

HARRISON TOWNSHIP
BZA 2021 Organizational Meeting
Public Hearing
March 16, 2021

Members present: Ricky Biniker, Rachael Mattis Bissett, John McGowan, Jeremy Nestor and Gerald Saffo. Absent: Jack Treinish. Due to the absence of Mr. Treinish, Mr. Saffo will be a voting member.

Also present: Valerie Hans, Zoning Inspector and Vickie Noble, Zoning Secretary
Present for the Public Hearing: Marilyn Martin of Anderson Reporting.

Guests: Mike Bookman, Patti Bookman, R.J. Sabatino and Stephen Kauff.

Vickie Noble called the meeting to order at 6:35 pm with all standing for the Pledge of Allegiance.

Ms. Noble called for nominations for Chair for the 2021 board.

Mr. Nestor nominated Ricky Biniker. Mr. McGowan seconded.

Vote:

Ricky Biniker-yes, Rachael Mattis Bissett-yes, John McGowan-yes, Jeremy Nestor-yes, Gerald Saffo-yes

Nominations were open for Vice Chair

Mr. Biniker nominated Rachael Mattis Bissett. Mr. McGowan seconded.

Vote:

Ricky Biniker-yes, Rachael Mattis Bissett-yes, John McGowan-yes, Jeremy Nestor-yes, Gerald Saffo-yes

Nominations were open for Alternate Secretary.

Mr. Biniker nominated Jack Treinish. Ms. Bissett seconded.

Vote:

Ricky Biniker-yes, Rachael Mattis Bissett-yes, John McGowan-yes, Jeremy Nestor-yes, Gerald Saffo-yes

The board agreed to keep the same meeting schedule. The second and fourth Tuesday of each month are set aside as meeting dates. Alternate meeting dates will be scheduled if necessary. All dates are on an as needed basis.

The board discussed the procedures for a meeting/hearing.

The motions will be in the form of approve, approve with conditions, deny or postponement of the decision. Robert's Rules of Order will also be followed.

Mr. McGowan moved to approve the minutes from October 6, 2020. Mr. Biniker seconded. The motion passed with unanimous ayes.

Ms. Hans gave the board some updates

- The Zoning Commission has been working on revisions to the Zoning Resolution. The proposed revisions have been sent to the LCPC. A public hearing has been scheduled for March 30, 2021.
- The volume of zoning permits is up.
- The township will be working on a comprehensive plan.

The Organizational meeting closed at 6:57 pm.

A Public hearing was called to order at 7:00 pm by Ricky Biniker with all standing for the Pledge of Allegiance. Mr. Biniker asked all who wished to speak to remain standing and be sworn in by the Court Reporter.

The purpose of this Public Hearing is to consider a Variance Application submitted by David and Pi-Feng Kauff for a property located on Refugee Rd. Pataskala, OH 43062, west of Smoke Rd. The applicants are planning to split a 22 acre parcel into two lots. They are requesting a 20' variance from the required 100' frontage for one lot.

Mr. Biniker read the application and all pertinent material with the application.

Stephen Kauff was recognized. Mr. Kauff will be representing his parents David and Pi-Feng Kauff. Mr. Kauff said he is looking forward to building a home on the property.

Ms. Hans said the Kauffs wanted to do a lot split but could not accomplish that without a lot frontage variance.

Ms. Hans report:

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Harrison Township Zoning Inspector's report and recommendation for a variance application for 0 Refugee Rd., Pataskala, Ohio 43062 submitted by David and Pi-Feng Kauff.

The applicants are proposing to subdivide the 21.979-acre parcel into two proposed lots, 16.567 acres and 5.412 acres in size, to allow their son to build a home on the property while still retaining a large amount of property for their own use. The 5.412-acre parcel would have 100 feet of road frontage while the 16.567-acre parcel would have 79.18 feet of road frontage.

*This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section **4.12 2. a-g Area Variance**. The Board of Zoning Appeals shall review the particular facts*

Harrison Twp. Board of Zoning Appeals

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Final - Approved

and circumstances of this area variance in terms of the following standards and shall find adequate answers to the questions that establish the criteria for establishing practical difficulty in the use of the property.

a. Whether the property in questions will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

The property does not have enough road frontage for more than one single family lot without the requested variance from the 100 feet of road frontage. This property is already flag shaped and has several wet areas on the lot that are not suitable for building and would be difficult to place a driveway in.

b. Whether the variance is substantial.

