



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 17, 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 September 19, 2016 meetings
5. Old Business:

**i. VA-3859 – Brad Fisher**

|                         |  |
|-------------------------|--|
| <b>Owner/Applicant:</b> | Matthew & Ashley Barnhart  |
| <b>Township:</b>        | Norwich Township   |
| <b>Site:</b>            | 4850 Bellann Rd. (PID # 201-000011)  |
| <b>Acreage:</b>         | 0.61 acres   |
| <b>Zoning:</b>          | Limited Suburban Residential District (R-2)  |
| <b>Utilities:</b>       | Private water and wastewater   |
| <b>Request:</b>         | Requesting a Variance from sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool that would not be located completely to the rear of the primary structure, and a deck and home addition that will exceed the allowable 20% lot coverage in an area zoned Limited Suburban Residential (R-2). |

**ii. VA-3862 – Brad Fisher**

|                         |  |
|-------------------------|--|
| <b>Owner/Applicant:</b> | William & Loretta McQuirt  |
| <b>Township:</b>        | Hamilton Township  |
| <b>Site:</b>            | 2036 Davis Ave   |
| <b>Acreage:</b>         | 0.10 acres   |
| <b>Zoning:</b>          | Rural District   |
| <b>Utilities:</b>       | Private water and wastewater   |
| <b>Request:</b>         | Requesting a Variance from sections 502.021(2), 504.012 and 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of a porch, parking area and accessory building that fail to meet setback and accessory building size requirements in an area zoned Rural. |

**6. New Business:**

**i. VA-3863 – Brad Fisher**

|                         |  |
|-------------------------|--|
| <b>Owner/Applicant:</b> | Dan & Karen Yeater   |
| <b>Township:</b>        | Pleasant Township  |
| <b>Site:</b>            | 8221 Opossum Run (PID # 230-001837)  |
| <b>Acreage:</b>         | 1.897 acres  |
| <b>Zoning:</b>          | Rural District   |
| <b>Utilities:</b>       | Private water and wastewater   |
| <b>Request:</b>         | Requesting a variance to Section 302.044 of the Franklin County Zoning Resolution to allow for the construction of an attached garage that will not meet the rear yard requirement in an area zoned Rural. |

**7. Adjournment of Meeting to November 21, 2016**



**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 19, 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, September 19, 2016.

Present were:

Christopher Baer, Vice Chairperson  
Tim Guyton  
Nancy Hunter  
Paula Armentrout

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

Vice Chairperson Baer opened the meeting.

The first order of business being the roll call of members, the introduction of staff, and the swearing in of witnesses.

The next order of business was the approval of the minutes from the August 15, 2016, meeting. Mr. Guyton made a motion to approve the minutes of the August 15, 2016, meeting. The motion was seconded by Mr. Baer. The motion was approved by a vote of two yeases and two abstentions.

**NEW BUSINESS:**

The next item of business being Case No. VA-3862. The owner is William McQuirt. The township is Hamilton Township. The site is located at 2036 Davis Avenue. It is .10 acres in size and is serviced by private water and wastewater. The request is to table until the October 17th, 2016, meeting. Mr. Guyton made a motion to table Case No. VA-3862 until the October 17th, 2016, meeting. It was seconded by Ms. Armentrout. The motion was approved by a four-to-zero vote.

The next item of business being Case No. VA-3861. The owner/applicant is Harold Steward. The township is Hamilton Township. It is located at 4926 Sutherland Drive. It is 0.18 acres and is serviced by public water and sewer. It is zoned Restricted Urban Residential. The request is for a Variance from Section 502.021(3) of the Franklin County Zoning Resolution to allow for the extension of a driveway that will fail to meet the required property line setback in an area zoned Restricted Urban Residential (R-8). Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. VA-3861 with the one Staff condition. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Mr. Baer made a motion to adjourn the meeting. It was seconded by Mr. Guyton.

By unanimous vote, the meeting was adjourned at 1:48 p.m.

Minutes of the September 19, 2016, Franklin County Board of Zoning Appeals hearing were approved this 17<sup>th</sup> day of October, 2016.

---

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 17, 2016

### **Case VA-3859**

Prepared by: Brad Fisher

|                         |  |
|-------------------------|--|
| <b>Applicant/Owner:</b> | Matt Barnhart  |
| <b>Agent:</b>           | Peter Albanese   |
| <b>Township:</b>        | Norwich Township   |
| <b>Site:</b>            | 4850 Bellann Road (PID #201-000011)  |
| <b>Acreage:</b>         | 0.61-acres   |
| <b>Zoning:</b>          | Limited Suburban Residential District (R-2)  |
| <b>Utilities:</b>       | Private water and wastewater   |
| <b>Request:</b>         | Requesting a Variance from sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool that would not be located completely to the rear of the principal structure, and a deck and home addition that will exceed the allowable 20% lot coverage in an area zoned Limited Suburban Residential (R-2). |

### **Summary**

The applicant is requesting a variance to allow for the construction of an above ground swimming pool, deck and home addition that fail to meet the pool location and lot coverage in an area zoned Limited Suburban Residential (R-2). Staff recommends **denial**.

### **Description of the Request**

The subject site is located south of Hayden Run Road, east of Dublin Road and west of the Scioto River. The site consists of an existing home that has a 4,136 square foot footprint, including an attached garage, a 600 square foot detached garage and a 210 square foot wood deck. The entire rear yard has a steep decline from the rear building line leading to the Scioto River. The applicant is proposing to construct a pool to the side of the home, and a deck and home addition to the side and rear of the home. The pool has been recommended for the applicant's child, who has been diagnosed with autism spectrum disorder (ASD) by a medical professional.

### **Surrounding Area**

The surrounding area, south of Hayden Run Road and east of Dublin Road, is zoned Limited Suburban Residential (R-2), and is Medium Density Residential in character.

### **Comprehensive Plan**

No area plan exists at this time.

## **Staff Review**

### Variance from Section 306.042 – Development Standards for Limited Suburban Residential (R-2):

- Only one (1) principal use shall be permitted on a lot, and such lot shall not be covered more than twenty percent (20%) by structure.
  - The property with all of the proposed improvements will be at 22% lot coverage.
  - The existing lot coverage is 19%.
    - The previous submittal which was tabled by the Board of Zoning Appeals at the August 2016 meeting would have been at 27.9% lot coverage.
  - The proposed deck, room addition and pool would be approximately 1,499 square feet in size, covering an existing concrete patio that is 526 square feet in size and then an additional 973 square foot footprint on the property.
    - The previous submittal proposed the deck and pool to be approximately 2,250 square feet in size, covering an existing concrete patio that is 526 square feet in size and then an additional 1,724 square foot footprint on the property.

### Variance from Section 513.012(2(b)) – Below ground swimming pool location:

- The swimming pool shall be located completely to the rear of the principal structure.
  - The pool would be located in a side yard, not completely to the rear of the principal structure.
  - The pool would be approximately 18 feet forward of the rear yard of the principal structure.
    - The proposed location of the pool has not changed from the original submission.

## **Technical Review Committee Agency Review**

Expressed no concerns.

## **Staff Analysis– Section 810.41:**

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

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
  - » The applicant indicated that the elevation of the property is especially challenging due to the fact that it slopes very steeply toward the river. The applicant also explained that the location of the proposed pool requires the farthest distance possible from the river for their child’s safety.
  - » Staff agrees that safety should be a factor when designing the pools location; however, staff notes that the neighboring properties to the north and south were able to meet swimming pool location requirements. Staff has visited the subject site and found the neighboring properties land formation to be comparable in reference to steep slope leading from the rear of the home toward the Scioto River.
  - » Staff notes that there is no special circumstance or condition identified by the applicant that limits their ability to meet the maximum lot coverage permitted.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
  - » The applicant indicated that a literal interpretation would deprive them of the commonly shared right to locate a pool forward of the rear yard because of restrictive building conditions not shared by neighboring properties, along with a 40 feet setback restriction from the river.
  - » Staff has confirmed the property has restrictive building conditions; however, neighboring properties share the restrictive building conditions and building setback requirements from the river and have met swimming pool location standards.

- 3) *The special conditions and circumstances do not result from the action of the applicant;*
  - » The applicant indicated that the special conditions of having a home built on such a steep incline are being mitigated on their part by taking actions to build a safe and aesthetically pleasing outdoor living area with reinforced walls to support the structure.
  - » Staff notes that the property's configuration does not result from the applicant's actions.
  
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » The applicant indicated that adjacent property owners are in support of the variance and believe the variance would not result in special privilege denied to others.
  - » Seven (7) letters of support from neighboring properties and one (1) letter of support from the family doctor have been received by staff, however, the criteria for granting a variance considers all property owners in the vicinity, and property owners may change.
  
- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
  - » The applicant indicated that their son is autistic and has special needs. Hydrotherapy has been recommended by his Applied Behavioral Analysis (ABA) staff. The family pediatrician is also in support of having a pool for daily use to improve his gross motor skills and elopement behaviors.
  - » Staff believes that granting the variance will not adversely affect the health or safety of persons residing in the vicinity of the proposed development.

**Recommendation**

Staff recommendation is that the BZA deny a Variance from Sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool, deck and room addition that would not be located completely to the rear of the primary structure and will exceed the allowable 20% lot coverage in an area zoned Limited Suburban Residential (R-2)

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve a Variance from Sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3859.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the Variance from Sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution as outlined in the request

above for the applicant identified in Case No. VA-3859 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:

