

HARRISON TOWNSHIP  
Zoning Meeting Minutes BZA  
September 24, 2019

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

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

Guests: R. Adam Evans, John and Rita Vermaaten, Michael Carl, Tony Sharp, Montie Slagle, Doug Smith, Lanny Anglin, Neil Everett, William Muncy, Sharon Storts, Danny Storts, Norval Dunlap, Scott Dunbar, Linda Miller, Laura Brown.

The purpose of this meeting is to consider a Variance Application submitted by John Vermaaten for 7228 Beecher Rd. SW Pataskala, OH 43062 and a Conditional Use Application submitted by Kenny Bing c/o R.A. Evans Management for 6669 Outville Rd. Pataskala, OH 43062.

The applicant for 7228 Beecher Rd. SW is submitting plans to build a 30' x 50' garage and is requesting a five foot variance from the required fifteen foot side yard setback.

The applicant for 6669 Outville Rd. is requesting approval for a utility/plumbing business along with storage of materials and storage of some large equipment.

The Public Hearing was called to order at 6:30 p.m. 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 Variance application from John Vermaaten.

Ms. Hans asked if the applicant had anything to add to the application.

Mr. Vermaaten gave the board a drawing showing the position of the building with his truck and trailer in place. He said he doesn't want to remove any trees, although he will have to remove other unhealthy trees on the property. He said the neighbors do not oppose his request and one would like to see the trees remain.

Michael Carl asked if a drawing is showing two barns. Mr. Frederick said the two barns are the same barn but showing alternate locations.

Mr. Frederick's Report:

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Harrison Township Zoning Inspector's report & recommendation for the Variance request submitted by John Vermaaten 7228 Beecher 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. Vermaaten would like to construct an accessory building 10 feet from the western property line. The proposed accessory building would be 30 ft. wide and 50 ft. deep.

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 proposed 30 ft. by 50 ft. building could be constructed without the variance. There would have to be some trees removed and it is Mr. Vermaaten's desire not to remove these trees. The 10 ft. setback would allow him to back straight into the proposed building. The proposed building could be relocated further back in the yard in front of the garden area.

**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.**

Mr. Vermaaten's application refers to existing accessory buildings in his neighborhood that are closer to the property lines than the 15 ft. currently required. The accessory building at 7180 Beecher Rd. was built in 2007 and the accessory building at 7291 Beecher Rd. was built in 2005. These structures were permitted and constructed before the accessory building setback was changed to 15 ft. in 2016.

**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.*

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

*If the accessory building was to be relocated further back into the rear yard and moved to the east it could be built without the variance, but this would require the removal of two (2) trees. Also, it could be relocated in front of the garden area.*

**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. Only the trees are keeping Mr. Vermaaten’s building from complying with the 15 ft. setback.*

**Items to consider:**

*There are no real physical constraints except for the trees.*

*The proposed building could be built further back in the yard. This location would be behind the tree on Mr. Vermaaten’s site plan. That would be behind his proposed building location and in front of the garden area.*

*Thomas D. Frederick, Harrison Township Zoning Inspector*

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Ms. Hans asked about the condition of the trees. Mr. Vermaaten said the trees that could be removed are healthy trees.

Mr. Treinish said he appreciated the time the applicant has taken to provide the board with materials and information.

Ms. Hans asked if there were any public comments.

Norval Dunlap asked if the building would be used for business and what would be stored in it. Mr. Vermaaten answered that he would have his vehicles stored and would use the building for woodworking now and when he retired.

Ms. Hans asked Mr. Frederick to clarify that the R-15 district does not allow business uses. Mr. Frederick stated that only home occupations are allowed in the R-15 district.

Dan Storts and Neil Everett are concerned about drainage. Mr. Everett said the water would drain onto his property. Mr. Treinish asked Mr. Storts if his property is next to the applicant.

Mr. Storts said it is not next to the property. Ms. Hans asked Mr. Frederick for a map that would show drainage. Mr. Frederick provided the board with a map, which they reviewed.

Ms. Hans moved to approve the application with the conditions that:

1. The side yard minimum setback will be 10' on the west side only. The east side yard setback will remain at 15'.
2. That the applicant will comply with all other requirements of the Harrison Township Zoning Code.
3. That the applicant will not operate a business at this location.
4. That the applicant will not create any additional water runoff onto neighboring properties.

Mr. Hannahs seconded the motion.

Vote:

Valerie Hans-yes, James Hannahs-yes, Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes. The motion passed with a unanimous yes vote.

Ms. Hans read the Conditional Use application from Kenny Bing. Adam Evans is present to represent the applicant.

Mr. Evans stated this was a difficult property to develop. He placed a large drawing in front of the room to show plans for the property. The drawing showed plans for screening and drainage. He said he has talked with some of the neighbors and is open to suggestions. He would like to build up the property with mounds and plant evergreen trees for screening. Fencing is also a possibility.

Ms. Hans pointed out that drainage has been a huge problem with the property and asked what the plans are for that problem. Mr. Evans feels the trees will help. He also stated the plans call for box culverts with underground drainage.

