



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, October 21, 2013
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 September 16, 2013 meeting
5. Old Business:

A. CU-3797 –Anthony Hray - Tabled at July 15, 2013 meeting

Applicant:	Andres Ferrari
Owner:	Joseph E. Budde
Township:	Hamilton Township
Site:	1408 London Groveport Road (PID #150-002395)
Acreage:	2.295-acres
Zoning:	Rural District
Utilities:	On-site water and wastewater
Request:	Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

6. New Business:

A. CU-3806 – Scott Ulrich

Applicant/Owner:	William Staver Weiant
Township:	Norwich Township
Site:	3636 Hilliard Cemetery Road (PID #200-000569)
Acreage:	1.81-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Conditional Use from Section 302.0393 to allow the operation of a Bed and Breakfast Inn in an area zoned Rural.

B. VA-3807 – Anthony Hray

Applicant/Owner:	South-Western City Schools, Attn: Mark Waller
Township:	Pleasant Township
Site:	7000 London-Groveport Road (PID #230-002714)
Acreage:	7.11-acres
Zoning:	Rural District
Utilities:	Central water and wastewater
Request:	Requesting a Variance from Sections 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements in an area zoned Rural.

C. VA-3808 – Anthony Hray

Applicant/ Owner:	South-Western City Schools, Attn: Mark Waller
Township:	Franklin Township
Site:	1835 Finland Avenue (PID #140-000405)
Acreage:	25.19-acres
Zoning:	Rural District
Utilities:	Central water and wastewater
Request:	Requesting a Variance from Sections 505.022(b) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a dumpster, in association with an elementary school, which will fail to meet the location and screening requirements in an area zoned Rural.

7. Adjournment of Meeting to November 18, 2013



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

Economic Development & Planning Department
James Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, September 16, 2013

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, September 16, 2013.

Present were:

Gary Dever, Chairperson
Christopher Baer
Tim Guyton
Nancy Hunter

Franklin County Economic Development and Planning Department members:

Matt Brown, Planner
Scott Ulrich, Planner

Guest:

David Reutter, Franklin Soil and Water Conservation District

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

The first order of business being approval of the minutes of the August 19, 2013, 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 four-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. VA-3800. The applicants are John and Beth Parsons. The site is located at 6764 Darby Boulevard. The township is Pleasant Township. It is 0.438 acres. It has on-site water and central wastewater. The request is for a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a deck within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Mr. Matt Brown read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to approve Case No. VA-3800 with the following Staff recommendations:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive an approved building permit from the Franklin County Economic Development and Planning Department.
3. The applicant must mitigate the increase in impervious area to the satisfaction of the Franklin Soil and Water Conservation District in accordance with the mitigation standards outlined in the General Permit

for construction activities in the Big Darby Creek Watershed issued by the Ohio EPA. The mitigation practices to be used must be indicated on the Certificate of Zoning Compliance application.

4. Mitigation must be completed within six months of the Certificate of Zoning Compliance approval.

Mr. Guyton seconded the motion. The motion was approved by a four-to-zero vote.

The next order of business being Case No. VA-3801. The applicant is James and Teresa1 Massey. The township is Brown Township. It is located at 3455 Amity Road. It is 6.439 acres in size. It has on-site water and wastewater. And the request is for a Variance from Section No. 650.162(c) of the Franklin County Zoning Resolution to replace a fence within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Mr. Scott Ulrich read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve the variance from Section 650.162(c) with the following Staff recommendations:

1. The applicant must apply for and receive an approved Fence Permit from the Franklin County Economic Development and Planning Department.
2. The applicant must re-seed any disturbed areas immediately following the fence replacement work.
3. The applicant must install and maintain sediment and erosion control measures prior to any earth disturbing activities to the satisfaction of the Franklin Soil and Water Conservation District.

It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

The next order of business being Case No. VA-3802. The applicant is Revive Remodeling, LLC. The owner is Christina and Don Bowen. The township is Pleasant Township. It is located at 2787 River Street. It is 0.28 acres in size. It has central water and wastewater. The request is for a variance from Sections 302.041(c), 302.044 and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a porch that causes the property to exceed the permitted lot coverage, fails to meet the rear yard setback, and is located within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Mr. Matt Brown read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve the variance with the following Staff recommendations:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive an approved building permit from the Franklin County Economic Development and Planning Department.
3. The applicant must mitigate the increase in impervious area to the satisfaction of the Franklin Soil and Water Conservation District in accordance with the mitigation standards outlined in the General Permit for construction activities in the Big Darby Creek Watershed issued by the Ohio EPA. The mitigation practices to be used must be indicated on the Certificate of Zoning Compliance application.
4. Mitigation must be completed within six months of the Certificate of Zoning Compliance approval.

It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

The next order of business being Case No. VA-3803. The applicant is Curt Douglas. The township is Pleasant Township. It is located at 6575 London-Groveport Road. It is 5.021 acres in size. It has on-site water and wastewater. And the request is for a Variance from Section 650.162(a) and Section 512.02(2) to construct an accessory building within the Big Darby Creek Watershed Riparian Setback that will fail to meet the side yard setback in an area zoned Rural.

Mr. Scott Ulrich read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve a Variance from Sections 650.162(12) and 512.02(2) with the following Staff recommendations:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive an approved building permit from the Franklin County Economic Development and Planning Department.
3. The applicant must mitigate the increase in impervious area to the satisfaction of the Franklin Soil and Water Conservation District in accordance with the mitigation standards outlined in the General Permit for construction activities in the Big Darby Creek Watershed issued by the Ohio EPA. The mitigation practices to be used must be indicated on the Certificate of Zoning Compliance application.
4. Mitigation must be completed within six months of the Certificate of Zoning Compliance approval.

Mr. Guyton seconded the motion. The motion was approved by a four-to-zero vote.

The next order of business being Case No. VA-3804. The applicant is TH Midwest, Inc. The owner is Weston Town Centre, LLC. The township is Franklin Township. It is located at 185 Georgesville Road. It is 1.50 acres in size. It has central water and wastewater. The request is to table the case until the October 21, 2013, hearing. Mr. Guyton made a motion to table Variance Case No. VA-3004 until the October 21, 2013. Mr. Baer seconded the motion. The motion was approved by a four-to-zero vote.

The next order of business being Case No. CU-3805. The applicant is Ricky Adams. The township is Brown Township. It is located at 4221 Abbey Chase Court. It is 5.31 acres in size. It has on-site water and wastewater. And the request is for a Conditional Use from Section 302.0392(b) to allow the construction of a pond that will exceed 1,000 square feet in size in an area zoned Rural.

Mr. Matt 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(b) with the following Staff recommendations:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must repair all drainage tile on the property that is currently damaged or failing.
3. The applicant must repair any and all drainage tile damaged during development activities.
4. No spoil may be placed in any easements or in the Big Darby Creek Watershed Riparian Setback.

Ms. Hunter seconded the motion. The motion was approved by a four-to-zero vote.

There being no further new business to come before the Board of Zoning Appeals, a motion was made by Mr. Baer to adjourn the hearing. It was seconded by Ms. Hunter.

And, thereupon, the hearing adjourned at 2:36 p.m.

Minutes of the September 16, 2013, Board of Zoning Appeals hearing were approved this 21st day of October, 2013.

Signature



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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
October 21, 2013

Case CU-3797

Prepared by: Anthony Hray

Applicant:	Andres Ferrari
Owner:	Joseph E. Budde, Trustee
Township:	Hamilton Township
Site:	1408 London-Groveport Road (PID #150-002395)
Acreage:	2.295-acres
Zoning:	Rural District
Utilities:	On-Site Water and Wastewater
Request:	Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

Summary

The applicant is requesting a conditional use home occupation to allow the operation of an auto repair and auto sales business on a lot zoned Rural. The applicant fails to meet the criteria required to grant a conditional use request, fails to meet all conditional use home occupation requirements and the proposed use is inconsistent with the South Central Accord. Staff recommends *denial*.

Case History

This request was originally presented to the Board on July 15, 2013. The applicant, in response to various questions concerning the nature and intensity of the proposed use, chose to request a tabling until October 21, 2013. The Board approved the request to allow the applicant time to revise and amend his application to address some of the concerns posed. Following the initial Board hearing, Staff informed the applicant in writing on three (3) separate occasions that revised materials must be submitted on or before September 12, 2013 to receive consideration at the October Board of Zoning Appeals hearing. To date, Staff has received no new materials and has had no response from the applicant concerning the letters sent or the application in general.

Description of the Request

The subject property is located on the north side of London-Groveport Road, approximately one-half mile east of Lockbourne Road. The property contains a 1,944 square foot single-family home, as well as an existing 920 square foot accessory building. The applicant is proposing to construct an additional 1,200 square foot accessory building, allow the use of a dumpster, and to expand an existing gravel parking area for the purpose of operating an automotive repair and automotive sales business. The applicant plans to perform general automotive repairs to passenger cars and light trucks as well as purchase, repair and

resell cars. No painting or body work has been proposed. The applicant has requested the ability to repair between three (3) and ten (10) vehicles per week and sell up to an additional thirty (30) cars per year.

Surrounding Area

Direction	Zoning	Land Use
North	Manufacturing (Columbus)	Industrial Park
South	Manufacturing (Columbus)	Single-Family Home Agriculture
East	Rural	Single-Family Home
West	Manufacturing (Columbus)	Agriculture

Comprehensive Plan

The South Central Accord, originally adopted in 1997 and amended and readopted in 2000 and 2004, recognizes the surrounding manufacturing zoning and existing industrial uses and recommends the subject area transition from low-density residential to industrial land uses. This particular area of the County (South Central Area) is especially sensitive to ground water contamination due to the presence of Ohio’s most productive aquifer, which supplies the city of Columbus’s South Wellfield. Columbus draws approximately 20 million gallons of water per day from this wellfield alone. In light of this fact, groundwater pollution potential data was prepared by the Ohio Department of Natural Resources who created a rating system for determining an areas relative vulnerability to contamination and pollution. The property that is the subject of this request is rated at having a higher than average potential for groundwater pollution. Potential threats to the aquifer and wellfield include various substances and chemicals, with the source of these threats including vehicle accidents and spills, agricultural waste, leaking underground storage tanks, hazardous materials storage and handling and oil and gas production and transmission. The plan recommends that uses which could create such pollution sources be discouraged.

Based on the nature of the proposed use and the obvious threat of spilling/leaking vehicle fluids and other potential contaminants, the proposal is not consistent with the recommendation of the South Central Accord.

Staff Review

Section 511.03 - Conditional Use Home Occupation Requirements:

- It is recognized that there may be some home occupations which do not meet the criteria of a permitted home occupation as defined under Section 511.02, but which may be suitable for residential areas provided they comply with the following standards and can meet the procedure and requirements for authorizing a conditional use under Section 815.
 - o Section 511.031 – Criteria: The appearance of the structure shall not be altered and/or the occupation within the residence shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or unauthorized signs unless otherwise permitted by this Section or authorized by the Franklin County Board of Zoning Appeals. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes and shall not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals. The Conditional Use Home Occupation shall be carried on by individuals residing in the residential dwelling and provided:
 - 1) *There shall be no more than a total of three (3) non-resident employees.*
 - » The applicant has indicated that the business will be operated by him, and no additional employees are needed.

