

HARRISON TOWNSHIP  
BZA  
April 24, 2018

Members present: Valerie Hans, Dwight Gibson, Jr., James Hannahs, Douglas Harned, and Jeremy Nestor. Members absent: Alternate Ryan Bailey and Curt Painter.  
Also present: Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Marilyn Martin of Anderson Reporting.

Guests: Andy and Lisa Sloan, James and Keith Hartke, Stewart Gammill, Stephen Kididis, Theresa Adams, Mary and Alan Stamper, Dale and Gloria Weber, Heather and Duane Bagent, Kalyn and Jenelle Simpson, Lisa and Tim Clark, Jim George, Michael Henne, Larry and Karen Sobotka, Paul Long, Patricia Siders, Timothy Scherr, Phil Gurile, Connie Klema.

The purpose of this meeting is to consider a Variance Application submitted by 310 Investment LTD. The applicants are requesting to divide 40 acres of parcel 2506820200000 located on Hazelton-Etna Rd Pataskala, OH 43062 (north of Apple Blossom Rd., west of Citation Dr. and south of Hardwood Dr.) into 8 lots.

The Public Hearing was called to order at 6:30 pm by Valerie Hans with all standing for the Pledge of Allegiance.

Those who wanted to speak during tonight's hearing were asked to be sworn in by the court reporter.

Ms. Hans read the application.

Due to some late arrivals, Ms. Hans asked the court reporter to swear others who wished to speak.

Ms. Klema stated that residential seems normal for this property since it is surrounded by residential properties. She said the owners considered various options for division of the property including a PUD and a subdivision. The owners felt the proposed division with the eight lots would preserve the terrain and character of the property.

Duane Bagent asked what would keep a buyer of one of the lots from dividing it into smaller lots. Mr. Frederick stated that road frontage would unless the buyer bought all the lots together and divided them. They would still have to go through the approval process with the township and the county.

Stewart Gammill asked how far back the driveways would go before splitting off. Ms. Klema said she could not give a definite answer as this has to go before the county and the fire department for approval.

Mr. Gammill pointed out that the property has several protected species of birds and hoped the owners would protect them.

Patricia Siders is concerned about the driveway being against her backyard. Ms. Klema is willing to talk with the neighbors about the placement of the driveways and is willing to look at something different.

Paul Long asked about the residual 25 acres on 310. Ms. Klema explained the 25 acres, zoned B-1 is not included in the variance request.

Mr. Frederick's Report:

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*April 23, 2018*

*Harrison Township Zoning Inspector's report & recommendation for the variance request submitted by 310 Investments LTD. This 60.803 acre lot has 767.7 ft of road frontage on Hazelton Etna Rd., 60 ft. of frontage on Hardwood Dr. and 60 ft. frontage on Citation Dr. It has a lot depth of 2646.6 ft. from Hazelton Etna Rd. Currently no structures are located on the property.*

*The applicant wants to subdivide the 60 + acres lot into eight (8) proposed lots. Four (4) five acre lots would have 15 ft. frontage on Hardwood Dr. and four (4) five acre lots would have 15 ft. of frontage on Citation Dr.*

*This recommendation will follow the requirements of Article 4 – Section 4.12- #2 Area Variance of the Harrison Township Zoning Resolution. This Section states that the factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property include; but not limited to:*

***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 does have enough road frontage on Hazelton Etna Rd. and the stubs of Hardwood Dr. and Citation Dr. to be subdivided into a major subdivision. In 1995 there was a plan to subdivide this property into a 124 lot major subdivision but that plan never moved forward.*

***b. whether the variance is substantial.***

*The property is zoned Business District (B-1) and Agricultural (AG). The first 1,000 feet of the property east of Hazelton Etna Rd. is zoned B-1 and the remainder of the property is zoned AG. The B-1 zoned property is not being proposed to be subdivided at this time. The Agricultural District requires a lot size of*

45,000 sq. ft. and 150 feet of road frontage. The Variance request is for the required road frontage and is substantial.

**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.**

*I do not believe the essential character of the neighborhood would be substantially altered or suffer a substantial detriment.*

**d. whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage, medical, fire, police).**

*I do not see an issue if the proposed lots have specific house numbering located on each proposed lot and if the 8 lots utilizing the proposed shared driveways have a common address signage at Harwood Dr. and Citation Dr. This is one of the recommendations of the West Licking Fire District.*

**e. whether the property owner purchased the property with knowledge of the zoning restrictions.**

*310 Investment LTD purchased the property with the understanding of zoning restrictions. I had discussions with Mr. Jeff Monebrake, one of the owners, before 310 Investments purchased the property.*

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

*The property owners could develop the property with the proposed 8 lots and possibly more lots without a variance to road frontage regulation by constructing new streets.*

