



# Franklin County Board of Zoning Appeals

**Michael J. Dorrian Building  
369 South High Street  
1st Floor, Commissioners Hearing Room  
Columbus, OH 43215**

**Monday, December 16, 2024  
1:30 p.m.**

1. **Call roll for board members**
2. **Introduction of staff**
3. **Approval of minutes from the November 18, 2024 meeting**
4. **Old Business:**

**VA/CU-4109 – Kayla Johnson**

<b>Owner:</b>	Terry, Suzanne, Graham, and Sarah Trego
<b>Applicant:</b>	Jennifer Stachler, P.E.. Servant’s Heart General Contracting
<b>Township:</b>	Pleasant Township
<b>Site:</b>	6292 Gay Rd. Orient, OH (PID# 230-000337)
<b>Acreage:</b>	5.03-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private water and sewer
<b>Request:</b>	Requesting a conditional use from Section 302.039 and variances from Sections 302.039 (a and b) of the Franklin County Zoning Resolution for an Accessory Apartment (Granny Flat) that does not meet the location and size requirements in an area zoned Rural (R).

\*Swear in witnesses as needed

5. **New Business:**

**VA-4110 – Austin Workman**

<b>Owner:</b>	Garcia Builders Construction, LLC
<b>Applicant:</b>	José Garcia
<b>Township:</b>	Franklin Township
<b>Site:</b>	3523 Brookside Blvd. (PID# 140-001910)
<b>Acreage:</b>	0.76-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private Water and Central Sewer
<b>Request:</b>	Requesting variances from Sections 302.041(c), 512.01, 512.02 (table), and 512.02(2)(a) of the Franklin County Zoning Resolution to construct a detached structure that will exceed the maximum lot coverage, does not provide the minimum required separation between structures, exceeds the allowed size/height for accessory structures on lots under one acre and does not meet the definition of an accessory building in an area zone Rural (R).

**VA-4112 – Tamara Ennist**

<b>Owner/Applicant:</b>	Sean & Kella Owen
<b>Township:</b>	Sharon Township
<b>Site:</b>	226 Westview Ave., Columbus, OH (PID# 254-151859)
<b>Acreage:</b>	0.47-acres
<b>Zoning:</b>	Restricted Urban Residential (R-8)
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	Requesting a variance from Section 110.041 of the Franklin County Zoning Resolution to allow development on a non-conforming lot that does not provide the required right-of-way abutment in the Restricted Urban Residential (R-8) zoning district.

**CU-4113 – Kayla Johnson**

<b>Owner/Applicant:</b>	Maymuna Ali
<b>Township:</b>	Mifflin Township
<b>Site:</b>	2799 Innis Road (PID# 190-001898)
<b>Acreage:</b>	1.01-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private water and sewer
<b>Request:</b>	Requesting a conditional use from Section 302.038 of the Franklin County Zoning Resolution to operate a daycare servicing between six (6) and twelve (12) children in an area zoned Rural (R).

**VA- 4114 – Raimere Fitzpatrick**

<b>Owner:</b>	James G. & Debra J. Ricker
<b>Applicant:</b>	John Nicholson, Nicholson Builders
<b>Township:</b>	Brown Township
<b>Site:</b>	3191 Amity Road (PID# 120-000906)
<b>Acreage:</b>	7.893-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private water and sewer
<b>Request:</b>	Requesting variances from Sections 650.16 (a and b) of the Franklin County Zoning Resolution for the construction of an addition in a riparian setback with associated grading in an area zoned Rural (R).

**6. Adjournment of Meeting to January 21, 2025**



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

**Monday October 21, 2024**

The Franklin County Board of Zoning Appeals convened at the Franklin County Government Center, Board of Commissioners Hearing Room, 369 South High Street, First Floor, Columbus, Ohio 43215, on Monday, November 18, 2024, at 1:30 p.m.

Present were:

Chris Baer, Chairman  
Tim Guyton  
Nancy Hunter  
Joe Martin

Franklin County Economic Development and Planning Department members:

Emanuel Torres, Assistant Director  
Raimere Fitzpatrick, Planning Administrator  
Tamara Ennist, Planning Administrator  
Kayla Johnson, Planner  
Austin Workman, Planner

Franklin County Prosecutor's Office members:

Jeanine Hummer, First Assistant Prosecuting Attorney  
Devin Bartlett, Assistant Prosecuting Attorney

Other Franklin County staff:

Melissa Kohler, Franklin County Deputy Clerk

Other attendees:

Jennifer Stachler, Servant's Heart General Contracting, applicant  
Suzanne Trego, owner  
Terry Trego, owner

Chairman Baer opened the hearing. The first order of business was the roll call of the members. The next order of business was approval of the minutes of the October 21, 2024 meeting. The motion passed by a vote of three yeases, zero nos, and one abstention.

**NEW BUSINESS:**

The next order of business was to hear Conditional Use Variance Application VA-4109. The owners are Terry, Suzanne, Graham, and Sarah Trego. The applicant is Jennifer Stachler with Servant's Heart General Contracting. The site is located in Pleasant Township at 6292 Gay Road, Orient, OH 43146. The site is 5.03 acres in size, zoned Rural, and served by private water and sewer. The request was for a conditional use and variance from Sections 302.039(a) and (b) for an accessory apartment, also known as a granny

flat, that does not meet the location and size requirements in an area that is zoned Rural. Staff recommended conditional approval.

The approval of the conditions were as follows: No. 1: The applicant must submit documented approval from the Franklin County Public Health Department of the well and septic being able to adequately service the existing residence and accessory apartment at the site prior to issuance of a Certificate of Zoning Compliance. No. 2: The applicant must apply for and receive approval of a Certificate of Zoning Compliance and building permit from the Franklin County Planning Department. Extensive discussion was had between staff and members of the Board regarding whether or not the accessory apartment fit the use of the term "granny flat," or even if the structure fits the use of an accessory apartment as written in the Franklin County Zoning Resolution.

A motion was made by Chairman Baer, seconded by Mr. Martin, to approve staff's report, presentation, testimony of all witnesses, and the exhibits. The motion passed by a vote of four yeses, zero nos, and zero abstentions. The owners and the applicant requested to table the case until the next scheduled hearing. A motion was made by Chairman Baer, seconded by Mr. Martin, to table the case at the request of the applicant until the December 16, 2024 meeting. The motion passed by a vote of four yeses, zero nos, and zero abstentions.

Mr. Guyton brought up the status of Case No. VA-4096 from the May 20, 2024. Due to the site not conforming with the Board's conditions of approval, Mr. Guyton and Mr. Fitzpatrick stated that it was time to initiate enforcement actions against the site. There being no further business coming before the Franklin County Board of Zoning Appeals, Chairman Baer adjourned the meeting. The hearing was adjourned at 3:14 p.m.

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Signature

The minutes of the November 18, 2024 Franklin County Board of Zoning Appeals were approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.



## ***STAFF REPORT***

Board of Zoning Appeals  
December 16, 2024

### **Case: CU-4109**

Prepared by: Kayla Johnson

<b>Owner:</b>	Terry, Suzanne, Graham, and Sarah Trego
<b>Applicant:</b>	Jennifer Stachler
<b>Township:</b>	Pleasant
<b>Site:</b>	6292 Gay Rd. Orient, OH (PID# 230-000337)
<b>Acreage:</b>	5.03-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private water and sewer
<b>Request:</b>	Requesting a conditional use from Section 302.039 for an Accessory Apartment (Granny Flat) in an area zoned Rural (R).

### **Summary**

Requesting a conditional use from Section 302.039 for an Accessory Apartment (Granny Flat) in an area zoned Rural (R). Staff’s analysis is that the request satisfies the criteria for granting a variance and conditional use. Staff recommends conditional approval.

### **Property Background**

The following is a summary of the development and permit history of the parcel:

- Primary structure of approximately 2,339 square feet built in 1987. Existing accessory structure built between 1987 and 1989 based on historical aerial photography.
- Property obtained by current owners in September 2024.
- Applicant applied for Residential Zoning Compliance in September of 2024.
- Staff denied application for Granny Flat and informed the applicant that an approval of a conditional use and variances are required to achieve proposal.
- Applicant submitted conditional use and variance applications to permit a granny flat in a detached structure. The applicant requested a tabling of the request from the November 18, 2024, Board of Zoning Appeals hearing to address objections to the variance prior to the Board taking action.

Applicant revised proposal on December 4, 2024, to abide by the development standards for an accessory apartment therefore removing all variances previously requested under the November 18, 2024, Board of Zoning Appeals meeting.

### **Surrounding Land Use/Zoning**

The subject site is located north of Harrisburg London Road, east of Gay Road, and south of Boyd Road in Pleasant Township. The property is surrounded by agricultural and single-family residential land uses in the Rural zoning district.

## **Comprehensive Plan**

The Pleasant Township Comprehensive Plan (2009) recommends the site for Conservation Development. This land use corresponds with the Rural zoning district utilized under the Franklin County Zoning Resolution (FCZR) and requires 50% open space.

The Big Darby Watershed Accord Master Plan (2006) Proposed General Land Use Map locates the site in an area designated as Rural Residential Estate. Lots under this category are greater than five acres in size. The recommended density is less than 0.2 dwelling units per acre based on a water quality modeling method for land use.

The proposal is consistent with the recommendations of the land use plan. The property's current lot coverage is just over 2% which ensures adequate open space is available for the addition of an accessory apartment to the residence. The proposal is not adding an additional primary dwelling structure to the property; therefore, it meets the density recommendation.

## **Franklin County Zoning Resolution Review**

An accessory apartment requires approval of a conditional use subject to the following development standards:

### Conditional Use from Section 302.039(a-1) – Accessory Apartment (Granny Flat):

*An accessory apartment, as an independent dwelling unit, may be permitted, provided it meets the following conditions:*

- a. The apartment must be located in the principal structure (which includes attached garages or areas over garages).*
- b. Maximum size of the apartment dwelling unit shall not exceed 816 square feet.*
- c. The structure must maintain a single-family residential appearance which blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by the Board of Zoning Appeals. Said plans shall include a landscape plan, which be followed as approved.*
- d. Public water and sewer must be provided, or the lot must be adequately sized for, and systems approved for water supply and wastewater disposal to serve both the principal residence and the accessory apartment.*
- e. Off-street parking on a hard all-weather surface must be provided, two (2) spaces for the principal residence and two (2) spaces for the accessory apartment, 9' x 18' per space. No one space shall block another. Garages count as parking spaces.*
- f. Maximum height of the accessory structure is twenty (20) feet at the peak. The accessory apartment may be located on the first or second floor.*
- g. Minimum lot size- One and a half (1.5) times the lot size for the district.*
- h. Minimum Road Frontage- One hundred and fifty (150) feet.*
- i. Maximum lot coverage by structures- Twenty percent (20%).*
- j. All structures must meet the current edition of the CABO One- and Two-family building and the Franklin County Plumbing Code.*
- k. The property owner must live on-site, and the Granny Flat must be subservient to the principal use of the property as a dwelling.*
- l. The apartment (Granny Flat) shall be occupied only by a member of the family of the owner of the principal residence. Family is defined in this ordinance.*

*Family under the FCZR is defined as, "An individual or two (2) or more persons related by blood or marriage or group of not more than four (4) unrelated persons (excluding servants) who need not be related by blood or marriage, living together in a single dwelling unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house."*

The proposal meets the majority of criteria for an accessory apartment. The height of the structure was not identified on plans.

The proposal is to create an independent dwelling unit for family members that is an addition to the existing residence not exceeding the size requirements. The addition will provide a bathroom, living area, dining area, bathroom, and kitchen. The location of the addition meets the development standards for an accessory apartment. The remodel will require compliance with the most up to date and applicable building, plumbing, and other regulations before becoming occupiable.

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

The case was referred to the informal Technical Review Committee for comments on October 16, 2024.

The following comments were provided by the respective Technical Agencies:

- 1) **Franklin County Building Department:** *Plans submitted for the building permit must be true construction documents on the build of the structure. A design professional that has a state of Ohio stamp will need to stamp off on the existing footer and foundation to ensure it complies with the Ohio Residential Code.*
- 2) **Franklin County Public Health:** *The property owner is required to file a site review with plans for alteration from a registered septic installer/designer with Franklin County Public Health. The information submitted for the well and septic is insufficient. Registered installers, and their inspections are to be completed by Registered Environmental Health Specialists who are following the code.*

### **Staff Analysis**

#### **Section 815.041 – Conditional Use:**

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

- 1) *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
  - a) Applicant's Response/Summary: The proposed conditional use is consistent with the Rural district's zoning standards and current use.
  - b) Pending the approval of Franklin County Public Health and the Franklin County Building Department, the standards are met to conditionally use the property for an accessory apartment. The location of the addition abides by the zoning and conditional use requirements to construct an accessory apartment. The height of the structure was not identified on plans; however, staff believes the applicant can meet this standard.
- 2) *The proposed development is in accordance with the applicable plans or policies for the area;*
  - a) (No response provided)
  - b) The proposal is consistent with the land use recommendations of the applicable plans for the area. See previous Comprehensive Plan discussion.
- 3) *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*
  - a) Applicant's Response/Summary: The proposed development will only modify the interior of the existing building and will not inhibit the use of the other portions of the property. No commercial activities or other use will occur in the remodeled space. The conditional use will not significantly expand the occupancy load for the existing well and septic services to the site.
  - b) The proposal is consistent with the existing land use character of the area.

**Conditional Use**

**Recommendation (Conditional Use):**

Based on Staff's Analysis, Staff's recommendation is that the Board of Zoning Appeals approve a conditional use from Section 302.039 of the Franklin County Zoning Resolution for an Accessory Apartment (Granny Flat) at the subject property in an area zoned Rural (R).

**Resolution (Conditional Use)**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Request (Conditional Use):**

\_\_\_\_\_ moves to approve a conditional use from Section 302.039 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. CU-4109

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

Voting:

**Findings of Fact (Conditional Use)**

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

\_\_\_\_\_ move that the basis for approving/denying the applicant's request for the conditional use from Sections 302.039 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. CU-4109 results from the applicant satisfying/failing to satisfy the criteria for granting a conditional use under Section 815.04.

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

Voting:








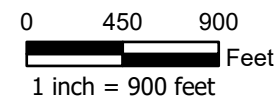
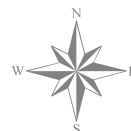
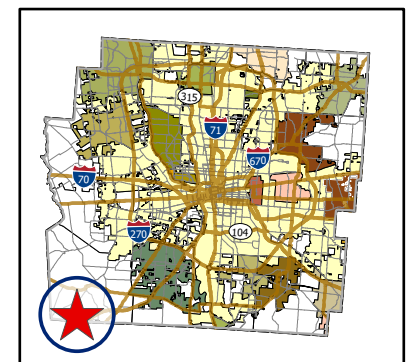


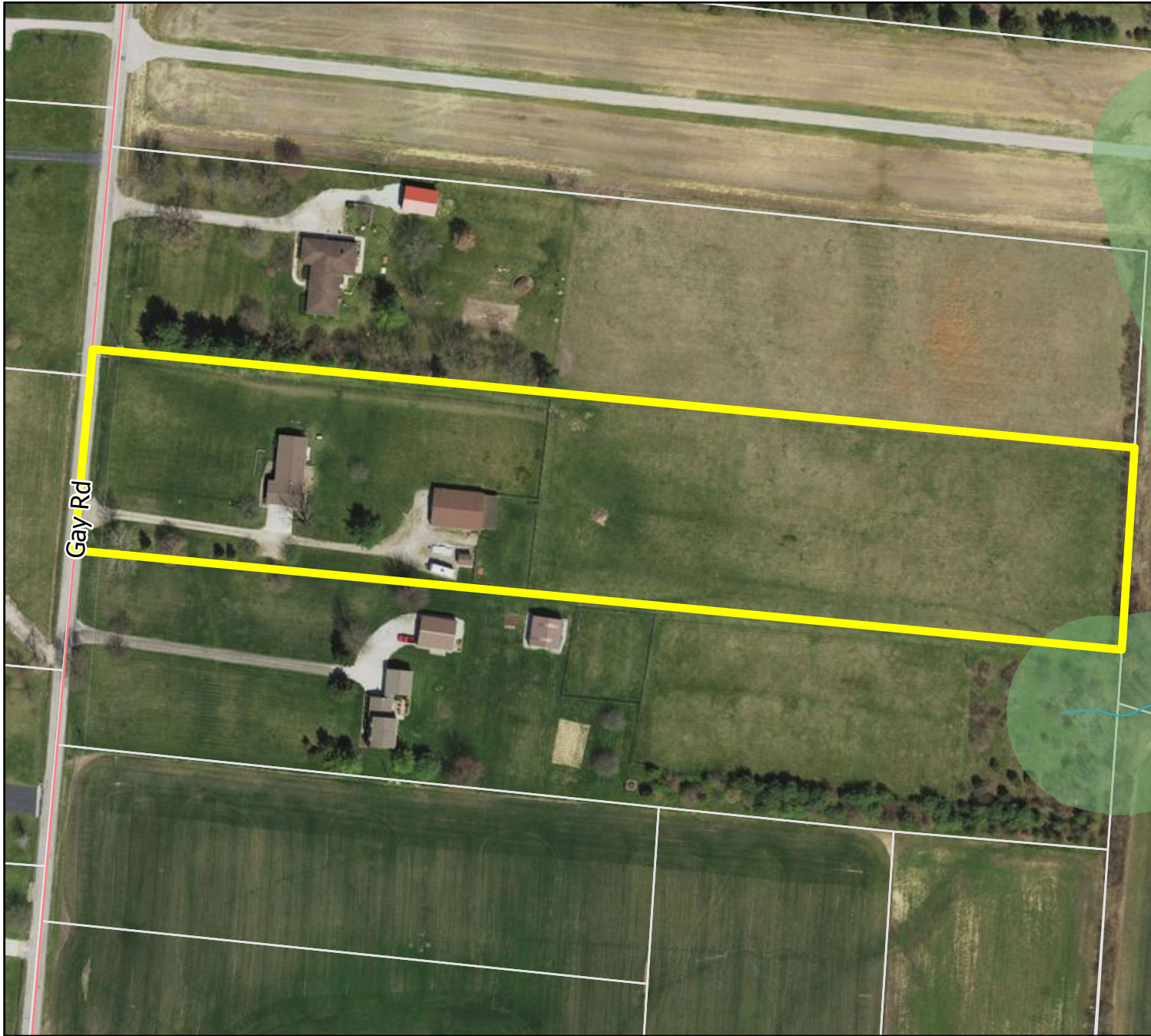
# VA-CU-4109

Requesting a conditional use from Section 302.039 and variances from Sections 302.039 (a and b) for an Accessory Apartment (Granny Flat) that does not meet the location and size requirements in an area zoned Rural (R).

Acres: 5.03-acres  
Township: Pleasant

-  Streets
-  Parcels
-  6292 Gay Road
-  Waterbodies
-  Stream Buffers








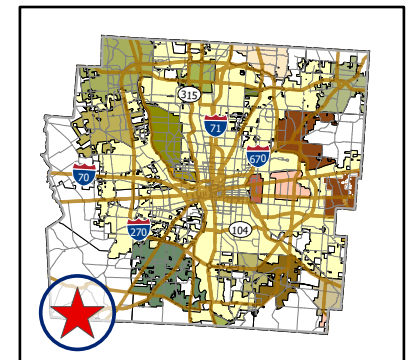


# VA-CU-4109

Requesting a conditional use from Section 302.039 and variances from Sections 302.039 (a and b) for an Accessory Apartment (Granny Flat) that does not meet the location and size requirements in an area zoned Rural (R).

Acres: 5.03-acres  
Township: Pleasant

-  Streets
-  Creeks & Streams
-  Parcels
-  6292 Gay Road
-  Stream Buffers





Franklin County Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

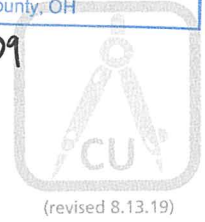


## Application for Conditional Use

Pursuant to Section 815 of the Zoning Resolution

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#VA-CU-4109



### Property Information

Site Address: 6292 Gay Rd Orient, OH 43146	
Parcel ID: 230-000337	Zoning District: Rural
Lot Acreage: 5.03	Township: Pleasant

### Property Owner Information

Name: Terry Trego, Suzanne Trego, Graham Trego, Sarah Trego

Address: 6292 Gay Rd Orient, OH 43146

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Phone # 614-309-1919 Fax #

Email: strego5@gmail.com

### Applicant Information Same as property owner

Name: Jennifer Stachler, P.E. Representing Servant's Heart General Contracting

Address: 11245 Coontz Rd Orient, OH 43146

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Phone # 740-272-0679 Fax #

Email: jennifer@servantsheartgc.com

### Agent Information

Name: Same as above

Address:

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Phone # Fax #

Email:

### Staff Use Only

Case # CU-4109

Date Filed: 10/10/2024

Received By: Kayla J.

Fee Paid: \$350

Receipt Number: 24-03835

Hearing Date: 11/18/2024

Technical Review: 10/22/2024

Zoning Compliance #: RZ-24-316

### Checklist

- Completed Application
- Fee Payment (checks only)
- Auditor's Map (8.5"x11")
- Site Map (max 11"x17")
- Covenants and deed
- Notarized signatures
- Proof of water/wastewater supply
- Copy of denied Zoning Certificate
- Copy of denial letter

### Water & Wastewater

- Water Supply**
- Public (Central)
  - Private (On-site)
  - Other
- Wastewater Treatment**
- Public (Central)
  - Private (On-site)
  - Other



Franklin County  
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## ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

Application for

# Conditional Use

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Case# CU-

### Conditional Use(s) Requested:

Section: 302.039

Description: Request for waiver of requirements of subsections a,b and c of section 302.039 Franklin County Zoning Resolution

Section:

Description:

Section:

Description:

### Describe the project:

The project includes finishing an area of approximately 1044 sf inside of an existing horse barn.

The interior will be built out to contain a bathroom, living and dining area, bathroom and kitchen.

The west side of the building will contain a garage for parking vehicles

There is an existing porch on the east side of the building that will remain.

Water supply already exists at the barn and will be utilized for all fixtures in the living area

Sewage will be pumped to the existing septic system.

**NOTE: The applicant must demonstrate that the proposal can satisfy all of the conditional use requirements of the respective zoning district in addition to all requirements under Section 815.04 of the Franklin County Zoning Resolution. Your answers to the following questions will help the Board of Zoning Appeals determine whether you meet the requirements for a conditional use. If you fail to answer any/all of the questions below, your application will be considered incomplete.**

1. Proposed Use or Development of the Land:

"Granny Flat" living space for grandparents



Franklin County  
Board of Commissioners

## ECONOMIC DEVELOPMENT & PLANNING

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Case# CU-

2. How will the proposed development relate to the existing and probable future land use character of the area:

The proposed development will only modify the interior of an existing building and will not inhibit the use of the of other portions of the property

3. Will the Conditional Use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area?

Yes, the conditional use will remain residential. No commercial activity or other use will occur in the remodeled space.

4. Will the Conditional Use be hazardous or disturbing to existing or future neighboring uses?

No, it will be consistent with the current use

5. Will the Conditional Use be detrimental to property in the immediate vicinity or to the community as a whole?

No, it is consistent with surrounding uses

6. Will the Conditional Use be served adequately by essential public facility and services?

yes, the build out of the accessory building will only accomodate 2-3 people and will not significantly impact the occupancy load of the home.



Franklin County  
Board of Commissioners

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Case# CU-

7. How will the proposal meet the development standards of that specific district?

The proposed use is consistent with rural zoning

8. Could the applicant's predicament be feasibly obtained through some method other than a conditional use?

The approval is necessary in order to avoid the excessive expense of adding on to the existing home to accommodate other residents. IT also encourages reuse/recycling of a building that would otherwise be largely underutilized

9. Would the spirit and intent behind the zoning requirements be observed and would substantial justice be done by granting the conditional use?

- Section a requires that the granny flat unit be attached. It is assumed that the intent of this regulation was to prevent building multiple buildings on one parcel. In this case, the building to be remodelled is existing and would not create a bigger footprint on the lot.
- Section b states that the maximum size of a granny flat shall be 816 sf. The remodeled area will be approximately 1044 sf only exceeding the 228 sf.
- Section c discusses maintaining an appearance that blends with original structure and providing architectural renderings. Since the building is existing and not exterior changes are to be made, there is no need for renderings and the appearance will be the same that it is today.

10. Would the conditional use adversely affect the delivery of governmental services (e.g., water, sewer, garbage, fire, police).

No, the build out would only allow for an additional 2-3 people and would not further tax services.

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

The applicant was aware of the need for permitting but was not aware of the size restrictions or need to be attached to the main structure.



Franklin County  
Board of Commissioners

## ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

Application for

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Pursuant to Section 815 of the Zoning Resolution

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Case# CU-

### Conditional Use-Expanded Home Occupation (Only)

The following questions must be addressed when applying for a Conditional Use from Section 511.03 (Conditional Use Home Occupation) of the Franklin County Zoning Resolution. If these questions are not answered, the application will be considered incomplete.

1. Enclose all details regarding the day-to-day operations of the home occupation (type of business, hours of operation, designated parking areas, etc.).

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2. How many non-resident employees?

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3. Will the home occupation be conducted within a structure accessory to a dwelling unit and located on the same lot as the dwelling unit?

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4. What type of commodities, if any, will be sold on the premises? If sales of commodities are not produced on site, please specify all commodities associated with the home occupation?

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5. Will there be outside storage of any kind associated with the conditional use home occupation? If so, what is proposed to be stored on site and how will the storage be completely screened from adjacent residential lots and abutting streets? This must be met!

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6. Will there be any organized instruction of pupils that would exceed six (6) pupils at any given time?

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7. Will there be any signage? Signage shall be consistent with the provisions of Section 541.03(8).

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8. Will the delivery traffic increase? Traffic shall be limited to not more than three (3) UPS or similar deliveries per week. No semi-tractor truck deliveries will be permitted at any time.

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Franklin County Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

Application for

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Case# CU-

### Affidavit

I hereby certify that the facts, statements, and information presented within this application form are true and accurate to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form and all applicable requirements of the Franklin County Zoning Resolution. The affiant further acknowledges that a Certificate of Zoning Compliance may only be issued for an approved Conditional Use within the period of one (1) year from the date of final approval by the Board of Zoning Appeals; if a conditional use permit has not been used within one (1) year of its date of issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid conditional use permit, then the conditional use permit shall expire and no work may commence or continue without either renewing the conditional use or receiving a new conditional use approval from the Board of Zoning Appeals in accordance with Section 815 of the Franklin County Zoning Resolution.

*Jennifer Stacht*

Applicant/Authorized Agent

10/09/24

Date

*Terry M. Truax*

Property Owner (signature must be notarized)

10-9-2024

Date

*Judanne J. Stapp*

Property Owner (signature must be notarized)

10/9/2024

Date

*Sh R Dug*

10/9/2024

- \*Agent must provide documentation that they are legally representing the property owner.
- \*\*Approval does not invalidate any restrictions and/or covenants that are on the property.



Courtney M O'Conner  
Notary Public, State of Ohio  
My Commission Expires 09-19-2028

*Courtney M O'Conner*  
10/9/24





Franklin County  
Board of Commissioners

## ECONOMIC DEVELOPMENT & PLANNING

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### Application instructions

Please submit the following:

1. Application Form  
Completed application form with notarized signatures
2. Fee - non refundable \*Please refer to our most current fee schedule by visiting [www.franklincountyohio.gov/edp](http://www.franklincountyohio.gov/edp)  
Checks only payable to *Franklin County Treasurer*
3. Covenants or deed restrictions  
Provide a copy of your deed with any deed restrictions  
You can access and print a copy by visiting: [www.franklincountyohio.gov/recorder](http://www.franklincountyohio.gov/recorder)
4. Auditor's Tax Map  
Provide a map showing the subject property and all land within 500 feet of the property.  
You can access and print a copy of the map by visiting: [www.franklincountyohio.gov/auditor](http://www.franklincountyohio.gov/auditor)
5. Site Map - Refer to Page 8
6. Proof of utility service  
Provide proof from the provider of your water and wastewater services

*Note: If centralized water and/or sewer services are provided by a private/public entity, you must provide a letter or current bill verifying that services are provided or access is available. If you're proposing an on-lot septic system or well, please provide information from the Franklin County Board of Health (or appropriate agency).*

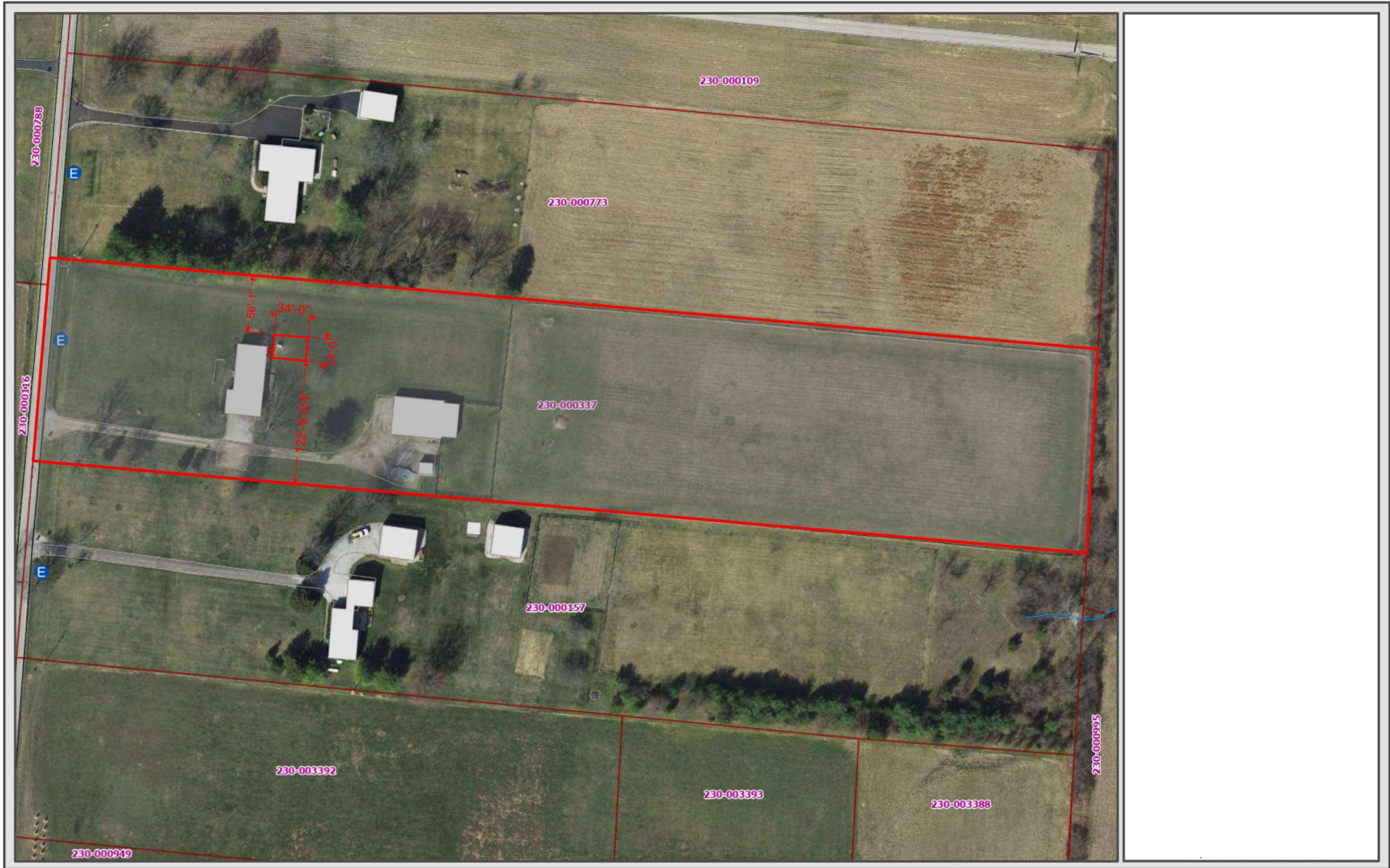
### Application Procedure

- 1 Staff reviews application for completeness
  - 2 Staff distributes to Technical Review Agencies
  - 3 Applicant meets with staff and Technical Review Committee
  - 4 Staff drafts report and makes recommendation
  - 5 BZA Hearing - Staff presents case to the Board who takes action to approve, approve with conditions or deny
-



### Site Plan Requirements

- The site plan must be prepared by a design professional (i.e. registered surveyor, engineer and/or architect) and include all items required under Sections 705.022 and 815.022 of the Franklin County Zoning Resolution
  - *Site plans which are incomplete and/or not drawn to scale will not be accepted.*
- Two (2) copies - minimum size of 8.5"x11" paper, maximum size of 11"x17" paper \*Larger size copies are acceptable in addition to the min./max. sizes required
- North arrow and appropriate scale (i.e. 1 inch = 20 feet)
- Property lines, with the exact dimensions of the lot labeled
- Street right-of-way boundaries including street centerline
- The exact dimensions and location of all existing buildings (principal and accessory), structures (decks, patios, pools, paved parking areas, courtyards, etc.) and driveways/access points, indicating setbacks of each from property lines with measurements/distances labeled
- The exact dimensions, height and location of all proposed buildings, structures, additions, or modifications to the property, indicating setbacks from property lines with measurements/distances labeled
- Landscaping details - provide the quantity, location, size and plant species (Ohio Native Non-Invasive Only) used
- All open space areas including calculations (percentage) of impervious vs. pervious surface
- Building elevations and/or architectural renderings
- Parking layout with required parking calculations provided
- Lighting details - location, type of fixture (illustration), height and strength (footcandles/lumens)
- Existing and intended uses of all buildings and structures
  - *If multiple uses are being conducted within one building, the site plan must reflect the area of the building being occupied by each individual use*
- All easements and above/below ground utilities
- Regulatory floodplain (Floodway and Floodway Fringe) and riparian setback boundaries, when applicable
- All existing and proposed above and below ground drainage and stormwater features
  - *Refer to the Franklin County Stormwater Drainage Manual*
- Site topography (two (2) ft. contour intervals)
- Details regarding the location, height, maintenance and screening for any existing or proposed trash dumpster
- Screening details - *Refer to Section 521 of the Franklin County Zoning Resolution*
- Provisions for water and sanitary services including the the exact location, dimensions and setbacks from property lines and structures of all private/public water and wastewater treatment facilities
  - *If public water and sewer services are provided, proof of services must be submitted*
- All areas of disturbance, including grading, filling, clearing, excavating, etc.
- Erosion and sediment control plan
- All fence locations, indicating height and material(s) used
- Any other information with regard to the lot or neighboring lots which may be necessary to determine and provide for the enforcement of the Franklin County Zoning Resolution
  - *Please note that the requirements mentioned above, or portions of, may be waived by the Administrative Officer when, in his/her opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed*



#VA-CU-4109

RECEIVED

OCT 10 2024

Franklin County Planning Department  
Franklin County, OH



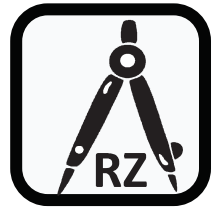




Franklin County  
Board of Commissioners  
**ECONOMIC DEVELOPMENT  
& PLANNING**

Economic Development & Planning Department  
James Schimmer, Director

Application for  
**Certificate of  
Zoning Compliance**  
Residential Construction  
Page 1 of 3



(revised 10.11.21)

**Property Information**

Site Address: 6292 Gay Rd Orient, OH 43146

Parcel ID(s): 230-000337	Zoning District: Rural (R)
Lot Acreage: 5.03	Township: Pleasant

**Property Owner Information**

Name: Terry Trego, Suzanne Trego, Graham Trego, Sarah Trego

Street: 6292 Gay Rd orient, OH 43146

City: Orient	State: OH	Zip: 43146
Phone # 614-309-1919	Fax #	
Email: strego5@gmail.com		

**Applicant Information**

Same as property owner

Name: Jennifer Stachler

Street: 11245 Coontz Rd

City: Orient	State: OH	Zip: 43146
Phone # 740-272-0679	Fax #	
Email: jennifer@servantsheartgc.com		

**Development Proposal**

<input type="checkbox"/> New Residence	<input type="checkbox"/> Room Addition
<input type="checkbox"/> Patio/Deck <i>*existing not new</i>	<input type="checkbox"/> Swimming Pool
<input checked="" type="checkbox"/> Detached structure (pole barn, shed, etc.)	<input type="checkbox"/> Home Occupation
<input type="checkbox"/> Pond	<input type="checkbox"/> Driveway, parking pad, etc.
<input checked="" type="checkbox"/> Interior remodel, fire rehab, etc.	<input type="checkbox"/> Land Disturbance (grading, filling, etc.)
<input type="checkbox"/> Roofing, siding and/or window replacement	<input type="checkbox"/> Minor Subdivision (lot split, etc.)
<input type="checkbox"/> Community Garden	<input type="checkbox"/> Apiaries
<input type="checkbox"/> Other (please describe):	

**Applicant Signature**

I, Jennifer Stachler (Print Name), hereby certify that all information provided is true and accurate and is submitted to induce the issuance of a Certificate of Zoning Compliance. I agree to be bound by all provisions of the Franklin County Zoning Resolution. I further agree to complete all work in accordance with all applicable Federal, State and local laws and regulations.

Jennifer Stachler  
Applicant's Signature

9/27/2024  
Date

**Staff Use Only**

**RZ#** RZ-24-316

Date Filed: 9/30/2024

Fee Paid: \$75

Receipt #: 24-03700

Received By: Kayla J.

**Water Supply**

- Public (Central)
- Private (On-site)
- Other

**Wastewater Supply**

- Public (Central)
- Private (On-site)
- Other

**Submittal Checklist**

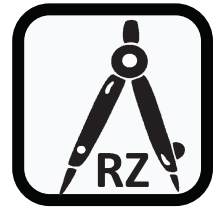
- Completed Application Form
- Fee Payment (check/money order only)
- Site Plan (max. 11"x17") see pg. 2
- Proof of Public Water/Wastewater
- Supporting Documents (Home Occupation, Pond, Apiaries, etc.)



Franklin County  
Board of Commissioners  
**ECONOMIC DEVELOPMENT  
& PLANNING**

Economic Development & Planning Department  
James Schimmer, Director

Application for  
**Certificate of  
Zoning Compliance**  
Residential Construction  
Page 2 of 3



(revised 10.11.21)

## Site Plan Requirements

**\*\*\* Site plans which are incomplete and/or not drawn to scale will not be accepted\*\*\***

- **Preparation & Submittal**

- The site plan must be prepared by a design professional (i.e. registered surveyor, engineer and/or architect) for all new home builds, accessory buildings larger than 200 ft<sup>2</sup>, any project involving grading work within 30 ft of a lot line, and any other project deemed necessary by the Administrative Officer as provided for in Section 705.022 of the Franklin County Zoning Resolution
- Two (2) copies: Minimum size = 8.5"x11" paper, Maximum size = 22" x 34" paper  
- Plans larger than 11" x 17" must be accompanied by a digital copy in PDF format

- **Basic Content**

- North arrow and appropriate scale (i.e. 1 inch = 20 feet)
- Property lines labeled with dimensions. (Dimensions must be precise to 0.01' for professionally prepared plans and 1' for personally prepared plans.)
- Street right-of-way boundary and street centerline

- **Show all existing site conditions (label as "Existing"):**

- Location and dimensions of all existing buildings, structures\* and landscaping
- Driveways, parking pads and other parking areas labeled with the dimensions and associated surface material
- On-site water and sanitary system location and dimensions. Provide proof of public water and/or sewer otherwise
- Existing use(s) of all buildings with associated gross floor area (GFA)
- All easements and utilities (*above and below ground*). Easement information available at the County Recorder's office.
- Existing above and below ground drainage and stormwater features

*\*Structures may include but are not limited to swimming pools, ponds, sports courts, patios, porches, decks, overhangs and fences*

- **Show all proposed development (label as "Proposed"):**

- Location and dimensions of all proposed buildings, structures, additions, modifications to buildings/structures, and geothermal systems.
- Setback distance of all proposed development from the house, street centerline and all property lines
- Building elevations and/or architectural renderings (*if applicable*)
- Impervious surface locations and dimensions with total lot coverage calculations provided
- Grading and drainage plan showing proposed above and below ground drainage and stormwater features. (existing and proposed 1' contours, and discharge outlets for downspouts, sump pumps and discharging geothermal systems)
- Area (ft<sup>2</sup>) of disturbance (i.e. grading, filling, clearing and excavating, etc.) drawn and labeled
- Label buildings and/or structures to be demolished or removed (TBR) from the property

- **Additional Content**

- Regulatory floodplain and riparian setback boundaries (*if applicable*)
- Erosion and sediment control plan (*if applicable*)

*Please note that the requirements mentioned above, or portions of, may be waived by the Administrative Officer when, in his/her opinion the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed.*







- Planimetric Legend**  
 Source: 2021 Aerial Photography
- Edge of Pavement
  - Roadway Centerlines
  - Railroad Centerlines
  - Building Footprints
  - Building Under Construction
  - ~ Creeks, Streams, Ditches
  - ~ Rivers & Ponds
- Topographic Legend**  
 Source: OSIP - 2019 LIDAR Collection
- ▲ Spot Elevation
  - Index Contour
  - Intermediate Contour
- Appraisal Legend**  
 Source: Franklin County Auditor & Engineer
- XXX-XXXXXX Parcel IDs
  - 100 Parcel Dimensions
  - 100 Lot Numbers
  - 123 Main St Site Address
  - ▭ Parcel Boundary
  - ▭ Subdivision Boundary
  - ▭ Condominium Boundary
  - ▭ County Boundary
  - ▭ City or Village Boundary
  - ▭ Tax District Boundary
  - ▭ School District Boundary
  - ▭ Zip Code Boundary

Remodel is INSIDE  
 EXISTING BARN  
 STRUCTURE

This map is prepared for the real property inventory within the county. It is compiled from record deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be considered for verification of the information contained on this map. The county and the mapping companies assume no legal responsibility for the information contained on this map. Please notify the Franklin County Auditor's GIS Department of any discrepancies.

The data on this map was originally compiled at 1"=100' based on the Ohio State Plane South Coordinate System, North American Datum 1983 with 2' contours based on the North American Vertical Datum 1988 (when displayed).