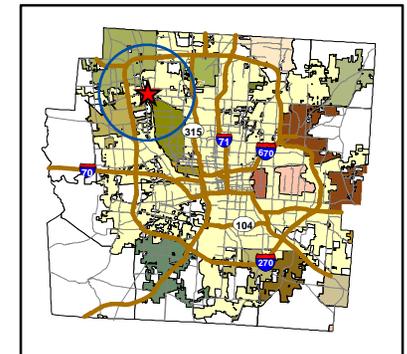


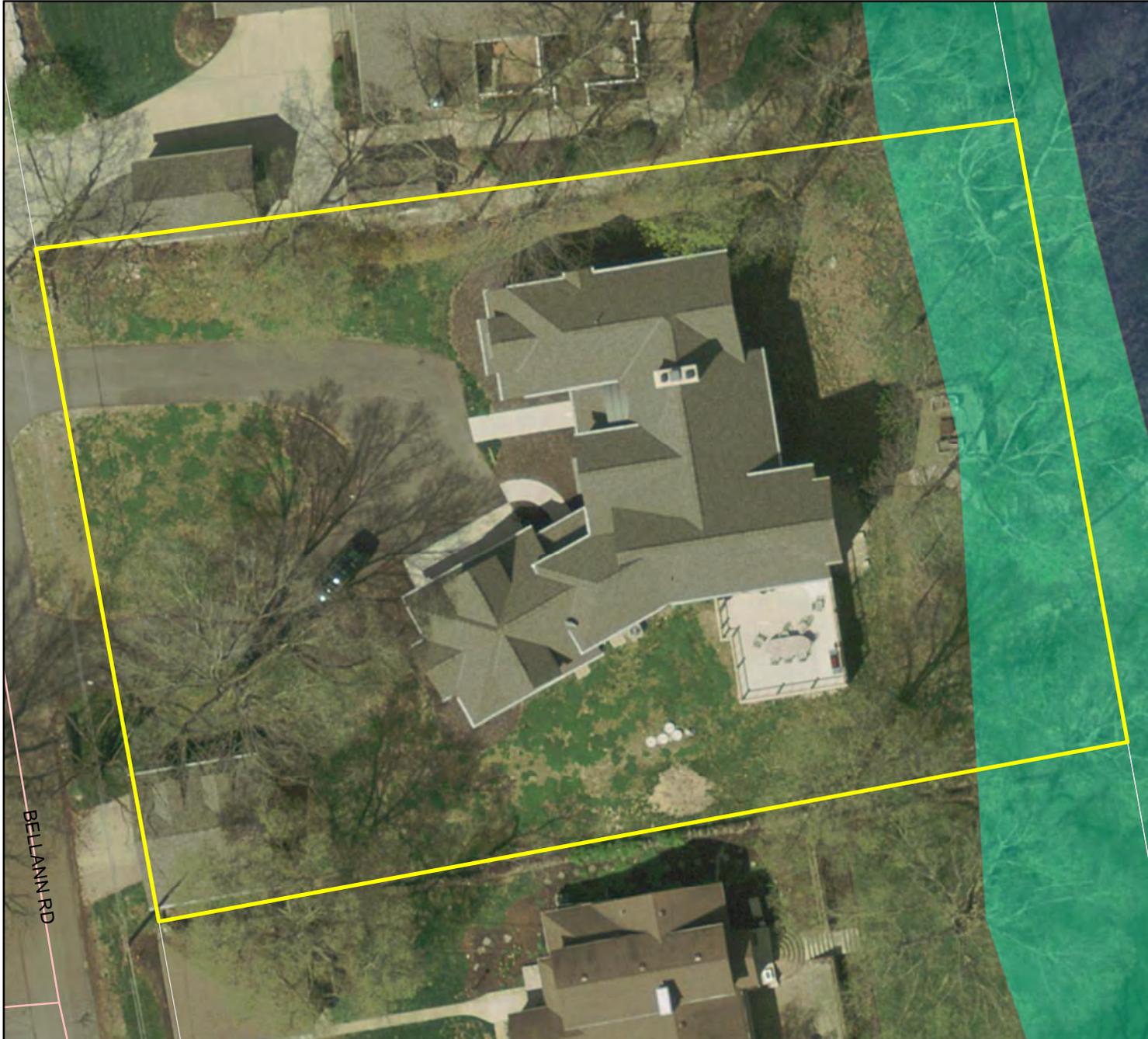
## VA-3859

Requesting a Variance from sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool and deck that will not be located completely to the rear of the primary structure and will exceed the allowable 20% lot coverage in an area zoned Limited Suburban Residential (R-2).

0.61 Acres  
Norwich Township

- 4850 Bellann Road
- Parcels
- Streets
- Floodway Fringe
- Floodway



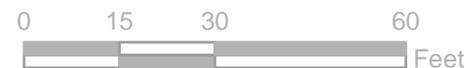
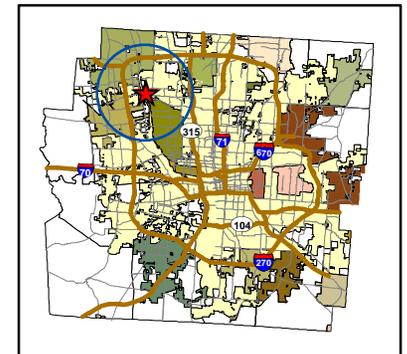


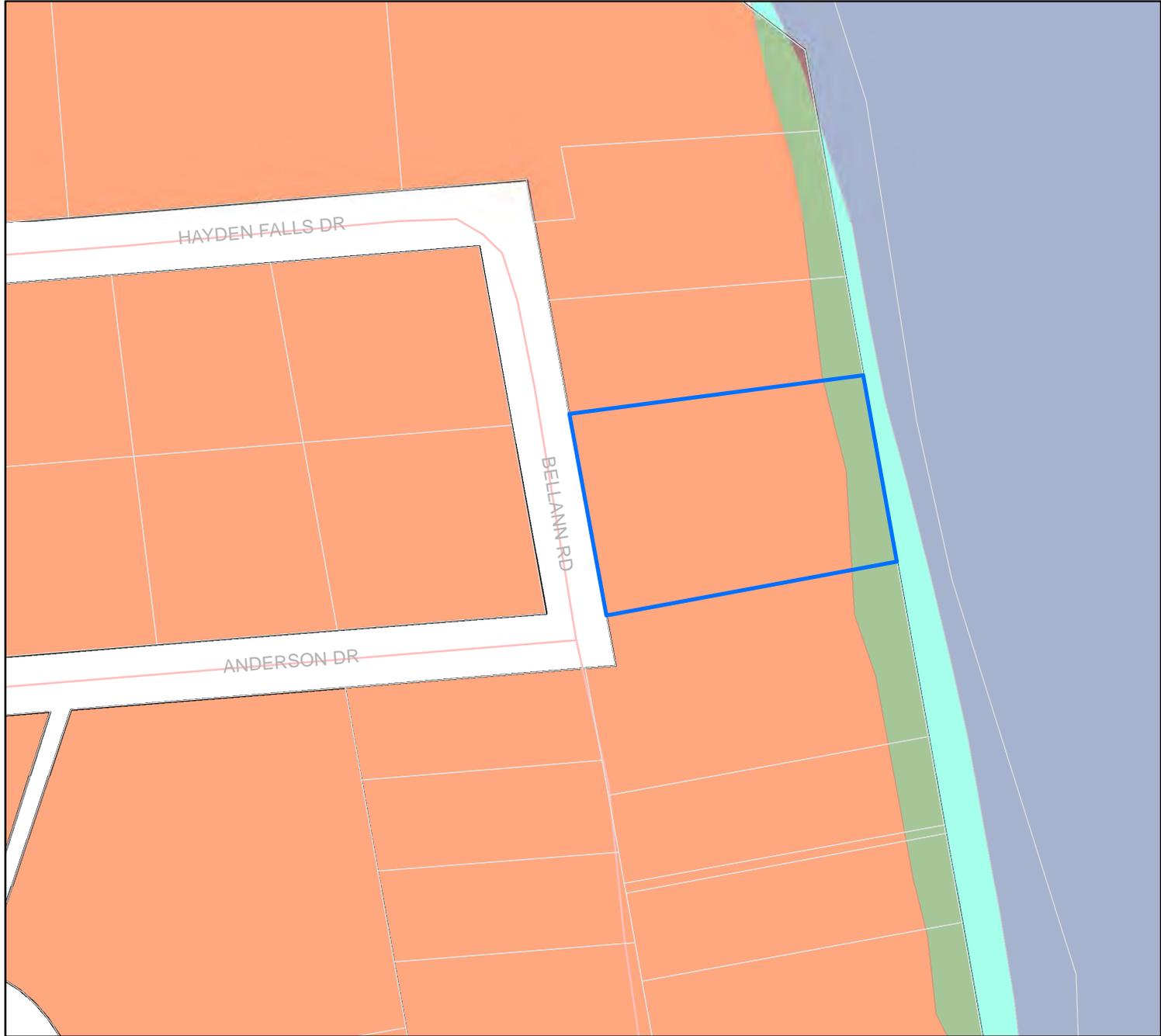
## VA-3859

Requesting a Variance from sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool and deck that will not be located completely to the rear of the primary structure and will exceed the allowable 20% lot coverage in an area zoned Limited Suburban Residential (R-2).

0.61 Acres  
Norwich Township

-  4850 Bellann Road
-  Parcels
-  Streets
-  Floodway Fringe
-  Floodway





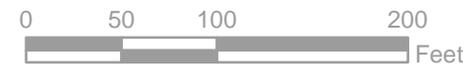
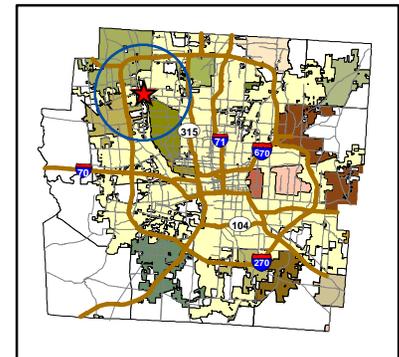
**VA-3859**

Requesting a Variance from sections 306.042 and 513.012(2(b)) of the Franklin County Zoning Resolution to allow the construction of an above ground swimming pool and deck that will not be located completely to the rear of the primary structure and will exceed the allowable 20% lot coverage in an area zoned Limited Suburban Residential (R-2).

---

0.61 Acres  
Norwich Township

- 4850 Bellann Road
  - Parcels
  - Streets
  - Floodway Fringe
  - Floodway
- Zoning**
- Limited Suburban Residential





# LANDMARK SURVEY GROUP, INCORPORATED

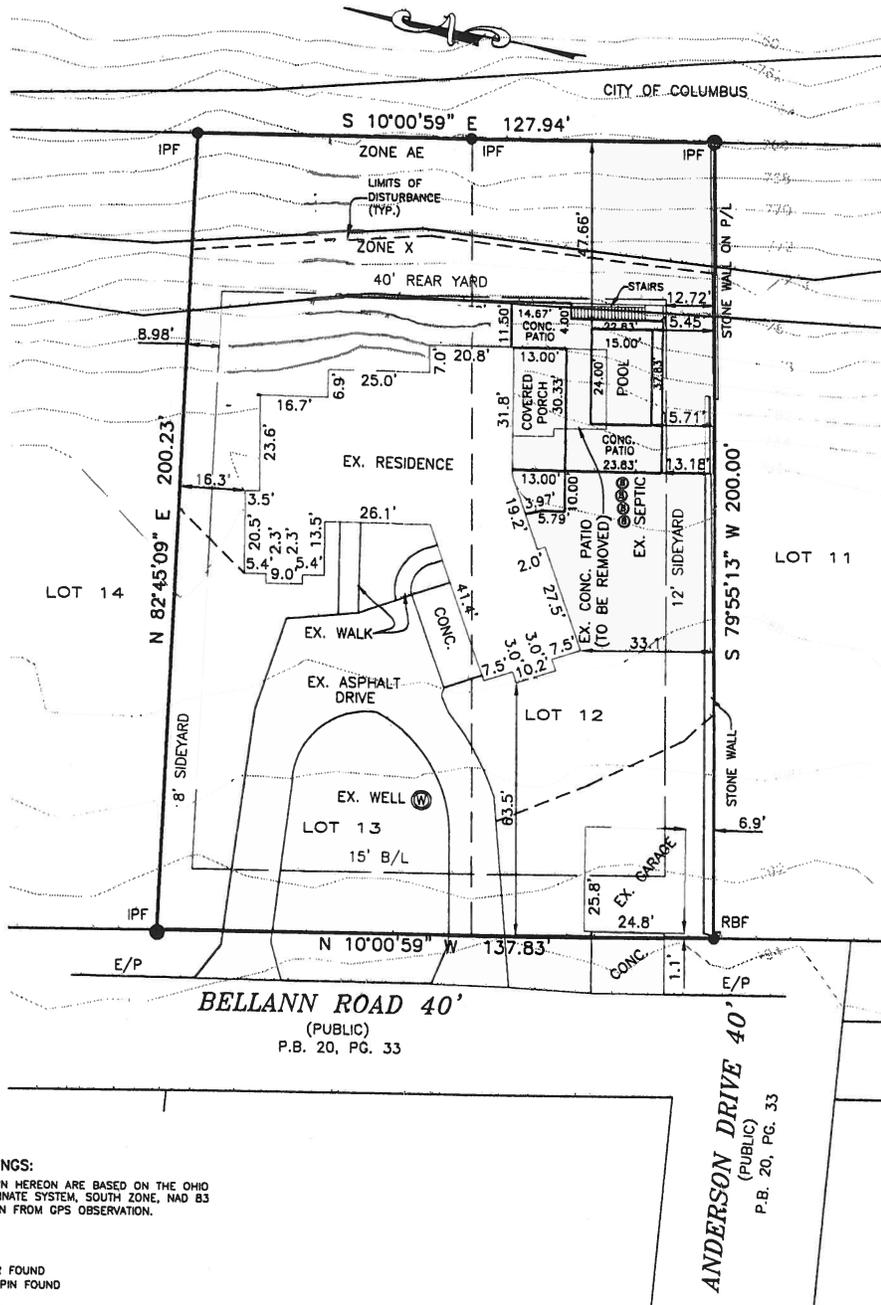
2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212  
PHONE: (614) 485-9000 FAX: (614) 485-9003

| REVISIONS | DESCRIPTION         |
|-----------|---------------------|
| 7/8/16    | REVISE PER COMMENTS |
|           |                     |
|           |                     |