**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 amount of road frontage for the proposed lots and the shared driveway being proposed to access the proposed lots. I am aware that there are other lots within Harrison Township that have multiple lots with a small amount of road frontage and use a shared driveway, but I believe most of the lots were subdivided before the current Township & County regulations.*

*It would be my recommendation to approve the variance request as submitted with the following conditions;*

- 1. The 60 feet of road frontage for Hardwoods Dr. and Citation Dr. will have to provide some type of access to these properties because at the present time the pavement for both Hardwood Dr. and Citation does not extend to the 310 Investments LTD property. I would like to see proposed short-shared driveways from Hardwood Dr. and Citation Dr. into the 310 Investments LTD property. This would provide a common drive at both locations for the proposed lot driveways to access and there would only be one driveway wide enough for 2 vehicles to pass onto the end of Hardwood Dr. and Citation Dr.*

*This proposed development will have to be reviewed and approved by the Licking County Planning Commission (LCPC). That agency will have some standards that will also have to be complied with. The LCPC requires that Harrison Township consider this variance request first before the plan is presented to them.*

*2. All recommendations of the West Licking Fire District are followed concerning the driveway construction and addressing and be approved by the Fire District. I have attached an email from Chad Harrison – West Licking Fire District – Fire Prevention Officer/ Investigator.*

*3. The proposed share driveway easement must be reviewed and approved by the Harrison Township Zoning Inspector. This easement shall have a statement within it that states that Harrison Township has no interest and no liability in such shared driveway easement.*

*Thomas D. Frederick Harrison Township Zoning Inspector*

*From Chad Harrison of WLJFD:*

1. The Driveway must be a durable surface that will support upwards of 70,000 pounds. Also with this the roof clearance from trees and branches needs to be 12 foot minimum. Care should be taken to not make the driveway too technical I;E avoid sharp transitions from horizontal and hard turns. Keep in mind the size and turning radius of our trucks

2. The addresses need to be clearly marked at the road and with a shared driveway, addresses need identified at the turn off for each residence. This will avoid confusion at the time of an emergency

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Lisa and Andy Slone are concerned about the driveways. Mr. Slone wanted to clarify that they would be driveways and not roads with street lights. Mr. Frederick said it was hard to say what the LCPC might require, but they would be driveways and not streets.

Ms. Klema said she would be willing to communicate with any of the residents about their concerns. She gave the residents her phone number and invited them to call her directly with any questions.

Tim Scherr said he appreciated the plans presented but would like to know why a driveway for each lot. Ms. Klema said sometimes there are problems with shared driveways but is willing to consider all possibilities. Mr. Scheer wanted to know how close a driveway can be to a property line. Mr. Fredericks explained there are no regulations on driveway placement.

Ms. Hans asked for input from the board.

Mr. Harned has a problem with approving something that would be flexible. He would rather have something laid out and not depend on a “good faith” promise. He would like to see something specific. Ms. Hans asked if he would prefer to table the matter. He would consider this if a specific solution was not agreed upon.

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Final- Approved

Mr. Gibson asked about moving the driveways back. Ms. Klema said they would consider a setback with a no build zone.

Mr. Harned feels that a 50 foot no build zone would be an answer for some concerns.

Andy Slone asked if that no build zone could be green space. Ms. Klema said it would mean no building.

Ms. Hans moved to approve the application with the following conditions:

1. That short-shared driveways will be used for the four lots off Hardwoods and the four lots off Citation. The driveways will accommodate 2 vehicles to pass onto the end of Hardwood and Citation.
2. That a 50' no build zone be established to the north and east sides of the property.
3. That all requirements of the West Licking Joint Fire District, Chad Harrison, will be followed per the email dated 6/21/17
4. That a proposed shared driveway easement must be reviewed and approved by the Harrison Township Zoning Inspector. This easement shall have a statement within it that states that Harrison Township has no interest and no liability in such shared driveway easement.
5. That this proposed development will have to be reviewed and approved by the LCPC. That agency will have some standards that will also have to be complied with.

Mr. Harned seconded. Vote:

Valerie Hans...yes      Dwight Gibson, Jr.... yes

James Hannahs...yes      Douglas Harned...yes      Jeremy Nestor...yes

The motion passed with a unanimous yes vote.

At 7:49 pm Mr. Harned moved to close the Public Hearing. Mr. Gibson seconded.

The motion passed with unanimous ayes.

A working session began at 8:00 p.m.

Mr. Hannahs moved to approve the minutes from the March 14, 2018 meeting. Mr. Harned seconded.

The motion passed with unanimous ayes.

At 8:06 Ms. Hans moved to adjourn. Mr. Harned seconded. The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

*Public hearing professionally recorded by Anderson Reporting*