

# Violet Township Board of Zoning Appeals

March 28, 2019

Mr. Collins called the meeting to order at 7:40 p.m. and roll was called.

Members present: Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Kluczynski, yes; and Mr. Collins, yes. Also present was Kelly Sarko, Zoning Inspector and Jennifer Huber, Township Legal Counsel.

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

Mr. Collins informed all applicants there were only four Board members present. He said that three affirmative votes are required for approval and a two-two split constitutes a denial of the application. He explained the applicants have the ability to continue their applications until the next meeting when all Board members are present.

## **Case Number 09-VA-2019**

Case Number 09-VA-2019: an application for variance filed by Robert Hayes, Grand Communities, LLC 3940 Olympic Blvd. Suite 400, Erlanger, KY for property owned by Grand Communities located at 12740 Milnor Road. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3W2(G)(2) to allow the erection of subdivision monument signage and subdivision marketing signage prior to the recording of the subdivision plat.

Ms. Sarko reported this property is located on the east side of Milnor Road and is known as Chesapeake, A Planned Residential District with 80 single-family homes. She noted, the Township has received an application to modify the Planned District and it will have fewer lots.

Grand Communities is requesting a variance to allow the installation of permanent entry signage and a temporary marketing sign for the Chesapeake subdivision. The sign portion of the entry features 3'1" tall x 8'8" wide. The entry feature has a stone base connected to a pergola/trellis from which, it appears the sign is hung.

The sign is shown to be 31.1 feet from the edge of the right-of-way of Milnor Road and 41.1 feet from the edge of the right-of-way of Chesapeake Way. The entry feature signage is located on the north side of Chesapeake Way.

The temporary marketing sign is 8' x 4' with an overall height of 10'. This shown to be 10'8" from the edge of the right-of-way of Chesapeake Way on the south side of Chesapeake Way. The sign is shown to be 5 feet from the edge of the right-of-way of Milnor Road.

Section 3W2(G) requires in paragraph 2, the sign shall advertise only the sale or development of a recorded lot subdivision

Variances are required for both signs, as the subdivision is not platted. Additionally, it appears that a variance for the setbacks for the marketing sign are shown to be less than one foot for each square foot of sign area -Section 3W2(G)(3).

Jorge Espinosa of Fisher Homes, 7965 N. High St. Ste 20 was present.

Ms. Sarko referred to the subdivision sign in Exhibit F. It has a stone base with a pergola top and the Chesapeake sign is hung from the pergola. She said the dimensioned drawing shows the sign portion is 3' 1" tall x 8' 8" wide.

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Ms. Sarko said the marketing sign is shown on Exhibit G and it is 8'x 4' (32 square feet) and is 10 feet tall. The location of the marketing sign is shown on Exhibit H and is 5 feet from the 8-foot walk parallel to the edge of the right-of-way of Milnor Road and 10' 8" from the edge of the right-of-way of Chesapeake Way. The marketing sign is on the south side of Chesapeake Way and the permanent entry sign is on the north side of Chesapeake Way.

Mr. Espinosa said it was his understanding that it meets the requirements except for the plat has to be recorded. Ms. Sarko said she spoke to Mr. Hayes and indicated to him that the temporary marketing sign needs to be moved further back (from the right-of-way) because it requires a setback of one (1) foot for every square foot of sign area.

Mrs. Gillette asked if the subdivision signage meets all the requirements and but the issue is the community is not platted yet.

Mrs. Cole asked why it was not recorded. Mr. Espinosa said he did not know. He only knew that there was a delay in the recording that is part of the process. Ms. Sarko said they were in the process of installing infrastructure and that has to happen before it is recorded.

Mr. Kluczynski explained that Mr. Esposito could amend his application. Mr. Esposito asked to amend the application. Ms. Sarko said the modification would be to include a variance from Section 3W2(G)(3) to allow the sign to be placed closer to the right-of-way than one foot for each square foot of sign area as shown on and placed in accordance with Exhibit H in the application.

