



Commissioner Kevin L. Boyce • Commissioner Marilyn Brown • Commissioner John O’Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

# Franklin County Board of Zoning Appeals

Franklin County Courthouse  
Commissioner’s Hearing Room – 26th Floor  
Columbus, OH 43215

Monday, August 20, 2018  
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the July 16, 2018 meeting
5. Old Business:

i. VA-3904 – Brad Fisher - *Request to table to October 15, 2018*

<b>Owner/Applicant:</b>	James & Charlene Davison
<b>Agent:</b>	Pomeroy & Associates
<b>Township:</b>	Norwich Township
<b>Location:</b>	4180 Saturn Rd. (PID #200-001828)
<b>Acreage:</b>	4.400-acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a Variance from Sections 302.021(a (1)), 302.041(a) and 302.042 of the Franklin County Zoning Resolution to allow for the creation of two lots that would result in a residual lot of less than 5-acres and create two lots that fail to meet the minimum lot size requirement of 2.5 acres or provide for 150 feet of road frontage in an area zoned Rural.

6. New Business:

i. VA-3906 – Phil Ashear

<b>Owner:</b>	Javlin Finnel
<b>Applicant:</b>	Mark & Lisa Finnell
<b>Agent:</b>	Jackson B. Reynolds
<b>Township:</b>	Pleasant Township
<b>Location:</b>	Avon Dr. (PID #230-002254)
<b>Acreage:</b>	0.210-acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a variance to Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) to allow the construction of a new home, driveway and parking facility in the Big Darby Watershed Riparian Setback area with an access drive that exceeds the maximum permitted width and parking facility that fails to meet the minimum parking setback in an area zoned Rural.

ii. VA-3907 – Phil Ashear

<b>Owner:</b>	Gustavo Salazar
<b>Applicant:</b>	Michael J. Maistros
<b>Agent:</b>	Timothy Owens
<b>Township:</b>	Franklin Township
<b>Location:</b>	255 Georgesville Rd. (PID #140-007119)
<b>Acreage:</b>	7.21-acres
<b>Utilities:</b>	Public water and wastewater
<b>Request:</b>	Requesting Variances from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) to allow for development that: would include a dumpster/compactor that does not meet location or setback requirements, would not meet setback requirements for a principal structure along a primary or non-primary road, would not meet the required width of a principal structure, and would not meet the requirements for parking setback or location in the Smart Growth Overlay.

iii. VA-3908 – Phil Ashear

<b>Owner/Applicant:</b>	1350 Emig Road, LLC
<b>Agent:</b>	Jackson B. Reynolds, III
<b>Township:</b>	Franklin Township
<b>Location:</b>	1306 Emig Road (PID #140-000139)
<b>Acreage:</b>	2.270-acres
<b>Utilities:</b>	Public water and wastewater
<b>Request:</b>	Requesting a Variance from Sections 332.042(c), 332.045, 501.012(a), 501.013, 501.014(a), 501.024(a), 501.024(b), and 531.011(2) of the Franklin County Zoning Resolution to allow the site to not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, and parking surface in an area zoned Community Service.

**iv. VA-3909 – Brad Fisher**

<b>Owner/Applicant:</b>	Emig Road, LLC
<b>Agent:</b>	Jackson B. Reynolds, III
<b>Township:</b>	Franklin Township
<b>Location:</b>	1350 Emig Road (PID #140-000386)
<b>Acreage:</b>	9.440-acres
<b>Utilities:</b>	Private water and public wastewater
<b>Request:</b>	Requesting a Variance from Sections 346.042, 346.043(a), 346.044(a), 346.048, 501.013, 501.024(b), 521.012, 531.011(2) and 531.041(2) of the Franklin County Zoning Resolution to allow the site to not meet the minimum lot width, side yard setbacks, rear yard setbacks, minimum landscaped open space, include barbed wire topped chain link fencing, screening from public streets and park vehicles on a gravel surface in an area zoned General Industrial (GI).

**7. Adjournment of Meeting to September 17, 2018**



**Commissioner** Kevin L. Boyce • **Commissioner** Marilyn Brown • **Commissioner** John O'Grady  
President

**Economic Development & Planning Department**  
James Schimmer, Director

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

**Monday, July 16, 2018**

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, July 16, 2018.

Present were:

Christopher Baer, Chairperson  
Tim Guyton, Vice Chairperson  
Paula Armentrout  
Nancy Hunter

Franklin County Economic Development and Planning Department members:

Matt Brown, Planning Administrator  
Phil Ashear, Planner

Chairperson Baer opened the hearing.

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

The next item of business was the approval of the minutes from the June 18, 2018, meeting. Ms. Armentrout made a motion to approve the minutes. It was seconded by Mr. Guyton. The motion was approved by a vote of three yeases and one abstention.

**NEW BUSINESS:**

The next order of business being Case No. VA-3904. The applicants are James and Charlene Davison. The township is Norwich Township. The site is located at 4180 Saturn Road. It is 4.400 acres in size, and it is served by private water and wastewater. The request is to table the case until August 20, 2018. Chairperson Baer made a motion to have the Economic Development and Planning Department make a full presentation on the case details. It was seconded by Ms. Hunter. The motion failed by a tie vote of two to two. Mr. Guyton made a motion to have the Economic Development and Planning Department make an abbreviated presentation on the case details. It was seconded by Ms. Armentrout. The motion was approved by a vote of three yeases and one no.

The request is for a Variance from Sections 302.021(a)(1), 302.041(a), and 302.042 of the Franklin County Zoning Resolution to allow for the construction of two lots that would result in a residual lot of less than 5 acres and create two lots that fail to meet the minimum lot size requirement of 2.5 acres or provide for 150 feet of road frontage in an area zoned Rural. Mr. Brown read and presented the case to the Franklin County Rural Zoning Commission. Chairperson Baer made a motion to table Case No. VA-3904 until the August 20th, 2018, meeting. It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

The next order of business being Case No. CU-3905. The applicants are Michelle and Kyle Copeland. The township is Pleasant Township. The site is located at 5406 Beatty Road. It is 48.290 acres in size, and it is served by private water and wastewater. The request is for a Conditional Use from Section 302.031 of the Franklin County Zoning Resolution to allow a mobile home to serve as a temporary residence in an area zoned Rural. Mr. Ashear read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Case No. CU-3905 with four Staff conditions. It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

There being no further business to come before the Franklin County Board of Zoning Appeals, Chairperson Baer made a motion to adjourn the hearing. The motion was seconded by Ms. Armentrout. The motion was approved by unanimous vote. The proceedings were adjourned at 2:41 p.m.

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Signature

Minutes of the July 16, 2018, Franklin County Board of Zoning Appeals hearing were approved this 20th day of August, 2018.



August 1, 2018

Mr. Brad Fisher, Planner  
Franklin County Board of Zoning Appeals  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215

*Via Hand Delivery*

Dear Mr. Fisher:

This notice is a request on behalf of Applicant, James and Charlene Davison, to table matter VA-3904 before the Board of Zoning Appeals to the hearing date of October 15, 2018, with submission of an amended application on or before September 13, 2018. Enclosed herewith is a tabling fee of \$150.00.

Thank you for your attention to this matter.

Sincerely,



Rebecca J. Mott



VA-3904



Commissioner Kevin L. Boyce • Commissioner Marilyn Brown • Commissioner John O’Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
August 20, 2018

### Case VA-3906

Prepared by: Phil Ashear

<b>Applicant/Agent:</b>	Mark and Lisa Finnell
<b>Owner:</b>	Javlin Finnell
<b>Township:</b>	Pleasant Township
<b>Site:</b>	Avon Drive (PID # 230-002254)
<b>Acreage:</b>	.21 acres
<b>Zoning:</b>	Rural
<b>Utilities:</b>	Private water and public wastewater
<b>Request:</b>	Requesting a variance to Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) to allow the construction of a new home, driveway and parking facility in the Big Darby Watershed Riparian Setback area with an access drive that exceeds the maximum permitted width and parking facility that fails to meet the minimum parking setback in an area zoned Rural.

### Summary

The applicant is requesting variances in order to construct a new home with associated driveway and parking facility within an area effected by the Big Darby Watershed Riparian Setbacks.

Staff recommends approval with conditions of the request.

### Description of the Request

The subject site is located on the north side of Avon Drive, approximately 160 feet north of the Big Darby Creek. The property is zoned Rural in unincorporated Pleasant Township. The site is entirely within the Big Darby Watershed Riparian Setback which effectively prohibits development. The applicant is proposing to build a new home with a driveway and parking area within the Riparian setback.

### Surrounding Area

The entire area surrounding the property is zoned Rural and located in the unincorporated village of Darbydale. The Big Darby Creek meanders both west and south of the subject site. Also located to the west is the Battelle Darby Creek Metro park and Hellbranch Run is to the east.

### Comprehensive Plan

The subject site is located within the planning areas of the Big Darby Accord Watershed Masterplan and the Pleasant Township Comprehensive Plan. These plans were adopted in 2006 and 2009, respectively.



The Big Darby Accord Watershed Masterplan recommends residential development of approximately 3-5 units per acre while the Pleasant Township Comprehensive Plan recommends residential development of 4-8 units per acre. The proposed development and the surrounding Darbydale area are in keeping with these recommendations.

### **Staff Review**

#### Variance from Section 504.012 – Parking Setback:

- Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to 40% of the required setback distance.
  - The proposed driveway/parking facility would extend from the proposed building line to the property line. The proposed driveway is 26 feet wide, and any paved area in excess of 18 feet in width is considered a parking area.
    - The requested variance would result in approximately 125 sq. ft. of additional paved surface.

#### Variance from Section 531.042(1) – Width of Residential Access Drive:

- An access drive shall not exceed eighteen (18) feet in width, except at curb returns. All new curb cuts shall require approval from the Franklin County Engineer or appropriate legal authority.
  - The applicant is requesting a variance to allow the construction of a 26 foot wide driveway.
    - A variance of eight (8) feet is required.

#### Variance from Section 650.162(a) – List of Prohibited Uses (Construction):

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
  - The proposed development includes the construction of a single-family home that would be in the Riparian Setback.
    - A variance is required to allow this development to occur.

#### Variances from Section 650.162(d) – List of Prohibited Uses (Roads or Driveways):

- Installation of roads or driveways is prohibited.
  - The proposed development includes a driveway/parking facility that would be 26 feet wide at the property line extending to the front of the proposed house.
    - A Variance is requested to allow construction of the driveway/parking facility.

### **Technical Review Agencies**

#### Franklin Soil and Water Conservation District

- Indicated that mitigation must be provided to address impervious surfaces in the riparian setback.

#### Franklin County Sanitary Engineer's Office

- Noted that public sanitary sewer is available. The applicant would be responsible for paying the tap fee. Additionally, the applicant would be responsible for the cost of a private grinder and lift station if the elevation will not allow for gravitational flow.

No other agencies expressed concerns.

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

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

- 1) *That special conditions and circumstances exist which are peculiar to the structure/property involved which are not applicable to other structures/property in the same zoning district;*

- » The applicant noted the existence of the Big Darby Creek Riparian Setback covering the entire property constitutes a special circumstance. The applicant also noted that the property was platted prior to the establishment of the Riparian Setback.
  - » Staff agrees that the Riparian Setback constitutes a special circumstance as there is no area outside the Setback in which to develop.
- 2) *That a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
    - » The applicant indicated that a literal interpretation of the Zoning Resolution would deprive the applicant of any ability to develop the proposed home and driveway.
    - » Staff agrees that a literal interpretation of the Zoning Resolution would make development impossible on the property.
  - 3) *That the special circumstances and conditions of this request do not result from the action of the applicant;*
    - » The applicant stated and staff agrees that the special circumstance is not a result of any action taken by the applicant.
  - 4) *That granting the variance requested will not confer on the applicant special privileges that are denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
    - » The applicant stated that granting the Variance would not confer special privileges.
    - » Staff agrees that this site is subject to unique circumstances and granting the variance would not confer special privileges on the applicant.
  - 5) *That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property in the vicinity;*
    - » The applicant indicated that granting the Variance would not cause any issues to persons in the neighborhood nor be detrimental to public welfare.
    - » Staff agrees that granting the Variance would not be injurious to persons or property in the vicinity as the applicant has agreed to work with the Franklin Soil and Water Conservation District to mitigate the impact of development.

