CALL TO ORDER
David Dunn 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>
</tr>
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<tbody>
<tr>
<td>David Dunn, Vice-Chair</td>
<td>Sara Walsh</td>
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<tr>
<td>Cybele Smith</td>
<td>Mark Harmon</td>
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<td>Mark Antonetz, Alt</td>
<td>Teresa Yu, Alt.</td>
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<tr>
<td>Harry Goussetis</td>
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MINUTES
No minutes were submitted for approval.

PUBLIC HEARING
David Dunn called the following hearing to order at 7:03 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.

**LISA L. SALOOM REQUESTING A VARIANCE FROM THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR AN ADDITION AND PATIO ENCROACHMENT LESS THAN 30 FEET FROM THE REAR PROPERTY LINE (§919) AS SPECIFIED IN THE HIGHLAND LAKES NORTH FINAL DEVELOPMENT PLAN, LOCATED ON 5632 SOMERSET AVENUE, WESTERVILLE, ZONED PLANNED RESIDENTIAL (PRD) ZONING DISTRICT (BZA 2014-11).**

The following were marked as exhibits “A” – “D”.
- Exhibit “A” – Legal Notice
- Exhibit “B” – Sign-in Sheet
- Exhibit “C” – Application
- Exhibit “D” – Staff Report, dated 10/28/2014

APPLICANTS’ PRESENTATION: Joe and Lisa Saloom, the applicants, are requesting a variance to build a roofed patio on the back of their house and a fire pit that will extend into the rear yard setbacks 30 feet and 20 feet, respectively. The applicant noted the proposed build plans were included in the application packet. Mr. Saloom indicated that the placement of his home was further to the rear than that of his neighbors, thus there is a lack of privacy for his family in either the front or side yard. Additionally, the rear of the house faces south and there is a great deal of sunlight; this proposal would allow his family to better enjoy their home. He stated the distance to the next neighbor behind them is over 120 feet so there should be little impact on the rear neighbor and that they are supportive. An application has been submitted to their HOA and they were told they would receive an answer by November 7th. The additional patio is basically the same as the patio on the existing house but it is being modified to square off a corner. It is an existing paver patio, but will now become a covered structure, thus the stricter restriction. The construction materials will match
the existing home (similar materials, color, etc.). Letters from neighbors behind them and the closest neighbor to the east have been included.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, reviewed the staff report. She indicated the lot is in Highland Lakes East and has a rear setback of 30 feet; the applicant is requesting to encroach 30 feet into this rear yard setback. The current patio is compliant; the new patio and fire pit will encroach 6 feet into the rear yard setback. Notices were sent to adjacent neighbors and a sign was placed in the front yard; no comments or phone calls were received by the Zoning Office.

PUBLIC COMMENTS: David Dunn asked any individuals who were properly sworn-in to share their comments. There were no public comments.

APPLICANT'S RESPONSE: Mr. Saloom had no additional comments.

The Board reviewed Duncan v. Middlefield, for the variance from Section 919 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 approximately 30% increase greater than what the Zoning Resolution allows is 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 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. It appears the property owner purchased the property with knowledge of the zoning restriction that was in place at the time of the purchase.
(f) Whether the property owner's predicament feasibly be obviated through a method other than the variance. The property owner cannot encroach into the rear yard setback 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.

BOARD DISCUSSION: Following the review of Duncan v. Middlefield, the Board questioned if a condition of this variance should be that HOA approval be obtained. The Zoning Office indicated this is not typically listed as a condition of approval by the Board.

MOTION: Mark Harmon moved, incorporating Exhibits A through D into evidence, to approve a Variance to Section 919 of the Genoa Township Zoning Resolution for BZA 2014-11, application received September 30, 2014, to allow for construction of an addition to encroach in the minimum required thirty (30) foot rear yard setback and a patio to encroach into the required twenty (20) foot rear yard setback for property located at 5632 Somerset, Westerville, zoned Planned Residential (PRD) Zoning District (BZA2014-11) 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 30 percent more than the Zoning Resolution requires.
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 can 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.

Discussion on Motion: The Board had no additional discussion.

Roll call: Mark Harmon, yes; Cybele Smith, yes; Sara Walsh, yes; Teresa Yu, yes; David Dunn, yes. Motion carried.

David Dunn announced the hearing closed at 7:15 p.m.

PUBLIC HEARING
David Dunn called the following hearing to order at 7:15 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.

