

HARRISON TOWNSHIP
BZA
DECEMBER 14, 2016

Members present: Valerie Hans, George Snider, Dwight Gibson, Jr., James Hannahs and Douglas Harned.
Absent: Ryan Bailey

Also present: Tom Frederick, Zoning Inspector, Vickie Noble, Zoning Secretary and Marilyn Martin of Anderson Reporting

Guests: Tony Sharp, Hunter Skaggs, Linda Karrenbauer, Dan and Carolyn Elder, and Jason Derr.

The meeting was called to order by Valerie Hans at 6:35 p.m. with all standing for the Pledge of Allegiance.

The purpose of this meeting is to consider two applications. First on the agenda will be Jason Derr, second will be Linda Karrenbauer.

Ms. Hans read the application from Jason Derr. She then asked the court reporter to swear in all who wished to speak at tonight's hearings.

Mr. Hannahs asked which lot the applicant planned to build on.

Mr. Derr plans to build on Lot 3, family building on Lot 4, developing Lot 2 and leaving Lot 1 available. He said he has looked into the septic systems and has flags on the property marking the proposed locations.

Mr. Hannahs asked who would maintain the road; Mr. Derr, "me".

Ms. Hans questioned the 25' swath and asked if the existing barn is to stay. Mr. Derr has not decided on the barn. Ms. Hans would prefer to see the 25' swath on the same side as other 25'swaths, making all the driveway access points on the same side. Mr. Derr said he agreed.

Mr. Gibson asked about the size of the homes to be built and if the applicant was ready to build. Mr. Derr answered the size would be between 1800 and 2500 square feet. He is not ready to build yet.

Mr. Gibson asked if there would be a safety problem for fire department and other emergency departments to reach the homes. Mr. Derr did not see a problem. Mr. Frederick added that if Lot 3 was built first the driveway would require a good base due to construction traffic. Mr. Derr said he wanted the driveway to be done right and wanted it maintained.

Mr. Snider pointed out that the Zoning Commission develops regulations and questions if this application is breaking several of these rules. Mr. Harned feel this is a good point.

Ms. Hans asked if any of the residents would like to speak.

Mr. Skaggs is undecided about this. He is concerned about the water runoff.

Ms. Hans asked for Mr. Fredericks recommendation

Mr. Frederick's recommendation December 13, 2016

Harrison Township Zoning Inspector's report & recommendation for the variance request for Parcel # 025-076464-00.00 / south of 4048 York Rd. Pataskala, Ohio 43062. The current property owners are Timothy R. & Kathleen C. Simmons. This 14+ acre lot has 212.43 ft. of road frontage and a lot depth of 1527.18. Currently there is a pole barn located on the property and no other structures.

Jason D. Derr is proposing to purchase the 14.633 acres and is the applicant for the requested Variance from the Harrison Township Zoning Resolution. The Variance application is proposing to allow Mr. Derr to subdivide the 14 + acre lot into four (4) proposed lots. Three (3) of the proposed lots would have 25 feet of road frontage and the fourth lot would have 137 feet of road frontage and the existing pole barn. The average proposed lot size would be 2.75 acres for all proposed lots. All lots would access the proposed lots by a shared/common driveway. Mr. Derr has provided a proposed driveway easement and maintenance agreement.

This recommendation will follow the requirements of the Harrison Township Zoning Resolution Article 4 – Section 4.12- #2 Area Variance. 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. These factors include but are 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.

In October 2015, I issued a Zoning Permit for a For Sale sign located at this property. The lot has been for sale for over a year. This lot does have enough road frontage and acreage for one single family residence.

b. whether the variance is substantial.

The property is zoned Agricultural (AG). The AG zoning district requires a minimum lot area of 45,000 square feet and lot width (road frontage) of 150 feet. The proposed lot size of 2.75 acres does exceed the lot size. Three of the proposed lots will have 25 feet of road frontage and the fourth lot would have 137of road frontage.

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.

