

Violet Township Board of Zoning Appeals

October 18, 2018

Ms. Schirtzinger called the meeting to order at 7:30 p.m. and roll was called.

Members present: Mr. Dellinger, Mr. Rector, Mr. Collins, Mrs. Gillette, Mr. Kluczynski and Ms. Schirtzinger. Also present were Kelly Sarko, Zoning Inspector and Jennifer Huber, Township Legal Counsel.

Ms. Schirtzinger swore in those wishing to speak. It was noted for the record that Ms. Sarko had also been sworn in.

Case Number 02-CU-2018

An application for Conditional Use Permit filed by Leisa and Eric Benton, for property located at 9149 Hill Road South. Pursuant to Violet Township Zoning Resolution Sections 3A1-02(9) and Section 3AA5, this application requests a Conditional Use Permit in order to conduct a home occupation from the property located at 9149 Hill Road.

Ms. Sarko reported this property is located on the west side of Hill Road north of Busey Road. The property is zoned R-1 single family residential. The proposed Home Occupation is a Type A, in-home childcare business. The Ohio Jobs and Family Services website states Ohio Law defines child daycare as administering the needs of children outside of school hours, by persons other than their caretakers on a less than twenty-four hour basis. Some types of childcare must be regulated in Ohio and other types of childcare may operate without a license. Ohio Law defines an ODJFS "licensed child care program" as any of the following; a child day care center, a Type A family day-care home, or a Type B family day-care home". The website then defines Family Child Care Type A Homes as "7 to 12 children (or 4 to 12 children if 4 children are under 2 years of age) cared for in the provider's home. The provider's own children under 6 years of age must be included in the total count". The website further states, Family Child Care Providers -Type A Home providers can care for 7-12 children at one time; however, each staff member can care for no more than six children at one time (and no more than three children under age 2). Mrs. Benton indicates she and her husband will be the employees and staff members for the proposed Type A family childcare provider.

Leisa Benton, 9149 Hill Road South, Pickerington, Ohio told the Board a little about herself. She said she was a licensing specialist for the State of Ohio and has licensed most of the daycare centers in Fairfield County. She would like to open a weekend Type A home. She and her husband have been in preparation for this for several years. Before they even purchased their home, they contacted the Zoning Department to make sure they would be on the same page and doing the right things as far as building and the requirements. They have invested a lot of resources in the facility and they have a dedicated area in their home to support the facility. She has realized there is a great need for quality childcare on the weekend so this is why she is doing it. She said she is a consultant during the week.

Mr. Eric Benton, 9149 Hill Road south, Pickerington, said they have lived in the community for 15 years. He explained they purchased their present home with a dedicated wing and have additional wing in the home so they can properly care for children. He explained a Type B allows six children but they are requesting a Type A.

Mrs. Gillette asked if they have children of their own. Mrs. Benton said they did not. She said the licensing rules are that you can have up to 12 children at one time and out of the 12, no more than 4 children can be under the ages of 2½.

Mr. Kluczynski asked if the business would include holidays since she mentioned weekends only. Mrs. Benton said they probably would be closed on holidays.

Mrs. Gillette said she thought she read in the application that the kids could come in the evening hours and stay overnight. Mrs. Benton said this was correct.

Mr. Kluczynski asked who is responsible for the care of the children. Mrs. Benton said it would be she and her husband. Mr. Kluczynski asked about licensing. Mrs. Benton said the minimum requirement is that you have to have a high school diploma and the background check references

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things of that nature. She said they are both certified. Mrs. Benton has her Bachelor's and Early Childhood Development and they are in the process of meeting all of the requirements and getting documents together for licensing. She said this is the first step. Mr. Kluczynski asked what specifically the certificates in the application give them. Mrs. Benton said the certificate was from the Secretary of State to operate an LLC. She said the licensing requires approval from zoning, building and the fire department. Mr. Kluczynski asked when the background investigations would be done. Mrs. Benton said they have to submit it to the State of Ohio ODJSF and it would be done in about a month.

