



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

Tuesday, February 17, 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 November 17, 2014 meeting
5. New Business:

i. VA-3828 – Jonathan Lee

Applicant:	Barret, Easterday, Cunningham & Eselgroth LLP
Owner:	Peters Family Farms, Inc.
Township:	Hamilton Township
Site:	5812 Lockbourne Road (PID #150-000070)
Acreage:	87.95 - acres
Zoning:	Rural District
Utilities:	On-site water and wastewater
Request:	Requesting a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow a lot split that will fail to meet the minimum rear yard requirement in an area zoned Rural.

6. Approval of By-Laws
7. Election of Chair and Vice-Chair
8. Adjournment of Meeting to March 16, 2015



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

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MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, November 17, 2014

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, November 17, 2014.

Present were:

Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter

Franklin County Development Department members,
Matt Brown, Planning Administrator
Jonathan Lee, Planner
Jenny Snapp, Assistant Director, Economic
Development and Planning Department
David Morris, Planning Department

Vice Chairperson Baer 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 October 20, 2014, Franklin County Board of Zoning Appeals hearing. Mr. Guyton made a motion to approve the minutes. It was seconded by Ms. Hunter. The minutes were approved by a three-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. VA-3826. The applicant is Hurley & Stewart, Jeffrey Paulson. The owner is Sharer Properties LLC. The site is located at 963 Harrisburg Pike. The township is Franklin Township. It is 1.07 acres. It is in the Community Service District. The request is for a Variance from Sections 670.083(b), 670.083(g), 670.083(h)(4), 501.012, 505.022(a) and 531.032 of the Franklin County Zoning Resolution to allow the development of a retail store that will fail to meet the maximum building setback, building entrance location, façade, fence height, Dumpster location, loading space location and loading space setback 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. Ms. Hunter made a motion to approve a Variance from Section 670.083(b) for the maximum building setback along a non-primary street. It was seconded by Mr. Guyton. The motion was defeated by a two-to one vote.

Ms. Hunter made a motion to approve a Variance from Section 670.03(g), building entrance location. Mr. Guyton seconded the motion. The motion was approved by a two-to-one vote.

Ms. Hunter made a motion to approve a Variance from Section 670.03(h)(4), opaque building glass. Mr. Baer seconded the motion. The motion was approved by a three-to-zero vote.

Mr. Guyton made a motion to approve a Variance from Section 501.012, fence height. Mr. Baer seconded the motion. The motion was approved by a two-to-one vote.

Mr. Guyton made a motion to approve a Variance from Section 505.022(a), building entrance location. Mr. Baer seconded the motion. The motion was defeated by a two-to-one vote.

Mr. Guyton made a motion to approve a Variance from Section 531.031, loading space in the setback. Mr. Baer seconded the motion. The motion was defeated by a two-to-one vote.

Mr. Guyton made a motion to accept Findings of Fact regarding a Variance from Section 670.083(b) that results from the applicant's failure to satisfy the criteria for granting a Variance under Section 810.041. Ms. Hunter seconded the motion. The motion was approved by a vote of two yeases and one abstention.

Mr. Guyton made a motion to accept Findings of Fact regarding a Variance from Section 505.022(a) that results from the applicant's failure to satisfy the criteria for granting a Variance under Section 810.041. Ms. Hunter seconded the motion. The motion was approved by a vote of two yeases and one abstention.

Mr. Guyton made a motion to accept Findings of Fact regarding a Variance from Section 531.032 that results from the applicant's failure to satisfy the criteria for granting a Variance under Section 810.041. Ms. Hunter seconded the motion. The motion was approved by a vote of two yeases and one abstention.

The next order of business being Case No. VA-3827. The applicant/owner is Nationwide Children's Hospital, Michael Tighe. The site is located at 441 Industrial Mile Road. The township is Franklin Township. It is 1.21 acres. It is in the General Industrial District.

The request is for a Variance from Section 670.085(a)(1) of the Franklin County Zoning Resolution to allow the construction of a building addition that will fail to meet the building height requirement on a lot subject to the Smart Growth Overlay in an area zoned General Industrial.