There is a lot north of the 14 acre lot in question that does have 68 feet of road frontage to a 3.111 acre lot.

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

I do not see this as an issue if the proposed lots have specific house numbers located on each proposed lot.

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

Mr. Derr has not purchased the property but does have a purchase contract on it subject to the outcome of the variance request. That is why he has applied for the variance request.

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

Harrison Twp. Board of Zoning Appeals
December 14, 2016

Final- Approved

Mr. Derr could purchase the property and put one house on the 14 acres without a variance or he could purchase the property and develop a new road within the 14 acres to access the proposed lots.

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 proposed shared driveway access. I am aware that there are other lots within Harrison Township that have multiple lots with 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 deny the variance request.

Thomas D. Frederick Harrison Township Zoning Inspector

Mr. Derr explained the plans behind the lot split using a board containing pictures and drawings. He also pointed out the culvert and tiles for drainage.

Ms. Hans asked if he had considered doing a cul de sac. While Mr. Derr said he would consider this, Mr. Frederick pointed out this would be done at a considerable cost. Mr. Derr has talked with the Licking County Planning Commission by phone and was told to go through the township first.

Mr. Harned said the 25' access for each lot concerns him. He doesn't like the three separate easements.

Motion by Valerie Hans to approve the application with the modifications that:

1. 25' frontage for Lot 2 will be moved to the south side of lot 1 and shall continue to the west edge of Lot 2.
2. That the shared driveway would consist of one driveway and only one ingress/egress access point to be shared equally by all four lots.
3. That the three 25' access points to Lots 2,3, and 4 will be located at the far southern edge and will run along the southern edge of the property to Lot 3
4. That all properties will be deed restricted with the shared access easement for common driveway purposes
5. That all properties will have address identification at York Rd. at the ingress/egress point.

Motion seconded by Doug Harned

Vote:

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

James Hannahs...yes Douglas Harned...yes

Motion passed with a unanimous yes vote

The Derr hearing ended at 7:57 p.m.

At 8:05 p.m. the hearing for Linda Karrenbauer began with Ms. Hans reading the application.

Ms. Hans asked how many square feet the garage contained.

Mr. Frederick said the proposed living space would be 1094. Ms. Karrenbauer added that the total for the garage would be double that making the total for the garage approximately 2088 sq. ft.

Ms. Karrenbauer stated the detached garage currently has a full bath that feeds into the current septic system. Water and gas lines are in place.

Ms. Hans asked for Mr. Fredericks recommendation

December 13, 2016

Harrison Township Zoning Inspector's report & recommendation for the variance request submitted by Linda Karrenbauer, 4910 Deeds Rd. Granville Ohio 43023. The properties are currently owned by Mrs. Karrenbauer and her sister Nancy Oliver. There are two 1.55 acre lots each has 150 of road frontage. Each lot is 450 feet of depth. There is currently a single family residence, detached accessory building (garage) and swimming pool constructed on this property.

The variance request is for a proposal to remodel a portion of the garage into a living area. Mrs. Karrenbauer would use the living space for herself and allow her son & his family move into the existing single family residence.

This variance application has two issues:

- 1. the use of a detached structure as living space with an existing single family residence located on the lot. 2. The proposed living area for the garage would be about 1094 square feet.*

This recommendation will follow the requirements of Harrison Township Zoning Resolution Article 4 – Section 4.12- #1 Use Variance and #2 Area Variance.

Use Variance

Section #1 states 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. They include, but not are not limited to:

a. the variance will not be contrary to public interest;

Harrison Township Zoning Resolution currently does not have a multifamily residence district(s). This variance request is requesting to establish two residences on the same lot.

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

There are no special conditions that I am aware of.

c. the spirit of the Zoning Resolution shall be observed;

Harrison Township Zoning Resolution currently does not have a multifamily residence district(s). This variance request is requesting to establish two residences on the same lot.

d. substantial justice shall be done;

Permitting two residences on one lot is not permitted in Harrison Township.

