

Violet Township Board of Zoning Appeals

January 17, 2019

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

Members present: Mr. Dellinger, yes; Mr. Rector, yes; Mr. Collins, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Kluczynski, yes; 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.

Case Number 01-CU-2019

An application for Conditional Use Permit filed by Shawn Hensley, for property located at 13450 Falmouth Avenue, Pickerington. Pursuant to Violet Township Zoning Resolution Sections 3J1-02(9) and Section 3AA5, this application requests a Conditional Use Permit in order to conduct a home occupation from the residence located at 13450 Falmouth Avenue.

Ms. Sarko reported this property is located on the east side of Falmouth Avenue in the Eastwood subdivision which is zoned R-7, Single Family Residential. Mr. Hensley has applied for a Conditional Use Permit for home occupation. Mr. Hensley is purchasing a food truck that will be operated by Mr. and Mrs. Hensley. Their application indicates that food preparation and cooking will occur off-premise. The application also indicates that one delivery once a week would occur at the residence and that the same truck and company already delivers product to the residence for personal use.

Home occupations are conditionally permitted uses in the R-7 district.

As the food truck/mobile food service weighs more than 2 tons gross, a variance is also being requested.

Shawn Hensley, 13450 Falmouth Avenue said he and his wife bought a food truck. He said he was in the Air Force, has been a pastor for fifteen years which he still does part-time. He has also been a police officer for the past six years. He and his wife decided to get away from law enforcement and try entrepreneurship. They hope to park the truck at the house in order to help with start-up costs and they would never serve any customers from the home. He said Naturally Farm Fresh Foods currently delivers chicken to their home for personal use and that the same company will be the meat supplier for the food truck. The same truck that already comes to their house would still come to the house to deliver chicken – only a couple extra boxes. There would be no increase in delivery traffic.

Mr. Hensley said they have lived in Eastwood Village for three years and want to be a good neighbor. He said they would be giving back a percentage of their sales to a charity, to the schools or to wherever they are parked for an event. If they were at a commercial office park then they would take that as revenue and profit. They do have a plan to construct a pad for a solid foundation on the side of their house so they can park the truck and build a privacy fence around it. Their ultimate goal, 2-3 years down the road would be to purchase property to build a facility to house the truck. They do not have the resources to do that right now as a small startup company.

Mrs. Cole asked where the truck is currently parked. Mr. Hensley said it is currently parked at the old owner's house in New Albany.

Mr. Kluczynski wanted to give some clarification. He said the first thing they are supposed to be discussing right now is their Conditional Use for a Home Occupation. The second case, which they will hear later, is for the vehicle and the ability to park it on his property.

Mr. Hensley said they have obtained all of the permits and inspections that they would need through the Fairfield County Board of Health. They have also obtained permits through the City of Columbus so they can operate in Columbus. He said they passed their fire inspection on the truck. He noted the Health Inspector commented how clean their truck is.

Violet Township Board of Zoning Appeals

January 17, 2019

Mr. Hensley said his home is primarily for the cold storage of excess food, but most of what they have is actually stored on the truck. He explained the truck needs to remain plugged in so they do not lose refrigeration of their product.

Mrs. Cole asked where the food would get prepared. Mr. Hensley said all food has to be prepared in a commercial kitchen so they will make all their product on the truck. The law states that you have to prepare all food in a commercial kitchen. Mrs. Cole asked if the food be prepared on the truck on his property. Mr. Hensley said no, the food would be prepared while they were out serving.

Mr. Kluczynski asked if he was doing the bookkeeping and administrative type things in his house. Mr. Hensley said they do have an accountant but they do their own bookkeeping for the business out of the house.

Mr. Kluczynski asked about additional employees. Mr. Hensley said he and his wife intend to run the truck. If they were going to do a large event, they would bring in a spot labor employee.

Mr. Dellinger asked if he anticipated ever having more than one person helping them. Mr. Hensley said that typically three people on the truck would be able to handle whatever volume they had so probably not. He said most of the time they would just meet him at the event.

