



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, September 16, 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 August 19, 2013 meeting
5. New Business:

A. VA-3800 – Matt Brown

Applicant:	John R. & Beth A. Parsons
Township:	Pleasant Township
Site:	6764 Darby Boulevard (PID #230-002730)
Acreage:	0.438-acres
Zoning:	Rural District
Utilities:	Onsite water and central wastewater
Request:	Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a desk within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

B. VA-3801 – Scott Ulrich

Applicant/Owner:	James J. & Teresa D. Massey
Township:	Brown Township
Site:	3455 Amity Road (PID #120-000160)
Acreage:	6.439-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Variance from Section 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.

C. VA-3802 – Matt Brown

Applicant:	Revive Remodeling LLC
Owner:	Christina & Don Bowen
Township:	Pleasant Township
Site:	2787 River Street (PID #230-002167)
Acreage:	0.28-acres
Zoning:	Rural District
Utilities:	Central water and wastewater
Request:	Requesting 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.

D. VA-3803 – Scott Ulrich

Applicant:	Curt Douglas
Township:	Pleasant Township
Site:	6575 London Groveport Road (PID #230-000833)
Acreage:	5.021-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Variance from Section 650.162(a) and Section 512.02(2) of the Franklin County Zoning Resolution 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.

E. VA-3804 – Anthony Hray – *Requesting to table until October 21, 2013*

Applicant:	TH Midwest Inc. Attn: Christopher Rinehart
Owner:	Weston Town Centre LLC Attn: Nick Vollman
Township:	Franklin Township
Site:	185 Georgesville Road (PID #140000093)
Acreage:	1.50-acres
Zoning:	Community Service (CS) District
Utilities:	Central water and wastewater
Request:	Requesting a Variance from Sections 670.083(b), 670.083(c), 670.083(f), 670.083(h), 670.086(b), 670.086(c(3-5)), 670.086(c(6)), 670.086(c(7)), 670.086(d(1)) and 670.0812 of the Franklin County Zoning Resolution to allow the development of a gas station that fails to meet the building setback, parking lot setback, building width, building façade, prohibited signage, ground sign type, size, setback and height requirements, and to exceed the permitted number of parking spaces using a standard sealed surface on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

F. CU-3805 – Matt Brown

Applicant/Owner:	Ricky Adams
Township:	Brown Township
Site:	4221 Abbey Chase Court (PID #120-001228)
Acreage:	5.31-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Conditional Use from Section 302.0392(b) of the Franklin County Zoning Resolution to allow the construction of a pond that will exceed 1,000 square feet in size in an area zoned Rural

6. Adjournment of Meeting to October 21, 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, August 19, 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, August 19, 2013.

Present were:

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

Franklin County Economic Development and Planning Department members:

Matt Brown, Planner
Anthony Hray, Planner

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 July 15, 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.

OLD BUSINESS:

The next order of business being Case No. VA-3788. The applicant is Agler Tire/Jamal Hemamou. The owner is Farida Boa. The agent is David Hodge. The site is located at 2925 Westerville Road. The township is Clinton Township. It is 0.301 acres. The request is for a Variance from Sections 332.042(c), 322.043, 332.045, 501.012, 501.024, 504.011, 504.012, 505.022(a), 505.022(c), and 531.02 to allow the use of a temporary storage building that fails to meet the required setback and minimum side yard and to allow the use of a Dumpster that fails to meet the location and pad material requirements in association with a used tire store, on a lot that fails to meet the minimum landscaped open space, front greenbelt, fence height, fence material, minimum parking space and parking setback requirements in an area zoned Community Services (CS).

Mr. Guyton made a motion to take VA Case No. 2788 off of the table. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve VA Case No. VA-3788 with the Staff's following 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 shall coordinate with the Clinton Township Fire Department and receive all required fire safety inspections for the proposed storage building within 30 days of occupancy. The applicant shall furnish staff with a copy of the approved fire safety inspection and at no time shall the applicant be permitted to store any amount of tires which exceeds that permitted by fire code.
3. The applicant shall obtain a building permit from the State of Ohio for the proposed storage building.
4. The proposed storage building shall maintain a side yard of at least six (6) feet. However, if required by the Clinton Township Fire Department and/or State of Ohio Building Department, the applicant shall provide the full ten (10) foot setback and any additional fire separation as deemed necessary. The site plan must be revised to reflect its final location prior to the issuance of a Certificate of Zoning Compliance.
5. The applicant shall remove the temporary storage building no later than August 19, 2015. Failure to do so shall constitute a zoning violation and will be subject to enforcement under Section 705 of the Franklin County Zoning Resolution.
6. At no time shall the applicant be permitted to store any equipment, dismantled or otherwise inoperable vehicles, junk, materials, and/or conduct auto repairs on the site.
7. All tires being stored on-site shall be contained within an approved structure.
8. The proposed front greenbelt shall be maintained at all times with live vegetation. The applicant shall coordinate with the Franklin County Soil and Water Conservation District to choose a suitable species of grass and native tree species.
9. The applicant shall install sediment and erosion control measures, as necessary, prior to completing any earth disturbing work associated with the proposed greenbelt and storage building.
10. The applicant shall install a curb or similar barrier around the proposed greenbelt to prevent unwanted vehicle traffic and to provide a more defined access point. The applicant shall obtain all permits from the Ohio Department of Transportation prior to conducting any work within the public right-of-way.
11. The applicant shall stripe the parking area according to the approved site plan.
12. The applicant shall screen the existing dumpster with a fence in accordance with all requirements of Section 505.024 of the Franklin County Zoning Resolution.

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

NEW BUSINESS:

The next order of business being Case No. VA-3799. The applicant is Southwestern City Schools Board of Education. The township is Franklin Township. It is located at 1001 Demorest Road. It is 38.058 acres in size. It is in the Rural District and has central water and sewer. And the request is for a Variance from Sections 302.044, 302.047, 504.011 and 504.012 to allow for the construction of a school building that will fail to meet the required rear yard setback and maximum height limitation and allow the construction of athletic fields and a parking area that will fail to meet the required setback in an area zoned Rural.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Case No. VA-3799 with Staff's 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 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 be responsible for completing any/all road improvements deemed necessary as a result of the traffic impact study. The applicant will be responsible for all costs associated with any improvements. All improvements shall be agreed upon, approved and detailed prior to the issuance of a Certificate of Zoning Compliance.
7. The applicant shall obtain permits from the Franklin County Engineer's Office, Franklin Township Building Department and city of Columbus Public Services Department prior to conducting any work within the public right-of-way.
8. The applicant shall obtain all necessary permits from the Franklin Township Building and Fire Departments prior to beginning construction.
9. The applicant shall receive plan approval from the Franklin County Drainage Engineer's Office and city of Columbus related to installation/modification of the stormwater drainage system prior to the issuance of a Certificate of Zoning Compliance.
10. The temporary gravel parking area shall be removed by June of 2016. ~~immediately (to the extent practicable) following completion of construction in accordance with the approved construction schedule.~~ In no case shall the gravel parking area remain on-site indefinitely.

There is a modification in Condition No. 10 that the temporary parking be removed by June 2016. 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 Mr. Guyton.

And, thereupon, the hearing adjourned at 3:11 p.m.

Minutes of the August 19, 2013, Board of Zoning Appeals hearing were approved this 16th day of September, 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
September 16, 2013

Case VA-3800

Prepared by: Matt Brown

Applicant/Owner:	John R. & Beth A. Parsons
Township:	Pleasant Township
Site:	6764 Darby Boulevard (PID #230-002730)
Acreage:	0.438-acres
Zoning:	Rural District
Utilities:	Onsite water and central wastewater
Request:	Requesting 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 Riparian Setback in an area zoned Rural.

Summary

The applicant is requesting a variance to legitimize the construction of a deck in the Big Darby Creek Riparian Setback. Staff recommends approval.

Description of the Request

The applicant’s property is located on the east side of Darby Boulevard, south of London-Groveport Road in Darbydale. The property contains a 936 square foot house, a 144 square foot shed and a 96 square foot shed. The applicant desires to legitimize the construction of a 480 square foot deck placed on the rear of the house in an area that previously contained a 240 square foot patio.

The total increase in impervious surface on the property with the decks construction is approximately 240 square feet. The entire property is located within the Big Darby Creek Riparian Setback.

Surrounding Area

The zoning in the surrounding area is Rural and riparian setbacks apply to most of the area. The site was created in 1971 from the northern part of Lot 46 of Allen E. McDowell’s East Darbydale subdivision platted in 1948. The Big Darby Creek is located immediately to the south of the subdivision and tributaries of Big Darby Creek are located immediately to the west and north.

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 indicates the site as stream buffer and recommends no construction in the area. The Conservation Strategy Tiers map does not show the site being located in a tiered area. Tiered lands are the most environmentally sensitive areas recommended for protection.

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 shows the subject site as existing development and recommends the site for Residential Suburban High Density development with 3 to 5 dwelling units per acre. The Conservation Strategy Map shows the site as existing development and outside of tiered areas.

Since the subject site is located outside of the tiered areas of both planning documents and the site is shown as existing development on the Big Darby Accord Watershed Master Plan General Land Use Map, staff believes the request is consistent with both planning documents.

Staff Review

Variance from Section 650.162(a) – Construction:

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
 - The request is to legitimize the construction of a 480 square foot deck.
 - The deck was constructed over an existing 240 square foot patio
 - The increase in the site’s impervious surface is 240 square feet

Franklin County Engineer’s Office

The Franklin County Engineer’s Office has indicated no concerns with variance request.

Franklin County Drainage Engineer’s Office

The Franklin County Drainage Engineer’s Office has indicated no concerns with variance request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project can mitigate any adverse impacts to the riparian setback area.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
 - 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The proposed development will not cause a negative impact to the riparian setback, nor will it reduce the setback area’s effectiveness in performing riparian functions. A net increase in impervious area of 1.3 percent has been proposed. The applicant will work with the Franklin Soil and Water Conservation District to mitigate the increase in impervious surface.
 - 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » The proposed development is permitted in the underlying Rural zoning district and conforms to all development standards.
 - 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
 - 1) *The native vegetation of the property.*
 - » The deck is located in an area that previously contained a patio and maintained yard. The proposal does not require the removal of any native vegetation.
 - 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant will mitigate any adverse impacts of the proposed development to maintain the integrity and functionality of the riparian setback.
 - 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The development required minimal disturbance in the riparian setback and the site is stabilized.
 - 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant will mitigate the additional impervious area from the development.

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » Special circumstances do apply to the subject property. The property is located entirely within the Big Darby Creek Watershed Riparian Setback. Any new construction on this lot is only permitted through approval of a variance.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
 - » A literal interpretation of the zoning resolution would prohibit any new construction on this property. Other properties in the Rural zoning district but not within the riparian setback would be permitted to construct a structure provided all development standards are met. The applicant's proposal complies with all development standards required of a new structure within the Rural zoning district.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions apply as a result of any action of the applicant.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » The development on the site is minimal, adding only 1.3 percent impervious surface, and other properties in the area have development located in the riparian setback.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
 - » Allowing the development will not be injurious to private property or the public welfare. The applicant will be required to mitigate the increase in impervious surface.

Recommendation

Staff recommends approval of the requested variance 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.

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.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve the variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a deck within the Big Darby Creek Riparian Setback as outlined in the request above for the applicant identified in Case No. VA-3800 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 as outlined in the request above for Case No. VA-3800 results from applicant's failure to satisfy the criteria for granting a variance under Sections 650.20 and 810.041.

Seconded by: _____

Voting:

Myers Surveying Company, Inc.

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

A Mortgage Location Survey prepared for and certified to:

Fort Worth Mortgage Corporation

Legal Description: Situated in Ohio, County of Franklin, Township of Pleasant, Being Part of Lot 46 Allen McDowell's East Darbydale Addition, Plat Book 21, Page 24A

Applicant: Beth Parsons

Posted Address: 6764 Darby Blvd.

