

CCRPC Executive Committee

Monday, March 13, 2023

Commissioners Conference Room

President Don Wells called the meeting to order at 3:30 PM on Monday, March 13, 2023 with the following members present: Don Wells, Fred Wachtel, Steve Lonsinger, Bruce Lowery, Denny Balo, and Larry Boal. Also, in attendance were Attorney Kelly Bratton, Attorney Mike Manning, Jeff Eick, and Kim Eick.

Minutes

No previous minutes were available to review.

Old Business

None

New Business

- **Michael D. McKee Estate Subdivision Variance Request, White Eyes Twp., PIN 0420000027403** – On July 20, 2021, Michael D. McKee recorded a Transfer on Death Designation Affidavit designating Annette M. Wyler to be the beneficiary to receive the above noted parcel. However, Mr. McKee also owned property contiguous to this parcel that Ms. Wyler was not to receive. In addition, the property that Ms. Wyler was to receive does not meet current CCRPC regulations for a stand-alone parcel. Mr. McKee passed away on May 28, 2022. When the confirmation affidavit was reviewed by GIS / Tax Map Office Attorney Bratton was advised that this transaction did not have CCRPC approval to split the McKee holdings. In retrospect, the Transfer on Death Designation Affidavit should not have been allowed to be filed prior to review to ensure that the action was compliant with CCRPC regulations. Discussion ensued with Attorney Bratton and numerous questions were answered. At the conclusion of the discussion President Wells called for a roll call vote. The vote results were: Denny – Yes; Steve – Yes; Fred – Yes; Bruce – Yes; Don- Yes; Larry – Yes. The variance request was approved. (A copy of the approved variance request is attached.)

Fred is going to have a discussion with the County Auditor and the County Recorder to revise our processing of Transfer on Death Designation Affidavits to avoid this issue in the future

- **Jeffery A, and Kimberly A. Eick Subdivision Variance Request, Keene Twp., PIN 0170000011400** - Attorney Manning has prepared an Application for a Subdivision Variance for Jeff and Kim Eick to allow them to transfer a portion of their property that is only served by a right-of-way. The parcel was created in 1997 when the CCRPC allowed

parcels to be accessed by a right-of-way. Survey KEN-2-0111 and KEN-2-0112 memorialize this right-of-way. Because the Eicks are not transferring all of their contiguous property this now constitutes a split. Questions were then asked by various members of the Executive Committee. The Committee did include a condition in the motion that the tracts to be transferred, Tracts 5 and 6 on KEN-2-0112, cannot be sold separately. President Wells then called for a roll vote on the variance. The vote results were: Denny- Yes; Steve – Yes; Fred – No; Bruce – Yes; Don – Yes; Larry – Yes. The variance request was approved. (A copy of the approved variance request is attached.)

Other Business

None.

Next Meeting

The next Executive Committee Meeting will be scheduled, when necessary.

Having no other business to discuss, President Don Wells adjourned the meeting at 4:35 p.m.

Minutes prepared by Fred Wachtel.



COSHOCTON COUNTY
REGIONAL PLANNING COMMISSION
401 1/2 MAIN STREET ★ COSHOCTON ★ OHIO ★ 43812
PHONE: (740) 622-7776 FAX: (740) 622-4917

Application for a Subdivision Variance

Please submit this form with the \$150.00 Variance Request Fee to the Coshocton County Regional Planning Commission office.

Name of Agent/Surveyor: Kelly L. Bratton, Attorney Phone: 740-622-0166

Name of Property Owner: Annette M. Wyler Phone: _____

Address: 26400 County Road 171 City: Fresno State: OH Zip Code: 43824

Location Description:

Parcel No. 042-00000274-03

Nature of Variance Requested:

Annette M. Wyler is the transfer on death beneficiary of Michael D. McKee, who passed away on May 28, 2022. Upon filing the confirmation affidavit, Ms. Wyler was told she would need to pursue a lot split or variance due to the abutting parcels Mr. McKee also owned, which are not TOD to Ms. Wyler.

Examples: required road frontage, acreage, width to depth, land-use

Justification of Variance: Please provide a statement explaining why the variance from the requirements of the Subdivision Regulations is being requested. Please provide an explanation of the following:

- a. Exceptional topographical or other conditions specific to this parcel of land.
- b. Why a literal interpretation of the regulations would deprive the application of rights enjoyed by other property owners.
- c. That the specific conditions do not result from previous actions of the applicant.
- d. That the requested variance is the minimum variance that will allow a reasonable division of land.
- e. A sketch of the area showing the location and characteristics of the requested variance.