Mr. Dellinger asked if they were living in the new house. Mrs. Benton said they were. He asked if there was a fence in the back yard. Mrs. Benton said there was not currently. Mr. Benton said there is a home on the north side of the property and along the south and west sides there is an easement for the Villages at Sycamore Creek. Hill Road is on east side of the property. He said their home was completed in June and they are working on installing landscaping and a dedicated play area. He said there is also an indoor play area. He said if they are required have a fence then they would install one.

Mr. Kluczynski asked what the backup plan in case of illness for one or both parties i.e. injury, hospitalization, etc. Mrs. Benton said according to licensing rules, there has to be two people in the home at all times. Substitutes are also a requirement. She said they would start with two substitutes. If for some reason the substitutes were not available, the Benton's would have to notify the parents that there would be no operations that day.

Mr. Collins asked if they planned to have 12 children since the capacity was up to 12 children. Mrs. Benton said initially, the plan to be better than the state ratio and plan for up to 10 children.

Mr. Rector wanted clarification on "weekends". Mrs. Benton said it would include Friday, Saturday and Sunday.

Mr. Dellinger asked about the maximum time they would be able to care for a child. Mrs. Benton said you cannot have the kids as foster care but the plan would be to have the children at least 20 hours. It will be staggered. Some parents might need evening care.

Mr. Kluczynski asked Mrs. Benton to explain more about the food and nutrition requirements. Mrs. Benton said they are required to get approval through the Health Department even if they are not serving food. She said they will probably have the parents bring food and will get a food service exemption because they do not plan to serve meals unless the parents request it. They will be serving nutritional snacks and they want to work with the Ohio Healthy Food Program.

Ms. Schirtzinger asked if the landscaping had been installed. Mr. Benton said it should be going in next week. Mrs. Benton added there had been some delays with their builder as far as the landscaping. Ms. Schirtzinger said she was concerned about the entrance on Hill Road and the traffic on weekends as far as the safety for the kids. Mr. Benton said that is why they constructed the driveway as deep in the lot as they could and did an oversized parking pad. It is about 200 feet off the road. Mrs. Benton said the playground would be in the rear of the home. She said the State Licensing department does allow things as natural barriers and they allow fences. The licensing specialist will tell them which one they would prefer.

Mr. Collins asked about the sleeping arrangements when they had up to 10 children. Mrs. Benton said they would purchase cots, which are required through licensing, and the sleeping would be in the sectioned area that is on the drawing. They are also required to have a natural pathway for a fire exit. They also allow them to have the children on couches and beds but for now, they would be doing cots.

Mr. Collins asked if the normal living quarters was separate from the daycare area Monday through Friday when it is not in business with children. Mrs. Benton said there is a little hallway that separates the daycare area from the living quarters. Monday through Friday, they will just reside in their residence.

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Ms. Schirtzinger asked if they envision this being more than just a Friday, Saturday, Sunday operation. Mrs. Benton said that right now she does consulting work during the week with child church centers and Action for Children so she is busy during the week. If this works out to where they are successful they would possibly think about opening a building somewhere.

Mr. Kluczynski asked when they made the initial decision to build the home, if it was also a decision to have the childcare. Mrs. Benton said it was. Mr. Kluczynski asked why they did not come to the board before the house was built to ask for the variances and Conditional Use permits. Mrs. Benton said they did submit it with Ms. Sarko but they were told it had to be after there was a structure.

Mrs. Gillette asked if they do open a childcare facility in a building later on could they convert the childcare room back. Mrs. Benton said it could be easily converted back to a mother-in-law suite.

Ms. Schirtzinger referred to the indoor play area shown on the drawing asked if there was going to be some kind of wall there. Mr. Benton said currently no, but they are speaking with a contractor and they will have a full wall with an entry to separate those rooms so it can be nice and warm.

Ms. Schirtzinger asked if they would be using the laundry room in the childcare area for their personal use. Mr. Benton said they have a separate washer and dryer unit specifically for the daycare. They also have a dead bolt lock if you try to enter into the residence.

Mr. Rector asked if the home was a part of a subdivision or just a private lot. Mr. Benton said Village of Sycamore Creek has an easement area around their home.

