

# Violet Township Board of Zoning Appeals

May 17, 2018

Ms. Schirtzinger called the meeting to order at 7:32 p.m. and roll was called.

Members present: Mr. Rector, Mrs. Cole, 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 07-VA-2018 (continued from 4/19/18)

An application for variance filed by Rocky Harriman, 9018 Crouse-Willison Rd, Johnstown for property located at 13591 Falmouth Avenue, Pickerington, owned by Thomas and Kimberly Willis. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3J2-06 to allow the construction of an addition, which is to be placed closer to the rear property line than permitted.

This property is located in the Eastwood Village subdivision on the west side of Falmouth Ave. Eastwood Village is zoned R-7 Single Family Residential. This application is seeking a variance to allow the existing patio to be enclosed with screen walls and roof. The proposed patio and roof will be 43' 8" from the rear property line. Section 3J2-06 requires each lot to have a rear yard of at least 50 feet between the rear lot line and the dwelling.

Rocky Harriman, 9018 Crouse-Williamson Rd., Johnstown, Ohio. Mr. Harriman explained the homeowner has an existing patio they would like to enclose with a screen and roof. He said the existing deck matches the distance from the rear property line. They are asking for a variance so they can be 43'8" from the rear property line.

Mr. Kluczynski asked if there was a variance for the deck. Mr. Harriman said it was existing so when the houses were built there the distance could be less than 50 feet but it changed. Ms. Sarko stated that decks, at one time, were not regulated and there was no permit required for a deck.

Mr. Kluczynski asked about the accessory building at the corner of the property. Mr. Harriman said it was an existing shed. Ms. Sarko said it could have been grandfathered but she did not know for sure. To make this right, Mr. Kluczynski asked if they should approve the offset for the deck and the patio as well. Ms. Sarko asked Mr. Harriman how far the shed is from the rear property line. Mr. Harriman said it was not touching the fence on two of the sides but as far as the property line, he did not know. Mr. Kluczynski asked Mr. Harriman to request to amend the application to include the setbacks for the deck. Mr. Harriman asked the Board to include the deck with this application.

Ms. Schirtzinger asked about roof and what of materials he would be using. Mr. Harriman said it would match the house with tarpaper and shingles. The color would also match.

Mrs. Cole asked if the deck was elevated above the patio. Mr. Harriman said it was about a foot above the patio. She also asked if there would be an entrance from the deck into the room. Mr. Harriman said that will be the main entrance from the deck onto a wide step going into the house.

Mr. Collins asked what would be the pitch of the roof on the covered porch. Mr. Harriman said it was going towards the rear of the property and has a slope. The pitch will be about 4/12.

Ms. Schirtzinger asked if the patio was concrete or pavers. Mr. Harriman said it was poured concrete. There was plan for a ceiling fan and potentially an exterior light.

Mr. Collins asked if there were gutter or downspouts. Mr. Harriman said the gutters on the house will remain and the porch will have downspouts that will run off into the yard. He said there is no existing drain.

# Violet Township Board of Zoning Appeals

May 17, 2018

Mr. Collins asked what side the screen porch would be covered. Mr. Harriman said it would be completely enclosed. The only entrance will be from the screen porch to the deck.

Ms. Schirtzinger asked if there would be a knee wall. Mr. Harriman said there would be.

Mr. Harriman needed to ask the Board to amend his application for the side yard setback to be 14 feet. The porch will be no closer to the side property line than the existing home.

Mr. Kluczynski made motion to approve Case Number 07-VA-2018, a variance from the provisions of Violet Township Zoning Resolution Section 3J2-05 and 3J2-06 to allow the construction of an addition and existing deck to be placed closer to the rear property line, namely, 43'8" from the rear property line and not closer to the side property line than the side of the home. Mrs. Cole seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mrs. Cole, yes; Mr. Collins, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carried.

## **Case Number 08-VA-2018**

An application for variance filed by Chad Mickey for property located at 12735 Ault Road, Pickerington. This application seeks a variance from the provisions of Violet Township Zoning Resolution 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 explained Mr. Mickey obtained permits for the construction of his pole barn in January 2018. The application showed his home to be 17 feet in height and the construction drawings showed the height of the pole barn to be 17 feet in height. After construction, it was observed that the height of the pole barn is taller than the home. The township Zoning Resolution requires the height of an accessory building shall not exceed the height of the principal roofs highest peak or ridge. Mr. Mickey came in to apply for a variance to correct the situation.

