

Violet Township Board of Zoning Appeals

Special Meeting

August 9, 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, and Ms. Schirtzinger. Also present was Kelly Sarko, Zoning Inspector.

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

Ms. Schirtzinger advised Mr. Hunt there are only four Board members present for the public hearing and three affirmative votes are required to approve an application, a two-two split is disapproval of the application.

Case Number 22-VA-2018

An application for variance filed by Jerry Hunt for property located at 12770 Westchester Road, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(1) to allow on a lot containing less than one acre in area, the construction of a detached accessory building which exceeds fifty percent (50%) of the gross floor area of the principal building on the property.

Ms. Sarko reported this property is located in the Eastchester subdivision and is zoned R-2, Single Family Residential. She said that Mr. Hunt is requesting a variance to allow the construction of a 32' by 48' (1,536 square feet detached garage). Mr. Hunt's property per the Fairfield County Auditor's office website has an effective lot size of 155 by 250 or .89 acres.

The Violet Township Zoning Resolution in Section 3A4-05(1) requires 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 gross floor area of the principal building.

The County Auditor's website states the homeowner's property is a split-level home with 1,574 square feet of living area. Mr. Hunt provided construction drawings to show the height of the structure to be approximately 16.16 feet in height. He has indicated the structure will be placed at the northwest corner of the property and will be 16 feet from both the side and rear property lines and 35 feet from the home.

Mr. Jerry Hunt, 12770 Westchester Road, said he was sworn in and that he wanted to proceed with four board members present. Mr. Hunt explained he wanted to build a 32' x 48' garage in the back. He explained he recently moved into the house and there is more square footage in the basement. He said he is renting two storage units that are full and he needs a place to store his equipment. He does not like to leave anything outside. He said he has tractors, golf carts and tools, as he was a contractor for 22 years. The building will match his house and will have wood siding and a shingled roof. It will look like a small ranch house. There will be two doors in the front with the entrance door.

Mr. Rector asked where he was putting the building. Mr. Hunt said the front of the building will face Westchester and it will be north of his home.

Mr. Dellinger asked if he planned to have any heat or utilities in the building. Mr. Hunt said it would probably have heat and electric but not water.

Mr. Dellinger asked if Mr. Hunt was retired so it would not be used to run a business. Mr. Hunt said he was retired.

Ms. Schirtzinger asked what the highest peak of his house was. Mr. Hunt said about 18 feet.

Ms. Schirtzinger asked if there was going to be attic space in the structure. Mr. Hunt said just whatever is above the trusses. He said that wood could be stored up there but other than that, it would be closed in.

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Mr. Dellinger asked if he would have any drains in the floor as he mentioned that he would not have any water. Mr. Hunt said no and he did not think drains were allowed in floors.

Mr. Collins asked where the windows would be on building. Mr. Hunt said there would be lights on the north and south ends of the building to let light in.

Mr. Dellinger asked if the electric would be 120 or 240. Mr. Hunt said he would probably put in 120 (amp) on the smaller items and on the welders and such he will need 240 (amp).

Ms. Schirtzinger said Mr. Hunt had called it a "shop" and asked if was for anything other than personal use. Mr. Hunt said no.

Mr. Rector asked if there would be gutters and downspouts and where those would outlet. Mr. Hunt said he would like to bring it towards the front but it depends on the slope. He said he felt he had plenty of room to drain toward the front.

Mr. Rector asked if there was still an existing building in the back corner. Mr. Hunt said it was going to his daughter. He moved it to his back yard. He said once the garage is in, he would take it apart and that would take roughly 30 days.

Mr. Rector asked if he would be constructing an access drive. Mr. Hunt said it would be off his blacktop driveway and he would run a gravel driveway back to the garage. It would not be more than 65' in front of the garage.

Mr. Rector asked if there would be security lights on the building. Mr. Hunt said he would be installing some type of floodlights and one double flood light would probably take care of it all.

Mr. Collins asked about the size of his finished basement. Mr. Hunt said it was a small area of no more than 300 square feet. One room was about 20' by 15' and then he has a little room about 10' by 10'. His home is a 3-level split. Mr. Rector asked Ms. Sarko if there was a way to verify that. Ms. Sarko said she would have to go in the house and measure. Mr. Rector referred to a sketch (on the Fairfield County Auditor's website) and said it did not show the basement floor but provided a finished basement of 618 square feet.

Mr. Collins asked when Mr. Hunt purchased the house. Mr. Hunt said he purchased the house last August.

Ms. Schirtzinger asked if Mr. Hunt was aware of the Zoning Code and that he could not build a building this large at the time. Mr. Hunt said he did not know at the time.

Mr. Dellinger asked if Mr. Hunt was building another house in Etna since he had mentioned he makes quite a few trips up there. Mr. Hunt said he was not.

Ms. Schirtzinger asked if he would consider a 20' x 40' building. Mr. Hunt said that size was not big enough for cars and trucks to fit. He said the only thing he can get in his garage is his truck. Mr. Dellinger said he has 800 square feet now and he wants to go to 1500 square feet, almost a 100% variance. Mr. Dellinger said it will look nice but it looks like there would be two houses on the property.

Erin Ney, 12810 Westchester said she lives next to Mr. Hunt and she has lived in her home since 3rd grade. She said they chose to stay in the home because of their yard. She said her house is a ranch home with 1,800 square feet and when she thinks of 1,500 square foot building between their homes. She asked that she keep her home for the reason she chose to stay.