Mrs. Cole asked if he already had contracts to provide his service. Mr. Hensley said they do. He said one of the reasons they did Columbus is because they are part of the Columbus Ohio Food Truck Association. The Association provides a service where if you are a member of the association, members are able to go out and pick locations where they want to serve from a Google calendar.

Mr. Kluczynski asked what the name of his company was. Mr. Hensley said it was Fat Cat Food Truck.

Mrs. Cole asked if they purchased a franchise or did he purchase the company. Mr. Hensley said it is not a franchise and they purchased the business from a gentleman who retired for medical reasons.

Mr. Collins asked how excess food would be taken care of. Mr. Hensley said in general, most of the bags of trash they have, if they are at a school would be disposed of at the school. He said they generate about one bag of trash on a shift. He said he does not think there would be an increase in disposal.

Mr. Dellinger asked about the hours of operation, the earliest they would leave and the latest they would return in the evening. Mr. Hensley said they are not currently a breakfast truck. The earliest they would serve anyone would be 10:30 am. which requires them to leave between 8:30 and 9:00 am. The latest that he has is Combustion Brewery and they ask that they stay until 10:00 p.m. unless it slows down prior to that time. He noted that he works third shift on the Police Department and if they were to do a festival, they would leave the truck there.

Mrs. Cole asked if when Mr. Hensley purchased this truck did he know he would need a Home Occupation Permit. Mr. Hensley said he did as he had discussed it with Ms. Sarko.

Ms. Schirtzinger asked if he had a plan in place to park the truck elsewhere.

Mrs. Gillette asked about cleanup and would there be dishes that need to be washed and things like that. He said everything would be cleaned before they got home.

Ms. Schirtzinger asked about employees and asked what Ms. Huber thought. Ms. Huber said she had been looking into this and she asked Ms. Sarko how she interpreted what Mr. Hensley said about employees. Ms. Sarko asked how often he would have an employee. Mr. Hensley

said he thought it would be the exception and not the rule. He said most of the events they do are 50 to

Violet Township Board of Zoning Appeals

January 17, 2019

60 customers, which is easily handled by two people. He said that if there were 125-150 customers he would need to add a person to work.

Ms. Schirtzinger said that one of the requirements for a Conditional Use Permit (for Home Occupation); the only people that can work are people that live in the house.

Mr. Kluczynski added that the zoning rules require that if you have non-family members as employees then you have to apply for a variance.

Ms. Huber said if he was willing to include it as a portion of his variance application that is good.

Mrs. Cole asked Ms. Huber and Ms. Sarko if the reason he needs to ask for a Conditional Use Home Occupation is because he would be doing a few things in his home. Ms. Sarko said it is because it is the home base. Ms. Huber said that to the extent he is storing food and the bookwork.

Mr. Kluczynski said in Mr. Hensley's opening comments he said he wanted to be a good neighbor and asked if he had the opportunity to talk to any of his neighbors before he closed on the truck. Mr. Hensley said he had and were able to do this with both his neighbors on each side.

Mr. Collins asked if he had an area designated for office. Mr. Hensley said he is a pastor. He said the room he would use for business is the same room he uses for pastoring.

Mrs. Cole asked if he had any other advertising besides on the truck. Mr. Hensley said most of the advertising is done through social media or word of mouth. He said he was hoping the truck would not be visible on the property.

Jesse Boyd, 13496 Capetown Avenue said his concerns were this area is a residential area and he is doing commercial work. He did not know if there needed to be a zoning change. Ms. Schirtzinger explained that they do not change the zoning as Mr. Hensley is asking for a Conditional Use Permit. Mr. Boyd said the property entails more than just bookkeeping. He noted the company letterhead showing the address for the business. He said Mr. Hensley has a commercial truck delivering commercial supplies to be stored onsite to be transferred later to be sold as a commercial item. He said the weekly deliveries are now one, if there is an increase in business, there will be increased deliveries.