Chad Mickey, 12735 Ault Road, explained he measured his house wrong and the pole barn was 12 inches higher than his house. He said he needs a variance to move forward with his electric. He said everything has stopped and this was not intentional.

Mr. Kluczynski asked if the ground was built up. Mr. Mickey said they had to build it up to get it level so it looks like it is much higher than what the house is even though it is 12 inches. Mr. Kluczynski asked what the consequences would be if this was not approved. Mr. Mickey said whatever they tell him he needs to do.

Mr. Rector said whoever built the building were extremely on point.

Mrs. Cole asked if Mr. Mickey knew that the Building and Zoning Codes states that the structure cannot be higher than the house. Mr. Mickey said he did know that but he measured wrong.

Mrs. Gillette asked if it was possible for them to bring dirt back there to level things out and raise it by a foot. The structure would have been ok with the house originally. The structure is 17 feet and the house is 16 feet.

Mr. Kluczynski made a motion to approve Case Number 08-VA-2018, a variance from the provisions of Violet Township Zoning Resolution 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 as outlined in the application. Mr. Collins seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mr. Collins, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carried.

## **Case Number 09-VA-2018**

An application for variance filed by Aaron and Lindsay Dennis, 300 Fullers Circle for property located at 8721 Cedarbrook Street, Pickerington. Pursuant to Violet Township Zoning Resolution Section 3V3-01(D)(1), this application requests a variance from the provisions of Section 3V3-01(B) to allow the construction of a deck that is to be placed closer to the rear property line than permitted in the Winding Creek Planned District.

# Violet Township Board of Zoning Appeals

May 17, 2018

This property is located on the south side of Cedarbrook Street in Winding Creek. Mr. and Mrs. Dennis are requesting a variance to allow the construction of a 15' x 12' deck onto the rear of the home that is proposed to be placed 29.4 feet from the rear property line. The Township Trustees approved a modification to Winding Creek Planned District, specifically Section 5 Parts 1 and 2 to allow certain lots within these sections to have rear yard setbacks of 40 feet. Lot 196 does have a rear yard setback of 40 feet.

Aaron Dennis, 8721 Cedarbrook Street, said he and wife are requesting a variance to build a deck at the rear of their home. He said the home has a walk out and will allow them to exit the residence. The deck would be 15' x 12' and the size and shape is similar to his neighbor directly to his east.

Mr. Kluczynski asked if the setback from the house to the rear property line is 45.5'. Mr. Dennis said this was correct. Mr. Kluczynski said he was in a bad situation in a way that the property was laid out. Mr. Kluczynski also asked if the steps from the diagram protrude out from the deck. Mr. Dennis said they would not come out any farther than the edge of the deck. He asked if he has any problems with the lower exit, where the steps are located. Mr. Dennis said that was a sliding door and the steps are 12' out.

Mrs. Gillette asked if her fellow Board members remembered similar variances in same subdivision where they looked out on a reserve. The Board members did remember.

Mr. Collins asked what the plan was for the ground underneath the deck. Mr. Dennis said at this time it will stay grass and in time possibly put in a patio. Mr. Collins asked if the additional water that comes through the deck would create any issue with that door and mud. Mr. Dennis did not think it would be a problem.

Mr. Kluczynski made a motion to approve Case Number 09-VA-2018, pursuant to Violet Township Zoning Resolution Section 3V3-01(D)(1), a variance from the provisions of Section 3V3-01(B) to allow the construction of a deck that is to be placed closer to the rear property line than permitted in the Winding Creek Planned District. Mr. Collins seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mr. Collins, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carries.

## **Case Number 10-VA-2018**

An application for variance filed by Doug Tailford, 183 Leasure Dr., Pickerington for property located at 7785 Blacklick Eastern Road, owned by Aaron and Rochelle Dean. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(2) to allow the floor area of a detached accessory building to exceed the floor area permitted for accessory buildings on a lot larger than one acre in area; and Section 3AA4-05(A)(4) to allow the height of detached accessory building to exceed the height of the home's highest peak or ridge.

Doug Tailford, 183 Leasure Drive, Pickerington represented Aaron and Rochelle Dean regarding their property located at 7785 Blacklick Eastern Road, Pickerington. Mr. Tailford explained the first request is for the height of the (accessory) building and floor area of the (accessory) building. He said the Dean's home is a ranch and contains 1416 square feet. The building they want to build is 72' x 50' (3,600 square feet) and the height of the building is 25 feet. He said the height of the house is 18 feet. He said it needs to be 25 feet in order to fit Mr. Dean's trucks inside.