ORDER NO. 185255

DATE: 7/1/16

FOR PETE ALBANESE HOUSE STYLE CUSTOM COUNTY OF FRANKLIN  
 LOT/SUBDIVISION LOT 12 AND 13 HAYDEN FALLS HEIGHTS CITY/TWP OF NORWICH  
 ADDRESS 4850 BELLANN ROAD SCALE 1" = 30' DRAWN BY: DJH  
 BK: 15 PG: 26



### BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 DATUM (2011), TAKEN FROM GPS OBSERVATION.

### LEGEND

- RBF 5/8" REBAR FOUND
- IPF 3/4" IRON PIN FOUND

LOT AREA=26577 S.F.  
 EXISTING HARDSCAPE AREA= 6378 S.F.  
 PROPOSED HARDSCAPE AREA= 2670 S.F.  
 REMAINDER= 17529 S.F.  
 PERCENT COVERAGE= 34%

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

**FLOOD NOTE:**  
 ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAPS NUMBER 39049C0153K, WITH AN EFFECTIVE DATE OF JUNE, 17 2008, THE SUBJECT TRACT IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN), ZONE 'X', AREAS OF 0.2% ANNUAL CHANCE FLOOD, AND ZONE AE, BASE ELEVATION 771 FEET.



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* 7/8/16

SCOTT D. GRUNDE, P.S.  
 REGISTERED SURVEYOR NO. 8047

DATE

NOTE: CONTRACTORS TO VERIFY ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS PRIOR TO INITIATING CONSTRUCTION, AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.

# VARIANCE CASE VA-3859

**RECEIVED**

**SEP 14 2016**

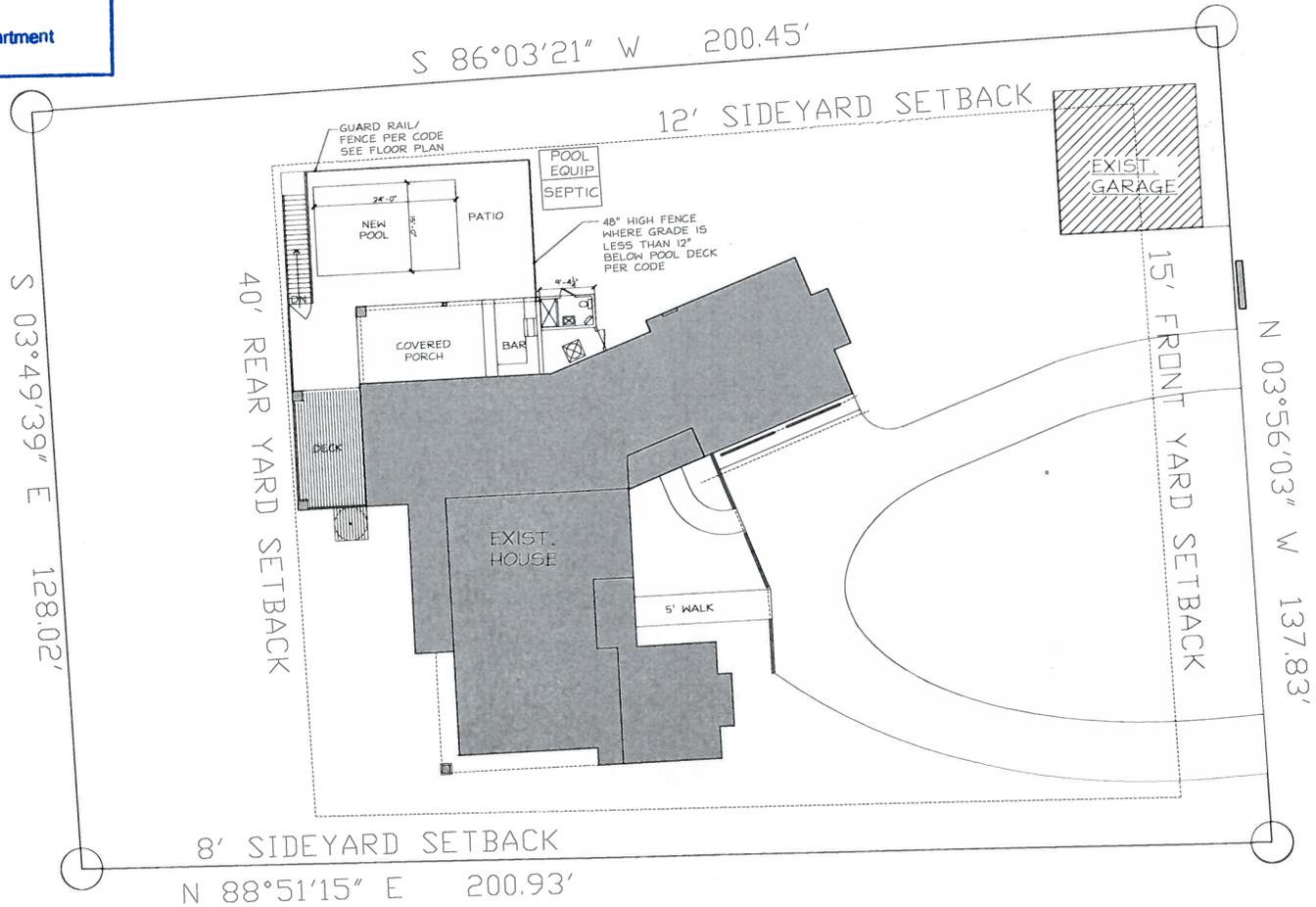
Franklin County Planning Department  
Franklin County, OH

| INDEX OF DRAWINGS |                 |
|-------------------|-----------------|
| SH#               | DESCRIPTION     |
| L-1               | SITE PLAN       |
| L-2               | FOUNDATION PLAN |
| L-3               | FLOOR PLAN      |
| L-4               | ELEVATIONS      |
| L-5               | ELEVATIONS      |
| L-6               | SECTIONS        |
| L-7               | SECTIONS        |
|                   |                 |
|                   |                 |
|                   |                 |

DATE: 09/14/2016  
REVISED: 09/28/2016

NO CONTRACT OR ANY OTHER DOCUMENT SHALL BE VALID UNLESS IT REFERS TO THESE DRAWINGS. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE DRAWINGS.

**DESIGN DIRECTIVE**  
RESIDENTIAL DESIGN



**SITE PLAN**

1/8"=1-0"

THE BARNHART RESIDENCE  
LANDSCAPE PROJECT  
4850 BELLANN ROAD  
COLUMBUS, OHIO 43221

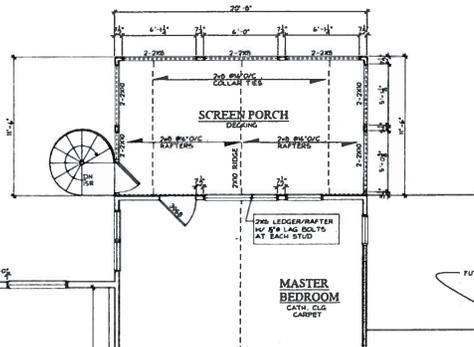
**DESIGN DIRECTIVE**  
RESIDENTIAL DESIGN

4900 REED RD  
SUITE 323  
COLUMBUS, OHIO  
43237-1980  
(614) 926-4027  
design@directiveline.com

REVISION: 0000

SITE PLAN  
SHEET  
**L-1**

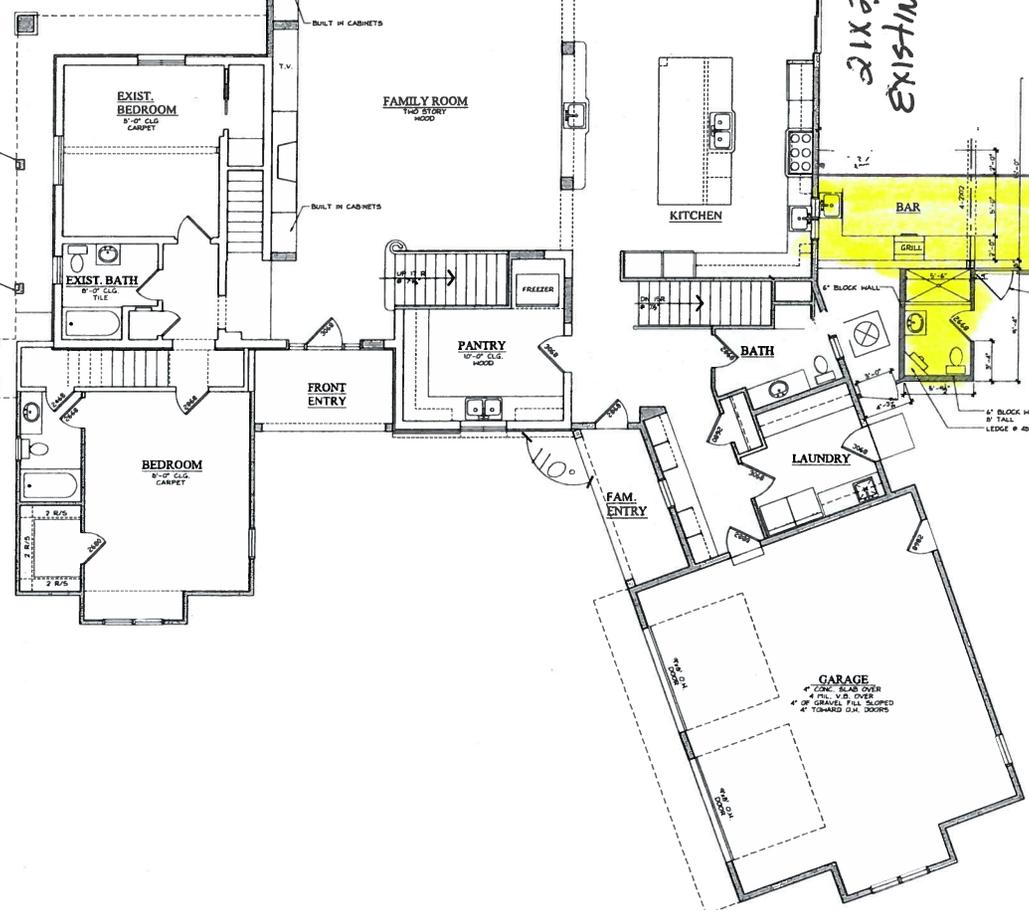
NOTE  
CONTRACTORS TO VERIFY ALL DIMENSIONS, ELEVATIONS, AND  
EXISTING CONDITIONS PRIOR TO INITIATING CONSTRUCTION  
AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.