### **Recommendation**

Staff recommendation is that the BZA **approve with conditions** a Variance from Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) to allow the construction of a new home, driveway and parking facility in the Big Darby Watershed Riparian Setback area with an access drive that exceeds the maximum permitted width and parking facility that fails to meet the minimum parking setback in an area zoned Rural. The conditions are as follows:

1. The applicant must apply for and receive a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive a building permit from the Franklin County Building Department.
3. The applicant must work with the Franklin Soil and Water Conservation District on storm water mitigation efforts.
4. The applicant must work with the Franklin County Sanitary Engineer's office regarding gravitation flow of public wastewater and a private grinder/lift station if applicable.

**Resolution**

For your convenience, the following is a proposed resolution for staff's recommendation of approval for a Variance from Section 504.012, 531.042(1), 650.162(a) and 650.162(d):

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

\_\_\_\_\_ moves to approve a Variance from Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3906 with the conditions in staff's recommendation.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for a variance from Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3906 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:









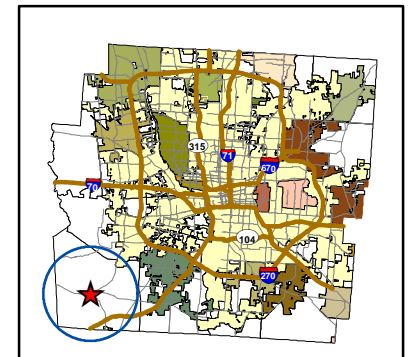


## VA-3906

Requesting a variance to Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) to allow the construction of a new home, driveway and parking facility in the Big Darby Watershed Riparian Setback area with an access drive that exceeds the maximum permitted width and parking facility that fails to meet the minimum parking setback in an area zoned Rural.

Acres: 0.210  
Township: Pleasant

-  Avon Dr
-  Parcels
-  Streets
-  Stream Buffers
-  Floodway Fringe (100 year)
-  Floodway





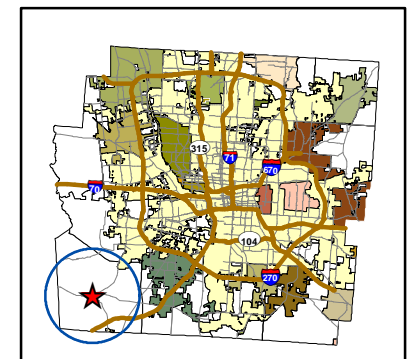


## VA-3906

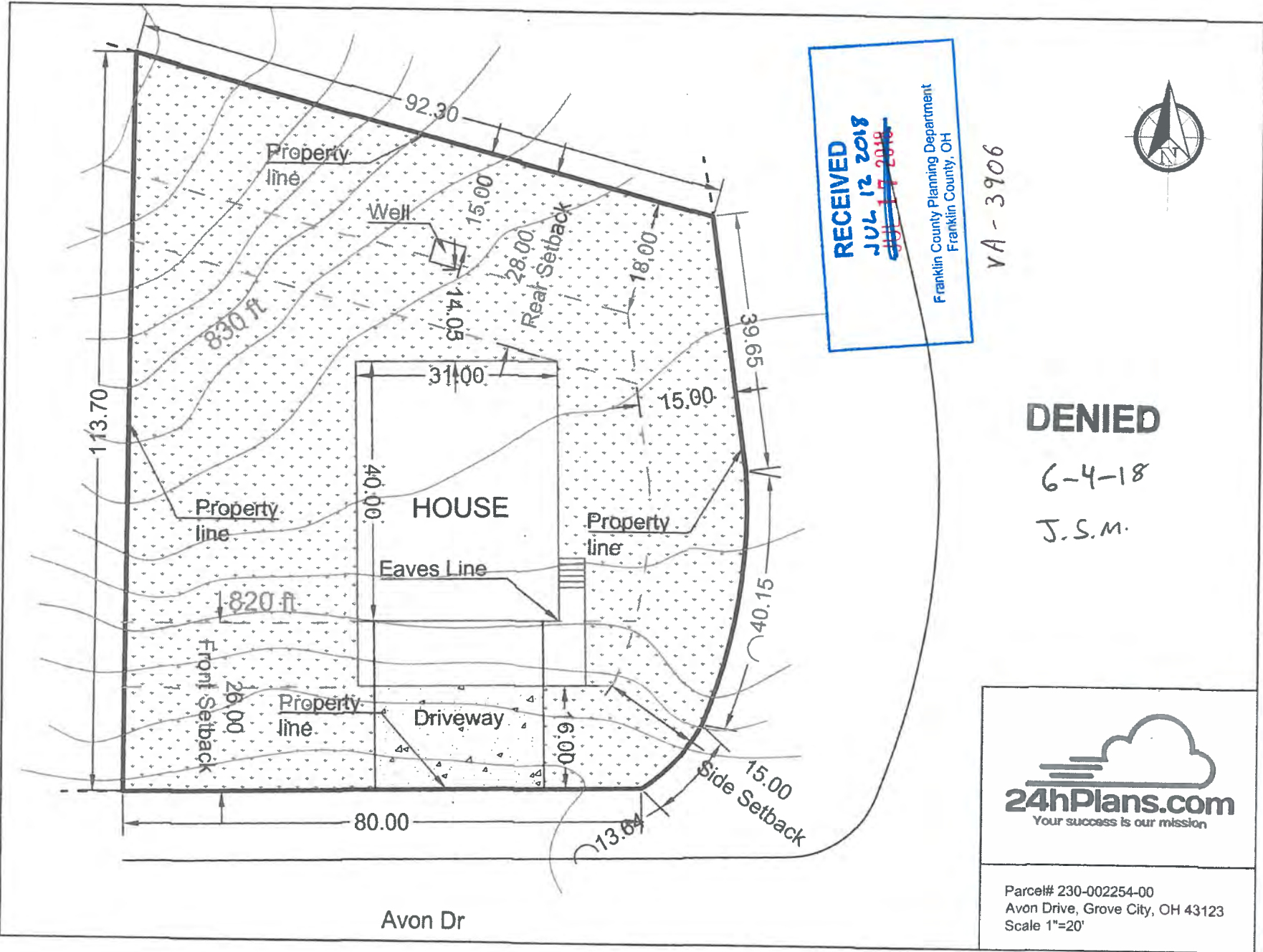
Requesting a variance to Sections 504.012, 531.042(1), 650.162(a) and 650.162(d) to allow the construction of a new home, driveway and parking facility in the Big Darby Watershed Riparian Setback area with an access drive that exceeds the maximum permitted width and parking facility that fails to meet the minimum parking setback in an area zoned Rural.

Acres: 0.210  
Township: Pleasant

-  Avon Dr
-  Parcels
-  Streets
-  Stream Buffers







RECEIVED  
 JUL 12 2018  
~~JUL 17 2018~~  
 Franklin County Planning Department  
 Franklin County, OH

VA - 3906



DENIED  
 6-4-18  
 J.S.M.



Parcel# 230-002254-00  
 Avon Drive, Grove City, OH 43123  
 Scale 1"=20'



Commissioner Kevin L. Boyce • Commissioner Marilyn Brown • Commissioner John O’Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
August 20, 2018

### Case VA-3907

Prepared by: Phil Ashear

<b>Applicant</b>	Michael J. Maistros, New Avenue, LLC
<b>Agent:</b>	Timothy J. Owens, Owens Law, LLC
<b>Owner:</b>	Gustavo Salazar, The Salazar Group
<b>Township:</b>	Franklin Township
<b>Site:</b>	255 Georgesville Road (PID #140-007119)
<b>Acreage:</b>	7.21-acres
<b>Zoning:</b>	Community Service (CS) District
<b>Utilities:</b>	Public water and wastewater
<b>Request:</b>	Requesting Variances from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) to allow for development that: would include a dumpster/compactor that does not meet location or setback requirements, would not meet setback requirements for a principal structure along a primary or non-primary road, would not meet the required width of a principal structure, and would not meet the requirements for parking setback or location in the Smart Growth Overlay.

### Summary

The applicant is requesting a Variance from seven (7) Sections of the Zoning Resolution to allow for the construction of a structure in the Smart Growth Overlay. This construction would allow the principal use of La Plaza Tapatia to relocate from the current Westland Mall site to the subject site on Georgesville Road. Five (5) of the requested Variances are within the Smart Growth Overlay. The remaining two (2) are regulations pertaining to dumpster location and enclosure.

Staff recommends approval with conditions of the request from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b).

### Description of the Request

The subject site is located on the west side of Georgesville Road, across the street from the Hollywood Casino in Franklin Township. The subject site was previously developed with townhouses and apartments; however, they have since been demolished and site has been vacant since 2015. The site used to consist of 11 individual parcels that have been combined over time. The current owner acquired the two (2) remaining parcels and combined them to the current single parcel between 2017 and 2018. The requested Variances would result in the construction of a grocery store toward the rear of the property with space for compliant development in the future.

## **Surrounding Area**

The property to the east is located in the City of Columbus and includes the Hollywood Casino. Properties to the north, south and west are located in unincorporated Franklin Township. To the south are residential uses, although the area is zoned General Industrial. The properties to the north and west include the Westland mall site and are zoned for commercial and industrial uses.

## **Comprehensive Plan**

The subject site is in the planning area of the Westland Interim Development Framework. This includes a future land use map that recommends a full range of commercial and residential uses for the site. Also included are urban design recommendations that promote pedestrian connectivity, walkability and mixed-use development.

The proposed development meets the Interim Development Framework's use recommendation and the applicant has stated that additional development on the subject site will include walkable urban, mixed-use development in the future.

## **Staff Review**

### **Variance from Section 505.022(a) – Dumpster Location and Height:**

- Dumpsters must be located to the side or rear of the building served.
  - The subject site is a corner lot. The applicant is proposing a dumpster location in advance of one of the two established building lines.
    - A Variance to allow a dumpster in front of an established building line is required.

### **Variance from Section 505.022(b) – Dumpster Location and Height:**

- When located in side yards, the dumpster must be setback from the front of the building a minimum distance of 50 percent of the building depth.
  - The proposed dumpster is not located in the side yard. The proposed dumpster location is in front of the established building line.
    - A Variance to allow a dumpster in front of an established building line is required.

### **Variance from Section 670.083(a) – Front Setback along a Primary Street:**

- The front building line setback for a building or structure shall be 25 +/- two (2) feet.
  - The building would be setback approximately 328 feet from the primary street (Georgesville Road).
    - A Variance of 303 feet is required.

### **Variance from Section 670.083(b) – Setback along a Non-primary Street:**

- Along a street that is not a primary street, the setback for a building or structure shall be a minimum of 10 feet and a maximum of 25 feet.
  - The proposed building would be setback 300 feet from the non-primary street (Lincoln Park Court).
    - A Variance of 275 feet is required.

### **Variance from Section 670.083(f) – Width of Principal Building:**

- The width of a principal building, including any significant architectural appurtenances thereto, along a primary building frontage shall be a minimum of 60 percent of the lot width.
  - The proposed building would include 40 percent of frontage along the primary street.
    - A Variance of 20 percent is required.

### **Variance from Section 670.0812(a) – Parking and Circulation Setback:**

- No parking lot, stacking space, loading space or circulation aisle is permitted between the principal building and a street centerline.



