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

ROLL CALL
Ms. Driskell and Mr. Buhn were seated as voting members for this meeting.

MINUTES
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearings held on December 19, 2017.

MOTION: Ms. Driskell moved to approve the December 19, 2017 meeting minutes. Mr. Buhn stated that on page one letter 'D' in the line reading “The following were marked as exhibits “A” – “D” should be changed to the letter ‘E’ to correspond with the listed exhibits.

Motion was seconded by Ms. Smith.

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

Mr. Harmon noted that Sara Walsh has resigned from the Board of Zoning Appeal. He personally and on behalf of the Board, thanked her for her years of service on the Board and wished her well.

PUBLIC HEARING
Mr. 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.


The following were marked as exhibits “A” – “E”.

Exhibit “A” – Legal Notice
STAFF REPORT (00:04:54): Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of the staff report. Mrs. Dorsch stated that the subject property address is 7822 Big Walnut Road. The parcel is approximately 3.4 acres and located in a Suburban Residential Zoning District (SR). Mrs. Dorsch also stated that the house located on the subject property dates back to circa 1900. The house is legally non-conforming to the setback requirements listed in the current Genoa Township Zoning Resolution.

Mrs. Dorsch stated that the property owners wish to install fencing on the property. Section 2002.03 of the Resolution prohibits any fence higher than thirty (30) inches between the building setback line and the road right-of-way line. On this parcel, the existing house sits on the 50 ft. building line. The application was reviewed by the Township's Police, Fire and Maintenance Departments. Police and Fire did not have any comments or concerns. Bob Mathews, Director of Roads, provided comments via email, which were provided to the Board. Mr. Mathews stated that he would not anticipate a sight distance problem as long as the fence does not extend toward Big Walnut Road, pass the edge of the existing barn. Mrs. Dorsch stated that in speaking with Mr. Mathews he noted that there were no concerns with the proposed location of the fencing along Tussic Street Road.

The Board asked if the roads have been widened since the house was built. The Board discussed the age of the property and the likelihood that the road and right of ways have gotten closer to the house over the many years that have passed since the house was built.

APPLICANTS' PRESENTATION (00:08:10): Mr. Schwanekamp presented his application. He stated that they wanted to place the 36-inch fence from the front door of the house so they can let their two dogs outside. The fence would protect the dogs from the busy roads adjacent to their property. The 48-inch fence would be for the dog as well so they could have full range of the property when he and his wife were outside working in their yard. Mr. Schwanekamp noted that they plan to keep other animals, such as goats and possibly a horse, which would also be located within the fenced area, as well.

The Board asked for clarification on the proposed locations for both fences. Mr. Schwanekamp explained that the 36-inch high fence would be located by the doors on the north and south sides of the house. The remainder of the fence would be 48-inches high and surround the property as shown in green on the site plan that was submitted as part of the application.

The Board asked staff to clarify where the building setback line would be in relationship to the existing house. It was determined that the building line would run through the middle of the house on both the Big Walnut Road side and the Tussic Street Road side. Mrs. Schwanekamp shared with the Board that family members of the previous owners told them that the property was purchased in 1883 and the house was built in 1885.

PUBLIC COMMENTS (00:13:16): Mr. Harmon asked any individuals who were properly sworn-in to share their comments.

1. Belinda Reed, 4949 Pine Haven Dr. – Mrs. Reed stated that she is not an adjacent neighbor but she lives very close to the subject property; she and her husband drive pass the subject property many times per day. They are very happy to see someone renovate the house
instead of tearing it down to build high density condos. She stated that she is in full support of the Variance request.

2. Mark Stelzer, 7731 Big Walnut Rd. – Mr. Stelzer expressed concern that the installation of the fencing along Big Walnut Road will cause sight distance issues. He stated that the intersection is very busy. He asked for clarification on the use of the 48-inch high fence adjacent to the south side of the barn. Mrs. Schwanekamp stated that it would be used for miniature goats.

3. Dan Hicks, 7920 Big Walnut Rd. – Mr. Hicks stated that he is an adjacent neighbor to the south. He stated that he has spoken with Mr. Schwanekamp concerning the installation of the fencing and he is supportive of the Variance request.

APPLICANT'S RESPONSE (00:20:10): Mr. Schwanekamp stated that in anticipation of sight lines being a concern, he prepared an exhibit that showed the location of the fence in relationship to Big Walnut Road and the existing barn.

Mr. Harmon closed public comments. The Board asked the applicant to clarify the type of fencing being proposed. Mr. Schwanekamp stated that the fencing will be wood and painted white. The Board discussed the sight distance issue. Mr. Schwanekamp stated that the fence will be approximately 40 ft. from the edge of Big Walnut Road.

