Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

Franklin County Board of Zoning Appeals

Zoom Conference Meeting

(To participate: (929) 436-2866; Meeting ID: 990 8137 6741; Password: 504494)

Monday, June 21, 2021
1:30 p.m.

1. **Call roll for board members**

2. **Introduction of staff**

3. **Approval of minutes from the May 17, 2021 meeting**

4. **Old Business:**

i. VA/CU-4000 – Brad Fisher - *Request to withdraw*

Owner:	Barbara Tussey
Applicant:	Tod Henderson
Agent:	Underhill & Hodge, LLC.
Township:	Hamilton Township
Site:	4813 Grebus Rd. (PID#150-000208)
Acreage:	5.480-acres
Utilities:	Private water and wastewater
Zoning:	Rural District
Request:	Requesting a Conditional Use from Section 302.037 of the Franklin County Zoning Resolution to allow the storage of agricultural products in an area zoned Rural. Requesting a Variance from Sections 505.02, 512.02(1), 521.011, 531.011 and 531.042(1) to allow for a dumpster, exceed the maximum number of accessory buildings, reduce screening requirements, parking to be located on gravel and exceed the maximum driveway width in an area zoned Rural.

*Swear in witnesses as needed

5. **New Business:**

i. VA-4001 – Brad Fisher

Owner/Applicant:	Angel Rodriguez
Township:	Franklin Township
Site:	1690 Little Ave. (PID#140-002315)
Acreage:	0.310-acres
Utilities:	Public water and sewer
Zoning:	Restricted Urban Residential (R-8)
Request:	Requesting a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned Restricted Urban Residential (R-8).

*Swear in witnesses as needed

ii. VA-4002 – Brad Fisher

Owner/Applicant:	Christopher & Camille Warren
Township:	Norwich Township
Site:	3659 Ridgewood Dr. (PID#200-002452)
Acreage:	0.260-acres
Utilities:	Public water and sewer
Zoning:	Suburban Residential (R-4)
Request:	Requesting a Variance from Section 308.042 of the Franklin County Zoning Resolution to allow the construction of an accessory building and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4).

*Swear in witnesses as needed

iii. VA-4003 – Brad Fisher

Owner/Applicant:	Jeremy Payne
Township:	Norwich Township
Site:	3940 Ridgewood Dr. (PID#200-003296)
Acreage:	0.330-acres
Utilities:	Public water and sewer
Zoning:	Suburban Residential (R-4)
Request:	Requesting a Variance from Sections 308.042 and 512.02(2(i)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4).

*Swear in witnesses as needed

iv. VA-4004 – Brad Fisher

Owner:	Columbus Regional Airport Authority
Applicant:	Mark Gialluca
Agent:	Advanced Civil Design – James Whitacre
Township:	Hamilton Township
Site:	7250 Canal Rd. (PID #150-000213)
Acreage:	37.445-acres
Utilities:	Public water and sewer
Zoning:	General Industrial District
Request:	Requesting a Variance from Sections 501.012, 501.024(b), 521.19 and 531.032 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial.

*Swear in witnesses as needed

v. VA-4005 – Brad Fisher

Owner/Applicant:	Grant Fullerton
Township:	Brown Township
Site:	7417 Hayden Run Rd. (PID#120-000242)
Acreage:	1.110-acres
Utilities:	Private water and wastewater
Zoning:	Rural District
Request:	Requesting a Variance from Section 302.045 of the Franklin County Zoning Resolution to allow for the construction of a single-family home that would not meet the building line setback requirements in an area zoned Rural.

*Swear in witnesses as needed

vi. VA-4006 – Brad Fisher

Owner:	Sergio Morales Munoz & Ana Maria Banales
Applicant:	Dan Barringer - Studio Apex
Township:	Brown Township
Site:	3583 Darby Knolls Blvd. (PID #120-001178)
Acreage:	5.001-acres
Utilities:	Private water and wastewater
Zoning:	Rural District
Request:	Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow for the expansion of a single-family home to be located within the Riparian Setback in an area zoned Rural.

*Swear in witnesses as needed

vii. VA-4007 – Brad Fisher

Owner:	LGR Weston, LLC.
Applicant:	Skilken Gold Development, LLC.
Agent:	Zoning Resources, LLC.
Township:	Franklin Township
Site:	W Broad St. (PID#140-007495)
Acreage:	2.669-acres
Utilities:	Public water and sewer
Zoning:	Community Service District (CS)
Request:	Requesting a Variance from Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO).

*Swear in witnesses as needed

6. Adjournment of Meeting to July 19, 2021

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

MINUTES OF THE
FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday May 17, 2021

The Franklin County Board of Zoning Appeals met via Zoom Videoconference, Columbus, Ohio, on Monday, May 17, 2021.

Present were:
Chris Baer, Chairperson
Paula Armentrout
Tim Guyton
Nancy Hunter
Joe Martin

Franklin County Economic Planning and Development Department:
Jenny Snapp, Assistant Director
Matt Brown, Planning Administrator
Brad Fisher, Planner
Jesse Armstrong, Franklin County Assistant Prosecuting Attorney

(All board members and witnesses appeared via teleconference due to COVID-19 policies.)

Mr. Baer opened the meeting.

The first order of business being the roll call and introduction of Staff. The next order of business was the approval of the minutes from the April 19, 2021, meeting. Mr. Martin made a motion to approve the minutes. It was seconded by Ms. Hunter. The motion was approved by a vote of three yeses and one abstention.

NEW BUSINESS:

The next order of business being Variance Case No. VA-3994. The owners are Mark and Tammie Maddy. The township is Madison Township. The site is located at 5315 Hayes Road. It is 5.030 acres in size and is served by private water and wastewater. It is zoned Rural and Limited Suburban Residential. The applicant is requesting a Variance from Section 512.02(a) of the Franklin County Zoning Resolution to allow an accessory building to be located forward of the principal structure in an area zoned Rural and Limited Suburban Residential. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Variance Case VA-3994. It was seconded by Mr. Martin. The motion was approved by a vote of four yeses and one abstention.

The next order of business being Variance Case VA-3995. The owner is Trevor Clark. The agent is Diyanni Homes. The township is Brown Township. The site is located at 3395 Amity Road. It is 4.650 acres in size and is served by private water and wastewater and is zoned Rural. The applicant is requesting a Variance from Sections 650.162(a) and 650.162(h) of the Franklin County Zoning Resolution to allow the construction of a single-family home and a sewage treatment system to be located within the Riparian Setback in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of

Zoning Appeals. Mr. Guyton made a motion to approve Variance Case VA-3995 with three Staff conditions. It was seconded by Ms. Hunter. The motion was approved by a three-to-two vote. Chairperson Baer made a motion to adopt Findings of Fact that the reason for granting the Variance in Variance Case VA-3995 to Sections 650.162(a) and 650.162(h) of the Franklin County Zoning Resolution results from the applicant satisfying the criteria for granting a Variance under Section 810.012 of the Franklin County Zoning Resolution. It was seconded by Mr. Guyton. The motion was approved by a vote of three yeses, one no, and one abstention.

The next order of business being Variance Case No. VA-3997. The owners are Frank and Maggie Pharazyn. The applicant is Appalachian Renewable Power. The township is Brown Township. The site is located at 3750 Amity Road. It is 4.340 acres in size, is served by private water and wastewater and is zoned Rural. The applicant is requesting a Variance from Sections 650.162(a) and 650.0162(b) of the Franklin County Zoning Resolution to allow for a ground-mounted solar array and excavation of soil within the Riparian Setback in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Martin made a motion to approve Variance Case No. VA-3997 with four Staff conditions. It was seconded by Mr. Guyton. The motion was approved by a five-to-zero vote.

The next order of business being Variance Case No. VA-3998. The owner is Karen Ammon. The applicant is Easy Living Pools Builderscape, Inc. The agent is Quintin Ward. The township is Brown Township. The site is located at 8719 Carter Road. It is 10.240 acres in size and is served by private water and wastewater. It is zoned Rural. The applicant is requesting a Variance from Section 513.012(2)(c) of the Franklin County Zoning Resolution to allow the construction of a below-ground swimming pool that would not include a fence in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Martin made a motion to approve Variance Case No. VA-3998. It was seconded by Ms. Armentrout. The motion was approved by a five-to-zero vote.

The next order of business being Conditional Use Case No. CU-3999. The owner is A7 Travel Solutions. The applicant is Aleksandr Yakhnitskiy. The township is Pleasant Township. The site is located at 6001 Lambert Road. It is 3.913 acres in size and is served by private water and wastewater. It is zoned Rural. The applicant is requesting a Conditional Use from Section 302.034 of the Franklin County Zoning Resolution to allow for a nursery and greenhouse use in an area zoned Rural. Mr. 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-3999 with four Staff conditions and the addition of Condition No. 5, that no more than three commercial vehicles may be stored or parked at the site and that they must be affiliated with the operation of the site. Condition No. 6, that any bulk mulch, gravel, sand, or soil must be contained in bins on the site. It was seconded by Mr. Guyton. The motion was approved by a vote of four yeses and one no. Chairperson Baer made a motion to adopt Findings of Fact that the basis for approving the applicant's request for a Condition Use in Case CU-3999 result from the applicant satisfying the criteria for granting a Conditional Use under Section 815.041. It was seconded by Ms. Armentrout. The motion was approved by a vote of four yeses and one abstention.

The next order of business being Variance Application/Conditional Use Case No. VA/CU-4000. The owner is Barbara Tussey. The applicant is Todd Henderson. The agent is Eric Zartman with Underhill & Hodge. The township is Hamilton Township. The site is located at 4813 Grebus Road. It is 5.480 acres in size and is served by private water and wastewater. It is zoned Rural. The applicant is requesting a Conditional Use from Section 302.037 of the Franklin County Zoning Resolution to allow the storage of agricultural products in an area zoned Rural, requesting a Variance from Sections 505.02, 512.02(1), 521.011, 531.011(2), and 531.042(1) to allow for a Dumpster, exceed the maximum number of accessory buildings, reduce screening requirements, parking to be located on gravel and exceed the maximum driveway width in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Martin made a motion to table Case VA/CU-4000 until the July 19, 2021 meeting. It was seconded by Mr. Guyton. The motion was approved by a vote of three yeses and two noes.

There being no further business to come before the Franklin County Board of Zoning Appeals, Mr. Martin made a motion to adjourn the hearing. It was seconded by Ms. Armentrout. The motion was approved by unanimous vote. The proceedings were adjourned at 5:21 p.m.

_____

Signature

Minutes of the May 17, 2021, Franklin County Board of Zoning Appeals hearing were approved this 21st day of June, 2021.

Fisher, Brad M.

From: Eric Zartman <eric@uhlawfirm.com>
Sent: Friday, May 28, 2021 9:14 AM
To: Fisher, Brad M.
Subject: RE: Conditional Use Response Letter - VA/CU-4000 – 4813 Grebus Rd

Follow Up Flag: Follow up
Flag Status: Completed

Hello Brad,

Unfortunately the Applicant has asked to pull these applications and will look for a different property. Thank you for all of your hard work on these applications.

Have a great holiday weekend.

Eric J. Zartman, Esq.
Underhill & Hodge, LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
O: 614-335-9328
M: 614-309-2509

From: Fisher, Brad M. <bradfisher@franklincountyohio.gov>
Sent: Friday, May 21, 2021 9:39 AM
To: Eric Zartman <eric@uhlawfirm.com>
Subject: Conditional Use Response Letter - VA/CU-4000 – 4813 Grebus Rd

Hello Eric,

Attached is your response letter for the conditional use case heard by the BZA last Monday.

Have a good weekend,

Brad M. Fisher
Planner

Franklin County Board of Commissioners
ECONOMIC DEVELOPMENT & PLANNING

Lazarus Building
150 South Front Street, FSL Suite 10
Columbus, Ohio 43215-7104
Tel: 614-525-4684
Fax: 614-525-7155
http://development.franklincountyohio.gov/

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4001

Prepared by: Brad Fisher

Owner/Applicant:	Angel Rodriguez
Township:	Franklin Township
Site:	1700 Little Ave. (PID #140-002315)
Acreage:	0.31-acres
Zoning:	Restricted Urban Residential (R-8)
Utilities:	Public water and sewer
Request:	Requesting a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned Restricted Urban Residential (R-8).

Summary
The applicant is requesting a Variance to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned Restricted Urban Residential (R-8). The request satisfies the criteria necessary for granting a variance. Staff recommends ***conditional approval***.

Description of the Request
The subject site is located on the north side of Little Avenue, just west of Brown Road in Franklin Township. The site is vacant and has direct access to Little Avenue and limited access to a back alley. The site was originally platted as lots 47 and 48 and later combined into one lot in 1979.

The proposed lot split would allow for the new lot and remainder lot to not meet the minimum lot size and lot width requirements.

The minimum permitted lot size is 7,200 square feet and the minimum permitted lot width is 60 feet. The proposed lot sizes are 6,700 square feet with lots being 50 feet wide. The variance request is to reduce the minimum permitted lot size by 500 square feet and reduce the lot width by 10 feet.

Surrounding Area
The subject site and all surrounding properties are in the New City subdivision, which is zoned Restricted Urban Residential (R-8) in Franklin Township. The subdivision was platted in 1922 and is developed with medium-density residential uses.

Area Plan
The Southwest Area Plan, adopted in 2009 recommends the area for low-density residential uses. Corresponding zoning districts include Suburban Residential (R-4) and Restricted Urban Residential (R-8). The Plan provides strategies on how residential development should occur in the area. One strategy is that new development should respect the rural feel of existing corridors by maintaining larger lots along the corridors and locating denser development to the interior of the development sites.

Staff notes that proposed lot sizes will allow for denser development in the recommended area and the request meets the Plan's recommendations.

Staff Review

Variance from Section 312.041(a) – Lot Area and Coverage:

- For each one-family structure there shall be a lot area not less than 7,200 square feet per dwelling unit.
  - The proposed lot and residual lot would be 6,700 square feet in size.
    - A Variance of 500 square feet per lot is required.

Variance from Section 312.042 – Minimum Lot Width:

For a one-family dwelling, there shall be a lot width of 60 feet or more at the front line of the dwelling, and such lot shall have access to and abut on an improved, dedicated, publicly maintained street right-of-way for a distance of 30 feet or more.

- The proposed lot and residual lot would only have a lot width of 50 feet.
  - A Variance of 10 feet pe lot is required.

Technical Review Committee Agency Review

Expressed no concerns with the request.

Staff Analysis

Section 810.041 – Approval of Variance:

The Board of Zoning Appeals shall only approve a variance or modification thereof if all the following findings are made:

1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
   - » The applicant indicated that the lot is currently larger than most lots in the New City subdivision and the proposed configuration would be similar to almost all neighboring lots.
   - » Staff notes that the request is to split the lot in a manner that would match how it was originally platted. Staff agrees that the proposed lot configuration would be similar to the surrounding lots.
2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
   - » The applicant indicated that the Zoning Resolution does not allow for the creation of a lot that would be similar in size to the adjacent lots, which would deprive them the right to split and develop a lot that is similar in size and road frontage as other lots in the New City subdivision.
3) *The special conditions and circumstances do not result from the action of the applicant;*
   - » The subject site was originally platted as lots 47 and 48 in the New City subdivision. These lots were combined in 1979, prior the applicant purchasing the property in 2018.
4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
   - » Staff believes that granting the variance would not confer on the applicant a special privilege as the surrounding lots are similar in size and road frontage.
5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
   - » Staff does not believe granting the variance will have any adverse effects on the community. The subject site has access to public water and sewer and no reviewing agencies have any concerns with the request.

Recommendation
Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***conditionally approve*** a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned Restricted Urban Residential (R-8). The condition is that the applicant must apply for and receive approval of a lot split application with the Franklin County Economic Development and Planning Department.

Resolution
For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:
_____ moves to approve a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4001.

Seconded by: _____

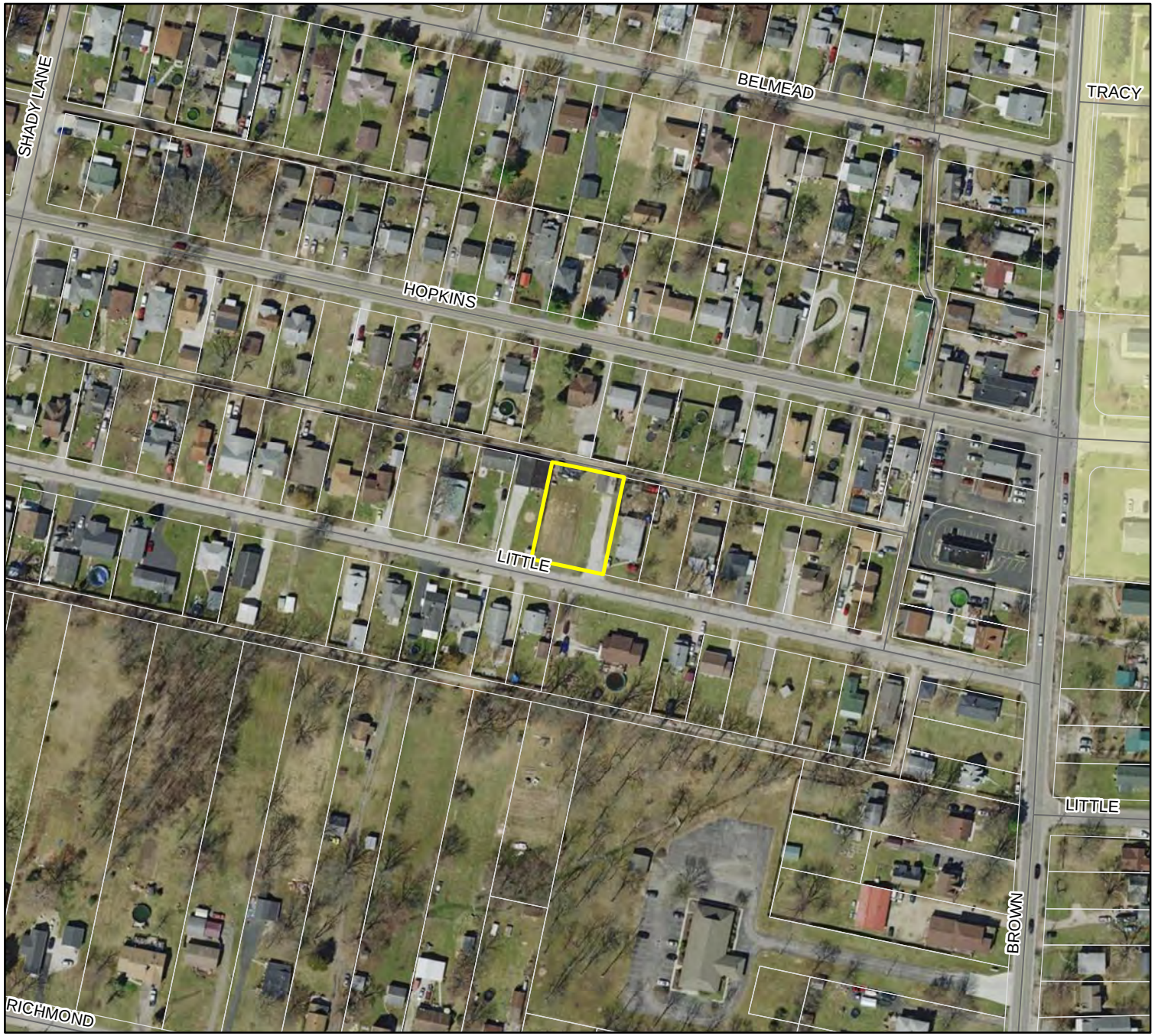
Voting:

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 312.041(a) and 312.042 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4001 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



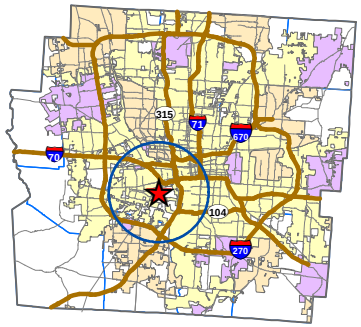
VA-4001

Requesting a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned R-8.

