CALL TO ORDER
David Dunn called the meeting to order at 7:00 p.m.

ROLL CALL

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

MEMBERS ABSENT
Mark Phillips, Alt.
David Buhn, Alt.
Sara Walsh
Teresa Yu

MINUTES

The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearings held on September 22, 2015.

MOTION: Cybele Smith moved to approve the September 22, 2015 meeting minutes, as presented.

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

PUBLIC HEARING

David Dunn called the following hearing to order at 7:01p.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.

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 A REDUCTION OF THE REQUIRED 100 FOOT SETBACK FROM A RESIDENTIAL DISTRICT BOUNDARY LINE, FOR PROPERTY LOCATED AT 6342 FROST ROAD, WESTERVILLE, ZONED LIGHT INDUSTRIAL (LI) ZONING DISTRICT (BZA 2015-10).

The following were marked as exhibits “A” – “G”.

Exhibit “A” – Legal Notice
Exhibit “B” – Sign-in Sheet
Exhibit “C” – Application
Exhibit “D” – Staff Report, dated 10/27/2015
Exhibit “E” – Photo of Building “E”
APPLICATIONS' PRESENTATION: Jeff Cutler, applicant, and Jeff Stimmel, Crossing Waters Engineering, presented the application. Exhibits "E", "F", and "G" were distributed to the Board. They are proposing to build a climate-controlled structure in the current location of the blacktopped outdoor parking area. There will be twenty-eight (28) units, no lights on the rear of the "fortress-style" structure and no change to the total impervious surface coverage. Neighbors had indicated to them that the only time they had concerns was during the winter months when the leaves were off the trees; the adjacent trucking and towing firms had no concerns when the applicant spoke with them. The applicant further noted this would increase tax revenue to the County. The Board questioned if any trees would need to be removed to which the applicant responded the existing trees are on the neighboring property and only asphalt would be removed to construct the additional building.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave the staff report. She stated the current project is in a Light Industrial (LI) District; two (2) buildings were built in 2013 and after that an additional building was constructed. Last year, Mr. Cutler requested, and was granted, a similar variance for the building on the south property line. He is now asking to again exceed the maximum square footage (65,000 sq. ft.) allowed in the Code and to encroach into the required one hundred (100) foot setback from a residential district. He would comply with the seventy-five (75) foot green space requirement but would encroach by twenty-five (25) feet into the required 100 foot setback. Staff found some information in the application needed clarification, including total lot coverage; the applicant provided information this evening that the project meets this requirement. Ms. Dorsch questioned if building on the southern property line is compliant with the 75 ft. setback; the applicant has indicated a survey would be needed to ensure compliance and that this is normally done when the building is staked. Ms. Dorsch asked if the existing building meets the setback requirement to which the applicant replied this would need to be surveyed to determine the exact location of the building. She further verified that no additional landscaping is being added; the applicant replied that is correct. Staff stated that the zoning office was contacted by two residents adjacent to the southern property line. They have concerns about the decreased setback, noise and lighting. Ms. Dorsch clarified the 65,000 square feet maximum is applicable across commercial and industrial; there are only a few exceptions such as Home Depot and Kroger.

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

Lynn McConnell (7029 Jean Court) questioned the lighting of the east side of the building and whether or not it will be shining onto the adjacent residential properties. The applicant responded this should not be an issue and if it was they would work with the residents on a resolution. She also asked about timeframe for construction to which the applicant replied it would be spring/summer of 2016 and the noise would be less than previously, lasting about four (4) weeks total. The Board questioned if she had any drainage issues on her property; she had not but a neighbor has and was referred to Delaware County Water and Soil.

APPLICANT'S RESPONSE: When asked by the Board what makes this property unique, the applicant responded that it would present a nicer façade than the current open parking on the blacktop surface. The outdoor parking will not be replaced. He also stated he has worked closely with adjacent residents to resolve their concerns with the current buildings.
BOARD DISCUSSION/FINDINGS OF FACT: The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 1505.05 to allow for building coverage in excess of 65,000 square feet 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.
(b) Whether the variance is substantial. Yes, it is about 25%.
(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. No.
(d) Whether the variance would adversely affect the delivery of governmental services. No.
(e) Whether the property owner purchased the property with knowledge of the zoning restriction. Yes.
(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. No.

