

HARRISON TOWNSHIP
BZA
October 26, 2021

Members present: Jack Treinish, Jeremy Nestor, John McGowan, Ryan Bailey and Stephen Clegg. Absent: Ricky Biniker and Gerald Saffo.

Mr. Clegg will be a voting member due to the absence of Mr. Biniker.

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

Guests: Dwight Gibson, Jr., Ellen Hasz, Hugo Hasz

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

Due to the resignation of Rachael Mattis Bissett a new Vice Chair needs to be chosen.

Ms. Noble called for nominations.

Mr. Treinish nominated Ryan Bailey. Mr. McGowan seconded.

Vote: Jeremy Nestor-yes, John McGowan-yes, Jack Treinish-yes,
Stephen Clegg-yes, Ryan Bailey-yes.

Mr. Bailey will be acting chair for tonight due to the absence of Mr. Biniker.

Mr. Clegg moved to approve the minutes from September 16, 2021. Mr. McGowan seconded.
The motion passed with unanimous ayes.

Ms. Hans gave the board information on the proposed changes to the Zoning Resolution.

A discussion was held concerning the voting procedure of the BZA.

Mr. Clegg moved that all motions be made according to Robert's Rules of Order.

Mr. Treinish seconded. The motion passed with unanimous ayes.

The working session was closed at 7:00 pm and the Public Hearing was called to order.

PUBLIC HEARING

The purpose of this hearing is to consider a Variance Application submitted by Hugo and Ellen Hasz for property located at 175 Wintergreen Loop Pataskala, OH 43062. The applicant is requesting a 15' variance to allow a shed to be 25' from the front property line

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

Mr. Bailey asked all who wished to speak be sworn in by the court reporter.

Mr. Hasz stated that he had lived at this address for many years. He had a shed that he took down due to deterioration. He did not realize that he was not in compliance with the setback regulation for the new shed location.

Mr. Bailey asked Ms. Noble to read the application.

Ms. Hans was asked to give her report.

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Harrison Township Zoning Inspector's report and recommendation for a variance application for 175 Wintergreen Loop S.W., Pataskala, Ohio 43062 submitted by Hugo & Ellen Hasz.

The applicants constructed a new shed on their property 25 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 is presently used for their residential home. The property is 0.56 +/- acres in size on curved lot. The property would still yield a reasonable return and have a beneficial use without a variance.

b. Whether the variance is substantial.

The property is zoned Residential (R-15). The R-15 zoning district requires a front yard setback of 40 feet from the front property line. The variance is substantial as it reflects a 37.5% (15 foot) variance from the 40-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. The neighborhood is comprised of homes with sheds and outbuildings in various locations on the properties.

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.

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

The property owner misunderstood the difference between property line and edge of the roadway when constructing the shed. They thought that they were in compliance because the shed was placed over 40 feet from the edge of the roadway. When I contacted them because they did not get a permit before constructing the shed, it was discovered that the shed was not in compliance with the front yard setback.

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

Yes, the shed could be moved to a different location on the property. However, this would be difficult to do because the shed is affixed to the concrete turnaround of the driveway.

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 shed will not be enlarged or replaced in the present location.*
- 2. 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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Ms. Hans shared an email she received from Jerry and Janice Powell who are adjacent property owners. They do not object to the shed and stated that it does not hinder their ability to navigate the road. They also stated the shed appears to be well built.

Mr. Nestor asked when the shed was built. Mr. Hasz said it was a little over a year ago. Mr. Nestor asked about the contractor that built the shed and why he didn't get the permit. Mr. Hasz said the contractor was a local handyman that does odd jobs.

Mr. Bailey asked if there was concrete under the shed. Mr. Hasz said there was.

Mr. Bailey asked if there were any questions or comments from the floor. There were none.

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Mr. Clegg asked if the shed was 40' back from the road instead of the property line.
Ms. Hans said it was.

Mr. Nestor asked how the shed came to the attention of the township. Ms. Hans said she was looking at another property and the property owner pointed out the shed on the Hasz property.

Ms. Hans said when she informed Mr. Hasz of the violation, he came in immediately to address the issue.

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

1. That the shed will not be enlarged or replaced in the present location.
2. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

Mr. Clegg seconded.

Vote: Jeremy Nestor-yes, John McGowan-yes, Jack Treinish-yes,
Stephen Clegg-yes, Ryan Bailey-yes.

At 7:15 pm Mr. Bailey closed the public hearing.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ryan Bailey, Vice Chair

The Public Hearing was professionally recorded by Anderson Reporting

Minutes not official until approved by the Harrison Township BZA