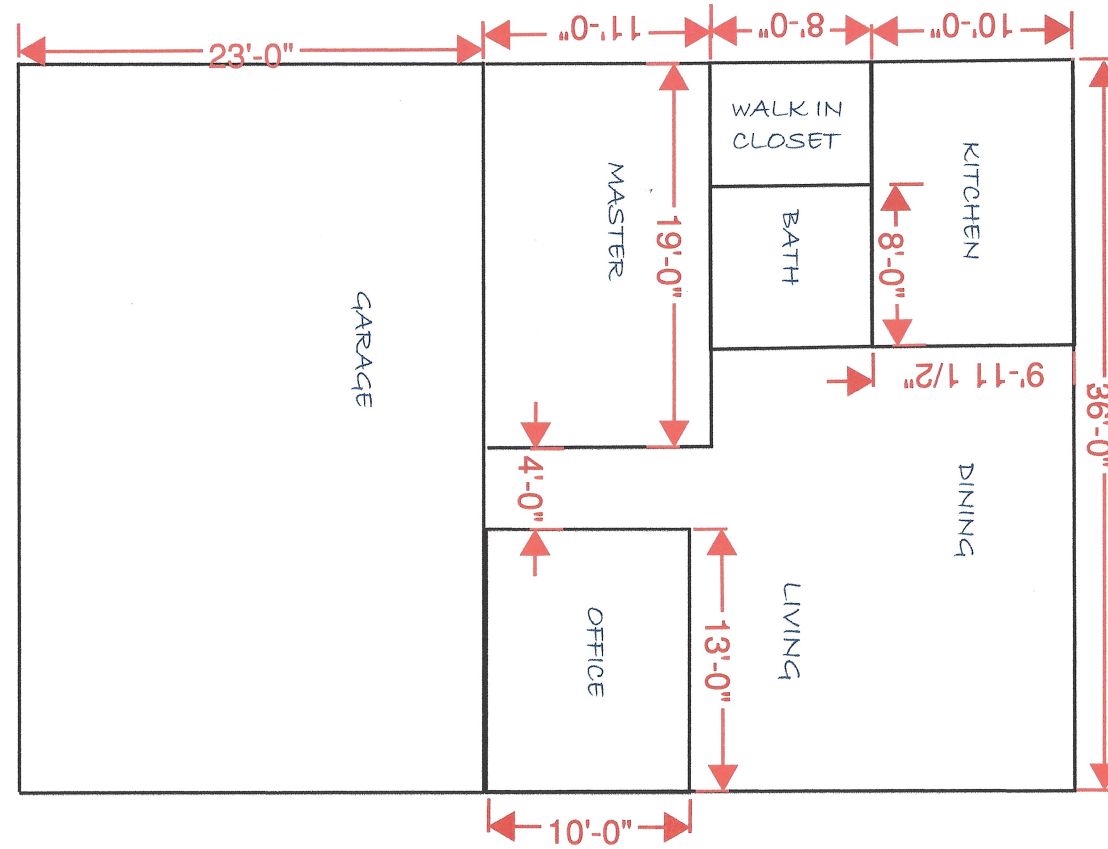
**Franklin County  
 Auditor's Office  
 Auditor**  
**Michael Stinziano**  
 Map Produced September 26, 2024



230-000337 09/09/2022



1" = 10'



1044 SF  
FINISHED AREA

6292 GAY RD

Trego Case# VA-CU-4109



From: [REDACTED]

To: kaylajohnson@franklincountyohio.gov

Date: Sunday, October 20, 2024 at 05:31 PM EDT

Hello,

We are the next door neighbor to the South of 6292 Gay Road. Suzanne and Terry Trego have discussed at length with us, their plans to remodel and live in the existing barn. We have no issue, and are very comfortable with their plans.

Thank You,

Cathy and Scott Vawter  
6316 Gay Road  
Orient, Ohio 43146



Suzanne Trego <strego5@gmail.com>

**Trego Conditional Use and Variance applications case #VA-CU-4109**

Johnson, Kayla A. <KaylaJohnson@franklincountyohio.gov>  
To: Suzanne Trego <strego5@gmail.com>  
Cc: "Ennist, Tamara J" <TamaraEnnist@franklincountyohio.gov>

Fri, Oct 18, 2024 at 3:20 PM

Good afternoon Suzanne, *We have no problem with a granny flat in the barn as long as septic system is O.K'd*

Yes, those details add more context to your case #VA-CU-4109. I am adding this to the case file. I know you said there were letters neighbors are sending in. They can either email me directly, mail it in, or drop it off to the address contained in my email signature.

*Sincerely Janet Watson*

*6264 Gay Rd  
Orient, Ohio 43146*

Kayla Johnson  
Planner  
she/her/hers



Franklin County Board of Commissioners  
**ECONOMIC DEVELOPMENT & PLANNING**

150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104  
Tel: 614-525-4684

Email: [kaylajohnson@franklincountyohio.gov](mailto:kaylajohnson@franklincountyohio.gov)

Web: <https://development.franklincountyohio.gov/>

[Quoted text hidden]

**Caution**

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## ***STAFF REPORT***

Board of Zoning Appeals  
December 16<sup>th</sup>, 2024

### **Case: VA-4110**

Prepared by: Austin Workman

<b>Owner/Applicant:</b>	Garcia Builders Construction, LLC / Jose Garcia
<b>Township:</b>	Franklin Township
<b>Site:</b>	3523 Brookside Boulevard (PID#140-001910)
<b>Acreage:</b>	0.76-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private Water and Central Sewer
<b>Request:</b>	Requesting Variances from Sections 302.041(c), 512.01, 512.02 (table), and 512.02(2)(a) of the Franklin County Zoning Resolution to construct a detached structure that will exceed the maximum lot coverage, does not provide the minimum required separation between structures, exceeds the allowed size/height for accessory structures on lots under one acre and does not meet the definition of an accessory building in an area zone Rural (R).

### **Summary**

Requesting a Variance from Sections 302.041(C), 512.01, 512.02 (table), 512.02(2)(a) of the Franklin County Zoning Resolution for the construction of an accessory structure. Approval of the variances would increase the lot coverage from 18.42% to 30.26%, for an accessory structure that would be larger than the principal structure, exceed the maximum allowed size of seven hundred and twenty (720) square feet and height of eighteen (18) feet for a property under one (1) acre. In addition, the location would not allow for the minimum ten (10) feet separation distance required between structures. Staff's analysis is that the request does not satisfy the criteria for granting a variance and staff recommends **denial**.

### **Property Background/History**

The property at 3523 Brookside Boulevard is located in Franklin Township at the corner of Brookside Boulevard & Plank Place, east of North Wilson Road. The property is currently developed with a single-family residence.

The following is a summary of the development and permit history of the parcel:

- The Mon-E-Bak Farms plat was recorded in June of 1922.
  - Lot 75-77 were combined to form the current property as it is today.
- The Primary Residence was constructed in 1940.
  - Eight (8) years prior to the adoption of the Franklin County Zoning Resolution in 1948.
  - A 1966 amendment to the Resolution, consolidated the 1-R-20 District into the Rural (R) District.
  - The amendment reduced allowable lot coverage from 30% to 20%.
- The existing residence has a footprint of 2,685.33 Square feet.
- A second-floor addition to the Residence was approved in 2021 but did not extend the footprint of the structure.
- Property has two zoning violation complaints from 2023, that have been closed.
  - Parking in the grass, and development of concrete patios without any permits
- Franklin Township has received reports and complaints from neighbors about,

- Parking on streets, creating traffic issues.
- Noise complaints.
- Property being used as a party house, with activities occurring into the morning hours
- Franklin Township stated that the proposed accessory structure could amplify the complaints received.
- Multiple developments on the property have occurred, most with no permits.
  - Between 2004 and 2007, an addition was added that changed the roof configuration and fencing was installed.
  - Between 2009 & 2011, A concrete pad exceeding 2,000 sq. ft. was added east of the principal structure.
  - Between 2011 & 2013, the concrete pad east of the structure was expanded to about 4,000 sq. ft.
  - In 2015, a fence permit was approved for additional fencing.
  - Between 2015 & 2017, the driveway was paved or resurfaced, and later landscaping created a raised landscaping bed around an existing tree that extends into the public right-of-way.
  - Between 2017 & 2019, a new driveway was developed in an unnamed unimproved alley at the rear of the property which appears to provide a second ingress/ egress to Plank Place to the east.
  - In 2021 a permit application was approved to add a second story to the existing residence.
  - Between 2021 & 2023, it appears that a tennis court was added in the front yard setback area along Plank Place.
- The current property owner acquired the property in 2024.
- On October 11<sup>th</sup>, 2024, the applicant applied for approval of a 4,221 sq. ft. accessory structure.
- The zoning application was denied on October 14<sup>th</sup>, 2024, for the following reasons.
  - Exceeds lot coverage.
  - Exceeds the maximum square footage and height allowed for an accessory structure on a property under 1 acre.
  - Does not meet the minimum setback distance between structures.
  - Does not meet the definition of an accessory structure.

### **Surrounding Land Use/Zoning**

Properties located to the north, east, south, and west are all develop with single-family homes in Franklin Township and are within the Rural (R) zoning district.

### **Comprehensive Plan**

The Scioto-Franklin Neighborhood Plan, adopted in 2011, recommends the site be used as medium density residential. Allowed land uses include both single-family homes and two-family homes, with a minimum density of 2 units per acre, and a maximum density of 8 units per acre. The recommend zoning districts for this property include R-2 limited suburban residential, R-4 suburban residential, and R-8 restricted urban residential.

### **Franklin County Zoning Resolution Review**

#### Variance from Section 302.041(c)– Lot Area and Coverage:

*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 applicant proposes constructing a 4,221 sq. ft. accessory structure that will increase the lot coverage to 30.26%.
  - A variance is required to increase the maximum lot coverage from 20% to 30.26%.
  - Approval of the variance will result in a 11.84% net increase of coverage.

#### Variance from Section 512.02(table) – Location, Number and Size of Residential Accessory Buildings:

*Accessory building development standards shall be based upon the following table and requirements. Lots under 1 acre: Setback from Property line by 5 feet, Maximum size of accessory building shall be 720 square feet, and Maximum Height shall be 18 feet.*

- The applicant's proposal would construct a 4,221 square foot structure with a height of 18.33 feet.
  - A variance is required to increase the maximum square footage allowed on a property under 1 acre from 720 square feet to 4,221 square feet.
    - The variance will result in a net increase of 3,501 Square feet.
  - A variance is required to increase the maximum height of an accessory structure from 18 feet to 18.33 feet on a property under 1 acre.
    - The variance will result in a net increase of 0.33 feet in height.

**Variance from Section 512.02(2)(a)– Location, Number and Size of Residential Accessory Buildings:**

*An accessory building shall be located to the side or rear of the principal structure and shall be no closer than ten (10) feet from any part of the principal structure.*

- The applicant proposes a five (5) feet separation distance between the accessory structure and the principal structure.
  - A variance is required to reduce the required separation distance from 10 feet to 5 feet.
  - The variance will result in a 5-foot reduction from the minimum setback distance required.

**Variance from Section 512.01 – Accessory Building Defined-Refer to Section 720:**

*A customary accessory building or use is one which: a.) Is subordinate to in area, extent or purpose and serves the principal building.*

- The applicants proposed accessory structure would be 4,221 square feet in area which is larger than the 2685.33 square foot principal structure.
  - A variance is required to allow the accessory structure to be larger than the principal structure.
  - The variance will result in an accessory structure that is 1355.67 square feet larger than the principal structure.

**Technical Review Committee Agency Review**

The case was referred to the informal Technical Review Committee for comments on 11/20/2024. No Technical Agency expressed concern for the proposal.

**Staff Analysis**

**Section 810.041(b) – Area Variance:**

The Board of Zoning Appeals shall only authorize a request for an area variance where the applicant demonstrates the existence of a practical difficulty in the use of the property. In determining whether a practical difficulty exists, the Board of Zoning Appeals shall consider and weigh the following factors, among others when appropriate, to determine if practical difficulties exist:

1) *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*

a) Applicant's Response/Summary:

The applicant agrees there would be beneficial use of the property. See Applicants full response in the attached document, question #6 on the application form.

b) Staff believes the property will have beneficial uses without the variance as the property already has an existing residence on the property, and there is 82% of the property that can be used for activities that take place outside of the residence. The property in question is larger than most in the area, and there is ample outside space for activities, and has enough space for an accessory structure that conforms to zoning standards.



- 2) *Whether the variance is substantial;*
  - a) Applicant's Response/Summary:  
The applicant agrees the variance is substantial.
  - b) Staff has determined that the variance would be substantial, as the proposed accessory structure is 586.25% larger than what is permitted on a property under 1 acre, the setback distance from the principal structure is half of the minimum setback distance of 10 feet, and the proposed structure is 1.57 times larger than the principal structure.
  - c) The proposed size of the accessory structure would only be permitted on properties that are 5 acres or greater.
  
- 3) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
  - a) Applicant's Response/Summary:  
The applicant does not believe adjoining properties would suffer harm as a result of the variance.
  - b) The proposed structure would substantially alter the character of the neighborhood. The proposed structure would be the largest structure in the neighborhood and would be larger than many of the houses in the area as well.
  
- 4) *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);*
  - a) Applicant's Response/Summary:  
The applicant does not believe the structure would adversely affect the delivery of governmental services.
  - b) Staff reached out to the Franklin Township fire department about the 5 foot separation between the structures, and the Fire department had no concerns about the separation distance.
  
- 5) *Whether the property owner purchased the property with knowledge of the zoning restriction;*
  - a) Applicant's Response/Summary:  
The applicant states they did not know about the zoning restrictions.
  - b) The property owners have applied for other permits in the past, but it is not clear if the applicants knew of the current zoning restrictions.
  
- 6) *Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and*
  - a) Applicant's Response/Summary:  
the applicant does not believe the predicament can be obviated without the variance.
  - b) Staff believes that the applicants' predicament could be avoided if the size of the structure were to be reduced to meet zoning standards, and
  - c) The applicant has not demonstrated an un-necessary hardship caused by the lot size and shape.
  
- 7) *Whether the spirit and intent of the zoning requirement would be observed, and substantial justice done by granting the variance.*
  - a) Applicant's Response/Summary:  
The applicant believes substantial justice would be done by granting the variance.
  - b) Because the variance is substantial, lack of a hardship demonstrated by the applicant, and that the character of the neighborhood would be negatively altered, staff believes that by approving this variance, the spirit and intent of the zoning will not be observed, and that there will be an injustice done to the neighborhood.

**Recommendation:**

Based on Staff’s Analysis, Staff’s recommendation is that the Board of Zoning Appeals *deny* a variance from Sections 302.041(c), 512.01, 512.02(table), and 512.02(2)(a) of the Franklin County Zoning Resolution for the construction of an accessory structure that will exceed the maximum lot coverage, does not meet the minimum separation distance between structures, exceeds the maximum size/height allowed for accessory structures for lots under one acre and does not meet the definition of an accessory building in an area zone Rural (R).

**Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Request:**

\_\_\_\_\_ moves to deny a variance from Sections 302.041(c), 512.01, 512.02(table), and 512.02(2)(a) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4110.

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

Voting:

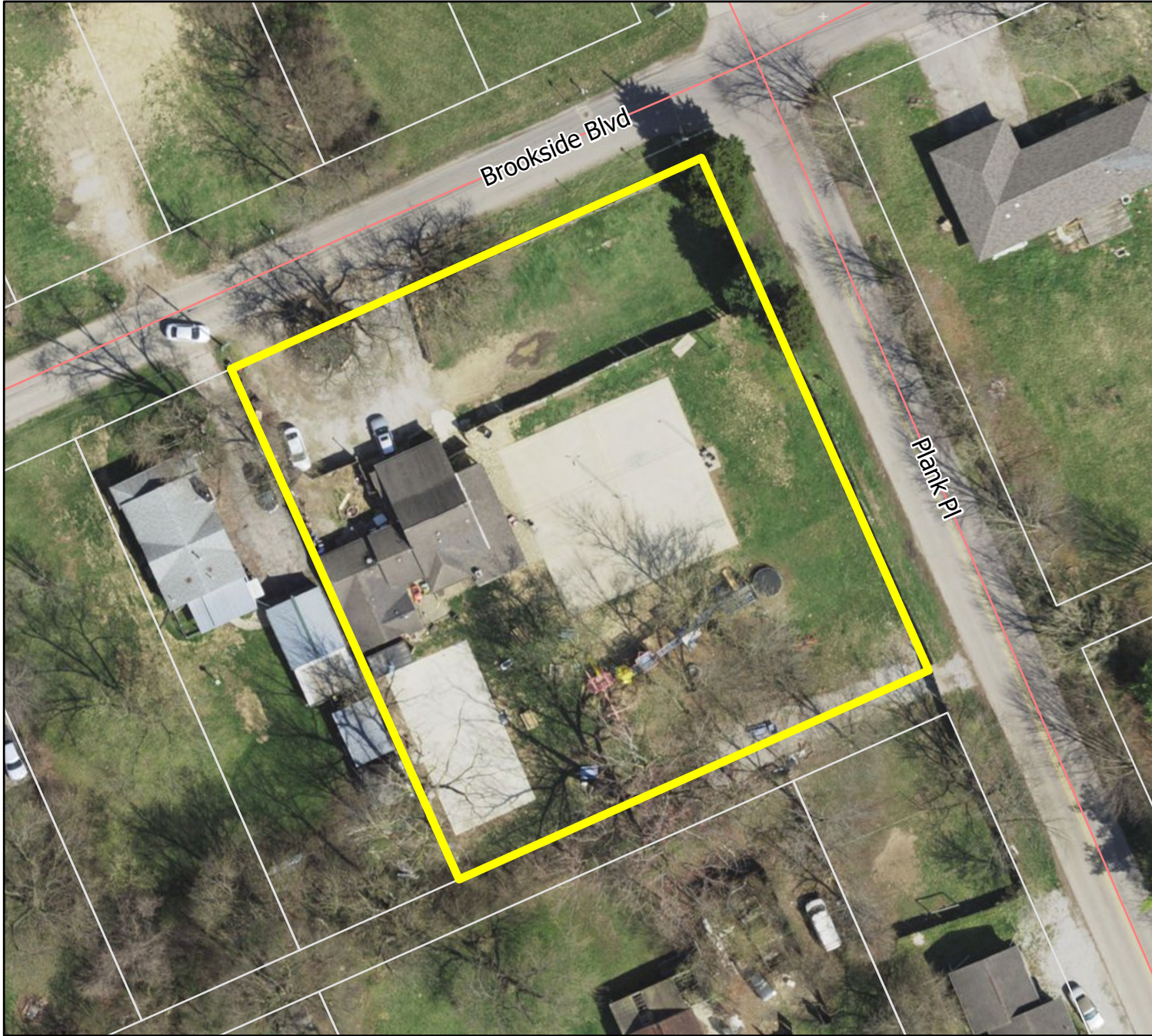
**Findings of Fact**

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

\_\_\_\_\_ move that the basis for denying the applicant’s request for the variance from Sections 302.041(c), 512.01, 512.02(table), and 512.02(2)(a) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4110 results from the applicant failing to satisfy the criteria for granting a variance under Section 810.041(b).

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




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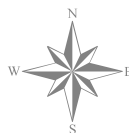
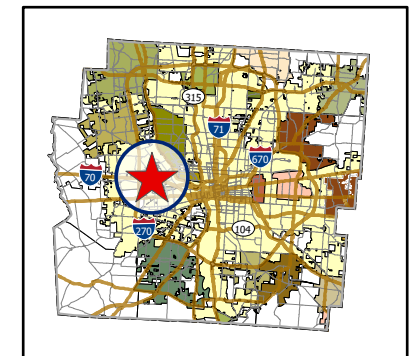


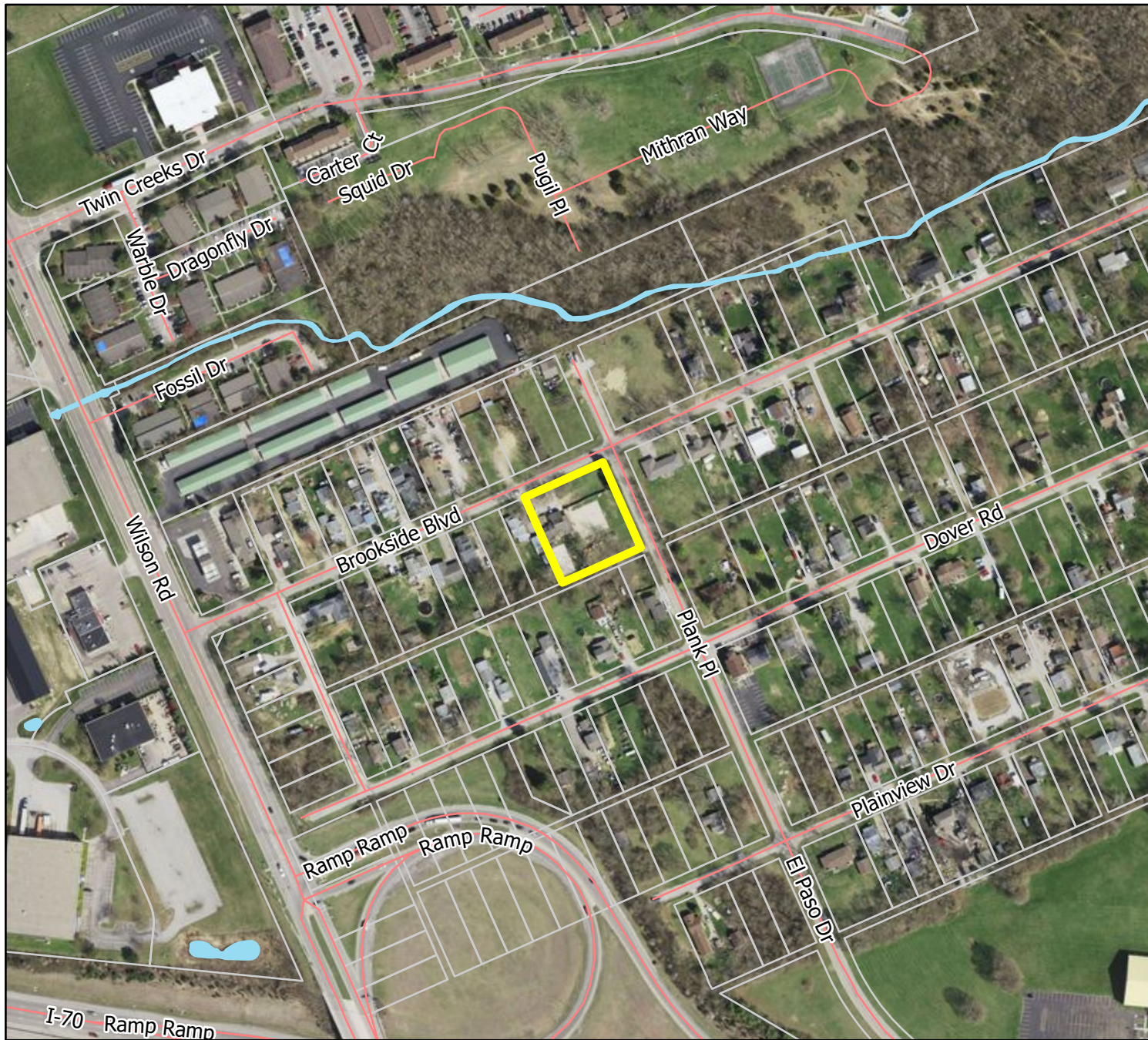
## VA-4110

Requesting Variances from Sections 302.041(c), 512.01, 512.02 (table), and 512.02(2)(a) of the Franklin County Zoning Resolution to construct a detached structure that will exceed the maximum lot coverage, does not provide the minimum required separation between structures, exceeds the allowed size/height for accessory structures on lots under one acre and does not meet the definition of an accessory building in an area zone Rural (R).

Acres: .76-acres  
Township: Franklin

-  Streets
-  Parcels
-  3523 Brookside Boulevard



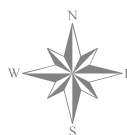
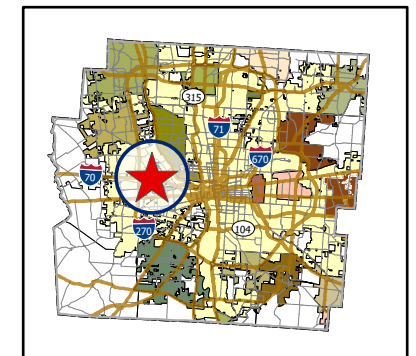


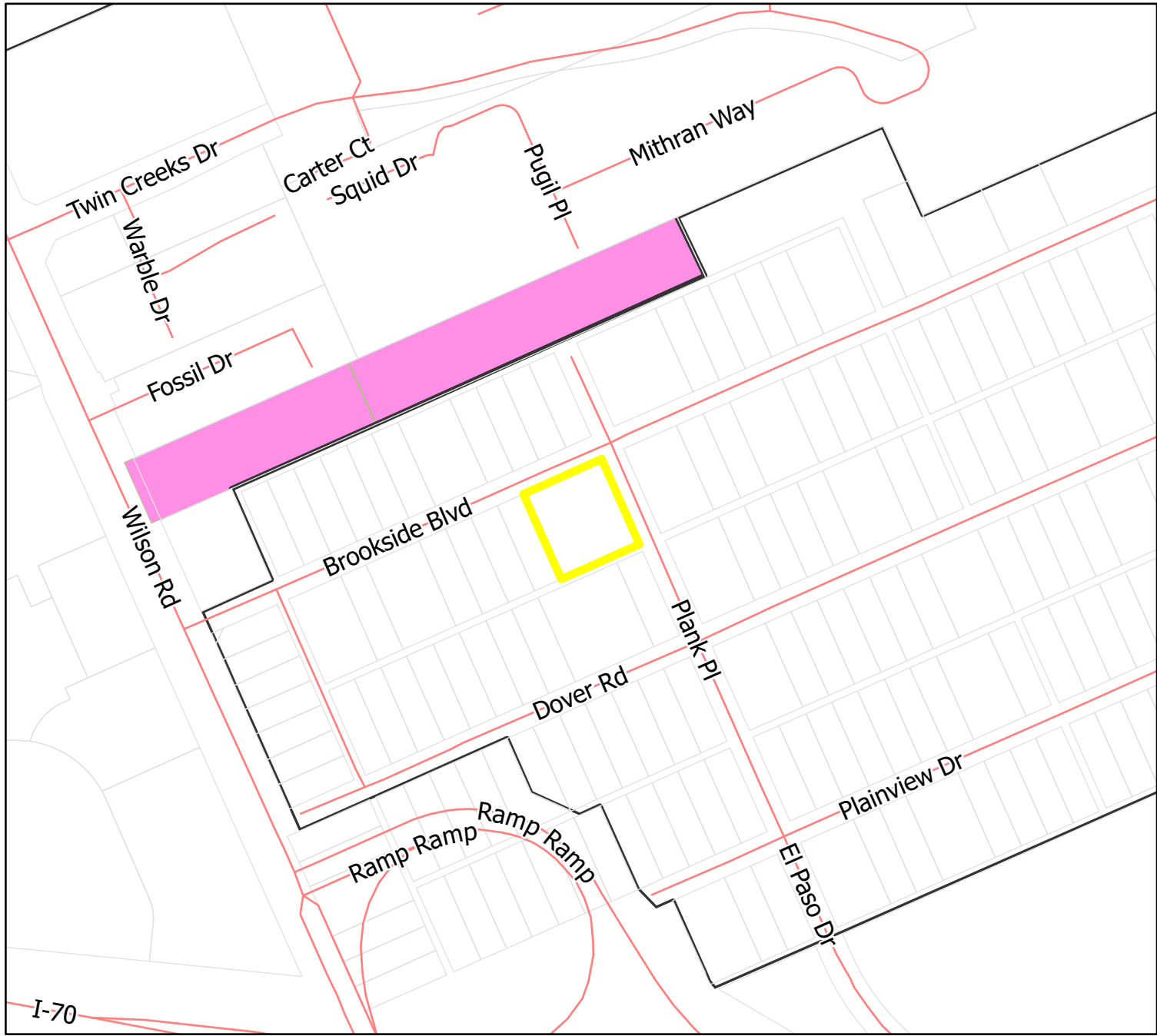
## VA-4110

Requesting Variances from Sections 302.041(c), 512.01, 512.02 (table), and 512.02(2)(a) of the Franklin County Zoning Resolution to construct a detached structure that will exceed the maximum lot coverage, does not provide the minimum required separation between structures, exceeds the allowed size/height for accessory structures on lots under one acre and does not meet the definition of an accessory building in an area zone Rural (R).

Acres: .76-acres  
Township: Franklin

- Streets
- Parcels
- 3523 Brookside Boulevard







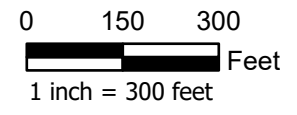
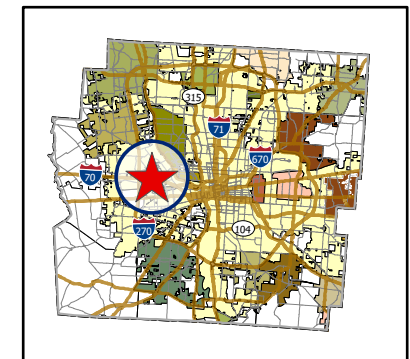


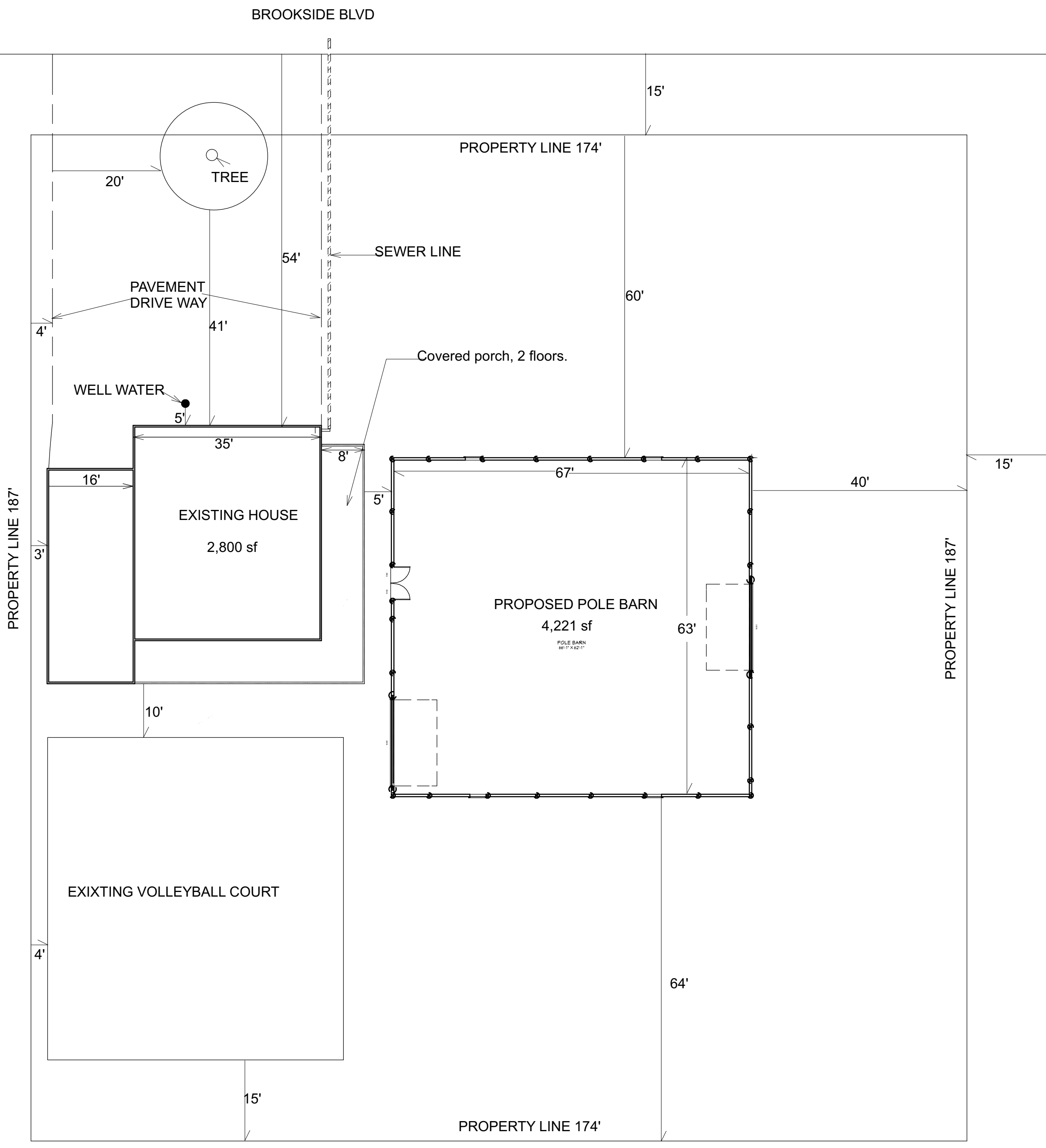
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Acres: .76-acres  
Township: Franklin

-  Streets
-  3523 Brookside Boulevard
- Zoning - County**
-  Rural
-  Select Commercial Planned District





SCALE 1" = 15'-0"

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**SITE PLAN**

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

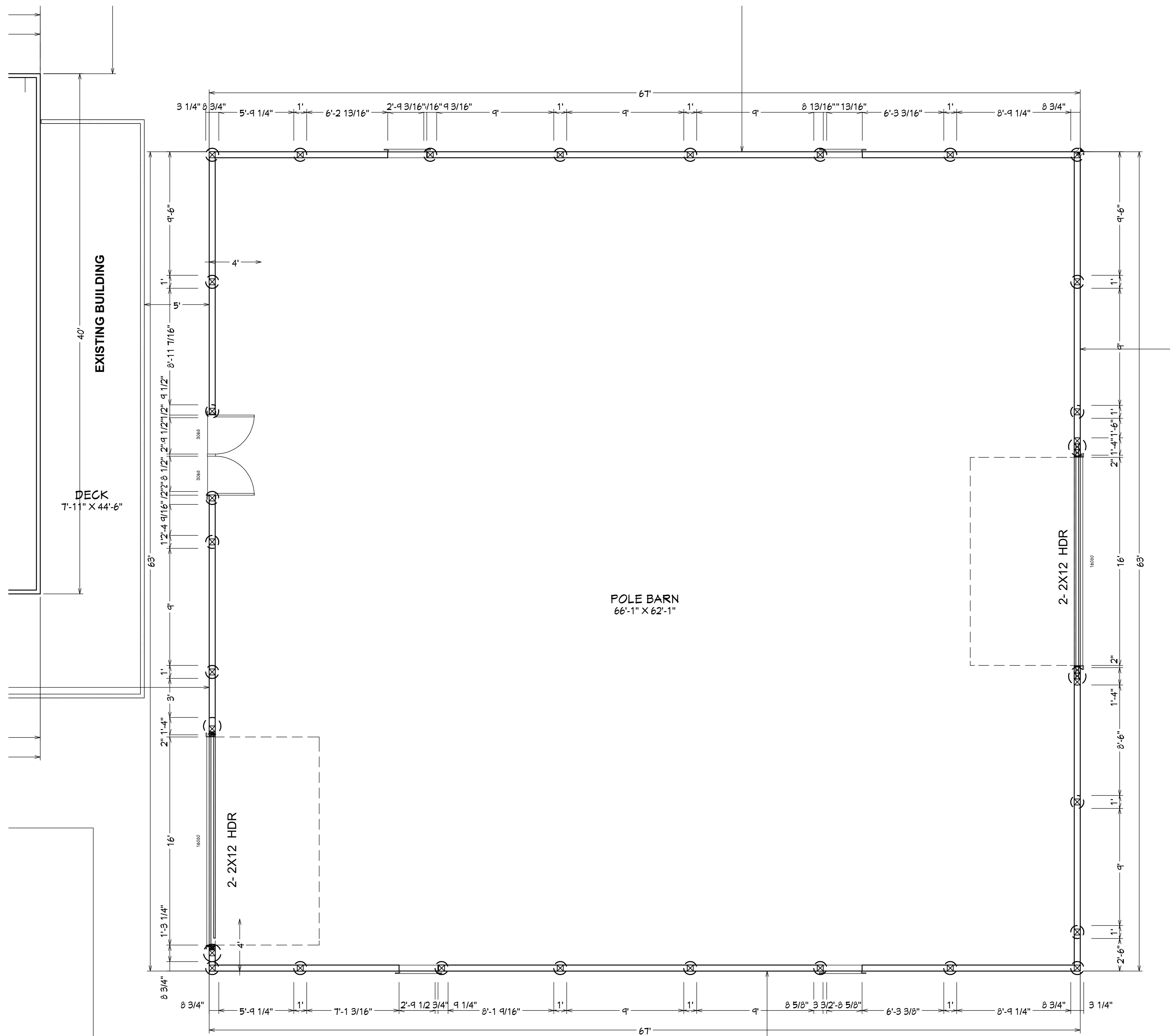
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**DESIGNER**

DATE:

SCALE:

SHEET:

**A-1**



POLE BARN  
66'-1" X 62'-1"

2- 2X12 HDR

2- 2X12 HDR

EXISTING BUILDING  
40'

DECK  
7'-11" X 44'-6"

SCALE 3/16" = 1'-0"

1st Floor

--

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**FRAMING**

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

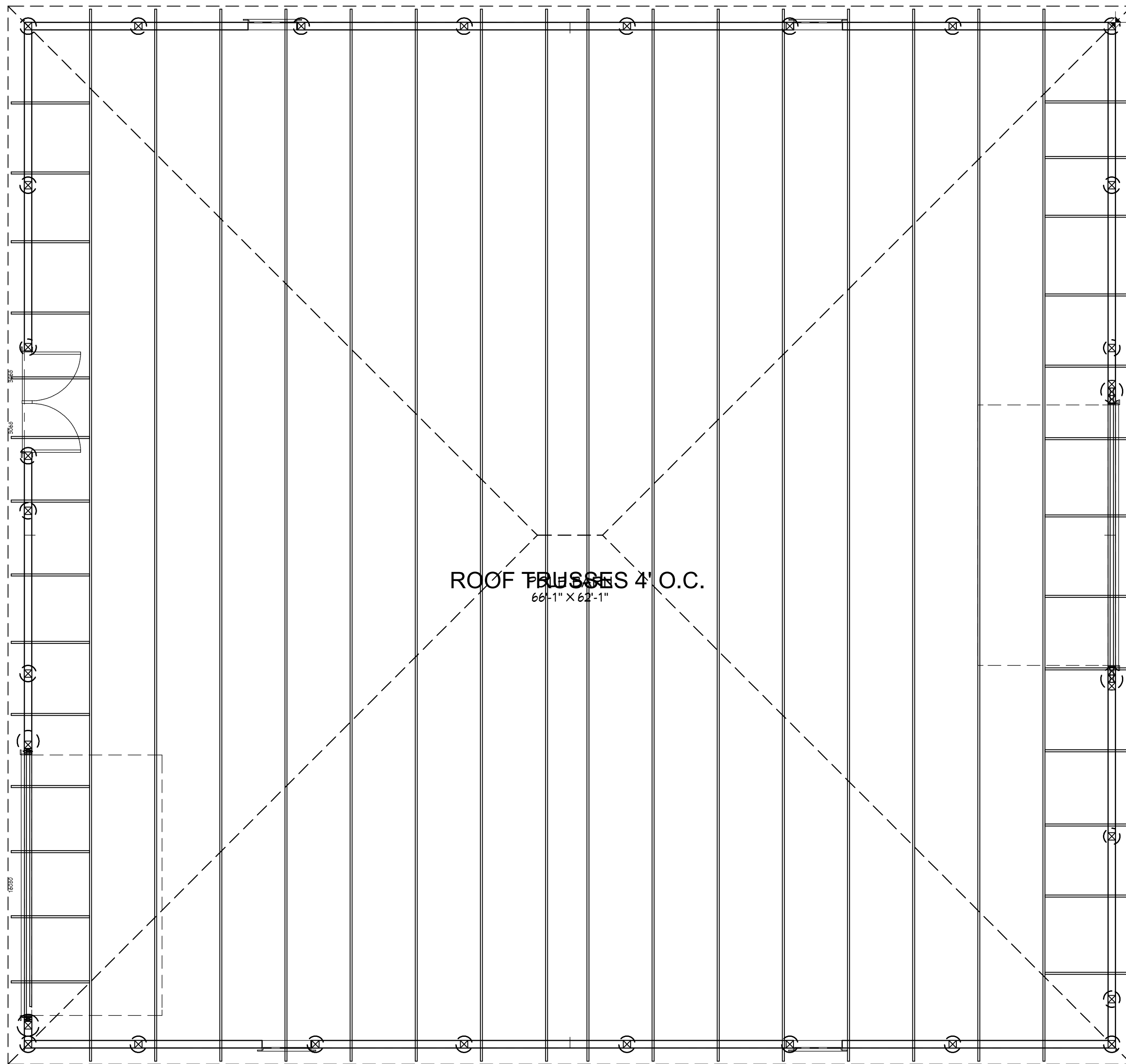
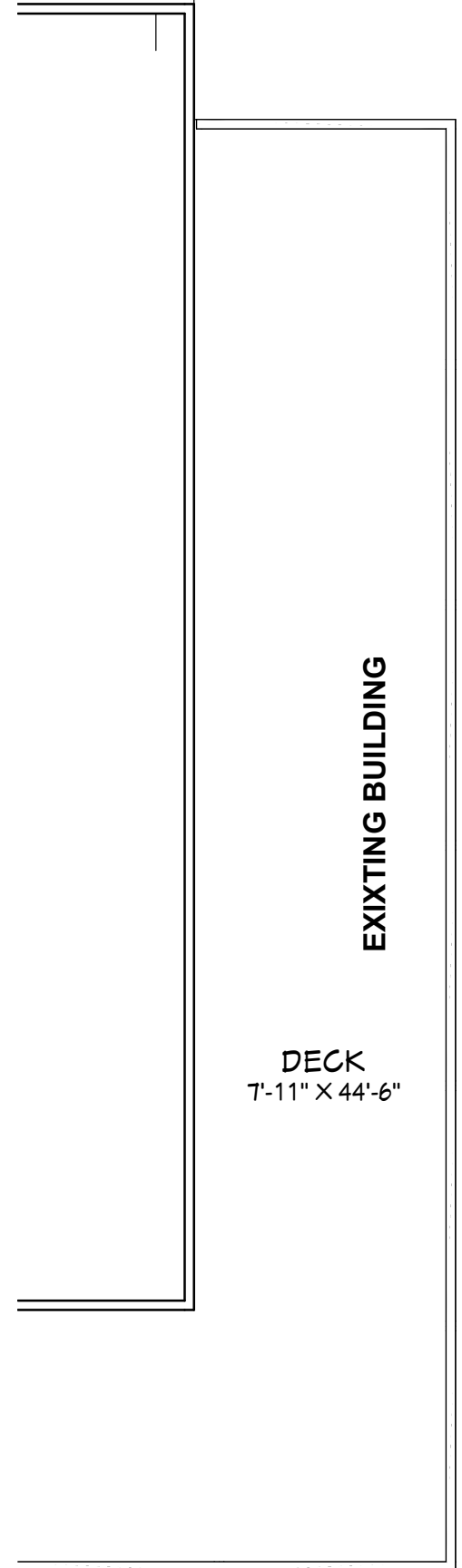
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SCALE:

SHEET:

**A-2**



SCALE 3/16" = 1'-0"