- 2) *The conduct of a home occupation may be approved within a structure accessory to a dwelling unit and located on the same lot as the dwelling unit.*
 - » The applicant is proposing to construct a 1,200 square foot accessory building to be used primarily for the automotive repair and automotive sales use. The applicant has not proposed to use any portion of the dwelling for purposes of the request.
- 3) *Sales of commodities not produced on the premises may be permitted provided such commodities are specified and approved as a part of the application in accordance with Section 815.*
 - » The applicant has indicated that he intends to purchase, repair and resell up to 30 cars per year. Please note that this is in addition to the automotive service business, where the applicant anticipates servicing between three (3) and ten (10) vehicles per week. The applicant has not specified where the vehicles for sale will be located on the site and how they will be advertised.
- 4) *Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time.*
 - » No organized instruction is proposed with this application.
- 5) *No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.*
 - » The applicant is proposing to extend an existing gravel parking area for storage of vehicles awaiting repair. The development plan submitted in association with this request does not indicate how this area will be screened as required. The applicant's application form does indicate that a fenced area to accommodate a reasonable number of vehicles will be constructed, however, this exact area is not detailed on the development plan and the height and type of fencing is not described.

The applicant has also proposed to store a commercial dumpster on the property, which according to the development plan will be centered on a concrete pad and fully enclosed by a fence. However, the development plan fails to specify the location height, type and opacity of the proposed fencing to ensure that it will provide the required screening. Furthermore, the use of a dumpster must be approved by the Board of Zoning Appeals as its use is not permitted in the Rural Zoning District.
- 6) *Signage shall be consistent with the provisions of Section 541.03(8).*
 - » The applicant has indicated the possibility of signage, but has provided no details at this time.
- 7) *Delivery traffic shall be limited to not more than three (3) UPS or similar deliveries per week. No semi-tractor truck deliveries will be permitted at any time.*
 - » The applicant has indicated on his application that there will not be any delivery traffic to/from the subject site. However, the applicant has not addressed how inoperable vehicles will be transported to the site and how frequently and at what time a trash truck will visit the site to empty the dumpster.

Ohio Environmental Protection Agency (EPA)

Staff consulted with various representatives in the hazardous waste and compliance division of the EPA regarding the proposed use. These representatives reiterated concerns involving the high potential of contaminants, mainly vehicle fluids, seeping into the ground from vehicles awaiting repair. Staff also consulted these representatives in regard to the applicant's plan to install a floor drain and underground holding tank in the proposed accessory building. The tank would hold vehicle and miscellaneous fluids awaiting disposal. The tank would be pumped by a licensed hauler and the waste would be transported and disposed of or recycled at the proper facility. The installation of a floor drain and holding tank will require review and approval by the EPA Division of Surface Water and must be engineered to State

specifications. Additionally, depending on the types of fluids and substances being contained within the holding tank and being stored within the accessory building, hazardous substance regulations may apply. The applicant will be required to contact the EPA compliance division and is responsible for obtaining all required permits and approvals related to the proposed use should the request be granted.

Franklin County Public Health Department (FCPH)

Should the proposed accessory building be constructed, regardless of whether the conditional use is approved, the applicant must submit a revised site plan which details the point of discharge for the existing aerator serving the residence. Plans for the accessory building must be approved by FCPH prior to the issuance of a Certificate of Zoning Compliance and Building Permit. FCPH staff also stated concerns with the strong potential of fluids, leaking from vehicles being stored on-site, contaminating the applicant's well and the aquifer.

Ohio Department of Transportation (ODOT) – District 6

The Ohio Department of Transportation maintains this portion of London-Groveport Road and has posed no concerns with additional traffic being generated as a result of the proposed use. However, as is customary with a commercial change in use, the applicant will be required to pave the portion of the drive within the public right-of-way and to obtain an access permit should the request be approved.

Hamilton Township Fire Department

The Hamilton Township Fire Department is concerned with containment of fluids and/or chemicals that will be stored on-site and the threat of fluids leaking from vehicles awaiting repair. Should this request be granted, the applicant will be required to obtain satisfactory fire inspections from the Hamilton Township Fire Department prior to occupying the proposed building and conducting the proposed use.

Staff Analysis – Section 815.041

- 1) *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
 - » The proposed use is a conditional use home occupation as provided under Section 511. However, the applicant has failed to meet all of the required development standards. First, the applicant has failed to provide screening details for the proposed vehicle storage area and the commercial dumpster. Secondly, the applicant has failed to provide signage details that are required to be approved as part of this request. Finally, the applicant has failed to provide more details concerning how vehicles that are inoperable will be transported to the site for repair and how much traffic this could potentially generate.

- 2) *The proposed development and use is in accordance with applicable plans or policies for the area;*
 - » The proposed use is discouraged by the South Central Accord primarily due to its high potential of becoming a source of groundwater contamination. Vehicles awaiting repair will be stored on a pervious surface (gravel) and fluids and other potentially hazardous substances leaking from these vehicles can leach into the ground and pollute the groundwater. It is important to recall that this area was found to have a higher than average vulnerability for groundwater contamination according to the South Central Accord.

- 3) *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*
 - » Although the area is clearly transitioning towards more industrial uses, residential development is still present to the east and south. It is important to recall that a Conditional Use Home Occupation should be clearly incidental to and secondary to the residential use of a lot and/or structure and should not become a detriment to the existing residential character of the lot or the general area. In this particular case, considering the size, nature and intensity of the proposed use, the residential character of the general area will be adversely impacted. Furthermore, an operation of this

magnitude is undoubtedly not incidental and secondary to the residential use of the lot which is a standard criterion for all home occupations. The proposed use should be encouraged in a more appropriate area that allows for compatible commercial uses where proper utilities (public water and sewer), impervious parking surfaces, and storm water infrastructure/pollution prevention is in place.

Recommendation

Staff recommendation is that the BZA *deny* a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles based on the following:

1. The applicant has failed to meet the applicable Development Standards of a Conditional Use Home Occupation required under Section 511.031 of the Franklin County Resolution.
2. The request fails to meet all three (3) conditions, as described above, required to approve a Conditional Use set forth under Section 815.041 of the Franklin County Zoning Resolution.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the conduct of a home occupation from an accessory structure that involves the repair and sale of automobiles as outlined in the request above for the applicant identified in Case No. CU-3797 with the conditions in staff's recommendation.

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 conditional use as outlined in the request above for Case No. CU-3797 results from applicant's failure to satisfy the conditions for granting a Conditional Use under Section 815.041.

Seconded by: _____

Voting:



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

Economic Development & Planning Department
James Schimmer, Director

July 17, 2013

Andres Ferrari
1408 London-Groveport Road
Lockbourne, OH 43137

RE: Tabling Request of Conditional Use Case CU-3797 – 1408 London-Groveport Road

Mr. Ferrari:

This letter is to inform you that on Monday, July 15, 2013, the Franklin County Board of Zoning Appeals accepted your request to table conditional use case CU-3797, for the property located at 1408 London-Groveport Road. Per your request, the case will be presented to and re-considered by the Board at their meeting scheduled for October 21, 2013. The meeting will again take place at 1:30 p.m. in the Commissioner's Hearing Room, 26th floor of the Franklin County Courthouse, 373 S. High Street.

As a reminder, a fee of \$75 (check or money order only, made payable to the Franklin County Treasurer) is required and must be paid in full no later than Tuesday, July 30, 2013. Additionally, please note that any revisions to the application, site plan and/or supporting documentation must be submitted to our office no later than September 12, 2013 to be considered at the October hearing mentioned above.

Please keep this letter for your records. If you have any questions, please do not hesitate to contact me by phone at 614-525-4684 or via email, dahray@franklincountyohio.gov

Sincerely,

D. Anthony Hray
Planner

CC: Hamilton Township
✓File



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

Economic Development & Planning Department
James Schimmer, Director

September 9, 2013

Andres Ferrari
1408 London-Groveport Road
Lockbourne, OH 43137

RE: Tabling Request of Conditional Use Case CU-3797 – 1408 London-Groveport Road

Mr. Ferrari:

This letter is in regard to your request to table Conditional Use Case CU-3797, for the property located at 1408 London-Groveport Road, which was approved by the Board of Zoning Appeals on Monday, July 15th, 2013. Per your request, the case will be presented to and re-considered by the Board at their meeting scheduled for October 21, 2013. The meeting will again take place at 1:30 p.m. in the Commissioner's Hearing Room, 26th floor of the Franklin County Courthouse, 373 S. High Street.

As you may recall from my correspondence dated July 17, 2013, I mentioned that any revisions to the application, site plan and/or supporting documentation must be submitted to our office no later than September 12, 2013 to be considered at the October hearing mentioned above.

Failure to do so will result in the case being presented and considered based on the original information provided.

If you have any questions, please do not hesitate to contact me by phone at 614-525-4684 or via email, dahray@franklincountyohio.gov

Sincerely,

D. Anthony Hray
Planner

✓cc: File



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

Economic Development & Planning Department
James Schimmer, Director

October 1, 2013

Andres Ferrari
1408 London-Groveport Road
Lockbourne, OH 43137

RE: Conditional Use Case CU-3797 – 1408 London-Groveport Road

Mr. Ferrari:

This letter is in regard to your request for a Conditional Use, Case CU-3797, for the property located at 1408 London-Groveport Road. As you may recall, the Board of Zoning Appeals approved your request to table the subject case at their meeting held on Monday, July 15, 2013. Per your request, the case will be presented to and re-considered by the Board at their meeting scheduled for October 21, 2013. The meeting will again take place at 1:30 p.m. in the Commissioner's Hearing Room, 26th floor of the Franklin County Courthouse, 373 S. High Street.

To date, staff has sent two letters informing you that had you wished to revise your original application, site plan and/or supporting documentation, all such materials were required to have been submitted to our office no later than September 12, 2013 to be considered at the October hearing mentioned above.

To date, our office has received no correspondence from you regarding these items. Therefore, please accept this letter as your official notice that the Board will be considering the information that was originally filed and presented at the July 15, 2013 hearing.

Please also note that your attendance at the October 21, 2013 hearing is mandatory. In accordance with the adopted 2013 Franklin County, Ohio Board of Zoning Appeals (By Laws) failure of an applicant or the appropriate representative to attend the hearing shall warrant denial of the amendment without prejudice and the applicant will be required to reapply (Section B(9)).

