

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

Economic Development & Planning Department

James Schimmer, Director

Franklin County Board of Zoning Appeals

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

> Monday, November 19, 2018 1:30 p.m.

- 1. Call roll for board members
- 2. Introduction of staff
- 3. Swearing in of witnesses
- 4. Approval of minutes from the October 15, 2018 meeting
- 5. New Business:

i. CU-3922 – Brad Fisher

Owner/Applicant:	Shelly & Sands Inc.
Township:	Hamilton Township
Agent:	Tony Ruggiero

Site: 5636 Lockbourne Rd. (PID #150-000125)

Acreage: 106.000-acres

Request: Requesting a Conditional Use from Sections 610.06(7) and 610.091(2) of the

Franklin County Zoning Resolution to allow the placement of fill in the floodway

fringe and floodway.

ii. CU-3923 - Phil Ashear

Owner/Applicant: Mark Tackett
Township: Madison Township

Site: 5544 Saltzgaber Rd. (PID #180-001000)

Acreage: 1.000-acres

Utilities: Private water and wastewater

Request: Requesting a Conditional Use from Section 302.031 of the Franklin County

Zoning Resolution to allow a mobile home to serve as a temporary residence in an

area zoned Rural.

iii. VA-3924 – Phil Ashear

Owner/Applicant: Stanley & Lisa Vivens
Township: Franklin Township

Site: 2647 Clime Rd. (PID# 140-003934)

Acreage: 0.445-acres

Utilities: Public water and private wastewater

Request: Requesting a Variance from Section 512.02(2) of the Franklin County Zoning

Resolution to allow the construction of an accessory structure that would exceed the maximum square footage on a lot smaller than one (1) acre in an area zoned

Rural.

iv. VA-3925 – Phil Ashear

Owner: Estes Express Lines
Applicant: O'Connor Company Inc.
Township: Franklin Township

Site: 1009 Frank Rd. (PID# 140-003298)

Acreage: 31.050-acres

Utilities: Public water and wastewater

Request: Requesting a Variance from Sections 670.068, 670.088(a), 670.088(g(1)),

670.088(g(3(a))), 670.088(g(3(b))), 670.088(g(3(c))), 670.088(g(3(d))),

670.0812(a), and 670.0812(b) of the Franklin County Zoning Resolution to allow an expansion of more than 50 percent to a non-conforming building that would fail to meet standards for building location, and landscaping and screening

requirements in an area zoned Limited Industrial and subject to the Smart Growth

Overlay.

v. VA-3926 – Brad Fisher

Owner/Applicant: Kathryn Hawkins
Township: Clinton Township

Location: 999 E. Cook Rd. (PID #130-001510)

Acreage: 1.98-acres

Utilities: Public water and private wastewater

Request: Requesting a Variance from Sections 512.02(1) and 512.02(2) of the Franklin

County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot

between one (1) and two (2) acres in an area zoned Rural.

vi. VA-3927 – Phil Ashear

Owner/Applicant: Reese Community Baptist Church

Township: Hamilton Township

Location: 1920 Todd Ave. (PID #150-000612)

Acreage: 0.270-acres

Request: Requesting a Variance from Sections 110.041, 512.02(2), and 512.02(2(j)) of the

Franklin County Zoning Resolution to allow the construction of an accessory building on a non-conforming lot that does not meet lot width requirement, would not meet the required side yard setback, and would be located on parcels with no

principal structure in an area zoned Rural.

vii. VA-3928 – Phil Ashear

Owner/Applicant: Calvin Lemon
Township: Franklin Township

Location: 1333 Wilson Rd. (PID #142-000002)

Acreage: 0.885-acres

Utilities: Private water and wastewater

Request: Requesting a Variance from Sections 512.02(1) and 512.02(2) to allow the

construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot smaller than one (1) acre in size in an area

zoned Rural.

viii. VA-3930 – Phil Ashear

Owner/Applicant: Kevin Day

Township: Madison Township

Location: 3867 Noe Bixby Rd. (PID #180-001239)

Acreage: 1.070-acres

Utilities: Private water and wastewater

Request: Requesting a Variance from Sections 512.02(2(a)) and 610.05(3) of the Franklin

County Zoning Resolution to allow for the construction of an accessory building that would not be located to the side or rear of the principal structure and would be partially located in the floodway fringe in an area zoned Limited Suburban

Residential (R-2).

6. Adjournment of Meeting to December 17, 2018



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

Economic Development & Planning DepartmentJames Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, October 15, 2018

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, October 15, 2018.

Present were: Christopher Baer, Chairperson Nancy Hunter Paula Armentrout Joe Martin

Franklin County Economic Development and Planning Department members: Jenny Snapp, Assistant Director Matt Brown, Planning Administrator Phil Ashear, Planner

Chairperson Baer opened the hearing.

The first order of business being the roll call of members, the introduction of Staff, and the swearing in of witnesses. The next item of business was the approval of the minutes from the September 17, 2018, meeting. Mr. Martin made a motion to approve the minutes of the September 17, 2018, meeting. It was seconded by Ms. Armentrout. The motion was approved by a vote of three yeses and one abstention.

OLD BUSINESS:

The next order of business being Case No. VA-3904. Mr. Martin made a motion to remove Case No. VA-3904 from the table. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote. The applicants are James and Charlene Davison. The township is Norwich Township. The site is located at 4180 Saturn Road. It is 4.400 acres in size, and it is served by private water and wastewater. The applicant is requesting a Variance from Sections 302.021(a)(1), 302.041(a) and 302.042 of the Franklin County Zoning Resolution to allow for the creation of two lots that would result in a residual lot of less than 5 acres and create two lots that fail meet the minimum to requirement of 2.5 acres or provide for 150 feet of road frontage in an area zoned Rural. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve a Variance from Sections 302.021(a)(1), 302.041(a), and 302.042 of the Franklin County Zoning Resolution with Staff's recommendations. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. VA-3915. The applicant is Alejandro Canibe. The township is Pleasant Township. The site is located at 5550 Grove City Road. It is 19.018 acres in size, and it is served by private water and wastewater. The applicant is requesting a Variance from Section 110.041 of the Franklin County Zoning Resolution to allow the construction of a conforming structure on a lot that does not have a minimum of 60 feet of road frontage. Mr. Phil Ashear read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. VA-3915 from Section 110.041 with one Staff condition. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

The next order of business being Variance Application Case No. VA-3916. The applicant and owner is Whitney Johns. The township is Norwich Township. The property is located at 3640 Ridgewood Road. It is 0.290 acres in size and is served by public water and wastewater. The applicant is requesting a Variance from Section 308.042 of the Franklin County Zoning Resolution to allow for the construction of a room addition that would cause the site to exceed the maximum lot coverage in an area zoned Suburban Residential. Mr. Phil Ashear read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Armentrout made a motion to approve a Variance from 308.042 with one Staff recommendation. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

The next item of business being Variance Application Case No. CU-3917. The applicant and owner is 1350 Emig Road. The agent is Jackson B. Reynolds, III. The township is Franklin Township. The site is located at 1350 Emig Road. It is 11.800 acres in size and is served by private water and public wastewater. The applicant is requesting a Conditional Use from Sections 610.06(3)(4) and (7) of the Franklin County Zoning Resolution to allow storage and processing of materials, parking and loading areas and permanently place fill for a driveway in the floodway fringe. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve a Conditional Use from Section 610.06(1)(3)(4) and (7) with three Staff conditions and an additional condition that the Franklin County Drainage Engineer's Office review any grading additions. The motion was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

The next item of business being Variance Application Case No. VA-3918. The applicants are Raymond and Michelle Baker. The agent is Kyle Schneider. The township is Pleasant Township. The site is located at 6534 Rolling Hills Lane. The site is 0.970 acres in size and is served by private water and wastewater. The applicant is 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 exceeds the maximum permitted size and is not located completely to the side or rear of the principal structure in an area zoned Rural. Mr. Phil Ashear read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to vote on the Variance requests separately. The motion was seconded by Mr. Martin. The motion was approved by unanimous vote. Ms. Armentrout made a motion to approve a Variance from Section 512.02(2)(a) with one Staff condition. The motion was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote. Mr. Baer made a motion to approve a Variance from Section 512.02(2). It was seconded by Mr. Martin. The motion failed by a two-to-two vote. Mr. Martin made a motion to accept Findings of Fact that the reason for denying the request for a Variance from Section 512.02(2) results from the applicant failing to satisfy the criteria for granting a Variance as outlined in Section 810.041 of the Franklin County Zoning Resolution. The motion was approved by a vote of two yeses and two abstentions.

The next item of business being Variance Application Case No. VA-3919. The owner is Debbie Gabriel, The applicants are 12156 Buckeye Point, LLC and Mike McGonigle. The township is Pleasant Township. The site is located at 2802 Adams Street. The site is 0.340 acres in size and is served by private water and wastewater. The applicant is requesting a Variance from Section 512.02(2) to allow the construction of an accessory structure that would exceed the maximum size permitted and would not meet the required setback on a site smaller than 1 acre in an area zoned Rural. Mr. Phil Ashear read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. VA-3919. It was seconded by Mr. Martin. The motion failed by a two-to-two vote. Mr. Martin made a motion to accept Findings of Fact that the reason for denying the request in the case presented in Variance Case VA-3919 did not include any special circumstances to warrant the granting of a Variance, and the case did not meet the criteria for granting a Variance as outlined by the Franklin County Zoning Resolution. It was seconded by Ms. Armentrout. The motion was approved by a vote of two yeses, one no, and one abstention.

The next item of business being Conditional Use Application Case No. CU-3920. The applicant is Continental Hills, LLC. The agent is David Storck. The township is Sharon Township. The site is located at 7870 Olentangy River Road. The site is 11.170 acres in size and is served by public water and wastewater. The applicant is requesting a Conditional Use from Section 610.06(1)(2)(4) and (7) of the Franklin County Zoning Resolution to allow the construction of underground water supply, sanitary sewer, and storm sewers and works, residential structures, parking and loading areas, and the placement of fill in the floodway fringe. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Conditional Use Case No. CU-3920 with three Staff recommendations. The motion was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

The next item of business being Variance Application Case No. VA-3921. The owner is CIVF V-OH1B01, LLC. The applicant is James Whitacre. The township is Hamilton Township. The site is located at 1661 Rail Court North. The site is 35.762 acres in size and is served by public water and wastewater. The applicant is requesting a Variance from Sections 501.012, 501.024(b), and 501.013 of the Franklin County Zoning Resolution to allow for the construction of a fence that would exceed the maximum fence height between the street and principal structure, would include chain-link fence between a street and principal structure, and would include barbed wire in an area zoned General Industrial. Mr. Phil Ashear read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Martin made a motion to approve Variance Application Case No. VA-3921 with Staff's recommendation. The motion was seconded by Ms. Armentrout. The motion was approved by a four-to-zero vote.

There being no further business to come before the Franklin County Board of Zoning Appeals, Chairperson Baer made a motion to adjourn the hearing. The motion was seconded by Mr. Martin. The motion was approved by unanimous vote. The proceedings were adjourned at 4:23 p.m.

Signature

Minutes of the October 15, 2018, Franklin County Board of Zoning Appeals hearing were approved this 19th day of November, 2018.



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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: CU-3922
Prepared by: Brad Fisher

Owner/Applicant: Shelly & Sands, Inc. Township: Hamilton Township

Site: 5636 Lockbourne Rd. (PID #150-000125)

Acreage: 106-acres

Zoning: Rural and General Industrial (GI)

Request: Requesting a Conditional Use from Sections 610.06(7) and 610.091(2)

of the Franklin County Zoning Resolution to allow the placement of fill

in the floodway fringe and floodway.

Summary

The applicant is requesting a Conditional Use to allow the placement of fill in the floodway fringe and floodway. The application does not satisfy the criteria necessary to grant a Variance. Staff recommends *denial*.

Description of the Request

The subject site is located on the east side of Lockbourne Road, north of Rohr Road and bordered by Big Walnut Creek to the north.

The applicant has requested a Conditional Use from the Franklin County Zoning Resolution to allow for a pay-to-dispose of clean hard fill in the floodway fringe and floodway. The fill could only include reinforced or non-reinforced concrete, asphalt concrete, brick, block, tile, and/or stone.

History

The applicant applied for and received conditional approval of a similar Conditional Use in 2006, which only allowed for Shelly & Sands material to be used as fill, which was to be monitored and recorded. A complete list of the conditions of approval from 2006, case CU-3623 is as follows:

- 1. The applicant submits Erosion and Sedimentation Control Plan to Franklin Soil and Water Conservation District and adheres to all requirement of the agency, as the project progresses. The applicant also has to notify Franklin Soil & Water Conservation District for bi-monthly inspections, once the project commences.
- 2. That annual reports will be provided to the County and Township regarding quantity of fill placed on the site (reporting previous year's activity).
- 3. The hours of operation shall be limited to 8:00 AM to 8:00 PM, Monday through Sunday.

- 4. All state and federal permits be obtained.
- 5. That only Shelly & Sands material will be dumped at the site and it will be monitored and recorded.
- 6. The lakes will be tested for water quality and the water table be tested for any change to the water table and annual reports have to be submitted to Franklin County Economic Development & Planning Department, Hamilton Township and City of Columbus for review and approval.
- 7. That there will not be any asphalt products dumped on the site.
- 8. Shelly & Sands agrees that the City of Columbus Water Division can put a test well on the site (at the City's expense).
- 9. The inoperable equipment to be removed from the site by June 30, 2006.

The only change to the previously approved Conditional Use permit is to allow entities other than Shelly & Sands to deposit clean hard fill.

Surrounding Land Use/Zoning

Properties to the north, east and south are zoned Rural in Hamilton township and developed with single-family homes and agricultural uses. The property to the west is zoned Excavation and Quarry in Hamilton Township, owned by the City of Columbus, and up until September, 2018 operated by the National Lime and Stone Company.

Comprehensive Plan

The Obetz and Hamilton Township Community Plan, adopted in 1998, contains a Future Land Use Map and Land Use recommendations. The Plan recommends this property for Excavation and Quarry uses and supports land use regulations that protects groundwater resources from possible contamination.

The applicant provided no information describing how the deposit of fill from entities other than Shelly & Sands will be regulated. If the protection of groundwater cannot be assured, the proposal does not meet the Plan's recommendations.

Staff Review

A Conditional Use from Section 610.06 is permitted, provided it meets all applicable standards and requirements of the Zoning Resolution and any conditions attached by the Board in granting the Conditional Use Permit.

Conditional Use from Section 610.06(7) – Floodway Fringe:

- The permanent placement of material and fill is a Conditional Use in the floodway fringe.
 - o The applicant is requesting to allow a pay-to-dispose of clean hard fill in the floodway fringe and floodway.
 - The applicant was approved to allow the permanent placement of clean hard fill in 2006 on the subject site, provided that <u>only</u> Shelly & Sands material will be dumped at the site and it will be monitored and recorded

<u>Conditional Use from Section 610.091(2) – Floodway:</u>

- The permanent placement of material and fill is permitted in the floodway provided hydrologic and hydraulic analysis is performed in accordance with standard engineering practices and demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the Base Flood Discharge.
 - The applicant is requesting to allow a pay-to-dispose of clean hard fill in the floodway.
 - The required hydrologic and hydraulic analysis was approved in 2006, and there will be no increase in flood levels during the occurrence of the Base Flood Discharge

Technical Review Committee Agency Review

Franklin County Engineer's Office and Franklin Soil and Water Conservation District Indicated no concerns with the request.

City of Columbus - Division of Water

Expressed concerns about asphalt being used as permanent fill and that Shelly & Sands provided no information as to where these other companies would obtain their "clean hard fill" and how they would verify that all fill material does not contain asphalt and/or other hazardous materials. Because of these concerns, the City of Columbus Division of Water recommends denial of the request.

However, if Shelly & Sands were to provide information to alleviate these concerns, the City would be willing to reconsider evaluation of the request.

