

# Licking Township Board of Zoning Appeals

*c/o Andrea M. Lynch, Zoning Clerk  
Phillip Jones, Chair ~ Robert Hansberger, Vice Chair  
Huber Loewendick, Anton Kissell;  
Rex Adkins  
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Minutes from the Licking Township Board of Zoning Appeals meeting, November 14, 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; Dave Moraine

**Others in attendance:** Dale Ours; Keith Baldwin; Mary Barna; Bill Prentice; Jenny Prentice; Dennis Telepchak; Beverly Telepchak; Nolan Moore; Molly Jones; Brittney Padgett; Dustin Padgett; Courtney McConaha; Kevin McConaha.

The Meeting was called to order at 7:00 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 9/26/24 were re-presented.  
Mr. Adkins moved to approve the meeting minutes  
Mr. Kissell seconded the motion.  
Roll Call: Adkins, yes; Hansberger, yes; Jones, yes (other members not present at 9/26/24 were not included in roll call)

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

## **Hearing #1: William & Virginia Prentice**

Mrs. Lynch read the legal notice advertising the hearings.  
Mrs. Lynch reported receiving no correspondence regarding this variance.

Mr. & Mrs. Prentice addressed the Board and provided testimony regarding the following variance request: 10.00.F.4 Rear Yard Setback and 10.00 F.2 Side Yard Setback. Mr. Prentice stated that they wish to reduce the setbacks at their property known as 131 Moon River Lane, Thornville, OH to construct a 3 car garage. They are requesting to reduce the rear yard setback requirement from 15' to 11'5" (3'7" variance) and reduce the side yard setback from 10' to 8' (2' variance). Mr. Prentice said that they had originally obtained a zoning permit from Zoning Inspector Doug Howell however due to unforeseen circumstances with the stock market yields, they were unable to proceed with the project. Mr. Prentice said that their zoning permit had expired prompting him to contact the new Zoning Inspector Dave Moraine. Mr. Moraine inspected the property, remeasured, and it was determined that the Prentice's would need a variance. Mr. Prentice said that to

have new plans drawn for a garage at this point would cost additional monies and the lot shape is irregular creating a hardship.

Mr. Moraine addressed the Board. He stated that the original permit was issued on 9-10-22 and confirmed that it expires after 6 months of no construction. He stated that it appears the Mr. Howell had measurements of 16' and 36' which were not accurate based on his inspection. Mr. Moraine stated that he marked 11'5" at the closest point and explained that the front-right corner of the proposed garage is the closest point to the rear and side yard setback.

Questions from Board:

Mr. Adkins: is this a single story or two story garage?

Mr. Prentice's response: Two-story with a storage area on the 2<sup>nd</sup> floor.

Mr. Moraine confirmed that the 2<sup>nd</sup> floor does not cause the building to exceed the maximum structure height requirements. He further stated that he sees no interference due to the grade with other existing surrounding structures and said that other residences in the area have far greater reductions in their setbacks.

Mr. Moraine recommended that the Board of Zoning Appeals approve the variance as presented.

Public Comment: None

Mr. Hansberger made a motion to approve the variance request as presented.

Mr. Loewendick seconded the motion.

Roll Call: Adkins, yes; Kissell, yes; Jones, yes; Loewendick, yes; Hansberger, yes. .

Mr. Jones stated that the application as presented was approved. A notice of final order will be mailed to the applicant.

Mr. Jones excused any member of the public that did not wish to remain for the other 2 hearings.

Mr. Jones asked new public who entered the room to be sworn in.

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

### **Hearing #2: Keith Baldwin & Mary Barna**

Mrs. Lynch read the legal notice advertising the hearings.

