



Commissioner John O'Grady • Commissioner Paula Brooks • Commissioner Marilyn Brown  
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, May 9, 2016  
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 21, 2016 meeting
5. New Business:

**i. VA-3851 – Matt Brown**

<b>Owner/Applicant:</b>	Daniel & Lorrie Olson
<b>Township:</b>	Brown Township
<b>Site:</b>	8159 Morris Rd (120-001249)
<b>Acreage:</b>	5.0 acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Private water and private waste water
<b>Request:</b>	Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will be located in front of the principal structure in an area zoned Rural.

6. Adjournment of Meeting to May 16, 2016



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## **MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS**

**Monday, March 21, 2016**

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 21, 2016.

Present were:

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

Franklin County Development Department members,  
Jenny Snapp, Assistant Director, Franklin County Economic Development and Planning  
Matt Brown, Planning Administrator

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

The first order of business being approval of the minutes of the February 16, 2015, 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 four-to-zero vote.

### **NEW BUSINESS:**

The next order of business being Case No. CU-3850. The applicant is Ted Blahnik. The owners are Daniel and Lorrie Olson. The site is located at 8159 Morris Road. The township is Brown Township. It is 5 acres in size and is served by private water and wastewater. The request is for a Conditional Use from Section 302.0392 of the Franklin County Zoning Resolution to allow the construction of a pond over 1,000 square feet in size in an area zoned Rural. Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve a Conditional Use from Section 302.0392 with four conditions outlined in Staff's recommendations. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

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 Ms. Hunter. By unanimous vote, the meeting was adjourned.

The hearing was adjourned at 2:14 p.m.

Minutes of the March 21, 2016, Board of Zoning Appeals hearing were approved this 9th day of May, 2016.

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Signature



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President

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## STAFF REPORT

Board of Zoning Appeals  
May 9, 2016

### Case VA-3851

Prepared by: Brad Fisher

<b>Applicant/Owner:</b>	Dan Olson
<b>Township:</b>	Brown Township
<b>Site:</b>	8159 Morris Road (PID #120-001249)
<b>Acreage:</b>	5.0 acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will be located in front of the principal structure in an area zoned Rural.

#### Summary

The applicant is requesting a Variance from Section 512.02 (2(a)) to allow the construction of an accessory building in front of the principal structure on a lot zoned Rural. Staff recommends denial of the accessory building location variance.

#### Description of the Request

The subject property is located on the south and west side of Morris Road, approximately midway between Amity Road and Walker Road. The subject property has recently been developed with a single-family home. The site contains a 3,495 square-foot single-family residence built in 2015, and is expecting to build a pond to the rear (west) of the house. The applicant is proposing to construct a 60 foot by 60 foot (3,600 square-feet) and 22 feet high pole barn to the southeast, and in front, of the single-family residence.

#### Surrounding Area

The surrounding area is primarily large lot residential and agricultural in character with Rural zoning.

#### Comprehensive Plan

The Brown Township Comprehensive Plan, adopted in 2005, includes two maps to guide development: a Development Densities map and a Conservation Areas map. The Development Densities map recommends this area to develop with low density rural residential uses. The Conservation Areas map shows a small portion of the site in the Second Tier Conservation Area due to hydric soils.

The Big Darby Accord Watershed Master Plan, adopted in 2006, includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map recommends the area for Rural Density Conservation Development with 50%

open space. The Conservation Strategy Map shows a small portion of the site as located in a Tier 1 Environmental Conservation Zone.

The variance proposal is consistent with both planning documents. The applicant's property and proposed project adheres to Brown Township's Comprehensive Plan recommendations, maintaining a rural residential character.

### **Staff Review**

#### Variance from Section 512.02(2(a)):

- An accessory building shall be located to the side or rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure.
  - o The proposed accessory building will be located in front of the principal structure, not meeting the required placement to the side or rear of the principal structure.

### **Franklin County Technical Review Committee**

The Franklin County Engineer's office, Drainage Engineer's office and Franklin Soil and Water Conservation District expressed no concerns with the variance request.