Staff Analysis

Franklin County Zoning Resolution

<u>Section 815.041 – Approval of Conditional Use:</u>

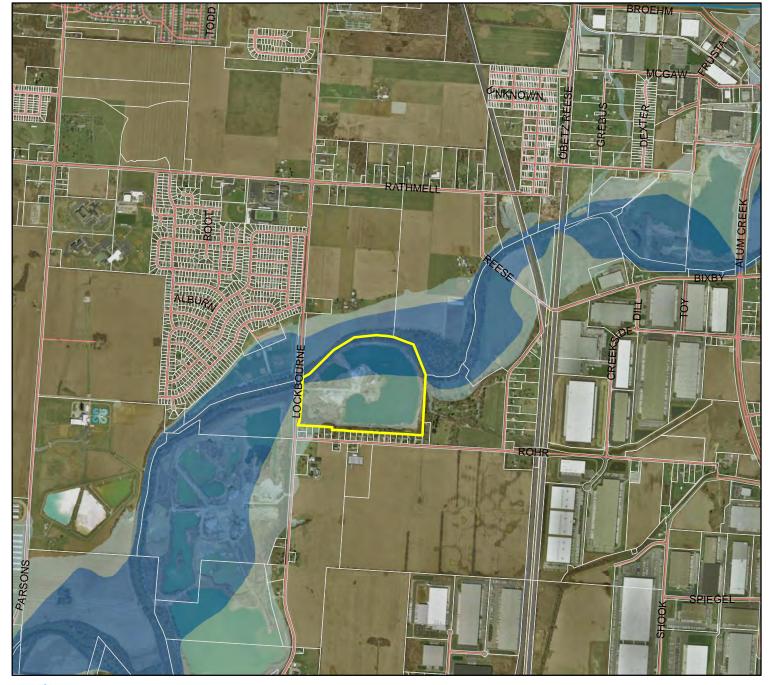
The Board of Zoning Appeals shall only approve an application for a Conditional Use if the following three (3) conditions are met:

- 1) The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;
 - » The proposed use is a Conditional Use in the Floodplain district and a previously approved hydrologic and hydraulic analysis showed that no increase in Base Flood Elevation would result.
- 2) The proposed development is in accordance with applicable plans or policies for the area;
 - » Staff notes that the existing operation of the subject site is in accordance with the applicable Plans and policies.
 - » However, Staff notes that the applicant has not proposed a way to account for what is being deposited by an entity other than Shelly & Sands. If the proposed fill is not accounted for, there could be a negative impact to the groundwater quality and any future development on the subject site.
- 3) The proposed use will be in keeping with the existing land use character of the area.
 - » The applicant stated that there will be no change to the Reclamation Plan previously approved with Conditional Use case CU-3562, in 2006.
 - » Staff notes that the only change will be that the fill placed on the property will be from outside vendors. There will be no change in the location or fill type previously approved.

Recommendation

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Variance from Sections 610.06(7) and 610.091(2) of the Franklin County Zoning Resolution to allow the placement of fill in the floodway fringe and floodway.

Resolution
For your convenience, the following is a proposed resolution:
Proposed Resolution for Request: moves to approve a variance from Sections 610.06(7) and 610.091(2) of the
Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. CU 3922.
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 610.06(7) and 610.091(2) of the Franklin County Zoning Resolution as outlined in the request
for the applicant identified in Case No. CU-3922 results from applicant's failure to satisfy the criteria fo granting a variance under Section 810.041.
Seconded by:
Voting:



CU-3922

Requesting a Conditional Use from Sections 610.06(7) and 610.091(2) of the Franklin County Zoning Resolution to allow the placement of fill in the floodway fringe and floodway.

Acres: 106.000 Township: Hamilton

5636 Lockbourne Road

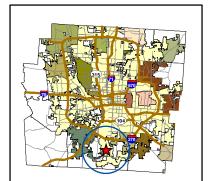
Parcels

Streets

→ Railroad

Floodway Fringe (100 year)

Floodway





Franklin County





CU-3922

Requesting a Conditional Use from Sections 610.06(7) and 610.091(2) of the Franklin County Zoning Resolution to allow the placement of fill in the floodway fringe and floodway.

Acres: 106.000 Township: Hamilton

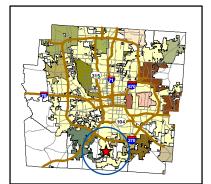
5636 Lockbourne Road
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Streets

Floodway Fringe (100 year)

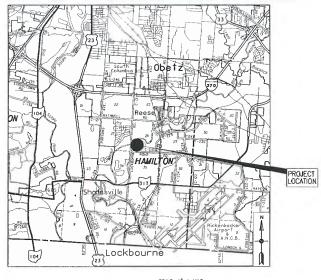
Floodway











SHELLY AND SANDS LOCKBORNE ROAD FILL SITE

SITUATED IN HAMILTON TOWNSHIP COUNTY OF FRANKLIN, STATE OF OHIO

INDEX OF SHEETS

PROJECT LARTH DISTURB AREA. 72.5 ACRES
ESTIMATED CONTROCTOR
LARTH DISTURBED APEX. 1.0 ACRES
MOTICE OF MEDIA ETATE
DISTURBED AREA. 73.5 ACRES

D.TE

SHELLY AND SANDS PHONE: (614) 444-5100

BOB MATTERS



Newark Office: 88 West Church Street Newark, OH 43055 (740) 345-1921 (ph) (740) 345-4994 (fax) www.adrinnovation.com

OHIO: Newark . Columbus . Cleveland . Marietta NORTH CAROLINA: Goldsboro . Raleigh



REITH A CODY, PE OHIO PROFESSIONAL ENGINEER #62352

8-15-07 DATE

SUBCONTRACTOR DATE

SHELLY AND SANDS

SUBCONTRACTOR D/TE

RECEIVED

SEP 25 2018

Franklin County Planning Department Franklin County, OH

CU-3922

GENERAL NOTES

THE CONDITION OF THE WPDS CONSTRUCTION STORM WATER GENERAL PERMIT ISEE PROPOSALL SHALL BE WET DURING ALL STACES OF COASTRUCTION. THE LOCATION AND THING OF ALL EROSION AND SCRIBED CONTROL TREAS SHALLS BE FIELD ADJUSTED TO PREVENT SIGNIFICANT IMPACTS OR RECEIVING WATERS. IMPLEMENTATION OF THIS STORM WATER POLICITION REPRESENTION FLOW CONTINUE THROUGHOUTH CONTINUE THROUGH THROUGH CONTINUE THROUGH THROUGH

INSTALLATION OF SEDIMENT BASIMS/DAWS, PERIMETER FILTER FABRIC FENCE, AND DITCH CHECKS SHALL BE AS PER ODOT CONSTRUCTION AND WATERIAL SPECIFICATIONS- 207.03.

ALL REASONABLE ATTEMPTS, SHOULD BE MADE TO MINIMIZE THE TOTAL AREA OF DISTURBED LAND.

NO DRAINING OR PUMPING OF WATER FROM THE PROJECT SITE TO THE BIG WALNUT CREEK WILL BE ALLOWED ON THIS PROJECT.

CONTRACTOR / OWNER WUST LIMIT THE HOURS OF OPERATION TO BETWEEN 8:00 AM AND 8:00 PM.

CONTRACTOR / OWERR WUST COMPLETE THE GRADING, RE-SOILING, AND THE SECOING OF THE SITE AS THE PROJECT PROCEEDS. NO AREAS GREATER THAN APPROJUNATELY SAMES WAS BELEFI WERADED AND OR SUSSECOOL AFTER BEING FILLED TO THE PROPER ELEVATION. THE FILL ELEVATION FOR PHASE 41 WMST BOT EXCEED TWO.

EMPORARY STABILIZATION

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STABILIZATION WANT INCLUDE SEEDING, WOLCHING, WANTING OR SOOL

PERWANENT STABILIZATION

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MAINTENANCE

PROPERLY WANTAIN ALL TSEC BUP. DISPOSE OF SILT REWOYED FROM TSEC BUP ACCORDING TO GOOT 2002 CWS 103.6. IF A RECORDED RAIN EVERT IS GREATER THAN 0.5 INCRES ALL TSEC BUP THAT HAVE FAILED WISTS BE REFLECT ALL TSEC BEFORE THE PROJECT IS ACCEPTED. DISPOSE OF THE REWOYED WATERIANS ACCORDING TO 2002 CWS 105.5. AND 2002 CWS 105.5. A

- A. PERIMETER FILTER FABRIC FENCE, FILTER FABRIC DITCH CHECKS, ROCK CHECKS, INLET PROTECTION, DIKES, AND BALE FILTER DIKES. REMOVE TRAPPED SCOUKENT WHER IT REACHES HALF THE MEIGHT OF THE CONEST SECTION. MAKE APPROPRIATE CORRECTIONS WHEN THESE TSEC BUP BECOMES MONFUNCTIONAL.
- B. SEDINENT BASINS AND DAMS. REMOVE DEPOSITED SEDIMENT WHEN SEDIMENTS REDUCE INITIAL VOLUME OF THE SEDIMENT BASIN OR DAM BY ONE-MALF. WAME APPROPRIATE CORRECTIONS WHEN THESE TSCC BUP FAIL. REMOVE DAMS AND BASINS AFTER THE UP-SLOPE HAS BEEN STABILIZED.

ACCEPTABLE BACK FILL WATERIAL

THE CONTACTOR OR OWER OF THE SITE WILL PLACE NO ASPHALT OR ASPHALT CONCRETE AT THE SITE SHOWN ON THESE PLANS. THE CONTACTOR OR OWER WILL OTHERWISE COUNTY WITH THE DEFINITION OF "CLEAR, AND FILL", ONE WISHER STRENGT OF THE STRENGT O

CURITY

THE AREA BEING FILLED SHALL BE SECURED SO THAT NO UNAMITHORIZED PERSONS WILL HAVE ACCESS, AND NO UNAUTHORIZED PERSONS WILL BE ABLE TO TRESPASS OR DUMP MATERIALS AT ITHE SITE.

UNDERGROUND UTILITIES

TWO WORKING DAYS
BEFORE YOU DIG
CALL 1-800-362-2764 (TOLL FREE)
OHIO UTILITIES PROTECTION SERVICE
MON-MEMBERS
MUST BE CALLED DIRECTLY

TER GENERAL PERNIT

DESIGNED DESIGNED JANO REVIEWED

11-01-01 (av.) - 01-01 (av.) -

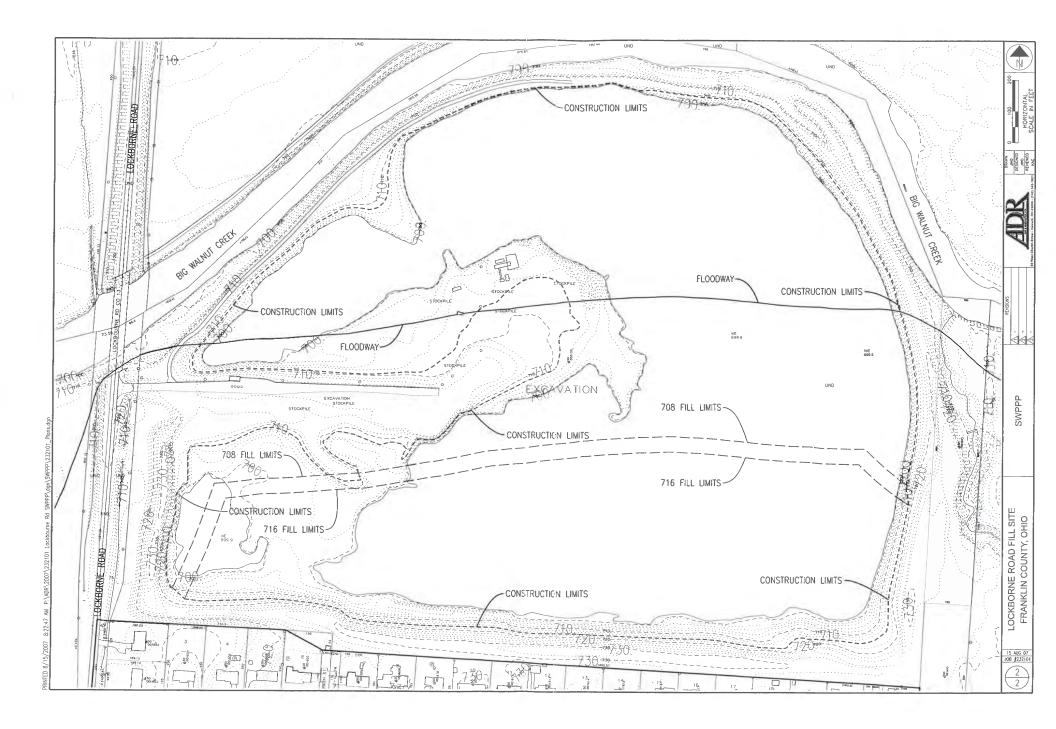
REVISIONS

- -

11

LOCKBORNE ROAD FILL SITE FRANKLIN COUNTY, OHIO

15 AUC 07 J08 [232101





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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: CU-3923
Prepared by: Phil Ashear

Applicant/Owner: Mark Tackett

Township: Madison Township

Site: 5544 Saltzgaber Road (PID #180-001000)

Acreage: 1.03 acres **Zoning:** Rural

Utilities: Private water and wastewater

Request: Requesting a Conditional Use from Section 302.031 of the Franklin

County Zoning Resolution to allow a mobile home to serve as a

temporary residence in an area zoned Rural.

Summary

The applicant is requesting a Conditional Use from Section 302.031 of the Franklin County Zoning Resolution to allow a mobile home to serve as a temporary residence in an area zoned Rural. The request does not meet the criteria for granting a Conditional Use. Staff recommends *denial* of the request.

Description of the Request

The subject site is located on the east side of Saltzgaber Road, just north of Groveport Road in unincorporated Madison Township. A single-family home approximately 3,800 sq. ft. in size previously existed on the site but was damaged by fire. An existing accessory building approximately 225 sq. ft. in size currently exists on the site. The applicant is seeking a Conditional Use to allow a Recreational Vehicle (RV) to serve as a temporary residence and job trailer. However, applicant has not submitted a Certificate of Zoning Compliance application and has indicated that the RV would not have well and septic connections.

Surrounding Area

The subject site is located in the southeastern part of the County just north of Groveport Road in unincorporated Madison Township. Parcels in the surrounding area are primarily residential and commercial, some parcels are in unincorporated Madison Township and some in the Village of Groveport. Zoning varies from Rural in unincorporated Madison Township to Community Service and un-zoned Rural in the Village of Groveport.

Comprehensive Plan

The subject site is located within the planning area of the Blacklick-Madison Area Plan. This plan was adopted by the County Commissioners in 2011. The Plan includes a future land-use map that

recommends Medium Density Residential for the subject site. Medium Density Residential is classified by the Plan as development with a minimum of two (2) with a maximum of eight (8) units per acre. Staff believes that the proposal would not change the existing land-use but would not fit the existing character of the neighborhood. This is a contributing factor in staff's recommendation of denial.

Staff Review

Variance from Section 302.031 – Mobile or Manufactured Homes:

- A Mobile Home is a Conditional Use in the Rural district provided it is used as a temporary residence for a period not to exceed eighteen (18) months and water supply and sewage disposal are property provided.
 - The proposal would temporarily place a Recreational Vehicle on a site that previously included a single-family home. The applicant indicated that the existing water and septic that come standard in RV's would be sufficient.

Technical Review Committee Agency Review

No technical review agencies expressed concerns.

Staff Analysis

Section 815.041 – Approval of Conditional Use:

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

- 1) The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;
 - » The applicant stated on his application that he intended to construct a home, however, after subsequent conversations with the applicant, the construction of a home on the property would be contingent upon approval by a bank.
 - » Staff notes that historically the Franklin County Economic Development and Planning Department has only recommended approval of RV's as temporary residences while a new home is built.
- 2) The proposed development is in accordance with applicable plans or policies for the area;
 - » The Blacklick-Madison Area Plan recommends Medium Density Residential of two (2) to eight (8) units per acre.
 - » Staff believes the proposed use of the RV as a temporary residence does not conflict with the landuse recommendations of the Blacklick-Madison Area Plan. However, it would not be in keeping with the current single-family character of the area.
- 3) The proposed use will be in keeping with the existing land use character of the area.
 - » The applicant stated that the proposed use will not be out of character with the surrounding area.
 - » Staff believes the proposed use is not in character with the surrounding area and that the construction of a new home would blend more appropriately with the other residential properties across the street.

