

HARRISON TOWNSHIP BZA
October 6, 2020

Members present: Jeremy Nestor, Rick Biniker, Jack Treinish, John McGowan, and Gerald Saffo.
Also present: Valerie Hans, Zoning Inspector and Vickie Noble, Zoning Secretary
Absent: Rachael Mattis Bissett (Gerald Saffo will be a voting member)
Present for the Public Hearing: Marilyn Martin of Anderson Reporting.

Guests: John W. Sharp III (applicant), Brian Thompson, Cricket Such, Tom Such, Danny Bailey,
Luke Ford, Joann Askoff, Jason & Ellen VanDyne

The meeting was called to order by Jeremy Nestor, Vice Chair, at 6:30 pm with all standing for the Pledge of Allegiance.

Due to the appointment of Valerie Hans to the position of Harrison Township Zoning Inspector, there needs to be a new chair to serve for the remainder of 2020.

Mr. Biniker nominated John McGowan to serve as chair. Mr. McGowan declined the nomination. Mr. Treinish nominated Rick Biniker. Mr. McGowan seconded.

Vote:

Jeremy Nestor-yes, Jack Treinish-yes, John McGowan-yes, Gerald Saffo-yes, Rick Biniker-yes.
Mr. Biniker will serve as chair with Jeremy Nestor as Vice Chair and Jack Treinish as Alternate Secretary.

Mr. McGowan moved to approve the minutes from June 15, 2020. Mr. Saffo seconded.
The motion passed with unanimous ayes.

Ms. Noble asked the board to approve corrections to the January 8, 2020 minutes.
Dates for the heading and the approved minutes need to be corrected.

Mr. Treinish moved to allow the corrections. Mr. Biniker seconded. The motion passed with unanimous ayes.

Ms. Hans gave the board some information about a possible Variance Application.
If needed a Public Hearing will be scheduled for October 27, 2020.

A Public hearing was called to order at 7:00 pm by Rick Biniker with all standing for the Pledge of Allegiance. Mr. Biniker asked all who wished to speak to remain standing and be sworn in by the Court Reporter.

The purpose of this public hearing is to consider a Variance Application submitted by Banded Brothers, LLC for property located at 4905 National Rd. Kirkersville, OH 43033. The applicants are planning to build a house and are requesting a 10' variance from the 150' required minimum at the building line.

Mr. Biniker read the application and all pertinent material with the application.

John W Sharp with Banded Brothers said he was not aware of the 150' requirement. He has spoken with Ms. Hans about the situation and believes it would be beneficial to build on top of the ridge out of the floodplain.

Ms. Hans' Report:

October 6, 2020

Harrison Township Zoning Inspector's report and recommendation for a variance application for 4905 National Rd. (aka Tract 2), Hebron, Ohio 43025 submitted by Banded Brothers, LLC.

The variance application is for the development of a 2.38 +/- acre residential lot otherwise known as Tract 2 of 4905 National Rd., Hebron, Ohio 43025. The property owners also own Tract 1 and the remaining 4905 National Rd. acreage to the south of tract 1 and 2. However, tract 1 and the remaining are not included as part of this variance request.

The applicant is requesting a 10' variance in the width of the lot at the building line to allow the buyer of the lot to build a home on the top of the ridge. Presently, the lot has a 138' width on the National Road side and 150' width on Kirkersville Cemetery Drive. However, due to the location of the floodplain on the property, the 150' width at the building line on the National Road side would be on the south side of the ridge. When the best, most appropriate place to construct a home, while keeping in consideration the desire to stay out of the floodplain, would be on top of the ridge.

*This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section **4.12 a-g Variance**. The Board of Zoning Appeals shall review the particular facts and circumstances of this area variance in terms of the following standards and shall find adequate answers to the questions that establish the criteria for establishing practical difficulty in the use of the property.*

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

The property could be used without a variance; however, the safety of the structure could be jeopardized if built according to the existing 150' at the building line zoning requirement as

that would place the structure on the back side of the ridge downhill and much closer to the floodplain area of the property.

b. Whether the variance is substantial.

The variance is not substantial as it reflects a 6.66% (10') variance from the 150' minimum width at the building line.

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.

The essential character of the neighborhood would not be substantially altered, as there are existing homes next door and across the street from the lot. They would not suffer substantial detriment as the existing homes built in the area are the same or closer distance to the roadway.

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

This variance will not influence delivery of any governmental services as it does not change the ability for those services to reach existing or proposed new residences.

e. Whether the property owner purchased the property with knowledge of the zoning restriction.

The property owner stated that they were not aware of the zoning restriction when they purchased the property.

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

Without a variance, the property owner would need to request a flood plain permit to build a residential home in the floodplain to meet the 150' minimum width at the building line.

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

The spirit and intent behind the zoning requirement would still be observed and substantial justice would be done by granting the variance as it will promote a safer building location on the site.

Zoning Inspector's Recommendation

I would recommend the following consideration for this variance if considering approval.

1. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

Valerie L. Hans Harrison Township Zoning Inspector

Harrison Twp. Board of Zoning Appeals
October 6, 2020

Final - Approved

Mr. Biniker asked if the board had any questions or comments.

Mr. Biniker asked if there would be a requirement for flood insurance if the house was built on the ridge. Mr. Sharp said he would be out of the flood plain and not need flood insurance.

Mr. Biniker asked for questions or comments from the floor.

Brian Thompson of HER realtors commented that the plans are to build the house at an angle and would be out of the floodplain.

Ellen Van Dyne said she had questions but all had been answered with the information already presented.

Mr. McGowan moved to approve the application as submitted with the condition that the applicant comply with all other requirements of the Harrison Township Zoning Resolution.

Mr. Treinish seconded.

Vote:

Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes, Gerald Saffo-yes

Mr. Biniker closed the public hearing at 7:16 pm

Respectfully submitted

Vickie Noble, Zoning Secretary

Rick Biniker, Chair

The Public Hearing was professionally recorded by Anderson Reporting