**SCREEN PORCH PLAN**

1/4"=1'-0"

BUILD OUT  
EXISTING  
COLUMN TO  
6'4" COLUMN



*existing  
sexis*

*NEW*

**FIRST FLOOR PLAN**

1/4"=1'-0"

DATE REVISION  
BY: [ ]  
REVISED: [ ]

DESIGN DIRECTIVE  
RESIDENTIAL DESIGN

THE BARNHART RESIDENCE  
LANDSCAPE PROJECT  
4850 BELLANN ROAD  
COLUMBUS, OHIO 43221

DESIGN DIRECTIVE  
4900 REED RD  
SUITE 322  
COLUMBUS, OHIO  
43221-1960  
(614) 495-1027  
design@reactivedesign.com

PRELIMINARY  
WORK  
CONSTRUCTION

FLOOR PLAN  
L-3

**NOTE**  
 CONTRACTORS TO VERIFY ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS PRIOR TO INITIATING CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES

NEW 12" POURED CONC. WALL

4X4@24" ANGLE ATTACHED VERTICALLY TO EXISTING FOUNDATION WALL W/ 3/4"Ø EXPANSION BOLTS @ 24" O/C. PROVIDE 1/2"Ø HEADED STUDS @ 24" O/C ON ANGLE TO BE EMBEDDED IN NEW CONC WALL

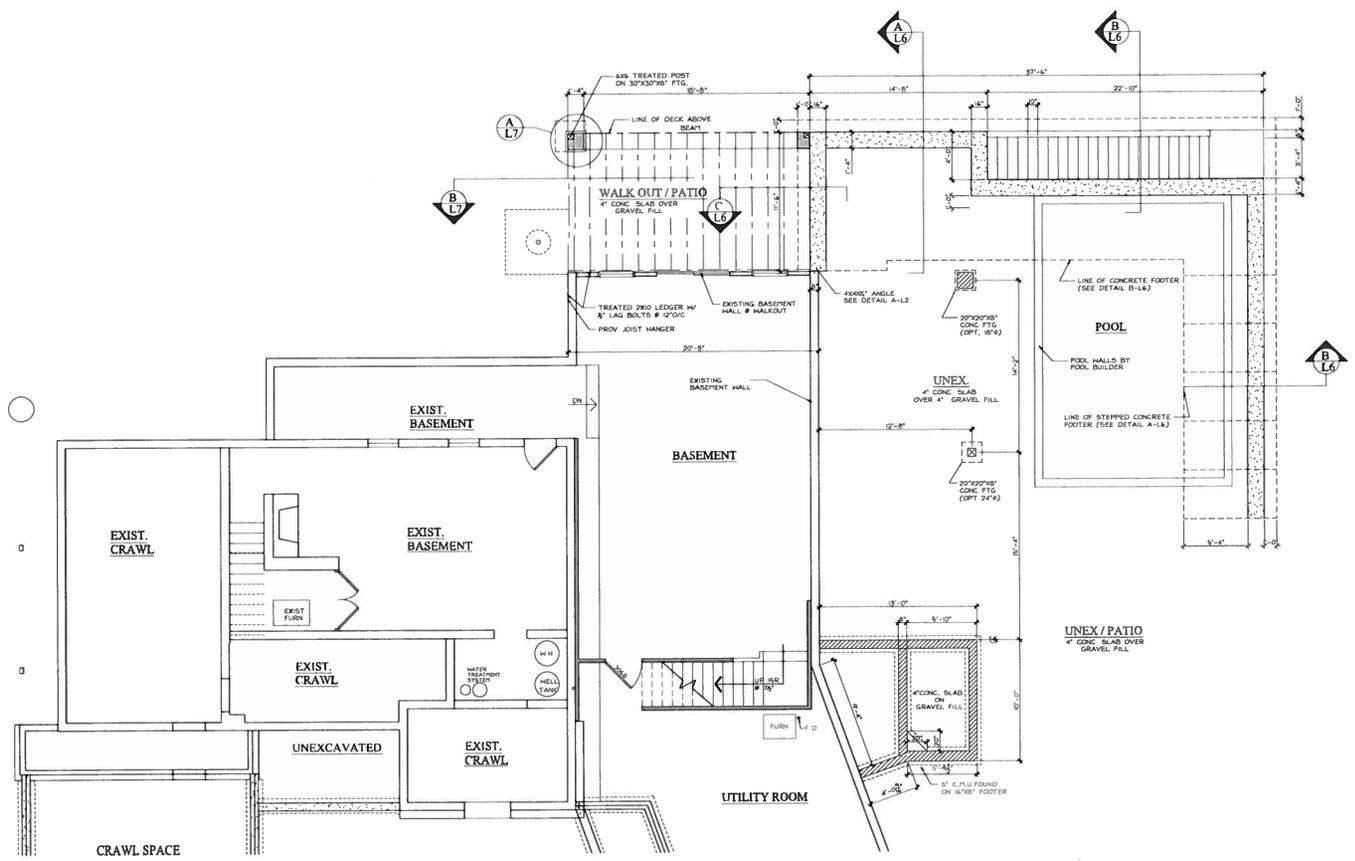
EXISTING BASEMENT 2X6 STUD WALL

EXISTING BASEMENT POURED WALL

DATE ISSUED: 7/27/20  
 REVISION: 02-27-20  
 D. CONTRACTOR  
 CONTRACT NO.  
 PROJECT NO.  
 SHEET NO.  
 SHEET TOTAL  
 DESIGN DIRECTIVE RESIDENTIAL DESIGN  
 4800 REED RD  
 SUITE 302  
 COLUMBUS, OHIO 43221-1900  
 (614) 325-1027  
 design@residentialdd.com

**DESIGN DIRECTIVE**  
 RESIDENTIAL DESIGN

**A FOUNDATION CONNECTION DETAIL**  
 1/2"=1'-0"



**FOUNDATION PLAN**  
 1/4"=1'-0"

**THE BARNHART RESIDENCE**  
 LANDSCAPE PROJECT  
 4850 BELLAIN ROAD  
 COLUMBUS, OHIO 43221

**DESIGN DIRECTIVE**  
 RESIDENTIAL DESIGN  
 4800 REED RD  
 SUITE 302  
 COLUMBUS, OHIO 43221-1900  
 (614) 325-1027  
 design@residentialdd.com

PROF. SEAL  
 BOONE CONTRACTOR

FOUNDATION PLAN  
 SHEET  
**L-2**

NOTE: CONTRACTORS TO VERIFY ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS PRIOR TO INITIATING CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES

DATE: 05/10/2016  
 DRAWING NO.: 2242500  
 PROJECT NO.:  
 SHEET NO.:  
 CONTRACTOR:  
 DESIGN DIRECTIVE RESIDENTIAL DESIGN  
 4850 BELLAN ROAD  
 COLUMBUS, OHIO 43221  
 (614) 326-1027  
 info@designdirective.com

DESIGN DIRECTIVE  
 RESIDENTIAL DESIGN



LEFT ELEVATION  
 1/4"=1'-0"



REAR ELEVATION  
 1/4"=1'-0"

THE BARNHART RESIDENCE  
 LANDSCAPE PROJECT  
 4850 BELLAN ROAD  
 COLUMBUS, OHIO 43221

DESIGN DIRECTIVE  
 RESIDENTIAL DESIGN  
 4850 BELLAN RD  
 SUITE 322  
 COLUMBUS, OHIO  
 43221-1900  
 (614) 326-1027  
 info@designdirective.com

PRELIMINARY  
 BOOMING  
 CONSTRUCTION

ELEVATIONS  
 SHEET  
 L-5

9-16-2016

150 South Front St.  
FSL Suite 10  
Columbus, OH 43215-7104

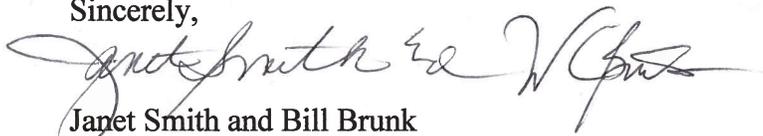
Case VA-3859

To whom it may concern:

We are writing to express our support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. We appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot such that the pool and deck will not be visible from the road.

Please feel free to contact us with any questions.

Sincerely,



Janet Smith and Bill Brunk  
4830 Bellann Rd  
Columbus, OH 43221

RECEIVED

SEP 23 2016

Franklin County Planning Department  
Franklin County, OH

VA-3859

9-19-2016

Brad Fisher  
Franklin County Economic Development & Planning Development  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104



VA-3859

**Case VA-3859**

Dear Mr. Fisher:

We are writing to express our support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. We appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot so that the new pool and deck would not be visible from the road.

Please feel free to contact us with any questions.

Sincerely,

*Chuck Kegler* 614-975-9111  
*Twila Kegler*

Chuck and Twila Kegler  
4788 Bellann Rd  
Columbus, OH 43221

RECEIVED

SEP 21 2016

Franklin County Planning Department  
Franklin County, OH

9-19-2016

Brad Fisher  
Franklin County Economic Development & Planning Development  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104

VA-3859

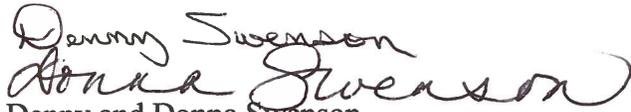
**Case VA-3859**

Dear Mr. Fisher:

We are writing to express our support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. We appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot so that the new pool and deck would not be visible from the road.

Please feel free to contact us with any questions.

Sincerely,

  
Denny and Donna Swenson  
4824 Bellann Rd  
Columbus, OH 43221

9-19-2016

Brad Fisher  
Franklin County Economic Development & Planning Development  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104



VA-3859

**Case VA-3859**

Dear Mr. Fisher:

We are writing to express our support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. We appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot so that the new pool and deck would not be visible from the road.

Please feel free to contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Albanese".

Pete and Becky Albanese  
4844 Bellann Rd  
Columbus, OH 43221

9-19-2016

Brad Fisher

Franklin County Economic Development & Planning Development  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104



VA-3859

**Case VA-3859**

Dear Mr. Fisher:

I live at 4851 Bellann Rd directly across the street from Matthew & Ashley Barnhart. I am writing to express my support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. I appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot so that the new pool and deck would not be visible from the road.

Please feel free to contact me with any questions at (502)693-3253.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward Liberati".

Edward Liberati  
4851 Bellann Rd  
Columbus, Ohio 43221

9-19-2016

Brad Fisher  
Franklin County Economic Development & Planning Development  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104

RECEIVED

SEP 21 2016

Franklin County Planning Department  
Franklin County, OH

VA-3859

**Case VA-3859**

Dear Mr. Fisher:

We are writing to express our support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. We appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot so that the new pool and deck would not be visible from the road.

Please feel free to contact us with any questions.

Sincerely,



Pat and Denise Bell  
4862 Bellann Rd  
Columbus, OH 43221

9-19-2016

Brad Fisher  
Franklin County Economic Development & Planning Development  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104



VA-3859

**Case VA-3859**

Dear Mr. Fisher:

I am writing to express my support for the construction variance requested by Matthew and Ashley Barnhart for their property located on 4850 Bellann Rd. I appreciate that their plans are designed to minimize removal of the mature buckeye, black walnut and oak trees that enhance our neighborhood. Furthermore, their plans consider the current layout of the lot so that the new pool and deck would not be visible from the road.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gus Flichia".