Mr. Kluczynski asked who provides oversight to ensure everything is done to make sure everything is in compliance. Mrs. Benton said she would provide oversight for this because she would be the administrator and the owner. She would be licensed with the State of Ohio and they would come in and inspect the facility at least twice a year. If there were any complaints, they would come in unannounced and inspect. Mr. Kluczynski asked if the Ohio Department of Job and Family Services had a role in this as well. Mrs. Benton said they do have a role to ensure that the facility is safe and to ensure that the children are safe and the parents are satisfied. They inspect twice a year.

Ms. Schirtzinger asked if when she first came in a few years ago and spoke to Ms. Sarko, did she talk to any of her neighbors about their plans. Mrs. Benton said they had not as they had been so busy with the building process.

Mr. Dellinger asked if they planned to deal with children with disabilities or children that have to take medicine. Mrs. Benton said they definitely would not discriminate against any child with a disability. They do have a ramp into the facility. As far as medication, Mrs. Benton said she tries to steer away from administering medication in the home and instead tries to have the parents do it. If it were an emergency, such as Epi pen, then they would get the proper forms and the special healthcare forms that the parents would fill out. They are required to have training in first aid, CPR and child abuse and they have completed their training.

Mr. Collins asked how long they expect the (licensure) process to take. Mrs. Benton said that realistically they would submit their application, get their background checks and food service license. That process is a few months depending on the availability of the inspectors to come out.

Mr. Benton wanted to clarify that for the Type B Home does not require any oversight but to get to the Type A level where you have more children, they want to continue forward with the things that were mentioned. Mrs. Benton said the plan is to have Type A complete before any kids would start.

Referring to the Plan of Enrollment, Ms. Schirtzinger asked if they already have people lined up. Mrs. Benton said they did not have anyone lined up.

Mr. Dellinger asked if they would be transporting kids to and from school. Mrs. Benton said they would not.

Mr. Kluczynski asked if there are field trips how that would happen. Mrs. Benton said depending on how many children they have they would always take two adults.

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Mr. Kluczynski asked if the two substitutes would spend the night at their facility. Mrs. Benton said if there was a case when she or the husband could not be there then yes. Mr. Kluczynski asked how

soon after the opening would they hire the substitutes. Mrs. Benton said before opening you have to have at least one substitute available.

Mrs. Gillette asked if they had any substitutes in mind. Mrs. Benton said they do have two people in mind - her sister and her mother and they would have all the training requirements. Ms. Schirtzinger asked if her sister and mother lived in the home. Mrs. Benton said they did not.

Regarding Conditional Uses for Home Occupations, Mrs. Gillette asked Ms. Sarko if someone has employees that do not live in the home they would have to have another variance. Ms. Sarko said yes.

Jeff Rice, 9235 Hill Road NW, Pickerington said he has lived at that location for 28 years and purchased the property 32 years ago and the applicants purchased the property from his parents. He said he objects to the application for safety and other issues. He said the property is zoned for a single-family residence. The residence has a well, septic and leach bed approved by the Fairfield Department of Health. He said regarding evening and overnight care, who is to say this would not turn into a 5 to 7 day care. He said the soil analysis recommends six bedrooms due to the lot size. He said it is for a single family home not 14 occupants. He said everything has been post construction.

He said he concerns with their septic system and the overcapacity of those systems with the number of occupants that will be in the home. He said solids are not supposed to go down the sink. He said the system could contaminate their aquifer. He questioned why the variance was not requested first.

Mr. Rice said the increased traffic on Hill Road has tripled and the people driving do not obey the 45 M.P.H. speed limit. The driveways along Hill Road have a slight incline and it could be very dangerous in the ice and snow. He feels that if this passes it will lower their property value. His main concern is overuse of septic and well and how that will affect existing homeowners as well as their own facility, traffic concerns pulling in and out for residents as he believes the driveway is an extremely inadequate space for turnaround. He said the area is not sufficient for vans or employees. He said the slight incline of the driveway needs to be considered. There are unknowns – people have to drive out, not back out. He asked if multiple cars could go down the driveway.

