

HARRISON TOWNSHIP
BZA
NOVEMBER 30, 2021

Members present: Ricky Biniker, Jack Treinish, John McGowan, Ryan Bailey, Gerald Saffo and Stephen Clegg. Jeremy Nestor was present as an applicant; therefore Mr. Saffo will be 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: Maria DeVito from the Pataskala Standard, Paul Hollingshead, George Schweitzer, Derick Riba, Jeremy and Kristi Nestor.

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

Mr. McGowan moved to approve the minutes from October 26, 2021. Mr. Saffo seconded. The motion passed with unanimous ayes.

The board was given a copy of a settlement agreement to review. The document, sent by the Licking County Prosecutor's office, discussed a possible agreement between Front Porch Investments, LLC and Harrison Township concerning a Variance Application and hearings from August and September of 2021. The board discussed the points of the document and noted that financial details would have to go to the Trustees for consideration.

Mr. Biniker moved to recommend signing the Settlement Agreement following the Trustees review and approval of the financial terms. Mr. Saffo seconded.

Vote: Ricky Biniker-yes, Ryan Bailey-yes, Jack Treinish-yes,
John McGowan-yes, Gerald Saffo-yes.

The Settlement Agreement will now go to the Harrison Township Board of Trustees.

PUBLIC HEARING

The purpose of this hearing is to consider two variance applications

The first application was submitted by George Schweitzer of Geo-Graphics Inc. representing Jeremy Nestor. The applicant is requesting a lot split of 21 acres located at 6460 Blacks Rd. Pataskala, OH 43062 into two residential building lots, one having 9.1 acres with 76 feet of road frontage and the second having 11.9 acres with 174 feet of road frontage.

The second application was submitted by Derick Riba/Prestige Signs representing Chase Bank at 8875 East Broad St. Pataskala, OH 43062. The applicant is requesting a variance for additional signage and an increase in signage size.

Harrison Twp. Board of Zoning Appeals
November 30, 2021

Final- Approved

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

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

Mr. Biniker read the application for 6460 Blacks Rd. Pataskala, OH 43062.

Mr. Schweitzer said the lot has 250 feet of frontage and according to the zoning districts could fit into three districts. The frontage requirement would meet requirements except for the Agricultural District. He also said the driveway would have to be approved by the county.

Mr. Nestor added that he does not plan to build immediately on the lot. He pointed out that the property east of his property has 40 feet of road frontage so his request would not be out of order for the neighborhood.

Ms. Hans was asked to give her report.

November 30, 2021

Harrison Township Zoning Inspector's report and recommendation for a variance application for 6460 Blacks Rd., Pataskala, Ohio 43062 submitted by George Schweitzer, P.E. for Jeremy Nestor.

The applicant is proposing to subdivide his 20.917-acre parcel into two residential lots, 9.1 and 11.9 acres in size. The lot with his existing home will have 174 feet of road frontage while the additional lot will have 76 feet of road frontage. The property is located in the B-1, AG and R-45 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 questions 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 property is zoned Business (B-1), agricultural (AG) and Residential (R-45). These zoning districts require a minimum road frontage of 150 feet and minimum lot width of 150 feet. The variance is not substantial as the applicant exceeds the minimum lot width of 150 feet on one

Harrison Twp. Board of Zoning Appeals

November 30, 2021

Final- Approved

lot and is asking for a variance that is less than 50% on the second lot. The applicant is proposing for of the lots to have 76 feet of road frontage which reflects a 49% (74') variance from the 150-foot minimum road frontage. The proposed lots also exceed the minimum size of lots in the zoning districts in which they are located.

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 20.917-acre lot into two lots without the requested variance because the existing lot only has 250 feet of road frontage.

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 the proposed lots will be 76 feet for the 9.1-acre lot and 174 feet for the 11.9-acre lot.*

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*

Ms. Hans added that the 150 foot would be met at the building line.

There were not questions or comments from the floor.

Mr. McGowan asked if a shared driveway is planned. Mr. Nestor said since he will not be building immediately, he will go to the county at a later date to determine the driveway specifics.

Mr. Treinish moved to approve the variance for 6460 Blacks Rd. Pataskala, OH 43062 with the recommendations from the zoning inspector. Those conditions are as follows:

1. That the road frontage for the proposed lots will be 76 feet for the 9.1-acre lot and 174 feet for the 11.9-acre lot.
2. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

Mr. Biniker seconded.

Vote: Ricky Biniker-yes, Ryan Bailey-yes, Jack Treinish-yes,
John McGowan-yes, Gerald Saffo-yes.

Mr. Biniker read the application for 8875 East Broad St. Pataskala, OH 43062

Mr. Riba said the signs are following National Branding Standards and would be like signage on other Chase Banks.

Ms. Hans was asked to give her report.

November 30, 2021

Harrison Township Zoning Inspector's report and recommendation for a variance application for 8875 East Broad St., Pataskala, Ohio 43062 submitted by Derick Riba/Prestige Signs for Chase Bank.

The applicant is proposing a sign variance to permit one additional wall sign. In addition, each wall sign exceeds the size allowed by code by 4.9 s.f. The property is located in the B-1 zoning district and is surrounded by existing businesses.

*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*

Harrison Twp. Board of Zoning Appeals
November 30, 2021

Final- Approved

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 is being developed as a business and will continue to do so without a variance. However, the neighboring businesses have also received signage variances for similar situations.

b. *Whether the variance is substantial.*

The property is zoned Business (B-1). The applicant is proposing two wall signs on the north and west faces of the building. Each of these wall signs will be 36.9 s.f. which exceeds the 32 s.f. maximum size allowed by code. This reflects a 14% (4.9 s.f.) variance for sign size which is not substantial. The additional wall sign is also not a substantial request as it is something that has been done on the other high visibility business properties near this intersection.

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 businesses in the vicinity of this property. They would not suffer substantial detriment as the existing businesses built in the area have similar signage.

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 businesses.

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 reduce the size and number of their wall signs; however, that would result in significantly less visibility for this business compared to the neighboring businesses.

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 increased amount of sign square footage as well as the additional wall sign. I am aware that there are several other businesses in Harrison Township with similarly sized

signs and more than one wall sign. The spirit and intent behind the zoning requirements would still be observed and substantial justice would be done by granting the variances as it will promote use of the property as a business in an area that is extremely appropriate for a business to be located.

Zoning Inspector's Recommendation

I would recommend approval of these variances with the following conditions:

- 1. That the applicant will be permitted to have two wall signs not to exceed 36.9 s.f in size.*
- 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*

Ms. Hans added that she has been working with Chase Bank on the signage for a few months. They have made changes to previous requests to comply with zoning regulations.

Mr. McGowan asked if the driveway on the east will change. Mr. Riba said he did not know. Ms. Hans said since this is on a state highway ODOT has the say.

Stephen Clegg asked if there will be signage on Corylus. Ms. Hans and Mr. Riba said there would not be signage there.

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

1. That the applicant will be permitted to have two wall signs not to exceed 36.9 s.f. in size.
2. That the applicant will comply with all other requirements of the Harrison Township Zoning Resolution.

Mr. Biniker seconded.

Vote: Ricky Biniker-yes, Ryan Bailey-yes, Jack Treinish-yes,
John McGowan-yes, Gerald Saffo-yes.

Mr. Biniker closed the public hearing at 7:27 pm.

Respectfully submitted Vickie Noble, Zoning Secretary Ricky Biniker, Chair
The Public Hearing was professionally recorded by Anderson Reporting