Gus Flichia  
4900 Bellann Rd  
Columbus, OH 43221

614-329-1000

RECEIVED

JUL 12 2016

Franklin County Planning Department  
Franklin County, OH



**Pathfinder**

*A lifetime of meaningful progress.*

VIA-3859

July 11, 2016

To whom it may concern,

I'm writing this letter in support of the plan submitted for the Barnhart's backyard.

Their 4-year old son, Bobby, is diagnosed with autism spectrum disorder (ASD). I am the behavior analyst overseeing Bobby's intensive intervention. The most serious problem behavior that we are addressing with Bobby is elopement or wandering, specifically towards the river in the backyard. Our data indicates that Bobby will leave a safe area and go towards the water within 1 minute and 30 seconds of reduced adult attention. That means that unless an adult is actively engaging with Bobby, not just monitoring him from close-by, he will attempt to run away and get in the river. It is very difficult to provide Bobby with the level of attention required to keep him safe.

Bobby's parents are working with me and my team to teach Bobby alternative behaviors and to use his language to request access to the river. I'm confident our interventions will decrease the frequency of Bobby's attempts to access the river, but it will take a very long time and lots of practice. Bobby's parents have also installed extra locks on all doors leading outside and they have an alarm system that chimes whenever an exterior door is opened. They have also sent Bobby to several swim instructors to ensure that he has the necessary skills to survive in the water should he make it there without an adult. Swim lessons have been difficult due to Bobby's other problem behaviors such as aggression and non-compliance. Some teachers have said that they cannot teach him. Additionally, Bobby has a service dog to help keep him away from the water. This family is doing everything in their power to ensure that their child has a safe environment, but nothing is foolproof.

I feel that their plans for the backyard would provide an extra barrier from the house to the river that could buy someone enough time to stop Bobby should he make it outside alone. The pool they are proposing will also provide a controlled way to access water. It will also allow my intervention team the opportunity to work on the swim skills that Bobby needs to be safe in the water.

Please contact me with any questions you may.

Sincerely,

DocuSigned by:

815EB5CCBEAE4EC...

Elizabeth Henry, MS, BCBA, COBA

Director, Behavior Analytic Services

Pathfinder Progress, LLC

[ehenry@pathfinderprogress.com](mailto:ehenry@pathfinderprogress.com)

614-615-5145



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 17, 2016

### Case VA-3862

Prepared by: Brad Fisher

|                         |  |
|-------------------------|--|
| <b>Applicant/Agent:</b> | Barry A. Waller  |
| <b>Owner:</b>           | William R. McQuirt   |
| <b>Township:</b>        | Hamilton Township  |
| <b>Site:</b>            | 2036 Davis Avenue (PID # 150-000554)   |
| <b>Acreage:</b>         | 0.51 acres   |
| <b>Zoning:</b>          | Rural  |
| <b>Utilities:</b>       | Private water and wastewater   |
| <b>Request:</b>         | Requesting a Variance from sections 502.021(2), 504.012 and 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of a porch, parking area and accessory building that fail to meet setback and accessory building size requirements in an area zoned Rural. |

### Summary

The applicant is requesting variances to legitimize an existing front porch that fails to meet the front setback requirement, an existing driveway that fails to meet the parking setback requirement and an existing shed that fails to meet the permitted accessory building size and required setback from property lines. None of these buildings or structures received zoning approval, and all were constructed between 2012 and 2015.

Staff recommends ***approval with conditions*** of the request from Sections 512.02(2) and ***denial*** of the requests from Section 502.021(2) and 504.012.

### Description of the Request

The subject site is located on the north side of Davis Road, approximately 1,000 feet northwest of the Obetz-Reese and Rathmell Roads intersection. The property is zoned Rural and is low to medium density residential in nature. The site is developed with a 1,440 square foot single-family home that was built in 1918, a 576 square foot detached garage that was built in 1970, a 257 square foot accessory building, a 230 square foot rear porch and a 136 square foot front porch.

### Surrounding Area

The entire area surrounding the property is zoned Rural and considered low to medium density residential, in unincorporated Hamilton Township.

## **Comprehensive Plan**

The Obetz & Hamilton Township Comprehensive Plan, adopted October 1998, includes a Future Land Use Map to help guide development in the area, recommending Single-Family Residential use for the site and surrounding properties, and agricultural use farther north and west.

## **Staff Review**

### Variance from Section 502.021(2) – Open Porches:

- Open and covered/uncovered porches may project beyond the front building setback line a distance to not exceed eight (8) feet.
  - The applicant is requesting to legitimize the existing front porch. The front porch, which was constructed sometime in 2012 or 2013 without permits, projects a distance of 14 feet beyond the front building setback line.
    - A variance is needed to allow for a 6 foot reduced open porch front setback.

### Variance from Section 504.012 – Parking Setback:

- Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to 40% of the required setback distance.
  - The applicant is requesting to legitimize the existing driveway. The driveway was constructed without permits sometime in 2012 or 2013 and again in 2014 or 2015. All paved areas exceeding 18 feet in front of the front building line is considered a parking facility, not a driveway. The driveway is 27 feet wide at the front property line. Only the 18 feet wide portion is permitted in its current location.
    - A variance of nine (9) feet is required.

### Variance from Section 512.02(2) – Accessory Building Size and Setback:

- Accessory buildings on properties less than one (1) acre in size are permitted to be a maximum of 720 square feet and the minimum property line setback is five (5) feet.
  - The applicant is requesting to legitimize the existing shed. The shed, which was added sometime in 2013 or 2014 without permits, is 286 square feet in size and located 1.9 feet from the rear property line. The existing detached garage, which was constructed in 1970, is 576 square feet in size. The total accessory building square footage is 862 square feet.
    - A variance is needed to allow for the shed to be 142 square feet over the 720 square foot maximum and to allow the shed to remain 1.9 feet from the rear property line.

## **Technical Review Agencies**

### **Franklin County Drainage Engineer**

Requested that a grading plan be prepared for the site to indicate both pre-and post-development grades. The applicant has not, as of the time of writing this report, provided a grading plan for review.

### **Franklin County Engineer and Franklin Soil and Water Conservation District**

Expressed no concerns toward the development of the subject site.

## **Staff Analysis - Section 810.041:**

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

- 1) *That special conditions and circumstances exist which are peculiar to the structure/property involved which are not applicable to other structures/property in the same zoning district;*
  - » The applicant indicated that the home was built in 1918, and has been in disrepair until the applicant made repairs to the porches.
  - » Staff notes that the year the home was built and its physical condition are not a special circumstance that merit the applicant to deviate from the Zoning Resolution development standards.

- 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;*
  - » The applicant indicated that the intent was to improve the property by renovating the porches and expanding the driveway for personal use.
  - » Staff notes that it is not a shared right by the applicant's neighbors in the community of Walnut Heights to exceed setback and size standards as described under staff review.
- 3) *That the special circumstances and conditions of this request do not result from the action of the applicant;*
  - » The applicant states that they were unaware of setback requirements or drive way size restrictions.
  - » Staff notes that it is the responsibility of the homeowner to ensure zoning standards are being met when completing improvements to personal property.
- 4) *That granting the variance requested will not confer on the applicant special privileges that are denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » The applicant indicated the improvements to the home will benefit the neighborhood.
  - » Staff notes that granting a variance to deviate from porch and parking setback standards would confer special privileges upon the applicant as the proposed design is not in character with the community. However, granting a variance to deviate from accessory building size and location would not confer special privileges as the additional size is minimal and location is in line with surrounding properties and near parallel to the detached garage along the easement to the rear of the property.
- 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 be injurious to private property in the vicinity;*
  - » The applicant indicated that no adverse health and safety impacts are associated with these variances.
  - » Staff notes the deviation from the porch setbacks' and driveway setback is detrimental to public welfare and injurious to private property in the vicinity as it detracts from the character of the community and may set a precedent with future development in the area.

### **Recommendation**

Staff recommendation is that the BZA **approve with conditions** a Variance from Sections 512.02(2) of the Franklin County Zoning Resolution to legitimize an accessory building that does not meet the minimum set back from property lines or size 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 must apply for and receive a building permit from the Franklin County Building Department.
3. The applicant must prepare a grading plan, indicating pre- and post-development grades, to be submitted with the Certificate of Zoning Compliance and approved by the Franklin County Engineer's Office.

Staff recommendation is that the BZA **deny** a Variance from Sections 502.021(2) and 504.012 to legitimize an existing front porch that fails to meet the front setback requirement and an existing driveway that fails to meet the parking setback requirement. The reason for denial is that the requests fail to meet the criteria for granting a variance under Section 810.041.

### **Resolution**

For your convenience, the following is a proposed resolution for staff's recommendation of **approval** for a Variance from Section 512.02(2):

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

\_\_\_\_\_ moves to approve a Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3862 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 Variance from Sections 512.02(2) as outlined in the request above for Case No. VA-3862 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:

**Resolution**

For your convenience, the following is a proposed resolution for staff's recommendation of denial for a Variance from Sections 502.021(2) and 504.012:

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

\_\_\_\_\_ moves to approve a Variance from Sections 502.021(2) and 504.012 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3862.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the Variance from Sections 502.021(2) and 504.012 as outlined in the request above for Case No. VA-3862 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:

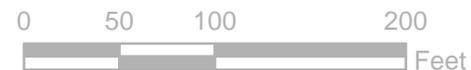
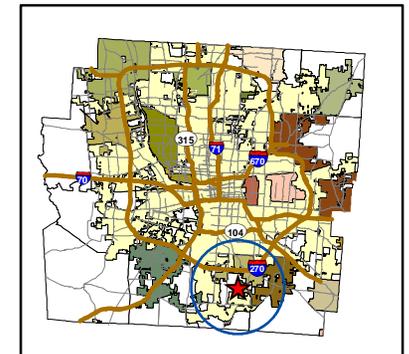