Acres: 0.31-acres
Township: Franklin

Legend

- 1700 Little Avenue
- Minor Roads
- Parcels
- Columbus



Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING
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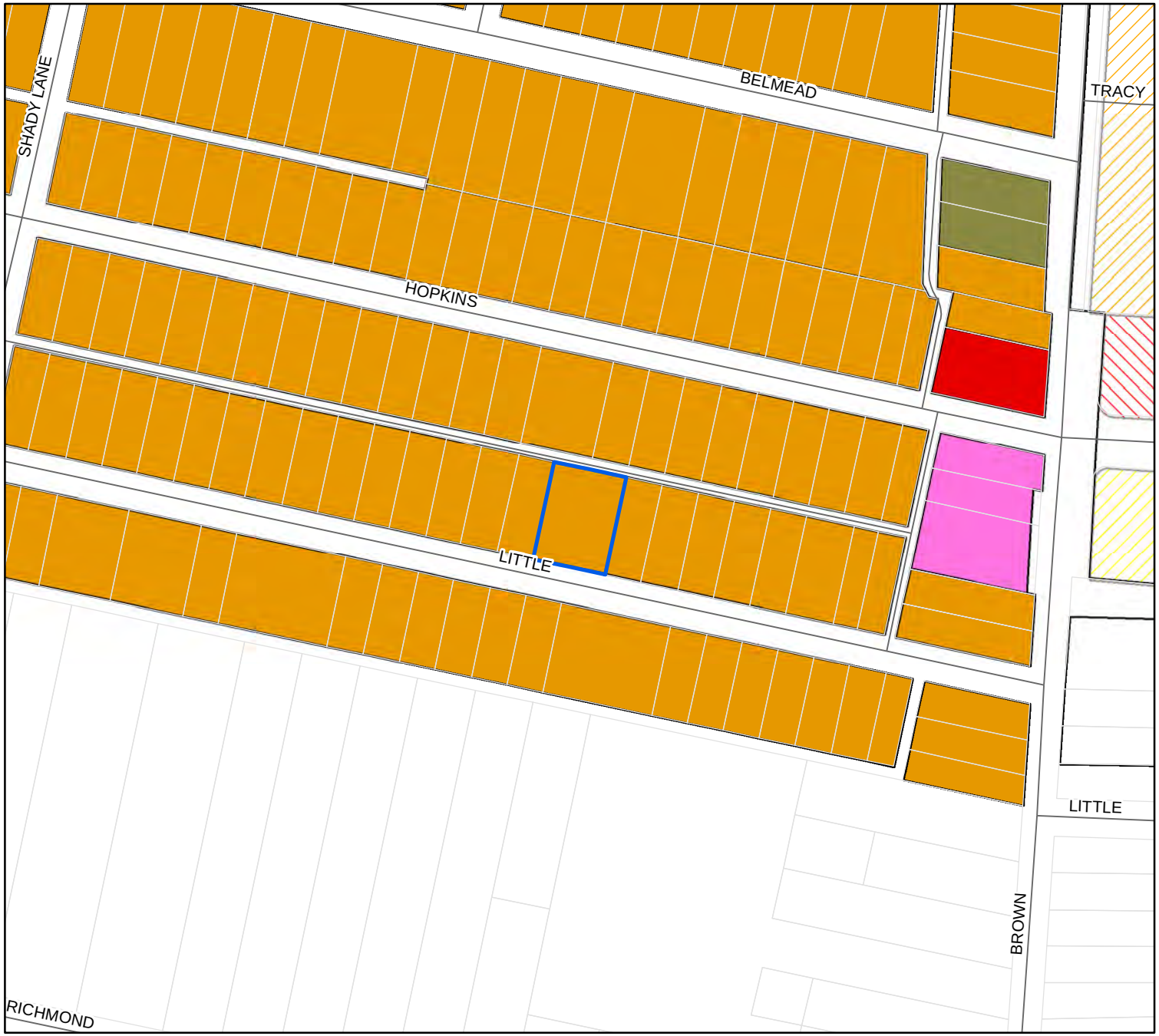


VA-4001

Requesting a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned R-8.

Acres: 0.31-acres
Township: Franklin

Legend

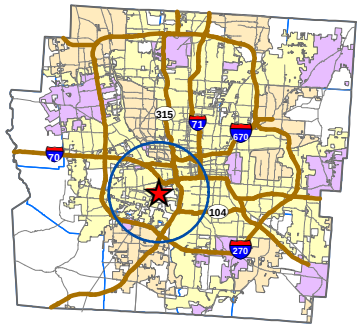
- 1700_Little_Avenue
- Minor Road
- Parcels

Zoning

- Rural
- Restricted Urban Residential
- Urban Residential
- Neighborhood Commercial
- Community Commercial

Columbus Zoning

- Residential
- Multi-family
- Commercial



Franklin County Board of Commissioners
ECONOMIC DEVELOPMENT & PLANNING
1803

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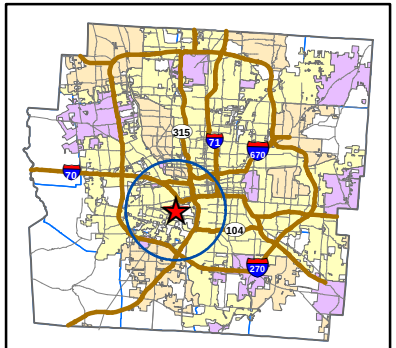
VA-4001

Requesting a Variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned R-8.

Acres: 0.31-acres
Township: Franklin

Legend

- 1700 Little Avenue
- Minor Roads
- Parcels



Franklin County Board of Commissioners
ECONOMIC DEVELOPMENT & PLANNING

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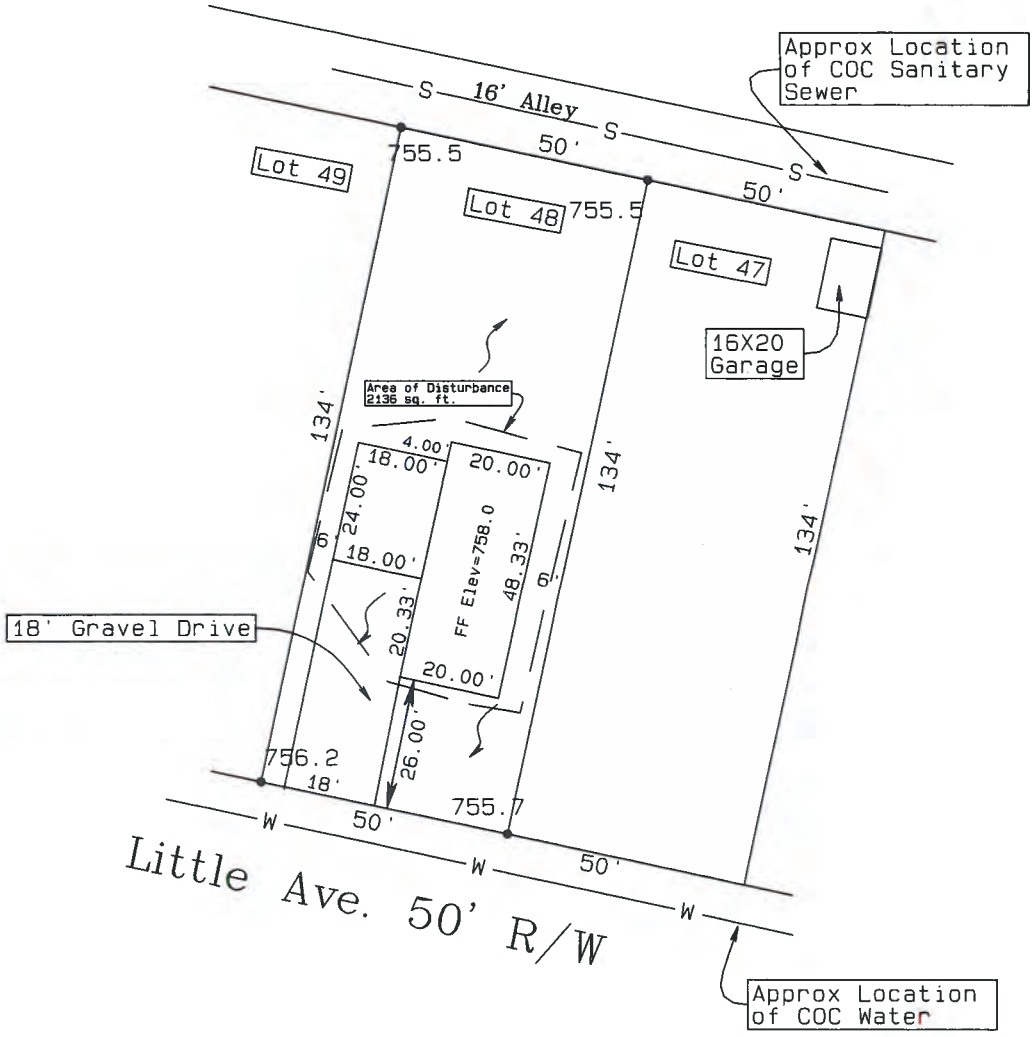
Plot Plan

Angel Rodriguez Spce Home

Situate in the State of Ohio, Franklin County, Township of Franklin, City of Columbus and being all of Lots 48 & 47 of The New City Addition recorded in PB.10 Pg. 346
Auditors parcel # 140-002315-00 (West Half)
Address: 1690 Little Ave.



Graphic Scale 1"=30'

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RECEIVED
MAY 13 2021
Franklin County Planning Department
Franklin County, OH

VA-4001

PREPARED BY:
Douglas L. Moore
8311 Harrisburg London Rd.
Orient, Ohio 43146
Ohio Registered Surveyor
#7011
740-868-7663

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4002

Prepared by: Brad Fisher

Owner/Applicant:	Christopher & Camille Warren
Township:	Norwich Township
Site:	3659 Ridgewood Drive (PID #200-002452)
Acreage:	0.26-acres
Zoning:	Suburban Residential (R-4)
Utilities:	Public water and sewer
Request:	Requesting a Variance from Section 308.042 of the Franklin County Zoning Resolution to allow the construction of an accessory building and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4).

Summary
The applicant is requesting a Variance to allow the construction of an accessory building and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4). The request satisfies the criteria necessary for granting a variance. Staff recommends ***conditional approval***.

Description of Request
The subject site is located on the south side of Ridgewood Drive between I-270 and Dublin Road. The site includes a 2,212 square foot single-family home that was built in 1959. The request is to allow for a 160 square foot accessory building and a 12 square foot chicken coop.

The maximum permitted lot coverage is 20 percent. The existing lot coverage including the home and porch as identified on the site plan submitted is 20 percent. The proposed lot coverage including the home, porch, accessory building and chicken coop would be 21 percent. A variance of 1 percent is required.

History
An accessory building was constructed and attached to the home in approximately 2007. This building was not identified on the site plan submitted and the buildings total square footage is unclear. From aerial imagery it appears the building is approximately 80 square feet.

A driveway expansion occurred in approximately 2018. The driveway configuration including the expansion was identified on the site plan submitted, however the applicant did not submit a zoning compliance to allow for the expansion. Based on the site plan submitted it appears the driveway expansion is 175 square feet.

Staff believes that the total lot coverage including all above mentioned improvements is 23 percent, therefore a variance of 3 percent is required.

Surrounding Area and Zoning
The subject site is located in the northwestern part of the County in unincorporated Norwich Township. The site is part of the Ridgewood Estates No. 2 Subdivision, which was platted in 1960. Properties surrounding the subject site are zoned Suburban Residential (R-4) and developed with single-family residential uses.

Comprehensive Plan
The subject site is located within the planning area of the City of Hilliard Comprehensive Plan. This plan was adopted by Hilliard City Council in 2011. The plan recommends that the current land use remain the same in the area of the subject site. It also recommends a maximum lot coverage of 30 percent for the properties in the area.

The proposed development does not change the existing residential land use and keeps with the plans recommended lot coverage.

Staff Review
Variance from Section 308.042 – Lot Area and Coverage:
- Only 1 principal use shall be permitted on a lot, and such lot shall not be covered more than 20 percent by structure.
    - All existing and proposed improvements would bring the total lot coverage to 23 percent.
        - A variance of 3 percent is required.

Technical Review Committee Agency Review
Expressed no concerns with the request.

Staff Analysis
Section 810.041 – Approval of Variance:
The Board of Zoning Appeals shall only approve a variance if all the following findings are made.

1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
    » The applicant stated that the nature of the existing home is inadequate for serving the family and the proposed accessory building is more feasible than a home addition.
    » Staff notes that the nature of the home as indicated by the applicant and the proposed lot coverage in relation to other properties in the area 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;*
    » Staff believes that a literal interpretation would limit the square footage of improvements allowed as nearby properties have received similar variances for lot coverage in excess of 23 percent. Additionally, the applicant has met all other zoning requirements.
3) *The special conditions and circumstances do not result from the action of the applicant;*
    » Staff does not believe that surrounding properties exceeding the maximum permitted lot coverage is a result of any action taken by the applicant.
4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
    » Staff believes that granting the variance would not confer special privileges on the applicant due to the special circumstances and the recommendation for a maximum lot coverage of 30 percent in the Hilliard Comprehensive Plan.
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 indicated that the accessory building and chicken coop are located outside of platted easements, shingled and painted to match the home.
» Staff believes that granting the variance will not adversely affect the health, safety or welfare of the community.

Recommendation
Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***conditionally approve*** a variance from Section 308.042 of the Franklin County Zoning Resolution to allow the construction of an accessory building and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4). The conditions of approval area as follows:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The site plan submitted with the Zoning Compliance must be updated to reflect all existing and proposed improvements to the property.

Resolution
For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:
_____ moves to approve a variance from Section 308.042 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4002.

Seconded by: _____

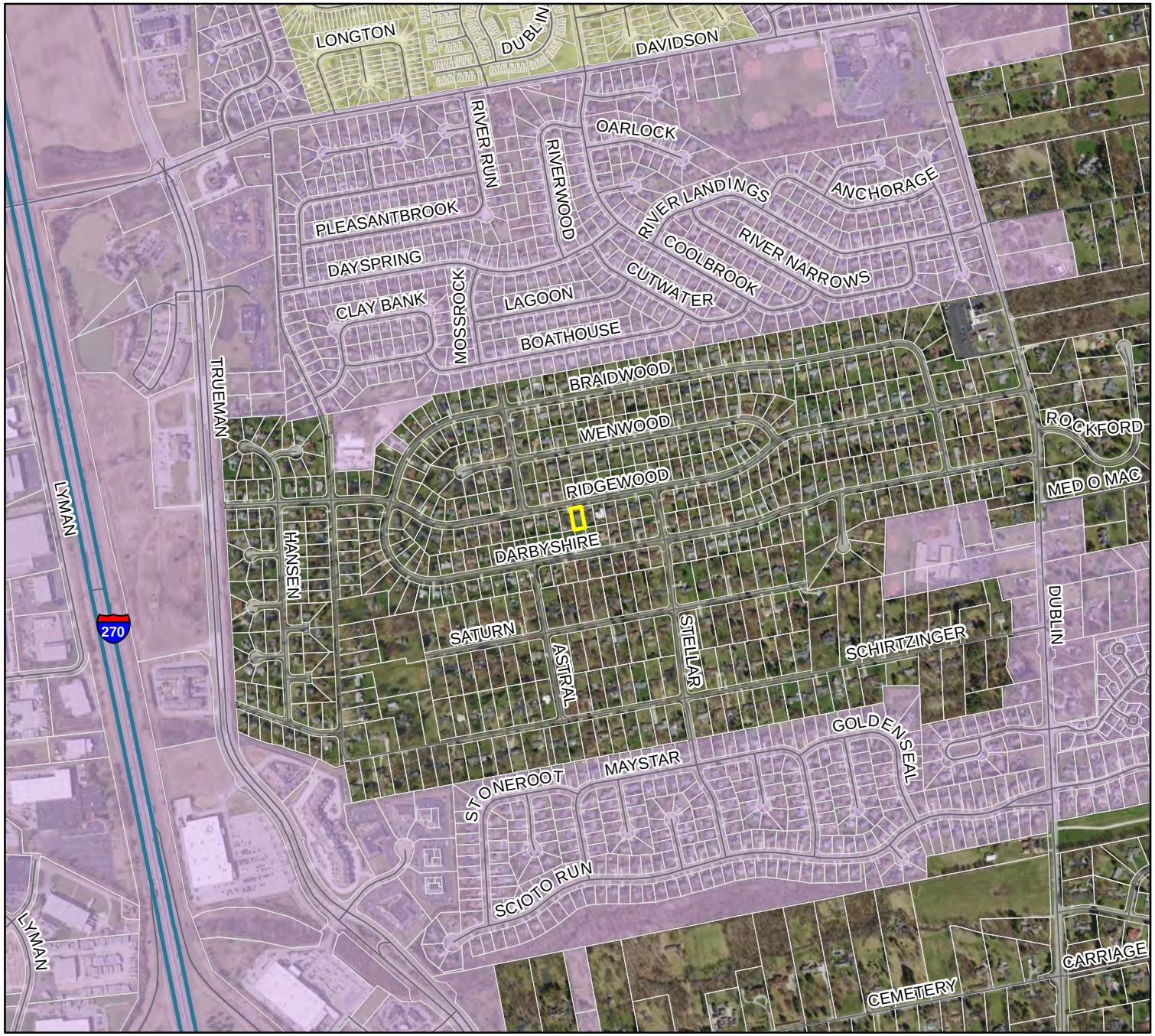
Voting:

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 308.042 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4002 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



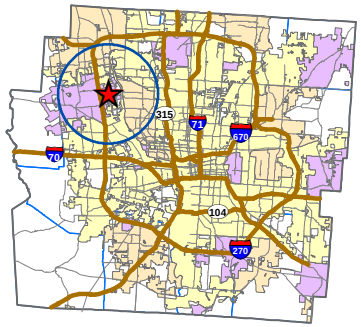
VA-4002

Requesting a Variance from Section 308.042 of the Franklin County Zoning Resolution to allow the construction of an accessory buiilding and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4).

Acres: 0.26-acres
Township: Norwich

Legend

- 3659 Ridgewood Drive
- Interstate
- Minor Roads
- Parcels
- Hilliard
- Columbus



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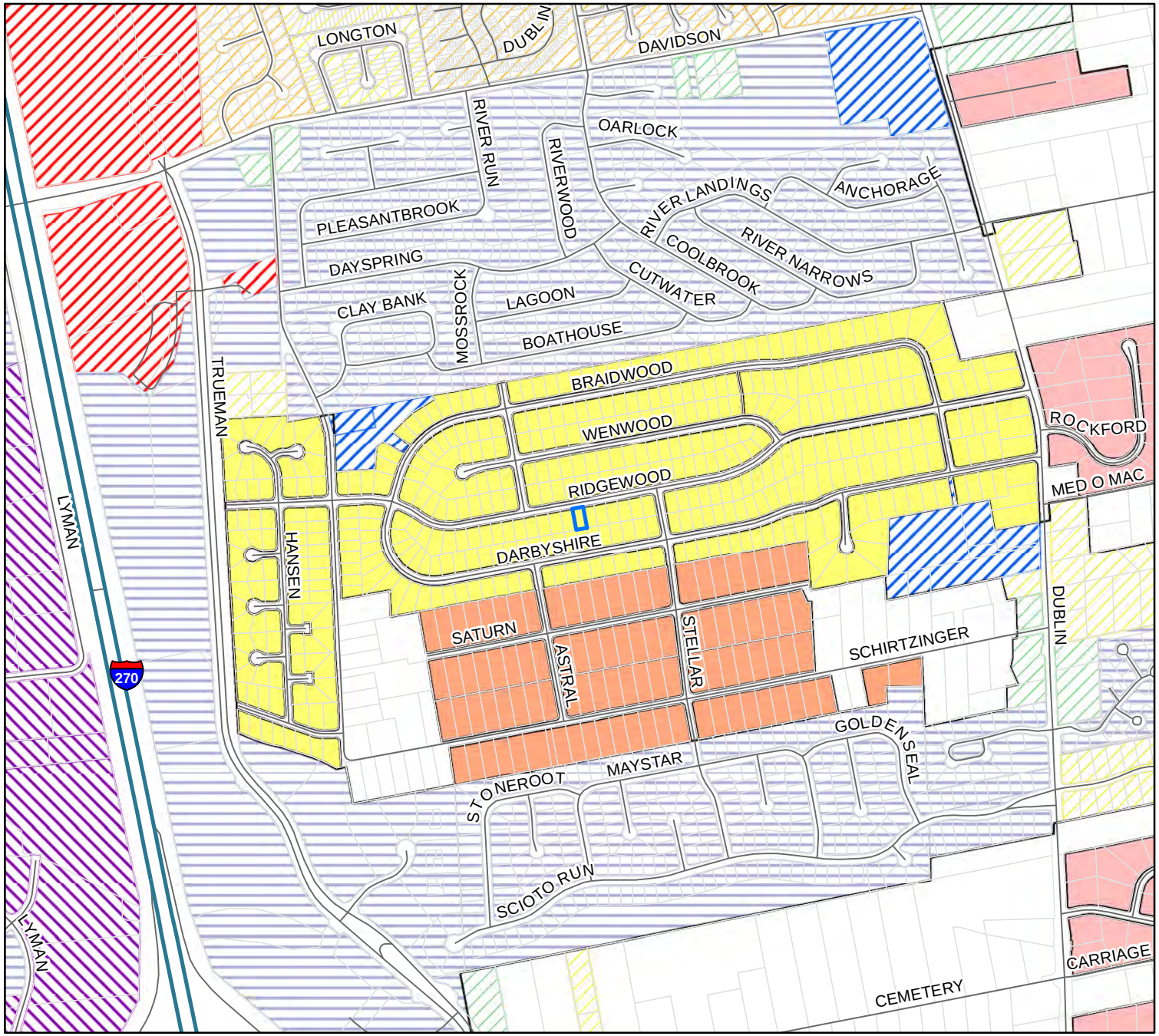


VA-4002

Requesting a Variance from Section 308.042 of the Franklin County Zoning Resolution to allow the construction of an accessory buiilding and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential(R-4).

