



Commissioner John O'Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

Franklin County Courthouse
373 South High Street – 26th Floor
Commissioners Hearing Room
Columbus, OH 43215

Monday, January 18, 2011
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
5. Swearing in of witnesses
6. Approval of minutes from the December 20, 2010 meeting
7. Old Business:

A. VA/CU-3719 – Scott Fulton

Applicant/Owner:	Alejandro Garcia
Township:	Norwich Township
Site:	4594 Cosgray Road (PID #200-000243)
Acreage:	1-acre
Request:	Requesting a Variance from Section 512.02(1) of the Franklin County Zoning Resolution to exceed the maximum number of accessory buildings permitted and a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the storage of landscaping materials, a commercial vehicle and equipment in association with a conditional use home occupation in an area zoned Rural.

B. VA/CU-3726 – Scott Fulton

Applicant:	Wheeler Energy Solutions
Owner:	James and Debra Ricker
Township:	Brown Township
Site:	3191 Amity Road (PID #120-000906)
Acreage:	7.89-acres
Request:	Requesting a Variance from Sections 650.162(a) and 561.02(h) and a Conditional Use from Section 561.05 of the Franklin County Zoning Resolution to allow the construction of a wind energy system on a lattice tower within the Big Darby Creek Watershed Riparian Setback and Floodway Fringe.

C. VA/CU-3729 – Scott Fulton

Applicant/Owner:	Tia Blankenship
Agent:	Stephen Moyer, Esq.
Township:	Franklin Township
Site:	1300 Brown Road (PID #140-004232)
Acreage:	1-acre
Request:	Requesting variances from Section 501.012 and 512.02(2) and a conditional use from Section 511.03 of the Franklin County Zoning Resolution to legitimize the construction of a fence that exceeds the maximum permitted height, allow the construction of a fence that exceeds the maximum permitted height, legitimize the construction of an accessory building that exceeds the maximum permitted size and fails to meet the minimum property line setback, and allow a conditional use home occupation for a tree trimming business in an area zoned Rural.

8. New Business:

A. VA- 3730 – Scott Fulton

Applicant/Owner:	John F Ferner
Township:	Madison Township
Site:	3933 London Lancaster Road (PID #182-000003)
Acreage:	1.864-acres
Request:	Requesting a Variance from Section 512.02(a) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure in an area zoned Rural.

B. VA-3731 – Anthony Hray

Applicant/Owner:	Christopher P Foley
Township:	Pleasant Township
Site:	6700 Johnson Road (PID #230-000482)
Acreage:	0.99-acres
Request:	Requesting a Variance from Section 512.02(2) and 512.02(a) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure that will cause the property to exceed the permitted accessory building size on a property less than one acre in an area zoned Rural.

C. VA/CU – 3732 – Anthony Hray

Applicant:	Jodi Hill / Williams-Shephard Architects
Owner:	Northern Lights Improvements, LLC
Township:	Clinton Township
Site:	3479 Cleveland Avenue (PID #130-011855)
Acreage:	12.29-acres
Request:	Requesting a Variance from Sections 332.042(c), 332.045 and 541.03(2) and a Conditional Use from Section 332.034 of the Franklin County Zoning Resolution to allow the addition of a drive-thru aisle and to allow wall signage on a building wall that does not face a public street on a lot that fails to meet the landscaped open space and front green belt requirement in an area zoned Community Service (CS).

9. Telecommunications Discussion – Matt Brown

10. Adjournment of Meeting to February 22, 2011



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MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, December 20, 2010

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, December 20, 2010.

Present were:

Gary Dever, Chairperson
Christopher Baer, Vice Chairperson
Tim Guyton
Barbara Seeger
Nancy Hunter

Franklin County Planning Department members:

Matt Brown, Planner
Anthony Hray, Planner
Scott Fulton, Planner

Chairperson Dever opened the hearing, which was followed by the swearing in of all witnesses by Mr. Matt Brown.

The first order of business being the approval of the November 15, 2010 meeting minutes. Ms. Seeger made a motion to approve the November 15, 2010, meeting minutes. It was seconded by Mr. Guyton. The minutes were approved by a five-to-zero vote.

NEW BUSINESS:

The next order of business being Conditional Use Case No. CU-3719. The owner is Alejandro Garcia. The township is Norwich Township. The site is located at 4594 Cosgray Road, and it is 3.01 acres. The request is for a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the storage of landscaping materials, a commercial vehicle and equipment in a Conditional Use Home Occupation in an area zoned Rural. Mr. Baer made a motion to remove Case No. CU-3719 off the table. It was seconded by Ms. Seeger. The motion was approved by a five-to-zero vote.

Mr. Scott Fulton read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to table the request until the January 18, 2010 meeting. Ms. Hunter seconded the motion. Mr. Baer amended his motion to add that this was the second and final tabling. Ms. Hunter seconded. The motion was approved by a five-to-zero vote.

The next order of business being Variance Case No. VA/CU-3726. The owners are James and Debra Ricker. The township is Brown Township. The site is located at 3191 Amity Road. It is 7.89 acres.

The request is for a Variance from Section 650.162(a) and a Conditional Use from Sections 561.05 and 610.06(7) of the Franklin County Zoning Resolution to allow for the construction of a wind-energy system on a lattice tower within the Big Darby Creek Watershed Riparian Setback and Floodway Fringe.

Mr. Scott Fulton read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to continue Variance/Conditional Use Case VA/CU-3726 to the January 18th, 2011, meeting. It was seconded by Ms. Seeger. The motion was approved by a five-to-zero vote.

The next order of business being Variance Case No. VA-3727. The owner is Delores Coyer. The township is Mifflin Township. The site is located at 3922 Armuth Avenue. It is 0.13 acres. The request is for a Variance from Sections 302.041(c), 302.043, and 302.044 of the Franklin County Zoning Resolution to allow the construction of a room addition that will cause the property to exceed the permitted lot coverage requirement and fail to meet the side and rear yard setback requirement in an area zoned Rural.

Mr. Scott Fulton read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to approve Variance Case No. VA-3727 with two Staff conditions. The motion was seconded by Ms. Seeger. The motion was approved by a five-to-zero vote.

The next item of business being Variance Case No. VA-3728. The owner is Lennox Town Center Limited. The applicant is Advance Sign Group. The township is Clinton Township. The site is located at 1803 Olentangy River Road. It is 2.48 acres. The request is for a Variance from Section 541.03(2) of the Franklin County Zoning Resolution to allow signage on a building wall that does not face a public street in an area zoned Limited Industrial.

Mr. Anthony Hray read and presented the case to the Franklin County Zoning Board. Mr. Guyton made a motion to approve Case No. VA-3728 with one Staff condition. It was seconded by Ms. Seeger. The motion was approved by a five-to-zero vote.

The next item of business being Variance Case No. VA-3729. The owner is Tia Blankenship. The township is Franklin Township. The site is located at 1300 Brown Road. It is 1 acre. The request is to table the case until the January 18, 2011 meeting. Mr. Baer made a motion to table Variance/Conditional Use Case No. VA-3729. It was seconded by Ms. Hunter. The motion was approved by a five-to-zero vote.

There being no further new business to come before the Board of Zoning Appeals, a motion was made by Ms. Seeger to adjourn the hearing. It was seconded by Mr. Baer.

And, thereupon, the hearing adjourned at 3:50 p.m.

Minutes of the December 20, 2010, Board of Zoning Appeals hearing were approved this 18th day of January, 2011.

Signature

**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. Each January 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.
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 Executive Secretary shall determine what constitutes an unexcused absence. Grounds to be considered an unexcused absence would be failure to notify the Executive Secretary 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. MEETINGS

1. The BZA shall meet on the third (3rd) Monday of each month. If the third (3rd) Monday is a holiday, the meeting shall be on the following day.
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 amendment shall be denied 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. POWERS AND DUTIES

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 Praecepta for appeal.

4. It is the responsibility of the Executive Secretary 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 Executive Secretary 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. SUSPENSION OR AMENDMENT OF RULES

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



Commissioner John O’Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
January 18, 2011

Case VA/CU-3719

Prepared by: Scott Fulton

Owner/Applicant:	Alejandro Garcia
Township:	Norwich Township
Location:	4594 Cosgray Road
Acreage:	3.01-acres
Zoning:	Rural District
Utilities:	On lot well and septic
Request:	Requesting a Variance from Section 512.02(1) to exceed the maximum number of accessory buildings on a property and Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the storage of landscaping materials, a commercial vehicle and equipment in a conditional use home occupation in an area zoned Rural.