1st Floor

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**ROOF**

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

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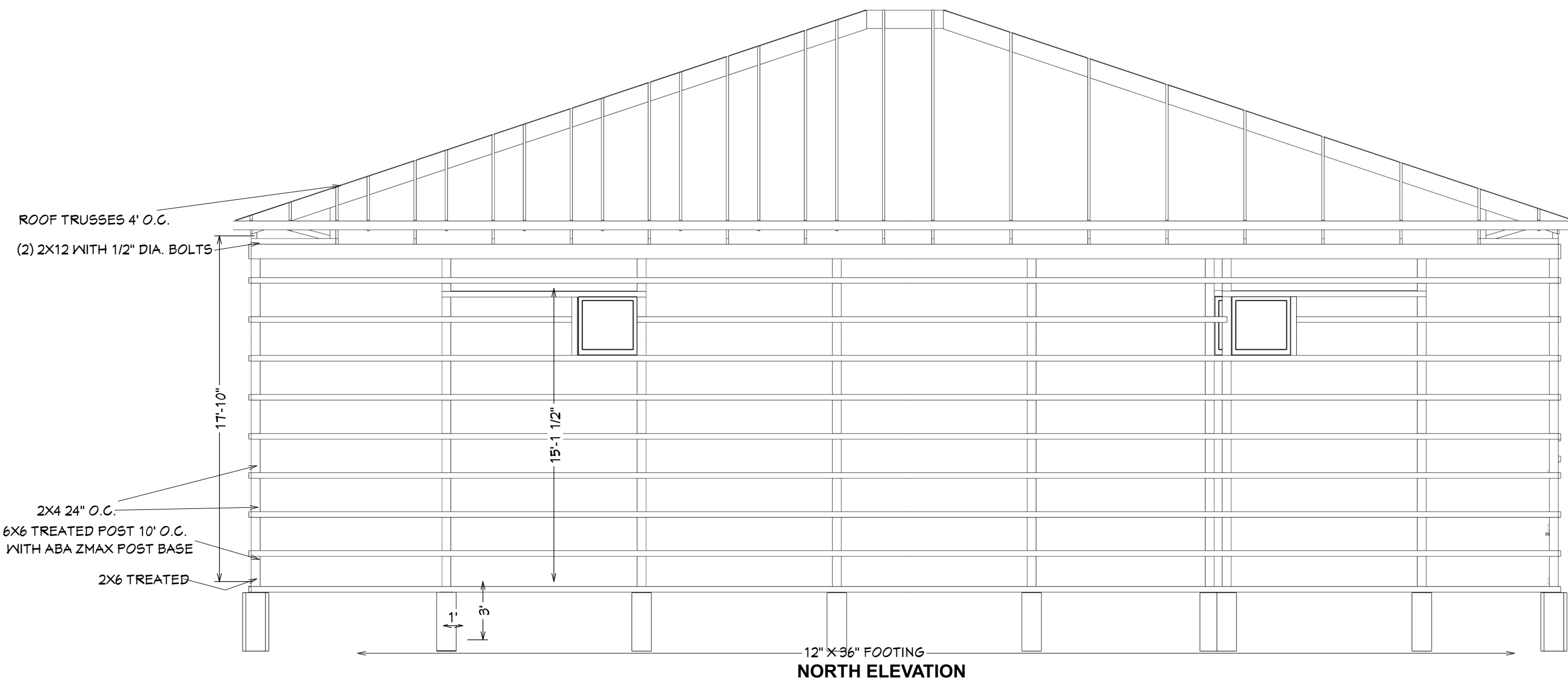
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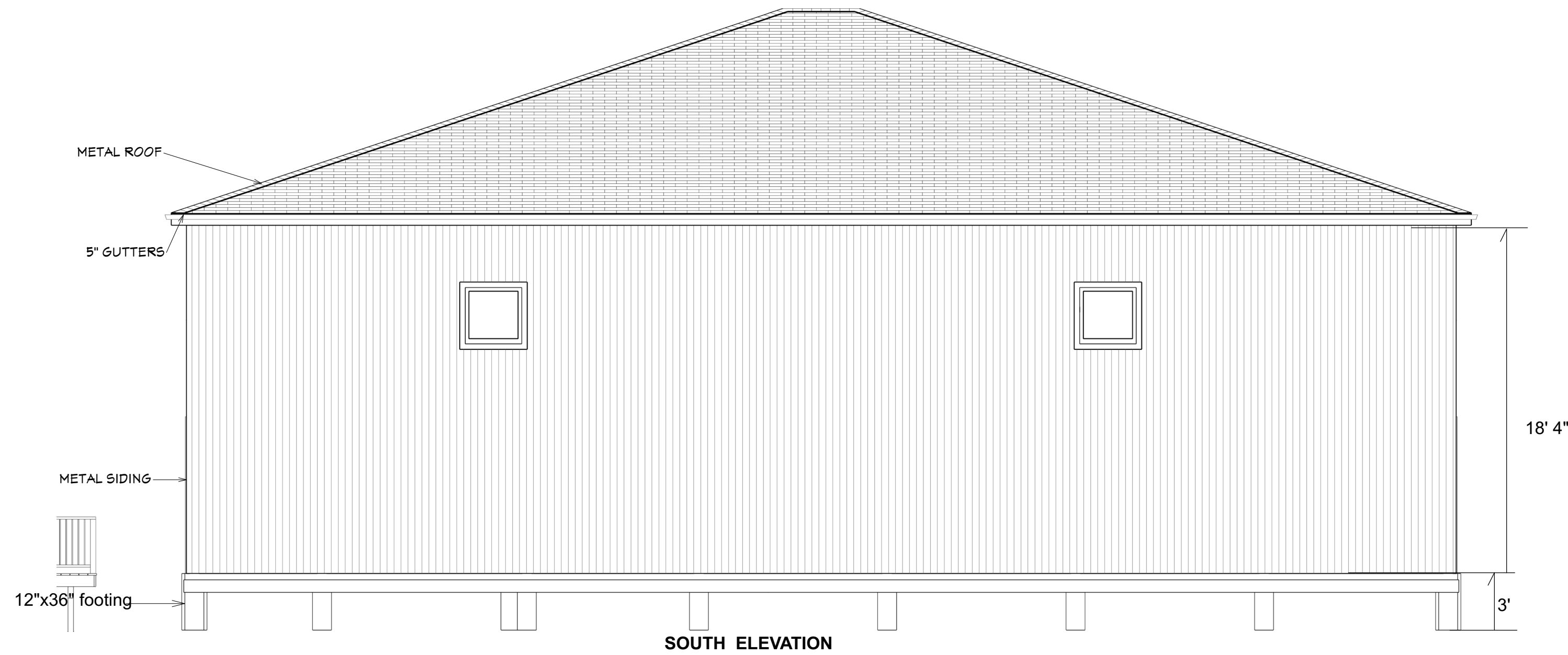
SHEET:

**A-3**





Elevation 1



Elevation 2

SCALE 3/16 = 1'-0"

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
ELEVATION

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

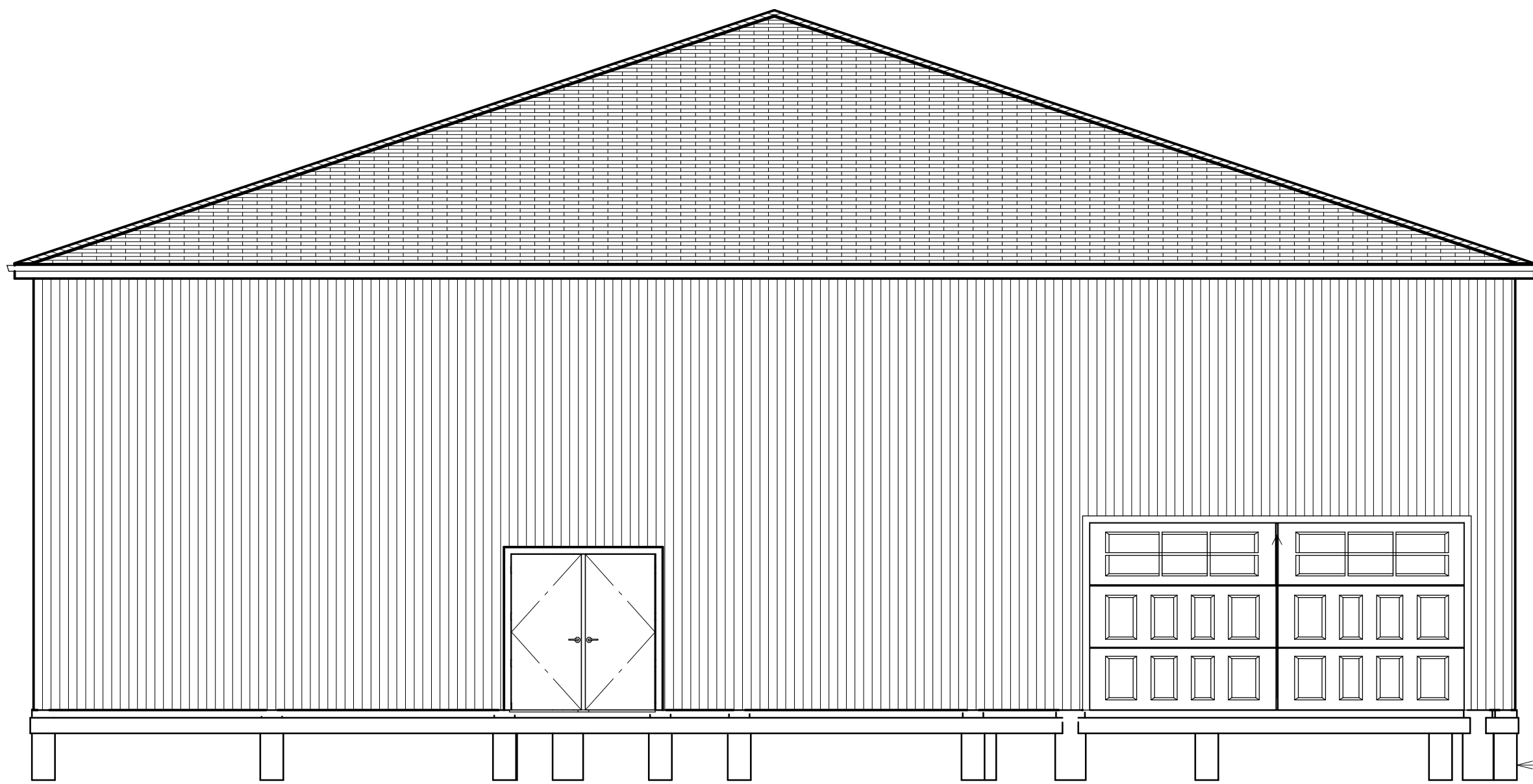
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SHEET:

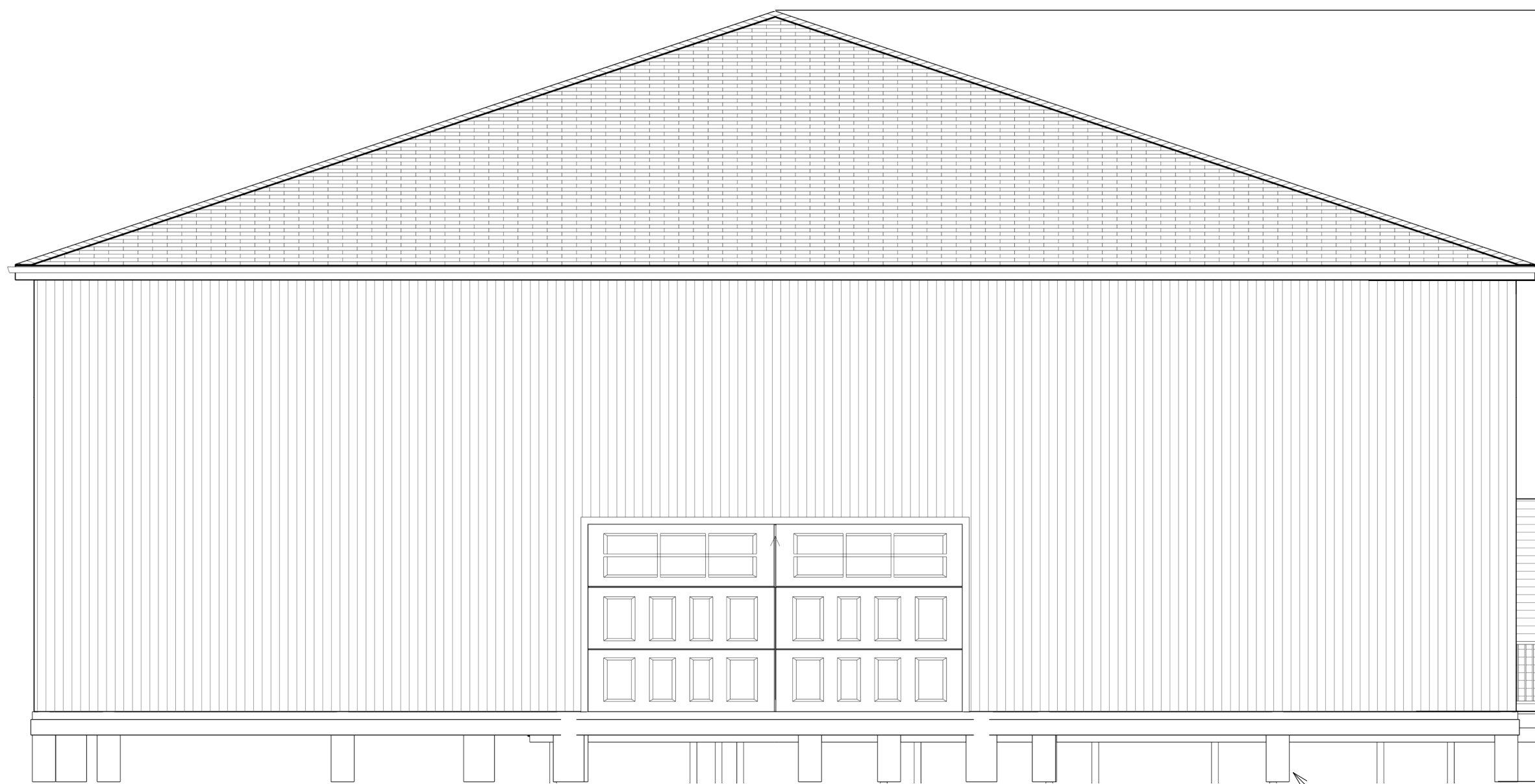
**A-4**



**WEST ELEVATION**

Elevation 3

12" 36" footing



**EAST ELEVATION**

Elevation 4

12" 36" footing

This dimensions are the same for North, South, East and West elevation

29' 11" 1/2

18' 4"

3'

SCALE 3/16 = 1'-0"

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**ELEVATION**

PROJECT DESCRIPTION:  
**POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.**

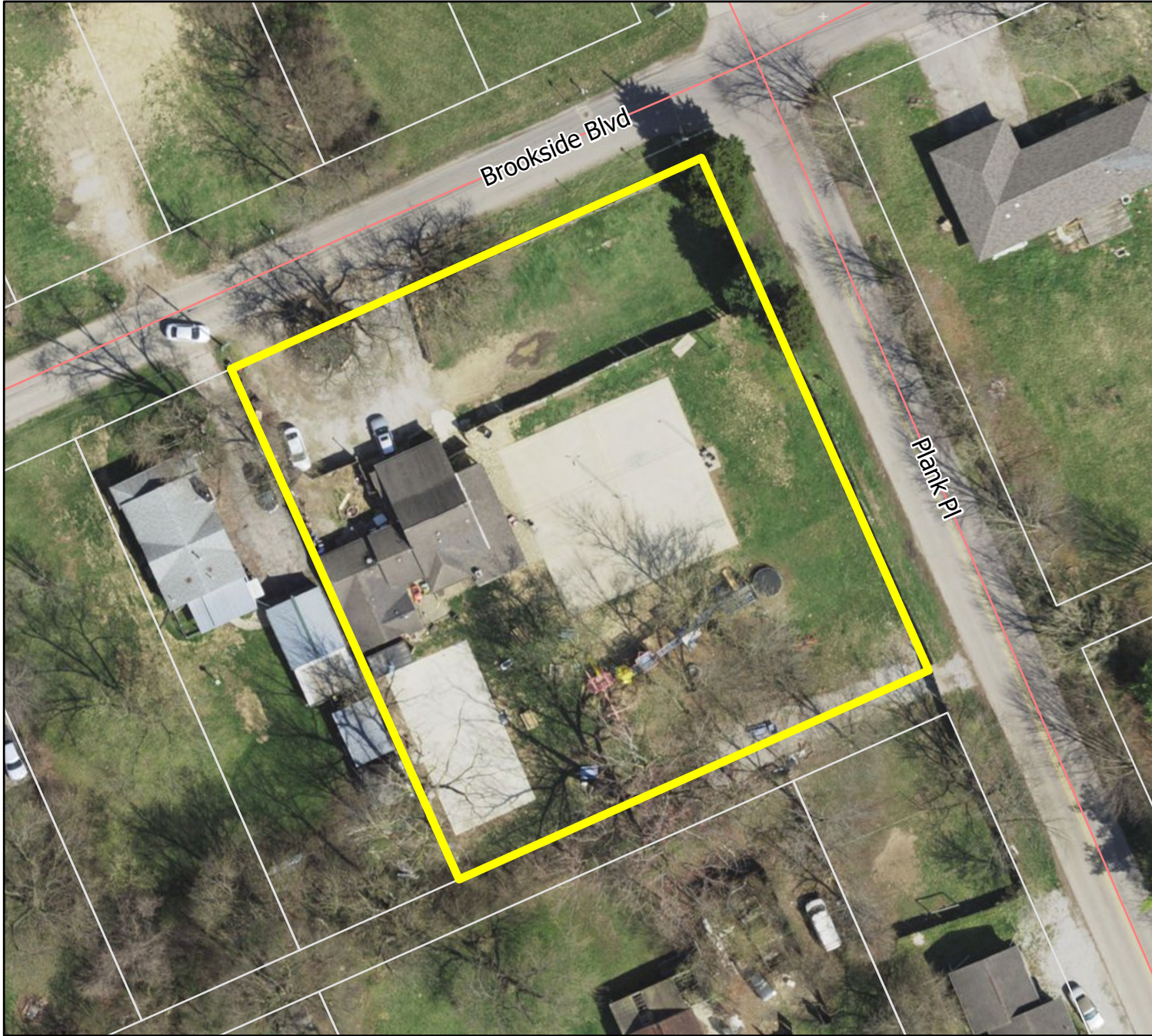
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SCALE:

SHEET:




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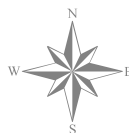
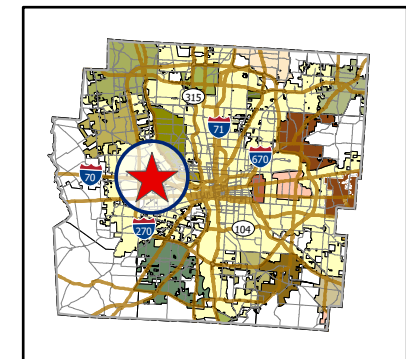


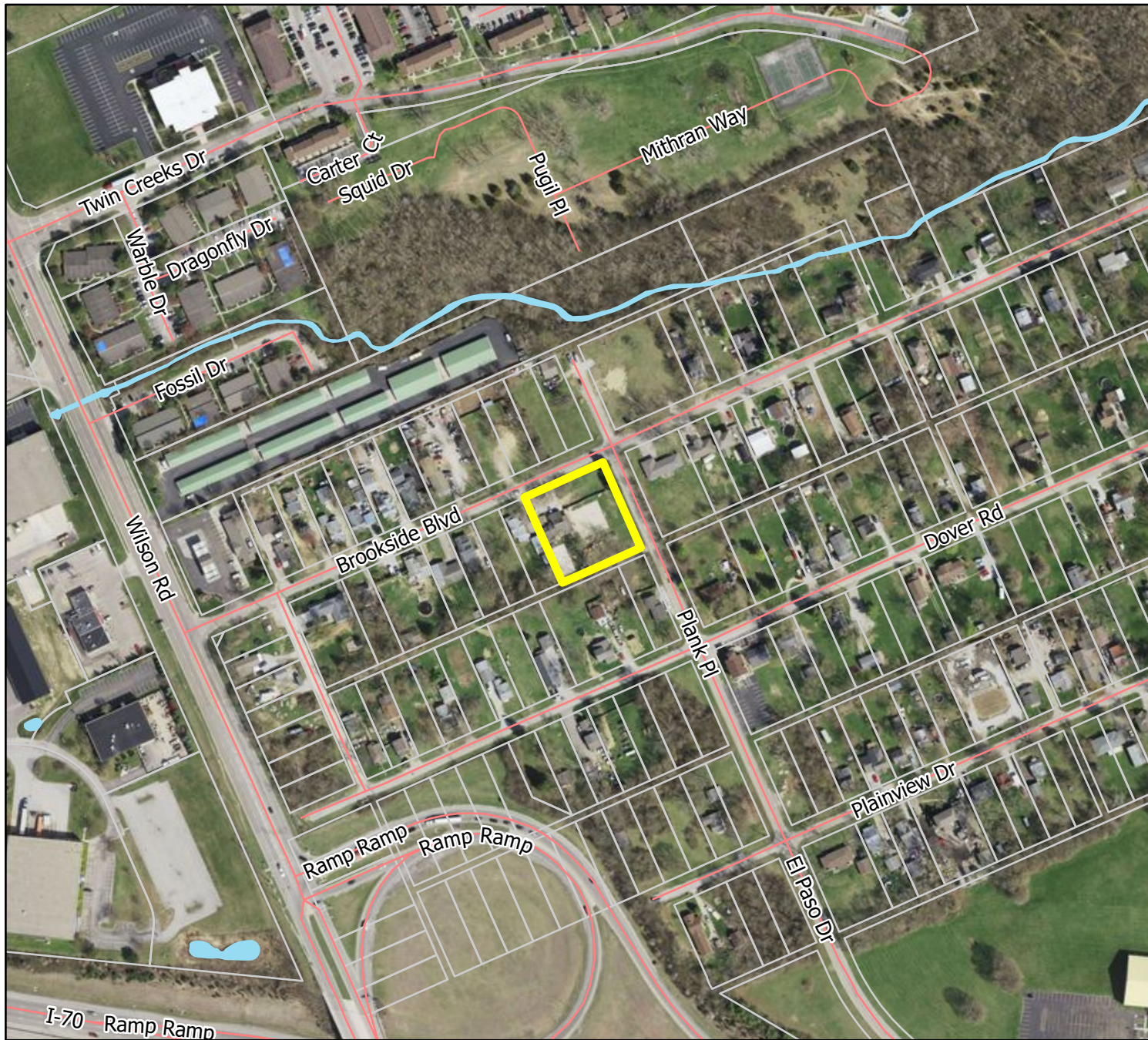
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Acres: .76-acres  
Township: Franklin

-  Streets
-  Parcels
-  3523 Brookside Boulevard






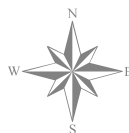
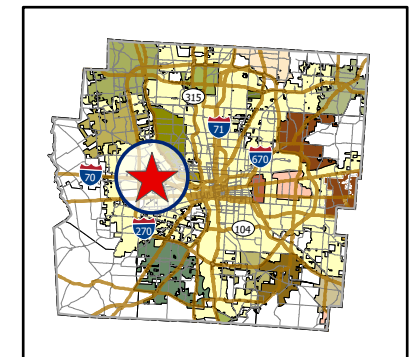


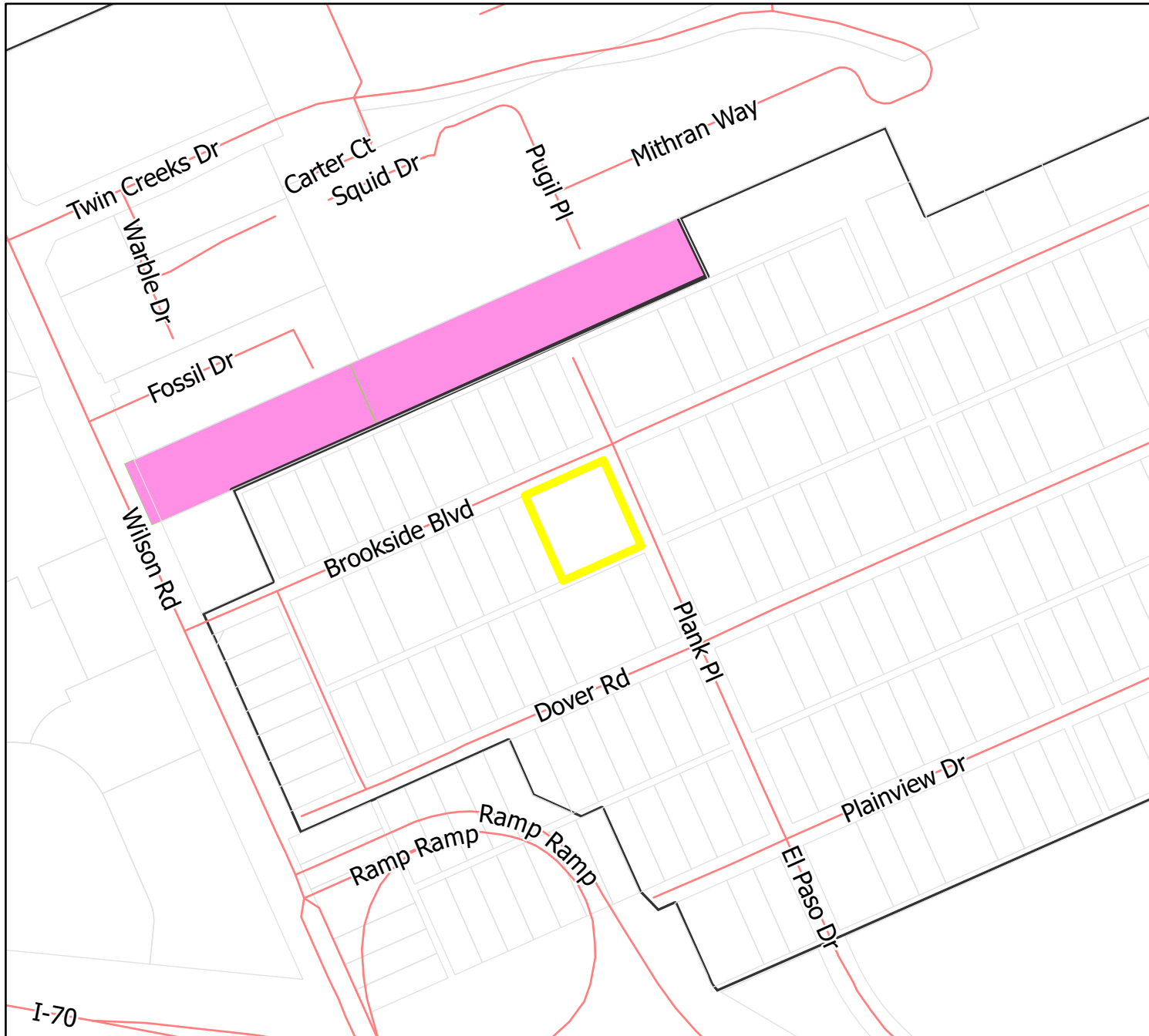
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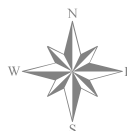
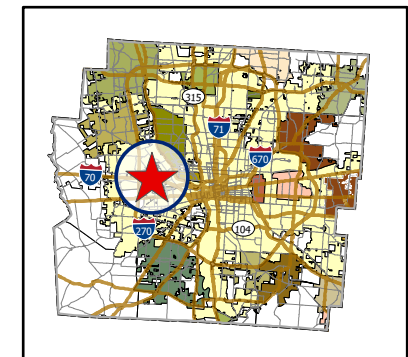


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-  Streets
-  3523 Brookside Boulevard
- Zoning - County**
-  Rural
-  Select Commercial Planned District



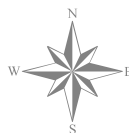
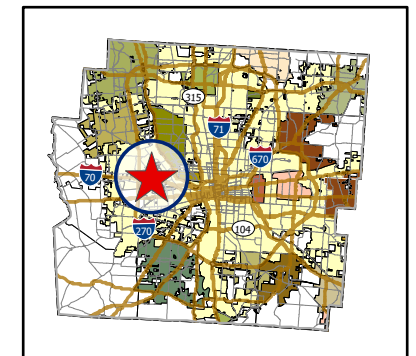


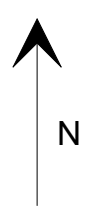
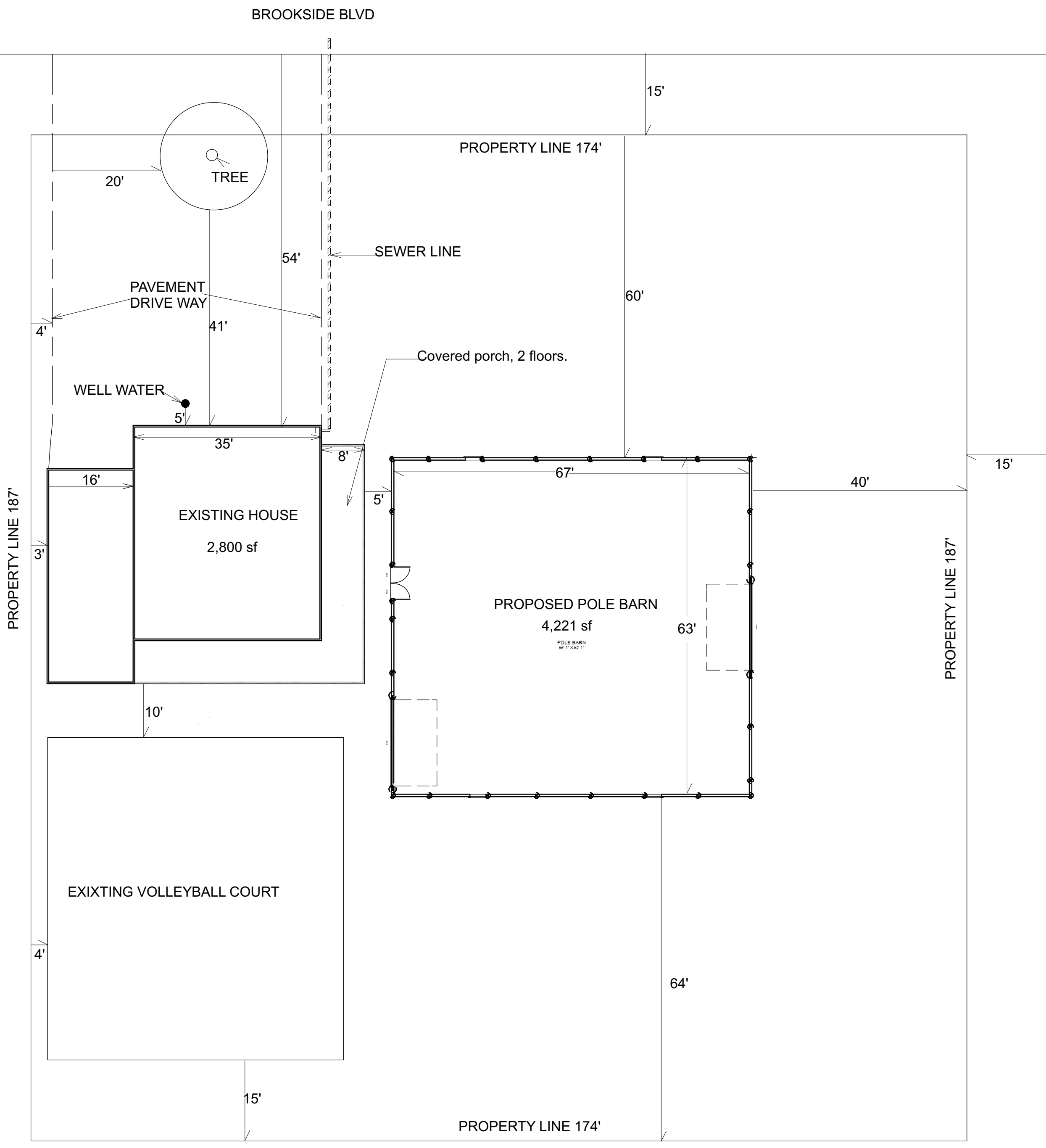
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Township: Franklin

- Streets
- Parcels
- 3523 Brookside Boulevard





SCALE 1" = 15'-0"

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**SITE PLAN**

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

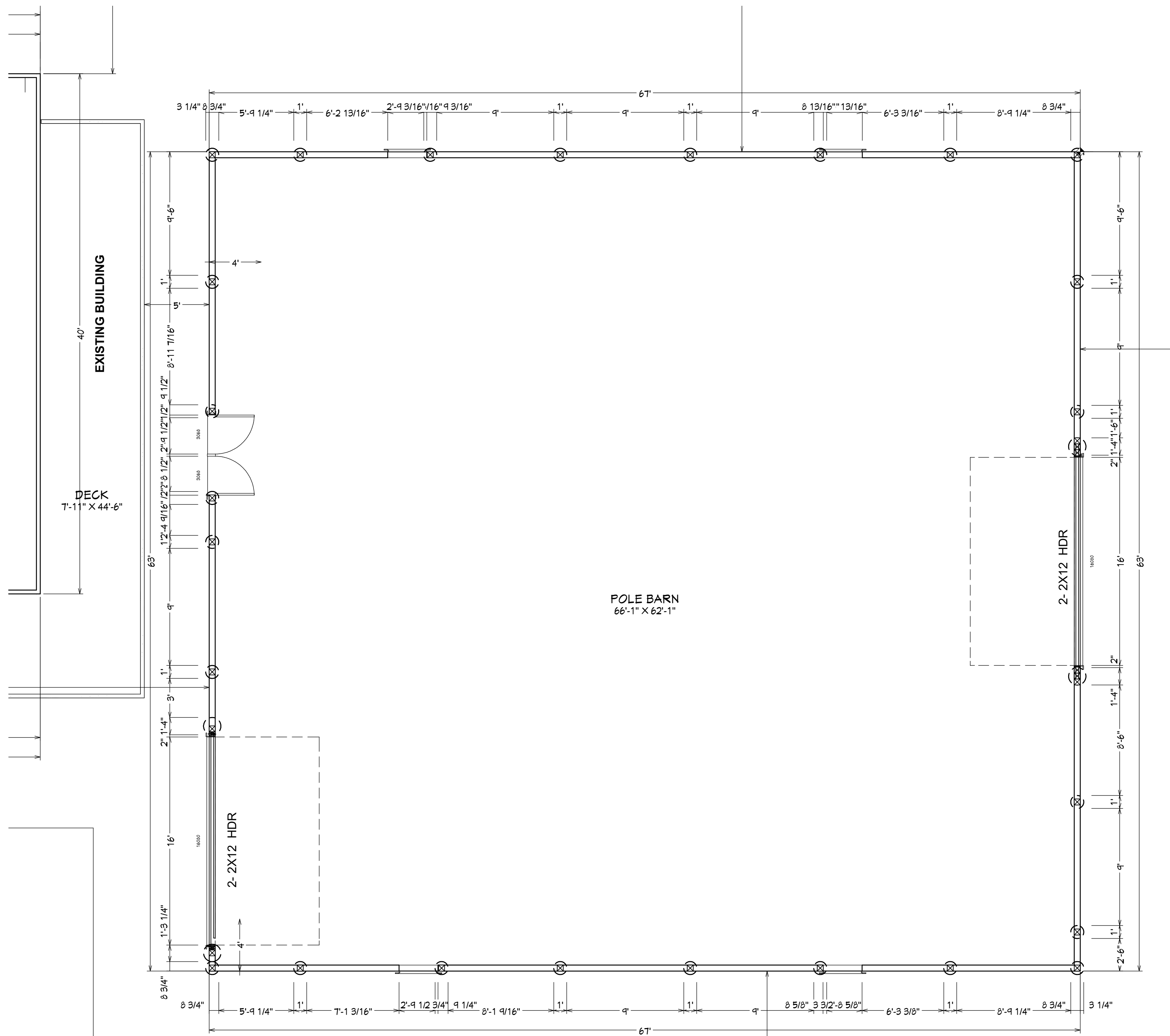
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**DESIGNER**

DATE:

SCALE:

SHEET:

**A-1**



SCALE 3/16" = 1'-0"

1st Floor

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**FRAMING**

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

DRAWINGS PROVIDED BY:

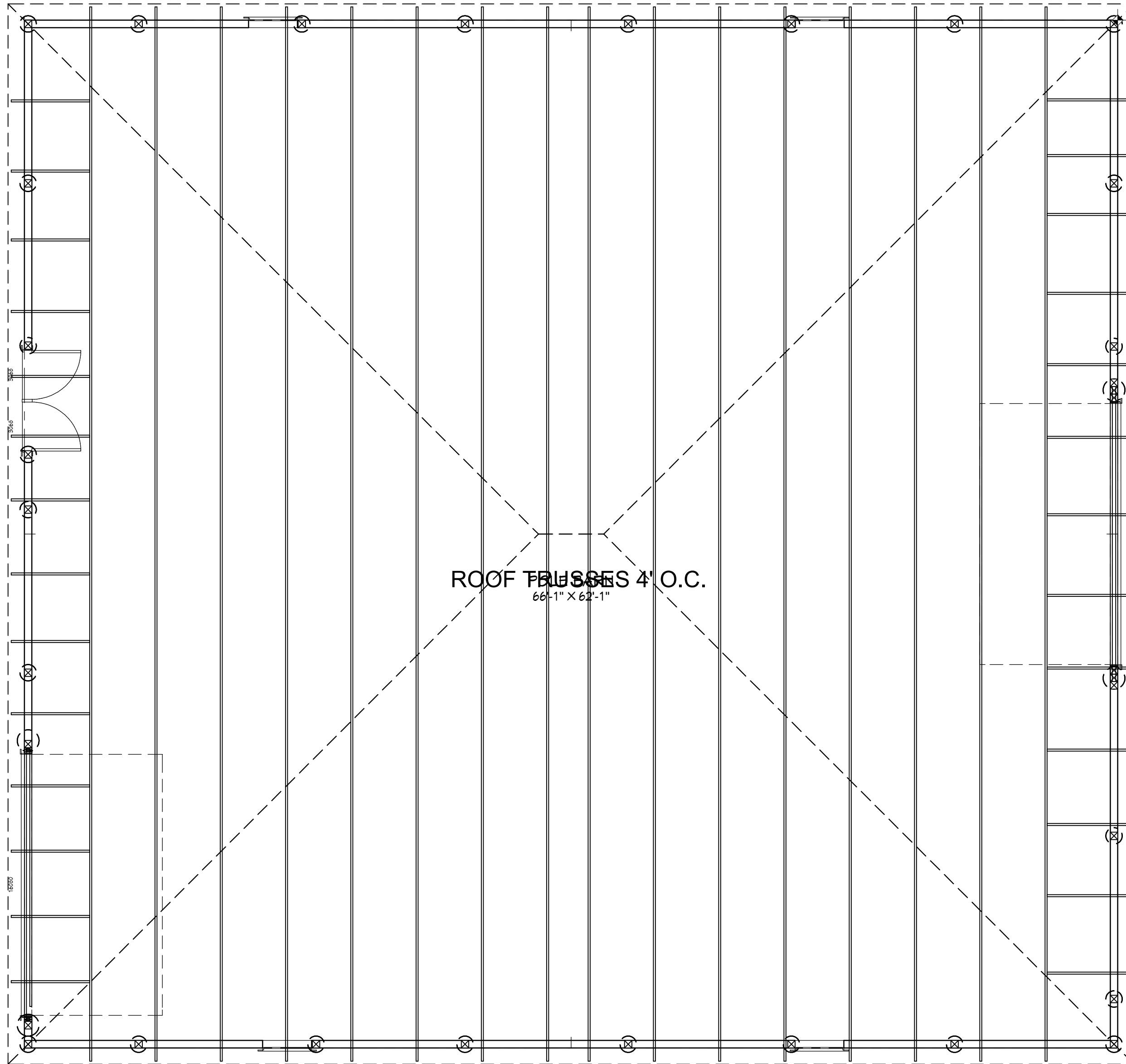
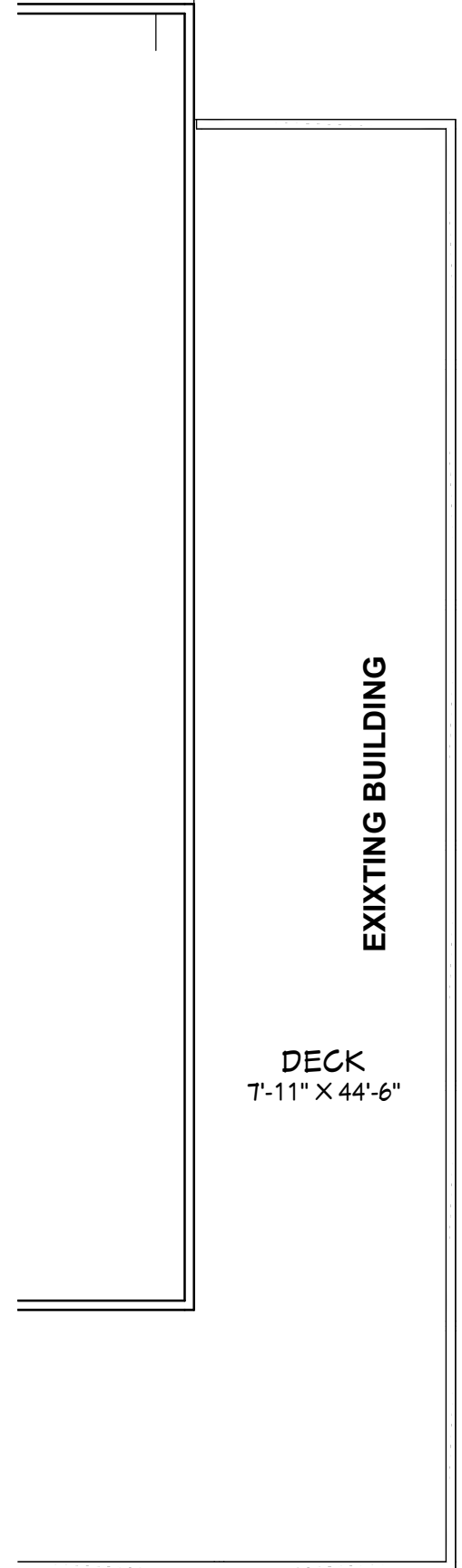
DATE:

SCALE:

SHEET:

**A-2**





SCALE 3/16" = 1'-0"

1st Floor

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**ROOF**

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

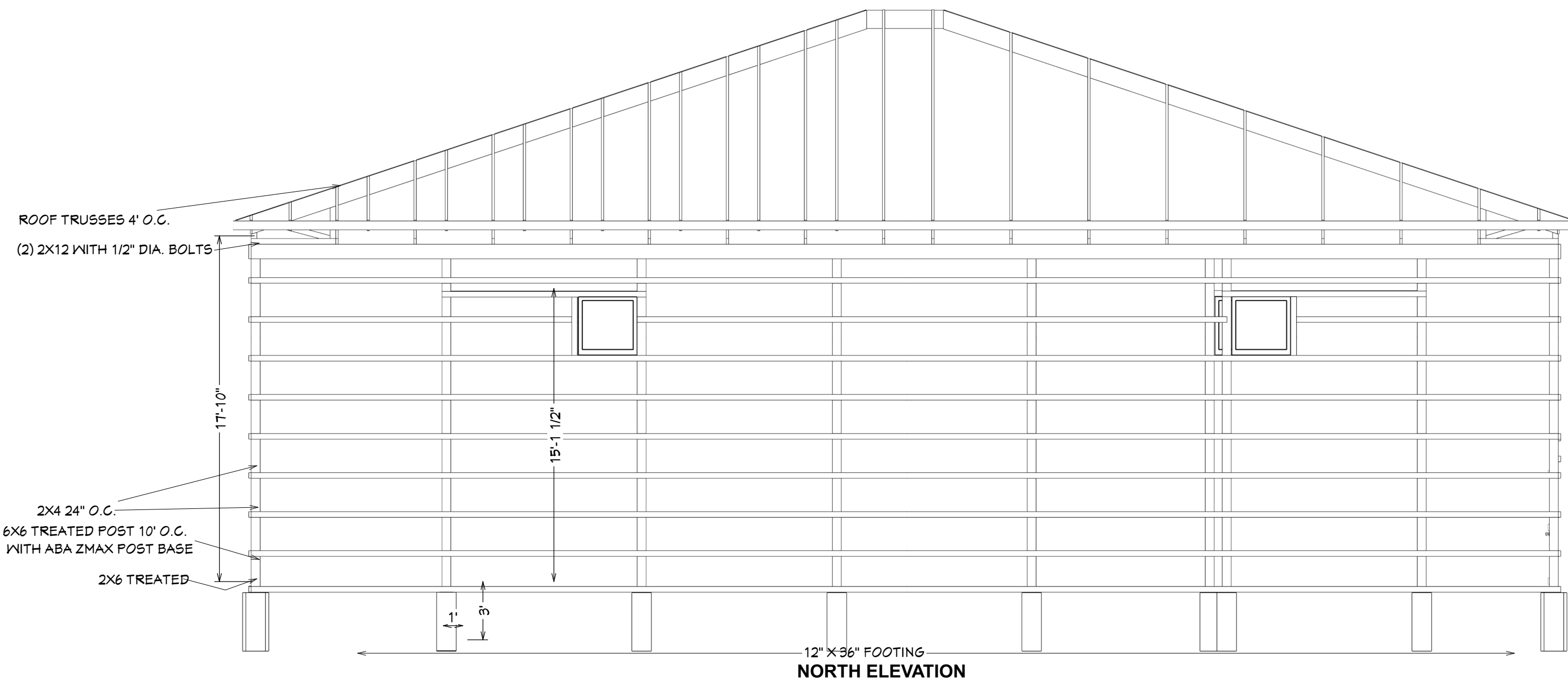
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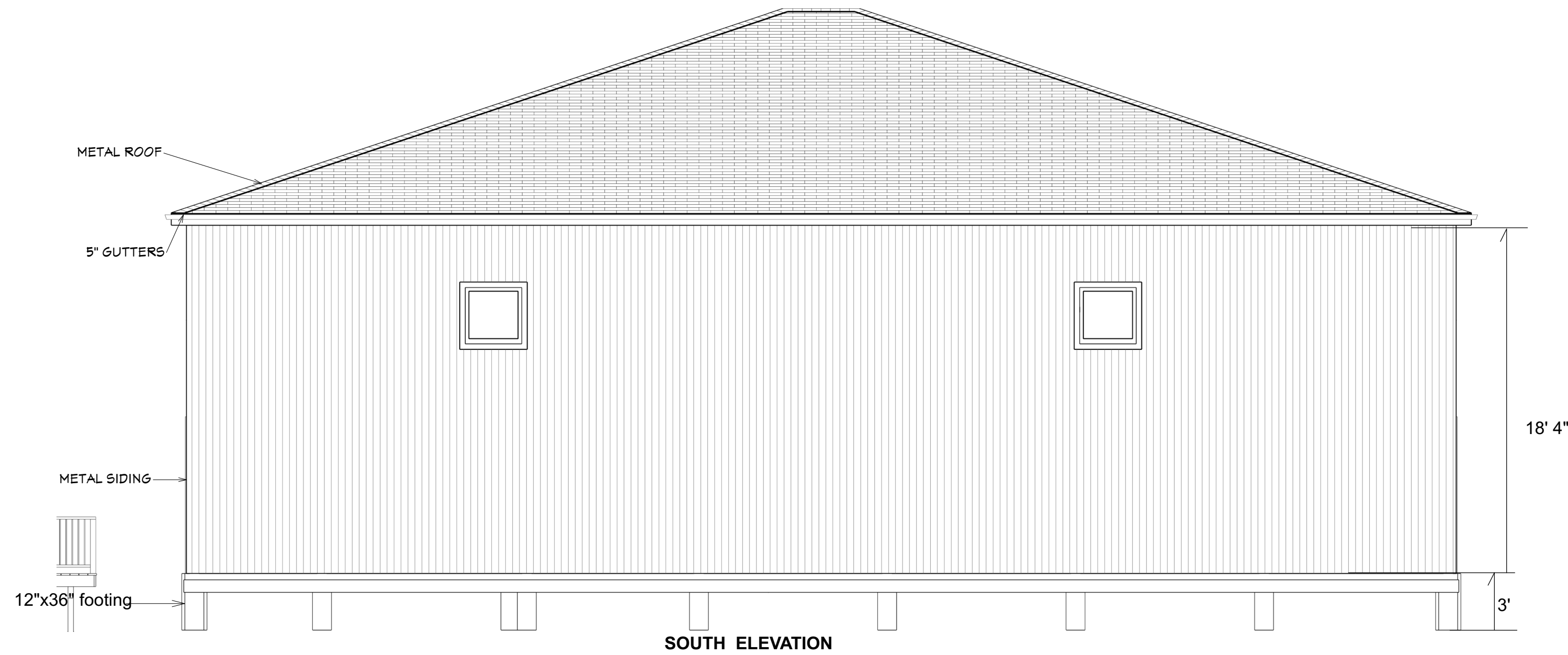
SCALE:

SHEET:

**A-3**



Elevation 1



Elevation 2

SCALE 3/16 = 1'-0"

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
**ELEVATION**

PROJECT DESCRIPTION:  
 POLE BARN  
 3523 BROOKSIDE BLVD  
 COLUMBUS OH.