- The proposed development would include parking and circulation aisles between the principal building and the street centerline.
  - A Variance to allow parking and circulation aisles between the principal structure and the street centerline is required.

Variance from Section 670.0812(b) – Parking lot Location:

- A surface parking lot shall be located behind the principal building; however, up to half the number of parking spaces provided may be located at the side of the principal building.
  - The proposed parking lot would be located in front of the principal building.
    - A Variance to allow parking in front of the principal building is required.

**Technical Review Agencies**

**Franklin County Drainage Engineer’s Office**

- The applicant must work with the Drainage and Sanitary Engineer’s Office regarding the storm sewer pipes that currently bisect the site.
  - Discussions between the applicant and the Engineer’s office are ongoing.
  - A conclusion regarding the storm sewer pipes can be made after the BZA meeting, during the permitting process.

**Franklin County Sanitary Engineer’s Office**

- Confirmed that public water and sewer are available.

No other technical review agencies expressed concerns.

**Staff Analysis**

Section 810.041 – Approval of Variance:

The Franklin County Zoning Resolution identifies five (5) criteria in Section 810.041 that must be satisfied to approve a variance request.

- 1) *That special conditions and circumstances exist which are peculiar to the structure/property involved which are not applicable to other structures/property in the same zoning district;*
  - » The applicant stated that the location of the site on a corner lot and the existence of storm and sanitary sewer lines running through the site constitute a special circumstance.
  - » Staff does not believe that a corner lot and existing storm and sanitary infrastructure are special circumstances. However, staff does believe that the size of the property in the Smart Growth Overlay (SGO) is a special circumstance which will allow for additional future development in accordance with the SGO.
- 2) *That a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
  - » The applicant stated that a literal interpretation of the SGO would limit the utility of the site.
  - » The applicant also notes that a literal interpretation of the SGO would place the principal structure in an undesirable location and would force the public and community areas to be located near dilapidated properties.
  - » Staff does not agree that a literal interpretation of the SGO would deprive the applicant of utility nor would the SGO force the public and community areas to be located near dilapidated properties. However, staff notes that future development on the site will be in compliance with SGO standards and granting the Variances requested at this time will allow a productive use of a non-productive property and attract SGO-compliant development.
- 3) *That the special circumstances and conditions of this request do not result from the action of the applicant;*

- » The applicant indicated that the special circumstances are not a result of any action taken by the owner.
  - » Staff agrees that the special circumstances are not a result of any action taken by this applicant or owner.
- 4) *That granting the variance requested will not confer on the applicant special privileges that are denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
- » The applicant stated that granting the variance would not confer special privileges.
  - » Because the applicant indicated that future development will bring the site into compliance with the Smart Growth Overlay, staff agrees that granting the variance will not confer special privileges on the applicant.
- 5) *That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property in the vicinity;*
- » The applicant indicated that granting the variance would not adversely affect the health or safety of persons residing or working in the vicinity.
  - » The applicant further stated that granting the variance would likely be beneficial to the local community.
  - » Staff agrees that granting the variance would not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development nor would it be materially detrimental to the public welfare, or be injurious to private property in the vicinity .

### **Recommendation**

Staff recommends that the BZA **approve with conditions** a Variance from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) to allow for development that: would include a dumpster/compactor that does not meet location or setback requirements, would not meet setback requirements for a principal structure along a primary or non-primary road, would not meet the required width of a principal structure, and would not meet the requirements for parking setback or location in the Smart Growth Overlay. The conditions are as follows:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive approval of a Building Permit from the Franklin Township Building Department.
3. The applicant must work with Franklin County Drainage Engineer's Office to meet all requirements of the Franklin County Storm Water Drainage Manual and adequately maintain existing storm water infrastructure through the site.
4. At the time of application for a Certificate of Zoning Compliance, the applicant may minimally adjust site layout based on final site engineering of storm and sanitary infrastructure.
5. The applicant must move the Havenwood Monument sign
6. Future development on the site must comply with the Smart Growth Overlay.

### **Resolution**

For your convenience, the following is a proposed resolution for staff's recommendation of Variance **approval**:

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

\_\_\_\_\_ moves to approve a Variance from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) of the Franklin County Zoning

Resolution as outlined in the request above for the applicant identified in Case No. VA-3907 with the conditions in staff's recommendation.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the Variance from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) as outlined in the request above for Case No. VA-3907 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:






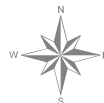
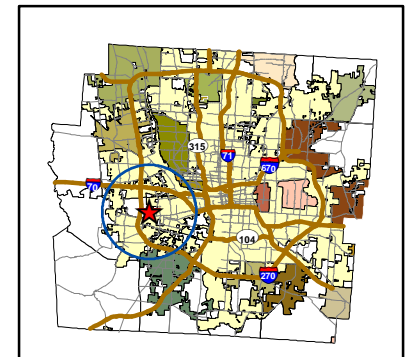
## VA-3907

Requesting Variances from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) to allow for development that: would include a dumpster/compactor that does not meet location or setback requirements, would not meet setback requirements for a principal structure along a primary or non-primary road, would not meet the required width of a principal structure, and would not meet the requirements for parking setback or location in the Smart Growth Overlay.

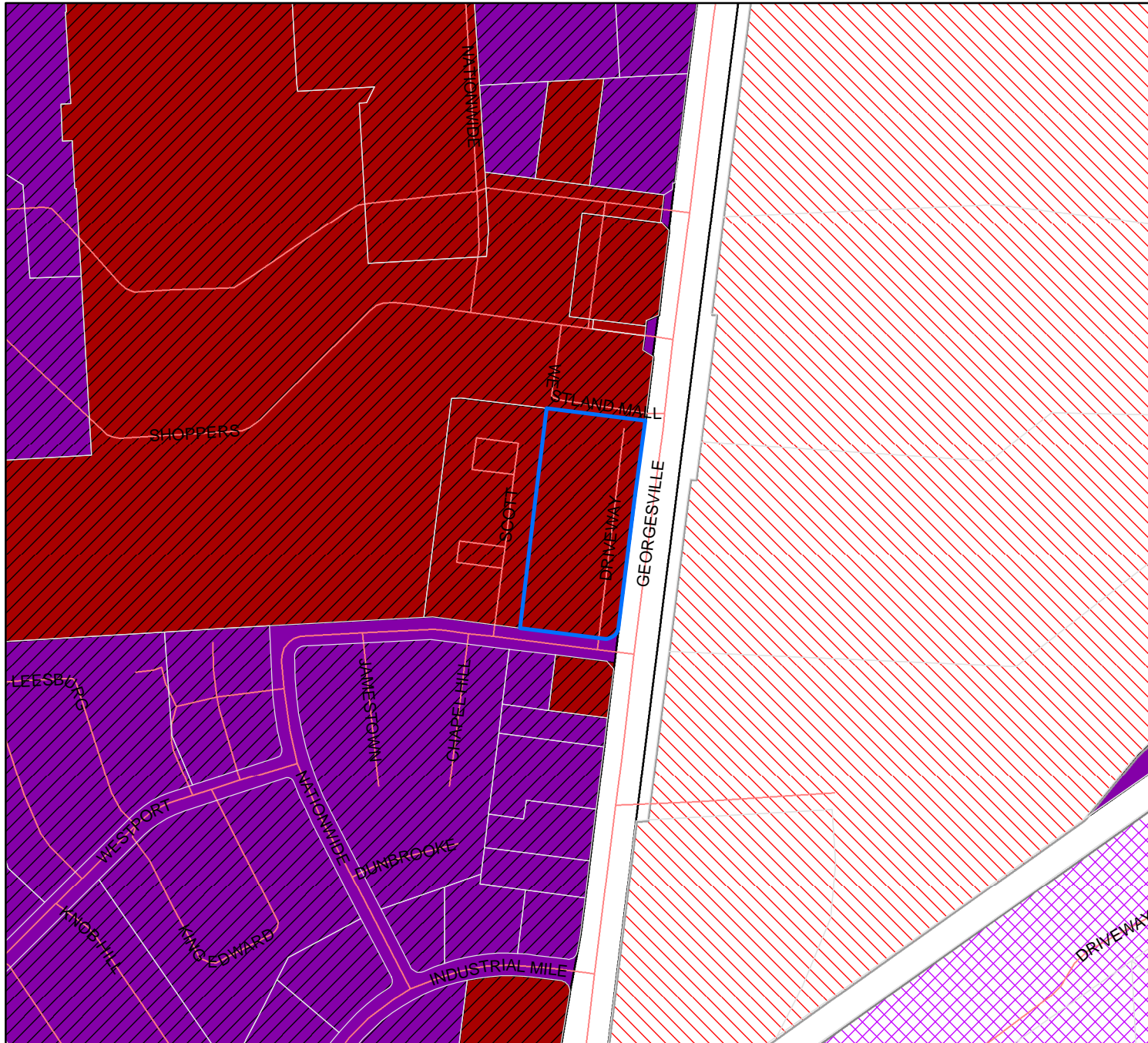
Acres: 7.21

Township: Franklin

-  255 Georgesville Rd
-  Parcels
-  Streets







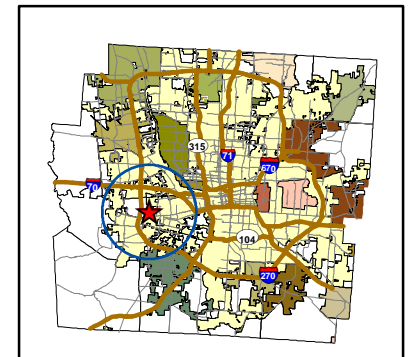
## VA-3907

Requesting Variances from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) to allow for development that: would include a dumpster/compactor that does not meet location or setback requirements, would not meet setback requirements for a principal structure along a primary or non-primary road, would not meet the required width of a principal structure, and would not meet the requirements for parking setback or location in the Smart Growth Overlay.

Acres: 7.21

Township: Franklin

- |                     |                        |
|---------------------|------------------------|
| 255 Georgesville Rd | Franklin County Zoning |
| Parcels             | Community Service      |
| Streets             | General Industrial     |
| Columbus Zoning     | Rural                  |
| Commercial          | Smart Growth Overlay   |
| Manufacturing       |                        |







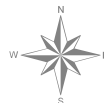
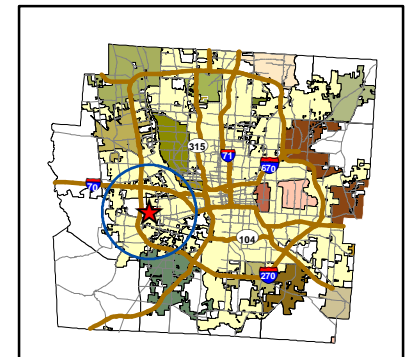
## VA-3907

Requesting Variances from Sections 505.022(a), 505.022(b), 670.083(a), 670.083(b), 670.083(f), 670.0812(a), and 670.0812(b) to allow for development that: would include a dumpster/compactor that does not meet location or setback requirements, would not meet setback requirements for a principal structure along a primary or non-primary road, would not meet the required width of a principal structure, and would not meet the requirements for parking setback or location in the Smart Growth Overlay.