Mr. Rice said he spoke to the County Auditor's office and they said it would lower the value of their property. He questioned the location of the playground and said it is the same area as their leach bed.

Mrs. Gillette said the drawings show the leach bed in the front yard south of the driveway.

Mr. Collins asked Mr. Rice if he thought that kids no more than 5 years old would cause that much of a problem with the well and septic system. Mr. Rice said all of it would be going down their septic system. He said it was not like a city provided service.

Allison Rice, 9235 Hill Road NW, Pickerington said the information was in the paper on October 4 and she did not get her notice until October 10. She said the address on the application was wrong and the correct address should be 9149 Hill Road NW. She said the applicants are saying they are at 9149 Hill Road South. She said this is spot zoning. She said that she has lived in the Township for 40 years. She said when the PLSD was going to build a school in Franklin County and when Pickerington North High was being constructed, she walked a petition. She said she petitioned against the Villages at Sycamore Creek because they wanted lower density and less impact on the schools. She said the drainage for the Villages at Sycamore Creek floods her yard and the Pickerington Water service flooded her basement. She said she begged the city to take out the hill on Hill Road.

Mrs. Rice said she is concerned about kids walking down the road and cutting through her yard. Referencing needing to walk down Hill Road for field trips, she said that is not a good place.

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She said she spoke to the Fire Department, the State Fire Marshall and it is not sprinklered. She said they have two pillars at the end of their driveway and is concerned about first responders. She said the Chamber of Commerce is against. She feels that if the board allows this to happen it will set precedence in Pickerington and it will create a domino effect. Mrs. Rice was also concerned that 2-year olds would be housed with the 4-year olds. She asked who would be paying the center and would children be coming at all hours of the night.

Jeff Race, 9175 Hill Road South said his home is just north of their (Mr. and Mrs. Benton's) property. His concern is that their driveway is on the north side of their house and when they are leaving or coming home, they hear their vehicles and their garage door. He said he is concerned with all the vehicles coming in and out of the property it will be a nuisance for them. He said by law, they have the right to privacy and enjoyment of their property. He is concerned he will lose their privacy. He said they put their home up for sale recently, and he is concerned about selling their home and their property values. He said he will have to disclose. He said it is a hardship for him.

Mr. Collins asked Mr. Race if he lights from the cars coming and going affect him in any way. Mr. Race said his bedroom is on that side of the house as well as his deck. Their sunroom is adjacent to the Benton's driveway and their garage. Mr. Collins asked if Mr. Race thought the shrubs and trees that the Benton's are putting in would help buffer any light or sound. Mr. Rice said he did not know enough about trees to know the answer.

Mr. Race asked if there would be any business signs on the property and if so he would object. Ms. Schirtzinger said it was not in the application but they could ask. Mrs. Gillette noted that signage is regulated in the Township.

Kathleen Sainato, 301 Fairfield Drive, Pickerington, Ohio was present. Ms. Schirtzinger swore in Mrs. Sainato as she had not been previously sworn in. She said the greenspace that is located next to the Benton's property and her property and four other homes belongs to the HOA in Sycamore Creek. They all own part of that greenspace because they pay HOA fees and pay for it to be mowed and landscaped. She said someone who is not part of Sycamore Creek Association would not know that you can never fish in the pond and that the greenspace is not used for activity. She said she checked with the president of the HOA and they said that if they do not own a property in the development they cannot use the greenspace. She questioned why a fence was not being built around their playground even though it will be on the other side of their house. She said trees and bushes will not keep children out. She said she has heard a lot of "probably". She said she likes to have friends over and she feels this would be a hardship for the four homeowners on Fairfield Drive.

Ms. Sainato said although the home is built it has not been landscaped and asked why the weeds on the property were not mowed. She said it is a nuisance and there are dens of raccoons that come down the hill and a lot of mosquitoes and rabbits, which are an extreme nuisance.

Mr. Rector asked if the HOA mows the greenspace. Ms. Sainato said they do. Mr. Rector asked if she knew if the HOA had discussed this application. Ms. Sainato said they did not get notified and neither did she (the HOA).