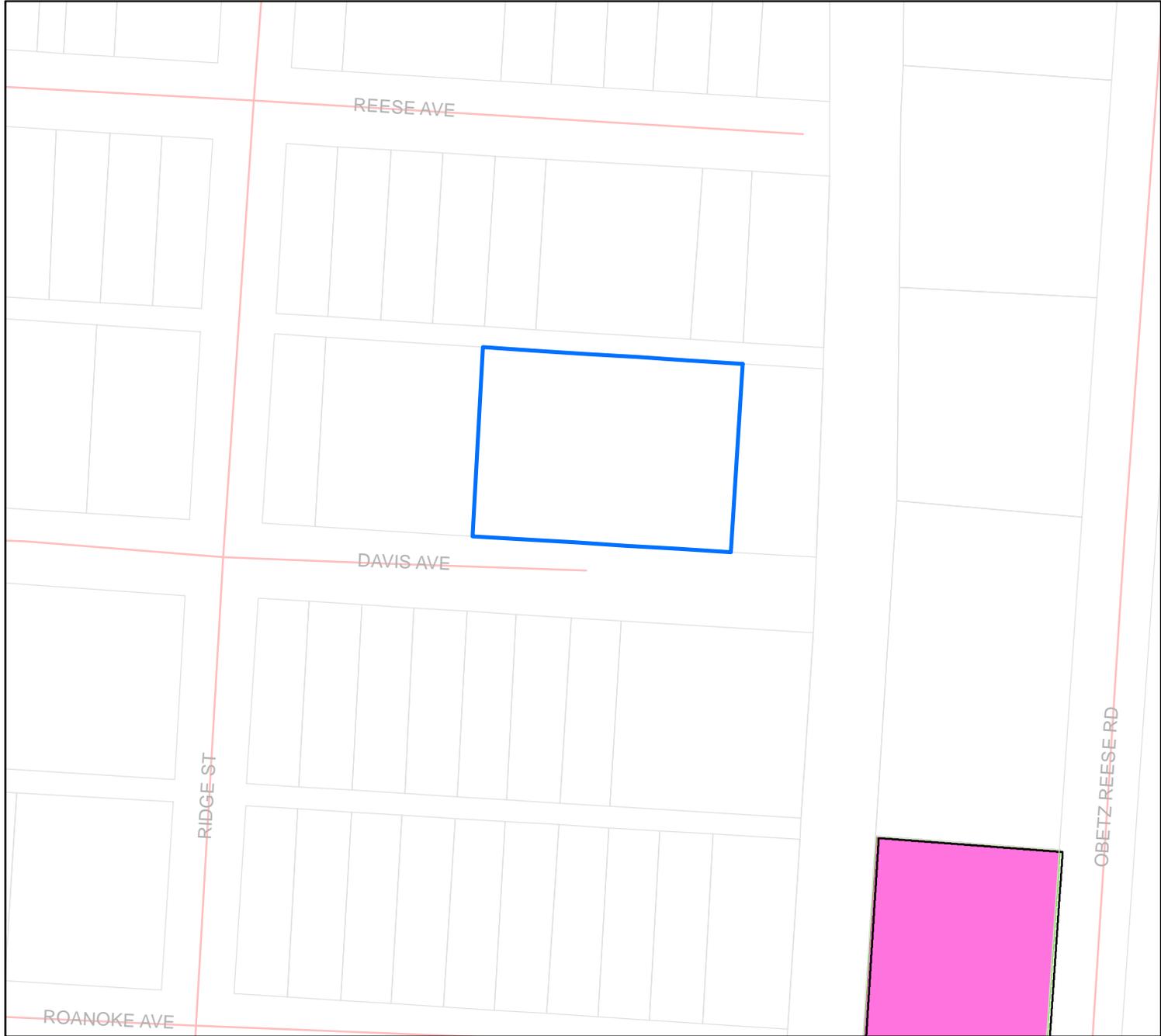
# VA-3862

Requesting a Variance from sections 502.021(2), 504.012 and 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of a porch, parking area and accessory building that fail to meet setback and accessory building size requirements in an area zoned Rural.

0.10 Acres  
Hamilton Township

- 2036 Davis Ave.
- Parcels
- Streets



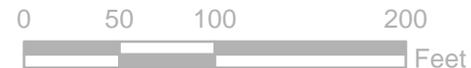
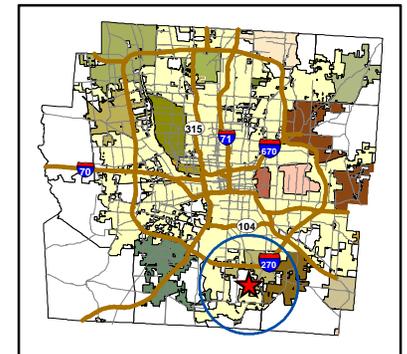


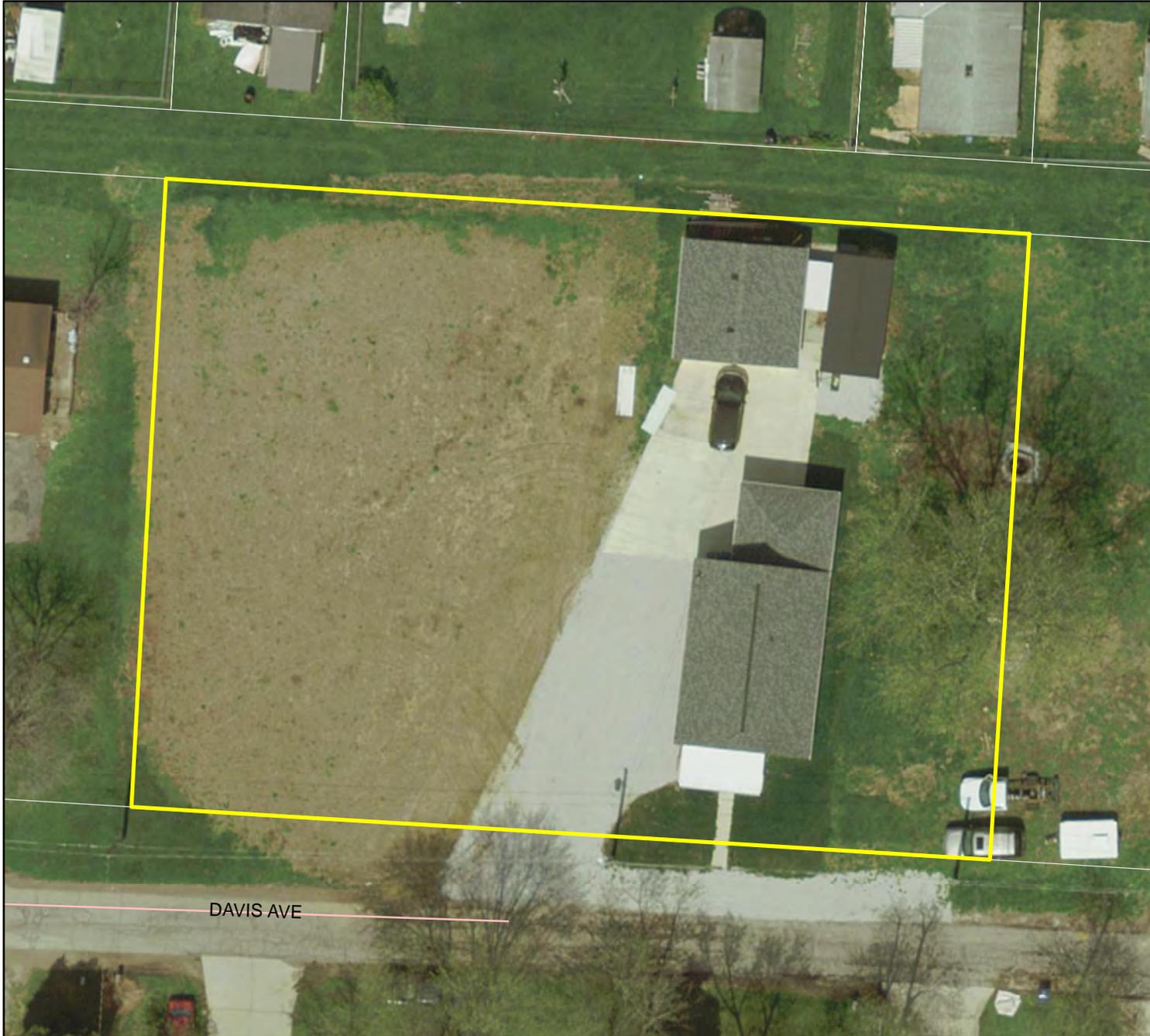
## VA-3862

Requesting a Variance from sections 502.021(2), 504.012 and 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of a porch, parking area and accessory building that fail to meet setback and accessory building size requirements in an area zoned Rural.

0.10 Acres  
Hamilton Township

- 2036 Davis Ave.
  - Parcels
  - Streets
- Zoning**
- Rural
  - Select Commercial Planned District



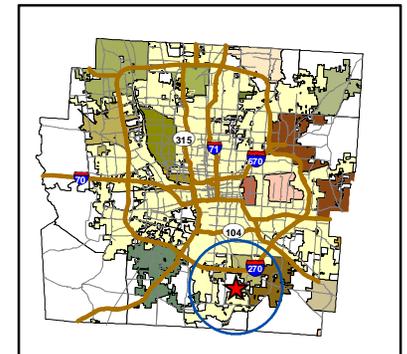


## VA-3862

Requesting a Variance from sections 502.021(2), 504.012 and 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of a porch, parking area and accessory building that fail to meet setback and accessory building size requirements in an area zoned Rural.

0.10 Acres  
Hamilton Township

-  2036 Davis Ave.
-  Parcels
-  Streets

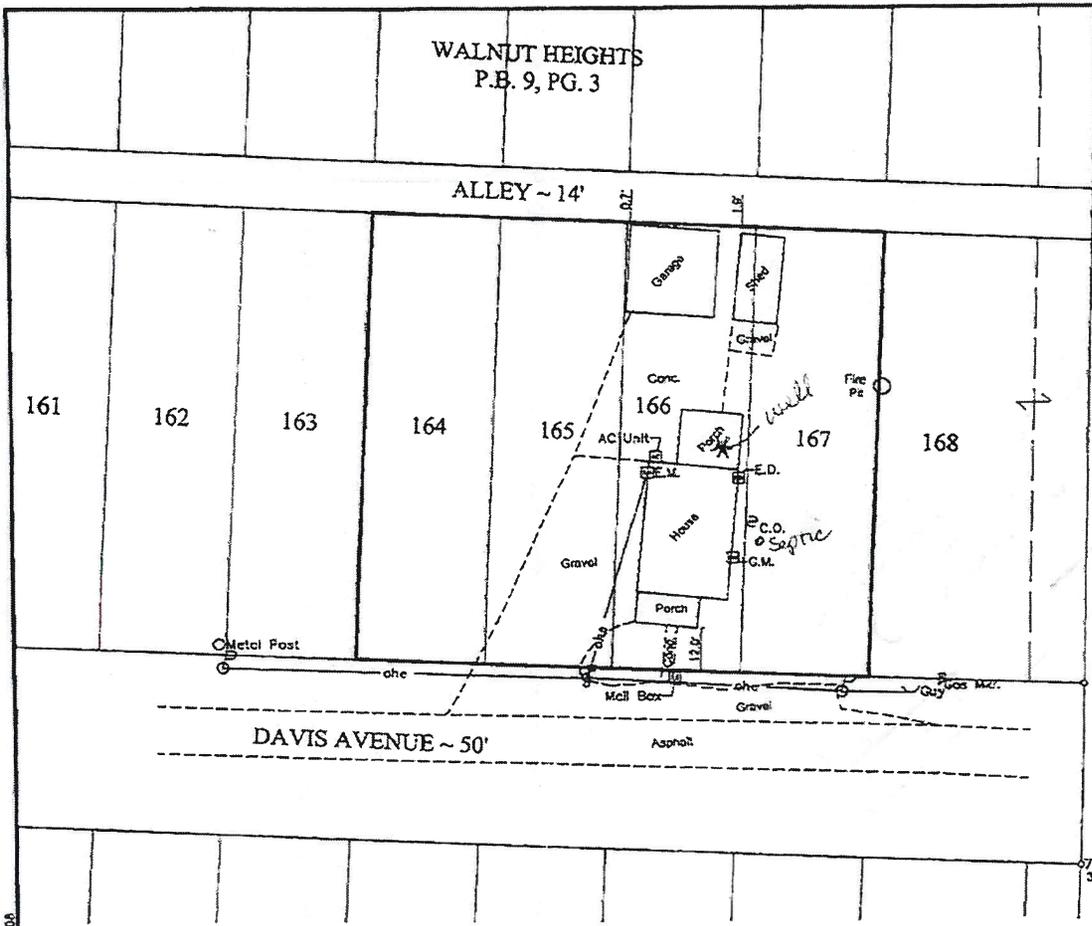
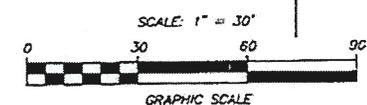


