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**GENOA TOWNSHIP BOARD OF ZONING APPEALS MINUTES**

**DATE:** April 22, 2014  
**TIME:** 7:00 PM  
**LOCATION:** Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082  
**AGENDA ITEMS:** BZA 2014-02 Westerville North Self Storage

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

**ROLL CALL**  
MEMBERS PRESENT

<table>
<thead>
<tr>
<th>Harry Goussetis, Chair</th>
<th>Sara Walsh</th>
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<tr>
<td>David Dunn</td>
<td>Mark Harmon</td>
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<td>Cybele Smith</td>
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MEMBERS ABSENT

| none |

Teresa Yu, Alternate and Mark Antonetz, Alternate, were present at this meeting but were not voting members.

**PUBLIC HEARING**  
Harry Goussetis called the following hearing to order at 7:04 p.m., read the legal notice and asked everyone who wished to speak to this matter to sign-in and to stand. Those standing were sworn-in.

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**BZA 2014-02 - JEFF CUTLER, ON BEHALF OF WESTERVILLE NORTH SELF STORAGE, REQUESTING A VARIANCE FROM SECTIONS 1505.05 AND 1507.07 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR BUILDING COVERAGE IN EXCESS OF 65,000 SQUARE FEET AND REDUCED SETBACK FROM A RESIDENTIAL ZONING DISTRICT, LOCATED ON 6342 FROST ROAD, WESTERVILLE, ZONED LIGHT INDUSTRIAL (LI) ZONING DISTRICT.**

**APPLICANTS' PRESENTATION:** Jeff Cutler, Westerville North Self Storage, stated that he was the owner of the self storage facility and he was requesting a variance to construct an additional building within the required 100 ft. setback and to exceed the maximum 65,000 square footage allowed in the Light Industrial zoning district. The following items were noted:

1. The back of the building proposed within the 100 setback would face the adjacent residential lots. Seeing the back of the building should be more appealing to the neighbors than the over-head doors and drive aisle. The building will be beige in color to match the existing buildings.
2. The total building square footage with the construction of the additional buildings would be 73,400 sq. ft.
4. There are typically 15 to 20 trips by clients into the facility each day.
5. The site currently has two (2) completed buildings and one (1) under construction, which should be completed within five (5) to six (6) weeks depending on the weather.
6. The property is unique because only three (3) acres of the six (6) acre parcel would buildable due to the required 100 foot setback from the adjacent residential zoning districts. Cutler stated that he was aware of the setbacks when he purchased the property.
Two (2) rows of pine trees were planted in the landscape buffer between the residential houses and the storage units. These trees will remain. There is also an eight (8) ft. high chain link fence around the perimeter of the property.

STAFF REPORT: Joe Clase, on behalf of the Genoa Township Development and Zoning Department, gave an overview of the staff report.

Staff listed the following recommendations:
1. Fire Department concerns should be addressed.
2. 75 ft. green strip should only be used for maintenance of the area.
3. Screening of the building should be discussed.
4. Height and roof pitch of the proposed fifth building should be discussed.
5. Drainage concerns should be addressed with Delaware Soil and Water.

Staff provided the following information to the Board:
1. The closest house to the applicant's southern property line is approximately thirty (30) feet. The homeowners could construct a deck or patio into this area.
2. The height of the building and the roof pitch should be based on adjacent neighbor's comments. It may be more desirable for the roof to slope toward the residential properties.

PUBLIC COMMENTS:
- Joe Hughes, 7025 Jean Court, stated his concerns with the drainage between his rear property line and the applicant's south property line. Mr. Cutler indicated that he is working with Delaware County to resolve the drainage issues. Mr. Hughes asked for assurance that no additional trees would be removed. Since there is currently only one row of pine trees within his view Mr. Hughes requested that additional pine trees be planted within the 75 foot green strip. Mr. Hughes does not have any objections to the variance request. He stated that seeing the back of a building is more desirable than looked at the over-head doors and having the driveway aisle.
- Lynn McConnell, 7029 Jean Court, stated that she agrees that seeing the back of the building is more desirable. Mrs. McConnell is concerned that the fire departments requirements for breaks in the building will allow her back yard to be viewed from the storage facility.
- Teresa Yu, 7030 Jean Court, asked for clarification that there would not be a driveway aisle behind the proposed behind the 5th building. There will not be a driveway aisle but there will be an area for firefighters and maintenance behind the building to the fence line. Mrs. Yu stated that there are 4 or 5 less pine trees than shown on the plan and the fence is angled and not squared off as shown. Mrs. Yu expressed concern that if this variance is granted that the applicant will be back again for another building along the east side of the property.