Harrison Twp. Board of Zoning Appeals
December 14, 2016

Final- Approved

Area Variance

2 states 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. They include but are 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 existing property has been beneficial to Mrs. Karrenbauer, her sister and her husband by them living within the existing residence.

b. whether the variance is substantial.

The property is zoned Agricultural (AG). The AG zoning district requires a minimum of 1800 square feet of living area for a single-family residence.

The proposed living space for the garage is around 1094 square feet, 706 less than the required square footage.

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.

Mrs. Karrenbauer has provided a notarized statement that the garage living space will never be used as rental property outside of the Karrenbauer family. This will be difficult for Harrison Township to enforce. The property could be sold to another owner also making it difficult for the Township to enforce.

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

I do not see this as an issue.

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

No.

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

If there was a Mother in Law suite constructed to the existing single family residence, then a variance would not be required and would not have to have the 1800 square feet of living space since it would be an addition to the existing residence.

g. whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Harrison Township does not permit multifamily residences

It would be my recommendation to deny the variance request.

Thomas D. Frederick Harrison Township Zoning Inspector

Ms. Karrenbauer stated that she is disabled and while a mother-in-law suite could be put in the basement it would be hard for her to maneuver.

Mr. Hannahs asked about Nancy Oliver, listed on the paperwork. Ms. Karrenbauer explained this was her sister who owns the property with Ms. Karrenbauer.

Ms. Hans had asked if Ms. Karrenbauer planned on a deed restriction. Ms. Karrenbauer said she was not aware of that option but would be open to it. Ms. Hans also inquired about the possibility of a lot split. This cannot be done because the existing house sits on both lots.

Mr. Hannahs asked how the space would be heated. Ms. Karrenbauer answered that gas is there but a furnace would have to be installed.

Mr. Snider pointed out that Harrison Township does not allow two residences on one property. Mr. Harned agreed with this point and added that this decision would affect "down the road not just today".

Ms. Karrenbauer asked if it would be possible to use a walkway and connect the house to the garage. The board and Mr. Frederick felt this could be done if the walkway was enclosed and wide enough for two people or a wheelchair.

A motion was made by Valerie Hans to deny the application as presented. The motion was seconded by Doug Harned.

Vote:

Valerie Hans...yes George Snider...yes Dwight Gibson, Jr. ...yes.
James Hannahs...yes Douglas Harned...yes

The motion passed with a unanimous yes vote

At 8:33 pm Ms. Hans moved to close the public hearing. Mr. Harned seconded. The motion passed with unanimous ayes.

A working session began with the reading of the minutes from May 11, 2016

Mr. Hannahs moved to approve the minutes. Mr. Harned seconded.

The motion passed with unanimous ayes.

The board was given copies of the revised Articles 15 and 16 and the new Article 26.

The working session ended and the board went into an Organizational session for 2017.

Mr. Snider nominated Valerie Hans for Chair. Mr. Hannahs Seconded.

Vote:

Valerie Hans...yes George Snider...yes Dwight Gibson, Jr. ...yes.
James Hannahs...yes Douglas Harned...yes

Motion passed with a unanimous yes vote

Mr. Harned nominated Mr. Snider for Vice Chair. Ms. Hans seconded.

Vote:

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

James Hannahs...yes Douglas Harned...yes

Motion passed with a unanimous yes vote

Mr. Harned nominated Mr. Gibson for Alternate Secretary. Ms. Hans seconded

Vote:

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

James Hannahs...yes Douglas Harned...yes

Motion passed with a unanimous yes vote

The schedule for 2017 will be as needed, setting aside the second Wednesday and the fourth Tuesday of the month as meeting days.

At 8:51 Mr. Gibson moved to adjourn the meeting. Mr. Hannahs seconded.

The motion passed with unanimous ayes.

Respectfully submitted

Vickie Noble, Zoning Secretary

Valerie Hans, Chair

The Public Hearing was professionally recorded by Anderson Reporting