

Violet Township Board of Zoning Appeals

May 16, 2019

Mr. Collins called the meeting to order at 7:32 p.m. and roll was called.

Members present: Mr. Rector, Mr. Dellinger, Ms. Schirtzinger, Mr. Kluczynski 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 Ms. Sarko had also been sworn in.

Case Number 11-VA-2019 (continued from April 18, 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 she received an application for a lot split. She explained the location of the new lot, which is identified as 10.04 acres and is the northern half of lot 0360087100. The lot has the required frontage on Toll Gate Road, however, the lot is not 125 feet in width, as it dips (becomes narrower) north of the home. The variance is being requested because the lot is not 125 feet in width at every point parallel to the frontage.

Dustin Lindsay, 13730 Toll Gate Road, Pickerington, Ohio, said his plan was to sell the 10 acres and he bumped the line out because he did not want the new owner to have part of the pond.

Mr. Kluczynski asked why the pond would make a difference. Ms. Sarko explained the property line would go through the pond and instead of sharing the pond with the neighbor, the property line is going to jog around that pond and then jog back. Mr. Kluczynski clarified that if it was straight, then the other owner who would buy the 10 acres would have some ownership over that portion of the pond that cuts through. Mr. Lindsay said that was correct.

Mr. Kluczynski asked if the width where it narrows is only 20' to 30'. Mr. Lindsay was not sure and said he guesses it would be a driveway.

Mr. Kluczynski made a motion to approve Case No. 11-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Section 3A2-02, to allow the creation of a lot that is less than 125' in width at every point measured parallel with the road frontage, in accordance with the application. Mr. Dellinger seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mr. Dellinger, yes; Mr. Rector, yes; Ms. Schirtzinger, yes; Mr. Collins, yes. Motion carried.

Case Number 14-VA-2019

An application for variance filed by James and Nicole Hawkins for property located at 6625 Amanda Northern Road, Carroll, Ohio. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3B2-06, to allow a deck to remain constructed, closer to the rear property line than permitted.

Ms. Sarko reported this property is located on the west side of Amanda Northern Road and is zoned R-2, Single Family Residential.

Violet Township Board of Zoning Appeals

May 16, 2019

In May 2016, a variance application was approved for this property. The application requested relief from the front and rear setbacks. Most notably was the deck in the rear of the home encroached onto an adjoining property. The motion for this variance read as follows:

“Mr. Dellinger made the motion to approve Case Number 08-VA-2016, continued from May 19, 2016, requesting a variance from Section 3B2-04, granting a variance for (a front building setback of) 16.3 feet for setback as shown on mortgage location survey Exhibit “B” and a variance from Section 3B2-06, to allow home to remain as constructed with the following conditions:

1. Rear yard setback a minimum of ten (10) feet from existing or new property line;
2. Violet Township be allowed on property to verify minimum 10 feet does exist.

Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Dellinger, yes; Ms. Schirtzinger, yes; Mr. Collins, yes; Mr. Kluczynski, yes; Mrs. Gillette, yes. Motion carried.”

Ms. Sarko said the land that was supposed to be acquired, was not acquired. Mr. and Mrs. Hawkins, the buyers of the property from TAJ, are requesting a variance to allow the deck to remain as constructed. They will be acquiring a small amount of acreage and the deck will be 3 feet from the new rear property line. She said the third page of the application shows that the color survey from PM Tile and the encroachment of the deck. The next page shows the proposed lot split and the area that is supposed to be purchased.

Tracy Bradford, 501 S. High Street, Columbus, Ohio, said she was here about 3 years ago for the potential purchase of the property. Subsequent to that meeting, there should have been a survey done before they closed on the sale. Some things did not occur and then the Hawkins’ came to her and tried to get a mortgage on the property, but they have had it surveyed and it obviously encroaches on the neighboring property. They can only purchase a certain amount of property on the adjacent property, because it is tied up in the Farmland Preservation Program with the State. She said they are limited to what can be purchased and the survey shows the area that is not within the Farmland Preservation zone is .152 acre, and that is what they can purchase. Even doing so, this deck has already been taken out once before. They are still going to be within 3’ from the new property line. They have a purchase contract with the neighbor for this acreage and it is contingent upon this approval. Their intention is to tie the property and this is the first step in order to go through with the purchase. Once it is purchased, they will go and combine the properties into one lot.

