GENOA TOWNSHIP BOARD OF ZONING APPEALS MEETING MINUTES

DATE: April 26, 2016
TIME: 7:00 PM
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082
AGENDA ITEMS: BZA (2016-02) Lundak – Variance Excess Building Coverage Request
Election of Officers for 2016-2017

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

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

MEMBERS ABSENT
Teresa Yu
Dorothy Driskell, Alt

Mr. Harmon welcomed Dorothy Driskell as the new alternate on the Board. David Dunn has resigned from the Board; Mr. Harmon thanked him for his years of service.

MINUTES
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearing held on March 22, 2016.

MOTION: Sara Walsh moved to approve the March 22, 2016, meeting minutes, as presented.

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.

PUBLIC HEARINGS
Mark Harmon called the following hearing to order at 7:03 p.m., read the legal notice and asked anyone who wished to speak to this matter to sign-in and to stand. Those standing were sworn-in. He noted that this hearing was continued from the March 22, 2016, meeting.

CHRISTOPHER J. AND KIRSTIN M. LUNDAK, REQUESTING A VARIANCE FROM SECTION 606.10 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR BUILDING COVERAGE IN EXCESS OF TEN PERCENT (10%) FOR A SINGLE-FAMILY RESIDENCE LOCATED ON PARCEL #317-220-01-042-000, 6155 JAYCOX ROAD, GALENA, A RURAL RESIDENTIAL (RR) ZONING DISTRICT (BZA 2016-02).

The following were marked as exhibits "A" – "F".
Exhibit "A" – Legal Notice
Exhibit "B" – Sign-in Sheet
Exhibit "C" – Application
Exhibit "D" – Staff Report, dated 4/26/2016
Exhibit "E" – First Revised Application
Exhibit “F” – Second Revised Application

APPLICANTS’ PRESENTATION: Joseph Barr, parent of the applicant, presented the application on behalf of the applicant. He read a letter from the applicant apologizing for the conflict in information in the original application. To rectify these discrepancies, the applicant hired a second consulting firm, Plan 4 Land, LLC. The original application did not account for the covered porch or the detached garage and thus the lot coverage was incorrect. They are now confident that the numbers in the application are correct; this update replaces all prior submittals.

The applicant is asking for a 2.8% increase in size of the building in relation to the property. The lot is unique in that it was a total of three plus (3+) acres that was subdivided to make smaller lots, each now less than two (2) acres. He noted that had this land not been subdivided, there would be no need to appear before the Board. The mounding of the twenty-three (23) acres of HOA open space owned by Sheffield Park shields them from this property. The original house was built in 1901 and predates all the changes of this area; they hope to maintain the integrity of the home. The applicant is asking to be allowed to increase the total building coverage to 12.8% or 2.8 percent more than is allowed by Code; ten (10) percent is allowed by Code. Buildings will cover 11.5%. Mr. Barr reviewed his perspective on Duncan Middlefield and showed several pictures as to illustrate his points. He indicated the architect considered a two story structure however this did not allow for a two car garage nor did it keep the integrity of the home so that idea was discarded.

Chris Lundak, applicant, spoke to the intent of the architectural design. He also stated he felt the inclusion of a garage was important as he wanted to store his vehicle in the garage so it was more difficult to tell when he was home; he felt this was a safety concern.

STAFF REPORT: Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of the staff report. She indicated the property is 1.9 acres and is zoned Rural Residential (RR). Adjustments have been made to the original application based on the staff report. Ms. Dorsch clarified the reference in the application to the Comprehensive Plan (12/3/2009), providing statistics on Rural Residential (RR) vs. Planned Residential Development (PRD). She also noted that in an RR district, the garage does not need to be attached. The Zoning Office received only one inquiry regarding this application; no objections were expressed. When asked by the Board, Ms. Dorsch stated she could not verify if all of the numbers in the latest revision were correct as there was insufficient time to review the submission of the material at this meeting.

Concern was expressed by the Board regarding making a decision on an application that the Zoning Office has not verified. The Board also was concerned that the Comprehensive Plan and Zoning Code considered coverage maximums and that this not in compliance with what was/is considered desirable for Genoa Township.

