

Licking Township Board of Zoning Appeals

c/o Andrea M. Lynch, Zoning Clerk

Phillip Jones, Chair ~ Rex Adkins, Vice Chair

Robert Hansberger, Anton Kissell, Huber Loewendick

Doug Howell - Alternate

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Minutes from the Licking Township Board of Zoning Appeals meeting, September 25, 2025, at Licking Township Fire Station #600 9384 Jacksontown Road, Jacksontown, OH 43030.

Members present: Rex Adkins; Phil Jones; Anton Kissell; Butch Loewendick

Members absent: Robert Hansberger

Others in attendance: Andrea Lynch; Dave Moraine; James Helfer; Mike McGough; Marianne McGough; Kenneth Bauer; Verna Cruikshank; Mark Cruikshank; Meghan Miller; Caetana Epifano; Wilma Epifano; Connie Klema; Linda Eisel; Tom Lee; Jill Boetcher; Ken Johnson; Julie Johnson;

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 recorded.

Mr. Jones explained the hearing procedure to all in attendance and stated there are a total of 3 variances to be heard as follows:

Mark & Verna Cruikshank request a variance to section: 10.00.F.2 Side Yard Setback & 10.00.F.4 Rear Yard Setback. Property Owners wish to reduce the setback at their property known as 108 Kenyon Place, Hebron, OH as follows: Side yard from 10' to 6' (4' variance) and Rear Yard from 15' to 6' (9' variance) to construct an in-ground pool, patio and open air gazebo.

Wilma Epifano requests a variance to section: 10.00.C.1 Single Family Dwelling, 10.00.F.1 Front Yard Setback, 10.00.F.2 Side Yard Setback & 10.00.F.4 Rear Yard Setback. Property Owner wishes to reduce the single family dwelling minimum gross ground floor area and setbacks at their property known as 600 Lexington Avenue, Thornville, OH as follows: Minimum Dwelling Size first level living square footage from 1000 sq ft to 750 sq ft (250 sq ft variance); Front yard from 30' to 20' (10' variance); Side Yard (both) from 10' to 5' (5' variance); Rear Setback from 15' to 10' (5' variance) to construct a single family residence.

Applicant Attorney Connie Klema, on behalf of property owner GLR Family LLC, requests, a variance to sections: 10.00.A.5 Accessory Structure and Section 10.00.A.5.a. OBH of the property owners, the Applicant is requesting a variance to place a 12x16 non-permanent shed on a vacant lot (parcelID#041-130176-00.000) which sits across the road from the principal structure owned by GLR Family LLC situated at 49 Woodland Road.

Mr. Jones opened the 1st hearing : Mark & Verna Cruikshank.

Mrs. Lynch read the legal notice advertising the 1st of the 3 variances (all advertised together).

Mrs. Lynch reported receiving no correspondence.

Mr. Cruikshank provided testimony concerning their variance request and cited having a triangular/pie shaped lot which makes their project challenging to meet setbacks. Mr. Moraine said that the setback requested is only for the left hand side of the property. Mr. Cruikshank said that the HHCVA approved their request. Mr. Jones inquired about the proposed height of the gazebo. Mr. Cruikshank responded it is 16'. A discussion took place regarding the request, slope of land, backyard and level of pool and lake shore. Mr. Jones asked what special circumstances prevent the property owner from building? Mr. Cruikshank responded the necessary distance for the pool placement from the house to allow walk-way and access. Mr. Jones asked if the property owner was aware of any other pools/pavilions with similar situation? Mr. Cruikshank's response was that new property located by Mr. Coconis has a similar encroachment.

Zoning Inspector Dave Moraine – stated that the rear setback is narrow and backs up to the lake without affect to others. This can be seen in other Harbor Hills properties. Reiterated that the side yard variance is only for the left hand side of the property and a rear yard variance.

There was no public comment. Mr. Jones closed the 1st hearing at 7:15 p.m.

Mr. Kissell made a motion to **approve** the left-hand side yard setback variance and the rear yard setback variance as requested on the application.

Mr. Loewendick seconded the motion.

Roll Call: Adkins, yes to approve; Loewendick, yes to approve; Kissell, yes to approve; Jones, yes to approve.

Mr. Jones excused the 1st variance attendees.

Mr. Jones swore in 2 new members of the public who arrived after the start of the 1st hearing.

Mr. Jones opened the 2nd hearing @ 7:19 p.m.

