

Franklin County Board of Zoning Appeals

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

Monday, October 21, 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 September 16, 2019 meeting

i. VA-3952 – Brad Fisher

Owner/Applicant:	Alexander Graham
Township:	Mifflin Township
Site:	4179 Sunbury Rd. (PID #190-004999)
Acreage:	2.061-acres
Utilities:	Private water and wastewater
Zoning:	Rural District
Request:	Requesting a Variance from Sections 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.

5. Adjournment of Meeting to November 18, 2019

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

Monday September 16, 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 September 16, 2019.

Present were:

Christopher Baer, Chairperson
Paula Armentrout
Nancy Hunter
Tim Guyton
Joe Martin

Franklin County Economic Development and Planning Department members:

Jenny Snapp, Assistant Director
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 June 17, 2019, meeting. Mr. Guyton made a motion to approve the minutes of the June 17, 2019, meeting. It was seconded by Mr. Martin. The motion was approved by a five-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. CU-3947. The applicant and owner was not present. The matter was placed at the end of the agenda.

The next order of business being Case No. VA-3948. The applicants/owners are Mark and Cynthia Maier. The site is located in Pleasant Township, at 3451 Rolling Hills Lane. It is 0.46 acres in size and is served by private water and wastewater. It is zoned Limited Suburban Residential. The applicant is requesting a variance from Section 650.162(c) of the Franklin County Zoning Resolution to allow for the construction of a fence in the Big Darby Watershed Riparian Setback in an area zoned Limited Suburban Residential. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Cynthia Maier appeared before the Board. Mr. Guyton made a motion to approve a variance from Section 650.162(c) to allow for the construction of a fence in the Big Darby Watershed Riparian Setback in an area zoned Limited Suburban Residential with one staff condition. It was seconded by Mr. Martin. The motion was approved by a five-to-zero vote.

The next order of business being Case No. CU-3949. The applicant/owner is Lawrence Keck. The agent is Scott Hessler. The site is located in Madison Township at 3926 Wade Road and is 0.26 acres in size. It is zoned Restricted Urban Residential. It is served by public water and sewer. The applicant is requesting a conditional use from Section 610.06(2) and 610.06(7) of the Franklin County Zoning Resolution to allow the construction of an accessory building and the placement of a permanent fill in the floodway fringe in an area zoned Restricted Urban Residential. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Larry Keck and

Mr. Scott Hessler appeared before the Board. Ms. Armentrout moved to approve the conditional use from Section 610.06, Article 2, of the Franklin County Zoning Resolution, with staff's recommended conditions, with an amendment to remove condition three. It was seconded by Mr. Martin. The motion was approved by a five-to-zero vote. Ms. Armentrout made a motion to approve the conditional use request from Section 610.06(7). It was seconded by Mr. Guyton. The motion failed with four "no" votes and one yes. Ms. Armentrout made a motion to adopt findings of fact that the reason for denying the requested conditional use from Section 610.06(7) results from the applicant failing to satisfy the criteria for granting a conditional use. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote with one abstention.

The next order of business being Case No. VA-3950. Mr. Reynolds appeared and withdrew the request for variance from Section 531.011(2). The owner and applicant is George "Steve" Smith. The agent and attorney is Jack Reynolds. The site is located in Franklin Township at 1929 through 1959 Harmon Avenue. It is 10.64 acres in size. It is split-zoned; Limited Industrial and General Industrial. It is served by private water and wastewater. The applicant is requesting a variance from Sections 344.04(b)(1), 501.012, 504.012 and 521.012(1) to allow that site to not meet the requirements for screening opacity, fence height, parking setback, screening in an area Limited Industrial. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. George "Steve" Smith and Mr. Jack Reynolds appeared before the Board. Mr. Guyton moved to approve variance from Sections 501.012, 504.012, 504.024(b), 521.012 and 344.041(b)(1) of the Franklin County Zoning Resolution, with six staff-recommended conditions, striking Condition No. 4, and adding a condition that the chain-link fence be vinyl coated. It was seconded by Ms. Hunter. The motion was approved by a five-to-zero vote.

The next order of business being Case No. VA-3951. The owner is Jordan Johnston. The applicant is Chris Bartmess. The site is located in Pleasant Township at 8336 Harrisburg-London Road and is 5.6 acres in size. It is zoned Rural and served by private water and wastewater. The applicant is requesting a variance from Section 512.02(a) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would not meet the minimum setback requirements. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Chris Bartmess and Mr. Michael Lusk appeared before the Board. Ms. Hunter moved to approve a variance from Section 512.02(a) of the Franklin County Zoning Resolution, with the staff recommendation to apply for and receive approval for a Certificate of Zoning Compliance and building permit from the Franklin County Economic Development and Planning Department. It was seconded by Mr. Baer. The motion was approved by a five-to-zero vote.

Next, Conditional Use Case 3947 was called again. The witnesses were sworn in. The owners are Necmettin and Joan Can. The applicant is Allen Smith of Fun Time Pool & Spa. The site is located in Norwich Township, at 3806 Riverview Drive. It is 0.67 acres in size, zoned Rural, and served by private water and wastewater. The applicant is requesting a conditional use from Section 610.06(2) of the Franklin County Zoning Resolution to allow the construction of a swimming pool and deck in the floodplain in an area zoned Rural. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Necmettin and Mr. Smith appeared before the Board. Ms. Armentrout made a motion to approve conditional use from Section 610.06(2) of the Franklin County Zoning Resolution, with the four recommended staff conditions. It was seconded by Mr. Martin. The motion was approved by a five-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Chairperson Baer adjourned the meeting. The hearing was adjourned at 3:40 p.m.

Signature

Minutes of the September 16, 2019, Franklin County Board of Zoning Appeals hearing were approved this 21st day of October, 2019

STAFF REPORT

Board of Zoning Appeals
October 21, 2019

Case: VA-3952

Prepared by: Brad Fisher

Owner/Applicant:	Alexander Graham
Township:	Mifflin Township
Site:	4179 Sunbury Road (PID #190-004999)
Acreage:	2.061-acres
Zoning:	Rural
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Section 512.02(2(h)) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that exceeds the maximum allowable size permitted on a property between 2 and 3 acres.

Summary

The applicant is requesting a Variance from Section 512.02(2(h)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum allowed size in an area zoned Rural. The request satisfies the criteria for granting a Variance. Staff recommends **conditional approval** of the request.

Description of the Request

The subject site is located on the west side of Sunbury Road, between Innis Road and Easton Way in Mifflin Township. The site includes an existing 1,643 square foot single-family with a 2-car attached garage, and an existing 1,000 square foot detached accessory building. All structures were developed in 1961.

The proposed development would include a 3,200 square foot detached accessory building to the rear of the home and the removal of the existing 1,000 square foot detached accessory building. The maximum accessory building square footage for a property between 2 and 3-acres is 2,160 square feet. The variance request is to exceed the maximum permitted square footage by 1,040 square feet.

Surrounding Area

Properties to the north and south are zoned Rural in Mifflin Township, are similar in size to the subject site and developed as low-density residential. Properties to the east are developed with low-density residential, religious and school uses in the City of Columbus. Alum Creek abuts the subject site to the west, with associated floodplain from the Creek located on the rear of the site.

Area Plan

The Clinton-Mifflin Land Use Plan, adopted in 2009, includes a Future Land Use Map that recommends low-density residential development with the only permitted land use being single-family homes. The Plan classifies this area as the Sunbury-Cassady Focus Area, which recommends protecting the Sunbury Road corridor's scenic quality by locating buildings far back from the roadway. Any new construction

should take great care to avoid cutting down trees, especially old ones. One goal is to improve housing and the homeownership experience by facilitating rehabilitation and new construction that is compatible with the surrounding community.