Summary

The applicant is requesting a Variance to allow three accessory buildings on the property, exceeding the limit of two and Conditional Use for a conditional use home occupation. The proposal meets the criteria for a variance and conditional use; therefore, staff is recommending **conditional approval** of both requests.

Description of the request

The applicants’ property is located on the east side of Cosgray Road in north western Norwich Township. The property contains a 2,715 square foot single family home constructed in 1958, a 440 square foot garage built in 1960, a 988 square foot pole barn built in 1983 a 375 square foot patio, and two 480 square foot sheds all estimated to have been built in 1993. While the applicant exceeds the number and size of accessory structures permitted on the property, these structures were in existence when the applicant purchased the property in 2008.

As listed above, the applicant currently has a total of five accessory buildings on the property, exceeding the maximum of two by three buildings. These buildings were constructed illegally without permits prior to the applicant purchasing the property and have not been inspected. The applicant is requesting a variance to keep three (3) of the five (5) accessory buildings on the property, exceeding the maximum permitted number of buildings by one (1); however, the applicant will be under the overall total square footage permitted of 2,880 by approximately 972 feet. Also, the applicant currently runs a landscaping business from the property and seeks to legitimize this business with a conditional use permit.

At the November 15th Board of Zoning Appeals hearing, it was recommended by staff, and agreed to by the applicant, that the case be tabled for 30 days so that the applicant may remedy outstanding issues related to the fence and refuse contained on site.

At the December 20th Board of Zoning Appeals meeting, it was recommended by the Board, and agreed to by the applicant, that the case be tabled for 30 days so that the applicant could apply for a variance to exceed the maximum number of accessory buildings permitted and to determine whether or not he wished to apply for the conditional use home occupation to allow the operation to operate from the site in perpetuity rather than on a temporary basis. It was also stated that this would be the last time the applicant would be permitted to table the case.

The applicant has decided to remove the two accessory buildings from the rear of the lot in favor of leaving the three around the driveway which includes the garage; this brings the applicant's total to three buildings, one above the number of accessory buildings permitted. The applicant also wishes to conduct his business from the property on a permanent basis and has stated that he will store all materials associated with the business indoors. The fence along the front of the property is to remain; however, the applicant is requesting a period of 90 days, when the ground is not frozen, in order to remove the existing fence posts so that they may be reused.

Surrounding Area:

Direction	Zoning	Land Use
North	Rural	Farm field
East	Rural	Farm field
South	Rural	Single-family home Bike Path
West	Rural Planned Neighborhood District (Hilliard)	Single-family home Single-family home (Hilliard)

Comprehensive Plans:

The Norwich Township Comprehensive Plan, adopted in 2001, makes no land use recommendations for this area.

The City of Hilliard is currently in the process of revising their existing Comprehensive Plan; however, staff does not have information pertaining to what the new plan recommends for this area.

Staff Review

Variance from Section 512.02(2) – Accessory building size

1. *That 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 purchased the property with all five of the accessory buildings on the property and had no inclination that they were in violation of the zoning code. The applicant is proposing to remove two buildings in the rear of the property in favor of leaving the three buildings around the driveway in the front of the house, which includes the garage. While the applicant could feasibly attach the garage to the house or to the adjacent accessory building, or attach one accessory building to the other, it would not be beneficial to any of the parties involved to do so nor would it be beneficial in upholding the intent of the zoning resolution. Based upon the configuration of the buildings on the property, connecting any one of them to the other or the house would result in creating more of an issue than if the buildings were left separate. Furthermore, the applicant's overall square footage of accessory buildings is below the maximum permitted by almost 1,000 feet.

2. *That 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;*
 - A literal interpretation would require the applicant to remove three of the five structures on the property, attach the garage to the home, or combine at least two of the buildings into one. The applicant purchased the property with all five buildings and had no reason to believe that they were in violation of the zoning code. As mentioned above the applicant will be removing two of the five buildings and while he still exceeds the maximum number of buildings permitted he will be under the overall maximum square footage by almost 1,000 feet. Furthermore, attaching the buildings together would create more of an issue than if the buildings were left separate.
3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The conditions do not result from the action of the applicant.
4. *That 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;*
 - Granting a variance would not confer a special privilege on the applicant.
5. *That 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;*
 - Granting the variance would not have adverse effects to the items listed above

According to Section 815.041 of the Franklin County Zoning Resolution, “The Board of Zoning Appeals shall approve an application for a Conditional Use if all the following three (3) conditions are met:”

1. *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
 - The proposed use is a conditional use of the zoning district.
2. *The proposed development is in accordance with applicable plans or policies for the area;*
 - The proposal is in accordance with applicable plans or policies for the area as the Norwich Township Comprehensive Plan makes no land use recommendations for the area.
3. *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*
 - Although the applicants’ property is located in a residential area, the location of the applicant’s residence on Cosgray Road coupled with adequate screening helps to alleviate staff’s concerns about disrupting a neighborhood.

According to 511.031 of the Franklin County Zoning Resolution, “The Conditional Use Home Occupation shall be carried on by individuals residing in the residential dwelling and provided:”

1. *There shall be no more than a total of three (3) non-resident employees.*
 - Three (3) non-resident employees have been proposed.
2. *The conduct of a home occupation may be approved within a structure accessory to a dwelling unit and located on the same lot as the dwelling unit.*
 - The applicant will only use the accessory building on the property to park a company truck associated with the business.
3. *Sales of commodities not produced on the premises may be permitted provided such commodities are specified and approved as a part of the application in accordance with Section 815.*

- No sales of commodities have been proposed.
- 4. *Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time.*
 - Organized instruction has not been proposed for this property.
- 5. *No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it's totally screened from the adjacent residential lots and the abutting street.*
 - The applicant has stated that there will be no outdoor storage and all materials and the company truck will be contained in an accessory building.
- 6. *Signage shall be consistent with the provisions of Section 541.03(8)*
 - No sign has been proposed for the property.
- 7. *Delivery traffic shall be limited to not more than three (3) UPS or similar deliveries per week. No semi-tractor truck deliveries will be permitted at any time.*
 - Delivery traffic is not expected to increase.

Recommendation

Staff recommends **conditional approval** of a Variance from Section 512.02(1) and a Conditional Use from Section 511.03 of the Franklin Zoning Resolution with the following conditions:

1. No outdoor storage of materials will occur on site at any time; all materials must be stored indoors.
2. All vehicles and trailers associated with the business must be parked indoors at all times.
3. No signage will be permitted on the property in association with the business.
4. No more than three (3) non-resident employees will be permitted at any time.
5. The applicant must reduce the fence posts on the existing fence along the front of the property to the required 42 inches within one (1) week of the date of approval.
6. The applicant must receive zoning compliance from the Franklin County Economic Development and Planning Department.
7. The applicant must allow the applicable accessory structures to be inspected by the Franklin County Economic Development and Planning Department.
8. The two accessory structures on the northeast corner of the property must be removed
9. The applicant will must meet these conditions, aside from condition number five (5), within six (6) months of the date of approval.

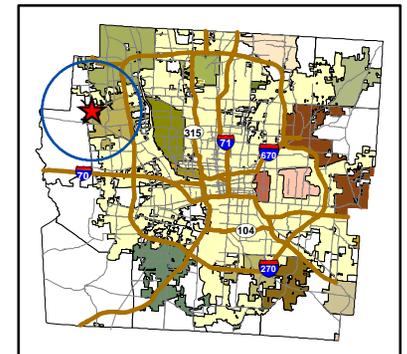


CU-3719

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the storage of landscaping materials, a commercial vehicle and equipment in association with a conditional use home occupation in an area zoned Rural.

3.01 acres
Norwich Township

-  4594 Cosgray Road
-  Parcels
-  Streets
-  Corporate Boundaries
-  Hilliard



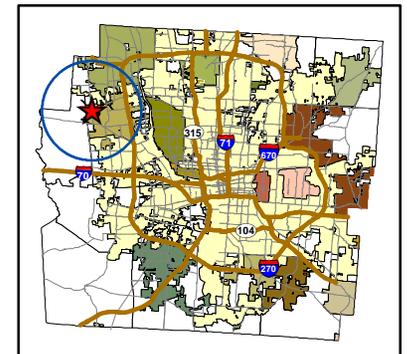


CU-3719

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the storage of landscaping materials, a commercial vehicle and equipment in association with a conditional use home occupation in an area zoned Rural.

