



Franklin County Board of Zoning Appeals

Judicial Services Building (Hall of Justice)
369 South High Street
1st Floor, Commissioners Hearing Room
Columbus, OH 43215

Tuesday, January 21, 2025
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Approval of By-Laws
4. Election of Chair and Vice-Chair
5. Approval of minutes from the December 16, 2024, meeting
6. Old Business:

CU-4109 – Kayla Johnson

Owner:	Terry, Suzanne, Graham, and Sarah Trego
Applicant:	Jennifer Stachler, P.E.. Servant’s Heart General Contracting
Township:	Pleasant Township
Site:	6292 Gay Rd. Orient, OH (PID# 230-000337)
Acreage:	5.03-acres
Zoning:	Rural (R)
Utilities:	Private water and sewer
Request:	Requesting a conditional use per Section 302.039 of the Franklin County Zoning Resolution for an Accessory Apartment (Granny Flat) in an area zoned Rural (R).

*Swear in witnesses as needed

7. New Business:

VA-4115 – Kayla Johnson

Owner:	K & A Construction, LLC
Applicant:	Dennis J. Meacham, Architect
Township:	Franklin Township
Site:	Ransburg Avenue (PID #140-000591)
Acreage:	0.10-acres
Zoning:	Rural (R)
Utilities:	Private water and sewer
Request:	Requesting a variance to Sections 110.041, 302.041, & 302.043 of the Franklin County Zoning Resolution to allow construction of a single-family house on a non-conforming lot that will not provide the required side yard setback and will exceed maximum lot coverage in an area zoned Rural (R).

*Swear in witnesses as needed

VA-4116 – Austin Workman

Owner / Applicant:	Shalabi Ahmad
Township:	Mifflin Township
Site:	2664 Berrell Avenue (PID #190-005073)
Acreage:	0.20-acres
Zoning:	Rural (R)
Utilities:	Public water and sewer
Request:	Requesting a variance to Sections 110.041, 302.041(c), and 502.021(2) of the Franklin County Zoning Resolution to allow a single-family house on a non-conforming lot that does not provide the required front yard setback and will exceed the maximum allowed lot coverage in an area zoned Rural (R).

*Swear in witnesses as needed

VA-4117 – Raimere Fitzpatrick

Owner:	Gordon & Diane Fowler
Applicant:	Ryan Kolb
Township:	Pleasant Township
Site:	5450 Opossum Run Road (PID #230-003218)
Acreage:	5.65-acres
Zoning:	Rural (R)
Utilities:	Private water and sewer
Request:	Requesting a variance to Sections 512.02(2)(a) and 650.162(a) of the Franklin County Zoning Resolution to allow construction in a riparian setback area of an accessory building to be located in front of the principal structure in an area zoned Rural (R).

*Swear in witnesses as needed

8. Adjournment of Meeting to February 18, 2025

**FRANKLIN COUNTY, OHIO
BOARD OF ZONING APPEALS
(By Laws)**

A. MEMBERS AND OFFICERS

1. The Board of Zoning Appeals, herein after referred to as the BZA, shall consist of five (5) members and two (2) at-large members appointed by the Franklin County Board of County Commissioners as provided by Section 303.13 of the Ohio Revised Code. Each member and/or successor shall serve a term for a period of five (5) years with terms that expire each year. Each member shall maintain residence in unincorporated Franklin County.
2. At the first meeting of each year, the BZA shall organize by electing a Chairperson and a Vice-Chairperson. Officers shall serve for one (1) year or until a successor is appointed. Officers are entitled to vote. (02/16/16)
3. Upon expiration of a BZA member's term, such member may continue to serve until a successor is appointed.
4. The Chairperson shall encourage regular and timely attendance by each BZA member. Each BZA member is responsible for attending each meeting or notifying the Planning Administrator of the Franklin County Economic Development and Planning Department or the Planning Administrator's staff person of the inability to attend. Four (4) total unexcused absences in one year, or three (3) consecutive unexcused absences shall be grounds for removal of a member by a majority vote of the Board, or, at their discretion, grounds for the attending majority of the Board to request the offending members resignation (02/22/00). The secretary of the BZA shall determine what constitutes an unexcused absence. Grounds to be considered an unexcused absence would be failure to notify the secretary of the BZA before the meeting of an inability to attend, or repeated absences without medical or appropriate personal excuses.
5. The Planning Administrator of the Franklin County Economic Development and Planning Department or the Planning Administrator's designee shall serve as secretary of the BZA.

B. MEETINGS

1. The BZA shall meet on the third (3rd) Monday of each month. If the third (3rd) Monday is a holiday, the meeting shall be on the following day. If there are no applications scheduled for consideration, no meeting will be held. (02/16/16)
2. Each regular meeting shall be held at 1:30 PM in an appropriate room of the Franklin County Courthouse.
3. The BZA shall publish and mail notices as required by Section 303.15 of the Ohio Revised Code. The BZA herein defines “parties of interest”, as it is used in the ORC, to mean owners of property within and contiguous to and directly across the street from the area subject to the variance or conditional use request. This definition is equivalent to the one used in ORC Section 303.12 regarding notice for rezoning petitions. As a courtesy, the BZA will also attempt to mail notice to all remaining property owners within 300 feet of the subject property. A copy of the abutter list shall be retained in each respective case file and shall be available for public inspection at the Franklin County Economic Development and Planning Department (02/16/98) (02/20/07).
4. All meetings of the BZA shall be open to the public and no action shall take place in Executive Session or by vote prior to any meeting.
5. All meetings shall be conducted in accordance with Roberts Rules of Order, newly revised. A quorum shall consist of three (3) members of the BZA. If a quorum is lacking, the meeting shall be postponed or canceled. The Board of Zoning Appeals is unable to guarantee full attendance at each hearing. As such, any decision made by quorum of BZA is final. The BZA shall consider and deliberate upon any request for delay should an applicant desire to do so, but because of the dynamic development issues present in Franklin County, such request for delay shall only be considered to a date certain not to exceed six months (02/22/00).
6. There are two (2) designated at-large alternates. The alternates shall have the right to vote and participate in all proceedings and actions of the Board of Zoning Appeals at that meeting as if the at-large alternate were a full voting member (02/19/08).
7. All motions before the BZA shall be presented in the affirmative (to approve). If a motion is defeated, this constitutes a denial of the application. Passage shall require the affirmative vote of a majority of votes cast (02/20/07). For an appeal to be denied, a motion of denial must pass. For an appeal to be approved, a motion of approval must pass (04/20/09).
8. The Chairperson may limit the number of persons who wish to speak regarding any agenda item to not fewer than three (3) for and three (3) persons against. The Chairperson may not limit the time for a person to speak to less than five (5) minutes. The Chairperson, in the alternative, may limit the total amount of time for support of an agenda item to fifteen (15) minutes and the total amount of time for the opposition to fifteen (15) minutes.
9. All persons wishing to speak at a meeting must register to do so with the secretary of the BZA prior to the meeting. Speaker slips will be available for this purpose.

The Chairperson will inquire prior to each meeting or prior to each individual case as to whether or not the applicant or the appropriate representative is present. If there is not representation for a specific application, the application shall be dismissed without prejudice and the applicant will be required to reapply. If an applicant or agent reapplies and again does not attend the scheduled meeting, the Board may choose to approve or deny the application based on the merits of the case (02/18/97). Applications with motions to continue or dismiss shall be heard first. Applications requiring a full presentation to the BZA shall be heard in the order of filing (02/22/00).

C. POWERS AND DUTIES

The BZA shall consider request for:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, or decision, or determination made by the Administrative Officer in the enforcement of the Zoning Resolution.
2. Conditional Use: To authorize only such Conditional Uses as the BZA is specifically authorized to pass on by the terms of the Franklin County Zoning Resolution.
3. Variances: To hear and decide in specific cases such Variances from the terms of the Franklin County Zoning Resolution as will not be contrary to the public interest where, owing to special conditions on the land, a literal enforcement of the provisions of this zoning resolution would result in unnecessary hardship. In granting such Variance, the BZA shall prescribe appropriate conditions and safeguards to maintain the intent and the spirit of the zoning district in conformity with this zoning district.
4. If a proposed variance or conditional use request is denied by the BZA, another application for variance or conditional uses that relies on the same set of facts and affects any portion of the land included in the disapproved application shall not be heard. The Board may consider this position if any applicant can clearly demonstrate that new facts and/or previously unconsidered circumstances or agreements warrant reconsideration (02/16/99).

D. BZA STAFF

1. The Franklin County Economic Development and Planning Department shall receive, process, recommend and present applications for Administrative Appeals, Variances and Conditional Uses to the BZA.
2. The Franklin County Economic Development and Planning Department staff shall review applications for Variance and Conditional Use and submit a written report to the BZA before the public meeting. Such reports shall recommend approval, modification, or disapproval of the application.
3. The Economic Development and Planning Department shall maintain a record of the BZA proceedings and respond to all Praecepta for appeal.

4. It is the responsibility of the secretary of the BZA to issue to every applicant the final order or journal entry. Said final order shall include written notification of the BZA decision rendered and shall be issued no later than five (5) days following each scheduled Board meeting. Absent any action to appeal a BZA decision; the Board continues to have thirty (30) days following entry of the final order in which to reconsider a case. Once thirty (30) days has elapsed, the appeal time has lapsed and reconsideration is not possible. In special circumstances and upon just and reasonable finding, the Chairperson may elect to instruct the secretary of the BZA to withhold or stay, (02/20/07) for a period not to exceed thirty (30) days, the final order if one (1) or more Board members desires to reopen a case for reconsideration. A request to order a stay assumes that any party to the proceeding would not be prejudice to such a delay (02/18/97).

E. SUSPENSION OR AMENDMENT OF RULES

1. These rules and regulations may be suspended only upon the affirmative vote of no fewer than four (4) members.
2. These rules and regulations may be amended from time to time by a majority vote of the BZA membership. Such amendments shall be effective thirty (30) days after an affirmative vote.

SIGNATURE PAGE

Chairperson

Vice-Chairperson

Member

Member

Member

Date Adopted



MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday December 16, 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, December 16, 2024, at 1:31 p.m.

Present were:

Chris Baer, Chairman

Tim Guyton

Nancy Hunter

Joe Martin

Franklin County Economic Development and Planning Department members:

Ruchelle Pride, Director

Emanuel Torres, Assistant Director

Raimere Fitzpatrick, Planning Administrator

Tamara Ennist, Planning Administrator

Kayla Johnson, Planner

Austin Workman, Planner

Tre Wolf, Planning Coordinator

Franklin County Prosecutor's Office members:

Jeanine Hummer, First Assistant Prosecuting Attorney

Devin Bartlett, Assistant Prosecuting Attorney

Adria Fields, Assistant Prosecuting Attorney

Other Franklin County staff:

Melissa Kohler, Franklin County Deputy Clerk

Other attendees:

Jose Garcia, Applicant

Steve Mazer, Franklin Township Administrator

Dana Rettig, applicant's representative

Maymuna Ali, applicant

John Nicholson, Nicholson Builders

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 November 18, 2024 meeting. A motion was made by Mr. Martin, seconded by Ms. Hunter, to approve the minutes. The motion passed by a vote of four yeases, zero nos, and zero abstentions.

OLD BUSINESS:

The next order of business was to remove Case No. CU-4109 from the table. A motion was made by Chairman Baer, seconded by Mr. Martin, to remove Case No. CU-4109 from the table. The motion passed

by a vote of four yeases, zero nos, and zero abstentions. A motion was made by Mr. Guyton, seconded by Mr. Martin, to postpone the case to the January 21, 2025 meeting. The motion passed by a vote of four yeases, zero nos, and zero abstentions. After discussion between members of the Board and Ms. Hummer regarding the difference between "tabling" and "postponing" a case, the motion passed by a vote of four yeases, zero nos, and zero abstentions.

NEW BUSINESS:

The next order of business was to hear Case No. VA-4110. The owner was Garcia Builders Construction, LLC; the applicant was José Garcia. The site is located in Franklin Township at 3523 Brookside Boulevard. It is 0.76 acres in size and served by private water and central sewer. The applicant was requesting variances from Section 302.041(c); 512.01; the 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 and height for an accessory structure on lots under 1 acre, and does not meet the definition of an accessory building in an area zoned Rural.

After extensive discussion among members of the Board and staff, a motion was made by Mr. Guyton, seconded by Mr. Martin, to admit staff's presentation, report, and the testimony of staff and the applicant, into the record. The motion passed by a vote of four yeases, zero nos, and zero abstentions. After further discussion, a motion was made by Mr. Guyton, seconded by Ms. Hunter, to approve a variance from Sections 512.01 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. The motion failed by a vote of zero yeases, four nos, and zero abstentions. A motion was then made by Mr. Guyton, seconded by Ms. Hunter, that the basis for denying the applicant's request for the variance from Sections 512.01 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). The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Mr. Guyton, seconded by Ms. Hunter, to approve a variance from Section 302.041(c) as outlined in the request for the applicant identified in Case No. VA-4110. The motion passed by a vote of three yeases, one no, and zero abstentions. A motion was then made by Mr. Guyton, seconded by Chairman Baer, to reconsider the motion relative to Sections 512.041 and 512.02(2)(a). The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Mr. Guyton, seconded by Ms. Hunter, to resubmit the motion to approve Sections 512.041, the 512.02 table, and 512.02(2)(a) as outlined in the request for the applicant identified in Case No. VA-4110. The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Mr. Guyton, seconded by Mr. Martin, to reconsider the most recent vote relative to Sections 512.041, the 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 and an additional finding of fact that were previously included in a separate motion. The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Mr. Guyton, seconded by Ms. Hunter, to approve the variance relative to 512.01, the 512.02 table, and 512.02(2)(a) as well as the findings of fact related to that resolution. The motion failed by a vote of zero yeases, four nos, and zero abstentions. A clarifying discussion was had between members of the Board and Ms. Hummer regarding the motions made.

The next order of business was to hear Case No. VA-4112. The owners are Sean and Kella Owen, and the applicant was Leonard Rettig Design Build, Ltd. The site is located in Sharon Township at 226 Westview Avenue. It is 0.47 acres in size and served by public water and sewer. The applicant was requesting a variance from Section 110.041 of the 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. Staff recommended conditional approval. The conditions of approval were as follows: No. 1: A Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department be approved. No. 2: That a building permit from the Franklin County Economic Development and Planning Department be approved. No. 3: A permit for work on the right-of-way from Sharon Township must be applied for and approved for the drive relocation and for drainage connection to the

existing catch basin. No. 4: The property owner must install sediment and erosion controls prior to any construction commencing on the property. No. 5: The property owner should contact the Franklin Soil and Water Conservation District for guidance on site drainage for stormwater runoff and soil erosion control. Site drainage must be handled in a manner that does not create concerns for neighboring lots. A motion was made by Chairman Baer, seconded by Ms. Hunter, to accept the staff report, staff presentation, and testimony from the applicant into the record. The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was made by Ms. Hunter, seconded by Mr. Martin, 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 five recommended staff conditions. The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Ms. Hunter, seconded by Mr. Martin, that the basis for approving 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 the criteria for granting a variance under Sections 110.04 and 810.041(b). The motion passed by a vote of four yeases, zero nos, and zero abstentions.

The next order of business was to hear Case No. VA-4114. The owners are James and Debra Ricker, the applicant is Nicholson Builders. The site is located in Brown Township at 3191 Amity Road. It is 7.893 acres in size and served by private water and wastewater. The applicant was requesting a variance in 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. Staff recommended conditional approval. The conditions of approval were as follows: No. 1: The applicant will apply for and receive a certificate of residential zoning compliance and a building permit from the Franklin County Economic Development and Planning Department. No. 2: The certificate of residential zoning compliance shall include the location of seven trees required for mitigation of riparian setback impacts. The location of the trees shall be coordinated with and approved by the Franklin Soil and Water Conservation District. No. 3: The applicant will submit proof of final approval for mitigation plans by the Franklin County Soil and Water Conservation District with their application for residential zoning compliance. A motion was made by Chairman Baer, seconded by Mr. Guyton, to accept the staff report, staff presentation, and testimony from the applicant into the record. The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Ms. Hunter, seconded by Mr. Martin, to approve a variance from Sections 650.162(a) and (b) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4114 and to include the three staff recommendations. The motion passed by a vote of four yeases, zero nos, and zero abstentions. A motion was then made by Ms. Hunter, seconded by Mr. Martin, that the basis for approving the applicant's request for the variance from Section 650.162(a) and (b) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-411 results from the applicant satisfying the criteria for granting a variance under Section 810.041. The motion passed by a vote of four yeases, zero nos, and zero abstentions.

There was a discussion amongst the members of the Board and Ms. Hummer regarding the new process for making motions. There being no further business coming before the Franklin County Board of Zoning Appeals, Chairman Baer adjourned the meeting. The hearing was adjourned at 3:36 p.m.

Signature

The minutes of the December 16, 2024, Franklin County Board of Zoning Appeals were approved this _____ day of _____, 2025.

Fitzpatrick, Raimere S

From: Jennifer <jennifer@servantsheartgc.com>
Sent: Tuesday, January 7, 2025 3:19 PM
To: Ennist, Tamara J
Cc: Johnson, Kayla A.; Suzanne and Terry Trego; Fitzpatrick, Raimere S
Subject: RE: Proposal Discussion for Case #VA/CU-4109

Good Afternoon Team,

The Tregos have had some difficulty reaching their architect after the holidays. As a result, we would like to postpone the case until the Feb 18th meeting. We will confirm whether we are asking for conditional use only or the variance and conditional use shortly.

Thank you for your help to date.

---- On Fri, 03 Jan 2025 10:35:36 -0500 **Ennist, Tamara J**
<TamaraEnnist@franklincountyohio.gov> wrote ---

Jennifer,

After looking over the schedule I would like to make the following revision to the submittal times for the February meeting.

BZA January 21 meeting – Need revised application and materials **by noon on January 9th** so that we can add the new information to the BZA packets for the January 21st meeting.

BZA February 18th meeting – Deadline for new submittals is January 9th, 2025. Since this is a postponed application, we would need to know for sure that you are going forward with just the conditional use or a conditional use with variance requests before we advertise for the meeting on January 29th. So, we would want the revised application and supporting materials **on or before January 28th** but could include additional materials for the packet through February 6th.

Sincerely,

Tamara Ennist
Planning Administrator
(614) 525-7302

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

From: Johnson, Kayla A. <KaylaJohnson@franklincountyohio.gov>
Sent: Friday, January 3, 2025 10:16 AM



STAFF REPORT

Board of Zoning Appeals
January 21, 2024

Case: VA- 4115

Prepared by: Kayla Johnson

Owner:	K&A Construction
Applicant:	Dennis J. Mecham
Township:	Franklin
Site:	Ransburg Avenue (PID# 140-000591)
Acreage:	0.10-acres
Zoning:	Rural (R)
Utilities:	Public water and sewer
Request:	Requesting variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution to develop a non-conforming lot with a residence that does not meet the minimum setback and a driveway that causes the property to exceed lot coverage in an area zoned Rural (R).

Summary

Requesting variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution to develop a non-conforming lot with a residence that does not meet the minimum setback and a driveway that causes the property to exceed lot coverage in an area zoned Rural (R). Staff's analysis is that the request satisfies the criteria for granting the variances. Staff recommends conditional approval.

Property Background

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

- Platted as Lot #22 with the Joseph M. Briggs Brown Road Subdivision (1908) and is vacant.
- Homes in this subdivision were built in the early 1900's prior to Franklin County's adoption of a zoning resolution.
- Applicant applied for zoning compliance in November of 2024 for a new residence and driveway (#RZ-24-370). That application is pending approval.

Surrounding Land Use/Zoning

The subject site is located on the north side of Ransburg Avenue, east of Harrisburg Pike, and west of Brown Road in Franklin Township. The properties surrounding the site are within Franklin Township's Rural (R) zoning district and are developed with single-family residences and detached accessory structures. Nearby zoning districts include parcels on Ransburg Avenue in the Select Commercial Planned District and the Urban Residential (R-12) zoning districts. Lots fronting on Harrisburg Pike are predominantly within the Community Service (CS) zoning district. The Gibson Park Place subdivision, consisting of lots no greater than 0.50-acres, located south of the subject site is zoned Restricted Urban Residential (R-8). Further east from the subject property are the Greenlawn Cemetery, additional Rural (R) zoned lots, and Limited Industrial (LI) zoned lots.

Comprehensive Plan

The Southwest Area Plan (2009) recommends the site for Low Density Residential uses for single-family detached dwellings that have access to centralized water and sewer services. The recommended density is 3-6 units/acre. Corresponding Franklin County zoning districts include the R-4 and R-8 zoning districts. Curbs, gutters, and sidewalks are commonly developed within this category. Lastly, Policy C (pg. 38) of the Plan encourages tree protection measures in association with new development.

The proposal partially meets the land use category recommendation but aligns with the recommended development of a single-family detached residence with associated public utility service and conserved trees in the rear of the property. Ransburg Avenue was developed without any curbs, sidewalks, and drainage improvements within the roadway.

Franklin County Zoning Resolution Review

Variance from Section 110.041 – Non-Conforming Lots:

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 (60) feet abutment on an improved, publicly maintained right-of-way.

- The proposal is to construct a residence and driveway on a lot that provides only 40 feet of abutment on a publicly maintained right-of-way.
 - A variance is required to allow construction on a non-conforming lot of record that does not provide the minimum required road abutment.

Variance from Section 302.041 – Lot Coverage:

Such lot shall not be covered more than twenty percent (20%) by structure.

- The proposal is exceeding lot coverage by 0.29%.
 - A variance is required to allow the property to exceed lot coverage by 0.29%.

Variance from Section 302.043 – Side Yard:

For dwellings there shall be a total side yard of twenty (20) feet or more with a minimum of eight (8) feet or more on one (1) side.

- The proposal will result in a combined side yard of 16.5 feet and individual side yards of 6 feet on the western side yard and 10.5 feet on the eastern side yard.
 - A variance of 3.5 feet would be needed to meet the combined total side yard requirement.