If you have any questions in the meantime, please do not hesitate to contact me by phone at 614-525-4684 or via email, dahray@franklincountyohio.gov

Sincerely,

D. Anthony Hray
Planner

✓cc: File

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX:614-235-4559

Andres Ferrari

RECEIVED

Applicant:

Posted Address: 1408 London Groveport Road, Columbus, Ohio

JUN 12 2013

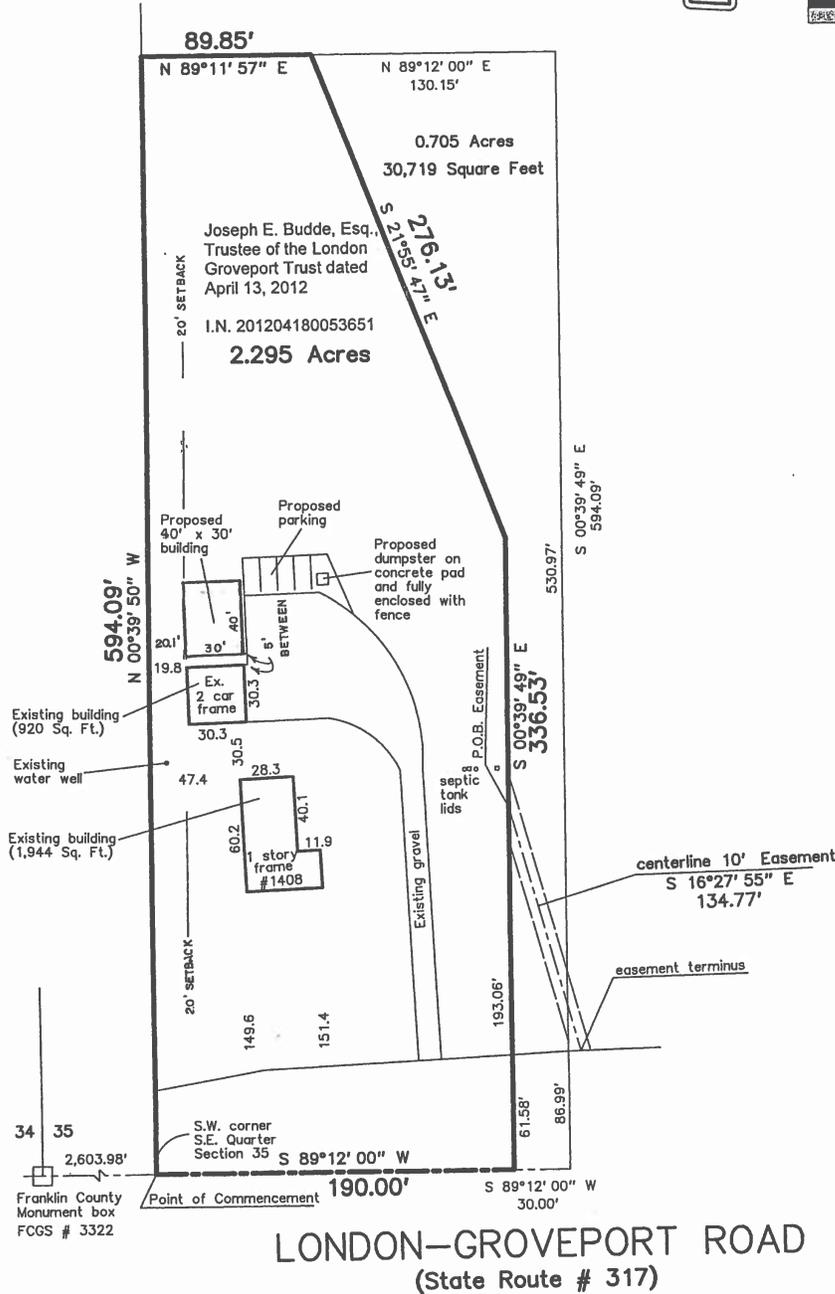
Franklin County Planning Department
Franklin County, OH

CM-3797



Scale 1" = 80'

Date: 06/05/2013



Myers Surveying Co., Inc.

By *Joseph P. Myers*

Professional Surveyor

Site Plan for Zoning Purposes

Myers Order No. - 12-05/23/2013



2013052312

Rec.

Field

ASM

DWG

DO

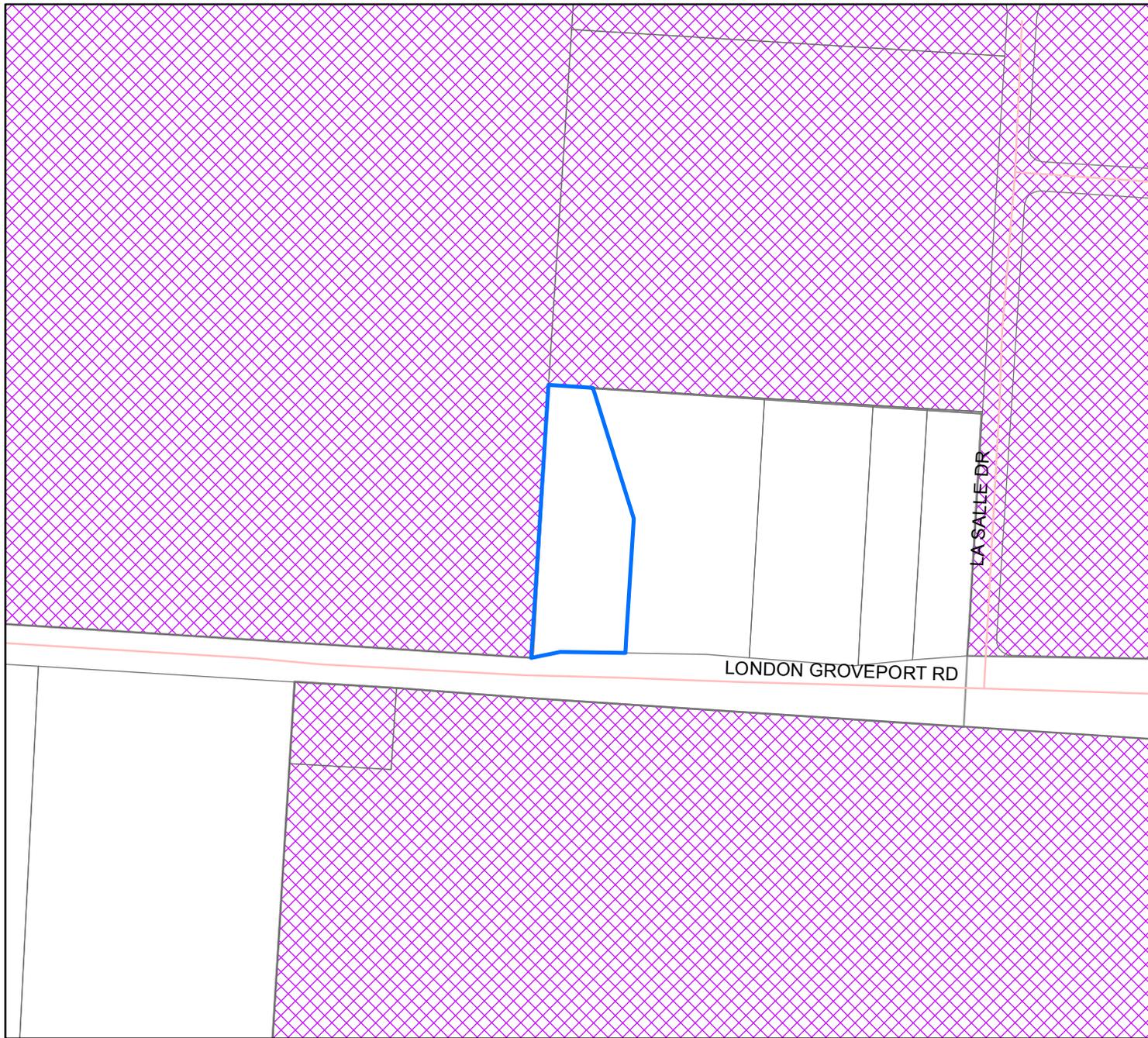
Ltr.

Ck.