Mrs. Cole asked how long he proposed to have the marketing sign. Mr. Esposito said that it would be until the completion of the neighborhood. He said 2 to 4 years is typical. Ms. Sarko said the current layout is 61 units.

Mr. Kluczynski asked if it was necessary to have the sign up for 4 years in order to get 100% or would it make more sense to get to 75%. Mr. Esposito said it makes it very hard to get that last 25% with no marketing sign. Typically, until they have the last sale they keep the signs up. Mr. Kluczynski asked if he could assure the Board, it will be maintained, like new versus getting weather beaten and damaged. Mr. Esposito said that is a guarantee because the marketing sign is their name. Monthly, or definitely quarterly, they would paint it and touch it up. He said it is the same with the monument and that is why they do not prefer to turn it over to the Homeowners Association because the company maintains the entry, the monument and marketing side of the ground.

Mrs. Gillette asked if once the subdivision is 100% sold out and they take the marketing sign away does the Chesapeake sign get turned over to the HOA. Mr. Esposito said it would. Mr. Kluczynski asked if that particular sign was just one sided. Mr. Esposito said it typically does have illumination and he said it would be two sided. There will be ground lighting.

Mr. Kluczynski asked if the lighting would be 24 hours a day. Mr. Esposito said typically they do solar lighting so it does not last all night and it is not bright.

Mr. Kluczynski asked Ms. Sarko what her experience has been in the past with marketing signs. Ms. Sarko said it was typical. Mrs. Cole said she was concerned about it being closer to the right of way on Milnor Road as that is a bad traffic area. Mr. Kluczynski asked how far back could that sign go and still be feasible. Mr. Esposito said maybe 12 feet. Mr. Kluczynski asked how far it could go back to accommodate safety concerns. Mr.

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Esposito said 15 feet would be fair. He said they could be a total of 12 feet from the Milnor Road right-of-way.

Mr. Kluczynski asked Mr. Esposito to request to modify the application with the new dimensions. Mr. Esposito requested amend the application and move the marketing sign seven (7) additional feet from Milnor Road. Ms. Sarko noted the dimensions for the setbacks for the marketing sign are 12 feet from the edge of the 8-foot walk (along Milnor Rod) and 10'8" from the Chesapeake Way right-of-way.

Mr. Collins asked about the permanent sign and asked if the sign itself or the stone of the sign was measured from the right of way back. Mr. Esposito said the foundation of the sign.

Mr. Kluczynski asked when the signs be installed relative to the recording. Mr. Esposito said they would get them permitted and installed immediately. Mr. Esposito said regarding platting, typically they need the roads in and the underground utilities so probably about two months.

Mrs. Gillette asked if Ms. Sarko knew where they were in the process. Ms. Sarko said they have to amend their Planned District because the lot layout is in a new configuration. She said the Township has received the application but a public hearing has not yet been scheduled because the development text needs corrected so it matches the proposed plan. The tract layout is different from what was originally approved. Once she receives the requested information, the public hearing can be scheduled before the Board of Trustees. That will likely occur at the beginning of May and once that is approved then they go through the final plat approval.

Mr. Kluczynski asked if the Board had any concern about putting the signs up immediately versus holding off until they are further along. None of the Board members had any concerns.

Mr. Kluczynski made the motion to approve Case Number 09-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Section 3W2(G)(2) to allow the erection of subdivision signage and marketing signage prior to the recording of the subdivision plat and a variance from Section 3W2(G)(3) to allow a temporary marketing sign to be placed closer to the right of way than permitted, specifically, twelve (12) feet from the Milnor Road sidewalk and 10'8" from the Chesapeake Way right-of-way as shown in Exhibit H. Mrs. Cole seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Collins, yes. Motion carried.

### **Case Number 02-CU-2019**

An application for Conditional Use Permit for Home Occupation filed by Thomas A Gillies, Sr., Trustee of The Gillies Family Trust dated 1/26/17, for property located at 10785 Grant Lane, Pickerington. Pursuant to Violet Township Zoning Resolution Sections 3B1-02(9) and Section 3AA5, this application requests a Conditional Use Permit in order to conduct a home occupation from the residence located at 10785 Grant Lane.