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

Mrs. Lynch read the legal notice advertising the 2nd of the 3 variances (all advertised together)

Mrs. Lynch reported having received the following correspondence:

- 1) Email 9/17/25 - Lori Green -595 Lexington Ave – no objections to the request
- 2) Letter hand-delivered to Zoning Clerk's address from Kenneth Bauer (Beth Hopkins Trustee) 9/23/25 – request to approve the variance

Mr. Moraine provided information prior to testimony from the applicant as follows:

- 1) Explained the proposed parcel where the new home is being considered
- 2) Explained that the lot reconfiguration being proposed has not occurred yet
- 3) Reviewed visual images via overhead re diagrams, construction plans, etc.

Mr. Adkins asked for clarification on status of the lot split. Mr. Moraine responded it has not occurred yet. A discussion took place with the BZA and Zoning Inspector whether the variance request could even be “heard” tonight. The Board agreed to vote on whether to proceed with a “YES” vote = proceed to hear and a “NO” vote = not to proceed to hear.

Mr. Jones made a motion that the Board of Zoning Appeals continue with the hearing.

Mr. Loewendick seconded the motion.

Roll Call: Jones; yes to hear; Kissell, yes to hear; Loewendick, yes to hear; Adkins, no not to hear.

Ms. Epifano provided testimony regarding her variance request. She stated that she is trying to downsize and build a smaller home as she has lived at the property for 27 years and wants to remain by her neighbors and within the community. Ms. Epifano said that she would then sell the larger house once the new one was constructed. Mr. Jones asked if she had explored other options. Ms. Epifano said that she had and was told that a house could be constructed on the area proposed but it would not be conforming. Mr. Moraine added that the square footage proposed would be livable. A discussion with Ms. Epifano, the Zoning Inspector, and the Board took place regarding square footage, # of stories, and zoning regulations. Mr. Moraine said the proposed lot to split would be small and is concerned the home being proposed could be classified as a “tiny house” due to square footage. Mr. Moraine also cited concerns with the side yard setbacks pursuant to the property owned by Mr. Ferguson (594 Lexington Avenue). Mr. Jones verified that the square footage of Mr. Ferguson’s home is approximately 924 sq. ft with overhang on the rear and front. Ms. Epifano said that Mr. Ferguson’s house is a 2 story.

Public Comment:

- 1) James Helfer – 606 Lexington Ave. – stated he shares a property line with Ms. Epifano and his home is to the south of the proposed construction. He distributed handouts to the Board which included his concerns, photos, and previous variance on the property. Mr. Helfer also said the sewer and water meter hook-up will not be on the proposed 206A property. Mr. Helfer said the prior variance accounted for the entire lot size which allowed Ms. Epifano to build the current house but now wants to split off a portion of that lot to get a new variance passed for a new house. Mr. Helfer stated he was opposed to the variance before hearing the testimony and now seeing the construction plans, he is even more so opposed. Mr. Helfer said that the new home being proposed would be 2 steps from his house.
- 2) James Helfer – 606 Lexington Ave – addressed the Board again. He asked if the lot was buildable? He stated that during the testimony he heard a response of “yes someone came out and said it was” but he was unclear as to the response.

- 3) Caetana Epifano – 6425 Cristland Hill Road – daughter of applicant. Requested that the variance be approved. She is the primary caregiver for Wilma Epifano who has health issues and it is important she stay in the neighborhood. Caetana Epifano began to review a power point presentation with the Board. Mr. Jones inquired as to whether Caetana Epifano had power of attorney. She responded that she did not. Mr. Jones advised the Board to disregard her testimony and explained since she was not an adjoining property owner, applicant property owner, nor had power of attorney her comments would not be heard.

Ms. Wilma Epifano presented the power point presentation to the Board. Mr. Adkins inquired if the back porch was figured into the plans? The applicant responded yes. Mr. Jones said the applicant does not have any plans just a “box” drawn indicating a 750 sq. ft square. However the power point presentation shows a covered back porch and a garage.

Mr. Moraine said that the pictures were just samples and the living space is 750 sq. ft.

