GENOA TOWNSHIP
BOARD OF ZONING APPEALS
MARCH 15, 2011

Present: Harry Goussetis, Chair
         Cybele Smith
         David Dunn
         Curtis Williams
         Jim Stefaniak, Alternate

Also Present: Susan Dorsch, Permit & Development Inspector

RE: BZA 2011-02, 3232 Sunbury Road, (Stoelzle)

Mr. Goussetis called the meeting to order at 7:00 p.m.

OLD BUSINESS

Minutes – 2/14/11

Mr. Dunn made a motion to approve the minutes from February 14, 2011, Case No. BZA 2011-01, as written. Motion was seconded by Ms. Smith. Roll call: Mr. Stefaniak, aye; Mr. Williams, abstain; Mr. Dunn, aye; Ms. Smith, aye; Mr. Goussetis, abstain. Motion carried.

NEW BUSINESS

BZA 2011-02, 3232 Sunbury Rd (Stoelzle)

This hearing began at 7:03 p.m.

Mr. Goussetis read the legal notice for the record, as follows:

PETER AND BRENDA STOELZLE REQUESTING A VARIANCE TO §1614 OF THE GENOA TOWNSHIP ZONING RESOLUTION, TO CONSTRUCT A WATER IMPOUNDMENT BETWEEN THE PRINCIPAL STRUCTURE AND THE EDGE OF THE CONTIGUOUS ROAD RIGHT-OF-WAY, ON PROPERTY LOCATED AT 3232 SUNBURY ROAD, A RURAL RESIDENTIAL (RR) ZONING DISTRICT. (BZA 2011-02)

Mr. Goussetis asked everyone to sign the sign-in sheet and directed those who wished to speak at this hearing to stand and be sworn in.

Mr. Goussetis marked the following as Exhibits:
Todd Follmer, Heinlen-Follmer, Inc., appeared on behalf of the applicants, Peter and Brenda Stoelzle. Mr. Follmer presented the application to the Board. He stated that his company was approached by the Stoelzle's to develop a landscape plan to add interest to their front entrance and to resolve existing drainage issues. The plan being proposed shows two small ponds on the north side of the driveway and two larger ponds on the south side. A bridge provides access over the ponds to the residence.

Mr. Goussetis asked Mr. Follmer to provide further details regarding; the distance from the road and the property lines and the terrain. Mr. Follmer stated that the pond would be between 150 feet to 175 feet from Sunbury Road, between 40 feet and 50 feet from the north property line, and between 150 feet and 160 feet from the southern property line. Mr. Follmer stated that the property consisted of grass and rolling hills. During periods of heavy rain, water drains across the existing driveway toward the City of Columbus property to the south.

Mr. Goussetis asked Mr. Follmer to describe the neighboring properties. Mr. Follmer stated that the neighboring residence to the north was directly in line with the Stoelzle's residence. The adjacent property to the south is a natural area owned by the City of Columbus. Farther to the south is a residential area along Cupstone Drive.

Mr. Goussetis asked if Mr. Follmer was aware of the comments made by the Genoa Township Fire Department. Mr. Follmer stated that he had spoken to Fire Inspector, Lt. Skeel, about the Fire Department's concerns. Mr. Follmer indicated that they had stopped work on the bridge design pending approval of the variance but his clients are also aware of the Fire Departments' concerns. Mr. Goussetis stated that the Township's Staff Review indicated that the Genoa Township Fire Department requested that the driving surface of the bridge be a minimum 16 feet wide and that the bridge is engineered to hold a minimum of 75,000 pounds. Mr. Follmer stated that his clients were agreeable with the Fire Department's request.

Ms. Smith asked if the trees shown on the plan along the driveway and along the northern property line currently existed. Mr. Follmer stated that the trees along the driveway currently exist but several of the trees are dying. A few trees would be removed to allow for the construction of the pond; the other trees would remain and any dying trees would be replaced. Mr. Follmer stated that the trees shown on the plan along the northern property line were additional landscaping being added as part of the project.

Mr. Dunn asked for confirmation that the Genoa Township Fire Department would be provided with stamped and signed engineering plans for the bridge. Mr. Follmer stated that they would be provided.
Mr. Stefaniak asked for information concerning the previously mentioned drainage issues. Mr. Follmer stated that the problem occurs mainly with the spring rains. The water drains across the driveway during heavy rains but standing water does not remain for extended periods of time.