Mr. Lee read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve a Variance from Section 670.085(a)(1) with Staff's six conditions. It was seconded by Ms. Hunter. The motion was approved by a three-to-zero vote.

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

And, thereupon, the hearing adjourned at 2:45 o'clock p.m.

Minutes of the November 17, 2014, Board of Zoning Appeals hearing were approved this 17th day of February, 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
February 17, 2015

Case VA-3828

Prepared by: Jonathan Lee

Agent:	Mark Mason – Barrett Easterday, Cunningham & Eselgroth LLP
Owner:	Peters Family Farms, Inc.
Township:	Hamilton Township
Site:	5812 Lockbourne Road (PID #150-000070)
Acreage:	87.95-acres
Zoning:	Rural
Utilities:	On-site water and wastewater
Request:	Requesting a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow a lot split that will fail to meet the minimum rear yard requirement in an area zoned Rural.

Summary

The applicant is requesting a variance to allow the creation of a 2.501 acre lot from an existing 87.95 acre parcel that will fail to meet the minimum rear yard requirement in an area zoned Rural. The request fails to meet the criteria necessary to grant a variance under Section 810.041. Staff recommends **denial**.

Description of the Request

The 87.95 acre lot is located at the southeast corner of Lockbourne and Rohr Roads. The site consists of agricultural land and several agricultural buildings. The proposed 2.501 acre lot is approximately 292 feet south of the Lockbourne and Rohr Road intersection. It will include an existing 3,321 square foot farm house, built in 1850, and one historic Indian mound located directly southwest of the house. Both the house and Indian mound are on the Ohio Historic Inventory but are not registered. The proposed lot's western side is located in the Regulatory Floodplain. The rear property line will be approximately 16 feet away from the existing house.

Surrounding Area

Direction	Zoning	Land Use
North	Rural	Single-family
East	Residential (City of Columbus)	Single-family/Agriculture
South	Rural	Single-family
West	Excavation and Quarry (EQ)	Quarry

Comprehensive Plan

The property is located within the Obetz and Hamilton Township Community Plan adopted by Hamilton Township in 1998. The plan recommends this property for Single-Family Residential. The variance request does not deviate from the plan's recommendations.

Staff Review

Variance from Section 302.044 – Minimum Rear Yard:

- For main buildings, there shall be a rear yard of twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.
 - The proposed rear yard is approximately 16 feet from the existing house.

Technical Agencies

The Franklin County Engineer's Office, Franklin Soil and Water Conservation District and Franklin County Public Health Department reviewed the request and did not pose any concerns.

The Ohio State Historic Preservation Office (SHPO) stated that they are not aware of any development restrictions on or near Indian mounds. Additionally, inclusion of the existing house and Indian mound in the SHPO inventories does not confer preservation restrictions. The SHPO encourages and provides private property owners guidance on preserving important archaeological sites and significant buildings.

Staff Analysis– Section 810.41:

The Franklin County Zoning Resolution identifies five 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 land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
 - » The applicant states that the historic house and Indian mound distinguishes the property from other properties in the same zoning district. The applicant seeks to separate the house and mound from the farm. Additionally, existing accessory buildings on the lot limit property line configurations that effectively separate these features from each other while meeting zoning and subdivision regulations.
 - » Staff notes that the historic house and mound make the property unique but they do not inhibit compliance with the rear yard requirement. The location of the Regulatory Floodplain, septic system, well and Indian mound are potential limitations on the lot's buildable area. These are conditions that may warrant an increased rear yard providing more buildable area as opposed to a decreased rear yard.
- 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 applicant states that a literal interpretation would deprive the applicant the right to split off the house from the rest of the farm without tearing down or moving existing buildings. Any accessory buildings included on the new lot must meet size, location and setback standards even if existing. A lot configuration meeting the required rear yard will include an existing accessory building that will not meet setback standards, potentially requiring its relocation or removal.
 - » Staff identifies at least three opportunities for the applicant to configure a lot that meets the rear yard requirement. One, move the rear property line east to include the accessory building located approximately 25 feet east of the house and request a variance to its setback requirement. Two, relocate or remove the existing accessory building, as stated by the applicant. Lastly, configure a lot that exceeds 5 acres to secure zoning exemption for all buildings and structures used for agriculture.

- 3) *The special conditions and circumstances do not result from the action of the applicant;*
- » The special conditions identified by the applicant do not result from any action of the applicant. The existing house was constructed in 1850 and the Indian mounds pre-date purchase of the property. Additionally, the applicant did not build the existing accessory buildings located on the lot.
 - » Staff acknowledges that there are unique features on the proposed lot that are not a direct result of the applicant but they are not considered special conditions in the sense that they prevent compliance with the rear yard requirement. Staff also notes that a lot split is an action of the applicant. Though it does not result in special conditions for this request, the applicant may create special conditions for future variance requests, particularly those relating to property line setbacks.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
- » The applicant states that the unique nature of the property ensures that granting the request will not confer a special privilege.
 - » Staff notes that granting the variance request will confer a special privilege as other properties in the same zoning district must meet the rear yard requirement. There is only one residential property along Lockbourne and Rohr Roads that does not appear to meet this requirement. The house, built in 1978, is non-conforming and must meet all development standards in the case of any alteration, reconstruction or extension.
- 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 injurious to private property or public improvements in the vicinity;*
- » The applicant states that the variance will not affect government services and that it will actually be a benefit to the community by restoring a historic house and preserving an Indian mound. The house must be on a parcel separate from the farm to secure financing.
 - » Staff agrees that preserving the house and Indian mound benefit the community. However, granting a variance to the rear yard requirement would limit the buildable area behind the house as well as decrease the total backyard area typically afforded to property owners for privacy, personal use and providing sufficient buffer between adjacent uses.

Recommendation

Staff recommendation is that the BZA deny a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow a lot split that will fail to meet the minimum rear yard requirement.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Variance from Section 302.044 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3828.

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 302.044 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3828 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

VA-3828

Requesting a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow a lot split that will fail to meet the minimum rear yard requirement in an area zoned Rural.

87.95 acres
Hamilton Township

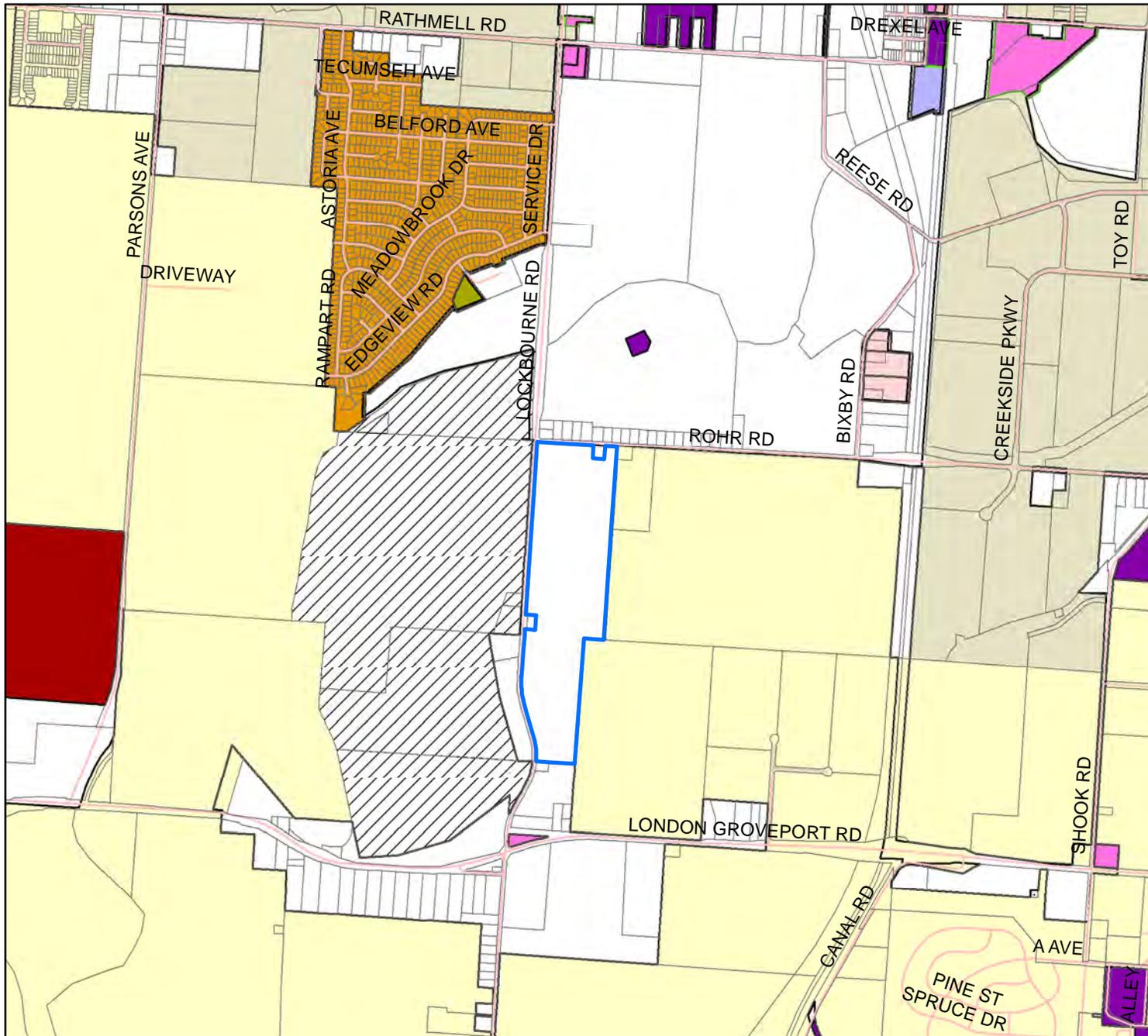
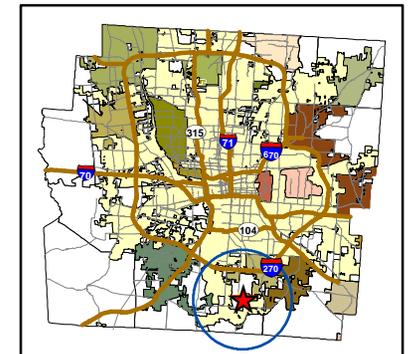
-  5812 Lockbourne Rd.
-  Parcels
-  Streets

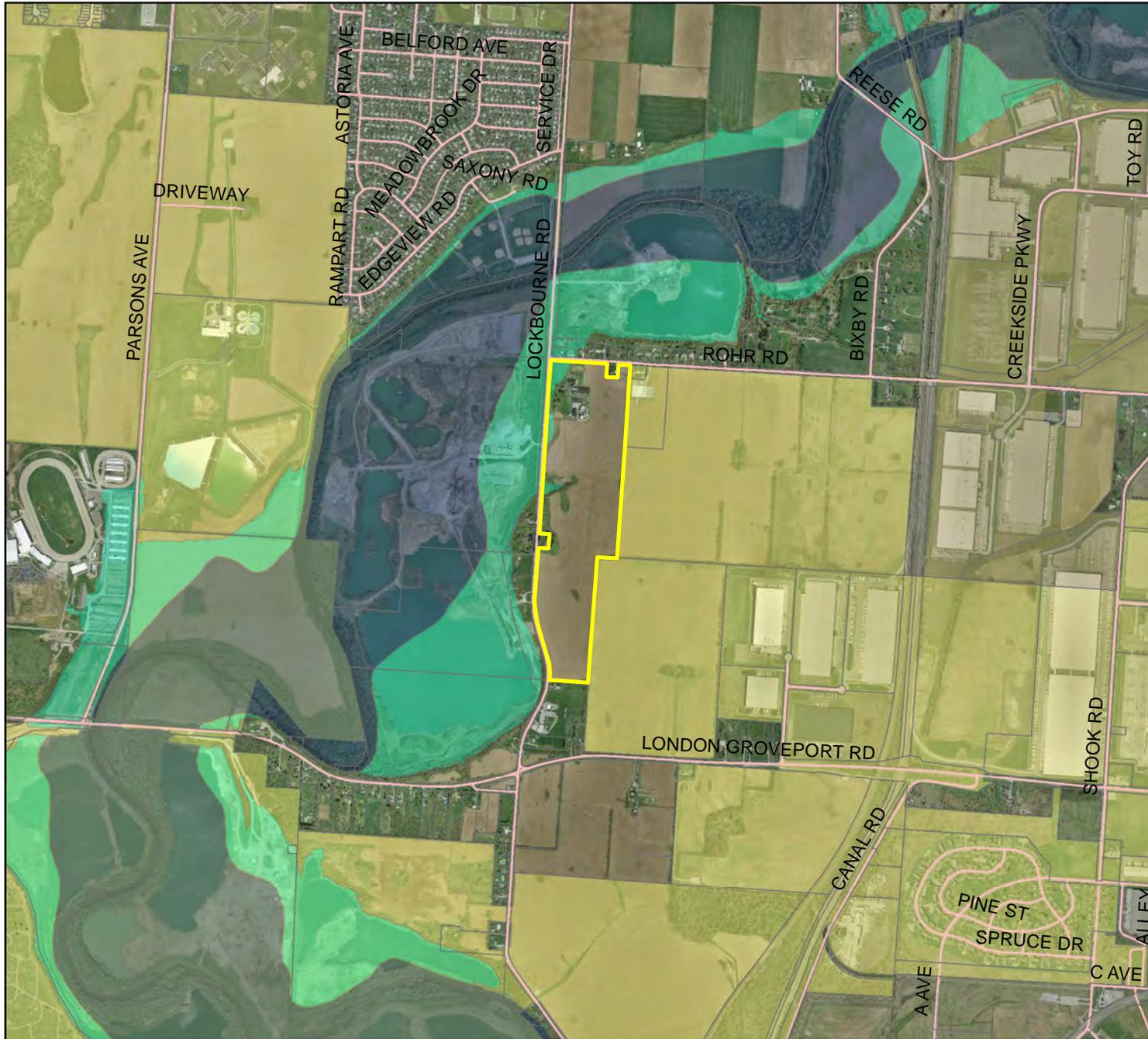
Franklin County Zoning

-  CS
-  EQ
-  GI
-  LI
-  NC
-  PIP
-  R
-  R-1
-  R-12
-  R-8
-  SCPD
-  SO

Corporate Boundaries

-  Columbus
-  Obetz





VA-3828

Requesting a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow a lot split that will fail to meet the minimum rear yard requirement in an area zoned Rural.

87.95 acres
Hamilton Township

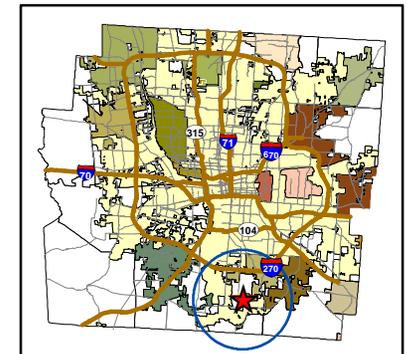
-  5812 Lockbourne Rd.
-  Parcels
-  Streets

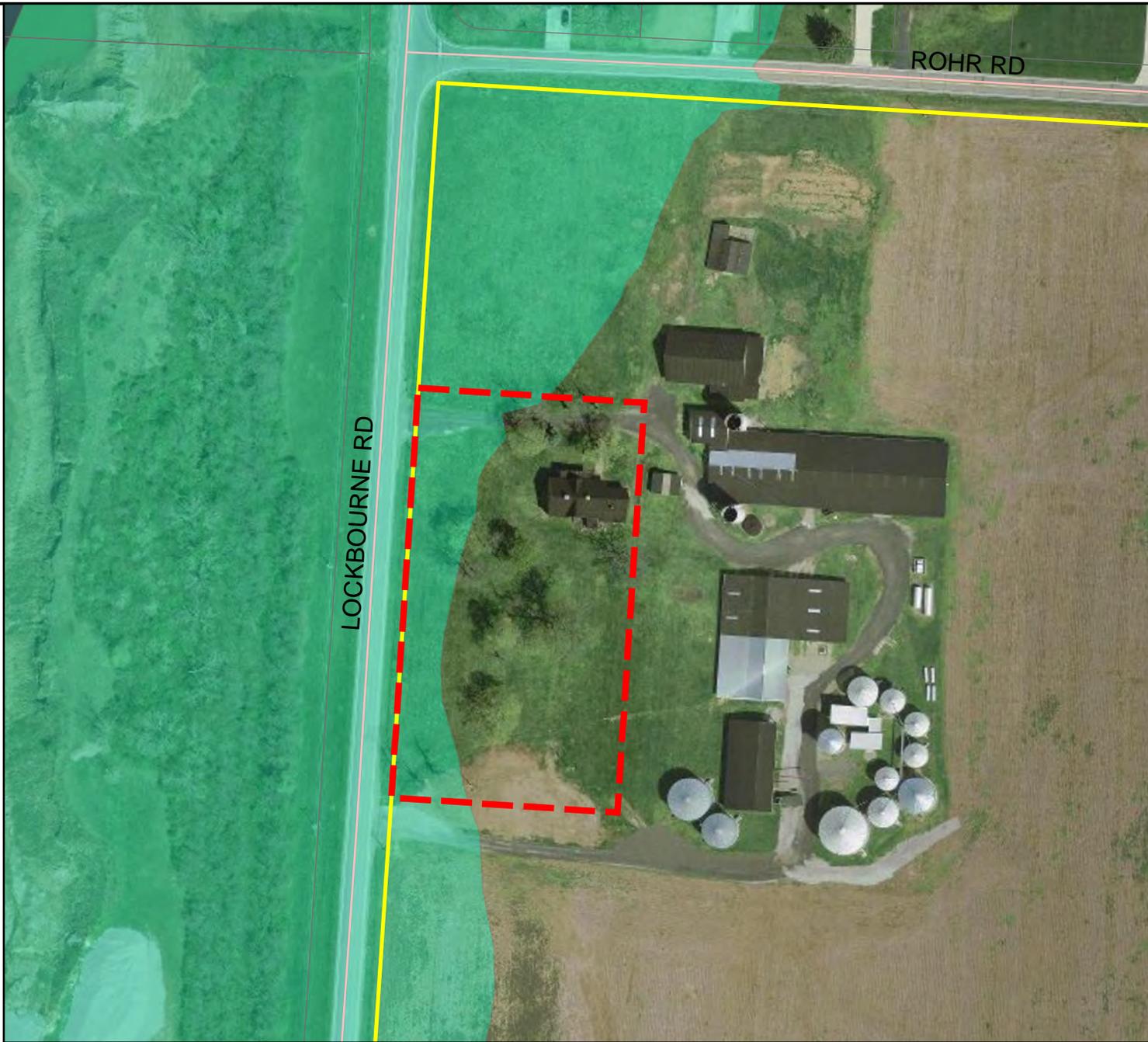
Franklin County Floodplain

-  Floodway Fringe
-  Floodway

Corporate Boundaries

-  Columbus
-  Obetz



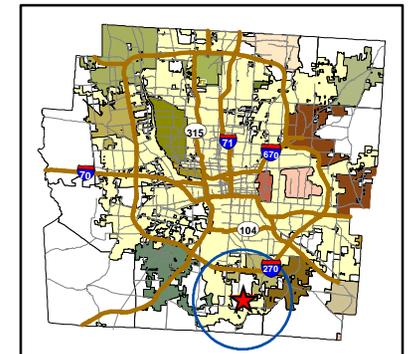


VA-3828

Requesting a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow a lot split that will fail to meet the minimum rear yard requirement in an area zoned Rural.

