

Violet Township Board of Zoning Appeals

December 20, 2018

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

Members present: Mr. Dellinger, Ms. Cole, 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 has also been sworn in.

Case Number 31-VA-2018

An application for variance filed by Jay Harris 13305 Pickerington Road, for property located at 8755 Refugee Road, owned by Jerry Shriner. This application seeks to modify the variance approval for Case Number 16-VA-2018 and request a further variance from the provisions of Violet Township Zoning Resolution 3L2-04, to allow the construction of an addition to be placed closer to a district boundary than permitted in the S-1 District.

Ms. Sarko reported earlier this year, the Board considered Case No. 16-VA-2018. This application was approved with the condition that additional evergreen trees be planted to fill between the existing evergreen trees along the east property line to help create a noise barrier and to provide a 6' tall privacy fence to enclose the playground.

Ms. Sarko said Mr. Harris has indicated that he miscalculated the depth of the proposed addition and it needs to be deeper. The requested setback now is 25 feet from the rear property line. The variance approved in June, approved a 31-foot rear yard setback.

Jay Harris, 13305 Pickerington Road said they were requesting an additional 7 feet. He said they moved things around and realized they need additional footage. He said they submitted a request letter indicating they would still comply with the other conditions they initially agreed to. The additional 7 feet would go back into their playground area.

Mr. Kluczynski said they had originally approved 31 feet from the (rear) property line and asked if he was requesting 6 or 7 feet. Mr. Harris said he was requesting 7 feet.

Philip Tipton, 3351 McDowell Rd., Grove City, Ohio said he was not sure why there was a discrepancy on the extra distance, but they are asking for 25 feet from the rear property line instead of 31 feet and the additional 6 feet is the real distance. Mr. Tipton said the addition to the building is 17 feet when it was approved last time. When they got into the design phase it needed to be bigger to meet the daycare licensing code for the child/teacher ratios and that is why the building needs to be a little bigger. 31 feet is what was approved originally and they are asking for 25 feet at this point, which will allow the inside of the building to work the way it is supposed to.

Mr. Harris said they are requesting 7 feet addition off the 10 feet that was granted back in June, which would equate to 25 feet from the (rear) property line.

Ms. Huber said besides of the addition changing from 10 feet to 17 feet, which is a difference of 7 feet, however, it will only bring the full project 6 feet closer to the boundary line, which is the 25 and the 31 number that they are looking at. On the plan they are looking at now is the 25 feet and what was previously approved was 31 feet. Ms. Huber said what Mr. Tipton was saying was that the building size had to be increased to comply with state licensing rules and that is the 7 foot number. What the Board is considering is a 6-foot modification of a previous variance approval.

Mr. Kluczynski asked if the requirement was not known previously to meet the standard.

Mr. Harris explained they had consulted with an architect and when they did hire the architect, engineer and builder then these things were brought to their attention.

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Mr. Tipton provided updated plans to the Board. He said the first page was the site plan; the second page was the proposed floor plan and the third page contained elevations.

Ms. Schirtzinger entered the three-page handout from Phillip Tipton into the record as Exhibit "A".

Mr. Tipton noted site plan shows the privacy fence that is one of the conditions of the original variance approval. Then, along the east property line, top of the site plan, is where the additional evergreen trees would be although they are not shown or noted on the plan.

Mr. Tipton said the north (front) side and part of the east side will be brick and the addition will be tan stucco and will resemble the homes along Refugee Road

Mr. Dellinger asked how large the play area would be. Mr. Tipton said it would be 25 feet. Mr. Dellinger asked if they were going to play on the concrete walk. Mr. Tipton said they use it for tricycles and hopscotch and is counted as play area.

Mrs. Cole asked if there had been any change in the number of children that would be permitted. Mr. Tipton said it was the same as it was before, 52. One Board member said it had changed it from 48 to 50. Mrs. Cole noted there were two different figures related to the number of children. One said 25 and one said 48 to 50. Mr. Tipton said the number they are looking for the State Licensing people would be 52. He said the 48 to 50 is more accurate and again the real number and that is based upon full occupancy.

Ms. Schirtzinger told Mrs. Cole that the 25 children were for the existing square footage before they were granted the original variance.

Mr. Dellinger asked if there would be additional supervisory personnel with 52 children. Mr. Tipton said yes, there would be appropriate staff to match that number. He said seven teachers are required.

Mr. Dellinger said he was trying to get an idea of how many more people would be in the operation. Mr. Tipton said it would still be the same number as last time and what has changed is the extra footage so they can fit all those people in the building.