CU-3797

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

2.295 acres
Hamilton Township



 1408 London Groveport Rd

 Parcels

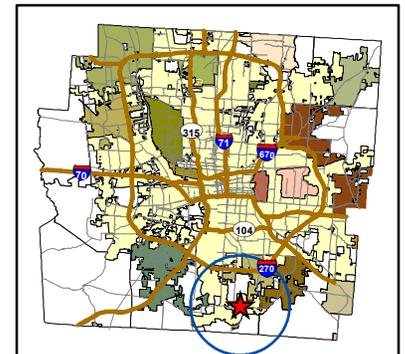
 Streets

County Zoning

 Rural

Columbus Zoning

 Manufacturing



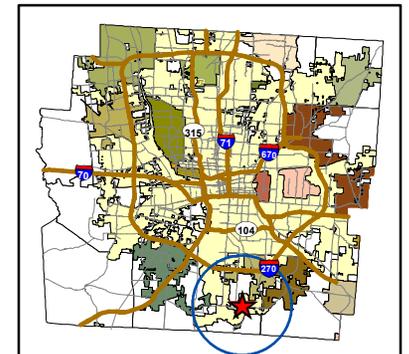


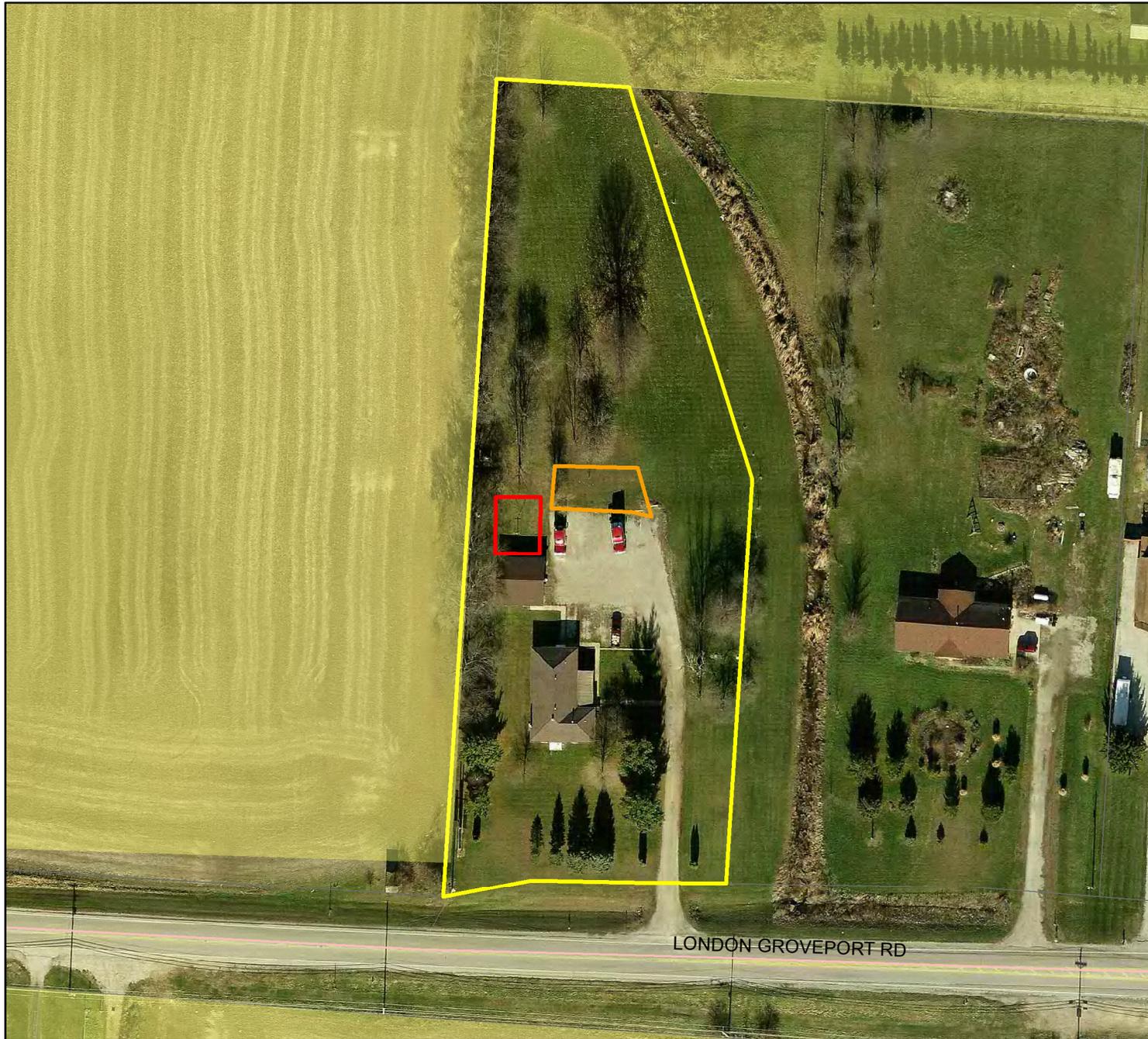
CU-3797

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

2.295 acres
Hamilton Township

-  1408 London Groveport Rd
-  Columbus Corp. Limit
-  Parcels
-  Streets



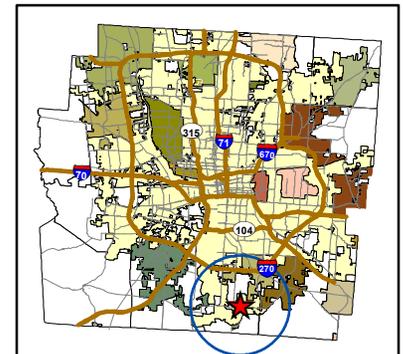


CU-3797

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

2.295 acres
Hamilton Township

-  1408 London Groveport Rd
-  Proposed Accessory Building
-  Proposed Parking Expansion
-  Columbus Corp. Limit
-  Parcels
-  Streets





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
October 21, 2013

Case CU-3806

Prepared by: Scott Ulrich

Applicant/Owner:	William Staver Weiant
Township:	Norwich Township
Site:	3636 Hilliard Cemetery Road (PID #200-000569)
Acreage:	1.81-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Conditional Use from Section 302.0393 to allow the operation of a Bed and Breakfast Inn in an area zoned Rural.

Summary

The applicant is requesting a conditional use to allow the operation of a Bed and Breakfast Inn on a lot zoned Rural. Staff recommends approval.

Description of the Request

The subject property is located on the north side of Hilliard Cemetery Road at the terminus of Smiley Road. The property includes a 5,538 square foot, seven-bedroom home, three of which are proposed to be used for bed and breakfast guests. The property also includes two detached garages totaling 1,992 square feet.

Surrounding Area

Hilliard Cemetery Road is primarily composed of large-lot residential uses with mostly Rural zoning. Subdivisions to the north and south include higher-density single-family and multi-family development. To the west/southwest is the Fishinger Boulevard commercial corridor, Mill Run shopping center and Interstate 270.

Comprehensive Plan

The subject property does not fall within the study area of the Norwich Township Land Use Plan. It also falls just outside the study area of the city of Columbus Trabue-Roberts Area Plan, which recommends Very Low Density Residential (less than 2 units per acre) for the south side of Hilliard Cemetery Road. This classification is characterized by single family residential development and semi-rural development patterns.

Staff Review

Section 302.0393 - Bed and Breakfast Inns: shall be permitted provided the following conditions are met:

- a) No more than three (3) bedrooms are available for overnight lodging.
- b) Owner must reside on-site in the residence.
- c) Adequate off-street parking must be available.

- d) Adequate potable water and sewage disposal must be provided.
- e) Signs must comply with the Home Occupation sign requirements.
- f) Maximum length of stay of lodgers is two (2) weeks, to prevent the Inn from becoming a rooming house.

The application as submitted complies with all of the above standards.

Franklin County Engineer’s Office

The Franklin County Thoroughfare Plan indicates Hilliard Cemetery Road as a Collector with a recommended total right-of-way width of 80 feet (40 feet half right-of-way). The current right-of-way width from centerline to the subject property line is 30 feet. The Franklin County Engineer’s Office has requested an additional 10 feet of either right-of-way dedication or highway easement from the applicant.

Franklin County Public Health

The onsite water and wastewater systems are adequate to serve the residence, and the bed and breakfast use would not increase the expected water usage. Franklin County Public Health conducted a site visit to ensure the sewage treatment system is not showing any signs of failure and they have no concerns with the applicant’s request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has no concerns with the applicant’s request.

Staff Analysis

Section 815.041 – Approval of Conditional Uses: The Board of Zoning Appeals shall approve an application for a Conditional Use if the following three (3) conditions are met:

- 1) The proposed use is a Conditional Use of the Zoning District, and the development standards are met;
 - Bed and breakfast inns are a conditional use of the Rural district and all standards are met.
- 2) The proposed use is in accordance with applicable plans or policies for the area;
 - No plans apply to the area.
- 3) The proposed use will be in keeping with the existing land use character and physical development potential of the area.
 - The proposed use is residential in nature, keeping with the existing character of the area.

Recommendation

Staff recommends approval of a Conditional Use from Section 302.0393 of the Franklin County Zoning Resolution based on staff’s analysis with the following conditions:

- 1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Conditional Use from Section 302.0393 of the Franklin County Zoning Resolution 0393 to allow the operation of a Bed and Breakfast Inn as outlined in the request above for the applicant identified in Case No. CU-3806 with the conditions in staff’s recommendation.

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 conditional use as outlined in the request above for Case No. CU-3806 results from applicant's failure to satisfy the conditions for granting a Conditional Use under Section 815.041.

Seconded by: _____

Voting:

Property Report

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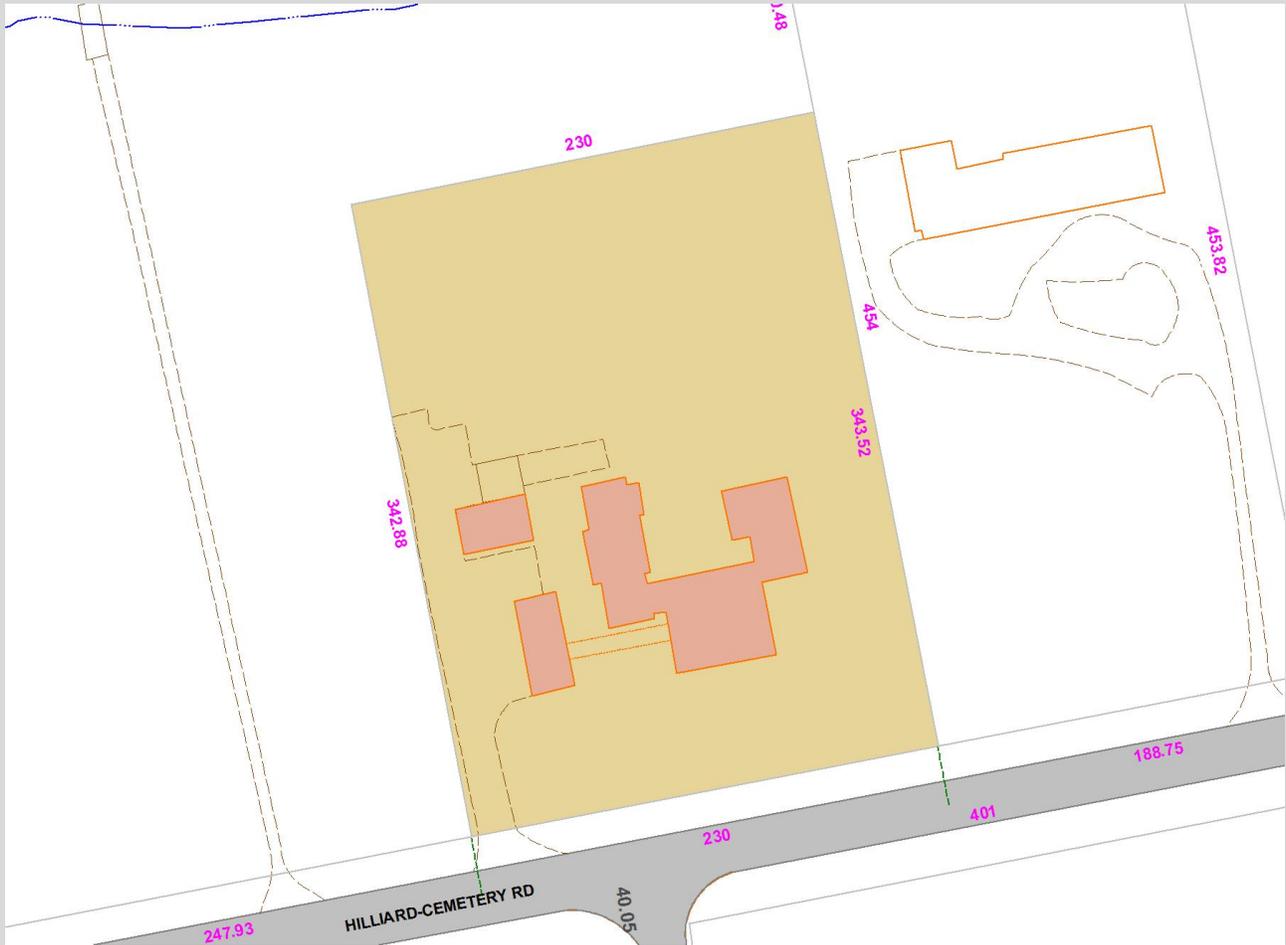
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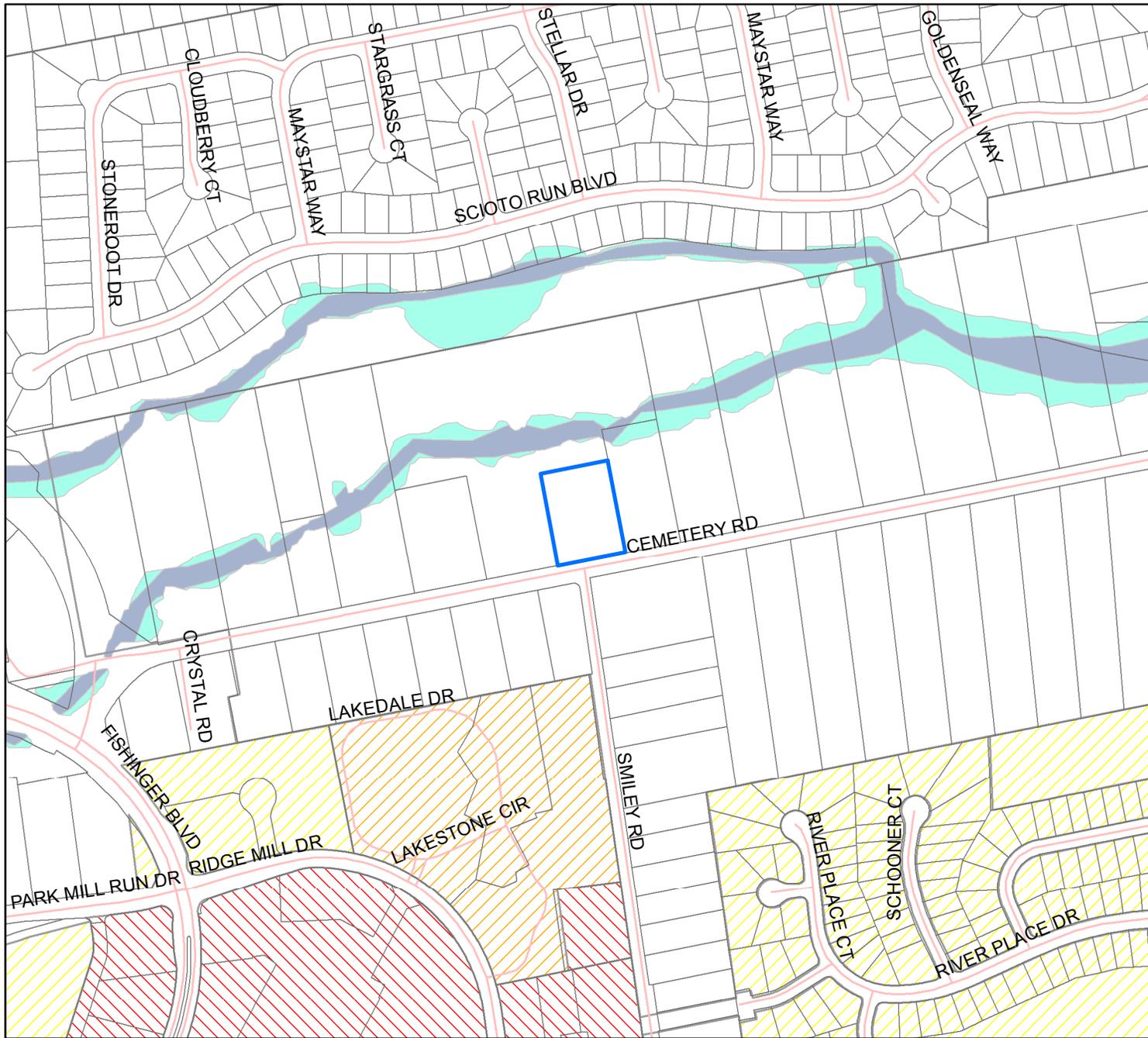
GIS