Recommendation

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Conditional Use from Section 302.031 of the Franklin County Zoning Resolution to allow a mobile home to serve as a temporary residence in an area zoned Rural.

Resolution

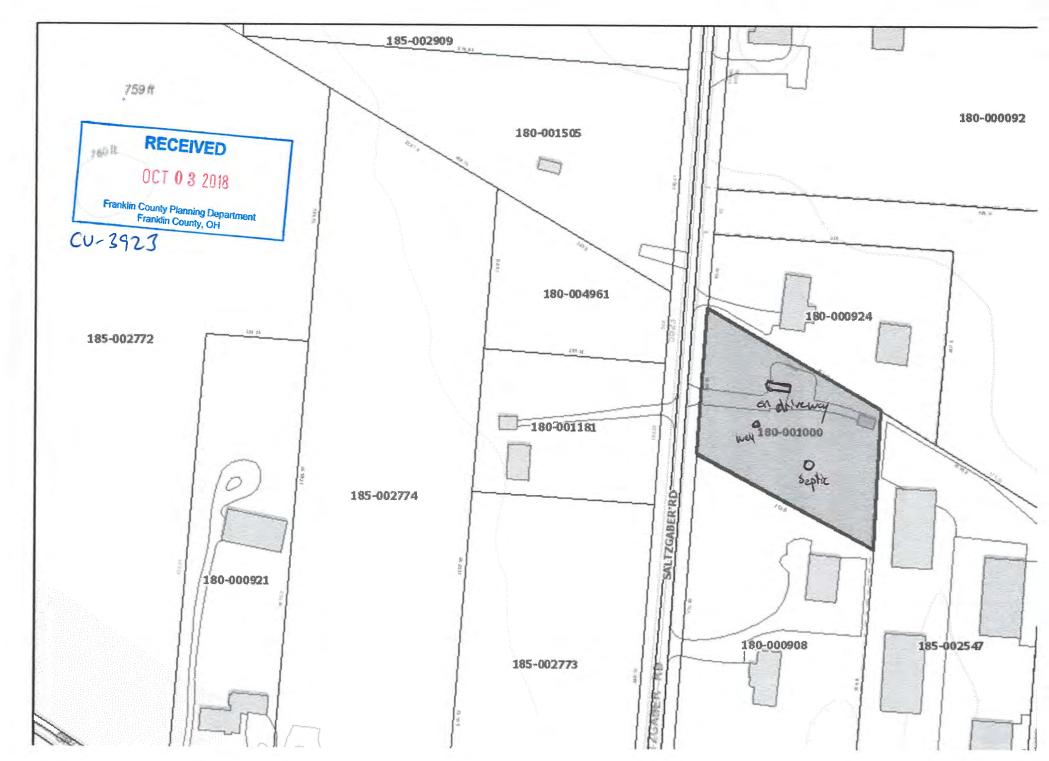
For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a Conditional Use from Sections 302.031 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. CU-3923.

Second	led by:
Voting	:
Findings of Fa	
For your conve	enience, the following are proposed findings of fact:
If the resolution BZA:	n fails for lack of support, the following are proposed findings of fact for adoption by the
	moves that the basis for denying the applicant's request for the variance from
identified in Ca	1 of the Franklin County Zoning Resolution as outlined in the request for the applicant ase No. CU-3923 results from applicant's failure to satisfy the criteria for granting a Section 810.041.
Seconde	d by:
	,
Voting:	

180O044D 03200





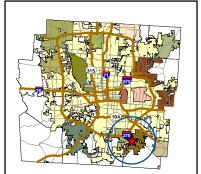
CU-3923

Requesting a Conditional Use from Section 302.031 of the Franklin County Zoning Resolution to allow a mobile home to serve as a temporary residence in an area zoned Rural.

Acres: 1.000 Township: Madison

5544 Saltzgaber Road
Parcels

Streets











CU-3923

Requesting a Conditional Use from Section 302.031 of the Franklin County Zoning Resolution to allow a mobile home to serve as a temporary residence in an area zoned Rural.

Acres: 1.000 Township: Madison

Parcels

Other road

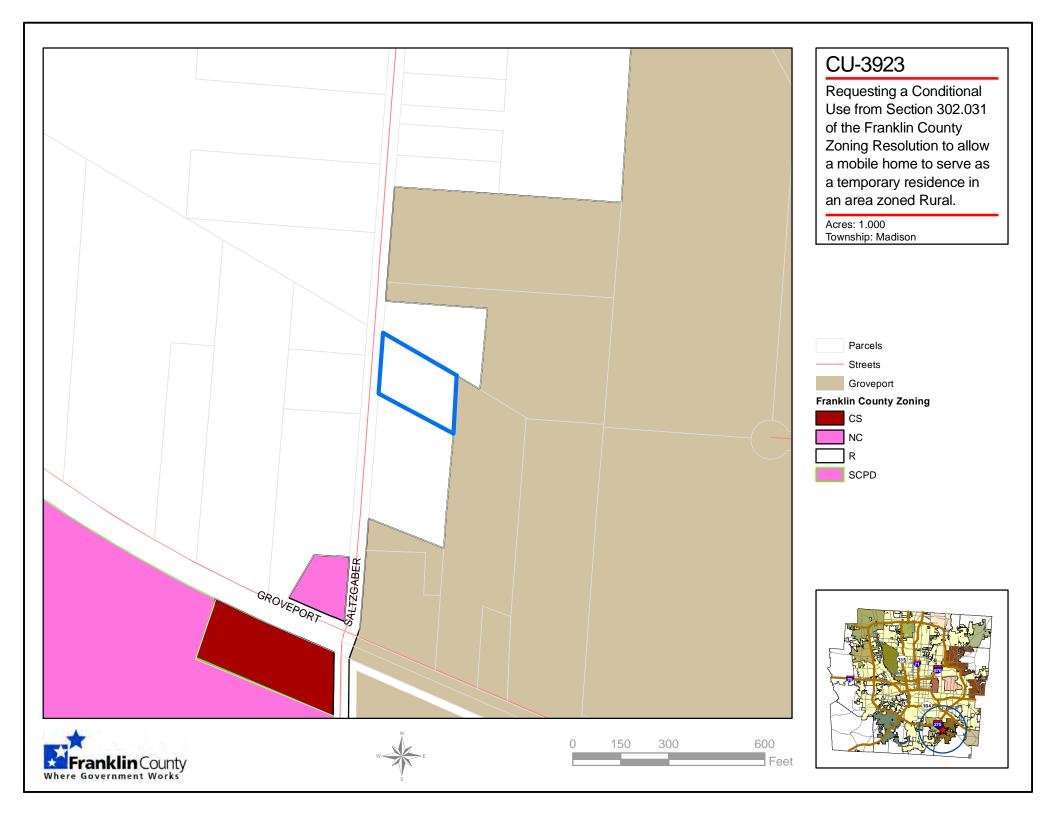
Groveport













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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals October 15, 2018

Case: VA-3924
Prepared by: Phil Ashear

Applicant/Owner: Stanley and Lisa Vivens

Township: Franklin Township

Site: 2647 Clime Road (PID #140-003934)

Acreage: .436 acres **Zoning:** Rural

Utilities: Public water and Private wastewater

Request: Requesting a Variance from Section 512.02(2) of the Franklin County

Zoning Resolution to allow the construction of an accessory structure that would exceed the maximum square footage on a lot smaller than one

(1) acre in an area zoned Rural.

Summary

The applicant is requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory structure that would exceed the maximum square footage on a lot smaller than one (1) acre in an area zoned Rural. The request does not meet the criteria for granting a variance. Staff recommends <u>denial</u> of the request.

Description of the Request

The subject site is located on the south side of Clime in unincorporated Franklin Township. It includes a 1,100 sq. ft. single-family home and a 624 sq. ft. detached garage. The proposed accessory structure would be 952 sq. ft. in size, which would be 856 sq. ft. larger than the maximum allowed on a lot smaller than one (1) acre. The applicant also has a Home Occupation operating a bookkeeping business on the site that and was approved in 2011.

Surrounding Area

The subject site is located in the southern half of the County, south of the Hilltop neighborhood in unincorporated Franklin Township. Parcels in the surrounding area are a mix of uses and zoning districts. Parcels in the City of Columbus range from Residential to Institutional to Commercial, while parcels in unincorporated Franklin County are primarily zoned Rural. Harrisburg Pike and the CSX Railway are to the west with parcels bordering Harrisburg Pike subject to the Smart Growth Overlay.

Comprehensive Plan

The subject site is located within the planning area of the Greater Hilltop Plan, which was adopted by the City of Columbus in 2010. The plan recommends Residential uses of four (4) to six (6) units per acre.

The City of Columbus is currently writing a new land use plan for the Hilltop area. The proposal does not change the primary Residential use of the land, and therefore, the proposed development does not conflict with the plan's recommendation.

Staff Review

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

- Lots smaller than one (1) acre shall have a maximum accessory building size of 720 sq. ft.
 - The proposed accessory building would be 952 sq. ft. in size. A 624 sq. ft. detached garage already exists on the site for a total of 1,576 sq. feet of accessory buildings.
 - o A variance of 856 sq. ft. is required.

Technical Review Committee Agency Review

No Technical Review Committee Agencies expressed 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 the existence of a Home Occupation constitutes a special circumstance.
 - » Staff does not believe that a special circumstance exists because accessory structures may not be used for permitted Home Occupations, per Section 511.02(2) of the Franklin County Zoning Resolution. An accessory building may only be used in association with a Home Occupation if approved as part of a Conditional Use by the Board of Zoning Appeals.
- 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 other properties in the area have oversized accessory structures that warrant the granting of this Variance.
 - » Staff found two examples of nearby accessory buildings larger than 720 sq. ft., however those buildings are on lots larger than one (1) acre and would therefore be in compliance.
- 3) The special conditions and circumstances do not result from the action of the applicant;
 - » The applicant indicated that the special circumstance is not a result of their actions.
 - » Staff does not believe that a special circumstance exists. Furthermore, the applicant's stated special circumstance is the existence of a Home Occupation, which is a result of their actions.
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
 - » The applicant stated that granting the variance would not confer special privileges.
 - » Staff believes that the granting a Variance would confer a special privilege and would be in violation of the Permitted Home Occupation Requirements of Section 511.02(2) of the Franklin County Zoning Resolution.
- 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 but would set a precedent for granting Variances for oversized accessory buildings in Franklin Township. This would change the character of the area by allowing the expansion of a commercial use into an accessory building on a residential lot.

Recommendation

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory structure that would exceed the maximum square footage on a lot smaller than one (1) acre in an area zoned Rural.

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For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:
moves to approve a variance from Section 512.02(2) of the Franklin County
Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3924.
Seconded by:
Voting:
Findings of Fact For your convenience, the following are proposed findings of fact:
<i>y y y y y y</i>
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) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3924 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.
Seconded by:
Voting:

STAMEY TISA VIVENIS VA - 3924 RECEIVED OCT 1 1 2018 Franklin County Planning Department Franklin County, OH SHEDTE =hE CHRAGE asnoH CACI MACK 3415



VA-3924

The applicant is requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory structure that would exceed the maximum square footage on a lot smaller than one (1) acre in an area zoned Rural.

Acres: 0.445 Township: Franklin

2647 Clime Road
Parcels

Streets

---- Railroad









VA-3924

The applicant is requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory structure that would exceed the maximum square footage on a lot smaller than one (1) acre in an area zoned Rural.

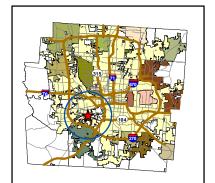
Acres: 0.445 Township: Franklin

Parcels

Streets

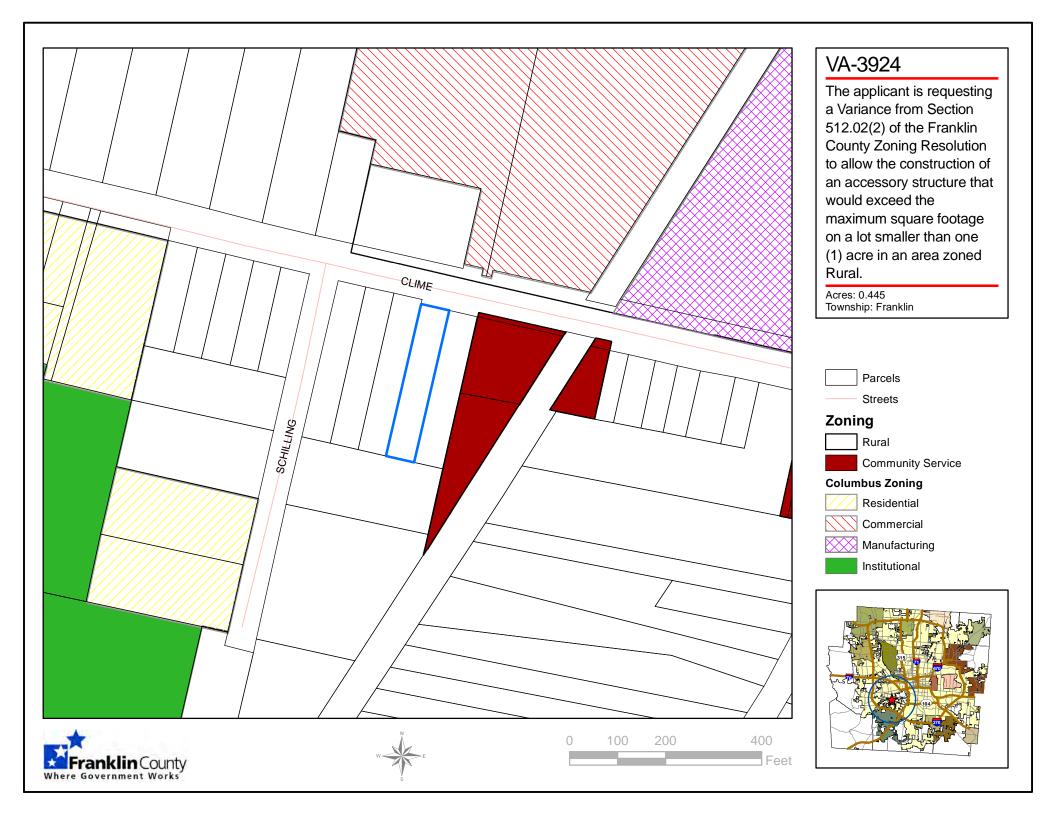
Columbus

Franklin





0 100 200 400 Feet





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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: VA-3925
Prepared by: Phil Ashear

Applicant: Chris Jordan, O'Connor Company of NC

Owner: Estes Express Lines

Agent: Carl Arthur, Civil & Environmental Consultants

Township: Franklin Township

Site: 1009 Frank Road (PID #140-003298)

Acreage: 23.52 acres
Zoning: Limited Industrial

Utilities: Public Water and Wastewater

Request: Requesting a Variance from Sections 670.068(a), 670.088(a),

670.088(g(1)), 670.088(g(3(a))), 670.088(g(3(b))), 670.088(g(3(c))), 670.088(g(3(d))), 670.0812(a), and 670.0812(b) of the Franklin County Zoning Resolution to allow an expansion of more than 50 percent to a non-conforming building that would fail to meet standards for building location, and landscaping and screening requirements in an area zoned

Limited Industrial and subject to the Smart Growth Overlay.

