CALL TO ORDER
Harry Goussetis called the meeting to order at 7:04 p.m.

ROLL CALL

MEMBERS PRESENT
Harry Goussetis, Chair
Cybele Smith
Mark Antonetz, Alternate

MEMBERS ABSENT
David Dunn
Teresa Yu, Alternate
Mark Harmon
Sara Walsh

OLD BUSINESS

MINUTES
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for hearing held on November 19, 2013.

MOTION: Cybele Smith moved to approve the November 19, 2013 hearing minutes, as presented. Motion was seconded by Teresa Yu. Roll call: Harry Goussetis, yes; David Dunn, yes; Cybele Smith, yes; Teresa Yu, yes. Motion carried.

PUBLIC HEARING
Harry Goussetis called the following hearing to order at 7:05 p.m., read the legal notice and asked anyone who wished to speak to this matter to sign-in and to stand. Those standing were sworn-in.

BZA 2014-01 – MICHAEL R. KOVALCHIK, REQUESTING A VARIANCE FROM SECTION 606.10 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR BUILDING COVERAGE IN EXCESS OF TEN PERCENT (10%) AND IMPERVIOUS SURFACE COVERAGE IN EXCESS OF TWENTY-FIVE PERCENT (25%) FOR A SINGLE-FAMILY RESIDENCE LOCATED ON LOT 3503 OF LANETTA SUBDIVISION, SECTION 2, 7581 LANETTA LANE, WESTERVILLE, ZONED RURAL RESIDENTIAL (RR) ZONING DISTRICT.

The Board marked the following as Exhibits:
Exhibit “A” – Legal Notice
Exhibit “B” – Sign-in Sheet
Exhibit “C” – Application
Exhibit “D” – Staff Report, dated 3/18/14

APPLICANTS’ PRESENTATION: Michael Kovalchik (7581 Lanetta Lane) stated that he was the applicant and he was requesting approval to exceed the ten percent (10%) maximum lot coverage to add an addition to his existing garage. The reason for the addition to the accessory building is to house his boat. The following items were noted:
1. Adding the addition will allow for the indoor storage of his boat; protecting the boat from the weather and theft. Storing the boat at his home also allows convenient access for use and maintenance.

2. Adding the addition also allows the boat to be stored out of the neighbor's view.

3. The addition will match the look of the existing accessory building.

4. The addition to the accessory building will be constructed soon or within month of approval. The pool will be built later in 2014 or early 2015 year.

5. The neighborhoods to the north and south of the Lanetta Lane homes are zoned Planned Residential which allows the property owners to build closer to the property lines without the lot coverage restriction. Lanetta Subdivision is zoned Rural Residential which requires a two (2) acre minimum lot size. The lots on Lanetta are just over one (1) acre but still have the ten percent (10%) maximum lot coverage.

The Board discussed the variance (BZA 2004-10) obtained by Mr. Kovalchik in 2004. The previous variance increased the maximum lot coverage from ten percent (10%) to twelve and one half (12.5%) to construct the existing accessory building. It was noted that the other lots in the Lanetta Subdivision are similar in size to the subject lot. The Board clarified that the 20' x 20' addition would be one (1) story and located at the rear of the existing building.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of the written staff report submitted as Exhibit "E". Staff noted that the existing house was built in 2003 and the existing 1200 square foot accessory building was built in 2004. The current lot coverage is 12.5 % and the current impervious surface coverage is 23.4 %. Staff met with the applicant last fall and determined that a variance would be needed to construct the addition to the accessory building and to construct a pool.

Staff stated that with the proposed addition the building coverage would be increased to 13.44 percent of the lot and the increased impervious surface coverage would be 26.9 percent on the lot. These figures were calculated based on the improvements itemized in this application and the data provided in the previous variance application.

The Board clarified the following Items:
   1. Medallion Estates is zoned Planned Residential (PRD).
   2. When the Lanetta Subdivision was recorded in 1996, the required lot size for a Rural Residential District was one (1) acre. This requirement changed in 1999 to a two (2) acre minimum lot size.
   3. The maximum lot coverage was ten percent (10%) when the minimum lot size was one (1) acre and did not change when the minimum lot size was increased to two (2) acres.
   4. Staff stated that some reasons for a maximum lot coverage requirement would be to preserve green space on the lot, to provide adequate space for on-site septic systems and to maintain the "rural" character of the area. The Board also determined that limiting impervious surface coverage would also be a reason for restricting lot coverage.
   5. Staff indicated that to their knowledge the lots on Lanetta were built by different builders under contract with the individual property owners; not just one builders.