F.E.M.A. Flood Zone Designation: Flood Zone "X" as per F.I.R.M. 390167 0310G

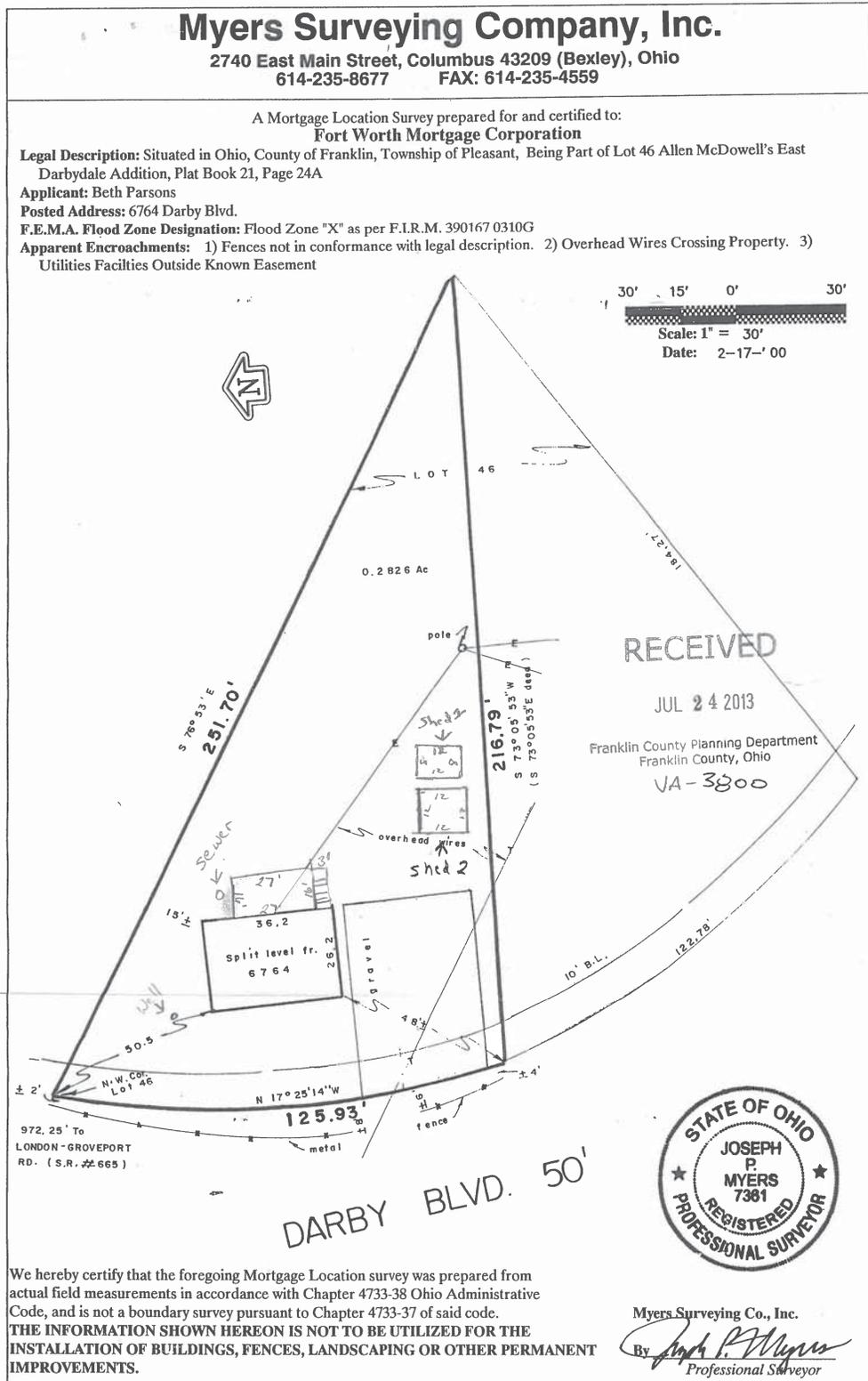
Apparent Encroachments: 1) Fences not in conformance with legal description. 2) Overhead Wires Crossing Property. 3) Utilities Facilities Outside Known Easement

house
936 sq. ft.
143' to East Line
45' to South Line
17' to North Line
38' to West Line

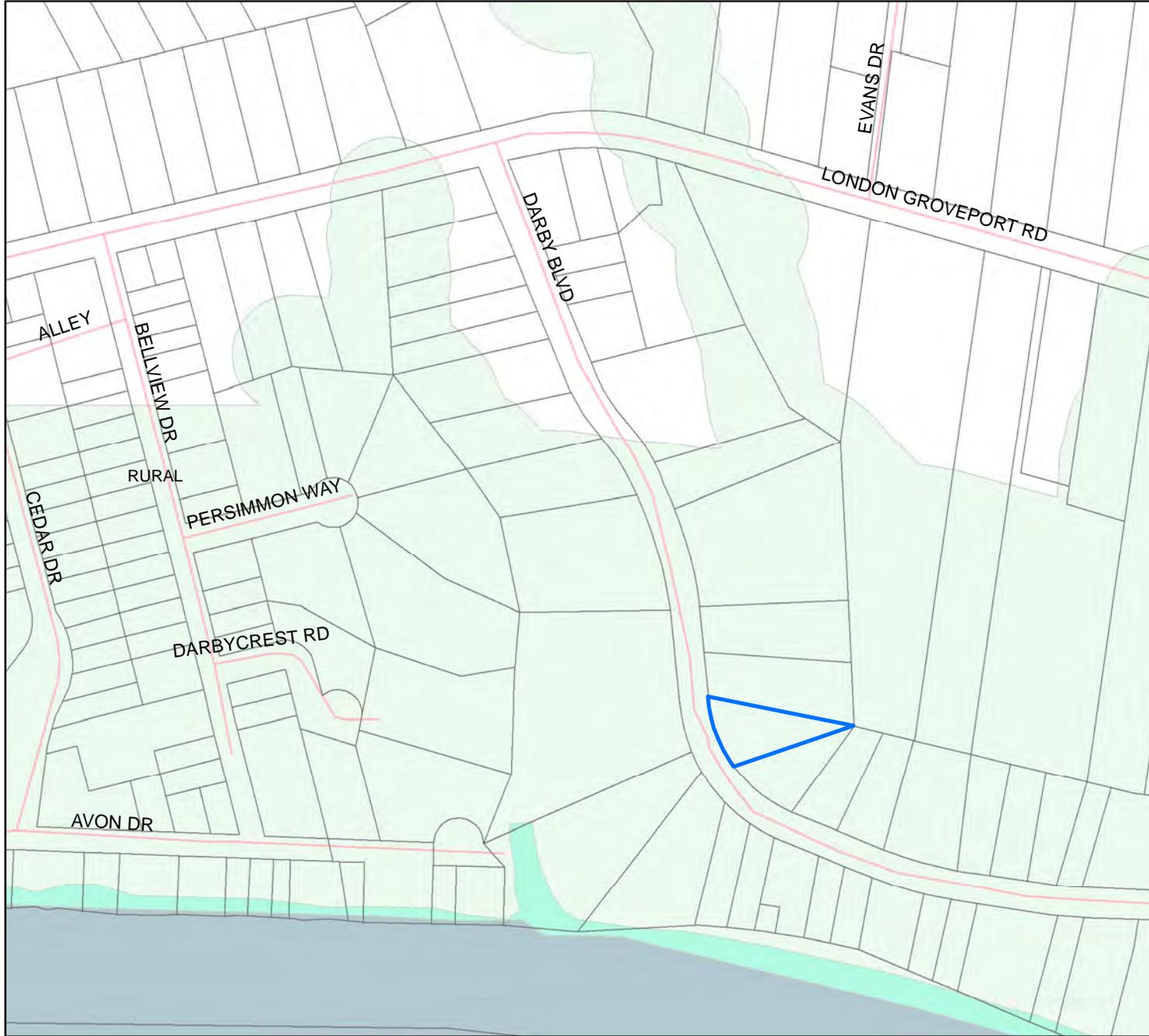
Deck
432 sq. ft.
127' to East Line
44' to South Line
23' to North Line
64' to West Line
height 5'

Shed 1
96 sq. ft.
114' to East Line
7.5' to South Line
71' to North Line
81' to West Line
height 8'

Shed 2
144 sq. ft.
125' to East Line
5' to South Line
80' to North Line
76.5' to West Line
height 9'



We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code. **THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.**

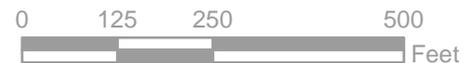
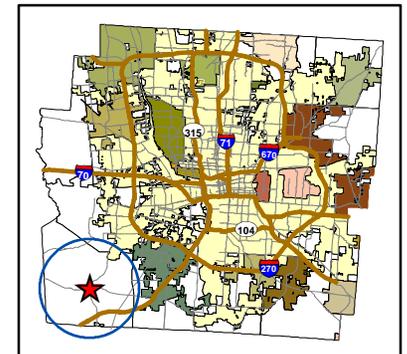


VA-3800

Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the constructino of a deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

.438 acres
Pleasant Township

- 6764 Darby Boulevard
 - Parcels
 - Streets
 - Big Darby Creek Setbacks
- County Zoning**
- Rural
- Franklin County Floodplain**
- Floodway Fringe
 - Floodway





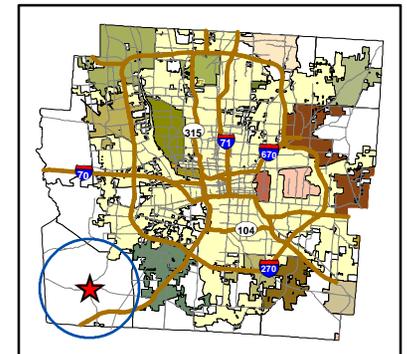
VA-3800

Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the constructino of a deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

.438 acres
Pleasant Township

-  6764 Darby Boulevard
-  Parcels
-  Streets
-  Big Darby Creek Setbacks

- Franklin County Floodplain**
-  Floodway Fringe
 -  Floodway



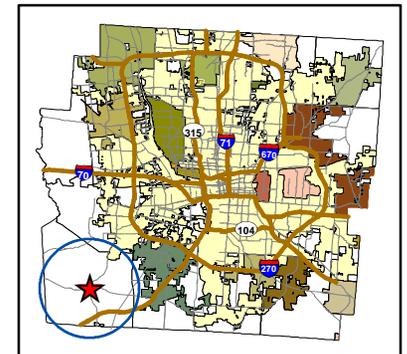


VA-3800

Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the constructino of a deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

.438 acres
Pleasant Township

-  6764 Darby Boulevard
-  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
September 16, 2013

Case VA-3801

Prepared by: Scott Ulrich

Applicant/Owner:	James J. & Teresa D. Massey
Township:	Brown Township
Site:	3455 Amity Road (PID #120-000160)
Acreage:	6.439-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Variance from Section 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.

Summary

The applicant is requesting a variance to replace a fence within the Big Darby Creek Watershed Riparian Setback. Staff recommends approval with conditions.

Description of the Request

The applicant's property is located on the west side of Amity Road, north of Beach Road in Brown Township. The property contains a 2,459 square foot house, an 864 square foot pole barn, and an 800 square foot in-ground pool. The applicant intends to replace an existing fencing that encloses a portion of the rear yard of the property, including the pole barn and pool. The proposed fence will otherwise comply with the provisions of the Franklin County Zoning Resolution.

Surrounding Area

The zoning in the surrounding area is Rural and riparian setbacks apply to much of the area. The Big Darby Creek is located immediately to the west of the subject site and tributaries of Big Darby Creek are located to the south and north.

Comprehensive Plan

The Brown Township Comprehensive Plan, adopted in 2005, includes two maps to guide development: a Development Densities map and a Conservation Areas map. The Development Densities map designates the site for a proposed Darby Creek Corridor Overlay District, which would only apply to new lot splits and construction proposals. The Conservation Areas map shows the site within the First Tier Conservation Areas, including the Big Darby Creek Buffer Area and Wooded Areas & Steep Slopes. The plan states that First Tier Conservation Areas are the most environmentally sensitive areas and should be preserved under any legal circumstances possible.

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 shows the subject site as existing development and does not recommend the site for any future land use, as it is entirely encompassed by conservation areas. The Conservation Strategy Map shows the site as existing development and includes Protected, Tier 2 and Tier 3 areas.