Acres: 7.21

Township: Franklin

- 255 Georgesville Rd
- Parcels
- Streets



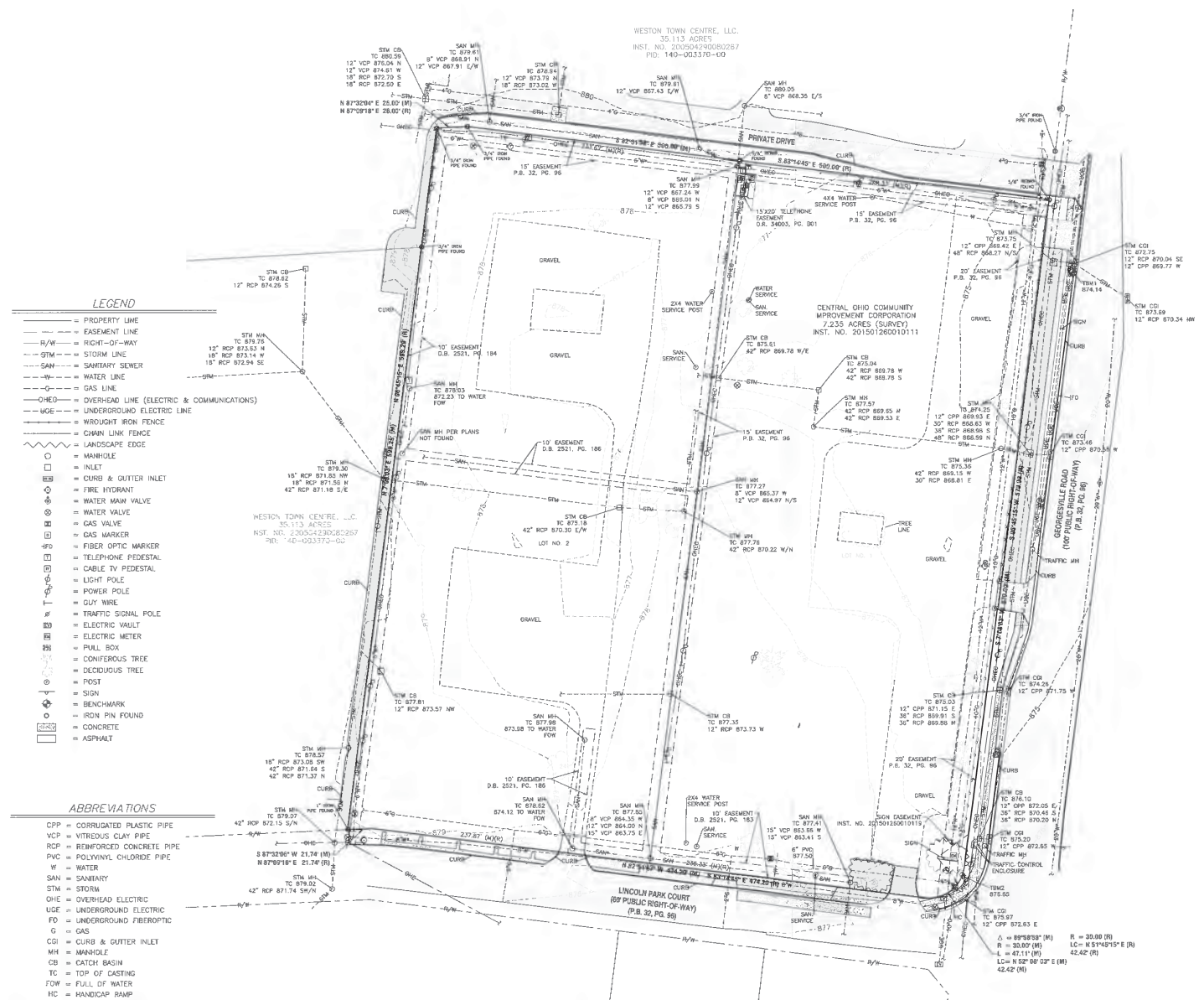
# TOPOGRAPHIC SURVEY

WESTON TOWN CENTRE, LLC.  
35.113 ACRES  
INST. NO. 20090420080267  
PID: 140-003370-00

CENTRAL OHIO COMMUNITY  
IMPROVEMENT CORPORATION  
7.235 ACRES (SURVEY)  
INST. NO. 201501260010111

WESTON TOWN CENTRE, LLC.  
35.113 ACRES  
INST. NO. 20090420080267  
PID: 140-003370-00

LINCOLN PARK COURT  
(80' PUBLIC RIGHT-OF-WAY)  
(P.B. 32, PG. 98)



## BASIS OF BEARINGS

BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM - OHIO SOUTH ZONE (NAD83) BY GPS OBSERVATION, REFERENCED TO THE CDOT VRS NETWORK

## BENCHMARKS

SOURCE BENCHMARK (FCE SW-41)  
ELEVATION = 861.18  
ALUMINUM PLUG ON THE NORTHEAST CORNER OF A CONCRETE FOUNDATION FOR A TRAFFIC SIGNAL POLE AT SOUTHEAST CORNER OF THE INTERSECTION OF U.S.40 WEST BROAD STREET AND THE HOLLYWOOD CASINO DRIVE ENTRANCE, 57.0 EAST OF THE CENTER OF A CONCRETE ISLAND, 71.0 FEET SOUTH OF THE CENTERLINE OF U.S.40 WEST BROAD STREET.

TBM 1  
ELEVATION = 874.14  
WAG NAIL SET ON SOUTHWEST CORNER OF CONCRETE LIGHT POLE BASE LOCATED 1.50' WEST OF THE BACK OF CURB ON THE WEST SIDE OF GEORGESVILLE ROAD.

TBM 2  
ELEVATION = 876.62  
WAG NAIL SET ON NORTHWEST CORNER OF CONCRETE BASE FOR A TRAFFIC STRAIN POLE LOCATED AT NORTHWEST CORNER OF GEORGESVILLE ROAD AND LINCOLN PARK COURT.

## SURVEYOR'S NOTES

BOUNDARY LINES WERE ESTABLISHED FROM AN ALTA SURVEY PERFORMED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC. DATED MARCH, 2017 AND DOES NOT REFLECT A BOUNDARY SURVEY PREPARED BY SANDS DECKER CPS.

FEATURES DEPICTED ON THIS SURVEY PLAN WERE OBTAINED FROM A FIELD SURVEY PERFORMED BY SANDS DECKER CPS IN JULY, 2017.

## UTILITIES

EXISTING UTILITIES: THE INFORMATION SHOWN CONCERNING EXISTING UTILITIES IS APPROXIMATE. THE LOCATION, SIZES, AND OTHER INFORMATION IS ONLY AS ACCURATE AS THE INFORMATION PROVIDED BY THE OWNERS OF THE UTILITY COMPANY. THIS INFORMATION IS NOT REPRESENTED, WARRANTED, OR GUARANTEED TO BE COMPLETE OR ACCURATE.

AEP COLUMBUS SOUTHERN POWER	1-800-672-2231
COLUMBIA GAS OF OHIO	1-800-344-4077
AT&T OHIO	1-800-660-1000
ADVANCE COMMUNICATIONS & DATA	1-517-999-9999
CITY OF COLUMBUS (DEPT OF UTILITIES)	1-614-645-8276
ODOT TRAFFIC (DISTRICT 6)	1-740-833-8000
CITY OF COLUMBUS (TRAFFIC)	1-614-645-3111
FRANKLIN COUNTY ENGINEER	1-614-525-3030
FRANKLIN COUNTY SANITARY ENGINEER	1-614-525-3940
FRANKLIN TOWNSHIP	1-614-279-9411
CHARTER COMMUNICATIONS	1-866-849-1945

\*DENOTES THE UTILITY LINE IS DRAWN FROM PLANS



Know what's below.  
Call before you dig.



GRAPHIC SCALE  
1" = 40'

**NEW AVENUE  
LAPATA, LLC  
LINCOLN PARK  
FRANKLIN COUNTY,  
OHIO**

07-13-17 ISSUED  
06-18-18 ADDED STORM

TOPOGRAPHIC SURVEY  
**1 OF 1**

SDPS PROJECT NO. 3365







Commissioner Kevin L. Boyce • Commissioner Marilyn Brown • Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
August 20, 2018

### Case VA-3908

Prepared by: Phil Ashear

<b>Applicant/Owner:</b>	1350 Emig Road, LLC
<b>Agent:</b>	Jackson B. Reynolds III
<b>Township:</b>	Franklin Township
<b>Site:</b>	1306 Emig Road (PID #140-000139)
<b>Acreage:</b>	1.88-acres
<b>Zoning:</b>	Community Service (CS)
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a Variance from Sections 332.042(c), 332.045, 501.013, 501.014(a), 501.024(a), 501.024(b), 504.011, and 531.011(2) of the Franklin County Zoning Resolution to allow the site to not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, front building setback, and parking surface in an area zoned Community Service.

### Summary

Requesting a Variance from Sections 332.042(c), 332.045, 501.012(a), 501.013, 501.014(a), 501.024(a), 501.024(b), and 531.011(2) of the Franklin County Zoning Resolution to allow the site to not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, and parking surface in an area zoned Community Service. Staff's recommends **denial** of Variances from Sections 332.042(c), 501.014(a), and 531.011(2) and **approval** with conditions of Variances from Sections 332.045, 501.012, 501.013, 501.024(b), and 504.011.

### Description of the Request

The subject site is located between the Harmon Road and Emig Road rights-of-way. Harmon Road borders the site on the west side while Emig Road curves along the south and east borders forming a semi-triangle shaped site. The site is developed with a 2,632 square foot modular office structure and a 9,000 square foot asphalt parking lot, both were constructed between 2004 and 2008 without Certificates of Zoning Compliance. The applicant has requested variances to legitimize the current use. The site would not meet the following regulations: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, front building setback, and parking surface.

The applicant submitted a Zoning Compliance on June 21st for the proposed development, which has not been fully reviewed and additional deficiencies may exist.

### **Surrounding area**

The area surrounding the subject site includes a number of different zoning districts ranging in intensity from Rural to General Industrial. However, the land use characteristics of the area are primarily industrial. Land uses in the surrounding area include: equipment and truck sales located to the east, storage of commercial and industrial vehicles to the southeast, a City of Columbus government property to the south, a gas station to the north, and storage of concrete material and a recycling company to the west.

### **Comprehensive Plan**

The Southwest Area Plan, adopted by both the City of Columbus and Franklin County in 2009, recommends the site and surrounding area for industrial land uses. The applicant's request does not conflict with this land use recommendation; however the form and layout of the site conflict with a number of recommendations outlined in Policy D of the Urban Design Standards. They are as follows:

1. Landscaping should be used to soften industrial buildings along front elevations or elevations that face public streets.
  - There is existing grass on the southern end of the site, but the applicant is not proposing any additional landscaping.
2. Accessory uses should be screened from the public right-of-way and adjacent residential and institutional uses to their full height by a solid masonry wall (not cement block) or wooden fence of a color or material that is complementary to the principal building.
  - The applicant is proposing chain-link fence with barbed wire and a mesh fabric.
3. Parking should be hidden to the greatest extent possible by locating it to the rear or side of a building, or extensive landscaping. Parking lots used primarily by semitrucks or other large vehicles require more intensive screening when located adjacent to residentially-zoned land.
  - The applicant is proposing paved employee parking that would not be screened, and gravel parking for tow trucks that would be screened. Parking would not be located to the side or rear due to the configuration of the lot.
4. Gravel parking lots are not permitted by city and county code. Variances to this standard are strongly discouraged.
  - The applicant is proposed gravel parking for tow trucks.

### **Staff Review**

#### Variance from Section 332.042(c) – Landscaped Open Space:

- At least twenty percent (20%) of the lot must be landscaped open space.
  - The proposed development does not explicitly include landscaped open space; however, current aerial images show that sufficient grassed landscaping currently exists on the south end of the lot.
    - A Variance of 20% is requested.
    - Staff believes this variance is unnecessary due to the green space show in aerial images on southern and southwestern portions of the site. Staff therefore recommends ***denial*** of this variance.

#### Variance from Section 332.045 – Front Greenbelt:

- A landscaped area of at least fifteen (15) feet in width shall be provided between the existing street right-of-way line, or the right-of-way as depicted on the Franklin County Thoroughfare Plan, current edition, whichever is greater, and any structure or paved area.
  - The proposed development does not include a front greenbelt.
    - A Variance of 15 feet is requested.