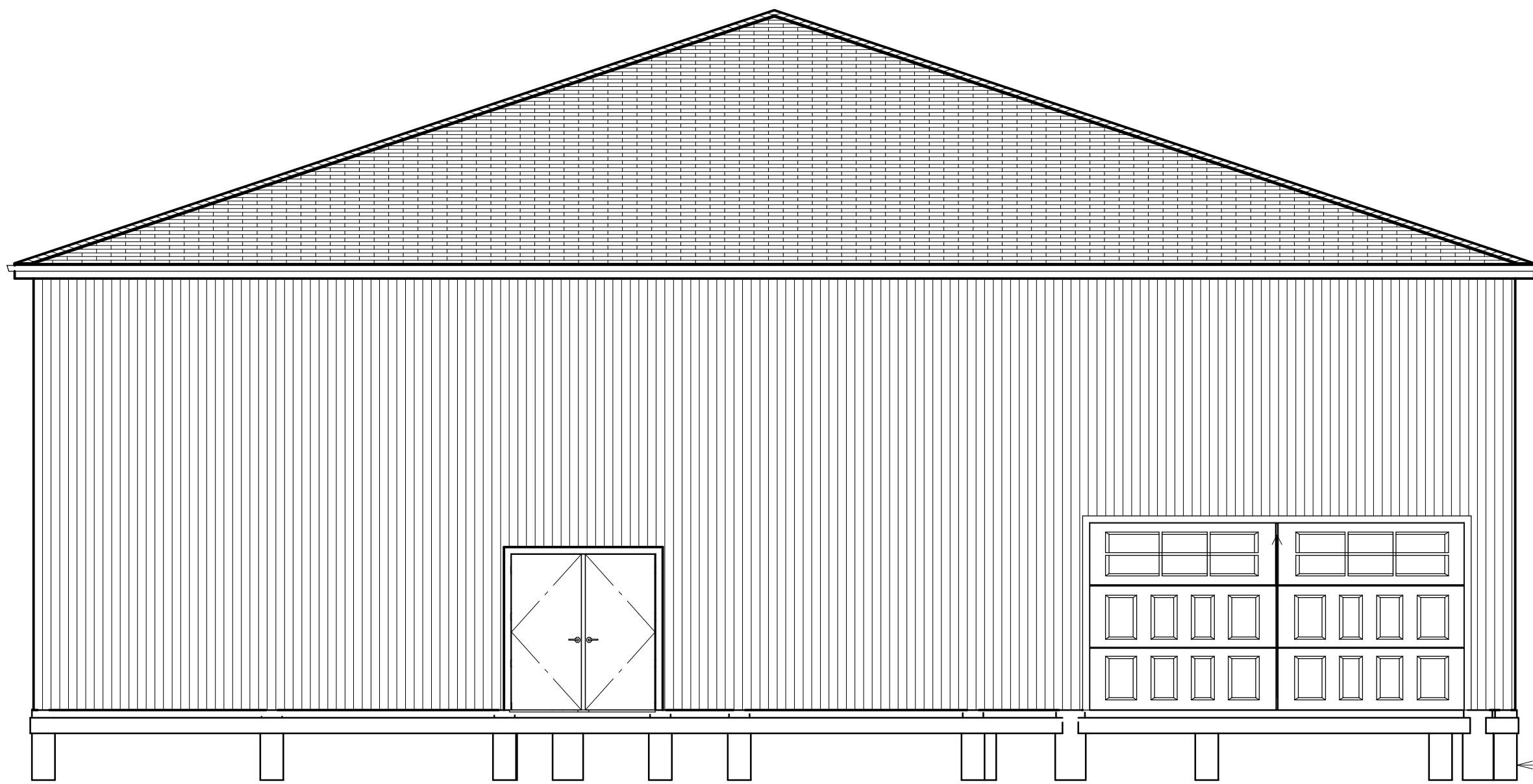
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SHEET:

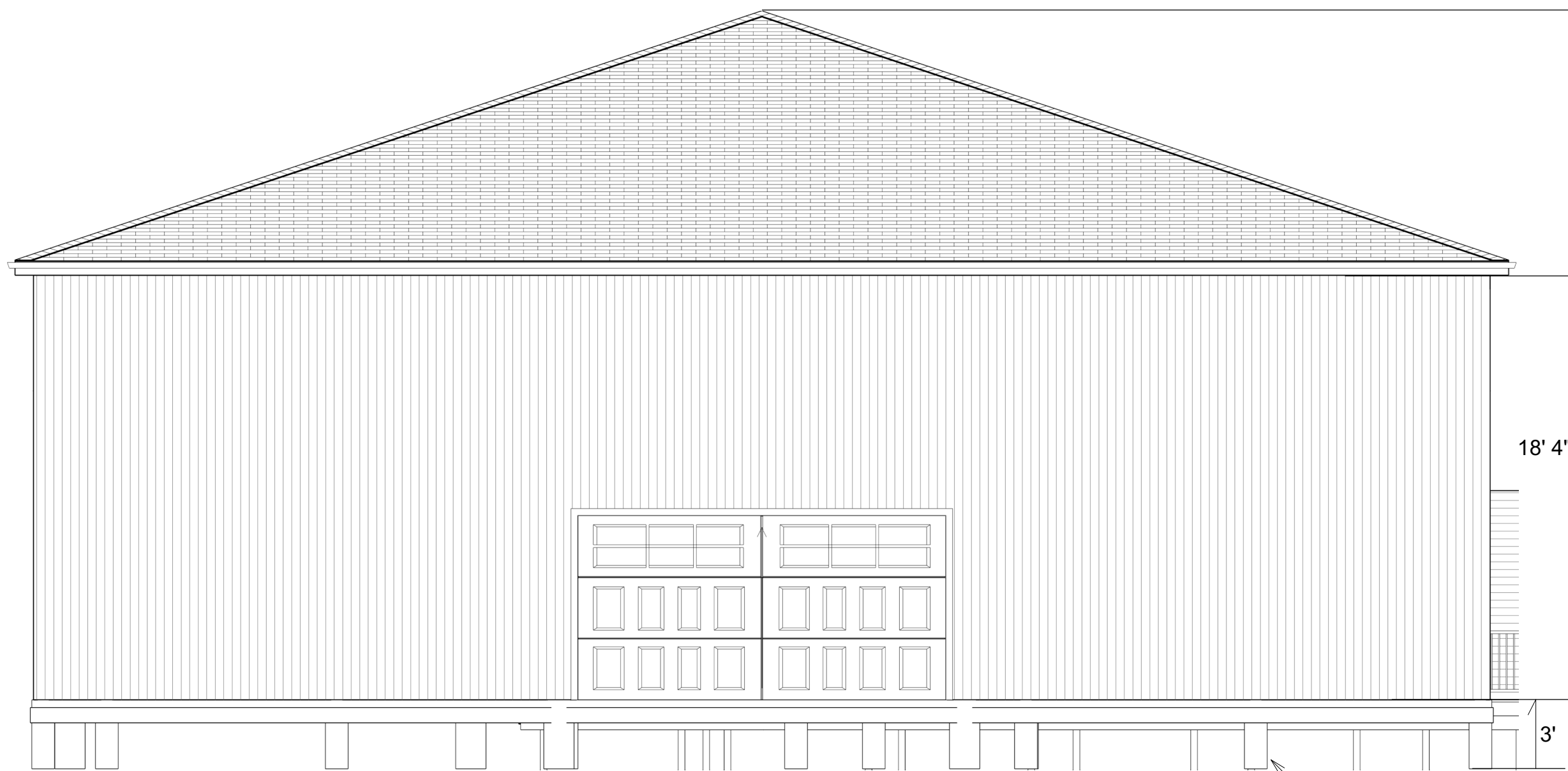
**A-4**



WEST ELEVATION

Elevation 3

12" 36" footing



EAST ELEVATION

Elevation 4

12" 36" footing

This dimensions are the same for North, South, East and West elevation

29' 11" 1/2

18' 4"

3'

SCALE 3/16 = 1'-0"

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:  
ELEVATION

PROJECT DESCRIPTION:  
POLE BARN  
3523 BROOKSIDE BLVD  
COLUMBUS OH.

DRAWINGS PROVIDED BY:

DATE:

SCALE:

SHEET:

**A-5**



## ***STAFF REPORT***

Board of Zoning Appeals  
December 16, 2024

### **Case: VA-4112**

Prepared by: Tamara Ennist

<b>Owner</b>	Sean & Kella Owen
<b>Applicant:</b>	Leonard Rettig Design Build, Ltd
<b>Township:</b>	Sharon Township
<b>Site:</b>	226 Westview Avenue, Columbus, OH 43214 West half lot #51, Homedale Plat (PID #254-151859)
<b>Acreage:</b>	0.47-acres
<b>Zoning:</b>	Restricted Urban Residential (R-8)
<b>Utilities:</b>	Public water and sewer
<b>Request:</b>	Requesting a variance from Sections 110.041 of the Franklin County Zoning Resolution to allow development on a non-conforming lot that does not provide the required right-of-way abutment in the Restricted Urban Residential (R-8) zoned district.

### **Summary**

The property owner would like to demolish the existing 720 sq. ft. residence that was built in 1948 and the detached garage to re-develop the site with a new 2,510 square foot, single-family home. The new residence would be built to utilize the existing basement and would be located to comply with the building setback requirements of the Restricted Urban Residential (R-8) zoning district.

The owner is requesting a variance to FCZR Sec. 110.041-Non-Conforming Lots to allow construction of a conforming residence on a non-conforming lot of record that cannot provide the width required at the building line.

### **Property Background**

The following is a summary of the development and permit history of the parcel:

- 1948 – Construction of primary structure (720 sq. ft.)
- 1958 – Construction of a 12’ X 20’ (240 sq. ft.) detached garage
- 1958 – Construction of an 8’ X 20’ (160 sq. ft.) open porch
- 1980 – Construction of a 9’ X 12’ (108 sq. ft.) utility shed
- 2016 – Building Permit issued for renovations (roof, siding, windows & doors)
- 2023 – Zoning Compliance permit application – Advised that variances would be needed
- 2023 – Applied for a demolition permit.
- 2024 - Application to the Board of Zoning Appeals for a variance.

### **Surrounding Land Use and Zoning**

The site and the properties to the north, west, south and east are within Franklin County’s Restricted Urban Residential (R-8) zoning district and are in residential uses.

### **Comprehensive Plans**

The Franklin County Land Use Plan (Franklin County Zoning Resolution amended and re-adopted January 10, 2023) identifies this area as Restricted Urban Residential (R-8).

The applicant’s request is consistent with the Plan’s land use recommendation as residential uses are permitted uses in the Restricted Urban Residential (R-8) zoning district.

## **Staff Review**

The subject site was recorded on August 5<sup>th</sup>, 1913, with the Homedale Plat. It is located on the north side of Westview Avenue, between Olentangy Freeway (SR315) and N. High Street (US23) just south of the City of Worthington in Sharon Township. Westview Avenue is a 50' wide right-of-way with a street width of approximately 20 feet with no curbs or sidewalks.

The property is within Franklin County's Restricted Urban Residential (R-8) zoning district which requires a *lot width of sixty (60) feet at the building line* and at least thirty (30) feet of frontage on an improved, dedicated, publicly maintained street and a lot area not less than seventy-two hundred (7,200) square feet for a one-family dwelling [FCZR Sec. 312.041 & 312.042]. The subject site has a width of 54.25 feet which fronts entirely on Westview Avenue, and a depth of approximately 378 feet giving it an area of approximately 20,541 square feet (approx. 0.47 Ac.). The lot width at the building line cannot provide the sixty feet required causing the lot to be a *non-conforming lot of record*.

### **Non-Conforming Lots [Sec. 110.041]**

The construction of a *conforming* structure...shall be allowed on a lot of record which has an area and /or lot width less than that required for such structure...in the zoning district in which the lot is located, provided current setbacks and separations between structures can be met... and the lot abuts a public street.

- The current lot width is less than that required for a single-family structure.

The construction of a *conforming* structure...shall be allowed on a nonconforming lot of record having at least sixty (60) feet abutment on an improved, publicly maintained right-of-way.

- The existing lot of record does not provide sixty (60) feet of frontage on an improved, publicly maintained right-of-way.

Variance of any other development standard as described above, shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article VIII Board of Zoning Appeals.

- A variance will be needed to allow construction of a conforming structure on a non-conforming lot that does not provide a minimum of sixty (60) feet of frontage on an improved, publicly maintained right-of-way.

## **Technical Review Committee Agency Review**

### **Franklin County Engineer Review Comments**

- Show sewer and water locations.
  - o The existing sanitary lateral will need to be capped prior to demo. A cap off permit must be obtained from Sanitary Engineering.
- Show existing storm drain in the right-of-way and identify the size.
  - o Must show tie in point to the road.
- Show the location, material type, size and grade of downspouts and sump pump lines.
- Identify existing and post construction grading contours with directional arrows. Must be directed to outlet and not to neighboring properties.
  - o Use different line types for existing and proposed contour lines.
- Add silt fence to property lines.
- Add a note to contact Tom Kayati with Sharon Township Road Department at (614) 885-5933 for any work within the road right-of-way.

## **Staff Analysis**

Section 110.041 (Nonconforming Lots) and Section 110.042 (Nonconforming Structures and Development) provide the Board of Zoning Appeals authority to consider variances to nonconforming structures on nonconforming lots.

The Franklin County Board of Zoning Appeals is given authority to administer variances for nonconforming lots in Section 110.041, and authority to grant a variance as provided for in Section 810.04, Approval of a Variance.

### Section 110.041 Non-Conforming Lots

...Variance of any other development standard as described above, shall be obtained only through action of the Board of Zoning Appeals in accordance with the provisions of Article VIII, Board of Zoning Appeals.

### Section 810.41(b) – Approval of an Area Variance

The Board of Zoning Appeals shall only authorize a request for an area variance where the applicant demonstrates the existence of a practical difficulty in the use of the property. In determining whether a practical difficulty exists, the Board of Zoning Appeals shall consider and weigh the following factors, among others when appropriate, to determine if practical difficulties exist:

1. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.*
  - Applicant Response: The property is zoned single family residential and accepting the variance would allow the parcel to be improved for intended use.
  - Staff feels that the property can yield a reasonable return and the property can still be used as a residential use without the variance. However, staff acknowledges that any new development on the lot can only occur with this variance.
2. *Whether the variance is substantial.*
  - Applicant Response: The variance is allowing an existing condition to remain that is common in the neighborhood.
  - Staff does not feel that the variance request is substantial. The lot width would only need to be 5.5 feet wider to avoid the need for this variance.
3. *Whether the essential character of the neighborhood would be substantially altered, or adjoining properties would suffer a substantial detriment because of the variance.*
  - Applicant Response: There would be no adverse effect to the character of the neighborhood as this condition is common in the neighborhood.
  - Staff agrees that the variance would not affect the essential character of the neighborhood or cause adjoining properties to suffer a substantial detriment since the variance will not change the existing width of the lot and the applicant is satisfying the required setbacks.
4. *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).*
  - Applicant Response: There would be no adverse effect to government services as this condition is common in the neighborhood.
  - Staff agrees that the variance would not cause an adverse effect to government services.
5. *Whether the property owner purchased the property with knowledge of the zoning restriction.*
  - Applicant Response: The applicant purchased the property with no knowledge of the zoning restrictions.
  - Staff cannot know whether the applicant purchased the property with knowledge of the zoning restriction. However, while homeowners usually become aware of zoning setback requirements, regulations regarding non-conformity are less understood and its more likely than not that the owner did not know of this restriction when they purchased the property.
6. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance.*
  - Applicant Response: The variance is allowing an existing condition to remain that is common in the neighborhood.
  - Staff does not believe that the property owner's predicament could feasibly be obtained through some method other than a variance since the only way to avoid a variance for any new home build would be to purchase additional property from an adjoiner to increase the width of the property.

7. *Whether the spirit and intent of the zoning requirement would be observed, and substantial justice done by granting the variance.*

- Applicant Response: Yes, the variance is allowing an existing condition to remain that is common in the neighborhood.
- Staff feels that the spirit and intent of the zoning resolution will be observed, and substantial justice done by granting the variance.

The full variance application with the applicant's responses to questions is included with the meeting materials.

### **Recommendation**

Staff's analysis is that the request satisfies the factors necessary for granting a variance. Staff's recommendation is that the Board of Zoning Appeals approve the variance to **Section 110.041** of the Franklin County Zoning Resolution with the following conditions:

- 1) The property owner must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development & Planning Department.
- 2) The property owner must apply for and receive approval of a Building Permit from the Franklin County Economic Development & Planning Department.
- 3) The property owner must apply for and receive approval of a permit for work within the right-of-way from Sharon Township for the drive relocation and for drainage connection to existing catch basin.
- 4) The property owner must install sediment and erosion controls prior to any construction commencing on the property.
- 5) The property owner must contact Franklin Soil and Water Conservation District for guidance on site drainage for storm water run-off and soil erosion control. Site drainage must be handled in a manner that does not create concerns for neighboring lots.

For your convenience, the following is a proposed resolution:

### **Proposed Resolution for Request:**

\_\_\_\_\_ moves to approve a variance from Section 110.041 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4112 with the recommended staff conditions.

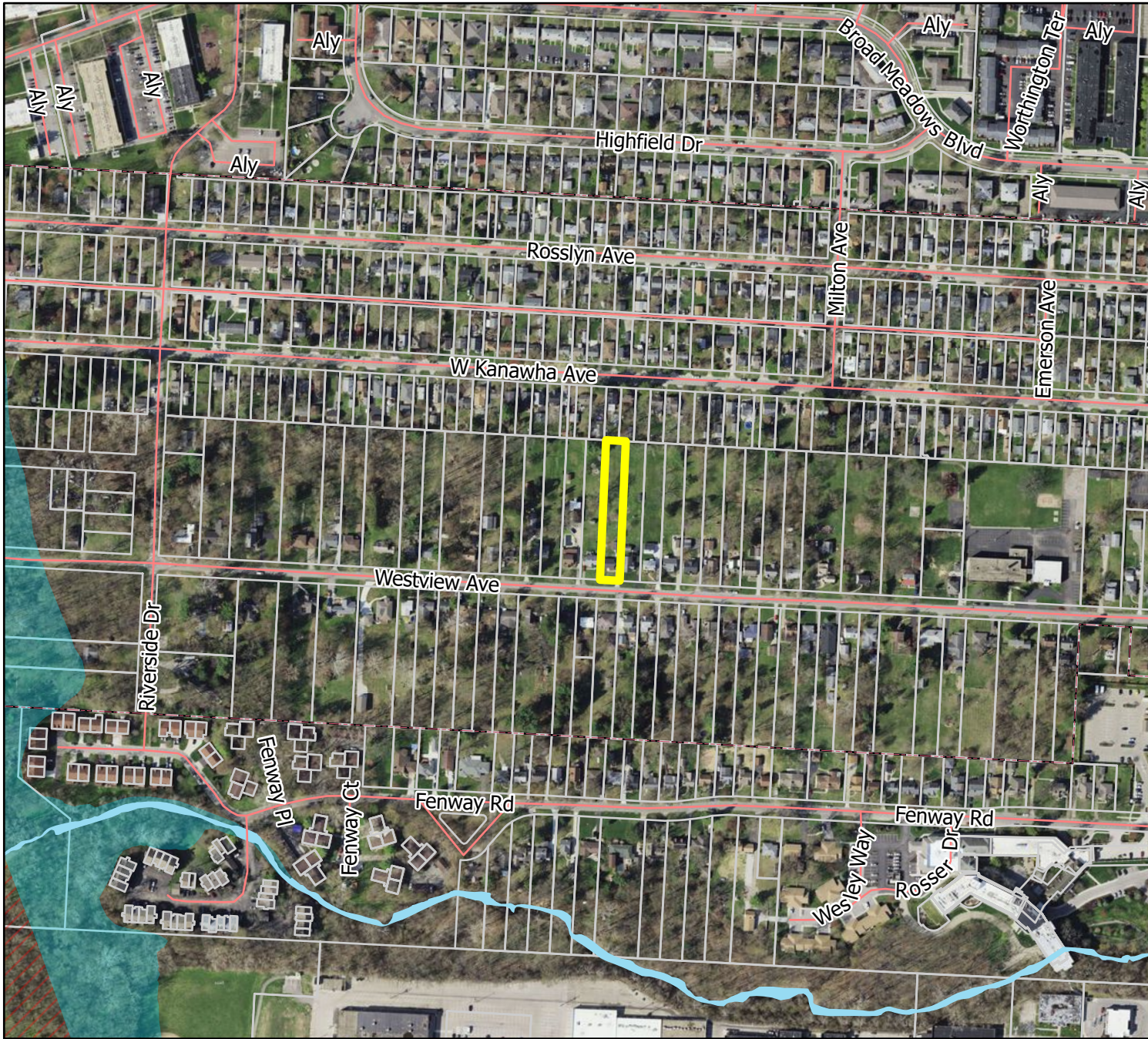
Seconded by: \_\_\_\_\_

### **Findings of Fact**

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

\_\_\_\_\_ moves that the basis for approving/denying the applicant's request for the variance from Section 110.041 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4112 results from the applicant satisfying/failing to satisfy the criteria for granting a variance under Sections 110.04 and 810.041(b).

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

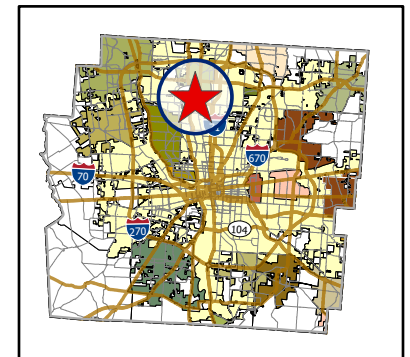


# VA-4112

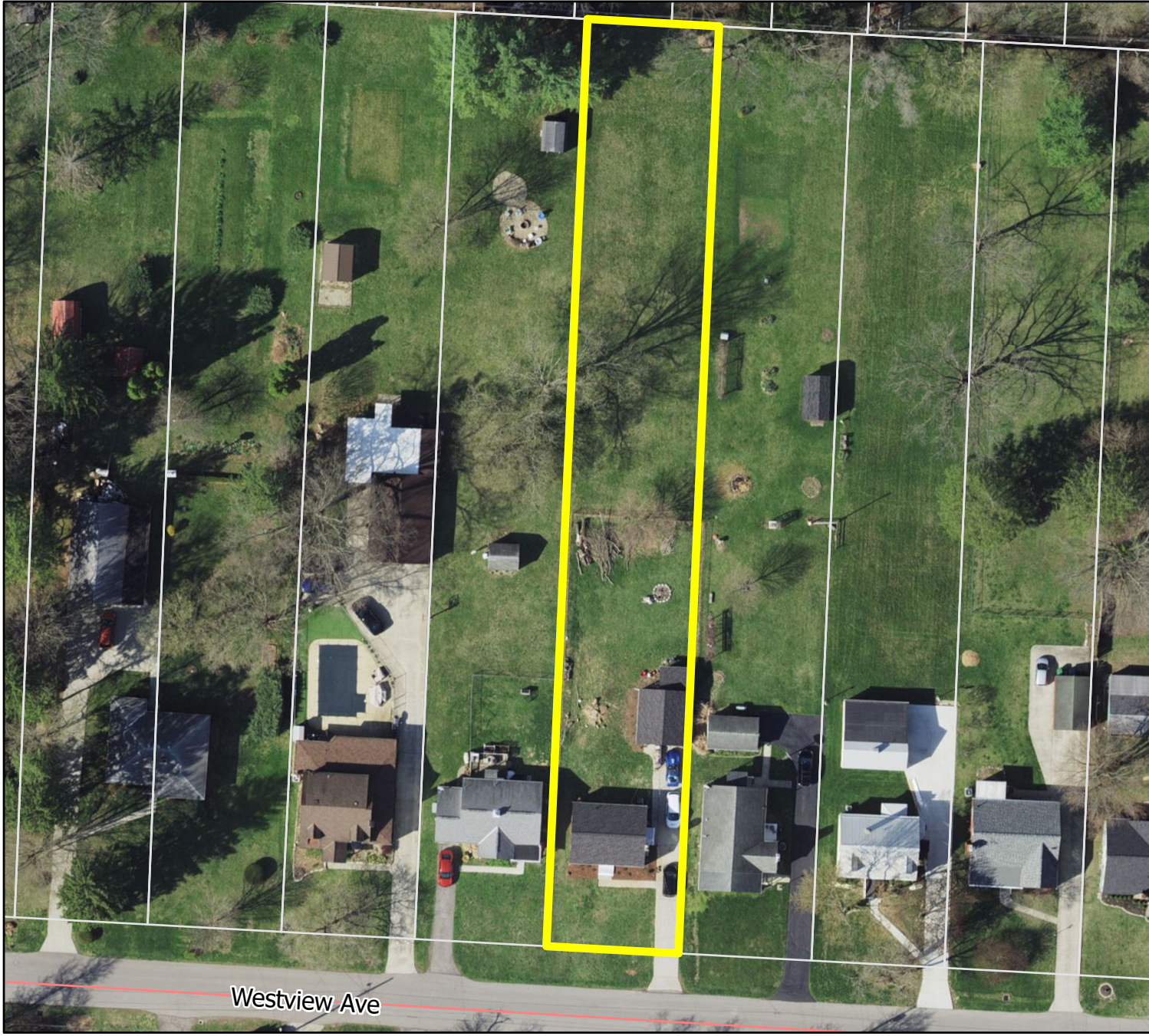
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- Streets
- Parcels
- 226 Westview Avenue
- Bill Moose Run (Trib. Olentangy River)
- Stream Buffers
- NFHL 100 Year Floodplain FC 20210401










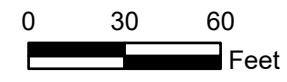
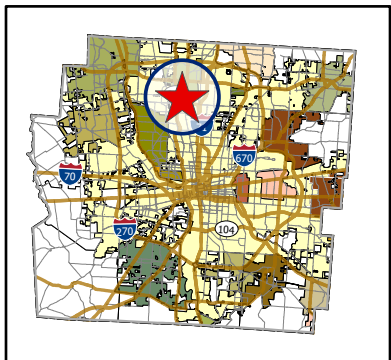
Westview Ave

# VA-4112

Requesting a variance from Sections 110.041 of the Franklin County Zoning Resolution to allow development on a non-conforming lot that does not provide the required right-of-way abutment in the Restricted Urban Residential (R-8) zoning district.

Acres: 0.47-acres  
Township: Sharon Township

-  Streets
-  Parcels
-  226 Westview Avenue



1 inch = 60 feet

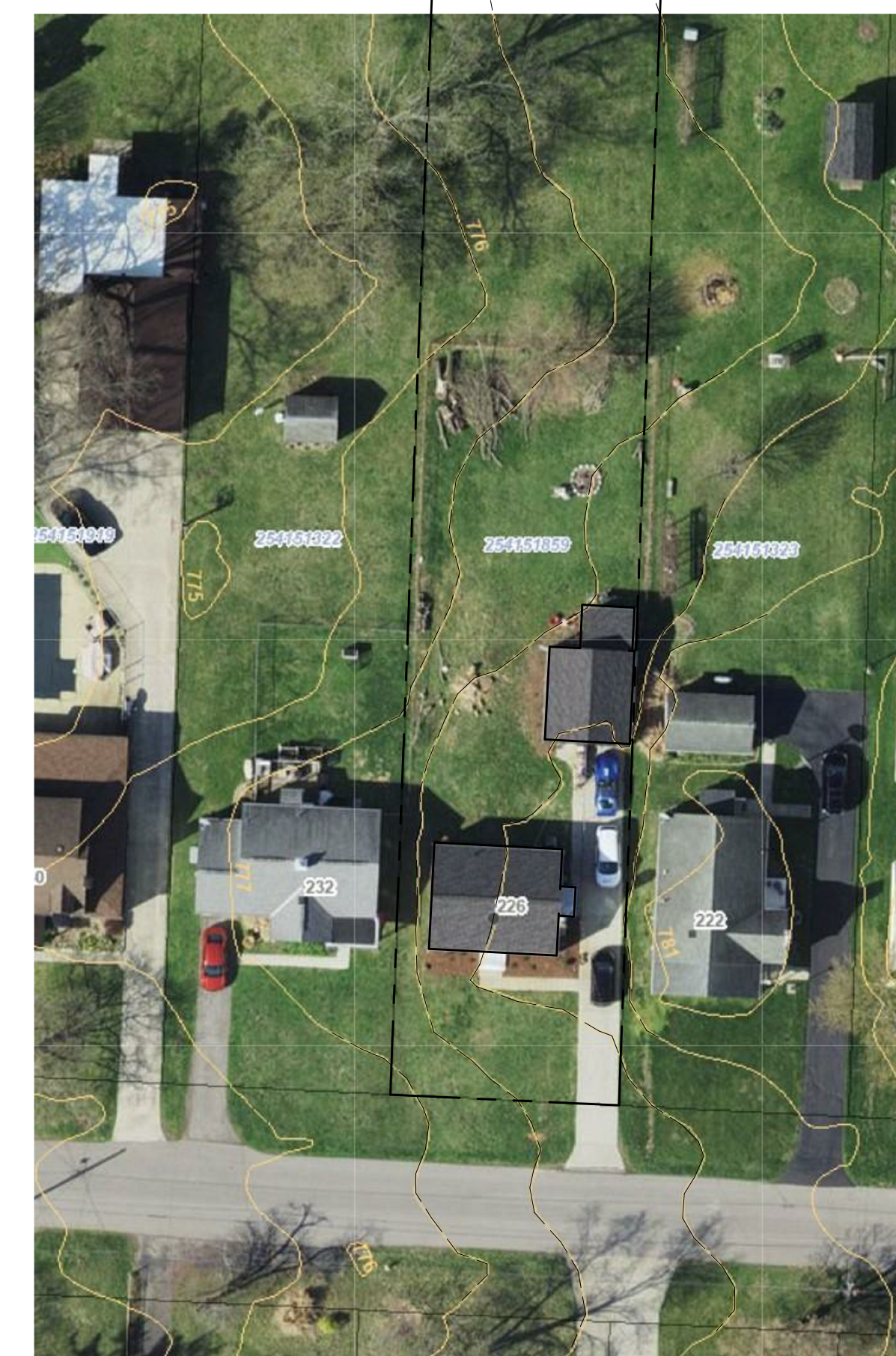
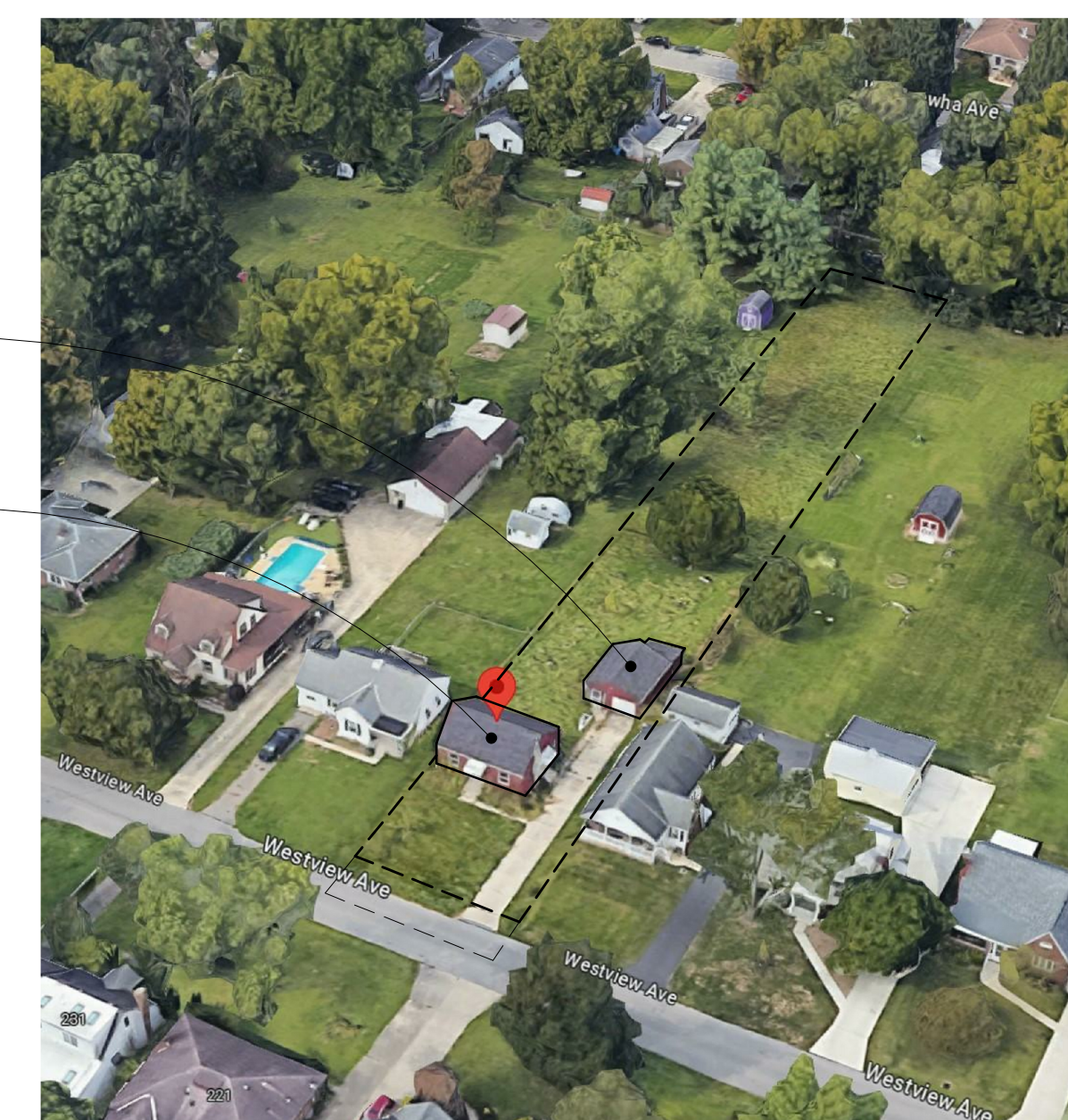


JONATHAN R. LEONARD  
LICENSE #1817584  
EXPIRES: 12/31/2023

**OWEN RESIDENCE**  
226 WESTVIEW AVE.,  
COLUMBUS, OHIO

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#	Description	Date
		11/14/2024
		23-83

PERMIT SET

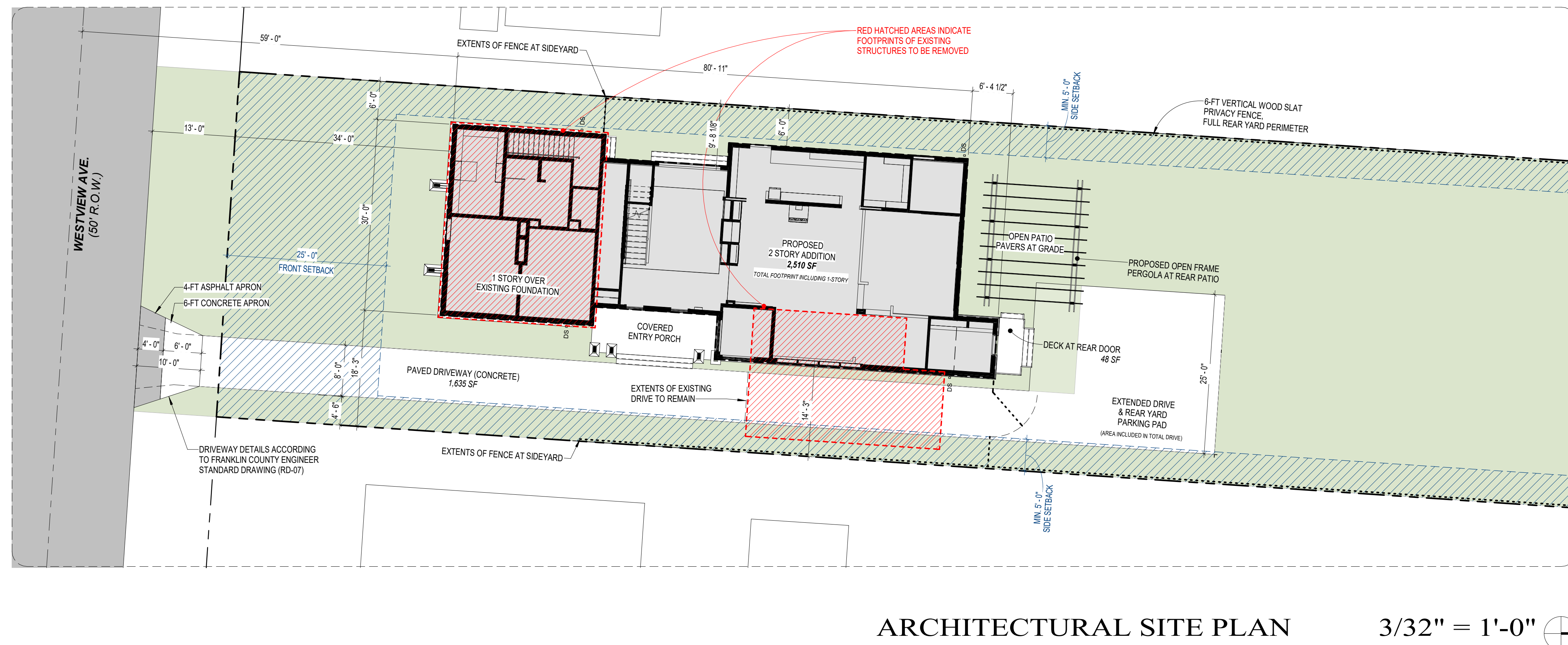
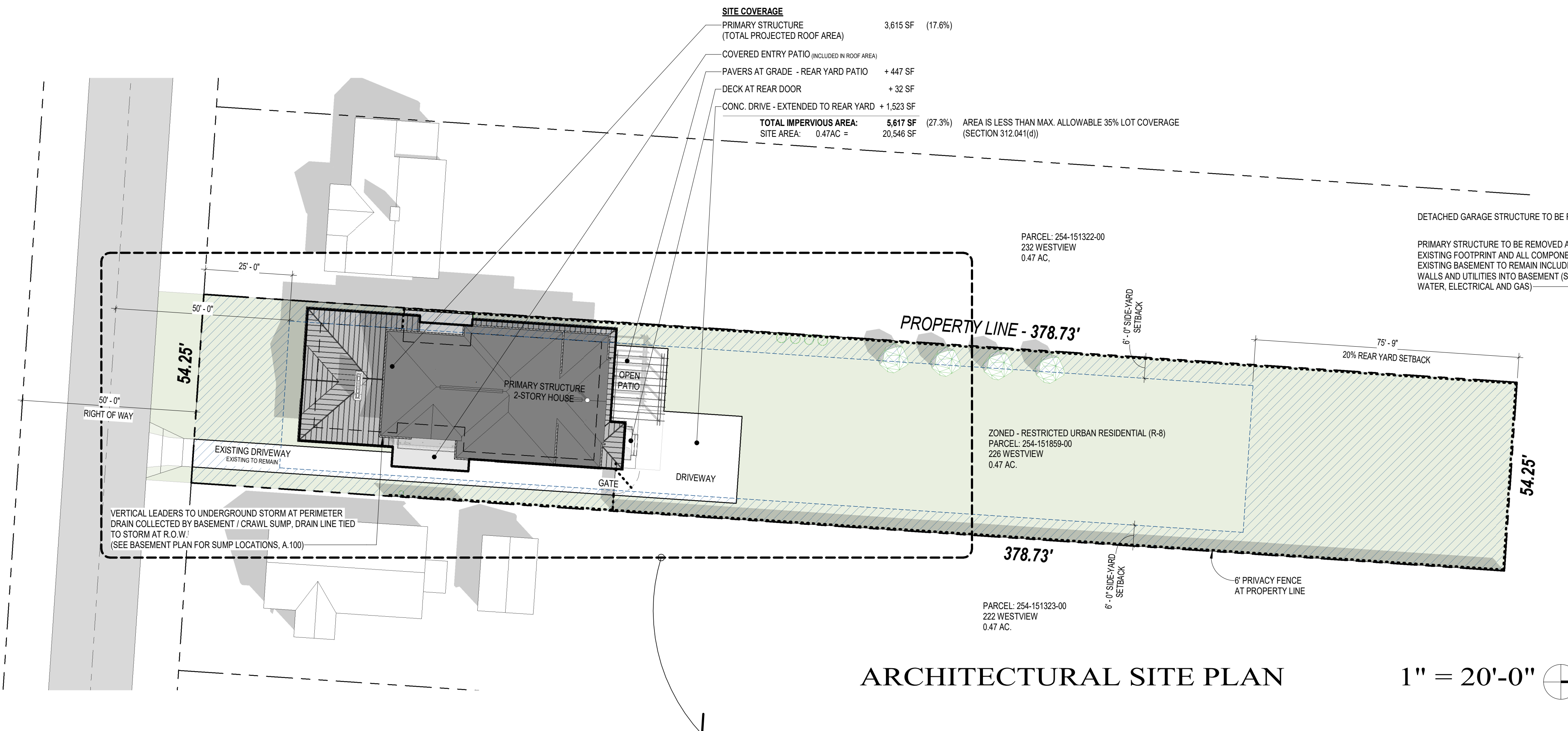
SITE CONTEXT PLAN

