

# Franklin County Board of Zoning Appeals

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

Monday, November 18, 2019  
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the October 21, 2019 meeting

**i. VA-3953 – Brad Fisher**

<b>Owner/Applicant:</b>	Bruce & Jeanette Bays
<b>Township:</b>	Pleasant Township
<b>Site:</b>	5288 Pheasant Dr. (PID #230-002034)
<b>Acreage:</b>	0.490-acres
<b>Utilities:</b>	Public water and sewer
<b>Zoning:</b>	Residential District
<b>Request:</b>	Requesting a Variance from Sections 512.02(2) and 512.02(2(a)) to allow the construction of an accessory building that would not meet the minimum side yard and principal structure setbacks on a lot smaller than one (1) acre in size in an area zoned Suburban Residential (R-4).

5. Adjournment of Meeting to December 16, 2019

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

**Monday October 21, 2019**

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday October 21, 2019.

Present were:  
Christopher Baer, Chairperson  
Nancy Hunter  
Tim Guyton  
Joe Martin

Franklin County Economic Development and Planning Department members:  
Matt Brown, Planning Administrator  
Brad Fisher, Planner

Chairperson Baer opened the hearing.

The first order of business being the roll call of members, the introduction of Staff, and the swearing in of witnesses. The next item of business was the approval of the minutes from the September 16, 2019, meeting. Mr. Martin made a motion to approve the minutes of the September 16, 2019, meeting. It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

**NEW BUSINESS:**

The next order of business being Case No. VA-3952. The applicant is Alexander Graham. The township is Mifflin Township. The site is located at 4179 Sunbury Road. It is 2.061 acres in size, zoned Rural and served by private water and wastewater. The applicant is requesting a Variance from 512.02(2)(h) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that exceeds the allowable size permitted on a property between 2 and 3 acres. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve a Variance from Section 512.02(2)(h) of the Franklin County Zoning Resolution with Staff's four conditions. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

There being no further business to come before the Franklin County Board of Zoning Appeals, Mr. Guyton made a motion to adjourn the hearing. It was seconded by Mr. Baer. The hearing was adjourned at 2:08 p.m.

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Signature

Minutes of the October 21, 2019, Franklin County Board of Zoning Appeals hearing were approved this 18<sup>th</sup> day of November, 2019

## ***STAFF REPORT***

Board of Zoning Appeals  
November 18, 2019

### **Case: VA-3953**

Prepared by: Brad Fisher

<b>Owner/Applicant:</b>	Bruce and Jeanette Bays
<b>Township:</b>	Pleasant Township
<b>Site:</b>	5288 Pheasant Drive (PID #230-002034)
<b>Acreage:</b>	0.49-acres
<b>Zoning:</b>	Suburban Residential (R-4) District
<b>Utilities:</b>	Public water and sewer
<b>Request:</b>	Requesting a Variance from Sections 512.02(2) and 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would not meet the minimum side yard and principal structure setbacks on a lot smaller than 1 acre in size in an area zoned Suburban Residential (R-4).

### **Summary**

The applicant is requesting a Variance to allow the construction of an accessory building that would not meet the minimum side yard and principal structure setbacks in an area zoned Suburban Residential (R-4). The request does not satisfy the criteria necessary for granting a Variance. Staff recommends ***denial***.

### **Description of the Request**

The subject site is located on the north side of Pheasant Drive in the Timberlake subdivision, just east of Lambert Road, in Pleasant Township. The property was developed in 1978 with a 2,854 square foot single-family home that includes an attached 2-car garage.

The required accessory building setbacks are 5 feet from the side property line and 10 feet from the principle structure (house). The accessory building is setback 4 feet 8 inches from the western property line and 7 feet 3 inches from the home. The applicant constructed the 147 square foot accessory building prior to receiving approval of a Zoning Compliance.

A variance is need to reduce the side yard setback by 4 inches and reduce the setback to the home by 2 feet 9 inches.

### **Surrounding Area and Zoning**

The subject site and surrounding area are located in the Timberlake subdivision, zoned Suburban Residential (R-4) and developed as medium-density residential in Pleasant Township.

### **Comprehensive Plan**

The Pleasant Township Comprehensive Plan, adopted in 2009, includes a Future Land Use Map that recommends the site for Residential Suburban High-Density development. Recommended land uses within this type of development include single and two-family housing.

