

BZA  
September 24, 2013-FINAL

Members present: Scott Van Den Berg, Deborah Laughlin, George Snider, Christopher Strayer and Ryan Bailey. Member absent: Valerie Hans

Also present Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Susan Coots, Court Reporter from Anderson Reporting.

Guests present: Tom Travis, Fay Travis, Frank & Doris Laughlin, Kevin & Chris Mossman, Justin Hall, David & Joyce Harman, Rod Osborne, Applicants Chris (James) Wolfskill, and Richard & Jana Brandon.

The purpose of this meeting is to consider two applications. The first was submitted by Richard and Jana Brandon of 4584 Refugee Rd. SW Hebron, OH 43025. They are requesting a reduction in lot size from the 45,000 sq.ft. requirement in order to complete a replat. The second variance request is from James and Melissa Wolfskill dba General Landscapes, Inc. Creative Lawn Care P.O. Box 1478 Pataskala, OH 43062. They are requesting permission to operate a lawn care business at 6324 Outville Rd. SW Pataskala, OH 43062

The meeting was called to order at 6:30 p.m. by Scott Van Den Berg with all standing for the Pledge of Allegiance.

Mr. Van Den Berg introduced the board and all involved in conducting the public hearing. The court reporter administered the oath to all who wished to speak during tonight's public hearing.

Mr. Van Den Berg explained to the audience that there would be two applications before the board tonight. He also outlined the process and guidelines of the hearings.

The first application from Richard and Jana Brandon was read.

Mr. Brandon gave a brief explanation of the request, stating that it makes sense to use the creek as the division line.

Mr. Frederick referred to the recommendations he had presented to the board. He stated the Lazy Meadows subdivision had been platted in the past and that all lots had road frontage. The requested variance is due to being just short of the required 45,000 square feet. If approved by the BZA the next step is with the LCPC. His recommendation is to grant the variance.

The floor was opened to questions or comments from the audience.

Mr. Laughlin said his main concern was with the water. He questioned the waste water.

Mr. Osborne felt the lot split made sense and sees no adverse issues affecting the neighbors.

Mr. Hall stated he was also a neighbor and has no opposition to this request.

Mr. Strayer asked Mr. Brandon if he owned all the lots and if so why the lines could not be moved. Mr. Brandon answered yes, he owned all and if the lot lines were moved it would compromise the frontage. Mr. Strayer stated he has no problem with this request.

Mr. Van Den Berg asked about the water issue.

Mr. Frederick responded that the Planning Commission would probably address this issue. He also stated that this property is not identified as a flood plane.

Mr. Snider asked if any drainage had to be changed. Mr. Brandon answered no.

Motion by Christopher Strayer to approve with lot lines as presented in map included with application, noting the waterway as a hardship and the need for the variance; and that the new lot line alignment is to maintain proper frontage for 4536 Refugee Rd. SW.

Seconded by George Snider

Vote:

Scott Van Den Berg.....yes

Deborah Laughlin.....abstain

George Snider.....yes

Christopher Strayer.....yes

Ryan Bailey.....yes

Motion approved with 4 yes votes and one abstention.

The Brandon portion of the public hearing was completed at 6:49 p.m.

The application for James and Melissa Wolfskill dba General Landscapes, Inc. Creative Lawn Care was read.

Mr. Wolfskill had nothing to add to the application at this time but would address any questions that might arise.

Mr. Frederick had given each board member a copy of his report and recommendations. He stated the applicants are attempting to lease the property with a possible purchase. He sees no issues.

The hearing was opened to public opinion, concerns and questions

Mr. Mossman said he has no problems with the buffering requirements.

Mr. Travis said the location of the dumpster has not bothered him. He questioned the lease, wanting to know if the pond was part of the lease and if the fence would remain. He said he would like to see the brush cleaned up. Mr. Mossman replied that the lease was for the whole property and that he would make sure the brush was manageable.

Mr. Van Den Berg asked for comments from the board.

Mr. Van Den Berg asked what the zoning was for adjoining properties to the north and south of the property. Mr. Frederick answered the property to the north is R-45 and is part of Harrison Trace. The property to the south is B-1.

Mr. Strayer asked what would be stored inside and what would be stored outside. Mr. Wolfskill said outside would be employee parking, two pickup trucks, three dually trucks and four utility trailers. Inside would be spreaders and fertilizers.

Mr. Van Den Berg initiated a discussion of conditions that would go with the property if sold. Mr. Bailey would like to see use of land restrictions so as not to be obtrusive. He feels we have to look at the future. Mr. Van Den Berg wants the screening maintained.

Mr. Mossman pointed out that the neighbors are tied into the pond. This helps with drainage on neighboring properties.

Mr. Strayer questioned signage. Mr. Frederick replied that the applicants would have to comply with the township sign regulations.

A discussion was held on the location of the dumpster.

Ms. Laughlin asked about the hours of operation. Mr. Wolfskill said hours are generally Monday through Friday 7:00 AM to 5:30 PM. Some days the hours extend beyond 5:30.

Mr. Wolfskill added that he would be doing some snow plowing in the winter.

Motion by Christopher Strayer to approve application with the following conditions: The business will be restricted to lawn care business of fertilization, weed control, seeding services, lawn damaging insect control, disease control and snow plowing.

1. Trucks and trailers will be permitted to park outside after business hours
2. No parking on the grass
3. No material storage outside
4. All of the parking lot south and west of the southwestern most corner of the building shall be paved by June 1, 2014.
5. The rest of the paving completed by June 1, 2015
6. Paving can be concrete or asphalt
7. 6 ft. fence to be from the pond fence to pine trees on northern property line or comply with Article 10.17 of the zoning resolution.
8. Dumpster location will be the southwest corner of parking lot.
9. Normal business hours of 7:00 a.m. to 7:00 p.m.
10. Any signage will comply with sign regulations.

Seconded by Ryan Bailey

Vote:

Scott Van Den Berg.....yes  
Deborah Laughlin.....yes  
George Snider.....yes

Christopher Strayer.....yes  
Ryan Bailey.....yes  
Motion passed with a unanimous yes vote

Public hearing ended at 7:51 p.m.

The board went into a working session.

The minutes of the August 27, 2013 meeting were read. Mr. Strayer moved the minutes be approved as read. Ms. Laughlin seconded.

Vote:

Scott Van Den Berg.....yes  
Deborah Laughlin.....yes  
George Snider.....yes  
Christopher Strayer.....yes  
Ryan Bailey.....yes  
The motion passed with a unanimous yes vote.

Mr. Frederick informed the board that the Zoning Commission would be finishing the proposed changes to Article 19 and would be starting on Article 4. Since Article 4 is directly related to the process used by the BZA Mr. Frederick feels the BZA should be involved in the proposed changes. He gave the members a handout showing a completed revision by another township. He suggested they review this and make note of any suggestions for Article 4. He informed the board of the meeting schedule for the Zoning Commission. The BZA members can attend the ZC meetings or can send any input to Mr. Frederick or Ms. Noble to be passed onto the ZC board.

The Trustees will be advertising for the board seat that expires on December 31, 2013. Information is not yet available on the process for applying for this position.

Mr. Van Den Berg moved for adjournment. Mr. Snider seconded. The motion passed with unanimous ayes. Meeting adjourned at 8:10 p.m.

Respectfully submitted:

Vickie Noble, Zoning Secretary

Scott Van Den Berg, Chair

*Public Hearing professionally recorded by Anderson Reporting*