CALL TO ORDER
Mark Harmon called the meeting to order at 7:01 p.m.

ROLL CALL
MEMBERS PRESENT | MEMBERS ABSENT
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Mark Harmon, Vice-Chair | Mark Phillips, Alt.
Teresa Yu | David Buhn, Alt.
Cybele Smith | Sara Walsh

MINUTES
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearing held on August 25, 2015.

MOTION: Mark Phillips moved to approve the August 25, 2015, meeting minutes, as presented.

Motion was seconded by Teresa Yu. Roll call: Cybele Smith, yes; Teresa Yu, abstain; Mark Phillips, yes; David Buhn, yes; Mark Harmon, yes. Motion carried.

PUBLIC HEARING
Mark Harmon called the following hearing to order at 7:03 p.m., and read the legal notice.

PATRICK SHIVLEY, ON BEHALF OF GSCS HOLDINGS, REQUESTING A CONDITIONAL USE PERMIT PER SECTION 604.02 AS REGULATED BY SECTION 1710 TO ALLOW FOR A HOME OCCUPATION LOCATED ON PROPERTY AT 4461 S. OLD 3C HIGHWAY, WESTERVILLE, A RURAL RESIDENTIAL (RR) ZONING DISTRICT. (BZA 2015-08).

Mr. Harmon noted that the applicant, Patrick Shivley, sent a written notice to the Development and Zoning Department via email on September 21, 2015, to request withdrawal of the application for a Conditional Use on property located at 4461 S. Old 3C Highway.

MOTION: Mark Phillips moved to accept the request to withdraw application, BZA 2015-08, per the written notice received by the Genoa Township Development and Zoning Department on September 21, 2015.

Motion was seconded by David Buhn. Roll call: Cybele Smith, yes; Teresa Yu, yes; Mark Phillips, yes; David Buhn, yes; Mark Harmon, yes. Motion carried.

Mark Harmon announced the hearing closed at 7:04 p.m.
Mark Harmon 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.

**ZACARIAH AND KRISTIN MCKENZIE REQUESTING A CONDITIONAL USE PERMIT PER SECTION 1609.01F TO ALLOW FOR LIVING SPACE IN AN ACCESSORY BUILDING LOCATED ON PROPERTY AT 6087 RED BANK ROAD, GALENA, ZONED RURAL RESIDENTIAL (RR) ZONING DISTRICT. (BZA 2015-09).**

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 9/22/2015

**APPLICANTS’ PRESENTATION:** Mr. McKenzie explained the proposed layout of the house and barn to be built on the five (5) acres they purchased earlier this year; previously this was a one hundred (100) acre property that has now been divided into smaller parcels. They plan to build the 2-story barn first and live in it until their home is completed. The first floor will be a work area for Mr. McKenzie for his home flipping business; the second story will be their living space until the permanent home is completed. They hope to begin construction of the house early next year. Until now, he has been clearing the heavily wooded lot and obtaining permits, however, this step must now be done before moving forward. The Board asked for clarifications on several items. Mr. McKenzie provided the following information to the Board:
  - The barn will be forty-eight (48) feet long and thirty-six (36) feet wide.
  - Construction of the barn is planned to be completed in three (3) months (inside and outside).
  - There is one neighbor that appeared before the Board last month with a similar request; two other neighbors are adjacent and another property is still owned by the LLC from which he purchased his property.
  - There will be on-site septic as shown on the plan.

**STAFF REPORT:** Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of the staff report. She indicated the parcel is zoned Rural Residential (RR) and was previously part of a larger ninety-plus (90+) acre tract; the smaller parcels were created earlier this year; February 2015. At this time, the majority of the newly created parcels have been sold. As a point of clarification, Ms. Dorsch stated that Mr. McKenzie has not obtained zoning permits from the Township or building permits from Delaware County for either the house or the accessory building (barn); both permits are required before construction can begin. There were no concerns expressed from neighboring property owners or the police, fire or maintenance departments.

**PUBLIC COMMENTS:** Mark Harmon asked any individuals who were properly sworn-in to share their comments. There was no public comment.

**BOARD DISCUSSION/FINDINGS OF FACT:**
The Board questioned the applicant to which he responded with the following:
  - After the house is completed, the second floor of the barn will be used for guests and may be used for aging parents who may need assistance. The living space will not be used as a rental property.
  - The goal is to complete the construction of the barn by the end of 2015 and break ground for the house next summer; they hope to be finished in one year. If the Board needs a firm timeline, he would ask for more time to account for issues that may arise.
The Board noted that the Genoa Township Zoning Resolution Section 1609.01 F prohibits human occupancy within an accessory building within any district except as a Conditional Use. Section 303 states that "Conditional Uses may be permitted provided that such Uses shall be found to comply with the requirements listed in Section 303." The Board reviewed the application based on the requirements as follows:

Section 303

303.01 The Use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected.

303.02 The Use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance.

303.03 The Use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.

303.04 The Use shall be compatible with adjoining development and the proposed character of the zoning District where it is to be located.

303.05 The Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide any such services adequately.

303.06 The Use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Public facilities and services include but are not limited to: fire and police protection or other emergency services, roadways, intersections, traffic lights, and sanitary and storm sewers.

303.07 Adequate Landscaping and screening are provided, as required under Article 20.

303.08 Adequate off street parking is provided, and ingress and egress is so designed as to cause minimal interference with traffic on abutting streets.

303.09 The Use conforms to all applicable regulations governing the District in which it is located.

303.10 The Use is compatible with the standards, objectives, and policies of Genoa Township Comprehensive Plan as amended and any revisions thereof.

303.11 The Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations.

303.12 Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

MOTION: Teresa Yu moved, incorporating Exhibits A through D into evidence, to approve a Conditional Use in accordance with Section 1609.01 F of the Genoa Township Zoning Resolution for BZA 2015-09, application received September 4, 2015, to allow for human occupancy in an accessory building on property at 6087 Red Bank Road, Galena, zoned Rural Residential Zoning District (RR) based on the standards listed in Section 303 of the Genoa Township Zoning Resolution.

Approval of the Conditional Use is subject to the owner's agreement to the following conditions:

1. The property will maintain one common address, common utilities, etc.

2. This will be a non-commercial use, and will not be used as a rental property.

Motion was seconded by Cybele Smith.

Discussion on Motion: The Board reinforced that a similar request was previously approved for Mr. McKenzie's neighbor.
Roll call: Cybele Smith, yes; Teresa Yu, yes; Mark Phillips, yes; David Buhn, yes; Mark Harmon, yes. Motion carried.

Mark Harmon announced the hearing closed at 7:29 p.m.

ADDITIONAL BUSINESS
There were numerous residents present who asked for clarification on the application from Mr. Shively and the current status of the property at 4461 S. Old 3C Highway. Mr. Shafer explained that there are various types of home occupations throughout the Township and this was the Section under which Mr. Shively applied. When asked, Mr. Shafer indicated there are no pending applications for this property or any other property in the Township for an indoor athletic facility.

Marilyn Lundquist (4540 South Old 3C Highway) asked about the prior approved residential use of the property to which Ms. Dorsch indicated Mr. Shively had previously obtained a Variance for lots to be less than two (2) acres; this is still in effect. He has not applied, nor has he platted these lots. She also stated he will not need to go in front of any Board unless he makes changes to the previously approved plan. Ms. Lundquist asked if the person making the application must own the property. Ms. Dorsch responded in this case, Mr. Shively’s company is listed as the property owner on the Delaware County Auditor’s site. The Zoning Office uses the Delaware County Auditor’s Site to determine property ownership. She further noted that these meetings are where such questions could be raised. Mr. Shafer added that the owner may provide a letter to the applicant granting permission for the applicant to act on his/her behalf.

ADJOURNMENT
Cybele Smith moved to adjourn this meeting at 7:35 p.m. Motion was seconded by Mark Phillips. All voted yes. Motion carried.

Meeting was adjourned at 7:35 p.m.

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on September 12, 2015 in the Delaware Gazette and posted at the Genoa Township Hall on September 10, 2015. Notice of this meeting was also mailed to the adjacent property owners.

PREPARED BY:

Connie Goodman,

September 28, 2015
Date Prepared

BOARD OF ZONING APPEALS APPROVED:

David Dunn, Chair

Date Approved by the Board of Zoning Appeals

OTHERS PRESENT AT MEETING | ADDRESS
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Joe Shafer | Genoa Township Zoning and Development Office
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>Susan Dorsch</td>
<td>Genoa Township Zoning and Development Office</td>
</tr>
<tr>
<td>Joyce Daugherty</td>
<td>4638 North Shore Drive, Westerville 43082</td>
</tr>
<tr>
<td>Dave and Sheri Ault</td>
<td>4645 North Shore Drive, Westerville, 43082</td>
</tr>
<tr>
<td>Marilyn Lundquist</td>
<td>4540 South Old 3C Highway, Galena 43021</td>
</tr>
<tr>
<td>Jim Carter</td>
<td>4493 South Old 3C Highway, Westerville 43082</td>
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<tr>
<td>Ann Carter</td>
<td>4493 South Old 3C Highway, Westerville 43082</td>
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<tr>
<td>Michelle Ander</td>
<td>4687 North Shore Drive, Westerville 43082</td>
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<tr>
<td>Catherine Kibler</td>
<td>5319 Tussic Street, Westerville 43082</td>
</tr>
<tr>
<td>Dan Braun</td>
<td>4383 South Old 3C Highway, Galena 43021</td>
</tr>
<tr>
<td>Kenneth Davis</td>
<td>8343 Oxbow Road, Westerville 43082</td>
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<tr>
<td>Victor Wang</td>
<td>8260 Oxbow Road, Westerville 43082</td>
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<tr>
<td>Cathl Nelson</td>
<td>4000 South Old 3C Highway, Galena 43021</td>
</tr>
<tr>
<td>Joan Periz</td>
<td>8377 Oxbow Road, Westerville 43082</td>
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<tr>
<td>Andy Secrest</td>
<td>8380 Oxbow Road, Westerville 43082</td>
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