3.01 acres
Norwich Township

- 4594 Cosgray Road
- Parcels
- Streets
- Corporate Boundaries
- Hilliard





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STAFF REPORT

Board of Zoning Appeals
January 18, 2011

Case VA/CU-3726

Prepared by: Scott Fulton

Owner:	James and Debra Ricker
Applicant:	Wheeler Energy Solutions
Township:	Brown Township
Site:	3191 Amity Road (PID # 120-000906)
Utilities:	On-lot Well and Septic
Acreage:	7.89-acres
Request:	Requesting variances from Section 561.02 and 650.162(a) and a conditional use from Section 561.05 of the Franklin County Zoning Resolution to allow the construction of a wind energy system with a lattice tower within the Big Darby Creek Watershed Riparian Setback.

Summary

The applicant is requesting a variances and a conditional use so that they may construct a wind energy system on their property. The proposal meets the conditions for granting a variance and a conditional use. Staff recommends **conditional approval** of both variances and the conditional use.

Description of the Request

The property is located at 3191 Amity Road in western Brown Township and contains a 3,553 square foot single-family home constructed in 1989. The owner is proposing to install a 32kw wind energy system to the rear of the home, approximately the center of the property and just outside of the floodplain, to supplement the energy needs of the home. The wind turbine, with a diameter of 36.8 feet (18.4ft radius), will sit atop of a 95 foot lattice tower, making the total height of the structure 113.4 feet (18.4 + 95 = 113.4). In addition to requiring all wind energy systems to receive a conditional use permit, the Franklin County Zoning Resolution requires all towers to be of a monopole design; therefore, the proposed lattice tower requires a variance; monopole towers are required because they have a smaller profile and reduce the possibility of people climbing the pole. Additionally, because the property directly abuts the Big Darby Creek, the majority of the property is located within the Big Darby Accord Riparian Setbacks including most of the backyard. Because the only location meeting the fall zone requirements for the proposed wind energy system is in the backyard, a variance must be obtained in order to place it there.

On December 20, 2010 the Board of Zoning Appeals tabled the case so that staff could investigate the issues raised by neighbors of the applicant and work to develop a compromise between all parties involved. Staff gave the applicant and the neighbors a two week time period, due to the holidays, to submit material supporting their case which both parties did by the prescribed deadline. Staff reviewed these materials and met with Mr. Wheeler and Mr. Lucius on January 7th, 2011, Ms. Snyder was unable to attend as she was out of town at the time of the meeting. At this meeting a list of issues with the proposed

turbine was developed and forwarded on to Mr. Ricker for review. At the time of this writing, there has been no response to this list due to time restrictions associated with publication of staff reports; more information will be available at the meeting.

Surrounding Area

Direction	Zoning	Land Use
North	Rural	Single-family home
East	Rural	Single-family home
South	Rural	Single-family home
West	N/A	Big Darby Creek

Comprehensive Plans

The Brown Township Comprehensive Plan, adopted in 2005, recommends the property be used for Low Density Rural Residential, which is defined by the Plan as 0.2 – 0.4 net units per acre.

The Big Darby Accord Master Plan, adopted in 2006, recommends the property be used as Rural residential, which is defined as greater than 0.5 units per acre.

Staff Review

Variance from Section 561.02 – Lattice Tower

1. *That 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;*
 - Due to the slope in the rear of the property, bringing in the equipment need to assemble and raise a monopole tower would be very difficult. As a result, the applicant has worked to develop a special tower that can be assembled and raised with minimal equipment; however the tower is a lattice design.

2. *That 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;*
 - Literally interpreting the regulations would prohibit the installation of the proposed wind turbine because the pole is a lattice rather than monopole design.

3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The special conditions and circumstances are a result of the land and not the result of the applicant.

4. *That 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;*
 - Granting the variance would not confer a special privilege.

5. *That 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;*
 - Granting the variance will not adversely affect any of the above.

Variance from Section 650.162(a) – Structure in the Big Darby Riparian Setbacks

1. *That 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;*
 - Because of the fall zone requirement, the only feasible location for the proposed wind energy system is in the rear of the property; however, due to the property's location on the Big Darby Creek, much of the property is located in the Big Darby Riparian Setbacks including most of the backyard. As a result, there is no other location in which to construct the wind energy system aside from within the Riparian Setbacks.
2. *That 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;*
 - Literally interpreting the Zoning Resolution would prohibit the installation of the wind energy system as the area of the property located in the riparian setback is the only location in which to place the system.
3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The special conditions and circumstances are a result of the land and not the result of the applicant.
4. *That 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;*
 - Granting the variance would not confer a special privilege.
5. *That 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;*
 - Granting the variance will not adversely affect any of the above.

Conditional Use from Section 561.05 – Wind Energy System

1. *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in the Zoning Resolution are met;*
 - The proposed use is a conditional use of the zoning district and can meet the applicable development standards, such as fall zone, tower height, lighting, etc.
2. *The proposed development is in accordance with applicable plans or policies for the area.*
 - The proposal is in accordance with applicable plans and policies for the area.
3. *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*
 - The proposal keeps with existing land use character and physical development potential of the area.

Utilities

The property utilizes on-lot well and septic for its water and wastewater needs.

Recommendation

Staff recommends **conditional approval** of both variances and the conditional use with the following conditions:

1. The applicant must receive a certificate of zoning compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must receive a building permit from the appropriate agency.

3. The applicant must work with the Franklin Soil and Water Conservation District in order to properly mitigate the impact on the riparian setbacks; Soil and Water will determine when the impact has been adequately mitigated.
4. All conditions of approval must be met within one (1) year.

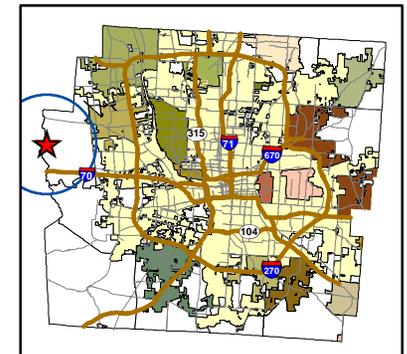
VA/CU-3726

Requesting a variance from Section 650.162(a) and a conditional use from Sections 561.05 and 610.06(7) of the Franklin County Zoning Resolution to allow the construction of a wind energy system with a lattice tower within the Big Darby Creek Watershed Riparian Setback.

7.89 acres
Brown Township



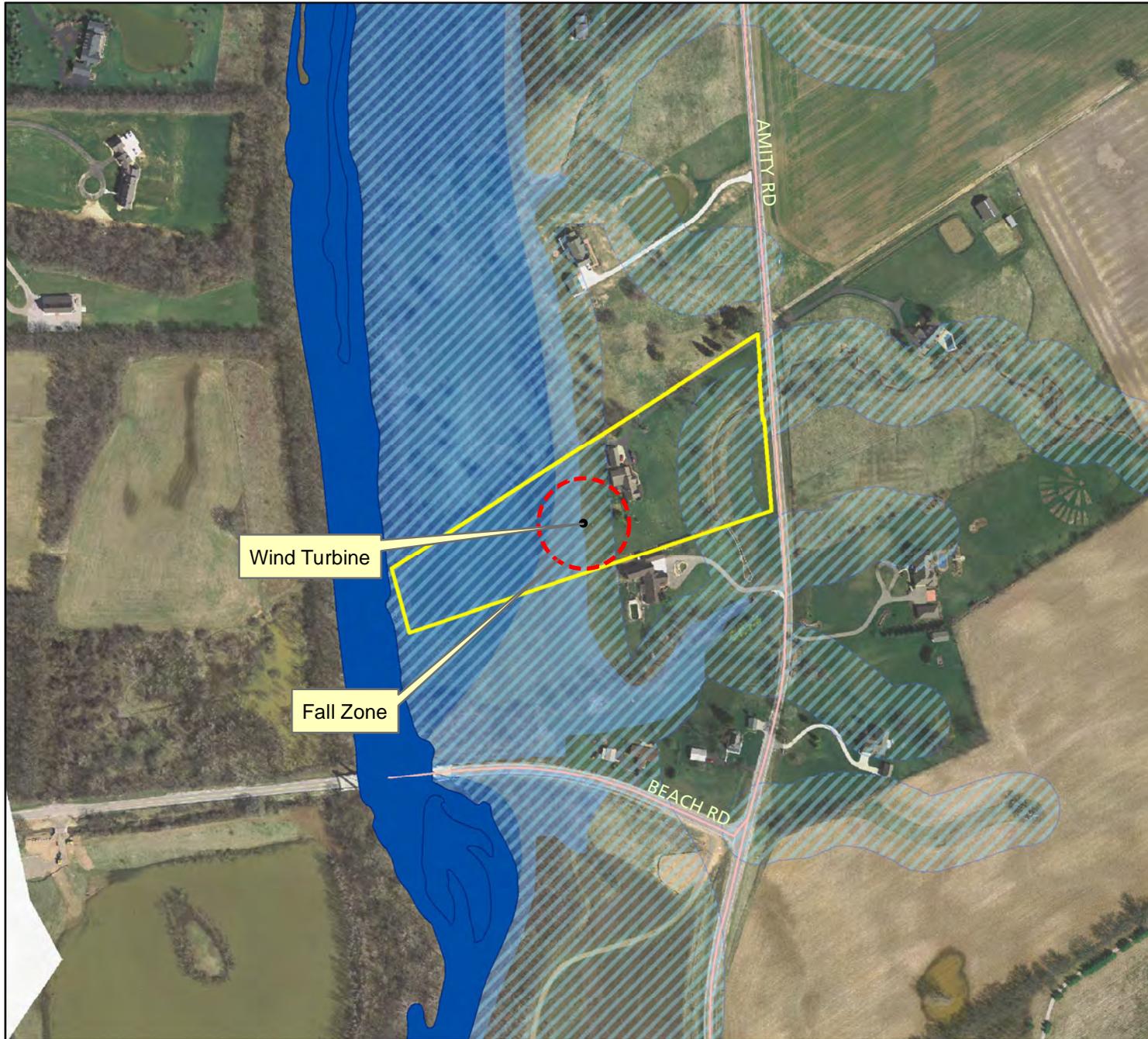
- 3191 Amity Road
- Parcels
- Streets
- Streams
- Riparian Setbacks
- Floodplain
- Floodway
- 1% annual chance flood



