

HARRISON TOWNSHIP  
BZA  
December 28, 2021

Members present: Ricky Biniker, Jack Treinish, Jeremy Nestor, Gerald Saffo and Stephen Clegg. Absent: Ryan Bailey. Mr. McGowan was present for the hearing but not a voting member. Mr. Saffo and Mr. Clegg will be a voting members due to the absence of Mr. Bailey and Mr. McGowan (present but not a voting member).

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

Guests: Ashley and Nick West, Bobby and Arpi Roach, Nick and Kristan Lieb (applicants), John McGowan, Steve Echord, Alex Smith, Michelle Smith, Terri Nixon, Cole Nixon, Dennis Nixon, Steve Sukolics.

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

Mr. Saffo moved to approve the minutes from November 30, 2021. Mr. Biniker seconded. The motion passed with unanimous ayes.

The board was given copies of the revised zoning articles. They were also given copies of the Variance Application submitted by Connie Klema for Front Porch Investments, LLC. A Public Hearing has been scheduled for January 11, 2022.

The working session was closed at 7:00 pm and the Public Hearing was called to order by Ricky Biniker with all standing for the Pledge of Allegiance.

**PUBLIC HEARING**

The purpose of this hearing is to consider a Variance Application submitted by Nick Lieb for 6095 Watkins Rd. Pataskala, OH 43062. The applicant is requesting a variance to create a minor subdivision and split 6 large residential building lots. Two 3 acre lots will have 147 feet of road frontage each on Watkins Rd. Four 5 acre lots will have 112 feet of road frontage each on Blacks Rd.

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

Mr. Biniker read the application.

Nick Lieb presented comparables of other properties.

Ms. Hans was asked to give her report.

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December 28, 2021

Harrison Township Zoning Inspector's report and recommendation for a variance application for 6095 Watkins Rd., Pataskala, Ohio 43062 submitted by Nick Lieb.

The applicant is proposing to subdivide two parcels 11.46 +/- acres in size and 24.791 +/- acres in size into six residential lots with a remainder lot where his home is located. Lots 1-4 are proposed to front on Blacks Rd and have 112' of road frontage each. They will share access via an existing farm lane and bridge. Lots 5 and 6 are proposed to front on Watkins Rd and have 147' of road frontage each. They will share access via an existing farm lane and bridge. The properties are located in the B-1 and AG zoning districts with a minimum road footage by code of 150 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 question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.**

The property is already being used as a residence and will continue to do so without a variance.

**b. Whether the variance is substantial.**

The properties are zoned Business (B-1) and agricultural (AG). These zoning districts require a minimum road frontage of 150 feet and minimum lot width of 150 feet. The variance for lots 5 and 6 is not substantial as the applicant is asking for a 3' (2%) variance for each lot. While the variance for lots 1-4 is larger than the previous variance request, 38' (25%), allows lot 4 to use the existing farm lane for access rather than adding another ingress/egress point on Watkins Road and potentially causing greater runoff issues. All of the proposed lots meet the 150' of width at the building line required by code.

**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 subdivide the two existing lots without a variance; however, that would necessitate disturbing ground and an additional ingress/egress point on Watkins Road in an area that has a large amount of water runoff from the City of Pataskala subdivisions across the street.*

**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 one 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 proposed lots 1-4 will be 112’.*
- 2. That the road frontage for proposed lots 5 and 6 will be 147’.*
- 3. That the applicant will work with the Licking County Planning Commission and follow the required subdivision regulations.*
- 4. 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 a letter with pictures of Blacks Road flooding that was left anonymously on the township office door.

Mr. Saffo asked for thoughts on flooding during heavy rains. Mr. Clegg said there is flooding in several areas of the township.

Mr. Treinish was asked about bridges and the fire department. Mr. Treinish said the fire department does not regulate private property.

Mr. Biniker asked about water service. Mr. Lieb said it will be well septic.

Steve Echord asked about building locations and if Mr. Lieb will be putting in the driveways and bridges. Mr. Lieb said yes, he will be putting in the driveways and bridges.

Alex Smith feels the bridges are small and is concerned about the flooding.

Steve Sukolics is also concerned about flooding. He said it floods a couple of times a year and not just when there is a heavy rain.

Ms. Hans pointed out that Watkins and Blacks are county roads and the driveway cuts will be determined by the county. Mr. Lieb said he will avoid taking out trees and keep it as natural as possible.

Ashley West has concerns about water and has spoken with Mr. Lieb. She said it floods about two times a year. She also stated that the 150 foot frontage was created for a reason.

Michelle Smith said there is flooding off Blacks Road.

Alex Smith added that they have repaired their driveways several times.

The board discussed subdivision regulations and flooding issues.

Mr. Clegg stated that the variance is not about water runoff. There are water problems in Harrison Township. Denying a variance is not going to change that.

Nick Lieb said house locations will be specific to the land. Locations are not written in stone and can be changed to not cause problems to neighbors.

Mr. Clegg moved to approve the application with the recommendations of the Zoning Inspector. Those conditions are as follows:

1. That the road frontage for proposed lots 1-4 will be 112'.
2. That the road frontage for proposed lots 5 and 6 will be 147'.
3. That the applicant will work with the Licking County Planning Commission and follow the required subdivision regulations.
4. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

Mr. Nestor seconded.

Vote: Ricky Biniker-yes, Jeremy Nestor-yes, Jack Treinish-yes,  
Gerald Saffo-yes, Stephen Clegg-yes

At 7:47 pm Mr. Biniker closed the public hearing.

Respectfully submitted      Vickie Noble, Zoning Secretary      Ricky Biniker, Chair

*The Public Hearing was professionally recorded by Anderson Reporting*

Harrison Twp. Board of Zoning Appeals  
December 28, 2021

Final - Approved