

HARRISON TOWNSHIP
BZA
March 14, 2018

Members present: Valerie Hans, Dwight Gibson, Jr., James Hannahs, Douglas Harned, Jeremy Nestor and Alternate Curt Painter. Members absent: Alternate Ryan Bailey. Also present: Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Marilyn Martin of Anderson Reporting.

Guests: Matt and Valarie Langel (applicants), Jean Hooper, Allen Hooper, Pat Howard, Eric and Kathy Miller, Mark and Jordan Melcher, Mike Knox, Jeanne Moss, Brad Hostasa.

The purpose of this meeting is to consider a Variance Application submitted by Matthew and Valarie Langel. The applicants are requesting to divide 28.74 acres at 8150 Gale Rd. SW Hebron, OH 43025 into 10 lots.

The Public Hearing was called to order at 6:31 pm by Valerie Hans with all standing for the Pledge of Allegiance.

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

Ms. Hans read the application and asked the Langels if they had anything to add.

Mr. Langel explained that he and his wife had purchased the property not planning on dividing it; however, life changes. They have a family and would like to recoup and provide for the family. They are planning on keeping the house and intend to stay at this location.

Mr. Langel feels the plan he has for the 10 lots is the best way to divide the property. He doesn't think the depth to width ratio will work for 5 separate lots with 150' frontages.

Mr. Hannahs asked if the property is now being farmed. Mr. Langel said it was. Mr. Hannahs also asked if wells would provide water. Mr. Langel answered yes and said he has been in contact with various county entities.

Mr. Howard has questions about the driveways. Mr. Langel said he has been working with the Licking County Planning Commission and has submitted for approval from the county. The LCPC will be meeting March 26, 2018 but will need to have township approval before granting approval for the driveway access.

Mr. Frederick's Report:

March 13, 2018

Harrison Township Zoning Inspector's report & recommendation for the variance request submitted by Matthew R. and Valarie R. Langel for 8150 Gale Rd. SW, Hebron, Ohio 43025. This 28.745 acre lot has 782.81ft. of road frontage and an average lot depth of 1097.5. Currently there is a single family dwelling and a pole barn located on the property. There are no other structures on the property.

The applicants are proposing to subdivide the 28.745 acre lot into ten (10) lots.

Six (6) of the proposed lots would have 25 feet of road frontage.

Four (4) of the proposed lots would have 150 feet of road frontage.

All lots would be 2 + acres.

The largest lot, 6.662 acres, would have the Langel's existing residence located on it.

The six (6) lots proposed to have 25 feet of road frontage would utilize two shared/ common driveways. The north lots would use the existing driveway that serves the Langel's residence. The other three 25 foot road frontage lots would use a "to be constructed" shared/common driveway on the south end of the Langel property

This recommendation will follow the requirements of the Harrison Township Zoning Resolution Article 4 – Section 4.12- #2 Area Variance. 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.

The Langel property does have enough road frontage and acreage for more than one single family residence without the requested variance from the required 150 feet of road frontage.

b. whether the variance is substantial.

The property is zoned Agricultural (AG). The AG zoning district requires a minimum lot area of 45,000 square feet and lot width (road frontage) of 150 feet.

There is a total of 10 lots being proposed on the 28+ acre property. Six (6) of those lots are proposed to have 25 feet of road frontage and four (4) lots would have 150 feet of road frontage.

This variance is substantial in the fact that it has 782 + feet of existing road frontage. Two previous variance requests for similar road frontage variances only had 212+ feet and 176+ feet of existing road frontage at the time they applied for the road frontage variance.

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.

I do not believe the essential character of the neighborhood would be substantially altered or suffer a substantial detriment.

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

If the proposed lots have specific house numbering located on each proposed lot I do not see this as an issue. The 6 lots utilizing the proposed shared driveway/common driveways should have a common address signage at Gale Rd. The West Licking Fire District has required specific standards for the driveway construction and/or upgrades to the existing driveway for their vehicles and addressing at the road frontage and on the individual lots.

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

The Langels have stated within their variance application that they have owned the property for nearly 5 years and generally understood the zoning restrictions upon purchase.

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

The applicants could subdivide 5 lots with 150 feet of road frontage without the requested 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 a small amount of road frontage and use a shared/common driveway, but I believe most of these lots were subdivided before the current Township & County regulations.

Zoning Inspector’s recommendation:

It would be my recommendation to deny the variance request as submitted.

1. This recommendation is based on the fact that the Langel’s property has 782.81 feet of road frontage. This is more than the previous variance applications from the required road frontage requests (212+ and 176+ of frontage).

2. The Langels can create 5 lots with 150 feet of road frontage without any variances.

3. There are no physical constrains to the Langel’s property related to the topography, ravines and/or flood plains.

Thomas D. Frederick

Harrison Township Zoning Inspector

Ms. Hans asked if there were any addition questions or comments from the audience.

Being none, Ms. Hans asked for board comments.

Mr. Harned stated he is not in favor of flag lots.

Ms. Hans stated she is not in favor of flag lots. She also stated that shared driveways can create problems with neighboring property owners.

Ms. Hans shared the information that the board is not permitted to make a decision based on financial hardships.

Ms. Hans moved to approve the application as submitted. Mr. Harned seconded.

Vote: Valerie Hans...no Dwight Gibson, Jr. ...no James Hannahs...yes
 Douglas Harned....no Jeremy Nestor.....no

The vote: four no votes and one yes vote. The application is not approved.

(During the board discussion of the motion but before voting, Mr. Knox questioned the shared access for lots 6 and 7. He said it puts two driveways across from his house. He wanted to know why each property couldn't have it's own driveway. Mr. Frederick stated the driveways have to meet standards.

Ms. Hans asked to continue since a motion was on the floor.)

At 7:08 pm Mr. Gibson moved to close the Public Hearing. Mr. Harned seconded.

The motion passed with unanimous ayes.

A working session began at 7:13 pm

Mr. Gibson moved to approve the minutes of the January 4, 2018 meeting. Ms. Hans seconded. The motion passed with unanimous ayes.

The board was given details of the proposed changes to the Zoning Resolution.

Mr. Frederick passed out some information from a zoning seminar with information on the workings of a Board of Zoning Appeals.

At 7:38 Ms. Hans moved to adjourn. Mr. Harned seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

Public hearing professionally recorded by Anderson Reporting