The variance from the requirements of the Subdivision Regulations is being requested because Ms. Wyler would incur unnecessary difficulty & hardship filing a lot split application in order to file a confirmation affidavit for a parcel that she is a transfer on death beneficiary on. Ms. Wyler is not a named beneficiary on any of the surrounding land in the name of the decedent, which is currently in the probate process in the Coshocton County Probate Court. She did not cause this hardship and the variance requested would afford Ms. Wyler relief while representing the least possible modification of the regulation of the issue. There is no detriment to the public interest in allowance of this relief.

Applicant Signature: [Signature] Date: 2/13/23

(CCRPC use only) Request: _____ Granted: _____ Granted with Conditions: _____ Tabled: _____ Denied: _____ Date of Action: _____





202100003562 07/22/2021 02:48 PM
Filed for Record in COSHOCTON County, OH
Susan Turner, Recorder Rec Fees: \$58.00
ATOD OR Vol 786 Pgs 383 - 387

TRANSFER ON DEATH DESIGNATION AFFIDAVIT
[O.R.C. Section 5302.22]

STATE OF OHIO
COUNTY OF COSHOCTON:

Michael D. McKee, being first duly sworn according to law, state as follows:

1. That Affiant, **Michael D. McKee** is the owner of record of the following real property as recorded at Volume 643, Pages 802-804 of the Coshocton County Official Records and a prior Transfer on Death Designation Affidavit as recorded at Volume 779, Pages 5036-5040, of the Coshocton County Official Records. This Transfer on Death Designation Affidavit corrects the spelling of the last name of the designated beneficiary in the previous Transfer on Death Designation Affidavit listed above :

SEE EXHIBIT "A" ATTACHED HERETO

2. That title of record to the above property is held by Affiant(s) as follows:

 X Sole Owner
 Tenant(s) in Common
 Tenant(s) in Survivorship
 Tenants by the Entireties

3. That Affiant hereby designates the entire undivided interest in the property for transfer on death to **Annette M. Wyler** as transfer on death beneficiary, to receive the title of Affiant upon their death.

4. This Affidavit, and the beneficiary designation set forth herein, hereby revokes, replaces and supersedes any prior beneficiary designation by Affiant, whether by deed or affidavit, related to the above-designated real property.

Faint, illegible text at the top of the page.

Michael D. McKee
Michael D. McKee

STATE OF OHIO
COUNTY OF COSHOCTON, SS:

On JULY 20, 2021, before me, the undersigned Notary Public, personally appeared **Michael D. McKee**, known to me or satisfactorily proven to be the person whose name is subscribed to the above Transfer on Death Designation Affidavit, and who has acknowledged that (s)he executed the same for the purposes expressed therein. I attest that the Affiant appears to be of sound mind and not under or subject to duress, fraud or undue influence.



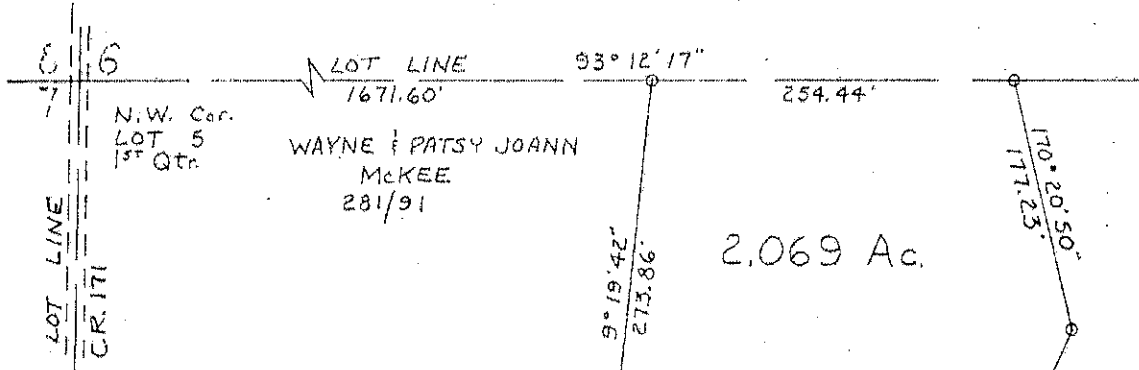
Courtnie Darr
Notary Public, State of Ohio
My Commission Expires
July 29, 2024

Courtnie Darr
Notary Public

My Commission Expires: 7/29/2024

This Instrument Prepared by:

Pomerene Burns & Skelton
Robert A. Skelton
309 Main Street
Coshocton, OH 43812
(PBS:RAS:cld)



The Right-of-Way to be maintained by the Grantee.