Mr. Collins asked approximately, how far from the greenspace is from her property to the Benton property. Ms. Sainato said less than a football field.

Frank Sainato, 301 Fairfield Drive said it was good to hear Mr. Kluczynski ask why the Bentons did not talk to them first. He feels like Mrs. Benton is rolling the dice with this business. He said he thinks Mrs. Benton is qualified. He said he wants property values protected.

Ms. Schirtzinger noted for the record show that Jennifer Huber, Legal Counsel had to leave at 9:15 p.m.

Grover Baisden, 8711 Hill Road south, Pickerington, Ohio was present. Ms. Schirtzinger swore Mr. Baisden in as he was not previously sworn in. He said he lives four homes south of the Benton's home. He is a builder. He feels they should have notified the board they were going to do the childcare. Ms. Schirtzinger explained they applied for a building permit when they built the home and went through all the proper steps. Now they are asking for permission to get a Conditional Use

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and a Variance for the Home Occupation. He said he agreed with what people have said about septic tanks.

Erica Leighton, 309 Fairfield Drive, Pickerington, Ohio was present. Their backyard is adjacent to the Benton's property. She said the Benton's property is about 200 feet from the edge of their property. She said her concern is about the greenspace and if there is no fence the kids will be in the greenspace and walking through her yard. She said they do not pay HOA fees and will intrude on their area. She said she does not want them walking on Hill Road. She said she did not realize they had septic system and the leech bed until tonight and the stressors for the system and was concerned about septic overflows onto her yard.

Ms. Schirtzinger asked Ms. Leighton if the Bentons agreed to put a fence up to keep the kids away from the greenspace would that make her feel better. Ms. Leighton said it would be better but it was not in any of their plans. Ms. Leighton said their yard is a big patch of weeds and it is an eyesore.

Mr. Jeff Rice, 9235 Hill Road S. said they talked about the trees, the shrubs, the fences and that does not diminish the noise created by twelve children on a playground next to a deck. He said as far as they are from Pickerington Central High School, they can still hear the games.

Mr. Kluczynski made a motion to take a 5-minute break at 9:33 p.m. Seconded by Mr. Rector. Roll call vote: All ayes.

Mr. Rector made a motion to resume the meeting at 9:40 p.m. Seconded by Mr. Dellinger. Roll call vote: all ayes.

Mr. Kluczynski, referencing a comment earlier in the meeting, asked the Bentons if they ever owned a daycare center in Etna or Dayton. Mrs. Benton said she has never owned a daycare center.

Mr. Kluczynski said there was a comment made about 2½-year olds comingling with 4-year olds. Mrs. Benton explained, according to the OJFS guidelines, children 2½-year olds to 5-year olds can be mixed. She said the issue is toilet-trained kids mixed with non-toilet trained kids. She said they do not intend to mix the age groups.

Mr. Kluczynski asked about signage. Mrs. Benton said they did not intend to put up any signage and if there were any regulations, they would abide by those regulations.

Mr. Kluczynski said there were several comments made about fencing and he asked if they intended to put up a fence. Mrs. Benton said they were going to refer to the licensing inspectors requirements. She did know that a lot of them do require a fence or a natural barrier. They would make the determination. Ms. Schirtzinger asked Mrs. Benton if the Board asked her to include a fence as part of the conditional use how would she react. Mrs. Benton said they would include it.

Mr. Collins said one of the concerns was not enough room for vehicles to turnaround. He asked if the turnaround would be large enough for emergency vehicles and to drop off kids. Mr. Benton said the parking pad has a 48-foot radius. He said it would be wide enough for two vehicles to do a full turnaround. The circumference is 48' by 49'.

Mr. Collins asked if they had considered lights from the cars dropping off kids at night. Mr. Benton said there are already several pine trees and mature silver maples. They will be planting additional trees to help with the light and for their privacy as well. Mr. Benton said the space between his home and the neighbors has to be at least 100 feet. Mrs. Gillette asked from where he was measuring. Mr. Benton said he measured from the entrance of the daycare. From the back western corner of his house, he has about 60 feet to his property line. Ms. Schirtzinger said the survey says 62.3 feet.

