

Violet Township Board of Zoning Appeals

April 18, 2019

Mr. Collins called the meeting to order at 7:35 p.m. and roll was called.

Members present: Mr. Dellinger, Ms. Schirtzinger, Mrs. Gillette, Mrs. Cole and Mr. Collins. 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 Kelly Sarko, Zoning Inspector, was also sworn in.

Mr. Collins appointed Rick Dellinger will be the acting Secretary for this meeting.

Case Number 10-VA-2019

An application for variance filed by Charles and Martha Hodges for property located at 11505 Huntington Way. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3B2-06 to allow the construction of an addition, which is to be placed closer to the rear property line than permitted.

This property is located in the Huntington Hills subdivision which is zoned R-2, Single Family Residential. The Hodge's property is located on the west side of Huntington Way on Lot 375. In addition to Lot 375, the property also contains a portion of a tract previously owned by the Fairfield County Commissioners.

Mr. Hodges is requesting a variance to allow the construction of a 24' wide x 20' deep covered porch addition. A variance is required because the portion of the proposed covered porch that is closest to the rear line of Lot 375 is 35.5 feet (per the plot plan submitted with the application) from the rear line. The remainder of the deck meets the required rear yard setback as the lot extends further west. An aerial image from the Fairfield County Auditor's GIS imagery shows the layout of the lot and the location of the home on the property.

Violet Township Zoning Resolution Section 3V-206 requires each lot will have a rear yard of at least 50' feet between a rear lot line and a dwelling.

Chris Blackmon, 13375 Pickerington Road acknowledged he had been sworn in. Mr. Blackmon explained the Hodges want a nice cover on their existing patio. He said their lot has a weird shape that all but one small section does not meet the setbacks. He said this is their last home so they want to make it as comfortable as possible. He said the lot next door that is vacant belong to them.

He said that all the materials they are using will match the existing home. Mr. Blackmon stated he had documentation from the HOA stating if the board approved this then they were ok with it. Mrs. Cole asked if they could look at the letter from the HOA.

Mrs. Gillette wanted to clarify they were looking at a variance for 14.5 feet; it needs to be 50 feet and will only be 35.5 feet.

Mr. Dellinger asked if this were going to be an enclosed, 3-season room. Mr. Blackmon said it was not, it would just be left open and it won't have screen or anything. There will be no electric or plumbing. Mr. Blackmon said there would be one fan.

Mrs. Gillette entered Exhibit A into the record which consisted of a 3-page letter from Huntington Hills Homeowner's Association.

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Mr. Collins asked how much further the roof will overhang. Mr. Blackmon explained the 6" x 6" post will be planted outside of the concrete patio and there would be a 1-foot overhang. He said there will be no attic and the pitch of the roof would be 3/12. The gutters would be tied into the existing gutters.

Mrs. Cole made the motion to approve Case Number 10-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Section 3B2-06 to allow the construction of an addition which is to be placed 15.5 feet closer to the rear property line than permitted. Mr. Dellinger seconded the motion. Roll call vote: Mrs. Cole, yes; Mr. Dellinger, yes; Ms. Schirtzinger, yes; Mrs. Gillette, yes; Mr. Collins, yes. Motion carried.

Case Number 11-VA-2019

An application for variance filed by Dustin Lindsay, 13730 Toll Gate Road, Pickerington for property located at 13760 Toll Gate Road. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3A2-02 to allow the creation of a lot, which is less than one hundred twenty-five feet in width at every point measured parallel with the road frontage.

Ms. Sarko reported this property is located on the east side of Toll Gate Road and contains, per the tax maps provided by Fairfield County show 23.49 acres with 370.53 feet of frontage. The property is proposed to be split into two parcels. The southern split will contain 13.045 acres with 245.50 feet of frontage. The northern tract will contain 10.040 acres with 125 feet of frontage.

The township Zoning Resolution requires for lots that are two acres or more in area, each lot must contain 125 feet of frontage and must be 125 feet in width at every point parallel with the road frontage.

The proposed property line meanders at its narrowest point parallel to the road frontage on Toll Gate Road, approximately 790 feet from the centerline of Toll Gate Road, is 20 to 30 feet in width. At this point however, the lot from the northern property line to the new property line is approximately 280 feet in width. A variance is required for the northern tract because the lot, at various points parallel with the road frontage is less than 125 feet. She said the revised survey shows the placement of the house and its setbacks to the property line.