Acres: 0.26-acres
Township: Norwich

Legend

- 3659 Ridgewood Drive

County Zoning

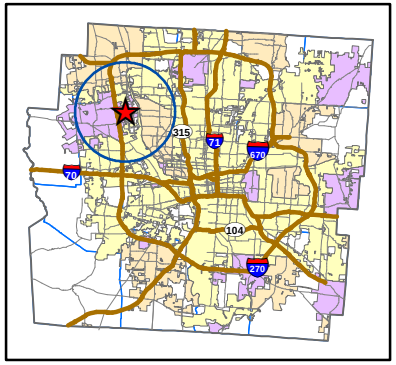
- Rural
- Restricted Suburban Residential
- Limited Suburban Residential
- Suburban Residential

Hilliar Zoning

- Rural Residential
- Low Density Residential
- Moderate Density Residential
- Commercial
- I-270 District
- Planned Unit Development
- Support Facilities

Columbus Zoning

- Residential
- Multi-family



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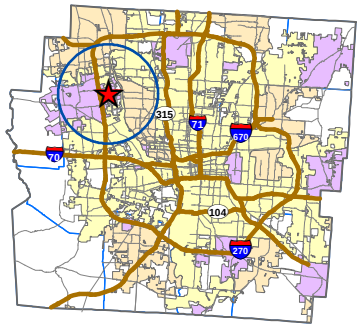
VA-4002

Requesting a Variance from Section 308.042 of the Franklin County Zoning Resolution to allow the construction of an accessory buiilding and chicken coop that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4).

Acres: 0.26-acres
Township: Norwich

Legend

- 3659 Ridgewood Drive
- Minor Roads
- Parcels



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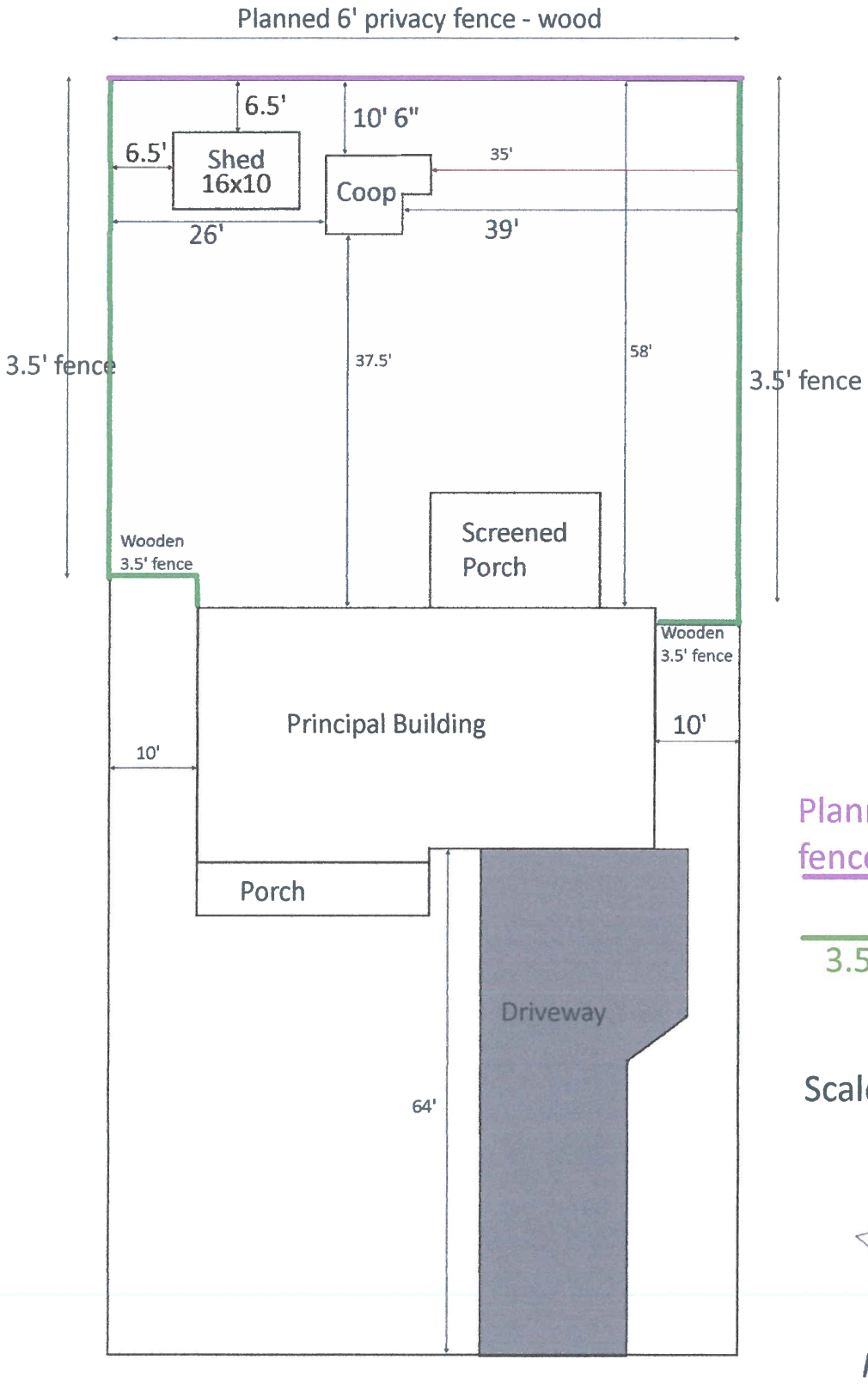


RECEIVED
MAY 13 2021
Franklin County Planning Department
Franklin County, OH

VA-4002

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4003

Prepared by: Brad Fisher

Owner/Applicant:	Jeremy Payne
Township:	Norwich Township
Site:	3940 Ridgewood Drive (PID #200-003296)
Acreage:	0.33-acres
Zoning:	Suburban Residential (R-4)
Utilities:	Public water and sewer
Request:	Requesting a Variance from Sections 308.042 and 512.02(2(i)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4).

Summary
The applicant is requesting a Variance to allow the construction of an accessory building that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4). The request satisfies the criteria necessary for granting a variance. Staff recommends ***conditional approval***.

Description of the Request
The subject site is located on the north side of Ridgewood Drive between I-270 and Schirtzinger Road. The site includes a 2,742 square foot single-family home that was built in 1965 and a 120 square foot accessory building. The request would allow for a 200 square foot accessory building to replace the existing 120 square foot building on the property.

The maximum permitted lot coverage is 20 percent. The existing lot coverage with the home and accessory building is 19.9 percent. The proposed lot coverage including the home and proposed accessory building would be 20.4 percent. A variance of 0.4 percent is required.

Surrounding Area and Zoning
The subject site is located in the northwestern part of the County in unincorporated Norwich Township. The site is part of the Ridgewood West Subdivision, which was platted in 1964. Properties surrounding the subject site are zoned Suburban Residential (R-4) and developed with single-family residential uses.

Comprehensive Plan
The subject site is located within the planning area of the Hilliard Comprehensive Plan. This plan was adopted by Hilliard City Council in 2011. The plan recommends that the current land use remain the same in the area of the subject site. It also recommends a maximum lot coverage of 30 percent for the properties in the area.

The proposed development does not change the existing residential land use and keeps with the plans recommended lot coverage.

Staff Review

Variance from Section 308.042 – Lot Area and Coverage:

- Only 1 principal use shall be permitted on a lot, and such lot shall not be covered more than 20 percent by structure.
  - The proposed accessory building would bring the total lot coverage to 20.4 percent.
    - A variance of 0.4 percent is required.

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

- An accessory structure shall not cause the property to exceed the lot coverage limit of the zoning district in which it is located.
  - The proposed accessory building would bring the total lot coverage to 20.4 percent.
    - A variance of 0.4 percent is required.

Technical Review Committee Agency Review

Expressed no concerns with the request.

Staff Analysis

Section 810.041 – Approval of Variance:

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

1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
   - » The applicant stated that the nature of the existing home is inadequate for serving the family. This lot is much smaller than surrounding lots, which would allow for a much large building. The proposed building would allow for the storage of a riding mower and other personal equipment that otherwise could not fit in the existing accessory building or attached garage.
   - » Staff notes that the nature of the home as indicated by the applicant and its size in relation to other homes and parcels in the area 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;*
   - » Staff believes that a literal interpretation would limit the square footage of structures allowed due to the size of the site and the size of the home. A lot less than 1-acre in size allows for an accessory building to be up to 720 square feet, which is 520 square feet larger than what is proposed. Nearby lots in this subdivision are as large as half an acre, which could allow for the maximum 720 square foot building.
3) *The special conditions and circumstances do not result from the action of the applicant;*
   - » Staff does not believe the size of the lot, home or existing accessory building are a result of actions taken by the applicant. The home was built in 1964, prior to the applicant purchasing the property in 2019. The size of the home has restricted the ability to construct a building that is adequately sized to serve the applicant's needs.
4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
   - » Staff believes that granting the variance would not confer a special privileges on the applicant due to the special circumstances and the recommendation for a maximum lot coverage of 30 percent in the Hilliard Comprehensive Plan.
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 indicated that if the variance is approved the existing accessory building that is in poor condition will be removed. The new building will be custom built and neutral in color, improving the aesthetics of the property.

» Staff believes granting the variance will not adversely affect the health, safety or welfare of the community.

Recommendation
Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***conditionally approve*** a variance from Sections 308.042 and 512.02(2(i)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential (R-4). The condition is that the applicant must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.

Resolution
For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:
_____ moves to approve a variance from Sections 308.042 and 512.02(2(i)) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4003.

Seconded by: _____

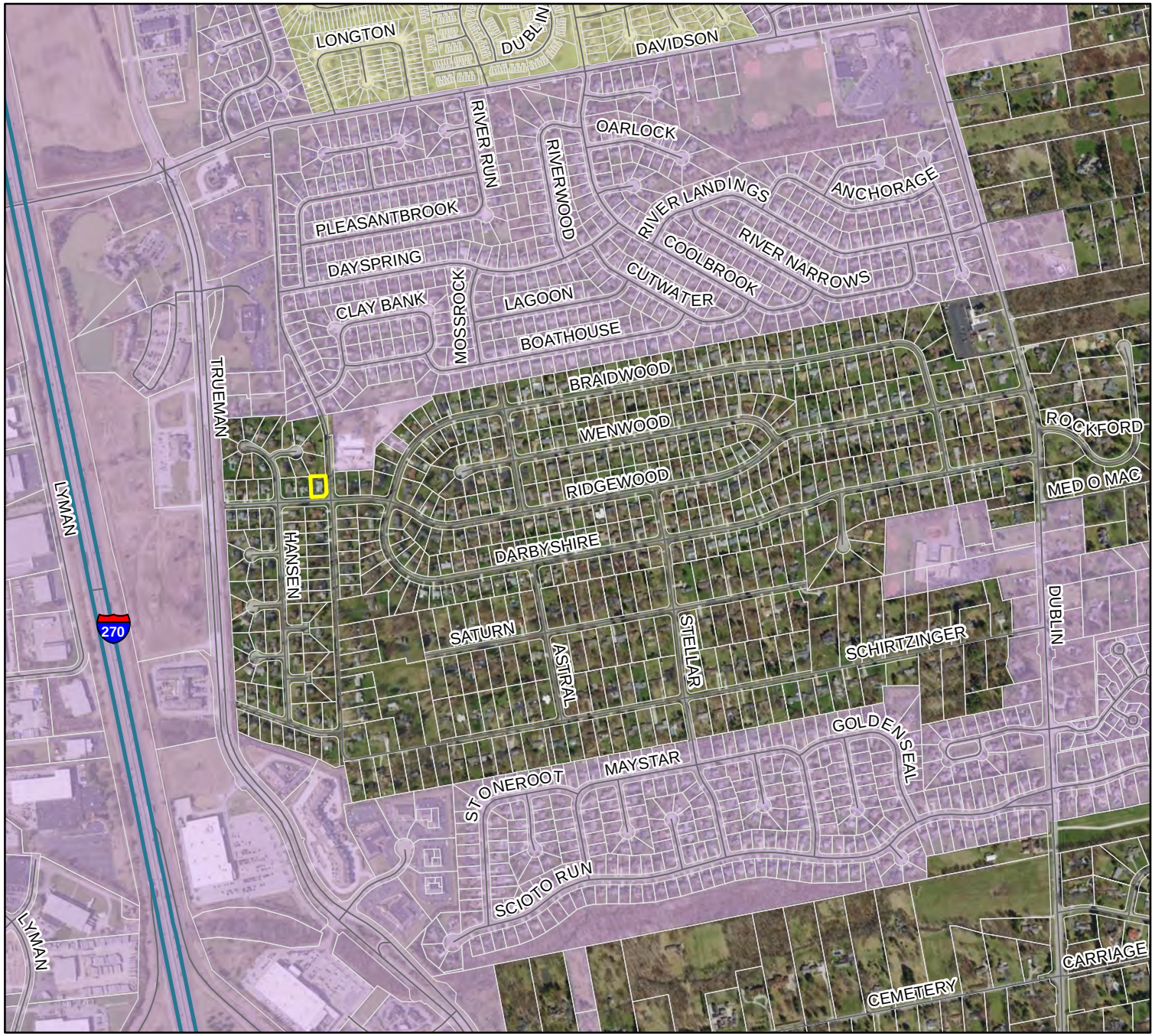
Voting:

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 308.042 and 512.02(2(i)) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4003 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



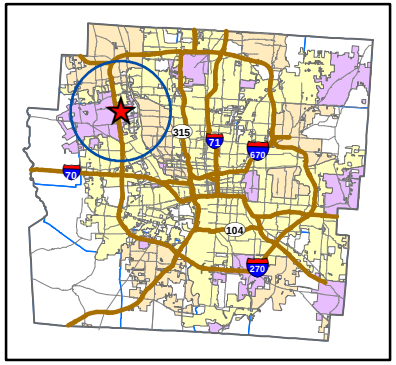
VA-4003

Requesting a Variance from Sections 308.042 and 512.02(2i)) of the Franklin County Zoning Resolution to allow the construction of an accessory buiilding that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential(R-4).

Acres: 0.33-acres
Township: Norwich

Legend

- 3640 Ridgewood Drive
- Parcels
- Hilliard
- Columbus



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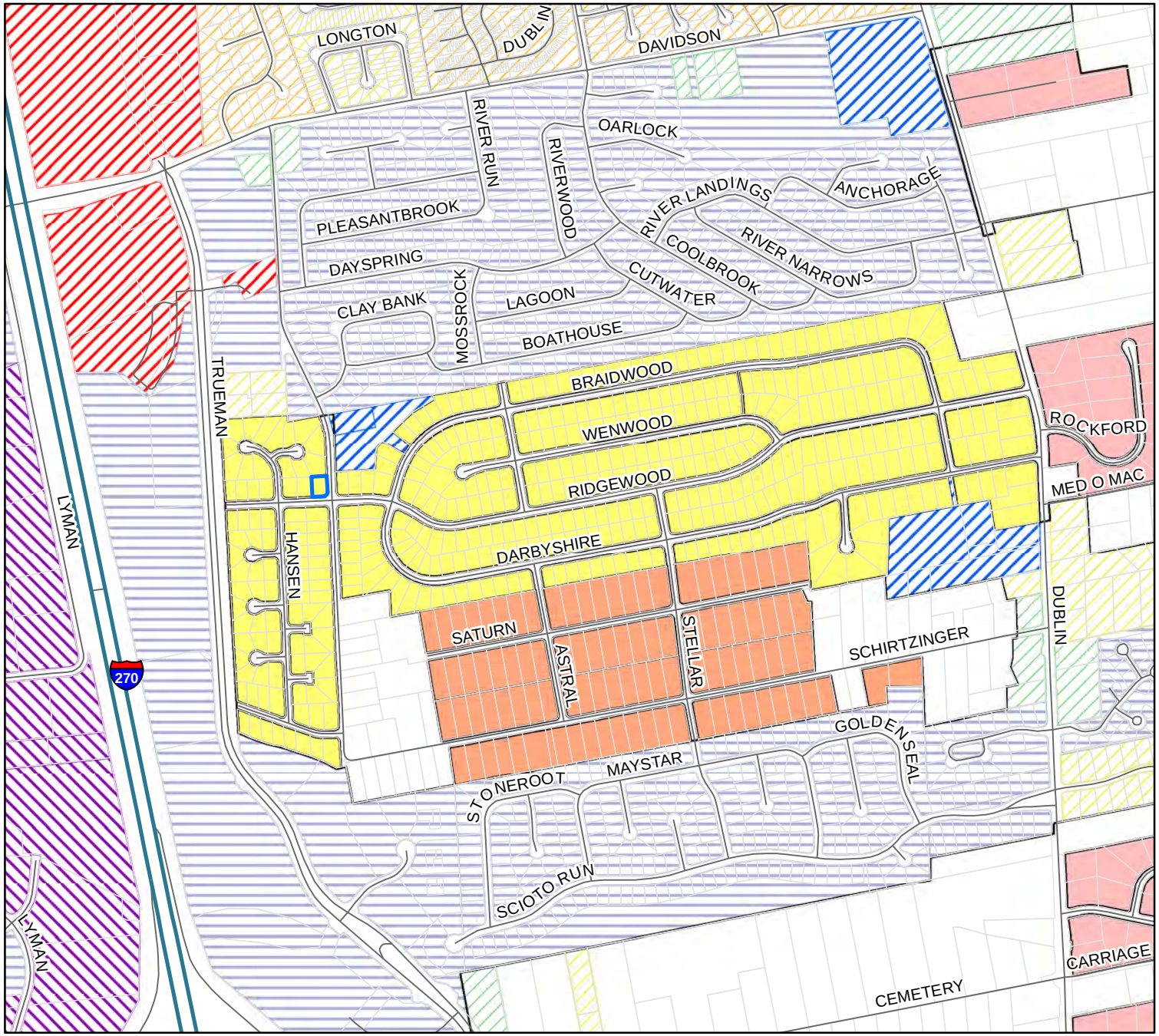


VA-4003

Requesting a Variance from Sections 308.042 and 512.02(2i)) of the Franklin County Zoning Resolution to allow the construction of an accessory buiilding that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential(R-4).

Acres: 0.33-acres
Township: Norwich

Legend

- 3640 Ridgewood Drive

County Zoning

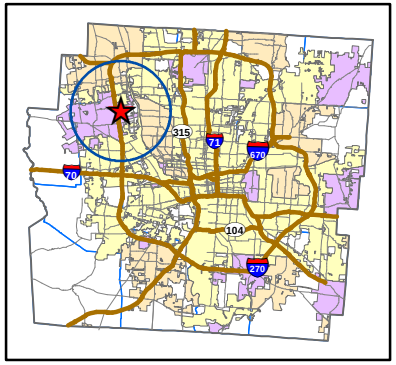
- Rural
- Restricted Suburban Residential
- Limited Suburban Residential
- Suburban Residential

Hilliar Zoning

- Rural Residential
- Low Density Residential
- Moderate Density Residential
- Commercial
- I-270 District
- Planned Unit Development
- Support Facilities

Columbus Zoning

- Residential
- Multi-family



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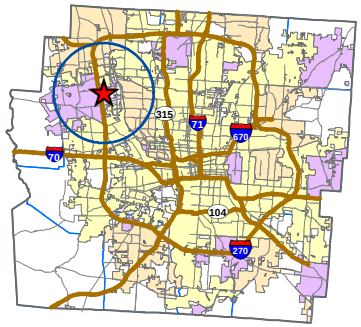
VA-4003

Requesting a Variance from Sections 308.042 and 512.02(2i)) of the Franklin County Zoning Resolution to allow the construction of an accessory buiilding that would cause the site to exceed the maximum permitted lot coverage in an area zoned Suburban Residential(R-4).

Acres: 0.33-acres
Township: Norwich

Legend

- 3640 Ridgewood Drive
- Minor Roads
- Parcels
- Hilliard



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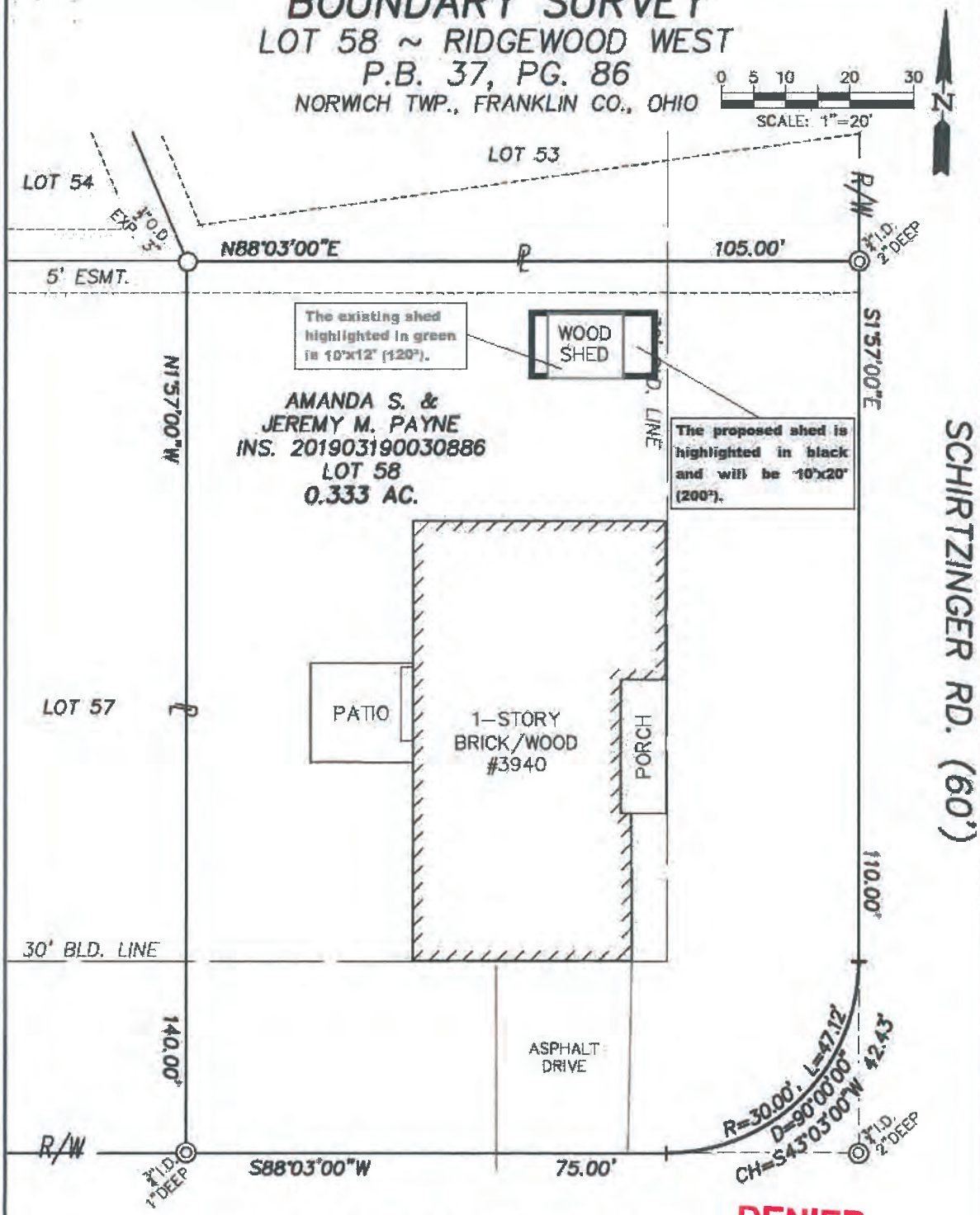
BOUNDARY SURVEY

LOT 58 ~ RIDGEWOOD WEST

P.B. 37, PG. 86

NORWICH TWP., FRANKLIN CO., OHIO



DENIED
TB
R2-21-179
5/5/2021

LEGEND

- ◎ IRON PIPE FOUND
- ○ IRON PIN FOUND
- ℄ PROPERTY LINE
- R/W PUBLIC ROAD RIGHT-OF-WAY

WESTERVILLE LAND SURVEYING, LLC

125A E. HOME ST.
WESTERVILLE, OH 43081
(614) 899-2209

DRAWING NAME: 211888S.DWG

SURVEY NOTES

Bearings hereon are referenced to the plat "Ridgewood West", of record in P.B. 37, Pg. 86. Lot Nos. referenced to same.

Address of subject property is 3940 Ridgewood Dr., Hilliard, OH 43026. PID is 200-003296.

This plat is based on the results of an actual field survey performed on the property under my supervision in April, 2021.

DATE: 4/27/21 REVISED:
JOB No.: 21-188 F.B./PG.: 33/67
CLIENT: MR. JEREMY PAYNE
CLIENT P.O.: N/A

STATE OF OHIO
MICHAEL P. LOMANO
7711
REGISTERED PROFESSIONAL SURVEYOR

BY Michael P. Lomano
OHIO PROFESSIONAL SURVEYOR No. 7711

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4004

Prepared by: Brad Fisher

Owner:	Columbus Regional Airport Authority
Applicant:	Mark Gialluca – Duke Realty
Agent:	James Whitacre – Advanced Civil Design
Township:	Hamilton Township
Site:	1417 Rail Court South (PID #150-000213)
Acreage:	37.455 acres
Zoning:	General Industrial (GI)
Utilities:	Public water and sewer
Request:	Requesting a Variance from Sections 501.012, 501.024(b), 521.19 and 531.032 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial (GI).

Summary
The applicant is requesting a Variance 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial (GI). The request satisfies the criteria necessary for granting a variance. Staff recommends ***conditional approval***.

Description of Request
The subject site is located on the southwest side of the intersection of Rail Court South and Rickenbacker Parkway in the unincorporated Hamilton Township. The site is proposed to include a 582,400 square foot warehouse. The applicant has submitted a Zoning Compliance for the change in use, which is currently under review. The proposed fencing would be located north and south of the existing structure and would be used to secure trucks that would be stored on either side of the warehouse.

Surrounding Area and Zoning
The subject site is located in the southern part of the County in unincorporated Hamilton Township. The use, and most neighboring uses, are in service of the Rickenbacker International Airport; however, some residential uses exist to the west and southwest. The uses that service the airport are primarily industrial and warehousing.

Comprehensive Plan
The subject site is located in the planning area of the South Central Accord. This plan was originally adopted by the County Commissioner's in 1997 but was amended in 2000 and again in 2004. The

Accord's 2000 amendment recommends Industrial uses for the subject site. The proposed development does not conflict with this recommendation.

Staff Review

Variance from Section 501.012 – Fence Height:

- No fence or wall between a street and a principal structure shall be more than three- and one-half feet in height. Elsewhere, no fence shall exceed 6 feet in height.
  - The proposed fence would be 8 feet in height and would be located in front of the principal structure.
    - A variance to allow a fence to be located in front of the principal structure and to be 8 feet in height is required.

Variance from Section 501.024(b) – Fence Materials:

- Chain link fences shall not be permitted between a street and a principal structure.
  - The proposed chain link fence would be located in front of the principal structure.
    - A variance to allow chain link fencing in front of the principal structure is required.

Variance from Section 521.19 – Screening of Loading Areas:

- Open service areas and loading docks shall be screened as follows based on the corresponding zoning district or use in which the open service area or loading dock is located. These standards may be achieved using dense vegetation. Opacity of screening, including dense vegetation, must be 80 percent minimum. More intense industrial properties must be screened at a minimum height of 8 feet to a maximum height of 12 feet.
  - No screening is proposed.
  - A variance to not allow the required screening is required.

Variance from Section 531.032 – Loading Space Setbacks:

- Off-street loading spaces may be located in the required rear or side yard of any commercial and/or industrial district provided that not more than 90 percent of the required rear or side yard is occupied. A loading space shall be setback a minimum of 5 feet from the edge of an existing street or alley right-of-way.
  - The proposed loading spaces would be located in the front yard.
  - A variance to allow loading spaces to not be located in the rear or side yard is required.

Technical Review Committee Agency Review

No Technical Review Committee Agencies expressed concern.

Staff Analysis

Section 810.041 – Approval of Variance:

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

1) Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;

» The applicant stated that the property to the north, which fronts on Rail Court North and Rickenbacker Parkway developed in the same manner and received the same variances for fencing in 2018. Additionally, the north side of the site faces a similar use and the south side of the site faces Vause Road, which has been terminated just east of the sites property line and there is no development south of the site that would be impacted by the development.

» Staff notes that the previously approved variance case stated that the nature of the business requires a large amount of inventory/trucks and need for additional security, which constitutes a special circumstance.

» Staff believes the security needs and the surrounding land uses constitute 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 the nature of warehouse/distribution buildings is to provide loading docks and trailer parking on both sides of the building. A literal interpretation would leave these sides of the site without appropriate security fencing and the property to the north received the same variance for fencing.
   » Staff agrees that a literal interpretation would deprive the applicant of rights commonly enjoyed by others.
3) *The special conditions and circumstances do not result from the action of the applicant;*
   » The applicant stated that the security need is not a result of their actions and most properties in this industrial campus do not have two road frontages as this property does.
   » Staff does not believe the security need and property configuration is a result of actions taken by the applicant.
4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
   » The applicant stated that granting the variance would not confer special privileges as the entire industrial campus received the same variances and is consistent with design and planning.
   » Staff believes the requested variance will not confer special privileges on the applicant due to the nature of the area and the need for security.
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. There are no residing neighbors, the park is master planned and infrastructure was designed with this exact development and it's design in mind.
   » Staff agrees that granting the variance will not adversely affect the health or safety of persons residing or working in the area.

Recommendation
Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***conditionally approve*** a Variance from Sections 501.012, 501.024(b), 521.19 and 531.032 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial (GI). The condition is that the applicant must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.

Resolution
For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:
_____ moves to approve a variance from Sections 501.012, 501.024(b), 521.19 and 531.032 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4004.

Seconded by: _____

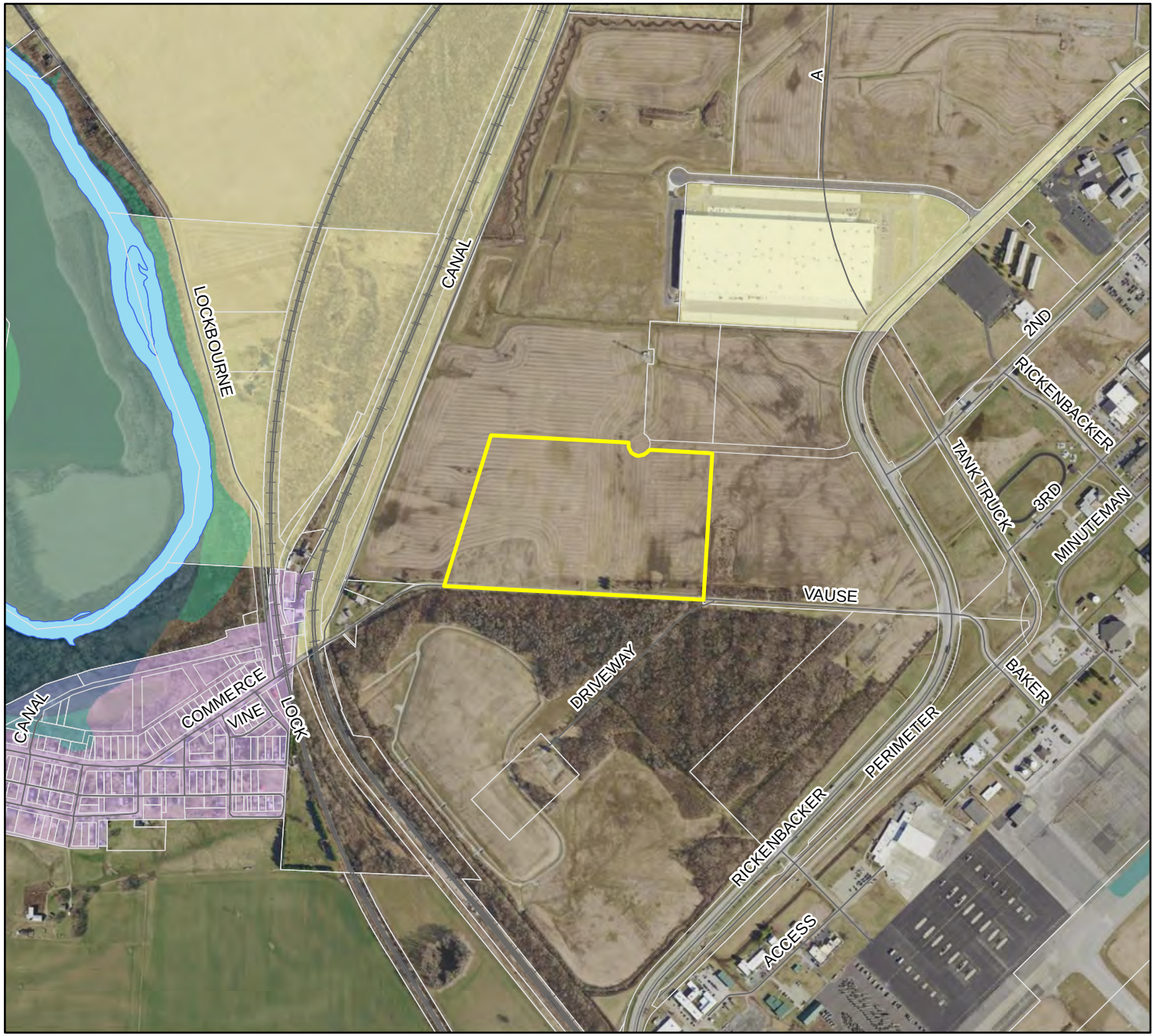
Voting:

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 501.012, 501.024(b), 521.19 and 531.032 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4004 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



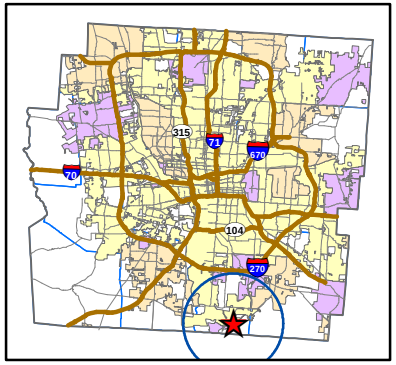
VA-4004

Requesting a Variance from Sections 501.012, 501.024(b), 521.19 and 531.032 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial (GI).

Acres: 37.445-acres
Township: Hamilton

Legend

- Parcels
- Lockbourne
- Columbus
- 1417 Rail Southern Court



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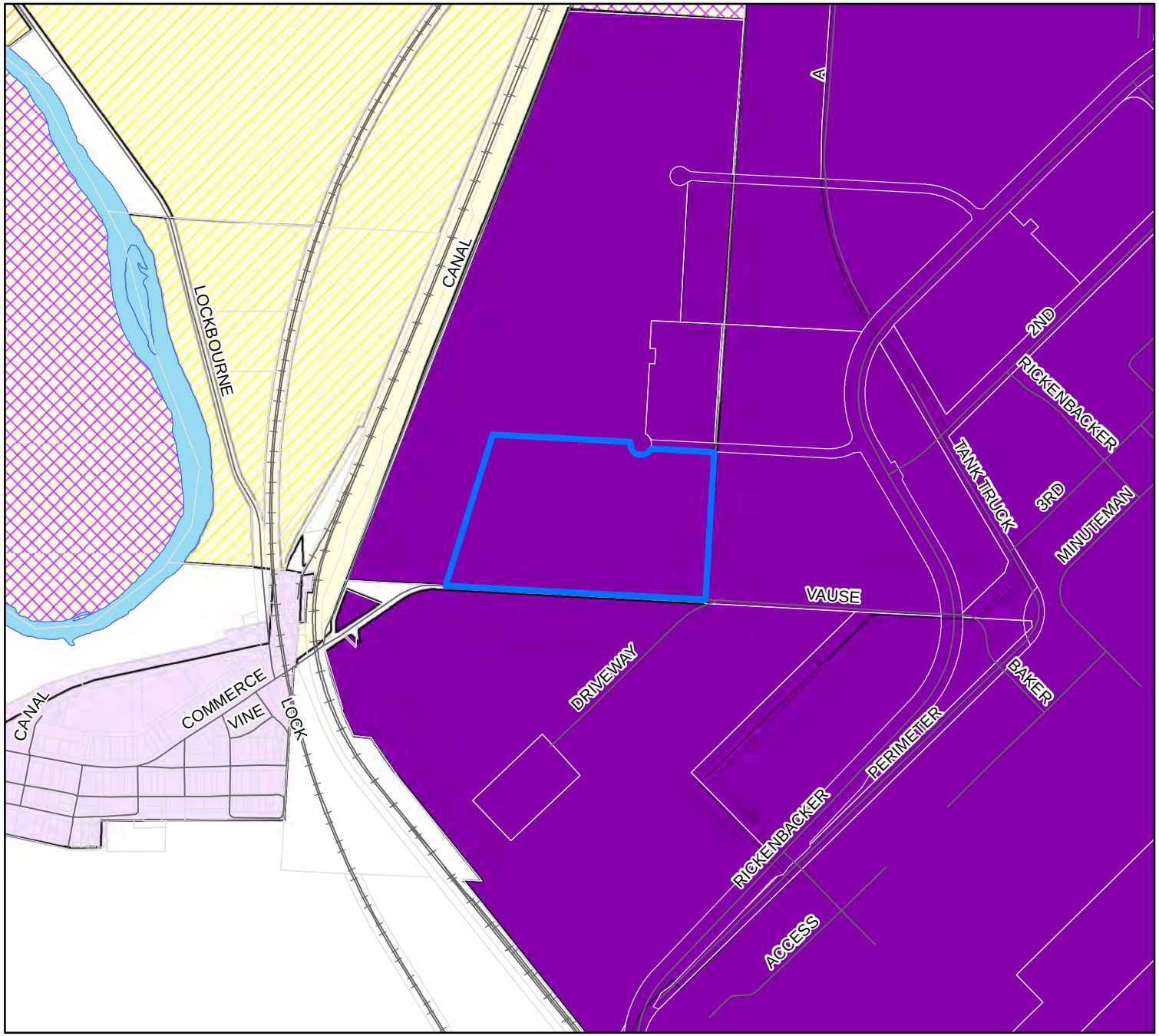


VA-4004

Requesting a Variance from Sections 501.012, 501.024(b), 521.19 and 531.032 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial (GI).

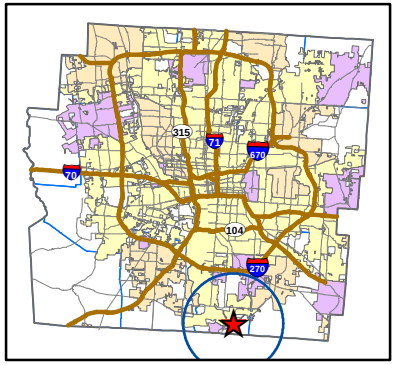
Acres: 37.445-acres
Township: Hamilton

Legend

County Zoning
- Rural
- General Industrial

Columbus Zoning
- Residential
- Multi-family
- Manufacturing

Municipal Boundary
- Lockbourne
- Columbus



Franklin County
Board of Commissioners
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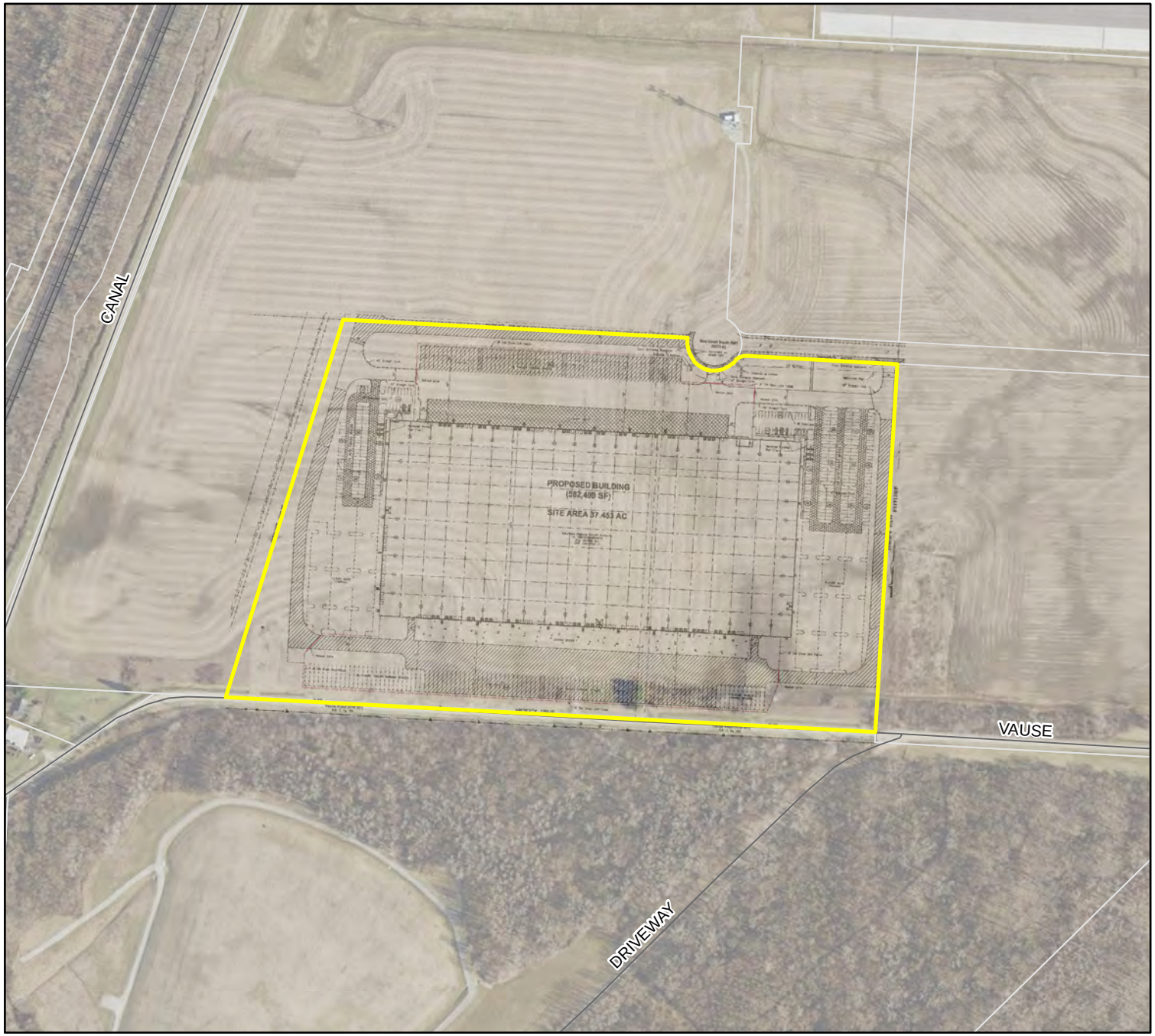


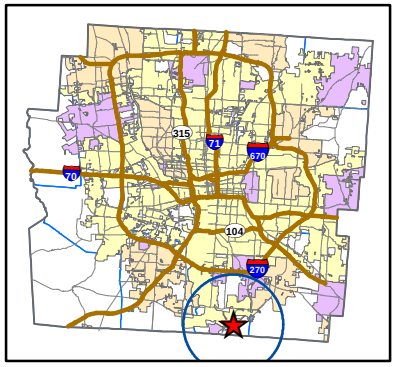
VA-4004

Requesting a Variance from Sections 501.012, 501.024(b), 521.19 and 531.032 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, not provide screening of loading areas and not meet loading space setbacks in an area zoned General Industrial (GI).

Acres: 37.445-acres
Township: Hamilton

Legend

- Minor Roads
- Railroad
- Parcels
- 1417 Rail Southern Court



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Board of Commissioners
ECONOMIC DEVELOPMENT
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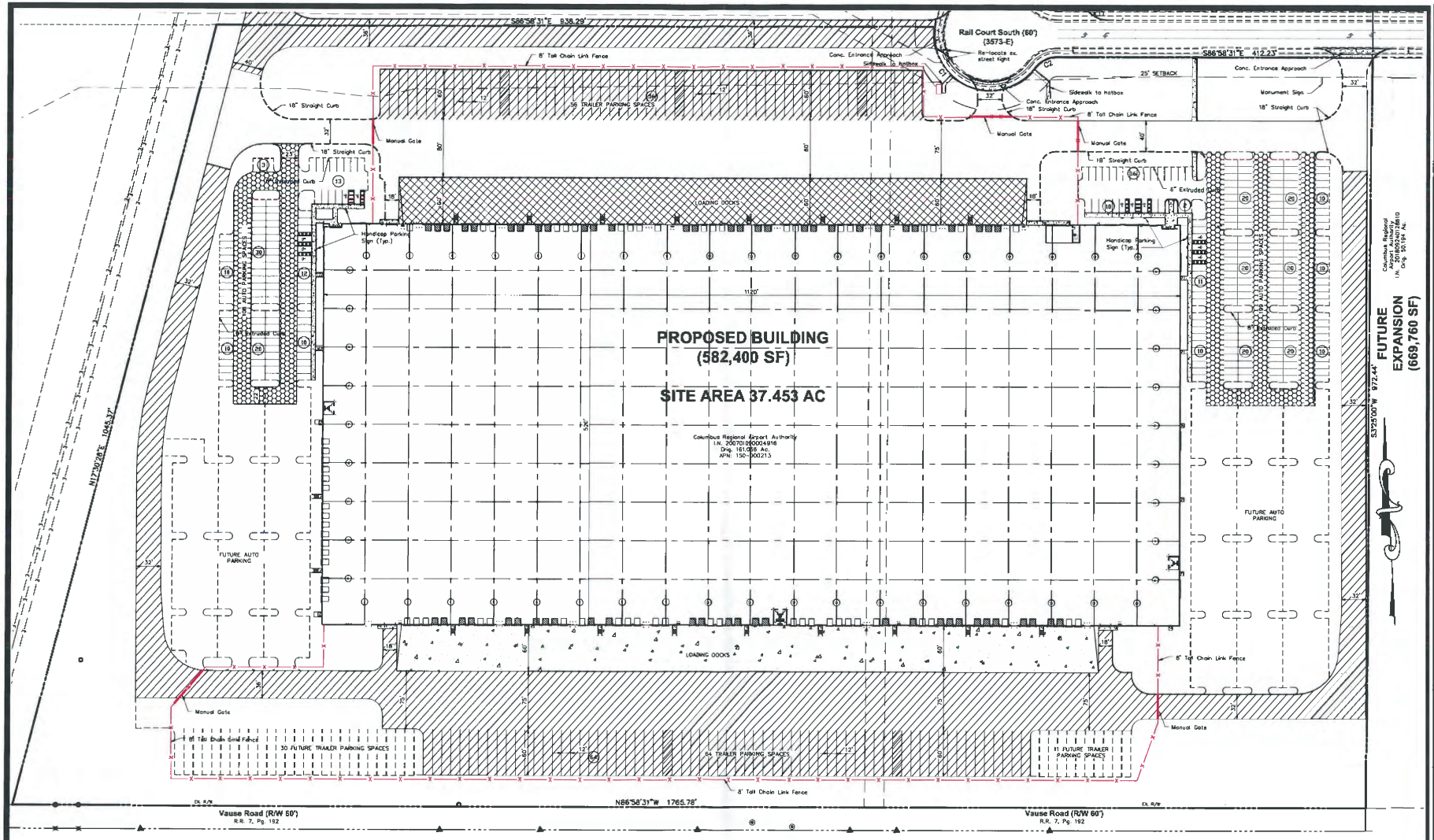


CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DIST.
C1	150°24'34"	73.50'	192.95'	S84°34'28"E	142.13'
C2	052°48'10"	36.50'	33.64'	N66°37'22"E	32.46'

RECEIVED
MAY 13 2021
Franklin County Planning Department
Franklin County, OH
VA-4004

GRAPHIC SCALE
0 30 60 120
1 inch = 60 feet

Duke REALTY
DR LEGAL ENTITY
6640 Riverside Drive, Suite 320
Dublin, OH 43017
614.932.8000 (p)
614.932.8280 (f)

ADVANCED CIVIL DESIGN
781 Science Blvd, Suite 100
Gahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755
ENGINEERS SURVEYORS

Issue Dates:
04/23/2021: SCP SUBMITTAL

Scale: 1" = 60'
Date: 04/21/2021
Drawn By: JLB
Checked By: JDW

RICKENBACKER GLOBAL LOGISTICS
FRANKLIN COUNTY ZONING COMPLIANCE PLAN
FOR
RGLP RAIL SITE #8 BUILDING
SITE PLAN

Drawing Number:
2 / 13

Duke Realty Job Number:
DRCSIA-001

A/E Job Number:
21-0086-08

O:\21-0086-08\DWG\Production Drawings\ZONING\0086-08-FENCE PLAN.dwg SCP Apr 27, 2021 - 2:29:17pm jwilloughby

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4005

Prepared by: Brad Fisher

Owner:	Grant Fullerton
Applicant/Agent:	Breck Crandell – Three Squared Inc
Township:	Brown Township
Site:	7417 Hayden Run Road (PID #120-000242)
Acreage:	1.11-acres
Zoning:	Rural
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Section 302.045 of the Franklin County Zoning Resolution to allow for the construction of a single-family home that would not meet the front building line setback requirements in an area zoned Rural.

Summary
The applicant is requesting a Variance to allow for the construction of a single-family home that would not meet the front building line setback requirements in an area zoned Rural. The request does not satisfy the criteria necessary for granting a variance. Staff recommends ***denial***.

Description of Request
The subject site is located on the south side of the Hayden Run Road, west of Cosgray Road in Brown Township. The site was developed with a 2,036 square foot single-family home in 1895 that was setback 52 +/- feet from the Hayden Run Road street centerline. The old home is proposed to be demolished and the new home is proposed to be setback 34 feet and 6 ½ inches from the street centerline.

The required building line setback for this property is 100 feet measured from the street centerline. However, a reduced setback is permitted if existing structures on both lots adjacent to the site have a setback that is less than the established setback line. The setback on the center lot may be the average setback established on the adjacent lots, which is 80 feet for the subject site.

The required front building setback line for the subject site is 80 feet and the proposed setback is 34 feet and 6 ½ inches. A variance of 45 feet and 5 ½ inches is required.

Surrounding Area and Zoning
The subject site and all surrounding properties are zoned Rural in Brown Township. The surrounding properties are primarily developed with low-density residential uses and include active agricultural fields.

Comprehensive Plan
The Brown Township Comprehensive Plan, adopted in 2005, includes a Future Land Use Map that recommends the site as Residential Transitional with a maximum density of 1 net dwelling units per acre.

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

Staff Review

Variance from Section 302.045 – Front Yard: A structure shall locate no closer to a street right-of-way than the established building line. A building line shall be established from the centerline of that right-of-way a distance equal to the width of the existing right-of-way or the width of the right-of-way proposed in the Franklin County Thoroughfare Plan. However, Section 504.014 of the Zoning Resolution states that if existing structures or uses on both lots adjacent to a lot have a setback less than the setback line stablished by these Regulations, the setback on the center lot shall be the average setback established on the adjacent lots.

- The Franklin County Thoroughfare Plan requires 100 feet of ROW for this site. The two adjacent properties to the east and west have an established front building line of approximately 80 feet.
  - The proposed home would be setback 34 feet and 6 ½ inches from the street centerline.
    - A variance of 45 feet and 5 ½ inches is required.

Technical Review Committee Agency Review

Franklin County Engineer's Office

The Franklin County Thoroughfare Plan identifies this section of Hayden Run Road as a Minor Arterial, which requires a minimum of 50 feet of ROW measured from the street centerline. The FCEO's office does not support any proposed structures to be located within the ROW as recommended by the Thoroughfare Plan.

No other agencies expressed any concerns with the request.

Staff Analysis

Section 810.041 – Approval of Variance:

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

1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
   - » The applicant stated that the subject site is triangular in shape, which is unique to this parcel and limits the buildable site area based on required setbacks.
   - » Staff agrees that the shape of the lot, along with the existing detached garage and well locations and required rear yard setback makes it difficult to meet all required development standards of the Zoning Resolution. However, the proposed home could be reconfigured in a manner that would stay out of the recommended 50-foot ROW, 50-foot rear yard setback and not impact the existing well and detached garage.
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 meeting all setback requirements on this triangular shaped lot leaves very little buildable area.
   - » Staff agrees that a literal interpretation of the Zoning Resolution would deprive the applicant of rights commonly enjoyed by others based on the shape of the lot, required setbacks, well location and existing detached garage. However, if the proposed home were reconfigured it could still meet the rear yard setback, not impact the well and detached garage and meet the Thoroughfare Plan setback of 50 feet.
3) *The special conditions and circumstances do not result from the action of the applicant;*
   - » The applicant stated that the triangular shape of the lot is not a result from any action of the applicant.

» Staff agrees that the lot configuration is not a result of the applicant. However, Staff believes the home could be setback farther than what is proposed. If the home were reconfigured the variance request could be reduced from 45 feet and 5 ½ inches to 30 feet.

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 a special privilege. Most lots adjacent to this parcel are rectangular in shape. The closest oddly shaped lot has a residence that is setback 50 +/- feet from the Hayden Run Road street centerline.
   » Staff agrees that the nearest oddly shaped lot has a home setback 50 +/- feet from the street centerline. The subject site also has the ability to have a home setback 50 feet from the street centerline, therefore the applicant should be held to that standard.
5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
   » Staff believes that if the variance is approved as requested the development could have negative impacts to the public welfare and future public improvements. Future roadway improvements and a roadway expansion would be limited if the Franklin County Thoroughfare Plan recommendations are not met. Additionally, the Franklin County Engineer's office does not support the variance as requested.

Recommendation
Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***deny*** a Variance from Section 302.045 of the Franklin County Zoning Resolution to allow for the construction of a single-family home that would not meet the front building line setback requirements in an area zoned Rural.

Resolution
For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:
_____ moves to approve a variance from Section 302.045 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4005.

Seconded by: _____

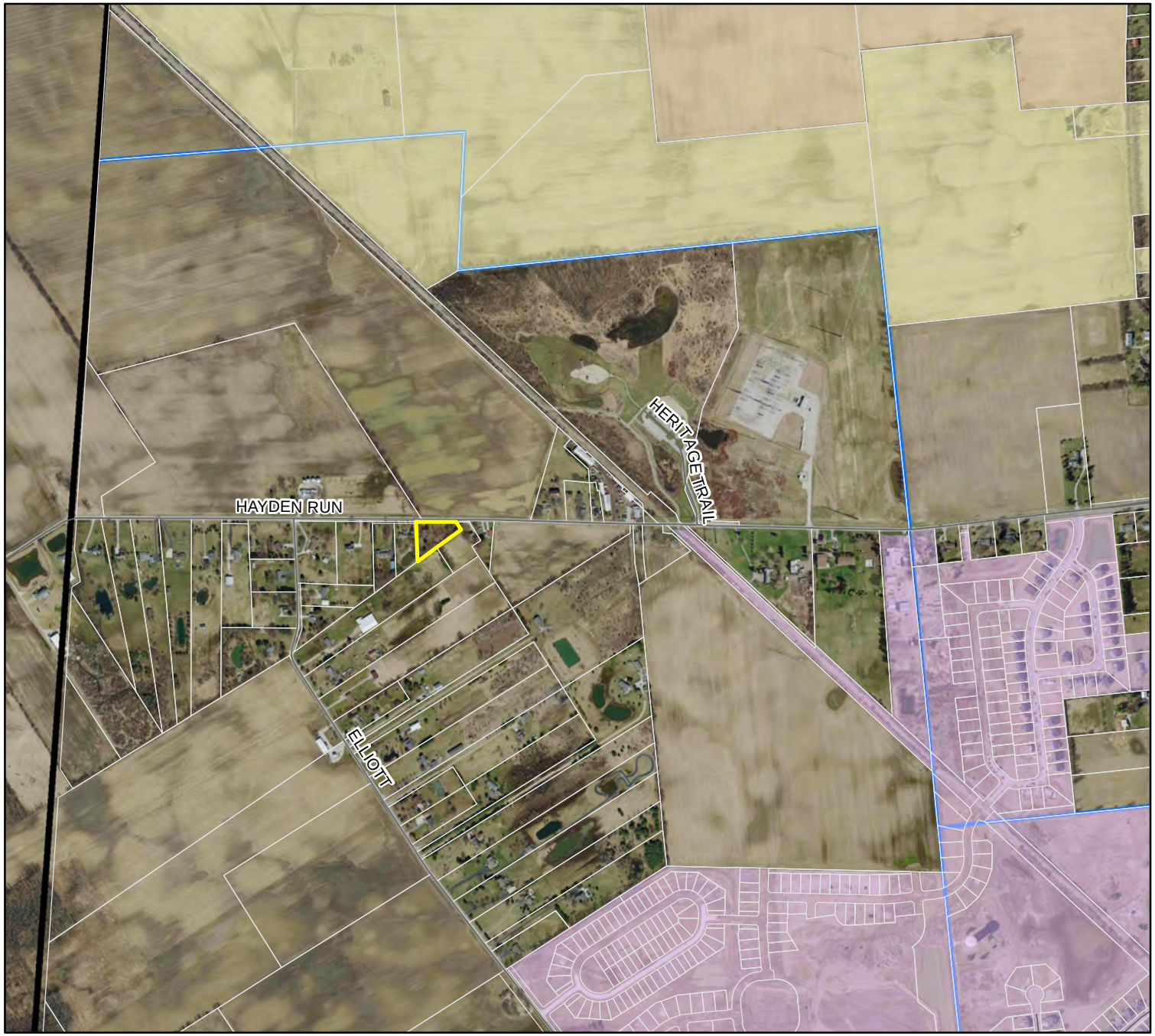
Voting:

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 302.045 of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4005 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



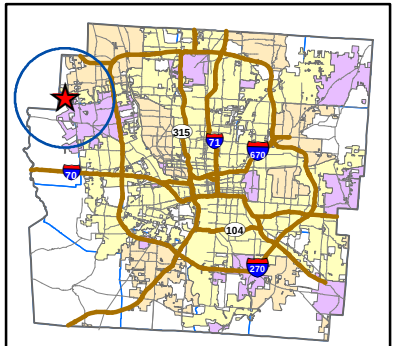
VA-4005

Requesting a Variance from Section 302.045 of the Franklin County Zoning Resolution to allow for the construction of a single-family home that would not meet the building line setback requirement in an area zoned Rural.