Since the request does not include any new construction or increase in impervious area, staff believes the request is consistent with both planning documents.

Staff Review

Variance from Section 650.162(c) – Fences and Walls:

- Erection of fences or walls is prohibited.
 - The request is to replace an existing fence.
 - Section 110.042 of the Franklin County Zoning Resolution (Non-Conforming Structures and Development) states the following:

Structures and/or accessory development, which by reason of size, type and/or location on the lot, or otherwise in conflict with the regulations of the Zoning District in which they are located may be altered, reconstructed or extended only in such manner that the alteration, reconstruction or extension will comply with the development standards of the Zoning District in which the structure and/or accessory development is located.

Such alteration, reconstruction, or extension shall include such additional development and compliance with the development standards of the Zoning District as would be required of a new structure and/or accessory development to the extent practicable and so that the spirit and intent of the development standards are accomplished.

Franklin County Engineer’s Office

The Franklin County Engineer’s Office has indicated no concerns with variance request.

Franklin County Drainage Engineer’s Office

The Franklin County Drainage Engineer’s Office has indicated no concerns with variance request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project does not pose any significant adverse impacts to the riparian setback area, but requests that any areas disturbed by the fence replacement activity be re-seeded immediately.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.

- 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The proposed fence replacement will not cause a negative impact on the riparian setback, nor will it reduce the setback area’s effectiveness in performing riparian functions. No net increase in impervious area has been proposed.
- 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*

The proposed fence will otherwise comply with the provisions of the Franklin County Zoning Resolution.

- 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.

- 1) *The native vegetation of the property.*
 - » The proposed fence replacement is located in a maintained yard area of the property. The proposal does not require the removal of any native vegetation.
- 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » The proposed fence replacement will not impair the integrity or functionality of the riparian setback.
- 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The proposed fence replacement requires minimal disturbance in the riparian setback and the applicant will use Best Management Practices to reduce erosion and control sediment on site during all phases of development.
- 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The proposed fence replacement will not increase the amount of impervious cover or smooth vegetation on the property.

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » Special circumstances do apply to the subject property. A majority of the property is located within the Big Darby Creek Watershed Riparian Setback, including the subject fence, a pole barn and a portion of an in-ground pool. Any replacement or modification of these structures is only permitted through approval of a variance.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
 - » A literal interpretation of the zoning resolution would prohibit the replacement of an existing, otherwise conforming fence. Other properties in the Rural zoning district but not within the stream setback would be permitted to replace a fence provided all development standards are met. The applicant's proposal will comply with all development standards related to fences.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions apply as a result of any action of the applicant.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » Other properties in the area have fences located in the riparian setback. In fact, several nearby properties have homes located entirely within the riparian setback.

- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
- » Allowing the fence replacement will not be injurious to private property or the public welfare. The existing wood fence is deteriorating, whereas the proposed aluminum replacement fence will be more durable and in keeping with the aesthetic quality of the surrounding area.

Recommendation

Staff recommends approval of the requested variance with the following conditions:

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.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve the variance from Section 650.162(c) of the Franklin County Zoning Resolution to to replace a fence within the Big Darby Creek Watershed Riparian Setback as outlined in the request above for the applicant identified in Case No. VA-3801 with the conditions in staff’s recommendation.

Seconded by: _____

Voting:

Findings of Fact

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

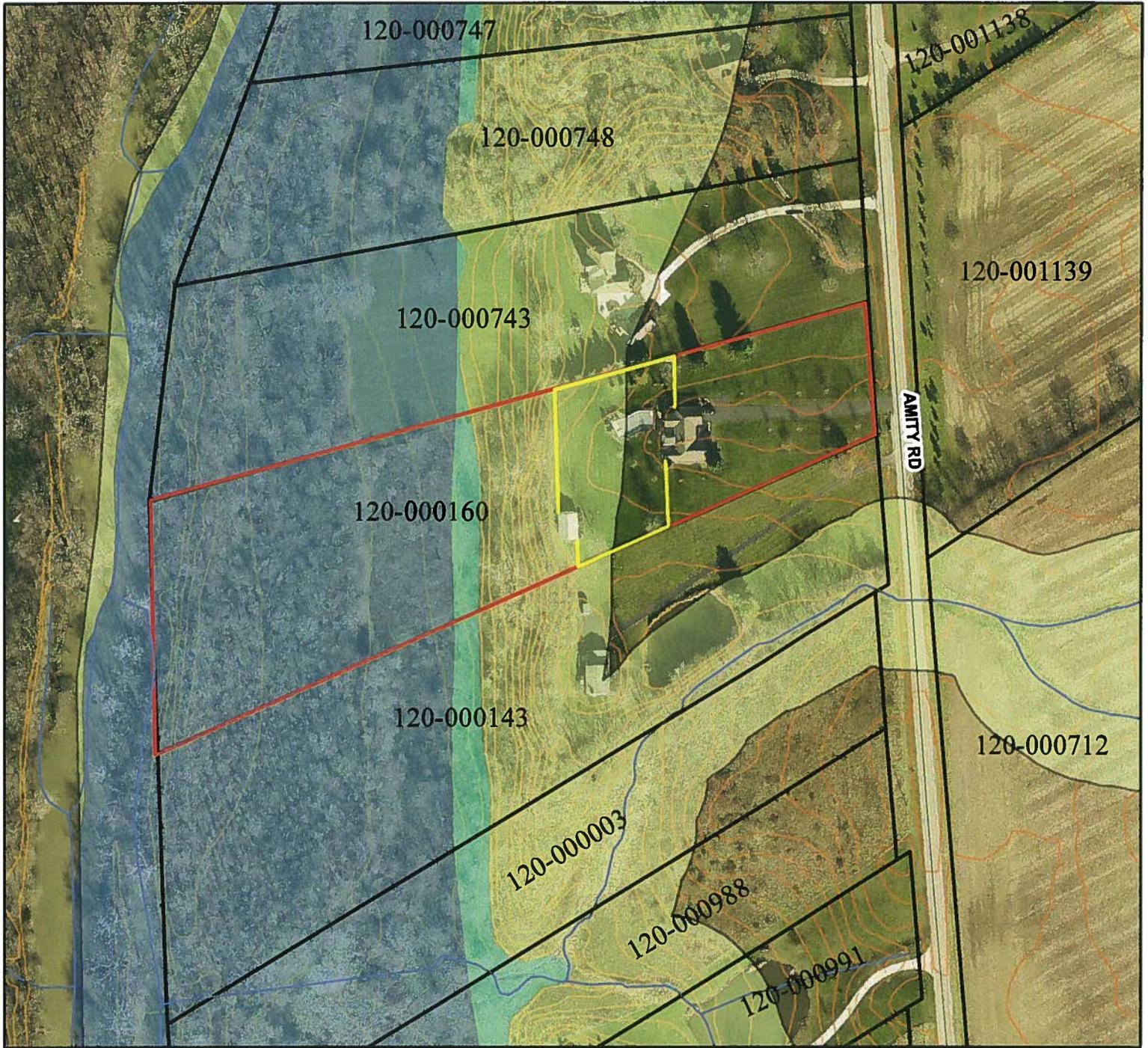
If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for the variance as outlined in the request above for Case No. VA-3801 results from applicant’s failure to satisfy the criteria for granting a variance under Sections 650.20 and 810.041.

Seconded by: _____

Voting:

3455 Amity Road - Fence Proposal



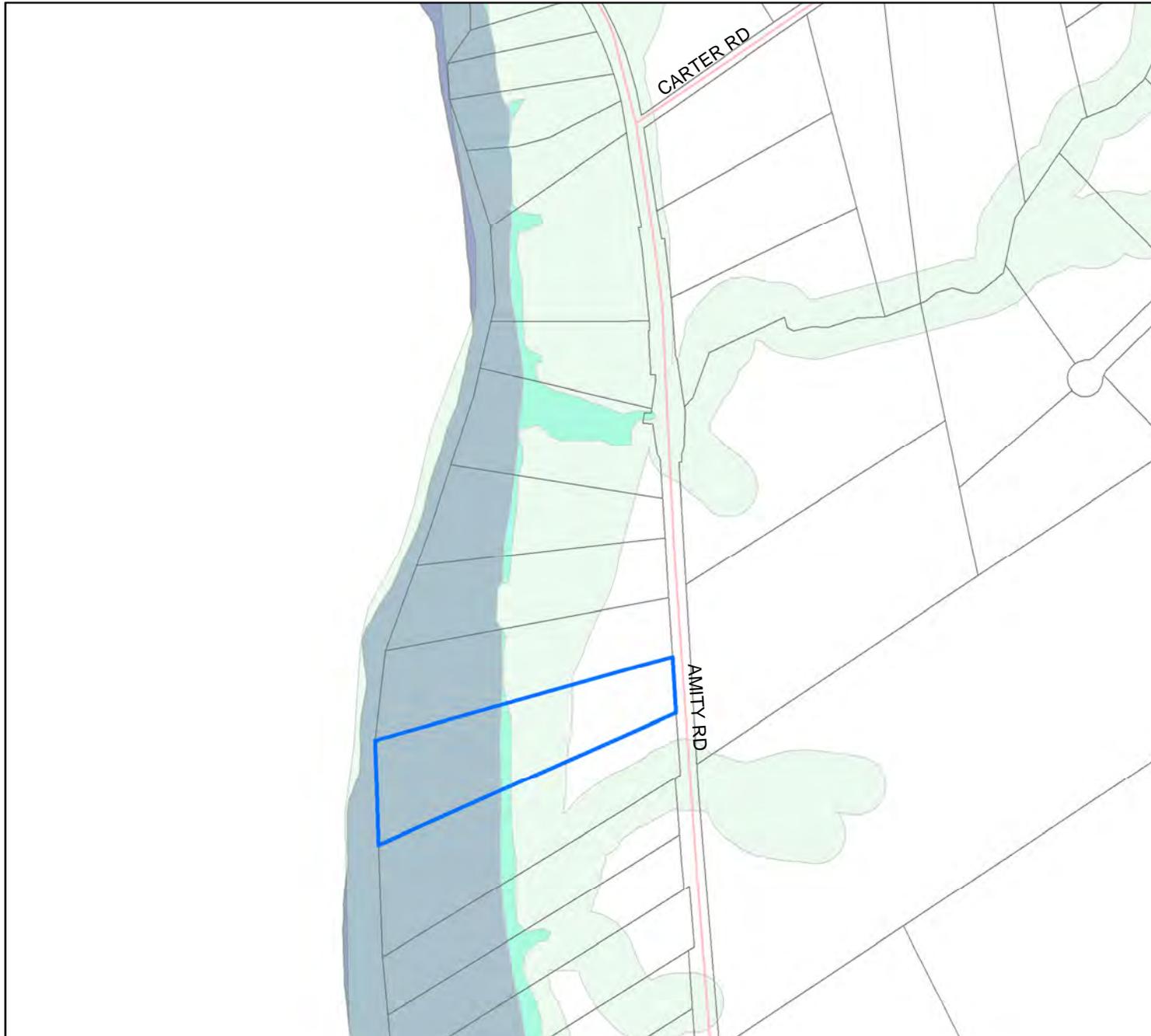
0 120 240 480 720 Feet

1 inch = 200 feet
RECEIVED

AUG 12 2013

Franklin County Planning Department
Franklin County, Ohio

-  Proposed Aluminum Fence
-  3455 Amity Road
-  Big Darby Creek Setbacks
-  Parcel/Right-of-Way Line

