

HARRISON TOWNSHIP

BZA

August 24, 2021

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

Mr. Saffo will be a voting member due to the absence of Mr. Nestor.

Also present: Valerie Hans, Zoning Inspector and Vickie Noble, Zoning Secretary

Present for the Public Hearing: Marilyn Martin of Anderson Reporting.

Guests: Roger Householder, Gregory Clark, Janie Treinish, Connie Klema, Noah and Tracy Kelley, Brian Thompson, Scott Minard, Justine Minard, Steve Bodie, Zane Wilson, Carey Scott, Pat Howard, Teri Clark, Tim Gilbert, Carel and Bonnie Ellinger, Alex Castoe, Dwight and Rose Gibson, Paula Dildine, Nelson Bernor, Dan and Erin Gervais, Randy Colvin, Mike Kirkwood, Dawn Williams, Walter Meadows, Kevin Kerr, Brandon Brumbaugh, Mary Iden, Tony Arata, Brandon Boehm, Steve Fazekas, Penny Fazekas, Kevin Johnson, Rhonda Householder, Patrick Foley, Craig S. Vanhorn, Kyle Deptula, Katie Fazekas.

Ricky Biniker called the meeting to order at 6:30 pm with all standing for the Pledge of Allegiance.

Mr. Treinish moved to approve the minutes from May 25, 2021. Mr. McGowan seconded. The motion passed with unanimous ayes.

The board was asked for their availability for September. A variance application is expected to be submitted to the office. A date of September 14, 2021 was available for all the members present.

PUBLIC HEARING

The purpose of the Public Hearing is to consider a Variance Application submitted by Mike and Jocelyn Green and a Variance Application submitted by Connie Klema representing Front Porch Investments LLC.

The public hearing was called to order at 7:00 pm.

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

The first application was submitted by Mike and Jocelyn Greene for property located at 4261 Wesleyan Church Rd. Granville, OH 43023.

The applicants are requesting a 10-foot front yard setback to build a house 40 feet from the front property line.

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Mr. Biniker read the application with all pertinent materials.

Kevin Kerr is present to represent the applicant. He said he would answer any questions.

Ms. Hans report:

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Harrison Township Zoning Inspector's report and recommendation for a variance application for 4261 Wesleyan Church Rd., S.W., Granville, Ohio 43023 submitted by Mike & Jocelyn Greene.

The applicant is proposing to build a new home on their property 40 feet from the front property line.

*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 would be extremely difficult to build on without a variance because of its irregular shape and large amounts of ODOT and township road ROW. In addition, the leach field for their septic complicates the setback issue further as it cannot be in the road ROW. I feel that it would be difficult to yield a reasonable return and beneficial use of the property without a variance due to these lot hardships 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 front property line. The variance is not substantial as it reflects a 20% (10 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 other homes in the area that sit close to the road. The neighborhood is comprised of both homes and farms.

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. This issue came to light when they were attempting to locate an appropriate leach field location.

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

No, due to the shape of the lot and large amounts of ODOT and township road ROW, the only option to build and place the leach field on the property is to apply for and receive a variance.

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.*

Respectfully submitted, Valerie L. Hans Harrison Township Zoning Inspector

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There were no comments or questions from the floor.

Mr. Biniker asked if a pump station was out of the question. Mr. Kerr said it was and that a line would have to be bored under State Route 16.

Mr. McGowan moved to approve the application. Mr. Saffo seconded.

Vote: Ricky Biniker-yes, Rachael Mattis Bissett-yes, Jack Treinish-yes, John McGowan-yes, Gerald Saffo-yes.

The second application was submitted by Connie J. Klema representing Front Porch Investments LLC. The applicant is requesting lot width variances on two parcels at 4663 Columbus Rd. SW, Granville, OH 43023. For the R-15 zoned lots fronting on Cherokee Trail: The request is to permit two lots to have 16 feet of road frontage and six lots to have 15 feet of road frontage instead of the required 100' for the R-15 district. For the B-1/R-15 zoned lot fronting on Cherokee Trail: The request is to permit 16 feet of road frontage instead of the required 150' for the B-1 district.

