

Violet Township Board of Zoning Appeals

December 20, 2007

Chairman Kluczynski called the meeting to order at 7:30 p.m. and roll was called.

Members present: Schirtzinger, Brennan, Cole, Dellinger, Kluczynski, Palsgrove, and Brobst. Also present was K. Sarko, Zoning Inspector.

Mr. Kluczynski swore in those wishing to speak.

Case Number 06-CU-2007

An application for Conditional Use Permit filed by the McKnight Group 3551 McDowell Road for 3 acres located on the west side of Pickerington Road, adjacent to and owned by Pickerington Church of the Nazarene, 11775 Pickerington Road, Pickerington. Applicants request a Conditional Use Permit pursuant to Violet Township Zoning Resolution Section 3B1-02(1) and Section 3AA to allow the subject property to be used for church uses and facilities

Mat Davis with The McKnight Group, 3551 McDowell Road explained they are applying for a Conditional Use Permit for the 3-acre tract owned by Pickerington Church of the Nazarene in order to accommodate additional parking to meet zoning requirements. He said they have eliminated a driveway shown on the original proposal. Mr. Davis said they have added a drive aisle and parking. He said the parking is outside the setbacks. He explained they had to make some modifications this past week due to their septic system.

Ms. Cole asked how many additional parking spaces were going in. Mr. Davis stated approximately 45 to 50 spaces that will be on the 3 acre tract.

Mr. Dellinger asked Ms. Sarko about the rezoning of the 3 acres being rezoned. Ms. Sarko explained that the 3 acres was originally part of the Springcreek Planned District. It was acquired by the Church from Mr. Ricketts. It was rezoned back to the R-2 District so the church property could be one, consistent zoning classification.

Mr. Palsgrove asked about the leach field on the 3 acre tract. Mr. Davis explained that it had been eliminated from that tract.

Norm Hopkins of 11300 Milnor Road asked if this Conditional Use Permit had any affect on any referendum for the Trustees approval. Ms. Sarko explained that the referendum period for the rezoning had expired.

Ms. Cole moved to grant the Conditional Use Permit as submitted. Mr. Palsgrove seconded the motion. Roll call vote: Cole, yes; Palsgrove, yes; Dellinger, yes; Brobst, yes; Kluczynski, yes. Conditional Use Permit approved.

Case Number 14-VA-2007

An application for variance filed by Theodore and Gina Stacy for property located at 8804 Stonehenge Drive, Pickerington. Applicants request a variance from the provisions of Violet Township Zoning Resolution Section 3B2-05 to allow the construction of an addition which is to be placed closer to the side property line than permitted in the R-2, Single Family Residential District.

Mr. & Mrs. Stacy were present to address the Board. Mrs. Stacy stated their home was built in the early 1970's. At that time the homes were constructed, it did not provide for the larger vehicles today. Ms. Stacy presented photos of their property to the Board. She said they are requesting to build a garage to accommodate the size and types of vehicles they own.

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Mr. Kluczynski asked about building materials. Ms. Stacy explained that the front of the garage will be brick and the sides will have siding to match the home. She said the shingles for the roof will match the home. The patio on the back will be linked to the garage (with a roof and breezeway).

Mr. Kluczynski asked if the existing garage would be converted to living space. Ms. Stacy said that it was.

Mr. Kluczynski asked about the breezeway. The Stacy's explained that the chimney is 3 feet away and they didn't want to interfere with the chimney.

Mr. Dellinger asked if they could move the garage closer to or adjacent to the home. The Stacy's explained that it would interfere with the chimney and they couldn't easily walk through from front to back.

Mr. Dellinger asked if the next door neighbor belonged to one of their parents. The Stacy's said yes and said that along the side of that home is a row of pine trees.

Ms. Cole asked if the proposed garage would be a two car garage. Ms. Stacy stated it would.

Mr. Kluczynski asked if they were building a covered patio as well. Mrs. Stacy stated it would just have a roof on it. It is not enclosed.

Mr. Dellinger asked if they were going to use this garage for anything other than storage of vehicles. Mr. Stacy stated just their personal vehicles and a boat.