Ms. Schirtzinger asked if they have determined how many children would be able to be in the building if the Board denied this request. Mr. Tipton said they have not. He said since the beginning, Jay gave him marching orders to fit the number in that he had discussed with the Board, 48 to 50 – and that was the goal. Ms. Schirtzinger asked Mr. Harris if it was the square foot per student requirement by Job and Family Services. Mr. Tipton said it was 35 square feet per child and then based on the age of the child in each room that is where you have the child/teacher ratio.

Mr. Dellinger asked what the original required setback was. Ms. Sarko said 50 feet. Mr. Dellinger asked if there was anything else that needed to be done regarding the parking. Ms. Sarko said the parking is based upon the number of children under a certain age and the number of children over a certain age and the break is at high school. She said they could make parking a condition of approval. She noted the requirement is 1 space per 15 children under the age of sixteen and 1 space for five students sixteen years of age and older.

Mr. Kluczynski asked what the outcome would be if the request is not approved. Mr. Tipton said it would force the owner to have less than the specified child/teacher ratio permitted by the State Daycare Licensing and it would ruin the business plan or it would remove one class entirely. At that point then it would be a question for Jay and Pat as to if it is even a business plan that works or do they decide to try it at a different location. As far as the operation of the childcare, it is critical from a design standpoint.

Mr. Dellinger said it was difficult to understand if Mr. Harris is not into something that is more substantial than it was before. Mr. Harris said they were not totally apprised about all of the

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licensing requirements. He said in hindsight, they should have probably hired an architect prior to all of it.

Mrs. Gillette wanted to clarify that when they were before the Board in June, he had made the decision not to invest the money in getting plans done prior to getting the approval. Mr. Harris said they had a different architect and they were waiting on them. It ended up they (the architects) were too busy, which they did not tell Mr. Harris initially.

Mr. Kluczynski asked where they stood on the construction based on the previous drawing. Mr. Harris said they have not done anything because they were waiting on the architect and they were not able to come together so they hired Mr. Tipton. They had several meetings and at each meeting, there were modifications. He said they have full occupancy of the building now. He said if the Board does not approve it, he is not exactly sure what they will do.

Ms. Schirtzinger said he would be losing about 432 square feet on the back and if it is 35 square feet per child, he would be 12 to 13 children less than the 52. Mr. Harris said that sounded about right.

Mr. Harris said he would still comply with all the things the Board asked him to do with regards screening and the privacy fence but it would take away some space from the playground.

Ms. Schirtzinger said at the last meeting he said they planned to provide care for infants and toddlers and many of them do not speak as opposed to preschool and older children and in that one room they have 36 months to preschool. Ms. Schirtzinger asked if they had changed their plans from the last meeting to include preschool. Mr. Harris said most of them would not be able to speak but not all of them. He did not think they said all of them. She asked if he planned to go older than preschool. Mr. Harris said no.

Mrs. Gillette said at the previous meeting there were neighbors in attendance who had comments that were pro/con and wondered if any of these residents asked about this case. Ms. Sarko said Mr. Orr the property owner immediately east of the property was emailed the application. Ms. Sarko said there was another resident who lives immediately behind this property who had concerns about the property line. Ms. Sarko spoke to Mr. Harris today and he had said he had contacted the resident and worked out the issue with her. Ms. Cole asked what her concern was. Ms. Sarko said the resident had told her she recently had a survey done in order to install a fence. She said the resident installed the fence inside her property line and she thought that Mr. Harris thought the fence was the property line and it is not.

Mr. Dellinger, referring to the June 21 meeting minutes, noted Mr. Harris had stated that with the existing square footage he thought it might be good for 20 to 25 students and then they just talked about the fact that if some of that were not granted it would still be good for about 40 students. Mr. Harris said that would be with the first variance. So, if they were to proceed with the first variance they would add on 10 feet to what is existing, which would give them room for more children. The number 20 to 25 was for the existing building before the Board granted the variance.

Mrs. Gillette made the motion to approve Case Number 31-VA-2018, an application filed by Jay Harris to amend/modify the variance application Case Number 16-VA-2018 to request a further requesting of an additional 6 feet for a total of a 25-foot rear yard setback which is a variance from Section 3L2-04, containing all conditions of approval of Case 16-VA-2018 approved on June 21, 2018. Mrs. Cole Seconded the motion. Roll call vote: Mrs. Gillette, yes; Mrs. Cole, no; Mr. Dellinger, no; Mr. Kluczynski, no; Ms. Schirtzinger, no. Variance denied.