The Board expressed concern with this request as their role is to uphold the Zoning Code and there has been no “uniqueness” noted by the applicant for this property. The requested increase in square footage is due to business need that will ultimately increase revenue for the applicant, and in fact, the applicant has already been granted one variance to exceed the size limit. Additionally, the encroachment is not in line with the Zoning Code. The difference between the views of the vehicles in outdoor storage vs. the “fortress-style” structure was discussed and that only a few neighbors had expressed opinions regarding this application. Whether the additional building would provide visual improvement and noise limitations was also discussed.

MOTION #1: Mark Harmon moved, incorporating Exhibits A through G into evidence, to approve a Variance from Section 1505.05 of the Genoa Township Zoning Resolution for BZA 2015-10, application received September 25, 2015, to allow for building coverage in excess of 65,000 square feet for property located at 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 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 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. Lighting on the west side only of the building, away from residents and a minimum of two (2) feet below the roof line.

Motion was seconded by Mark Phillips.
Roll call: Cybele Smith, yes; Mark Phillips, no; David Buhn, yes; Mark Harmon, no; David Dunn, no. Motion failed.

**MOTION #2:** Mark Harmon moved, incorporating Exhibits A through G into evidence, to approve a Variance from Section 1507.07 of the Genoa Township Zoning Resolution for BZA 2015-10, application received September 25, 2015, for a reduction of the required 100 foot setback from a residential district boundary line, for property located at 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 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 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. Lighting on the west side only of the building, away from residents and a minimum of two (2) feet below the roof line.

Motion was seconded by David Buhn.

Discussion on Motion:

Roll call: Cybele Smith, no; Mark Phillips, no; David Buhn, no; Mark Harmon, no; David Dunn, no. Motion failed.

David Dunn announced the hearing closed at 7:49 p.m.

David Dunn called the following hearing to order at 7:50 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.

**ERIC AND MELANIE PROULX REQUESTING A VARIANCE FROM SECTION 919 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR AN ENCROACHMENT INTO THE TEN (10) FOOT SIDE YARD SETBACK REQUIRED BY THE FINAL DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 5108 TRALEE LANE, WESTERVILLE, A PLANNED RESIDENTIAL (PRD) ZONING DISTRICT (BZA 2015-11).**

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 10/27/2015
APPLICANTS' PRESENTATION: Melanie Proulx, applicant, is requesting a variance to allow an encroachment of just under ten (10) inches into the required side yard setback. The proposed addition will extend the existing kitchen and the existing kitchen cabinets will be reused. If the addition was offset the design would not work and the addition would also encroach into an existing window. Offsetting the addition would also result create an unusable space in the yard.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, presented the staff report. She stated the property is in a Planned Residential (PRD) Subdivision, Highland Hills at the Lakes, Section 3. The permit for the residence was issued in 2003 and a permit for a deck was issued in 2004. The applicants are the original owners. No calls were received from residence regarding this application and no comments were received from the Genoa Township police, fire, and maintenance departments. Staff has no objections.

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

Cheryl Lambo (5129 Lahinch Court) stated that she lives directly behind this property and is concerned that some trees may be removed. The applicant responded no trees are to be removed.

BOARD DISCUSSION/FINDINGS OF FACT: The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 919 to allow an encroachment into the ten (10) foot side yard setback required by the Final Development Plan 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.
(b) Whether the variance is substantial. No, it is only 8% closer.
(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. No.
(d) Whether the variance would adversely affect the delivery of governmental services. No.
(e) Whether the property owner purchased the property with knowledge of the zoning restriction. Applicant indicated they were not aware of this when property was purchased ten (10) years ago; however, it was part of the zoning at that time.
(f) Whether the property owner’s predicament can be feasibly obviated through a method other than the variance. No, not for this type of addition.
(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance. Yes.

The Board indicated this is one of the smallest variances they have dealt with in a very long time and the only concern expressed was by the neighbor to the rear regarding potential tree removal.

MOTION: Cybele Smith moved, incorporating Exhibits A through D into evidence, to approve a Variance from Section 919 of the Genoa Township Zoning Resolution for BZA 2015-11, application received October 9, 2015, to allow an encroachment into the ten (10) foot side yard setback required by the Final Development Plan for property located at 5108 Tralee Lane, Westerville, a Planned Residential District (PRD) 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 8% percent 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.

Approval of the Variance is subject to the owner's agreement to the following conditions:
1. No tree removal for this construction.

Motion was seconded by Mark Harmon.

Discussion on Motion: none

Roll call: Cybele Smith, yes; Mark Phillips, yes; David Buhn, yes; Mark Harmon, yes; David Dunn, yes. Motion carried.