Mr. Collins said there were concerns about people entering and exiting the property. Mr. Benton said there are posts being constructed on each side of the driveway and the posts are constructed towards the top of the driveway. He said the columns and retaining wall are about 40 feet away from Hill Road. He said they built the apron to be oversized. Regarding ice and snow, they will

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salt to the best of their ability. They talked about having the business purchase a machine that can clear the snow or have it done professionally.

Mr. Collins asked what type of lighting they would have on the side of the house with the primary purpose of dropping kids off in the dark hours. Mr. Benton said currently there are three coach lights on the garage and solar lighting on the columns and retaining wall. Mrs. Benton added the house also has additional lighting in the front; the front porch area and the side patio area have lighting.

Ms. Schirtzinger asked if they were going to have a certain time or deadline at night that they can drop the kids off or will it be 24/7. Mrs. Benton said that in her experience with a 24-hour program there usually are not that many people would have their kids spend the night. It will probably be just extended hours. She said the cutoff would be around 9:00 pm. She added that at this time they do not have a particular timeframe set.

Ms. Schirtzinger said there were several concerns about the septic system. Mr. Benton said the home has six bedrooms and there is a 2,000-gallon septic tank but the way they had to do that was put it in the front yard and they ran five, 116-foot drop box lines off of it. She said the septic system is in the front yard and the well is at the rear of the home. Mrs. Benton said it was designed for the capacity of the home. Ms. Schirtzinger asked if she meant for the capacity of the home or the future use. Mr. Benton said they would need to make sure it is pumped more frequently having the children there. Mrs. Benton said licensing is required to know that the home is operated through septic and they are required to test the well water every year to make sure it is acceptable for children. Ms. Schirtzinger asked if they were aware of how to maintain septic system and well. Mrs. Bento said yes. They would have to hire out special trucks that pump it.

Mr. Kluczynski asked when the permit was requested was it for a 4-bedroom or a 6-bedroom. Mr. Benton said before they built they tried to do as much research up front with regard to zoning and building. It was built with six bedrooms. The dedicated business area is the equivalent of a mother in law suite that is enlarged, and they had additional storage areas built on. It is a 6-bedroom home - with 5 bedrooms on the second level and the one on the first level is business.

Ms. Schirtzinger asked if the contractor submitted the permits or did they submit them. Mr. Benton said contractors submitted everything on their behalf.

Mr. Dellinger asked if the landscaping would start next week. Mr. Benton said yes as well as the grass and the weeds and that is supposed to be completed by November 3. Ms. Schirtzinger asked if there was something they could do to take care of the weeds now. Mr. Benton said that was all part of what is going to be done.

Mrs. Gillette spoke about the line of sight and traffic issues in and out of the driveway and asked if there was authorization to have another curb cut. Ms. Sarko noted the City of Pickerington approved the curb cut as they maintain that portion of Hill Road.

Mrs. Gillette asked if they were aware that the greenspace is apparently not available for anyone to use. Mr. Benton said that was news to them but they had no plans to use it. Mr. Benton said they have a home in the Village of Sycamore Creek and do pay into that HOA.

Referring to a comment from Allison Rice, Mrs. Gillette asked about sprinklers in the home and asked if there were sprinklers in the mother-in-law suite. Mrs. Benton said there were not and she thought the Fire Department would have to require this. She said to her knowledge, you do not have to have a sprinkler system, but you do have to have egress out of the home.

Mr. Benton said he heard concerns about taking the children down Hill Road and he said this something they did not plan to do. In addition, Mr. Benton said they do have (property) stakes in the greenspace on all sides. He said they do have plans to build a dedicated play area so they will not have to go around the greenspace. Mrs. Benton added that they do pay HOA dues so they are allowed to walk on the greenspace.

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Mr. Benton said they had no problem continuing this case Number 02-CU-2018 and 29-VA-2018 to next Thursday, October 25, 2018 at 7:30 p.m. at the Violet Township Administrative Offices.