## **Staff Review**

### Variance from Section 512.02(2) – Location of Residential Accessory Buildings

- For lots that are under 1 acre in size, the setback from property lines is 5 feet.
  - The proposed setback to the western property line is 4 feet 8 inches.
    - A Variance is requested to reduce the setback by 4 inches.

### Variance from Section 512.02(2(a)) – Location of Residential Accessory Buildings

- An accessory building shall be located to the side or rear of the principle structure and shall be no closer than 10 feet from any part of the principal structure.
  - The proposed setback to the home is 7 feet 3 inches.
    - A Variance is requested to reduce the setback by 2 feet, 9 inches.

## **Technical Review Committee Agency Review**

Expressed no concerns with the proposed development.

## **Staff Analysis**

### Section 810.041 – Approval of Variance:

The Board of Zoning Appeals shall only approve a variance if all of the following findings are made.

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
  - » The applicant stated that the property is pie shaped, limiting the usable space on each side of the home and locating the accessory building behind the home would block the view of the pond for the applicant and neighbors.
  - » Staff believes there is adequate space to locate the accessory building on the lot that would meet all required development standards and minimally impact the view of the pond from the subject site and neighboring properties.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
  - » The applicant indicated that there are many sheds in this neighborhood and several of them are close to or next to the homes.
  - » Staff found no approved variances for accessory buildings to not meet setbacks in the Timberlake subdivision. Also, Staff was unable to locate an example of any accessory buildings in the neighborhood that do not clearly meet the required setbacks.
  - » Furthermore, Staff found that in this neighborhood accessory buildings are typically located to the rear of the home and lot.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
  - » Staff does not believe that having a pie shaped lot and a view of a pond is a special condition in this case. There is adequate area on the lot to build the accessory building while meeting all required development standards and minimally impact the view of the pond.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » Staff believes that granting the variance request would confer on the applicant a special privilege as no other properties in the area have received approval for a similar variance and the development standards can be met.
- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
  - » Staff believes that granting the variance would not adversely impact the general health, safety or welfare of the community.

**Recommendation**

Staff’s recommendation is that the BZA *deny* a Variance from Sections 512.02(2) and 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would not meet the minimum side yard and principal structure setbacks on a lot smaller than 1 acre in size in an area zoned Suburban Residential (R-4).

**Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Variance Request:**

\_\_\_\_\_ moves to approve a Variance from Sections 512.02(2) and 512.02(2(a)) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3953.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant’s request for the Variance from Sections 512.02(2) and 512.02(2(a)) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3953 results from the applicant’s failure to satisfy the criteria for granting a Variance under Section 810.041.

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

Voting:









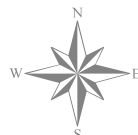
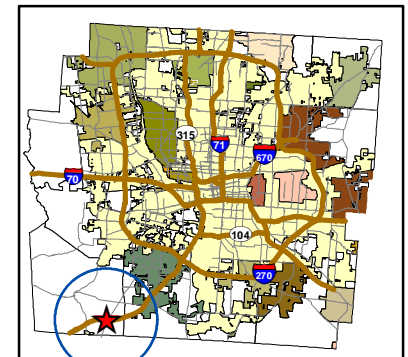


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Acres: 0.49  
Township: Pleasant

-  5288 Pheasant Drive
-  Floodway
-  100 Year Floodplain
-  Big Darby Creek Setback
-  Streets
-  Parcels









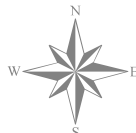
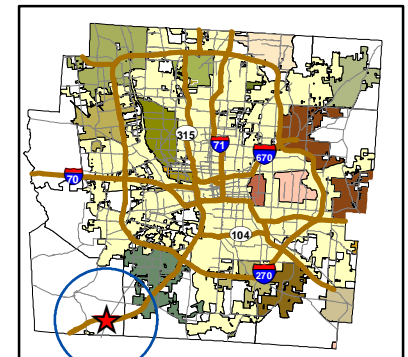