Ms. Sarko reported this property is located on the west side of Grant Lane in the Grants Mini-Farms subdivision and is zoned R-2, Single Family Residential.

Mr. Gillies is requesting to conduct a home occupation – TG Plumbing and Mechanical from an outbuilding on his property. He indicates his business is a plumbing construction services company. Mr. Gillies states that he has 24 employees of which 21 are field

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employees. He states the offices and storage at 10785 Grant Lane will be housed in a new 56'x 72' pole building. He said he has two vehicles for the home occupation will be stored on the property.

In conjunction with this application, Mr. Gillies has filed an application for variance to allow non-resident and non-family members to participate in the home occupation as well as a variance to allow more than one vehicle used in the home occupation to be parked or kept at the residence.

Thomas A. Gillies, 10785 Grant Lane, Pickerington said he was requesting to be able to operate out of their home. They have a plumbing construction company. He said all of his people go directly to construction sites so there are not people coming to his residence. They have one additional vehicle for a delivery person who goes to different sites delivering tools or picking up parts. He said it is rare that he has deliveries to his residence.

Mr. Collins informed Mr. Gillies there were four Board members present and that three positive votes are required. He asked Mr. Gillies if he wanted to proceed. Mr. Gillies said he wanted to proceed.

Mrs. Cole asked where his business has been occurring. Mr. Gillies said he has been working out of his home office. They want to build a pole barn to house three offices. He Mrs. Cole asked how long he has been in business. Mr. Gillies said about two years.

Mr. Kluczynski said he thought the application was a bit convoluted – the Board is considering a conditional use, then a variance for employees, the number of vehicles and lastly the construction of a pole barn but he addresses all these things in this first case. Mr. Kluczynski said he states that he has 24 employees and 21 of them are field employees that report directly to the commercial job site. He asked who are the other three employees? Mr. Gillies said himself, his son who works from his home; an estimator and they anticipate having an administrative or accounting person so it would be two additional people on the premises.

Mr. Kluczynski noted that on the front of his application he says only one non-family employee will regularly come to the Grant Lane address but it would actually be two people. Mr. Gillies said two was correct. Mr. Kluczynski asked if there was a likelihood that if the business grows if there would be more people. Mr. Gillies said he did not think so. Additionally, if the Board made a stipulation to not go beyond that number, he is ok with that. He said that in 3-5 years they might need a larger commercial facility.

Mr. Kluczynski asked if he was in the residential or large commercial plumbing and mechanical systems. Mr. Gillies said large commercial, construction sites. They will have like one job that typically lasts a year or more. Everything they do from the residence is primarily administration. Mr. Kluczynski said that a home occupation is not supposed to be a major enterprise.

Mrs. Cole said that right now, he was the only person who has an office at his home. She asked if his son and the estimator come to his house now. Mr. Gillies said they do occasionally but when they get the building, he would walk over. She asked if he would have just one additional vehicle coming to his site. Mr. Gillies said that was correct. He said there would be signage on the truck that has T.G. Plumbing on the side of it. He keeps it at his house.

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Mrs. Cole asked what an occasional delivery looks like. Mr. Gillies said a couple times a month. Mrs. Cole asked if this would increase as his business grows. Mr. Gillies said no. Mrs. Cole asked what those deliveries typically would be. Mr. Gillies said small boxes delivered by a box truck. Mrs. Cole asked if currently there was any signage on his property. Mr. Gillies said no and he does not plan for any other than his one truck. Ms. Sarko asked how many vehicles have signage on them. Mr. Gillies said three have signage on them.

Mr. Collins asked if his business was now operating inside his residence or in the pole barn. Mr. Gillies said in his house right now.

Mrs. Cole what the mechanical part of the business was. Mr. Gillies said when they set it up their intention was plumbing construction. They intended to look into the HVAC. It would be construction and not the service and large construction sites.