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 reviewed Duncan v. Middlefield, in regards to the variance requested from Section 606.10 to allow for building coverage in excess of ten percent (10%) for a single-family residence located on Parcel #317-220-01-042-000, 6155 Jaycox Road, Galena, a Rural Residential (RR) Zoning District 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, also the addition could be smaller.
(b) Whether the variance is substantial. Yes, it is 28% above the permitted coverage.
(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, 
it was in place when purchased.
(f) Whether the property owner’s predicament feasibly be obviated through a method other than the 
variance. No, not if the current style is to be maintained.
(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 that this is not a busy street and the design does maintain the “look and feel” of the 
current area. To force the property owner to remove and existing building to comply may not be in the 
spirit of the Comprehensive Plan or the Zoning Code. Overall, the consensus was that this is a unique 
property. There was a brief discussion of should there be a change to the driveway; it was decided there 
was no need to make any change to an existing driveway.

MOTION: Cybele Smith moved, incorporating Exhibits A through F into evidence, to approve a Variance 
from Section 606.10 of the Genoa Township Zoning Resolution for BZA 2016-02, original application 
received February 25, 2016, to allow for building coverage to exceed ten percent (10%) or 5,196 square 
feet of building coverage maximum allowed on the 1.193 acre parcel at 6155 Jaycox Road, (Parcel #317-
220-01-042-000), located in a Rural Residential (RR) Zoning District by 1467 square feet for a maximum 
total building coverage of 6662.76 square feet 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 28 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 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 Teresa Yu.

Discussion on Motion: There was no additional discussion.

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.

Mark Harmon announced the hearing closed at 8:05 p.m.

OTHER BUSINESS

ELECTION OF OFFICERS:

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Mark Harmon opened nominations for officers, noting that the term of office will begin at the close of this evening's meeting.

CHAIR NOMINATION: Sara Walsh moved to nominate Mark Harmon as chair of the Board of Zoning Appeals for 2016-2017. Motion was seconded by Cybele Smith. Roll call: Cybele Smith, yes; Sara Walsh, yes; Teresa Yu, yes; Mark Phillips, yes; Mark Harmon, abstain. Motion carried.

CLOSE NOMINATIONS: Sara Walsh moved to close nominations for Chair. Motion was seconded by Cybele Smith. Roll call: Cybele Smith, yes; Sara Walsh, yes; Teresa Yu, yes; Mark Phillips, yes; Mark Harmon, abstain. Motion carried.

ELECTIONS: Sara Walsh moved to elect Mark Harmon as chair for 2016-2017. Motion was seconded by Cybele Smith. Roll call: Cybele Smith, yes; Sara Walsh, yes; Teresa Yu, yes; Mark Phillips, yes; Mark Harmon, abstain. Motion carried.

VICE CHAIR NOMINATION:

Mark Phillips moved to nominate Cybele Smith as vice chair of the Board of Zoning Appeals for 2016-2017. Ms. Smith declined. Mark Phillips moved to nominate Sara Walsh as vice chair of the Board of Zoning Appeals for 2016-2017. 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.

CLOSE NOMINATIONS: Mark Phillips moved to close nominations for Vice-Chair. 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.

ELECTIONS: Mark Phillips moved to elect Sara Walsh as vice-chair for 2016-2017. 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.

NEXT MEETING:
- Tuesday, May 24, 2016, 7:00 p.m. if an application(s) is received.

ADJOURNMENT
Mark Harmon moved to adjourn this meeting at 8:10 p.m. Motion was seconded by Cybele Smith. All voted yes. Motion carried.

Meeting was adjourned at 8:10 p.m.
OTHERS PRESENT AT MEETING | ADDRESS
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Susan Dorsch | Genoa Township Zoning and Development Office
Kristin Lundak | 6155 Jaycox Road, Galena 43021
Joseph Barr | 7170 Holderman Street, Lewis Center 43035
Chris Lundak | 6155 Jaycox Road, Galena 43021
Matt Molinski | 6159 Jaycox Road, Galena 43021
Jeff Monebrake | 2501 Rome Corners Road, Galena 43021