Mr. Kluczynski asked if there was approval for the minimum 10 feet for the deck, then why was it built if they didn’t have additional property. Ms. Sarko said the deck encroached when they purchased the property, all of that was in place. The deck is not where it is supposed to be. It is not their fault. They are trying to clean it up. Ms. Sarko said the original owners built the home at a time when the township did not regulate construction of decks. The deck was constructed so it encroached onto an adjoining property. In 2016, when Ms. Sarko was contacted, she noted the encroachment. TAJ Enterprises came in and bought the property at a foreclosure sale. They came in and applied for the variance. They were supposed to buy some land, but the purchase did not happen. Mr. Kluczynski asked how much the encroachment was. Ms. Sarko explained the township could not do anything about the encroachment. They, in turn, agreed to cut the deck back so that it would be 10 feet from the rear property line. The additional land purchase never occurred by the previous owner, therefore, the encroachment remained. Mr. Kluczynski said with the additional purchase of the .152 acres, by buying it, it would allow them a 3-foot separation from the rear property line. Ms. Bradford said

Violet Township Board of Zoning Appeals

May 16, 2019

yes and all of the deck will be on their property, but they need a variance to allow it to be within 3 feet.

Mr. Rector clarified that her testimony is that the Lane property is in a Farmland Preservation easement. Ms. Bradford said yes and that was one of the contingencies with the purchase agreement, that they have confirmation that that Farmland Preservation program does not encumber it. Mr. Dellinger asked how long the Preservation Program goes. Ms. Bradford said she did not know. She said she only has verification of the land that it does cover and that which it does not.

Mr. Kluczynski made a motion to approve Case No. 14-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Section 3B2-06, to allow a deck remain as constructed closer to the rear property line than permitted, as outlined in the application with a condition made that the .152 acres be purchased which allows the rear yard setback to be 3 feet. Seconded by Mr. Rector. Roll call vote: Mr. Kluczynski, yes; Mr. Rector, yes; Mr. Dellinger, yes; Ms. Schirtzinger, yes; Mr. Collins, yes. Motion carried.

Case Number 15-VA-2019

An application for variance filed by Douglas and Laurie Rufalo for property located at 8854 Chateau Drive. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3J2-06, to allow the construction of a deck, which is to be placed closer to the rear property line than permitted.

Ms. Sarko reported this property is located in the Countrywood subdivision and is zoned R-7, Single Family Residential.

Mr. Rufalo is proposing to construct a deck at the rear of his home. The proposed deck will be 24' x 20' not including the steps. The proposed deck will be 45 feet from the rear property line. Section 3J2-06 requires each lot shall have a rear yard of at least 50' feet between the rear lot line and the dwelling.

Laurie Rufalo, 8853 Chateau Drive, Pickerington, said their current deck is not comfortable, not built well and is rotting. They want to take it down and build a ground level deck that is larger.

Mr. Kluczynski clarified that the 24 x 20 deck would be 45 feet from the rear property line and they are asking for a 5-foot variance. Mrs. Rufalo said that was correct.

Mr. Dellinger asked if she planned to enclose or put a roof over the deck at any time. Mrs. Rufalo said no.

Mr. Dellinger asked if the application, on page 2, said the deck was 5 or 6 feet to the rear line. The application said 6'. Ms. Sarko said the plot plan shows 45' and it could have been a typographical error.

