CALL TO ORDER
David Dunn called the meeting to order at 7:02 p.m.

ROLL CALL

MEMBERS PRESENT
David Dunn, Vice-Chair
Mark Harmon
Cybele Smith

MEMBERS ABSENT
Sara Walsh
Teresa Yu, Alt.
Harry Goussetis, Chair

MINUTES
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for hearing held on January 27, 2015.

January 27, 2015: Sara Walsh moved to approve the hearing minutes from January 27, 2015, as written. Motion was seconded by Tesesa Yu. Roll call: Mark Harmon, abstain; Sara Walsh, yes; Cybele Smith, yes; Teresa Yu, yes; David Dunn, yes. Motion carried.

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.

SHANE AND LAUREN SOCKRIDER, REQUESTING VARIANCES FROM SECTION 806.05 & 2002.03 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE TO ENCROACH INTO THE REQUIRED FIFTY (50) FOOT FRONT YARD SETBACK AND TO ALLOW A FENCE HIGHER THAN THIRTY (30) INCHES BETWEEN THE BUILDING SETBACK LINE AND THE ROAD RIGHT OF WAY ON PROPERTY KNOWN AS LOT 1089 IN THE PLEASANT CORNERS SUBDIVISION, 6550 WILDER COURT, WESTERVILLE, ZONED SUBURBAN RESIDENTIAL (SR) ZONING DISTRICT (BZA 2015-02).

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 2/24/2015
Exhibit “E” – Petition

APPLICANTS’ PRESENTATION: Shane Sockrider, applicant, indicated that in 1968 when this home was built the front setback was seventy-five (75) feet from the middle of the road or forty-five (45) feet from the boundary line as it is today; the current Code requires fifty (50) feet from the right-of-way. He indicated this is in reduced setback is in keeping with the nature of the development. This variance request is on the Perkins side of the property, as they have greatly exceeded the setback.
requirement on the Wilder side of the property. Mr. Sockrider stated that if they follow the allowable setback, the fence would run through the middle of their backyard. They are also requesting a variance to allow for the height of a four-rail fence to be forty-eight (48) inches, greater than the thirty (30) inches allowed by the Code. This height would maintain the consistency of current fencing and would provide extra safety for their children and pets. The Board questioned the need for a forty-eight (48) inch high fence to which Mr. Sockrider responded a thirty (30) inch high fence would not be sufficient to keep his children or his chocolate lab inside. Additionally, he felt they may not see a shorter fence and thus be injured.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, reviewed the staff report. She indicated the applicant had accurately represented the history of the property, adding the lot is zoned Suburban Residential. She reinforced the current Code requires a fifty (50) foot setback from the property line and that this would be an encroachment of four and one half (4.5) feet into the required setback. The Code allows for a thirty (30) inch fence along the property line. Typically one might see a forty-eight (48) or sixty (60) inch fence along a property line so this is not an unreasonable request. The Board questioned if other homes in this area have fences to which Ms. Dorsch responded she thought there were some other homes along Perkins Lane that have fences on their rear property line, however there are not a lot of fences in this area. The Board asked for clarification of where a four (4) foot fence would be allowed and where the restriction allowed only thirty (30) inches. Ms. Dorsch noted the applicant wished to have a fence all around his property and that the variance request is only along Perkins Lane.

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

1. Gary Will (6541 Wilder Court) expressed concern about the addition of a fence; when he bought his house there were no fences or hedges allowed. Mr. Will presented a document containing the signatures of twenty four (24) neighbors indicating their opposition to a fence of any kind. The Board clarified that the applicant is allowed to build a fence, but the variance request is related to setback and height.

2. Nick Di Battista (6470 Fogle Court) expressed concern that a four rail style fence might not keep children and pets in. He also asked if the applicant could change the fence in the future. The Board indicated future changes would need to comply with the Code. Mr. Di Battista expressed concerns that fence maintenance could also be an issue. He further noted he thought at a past hearing that those present would be allowed to vote, not just the Board of Zoning Appeals members.

3. Debbie Crabtree (6020 Perkins Lane) as been a resident of this area for thirty-two (32) years and raised her children and pets with no need for a fence. She questioned why a fence is needed and shared that she valued the rural look and feel of the neighborhood without the presence of fences.

APPLICANT’S RESPONSE: Mr. Sockrider noted that the current deed restriction had expired so fences and hedges were no longer prohibited. Furthermore, he felt the safety of his children and pets is an issue if they are playing alone in the yard; a fence would also set boundaries for them. He felt these are four unique lots located on the cul-de-sac with issues very different from other lots.