David Dunn announced the hearing closed at 8:00 p.m.

David Dunn called the following hearing to order at 8:01 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.

**BRUCE AND CHRIS MOSIER REQUESTING A VARIANCE FROM SECTION 606.07 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW AN ENCROACHMENT INTO THE REQUIRED TWENTY-FIVE (25) FOOT SIDE YARD SETBACK FOR PROPERTY LOCATED AT 6572 WALNUT VALLEY DRIVE, GALENA, A RURAL RESIDENTIAL (RR) ZONING DISTRICT (BZA 2015-12).**

The following were marked as exhibits “A” – “G”.
- Exhibit “A” – Legal Notice
- Exhibit “B” – Sign-in Sheet
- Exhibit “C” – Application
- Exhibit “D” – Staff Report, dated 10/27/2015
- Exhibit “E” – Drawing #1
- Exhibit “F” – Drawing #2
- Exhibit “G” – Drawing #3

**APPLICANTS’ PRESENTATION:** Tim Carr, architect, and Bruce Mosier, applicant, presented the application. Mr. Carr stated that since the submission of the application, he has completed additional design work on the conversion of the one-story house to a two-story house. Mr. Carr provided additional project drawings to the Board. Mr. Carr explained that portions of the existing structure will be removed and replaced with new structure. Additional living space will also be added. Mr. Carr stated that the existing structure is 15 (15) feet from the property line; staff is

**STAFF REPORT:** Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, presented the staff report. She indicated this property is located in a Rural Residential (RR) subdivision that was created in the 1950’s. The applicant is requesting a variance to allow a setback of thirteen (13) feet from the property line rather than the required twenty-five (25) feet. The applicant has indicated the existing carport is fifteen (15) feet from the property line; staff is
unable to verify this distance from the information provided with the application. Staff suggested that a survey be done to determine the exact setback of the structure from the side property line.

The application states that the current encroaching structure was built prior to the twenty-five (25) foot setback requirement. Staff indicated that the twenty-five (25) setback was adopted in 1987; prior to this date the side setback was twenty feet. Zoning records are not available to determine when the existing non-conforming structure was built. Under the current zoning, the applicant could alter the existing structure within its present footprint. The site plan shows additional living space added to the existing footprint. Staff cannot determine, from the information provided, if the proposed addition would comply with the maximum ten percent (10%) lot coverage and twenty-five percent (25%) impervious surface requirements.

Staff stated that calls were received from area residents and a number of these residents are present this evening. The police, fire, and maintenance departments had no comments. Staff objects to this variance request for the following reasons:

1. Evidence has not been provided to support the need for the additional encroachment into the required setback beyond the existing encroachment.

2. Documentation has not been provided to show the exact distance the existing structure is setback from the side property line.

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

Joy Hale (6542 Walnut Valley Drive) is the adjacent land owner. She presented a printout from the Delaware County Auditor’s site that shows the existing square footage of the house. She then provided her perspective on selected points of Duncan v. Middlefield, noting her major concern is the footprint of the proposed structure and that she would like more information prior to a decision being made by the Board. The Board noted that tonight their role is to look at the side yard setback only and if there are other variances requested in the future, the applicant will need to return at that time.

APPLICANT’S RESPONSE: The applicant stated he was trying to get a setback footage range within which he must stay. The Board stated that it needs a more concrete number and it has not been provided this evening. The Board encouraged the applicant to consider continuing this hearing until additional information could be obtained, however, the Board stated that it is the applicant’s choice. The applicant requested a continuance. The Board voted unanimously to approve the request to continue; the hearing was continued until Tuesday, November 17, 2015, at 7:00 p.m.

David Dunn announced the hearing closed at 8:38 p.m.

David Dunn called the following hearing to order at 8:39 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.