The Board reviewed Duncan v. Middlefield, for the variance from Section 1505.05 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 from 1505.05 for additional square footage.
(b) Whether the variance is substantial. The Board deemed that the variance is substantial since it is 12.6% over the maximum 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 stated that the Genoa Township Fire Marshal has concerns with the proposed length and location of building E but the building could be divided to resolve the concerns. There was no evidence presented that any other governmental services would be adversely affected.

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The Board indicated that the applicant previously stated that he did purchase the property with the knowledge of the zoning restrictions.

(f) Whether the property owner's predicament feasibly be obviated through a method other than the variance. The Board deemed that since the Zoning Resolution limits the square footage of the buildings to 65,000 sq. ft. 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. Considering the Genoa Township Comprehensive Plan and the reasoning for the 65,000 sq. ft. limitation. 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 reviewed Duncan v. Middlefield, for the variance from Section 1507.07 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 encroachment into the required 100 building setback.

(b) Whether the variance is substantial. The Board deemed that the variance is substantial since it is a 25% encroachment into the required setback.

(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. Considering the statements from the adjacent home owners, that they would rather have the view of the solid back of a building than a driveway aisle and over-head garage doors. And also the fact that the property is located in a light industrial district. 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 stated that the Genoa Township Fire departments concerns still apply to this variance request. There was no evidence presented that any other 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 owner did purchase the property with the knowledge of the zoning restrictions as previously stated by the applicant.

(f) Whether the property owner's predicament feasibly be obviated through a method other than the variance. Board deemed that the property owners' predicament can feasibly be obviated through another method since the property owner could build a building at the 100 ft. setback with a 25 ft. driveway aisle between the building and the neighbors 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. With conditions that could be imposed by the Board of Zoning Appeals, 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 their concerns with the lack of evidence presented to demonstrate uniqueness of the property and the fact that the application or presentation did not contain details of the proposed project such as height of building E and its roof pitch and details on additional screening to lessen the visual impact to the adjacent residential neighborhood. The Board stated that the applicant could have worked with the Fire Department before the hearing to resolve the Fire Marshalls concerns.

In order to provide additional information to the board, the applicant requested to table their application to a later date so more evidence and details could be provided to the board.

MOTION: Harry Goussetis moved to accept the applicant's request to table his application until the Board of Zoning Appeals June 24, 2014 meeting at 7:00 p.m. The applicant will submit any new and/or revised materials to the Development and Zoning Department by June 6, 2014. All board members voted yes. Request to table application was granted.

Harry Goussetis announced the hearing closed at 8:20 p.m.

ADDITIONAL BUSINESS

ELECTION OF OFFICERS

MOTION: David Dunn moved to nominate and elect Harry Goussetis as Chair of the Board of Zoning Appeals, for terms ending March 31, 2015. Motion was seconded by Sara Walsh. All members voted yes. Motion carried.

MOTION: Mark Harmon moved to nominate and elect David Dunn as Vice Chair of the Board of Zoning Appeals, for terms ending March 31, 2015. Motion was seconded by Sara Walsh. All members voted yes. Motion carried.

ADJOURNMENT

David Dunn moved to adjourn this meeting at 9:00 p.m. Motion was seconded by Mark Harmon. All voted yes. Motion carried.

Meeting was adjourned at 8:30 p.m.

PUBLICATION OF LEGAL NOTICE:

The legal notice for this meeting was printed and published on April 4, 2014 in the Delaware Gazette and posted at the Genoa Township Hall on March 31, 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: 

[Signature]

Susan Dorsch, Permit and Compliance Inspector

Date Prepared & Submitted: 5/27/14

ZONING COMMISSION APPROVED:

[Signature]

Harry Goussetis, Chair

[Signature]

David Dunn, Vice Chair

Date Approved by the Board of Zoning Appeals: May 27, 2014
OTHERS PRESENT AT MEETING

Joe Hughes, 7025 Jean Ct.
Lynn McConnell, 7029 Jean Ct.
Jeff Cutler, 591 Carle Ave., Lewis Center

Joe Clase, Director Development & Zoning
Megan Wood, 5636 Genoa Farms Blvd.
Jeff Stimmel, P.O. Box 737, Logan, Ohio