The Board agreed these should be reviewed and voted on as two separate motions. A question was raised whether a change in the driveway placement would resolve this and it would not.

The Board reviewed Duncan v. Middlefield, for the setback variance from Section 806.05 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. Yes, 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 encroachment into the setback 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 this 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 zoning restriction was in place when the contract was signed.

(f) Whether the property owner’s predicament feasibly be obviated through a method other than the variance. Yes.

(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: The Board noted that the encroachment is only nine (9) percent and is thus not substantial. Additionally, the Board felt the only way to obviate through another method is to build a smaller home; they agreed the response to (f) be changed to “No, there is no other method”.

MOTION: Mark Harmon moved, incorporating Exhibits A through E into evidence, to approve a variance from Section 806.05 of the Genoa Township Zoning Resolution for BZA 2015-02, application received February 4, 2015, to allow for construction of a new single family residence to encroach into the required fifty (50) foot front yard setback, on lot 1089 in the Pleasant Corners subdivision, Section 1, 5550 Wilder Court, Westerville, zoned Suburban Residential Zoning District (SR) 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 as it is approximately 9% less 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 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.

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.
The Board reviewed Duncan v. Middlefield, for the fence height variance from Section 2002.03 as follows:

(h) 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.

(i) Whether the variance is substantial. The Board deemed that the 62% fence height increase is substantial.

(j) 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. Yes, the character of the neighborhood would be substantially altered, but adjoining properties would likely not suffer a substantial detriment.

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

(l) Whether the property owner purchased the property with knowledge of the zoning restriction. The zoning restriction was in place when the contract was signed.

(m) Whether the property owner’s predicament feasibly be obviated through a method other than the variance. Yes.

(n) 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: The Board had no additional discussion.

MOTION: Mark Harmon moved, incorporating Exhibits A through E into evidence, to approve a variance from Section 2002.03 of the Genoa Township Zoning Resolution for BZA 2015-02, application received February 4, 2015, to allow for construction of a four (4) foot tall wood fence between the building setbacks lines and the road right-of-way, on lot 1089 in the Pleasant Corners subdivision, Section 1, 6550 Wilder Court, Westerville, zoned Suburban Residential Zoning District (SR) based on the following findings of fact:

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

i. The variance is substantial since it is approximately 62% greater than the Zoning Resolution requires.

j. The essential character of the neighborhood would be substantially altered but the adjoining properties would not suffer a substantial detriment as a result of the variance.

k. The variance would not adversely affect the delivery of governmental services.

l. The property owner did purchase the property with knowledge of the zoning restriction.

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

n. 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 differed in their thoughts with some expressing difficulty in understanding the hardship or need, as well as understanding the opposition expressed by several neighbors. They did not see the necessity for a forty-eight (48) vs a thirty (30) inch fence. Other members acknowledged that the nature of this lot limited only one side to thirty (30) inches and that they were not opposed to this request. Also, noted was that the lot was purchased with the zoning restriction in place, and that allowing this fence to run all the way to Perkins Lane would only gain a few feet; there is about 100 feet of fence to be run along Perkins Lane.

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

David Dunn announced the hearing closed at 7:40 p.m.

ADJOURNMENT
Sara Walsh moved to adjourn the meeting at 7:40 p.m. Motion was seconded by Teresa Yu. All voted yes. Motion carried.

Meeting was adjourned at 7:40 p.m.

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on February 14, 2015 in the Delaware Gazette and posted at the Genoa Township Hall on February 10, 2015. 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,
April 7, 2015
Date Prepared

BOARD OF ZONING APPEALS APPROVED:

Harry Goussetis, Chair
7/23/15
Date Approved by the Board of Zoning Appeals

<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>Shane Sockrider</td>
<td>6550 Wilder Court, Westerville OH 43082</td>
</tr>
<tr>
<td>Gary Will</td>
<td>6541 Wilder Court, Westerville OH 43082</td>
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<tr>
<td>Jeff and Judy Cullins</td>
<td>6560 Wilder Court, Westerville OH 43082</td>
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<tr>
<td>Debra Mayle</td>
<td>6491 Fogle Court, Westerville OH 43082</td>
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<tr>
<td>Nick Di Battista</td>
<td>6470 Fogle Court, Westerville OH 43082</td>
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<tr>
<td>Chuyck and Ellen Ficken</td>
<td>6581 Wilder Court, Westerville OH 43082</td>
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<tr>
<td>Debra Crabtree</td>
<td>602 Perkins Lane, Westerville OH 43082</td>
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<tr>
<td>Dan Domin</td>
<td>5970 Perkins Lane, Westerville OH 43082</td>
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