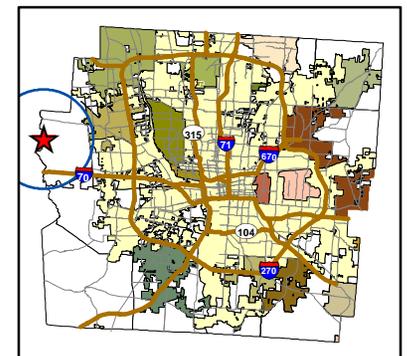


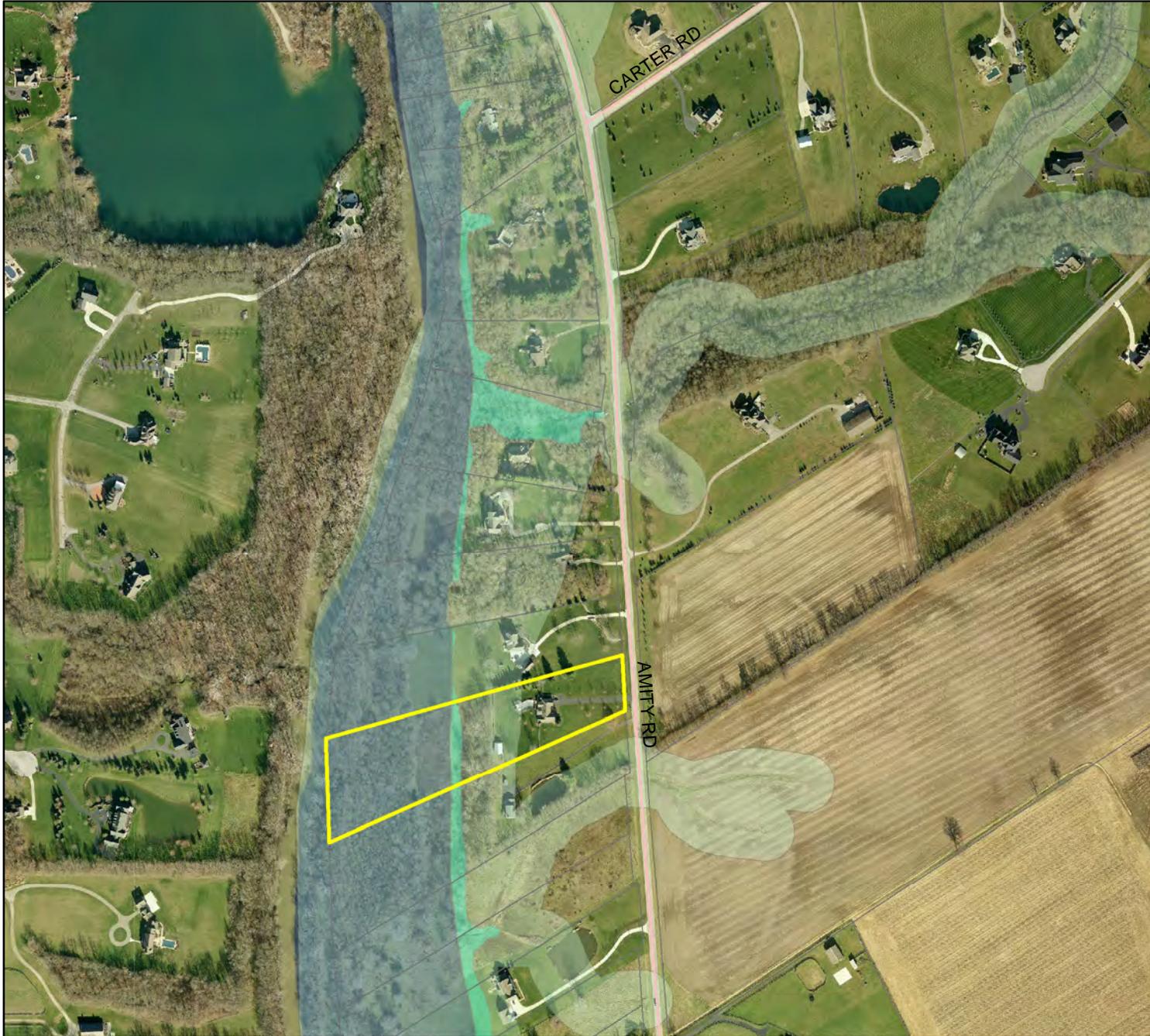
VA-3801

Requesting a Variance from Section 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.

6.439 acres
Brown Township

- 3455 Amity Road
 - Parcels
 - Streets
 - Big Darby Creek Setback
- County Zoning**
- Rural
- Franklin County Floodplain**
- Floodway Fringe
 - Floodway



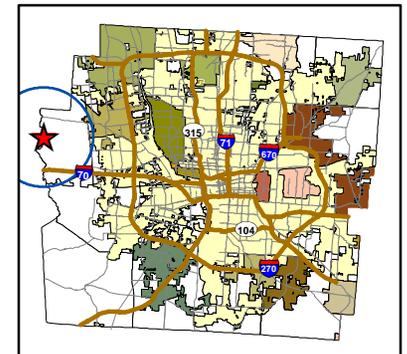


VA-3801

Requesting a Variance from Section 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.

6.439 acres
Brown Township

-  3455 Amity Road
-  Parcels
-  Streets
-  Big Darby Setbacks
- Franklin County Floodplain**
-  Floodway Fringe
-  Floodway



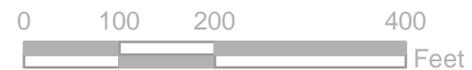
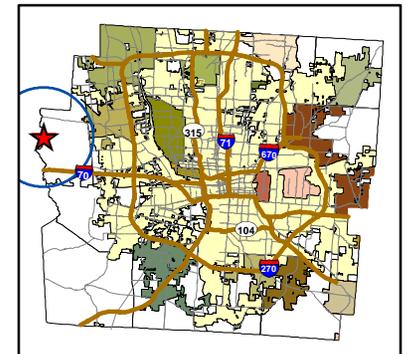


VA-3801

Requesting a Variance from Section 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.

6.439 acres
Brown Township

-  3455 Amity Road
-  Parcels
-  Streets
-  Big Darby Creek Setback
- 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
September 16, 2013

Case VA-3802

Prepared by: Matt Brown

Applicant:	Revive Remodeling LLC
Owner:	Christina & Don Bowen
Township:	Pleasant Township
Site:	2787 River Street (PID #230-002167)
Acreage:	0.28-acres
Zoning:	Rural District
Utilities:	Central water and wastewater
Request:	Requesting 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.

Summary

The applicant is requesting a variance to allow the construction of a porch in the Big Darby Creek Riparian Setback. Staff recommends approval.

Description of the Request

The applicant's property is located in the unincorporated village of Georgesville, platted in 1873. The subject property is composed of Lot 92 and part of Lot 91 of the plat. The subject site is bordered on the east by River Street, on the north by Railroad Street and on the south by an alley. The property fronts on and gains access from River Street and contains a 2,188 square foot house and 190 square foot shed. The applicant desires to build a 288 square foot screened-in porch on the west side of the house.

The west side of the house is the rear yard and the proposed porch fails to meet the rear yard setback requirement. The site's existing lot coverage is 19.5 percent and the proposed porch addition will increase the lot coverage to 21.9 percent. In addition, the entire property is located in the Big Darby Creek Watershed Riparian Setback area.

Surrounding Area

The zoning in Georgesville is mostly Rural with riparian setbacks applying to the eastern portion of the village near Big Darby Creek. The Georgesville Community Club is located a short distance to the west of the subject site and is zoned in the Exceptional Use (EU) district. The former Georgesville school site is located to the southwest, is zoned in the Restricted Industrial (RI) district and is currently used as a residence.

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 indicates the site as stream buffer and recommends no construction in the area. The Conservation Strategy Tiers map does not show the site being located in a tiered area. Tiered lands are the most environmentally sensitive areas recommended for protection.

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 shows the subject site as existing development and recommends the site for Residential Suburban High Density development with 3 to 5 dwelling units per acre. The Conservation Strategy Map shows the site as existing development and outside of tiered areas.

Since the subject site is located outside of the tiered areas of both planning documents and the site is shown as existing development on the Big Darby Accord Watershed Master Plan General Land Use Map, staff believes the request is consistent with both planning documents.

Staff Review

Variance from Section 302.041(c) – Lot Coverage:

- Only one principal use shall be permitted on a lot and such lot shall not be covered more than 20 percent by structure.
 - The proposal will result in a lot coverage of 21.9 percent.

Variance from Section 302.044 – Rear Yard:

- For main buildings, there shall be a rear yard of 20 percent or more of the lot depth, except that a rear yard of more than 50 feet shall not be required.
 - The site's lot depth is 80 feet, requiring a rear yard of 16 feet.
 - The proposal is to allow a rear yard of 12 feet

Variance from Section 650.162(a) – Construction:

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
 - The request is to allow the construction of a 288 square foot screened-in porch.
 - The increase in the site's impervious surface is 2.4 percent

Franklin County Engineer's Office

The Franklin County Engineer's Office has indicated no concerns with variance request.

Franklin County Drainage Engineer's Office

The Franklin County Drainage Engineer's Office has indicated no concerns with variance request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project can mitigate any adverse impacts.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
- 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The proposed development will not cause a negative impact to the riparian setback, nor will it reduce the setback area's effectiveness in performing riparian functions. A net increase in impervious area of 2.4 percent has been proposed. The applicant will work with the Franklin Soil and Water Conservation District to mitigate the increase in impervious surface.
- 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » The proposed structure is permitted in the underlying Rural zoning district.
- 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
- 1) *The native vegetation of the property.*
 - » The porch will be located in an area of maintained yard. The proposal does not require the removal of any native vegetation.
- 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant will mitigate any adverse impacts of the proposed development.
- 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The proposal requires minimal disturbance in the riparian setback and the applicant will use erosion and sediment control BMPs.
- 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant will mitigate the additional impervious area from the development.

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » The property is located entirely within the Big Darby Creek Watershed Riparian Setback. Any new construction on this lot is only permitted through approval of a variance.
 - » The orientation of the parcel with respect to the road on which it fronts is unique. This orientation results in a shallow lot depth and necessitates a rear yard variance.

- » The majority of lots in the village of Georgesville are smaller in size than the minimum lot size required by the Rural district. The subject site is only 11 percent of the minimum lot size required and therefore a lot coverage variance is needed.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
 - » Other properties in the Rural zoning district but not within the riparian setback would be allowed to constructed a porch.
 - » The subject site has a unique orientation and other properties with a more typical lot orientation do not have the same constraints.
 - » Many properties in the area exceed the permitted lot coverage due to the size of the properties compared to the minimum lot size of the Rural district.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions apply as a result of any action of the applicant.
- 4) *Granting the variances will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » Other properties in the area have development located in the riparian setback and exceed the permitted lot coverage.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
 - » The applicant will be required to mitigate the increase in impervious surface.

Recommendation

Staff recommends approval of the requested variances 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.
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.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve the 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 as outlined in the request above for the applicant identified in Case No. VA-3802 with the conditions in staff’s recommendation.