No one was present on behalf of the application. Mrs. Gillette made the motion to continue Case No. 11-VA-2019 to the May 16, 2019 BZA meeting to be held at the Township Offices, located at 12970 Rustic Drive at 7:30 p.m. Ms. Schirtzinger seconded the motion. Roll call vote: Mrs. Gillette, yes; Ms. Schirtzinger, yes; Mr. Dellinger, yes; Mrs. Cole, yes; Mr. Collins, yes. Motion carried.

Case Number 12-VA-2019

An application for variance filed by Green Ohio Homes, LLC., 160 Rolen Road, Etna, Ohio for property located at 8925 Oakshire Drive, Pickerington. 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 closer to the front and rear property lines than permitted in the Winding Creek Planned District.

Ms. Sarko reported this property is located on the west side of Winding Creek Way at the intersection of Winding Creek Way and Oakshire Drive. Winding Creek is a Planned Residential District. The required setbacks for this portion of Winding Creek are : Rear:

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50 feet; Side: 10 feet, and 20 feet between homes; the front setback is platted and in the case of Lot 69 the platted building line is 40 feet and Winding Creek Way is the front of this lot.

The home is proposed to be constructed 44 feet from the rear property line. The front porch is 33.42 feet from Winding Creek Way (the property line). The main portion of the home is 39 feet from Winding Creek Way (the property line).

Jon Hanson, 160 Rolen Road, Etna, Ohio said they were looking at building a 2,200 square foot, ADA accessible home. He said this location is about 1.2 miles from his mother-in-law and it would make it easier for his wife to take care of her. They are building fully ADA accessible and the only way to do that is stretch about 6 feet across the back. He said there will be a fully covered front porch that would extend into the right-of-way but it will be open. He said they would use stone, stucco and high quality materials.

Mr. Hanson said it was the second smallest lot in the subdivision. Mr. Dellinger asked if this was a corner lot. Mr. Hanson said it was.

Mr. Collins asked if he planned on any porch or deck on the rear of the home. Mr. Hanson said just a concrete slab.

Mr. Dellinger said from the drawing it looks like the garage is inside the 40-foot building setback. Mr. Hanson said that was correct.

Joann Marcinko, 8922 Oakshire Drive said her major concern, as a parent of 4 children having to cross Oakshire to get the bus stop, she said it is a busy intersection. She said any more obstruction of view is going to make them crossing the street to the bus stop even more challenging and it is already difficult to see around the corner.

There was a brief discussion about where kids cross the street. Mrs. Gillette stated that jaywalking across a street to catch a bus is illegal and unsafe. Comments were made that the kids should use the crosswalks.

Scott Wade, 8416 Morgan Street said there are drainage issues in this neighborhood and his concern is the drainage. He said it gets soggy when it rains and the other neighbors completely flood. He said his biggest issue is drainage and mosquitoes.

Mr. Dellinger said the drainage should be heading to the street. Mr. Wade said there were drainage issues, and, as far as water runoff from the yards, there is supposed to be some kind of swale between his yard and the applicant's yard.

Ms. Sarko noted that Chad Lucht takes care of drainage, erosion and sediment control permits, reviews the finished elevations in comparison to what the construction drawings for the subdivision require. This process has been implemented since Winding Creek started to be built. Ms. Sarko encouraged Mr. Wade to also speak to the County Engineer's office because they are a part of the Drainage Maintenance District. Mr. Wade commented they are losing 6 feet of absorption.

.Jeremy Marcinko, 8922 Oakshire Drive referred to the variance request for the front of the home. He said one of his concern is kids on bicycles. He expressed concerns about aesthetics and how it fits in with the neighborhood. He thinks the house will hurt the property values and what they are asking for is going to look less than desirable in their neighborhood.

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Lisa Rager, 8938 Oakshire Drive said there is always standing water at the end of her driveway and along the street. Aesthetically she said it does not line up with all the other houses in the neighborhood.

Mr. Collins asked if there were any other lots in the area the house could be constructed without a variance. Mr. Wade said probably not as this was the second smallest lot in the subdivision. Mr. Dellinger noted it is a corner lot.

