

# Franklin County Board of Zoning Appeals

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

> Tuesday, January 18, 2022 1:30 p.m.

- 1. Call roll for board members
- 2. Introduction of staff
- 3. Approval of By-Laws
- 4. Election of Chair and Vice-Chair
- 3. Approval of minutes from the November 15, 2021 meeting
- 4. New Business:

#### i. VA-4023 - Brad Fisher

Owner:	Susan Turner	
Applicant:	Jake Schuman	
Township:	Norwich Township	
Site:	3845 Saturn Rd. (PID#200-001542)	
Acreage:	0.700-acres	
<b>Utilities:</b>	Private water and wastewater	
Zoning:	Limited Suburban Residential (R-2)	
Request:	Requesting a Variance from Sections 306.045, 504.01 and 531.042(1) of	
	the Franklin County Zoning Resolution to allow the construction of an	
	attached garage that would not meet front building setback and allow the	
	construction of an access drive that would exceed the permitted drive width	
	in an area zoned Limited Suburban Residential (R-2).	

<sup>\*</sup>Swear in witnesses as needed

5. Adjournment of Meeting to February 22, 2022



## MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

## Monday November 15, 2021

The Franklin County Board of Zoning Appeals convened at 369 South High Street (Judicial Services Building), in the Commissioners' Hearing Room, Columbus, Ohio, 43215, on Monday, November 15, 2021.

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

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

Franklin County Prosecuting Attorney's Office: Jesse Armstrong, Franklin County Assistant Prosecuting Attorney

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 October 18, 2021, meeting. Mr. Martin made a motion to approve the minutes. It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

#### **OLD BUSINESS:**

The next order of business being Conditional Use Case No. CU-4014. Mr. Guyton made a motion to remove Conditional Use Case CU-4014 from the table. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote. The owner/applicant is Visintine Equipment Corporation and Steve Smith. The agent is Brian Burkhart. The township is Franklin Township. The site is located at 660 Hart Road. It is 36.500 acres in size and zoned General Industrial. The applicant is requesting a Conditional Use from Section 346.032 and 610.06(7) of the Franklin County Zoning Resolution to allow for a pond to be used as a clean fill disposal area and allow permanent placement of fill in an area zoned General Industrial. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Brian Burkhart and Mr. Steve Smith appeared before the Board. Mr. Guyton made a motion to approve Conditional Use Case No. CU-4014, with eight recommended Staff conditions. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

#### **NEW BUSINESS:**

The next order of business being Variance Application Case No. VA-4021. The owner/applicant is David Lacey Jr. The township is Franklin Township. The site is located at 2573 Clime Road. It is 1.270 acres in size and is served by public water and private wastewater. It is zoned Rural. The applicant is requesting a

variance from Sections 504.01 and 512.02(2) of the Franklin County Zoning Resolution to allow the construction of a single-family home that would not meet the front building setback and allow the construction of an accessory building that would exceed the permitted accessory building size in an area zoned Rural. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Dave McAninch and Mr. Dave Lacey appeared before the Board. Mr. Guyton made a motion to approve the variance to Section 504.01 to allow for the proposed home to be constructed 8 feet short of the required front building setback. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote. Mr. Guyton made a motion to approve a variance to Section 512.02(2) of the Franklin County Zoning Resolution, to allow the construction of a 2,160-square-foot accessory building on the subject property. It was seconded by Mr. Martin. The motion was approved by a three-to-one vote.

The next order of business being Variance Application Case No. VA-4022. The owner/applicant is Flu-Allen Trucking, LLC. The agent is Charlonda Flu-Allen. The township is Madison Township. The site is located at 6387 Pontius Road and is 1.930 acres in size. It is zoned Limited Industrial. It is served by private water and wastewater. The applicant is requesting a variance from Section 501.012 of the Franklin County Zoning Resolution to allow for the construction of a fence that would exceed the maximum permitted fence height and include barbed wire in an area zoned Limited Industrial. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Charlonda Flu-Allen appeared before the Board. Mr. Martin made a motion to approve Variance Case VA-4022, with the three recommended Staff conditions. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Chairperson Baer adjourned the meeting. The hearing was adjourned at 3:18 p.m.

Signature

Minutes of the November 15, 2021, Franklin County Board of Zoning Appeals hearing were approved this 18<sup>th</sup> day of January, 2022.

