

HARRISON TOWNSHIP  
BZA  
August 20, 2025

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

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

Guests: David and Linda Percival, Adam and Cathy McDowell, Paul and Amanda King, Michael Wilson (applicant), Tiffany Smith (applicant), Laci Boyd (applicant), Toni Phillips, Mark and Karen Bishop, John Burr, Jerrad Smith, Richard Haughton, Amanda Wright, Travis Howard, Lindsey Peterman, M McCoy, Valerie Scanlon, Ron and Ruth Sharpe, Justin and Meredith Miller, Lindsay Paugh, Kyle Paugh, Joseph J. Baldwin, Debora M. Baldwin, Brian Fenneken, Shawn Gyure, Tasha Cosnelle, Amber Winner, Scott Dunbar, John and Tammy Verhovec, Eric Conkey, Larissa Kincaid, Bruce Warthen, Amber Hayes.

The purpose of the Public Hearing is to consider two applications.

The first is a Variance Application submitted by Michael Wilson for 4821 Hazelton-Etna Rd. SW Pataskala, OH 43062. The applicant is requesting to reconfigure two parcels of land. The second is a Conditional Use Application submitted by Sunny Smiles Daycare, LLC. The applicant is requesting to operate a daycare center at 6621 Outville Rd. SW Pataskala, OH 43062.

Ricky Biniker called the meeting to order at 7:05 p.m. with all standing for the Pledge of Allegiance.

Variance Application submitted by Michael Wilson for 4821 Hazelton-Etna Rd. SW Pataskala, OH 43062. The applicant is requesting to reconfigure two parcels of land. Application # 2025-03 Parcel # 025-068676-01.000

Mr. Biniker read the application and attached documents.

Mr. Biniker asked all who wished to speak tonight to be sworn in by the Court Reporter.

Michael Wilson said he is relocating to North Carolina and wants to split the property so he can keep the undeveloped wooded acreage in the back. He wishes to sell the property with the home.

Mr. Biniker asked Valerie Hans to give her report.

Zoning Inspector's Report

August 20, 2025

Harrison Township Zoning Inspector's report and recommendation for a variance application for 4821 Hazelton Etna Rd., Pataskala, Ohio 43062 submitted by Michael H. Wilson.

*The applicant is proposing to reconfigure his 22.37-acre 2 parcels into one residential lot with a home and one vacant residential lot, 4.59 +/- and 17.8 +/- acres in size. The lot with the existing home presently has 56 feet of road frontage while the additional lot will have 60 feet of road frontage which is available off Apple Blossom Rd. The property is located in the B-1, AG and R-15 zoning districts with a minimum road footage by code of 100 feet.*

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

*The property is already being used as a residence and a vacant lot and will continue to do so without a variance.*

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

*The property is zoned Business (B-1), agricultural (AG) and Residential (R-15). These zoning districts require a minimum road frontage of 150 feet and 100 feet and minimum lot width of 150 feet and 100 feet. The applicant presently has a 63% (94 foot) variance on the 4.59 +/- acre residential home lot. The applicant is proposing a substantial variance to have 60 feet of road frontage which reflects a 40% (40') variance from the 100-foot minimum road frontage on the 17.8 +/- acre on the vacant residential lot. The proposed lots exceed the minimum size of lots in the zoning districts in which they are located.*

**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 on similarly sized lots in the vicinity of this property. They would not suffer substantial detriment as the existing homes built in the area have similar road frontages.*

**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.***

*The applicant could not reconfigure the 22.37-acre lots into two reconfigured lots without the requested variance because the lot where the existing home is located only has 56 feet of road frontage.*

***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 reduced amount of road frontage for the proposed lot. I am aware that there are several other lots in Harrison Township with significantly less road frontage than what the applicant is proposing. Those lots also have shared driveways and had variances approved in the last 10 years. The spirit and intent behind the zoning requirements would still be observed and substantial justice would be done by granting the variance as it will promote use of the property while retaining the rural character of the area.*

**Zoning Inspector's Recommendation**

*If considering approval of this application, I would recommend the following conditions:*

- 1. That the road frontage for the proposed lots will be 56 feet for the 4.59 +/-acre lot and 60 feet for the 17.8+/-acre lot.*
- 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*

.....  
Ms. Hans read two letters (emails) from Mr. and Mrs. Nelson and Bruce and Barbara Warthen. Both are residents on Apple Blossom and are not in favor of the applicant's request for a variance.

Mr. Biniker asked for Board comments/questions.

Jack Treinish asked about the number of homes that could go on the second parcel. Ms. Hans said no additional homes can go on the second parcel. If the variance is approved one home can be built. Homes could be built following subdivision regulations.

Mr. Biniker asked for public comments from the floor.

Ron Sharpe is concerned about water on the property referencing Nationwide 13 (Army Corps of Engineers) concerning regulations on streams.

Shawn Gyure is concerned about property values.