Acres: 1.11-acres
Township: Brown

Legend

- 7417 Hayden Run Road
- Parcels
- Hilliard
- Columbus
- Dublin
- County Boundaries
- Historic Townships



Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
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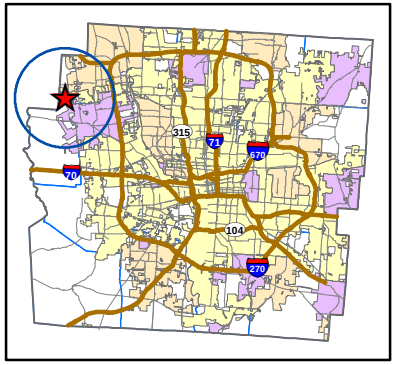
VA-4005

Requesting a Variance from Section 302.045 of the Franklin County Zoning Resolution to allow for the construction of a single-family home that would not meet the building line setback requirement in an area zoned Rural.

Acres: 1.11-acres
Township: Brown

Legend

- 7417 Hayden Run Road
- Minor Roads
- Parcels



Franklin County Board of Commissioners
ECONOMIC DEVELOPMENT & PLANNING
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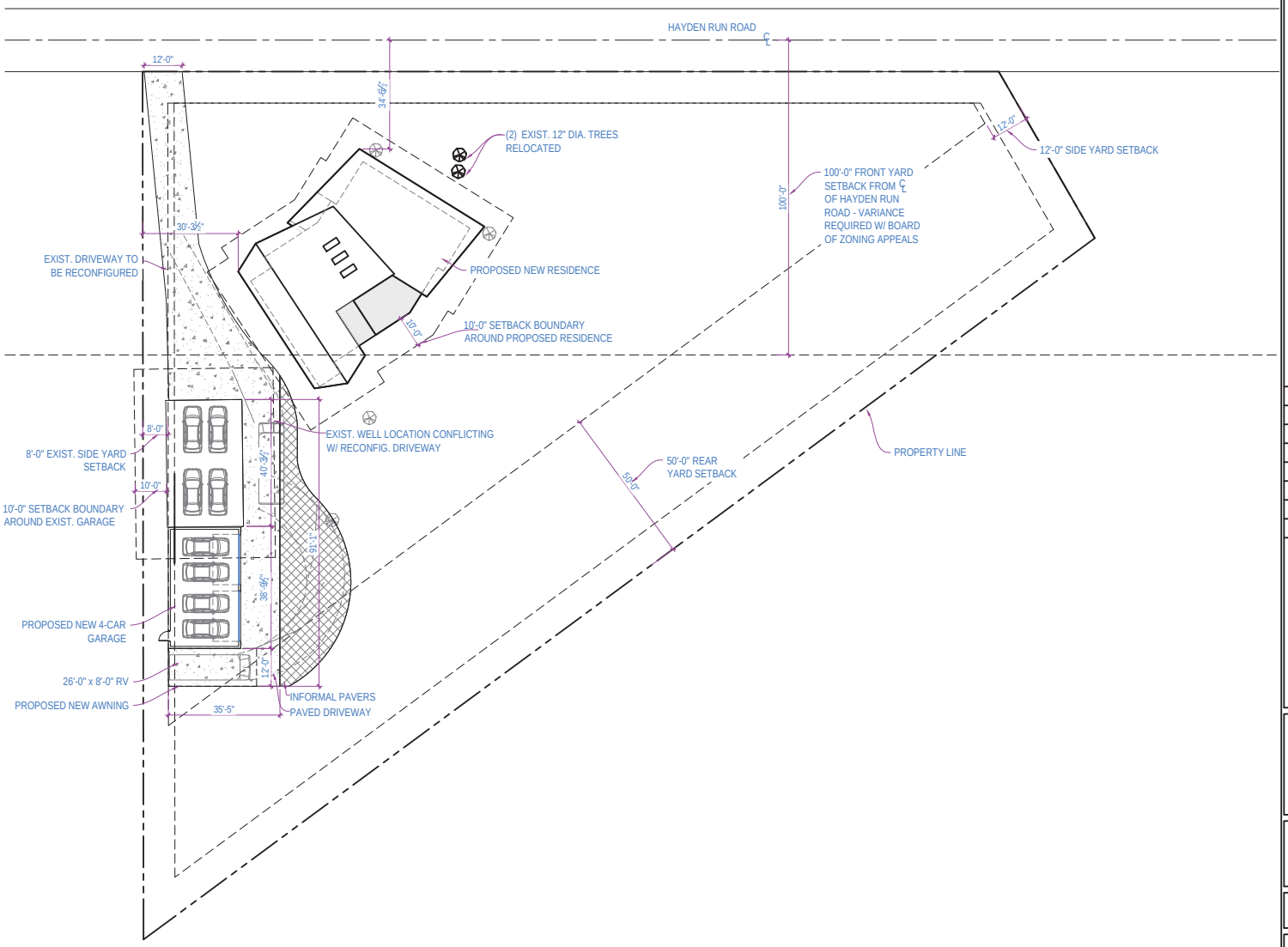


General Notes

No.	Revision/Issue	Date

ThreeSquared
THREE SQUARED INC.
2541 TRUMBULL STREET
DETROIT, MICHIGAN 48216

Project Name and Address:
MARIPOSA HOUSE
7417 HAYDEN RUN RD.
HILLIARD, OH 43026

Sheet Contents:
SITE PLAN OPTION 4

Project
MARIPOSA HOUSE

Date
APRIL 14, 2021

Scale
AS NOTED

Sheet
AS.1.5

-- COPYRIGHT THREE SQUARED INC 2021 NOT FOR CONSTRUCTION --

FINISH LEGEND

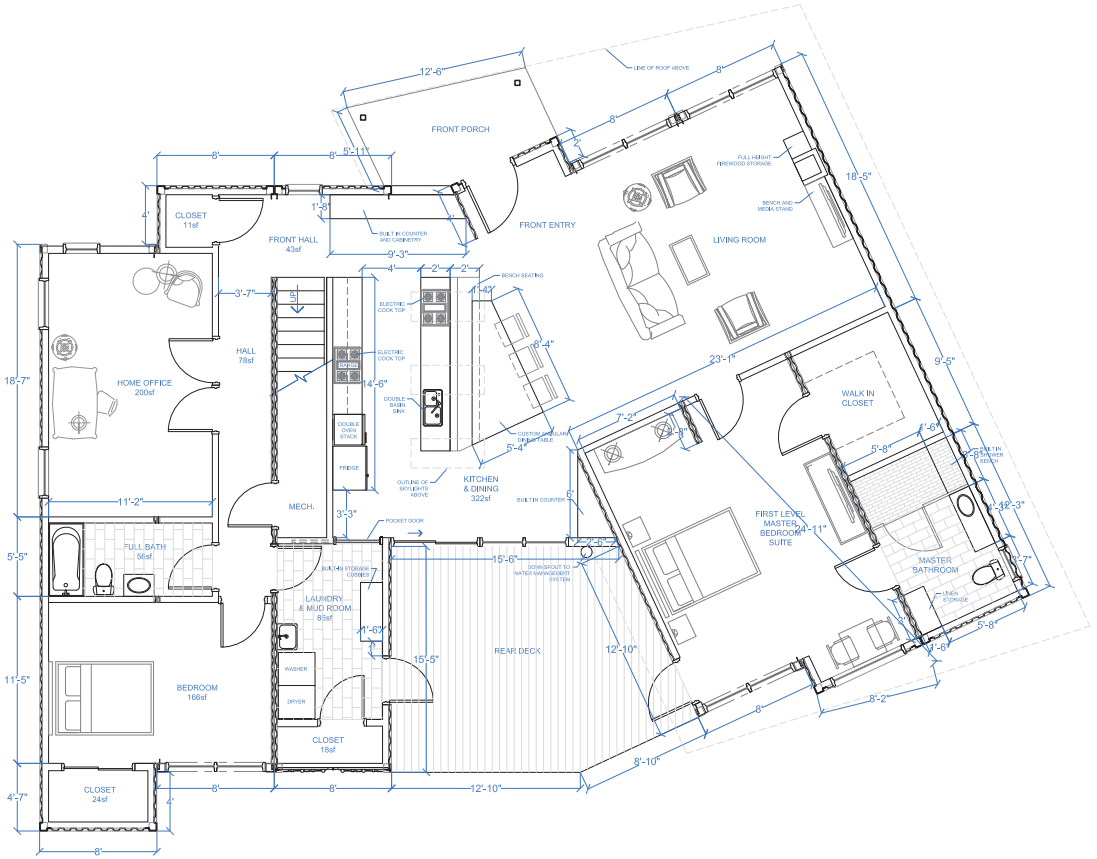
- XXX — ROOM NUMBER
- X — BASE FINISH TAG
- X — WALL FINISH TAG
- X — FLOORING FINISH TAG

ROOM FINISH NOTES

1. ALL INTERIOR FINISHES TO HAVE A FLAME SPREAD OF CLASS II.
2. CONTRACTOR SHALL CAULK AS REQUIRED FOR A COMPLETE FINISHED JOB @ ALL JOINT CONDITIONS .
3. ALL VISIBLE WALL MOUNTED COVER PLATES AND ACCESS PANELS ARE TO BE DECORA STAINLESS STEEL UNLESS NOTED OTHERWISE.
4. ALL PAINT FOR HOLLOW METAL FRAMES AND HORIZONTAL PAINT GRADE SURFACES TO BE SEMI-GLOSS UNLESS OTHERWISE NOTED.
5. PAINTING NOTES
   A. ALL GYPSUM SURFACES TO RECEIVE ONE COAT OF LATEX PRIMER SEALER AND TWO COATS EGGSHELL FINISH PAINT UNLESS NOTED OTHERWISE. FINISH COATS TO BE UNIFORM AND SMOOTH IN COLOR, SHEEN AND TEXTURE.
   B. ALL PAINTED INTERIOR STEEL SURFACES – FACTORY PRIMED – SHALL RECEIVE TOUCH-UP W/ ALKYD LATEX PRIMER, TWO COATS ALKYD LATEX ENAMEL – SEMI – GLOSS. (SAND BETWEEN COATS)
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AS REQUIRED TO PROVIDE ACCURATE LAYOUTS FOR ALL ITEMS SPECIFIED

GENERAL NOTES

1. STUDS SHALL BE INSTALLED SEATED SQUARELY (WITHIN 1/16") AGAINST THE WEB PORTION OF THE TOP AND BOTTOM TRACKS. TRACKS SHALL REST ON A CONTINUOUS, UNIFORM BEARING SURFACE.
2. VERTICAL ALIGNMENT (PLUMBNESS) OF STUDS SHALL BE WITHIN 1/960TH (1/8" IN 10'-0") OF THE SPAN. HORIZONTAL ALIGNMENT OF WALLS SHALL BE WITHIN 1/960TH (1/8" IN 10'-0") ON THEIR RESPECTIVE DISTANCES.
3. SPACING OF STUDS SHALL NOT BE MORE THAN ± 1/8" FROM THE DESIGNED SPACE PROVIDED THAT THE CUMULATIVE ERROR DOES NOT EXCEED THE REQUIREMENTS OF THE FINISH MATERIALS.
4. ALL DIMENSIONS ARE TO FINISH FACE UNLESS OTHERWISE NOTED.
5. ALL BLOCKING IN WALLS SHALL BE FIRE RETARDANT.
6. PROVIDE FIRE EXTINGUISHER AS DIRECTED BY FIRE MARSHALL.
7. CONFIRM FURNITURE ARRANGEMENT W/ TENANT PRIOR TO ELECTRICAL ROUGHING & BOARDING OF WALLS.
8. PROVIDE 1" TO 2" MINUMUM CLEARANCE FOR TENANT SYSTEM FURNITURE.



PLAN NORTH

1 / A.101 FIRST FLOOR PLAN
1/4" = 1'-0"

General Notes

No.	Revision/Issue	Date

THREE SQUARED INC.
2541 TRUMBULL STREET
DETROIT, MICHIGAN 48216

Project Name and Address:
MARIPOSA HOUSE
7417 HAYDEN RUN RD.
HILLIARD, OH 43026

Sheet Contents:
FIRST FLOOR PLAN

Project: MARIPOSA HOUSE
Date: MARCH 17, 2021
Scale: AS NOTED

Sheet: A.101

-- COPYRIGHT THREE SQUARED INC 2021 NOT FOR CONSTRUCTION --

FINISH LEGEND

- XXX — ROOM NUMBER
- X — BASE FINISH TAG
- X — WALL FINISH TAG
- X — FLOORING FINISH TAG

ROOM FINISH NOTES

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GENERAL NOTES

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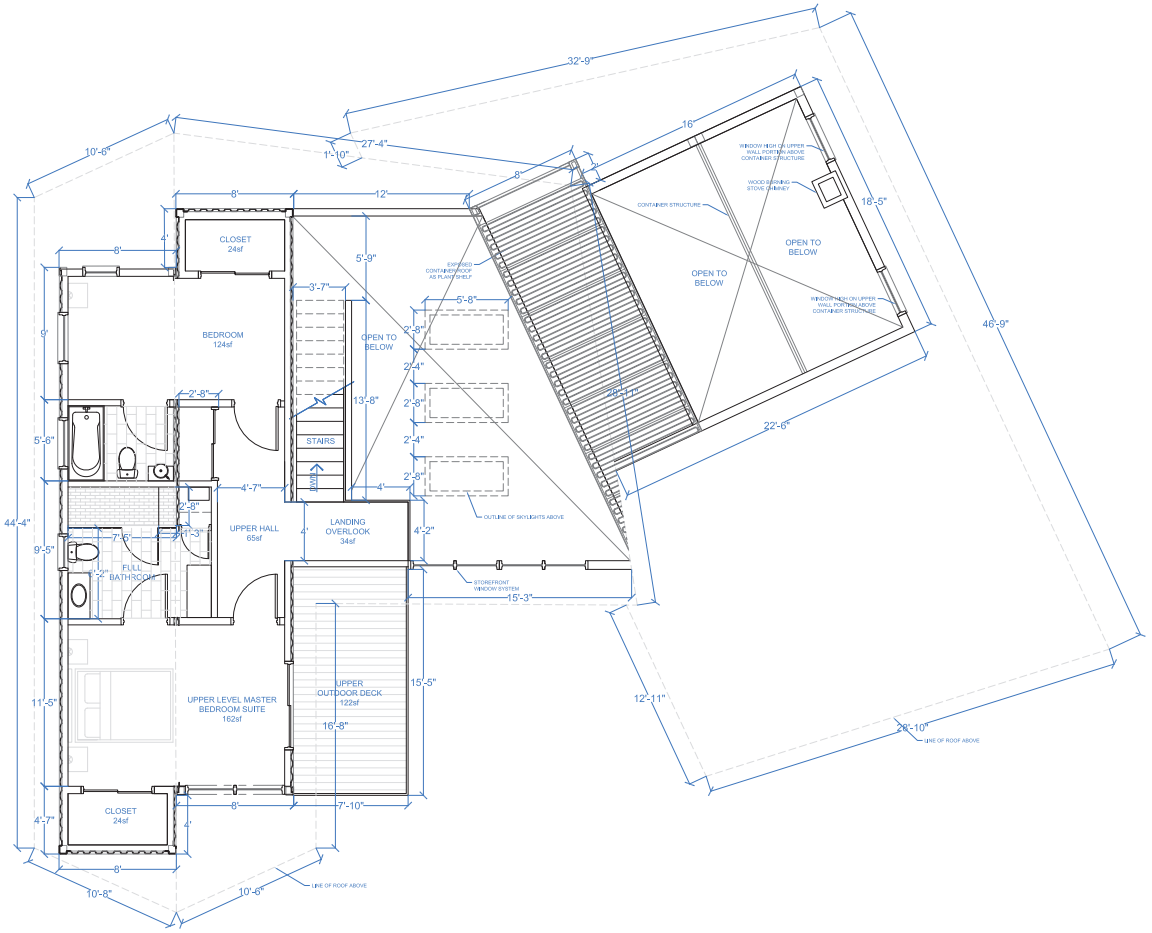
8. PROVIDE 1" TO 2" MINUMUM CLEARANCE FOR TENANT SYSTEM FURNITURE.



PLAN NORTH

1 / A.102 SECOND FLOOR PLAN
1/2" = 1'-0"

General Notes

No.	Revision/Issue	Date

THREE SQUARED INC.
2541 TRUMBULL STREET
DETROIT, MICHIGAN 48216

Project Name and Address:
MARIPOSA HOUSE
7417 HAYDEN RUN RD.
HILLIARD, OH 43026

Sheet Contents:
SECOND FLOOR PLAN

Project	Sheet
MARIPOSA HOUSE	A.102
Date: MARCH 17, 2021	
Scale: AS NOTED	

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Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4006

Prepared by: Brad Fisher

Owner/Applicant:	Sergio Morales Munoz & Ana Maria Banales
Agent:	Dan Barringer – Studio Apex
Township:	Brown Township
Site:	3583 Darby Knolls Blvd. (PID #120-001178)
Acreage:	5.001-acres
Zoning:	Rural
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow for the expansion of a single-family home to be located within the Riparian Setback in an area zoned Rural.

Summary

The applicant is requesting a Variance to allow for the expansion of a single-family home to be located within the Riparian Setback in an area zoned Rural. The request satisfies the criteria necessary for granting a variance. Staff recommends ***conditional approval***.

Description of Request

The subject site is located on the northwest side of Darby Knolls Boulevard, south of Carter Road in Brown Township. The property was developed with a 5,739 square foot single-family home in 2005 and the applicant purchased the property in 2020. The Big Darby Creek Watershed Riparian Setback impacts 1.0 +/- acre of the site behind the home and 1.9 +/- acres in front of the home.

The applicant has already completed the home expansion, which includes an addition to the northwest corner of the home that encroaches 6 +/- feet into the setback and a patio that encroaches 20 +/- feet into the setback. Construction of buildings or structures of any kind or size are prohibited in the Riparian Setback.

A variance is required to allow the proposed structures to be located within the Riparian Setback.

History

The applicant applied to re-plat the subject site on April 20, 2021. Planning Commission approved the Preliminary Plan request to allow a platted shared lot line to be offset, relocate a portion of the platted rear yard setback and relocate a portion of a utility easement. The one condition of approval was that the existing conservation easement and riparian setback areas need to be returned to their predevelopment condition by removing any structures and revegetating any cleared areas under the direction of the Franklin Soil and Water Conservation District prior to approval of a Final Plat.

The Conservation District confirmed on June 6, 2021 that the applicant has complied with the one condition of approval. The Final Plat was approved by Planning Commission on June 9th.

Surrounding Area and Zoning
The subject site and surrounding properties are developed with low-density residential uses and zoned Rural in Brown Township. The Big Darby Creek is located west of the subject site, tributaries to Big Darby Creek are located to the front and rear of the site.

Comprehensive Plans
The Brown Township Comprehensive Plan, adopted in 2005 recommends Low Density Rural Residential land uses for this area.

The Big Darby Accord Watershed Master Plan, adopted in 2006, includes two maps to guide development; a Proposed General Land Use Map and a Conservation Strategy Map. These maps identify the subject site as existing development and include a protected zone associated with the streams on site. Rural Residential Estate uses with lot sizes 5-acres or greater are recommend.

The applicant's request keeps with the Brown Township Comprehensive Plan. The request does not keep with the recommendations of Big Darby Accord Watershed Master Plan; however, the applicant was already subject to mitigation of the affected area based on recommendations from the Franklin Soil and Water Conservation District.

Staff Review
Variance from Section 650.162(a) – Prohibited Uses in Riparian Setbacks:

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction and does not apply to existing residential structures and associated accessory structures.
  - The home expansion is located within the Riparian Setback.
    - A Variance is requested to allow the home and deck to be located in the Riparian Setback.

Technical Review Committee Agency Review
Franklin Soils and Water Conservation District (FSWCD)
The applicant was required to mitigate the new impervious surface associated with the proposed structures at the time of applying for a Preliminary Plan and the condition of approval has been satisfied.

No other agencies indicated any concerns with the request.

Staff Analysis
Section 650.20(a) – Variances Within Riparian Setbacks:
The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.

1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
   » The FSWCD has already approved the mitigation associated with the development that has occurred on site. Based on the approved mitigation of the site from the FSWCD, Staff does not believe there will be potential harm or reduction in riparian functions.
2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
   » Single-family homes and patios are authorized uses in the Rural zoning district and provided the Riparian Setback variance is approved all development standards will be met.
3) *Variances are void if not implemented within one year of the date of issuance.*
   » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one year of its issuance, meaning there has not been active and substantial

improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:
In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.