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.

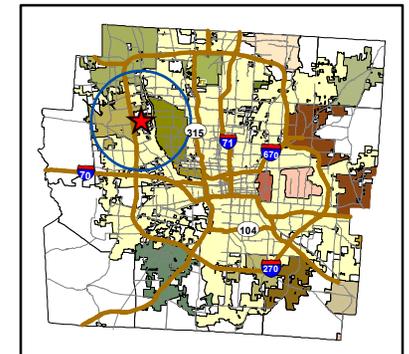


CU-3806

Requesting a Conditional Use from Section 302.0393 of the Franklin County Zoning Resolution to allow the operation of a Bed and Breakfast Inn in an area zoned Rural.

1.81 acres
Norwich Township

-  3636 Hillard Cemetery Rd.
-  Parcels
-  Streets
- Columbus Zoning**
-  Residential
-  Multi-family
-  Commercial
- County Zoning**
-  Rural
- Franklin County Floodplain**
-  Floodway Fringe
-  Floodway





CU-3806

Requesting a Conditional Use from Section 302.0393 of the Franklin County Zoning Resolution to allow the operation of a Bed and Breakfast Inn in an area zoned Rural.

1.81 acres
Norwich Township

 3636 Hilliard Cemetery Rd.

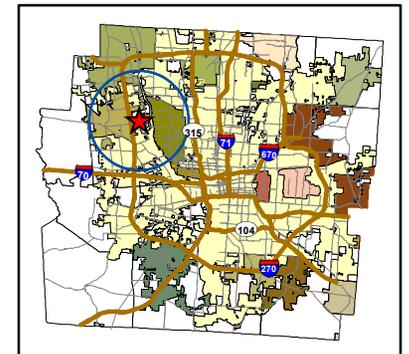
 Parcels

 Streets

Franklin County Floodplain

 Floodway Fringe

 Floodway





CU-3806

Requesting a Conditional Use from Dection 302.0393 to allow the operation of a Bed and Breakfast Inn in an area zoned Rural.

1.81 acres
Norwich Township

 3636 Cemetary Rd.

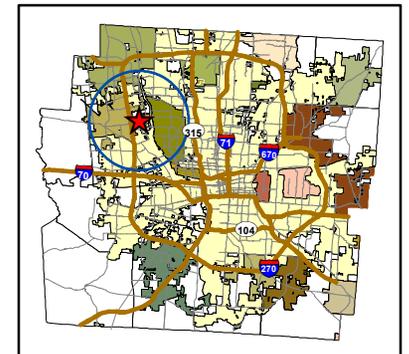
 Parcels

 Streets

Franklin County Floodplain

 Floodway Fringe

 Floodway





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
October 21, 2013

Case VA-3807

Prepared by: Anthony Hray

Applicant/Owner:	South-Western City Schools, Attn: Mark Waller
Township:	Pleasant Township
Site:	7000 London- Groveport Road (PID #230-002714)
Acreage:	7.11-acres
Zoning:	Rural District
Utilities:	Central water and wastewater
Request:	Requesting a Variance from Sections 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements in an area zoned Rural.

Summary

The applicant is requesting variances to allow the redevelopment of an existing elementary school site that will use a screening wall taller than the maximum height permitted and fail to meet the required setback, parking setback and dumpster location and screening requirements. Staff recommends **approval with conditions**.

Description of the Request

The subject site is located just east of the intersection of London-Groveport and Norton Roads. The site is occupied by the Darbydale Elementary School which was originally constructed in 1958. South-Western City Schools is in the process of completing a district wide modernization project which includes the design and construction of numerous new school buildings and facilities.

At this particular site, the applicant will be constructing a new school, parking areas, circulation/drive aisles and an additional full access point on London-Groveport Road. Once these improvements have been completed, the original school will be demolished. According to the tentative construction schedule, construction is to begin sometime in late spring of 2014 and be completed by 2016.

Surrounding Area

Direction	Zoning	Land Use
North	Rural	Single-Family Residential
South	Rural	Single-Family Residential
East	Rural	Single-Family Residential
West	Rural	Service Building – South-Western City Schools

Comprehensive Plan

The Big Darby Accord Watershed Master Plan, adopted in 2006, recommends the subject property for residential suburban high density land uses. The plan also provides a conservation strategy for the watershed, which recognizes the subject property as existing development and does not identify it within any conservation zone.

The Pleasant Township Comprehensive Plan, adopted in 2009, recommends the subject property for residential suburban high density land uses which supports single and two family housing. Schools would also be a permitted use under the corresponding zoning districts.

The plan also makes transportation recommendations. Recommendations for this area include adding a shared use bike path and sidewalks along Norton Road and adding signage for a shared roadway for bicyclists and sidewalks for pedestrians along London-Groveport Road. The applicant will be installing five (5) foot sidewalks along the entire length of the site on both Norton Road and London-Groveport Road.

The request is consistent with recommendations of both the Big Darby Accord Watershed Master Plan and the Pleasant Township Comprehensive Plan.

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 in height.
 - An eight (8) foot tall masonry, wall will be located between the street and the principal structure (school). The wall is intended to secure and screen the areas reserved for the dumpsters and mechanical yard.

Variance from Section 504.011 – Required Setback:

- A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.
 - Since both Norton Road and London- Groveport Road are listed as major arterial roadways on the Franklin County 2020 Thoroughfare Plan, a 120 foot setback applies to both roads.
 - Norton Road – A section of the proposed school building and a hard playground area will encroach 53 feet +/- and 40 feet +/- respectively within the required setback.
 - London-Groveport Road – A mechanical yard and a portion of the proposed school building will encroach 37 feet +/- and 12 feet +/- respectively within the required setback.

Variance from Section 504.012 – Parking Setback:

- Open parking and loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty percent (40%) of the required setback distance.
 - The required parking setback along London- Groveport Road is 72 feet.
 - A row of eight (8) staff parking spaces are proposed along London -Groveport Road that will encroach 29 feet +/- within the required parking setback.

Variance from Section 505.022(a) – Dumpster Location:

- Dumpsters shall be located to the side or rear of the building served.
 - The applicant is proposing to locate the dumpsters in front of (between the building and street) the school building along London-Groveport Road.
 - The dumpster area will be partially screened by an eight (8) foot tall masonry wall.

Variance from Section 505.024(a) – Dumpster Screening:

- Dumpsters shall be screened on all sides with a durable, weather-resistant material that complies with Section 501.024-Fence Materials, or a combination of such fencing materials and natural vegetation
 - The applicant is proposing to use an eight (8) foot tall masonry wall to screen the proposed dumpster area; however the wall will only provide direct screening on three (3) sides.
 - The applicant has stated that completely screening the dumpsters as required presents a safety and maintenance concern.
 - Extensive landscaping is proposed as shown on the included plans which will help to screen the dumpsters and loading area.

Traffic and Access

The site currently has one full access point from Norton Road and one full access point from London-Groveport Road. The County Engineer's Office maintains the portion of Norton Road from which the site gains access to the north and the Ohio Department of Transportation maintains London- Groveport Road (State Route 665) from which the site gains access to the south. The applicant will be reconstructing both existing access points and installing an additional full access point on London- Groveport Road. The additional access point is being proposed along with improvements to the internal circulation/drive aisles that will aid in separating bus traffic and passenger vehicle traffic. Additionally, sidewalks, five (5) feet in width, will be installed the full length of the site along Norton and London- Groveport Roads.

Both Norton Road and London- Groveport Road are listed as Major Arterial roadways per the Franklin County 2020 Thoroughfare Plan and as such have a recommended future right-of-way width of 120 feet (60 feet half right-of-way). Accordingly, the Franklin County Engineer's Office has requested, and the applicant has agreed to provide, dedication of additional right-of-way along Norton Road consistent with the Thoroughfare Plan. The Ohio Department of Transportation has opted to not require additional right-of-way along London-Groveport Road for this project. The applicant is responsible for obtaining all permits from both agencies prior to performing any work within the public right-of-way and dedicating the additional right-of-way requested prior to the issuance of a Certificate of Zoning Compliance.

