

HARRISON TOWNSHIP
BZA
JUNE 27, 2017

Members present: Valerie Hans, George Snider, Dwight Gibson, Jr. and Douglas Harned.

Members absent: James Hannahs and Ryan Bailey.

Also present: Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Marilyn Martin of Anderson Reporting.

Guests: Helen and Ed Brabham, Carel and Bonnie Ellinger, Connie J. Klema (attorney for Front Porch Investments LLC), Jock and Janet Burns, Carol Marr, Rich and Carol Pierce, Lou Vanagas, Randy Colvin (Front Porch Investments LLC) and Herb and Tammie Wiard.

The purpose of this meeting is to consider a Variance Application submitted by Attorney Connie J. Klema on behalf of Front Porch Investments, LLC. The applicant is requesting to divide a property located at 5535 York Rd. Pataskala, OH 43062 into five residential lots.

The Public Hearing was called to order at 6:30 pm by Valerie Hans with all standing for the Pledge of Allegiance.

Ms. Hans asked the court reporter to swear in all who wished to speak at tonight's hearing.

The application was read.

Ms. Hans asked Ms. Klema for a statement. Ms. Klema said she wrote the narrative submitted with the application and said it covered the details in the application. She did add that the joint access for the properties would be recorded.

Ms. Hans informed the board and the applicants that due to being an adjoining/adjacent property owner she would not be voting on the decision for this application.

Mr. Frederick's report/recommendation:

Harrison Township Zoning Inspector's report & recommendation for the variance request submitted by Connie J. Klema on behalf of Front Porch Investments LLC. for 5535 York Rd. Pataskala, Ohio 43062. The current property owner is Ronald C. Burns. This 86+ acre lot has 168 ft. of road frontage and a lot depth

of 4000+. Currently there is a single-family dwelling and a pole barn on the property. There are no other structures on the property.

Front Porch Investments is proposing to purchase the 86 acres. Connie J. Klema is the agent for the requested variance from the Harrison Township Zoning Resolution. The applicant is requesting to subdivide the 86-acre lot into five (5) proposed lots.

Three (3) of the proposed lots (5+ acres each) would each have 10 feet of road frontage.

The 71+ acre lot would have 30 feet of road frontage.

The fifth lot (0.75 acres) would have 108 feet of road frontage with the existing single-family dwelling using the existing driveway for access. All other lots would access the proposed lots by a shared/common driveway from York Rd.

This recommendation will follow the requirements of Article 4 – Section 4.12- #2 Area Variance of the Harrison Township Zoning Resolution. This Section states the factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property including but not limited to:

a. whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

This property has been for sale for some time. This lot does have enough road frontage and acreage for one single family residence.

b. whether the variance is substantial.

The property is zoned Agricultural (AG). The Ag zoning district requires a minimum lot area of 45,000 square feet and lot width (road frontage) of 150 feet.

Lot 1 (0.75 acre) is proposed to have 108 feet of frontage.

Lots 2, 3 and 4 (5 acres in size) are proposed to have 10 feet of road frontage each.

Lot 5 (71+ acres) is proposed to have 30 feet of road frontage.

c. whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

I do not believe the essential character of the neighborhood would be substantially altered or suffer a substantial detriment.

d. whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, medical, fire, police).

I do not see this as an issue if the proposed lots have specific house numbering located on each proposed lot and the 4 lots utilizing the proposed shared driveway have a common address signage at York Rd. This is one of the recommendations of the West Licking Fire District.

e. whether the property owner purchased the property with knowledge of the zoning restrictions.

The applicant has not purchased the property but does have a purchase contract subject to the outcome of the variance request.

f. whether the property owner’s predicament feasibly can be prevented or corrected through some other method other than a variance.

The applicants could purchase the property and use the existing house on the 86 acres without a variance or could purchase the property and develop a new road within the 86 acres to access the proposed lots.

g. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The issue is the amount of road frontage for the proposed lots and the shared driveway being proposed to access the proposed lots. I am aware that there are other lots within Harrison Township that have multiple lots with a small amount of road frontage and use a shared driveway but I believe most of the lots were subdivided before the current Township & County regulations.

