

HARRISON TOWNSHIP
BZA
April 27, 2021

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

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

Guests: Amanda Spencer, Kevin & Martha Spurbeck, Larry & Kathy Cope, Gaylyne Landon, Dana Paine, Greg & Amber Villwock, Mary Richardson, Mike Leitwein, John Ackers, Kevin Murray, Pat Barnhill, Brian Bivins, Jennifer & Kenny Gilbert, Randy Colvin, Carolyn Elder, Janice Bowling, Carol Marr.

Mr. Biniker called the meeting to order at 6:31 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 Conditional Use Application submitted by Greg Villwock for Parcel # 025-068046-00.000, Columbus Rd. Pataskala, OH 43062 and a Variance Application submitted by Front Porch Investments LLC for 77 Hiawatha Trail Granville, OH 43023.

The applicant for the Columbus Rd. property is requesting to develop and operate an events center on 13.71 acres located on the north side of Columbus Rd. between York Rd. and Zackary Dr.

Front Porch Investments LLC is requesting approval to build a home at 77 Hiawatha Trail Granville, OH 43023 with 105' of lot width at the building line, a variance of 45' from the required 150'.

VARIANCE APPLICATION SUBMITTED BY FRONT PORCH INVESTMENTS, LLC

The application and all pertinent materials were read by Mr. Biniker.

Asked if he had anything to add, the applicant, Randy Colvin said he planned to build a single family home consistent with other homes in the subdivision.

Ms. Hans presented her report and recommendation.

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Harrison Township Zoning Inspector's report and recommendation for a variance application for 77 Hiawatha Trail, Granville, Ohio 43023 submitted by Front Porch Investments LLC.

The variance application is for the development of a 100' x 205' residential lot otherwise known as 77 Hiawatha Trail (Lot 49-A), Granville, Ohio 43023. The applicant is requesting a 45' variance in the width of the lot at the building line to allow the buyer of the lot to build a home on the existing lot. Presently, the lot has a 105' width on Hiawatha Trail which is like all other existing homes on the street. However, the street as well as the north side of Comanche Ct. were zoned B-1 years ago after the subdivision was developed. The minimum lot width at the building line in the B-1 business district is 150'.

*This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section **4.12 a-g 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 could not be built on without a lot width and lot width at the building line variance. Furthermore, the lot would be very small to be developed for a business use.

b. Whether the variance is substantial.

The variance is substantial as it reflects a 30% (45') variance from the 150' minimum width at the building line.

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 on the street which are similar in lot width. They would not suffer substantial detriment as the existing homes built in the area are 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 the proposed new residence.

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

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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.

Without a variance, the property owner would not be able to build a home on the lot due to the 150’ minimum lot width at the building line.

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

The spirit and intent behind the zoning requirement would still be observed and substantial justice would be done by granting the variance as it will promote a use that is in harmony with the existing residential uses in the neighborhood.

Zoning Inspector’s Recommendation

I would recommend the following consideration for this variance if considering approval.

1. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

Valerie L. Hans, Harrison Township Zoning Inspector

Mr. Biniker asked if the board had any questions. Being no questions at this time he asked for questions or comments from the floor. There were none.

Mr. Biniker asked about accessory buildings on the small lot. Ms. Hans said any accessory buildings would have to comply with the Zoning regulations.

Ms. Bissett moved to approve the application with the condition that the applicant will comply with all requirements of the Harrison Township Zoning Resolution. Mr. McGowan seconded.

Vote: Ricky Biniker-yes, Rachael Mattis Bissett-yes, Jack Treinish-yes,
John McGowan-yes, Jeremy Nestor-yes.

CONDITIONAL USE APPLICATION SUBMITTED BY GREG VILLWOCK

The application and all pertinent materials were read by Mr. Biniker.

Amanda Spencer stated she was representing the applicant. She said the business would be mostly weddings. It would not be a concert venue. There would be 6’ earthen mounds. She said she has read the recommendations in the zoning inspectors report and would comply with any conditions. The property will need some trees removed but will not be clear cut...trees add to the

ambience for weddings. There are future plans for a full-service kitchen. She also said she has looked at the noise ordinance and there are no plans to extend the hours beyond those recommended by the zoning inspector.