Mr. Boyd asked if the Health Department would inspect where food is stored. He said it is a commercial storage site. He believes it is a commercial storage site. He said he does not see how one delivery is enough food to make money.

He said the letter that went out said the truck weighed two tons. Mr. Boyd said he thinks it weighs five tons and said that is a big difference. He believes he will have noise loading and unloading the truck. He said there is nothing that says he cannot clean. Mr. Boyd said there is no work plan for extra help. Regarding storage of the truck, Mr. Boyd said, in his mind, it would be next to the garage on a concrete pad. He does not feel you can build a high enough fence to deter from the view of the truck. He believes the cost of a pad for the truck would pay for storage for the truck for 4 to 5 years. He said he does not see any reason the neighborhood should suffer devaluations. He said it would be hard to deny the next request. He said the property is close to other commercial sites. He said that all homes could be turned into commercial businesses similar to Brice Road. Mr. Boyd requested that both applications be disapproved.

Mr. Kluczynski asked about the weight of the truck. Mr. Boyd said it said 5 tons on the application.

Mrs. Gillette referring to the comment about inspections she explained the Board does not have any control on the permitting and cannot speak to how food inspections are handled.

Mr. Boyd said he was concerned about the neighborhood and does not want the application approved.

Violet Township Board of Zoning Appeals

January 17, 2019

Mr. Collins asked how close Mr. Boyd's home was to 13450 Falmouth. Mr. Boyd said it was the opposite street. He said the entire subdivision was not notified. There was a discussion about the legal notice and the requirement to notify property owners within 500 feet of the property, etc.

David Copen of 13519 Capetown Avenue said he wanted to piggyback onto Mr. Boyd comments. He said he appreciates what Mr. Hensley wants to do but he is also looking out for his own interests. Mr. Copen said there is more to it than the delivery of the meats. He said he is assuming Mr. Hensley is going to be cooking with propane tanks and if so how big are they and where will they be stored.

He said he was a real estate agent and the value of the houses is coming back again. His main concern is the LP tanks. He asked where the grease vats would be emptied. He said he would also like to see what the truck looks like. He asked that the Board disapprove this request.

Greg Litchfield, 13466 Falmouth Avenue said he lives next door to Mr. Hensley and that Mr. Hensley did come to him and explained everything he wants to do. He said he as of yet, has not seen a truck pull up to make a delivery. He said he is the one most impacted and he does not have any problem with it.

Mr. Collins asked Mr. Litchfield if he had a deck or a room that would face the truck. Mr. Litchfield said their garages are side by side. Mr. Collins asked him if he had any problems with him operating a business from his home. He said not at all. He noted that he is in and out of his home all day and has not seen a delivery truck.

Mike Wiles, 13596 Capetown Avenue said he respected Mr. Hensley for starting a business but feels it will be disruptive. He wanted clarity on grease mitigation as he said that could draw insects and rodents. He asked if the truck needs to be plugged in the entire time does that mean there will be a cord running through the yard. He asked if there is a restriction or a time limit on the variance. Ms. Sarko said the Conditional Use, if approved, the Conditional Use Permit ceases to be valid when they transfer or sell the property.

Michael Jones, 13540 Capetown Avenue asked if the Conditional Use Permit were to be denied would that negate the need for the variance. Ms. Schirtzinger was that was correct. Mr. Jones said he was against storing any vehicle on the property and wants the existing zoning preserved.

Craig Weaver, 13456 Capetown Avenue said the homes in Eastwood Village are zoned for residences. He said he has lived in Eastwood Village for 28 years. He said the homes and their values need to be protected and a business should not be brought into a residential neighborhood.

He said that in 2016 the Township developed a program to reducing trucks on our roads by limiting the trash-hauling contract to one hauler. Now, a 5-ton truck will be brought into their community and on their streets.

Mr. Weaver distributed pictures representing Eastwood Village and he feels they are placing a burden on their community. He also submitted a picture of the truck from their Facebook page showing how the truck looks. He does not believe either case should pass.