The property is zoned Residential (R-15). The R-15 zoning district requires a minimum lot area of 15,000 square feet and lot width (road frontage) of 100 feet. The variance is not substantial as it reflects a 20.8% (20.82') variance from the 100' minimum road frontage. The proposed lots far exceed the minimum size of lots in the area and would be substantially larger than most of the neighboring lots.

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 essential character of the neighborhood would not be substantially altered, as there are existing homes next door and across the street from the lot. They would not suffer substantial detriment as the existing homes built in the area are on smaller lots the same or closer distance to the roadway.

d. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, medical, fire, police).

This variance will not influence delivery of any governmental services as it does not change the ability for those services to reach existing or proposed new residences.

e. Whether the property owner purchased the property with knowledge of the zoning restriction.

The property owner stated that they were not aware of the zoning restriction when they purchased the property.

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

The applicant could not subdivide the 21.979-acre lot without the requested variance because the current road frontage for the total property is 179.18 feet which is 20.82 feet short of the required frontage for two (2) lots.

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

The issue is the reduced amount of road frontage for one of the proposed lots. I am aware that there are several other lots in Harrison Township with significantly less road frontage than what the applicant is proposing. Those lots also have shared driveways and had variances approved in the last 10 years. The spirit and intent behind the zoning requirements would still be observed and substantial justice would be done by granting the variance as it will promote use of the property while retaining the rural character of the area.

Zoning Inspector's Recommendation

I would recommend approval of this variance with the following conditions:

- 1. That the road frontage for the proposed lots will be 79.18 feet for the 16.567-acre lot and 100 feet for the 5.412-acre lot.*
- 2. That the applicant will have a shared driveway for the two lots at the roadway as to not add additional ingress and egress points to the property.*
- 3. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution and Licking County.*

*Respectfully submitted, Valerie L. Hans
Harrison Township Zoning Inspector*

Mr. Nestor asked how long the applicants had owned the property. Ms. Hans said the property was purchased in 2012.

Mr. McGowan asked if the shared driveway would be deeded. Ms. Hans answered yes and that the next step would be with the Licking County Planning Commission. The LCPC would look at the driveway and addresses would be assigned. She also pointed out a shared driveway would be beneficial and would be a safer option. Even with the shared driveway option, the Kauffs would need a variance for the driveway due to the Licking County Driveway Spacing and Congestion Standards regulations.

Mr. Biniker asked if there were any questions or comments from the floor.

R.J. Sabatino of T & R Holding Company (working on developing a property across the road in Etna Township) said he initially had some concerns about the driveway but with the previous

information indicating a shared driveway, he has no concerns now that he understands there will only be one driveway for the property.

Patti Bookman asked if the larger lot could be split in the future. Ms. Hans said any additional splits would need a lot frontage variance. Mrs. Bookman was also concerned about the location of the home and the building of a barn. Mr. Kauff pointed out the location of the home build. Ms. Hans said the Kauffs have a permit to build an Agricultural barn.

Mike Bookman stated that culvert pipes had been installed changing the natural direction of the creek causing drainage issues. Ms. Hans said the application before the board was for a variance of road frontage. The water issues would be a civil matter and therefore the board could not address them.

Mr. Bookman made the statement that he is strongly opposed to granting this variance.

Ms. Bissett moved to approve the application with the conditions recommended by the Zoning Inspector. Mr. Biniker seconded.

The conditions are as follows:

1. That the road frontage for the proposed lots will be 79.18 feet for the 16.567-acre lot and 100 feet for the 5.412-acre lot.
2. That the applicant will have a shared driveway for the two lots at the roadway as to not add additional ingress and egress points to the property.
3. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution and Licking County.

Vote: Ricky Biniker-yes, Rachael Mattis Bissett-yes, John McGowan-yes,
Jeremy Nestor-yes, Gerald Saffo-yes

At 7:37 Mr. Biniker closed the Public Hearing

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Anderson Reporting