- Staff recommends **approval** of the Variance along the fenced-in portion of the site to the north of the office building. Staff believes that the grass areas to the east, west, and south of the office building do not require a variance if the grass remains.

Variance from Section 501.012 – Fence Height:

- No fence or wall between a street and a principal structure shall be more than three and one half (3 ½) feet (42 inches) in height. Elsewhere, no fence shall exceed six (6) feet in height.
  - The proposed development includes a fence greater than six (6) feet in height along Harmon Ave. and Emig Road in front of the proposed office building.
    - A Variance is requested to allow for a fence that would be greater than six (6) feet.
    - Staff recommends **approval** of this Variance because of the shape and location of the lot, subject to recommended conditions.

Variance from Section 501.013 – Electric and Barbed Wire Fences:

- Electric and Barbed Wire Fences shall be prohibited unless otherwise permitted by Section 971.03 of the Ohio Revised Code.
  - The proposed development includes fencing that would be topped with Barbed wire.
    - A Variance to allow barbed wire is requested.
    - Staff recommends **approval** of this Variance due to the type of use and the characteristics of the area, subject to recommended conditions.

Variance from Section 501.014(a) – Location, Measurement and Maintenance:

- No fence or wall shall be located within an existing right-of-way.
  - The proposed development includes the placement of a fence that would be located in the Harmon Ave. right-of-way based on the Franklin County Engineer’s Office request for additional dedicated right-of-way in accordance with the Franklin County 2020 Thoroughfare Plan.
    - A Variance to allow fence construction in the right-of-way is requested.
    - Staff recommends **denial** of this Variance because it would set a precedent for development in the public right-of-way.

Variance from Section 501.024(b) – Fence Materials:

- Chain link fences shall not be permitted between a street and a principal structure.
  - The proposed development includes chain link fencing between the principal structure and the street right-of-way along Harmon Ave and Emig Road.
    - A Variance to allow chain link fence in front of the principal structure is requested.
    - Staff recommends **approval** of this Variance due to the shape and location of the lot, subject to recommended conditions.

Variance from Section 504.011 – Required Setback:

- A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.
  - The proposed development places the office building in front of the established building line.
    - The applicant is requesting a Variance to allow a 20 foot setback from the public right-of-way along Emig Road.
    - Staff recommends **approval** of this Variance due to the construction of the office structure between 2004 and 2007, previous to the purchase of the property by the current owner in April 2018 and due to the fact that Emig Road does not serve as a thoroughfare but as an access road.

Variance from Section 531.011(2) – Parking Facilities:

- No motor vehicle parking shall be permitted on an unimproved surface consisting of grass, mulch, dirt, gravel, or combination thereof.

- The proposed development would include parking vehicles on a gravel surface.
  - A Variance to allow a gravel parking facility is requested.
  - Staff recommends ***denial*** of this Variance due to: the site's location along Harmon Ave (a thoroughfare road), the precedent that would be set, and the Comprehensive Plan's recommendations.

### **Technical Review Agencies**

#### Franklin County Traffic Engineer's Office

1. The applicant must dedicate additional right-of-way to the Franklin County Commissioner's in an amount to be determined by the Franklin County Engineer's Office in accordance with the Franklin County Thoroughfare Plan.
2. The applicant has indicated that a driveway permit has been obtained for the proposed Harmon Ave. access; however, the Traffic Engineer's Office has indicated that the validity of this permit will depend on the result of an access study, which is ongoing.

### **Staff Analysis**

#### Section 810.041 – Approval of Variance:

The Franklin County Zoning Resolution identifies five (5) criteria in Section 810.041 that must be satisfied to approve a variance request.

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District;*
  - » The applicant stated that a special circumstance exists because the site is essentially triangle shape that is surrounded by public roads on all three sides.
  - » Staff agrees that shape and location of the site constitute a special circumstance that warrant approval of staff's supported Variances but does not warrant approval of the Variances not supported.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
  - » The applicant stated that a literal interpretation would restrict the use of the property.
  - » Staff agrees that a literal interpretation would make some development difficult due to the existence of three adjacent rights-of-way; however, staff does not believe all development would be restricted.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
  - » The applicant stated that the shape of the lot and its location between public rights-of-way are not the result of any action taken by the applicant.
  - » The applicant also stated that the type of business that is proposed requires fencing with barbed wire to protect and secure the vehicles that would be stored.
  - » Staff agrees that the shape and location of the subject site are not a result of any action taken by the applicant.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » The applicant stated that granting the variances would not confer any special privileges not enjoyed by others in the area.
  - » Staff believes that granting the Variances to Sections 332.045, 501.012, 501.013, 501.024(b), and 504.011 – Front Greenbelt, Fence Height, Electric and Barbed Wire Fences, and Required Setback, respectively – would not confer any special privileges on the applicant that are denied to others in the area. Staff believes that granting Variances to Sections 332.042(c), 501.014(a), and 531.011(2) – Landscaped Open Space, Location, Measurement and Maintenance, and Parking Facilities, respectively – would confer special privileges on the applicant.

- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity;*
- » The applicant stated that the Variance would not adversely affect the health or safety of people in the area.
  - » Staff does not believe the proposed development will adversely affect the health or safety of the community.

**Recommendation**

Staff's recommendation is that the BZA ***deny*** Variances from Sections 332.042(c), 501.014(a), and 531.011(2) and ***approve with conditions*** Variances from Sections 332.045, 501.012, 501.013, 501.024(b), and 504.011 of the Franklin County Zoning Resolution to allow the site to develop in a way that would not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, building setback and parking surface in an area zoned Community Service. The conditions of approval for Variances to Sections 332.045, 501.012, 501.013, 501.024(b), and 504.011 are as follows:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance with the Franklin County Economic Development and Planning Department.
2. All development on the site must comply with the standards in the Franklin County Storm Water Drainage Manual.
3. The site plan submitted with the Certificate of Zoning Compliance must be amended to eliminate the proposed fence to the south and east of the office building.
4. The applicant must dedicate additional right-of-way along Harmon Ave. to the satisfaction of the Franklin County Engineer's Office prior to the issuance of a Certificate of Zoning Compliance.

**Resolution**

For your convenience, the following are proposed resolutions:

**Proposed Resolutions for Request:**

**Sections Recommended for Approval by Staff**

\_\_\_\_\_ moves to approve a variance from Section 332.045, 501.012, 501.013, 501.024(b), and 504.011 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No.VA-3908 with Staff's recommended conditions.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for a variance from Section 332.045, 501.012, 501.013, 501.024(b), and 504.011 of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3908 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:

**Sections Recommended for Denial by Staff**

\_\_\_\_\_ moves to approve a variance from Section 332.042(c), 501.014(a), and 531.011(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3908 with Staff's recommended conditions.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for a variance from Section 332.042(c), 501.014(a), and 531.011(2) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3908 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:










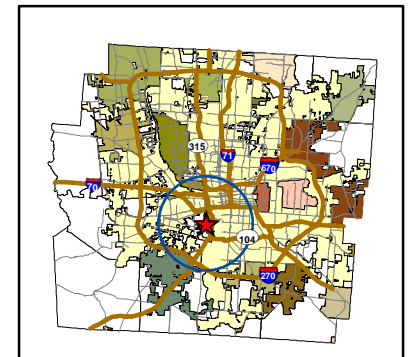
## VA-3908

Requesting a Variance from Sections 332.042(c), 332.045, 501.012(a), 501.013, 501.014(a), 501.024(a), 501.024(b), and 531.011(2) of the Franklin County Zoning Resolution to allow the site to not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, and parking surface in an area zoned Community Service.

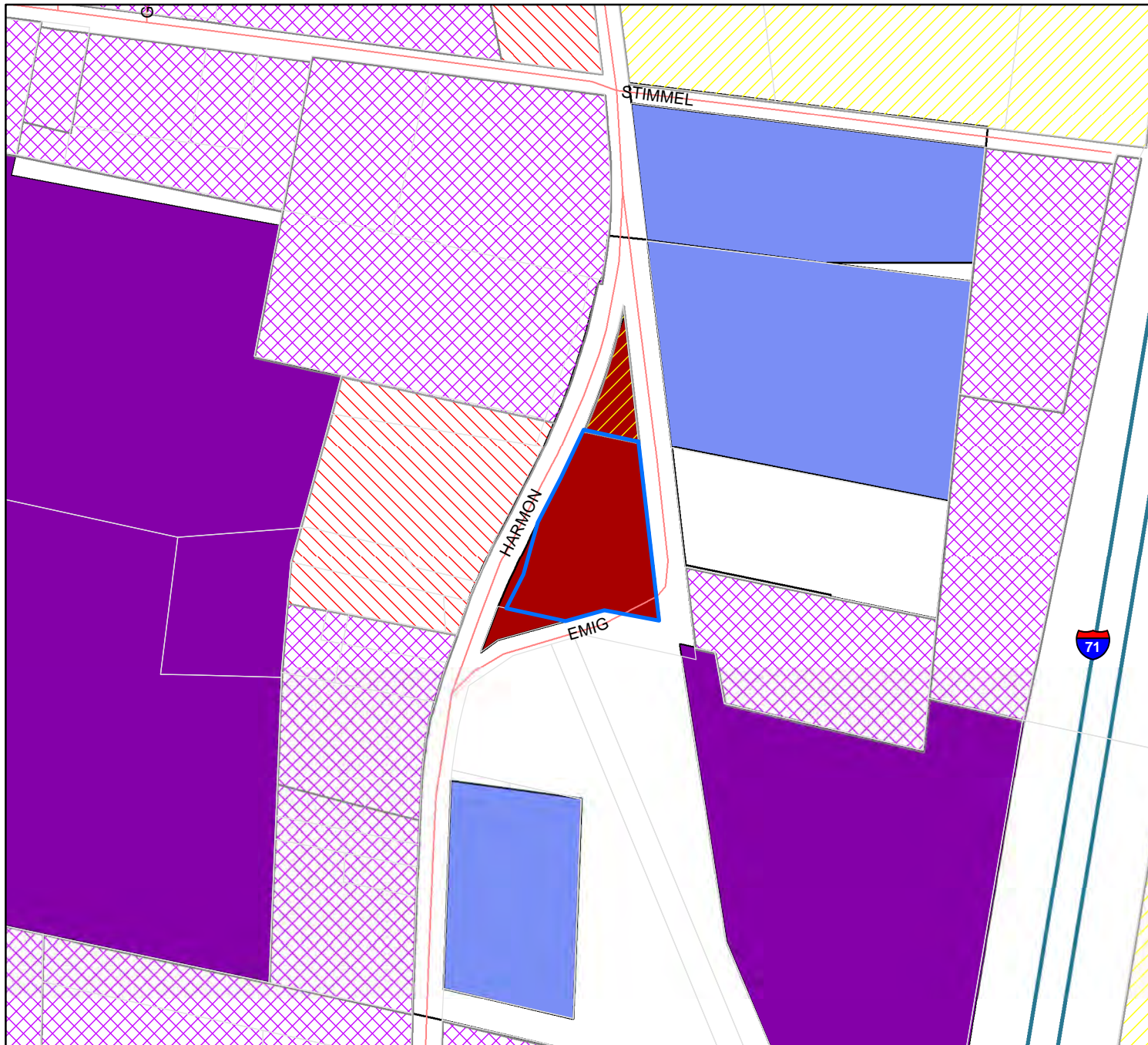
Acres: 2.270

Township: Franklin

-  1306 Emig Rd
-  Parcels
-  Interstate
-  Streets
-  Floodway Fringe (100 year)







## VA-3908

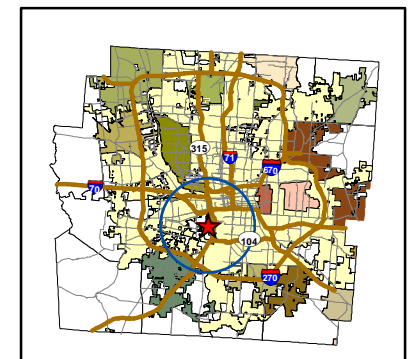
Requesting a Variance from Sections 332.042(c), 332.045, 501.012(a), 501.013, 501.014(a), 501.024(a), 501.024(b), and 531.011(2) of the Franklin County Zoning Resolution to allow the site to not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, and parking surface in an area zoned Community Service.

