DATE: December 18, 2018
TIME: 7:00 PM
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082


STAFF PRESENT: Susan Dorsch, Permit and Compliance Inspector

CALL TO ORDER
Chair Mark Harmon called the meeting to order at 7:00 p.m.

ROLL CALL (00:00:45)

<table>
<thead>
<tr>
<th>MEMBERS PRESENT</th>
<th>MEMBERS ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Harmon, Chair</td>
<td>Teresa Yu</td>
</tr>
<tr>
<td>Mark Phillips, Vice chair</td>
<td>David Buhn</td>
</tr>
<tr>
<td>Dorothy Driskell</td>
<td>Geoffrey Bishop, Alt.</td>
</tr>
</tbody>
</table>

MINUTES (00:01:01)
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearings held on November 27, 2018.

MOTION: Ms. Driskell moved to approve the November 27, 2018 meeting minutes, as presented.

Motion was seconded by Ms. Yu.

VOTE: 4 For, 0 Opposed, 1 Abstained (Mr. Phillips). Motion carried.

PUBLIC HEARING (00:02:17)
Mark Harmon called the following hearing to order at 7:02 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.

MITZI L. HINES AND HERBERT B. PLATT JR. REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT PER SECTION 1609.01 F OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW FOR LIVING SPACE IN AN ACCESSORY BUILDING CURRENTLY UNDER CONSTRUCTION AT 9239 LAKE OF THE WOODS DRIVE, GALENA, OHIO, 43021, LOT 236 IN LAKE OF THE WOODS #1, CURRENTLY ZONED RURAL RESIDENTIAL (RR) (BZA 2018-08).

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 December 18, 2018
STAFF REPORT (00:03:25): Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of Exhibit D.

Ms. Dorsch noted that the legal notice for this hearing was printed and published on December 1, 2018, in the Delaware Gazette and posted at the Genoa Township Hall on November 28, 2018. An attempt to mail notice of this hearing to property owners contiguous to and across the street from the subject property was also made.

Ms. Dorsch highlighted:
- Accessory buildings are permitted in the Rural Residential District but they are not permitted for residential use.
- The original plans called for living space in the accessory building but the applicant changed the plan after learning that residential use is not permitted.
- The auditor’s site lists the property at 3.15 acres but the lot is currently about 2.5 acres.

APPLICANTS’ PRESENTATION (00:06:52): Vince Ghiloni (Ghiloni Custom Homes) presented on behalf of the applicant.
Mr. Ghiloni stated:
- The revised plan for the accessory building has less square footage than the original plan.
- The septic system is large enough to accommodate a 6-bedroom structure.

Mr. Harmon asked if this was a typical improvement for Lake of the Woods Drive. Mr. Ghiloni stated that nine of the thirteen homes on Lake of the Woods Dr. have detached garages.

The Board asked about HOA approval and it was determined that Lake of the Woods Dr. does not have an HOA.

Mr. Phillips asked about the conditional use requirements as set forth in the Zoning Resolution Section 303 and Mr. Ghiloni replied:
- 303.02 – The building is located in an open area of the trees and will not affect any natural or scenic features of the property.
- 303.03 – The accessory building is compatible with the rest of the neighborhood and it adds to the value of the property.
- 303.04 – The barn is being constructed with the same materials as the house.
- 303.08 – There will be adequate space for parking including a three-car garage with the house.

Herbert Platt (homeowner) stated that he has personal and business relationships with the adjoining property owners and that they have the neighbor’s approval of the barn and living area.

PUBLIC COMMENTS (00:18:45): Mark Harmon asked any individuals who were properly sworn-in to share their comments.
1. Andrew Jones (9726 Lake of the Woods Dr.) stated that Lake of the Woods Dr. is a private one lane road and that he is worried that in the future someone may turn this building into a rental apartment. He asked if a condition can be placed on the approval that this building not be used as a rental building.

BOARD DISCUSSION (00:29:02):

Mr. Harmon stated that he feels it meets the spirit of the code as long as it is limited to non-commercial purposes.
Ms. Driskell asked if the condition of non-commercial use can be enforced. Ms. Dorsch stated that the Zoning Department cannot enforce that condition. The Board and Staff determined that it can be enforced by the deed restrictions.

Mr. Phillips stated that he is okay with the proposal and that the Board should run through the Section 303 of the Zoning Resolution requirements.

The Genoa Township Zoning Resolution Section 1609.01 F allows for human occupancy in an accessory building if a Conditional Use Permit is granted by the Board of Zoning Appeals. Section 303 states that “Conditional Uses may be permitted provided that such Uses shall be found to comply with the requirements listed in Section 303”. The Board reviewed the application based on the requirements listed as follows:

Section 303

303.01 The Use is so designed, located and proposed to be operated so that the public health safety, welfare and convenience will be protected.