Mr. Collins asked if at any time would they have any chemicals or hazardous waste on the property. Mr. Gillies said no.

Mr. Collins asked if he was proposing to operate it out of his home or move it to the pole barn. Mr. Gillies said he would like to move it to the new pole barn so the three of them can be together. He said that in the current pole barn there is not enough room to expand the business. Mr. Collins asked if his request did not pass did he have any other options. Mr. Gillies said absolutely and they would make contingency plans.

Mr. Kluczynski said there is a provision in the zoning under the Home Occupation where it does allow for signs advertising the Home Occupation. In the past, they have considered signage on a vehicle. Ms. Sarko said she does not consider vehicle signage as signs for Home Occupations. She noted if he has three vehicles he needs a variance as he is allowed to have only one vehicle for the Home Occupation.

Kelly Ensmann, 10838 Grant Lane said she lives across the street and can attest to the accuracy of everything Mr. Gillies has said. She said she really does not hear anything going on and she is a stay at home mom.

Tyler Gillies, 10839 Grant Lane said his truck is parked in the garage and will not be seen.

Sandra Woodward, 10892 Grant Lane said she lives in a residential district and is concerned about bringing commercial into the residential district. She feels that a commercial business in the area would cause decreased value of her home. She said they have noticed the trucks going in and out with the signage.

Mr. Collins explained to her that her home would still be residential. Mrs. Cole noted with a Conditional Use Permit, they try to make sure the character of the neighborhood is maintained as it is now even if someone is operating a business.

Bernie Kenny, 10676 Grant Lane said she was not opposed to anything but said she thought he was going to increase the size of the pole barn. He said he was proposing 56' x 72'. Mr. Collins explained some of her other questions might be answered in one of his upcoming cases.

Brett Bressler, 12915 Basil Road, Baltimore, asked for someone to define Conditional Use. Ms. Sarko explained it is a use that is permitted provided it meets conditions set forth in the Zoning Code and one which is approved by the Board of Zoning Appeals.

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Mr. Kluczynski wanted to clarify Ms. Sarko's comments about Home Occupations. He read part of Section 3AA5-02 from the Zoning Code "a use which is a revenue-producing activity, profession, occupation, service, craft, or hobby which is clearly incidental and subordinate to the principal use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or within a permitted accessory building, without any significant adverse effect upon the surrounding residential environment". He said it should never change the residential nature of the neighborhood.

Mrs. Cole made the motion to approve Case Number 02-CU-2019 an application for Conditional Use Permit to conduct a Home Occupation from the residence located at 10785 Grant Lane, Pickerington. Mrs. Gillette seconded the motion. Roll call vote: Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Kluczynski, no. Mr. Kluczynski noted his decision was based upon the number of employees, the vehicles, the additional building the offices and feels it is out of character for the neighborhood. Mr. Collins, yes. Motion carried.

### **Case Number 07-VA-2019**

An application for variance filed by Thomas A Gillies, Sr., Trustee of The Gillies Family Trust dated 1/26/17, for property located at 10785 Grant Lane, Pickerington This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA5-03(H) to allow non-residents of the dwelling and non-family members to participate in a home occupation as an employee, employer or volunteer; and Section 3AA5-03(L) to allow more than one motor vehicle used by a resident in their home occupation to be parked, stored or otherwise kept at the residence at any one time.

Ms. Sarko reported this application was filed in conjunction with the previous case, Case Number 02-CU-2019. Mr. Gillies is requesting variances to allow employees and non-family members to participate in the Home Occupation. In this application, he is requesting a variance to allow two non-family members to use offices in the building. However, the narrative statement indicates he has a total of 24 employees.

This application also requests a variance to allow more than one vehicle used by Mr. Gillies in his Home Occupation to be parked or stored or kept at the residence. Mr. Gillies is asking to allow two vehicles to be used in the Home Occupation.

Section 3AA3-05(H) states: Non-residents of the dwelling and non-family members may not participate in the home occupation as an employee, employer, or volunteer.