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

## A. MEMBERS AND OFFICERS

- 1. The Board of Zoning Appeals, herein after referred to as the BZA, shall consist of five (5) members and two (2) at-large members appointed by the Franklin County Board of County Commissioners as provided by Section 303.013 of the Ohio Revised Code. Each member and/or successor shall serve a term for a period of five (5) years with terms that expire each year. Each member shall maintain residence in unincorporated Franklin County.
- 2. At the first meeting of each year, the BZA shall organize by electing a Chairperson and a Vice-Chairperson. Officers shall serve for one (1) year or until a successor is appointed. Officers are entitled to vote. (02/16/16)
- 3. Upon expiration of a BZA member's term, such member may continue to serve until a successor is appointed.
- 4. The Chairperson shall encourage regular and timely attendance by each BZA member. Each BZA member is responsible for attending each meeting or notifying the Planning Administrator of the Franklin County Economic Development and Planning Department or the Planning Administrator's staff person of the inability to attend. Four (4) total unexcused absences in one year, or three (3) consecutive unexcused absences shall be grounds for removal of a member by a majority vote of the Board, or, at their discretion, grounds for the attending majority of the Board to request the offending members resignation (02/22/00). The secretary of the BZA shall determine what constitutes an unexcused absence. Grounds to be considered an unexcused absence would be failure to notify the secretary of the BZA before the meeting of an inability to attend, or repeated absences without medical or appropriate personal excuses.
- 5. The Planning Administrator of the Franklin County Economic Development and Planning Department or the Planning Administrator's designee shall serve as secretary of the BZA.

## B. <u>MEETINGS</u>

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

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

## C. <u>POWERS AND DUTIES</u>

The BZA shall consider request for:

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

### D. BZA STAFF

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

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

## E. <u>SUSPENSION OR AMENDMENT OF RULES</u>

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

## SIGNATURE PAGE

	Chairperson
	Vice-Chairperson
	Member
	Member
	Member
Date Adopted	

Saved at P:\Planning\BZA\BZA BY LAWS\BZA By Laws 2022



## STAFF REPORT

Board of Zoning Appeals January 18, 2022

Case: VA-4023
Prepared by: Brad Fisher

Owner:Susan TurnerApplicant:Jakob SchumannTownship:Norwich Township

**Site:** 3845 Saturn Road (PID #200-001542)

**Acreage:** 0.70-acres

**Zoning:** Limited Suburban Residential (R-2)

**Utilities:** Private water and wastewater

**Request:** Requesting a Variance from Sections 306.045, 504.01 and 531.042(1) of

the Franklin County Zoning Resolution to allow the construction of an attached garage that would not meet front building setback and allow the construction of an access drive that would exceed the permitted drive

width in an area zoned Limited Suburban Residential (R-2).

### **Summary**

Requesting a Variance to allow the construction of an attached garage that would not meet front building setback and allow the construction of an access drive that would exceed the permitted drive width in an area zoned Limited Suburban Residential (R-2). The request meets the criteria necessary for granting a variance. Staff recommends *conditional approval*.

## **Description of the Request**

The subject site is located at the southwest corner of Saturn Road and Stellar Drive in Norwich Township. The property was platted as part of the Stratford No. 2 subdivision in 1956. The current owner purchased the property in 2020, which was developed with a 1,795 square foot single-family home that included a 2-car attached garage in 1960. The proposed development would include a 1,040 square foot garage that would be attached to the home by a fully enclosed breezeway and a 36-foot-wide driveway.

The required front building line setback is 50 from the Stellar Road street centerline. The proposed attached garage would be set back 43.25 feet from the street centerline. A variance of 6.75 feet is required.

The maximum permitted driveway width is 18 feet. The proposed driveway width is 36 feet. A variance of 18 feet is required.

### **Surrounding Area**

The subject site and surrounding properties are zoned Limited Suburban Residential (R-2) and developed with medium-density residential uses in the Stratford No. 2 subdivision.

#### Area Plan

The Norwich Township Land Use Plan, adopted in 2001, makes no recommendations for this area. The Hilliard Comprehensive Plan, adopted by the City of Hilliard in 2011, contains a Future Land Use Map that recommends the area for low-density residential development with a maximum net density of 2 dwelling units per acre.

The request will not impact the recommended density.

#### **Staff Review**

## Variance from Section <u>306.045 – Front Yard</u>:

- As provided for in Section 504.01 of the Zoning Resolution, the established building line setback is 50 feet, measured from the Stellar Drive street centerline.
  - The proposed attached garage would be setback 43.25 feet from the Stellar Road street centerline.
    - o A Variance of 6.75 feet is required.