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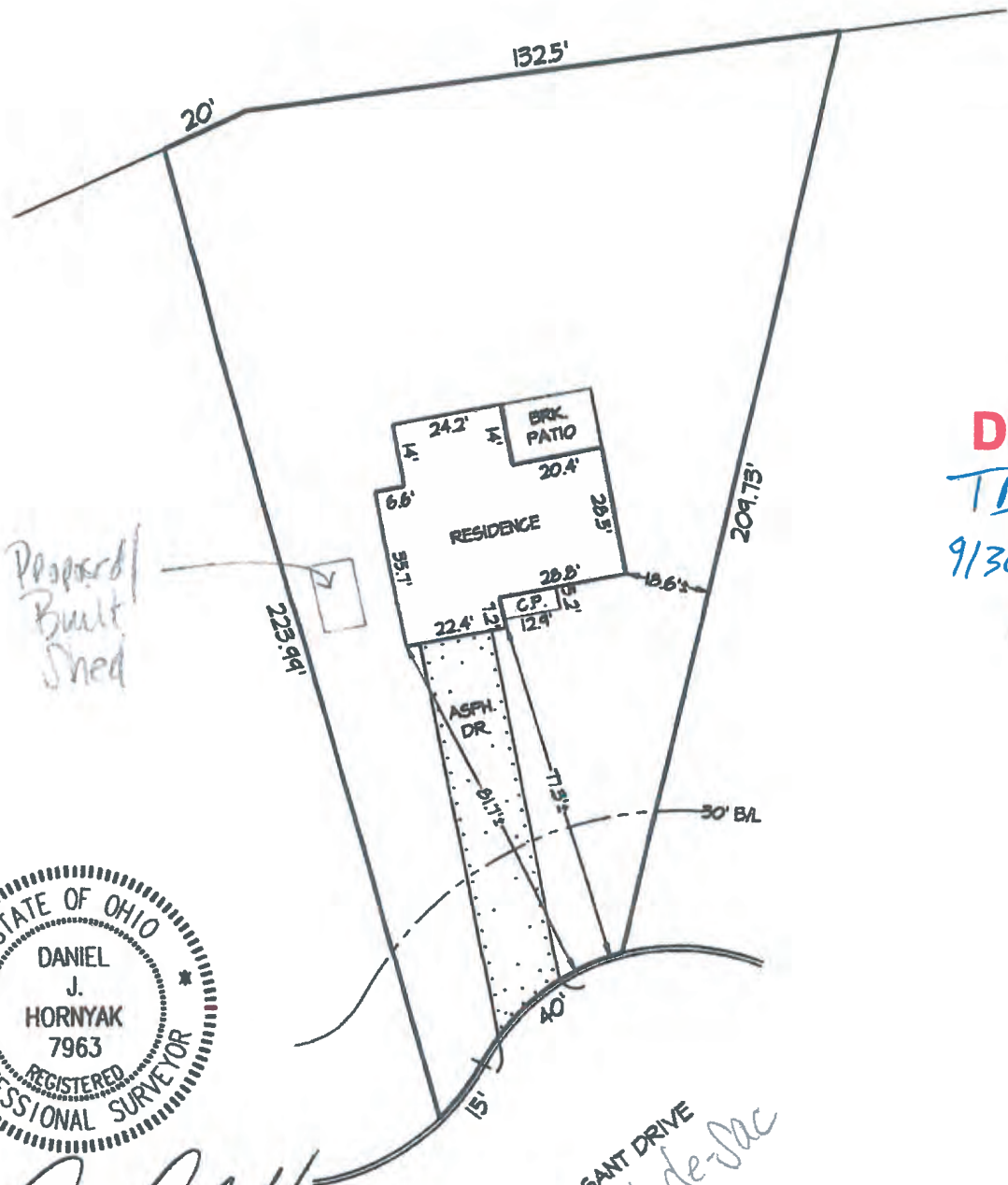
Acres: 0.49  
Township: Pleasant

-  5288 Pheasant Drive
-  Streets
-  Parcels
-  Proposed Building





LANDMARK SURVEY GROUP, INCORPORATED



**DENIED**  
TB  
9/30/19  
R2-19-369



*Daniel J. Hornyak*  
THIS PLAT IS NOT TO BE USED TO ERECT  
FENCES OR OTHER STRUCTURES.