Seconded by: _____

Voting:

Findings of Fact

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

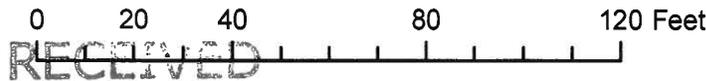
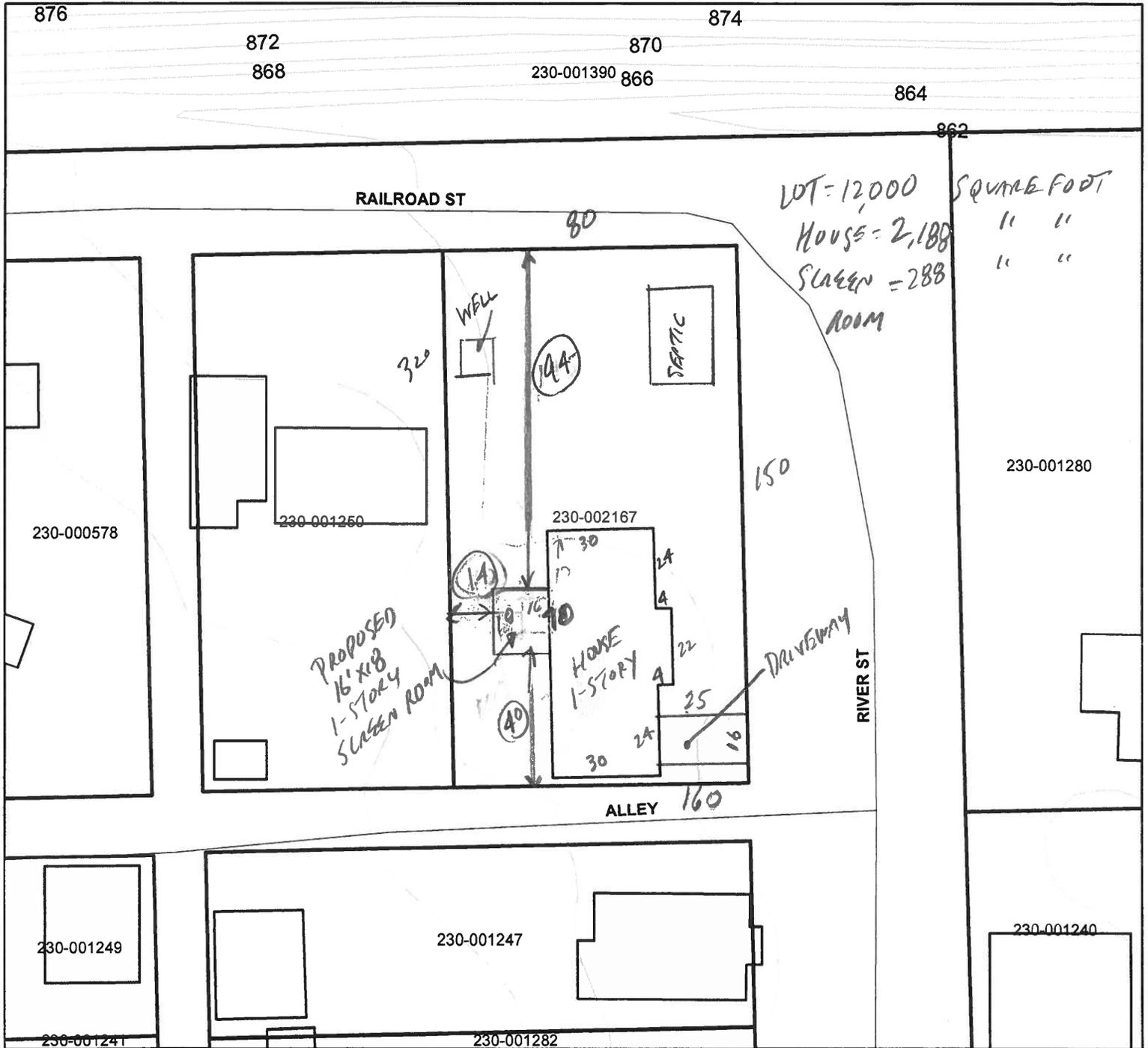
If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant's request for the variance as outlined in the request above for Case No. VA-3802 results from applicant's failure to satisfy the criteria for granting a variance under Sections 650.20 and 810.041.

Seconded by: _____

Voting:

2787 River Street



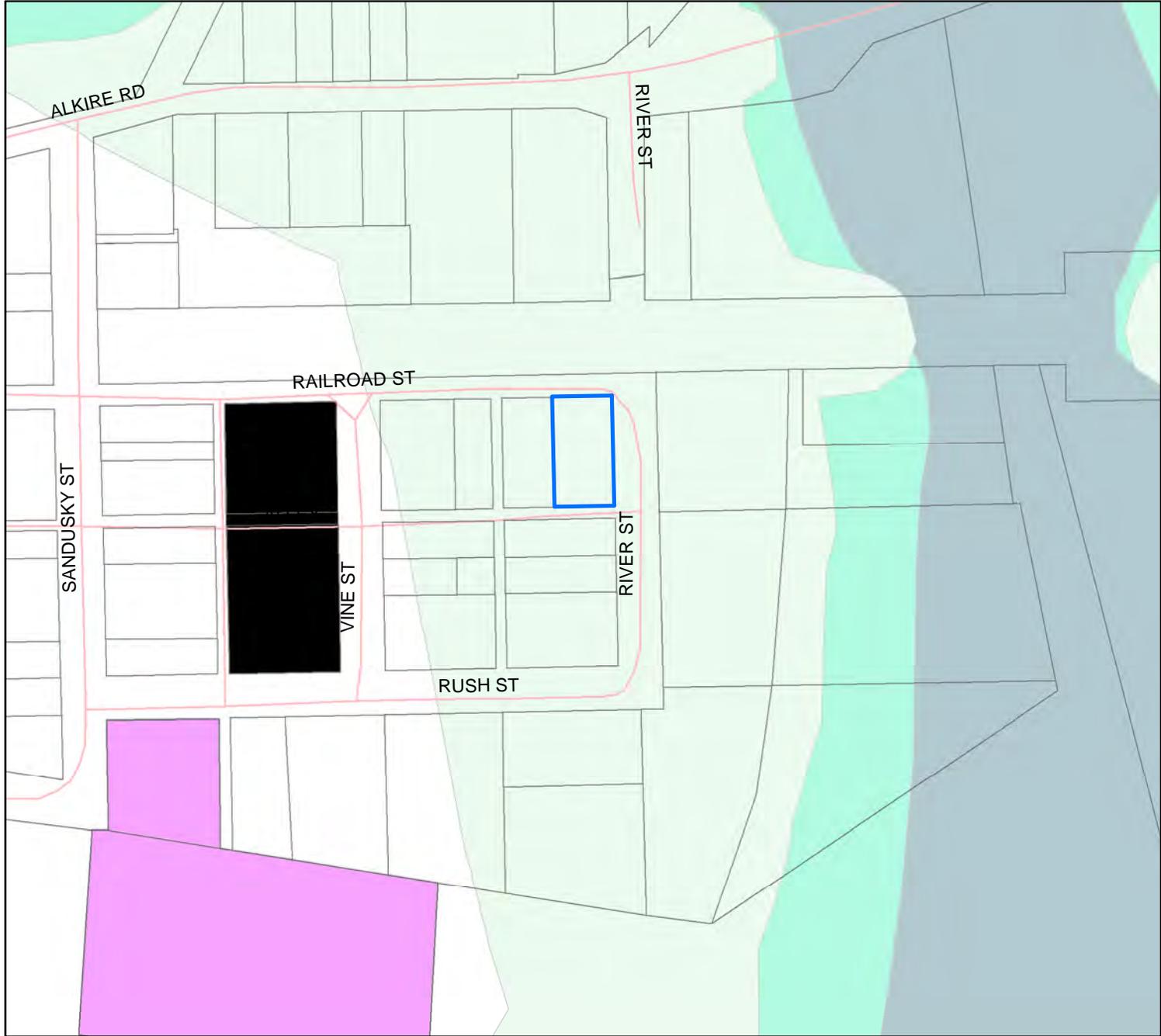
RECEIVED

AUG 13 2013 1 inch = 40 feet

Franklin County Planning Department
Franklin County, OH

VA-3802

- BUILDING
- ▭ Parcel / Right-of-Way
- ▭ Big Darby Creek Setbacks

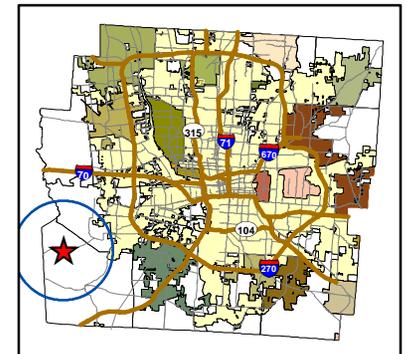


VA-3802

Requesting a Variance from Section 302.044 and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a porch that fails to meet the rear yard setback within the Big Darby Creek Riparian Setback in an area zoned Rural.

.28 acres
Pleasant Township

- 2787 River Street
- Parcels
- Streets
- Big Darby Creek Setback
- Franklin County Floodplain**
- Floodway Fringe
- Floodway



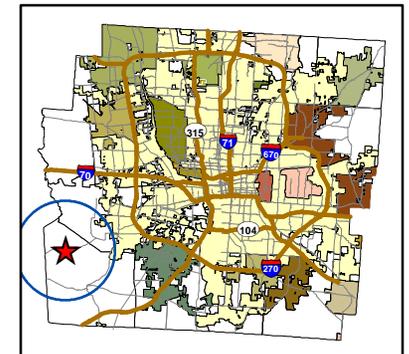


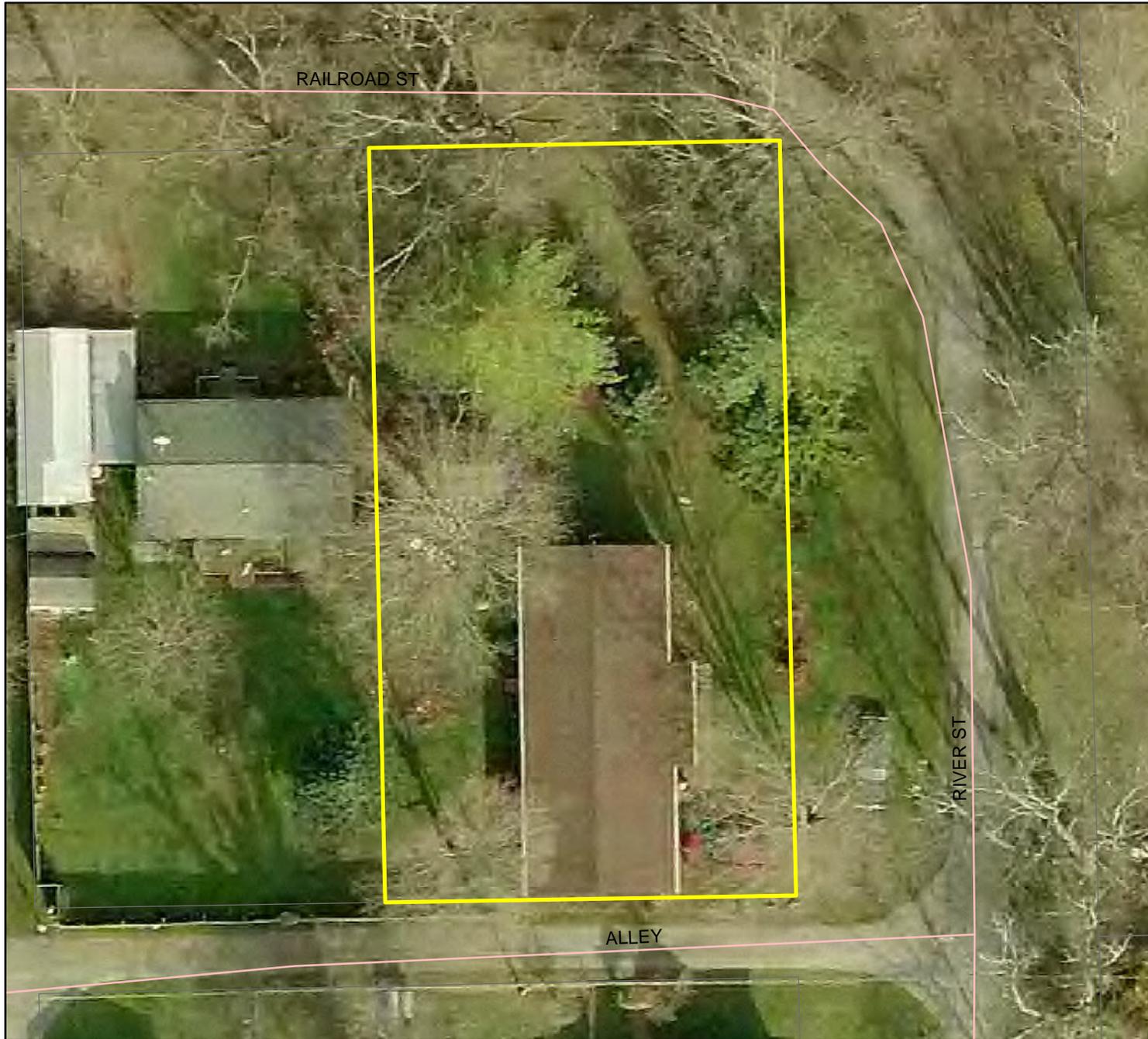
VA-3802

Requesting a Variance from Section 302.044 and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a porch that fails to meet the rear yard setback within the Big Darby Creek Riparian Setback in an area zoned Rural.