Mr. Collins asked about how far from Mrs. Ney's home the new building would be. Mrs. Ney said she thought there would be 16' from the edge of his property line. She mentioned other neighbors have built garages but a lot smaller so she feels his could be done that way.

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Ms. Schirtzinger asked if there were any trees or shrubbery in between the two properties. Mrs. Ney said that immediately in between there is a medium size magnolia tree and a couple lilac bushes but they do not provide any privacy.

Dan Harper, 12797 Westchester Road who lives across the street from Mr. Hunt's house said he bought his home three years ago because of the zoning and the spacious lot and the neighborhood. The view out of his living room would be directly where this building would be so he has concerns. He said they have invested a lot of money in renovating their house. He does not feel the aesthetics of a building this size is something that would fit in the neighborhood.

Ms. Schirtzinger asked what size of building would alleviate some of Mr. Harper's concerns. Mr. Harper said one that would be the size of which is permitted by zoning. Mr. Harper said he went to install a storage shed in this back yard and he understood that if a building was larger than 200 square feet then finished blueprint drawings should be submitted. Ms. Sarko explained that a building permit is required if the structure is greater than 200 square feet. Mr. Harper said he would feel more comfortable if he could see what this building will look like and would like to see a finished blueprint.

Bill McCullough, 9358 Northchester Drive said he has lived in his home since 1984. He said he lives east of Mr. Hunt. He said he has a 900 square foot accessory building and everyone in the neighborhood who has built extra buildings have all been within the code. He feels it will detract from the neighborhood because of the size.

Mr. Dellinger asked Mr. McCullough if he had experienced heavy rainwater running from the applicant's property or does it run the other way. Mr. McCullough said it runs the other way.

Mr. Dellinger asked Ms. Sarko what the maximum square footage would be permitted to have based on the size of Mr. Hunt's property. It would be 1,050 sq. ft.

Mr. Hunt said according to the plans of his house he had 2,100 sq. Ft. The entire basement is finished except for a little area in the furnace room.

Ms. Schirtzinger said what most of the people who have spoken have concerns about the size of the building. She asked Mr. Hunt if there was any way he could make the building smaller so that it would be closer to what the code allows. Mr. Hunt asked if a 30 x 40 sq. ft. would work.

There was an email received August 8, 2018 from Pamela Lauderback at 9446 Westchester Drive. It said they were out of town wanted it to be known that they were in opposition to the building as they felt it was too large for the character of the community. Mrs. Lauderback's letter was entered into the record. Mr. Hunt said he would be willing to drop the wall height from 10 feet to 8 feet so it would not look so tall.

Ms. Schirtzinger asked Erin Ney to come back to the podium and asked how she felt if the building were reduced to 1,200 square feet and a reduction in the height. Ms. Ney said she still felt it was too big. She said she spoke to Sam Cooper who is a realtor in the area who told them this could hurt them if they went to sell. She said she was also concerned about a gravel driveway verses paved and grass. She said they do not live in a neighborhood that has equipment and does not see the need to have another structure to house things that are not appropriate for their suburban neighborhood.

Ms. Sarko said she would like to see a revised plot plan. Mr. Dellinger also added if Mr. Hunt could show a 30' x 40' to drop it down.

Bill McCullough said it was still too big and that was not what the neighborhood was about.

Roxanna McCullough, 9358 Northchester Drive asked what the Board would be voting on tonight. Would it be a variance of anything over and above what the square footage is determined to be or are they negotiating the size. Ms. Schirtzinger said they are seeing if there could be a compromise.

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She explained board considers several things such as the lot coverage, the size of the variance etc. Ms. Schirtzinger said tonight, they would be voting on 30' x 40' building with 8-foot sidewalls. Mrs. McCullough said they appreciate Mr. Hunt as a neighbor but thinks he should stay within what the code provides for.

Dan Harper, 12797 Westchester Road said he is of the opinion of what had already been said that it should be within the zoning guidelines that have already been established and the aesthetics of the neighborhood.

Ms. Ney asked if the driveway was also something that needed a permit. Ms. Sarko explained it has be 15 feet from the property line and parking is not permitted within 15 feet of the property line. She said driveway in residential districts are not required to be paved. required to be paved in a residential district.

Mr. Collins asked if this case should be continued because there are many changes.

Ms. Schirtzinger said her thoughts were that he already said he would make the building 30' x 40' and there is only so far that he would be able to move the building over.

Mr. Dellinger said he would like to see another plot plan.

Mr. Rector made the motion to deny Case No. 22-VA-2018, an application filed by Jerry Hunt for property located at 12770 Westchester Road, Pickerington requesting a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(1) based upon the application testimony given this evening. Mr. Collins seconded the motion. Roll call vote: Mr. Rector, yes; Mr. Collins, yes; Mr. Dellinger, yes; Ms. Schirtzinger, yes. Variance denied.

Ms. Sarko advised the Board that four new applications are on the next week's meeting agenda

Mr. Dellinger made the motion to adjourn at 8:37 p.m. Mr. Rector seconded the motion. Roll call vote: Mr. Dellinger, yes; Mr. Rector, yes; Mr. Collins, yes; Ms. Schirtzinger, yes. Motion carried.

Respectfully submitted,

Donald Rector, Secretary

Cathy Schirtzinger, Chair

Date: _____