

# Violet Township Board of Zoning Appeals

August 16, 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, Ms. Schirtzinger. Also present were Kelly Sarko, Zoning Inspector and Jennifer Huber, Township Legal Counsel.

Old Business: Decision for Case No. 15-VA-2018, variance requests for property located at 9645 Basil Western Road.

The Board has before it an Entry to approve the three variances requested by Greg Groves and DLP Properties LLC in Case Number 15-VA-2018. The entry contains findings of fact and conclusions of law with respect to the requested variances. The Entry also considers the Duncan v. Middlefield factors for each requested variance.

Mr. Dellinger made a motion to approve a variance for Violet Township Zoning Resolution Section 3AA4-05(A)(5)(b) to allow the tiki bar accessory structure to be located on the west side of the main building, and the side yard, as shown on the application in Exhibit A. Mr. Collins seconded the motion. Roll call vote: Mr. Dellinger, yes; Mr. Collins, yes; Mr. Rector, yes; Ms. Schirtzinger, yes. Motion carried.

Mr. Dellinger made a motion to approve a variance from Violet Township Zoning Resolution Section 3AA4-05(A)(5)(b) to allow the tiki bar accessory structure to be located no less than seven feet (7') from the main building as shown on the Application and Exhibit A. Mr. Collins seconded the motion. Roll call vote: Mr. Dellinger, yes; Mr. Collins, yes; Mr. Rector, yes; Ms. Schirtzinger, yes. Motion carried.

Mr. Dellinger made a motion to approve a variance from Violet Township Zoning Resolution Section 3E2-10 to allow the fence enclosing the area surrounding the tiki bar accessory structure to be not greater than eight feet (8') in height as shown on the Application and Exhibit A. Seconded by Mr. Collins. Roll call vote: Mr. Dellinger, yes; Mr. Collins, yes; Mr. Rector, yes; Ms. Schirtzinger, yes. Motion carried.

Mr. Dellinger made the motion to adopt the Board's decision in its entirety and the findings of facts and conclusions of law contained therein and the variances voted upon and noted in the decision, all as contained this entry. Seconded by Mr. Collins. Roll call vote: Mr. Dellinger, yes; Mr. Collins, yes; Mr. Rector, yes; Ms. Schirtzinger, yes. Motion carried.

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

Ms. Schirtzinger noted there were only four Board members present. Approval of an application takes three (3) votes. In the event of a 2-2 tie, the application is denied. She asked if anyone that did not want to proceed they could continue the applications to next meeting on September 20<sup>th</sup>.

## **Case Number 23-VA-2018**

An application for variance filed by Patrick and Gabrielle Dixon, 6310 Whims Road, Canal Winchester for property located at 8755 Riverside Place, Canal Winchester. Pursuant to Violet Township Zoning Resolution Section 3V3-01(D) this application requests a variance from Section 3V3-01(B) to allow the construction of a home that is to be placed closer to the side property line than permitted in the Woodstream Planned District.

Mr. and Mrs. Dixon are requesting a variance to allow the construction of a home that is closer to a side property line than permitted. The required side yard setbacks for Woodstream are 10 feet each side.

A 12-foot drainage easement runs parallel to the east property line. The Dixons are showing the proposed home to be placed 12 from the east property line and 8 feet on the west side of the lot.

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Patrick Dixon, 6310 Whims Road, Canal Winchester, explained they are planning to build a home in Woodstream and with the square footage requirement they are having a difficult time finding a home with the 50-foot (width of home to meet setbacks) requirement. He said they need two feet and are requesting a variance.

Ms. Schirtzinger asked if they could find any builder that would build a 48-foot wide home. Mr. Dixon said they could not take the 2 feet off the current plan they have, as they would charge extra for this. He said they could not afford the other builders.

Mr. Dellinger asked which side the 8-foot setback would be. Mr. Dixon said the west side.

Mr. Rector asked if they had an active Civic Association and if he had presented his concept to them. Mr. Dixon said he had not presented to them yet.

Mr. Collins asked what other style homes they have looked at. Mr. Dixon said they have looked at 2-story homes but they are too big. He said the homes that will fit do not meet the square footage requirements.

Mr. Collins made a motion to approve Case No. 23-VA-2018 as submitted. Mr. Rector seconded the motion. Roll call vote: Mr. Collins, yes; Mr. Rector, yes; Mr. Dellinger, yes; Ms. Schirtzinger, yes. Motion carried.

