

# Violet Township Board of Zoning Appeals

June 20, 2019

Mr. Collins called the meeting to order at 7: 30 p.m. and roll was called.

Members present: Mr. Dellinger, Mrs. Cole, Ms. Schirtzinger, Mrs. Gillette, 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 18-VA-2019**

An application for variance filed by William and Margot Miller for property located at 12549 Toll Gate Road, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3Y2-01, to allow the installation of a swimming pool at the side of a dwelling.

This property contains 10+ acres and is located on the west side of Toll Gate Road north of Refugee Road.

Zoning and Building permits were submitted for this project. The Zoning Office was unable to approve the application, as the pool was located at the side/front of the home. The applicants are requesting a variance to allow the installation of a swimming pool at the side/front of their home. The proposed pool will be located approximately 400 feet from the front property line.

Section 3Y2-01 states swimming pools must be located at the rear of a dwelling and if a corner lot, shall not be closer to the street line than the dwelling. In addition, no swimming pool shall be located nearer than fifteen feet to the side or rear line of the lot or parcel upon which it is located or any nearer to the street than a distance that is ten feet greater than the building setback line.

William Miller, 12549 Fox Glen Drive explained they were building a house on a property on Toll Gate Road, behind a covered bridge that crosses a creek that runs through the property. They are back on the ridge of the creek so they are completely set back from Toll Gate Road. They oriented the front of the house to face the driveway so the house runs parallel with the back of the property facing Toll Gate. They wanted to locate the pool on the ridge side so they can look down over the ridge at the creek below, which is actually the (architectural) side of the house.

Mr. Kluczynski asked what the unusual circumstances are that forced them to put the pool at the side of the house. Mr. Miller said there were many mature oak trees that are 80 to 120 years old and they did not want to take them down in order to accommodate the pool.

Mr. Dellinger asked where his well and septic systems were located. Mr. Miller said the well is behind the house and septic is not in yet, but septic will be out front and will run across the driveway towards the back acreage.

Mrs. Cole asked if there would be any other properties located adjacent to the pool. Mr. Miller said from the ridge out to Toll Gate is their property so there is nothing there.

Mr. Dellinger asked if his neighbor's house would sit back as far as his. Mr. Miller said the neighbor's home that he can see is set back further than his. The neighbors behind him he cannot see as they are so far back.

Ms. Schirtzinger asked if there were any trees between his house and Toll Gate Road. Mr. Miller said the ridge is about 40 feet above the road level. He said the house is being constructed now and should be done about mid-September. Ms. Schirtzinger asked if it was always their intent to have the pool in front. Mr. Miller said originally they were going to put it in the back, but in order to do that they would have had to take down the oaks and they did not want to do that. When they moved the pool eight months ago, they were going to switch it over to the side in terms of location. They did not realize there was a variance required. The pool is actually sitting by the bridge waiting for this approval and they have not dug the hole.

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Mr. Dellinger asked if he planned to have landscaping around the pool. Mr. Miller said not on the ridge side, as the intent is to leave it as natural growth. There is a natural grove that sits between the driveway and the pool, which they will leave, and then there will be some landscaping in the front. Between the pool and the house there will be a patio.

Mr. Collins asked about additional lighting around the pool. Mr. Miller said there would be a light in the pool and there are no plans right now for lighting. Potentially, they want to do some landscaping lighting that is not specific to the pool.

Ms. Schirtzinger asked how close the pool is to the house. Mr. Miller said 40 feet. There will be a patio between the house and pool and a porch that comes out about 18 feet. On the side of the pool that is on the ridge side there will be about a 3-foot walkway around the pool, intended to have that ridge view from the pool.

Mrs. Cole asked what the dimensions of the pool were. Mr. Miller said 16' x 40'.

Mr. Collins asked about fencing around his pool. Mr. Miller said there will be fencing around the entire pool tied in with a retaining wall that comes off the front side of the house.

Mr. Dellinger asked how far the well is going to be from the pool. Mr. Miller said about 150 feet. The pool will be 5' 10" deep. Mr. Dellinger asked if there was any drainage tile. Mr. Miller said there was none. They will be putting some type of 'bedding' underneath the pool.

Mr. Kluczynski made a motion to approve Case No. 18-VA-2019, an application for variance from the provisions of Violet Township Zoning Resolution Section 3Y2-01, to allow the installation of a 16' x 40' swimming pool to be placed at the side of a dwelling, which meets applicable setback requirements. Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Kluczynski, yes; Ms. Schirtzinger, yes; Mrs. Cole, yes; Mrs. Gillette, yes; Mr. Collins, yes. Motion carried.