VA/CU-3726

Requesting a variance from Section 650.162(a) and a conditional use from Sections 561.05 and 610.06(7) of the Franklin County Zoning Resolution to allow the construction of a wind energy system with a lattice tower within the Big Darby Creek Watershed Riparian Setback.

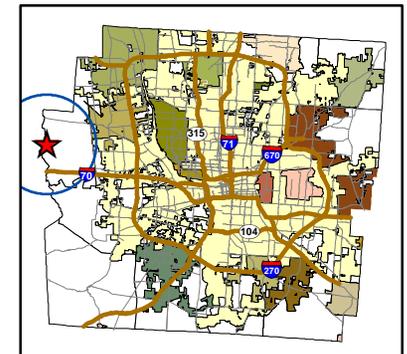
7.89 acres
Brown Township



Wind Turbine

Fall Zone

- 3191 Amity Road
- Parcels
- Streets
- Streams
- Riparian Setbacks
- Floodplain
- Floodway
- 1% annual chance flood



SPONSELLER GROUP, INC.

ENGINEERS • DESIGNERS • PROJECT MANAGERS

December 2, 2010 - revised

Mr. Scott Fulton
Planner
Franklin County Economic Development and Planning
150 South Front Street, FSL Suite 10
Columbus, Ohio 43215-7104

Cc: Fred Wheeler (Wheeler Energy)

RE: 95' Wind Turbine Zoning Variance Request for Ricker Property (Parcel #120-000906-00)

Dear Mr. Fulton:

This letter is to address requirements for zoning variance application at the above residence as previously discussed. Please note that we have revised the Tower Height to 95' and subsequently updated the Fall Zone. This is shown graphically and calculation form on the attached site plan.

The following numbered items correspond to the Franklin County Zoning Resolution.

Section 561.04

Item a) See attached drawing for Fall Zone compliance

Item b) Tower is 95' to centerline of rotor. This height does not exceed height recommended by the manufacturer. Manufacturer has agreed to supply a letter in writing stating such if required once the turbine is purchased.

Item c) Sound level testing data from manufacturer provided. See attachments.

Item d) Based on the location of the turbine to surrounding properties and expected travel path of the sun, no shadow flicker impacts are anticipated.

Item e) There are no signs proposed.

Item f) All components of this project will comply with the Ohio Building Code.

Item g) This tower will be designed to comply with applicable FAA regulations.

Item h) The tower is not proposed to be colorful or an advertisement in any way. Turbine hub and blades will be white with a galvanized steel support tower. No lighting is proposed except as required by code or FAA regulations.

Item i) Utility connection will adhere to ORC 4928.67. See attachment for proposed interconnection details.

Item j) Tower design will comply with safety and access security requirements.

Item k) No site clearing is required other than excavation for foundation. There will be no fill or structure added within the designated floodplain.

Item l) Electrical wiring from tower to residence will be run underground.

Item m) Owner will comply

Item n) Owner will comply

Item o) No historic sites are known to be within 1000 feet of proposed structure. Written proof may be provided prior to construction as required.

Item p) Turbine complies with controls and brake requirements.

Section 561.05

Please see attached site plan as requested. A few additional notes:

- See attached proposed interconnection details.
- Sound Level reports attached.

Please advise if any further information is required.

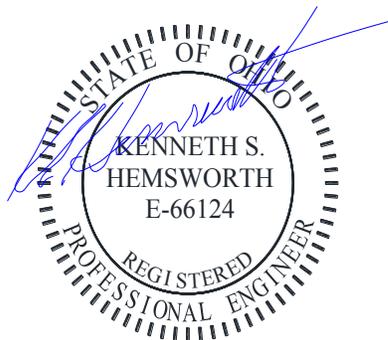
Sincerely,

Ken S. Hemsworth

Kenneth S. Hemsworth, P.E.

937-492-9949 x22

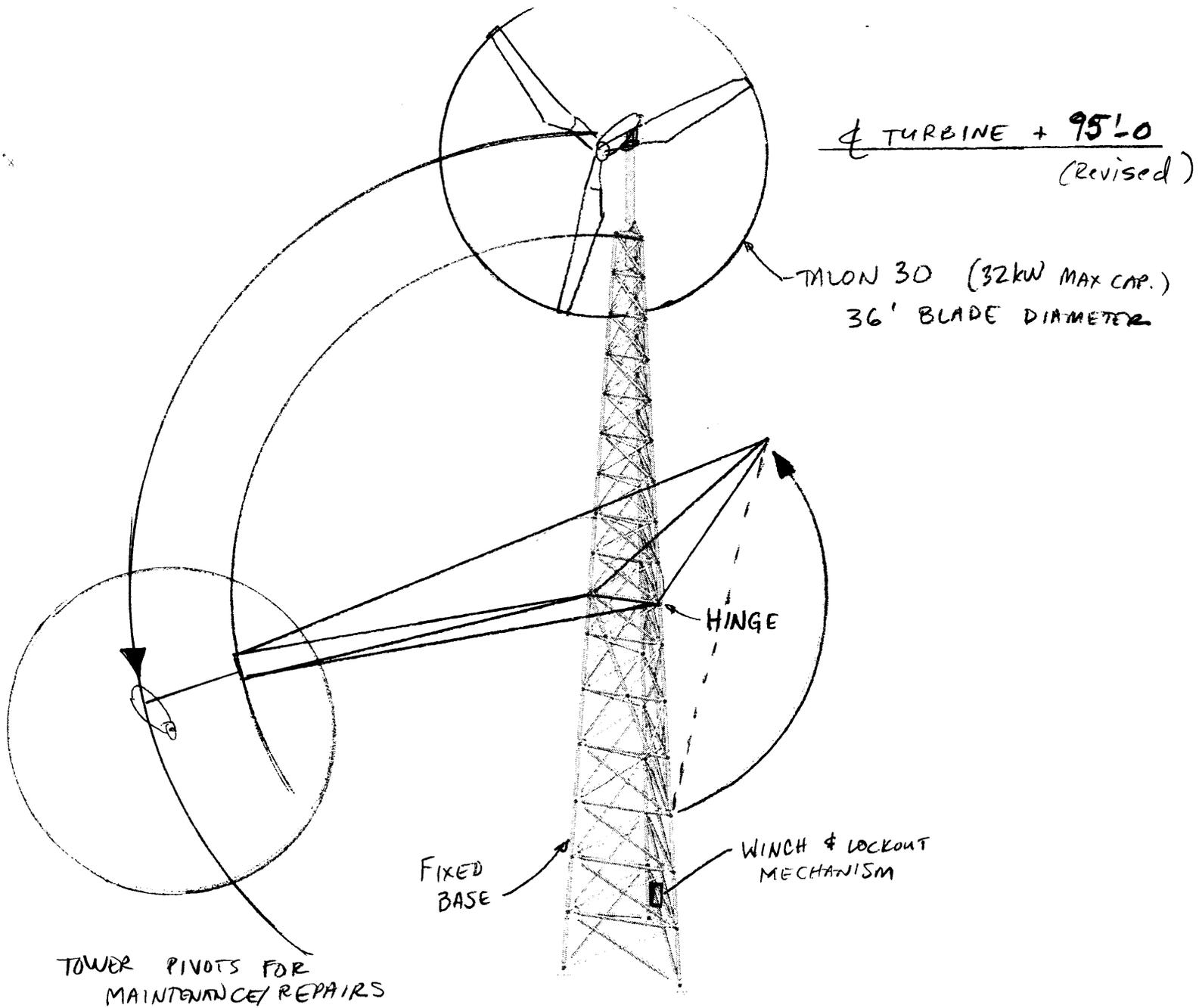
khemsworth@sgisidney.com





APPROX LOCATION
95' WIND TOWER
TRION 20 (32KW) TURBINE

FOUNDATION:
POTENTIAL DRILLED
PIERS OR DRIVEN PILES
AS REQ'D - TBD



APPLICATION FOR INTERCONNECTION OF
INVERTER BASED GENERATION EQUIPMENT
50 KILOWATTS OR SMALLER
(Short Form Application)

1/7

A unit of American Electric Power

An Application is a complete application when it provides all applicable and correct information required below. Additional information to evaluate a request for interconnection may be required pursuant to the application process after the Application is deemed complete.