## <u>Variance from Section 504.01 – Building Lines Established:</u>

- Along every street right-of-way (ROW) a building line shall be established from the centerline of that ROW a distance equal to the width of the existing ROW or the width of the ROW proposed in the Franklin County Thoroughfare Plan. The existing ROW along Stellar Drive is 50 feet.
  - The proposed attached garage would be setback 43.25 feet from the Stellar Road street centerline.
    - o A Variance of 6.75 feet is required.

### Variance from Section 531.042(1) – Residential Driveway Width:

- An access drive shall not exceed 18 feet in width, except at curb returns.
  - The proposed driveway would be 36 feet wide.
    - o A Variance of 18 feet is required.

## **Technical Review Committee Agency Review**

## Franklin County Engineer's Office

- The site plan must be updated to include all existing utilities, overhead lines, existing trees, trees to be removed, and any other existing development that will remain.
- The proposed driveway composition and wing dimensions must meet County standards.
- Any drainage improvements must be approved by the Franklin County Drainage Engineer's office.
- The proposed driveway configuration identified on the site plan does not match the image on the rendering submitted. If a rendering is submitted all improvements must match the site plan.

#### Franklin County Public Health

Approved the proposed development on October 8, 2021.

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 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 being a corner lot and the existing deck limits the ability to construct an attached garage. The existing attached garage is intended to be converted to livable space and the existing driveway will be removed and converted to grassed area if the variance request is approved.
  - » Staff notes that the subject site being a corner lot, the existing deck location, along with the location of the home serves as 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 indicated that other properties within the same zoning district have constructed garages for the same benefits that are hoped to be achieved with this request.
- 3) The special conditions and circumstances do not result from the action of the applicant;
  - » Staff does not believe the special conditions and circumstances result from any the action of the applicant. The lot, home and deck were in their configuration when the current owner purchased the property in 2020.
- 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 will confer on the applicant a special privilege. Being that the home was originally constructed close to the Stellar Drive right-of-way, constructing a driveway that meets the required driveway width would be very difficult. If the garage were moved 6.75 feet west to meet the required setback the deck would be impacted and 145 +/- square feet of grassed area may not be accessible to maintain.
  - » Additionally, the existing driveway appears to be 25 feet wide based on aerial imagery, which exceeds the permitted driveway width. This driveway is proposed to be removed if the variance is approved.
- 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 proposed development would 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 306.045, 504.01 and 531.042(1) of the Franklin County Zoning Resolution to allow the construction of an attached garage that would not meet front building setback and allow the construction of an access drive that would exceed the permitted drive width in an area zoned Limited Suburban Residential (R-2). The conditions of approval are as follows:

- 1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance with the Franklin County Economic Development and Planning Department.
- 2. The applicant must apply for and receive approval of a Building Permit with the Franklin County Economic Development and Planning Department.
- 3. The site plan must be updated to include all existing utilities, overhead lines, existing/proposed to be removed trees, and any other existing development that will remain.
- 4. The proposed driveway composition and wing dimensions must meet County standards.
- 5. Any drainage improvements must be approved by the Franklin County Drainage Engineer's office.

#### Resolution

For your convenience, the following is a proposed resolution:

Propo	sed Resolution for Request:
	moves to approve a Variance from Sections 306.045, 504.01 and 531.042(1) of the
Frankl 4023.	in County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-
	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 306.045, 504.01 and 531.042(1) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4023 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.
Seconded by:

Voting:



## VA-4023

Requesting a Variance to allow the construction of an attached garage that would not meet front building setback and allow the construction of an access drive that would exceed the permitted drive width in an area zoned Limited Suburban Residential (R-2).

