

HARRISON TOWNSHIP  
BZA  
JUNE 25, 2024

Members present: Ricky Biniker, Jack Treinish, John McGowan, and Alternates Stephen Clegg and Mark Motz. Absent: Ryan Bailey and Jeremy Nestor. Alternates Stephen Clegg and Mark Motz will be a voting members

Also present : Valerie Hans- Zoning Inspector, Vickie Noble- Zoning Secretary and Gayle Anderson of Anderson Reporting (Veritext).

Guests: No guests

The purpose of the Public Hearing is to consider a Variance Application submitted by Aaron Dawson. The applicant is requesting a front setback variance of 8 feet at 5841 Watkins Rd. SW Pataskala, OH 43062 to allow the applicant to rebuild the front porch and fix a foundation issue.

Parcel # 025-068952-00.000 Application # 2024-01

Ricky Biniker called the meeting to order at 6:03 p.m. with all standing for the Pledge of Allegiance.

Mr. Biniker asked Ms. Noble to read the application and attached information.

The board was given a copy of the Zoning Inspector's report.  
Stephen Clegg moved to accept the report and to record it with the minutes.  
Mr. Biniker seconded the motion.

Vote: Ricky Biniker-yes, John McGowan-yes, Jack Treinish-yes,  
Stephen Clegg-yes, Mark Motz-yes.

The motion passed unanimously.

Zoning Inspector's Report

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*June 25, 2024*

*Harrison Township Zoning Inspector's report and recommendation for a variance application for 5841 Watkins Rd., S.W., Pataskala, Ohio 43062 submitted by Aaron Dawson.*

*The applicant is requesting permission to remove and rebuild a front porch 32 feet from the front property line. The home was constructed in 1957 prior to zoning codes being enacted in Harrison*

Township. The home at its closest point sits 24 feet from the front property line. The front door of the home sits 39.9 feet from the front property line.

This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section **4.12 2. a-g Area 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 in question is presently used for their residential home. The property is 5.38 +/- acres in size on narrow, deep rectangular lot. The property would still yield a reasonable return and have a beneficial use without a variance.

**b. Whether the variance is substantial.**

The property is zoned Agricultural (AG). The AG zoning district requires a front yard setback of 40 feet from the front property line. The variance is not substantial as it reflects a 20% (8 foot) variance from the 40-foot minimum front yard setback.

**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. The neighborhood is comprised of homes and condominiums with significant tree growth and buffering in various locations on the properties.

**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 residences.

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

The property owner was not aware that the home did not meet current front yard setbacks. He contacted me to apply for a zoning permit to rebuild his front porch allowing him to also repair the foundation issues including replacement of a window under the front porch and learned that I could not issue the zoning permit as he could not meet front minimum setbacks.

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

No, the property owner would not be able to rebuild the front porch allowing him to repair his foundation issues without a front setback variance.

*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 use that is in harmony with the existing residential uses in the neighborhood.*

**Zoning Inspector’s Recommendation**

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

- 1. That the front porch be permitted to have a front setback of 32 feet which reflects an 8-foot variance.*
- 2. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.*

*Respectfully submitted, Valerie L. Hans Harrison Township Zoning Inspector*

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Mr. Biniker asked if the work was going to be done by the applicant or a contractor.

Ms. Hans said the applicant will be doing some work, but the foundation will probably be done by a contractor.

Jack Treinish said he drove by the property and does not have a problem. He said this would be considered a hardship. Steve Clegg also drove by and agrees with Mr. Treinish.

Ms. Hans said she has spoken with several residents. None had a problem with the applicant’s request.

Mr. Treinish moved to approve the application with the conditions recommended by the Zoning Inspector.

Conditions:

1. That the front porch be permitted to have a front setback of 32 feet which reflects an 8-foot variance.
2. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution

Mr. Clegg seconded the motion.

Vote: Ricky Biniker-yes, John McGowan-yes, Jack Treinish-yes,  
Stephen Clegg-yes, Mark Motz-yes.

The motion passed unanimously.

At 6:13 p.m. Mr. Clegg moved to adjourn the public hearing. Mr. Treinish seconded.  
The motion passed with unanimous ayes.

A working session began at 6:14 p.m.

Harrison Twp. Board of Zoning Appeals  
June 25, 2024

Final - Approved

The board was given copies of the Harrison Township Zoning Resolution revised articles.

Mr. Clegg moved to approve the January 16, 2024 minutes. Mr. McGowan seconded.  
The motion passed with unanimous ayes.

Ms. Hans updated the board on zoning issues in the township.

At 6:45 Mr. Biniker closed the working session.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

*The Public Hearing was professionally recorded by Anderson Reporting (Veritext)*