

HARRISON TOWNSHIP
BZA
January 28, 2020

Members present: Valerie Hans, Jack Treinish, Ricky Biniker and John McGowan.
Members absent: Jeremy Nestor, Alternates Rachael Mattis Bissett and Gerald Saffo.

Also present: Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Marilyn Martin of Anderson Reporting.

Guests: Nathan and Janette Place, Barbara and Gregory Held, Joe Held, Carl and Cindie Mollenkopf.

The purpose of this meeting is to consider a Variance Application submitted by Gregory and Barbara Held. The applicants are requesting to split a 5 acre parcel at 7474 York Rd. Pataskala, OH 43062 into two 2.5 acre lots. Lot one will have 160' of road frontage. Lot two will have 40' of road frontage.

The meeting was called to order at 6:30 p.m. by Valerie Hans with all standing for the Pledge of Allegiance.

Those who wanted to speak during tonight's hearing were asked to be sworn in by the court reporter.

Ms. Hans read the application and all materials included with the application.

Joe Held wanted to add to the application information. He stated that with the split he would build a house on the back of the property. A neighboring property also has a house built on the back of a property. He also wanted to comment on the proposed driveway. He said there would be plenty of room to drive vehicles to the back property with no problems.

Mr. Frederick's report

January 27, 2020

Harrison Township Zoning Inspector's report & recommendation for a Variance request for 7474 York Rd. Pataskala, Ohio 43062. The current property owners are Gregory and Barbra Held. This 5 acre lot has 200 ft. of road frontage and a lot depth of 1090 ft. Currently there is a single family residence and a detached accessory building located on the property. There are no other structures.

The Variance application is for Mr. & Mrs. Held to subdivide the 5 acre lot into two proposed lots. The front lot would have 160 ft. of road frontage with the existing Held's residence located on it. The lot in the back would have 40 ft. of road frontage with a driveway easement along the front of the lot with 160

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Final - Approved

ft. frontage from the existing Held's driveway down to the 40 ft. frontage for the back lot. The average proposed lot size would be 2.5 acres for both proposed lots.

This recommendation will follow the requirements of Article 4 – Section 4.12- #2 Area Variance of the Harrison Township Zoning Resolution. This Section states that the factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property including but not limited to:

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.

Without the variance the land at the rear would remain vacant. If the Helds are looking at taking care of their family by living closer to each other they could add on to the existing structure for a mother in law suite without a variance.

b. whether the variance is substantial.

The property is zoned Business (B-1). The B-1 zoning district requires a minimum lot area of 45,000 square feet and lot width (road frontage) of 150 feet. The proposed lot size of 2.5 acres does exceed the minimum lot size. The rear lot would have 40 ft. of road frontage and the front lot would have 160 ft. of road frontage. The 40 ft. road frontage is substantial.

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.

There are two other parcels on York Rd. that variances have been approved with small road frontages. But those existing parcels were larger tracts of land that were subdivided.

d. whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, medical, fire, police).

I do not see this as an issue if the proposed lots have specific house numbering located on each proposed lot.

e. whether the property owner purchased the property with knowledge of the zoning restrictions.

Mr. & Mrs. Held's son contacted the Zoning office concerning the lot split and that is why he has applied for the variance request.

f. whether the property owner's predicament feasibly can be prevented or corrected through some other method other than a variance.

As I stated above, the Helds could add on to the existing structure for a mother in law suite without a variance.

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 amount of road frontage for the proposed lots and the shared driveway being proposed to access the proposed lots. I am aware that there are other lots within Harrison Township that have multiple lots with small amount of road frontage and use a shared driveway, but I believe most of the lots were subdivided before the current Township & County regulations.

Zoning Inspector's Recommendation

I would recommend the following considerations:

The driveway to the parcel and house to the back lot must meet West Licking Fire District's driveway standards. Copy of standards attached.

