



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

Economic Development & Planning Department
James Schimmer, Director

Technical Review Committee Agenda

Franklin County Engineer's Office
970 Dublin Road
Columbus, OH 43215

Tuesday, January 28, 2014
1:30 p.m.

1. New Business

i. VA-3812 – Anthony Hray

Applicant/Owner:	Brian and Beth Warner
Township:	Brown Township
Site:	4042 Amity Road (PID #120-000791)
Acreage:	1.2-acres
Zoning:	Rural District
Utilities:	On-site water and wastewater
Request:	Requesting a Variance from Sections 512.02(2) and 650.162(a) to legitimize the expansion of an illegal, non-conforming accessory building that fails to meet the required property line setback, exceeds the maximum size permitted and is located within the Big Darby Creek Riparian Setback in an area zoned Rural.

2. Adjournment of Meeting to February 25, 2014



Commissioners
 Marilyn Brown, President
 Paula Brooks
 John O'Grady

Economic Development & Planning Department
 James Schlimmer, Director

Application for Zoning Variance

Revised January 1, 2009

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VA

Franklin County Planning Department
 Franklin County, Ohio

Property Information	
Site Address 4042 AMITY RD	
Parcel ID(s) 120-000791-00	Zoning RESIDENTIAL
Township BROWN	Acreage 1.2
Water Supply <input type="checkbox"/> Public (Central) <input checked="" type="checkbox"/> Private (Onsite)	Wastewater Treatment <input type="checkbox"/> Public (Central) <input checked="" type="checkbox"/> Private (Onsite)

Staff Use Only
Case # VA-3812
Date filed: 1/15/14
Fee paid 425.00
Receipt # 1921
Received by: DAH
Hearing date: 2/18/14
Zoning Compliance: R2-13-1237

Applicant Information	
Name/Company Name BRIAN WARNER	
Address 4042 AMITY RD HILLIARD OHIO 43026	
Phone # 614 870 7864	Fax #
Email	

Document Submission
The following documents must accompany this application:
<input checked="" type="checkbox"/> Completed application
<input checked="" type="checkbox"/> Fee Payment (Checks only)
<input checked="" type="checkbox"/> Auditor's map (8 1/2" x 11")
<input checked="" type="checkbox"/> Site Map (max 11" x 17")
<input checked="" type="checkbox"/> Covenants and deed
<input checked="" type="checkbox"/> Notarized signatures
<input checked="" type="checkbox"/> Proof of water & waste water supply
Please see the Application Instructions for complete details

Property Owner Information	
Name/Company Name BRIAN BETH WARNER	
Address 4042 AMITY RD HILLIARD OHIO	
Phone # 614 870 7864	Fax #
Email BRIAN BETH WARNER@SBCGLOBAL.NET	

Agent Information (if applicable)	
Name/Company Name	
Address	
Phone #	Fax #
Email	

Case #
VA-3812

Variance(s) Requested	
Section	512.02
Description	TO ALLOW 5 FT SETBACK. MY SETBACK IS 5 FT NOT 10 FT
Section	512.02
Description	ALLOW MY CURRENT SQ FT OFF 1920 SQ FT 540 SQ FT
Section	512.02 OVER 1440.
Description	COVERED WOOD STORAGE AREA JUST BUILT.

Describe the project
30 X 56 BARN IN QUESTION WAS BUILT IN 2003
BUILT WITH 5 FT SETBACK WHICH I BELIEVED TO BE
CONNECT. I D.
RECENT ADDITION OF PORCH FOR WOOD STORAGE

NOTE: To receive a variance, you must meet all the variance requirements in Section 810.04 of the Franklin County Zoning Resolution. Your answers to the following questions will help the Board of Zoning Appeals determine whether you meet the requirements for a variance. If you don't answer the questions, we will consider your application incomplete.

1. Are there special conditions or circumstances applying to the property involved that do not generally apply to other properties in the same zoning district.

SEE ATTACHED ANSWER SHEET.

2. That a literal interpretation of the requirements of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of the Zoning Resolution.

3. That the special conditions and circumstances, listed under question #1, do not result from any actions of the applicant.

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4. That approving the variance requested will not grant the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District.