Mrs. Gillette entered the following Exhibits into the record: Exhibit "A" containing nine photos of Eastwood Village, Exhibit "B" an image of the truck, Exhibit "C" a copy of the applicant's website.

Mr. Weaver said he also feels the additional traffic to the community puts their kids in danger.

Shaun Hensley, 13450 Falmouth Avenue explained the address on the Facebook page is the address he provided to the State of Ohio for business registration, as he does not have a business location. He said that address could be removed.

Violet Township Board of Zoning Appeals

January 17, 2019

Mr. Hensley said separating the Conditional Use from the variance there would be no other place for him to do the minimal amount of bookkeeping and to receive their chicken delivery. As far as the health inspection, he wanted to make it clear that Fairfield County Public Health Department is allowed to do pop-in inspections at any time. He said they come once a year and then they reserve the right to come any time they would like. He also said they are health inspected from the County they live in., but Columbus has jurisdiction over the truck. He said he tries to do everything the right way.

He said the denial of this application would be crippling for them to run the business. He said he would be willing to get the extra meat they needed at Kroger's if that would make everyone happy. He does not believe there will be a big increase in traffic. He said there are already trucking entering Capetown and Falmouth for internet deliveries and Amazon subscriptions. He does not believe it changes the volume of anything coming in or out of the neighborhood. Mr. Hensley said if the application is denied, they will have to figure out where to park and was not sure where they could do bookkeeping.

Ms. Schirtzinger asked about other supplies that he would need such as paper supplies. Mr. Hensley explained while they are out, they would pick up the supplies at Sam's Club. Ms. Schirtzinger asked about the disposal of grease. Mr. Hensley explained he has a relative in the sanitation business who has agreed to take it and the wastewater. He would just take it and dispose of it before he returns home.

Mr. Dellinger asked if he had propane. Mr. Hensley said yes they are stored on the trucks and they are part of their fire inspections. The tanks are pressure tested and leak tested regularly. They are filled off site. Mrs. Cole asked how often they are inspected. Mr. Hensley said the Fire Department does annual inspections and if you are in Columbus at a function, the Fire Marshall can do a surprise inspection.

Mr. Collins asked what size the delivery truck was that delivered his product. Mr. Hensley said it is a small box truck, smaller than a UPS truck and it has been coming to their house since they lived on Falmouth. He said the chicken is organic, local, with no antibiotics. He said the delivery truck is an E350 van.

Mrs. Gillette asked how the truck is plugged in and if there would be a cord strung across the yard. He said the cord is like an RV cord.

Mr. Kluczynski asked how maintenance of the truck would occur. Mr. Hensley said they have a mobile mechanic and he meets them if they are out serving at the site so they do not have to be shut down for him to do work on the truck. The only reason they would need to have the mechanic come to the house would be if the truck completely did not start. As this is their livelihood, they would have to take it somewhere.

Mr. Kluczynski asked what else besides protein would be delivered to the house. Mr. Hensley said it would be strictly chicken. He also asked how much volume would be in the freezer. Mr. Hensley said that is why they have a weekly delivery and most everything fits on the truck. He said he probably had an additional 50 to 60 pounds of chicken in their freezer at home.

Mr. Hensley explained there are multiple refrigerators on the truck. He said the equipment inside the truck would be serviced while it is mobile and most of the equipment is like brand new. He explained that most stuff fits on the truck and that it is a self-contained unit.

Mr. Kluczynski asked how much chicken is stored on the truck. Mr. Hensley said 40-50 pounds of chicken is stored in the upright freezer.

Mr. Dellinger asked how many freezers were on the truck. Mr. Hensley said there were one large freezer and two refrigerators.

Violet Township Board of Zoning Appeals

January 17, 2019

Mrs. Cole asked if there was a contingency agreement that if they are not approved they could return the vehicle. Mr. Hensley said did not have any contingency agreement. He would have to figure out something to make it work.