Section 3AA3-05(M) states: No more than one motor vehicle which is used by the resident may be parked, stored or otherwise kept at the residence at any one time.

Thomas A. Gillies, 10785 Grant Lane explained he was asking to have one additional vehicle besides his personal vehicle. His son's vehicle is at his son's house and his vehicle is at his house. He is requesting one additional vehicle. That is the main reason he is increasing the size of the pole barn. He would keep both vehicles in the pole barn so they would not be seen from the street.

Mr. Kluczynski noted that Mr. Gillies said he would have his son, himself, an administrator and a 4<sup>th</sup> person. Therefore, he would at a minimum, have three additional vehicles on his property. Ms. Sarko said they would be visitors for the purpose of working there, the number of vehicles that are involved in home occupation on his particular property are two and Mr. Gillies' son and his vehicle will be at the son's property next door. There will be Mr. Gillies' truck and his parts truck. Then there would be the employees who bring their vehicles to the site but they are not used in the Home Occupation per say. Mr.

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Kluczynski said they are because it is adding two additional employees. Mr. Kluczynski wanted to clarify the issue about the number of employees the Board has to consider. Ms. Huber said it would be 24 for the non-resident, non-family member employees.

Mrs. Cole asked Mr. Gillies if he is saying he will never have more than three non-family members using offices in his building. Mr. Gillies said that was correct. Mrs. Cole also asked if the field staff is never coming there to that location. Mr. Gillies said he would not say never, but very rarely. Mrs. Cole asked what that would look like. Mr. Gillies said once a month.

Mr. Collins asked if his other son would be working with him as well. Mr. Gillies said no he worked for an insurance company.

Mrs. Cole asked if he said he would be willing to limit the number of people coming to his residence coming for work of no more than three, non-family members. Mr. Gillies said yes.

Mrs. Gillette said Ms. Sarko stated she had quoted the wrong code section and wanted clarification. The correct section we are looking at is Section L and it reads 'No more than one motor vehicle which is used by the resident in his or her home occupation may be parked, stored or otherwise kept at the residence at any one time'. Section H states non-residents of the dwelling and non-family members may not participate in the Home Occupation as an Employee, Employer or Volunteer.

Mrs. Gillette entered the Covenants of the Grant Mini Farms Subdivision into the record as Exhibit "A". Mr. Kluczynski asked how we obtained this exhibit. Ms. Sarko said a resident of Grant Mini Farms dropped it off and wanted to remain anonymous. Mrs. Gillette said the document was recorded in 1969. Ms. Sarko said she believes it is the same covenant that is applicable. Ms. Huber said to keep it in the packet.

Mr. Kluczynski made the motion to approve Case Number 07-VA-2019 a variance from the provisions of Violet Township Zoning Resolution Section 3AA5-03(H) to allow twenty-four (24) non-residents of the dwelling and non-family members to participate in the home occupation with the condition there be no more than three (3) non-resident employees who report to the premises for work; and a variance from Section 3AA5-03(L) to allow not more than three (3) additional vehicles including one (1) marked vehicle and two (2) unmarked vehicles for employees reporting to the premises. Mrs. Gillette seconded the motion. Roll call vote: Mr. Kluczynski, no and said that it is not in character with the neighborhood and not be a subordinate use; Mrs. Gillette, yes; Mrs. Cole, yes; Mr. Collins, yes. Motion carried.

### **Case Number 08-VA-2019**

An application for variance filed by filed by Thomas A Gillies, Sr., Trustee of The Gillies Family Trust dated 1/26/17, for property located at 10785 Grant Lane, Pickerington. This application requests a variances from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(2) to allow the construction of a detached accessory building which will exceed the gross floor area permitted on a lot greater than one acre in area; and Section 3AA4-05(A)(4) to allow the height of an accessory structure to exceed the height of the home's highest peak or ridge.

Ms. Sarko explained Mr. Gillies is requesting to construct a 56' x 72' pole barn on the property. It is our understanding that the existing building would be replaced with the proposed new structure.