Technical Review Committee Agency Review

The case was referred to the informal Technical Review Committee for comments on December 18th, 2024.

The following comments were provided by the respective Technical Agencies:

- 1) **Franklin Planning Department:** Reducing the driveway to not exceed a width of 18 feet would remove the need for the lot coverage variance.

Zoning Compliance Review

The project is currently under zoning compliance review.

The following review comments were provided.

- 1) **Franklin County Engineer's Office:** Twelve (12) feet is the minimum width required for a residential driveway in the right-of-way.

- 2) **Franklin County Sanitary Engineer:** Sanitary sewer is provided by Franklin County Sanitary Engineering and is in the northernmost right-of-way of Ransburg Avenue. A connection permit will need to be obtained from the Sanitary Engineer. Please show location of proposed sewer connection. Water is provided by the City of Columbus.
- 3) **Franklin County Drainage Department:** The applicant is required to show the existing and proposed elevation contours, show the location of the silt fence required to be installed around the property lines, and to contact Franklin Township Road Department for a right-of-way permit. The Drainage Department questioned whether the house would have a basement and whether the contours of the site will change at all. The site plan must show pre- and post- elevations.

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: There will not yield a reasonable return, the applicant has designed a cost-effective home with a 23-foot width. The applicant cannot reduce the width of the home without affecting its marketability.
 - b) The property is currently vacant and cannot be developed residentially without a variance from the non-conforming lot standards. However, as for lot coverage, the proposal can still benefit from its residential use without the additional 2-foot width of the driveway.
- 2) *Whether the variance is substantial;*
 - a) Applicant's Response/Summary: The variance request is minor for the requested 16.5 ft. side yard and 20.2% for the lot coverage. The lot is a non-conforming lot per section 110.041 of the Franklin County Zoning Resolution.
 - b) Staff does not consider the variances requested to be substantial. The subdividing of the property was not completed according to the zoning district's lot size standards. The total setback required is reduced by only 20% and the lot coverage is exceeded by less than 1%.
- 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: Per the enclosed front elevation, the house would be in character with the neighborhood and would not result in harm to the existing properties. Granting the variance will not adversely affect the health, safety, and public welfare in the community.
 - b) Staff recommends the character of the neighborhood would remain the same as nearby residences, on similarly sized lots, that have also been developed with non-conforming side yard setbacks.
- 4) *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);*
 - a) Applicant's Response/Summary: The variances will not affect any public services. There is a fire hydrant directly across the street. All public utilities are available at the property.
 - b) No governmental services will be affected as a result of the variances. The configuration of the proposed driveway, which is part of the lot coverage variance, might remove potential vehicles of the property owner from the roadway which could avoid conflict of services for garbage and snow removal. No public service entity provided comment for the variances proposed.

- 5) *Whether the property owner purchased the property with knowledge of the zoning restriction;*
- a) Applicant's Response/Summary: No, the owner was not aware of these three zoning requirements (based on driving through the neighborhood). The proposed home is similar in size and scale to the existing homes in the area. The lots on Ransburg Avenue were platted and developed as subdivision lots and not sized with the Rural (R) zoning requirements in mind.
 - b) It is common for property owners to be unaware of the non-conformity of their lot without conducting research prior to purchase or based on the existing conditions of the neighborhood. Lots within the area have rezoned over the years to more appropriate zoning districts according to their lot dimensions and expected development densities.
- 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 request is minor, and the applicant believes there is no way to provide a marketable home without the variance. Any recent builds on the street would need similar variances with the Rural (R) zoning, 20-foot total side yard, and 20% lot coverage requirements.
 - c) Any development of this non-conforming lot will require a variance because the lot cannot provide the required road frontage. Development of any residence wider than twenty (20) feet will require a variance for required side yard setbacks. The only predicament that can be obviated by means other than a variance is the variance to exceed lot coverage. Staff assesses that the lot coverage can be overcome by slightly reducing the width of the driveway.
- 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 the intent of the requirements would be observed and justified by granting the variance. Approval of the variance will not grant them any special privilege.
 - b) Staff believes that the approval of the variances would meet the spirit and intent of the requirements for developing a property within the area. Furthermore, the granting of the variances is justified given that the lot was created and approved long before Franklin County initiated zoning requirements.

Recommendation:

Based on Staff's Analysis, Staff's recommendation is that the Board of Zoning Appeals conditionally approve variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution to develop a non-conforming lot of record with a residence that does not meet the minimum setback and a driveway that causes the property to exceed lot coverage in an area zoned Rural (R).

The conditions of approval are as follows:

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

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to conditionally approve variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4115.

Seconded by: _____

Voting:

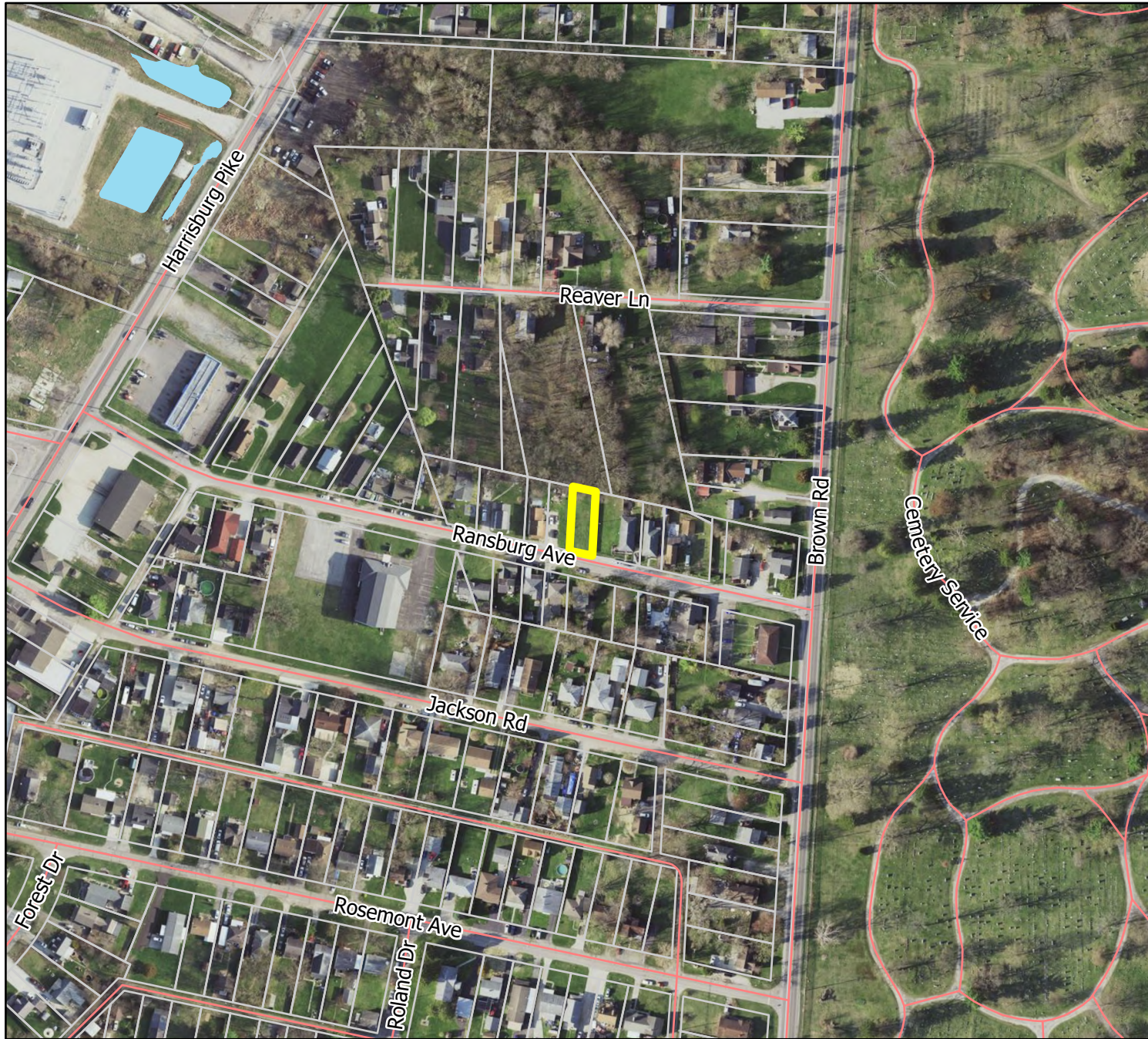
Findings of Fact (Variance)

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

_____ move that the basis for approving/denying the applicant's request for the variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4115 results from the applicant satisfying/failing to satisfy the criteria for granting a variance under Section 810.041(b).

Seconded by: _____

Voting:

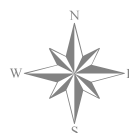
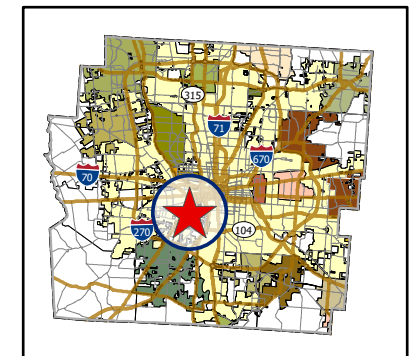


VA-4115

Requesting variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution to develop a non-conforming lot with a residence that does not meet the minimum setback and a driveway that causes the property to exceed lot coverage in an area zoned Rural (R).

Acres: 0.10-acres
Township: Franklin

-  Streets
-  Parcels
-  Ransburg Ave



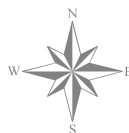
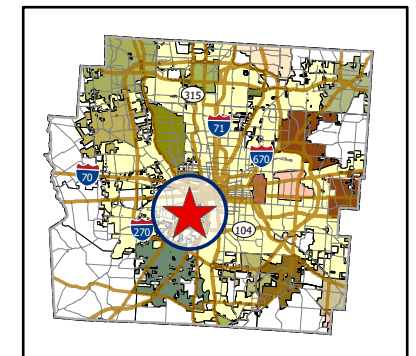


VA-4115

Requesting variances from Sections 110.041, 302.041, and 302.043 of the Franklin County Zoning Resolution to develop a non-conforming lot with a residence that does not meet the minimum setback and a driveway that causes the property to exceed lot coverage in an area zoned Rural (R).

Acres: 0.10-acres
Township: Franklin

- Streets
- Parcels
- Ransburg Ave





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)

RECEIVED
DEC 10 2024
Franklin County Planning Department
Franklin County, OH

Property Information

Site Address: RAHSBURG AVENUE
 Parcel ID: 140-000591 Zoning District: RURAL (R) ZONE 48
 Lot Acreage: .10 (40' x 105') Township: FRANKLIN TWP.

Property Owner Information

Name: K & A CONSTRUCTION
 Address: 1973 DRURY LN.
COLUMBUS, OHIO 43235
ABE ABOOMAR
 Phone # 614-732-1642 Fax # —
 Email: abrahimaboomar@yahoo.com

Applicant Information Same as property owner

Name: DENNIS J. MEACHAM
 Address: 763 GLENVIEW DRIVE
HOWARD, OHIO 43028
 Phone # 614-402-8134 Fax # —
 Email: DJMARCHITECT@GMAIL.COM

Agent Information

Name: DENNIS J. MEACHAM - ARCH.
 Address: 763 GLENVIEW DRIVE
HOWARD, OHIO 43028
 Phone # 614-402-8134 Fax # —
 Email: DJMARCHITECT@GMAIL.COM

Staff Use Only

Case # VA-4115
 Date Filed: 12/10/2024
 Received By: TREBION ROUP
 Fee Paid: \$350.00
 Receipt Number: 24-04577
 Hearing Date: 1/21/2025
 Technical Review: 12/24/2024
 Zoning Compliance #: RZ-24-370

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
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 2 of 7



Case# VA-

Section: 110.041 - NON CONFORMING LOT - ZONED RURAL (R)
 Description: BUILDING HOME ON 105' X 40' LOT - (2.5 AC LOT W/ 150' FRONTAGE REQ.)
 Section: 302.041 - LOT AREA AND COVERAGE - ZONED RURAL (R)
 Description: BUILDING COVERAGE EXCEEDS (20%)
 Section: 302.043 - SIDE YARD F ZONED RURAL (R)
 Description: SIDE YARDS TOTAL LESS THAN THE 20' REQUIRED

PROPOSE BUILDING WILL BE A TWO STORY 1441 SQ. FT. HOME WITH A DRIVE AND TWO PARKING SPACES. THE HOUSE IS DESIGNED TO FIT ON NARROW LOTS AND CONTAIN 3 BEDROOMS AND TWO BATHS. THE AFFORDABLE HOME HAS A FOOTPRINT OF 23' X 32'.

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.

LOT IS A PLATTED LOT ON RANSBURG. 40' X 105'. THE PROPOSED HOME IS SIMILAR IN SIZE AND SCALE TO THE EXISTING HOMES IN THE AREA. I ASSUME ANY RECENT BUILDS ON THE STREET WOULD NEED SIMILAR VARIANCES WITH THE RURAL (R) ZONING. WITH THE 20 TOTAL SIDEYARD AND 20% LOT COVERAGE REQUIREMENTS.



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 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.

OTHER PROPERTIES WOULD NEED SIMILAR VARIANCES.
WE CANNOT BUILD OUR PROPOSED HOME WITH
THE LITERAL INTERPETATION OF THE OF THE RURAL (R)
ZONING: OTHER HOMES IN THE AREA HAVE SIDEYARDS LESS THAN 20'.

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

THE LOTS ON RANSBURG AVE WERE PLATTED AND
DEVELOPED AS SUBDIVISION LOTS AND NOT SIZED
WITH THE RURAL (R) ZONING REQUIREMENTS IN MIND.

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.

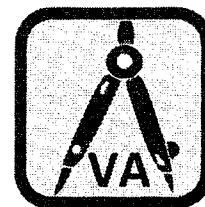
THE APPROVAL OF THIS VARIANCE WILL NOT GRANT US ANY
SPECIAL PRIVILEGE. OUR REQUEST IS MINOR (ASKING
FOR 16.5' TOTAL SIDEYARD AND 20.29% LOT COVERAGE.

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?

GRANTING THE VARIANCE WILL NOT ADVERSELY
AFFECT HEALTH, SAFETY AND PUBLIC WELFARE IN
THE COMMUNITY. BUILDING IS IN SCALE WITH EXISTING.

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

NO, WE HAVE DESIGNED A COST EFFECTIVE HOME
WITH A 23' WIDTH. WE CANNOT REDUCE THE WIDTH
OF OUR HOME WITHOUT AFFECTING ITS MARKETABILITY



Case# VA-

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

OUR VARIANCE REQUEST IS MINOR FOR THE REQUESTED 16.5 SIDEYARD AND 20.2% FOR THE LOT COVERAGE. OUR LOT IS A NONCONFORMING LOT PER SEC. 110.041

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?

PER THE ENCLOSED FRONT ELEVATION, OUR HOUSE WOULD BE IN CHARACTER WITH THE NEIGHBORHOOD AND WOULD NOT RESULT IN HARM TO THE EXIST. PROPERTIES

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)

OUR VARIANCE WILL NOT AFFECT ANY PUBLIC SERVICES. THERE IS A FIRE HYDRANT DIRECTLY ACROSS THE STREET. ALL PUBLIC UTILITIES AVAILABLE AT PROPERTY.

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

NO, THE OWNER WAS NOT AWARE OF THESE THREE REQUIREMENTS (BASED ON DRIVING THROUGH THE NEIGHBORHOOD)

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

THIS REQUEST IS MINOR AND WE FEEL THERE IS NO WAY TO PROVIDE A MARKETABLE HOME WITHOUT THE VARIANCE.

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

I THINK THE INTENT OF THE REQUIREMENTS WOULD BE OBSERVED AND JUSTIFIED BY GRANTING THIS VARIANCE.



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 *

12-10-24
Date

[Handwritten Signature: Ibrahim Aboomar]
Property Owner (signature must be notarized)

12-10-24
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.

County of Franklin,
State of Ohio



Sworn ~~before~~^{CT} before me
this 10th day of December, 2024
by Ibrahim Aboomar.



Christiana M Trecker
Notary Public, State of Ohio
Commission #: 2024-RE-875100
My Commission Expires 03-17-2029

Notary Public Christiana M. Trecker

K & A CONSTRUCTION
1973 DRURY LN.
COLUMBUS, OH. 43235
DEC 5, 2024



TO: FRANKLIN COUNTY, OHIO
ECONOMIC DEVELOPMENT & PLANNING

ATTN: AUSTIN L. WORKMAN
REF: AUTHORIZED AGENT FOR VARIANCE
RANSBURG AVE - PARCEL 140-000591

AUSTIN,
I AUTHORIZE DENNIS J. MEACHAM
ARCHITECT TO BE OUR AGENT FOR
WORK ON OUR VARIANCE REQUEST
FOR THE ABOVE NOTED PROPERTY.
PLEASE CALL ME IF YOU NEED ANY
ADDITIONAL INFORMATION REGARDING
THIS REQUEST. (614-732-1642)

SINCERELY,

K & A CONSTRUCTION
PROPERTY OWNER -

ABRAHIM ABOOMAR

County of Franklin,
State of Ohio

Ibrahim Aboomar
SIGN

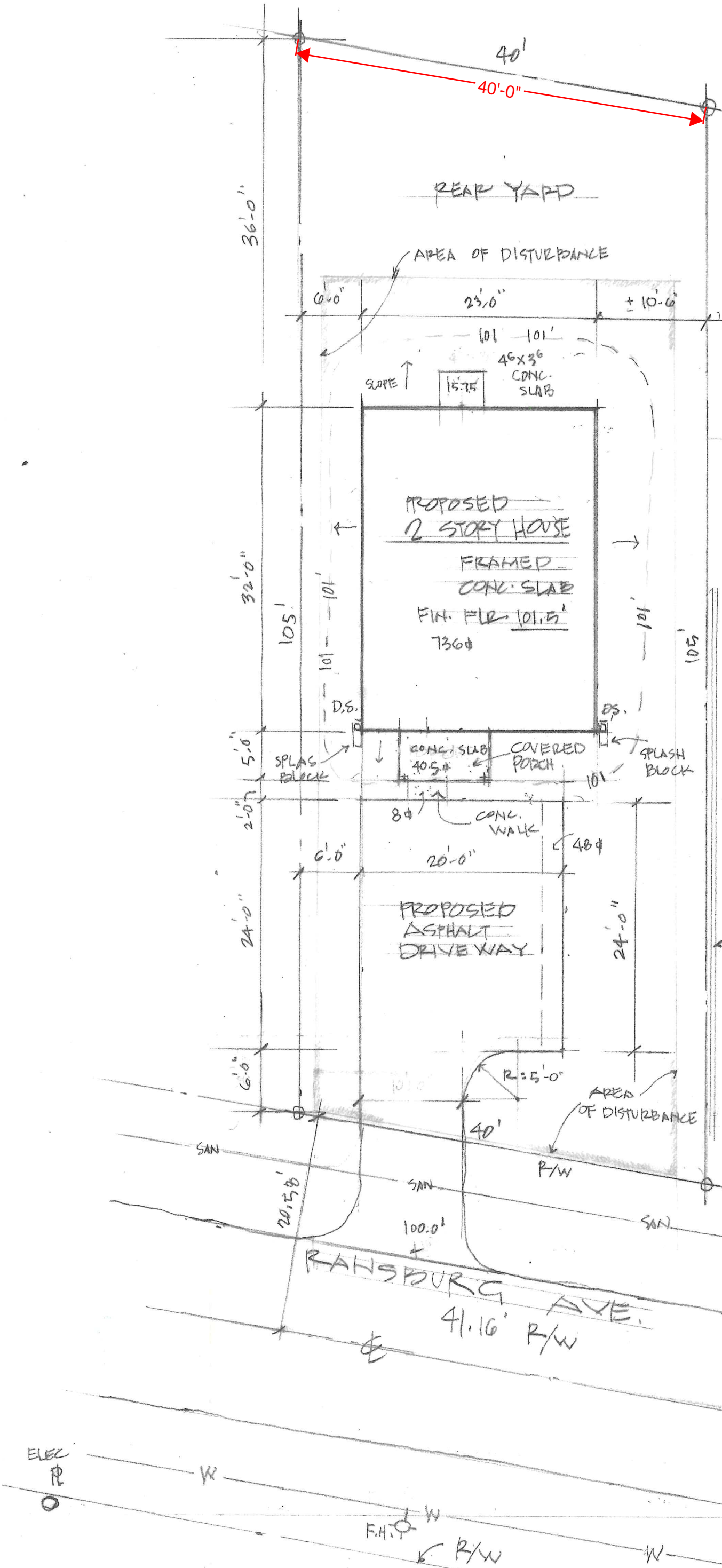
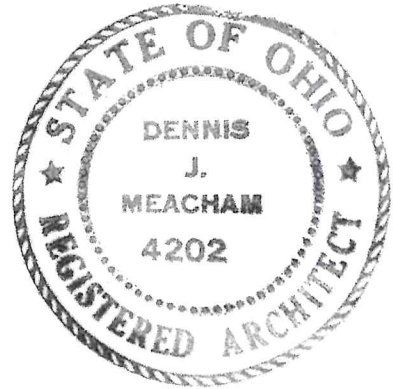
12-10-24
DATE

Sworn to before me this
10th day of December, 2024
by Ibrahim Aboomar.

Notary Public Christiana M. Trecker



Christiana M Trecker
Notary Public, State of Ohio
Commission #:2024-RE-875100
My Commission Expires 03-17-2029



SITE IS FLAT WITH ALMOST NO FALL
 BUDG. COVERAGE - 848.5 20.2%

A. LOT AREA - 4200 SQ. FT. (40' x 105')

B. IMPERVIOUS SURFACE (35%) 1490 SQ. FT.

- HOUSE
- DRIVE
- PORCH
- WALKS

C. AREA OF DISTURBANCE 2975 SQ. FT.

PARCEL - 140-000591

LOT - BROWN RD. 22
 .10 ACRES
 FRANKLIN TWP.