It would be my recommendation to deny the variance request as submitted.

I would recommend the variance application be approved if the following conditions were conditions of approval:

1. The 60 feet of road frontage for lots 2 thru 5 be equality divided between the lots. Not three 10 feet frontages and one 30 feet frontage. That means lots 2 thru 5 would have 15 feet of frontage each.
2. All recommendations of the West Licking Fire District are followed concerning the driveway construction and addressing. Such driveway and addressing issues be approved by the Fire District. I have attached an email from Chad Harrison – West Licking Fire District – Fire Prevention Officer/ Investigator concerning these issues.
3. The proposed shared driveway easement must be reviewed and approved by the Harrison Township Zoning Inspector. This easement shall have a statement within it that states Harrison Township has no interest or liability in such shared driveway easement.

Thomas D. Frederick Harrison Township Zoning Inspector

Mr. Frederick shared an email from Chad Harrison of West Licking Fire District. The Fire District recommendations for this proposal are:

1. The Driveway must be a durable surface that will support upwards of 70,000 pounds. Also with this the roof clearance from trees and branches needs to be 12-foot minimum. Care should be

taken to not make the driveway too technical I; E avoid sharp transitions from horizontal and hard turns. Keep in mind the size and turning radius of our trucks

2. The addresses need to be clearly marked at the road and with a shared driveway, addresses need identified at the turn off for each residence. This will avoid confusion at the time of an emergency

Ms. Klema stated they are fine with Mr. Frederick's recommendations.

Mr. Harned asked if the applicant had considered buying more property from an adjoining property so the frontage could be increased. Mr. Colvin of Front Porch Investments LLC answered the adjoining is not for sale. Ms. Klema said they are dealing with the property listed in the application. She also felt that more access points on York Road would create problems. The shared driveway situation would be safer. Mr. Frederick added that the property Mr. Harned referred to could be in a flood plain.

Mr. Snider asked why the driveway access points were not equally divided. Ms. Klema answered the applicant is agreeable to the suggestions presented.

Motion by Ms. Hans to approve the application with the following conditions:

1. Lots 2,3, 4 and 5 will have a deeded shared access driveway easement with each having 15' of frontage each.
2. All 5 lots will have address signage clearly visible on main structure. Lots 2,3,4 and 5 will have common address signage clearly visible at the shared driveway ingress/egress on York Rd. Addresses will also be clearly marked at each turn off point to the residence. All driveway and addressing will be approved by the West Licking Fire District.
3. Driveway will be constructed of a durable surface that will support upwards of 70,000 lbs. The roof clearance from trees and branches needs to be at least 12' minimum. Care should be taken to not make the driveway too technical i.e. avoid sharp transitions and hard turns. Keep in mind the size and turning radius of the Fire and EMS vehicles.
4. The proposed shared driveway easement must be reviewed by the Harrison Township Zoning Inspector. This easement shall have a statement within it that states Harrison Township has no interest or liability in such shared driveway easement.
5. West Licking Fire District will have final approval on the driveway design, materials, addressing, and turning radii.

Seconded by Mr. Harned

Vote:

Valerie Hans..... Abstain George Snider.....yes

Dwight Gibson, Jr.yes Douglas Harned..... Yes

The motion passed with three yes votes.

At 7:11 pm Mr. Harned moved to end the public hearing. Mr. Snider seconded. The motion passed with unanimous ayes.

A working session began at 7:30 pm.

Mr. Harned moved to approve the minutes of the April 25, 2017 Public Hearing and meeting. Ms. Hans seconded. The motion passed with unanimous ayes.

The board reviewed Article 4 Administration from the Harrison Township Zoning Resolution. They will look over this article and some suggestions for updates. The board members agreed to make notes and submit suggestions for changes by August 1, 2017. These suggestions will be passed onto the Harrison Township Zoning Commission for consideration.

At 8:02 pm Mr. Gibson moved to adjourn. Mr. Harned seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

The Public Hearing was professionally recorded by Anderson Reporting