Summary

The applicant is Requesting a Variance from Sections 670.068(a), 670.088(a), 670.088(g(1)), 670.088(g(3(b))), 670.088(g(3(c))), 670.088(g(3(c))), 670.088(g(3(d))), 670.0812(a), and 670.0812(b) of the Franklin County Zoning Resolution to allow an expansion of more than 50 percent to a non-conforming building that would fail to meet standards for building location, and landscaping and screening requirements in an area zoned Limited Industrial and subject to the Smart Growth Overlay. The request meets the criteria for granting a variance. Staff recommends *approval* of the request with the exception of Section 670.088(a) which Staff recommends *denial*.

Description of the Request

The subject site is located on the south side of Frank Road in the unincorporated Franklin Township. The parcel owned and used for trucking/shipping by Estes Express Lines. The parcel includes an approximately 88,000 sq. ft. principal structure that crosses on to an adjacent parcel and is used for warehousing and distribution. The parcel also includes an approximately 4,100 sq. ft. maintenance building. The proposed development would include an approximately 3,900 sq. ft. expansion of the maintenance building for a total of approximately 8,000 square feet. The proposed development also includes 4,500 sq. ft. of paved area to the rear of the property. Additionally, the subject site is not in

compliance with some of the development standards of the Limited Industrial District. Specifically, the Front Greenbelt requirements in Section 344.046 are not met.

Surrounding Area

The subject site is located southwest of Downtown Columbus inside the Outerbelt in unincorporated Franklin Township. Parcels in the surrounding area are primarily industrial with some smaller residential parcels in between. Zoning districts in the area vary from Industrial districts to Commercial districts with the unincorporated parcels subject to the Smart Growth Overlay. Nearby parcels in the City of Columbus are primarily Manufacturing with smaller parcels zoned for Residential uses.

Comprehensive Plan

The subject site is located within the planning area of the Southwest Area Plan, which was adopted by the City of Columbus and Franklin County in 2009. The Plan includes a future land use map that recommends Limited Industrial uses for the subject site and the surrounding area. The Plan also recommends landscaping and screening along the Frank Road corridor. Staff recommends shade trees near the Frank Road right-of-way to satisfy this recommendation.

The proposed development does not change the existing land use; the Southwest Area Plan specifically recommends warehousing and distribution in this industrial area. The addition of shade trees near the right-of-way, the proposed development is in keeping with the Plan's recommendations.

Staff Review

<u>Variance from Section 670.068 – Expansions and extensions of buildings by 50% or more:</u>

- The expansion of a building's gross floor area by 50 percent or more is subject to all the provisions of the Smart Growth Overlay (SGO) and must follow building design standards as listed in Section 670.083 Design Standards for Frontage Buildings.
 - The proposed development would be an expansion of a building by more than 50 percent and would not comply with the standards of 670.083(a) & (b), which include requirements for front setbacks along a primary street and setbacks along a non-primary street.
 - o A Variance to allow the expansion of a building's gross floor area by more than 50 percent that will not comply with the standards to Section 670.083 is required.
 - o Staff notes that, while a small building would be expanded by more 50 percent, this expansion disturbs less than one percent (1%) of the total improved area on the site.

<u>Variance from Section 670.088(a) – Front Yard Landscaping and Screening:</u>

- The front yard shall be planted with live vegetation and shade tree(s), except for paved areas
 expressly designed for vehicular and pedestrian use. One shade tree is required for each 50 lineal
 feet, or fraction thereof.
 - The proposed development does not include shade trees.
 - o A Variance to exclude shade trees is required.
 - O Staff recommends denial of this Variance because the standards can easily be met near the Frank Road right-of-way in the required Greenbelt.

Variance from Section 670.088(g(1)) – Screening of Parking Lots:

- A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a wall or fence, or a continuous row of shrubs to a minimum height of three (3) feet and a maximum height of five (5) feet, or a mound.
 - The proposed development does not include screening or mounding or parking areas.
 - o A Variance to exclude screening and mounding is required.

Variance from Section 670.088(g(3(a))) – Landscaped Island:

- A landscaped island or peninsula of at least 140 square feet at least nine (9) feet in width left unpaved, but concrete curbed, filled with suitable topsoil and covered with either grass, groundcover, or mulch shall be provided every ten (10) parking spaces, or portion thereof;
 - The proposed development does not include landscaped islands.
 - o A Variance to exclude landscaped islands is required.

Variance from Section 670.088(g(3(b))) – Shade Trees:

- No less than one (1) shade tree of two (2) inches or more in caliper shall be provided in each landscaped island or peninsula.
 - The proposed development does not include shade trees.
 - o A Variance to exclude shade trees is required.
 - o Staff notes that shade trees can be provided near the Frank Road right-of-way in order to mitigate some of the loss of shade trees and landscaped islands in the parking area.

<u>Variance from Section 670.088(g(3(c))) – Terminated Parking Ailes:</u>

- Every parking aisle that is bounded at an end by a traffic lane shall be terminated at such traffic lanes by such a landscaped island or peninsula.
 - The proposed development does not include landscaped islands at the termination of parking aisles.
 - o A Variance to exclude landscaped islands at the termination of parking aisles is required.

<u>Variance from Section 670.088(g(3(d))) – Landscaped Islands or Peninsulas Spacing:</u>

- Landscaped islands or peninsulas do not need to be uniformly spaced, but must be contained within and dispersed throughout the interior of a parking lot.
 - The proposed development does not include landscaped islands or peninsulas.
 - o A Variance to exclude landscaped islands or peninsulas dispersed throughout the interior of a parking lot is required.

<u>Variance from Section 670.0812(a) – Parking and Circulation Setback:</u>

- No parking lot, stacking space, loading space or circulation aisle is permitted between the principal building and a street centerline.
 - The proposed development includes an existing drive aisle in front of the principal structure.
 - o A Variance to allow a drive aisle between a street centerline and a principal structure is required.

Variance from Section 670.0812(b) – Parking and Circulation Location:

- A surface parking lot shall be located behind the principal building.
 - The proposed development includes existing parking areas in front of the principal structure.
 - o A Variance to allow parking in front of the principal structure is required.

Technical Review Committee Agency Review

No Technical Review Committee Agencies expressed 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 the applicability of the Smart Growth Overlay (SGO) is a special circumstance because it is not in keeping with the existing conditions of industrial properties.

- » Staff agrees that the SGO is burdensome when applied to industrial properties. The SGO is intended to improve more urban, walkable corridors. The Purpose and Intent of the SGO states, "the Overlay standards are intended to... establish, reinforce and enhance the character and pedestrian-oriented development patterns of suburban commercial corridors." However, this description does not fit the existing industrial characters of the area and the recommendations of the Southwest Area Plan.
- » Staff, however, does not believe that a special circumstance exists that would prohibit the applicant from planting shade trees in the front yard in accordance with Section 670.088(a).
- 2) A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;
 - » The applicant stated that a literal interpretation would deprive the applicant of rights commonly enjoyed by others.
 - » Staff agrees that a literal interpretation would deprive the applicant of the right to make modest improvements to the industrial property and would thus place undue burden on the applicant.
 - » Staff notes that a literal interpretation of Section 670.088(a) would not result in a deprivation of rights because of the sufficient space available at the front of the site.
- 3) The special conditions and circumstances do not result from the action of the applicant;
 - » The applicant indicated that the special circumstance is not a result of their actions and stated that the maintenance building that would be expanded existed before the adoption of the SGO.
 - » Staff believes that adoption and applicability of the SGO is not a result of actions taken by the applicant.
 - » Staff notes that there is not a special condition with regard to shade tree requirements. Staff believes the applicant can meet those standards.
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
 - » The applicant stated that granting the variance would not confer special privileges.
 - » With the exception of the required shade trees, Staff does not believe that granting the Variance will confer special privileges on the applicant because of the exiting industrial characteristics of the area and the general inapplicability of the SGO with regard to industrial properties.
- 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 1:

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Variance from Section 670.088(a) of the Franklin County Zoning Resolution to allow the site to deviate from the shade tree requirements. Staff makes this recommendation due to the availability of space near the Frank Road right-of-way and the recommendation of the Southwest Area Plan.

Recommendation 2:

Staff's recommendation is that the Board of Zoning Appeals <u>approve with conditions</u> a Variance from Sections 670.068(a), 670.088(g(1)), 670.088(g(3(a))), 670.088(g(3(b))), 670.088(g(3(b))), 670.088(g(3(b))), 670.0812(a), and 670.0812(b) of the Franklin County Zoning Resolution to allow an expansion of more than 50 percent to a non-conforming building that would fail to meet standards for building location, and landscaping and screening requirements in an area zoned Limited Industrial and subject to the Smart Growth Overlay. The conditions are as follows:

- 1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance with the Franklin County Economic Development and Planning Department.
- 2. The applicant must apply for and receive approval of a Building Permit with the Franklin Township Building Department.
- 3. The applicant must comply with the Front Greenbelt standards listed in Section 344.046 of the Franklin County Zoning Resolution.

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For your convenience, the following is a proposed resolution:

Proposed Resolution for Staff Recommendation 1: moves to approve a variance from Sections 670.088(a) of the Franklin County
Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3925.
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 670.008(a) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3927 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.
Seconded by:
Voting:
Proposed Resolution for Staff Recommendation 2: moves to approve a variance from Sections 670.068(a), 670.088(g(1)),
670.088(g(3(a))), 670.088(g(3(b))), 670.088(g(3(c))), 670.088(g(3(d))), 670.0812(a), and 670.0812(b) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3925.
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 670.068(a), 670.088(g(1)), 670.088(g(3(a))), 670.088(g(3(b))), 670.088(g(3(c))), 670.088(g(3(d))), 670.0812(a), and 670.0812(b) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3927 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.
Seconded by:
Voting:







ENGINEER

CIVIL & ENVIRONMENTAL CONSULTANTS, INC. 250 DLD WILSON BRIDGE ROMO, SUITE 250 WORTH-MICHON, OF 4-3085 CONTACT: CARE, ARTHUR, P.E. ELMAL: CARTHURROCECHIC.COM (61 N) 468-46201

OWNER/DEVELOPER

ESTES EXPRESS LINES 1009 FRANK RD COLUMBUS, OH 43223

O'CONNOR CO OF NC, INC 312 FIELDS OR ABERDEEN, NC 28315 CONTACT: CHRIS JORDAN BASE_CUMOCONNORCONC.COM (910) 944-0600



800-362-2764 or 8-1-1 www.oups.org

MONTH OF STATE
SITE
SITE
VICINITY MAP NOT TO SCALE

ZONING COMPLIANCE EXHIBIT
ESTES EXPRESS LINES
FRANK ROAD
SHOP EXPANSION
FRANKLIN TOWNSHIP

Civil & Environmental Consultants, Inc. 250 Old Wilson Bridge Road · Sulte 250 · Worthington, OH 43085 614-540-6633 · 888-588-6808

CJA DRAFT 72-459 DRAFT ZONING COMPLIANCE EXHIBIT

C000

REFERENCE

EXISTING TOPOGRAPHY WAS BASED ON FRANKLIN COUNTY AUDITORS ACCESSED BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC IN SEPTEMBER 2016.

GENERAL NOTES

THE RECOMPENSITY OF THE CITY OF COLUMBUS, TOGETHER WITH THE CONSTRUCTION AND MATERIAL SPECIFICATIONS OF THE CITY OF COLUMBUS (CASC), 2012 EDITION, INCLUDING SPECIFICATIONS 1 110 D AND WORKINGSHIP PROCEED IN THE MEMORPHIST SCHOOL OF THESE PLANE DESCRIPT AS SUCH SPECIFICATIONS ARE MODIFIED BY THE FOLLOWING NOTES OR BY THE CONSTRUCTION DETAILS SET FORTH HERDIN.

THE CONTRACTOR IS RESPONSIBLE TO WIST THE SITE AND VERBY THE EXTENT OF WORK TO BE PERFORMED PROOR TO MAKING HIS BID. SPECIAL RECARD SHOULD BE ONEN TO ANY REJAVAL ITEMS, ALL DESTING STRUCTURES ARE TO BE REMOVED, UNLESS OTHERWISE NOTED, COST IS TO BE INCLUDED IN THE PRICE BID FOR ITEM 202.

THE CONTRACTOR SHALL DETAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.

THE CONTRACTOR AND SUB-CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL FEDERAL STATE AND LOCAL SAFETY REQUIREDAINS, AND TO NOTITE, EXERCISE, MANTAIN, AND SUPERNSE ALL SAFETY REQUIREDAINS, PROPRIOTIONS, AND PROPRIATE IN CONNECTION WITH THE WORK, FOR THE PROTECTION OF PERSONS (INCLUDING EMPLOYEES) AND PROPERTY, AT ALL TIMES.

THE IDENTITY AND LOCATION OF DISTRICT INTERPRETATION AT ALL TIMES.

THE IDENTITY AND LOCATION OF DISTRICT INTERPRETATION INTERPRETATION OF THE PLANT WAS BEEN SHOWN ON THESE PLANS AS ACCURATELY AS POSSIBLE WITH THE INFORMATION PROVIDED BY THE OWNER OF THE UNDERGROUND UTILITY COLUMN. TO EXPENDENT ASSISTERS OF RESPONDENTLY FOR THE ACCURACY OF THE LOCATION OF THE BEPTHS OF THE UNDERGROUND INJUSTRICT.

THE CONTRACTOR SHALL CAUSE NOTICE TO BE GIVEN, AT LEAST 48 HOURS PRIOR TO THE START OF CONSTRUCTION, TO THE ONLY UTLITIES PROTECTION SERVING (FEED/NOTE)—800–3262—2744 TOLL FREE) AND TO THE CHRISTING OF ILLEGENISM OF THE FLOW SHOW AN THE FLOW WHO ARE NOT ARRORDED UNDERSKOLIND PROTECTION SERVICE IN ACCORDANCE WITH SECTION 153,44 OF THE REVESTED THE SECTION 153,44 OF THE REVESTED THE SECTION 150.44

ALL FILL PLACED FOR BUILDING PADS SHALL BE DONE SO IN ACCORDANCE WITH AND UNDER THE OBSERVATION OF A REGISTERED SOILS ENGINEER.

THE CONTRACTOR SHALL BE RESPONSIBLE TO EMPLOY THE SERVICES OF A REGISTERED SOILS ENGINEER TO SUSHEE THE SUBSTRUCE HAS BEEN COMPACTED IN ACCORDANCE WITH CITY OF COLUMBUS CMSC ITEM 20.1.13 AND THE RECOMMENDATIONS OF THE SOILS ENGINEER.

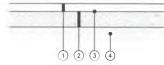
ALL RADII SHALL SE MEASURED TO THE EDGE OF PAVEMENT OF FACE OF CURB, UNLESS OTHERWISE NOTED.

ALL DIMENSIONS SHALL BE TO THE EDGE OF PAVEMENT OR PAID OF CURB, UNLESS OTHERWISE NOTED. THE CONTRACTOR IS RESPONSIBLE TO GUARANTEE ALL SITE PAVING FOR A PERIOD OF TWO (2) YEARS AFTER COMPLETION OF WORK.

	STATE PLANE COORDINATES - OH	IIO SOUTH	ZONE*	
	REFERENCE POINT COORDINATE L	OCATIONS		
REF. PT.	DESCRIPTION	NORTHING	EASTING	ELEVATION
REF1	MAG NAIL SET IN PAVEMENT	697004.31	1819175.11	723.+1
REF2	MAG NAIL SET IN PAVEMENT	697031.56	1819024.44	724.44

HORIZONTAL REF DATUM= NAD 83 (NSRS 2007)

	SUM SY CY	SITE EXCAVATION INCLUDING EMBANISMENT SUBGRADE COMPACTION AGGREGATE BASE (12")
	SY	SUBGRADE COMPACTION
	CY	LOODERING CLOSE (LOSE)
		AGGREGATE BASE (12)
1 1	GAL	BITUMINOUS TACK COAT (0.04 GAL PER SY)
	CY	ASPHALT CONCRETE (8")
	SUM	ASPHALT CONCRETE (LEVELING COURSE)
	LF	GUARDRAIL
	LF	COMBINED CURB & GUTTER
	UANTITIES IS FOR	CY SUM



LEGEND

- ITEM 448, 8" ASPHALT CONCRETE
- 2 ITEM 304, 12" AGGREGATE BASE
- 3 ITEM 407, BITUMINOUS TACK COAT (0.04 GAL PER SY)
- 4 ITEM 204, SUBGRADE COMPACTION

NOTE:

- PAVEMENT SECTION FOR HEAVY-DUTY AUTOMOBILE PARKING AREAS TO MITCH EXISTING PAVEMENT AMEAS.

