GENOA TOWNSHIP
BOARD OF ZONING APPEALS
MAY 22, 2012

Present:     Harry Goussetis, Chair
            Cybele Smith
            Curtis Williams
            David Dunn
            Mark Harmon

Also Present: Joe Clase, Director of Development & Zoning

RE:     BZA 2012-05 (6510 Walnut Valley Dr.)
        BZA 2012-06 (6366 S. Old 3C Hwy.)

Mr. Goussetis called the meeting to order at 7:00 p.m.

OLD BUSINESS

Minutes – 4/24/2012

Mr. Williams moved to approve the Minutes from April 24, 2012, as corrected. Motion was seconded by Ms. Smith. Roll call: Ms. Smith, aye; Mr. Harmon, aye; Mr. Williams, aye; Mr. Dunn, aye; Mr. Goussetis, abstain since he was not present for that meeting. Motion carried.

The corrections to the minutes were as follows:

Page 3, (g)

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The Board deemed that the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by not granting the variance.

Page 4, (g)

(g) The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by not granting the variance.

BZA 2012-05 (6510 Walnut Valley Dr.)(Buckeye Boat Club)

This hearing began at 7:04 p.m.
Mr. Goussetis read the legal notice for the record, as follows:

BUCKEYE BOAT CLUB, REQUESTING A VARIANCE TO §2102 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW LIGHTING TO DEVIATE FROM WHAT IS REQUIRED, ON PROPERTY LOCATED AT 6510 WALNUT VALLEY DRIVE, A RURAL RESIDENTIAL (RR) ZONING DISTRICT.

Mr. Goussetis asked everyone to sign the sign-in sheet and directed those who wished to speak to stand and be sworn in.

Exhibit “A” – Legal Notice
Exhibit “B” – Sign-in Sheet
Exhibit “C” - Application
Exhibit “D” – Staff Report, dated 5/22/12

Jim Horan, Commodore of the Buckeye Boat Club (hereinafter “BBC”), appeared and presented the application to the Board. Christine Thompson, a representative from American Electric Power, also appeared and assisted in the presentation. Mr. Horan stated that the BBC installed new light poles on their property without getting approval by the Township. The newly installed lights do not comply with the requirements set forth in the current Zoning Resolution. It was the BBC's intent to replace existing lights, and they did not realize they needed prior approval from the Township in order to do so. As a result, the Township received a complaint for excessive lighting at the BBC, and in turn, the Township notified the BBC of the violation.

Mr. Horan testified that they reduced the number of light poles from 21 to 14; however, some of the poles have been relocated from the original placement. The original poles were approximately 30-35 feet tall and had 1-3 lights of the same model that are now existing. He stated that the reason behind replacing the existing lights was due to the safety of its members and security of the property. In their application, the BBC feels they have submitted a reasonable solution that can be amicable to both the BBC and the surrounding residents. Mr. Horan stated that they would be willing to remove the existing light at the barn and the light at the entrance would be converted to a flood light and will be aimed at the barn, thereby reducing the amount of light pollution to the surrounding residential properties. All other open bottom lights, with one exception, will be replaced with directed floods.

Mr. Horan submitted additional documents to the Board, which Mr. Goussetis marked as follows:

Exhibit “E” – Photographs taken by Mr. Spencer of the lighting at the BBC
Exhibit “F” – Photographs taken by Mr. Horan of the past lighting at the BBC

Ms. Thompson gave a brief explanation of the types of lights that were installed at the BBC, along with their illumination specifications.
Mr. Clase gave a brief review of the Staff Report, which describes the property owned by the BBC along with the surrounding land owned by the City of Columbus. He also provided the Board with a permit history of the property. Mr. Clase testified that upon notification to the BBC of their non-compliance, they immediately responded to the Township. Mr. Clase noted that the prior lighting was potentially legal non-conforming since it was installed prior to the existing zoning requirements. Staff findings recommend that, upon a decision rendered by the Board, that (1) the Fire Department reinspect the property; (2) all lighting be shielded; and (3) that applicant consider offering additional plantings to screen the lighting from the surrounding residential properties.

Public Comment:

Bob Spencer (5833 Red Bank Rd.)

Mr. Spencer stated that although Mr. Horan has stated that the BBC has reduced the number of light poles and testified that the lights are the same as previously existed, there is a significant increase in the lighting on the property now than was in the past. He admitted that the light is different with the amount of foliage on the existing trees but still believes that the amount of light pollution coming from the BBC currently is significantly more than they had in the past. Mr. Spencer stated that he believes the lights will not prevent crime and that the amount of lighting is needed for safety because not that many people boat at night. Mr. Spencer stated that the BBC should not be permitted to operate in a residential district and requested that the Board deny the requested variance.

Nancy Spencer (5833 Red Bank Rd.)

Mrs. Spencer reiterated Mr. Spencer's concerns, stating that their front yard and driveway are now lit up every night due to the light pollution from the BBC and stated that she and her husband are no longer able to enjoy their property as a result.

Tina Mohn (City of Columbus, Recreation & Parks Department)

Ms. Mohn stated that the prior lighting at the BBC was not compliant with the City of Columbus' Code, therefore, the City agreed to the recent light replacements at the BBC. Ms. Mohn stated that the City entered into a new easement agreement with AEP to allow the lights to be replaced. Mr. Goussetis asked Ms. Mohn what type of review the City did with respect to the lighting change. Ms. Mohn stated that the City has leased land to the BBC for the last several years. As a result, any proposed changes on the property by the BBC have to be reviewed and approved by the City of Columbus, including her office, the City Commission and City Council.