The Company shall charge each customer that applies for interconnection service an application fee as set forth in the Commission Rules. Application fee will be based on the actual costs per one-tenth of an hour of time spent by Company personnel on the simplified review.

Applicant

Name: James G Ricker
Address: 3191 Amity Road Hilliard, Ohio 43026-4443
Phone: (614) 707-7425 Phone: (614) 851-9233 E-mail: jricker@america.com

Service Location

Address: 3191 Amity Road
Electric Service Account Number: 104-262-230-259 C4C 1160
Existing Electric Service: Amperes Rating: 200 Voltage: 240
Character: Single Phase Three Phase

Consulting Engineer or Contractor (if applicable)

Name: Wheeler Energy Solutions LLC
Address: 2317 Spencerville Rd Lima OH 45805
Phone: (419) 222-7488 Phone: () E-mail: wheelerenergysolutions@live.com

Energy Producing Equipment/Inverter Information

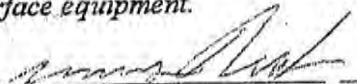
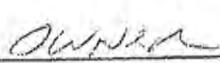
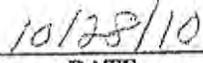
Solar Wind Other (specify): _____
Generator Manufacturer: TECWIND kW Rating: 32 KW
Inverter Manufacturer: POWER ON5
Inverter Model #: DVI-6000-05 Version #: 1
kW Rating: 30 kVA Rating: 30000
Estimated In-Service Date: 1/21/11

2/7

Attach documentation/product literature confirming that a nationally recognized testing and certification lab has listed the equipment.

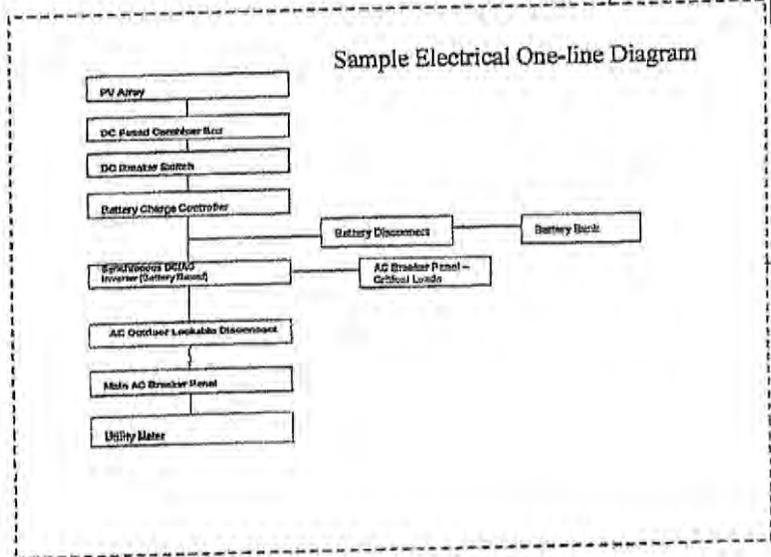
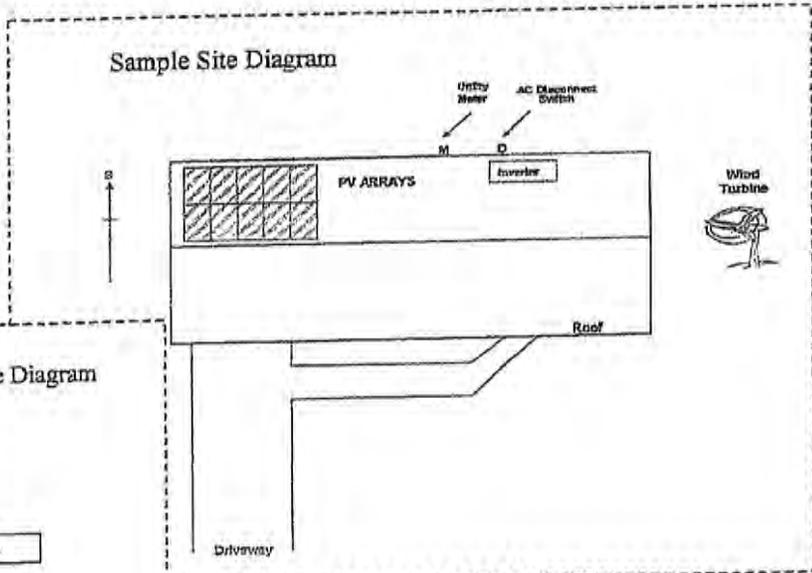
Attach electrical one-line diagram

Attach site diagram showing location of disconnect switch, electric meter, and protective interface equipment.

APPLICANT'S SIGNATURE TITLE DATE

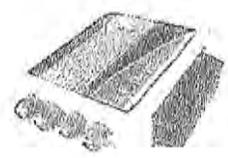
Return Completed Application to: Terry Hemsworth
 1 Riverside Plaza
 American Electric Power
 Columbus, Ohio 43215-2373
 614-716-4020 614-716-1414 (fax)
<http://www.aep.com/ohio/eng/2007>



POWER ONE®
Changing the Shape of Power

AURORA® ^{3/7}

General Specifications
 Outdoor Module



Aurora® grid-tie transformerless inverters offer a unique combination of ultra-high efficiencies, installer-friendly designs, long service life, and competitive initial acquisition costs; significantly increasing return on investment in wind-power installations.

Reverse-polarity protection minimizes potential damage caused by miswiring during installation.
 Front-panel mounted LCD display provides real-time updates for all critical operating parameters.
 RS-485 and USB communications interfaces.
 Anti-islanding protection

High efficiencies deliver more energy – up to 97% (96.5 CEC).
 MPPT optimize power from solar generator.
 PMG (Permanent Magnet Generator) Power Curve implemented in high speed MPPT

Full-rated power available up to 50 °C ambient temperature.
 Wide MPPT operating range: 50 to 580VDC

IP65 (NEMA 4) rated enclosure withstands the harshest environmental conditions.
 Front-mounted heatsink resists contamination, enhancing cooling and increasing reliability and long-term efficiency.
 Grid-connected operation in according to international standard UL1741/IEEE1547
 Five-year warranty, optionally extendable to ten years.

PVI-6000-OUTD-US-W	6KW
Aurora Communicator software simplifies monitoring via PC. Aurora Easy Control datalogger is available for remote control via Internet, modem.	
Optional interface box	