**AS.100**

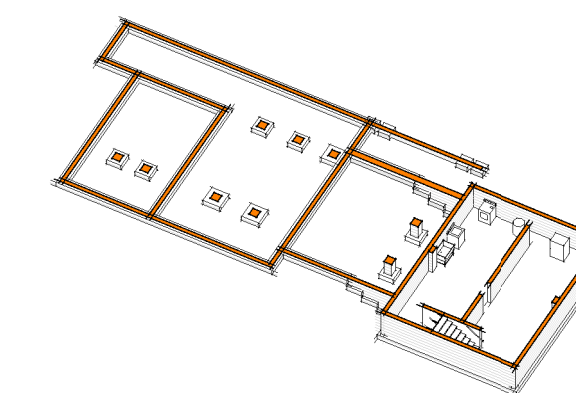
**SITE COVERAGE**

PRIMARY STRUCTURE (TOTAL PROJECTED ROOF AREA)	3,615 SF (17.6%)
COVERED ENTRY PATIO (INCLUDED IN ROOF AREA)	
PAVERS AT GRADE - REAR YARD PATIO	+ 447 SF
DECK AT REAR DOOR	+ 32 SF
CONC. DRIVE - EXTENDED TO REAR YARD	+ 1,523 SF
<b>TOTAL IMPERVIOUS AREA:</b>	<b>5,617 SF (27.3%)</b>
SITE AREA:	0.47 AC = 20,546 SF

AREA IS LESS THAN MAX. ALLOWABLE 35% LOT COVERAGE (SECTION 312.04(d))



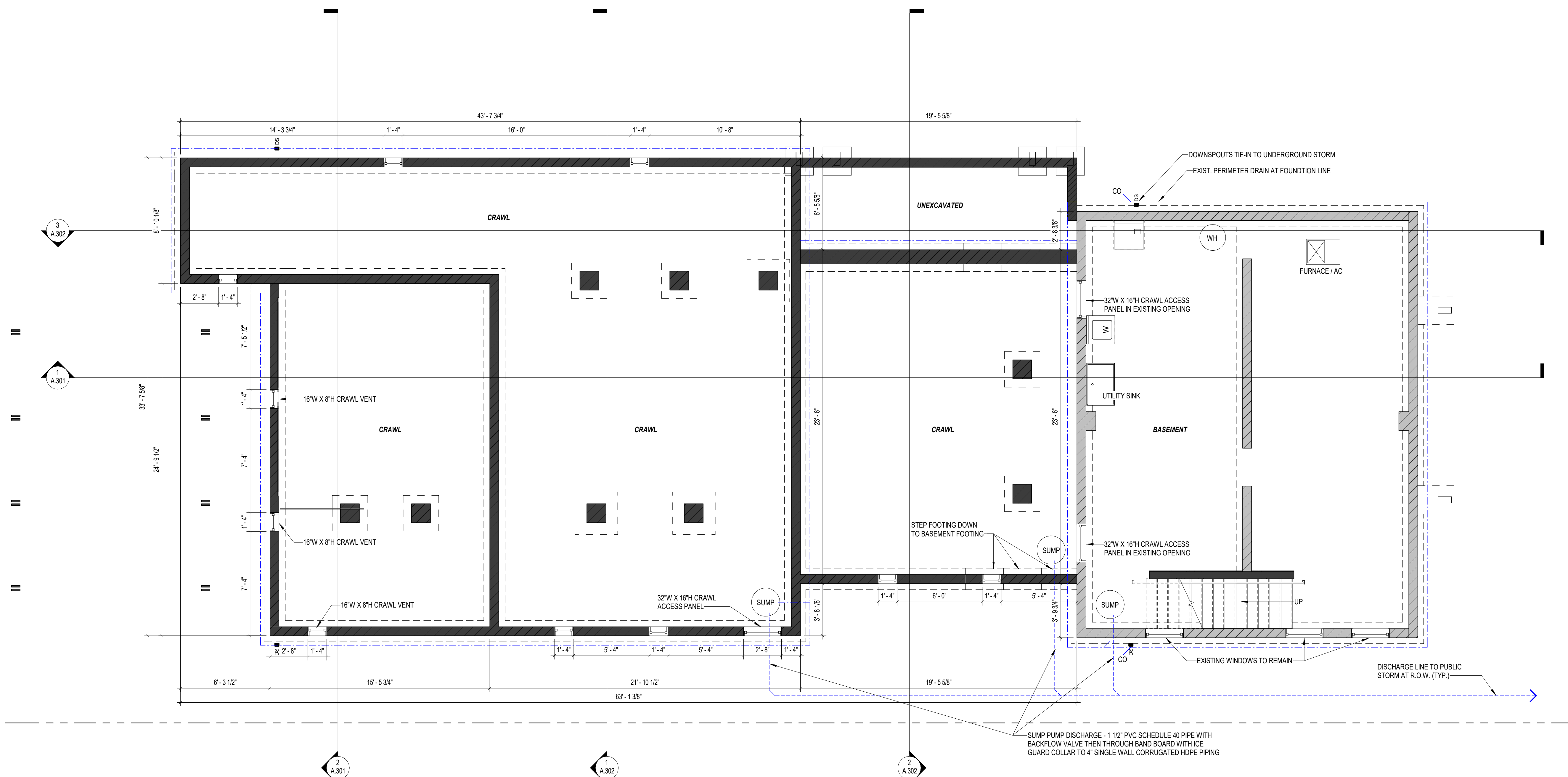
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2		23-23

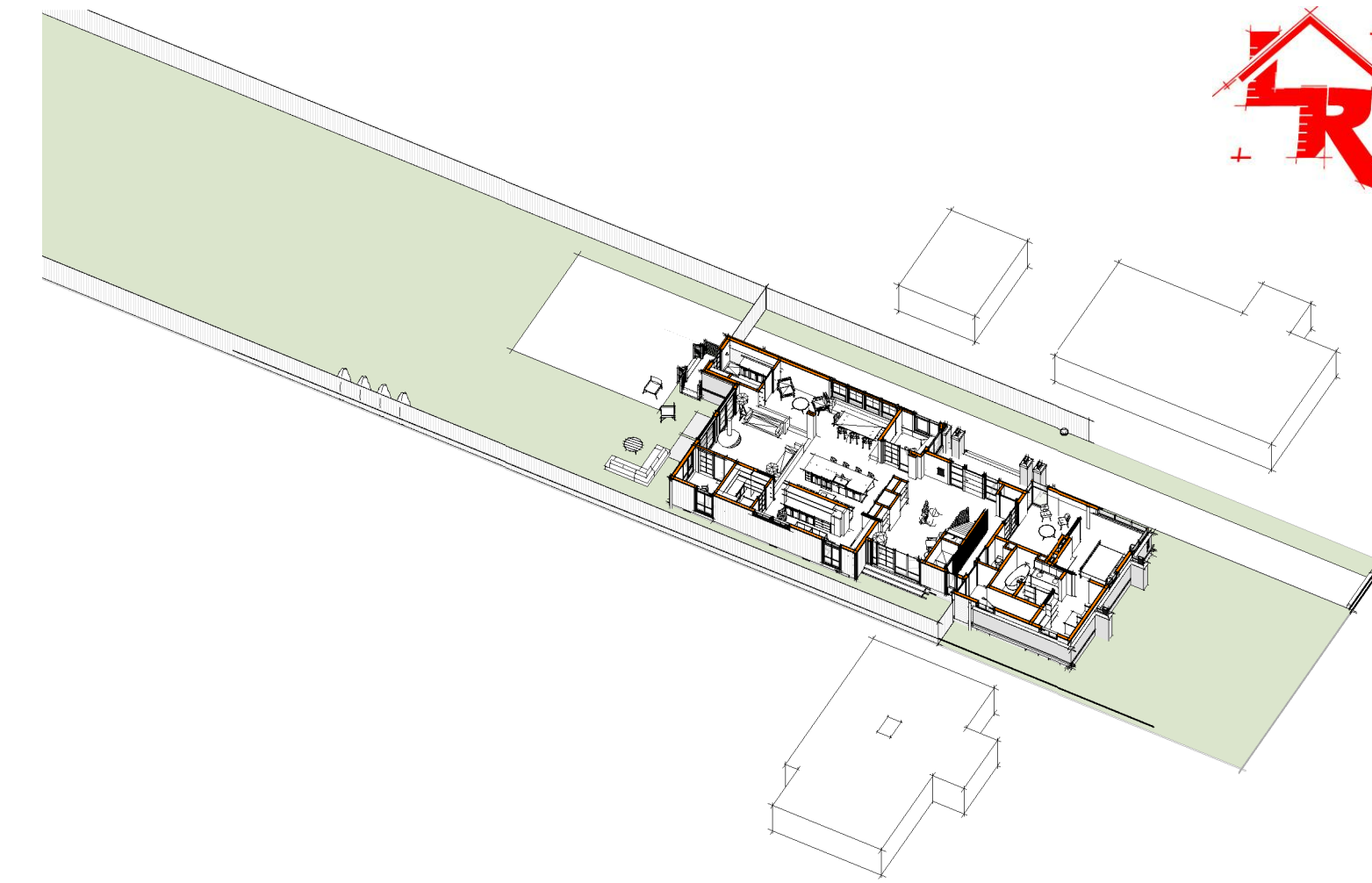
**PERMIT SET**

**FLOOR PLAN - BASEMENT**

**A.100**

**CONSTRUCTION - BASEMENT PLAN 1/4" = 1'-0"**

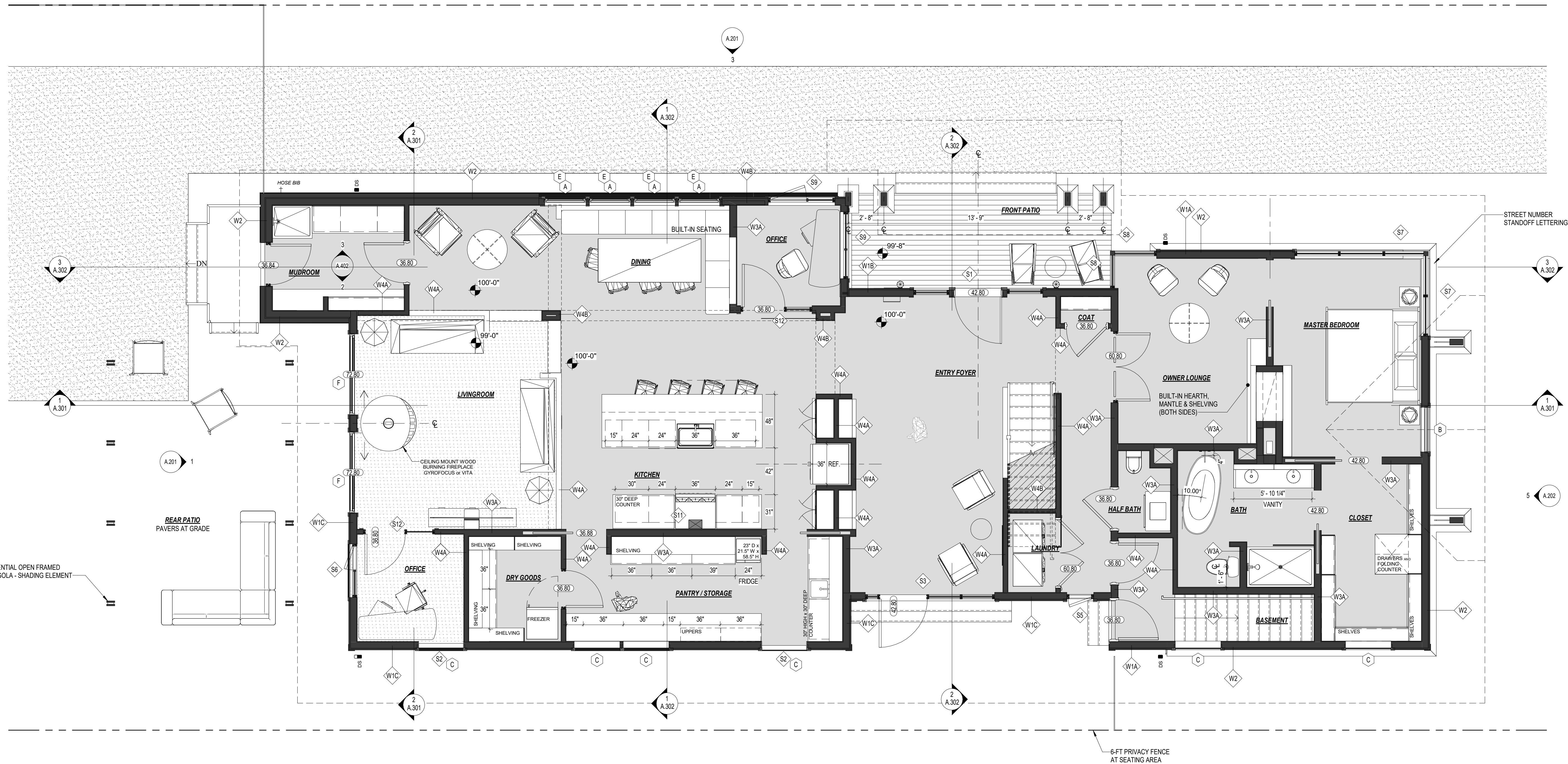
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**OWEN RESIDENCE**  
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COLUMBUS, OHIO

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#	Description	Date
1		11/14/2024
2		2/3/25

PERMIT SET

OVERALL FLOOR PLAN

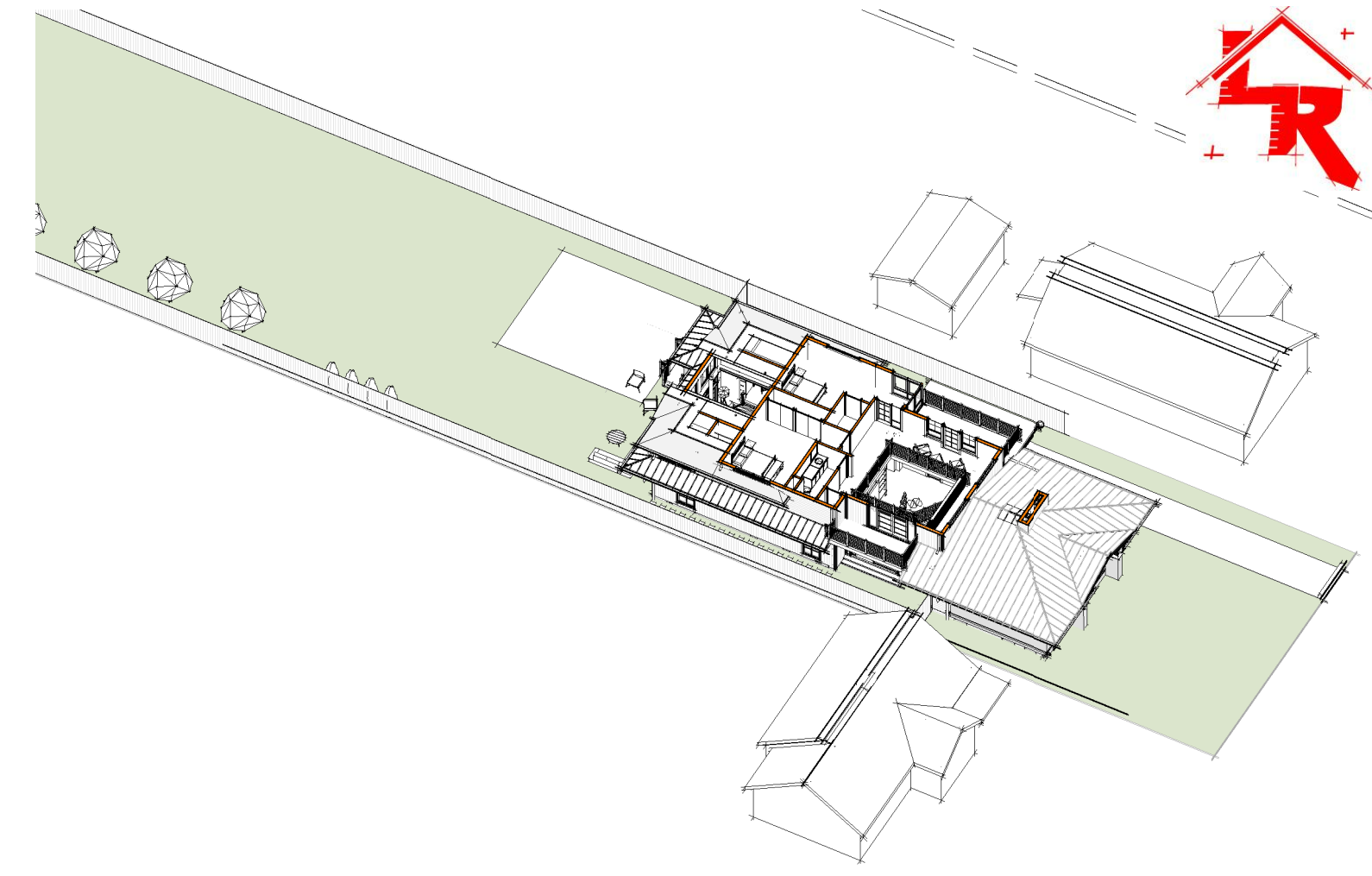
**A.101**

**OVERALL - FIRST FLOOR PLAN**  
1ST FLOOR GROSS AREA: 2,466 GSF

1/4" = 1'-0"



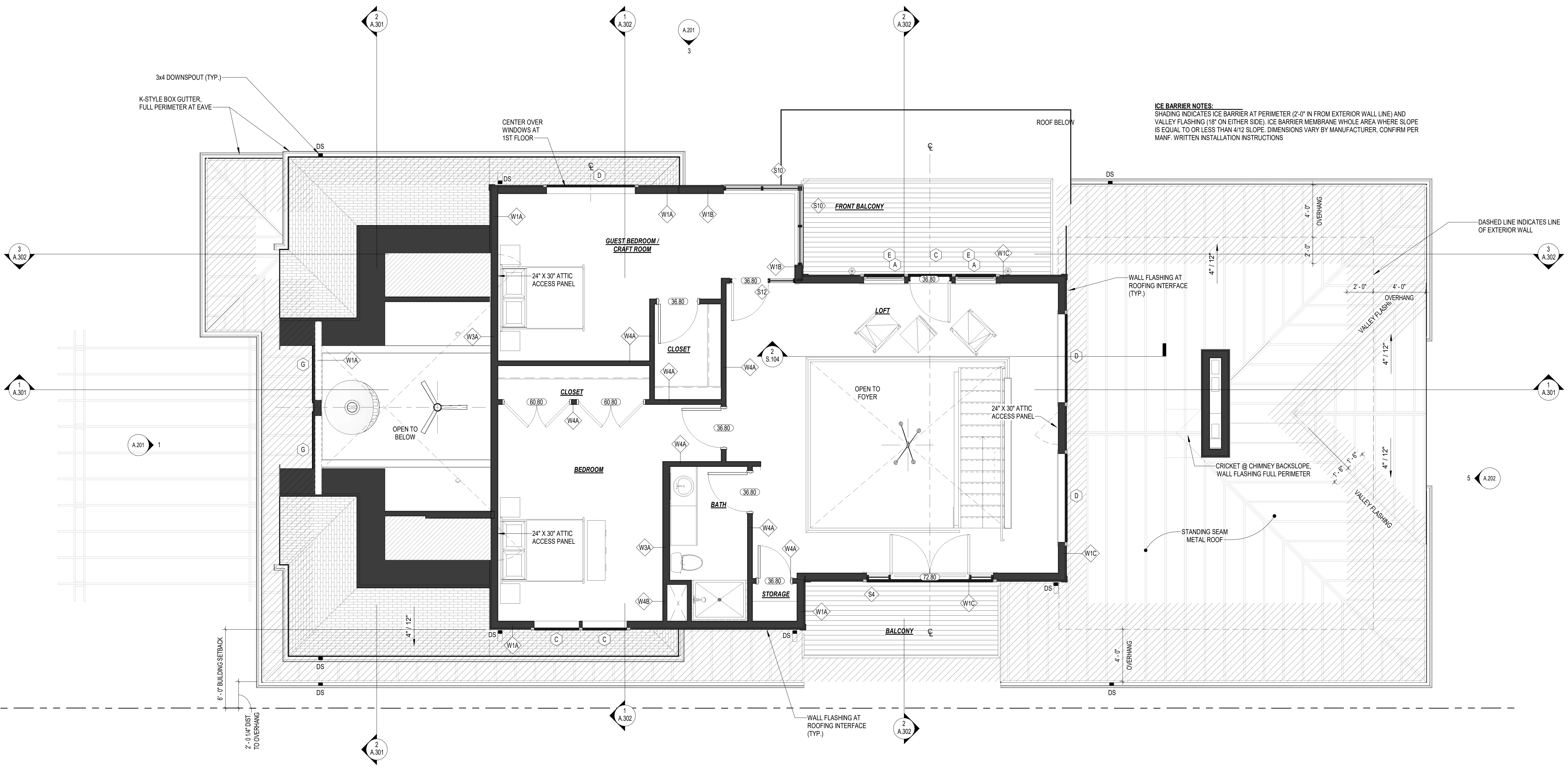
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2		2/3/25

PERMIT SET

OVERALL FLOOR PLAN

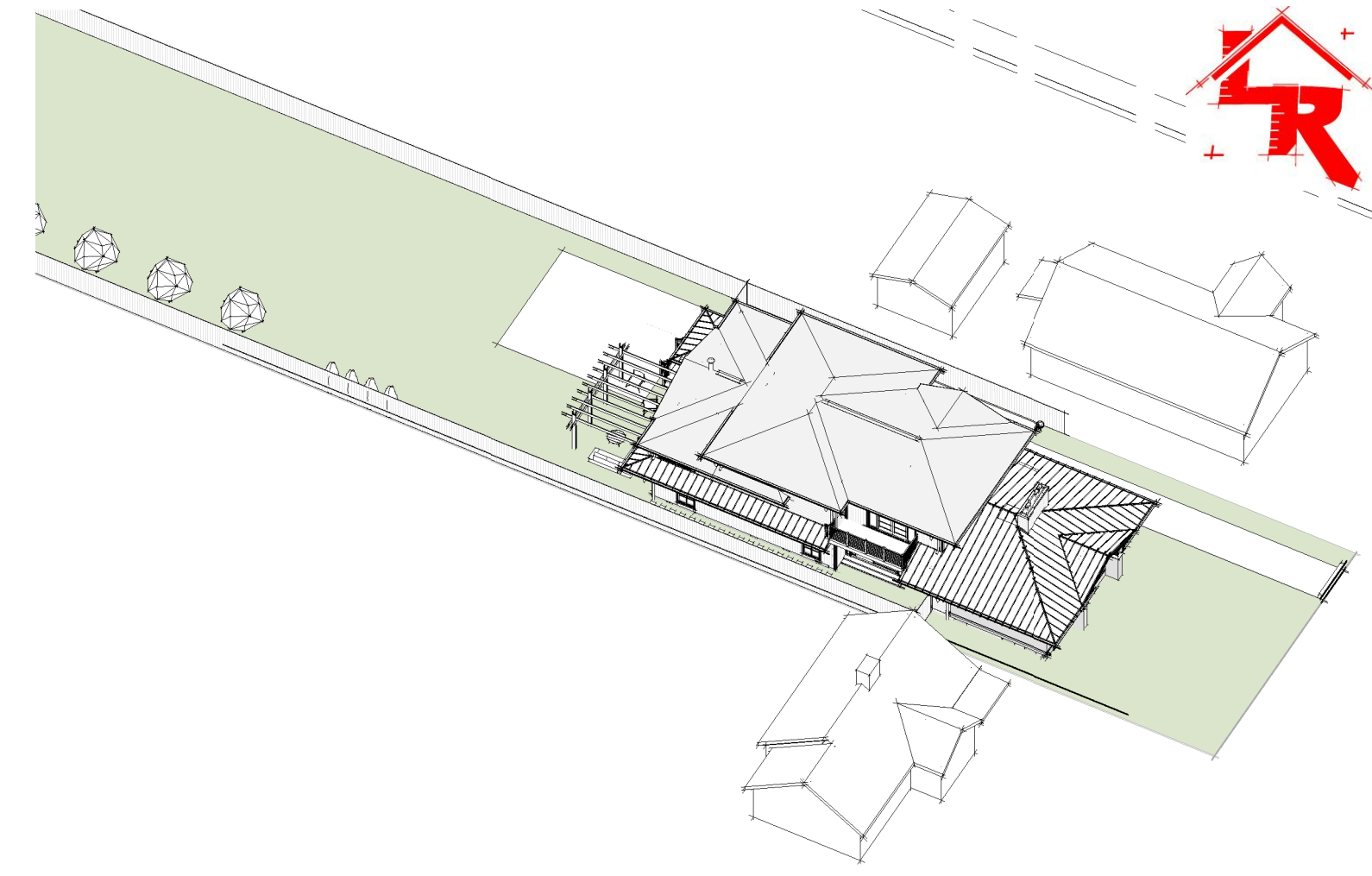
**A.102**

**OVERALL PLAN - 2ND FLOOR**  
2ND FLOOR GROSS AREA: 1,261 GSF

1/4" = 1'-0"



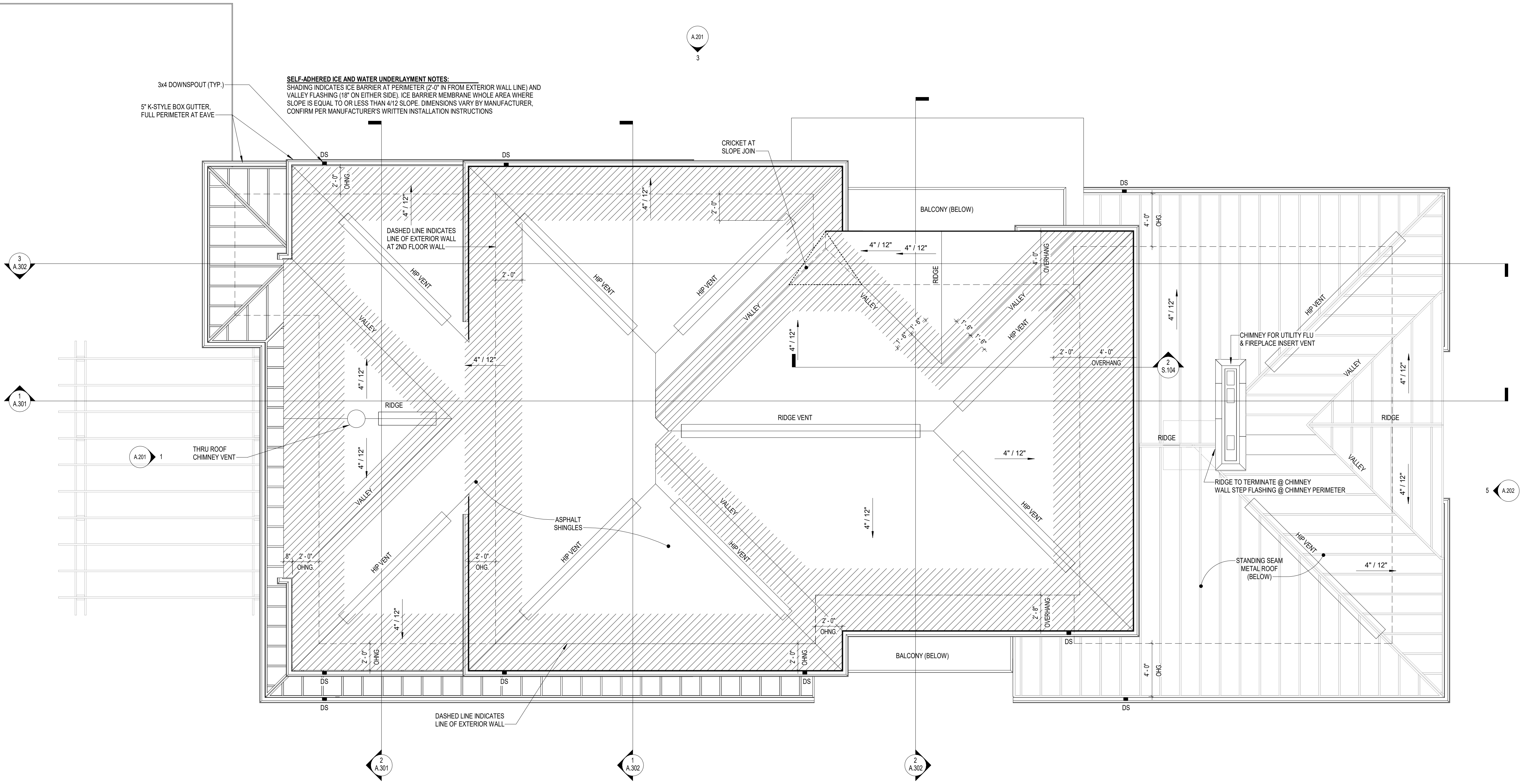
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Description	Date

**PERMIT SET**  
**FLOOR PLAN - ROOF**

**A.103**

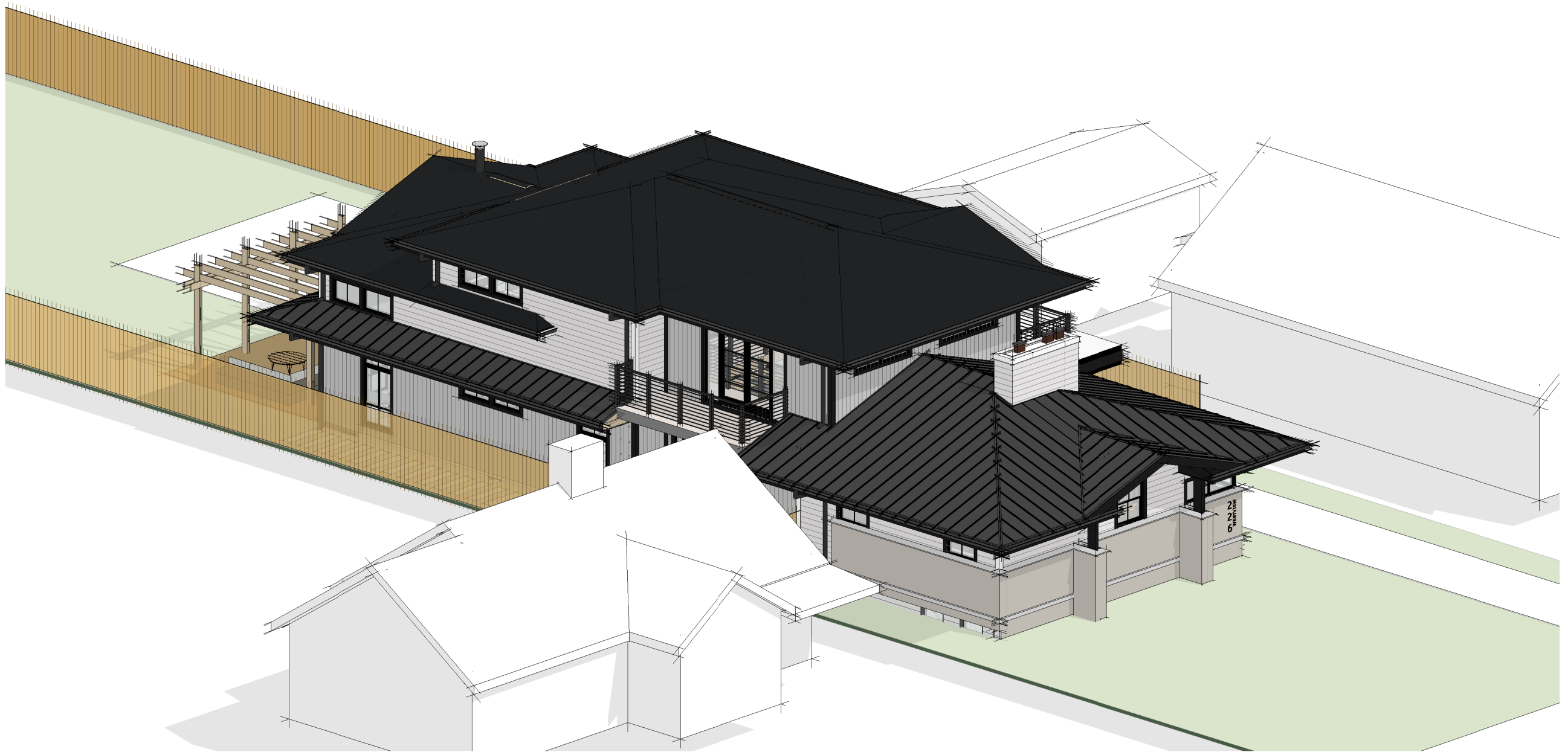
ARCHITECTURAL SITE PLAN 1/4" = 1'-0"

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FRONT YARD PERSPECTIVE



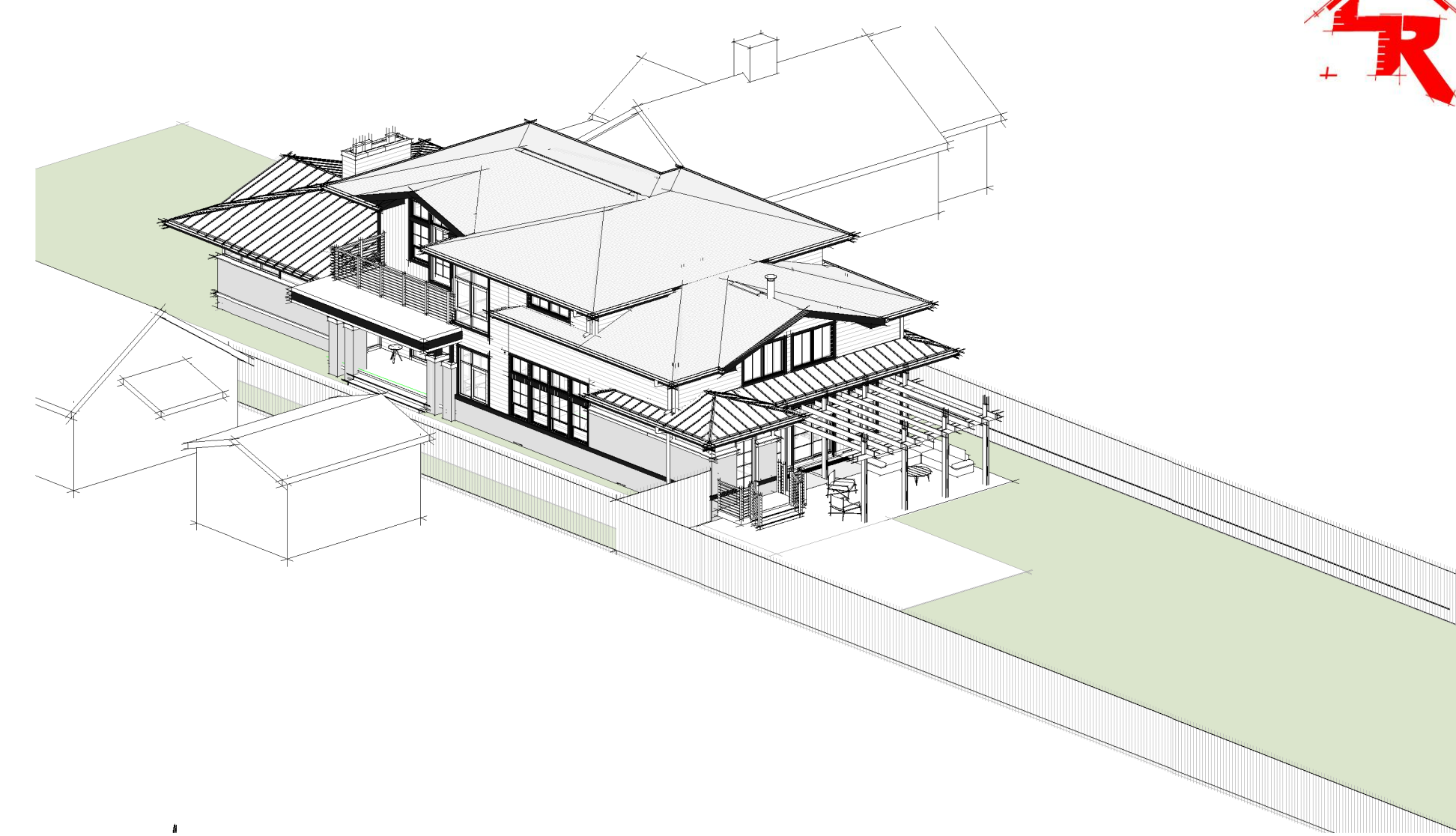
REAR YARD PERSPECTIVE

#	Description	Date

**PERMIT SET**

**OVERALL MASSING**

**A.200**



**OWEN RESIDENCE**  
226 WESTVIEW AVE.,  
COLUMBUS, OHIO

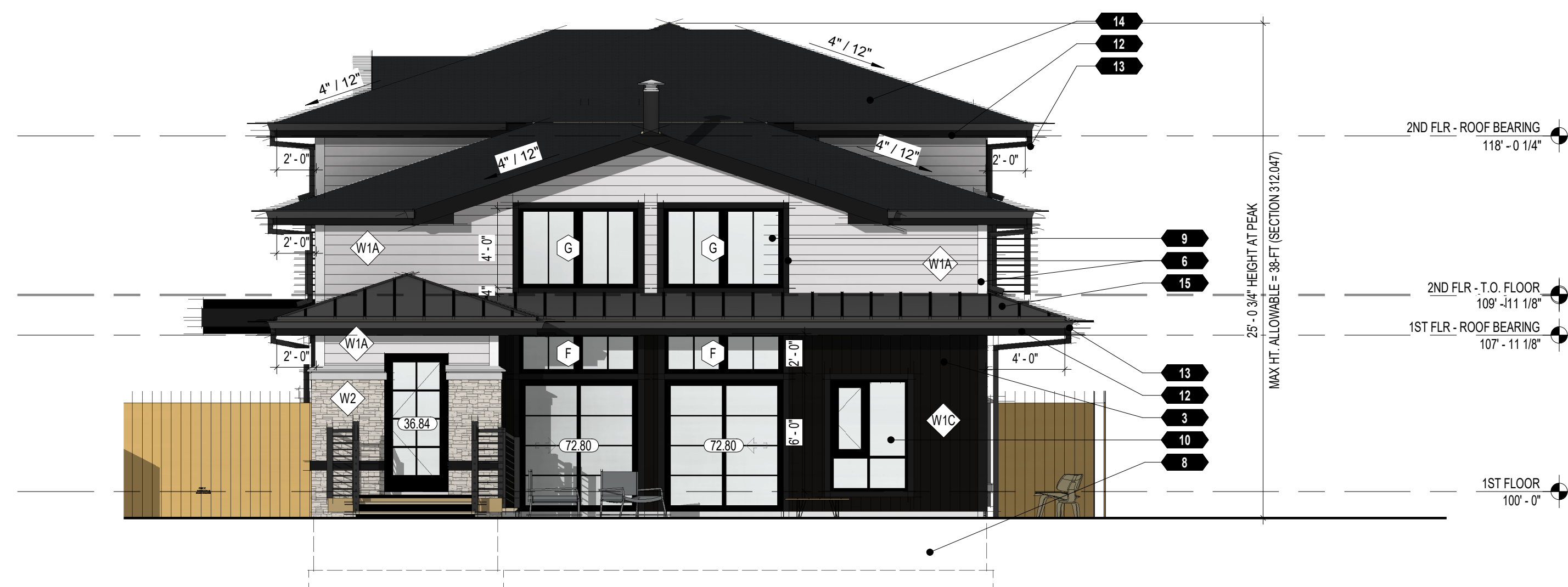
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**MATERIAL LIST - CODED NOTES:**

**MATERIAL TAGS KEY**

- HORIZONTAL LAP SIDING, WHITE
- HORIZONTAL LAP SIDING, NATURAL WOOD W/ HEAVY GRAIN LOOK
- VERTICAL SIDING, DARK FINISH - SHOU SUGI BAN FINISH / TEXTURE
- STONE VENEER W/ LIMESTONE CAP & TRIM DETAILS
- WOOD WRAPPED COLUMN or STONE VENEER COLUMN BASE w/ EXPOSED TUBE STEEL
- 1x CEMENTITIOUS PERIMETER & CORNER TRIM, WHITE or CHARCOAL, SEE ELEVATION FOR LOCATIONS
- EXISTING FOUNDATION WALL & FOOTING TO REMAIN
- CMU FOUNDATION WALL & CAST CONC. FOOTING
- PREMIUM VINYL WINDOW
- ALUMINUM WINDOW ASSEMBLY, BLACK FINISH
- FRONT DOOR ASSEMBLY, INSULATED OVERSIZED DOOR & SIDE-LITES
- 1x FASCIA (DARK)
- K-STYLE ALUMINUM GUTTER & DOWNSPOUT (DARK IRON FINISH)
- ASPHALT SHINGLE (BLACK)
- 18" STANDING SEAM METAL ROOF, DARK GRAY
- PLATFORM DECK, PRESSURE TREATED WOOD or COMPOSITE MATERIAL (OWNER SELECTION)
- STEEL GUARDRAIL, TOP MOUNT, PRE-FINISHED BLACK
- OPEN WOOD FRAME, PRESSURE TREATED & SEALED



REAR ELEVATION - NORTH

3/16" = 1'-0"