Julie Biswas (5835 Red Bank Rd.)
Ms. Biswas stated her concern for not only the height of the light poles, but also for the intensity of the lights. She stated that it is very disturbing that BBC did not have to go through the zoning permit process as other residents of the Township, and testified that, as a result, she cannot fully enjoy her property due to the excessive lighting now being projected from the BBC. The lights are on from dusk to dawn every day. The lights also reflect out into the water, which causes light pollution for all the residents in the vicinity of the BBC.

**Gary Hamus** (7929 Linksview Cr.)

Mr. Hamus stated that he likes to take his boat out on Hoover in the evening and after dark. He appreciates the lighting from the BBC because it helps him navigate the waters in the dark and provides some safety from water hazards. Mr. Hamus stated there are a lot of people out on the water after dark and believes the lighting at the BBC provides safety to those individuals.

**Leon Kessler** (Member of BBC)

Mr. Kessler believes that the residents and the BBC should work together to arrive at an amicable compromise with respect to the lighting. The BBC should be able to make adjustments to the lighting to alleviate some of the light pollution onto the neighboring properties.

**Pete Welms** (Member of BBC)

Mr. Welms stated that he was involved in the process of replacing the lighting on the BBC property. He testified that the old lighting was malfunctioning causing the BBC to replace it with the existing lighting, and reiterated that the BBC entered into an agreement with AEP to replace the lighting. He believes if the BBC were required to replace or remove the existing poles and lighting, they will incur a substantial cost over and above what they have already incurred to replace the lighting. Mr. Welms stated that it was and is the intent of the BBC to adjust all lighting as to not reflect on the surrounding residential properties and to be a “good neighbor.”

**Kristin Thompson** (AEP representative)

Mr. Goussetis asked Ms. Thompson what the cost would be if the BBC were required to lower all of the existing lights. Ms. Thompson estimated the cost would be approximately $5,000 to $6,000. Redirecting the lights could cost the BBC an estimated $3,000, and which AEP has offered to do at no charge to the BBC.
Board Comment:

Mr. Goussetis stated that he believes the evidence submitted with respect to the existing lighting is somewhat vague and will cause various issues with enforcement by the Township. After extensive discussion, the Board determined that this matter could be tabled to allow AEP and the BBC to make additional changes to the lights, i.e., redirecting and replacing the lights with floodlights, to see if the concerns of the neighboring residential property owners could be improved or eliminated.

Mr. Dunn made a motion to table BZA 2012-05, until June 26, 2012 at 7:00 p.m., based on applicant’s request. The Buckeye Boat Club will be required to schedule an inspection with the Township prior to said meeting. Motion was seconded by Mr. Harmon. Vote: all ayes. Motion carried.

This hearing ended at 8:33 p.m.

BZA 2012-06 (6366 South Old 3C Hwy.) (Carder)

This hearing began at 8:37 p.m.

Mr. Goussetis read the legal notice for the record, as follows:

CONNIE CARDER, REQUESTING A CONDITIONAL USE PERMIT TO §1609.01(g) OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW HUMAN OCCUPANCY IN AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 6366 SOUTH OLD 3C HIGHWAY, A SUBURBAN RESIDENTIAL (SR) ZONING DISTRICT.

Mr. Goussetis asked everyone to sign the sign-in sheet and directed those who wished to speak to stand and be sworn in.

Exhibit “A” – Legal Notice
Exhibit “B” – Sign-in Sheet
Exhibit “C” - Application
Exhibit “D” – Staff Report, dated 5/22/12

Sue Carder appeared and presented the application on behalf of her mother, Connie Carder. When Mrs. Carder purchased the home the detached garage already included the living space above the garage, with the exception of a kitchen. Due to Mrs. Carder’s health issues and the need to have family close to help take care of her, she bought the house with the additional living space for that purpose. Mrs. Carder was unaware that they could not utilize the living space in the accessory structure until they received the violation letter from the Township.
Mr. Clase briefly reviewed the Staff report with respect to this application. He stated that the Township received a complaint with respect to the living situation at the Carder household, whereby the Township sent a violation letter to the applicant. Mr. Clase stated that although the prior owner received a permit to build the accessory structure, the Township was unaware of the living space in said structure until the complaint was received. Mr. Clase noted that the Zoning Resolution does allow a Conditional Use Permit to be requested for occupancy of an accessory building. Mr. Clase also noted that the existing location of the accessory building is compliant with the Zoning Resolution and this application meets the requirements for issuance of a Conditional Use Permit. The accessory building shares a driveway and address with the principal structure on the property.

Public Comment:

None.

Board Comment:

Mr. Dunn moved, incorporating Exhibits “A” through “D” into evidence, to approve a Conditional Use Permit for BZA 2012-06, dated May 4, 2012, to allow human occupancy in an accessory structure, on property located at 6366 South Old 3C Highway, a Suburban Residential (SR) Zoning District, based on the criteria reviewed in §303 of the Genoa Township Zoning Resolution.

Approval of this Conditional Use Permit is subject to the owner’s agreement to the following conditions:

1. The space is to be used for immediate family only;
2. The space should not be used as an income producing, i.e., rental unit; and
3. The space should not be given a separate address, utility service or driveway.

Motion was seconded by Mr. Williams. Vote: Mr. Goussetis, aye; Mr. Harmon, aye; Ms. Smith, aye; Mr. Dunn, aye; Mr. Williams, aye. Motion carried.

This hearing ended at 8:50 p.m.

Mr. Goussetis made a motion to adjourn this meeting. Motion was seconded by Ms. Smith. Vote: All ayes. Meeting adjourned at 8:52 p.m.
Respectfully submitted,

Vicki L. Stainer
Zoning Secretary

Date Approved: 6/26/19

Harry Gousssetis, Chair