Acres: 0.7-acres

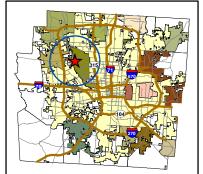
Township: NorwichTownship

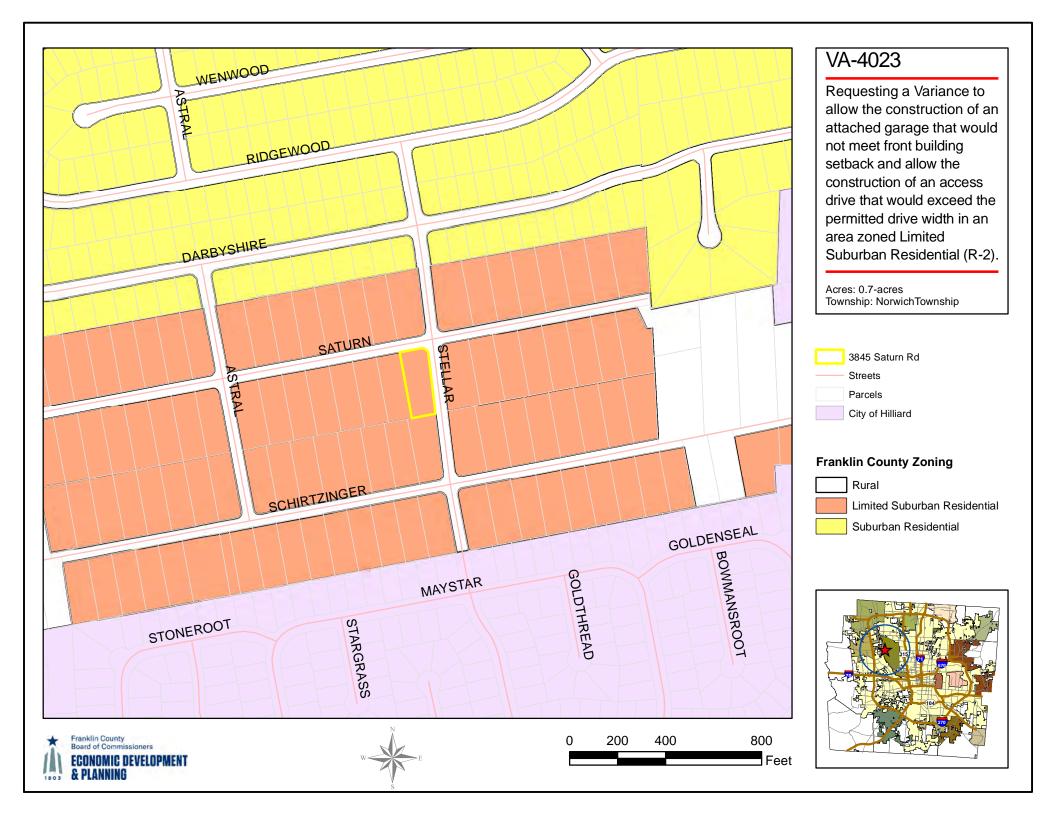
3845 Saturn Rd

Streets

**Parcels** 

City of Hilliard







## VA-4023

Requesting a Variance to allow the construction of an attached garage that would not meet front building setback and allow the construction of an access drive that would exceed the permitted drive width in an area zoned Limited Suburban Residential (R-2).