.28 acres
Pleasant Township

-  2787 River Street
-  Parcels
-  Streets
-  Big Darby Creek Setback
- Franklin County Floodplain**
-  Floodway Fringe
-  Floodway



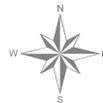
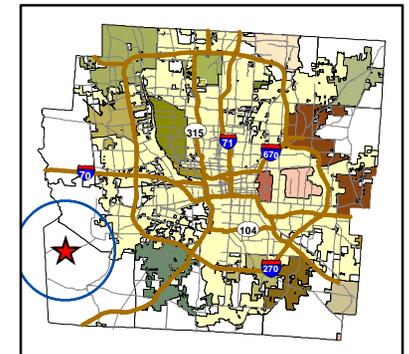


VA-3802

Requesting a Variance from Section 302.044 and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of a porch that fails to meet the rear yard setback within the Big Darby Creek Riparian Setback in an area zoned Rural.

.28 acres
Pleasant Township

-  2787 River Street
-  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
September 16, 2013

Case VA-3803

Prepared by: Scott Ulrich

Applicant/Owner:	Curt Douglas
Township:	Pleasant Township
Site:	6575 London Groveport Road (PID #230-000833)
Acreage:	5.021-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Variance from Section 650.162(a) and Section 512.02(2) of the Franklin County Zoning Resolution 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.

Summary

The applicant is requesting variances to allow the construction of a pole barn in the Big Darby Creek Riparian Setback. Staff recommends **approval** with conditions.

Description of the Request

The applicant's property is located just east of the unincorporated village of Darbydale. The subject site is bordered on the north by London-Groveport Road and on the south by Big Darby Creek. The property fronts on and gains access from London-Groveport Road and contains a 1,536 square foot house. The applicant desires to build a 1,200 square foot pole barn with 320 square foot lean-to at the southwest corner of the house. The west side of the house is the side yard and the proposed accessory building fails to meet the side yard setback requirement. In addition, approximately half of the proposed building is located in the Big Darby Creek Watershed Riparian Setback area.

Surrounding Area

The zoning in the surrounding area is Rural and riparian setbacks apply to much of the area. The Big Darby Creek is located immediately to the south of the subject site and a tributary of Big Darby Creek runs through the southern portion of the site.

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 designates the northern portion of the site as Residential Suburban High Density with 4 to 8 units per acre. The southern portion is indicated as stream buffer and recommends no construction in the area. The Conservation Strategy Tiers map shows a small southern portion of the site as Tier 1 (highest priority) and Tier 2 (higher priority). Tiered lands are the most environmentally sensitive areas recommended for protection.

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 shows the subject site as existing development and recommends the site for Residential Suburban High Density development with 3 to 5 dwelling units per acre. The Conservation Strategy Map shows a small southern portion of the site as Tier 1 (highest priority) and Tier 2 (higher priority).

Since the location of the proposed accessory building is located outside of the tiered areas of both planning documents and the site is shown as existing development on the Big Darby Accord Watershed Master Plan General Land Use Map, staff believes the request is consistent with both planning documents.

Staff Review

Variance from Section 650.162(a) – Construction:

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
 - The request is to construct a 1,520 accessory building .

Variance from Section 512.02(2) – Accessory Buildings:

- Accessory buildings on a lot of five (5) acres or more must be setback from property lines by at least 20 feet.
 - The request is to construct an accessory building within 10 feet of the side lot line.

Franklin County Engineer’s Office

The Franklin County Engineer’s Office has indicated no concerns with variance request.

Franklin County Drainage Engineer’s Office

The Franklin County Drainage Engineer’s Office has indicated no concerns with variance request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project can mitigate any adverse impacts to the riparian setback area.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
 - 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The proposed development will not cause a negative impact to the riparian setback, nor will it reduce the setback area’s effectiveness in performing riparian functions. A net increase in impervious area of 0.7 percent has been proposed. The applicant will work with the Franklin Soil and Water Conservation District to mitigate the increase in impervious surface.
 - 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » The proposed development is permitted in the underlying Rural zoning district and conforms to all development standards except the side yard setback.
 - 3) *Variances are void if not implemented within one (1) year of the date of issuance.*

- » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
 - 1) *The native vegetation of the property.*
 - » The proposed accessory building is located in an area that previously contained maintained yard. The proposal does not require the removal of any native vegetation.
 - 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant will mitigate any adverse impacts of the proposed development to maintain the integrity and functionality of the riparian setback.
 - 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The proposed building will be located on the site to minimize clearing. The construction will require minimal disturbance in the riparian setback and the site will be stabilized.
 - 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant will mitigate the additional impervious area from the development.

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » Special circumstances do apply to the subject property. Accessory buildings must be located to the side or rear of the principal structure. The dense woods, narrowness of the property, and Big Darby Creek Riparian Setback all limit the flexibility in locating the building. Any new construction on the lot would require a variance or clearing of existing trees.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
 - » Other properties in the Rural zoning district but not within the riparian setback would be permitted to construct a structure provided all development standards are met. Smaller properties in the Rural zoning district are permitted to locate an accessory building as close as 10 feet from a property line. The applicant's proposal complies with all other development standards required of a new structure within the Rural zoning district.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions apply as a result of any action of the applicant.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » Other properties in the area have development located in the riparian setback.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
 - » Allowing the development will not be injurious to private property or the public welfare. The applicant will be required to mitigate the increase in impervious surface.

Recommendation

Staff recommends *approval* of the requested variances 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.
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.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve the variance from Section 650.162(a) and Section 512.02(2) of the Franklin County Zoning Resolution to construct an accessory building within the Big Darby Creek Watershed Riparian Setback that will fail to meet the side yard setback as outlined in the request above for the applicant identified in Case No. VA-3803 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 as outlined in the request above for Case No. VA-3803 results from applicant’s failure to satisfy the criteria for granting a variance under Sections 650.20 and 810.041.

Seconded by: _____

Voting:

END OF DRIVEWAY

6575 London-Groveport Road



RECEIVED

AUG 13 2013

Legend

- Streets
- Parcel
- Big Darby Creek Setbacks



6575 London-Groveport Road



RECEIVED

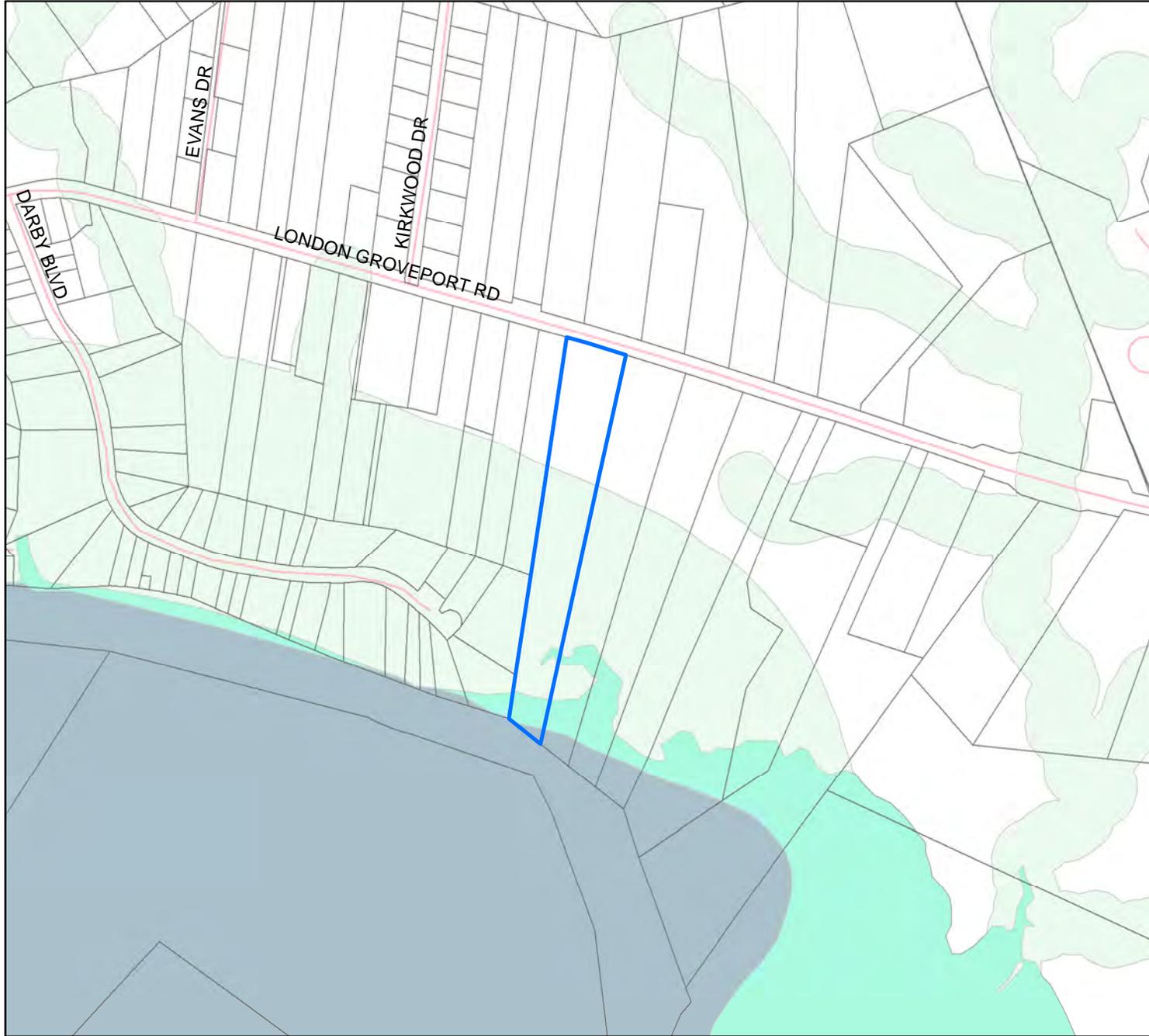
Legend

- Streets
- Parcel
- Big Darby Creek Setbacks



AUG 13 2013



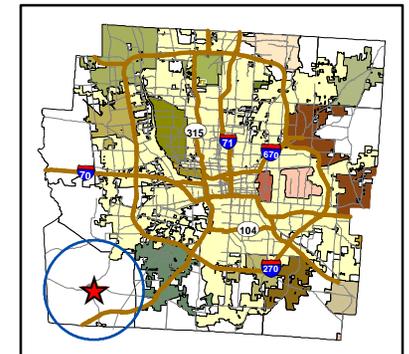


VA-3803

Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to construct an accessory building within the Big Darby Creek Riparian Setback in an area zoned Rural.

5.021 acres
Pleasant Township

- 6575 London Groveport Road
- Parcels
- Streets
- Big Darby Creek Setbacks
- County Zoning**
- Rural
- Franklin County Floodplain**
- Floodway Fringe
- Floodway



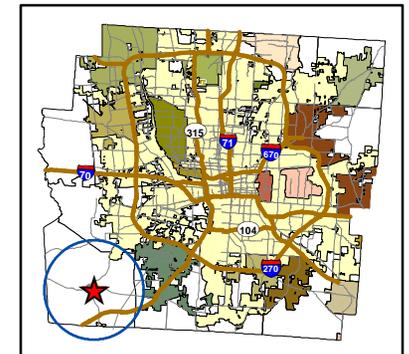


VA-3803

Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to construct an accessory building within the Big Darby Creek Riparian Setback in an area zoned Rural.

5.021 acres
Pleasant Township

-  6575 London Groveport Road
-  Parcels
-  Streets
-  Big Darby Creek Setbacks
- Franklin County Floodplain**
-  Floodway Fringe
-  Floodway



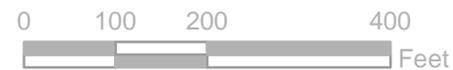
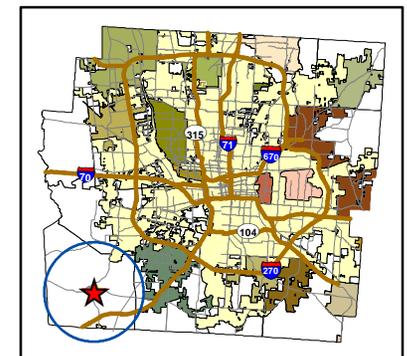


VA-3803

Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to construct an accessory building within the Big Darby Creek Riparian Setback in an area zoned Rural.

