

Licking Township Board of Zoning Appeals

*c/o Andrea M. Lynch, Zoning Clerk
Phillip Jones, Chair ~ Robert Hansberger, Vice Chair
Huber Loewendick, Anton Kissell;
Bonnie Miller (alternate); Rex Adkins (alternate)
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Minutes from the Licking Township Board of Zoning Appeals meeting, July 18, 2024, at Licking Township Fire Station #600 9384 Jacksontown Road, Jacksontown, OH 43030.

Members present: Rex Adkins; Robert Hansberger; Phil Jones; Anton Kissell; Huber Loewendick; Andrea Lynch

Members not present: Bonnie Miller; Doug Howell (Zoning Inspector resigned 7/12/24)

Others in attendance: Haley Taylor; Barry Taylor

The Meeting was called to order at 7:05 p.m.
The Pledge of Allegiance was recited.
All in attendance were sworn in.
Roll call was called. The Meeting was not recorded.

Meeting minutes from 2/15/24 were re-presented.
Mr. Jones moved to approve the meeting minutes
Mr. Hansberger seconded the motion.
Roll Call: Jones, yes; Hansberger, yes; Loewendick, yes.

Meeting Minutes from 05/16/24 were read with one correction noted.
Mr. Loewendick moved to approve the minutes
Mr. Kissell seconded the motion.
Roll Call: Adkins, yes; Loewendick, yes; Kissell, yes; Jones, yes. (Mr. Hansberger could not vote on the minutes as he was absent at the 5/16/24 meeting).

Mr. Jones explained the hearing procedure to all in attendance.

Mrs. Lynch read the legal notice advertising the hearings.

Mr. & Mrs. Taylor addressed the Board and provided testimony regarding the following variance request: 10.00.E Lot Width and Length Requirement. Ms. Taylor stated that they wish to reduce the lot width requirement at their property known as 10600 Columbus Avenue, Thornville, OH as follows: Lot Width from 85' to 70'. They are requesting a 15' variance.

The Taylor's indicated that they wish to build a 2 story single-family residence that will meet the current setbacks on the side yard with a garage to measure 22'x24'. The home

will include a garage that faces Columbus Avenue, 2 bedrooms, kitchen & dining with open space; 2.5 bath.

Questions from Board:

Mr. Jones: is this going to be a primary residence

Ms. Taylor response: No, not yet. They plan to rent between now and then. Preferring a long-term rental however may consider an Air BnB. All 3 lots are for sale. The goal was to sell one of the lots originally but then decided to build on it to recoup some of their investment monies. Demolished the original house and then wanted to reinvest by building on the lot.

Mr. Jones: how long have you owned the property?

Ms. Taylor response: Originally this was 4 different lots. They purchased 1 in 2023 and others in 2022. Took time to get re-platted.

Ms. Taylor stated that they went to the LCPC to combine the original lots and then divided them down. The lot splits occurred in 2023 splitting them in to 3 lots.

Mr. Adkins: Lot 659-A is that the lot and are any of these big enough to build on?

Ms. Taylor response: No.

A discussion took place regarding road right-of-way for front yard setback.

Mr. Adkins explained that the ground floor living area does not meet the minimum square footage established in the Licking Twp Zoning Resolution. Current plans are 912 square feet and Zoning Resolution is 1000 sq feet minimum.

Mr. Jones led a discussion regarding hardship as it pertains to variances. Ms. Taylor stated that the lot size was pre-zoning. Mr. Jones said that the lot split they did in 2023 created their own hardship and therefore they created the non-compliance with the zoning regulations. The township did not create the hardship.

Ms. Taylor stated that when they checked with the LC Water and Wastewater they said because the property now had access to city sewer, the lot width requirements changed.

Mr. Adkins asked based on the testimony and documents provided, if the Taylors had considered borrowing from the center lot and giving part to the 2 outside lots, thus making 2 total lots in compliance with the zoning regulations.

Ms. Taylor stated they had not considered that and questions why Fairfield Beach is building on smaller lots. Mr. Jones said that Fairfield Beach is not in LTWP and does not have a bearing on this variance request. Ms. Taylor acknowledged that point.