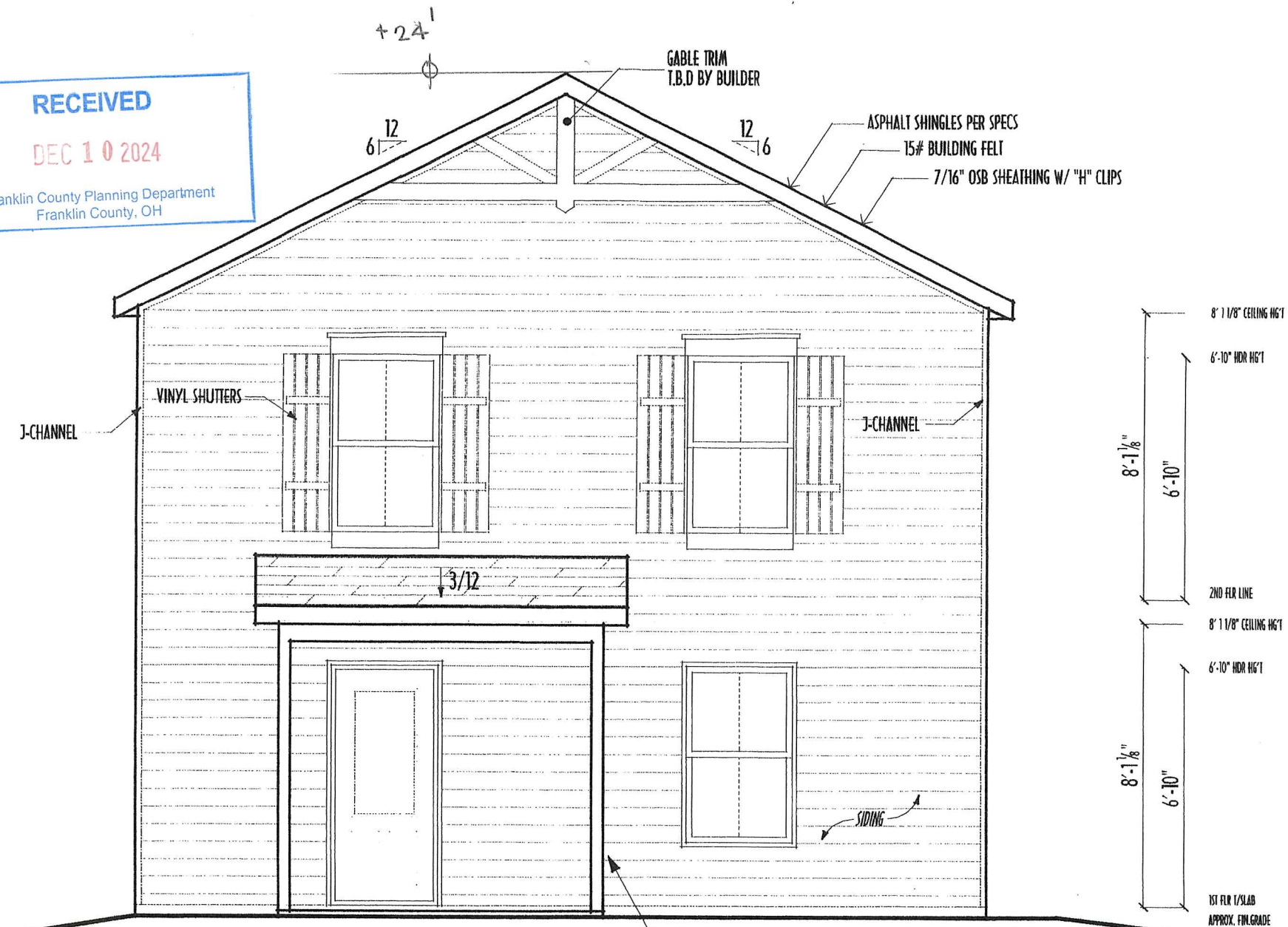
SITE PLAN
 SCALE - 1" = 10'-0"



DENNIS J. MEACHAM - ARCH.
 614-402-8134

REV. DEC. 6, 2024
 NOV. 1, 2024

RECEIVED
DEC 10 2024
 Franklin County Planning Department
 Franklin County, OH



FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

4x4 WD POSTS (TRIM WRAP)

RAHSBURG
 PARCEL # 140-000591

NOV. 1, 2024



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

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



(revised 10.11.21)

Property Information	
Site Address:	KANSBURY AVENUE
Parcel ID(s):	140-000591
Zoning District:	RURAL (R) ZONE 4B
Lot Acreage:	.10 ACRES
Township:	FRANKLIN TWP

Property Owner Information	
Name:	K & A CONSTRUCTION
Street:	1973 DRURY LN.
City:	COLUMBUS
State:	OH
Zip:	43235
Phone #	614-732-1642
Fax #	-
Email:	abrahimaboomar@yahoo.com

Applicant Information	
<input type="checkbox"/> Same as property owner	
Name:	DENNIS J. MEACHAM - ARCH.
Street:	763 GLENVIEW DRIVE
City:	HOWARD
State:	OH
Zip:	43028
Phone #	614-402-8134
Fax #	
Email:	djmarchoctet@gmail.com

Development Proposal	
<input checked="" type="checkbox"/> New Residence	<input type="checkbox"/> Room Addition
<input type="checkbox"/> Patio/Deck	<input type="checkbox"/> Swimming Pool
<input 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 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, DENNIS J. MEACHAM (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.

Applicant's Signature

Nov. 1, 2024
Date

Staff Use Only
RZ# 24-370
Date Filed: 11/13/2024
Fee Paid: \$75.00
Receipt: # 24-04249
Received By: Austin W.

Water Supply
<input type="checkbox"/> Public (Central)
<input type="checkbox"/> Private (On-site)
<input type="checkbox"/> Other

Wastewater Supply
<input type="checkbox"/> Public (Central)
<input type="checkbox"/> Private (On-site)
<input type="checkbox"/> Other

Submittal Checklist
<input type="checkbox"/> Completed Application Form
<input type="checkbox"/> Fee Payment (check/money order only)
<input type="checkbox"/> Site Plan (max. 11"x17") see pg. 2
<input type="checkbox"/> Proof of Public Water/Wastewater
<input type="checkbox"/> Supporting Documents (Home Occupation, Pond, Apiaries, etc.)



Certificate of Zoning Compliance

Residential Construction

Page 3 of 3

RZ# RZ-24-370

Staff Use Only

Development Standards

Zoning District:	Rural (R)	
Subdivision Name	Brown Rd., Lot #22	
Non-Conforming:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Floodplain:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Riparian Setbacks:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
VACU Required:	<input type="checkbox"/> Yes, Case #:	<input type="checkbox"/> No

Rear patio
Front Porch
Covered Porch
Driveway

	Required		Proposed	
Lot Width:	150	ft	40	ft
Road Frontage:	150	ft	40	ft
Lot Area:	2.5	acre/s	0.10	acre/s
Lot Coverage:	20	%	20.29	%
Front Yard:	42	ft	63	ft
Side Yard (Left)*:	8	ft	6	ft
Side Yard (Right)*:	12	ft	10.5	ft
Rear Yard:	21	ft	32	ft
Distance from house		ft		ft
Building Height:	38	ft	24	ft
Parking Setback:		ft		ft

*As viewed from the street

Area Calculations

Principal Structure:	726.7	ft ²
Accessory Structure:	15.79	ft ²
Accessory Structure:	43.69	ft ²
Accessory Structure:	51.57	ft ²
Proposed Structure:	46.11	ft ²
Proposed Structure:		ft ²
Area of Disturbance:	0.020	acre/s

Technical Agencies

Public Health/OEPA	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Date Submitted:		
Date of Action:		
County Engineer	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Date Submitted:		
Date of Action:		
FSWCD	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Date Submitted:		
Date of Action:		
ODOT	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Date Submitted:		
Date of Action:		
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Date Submitted:		
Date of Action:		

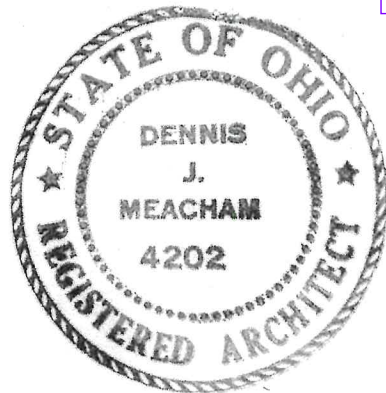
Staff Action

Approved Approved with Conditions Denied

Signature _____

Date _____

Comments/Conditions of Approval



The required minimum side yard setback is 8 feet and a combined total of 20 feet. Variance required from section 302.043 of the Zoning Resolution.

Lot coverage just over 20%. Variance required from section 302.041. Lot coverage calculation includes residence, porches, concrete slabs, and the portion of the driveway that exceeds 18 feet in width.

Show existing and proposed Contours.

Need silt fence along property lines.

Contact Franklin Township Road Dept. for a Right of Way Permit 614-348-3208.

Does this house have a basement?

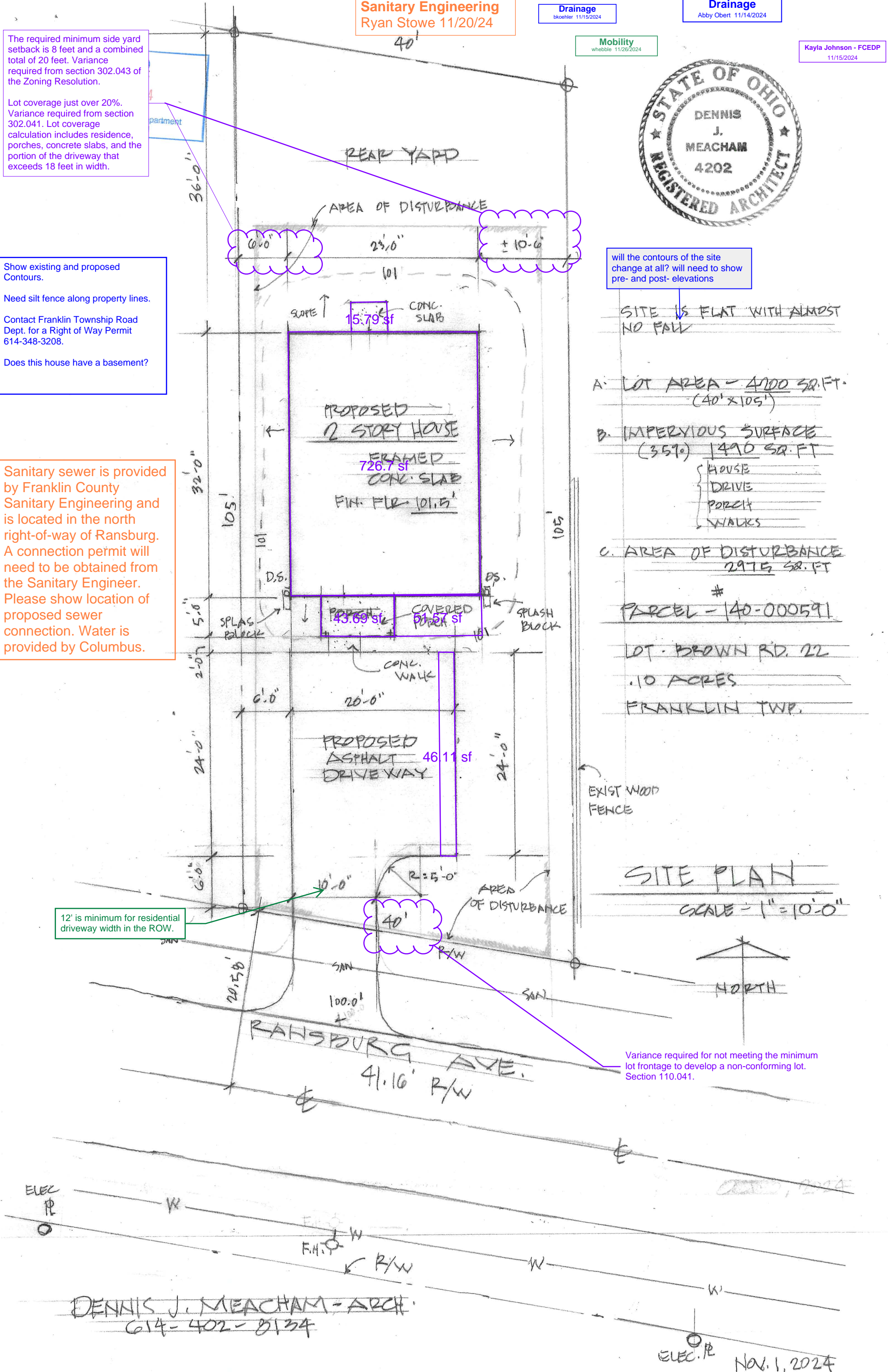
Sanitary sewer is provided by Franklin County Sanitary Engineering and is located in the north right-of-way of Ransburg. A connection permit will need to be obtained from the Sanitary Engineer. Please show location of proposed sewer connection. Water is provided by Columbus.

12' is minimum for residential driveway width in the ROW.

will the contours of the site change at all? will need to show pre- and post- elevations

SITE IS FLAT WITH ALMOST NO FALL

- A. LOT AREA - 4100 SQ. FT. (40' x 105')
 - B. IMPERVIOUS SURFACE (35%) 1490 SQ. FT.
 - HOUSE
 - DRIVE
 - PORCH
 - WALKS
 - C. AREA OF DISTURBANCE 2975 SQ. FT.
- # PARCEL - 140-000591
- LOT - BROWN RD. 22
- .10 ACRES
- FRANKLIN TWP.



Variance required for not meeting the minimum lot frontage to develop a non-conforming lot. Section 110.041.

DENNIS J. MEACHAM - ARCH.
614-402-8134

NOV. 1, 2024

DENNIS J. MEACHAM
ARCHITECT

763 GLENVIEW DRIVE
HOWARD, OHIO 43028

JAN. 5, 2025

FRANKLIN COUNTY BOARD OF COMMISSIONERS
ECONOMIC DEVELOPMENT AND PLANNING
150 S. FRONT ST. SUITE 10
COLUMBUS, OHIO 43215

ATTN: KALA A. JOHNSON

REF: KANSBURG AVE. VARIANCE
CASE: # VA-4115

GOOD MORNING KAYLA,

PER OUR TELEPHONE CONVERSATION
LAST WEEK, I AM WRITING TO CLARIFY
A FEW ITEMS PRIOR TO THE HEARING
WITH THE BOARD ON JAN. 21ST. I WILL
BE OUT OF TOWN AND ABE WILL BE
ATTENDING.

↓ WE ARE SLIGHTLY OVER THE ALLOWABLE
LOT COVERAGE BUT WOULD LIKE TO
STAY WITH THE REQUEST FOR A
VARIANCE ON THE LOT COVERAGE.
IF WE REDUCE THE PARKING WIDTH
TO 18', IT MAKES IT DIFFICULT TO
MANEUVER AND PARK VEHICLES
SIDE BY SIDE. WE INTEND TO

DJMARCHITECT@GMAIL.COM

614-402-8134

1. CONT. MAKE THE ENTRY DRIVE 12' WIDE INSTEAD OF THE 10' WIDTH SHOWN ON THE DRAWING.
2. WE WOULD LIKE TO MAINTAIN THE 6'-0" AND 10'-0" SIDERYARDS REQUEST. WE COULD CHANGE THEM TO 8'-0" AND 8'-6" BUT WOULD PREFER TO BUILD THE HOUSE AS SHOWN.
3. THE HOUSE IS A SLAB HOUSE WITHOUT A BASEMENT. THE FLOOR ELEVATION WILL BE A MINIMUM OF 18" ABOVE THE STREET LEVEL. THE SITE IS FLAT WITH VERY LITTLE FALL. A EXACT FIN FLOOR ELEV. WILL BE SET IN THE FIELD BY A SURVEYOR WHEN THE HOUSE IS STAKED.
4. PUBLIC UTILITIES ARE AVAILABUE AT THE STREET. UTILITY HOUSE LINES WILL RUN PARALLEL TO THE EAST PROP. LINE,
5. SILT FENCING WILL BE INSTALLED ALONG PROPERTY LINES.

FEEL FREE TO CONTACT ME IF YOU NEED ANY THING ELSE.

THANK YOU!

SINCERELY,
DENNIS MEACHAM
ARCH.



STAFF REPORT

Board of Zoning Appeals
January 21, 2025

Case: VA-4116

Prepared by: Austin Workman

Owner/Applicant:	Ahmad Shalabi
Township:	Mifflin Township
Site:	2664 Berrell Ave. (PID # 190-005073)
Acreage:	0.20 Acres
Zoning:	Rural (R)
Utilities:	Public Water and Sewer
Request:	Requesting variances from section 110.041, 302.041(c), and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot with less than 60-feet of roadway frontage, an existing front porch that projects beyond the building set back line and to exceed lot coverage in an area zoned Rural (R).

Summary

Requesting a variance from sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot, an existing front porch that projects seven (7) feet beyond what is permitted for a covered/uncovered porch, and to exceed the maximum lot coverage by 5% in an area zoned Rural (R). Staff's analysis is that the request satisfies the criteria for granting a variance and staff recommends **Conditional approval**.

Property Background/History

The property at 2664 Berrell Avenue is located in Mifflin Township north of Denune Avenue, and west of Baughman Avenue. The property is located on Lot #38 of the Second Addition of the Linden Subdivision.

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

- 1905 – Second addition to the Liden Subdivision was platted.
 - 1905 - 1962 – Lot #38 was split 3 times, creating 4 lots out of the original lot.
 - One split was in 1934.
 - Another split was in 1962.
 - It is unknow when the final split occurred.
 - 1909 – The primary residence was constructed.
 - 39 years prior to the adoption of the Franklin County Zoning Resolution in 1948.
- 1950 – A 496 sf detached garage was constructed.
 - 1966 – An amendment to the Zoning Resolution consolidated the 1-R-20 district into the Rural (R) District, reducing the allowable lot coverage from 30% to 20%.
- 1978 – A 225 sf shed was added to the property.
- 2009 - 2011 – A gravel driveway was added to the rear of the property extending into an unnamed alley.
 - The gravel drive has since been removed or has sunken into the ground and vegetation has grown over it.

2020 – 2021 – There was a fire in the principal structure that:

- visibly damaged the side and rear of the structure.

- rear of the house was a complete loss.
 - A covered back patio, also damaged in the fire is now an open patio.
- 2022 (Oct.) – Current property owner acquired the property.
- 2023 (Feb.) – Zoning permit application (RZ-23-051) for the construction of a deck.
 - 03/03/2023 – Staff requested a revised site plan showing additional information needed for review.
 - 06/13/2023 – The application was canceled due to inactivity.
- 2023 (Feb.) – Application for a building permit (B-2023-0148) to remodel the basement.
 - The building permit was issued on 03/02/2023.
 - Drawings showed the current house as it is today with the 10 X 24 feet front porch.
- In 2023 the property owner remodeled the principal structure and added a front porch to the residence with no zoning permits.
- 2024 (Nov.) – The property received a zoning violation for improvements to the property with no permits that included:
 - A fence violation for a fence added between the principal structure and right of way.
 - A wooden fence in the back was also added.
 - An addition of 1 – to – 2 foot in width to the rear of the house.
 - A New front porch.
 - Enlargement of the back porch.
- 2024 (Nov.) – A zoning compliance application was submitted for the said changes
- 2024 (Dec.) – The zoning application was denied for the following.
 - The lot does not conform to the Rural (R) zoning district development standards for lot size and road frontage making it a non-conforming lot.
 - Does not have at least 60 feet of road frontage to develop on a non-conforming lot.
 - Exceeds the allowable lot coverage by 5%.
 - The front porch extends into the required front yard by seven (7) feet.

Surrounding Land Use/Zoning

Properties to the north, south and west are all developed with single-family homes and are within the Rural (R) zoning district. The property to the northeast and southeast are undeveloped and within the Suburban Apartment Residential (R-24) zoning district and the Urban Residential (R-12) zoning district.

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted in 2009, recommends the site to be used as medium density residential. Allowed land uses for this property include single-family homes, two-family homes, and townhomes with a minimum density of 4 units per acre and a maximum density of 12 units per acre. The recommended zoning districts for this property include the Urban Residential (R-12) zoning district and the Restricted Urban Residential (R-8) zoning district.

Staff Review/Franklin County Zoning Resolution Review

Variance from Section 110.041 – Non-conforming Lots:

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 (60) feet abutment on an improved, publicly maintained right-of-way.

- The property has a road frontage of 50 feet.
 - A variance is required to allow a conforming structure to be constructed on a non-conforming lot of record with less than sixty feet of frontage.

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 applicants construction of a 240 sf front porch has increased the lot coverage to 25%.
 - A variance is required for the additional 5% of lot coverage.

Variance from Section 502.021(2) – Yard Space Required Open:

Open and covered/uncovered porches may project beyond the front building setback line a distance not to exceed eight (8) feet.

- The front porch extends fifteen (15) feet into the required front yard.
 - A variance is required to increase the distance a covered/uncovered porch can project into the front setback line a distance of seven (7) feet.
 - The variance will be needed for the porch to remain.

Technical Review Committee Agency Review

The case was referred to the informal Technical Review Committee for comments on December 18th, 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 applicants responded to this question by answering no.
 - b) Staff's Response: The principal structure was badly damaged by a fire, and the applicants have been remodeling the structure and have greatly improved it from what the state of the residence was some years ago. However, the property in question can still yield a reasonable return and can still be beneficially used as a residential property without the variances being approved.
- 2) *Whether the variance is substantial;*
 - a) Applicant's Response/Summary: The applicants responded to this question by answering no.
 - b) Staff's Response: The variance to exceed the maximum lot coverage by 5% does not appear substantial. However, the seven (7) feet variance necessary to allow the porch to project a total of fifteen (15) feet into the required front yard does appear substantial as this would almost double what is allowed in section 502.021(2).
- 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 applicants responded to this question by answering no.
 - b) Staff's Response: The character of the neighborhood will not be substantially altered since the residential character will be maintained. Furthermore, the remodeling of the structure is likely to improve the current character of the neighborhood. The front porch addition to the residence is consistent with other homes with front porches along the same street. It does not appear that any neighboring properties will suffer a substantial detriment if the variance is approved.