5. Would granting the variance 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?

6. Can there be any beneficial use of the property without the variance?

7. How substantial is the variance? (i.e. 10 feet vs. 100 feet - Required frontage vs. proposed)

8. Would the essential character of the neighborhood be substantially altered or would the adjoining properties suffer substantial harm as a result of the variance?

9. How would the variance adversely affect the delivery of governmental services?
(e.g., water, sewer, garbage, fire, police - Verification from local authorities - i.e. fire might be required)

10. Did the applicant purchase the property with knowledge of the zoning restrictions?

11. Could the applicant's predicament feasibly be obtained through some method other than a variance?

12. Would the spirit and intent behind the zoning requirement be observed and would substantial justice be done by granting the variance?

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Affidavit

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form.

Brian P Warner
Applicant

1/12/14
Date

Brian P Warner
Property Owner (Signature must be notarized)

1/12/14
Date

Ruth M. Warner
Property Owner (Signature must be notarized)

1-12-2014
Date

***Agent must provide documentation that they are legally representing the property owner.**

****Approval does not invalidate any restrictions and/or covenants that are on the property.**

Susan L. Mantle

1-12-14



Susan L. Mantle
Notary Public, State of Ohio
My Commission Expires 08-08-2015

Re: Residential Zoning Compliance Application RZ# 13-1237 (4042 Amity Road)

Answers for Application for Zoning Variance submitted by Brian Warner, Applicant.

1. Yes, the special circumstance is that the building was built in 2003 and has been in existence for over 11 years.
2. Yes, I would be prejudiced if a literal interpretation of the zoning requirements would be enforced. Due to the amount of time that has passed, I do not have any recollection on how I came to the understanding that it was a 5 ft required set back. The building was built in 2003. The size does not and has not for 11 years caused any adverse affect to the surrounding properties. Yes, I would definitely be deprived of the same rights that are commonly "enjoyed" by my surrounding neighbors.
3. Yes, the special circumstance from question one is a result of my understanding that it was a 5 ft set back.
4. No, I do not believe that the granting of this variance would lend me any special privileges that are not also enjoyed by surrounding property owners.
5. No. For over 11 years this building has existed with absolutely NO adverse affect and has created no detrimental issues in any way.
6. No. Without the allowance of the requested variance, I would be deprived of my ability of inside storage.
7. According to Section 512 – Accessory Buildings, a set back from property lines is 10 ft and we are requesting only a 5 ft set back variance on the east/rear side of the property line. Only a portion of the building does not meet the required 10 ft set back. We also are requesting a square footage variance. Based on the maximum size limit of 1440 sq ft for an accessory building, we are requesting a variance of 480 sq ft. The original building has been in existence at the 1680 sq footage size for the past 11 years and has not been detrimental to the surrounding properties. The recent addition of an 8 x 30 open air storage area brings the total sq footage to 1920, which is 480 sq ft above building size requirements. This addition has also proven not to be detrimental to the surrounding properties.
8. No. The building has been in existence since 2003 with no adverse issues with adjoining properties. The building is aesthetically pleasing and maintained. See attached pictures.

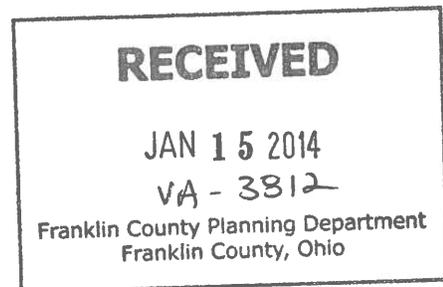
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9. It would not adversely affect in any way or have any impact on local government agencies i.e. police, fire, garbage, sewer/water.
10. No. The property was purchased in 1988 as a rural residence with no specific knowledge of zoning restrictions/regulations.
11. No.
12. Yes. I now understand the importance of zoning requirements. Yes, a substantial justice would be served in granting this variance and appreciate the time and effort that the Board of Zoning Appeal must take to review my variance request. The granting of this variance will not have any adverse affect toward the surrounding property owners or the aesthetics of our Brown Township Community.



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Property Report

Generated on: 12/22/13 at 07:10:21 PM

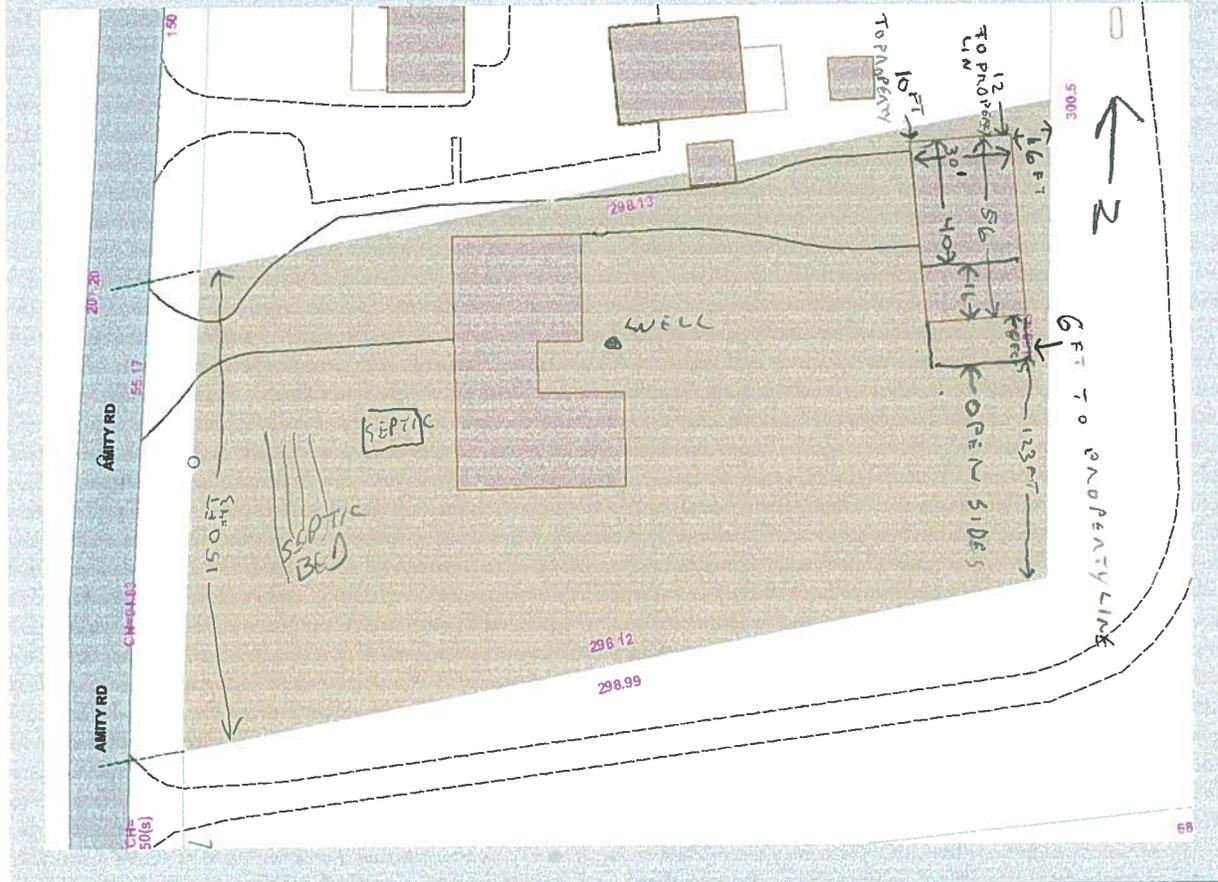
Parcel ID
120-000791-00

Map Routing No
120-O005E -009-03

Card No
1

Location
4042 AMITY RD

GIS



Disclaimer

This drawing is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this drawing are notified that the public primary information source should be consulted for verification of the information contained on this drawing. The county and the mapping companies assume no legal responsibilities for the information contained on this drawing. Please notify the Franklin County GIS Division of any discrepancies.

The information on this web site is prepared for the real property inventory within this county. Users of this data are notified that the public primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

2220A11 SURVIVORSHIP DEED

(RC 5302.17)

6170 NOTARY PUBLIC
7-11-750

096208

BEATRICE K. FOWLER
UNMARRIED

of Franklin County, Ohio for

valuable consideration paid, GRANT(S) AND CONVEY(S) WITH GENERAL WARRANTY COVENANTS,

to BRIAN P. WARNER
BETH M. LAUGHLIN

, for their joint lives, remainder

to the survivor of them, whose tax mailing address is
4042 AMITY ROAD, HILLIARD, OHIO 43026

the following Real Property: Situated in the County of Franklin

in the State

of Ohio and in the

TOWNSHIP of

SITUATED IN THE COUNTY OF FRANKLIN, TOWNSHIP OF BROWN, AND
STATE OF OHIO AND DESCRIBED AS FOLLOWS:

SEE ATTACHED EXHIBIT "A"

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Franklin County Planning Department
Franklin County, Ohio

TIME 3:59 P M
RECORDED FRANKLIN CO., OHIO
SEP 6 1988
JOSEPH W. TESTA, RECORDER
RECORDER'S SEAL

TRANSFERRED
SEP 6 1988
PALMER C. McNEAL
AUDITOR
FRANKLIN COUNTY, OHIO

16334
CONVEYANCE TAX
\$5500.00
PALMER C. McNEAL
AUDITOR
FRANKLIN COUNTY, OHIO

Subject to all easements, conditions, restrictions and reservations of record, together with all real estate taxes hereafter due and payable, which taxes Grantee hereby assumes and agrees to pay.

Street Address: 4042 AMITY ROAD, HILLIARD, OHIO 43026
Tax District and Parcel: 120-000791

Prior Instrument Reference: Vol. 6544 Page D-18 of the OFFICIAL Records of Franklin County, Ohio.

, the wife/husband of the Grantor, releases all rights of dower therein. Witness my hand(s) this 31st day of August, 19 88

Signed and acknowledged in the presence of:

[Signature]
WITNESS

Beatrice K. Fowler
BEATRICE K. FOWLER

[Signature]
WITNESS

State of Ohio, County of Franklin ss.

BE IT REMEMBERED, That on this 31st day of August, 19 88, before me, the subscriber, a NOTARY PUBLIC in and for said county, personally came,

BEATRICE K. FOWLER, the Grantor(s) in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.

[Signature]
NOTARY PUBLIC

This instrument was prepared by: Philip M. Collins
Attorney at Law



JUDY A. MORRISON
NOTARY PUBLIC STATE OF OHIO
MY COMMISSION EXPIRES MAY 4, 1991

12220A12

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Franklin County, Ohio

EXHIBIT "A"

Situated in the State of Ohio, the County of Franklin, the Township of Brown, being part of Lot Number 1 in V.M.S. NO. 1478, also being part of a certain 70 acre tract conveyed to J.L. Wilcox & Company, as the same is shown of record in Deed Book Number 3752, page 675, in the records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Amity Road, said point being, South 00 degrees 19 minutes 04 seconds West, a distance of 150.00 feet from a point where the northerly line of the above mentioned 70 acre tract intersects the centerline of Amity Road;

Thence from said point of beginning North 77 degrees 29 minutes 53 seconds East, as passing an iron pin on line at 30.77 feet, a distance of 298.13 feet to an iron pin;

Thence South 00 degrees 19 minutes 04 seconds West, a distance 150.43 feet to an iron pin;

Thence South 77 degrees 29 minutes 53 seconds West, passing an iron pin on line at 265.35 feet, a distance of 296.12 feet to a point in the centerline of Amity Road.

Thence with the centerline of Amity Road and curve to the right, having a radius of 1873.52 feet a central angle of 15 degrees 17 minutes 51 seconds a chord which bears North 00 degrees 52 minutes 03 West a distance of 94.83 feet to a P.K. nail;

Thence North 00 degrees 19 minutes 04 seconds East and continuing along the centerline of Amity Road, a distance of 55.17 feet to the place of beginning and containing 1.002 acres, subject to all easements and/or restrictions shown of record, also subject to all legal right-of-way.

19-530

0-5-E
A-01
311
150000

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:
Esquire Title Services and/or First Security Savings Bank

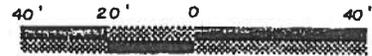
Legal Description: Situated in Ohio, County of Franklin, Township of Brown, Being 1.002 Acres in Virginia Military Survey No. 1478.

Applicant: Brian and Beth Warner

Posted Address: 4042 Amity Road

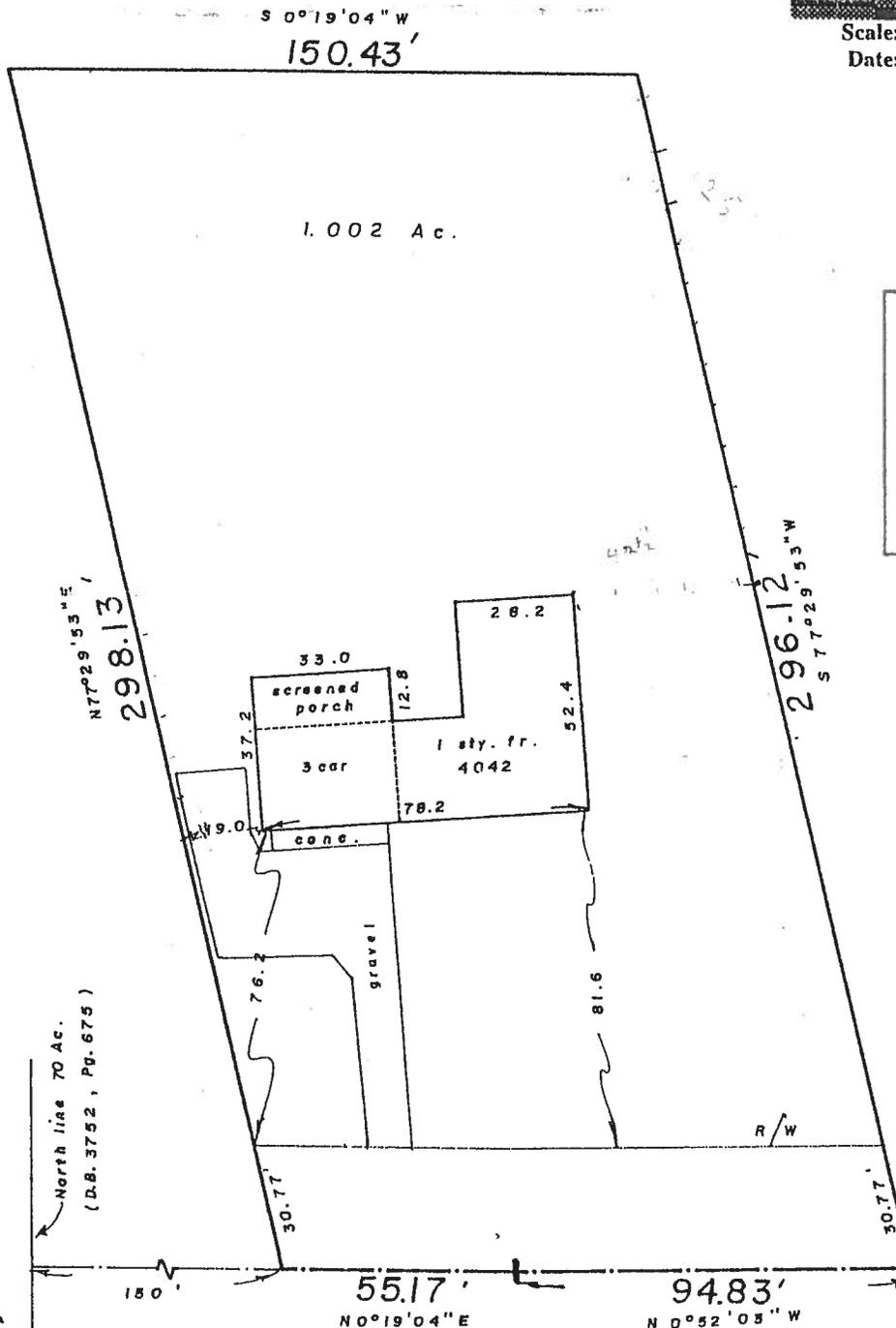
F.E.M.A. Flood Zone Designation: Flood Zone "C" as per F.I.R.M. 390167 0015B.

Apparent Encroachments: 1) None



Scale: 1" = 40'

Date: 2-14-'94



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AMITY RD.

We hereby certify that the foregoing Mortgage Location survey was prepared from