Mr. Treinish stepped off the board for this application due to being an adjacent/adjoining property owner.

Mr. Biniker read the application with all pertinent materials.

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Ms. Klema stated the developer is a local resident. She said the property is zoned R-15 and has two frontages on Cherokee Trail. She also said the property could be developed into a subdivision with possibly 140 lots.

Ms. Hans report:

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Harrison Township Zoning Inspector's report & recommendation for variance application for 4663 Columbus Rd. SW, Granville, Ohio 43023 submitted by Connie J. Klema. This 49.43 +/- acre lot has 145.31 +/- feet of total road frontage on Cherokee Trail, spaced between two access points 50 feet and 95.31 feet respectively. There is a separate B-1 zoned lot 1.87 +/- acres in size with 67.07 +/- feet of road frontage at 4663 Columbus Rd. S.W. that is not included in this application. However, the application lists the property address as 4663 Columbus Rd. S.W. for both properties. Currently, the Indian Hills Golf Course clubhouse, parking and maintenance building are located on the 4663 Columbus Rd. S.W. lot.

The applicant's client is proposing to subdivide the 49.43 +/- acre lot into nine (9) proposed lots. The proposed site is primarily zoned R-15 with a small amount of B-1 zoned property that is located at the northwest corner of the site. They are proposing the following lot split scenario. The 50 feet of frontage on Cherokee Trail will be divided into three lots each with 16 +/- feet of frontage. The 95.31 +/- feet of frontage on Cherokee Trail will be divided into 6 lots each with 15 +/- feet of frontage. All 9 lots would be 5 + acres. The three (3) lots that are proposed to have 16 +/- feet of road frontage would utilize a shared /common driveway. The six (6) lots that are proposed to have 15 +/- feet of road frontage would utilize a second shared/common driveway.

*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 question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

This property could still yield a reasonable return and be used for a residential purpose as it is in the R-15 and B-1 districts and could be developed as a subdivision without the need for variances.

b. whether the variance is substantial.

The property is zoned Residential (R-15). The R-15 zoning district requires a minimum lot width (road frontage) of 100 feet. Two (2) of the proposed lots which are entirely in the R-15 district have 16 feet of lot width which represents an 84% variance. Six (6) of the proposed lots which are entirely in the R-15 district have 15 feet of lot width which represents an 85% variance. The last proposed lot which is primarily in the B-1 district with a small amount of R-15 property to allow for a driveway into the lot is 16 feet in lot width which represents a 90% variance if calculated by the B-1 minimum standard of 150 feet of lot width. These

variances are substantial as they reflect an 84% (84 foot), 85% (85 foot) and 90% (134 foot) variances from the 100-foot minimum lot frontage in the R-15 and 150-foot minimum lot frontage in the B-1 districts.

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 be substantially altered as the neighborhood would suffer a substantial detriment from this project proceeding without going through subdivision regulations, technical review committee (TRC), stormwater, engineering, and emergency services review. The property being proposed for development already has issues with runoff into the neighboring subdivision. If this property were developed as a subdivision, it would go through the proper stormwater review process to manage and potentially mitigate the water runoff issues on site. In the present configuration, this project would move forward with limited review and regard for managing the stormwater issues.

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

If granted the variance, the proposed lots would have shared driveways with no oversight on turning radii for governmental service delivery vehicles. This could affect the delivery of those services to the newly created lots. However, the existing neighborhood should not be affected.

e. whether the property owner purchased the property with knowledge of the zoning restrictions.

The property owner has developed several lots and built several homes in Harrison Township over the past 5 years; they are familiar with the rules and requirements for lot sizes, widths, and setbacks.

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

Yes, the property owner could develop this property as a subdivision.

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 not be observed, and substantial justice would not be done by granting the variance as the existing residential uses in the neighborhood were developed as a subdivision with the rules and requirements of our zoning code being met. The proposed lots would change the character of that neighborhood and bypass the regulations for having appropriate lot frontage, subdivision, technical, stormwater, engineering, and emergency services review.