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The Fairfield County Auditor's Office website indicates the home on the property is a single-story home with 2,805 square feet of living area. The proposed pole building is 4,032 square feet. Mr. Gillies' lot measures 274.50' x 793.52', which is 5.00 acres.

Section 3AA4-05(A)(2) requires on lots larger than one acre in area, the total floor area of all accessory buildings on the property, when added together, shall not exceed the actual total gross floor area of the principal building.

A variance is required as the area of the pole building is larger than the gross floor area of the home.

Drawings submitted with the application do not provide a wall height for the proposed pole building. Mr. Gillies indicated via email that the walls on the pole barn are 16 feet in height. The construction drawings show the trusses to be 10 feet in height. Therefore, it can be calculated the height of the pole barn is at least 26 feet in height. Mr. Gillies indicated the height of his home is 24 feet.

Section 3AA4-05(A)(4) requires the height of the accessory structure shall not exceed the height of the principal use's roof's highest peak or ridge.

Thomas A. Gillies, 10785 Grant Lane said they want to put four offices together so they can have their people together. He said the existing pole building is 1,200 square feet and does not hold what they have. They want to be able to park vehicles in there as well.

Mr. Kluczynski asked what the square footage of his home was. Mr. Gillies said it was 2,800 square feet. Mr. Kluczynski asked what the height was. Mr. Gillies said it was 24 feet. Mr. Kluczynski asked if the pole barn would have utilities, water, restroom, air conditioning, etc. Mr. Gillies said it would. Mr. Gillies said he would put in electric, a bathroom and some type of heating and an air conditioning system.

Mrs. Cole asked what the offices would be like inside this pole barn. Mr. Gillies said he envisions a wall to separate the offices and warehouse and he would have short walls for the offices.

Mrs. Gillette asked if he would be tearing down the existing building before he starts construction on the new one. Mr. Gillies said he would be using existing concrete and adding to it.

Mrs. Cole referencing Exhibit "A" from Case 07-VA-2019, Grants Mini Farms Covenant, asked if Mr. Gillies was concerned that the deed restrictions or restrictive covenants prohibit him building something this big. Mr. Gillies said he did not realize the covenants restricted him from building something that large. She asked if he had read Section B of the restrictive covenants which talks about the square footage for each building for any 2½ acres of land area. He has 5 acres so he has twice that. She asked if anyone had talked to him about that. He said no.

Mrs. Gillette asked what else he was going to store in the building. Mr. Gillies said the F-150 and his vehicle that has the signage. He said he might occasionally park some equipment in there. She asked if he had another outbuilding where he puts his tractor. He said he has three outbuildings on three five-acre plats. He said there are numerous pole barns in Grant Mini Farms that exceed the 1,500 square feet.

Mr. Collins asked what his plans are if this variance is not approved. Mr. Gillies said more than likely he would resubmit another option.



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Mrs. Gillette said one of the other items in the restricted covenants is it says the intent and purpose is to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced. She asked if the pole barn going to match the existing pole barn and is it going to match the house. Mr. Gillies said it will be white with a black roof. It will be much better than what is there now. He said it will have 14-foot doors.

Mr. Collins asked if he had a loft. Mr. Gillies said he did not. It was on the drawings but he told the builder to take it out, as they did not need it.

Ms. Sarko asked how close the pole barn is to his side property line. Mr. Gillies said 10 feet. Ms. Sarko noted that it has to be 15 feet. Ms. Sarko noted that one of the covenants and restrictions says; no building shall be located on any lot near to the centerline of any street or roadway than 80 feet which (his house is far back) nor near to the interior lot line. It was noted the Zoning Code requires the building to be 15 feet from the property line and the covenants require 20 feet.

Mr. Collins asked if the new pole barn would face the same direction of the current barn. Mr. Gillies said it would.

Mrs. Cole asked if he had thought of dimensions that he could make if this was not approved. Mr. Gillies said he had. They would look at something scaled down a bit as far as height and would scale down the length.