Ms. Schirtzinger made the motion to approve Case Number 15-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Section 3J2-06, to allow the construction of a deck, which is to be no closer than 44 feet from the rear property line as submitted. Mr. Kluczynski seconded the motion. Roll call vote: Ms. Schirtzinger, yes; Mr. Kluczynski, yes; Mr. Rector, yes; Mr. Dellinger, yes. Mr. Collins, yes. Motion carried.

Violet Township Board of Zoning Appeals

May 16, 2019

Case Number 16-VA-2019

An application for variance filed by Michael J. O'Reilly, Attorney at Law, 42-C Hill Road South, Pickerington, for property located at 9265 Blacklick Eastern Road, owned by Gary and Linda Waidner. This application requests variances from the provisions of Violet Township Zoning Resolution Sections 3AA4-05(A)(2), to allow the construction of a detached accessory building, which in combination with other accessory buildings, will exceed the permitted floor area for accessory buildings on a lot larger than one acre in area; and 3AA4-05(A)(4), to allow the height of an accessory building to exceed the height of the principal structure.

Ms. Sarko reported this property is located on the south side of Blacklick Eastern Road, east of Harmon Road and is zoned R-1, Single Family Residential. The property contains 1.88 acres. The home on the property, per the Fairfield County Auditors website, contains 1,630 square feet of living area. There is an existing 24' x 48' (1,152 sq. ft.) detached garage on the property.

Mr. Waidner is proposing to construct a 30' x 56' (1,680 sq. ft.) detached accessory building, which in his application states, will be used to store a boat and tractors. The total floor area of the existing and proposed accessory buildings is 2,830 square feet.

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.

The height of the proposed accessory building will be 22'6". The height of Mr. and Mrs. Waidner's ranch home is 16'7".

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

Gary Waidner, 9265 Blacklick Eastern Road, Pickerington, explained his application is for a larger storage area as he is running out of space. He would like to purchase some other equipment that is for his own personal use and he needs an area to store it and keep it out of sight.

Mr. Kluczynski clarified that Mr. Waidner has a home and an accessory building today and asked what the size of that building was. Mr. Waidner said it was 24' x 48'. Then the new one will be 30' x 56'. Mr. Kluczynski asked what he was going to store there. Mr. Waidner said another tractor, probably purchasing an RV as he and his wife are retired, and he would like to keep it covered and out of the weather.

Mr. Kluczynski asked about the use of his tractors. Mr. Waidner said he has a few collectible tractors that are very old and he just needs more space. He has to move things to work on certain items and it is difficult.

Mr. Kluczynski asked if anything that goes into this new accessory building would be associated with a home occupation. Mr. Waidner said no, there would be no business; it is a hobby and a collection. Mr. Kluczynski asked if there was a way he could make the new accessory building smaller. He said it was cramped and he would like to be able to open up his area and actually set the tools out and not have to drag them out and assemble them to do any work. Mr. Kluczynski asked if that building is filled, would he need a third accessory building. Mr. Waidner said no, this is it. He also thinks it would add value to the property.

Violet Township Board of Zoning Appeals

May 16, 2019

Mr. Kluczynski verified that Mr. Waidner said the construction of the new building would be similar in appearance to the house. Mr. Waidner said not quite, a lot of the manufacturers with pole barns use metal sheeting. He said there would be concrete posts in the ground so you have no wood contact with any ground, so he does not have to worry about rotting and the building should last quite a long time. Mr. Kluczynski asked about utilities in the building. Mr. Waidner said there would only be electric. Mr. Kluczynski asked if he was going to have anyone occupying this building. Mr. Waidner said there would be no living quarters or office space.

Mr. Rector, referring to pictures in the application, said it almost looks like there is another structure. Mr. Waidner said that was a pole barn on the next-door neighbor's property.

Mr. Dellinger asked if the 24' x 48' building was the existing garage. Mr. Waidner said yes.

Mr. Kluczynski said he made a comment in his application which said: Two parcels of this property are in the process of being combined to one parcel by the County Auditor. He asked what the significance of that was. Mr. Waidner said they had contacted the Auditor's Office in 2015 to make it all one property. They filled out the application and submitted it. He said it was not completed because their website showed two parcels for the property layout. Since then, he has checked and they have made the correction and it is one parcel totaling 1.88 acres, which is what the application is based on.