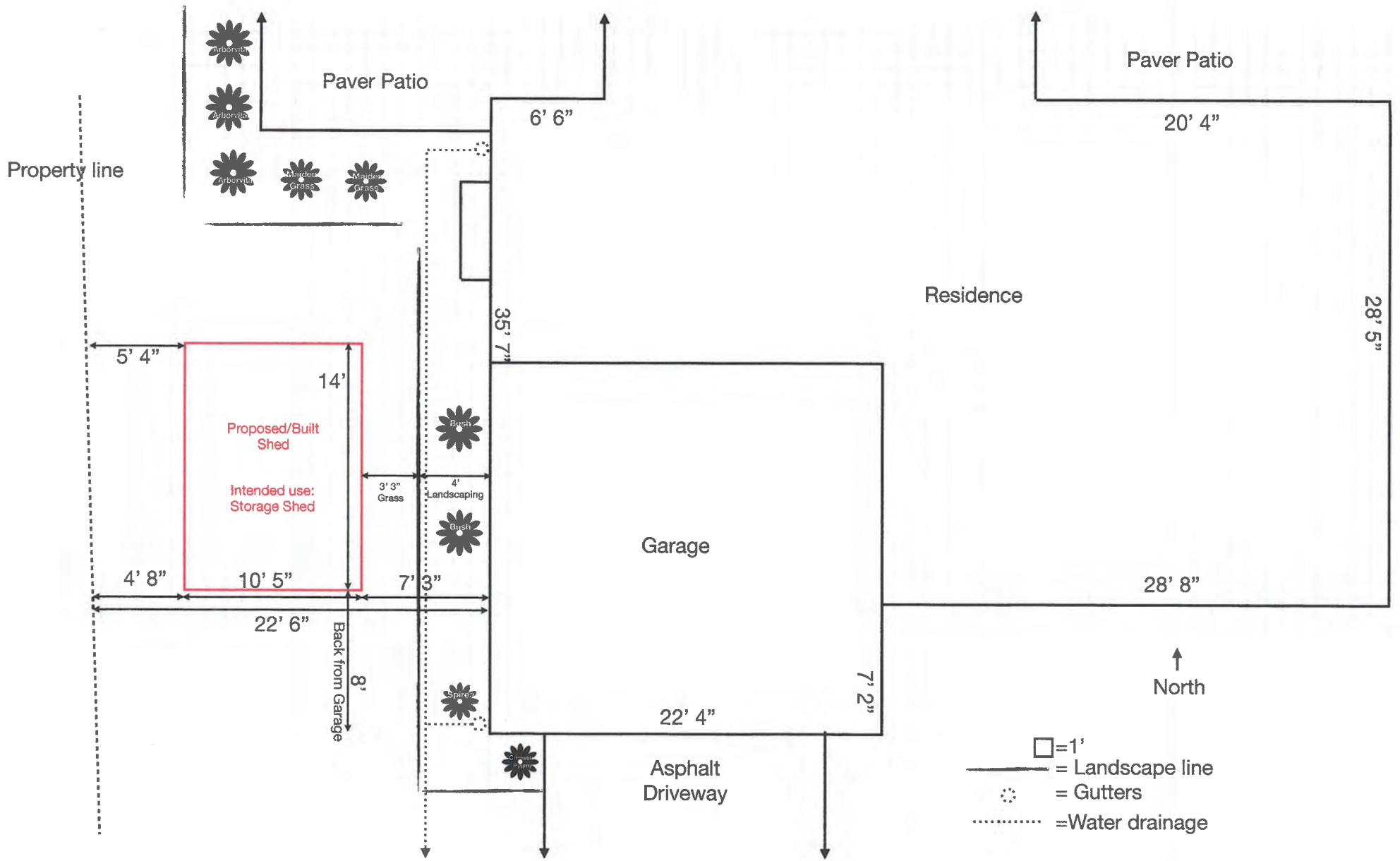
PHEASANT DRIVE  
Cut-de-Jac



Drawn By: HM      LSGI #: 23388      Date: 07-20-1999      Scale: 1" = 40'

Certification: We hereby certify to the above named party(s), that this plat depicts the subject property in accordance with the Ohio Administrative Code, Chapter 4733-59, Minimum Standards For Mortgage Surveys in The State of Ohio, and is not a Boundary Survey pursuant to the Chapter 4733-37, Ohio Administrative Code.