Ms. Hans Report and Recommendation

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Harrison Township Zoning Inspector's report and recommendation for a conditional use application for 0 Columbus Rd. Granville, Ohio 43023. The applicant is Greg Villwock.

The Conditional Use application is for the development of an events operation for reunions, weddings, anniversary parties, and corporate events. The applicant stated that they expect most events to occur on the weekends, with some limited business activities during the week. Their plan to develop the property for a business includes an event planner, decorations that will be available for use by clients, setup, and cleanup for events. They plan to eventually grow the business into a venue which will have a full-service kitchen to allow for on-site food preparation.

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:

- a. Is in fact a conditional use as established under the provisions for the Zoning District involved.*

The property is currently zoned B-1. Business Districts, Conditional Use Section 15.62 provides for a Conditional Use Permit for places of amusement and assembly.

- b. 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 shows this area as general business.

- c. Will be designed, constructed, operated, and maintained 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 showing a proposed 10,000 square foot main event building to be located on the north side of the property approximately 660 feet from the edge of the property line of Columbus Rd. He is proposing a smaller pole barn building toward the west side of the site which will sit approximately 750 feet from the edge of the property line of Columbus Rd. The applicant is proposing two (2) ponds, one toward the southeast side of the site near Columbus Rd. and the other in the far northeast corner of the site at the back of the property. The

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applicant has stated that they plan to provide 6-foot-tall earthen buffers on the east and west side of the property to shield neighboring properties from noise and light. They plan to maintain the wooded area toward the rear (north end) of the property.

d. Will not be hazardous or disturbing to existing or future neighboring uses.

The applicant has stated there would be weddings, anniversary parties, corporate events, and reunions. If the noise from these events is controlled, then there should be little disturbance to the adjoining properties. Harrison Township has adopted a Noise Resolution (#2018 05 22 01) that regulates unnecessary and excessive noise generated from premises to which a D permit has been issued by the Division of Liquor Control and unnecessary and excessive noise generated in residential zoned areas of the Township. This means that any unnecessary and excessive noise can be regulated by the Sheriff's office between 12 AM and 6 AM. There is a proposal that would amend the state requirements that would allow townships to control noise regulations to all areas of the township.

e. 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, this property is located with direct access to state route 16 and is easily accessible to safety and utility services.

f. 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.

No, the cost of developing this property will be absorbed by the developer.

g. 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 slightly change the character of the neighborhood. Weddings, anniversary parties, corporate events, reunions, and the like will increase traffic in the area at times.

h. Will have vehicular approaches to the property, which need to be designed to not interfere with traffic on surrounding public thoroughfares.

The applicants will need to work with the Ohio Department of Transportation and the Licking County Engineer's office for their approval of the proposed improvements to the driveway and any turning lanes which may need to be added due to the expected increase in traffic flow.

i. Will not result in the destruction, loss, or damage of natural, scenic, or historic feature of major importance.

While the proposed business will change the look of the property; the applicant appears to be working to preserve and enhance the property's natural features.

Zoning Inspector's Recommendation

I would recommend the following considerations for this conditional use application.

1. That events with music service (band, DJ, orchestra, pre-recorded, etc.) will cease amplification at 10:00pm Sunday-Thursday, 12:00 midnight Friday-Saturday and music may not resume until 9:00am. the next day. In addition, any outdoor events with music will be limited to daylight hours only.
2. That there will be no arena or amphitheater concerts on the property.
3. That ingress and egress access will be reviewed and approved by the Licking County Engineer's Office and the Ohio Department of Transportation.
4. That all exterior lighting will be angled downward to avoid light pollution onto neighboring properties.
5. That any materials storage will be kept indoors and covered at all times.
6. That there will be no overnight events with the exception of organized youth activities supervised by adults at all times.
7. That the buildings will be constructed with soundproofing and insulation components.
8. That the applicant will install an earthen buffer of at least 6 feet in height with evergreen trees (at least 6 feet in height at time of planting) installed 15 feet on center on top of the mounds along the west and east sides of the property beginning 200 feet north of Columbus Road and continuing to the point on the property where the B1 and AG zoning lines meet.
9. That the applicant will comply with the Harrison Township Zoning Resolution, Licking County, and Ohio Department of Transportation regulations, including but not limited to technical review, architectural review, signage, lighting, landscaping/buffering, congestion standards and driveway spacing, and other requirements as needed during the development process.
10. That the applicant understands that this approval is the beginning of the development process and they will need to work with the township as well as several county departments to complete the development process before they will be ready to apply for zoning and building permits.

