

Board of Zoning Appeals Meeting Minutes, November 20, 2023 @ 6:00PM
Greenfield Township, Fairfield County, Ohio

Killoran Conditional Use

Chairman Dave Bichard called the meeting to order at 6:00 PM

Roll Call Present: Vice-Chairman Josh Arter - Y, Secretary Jeff Williamsen - Y, Chairman Dave Bichard - Y

Also in attendance were Mindy Killoran, Tim Killoran, Zoning Inspector Tom Erlenwein and Trustee Lonnie Kosch.

Josh Arter read the Legal Notice:

The Greenfield Township, Fairfield County, Ohio, Zoning Board of Appeals gives notice that a Public Hearing will be held on November 20, at 6:00 p.m., at the Greenfield Twp. Fire Department, 3245 Havensport Rd, Carroll, Ohio 43112, on application for a conditional use for the following property.

Owner: Tim & Mindy Killoran

Property Address: 2268 Carroll Eastern Rd

Lancaster, Ohio 43130

Tax Parcel ID#: 0130005332

Current Classification: RI

1. Consideration of a conditional use of the property for an expanded home occupation as required by the Greenfield township code section 415.02B

Dave Bichard swore in Mindy Killoran and Tim Killoran.

Tom Erlenwein gave background: This is the first hearing for an expanded home occupation in the township. Tom and Mindy operate a landscaping business out of their home.

Mindy Killoran stated that they recently purchased a business operating out of Pickerington that had two employees.

Jeff Williamsen asked Tom Erlenwein how he became aware of this business.

Tom Erlenwein stated that he had a written complaint from a neighbor. If the owner applies for expanded home occupation and is granted same, the complaint is considered resolved.

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Jeff Williamsen asked Tom Erlenwein if the resident that filed the complaint is present here tonight.

Tom Erlenwein responded, "They are not" and that signs were posted on the Killoran's property, in the paper, post office and the Township properties.

Josh Arter asked if the Killorans would like to speak. Tim Killoran responded that they are willing to answer any questions.

Jeff Williamsen asked if the Killorans would reply to each requirement for Greenfield Township Zoning Code Section 415.02B Expanded Home Occupation. Response as follows:

1. The Expanded Home Occupation shall be clearly incidental and secondary to the use of the dwelling for residential occupancy and the Expanded Home Occupation shall occupy no more than twenty-five percent (25%) of the residential floor area. *Response: Yes*
2. No person, other than those residing on the premises, shall own or operate such occupation. Not more than two (2) non-resident employees shall be employed on premises at any one time in an Expanded Home Occupation. *Response: Yes*
3. The exterior access to the space devoted to the Expanded Home Occupation shall not be used exclusively for such use. *Response: Yes*
4. No equipment or process shall be used on premises in such Expanded Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference that shall create a nuisance to adjacent properties. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. *Response: Yes*
5. Delivery of materials, equipment or supplies to an Expanded Home Occupation shall be limited to commercial vehicles or light trucks falling under the Federal Highway Administration Vehicle Inventory and Use Survey Class 1, 2, 3, 4, 5 or 6. In no case shall a heavy-duty vehicle of Class 7 or 8 requiring a Class B license to operate be used in a delivery to or from an Expanded Home Occupation. Not more than two (2) deliveries of materials, equipment or supplies shall be received per day in conjunction

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with an Expanded Home Occupation, and such deliveries shall be limited to normal business hours. *Response: Yes*

- ~~6. (N/A) If permitted an Expanded Home Occupation engaged in the repair or refurbishment of motor vehicles may operate in an approved accessory structure with the following requirements:~~
- ~~a. The approved accessory structure shall not be constructed on the lot in front of the principle residential structure.~~
 - ~~b. In no case shall “junk” or “parts” vehicles or vehicles without a current vehicle registration, be stored outdoors anywhere on the lot or premises.~~
 - ~~c. The storing or stacking of customer vehicles outside of the approved accessory structure shall be entirely screened from view from neighboring residential properties.~~
7. No traffic shall be generated by such Limited Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
Response: Yes
8. Storage of materials and equipment in an Expanded Home Occupation shall be completely enclosed in a permitted accessory structure to the primary residence. *Response: No*

Tim Killoran asked about trucks. Jeff Williamsen replied that the requirement in #8 does say 'equipment'. Tim Killoran said there are trucks as we can see in the pictures.