O = Set 3/4" X 30" rebars with aluminum caps.

Research Data: Deeds: 281/91 317/740

1.	100° 59' 53"	30.01'
2.	94° 55' 18"	30.09'
3.	142° 52' 18"	49.07'
4.	284° 33' 10"	31.70'
5.	290° 24' 56"	31.09'
6.	236° 04' 09"	36.40'
7.	274° 55' 18"	30.09'
8.	280° 59' 53"	30.01'

WHE-1-0093

Boundary Survey
for
Cindy McKee
in
Lot 4, Fourth Quarter
and
Lot 5, First Quarter
Range 5W, Township 6N
White Eyes Township
Coshocton County
Ohio

May 5, 1994



AMERICAN PRECISION SURVEYING
1114 N. 14th St. COLUMBUS, OHIO 43212

MAY 9 1994

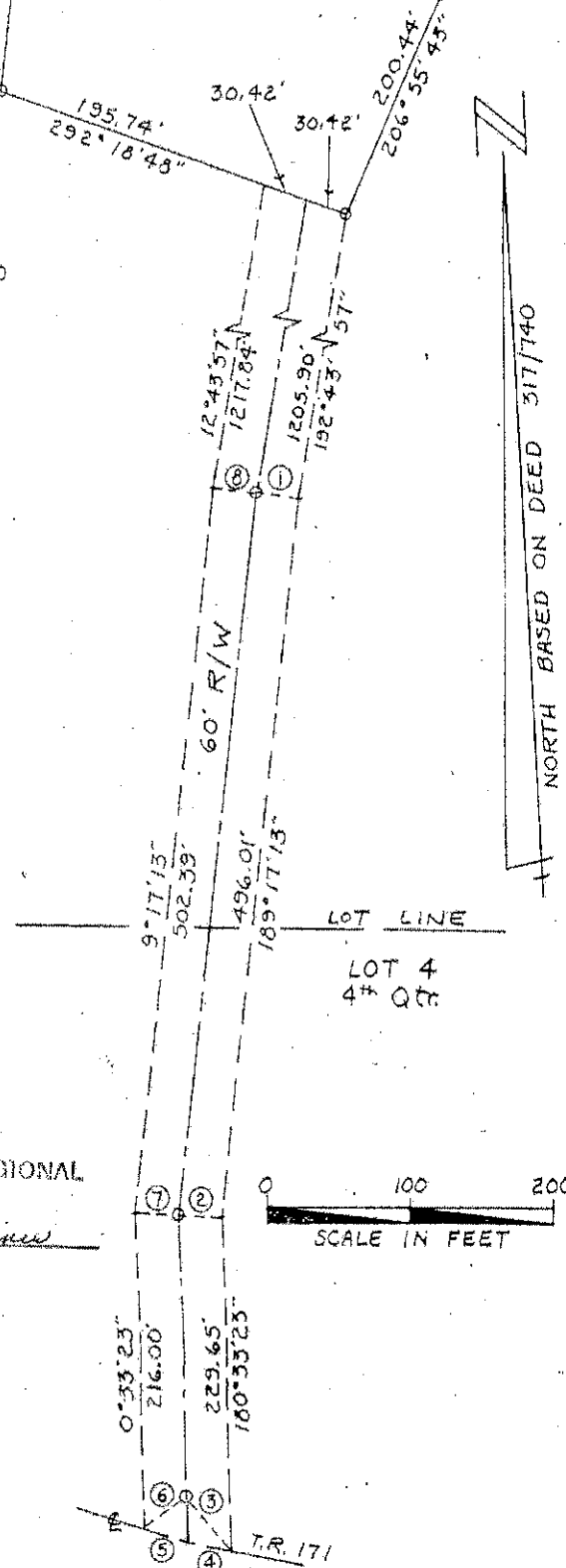
C. Danner

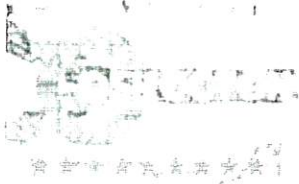
Bruce D. Eckelberry
R.P.S. # 7103

Description Approved
Frederick T. Wachtel
Coshocton County Engineer

Approved By: *C. Danner* Date: MAY 9 1994

Prepared By
AMERICAN PRECISION SURVEYING
450 S. 4th St. (614) 622-2783
COSHOCKTON, OHIO 43812