The Board questioned when the applicants purchase the property and if they were occupying the property. Mrs. Schwanekamp stated that they officially purchase the property on December 31, 2017 but they were previously leasing the property while they were doing the renovations. The Schwanekamps stated that they are currently living in the house.

BOARD DISCUSSION/FINDINGS OF FACT (00:28:30):

The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 2002.03 to allow for a 36-inch and a 48-inch fence to be installed between the street right-of-way and the building setback line in a Suburban Residential (SR) 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 because the property owners could fence in a smaller part of the yard.

b. The variance is substantial because the proposed 36-inch high fence is 20% higher than the Zoning Resolution allows and the 48-inch high fence is 60% higher than the code allows.

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 because there are many different types of housing styles in the neighborhood and several neighbors have spoken in support of the variance request.

d. The variance would not adversely affect the delivery of governmental services; in fact Mr. Matthews and the Police Chief have no concerns.

e. The property owner did purchase the property with knowledge that the Township has zoning restrictions. The house is very old and staff stated that it is legally non-conforming.
f. The property owner's predicament can be feasibly obviated through a method other than the variance. The property owners could install the fencing in compliant locations but doing so would limit their use of a large amount of the parcel.

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

The Board discussed the uniqueness of the property; the age and the location of the structures on the property, the topography of the parcel, and that it is atypical, non-conforming versus the majority of the properties in the Township. The Board stated that this situation is the type of situation for which the variance process was designed.

**MOTION (00:34:10):** Ms. Smith moved, incorporating Exhibits A through E into evidence, to approve a Variance from Section 2002.03 of the Genoa Township Zoning Resolution for BZA (2018-01), per the application received February 2, 2018, to allow for a 36-inch and a 48-inch high fence to be installed between the street right-of-way and the building setback line on property known as parcel 317-130-02-018-000, 7822 Big Walnut Road, Westerville, Ohio 43082 zoned Suburban Residential (SR).

This motion is based on the following Findings of Fact:
1. The property would yield a reasonable return without the Variance.
2. The Variance is substantial at 20% more than allowed for the 36-inch high fence and 60% more than allowed for the 48-inch high fence.
3. The character of the neighborhood would not be altered. Several neighbors testified in support of the variance request.
4. Granting of the Variance will not affect governmental services as proposed.
5. The property is atypical and legally non-conforming.
6. The applicant could install the fencing in a different location but doing so would limit the area of the property used for their animals.
7. The spirit and intent of the zoning requirement would be observed and substantial justice would be done by granting the variance. The Board heard testimony from several neighbors in support of the Variance.

Motion was seconded by Ms. Yu.

Roll call: David Buhn, yes; Dorothy Driskell, yes; Cybele Smith, yes; Teresa Yu, yes; Mark Harmon, yes.

Motion carried. Variance granted as requested in application dated February 2, 2018.

Mr. Harmon announced the hearing closed at 7:38 p.m.

**ADDITIONAL BUSINESS (00:38:25):**
Mr. Harmon informed the Board that the Township has arranged for the Delaware County Prosecutors Office to provide an educational training session for the BZA members and alternates. The Board agreed on the April 24, 2018 date that was proposed by Staff. It was noted that the training would be rescheduled to another date if applications for hearings before the Board were received.
The Board was informed by Staff that there is a scheduling conflict for the Township Hall for their June 26, 2018 meeting. Several alternative dates were proposed; the Board agreed to move their previously scheduled meeting from Tuesday, June 26, 2018 to Wednesday, June 27, 2018.

ADJOURNMENT
Ms. Smith moved to adjourn the meeting. The motion was seconded by Ms. Yu. All voted yes. Motion carried.

Meeting was adjourned at 7:46 p.m.

PREPARED BY:

[Signature]
Susan Dorsch, Development and Zoning
8/7/2018
Date Prepared

BOARD OF ZONING APPEALS APPROVED:

[Signature]
Mark Harmon, Chair
3/27/2018
Date Approved by the Board of Zoning Appeals

PUBLICATION OF LEGAL NOTICE:
The legal notice for this meeting was printed and published on February 14, 2018 in the Delaware Gazette and posted at the Genoa Township Hall on February 9, 2018. Notice of this meeting was also mailed to the adjacent property owners.

OTHERS PRESENT AT MEETING
Mark and Gloria Stelzer 7731 Big Walnut Road
Laura Martin 7695 Big Walnut Road
Belinda Reed 4949 Pine Haven Drive
Danny Hicks 7920 Big Walnut Road
David Ault 4645 North Shore Drive
Lui Mok 4868 Medallion Drive West