Mrs. Lynch reported receiving no correspondence regarding this variance

Mr. Baldwin addressed the Board and provided testimony regarding the following variance request: 10.00.F3 Corner Lot Yard Setback and 10.00 C.1 (Minimum Dwelling Size) Single Family Dwelling. The applicants wish to reduce the Corner Lot Yard setback requirement at their property known as Lexington Ave., Lot #262 & #263 from

20' to 15'8" (4'4" variance) and reduce the (minimum dwelling size) Single Family Dwelling from 1000 sq. ft to 480 sq. ft (520sq ft variance). Mr. Baldwin stated that he and Ms. Barna purchased these two lots through the Licking County re-vitalization process as buildable lots. He indicated that they had an interest in living at Buckeye Lake as they want to downsize from their residence in Licking Township. Mr. Baldwin said that they designed a house based on the setbacks however were not aware of the Corner Lot Yard setback which has resulted in the need for the variances. Mr. Baldwin said that they have contracted with Artisan Builders and provided full-size plans for the Board to view.

Mr. Moraine explained the intent of the LTWP Zoning Resolution pursuant to the 1000' sq. ft minimum 1<sup>st</sup> floor requirement however the lot size creates a challenge for the property owners to build a home. Mr. Moraine indicated that the total living space is 1483 sq. feet but most of the livable space is on the 2<sup>nd</sup> floor thus creating the need for the minimum square footage variance. Mr. Moraine said this is not a tiny home but it also can not be enlarged due to the setback requirements that need met.

Mr. Moraine recommended that the BZA approve the variance as requested.

Mr. Adkins expressed his concerns that the BZA had heard a case in July for the same neighborhood (Taylor variance) and is concerned with consistency with requesting that property owners comply with minimum square footage, setbacks, etc.

Mr. Jones shared the high points of the Taylor variance and how they variance ultimately did gain approval after some adjustments by the property owner and additional research by Mr. Moraine and the LCPC.

**Public Comment:**

Andrea Lynch inquired as to the foundation. Mr. Baldwin indicated that it would be concrete foundation

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

Mr. Hansberger seconded the motion.

Roll Call: Kissell, yes; Jones, yes; Adkins, no; Loewendick, yes; Hansberger, yes.

Mr. Jones stated that the application as presented was approved. A notice of final order will be mailed to the applicant.

Mr. Jones excused any member of the public that did not wish to remain for the other hearing.

### **Hearing #3: PadCo LLC**

Mrs. Lynch read the legal notice advertising the hearings.

Mrs. Lynch reported receiving no correspondence regarding this variance.

Courtney McConaha (representative of PadCo LLC) addressed the Board and provided testimony on behalf of PadCo LLC regarding the variance request. Ms. McConaha stated that PadCo Investment LLC requests a variance to section: 10.00.F1 Front Yard Setback. The applicants wish to reduce the front yard setback requirement at their property known as 557 Lexington Ave., from 30' to 13'7" (16'5" variance). Ms. McConaha said that they are wanting to build an attractive and appealing home for a family which based on lot size is a challenge with the current setback requirements for a single family dwelling.

Mr. Moraine said that Lexington Avenue has a 30' right-of-way and his primary concern is the driveway. He indicated that there is approximately 18' between the right-of-way and the road edge and that he is concerned with the safety for ingress and egress.

Mr. Moraine said that it is his opinion that moving the house back would allow for a safer access to and from the property.

Questions from Board:

Mr. Jones: have you considered moving the house back?

PadCo LLC response: yes and they would be willing to consider that

Mr. Adkins: Do the steps in the front need to be there?

PadCo LLC response: No. They would like to have access to the main floor (2<sup>nd</sup> floor) rather than just having street level access.

Mr. Jones: Does this exceed the height requirement?

Mr. Moraine: No, despite being 3 floors, it falls within the maximum zoning height restrictions.

PadCo LLC response: 3-stories allows them to meet the minimum sq. footage requirement and afford the new homeowners to have a lake view.

Mr. Adkins: Option to reduce the square footage?

PadCo LLC response: We could reduce the square footage however want to build a home with rooms that are large enough to attract a family.

Public Comment:

- 1) Dennis & Beverly Telepchak stated that they are concerned with encroachment on the north side of the property. The Zoning Clerk invited them to review the blueprints at the front of the room. Mr. Jones and the Telepchak's reviewed the blueprints. During that time Mr. Moraine reviewed the site plan and the Licking County On-Trac website for the neighborhood with the other board members.