## **Case Number 19-VA-2019**

An application for variance filed by Mark Dellinger for property located at 10460 Grant Lane, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Sections 3AA4-05(A)(2), to allow the construction of an accessory building whose floor area, in combination with those of one or more existing accessory building(s), exceeds the total floor area permitted for accessory buildings on a lot larger than one acre; and 3AA4-05(A)(4), to allow the height of an accessory building to exceed the height of the principal structure.

This property is 3.88 acres and is located at the end of Grant Lane. It is not part of the Grant Mini Farms subdivision. Mr. Mark Dellinger is requesting a variance to allow the construction of a 48' x 46' pole building on his property.

The home on the property, per the Fairfield County Auditor's Office, is shown to be a ranch home, built in 1973 and 1,704 square feet of living space. Fairfield County information also shows there are three existing detached accessory buildings on the property totaling 2,804 square feet. Mr. Mark Dellinger is proposing to construct a 2,208 square foot pole building. The total floor area for all of the accessory buildings will be 5,012 square feet.

The Zoning Office was unable to approve the permit for the proposed 48' x 46' pole building because its floor area, combined with the other existing buildings exceeded the permitted floor area for accessory buildings on a lot containing more than one acre in area.

Additionally, a variance is being requested for the height of the structure, as it will be taller than the ranch home on the property.

Violet Township Zoning Resolution 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.

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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.

Mr. Rick Dellinger wanted to note for the record that he has never met Mark Dellinger and as far as he knows, he is not related to him.

Mark Dellinger, 10460 Grant Lane explained they bought the property three years ago and it had an existing pole barn which is heated. He said when they bought the house, he had envisioned that the heated part would be a functional area to do woodworking and car remodeling/maintenance. He needs to move things out of the pole barn to be able to use it functionally year round.

Mr. Kluczynski asked if he was going to get rid of the 120 sq. ft. accessory building. Mr. Mark Dellinger said he would like to keep it, as it matches in color and is in good condition, however, if that makes a difference, he can figure it out.

Mr. Kluczynski asked what the new accessory building would look like compared to the pole barn and the house. Mr. Mark Dellinger said the colors will match - the pole barn is dark brown and the new pole barn will be dark brown with tan trim.

Ms. Schirtzinger asked how tall his home is to the peak of the roof. Mr. Mark Dellinger said it was 14 feet and the existing outbuilding is 21 feet to the peak of the roof.

Mr. Mark Dellinger said he would like to include a variance for the height of the existing outbuilding (height of 21 feet) in his application. Mr. Mark Dellinger said he would like to include the existing pole barn floor area in this request as well.

Ms. Schirtzinger said that according to the County, there are three existing detached accessory buildings - the pole barn, the shed and asked if the gazebo was the third. Mr. Mark Dellinger said he thought the Auditor's site has the original pole building and there was an addition to that building. He said he has the shed and then the new building would be the second pole building.

Mr. Collins asked if Mr. Mark Dellinger had any intentions of running a business out of his home or would all of his work be personal. Mr. Dellinger said he works part-time now but hopes to be retired soon.

Mr. Kluczynski asked for clarification on the gazebo. Ms. Schirtzinger said the County is showing a 34' x 44' building and a 22' x 54' building, and the shed is shown to be 10' x 12'. The gazebo is not shown. Mr. Mark Dellinger said the gazebo is 5' x 5' and is round.

Mr. Rick Dellinger pointed out where the two outbuildings are together, it appears that they are 18'4" from the property line. He asked what is in that area. Mr. Mark Dellinger said just trees. The total square footage would be 5,037.

Mr. Collins asked with the addition of the pole barn, would all of his equipment fit inside. Mr. Mark Dellinger said everything will fit inside and that is his goal.

Mrs. Gillette asked if the new barn would be heated. Mr. Mark Dellinger said no and would only have electric.

Mr. Rick Dellinger asked about plumbing. Mr. Mark Dellinger said it already has plumbing.

Christopher Compson, 10455 Grant Lane said the applicant is directly across the street from him and he has conflicting feelings about this. Mr. Compson said looking directly at Mr. Dellinger's house, you cannot see his pole barns, however, coming south on Grant Lane, they are visible and the proposed pole barn will be visible from the street. He said the buildings are three times the size of the house. He said for someone who is concerned about the character of the street, three times the size of a home is extreme.