Lisa Drerup of 8398 Morgan Street said she feels they should make their house wider instead of deeper.

Craig Drerup, 8398 Morgan Street said this lot one of few in the neighborhood and could go to another neighborhood.

Roselyn Jackson, 8985 Winding Creek said the house will be right next door to her home. She wanted to know how it will affect her as she was not really sure. Ms. Sarko said her home will be in line with his house but his front porch will stick out closer to Winding Creek Way than hers does. Her front porch is in line with the building line.

Jeremy Marcinko, 8922 Oakshire Dr. said they have a 917 square foot, 3-stall garage and 2,300 square foot (home) and said it seems reasonable that they could redesign the home and not need a variance if they not had a 917 square foot garage Mr. Marcinko said the porch roof will be out 7 feet regardless of where the building starts.

Nita Hanson, 160 Rolen Rd. SW, Etna, Ohio said the architect was present and he could address any of the technical questions. She wanted to point out they have just asked for a modest variance in order to reasonably accommodate a fully ADA compliant home.

Eric Shaver, Architect, 709 Highland Drive, Columbus, Ohio said the corner lot site shown on the plan is the zoning requirement or legal requirement for the sight triangle for the traffic at that intersection. He said from a legal perspective, if there is a traffic concern, it should be outside the concerns of the Zoning Code or maybe a law enforcement problem or a maintenance problem which is not something that property owners can address on their own.

Regarding the concern with flooding, the assertion that the building would be higher than the finished floor elevation. They are asking for an accessible home. They bought the lot and designed the home so that somebody from the sidewalk could approach the home at a reasonable grade without assistance. It is important to note that the USDA has done several tasks concerning the permeability of grass in as little of 15 feet of grass when fully grown. When rooted, permanent erosion control can take approximately 3 to 4 times amount of area of which that 15-foot wide grass area would actually drain into. It is important to note they have not increased the impervious area on this lot in terms of drainage. The drainage will be taken to the street by gutters, downspouts and grading of the driveway so it is not going to be on anyone else's property. Whatever is left would be taken up by the grass or drained through natural methods.

In terms of projecting beyond the setback he is not aware of anywhere in the Zoning Code where it talks about any aesthetic or Architectural Review Board or any concerns from a legal perspective minus those directives by the Zoning Code, he assumes it is a permissible code like any other code and you are allowed to do anything within the bounds of the code. There is no directive concerning the aesthetic values in the Zoning Code.

Contending that there are no other lots available that is a very difficult economic question to address. He and John Hanson considered other options for months. They took under

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consideration technical, economic, and financial questions that probably are not undertaken by homeowners at all. He said John Hanson made the decision this was the most economically, financially and technically viable piece of land. He said there is another development around the corner and that development has a number of restrictions that will not fit their needs.

Regarding the question about the dedication of the amount of garage space to the overall footprint of the house. Again, nothing in the Zoning Code and nothing in the deed restriction limits or controls the proportion of the garage space to the living space itself. The only control is in the deed restriction which says it has to be a 2-bay garage. Based on all their previous meetings there seems to be a large push to make the garage larger so it can accommodate not only the requirements for ADA accessibility, which are larger than a typical garage. There is no ability in this development to put an outbuilding as it is not permissible under HOA rules. He said they were encouraged to continue to add square footage above and beyond the minimum.

With regards to the question about a one-story house and whether you could build a 2-story house, he said you probably could, but ironically not too many of the houses that are 2-stories would actually fit on this lot. For an ADA accessible house, it is going to be very difficult to give every occupant of the house equal access to all the amenities of the house in a 2-story building. That was the decision for the single-story house.

Mrs. Cole asked who encouraged them to increase the square footage of the house. Mr. Shaver said it was the HOA Board. Mrs. Cole asked if there was a way to configure this ranch house in a different way so that it is still ADA accessible so that it meets the setback requirements. Mr. Shaver said to remove square footage from a house would not be possible because the HOA would not approve it and the footprint cannot change. On the front yard setback they could push the building to the west and therefore obviously decrease the rear yard setback and put the porch behind the front yard setback line. That is a possibility but the backyard is going to get smaller.

Mrs. Gillette asked Mr. Shaver if he was saying the HOA would rather have a larger footprint than 2,300 square feet. Mr. Shaver said they would. Mrs. Schirtzinger said that Mr. Hanson said that Winding Creek has a 1,900 square foot minimum according to Winding Creek Subdivision and they are fighting him on the 2,300 square feet?

