GENOA TOWNSHIP BOARD OF ZONING APPEALS MEETING MINUTES

DATE: March 26, 2019
TIME: 7:00 PM
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082

AGENDA ITEMS: BZA (2019-04) Suzette Heller – Variance, side yard setback

STAFF PRESENT: Susan Dorsch, Permit and Compliance Inspector

CALL TO ORDER
Mr. Harmon called the meeting to order at 7:06 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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<td>Mark Harmon, Chair</td>
<td>David Buhn</td>
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<td>Dorothy Driskell</td>
<td>Geoffrey Bishop, Alt.</td>
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<td>Teresa Yu</td>
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<td>Mark Phillips, Vice chair</td>
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The Chair noted that Mr. Bishop was sitting on the Board this evening as a voting member.

MINUTES (00:00:48)
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearings held on February 26, 2019.

MOTION: Ms. Driskell moved to approve the February 26, 2019 meeting minutes, as presented.

Motion was seconded by Mr. Bishop.

VOTE: 3 For, 0 Opposed, 1 Abstained (Mr. Buhn). Motion carried.

PUBLIC HEARING (00:03:40)
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.

SUZETTE HELLER REQUESTING APPROVAL OF A VARIANCE TO SECTION 606.07 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO REDUCE A REQUIRED 25-FOOT SIDE (NORTHERN) YARD SETBACK IN ORDER TO EXPAND AN EXISTING SINGLE-FAMILY DWELLING LOCATED AT 5079 WORTHINGTON ROAD (PARCEL 31724001027000), CURRENTLY ZONED RURAL RESIDENTIAL (RR), (BZA 2019-04).

Mr. Harmon noted that the legal notice for this hearing was printed and published on March 9, 2019, in the Delaware Gazette and posted at the Genoa Township Hall on March 6, 2019. An attempt to mail notice of this hearing to property owners contiguous to and across the street from the subject property was also made.

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 March 26, 2019
STAFF REPORT (00:06:17): Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of Exhibit D.

- Mr. Buhm asked for clarification of the encroachment distance. Ms. Dorsch responded they are proposing a 14.5-foot encroachment into the 25-foot setback.

APPLICANTS’ PRESENTATION (00:11:40): Scott and Suzette Heller (applicants) presented their proposal.

- Mr. Heller stated that the existing two-car garage is not functional and showed a picture to the board to show that their current vehicle does not fit into the existing garage. The picture was not submitted as an exhibit. Mr. Harmon asked for the dimensions for the existing garage. Mr. Heller provided the dimensions and included some unique features of the garage that make it non-functional.
- Mr. Heller stated he has spoken with his neighbors. He added that he contacted Delaware County and they provided him pre-approval of a new driveway to the proposed addition.
- Mr. Harmon asked what the plans are for the addition. Mr. Heller stated it is an attached, full sized two-car garage that is 24 feet wide and will encroach 14.5 feet into the side-yard setback.
- Mr. Harmon and Ms. Driskell asked about the plans for the existing garage and area near the existing garage. Ms. Heller replied that they are planning on removing the existing garage and possibly building a gardening shed.
- Ms. Heller stated they plan to have an additional bedroom and bathroom built above the proposed garage.
- Mr. Bishop asked why they are not proposing the new garage on the south side of the house. Mr. Heller stated all the utilities are located on the south side of the house and they would incur an incredible cost to relocate them.
- Ms. Heller stated that the old septic area is located under the existing garage and it is sinking.
- Mr. Bishop asked what the square footage of living space will be added. Mr. Heller replied they have not determined the final plan for the living space above the proposed garage.
- Mr. Harmon asked what the depth of the proposed driveway would be. Mr. Heller answered that it would be about 35 feet.

PUBLIC COMMENTS (00:26:38): Mr. Harmon asked any individuals who were properly sworn-in to share their comments.

1. Betty Teegarden (5061 Worthington Rd) stated that she owns the property to the north and the applicant spoke with her husband. She added that they have no objections and support the variance request.

BOARD DISCUSSION/FINDINGS OF FACT (00:28:45):

The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 606.07 to allow for encroachment into a twenty-five (25) foot side yard setback at 5079 Worthington Road, Westerville, OH 43082, currently zoned Rural Residential (RR) 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.

b. The variance is substantial.

Yes. 42 percent encroachment is substantial.

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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. The property owner that is most impacted is in favor of the variance.

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

Yes.

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

Yes. The zoning restrictions have not changed since the applicant purchased the property.

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

Yes. Adding the proposed addition on the south side of the house is not feasible due to the location of the utilities on the property.

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

Yes. It will improve the property. The property is unique; as the area has changed greatly since the house was built in 1901.

MOTION (00:35:30): Mr. Bishop moved, incorporating Exhibits A through D into evidence, to approve a Variance from Section 606.07 of the Genoa Township Zoning Resolution for BZA 2019-04, application received March 1, 2019, to allow for a garage addition to encroach no more than fourteen and one-half 14.5 feet into the required twenty-five (25) foot side yard setback on the north side of the parcel at 5079 Worthington Road, Westerville, OH 43082, zoned Rural Residential (RR).

This motion is based on the following Findings of Fact:
1. Will add value to the property.
2. Does not adversely affect the property to the north.
3. It complies with the requirements of Duncan vs. Middlefield.
4. There were no issues from Police, Fire, and Maintenance.
5. Property owners to the north are in favor of the variance.

Motion was seconded by Mr Harmon.

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

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

OTHER BUSINESS (00:41:30):
Two applications have been received for the April 23, 2019 meeting.

ADJOURNMENT
Mr. Harmon moved to adjourn this meeting at 7:49 p.m. Motion was seconded by Ms. Driskell. All voted yes. Motion carried.

Meeting was adjourned at 7:49 p.m.

PREPARED BY:

Paul Benson, Zoning Secretary

4/4/2019
Date Prepared

BOARD OF ZONING APPEALS APPROVED:

Mark Harmon, Chair

4/23/2019
Date Approved by the Board of Zoning Appeals

OTHERS PRESENT AT MEETING

Bill and Betty Teegarden
Douglas Sams

5061 Worthington Rd
5173 Worthington Rd

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