TIMOTHY A. BUREN, TRUSTEE, REQUESTING VARIANCES FROM SECTION 606.02 AND SECTION 606.07 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR CREATION OF A LOT WITH LESS THAN THE REQUIRED SIXTY (60) FEET OF LOT FRONTAGE AND TO ALLOW CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE TO ENCROACH INTO THE REQUIRED TWENTY-FIVE (25) FOOT SIDE YARD SETBACK FOR PROPERTY LOCATED AT 4782 WOODHAVEN DRIVE, GALENA, A RURAL RESIDENTIAL (RR) ZONING DISTRICT (BZA 2015-13).
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 10/27/2015
Exhibit “E” – Illustration of property/structure as proposed

APPLICATIONS’ PRESENTATION: Glenn Duggar, attorney with Smith & Hale, and Jim Burkart, landscape architect, presented on behalf of applicant. Mr. Duggar explained why a variance was needed to split the existing 4.6 acre parcel; one lot would comply with the required 150 ft. of frontage but the flag lot would not comply with the required 60 ft. of frontage. Mr. Duggar reviewed Duncan v. Middlefield indicating he was told by the applicant that at the time of purchase, Mr. Buren was aware of the minimum two (2) acre requirement, but not of the minimum frontage requirement.

In reference to the second variance request, Mr. Burkart presented the applicant’s preference to use the existing footprint of old house that was removed; if the proposed residence was constructed in this location it would encroach into the 25 ft. side setback of the proposed lot. Mr. Burkart has designed the placement of the house to allow those entering the property to focus on the front of the home, not the garage door, and thus improve the architectural appearance. When asked, he stated the house could be moved so no encroachment variance would be required; however the appearance would be less desirable. He noted that there is no impact on the other piece of the property as there is no home there to be impacted. The applicant would restrict construction within a specified area of the other lot to allow for pedestrian access to the reservoir, but not allow any structures. The Board expressed concern that if the second property is sold in the future, the Board may see a variance request from a future owner.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, presented the staff report. She indicated Mr. Duggar had done a good job of presenting the specifics of the application. Ms. Dorsch noted the following staff concerns:
1. The parcel on the Auditor’s site is 4.62 acres and the 2.0 and 2.85 resulting parcels noted on the application do not add up correctly. Additionally, when new parcels are created, the front property line will be at the right-of-way line, not from the center of Woodhaven Drive. The applicant noted that they will comply with the minimum two acre requirement for the smaller lot and the larger lot will be comprised of the remaining acreage.
2. Staff has no objection to the variance for the reduction in the required 60 ft. of lot frontage. Staff objects to the encroachment into the twenty-five (25) foot side yard setback as the application did not provide any evidence of a need for the variance. The 13 ft. reduction in the required 25 ft. setback would result in a fifty-two (52) percent encroachment. The previously existing house has been demolished and the application did not provide reasons why the house could not be located to meet the setback requirement.

PUBLIC COMMENTS: David Dunn asked any individuals who were properly sworn-in to share their comments.
1. Erin Vrancken (4820 Woodhaven Drive) said they bought their home because of the surrounding green space. The placement of the house on the smaller lot would be in front of her home, she does not want to look at the back of the house. She suggested the lot be split up the middle and both building sites should be located on the lakefront.
2. Keri Thompson (4680 Woodhaven Drive) has lived at her home for ten years and chose her home based on the green space, the neighborhood, and the water view. The
placement of the proposed home will afford the applicant privacy but will not do the same for surrounding neighbors; it will take away the uniqueness of their neighborhood. She does not have an issue with the split, but rather with the proposed structure location.

3. John Anderson (4880 Woodhaven Drive) noted that an existing electrical easement would prevent a new house from being sited in front of the houses on the adjacent lots.

APPLICANT'S RESPONSE: The applicant indicated the proposed lot split would split the existing parcel down the length of the parcel but both houses cannot be sited by the water, as suggested by some, because of an existing erosion easement controlled by the City of Columbus and the fact that the lot's elevation change drastically.

BOARD DISCUSSION/FINDINGS OF FACT: The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 606.02 to allow creation of a lot with less than the required sixty (60) feet of lot frontage 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.
(b) Whether the variance is substantial. 10.9%, not as substantial as some.
(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. No.
(d) Whether the variance would adversely affect the delivery of governmental services. No.
(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The applicant said they knew there was a 2 acre minimum but said they were not aware of the minimum frontage requirement.
(f) Whether the property owner's predicament feasibly be obviated through a method other than the variance. No.
(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance. Yes

The Board noted they understood the concerns expressed by the neighbors, however, there are other two acre lots in this area and the Board cannot deprive a property owner their right to split a larger parcel.

MOTION: Cybele Smith moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 606.02 of the Genoa Township Zoning Resolution for BZA 2015-13, application received October 9, 2015, to allow for creation of a lot with less than the required sixty (60) feet of lot frontage for property located at 4782 Woodhaven Drive, Galena, a Rural Residential (RR) 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 10.9% percent 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 not 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 Mark Harmon.