TYPICAL PAVEMENT SECTION

REFERENCE

- EXISTING TOPOGRAPHY WAS BASED ON AN ACTUAL FIELD SURVEY BY CIVIL & ENVIRONMENTAL CONSULTANTS, INC IN SEPTEMBER 2016.

ENGINEER/SURVEYOR

OML & EMPRONIENTAL CONSULTANTS, 99C, 250 OLD WILSON BRIDGE ROAD, SUITE 250 WORTHWATCH, OH 45055 OOMTACT: CARL ARTHUR EMAL: CARTHUR EMAL: CARTHUR EMAL: CARTHUR 60414) 468-6201

OWNER/DEVELOPER

ESTES EXPRESS LINES 1009 FRANK RD COLUMBUS, OH 43223

O'CONNOR CO OF NC, INC 312 FIELDS DR ABERDEEN, NC 28315 CONTACT: CHRIS JORDAN EMAIL-CJØDCCONNORCONC.COM (910) 944-0800



800-362-2764 or 8-1-1 www.oups.org



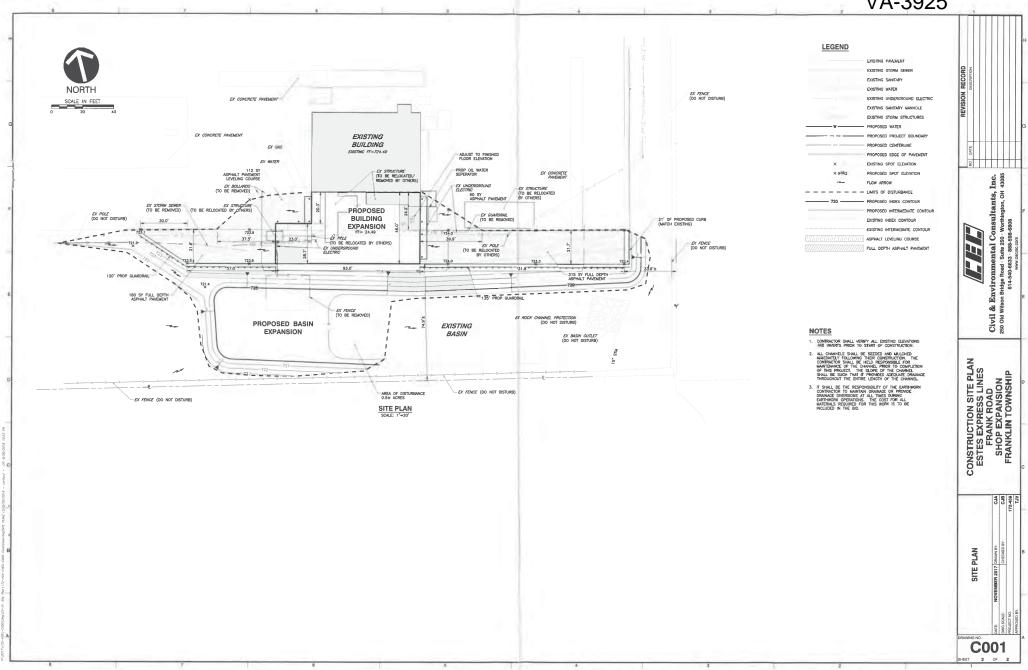
Environmental Consultants, Inc. on Bridge Road · Suite 250 · Worthington, OH 43085 614-840-6633 · 888-898-8808 H

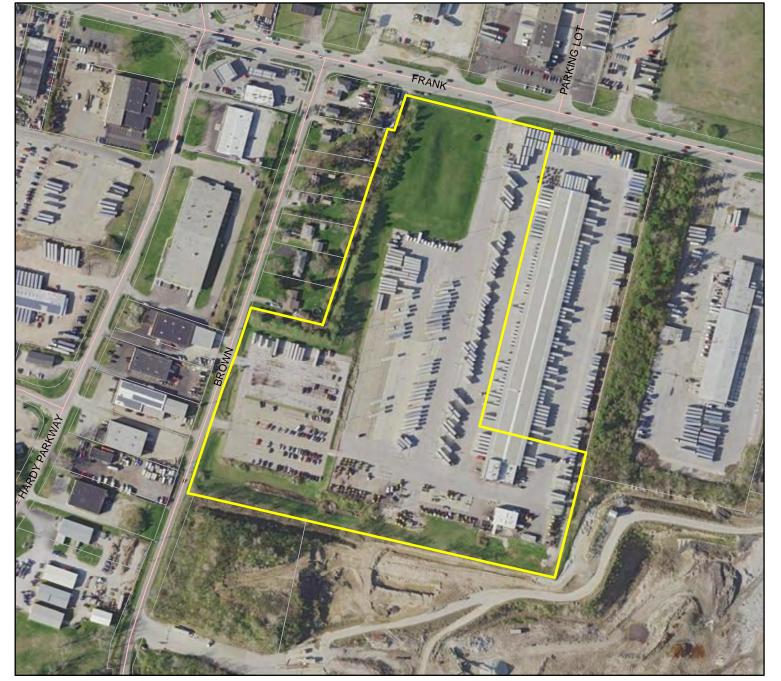
Civil & 1 250 Old Wilso

CONSTRUCTION SITE PLAN ESTES EXPRESS LINES FRANK ROAD SHOP EXPANSION FRANKLIN TOWNSHIP

CJA CJB 172-459 COVERSHEET

C000





Requesting a Variance from Sections of the Smart Growth Overlay of the Franklin County Zoning Resolution to allow an expansion of more than 50 percent to a nonconforming building that would fail to meet standards for building location, and landscaping and screening requirements in an area zoned Limited Industrial and subject to the Smart Growth Overlay.

Acres: 31.050 Township: Franklin

Parcels

Streets









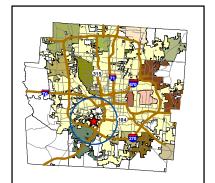


Requesting a Variance from Sections of the Smart Growth Overlay of the Franklin County Zoning Resolution to allow an expansion of more than 50 percent to a nonconforming building that would fail to meet standards for building location, and landscaping and screening requirements in an area zoned Limited Industrial and subject to the Smart Growth Overlay.

Acres: 31.050 Township: Franklin

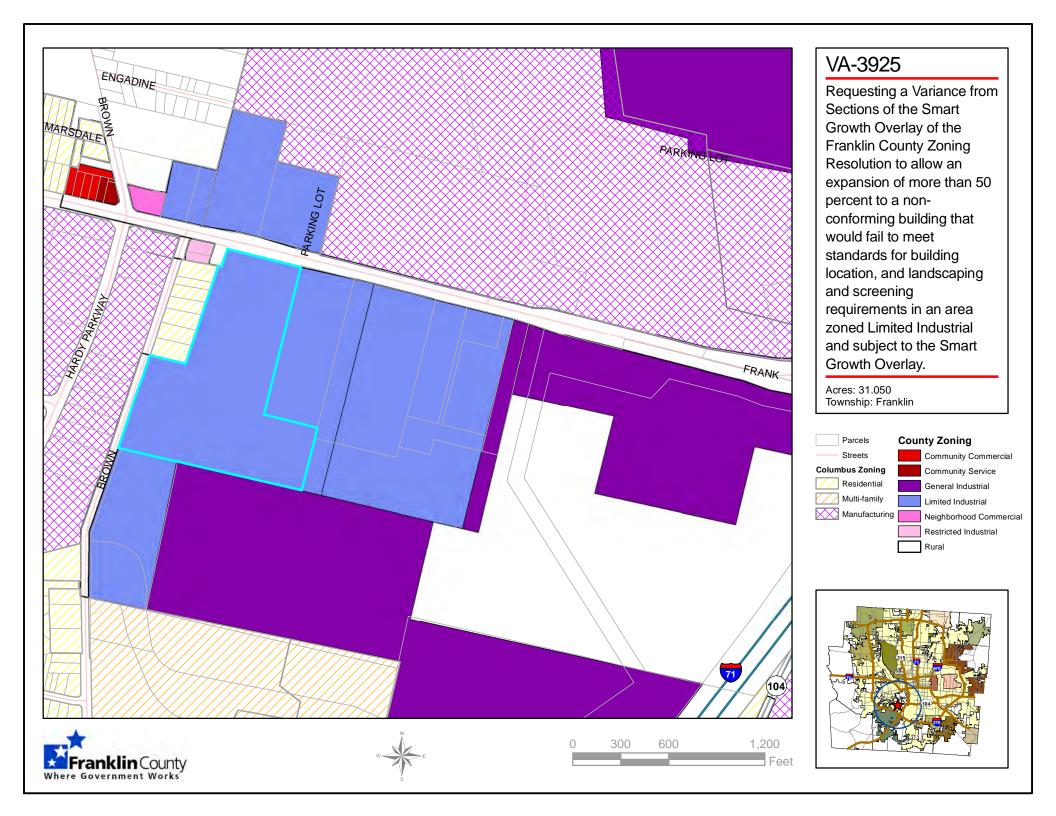
Parcels
Streets
Interstate
State Route

Columbus











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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: VA-3926
Prepared by: Brad Fisher

Owner/Applicant: Kathryn Hawkins Township: Clinton Township

Site: 999 E. Cooke Road (PID #130-001510)

Acreage: 1.98-acres **Zoning:** Rural

Utilities: Public water and private wastewater

Request: Requesting a Variance from Sections 512.02(1) and 512.02(2) of the

Franklin County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot between one (1) and two (2) acres in an area

zoned Rural.

Summary

The applicant is requesting a Variance from Sections 512.02(1) and 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot between one (1) and two (2) acres in an area zoned Rural. Staff recommends *approval* with conditions.

Description of the Request

The subject site is located on the south side of East Cooke Road, between Interstate 71 and Maize Road, and backs up to a platted reserve in the Maize Manor Subdivision. The subject site has been developed with a single-family home and two (2) detached accessory buildings. The home is 1,704 square feet in size and the total existing accessory building size is 1,416 square feet. The proposed accessory building would be 2,160 square feet, making the total size of all accessory buildings 3,576 square feet, with a total of three (3) accessory buildings. The proposed accessory building is a high tunnel greenhouse for growing food.

Surrounding Area

Surrounding properties are developed as low to medium-density residential and zoned Rural in Clinton Township and Residential in the City of Columbus.

Adopted Plans

The North Linden Neighborhood Plan Amendment, adopted in 2014 by the City of Columbus includes a Future Land Use Plan that recommends the subjects site for low-medium density residential development and Development Principles that support community gardens operated by residents to support access to fresh foods and help beautify the area.

The Columbus and Franklin County Local Food Action Plan, adopted in 2016, includes a Vision to create a fair and sustainable food system that benefits our economy, our environment, and all people. The Plan includes Goals for improving access to and educating residents about healthy food, affordable food, and local food, and allowing more residents to grow food for themselves and their neighbors.

The proposal meets both Plan's recommendations.

Staff Review

Variance from Section 512.02(1) – Number of Accessory Buildings:

- Lots zoned Rural or being utilized for residential purposes shall contain no more than two (2) accessory buildings.
 - There are currently two (2) accessory buildings on the lot and the proposed accessory building would allow for three (3) total accessory buildings
 - o A Variance to allow for one (1) additional accessory building is required

<u>Variance from Section 512.02(2) – Accessory Building Development Standards:</u>

- A lot greater than one (1) acre but less than two (2) acres is permitted a maximum accessory building size (Total square footage of all structure) of 1,440 square feet.
 - The proposed accessory building is 2,160 square feet in size
 - The two existing accessory buildings total 1,416 square feet in size
 - If the variance is approved, the total accessory building size of all three buildings would be 3,576 square feet in size
 - o A variance is required to allow for the accessory building size to exceed the maximum size permitted by 2,136 square feet

Technical Review Agency Review

No Technical Review Agencies expressed any concerns with the proposal.

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 the subject property is prone to wildlife damaging crops and the Ohio seasons do not allow for vegetables to be farmed outside year round.
 - » The applicant also stated that the property has been allocated grant funds to install a high tunnel.
 - » Staff notes that buildings incident to the use of land for agricultural purposes on lots over one (1) acre in size must conform to setbacks, size and height requirements. The applicant is conforming to the required setbacks and height requirements, and Staff agrees that the negative impact to crop productivity in this case is a special condition.

- 2) A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;
 - » The applicant stated that a literal interpretation would restrict the ability to grow food and use the land effectively, and that without the proposed accessory building, crops would be heavily damaged by wildlife.
 - » Staff agrees that a literal interpretation would deprive the applicant of the ability and right to effectively grow crops year round.
- 3) The special conditions and circumstances do not result from the action of the applicant;
 - » The applicant indicated that the existing lot size, productivity and wildlife issues that heavily impact growing conditions of crops did not result from their actions.
 - » Staff agrees that crop damage from wildlife and weather do not result from the applicant's actions.
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
 - » The applicant stated that the proposed accessory building does not provide the benefits of a permanent building, and that the proposed building is temporary, not used for storage or living areas, has no foundation and only serve as a greenhouse.
 - » Staff agrees that the variance requested will not confer on the applicant any special privilege provided it is only used for agricultural purposes as described in the application materials.
- 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 accessory building and agricultural use would not negatively impact the community; nearby individuals would actually benefit from an improved aesthetic with a well-managed yard space and fresh healthy food for the community.
 - » Staff agrees that if the proposed accessory building is only used for agricultural purposes as described in the application materials, the building and use could make a positive impact on the community.

Recommendation

Staff's recommendation is that the Board of Zoning Appeals <u>approve</u> a Variance from Section 512.02(1) and 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot between one (1) and two (2) acres in an area zoned Rural. The conditions 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 Economic Development and Planning Department.
- 2. The proposed accessory building is only to be used for agricultural purposes ancillary to the production of crops on the subject site.

For your convenience, the following is a proposed resolution:
Proposed Resolution for Request: moves to approve a Variance from Sections 512.02(1) and 512.02(2) of the
Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3926.
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(1) and 512.02(2) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3926 results from applicant's failure to satisfy the criteria for granting a Variance under Section 810.041.

Seconded by: _____

Resolution

Voting:



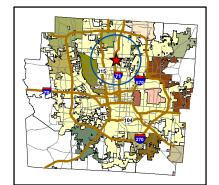
Requesting a Variance from Sections 512.02(1) and 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum number and size of accessory structures on a lot between one (1) and two (2) acres in an area zoned Rural.

Acres: 1.98 Township: Clinton

999 E. Cooke Rd Parcels

Streets

Columbus





Franklin County
Where Government Works





Requesting a Variance from Sections 512.02(1) and 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would exceed the maximum number and size of accessory structures on a lot between one (1) and two (2) acres in an area zoned Rural.

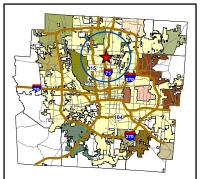
Acres: 1.98 Township: Clinton

999 E. Cooke Rd

Parcels

Streets

Columbus











Franklin County Pianning Department Franklin County, OH

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-ETXOE

30' Wide Gothic High Tunnel

Tunnel Vision Hoops High Tunnels are designed for strength, dependability, and practicality. Our tunnels are known for their strong foundations and structural soundness. Standard purlins, trusses, corner braces, peak braces, and endwall braces provide protection against wind and snow. Gearbox controlled roll-up sides and automatic aluminum louver vents make ventilation a breeze.