SIDE ELEVATION - EAST

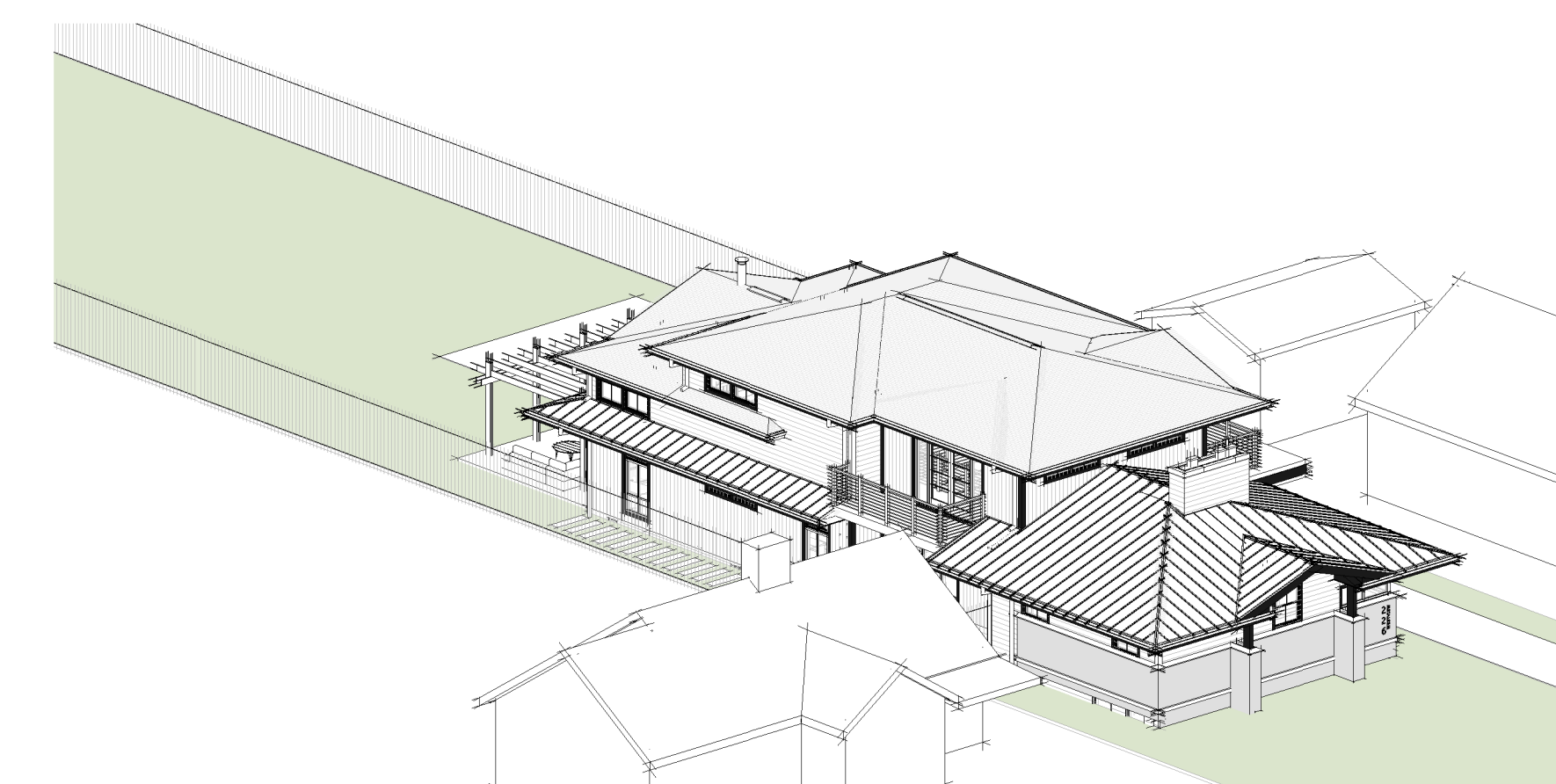
3/16" = 1'-0"

#	Description	Date

**PERMIT SET**  
**EXTERIOR ELEVATIONS**

**A.201**





**OWEN RESIDENCE**  
226 WESTVIEW AVE.,  
COLUMBUS, OHIO

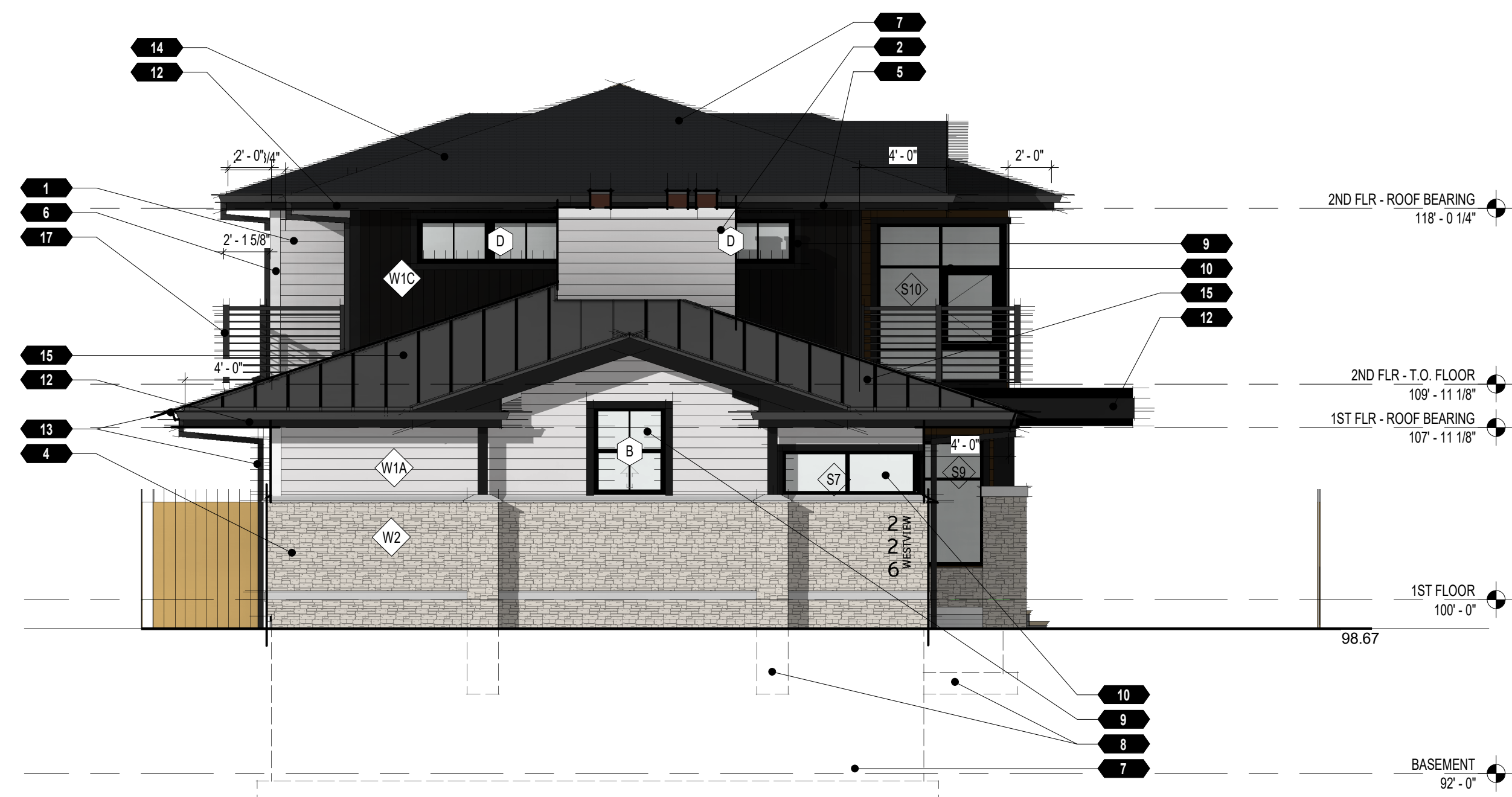
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16. PLATFORM DECK, PRESSURE TREATED WOOD or COMPOSITE MATERIAL (OWNER SELECTION)
17. STEEL GUARDRAIL, TOP MOUNT, PRE-FINISHED BLACK
18. OPEN WOOD FRAME, PRESSURE TREATED & SEALED



**FRONT ELEVATION - SOUTH**      3/16" = 1'-0"



**SIDE ELEVATION - EAST**      3/16" = 1'-0"

DATE: 11/14/2024  
PROJECT #: 23-83

#	Description	Date

**PERMIT SET**

**EXTERIOR ELEVATIONS**

**A.202**



Franklin County  
Board of Commissioners

**ECONOMIC DEVELOPMENT  
& PLANNING**

Economic Development & Planning Department  
James Schimmer, Director

Application for

**Zoning Variance**

Pursuant to Section 810 of the Zoning Resolution

Page 1 of 7



(revised 7.13.19)

**Property Information**

Site Address: 226 Westview Ave. Columbus, Ohio 43214	
Parcel ID: 254-151859	Zoning District: R-8 Restricted Urban Residential
Lot Acreage: 0.47	Township: Sharon

**Property Owner Information**

Name: Sean & Kella Owen	
Address: 107 E. Beaumont Rd. Columbus, Ohio 43214	
Phone #: (614) 554-1584	Fax #:
Email: kellaraeowen@gmail.com	

**Applicant Information**

Same as property owner

Name:	
Address:	
Phone #:	Fax #:
Email:	

**Agent Information**

Name: Leonard Rettig Design Build Ltd.	
Address: 324 Garden Rd. Columbus, Ohio 43214	
Phone #: (419) 306-5804	Fax #:
Email: dana@leonardrettig-arch.com	

**Staff Use Only**

Case # VA- 4112
Date Filed: 10/24/2024
Received By: Kayla J.
Fee Paid: \$350
Receipt Number:
Hearing Date:
Technical Review:
Zoning Compliance #: RZ-23-360

**Checklist**

- Completed Application
- Fee Payment (checks only)
- Auditor's Map (8.5"x11")
- Site Map (max 11"x17")
- Covenants and deed
- Notarized signatures
- Proof of water/wastewater supply
- Copy of denied Zoning Certificate
- Copy of denial letter

**Water & Wastewater**

- Water Supply**
- Public (Central)
  - Private (On-site)
  - Other
- Wastewater Treatment**
- Public (Central)
  - Private (On-site)
  - Other



Application for  
**Zoning Variance**  
Pursuant to Section 810 of the Zoning Resolution  
Page 2 of 7



Case# VA-

**Variance(s) Requested:**

Section: Section 110.041 Non-Conforming Lots

Description: The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on a non-conforming lot of record having at least sixty feet abutment on an improved, publicly maintained right-of-way. Existing lot has 54.25 feet abutting right-of-way.

Section: \_\_\_\_\_

Description: \_\_\_\_\_

Section: \_\_\_\_\_

Description: \_\_\_\_\_

**Describe the project:**

The project scope includes demolishing the existing above grade one story residence leaving the basement intact.

A new two story single family residence will be constructed with a portion of the new structure keeping the existing basement footprint.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

Section 110.041 Non-Conforming Lots  
No, the existing condition of less than 60' of right-of-way frontage is common with many parcels in the neighborhood.

\_\_\_\_\_

\_\_\_\_\_



Application for  
**Zoning Variance**  
 Pursuant to Section 810 of the Zoning Resolution  
 Page 3 of 7



Case# VA-

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

Section 110.041 Non-Conforming Lots

No, the existing condition of less than 60' of right-of-way frontage is common with many parcels in the neighborhood.

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

Section 110.041 Non-Conforming Lots

No, the existing condition of less than 60' of right-of-way frontage is common with many parcels in the neighborhood.

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

Section 110.041 Non-Conforming Lots

Parcel 254-151323 / 222 Westview Ave. immediately adjacent to the East & parcel 254-151322 / 232 Westview Ave. immediately adjacent to the West of subject parcel have 54' of right-of-way frontage. 54' of right-of-way frontage is consistent with the subject parcel 254-151859 / 226 Westview Ave. as well as many of the parcels on Westview Ave.

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5. Would granting the variance adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity?

Section 110.041 Non-Conforming Lots

There would be no adverse effect to persons as this condition is common in the neighborhood.

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

Section 110.041 Non-Conforming Lots

The property is zoned single family residential and accepting the variance would allow parcel to be improved for intended use.

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Application for  
**Zoning Variance**  
Pursuant to Section 810 of the Zoning Resolution  
Page 4 of 7



Case# VA-

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

Section 110.041 Non-Conforming Lots

The variance is allowing an existing condition to remain that is common in the neighborhood.

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

Section 110.041 Non-Conforming Lots

There would be no adverse effect to the character of the neighborhood as this condition is common in the neighborhood.

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

Section 110.041 Non-Conforming Lots

There would be no adverse effect to governmental services as this condition is common in the neighborhood.

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

The applicant purchased the property with no knowledge of the zoning restrictions.

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

Section 110.041 Non-Conforming Lots

The variance is allowing an existing condition to remain that is common in the neighborhood.

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

Section 110.041 Non-Conforming Lots

Yes, the variance is allowing an existing condition to remain that is common in the neighborhood.

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Franklin County Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

Application for

# Zoning Variance

Pursuant to Section 810 of the Zoning Resolution

Page 5 of 7



Case# VA-

### Affidavit \*\*

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form and all applicable requirements of the Franklin County Zoning Resolution. The affiant further acknowledges that 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 an approved Variance has not been used within one (1) year of its date of 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 or continue without either renewing the Variance or receiving a new Variance approval from the Board of Zoning Appeals in accordance with Section 810 of the Franklin County Zoning Resolution.

Applicant/Authorized Agent \*



9/23/24  
Date

Property Owner (signature must be notarized)

Date

Property Owner (signature must be notarized)

9/23/24  
Date

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

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



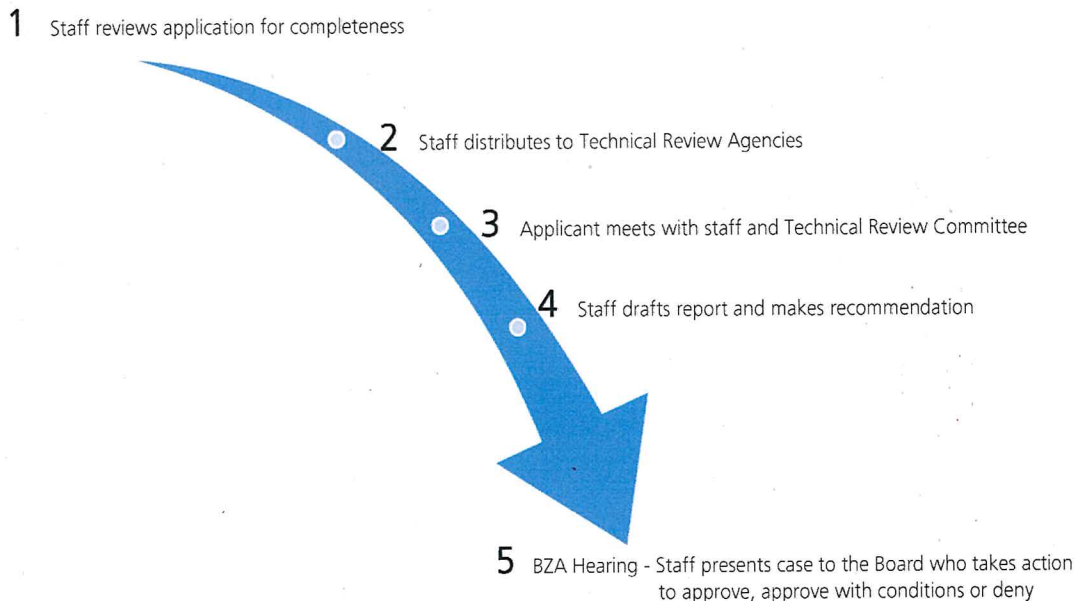
Application for  
**Zoning Variance**  
Pursuant to Section 810 of the Zoning Resolution  
Page 6 of 7



**Application Instructions**  
Please submit the following:

1. Application Form  
Completed application form with notarized signatures
2. Fee - non refundable \*Please refer to our most current fee schedule by visiting [www.franklincountyohio.gov/edp](http://www.franklincountyohio.gov/edp)  
Checks only payable to *Franklin County Treasurer*
3. Covenants or deed restrictions  
Provide a copy of your deed with any deed restrictions  
You can access and print a copy by visiting: [www.franklincountyohio.gov/recorder](http://www.franklincountyohio.gov/recorder)
4. Auditor's Tax Map  
Provide a map showing the subject property and all land within 500 feet of the property.  
You can access and print a copy of the map by visiting: [www.franklincountyohio.gov/auditor](http://www.franklincountyohio.gov/auditor)
5. Site Map - Refer to Page 7
6. Proof of utility service  
Provide proof from the provider of your water and wastewater services

*Note: If centralized water and/or sewer services are provided by a private/public entity, you must provide a letter or current bill verifying that services are provided or access is available. If you're proposing an on-lot septic system or well, please provide information from the Franklin County Board of Health (or appropriate agency).*





## ***STAFF REPORT***

Board of Zoning Appeals  
December 16, 2024

### **Case: CU-4113**

Prepared by: Kayla Johnson

<b>Owner/Applicant:</b>	Maymuna Ali
<b>Township:</b>	Mifflin
<b>Site:</b>	2799 Innis Rd. Columbus, OH (PID# 191-001898)
<b>Acreage:</b>	1.01-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private water and sewer
<b>Request:</b>	Requesting a conditional use from Section 302.038 of the Franklin County Zoning Resolution to operate a daycare servicing between six (6) and twelve (12) children in an area zoned Rural (R) in the Smart Growth Overlay (SGO).

### **Summary**

Requesting a conditional use from Section 302.038 of the Franklin County Zoning Resolution to operate a daycare servicing between six (6) and twelve (12) children in an area zoned Rural (R). Staff's analysis is that the request satisfies the criteria for granting a conditional use. Staff recommends approval.

### **Property Background**

The following is a summary of the development and permit history of the parcel:

- Primary structure of approximately 2,753 square feet constructed in 1989 and accessory building of approximately 170 square feet built prior to 1995.
- Property obtained by current owners in December 2016.
- Majority of vegetation removed north of the residence between 2017 and 2019.
- Paved parking area (~2700 square feet), extended from the driveway, developed without permits after 2019.

### **Surrounding Land Use/Zoning**

The subject site is located north of Agler Road, east of Westerville Road, and south of Innis Road in Mifflin Township. Properties located to the north are within the City of Columbus jurisdiction zoned R1 with a manufactured home park. Further northeast and northwest are an elementary school, church, single-family residences, agricultural uses, and vacant land. Directly west of the site is the Framingham subdivision developed with single-family residences and an apartment complex. East of the site is single-family residences and a landscaping commercial business in the County Rural (R) district all within the Smart Growth Overlay (SGO). Residential zoned properties are exempt from the requirements of the Smart Growth Overlay. South of the site is a public school and associated childcare center campus.

### **Comprehensive Plans**

The City of Columbus Northeast Area Plan (2007) recommends the site for Low Density Residential. Area's northwest and east of the site, but adjacent to Innis Road, are recommended for institutional and office land uses which are consistent with the current land uses within the area.



The Clinton Mifflin Land Use Plan (2009) recommends the site for Low Density Residential. Single-family homes and a density ranging from 1 unit per acre to 5.25 units per acre are proposed under this land use category. The corresponding zoning districts aligned with the Franklin County Zoning Resolution are R-1, R-2, and R-4. Small business development is an Economic Growth action item (#9, pg. 119) identified in the plan with focus on the Northern Lights Shopping Center which intersects with Innis Road.

The proposal is consistent with the recommendations of the land use plans. The proposed home-based daycare is compatible with the surrounding land uses. The accessory commercial land use will not interfere with the primary residential use of the property and existing residence.

### **Franklin County Zoning Resolution Review**

#### **Conditional Use from Section 302.038(a-g):**

*Child Day Care of more than six (6) but less than twelve (12) children in a home shall be permitted provided:*

- *The child day care is accessory to the principal use of the dwelling as a residence.*
- *State licenses have been granted if necessary.*
- *Lot size is adequate to meet the sewage disposal and water supply needs.*
- *Off-street parking and maneuvering is provided so no car will back into roadway upon entering or leaving.*
- *One (1) ground or pole sign, not to exceed three (3) square feet may be placed on the lawn. Another flat sign may be placed on the structure, said sign not to exceed three square feet, single sided. Neither sign may be internally lit, nor made of plastic. If lighted, they must be lit by a steady indirect white light and lit only during hours of operation.*
- *Day care must be provided in the residence, or, if it is to be provided in an accessory structure, that structure must meet the local building code, and no other conditional use shall be allowed on the lot.*
- *Adequate space, indoors and outdoors, is provided for recreation. Two hundred (200) square feet per child shall be provided outside.*

The proposal is to operate a daycare at the property with more than 6 but less than 12 children. The residential use will remain as the primary use of the property. The applicant is in the process of obtaining the necessary licenses through Franklin County Department of Job and Family Services to operate the daycare. Issuance of a license is pending zoning approval. The property is currently serviced with a well and an on-site septic system. The applicant has not applied for any signage and has not suggested operation of the daycare out of a detached accessory structure. There is adequate yard space and appropriate safety for the maneuvering of vehicles to and from the site through the open parking area. Access points are pending approval from the City of Columbus.

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

The case was referred to the informal Technical Review Committee for comments on October 16, 2024.

The following comments were provided by the respective Technical Agencies:

- 1) ***City of Columbus Road's Department:*** *No comments have been received. Any comments to be provided will need to be during the zoning compliance review.*
- 2) ***Franklin County Public Health:*** *No comments have been received. Any comments to be provided will need to be during the zoning compliance review.*
- 3) ***Franklin County Planning Department:*** *Plans submitted for zoning compliance must be to scale and show appropriate dimensions and locations of all existing development of the property.*

## **Staff Analysis**

### Section 815.041 – Conditional Use:

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

- 1) *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
  - a) Applicant's Response/Summary: The applicant's daycare will have restricted hours, days of the week, and areas of the property for it to operate as an accessory use of the property. The proposed hours of operation are from 8am-6pm, Monday-Thursday servicing preschoolers ages 3-5 years. No traffic outside of the pick-up and drop-off of the maximum of 12 children will be at the site. Only the living room for a classroom and the garage for a play area will be used for the daycare activities inside of the residence.
  - b) The proposal is a conditional use that meets the development standards outlined in section 302.038 of the Zoning Resolution. Staff is unable to accurately assess the compliance of the parking area to the applicable development standards. The daycare is also subject to additional regulations and approvals outside of the Franklin County Planning Department before operation of daycare begins.
- 2) *The proposed development is in accordance with the applicable plans or policies for the area;*
  - a) Applicant's Response/Summary: The applicant holds a Master of Education from Ohio State University and would like to continue teaching, especially with their own preschool.
  - b) The proposal is generally consistent with the land use recommendations of the applicable plans for the area. The applicable land use plans' promotion of entrepreneurial/small business development and institutional uses common in the area aligns with the property owner's request to create a home-based daycare center. The property will retain its primary residential use.
- 3) *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*
  - a) Applicant's Response/Summary: The parking lot is existing and it, in addition to the fence, supports the operation of the daycare on site. The home will remain residential while the applicant is operating the daycare.
  - b) The land use character in this area of Mifflin Township and the City of Columbus provides a mix of residential areas with supportive institutional and commercial areas. The proposal is an institutional or commercial use that is accessory to the residential land use character of the site and adjacent properties. The development potential of the area will remain the same, as the site has adequate area to be reconstructed or relocated within the existing lot. Lot coverage is approximately 13% which does not cause the property to be undevelopable per zoning regulations. Staff does not assess any negative impacts to neighboring properties or the surrounding public.

## **Recommendation:**

Based on Staff's Analysis, Staff's recommendation is that the Board of Zoning Appeals ***approve*** a conditional use from Section 302.038 of the Franklin County Zoning Resolution to operate a daycare at the subject property in an area zoned Rural (R).

## **Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Request:**

\_\_\_\_\_ moves to approve a conditional use from Section 302.038 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. CU-4113

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

Voting:

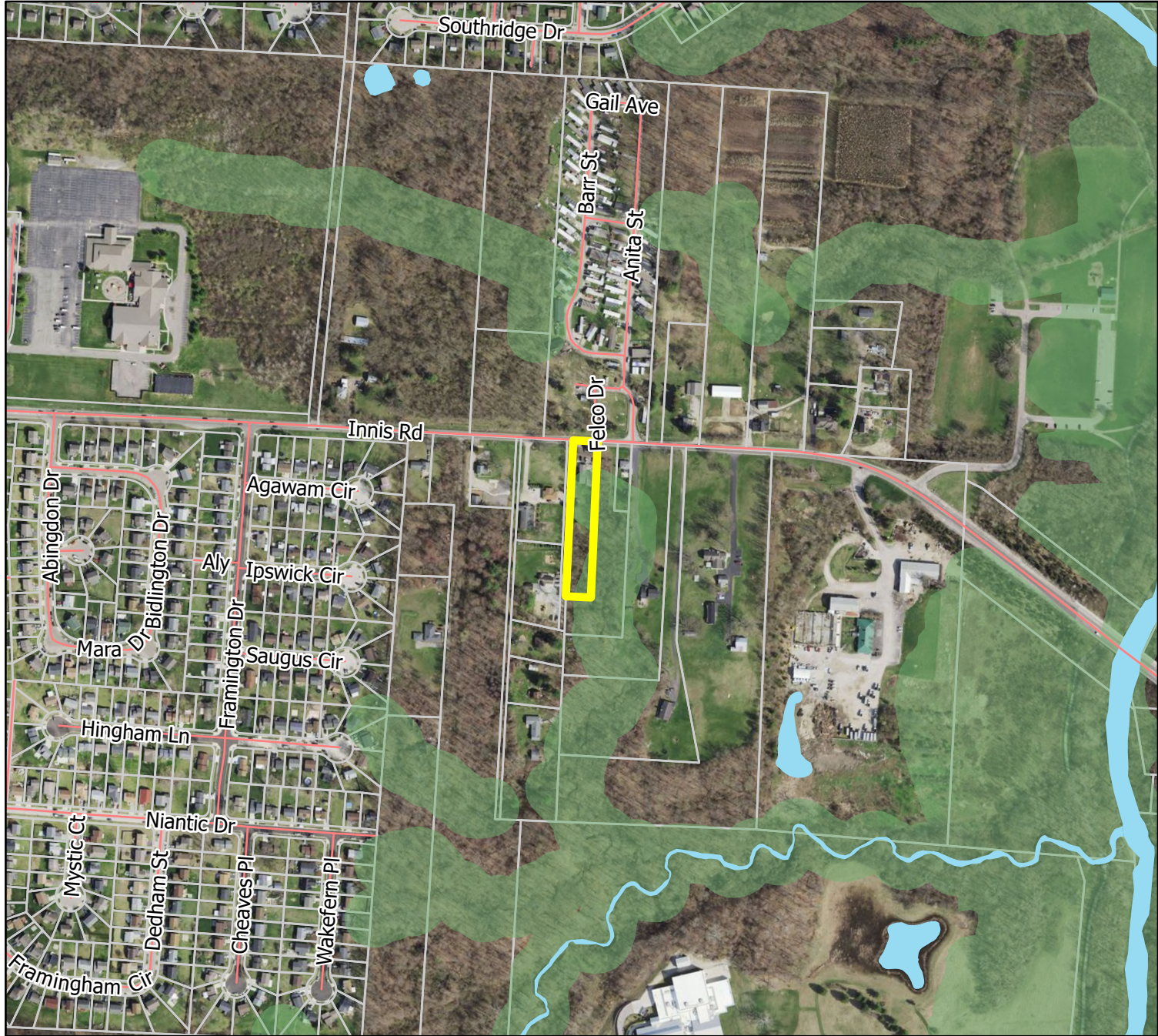
**Findings of Fact**

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

\_\_\_\_\_ move that the basis for approving/denying the applicant's request for the conditional use from Sections 302.038 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. CU-4113 results from the applicant satisfying/failing to satisfy the criteria for granting a conditional use under Section 815.04.

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

Voting:

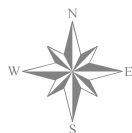
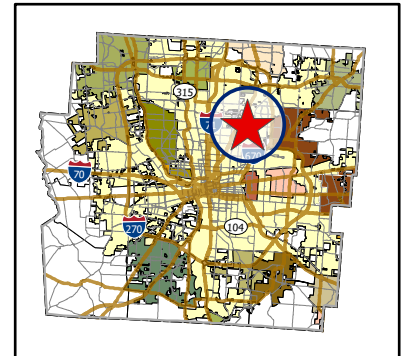


## CU-4113

Requesting a conditional use from Section 302.038 of the Franklin County Zoning Resolution to operate a daycare servicing between six (6) and twelve (12) children in an area zoned Rural (R).

Acres: 0.95-acres  
Township: Mifflin

- Streets
- Parcels
- 2799 Innis Rd



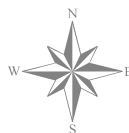
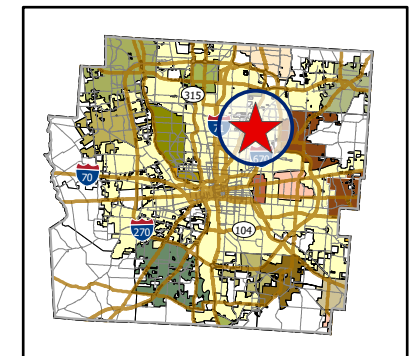


## CU-4113

Requesting a conditional use from Section 302.038 of the Franklin County Zoning Resolution to operate a daycare servicing between six (6) and twelve (12) children in an area zoned Rural (R).

Acres: 0.95-acres  
Township: Mifflin

- Streets
- Parcels
- 2799 Innis Rd















Franklin County Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

Application for

# Conditional Use

Pursuant to Section 815 of the Zoning Resolution

Page 1 of 8



(revised 8.13.19)

190-001898

### Property Information

Site Address: 2799 innis rd columbus ohio 43224

Parcel ID: <del>010 474360 00</del>	Zoning District: <del>Columbus</del> Rural (R)
Lot Acreage: 0.95 acre	Township: mifflin

### Property Owner Information

Name: maymuna ali  
Address: 2799 innis rd columbus ohio 43224

Phone # 614 371 4333 Fax #  
Email: maymuna.ali43@gmail.com

### Applicant Information Same as property owner

Name: maymuna ali  
Address:

Phone # Fax #  
Email:

### Agent Information

Name:  
Address:

Phone # Fax #  
Email:

### Staff Use Only

Case # CU- 4113

Date Filed: 11/12/2024

Received By: *Kayla J.*

Fee Paid: *\$3500*

Receipt Number: 24-04242

Hearing Date: 12/16/2024

Technical Review: 11/26/2024

Zoning Compliance #: RZ-23-314

### Checklist

- Completed Application
- Fee Payment (checks only)
- Auditor's Map (8.5"x11")
- Site Map (max 11"x17")
- Covenants and deed
- Notarized signatures
- Proof of water/wastewater supply
- Copy of denied Zoning Certificate
- Copy of denial letter

### Water & Wastewater

- Water Supply**
- Public (Central)
  - Private (On-site)
  - Other
- Wastewater Treatment**
- Public (Central)
  - Private (On-site)
  - Other



# Conditional Use



Case# CU-

**Conditional Use(s) Requested:**

Section: I am using type A daycare in my garage and living room that was approved.

Description: Ohio department of education came for inspection, met all the requirement and has approved the space. However, I need zoning approval that states 12 children or less or Type A.

Section: I will be caring preschoolers ages 3-5

Description: Monday - Thursday.

Section: I 302.038

Description: Daycare of more than six(6) children

**Describe the project:**

I have made a closed fence and parking lot off the street that can accomodate 12 children or less.

I have to maintain the ratio 1-6 so this reason I will have one teacher and me. I will use living room as a classroom and the garage as a play area.

**NOTE: The applicant must demonstrate that the proposal can satisfy all of the conditional use requirements of the respective zoning district in addition to all requirements under Section 815.04 of the Franklin County Zoning Resolution. Your answers to the following questions will help the Board of Zoning Appeals determine whether you meet the requirements for a conditional use. If you fail to answer any/all of the questions below, your application will be considered incomplete.**

1. Proposed Use or Development of the Land:

I am using my home as a preschool type A. Which is 12 children or less at a time. I have met all the requirements of Ohio department of job and family service and i have passed the initial inspection for caring the children.



# Conditional Use



Case# CU-

2. How will the proposed development relate to the existing and probable future land use character of the area:

I am using my home and met all the requirements such fire inspection city development plan.

My home will be a residential while I am operating day care.

3. Will the Conditional Use be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area?

I will not change anything. People will drop off their children at their own time. Hours of operation which is 8-6p.

4. Will the Conditional Use be hazardous or disturbing to existing or future neighboring uses?

No kids will be playing inside the fence area and not outside.

5. Will the Conditional Use be detrimental to property in the immediate vicinity or to the community as a whole?

I have street both side and we are off of the street on innis.

6. Will the Conditional Use be served adequately by essential public facility and services?

no I have a well water and septic.



Franklin County  
Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
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Application for

# Conditional Use

Pursuant to Section 815 of the Zoning Resolution

Page 4 of 8



Case# CU-

7. How will the proposal meet the development standards of that specific district?

I have already made a fence and parking lot. 5 ft and made it with wood

8. Could the applicant's predicament be feasibly obtained through some method other than a conditional use?

I have already obtained zoning but only approved 6 children.

9. Would the spirit and intent behind the zoning requirements be observed and would substantial justice be done by granting the conditional use?

I am an educator, hold masters of education from ohio state and would like to continue teaching specilay my own preschool.

10. Would the conditional use adversely affect the delivery of governmental services (e.g., water, sewer, garbage, fire, police).

No.

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

I did not know.



# Conditional Use



Case# CU-

### Conditional Use-Expanded Home Occupation (Only)

The following questions must be addressed when applying for a Conditional Use from Section 511.03 (Conditional Use Home Occupation) of the Franklin County Zoning Resolution. If these questions are not answered, the application will be considered incomplete.

1. Enclose all details regarding the day-to-day operations of the home occupation (type of business, hours of operation, designated parking areas, etc.).

I will be caring preschoolers ages 3-5. Monday to thursday 8am to 6pm

2. How many non-resident employees?

I have to maintain the ration which is 1-6. so one teacher and I will be caring for children.

3. Will the home occupation be conducted within a structure accessory to a dwelling unit and located on the same lot as the dwelling unit?

Yes my house will be the same as is. i have enough space which was approved by the specialist

4. What type of commodities, if any, will be sold on the premises? If sales of commodities are not produced on site, please specify all commodities associated with the home occupation?

Preschool ages 3-5

5. Will there be outside storage of any kind associated with the conditional use home occupation? If so, what is proposed to be stored on site and how will the storage be completely screened from adjacent residential lots and abutting streets? This must be met!

None

6. Will there be any organized instruction of pupils that would exceed six (6) pupils at any given time?

Yes. The type a day care is 12 or less children at a given time. i have the space required to keep the. children.

7. Will there be any signage? Signage shall be consistent with the provisions of Section 541.03(8).

No

8. Will the delivery traffic increase? Traffic shall be limited to not more than three (3) UPS or similar deliveries per week. No semi-tractor truck deliveries will be permitted at any time.

No



Franklin County  
Board of Commissioners

## ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

Application for

# Conditional Use

Pursuant to Section 815 of the Zoning Resolution

Page 6 of 8



Case# CU-

### Affidavit

I hereby certify that the facts, statements, and information presented within this application form are true and accurate to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form and all applicable requirements of the Franklin County Zoning Resolution. The affiant further acknowledges that a Certificate of Zoning Compliance may only be issued for an approved Conditional Use within the period of one (1) year from the date of final approval by the Board of Zoning Appeals; if a conditional use permit has not been used within one (1) year of its date of issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid conditional use permit, then the conditional use permit shall expire and no work may commence or continue without either renewing the conditional use or receiving a new conditional use approval from the Board of Zoning Appeals in accordance with Section 815 of the Franklin County Zoning Resolution.

Maymuna Ali

Applicant/Authorized Agent

11/11/2024

Date

Maymuna Ali

Property Owner (signature must be notarized)

11/11/2024

Date

  
Property Owner (signature must be notarized)

Date

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

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



### Site Plan Requirements

- The site plan must be prepared by a design professional (i.e. registered surveyor, engineer and/or architect) and include all items required under Sections 705.022 and 815.022 of the Franklin County Zoning Resolution
  - *Site plans which are incomplete and/or not drawn to scale will not be accepted.*
- Two (2) copies - minimum size of 8.5"x11" paper, maximum size of 11"x17" paper *\*Larger size copies are acceptable in addition to the min./max. sizes required*
- North arrow and appropriate scale (i.e. 1 inch = 20 feet)
- Property lines, with the exact dimensions of the lot labeled
- Street right-of-way boundaries including street centerline
- The exact dimensions and location of all existing buildings (principal and accessory), structures (decks, patios, pools, paved parking areas, courtyards, etc.) and driveways/access points, indicating setbacks of each from property lines with measurements/distances labeled
- The exact dimensions, height and location of all proposed buildings, structures, additions, or modifications to the property, indicating setbacks from property lines with measurements/distances labeled
- Landscaping details - provide the quantity, location, size and plant species (Ohio Native Non-Invasive Only) used
- All open space areas including calculations (percentage) of impervious vs. pervious surface
- Building elevations and/or architectural renderings
- Parking layout with required parking calculations provided
- Lighting details - location, type of fixture (illustration), height and strength (footcandles/lumens)
- Existing and intended uses of all buildings and structures
  - *If multiple uses are being conducted within one building, the site plan must reflect the area of the building being occupied by each individual use*
- All easements and above/below ground utilities
- Regulatory floodplain (Floodway and Floodway Fringe) and riparian setback boundaries, when applicable
- All existing and proposed above and below ground drainage and stormwater features
  - *Refer to the Franklin County Stormwater Drainage Manual*
- Site topography (two (2) ft. contour intervals)
- Details regarding the location, height, maintenance and screening for any existing or proposed trash dumpster
- Screening details - *Refer to Section 521 of the Franklin County Zoning Resolution*
- Provisions for water and sanitary services including the the exact location, dimensions and setbacks from property lines and structures of all private/public water and wastewater treatment facilities
  - *If public water and sewer services are provided, proof of services must be submitted*
- All areas of disturbance, including grading, filling, clearing, excavating, etc.
- Erosion and sediment control plan
- All fence locations, indicating height and material(s) used
- Any other information with regard to the lot or neighboring lots which may be necessary to determine and provide for the enforcement of the Franklin County Zoning Resolution
  - *Please note that the requirements mentioned above, or portions of, may be waived by the Administrative Officer when, in his/her opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed*





## Application instructions

Please submit the following:

1. Application Form  
Completed application form with notarized signatures
2. Fee - non refundable \*Please refer to our most current fee schedule by visiting [www.franklincountyohio.gov/edp](http://www.franklincountyohio.gov/edp)  
Checks only payable to *Franklin County Treasurer*
3. Covenants or deed restrictions  
Provide a copy of your deed with any deed restrictions  
You can access and print a copy by visiting: [www.franklincountyohio.gov/recorder](http://www.franklincountyohio.gov/recorder)
4. Auditor's Tax Map  
Provide a map showing the subject property and all land within 500 feet of the property.  
You can access and print a copy of the map by visiting: [www.franklincountyohio.gov/auditor](http://www.franklincountyohio.gov/auditor)
5. Site Map - Refer to Page 8
6. Proof of utility service  
Provide proof from the provider of your water and wastewater services

*Note: If centralized water and/or sewer services are provided by a private/public entity, you must provide a letter or current bill verifying that services are provided or access is available. If you're proposing an on-lot septic system or well, please provide information from the Franklin County Board of Health (or appropriate agency).*

## Application Procedure

- 1 Staff reviews application for completeness
  - 2 Staff distributes to Technical Review Agencies
  - 3 Applicant meets with staff and Technical Review Committee
  - 4 Staff drafts report and makes recommendation
  - 5 BZA Hearing - Staff presents case to the Board who takes action to approve, approve with conditions or deny
-



## ***STAFF REPORT***

Board of Zoning Appeals  
December 16, 2024

### **Case: VA-4114**

Prepared by: Raimere Fitzpatrick

<b>Owner:</b>	James and Debra Ricker
<b>Applicant:</b>	Nicholson Builders c/o John Nicholson
<b>Township:</b>	Brown Township
<b>Site:</b>	3191 Amity Rd (PID #120-000906)
<b>Acreage:</b>	7.893-acres
<b>Zoning:</b>	Rural (R)
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a Variance from Section 650.162(a) and (b) of the Franklin County Zoning Resolution to allow for construction of an addition in a riparian setback with associated grading in an area zoned Rural (R).

### **Summary**

The applicant is requesting a Variance to allow for the remodel and addition to a single-family home to be located within the Riparian Setback in an area zoned Rural. The request satisfies the criteria necessary for granting a variance. Staff recommends ***conditional approval***.

### **Description of Request**

The subject site is located on the west side of Amity Road in Brown Township. The Big Darby Creek Watershed Riparian Setback impacts 46.4% of the site.

The applicant is proposing an addition to the existing attached garage located at the rear of the existing attached garage. The proposed garage addition will impact approximately 361 square feet of the site. Approximately 0.23% of the riparian setback will be impacted. Construction of buildings or structures of any kind or size are prohibited in the Riparian Setback.

### **Surrounding Area and Zoning**

The subject site and surrounding properties are developed with low-density residential uses and zoned Rural in Brown Township. The Big Darby Creek is located west of the subject site, tributaries to Big Darby Creek are located to the front and rear of the site.

### **Comprehensive Plans**

The Brown Township Comprehensive Plan, adopted in 2005 recommends Low Density Rural Residential land uses for this area.

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. These maps identify the subject site as existing development and include a protected zone associated with the streams on site. Rural Residential Estate uses with lot sizes 5-acres or greater are recommended.

The applicant's request keeps with the Brown Township Comprehensive Plan. The request does not keep with the recommendations of Big Darby Accord Watershed Master Plan; however, the applicant is already subject to mitigation of the affected area based on recommendations from the Franklin Soil and Water Conservation District.

### **Staff Review**

#### Variance from Section 650.162(a) – Prohibited Uses in Riparian Setbacks:

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 home expansion is located within the Riparian Setback. The proposed garage addition will impact approximately 361 square feet of the site. Approximately 0.23% of the riparian setback will be impacted. Construction of buildings or structures of any kind or size are prohibited in the Riparian Setback.
- A Variance is requested to allow the addition to be located in the Riparian Setback.

#### Variance from Section 650.162(a) – Prohibited Uses in Riparian Setbacks:

Drilling, filling, dredging, excavation or dumping of soil, other earthen material, spoils, liquid, or solid materials is prohibited, except as permitted under this regulation.

- There is an approximate +/-5 foot decrease in elevation from the front of the garage addition to the final point of encroachment into the riparian setback. Construction activities will require associated excavation and/or grading of the area surrounding the building footprint within the riparian setback. The area of disturbance within the Riparian setback is approximately 361 square feet.
- A Variance is requested to allow the excavation and/or grading activities to occur in the Riparian Setback.

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

#### **Franklin Soil and Water Conservation District (FSWCD)**

Stated that Big Darby Setback mitigation is in force for all new construction. Mitigation is required for the portion of the addition that will be in the Riparian Setback. Mitigation is determined by the distance the intrusion is from the stream. Up to three zones are used in determining required mitigation.

Zone 1 (0-25 feet from stream), mitigation ratio is 4:1

Zone 2 (25-100 feet from stream), mitigation ratio is 3:1

Zone 3 (from 100 feet to the outer edge of the setback), mitigation ratio is 2:1

$361 \times 2 = 722$  sq. ft. of mitigation required.

[The] Goal of the zoning code is to preserve and increase tree canopy in riparian areas, so planting native trees is the preferred mitigation option.

1 native tree (1-inch caliper) = 100 sq. ft. of mitigation

In this case that would equate to about 7 trees

There is some flexibility on where the trees need to be planted within the riparian setback, but priority starts with Zone 1, then Zone 2, and finally Zone 3. The development activity occurs within Zone 3.