5.021 acres
Pleasant Township

- 6575 London Groveport Road
 - Parcels
 - Streets
 - Big Darby Creek Setbacks
- Franklin County Floodplain**
- Floodway Fringe
 - Floodway



Hray, David A.

From: Christopher A. Rinehart <crinehart@rinehartlegal.com>
Sent: Friday, September 06, 2013 11:40 AM
To: Hray, David A.
Subject: RE: 185 Georgesville Road Turkey Hill Proposal

Anthony:

No problem. Just so I've documented with you. Per your instructions, the applicant is requesting that its application for this project be tabled until the October 21, 2013 BZA hearing. I will take a copy of this request to your office and formally provide it to someone at your office together with the tabling fee. In the meantime, if you have any questions, let me know.

Chris

Christopher A. Rinehart
RINEHART LEGAL SERVICES, LTD.
300 East Broad Street, Suite 450
Columbus, Ohio 43215
T: (614) 221-1244
F: (614) 343-1549
C: (614) 832-8034

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-----Original Message-----

From: Hray, David A. [<mailto:dahray@franklincountyohio.gov>]
Sent: Friday, September 6, 2013 9:29 AM
To: Christopher A. Rinehart
Subject: RE: 185 Georgesville Road Turkey Hill Proposal - Traffic Comments (VA-3804)

Chris-

Unfortunately I had to take the day off. If you do make it into the office today anyone should be able to assist you with filing the tabling fee or you can simply drop it off and I can process it first thing next week.

Have a good weekend.

Thanks,

Anthony

From: Christopher A. Rinehart [crinehart@rinehartlegal.com]
Sent: Thursday, September 05, 2013 3:03 PM
To: Hray, David A.
Subject: RE: 185 Georgesville Road Turkey Hill Proposal - Traffic Comments (VA-3804)

Anthony:

I will have the tabling request to you tomorrow. I'm waiting to hear back from client as to exact date they want. Let me know if that causes any concerns. Also, I will bring tabling check and the other application fee over to you tomorrow as well.

Chris

Christopher A. Rinehart
RINEHART LEGAL SERVICES, LTD.
300 East Broad Street, Suite 450
Columbus, Ohio 43215
T: (614) 221-1244
F: (614) 343-1549
C: (614) 832-8034

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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
September 16, 2013

Case CU-3805

Prepared by: Matt Brown

Applicant/Owner:	Ricky Adams
Township:	Brown Township
Site:	4221 Abbey Chase Court (PID #120-001228)
Acreage:	5.31-acres
Zoning:	Rural District
Utilities:	Onsite water and wastewater
Request:	Requesting a Conditional Use from Section 302.0392(b) of the Franklin County Zoning Resolution to allow the construction of a pond that will exceed 1,000 square feet in size in an area zoned Rural.

Summary

The applicant is requesting a conditional use to allow the construction of a pond in excess of 1,000 square feet on a lot zoned Rural. Staff recommends **approval with conditions**.

Description of the Request

The subject property is located in the Abbey Chase subdivision on the north side of Scioto & Darby Creek Road, west of Langton Road. The subdivision gains access to Scioto & Darby Creek Road from Abbey Chase Court, a private drive. The property is being developed with a 2,550 square foot single-family home. The applicant is proposing to construct a 16,000 square foot pond.

Surrounding Area

The surrounding area is primarily large lot residential and agricultural in character with mostly Rural zoning. A short distance to the west is a 120 acre agricultural field with Low Density Residential zoning. The area is relatively flat and experiences drainage problems.

Comprehensive Plan

The Brown Township Comprehensive Plan, adopted in 2005, includes two maps to guide development: a Development Densities map and a Conservation Areas map. The Development Densities map recommends this area to develop with low density rural residential uses. The Conservation Areas map shows the site in the Second Tier Conservation Area due to hydric soils. The plan recommends that drainage infrastructure be repaired when damaged by development to prevent damages to homes and property.

The Big Darby Accord Watershed Master Plan, adopted in 2006, includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map recommends the area for Rural Residential Estates with lot sizes over 5 acres. The Conservation Strategy Map shows the site as outside of tiered areas.

The conditional use proposal is consistent with both planning documents.

Staff Review

Section 302.0392(b) – Manmade ponds greater than 1,000 square feet may be excavated provided the following standards are met:

- 1) A conditional use permit shall be required.
- 2) A registered professional engineer must design the pond
- 3) The pond must have an approved outlet to a creek, river or adequate swale
- 4) The pond shall be designed in accordance with, and reviewed by, the Franklin Soil and Water Conservation District.
- 5) A pond development plan shall be submitted to the Franklin Soil and Water Conservation District for review and approval. The plan must include the following:
 - Location of principal and emergency spillway outlets
 - Location of outlet discharge points
 - Location of dam and pool area
 - Location of spoil
 - Soil stabilization plan including seeding, mulching and fertilizing data
 - Other information deemed reasonably necessary by the Franklin Soil and Water Conservation District or the Franklin County Economic Development and Planning Department
- 6) The Franklin Soil and Water Conservation District shall be responsible for construction inspections to assure the pond is completed in accordance with approved plans

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

Franklin County Engineer's Office

The Franklin County Engineer's Office has indicated no concerns with the conditional use request.

Franklin County Drainage Engineer's Office

The Franklin County Drainage Engineer's Office has indicated concerns regarding the potential to damage drainage tiles during the pond's construction.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has indicated that the plans comply with the requirements of the Franklin County Zoning Resolution and will be built in conformance with the Natural Resources Conservation Service's standards.

Staff Analysis

Section 815.041 – Approval of Conditional Uses

- 1) The proposed use is a Conditional Use of the Zoning District, and the development standards are met;
- 2) The proposed development is in accordance with the Brown Township Comprehensive Plan and the Big Darby Accord Watershed Master Plan;
- 3) The proposed development keeps with the existing residential and agricultural character of the area.

Recommendation

Staff recommends ***approval*** of a Conditional Use from Section 303.0392(b) 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.
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.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Conditional Use from Section 302.0392(b) of the Franklin County Zoning Resolution to allow the construction of a pond that will exceed 1,000 square feet in size as outlined in the request above for the applicant identified in Case No. CU-3805 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-3805 results from applicant's failure to satisfy the conditions for granting a Conditional Use under Section 815.041.

Seconded by: _____

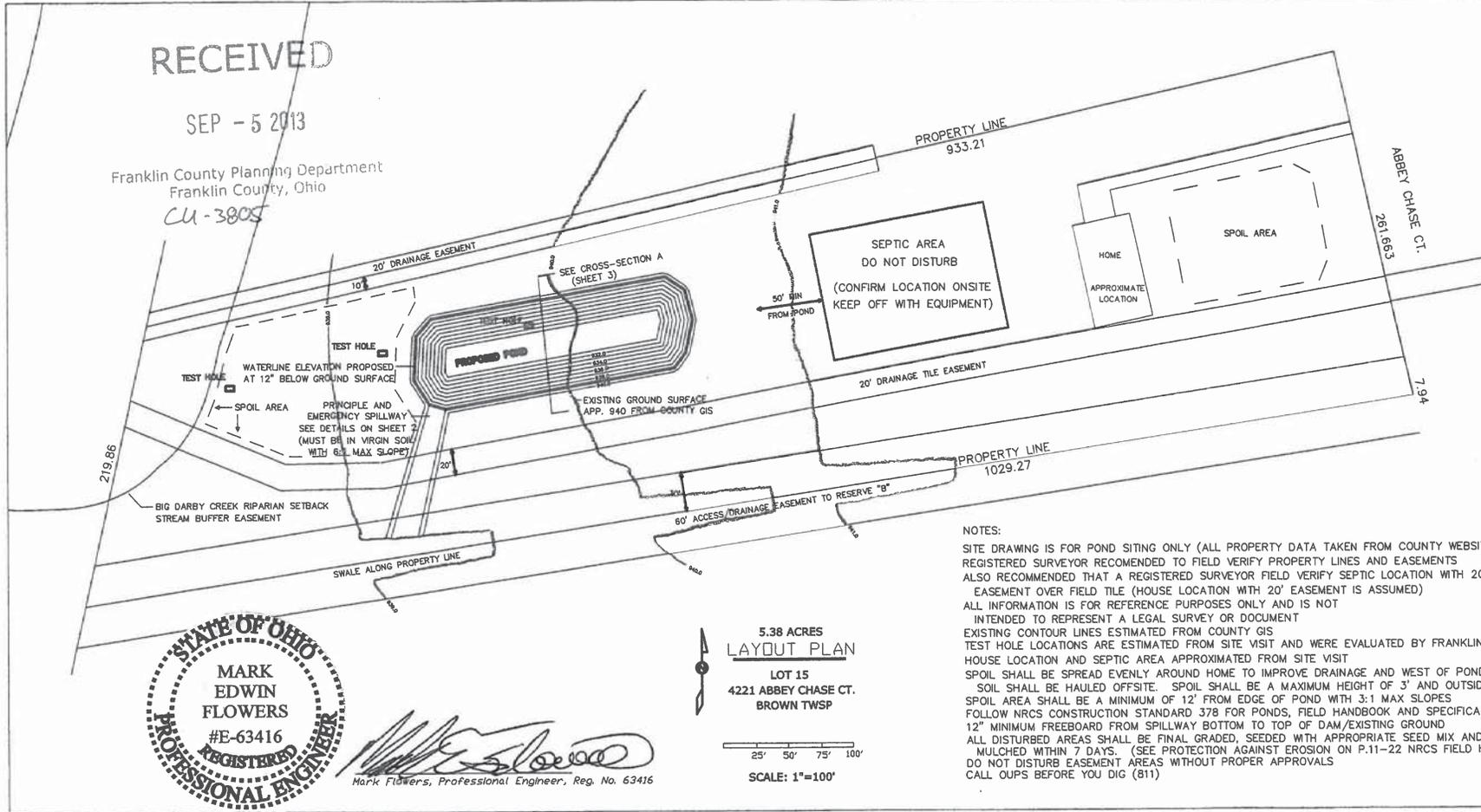
Voting:

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SEP - 5 2013

Franklin County Planning Department
Franklin County, Ohio

CU-3805



NOTES:

SITE DRAWING IS FOR POND SITING ONLY (ALL PROPERTY DATA TAKEN FROM COUNTY WEBSITES)
 REGISTERED SURVEYOR RECOMMENDED TO FIELD VERIFY PROPERTY LINES AND EASEMENTS
 ALSO RECOMMENDED THAT A REGISTERED SURVEYOR FIELD VERIFY SEPTIC LOCATION WITH 20'
 EASEMENT OVER FIELD TILE (HOUSE LOCATION WITH 20' EASEMENT IS ASSUMED)
 ALL INFORMATION IS FOR REFERENCE PURPOSES ONLY AND IS NOT
 INTENDED TO REPRESENT A LEGAL SURVEY OR DOCUMENT
 EXISTING CONTOUR LINES ESTIMATED FROM COUNTY GIS
 TEST HOLE LOCATIONS ARE ESTIMATED FROM SITE VISIT AND WERE EVALUATED BY FRANKLIN CO. SOIL & WATER
 HOUSE LOCATION AND SEPTIC AREA APPROXIMATED FROM SITE VISIT
 SPOIL SHALL BE SPREAD EVENLY AROUND HOME TO IMPROVE DRAINAGE AND WEST OF POND AS BERM. EXCESS
 SOIL SHALL BE HAULED OFFSITE. SPOIL SHALL BE A MAXIMUM HEIGHT OF 3' AND OUTSIDE OF EASEMENTS.
 SPOIL AREA SHALL BE A MINIMUM OF 12' FROM EDGE OF POND WITH 3:1 MAX SLOPES
 FOLLOW NRCS CONSTRUCTION STANDARD 378 FOR PONDS, FIELD HANDBOOK AND SPECIFICATIONS
 12" MINIMUM FREEBOARD FROM SPILLWAY BOTTOM TO TOP OF DAM/EXISTING GROUND
 ALL DISTURBED AREAS SHALL BE FINAL GRADED, SEEDED WITH APPROPRIATE SEED MIX AND
 MULCHED WITHIN 7 DAYS. (SEE PROTECTION AGAINST EROSION ON P.11-22 NRCS FIELD HANDBOOK)
 DO NOT DISTURB EASEMENT AREAS WITHOUT PROPER APPROVALS
 CALL OUPS BEFORE YOU DIG (811)