Mr. Dellinger asked if he currently owns the RV. Mr. Waidner said no.

Mr. Kluczynski asked if the size of the roof peak was standard. Mr. Waidner said yes and his house is 16'7" (in height). Mr. Waidner said it might not be seen from the road. Mr. Kluczynski asked if the existing 24'x 48' building violates the square footage. Ms. Sarko said the house is 1,630 and the existing building is 1,152, and noted the violation is the combination of the two accessory (existing and proposed) structures.

Mr. Collins asked if there were windows. Mr. Waidner said no windows but there would be two overhead doors and a man-door.

Mr. Rector asked if he was on a septic system on the lot and if he knew where it was located. Mr. Waidner said yes and he knew where it was located.

Mr. Dellinger asked if everything fits in the accessory building except for the boat. Mr. Waidner said yes and no. He said there is some stuff in the attached garage and other items he has outside, which he would like to get inside a building. He said he likes to take care of his equipment and keep it out of sight.

Ms. Schirtzinger asked if he was going to extend the driveway over to the other building. Mr. Waidner said there would be gravel between the two buildings. She asked if the colors are going to match the house or the existing garage. Mr. Waidner said it would.

Mr. Collins asked what colors the building would be. Mr. Waidner said the roof on the existing is tan or beige and the new building will have white siding and a similar roof color.

Mr. Collins referenced a message from Lori Hall who lives at 13344 Princeton Lane. The message said that trees were planted by the Developer of her subdivision and over the years several trees died. She said she had no objections to the building, but did not want to see it and wanted the trees replaced.

Violet Township Board of Zoning Appeals

May 16, 2019

Mr. Kluczynski said this does not apply to this case. Ms. Sarko said it was her understanding from speaking to Mrs. Hall, when Summerfield 15 was developed, Mr. Donley planted trees on Mr. Waidner's property in order to screen Summerfield 15 from Mr. Waidner's property. Since that time, a few trees died and were not replaced. Mrs. Hall requested the trees be replaced or a fence be installed to screen the new building from her view. Mr. Waidner said everything on his property he planted himself and that he has one or two open areas. It was determined that the resident was mistaken about the Developer installing trees to shield from the neighbor.

Mr. Kluczynski asked if Mr. Waidner would agree there is a line of sight from where she lives. Mr. Waidner said there is a possibility she is looking at a pole barn due north of her. He said he did not plan on planting any more trees because of the growth of the trees he has. They will get larger and larger unless they die out. They have room on their property to plant trees, which they did when they purchased the property.

The message from Mrs. Hall was entered into the record as Exhibit "A".

Mr. Rector asked if there was a reason he doesn't have both buildings aligned so they look more like one. Mr. Waidner said yes, the reason for that is the vehicle he purchased would require more than 35 feet to move into the building from the front and that is why it is offset back further from the front. Mr. Rector said looking at it from a side view it looks like an even longer building. He said the majority of the building will be on the front parcel.

Mr. Dellinger asked if the parcels were combined. Mr. Waidner said it is combined and is one parcel with 1.88 acres.

Mr. Dellinger asked exactly where the downspouts go. Mr. Waidner said they run down the length of the building and back and out to the rear of the building. He said there is no problem with any drainage in that area. Mr. Dellinger asked if he would have a floor drain in his building. Mr. Waidner said he will and it will be on the east side between the two large overhead doors. It will go out the east side, underground and out towards the back. He will probably use solid pipe and it will just dump into the backyard. He said it was a natural downward grade.