Bill and Pam Hawbecker, 8775 Stonehenge Drive, were sworn in and said they were against the application. Said they have lived on Stonehenge for 20 years. The distance between homes is 75 feet. They said it will look out of place and feels will distort the aesthetics of the street and was not an integral part of the structure. They feel that by allowing only 10 feet from the side will probably affect the salability of their (Hawbrecker's) home.

Ms. Brobst asked Ms. Sarko how the proposed new dwelling matches up in terms of the zoning code with regards to the size of a garage as it relates to the size of the existing structure. Ms. Sarko explained that it is an addition as it is attached to the home.

Mr. Dellinger asked if there were any other structures like the proposed in the neighborhood. Ms. Stacy said she had lived in the neighborhood since she was small and it had been the third house in the neighborhood she had lived in. She said there is no room to keep their belongings and they need to construct a facility to keep what they own. Mr. Stacy said there will be 45 feet between their home and their parents home. He noted they used an architect and worked closely with the architect.

Mr. Dellinger made the motion to approve the variance as requested. Ms. Brennan seconded the motion. Roll call vote: Mr. Dellinger, no; Ms. Brennan, yes; Ms. Cole, no; Mr. Palsgrove, yes; Ms. Brobst, yes; Mr. Kluczynski, yes. Variance approved. Mr. Kluczynski noted there was an error in the roll call so the motion would have to be redone.

Mr. Dellinger made the motion to approve the variance as requested. Ms. Brobst seconded the motion. Roll call vote: Dellinger, no; Brobst, yes; Cole, no; Palsgrove, yes; Kluczynski, yes. Motion carried.

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Case Number 15-VA-2007

An application for variance filed by Gerald Hoffman for property located at 7265 Waterloo Road. Applicant requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(1) to allow the construction of an accessory building which if constructed, would exceed the maximum allowable square footage for an accessory building on a lot containing less than one acre.

Mr. Hoffman of 7265 Waterloo Road NW was sworn in. He stated he wanted to construct a 20' x 16' with a 4 foot porch (20 x 12 with 20 x 4' porch) outbuilding at the rear of the property. He said it sits away from the adjacent property and would be used for storage of lawn and garden tools and patio furniture, gardening plants and tools and a utility trailer.

Mr. Dellinger asked for any sketches of what this would look like. Mr. Hoffman said that he bought the building from Buckeye Buildings at the County Fair. He explained this would be constructed of the same material as his garage – wood with vertical siding. Mr. Dellinger asked if the structure would be heated or air conditioned. Mr. Hoffman said no.

Ms. Cole asked about the other accessory building. Mr. Hoffman explained that part is his wood working shop and the front part is his 2-car garage.

Ms. Schirtzinger asked if the building would have a loft. Mr. Hoffman said the building will have a small loft for some storage. Ms. Sarko asked if the building would be higher than his home. Mr. Hoffman said it would not.

Mr. Dellinger asked if he had to fill his property. Mr. Hoffman explained they would set the posts and fill in around them. Ms. Schirtzinger asked if there was a drive back to the building. Mr. Hoffman said no.

Ms. Brobst made a motion to approve the application. Mr. Palsgrove seconded the motion. Roll call vote: Brobst, yes; Palsgrove, yes; Cole, yes; Dellinger, yes; Kluczynski, yes. Motion carried.

Case Number 16-VA-2007

An application for variance filed by Katherine Weisinger for property located at 12700 Wheaton Avenue, Pickerington, for property owned by Katherine Weisinger and Jarron Reeser. Applicant requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(5)(b) to allow an accessory structure to remain as placed, closer to rear and/or side property lines than permitted.

Ms. Weisinger of 12700 Wheaton Ave explained she is requesting a variance to keep the shed structure it in the location it is in now. She said that she provided a letter with key features and photos.

Ms. Weisinger explained the shed was placed 1 ½ feet from the rear property line. If it were placed correctly it would be in the middle of their yard. She said the neighbor staked his yard, they found out it was too close. She said they applied for a variance to keep the shed in its current place. She said that the neighbors on sides objected to it being placed closer to either side.