"Tunnel Vision Hoops came out to our farm and installed a 30x96 tunnel and a hardening-off extension to our heated greenhouse. We were so happy with the crew and their work! Great price and awesome execution." -Steve Tomlinson, Great Road Farm, New Jersey

Width- 30 ft. nominal

Height- 12 ft. height for 4 ft. sidewall Tunnel and 14 ft height for 6 ft. sidewall Tunnel

Hoop Spacing 4' on center

Single-layer Thermal AC Greenhouse Film. (6 mil. 4 year, UV, anti-condensate, thermal, light diffusing film) 2.197" Round 12 ga. Galvanized Steel Ground Posts, 40 in. or 70 in.

Bows 1.90" 14 ga. Galvanized Steel Pipe

Five Purlins 1.315" 16 ga. Galvanized Steel Pipe

Trusses 1.66" 16 ga. Galvanized Steel Pipe w/ 13/8" ga. Truss Supports Corner (4), Peak (8), and Endwall Braces (4) 16 ga. Galvanized Steel Pipe

2 in. Square Galvanized Steel Endwall Framing w/ Hardware

Double Aluminum Channel Hip Rails

Galvanized Steel Baseboards

Roll-up Sides 1.315" 16 ga. Pipe w/Gear Box

Heavy Duty Galvanized Steel Brace Bands

Aluminum Cross Connectors for purlin/bow connections

Single Aluminum Channel and Spring-wire for Endwall Poly Securement

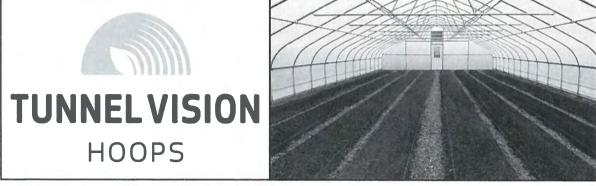
Anti-billow Rope and Clip System for Roll-up Sides

Greenhouse Storm Door 26"x80" 1/2 steel 1/2 glass

Two 30"x30" Aluminum Vents with Automatic Solar Openers



Ask a TVH representative about our many door, vent and poly options



VA-3926

tunnelvisionhoops.com

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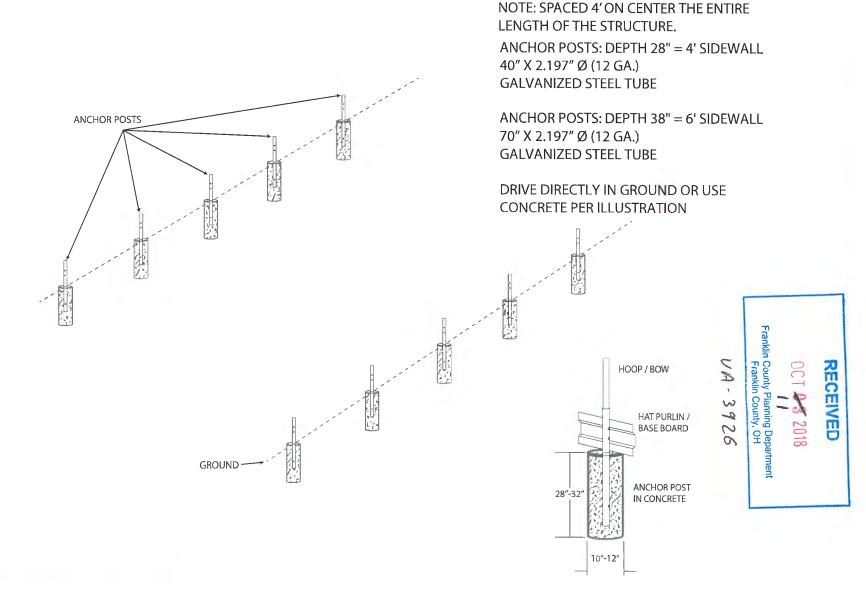
Franklin County Planning Department Franklin County, OH

Carlton: 216-902-8530 carlton@tunnelvisionhoops.com Todd: 330-283-5717 todd@tunnelvisionhoops.com

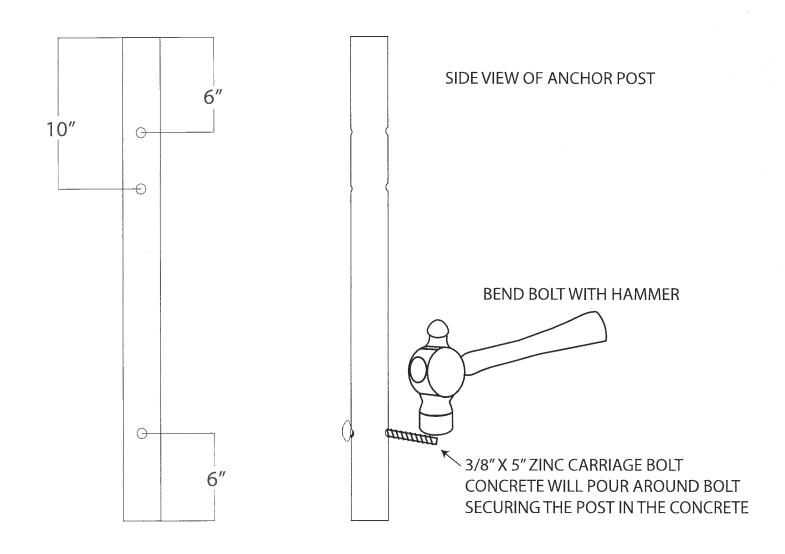
Shawn: 440-227-1082 tvhaux@gmail.com

PRODUCT DATA SHEET TVH-30-Gothic Style V02242017© Tunnel Vision Hoops LLC

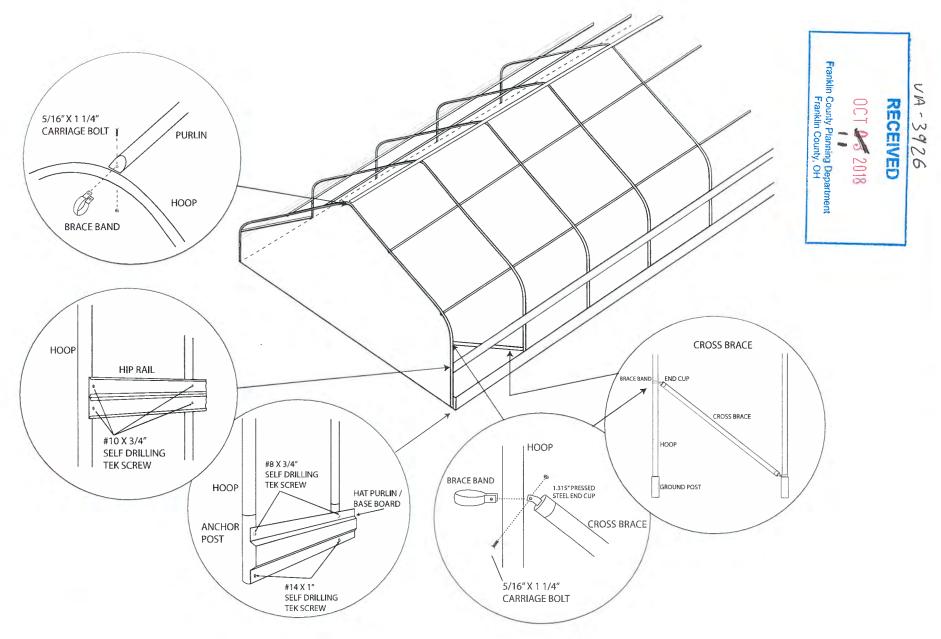
TUNNEL VISION HOOPS ANCHOR POSTS PAGE 1



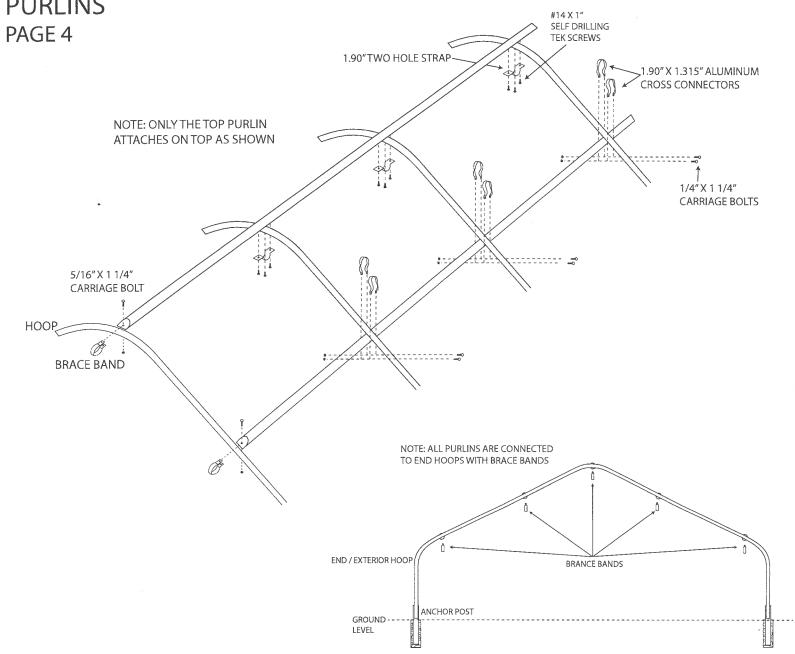
TUNNEL VISION HOOPS ANCHOR POSTS CONT'D PAGE 2



TUNNEL VISION HOOPS PURLINS, HIP RAIL, CROSS BRACE, HOOP ASSEMBLY PAGE 3

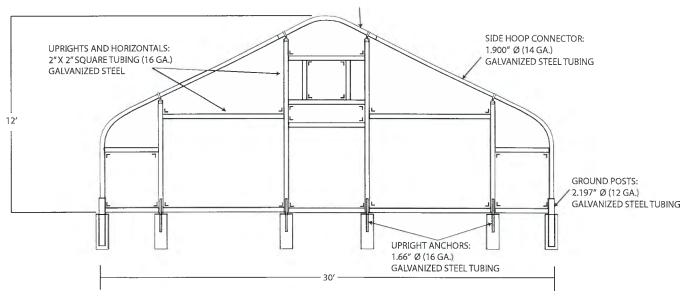


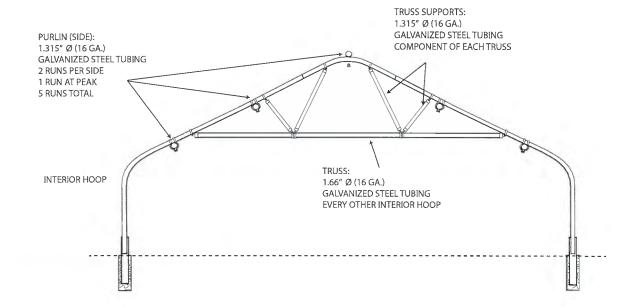
TUNNEL VISION HOOPS
PURLINS



TUNNEL VISION HOOPS INTERIOR / END HOOP, FRAMING PAGE 5

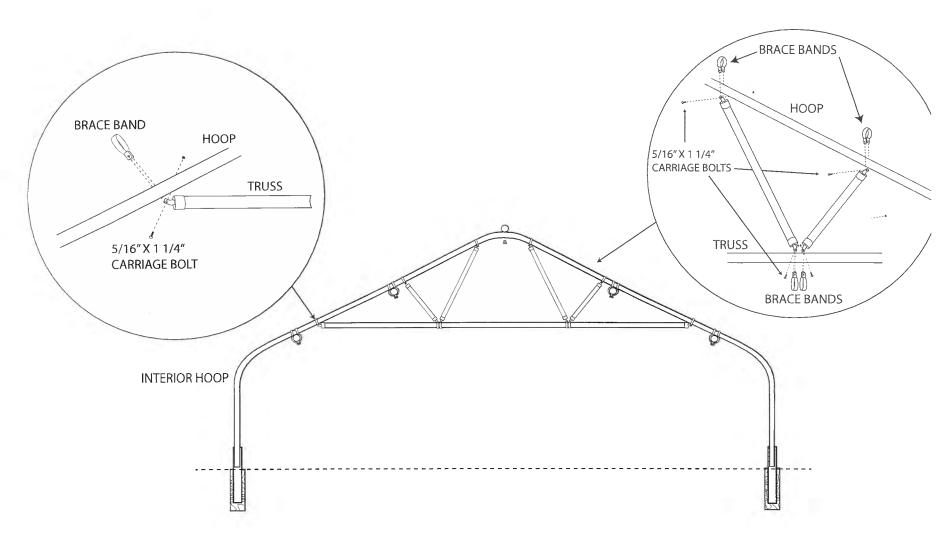
CENTER CONNECTOR: 1.900" Ø (14 GA.) GALVANIZED STEEL TUBING





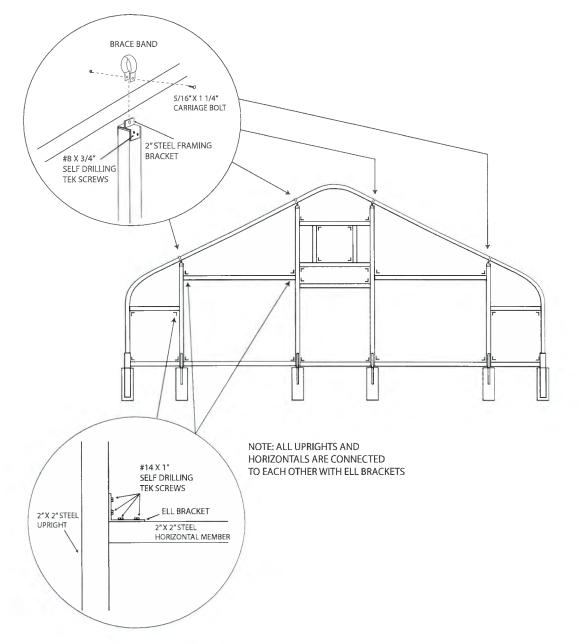


TUNNEL VISION HOOPS TRUSS AND TRUSS SUPPORTS PAGE 6



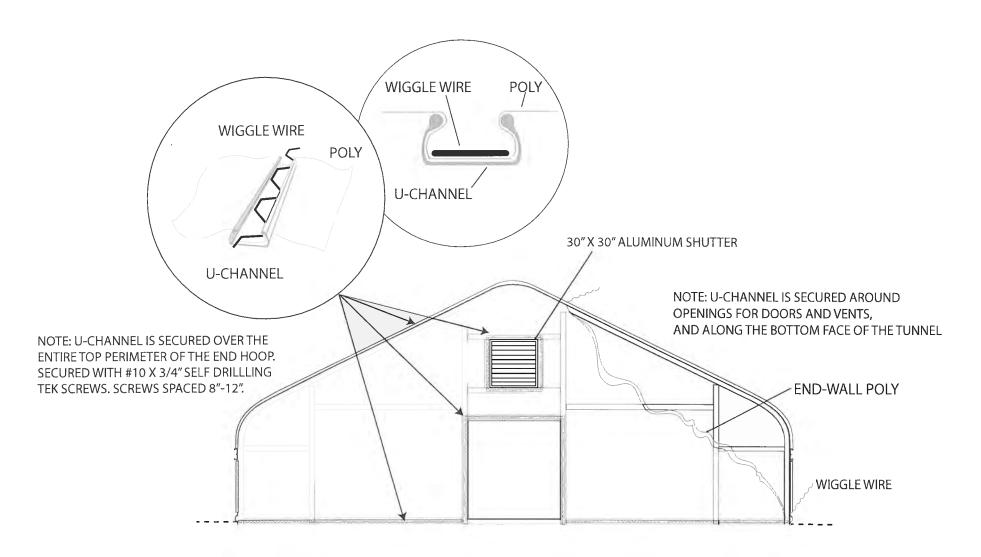
TUNNEL VISION HOOPS END-WALL FRAMING AND HARDWARE