Mr. Kluczynski made the motion to approve Case No. 16-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Sections 3AA4-05(A)(2), to allow the construction of an attached accessory building, which in combination with other accessory buildings will exceed the permitted floor area for accessory buildings on a lot larger than one acre; and Section 3AA4-05(A)(4), to allow the height of an accessory building to exceed the height of the principal structure with the condition the structure be no more than 23 feet in height as submitted in the application. Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Kluczynski, yes; Ms. Schirtzinger, no; Mr. Rector, no; Mr. Dellinger, no; Mr. Collins, yes. Variance denied. Ms. Schirtzinger said the variance was substantial. Mr. Rector and Mr. Dellinger said the variance was substantial.

Case Number 03-CU-2019

An application for Conditional Use Permit for Home Occupation filed by Rob Hewitt, 8006 Allen Road, Canal Winchester, for property located at 8006 Allen Road owned by Robert Kull, 8193 Carroll Northern Road, Carroll, Ohio. 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 8006 Allen Road.

Violet Township Board of Zoning Appeals

May 16, 2019

Ms. Sarko reported that Mr. Hewitt has filed an application for a Conditional Use Permit Home Occupation for 8006 Allen Road. The property is located on the east side of Allen Road and is zoned R-1 Single Family Residential. The property, after it is split, will contain approximately 10 acres. Mr. Hewitt is proposing to operate his landscaping construction company, Columbus Hardscapes, from this address. A number of variances have been requested and will be considered in Case No. 17-VA-2019.

Rob Hewitt, currently residing at 9434 Joy Avenue, Canal Winchester, gave a brief history of how he got to where he is now. He said he started his company 12 years ago. He purchased a residence in Violet Township on Joy Avenue. They started the company and it became more than one vehicle. They worked with Violet Township to locate a better location for their facility, which ended up being off U.S. 33 at the Shoff Garage Door location. He said the landlord became difficult to work with and they have been searching for a new location. He noted they have had two different arrangements for a site, but both fell through. He said this property sits back 1,200 feet from Allen Road. Two neighbors share the long driveway. He noted the natural beauty and the peacefulness. He said they made a purchase offer and worked with Mr. Kull to come to an agreement. They have been working to rehab the home. He said that Mr. Kull had experienced some hardships and they have extended their contract with the intent to purchase the property.

He said they have renovated the main level of the house and have added new plumbing, septic lines, floors and recently added 850 tons of gravel to the driveway. They have recently started to work on the existing pole barn to bring it up to code. Overall, he said they have spent \$250,000 in improvements to the property.

Mr. Hewitt said his company is not a very large company. He does the sales and estimating. The company has seven (7) trucks, three (3) skid steer loaders and four (4) trailers, and small tools that stay inside. He said his trucks are two-axle trucks and those include three (3) pickup trucks, one (1) small dump truck and two (2) medium duty dump trucks. He said his dump trucks are smaller than the Township trucks. All of their equipment including trucks will be stored inside the pole barn.

He said the majority of their business is paver patios and noted they have some materials they would have on site, such as pallets of pavers. They would like to install bins to hold gravel and mulch. They intend on keeping a very clean and organized yard and space.

He said he knows that traffic is a major concern. On a normal day, they would have employees report to the location about 7:00 a.m. and they would load up and then leave. They would not return until later in the day between 4:00 and 5:00 p.m., when they would unload their trucks, get in their cars and leave. Any deliveries would be scheduled the same time each week.

Along the north property line, he wants to install a mound with evergreens. He said the house was built in 1872 and the same driveway has been used for over 200 years. The home they have renovated, his in-laws are living in. His father-in-law works for him as a master carpenter and has helped with a lot of the renovations.

Mr. Dellinger asked if he said his business typically operates weekdays from 8:00 a.m. to 4:00 p.m. Mr. Hewitt said yes and rarely weekends. He said in the winter they do snow removal and that is during different hours and would work for a solution so as not to disturb anyone.

Mr. Schirtzinger said she thought he said they were renting the property from Mr. Kull. Mr. Hewitt said their in-laws have moved into the house. They have not taken ownership

Violet Township Board of Zoning Appeals

May 16, 2019

or moved the company over. The fee to operate is coming off the term principal of the loan, so then they can continue to move forward with this, and they are not conducting any business.