Tom Erlenwein said eventually that equipment is going to have to find its way into an accessory structure. Mindy Killoran asked if a lean-to was okay and Tom Erlenwein replied that yes, a lean-to is fine. He added that this is a Conditional Use and not a Rezone and that the permit is renewable and revokable and that given a reasonable time to comply with #8 could be taken into consideration.

Mindy asked that if we approve the conditional use tonight that they would be okay to continue to do business. Tom Erlenwein replied yes but they must meet the condition in the timeframe designated by the Board.

Dave Bichard asked if there was enough room on the property to build another structure. Tom Erlenwein replied yes, they have 5 acres but limited to 4,000 sqft for accessory structures and that the Killorans have approximately an additional 1,500 sqft to work with for an accessory structure.

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Josh Arter asked what the time frame for compliance should be. Tom Erlenwein said it was up to the board. Josh Arter asked in general and for the future, if compliance is found or observed are there follow-ups? Tom Erlenwein replied that yes, it will be noted along with the permit.

Dave Bichard asked if the Killorans had any plans to expand their business. Tim Killoran replied that if they were to expand, they would have to move the business to a different location.

Dave Bichard asked if it was reasonable to fit the rest of their equipment in a 1,500 sqft structure. Tim Killoran replied some equipment would have to be put inside the building. Dave Bichard said that maybe some equipment may have to be rearranged.

Jeff Williamsen asked if a property owner had more than 5 acres that it is considered agricultural. Tom Erlenwein replied no that the property owner would have to prove a majority of income is from agricultural functions.

Tom Erlenwein said that the thinking in the past was that if the property owner had more than 5 acres that they could build anything that they want. That is not true, and that the income requirement overrides that. (see ORC 519.1)

Tim Killoran said that if they put up a new building that the neighbor he thinks complained will be next to their property and highly visible. Josh Arter said that as long as the building is within the zoning regulations, it will not be a problem.

Josh Arter asked the Killorans if the application for expanded home occupation were not granted, what kind of hardship would this impose on them. Mindy Killoran replied that they would have to close down and lose their business.

Dave Bichard suggested the Killorans be given one year to come into compliance.

Jeff Williamsen asked if some equipment could be stored at another location. Tim Killoran replied that maybe a few pieces of equipment but mostly all are used daily.

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Tom Erlenwein said that the complaining neighbor would also keep an eye on compliance. Mindy Killoran guessed at who the neighbor is. Tom Erlenwein did not confirm and said that he never told her. Mindy Killoran said she thought they were able to know the name. Tom Erlenwein said that only through a public records request would that person's name be revealed.

Tim Killoran asked if he were to leave a tractor in the driveway for a weekend, for example, is that considered non-compliance? Tom Erlenwein replied that he shouldn't make a habit of it as long as it's not an apparent 'storage'.

There was discussion back-and-forth on how to make good on the final requirement – with a new building, adding on the existing structure or a lean-to.

Josh Arter made a motion to approve Conditional Use– Expanded Home Occupation contingent that all outside equipment be stored inside a building or under an overhang prior to the next annual renewal. Jeff Williamsen second.

Roll call to approve: Josh Arter - Y, Jeff Williamsen - Y, Dave Bichard – Y

Jeff Williamsen made a motion to adjourn. Josh Arter second.

Roll call to Adjourn: Josh Arter - Y, Jeff Williamsen - Y, Dave Bichard – Y

Meeting adjourned at 6:32 p.m.

Minutes submitted by: Jeff Williamsen