GENOA TOWNSHIP BOARD OF ZONING APPEALS MEETING MINUTES

DATE: August 27, 2019
TIME: 7:00 PM
LOCATION: Genoa Township Hall, 5111 S. Old 3C Hwy., Westerville, Ohio 43082


STAFF PRESENT: Susan Dorsch, Permit and Compliance Inspector
Paul Benson, Zoning Secretary

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

ROLL CALL (00:00:22)

<table>
<thead>
<tr>
<th>MEMBERS PRESENT</th>
<th>MEMBERS ABSENT</th>
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<tbody>
<tr>
<td>Mark Harmon, Chair</td>
<td>David Buhn</td>
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<td>Mark Phillips, Vice chair</td>
<td>Tiffany Lipscomb-Jackson, Alt.</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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MINUTES (00:00:45)
The board reviewed meeting minutes presented by the Genoa Township Development and Zoning Department for the hearings held on June 25, 2019.

MOTION: Mr. Phillips moved to approve the June 25, 2019 meeting minutes, as presented:

Motion was seconded by Ms. Driskell.

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

PUBLIC HEARING (00:01:48)
Mr. 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.

Paul and Katherine Rigsby requesting approval of a variance to allow an addition to encroach into the required thirty-foot front building line at 6174 Wingstem Street, Westerville, Ohio 43082, in the Shellbark Ridge Subdivision, currently zoned Planned Residential (PRD) (BZA 2019-11).

Mr. Harmon noted that the legal notice for this hearing was printed and published on August 10, 2019, in the Delaware Gazette and posted at the Genoa Township Hall on August 7, 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” – “E”.

   Exhibit “A” – Legal Notice
   Exhibit “B” – Sign-in Sheet
   Exhibit “C” – Application
STAFF REPORT (00:03:40): Susan Dorsch, on behalf of the Genoa Township Development and Zoning Department, gave an overview of Exhibit D.

APPLICANTS’ PRESENTATION (00:07:45): Jim Wright (Residential Design Solutions) presented on behalf of the applicant. Mr. Wright stated they are requesting an encroachment of four feet and eight inches. He then passed out a letter of approval from the Shellbark Ridge Homeowner’s Association (exhibit “E”). Mr. Wright provided a description of the addition plans.

Mr. Harmon asked if the applicants would be okay with approval of a five-foot encroachment. Mr. Wright replied that is acceptable.

Mr. Phillips asked if the roof would cover the entirety of the porch. Mr. Wright stated yes.

BOARD DISCUSSION/FINDINGS OF FACT (00:11:20):

The Board reviewed Duncan v. Middlefield, in regards to the variance requested from Section 909 of the Genoa Township Zoning Resolution to allow for encroachment into a required thirty (30) foot front building line in a Planned Residential (PRD) 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.

b. The variance is not substantial.

The variance is 16.7% encroachment but since it is covering an existing porch, it would not seem to be substantial.

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.

It may improve the character of the neighborhood.

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

No comments from Police, Fire, or Maintenance were received.

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

f. The property owner’s predicament can be feasibly obviated through a method other than the variance.

The applicant does not have to cover the porch. If the applicant chooses to cover the porch, there is no other option for compliance other than a variance.

g. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.
It would not be substantial justice to deny the application.

**MOTION (00:15:45):** Mr. Harmon moved, incorporating Exhibits A through E into evidence, to approve a variance from Section 909 of the Genoa Township Zoning Resolution for BZA (2019-11), application received July 17, 2019, to allow for a five (5) foot encroachment into the thirty (30) foot front building line on property known as lot 4130 in the Shellbark Ridge Subdivision, 6174 Wingstem Street, Westerville, OH 43082, zoned Planned Residential District (PRD).

This motion is based on the following Findings of Fact:

1. As per discussion of Duncan vs. Middlefield.

Motion was seconded by Ms. Driskell.

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

Mr. Harmon announced the hearing closed at 7:20 p.m.

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**ADJOURNMENT**

Ms. Yu moved to adjourn this meeting at 7:21 p.m. Motion was seconded by Mr. Phillips. All voted yes. Motion carried.

Meeting was adjourned at 7:21 p.m.

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**PREPARED BY:**

Paul Benson, Zoning Secretary

Date Prepared: 9/10/2019

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**BOARD OF ZONING APPEALS APPROVED:**

Mark Harmon, Chair

Date Approved by the Board of Zoning Appeals: 10/22/2019

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**PUBLICATION OF LEGAL NOTICE:**

The legal notice for this meeting was printed and published on August 10, 2019 in the Delaware Gazette and posted at the Genoa Township Hall on August 7, 2019. Notice of this meeting was also mailed to the adjacent property owners.

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**OTHERS PRESENT AT MEETING**

James Wright
Katy and Paul Rigsby
Tony Grone

7844 Flint Rd. Columbus
6174 Wingstem St.
6209 Baneberry Dr.

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