PAGE 7

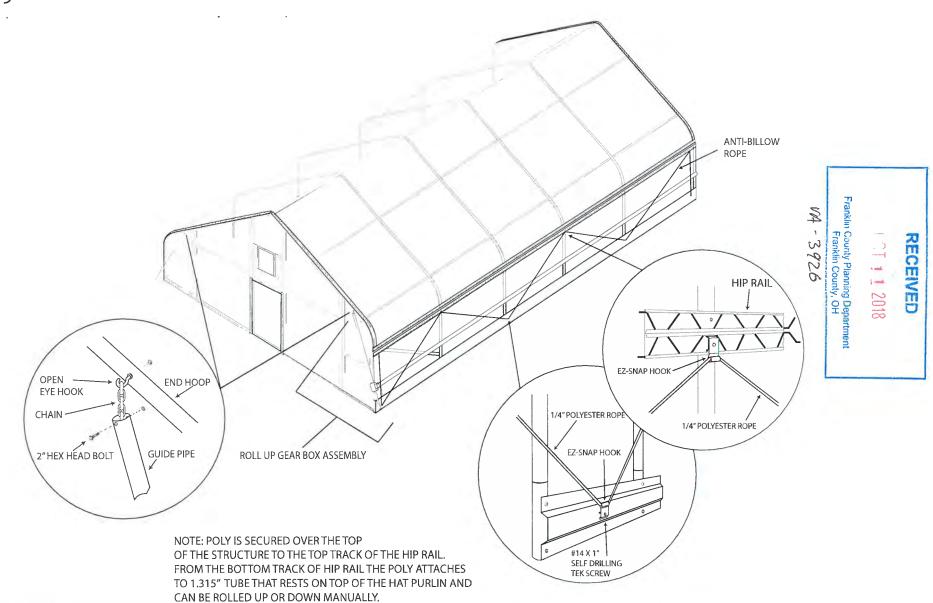




TUNNEL VISION HOOPS END-WALL PLASTIC SECUREMENT PAGE 8



TUNNEL VISION HOOPS TOP PLASTIC SECUREMENT, ROLL-UP, ANTI-BILLOW ROPE PAGE 9

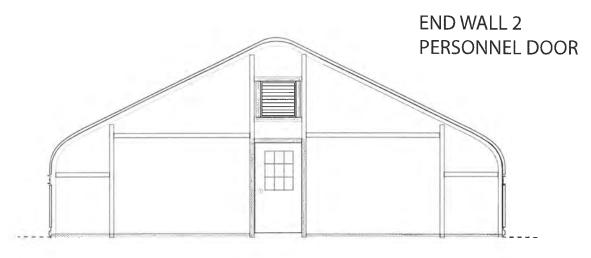


TUNNEL VISION HOOPS DOORS, VENTS

PAGE 10



30" X 30" ALUMINUM SHUTTER | SOLAR WAX TUBE OPERATED



36"X 80" PRE-HUNG PERSONNEL DOOR | WOOD CORE, STEEL COATED | SINGLE PANE GLASS | KEY ENTRY LOCK-SET
30"X 30" ALUMINUM SHUTTER | SOLAR WAX TUBE OPERATED

Franklin County Economic Development and Planning Department 150 South Front Street, Suite 10 Columbus, OH 43215

Dear Zoning Board,

I am writing with regards to Variance Case # VA 3926.

My wife and I received your postcard announcing the public hearing of this case on Monday November 19, 2018 but we will be unable to attend. We did want to let the Zoning Board know that we have <u>no objection</u> to the board approving this variance.

I also talked with neighbor John Conde who shares a property line with Kathryn Hawkins. During our conversation, John Conde said he has talked with Kathryn about her project and he has no objection to the variance either.

I hope this information will be helpful as the board deliberates its decision.

Sincerely yours,

Thomas White 1100 East Cooke Road Columbus, Ohio 43224 RECEIVED

NOV 1 3 2018

Franklin County Planning Department Franklin County, OH

VA 3926



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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: VA-3927
Prepared by: Phil Ashear

Applicant: Gregory M. Caracofe

Owner: Reese Community Baptist Church

Agent: Cindy Vannicelli **Township:** Hamilton Township

Site: 1920 Todd Ave. (PID #150-000612, 150-000613, 150-000614)

Acreage: .27 acres total

Zoning: Rural **Vilities:** N/A

Request: Requesting a Variance from Sections 110.041, 512.02(2), and

512.02(2(j)) of the Franklin County Zoning Resolution to allow the construction of an accessory building on a non-conforming lot that does not meet the lot width requirement, would not meet the required side yard setback, and would be located on parcels with no principal structure

in an area zoned Rural.

Summary

The applicant is requesting a Variance from Sections 110.041, 512.02(2), and 512.02(2(j)) of the Franklin County Zoning Resolution to allow the construction of an accessory building on a non-conforming lot that does not meet the lot width requirement, would not meet the required side yard setback, and would be located on parcels with no principal structure in an area zoned Rural. The request does not meet the criteria for granting a variance. Staff recommends *denial* of the request.

Description of the Request

The subject site is a group of three (3) parcels located on the north side of Todd Ave. in the unincorporated village of Reese in Hamilton Township. These three (3) parcels are currently vacant and amount to a total of .27 acres. They are owned by the same owner, the Reese Community Baptist Church. The proposed development would include an accessory building that would span all three (3) parcels and would be used as storage by the applicant. The applicant stated that the purchase of these parcels from the seller, the Reese Community Baptist Church, is contingent upon the granting of this Variance.

Surrounding Area

The subject site is located in the southern part of the County, just south of the Outerbelt in unincorporated Hamilton Township. Parcels in the surrounding area are primarily residential with the exception of the Baptist Church and a towing business to the south. Parcels in the area vary in size, with some remaining

the same as the original 1909 platted size while others have been combined. The three subject parcels have not been combined but are owned by the same entity.

Comprehensive Plan

The subject site is located within the planning area of the Obetz and Hamilton Township Community Plan, which was adopted by the County Commissioner's in 1999. The plan recommends single-family residential uses for the subject site.

Because there is no home on the site, the proposed development is in conflict with the recommendations of the Plan and is a contributing factor in Staff's recommendation of denial.

Staff Review

<u>Variance from Section 110.041 – Non-conforming lots:</u>

- The construction of a conforming structure and/or 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 proposed development would not be on a lot with at least sixty (60) feet of abutment.
 - A variance to allow the construction of an accessory structure on a lot with 35 feet of abutment is required.
 - Staff recommends that the Board of Zoning Appeals vote on this Section separate from, and after, the other Sections in this Variance request.

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

- The minimum setback from property lines on lot smaller than (1) acre is five (5) feet.
 - The proposed accessory building would cross parcel lines and would therefore not have a minimum setback of five (5) feet.
 - o A variance to allow a less than five (5) foot setback is required.

<u>Variance from Section 512.02(2(j)) – Accessory Building Development Standards:</u>

- An accessory building shall not be permitted in the absence of a principal structure.
 - The proposed accessory building would be built across three (3) parcels that do not have principal structures.
 - o A Variance to allow an accessory structure in absence of a principal structure is required.

Technical Review Committee Agency Review

No Technical Review Committee Agencies expressed 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 the lack of public utilities or a well/septic on the site constitutes a special circumstance.
 - » Staff does not believe that a special circumstance exists as the availability of public utilities is not relevant to the proposed structure or Variance request.
- 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 other properties in the area have accessory buildings on lots without a principal structure and that zoning changes have been made to accommodate this type of development.
- » Staff notes that some neighboring parcels in the area include residential development across parcel lines but are owned by the same person.
- » Staff located Variance case VA-2053 which allowed an accessory building to cross property lines, however, Staff at the time (1986) recommended the parcels be combined. The combination resulted in one parcel that includes a single-family home and a detached garage.
- 3) The special conditions and circumstances do not result from the action of the applicant;
 - » The applicant indicated that the special circumstance is not a result of their actions.
 - » Staff does not believe that a special circumstance exists.
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
 - » The applicant stated that granting the variance would not confer special privileges.
 - » Staff believes that the granting a Variance would confer a special privilege on the applicant. Similar Variance cases in the area did not result in accessory structures across parcel lines without a principal structure.
- 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 believes that granting the variance may adversely affect the health or safety of persons residing or working in the area. Granting the Variance would set a precedent for granting Variances for accessory buildings in the absence of a principal structure and across parcel lines. Such a structure would not serve a residential use or structure and would therefore lend itself to activities that would typically not be associated with a residential use.

Recommendation

Resolution

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Variance from Sections 110.041, 512.02(2), and 512.02(2j)) of the Franklin County Zoning Resolution to allow the construction of an accessory building on a non-conforming lot that does not meet lot width requirement, would not meet the required side yard setback, and would be located on parcels with no principal structure in an area zoned Rural.

For your convenience, the following is a proposed resolution:

Proposed Resolution	n for Request:
	moves to approve a variance from Sections 512.02(2), and 512.02(2(j)) of the
Franklin County Zon	ing Resolution as outlined in the request for the applicant identified in Case No. VA
3927.	
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(j)) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3927 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.
Seconded by:
Voting:
Proposed Resolution for Request:
Resolution as outlined in the request for the applicant identified in Case No. VA-3927.
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 110.041 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3927 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.
Seconded by:
Voting:

OCT 1 1 2018

Franklin County Planning Department Franklin County, OH

print-graph-paper.com

Each block = 41

VA-3927



Requesting a Variance from Sections 110.041, 512.02(2), and 512.02(2(j)) of the Franklin County Zoning Resolution to allow the construction of an accessory building on a non-conforming lot that does does not meet lot width requirement, would not meet the required side yard setback, and would be located on parcels with no principal structure in an area zoned Rural.

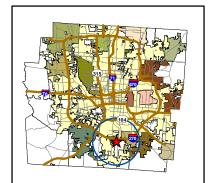
Acres: 0.270

Township: Hamilton

1920 Todd Avenue

Parcels

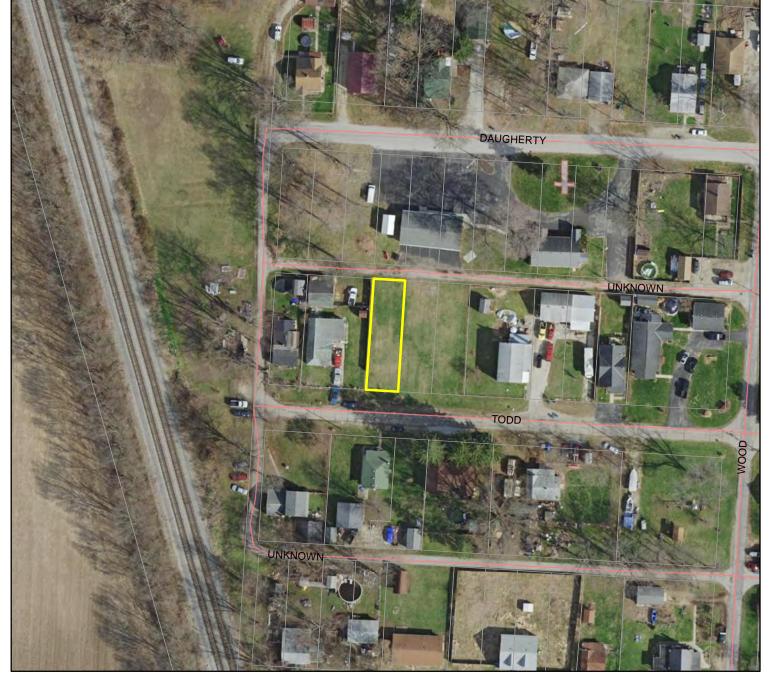
Streets











Requesting a Variance from Sections 110.041, 512.02(2), and 512.02(2(j)) of the Franklin County Zoning Resolution to allow the construction of an accessory building on a non-conforming lot that does does not meet lot width requirement, would not meet the required side yard setback, and would be located on parcels with no principal structure in an area zoned Rural.

Acres: 0.270

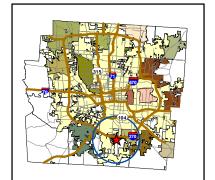
Township: Hamilton

1920 Todd Avenue

Parcels

Streets

----- Railroad











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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: VA-3928
Prepared by: Phil Ashear

Applicant/Owner: Calvin Lemon Franklin Township

Site: 1333 N. Wilson Rd. (PID #142-000002)

Acreage: .885 acres total

Zoning: Rural

Utilities: Private water and wastewater

Request: Requesting a Variance from Sections 512.02(1) and 512.02(2) to allow

the construction of an accessory building that would exceed the

maximum number and size of accessory buildings on a lot smaller than

one (1) acre in size in an area zoned Rural.

Summary

The applicant is requesting a Variance from Sections 512.02(1) and 512.02(2) to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot smaller than one (1) acre in size in an area zoned Rural. The request does not meet the criteria for granting a variance. Staff recommends *denial* of the request.

Description of the Request

The subject site is located on the west side of Wilson Road, north of I-70 in unincorporated Franklin Township. The subject site and one parcel across the street are the only unincorporated parcels in the immediate area. The rest of the area is in the City of Columbus. The site includes an approximately 1,200 sq. ft. single-family home and two existing accessory buildings that are 285 sq. ft. and 149 sq. ft. in size, respectively. The proposed development would include a third 1,200 sq. ft. accessory building.

Surrounding Area

The subject site is located Southwest of Downtown Columbus but inside the Outerbelt in unincorporated Franklin Township. Parcels in the surrounding area are primarily residential with some commercial properties. All surrounding parcels, with the exception of one parcel zoned SCPD in unincorporated Franklin Township, are in the City of Columbus.

Comprehensive Plan

The subject site is located within the planning area of the Scioto Franklin Neighborhood Plan, which was adopted by the County Commissioners in 2011. This plan recommends residential uses of four (4) units per acre or more for the subject site. The subject site is also in the planning area of the Trabue-Roberts

Area Plan, which was adopted by the City of Columbus in 2011. This plan recommends low-medium density residential uses and discourages commercial development in existing residential areas.

The proposed development does not change the existing residential land use and does not conflict with the Plan's recommendation.

Staff Review

<u>Variance from Section 512.02(1) – Location, Number, and Size of Residential Accessory Structures:</u>

- A lot zoned Rural shall contain no more than two (2) accessory buildings.
 - The proposed development would include a third accessory structure on the property.
 - o A variance to allow three (3) accessory buildings on a property is required.

<u>Variance from Section 512.02(2) – Accessory Building Development Standards:</u>

- Lots smaller than one (1) acre shall have a maximum accessory building size of 720 sq. ft.
 - The proposed total square footage of accessory buildings on the site would be 1,634 sq. ft.
 - o A variance of 914 sq. ft. is required.

Technical Review Committee Agency Review

No Technical Review Committee Agencies expressed 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 the size of the property in comparison to other properties in the area constitutes a special circumstance.
 - » Staff does not believe that the size of the property constitutes a special circumstance.
- 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 smaller properties in the area can cover a larger percentage of their properties with accessory buildings.
 - » Staff does not believe that the size of the property and the associated percentage of coverage by accessory structures amounts to a deprivation of rights. Furthermore, the example lots described by the applicant are in the City of Columbus and are not relevant comparisons.
- 3) The special conditions and circumstances do not result from the action of the applicant;
 - » The applicant indicated that the special circumstance is not a result of their actions.
 - » Staff does not believe that a special circumstance exists.
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
 - » The applicant stated that granting the variance would not confer special privileges and will allow them to use the property with the same utility of other residential properties in the area.
 - » Staff believes that the granting a Variance would confer a special privilege and will set a precedent for oversized accessory buildings in the area.
- 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 but would set a president for granting Variances for oversized accessory buildings in Franklin Township.

Recommendation

Voting:

Resolution

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Variance from Sections 512.02(1) and 512.02(2) to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot smaller than one (1) acre in size in an area zoned Rural.