Mr. Dellinger noted that he felt the variance was too substantial and too close to the rear property line.

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Case Number 32-VA-2018

An application for variance filed by Mark and Carla Hughes, 7371 Fox Run Street, Pickerington for property located at 6480 Busey Road. This application seeks to modify the variance approved in Case Number 14-VA-2014, a variance from the provisions of Violet Township Zoning Resolution Sections 3AA4-05(A)(6) and 3AA4-05(A)(5(b), specifically, to modify the variance by locating structures in a different configuration than was previously approved in Case 14-VA-2014.

Ms. Sarko reported this property is on the north side of Busey Road, it contains 26.43 acres and is zoned R-1, Single Family Residential. A variance was granted in 2014 to allow a pole structure to be built prior to the construction of the home and in front of the home. It is the applicant's desire to move the home further north on the tract. Because the variance was granted with specific conditions, that it be constructed in accordance with the exhibit; a variance is required in order to move the home proposed for this site – further north on the property, closer to the pond.

Mark Hughes, 7371 Fox Run Street explained at the time of the first variance, they wanted to build a pole barn prior to the house and at that time, they showed a schematic of the house in relation to that building. Since then, they put a pond on the property and Fairfield County Soil and Water was involved. Soil and Water told him where they would recommend putting the pond and he said they were spot on. He said they would like to move the house closer to the pond. The drawings show the dimensions from the pole building to the front of the house as approximately 170 feet and there are 26.43 acres. He said it is a flag style lot with a very narrow road. There are structures in front of their building and their house. He said the house will be designed exactly like the building and it will fit in with the neighborhood.

Mr. Hughes distributed an enlarged version of the plot plan.

Ms. Schirtzinger entered the enlarged site plan into the record as Exhibit "A".

Mr. Hughes said they are ready to proceed; they have their builder selected, plans and financing.

Mr. Dellinger noted it was approved on December 29, 2015 and there was a condition that home construction shall commence two years within the date of variance approval. Ms. Sarko confirmed that was one of the conditions of approval of the application. Ms. Sarko said the plot plan was for the pole building. Mr. Dellinger said we are two years past the two-year point and wanted to know what happens now. He asked Mr. Hughes to explain. Mr. Hughes said family matters - his wife's parents became ill and passed away. They had to sell a condominium and move them into another condominium then her mom took ill, then rehab, assisted living, etc.

Mr. Kluczynski asked how many feet he wanted to move the house. Mr. Hughes said 170' to the north. Mr. Kluczynski asked Ms. Sarko if moving the house 170' that that violates any code or zoning restrictions. Ms. Sarko said the original variance was to allow the construction of the pole building without the house and in front of the house. The only reason they had to come back is Exhibit "A". Mr. Kluczynski said they are doing the right thing.

Ms. Schirtzinger brought up whether or not they needed to do anything else because of the condition of the last variance. Ms. Huber said they were in compliance for the reasons that were given at the hearing today.

Mr. Kluczynski asked if legally, they should have come to the Board before that date, knowing they were not going to make the date. Ms. Huber said she did not think there was anything requiring that in our code. Ms. Huber said the Board can take all the factors into account. Mr. Hughes added they have moved forward as they have started site development, there is a driveway culvert, house plans, builder and financing is ready to go. The initial things up front have been done but things were delayed because of family issues. Mr. Kluczynski explained

that the Board tries to be precise so they do not put the Township in jeopardy because of mistakes.

Aaron Carroll, 1055 West Market Street, Baltimore, Ohio said he is the builder and said if you look at the initial concept with the house directly behind the pole building and now behind the pole

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building the concept is the same. Soil and Water Conservation moved the pond further north and they are moving the house. In terms of starting within the two-year period, the culvert started and there was not a termination date as to when the house was to be finished. That is where they are in the process.

Mr. Kluczynski made a motion to approve Case Number 32-VA-2018, an application requesting to modify Case Number 14-VA-2014, a variance from Sections 3AA4-05(A)(6) and 3AA4-05(A)(5)(b), specifically, to modify the variance by locating structures in a different configuration than was previously approved - to move the house structure approximately 170 feet north of the existing accessory building. Also, based on the testimony provided regarding the condition of the two-year commencement time, it has been determined the applicant has complied with this condition.

Discussion: Ms. Huber asked if 170 feet is the distance the building has moved or is that the distance between the building and the existing structure. Mr. Hughes said that was the distance between the corner of the existing building and the corner of the new house. The distance has moved about 185 feet or substantially as shown.

Mr. Dellinger seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mr. Dellinger, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carried.