Mr. Kluczynski asked if he would continue with the purchase of the property if the conditional use permit were denied. Mr. Hewitt said he did not know that he would be able to do so. Mr. Kluczynski about the purpose of the investment. Mr. Hewitt said one of the main things they did was the driveway. It was an old lane, a dirt path and in order for him to feel comfortable in making a transition, he wanted to make sure that township trucks, and fire trucks could navigate the road, so they widened it and built it correctly. Mr. Kluczynski asked if this wasn't a tremendous risk. Mr. Hewitt said it was a risk and he understood that. The assumption that they made was that moving into the property they would take that risk. Mr. Kluczynski asked if it was linked into the Home Occupation from the very beginning. Mr. Hewitt agreed it was.

Mr. Rector asked about the property split. Mr. Hewitt said currently there is a piece of property that is 121 acres and Mr. Kull is splitting 10 acres off of that for the non-farmed area.

Mr. Kluczynski asked how many acres he was purchasing. Mr. Hewitt said 10 acres. Mr. Kluczynski asked if the house existed on the 10 acres. Mr. Hewitt said the house and the pole barn exist on that 10 acres and the Home Occupation would be on that property.

Mr. Rector asked if he wanted to build another house on the parcel. Mr. Hewitt said hopefully, but if not, purchase a bit of land from Mr. Kull that would back up to that parcel.

Mr. Kluczynski asked at what point he would be moving into this house. Mr. Hewitt said they have gone back and forth. His family could move into the existing farmhouse; they have applied for a variance to have their in-laws continue to live there and Mr. Hewitt still own the property and still operate a business from there and if that was allowed, they would hope to be constructing a new home for his family within the next 5 years.

Robert Kull, 8193 Carroll Northern Road, Carroll, said his mom passed away in 2011 and he inherited the farm. Prior to her death, she gave him 5.01 acres to build his house on the Carroll Northern side. He explained that he had surgery because of a work injury and was unable to work like he used to, which caused him to run out of money. He said he is selling his mother's property so he can stay in his home.

He said his mother told him that in 1860, her grandfather was in the war and he received 600 acres in return for serving in it. In the main house, which was the winter home, there was a fireplace in each room so they could keep it heated. In the summer, they lived in a smaller house because it was cooler. He wants to sell it to Mr. Hewitt and he thinks it will be a good thing for Violet Township.

Mr. Dellinger asked if he owned the driveway and he said yes. Mr. Dellinger asked if part of the 10-acre sale included selling the driveway also. Mr. Kull said yes. He hopes that everyone who uses the driveway can work in tandem.

Dave King, 460 Stonehill Road, Pickerington, said he has known Mr. Hewitt for several years. As a photographer, he said he has seen firsthand the quality and the care and integrity he puts into the work that he does and is confident that he would be a fantastic neighbor and would work in good faith to work out any issues that need to be worked out.

Violet Township Board of Zoning Appeals

May 16, 2019

Jennifer Hewitt, 9434 Joy Avenue, Canal Winchester, said Rob is her husband and he has been a business owner ever since they met and she said his business means everything to him. He prides himself in his business and that is part of who he is. She does some of the bookwork and paperwork when she can.

Joe Osborne, 8186 Allen Road, said he loves the property but they do not need another business. He distributed a document to the Board. He said he is located on the north side of the property.

Mr. Collins made a motion to take a five-minute recess at 9:20 p.m. All said aye. The meeting resumed at 9:30 p.m.

Mr. Collins entered the seven-page document titled "8006 Allen Road Permit Dispute" from Mr. Osborne into the record as Exhibit "A".

Mr. Osborne said the document was an outline of what he has been dealing with. He said he has never met Mr. Hewitt and when Mr. Hewitt says he has talked to the neighbors, he has never talked to Mr. Osborne. Mr. Osborne wondered why he would put money into something without coming to the Township first. He said the pictures in the packet were taken from his property line.