Mrs. Gillette referred to the letter that was written by Mr. Hanson indicates that the HOA Board encouraged them to model this home after the other home that is ADA compliant and asked if that was the home they wanted this modeled after. Mr. Shaver said yes, that was their directive. She said according to the neighbors that home is in the back of the subdivision rather than up in the front.

Ms. Schirtzinger said aesthetically she thinks it is a beautiful house and it is the porch that is creating a variance and asked if they ever considered something different or to make it a smaller. Mr. Shaver said if you just cut the porch off now they would be seeking a variance for the back yard. He said the porch was a functional decision on the part to provide some outdoor space for entertaining and having a dry place to sit in the event of a rain event. He said there is no reason it could not be reduced but he feels it would have a detrimental impact on the aesthetics of the house and prefers to keep it.

Mr. Shaver said one remedy would be to limit the 6 ½ -foot request by pushing it further west and said there is precedent within the neighborhood of more of encroachment in that back yard setback than they have shown. His preference is to keep the porch and move it to the west. He said if you wanted to keep a porch right in front of the front door that has to be that size otherwise you are not going to get a turn radius. The north

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portion of the porch where it is narrow it is just wide enough to allow a wheelchair to pass through and once you have passed through that space and come to the front door it gives you an opportunity to turn around at that point.

Mrs. Gillette asked if the entire footprint moved back 6½ feet, so there was no encroachment into the front yard, would the house not be in line with the other houses were on that street? Mr. Shaver said that was correct. If we left it as proposed and just backed it up that would be 12 and a half feet into the rear. Mr. Shaver said there were multiple solutions for draining water off of property. He said the placement of a building is not the last solution concerning storm water management.

Jon Hanson, 160 Rolen Road said the concern about building it up and rolling water with a foot above the curb is barely any lift at all. The neighbor's house that spoke is 2 or 3 feet out of the ground. When everything is graded it will look good.

Mrs. Gillette said currently the rear yard setback is about a 12-foot variance. If it is pushed back it is a 25-foot variance in the rear yard. Right now, it is about a 16-foot variance in the front and about a 12-foot variance for the rear. Mr. Shaver said if it helps to move the building to the west 3 feet that is certainly something they can do. He said the porch is not living space.

Mr. Dellinger asked what the width of the building was. Mr. Shaver said it was 70' wide.

Mrs. Cole asked how wide the porch was. Mr. Shaver said the outside wall to the outside most outer edge of the column is about 5 feet and where the building comes in it's about 8 feet. The length of the porch is roughly 35 feet.

Mr. Dellinger asked if they looked at plans less than 2,300 when they started this process with the HOA to see what he could put on the property with no variance. Mr. Shaver said they did. They spent a considerable amount of time investigating many options. Mr. Dellinger said it looked like 2,100 to 2,200 would fit with no variance. Mr. Shaver said that was correct. Mr. Dellinger said that is a problem with the HOA because they do not want you to go that small even though their minimum is 1900. Mr. Shaver said they are stuck between two administrative authorities.

Scott Wade, 8416 Morgan Street said if they move the house 6 feet back it magnifies his water concerns greatly on top of privacy concerns. One of the reasons he built was because of the building codes and 50 foot (setback) from his neighbor which is 100 feet between (homes) and they are going to potentially put the house 30 feet from the property line.

Mrs. Gillette asked the Board if they wanted any conditions. Mrs. Gillette made the motion to approve Case No. 12-VA-2019, an application for variance filed by Green Ohio Homes, 160 Rolen Road, Etna, for property located at 8925 Oakshire Drive. To approve a variance, pursuant to Violet Township Zoning Resolution Section 3V3-01(D) a variance from Section 3V3-01(B) to allow the construction of a home as submitted in accordance with the plot plan dated March 28, 2019, showing the setback as 33.42 feet from Winding Creek Way and 44 feet from west property line. Ms. Schirtzinger seconded the motion. Roll call vote: Mrs. Gillette, yes; Ms. Schirtzinger, yes; Mr. Dellinger, no; Mrs. Cole, yes; Mr. Collins, yes. Motion carried.

