

Violet Township Board of Zoning Appeals

Special Meeting and Regular Meeting

November 15, 2018

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

Members present: Mr. Dellinger, Mr. Rector, Ms. Cole, Mr. Collins, Mrs. Gillette, Mr. Kluczynski and Ms. Schirtzinger. Also present was 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 been sworn in.

Ms. Schirtzinger explained this portion of the meeting is the Special Meeting for the purposes of considering Case 29-VA-2018 and noted a decision on the Conditional Use Permit was issued at the last meeting.

Case Number 29-VA-2018

An application for variance filed by Leisa and Eric Benton for property located at 9149 Hill Road South. This application requests variances from the provisions of Violet Township Zoning Resolution Section 3AA5-02 to allow more than five students or receivers of services at any one time.

Ms. Sarko noted that Mr. and Mrs. Benton amended their variance application to include a variance from Section 3AA5-03(H) to allow two non-residents of the dwelling – family members to participate in the home occupation. Ms. Sarko explained although they indicated at the last meeting they would amend their application, this is the public hearing for the application and for the means of order, it needs to be amended at this meeting.

Ms. Sarko reported the proposed Home Occupation is Type A family childcare business. Mr. and Mrs. Benton have indicated they want to care for up to 10 children. The Violet Township Zoning Resolution Section 3AA5-02 states activity such as teaching, tutoring, dance classes, crafts, classes and workshops with not more than five students or receivers of services at any one time. Section 3AA5-03(H) states non-resident employees and non-family members may not participate in the Home Occupation as employee or volunteer. At the last meeting, Mrs. Benton indicated that her sister and her mother would be participating in the Home Occupation as substitutes.

Eric and Leisa Benton of 9149 Hill Road South, Pickerington were present.

Mrs. Benton said she was asking for a variance to conduct a Type A family childcare home from her home. She said they are requesting to allow five additional children and would be providing care for families that need services on the weekends (Friday, Saturday and Sunday). Ms. Schirtzinger asked Mrs. Benton if they wanted to amend their application. Mrs. Benton said yes.

She said it had been brought to her attention they need to amend their application to include a variance from Section 3AA5-03(H). Mrs. Benton explained, in order to have a Type A home, they have to have substitutes. She said the primary employees would be she and her husband. State licensing requires they have a substitute in case of illness. She said they are requesting a variance to allow her mother or sister to participate in the childcare.

Mr. Kluczynski asked about the Type A requirements for the substitutes. Mrs. Benton said they need to have a high school diploma, background checks submitted to the State of Ohio, orientation training from the State of Ohio; a complete medical check to make sure they do not have any illnesses, immunizations up to date, are physically able to care for young children, first aid/CPR/ child abuse and communicable disease training.

Ms. Cole asked if Mrs. Benton already had her JFS (Jobs and Family Services) License. Mrs. Benton said zoning is the first step in the process.

Mr. Dillinger asked where her mother and sister would stay. Mrs. Benton said as long as the children are asleep, they can sleep in a bed or on the couch. She said there will be a part of the

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daycare area blocked off for them to sleep. Mr. Dellinger asked if someone would be close to the children. Mrs. Benton said they would.

Mrs. Gillette thought she read that it is part of Job and Family Services requirement that there is to be an audio/video monitor so that after they went to their own bedroom they could see or hear what was happening with the children. Mrs. Benton said that was correct. Mrs. Benton added it is a little different with in-home daycare in that children are allowed to sleep in rooms or beds or couches. They do have a particular section where the children will sleep in the mother-in-law suite.

Mr. Dellinger asked if they will have cribs for young children. Mrs. Benton said cribs are required for small children under 18 months but they will not be having any children that young. She said they will have cots.

Ms. Schirtzinger asked what ages they would be watching. Mrs. Benton said 18 months to 5 years old.

Mrs. Cole asked Ms. Sarko what was the intent of the Zoning Code to not allow more than five students or receivers of services. Ms. Sarko said she did not know. Ms. Sarko said her recommendation would be six in keeping with Type B facility. Mrs. Benton said according to the laws you can operate up to six children with no more than three children under 3 ½ years in a Type B home. If they receive Title XX money, they have to go through training and licensing with the County. A Type A home can serve 7 to 12 children, and there are greater requirement and treat it like a mini-center. The services are the same for Type A but the regulations are more stringent. She said she worked with JFS as a licensing specialist for 12 years.

Mr. Dellinger noted their request was for ten children and asked if they anticipated two more children at any time. Mrs. Benton said she did not. They want to be above the ratio requirements and they know their limitations.