Krystal Clark, 6535 Busey Place, said her property is about a half-mile northeast east of this property. She said when she and her husband heard a hardscape company was coming in it concerned them because of silicosis. She explained that silicosis is an incurable lung disease from breathing in silica dust from minerals found in rock, gravel, natural stone, pavers and concrete, that travels to the lungs. OSHA even has a concern about it. Whenever they are home, they are subjected to that dust. She said in the last few mornings, the trucks were backing up and beeping early. She had concerns about a 7:00 a.m. start time. She said Allen Road is very narrow, her son has to drive on that road and it is very dangerous with their trucks coming in and out.

Ms. Schirtzinger said she heard the same thing as she wrote down 7:00 a.m. and then it was said 8:00 to 4:00 p.m.

Timary Skaggs, 7970 Allen Road, Canal Winchester, said she shares the driveway with Tim and Mary Skaggs. She wanted to note she is not saying anything against Mr. Hewitt's character just the noise. She said they purchased their property in 2017 and said they would not have if they knew a business would be there. She said she is concerned about safety and does not want to worry about her kids and animals with the trucks.

Mary Skaggs, 8004 Allen Road, said she shares her daughter's concerns and have no objections to Mr. Hewitt's in-laws living there. Mrs. Skaggs said they have lived there 30 years and their concern is the traffic on the lane. She said she fears having too many cars if the business grows. She said her use of the lane is grandfathered.

Ms. Schirtzinger asked if it was a recorded easement. Ms. Skaggs said their property is the 8 acres and when they bought the property, the title company had issues with the use of the lane. She said the title company was okay with the title after they researched it and said they were grandfathered in to use that lane.

Raymond Hoffmeister, 8310 Allen Road, was sworn in by Mr. Collins. He said on their map the property is one property away from the property in question. He lives with his wife in the original house of the farm that covered the corner of Allen and Busey Roads. He can see the barn that is being rehabbed and he hears all the noise. He said his wife

Violet Township Board of Zoning Appeals

May 16, 2019

could not be there, but she wanted him to tell the Board that she misses the peace and quiet. They get the noise from all around. He said Allen Road has become dangerous, frequently there are accidents, and the berm is non-existent. Fee Corp. is the only entity that is not residential in that area. He said there are deed restrictions on all 24 properties to the north of the property in question. He feels bad for Mr. Hewitt as they put a lot of money into it. Ms. Schirtzinger asked how he would feel if the business did not get any bigger. He thinks it would be worse. He said they are talking about placing their outside material even closer. He says it is not the place for a business.

Mr. Kull explained that over time the land has been divided and sold. He said there are people that squeal their tires, ride motorcycles. He said he had to sell to be able to stay in his home. He said there could be some trees planted at the back of the barn to shield Mr. Osborne. He said they are not going to be there from 7:00 a.m. to 4:00 p.m. and there will not be noise all day, maybe an hour. He said the noise now is from the gravel and rehabbing the farmhouse, tearing up some old buildings, tearing down some trees and once that is done there will be less noise. Regarding the lady that is complaining about the dust, he said it is all farmland and the wind goes from the west to the east, so if anyone will get it, he will be the one to get it. He said he wants people to work things out and does not want any hard feelings.

Mr. Hewitt responded to the concerns: regarding the silica dust, it is caused from concrete being cut and limestone. He said he specifically used asphalt grindings as their finish gravel on the entire driveway to prevent silica dust from being generated. He said he is putting his own people's lives at risk dealing with the silica dust. They have purchased thousands of dollars of special equipment that collect the dust so that it does not go into the air for his staff to breathe.

He said the first page of Mr. Osborne's exhibit is entirely false. The property has not been sold; the work that has been done to the property that Mr. Osborne showed pictures of, is his staff completing work on rainy days or slow days. They are still operating out of the facility at Shoff Door. He is paying staff to come over and help enhance this property to try and expedite their transition. Every ounce of gravel that has been brought into this property has gone into the driveway. It was enhanced, fortified and made to allow trucks to ride on it.

