

HARRISON TOWNSHIP
BZA
JULY 8, 2025

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

Alternates Stephen Clegg and Mark Motz will be voting members.

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

Guests: Allen and Kristin Lewis, Ted Walker, Johnny Cremeans, Daniel King, David Watkins, Bryce Ramsey, Nick Cavalaris, Lee S., Brenda Byers, Jean Cea, Roger and Rhonda Legg, Carolyn Carnes, Joe Munhall.

The purpose of the Public Hearing is to consider an appeal filed by Allen T. Lewis. The applicant is appealing the denial of a permit for a Home Occupation at 7676 Smoke Rd. Pataskala, OH 43062 (Parcel # 025-069054-00.16)

Ricky Biniker called the meeting to order at 7:01 p.m. with all standing for the Pledge of Allegiance.

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.

Nick Cavalaris, counsel for the applicant, gave the board a written statement with attachments. He summarized by saying the applicant meets the elements of Home Occupation and thinks the Zoning Inspector's decision is erroneous.

Allen Lewis stated that he is a physician that treats kids with special needs. His practice will not be high volume. He will be seeing three patients a day for three days a week. Some patients are seen by telehealth.

Mr. Biniker asked Valerie Hans to give her report.

Zoning Inspector's Report

July 7, 2025

Harrison Township Zoning Inspector's staff report on a BZA appeal for 7676 Smoke Rd., S.W., Pataskala, Ohio 43062 submitted by Allen T. Lewis. The applicant requested a home occupation permit for a medical practitioner's office to be operated out of his residential home located at the above stated address. After reviewing the application and comparing it to the requirements of our home occupation permit definition, I denied the zoning permit for a home occupation based on our code requirements.

*This staff report will follow the requirements of the Harrison Township Zoning Resolution **Article 3 Definitions Home Occupation**. The Board of Zoning Appeals shall review the particular facts and circumstances of this BZA appeal of the following standards and shall find adequate answers to the questions regarding the use of the property.*

Article 3 DEFINITIONS HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

- 1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.*
- 2. The use of part of a dwelling unit or part of an accessory building to the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in conducting the home occupation.*
- 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, not illuminated and mounted flat against the wall of the principal building.*
- 4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution and shall not be located in a required front yard.*
- 5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property lines of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, or telephone receivers off the premises, or causes fluctuations in line voltage off the premises.*

- 1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.***

The home occupation permit application stated that the applicant and his wife would be the only people engaged in the home occupation.

- 2. The use of part of a dwelling unit or part of an accessory building to the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in conducting the home occupation.***

The home occupation permit application stated that the home occupation would comprise 20% of the total floor area of the structure.

- 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, not illuminated and mounted flat against the wall of the principal building.***

Upon visual inspection of the property, the home has visible exterior evidence of a business being run on the property. Concrete handicapped sidewalks with railings were installed. A freestanding "Handicapped Visitor Parking" sign, a freestanding "Visitor Parking" sign and wall mounted "Private Driveway STOP Visitor Parking on the right in designated area only please" sign.

- 4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution and shall not be located in a required front yard.***

When calculating the trips per week to and from this property for business use, I used the information provided on the application for 3 client visits per day, 4 days per week for a total of 24 ingress and egress trips per work week. A normal 5-day work week with 2 adults leaving home would equate to 20 ingress and egress trips per work week. This is 17% more trips per week without calculating any trips for the property owners personal use at all.

- 5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property lines of the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, or telephone receivers off the premises, or causes fluctuations in line voltage off the premises.***

I have not observed any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property lines of the dwelling unit.

The spirit of the Zoning Resolution shall be observed.

This appeal request does not support the spirit of the zoning resolution as it would be adding a medical practitioner's office into a residential neighborhood with a shared residential driveway.

Based on this information, I denied the application as it did not meet criteria of #3 and #4 of the Home Occupation Definition. I hope that this information will help you in determining how you would like to proceed with this application.