## **Case Number 24-VA-2018**

An application for variance filed by Patti Evans, Pulte Homes, 475 Metro Place, Suite 200, Dublin for .40± acres located at the southeast corner of Bluffton and Bridgewater Drives owned by Ricketts Family Fairfield Holdings Ltd, 340 Hill Road North, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3V3-01(D)(1) to allow the construction of a model home prior to the recordation of the subdivision plat.

Ms. Sarko reported Springcreek Section 3 is a Planned Residential District and this portion of Springcreek will be developed in Violet Township. The proposed model home will be constructed on the lot that will be created by platting at the corner area at Bridgewater and Bluffton Drive. Bridgewater Drive is an existing street with single-family homes and Bluffton Drive is a sub street. Bluffton Drive will be extended into Section 3.

The proposed home meets the required setbacks for Springcreek Section 3. Signage has been proposed for the model home in accordance with Section 3AA8-(E)(1), which allows one sign for temporary model not to exceed twelve (12) square feet.

The Township Zoning Resolution Section 3V3-01(E) states: In the Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been approved by the Township Trustees and has been recorded in accordance with the Subdivision Regulations for Fairfield County, Ohio.

Ms. Sarko said she checked with Fairfield Regional Planning Commission and it is her understanding the sanitary sewer plans are in the process of approval and RPC is waiting on revised water plans. They will install the sewer first and streets will come after utilities are installed.

Todd Kellner, 475 Metro Place S., Dublin explained they want to start a model home on Lot 253 in Section 3 of Springcreek. He said they anticipate the plat to be recorded in the next 2 to 3 weeks. Specific to this lot the sanitary services are already installed and improved as part of a prior section that is one of the reasons they chose this site. He said they want to start permitting and construction so the completion of the model can coincide with the timing of the infrastructure and street paving. Once that part of the development is done, they can then open the model versus waiting for development to be completed.

Mr. Dellinger asked what the timeline to build this model. Mr. Kellner once they get approval they are about 3½ months build time. He said paving is expected in November and the model would be staffed around the same time.

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Mr. Collins asked if he anticipated to start selling around November-December timeframe. Mr. Kellner said it was their preference not to sell lots until they have lots to show which would be November-December timeframe.

Mr. Dellinger asked Ms. Sarko if it would be 2-3 weeks for Regional Planning to make their decision. Ms. Sarko said, as she understands it they have only reviewed the sanitary sewer and waiting on revised water drawings.

Ms. Schirtzinger asked what the size of the house would be. Mr. Kellner said about 2800 sq. ft.

Ms. Sarko asked if they would be installing a parking lot. Mr. Kellner said it would be their desire to install a parking lot. Due to the location of the lot, they thought it would be best to offer some off-street parking directly in front of the sales model.

Mr. Collins asked if the sign that was part of the application is a portable sign. Mr. Kellner said it would be out in front of the model and stays for the duration of the model or until they can no longer operate the model. Ms. Sarko said they did not need a variance for the sign because it complies with the Zoning Code.

Mr. Dellinger asked about the side yard setback. Ms. Sarko said the placement of the home complied with the development standards.

Mr. Rector made the motion to approve Case Number 24-VA-2018, an application for variance filed by Patty Evans, Pulte Homes as submitted. Mr. Dellinger seconded the motion. Roll call vote: Mr. Rector, yes; Mr. Dellinger, yes; Mr. Collins, yes; Ms. Schirtzinger, yes. Motion carried.

## **Case Number 25-VA-2018**

An application for variance filed by Roger Sholl for property located at 11785 Saylor Road. 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.

Ms. Sarko reported this property is located on the west side of Saylor Road south of Refugee Road and is zoned R-1 Single Family Residential. The property contains .9 acres per the County Auditor's website. The home on the property contains 1,234 sq. ft. of living area.

Mr. Sholl is proposing to construct a 30' x 40' (1,200 sq. ft.) pole barn at the rear of his home.

The Township Zoning Resolution allows on lots of one acre or less in area, the total floor area of all accessory buildings on the property, when added together, shall not exceed fifty percent (50%) of the actual gross floor area of the principal building.