Mr. Stefaniak also inquired if there were other ponds located within the front yards of properties in the neighborhood. Mr. Follmer indicated that there were several.

Mr. Williams stated that he believes that the addition of the pond does not pose any issues because any overflow would be directed south to the City of Columbus property. He also feels that the addition of the pond and landscaping would add value to the other properties in the neighborhood.

Mr. Goussetis asked Ms. Dorsch to present the Township's staff report, which along with the project site plan was marked as follows:

Exhibit "D" – Architectural Renderings
Exhibit "E" – Staff report, dated 3/15/11

Ms. Dorsch gave a brief history of the property outlined in her staff report along with the reason for this application. Ms. Dorsch stated that the intention behind §1614 is aesthetics and safety. She indicated that staff does not have any issues with this variance request since the proposed location of the bridge and water impoundment is setback from the road right-of-way more than the minimum required 75 feet.

Public Comment:

None.

Board Comments:

At this time the Board reviewed Duncan v. Middlefield for the record, as follows:

(a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. The property in question would yield a reasonable return and there can be beneficial use of the property without the addition of the pond.

(b) Whether the variance is substantial. The variance is substantial, since §1614 of the Zoning Resolution prohibits a water impoundment between the principal structure and the road right-of-way.

(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. 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) Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewage, garage). No evidence that there would be any adverse effect on the delivery of governmental services.

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The property owners did not purchase the property with knowledge of the zoning restriction. The restriction under §1614 of the Zoning Resolution became effective after applicants’ purchase of the subject property.

(f) Whether the property owner’s predicament can be feasibly obviated through some method other than a variance. Yes, the addition of the pond is not a necessity.

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The spirit and intent behind the zoning requirement would be observed. The intent behind §1614 is aesthetics and safety and the proposed pond would be setback more than the required 75 feet from the road right-of-way.

Board Discussion

David Dunn moved, incorporating Exhibits “A” through “E” into evidence, to approve a variance for BZA 2011-02, to allow Peter and Brenda Stoelzle to construct a pond, waterfall and bridge between the principal structure and the edge of the contiguous road right-of-way, pursuant to §1614 of the Genoa Township Zoning Resolution, as represented on the above-mentioned application dated February 25, 2011, on property located at 3232 Sunbury Road, a Rural Residential (RR) Zoning District, based on the following findings of fact:

(a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. The property in question would yield a reasonable return and there can be beneficial use of the property without the variance.

(b) Whether the variance is substantial. The variance is substantial.

(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. 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) Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewage, garbage). The variance would not adversely affect the delivery of governmental services.

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The property owner did not purchase the property with knowledge of the zoning restriction.

(f) Whether the property owner’s predicament can be feasibly obviated through some method other than a variance. The property owner’s predicament can feasibly be obviated through a method other than the variance.
(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

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

1. The driving surface width of the bridge will be a minimum of 16 feet.
2. The bridge is engineered to hold a minimum of 75,000 pounds and the Township will be provided with a stamped set of drawings signed by an Ohio Professional Structural Engineer.
3. The bridge is constructed, as indicated, on a culvert and that none of the bridge is "free span".
4. The bridge and pond are located at least 75 feet from the edge of the road right-of-way.

Motion was seconded by Ms. Smith. Vote: Mr. Williams, aye; Mr. Stefaniak, aye; Mr. Dunn, aye; Ms. Smith, aye; Mr. Goussetis, aye. Motion carried.

This hearing ended at 7:21 p.m.

Other Business

Mr. Goussetis noted that this was Mr. Stefaniak's last hearing as he is not seeking another term with the Board of Zoning Appeals. All Board members expressed their gratitude for his service to his community and wished him well in his future endeavors.

Mr. Williams made a motion to adjourn this meeting. Motion was seconded by Mr. Stefaniak. Vote: all ayes. Meeting adjourned at 7:22 p.m.

Respectfully submitted,

[Signature]

Susan Dorsch
Permit and Development Inspector

Date Approved: 4-26-11

[Signature]

Harry Goussetis, Chair

David Blair, Vice Chair