Acres: 2.270

Township: Franklin

- 1306 Emig Rd
- Parcels
- Interstate
- Streets

Franklin County Zoning	Columbus Zoning
Community Service	Residential
General Industrial	Commercial
Limited Industrial	Manufacturing
Rural	








## VA-3908


Requesting a Variance from Sections 332.042(c), 332.045, 501.012(a), 501.013, 501.014(a), 501.024(a), 501.024(b), and 531.011(2) of the Franklin County Zoning Resolution to allow the site to not meet the following requirements: landscaped open space, front green belt, fence height and setback, barbed wire fencing, fence location, fence materials, and parking surface in an area zoned Community Service.

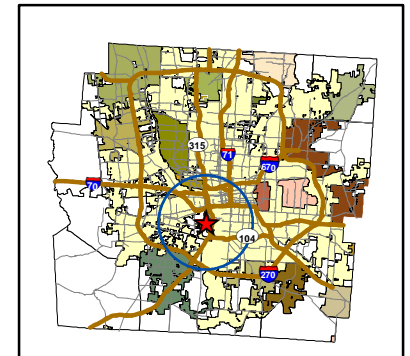
Acres: 2.270

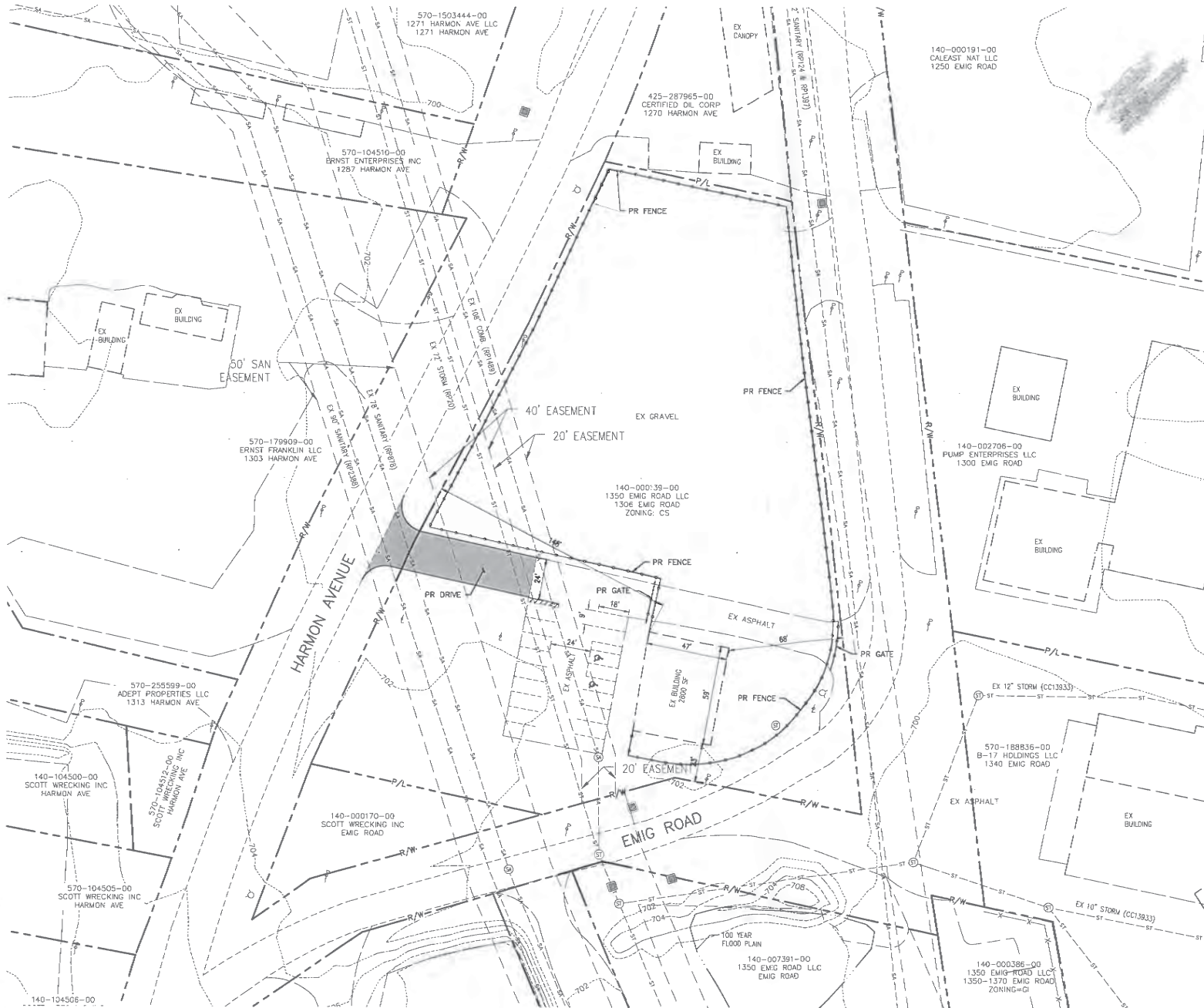
Township: Franklin

 1306 Emig Rd

 Parcels

 Streets





VICINITY MAP  
NOT TO SCALE

**OWNERS**  
1350 EMIG ROAD LLC  
1350 EMIG ROAD  
COLUMBUS, OH 43223  
CONTACT: BRANDON HARRIS  
PHONE: 614-272-1800

**ENGINEER**  
THE MANNIK & SMITH GROUP, INC.  
1160 DUBLIN ROAD, SUITE 100  
COLUMBUS, OHIO 43214  
CONTACT: STEVEN E. FOX  
PHONE: 614-452-4628  
EMAIL: SFOX@MANNIKSMITHGROUP.COM

**SITE DATA**

ADDRESS: 1306 EMIG ROAD  
PID: 140-000139-00  
TOTAL SITE AREA: 1.882 AC  
ZONING: CS - COMMUNITY SERVICE DISTRICT  
USE: OFFICE & STORAGE  
PARKING: REQUIRED : 1/300 SF, 2800/300 = 10  
          PROVIDED : 17  
BUILDING HEIGHT: 10' MAXIMUM

**FLOOD ZONE**

THE PROPERTY LIES WITHIN ZONE X, DETERMINED BY THE FEMA FLOOD INSURANCE RATE MAP #39049C0317K, PANEL 317 OF 495, EFFECTIVE ON 06/17/2005.



**SITE DATA**

TOTAL SITE AREA: 1.88 AC  
DISTURBED AREA: 0.05 AC  
PRE DEVELOPED IMPERVIOUS AREA: 0.32 AC  
POST DEVELOPED IMPERVIOUS AREA: 0.37 AC  
POST DEVELOPED PERVIOUS AREA: 1.56 AC







Commissioner Kevin L. Boyce • Commissioner Marilyn Brown • Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
August 20, 2018

### Case: VA-3909

Prepared by: Brad Fisher

<b>Owner/Applicant:</b>	1350 Emig Road, LLC
<b>Agent:</b>	Jackson B. Reynolds III
<b>Township:</b>	Franklin Township
<b>Site:</b>	1350 Emig Road (PID #140-000386)
<b>Acreage:</b>	9.4-acres
<b>Zoning:</b>	General Industrial (GI)
<b>Utilities:</b>	Private water and public wastewater
<b>Request:</b>	Requesting a Variance from Sections 344.048, 346.042, 346.043(a), 346.044(a), 501.013, 501.024(b), 521.012, 531.011(2) and 531.041(2) of the Franklin County Zoning Resolution to allow the site to not meet the minimum landscaped open space, minimum lot width, side yard setbacks, rear yard setbacks, include barbed wire topped chain link fencing, screening from public streets and park vehicles on a gravel surface in an area zoned General Industrial (GI).

### Summary

Requesting a Variance from the Franklin County Zoning Resolution to allow the subject site to not meet the minimum landscaped open space, minimum lot width, side yard setbacks, rear yard setbacks, include barbed wire topped chain link fencing, screening from public streets and park vehicles on a gravel surface in an area zoned General Industrial (GI). Staff recommends approval with conditions.

### History

The subject site has been operating as a tractor trailer storage facility and salvage yard for over 20 years without an approved Zoning Compliance. The applicant submitted a Zoning Compliance on June 29<sup>th</sup> for the proposed development, which has not been fully reviewed and additional deficiencies may exist.

Also, the applicant has recently combined the subject site, 9.44 +/- acres with the adjacent 2.4 +/- acre lot to the west. The 2.4 +/- acre lot is zoned Rural and the applicant submitted an application to rezone to the General Industrial (GI) district. The Franklin County Planning Commission recommended approval of the request on August 8<sup>th</sup>, and the case is scheduled to be heard by the Franklin County Rural Zoning Commission on August 16<sup>th</sup>.

### **Description of the Request**

The subject site is located on the east side of Emig Road and west of Interstate 71. The applicant stated that they are in the process of clearing the existing tractor trailers and salvage items that were left by the previous property owner, in order to redevelop the site as a vehicle impound lot and truck repair shop.

The applicant has requested a Variance from the Franklin County Zoning Resolution to allow the subject site to reduce the minimum landscaped opens space, minimum lot width, side yard setback, rear yard setback, include barbed wire topped chain link fencing, not provide screening from public streets, and park vehicles on a gravel surface in an area zoned General Industrial (GI).

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

Properties to the north are zoned Manufacturing in the City of Columbus, and developed with warehousing and construction equipment rental. The Franklinton Floodwall and Interstate 71 is to the east. The property to the south and west is zoned Rural in Franklin Township, owned by the City of Columbus and serves as their Division of Sewerage and Drainage Grid Pad Facility.

### **Comprehensive Plan**

The Southwest Area Plan, adopted in 2009, contains a Future Land Use Map and Guidelines that recommend this property for a broad range of Industrial uses. Corresponding zoning districts include: Limited Industrial (LI), General Industrial (GI) and Planned Industrial Park (PIP).

The Guidelines encourage locating new industrial businesses on vacant or underutilized land, including landscaping along front building elevations, orienting noise generating activities away from the right-of-way and screening accessory uses and parking. Gravel parking lots are strongly discouraged.

Staff notes that the subject site would be a large, underutilized lot if an industrial use were not approved, and the applicant is proposing improvements to the landscaping and locating noise generating activities away from the right-of-way. Gravel parking lots are not recommended, however in this case the gravel area has existed for over 20 years and is proposed to be screened from the roadway.

The request is not consistent with all of the Plan's future land use recommendations, however it is addressing the Guideline recommendations and making improvements to a lot that has been utilized in a similar manner for over 20 years.

### **Staff Review**

#### Variance from Section 346.042 – Lot Width:

- All lots shall abut a public street for a distance of one hundred feet or more.
  - The applicant is requesting a variance to reduce the permitted lot width from one hundred feet to thirty-two feet.
  - Staff notes that the subject site has recently been combined with the property to the west, and the property owner is seeking to rezone that property to General Industrial (GI). The combined lots, if the adjacent lot is successfully rezoned to General Industrial (GI) could provide for 221 feet of road frontage.

#### Variance from Section 346.043(a) – Side Yards:

- For main and accessory structures, including open production, storage, service, and loading areas, when adjacent to a residential district shall have a side yard setback of 15 feet.
  - The applicant is requesting a variance to reduce the required side yard setback from 15 feet to 0 feet.
  - Staff notes that the proposed structure and parking area meet the minimum side yard setback. The zero (0) foot setback would be for vehicle parking and open storage only.