PUBLIC COMMENTS: No one was present who wished to speak to the application.

The Board reviewed Duncan v. Middlefield, as follows:
   (a) Whether the property in question would yield a reasonable return or whether there can be beneficial use of the property without the variance. The Board deemed that the property
would yield a reasonable return and there can be beneficial use of the property without the variance.

(b) Whether the variance is substantial. The Board deemed that the variance is substantial since it is 25% over the maximum 10% building coverage allowed per the Zoning Resolution.

(c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. The Board deemed that the essential character of the neighborhood would not be substantially altered nor would adjoining properties suffer a substantial detriment as a result of the variance.

(d) Whether the variance would adversely affect the delivery of governmental services. The Board deemed that there was no evidence presented that governmental services would be adversely affected.

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The Board deemed that the property owner did purchase the property with the knowledge of the zoning restriction because the restrictions were in place when the property was purchased.

(f) Whether the property owner’s predicament feasibly be obviated through a method other than the variance. The Board deemed that the property owners' predicament cannot feasibly be obviated through another method for the project being proposed.

(g) Whether the spirit and intent behind the zoning department would be observed and substantial justice would be done by granting the variance. The Board deemed that the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The Board discussed the characteristics of the surrounding subdivisions and the requirements within the Planned Residential, Suburban Residential and Rural Residential Zoning Districts. The Board stated that the proposed improvements are in keeping with the neighborhood; several of the neighboring properties have accessory buildings and pools.

MOTION: David Dunn moved, incorporating Exhibits “A” through “E” into evidence, to approve a Variance from Section 606.10 of the Genoa Township Zoning Resolution for BZA 2014-01, application received February 28, 2014, to allow for building coverage to exceed the maximum ten percent (10%) lot coverage by 3.44 percent building coverage for the construction of an addition to an existing accessory building and impervious surface coverage to exceed the maximum twenty-five percent (25%) lot coverage by 1.9 percent for construction of an in-ground pool at a single-family residence located on lot 3503 of Lanetta Subdivision, Section 2, 7581 Lanetta Lane, Westerville, Ohio, zoned Rural Residential (RR) Zoning District based on the following findings of fact:

(a) The property in question would yield a reasonable return and there can be beneficial use of the property without the variance.

(b) The variance is substantial since the building coverage on the lot would be approximately thirty-five percent (35%) and the impervious surface coverage on the lot would be approximately twenty-seven percent (27%), substantially more the Zoning Resolution allows.

(c) The essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer a substantial detriment as a result of the variance.

(d) The variance would not adversely affect the delivery of governmental services.

(e) The property owner did purchase the property with knowledge of the zoning restriction.

(f) The property owner’s predicament cannot feasibly be obviated through a method other than the variance.

(g) The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.
Motion was seconded by Cybele Smith. Roll call: Harry Goussetis, yes; Cybele Smith, yes; David Dunn, yes; Teresa Yu, yes. Motion carried.

Harry Goussetis announced the hearing closed at 7:32 p.m.

ADJOURNMENT
David Dunn moved to adjourn this meeting at 7:32 p.m. Motion was seconded by Teresa Yu. All voted in favor. Motion carried.

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on March 4, 2014 in the Delaware Gazette and posted at the Genoa Township Hall on February 28, 2014. Notice of this meeting was also mailed to the adjacent property owners and a notification sign was placed on the subject property.

SUBMITTED BY:  ZONING COMMISSION APPROVED:
Susan Dorsch, Permit and Compliance Inspector

Date Prepared & Submitted:  Date Approved by the Board of Zoning Appeals
May 27, 2014

OTHERS PRESENT AT MEETING

Michael Kovalchik, 7581 Lanetta Ln.
John Ross, 6480 Jaycox Rd.

Susan Dorsch, Development & Zoning Dept.