Mr. Collins made a motion to continue Case Number 02-CU-2018 and Case Number 29-VA-2018 to October 25, 2018 at 7:30 p.m. at the Violet Township Administrative Offices. Mr. Rector seconded the motion. Roll call vote: Mr. Collins, yes; Mr. Rector, yes; Mrs. Gillette, yes; Mr. Kluczynski, yes; Ms. Schirtzinger, yes. Motion carried.

Case Number 30-VA-2018

An application for variance filed by Paul J. and Deborah Lynn Boster, 200 Hickory Drive SW, Pataskala for property located at 10200 Busey Road. This application requests variances from the provisions of Violet Township Zoning Resolution Section 3L2-02 to allow the creation of a lot in the S-1 District which will have less than the required frontage; Section 3AA4-05(A)(6) to allow an accessory building to remain on the property without a principal structure; and Section 3L1 to allow the existing detached accessory buildings to be used for personal storage.

Ms. Sarko reported the property is located on the north side of Busey Road and is S-1, Professional and Commercial Services. The property currently contains an office for Charter Hill Construction, a detached garage and a pole structure; further north on the property is a telecommunications tower.

Mr. Boster is proposing to split the property into two parcels: one containing the office structure; and one containing the detached garage, the pole building and the telecommunications tower. The property appears to have 177.50 feet of frontage on Busey Road. The northern property, if approved to be split would have 30 feet of frontage on Busey Road.

Violet Township Zoning Resolution Section 3L2-02 requires: any property within the S-1 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

As the northern property contains two accessory buildings (It should be noted, both structures were present prior to the construction of the office structure.) and will be without a principal structure, a variance will be required from Section 3AA4-05(A)(6). This Section requires "an accessory building or structure shall only be allowed in conjunction with, and on the same lot as an existing principal structure."

Mr. Paul Boster, 10200 Busey Road, Canal Winchester said he has owned this property since 1986 and it was originally zoned R-1. He said it was rezoned to S-1 in 2006. He said he is close to retirement and would like to wrap up the business and sell off the front portion or have the option to rent it, but he does not have the desire to be a landlord. He explained Verizon (telecommunications tower) is on the northern portion of the property and they have a 20-year lease, which is lucrative for them. He said there are two pole buildings: one is strictly a storage building for their company and the other building is personal where he keeps his automobiles.

He said he would like to be able to sell out the front lot and noted he has to maintain access for the Verizon tower regardless of what he does. The driveway is paved to the backside of their parking lot. The tower takes up about a 100' x 100' in the center of his parcel. Beyond that is undeveloped property which they have never developed and beyond that is an open field and a higher power line that has an easement going perpendicular across his property, which has been there since he bought the lot. His intent once they sell the property is to maintain the two storage buildings and his personal storage so access would be very limited. There are 5.5 acres there now and his intent is to sell off 1.3-1.4 acres. He plans to put an opaque fence on the backside of the (septic) mound so it is aesthetically pleasing from the road.

Ms. Schirtzinger entered the nine (9) photos of the property as Exhibit "A".

Mr. Kluczynski in review of the photos asked for clarification of what was being proposed. Ms. Sarko referred him to a red line on the drawing that shows where the new property line would be and then the line on the left of where it says right-of-way on the east west line that will be the

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property line. Mr. Boster said they go back about 410' on the property to the west and 302' to the east. Mr. Kluczynski asked Mr. Boster if he was going to have any problems with the septic mound. Mr. Boster said no and it has been in for 8 years.

Mr. Rector said you have to have enough space for the replacement system. Mr. Boster said the mound to the right of the septic mound is not septic at this time. He said that could be the auxiliary system.

Mr. Boster would need to work out a contract deal with the purchaser that Verizon would still have access to the driveway and then he would have to maintain it.

Mr. Collins asked how far into the Verizon lease he was. Mr. Boster said 1 year.

Mrs. Gillette asked if any of the neighbors on Busey Road had anything to say. Ms. Sarko said he had not heard anything.

Ms. Schirtzinger explained to Mr. Boster that he needs to say specifically he is going to have 32.26' feet, straight back to the proposed property line or not less than 30' from the southeast corner.

Mr. Rector wanted to clarify the dimensions were 30' from the southeast corner pin.

