

HARRISON TOWNSHIP
BZA
JUNE 6, 2018

Members present: Valerie Hans, Dwight Gibson, Jr., James Hannahs, Jeremy Nestor and Curt Painter. Members absent: Alternate Ryan Bailey. Due to the absence of Mr. Bailey and the resignation of Doug Harned, Mr. Painter will be a voting member.

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

Guests: Larry and Thelma Wolfe, Rick Biniker, Tony Sharp, James and Alison Terry (applicants), Margaret and Chris Jenkins, Pete Albanese, Christel Hamper, Paul Wheeler, Mark Van Buren.

The purpose of this meeting is to consider a Conditional Use and Variance Application submitted by James and Alison Terry. The applicants are requesting to use the property at 6490 Columbus Rd. Granville, OH 43023 for motor vehicle sales utilizing the existing gravel driveway with an asphalt off street parking area.

The Public Hearing was called to order at 6:30 pm 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 for the Conditional Use request. Mr. Frederick received an email from Alison Terry stating they would be withdrawing the Variance Request. The applicants will be paving all of the parking/driveway areas and the approaches. The applicants confirmed that this was their decision.

Ms. Terry said they had read Mr. Frederick's report and will follow all of the Harrison Township regulations.

Mr. Frederick's Report:

June 5, 2018

Harrison Township Zoning Inspector's report and recommendation for Conditional Use Permit and Variance application for Terry Family LLC for 6490 Columbus Rd. The Conditional Use Permit application is for the establishment of motor vehicle sales. The Variance application concerns the required paved parking spaces.

Harrison Twp. Board of Zoning Appeals
June 6, 2018

Final-Approved

This recommendation will follow the requirements of Article 4 – Section 4.12 Variance application and Section 4.21 Conditional Use application of the Harrison Township Zoning Resolution.

NOTE: Due to the Terrys withdrawing the variance request only Conditional Use regulations will be considered using Article 4-Section 4.22.

Article 4 – 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 location:

1. Is in fact a conditional use as established under the provision for the Zoning District involved;

Yes, it is.

2. Will be harmonious with and in accordance with the general objective of the Township's comprehensive plan and/or Zoning Resolution;

Yes. In both cases the property is in the B-1 Zoning District and is labeled for General Business in the Comprehensive Plan.

3. Will be designed, constructed, operated and maintained so as 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;

Must comply with the proper landscaping/ buffer areas and control of outdoor lighting requirements within the Harrison Township Zoning Resolution. The proposed use will definitely be a change from the Dalgarns business.

4. Will not be hazardous or disturbing to existing or future neighboring uses;

The applicants have not stated within their application or asked for any motor vehicle repair or service, which is another Conditionally Permitted Use, so I do not see that it would be hazardous or disturbing.

5. 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 person or agencies responsible for the establishment of proposed use shall be able to provide adequately any such services;

Yes.

6. 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.

7. Will not involve uses, activities, processes, materials, equipment and conditions of operations 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;

No.

8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

No new approaches to the property are in the plan. If the existing driveways were to be paved I believe that traffic would have better and faster access onto and out of the property.

9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

No.

Additional requirement that must be considered in the review of the Variance and Condition Use request:

Article 10 – Section 10.17 Buffering and Screening;

All requirements of this section shall be complied with. This means that buffering and screening will have to be added to the west and east side of the property. This is because the adjoining properties are developed with residential land uses.

Article 14 Outdoor Lighting;

This article shall be complied with at the time a zoning permit is issued.

Article 18 Off Street Parking and Loading Regulations – Section 18.1 – Development and Maintenance of Parking Areas- #1;

This section refers to Screening and Landscaping of off street parking areas and requires a 30-foot-wide screening area. It makes reference back to Article 10 – Section 10.17 – Buffering and Screening regulations.

Section 18.6 Number of Parking Spaces Required;

This section requires 1 parking space for each 300 square feet of indoor gross floor area, plus 1 space per 1000 square feet of outdoor display area.

