

HARRISON TOWNSHIP
BZA
October 10, 2018

Members present: Valerie Hans, Dwight Gibson, Jr., James Hannahs, Jeremy Nestor, and Ryan Bailey (voting due to the absence of Rick Biniker).

Absent: Rick Biniker and Jack Treinish.

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

Guests: Joe Skaggs, Andy and Lisa Sloan, Michael C Trein, Kalyn and Jenelle Simpson.

The purpose of this meeting is to consider a Variance Application submitted by Andrew and Lisa Sloan 229 Challedon Circle Pataskala, OH 43062. The applicants are requesting to add a single car garage to an existing two car garage and are asking for a variance of the required 15' setback.

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 Variance request.

Ms. Hans asked if the applicant had anything to add. Andrew Sloan introduced Michael Trein as the contractor who will be building the addition to the garage. Mr. Trein stated the Sloans are planning to spend the money to make the addition nice and have a look of belonging to the original building.

Mr. Frederick's Report:

October 9, 2018

Harrison Township Zoning Inspector's report & recommendation for the variance request submitted by Andrew K. & Lisa S. Sloan for 229 Challedon Circle Pataskala, Ohio 43062.

The variance request is from the required Side Yard setback. The required side yard setback is 15 feet from the side lot line or property line. The Sloans would like to construct an addition to their existing garage. The proposed addition would be 15 ft. wide and 33 ft. deep. The garage addition would be 5 ft. from the side lot line at the front corner of the proposed garage addition.

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

Area Variance Section 4.12 #2

#2 states 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. They include 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 Sloan’s lot is somewhat pie shaped with 89.08 ft. of road frontage. The rear lot line is 134.0 ft. There is enough area in the rear yard that a detached garage could be built and comply with the 15 ft. side yard setback. Another option would be to push the garage addition back to where they would have the 15 ft. side yard setback.

b. whether the variance is substantial.

Yes.

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 Sloan’s have provided within their Variance application a signed statement from both neighbors. Both state that they no objections to the proposed garage addition.

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

No.

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

I believe they have been aware of the Zoning restrictions because I met with them at their house several years ago to discuss this garage addition.

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 garage addition could be pushed back to meet the 15 ft. sideyard requirement or a detached garage could be placed in the back yard.

g. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The Variance request is from the 15 ft. side yard setback requirement of the R-15 Residential Zoning district of Harrison Township Zoning Resolution. When I went to review their lot for this variance request

I observed the neighbors to the north have a detached yard barn that does not appear to be 6 ft. from the property line but I do not know when the structure was placed there. The side yard setback used to be 6 ft. from property lines for detached buildings.

Items to consider:

- 1. The front property pin on the side of the proposed garage addition is not visible or no longer there. This property pin needs to be located and/or reestablished. The property line needs to be marked to show the exact location of the line so that the addition is placed correctly.*
- 2. I would rather see the request reversed to allow for a minimum of a 10 ft. side yard variance. This would allow for the proposed garage addition to be pushed back from the current proposed location and still be attached to the existing garage.*

Thomas D. Frederick, Harrison Township Zoning Inspector

Mr. Frederick pointed out that the chimney, gas meter and air conditioning unit were all located on the side of the garage. These would have to be moved if the garage was extended.

Ms. Hans asked if the applicants would consider making the garage less than 15' wide. Mr. Sloan said even if it was less than 15' it would not meet the 15' setback.

Mr. Hannahs asked about the asphalt driveway shown on the drawings submitted with the application. The Sloans said the drawing was an original mortgage drawing and the current driveway is concrete.

Mr. Hannahs asked about the chimney, gas meter and ac units. Mr. Sloan said the gas meter and the air conditioning unit were to be moved to the back of the house. Mr. Trein said the chimney would be built into the structure.

Mr. Bailey asked if the driveway would be extended. Mr. Sloan answered no, the driveway is already extended. Mr. Sloan added that the garage would be open and not two separate areas.

Ms. Hans asked Mr. Frederick if there were other properties in the area with garages this close to the property line. Mr. Frederick said looking at the map submitted with the application it appears that the building on the Stamper property is close but doesn't know the measurements.

Ms. Hans referred to Mr. Frederick's report with the suggestion of a 10' setback. Mr. Frederick said the requested 5' is very substantial. Mrs. Sloan added that the layout of the yard with many trees is one of the reasons they did not want to do a separate building.

Ms. Hans asked again if the applicants would consider reducing the size of the building or consider moving it back. Mr. Trein asked if they could do a setback of 8'. Ms. Hans would like to see the setback be 10'. Mr. Hannahs questions why the setback should be 10'. Mr. Nestor asked if there would be an overhang on the side making it closer than the 5' requested. The applicant said there would be an overhang.

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Final- Approved

Mr. Gibson pointed out that with the amount of trees on the property the neighbors wouldn't be able to see the building.

Mr. Sloan stated if the garage is shifted back they would not be able to tie into the existing garage.

Ms. Hans moved to approve the application with the following condition:

1. That the proposed garage will be at least 10' from the property line at all points.

Mr. Gibson seconded.

Discussion: Mr. Hannahs is not in agreement. Ms. Hans offered to withdraw her motion. Mr. Gibson withdrew his second.

Mr. Skaggs sees no problem with the application. He feels that losing feet on the building will make the addition look worse.

Mr. Hannahs moved to approve the Variance application as submitted. Mr. Gibson seconded.

After discussion Mr. Hannahs asked to withdraw his motion. Mr. Gibson withdrew his second.

Ms. Hans moved to approve the application with the condition that the proposed garage will be at least 8' from the property line at all points. Mr. Gibson seconded.

Vote: Dwight Gibson Jr.... yes, Jeremy Nestor...yes, James Hannahs...yes,

Ryan Bailey...yes, Valerie Hans...yes

The motion passed with a unanimous yes vote.

At 7:07 pm Mr. Gibson moved to close the public hearing. Mr. Hannahs seconded.

The motion passed with unanimous ayes.

A working session began at 7:08 p.m.

Mr. Gibson moved to approve the minutes from the September 25, 2018 meeting. Mr. Hannahs seconded. The motion passed with unanimous ayes.

At 7:15 pm 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