GENOA TOWNSHIP BOARD OF ZONING APPEALS MEETING MINUTES

DATE: Tuesday, November 27, 2018  
TIME: 7:00 PM  
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082

AGENDA ITEMS: BZA (2018-07) Brian Hess – Variance, allow for a setback less than required

STAFF PRESENT: Susan Dorsch, Permit and Compliance Inspector

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

ROLL CALL (00:00:33)

<table>
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<tr>
<th>MEMBERS PRESENT</th>
<th>MEMBERS ABSENT</th>
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<tr>
<td>Mark Harmon, Chair</td>
<td>Mark Phillips, Vice Chair</td>
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<tr>
<td>Dorothy Driskell</td>
<td>Teresa Yu</td>
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<td>David Buhn</td>
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<td>Geoffrey Bishop, Alt.</td>
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MINUTES (00:00:50)
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearings held on September 25 and October 23, 2018.

MOTION: Ms. Driskell moved to approve the September 25, 2018 meeting minutes, as presented.

Motion was seconded by Mr. Buhn.

VOTE: 5 For, 0 Opposed, 0 Abstained. Motion carried.

MOTION: Mr. Bishop moved to approve the October 23, 2018 meeting minutes, as presented.

Motion was seconded by Ms. Driskell.

VOTE: 5 For, 0 Opposed, 0 Abstained. Motion carried.

Mr. Harmon noted that variance application, BZA 2018-06 for 7811 Lanetta Lane was withdrawn by the applicant on November 14, 2018.

Mr. Harmon re-opened the hearing of variance request BZA 2018-07, 6269 Frost Road which was continued from October 23, 2018. Mr. Harmon 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.

BRIAN HESS REQUESTING APPROVAL OF A VARIANCE TO ALLOW FOR A NEW BUILDING TO BE CONSTRUCTED AT LESS THAN THE REQUIRED ONE-HUNDRED (100) FOOT SETBACK ON LOT 1147 IN THE PURDIE INDUSTRIAL PARK LOCATED AT 6269 FROST ROAD, WESTERVILLE, OHIO 43082, CURRENTLY ZONED LIGHT INDUSTRIAL (LI) (BZA 2018-07).
The following were marked as exhibits “A” – “E”.
Exhibit “A” – Legal Notice
Exhibit “B” – Sign-in Sheet
Exhibit “C” – Application
Exhibit “D” – Staff Memo, dated November 27, 2018
Exhibit “E” – Revisions submitted by applicant on November 2, 2018

STAFF REPORT (00:06:48): Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of the exhibit D.

Ms. Dorsch highlighted:
- The items on the proposed site plan that were asked about at the previous meeting.
- Decreased impervious surface lot coverage.
- What the requirements are for a light industrial property border with a residential district.
- Parking standards.

APPLICANTS’ PRESENTATION (00:15:53): Brian Hess (property owner) presented the application and provided the following information to the Board.

- Mr. Hess testified that the neighboring residents told him that they approved of the building after the previous meeting.
- Highlights of the proposed plan.
- A background of his business and how he plans to utilize the proposed building.
- He stated that he wants to construct the new building closer to the rear property line to provide a buffer from the activities of the landscape business that uses the rear of the property. There is an existing wood fence between his property and the residential district.
- Jordan Scholl (5105 Parkmoor Dr.) stated that he rents space on the property and testified that the fence is 6 feet tall with 2 feet of lattice on top, making the fence 8 feet tall in total and it belongs to the condo association to the North as it stretches past the applicant’s property.

The Board and the Applicant discussed the staff comments listed in the Staff Memo.

The Board asked about the location of the fuel tank on the site. Mr. Hess pointed out the location.

Mr. Hess asked about the definition of a principle building. Ms. Dorsch provided an explanation.

The Board discussed the effects of granting the variance for future tenants and/or property owners. The Board clarified that the property could be used for any of the approved uses listed in the Light Industrial Zoning District.

BOARD DISCUSSION/FINDINGS OF FACT (00:52:25):

The Board discussed the staff report including:
- The percentage of impervious surface.
- The screening at the property line between the applicant’s property and the residential district.
- Proposed landscaping on the property.
- Screening of the parking spaces.
- Front setback of the proposed building.
- Side setback of the proposed building.
- Height limit of proposed building.
Mr. Bishop asked about the number of trees that are proposed in the landscaping of the property.

The Board discussed if the proposed building is demolished in the future, would the variance still exist.

Mr. Buhn asked if the applicant thought about repositioning the building to allow more greenspace and reduce the setback variance. Mr. Hess stated he selected the proposed building’s location for visual aesthetics.

The Board reviewed *Duncan v. Middlefield*, in regards to the variance requested from Section 1507.07 of the Genoa Township Zoning Resolution to allow setback less than 100 feet in the Light Industrial-Warehouse (LI) Zoning District as follows:

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

   Yes, because the property is currently being used by the applicant for his business.

b. The variance is substantial.

   Yes, the variance is for a 65% reduction in setback from a residential district property line.

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.

   Yes, because the applicant is adding greenspace and attempting to reduce noise and pollution.

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

   Yes, as the Board did not receive any comments or concerns from the police and fire departments.

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

   Yes, the property owner purchased the property a few years ago.

f. The property owner’s predicament cannot be feasibly obviated through a method other than the variance.

   The owner could build a smaller building or reposition the proposed building to reduce the amount of variance from the 100-foot setback, but it would not accomplish the applicant’s goal of creating a buffer for the neighbors or sight lines from Frost Road.

g. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

   Yes, with no discussion.

**MOTION (01:26:45)**: Ms. Yu moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 1507.07 of the Genoa Township Zoning Resolution for BZA 2018-07, application received October 1, 2018 and revisions received November 2, 2018, to allow for a 65% reduction of the
rear setback of 100 feet to 35 feet on property known as lot 1147 in the Purdie Industrial Park, 6269 Frost Road, Westerville, Ohio 43082, zoned Light Industrial (LI).

This motion is based on the following Findings of Fact:
1. The property would yield a reasonable return and there can be beneficial use of the property without the variance.
2. The variance is substantial.
3. The character of the neighborhood would not be substantially altered and the adjoining properties would not suffer a detriment as a result of the variance.
4. The variance would not adversely affect the delivery of governmental services.
5. The property owner did purchase the property with knowledge of the zoning restrictions.
6. The property owner’s predicament cannot be feasibly obviated through a method other than the variance.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Discussion: The Board discussed whether or not to add a specific number of trees as a condition to the variance.

Approval of the variance is subject to the owner’s agreement to the following conditions:

1. The property owner will provide sufficient screening to provide a visual barrier to the adjoining residential property.

Motion was seconded by Ms. Driskell.

Roll call: David Buhn, Yes; Dorothy Driskell, Yes; Geoff Bishop, Yes; Teresa Yu, Yes; Mark Harmon, Yes. Motion carried.

Mr. Harmon announced the hearing closed at 8:37 p.m.

OTHER BUSINESS (01:32:30):

- BZA Rules of Procedure update
  - Pushed to December to allow for more revision and review time.

ADJOURNMENT
Mr. Harmon moved to adjourn this meeting at 8:44 p.m. Motion was seconded by Mr. Bishop. All voted yes. Motion carried.

Meeting was adjourned at 8:44 p.m.
OTHERS PRESENT AT MEETING
Jordan Scholl 5105 Parkmoor Dr.

Audio of this meeting is available at www.genoatwp.com