- 4) *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);*
 - a) Applicant's Response/Summary: The applicants responded to this question by answering no.
 - b) Staff's Response: Staff agrees with the applicant and believes that governmental services will not be adversely affected by the variances.

- 5) *Whether the property owner purchased the property with knowledge of the zoning restriction;*
 - a) Applicant's Response/Summary: The applicant stated that they did not know about the zoning restrictions prior to purchasing the property.
 - b) Staff's Response: It is unknown if the applicants knew about the zoning restriction before purchasing the property. The applicant did apply for a zoning permit in 2023 for a deck/porch but it was canceled due to inactivity from the applicant.

- 6) *Whether the property owner's predicament feasibly can be obviated through some method other than a variance;*
 - a) Applicant's Response/Summary: The applicant stated that their predicament cannot be feasibly obtained through another method.
 - b) Staff's Response: The porch has already been built and if the variance is denied, the applicant will need to remove the front porch. The predicament that the property owner is in was caused by constructing a porch without obtaining a zoning permit. However, staff believes that there is no other way that the property owners' predicament can be feasibly obviated other than by getting an approved variance.

- 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 the spirit and intent of the zoning requirements will be met, and substantial justice will be granted.
 - b) Staff's Response: Granting the variances for this non-conforming lot to allow a front porch will observe the spirit and intent of the zoning requirement and substantial justice would be done by granting the variances.

Recommendation:

Based on Staff's Analysis, Staff's recommendation is that the Board of Zoning Appeals **Conditionally approve the** variance requests from sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution for a front porch on a non-conforming lot that projects an additional seven (7) feet beyond what is permitted for a covered/uncovered porch and causes the maximum lot coverage to be exceeded by 5% in an area zoned Rural (R).

The conditions of approval are as follows:

1. Applicant must reapply for a residential certificate of zoning compliance.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to conditionally approve a variance from Sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4116

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 variance from Sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4116 results from the applicant satisfying/failing to satisfy the criteria for granting a variance under Section 810.041(b).

Seconded by: _____

Voting:



STAFF REPORT

Board of Zoning Appeals
January 21, 2025

Case: VA-4116

Prepared by: Austin Workman

Owner/Applicant:	Ahmad Shalabi
Township:	Mifflin Township
Site:	2664 Berrell Ave. (PID # 190-005073)
Acreage:	0.20 Acres
Zoning:	Rural (R)
Utilities:	Public Water and Sewer
Request:	Requesting variances from section 110.041, 302.041(c), and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot with less than 60-feet of roadway frontage, an existing front porch that projects beyond the building set back line and to exceed lot coverage in an area zoned Rural (R).

Summary

Requesting a variance from sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot, an existing front porch that projects seven (7) feet beyond what is permitted for a covered/uncovered porch, and to exceed the maximum lot coverage by 5% in an area zoned Rural (R). Staff's analysis is that the request satisfies the criteria for granting a variance and staff recommends **Conditional approval**.

Property Background/History

The property at 2664 Berrell Avenue is located in Mifflin Township north of Denune Avenue, and west of Baughman Avenue. The property is located on Lot #38 of the Second Addition of the Linden Subdivision.

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

- 1905 – Second addition to the Liden Subdivision was platted.
 - 1905 - 1962 – Lot #38 was split 3 times, creating 4 lots out of the original lot.
 - One split was in 1934.
 - Another split was in 1962.
 - It is unknow when the final split occurred.
 - 1909 – The primary residence was constructed.
 - 39 years prior to the adoption of the Franklin County Zoning Resolution in 1948.
- 1950 – A 496 sf detached garage was constructed.
 - 1966 – An amendment to the Zoning Resolution consolidated the 1-R-20 district into the Rural (R) District, reducing the allowable lot coverage from 30% to 20%.
- 1978 – A 225 sf shed was added to the property.
- 2009 - 2011 – A gravel driveway was added to the rear of the property extending into an unnamed alley.
 - The gravel drive has since been removed or has sunken into the ground and vegetation has grown over it.

2020 – 2021 – There was a fire in the principal structure that:

- visibly damaged the side and rear of the structure.

- rear of the house was a complete loss.
 - A covered back patio, also damaged in the fire is now an open patio.
- 2022 (Oct.) – Current property owner acquired the property.
- 2023 (Feb.) – Zoning permit application (RZ-23-051) for the construction of a deck.
 - 03/03/2023 – Staff requested a revised site plan showing additional information needed for review.
 - 06/13/2023 – The application was canceled due to inactivity.
- 2023 (Feb.) – Application for a building permit (B-2023-0148) to remodel the basement.
 - The building permit was issued on 03/02/2023.
 - Drawings showed the current house as it is today with the 10 X 24 feet front porch.
- In 2023 the property owner remodeled the principal structure and added a front porch to the residence with no zoning permits.
- 2024 (Nov.) – The property received a zoning violation for improvements to the property with no permits that included:
 - A fence violation for a fence added between the principal structure and right of way.
 - A wooden fence in the back was also added.
 - An addition of 1 – to – 2 foot in width to the rear of the house.
 - A New front porch.
 - Enlargement of the back porch.
- 2024 (Nov.) – A zoning compliance application was submitted for the said changes
- 2024 (Dec.) – The zoning application was denied for the following.
 - The lot does not conform to the Rural (R) zoning district development standards for lot size and road frontage making it a non-conforming lot.
 - Does not have at least 60 feet of road frontage to develop on a non-conforming lot.
 - Exceeds the allowable lot coverage by 5%.
 - The front porch extends into the required front yard by seven (7) feet.

Surrounding Land Use/Zoning

Properties to the north, south and west are all developed with single-family homes and are within the Rural (R) zoning district. The property to the northeast and southeast are undeveloped and within the Suburban Apartment Residential (R-24) zoning district and the Urban Residential (R-12) zoning district.

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted in 2009, recommends the site to be used as medium density residential. Allowed land uses for this property include single-family homes, two-family homes, and townhomes with a minimum density of 4 units per acre and a maximum density of 12 units per acre. The recommended zoning districts for this property include the Urban Residential (R-12) zoning district and the Restricted Urban Residential (R-8) zoning district.

Staff Review/Franklin County Zoning Resolution Review

Variance from Section 110.041 – Non-conforming Lots:

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 (60) feet abutment on an improved, publicly maintained right-of-way.

- The property has a road frontage of 50 feet.
 - A variance is required to allow a conforming structure to be constructed on a non-conforming lot of record with less than sixty feet of frontage.

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 applicants construction of a 240 sf front porch has increased the lot coverage to 25%.
 - A variance is required for the additional 5% of lot coverage.

Variance from Section 502.021(2) – Yard Space Required Open:

Open and covered/uncovered porches may project beyond the front building setback line a distance not to exceed eight (8) feet.

- The front porch extends fifteen (15) feet into the required front yard.
 - A variance is required to increase the distance a covered/uncovered porch can project into the front setback line a distance of seven (7) feet.
 - The variance will be needed for the porch to remain.

Technical Review Committee Agency Review

The case was referred to the informal Technical Review Committee for comments on December 18th, 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 applicants responded to this question by answering no.
 - b) Staff's Response: The principal structure was badly damaged by a fire, and the applicants have been remodeling the structure and have greatly improved it from what the state of the residence was some years ago. However, the property in question can still yield a reasonable return and can still be beneficially used as a residential property without the variances being approved.
- 2) *Whether the variance is substantial;*
 - a) Applicant's Response/Summary: The applicants responded to this question by answering no.
 - b) Staff's Response: The variance to exceed the maximum lot coverage by 5% does not appear substantial. However, the seven (7) feet variance necessary to allow the porch to project a total of fifteen (15) feet into the required front yard does appear substantial as this would almost double what is allowed in section 502.021(2).
- 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 applicants responded to this question by answering no.
 - b) Staff's Response: The character of the neighborhood will not be substantially altered since the residential character will be maintained. Furthermore, the remodeling of the structure is likely to improve the current character of the neighborhood. The front porch addition to the residence is consistent with other homes with front porches along the same street. It does not appear that any neighboring properties will suffer a substantial detriment if the variance is approved.

- 4) *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);*
 - a) Applicant's Response/Summary: The applicants responded to this question by answering no.
 - b) Staff's Response: Staff agrees with the applicant and believes that governmental services will not be adversely affected by the variances.

- 5) *Whether the property owner purchased the property with knowledge of the zoning restriction;*
 - a) Applicant's Response/Summary: The applicant stated that they did not know about the zoning restrictions prior to purchasing the property.
 - b) Staff's Response: It is unknown if the applicants knew about the zoning restriction before purchasing the property. The applicant did apply for a zoning permit in 2023 for a deck/porch but it was canceled due to inactivity from the applicant.

- 6) *Whether the property owner's predicament feasibly can be obviated through some method other than a variance;*
 - a) Applicant's Response/Summary: The applicant stated that their predicament cannot be feasibly obtained through another method.
 - b) Staff's Response: The porch has already been built and if the variance is denied, the applicant will need to remove the front porch. The predicament that the property owner is in was caused by constructing a porch without obtaining a zoning permit. However, staff believes that there is no other way that the property owners' predicament can be feasibly obviated other than by getting an approved variance.

- 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 the spirit and intent of the zoning requirements will be met, and substantial justice will be granted.
 - b) Staff's Response: Granting the variances for this non-conforming lot to allow a front porch will observe the spirit and intent of the zoning requirement and substantial justice would be done by granting the variances.

Recommendation:

Based on Staff's Analysis, Staff's recommendation is that the Board of Zoning Appeals **Conditionally approve the** variance requests from sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution for a front porch on a non-conforming lot that projects an additional seven (7) feet beyond what is permitted for a covered/uncovered porch and causes the maximum lot coverage to be exceeded by 5% in an area zoned Rural (R).

The conditions of approval are as follows:

1. Applicant must reapply for a residential certificate of zoning compliance.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to conditionally approve a variance from Sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4116

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 variance from Sections 110.041, 302.041(c) and 502.021(2) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4116 results from the applicant satisfying/failing to satisfy the criteria for granting a variance under Section 810.041(b).

Seconded by: _____



Voting:

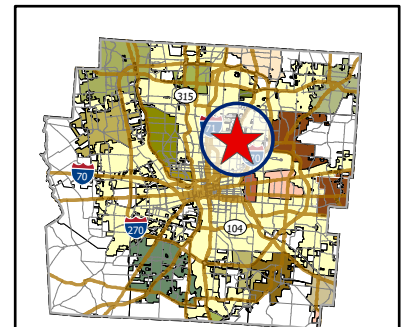


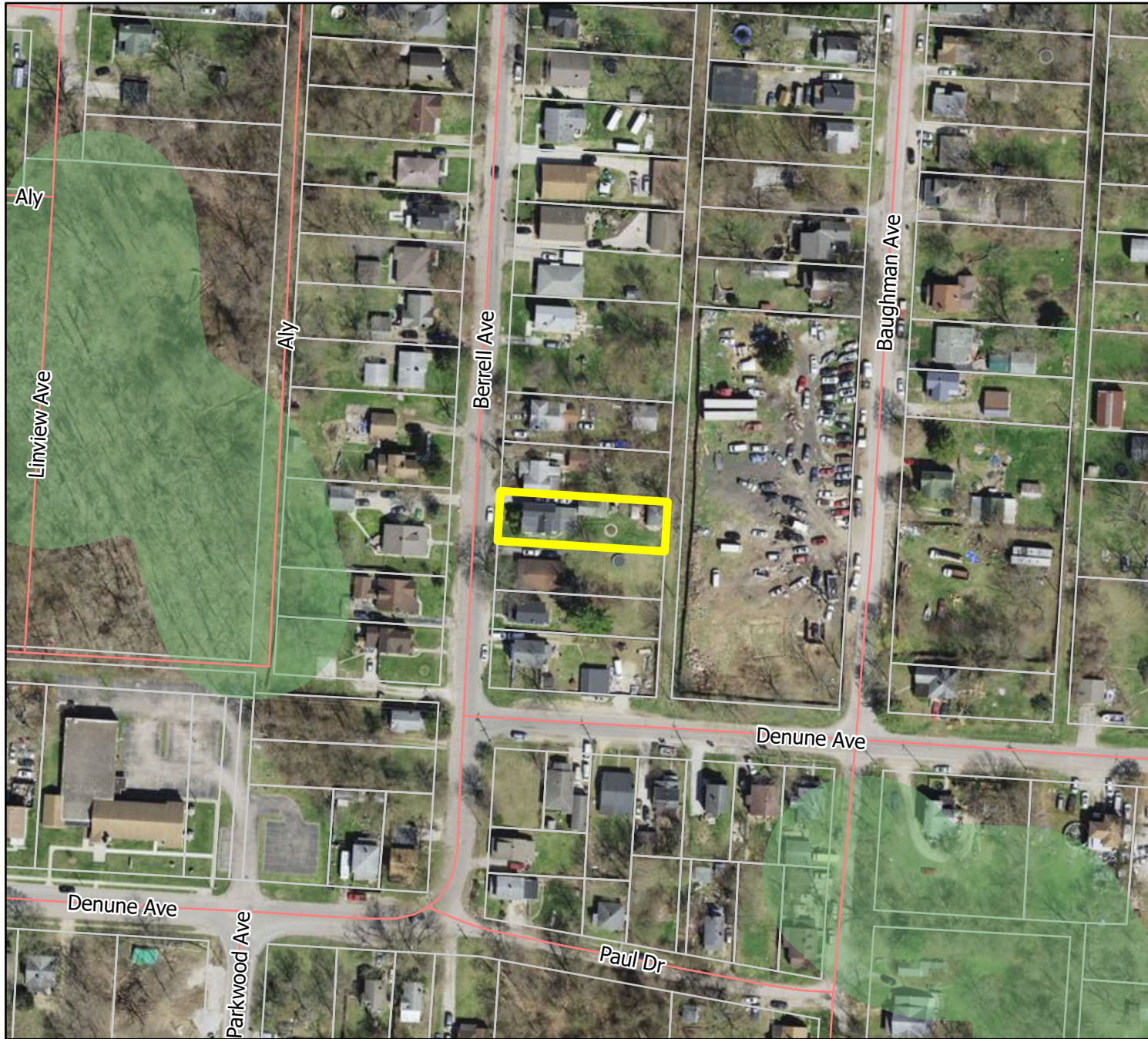
VA-4116

Requesting variances from section 110.041, 302.041(c), and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot with less than 60-feet of roadway frontage, an existing front porch that projects beyond the building set back line and to exceed lot coverage in an area zoned Rural (R).

Acres: 0.20-acres
Township: Mifflin

-  Parcels
-  2664 Berrell Avenue



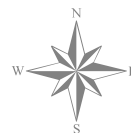
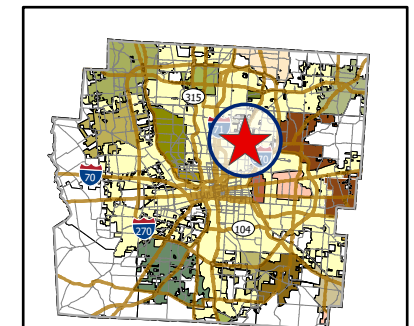


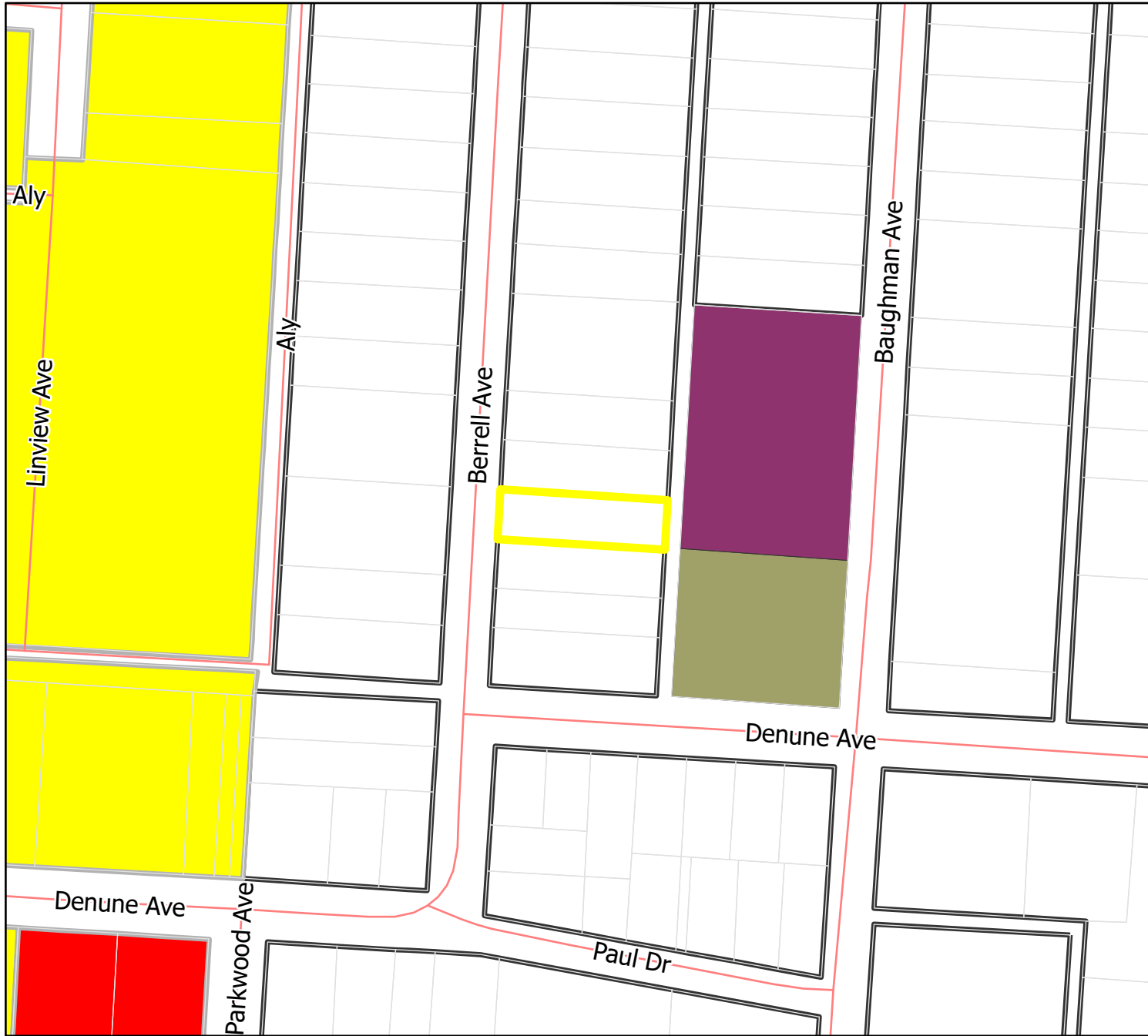
VA-4116

Requesting variances from section 110.041, 302.041(c), and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot with less than 60-feet of roadway frontage, an existing front porch that projects beyond the building set back line and to exceed lot coverage in an area zoned Rural (R).

Acres: 0.20-acres
Township: Mifflin

- Streets
- Parcels
- 2664 Berrell Avenue



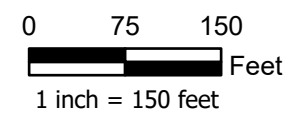
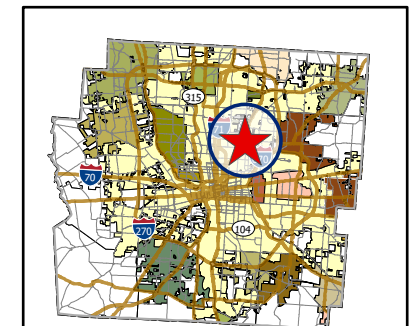


VA-4116

Requesting variances from section 110.041, 302.041(c), and 502.021(2) of the Franklin County Zoning Resolution for a non-conforming lot with less than 60-feet of roadway frontage, an existing front porch that projects beyond the building set back line and to exceed lot coverage in an area zoned Rural (R).

Acres: 0.20-acres
Township: Mifflin

- Streets
- 2664 Berrell Avenue
- Zoning - County**
- Rural
- Suburban Apartment Residential
- Urban Residential
- Columbus Base Zoning Districts**
- Commercial
- Residential



RECEIVED
DEC 12 2024

Application for **Zoning Variance**
 Pursuant to Section 810 of the Zoning Resolution
 Page 1 of 7



Property Information

Site Address: 2664 Berrell Ave. Columbus, Ohio 43211

District: Parcel ID: 190-005073 Zoning District:

Lot Acreage: .20 Date Filed: Township: Mifflin

Property Owner Information

Name: AHMAD SHALABI

Address: 2664 Berrell Ave. Columbus, Ohio 43211

Phone # (614)972-3995 Fax #

Email: mecamed1988@yahoo.com

Applicant Information Same as property owner

Name: AHMAD SHALABI

Address: 5193 BRESSLER DR. Hilliard, Ohio 43026

Phone # (614)972-3995 Fax #

Email: mecamed1988@yahoo.com

Agent Information

Name:

Address:

Water & Wastewater

Water Supply

Phone # Fax #

Email:

Wastewater Treatment

Public (Central)

Private (On-site)

Other

Staff Use Only

Case # VA- 4110

Date Filed: 12/11/2024

Received By: TREBLOW WOLF

Fee Paid: \$ 350.00

Receipt Number: 24-04594

Hearing Date: 1/21/2025

Technical Review: 12/24/2024

Zoning Compliance #: RZ-24-377

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



Case# VA-

Case# VA-

Variance(s) Requested:

Section: Front porch 110.041
 Description: Front porch does not meet the front setback requirements, and the lot is non-conforming
 Section: 302.041 (c)
 Description:
 Section: 502.021 (2)
 Description:

Describe the project:

The house was set on fire and we did entire renovation including the addition of front porch to the house. After pulling the permit and building the porch we receive a letter from code violation that we do not have a zoning approval. We submitted our application and it got denied and request us to get variance approval to meet the code.