Ms. Cole asked if they were compliant with the deed restrictions. Ms. Weisinger said she wasn't sure. Ms. Cole said that did not have any bearing on any decision but thought they were not permitted.

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Mr. Kluczynski asked if they could move the structure to the east side of the garage. She stated there were trees there.

Gary Jakubien, 12797 Jeffrey Drive was against the application. He asked that the Summerfield residents who were against this application to stand, many residents stood. He explained when originally placed, his neighbor had installed a 10 x 12 storage building on his (Mr. Jakubien's) property with the apparent misuse of his property deed map and the property boundary requirements. Mr. Jakubien explained that his neighbor cut and broke off limbs of his trees without asking. He moved the shed off the property 6 inches which was still not in compliance. He said that his neighbor had no regard for zoning laws, deed restrictions. He said the purpose of the zoning code was to promote public health and safety and to provide harmony in all districts.

He explained that his concern was a variance that would allow a zero lot line and that it would override homeowner's deed restrictions which would allow anyone to build anything they want and to build other structures.

Mr. Jakubien said that he has been in constant contact with South Central Power and the cable service as he feels it is a safety consideration. He said the neighborhood does not feel the request is in the best interest and said on behalf of Summerfield Association the request should be denied.

Ms. Weisinger commented that the shed was not 6" from the property line. She also commented that there were deed restrictions for satellite dishes and there are plenty of neighbors that have satellite dishes. She said they found the most attractive building and it was expensive. She didn't want the building to be offensive and was shocked at others feelings.

Greg and Karen Rice, 12802 Jeffrey Drive. Said those who are opposed feel it is obtrusive. Said that with regards to children, parents want to be able to see out in the yard, and want kids to be safe. They feel this does not fit in with the neighborhood.

Donna Brozovich, 12794 Jeffrey Drive said she is a realtor understands limited space but everyone has issues and they work around them. She said that sheds aren't permitted in restrictions and they should have received a copy of the restrictions at the time of closing on their home.

Kelly Pearce, 12718 Wheaton Ave was sworn in by Mr. Kluczynski. Said he lives directly north and never had any issues. Said he is an employee of AEP and speaking with AEP, he said they said that they move playsets all of the time, He stated she mentioned that three neighbors had play structures and he said his play structure was where it was when they bought the house. He said if there are power lines under the structure and if you have an outbuilding and there were a power outage this could take a long time to get someone to come out.

Ms. Brennan commented that a lot of people store items under their deck.

Mr. Dellinger moved to approve the variance as submitted. Ms. Cole seconded the motion. Roll call vote: Dellinger, no; Cole, no; Palsgrove, no; Brobst, no; Kluczynski, no. Variance denied.

Case Number 12-VA-2007 (continued from November 15, 2007)

A continuance of the public hearing for an application for variance filed by Gary and Laura Buck for property located at 13661 Tollgate Road. Applicants request a variance from the provisions of Violet Township Zoning Resolution Section 3B2-02 to allow a

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split of the property which would create a lot with less frontage than required in the R-2, Single Family Residential District.

Laura Buck, 13661 Tollgate Road provided the measurements that were requested by the Board. She indicated that a sideyard measurement was missing.

Mr. Kluczynski gave a brief summary of what the Board had requested from the Bucks at the previous meeting. Ms. Buck apologized to the Board. She said that she and her husband had worked hard with Tobin McFarland and the County Board of Health. She said that they wanted to lot to keep the feel of Tollgate Road. With regards to the septic system Ms. Buck explained that they went through permits with the County Board of Health, if the lot line was moved, then it would encroach upon the septic system for the house. This was how they came up with the 61 feet. The septic system is set far enough back from the road to keep own septic system if sewer is run down Tollgate Road. Regarding the replacement septic system, she said it has to be located where it is due to the floodplain.

Mrs. Buck explained there are large lots across the street and their home was built with the topography in mind. She said they had an aggregate drain installed along the west side of their home to protect the integrity of the home and Tollgate Road. She said the County Board of Health required them to find a place for a septic system on the new lot. She explained that all of the Ford Parcels have outbuildings and if a buyer buys the property and wants an outbuilding, there is only one flat area on the parcel.