Mr. Collins asked what else he would store in the barn besides his trucks and such. Mr. Gillies said some tooling and they only have two pieces of equipment; a skid steer and an excavator.

Mrs. Gillette referring to the covenants, under Section D where it says land use and building type it says; utility type buildings, none of which exceed 1,500 square feet each for any 2½ acre of land area. For purposes of a variance, we are talking about the difference between 3,000 and it would be 1,232 in excess.

Mr. Collins asked if he had to put his trailer into a pole barn with offices what is the square footage that he would need. He said would be comfortable with 3,300 square feet. 56' x 60', reducing the length by 12 feet.

Ms. Huber said Ms. Sarko has pointed out that the home is 2,805 square feet.

Mr. Collins asked what are his plans if his business was to grow. Mr. Gillies said their intent is to do this for about another three years then look at buying some property and building a commercial building.

Mrs. Cole asked if he was willing to modify his application to 56' x 60'. Mr. Gillies said to leave it where it is and then if it does not get approved they will modify it.

Kelly Ensman, 10838 Grant Lane asked about the land use referring to the restrictive covenants. Ms. Huber said this Board is not in charge of that and she advised the Board to not express an opinion of what it means or may not mean.

Sandra Woodward, 10892 Grant Lane said she thinks this huge building is going to detract from the neighborhood. She thinks a smaller structure would be much better.

Brett Bressler, 12915 Basil Road, Baltimore, Ohio said he really does not have major opposition to this. He said they own the property to the west. He said they have to look

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to the future and he does not want a domino effect to happen. He felt it grew as the night went on as far as personal storage and so on. He asked about restrictions from the west. Ms. Sarko said the structure is required to be 15 feet from side and rear property line.

Gayle Kenny, 10676 Grant Lane said she thought the 4,032 square feet is just too large.

Mr. Gillies amended his application for 56' x 60' pole building. He said would speak with his attorney to make sure it was ok to go beyond 3,000 square feet or not because of the covenants.

Mr. Collins said another concern was about the use of the pole barn and whether it was for personal or business. Mr. Gillies said it was dual purpose as they have tractors, mowers, vehicles, his truck etc. Mrs. Cole asked if he was able to estimate what percentage will be used for the Home Occupation versus personal. He said probably 50/50.

Mr. Collins said there were comments about other pole barns in the area and asked if he thought the size of his pole barn seemed to fit in with the rest of the neighborhood. Mr. Gillies said there were all different types and some were better than others and some were large and he did not think anyone's was over the 3,000 square foot covenant.

Mrs. Gillette wanted to verify one thing. The Zoning Code requires a 15-foot setback and even though we are not following the covenant she wanted to know if he was going to stick with the 15 feet that the code allows or move it to 20 feet. Mr. Gillies said he would stick with the 15 feet and would ask his attorney.

Mrs. Gillette made the motion to approve Case Number 08-VA-2019 for property located at 10785 Grant Lane to approve variances from Violet Township Zoning Resolution Section 3AA4-05(A)(2) to allow the construction of a detached accessory building no larger than 56' x 60' (3,360 square feet) as amended, and Section 3AA4-05(A)(4) to allow the height of the accessory building to exceed the height of the home by no more than two (2) feet with the condition the existing structure be removed prior to the construction of the new building. Mrs. Cole seconded the motion. Roll call vote: Mrs. Gillette, yes; Mrs. Cole, yes; Mr. Kluczynski, no and said the accessory building is too large for the residential area and it is not in the spirit of home occupations; Mr. Collins, yes; Motion carried

Mr. Kluczynski made the motion to adjourn the meeting at 10:07 p.m. Mrs. Cole seconded the motion. Roll call vote: All ayes. Meeting adjourned.

## Approved by:

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Thomas Collins, Chair

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

\_\_\_\_\_  
Donald Rector, Secretary

\_\_\_\_\_  
Cathy Schirtzinger, Board Member

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Denise Cole, Board Member

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Rick Dellinger, Alternate Member

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Albert Kluczynski, Board Member

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Stephanie Gillette, Board Member