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Case Number 13-VA-2019

An application for variance filed by Kevin Knight, 70 W. Olentangy St., Powell, Ohio for property located at 13075 Toll Gate Road, Pickerington, owned by 13075 Toll Gate LLC, 13075 Toll Gate Road, Pickerington. Pursuant to Violet Township Zoning Resolution Section IV, 4D(1), this application requests a variance from the provisions of Section 3AA4-05(A)(5)(b) to allow the construction of an addition to an existing non-conforming detached accessory building.

Ms. Sarko reported this property contains 16.9488 acres on the west side of Toll Gate Road. The property is zoned R-2 Single Family Residential. This property was sold and the existing home on the property was removed. A new home is being constructed in its place. There are several existing outbuildings on the property including a garage and an art studio. These structures are non-conforming structures due to their placement on the property and it is likely they were built prior to the adoption of zoning.

The owners are rehabbing the existing 24'x 36' art studio. The proposed remodeling includes a new front porch. Because the structure is a non-conforming structure a variance is required in order to allow the 11' 9" by 36' front porch addition. The Zoning Code states where a lawful structure exists at the effective date of adoption or amendment of zoning of this resolution that could not be built under the terms of the resolution by reason of restrictions on area, of lot coverage, height, yards, location on the lot or other requirements concerning the structure, the structure may be continued so long as otherwise lawful subject to the following provisions: 1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

Section 3AA4-05(A)(5)(b) requires Accessory buildings, structures and uses which are not part of the main building be located in the rear yard at least 10 feet from the main building, shall be located no closer than 15 feet of the rear lot line.

Ms. Sarko said they received revised drawings from Mr. Knight and the plot plan shows where the studio is located. It is 416'10" away from the centerline of Toll Gate Road but is in front of the main house. There are drawings showing the floor layout of the studio and the new porch, elevation as well as photographs of the exterior and interior of the structure.

Kevin Knight, 70 W. Olentangy St., Powell, said they want to renovate the structure and are asking for a variance to construct a porch to the side to shield the sun and a place to sit. It is almost 17 acres. He said the collection of buildings date back to 1930. This structure, they believe was moved there in the 40's or 50's and has been used ever since then as an art studio by the previous owner. They did tear down a building and are currently building a new home on the site.

Ms. Schirtzinger asked how big of house he was building. Mr. Knight said about 4,000 square feet with a lower level or terrace level of 1,802 square feet and the main level 2,022 square feet.

Mrs. Gillette asked if there were any issues with the amount of outbuildings versus the residence. Ms. Sarko said no. There was also no issue with the height. Mr. Knight said there would be a secondary structure to the south with a metal standing roof which is also what they are putting on the new home. They are also asking for a variance to add a porch on the south side of the structure.

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Mrs. Cole asked what they would be doing with the building. Mr. Knight said they want to bring it up to standards and it would continue to be a studio. She asked about the roof and Mr. Knight said he would probably do the entire structure with metal roof.

Mr. Collins asked if the gas and other utilities were on the back end or what. He said there would be but it would be discreetly placed.

Ms. Schirtzinger asked if this studio was to be used for any type of Home Occupation. Mr. Knight said no not at this point.

Mr. Dellinger made the motion to approve Case No. 13-VA-2019, an application for variance from Section 3AA4-05(A)(5)(b) to allow the construction of an addition to an existing non-conforming detached accessory building as submitted. Mrs. Cole seconded the motion. Roll call vote: Mr. Dellinger, yes; Mrs. Cole, yes; Ms. Schirtzinger, yes; Mrs. Gillette, yes; Mr. Collins, yes. Motion carried.

Case Number 05-VA-2019 (continued from March 21, 2019)

An application for variance filed by Richard Colborn, 6056 Pickerington Road for parcel number 0380243600, .88 acres, located on the south side of Pickerington Road, east of Walnut Street, west of Broad Street. This application requests a variance from the provisions of Violet Township Zoning Resolution Sections 3AA4-03 and 3AA4-05(A)(6) to allow the construction of a detached accessory building on a lot which does not contain a principal structure; and section 3AA4-05(A)(1) to allow the size of an accessory building to exceed the maximum permitted on a lot containing one acre or less in area.

Ms. Sarko reported that Mr. Hertlein, Mr. Colborn's attorney forwarded a copy of a document called "Property Management Plan 2019-04-09" to the Township on April 11th.