Variance from Section 346.044(a) – Minimum Rear Yard:

- When adjacent to a residential district, the rear yard shall not be less than 50 feet.
  - The applicant is requesting a variance to reduce the rear yard setback from 50 feet to zero (0) feet.
  - Staff notes that the rear of the subject site abuts the Franklinton Floodwall, which is proposed to be protected by installing a fence between the Floodwall and the subject site.

Variance from Section 346.048 – Minimum Landscaped Open Space:

- At least 15 percent of the lot area must be landscaped open space.
  - The applicant is requesting a variance to reduce the landscaped open space from 15 percent to one (1) percent.
  - The applicant stated that the subject site has been operating for many years with less than the required landscaped open space.

Variance from Section 501.013 – Barbed Wire Fences:

- Barbed wire fences are prohibited.
  - The applicant is requesting a variance to allow the installation of one (1) foot barbed wire fencing on top of the proposed six (6) foot chain link fence surrounding the subject site.
  - Staff does not believe the proposed barbed wire topped fencing would be detrimental to the area as the site is not adjacent to residentially or commercially developed lots.

Variance from Section 501.024(b) – Fence Materials:

- Chain link fences are not permitted between a street and a principal structure.
  - The applicant is requesting a variance to allow the installation of a chain link fence between Emig Road and the principal structure (shop/office).
  - Staff does not believe the proposed chain link fence would be detrimental to area as the site is screened by industrial and manufacturing uses to the north and west, and the Franklinton Floodwall to the east.

Variance from Section 521.012 – Screening along a Public Street:

- Articles or materials being stored, maintained, repaired, erected, fabricated, dismantled, salvaged, or otherwise not being offered for retail sale in a completed, usable and normal condition must be screened as prescribed and 100 percent opaquely screened from public streets within 300 feet.
  - Staff notes that the proposed chain link fence and gate is not out of character with the surrounding properties.
  - Staff notes that the site plan submitted on July 30<sup>th</sup> indicates that the fence will be screened with slats. The variance requested would only allow for the gate and fencing between the western property line and the principal structure (shop/office) to not be 100 percent opaquely screened.

Variance from Section 531.011(2) – Parking Facilities:

- No motor vehicle parking shall be permitted on an unimproved surface consisting of grass, mulch, dirt, gravel, or combination thereof.
  - The applicant is requesting a variance to allow vehicles to be parked on a gravel parking area.

Variance from Section 531.041(2) – Access Drive Location:

- An access drive, exclusive of curb returns, shall be ten (10) feet or more from side lot lines and 50 feet or more from another access drive.
  - The applicant is requesting a variance to allow the existing access drive along Emig Road to remain. The access drive is setback zero (0) feet from the adjacent property and access drive to the north.

**Technical Review Agencies**

**Franklin County Engineer's Office**

The Engineer's Office is currently reviewing a Traffic Access Study (TAS) for the combined uses of 1306 and 1350 Emig Road. The TAS review will need to be completed prior to the issuance of a Zoning Compliance for both sites.

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

The Conservation District indicated that there is poor site-wide drainage and there is no defined path for stormwater runoff on the adjacent junk yard site to the west. The Conservation District requests that the applicant include a mechanism for stormwater control prior to approval of the Zoning Compliance.

### **Staff Analysis**

#### Section 810.041 – Approval of Variance:

The Franklin County Zoning Resolution identifies five (5) criteria in Section 810.041 that must be satisfied to approve a Variance request.

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District;*
  - » The applicant stated that the lot is large, however the existing frontage does not meet the development standards and the site has utilized a gravel parking area for many years.
  - » Staff notes that the applicant has attempted to mitigate the lot width by combining the adjacent lot to the west and applying to rezone it to the General Industrial (GI) district. If the rezoning is approved the lot width requirement would be met.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
  - » The applicant stated that a literal interpretation of this Zoning Resolution would deprive the owner the use of his property as there is only 32 feet of road frontage along Emig Road.
  - » Staff does not believe the variance requested will be detrimental to the area as the road frontage has existed for many years on a lot that was developed for a similar use, and the proposal includes improvements to the site.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
  - » The applicant stated that the lot configuration and a similar use existed for many years prior to the applicant applying for a Zoning Compliance.
  - » Staff agrees that the special conditions and circumstances do not result from the action of the applicant.
  - » Staff notes that the applicant has proposed to protect the existing floodplain and floodwall.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » The applicant stated that granting the variances would not confer on the applicant any special privilege as surrounding properties have the same characteristics and have been operating for many years.
  - » Staff does not believe that granting the variances will confer on the applicant a special privilege due to the properties unique location, being screened to the north, east and west by manufacturing, industrial and municipal uses, along with Interstate 71.
- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity;*
  - » The applicant does not believe that granting the variance would adversely impact the general health, safety or welfare of the community. Also, the variances requested are existing conditions and no harm has occurred in the past.
  - » Staff does not believe that granting the variance requested would adversely impact the general health, safety or welfare of the community provided Staff's recommended conditions are met.

### **Recommendation**

Staff's recommendation is that the BZA **approve** with conditions a Variance from Sections 344.048, 346.042, 346.043(a), 346.044(a), 501.013, 501.024(b), 521.012, 531.011(2) and 531.041(2) of the Franklin County Zoning Resolution to allow the site to not meet the minimum landscaped open space, minimum lot width, side yard setbacks, rear yard setbacks, include barbed wire topped chain link fencing,

screening from public streets and park vehicles on a gravel surface in an area zoned General Industrial (GI). The conditions are as follows:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance.
2. Provided the 2.4 +/- acre portion of the subject site is successfully rezoned from the Rural district to the General Industrial district, the applicant must apply for and receive approval of a Certificate of Zoning Compliance that includes the entire 11.92 +/- acre site.
3. The Traffic Access Study (TAS) submitted to the Franklin County Engineer's Office must be approved prior to the issuance of a Certificate of Zoning Compliance.
4. The applicant must address the Franklin Soil and Water Conservation District's concerns by addressing stormwater control prior to the approval of a Certificate of Zoning Compliance.
5. The reduced side yard and rear yard setback is only to be approved for vehicle parking and open storage, and not to include any future buildings or structures.
6. A barrier must be shown on the site plan submitted with the Certificate of Zoning Compliance that delineates and protects the floodplain ("No Parking") areas as shown on the submitted site plan and no parking is permitted in any floodplain areas.

**Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Request:**

\_\_\_\_\_ moves to approve a Variance from Sections 344.048, 346.042, 346.043(a), 346.044(a), 501.013, 501.024(b), 521.012, 531.011(2) and 531.041(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3909 with Staff's recommended conditions.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for a variance from Sections 344.048, 346.042, 346.043(a), 346.044(a), 501.013, 501.024(b), 521.012, 531.011(2) and 531.041(2) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3909 results from applicant's failure to satisfy the criteria for granting a Variance under Section 810.041.

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

Voting:









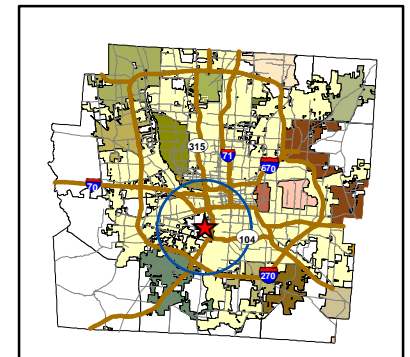


## VA-3909

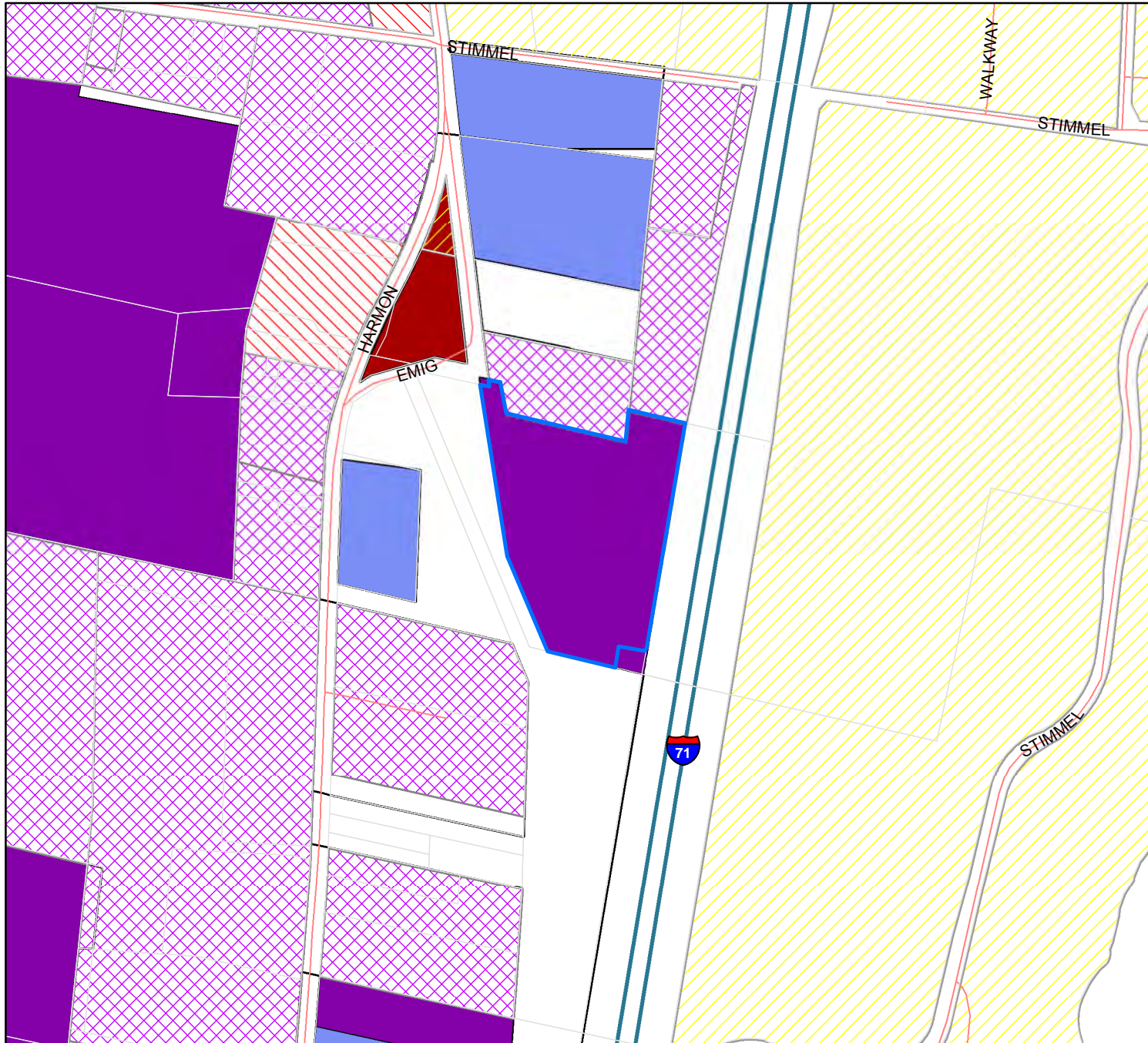
Requesting Variances from the Franklin County Zoning Resolution to allow the site to not meet the minimum landscaped open space, minimum lot width, side yard setbacks, rear yard setbacks, include barbed wire topped chain link fencing, screening from public streets and park vehicles on a gravel surface in an area zoned General Industrial (GI).

Acres: 9.440  
Township: Franklin

-  1350 Emig Rd
-  Parcels
-  Interstate
-  Streets
-  Floodway Fringe (100 year)
-  Floodway







## VA-3909

Requesting Variances from the Franklin County Zoning Resolution to allow the site to not meet the minimum landscaped open space, minimum lot width, side yard setbacks, rear yard setbacks, include barbed wire topped chain link fencing, screening from public streets and park vehicles on a gravel surface in an area zoned General Industrial (GI).

