

HARRISON TOWNSHIP  
BZA  
May 31, 2022

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

Also present: Valerie Hans- Zoning Inspector, Vickie Noble- Zoning Secretary and Marilyn Martin of Anderson Reporting.

Guests: Neil Landerfelt (applicant) and Barbara Katz

The purpose of the Public Hearing is to consider a Variance Application # 2022-01 submitted by Neil Landerfelt. The applicant is requesting a reduced side yard setback for a shed located at 26 Bluegrass Rd. Pataskala, OH 43062. Parcel # 025-068088-00.024.

Mr. Biniker called the meeting to order at 6:31 pm with all standing for the Pledge of Allegiance.

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

Mr. Biniker read the application and attached information. He asked if the applicant had anything to add.

Neil Landerfelt presented pictures and maps of the property. He pointed out where his sump pump and drainage were located. He said he and the neighbors had installed underground drainage and felt relocating the shed would do damage to the drain lines.

Mr. Biniker asked for the Zoning Inspector’s report.

Ms. Hans presented her report

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*Harrison Township Zoning Inspector’s report and recommendation for a variance application for 26 Bluegrass Rd., S.W., Pataskala, Ohio 43062 submitted by Neil Landerfelt. The applicants constructed a new shed on their property 7 feet from the side 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 0.34 +/- acres rectangular residential 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 side yard setback of 15 feet from the side property line. The variance is substantial as it reflects a 53.3% (8 foot) variance from the 15-foot minimum side 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 neighboring property has a shed that is 16 feet from the side yard property line. Other properties have older structures that vary in setback size from 8-15 feet which would have been zoning compliant at the time that they were constructed.

**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 he was told the side yard setback was 6 feet by a previous zoning inspector.

**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 8 feet to the south. The existing shed is placed on gravel; therefore, additional gravel would be needed to move the shed into a zoning compliant location.

**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**

If the BZA were considering approval, I would recommend the following considerations.

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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Harrison Twp. Board of Zoning Appeals  
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Final - Approved

Mr. Biniker asked if the shed was in compliance with the zoning regulations. Ms. Hans said it was not in compliance with the current regulations but would have been in compliance with previous regulations. She said some in the neighborhood were built under the old regulations and some under the current regulations.

Steve Clegg asked about a reference made to the conversation with the previous Zoning Inspector. Mr. Landerfelt said it was possibly May of 2020. Mr. Clegg asked when the shed was built. Mr. Landerfelt said it was July 2020.

Jeremy Nestor asked why the applicant did not get a Zoning Permit. Mr. Landerfelt said he called the office and was told there was a pandemic, and no permits were being issued. He stated that he does not have this in writing. Ms. Hans said permits were being issued during the pandemic and could be done by email. She said she received a complaint about the shed location and contacted Mr. Landerfelt. He decided to submit a variance application.

John McGowan wanted to verify that no permit was issued. Ms. Hans said she could not issue a permit since the location would not be in compliance. Mr. Landerfelt said he would apply for a permit if the BZA gave their approval.

Mr. McGowan asked if Ms. Hans had contacted the previous Zoning Inspector. She said she had talked with him and he did not recall this.

Barbara Katz said she lives across the street and wanted to know why a permit was not applied for. Mr. Biniker said he did not have an answer for her.

At 6:51 p.m. Ryan Bailey asked to recess for private deliberation to discuss the application.

At 7:05 p.m. the board returned and went back on the record.

Mr. Bailey asked the size of the shed. Mr. Landerfelt said it was 12'x 20'.

Mr. Biniker asked when the shed on the property North of the applicant was built. Ms. Hans said it was between 2018 and 2019.

Mr. Clegg asked if the applicant installed the shed himself. Mr. Landerfelt said he had gravel put down and someone else delivered the shed.

Mr. Biniker asked if he had to turn the shed to install it. Mr. Landerfelt answered yes.

Mr. Clegg asked why this location. Mr. Landerfelt planned on installing concrete making it easy to move his snow blower.

Mr. Bailey asked about the drainage location. Mr. Landerfelt pointed out locations on a map.

Stephen Clegg moved to grant the variance with the Zoning Inspector's recommended 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.

Ryan Bailey seconded.

Vote: Ricky Biniker-No, Ryan Bailey-No, John McGowan-No,  
Jeremy Nestor-No, Stephen Clegg-No.

The application was not approved.

Mr. Biniker closed the public hearing at 7:11 p.m.

A working session began at 7:14 p.m.

Mr. Clegg moved to approve the February 10, 2022 meeting minutes. Mr. Biniker seconded.  
The motion passed with unanimous ayes.

The board had a discussion of possible changes to the BZA meeting procedures.

Ms. Hans gave the board updates on the township zoning issues including some possible applications.

Mr. Biniker closed the working session at 7:44 p.m.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

*The Public Hearing was professionally recorded by Anderson Reporting*