COSHOCTON COUNTY
REGIONAL PLANNING COMMISSION
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Examples: required road frontage, acreage, width to depth, land-use

Justification of Variance: Please provide a statement explaining why the variance from the requirements of the Subdivision Regulations is being requested. Please provide an explanation of the following:

- Exceptional topographical or other conditions specific to this parcel of land.
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- A sketch of the area showing the location and characteristics of the requested variance.

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Applicant Signature: [Signature] Date: 2/13/23

(CCRPC use only) Request: X Granted: X Granted with Conditions: _____ Tabled: _____ Denied: _____ Date of Action: 3/13/23

You may proceed with your transaction
Jared Hachtd - CCRPC

Date revised 4/11/2016



COSHOCOTON COUNTY
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Application for a Subdivision Variance

Please submit this form with the \$150.00 Variance Request Fee to the Coshocton County Regional Planning Commission office.

Name of Agent/Surveyor: Michael Manning, Attorney Phone: 740-622-3911

Name of Property Owner: Jeffrey A. and Kimberly A. Eick Phone: 740-294-0560

Address: 27120 CR 1 City: Coshocton State: OH Zip Code: 43812

Location Description:

See attached memo to Regional Planning Commission marked as Exhibit "A"

Nature of Variance Requested:

Jeffrey and Kimberly Eick wish to transfer the 1.003 acres and the 1.000 acres to their son Jakob Eick. The parents will retain the remainder of this 4.8237 acres. These tracts do not have their own road frontage but are served by a 60' easement of record. Current subdivision regulations do not allow the splitting of property that has an easement only for access.

Examples: required road frontage, acreage, width to depth, land-use

Justification of Variance: Please provide a statement explaining why the variance from the requirements of the Subdivision Regulations is being requested. Please provide an explanation of the following:

- Exceptional topographical or other conditions specific to this parcel of land.
- Why a literal interpretation of the regulations would deprive the application of rights enjoyed by other property owners.
- That the specific conditions do not result from previous actions of the applicant.
- That the requested variance is the minimum variance that will allow a reasonable division of land.
- A sketch of the area showing the location and characteristics of the requested variance.

Please see attachment for Justification of Variance marked as Exhibit "B"

Applicant Signature: Jeffrey A. Eick Kimberly A. Eick Date: 2-6-2023

(CCRPC use only) Request: _____ Granted: _____ Granted with Conditions: _____ Tabled: _____ Denied: _____ Date of Action: _____



William M. Owens
Michael Manning

Owens & Manning
Attorneys at Law

P.O. Box 787
413 Main Street, 2nd Floor
Coshocton, Ohio 43812

Exhibit "A"

Telephone:
(740) 622-3911

Fax:
(740) 623-6504

November 16, 2022

MEMO TO REGIONAL PLANNING

Jeffrey A. Eick and Kimberly A. Eick, husband and wife, desire to convey a tract of 1.003 acres and 1.000 acres (both a part of Parcel No. 017-00000008-00) to their son, Jacob A. Eick (see draft of Quit-Claim Deed attached). The parents will retain the remainder of this 4.8237. These parcels require and there is conveyed with each a surveyed easement for ingress and egress to County Road 1.

I have referenced the 38.059 acres tract (Parcel No. 017-00000114-00) and the 12.3758 acre tract (Parcel No. 017-00001091-01) because they adjoin the 4.8237 acre tract, but these tracts will remain titled to the parents.