He said part of what he considers their hardship is there are several other accessory buildings along the street that are taller than the ranch houses. This is one reason they would like to have it a little bit taller. Mr. Kluczynski said they have to justify based upon their needs and not because of what a neighbor may or may not have. Mr. Tailford said if they had a smaller pitch, it would not be a normal height for this building.

Aaron Dean, 7785 Blacklick Eastern Road said his house was built in 1964-65 and the house is low and small. He said the barn will be similar to his dad's and will have a silver roof and ivory siding.

## Violet Township Board of Zoning Appeals

May 17, 2018

Mrs. Cole asked if this was going to be behind his house. He said it was, and he would extend his driveway to the building. The driveway will be about two to three feet away from the neighbor's property line. The turnaround area will be gravel. He would like to have a 16-foot ceiling.

Mr. Dean said he would like to park trucks inside and currently cannot park inside with a ladder. He said he would like to have a 16-foot ceiling.

Ms. Schirtzinger asked what the height of the existing building was. Mr. Dean said it was about 18-19 feet tall. The new building will have the same pitch.

Ms. Schirtzinger asked if he was planning to have a second story in this building. Mr. Dean said they are still discussing that but he would like to have a little area where he can spray paint shutters, doors, and things like that. That would be about 8 feet and he would like storage on top of that. Ms. Schirtzinger asked if the floor space would have to be included in the request. Mr. Dean said it would just be used for storage. He should be able to walk in there but no working room. It was determined the structure would be 4,560 square feet total.

He said he would have an articulating boom, a car lift so he can work on his vehicles and he has an old fishing boat.

Mr. Dean said there would be two overhead doors that are 16' wide. He currently has a shed that will be removed.

Mr. Dean stated he would not be storing any of the paint for his home occupation. He said most of what he uses is Zero VOC - zero volatile organic compound which is better for his health and he would only need water for cleaning purposes.

Mrs. Cole asked what the size of his dad's building that he is currently using. Mr. Dean said it was 50 feet by a little over 40'.

Mr. Kluczynski asked what the darker brown building was (on the plot plan). Mr. Dean said it was going to be kitchen addition somewhere down the road.

Mrs. Cole also asked how high his dad's building was that he is currently using. Mr. Dean said he was guessing it was about 18-19 feet tall. She asked how much too short is it for his van with the ladder. Mr. Dean said in order for his garage door to hold anything on the road it has to be 13 and 1/2' tall. A door to accommodate this has to be a 14' door.

Mrs. Cole asked if it would be required to have the 24' building to accommodate that door. Mr. Dean said that unfortunately it does.

Mr. Kluczynski asked what size accessory building he would need if he did not have a requirement for his home occupation. Mr. Dean said a lot of this has to do with his mom passing and his dad needing to sell his home. Mr. Dean said his whole life is wrapped up in his business. He said he would not have a reason to build the accessory building. Mr. Kluczynski said based on what he just testified if they did not have a need to move the home occupation and material, facilities, equipment etc. to this new accessory building then there would not be a need for this accessory building.

Ms. Schirtzinger asked what he would do with his personal equipment if he did not have this accessory building. Mr. Dean said his father has let him use his entire barn since he was a kid. Mr. Dean said he does not have a Conditional Use for his dad's property right now. Part of this allows him to be in control of his own assets.

Mrs. Cole asked how this building compares in size to other buildings in that area. Mrs. Gillette said hers was a 48' by 80' building but her pole barn was there when they bought the property. Mr. Dean said Mr. Lilly has a large barn but was not sure of the dimensions. Mrs. Cole just wondered because she was curious about the character of the neighborhood. Mrs. Cole asked if Mr. Dean had heard any complaints from his neighbors. He said he had not. His one neighbor was present and she wants to make sure that everything will be correct with the driveway. Mr.

# Violet Township Board of Zoning Appeals

May 17, 2018

Tailford said there should be 2 to 3 feet between his property line and the driveway. The building is 19 feet away from the property line. Ms. Sarko said you cannot park closer than 15 feet to the property line.