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request: moves to approve a variance from Sections 512.02(1) and 512.02(2) of the
Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3928.
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(1) and 512.02(2) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-3928 results from applicant's failure to satisfy the criteria for
granting a variance under Section 810.041.
Seconded by:

OCT 1 1 2018

Franklin County Planning Department Franklin County, OH

RECEIVED

1 1 2018



075011

TITLE COMPANY: NORTHWEST SELECT TITLE AGENCY LENDER: FIFTH THIRD MORTGAGE COMPANY

BUYER: CALVIN LEMON

SELLER: JOYCE RIDDLE, EXECUTOR

DATE: 12/19/11 ORDER NO.: 0750-11

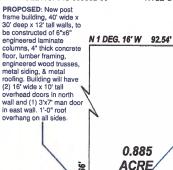
LEGAL DESCRIPTION: BEING 0.885 ACRE (1 ACRE EXCEPTING 0.115 ACRE) (PART OF VIRGINIA MILITARY SURVEY NO. 3316), TOWNSHIP OF FRANKLIN, COUNTY OF FRANKLIN, STATE OF OHIO.

PARCEL NO. 142-000002-00

TITLE CO. FILE NO. NWS-5283



APPARENT ENCROACHMENTS: NONE.



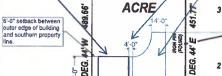
PROPOSED: 4' wide x 40' long concrete apron along north wall of proposed building

PROPOSED: Rough outline of gravel driveway area

SCALE: 1" = 60"



NOTE: All structures & features depicted in black or red are EXISTING. All proposed structures & details are shown in blue.



0.885



HOUSE DETAIL SCALE: 1"=36"



NOTE: Property overall grading will not be changed. Location of new building will be leveled, requiring up to "6" of fill along the west edge

0.115 ACRE EXCEPTION Existing Multi-Flo aeration system for sanitary \$ 23 DEG. 32' E 100' Southern half of existing Frame Garage is a 'lean-to' addition to Original Garage structure; Original Garage structure is still 100% intact, including walls and roof. NORTH WILSON ROAD 12' from system to deck, 15' to house This 'lean-to' addition will be demolished, leaving the

original 15'-0" wide x 19'-0" deep garage structure, which will be re-roofed & re-sided to match existing House.



200,-

COMPASS SURVEYING SOLUTIONS

P.O. Box 1902 Westerville, Ohio 43086-1902 Phone: (614)378-9140 Fax: (614)891-5889 CompassSurveying@yahoo.com We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and does not show the location of fences or landscaping. This plat is not to be used 10 to 10 t

G. Dean Erlenbach Ohio Registered Surveyor No. 7272





Requesting a Variance from Sections 512.02(1) and 512.02(2) to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot smaller than one (1) acre in size in an area zoned Rural.

Acres: 0.885 Township: Franklin

1333 Wilson Road
Parcels

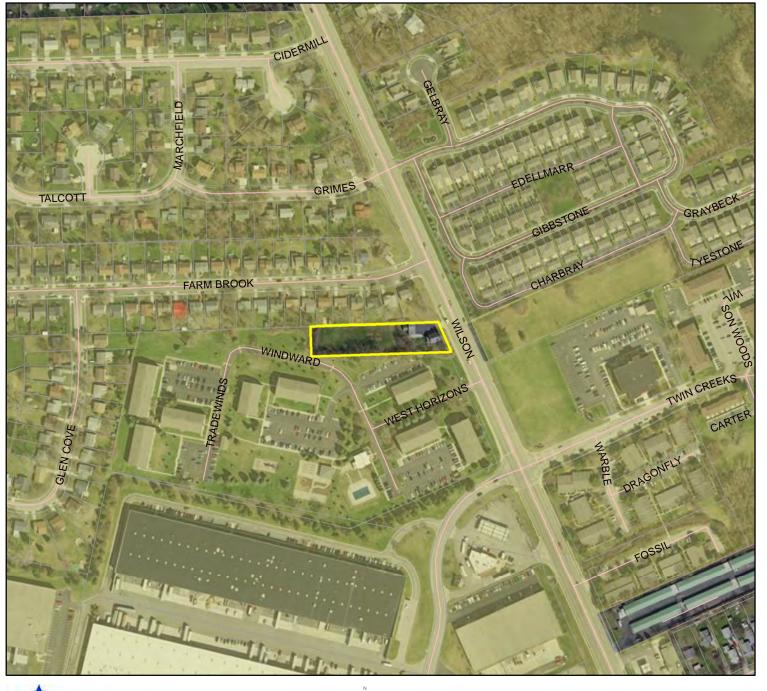
Streets











Requesting a Variance from Sections 512.02(1) and 512.02(2) to allow the construction of an accessory building that would exceed the maximum number and size of accessory buildings on a lot smaller than one (1) acre in size in an area zoned Rural.

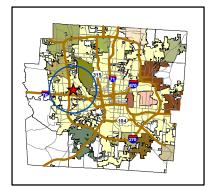
Acres: 0.885 Township: Franklin

1333 Wilson Road

Parcels

Streets

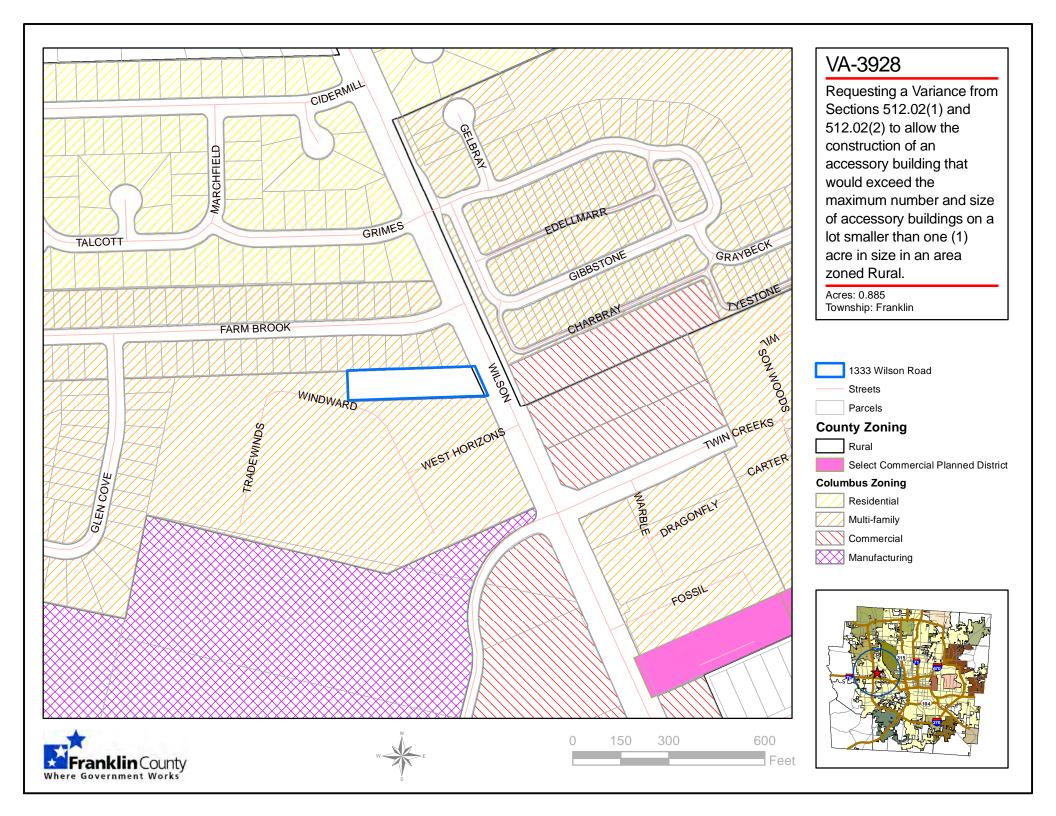
Columbus













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

Economic Development & Planning Department

James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals November 19, 2018

Case: VA-3930 Prepared by: Phil Ashear

Applicant/Owner: Kevin Day

Township: Madison Township

Site: 3867 Noe Bixby Road (PID #180-001239)

Acreage: 1.07 acres

Zoning: Limited Suburban Residential (R-2)

Utilities: Private water and wastewater

Request: Requesting a Variance from Sections 512.02(2(a)) and 610.05(3) of the

Franklin County Zoning Resolution to allow for the construction of an accessory building that would not be located to the side or rear of the principal structure, would not be a Permitted Use in the Floodway Fringe and would not be certified by professional engineer or architect, and would not include the required flood openings in an area zoned Limited

Suburban Residential (R-2).

Summary

The applicant is requesting a Variance from Sections 512.02(2(a)) and 610.05(3) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that would not be located to the side or rear of the principal structure and would be partially located in the floodway fringe in an area zoned Limited Suburban Residential (R-2). Staff believes that the applicant should also add Section 4.2-1(C) of the Special Resolution National Flood Insurance Program Regulations. Staff recommends *approval* with conditions of the request from Section 512.02(2(a)). Staff recommends *denial* of a Variance from Section 610.05(3) of the Zoning Resolution and Section 4.2-1(C) of the Special Resolution National Flood Insurance Regulations.

Description of the Request

The subject site is located on the southwest corner of the intersection of Noe Bixby Road and Wingate Road in unincorporated Madison Township. The site includes an approximately 2,500 sq. ft. single-family home and an approximately 175 sq. ft. existing accessory structure without an approved Zoning Compliance. The proposed development would include an 896 sq. ft. accessory building that would be located in front of the established building line facing Wingate Road and would be partially located within the Floodway Fringe.

Surrounding Area

The subject site is located in the southeastern part of the County in unincorporated Madison Township. The site is part of the Asbury Manor Subdivision, which was platted in 1953. The subject site and all surrounding parcels in the Asbury Manor Subdivision to the west of Noe Bixby Road are zoned Limited Suburban Residential (R-2). Other parcels on the east side of Noe Bixby are zoned Restricted Urban Residential (R-8) with the exception of one parcel that is zoned Select Commercial Planned District (SCPD), all of which are in unincorporated Madison Township.

Comprehensive Plan

The subject site is located within the planning area of the Blacklick-Madison Area Plan, which was adopted by the County Commissioner's in 2011. The plan recommends single-family residential uses for the subject site. The proposal does not conflict with this land use recommendation. However, the Plan also states: "To prevent increased flooding, development proposals in floodplains requiring approval from decision making boards must provide information on how the proposal will offset lost storage capacity."

Staff believes the applicant has failed to show how the proposal will offset the loss of storage capacity in the Floodway Fringe.

Staff Review

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

- An accessory building shall be located to the side or rear of the principal structure and shall be no closer than then (10) feet from any part of the principal structure.
 - The proposed accessory building would not be located to the side or rear of the established building line facing Wingate Road.
 - o A Variance to allow an accessory structure in front of an established building line is required.

Variance from Section 610.05(3) – Permitted Uses in the Floodway Fringe:

- Accessory structures, not for human occupancy and no larger than 576 sq. ft. gross floor area provided the structure is certified by a professional engineer or architect; or the structure is created with a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding and ensuring that the bottom of all openings shall be no higher than one (1) foot above grade.
 - The proposed accessory building would be 896 sq. ft. in size and the applicant has not indicated that the structure would be certified by a professional engineer or architect, or would meet the above development standards.
 - o A Variance to allow an oversized accessory building that would be partially located in the floodway fringe and would not meet the above development standards is required.
 - Staff notes that the existing 175 sq. ft. accessory structure is illegally located in the Floodway Fringe and does not have a corresponding Certificate of Zoning Compliance. Staff believes the applicant should remove the structure or apply for a Certificate of Zoning Compliance.

Variance from Section 4.2-1(c) of the National Flood Insurance Program – Buildings and Structures

- Staff believes this Section should be added to the applicant's request.
- Accessory structures, not for human occupancy, less than or equal to 576 sq. ft. and located in the Floodway Fringe shall be exempted from elevation or dry floodproofing requirements provided certain development standards are met.
 - The proposed accessory building would be 896 sq. ft. in size and the applicant has not indicated that the structure would meet the development standards accessory structures in the floodway fringe.

o A Variance to allow an oversized accessory building that would be partially located in the floodway fringe and would not meet the appropriate development standards is required.

Technical Review Committee Agency Review

No Technical Review Committee Agencies expressed 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 a special circumstance exists such that a portion of the property is within the floodway fringe.
 - » Staff does not believe that the existence of the floodway fringe to the rear of the property and the existing location of the septic system constitute a special circumstance because the Zoning Resolution illustrates standards that can be met in order to develop in the Floodway Fringe. The applicant proposal fails to meet those standards.
 - » Staff, however, does believe that the location of the site on a corner lot and that a special circumstance exists with regard to Section 512.02(2(a).
- 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 proposed accessory building location is the best possible placement on the property.
 - » Staff believes a literal interpretation of standards associated with development in the Floodway Fringe would not deprive the applicant of rights.
 - » Staff notes, however that a literal interpretation of Section 512.02(2(a)) would deprive the applicant of rights and that the applicant has taken steps to screen the proposed structure from the Wingate Road right-of-way.
- 3) The special conditions and circumstances do not result from the action of the applicant;
 - » The applicant indicated that the special circumstance is not a result of their actions.
 - » Staff agrees that the location of the Floodway Fringe is not a result of action taken by the applicant but that this does not amount to a special circumstance.
- 4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;
 - » The applicant stated that the proposed accessory building would be placed in the only reasonable location on the property.
 - » Staff agrees that the proposed location is reasonable. However the applicant has not taken steps to develop the proposed structure in accordance with the applicable standards for accessory structures in the Floodway Fringe.
- 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 1:

Staff's recommendation is that the Board of Zoning Appeals <u>deny</u> a Variance from Section 610.05(3) of the Franklin County Zoning Resolution and Section 4.2-1(c) of the National Flood Insurance Program

regulations to allow the construction of an accessory structure that would not be a Permitted Use in the Floodway Fringe, would not be certified by professional engineer or architect, and would not include the required flood openings in an area zoned Limited Suburban Residential (R-2).

Recommendation 2:

Staff's recommendation is that the Board of Zoning Appeals <u>approve</u> with conditions a Variance from Sections 512.02(2) and of the Franklin County Zoning Resolution to allow for the construction of an accessory building that would not be located to the side or rear of the principal structure and would be partially located in the floodway fringe in an area zoned Limited Suburban Residential (R-2). The conditions are as follows:

- 1. The applicant must comply with all development standards of accessory buildings in Section 610.07 of the Franklin County Zoning Resolution.
- 2. The applicant must apply for and receive approval of a Certificate of Zoning Compliance and Building Permit with the Franklin County Economic Development and Planning Department.
- 3. The applicant must remove the existing 175 sq. ft. accessory building or submit a new site plan and building plans illustrating it's compliance with the appropriate standards.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

moves to approve a variance from Sections 512.02(2(a)) and 610.05(3) of the
Franklin County Zoning Resolution and Section 4.2-1(c) of the National Flood Insurance Program
regulations as outlined in the request for the applicant identified in Case No. VA-3930.
Cassardad harr
Seconded by:
Voting:
roung.
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) of the Franklin County Zoning Resolution as outlined in the request for the applicant
identified in Case No. VA-3930 results from applicant's failure to satisfy the criteria for granting a
variance under Section 810.041.
Seconded by:
Voting:

v A-3930

RECEIVED

VM-3930 RECEIVED

Franklin County Planning Department Franklin County, OH

11 0G Palena il. Wingate Rd ba yearla ead Moe Bixin unertion Dr

Rear Lot 760 feet off 250011 40 feet off singake Rd 4° 4°24 58



Requesting a Variance from Sections 512.02(2(a)) and 610.05(3) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that would not be located to the side or rear of the principal structure and would be partially located in the floodway fringe in an area zoned Limited Suburban Residential (R-2)

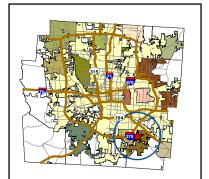
Acres: 1.070 Township: Madison

3867 Noe Bixby Road

Parcels

Streets

Floodway Fringe (100 year)











Requesting a Variance from Sections 512.02(2(a)) and 610.05(3) of the Franklin County Zoning Resolution to allow for the construction of an accessory building that would not be located to the side or rear of the principal structure and would be partially located in the floodway fringe in an area zoned Limited Suburban Residential (R-2).

Acres: 1.070 Township: Madison

3867 Noe Bixby Road

Parcels

- Streets

Floodway Fringe (100 year)







400