RECEIVED

AUG 01 2016

Franklin County Planning Department  
Franklin County, Ohio

VA-3802



D.M. PALLET SERVICES, INC.  
6.270 AC.  
O.R. 21718, PG. A.01  
P.N. 150-000110

**Bird+Bull**  
C.F. BIRD & R.L. BULL, INC.  
Engineers and Surveyors  
2875 W. Dublin-Granville Road  
Columbus, Ohio 43235  
Ph: (614) 761-1661  
Fax: (614) 761-1325  
WWW.BIRDBULL.COM

|   |          |      |                   |
|---|----------|------|-------------------|
| WILLIAM & LORETTA McQUIRT<br>INSTRUMENT 201004020039855                                   |          |      |                   |
| PARTIAL LOCATION SURVEY<br>AT 2036 DAVIS AVENUE,<br>HAMILTON TOWNSHIP, FRANKLIN CO., OHIO |          |      |                   |
| LOTS 164-167, WALNUT HEIGHTS, P.B. 9, PG. 3   |          |      |                   |
| SCALE: 1" = 30'   | OWN: KLB | CKD: | DECEMBER 23, 2014 |
| JOB NO. 14-127  | 1        | 1    | 1                 |

L:\Orders\BB\_111712.dwg 4/21/2008

Olivene Gillilan  
2033 Reese Avenue  
Columbus, Ohio 43207

September 5, 2016

ATTN: Case #VA-3862  
Mr. Matt Brown & Mr. Brad Fisher  
Franklin County Economic Development and Planning  
150 S. Front Street, FSL Suite 10  
Columbus, Ohio 43215

RE: 2036 Davis Avenue; Case #VA-3862

Dear Mr. Brown and Mr. Fisher:

Thank you for the notification of variances being requested for the subject property. I am unable to attend the hearing date and time listed on the card; but would like to respond in writing to the notification. With regards to the variance request for Mr. McQuirt's property I am generally supportive of the requests for the porch reconstruction and accessory building with regards to size and setback variances. My only concern is the driveway width variance for the property.

The subject driveway width of the curb cut appears to be excessive in comparison of other driveway widths and geometries in the area. The width per the survey supplied in the zoning case materials, as prepared by Bird+Bull, appears to be near the width of a lot (35'). It is my understanding that there are maximum residential driveway widths permitted by the Franklin County Engineer's office. This driveway appears to be the width of a commercial driveway; not that of a residential property.

My only concern with this property variance request is the potential for commercial activities on a residential property, parking of commercial trucks and/or storage of vehicles not owned by the occupants. Otherwise the improvements stated (porch, accessory building, and setback) are not viewed as a nuisance.

Sincerely,



Olivene Gillilan  
Property Owner



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 17, 2016

### Case VA-3863

Prepared by: Brad Fisher

|                         |  |
|-------------------------|--|
| <b>Applicant/Owner:</b> | Dan Yeater   |
| <b>Township:</b>        | Pleasant Township  |
| <b>Site:</b>            | 8221 Opossum Run Road (PID # 230-001837)   |
| <b>Acreage:</b>         | 1.897-acres  |
| <b>Zoning:</b>          | Rural  |
| <b>Utilities:</b>       | Private water and wastewater   |
| <b>Request:</b>         | Requesting a variance to Section 302.044 of the Franklin County Zoning Resolution to allow for the construction of an attached garage that will not meet the rear yard requirement in an area zoned Rural. |

### Summary

The applicant is requesting a variance to allow for the construction of an attached garage that fails to meet the rear yard requirement. The proposed rear setback for the garage addition is 28 feet and the required minimum rear setback is 49 feet. Staff recommends conditional approval.

### Description of the Request

The subject site is located on the south side of Opossum Run Road, at the southeast corner of Opossum Run Road and Harrisburg London Road intersection, northwest of Interstate 71. The site consists of an existing home that has a 2,740 square feet footprint, including an attached garage. The home was built in 1967 and is non-conforming with respect to the rear yard requirement. The home is currently 33 feet from the rear property line and is not meeting the required 49 foot setback. The applicant is proposing to construct an attached garage addition to the side of the home that will also not meet the required setback.

### Surrounding Area

The surrounding area is zoned Rural, and is Low Density Residential in character.

### Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in 2009, includes two maps to guide development: a Future Land Use map and a Conservation Strategy Tiers map. The Future Land Use Map recommends the area for conservation development with 50% open space. The Conservation Strategy Tiers Map identifies no tiered land on the site.

The Big Darby Accord Watershed Master Plan, adopted in 2006, also includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map designates the area as existing development/Rural Residential Estate (5+ Acre Lots). The Conservation Strategy Map shows the site as existing development and outside of tiered areas.

The property meets the Comprehensive Plan's recommended open space requirement and is not considered a tiered area within the Big Darby Accord Watershed.

### **Staff Review**

#### **Variance from Section 302.044 – Rear Yard:**

- For main buildings, there shall be a rear yard of twenty percent (20%) or more of the lot depth, except that a rear yard of more than fifty (50) feet shall not be required.
  - The rear yard for the proposed garage addition is 28 feet and the minimum rear yard requirement is 49 feet (20% of the 246 foot lot depth).
  - A variance is required to allow for the deviation from Rural Development Standards by 21 feet.

### **Technical Review Committee Agency Review**

Expressed no concerns.

### **Staff Analysis– Section 810.41:**

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

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
  - » The applicant indicated that the house as originally built is not aligned with the lot lines and that the lot is of irregular shape.
  - » Staff notes that the home is non-conforming with respect to the rear yard not meeting the required 49 foot setback. Staff recognizes that any addition made to the existing garage that would be intended to align with the existing entryways would require a variance.
- 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;*
  - » Staff notes that based on the location of the home in reference to the rear property line, the only way to provide space for an addition would be to purchase more land. Staff believes this situation would deprive the applicant the common right to improve their home without creating an irregular shaped home on the property.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
  - » The home was built in 1967 and purchased by the applicant in 1984.
  - » Staff notes that the property's configuration does not result from the applicant's actions.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » Staff notes that granting the variance will not confer special privilege on the applicant as there is no way to meet development standards with the existing configuration of the home.

- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*  
» Staff believes that granting the variance will not adversely affect the health or safety of persons residing in the vicinity of the proposed development.

**Recommendation**

Staff recommendation is that the BZA ***approve with conditions*** a Variance from Section 302.044 of the Franklin County Zoning Resolution to allow the construction of an attached garage that will not meet the rear yard requirement in an area zoned Rural. The conditions are as follows:

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

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve a Variance from Section 302.044 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3863.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the Variance from Section 302.044 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3863 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:

# MYERS SURVEYING Co.

274 EAST MAIN STREET, BERKELEY, OHIO 43209

BEING A 1.897 ACRE TRACT IN VIRGINIA MILITARY SURVEY 7274 (PARCEL ONE) AND A 1.467 ACRE TRACT IN V.M.S 7274 & V.M.S 6065 (PARCEL TWO), AND BEING SITUATED IN THE TOWNSHIP OF PLEASANT, COUNTY OF FRANKLIN, STATE OF OHIO SURVEYED FOR

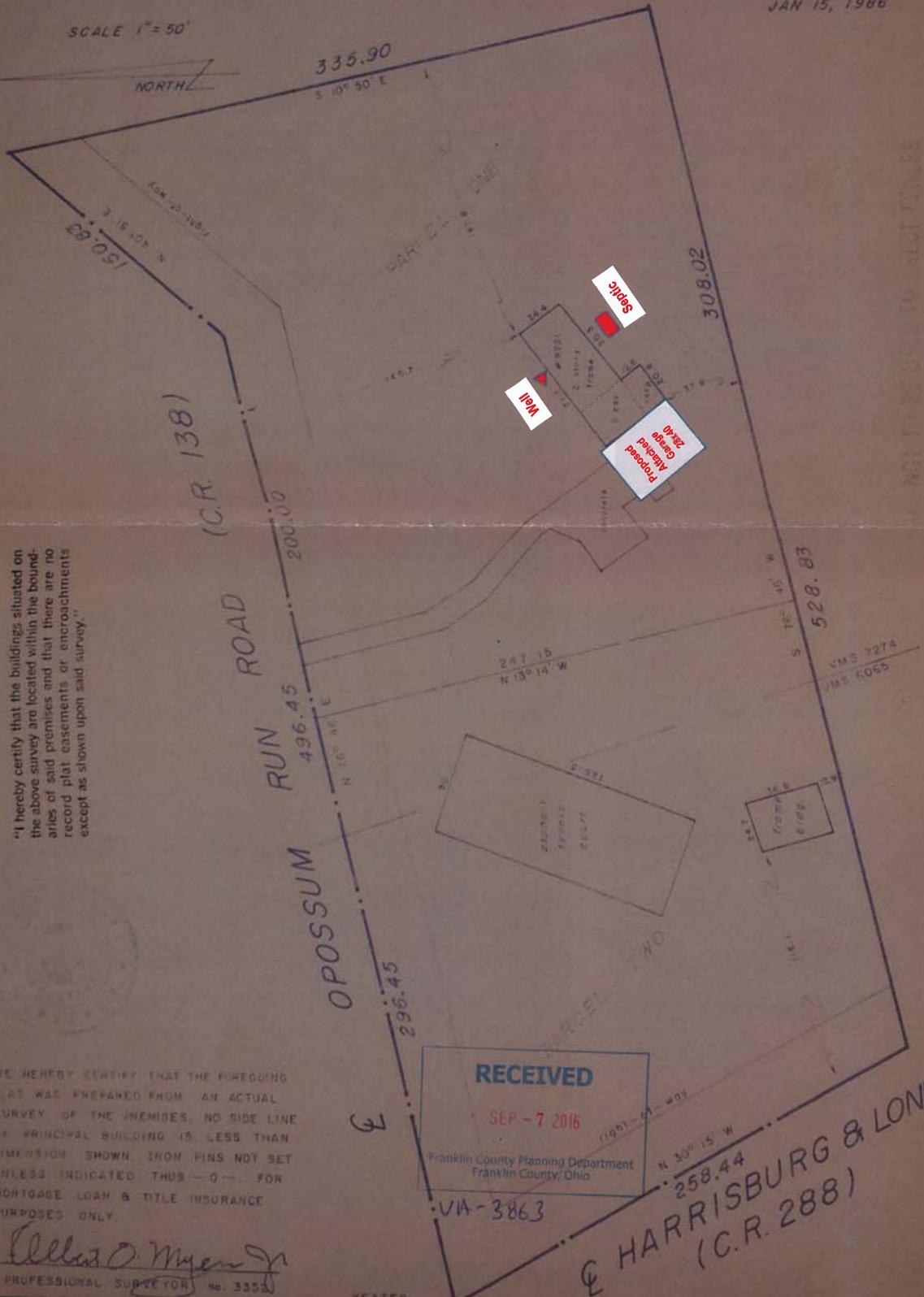
EAGLE LAND TITLE AGENCY, INC. and of METFIRST FINANCIAL COMPANY

In Flood Zone "0" as per F.I.R.M. 390167-0155B

JAN 15, 1986

SCALE 1" = 50'

Plot Plan of proposed attached garage – requested variance is for backyard requirement of 20% of lot depth or 50'. Distance in proposal is 28' vs. the zoned 50'.



"I hereby certify that the buildings situated on the above survey are located within the boundaries of said premises and that there are no record plat easements or encroachments except as shown upon said survey."