Mr. Collins entered Exhibit D, the "Property Management Plan 2019-04-09" into the record.

Doug Hertlein, 17 S. High St., Ste. 1220, Columbus, Ohio was present.

Mr. Collins asked for clarification about Exhibit D. The first paragraph stated the Board was ready to grant the application. He said the Board was actually not ready to grant the application and had to vote on the application and were not ready to vote. In the second paragraph, the document said that copies of pictures were provided to the Board before they went into executive session. Mr. Collins wanted to clarify the Zoning Inspector cannot be part of the executive session and was not part of the executive session. Mr. Hertlein said that she was gone the entire time. The Board members said Ms. Sarko was not part of the executive session. The third paragraph says the letters of concern date back to 2018 before he took primary ownership of the properties, but they date back to 2008. Also, there were several mentions of issues with the Zoning Inspector about violations of the Zoning Code. The fourth paragraph talks about additional buildings and handicap ramps could not be part of the letters that all the personal property can be applied indoors. The letters say that all property can be enclosed within a structure but some of the additional buildings and handicap ramps were part of those letters and they were part of the code violations.

On the second page, he said that Mr. Hertlein made three statements:

1. there was a building placed on the property without a building permit
2. It may be too close to the property line
3. It, along with the other structure behind the house, may be covering too much of the yard behind the house.

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Mr. Collins asked him to clarify what the other structure was behind the house.

Mr. Hertlein said he was trying to read those letters to figure out what the issues were. He said there was the personal property issue. He said there were two small outbuildings behind the house that were there before the Zoning Code. A tree fell on one of them and destroyed it. Mr. Colborn removed it and put in a temporary 10 x 12 on skids. He was told by Ms. Sarko that the first building was grandfathered in and there was no issue on that. The new one, Mr. Colborn believed it was temporary and could be moved and thus he did not believe there was a zoning or building permit needed so he never got one. The new building is temporary and as far as a setback issue on the original property line it is closer than 15 feet but there is an alley that is back there that is 35-foot alley and has been abandoned. He does not believe there is a setback issue.

Then there was an issue in one of her letters as well that those two buildings exceeded the amount to be covered in the backyard and Ms. Sarko cited in the letter 30% of the backyard. He said even if you do not consider the alley, those two buildings cover 3% of the backyard. He said he does not see where the issues are. Ms. Sarko said it is net rear yard so you would measure from the rear of the house to his rear property line. He said the width of the lot is 165' and he measured from the back of the house to the property lines 54'. That gives him 8910 square feet. He said those 2 buildings cover 352 square feet and that doesn't include the alley. Mr. Hertlein said the only issue he sees on the little building is a building permit.

Ms. Sarko asked if the deck/ramp had been addressed. Mrs. Gillette said Mr. Colborn had the wheelchair ramp built and asked if that was the structure that was discussed at the last meeting that it was his understanding that the builder had gotten the permit and in actuality the permit was never issued. Ms. Sarko said she never denied any of the applications and gave them the opportunity to correct the application. Mrs. Gillette said the builder did not follow through with the application by getting the information Ms. Sarko needed so a final permit was never issued.

Mr. Hertlein said in the letters it does not say what the question was. He explained the builder told him he has the building permit. To this day, they do not know what the issue is with the deck and has never been disclosed to Mr. Colburn. Mr. Hertlein referred to a letter from Ms. Sarko from August 22, 2013, Exhibit "C". He noted that Mr. Colborn did not own any of these properties until 2017. Mrs. Gillette said the letter stated recently, a new ramp was constructed. Theoretically, for purposes of the Board, the ramp would have gone in about 2013. Mr. Hertlein said they hired Mike Kemper of HIM Homes to build it in early 2013.

Rich Colborn, 6056 Pickerington Road said he hired and paid Mr. Kemper to build the deck and the ramp for his mom. He said that Mr. Kemper said he got the building permit and paperwork. Mr. Collins said that Ms. Sarko said he might have gotten the building permit but never got the zoning approval.

Ms. Sarko said the application for the front deck was submitted by Home Improvement Masters and the Township received the application on April 1, 2014. Ms. Sarko said the deck probably constructed prior to the permit and based upon the letter, they submitted applications. She said she has the applications forms and she needed the plot plan and the side and front dimensions for the setbacks.