No other agencies indicated any concerns with the request.

### **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 FSWCD has provided comments and requirements for mitigation associated with the development that is proposed on site. Based on a final approved mitigation of the site from the FSWCD, Staff does not believe there will be potential harm or reduction in riparian functions.
- 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
  - » Single-family homes are authorized uses in the Rural zoning district and provided the Riparian Setback variance is approved all development standards will be met.
- 3) *Variances are void if not implemented within one year of the date of issuance.*
  - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one 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 applicant is requesting approval of an addition that encroaches 361 square feet into the Riparian Setback. In working with the FSWCD, the applicant will be required to plant seven (7) trees to offset 361 square feet of impact from the project.
- 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 encroachment is not anticipated to significantly impair the flood control, erosion control, water quality protection, or other functions 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 applicant will be required to consult with the FSWCD to minimize erosion and control sediment during the construction activities on the site.
- 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 is required to mitigate all proposed impervious area from the development.

#### Section 810.041(b) – Area Variance:

The Board of Zoning Appeals shall only authorize a request for an area variance where the applicant demonstrates the existence of a practical difficulty in the use of the property. In determining whether a practical difficulty exists, the Board of Zoning Appeals shall consider and weigh the following factors, among others when appropriate, to determine if practical difficulties exist:

- 1) *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*
  - a. Applicant's Response/Summary:

The applicant stated the property could be sold "as-is", but a garage expansion would not be feasible due to the existing driveway (east), side yard setback (north) and riparian setback (west).

- b. Staff recommends the property will yield a reasonable return or there can still be beneficial use of the property without the variance. The property would maintain beneficial use without the garage expansion. The expansion may occur outside the Riparian Setback; however, the applicant desires to place it at the proposed location.
- 2) *Whether the variance is substantial;*
    - a. Applicant's Response/Summary:

The Riparian Setback impacts 46.4% of the total lot area. The variance will impact one-percent of the lot area.
    - b. According to the site plan, the Riparian Setback burdens approximately 159,576 square feet of the site. The proposed garage expansion encroaches 361 square feet into the Riparian Setback. The applicant proposes a 0.2% encroachment into the Riparian Setback. Staff does not believe that the variance is substantial, and the applicant is actively working with the FSWCD to mitigate potential impacts.
  - 3) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
    - a. Applicant's Response/Summary:

The expansion would enhance the character of the neighborhood.
    - b. Staff recommends the expansion will not substantially alter the neighborhood. Staff believes that the proposed development will enhance the neighborhood's existing character.
  - 4) *Whether the variance would adversely affect the delivery of governmental services (e.g. water, 286 sewer, garbage);*

Staff does not believe the variances requested would adversely affect the delivery of governmental services.
  - 5) *Whether the property owner purchased the property with knowledge of the zoning restriction;*
    - a. Applicant's Response/Summary:

The applicant stated they had no knowledge of the zoning restrictions prior to purchasing the property in 2006.
    - b. The Riparian Setbacks were added to the Zoning Resolution in 2011, after the property was purchased by the current owner.
  - 6) *Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and*
    - a. Applicant's Response/Summary:

The applicant does not believe other options for placement of the garage expansion are feasible based on the location of the Riparian Setback.
    - b. Staff disagrees. There is ample space on the east side of the existing structure to construct the expansion. This option may be less desirable for the applicant, but it is feasible to construct the addition outside of the Riparian Setback.
  - 7) *Whether the spirit and intent of the zoning requirement would be observed and substantial justice done by granting the variance.*
    - a. Applicant's Response/Summary:

The applicant believes they have made all possible efforts to minimize the impact on the Riparian Setback.
    - b. Staff believes that granting the variances will observe the spirit and intent of the zoning requirements and substantial justice will be done. Mitigation for impacts to the Riparian Setback will be required.

**Recommendation**

Based on Staff’s analysis, Staff’s recommendation is that the Board of Zoning Appeals conditionally approve a Variance from Sections 650.162(a) and (b) of the Franklin County Zoning Resolution to allow for the garage addition to a single-family home located within the Riparian Setback in an area zoned Rural. The conditions of approval are as follows:

- 1.) The applicant will apply for and receive a Certificate of Residential Zoning Compliance and Building Permit from the Franklin County Economic Development and Planning Department.
- 2.) The Certificate of Residential Zoning Compliance shall include the location of seven (7) trees required for mitigation of Riparian Setback impacts. The location of the trees shall be coordinated with and approved by Franklin Soil and Water Conservation District.
- 3.) The applicant will submit proof of final approval for mitigation plans by the Franklin Soil and Water Conservation District with their application for Residential Zoning Compliance.

**Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Variance Request:**

\_\_\_\_\_ moves to approve a Variance from Sections 650.162(a) and (b) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-4114.

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

Voting:

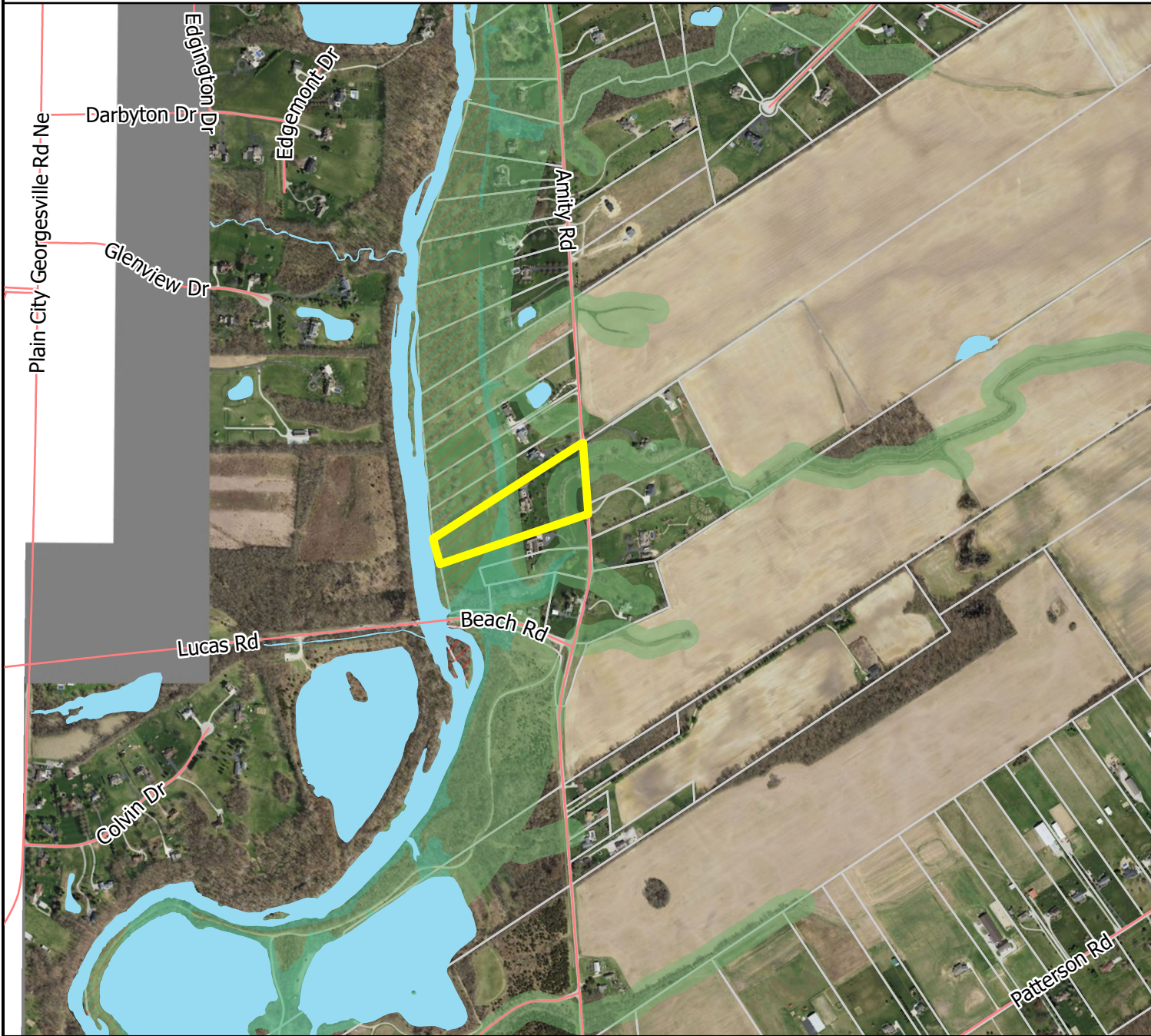
**Findings of Fact**

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

\_\_\_\_\_ moves that the basis for approving/denying the applicant’s request for the Variance from Sections 650.162(a) and (b) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-4114 results from the applicant’s satisfying/failing to satisfy the criteria for granting a Variance under Section 810.041.

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

Voting:

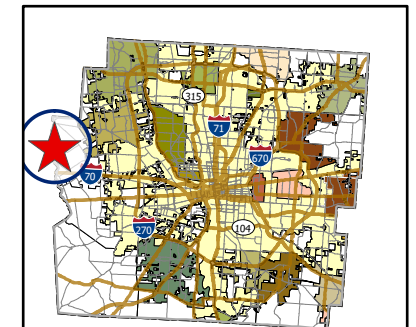
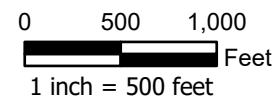
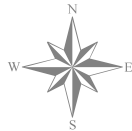


# VA-4114

Requesting a Variance from Section 650.162(a) and (b) of the Franklin County Zoning Resolution to allow for construction of an addition in a riparian setback with associated grading in an area zoned Rural (R).

Acres: 7.893-acres  
Township: Brown

- Streets
- Parcels
- 3191 Amity Rd
- Waterbodies
- Stream Buffers
- NFHL Floodway FC 20210401
- NFHL 100 Year Floodplain FC 20210401









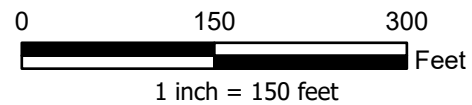
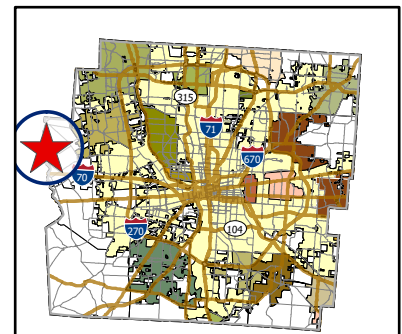


# VA-4114

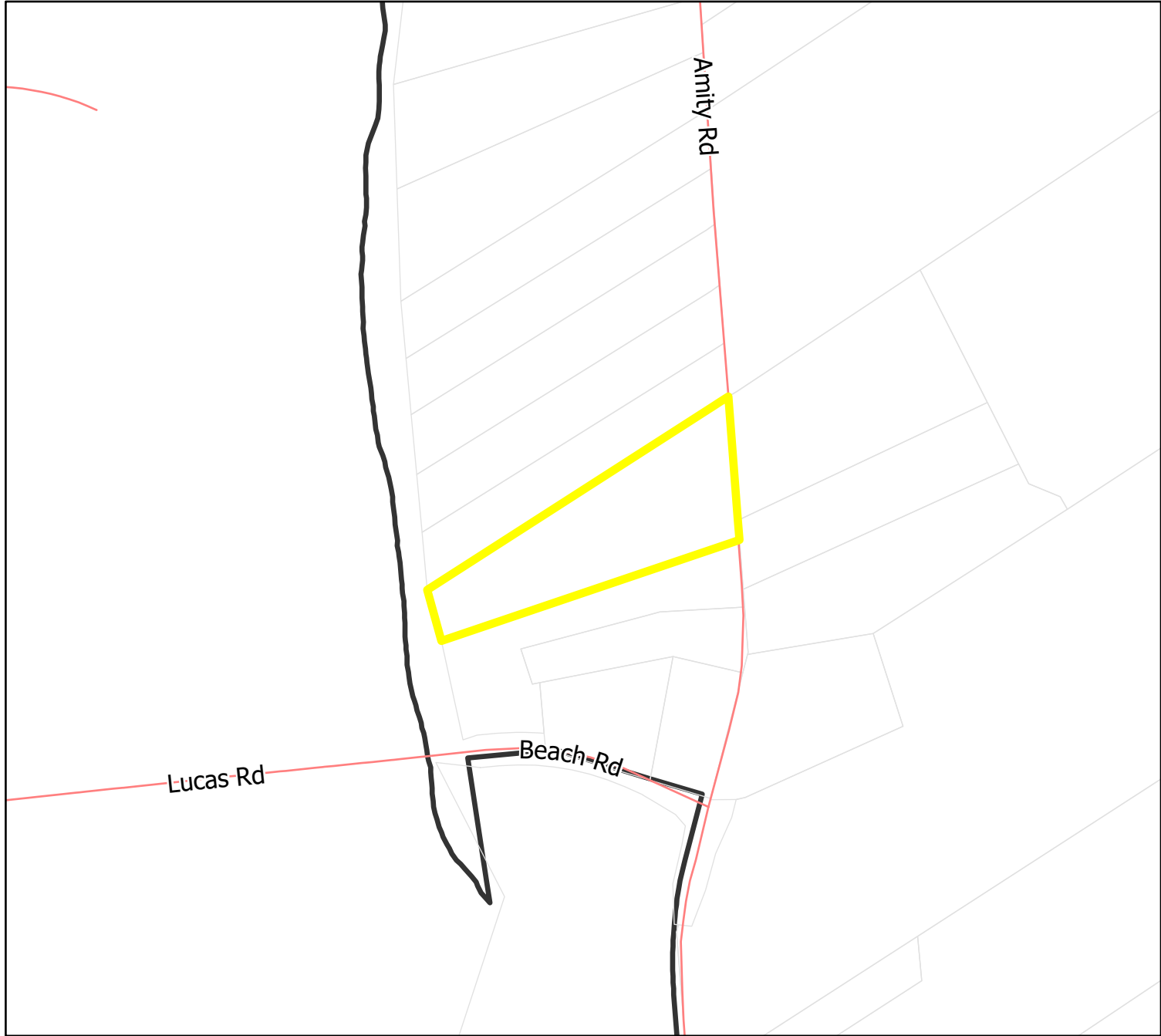
Requesting a Variance from Section 650.162(a) and (b) of the Franklin County Zoning Resolution to allow for construction of an addition in a riparian setback with associated grading in an area zoned Rural (R).

Acres: 7.893-acres  
Township: Brown

-  Streets
-  Waterbodies
-  Creeks & Streams
-  Parcels
-  3191 Amity Rd
-  Stream Buffers





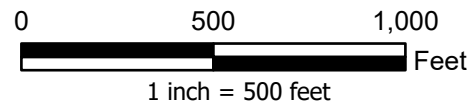
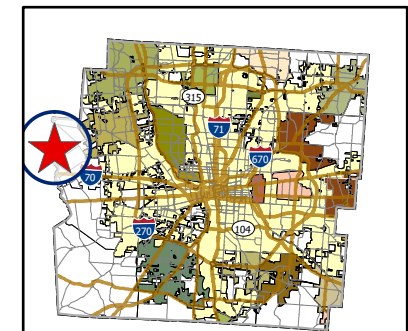


# VA-4114

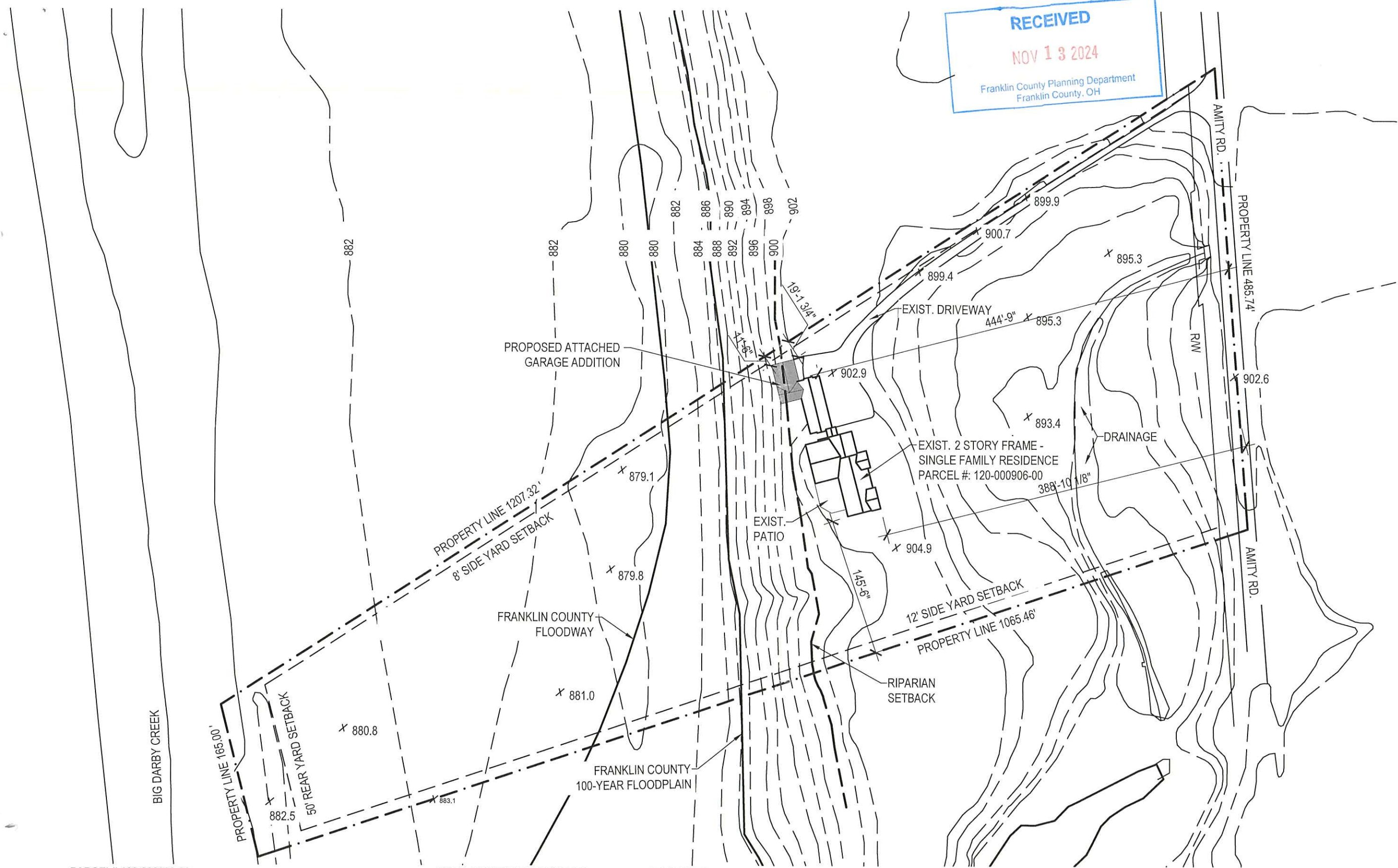
Requesting a Variance from Section 650.162(a) and (b) of the Franklin County Zoning Resolution to allow for construction of an addition in a riparian setback with associated grading in an area zoned Rural (R).

Acres: 7.893-acres  
Township: Brown

- Streets
  - 3191 Amity Rd
- Zoning - County**
- Rural



**RECEIVED**  
 NOV 13 2024  
 Franklin County Planning Department  
 Franklin County, OH



PARCEL# 120-000906-00  
 ZONED: RURAL (R)  
 AREA: 7.893 ACRES (343,819 SQ.FT.)

650.20 RIPARIAN VARIANCE SETBACK:  
 EXIST. RIPARIAN SETBACK: 159,576 SQ.FT. (46.4% TLA)  
 PORTION OF PROPOSED GARAGE  
 ADDITION IN RIPARIAN SETBACK: 361 SQ.FT.  
 PROPOSED RIPARIAN SETBACK: 159,214 SQ.FT. (46.3% TLA)

EXIST. DRIVEWAY COVERAGE: 7,248 SQ.FT.  
 EXIST. STRUCTURES COVERAGE: 6,459 SQ.FT.  
 PROPOSED GARAGE ADDITION: 973 SQ.FT.  
 PROPOSED DRIVEWAY EXPANSION: 185 SQ.FT.  
 TOTAL IMPERVIOUS LOT COVERAGE: 14,865 SQ.FT. (4.3% TLA)



1  
 S100

**SITE PLAN**

SCALE: 1" = 100'-0"  
 0 100' 200'

**NICHOLSON**  
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 6525 Busch Blvd, Columbus, Ohio 43229 (614) 846-7388  
 Fax (614) 846-7390  
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EXP 12/31/2024

A(N)  
**GARAGE ADDITION  
 TO THE  
 RICKER RESIDENCE**

HILLIARD, OH 43026  
 3191 AMITY ROAD

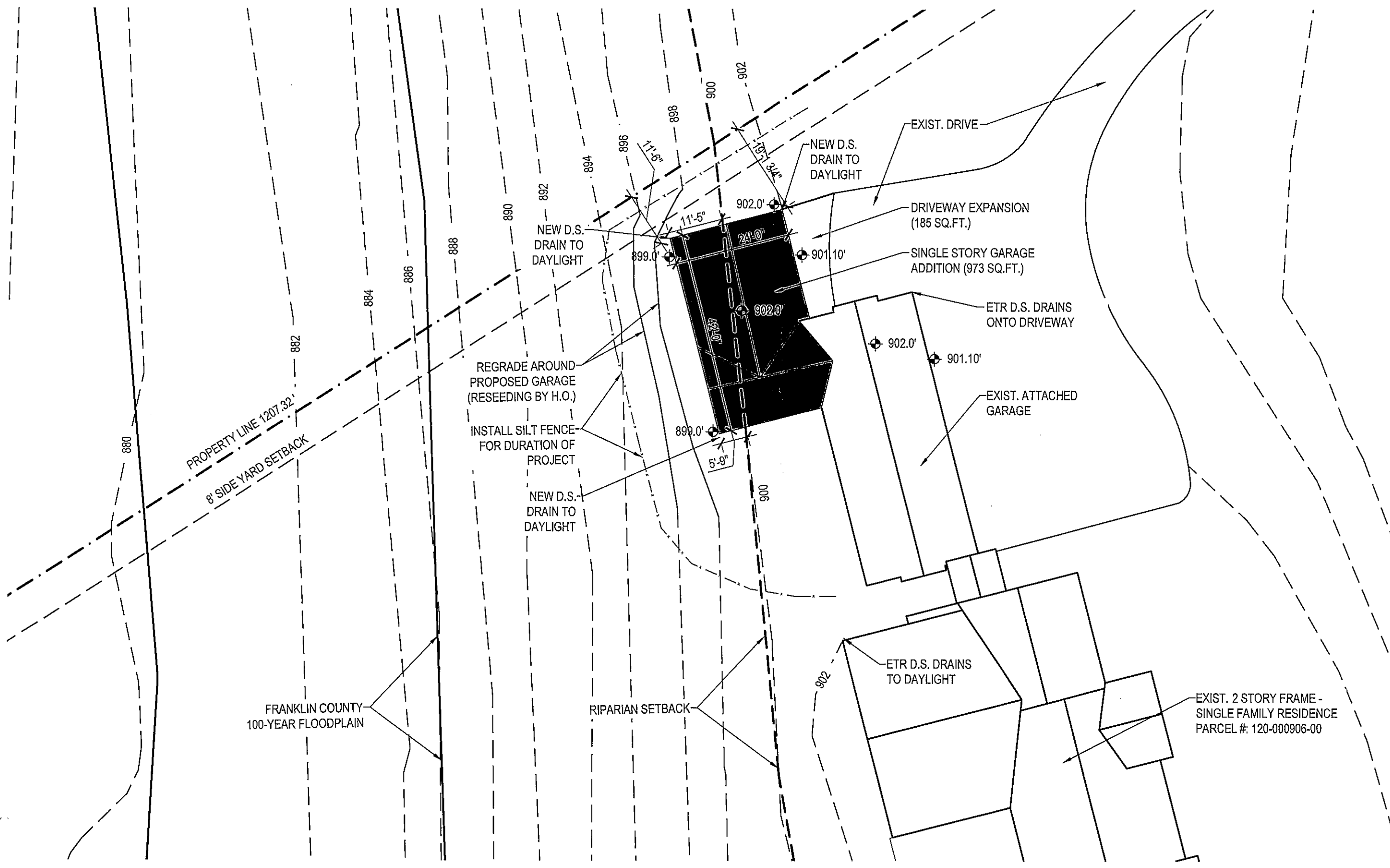
APPROVED BY/ DATE:

DRAWN BY:  
 J.U. / E.M.

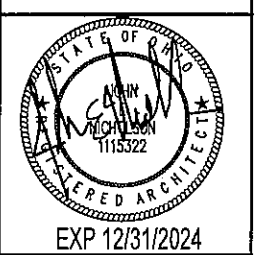
CHECKED BY:  
 J.N.

SHEET NO.:  
**S100**

PROGRESS: 10/24/2024  
 VARIANCE: 11/14/2024  
 PERMIT: 00/00/0000  
 REVISION: 00/00/0000



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**GARAGE ADDITION TO THE RICKER RESIDENCE**  
HILLIARD, OH 43026  
3191 AMITY ROAD

APPROVED BY/ DATE:
DRAWN BY: J.U. / E.M.
CHECKED BY: J.N.
SHEET NO.: <b>S101</b>
PROGRESS: 10/24/2024
VARIANCE: 11/14/2024
PERMIT: 00/00/0000
REVISION: 00/00/0000

**1** PARTIAL SITE PLAN  
SCALE: 1" = 20'-0"  
S101

- GENERAL DEMOLITION NOTES**
- PERSONAL ITEMS TO BE REMOVED AND REPLACED BY OWNER.
  - PROVIDE ADEQUATE DUST PROTECTION AS NECESSARY.
  - PROVIDE PROTECTION FOR EXISTING FLOORS, DOORS, WINDOWS, ETC. FOR DURATION OF PROJECT.
  - EXISTING TRIM TO BE REMOVED BY SCORING WHERE IT MEETS WALL TO PREVENT DAMAGE TO FINISHED WALL SURFACE.
  - PROVIDE DAILY CLEANING OF JOBSITE AS NECESSARY.
  - SITE LOCATE YARD DUMPSTER, F.V. BEST LOCATION W/ HOMEOWNER.

- DEMOLITION NOTES**
- REMOVE PORTION OF LOAD BEARING WALL AS INDICATED. PROVIDE TEMPORARY SHORING AS NEEDED - COORD. W/ NEW WORK.
  - REMOVE EXIST. WALL FINISH (WOOD SIDING) DOWN TO STUD, EXTERIOR WALL TO BECOME INTERIOR WALL - COORD. W/ NEW WORK.
  - EXISTING MINI-SPLIT TO BE RELOCATED TO BE COORDINATED AND PAID BY OWNER.
  - APPROXIMATE AREA OF EXCAVATION. HOLD SPOILS ON SITE FOR BACKFILL AND REGRADING SEE SHEETS A101, A401, A402, AND A403.
  - REMOVE ASPHALT SHINGLES AS NEEDED FOR NEW ROOF TIE-IN. COORDINATE W/ NEW WORK.
  - REMOVE CMU AS NEEDED FOR NEW THICKENED SLAB.
  - REMOVE PORTION OF EXISTING DRIVE FOR NEW ASPHALT/CONCRETE APRON.

**WALL TYPES**

	DEMO WALL
	EXISTING WALL

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HILLIARD, OHIO 43026

(A/N)  
GARAGE ADDITION  
TO THE  
RICKER RESIDENCE

3191 AMITY ROAD



APPROVED BY/DATE:

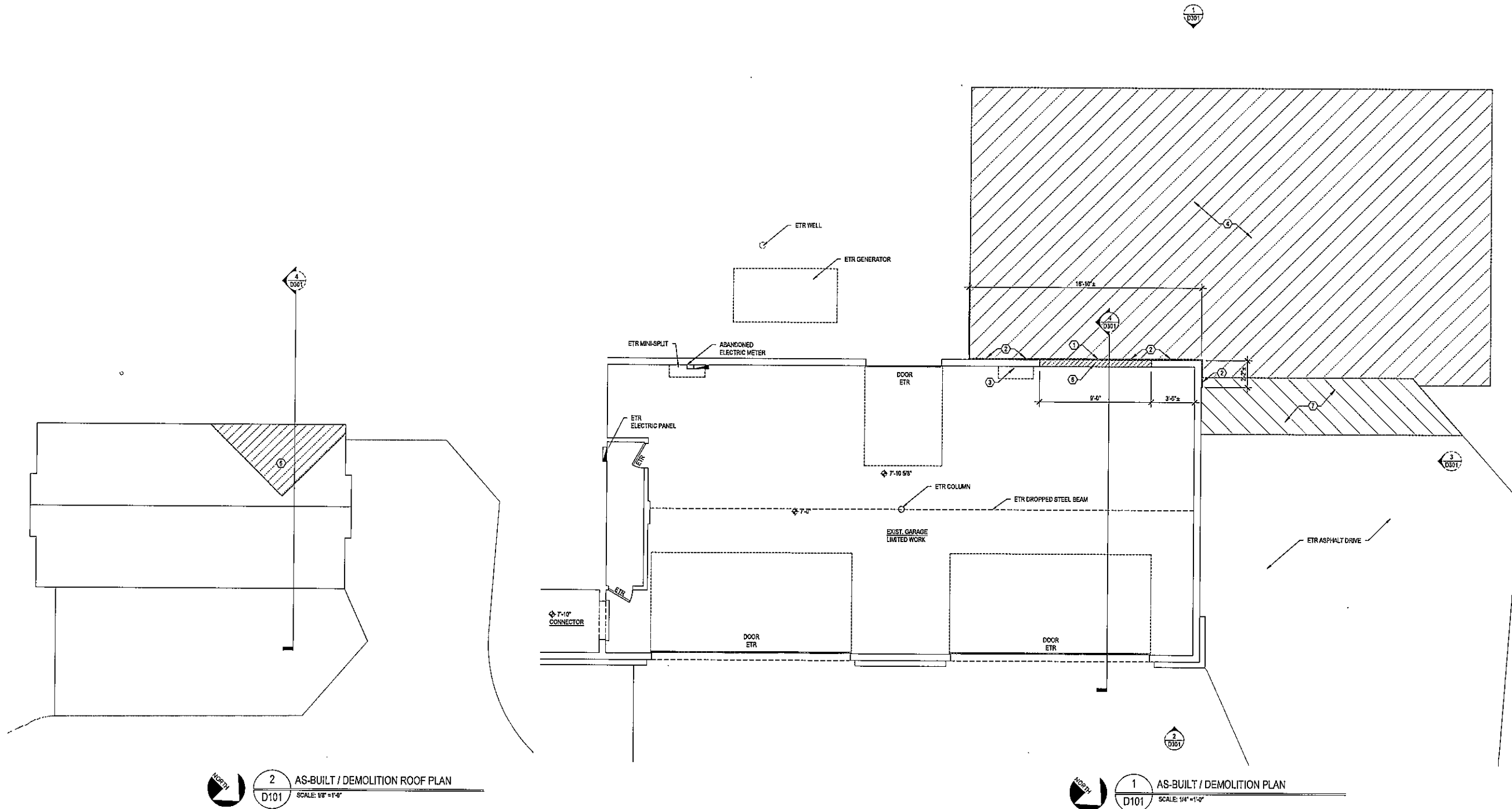
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J.U. / E.M.

CHECKED BY:  
JN

SHEET NO.:

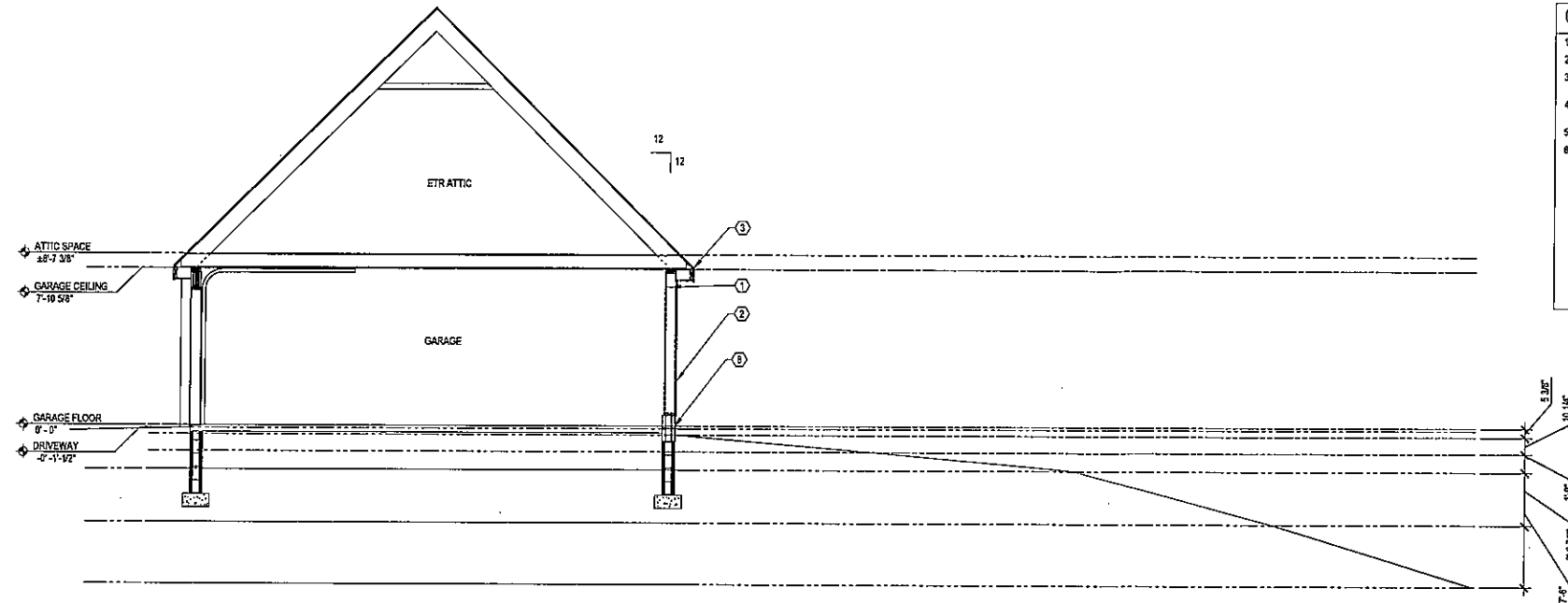
**D101**

PROGRESS: 10/24/2024  
 BID SET: 11/14/2024  
 PERMIT: 03/09/0000  
 REVISION: 03/09/0000

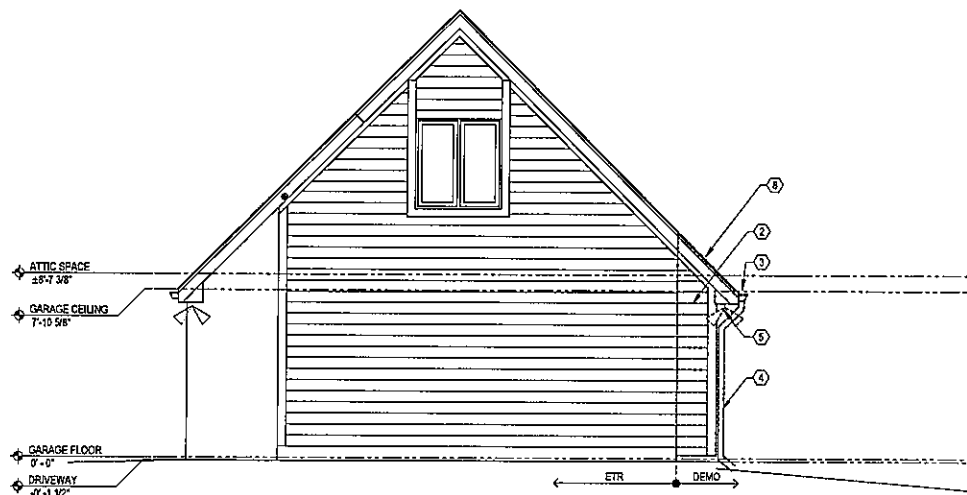


**2 AS-BUILT / DEMOLITION ROOF PLAN**  
D101 SCALE: 1/8" = 1'-0"

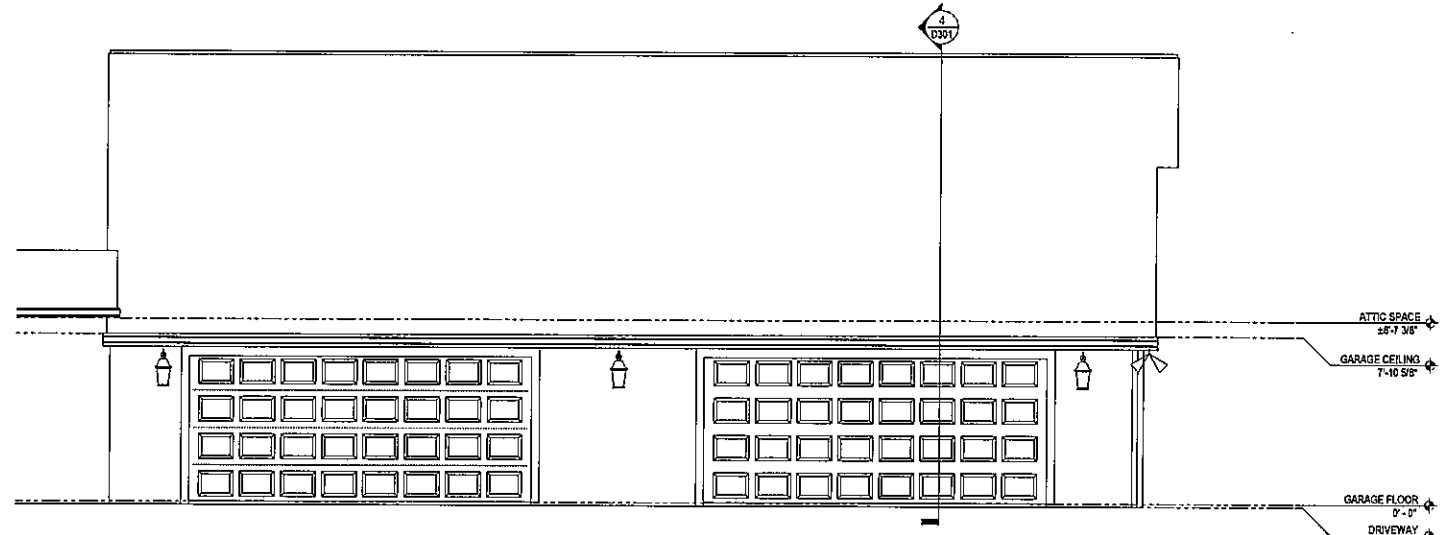
**1 AS-BUILT / DEMOLITION PLAN**  
D101 SCALE: 1/4" = 1'-0"



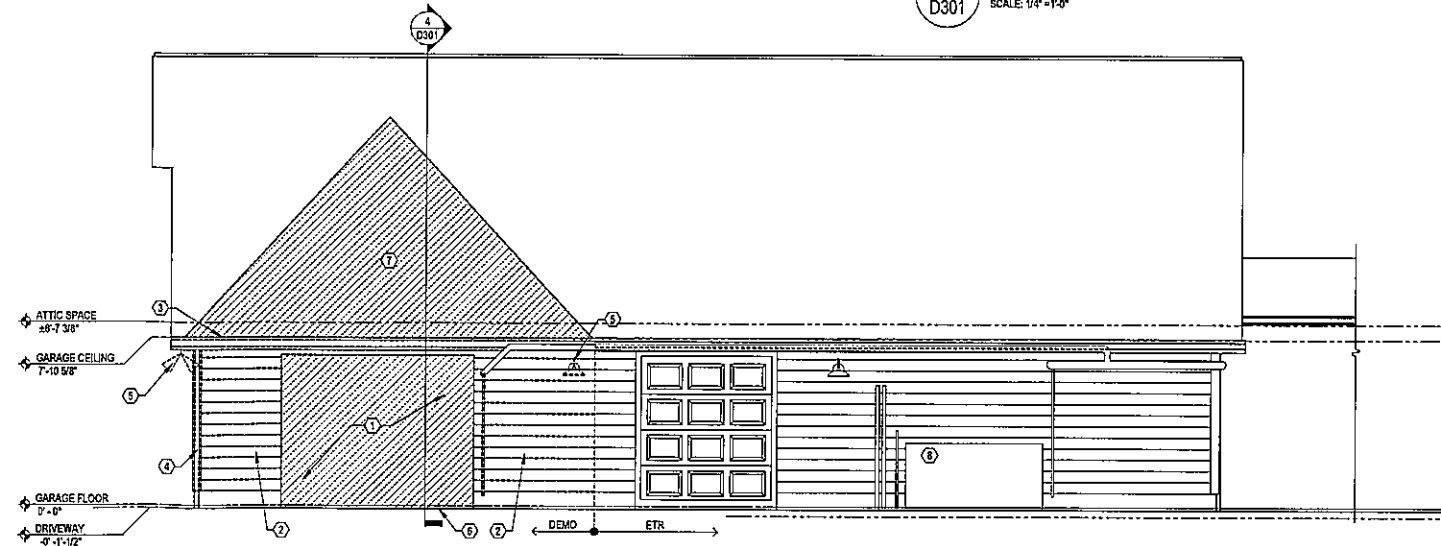
4 AS-BUILT/DEMO SECTION  
D301 SCALE: 1/4" = 1'-0"



3 AS-BUILT/DEMO NORTH ELEVATION  
D301 SCALE: 1/4" = 1'-0"



2 AS-BUILT EAST ELEVATION  
D301 SCALE: 1/4" = 1'-0"



1 AS-BUILT/DEMO WEST ELEVATION  
D301 SCALE: 1/4" = 1'-0"

GENERAL DEMOLITION NOTES

1. PERSONAL ITEMS TO BE REMOVED AND REPLACED BY OWNER.
2. PROVIDE ADEQUATE DUST PROTECTION AS NECESSARY.
3. PROVIDE PROTECTION FOR EXISTING FLOORS, DOORS, WINDOWS, ETC. FOR DURATION OF PROJECT.
4. EXISTING TRIM TO BE REMOVED BY SCORING WHERE IT MEETS WALL, TO PREVENT DAMAGE TO FINISHED WALL SURFACE.
5. PROVIDE DAILY CLEANING OF JOBSITE AS NECESSARY.
6. SITE LOCATE YARD DUMPSTER, F.Y. BEST LOCATION W/ HOMEOWNER

DEMOLITION NOTES

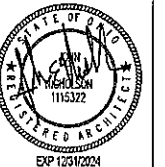
1. REMOVE PORTION OF LOAD BEARING WALL AS INDICATED. PROVIDE TEMPORARY SHORING AS NEEDED - COORD. W/ NEW WORK.
2. REMOVE EXIST. WALL FINISH (WOOD SIDING) DOWN TO STUD. SALVAGE FOR REINSTALLATION, EXTERIOR WALL TO BECOME INTERIOR WALL - COORD. W/ NEW WORK.
3. REMOVE PORTION OF FASCIA, SOFFIT & GUTTER AS NEEDED. COORD. W/ NEW WORK.
4. EXISTING DOWNSPOUT TO BE REMOVED
5. EXISTING LIGHT FIXTURE, SALVAGE FOR RELOCATION COORDINATE W/ NEW WORK.
6. REMOVE CMU AS NEEDED FOR NEW THICKENED SLAB
7. REMOVE ASPHALT SHINGLES AS NEEDED FOR NEW ROOF TIE-IN. W/ NEW WORK
8. EXISTING GENERATOR

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HILLIARD, OHIO 43026

(A/N)  
GARAGE ADDITION  
TO THE  
RICKER RESIDENCE

3191 AMITY ROAD



APPROVED BY/DATE:

DRAWN BY:  
J.U. / E.M.