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

Mr. Biniker asked if the board had any questions. Being no questions at this time he asked for questions or comments from the floor.

Janis Bowling would like to know the occupancy and details of the main building. Ms. Spencer said the building would be one story with an occupancy of 297. The plans are for the building to be aluminum. It will be located with a setback of 660’.

Ms. Spencer provided some drawings for the audience to view.

Kenny Gilbert asked about building height limits. Ms. Hans said it was 35’. He also asked about the mounds and trees. Ms. Spencer said plans would be refined but the trees would be on top of the mounds. Ms. Bowling wanted to know what type of trees would be used. Ms. Spencer said they would be evergreens.

Martha Spurbeck asked about the second building shown on the plans. Ms. Spencer said it would be used for storage.

Pat Barnhill asked if the zoning regulations are strong enough to keep it quiet. Ms. Hans answered that the recommendations for conditions are intended to prevent problems.

Kevin Spurbeck stated he would like to see conditions put in place if the board votes on the application. He also stated there are wetlands on the property. He has concerns about the timeframe of the project. Carol Marr, realtor, said the applicant has until May 15 to finalize.

Kathy Cope has concerns about security and alcohol. She also asked about the youth activities. Ms. Spencer said they would be things like church events and bible studies.

Mary Richardson is concerned about the alcohol and people cutting through York Road after consuming alcohol. She asked what kind of training would be provided for the staff in connection with alcohol consumption. Ms. Spencer said she did not have an answer for this question but was confident precautions would be taken.

Addressing the York Road question, Ms. Hans said York is a county road and the project will be reviewed by the state and the county technical review committee (TRC). They will look at things like police, fire and wetlands. The project is located on Columbus Road which is a state road.

Dana Paine said there are water issues. She is also concerned about noise since she can hear music from the Barn on York. She thinks the trees need to be 8’ instead of 6’. She doesn’t like the late-night hours and possibly music at midnight as part of the wedding ceremony. She is also concerned about property values.

Ms. Bowling asked about the hours in the zoning inspector’s report. Ms. Hans said her report was a recommendation and it would be up to the board to choose the hour conditions. Ms. Bowling wanted to know about the noise monitoring and decibels. Ms. Hans said the township doesn’t have a noise meter and it would be difficult to determine the decibels.

Kevin Spurbeck asked about fireworks. Ms. Hans referred the question to board member Jack Treinish who is associated with the West Licking Fire Department. Mr. Treinish said a permit would have to be obtained from the State. He also pointed out fireworks are illegal in Ohio.

Mr. Spurbeck would like to see the application tabled.

Mr. Treinish asked Ms. Hans about the wetlands. She said TRC would work with the required entities.

Mr. McGowan moved to approve the application with the following conditions:

1. That events with music service (band, DJ, orchestra, pre-recorded, etc.) will cease amplification at 10:00pm Sunday-Thursday, 12:00 midnight Friday-Saturday and music may not resume until 9:00am. the next day. In addition, any outdoor events with music will be limited to daylight hours only.
2. That there will be no arena or amphitheater concerts on the property.
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10. That the applicant understands that this approval is the beginning of the development process and they will need to work with the township as well as several county departments to complete the development process before they will be ready to apply for zoning and building permits.

Mr. Nestor seconded.

Vote: Ricky Biniker-yes, Rachael Mattis Bissett-yes, Jack Treinish-yes,
John McGowan-yes, Jeremy Nestor-yes.

Mr. Biniker closed the public hearing at 7:32 pm

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A working session began at 7:39 pm

Ms. Bissett moved to approve the minutes from April 13, 2021. Mr. Biniker seconded. The motion passed with unanimous ayes.

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

The trustees will hold a public hearing on Monday May 3, 2021 to discuss the proposed revisions to the Harrison Township Zoning Resolution.

The Zoning Commission will hold a public hearing on Tuesday May 4, 2021 to review an application for a PUD residential subdivision on York Road.

At 7:58 pm Mr. Biniker adjourned the meeting.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Anderson Reporting