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.

No the property is not the same why the other property



Case# VA-

Case# VA-

of this Zoning Resolution District under the terms	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.	Variance(
	yes <u>that a literal interpretation of the zoning</u>	Section: Prop Description: Section:
listed under question #1,	3. That the special conditions and circumstances, listed under question #1, do not result from any actions of the applicant.	Description
	<u>no</u> <u>no these special conditions and circumstances</u>	Section: Description:
grant the applicant any s District.	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.	Describe
	<u>no</u> <u>no will not be special privilege</u>	The hous permit ar applicati
e health or safety of pers public welfare, or injurious	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?	
	<u>no</u> <u>no not be vicinity of the proposed</u>	NOTE: To County Zc determine consider y
without the variance?	6. Can there be any beneficial use of the property without the variance?	1. Are there the same
	<u>no</u> <u>no not be variance</u>	No



Case# VA-

Case# VA-

- 100 feet - Required frontage
7. How substantial is the variance? (i.e. 10 feet vs. 100 feet - Required frontage vs. proposed)
- 240 ftsq No is the variance
-
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?
- no No the character of the neighborhood
-
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)
- none No variance adversely affect the delivery of governmental services
-
10. Did the applicant purchase the property with knowledge of the zoning restrictions?
- no No the property with knowledge of the zoning restriction
-
11. Could the applicant's predicament feasibly be obtained through some method other than a variance?
- no No applicant predicament feasibly be obtained through some method
-
12. Would the spirit and intent behind the zoning requirement be observed and would substantial justice be done by granting the variance?
- Yes ~~no~~ Yes would the spirit and intent behind zoning requirement be observed and would substantial justice

High St & Mound St, Columbus

170

190-001179

40

190-000100

170

50

2670

2653

new front porch
24ft
10 ft

2664

11ft

existing back porch is 11 x 18 we add 2ft to be 11x20

11ft

190-005073
18ft

20ft

2ft new extension

170

50

50

190-000498

2658

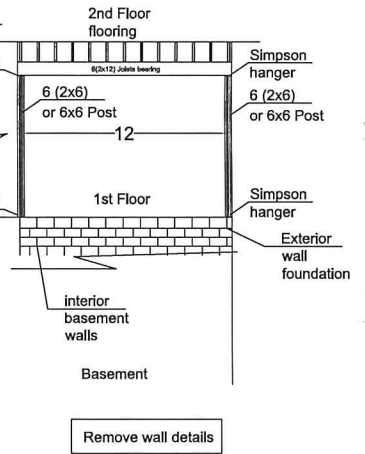
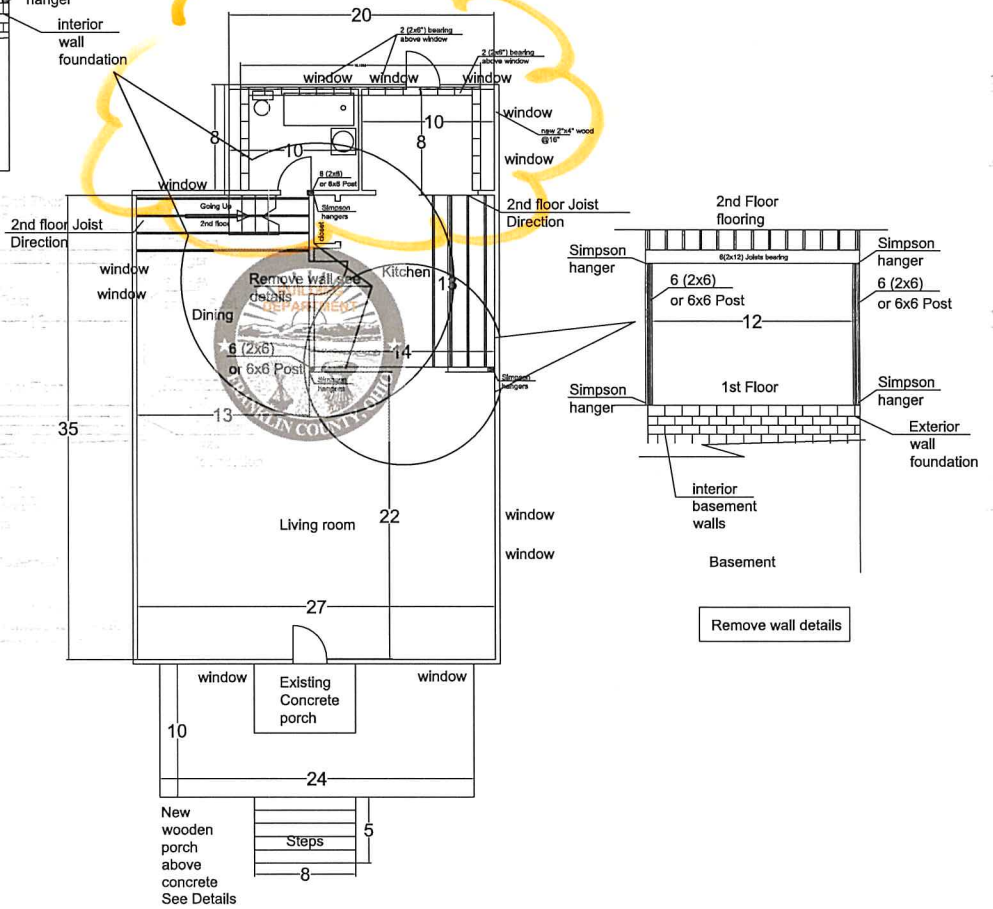
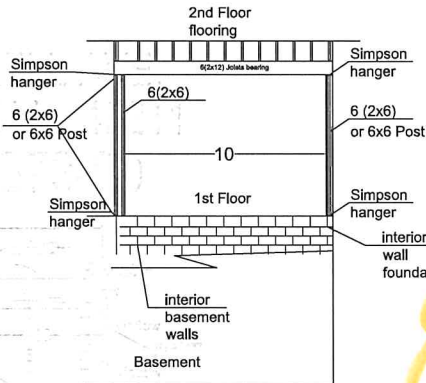
Developing site plan

RECEIVED

DEC 12 2024

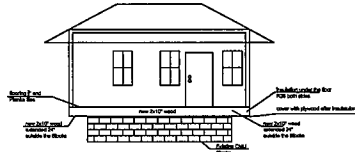
Franklin County Planning Department
Franklin County, OH

2664 BERRELL AVE,
Columbus Ohio, 43211
190-005073-00

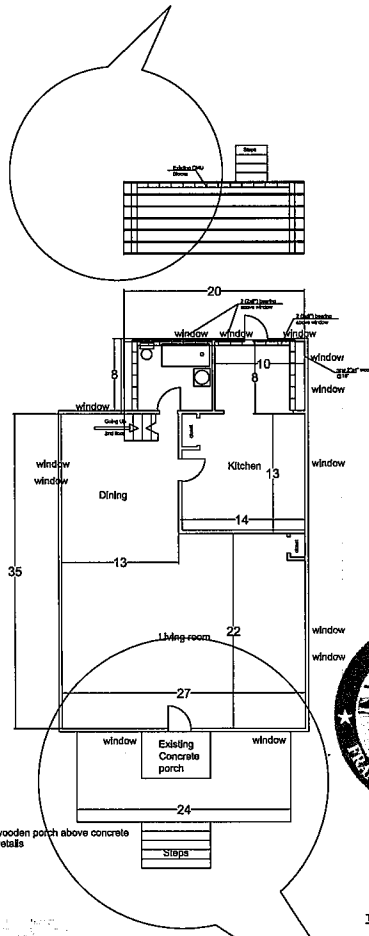


1st Floor

1st Floor



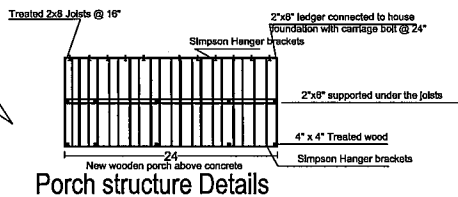
Back Porch structure Details



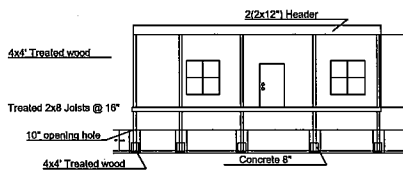
1st Floor



2664 BERRELL AVE,
Columbus Ohio, 43211
190-005073-00

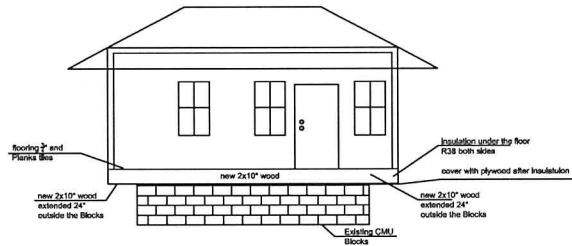


Porch structure Details

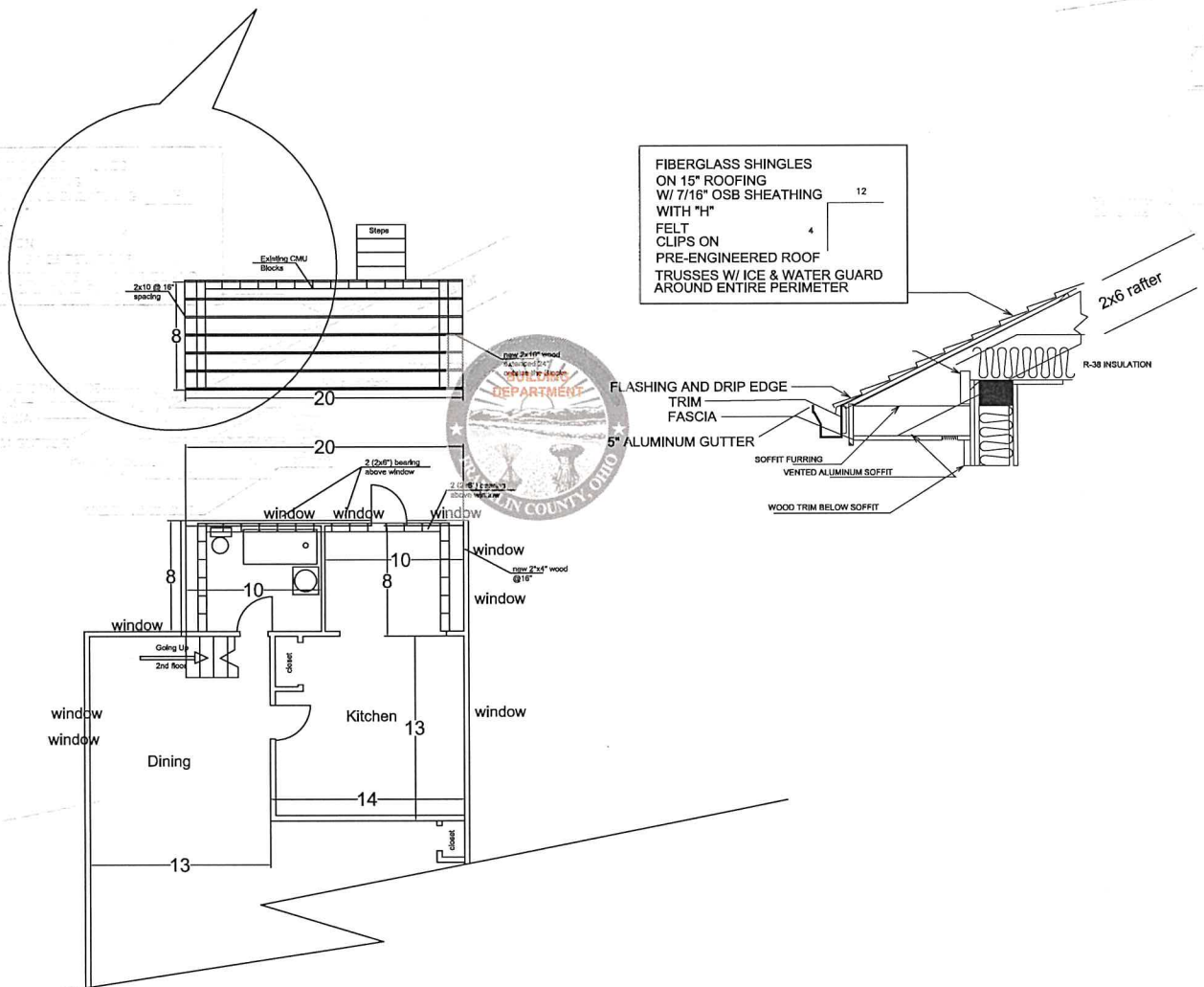


Porch Details

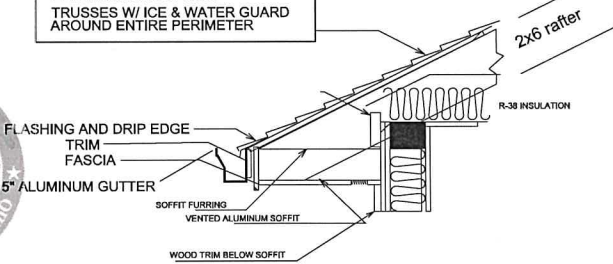
General Layout Porch
Details front and back



Back Porch structure Details

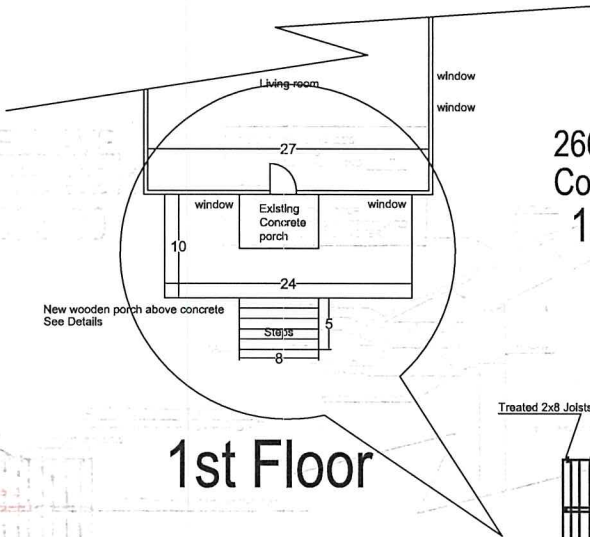


FIBERGLASS SHINGLES
 ON 15" ROOFING
 W/ 7/16" OSB SHEATHING
 WITH "H"
 FELT
 CLIPS ON
 PRE-ENGINEERED ROOF
 TRUSSES W/ ICE & WATER GUARD
 AROUND ENTIRE PERIMETER



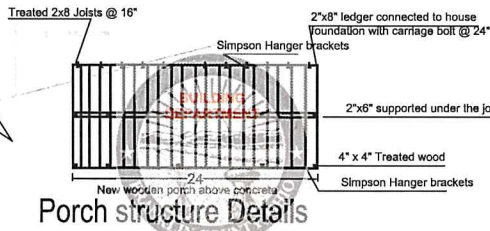
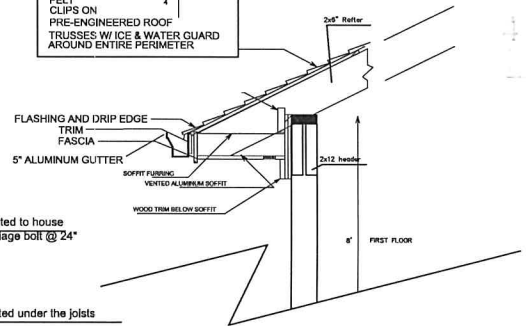
Back Porch and roof Details Re-building

2664 BERRELL AVE,
Columbus Ohio, 43211
190-005073-00

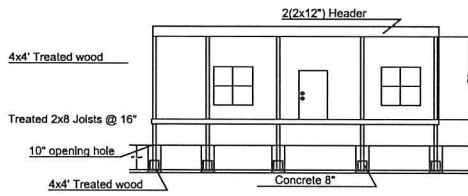


1st Floor

FIBERGLASS SHINGLES
ON 15' ROOFING
W/ 7/16" OSB SHEATHING
WITH 1" FELT
CLIPS ON
PRE-ENGINEERED ROOF
TRUSSES W/ ICE & WATER GUARD
AROUND ENTIRE PERIMETER



