

## **Violet Township Board of Trustees**

**November 7, 2007**

### **Public Hearing: Case Number 03-ZC-2007 – 3 acres on Pickerington Road from PD to R-2 (Pickerington Church of the Nazarene)**

**Mr. Dunlap made the motion to open Case No. 03-ZC-2007 at 8:00 pm. Seconded by Mr. Weltlich. Roll call vote: Mr. Dunlap, yes; Mr. Weltlich, yes; Mr. Myers, yes. Motion carried**

Mr. Weltlich asked Ms. Sarko to summarize the application.

Ms. Sarko summarized that Case No. 03-ZC-2007 is an application filed by the McKnight Group for 3 acres located on the west side of Pickerington Road, owned by and adjacent to the Pickerington Church of the Nazarene located at 11775 Pickerington Road. This application proposes to amend the Violet Township Zoning Code by amending the Violet Township Zoning map to rezone the subject 3 acres in the PD, Planned Residential District to the R-2, Single Family Residential District in order to accommodate church parking and church lay activities.

Donald Smith, 11876 Pickerington Road lives across the street from the church. He said he feels they (the church) are good neighbors and this would be good for the community.

Norm Hopkins, 11300 Milnor Road was present stated he was for the application. He wanted to make sure he had an understanding that this is a legislative action that can be put out for referendum. Mr. Weltlich stated he was correct.

**Mr. Dunlap made a motion to close the public hearing at 8:10 p.m. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.**

**Mr. Myers made the motion to approve application as modified by the recommendation of the Violet Township Zoning Commission (Resolution No. 2007-1107-09). Seconded by Mr. Dunlap. Roll call vote: Mr. Myers, yes; Mr. Dunlap, yes; Mr. Weltlich, yes. Motion carried.**

### **Public Hearing: Case Number 05-ZC-2006 - Violet Real Estate Ltd. and Greg and Carmen Bigus, 59± acres on the east side of Hill Road (South Hampton) from R-2 to PD and R-3.**

Mr. Dunlap moved to open the public hearing for Case No. 05-ZC-2006 at 8:12 p.m. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.

Ms. Sarko summarized the application for Case Number 05-ZC-2006 as an application filed by Violet Real Estate Ltd. and Greg and Carmen Bigus for 59± acres located on the east side of Hill Road, owned by Winchester Trace II Development and Greg and Carmen Bigus. The application proposes to amend the Violet Township Zoning Code by amending the Violet Township Zoning Map to re-zone 3.52 acres to PD and 24.4 acres to R-3 low rise apartment residential district.

Ms. Sarko explained since the October 23<sup>rd</sup> meeting, she and Mr. Ricketts had gone through text revisions. She said that she had requested that Mr. Ricketts include items in the deed restrictions which had been requested by the Trustees

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and included in the development text for cross referencing purposes. She said those items include:

- Garages that extend beyond the front of the home ("snout houses") shall be subject to architectural approval by the committee; in no instance shall more than 50% of the garage extend beyond the front of the home and porch.
- That HVAC units include be located at the rear unit unless otherwise required by the utility company.
- When architecturally possible, the garages on corner lots will be side load - and this will help address the side load garage issue.
- Homes on corner lots or on lots abutting Hill Road South will have one or more windows on each side facing a public street.
- Skylights shall not be placed on the front of any home so they are not visible from the adjoining public street.
- Gutters and downspouts on all the homes.

Ms. Sarko did mention to Mr. Ricketts that there was an error in the deviation text pertaining to storage or accessory buildings. She said the CEDA text requires that accessory buildings be not prefabricated structures and that they be attached to the home or the garage. Mr. Ricketts has corrected that. He agrees that they will not be pre-fabricated structure and also agrees that they may or may not be attached to the principal structure. Mr. Ricketts did note that he would change his assignment of the authority or rights of the association by the developer to such time when 90% of lots have been developed with the dwelling unit. This was changed in the deed restrictions and this provision is consistent with the maintenance of open space in the development. Ms. Sarko did note that the development text which includes this provision also needs to be changed.

Mr. Weltlich asked if Mr. Ricketts and Mr. King had resolved the easement issue. Mr. Ricketts said they would mound and landscape the area. He said they did not want to install a fence.

Mr. Dunlap asked about a possibility of a private drive easement for Mr. King. Mr. Ricketts stated that was a private issue that relates to Mr. Bigus as Mr. Bigus has property between the King and Winchester Trace property. Mr. Ricketts said that he would put in writing to Mr. King that Winchester Trace would provide a curb cut for residential use only and that it could not be used for commercial use.

Michael King of 8280 Hill Road, Canal Winchester was present. He said that he wanted the property to remain R-2 and spoke about the climate of the housing market in the Central Ohio.

Rita Tyson, 10212 Dorchester Place stated her experience has been with regards to buffering, that a fence is more effective in keeping light and noise down. She said that it takes trees at least ten years to get to their full height before they are of any use and they are not sufficient to block the light. She thinks the developer should put up a fence and trees to protect Mr. King's property.

Norm Hopkins of 11300 Milnor Road was present. He said he was now in favor of the development.

Mr. Ricketts stated the issue between Mr. Bigus and Mr. King should not be intertwined with this zoning application. He explained from a cost perspective it

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is cheaper for them to install a fence however, he noted the proposed development is a "no fence" subdivision.

There was a brief discussion regarding installation of a fence and whether a fence could be installed on Mr. King's property instead of the proposed subdivision property.

Mr. King stated he had no plans now to go commercial. Mr. King commented he would be applying for a conditional use permit, for the business office he operates from his home, within the next 30 days.

Mr. Dunlap asked Mr. Ricketts if he had authority to speak for Mr. Bigus. Mr. Ricketts stated he did not with regards to an easement on the Bigus property.

Mr. Weltlich asked if the developer would reimburse Mr. King for the cost of the fence. Mr. Ricketts said yes.

Mr. Myers asked Mr. Loveland if he had reviewed all of the Development Text. Mr. Loveland stated he had and everything they (the Trustees) have asked has been incorporated into the document.

Michael King of 8280 Hill Road stated that the easement would be residential only.

**Mr. Dunlap moved to close the public hearing for 05-ZC-2006. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.**

**Mr. Dunlap moved to approve application for Case Number 05-ZC-2006 as amended and agreed to in the public hearings (Resolution No. 2007-1107-10). Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.**

**Mr. Dunlap moved to return to the regular Trustee meeting at 8:45 pm. Seconded by Mr. Myers. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes; Mr. Weltlich, yes. Motion carried.**

Respectfully submitted,

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Jim Van Kannel, Fiscal Officer

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Joniann Goldberg, Zoning Secretary

Approved By:

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Gary P. Weltlich, Chairman

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Date

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Harry W. Myers, Jr., Vice-Chairman

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Terry J. Dunlap, Sr., Trustee