Stormwater Drainage

A new stormwater drainage system and dry detention basin will be constructed as a result of the project. The system has been designed in accordance with the Franklin County Stormwater Drainage Manual and Ohio EPA best management practices. The applicant has been coordinating with the Franklin County Drainage Engineer's office and Franklin Soil and Water Conservation District regarding final engineering plans; neither agency has posed any concerns at this time. The applicant is required to secure all required permits, approvals and maintenance agreements prior to the issuance of a Certificate of Zoning Compliance.

Sediment and Erosion Control

The Franklin Soil and Water Conservation District and Franklin County Drainage Engineer's office have reviewed the sediment and erosion control plans and have posed no concerns. The applicant is required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit through the Ohio Environmental Protection Agency (OEPA) and receive approval of a Storm Water Pollution Prevention Plan (SWPPP) prior to any earth disturbing activities. Furthermore, the applicant is responsible for obtaining coverage under any required permit administered by the OEPA associated with

the Big Darby Creek Watershed. The applicant shall provide proof that all items have been satisfied prior to the issuance of a Certificate of Zoning Compliance.

Staff Analysis – Section 810.41

- 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;*
 - » Since the site abuts two major arterial roadways, the required setbacks severely limit the space available for a development of this scale. It is also important to consider the fact that the existing school must remain functional and operational until construction of the proposed school building is complete. The proposed development has been designed with these constraints and limitations in mind. It is also significant to mention that the layout of the school building and associated facilities, parking areas, access points and circulation/drive aisles on the site have been designed to improve the safety of pedestrians and motorists. Currently the site provides little pedestrian accessibility and does not separate bus and passenger vehicle traffic. Looking at the request from an economic standpoint, the school district is in an extremely fortunate financial position that is allowing them to construct new, more efficient facilities, which will help to reduce overall operating costs and more importantly enhance the student's learning environment.

- 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;*
 - » Considering the special conditions and circumstances surrounding this request, the applicant would be deprived of rights commonly enjoyed by other properties in the Rural Zoning District.

- 3) *The special circumstances and conditions of this request do not result from any action of the applicant;*
 - » The special circumstances and conditions that are the basis of the request are not a result of any action taken by the applicant. The applicant is taking advantage of existing resources (land) and available government funding to maximize the value of the project.

- 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;*
 - » Approving the requested variances will not provide the applicant with any special privileges that would otherwise be denied to other lands or structures in the Rural District. Again, considering the special conditions and circumstances surrounding the subject property, it would be difficult for the applicant to redevelop the site in accordance with the zoning requirements and meet their projected needs.

- 5) *Granting the variance will not adversely affect the safety of persons residing in the vicinity of the proposed development, be materially detrimental to the public welfare and be injurious to private property in the vicinity;*
 - » Granting the variance will not adversely affect any of the above.

Recommendation

Staff's recommendation is that the BZA ***approve*** a Variance from Sections 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements with the following conditions:

1. The applicant must apply for and receive a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.

2. The applicant shall complete the following prior to the issuance of a Certificate of Zoning Compliance:
 - i. File a Notice of Intent (NOI) with the Ohio Environmental Protection Agency and obtain coverage under an approved NPDES (National Pollutant Discharge Elimination System) General Permit as necessary.
 - ii. Receive approval of a Stormwater Pollution Prevention Plan (SWPPP) prior to any earth disturbing activities.
 - iii. Receive approval of any applicable Ohio EPA permit related to the Big Darby Creek Watershed.
3. The applicant shall install sediment and erosion control measures prior to any earth disturbing activities.
4. The applicant shall maintain all access points, parking areas and drive aisles so that no materials or debris are tracked onto the surface of the roadway by vehicles (construction and passenger) exiting the site. The applicant shall coordinate with the Franklin County Engineer's Office and Ohio Department of Transportation to develop and implement appropriate measures.
5. The applicant shall obtain permits from the Franklin County Engineer's Office and Ohio Department of Transportation prior to conducting any work within the public right-of-way.
6. The applicant shall obtain all necessary permits from the State of Ohio Building Department and Pleasant Township Fire Department.
7. The applicant shall receive stormwater drainage plan approval from the Franklin County Drainage Engineer's Office prior to the issuance of a Certificate of Zoning Compliance.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Variance from Sections 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements as outlined in the request above for the applicant identified in Case No. VA-3807 with the conditions in staff's recommendation.

Secoded by: _____

Voting:

Findings of Fact

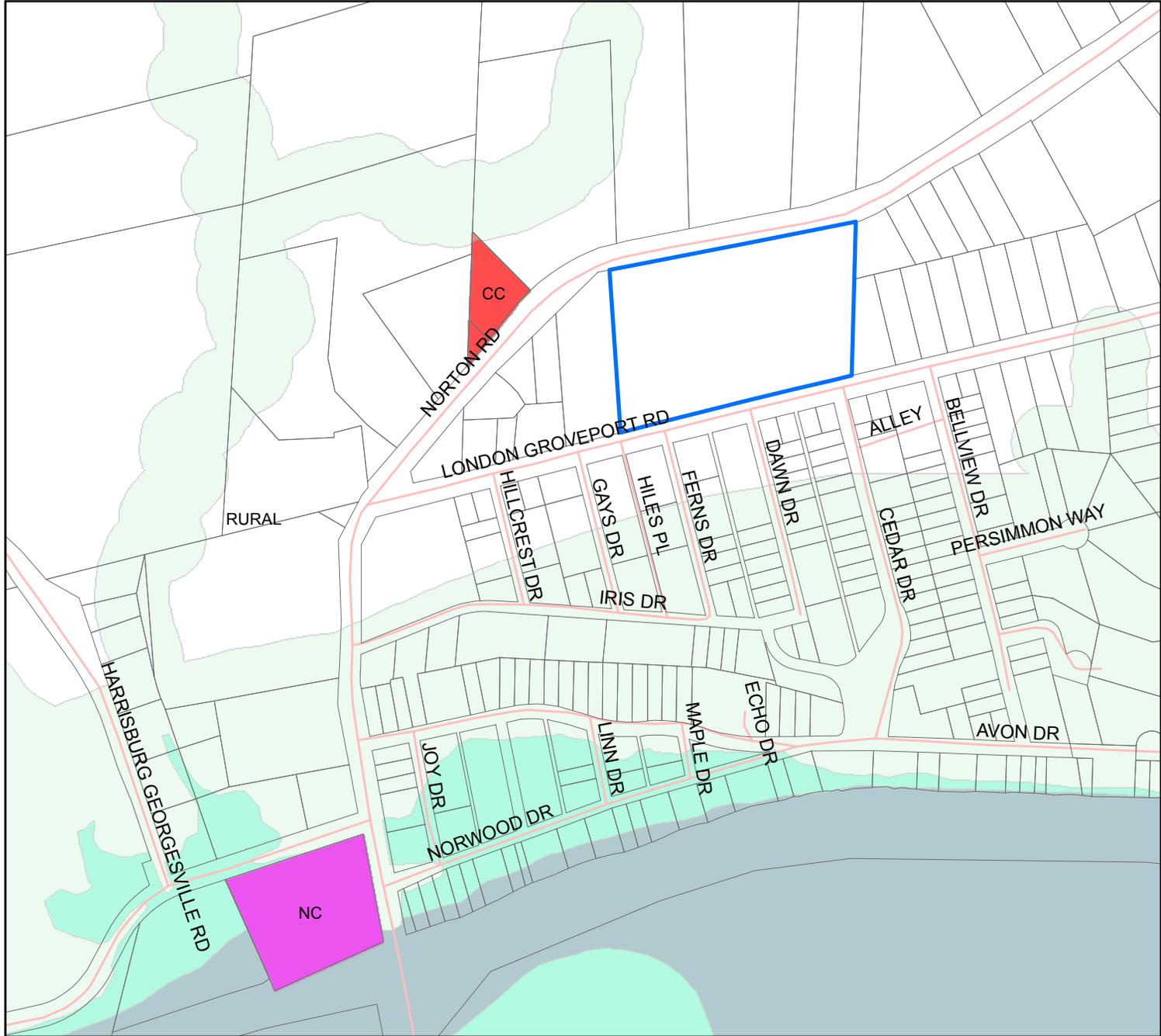
For your convenience, the following are proposed findings of fact:

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 variances as outlined in the request above for Case No. VA-3807 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Secoded by: _____

Voting:

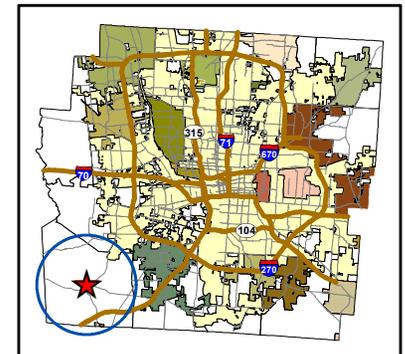


VA-3807

Requesting a Variance from Section 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements in an area zoned Rural.

7.11 acres
Pleasant Township

- 7000 London Groveport Rd.
- Parcels
- Streets
- Big Darby Creek Setbacks
- County Zoning**
- Rural
- Neighborhood Com.
- Community Com.
- Franklin County Floodplain**
- Floodway Fringe
- Floodway



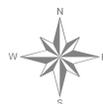
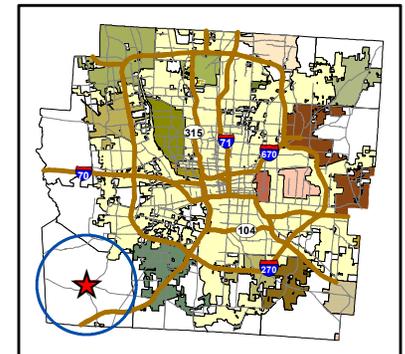


VA-3807

Requesting a Variance from Section 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements in an area zoned Rural.

7.11 acres
Pleasant Township

-  7000 London-Groveport Rd.
-  Parcels
-  Streets
-  Big Darby Creek Setbacks



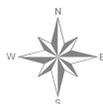
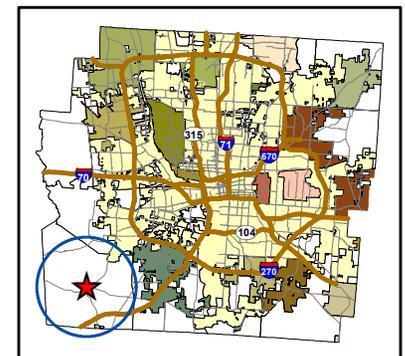


VA-3807

Requesting a Variance from Section 501.012, 504.011, 504.012, 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a screening wall that will exceed the maximum height permitted, the development of a school that will fail to meet the required setback and parking setback, and the use of a dumpster that will fail to meet the location and screening requirements in an area zoned Rural.

7.11 acres
Pleasant Township

- 7000 London-Groveport Rd.
- Parcels
- Streets
- Big Darby Creek Setbacks





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
October 21, 2013

Case VA-3808

Prepared by: Anthony Hray

Applicant/Owner:	South-Western City Schools, Attn: Mark Waller
Township:	Franklin Township
Site:	1835 Finland Avenue (PID #140-000405)
Acreage:	25.19-acres
Zoning:	Rural District
Utilities:	Central water and wastewater
Request:	Requesting a Variance from Sections 505.022(b) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a dumpster, in association with an elementary school, which will fail to meet the location and screening requirements in an area zoned Rural.