With regards to the question about the fence posts, Mrs. Buck explained that she had fence posts which needed to be replaced. Those which were to be replaced were flagged with red tape. Sixty-one fence posts were to be replaced. She said they need pastures for their horse farm. She said they had the entire property for sale to see the value of a horse farm and wanted to find out the market. She said the market is women over 50 who want horses. Her intent is to build a horse farm, downsize it and upscale it.

Mrs. Buck stated they have invested \$1978.00 so far in surveys, soil testing and to apply for a variance.

Mr. Dellinger asked about the proposed four bedroom residence on the new parcel. Mrs. Buck stated that Ohio laws require them to show the lot is viable and have to show a secondary septic system.

Mr. Dellinger asked what the maximum frontage the lot could have. It was determined from the edge of the septic system to the property line is 71 feet (101' minus 15' sideyard setback)

Mark Stack, 6600 Blacklick Eastern Road said there was overwhelming opposition to the application. He said not everyone had an accessory building. He believes that any change is a deviation. He said that he did split three lots on Tollgate Road and required those owners to have a minimum of 2700 square foot homes

Susan Strup, 13563 Tollgate Road was sworn in. She said she wanted to remind the Board that the last time they met there were at least seven of the neighbors who were opposed to this variance and said they still are opposed.

Ms. Cole asked if the Bucks had had any conversation with the neighbors since the last meeting. Mrs. Buck said that she hadn't and didn't want a neighborhood brouhaha. She said no one wants a road and it will not be a road it will be pasture access and access to the parcel.

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Ms. Sarko clarified that each lot has to have frontage on a public right-of-way. Ms. Brobst asked if they would use it as pasture if it is necessary to do a lot split in order to use it as pasture. Ms. Sarko said they want to sell the main house. Ms. Brennan asked what the hardship would be. Mrs. Buck stated she is the only one whose land is landlocked.

Mr. Dellinger made the motion to approve the variance as requested. Ms. Brennan seconded the motion. Roll call vote: Dellinger, no; Brennan, yes; Cole, no; Palsgrove, no; Kluczynski, no. Variance denied.

Mr. Palsgrove made the motion to approve the minutes from November 18, 2007. Ms. Cole seconded the motion. Roll call vote: Palsgrove, yes; Cole, yes; Dellinger, yes; Brobst, yes; Kluczynski, yes. Motion carried.

Al Kluczynski was appointed for another five year term by the Trustees by resolution. Steve Palsgrove will be moving to the Township Zoning Commission and the Trustees appointed Cathy Schirtzinger to fill his position. The new alternate will be Tom Collins and Mr. Bussom will be an alternate to the Zoning Commission. Steve's appointment will be effective January 1, 2008.

Mr. Kluczynski asked the Board to review the rules and regulations so they can renew them at the next scheduled meeting. There was a discussion about who will Chair a January 2008 meeting as Mr. Kluczynski will be out of the country in January.

Ms. Brobst made the motion that Mr. Dellinger be acting chairperson in the event of a January 2008 meeting as Mr. Kluczynski will be out of the country 1/8/08 through 2/9/08. Ms. Cole seconded the motion. Roll call vote: Brobst, yes; Cole, yes; Kluczynski, yes; Palsgrove, yes; Dellinger, abstain. Motion carried.

Ms. Brobst made the motion that Ms. Cole be back up chairperson for a January 2008 meeting. Mr. Dellinger seconded the motion. Roll call vote: Brobst, yes; Dellinger, yes; Kluczynski, yes; Palsgrove, yes; Cole, abstain. Motion carried.

Ms. Brobst made the motion that in the event there is a January 2008 meeting that the election of officers be held at the next regularly scheduled meeting in 2008. Mr. Dellinger seconded the motion. Roll call vote: Brobst, yes; Dellinger, yes; Cole, yes; Palsgrove, yes; Kluczynski, yes. Motion carried.

Mr. Palsgrove made the motion to adjourn the meeting. Ms. Cole seconded the motion. Roll call vote: Palsgrove, yes; Cole, yes; Dellinger, yes; Brobst, yes; Kluczynski, yes. Meeting adjourned at 9:30 p.m.

Joniann Goldberg, Secretary

, Chairman

Date