According to the County Auditor’s information the current building has 4,200 square feet of floor area and that would mean 14 parking spaces would be required. The applicant is proposing to have only 18 paved parking spaces.

I would also like to have a condition that no outside speakers be allowed for the proposed business use.

My recommendation would be to not approve the variance request for the required parking spaces and to approve the requested Conditional Use with the above additional requirements and any other condition that may come forward at the public hearing.

Thomas D. Frederick

Harrison Township Zoning Inspector

Mr. Frederick emphasized the no outside speakers point. Mr. and Mrs. Terry stated there would be no outside speakers.

Mr. Gibson asked about the cars presently seen on the lot. Mr. Terry said it was family.

Larry Wolfe is concerned about the cars entering and exiting the property now and in the future. He stated he has seen many near miss accidents.

Paul Wheeler is concerned about traffic. He already sees additional traffic with the new housing in the area.

Thelma Wolfe is concerned about the property values going down. She does not want to look at a car lot.

Christel Hamper stated she moved to Ellington Village a year ago. She enjoys the country living and is concerned about the type of vehicles that will be on the lot. She asked the board to deny the request.

Chris Jenkins said he agrees with Ms. Hamper. He is concerned about traffic and maintenance in and out of the building.

Pete Albanese is also concerned about traffic. He questions a car lot on a road with a 55 mph speed limit. He questioned a camper that was presently on the property. He is concerned about theft targeted at this kind of business and possibly extending to the neighborhood.

Ms. Hans informed the audience that the BZA can only address the Conditional Use Request. The board has to follow the regulations set by the Zoning Resolution.

Mr. Frederick added to Ms. Hans point. He explained the permitted and conditional uses of the Zoning Resolution.

Paul Wheeler stated when he moved here Dalgarns was already in business. He understands the business and that change will happen. He feels the road is not set up to handle the traffic and thinks that accidents will happen. He asked about turning lanes. Mr. Frederick said ODOT looks at use and average daily traffic on these issues.

Mr. Nestor asked about the parking spots. He wanted to know how many cars would be on the lot. Mr. Terry answered that not that many cars would be on the lot. He plans on dealing in high end cars. Mr. Nestor followed up with a question about where the cars would be parked. Ms. Terry said some would be inside and some would be outside. This will not be their primary business and may have one employee.

Mr. Hannahs stated the traffic is already there and he doesn't see a problem.

Ms. Hans asked about the Recreational Vehicle on the property. Mr. Terry said he let a friend park it there but after speaking with Mr. Frederick the vehicle will be moved.

Pete Albanese asked about fencing or landscaping. Ms. Hans referred to Mr. Frederick's report concerning buffering and screening.

Christel Hamper would like to request the applicants be good neighbors. Mr. Terry offered to give the neighbors his phone number.

Valerie Hans moved to approve the Conditional Use request with the following conditions:

1. That the applicant will install buffering and screening in accordance with section 10.17 of the Harrison Township Zoning Code.
2. That the applicant will comply with all lighting requirements of Article 14 of the Harrison Township Zoning Code. Light will need to be contained on the property and directed to avoid spill over onto neighboring properties.
3. That the applicant will meet all signage requirements of the Harrison Township Zoning Code.

4. That the applicant will install and maintain a 30' wide screening area in accordance with section 18.1 of the Harrison Township Zoning Code. This screening area on the east and west side of the property will consist of minimum 6-foot-high evergreens.

Mr. Hannahs seconded.

Vote:

Valerie Hans...yes Dwight Gibson, Jr.... no James Hannahs...yes
Jeremy Nestor...yes Curt Painter...yes

At 7:17 the public hearing was closed.

A working session began at 7:23 p.m.

Mr. Painter moved to approve the minutes from the April 24, 2018 meeting. Mr. Hannahs seconded. The motion passed with unanimous ayes.

At 7:27 Mr. Gibson moved to adjourn. Mr. Hannahs seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

Public hearing professionally recorded by Anderson Reporting