Mr. Rector asked if he was going to have a bathroom. Mr. Dean said at some point in the future he would like to. Mr. Dean said he has a leach field and he is 16' away from the termination points from the leach beds; the leach beds are between the house and the proposed barn and then another 16' where the leach bed terminates. He said he had David Plummer from the Health Department come out and walk around to inspect for that very reason. He said it was very dry which is a very good indication. If he puts in a bathroom, Mr. Plumber wants to see the trench for the piping as it would be shared with his current system and there would be a 2" ejector pump to pump it to the regular septic tank and then into the leach bed.

Mr. Rector asked if he would be bringing water and sewer back there. Mr. Dean said he would be bringing water, electric and natural gas. Mr. Rector said he would not have a drain for the water. Mr. Dean said it would just be a gray water. He explained there is currently a field tile that runs from the corner of his father's house all the way back so they can tie into that. If they put a toilet in it would be pumped up back toward the house. Mr. Rector asked if he would be washing out paintbrushes etc. Mr. Dean said no more than he would anyone's house. Mr. Dean said 90% of his work is done offsite.

Mrs. Cole made the motion to approve Case Number 10-VA-2018, an application for variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(2) to allow the floor area of a detached accessory building to exceed the floor area permitted for accessory buildings on a lot larger than one acre in area; noting the building be not larger than 3,600 square feet plus 960 square feet shed roof/carport area; a variance from Section 3AA4-05(A) (4) to allow the height of detached accessory building to exceed the height of the home's highest peak or ridge, with the building to not exceed 25 feet in height. Mrs. Gillette seconded the motion. Roll call vote: Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Collins, yes; Mr. Kluczynski, no. Mr. Kluczynski said he bases his vote on the testimony that was given this evening and under our Home Occupations 3AA-5, it states that the primary use of the dwelling, accessory buildings and the property will always remain residential and he said he believes the building will support a commercial use. Ms. Schirtzinger, yes. Motion carried.

## **Case Number 01-CU-2018**

An application for Conditional Use Permit and Variance filed by Doug Tailford, 183 Leasure Dr., Pickerington for property located at 7785 Blacklick Eastern Road, owned by Aaron and Rochelle Dean. 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 7785 Blacklick Eastern Road.

Ms. Sarko reported that Mr. Tailford filed this application on behalf of Aaron Dean and Rochelle Dean who operate a business called the Paint Guy that currently operates from 7745 Blacklick Eastern Road. The Home Occupation has been in operation since 1995. Mr. Tailford and Mr. Dean are seeking to consolidate the Home Occupation from 7745 Blacklick Eastern Road to the property at 7785 Blacklick Eastern Road.

Home Occupations are conditionally permitted uses in an R-1 District. Section 3A1-02(9) customary Home Occupations are subject to the terms, conditions, procedures in Section 3AA5. As previously mentioned, Mr. Dean has been operating the Paint Guy since 1995. The Zoning Code offers special consideration. Special Conditional Use Permits for Home Occupations that existed prior to December 21, 2000 and at that time Mr. Dean's Home Occupation was in existence and he did not need to come in to get a Conditional Use Permit. There is a provision in Section 3AA5-07 regarding special Conditional Use Permits for Home Occupations.

It was noted his piece of property is different now and it may warrant some analogy or some extending of the additional grandfathered characteristics under the 3AA5-07. The use is substantially similar or the same.

# Violet Township Board of Zoning Appeals

May 17, 2018

Mr. Tailford said Mr. Dean just wants to make his Home Occupation legitimate. There have been no complaints from any of the neighbors. He said that under the standards the Paint Guy's business is a permitted use under the Zoning District. It will be maintained and is not hazardous or disrupting to any of the neighbors. It is not detrimental to anyone.

Mr. Kluczynski asked Mr. Dean to describe what he was doing in 1995 that is different from 2018. Mr. Dean said there was not much difference.

Mrs. Cole asked Mr. Dean what exactly he did. Mr. Dean said he was a residential painter, inside or outside. He does some commercial work but not in-house. He will do the trim on a house and stucco. About 90 to 95% of his work is done inside people's homes. Mrs. Cole asked what he did at his building. Mr. Dean said his shop allows him to take things to his shop to spray such as a door. It is a small percentage of what he does at the shop but it is very useful. She asked if he used other materials other than paint. He said he will use polyurethane but mostly paint.

Ms. Schirtzinger asked if the ventilation in his shop was all regulated. Mr. Dean said there was no OSHA requirement or approval for the products that he uses. There is no filtration or things that he is even required to have. He elects to have it because he is around it all the time. At his dad's place, he has filters and exhaust fans to pull fresh air inside.