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

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In addition to her report, Ms. Hans gave the board copies of pictures showing signs on the property indicating visitor, handicapped and private parking areas.

Ms. Hans shared that she had received calls from residents saying the applicant was continuing to operate the medical office. A copy of a violation letter sent to the applicant on June 18, 2025 was shared with the board. Ms. Hans also shared a notarized letter from Mark Brandum, a neighbor who opposes the approval of the Home Occupancy permit. Mr. Brandum could not attend the public hearing but asked that his letter be shared.

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

Stephen Clegg asked about zoning for medical offices. Ms. Hans said it was a permitted use in the B-1 district. Mr. Clegg asked the homeowner if the improvements to the property were added after he moved in. Dr. Lewis said yes, they were added after he moved in. Mr. Clegg noted that Dr. Lewis stated he is semi-retired. Mr. Clegg questioned if the permit was approved would the office be operated as a full-time practice.

Mr. Clegg questioned the square footage, percentage and location of the office. Mr. Cavalaris said they would go with the original numbers on the application. Dr. Lewis said the office was on the main level of the home.

Mr. Biniker asked if approved would there be a zoning change. Ms. Hans said there would be no effect on zoning.

Questions and Comments from the Floor

David Watkins, representing Daniel King neighbor of the applicant, stated that Mr. King is opposed to the Home Occupancy and if the permit is granted, Mr. King would be appealing the decision in Common Pleas Court. He gave the board copies of the Licking County On Trac Maps showing the properties and shared driveways. The shared driveway to 7676 Smoke Road goes past

Mr. King's property. He stated there has been an increase in traffic and also changes in the outside of the building.

Mr. Watkins asked Dr. Lewis when he moved to 7676 Smoke Road. Dr. Lewis said two years ago. He asked about the volume of patients and employees. Dr. Lewis said the patient volume had significantly reduced from the full-time practice to the home office. There were nurse practitioners at the full-time practice but none at the home office. The home office has an exam room and no staff.

Mr. Watkins asked Mr. King to look at the On Trac Maps and explain the area. Mr. King said the driveways are residential. He also said he has cattle and chickens and is concerned about the animals and liability.

Mr. Cavalaris asked Mr. King if he operated any business at his address since it was zoned B-1. Mr. King said he did not. He works in Columbus.

Mr. Cavalaris asked Mr. King about the shared driveway agreement. Jeremy Nestor asked when the agreement was made. Mr. King said the agreement was in effect before he bought the property.

Brenda Byers owns the property beside the shared driveway. She has noticed increased traffic. She is concerned the approval of the Home Occupation would open doors to businesses.

Mark Motz asked if she knew about the Medical Practice and the Home Occupation request. She said she did not until she received a letter about the public hearing. She said she had questioned what was happening with the increase in traffic.

At 7:51 pm Mr. Clegg moved to go into Private Deliberation. Mr. Nestor seconded. The motion passed with unanimous ayes.

At 8:08 pm Mr. Clegg moved to return to the Public Hearing and go back on the record. Mr. Motz seconded. The motion passed with unanimous ayes.

Mr. Nestor asked Dr. Lewis if anyone was present to support him. Dr. Lewis said no.

Mr. Clegg moved to uphold the Zoning Inspector's decision. Mr. Biniker seconded.

Vote: Ricky Biniker-yes, John McGowan-no, Jeremy Nestor-no, Stephen Clegg-yes, Mark Motz-yes. The vote was three yes and two no votes.

At 8:10 pm Mr. Clegg moved to close the Public Hearing. Mr. Biniker seconded. The motion passed with unanimous ayes.

A working session began at 8:14 pm.

Mr. Clegg moved to approve the minutes from February 18, 2025. Mr. Biniker seconded. The motion passed with unanimous ayes.

The board agreed to meet on Thursday July 10, 2025 at 5:30 pm to approve the minutes of the July 8, 2025 Public Hearing and meeting.

Ms. Hans gave some township updates.

At 8:28 pm Mr. Biniker moved to adjourn. Mr. Nestor seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Marilyn Martin