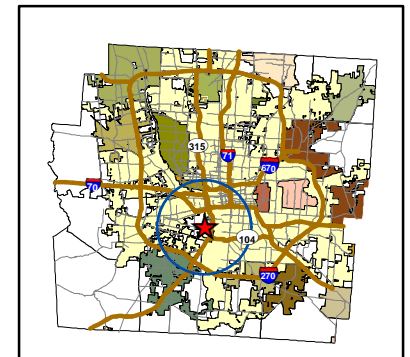
Acres: 9.440  
Township: Franklin

### Franklin County Zoning

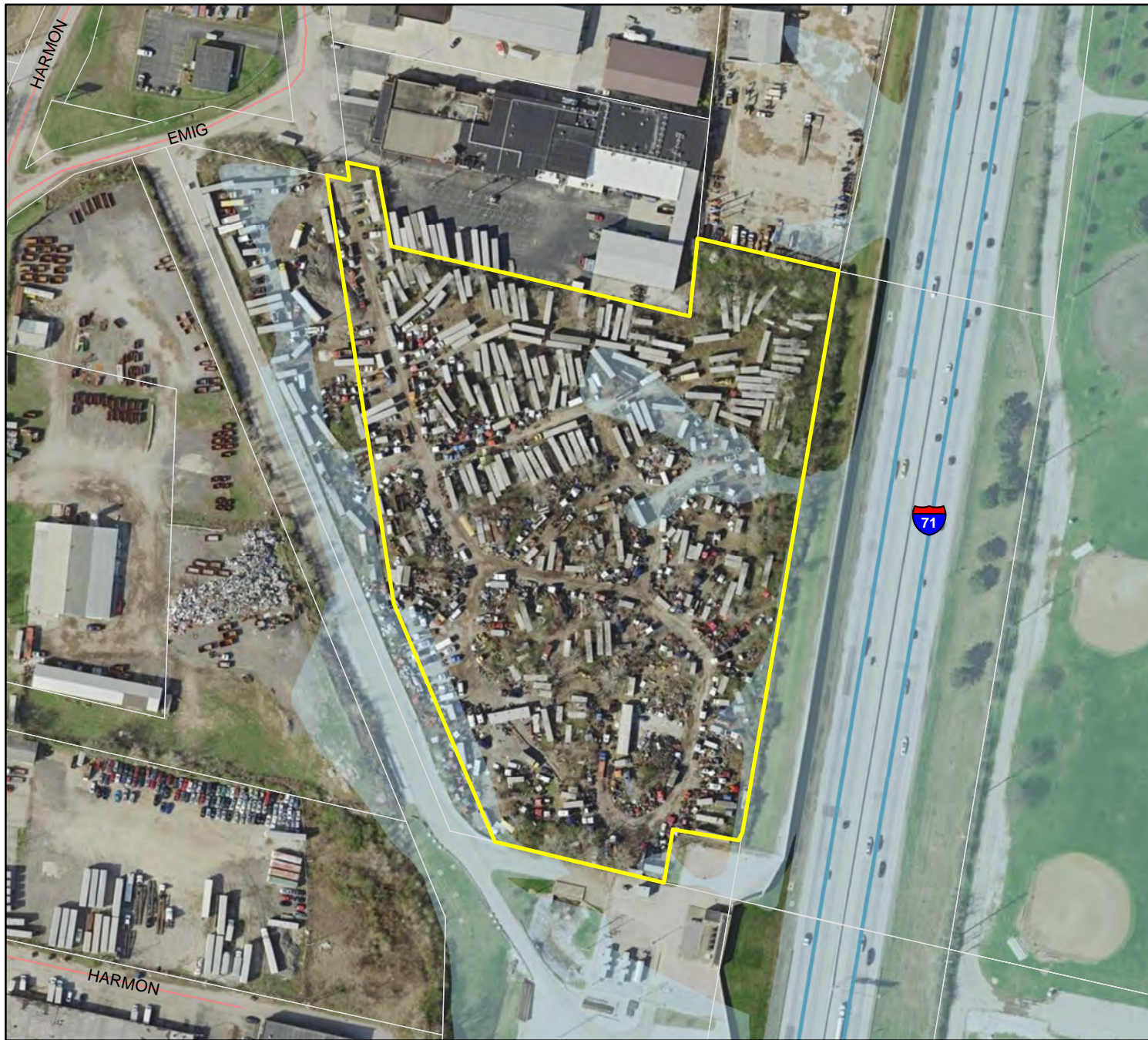
- Community Service
- General Industrial
- Limited Industrial
- Rural

### Columbus Zoning

- Residential
- Commercial
- Manufacturing





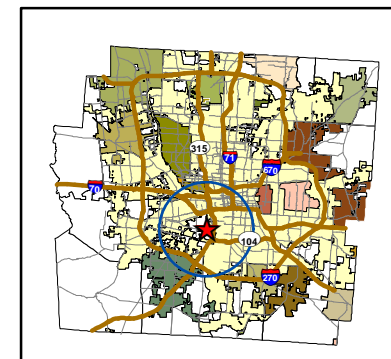


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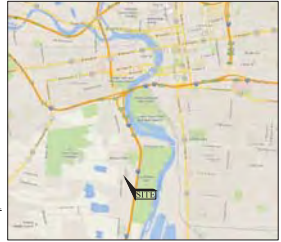
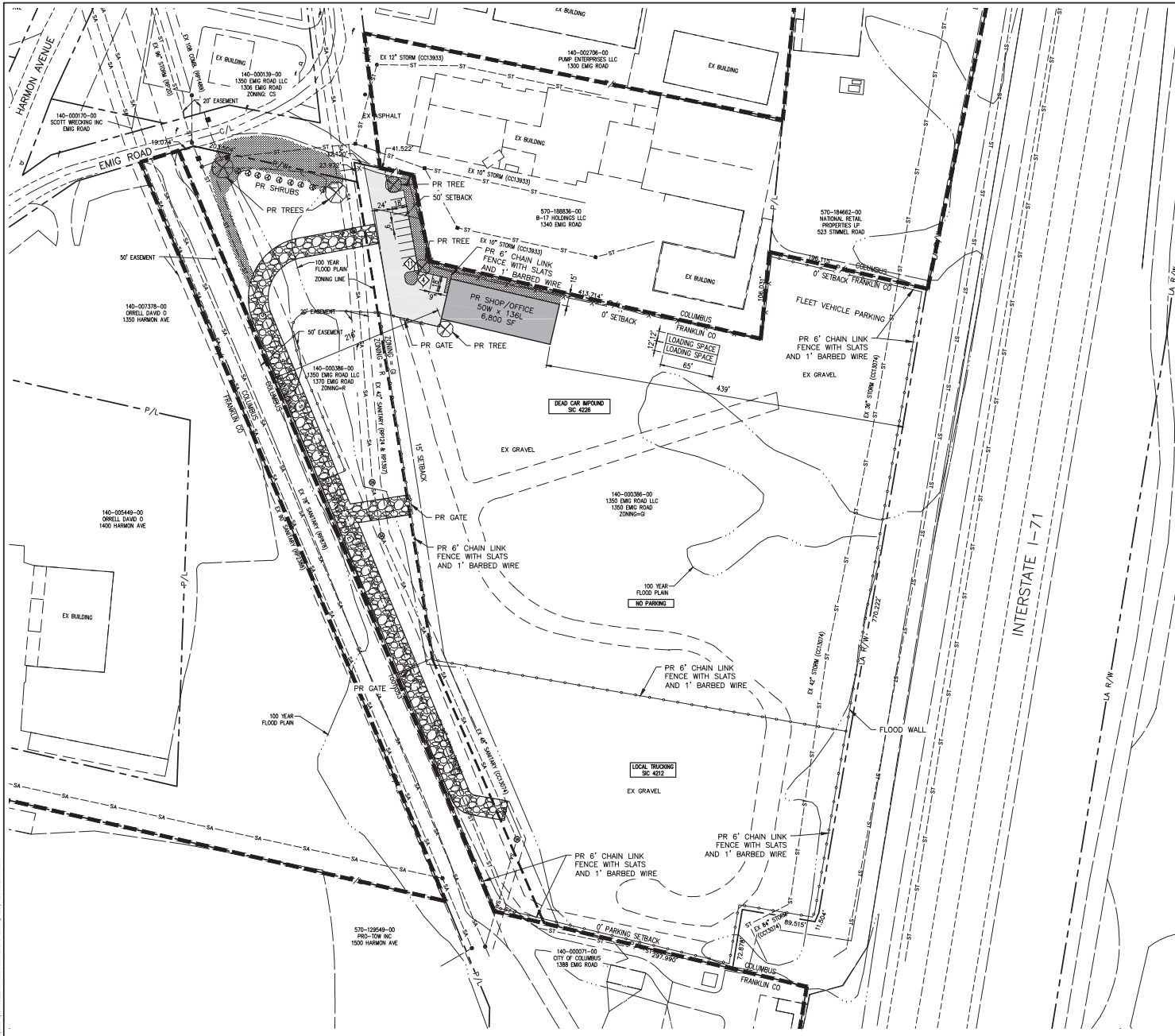
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Acres: 9.440  
Township: Franklin

- 1350 Emig Rd
- Parcels
- Interstate
- Streets
- Floodway Fringe (100 year)







VICINITY MAP  
NOT TO SCALE

**OWNERS**  
1350 EMIG ROAD LLC  
1350 EMIG ROAD  
COLUMBUS, OH 43223  
CONTACT: BRANDON HARRIS  
PHONE: 614-272-1800

**ENGINEER**  
THE MANNIK & SMITH GROUP, INC.  
1150 DUBLIN ROAD, SUITE 100  
COLUMBUS, OH 43214  
CONTACT: STEVEN E. FOX  
PHONE: 614-452-4528  
EMAIL: SFOX@MANNIKSMITHGROUP.COM

**SITE DATA**

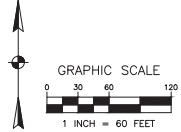
ADDRESS: 1350 & 1370 EMIG ROAD  
PID: 140-000386-00  
TOTAL SITE AREA: 9.44± AC  
ZONING: GI - GENERAL INDUSTRIAL  
USE: OFFICE & STORAGE  
BUILDING HEIGHT: 100' MAXIMUM

**FLOOD ZONE**

THE PROPERTY LIES WITHIN ZONE A & ZONE X, DETERMINED BY THE FEMA FLOOD INSURANCE RATE MAP #39049C0317K, PANEL 317 OF 465, EFFECTIVE ON 06/17/2008.

PERVIOUS AREA: 0.31 AC. 3.28%  
IMPERVIOUS AREA: 6.16 AC. 96.72%  
TOTAL AREA: 9.44 AC. 100%

SITE DATA	
TOTAL SITE AREA:	9.44 AC
DISTURBED AREA:	0.64 AC.
PRE DEVELOPED IMPERVIOUS AREA:	0.02 AC.
POST DEVELOPED IMPERVIOUS AREA:	0.36 AC.



NO.	DATE	BY	DESCRIPTION

1150 DUBLIN ROAD  
COLUMBUS, OH 43215  
TEL: 614-452-4528  
FAX: 614-452-4529

PROJECT DATE: 06/20/18  
PROJECT NO.: B2/2018  
DRAWN BY: RWY  
CHECKED BY: SJF



PREPARED FOR:  
CAPITAL TOWING & RECOVERY, INC.  
114 WINDSOR AVENUE  
COLUMBUS, OH 43211

FRANKLIN COUNTY, OHIO  
SITE COMPLIANCE PLAN  
FOR  
**1350 & 1370 EMIG ROAD**  
COLUMBUS, OH 43223

SITE PLAN  
2 / 3