

HARRISON TOWNSHIP  
BZA  
JUNE 27, 2023

Members present: Ricky Biniker, Jeremy Nestor, Jack Treinish and Alternates Stephen Clegg and Mark Motz. Absent: Ryan Bailey and John McGowan.

Alternates Stephen Clegg and Mark Motz will be voting members due to the absence of Ryan Bailey and John McGowan.

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

Guests: Charlene and Bill Hartmeyer, Susanna Yoder and Edgar Alarcon.

The purpose of this Public Hearing is to consider a Variance Application submitted by Charlene Hartmeyer 100 Kennedy Park Drive Granville, OH 43023. The applicant is requesting a variance to place solar panels on the front of the house facing south.

Parcel # 024.067074-00.014      Application # 2023-01

Mr. Biniker called the meeting to order at 6:00 p.m. 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.

Edgar Alarcon with Ensmart Solar stated that with the increase in electric costs solar panels are not a want but a necessity. He addressed the Hartmeyer property saying the requested variance would require less panels.

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

Ms. Hans presented her report

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*June 27, 2023*

*Harrison Township Zoning Inspector's report and recommendation for a variance application for 100 Kennedy Park Dr., S.W., Granville, Ohio 43023 submitted by Charlene Hartmeyer. The applicant is requesting to install solar panels on the street side of their roof.*

*This recommendation will follow the requirements of the Harrison Township Zoning Resolution Section **4.12 1. a-d Use Variance**. The Board of Zoning Appeals shall review the particular facts and circumstances of this use variance in terms of the following standards and shall find adequate answers to the questions that establish the criteria for establishing unnecessary hardship in the use of the property.*

Harrison Twp. Board of Zoning Appeals  
June 27, 2023

Final - Approved

Article 4.12 1. Use Variance states:

*“The Board of Zoning Appeals may authorize upon appeal in specific cases a variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions of the land, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered ground for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provision of this Resolution would result in unnecessary hardship.*

*The factors to be considered and weighed in determining whether a property owner seeking a use variance has encountered unnecessary hardship in the use of the property but not are not limited to:”*

**a. The variance will not be contrary to public interest.**

*The Harrison Township Zoning Resolution does not permit solar panels to be installed visible to the street and the variance is requesting to do so.*

**b. Owning to special conditions, literal enforcement of the Resolution will result in unnecessary hardship.**

*Unnecessary Hardship in Article 3 of the Harrison Township Zoning Resolution is defined as:*

*“The general nature of an unnecessary hardship is that the property owner, unless granted the use variance, would be unable to use the property for the purposes for which it is zoned. To amount to an unnecessary hardship, there must be a showing that all permitted uses are not economically feasible or cannot be efficiently continued. Thus, when the restriction amounts to a virtual confiscation of property where the owner is deprived of the beneficial use of the land, an unnecessary hardship exists. It is well to remember, however, that the mere fact that one’s property can be put to a more profitable use does not, in itself, establish an unnecessary hardship where less profitable alternatives are available within the zoning district.”*

*The property is a corner lot where both of the roof lines are visible to the street. It would be impossible to install solar panels on this property without a variance being granted.*

**c. The spirit of the Zoning Resolution shall be observed.**

*The spirit of the Zoning Resolution would still be observed by allowing solar panels to be installed on one side of the roof.*

**d. Substantial justice shall be done.**

*Substantial justice shall be done if the variance were approved by allowing the property owner to install solar panels on one side of their roof.*

*I hope that this information will help you in determining if this application presents an unnecessary hardship as defined by the Harrison Township Zoning Resolution.*

*Respectfully submitted,*

*Valerie L. Hans*

*Harrison Township Zoning Inspector*

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Jack Treinish asked if corner lots are addressed in the Zoning Resolution. Valerie Hans said they are not.

Mark Motz asked if there are size regulations in the Zoning Resolution. Ms. Hans said there are not.

At 6:15 p.m. Mr. Biniker moved to adjourn for a private deliberation. Mr. Clegg seconded. The motion passed with unanimous ayes.

At 6:25 p.m. Mr. Biniker moved to return to the public hearing. Mr. Treinish seconded. The motion passed with unanimous ayes.

Mr. Biniker asked the Hartmeyers if the neighbors were notified. Charlene Hartmeyer said she provided labels. Ms. Hans said the list was revised to include all within the 500 foot radius of the property. Vickie Noble added that she was provided with the address labels and sent letters to 68 property owners. One letter was returned.

Mr. Clegg asked the Hartmeyers if they had any feedback from the neighbors. Mrs. Hartmeyer answered that they had supportive feedback with some questioning why they had to go through this process to install the panels.

Mr. Biniker questioned the sign posting. Ms. Hans said no sign was posted. Ms. Noble and Ms. Hans added that the notices were posted on the township website and published in the Newark Advocate as well as sent as an email blast to all on the email request list.

Mr. Treinish asked Mr. Alarcon about the shape of the panels since they appear to be triangular. Mr. Alarcon said they were rectangular and appeared to be triangular due to being photoshopped onto the house.

Stephen Clegg moved to approve the variance application as submitted and presented. Jeremy Nestor seconded.

Vote: Ricky Biniker-Yes, Jeremy Nestor-Yes, Jack Treinish-Yes,  
Stephen Clegg-Yes, Mark Motz-Yes.  
The application was approved.

Mr. Biniker closed the public hearing at 6:30 p.m.

A working session began at 6:31 p.m.

Mr. Clegg moved to approve the January 10, 2023 minutes. Mr. Biniker seconded.  
The motion passed with unanimous ayes.

The board was given copies of the Zoning Resolution revised articles

Mr. Biniker closed the working session at 6:46 p.m.

Respectfully submitted

Vickie Noble, Zoning Secretary

Ricky Biniker, Chair

*The Public Hearing was professionally recorded by Anderson Reporting*