

HARRISON TOWNSHIP
BZA
September 26, 2017

Members present: Valerie Hans, George Snider, Dwight Gibson, Jr., James Hannahs and Douglas Harned.

Members absent: Ryan Bailey.

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

Guests: Rich Conley, Bill Lauthen, Robert Meadows, Joe Solinger (applicant), Jeff Cramblitt, Bill and Susan Scott, Chris Zahnow, Tyson and Carrie Ramsey, Tim and Della Ashby, Nathan Krause, Joyce Grasso.

The purpose of this meeting is to consider a Variance Application submitted by Joseph Solinger. The applicant is requesting a reduced front yard setback on a lot located at 1043 Carry Back Dr. SW Pataskala, OH 43062.

The Public Hearing was called to order at 6:30 pm by Valerie Hans with all standing for the Pledge of Allegiance.

Ms. Hans asked the court reporter to swear in all who wished to speak at tonight's hearing.

Ms. Hans read the application and attached letter from Mr. Solinger. She asked the applicant if he wished to add anything. He restated what was in the letter with the application.

Mr. Frederick's Report:

Harrison Township Zoning Inspector's report & recommendation for the variance request submitted by Joseph Solinger for 1043 Carry Back Dr. Pataskala, Ohio 43062.

The variance request is from the required Front Yard setback on the house that has just started construction. The required front yard setback is 40 feet from the Road Right of Way (ROW). The excavation and basement walls had been completed before it was discovered that the proposed house is not setback from the ROW the required 40 feet. Mr. Solinger used the edge of pavement for measuring the Front Setback and not the ROW. The house basement walls are

currently setback from the ROW 38.12 feet. The front porch would be about 35 feet back from the ROW.

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 are 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.

In order for the proposed house to comply with the Harrison Township regulations the completed walls and excavated basement walls that exist today would have to be removed and excavation of new basement and walls would have to be moved back 5+ feet.

b. whether the variance is substantial.

I would say that a 2 foot to 5 foot variance request is not substantial. This location on Carry Back Dr. is on a curve which makes the basement walls appear closer to the road.

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 existing houses in this neighborhood are 50+ feet back from the ROW.

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.

Yes, but the lot owner measured the setbacks from the wrong location.

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

No.

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

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Final- Approved

The Variance request is from the 40 foot Front Setback requirement of the R-15 Residential Zoning district of Harrison Township Zoning Resolution.

Thomas D. Frederick Harrison Township Zoning Inspector

Mr. Frederick pointed out on the maps that all of Beechwood Trails is zoned R-15. The developer had established a 50' setback but currently the Harrison Township Zoning District has a 40 foot requirement.

Ms. Hans asked if any other property in this area has a variance. Mr. Frederick answered that possibly one property in the 1970 era had been granted a variance.

Ms. Hans asked if anyone from the floor had any comments.

Robert Meadows stated he built his home in 1994. He said he questioned at the time why the houses were built so far back. He estimates his house has an 85 foot setback. He likes the neighborhood the way it is. He is concerned about safety issues with the house being too close to the road. He did have a question about the "berm" in front of the porch. Mr. Solinger explained this was dirt that was excavated and is to be used for fill later.

Jeff Cramblitt said he had asked about a variance for a barn on his property and was told it probably would not get approval. He is also concerned about safety. He feels the placement of the house does not fit the area.

Nathan Krause feel it is the responsibility of the applicant to worry about safety of his family. He does not have a problem with the approval of the variance request.

William Louthen questioned the math on the setback. He feels the house needs to be back another 30 feet instead of another 5 feet.

Carrie Ramsey said her property backs up to the applicant's property. She is concerned if the house is moved back on the lot it would be too close to her property. She doesn't think it is fair or worth the expense to require the applicant to move the house back on the lot.

Ms. Hans asked about the drainage easement on the property. She explained the variance cannot be granted due to financial issues. It has to be justified by a hardship on the property.

Mr. Gibson asked who owned lot 903 next to the property. Mr. Gavin Mosby is the owner but was not in attendance for the public hearing. Mr. Gibson stated he had driven by the property and did not see any negative on the position of the house.

Mr. Harned asked those in attendance if there was anything Mr. Solinger could do to improve the situation if the variance was approved. Mr. Meadows answered that there was not enough space to do anything.

Rich Conley feels the position of the house does not line up with the other houses.

Mr. Snider stated the board cannot give an approval based on monetary issues.

The board discussed different options before considering a motion.

Ms. Hans moved to approve the Variance application as presented.

Vote:

Valerie Hans...No George Snider...No Dwight Gibson, Jr. ...No
Douglas Harned...No James Hannahs...Yes

The motion has four No votes and one Yes vote.

The public hearing closed at 7:31 pm

A working session began at 7:34 pm

Mr. Harned moved to approve the June 27 minutes. Mr. Gibson seconded. The motion passed with unanimous ayes.

At 7:49 Mr. Gibson moved to adjourn. Mr. Harned seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

The Public Hearing was professionally recorded by Anderson Reporting

Minutes not official until approved by the Harrison Township BZA