MM/adw

Exhibit "B"

Justification of Variance

Counsel for Applicants is unaware of any exceptional topographical or other similar conditions specific to this parcel of land. The 1.003 acres and the 1.000 acres are already served by an existing surveyed 60' easement of record which also serves other tracts along the easement. The legal descriptions to all parcels along the easement—surveyed in 1997 by Harold W. Hitchens, Jr.—grant an easement for ingress and egress to the subject parcel and provide that the right of way shall be maintained by the owners of these parcels and their heirs and assigns. Presumably there are numerous tracts of land in Coshocton County which do not have public road frontage and have access only by virtue of an easement. However, the Commission's current subdivision regulations do not allow the splitting of property that only has an easement for access. Applicants have been advised that the alternative to obtaining the requested variance is to partner with their neighbors who own Tracts 2 and 3, to create a private subdivision to provide access to Tract 4 and Tracts 5,6 and 7. This alternative would involve additional time and expense and would require the cooperation of others similarly situated. Applicants already have a property interest in land (easement) which grants them, their heirs and assigns, ingress and egress to their property, which also provides how this right-of-way shall be maintained. It appears that when the Applicants acquired this property in 1996, 1998, and 2002, that there was no restriction against splitting of property that only has an easement for access.



**COSHOCOTON COUNTY
REGIONAL PLANNING COMMISSION**

23194 CR 621 ★ COSHOCTON ★ OHIO ★ 43812
PHONE: (740) 622-7776 ~FAX: (740) 623-6512

December 1, 2022

To: Mike Manning

From: Fred Wachtel

Director for the Coshocton County Regional Planning Commission

Re: Proposed Transfer from Jeffrey & Kimberly Eick to Jacob Eick

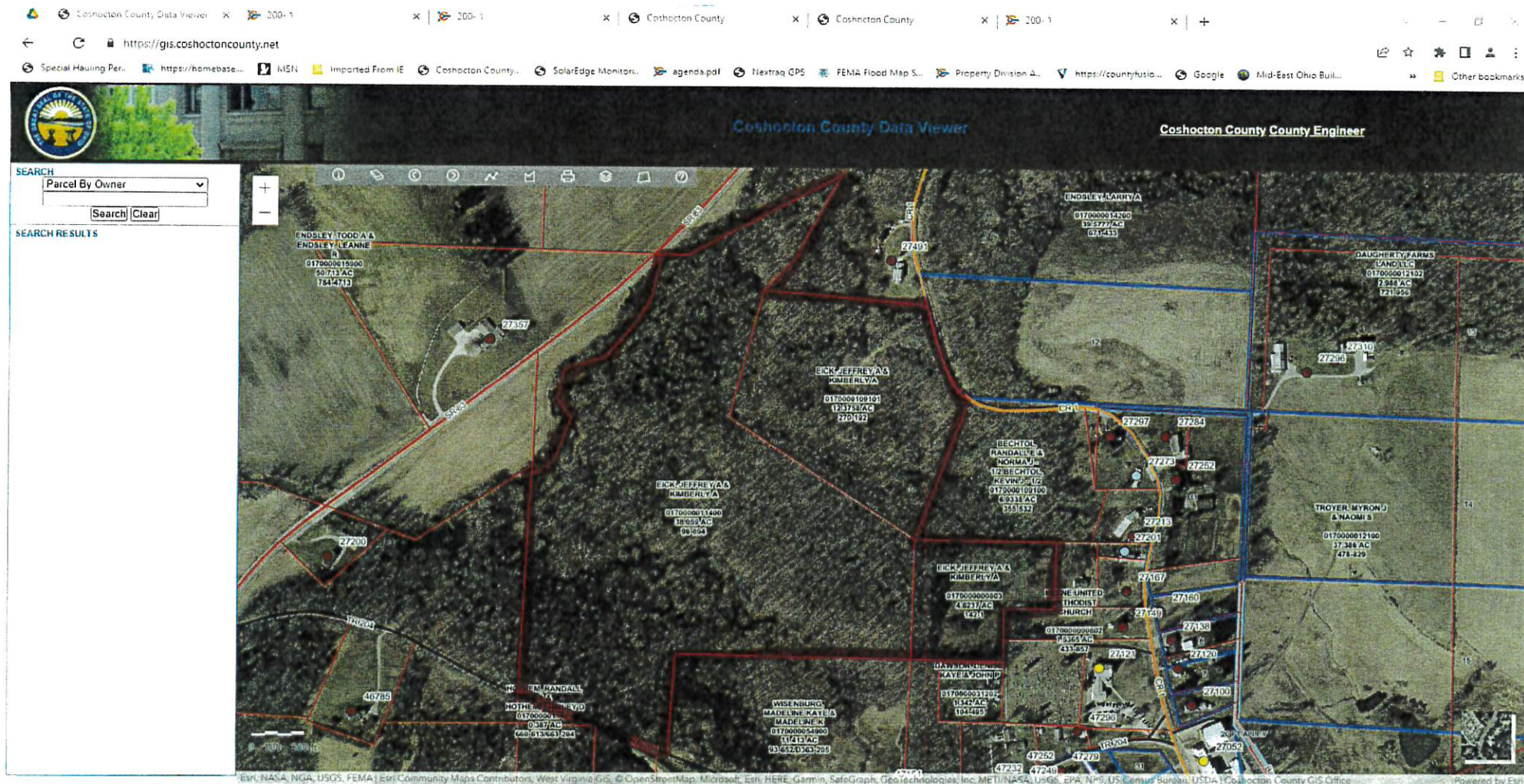
The proposed transfer of property from Jeff & Kim Eick to Jacob Eick does not comply with the current CCRPC Subdivision Regulations.