I would recommend that the driveway for the back parcel be constructed now and not use the existing driveway to extend to the back parcel. The proposal to use the existing driveway and to extend it, going between the existing house and accessory building, could cause some safety issues.

Thomas D. Frederick, Harrison Township Zoning Inspector

Mr. Biniker asked about the construction of the proposed driveway. Joe Held said they would increase the size of the pipe and have gravel.

Mr. Treinish questioned the proposed easement. Mr. Frederick said this was proposed because it would be difficult to have approval from the county for a new driveway. Mr. Treinish asked if an easement was on the title or would be included in the title if a split was approved. Mr. Frederick said if approved the back lot should have the legal description for the easement included.

Ms. Hans referred to the report from the Fire Department on driveway regulations. She is concerned about the proposed driveway having a 90 degree turn. Will emergency vehicles have a problem with the turn?

Ms. Hans also asked if the LCPC had revised their opinion on flag lots. Mr. Frederick said there had been several revisions in the county regulations.

Ms. Hans said that although the property split will be for the same family there is a possibility that the family ownership could change. Barbara Held said the property will stay in the family. They plan to sign the property over to their son. He will then own both lots. Joe Held added that building onto the existing house will not work, they need a secondary space.

Mr. Frederick said adding onto the accessory garage can be done but it has to be connected to the house to make one structure.

Mr. Biniker asked if water and sewer would be available. Joe Held said the house is currently on well and septic but water and sewer is available.

Nathan Place said he looked at the zoning regulations in the Harrison Township Zoning Resolution Book. He does not see a hardship on the property for approval on a variance. He referred to Article 4 – Section 4.12- #2 Area Variance of the Harrison Township Zoning Resolution. He noted that other things can be done, the request is substantial, it would destroy the character of the small neighborhood, and that there was no hardship of the land, only family issues.

Carl Mollenkopf said he owns the property North of the Helds. He doesn't want to see a split of the lot. He feels it would hurt resale values. He likes the idea of a Mother in law suite.

Barbara Held said when they bought the property there were no other houses. She also stated that it was zoned agriculture and was changed to Business. Mr. Frederick said the property zoning has not been changed. The zoning was adopted in 1959. Mrs. Held said she was not aware of this and was told it was agriculture when purchased. Ms. Hans explained that there is a difference in zoning and use.

Joe Held said he feels the opinions of neighbors has been subjective. He is here to get approval and go through the steps to get the construction right.

Nathan Place said his point is someone 30-50 years from now will have to deal with this split. He added that this property is already developed.

Mr. Frederick said there has been four applications for similar types of use. The other applications were for larger parcels of land. This is the first one with a single small lot. The only practical difficulty on the land is a stream. The family issues cannot be taken into account.

Ms. Hans asked about the side yard setbacks. Mr. Frederick said they would have to be 15 feet.

Mr. Treinish asked Mr. Mollenkopf when he purchased his property. Mr. Mollenkopf answered 2002. The same question was asked of Mr. Place who answered 1999.

Mr. Biniker asked about difficulties for the Fire Department. Mr. Treinish said there are homes that cannot be serviced by certain emergency vehicles. The property owners are aware of this and have to take responsibility. He added the department only has input on commercial and business development.

Ms. Hans made a motion to deny the application as presented. Mr. Biniker seconded.

Vote: Valerie Hans-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes.

The motion passed with a unanimous yes vote. The application was denied.

The public hearing closed at 7:21 pm.

A working session began at 7:22 pm.

Mr. McGowan moved to approve the minutes from January 8, 2020. Ms. Hans seconded.

Vote: Valerie Hans-yes, Rick Biniker-yes, Jack Treinish-yes, John McGowan-yes.

The motion passed with a unanimous yes vote.

A meeting is scheduled for February 25, 2020 at 6:30 pm.

At 7:33 Mr. Treinish moved to adjourn. Mr. Biniker seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

Public hearing professionally recorded by Anderson Reporting