87.95 acres
Hamilton Township

-  5812 Lockbourne Rd.
-  Proposed Lot
-  Streets
-  Parcels
-  Floodway Fringe
-  Floodway



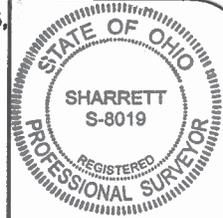
**P.S., P.S.
SURVEYING**

740-986-8417
1-800-848-3548

PAUL SHARRETT
PROFESSIONAL SURVEYOR
8720 S.R. 138
CLARKSBURG, OHIO 43115

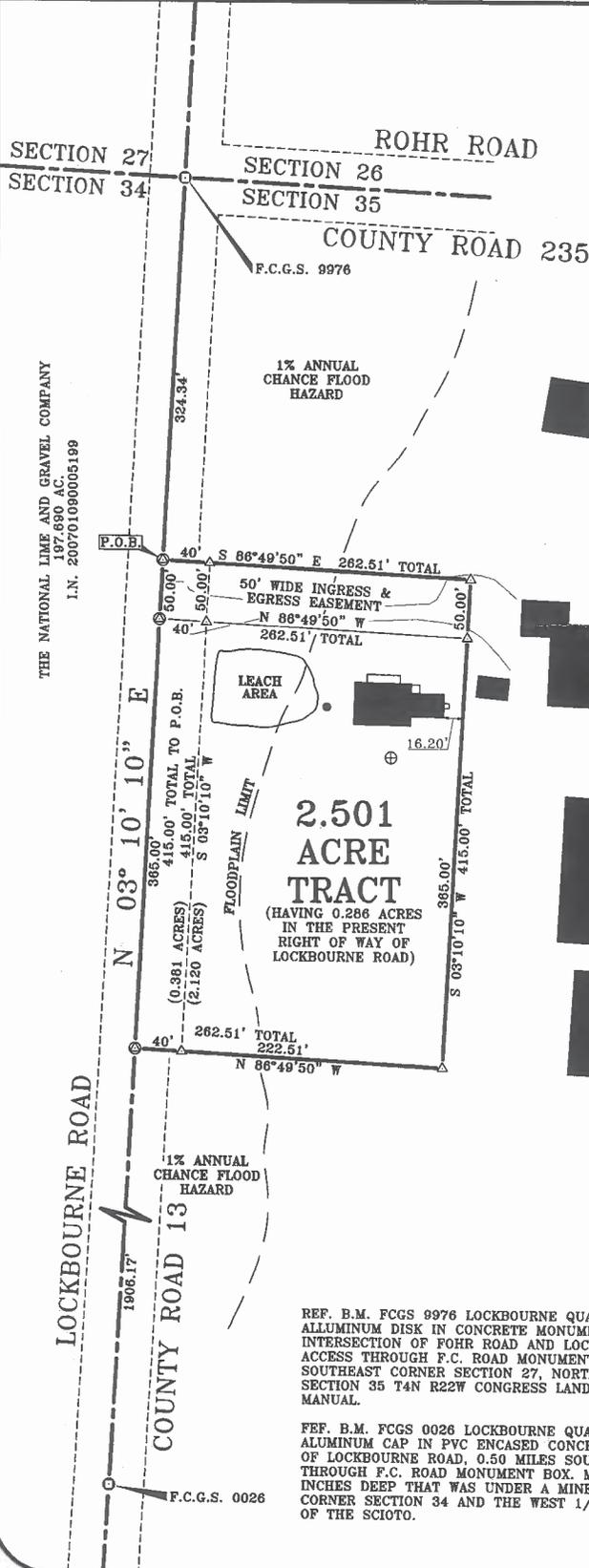
- LOTS
- FARMS
- SUBDIVISIONS
- CONSTRUCTION

SITUATED IN THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 22 WEST, MATHEW'S SURVEY OF THE CONGRESS LAND EAST OF THE SCIOTO, PART OF LOT 5 OF THE PARTITION OF THOMAS M. CLARK VS JULIANA CLARK ET AL AS RECORDED IN THE COURT OF COMMON PLEAS IN COMPLETE RECORD 36, PAGE 199 (THIS PLAT IS ALSO RECORDED IN PLAT BOOK 1, PAGE 366 OF THE FRANKLIN COUNTY RECORDER'S OFFICE), HAMILTON TOWNSHIP, FRANKLIN COUNTY, STATE OF OHIO



DRAWN DATE
P.R.S. 11-4-14 FILENAME: FR1401.DWG

FOR: PETERS FAMILY FARMS, INC.