Zoning Inspector's recommendation:

It would be my recommendation to deny the variance request as submitted based on the information listed below.

- 1. The proposed lot splits represent 84%, 85%, and 90% variances from the minimum lot frontage standards set forth in the Harrison Township Zoning Resolution. This is a substantial variation from the minimum standards.*

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

Questions about the 4663 Columbus Rd. address on the application. Ms. Klema said this address came from the auditor's office.

Janie Treinish made references to a property on Outville Road with a shared driveway leading to several lots. She doesn't like the look of multiple mailboxes and trashcans at the entrance. She said Outville Road is a country road where Cherokee Trail is not. She also questioned where fire vehicles would access water. She pointed out that several of the proposed lots were already under contract. She feels that the statement of a possible subdivision with 120 lots feels like a threat.

Steve Fazekas wants to know where the water will come from. He said the water pressure already is horrible. This plan will put three houses behind his property with the driveway next to his back yard. He questions what will happen in the winter when the driveways need to be plowed...will the snow end up in his back yard?

Kevin Johnson asked Ms. Hans about subdivision requirements. Ms. Hans explained the requirements.

Penny Fazekas asked how far the driveway would be from her property line.

Randy Colvin didn't know how far the driveways would be from the property line. He said the houses being built would be in the range of \$700,000 to \$1, 000,000.

Mary Iden said her property is in the middle of the proposed driveways. She is concerned about the closeness of the driveways. Ms. Klema said they are willing to listen and to address drainage issues.

Mr. Colvin said there are two separate parcels. The 50 acres has legal frontage on Cherokee.

Tony Arata is concerned about safety issues and drainage issues. He presented pictures of flooding where the driveways are to go.

Brandon Boehm said this is not just a golf course problem. It is also a neighborhood problem. He appreciated the applicant's willingness to address the drainage issues. He would like to see a sewage assessment.

Ms. Klema said they are willing to have conditions to have a hydraulic study. The utilities will be public utilities not personal systems.

Carel Ellinger lives on the west side of the golf course. He is against approving the application.

Patrick Foley feels there are problems with the Harrison Township zoning code. Ms. Hans explained that the zoning code is being updated. She explained the process and added that the township is limited by the Ohio Revised Code on some things.

Zane Wilson asked if the application had to be voted on tonight. Ms. Klema said her clients would like to have a vote tonight. Mr. Wilson would like to see other solutions considered.

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Scott Minard asked if the developer has taken possession of the property and asked about the lots that are already in contract. Ms. Klema said the developer does have possession of the property.

Dwight Gibson inquired about a storm water plan and asked if there is a county ditch petition.

Carey Scott feels there will be sewage problems and that the discharge system in the area is not adequate.

Janie Treinish pointed out the variance is for lot frontage.

Tracy Kelly provided the board with a petition signed by 40 residents of Indian Hills subdivision. (Petition attached to the minutes.)

Mr. McGowan asked what options the board had. Ms. Hans said the board could vote to approve, approve with conditions, deny or table the application.

After a discussion on the options Mr. Biniker moved to table the application. Mr. McGowan seconded.

Vote: Ricky Biniker-yes, Rachael Mattis Bissett-no, John McGowan-yes, Gerald Saffo-yes.

The application will be tabled. The applicant will be advised of the new date for a Public Hearing.

At 9:30 Mr. Biniker closed the Public Hearing

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Anderson Reporting

RESIDENTS OF INDIAN HILLS SUBDIVISION, GRANVILLE OHIO

The residents of Indian Hills subdivision are welcoming of the new development proposed at 4663 Columbus Rd. SW Granville, Oh 43023 with 9, five+ acre lots. However, we believe the shortcuts proposed are not in the best interest of Indian Hills. Below are our concerns regarding the variances listed in Article 4.12(2)(a-g):

- The frontage variance is an 85% reduction from what the rest of the neighborhood has been required to have (15'-16' vs the required 100'). The character of the neighborhood will be changed due to this proposed deduction. As will the direct impact next to the 382, 430 and 450 Cherokee Trail residences.
- The neighborhood will not be preserved/enhanced due to the larger lots, as the neighboring lots will have flaglots/driveways running along the property lines.
- Drainage is a main concern due to the already excessive runoff from property 4663 Columbus Rd. onto neighboring properties within Indian Hills, which then tie into the main drainage along Cherokee Trl.
- As a neighborhood that already struggles with narrow roads and poor drainage, we propose the entrance to these 9 lots be off of Columbus Rd as the main entrance of the property.

