

BZA
AUGUST 27, 2013-FINAL

Members present: Scott Van Den Berg, Deborah Laughlin, Christopher Strayer, George Snider, and Ryan Bailey. Also present Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Traci Peoples, court reporter from Anderson Reporting. Member absent: Valerie Hans.

Guests present: Haskell Patrick, applicant and Dwight Gibson, Jr.

The purpose of this meeting is to consider an application submitted by Haskell Patrick of 3419 Lewis Rd. Columbus, OH 43207. The application is for property located at 5103 York Rd. Unit C Pataskala, OH 43062. Mr. Patrick is requesting a variance from the paving requirements in Article 18 Section 18.1 of the Harrison Township Zoning Resolution.

The meeting was called to order at 6:39 p.m. by Scott Van Den Berg with all standing for the Pledge of Allegiance.

The court reporter administered the oath to all who wished to speak during tonight's meeting.

The application was read.

Mr. Van Den Berg asked the applicant if he had anything to add. Mr. Patrick had nothing at this time.

Mr. Frederick read and explained the recommendation that he had given the board. He stated that Mr. Patrick is asking for an 18 month delay for paving due to financial hardship. He feels that 18 months is excessive, putting the date at February 2015. His recommendation is that the lot be paved no later than April 1, 2014 and that the portion of the lot being used for auto sales be graveled no later than October 1, 2013. Mr. Frederick also pointed out in his recommendations that there should be no major auto repairs done at this location and that Mr. Patrick would need to comply with the sign regulations.

Mr. Van Den Berg wanted to clarify the variance request asking if the only request was the timing of the paving. Mr. Frederick answered yes.

Mr. Strayer asked if the business is currently operating illegally. Mr. Frederick said the business is currently in violation of the zoning regulations.

Mr. Strayer asked about the lot behind the business. Mr. Patrick explained this is a common area shared by the other businesses.

Mr. Strayer wanted to know if there would be any green space left.

Mr. Patrick said there would be grass and trees in the front; the trees in the back have already been removed. Mr. Frederick added that the zoning office should be receiving a letter from Mark Poole giving his approval for landscaping and screening to be placed on the South side of the business.

Mr. Strayer asked when the property was purchased and if it is the only Auto Sales the applicant has. Mr. Patrick answered that he had purchased the property close to 2 years ago and that the Auto Sales, started approx. 3.5 months ago, is his only Auto Sales business. Mr. Strayer questioned the location of the Auto Sales asking "Why here?" Mr. Strayer is of the opinion that this address is not a good location for this type of business.

Mr. Bailey wanted to know if there would be any issues with the applicant putting in gravel on the lot by October 1. Mr. Patrick has no problem with that time frame.

Mr. Van Den Berg asked the applicant if this variance was filed due to financial issues and "looking to buy time". Mr. Patrick answered yes. Mr. Van Den Berg then explained that the board is discouraged from making decisions based on economics but could discuss timing.

Mr. Strayer began a discussion on drainage on the property. He asked if there are drains or storm sewers and if the applicant had looked into having an engineer look at any drains already there. Mr. Patrick answered that there were already drains in place and that when it rains he doesn't see any water problem.

Mr. Snider pointed out that on the submitted aerial photo it looks like water in one area. It was determined this could possibly be from snow and that it was draining toward York Rd.

Mr. Strayer stated he was inclined to deny the application. He felt financial hardship should not be a condition for approval. He would like to see an engineer study done for water drainage/ storm sewer runoff. He also pointed out that issues concerning the common area should involve all property/business owners. He felt Mr. Patrick could find a better use for the property.

Ms. Laughlin asked about another business in the complex, Cheer Force One. She wanted to know where they parked. The answer was the common area.

Mr. Gibson, from the floor, asked what the property was zoned. Mr. Frederick answered B-1.

Motion by Christopher Strayer:

Motion to deny the application for property at 5103 York Rd. Unit C for variance from Article 18.1.

Seconded by George Snider

Vote:

Scott Van Den Berg.....yes

Deborah Laughlin.....yes

George Snider.....yes

Christopher Strayer.....yes

Ryan Bailey.....yes

Application denied with a unanimous vote

The public hearing closed at 7:09 p.m. with the board going into a working session.

The minutes of the July 23, 2013 meeting were read.

Mr. Bailey moved to accept the minutes. Ms. Laughlin seconded.

Vote:

Scott Van Den Berg.....yes

Deborah Laughlin.....yes

George Snider.....yes

Christopher Strayer.....abstain

Ryan Bailey.....yes

Minutes approved with four yes and one abstention

Mr. Strayer moved to adjourn. Mr. Snider seconded. Motion passed with unanimous ayes.

Meeting adjourned at 7:20 p.m.

Respectfully submitted

Vickie Noble, Zoning Secretary

Scott Van Den Berg, Chair

Professionally recorded by Anderson Reporting