Mrs. Gillette noted in the August 22, 2013 letter an application form was included with the letter, noted a plot plan needed to be submitted as well as provided the setback requirements for accessory buildings.

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Mrs. Cole asked about the property management plan. On the first page, third paragraph it talks about Mr. Colburn has tried to remove as much of his personal property as he could by selling it, hauling it away, placing it in the trash and burning of wooden items. She asked when this happened. Mrs. Cole asked what he has gotten rid of since the last meeting. Mr. Hertlein said it is ongoing. She asked when it began. Mr. Colborn said before the first meeting. Mr. Colborn said he has gotten rid of 2 vehicles, 6 push mowers, 2 riding lawn mowers and 2 more are going. He said he would be getting rid of more. He said the only thing left is a Jeep, an air conditioner and two riding mowers. Mrs. Cole asked if they brought any photographs or proof of what has been done since the last meeting. Mr. Hertlein said he had not. Mr. Colborn said what he will keep will be putting things in the building and what he doesn't will go away.

There was a discussion about what has been cleared away from the property. Mr. Hertlein showed Exhibit B, a photo beginning May 2, 2017 explained this is the .88 vacant lot. He said that everything on those photos is gone and noted the only thing that is still there is the white truck is work truck.

Mrs. Cole said there was a mention of the applicant putting a lot of personal property in the buildings, and asked if he got rid of the stuff or did he put it in the buildings? Mr. Hertlein and Mr. Colborn said it was mostly gone. Mrs. Gillette asked if the buildings were full and he got rid of the stuff in the field. Mr. Colborn said he is still going through all of the stuff in those buildings. Mr. Colborn said he still needs a building that he can put his cars in and noted there would not be any water run to it. Mr. Hertlein said that he has to go through and that only stuff that works would be in the building.

Mrs. Cole referenced the to the last page of the plan which references timeframes. Mr. Hertlein said Mr. Colborn's testimony at the last meeting was he thought the builder could have it done in 30 days and he thought he could have the property inside within 30 days. He said that someone on the Board suggested they give themselves enough time to comply and put in additional time.

On the second page in the first paragraph Mrs. Cole referred to where it said when he retires, he expects he will have less and less personal property located on his property. Mrs. Cole asked what the rationale was for that. Mr. Hertlein said as he sells things off he will not be accumulating any more. He means that he will quit running his business.

Mrs. Cole referred to the third paragraph on that second page and he says he assumes that the building permit issue can be resolved by applying for a building permit for the barn. She asked if he was aware of the violations and why he did not make any effort between the last meeting and the present time to clear up these issues.

Mr. Hertlein said the fact is what he heard the Board request was to give them a proposal to remediate these things. He said he did not hear anything other than propose a plan so that is what they did. He said he did not see the urgency to address those items. Mrs. Cole asked if he considered this a good faith effort. Mr. Hertlein said that he did, and he thought it was to propose a plan. She said she was curious knowing they were violations on the property, and the plan says that he will work with the Zoning Inspector why he did not start. He said that he thought a plan was what the Board was looking for.

Mrs. Gillette asked about the timeline for the new structure and getting the property inside. She asked if it was realistic for 60 days to complete the structure and 60 days to put stuff inside. Mr. Hertlein said those were his numbers. It was noted 120 days would be the timeline.

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Mr. Collins asked what the proposal was for the Home Occupation. Mr. Hertlein said he discussed this in December with Ms. Sarko and Ms. Huber. He said Mr. Colborn has no means to support himself and has no means to locate the business elsewhere. He explained they did not apply for the Home Occupation (Conditional Use Permit) because even if the Board denies it, he has to live. He said that Mr. Colborn has two years before he is able to retire and then he will quit. He said he proposed nothing on the Home Occupation.

Ms. Schirtzinger said there is still the matter of the violations and that is part of the good faith effort. She asked Ms. Sarko what violations he had currently. Ms. Sarko said outdoor storage, scrap used materials and violations for lack of permit for the deck and lack of permit for the accessory building. Mr. Colborn said that was not his responsibility it was the builders. Ms. Schirtzinger explained that was between him and the builder because ultimately the homeowner is responsible for their property. Mrs. Cole said there are four violations: outdoor storage, lack of permits for the deck and the accessory building and no Conditional Use Permit for Home Occupation.