Mr. Collins asked if his estimation of how much food and deliveries he gets is based upon the previous owner's sales. Mr. Hensley said it was based off his sales. Mr. Collins asked if the last owner had additional staff or employees. Mr. Hensley said the previous owner if they were busy would call in a third person.

Ms. Schirtzinger asked about increased traffic. Mr. Hensley said only one delivery is received and the other supplies are picked up. He said there is little in and out. He said they do not need to come back and forth and noted the truck gets 8 m.p.g.

Mr. Kluczynski made the motion to approve Case Number 01-CU-2019, an application for Condition Use Permit pursuant to Violet Township Zoning Resolution Section 3J1-02(9) and Section 3AA5, requesting a Conditional Use Permit in order to conduct a home occupation known as Fat Cat Food Truck from the residence located at 13450 Falmouth Avenue as detailed in the application and today's applicant testimony. 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.

Mr. Kluczynski requested they take a 5-minute break at 8:59 p.m. The meeting resumed at 9:06 p.m.

Case Number 04-VA-2019

Ms. Schirtzinger swore in Nicholas Blecha, 8030 Busey Road, Canal Winchester. Mr. Blecha said he is having difficulties with his contractor, as he did not show up for the meeting this evening. He requested a continuance of his application until further notice. Mr. Kluczynski made the motion to continue Case Number 04-VA-2019 until such time the applicant is ready to proceed. Mrs. Gillette seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mrs. Gillette, yes; Mrs. Cole, yes; Mr. Collins, yes; Ms. Schirtzinger, yes. Motion carried.

Case Number 03-VA-2019

An application for variance filed by Shawn Hensley for property located at 13450 Falmouth Avenue. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA5-03(M) to allow a vehicle for a home occupation weighing more than two tons (gross) to be parked, stored or kept at the residence.

Ms. Sarko reported this application has been filed in conjunction with Case Number 01-CU-2019. Mr. Hensley would park his vehicle on the property during evening and overnight hours. The vehicle weighs 10,000 pounds and it would be parked on the north side of their residence. They plan to construct a fence to minimize the amount of the truck that is visible from the street.

Shawn Hensley, 13450 Falmouth Avenue explained they do intend, as soon as they have the ability with the thaw to move the truck on the north side of the property and begin construction of the fence as soon as they are able to do so. The fence would make it less visible from the street. Mr. Hensley said there is another fence in the neighborhood and Mr. Hensley contacted that neighbor as he thought it would be a nice fence. The noise level from the truck will not be loud, as it will not be running. As far as cleaning the truck, he said someone had referenced at

one point “How do you know they won’t just get tired and not clean it?” Mr. Hensley said it would be the same as owning a restaurant. He would not say I will clean my restaurant in the morning when I come in the next day. He said where they are serving is where the truck will be cleaned.

Mr. Hensley modified his application to request a variance form Section 3AA5-03(H) to have the ability to hire employees for spot labor as needed.

Violet Township Board of Zoning Appeals

January 17, 2019

Ms. Sarko asked when he parks his vehicle on his property how much space is between his house and his side lot line. Mr. Hensley said he was not sure of the distance. Ms. Schirtzinger noted they could place a condition that it could not be parked any closer than 15 feet. Ms. Sarko recommended that he first measure the distance to make sure. Mrs. Gillette noted the code requires no parking within 15 feet of the (side) property line in Section 3J2-12.

Mr. Rector asked about landscaping. Mr. Hensley said that would be part of the reconstruction of putting in a fence, removing the chain link and putting in a privacy fence further to the front.

Justin Dolan, 13247 Capetown Avenue was present. Ms. Schirtzinger swore Mr. Dolan in. He said he checked Google and he measured 30 feet between the two house structures. Mr. Hensley asked if it would help if he parked the truck in compliance with the zoning regulations. He said he would do whatever he needed to do to make it compliant.

A discussion ensued about the driveway and the feasibility of entering his property from the rear from Echo manor.

Mr. Hensley said that it would cost \$1,000 a month to park off-site. He said he would have to take food to the truck. He said the food needs to stay refrigerated.

