GENOA TOWNSHIP BOARD OF ZONING APPEALS MEETING MINUTES

DATE: June 24, 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 – 2nd hearing

CALL TO ORDER
Harry Goussetis called the meeting to order at 7:00 p.m.

ROLL CALL

<table>
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<tr>
<th>MEMBERS PRESENT</th>
<th>MEMBERS ABSENT</th>
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<tbody>
<tr>
<td>Harry Goussetis, Chair</td>
<td>Sara Walsh</td>
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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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Alternates Mark Antonetz and Teresa Yu were also present at this meeting but were not voting members.

PUBLIC HEARING
Harry Goussetis called the following hearing to order at 7:00 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.

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. (PREVIOUSLY HEARD 4/22/2014).

The following were marked as exhibits “A” – “B”:
- Exhibit “A” – Legal Notice
- Exhibit “B” – Sign-in Sheet
- Exhibit “C” – Application
- Exhibit “D” – Staff Report, dated 6/24/2014

APPLICANTS’ PRESENTATION: Jeff Cutler reviewed the following items:
1. The design of Building “E” was modified to provide access to the rear of the building as required by the Genoa Township Fire Department regulations.
2. All dead evergreen trees within the seventy-five (75) foot green strip have been replaced and additional evergreen trees have been planted.
3. Mr. Cutler met with staff from Delaware County Soil and Water Conservation District to discuss the drainage concerns expressed by the adjacent neighbor. Mr. Cutler stated that Soil and Water holds easements for the drainage areas on the site. Any future drainage issues will be address through Soil and Water’s Ditch Maintenance Program.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, reviewed the staff report. She stated that Fire Marshall Skeel had confirmed that the revised design for building “E” satisfies the Fire Departments requirements. The elevations show the
proposed height of building “E” at eight (8) feet, six (6) inches. The maximum allowable height for a building within the Light Industrial district is thirty-five (35) feet.

Staff listed the following recommendations:
1. No activity shall be conducted within the 75 foot required green strip, except regular maintenance.
2. No overhead doors or lighting shall be located on the rear of Building “E”.

PUBLIC COMMENTS: Harry Goussetis asked any individuals who were properly sworn-in to share their comments.

- Teresa Yu, 7030 Jean Court, asked what type of lighting would be located on the south side, pass-through or ends of building “E”. She also inquired where the break in building “E” would be located.

APPLICANT’S RESPONSE: Mr. Cutler stated the following:
1. Lighting would not be installed on the ends or rear of building “E”.
2. Doors would not be installed on either end of building “E”.
3. There will not be a visible separation in building “E”. To satisfy the fire department requirements, steel man-doors will be installed on the front and rear of the building to provide access for the fire department.

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 because the parcel currently has three (3) self-storage buildings and additional buildings can be built on the parcel without a variance.
(b) Whether the variance is substantial. The Board deemed that the 12.6 % variance was not substantial.
(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 applicant has address the concerns of the adjacent neighbors and granting the variance would not substantially alter the character of the neighborhood and the adjoining properties would not suffer a substantial detriment as a result of the variance.
(d) Whether the variance would adversely affect the delivery of governmental services. There was no evidence presented that any governmental services would be adversely affected.
(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The property owner stated that he purchased the property with knowledge of the zoning restriction.
(f) Whether the property owner’s predicament feasibly be obviated through a method other than the variance. The property owner cannot exceed the maximum gross floor area without obtaining a variance.
(g) Whether the spirit and intent behind the zoning requirement 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 would be done by granting the variance because the 65,000 square foot limitation was intended to prevent development of a “big box” retailer.
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 variance.

(b) Whether the variance is substantial. The Board deemed that the 25% reduction to the required setback was substantial.

(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 granting the variance would not substantially alter the character of the neighborhood and the adjoining properties would not suffer a substantial detriment as a result of the variance.

(d) Whether the variance would adversely affect the delivery of governmental services. There was no evidence presented that any governmental services would be adversely affected.

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The property owner stated that he purchased the property with knowledge of the zoning restriction.

(f) Whether the property owner’s predicament feasibly be obviated through a method other than the variance. The property owner cannot construct building “E” in the proposed location without obtaining a variance.

(g) Whether the spirit and intent behind the zoning requirement 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 would be done by granting the variance.

MOTION #1: David Dunn moved, incorporating Exhibits A through D into evidence, to approve a Variance from Section 1505.05 of the Genoa Township Zoning Resolution for BZA 2014-02, application received March 20, 2014, to allow for a commonly controlled business operation to exceed the maximum 65,000 square feet of gross floor area within one or more structures up to an additional 8200 square feet (12.6%) for property located on 6342 Frost Road, Westerville, zoned Light Industrial (LI) 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 not substantial since it is approximately 12.6 percent more than 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 Sara Walsh. Roll call: David Dunn, yes; Cybele Smith, yes; Mark Harmon, yes; Sara Walsh, yes; Harry Goussetis, yes. Motion carried.

MOTION #2: David Dunn moved, incorporating Exhibits A through D into evidence, to approve a Variance from Section 1507.07 of the Genoa Township Zoning Resolution for BZA 2014-02, application
received March 20, 2014, to allow for a building to be located 25 feet (25 percent) closer than the required one hundred (100) feet from a residential district boundary line for property located on 6342 Frost Road, Westerville, zoned Light Industrial (LI) 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 it is approximately 25 percent less than 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.

Approval of the Variance is subject to the owner’s agreement to the following conditions:
1. No storage or activity, except regular maintenance, shall be conducted within the seventy (75) foot required green strip.
2. No overhead doors or lighting shall be located on the rear of building “E”.

Discussion on Motion: The Board proposed that the conditions be amended to read as follows:

1. No storage or activity, except regular maintenance, shall be conducted within the seventy (75) foot required green strip.
2. No overhead doors or lighting shall be located on the rear or either end of building “E”.

The board expressed the following thoughts:
1. Although the parcel is not extremely unique, the owner has been very willing to work with the adjacent neighbors and keeping the line of communication open. The applicant planted trees for additional screening without the guarantee that the variance would be approved.
2. An eight and a half (8 ½) foot tall building, twenty-five feet closer that the one-hundred (100) foot setback required by the zoning resolution is more desirable for the neighbors than the thirty-five (35) foot tall building allowed by code.
3. The applicant’s property was zoned industrial before the adjacent property to the south was zoned residential.
4. The use of the property for self-storage units is very low impact compared to other industrial uses that could have been developed on the property.

Motion was seconded by Sara Walsh. Roll call: David Dunn, yes; Cybele Smith, yes; Mark Harmon, yes; Sara Walsh, yes; Harry Goussetis, yes. Motion carried.

Harry Goussetis announced the hearing closed at 7:29 p.m.

ADJOURNMENT
David Dunn moved to adjourn the meeting at 7:29 p.m. Motion was seconded by Mark Harmon. All voted yes. Motion carried.

Meeting was adjourned at 7:29 p.m.
PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on June 11, 2014 in the Delaware Gazette and posted at the Genoa Township Hall on June 9, 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:  

Susan Dorsch, Permit and Compliance Inspector  
8/26/14  
Date Prepared & Submitted:

ZONING COMMISSION APPROVED:

Harry Goussetis, Chair  
David Dunn, Vice Chair  
8/26/14  
Date Approved by the Board of Zoning Appeals

OTHERS PRESENT AT MEETING

Jeff Cutler, 591 Carle Ave., Lewis Center  
Teresa Yu, 7030 Jean Court  

Susan Dorsch, Development & Zoning