Mrs. Gillette said the effort to clean the property is positive but the issue for her was the language in the plan about working with the zoning inspector. She said no acknowledgement of the receipt of the letters or attempt to comply with them in the plan. She said there needs to be something more concrete about the violations and what will be done to correct them. She said it has not happened yet, and what assurances does the Board have that you will work with the Zoning Inspector. She said she wants something concrete that says how they will remediate the issues. Mr. Hertlein said he can do that.

Mr. Hertlein has a unique opportunity to correct a long time problem. He said he is doing this pro bono and if he walks away the problems will be the same. He said they want to do the right thing. He said in two weeks they would supply permits.

Ms. Huber said she had a note from Don Rector from the last meeting for a revised plot plan for the location of the new barn. Mrs. Gillette said that building would sit on Lot 178 and the question was how far back and over. Mr. Rector was concerned about the distance between the edge of the right-of-way of Pickerington Road as it was not shown. Mr. Hertlein referred to page 5, the setback, the way it is drawn, the line is the edge of the easement and it is drawn 50 feet from the edge of the easement noting the whole wide band at the top is the road. Mrs. Gillette said the conversation the Board had was as long as the applicant is compliant with the front, rear and side setbacks he would be within his rights to place the structure wherever he wants asked and if that is correct. Mr. Colborn said he can move it back 10 feet. Ms. Sarko said Mr. Rector said he wanted to make sure the right-of-way was shown on the drawing.

Mrs. Gillette said Mr. Colborn previously testified the building would have concrete floor, gravel drive, electric inside, be insulated, and a security light over one door. There was a discussion about the height of the garage doors. Mr. Colborn agreed the doors would not be taller than 12-foot doors.

Ms. Sarko asked about the wall height. It was noted they are currently shown 12-foot sidewalls. Mr. Colborn said they needed to be increased to 14 to 16 feet.

Mr. Collins asked if there would be issues with increasing the height of the building. There was a brief discussion about the height of the building and variances. It was noted that if a home were to be built on the property it would need to be taller than the accessory building and twice as big as the building, if not, a variance would have to be obtained.

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A discussion ensued about compliance, and what types of permits would be filed. Mr. Hertlein said they would file an application for conditional use permit and the option if denied would be unemployment and welfare.

Mr. Collins noted that in continued good faith regarding the violations, the applications for the shed, the (plot plan for the) deck and an application for conditional use permit for the home occupation need to be filed.

Mr. Collins asked if the Board was prepared to vote. Mr. Dellinger said it was his opinion that it be continued to see things corrected and then vote at the next meeting. Mr. Hertlein said he wanted it to be voted upon.

Mrs. Gillette made the motion to approve Case Number 05-VA-2019, an application for variance filed by Richard Colburn for Parcel Number 0380243600 from Violet Township Zoning Resolution Sections 3AA4-03 and Section 3AA4-05(A)(6) to allow the construction of a 40' x 50' detached accessory building with doors up to 12 feet in height, which does not contain a principal structure, and Section 3AA4-05(A)(1) to allow the size of an accessory building to exceed the maximum permitted on a lot containing one acre or less in area with the condition the applicant make the two applications – one for the temporary structure (shed) and one for the ramp as well as a Conditional Use Permit for the property for the business he runs be filed within two weeks. Mrs. Cole seconded the motion. Roll call vote: Mrs. Gillette, yes; Mrs. Cole, no; Mr. Dellinger, no; Ms. Schirtzinger, no; Mr. Collins, yes. 3 votes no, 2 votes, yes. Application denied.

Ms. Sarko reported there are two new applications and the continuation of the Lindsay application.

Mrs. Gillette made a motion to approve the minutes from the March 21, 2019 meeting. Seconded by Ms. Schirtzinger. Roll call vote: all ayes.

Mrs. Cole made the motion to adjourn at 10:48 p.m. Mr. Dellinger seconded the motion. Roll call vote: all ayes.

Approved:

Thomas Collins, Chair

Date: _____

Donald Rector, Secretary

Albert Kluczynski, Board Member

Denise Cole, Board Member

Cathy Schirtzinger, Board Member

Stephanie Gillette, Board Member

Rick Dellinger, Alternate Member