THE ELLIS COMPANY LTD, ON BEHALF OF ROBERT L. TAYLOR & TERRI DIERSING CO. TRUSTEE, REQUESTING VARIANCES FROM THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR DEVELOPMENT OF A SELF-STORAGE FACILITY WITH MORE THAN 65,000 SQUARE FEET IN GROSS FLOOR AREA (§1505.05), LESS THAN 200 FEET OF ROAD FRONTAGE (§1507.02), LESS THAN 100 FEET OF FRONT YARD SETBACK (§1507.04) AND LESS THAN 25 FEET OF SIDE SETBACK (§1507.05), LOCATED ON 6159 MAXTOWN ROAD, WESTERVILLE, ZONED LIGHT INDUSTRIAL (LI) ZONING DISTRICT (BZA 2014-12).

The following were marked as exhibits "A" – "E".
Exhibit "A" – Legal Notice
Exhibit "B" – Sign-in Sheet
Exhibit "C" – Application
Exhibit "D" – Staff Report, dated 10/28/2014
Exhibit "E" – Revised Site Plan provided by applicant’s attorney, Jeffrey Brown

APPLICANTS’ PRESENTATION: Jeffrey L Brown, attorney with Smith and Hale, and Cole Ellis, the client and the applicant in this matter presented their case. Mr. Brown indicated the odd shape of this property is an issue regardless of what is proposed and that the reduced setback request is to retain alignment with structures on either side as well as to maintain a visual presence from Maxtown Road. He further noted that the existing structure on one side and a proposed road on the other limit what can be done with this property. Initial discussions with the Zoning Office indicated a concern with the total building coverage on the lot and rear setback. The applicant has acquired additional property to meet both the lot and building coverage area and to meet the rear setback requirements in terms of the overall development. The 150 foot electrical easement further limits building placement. Mr. Brown understood the 65,000 square foot building reference was for “big box” retailers, not a single story set of buildings as is being proposed; this is a different concept and
so he felt this did not apply to this project. Revised site plan drawings were submitted during this meeting showing the plan to meet accessibility and turn radius requirements as specified in a letter from the Genoa Township Fire Department. Due to the shape of the lot, the electrical easement, and the proposed road along the side, the applicant felt there were some unique challenges to this property, thus the variance requests. Mr. Brown stated the facility will be gated and there will be personnel on-site during business hours; access would be available from 6a.m. to 10p.m; it is not a 24 hour facility; and the access system is computerized. The applicant has agreed to meet all Genoa Fire Departments requirements. The applicant explained the decision to seek a series of variances from the BZA rather than the Zoning Commission noting this is a shorter process and has less additional requirements (e.g., a traffic study for a proposal with minimal traffic impact, etc.). The applicant does not feel this is a “substantial” variance for this piece of property and that the proposed layout would accommodate a future change of road by Westerville (the proposed road is in the jurisdiction of Westerville, not Genoa Township, as noted by the Susan Dorsch).

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, reviewed the staff report. She clarified that Zoning Office staff had recommended the applicant take this to the Zoning Commission, rather than the BZA, and that the overlay in this zoning district was created for cases such as this. She stated an application filed through the Zoning Commission would require an extra step of the application being heard by the Board of Trustees after the Zoning Commission gave their recommendation.

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

1. Carl Tysinger & Chris Tysinger, 6157 Maxtown Road, Westerville OH 43082 – The Tysingers stated they own the property directly in front of this proposed storage facility and that it looks like the proposed property will encroach onto the proposed road. This road would take additional land from the proposed development, especially if it is three lanes (including a left turn lane). Chris Tysinger stated adding the road would open up property further inland and would be of greater benefit to the Township. The proposed road would also take land from the Tysingers.

2. Todd Eckhardt, 7042 Jean Court, Westerville OH 43082 – Mr. Eckhardt owns a home on the far corner from this property and is concerned about the impact on future variance requests on the other properties; the Board responded it would not impact future variance requests as each request is considered independently. Mr. Eckhardt noted there were other storage facilities recently built and questioned if there could be too many in the area, eventually leading to under utilization and the facilities becoming a detriment to the Township. He noted the line of site from his house would be directly onto this and asked if there would be additional screening required. His preference would be to maintain this as an undeveloped and not open additional land for development. The Board clarified that the adjacent homeowners purchased next to an industrial area and that it was likely further development would occur.

3. Michael Shade, P.O. Box 438, Delaware OH 43015 – Mr. Shade is an attorney in Delaware Ohio and President of the Delaware County Community Improvement Association. He has been present at two sessions related to the proposed road and agreed that there will be a need for some shifting of lands to accommodate the proposed roadway. Mr. Shade felt there could potentially be no side yard for these properties. He represents clients who feel this is premature until there were more decisions on the proposed road as this could significantly impact their development plan. He did mention the option of trading land per the Ohio Revised Code if there is a need to maintain economic development. He felt the type of use being proposed fits, however the lot is awkward and without knowing the ultimate width there could be future issues. His clients would like to ensure the road is built before
development is approved. When asked by the Board who he represented, Mr. Shade refused to divulge his clients stating he had specifically been asked by his clients to retain their anonymity.