Mr. Rector made a motion to approve Case Number 30-VA-2018 an application for variance filed by Paul and Deborah Boster for property located at 10200 Busey Road, requesting variances from Section 3L2-02, Section 3AA4-05(A)(6) and Section 3L1 with the condition the frontage be 30 feet in width along the eastern property line a distance of 302' feet \pm . Mr. Kluczynski seconded the motion. Roll call vote: Mr. Rector, yes; Mr. Kluczynski, yes; Mr. Collins, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carried.

Case Number 28-VA-2018 (continued from September 20, 2018)

An application for variance filed by Ray Ihm for property located at 11020 Milnor Road, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(1) to allow the floor area of a detached accessory building to exceed the area permitted for an accessory building on a lot containing one acre or less in area; and Section 3AA4-05(A)(4) to allow the height of a detached accessory building to exceed the height of the home's highest peak or ridge.

Ms. Sarko noted that Mr. Ihm emailed drawings showing the height of the home in comparison to the height of the detached accessory building. He provided a sketch showing the height of the Township's old Road Department building (the old Road Department building behind him as well as a photo of Township (old Road Department) building behind his property.

Ray Ihm, 11020 Milnor Road, Pickerington said in the drawing he noted that the grade would be anywhere from 8" to 12" because they have not started building yet. He did run a string where he is proposing to build it but he may want to drop that some to give room for the concrete. He wants to have a smooth transition from the driveway into the building and he wants the water to drain off.

Ms. Schirtzinger noted in the original application he said it would exceed the height of the principal building by 2 feet, based upon the new drawing, she asked if it would now be amended to 4' 8". Mr. Ihm said this was correct.

Mrs. Gillette asked if the 4' 8" is based upon a 1' grade. Mr. Ihm said it is not. It was "apples to apples".

Mrs. Gillette asked if his plan had changed from the last meeting. Mr. Ihm said it had not. It would still be three overhead doors and a man door. Mr. Ihm said he may change the doors and he may do one, 10' wide x 12' high; a 12' wide x 11' high; and an 8' x 8'. He is thinking of making that change so he can get things in more easily.

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He said the building would be Colony Green siding with a dark gray burnished roof color. He said the height of the building would not be taller than 5 feet than the house.

Mr. Dellinger asked if there would be gutters and downspouts. Mr. Ihm said yes.

Mrs. Gillette made the motion to approve Case Number 28-VA-2018, an application filed by Ray Ihm for property located at 11020 Milnor Road, requesting a variance from Section 3AA4-05(A)(1) and Section 3AA4-05(A) (4) with the condition there be not more than a 5-foot difference between the height of the accessory building dwelling and the height of the home's highest peak or ridge. Mr. Collins seconded the motion. Roll call vote: Mrs. Gillette, yes; Mr. Collins, yes; Mr. Rector, yes; Mr. Kluczynski, yes; Ms. Schirtzinger, yes. Motion carried.

Ms. Schirtzinger entered Exhibit "A" into the record for Case 28-VA-2018, three pages containing the drawings and photo submitted by Mr. Ihm.

Ms. Schirtzinger made a motion to call a Special Meeting of the Violet Township Board of Zoning Appeals on Thursday, October 25, 2018 at 7:30 pm at the Violet Township Administrative Offices for the purpose of considering Case Number 02-CU-2018 and Case Number 29-VA-2018. Mr. Kluczynski seconded the motion. Roll call vote: Ms. Schirtzinger, yes; Mr. Kluczynski, yes; Mr. Rector, yes; Mr. Collins, yes; Mrs. Gillette, yes. Motion carried.

Mr. Kluczynski made a motion to approve the May 24, 2018 meeting minutes. Mrs. Gillette seconded the motion. Roll call vote: all ayes.

Mr. Kluczynski made a motion to adjourn the October 18, 2018 meeting at 11:07 p.m. Mr. Collins seconded the motion. Roll call vote: all ayes. Meeting adjourned.

Respectfully submitted,

Donald Rector, Secretary

Cathy Schirtzinger, Chair

Date: _____