Case Number 33-VA-2018

An application for variance filed by Sean McGrew, for property located at 13670 Wagram Road. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(5)(b) to allow the construction of a detached accessory building closer to a side property line than permitted.

Ms. Sarko reported this property is located on the east side of Wagram Road, north of Blacklick-Eastern Road and south of Fairlawn Drive. The property contains 2.4 acres and is zoned R-1, Single Family Residential. The home on the property, per the Fairfield County Auditor's Office is a 1.5 story home with 1,472 square feet of living area. Mr. McGrew is requesting a variance to allow the construction of 24' x 30' (720 sq. ft.) detached accessory building 7 feet from the side property line.

The Zoning Resolution in Section 3AA4-05(A)(5)(b) requires accessory buildings, structures and uses, which are not part of the main building, be located in the rear yard at least 10 feet from the main building and shall be located no closer than 15 feet of the rear lot line.

Mr. Sean McGrew, 13670 Wagram explained he requested this variance based on other homeowners that live in his area and if the variance was not approved it would set the building behind his house in an undesirable location. He said if he were to try and sell it could be looked at as sore eye or an undesirable location by someone He is requesting it be moved 8 feet further to the south of the location where it so that it is 7 feet from the south property line.

Mr. Dellinger asked if he was looking for an 8-foot variance. Mr. McGrew said he is looking for 7 feet off his property line. Mr. Dellinger asked about the proposal from Twin Pine Carpentry on the third line from the bottom where it says: no grading, gravel,

concrete, electric, plumbing or permits and he asked which items he was planning on doing himself. Mr. McGrew said someone else would be doing it. He will have gravel, concrete and electric and no plumbing. Mr. Dellinger wanted to make sure the electric was not going to be used for a home occupation. Mr. McGrew said it was not. He said he is a police officer for the City of Reynoldsburg and he is their K-9 handler. He explained, for the safety of him and his family, he will use the garage for the take home cruiser and for the housing and care of the City owned K-9. He will have a kennel for the K-9 in his basement.

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Mr. McGrew said if the variance was not approved, he has a 24-inch diameter Maple tree that sits 15 feet from the southeast corner of his house, the maple tree will sit right in the middle of the garage door.

Mr. Kluczynski asked about the construction and color and how it would fit in with the existing house. Mr. McGrew said in the future their existing house will be re-sided. He said the garage will be white with gray wainscoting with a gray roof. It matches similar barns within the area. There will be a 6' x 24' porch on the north side with sliding barn style doors with windows in the doors and two windows on each side of the door.

Ms. Schirtzinger asked if he would heat or cool the building. Mr. McGrew said no.

Mr. Kluczynski asked the reason for it only being 7 feet from the property line. Mr. McGrew said that is the room he needs to get clearance from the tree. Mr. Dellinger asked why he could not be 8 feet from the property line. Mr. McGrew said he could not get two cars inside.

Mr. McGrew said he did speak to his neighbor to the south and he has no problem with what he is doing.

Mr. McGrew said he was appointed as the first K-9 handler in the City of Reynoldsburg in 24 years.

Mrs. Cole asked if this was approved, when construction would start. Mr. McGrew said January 7.

Mr. Dellinger asked if he would be training him in the winter. Mr. McGrew said yes, whatever they could do and he does woodworking, which would be done in there as well. He said that is just a hobby. Mr. McGrew said the concrete would be done in the spring when the weather breaks.

Mrs. Cole made a motion to approve Case Number 33-VA-2018, a request for a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(5)(b) to allow a detached accessory building to be constructed 8 feet closer to the side property line than permitted (7' setback) setback). Mr. Kluczynski seconded the motion. Discussion: Mr. Dellinger asked if Mr. McGrew could meet 8 feet. Mr. McGrew said it would not allow two vehicles to be parked in the garage. Roll call vote: Mrs. Cole, yes; Mr. Kluczynski, yes; Mr. Dellinger, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carried.

Ms. Sarko said the minutes were sent to the Board members for review.

Ms. Sarko said she has three new applications for next month.

Mr. Dellinger asked if the Community Center is placed on the ballot and passed, does the Board have any say about it. Ms. Sarko said it would probably be a planned district and that would be the Zoning Commission and the Township Trustees.

Mr. Kluczynski made a motion to adjourn the meeting at 9:00 p.m. Mrs. Cole seconded the motion. Roll call vote: All ayes. Meeting adjourned.

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Respectfully submitted,

Donald Rector, Secretary

Cathy Schirtzinger, Chair

Date: _____