He said Mr. Kull was correct in stating the work they do is on other properties. It is primarily a place to store some equipment and for their employees to report. He does hope to have a small office for himself and a manager to sit so he can work on designs, phone calls and emails. He feels like this may increase the value of the surrounding properties.

Unfortunately, the only neighbor he does know is the Skaggs' and invited all of the neighbors to come and see what he has done to the property. He has no intention of cluttering or creating problems. He said four of five properties that border him have small businesses and noted Fee Corp operates across the street.

He noted that Mr. Osborne presented pictures of his equipment and his trucks on the property. He agreed they have open pallets of material from the patios and walkways that they installed. He said he has pictures of Mr. Osborne's property and the trucks, the dump trailers, construction materials, the Bobcat and what looks to be like an employee operating one of those. He is not there to point fingers or cause anyone harm, he does not know how Mr. Osborne can say these things.

Violet Township Board of Zoning Appeals

May 16, 2019

He also said there are other properties surrounding him that have building materials, and junk sitting around everywhere and the biggest difference between them and him is he has nine to fourteen (9-14) people who would come to his property in the morning and leave in the evening. He said they average nine (9) employees and two (2) managers and in the summer, the addition of a couple of part-timers. Mr. Dellinger asked him the time of his business. Mr. Hewitt said it is typically 7:00 a.m. to 4:00 p.m. and in the fall, it would be 8:00 a.m. to 5:00 p.m. Mr. Dellinger asked if they ever come early or leave late. Mr. Hewitt said very rarely.

Ms. Schirtzinger asked when they load up the trucks. Mr. Hewitt said typically they load up in the morning and there is stuff to unload in the evening.

Someone asked if the beepers could be turned off. Mr. Hewitt said they could probably be disabled, but that is a violation of OSHA.

Ms. Schirtzinger asked if he ever saw himself with more than 14 employees. He said his goal is not to be the biggest but to be the best.

With the issue of the driveway, he said he has offered to put trees down the driveway. He bought speed limit signs to put up and down the driveway.

Bruce Landis of 8082 Allen Road, said he is a business owner and he has five locations. He spends about \$150,000 a year to rent. He said there are options for Mr. Hewitt as a businessman.

Ms. Schirtzinger commented the questions that are asked by the Board is to get information so they can make an informed decision.

Mr. Hewitt noted the first three homes along Allen Road are closer to Fee Corp. than they are his property.

Mr. Hoffmeister said he saw in the application that Mr. Hewitt intended to bring customers to the site. Mr. Hewitt said that would be further down the road.

Mr. Collins made the motion to continue the Public Hearing for 03-CU-2019 and continue 17-VA-2019 to a Special Meeting on May 22, 2019 at 7:30 p.m., at the Violet Township Administrative Offices, located at 10190 Blacklick Eastern Road (entry through front gates). Mr. Rector seconded the motion. Roll call vote: all ayes.

Mr. Collins called for a special meeting for the purposes of continuing the public hearing for Case Numbers 03-CU-2019 and 17-VA-2019 on May 22, 2019 at 7:30 p.m., at the Violet Township Administrative Offices, located at 10190 Blacklick Eastern Road.

Mr. Dellinger made the motion to adjourn the meeting at 10:35 p.m. Mr. Kluczynski seconded the motion. Roll call vote: all ayes. Meeting adjourned.

Mr. Dellinger made the motion to adjourn the meeting at 10:35 p.m. Mr. Kluczynski seconded the motion. Roll call vote: all ayes. Meeting adjourned.

Violet Township Board of Zoning Appeals

May 16, 2019

Approved:

Thomas Collins, Chair

Donald Rector, Secretary

Denise Cole, Board Member

Stephanie Gillette, Board Member

Date: _____

Albert Kluczynski, Board Member

Cathy Schirtzinger, Board Member

Rick Dellinger, Alternate Member