Paul King is concerned that the applicant will sell to a developer for road access.

Lindsey Paugh doesn't think the request shows hardship therefore doesn't fall in line with rules. She is also concerned about water issues.

Richard Haughton asked if the property can be developed. Ms. Hans said anyone can go to the county for development.

Valerie Scanlon asked if the variance was not approved could the applicant still access. Ms. Hans said the property could not be split without a variance.

Kyle Paugh stated the applicant created his own hardship. He also showed the board pictures of frontage on Hazelton-Etna Road and Apple Blossom Road.

Joseph Baldwin accompanied by his Mother, Debora Baldwin, has concerns that Reserve A has a water course that runs through the property and his property. He asked if the waterway could be reviewed. He is also concerned about this issue if a subdivision were to go in. Ms. Hans said if a subdivision was proposed Licking County would review it.

Adam McDowell asked about the subdivision process. Ms. Hans explained the process and added that development does not change the Zoning.

Jeremy Nestor asked about the number of parcels. Ms. Hans said presently there are two parcels.

Mr. Bailey asked about the zoning on the parcels. Ms. Hans said the parcels have zoning for R-15, B-1 and Agriculture.

At 7:44 pm Mr. Biniker moved to go into Private Deliberation with board members and alternates. Mr. McGowan seconded. The motion passed with unanimous ayes.

At 8:11 p.m. Mr. Biniker moved to return to the Public Hearing and go back on the record. Mr. Nestor seconded. The motion passed with unanimous ayes.

Mr. Biniker moved to approve the application with the Zoning Inspector's recommendation:

1. That the road frontage for the proposed lots will be 56 feet for the 4.59 +/-acre lot and 60 feet for the 17.8+/-acre lot.
2. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

And the additional condition of planting 6-foot evergreens, 12 foot on center starting behind the public right of way along abutting properties in Reserve A.

Mr. Nestor seconded.

Vote: Ricky Biniker-No, Ryan Bailey-No, John McGowan-No,

Jeremy Nestor-Yes, Jack Treinish-No

With a vote of four No and one Yes the application was not approved.

There was a short break before the second application.

At 8:26 p.m. Mr. Biniker called the meeting to order for the second application.

The second is a Conditional Use Application submitted by Sunny Smiles Daycare, LLC. The applicant is requesting to operate a daycare center at 6621 Outville Rd. SW Pataskala, OH 43062.

Application # 2025-04 Parcel # 025-069438-00.001

Mr. Biniker read the application and attached documents.

Tiffany Smith, applicant, introduced Lacy Boyd the co-owner of Sunny Smiles Daycare, LLC. Ms. Smith read a statement about the current business and the plans for the business if approved for the Outville Rd. location.

Mr. Biniker asked Valerie Hans to give her report.

#### Zoning Inspector's Report

August 20, 2025

*Harrison Township Zoning Inspector's report and recommendation for a conditional use application, to use the property for a daycare center, at 6621 Outville Rd., Pataskala, Ohio 43062. The applicants are Tiffany Smith and Laci Boyd who are in contract to lease the property from Dezalovsky Investments LLC.*

*This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section 4.22 General Standards Applicable to All Conditional Uses. The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:*

***a. Is in fact a conditional use as established under the provisions for the Zoning District involved.***

*The property is currently zoned M-1. Manufacturing Districts, Conditional Use Section 16.2 provides for a Conditional Use Permit for any conditional use permitted in Article 15. A daycare center is a conditional use permitted in Article 15 B-1 Business District.*

- b. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or Zoning Resolution.**

*The future land use map shows this area as agricultural; however, the Harrison Township Zoning Resolution and Zoning Map show this property as M-1 Manufacturing.*

- c. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.**

*The applicant is planning to use the building and property for a daycare center. The applicant presently operates a successful home-based daycare at 50 Mechanic St, in Etna Township. The location they are considering in Harrison Township is surrounded by residential homes on all four sides. There are other businesses operating in the M-1 zoned part of this residential neighborhood.*

- d. Will not be hazardous or disturbing to existing or future neighboring uses.**

*The applicant states that they will have screened fencing to prohibit the children from being able to access the roadway and will limit the number of children to no more than 20 at one time. The daycare is open from 6:30am-5:30pm Monday-Friday. They state that they operate a clean, family-oriented daycare with minimal outside noise from children playing.*

- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.**

*Yes, this property is located directly on Outville Rd. The property is easily accessible to safety services. The property is served by public water and sewer.*

- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.**

*No, the property will be used with one building, have a paved parking lot with a fenced outdoor exercise area.*

- g. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.**

*The proposed use will not change the character of the neighborhood as there is already a business with similar daily operating habits located 125 feet to the south of this property in the M-1 portion of the residential neighborhood.*

- h. Will have vehicular approaches to the property, which need to be designed to not interfere with traffic on surrounding public thoroughfares.**

*The applicant plans to place their parking spaces in front of the property perpendicular to Outville Rd. There is no ability to have a curb to control ingress and egress at this site. The customers and employees*

will have to enter the parking space head in off Outville and then back out onto Outville Rd. This could present a potential traffic safety hazard.