- 4) James Helfer – 606 Lexington Avenue – stated the following:
 - a. Testimony said the lot was empty – no it is not. The lot has a single family dwelling on it.
 - b. Testimony said that the foundation is still there from a prior building (on the identified portion of the parcel to be split off) however disagrees. Applicant said the foundation is still there it is just covered with dust.
 - c. Disagrees with grandfathering this property in. Said that this property was replatted into 1 lot and renamed and then used to get the 2005 variance approved. The lot is already serving as the criteria for the current single-family residence
- 5) Kenneth Bauer – 9 Logan Ave – stated the following:
 - a. Old foundation was from the original building that was on the property.
 - b. Mr. Helfer maintains that the house is going to be 3’ from his house but the variance is for 5’.
- 6) Mike McGough – 41 Logan Ave- said he has been friends with Wilma for 17 years and that the space she is wanting to build on had a house there to begin with. Mr. McGough feels that a new house on that portion of the property would increase the value and is in agreement with the variance being requested.

Mr. Jones made a motion to close the 2nd hearing at 8:07 p.m.

Mr. Loewendick seconded the motion.

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

The Board deliberated the 2nd variance request. Mr. Jones said he is concerned with what the unique hardship is as splitting the lot is what is creating the hardship. Mr. Adkins said he is concerned with the property owner selling the original home once the newly proposed structure is built thus creating a non-confirming lot. Mr. Jones concurred. Mr. Moraine said he is unclear where the 12,000 sq. ft lot size came from. Mr. Jones said the burden is on the Applicant and there are too many variables that have not been resolved by the applicant.

Mr. Jones made a motion to **deny the variance** as requested/presented and clarified that a “YES” vote = to deny the variance as requested and a “NO” vote = to deny the motion.

Mr. Kissell seconded the motion.

Roll Call: Loewendick, yes to deny the variance requested; Kissell, yes to deny the variance requested; Adkins, yes to deny the variance requested; Jones, yes to deny the variance requested.

Mr. Jones excused the 2nd variance attendees at 8:16 p.m.

Mr. Jones opened the 3rd hearing @ 8:17 p.m.

Mrs. Lynch read the legal notice advertising the 3rd of the 3 variances (all advertised together)

Mrs. Lynch reported having received the following correspondence:

- 1) Email from property owner regarding representation by Attorney Klema and email confirmations from LTWP to Attorney Klema regarding electronic receipt of variance application.

Attorney Klema presented a map and display board and distributed packets to the members of the Board. Attorney Klema provided testimony concerning the variance being requested and reviewed the packets with the Board, and discussed practical regularities and special circumstances for the variance. Attorney Klema reviewed the packets by explaining:

- 1) Everything between Lakeshore marked “G” has a garage which is a total of 26 examples but her clients do not have a garage.
- 2) Lots are too small to do what they want and therefore there are a lot of re-plats. Said that this area of the subdivision has many lots that have been re-designed.
- 3) Reviewed example 991 Lakeshore Drive garage on a parcel. Mr. Jones said that the house was torn down leaving the garage.
- 4) Reviewed example of Fitzgerald property. Mr. Jones stipulated that the examples are lots that are adjacent not across the street.

Attorney Klema stipulated that there are 12 examples but that may not be all of them.

Mr. Adkins asked if there are any examples in the handouts that show an example of a garage/accessory structure on a parcel not adjoining the primary residence.

Attorney Klema responded that many houses have smaller lots and that there are 49 small platted lots without a garage with a vacant lots across the road. Attorney Klema explained the literal interpretation of accessory structures without a dwelling. Attorney Klema said that this was not a result of the actions of the applicant and that Harbor Hills Civic Association has approved this.

Mr. Jones read the Harbor Hills Civic Association document into the minutes.

Zoning Inspector Dave Moraine stated he is concerned with the legitimacy of finding out other properties similar in nature to this one and said that issue can not be resolved tonight.

Public Comment:

- 1) Ken Johnson – 645 Lake Shore Drive – said he is a former building code inspector and that he went to the LC Recorder’s office and found no record supporting any similar properties. Mr. Johnson said that the house did have a garage at one time. Mr. Johnson further said that not having a shed does not create an unnecessary hardship.
- 2) Shirley Johnson – 645 Lake Shore Drive – said the zoning resolution does not permit an accessory structure to be built across the street from the primary residence. This is a vacant lot without a primary residence. Ms. Johnson said that to approve this would set a precedence for all of Harbor Hills and that the code and regulations should be stuck to.
- 3) Jill Boetcher – 16 Woodland (tenant)- Said she lives next to the vacant lot and knows that her landlord (Mr. Brennan) had to comply with the regulations.

Attorney Klema re-addressed the Board with the following: Area variance does not require hardship; non-permanent small shed; these are all separate parcels; and precedence is already set with a variance or without.

Mr. Johnson said no one resides at the primary residence (49 Woodland) and is used as a party house. Mr. Jones said the use is not a factor.

