

HARRISON TOWNSHIP
BZA
OCTOBER 8, 2024

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

Alternate Stephen Clegg will be a voting member

Also present : Valerie Hans- Zoning Inspector, Vickie Noble- Zoning Secretary and Marilyn Martin- Spectrum Reporting.

Guests: Geoff Ebeling and Grace Wyman

The purpose of the Public Hearing is to consider a Variance Application submitted by Joseph Wyman and Grace Burton, 3567 York Rd. Pataskala, OH 43062. The applicants are requesting a rear setback variance of 23 feet to allow them to repair and rebuild the rear porch, basement stairs and back foundation.

Parcel # 025-072198-00.000 Application # 2024-02

Ricky Biniker called the meeting to order at 6:00 p.m. with all standing for the Pledge of Allegiance.

All who wished to speak were sworn in by the court reporter.

Mr. Biniker presented the application and attached documents.
The applicant had nothing to add.

Zoning Inspector's Report

October 8, 2024

Harrison Township Zoning Inspector's report and recommendation for a variance application for 3567 York Rd., S.W., Pataskala, Ohio 43062 submitted by Joseph Wyman and Grace Burton.

The applicant is requesting a 23-foot rear setback variance to repair and reconstruct the basement stairs and back foundation of the house. The home was constructed in 1938 prior to zoning codes being enacted in Harrison Township. The home at its closest point sits 23 feet from the rear property line. The lot is 600 feet wide and shallow, being only 75 feet deep from front to back property line at the northern edge of the home.

*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*

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Final - Approved

answers to the questions that establish the criteria for establishing practical difficulty in the use of the property.

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.

The property in question is presently used for their residential home. The property is 1.697 +/- acres in size with it being a wide, shallow 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 rear yard setback of 50 feet from the rear property line. The variance is substantial as it reflects a 46% (23 foot) variance from the 50-foot minimum rear 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 in a rural setting with significant acreage, 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 owners were not aware that the home did not meet current rear yard setbacks. They contacted me to apply for a zoning permit to repair foundation issues, reconstruct their basement stairs, and rear porch and learned that I could not issue the zoning permit as they could not meet rear 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 owners would not be able to rebuild the rear, basement stairs, and address the foundation issues without a rear 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 area.

Zoning Inspector's Recommendation

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

1. *That the rear basement stairs and porch be permitted to have a rear setback of 27 feet which reflects a 23-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

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

Steve Clegg asked how bad the water issue was. Ms. Wyman said there was water under the foundation and during the spring rains the basement had 2” of water.

Mr. Clegg asked when this property was split. Ms. Hans didn’t have a date but stated that it had been many years. One option could have been to purchase some property from a neighbor but that was not possible. Geoff Ebeling the adjacent property owner said he had recently purchased the property and selling a portion was not an option. He did not oppose the request for the variance.

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

Conditions:

1. That the rear basement stairs and porch be permitted to have a rear setback of 27 feet which reflects a 23-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, Ryan Bailey-yes, John McGowan-yes, Jack Treinish-yes, Stephen Clegg-yes.

The motion passed unanimously.

At 6:14 p.m. Mr. Clegg moved to adjourn the public hearing. Mr. Treinish seconded. The motion passed with unanimous ayes.

A working session began at 6:15 p.m.

The board discussed changing the meeting time to 7:00 p.m.

This change is needed due to availability of court reporters. The company previously used by the township has been sold and a new company will be providing court reporters.

Mr. Clegg moved to change the meeting time to 7:00 p.m. Mr. Bailey seconded.

The motion passed with unanimous ayes.

Mr. Biniker moved to approve the June 25, 2024 minutes. Mr. Clegg seconded.
The motion passed with unanimous ayes.

At 6:19 Mr. Biniker moved to adjourn. Mr. Clegg seconded.
The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Spectrum Reporting