Summary

The applicant is requesting variances to allow the use of a dumpster that will fail to meet the location and screening requirements. Staff recommends **approval with conditions**.

Description of the Request

The subject site is located on the west side of Finland Avenue, north of Frank Road. The site is occupied by the Finland Elementary and Finland Middle Schools and several athletic fields. South-Western City Schools is in the process of completing a district wide modernization project which includes the design and construction of numerous new school buildings and facilities.

At this particular site, the applicant will be constructing a new elementary school, parking areas, circulation/drive aisles, new boulevard style entrance from Finland Avenue, sidewalks, and ball fields. Once these improvements have been completed, the original school will be demolished. According to the tentative construction schedule, construction is to begin sometime in late spring of 2014 and be completed by 2016.

Surrounding Area

Direction	Zoning	Land Use
North	Rural	Finland Middle School Single-Family Residential
South	R-Residential (Columbus)	Single-Family Residential
East	R-Residential (Columbus)	Single-Family Residential
West	R1-Residential (Columbus) Rural	Franklin Woods Intermediate School Single-Family Residential

Comprehensive Plan

The Southwest Area Plan, adopted in 2009, recommends the subject property for institutional land uses. Supported uses include large governmental buildings, police and fire facilities, hospitals, stormwater control facilities, schools and other public or semi-public uses.

The request is consistent with the land use recommendations of the Southwest Area Plan.

Staff Review

Variance from Section 505.022 – Dumpster Location:

- Dumpsters shall be located to the side or rear of the building served. When located in the side yard, the dumpster shall be setback from the front of the building a minimum distance of 50 percent of the building depth.
 - The applicant is proposing to locate the dumpsters less than 50 percent of the building depth (470 feet)
 - The dumpsters the will be setback 125 feet from the front of building
 - The required setback is 235 feet

Variance from Section 505.024(a) – Dumpster Screening:

- Dumpsters shall be screened on all sides with a durable, weather-resistant material that complies with Section 501.024-Fence Materials, or a combination of such fencing materials and natural vegetation
 - The applicant is proposing to use an eight (8) foot tall masonry wall to screen the proposed dumpster; however the wall will only provide direct screening on three (3) sides.
 - The applicant has stated that completely screening the dumpsters as required presents a safety and maintenance concern.
 - Extensive landscaping is proposed as shown on the included plans which will help to screen the dumpsters and loading area.

Traffic and Access

The site currently has two (2) full access points from Finland Avenue. Finland Avenue is a township maintained roadway with an approximate right-of-way width of 50 feet. With this project, the southernmost access point will be shifted slightly to the north and realigned to provide access for bus, staff and event parking, as well as access to the dumpster and loading areas. The northern access point will be converted into a boulevard style entrance and will primarily serve the visitor parking and student drop off area. This configuration was designed primarily for student safety in an effort to segregate bus and passenger vehicle traffic. Finland Avenue is not classified on the Franklin County Thoroughfare Plan; however, in response to this development and growing traffic concerns, the applicant has completed a traffic impact study investigating the need for improvements and a potential traffic signal at the intersection of Finland Avenue and Frank Road.

Presently, this is the main point of ingress and egress to the site. The City of Columbus maintains this intersection and is currently reviewing the study. At this time, it is unknown if any improvements will be necessary at this intersection, however, should improvements prove warranted, the applicant shall agree to all required improvements prior to the approval of a Certificate of Zoning Compliance.

In terms of pedestrian accessibility, the applicant will be installing five (5) foot sidewalks along the entire eastern frontage of the lot, in an effort to comply with the safe routes to school program. The applicant has also been encouraged to explore the possibility of connecting these sidewalks with those currently along Frank Road as recommended by the traffic impact study. Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall provide written proof that all items mentioned above have been suitably addressed. Furthermore, the applicant shall obtain all permits necessary from the respective jurisdiction prior to performing any work/improvements within the public right-of-way.

Stormwater Drainage

A new stormwater drainage system and dry detention basin will be constructed as a result of the project. The system has been designed in accordance with the Franklin County Stormwater Drainage Manual and Ohio EPA best management practices. The applicant has been coordinating with the Franklin County Drainage Engineer's office and Franklin Soil and Water Conservation District regarding final engineering plans; neither agency has posed any concerns at this time. The applicant is required to secure all required permits, approvals and maintenance agreements prior to the issuance of a Certificate of Zoning Compliance.

Sediment and Erosion Control

The Franklin Soil and Water Conservation District and Franklin County Drainage Engineer's office have reviewed the sediment and erosion control plans and have posed no concerns. The applicant is required to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit through the Ohio Environmental Protection Agency and receive approval of a Storm Water Pollution Prevention Plan (SWPPP) prior to any earth disturbing activities. The applicant shall provide proof that all items have been satisfied prior to the issuance of a Certificate of Zoning Compliance.

Staff Analysis – Section 810.41

- 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;*
 - » Similar to the Darbydale Elementary School project, it is important to take into account that the existing school must remain functional and operational until construction of the proposed school building is complete. Considering too that the improvements to the traffic and circulation patterns heavily dictate the location and layout of the proposed development, the area reserved for the dumpsters is located such that they can be easily accessed. The dumpster area is also adjacent to the mechanical yard which shares the masonry screening wall. Relocating both the mechanical yard and dumpster area would be difficult without modifying the location of the school building.
- 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;*
 - » Considering the special conditions and circumstances surrounding this request, the applicant would be deprived of rights commonly enjoyed by other properties in the Rural Zoning District.
- 3) *The special circumstances and conditions of this request do not result from any action of the applicant;*
 - » The special circumstances and conditions that are the basis of the request are not a result of any action taken by the applicant. The applicant is taking advantage of existing resources (land) and available government funding to maximize the value of the project.
- 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;*
 - » Approving the requested variances will not provide the applicant with any special privileges that would otherwise be denied to other lands or structures in the Rural District. Again, considering the special conditions and circumstances surrounding the subject property, it would be difficult for the applicant to redevelop the site in accordance with the zoning requirements and meet their projected needs.
- 5) *Granting the variance will not adversely affect the safety of persons residing in the vicinity of the proposed development, be materially detrimental to the public welfare and be injurious to private property in the vicinity;*
 - » Granting the variance will not adversely affect any of the above.

Recommendation

Staff’s recommendation is that the BZA approve a Variance from Sections 505.022(b) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a dumpster, in association with an elementary school, which will fail to meet the location and screening requirements with the following conditions:

1. The applicant shall obtain a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall file a Notice of Intent (NOI) with the Ohio Environmental Protection Agency and obtain coverage under an approved NPDES (National Pollutant Discharge Elimination System) General Permit as necessary.
3. The applicant shall receive approval of a Stormwater Pollution Prevention Plan (SWPPP) prior to any earth disturbing activities.
4. The applicant shall install sediment and erosion control measures prior to any earth disturbing activities.
5. The applicant shall maintain all access points, parking areas and drive aisles so that no materials or debris are tracked onto the surface of the roadway by vehicles (construction and passenger) exiting the site. The applicant shall coordinate with the Franklin County Engineer’s Office, Franklin Township Road Superintendent and city of Columbus Public Services Department to develop and implement appropriate measures.
6. The applicant shall obtain permits from the respective jurisdiction prior to conducting any work within the public right-of-way.
7. The applicant shall agree to and complete any improvements deemed necessary by the Franklin County Engineer’s Office and city of Columbus Public Services Department based on the traffic impact study. Proof of an executed agreement for these improvements must be submitted prior to the issuance of a Certificate of Zoning Compliance.
8. The applicant shall obtain all necessary permits from the Franklin Township Building and Fire Departments.
9. The applicant shall receive stormwater drainage plan approval from the Franklin County Drainage Engineer’s Office prior to the issuance of a Certificate of Zoning Compliance.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Variance from Sections 505.022(b) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a dumpster, in association with an elementary school, which will fail to meet the location and screening requirements as outlined in the request above for the applicant identified in Case No. VA-3808 with the conditions in staff’s recommendation.

Seconded by: _____

Voting:

Findings of Fact

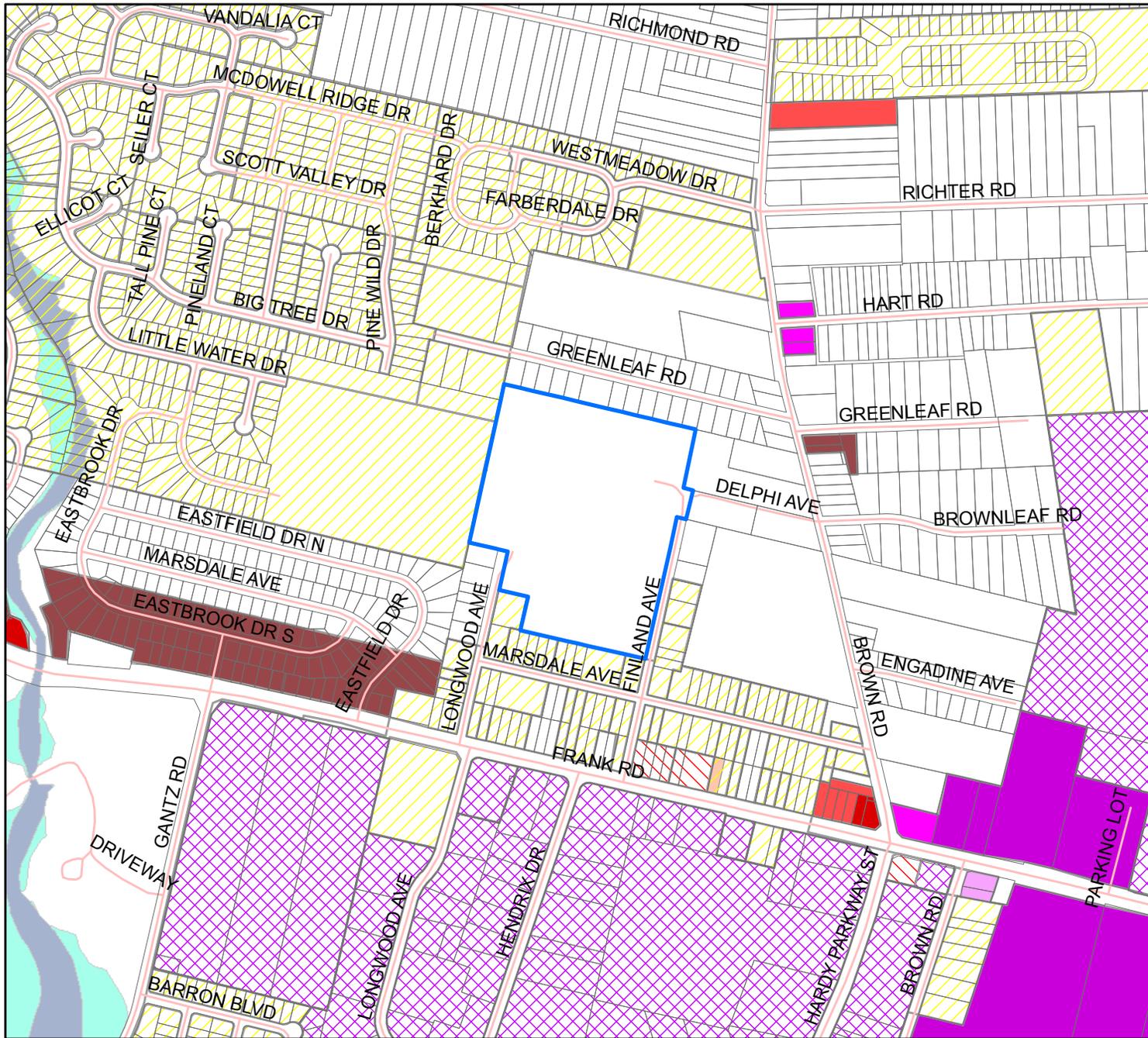
For your convenience, the following are proposed findings of fact:

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 variances as outlined in the request above for Case No. VA-3808 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

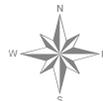
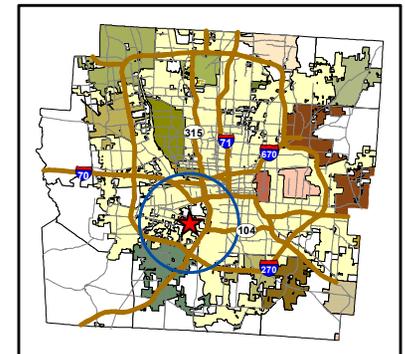


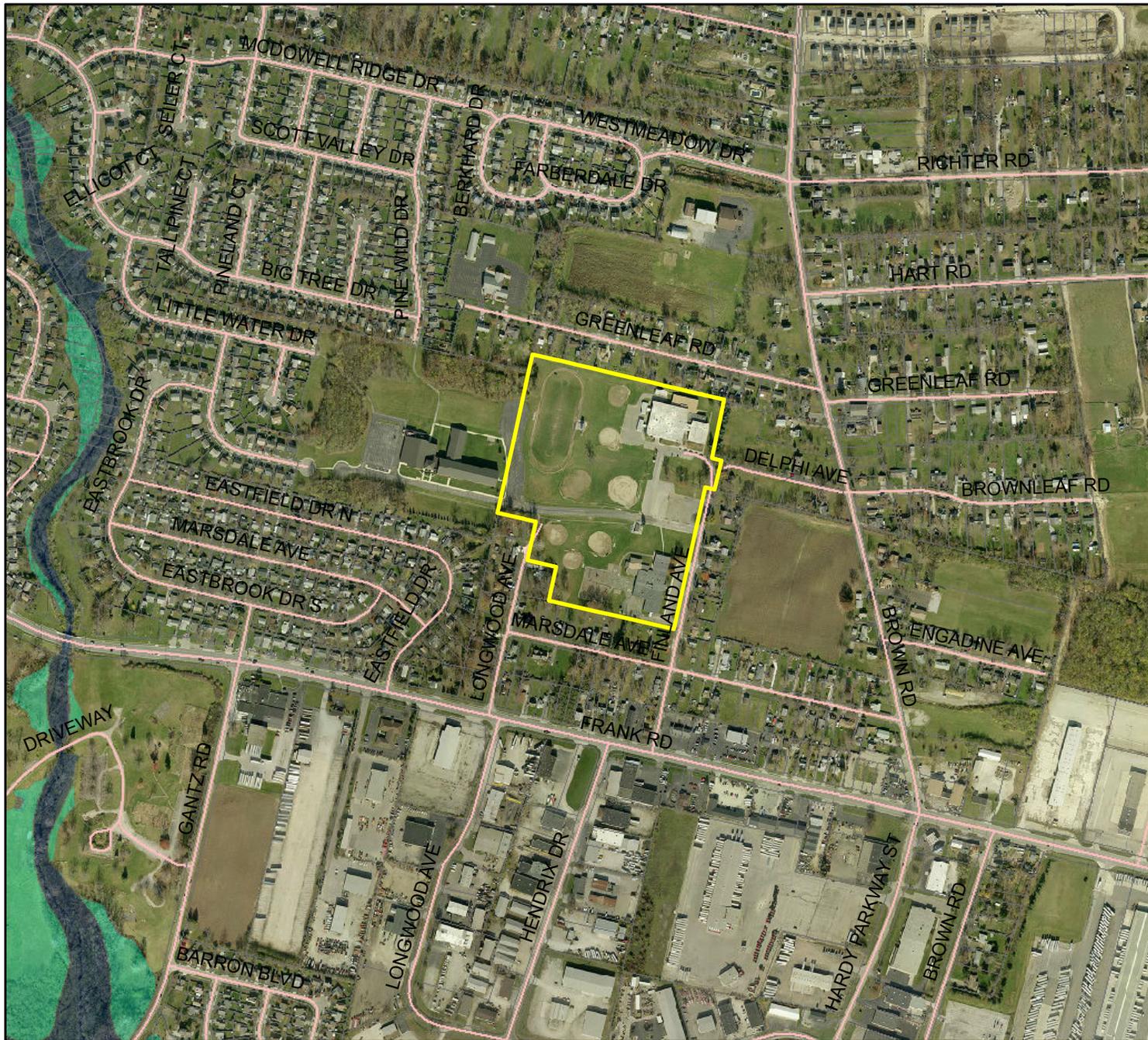
VA-3808

Requesting a Variance from Section 505.022(b) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a dumpster, in association with an elementary school, which will fail to meet the location and screening requirements in an area zoned Rural.

25.19 acres
Franklin Township

- 1835 Finland Ave.
- Parcels
- Streets
- Columbus Zoning**
- Residential
- Commercial
- Manufacturing
- County Zoning**
- Rural
- Suburban Apt. Res.
- Suburban Office/Institutional
- Neighborhood Com.
- Community Com.
- Community Service
- Restricted Industrial
- Limited Industrial
- Franklin County Floodplain**
- Floodway Fringe
- Floodway





VA-3808

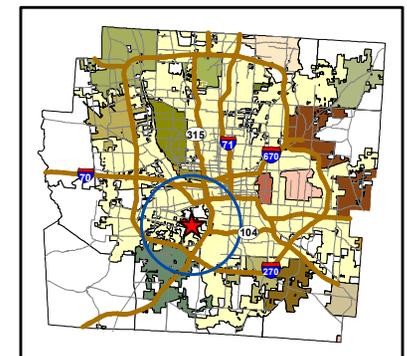
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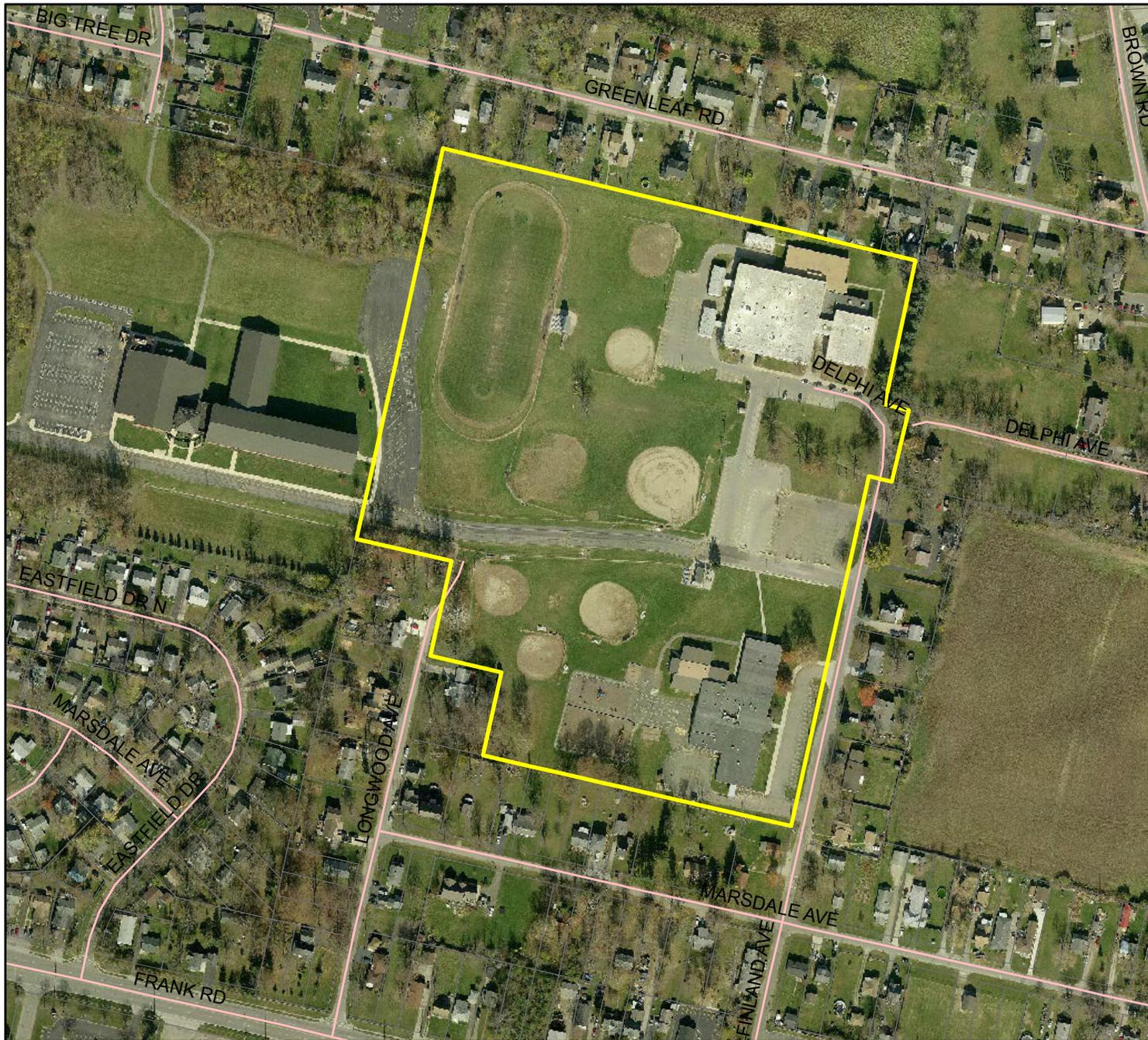
25.19 acres
Franklin Township

- 1835 Finland Ave.
- Parcels
- Streets

Franklin County Floodplain

- Floodway Fringe
- Floodway





VA-3808

Requesting a Variance from Section 505.022(b) and 505.024(a) of the Franklin County Zoning Resolution to allow the use of a dumpster, in association with an elementary school, which will fail to meet the location and screening requirements in an area zoned Rural.

25.19 acres
Franklin Township

-  1835 Finland Ave.
-  Parcels
-  Streets