BOARD DISCUSSION: The Board questioned the intent for the property to the rear and the applicant had no knowledge of the owner’s intent. The Chair asked Mr. Brown if he had a preference for the Board to vote on each variance separately or in one motion noting that a single motion would mean everything either carried or failed, whereas individual motions could have a different outcome for each. Mr. Brown chose to have the motions voted on separately. The Board expressed concern regarding the total surface coverage and the resulting appearance. Mr. Brown indicated he would be amenable to adding a screening row of pine trees behind Mr. Eckhardt’s property, for example, a minimum height of five (5) foot, twenty (20) foot on center. A concern that the lighting on the lot be directed away from any residential areas to minimize the impact on surrounding residences was also expressed by the Board. Mr. Brown indicated they would comply with any lighting requirements.

APPLICANT’S RESPONSE: The applicant had no additional comments.

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.
(b) Whether the variance is substantial. The Board deemed the variance is 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 would substantially alter the character of the neighborhood and the adjoining properties would suffer a substantial detriment as a result of the variance as there are dense woods to the rear of the property.
(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 purchased the property while this zoning restriction was in place.
(f) Whether the property owner’s predicament feasibly be obviated through a method other than the variance. It cannot.
(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 not be observed and substantial justice would not be done by granting the variance.

BOARD DISCUSSION: The Board felt there would be a substantial change to the character of the neighborhood. The electrical easement presented challenges to the proposed development, however, compliance with the easement requirement and the fire department requirements would not then impact the delivery of governmental services. The Board felt this application should be addressed by the Zoning Commission as many of the items discussed are part of a final development plan. They noted the BZA rarely is asked to address undeveloped land and the variances required to build a new structure. The Board felt the BZA was being used as the path of least resistance, noting the proposed development is not the issue, but rather it is the approach being used.
MOTION #1: Mark Harmon moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 1505.05 of the Genoa Township Zoning Resolution for BZA 2014-12 application received October 9, 2014, to allow for construction of four (4) self-storage buildings where the total gross floor area would exceed the maximum 65,000 square feet by 23,175 square feet on a parcel to be created by combining parcel 31734201012000 & 31734201013000 and a portion of parcel 31734201016000 on Maxtown Road, Westerville, Light Industrial 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 36 percent more than the Zoning Resolution requires.
c. The essential character of the neighborhood would be substantially altered and the adjoining properties would 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 intends to purchase the property with knowledge of the zoning restriction.
f. The property owner's predicament can feasibly be obviated through a method other than the variance.
g. The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.

Approval of the Variance is subject to the owner's agreement to the following conditions:
1. Compliance with the Genoa Township Fire Department letter from Lt. Craig Skeel.

Motion was seconded by Sara Walsh.

Discussion on Motion: There was no additional discussion.

Roll call: Mark Harmon, no; Cybele Smith, no; Sara Walsh, no; Teresa Yu, no; David Dunn, no. Motion failed.

The Board chose to go directly to the remaining motions as the initial review of Duncan v. Middlefield would not differ. Duncan v. Middlefield will be reviewed for specific to each motion as it is presented.

MOTION #2: Mark Harmon moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 1507.02 of the Genoa Township Zoning Resolution for BZA 2014-12 application received October 9, 2014, to allow the minimum required two-hundred (200) feet of lot frontage to be reduced to ninety-nine (99) feet on a parcel to be created by combining parcel 31734201012000 & 31734201013000 and a portion of parcel 31734201016000 on Maxtown Road, Westerville, Light Industrial 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 51 percent less than the Zoning Resolution requires.
c. The essential character of the neighborhood would be substantially altered and the adjoining properties would 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 intends to purchase the property with knowledge of the zoning restriction.
f. The property owner's predicament can feasibly be obviated through a method other than the variance.
g. The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.

Approval of the Variance is subject to the owner's agreement to the following conditions:
1. Compliance with the Genoa Township Fire Department letter from Lt. Craig Skeel.

Motion was seconded by Sara Walsh.

Discussion on Motion: There was no additional discussion.

Roll call: Mark Harmon, no; Cybele Smith, no; Sara Walsh, no; Teresa Yu, no; David Dunn, no. Motion failed.

