

HARRISON TOWNSHIP
BZA
September 16, 2025

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

Also present : Valerie Hans- Zoning Inspector, Vickie Noble- Zoning Secretary, Bryce Ramsay- Licking County Prosecutor's office and Marilyn Martin- Court Reporter.

Guests: David Percival, Diane Arps, Larry and Elli Lippencott, Tom and Judy Kosciuszko, Ron Sharpe, Michael Wilson (applicant), Lisa and Jack Winland, Paul and Amanda King, Marc Scanlon, Aryn Thomson, Brian Fenneken, Shawn Gyure, Melinda Neslon, Dale and Gloria Weber, Nate Wright, Kyle Paugh, Julie and Tom Maurer, Aaron Warthen, Nolun Warthen, Bruce Warthen, David Morin

The purpose of the Public Hearing is to reconsider 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.

Application # 2025-03 Parcel # 025-068676-01.000

Ricky Biniker called the meeting to order at 7:05 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.

Michael Wilson gave a statement:

He is relocating to North Carolina due to family illness but wants to come back to hunt on the land and to build a house. He knows he could have developed the property into a subdivision and has been approached by a developer to buy and develop. He does not want to develop himself or to sell to a developer. He also stated that he could annex into Pataskala but does not want to choose that option.

Mr. Biniker asked Valerie Hans to give her report. (Report from August 20, 2025)

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 added that she had received several letters (emails) from residents.

1. Kathy Oldham 263 Apple Blossom Rd. SW Pataskala, OH43062
She is opposed to the applicant's request.
2. Lindsay Paugh 398 Apple Blossom Rd. SW Pataskala, OH 43062
Contests the Variance Application and states several reasons.
3. Adam McDowell 22 Peach Blossom Rd. SW Pataskala, OH 43062
Opposed to the Variance
4. Mark and Karen Bishop 354 Apple Blossom Rd. SW Pataskala, OH 43062
Questions about a nature preserve and stream. Enclosed three pictures; however, the pictures would not print to show the nature preserve and stream.
5. Bruce and Barbara Warthen 71 Apple Blossom Rd. SW Pataskala, OH 43062
Asked the request be denied.

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Final - Approved

Questions from the Board

Ricky Biniker asked Mr. Wilson to elaborate on his statement about annexation into Pataskala. Mr. Wilson said he wanted the variance to maintain the integrity of the Agriculture zoning. If he sells to MI it would be annexed into Pataskala. He does not want to do that.

Stephen Clegg asked about MI approaching the applicant. Mr. Wilson stated they are developers.

Questions from the Floor, Public Comments

Ron Sharp made reference to a stream and regulations from Section 404 of the Army Corp of Engineers.

Julie Maurer wanted to get clarification on Mr. Sharps concerns.

Mr. Biniker said this was something we can't control. Mr. Clegg added the hearing is to consider a variance for road frontage (60' instead of 100') to be able to do a lot split. The township has no knowledge or jurisdiction over streams.

Amanda King disagrees with the Zoning Inspector's report.

Marc Scanlon questions why we are here. He also questions the purpose of intent which can be changed on a dime. He stated that all the neighbors are against the variance request. He is not in favor of the variance request.

Mr. Scanlon questioned the process of how decisions are made and how much weight the zoning inspector's report has.

Board responses

Mr. Clegg answered that the board looks at the zoning codes.

Mark Motz : everyone is unique. The board weighs the factors and looks at the situation.

Brian Fenneken asked if the applicant could use a different access point. Mr. Clegg said another access is not available at this time.

Tom Maurer said if other points are not ready yet then there is no other option. Mr. Biniker also stated that this is not an option.

Ms. Hans added that the applicant wants to do a simple lot split but does not have the right amount of frontage to be able to reconfigure. Only option he has currently is to put in a driveway.

Julie Maurer asked if granted what is likelihood of the property selling and a road going in instead of a driveway. Tom Maurer asked if there was any way to lock in a driveway as a restriction. Mr. Clegg said this cannot be done.

Kyle Paugh said the variance needs a hardship and that the hardship is self-created. Also concerned about property values.

David Morin wants to know why the applicant is requesting a variance if he doesn't need permission to put in a driveway. Mr. Clegg explained that the reason for the variance request is to be able to do a lot split.

Dale Weber asked if about the sale of the property to Mr. Wilson. John McGowan answered that Fred Townsend had sold the property to Mr. Wilson.

At 8:06 pm Mr. Clegg moved to go into private deliberation with the board and legal counsel. Mr. Biniker seconded. The motion passed with unanimous ayes.

At 8:26 pm Mr. Biniker moved to go back on the record. Mr. Clegg seconded. The motion passed with unanimous ayes.

Mr. Clegg made a statement that the reason for tonight's hearing is a variance request for 60' road frontage instead of 100' of road frontage.

Mr. McGowan moved to approve the Variance Request as submitted. Mr. Biniker seconded.

Vote: Ricky Biniker-yes, Ryan Bailey-yes, John McGowan-yes, Stephen Clegg-yes, Mark Motz-yes.

The motion passed with a unanimous yes vote.

At 8:27 pm Mr. Biniker closed the Public Hearing.

A working session began at 8:30 pm

Mr. Biniker moved to approve the August 22, 2025 minutes. Mr. Bailey seconded.

Vote: Ricky Biniker-yes, Ryan Bailey-yes, John McGowan-yes, Stephen Clegg-abstain, Mark Motz-yes. The motion passed.

A Public Hearing is scheduled for September 30, 2025 to consider a Conditional Use Application submitted by Engineered Temperature Solutions for 4881 Hazelton-Etna Rd. SW Pataskala, OH 43062. The board was given the information documents for that hearing.

At 8:47 pm Mr. Biniker closed the meeting.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Marilyn Martin