Porch structure Details

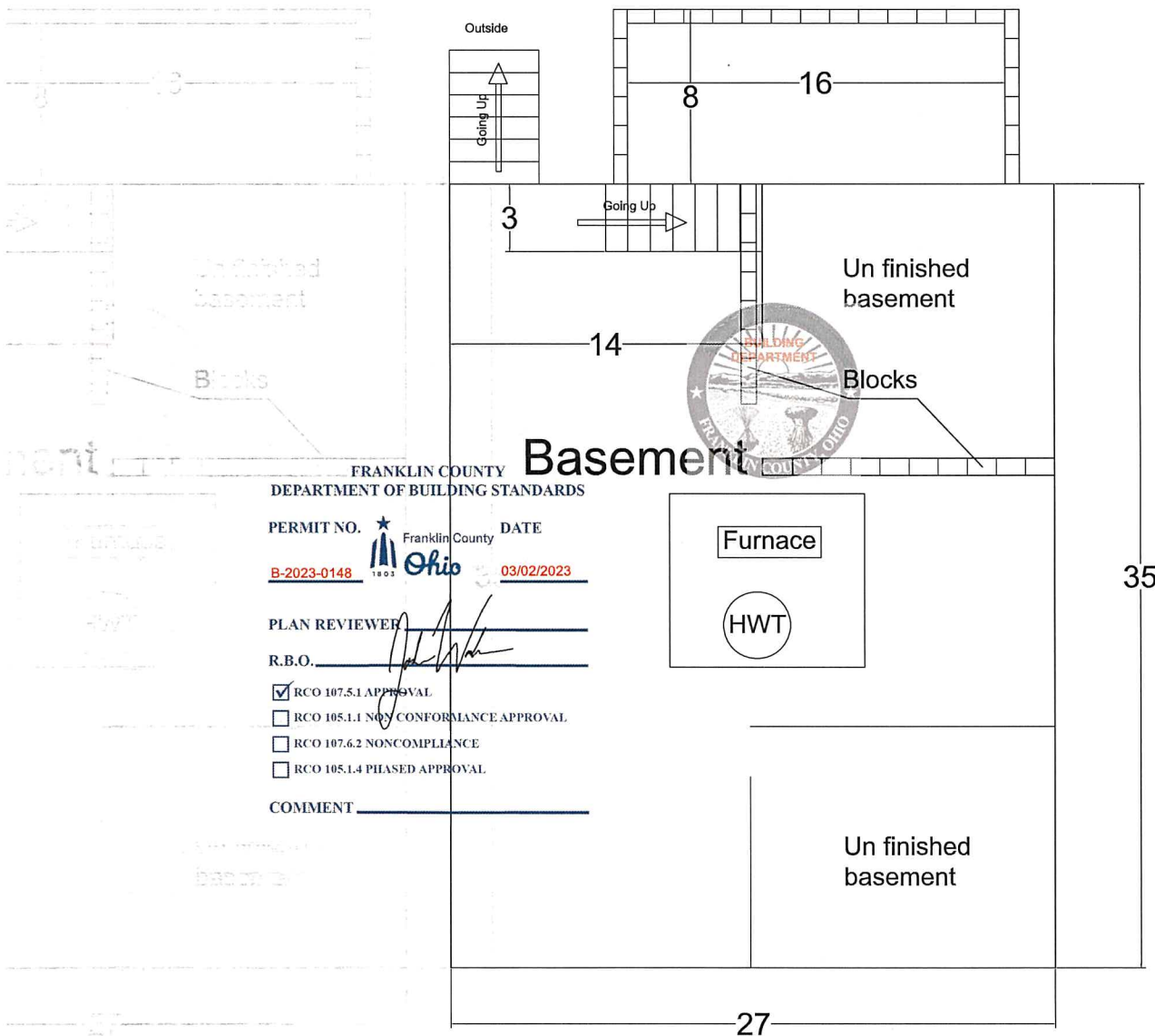


Front Porch and roof Details
New Build

2664 BERRELL AVE,
 Columbus Ohio, 43211
 190-005073-00

Existing heated
 porch foundation

Existing heated
 porch foundation



FRANKLIN COUNTY
 DEPARTMENT OF BUILDING STANDARDS

PERMIT NO.  DATE
 B-2023-0148 03/02/2023

PLAN REVIEWER _____

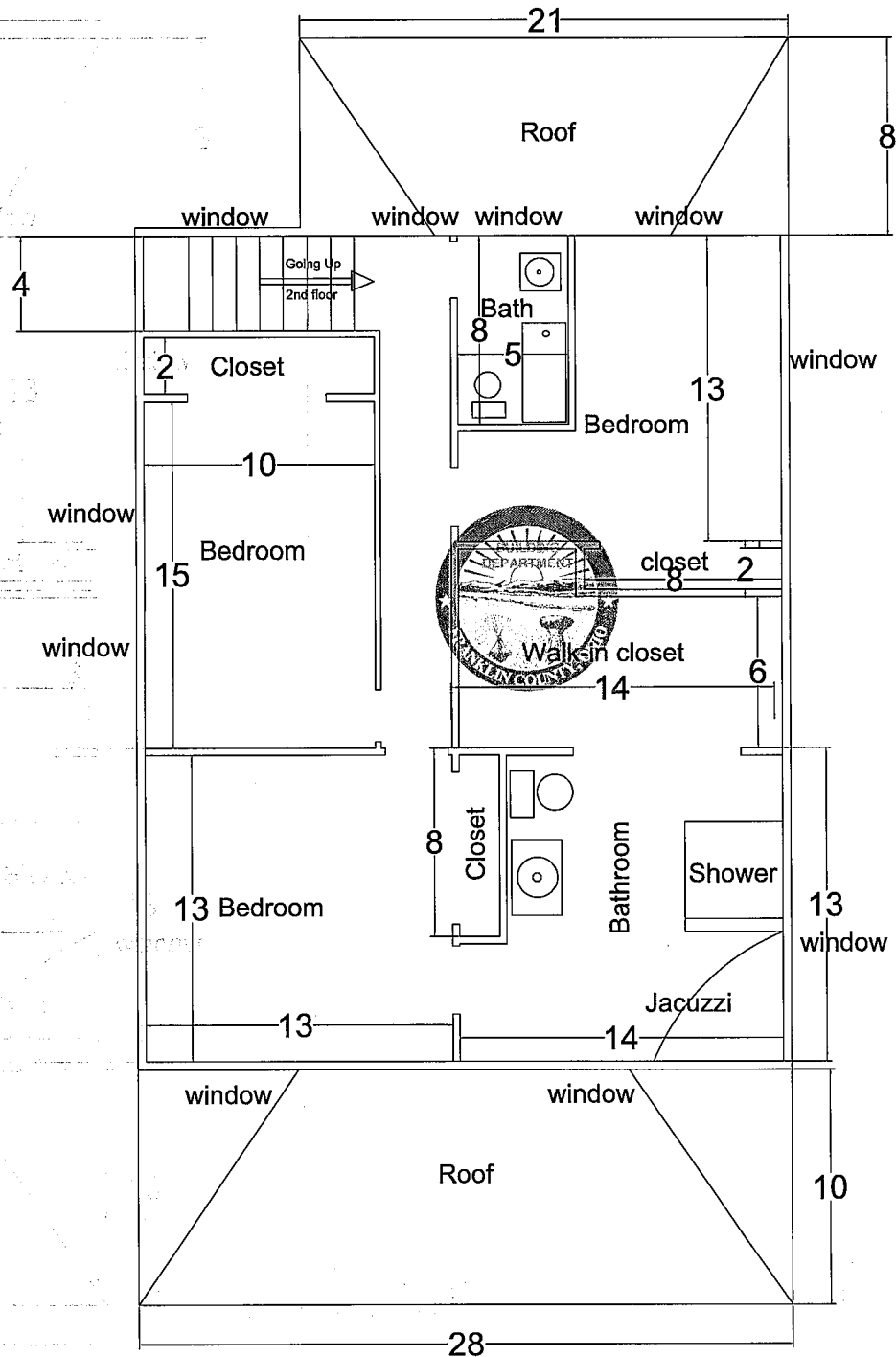
R.E.O. _____

- RCO 107.5.1 APPROVAL
- RCO 105.1.1 NON CONFORMANCE APPROVAL
- RCO 107.6.2 NONCOMPLIANCE
- RCO 105.1.4 PHASED APPROVAL

COMMENT _____

Basement

2664 BERRELL AVE,
Columbus Ohio, 43211
190-005073-00



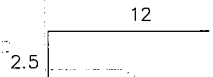
2nd Floor

2664 BERRELL AVE, Columbus Ohio, 43211 190-005073-00

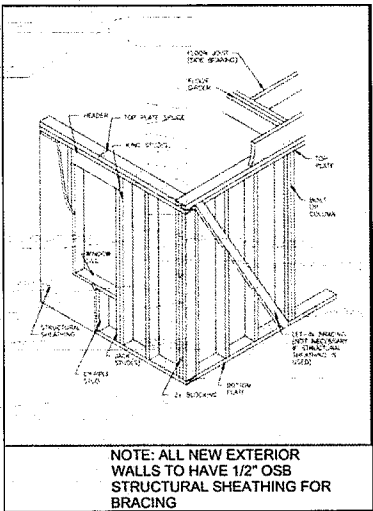
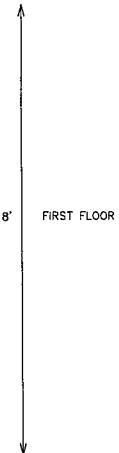
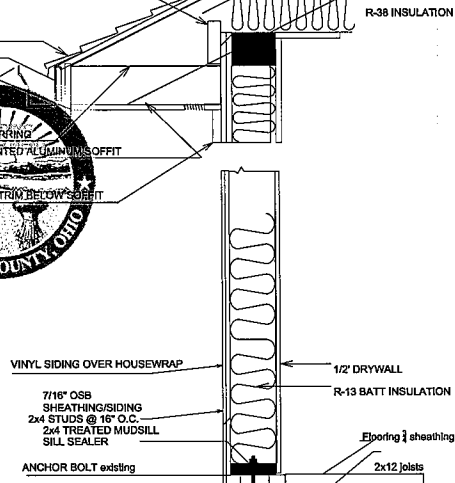
EPDM Rubber Roof
W/ 7/16" OSB SHEATHING WITH "H"
2" insulation entire area
Roof Adhesive and edge cap

OR

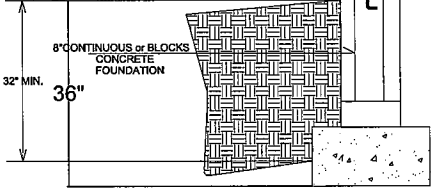
FIBERGLASS SHINGLES
ON 15" ROOFING
W/ 7/16" OSB SHEATHING
WITH "H"
FELT
CLIPS ON
PRE-ENGINEERED ROOF
TRUSSES W/ ICE & WATER GUARD
AROUND ENTIRE PERIMETER



FLASHING AND DRIP EDGE
TRIM
FASCIA
5" ALUMINUM GUTTER



NOTE: ALL NEW EXTERIOR
WALLS TO HAVE 1/2" OSB
STRUCTURAL SHEATHING FOR
BRACING



TYPICAL Roof SECTION
TYPICAL WALL SECTION

Roof, wall, and joists Details

2664 Berrell Ave. Columbus, 43211

Parcel# 190-005073-00

Scope of work

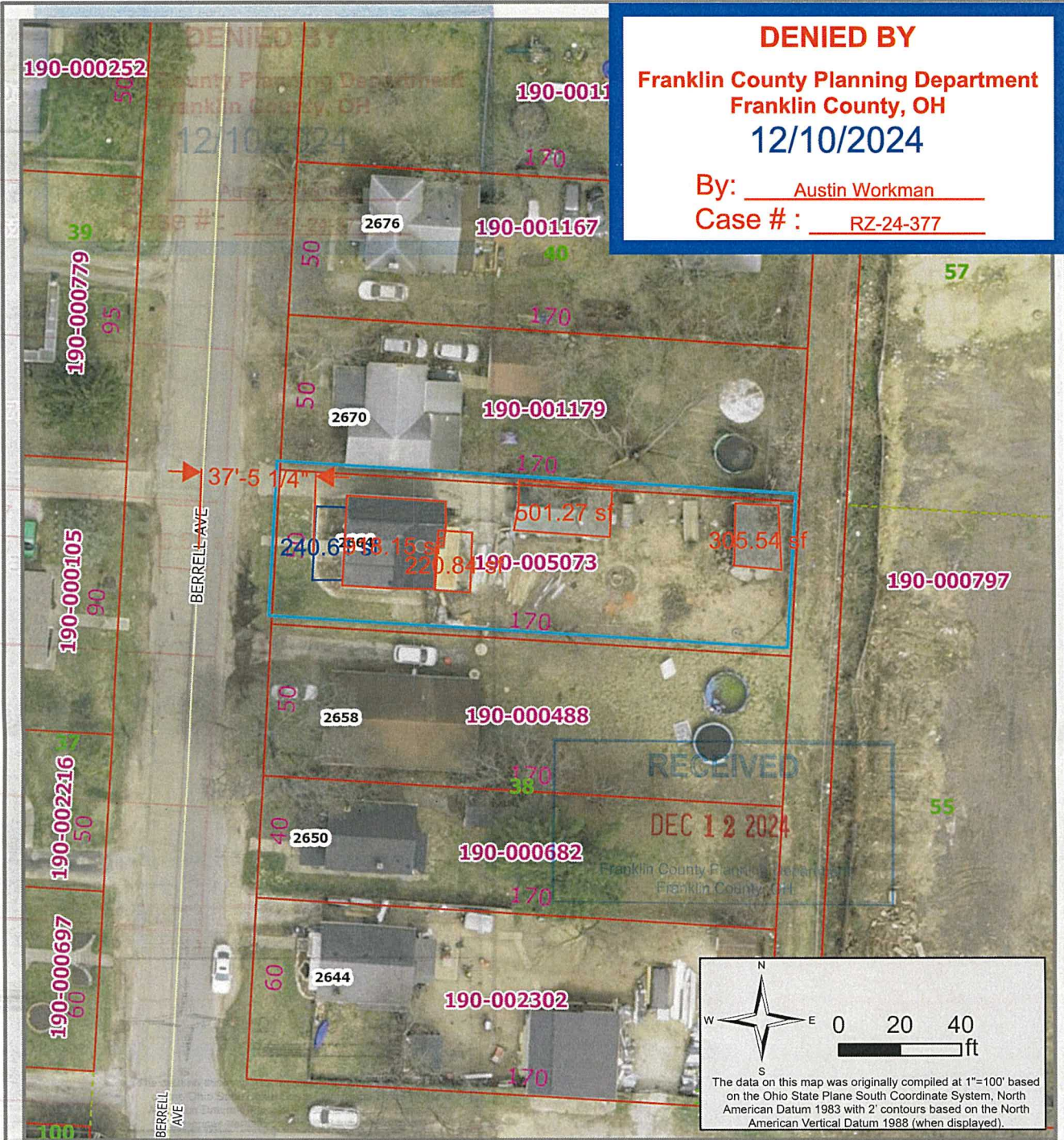
1. Exterior
 - a. New siding
 - b. New windows
 - c. New doors
 - d. Partial roof replacement
2. Framing
 - a. Re-Build existing back porch with extension
 - b. Build wooden front porch
3. Electrical
 - a. New wiring for the entire house
4. Plumbing
 - a. New plumbing for the entire house
 - b. New 2 bathrooms including Jacuzzi
 - c. New kitchen sinks
5. HVAC
 - a. Re-use existing ducting and run new heat runs.
 - b. New A/C
6. New drywall , painting , and flooring
7. New kitchen cabinets

permitted To Build



DEPAR
PERMIT
11-2023-1
PLAN R
P.R.O.
 11-11
 11-11
 11-11
 11-11
COMM

DENIED BY
Franklin County Planning Department
Franklin County, OH
12/10/2024
 By: Austin Workman
 Case #: RZ-24-377



0 20 40
 ft
 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 December 10, 2024



- Planimetric Legend**
 Source: 2021 Aerial Photography
- Edge of Pavement
 - Roadway Centerlines
 - Railroad Centerlines
 - Building Footprints
 - Building Under Construction
 - Creeks, Streams, Ditches
 - Rivers & Ponds

- Appraisal Legend**
 Source: Franklin County Auditor & Engineer
- Parcel IDs
 - Parcel Dimensions
 - Lot Numbers
 - Site Address
 - Parcel Boundary
 - Subdivision Boundary

- Topographic Legend**
 Source: OSIP - 2019 LiDAR Collection
- Condominium Boundary
 - County Boundary
 - City or Village Boundary
 - Tax District Boundary
 - School District Boundary
 - Zip Code Boundary
 - Spot Elevation
 - Index Contour
 - Intermediate Contour

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.



STAFF REPORT

Board of Zoning Appeals
January 21, 2025

Case: VA-4117

Prepared by: Raimere Fitzpatrick

Owner	Diane and Gordon Fowler
Applicant:	Ryan Kolb
Township:	Pleasant
Site:	5450 Opossum Run Road (PID # 230-003218)
Acreage:	5.65 Acres
Zoning:	Rural Residential
Utilities	Private Water/Wastewater
Request:	Requesting variances from sections 512.02(2)(a) and 650.162(a) and (b) of the Franklin County Zoning Resolution for the construction of an accessory building (pole barn) in front of the principal structure and in the Big Darby Creek riparian setback with grading activities in an area zoned Rural (R).

Summary

The applicant requested variances from Section 512.02(2)(a) and 650.162(a) and (b) of the Franklin County Zoning Resolution (FCZR) to locate an accessory structure in front of a principal residence and to construct the accessory structure and perform the associated grading activities in the Riparian Setback. The rear of the site is impacted by a segment of the Big Darby Creek that is located at the bottom of a ravine that has approximately 100 ft change in elevation from the developable portion of the site. At the recommendation of Franklin Soil and Water Conservation District staff, the applicant recalculated the delineation of the riparian setback using the alternate method, per Section 650.09 (a) of the FCZR, to account for the elevation change between the centerline of the creek segment and the developable portion of the property. The resulting analysis relocated the boundary of the riparian setback and it no longer encumbers the location of the proposed accessory structure. The request for variances of Sections 650.162(a) and (b) are no longer necessary since the proposed building location is outside of the revised riparian setback. The analysis also included the identification of a 50 ft steep slope buffer from the edge of the ravine that prohibits placement of the accessory structure beside or to the rear of the residence. A variance is still needed from Section 512.02(a) of the FCZR to permit an accessory structure in front of the principal structure. Staff's analysis is that the request satisfies the criteria for granting a variance and staff recommends ***conditional approval***.

Property Background/History

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

- Residence constructed in 2004
- Riparian Setback applied to properties County-wide in 2008.
- The applicant purchased the property in October 2024.

Surrounding Land Use/Zoning

Surrounding Properties are located in the Rural (R) district and developed with single-family residential uses.

Comprehensive Plan

The site is within the Boundaries of the Pleasant Township Comprehensive Plan. The Future Land Use Map recommends Agricultural and Creek Buffer uses for the site. The existing uses and propose structure on the site are consistent with this recommendation.

Staff Review/Franklin County Zoning Resolution Review

Variance from Section 512.02(a) – Location, Number and Size of Residential Accessory Buildings:*An accessory building shall be located to the side or rear of the principal structure*

- The proposed accessory structure is located between the principal structure and the property's frontage.
- The steep topography and 50 ft steep slope buffer prevent any structural improvements from being located at the side or rear of the principal structure. The principal structure is located within the 50 ft steep slope buffer; however, the residence was constructed in this location prior to adoption of these requirements.

Technical Review Committee Agency Review

The case was referred to the informal Technical Review Committee for comments on December 18, 2024.

The following comments were provided by the respective Technical Agencies:

- 1) *Franklin Soil and Water Conservation District: The District recommended the applicant apply the alternate method for determining the riparian setback due to the ravine at the rear of the property leading down to the Big Darby Creek. Application of the alternative method would likely remove the setback from the portion of the site where the accessory structure is proposed.*
 - *The applicant has performed the recommended analysis and determined the delineation of the riparian setback to be located along the face of the ravine outside of the proposed development area.*

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: No, the proposed structure allows for storage of equipment and materials necessary to maintain the property.
 - b) Staff recommends the property would still have a beneficial use without the variance. Approving the variance may improve the owners ability to beneficially use the property by having an area for accessory structures outside of restricted hazard/no-build areas .
- 2) *Whether the variance is substantial;*
 - a) Applicant's Response/Summary: The structure is placed to both minimize impact to the creek and reduce visual impact from the public right-of-way
 - b) Staff recommends this criterion is met. The variance is not substantial due to the size of the property, the location of the creek at the bottom of an approximately 100 ft ravine with respect to the elevation of the proposed building site, and the additional 50 ft steep slope buffer that prohibits structural placement to the side or rear of the residence.
- 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 proposed structure will not be visible from or to adjacent properties.
 - b) Staff recommends this criterion is met. The dense forestry on the site will screen the proposed structure. The structure is located over 450 ft from the nearest residential structure.
- 4) *Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);*
- a) Applicant's Response/Summary: No
 - b) Staff recommends the variances would not affect delivery of governmental services.
- 5) *Whether the property owner purchased the property with knowledge of the zoning restriction;*
- a) Applicant's Response/Summary: No. The applicants did not anticipate the creek, 100 ft below their residence, would impact future improvements to the site.
 - b) Staff recommends it is difficult to determine whether the property owners had knowledge of the Riparian Setbacks since they were applied County-wide after the purchase of the property.
- 6) *Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and*
- a) Applicant's Response/Summary: No, the shape of the property and location of the residence limits the placement of additional structures.
 - b) Staff recommends the irregular shape and topography of the site and steep slope buffer limit the placement of structures at the side or behind the residence. Placement behind the residence would potentially impact steep slopes leading down to the creek.
- 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: Yes, no obstruction to the health, safety or welfare of the public is created.
 - b) Staff recommends the criteria is met.

Recommendation:

Based on Staff's Analysis, Staff's recommendation is that the Board of Zoning Appeals **conditional approval** a variance from Section 512.02(a) of the Franklin County Zoning Resolution for an accessory structure located in front of the primary structure.

The conditions of approval are as follows:

1. The applicant must apply for and receive a certificate of zoning compliance and a building permit from the Franklin County Economic Development and Planning Department for the proposed accessory structure.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to conditionally approve a variance from Section 512.02(a) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4117.

Seconded by: _____

Voting:

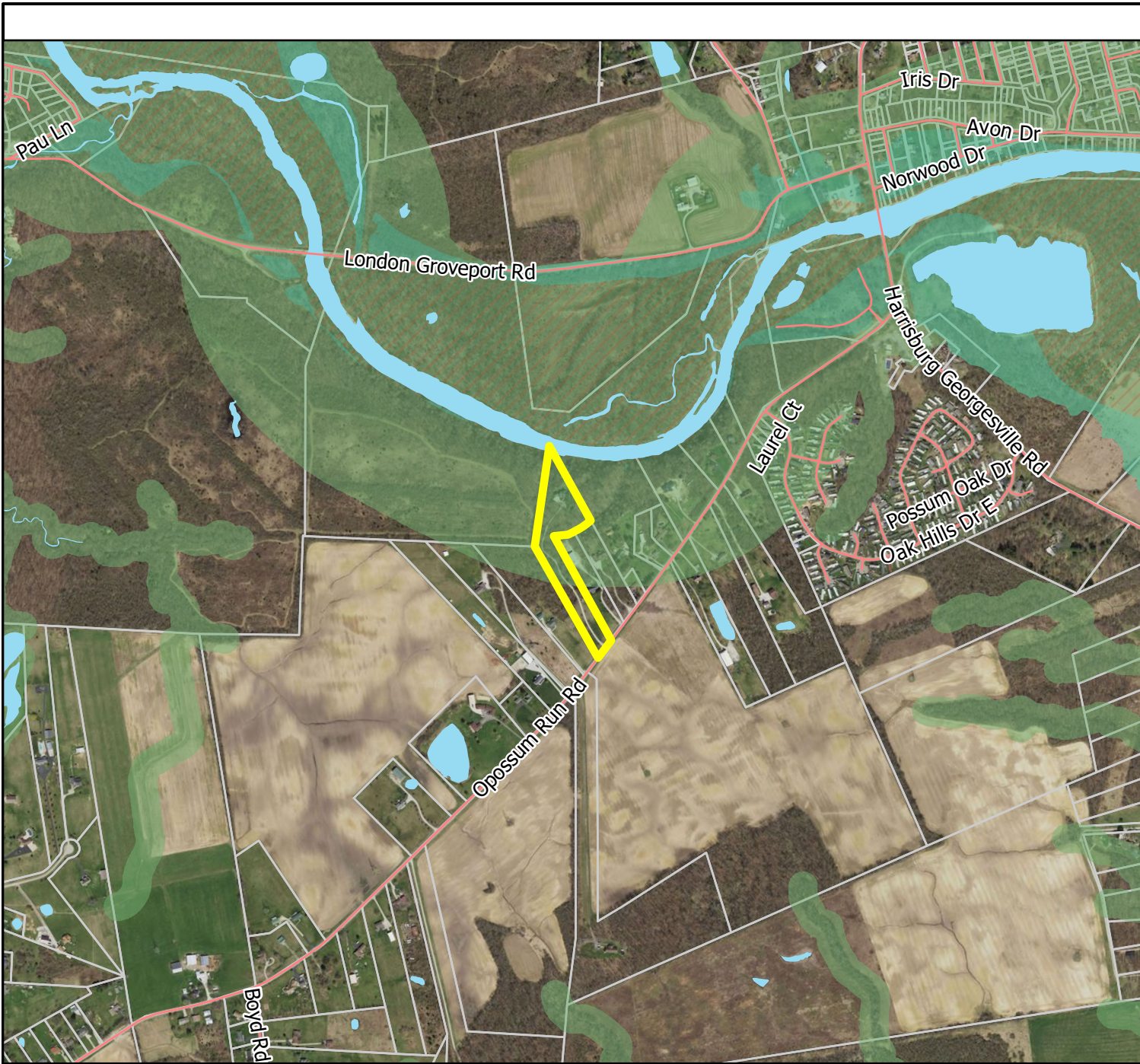
Findings of Fact

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

_____ move that the basis for approving/denying the applicant’s request for the variance from Section Section 512.02(a) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4117 results from the applicant satisfying/failing to satisfy the criteria for granting a variance under Section 810.041(b).