CHECKED BY:  
JN

SHEET NO.:

**D301**

PROGRESS: 10/24/2024  
BID SET: 11/14/2024  
PERMIT: 02/09/2024  
REVISION: 00/00/0000

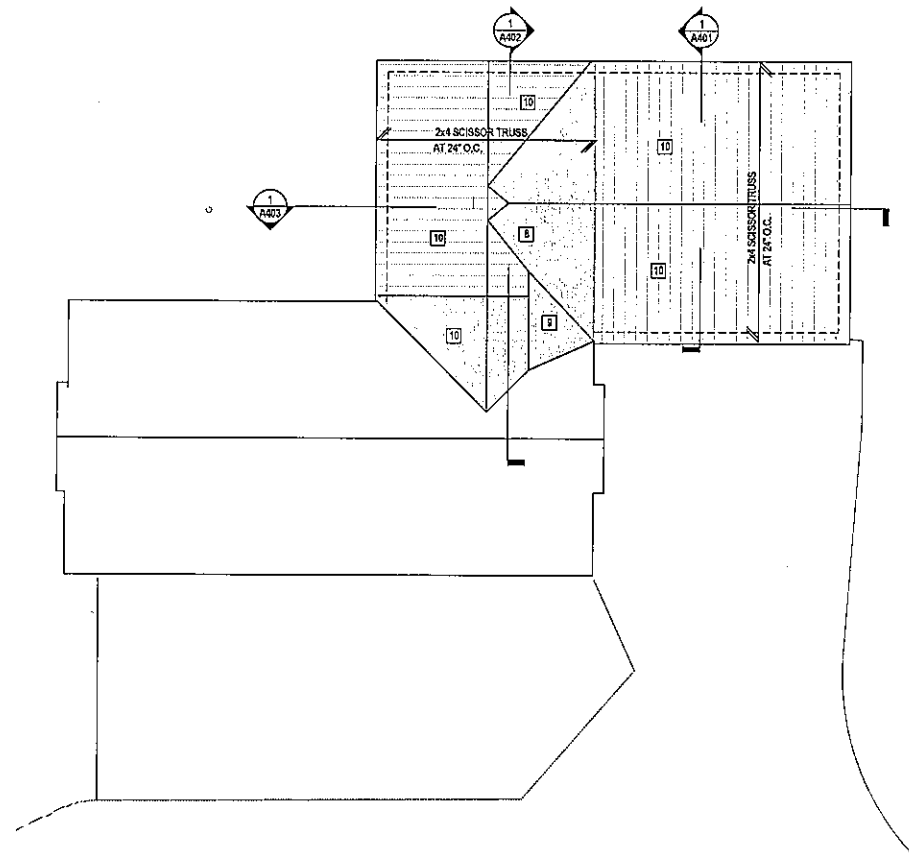
OVERLAY FRAMING SPAN TABLE			
[OVERLAY FRAMING AT 16" O.C.]		[OVERLAY FRAMING AT 24" O.C.]	
ASPHALT SHINGLES / METAL ROOFING		ASPHALT SHINGLES / METAL ROOFING	
2X4	6'-10"	2X4	6'-0"
2X6	10'-3"	2X6	9'-6"
2X8	13'-2"	2X8	12'-6"
2X10	16'-10"	2X10	18'-0"
2X12	18'-8"	2X12	18'-6"

NOTE: PROVIDE BEARING PLATE, LAID FLAT ON ROOF SHEATHING = DEPTH OF OVERLAY FRAMING MEMBER (2x6 PLATE MINIMUM)

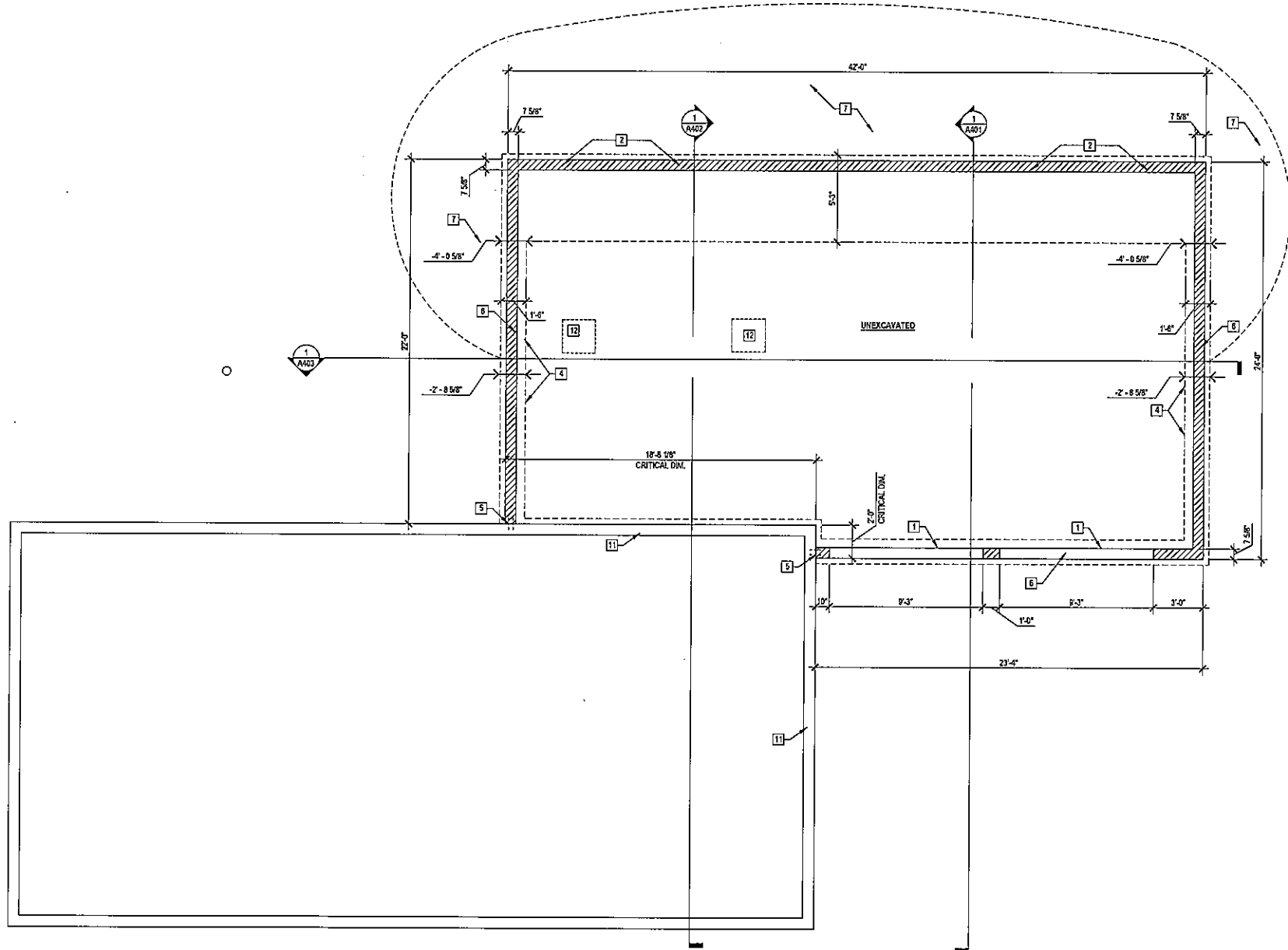
WALL TYPES	
	NEW WALL
	EXISTING WALL
	WALL WITH SOUND BATT INSULATION
	MASONRY
	POURED CONCRETE

- GENERAL PLAN NOTES**
- F.V. ALL SELECTIONS W/ INI DESIGNER PRIOR TO ORDERING
  - FINAL PLACEMENT OF ALL NEW ELECTRICAL DEVICES, SPEAKER WIRE, LIGHT FIXTURES, OUTLETS, PHONE AND CABLE JACKS WILL BE FINALIZED AT ELECTRICAL WALK THRU WITH OWNER AND PROJECT MANAGER.
  - ALL FRAMING MATERIAL TO BE SPF #2 OR BETTER
  - PROVIDE DAILY CLEANING OF JOBSITE AS NECESSARY FROM PROJECT TASKS
  - ALL DIMENSIONS ARE TO ROUGH FRAMING UNLESS NOTED AS A "FIN. DIM.", "FD", "FIN" = FINISH SURFACE
  - ALL TRIM FRAMING DETAILS ARE NOMINAL DIMENSIONS UNLESS SPECIFICALLY NOTED OTHERWISE.
  - ALL INTERIOR DOOR ROUGH FRAMING TO BE 4 1/2" OFF INTERIOR CORNER UNLESS NOTED OTHERWISE.

- CODED NOTES**
- DROPPED FOUNDATION WALL TO ALLOW FOR THICKENED CONCRETE SLAB AT DOOR - SEE SECTION WA401
  - CMU FOUNDATION WALL SEE SECTION A401, A402, AND A403
  - NA
  - STEP FOOTING AS NEEDED FOR GRADE
  - INSTALL (2) #6 REBAR DOWEL, MIN. 4" EMBEDMENT GROUT SOLID
  - CMU WALL SEE SECTION A401, A402, AND A403
  - BACKFILL EXTERIOR WITH SPOILS AND ROUGH GRADE AREA
  - SHADED AREA INDICATES OVERLAY FRAMING. - REFER TO SCHEDULE OVERLAY FRAMING SPAN TABLE, THIS SHEET, SEE BUILDING SECTION WA401 FOR MORE INFORMATION.
  - CRICKET
  - CRITICAL NOTE: UNDERLAY, ASPHALT SHINGLES AND GUTTERS BY OTHERS
  - EXISTING C.M.U. FOUNDATION
  - ADD ALTERNATE: 2 x 2 PAD OF #6 REBAR AT POST BASE



2 GARAGE ROOF PLAN  
A101 SCALE: 1/8" = 1'-0"



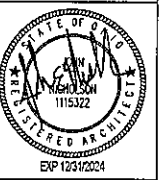
1 GARAGE FOUNDATION PLAN  
A101 SCALE: 1/4" = 1'-0"

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A(N)  
GARAGE ADDITION  
TO THE  
RICKER RESIDENCE

3191 AMITY ROAD  
HILLIARD, OHIO 43026



APPROVED BY/DATE:  
DRAWN BY:  
J.U. / E.M.  
CHECKED BY:  
JN  
SHEET NO.:  
**A101**  
PROGRESS: 10/24/2024  
BID SET: 11/14/2024  
PERMIT: 00/00/0000  
REVISION: 00/00/0000

ELECTRICAL SCHEDULE		MECHANICAL FINISH NOTES	
MARK	MODEL	WALL MOUNTED LIGHT FIXTURE	FLOOD LIGHT
D	DECORATIVE LIGHT FIXTURE PURCHASED BY HOMEOWNER INSTALLED BY ELECTRICIAN	CEILING MOUNTED LIGHT FIXTURE	ALL KODIE P-21007581
R	1L J1-WF-6S-WH-300R-1W-1W-1W D: J1-WF-6S-WH-300R-1W-1W-1W	SINGLE POLE SWITCH	SMOKE DETECTOR
G	1L J1-WF-6S-WH-300R-1W-1W-1W D: J1-WF-6S-WH-300R-1W-1W-1W	SINGLE POLE SWITCH W/ DIMMER	CARBON MONOXIDE ALARM
S	1L LOTUS-4-R3-3-SCCT-HD-RSL-1W D: LOTUS-4-R3-3-SCCT-HD-RSL-1W	DUPLEX OUTLET	SECURITY
M	1L J1-WF-6S-WH-300R-1W-1W-1W D: J1-WF-6S-WH-300R-1W-1W-1W	200V OUTLET	DOORBELL
T	1L SAT-90-445 D: SAT-90-445	QUADRUPLX OUTLET	THERMOSTAT
C1	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED	FLOOR OUTLET	SPEAKER
C2	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED	RETURN FLOOR	
P	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED	RETURN WALL	SUPPLY FLOOR
PA	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED	RETURN WALL	SUPPLY WALL
F	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED	ETR ELECTRIC	NEW ELECTRIC
FL	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED	ETR HVAC	NEW HVAC
FC	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED		
N	1L N1-4-38-4-1W-LED-20T D: 7.5" 1" NICHE LED WHITE CEILING MOUNTED		

MECHANICAL FINISH NOTES	
WALL MOUNTED LIGHT FIXTURE	FLOOD LIGHT
CEILING MOUNTED LIGHT FIXTURE	ALL KODIE P-21007581
SINGLE POLE SWITCH	SMOKE DETECTOR
SINGLE POLE SWITCH W/ DIMMER	CARBON MONOXIDE ALARM
DUPLEX OUTLET	SECURITY
200V OUTLET	DOORBELL
QUADRUPLX OUTLET	THERMOSTAT
FLOOR OUTLET	SPEAKER
RETURN FLOOR	
RETURN WALL	SUPPLY FLOOR
	SUPPLY WALL
ETR ELECTRIC	NEW ELECTRIC
ETR HVAC	NEW HVAC

**GENERAL PLAN NOTES**

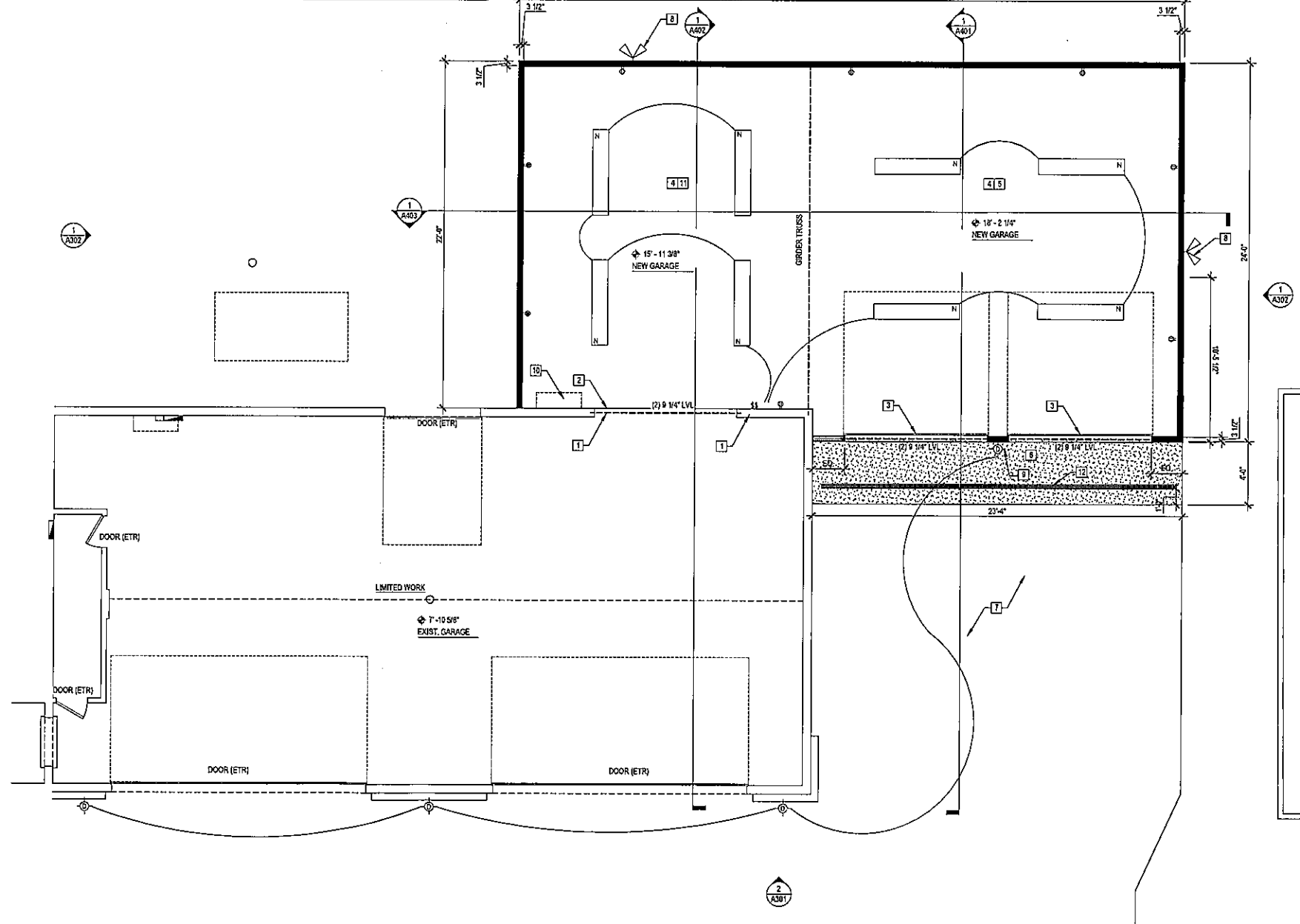
- F.V. ALL SELECTIONS W/ MBI DESIGNER PRIOR TO ORDERING
- FINAL PLACEMENT OF ALL NEW ELECTRICAL DEVICES, SPEAKER WIRE, LIGHT FIXTURES, OUTLETS, PHONE AND CABLE JACKS WILL BE FINALIZED AT ELECTRICAL WALK THRU WITH OWNER AND PROJECT MANAGER.
- ALL FRAMING MATERIAL TO BE SPF #2 OR BETTER
- PROVIDE DAILY CLEANING OF JOBSITE AS NECESSARY FROM PROJECT TASKS
- ALL DIMENSIONS ARE TO ROUGH FRAMING UNLESS NOTED AS A "FIN, DIM", "FD", "FIN" = FINISH SURFACE
- ALL TRIM FRAMING DETAILS ARE NOMINAL DIMENSIONS UNLESS SPECIFICALLY NOTED OTHERWISE.
- ALL INTERIOR DOOR ROUGH FRAMING TO BE 4 1/2" OFF INTERIOR CORNER UNLESS NOTED OTHERWISE.

**WALL TYPES**

- NEW WALL
- EXISTING WALL
- WALL WITH SOUND BATT INSULATION
- MASONRY
- POURED CONCRETE

**CODED NOTES**

- PATCH/REPAIR DRYWALL WALLS AT DEMO LOCATIONS AS NEEDED FOR NEW WORK.
- NEW CASER OPENING, PREP FOR FUTURE GARAGE DOOR
- NEW 9'-0" x 7'-2" CLIPRAY MODEL 44H1 CLASSIC LINE OF WOOD DOORS. SOLID EXTRA FRAME GARAGE DOOR. TRACK TO FOLLOW SLOPE OF CEILING. PREP ELECTRICAL FOR FUTURE JACK SHAFTE OPENER
- NEW 6" CONCRETE SLAB. SEE SECTION A401, A402, AND A403
- OWNER PROVIDED BENDPAK FOUR POST LIFT, MODEL: HD-9XV.
- NEW 4'-0" CONCRETE APRON
- NEW/REPAIRED ASPHALT BY OTHERS.
- NEW FLOOD LIGHT. FIELD VERIFY LOCATION WITH CLIENT
- NEW DECORATIVE SCENE TO M.E.
- ALL HVAC WORK TO BE COORDINATED AND PAID BY OWNER.
- OWNER PROVIDED BENDPAK TWO POST LIFT 10AP
- TRENCH DRAIN WITH METAL COVER



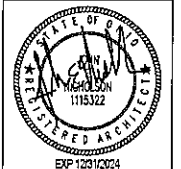
**1 GARAGE PLAN**  
A102 SCALE: 1/4" = 1'-0"

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A(N)  
**GARAGE ADDITION TO THE RICKER RESIDENCE**

HILLIARD, OHIO 43026

3191 AMITY ROAD



APPROVED BY/DATE:

DRAWN BY:  
J.U. / E.M.

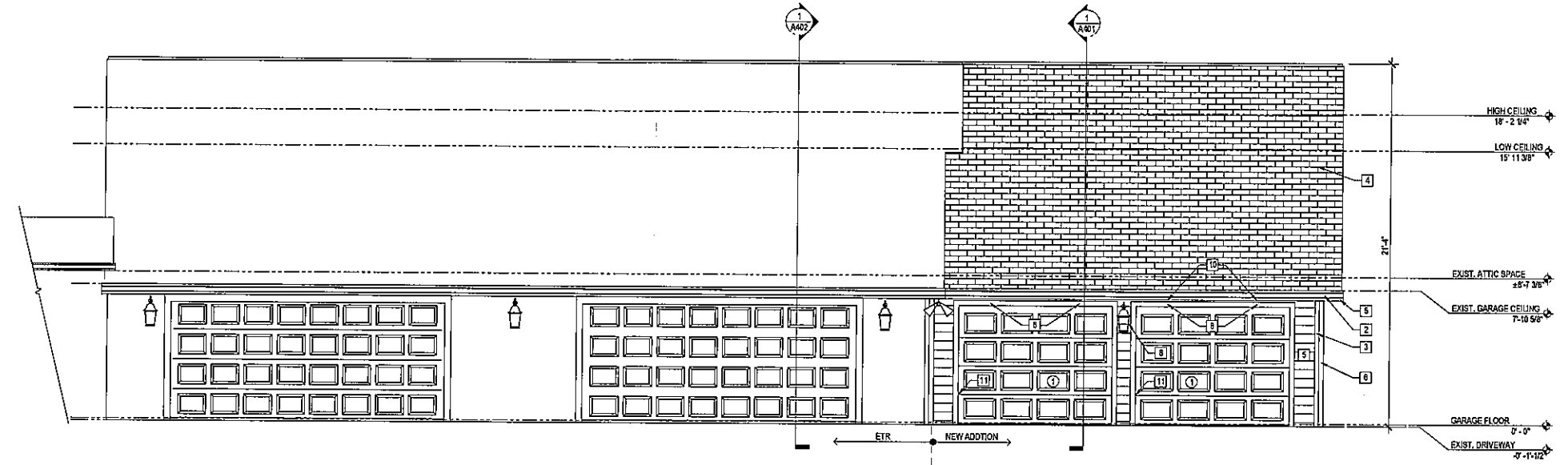
CHECKED BY:  
JN

SHEET NO.:  
**A102**

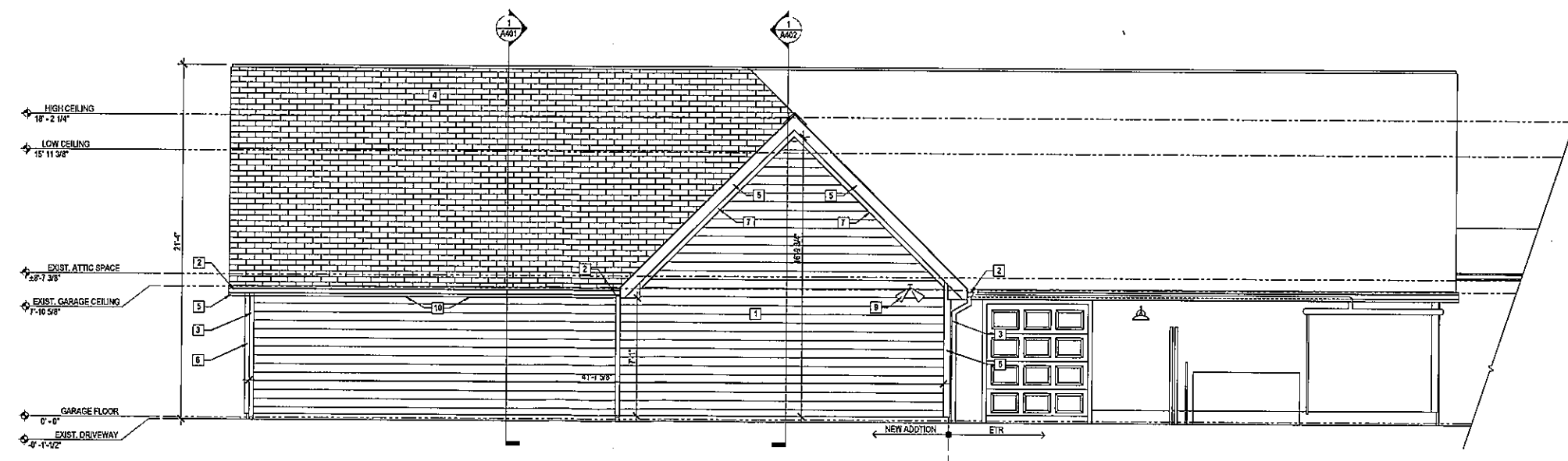
PROGRESS: 10/24/2024  
BID SET: 11/14/2024  
PERMIT: 03/09/2024  
REVISION: 03/09/2024

- CODED NOTES**
1. NEW HARDIE SIDING TO MATCH EXISTING
  2. NEW GUTTERS BY OTHERS
  3. NEW DOWNSPOUT BY OTHERS - DRAIN TO DAYLIGHT
  4. NEW UNDERLAY AND ASPHALT SHINGLE ROOF BY OTHERS
  5. 1x8 HARDIE TRIM TO M.E.
  6. 1x8 HARDIE CORNER TRIM TO M.E.
  7. 1x4 HARDIE TRIM TO M.E.
  8. NEW DECORATIVE LIGHT TO M.E.
  9. NEW FLOOD LIGHT, F.V. LOCATION WITH CLIENT
  10. HARDIE SOFFIT
  11. 1x HARDIE JAMB RETURNS AT SIDES AND TOP OF GARAGE DOOR

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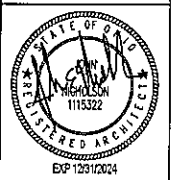


**2 EAST ELEVATION**  
 A301 SCALE: 1/4" = 1'-0"



**1 WEST ELEVATION**  
 A301 SCALE: 1/4" = 1'-0"

HILLIARD, OHIO 43026  
 3191 AMITY ROAD  
 (A/N)  
 GARAGE ADDITION  
 TO THE  
 RICKER RESIDENCE



APPROVED BY/DATE:

DRAWN BY:  
 J.U. / E.M.

CHECKED BY:  
 JN

SHEET NO.:  
**A301**

PROCESS: 10/24/2024  
 BID SET: 11/14/2024  
 PERMIT: 00/00/0000  
 REVISION: 00/00/0000



- X** CODED NOTES
1. NEW HARDIE SIDING TO MATCH EXISTING
  2. NEW GUTTER BY OTHERS
  3. NEW DOWNSPOUT BY OTHERS - DRAIN TO DAYLIGHT
  4. NEW UNDERLAY AND ASPHALT SHINGLE ROOF BY OTHERS
  5. 1x3 HARDIE TRIM TO M.E.
  6. 1x4 HARDIE CORNER TRIM TO M.E.
  7. 1x4 HARDIE TRIM TO M.E.
  8. N/A
  9. NEW FLOOD LIGHT, F.V. LOCATION WITH CUENT
  10. CRUCKET
  11. HARDIE SOFFIT
  12. BACKFILL EXTERIOR WITH SPOILS AND ROUGH GRADE AREA

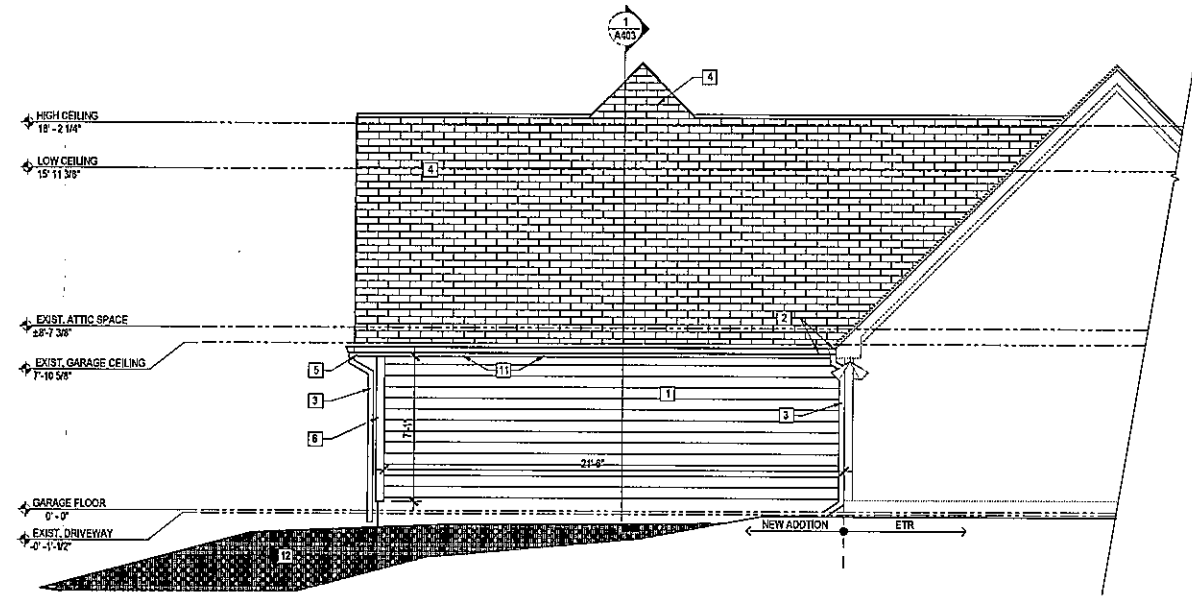
**NICHOLSON**  
 DESIGN - BUILD FOR LIFE

6235 Birch Blvd., Columbus, Ohio 43229 (614) 842-2388 Fax: (614) 842-2700  
 All drawings are the property of Nicholson Builders Inc. and may not be used or reproduced without written consent. Nicholson Builders Inc. is an Equal Opportunity Employer.

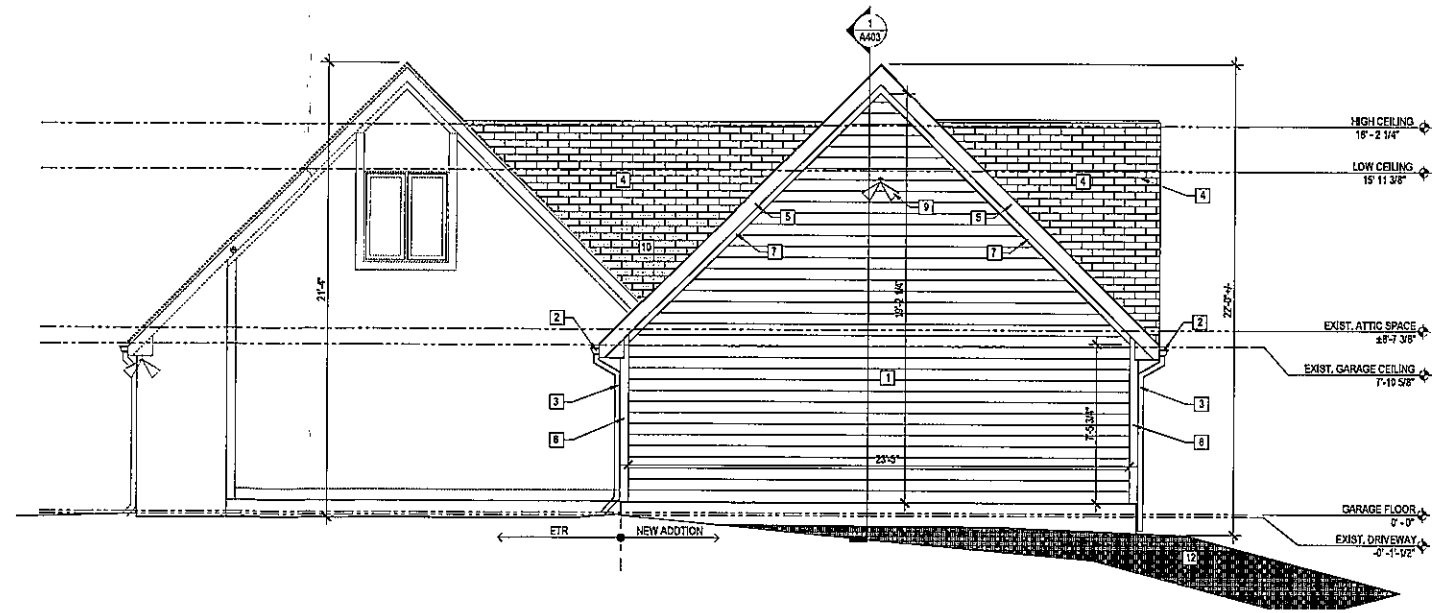
HILLIARD, OHIO 43026

(A/N)  
 GARAGE ADDITION  
 TO THE  
 RICKER RESIDENCE

3191 AMITY ROAD



**2** SOUTH ELEVATION  
 A302 SCALE: 1/4"=1'-0"



**1** NORTH ELEVATION  
 A302 SCALE: 1/4"=1'-0"



APPROVED BY/DATE:

DRAWN BY:  
 J.U. / E.M.

CHECKED BY:  
 JN

SHEET NO.:  
**A302**

PROCESS: 10/24/2024  
 BID SET: 11/14/2024  
 PERMIT: 00/00/0000  
 REVISION: 00/00/0000

RECEIVED

NOV 13 2024

Franklin County Planning Department  
Franklin County, OH

Case #VA-4114



WEST VIEW



SOUTH VIEW



EAST VIEW



NORTH VIEW



Franklin County  
Board of Commissioners

**ECONOMIC DEVELOPMENT  
& PLANNING**

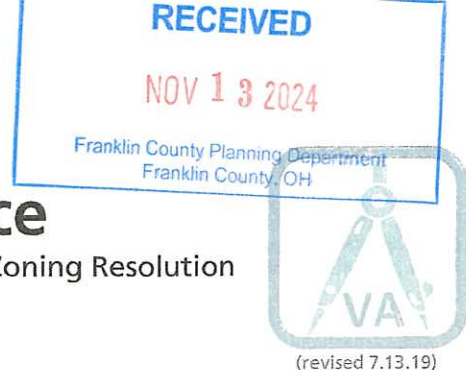
Economic Development & Planning Department  
James Schimmer, Director

Application for

**Zoning Variance**

Pursuant to Section 810 of the Zoning Resolution

Page 1 of 7



**Property Information**

Site Address: 3191 AMITY RD  
 Parcel ID: 120-000906-00 Zoning District: RURAL (R)  
 Lot Acreage: 7.893 Township: BROWN

**Property Owner Information**

Name: JAMES & DEBRA RICKER  
 Address: 3191 AMITY RD  
 Phone # 614-940-1416 Fax #  
 Email: galt@startmail.com

**Applicant Information**  Same as property owner

Name: NICHOLSON BUILDERS JOHN NICHOLSON / ERIK MAXWELL  
 Address: 6525 BUSCH BLVD  
 COLUMBUS, OHIO 43229  
 Phone # 614-846-7388 Fax # 614-846-7390  
 Email: erik@nicholsonbuilders.com

**Agent Information**

Name: Nicholson Builders - JOHN NICHOLSON  
 Address: 6525 BUSCH BLVD  
 COLUMBUS, OHIO 43229  
 Phone # 614-846-7388 Fax # 614-846-7390  
 Email: erik@nicholsonbuilders.com

**Staff Use Only**

Case # VA-4114  
 Date Filed: 11/14/2024  
 Received By: Kayla J.  
 Fee Paid: \$350  
 Receipt Number: 24-04259  
 Hearing Date: 12/16/2024  
 Technical Review: 11/26/2024  
 Zoning Compliance #:

**Checklist**

- Completed Application
- Fee Payment (checks only)
- Auditor's Map (8.5"x11")
- Site Map (max 11"x17")
- Covenants and deed
- Notarized signatures
- Proof of water/wastewater supply
- Copy of denied Zoning Certificate
- Copy of denial letter

**Water & Wastewater**

- Water Supply**
- Public (Central)
  - Private (On-site)
  - Other
- Wastewater Treatment**
- Public (Central)
  - Private (On-site)
  - Other



# Zoning Variance



Case# VA-

**Variance(s) Requested:**

Section: ~~650.20~~ VARIANCE WITHIN RIPARIAN SETBACK

Description: VARIANCE FOR GARAGE ADDITION

Section: 650.162 (a)

Description: Construction

Section: 650.162 (b)

Description: Grading

**Describe the project:**

PROPOSED IS A ONE STORY ATTACHED GARAGE ADDITION. A PORTION OF THE PROPOSED GARAGE WILL ENCRoACH INTO THE RIPARIAN SETBACK. THE EXISTING RIPARIAN SETBACK COVERS 46.4% OF THE TOTAL PROPERTY LOT AREA. THE PROPOSED VARIANCE WILL AFFECT 0.1% OF THAT AREA.

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

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

WITH THE HOUSE PLACEMENT/CONSTRUCTION IN 1989 AND THE RIPARIAN SETBACK ESTABLISHED IN 2006 HARDSHIP WAS CREATED FOR ANY ADDITION OR WORK TO THE REAR (WEST) OF THE HOME.



# Zoning Variance



Case# VA-

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

FOR A TYPICAL RURAL (R) ZONING CLASSIFICATION THE RIPARIAN SETBACK DOES NOT COME INTO PLAY.

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

THE HOME WAS BUILT PRIOR TO THE ESTABLISHMENT OF THE RIPARIAN SETBACK.

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

WE BELIEVE A MINOR VARIANCE OF THIS NATURE IS TYPICAL WHEN A HOME IS BUILT PRIOR TO A NEW ZONING CODE BEING ESTABLISHED. SOME EXISTING HOMES ARE SUBSTANTIALLY IN THE RIPARIAN SETBACK.

5. Would granting the variance adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity?

THE PROPOSED ADDITION WILL NOT AFFECT THE SURROUNDING NEIGHBORS OR FUTURE PUBLIC IMPROVEMENTS.

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

THE PROPERTY COULD BE SOLD "AS-IS" BUT A GARAGE EXPANSION WOULD NOT BE FEASIBLE WITHOUT A VARIANCE DUE TO THE EXISTING DRIVEWAY (EAST) SIDE YARD SETBACK (NORTH) AND RIPARIAN SETBACK (WEST)





# Zoning Variance



Case# VA-

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

THE CURRENT RIPARIAN SETBACK COVERS 46.4% OF THE TOTAL LOT AREA (TLA) THE PORTION OF THE PROPOSED GARAGE ADDITION WILL ENCRPOACH ONLY .1% (46.3%)

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

THE CHARACTER OF THE NEIGHBORHOOD WOULD ONLY BE ENHANCED WITH THE PROPOSED ADDITION. NO ADJOINING PROPERTIES WOULD BE AFFECTED

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

THE PROPOSED GARAGE ADDITION WILL NOT AFFECT ANY GOVERNMENTAL SERVICES. THE CURRENT PROPERTY IS SERVICED BY AN ONSITE WELL AND SEPTIC SYSTEM.

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

THE HOMEOWNER HAD NO KNOWLEDGE OF THE NEW RIPARIAN SETBACK ESTABLISHED IN 2006.

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

BASED ON THE CURRENT LOCATION OF THE RIPARIAN SETBACK AND THE CURRENT GARAGE LOCATION NO OTHER OPTION IS FEASIBLE.

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

UNDERSTANDING THE VALUE OF THE RIPARIAN SETBACK AND THE PRESERVATION OF OUR WATERWAYS ALL POSSIBLE EFFORT HAS BEEN MADE TO MINIMIZE THE ENCRPOACHMENT INTO THE SETBACK



Franklin County  
Board of Commissioners

# ECONOMIC DEVELOPMENT & PLANNING

Economic Development & Planning Department  
James Schimmer, Director

## Application for Zoning Variance

Pursuant to Section 810 of the Zoning Resolution

Page 5 of 7



Case# VA-

### Affidavit \*\*

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form and all applicable requirements of the Franklin County Zoning Resolution. The affiant further acknowledges that 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 an approved Variance has not been used within one (1) year of its date of 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 or continue without either renewing the Variance or receiving a new Variance approval from the Board of Zoning Appeals in accordance with Section 810 of the Franklin County Zoning Resolution.

*[Handwritten signature]*  
Applicant/Authorized Agent \*

*11/12/24*  
Date

*[Handwritten signature]*  
Property Owner (signature must be notarized)

*11/12/24*  
Date

Property Owner (signature must be notarized)

Date

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

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

*Karen L. Stone*





## Application Instructions

Please submit the following:

1. Application Form  
Completed application form with notarized signatures
2. Fee - non refundable \*Please refer to our most current fee schedule by visiting [www.franklincountyohio.gov/edp](http://www.franklincountyohio.gov/edp)  
Checks only payable to *Franklin County Treasurer*
3. Covenants or deed restrictions  
Provide a copy of your deed with any deed restrictions  
You can access and print a copy by visiting: [www.franklincountyohio.gov/recorder](http://www.franklincountyohio.gov/recorder)
4. Auditor's Tax Map  
Provide a map showing the subject property and all land within 500 feet of the property.  
You can access and print a copy of the map by visiting: [www.franklincountyohio.gov/auditor](http://www.franklincountyohio.gov/auditor)
5. Site Map - Refer to Page 7
6. Proof of utility service  
Provide proof from the provider of your water and wastewater services

*Note: If centralized water and/or sewer services are provided by a private/public entity, you must provide a letter or current bill verifying that services are provided or access is available. If you're proposing an on-lot septic system or well, please provide information from the Franklin County Board of Health (or appropriate agency).*





### Site Plan Requirements

- The site plan must be prepared by a design professional (i.e. registered surveyor, engineer and/or architect) and include all items required under Sections 705.022 and 810.022 of the Franklin County Zoning Resolution
  - *Site plans which are incomplete and/or not drawn to scale will not be accepted.*
- Two (2) copies - minimum size of 8.5"x11" paper, maximum size of 11"x17" paper \*Larger size copies are acceptable in addition to the min./max. sizes required
- North arrow and appropriate scale (i.e. 1 inch = 20 feet)
- Property lines, with the exact dimensions of the lot labeled
- Street right-of-way boundaries including street centerline
- The exact dimensions and location of all existing buildings (principal and accessory), structures (decks, patios, pools, paved parking areas, courtyards, etc.) and driveways/access points, indicating setbacks of each from property lines with measurements/distances labeled
- The exact dimensions, height and location of all proposed buildings, structures, additions, or modifications to the property, indicating setbacks from property lines with measurements/distances labeled
- Landscaping details - provide the quantity, location, size and plant species (Ohio Native Non-Invasive Only) used
- All open space areas including calculations (percentage) of impervious vs. pervious surface
- Building elevations and/or architectural renderings
- Parking layout with required parking calculations provided
- Lighting details - location, type of fixture (illustration), height and strength (footcandles/lumens)
- Existing and intended uses of all buildings and structures
  - *If multiple uses are being conducted within one building, the site plan must reflect the area of the building being occupied by each individual use*
- All easements and above/below ground utilities
- Regulatory floodplain (Floodway and Floodway Fringe) and riparian setback boundaries, when applicable
- All existing and proposed above and below ground drainage and stormwater features
  - *Refer to the Franklin County Stormwater Drainage Manual*
- Site topography (two (2) ft. contour intervals)
- Details regarding the location, height, maintenance and screening for any existing or proposed trash dumpster
- Screening details - *Refer to Section 521 of the Franklin County Zoning Resolution*
- Provisions for water and sanitary services including the the exact location, dimensions and setbacks from property lines and structures of all private/public water and wastewater treatment facilities
  - *If public water and sewer services are provided, proof of services must be submitted*
- All areas of disturbance, including grading, filling, clearing, excavating, etc.
- Erosion and sediment control plan
- All fence locations, indicating height and material(s) used
- Any other information with regard to the lot or neighboring lots which may be necessary to determine and provide for the enforcement of the Franklin County Zoning Resolution
  - *Please note that the requirements mentioned above, or portions of, may be waived by the Administrative Officer when, in his/her opinion, the applicant has satisfactorily demonstrated that all aspects relative to the above have been suitably addressed*