Mr. Frederick stated the plans need to be submitted to the County Soil and Water. Mr. Evans said he has talked with them.

Ms. Hans asked if a retention basin had been considered. Mr. Evans said no, because the property is only an acre.

Ms. Hans asked if the materials used for parking would be gravel, concrete or asphalt. Mr. Evans said the material would be gravel for now. Ms. Hans pointed out that concrete or asphalt would not allow water to percolate.

Mr. Frederick's report

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Harrison Township Zoning Inspector's report & recommendation for a Conditional Use application for 6669 Outville Rd. Pataskala, Ohio 43062. The applicant is Kenny Bing.

The Conditional Use application is for the development of an operation of a utility and plumbing business along with storage of some large equipment for the business.

This recommendation will follow the requirements of the Harrison Township Zoning Resolution 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 proposed location:

**1. is in fact a conditional use as established under the provisions for the Zoning District involved;**

The property is currently zoned M-1 General Manufacturing. The conditional uses for this type of business are listed in Article 15 B-1 – Business Districts, Conditional Use Section 15.62.

**2. will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township's comprehensive plan and/or Zoning Resolution;**

The Future Land Use map has this area as Business use.

**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;**

The applicant has submitted a site plan that shows buffering and screening along Outville Road and the railroad tracks. This buffering/screening will be in the form of mounds and fencing. There is no other business like this in the area.

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

The utility and plumbing business does have some large equipment and Mr. Bing does utilize a concrete mixer for his business. There will be noise associated with the equipment and the mixing of concrete.

**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 persons or agencies responsible for the establishment of the 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;**

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Final - Approved

The area is zoned Manufacturing but there are currently no other manufacturing businesses located in this area. I feel there will be a change in the character of the neighborhood.

**7. will not involve uses, activities, processes, materials, equipment and conditions of operation 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;**

The proposed use will change the character of the neighborhood. I cannot say at this point it will be detrimental to the neighborhood but it will be a change.

**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;**

The applicant should contact the Licking County Engineer's office for their approval of the proposed improvement to the driveway for the proposed business.

**9. will not result in the destruction, loss, or damage of natural, scenic, or historic feature of major importance;**

It has been explained to me that there will be changes to the property for the proposed business.

Zoning Inspector's Recommendation

I would recommend the following considerations for the proposed business:

1. Must comply with all requirements of the Harrison Township Zoning Resolution. Some of those would be the Landscaping /Buffer Regulations, Architectural Review Standards, Parking Regulations and Sign Regulations.
2. Applicant should contact the Licking County Planning Commission to see if the proposed business needs to comply with the Major Development review regulations.
3. The proposed use should have all drainage improvements reviewed by the Licking County Soil & Water Conservation District before those improvements are done.
4. All equipment shall be stored within a building or structure and not visible to the public.

Harrison Township Zoning Inspector

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Michael Carl feels the problems with water are partially due to drainage issues at the railroad tracks.

Doug Smith asked about materials and equipment being stored outside. He also wants to know what type of materials will be stored. Mr. Evans said most of the materials would be pipes. He has a problem with no outdoor storage being allowed and feels the screening plan will totally screen the property.

William Muncy lives by the tracks and said some of the water problems come from the railroad.

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Michael Carl said there is a lot of noise from traffic and the railroad already and does not think the proposed business will create any more noise.

Montie Slagle asked if there would be hazardous materials stored. Mr. Evans answered no.

Tony Sharp asked about the fuel tank currently on the property. Mr. Frederick said it was left on the property.

Mr. Biniker moved to table the application until a landscaping review was conducted by the County. Ms. Hans seconded.

During a discussion Mr. Frederick said he would like to see a full review by the county entities.

Mr. Biniker moved to withdraw his motion. Ms. Hans moved to withdraw her second. The board agreed with unanimous ayes.

Mr. Biniker moved to table the application pending county reviews including

1. Licking County Planning Commission Major Development Review
2. Soil and Water approvals
3. Engineers approval for driveway placement and drainage.

Ms. Has seconded.

Vote:

Valerie Hans-yes, James Hannahs-yes, Jeremy Nestor-yes, Rick Biniker-yes, Jack Treinish-yes.  
The motion passed with a unanimous yes vote.

The public hearing closed at 7:52 pm

A working session began at 7:54 pm

Mr. Hannahs moved to approve the minutes from July 30, 2019. Mr. Biniker seconded.  
The motion passed with unanimous ayes.

Copies of a Variance application were given to the board members present. The application was submitted by Donald W. Parsons, 4742 Watkins Rd. SW Pataskala, OH 43062. The board agreed to a Public Hearing date of Wednesday October 9, 2019 at 6:30 pm.

At 8:02 pm Mr. Treinish moved to adjourn. Mr. Nestor seconded.  
The motion passed with unanimous ayes.

Respectfully submitted Vickie Noble, Zoning Secretary

Valerie Hans, Chair

*Public hearing professionally recorded by Anderson Reporting*