POWER ONE®
Changing the Shape of Power

AURORA® 4/7

INPUT PARAMETERS (DC Side)	
Nominal DC Power [kW]	6.18
Total Max. Recommended DC Power [kW]	6.4
Operating MPPT Input Voltage Range [V]	50 to 580 (360 nominal)
Full Power MPPT Range [V]	180-530
Max. Input Voltage [V]	600
Activation voltage [V]	200 nominal (adjustable within 50-350)
No. of Independent MPPT Trackers	1
No. of DC Inputs	1
Max. DC Current, each MPPT [A]	36 (44 short circuit)
Thermally Protected DC Side Varistor	4
DC Connections	4 (2 positive ; 2 negative) screw terminal block Wire size: Solid from AWG 20 to AWG 6 / Stranded from AWG 20 to AWG 8 Cable gland : M25-cable diameter 3/8" to 11/16"
OUTPUT PARAMETERS (AC Side)	
Nominal AC Power [kW]	6
Max. AC Power [kW]	6
AC Grid Connection	single phase 208/277 - split phase 240
Nominal AC Voltage Range [V]	Default - 240V; Optional 208 or 277V (setting required)
Maximum AC Voltage Range [V]	187.2-224.6 ; 216-25.2 ; 249.3-299.2
Nominal AC Frequency [Hz]	60
Max. AC Line Current [A]	24/20/18 (30 short circuit)
AC Side Varistor	2 (Live - Neutral / Live - PE)
AC Connection	Screw terminal block Wire size: Solid from AWG 20 to AWG 6 / Stranded from AWG 20 to AWG 8 Cable Gland: M25 - Cable diameter 3/8" to 11/16"
Line Power Factor	1
AC Current Distortion (THD)	<2% at rated power with sine wave voltage
Max. Efficiency	97%
CEC Efficiency	96.5%
Feed In Power Threshold [W]	20
Nighttime Consumption [W]	< 2
Isolation	No (Transformerless)
ENVIRONMENTAL PARAMETERS	
Cooling	Natural cooling
Ambient Temp. Range [°C]	-25 / + 60 (output power derating above 50 °C)
Operating Altitude [ft]	6,000
Acoustical Noise [dBA]	< 50 @ 1mt
Environmental IP Rating	IP65
Relative Humidity	0-100% condensing
MECHANICAL	
Dimensions (HxWxD) [mm]	740x325x195 (29 1/8" x 12 13/16" x 7 11/16")
Weight [kg]	27 (57.3 lbs)
OTHER	
Display	YES (Alphanumeric 2 lines)
Communication	RS485 (Spring terminal block - Conductor cross section: AWG28-16) USB connection (Service) *Aurora Easy-Control* system for remote control (Optional)

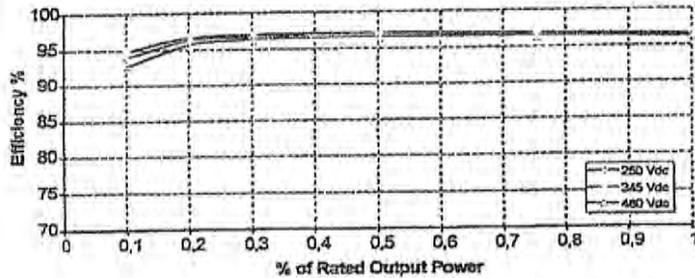
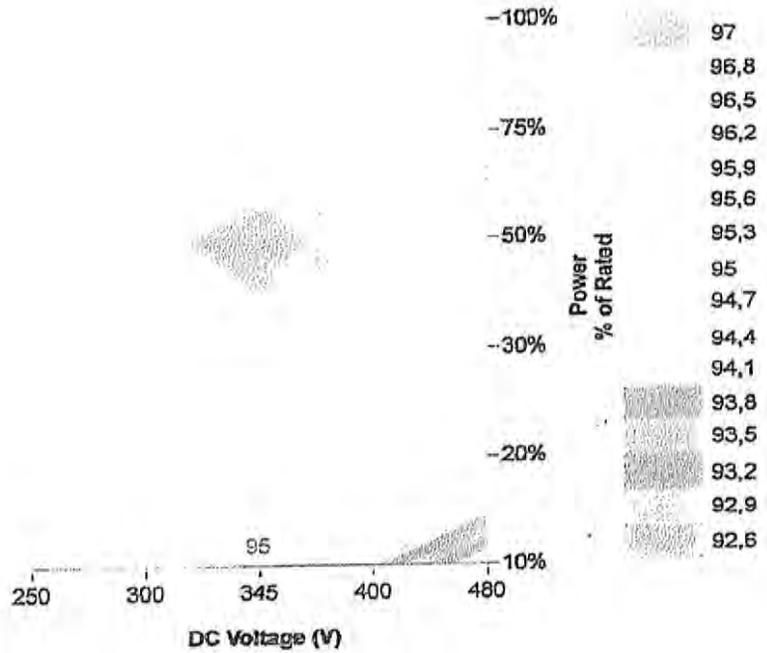
Aurora inverters comply with standards set for grid-tied operation, safety, and electromagnetic compatibility including: UL1741 & CSA -C22.2 N.107.1-01, VDE0126, CEI 11-20, DK5940, CEI64-8, IEC 61683, IEC 61727, EN50081, EN50082, EN61000, CE certification, El Real Decreto RD1663/2000 de España.

POWER ONE®
Changing the Shape of Power

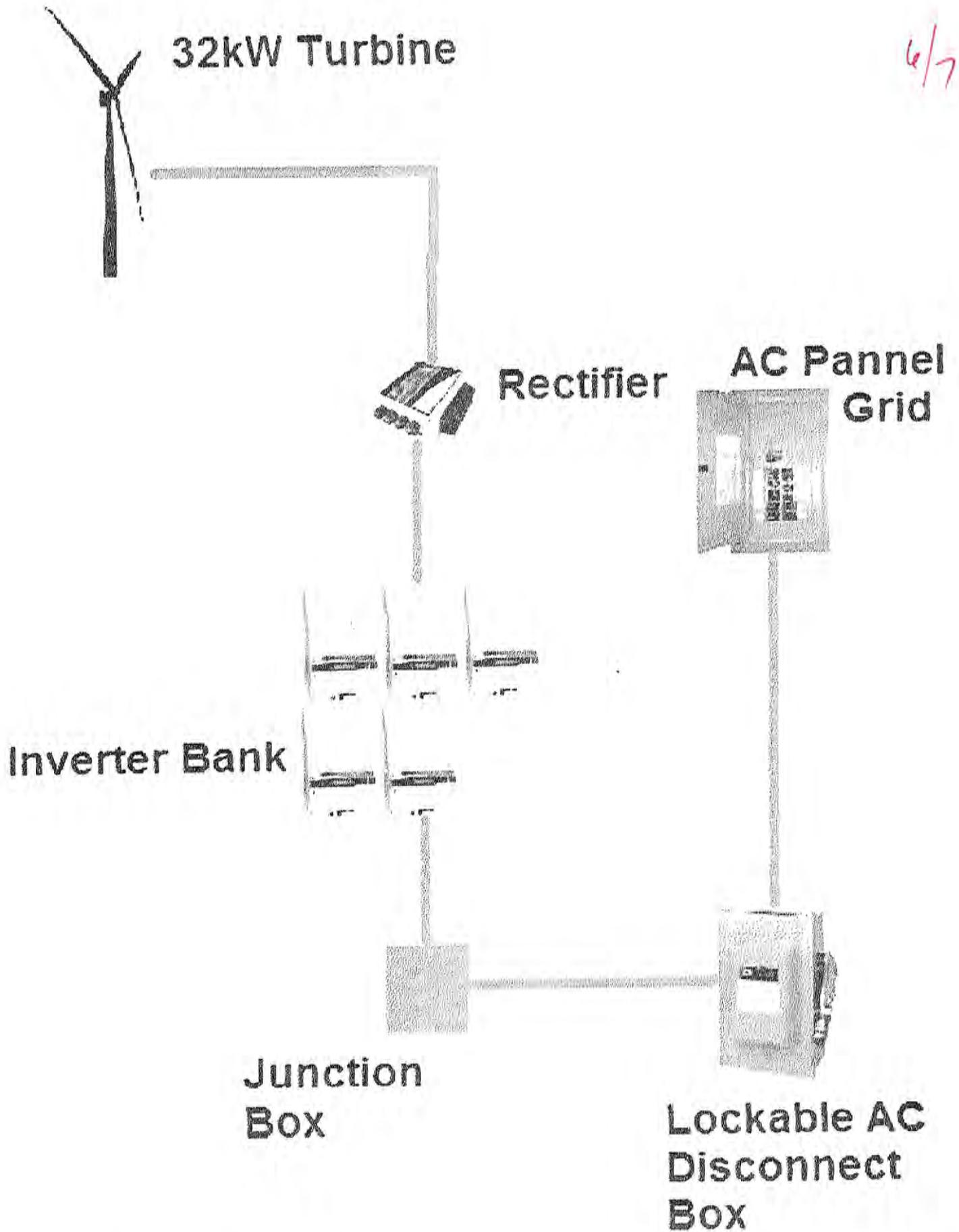
AURORA® 5/7

PVI-6000-OUTD-US-W inverter works with nominal output voltage, at up to 97% efficiency.