Jeff & Kim own 3 contiguous properties in Keene Township that total 55.3 acres. The tracts were bought in 1996, 1998, and 2002. The combined property has road frontage on TR 204 and CR 1, and has a separate 60' easement to CR 1.

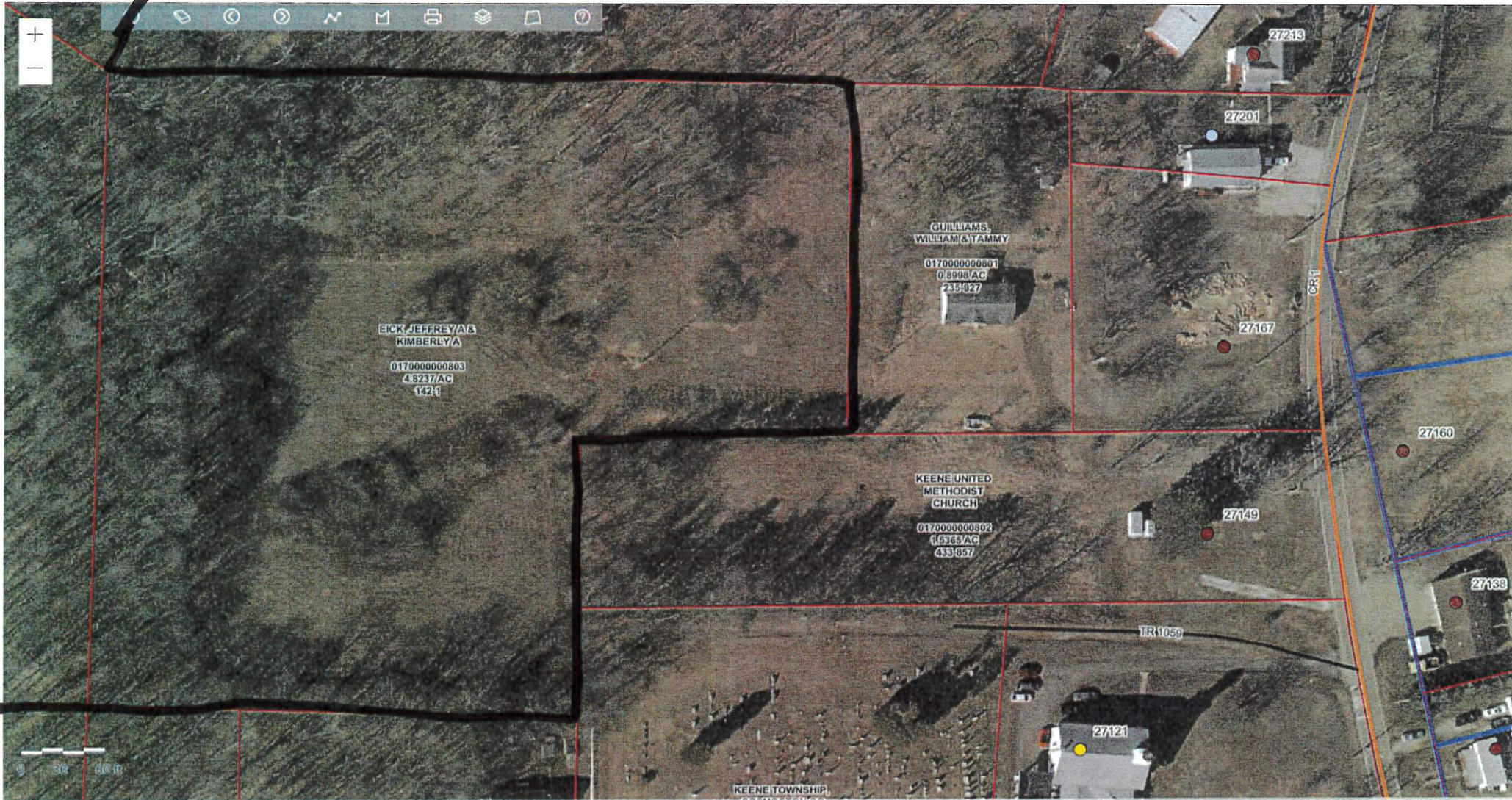
Jeff and Kim want to transfer T5 and T6 as shown on KEN-2-0112 to their son Jacob. These tracts do not have their own road frontage but are served by a 60' easement shown on KEN-2-0111 and KEN-2-0112. Our current subdivision regulations do not allow the splitting of property that only has an easement for access.