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Ms. Schirtzinger asked if there were trees along the property line. Mr. Compson said he did not see how it could be fully screened.

Mr. Mark Dellinger agreed that if you are looking at the front of the house you cannot see anything, but if you are driving down Grant Lane there is a sliver where you can see the barn. The new barn is behind it. You might see one of the doors and about 3 feet of the new roof. He could put a couple large Evergreens in that sliver so you could not see it at all.

Mrs. Gillette asked if he was at the end of the dead end street. Mr. Mark Dellinger said he has one house past him.

Mr. Kluczynski asked what he would do if his application was not approved. Mr. Mark Dellinger said the heated pole barn would remain storage and he would not be able to use the car lift 6 months out of the year, and he would not use the space for woodworking, which he always wanted to do. He would have to put a lot of equipment outside and that would look worse than a pole barn. He said he spoke to the neighbors on the left and the right, and they said they could not even see his pole barn now.

Mrs. Cole asked how long he has lived at this property and did he build the other accessory buildings or were they on the property when he purchased it. Mr. Mark Dellinger said he has lived there three years and the buildings were there.

Ms. Schirtzinger asked if he thought about possibly making the pole barn smaller. Mr. Mark Dellinger said not with what needs to move out and into the new barn.

Mrs. Cole asked if the height needed to be 24 feet. Mr. Mark Dellinger said he could get a special door that only needs a foot to go up. He could do 15' instead of 16'. He also said he could take the shed down, but if he does then the sliver gets bigger of what can be seen.

Mr. Rick Dellinger asked if he would be doing any bodywork with cars. Mr. Mark Dellinger said he has not, but if he restores one down the road, he may. The doors would be closed and they are insulated. The next house is over 200' away.

Mr. Kluczynski asked Ms. Huber if the Board could approve a portion of the request and then deny other portions. Ms. Huber said yes, and as she understands it, there are four variances before the Board. Another question would be - could the Board approve variances for the existing building without approving the new building. She suggested breaking it up into two motions, one to address the application and then, make a motion for the accessory buildings as constructed.

Mr. Kluczynski made the motion to approve a variance from Violet Township Zoning Resolution Section 3AA5-04(A)(2), to allow the construction of a 2,208 square foot accessory building, whose floor area in combination with those of one or more existing accessory buildings, exceed the total floor area permitted for an accessory building on a lot larger than one acre, with the condition the applicant plant pine trees along the north side to screen the view of sight from Grant Lane; and to approve a variance from Section 3AA4-05(A)(4), to allow the height of a new accessory building of 24 feet, to exceed the 14-foot height of the principal structure with the condition the height of the accessory building does not exceed 24 feet. Ms. Schirtzinger seconded the motion. Roll call vote: Mr. Kluczynski, no; Ms. Schirtzinger, no; Mrs. Cole, yes; Mrs. Gillette, no; Mr. Collins, yes. Motion denied 3-2. Mr. Kluczynski said he based his vote upon it being excessive based on the house and the other accessory buildings on the property. Ms. Schirtzinger said she agreed with Mr. Kluczynski. Mrs. Gillette said she had the same reason for her vote, that the overall percentage exceeds the square footage of the home.

Mrs. Cole said the applicant has said he would be willing to reduce the height by 1' and asked Mr. Compton if that would have any impact for him or not. Mr. Compton said he really did not care and that his objection is more the size than the height.

Mr. Kluczynski made the motion to approve Case Number 19-VA-2019, a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(2), for the area of the existing accessory buildings to exceed the total floor area permitted on a lot greater than one acre in area,

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and a variance from Section 3AA4-05(A)(4), to allow the height of the existing accessory buildings to exceed the height of the home as currently constructed. Mrs. Cole seconded the motion. Roll call vote: Mr. Kluczynski, yes; Mrs. Cole, yes; Ms. Schirtzinger, yes; Mrs. Gillette, yes; Mr. Collins, yes. Motion carried.

## **Case Number 20-VA-2019**

An application for variance filed by Randall Hall for property located at 7725 Basil Western Road, Canal Winchester. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(2), to allow the construction of an accessory building whose floor area, in combination with those of one or more existing accessory building(s), exceeds the total floor area permitted for accessory buildings on a lot larger than one acre.

This property contains 14.32 acres and is located on the south side of Basil Western Road. Per Fairfield County Auditor data, the home on the property was built in 1900 and remodeled in 2008. The home is shown to contain 3,828 square feet of living area.