Mrs. Cole asked if they were required to have a certain square footage per child. Mrs. Benton said you are required to have 35 square feet per child inside and 65 square feet per child outside. Mr. Benton added they have an indoor play area as well. They also have the main play area outside the home. Mrs. Cole asked if there was enough area for 10 or 12 children. Mrs. Benton said there was more than enough. Mr. Benton said there is an indoor play area and an outdoor play area behind the home.

Mr. Collins asked about the progress of building their home. Mr. Benton said they completed the landscaping proposal they submitted and emailed the supporting emails to Ms. Sarko. Mr. Benton showed the Board pictures of the construction vehicles. He said they used 5-Seasons Landscaping and said they planted 20 arborvitae trees and 15 saplings. They exceeded their commitment. Mr. Benton said they will do more in the spring specifically as it relates to the playground area.

Mr. Dellinger asked if they would be working with any children who require a comfort animal. Mrs. Benton said they are required to have their facility be available for special needs children. She would probably work with the licensing specialist regarding that particular need and noted pets are permitted provided they have their shots. She noted however, they have to be cognizant of allergies. Mr. Dellinger also asked if they had any pets and Mrs. Benton said they did not.

Mr. Collins asked if they would operate if a holiday occurred over a weekend. Mrs. Benton said there would probably be no services during that weekend. Mr. Benton said they do not have that in their business plan yet. They plan to open in 2019 and if the Board makes a recommendation, they will follow that, but at this time, they have not discussed that issue.

Ms. Schirtzinger asked if Job and Family Services would come out and make recommendations regarding fencing. Mrs. Benton said yes, the next step would be to contact the building inspector and fire inspector to have them inspect the facility, and they let them know what all they need to do. She said they have to submit \$250 application fee for the Licensing Specialist to inspect the

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facility, the playground and check the staff requirements and paperwork. The License Specialist will review and complete a plan of operation that is to be approved by their supervisor. Once approved, they will issue the license. She said the process takes about 120 days. Mrs. Benton said the Licensing Inspector will come out and view the playground - she will walk around the facility and make the determination to see if there needs to be a fence.

Mr. Dellinger asked how it is determined if a fence is required. Mrs. Benton said a fence is required 90% of the time and it is based upon the distance from the road; if there is a natural barrier and they make sure there is nothing on the grounds that kids can get into. She said they usually error on the side of caution for that child that might wander. Mr. Dellinger asked what type of fence would be required. Mrs. Benton said there was really no requirement on what kind just as long as the kids cannot easily escape.

Mrs. Gillette made a motion to enter into private deliberations at 8:03 p.m. Seconded by Mr. Dellinger at 8:03 p.m. Roll call vote: All ayes.

Mr. Kluczynski made a motion to reconvene at 9:12 p.m. Mrs. Cole seconded the motion. Roll call vote: All ayes.

Ms. Schirtzinger asked if JFS required any specifications for a privacy fence. Mrs. Benton said the only thing they look at is so the kids cannot escape; it cannot be padlocked and the spacing between pickets cannot allow the passage of a 4-inch sphere to prevent head entrapment.

Mr. Collins made a motion to approve Case Number 29-VA-2018, a variance from the provisions of Violet Township Zoning Resolution Section 3AA5-02 to allow not more than ten (10) students or receivers of services at one time. The Board requires the installation of a privacy fence, not more than six (6) feet in height which conforms to any additional requirements of Ohio Job and Family Services. The purpose of the fence is to reduce any noise or visibility for the neighbors. Mrs. Gillette seconded the motion. Roll call vote: Mr. Collins, yes; Mrs. Gillette, yes; Mrs. Cole, yes; Mr. Kluczynski, no, Ms. Schirtzinger, yes. Motion carried.

Mr. Collins made a motion to approve a variance from the provisions of Section 3AA5-03(H) to allow not more than two (2) employees to participate in the home occupation. Mrs. Cole seconded the motion. Roll call vote: Mr. Collins, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Kluczynski, no, Ms. Schirtzinger, yes. Motion carried.

Mrs. Gillette made the motion to close the Special Meeting at 9:24 p.m. and open the regular meeting. Mr. Kluczynski seconded the motion. Roll call vote: All ayes.

Ms. Sarko noted for the record that due to a copying error she had to void pages 20 through 48 in the minute book.

Mrs. Gillette made a motion to approve the meeting minutes for June 21, 2018; August 9, 2018, Special Meeting; August 16, 2018; September 20, 2018; October 19, 2018 and October 25, 2018, Special Meeting. Mr. Collins seconded the motion. Roll call vote: All ayes.

Ms. Sarko said she had two applications for next month.

Mr. Kluczynski made the motion to adjourn the meeting at 9:31 p.m. Mrs. Cole seconded the motion. Roll call vote: All ayes.

Submitted,

Donald Rector, Secretary

Cathy Schirtzinger, Chair

Date: _____