

HARRISON TOWNSHIP
BZA
June 16, 2020

Members present: Valerie Hans, Jeremy Nestor and Rick Biniker.

Present but not voting: Gerald Saffo.

Absent: Jack Treinish, John McGowan and Rachael Mattis Bissett.

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

Guests: Tony Sharp, Laura Brown, Joshua Karst, Sarah Weals, Kelly Weals, Kenny Bing (applicant), Scott Dunbar and Carolyn Schoenle

The purpose of this meeting is to complete a Conditional Use Application submitted by Kenny Bing c/o R.A. Evans Management for 6669 Outville Rd. Pataskala, OH 43062. The applicant requested approval for a utility/plumbing business along with storage of materials and storage of some large equipment.

The application for 6669 Outville Rd. was presented at a Public Hearing on September 24, 2019 and was tabled pending county reviews.

The Public Hearing was called to order at 6:38 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 and the minutes from the September 24, 2019 meeting.

Ms. Hans asked Mr. Bing if he had the county reviews done. He responded that due to the expense he had not. She asked if he contacted Soil and Water. He said he talked with them and as long as the pipe size is adequate there would be no problem. Ms. Hans asked if he had contacted the Licking County Engineer's office for their approval of the proposed improvements to the driveway. His answer was "no".

Mr. Frederick pointed out his report has an update for June 16, 2020 stating that *As of this date there has been no construction plans or documents submitted to the County agencies or departments for their approvals.*

Mr. Frederick's report

September 23, 2019 and June 16, 2020

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 Rd. 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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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 improvements to the driveway.

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, Sign Regulations and Lighting.
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. I added this recommendation verbally at the September 24, 2019 hearing and I am including it in this report. All equipment shall be stored within buildings or structures and not visible to the public. There will not be any outside storage of any equipment.

June 16, 2020 Update comments & recommendations:

As of this date there has been no construction plans or documents submitted to the County agencies or departments for their approvals.

Thomas D. Frederick ,Harrison Township Zoning Inspector

Mr. Bing stated that he had purchased other property to store his equipment. He would still like to purchase the property at 6669 Outville Rd. and keep the property residential. He would like to rebuild the house.

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Mr. Frederick informed the board that residential is permitted in the M-1 district.

Mr. Bing added that he would also like to have his plumbing business on the property.

Ms. Hans asked Mr. Bing to clarify that he is planning to use the property for business. Mr. Bing: yes.

Kelly Weals has a problem with the proposed mounding. She doesn't want to see a business and doesn't want chemicals in the creek. She is also concerned about junk.

Joshua Karst said the applicant has a right to have a residential property but knows it will take a lot of work. He also wants things to be stored properly.

Mr. Frederick added that the trash that comes down stream comes from other properties not just the immediate area.

Mr. Bing said he has cleaned the ravine and will keep the property clean. The only chemicals he has for his business is diesel fuel and said none of that would be on the property.

Sarah Weals asked Mr. Bing if he plans to live in the house or rent it? Mr. Bing said it depends on his personal situation.

Tony Sharp asked if it was to be residential why the zoning change request. Ms. Hans said the applicant was asking for a Conditional Use.

Laura Brown continued with Mr. Sharp's question asking Mr. Bing if he intended to have a dual use of residential and business. Mr. Bing answered yes. Ms. Brown also stated that she is concerned with water issues.

Mr. Frederick said he would recommend the board consider not approving the original application since Mr. Bing has changes to his request. Residential is permitted. The plans Mr. Bing has presented could be on a new application with the change of plans.

Carolyn Shoenle stated she is an advocate of property rights and feels strongly that this plan is not in sync with the area. She said there is not enough land to create the business. She feels the property is the gateway of Outville and would like to see the property sold to the township for a community garden or park.

Ms. Hans asked for thoughts from the Board.

Mr. Biniker said the board should vote on this application and have the applicant submit a new application.

Ms. Hans moved to deny the application as presented.

Mr. Bing asked to speak before the motion continued. He asked to withdraw his application.

Due to Mr. Bing's request to withdraw his application, Ms. Hans withdrew her motion to deny with the knowledge that Mr. Bing will be submitting a new application.

The public hearing closed at 7:22 pm and a working session began.

Ms. Hans moved to approve the January 28, 2020 meeting minutes as presented. Mr. Biniker seconded. Vote: Ms. Hans-yes, Mr. Biniker-yes, Mr. Nestor-yes.

The board was informed that Valerie Hans will become the Harrison Township Zoning Inspector on Monday June 22, 2020.

At 7:38 p.m. Ms. Hans closed the meeting.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

Public hearing professionally recorded by Anderson Reporting