The proposed development does not change the existing residential land use and would be developed similarly to the properties to the north and south. Mature trees will not be removed and the scenic corridor will be protected by locating the structure in a location that will be properly screened. Therefore, the request does not conflict with the Plan's recommendation.

Staff Review

Variance from Section 512.02(2(h)) – Accessory Building Size:

- The sum total square footage of accessory buildings may not exceed 2,160 square feet.
 - The proposed accessory building is 3,200 square feet in size. The existing 1,000 square foot accessory building is proposed to be removed if the variance is approved.
 - A Variance of 1,040 square feet is required.

Technical Review Committee Agency Review

No Technical Review Committee Agency expressed any concern.

Staff Analysis

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

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
 - » The applicant stated that neighboring properties are similar in size and have built similar sized structures.
 - » Staff agrees that neighboring properties are similar in size and have built accessory buildings that either exceed the maximum permitted number or size that is permitted. These buildings were constructed between 1956 and 1979, and Staff has found no variance is on file for these properties. Two properties to the north constructed a 4,800 square foot accessory building, however this was prior to the adoption of the accessory building size requirement.
 - » Staff further notes that the location of the accessory building will be screened by existing vegetation to the west, south and east. Also, it appears the building would not impact the “scenic corridor quality” as described in the Clinton-Mifflin Land Use Plan.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
 - » The applicant stated that the request will allow for the removal of an old structure that is in disrepair, and replace it with a newly constructed structure that will match the aesthetics of the existing single-family home. Also, there are other oversized accessory buildings that exist in the area, including a 4,800 square foot accessory building to the north.
 - » Staff agrees that the proposal keeps with the development and use of the surrounding properties.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
 - » The applicant stated that the property was purchased with the assumption it could be developed similar to the neighboring properties.
- 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 would not confer a special privilege on the applicant. There is no variance on file for the surrounding properties either exceeding the maximum number or size of accessory structures, however the proposed development would be properly screened

from Sunbury Road, the residential property to the south and essentially from Champions Golf Course located just west of the Alum Creek.

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

Recommendation

Staff's recommendation is that the Board of Zoning Appeals *conditionally approve* a Variance from Section 512.02(2(h)) to allow the construction of an accessory building that would exceed the maximum permitted size on a property between 2 and 3-acres in an area zoned Rural. The condition is that the applicant must apply for and receive approval of a Certificate of Zoning Compliance and Building permit from the Franklin County Economic Development and Planning Department.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a variance from Section 512.02(2(h)) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3952.

Seconded by: _____

Voting:

Findings of Fact

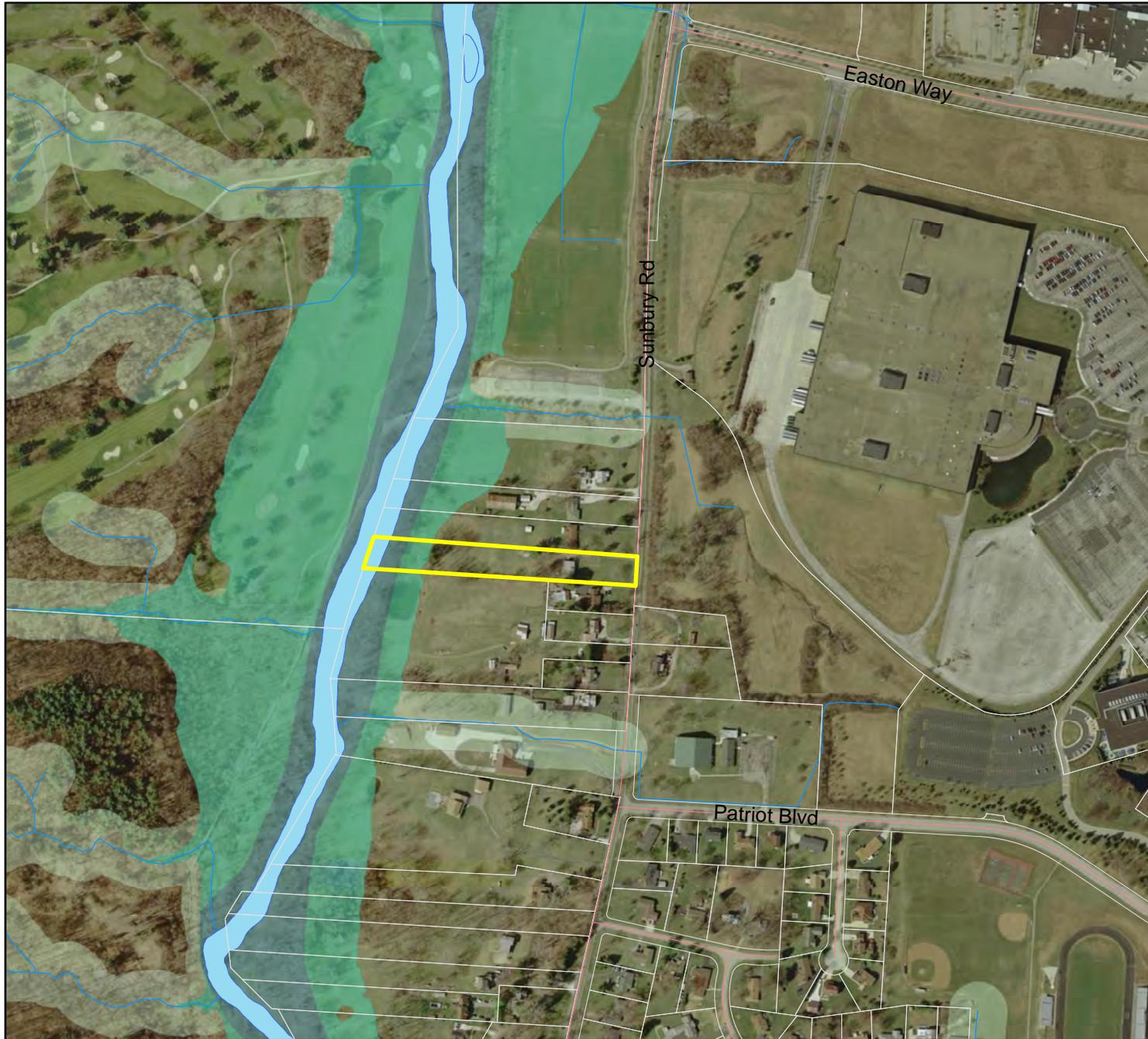
For your convenience, the following are proposed findings of fact:

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 Section 512.02(2(h)) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3952 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

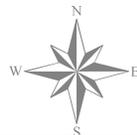
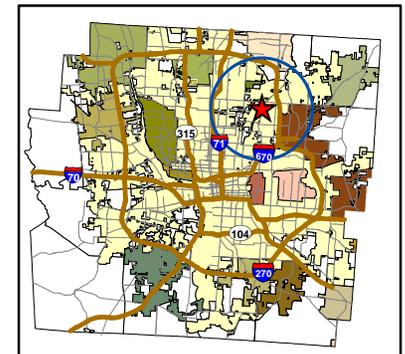


VA-3952

Requesting a Variance from Section 512.02(2(h)) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that exceeds the maximum allowable size permitted on a property between 2 and 3 acres.

Acres: 2.016
Township: Mifflin

-  Floodway
-  100 Year Floodplain
-  4179 Sunbury Rd
-  Streets
-  Parcels
-  Alum Creek





VA-3952

Requesting a Variance from Section 512.02(2(h)) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that exceeds the maximum allowable size permitted on a property between 2 and 3 acres.

Acres: 2.016
Township: Mifflin

-  Floodway
-  100 Year Floodplain
-  4179 Sunbury Rd
-  Streets
-  Parcels
-  Alum Creek