Ms. Sarko said she contacted Mr. Sholl to determine the height of his home in relation to the height of the accessory building. She said she reviewed County Auditor GIS imagery and it appeared the home is approximately 17 feet in height. In review of the drawings submitted with the application with the wall height of 14 feet and a roof pitch of 4:12, the proposed structure is approximately 19.75 feet in height. Mr. Sholl will have to modify his application to include a variance for the height of his accessory building.

Roger Sholl, 11785 Saylor Road explained this past spring he applied for and got a permit to alter an existing outbuilding and before he completed the building, a windstorm destroyed it. He said Rather than rebuilding it, he said wanted something larger as he has a farm tractor, a few cars and F-350 pickup with a snow blade. He said the vehicles would be stored inside and it would be better for the neighborhood.

Ms. Schirtzinger noted that Ms. Sarko said he would need to amend his application. Ms. Schirtzinger asked Mr. Sholl if he wanted to amend his application to include a variance from Section 3AA4-05(A)(4). Mr. Sholl said he did.

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Mr. Collins asked if there were any other buildings on the property besides the primary residence. Mr. Sholl said there were not.

Ms. Schirtzinger asked about when he first came in to alter the building. Mr. Sholl said he just wanted to raise the roof to make for more space.

Mr. Dellinger asked if he planned to install this on a concrete pad. Mr. Sholl said he was going to set the poles with concrete and will gravel the inside and later he will possibly do the concrete.

Mr. Dellinger said in review of the drawing, he did not see any gutters or downspouts. Mr. Sholl said there was an existing field tile in the center of the property that does a good job of dispersing the water. The field tile is about 30 feet east of the building.

Mr. Rector asked if he was on septic and Mr. Sholl said he was. Mr. Rector asked if he has identified his primary and secondary leach fields. Mr. Sholl said he had not and Don Day had told him it needed to be about 10 feet from the septic system.

Mr. Rector asked when the house was constructed. Mr. Sholl said about 1926. Mr. Rector asked what the approximate square footage of the first floor area was. Mr. Sholl said it was around 800 square feet and it is a Cape Cod style. He said there was a room addition in the 1970-1980's and the home has a 20'x 20' attached garage. He said the home is 60 feet long.

Mr. Rector asked how he was going to access the garage. Mr. Sholl said he would build a gravel driveway- the one driveway would be extended back around the garage.

Mr. Dellinger asked Ms. Sarko if we had heard anything from the neighbors. Ms. Sarko said Mrs. Alzner had called her and left a message but had not spoken to her yet.

Ms. Schirtzinger asked about the snow blade on his truck was used for a business. Mr. Sholl said he did not that it was for personal use for family and neighbors.

Ms. Schirtzinger asked if he planned to run electric or water in the building. Mr. Sholl said he did plan to run 220-amp service.

Mr. Collins asked what equipment he wanted to store in the pole barn. Mr. Sholl said an RV, tractor, plow, and vehicles. The entry door for the building would be on the north side. Mr. Sholl also said the new driveway would probably go where the old outbuilding used to be.

Mr. Collins asked how far the pole building was from the home. Mr. Sholl said about 35 feet. He had to move it back that far because there are electrical wires that run through the property.

Mr. Dellinger asked Mr. Sholl if he thought he could get by with something smaller than 30' x 40'. Mr. Sholl said he was thinking of getting an RV and that is a reason the height is requested.

Ms. Schirtzinger asked how tight it would be if it the building were 30' x 30'. He said the truck was about 18' and the tractor was about 10'. Ms. Schirtzinger said the Board's concern is the size of the house and the structure should not be more than 50% of the size of the house. He said he was hoping to avoid renting space somewhere off the property. Mr. Dellinger explained the 30' x 30' is easier for them to deal with. Mr. Sholl said he could do the 30' x 30'. Mr. Dellinger asked if Don Day had been out to look at this. Ms. Sarko said we have not issued a permit yet but we did issue a permit for the raising of the roof.

Mr. Collins noted his driveway was pretty close to the property line and asked if there was enough room to get a driveway to swerve around with an RV. Mr. Sholl said there was.

Ms. Schirtzinger asked if Mr. Sholl wanted to change his variance to reflect a 30' x 30' (900 square foot) building or did he want the request to be the 40' x 30' building. Mr. Sholl said he would like to change it to the 30' x 30'.