Mr. Collins asked if the RV plug need to be installed or was it already there. Mr. Hensley said there was a 50-amp space open breaker free when he moved in. He was not sure if they had an RV or not.

Mr. Kluczynski asked if Mr. Hensley was going to comply with the requirement of setbacks then the Board did not need to consider that issue. Ms. Sarko said he would not need to obtain a variance for the setback requirements for parking if he is going to comply with the Zoning Code.

Mr. Kluczynski asked Ms. Huber if they could vote on the two variances separately, one for the vehicle being over two tons and the other to allow non-family, non-resident employees. Ms. Huber said they could.

Mr. Collins asked if the variance included having a vehicle onsite with signage. Ms. Sarko said the Code allows one motor vehicle used by the resident in his/her Home Occupation.

Ms. Schirtzinger asked if Mr. Hensley would be parking out back would he still plan to put a fence up. Mr. Hensley said yes.

Mrs. Gillette asked if they needed to make a stipulation because of the weight of the vehicle. Mr. Hensley said he has someone he knows that would do the concrete work.

Mr. Dellinger asked if there would be any issues with utilities if he had to move the pad to the back of his house. Mr. Hensley said he would have to call O.U.P.S. as he does not know where any of the lines are located. Ms. Sarko said if he would have to obtain an easement to enter his property from Echo Manor. She asked if there were hydrants along the lane in Echo Manor. . Mr. Rector said yes, there is water back there.

Mr. Collins said the application states the truck is 10,000 pounds and he wanted to know if there is much difference when it is fully loaded. Mr. Hensley said adding the food would only be a few

hundred pounds. Mr. Collins asked what the weight of everything was and Mr. Hensley said 10,000 pounds.

The Board agreed the needed additional information to their questions. The Board asked Mr. Hensley to provide the following information:

- Where the parking pad (for the truck) will be located should be shown on a plot plan;
- Access/Entry will he be using Falmouth or, if he is going to get an easement to enter from Echo Manor
- Check utilities to make sure there is nothing in the area where the pad will be located;

Violet Township Board of Zoning Appeals

January 17, 2019

- If he will be able to move the RV plug around to the back;
- Measuring the actual distance between the side of the garage and the property line;
- The size of the truck;
- The proposed fence – description and specifications;

Ms. Schirtzinger swore in Steve Hile, 13542 Falmouth Avenue. He explained that he moved to the neighborhood 18 months ago. He said his kids go to school with their neighbors. He said the neighborhood is a handsome neighborhood. He said his is blessed with a good career. He respectfully requested the variance for the truck be denied.

Bob Keefer, 13482 Falmouth Avenue said he lives two doors north of the applicant and objects to the idea of having a commercial vehicle parked in a residential neighborhood. Specifically, in regards to this commercial vehicle, it being a food truck and as large as it is he feels it is highly disruptive for the residential neighborhood and detrimental to property values. He feels it goes against everything about being in a residential neighborhood. He said he is not happy about the mix-up with where to place the pad and the fence and the consistency of it matching everyone else's fences. As far as he knows, there has been one other resident who requested and were granted the home occupation but variances were denied. He said he would have to look at the truck when he is out on his covered porch in the summer time. He said a privacy fence will not obstruct the view. He is against this variance to allow the vehicle to be parked either in the backyard or on the side.

Ms. Schirtzinger asked Mr. Keefer if he knew if their Civic Association had any bylaws about different types of fencing. He said he did not know.

Mr. Collins asked Mr. Keefer to bring a picture of the view from his yard.

Craig Weaver, 13456 Capetown Avenue asked the Board that a third party engineer or architect submit drawings for the setbacks and parking pad. This will ensure the information is correct, accurate and certified. Mrs. Gillette said the Board cannot require the applicant to bring in something from an architect.

Jesse Boyd, 13496 Capetown Avenue said Mr. Hensley has a fireplace chimney that extends out from the house and wondered if there was enough space to go into backyard. He mentioned the power line and said it could be relocated. He again asked that the application be disapproved.