### **Staff Analysis**

#### Section 810.041 – Approval of Variance:

- 1) *That 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.*
  - o The applicant indicates that they encounter a special condition due to their lot being located on an s-curve. The applicant believed that the best placement for the home would be facing northeast, toward the s-curve, with the well to the northwest, access drive and mound to the southeast, and a proposed pond to the south of the primary structure.
  - o The applicant would like the accessory building to be located along the existing access drive, which he considers behind his home.
  - o Staff notes that there is not a special condition or circumstance that applies to this property with respect to its location on an "S-curve" or the accessory building's location in front of the primary structure. The property's location on an "S-curve" results in the property being reviewed as a corner lot.
  - o Staff further notes there are locations to the south and west on the property that would bring the proposed accessory building into compliance with section 512.02(2(a)). These locations may require rerouting sewage system components. A revision in the sewage system design or written concurrence from the system designer would be needed to allow for any changes to the sewage system.
- 2) *That 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.*
  - o The applicant indicates that because of the s-curve along Morris Road, and stream buffers along his property to the west, north and east, they were restricted on initial development of the land.
  - o Staff notes that there are other corner lot developments in the immediate area, also zoned Rural, that are in compliance with section 512.02(2(a)). The applicant indicated that they were aware of the zoning restrictions on the property when they purchased the property.
- 3) *That the special conditions and circumstances do not result from the action of the applicant.*
  - o The applicant believes that due to the s-curve in Morris Road, the primary structure's backyard is now considered its front yard. The proposed location of the accessory building is the only logical placement, given the location of the driveway, septic tank and mound.

- Staff notes that the special circumstances and conditions that the applicant believes exist on the property are a result of actions taken by the applicant. The applicant chose to locate the principal structure and approved pond where they are on the property, thereby reducing the size of the rear yard and the buildable area for an accessory building.
- 4) *That 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.*
- Granting the accessory building location variance will confer special privilege to the applicant as other residential properties in the surrounding area must adhere to the same development standards for accessory buildings.
- 5) *That 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.*
- Granting the accessory building variance may set a precedent for other property owners to apply for a similar variance request and allow accessory buildings to be located in front of principal structures.

**Recommendation**

Staff recommends denial of a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will be located in front of a principal structure in an area zoned Rural. The reason for recommending denial of the variance request is that the application fails to satisfy the criteria for granting a variance under Section 810.041.

**Resolution**

For your convenience, the following is a proposed resolution for the Variance request from Section 512.02 (2(a)):

**Proposed Resolution for Request from 512.02(2(a)):**

\_\_\_\_\_ moves to approve a Variance from Section 512.02 (2(a)) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3851.

Seconded by: \_\_\_\_\_

**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 a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3851 results from the applicant’s failure to satisfy the criteria for granting a variance under Sections 810.041.

Seconded by: \_\_\_\_\_



# LANDMARK SURVEY GROUP, INCORPORATED

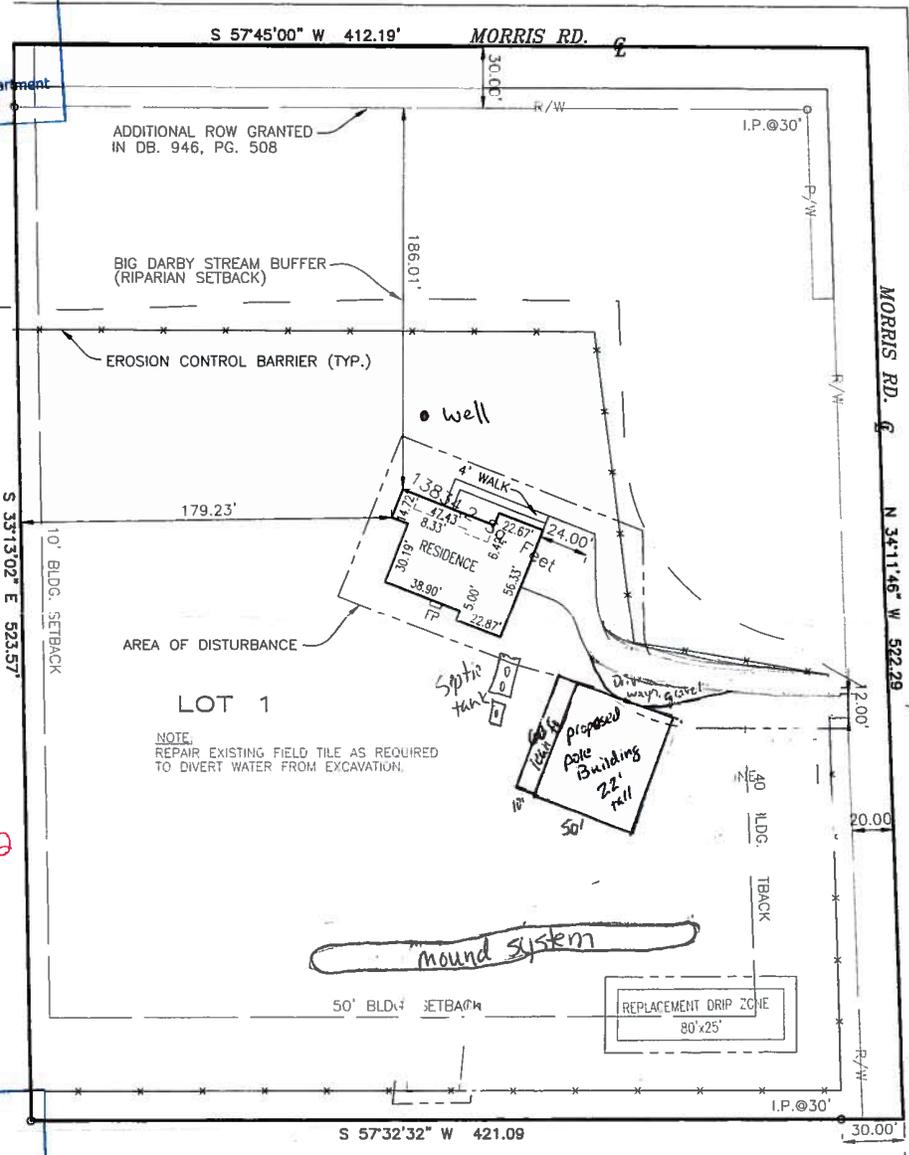
2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212  
PHONE: (614) 485-9000 FAX: (614) 485-9003