The CCRPC solution for the Eicks is to partner with their neighbors who own Tract 2 and Tract 3, KEN-2-0111, to create a private subdivision to provide access to Tract 4, KEN-2-0111 and Tracts 5, 6, and 7, KEN-2-0112. The other option is for the Eicks to request a variance from the CCRPC to allow them to split this property with only an easement for access. A variance hearing would then be required and the CCRPC may or may not grant such a variance.

Please look over the included documentation, call with any questions, and discuss the options with the Eicks.



Jeff & Kim Eick have owned this acreage since 2002



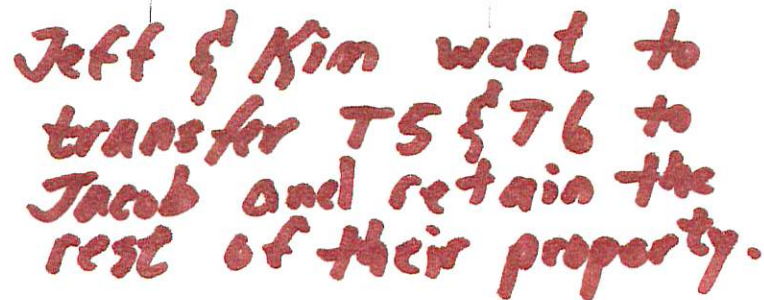


*Situated in Lot 15, 2nd Cir., Twp. 6N, Rng. 6W of the U.S.M.L.,
Keene Township, Coshocton County, Ohio
(Being all of the real estate conveyed to Sandra L. Mallen by a deed recorded
in official Record Book 109, page 741; Auditor's Parcel # 017-0000008-00)*

- - from Pin Set 3-8" x 30" rubber
aplastic cap
- - from Pin Board

The hearings shown on this plate are based on hearings in the deed to Moffett Tire Service, Inc. recorded in Official Record Book 97, page 1014.

Deaths in show: Survivors by Earl R. Franklin (Reg. Surv. #7142) for Ruth Adams Dink dated April, 1998 and by Stephen M. Bowman (Reg. Surv. #7133) for M. Elaine Wisenberg dated August 16, 1998.





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Name of Property Owner: Jeffrey A. and Kimberly A. Eick Phone: 740-294-0560

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Location Description:

See attached memo to Regional Planning Commission marked as Exhibit "A"

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Please see attachment for Justification of Variance marked as Exhibit "B"

Applicant Signature: Jeffrey A. Eick Kimberly A. Eick Date: 2-6-2023

(CCRPC use only) Request: Granted Granted with Conditions: X Tabled: _____ Denied: _____ Date of Action: 3/13/23

see attached note for conditions.

Erin Jachtel - CCRPC



**COSHOCOTON COUNTY
REGIONAL PLANNING COMMISSION**

23194 CR 621 ★ COSHOCTON ★ OHIO ★ 43812
PHONE: (740) 622-7776 FAX: (740) 623-6512

March 15, 2023

To: Mike Manning, Attorney

From: Fred Wachtel, CCRPC Director and
Coshocton County Engineer

Re: Subdivision Variance Request – Jeffrey A. and Kimberly Eick
Granted with Conditions

The CCRPC Executive Committee approved your request to transfer tracts 5 & 6 as shown on survey KEN-2-0112 with the condition that the tracts cannot be sold separately in the future.