Mike Wiles, 13596 Capetown Avenue said he was skeptical about the whole thing. He thought the truck would be parked on the street. Mrs. Gillette told him it would not be allowed to be parked on the street. Mr. Wiles said he misunderstood what was said.

Mike Garvey, 13626 Falmouth Avenue said commercial vehicles cannot be parked on residential streets by state code. He said if it passes then there should be a period. He asked that it not be passed. He said the streets in Eastwood Village were just paved and they got new curbs. He said the neighborhood cycles. The food truck is bright orange. He said he does not want to hinder Mr. Hensley but clearly, the neighborhood does not want the truck. He asked the Board to consider the neighborhood and whether it is advantageous. He said in his opinion, it is not. He asked that Mr. Hensley find another way to store the vehicle.

Mary Amorose, 13426 Capetown Avenue said she lives within 500 feet of the applicant. She wanted the Board to know there is a dip between Falmouth and Capetown Avenues. She said she can see everything on Falmouth from her ranch home. She wants to maintain the beauty of their neighborhood. She feels the food truck would be a detriment to the neighborhood.

Ms. Schirtzinger asked Mr. Hensley, to provide them at the next meeting, to tell them where the fence will be located and asked him to find out if the civic association has requirements for fencing. He said he checked and there were no restrictions. He also said he would never tie a metal fence into the privacy fence.

Mr. Dellinger asked him to bring a plot plan showing the pad location for the next meeting.

Violet Township Board of Zoning Appeals

January 17, 2019

Ms. Schirtzinger also asked him to bring a description of the fence, information about moving RV plug and dimensions of everything.

Mr. Hensley requested the Board to continue his application to the next meeting on February 21, 2019.

Mr. Kluczynski made the motion to continue Case Number 03-VA-2019 to the next regularly scheduled meeting on February 21, 2019 at 7:30 p.m. at the Violet Township Administrative Offices. 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.

The Board took a 5-minute break at 10:12 p.m. The Board reconvened at 10:17 p.m.

Case Number 01-VA-2019

An application for variance filed by David Iacobellis for property located at 10113 Granden Street, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3B2-05 to allow the construction of an addition to be placed closer to the side property line than permitted.

Ms. Sarko reported this property is located on the east side of Granden Street west of Stonecreek Drive.

The property is part of a Planned District and the setbacks follow the R-2 District. Ms. Sarko said the documentation does not provide specific dimensions for the structure and she calculated the addition to be 12.33' wide and the setback is 6' 8 11/16". The required side yard setback is 15 feet. Mr. Iacobellis confirmed the width of the addition as 12.33 feet wide.

David Iacobellis, 10113 Granden Street, Pickerington said he and his wife have lived there since 2005. He said one of the shortcomings he has experienced is the garage space. He has a 2 1/2-car garage. With storage of his equipment for his hobbies, he does not have enough room to park both vehicles in the garage. He thought if he builds a third car addition, they could use it primarily for his shop setup.

He said the plans submitted show the garage addition would match the style of the home and the style of the neighborhood. He said it should increase the property value of the home.

Mrs. Gillette asked if he would heat and air-condition the addition. Mr. Iacobellis said there would be electric and no water.

Mr. Kluczynski asked if he had discussed this with his neighbor. Mr. Iacobellis said he had with the one next door to him and that he seemed favorable.

Mrs. Cole said it looks like it will match the existing home. Mr. Iacobellis said they resided the home with hardiplank siding and faux brick and said that everything will match.

Mr. Dellinger asked how he would be tying his downspouts to the new addition. He said right now the water drains from that side of the house to the curb and he will connect into the existing line.

Mr. Rector asked if his driveway already have a bump out. Mr. Iacobellis said yes and will be extended even with the front of the garage.

Mr. Dellinger asked if the 10-foot garage door was for a third vehicle or just in case he wanted to move one of the other vehicles into the shop. Mr. Iacobellis said it will be for his shop.

