

HARRISON TOWNSHIP
BZA
April 13, 2021

Members present: Ricky Biniker, Rachael Mattis Bissett, Jeremy Nestor, Jack Treinish and Gerald Saffo. Absent: John McGowan.

Due to the absence of Mr. McGowan Mr. Saffo will be a voting member.

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

Guests: Jim Hannahs, Roy Clouse, Doug Hall, Paul Mills, Debbie Mills, Joan Netzela, and Lisa Swick.

Mr. Biniker called the meeting to order at 6:44 pm with all standing for the Pledge of Allegiance.

All who wished to speak were sworn in by the court reporter.

The purpose of this meeting is to consider a Variance Application submitted by Paul Mills for 33 Oak Leaf Ln. Granville, OH 43023. The applicant is requesting to build a detached garage 65' from the center of the road. The required setback is 80' from the center of the road.

Mr. Biniker read the application and pertinent materials. He asked if the applicant had anything to add. Paul Mills had nothing to add but said he would answer any questions.

Ms. Hans presented her report and recommendation.

April 13, 2021

Harrison Township Zoning Inspector's report and recommendation for a variance application for 33 Oak Leaf Ln., Granville, Ohio 43023 submitted by Paul Mills.

The applicant is proposing to build a 30 foot by 40-foot detached garage on his property 35 feet from the property line which could also be described as 65 feet from the center of the Oak Leaf Ln.

*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 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 in question will still yield a reasonable return and beneficial use of the property without a variance as there is already a two-car attached garage on the property.

b. Whether the variance is substantial.

The property is zoned Residential (R-70). The R-70 zoning district requires a front yard setback of 50 feet from the property line or 80 feet from the center of the road if no right-of-way has been established. The variance is substantial as it reflects a 30% (15 foot) variance from the 50-foot minimum front yard setback.

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 several detached garages, sheds, and barns in the neighborhood.

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 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.

I have outlined three scenarios that would not require a variance.

1. The building could be moved towards the northeast corner of the property without needing a variance. However, an additional driveway access would need to be granted by the road department.
2. The building could be moved to the south and placed perpendicular to the garage against the existing home. This would require relocating a part of the existing fence and an existing walkway.
3. The building could be reduced in width to a 25 foot by 30-foot building which would allow the applicant to meet all required setbacks while still allowing for a large two-car detached garage.

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 front yard setback and the proximity of the detached garage to the roadway. Granting a variance of the front yard setback on this property would establish a precedence that goes against the spirit and intent behind the zoning requirements. Therefore, I feel that the substantial justice would not be done by granting the variance.

Zoning Inspector's Recommendation

I would not recommend approval of this variance due to the lack of a practical hardship of the lot which is a criterion for a variance under the Ohio Revised Code.

If you are considering granting this variance, I would strongly recommend the following conditions:

1. That additional evergreen trees be planted going northeast along the Oak Leaf Ln. side of the lot at the property line to shield the building from view of the roadway.
2. That no additional driveways would be added to this property.

Harrison Twp. Board of Zoning Appeals

April 13, 2021

Final - Approved

3. That all garage doors on this structure will face the driveway.
4. That the applicant follows all the other rules and regulations of the Harrison Township Zoning Resolution.

Respectfully submitted, Valerie L. Hans Harrison Township Zoning Inspector

Mr. Treinish asked about the reduction in size of the building, referring to f. in the Zoning Inspector's report. Mr. Mills said he initially wanted the building to be larger and does not want to go any smaller.

Mr. Treinish asked about the fenced in area. Mr. Mills pointed out this area has a septic leach bed. He pointed out the location of the proposed build on a map included with the application.

Mr. Biniker asked about connecting the build to the house. Mr. Mills said he cannot connect due to the well head and septic leach bed.

Lisa Swick is representing her Mother who is a neighbor of the Mills. She is concerned about the view being blocked and what will be stored in the building. Mr. Mills said it is a Morton building and wants it to look nice. He said the building will be used as a garage and storage.

Mr. Saffo asked about the need for evergreens. Mr. Mills already has some evergreens planted.

Mr. Nestor asked if Mr. Mills had considered turning the building which would place it over the edge of the leach bed. Mr. Mills said he had been advised against placing the building over one finger of the leach field. He was told that this could cause damage.

Ms. Hans addressed a lean-to/porch which was not included in the original application. She said the added lean-to will increase the size of the building and must be included in the consideration for the setback. Mr. Mills said he would move the porch if needed.

Mr. Treinish asked about the height of the walls. Mr. Mills said it will have normal 8 foot garage walls.

Lisa Swick has no issues if the build is close to the house.

Rachael Mattis Bissett moved to approve the variance request with the following conditions:

1. That there would be no additional driveways added to his property
2. That additional 6' evergreen trees would be planted 15 ft on center along the northeast edge of his property to follow the existing tree line for the span of the new building (40')
3. That the orientation of the building would be flipped so that the 30-ft side faced the existing driveway, that the lean-to would be moved to the southeast side inside the fence of the existing yard therefore making the 40-ft side of the building parallel to the existing fence. Garage doors of the new building will face the existing driveway.
4. That the front setback off of Oak Leaf Lane be at least 45 ft from the edge of the property and therefore 75 ft to the center of the roadway

Harrison Twp. Board of Zoning Appeals
April 13, 2021

Final - Approved

5. That the applicant follows all other rules and regulations of the Harrison Township Zoning resolution

Jack Treinish seconded.

Vote: Ricky Biniker-yes, Rachael Mattis Bissett-yes, Jack Treinish-yes, Jeremy Nestor-yes, Gerald Saffo-yes

Mr. Biniker closed the Public Hearing at 7:27 pm.

Working Session

Ms. Hans gave the board some updates on zoning in the township.

Mr. Nestor moved to approve the minutes from March 16, 2021. Ms. Bissett seconded. The motion passed with unanimous ayes.

The board was given copies of the applications to be presented and considered at the April 27, 2021 meeting.

At 8:08 pm Mr. Biniker adjourned the meeting.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Anderson Reporting