Mr. Johnson said the house does not have a permanent resident so what is the hardship on the family and when did they remove the garage.

Mrs. Johnson said the code confirms a shed can not be built on a vacant lot.

Mr. Jones made a motion to close the hearing at 8:49 p.m.

Mr. Adkins seconded the motion.

Roll Call: Jones, yes to close; Adkins, yes to close; Kissell, yes to close;

Loewendick, yes to close.

The Board deliberated the matter. Mr. Jones asked Attorney Klema the following:

- 1) When the property was purchased by the Applicant was it without a garage.
Attorney Klema response: Yes
- 2) Any of the examples provided by the handout illustrate garages across the street from the primary residence?
Attorney Klema response: No they are on the lot beside which was the point
- 3) Sought clarification regarding the shed.
Attorney Klema response: You have to determine the facts of this case and it is the board’s decision to consider such facts.

A discussion took place about accessory structures not built on a lot which adjoins the primary residence and that the examples cited were all properties adjoining the primary residence. Mr. Adkins said if you drive by the properties (cited as examples in the handout from Attorney Klema) you would not know if there are one or two parcels there unless you

could see a property line. Attorney Klema said the residence on 49 Woodland was built in 1942. A lengthy discussion between Attorney Klema and Mr. Jones took place specific to the zoning resolution regarding Accessory Structures. Mr. Adkins said a non-permanent shed could be placed on the property situated at 49 Woodland as an option and that it may not require a variance.

Mr. Jones read several personal comments/points to the Board such as the property was purchased without a garage so there is no unnecessary hardship; not an irregular lot size; the lot for which the variance is being sought is vacant and across a roadway from the primary residence; zoning regulations clearly say that the accessory structure is subordinate to the principal structure.

Mr. Adkins concurred with Mr. Jones' points outlined.

Mr. Jones made a motion to **deny** the request for the variance as requested.

Mr. Kissell seconded the motion.

(It was clarified that a "YES" vote = to deny the variance as requested and a "NO" vote = to deny the motion on the floor).

Roll Call: Jones, yes to deny the variance requested; Adkins, yes to deny the variance requested; Loewendick, yes to deny the variance requested; Kissell, yes to deny the variance as requested.

Mr. Jones re-stated that the motion to deny the variance request was approved therefore the variance is denied 4-0.

Mr. Adkins made a motion to adjourn the 3rd hearing at 9:11p.m.

Mr. Kissell seconded the motion.

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

Mr. Jones excused the 3rd variance attendees at 9:12 p.m.

Mr. Jones requested a brief pause before entering into regular business.

The meeting resumed at 9:15 p.m.

Correspondence: Email from Mr. Moraine and Mr. Melick 9/23/25 concerning upcoming meeting dates.

Meeting Minutes from 7/24/25 were read with one correction noted.

Mr. Jones made a motion to approve the minutes as read with one correction.

Mr. Adkins seconded the motion.

Roll Call: 4 ayes

Meeting Minutes from 8/18/25 were read with one correction noted.

Mr. Jones made a motion to approve the minutes as read with one correction.

Mr. Loewendick seconded the motion.

Roll Call: Jones, yes; Kissell, yes; Loewendick, yes

(Mr. Adkins was not present at 8/18/25 therefore could not vote on minutes)

Meeting Minutes from 8/28/25 were read however could not be voted on as not all members present at the 8/28/25 meeting are present tonight. These minutes were tabled until next meeting.

Old Business: None

New Business:

- 1) Next variance hearing 10/30/25 @ 7pm. 3 variances.
- 2) Discussion regarding cancelling variance hearing date of 11/27/25 & 12/25/25 due to holiday

Mr. Jones made a motion that the Board of Zoning Appeals cancel their regular hearing date of 11/27/25 due to the holiday.

Mr. Adkins seconded the motion.

Roll Call: 4 ayes.

Mr. Adkins made a motion that the Board of Zoning Appeals cancel their regular hearing date of 12/25/25 due to the holiday.

Mr. Loewendick seconded the motion.

Roll Call: 4 ayes

- 3) Mr. Adkins distributed a handout titled "Variances" which outlines the Duncan Factors. A brief discussion took place.

Mr. Jones made a motion to adjourn at 9:59 p.m.

Mr. Adkins seconded the motion.

Roll Call: 4 ayes

Minutes approved by:

Meeting Minutes recorded by Andrea M. Lynch, Zoning Clerk – September 25, 2025