Mr. Dellinger asked where the shop is going to be in relation to his neighbor. Whether it is the neighbor's garage there or is their house along the addition. Mr. Iacobellis said it is their garage.

Violet Township Board of Zoning Appeals

January 17, 2019

Mrs. Cole asked what type of equipment he would use for his woodworking. Mr. Iacobellis said table saw, radial arm saw, and sometimes he works on cars.

Mrs. Cole made the motion to approve Case Number 01-VA-2019 an application for variance from the provisions of Violet Township Zoning Resolution Section 3B2-05 to allow the construction of an addition to be placed closer to the side property line than permitted as shown in the application. Mrs. Gillette seconded the motion. Roll call vote: Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Collins, yes; Mr. Kluczynski, yes; Ms. Schirtzinger, yes. Motion carried.

Case Number 02-VA-2019

An application for variance filed by Paul J. and Deborah Lynn Boster, 200 Hickory Drive SW, Pataskala for property located at 10200 Busey Road. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3L2-02 to allow a lot in the S-1 District to have less than the required frontage.

Ms. Sarko reported this property is located on the north side of Busey Road and is zoned S-1. The property contains the office for Charter Hill Construction, a detached garage and a pole structure. In October 2018, the Board approved a variance to allow a split of the property with 30' of frontage. Specifically the motion stated "to approve Case Number 30-VA-2018 an application for variance filed by Paul and Deborah Boster for property located at 10200 Busey Road, requesting variances from Section 3L2-02, Section 3AA4-05(A)(6) and Section 3L1 with the condition the frontage be 30 feet in width along the eastern property line a distance of 302' feet ±".

Lots splits go through Fairfield County Regional Planning Commission. RPC Subdivision regulations require a minimum of 125 feet of frontage. A variance was required by RPC staff for the lot split. RPC staff recommended and the full Regional Planning Commission the following:

1. The variance shall be approved with the proposed lot split having 60' of frontage on Busey Road with a minimum of 60' of depth. The new lot can then be narrowed down to 30' of width along the existing driveway.
2. A condition of the variance will require a permanent access easement and property maintenance agreement over the existing drive to allow for shared access for the proposed lot split and remainder. The access easement shall be shown on a survey and be described when the lot split application is submitted for RPC Review.
3. Per Section 2.7.1(B) of the Fairfield County Subdivision

Due to the requirement of RPC that the frontage of the new lot have 60 feet of frontage, this causes the remainder, the office portion of the lot to have less than the required 125 feet of frontage for a lot in the S-1 District. Mr. Boster is before the Board to request a variance for the office side because it does not have 125 feet of frontage it has 117 feet.

Mr. Boster said it does not really affect the look of the property. It makes it a little harder for him to sell when that time comes.

Mr. Kluczynski asked about the maintenance agreement. Ms. Sarko asked Mr. Boster if he will submit the maintenance agreement and the shared access easement with the lot split. Mr. Boster said he would.

Mrs. Gillette made a motion to approve Case Number 02-VA-2019 application for variance from the provisions of the Violet Township Zoning Resolution Section 3L2-02 to allow a lot to have less than 125 feet of frontage but not less than 115 feet of frontage on Busey Road. Mrs. Cole seconded the motion. Roll call vote: Mrs. Gillette, yes; Mrs. Cole, yes; Mr. Collins, yes; Mr. Kluczynski, yes; Ms. Schirtzinger, yes. Motion carried.

Mrs. Gillette made a motion to approve the minutes next month and continue the election of officers for 2019. Mr. Cole seconded the motion. Roll call vote: all ayes.

Violet Township Board of Zoning Appeals

January 17, 2019

Mr. Kluczynski made the motion to adjourn at 10:44 p.m. Mrs. Cole seconded the motion. Roll call vote: All ayes. Meeting adjourned.

Respectfully submitted,

Donald Rector, Secretary

Date: _____

Cathy Schirtzinger, Chair