There are several existing detached accessory buildings on the property. The combined square footage/floor area of these buildings is 2,840 square feet.

Mr. Hall is proposing to construct a 40' x 80' pole building. The total floor area for all of the accessory buildings will be 5,240 square feet.

Violet Township Zoning Resolution 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 actual total gross floor area of the principal building.

Randall Hall, 7725 Basil Western Road, explained he wants to build a pole building and said there is an existing 40' x 60' pole building, with a 20' x 40' lean-to. They want to build a 40' x 80' pole barn on the west side of the property. It would be the same color as the existing pole building, with four doors and a rollup door on the north side. There would be a total of 6,400 square feet in accessory buildings.

He noted the original house was 8,000 square feet and now contains 3,828 square feet, as part of the home constructed in 1863 was removed.

Mr. Collins asked if he erected the existing pole barn. Mr. Hall said it was there before he bought the house. The only thing they built was the 25' x 40' equipment shed.

Mr. Kluczynski asked Mr. Hall to come and show him where things were on the drawing.

Mr. Kluczynski asked how Mr. Hall was going to access the new building. Mr. Hall said he had not quite decided on it yet.

Ms. Huber asked the applicant to amend his application to request an additional variance from Section 3AA4-05(A)(5)(b), to allow the accessory building to be placed at the side/front of the home. Mr. Hall said he would like to amend his application to include a variance from Section 3AA4-05(A)(5)(b), to allow the detached accessory building to be placed at the side/front of the home.

Mrs. Gillette asked if he was going to have antique cars in the building. Mr. Hall said yes. It will have electric and heat and probably no plumbing. The antique cars are for personal use. He is not running a business.

Mr. Kluczynski asked if there was any possibility that the location could be different and moved to the other side of the house. Mr. Hall said no, there was no place to put it, because of the vegetation and the area narrows there.

Mr. Dellinger asked if he had well and septic. Mr. Hall said he did.

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Mr. Hall said you cannot put it to the south side of the house because there is a pond and you cannot put to the east side because there is no room.

Mr. Collins asked if the height of the new building would be close to the height of the existing pole barn. Mr. Hall said it would.

Mr. Dellinger said since he is only showing 15 feet between the building and the property line, what he was planning to do with the downspouts. Mr. Hall said there is a ditch that runs all the way from the road down through and separates him and his neighbor. It is about a foot and a half deep.

Mr. Collins asked if the doors would be the same as the current building. Mr. Hall said yes, the same. There will be four on the front and one facing Basil Western.

Mr. Collins asked if he was going to put any exterior lighting on the new building. Mr. Hall said no.

Mrs. Cole asked what the cost of the car storage was. Mr. Hall said he keeps the cars at some of the repair shops and they are running out of room. He does not have to pay, but they are using space that he needs for other things.

Ms. Huber pointed out, if there are 2,840 square feet of existing accessory buildings and a 40' x 80' pole building, which is 3,200 square feet, the total is 6,040 feet of total accessory buildings, which exceeds the home by 2,212 square feet.

Mr. Hall said his property is long and wide so it does not look like it is not going to fit.

Ms. Schirtzinger asked if there were any trees along Basil Western. Mr. Hall said yes up next to the road are pine trees. He said there is almost 1,400 feet of driveway to get to them. Behind him is a wetland so there would never be anything go behind him.

Mr. Dellinger asked if he would be working on his cars there. Mr. Hall said no, that someone else would be working on them, but not on his property.

Mr. Dellinger asked what he would do with the fluids that come out of the vehicles. Mr. Hall said they would collect it and take it somewhere.

Mrs. Cole made the motion to approve Case No. 20-VA-2019, an application requesting a variance from the provisions of Violet Township Zoning Resolution Section 3AA4-05(A)(2), to allow the construction of an accessory building whose floor area, in combination with those of one or more existing accessory buildings, does not exceed 6,040 square feet and which will exceed the total floor area permitted for accessory buildings on a lot larger than one acre, as well as a variance from Section 3AA4-05(A)(5)(b), to allow the construction of a detached accessory building at the front/side of the existing principal structure. Mrs. Gillette seconded the motion. Roll call vote: Mrs. Cole, yes; Mrs. Gillette, yes; Ms. Schirtzinger, yes; Mr. Kluczynski, yes; Mr. Collins, yes; Motion carried.

Mr. Kluczynski made a motion to take a 5-minute recess at 9:17 p.m. All were in favor and said aye.

Mr. Kluczynski made a motion to reconvene at 9:25 p.m. Mrs. Cole seconded the motion. Roll call vote: All were in favor and said aye.

