

HARRISON TOWNSHIP
BZA
SEPTEMBER 14, 2021

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

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

Guests: Alicia & Kyle Brown, George Schweitzer, Scott & Justine Menard, Connie Klema, Mike Kirkwood, Randy Colvin, Chris Chappo, Pat Howard, Teri & Greg Clark, Paul Tudor, Jason & Kari Riggs, Tracy Kelley, Carel & Bonnie Ellinger, Dwight & Rose Gibson, Roger Smith, Zane Wilson, Brian Thompson, Dawn Williams, Tony Arata, Walter Meadows, Craig Van Horn, Dan Gervais, Noah Kelly, Pete Kelly, Mary Iden.

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

Ms. Bissett moved to approve the minutes from August 24, 2021. Mr. McGowan seconded. The motion passed with unanimous ayes.

The Board was asked about availability for October 12, 2021.
All will be available if an application is received.

Updates: The Zoning Commission has been working on revisions to the Zoning Resolution. The proposed revisions have been submitted to the Licking County Planning Commission. A Public Hearing will be held by the Zoning Commission on September 28, 2021 at 7:00 pm. The Zoning Commission will begin work on new proposed revisions including adding a PUD section for Manufacturing and Commercial.

PUBLIC HEARING

The purpose of this Public Hearing is to render a decision on the Variance Application presented and tabled on August 24, 2021 and to consider a new Variance Application.

The public hearing was called to order at 7:00 pm. by Ricky Biniker with all standing for the Pledge of Allegiance.

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

The first application was submitted by Connie J. Klema representing Front Porch Investments LLC. This application was presented at a Public Hearing on August 24, 2021 and was tabled. The applicant is requesting lot width variances on two parcels at 4663

Harrison Twp. Board of Zoning Appeals
September 14, 2021

Final- Approved

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. Biniker read the application information.

Mr. Biniker moved to bring the application back to the floor. Mr. Saffo seconded.

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

*Mr. Treinish is abstaining from the vote due to being an adjoining property owner. He did not participate in the August 24, 2021 public hearing therefore will not be participating or voting on this application.

Mr. Biniker asked for comments from the board.

Mr. Biniker stated that the variance request was substantial and referred to Article 4.12 #2 a-g of the Harrison Township Zoning Resolution. He asked Ms. Hans to read that information from Article 4.12.

There was no other comment or discussion from the board.

Mr. Biniker moved to deny the application due to the request for the frontage being too substantial. He again referred to Article 4.12 # 2 a-g. Mr. McGowan seconded.

During a discussion Mr. Saffo asked about doing a motion to approve with conditions. There being a motion with a second on the floor another motion could not be made.

Vote...members were asked if they wished to deny the application.

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

There being a tie vote the application was not approved.

Ms. Klema objected and asked for clarification. Ms. Hans said the board was advised from the county prosecutor's office that a tie vote means the application was not approved and that there was to be one vote.

At 7:15, Mr. Biniker announced that there would be a break before considering the second application.

The second application was submitted by Pataskala Phoenix, Ltd. for Parcel # 025-068370-01.000 located on the south side of Blacks Road between Outville Road and Gale Road. The applicants are requesting to create 5-acre residential building lots with two having less than

the 300' of road frontage required in the M-1 district. One lot would have 286.38 'and one would have 283.64'.

Mr. Biniker read the application and all pertinent materials.

George Schweitzer of Geo-Graphics Inc. said he is representing Pataskala Phoenix Ltd. (Carel and Bonnie Ellinger). He stated there will be 5-acre lots perpendicular to the road. Two lots would need the variance. He will answer any questions.

Ms. Hans report:

September 14, 2021

Harrison Township Zoning Inspector's report and recommendation for a variance application for 0 Blacks Rd., Pataskala, Ohio 43062 submitted by Pataskala Phoenix Ltd.

The applicant is proposing to subdivide the 25.145-acre parcel into five proposed building lots, 5.010-5.058 acres in size. Three of the lots will have in excess of 300 feet of road frontage while the remaining two lots will have 286.38 and 283.64 feet of road frontage. The property is located in the M-1 zoning district with a minimum road footage by code of 300 feet.

*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 could still be built on without a variance.

b. Whether the variance is substantial.

The property is zoned Manufacturing (M-1). The M-1 zoning district requires a minimum road frontage of 300 feet and minimum lot width of 150 feet. The variance is not substantial as the applicant far exceeds the minimum lot width of 150 feet. The also exceed the minimum road frontage of 300 feet on three of the five lots. The applicant is proposing for two of the lots to have 286.38 and 283.64 feet of road frontage which reflects a 4.5% (13.62') and 5.1% (16.36') variance from the 300' minimum road frontage. The proposed lots also exceed the minimum size of lots in the M-1 zoning district.

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 similarly sized lots in the vicinity of this property . They would not suffer substantial detriment as the existing homes built in the area have similar road frontages.

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 25.145-acre lot into five lots without the requested variance because the property has a drainage swale and elevation contours that limit the locations for placement of homes on the proposed 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 two 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 286.38 feet for the 5.010-acre lot, 283.64 feet for the 5.015-acre lot, 300 feet for the 5.058-acre lot, 321.91 feet for the 5.020-acre lot and 367.89 feet for the 5.042-acre lot.*
- 2. That the applicant will have a shared driveway for the two lots that do not meet the minimum road frontage.*
- 3. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.*

Respectfully submitted, Valerie L. Hans Harrison Township Zoning Inspector

Mr. Nestor asked why a shared driveway. Ms. Hans said it was county regulations.

Ms. Bissett asked if there would be residential homes built on the property.

Mr. Ellinger answered yes.

Mr. Biniker asked for public comments.

Kyle Brown asked about what this does to the water table.

Ms. Hans said the applicant will have to work with the Licking County Health Department for water and septic.

Mr. Schweitzer and Mr. Ellinger stated they have contacted and been approved by the County.

Mr. Biniker closed the public comments.

Board discussion: Mr. Biniker does not see anything wrong with this application.

Ms. Bissett moved to approve the application with conditions recommended in the Zoning Inspector's report. Those conditions are as follows:

1. That the road frontage for the proposed lots will be 286.38 feet for the 5.010-acre lot, 283.64 feet for the 5.015-acre lot, 300 feet for the 5.058-acre lot, 321.91 feet for the 5.020-acre lot and 367.89 feet for the 5.042-acre lot.
2. That the applicant will have a shared driveway for the two lots that do not meet the minimum road frontage.
3. That the applicant will comply with all other 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

The motion passed with a unanimous yes vote.

Mr. Biniker closed the Public Hearing at 7:44 pm.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

The Public Hearing was professionally recorded by Anderson Reporting