

HARRISON TOWNSHIP  
Zoning Meeting Minutes BZA  
October 9, 2019

Members present: Valerie Hans, James Hannahs, Jeremy Nestor, Jack Treinish and Alternate John McGowan. Absent: Ricky Biniker and Ryan Bailey

John McGowan will be a voting member due to the absence of Ricky Biniker.

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

Guests: Brenda and John Arnold, Marty Justice, Donald W. Parson, Doronda Foreman and Gerald Saffo.

The purpose of this meeting is to consider a Variance Application submitted by Donald W. Parsons 4742 Watkins Rd. SW Pataskala, OH 43062.

The applicant is submitting plans to build a 30' x 30' extension onto an existing pole barn/accessory building and is requesting a three foot variance from the required fifteen foot side yard setback.

The meeting was called to order at 6:33 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. She asked if the applicant had anything to add.

Mr. Parsons said he would answer any questions.

Mr. Frederick's report

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*October 7, 2019*

*Harrison Township Zoning Inspector's report & recommendation for the Variance request submitted by Donald W. Parsons 4742 Watkins Rd. 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. Mr. Parsons started to construct the addition to an existing accessory building 12 feet from the western property line without obtaining a Zoning Permit from Harrison Township. The proposed addition to the existing accessory building would be 30 ft. wide and 30 ft. deep.*

*On September 16, 2019 I noticed construction of an addition to the existing accessory building. Mr. Parsons did not have a Zoning Permit. On that same day I sent a letter of Violation to Mr. Parsons. After a discussion he submitted the Variance application.*

*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 addition to the existing structure could be reduced 3ft. and it would comply with the 15 ft. setback.*

***b. whether the variance is substantial.***

*Yes. I say this because if Mr. Parsons would have contacted the Zoning office before starting construction the addition would have complied with the regulations.*

***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.***

*No.*

***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 cannot say if he had knowledge of the zoning restrictions. But it does not appear that he did.*

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

*The addition could be reduced by 3 ft.*

***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 the Harrison Township Zoning Resolution. Again, if Mr. Parsons would have received a Zoning Permit before starting construction the proposed building would comply with the 15 ft. setback.*

**Items to consider:**

*There are no real physical constraints for the approval of the variance request.*

*The addition to the existing structure could be reduced by 3 ft.*

*Thomas D. Frederick*

*Harrison Township Zoning Inspector*

*...Mr. Frederick included a copy of the Violation letter to Mr. Parsons dated 9/16/2019*

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Mr. Frederick added that he looked at the records and a permit had been issued July 16, 2007 for the existing 30' x 40' barn.

Mr. Parsons said his wife got the permit and he didn't know anything about it.

Marty Justice lives next to the Parsons and doesn't have a problem with the addition.

Brenda Arnold stated she has a new shed and had to follow the setback requirements. She feels if this variance is granted a variance should be granted for everyone. She would like to build but can't because of the regulations.

Mr. Treinish asked how far along the construction is. Mr. Parsons said he has the main frame up. Mr. Treinish wanted to know when the construction was started. Mr. Parsons answered that he bought materials last fall but due to weather could not start. He said the footers were started this year.

Mr. Nestor asked why he did not get a permit. Mr. Parsons said he was going to build then call the township to say it was done.

Ms. Hans moved to approve the application as presented. Mr. Hannahs seconded.

Vote: Valerie Hans-no, James Hannahs=yes, Jeremy Nestor=yes, Jack Treinish=yes, John McGowan=yes  
The motion passed with four yes votes and one no vote.

At 6:50 PM Mr. Hannahs moved to close the Public Hearing. Mr. Treinish seconded.

The motion passed with unanimous ayes.

A working session began at 6:51 PM.

Mr. Treinish moved to accept the minutes from the September 24, 2019 meeting. Mr. Hannahs seconded. The motion passed with unanimous ayes.

The board was given an updated contact list.

Harrison Twp. Board of Zoning Appeals  
October 9, 2019

Final - Approved

They were informed that the Trustees would be accepting applications for the 2020 Zoning Positions. Terms for James Hannahs and Ryan Bailey will expire 12/31/2019. Resumes are due November 22, 2019.

Copies of a Conditional Use Application from Jeff and Julie Branham were distributed to the board. A Public Hearing has been set for October 22, 2019 at 6:30 PM.

At 7:19 PM Mr. Nestor moved to adjourn. Mr. Treinish seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

*Public hearing professionally recorded by Anderson Reporting*