Mark Flowers
 Mark Flowers, Professional Engineer, Reg. No. 63416

5.38 ACRES
 LAYOUT PLAN
 LOT 15
 4221 ABBEY CHASE CT.
 BROWN TWSP

25' 50' 75' 100'
 SCALE: 1"=100'

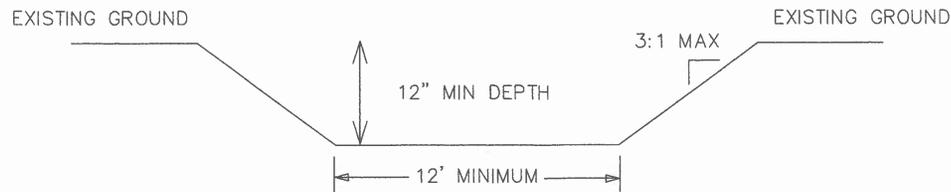
OWNER:
 RICK ADAMS
 5680 CHARLES MILL CT.
 HILLIARD, OH 43026
 614-506-7341

DATE: 8-12-13
 REVISED: 9-3-13
 SCALE: 1" = 100'
 DRAFTED BY: MEF
 DESIGNED BY: MEF

DESIGNER:
 FLOWERS SEPTIC SYSTEM DESIGN INC
 263 PARK TRAILS CT
 NEWARK, OH 43055
 740-587-7363

Sheet
 1 of 3

OUTLET OF PRINCIPLE/EMERGENCY SPILLWAY AT POND
NTS



RECEIVED

SEP - 5 2013

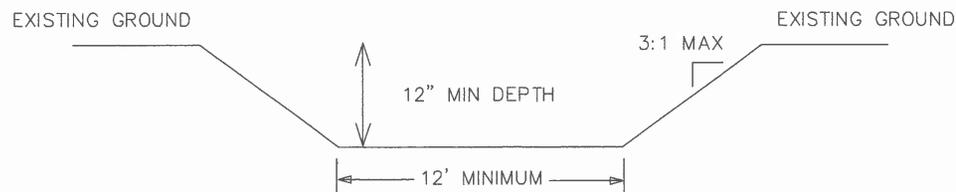
Franklin County Planning Department
Franklin County, Ohio

CU-3805

NOTES:

1. SPILLWAY SHALL BE CUT INTO INSITU (UNDISTURBED/NATURAL) SOIL
2. SPILLWAY ELEVATION AT POND SHALL BE AT PROPOSED POOL LEVEL AT OUTLET
3. ALL DISTURBED AREAS SHALL BE FINAL GRADED, SEEDED WITH APPROPRIATE SEED MIX AND MULCHED WITHIN 7 DAYS. (SEE PROTECTION AGAINST EROSION ON P.11-22 NRCS FIELD HANDBOOK)

PRINCIPLE/EMERGENCY SPILLWAY
NTS

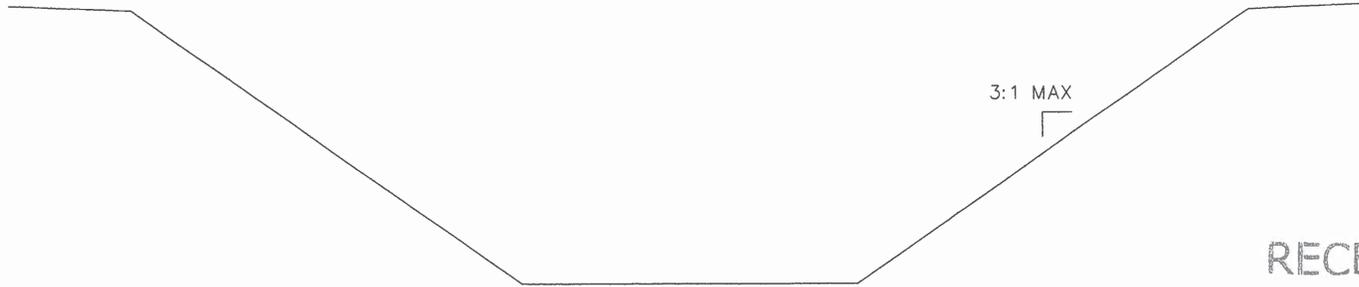


NOTES:

1. SPILLWAY SHALL BE CUT INTO INSITU (UNDISTURBED/NATURAL) SOIL
2. SLOPE OF SPILLWAY FROM POND OUTLET TO SWALE ALONG SOUTH PROPERTY LINE SHALL BE 6:1 MAX SLOPE.
3. APPROVAL MAY BE NEEDED FOR SPILLWAY CROSSING DRAIN TILE EASEMENT AND CONNECTING TO SWALE ALONG SOUTH PROPERTY LINE.

TITLE:		DETAILS POND SITE
		ADAMS RESIDENCE 4221 ABBEY CHASE CT. FRANKLIN COUNTY - HILLIARD, OH
DR. BY: MEF	Engineered By:	 Flowers Septic System Design Inc. 263 Park Trails Court Newark, Oh 43055 740-587-7363
CK BY: MEF		
DATE: 8/8/13		
SCALE: None		
SHEET NO. 2		

POND CROSS-SECTION A
NTS



NOTES:

1. OWNER DESIRES POND DEPTH TO BE 8'-12' DEPTH FOR FISH HABITAT
2. POND SIDE WALLS SHALL BE 3:1 MAX SLOPE AND 4:1 MAX SLOPE WHERE SWALE ENTERS
3. POOL LEVEL IS PROPOSED AT 12" MIN BELOW EXISTING GROUND LEVEL (12" MIN FREEBOARD IS REQUIRED)

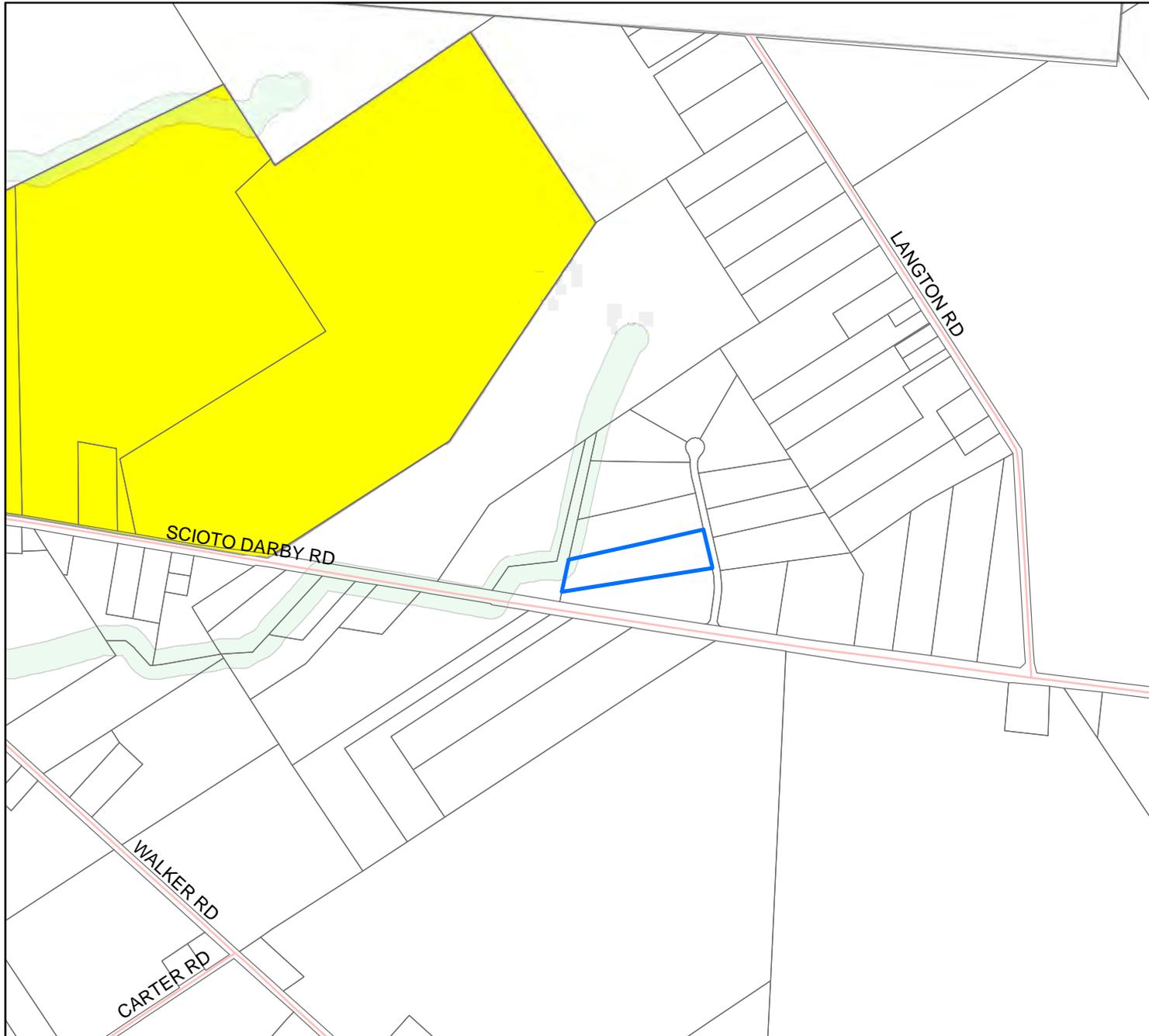
RECEIVED

SEP - 5 2013

Franklin County Planning Department
Franklin County, Ohio

CU-3805

TITLE:	
CROSS-SECTION POND SITE	
ADAMS RESIDENCE 4221 ABBEY CHASE CT. FRANKLIN COUNTY - HILLIARD, OH	
DR. BY: MEF	Engineered By:  Flowers Septic System Design Inc. 263 Park Trails Court Newark, Oh 43055 740-587-7363
CK BY: MEF	
DATE: 8/12/13	
SCALE: None	
SHEET NO. 3	

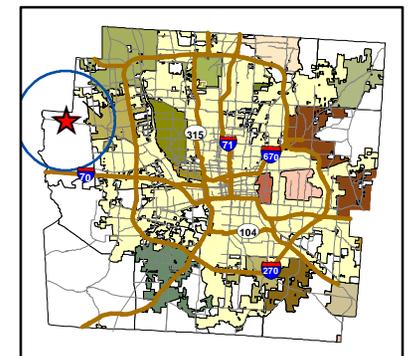


CU-3805

Requesting a Conditional Use from Section 302.0392(b) of the Franklin County Zoning Resolution to allow the construction of a pond that will exceed 1,000 square feet in size in an area zoned Rural.

5.31 acres
Brown Township

-  4221 Abbey Chase Court
 -  Parcels
 -  Streets
 -  Big Darby Creek Setbacks
- County Zoning**
-  Rural
 -  Low-Density Res.



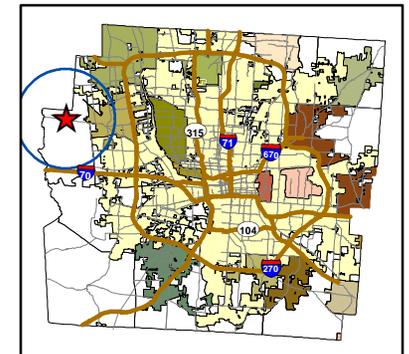


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5.31 acres
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-  4221 Abbey Chase Court
-  Parcels
-  Streets
-  Big Darby Creek Setbacks





CU-3805

Requesting a Conditional Use from Section 302.0392(b) of the Franklin County Zoning Resolution to allow the construction of a pond that will exceed 1,000 square feet in size in an area zoned Rural.

5.31 acres
Brown Township

-  4221 Abbey Chase Court
-  Big Darby Creek Setback
-  Parcels
-  Streets