**i. Will not result in the destruction, loss, or damage of natural, scenic, or historic feature of major importance.**

The conditional use request will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance as the property is flat, with a one story building and has minimal tree coverage.

**Zoning Inspector's Recommendation**

If considering approval of this application, I would recommend the following considerations.

1. That there will be no noise audible from outside of the business between the hours of 6:00pm and 6:30am.
2. That operating hours will be limited to 6:00am-6:00pm Monday-Friday.
3. That children will not be left outside unsupervised at any time.
4. That all exterior lighting will be angled downward to avoid light pollution onto neighboring properties.
5. That all parking areas on the site will be paved, including any area where employees may be parked.
6. That the applicant will comply with the Harrison Township Zoning Resolution, Licking County Regulations, including but not limited to, architectural review, signage, lighting, landscaping/buffering.

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

Ms. Hans read an email from property owner Dezalovski Ran, giving permission to apply for a Conditional Use at 6621 Outville Rd. Pataskala, OH 43062  
She also read a letter (email) from Kaysea Troutman opposing the Conditional Use request for a daycare at 6621 Outville Rd. Pataskala, OH 43062.

Mr. Treinish asked about the location of the lot line. Ms. Hans pointed it out on the map.

Mr. Biniker asked how many clients the daycare currently has. Ms. Smith said they currently have 15. The new location would allow 22 but she wants to keep it at 20.

Mr. Bailey asked about parking spaces. The drawing attached to the application shows front spaces and utilizes the side for employee spaces.

Mr. McGowan asked how many employees. Ms. Smith said there would be two, Ms. Smith and Ms. Boyd.

The applicant was asked if they would shuttle children to school. Ms. Smith said they would shuttle but only in the Southwest Licking District.

Mr. Treinish asked if there were any other options for parking. Ms. Hans said there were not.

Mr. McGowan asked about the current location drop off and any problems. Ms. Smith said the clients are dropped off at different times. Some are siblings coming in the same drop off. Ms. Smith said they are open to anything they could do to help with safety issues.

Mr. Bailey asked about regulations for the number of parking spaces required. Ms. Hans said the code states one space for every fifteen clients and one per employee.

Mr. Biniker asked for public comments from the floor.

Amber Winner is concerned about clients taking parking spots in front of residents homes. She doesn't want to be blocked in and not be able to leave or use her parking space.

Tasha Casnelle is concerned about the safety of people backing out. She is also concerned about fencing in the back.

Larissa Kincaid has a son that goes to Sunny Smiles Daycare. She has no problems with drop off at the current location.

Mr. McGowan asked if the fence on the side was a privacy fence. Ms. Smith said it was. Ms. Hans added that the fence comes out into the right-of-way.

Mr. Treinish asked about the minimum parking spaces required. Ms. Hans said the minimum is one per fifteen clients and one per employee. The minimum required for this application would be four and the applicant will have six.

At 9:00 p.m. Mr. Biniker moved to go into Private Deliberation with board members and alternates. Mr. McGowan seconded. The motion passed with unanimous ayes.

At 9:12 p.m. Mr. Biniker moved to return to the Public Hearing and go back on the record. Mr. McGowan seconded. The motion passed with unanimous ayes.

Mr. McGowan moved to approve the application with the Zoning Inspector's recommendations. The recommendations:

1. *That there will be no noise audible from outside of the business between the hours of 6:00pm and 6:30am.*
2. *That operating hours will be limited to 6:00am-6:00pm Monday-Friday.*
3. *That children will not be left outside unsupervised at any time.*
4. *That all exterior lighting will be angled downward to avoid light pollution onto neighboring properties.*
5. *That all parking areas on the site will be paved, including any area where employees may be parked.*
6. *That the applicant will comply with the Harrison Township Zoning Resolution, Licking County Regulations, including but not limited to, architectural review, signage, lighting, landscaping/buffering.*



Mr. Biniker seconded.

Vote: Ricky Biniker-Yes, Ryan Bailey-Yes, John McGowan-Yes,  
Jeremy Nestor-Yes, Jack Treinish-Yes

The application was approved with a unanimous yes vote.

Mr. Biniker closed the public hearing at 9:14 p.m.

A working session began at 9:15 p.m.

The board agreed to meet on Friday August 22, 2025 at 3:00 p.m. to approve the minutes of the August 20, 2025 Public Hearing and meeting.

Mr. Biniker moved to approve the minutes from July 10, 2025. Mr. Nestor seconded. The motion passed with unanimous ayes.

At 9:20 pm Mr. Biniker closed the meeting.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

*The Public Hearing was professionally recorded by Marilyn Martin*