NOTES:

BEING A PART OF A TRACT OF LAND THAT IS NOW OR FORMERLY IN THE NAME OF PETERS FAMILY FARMS, INC., AN OHIO CORPORATION AS RECORDED IN DEED BOOK VOLUME 3509, PAGE 209 OF THE FRANKLIN COUNTY RECORDER'S OFFICE.

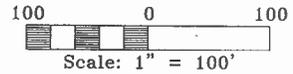
BEING A PART OF AUDITOR'S PARCEL 150-000070-00.

ALL SET 5/8" X 30" IRON PINS WITH PLASTIC IDENTIFICATION CAPS ARE STAMPED "SHARRETT-8019".

ALL BEARINGS BASED UPON AN ASSUMED MERIDIAN WITH THE WEST LINE OF SECTION 35, ALSO BEING THE CENTERLINE OF LOCKBOURNE ROAD (COUNTY ROAD 13) BEING, NORTH 03° 10' 10" EAST AND ARE TO BE USED TO DENOTE ANGLES ONLY.

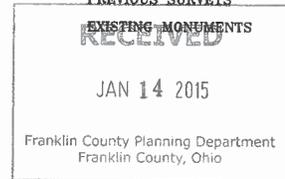
LEGEND:

- FOUND "FCGS" MONUMENT
- SEPTIC TANK
- ⊕ WELL
- ⊙ SET MAGNETIC NAIL
- △ SET 5/8" X 30" IRON PIN & I.D.
- ▲ CAP STAMPED "SHARRETT-8019"



REFERENCES:

- DEEDS AS NOTED
- COUNTY MAPS
- PREVIOUS SURVEYS
- EXISTING MONUMENTS



VA-3828

I HEREBY CERTIFY THAT AN ACTUAL SURVEY WAS MADE UNDER MY DIRECT SUPERVISION OF THE PREMISES SHOWN HEREON ON THE 4th DAY OF NOVEMBER, 2014 AND THAT THE PLAT IS A CORRECT REPRESENTATION OF THE PREMISES AS DETERMINED BY SAID SURVEY. I FURTHER CERTIFY THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS ANY BOUNDARY EXCEPT AS SHOWN.

Paul Sharrett

DATE 11-28-14

PROFESSIONAL SURVEYOR NO. 8019

REF. B.M. FCGS 9976 LOCKBOURNE QUAD
ALUMINUM DISK IN CONCRETE MONUMENT SET OVER FOUND STONE, AT THE CENTERLINE INTERSECTION OF FOHR ROAD AND LOCKBOURNE ROAD, AN ANGLE POINT ON LOCKBOURNE ROAD, ACCESS THROUGH F.C. ROAD MONUMENT BOX. MONUMENT IS THE SOUTHWEST CORNER SECTION 26, SOUTHEAST CORNER SECTION 27, NORTHEAST CORNER SECTION 34, AND NORTHWEST CORNER SECTION 35 T4N R22W CONGRESS LANDS EAST OF THE SCIOTO. DISK IS STAMPED AS PER BLM MANUAL.

REF. B.M. FCGS 0026 LOCKBOURNE QUAD
ALUMINUM CAP IN PVC ENCASED CONCRETE MONUMENT, AT AN ANGLE POINT IN THE CENTERLINE OF LOCKBOURNE ROAD, 0.50 MILES SOUTH OF ROHR ROAD, ON A P/L EAST AND WEST, ACCESS THROUGH F.C. ROAD MONUMENT BOX. MONUMENT REPLACED A FOUND 1" SOLID IRON PIN 10 INCHES DEEP THAT WAS UNDER A MINE SPIKE 4 INCHES DEEP. MONUMENT IS THE EAST 1/4 CORNER SECTION 34 AND THE WEST 1/4 CORNER SECTION 35 T4N R22W CONGRESS LANDS EAST OF THE SCIOTO.

**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 shall determine what constitutes an unexcused absence. Grounds to be considered an unexcused absence would be failure to notify the Executive Secretary 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 shall be denied 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 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 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