REVISIONS	DESCRIPTION
1/5/15	ROTATE HOUSE / ADD WALK
1/12/15	ROTATE/MOVE HOUSE
1/13/15	MOVE HOUSE
1/21/15	ADDED AREA OF DISTURBANCE
1/28/15	REMOVED 100' SETBACK MOVED DRIVE
2/3/15	NEW SEPTIC MOUND LOCATIONS

ORDER NO. 195-15

FOR THE BELLPOINTE CO. HOUSE STYLE CUSTOM COUNTY OF FRANKLIN  
 LOT/SUBDIVISION 5.0 ACRES CITY/TWP OF BROWN  
 ADDRESS MORRIS RD. SCALE 1" = 60' DRAWN BY: SP  
 MINIMUMS: R: 50 S: N/A INSTR. NO. 201407080086515 DATE: 12/18/14

**RECEIVED**  
 MAR 03 2016  
 Franklin County Planning Department  
 Franklin County, Ohio  
 VA-3851



**DENIED**  
 VS  
 2/23/2016  
 R2-16-2092

**RECEIVED**  
 FEB 10 2016  
 Franklin County Planning Department  
 Franklin County, Ohio

LOT CALCULATIONS ARE FOR ESTIMATING PURPOSES ONLY AND SHOULD BE VERIFIED BY THE BUILDER OR CONTRACTOR.

LOT 217801 WALK 234  
 HOUSE 3457 SOD AREA 187198  
 DRIVE 3258 SEED AREA N/A  
 APPROACH N/A AREA OF DISTURBANCE 31077

THIS PROPERTY IS LOCATED IN FLOOD ZONE X  
 MAP NO. 39049C0276K  
 PANEL 276 OF 465 EFF. DATE: 6/17/08

BUILDER TO INSTALL AND MAINTAIN EROSION CONTROL THROUGHOUT ALL PHASES OF CONSTRUCTION. FIELD MODIFICATIONS MAY BE NECESSARY.



WE HEREBY CERTIFY THAT THE FOREGOING PLOT PLAN WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT AND DATA OBTAINED FROM ENGINEERED SUBDIVISION PLANS. THIS PLOT PLAN IS TO BE USED BY THE CLIENT FOR THE SOLE PURPOSE OF OBTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR ANY OTHER USE IS STRICTLY PROHIBITED.

*Scott D. Grunde* 2/3/15  
 SCOTT D. GRUNDEI, P.S. DATE  
 REGISTERED SURVEYOR NO. 8047

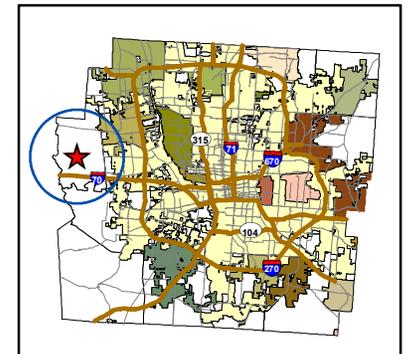


## VA-3851

Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will be located in front of the principal structure in an area zoned Rural.

5.0 Acres  
Brown Township

-  8159 Morris Road
-  Pole Barn/Porch
-  Parcel
-  Streets
-  Big Darby Creek Setbacks





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