GENOA TOWNSHIP BOARD OF ZONING APPEALS MEETING MINUTES

DATE: January 26, 2016
TIME: 7:00 PM
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082

AGENDA ITEMS: BZA (2015-06) Harrington – Variance Extension Request

BZA (2015-12) Mosier – Variance Continuance Request

CALL TO ORDER
Mark Harmon called the meeting to order at 7:02 p.m.

ROLL CALL
MEMBERS PRESENT
Mark Harmon, Vice-Chair
Cybele Smith
Sara Walsh

MEMBERS ABSENT
Teresa Yu
Mark Phillips, Alt.

David Dunn, Chair
David Buhn, Alt.

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

MOTION: Cybele Smith moved to approve the October 27, 2015 meeting minutes, as presented.

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

PUBLIC HEARINGS
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.

SEAN AND AMY HARRINGTON HAVE REQUESTED A SIX MONTH EXTENSION TO THE TIME ALLOTTED UNDER SECTION 307.10 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO OBTAIN A ZONING PERMIT FOR THE VARIANCE GRANTED BY THE BOARD OF ZONING APPEALS ON JULY 28, 2015 (BZA 2015-06).

ORIGINAL NOTICE – JULY 28, 2015
SEAN AND AMY HARRINGTON, ON BEHALF OF PAUL JOHNSON, REQUESTING A VARIANCE FROM SECTION 607.01 TO ALLOW A DRIVEWAY TO BE CLOSER THAN THE REQUIRED TWO FEET AND A VARIANCE FROM SECTION 1614 TO ALLOW FOR A WATER IMPOUNDMENT TO BE BETWEEN A PRINCIPAL STRUCTURE AND THE EDGE OF THE CONTIGOUS ROAD RIGHT-OF-WAY ON PROPERTY LOCATED AT 7968 BIG WALNUT ROAD, WESTERVILLE, ZONED RURAL RESIDENTIAL (RR) ZONING DISTRICT. (BZA 2015-06).

The following were marked as exhibits “A” – “D”.
Exhibit “A” – Letter of Extension Request from the Harringtons dated December 3, 2015
Exhibit “B” – E-Mail correspondence with the Harringtons dated January 21, 2016
Exhibit “C” – Minutes from the July 28, 2015, Board of Zoning Appeals meeting

APPLICANTS’ PRESENTATION: None, the applicant or a representative was not present.

STAFF REPORT: Joe Shafer, on behalf of the Genoa Township Development and Zoning Department, reviewed the case. This was originally approved in July of 2015. A letter from the applicant was received on December 3, 2015, indicating the need for an extension. Although the applicant has made significant progress, there was a delay due to waiting to purchase until they obtained BZA approval and subsequent selection of a builder. Staff has no objection to this request.

PUBLIC COMMENTS: No members of the public were present.

APPROVAL MOTION: Cybele Smith moved, incorporating Exhibits A through C into evidence, to approve a six month extension to the time allotted under Section 307.10 of the Genoa Township Zoning Resolution to obtain a zoning permit for the variance granted by the Board of Zoning Appeals on July 28, 2015 (BZA 2015-06).

Motion was seconded by Mark Phillips.

Discussion on Motion: None.

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

Mark Harmon announced the hearing closed at 7:07 p.m.

Mark Harmon called the following hearing to order at 7:08 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” – “D”:
Exhibit “A” – E-Mail requesting continuance and other correspondence from the Mosiers dated January 20, 2016
Exhibit “B” – Meeting minutes from October 27, 2015, Board of Zoning Appeals meeting

APPLICANTS’ PRESENTATION: None, the applicant or a representative was not present.

STAFF REPORT: Joe Shafer, on behalf of the Genoa Township Development and Zoning Department, reviewed this continuance request. The applicant indicated they are still working on this and thus request another continuance. Staff object to another continuance as no progress has been made to date on this application and the applicant has indicated they are not sure if they even need a variance. Staff recommends denying this continuance request and vote rather to table this application. If tabled, this will drop off the agenda and the applicant will be required to request a hearing when ready and pay an additional $400 fee to reactivate a tabled application. Following discussion by the Board of whether this should be denied or granted, Mr. Shafer indicated the
application is still incomplete. The Board felt the request for a variance may have been premature since the applicant is not sure of their plan and if a variance is really needed. Concern was expressed by some Board members that denying this request may present a disservice to the resident as they may not have fully understood the options. The reality of the timing is that they do not have a full month to provide a complete application, but rather only a few days due to the time at which materials are due to the Zoning Office for the February hearing. Mr. Shafer noted that the letter from the applicant implied an indefinite time for this to be heard. The Board also noted that the applicant had the opportunity to be present this evening to clarify their intent and progress.

PUBLIC COMMENTS: No members of the public were present.

APPROVAL MOTION: Cybele Smith moved, incorporating Exhibits A and B into evidence, to approve an additional continuance to March 22, 2016, for the hearing of their variance request 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). Additional materials will be due in the Genoa Township Development & Zoning Department by Friday, February 26, 2016, at noon.

Motion was seconded by Sara Walsh.

Discussion on Motion: None.

Roll call: Cybele Smith, yes; Sara Walsh, yes; Teresa Yu, no; Mark Phillips, no; Mark Harmon, yes.

Motion carried.

Mark Harmon announced the hearing closed at 7:26 p.m.

OTHER BUSINESS
The Board reviewed the proposed 2016 Meeting Calendar.

APPROVAL MOTION: Cybele Smith moved to approve the 2016 Board of Zoning Appeals Meeting Schedule as distributed and approved this evening.

Motion was seconded by Mark Phillips. Roll Call: Cybele Smith, yes; Sara Walsh, yes; Teresa Yu, yes; Mark Phillips, yes; Mark Harmon, yes. Motion carried.

NEXT MEETING:
- Tuesday, February 23, 2016 (if an application is received)

ADJOURNMENT
Cybele Smith moved to adjourn this meeting at 7:29 p.m. Motion was seconded by Sara Walsh. All voted yes. Motion carried.

Meeting was adjourned at 7:29 p.m.
PREPARED BY:  
Connie Goodman  
February 2, 2016  
Date Prepared  

BOARD OF ZONING APPEALS APPROVED:  
Mark Harmon, Vice-Chair  
3/22/2016  
Date Approved by the Board of Zoning Appeals  

OTHERS PRESENT AT MEETING  
Joe Shafer  

ADDRESS  
Genoa Township Zoning and Development Office