Seconded by: _____


Voting:

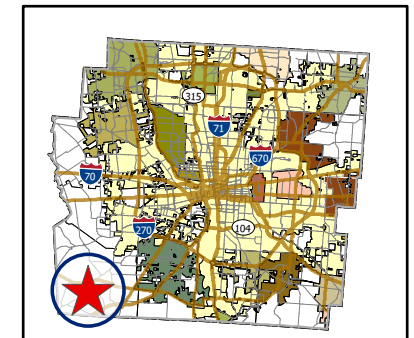
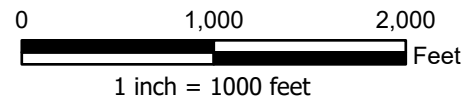
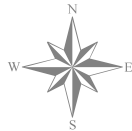


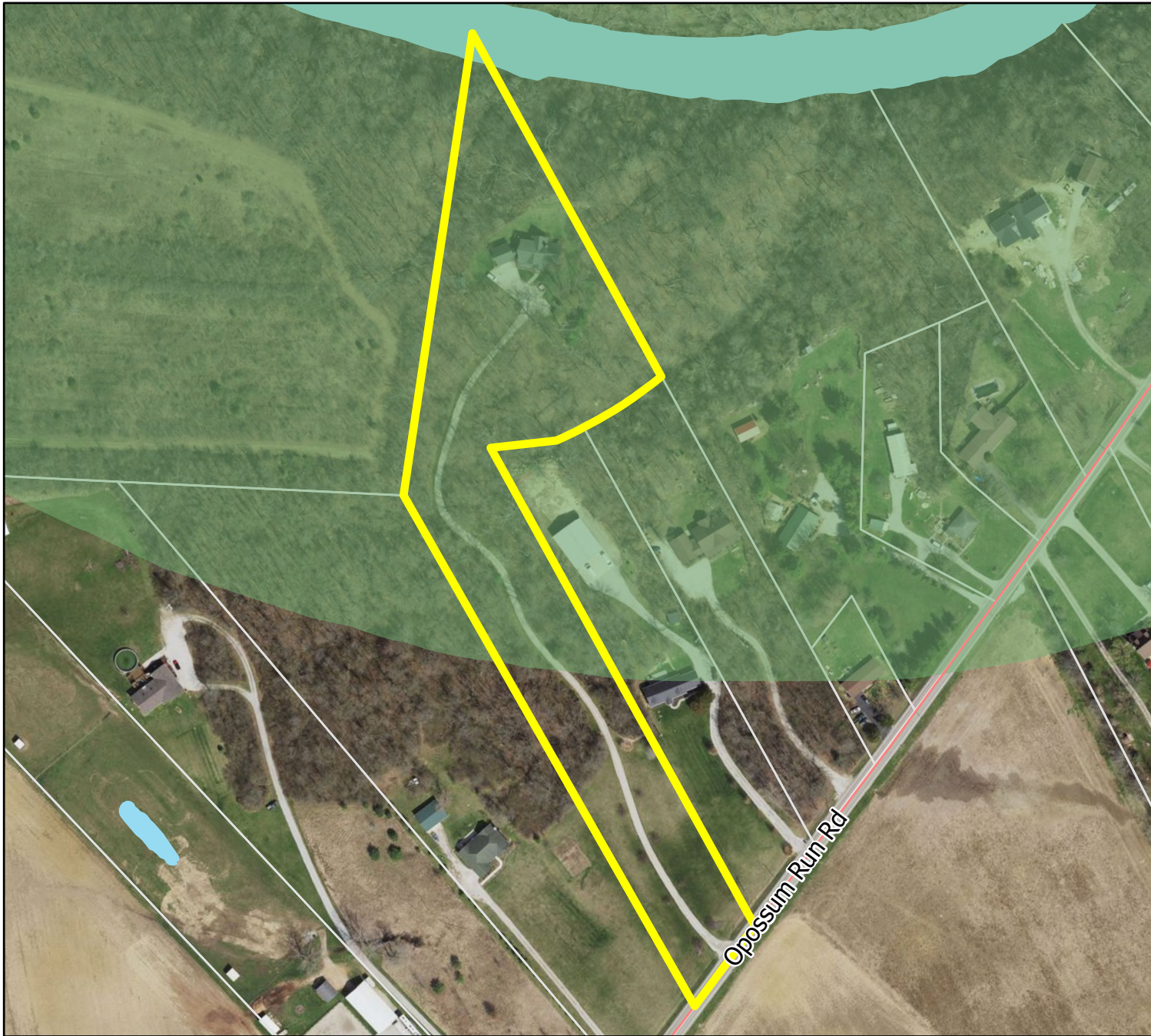
VA-4117

Requesting variances from sections 512.02(2)(a) and 650.162(a) and (b) of the Franklin County Zoning Resolution for the construction of an accessory building (pole barn) in front of the principal structure and in the Big Darby Creek riparian setback with grading activities in an area zoned Rural (R).

Acres: 5.65-acres
Township: Pleasant

-  Streets
-  Parcels
-  5450 Opossum Run Rd
-  Waterbodies
-  Stream Buffers
-  NFHL Floodway FC 20210401
-  NFHL 100 Year Floodplain FC 20210401








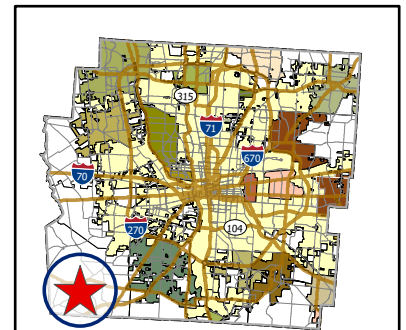


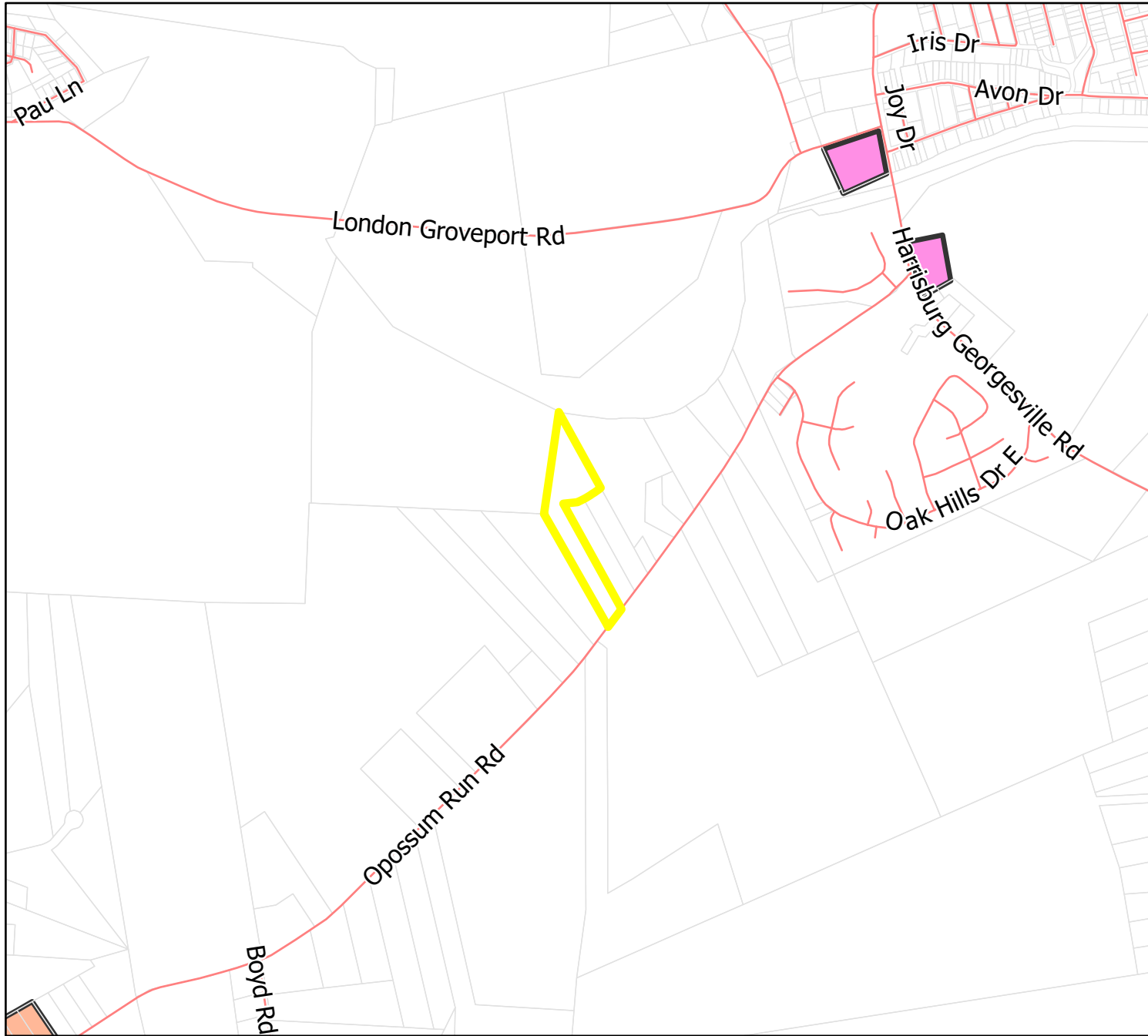
VA-4117

Requesting variances from sections 512.02(2)(a) and 650.162(a) and (b) of the Franklin County Zoning Resolution for the construction of an accessory building (pole barn) in front of the principal structure and in the Big Darby Creek riparian setback with grading activities in an area zoned Rural (R).

Acres: 5.65-acres
Township: Pleasant

-  Streets
-  Waterbodies
-  Parcels
-  5450 OpossumRun Rd
-  Stream Buffers








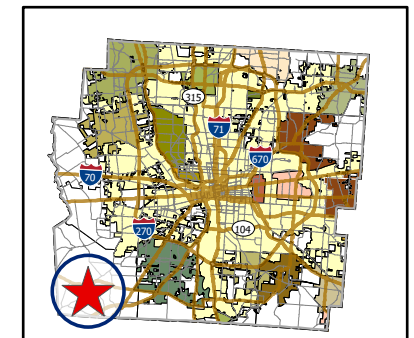
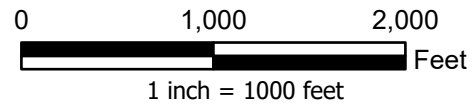
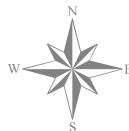


VA-4117

Requesting variances from sections 512.02(2)(a) and 650.162(a) and (b) of the Franklin County Zoning Resolution for the construction of an accessory building (pole barn) in front of the principal structure and in the Big Darby Creek riparian setback with grading activities in an area zoned Rural (R).

Acres: 5.65-acres
Township: Pleasant

-  Streets
-  5450 Opossum Run Rd
- Zoning - County**
-  Limited Suburban Residential
-  Neighborhood Commercial
-  Rural





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: 5450 Opossum Run Road, Grove City, OH 43123

Parcel ID: 230-003218-00	Zoning District: R - Rural Residential
Lot Acreage: 5.65 Acres	Township: Pleasant Twp.

Property Owner Information

Name: Gordon and Diane Fowler

Address: 5450 Opossum Run Road, Grove City, OH 43123

Phone # 614-323-5457	Fax #
----------------------	-------

Email: icaniqu@aol.com; icaniqu218@gmail.com

Applicant Information Same as property owner

Name: Ryan Kolb

Address: 4230 Tuller Road, Suite 100
Dublin, OH 43017

Phone # 614-323-1202	Fax #
----------------------	-------

Email: RK@KolbKrenzel.com

Agent Information

Name:

Address:

Phone #	Fax #
---------	-------

Email:

Staff Use Only

Case # VA- 4117

Date Filed: 12/16/2024

Received By: Trebion W.

Fee Paid: \$350.00

Receipt Number: 24-04624

Hearing Date: 12/24/2024

Technical Review: 1/21/2025

Zoning Compliance #:
RZ-24-357

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
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 2 of 7



Case# VA-

Variance(s) Requested:

Section: Section 512.02(2)(a)

Description: No accessory structure is permitted in front of the principal structure

Section: Section 650.162(a)

Description: No structure is permitted to be constructed in the Big Darby Creek watershed riparian setback

Section:

Description:

Describe the project:

Construction of an accessory building (pole barn) on property to house tractor and equipment required to maintain property, consistent with similar buildings that neighbors have on their lots.

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.

Re: 512.02(2)(a) - Existing primary structure location limits access to buildable space on the irregular shaped lot. The primary structure location does not allow for accessory structure development to the rear of the existing primary structure due to the lot shape and existing natural topography. Lot narrows to a point and elevation drops 100' to the Big Darby creek.

Re: 650.162(a) - Riparian setback envelops more than 50% of total land mass. The existing primary structure currently exists within the Riparian setback and is closer to the Big Darby Creek than proposed accessory structure.



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.

Many of all adjacent neighbors already enjoy the use of accessory structures of varying sizes, some have multiple accessory structures.

Many of adjacent accessory structures currently exist within the Riparian setback.

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

Owners recently purchased this property for its location, natural beauty, and unique characteristics.

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.

Majority of adjacent properties enjoy the ability to have an accessory structure (varying sizes) as is common in the Rural Residential district.

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?

Approval of the proposed accessory structure will not change the overall health, safety or welfare of the region. Furthermore, the proposed location does not alter the existing natural beauty of the property or region.

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

No, the proposed structure allows for storage of equipment and materials necessary to maintain the property.



Zoning Variance



Case# VA-

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

Variance allows the proposed accessory structure to exist approximately 95' in front of the primary structure. This is as far from the Big Darby Creek as possible to not alter the natural beauty of the site or be visible from the public right of way.

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?

No. Proposed accessory structure will not be visible to adjacent property owners and will not affect existing natural aesthetic of property and region.

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)

Both variances will not affect government services. Property has private sewer, water and gas that is not affected by proposed accessory structure location. Existing utilities, driveway and curb appeal are not affected by strategically located proposed accessory structure.

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

New owners were not made aware of zoning restrictions when purchasing home/property in October of 2024. Knowing that the property is in a rural area of Franklin County and more than 100' above the Big Darby Creek, owners did not anticipate that the more than 5 acres property would have road blocks in further developing the property to enable them to correctly maintain their new property.

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

No. The irregular shape of the property, combined with the existing primary structure does not allow for alternatives. The proposed accessory structure is located to appeal to all neighbors and the region as a whole, not affecting anyone in the region.

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

Yes. The general health safety and welfare of the community is not obstructed or changed by granting this variance. Furthermore, this variance will allow the owners to easily and safely maintain their newly purchased property.



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.

Maie Bachman Fowler
Applicant/Authorized Agent *

12/12/2024
Date

Maie Bachman Fowler
Property Owner (signature must be notarized)

12/12/2024
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.**

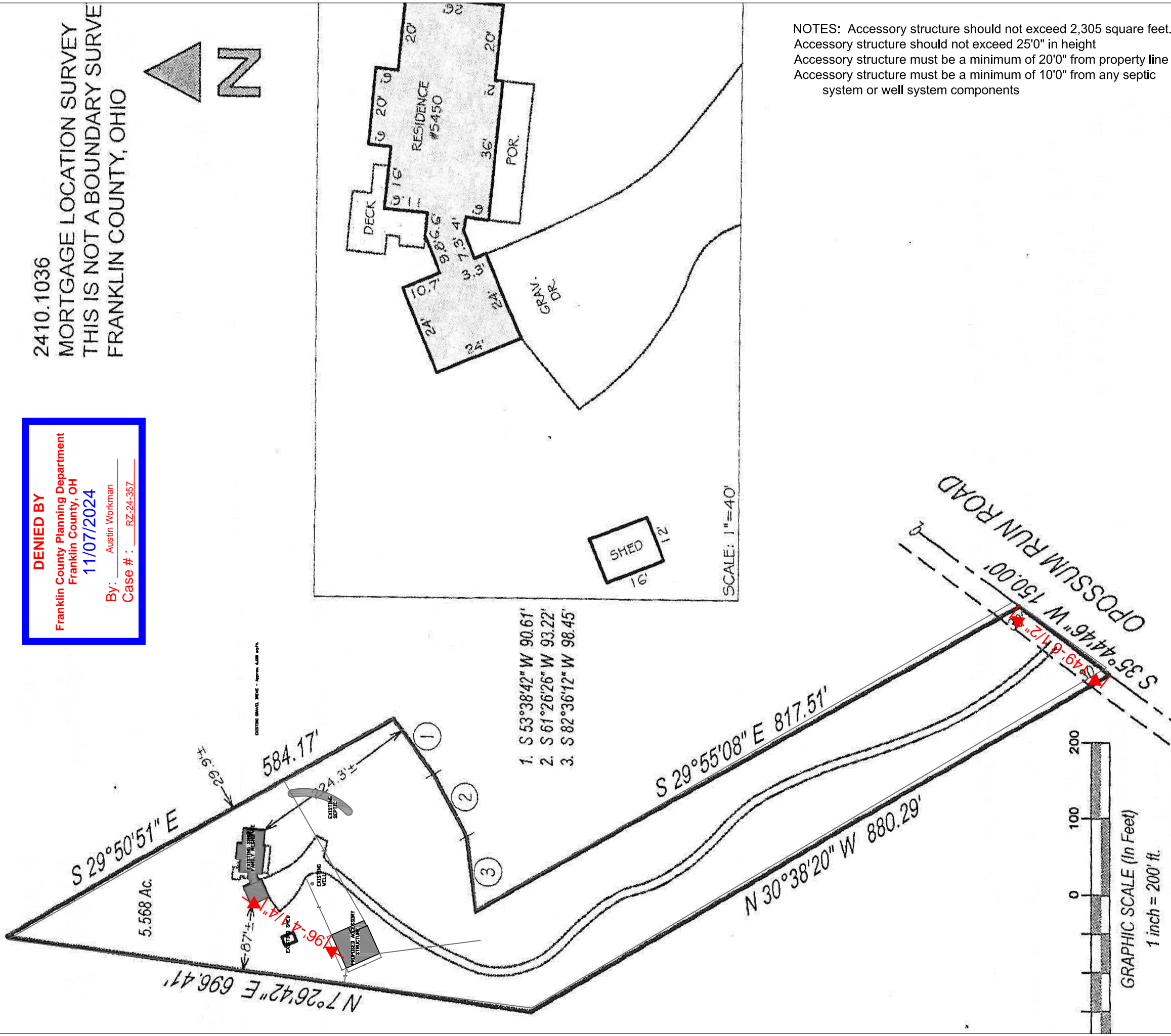
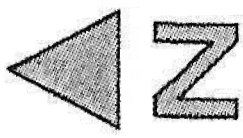
Eric S. Keener



ERIC S KEENER
Notary Public
State of Ohio
My Comm. Expires
March 25, 2025

DENIED BY
 Franklin County Planning Department
 Franklin County, OH
 11/07/2024
 By: Austin Workman
 Case #: RZ-24-357

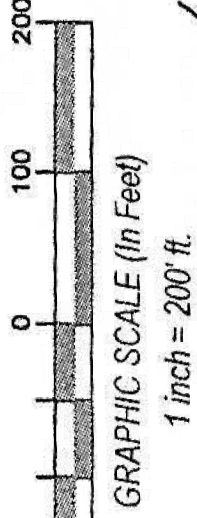
2410.1036
 MORTGAGE LOCATION SURVEY
 THIS IS NOT A BOUNDARY SURVEY
 FRANKLIN COUNTY, OHIO



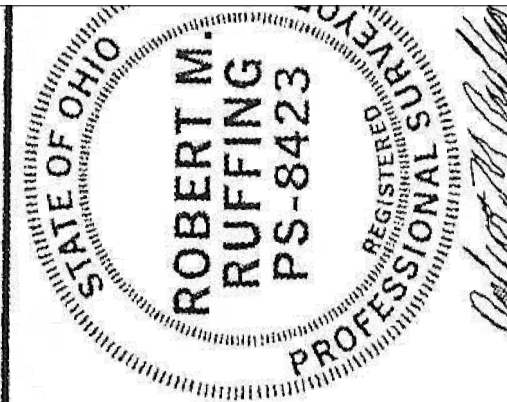
1. S 53°38'42" W 90.61'
2. S 61°26'26" W 93.22'
3. S 82°36'12" W 98.45'

SCALE: 1"=40'

NOTES: Accessory structure should not exceed 2,305 square feet.
 Accessory structure should not exceed 25'0" in height
 Accessory structure must be a minimum of 20'0" from property line
 Accessory structure must be a minimum of 10'0" from any septic system or well system components



THIS MORTGAGE LOCATION SURVEY IS PERFORMED IN ACCORDANCE WITH 4733-38 OF THE OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE ADMINISTRATIVE CODE AND IS ONLY FOR THE USE OF THE MORTGAGE LENDER AND TITLE INSURER. DO NOT USE THIS MORTGAGE LOCATION SURVEY FOR FUTURE CONSTRUCTION OF FENCES, SHEDS, GARAGES, ADDITIONS OR ANY OTHER STRUCTURE(S). THIS DOCUMENT MAY NOT SHOW ALL EASEMENTS.