- 2) Andrea Lynch asked if the intent was to sell or if it was to be used as a short-term rental such as an Airbnb? PadCo LLC responded that it is to sell for a family to live in.

Mr. Moraine provided an overview of the discussion he led at his table. Mr. Moraine shared that they had reviewed other structures in the neighborhood (specifically the structure at 571 Lexington Avenue – Schlep Station LLC). Mr. Moraine used the Licking County On-Trac aerial and measurement tool to provide rough calculations for the approximate setbacks for that property comparatively. Ms. McConaha indicated that 571 Lexington Avenue house was built several years ago. Mr. Moraine stated that the right-of-way to the edge of the patio/deck at 571 Lexington Avenue appears to be only 10' and it is even closer to the right-of-way than that being requested by PadCo LLC. Mr. Moraine said that he still maintains concern with the access to and from the proposed PadCo project as the 571 Lexington Avenue comparison is a corner lot which makes the egress point on the corner.

Mr. Jones stated that with more and more development in these “tight” neighborhoods, the safety of the roads becomes increasingly concerning.

Mr. Adkins said that he is again concerned with consistency and would prefer to see the house downsized to a 2 story not a 3 story to fit the neighborhood. Mr. Adkins also reiterated his concerns with the Taylor property and being consistent when hearing these variance requests for the same area. PadCo LLC said that the 3<sup>rd</sup> story affords the home a view of the lake.

A discussion took place regarding the Taylor variance and how the case was handled. Mr. Adkins stated that the recent community survey done by Crossroads LLC regarding the reworking of the Licking Township Comprehensive Plan, indicates that people want the community to remain rural however the board continues to hear cases where the green-space is being reduced to build bigger homes on smaller lots.

Mr. Moraine said that the current Licking Township Zoning Department and Boards have all inherited a platted area from pre-1960's and the headaches that come along with situations that pre-dated our zoning or are outdated. Mr. Moraine reiterated that his biggest concern about the proposed variance is safe access.

Mr. Jones stated that he would consider the variance with conditions. A discussion took place regarding what conditions the Board would be willing to consider.

Mr. Loewendick made a motion that the Board of Zoning Appeals establish the following conditions to consider for vote on the presented variance: Move the home back requiring a 5' rear variance and an 11'5” variance in the front

Mr. Hansberger seconded the motion.

Roll Call: Jones, yes; Adkins, yes; Kissel, yes; Hansberger, yes; Loewendick, yes.

Mr. Jones explained that the Board would now entertain a vote on the variance application. Mr. Jones and Mrs. Lynch explained that the options for vote were; Approve the variance as presented in the application; Approve with prescribed conditions; Deny

Mr. Jones made a motion to approve the variance application.

Mr. Loewendick seconded the motion.

Roll Call: Adkins, no; Kissell, no; Jones, approve with conditions; Hansberger, approve with conditions; Loewendick, approve with conditions.

Mr. Jones stated that the application as presented was approved with conditions prescribed as follows: Move the home back requiring a 5' rear variance and an 11'5" variance in the front .

Mr. Moraine requested that the applicant provide a new site plan with the conditions/modifications prior to obtaining a zoning permit.

A notice of final order will be emailed to Ms. McConaha as requested.

Mr. Jones excused any member of the public that did not wish to stay for the remainder of the business portion of the meeting.

Old Business: Reminder for Fraud Training certificate needed from Mr. Loewendick

New Business: None

Public Comment: None

Mr. Jones addressed Lakewood High School guest Molly Jones and Nolan Moore who were in attendance. Mr. Jones thanked Ms. Jones and Mr. Moore for their attendance and attention during the hearing. He encouraged the students to take an active role in government and complimented them for choosing to attend the meeting to watch how local government functions and be a part of civic engagement. He also explained that tonight they witnessed a good example of the importance of due process in local government and how that affects all people.

Mr. Hansberger thanked Mr. Jones for conducting the hearings and complimented him on his organization and ability to efficiently run a meeting with 3 hearings which is a big undertaking. The Board concurred.

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

Mr. Adkins seconded the motion.

Roll Call: 5 ayes

Minutes approved by: