



Commissioner Marilyn Brown • Commissioner Paula Brooks • Commissioner John O’Grady
President

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

Franklin County Courthouse
Commissioner’s Hearing Room – 26th Floor
Columbus, OH 43215

Monday, April 20, 2015
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the March 16, 2015 meeting
5. Old Business:

i. VA-3829 – Jonathan Lee

Agent:	Richard Butz
Owner:	Excite Unlimited Motor Sports
Township:	Mifflin Township
Site:	3386 Westerville Road (PID #190-000202)
Acreage:	2.1 acres
Zoning:	Community Service District (CS)
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 501.012 of the Franklin County Zoning Resolution to allow a fence that will fail to meet the maximum height requirement on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

6. Approval of By-Laws
7. Adjournment of Meeting to May 18, 2015



Commissioner Marilyn Brown • **Commissioner** Paula Brooks • **Commissioner** John O'Grady
President

Economic Development & Planning Department
James Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, March 16, 2015

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, March 16, 2015.

Present were:

Gary Dever, Chairperson
Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter

Franklin County Development Department members,
Matt Brown, Planning Administrator
Jonathan Lee, Planner

Chairperson Dever opened the hearing, which was followed by the swearing in of all witnesses by Mr. Brown.

OLD BUSINESS:

The first order of business being approval of the minutes of the February 17, 2015, Franklin County Board of Zoning Appeals hearing. Mr. Guyton made a motion to approve the minutes. It was seconded by Mr. Baer. The minutes were approved by a vote of three yeases and one abstention.

NEW BUSINESS:

The next order of business being Case No. VA-3829. The applicant is Richard Betz. The owner is Excite Unlimited Motor Sports. The site is located at 3430 and 3386 Westerville Road. The township is Mifflin Township. It is 1.16 and 0.94 acres respectively. It is in the Community Service District and is serviced by public water and wastewater. The request is for a Variance from Sections 332.041(a), 332.042(b) 670.088(g)(2), 670.0812(c) of the Franklin County Zoning Resolution to allow an auto sales use and site changes that will fail to meet the minimum lot size, minimum lot width, chain-link fence, and number of parking space requirements on a lot subject to the Smart Growth Overlay in an area zoned Community Service. Mr. Lee read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to table Variance Case No. VA-3829 at the request of the applicant until the April 20th, 2015, meeting. It was seconded by Chairperson Dever. The motion was approved by a four-to-zero vote.

The next order of business being the approval of bylaws. Pending approval of language changes, the bylaw approval was delayed until the April 20, 2015, meeting.

There being no further new business to come before the Board of Zoning Appeals, Mr. Baer made a motion to adjourn the hearing. It was seconded by Mr. Guyton. The motion passed by a unanimous vote.

The hearing was adjourned at 3:18 p.m.

Minutes of the March 16, 2015, Board of Zoning Appeals hearing were approved this 20th day of April, 2015.

Signature



Commissioner Marilyn Brown • Commissioner Paula Brooks • Commissioner John O'Grady
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
April 20, 2015

Case VA-3829

Prepared by: Jonathan Lee

Agent:	Richard Butz
Owner:	Excite Unlimited Motor Sports
Township:	Mifflin Township
Site:	3386 Westerville Road (PID #190-000202)
Acreage:	2.1-acres
Zoning:	Community Service (CS) District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 501.012 of the Franklin County Zoning Resolution to allow a fence that will fail to meet the maximum height requirement on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

Summary

The applicant is requesting a variance to allow a fence that will fail to meet the maximum height requirement on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS). The request fails to meet the criteria necessary to grant a variance under Section 810.041. Therefore, staff recommends **denial**.

Description of the Request

The subject site is located on the east side of Westerville Road approximately 140 feet north of the Westerville and Innis Roads intersection. The site includes a 2,184 square foot building used for office and auto repair bays, which supports the auto repair, auto repossession and overnight auto storage uses. The applicant received approval for an expansion to this building and the use of the site for auto sales on March 30, 2015. The site also includes a house, restaurant, and warehouse. The applicant proposes to redevelop the site, part of which includes replacing all existing chain link fence and installing a decorative metal fence around the auto sales area.

Surrounding Area

Direction	Zoning	Land Use
North	Community Service (CS)	Retail
East	Multi-family (City of Columbus)	Multi-Family Residential
South	Community Service (CS)	Retail / Single-Family Residential
West	Commercial (City of Columbus)	Retail / Membership Organizations

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted in 2009, recommends full range commercial and multi-family uses for this particular area. Its recommendations serve to promote safe neighborhoods, complete streets and economic growth. Additionally, it designates Westerville Road as a focus area envisioned as “a commercial corridor with well-designed developments that are accessible to people traveling by any mode of transportation”.

The existing use is consistent with the plan recommendation. The proposed fence, while requiring a variance to the height requirement, is consistent with the plan recommendation as the proposed fence material promotes a well-designed street frontage along Westerville Road.

Staff Review

Variance from Section 501.012 – Fence Height:

- No fence or wall between a street and a principal structure shall be more than three and one half (3 ½) feet and (42 inches) in height. Elsewhere, no fence shall exceed six (6) feet in height.
 - The applicant is requesting to use a decorative metal fence, 6 feet in height between a principal structure and Westerville Road.

Technical Agencies

The Franklin County Engineer’s Office and Franklin Soil and Water Conservation District reviewed the request and did not pose any concerns.

The Ohio Department of Transportation requires that the applicant secure permits prior to constructing the proposed sidewalk in the Westerville road right-of-way.

Staff Analysis– Section 810.41:

The Franklin County Zoning Resolution identifies 5 criteria in Section 810.041 that must be satisfied to approve a variance request:

- 1) *Special conditions and circumstances exist which are peculiar to the structure/property involved which are not applicable to other structures/property in the same zoning district;*
 - » The request does not meet this criteria:
 - The applicant states that this property is at particular risk for criminal activity given past history and the products stored and sold on site.
 - Staff notes that this is not a special condition unique to this site. Other property in the same zoning district must anticipate and manage these issues while still meeting zoning standards.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
 - » The request does not meet this criteria:
 - Applicant states that a literal interpretation deprives the applicant the right to maintain the health, safety and welfare of the business by creating secured areas on the property.
 - Staff notes that the applicant is not altogether deprived the right to protect his property. The applicant may install a 6 foot tall, decorative metal fence anywhere on the property except between a principal building and Westerville Road. This standard applies to other properties with similar uses located in the same zoning district.

- 3) *The special circumstances and conditions of this request do not result from the action of the applicant;*
 - » The request does not meet this criteria:
 - Staff notes that there are no special circumstances or conditions related to this request.

- 4) *Granting the variance requested will not confer on the applicant special privileges that are denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
 - » The request does not meet this criteria:
 - Staff notes that other property located in the same zoning district must meet the same zoning standards. Any existing 6 foot tall fence located between a principal structure and the street was either constructed without zoning approval or is considered non-conforming and shall not be expanded or replaced.

- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property or public improvements in the vicinity;*
 - » The request does not meet this criteria:
 - Applicant states that granting the variance request will support the health, safety and welfare of the area by decreasing the likelihood of crime on or near the property.
 - Staff agrees that properly securing products for sale will deter criminal activity but notes that there is sufficient area on the property to install a 6 foot tall fence without locating it between a principal building and the street. Additionally, granting the request may set a precedent for future variance requests to locate a 6 foot fence between a principal building and the street.

Recommendation

Staff’s recommendation is that the BZA deny a Variance from Section 501.012 of the Franklin County Zoning Resolution to allow a fence that will fail to meet the maximum height requirement.

Resolution

For your convenience, the following is a proposed resolution:

(a) **Proposed Resolution for Request:**

_____ moves to approve a Variance from Section 501.012 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3829.

Seconded by: _____

Voting:

Findings of Fact

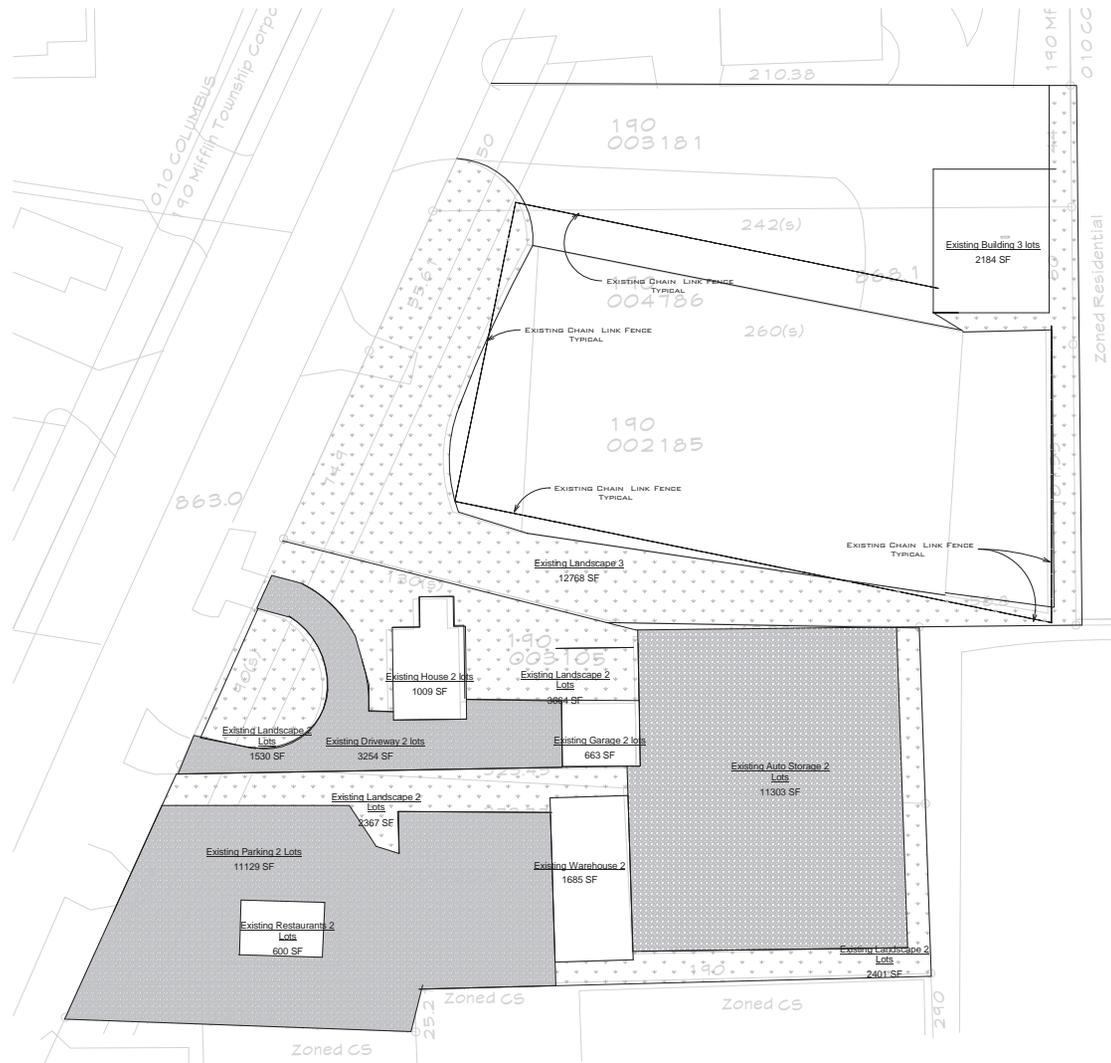
For your convenience, the following are proposed findings of fact:

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant's request for the Variance from Section 501.012 as outlined in the request above for Case No. VA-3829 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



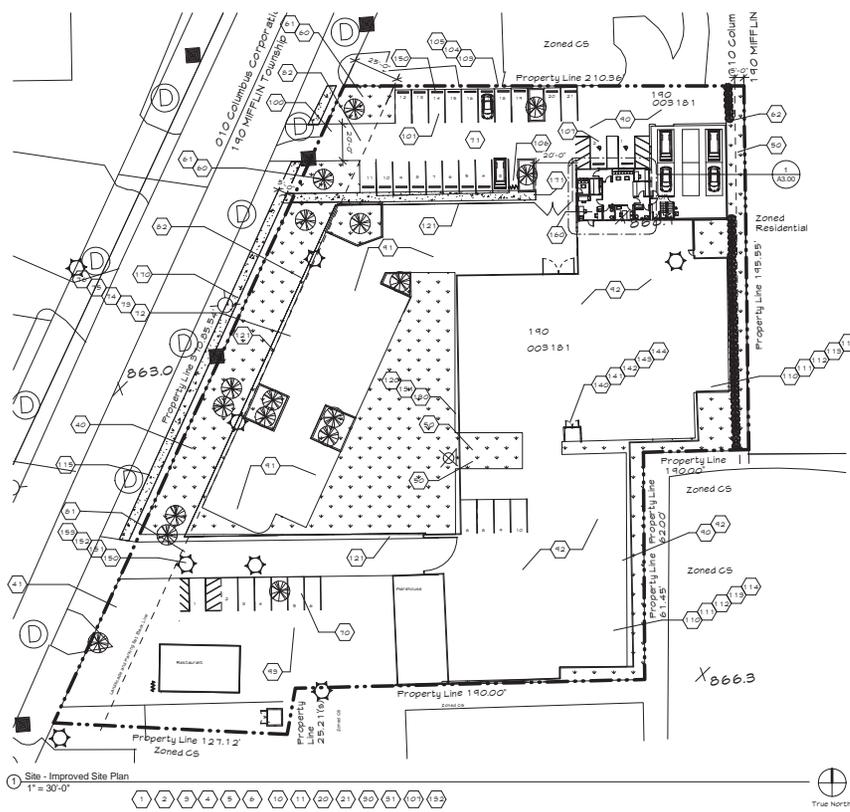
Level 2 Existing Fence Site Plan
1" = 20'-0"



PROJECT TITLE & ADDRESS	
PROJECT TITLE	EXCITE AUTO SALES
PROJECT ADDRESS	8610 PINE ANNUNCIATION BL AVENUE 3430 WESTERVILLE ROAD COLUMBUS, OHIO 43224
OWNER & ADDRESS	
OWNER	
OWNER ADDRESS	
OWNER REF	
OWNER PHONE	
PROJECT PHASE DATES	
OWNER DESIGN PROGRAM	
PROGRAMMING	1 SEPT 11
SCHEMATIC DESIGN DEVELOPMENT	
CONSTRUCTION DOCUMENTS	
SPECIFICATIONS	
PERMIT	
REVISION 1	
REVISION 2	
CONSULTANTS	
SURVEY	
.....	
STRUCTURAL	
.....	
CONSULTANTS	
ELECTRICAL	
.....	
MECHANICAL	
.....	
PROJECT NUMBER & AUTHORSHIP	
PROJECT NUMBER	15010
PROJECT ARCHITECT	APPROVER
DESIGNED BY	DESIGNER
DRAWN BY	AUTHOR
CHECKED BY	CHECKER
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PROFESSIONAL ARCHITECT'S SEAL	
Richard B. Butz	Professional Engineer No. 31
Registration State	31 DECEMBER 2014
KEY PLAN	
SHEET TITLE	
EXISTING FENCING PLAN	
A2.01	
SHEET 5 OF 7	
MONDAY, 23 MARCH 2015	
15010	

Received 3/25/2015
VA-3829

- General Notes**
- Project Description, Lot Size, and Frontage Plumb Notes**
- The project uses an Auto Sales with accessory uses of Office, Service Bays, and an Auto Storage lot with a pre-existing uses of Restaurant and Warehouse for remain unchanged.
 - The project consists of 2 parcels, one consisting of 2 parcels to be combined and 3 parcels to be combined with the project frontage combined of 140.00' (12.25 Acres).
 - The project frontage combined of 140.00' (12.25 Acres) is divided into 2 combined parcels of 186 feet with an frontage length of 160.5 feet with an aggregate length of 311.05 feet.
 - Each lot combination is submitted under separate cover.
 - All signage under separate cover.
 - All existing paving to be maintained and any new paving to be matching existing paving heights and grade level. Hence there is no regrading of site work in this project.
- Professional Consultants Notes**
- 10. Engineering**
 Stone Environmental Engineering and Science
 148 Green Creek Drive
 Nestorville, Ohio 43081
 Attn: Kelly Stewart
 (614) 855-1914
 www.stoneenvironmental.com
- 11. Surveying**
 Nestorville Land Surveying
 405 S. College Drive
 Nestorville, Ohio 43081
 Attn: Richard G. Ganso
 (614) 944-2204
 rlg@nestorvilleland.com
- Lot Size and Lot Width Notes**
- The 3 lot combination is comprised of two lots totaling 40,809 sft (0.93 Acres)
 - The 3 lot combination is comprised of three lots totaling 5,019 sft (1.15 Acres)
 - The 3 lot combination frontage width is 1,162.4 feet
 - The 3 lot combination frontage width is 1,605.5 feet
- Landscape Open Space Notes**
- The 3 lot combination open landscaped open space is 25% of the existing conditions
 - The 3 lot combination open landscaped open space is 25% of the existing conditions
- Front Green Belt Setback Notes**
- The 3 lot Parcel 140-009118 has a 25'-0" Green Belt Setback
 - The 3 lot Parcel 140-009202 has no existing Green Belt Setback
 - The 3 lot Parcels have a 25'-0" Green Belt Setback
- Rear Yard Landscaping**
- Rear Yard Side yard landscaping setback is 9'-0" with the exception of the existing conditions along the North property line of the 3 lot combination.
- Landscape Screening Notes**
- Landscaping in the Front Yard: Front yard shall be planted with one shade tree (native species, planted at a minimum of 2" from caliper trunk) is required for each 50 linear feet, or fraction thereof, of frontage.
 - Alternative to 1.0 is to plant one evergreen shrub and three evergreen shrubs (native species, planted at a minimum height of 24 inches per 50 linear feet, or fraction thereof, of frontage. Furthermore, a combination of the primary or alternative option is also permitted.
 - Screening Adjacent to Residential Properties of the site to include a fence or evergreen plants. Evergreen plants must be maintained at a minimum of 15 percent opacity and to a height of six feet along the lot line that borders the residential property to the east.
- Parking Lot Landscaping Notes**
- Surface parking areas in 2 lot combination has 12 parking spaces existing and to remain in situ.
 - Surface parking areas in 3 lot combination has 21 parking spaces.
 - A landscaped island or peninsula of at least 140 square feet at least 4 feet in width left unpaved but concrete curbed, filled with suitable topsoil and covered with either grass, groundcover, or mulch shall be provided for every 10 parking spaces, or portion thereof.
 - No less than one (1) shade tree of 2 inches or more in caliper shall be provided in each landscaped island or peninsula.
 - Every parking area that is bounded at an end by a traffic lane shall be terminated at such traffic lanes by such a landscaped island or peninsula.
 - Landscaped islands or peninsulas do not need to be uniform spaced but must be contained within and dispersed throughout the interior of a parking lot.
 - Space devoted to interior landscaping is in addition to any required front, side or rear yard or any required screening area.
- Parking Setback Notes**
- Auto Sales Setback line is 25'-0"
 - Parking Set Back Line at 2 lot combination, Parcel 140-009202, is existing and to remain.
 - Parking Setback Line at the 3 lot combination, Parcel 140-009118 is 25'-0" existing and to remain.
- Parking Surface Notes**
- Parking Lot paving is existing concrete and asphalt to be reurfaced.
 - Auto Sales paving is existing concrete and asphalt to be reurfaced. Auto Sales Surface of the southern lot is to be new concrete.
 - Auto Storage on both the northern and southern lots paving existing concrete to be reurfaced and re-roofed.
 - Restaurant Parking Lot asphalt is existing and to remain in situ. No proposed expansion.
- Parking Lot and Bicycle Space Notes**
- 20'-0" access drive is existing
 - 4'-0" x 18'-0" standard parking space
 - 21'-0" x 18'-0" van accessible ADA parking space
 - Bumper guards shall be provided to prevent any part of a parked motor vehicle for extending onto an adjacent property and/or building abutting on site structure.
 - Bumper guards shall be provided to prevent any part of a parked motor vehicle for extending onto the ground and designed to prompt direct access to the public road.
 - Steel bollards with spaced concrete cones are to be provided to protect walls at existing garage and man doors.
 - 3 Lot combination 1 Bicycle rack for each 20' cars calculates to 2 Bicycle Racks
 - 2 Lot combination existing to remain unchanged.
- Porous surfaces Notes**
- All use of porous parking surfaces is subject to the approval of the Administrative Officer, in consultation with Franklin Soil and Water Conservation District and the Franklin County Engineer's Office.
 - Any development that proposes exceeding maximum number of parking spaces using a standard sealed surface as listed above must use a porous surface for all spaces exceeding the maximum.
 - Developments may use a porous surface for any number of parking spaces.
 - In no cases shall the maximum number of spaces provided exceed the limits listed above.
 - Porous surfaces must be adequately maintained in good working order, as determined by the Administrative Officer in consultation with Franklin Soil and Water Conservation District and the Franklin County Engineer's Office.
 - Porous fill service drive
- Fence Notes**
- New 8'-0" 100% Opaque CMU Fence at Auto Storage Area(s)
 - Decorative Fence 6'-0" in height running parallel and perpendicular to Westerville Road
- Screening Notes**
- Auto Storage must be 100% CMU opaque screened from the public street.
 - Fence materials and construction shall be 100% opaque and shall be to meet or exceed all applicable zoning regulations.
 - Per Section 610.02(B)(1), roof-mounted mechanical equipment must be screened to the height of the equipment with corrugated metal materials that are architecturally compatible with the building. Per Section 610.02(B)(2), ground-mounted mechanical equipment must be located behind the principal building and screened from the public view up to the height of the equipment.
- Dumpster Enclosure Notes**
- Dumpster located in side of the 100% opaque Auto Storage Area and to the rear of the Auto Sales Area
 - Dumpster is screened on all sides with a CMU that not to exceed 8'-0" in height and not to be below the top of the actual dumpster.
 - Interior face of Dumpster wall to 2'-0" from exterior face of dumpster in all directions.
 - Dumpster to be located on an 8" concrete pad within the screened area required.
 - Dumpster to be contained within the screened area through the use bollards and curbs.
- Lighting Notes**
- Auto Sales and Service is a daylight business.
 - All lighting is existing shall be directed downward.
 - No lighting shall be directed outward from buildings toward surrounding properties.
 - All existing lighting is mounted either on the existing building and/or light poles on the interior of the property.
- Building Height Notes**
- Office Addition is 20'-0" in height.
- Pedestrian Infrastructure Notes**
- 8'-0" sidewalks along each public right-of-way extending the breadth of the lot(s)
 - 8'-0" on site sidewalk connected to adjacent sidewalk(s) in the R.O.W.



3430 WESTERVILLE PARKING CALCULATION

Required Parking Site Area	Address	50344 sft
Parking Space Calculation		
Service Bay - General Office	General Office	1071
Service Bay - Service Bays	Service Bays x 2	300
Automobile Storage - General Office	Storage Lot Area	15,184
Automobile Storage - Automobile Repair/Storage	Warehouse	5000
Automobile Sales - Lot Area		8,136
Automobile Sales - Warehouse		5000
Required Parking Spaces =		21 Parking spaces
Actual Parking Spaces =		21 Parking spaces
Bicycle Spaces =		2 Bicycle spaces
Spaces per Restaurant =		
Restaurant	600	8.00 Parking spaces
Warehouse	1605	0.56 Parking spaces
Spaces per Vehicle Storage =		
Vehicle Storage	14,386	2.88 Parking spaces
Warehouse	5000	1.2 Parking spaces
Required Parking Spaces =		15 Parking spaces
Actual Parking Spaces =		15 Parking spaces
Bicycle Spaces =		2 Bicycle spaces

Master Coverage Areas for 5 Lots

Coverage	Area	Perimeter
Auto Sales	49124 SF	1281'-8 1/4"
Auto Storage	8118 SF	646'-2 5/8"
Building	24503 SF	1332'-1 1/4"
Landscape	4448 SF	502'-8 1/8"
Parking	11813 SF	2291'-8 1/4"
	25003 SF	1419'-8 3/4"
	13755 SF	7513'-10 1/4"

3388 & 3430 WESTERVILLE 5 LOTS LANDSCAPE LOT COVERAGE

Site Area	41264 sft
Landscape Area	14319 sft
Lot Coverage = Landscape Area / Lot Area	14319 sft / 41264 sft = 21% Lot Coverage

SITE LEGEND

SYMBOL	DESCRIPTION
●	Sanitary Sewer
○	Electric Pole
⊕	Fire Hydrant
⊗	Storm Water Inlet
⊙	Iron Pin
⊚	Under Ground Tank
⊛	Spot Elevation
⊜	Right of Way Drop Symbol
⊝	Miscellaneous Utility Pole
⊞	Subdivision Centroid
⊟	Valve

PROJECT TITLE & ADDRESS

PROJECT TITLE: EXCITE AUTO SALES
 PROJECT ADDRESS: 3663 WESTERVILLE RD. AKA 3430 WESTERVILLE ROAD
 COLUMBUS, OHIO 43224

OWNER & ADDRESS

OWNER: [Redacted]
 OWNER ADDRESS: [Redacted]

OWNER REP
 OWNER PHONE: [Redacted]

PROJECT PHASE DATE

OWNER DESIGN PROGRAM: [Redacted]
 PROGRAMMING 1 SEPT 11: [Redacted]
 DESIGN DEVELOPMENT: [Redacted]
 CONSTRUCTION DOCUMENTS: [Redacted]
 SPECIFICATIONS: [Redacted]
 PERMIT: [Redacted]
 BIDDING: [Redacted]
 REVISION 1: [Redacted]
 REVISION 2: [Redacted]

CONSULTANTS

SURVEY
 [Redacted]

STRUCTURAL
 [Redacted]

CONSULTANTS

ELECTRICAL
 [Redacted]

Mechanical
 [Redacted]

PROJECT NUMBER & AUTHORSHIP

PROJECT NUMBER: 15010

PROJECT ARCHITECT: DK
 DESIGNED BY: RBB
 DRAWN BY: RBB
 CHECKED BY: RBB

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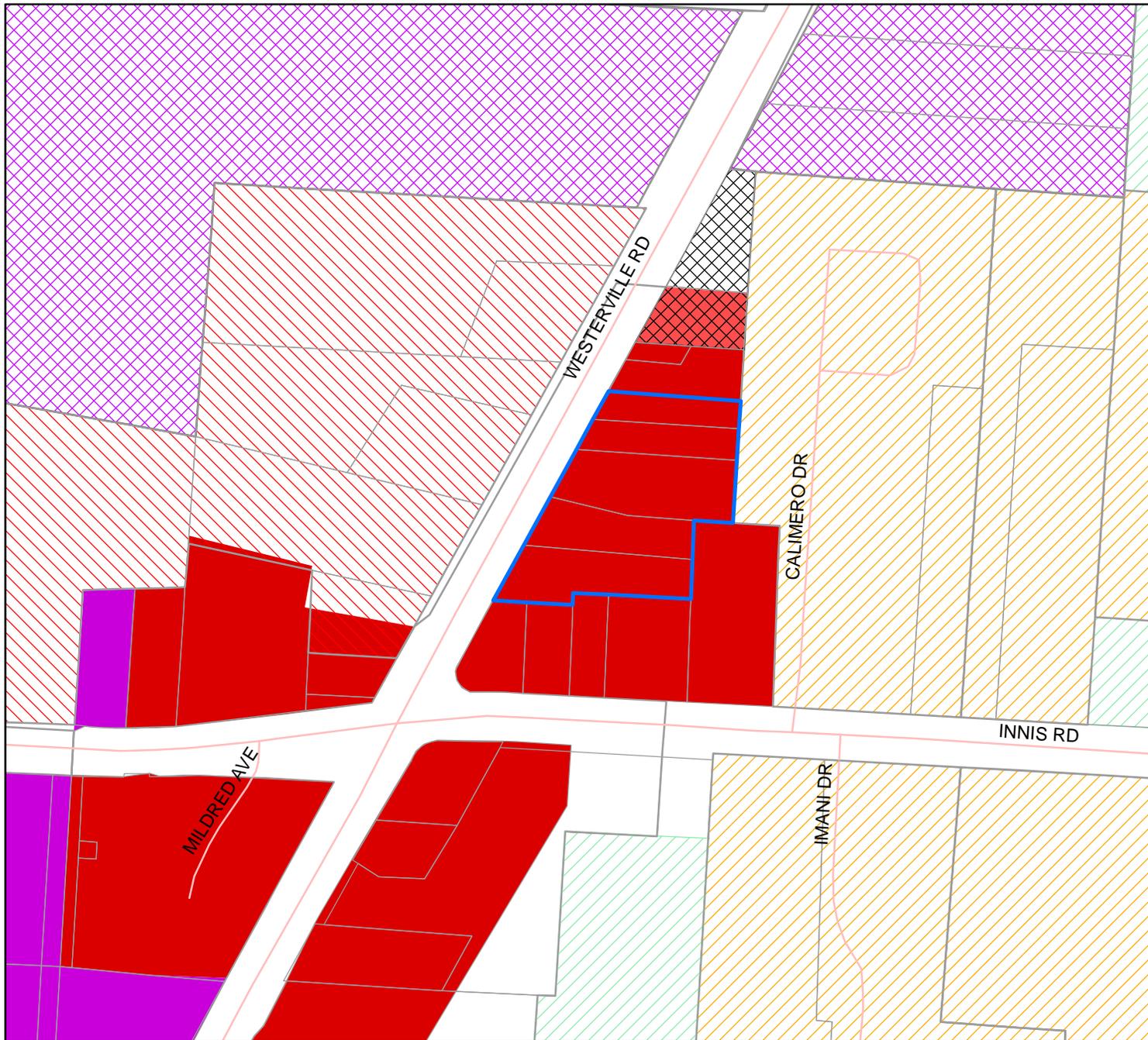
PROFESSIONAL ARCHITECT & ENGINEER

 RICHARD B. BUTZ ARCHITECT, INC.
 1000 Columbus Road
 Columbus, Ohio 43224

KEY PLAN

SHEET TITLE: MASTER IMPROVED SITE PLAN
A2.02
 SHEET 4 OF 7
 MONDAY, 23 MARCH 2015
 15:10

Received 3/25/2015
 VA-3829



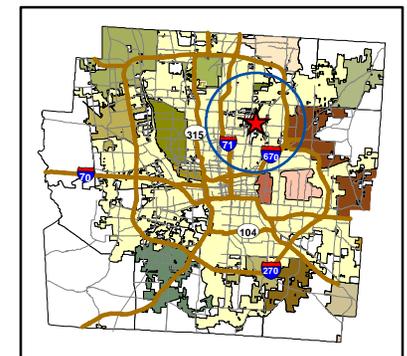
VA-3829

Requesting a Variance from Section 501.012 of the Franklin County Zoning Resolution to allow a fence that will fail to meet the maximum height requirement on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

3386 Westerville Road - 2.1 acres
Mifflin Township

Legend

- 3386 Westerville Road
 - Parcels
 - Streets
- | Columbus Zoning | County Zoning |
|---|--|
| Residential | Rural |
| Multi-family | Community Com. |
| Commercial | Community Service |
| Manufacturing | Limited Industrial |
| Parking | |





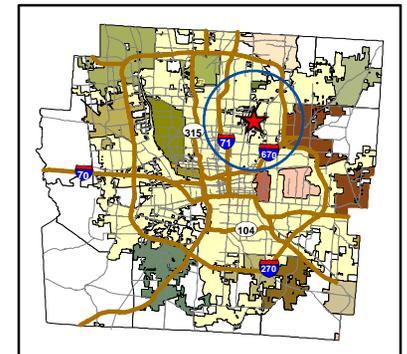
VA-3829

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3386 Westerville Road - 2.1 acres
Mifflin Township

Legend

- 3386 Westerville Road
- Columbus
- Mifflin
- Parcels
- Streets





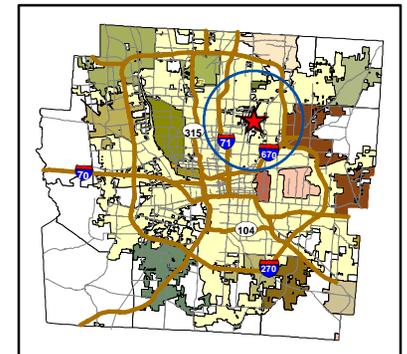
VA-3829

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3386 Westerville Road - 2.1 acres
Mifflin Township

Legend

- 3386 Westerville Road
- Clinton
- Columbus
- Mifflin
- Parcels
- Streets



SECURITY

STYLE
S

3 & 4 CHANNEL STYLES
MULTIPLE HEIGHTS & PANEL
SIZES

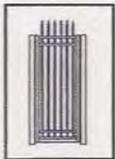
3 CHANNEL



3 CHANNEL
U-FRAME GATE



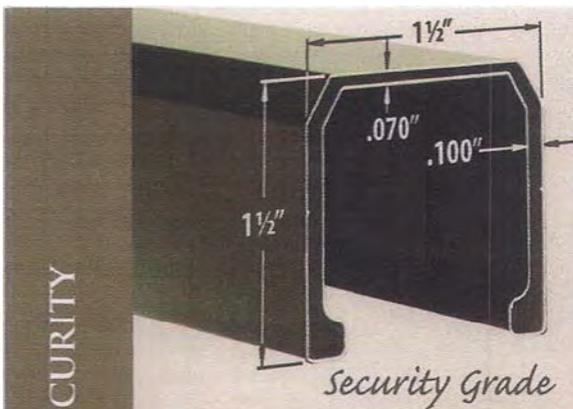
4 CHANNEL



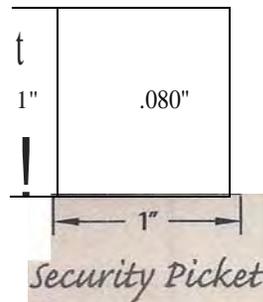
4 CHANNEL
U-FRAME GATE



GRADE: CHANNELS, PICKETS, POSTS & ADORNMENTS



Security Grade



Security Picket

POST MEASUREMENTS



Post
Wall **Width** -----
(Decimal)

SideS" ~
(Fraction)

214."X214."X.075" 4"x4"x.125"

214."x 214." X .125" R. x1" X 250"

3"x3"x.125" b'x 6"X.125"

6" X 6" X 250"



Security Grade
Picket & Post Cap, PMT C4p
(Fraction)



RA. Security
Grade
Picket

- Security Grade & Picket are - Available
Port Image - if IV represent: as: only.

2401 CORPORATE BLVD. BROOKSVILLE, FL 34604 ' QYICK SHIP: SCRANTON, PA ' NETWORK: NATIONWIDE

Received 3/25/2015

VA-3829

**FRANKLIN COUNTY, OHIO
BOARD OF ZONING APPEALS
(By Laws)**

A. MEMBERS AND OFFICERS

1. The Board of Zoning Appeals, herein after referred to as the BZA, shall consist of five (5) members and two (2) at-large members appointed by the Franklin County Board of County Commissioners as provided by Section 303.013 of the Ohio Revised Code. Each member and/or successor shall serve a term for a period of five (5) years with terms that expire each year. Each member shall maintain residence in unincorporated Franklin County.
2. Each January the BZA shall organize by electing a Chairperson and a Vice-Chairperson. Officers shall serve for one (1) year or until a successor is appointed. Officers are entitled to vote.
3. Upon expiration of a BZA member's term, such member may continue to serve until a successor is appointed.
4. The Chairperson shall encourage regular and timely attendance by each BZA member. Each BZA member is responsible for attending each meeting or notifying the Planning Administrator of the Franklin County Economic Development and Planning Department or the Planning Administrator's staff person of the inability to attend. Four (4) total unexcused absences in one year, or three (3) consecutive unexcused absences shall be grounds for removal of a member by a majority vote of the Board, or, at their discretion, grounds for the attending majority of the Board to request the offending members resignation (02/22/00). The ~~Executive Secretary~~ [secretary of the BZA](#) shall determine what constitutes an unexcused absence. Grounds to be considered an unexcused absence would be failure to notify the ~~Executive Secretary~~ [secretary of the BZA](#) before the meeting of an inability to attend, or repeated absences without medical or appropriate personal excuses.
5. The Planning Administrator of the Franklin County Economic Development and Planning Department or the Planning Administrator's designee shall serve as secretary of the BZA.

B. MEETINGS

1. The BZA shall meet on the third (3rd) Monday of each month. If the third (3rd) Monday is a holiday, the meeting shall be on the following day.
2. Each regular meeting shall be held at 1:30 PM in an appropriate room of the Franklin County Courthouse.
3. The BZA shall publish and mail notices as required by Section 303.15 of the Ohio Revised Code. The BZA herein defines “parties of interest”, as it is used in the ORC, to mean owners of property within and contiguous to and directly across the street from the area subject to the variance or conditional use request. This definition is equivalent to the one used in ORC Section 303.12 regarding notice for rezoning petitions. As a courtesy, the BZA will also attempt to mail notice to all remaining property owners within 300 feet of the subject property. A copy of the abutter list shall be retained in each respective case file and shall be available for public inspection at the Franklin County Economic Development and Planning Department (02/16/98) (02/20/07).
4. All meetings of the BZA shall be open to the public and no action shall take place in Executive Session or by vote prior to any meeting.
5. All meetings shall be conducted in accordance with Roberts Rules of Order, newly revised. A quorum shall consist of three (3) members of the BZA. If a quorum is lacking, the meeting shall be postponed or canceled. The Board of Zoning Appeals is unable to guarantee full attendance at each hearing. As such, any decision made by quorum of BZA is final. The BZA shall consider and deliberate upon any request for delay should an applicant desire to do so, but because of the dynamic development issues present in Franklin County, such request for delay shall only be considered to a date certain not to exceed six months (02/22/00).
6. There are two (2) designated at-large alternates. The alternates shall have the right to vote and participate in all proceedings and actions of the Board of Zoning Appeals at that meeting as if the at-large alternate were a full voting member (02/19/08).
7. All motions before the BZA shall be presented in the affirmative (to approve). If a motion is defeated, this constitutes a denial of the application. Passage shall require the affirmative vote of a majority of votes cast (02/20/07). For an appeal to be denied, a motion of denial must pass. For an appeal to be approved, a motion of approval must pass (04/20/09).
8. The Chairperson may limit the number of persons who wish to speak regarding any agenda item to not fewer than three (3) for and three (3) persons against. The Chairperson may not limit the time for a person to speak to less than five (5) minutes. The Chairperson, in the alternative, may limit the total amount of time for support of an agenda item to fifteen (15) minutes and the total amount of time for the opposition to fifteen (15) minutes.
9. All persons wishing to speak at a meeting must register to do so with the secretary of the BZA prior to the meeting. Speaker slips will be available for this purpose.

The Chairperson will inquire prior to each meeting or prior to each individual case as to whether or not the applicant or the appropriate representative is present. If there is not representation for a specific application, the ~~amendment application~~ shall be ~~denied~~ dismissed without prejudice and the applicant will be required to reapply. If an applicant or agent reapplies and again does not attend the scheduled meeting, the Board may choose to approve or deny the application based on the merits of the case (02/18/97). Applications with motions to continue or dismiss shall be heard first. Applications requiring a full presentation to the BZA shall be heard in the order of filing (02/22/00).

C. POWERS AND DUTIES

The BZA shall consider request for:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, or decision, or determination made by the Administrative Officer in the enforcement of the Zoning Resolution.
2. Conditional Use: To authorize only such Conditional Uses as the BZA is specifically authorized to pass on by the terms of the Franklin County Zoning Resolution.
3. Variances: To hear and decide in specific cases such Variances from the terms of the Franklin County Zoning Resolution as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of this zoning resolution would result in unnecessary hardship. In granting such Variance, the BZA shall prescribe appropriate conditions and safeguards to maintain the intent and the spirit of the zoning district in conformity with this zoning district.
4. If a proposed variance or conditional use request is denied by the BZA, another application for variance or conditional uses that relies on the same set of facts and affects any portion of the land included in the disapproved application shall not be heard. The Board may consider this position if any applicant can clearly demonstrate that new facts and/or previously unconsidered circumstances or agreements warrant reconsideration (02/16/99).

D. BZA STAFF

1. The Franklin County Economic Development and Planning Department shall receive, process, recommend and present applications for Administrative Appeals, Variances and Conditional Uses to the BZA.
2. The Franklin County Economic Development and Planning Department staff shall review applications for Variance and Conditional Use and submit a written report to the BZA before the public meeting. Such reports shall recommend approval, modification, or disapproval of the application.
3. The Economic Development and Planning Department shall maintain a record of the BZA proceedings and respond to all Praecepta for appeal.

4. It is the responsibility of the ~~Executive Secretary~~[secretary of the BZA](#) to issue to every applicant the final order or journal entry. Said final order shall include written notification of the BZA decision rendered and shall be issued no later than five (5) days following each scheduled Board meeting. Absent any action to appeal a BZA decision; the Board continues to have thirty (30) days following entry of the final order in which to reconsider a case. Once thirty (30) days has elapsed, the appeal time has lapsed and reconsideration is not possible. In special circumstances and upon just and reasonable finding, the Chairperson may elect to instruct the ~~Executive Secretary~~[secretary of the BZA](#) to withhold or stay, (02/20/07) for a period not to exceed thirty (30) days, the final order if one (1) or more Board members desires to reopen a case for reconsideration. A request to order a stay assumes that any party to the proceeding would not be prejudice to such a delay (02/18/97).

E. SUSPENSION OR AMENDMENT OF RULES

1. These rules and regulations may be suspended only upon the affirmative vote of no fewer than four (4) members.
2. These rules and regulations may be amended from time to time by a majority vote of the BZA membership. Such amendments shall be effective thirty (30) days after an affirmative vote.

SIGNATURE PAGE

Chairperson

Vice-Chairperson

Member

Member

Member

Date Adopted