Mr. Jones discussed dense housing and recent township zoning survey that was conducted by the LTWP Comprehensive Zoning Steering Committee which resulted in confirmation that dense residential housing was not found to be a favorable wish of the

community and a literal interpretation of pre-existing is that there was not one however the lot split created one.

Mr, and Mrs. Taylor sought clarification on if they can only have one house on the lot then?

Mr. Hansberger responded that the planned square footage is less than permitted in the zoning regulations and the front yard setbacks need to be met. However is in favor of helping people accomplish what they want to on their own property within limits.

Mr. Jones stated that the intent and integrity of the zoning regulations must be maintained.

Mr. Jones read into record the following: 10.00.E Lot Width & Length Requirements. Mr. Jones stated that the resolution was placed in 1964 and the lot was originally in compliance then however with the lot split they completed, they are now subject to the current zoning regulations.

Mr. Adkins stated that the current drawings indicate that the dwelling does not meet the front yard setback. A discussion took place.

Mr. Adkins suggested 1) Make the porch part of the living space or 2) Make the garage smaller or 3) Make the residence wider rather than longer

Mr. Jones inquired about the foundation as it pertains to LTWP Zoning Resolution 10.00.C.4. Mr. Taylor stated that it is a post beam structure on a slab on grade.

Mrs. Lynch read former Zoning Inspector Doug Howell's email – Mr. Howell supported the variance.

Mr. Jones read the following correspondence:

- Trustee Dave Miller – not in favor based on current information
- Trustee John Holman – not in favor based on current information
- Trustee John Cormican – not in favor based on current information noted Avondale area is getting crowded

Mrs. Lynch received no other correspondence.

Public Comment: None

The Public Hearing was closed at 8:02 p.m.

The BZA members discussed the variance matter.

Mr. Jones stated that he has concerns with the variance based on the lot size and that there was no pre-existing hardship until the lot split was done. Mr. Jones said that he is also taking into consideration the comments from the Licking Township Trustees who

represent all of LTWP as well as past variance decisions that were due to self-created hardships. Mr. Jones stated that the applicant had an opportunity to create lots that did comply with the current regulations.

Mr. Hansberger stated that the LCPC approved the lot split and that should have merit. Mr. Jones said that Licking County is looking at it from their level of governance not the township level.

A discussion took place regarding dense housing that may come in the future but current regulations do not support this. Mr. Hansberger stressed the importance of the township and boards being forward thinking and Mr. Jones expressed concern of the BZA superseding the intent of the zoning regulations and the sentiments of the trustees elected to represent the constituents.

Ms. Taylor mentioned several other properties in similar situations and what will become of them? The Board said that they have to handle each request based on its own individual merit and situation.

Mr. Adkins addressed the zoning regulations as it pertains to Category A and Category B and square footage. Mr. Adkins said the lot size is 8000 sq ft and that this does not meet the minimum lot size. Ms. Taylor responded that Licking County looked at it and was okay with it.

Mr. Jones stated that it was time for the Board to vote on the matter. Mr. Jones stated that the vote cast can be: Approve as presented; approve with modifications/conditions; Deny

Mr. Jones made a motion to deny the variance as presented.

Mr. Adkins seconded the motion.

Roll Call: Kissell, deny; Loewendick, approve with modifications; Adkins, deny; Hansberger, approve with modifications; Jones, deny.

Mr. Jones stated that the application as presented was denied. A notice of final order will be forthcoming.

Ms. Taylor inquired as to what it means to approve with modifications. Mr. Jones explained the concept of approval with modifications. Ms. Taylor asked if they make modifications, can they be denied again. Mr. Jones said that there is no guarantee it would be approved. Ms. Taylor stated that she can meet the minimum square footage and setbacks. Mr. Jones said that again, there is no guarantee if they re-apply, that it would be approved. Ms. Taylor inquired as to how many votes it takes to gain approval. Mr. Jones stated it must be a majority of a quorum.

Old Business: None

New Business: Fraud Training requirements were explained.

Mr. Jones made a motion to adjourn at 8:35 p.m.

Mr. Loewendick seconded the motion.

Roll Call: 5 ayes

Minutes approved by:

Meeting Minutes recorded by Andrea M. Lynch, Zoning Clerk – July 18, 2024