Below are signatures/addresses of those opposed to the proposed frontage variance:

NAME	ADDRESS	SIGNATURE
Jody G Cambraia	141 Cherokee Trl	Jody G Cambraia
PAULO C. CAMBRAIA	141 CHEROKEE TRAIL	Paul C. Cambraia
Tracy Kelley	492 Cherokee Trl	Tracy Kelley
Noah Kelley	492 Cherokee Trl	Noah Kelley
GREGORY J CLARK	481 CHEROKEE TRL	Gregory J Clark
Teri Clark	481 Cherokee Trl	Teri Clark
Mary Idem	430 Cherokee Trl	Mary Idem
Ty Crato	430 Cherokee Trl	Ty Crato
Scott Minard	371 Cherokee Trl	Scott Minard
Justine Minard	371 Cherokee Trl	Justine Minard
Jennifer Boehm	10 Commanche CT	Jennifer Boehm
Edison, Jr	381 CHEROKEE TRAIL	Edison, Jr
Fiber Dale	1163 Cherokee Trl	Fiber Dale

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Steven Kyle	3862 Cherokee Trail	Steven Kyle
Lauree Tudor	471 Cherokee Trail	Lauree Tudor
Paul Tudor	471 Cherokee Trail	Paul Tudor
Penny Fazekas	480 Cherokee Trail	Penny Fazekas
Steve Fazekas	480 Cherokee Trail	Steve Fazekas
Rhonda Householder	121 Cherokee trail	Rhonda Householder
ROGER HOUSEHOLDER	121 CHEROKEE TRAIL	Roger Householder
BRANDON BRUMBACH	30 COMMANCHE CT.	Brandon Brumbach
Kelly Dale	163 CHEROKEE TR.	Kelly Dale
Daniel Williams	91 Cherokee Tr.	Dan Williams
Dawn Williams	91 Cherokee Tr.	Dawn Williams
Jack Trainor	513 Cherokee Tr.	Jack Trainor
Jane Trainor	513 Cherokee Tr.	Jane Trainor
Monnie Sager	450 Cherokee Trail	Monnie Sager
Brad Sager	450 Cherokee Trail	Brad Sager
Nelson Berner	401 Cherokee Trail	Nelson Berner
Paula Dildine	401 Cherokee Trail	Paula Dildine
Pat Howard	7921 Gale Rd. SW	Pat Howard
KATIE FAZEKAS	488 Cherokee Trail	Katie Fazekas
Amber Schmitter	43 Hiawatha Trail	Amber Schmitter
Kurt Schmitter	43 Hiawatha Trail	Kurt Schmitter

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- Drainage is a main concern due to the already excessive runoff from property 4663 Columbus Rd. onto neighboring properties within Indian Hills, which then tie into the main drainage along Cherokee Tr.
- As a neighborhood that already struggles with narrow roads and poor drainage, we propose the entrance to these 9 lots be off of Columbus Rd as the main entrance of the property.

Below are signatures/addresses of those opposed to the proposed frontage variance:


NAME	ADDRESS	SIGNATURE
Tammy Dean	19 Commanche Ct Granville 43023	Tammy Dean
JAMES DEAN	19 Commanche Ct. Granville	JAMES DEAN

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- The neighborhood will not be preserved/enhanced due to the larger lots, as the neighboring lots will have flaglots driveways running along the property lines.
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Below are signatures/addresses of those opposed to the proposed frontage variance:

NAME	ADDRESS	SIGNATURE
Amanda Koszyk	351 Quaker Trl, Granville, OH 43023	
Neal Koszyk	351 Cherokee Trl, Granville, OH 43023	