### **Case Number 21-VA-2019**

An application for variance filed by Bonnie and Gregory Armintrout for property located at 6515 Busey Place, Pickerington. This application requests a variance from the provisions of Violet Township Zoning Resolution Section 3A2-06, to allow the construction of an addition and deck which is to be placed closer to the rear property line than permitted.

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The applicant was not in attendance.

Mrs. Gillette made a motion to continue Case 21-VA-2019 to the July 18, 2019 meeting at 7:30 p.m., at the Violet Township Administrative Offices, located at 10190 Blacklick Eastern Road. Ms. Schirtzinger seconded the motion. Roll call vote: Mrs. Gillette, yes; Ms. Schirtzinger, yes; Mrs. Cole, yes; Mr. Kluczynski, yes; Mr. Collins, yes. Motion carried.

## **Case Number 22-VA-2019**

An application for variance filed by Revival Homes Ohio LLC, for property located at 7505 Refugee Road, Pickerington. This application requests a variance from the provisions of 3A2-04, to allow the construction of an addition, which is to be placed closer to the dedicated right-of-way line/right-of-way easement line than permitted.

This property is located on the south side of Refugee Road, east of Pickerington Road. The property contains .22 acres.

Mr. Walisiak with Revival Homes is requesting a variance to allow the construction of a front porch that is closer to the right-of-way easement line than permitted. The front porch is 3 feet deep x 12 feet wide

The front property line for this address is the centerline of Refugee Road. In review of Fairfield County GIS Data, it shows the front of the existing home to be 75 feet from the centerline of Refugee Road. The half-section of right-of-way of Refugee Road is 30 feet (60 feet total right-of-way width).

The Zoning Office was unable to approve a zoning permit for the construction of the front porch addition, because the front of the home was already approximately 45 feet from the edge of the right-of-way of Refugee Road. Using GIS Data and a known right-of-way width.

Violet Township Zoning Resolution Section 3A2-04, requires each lot shall have a front yard of not less than fifty (50) feet from the dedicated right-of-way line or right-of-way easement line and the front line of any building.

Chris Walziak, 7505 Refugee Road, said back in December he had built his awning and he spoke to Don Day and found out he needed a variance. It is already built and put on hold. The front of the deck is where it stopped. It is 3 feet deep. He said the front door used to be two windows.

Mrs. Cole asked why he moved the door. Mr. Walziak said for several reasons: the side of the home had no character at all and he wanted to get curb appeal. She asked if he changed the driveway. Mr. Walziak said the driveway is the same. He said the original door of the home was on the left side.

Mr. Dellinger asked if it was 15 feet to the side property line, as the houses were very close together. He wanted to make sure we have the appropriate side clearances. Mr. Walziak said when he originally measured it was 17 feet from the property line from either side.

Lowell Nicodemus, 7495 Refugee Road – this is his mother’s address, he has power of attorney, and he lives at 157 Patterson Street. He said the house was built in the 1930’s and Mr. Walziak’s house was built prior to that, before the zoning laws. He said the houses are very close together. Mrs. Gillette said the point Mr. Dellinger was making was, while we had the application, the Board could bundle a variance for the side setback.

Mrs. Gillette made the motion to approve Case No. 22-VA-2019 to approve a variance from the provisions of Violet Township Zoning Resolution Section 3A2-04, to allow the construction of a porch to be placed 8 feet closer to the right-of-way line/right-of-way easement line than permitted as constructed.

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Ms. Huber reported for the record that everyone in the audience had the opportunity to speak on this case.

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

## New Business

Mr. Dellinger asked if there was a construction project going on at 13006 Ault Road. He noticed there was a basement poured and a big concrete truck came out of there. Ms. Sarko said an addition was being constructed onto the pole building.

Mr. Dellinger said there was another address on Ault Road where a food truck has been going in and out for two months. He will get the address to Ms. Sarko.

Mrs. Gillette made a motion to adjourn the meeting at 9:38 p.m. Seconded by Ms. Schirtzinger. Roll call vote: Mrs. Gillette, yes; Ms. Schirtzinger, yes; Mrs. Cole, yes; Mr. Kluczynski, yes; Mr. Collins, yes. Motion carried.

Approved:

\_\_\_\_\_  
Thomas Collins, Chair

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

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

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Albert Kluczynski, Board Member

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Denise Cole, Board Member

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

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Stephanie Gillette, Board Member

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Rick Dellinger, Alternate Member