WE HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PREMISES, NO SIDE LINE OF PRINCIPAL BUILDING IS LESS THAN DIMENSION SHOWN, IRON PINS NOT SET UNLESS INDICATED THUS -O- FOR MORTGAGE LOAN & TITLE INSURANCE PURPOSES ONLY.

*Charles O. Myers Jr.*  
PROFESSIONAL SURVEYOR No. 3353

YEARER

HARRISBURG & LONDON  
(C.R. 288)

J.L.W.

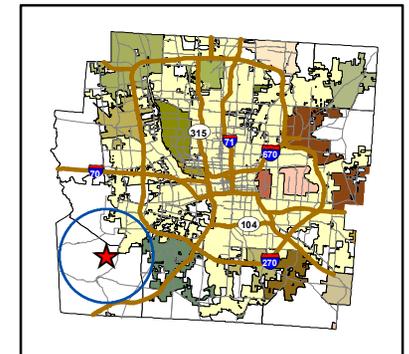


## VA-3863

Requesting a variance to Section 302.044 of the Franklin County Zoning Resolution to allow for the construction of an attached garage that will not meet the rear yard requirement in an area zoned Rural.

Acres: 1.90  
Township: Pleasant

-  8221 Opossum Run
-  Parcels
-  Streets



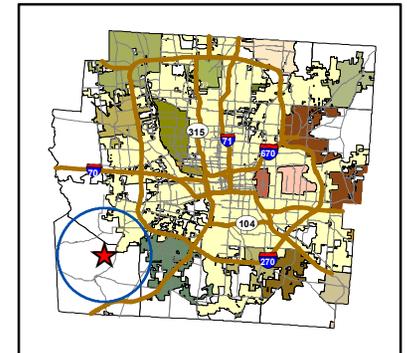


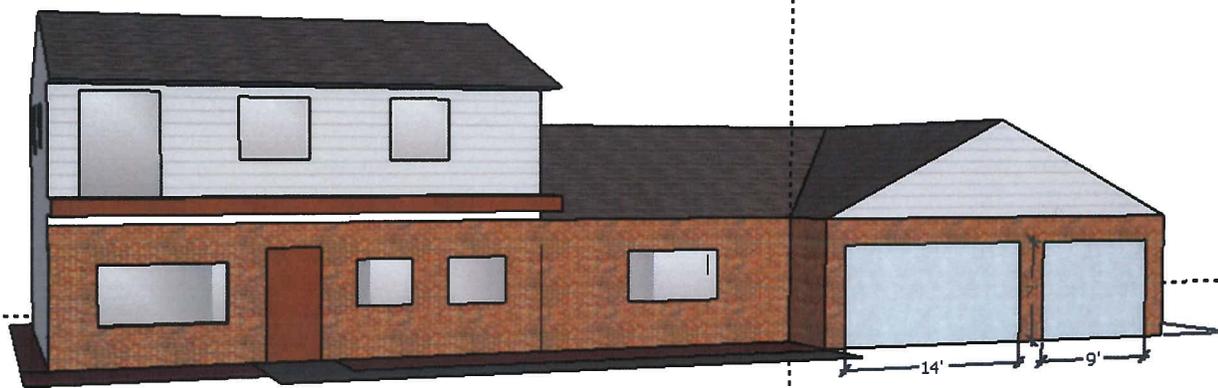
## VA-3863

Requesting a variance to Section 302.044 of the Franklin County Zoning Resolution to allow for the construction of an attached garage that will not meet the rear yard requirement in an area zoned Rural.

Acres: 1.90  
Township: Pleasant

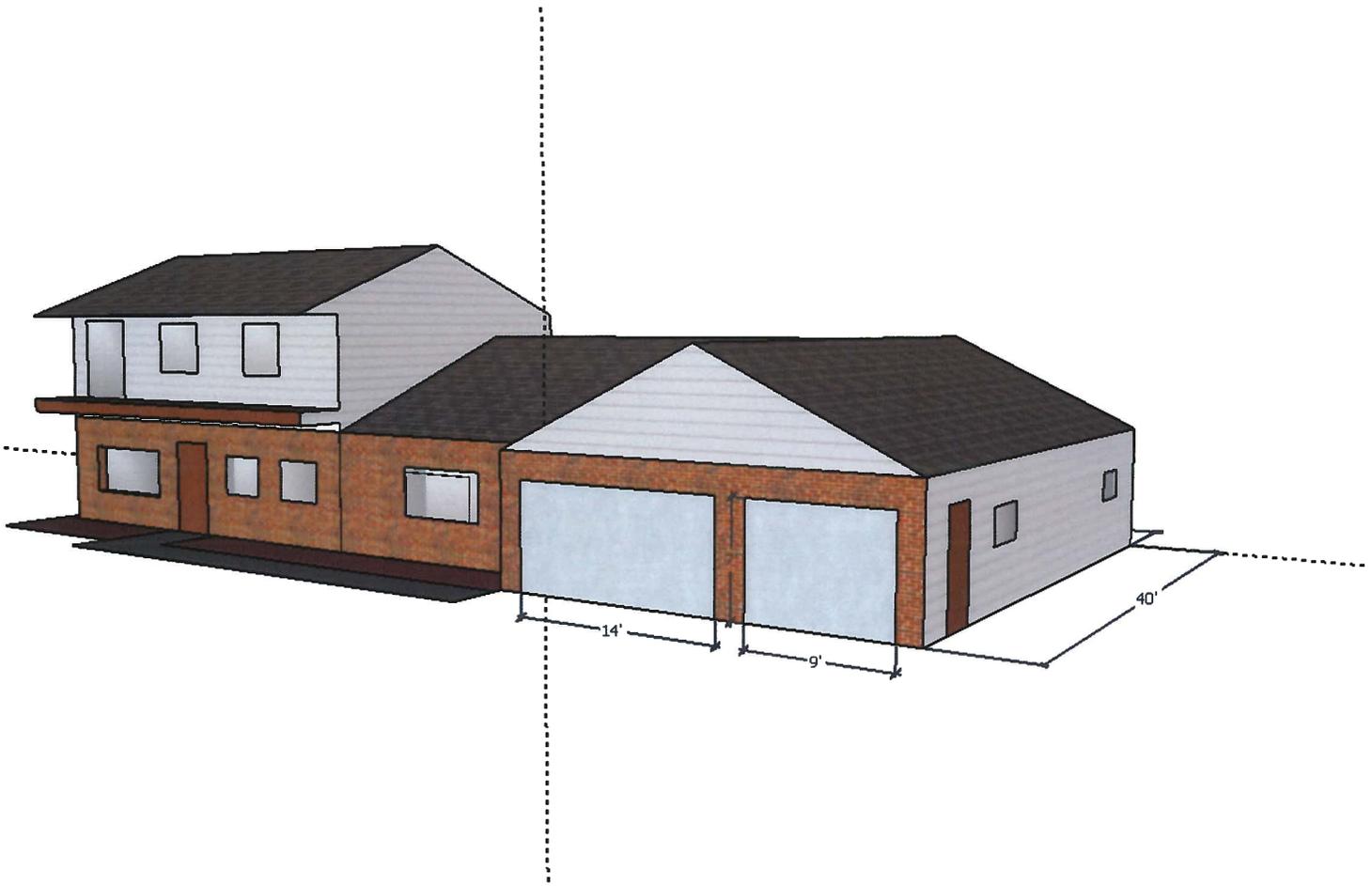
-  8221 Opossum Run
-  Parcels
-  Streets





**RECEIVED**  
SEP - 7 2016  
Franklin County Planning Department  
Franklin County, Ohio

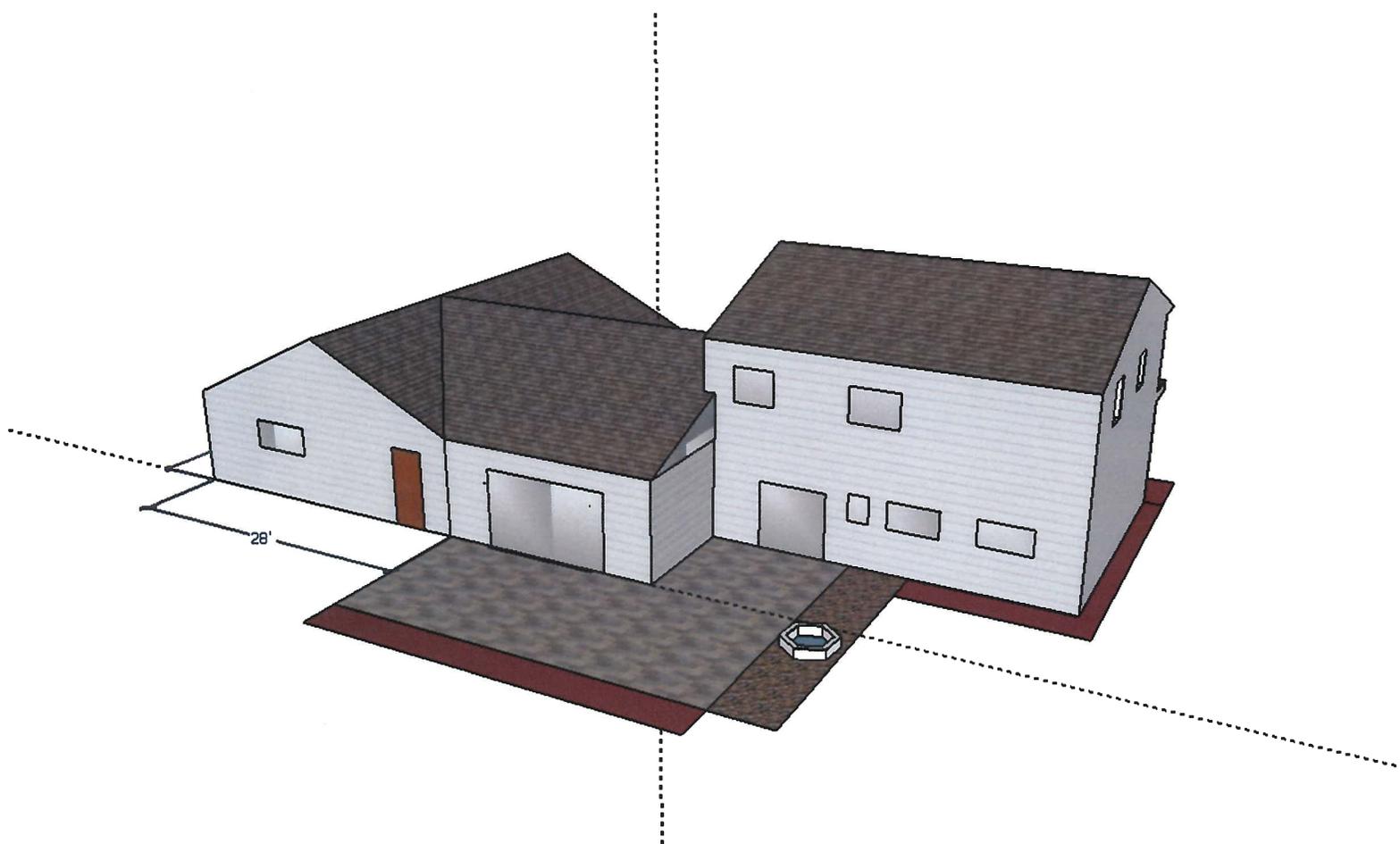
VA-3863



**RECEIVED**

SEP - 7 2016

Franklin County Planning Department  
Franklin County, Ohio



**RECEIVED**  
SEP - 7 2016  
Franklin County Planning Department  
Franklin County, Ohio