Acres: 0.7-acres

Township: NorwichTownship

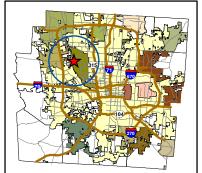
3845 Saturn Rd

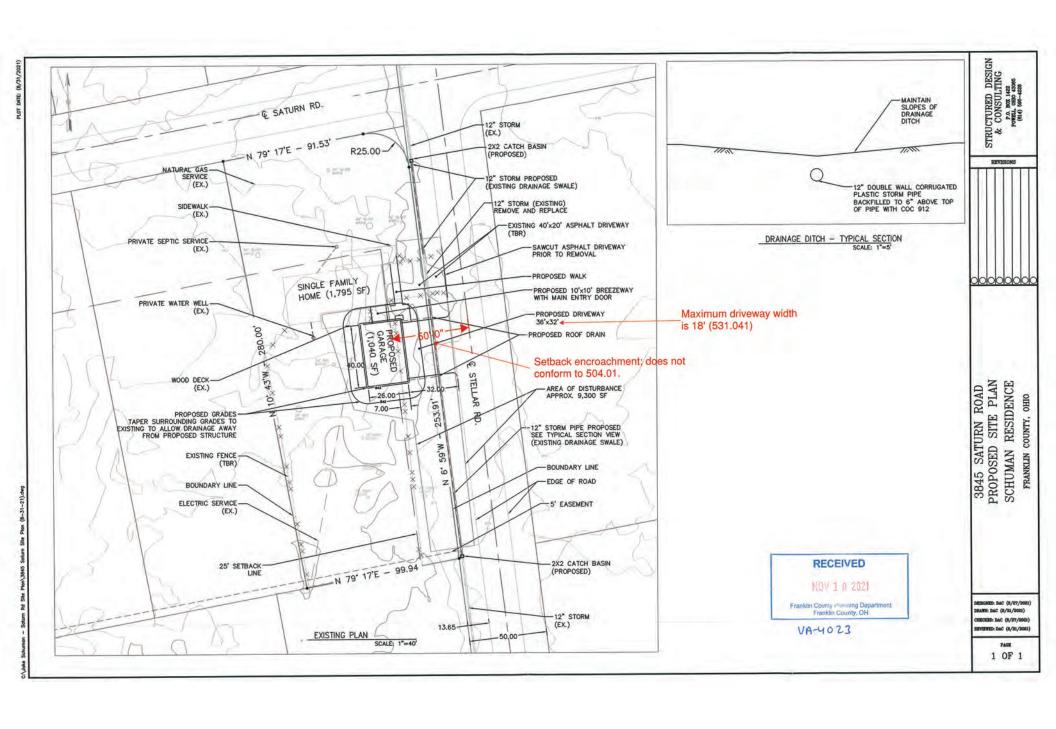
Streets

Parcels

Proposed Building

---- Proposed Driveway





12/12/21

To: Franklin County Economic Development & Planning Department

150 S. Front Street, FSL Suite 10 Columbus, OH 43215

Subject: Attention Variance Case #VA-4023

In response to the notice of public hearing variance VA-4023, let it be known to the board that we totally disapprove of any zoning resolution that would allow construction of a detached 3-car garage that would not meet front building setback and allow the construction of a larger access drive that would exceed the permitted driveway width in an area zoned limited suburban residential R-2. The proposed detached garage structure placed in the small rectangular backyard of (PID#200-01542) will overcrowd the land and will be an eyesore to the surrounding residence and local Norwich community.

The board should also be advised that the 3845 Saturn Road (PID#200-001542) currently has a water drainage problem, which Franklin County and Norwich Township are aware of. On many occasions, over the years, the drainage water ditch cannot handle the water it incurs and the excess water overflows across Stellar Road into our adjacent drainage ditches. The previous owner of said property advised that on many occasions the water backs up into the current integral garage driveway. Now, the current owner wants to construct another larger access driveway that would exceed the permitted driveway width in an area zoned limited suburban residential R2, which would further complicate the existing water constricted drainage problems that currently exist on the property.

It should also be made known to the board that the current owners at 3845 Saturn Road (PID#200-01542) are associated with B&B Home Improvement and for many months have parked trucks, trailers, pod's, junk bins, and other equipment in their current existing driveway. Currently, they have had a large 25-foot B&B home equipment trailer parked in their driveway for several months. What is the current owner's intent; are they going to continue this parade of commercial vehicles and equipment in their undersized backyard around the proposed, detached 3-car garage structure?

In conclusion, we are requesting that the board deny the requested VA-4023 variances from limited suburban residential R-2, based on the above stated information. The proposed structure 3-car garage and the oversized driveway simply are too big for the small allotted rectangular property, which will cause overcrowding of land. If approved, the proposed structure will not only be an eyesore to the surrounding residents and local Norwich community but could potentially devalue our existing properties. I am issuing this letter because my wife and I are somewhat disabled, which will make it difficult to attend the 12/20/2021 meeting, but we will try regardless.

Sincerely,

Baumeister

Harold J. Baumeister

3810 Schirtzinger Rd. Hilliard, OH 43026-2511 Cynthia A. Baumeister

RECEIVED

DEC 1 4 2021

Franklin County Planning Department Franklin County, OH

1A-4023

Franklin County Economic Development 150 S. Front St FSL suite 10 Columbus, OH 43215 Reference: Variance # VA-4023

12/13/2021



To Whom it May Concern,

This letter is in response is in reference to the post card I received for a notice of Public Hearing on the variance (VA-4023) by Susan Turner and Jake Schuman for the property at 3845 Saturn Rd., Hilliard, OH 43026.

My property (3840 Schirtzinger Rd., Hilliard, OH 43026) backs up to the property listed above. The requested variance would allow a large detached garage and additional driveway to built on this property. This garage is said to be used for parking commercial vehicles.

The size and fact that this garage is for commercial vehicles will reduce the value of my property and the surrounding properties in our neighborhood. The area I live in is a quite and peaceful neighborhood and cannot support this type of structure and activity without changing the neighborhood.

I will be in attendance on Monday, 12/20/21 for the hearing.

Please let me know if you need anything further from me.

Best,

Theresa Engel 614.638.3342

terrilengel@gmail.com 3840 Schirtzinger Rd Hilliard, OH 43026