hunker asked if the reason for the 3 to 1 is to try to eliminate someone from taking thin slices of frontage and creating an excessive number of lots. Ms. Scrimshaw replied that she does think that was the intention. There are existing parcels on the Auditor's records that may be 150' wide and ¼ mile long. As Matt had stated this is a common language around the state. We have always had it in our rules for platted subdivisions, but it was never in the minor lot splits until now.

Greg Burks stated that if you are just splitting off road right-of-way to make compliance on the 275' frontage, it doesn't make much sense. You are only creating a weird shaped lot on mostly unusable/untaxed land. It makes more sense to do a flag lot or rectangle. If they tried to do another lot it will need a variance also.

Jim Ferguson stated that the flag lot is the best solution and eliminates any variances. Nathan Harris asked if the Board could guarantee them that they would get the drive variance for the flag lot. Mr. Ferguson replied that that variance takes into consideration where the road is, how much use it has, number of accidents on it, etc. He cannot guarantee that and is not on that committee. From his standpoint, he thinks they might be more likely to do that since there is a farm entrance already there.

Christie Ranzau stated that she agreed with the group that she does not see any real hardship with either request because they can all be easily rectified. She is on the Variance Committee for the driveways and with their history they have approved drives on flag lots before. The driveway rules are there for safety, proper stopping distances. People are often driving faster out in the country. Safety is the main concern. Ms. Ranzau stated that if this came to her as a parcel that met all the requirements of our regulations and all they need is the driveway variance, she would be very likely to approve. Ms. Ranzau commented that this body cannot

guarantee them that they will get the drive variance, but as head of the Committee, if you came to here with a flag lot and it lined up with a drive across the street but complied with everything else, your odds would be very good. Ms. Scrimshaw corrected Christie Ranzau stating that the location of the drive would not align with the drive across the street because it would be at the opposite end of the parcel. Nathan Harris stated that if the pole was across from the neighbor's drive it would split the farmland and create issues with farming on both side of the drive and would cause the neighbor to have to move her mailbox. Polly Sandhu commented that the road here is very flat with no real obstructions and she would not see any safety issues if the drive would be permitted where the existing farm access is located. There is a clear view in either direction. Christie pointed out that as previously discussed, if that variance did not work out and they had a flag lot, they still had that option of obtaining an easement from his parents and locating the drive across from the neighbor to the west.

Polly Sandhu stated that we need to get a consensus on what we need to do here. Would the applicant be willing drop the variance requests and go to a legal flag lot or do they want to resurvey to get the additional frontage and still get a variance on the depth? Mr. Harris said that they don't have a guarantee on where they can put the driveway yet, so the rectangular parcel makes the most sense. They are willing to get the extra 1/10 acre to make the frontage.

There were more questions and discussion on the flag lot and how they could still achieve the access at the existing drive with an easement if the drive variance was not approved. Grant Russel noted that the flag lot could be in full compliance and since they are really only interested in the land farther back where the house would be that it seemed a better option. They don't really need all the land down by the road as they have said it would still be farmed over. If they don't get the access approved in the location of the farm drive they would still have to go across the frontage from the point it aligns with the neighbor over to the farm drive whether that is on their 200' of frontage or only an easement from their parents.

Jim Ferguson stated that he thought perhaps doing a conventional flag lot might add some acreage to the land. Normally the pole is to go the full depth of the parcel and the flag is an additional 5 acres. If we allowed them a variance to not have the pole go through the parcel and only have a flag of 5 acres plus whatever stopped the pole at the rectangular parcel that might be a better solution. Matt Cordonnier showed his example of a flag lot that meets all the requirements and one that would only require a variance from the pole going through the parcel. Nate Harris stated that they have the footprint of the house staked out where they want it, have the Board of Health approval on septic and well locations, etc. and would prefer to keep with the configuration they have if they can.

Jim Ferguson made a **motion to grant the variance on the 3 to 1 depth to width ratio with the condition that 75' of frontage is added to the north.**

Brian Robertson seconded the motion.

There were questions on what the depth of that 75' would need to be. Judy Scrimshaw stated that there is no specification in the Subdivision Regulations on that. They cannot count the 30' that is in the road right-of-way and should have to have enough to potentially drive a vehicle on in case it is ever needed. She stated that she would like to discuss with the County Engineer to see if he has any thoughts on this. The motion was amended to include, **the depth needed will be determined by HRPC after consulting with the County Engineer.**

Judy Scrimshaw conducted a roll call vote. **Motion passed 11-4.**

Matt Cordonnier stated that we would contact the County Engineer and get an answer on the depth of the 75 additional feet. The Harrises can then follow through with any additional surveying and get the transfer completed so they can possibly apply for the drive location variance. Ms. Scrimshaw stated that she would contact the Engineer tomorrow and once we come up with the number she will email Nate, Johanna, and Nick Nigh at Peterman.

APPROVAL OF MINUTES

Jeff Hunker made a motion to approve the April 15, 2020 meeting minutes. Thom Bissell seconded. Motion passed 15-0-0.

EXPENDITURES

Mr. Cordonnier reported that finances are standard this month. We did have a reduction in the County share of the budget. The county has worked with Job & Family Services through the State of Ohio Unemployment office to help with the budget. Employees will be going to a four-day workweek. The fifth day will be through unemployment. Our budget was cut \$17,000 and if it goes through the end of the year, it will make up the difference. This will start after May 31. The office will remain open 5 days a week.

Grant Russel moved to approve the expenditures as presented. Seconded by Don Bledsoe. Motion passed 15-0-0.

DIRECTOR'S REPORT

Matt Cordonnier reported that we are working with the City of Findlay and Economic Development on a \$10,000 revolving loan fund (RLF) for small businesses as a coronavirus relief program. We are meeting with the County RLF Board tomorrow to present the same program to them. These will be \$10,000 loans with payments deferred up to six months. Don Bledsoe reported that

Channel 13 news had this on their 6:00 report tonight. Grant Russel stated that he had announced it at Kiwanis as well.

ADJOURNMENT

There being no further business, the meeting was adjourned.

EXPENDITURES

THE FOLLOWING EXPENDITURES
ARE SUBMITTED FOR YOUR
REVIEW BY JODY O'BRIEN,
TREASURER

JUNE 17TH, 2020

BUDGET

THE FOLLOWING REPRESENTS
OUR BUDGET BALANCE AS OF
TODAY BY MATT CORDONNIER,
DIRECTOR

JUNE 17TH, 2020

8) OLD BUSINESS

HANCOCK REGIONAL PLANNING COMMISSION

June 17th, 2020

9) NEW BUSINESS

10) COMMISSIONER'S REPORT

11) CITY REPORTS

12) VILLAGE REPORTS

13) TOWNSHIP REPORTS