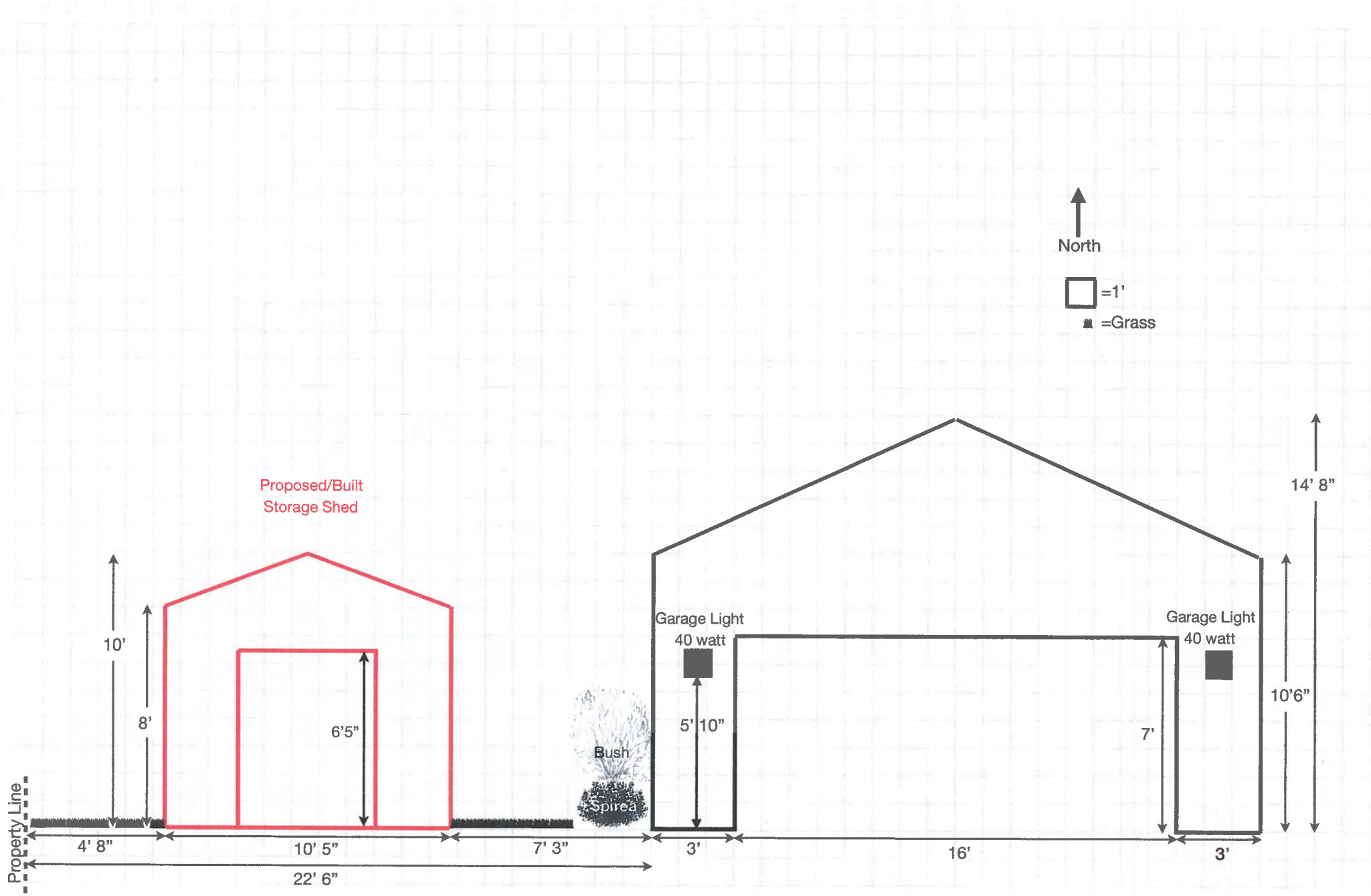


= Landscape line



= Gutters

⋯ = Water drainage



North ↑

□ = 1'

▨ = Grass

Proposed/Built  
Storage Shed

Property Line

Garage Light  
40 watt

Garage Light  
40 watt

Bush  
Spiraea

10'  
8'  
4' 8"

6' 5"  
10' 5"  
22' 6"

7' 3"

3'

16'

3'

14' 8"  
10' 6"

7'

**Stephen A. Fedan (sfedanc@aol.com)**

**5283 PHEASANT DR., ORIENT, OHIO 43146**

**(614) 877- 4661, cell: (614)-406-1911**

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**Franklin County Board of Zoning Appeals**

**Ref: Case #VA-3953**

**I am writing to provide my comments and ask some questions about this process on the variance request for the property listed in the above case.**

**Comments:**

**This structure is visible from the front street level and resembles a second garage. It portrays a negative image on the neighborhood and will affect the resale value of nearby properties.**

**It has windows on the side and could encourage vandalism to that property and put other structures in the neighborhood in jeopardy of similar actions.**

**Questions:**

**This structure is already completely finished. How did they get a building permit if a hearing is required on a zoning violation?**

**If the variance is denied, what becomes of the structure? Will it have to be removed? Who will enforce?**

**Stephen Fedan**