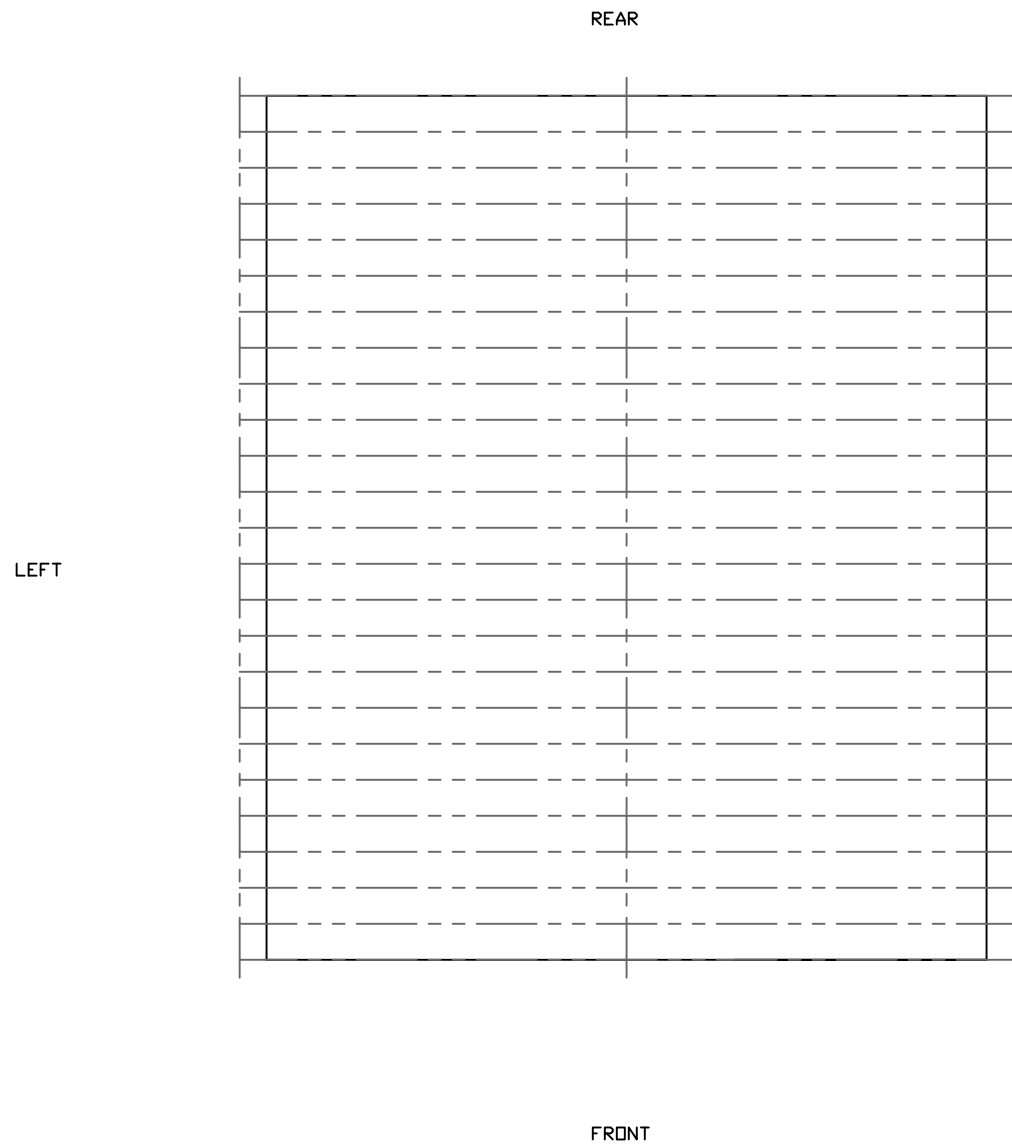


REST:	
R: 2409-038-OPOSS	
SELLER: LARRY WHITE	
BLOCK:	PLAT:
PG:	
TOWNSHIP OF PLEASANT	
KLIN	

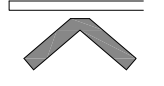
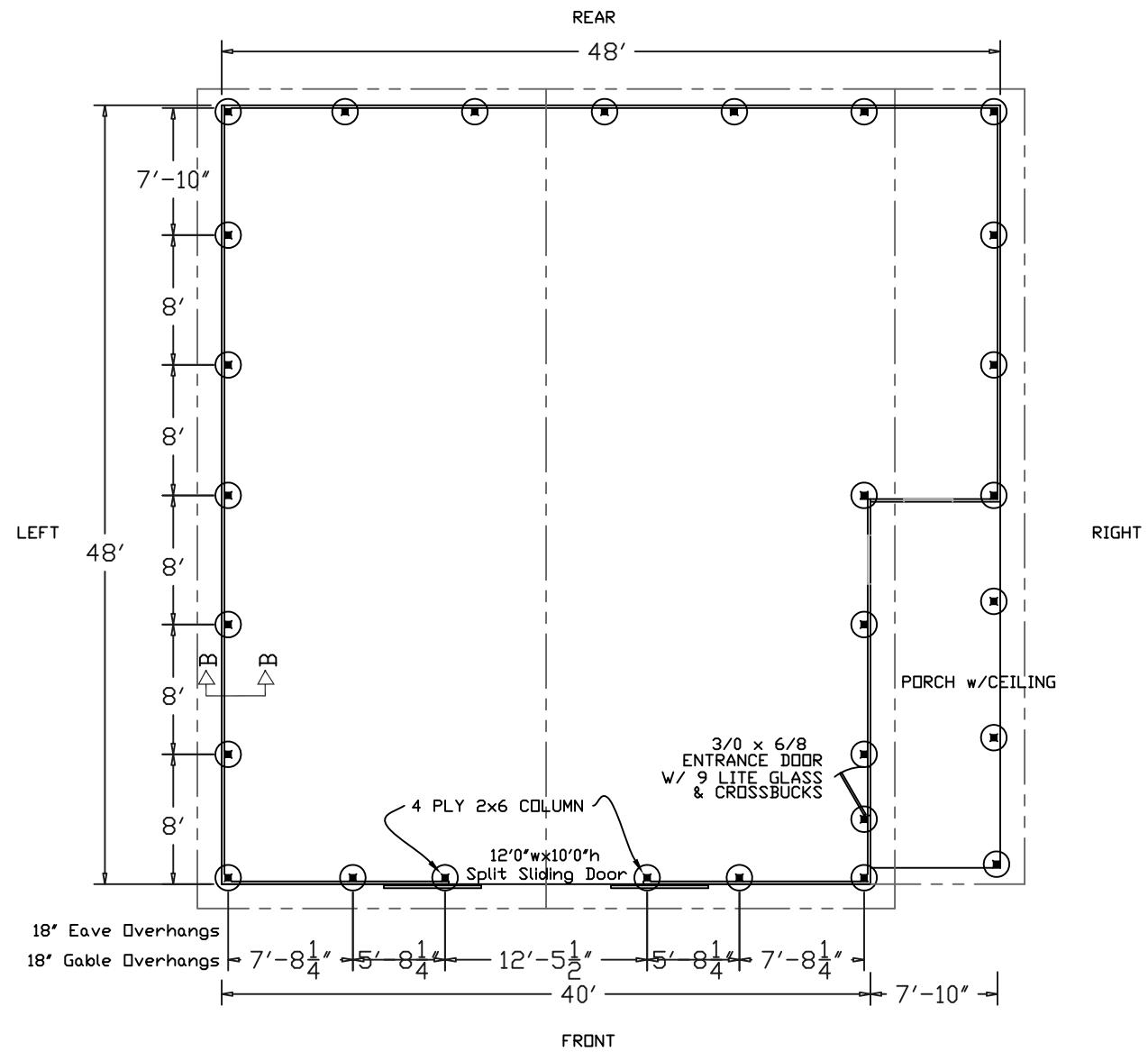
REV.	LEVEL
A	
B	
DWN	R/K 10/30/2024
SHEET NO.	
S.1	
OF	

SITE PLAN

5450 Opossum Run Rd
 Grove City, OH 43123



Attic Trusses @ 8/12 pitch
 @ 2' on center
 use pull down attic access ladder

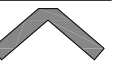
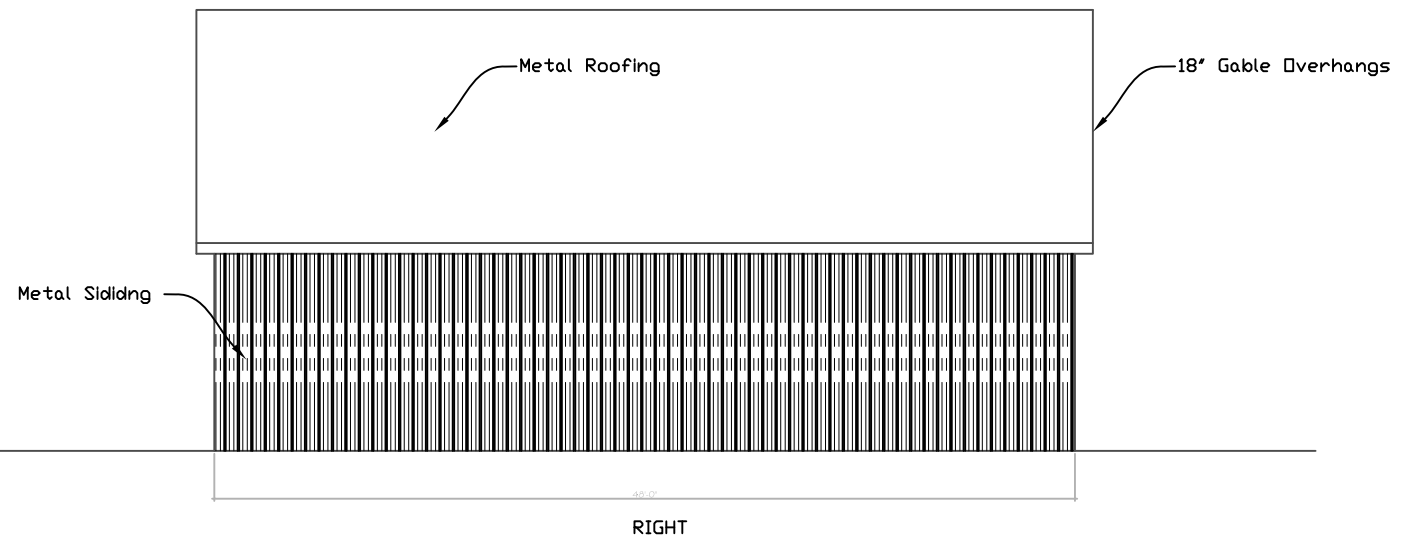
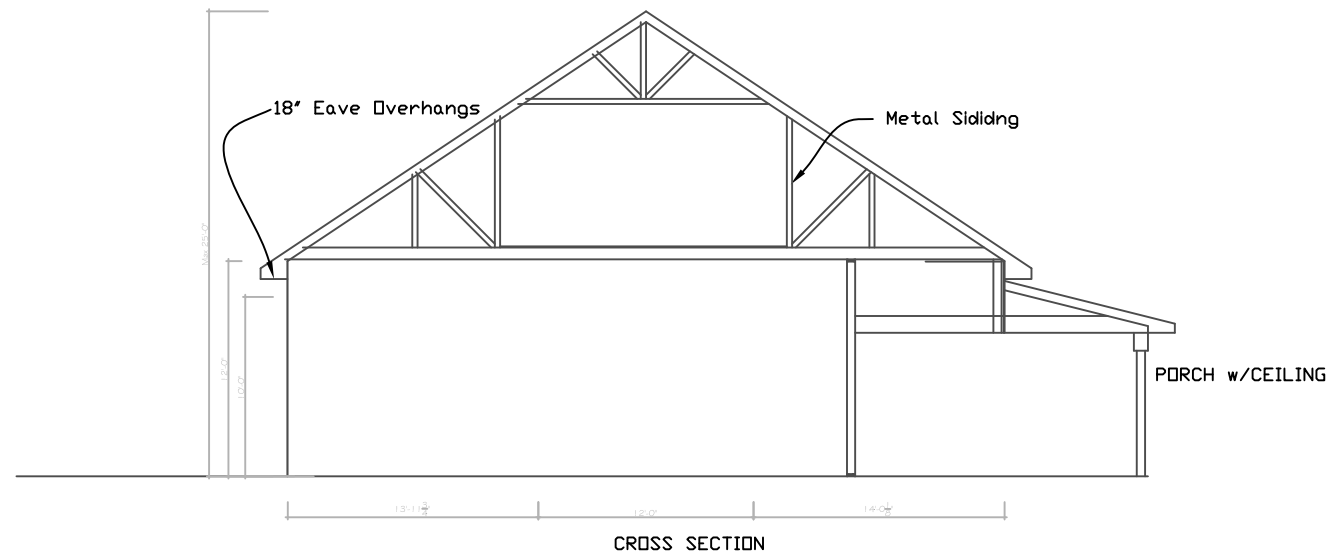
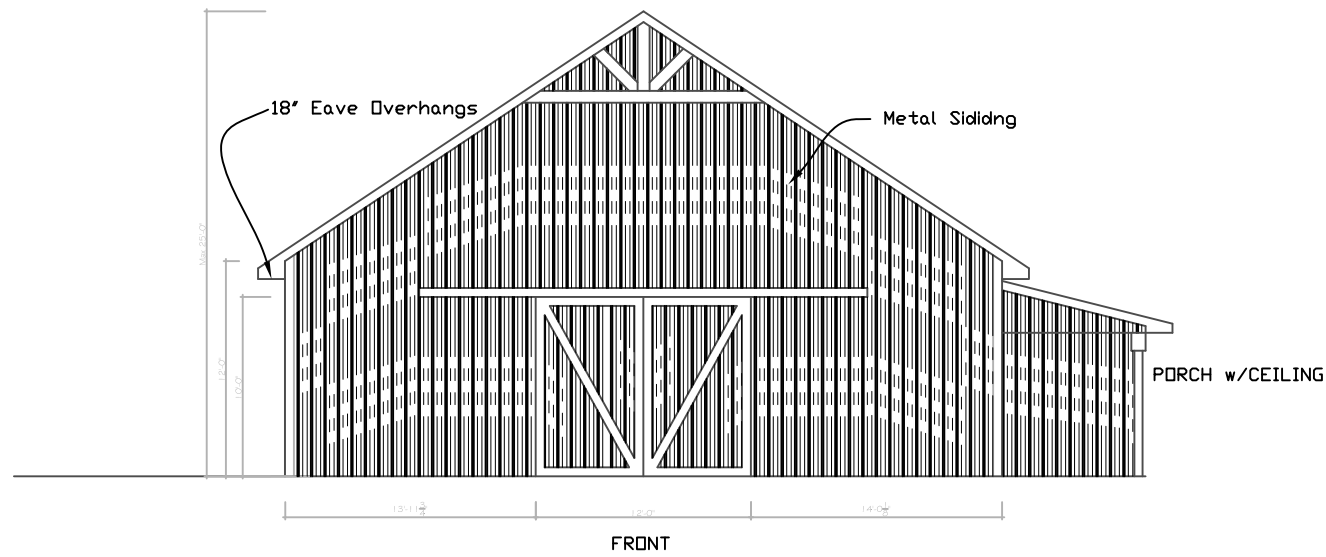


5450 Opossum Run Rd
 Grove City, OH 43123

FLOOR PLAN/ROOF PLAN

REV.	LEVEL
A	
B	
DWN	RJK 10/30/2024
SHEET NO.	
S.3	
OF _____	

SCALE: 1/64" = 1'-0"



REV.	LEVEL		
A			
B			
DWN	RJK	10/30	2024

SHEET NO.

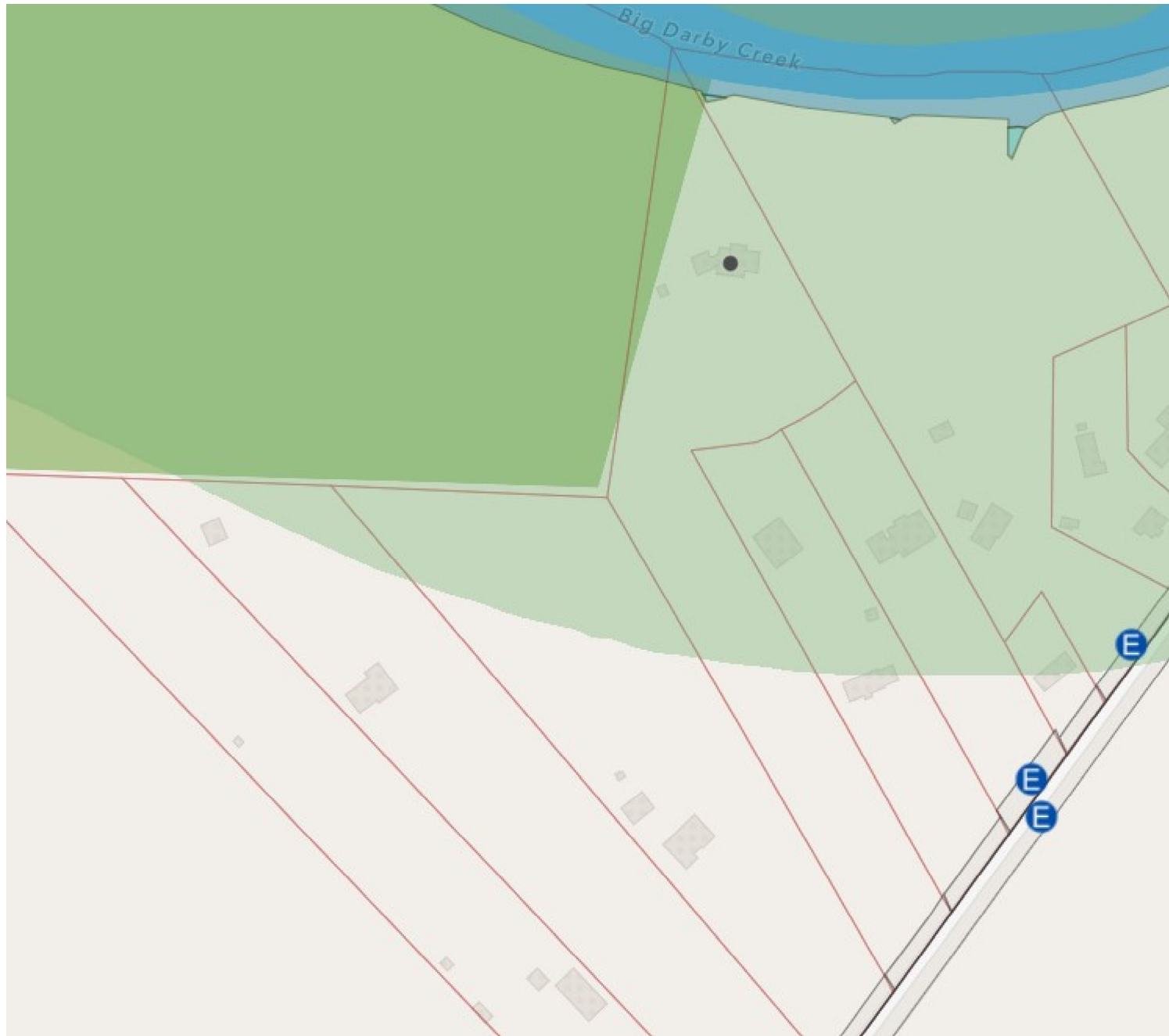
S.4

OF _____

SCALE: 1/64" = 1'-0"

Variance Submission - Riparian Setback as shared by Franklin County Zoning

5450 Opossum Run Road

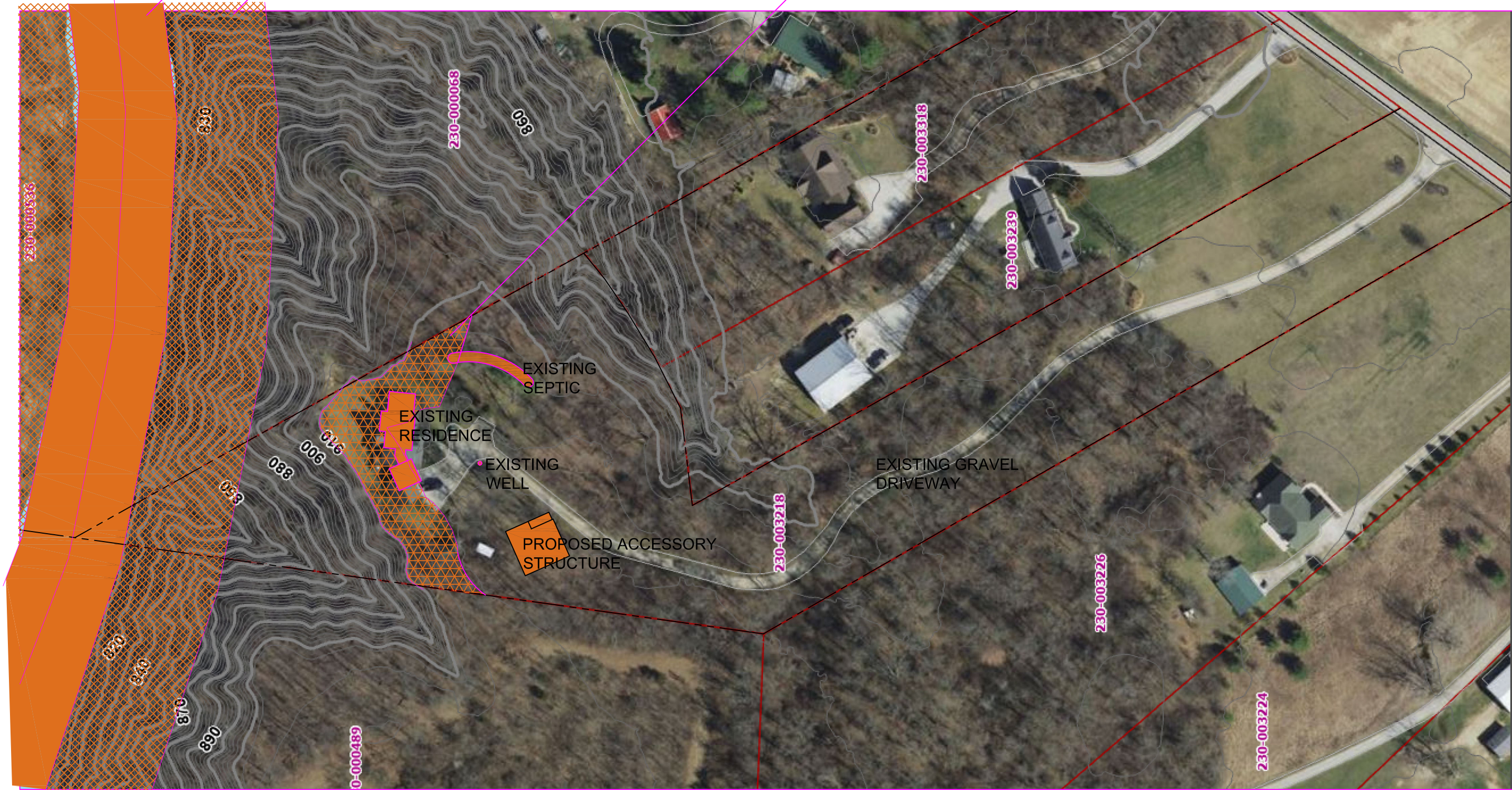


STREAMWAY CENTERLINE

STREAMWAY-BANKFULL CHANNEL - AT 810' ELEV.

RIPARIAN SETBACK ZONE - 100' FROM EDGE OF STREAMWAY PER METHOD 2 OF 650.09-RIPARIAN SETBACKS

50' STEEP SLOPES BUFFER PER FCSW



Planimetric Legend
Source: 2021 Aerial Photography

5450 Opossum Run Rd
Grove City, OH 43123

RIPARIAN SETBACK



William Pizzino
01/07/2025

PIZZINO ENGINEERING & CONSULTING, LLC
3655 US42
WEST JEFFERSON, OH 43126
(614) 325-2462

REV.	LEVEL
A	
B	
DWN	RJK 10/30/2024
SHEET NO.	
R.1	
OF _____	