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Mr. Dellinger made a motion to approve Case Number 25-VA-2018, an application for variance for property located at 11785 Saylor Road to approve a 30' x 30' garage and a variance from Section 3AA4-05(A)(4) to allow the height of the accessory building to be not to be taller than 5 feet greater than the home's highest peak or ridge. Mr. Rector seconded the motion. Roll call vote: Mr. Dellinger, yes; Mr. Rector, yes; Mr. Collins, yes; Ms. Schirtzinger, yes. Motion carried.

## Case Number 26-VA-2018

An application for variance filed by Lalit and Aggelici Punwani for property located at 9050 Indian Mound Road, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3B2-05 to allow the construction of an addition which is to be placed closer to the side property line than permitted.

This property is located in Chevington Woods North and is zoned R-2, Single Family Residential. Mr. and Mrs. Punwani are proposing to construct a 20' x 30' addition onto the side of their home. The addition appears to consist of a garage and a second story. The addition is proposed to be constructed 10 feet from the west property line. The R-2 district requires each yard to have side yard of not less than 15 feet between the side lot and the dwelling. She noted that the zoning permit for the sunroom addition was approved and the Board will see this addition on the drawings.

Lalit Punami, 9050 Indian Mound Road explained the proposed addition will be 20'x 30' and it would be a garage and a mother-in-law suite.

Mr. Collins asked what the purpose of the room above the garage was. Mr. Punami said it would be he and his wife's home office.

Ms. Schirtzinger asked if access to the room would be only through the garage. Mr. Punami said this was correct.

Mr. Collins asked if the offices were for a home business. Mr. Punami said he owns the diner in downtown Pickerington and it would be a place for him to do his paperwork and his wife is a consultant.

Mr. Collins asked if there was any plumbing in the garage or in the area above the garage. Mr. Punami said not the garage but probably in the area above the garage.

Referring to the drawings, Ms. Schirtzinger asked if the addition would be 10 feet from the property line. Mr. Punami said this was correct.

Ms. Schirtzinger asked if Mr. Punami was going to take the driveway further over towards the property line as well. Mr. Punami said it would stay as it is. Ms. Sarko asked if his current garage was a side-loaded garage and if the existing garage would be converted to living space. Mr. Punami said it would.

Mr. Punami said they have spoken to the neighbors to see if they had any objections and they did not.

Ms. Sarko noted that they have an additional lot at the rear of their property that is in Licking County.

Mr. Dellinger asked if the neighbor's garage comes right up to their property line. Mr. Punami said it was at least 10 feet away.

Mr. Dellinger asked if the room at the top of the garage would match with the room at the top of the house. Mr. Punami said the rooflines would be close. The room above the garage will not be higher than what currently exists.

Mr. Dellinger asked Ms. Sarko if the 10-foot easement was the only thing they are concerned about. Ms. Sarko said that was correct but they do not know what is in the easement. Mr. Punwani said the electric box runs in the back yard.

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Mr. Collins made the motion to approve Case number 26-VA-2018, a variance from the provisions of Violet Township Zoning Resolution Section 3B2-05 to allow the construction of an addition which is to be placed closer to the side property line than permitted. Mr. Dellinger seconded the motion. Roll call vote: Mr. Collins, yes; Mr. Dellinger, yes; Mr. Rector, yes; Mr. Schirtzinger, yes. Motion carried.

Mr. Rector made a motion to approve the minutes from the May 17, 2018 meeting. Mr. Collins seconded the motion. Roll call vote: Mr. Rector, yes; Mr. Collins, yes; Mr. Dellinger, yes; Ms. Schirtzinger, yes. Motion carried.

Mr. Rector asked Ms. Huber when the board makes a motion, do they need to make a motion in the positive or can they say deny the motion. Ms. Huber said she went through Roberts Rules of Order and spoke to some co-workers. She thinks the general rule is "Thou shall not make a motion in the negative." An example would be "I move that we not approve" as opposed to "I move that we deny or disapprove." The actions available to this board are approval and disapproval. The wording "I move that we disapprove" is not necessarily negative because it is an action the board is empowered to take. It comes down to whether the motion is clear to all the board members.

Mr. Dellinger made a motion to adjourn. Seconded by Mr. Rector. Roll call vote: Mr. Dellinger, yes; Mr. Rector, yes; Mr. Collins, yes; Ms. Schirtzinger, yes. Motion carried. Meeting adjourned 9:02 p.m.

Respectfully submitted,

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Donald Rector, Secretary

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Cathy Schirtzinger, Chair

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