MOTION #3: Mark Harmon moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 1507.04 of the Genoa Township Zoning Resolution for BZA 2014-12 application received October 9, 2014, to allow the minimum required one-hundred-fifty (150) feet of front yard depth to be reduced to one-hundred (100) feet on a parcel to be created by combining parcel 31734201012000 & 31734201013000 and a portion of parcel 31734201016000 on Maxtown Road, Westerville, Light Industrial 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 33 percent less than the Zoning Resolution requires.
c. The essential character of the neighborhood would be substantially altered and the adjoining properties would 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 intends to purchase the property with knowledge of the zoning restriction.
f. The property owner's predicament can feasibly be obviated through a method other than the variance.
g. The spirit and intent behind the zoning requirement would not be observed and substantial justice would not be done by granting the variance.

Approval of the Variance is subject to the owner's agreement to the following conditions:
1. Compliance with the Genoa Township Fire Department letter from Lt. Craig Skeel.

Motion was seconded by Sara Walsh.

Discussion on Motion: The Board felt there was not a need to add the conditions for screening or lighting.

Roll call: Mark Harmon, no; Cybele Smith, no; Sara Walsh, no; Teresa Yu, no; David Dunn, no. Motion failed.

MOTION #4: Mark Harmon moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 1507.05 of the Genoa Township Zoning Resolution for BZA 2014-12 application received October 9, 2014, to allow the minimum required twenty-five (25) feet of side yard width to
be reduced to ten (10) fee along the west property line on a parcel to be created by combining parcel 31734201012000 & 31734201013000 and a portion of parcel 31734201016000 on Maxtown Road, Westerville, Light Industrial 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 60 percent less than the Zoning Resolution requires.

c. The essential character of the neighborhood would be substantially altered and the adjoining properties would 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 intends to purchase the property with knowledge of the zoning restriction.

f. The property owner’s predicament can feasibly be obviated through a method other than the variance.

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

Approval of the Variance is subject to the owner’s agreement to the following conditions:

1. Compliance with the Genoa Township Fire Department letter from Lt. Craig Skeel.

Motion was seconded by Sara Walsh.

Discussion on Motion: There was no additional discussion.

Roll call: Mark Harmon, no; Cybele Smith, no; Sara Walsh, no; Teresa Yu, no; David Dunn, no. Motion failed.

All four motions were denied. The Board informed the applicant he could consider taking the proposed project to the Zoning Commission as this would be better suited to a review by that body. The Board encouraged anyone interested in commenting on this project to consider attending a Zoning Commission meeting if the applicant follows that path.

David Dunn announced the hearing closed at 8:15 p.m.

ADJOURNMENT
Mark Harmon moved to adjourn the meeting at 8:15 p.m. Motion was seconded by Teresa Yu. All voted yes. Motion carried.

Meeting was adjourned at 8:15 p.m.

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on October 15, 2014 in the Delaware Gazette and posted at the Genoa Township Hall on October 10, 2014. Notice of this meeting was also mailed to the adjacent property owners and a notification sign was placed on the subject property.

PREPARED BY:
Connie Goodman,

ZONING COMMISSION APPROVED:
Harry Goussitis, Chair
<table>
<thead>
<tr>
<th>OTHERS PRESENT AT MEETING</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>Susan Dorsch</td>
<td>Genoa Township Zoning and Development Office</td>
</tr>
<tr>
<td>Jeffrey L. Brown</td>
<td>37 West Broad Street, Columbus OH 43215</td>
</tr>
<tr>
<td>Cole Ellis</td>
<td>1301 Dublin Road, #200, Columbus OH 43215</td>
</tr>
<tr>
<td>Carl Tysinger</td>
<td>6157 Maxtown Road, Westerville OH 43082</td>
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<tr>
<td>Chris Tysinger</td>
<td>6157 Maxtown Road, Westerville OH 43082</td>
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<tr>
<td>Ickes Cherkanoff</td>
<td>8263 Talia Court, Westerville OH 43081</td>
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<tr>
<td>Michael R. Shade, Atty</td>
<td>P.O. Box 438, Delaware OH 43015</td>
</tr>
<tr>
<td>Joe Saloom</td>
<td>5632 Somerset Avenue, Westerville OH 43082</td>
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<tr>
<td>Lisa Saloom</td>
<td>5632 Somerset Avenue, Westerville OH 43082</td>
</tr>
<tr>
<td>Mark Francescan</td>
<td>Ohio Equities, 605 S. Front Street, Columbus OH 43215</td>
</tr>
<tr>
<td>Todd Eckhardt</td>
<td>7042 Jean Court, Westerville OH 43082</td>
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