1) *The native vegetation of the property.*
   » The applicant is requesting approval of a home addition that includes an addition to the northwest corner of the home that encroaches 6 +/- feet into the setback and a patio that encroaches 20 +/- feet into the setback. This area was formerly covered in mowed grass.
2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
   » The applicant received approval from Franklin County Public Health and the FSWCD for the home expansion.
3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
   » The applicant was already required to consult with the FSWCD to minimize erosion and control sediment during the re-platting of the site.
4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
   » The applicant was already required to mitigate all proposed impervious area from the development.

Section 810.041 – Approval of Variance:
The Board of Zoning Appeals shall only approve a variance if all of the following findings are made.

1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
   » The applicant stated that the location of the conservation easement on the site is along the rear and front of the lot, creating a narrow and limited building area. The riparian setback requirements further limit the available building area. The relatively small change in the riparian setback will allow development of the lot in a manner similar to the other lots in the Darby Knolls subdivision.
   » Staff agrees that the subject site is limited on how it can be developed based on the riparian setback and conservation easement.
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 given the location of the conservation easement and riparian setback, as well as the previous owner's locating the existing home at the northwest corner of the lot, there is limited area for additional construction on the lot.
3) *The special conditions and circumstances do not result from the action of the applicant;*
   » The property was developed in 2005 and the applicant purchased the property in 2020. The applicant stated that the stream, riparian setback, conservation easement and overall existing development do not result from any of their actions.
   » Staff notes that the request is to approve a variance for construction that has already been completed by the applicant without an approved Zoning Compliance. However, the applicant has worked with the FSWCD and received approval for mitigation.
4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
   » Staff does not believe that granting the variance request would confer on the applicant a special privilege as conditions made by the FSWCD during the replat of the site have already been addressed.

5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
   » Staff believes that by previously complying with mitigation requirements, the proposed Riparian Setback variance will not cause any adverse impacts.

Recommendation
Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***conditionally approve*** a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution to allow for the expansion of a single-family home to be located within the Riparian Setback in an area zoned Rural. The condition of approval is that the applicant must apply for and receive approval of a Certificate of Zoning Compliance and Building Permit for the proposed home expansion from the Franklin County Economic Development and Planning Department.

Resolution
For your convenience, the following is a proposed resolution:

Proposed Resolution for Variance Request:
_____ moves to approve a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-4006.

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 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-4006 results from the applicant's failure to satisfy the criteria for granting a Variance under Section 810.041.

Seconded by: _____

Voting:

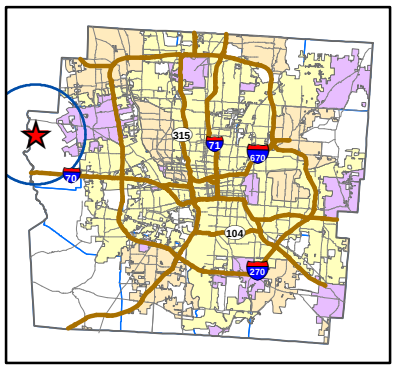
VA-4006

Requesting a Variance to Section 650.162(a) of the Franklin County Zoning Resolution to allow for the expansion of a single-family home to be located within the Riparian Setback in an area zoned Rural.

Acres: 5.001-acres
Township: Brown

Legend

- 3583 Darby Knolls Blvd
- Parcels
- Big Darby Creek Setbacks
- 100 year floodplain
- Floodway
- Historic Townships
- County Boundaries



Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING
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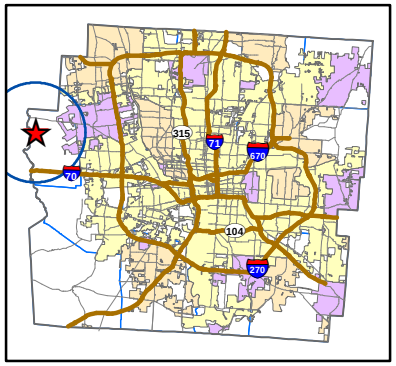
VA-4006

Requesting a Variance to Section 650.162(a) of the Franklin County Zoning Resolution to allow for the expansion of a single-family home to be located within the Riparian Setback in an area zoned Rural.

Acres: 5.001-acres
Township: Brown

Legend

- 3583 Darby Knolls Blvd
- Minor Roads
- Parcels
- Big Darby Creek Setbacks



Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING
1803

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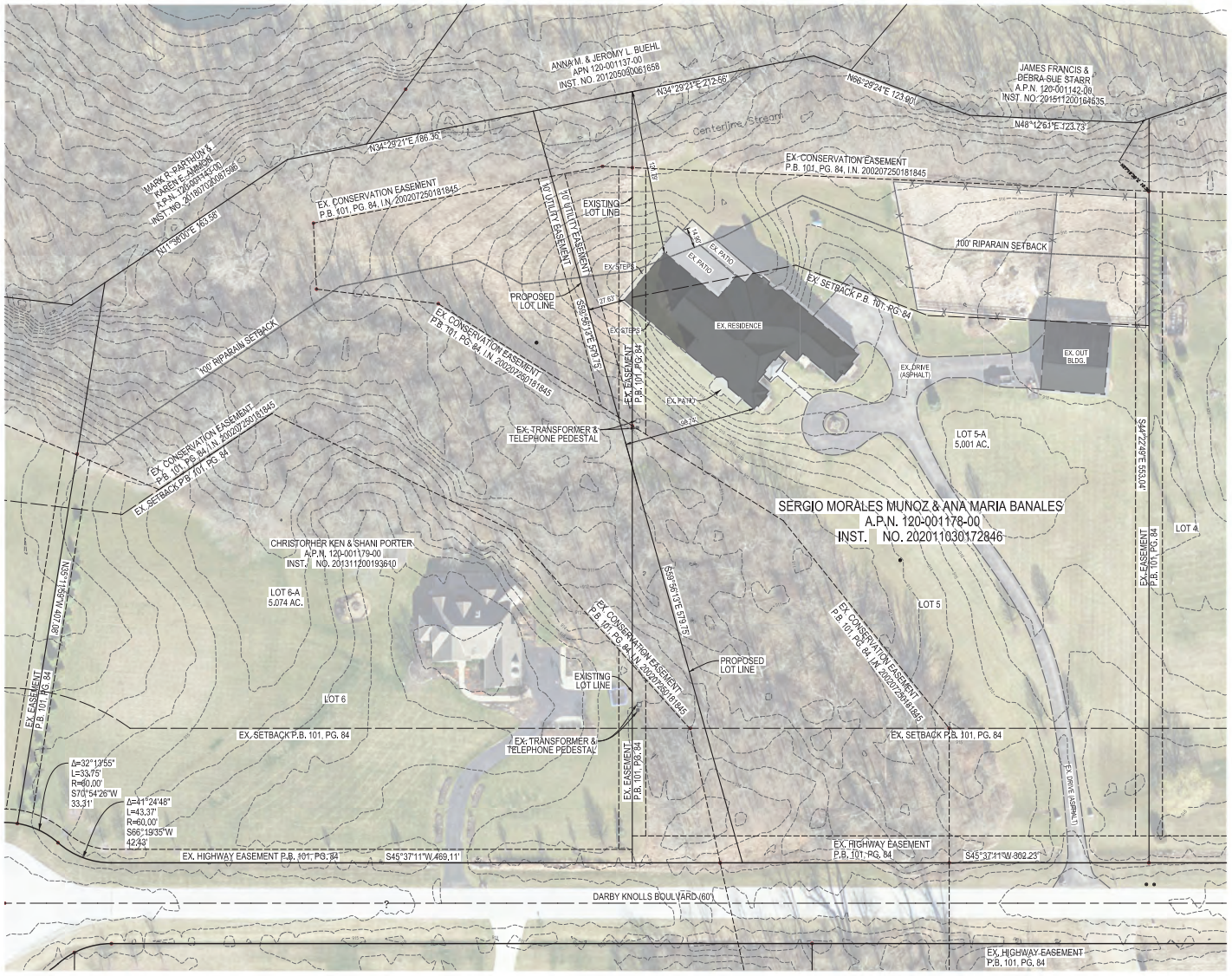

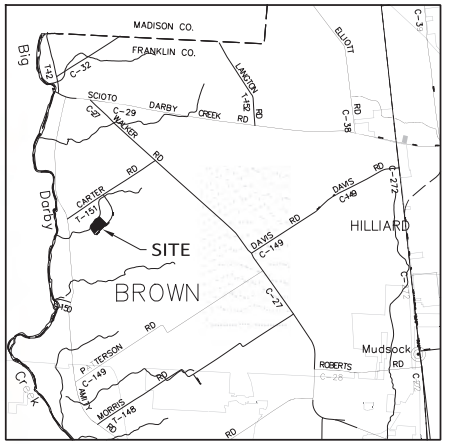

VICINITY MAP
SCALE 1" = 1000'

HORIZONTAL SCALE IN FEET
0 40 80

DRAWN RRB
CHECKED -
REVIEWED -

ADR
88 West Church Street • Newark, OH 43055 • (740) 345-1921

REVISIONS
1 -
2 -
3 -

MUNOZ RESIDENCE
LOT 6/6A (RE-PLAT SITE PLAN)

DARBY KNOLLS
BROWN TWP., FRANKLIN CO.

MAY 06, 2021
JOB #21-000

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Recycled Paper

PRINTED 5/6/2021 12:09:19 PM P:\ADR\2021\21-XXX Darby Knolls Site Plan\dgn\Exhibits\Darby Knolls Zoning Site Plan.dgn

Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING

STAFF REPORT

Board of Zoning Appeals
June 21, 2021

Case: VA-4007

Prepared by: Brad Fisher

Owner:	Westland Broad, LLC.
Applicant:	Eric Elizondo – Skilken Gold, LLC.
Township:	Franklin Township
Site:	West Broad Street (PID #140-007495)
Acreage:	2.669-acres
Zoning:	Community Service (CS)
Request:	Requesting a Variance from Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO).

Summary
Requesting a Variance to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO). The request does not satisfy the criteria necessary for granting a variance. Staff recommends ***denial***.

Description of Request
The subject site is located at the southeast corner of W. Broad Street and I-270 in Franklin Township. The site gains access from one existing access drive along W. Broad Street.

The subject site will be developed with a convenience store and restaurant, drive-thru, and gas pumps. The variances requested are related to the proposed signage associated with those uses.

History
January 19, 2021 – Applicant received approval a variance to allow for the development of a restaurant, convenience store and gas station that would not meet the following requirements: use of a drive-thru, dumpster location, building setback, building width, parking setback, parking location and number of parking spaces.

January 19, 2021 – Applicant received approval of a variance to allow for one additional free-standing sign than is permitted and for a free-standing sign to not meet the required right-of-way setback.

January 19, 2021 - Applicant received approval of a variance to exceed the maximum permitted number of free standing, ground and monuments signs, exceed the maximum permitted sign height, and to allow the bottom edge of a sign to not be in continuous or near-continuous contact with its structural base.

March 15, 2021 - Applicant received approval of a variance to allow wall signs that do not face a public street, exceed the maximum permitted drive-thru sign square footage and exceed the maximum permitted menu board sign square footage.

Surrounding Land Use and Zoning
Properties to the north are zoned General Industrial (GI) in Franklin Township and developed with commercial uses. Properties to the east and south are zoned Community Service (CS) in Franklin Township and developed with portions of the old Westland Mall. Interstate I-270 is to the west.

Comprehensive Plan
The Westland Area Interim Development Framework, adopted in 2010, contains a Future Land Use Map and Development Principals that recommend this property for a full range of commercial and multi-family residential uses. Corresponding zoning districts include: Suburban Apartment Residential (R-24), Suburban Office (SO), Neighborhood Commercial (NC), Community Commercial (CC), and Community Service (CS) districts.

The Development Principals also recommend increasing commercial occupancy rates, renovating distressed commercial areas, including walkable pedestrian connectivity, reduced parking footprint and building community identity through district identification.

The request does not conflict with the Plan's future land use recommendations development principals.

Staff Review
Variance from Section 541.01(3) –Sign Requirements: Flashing lights, banners, posters, pennants, strings of lights, ribbons, streamers, or other similar moving devices shall not be displayed for advertising or attracting attention, either independently or as part of an on-premise or off-premise sign;

- Four banners are proposed.
    - A variance to allow banners that are intended to be permanent would be required.
    - However, after further review Staff has determined that a banner that is intended to be temporary should be reviewed under Section 514.03(11) – Temporary Signs. A variance to Section 541.01(3) is not required based on the information submitted.

Variance from Section 541.03(11) – Temporary Signs in Non-Residential Zoning Districts: One temporary sign may be erected on a lot in any office, commercial or industrial zoning district to announce special public or institutional events, or the erection, sale or remodeling of a building or development subject to a specific criteria. Based on the property's road frontage a maximum temporary sign of 96 square feet is permitted.

- Six temporary signs are proposed that total 291.2 square feet in size.
    - A variance to exceed the maximum number of permitted temporary signs is required.
    - A variance to exceed the maximum permitted temporary sign size is required.

Technical Review Committee Agency Review
No agencies expressed any concerns with the request.

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

1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
    » The applicant desires to provide a successful new store and bring 2,500 jobs to the central Ohio area. The banners and temporary signs are intended to attract attention to the opening of the new store and to attract potential employees. Six signs are proposed to be erected in four phases.
    » Staff does not agree that a new store opening serves as a special condition or circumstance. This use has already received approval of sign variances to allow for the following: one additional free-

standing sign than is permitted, for a free-standing sign to not meet the required right-of-way setback, exceed the maximum permitted number of free standing, ground and monuments signs, exceed the maximum permitted sign height, allow the bottom edge of a sign to not be in continuous or near-continuous contact with its structural base, wall signs that do not face a public street, exceed the maximum permitted drive-thru sign square footage and exceed the maximum permitted menu board sign square footage.

» Staff believes the approved and allowable signage for the site provides adequate signage to attract attention to the opening of the new store and to attract potential employees.

2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*

» The applicant stated that a literal interpretation of the Zoning Resolution would deprive them the right to advertise a store opening and job opportunities on-site for a limited time. The signs are not intended to be permanent.

» Staff notes that the Franklin County Zoning Resolution allows all non-residential properties to erect one temporary sign to announce the erection of a building subject to size restrictions based on a property's frontage, subject to a time period of 2 years, and subject to a setback from a street pavement of 20 feet but in no cases within a public right-of-way. Based on the subject property's frontage of approximately 270 feet, the site is permitted one temporary sign of up to 96 square feet in size. There are no examples of approved variances in the area to allow for more than one permitted temporary sign or to exceed the maximum permitted temporary sign size. The applicant is permitted a temporary sign to announce the opening of the new building and is not deprived of any rights enjoyed by other properties.

3) *The special conditions and circumstances do not result from the action of the applicant;*

» Staff does not believe a valid special condition or circumstance was identified.

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 a special privilege. Other neighboring properties have erected banner signage and have temporary sings that express the opening of a new store.

» Staff notes that if other stores have erected permanent banners signs on properties subject to the Franklin County Zoning Resolution that those have been erected without an approved Zoning Compliance.

5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*

» Staff notes that the sign regulations are intended to protect the public health, safety and morals by regulating the placement, size and general appearance of signs in order to create a visually attractive economic and business climate by permitting signs that are compatible with their surroundings, orientation and physical appearance of the community and reduce clutter.

» Staff notes that the use has already received approval of multiple sign variances and the proposed signs in conjunction with the other approved signs would not be compatible with the surrounding area and would add clutter.

Staff's Recommendation:

Based on Staff's analysis, Staff's recommendation is that the Board of Zoning Appeals ***deny*** a Variance from Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO).

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution:
_____ moves to approve a variance from Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4007.

Seconded by: _____

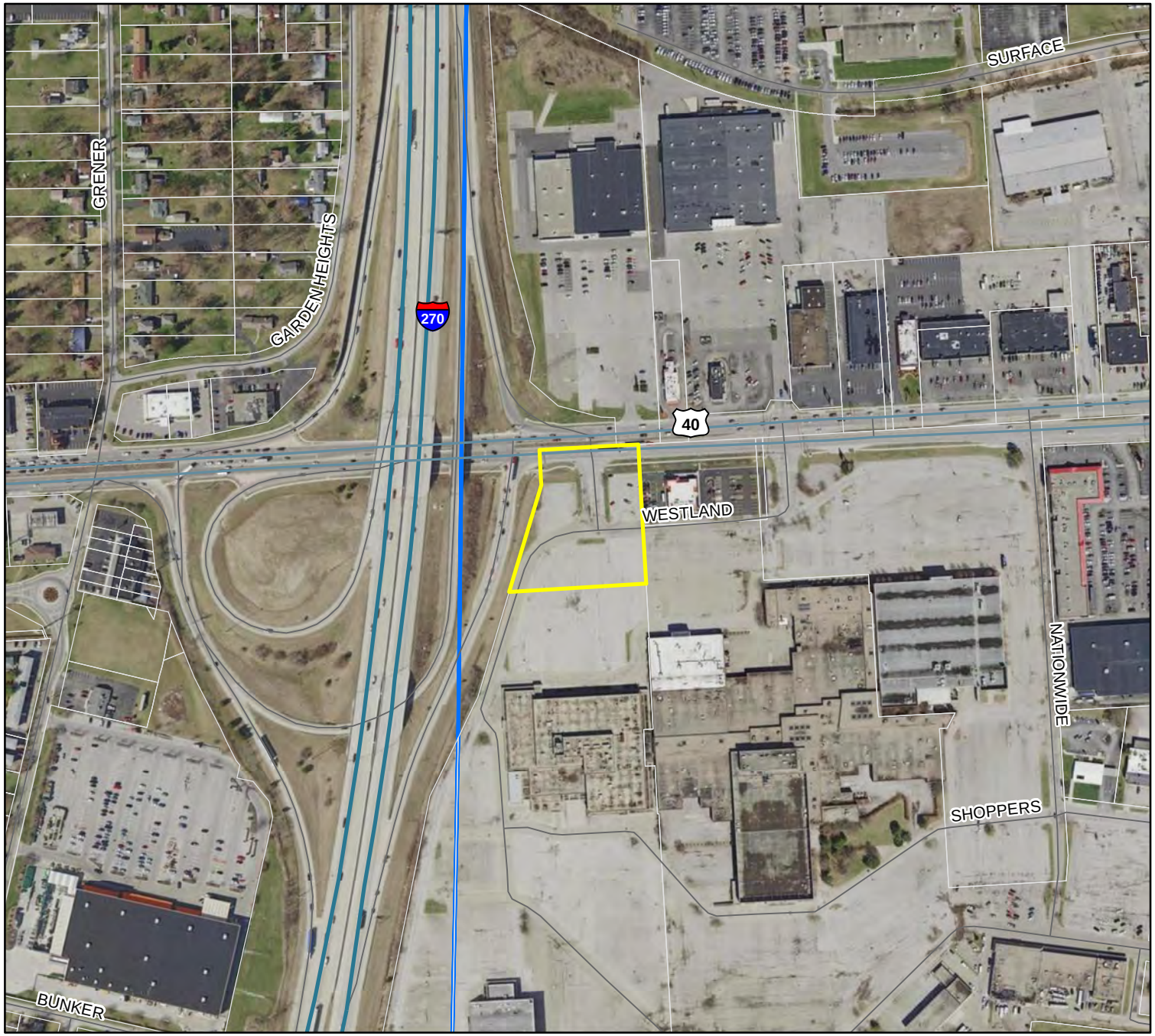
Voting:

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 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4007 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



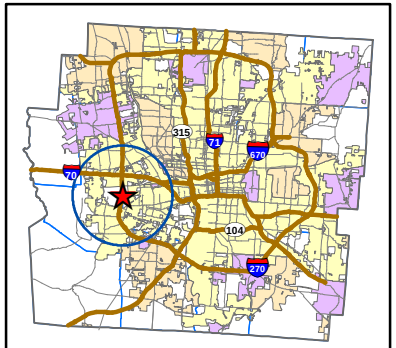
VA-4007

Requesting a Variance to Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO).

Acres: 2.134-acres
Township: Franklin

Legend

- 4411 W. Broad Street
- Parcels
- Township Boundary



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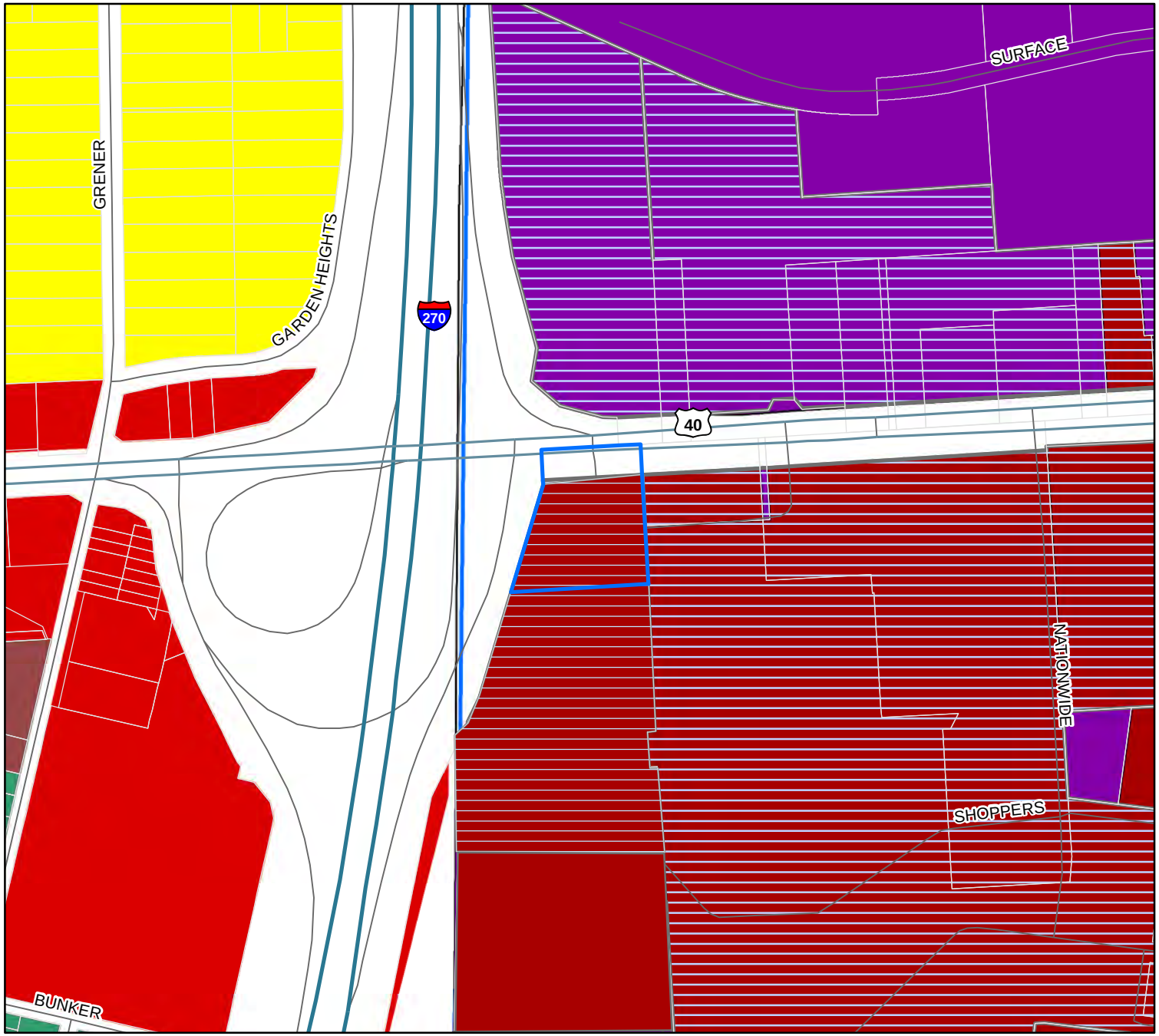


VA-4007

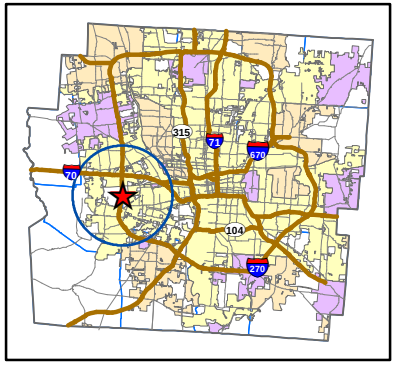
Requesting a Variance to Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO).

Acres: 2.134-acres
Township: Franklin

Zoning Overlay Districts
- Smart Growth Overlay

County Zoning
- Rural
- Community Service
- General Industrial

Prairie Zoning
- RURAL
- R-4
- R-6
- MFR-12
- GB



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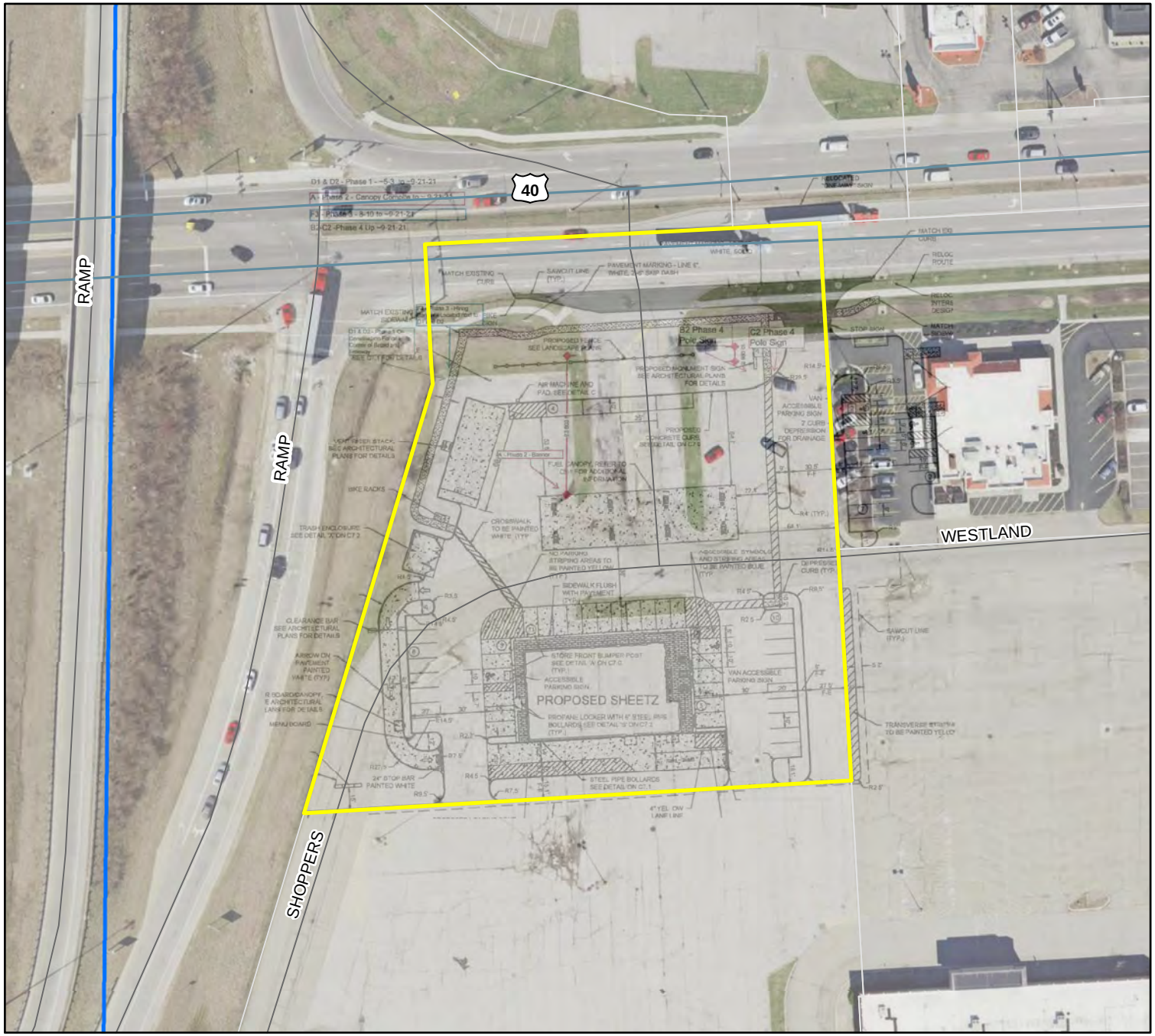


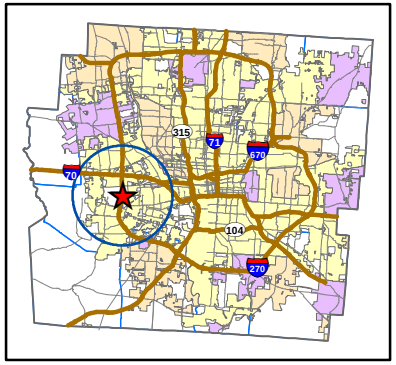
VA-4007

Requesting a Variance to Sections 541.01(3) and 541.03(11) of the Franklin County Zoning Resolution to allow for banners and temporary signs in an area zoned Community Service (CS) with a Smart Growth Overlay (SGO).

Acres: 2.134-acres
Township: Franklin

Legend

- 4411 W. Broad Street
- US Route
- Minor Roads
- Parcels
- Township Boundary



Franklin County
Board of Commissioners
ECONOMIC DEVELOPMENT
& PLANNING
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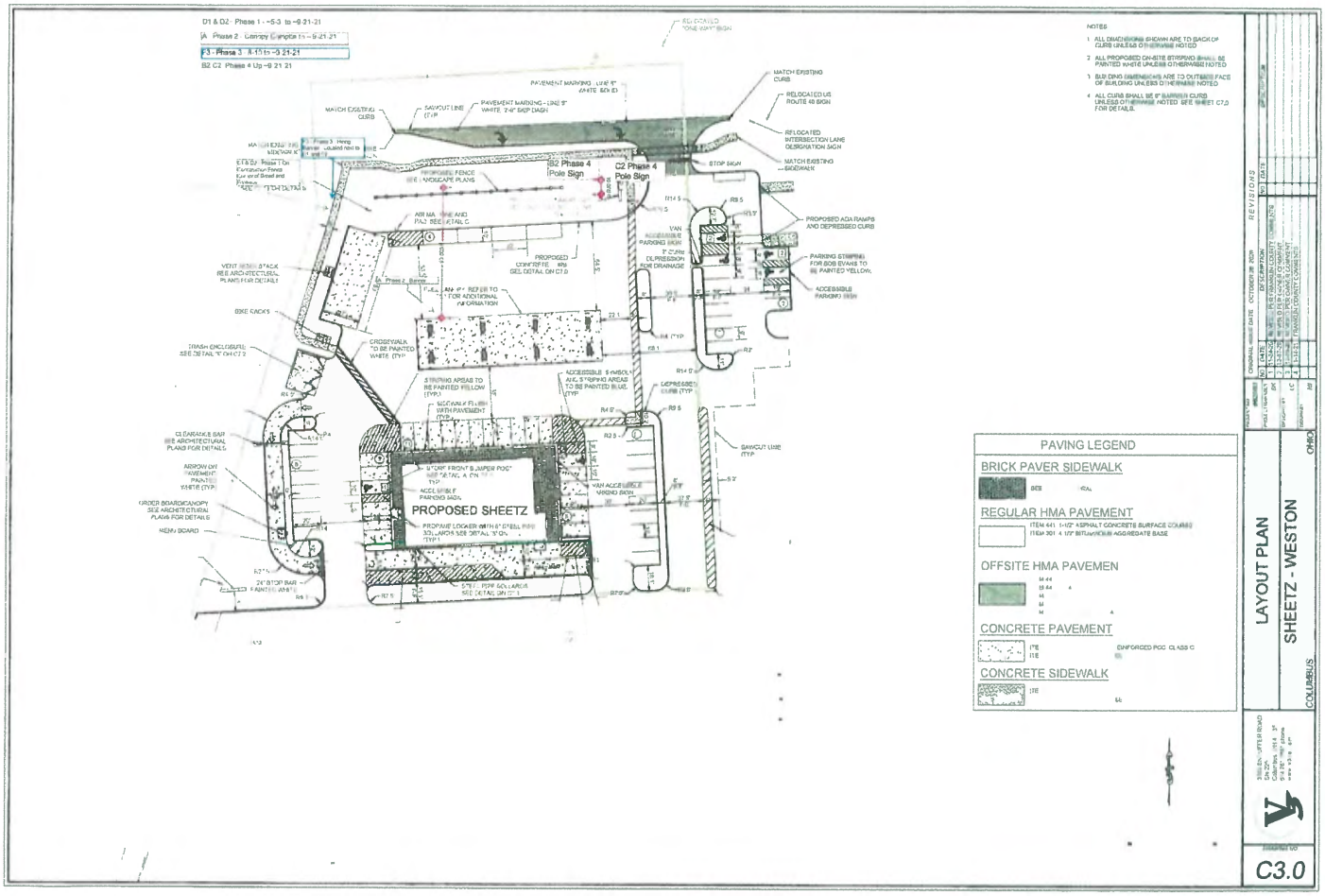
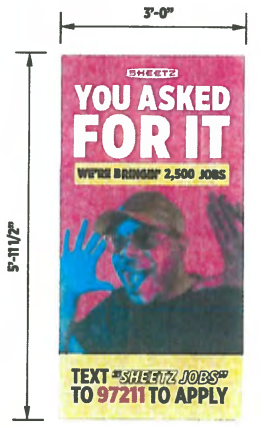

D1 & D2 - Phase 1 - ~5-3 to ~9-21-21
A - Phase 2 - Canopy Complete to ~9-21-21
F3 - Phase 3 - 8-15 to ~9-21-21
B2 C2 - Phase 4 Up ~9-21-21
PAVEMENT MARKING - LINE 8" WHITE 60% ID
MATCH EXISTING CURB
SAWCUT LINE (TYP)
PAVEMENT MARKING - LINE 8" WHITE 2'-6" SKIP DASH
MATCH EXISTING CURB
RELOCATED US ROUTE 40 SIGN
RELOCATED INTERSECTION LANE DESIGNATION SIGN
MATCH EXISTING SIDEWALK
STOP SIGN
B2 Phase 4 Pole Sign
C2 Phase 4 Pole Sign
PROPOSED FENCE SEE LANDSCAPE PLANS
PROPOSED ADA RAMPS AND DEPRESSED CURB
PARKING STRIPING FOR BOB EVANS TO BE PAINTED YELLOW
ACCESSIBLE PARKING SIGN
VAN ACCESSIBLE PARKING SIGN
PROPOSED CONCRETE SEE DETAIL ON C7.0
VENT STACK SEE ARCHITECTURAL PLANS FOR DETAILS
BIKE RACKS
TRASH ENCLOSURE SEE DETAIL "C" ON C7.2
CROSSWALK TO BE PAINTED WHITE (TYP)
STRIPING AREAS TO BE PAINTED YELLOW (TYP)
ACCESSIBLE SYMBOL AND STRIPING AREAS TO BE PAINTED BLUE (TYP)
DEPRESSED CURB (TYP)
CLEARANCE BAR SEE ARCHITECTURAL PLANS FOR DETAILS
ARROW ON PAVEMENT PAINTED WHITE (TYP)
ORDER BOARD/CANOPY SEE ARCHITECTURAL PLANS FOR DETAILS
MENU BOARD
SAWCUT LINE (TYP)
PROPOSED SHEETZ
VAN ACCESSIBLE PARKING SIGN
24" STOP BAR PAINTED WHITE
NOTES
1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB UNLESS OTHERWISE NOTED
2. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED WHITE UNLESS OTHERWISE NOTED
3. BUILDING DIMENSIONS ARE TO OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED
4. ALL CURB SHALL BE 6" BARRIER CURB UNLESS OTHERWISE NOTED SEE SHEET C7.0 FOR DETAILS.
PAVING LEGEND
BRICK PAVER SIDEWALK
REGULAR HMA PAVEMENT
ITEM 441 1-1/2" ASPHALT CONCRETE SURFACE COURSE
ITEM 301 4 1/2" BITUMINOUS AGGREGATE BASE
OFFSITE HMA PAVEMEN
CONCRETE PAVEMENT
ITE
ITE
ENFORCED PCC CLASS C
CONCRETE SIDEWALK
ITE
REVISIONS
LAYOUT PLAN
SHEETZ - WESTON
COLUMBUS
OHIO
C3.0



C1 **NOW HIRING POLE BANNER** (17.88 ft²)
PLASTIC CORRUGATE - MOUNTED WITH ZIP TIES

C2 **COUNTDOWN POLE BANNER** (17.88 ft²)
PLASTIC CORRUGATE - MOUNTED WITH ZIP TIES

NOTE*
COUNTDOWN NUMBERS PROVIDED TO INTERCHANGE WEEKLY
Changeable panel updates 4 times a year

DENIED
TB
ZC-21-049

D1 **BRAND CONSTRUCTION FENCE BANNER** (15 ft²)
VINYL MESH - MOUNTED WITH ZIP TIES/NYLON ROPE

D2 **BRAND CONSTRUCTION FENCE BANNER** (15 ft²)
VINYL MESH - MOUNTED WITH ZIP TIES/NYLON ROPE

NOTE*
FENCE BANNERS INSTALLED ON CONSTRUCTION FENCE WITH DIRECT VIEW FROM THE STREET

F3 **HIRING EVENT CONSTRUCTION FENCE BANNER** (32 ft²)
VINYL MESH - MOUNTED WITH ZIP TIES/NYLON ROPE

NOTE*
F3 HIRING EVENT BANNER SHOULD BE INSTALLED NEXT TO D1 & D2 WITH DIRECT VIEW FROM THE STREET

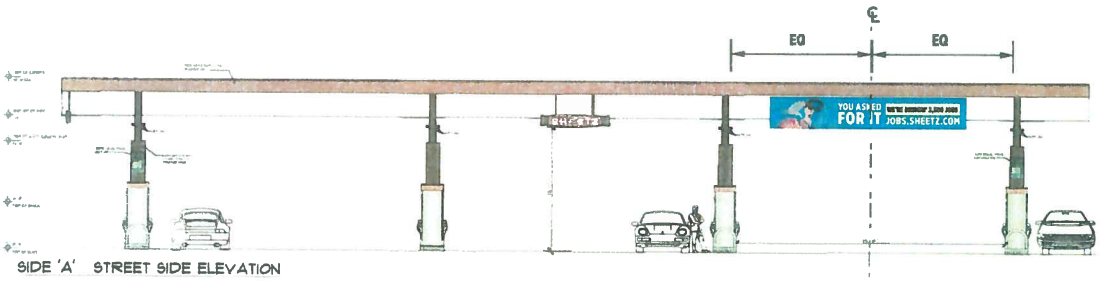
PMS 200
PMS 202
PMS 382
MAGENTA (4CP)
BLACK
WHITE

OHIO TEMPORARY SIGNAGE

NOTE:
SIGNS LOCATIONS MAY CHANGE SITE TO SITE. INSTALL SIGNS USING SITE PLAN AS A GUIDE. SIGNS SHOULD BE INSTALLED WITH BEST VIEW FROM THE STREET/ENTRANCE IF STATED IN NOTES.

NOTE:
DRAWINGS NOT TO SCALE

SHEETZ



SIDE 'A' STREET SIDE ELEVATION

NOTE
CANOPY BANNER SHOULD BE INSTALLED WITH DIRECT VIEW FROM STREET

NOTE*
MOUNT BANNER TO CENTERED BETWEEN END PUMPS

A NOW HIRING
CANOPY BANNER ([illegible] ft²)
VINYL - MOUNTED WITH NYLON ROPE

OHIO TEMPORARY SIGNAGE

NOTE*
SIGNS LOCATIONS MAY CHANGE SITE TO SITE. INSTALL SIGNS USING SITE PLAN AS A GUIDE. SIGNS SHOULD BE INSTALLED WITH BEST VIEW FROM THE STREET/ENTRANCE IF STATED IN NOTES.

NOTE:
DRAWINGS NOT TO SCALE

SHEETZ