Yes. There was no evidence presented that location would affect health, safety, and welfare.

303.02 The Use will not result in the destruction, loss or damage of natural, scenic, or historic features of major importance.

Yes. The location of the proposed building contained a sports court previously and there was testimony that the natural features will not be destroyed.

303.03 The Use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.

Yes. The proposed barn and conditional use will enhance the property value.

303.04 The Use shall be compatible with adjoining development and the proposed character of the zoning District where it is to be located.

Yes. Testimony stated that nine of the thirteen homes in the neighborhood have existing accessory buildings.

303.05 The Use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed Use shall be able to provide any such services adequately.

Yes. There were no issues provided to staff from Police, Fire, or Maintenance.

303.06 The Use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Public facilities
and services include but are not limited to: fire and police protection or other emergency services, roadways, intersections, traffic lights, and sanitary and storm sewers.

Yes. There will be relatively few people in the living space and that will not put a strain on public services.

303.07 Adequate Landscaping and screening are provided, as required under Article 20.

Yes. Natural screening already exists for the barn and no additional screening will be necessary.

303.08 Adequate off-street parking is provided, and ingress and egress is so designed as to cause minimal interference with traffic on abutting streets.

Yes. There is parking available in the barn and driveway. There will be minimal traffic to the barn and any traffic caused by the barn being used for rental purposes can be regulated by the deed restrictions.

303.09 The Use conforms to all applicable regulations governing the District in which it is located.

Yes. To the best of the Board's knowledge it does conform.

303.10 The Use is compatible with the standards, objectives, and policies of Genoa Township Comprehensive Plan as amended and any revisions thereof.

Yes. The board determined it is compatible and complies with the spirit of the Comprehensive Plan.

303.11 The Use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations.

Yes. There will be no increase in noise, smoke, fumes, glare, odors, or vibrations as it is a residential use. The amount of traffic will not be increased dramatically.

303.12 Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

Yes. There will be no commercial use of the property.

MOTION (00:43:15): Mr. Harmon moved, incorporating Exhibits A through D into evidence, to approve a Conditional Use in accordance with Section 1601.09 F of the Genoa Township Zoning Resolution for BZA 2018-08, application received November 21, 2018, to allow for an accessory building to be used for human occupancy on property at 9239 Lake of the Woods Drive, Part of Lot 236 in Lake of the Woods #1, zoned Rural Residential (RR) based on the standards listed in Section 303 of the Genoa Township Zoning Resolution and the aforementioned findings.

Approval of the Conditional Use is subject to the owner's agreement to the following condition:

1. Accessory building cannot be used for any income generating purposes.
Motion was seconded by Mr. Phillips.

Roll call: David Buhn, yes; Dorothy Driskell, yes; Mark Phillips, yes; Teresa Yu, yes; Mark Harmon, yes. Motion carried.

Mark Harmon announced the hearing closed at 7:46 p.m.

OTHER BUSINESS (00:47:23):

- **BZA Rules of Procedure**
  - Mr. Harmon asked for clarification on term limits. Ms. Dorsch stated that is directly from the Ohio Revised Code and cannot be changed.
  - Mr. Harmon stated that conflict of interest is discussed twice and does not need to be on page four as it is redundant.
  - Mr. Buhn recommended adding a space below Rules of Procedure on page 10.

Mr. Phillips moved to approve the Rules of Procedure with the following revisions:
- Page 4 – Remove the duplicate word “clarification.”
- Page 10 – Add a space below the Rules of Procedure.

Motion was seconded by Mr. Harmon.

Roll call: David Buhn, yes; Dorothy Driskell, yes; Mark Phillips, yes; Teresa Yu, yes; Mark Harmon, yes. Motion carried.

ADJOURNMENT
Mr. Phillips moved to adjourn this meeting at 8:00 p.m. Motion was seconded by Mr. Buhn. All voted yes. Motion carried.

Meeting was adjourned at 8:00 p.m.

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on December 1, 2018 in the Delaware Gazette and posted at the Genoa Township Hall on November 28, 2018. Notice of this meeting was also mailed to the adjacent property owners.

**PREPARED BY:**

Paul Benson, Zoning Secretary

12/31/2018
Date Prepared

**BOARD OF ZONING APPEALS APPROVED:**

Mark Harmon, Chair

2/26/2019
Date Approved by the Board of Zoning Appeals

**OTHERS PRESENT AT MEETING**

Andrew Jones

9726 Lake of the Woods Dr.

*Genoa Township Board of Zoning Appeals Meeting Minutes – December 18, 2018*  Page 5
Audio of this meeting is available at www.genoatwp.com