Ms. Schirtzinger inquired about washing of painting supplies etc. Mr. Dean said that inside the building there would be 16' x 32' dedicated space to paint.

Ms. Schirtzinger asked if he had customers come to his house. Mr. Dean said that sometimes they will drop off shutters or something like that. He said UPS delivers frequently. He said he has one or two employees but they do not report to the property. They just meet at the jobsite so they do not go out to his property. Ms. Schirtzinger asked how many people in the future would be working for him. He said two or three.

Mrs. Cole asked if the paint booth was a totally enclosed area within the big building. Mr. Dean said that was correct and it will have the fans and ventilation. She also asked where all the residue goes when he does clean his equipment. Mr. Dean said it was very low waste. He recycles most of it. He said it would go in the drain but it has zero impact on the environment.

Mr. Collins asked if he conducted any business from his home regarding financial or administrative. Mr. Dean has a CPA that does his payroll. He does do paperwork at his home at kitchen table or chair.

Mr. Kluczynski asked what he would do if the Board denied the application. He said he would not have a business.

Ms. Sarko said they might modify the next application to add employees as they are participating in the occupation.

Mrs. Cole wanted to make sure that Mr. Dean would not operate at his father's property if this was approved and he decides to stay. He does not want to stay at his dad's. Mr. Dean said he would like to do this within a year. He said he needs to finalize drawings.

Mr. Collins made a motion to approve Case Number 01-CU-2018 to allow a Home Occupation to be conducted from 7785 Blacklick Eastern Road pursuant to Section 3A1-02(9) and Section 3AA5. Mrs. Cole seconded the motion. Roll call vote: Mr. Collins, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Kluczynski, yes; Ms. Schirtzinger, yes. Motion carries.

## **Case Number 11-VA-2018**

An application for variance filed by Doug Tailford, 183 Leasure Dr., Pickerington for property located at 7785 Blacklick Eastern Road, owned by Aaron and Rochelle Dean. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA5-03(L) to allow more than one motor vehicle used by the owner in the home occupation to be parked, kept or stored at the residence.

# Violet Township Board of Zoning Appeals

May 17, 2018

Ms. Sarko said as previously discussed, Mr. Dean would need to modify his application to include a variance from paragraph H of the same section, which states non-residents of the dwelling, and non-family members may not participate in the Home Occupation as an employer, employee or volunteer. Mr. Dean asked the Board to modify his application to include a variance from paragraph H and a variance from paragraph M regarding the weight of the work truck.

Mr. Tailford said the main purpose of the two vehicles is one, (which is more of a van, which he uses on smaller jobs), getting estimates and the second vehicle is a work/tool truck for equipment.

Mr. Kluczynski asked if this vehicle was more than two tons. Mr. Dean said he would assume so. It was determined the work truck weighted 5600 lbs.

Mrs. Gillette asked about the mention of a vehicle that had some kind of a lift. Mr. Dean said it is held on a trailer.

Ms. Schirtzinger asked if his employees drive these vehicles as well. Mr. Dean said they did from time to time.

Mrs. Gillette made the motion to approve Case Number 11-VA-2018, an application requesting a variances from the provisions of Violet Township Zoning Resolution Section 3AA5-03(H) to allow non-resident and non-family members to participate in home occupation with a maximum of four (4) non-resident, non-family member employees; a variance from paragraph L , to allow more than one (1 ) vehicle, for a total of two (2) vehicles to be used in the home occupation; and a variance from paragraph M to allow the weight of the larger vehicle to exceed 2 tons gross. Mr. Kluczynski seconded the motion. Roll call vote: Mrs. Gillette, yes; Mr. Kluczynski, yes; Mr. Collins, yes; Mrs. Cole, yes; Ms. Schirtzinger, yes. Motion carried.

Mrs. Gillette asked about the Community meeting. Ms. Sarko said the PowerPoint presentation was on the website.

Mrs. Cole excused herself from the meeting at 9:46 p.m.

Mr. Kluczynski made a motion to approve the April 19, 2018 meeting minutes. Mr. Collins seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mr. Collins, yes; Mr. Rector, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes. Motion carried.

The next meeting will be a Special meeting on May 24, 2018 at 7:30 p.m.

Mr. Kluczynski made a motion to adjourn the meeting at 9:48 p.m. Mr. Collins seconded the motion. Roll call vote: all ayes. Meeting adjourned.

Respectfully submitted,

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Donald Rector, Secretary

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Cathy Schirtzinger, Chair

Date: \_\_\_\_\_