Roll call: Cybele Smith, yes; Mark Phillips, yes; David Buhn, yes; Mark Harmon, yes; David Dunn, yes. Motion carried.

BOARD DISCUSSION/FINDINGS OF FACT: The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 606.07 to allow for an encroachment into the required twenty-five (25) foot side yard setback 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.
(b) Whether the variance is substantial. Yes, the request is 52% less than the Zoning requirement.
(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. No.
(d) Whether the variance would adversely affect the delivery of governmental services. No.
(e) Whether the property owner purchased the property with knowledge of the zoning restriction. Yes.
(f) Whether the property owner's predicament feasibly be obviated through a method other than the variance. No, not if the house is placed as proposed.
(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance. To be discussed.

The Board felt the variance is substantial and it can be obviated by moving the location of the home. Furthermore, some felt the spirit and intent of the zoning requirement would be observed and substantial justice done by granting this variance. They noted the impact on the neighbors is likely not from this parcel, but more likely from the future parcel.

MOTION: Cybele Smith moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 606.07 of the Genoa Township Zoning Resolution for BZA 2015-13, application received October 9, 2015, to allow an encroachment into the required twenty-five (25) foot side yard setback for property located at 4782 Woodhaven Drive, Galena, a Rural Residential (RR) 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 52% percent 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 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 Mark Harmon.

Roll call: Cybele Smith, no; Mark Phillips, no; David Buhn, no; Mark Harmon, yes; David Dunn, yes. Motion failed.

David Dunn announced the hearing closed at 9:37 p.m.
ADJOURNMENT
David Dunn moved to adjourn this meeting at 9:37 p.m. Motion was seconded by Mark Harmon. All voted yes. Motion carried.

Meeting was adjourned at 9:37 p.m.

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on October 30, 2015 in the Delaware Gazette and posted at the Genoa Township Hall on October 27, 2015. Notice of this meeting was also mailed to the adjacent property owners.

PREPARED BY:  
Connie Goodman  
November 1, 2015  
Date Prepared

BOARD OF ZONING APPEALS APPROVED:  
David Dunn, Chair  
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>
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<tr>
<td>Jeff Cutler</td>
<td>6342 Frost Road, Westerville 43082</td>
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<tr>
<td>Jim Hale</td>
<td>6546 Walnut Valley Drive, Galena 43021</td>
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<tr>
<td>Joy Hale</td>
<td>6546 Walnut Valley Drive, Galena 43021</td>
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<tr>
<td>Jeff Stimmel</td>
<td>Crossing Waters Engineering, 260 S. Main St. 43155</td>
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<tr>
<td>Erin Vrancken</td>
<td>4820 Woodhaven Drive, Galena 43021</td>
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<tr>
<td>Glenn Dugger</td>
<td>37 West Broad Street, Columbus 43215</td>
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<tr>
<td>Jim Burkart</td>
<td>5737 Lake Forest Way, Westerville 43082</td>
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<tr>
<td>John Whittington</td>
<td>6598 Walnut Valley Drive, Galena 43021</td>
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<tr>
<td>Mark White</td>
<td>6625 Meadow Glen, Westerville 43082</td>
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<td>Jim &amp; Keri Thompson</td>
<td>4680 Woodhaven Drive, Galena 43021</td>
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<tr>
<td>Melanie Proulx</td>
<td>5108 Treallee Lane, Westerville 43082</td>
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<tr>
<td>Bruce Mosier</td>
<td>6572 Walnut Valley Drive, Galena 43021</td>
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<tr>
<td>Tim Carr</td>
<td>125 South Knox Street, Westerville 43081</td>
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<td>Murray Mika</td>
<td>4799 Woodhaven Drive, Galena 43021</td>
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<td>John B. and Sue Anderson</td>
<td>4880 Woodhaven Drive, Galena 43021</td>
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<td>Sidney Huck</td>
<td>4744 Woodhaven Drive, Galena 43021</td>
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<td>Geneva &amp; Nick Bodi</td>
<td>4755 Woodhaven Drive, Galena 43021</td>
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<tr>
<td>Cheryl Lambo</td>
<td>5129 Lahinch Court, Westerville 43082</td>
</tr>
<tr>
<td>Lynn McConnell</td>
<td>7029 Jean Court, Westerville 43082</td>
</tr>
<tr>
<td>Kenneth Davis</td>
<td>8343 Oxbow Road, Westerville 43082</td>
</tr>
</tbody>
</table>