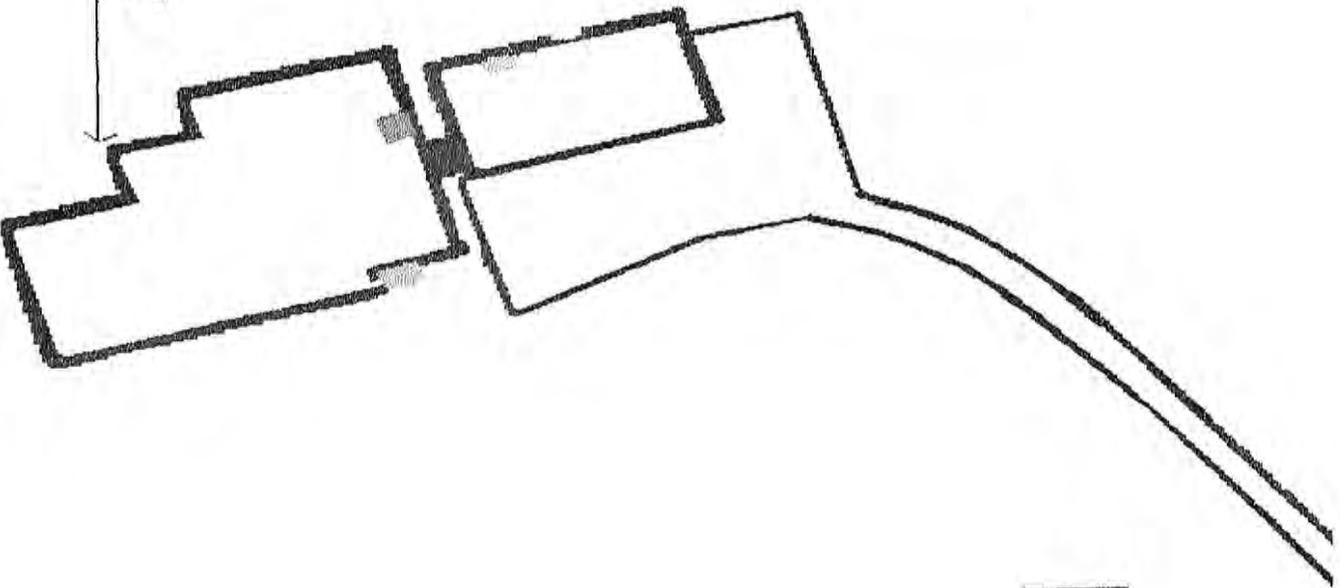
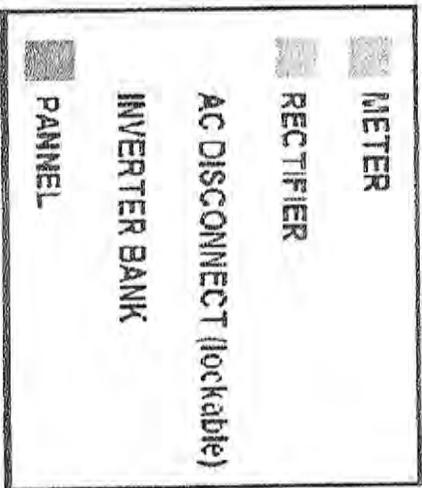
The graph to the right demonstrates the high efficiencies, across a continuous range of input voltages and load conditions, for the PVI-6000. The graph below depicts the industry-leading performance at three discrete MPPT-voltage reference points, and a continuous range of load conditions.



6/7

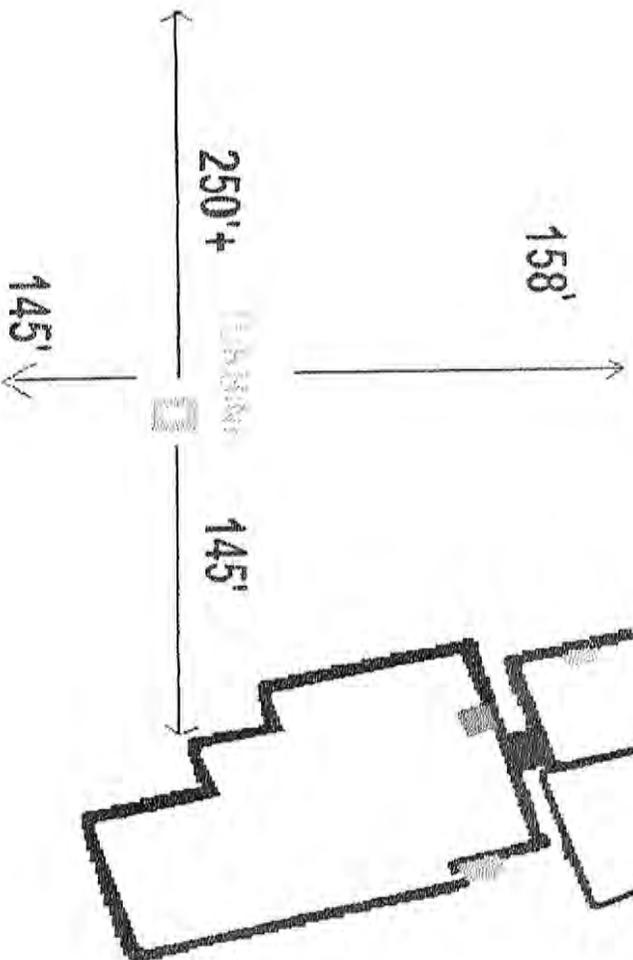


7/7



3191 Amity Rd 43026

Amity Rd

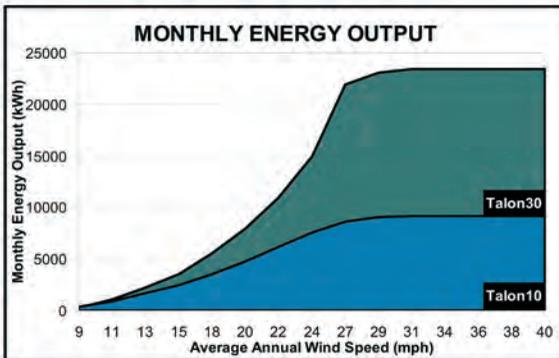


Talon10 and Talon30 downwind systems

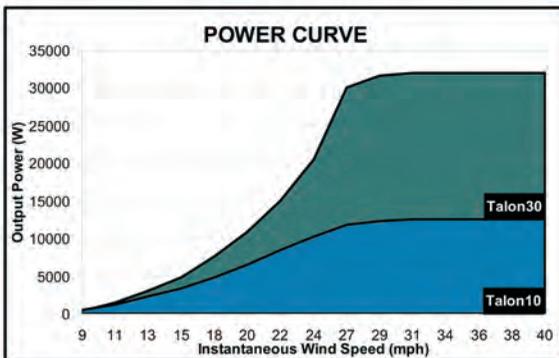
A&C Green Energy is proud to introduce a powerful, yet inexpensive, solution to your wind energy requirements. Our exclusive Variable Pitch Technology™ allows significant energy production in stronger winds and a lower startup wind speed for a dramatic increase in the working range and reliability. Talon can produce up to twice the power of other systems and will cut in half your ROI time. This makes the Talon series the most cost-effective model available today! Either of these two Talon systems can be configured grid-tie or off-grid and are perfect for larger homes, schools, businesses, communities and ranches. In areas with moderate wind speed, these systems can easily replace 40-100% of your total electric utility consumption.



featuring the exclusive Variable Pitch Technology



- Variable Pitch Technology™ will maximize power output in both low and high winds, cut return on investment time, and protect the generator against over-speed burnout
- Energy production up to 56 mph
- Quiet operation – noise level below 65db
- Power box has short-circuit protection and automatic dump load function
- Inverter is UL1741 & IEEE1547 compliant for secure grid-tie operation
- 6 year warranty



	Talon10	Talon30
Blade Diameter	25 feet	36 feet
Blade Material/Quantity	FRP/3	FRP/3
Rated Power	10,000 W	30,000 W
Peak Power	12,500 W	32,000 W
Rated Wind Speed	24.6 mph	23.3 mph
Start-Up Wind	6.7 mph	6.7 mph
Working speed	5.6-56 mph	5.6-56 mph
Survival Wind	112 mph	112 mph
Rated Rotation Speed	200 rpm	120 rpm
Working Voltage	DC300V	DC540V
Output Voltage	AC220V	AC380V
Generator Type	3-phase AC Permanent Magnet	3-phase AC Permanent Magnet
Speed Regulation	Variable Pitch Technology	Variable Pitch Technology
Shut Down Method	Hand/Electric Winch	Hand/Electric Winch
Turbine Main Body	1102 lbs	3902 lbs
Generator Lifespan	15 years	15 years

acgreenenergy.com
866-WND-PWRD



A&C GREEN ENERGY
Renewable Energy for Life

TALON30 Noise Testing Report

System : TALON30
Rated Power: 30 KW
Rated Wind Speed: 26.8 mph

Testing Conditions:

Date	Time	Air Pressure	Temperature
Aug 18, 2009	8:30-16:30	100.5 kPa	80.42 F
Aug 19, 2009	10:30-17:10	100.5 kPa	80.96 F
Aug 20, 2009	11:30-16:30	100.5 kPa	80.06F

Testing Results:

Date: Aug 18, 2009

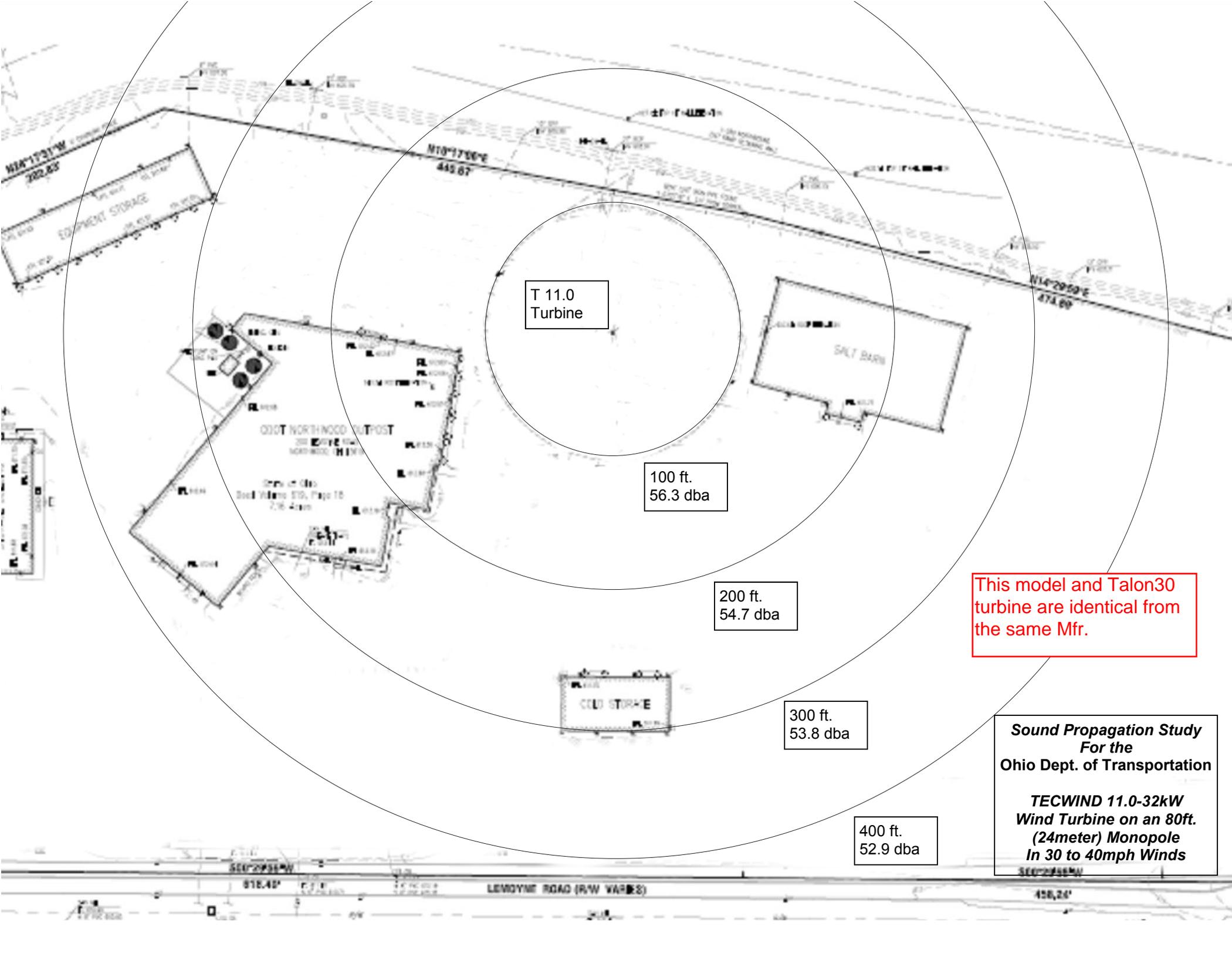
Distance	Time	Wind Speed	Noise (dB)
100 ft	11:52 - 12:52	35.8mph	56.5
165 ft	14:50 - 15:20	13.2mph	51.3
200 ft	15:35 - 16:30	33.8mph	54.7

Date: Aug 19, 2009

Distance	Time	Wind Speed	Noise (dB)
100 ft	13:37-14:20	23.9mph	57.5
165 ft	15:45-16:45	29.8mph	56.0
200 ft	16:50:17:30	35.3mph	55.6

Date: Aug 20, 2009

Distance	Time	Wind Speed	Noise (dB)
100 ft	14:30-15:20	11.2mph	49.5
165 ft	16:00-16:30	24.6mph	57.2
200 ft	16:35:17:25	12.7mph	47.9



T 11.0
Turbine

100 ft.
56.3 dba

200 ft.
54.7 dba

300 ft.
53.8 dba

400 ft.
52.9 dba

This model and Talon30 turbine are identical from the same Mfr.

**Sound Propagation Study
For the
Ohio Dept. of Transportation**

**TECWIND 11.0-32kW
Wind Turbine on an 80ft.
(24meter) Monopole
In 30 to 40mph Winds**

EQUIPMENT STORAGE

SALT BARN

330T NORTHWOOD OUTPOST

COLD STORAGE

LENOYNE ROAD (R/W VARIES)







Commissioner John O’Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
January 18, 2011

Case VA/CU-3729

Prepared by: Scott Fulton

Owner/Applicant:	Tia Blankenship and Scott Johnson
Agent:	Stephen A. Moyer
Township:	Franklin Township
Site:	1300 Brown Road (PID # 140-004232)
Utilities:	Central Water and Sewer
Acreage:	1.0-acres
Request:	Requesting variances from Section 501.012 and 512.02(2) and a conditional use from Section 511.03 of the Franklin County Zoning Resolution to legitimize the construction of a fence that exceeds the maximum permitted height, allow the construction of a fence that exceeds the maximum permitted height, legitimize the construction of an accessory building that exceeds the maximum permitted size and fails to meet the minimum property line setback, and allow a conditional use home occupation for a tree trimming business in an area zoned Rural.

Summary

The applicant is requesting a variance to allow a six foot fence along their frontage on Little Avenue, a 10 foot fence on the interior of the property to screen vehicles associated with a commercial business, a reduction in the setback for an accessory structure, and for an addition to an accessory structure that exceed the maximum size. The applicant is also requesting a conditional use in order operate a tree trimming business from the property. Staff recommends **conditional approval** of the variance for an oversized fence in the front yard and **denial** of the remaining variances and the conditional use.

Description of the Request

The property is located at 1300 Brown Road, just north of Little Avenue and contains an approximately 2,132 square foot accessory building and a 294 square foot shed. The applicant is also currently in the process of constructing an approximately 2,100 square foot home on the property and has received a certificate of zoning compliance to do so.

The applicant is requesting variances in order to legitimize the construction of a six foot fence along Little Avenue which, according to the Franklin County Zoning Resolution, lies in the front yard and can be no taller than three and one half (3½ feet); the construction of a 10 foot metal fence on the interior of the property to screen commercial vehicles; a reduction in the setback requirement and increase to the maximum size to legitimize an illegal additions to the accessory building. The applicant is also requesting a conditional use to legitimize a tree trimming business being conducted from the property.

History

The applicant purchased the property in 2008 from the Shortridge family who had owned the property, according to the Franklin County Auditor, for approximately 12 years. The Shortridges received a variance in 1996 “to construct an oversized detached structure located nearer to a side and rear property line than is permitted and which is further located on a lot where a principal structure does not exist. The Board also approved a Conditional Use request to allow for the on-site storage of commercial vehicles and equipment” with the following conditions:

1. The two (2) lots currently under the applicant’s ownership (lot 2 and most of lot 19) be combined prior to obtaining a building permit for the pole barn.
2. The two (2) lots in the applicant’s mothers name (lot 1 and the remained of lot 19) be combined with other lots under the applicant’s ownership if they are assigned to him from probate.
3. A building permit be applied for and received prior to any additional construction to the pole barn.
4. All commercial vehicles and equipment are stored inside the structure once completed. No outside storage shall be permitted.
5. A Township permit is to be applied for and received for a culvert that has been constructed on lot 19 under a driveway which accesses Little Avenue. At the hearing you stated you would eliminate this driveway.
6. An existing culvert located under the pole barn is to be maintained solely by the applicant
7. Landscaping is to be completed by September 30, 1996 per the landscaping plan submitted to the Board and noted as Exhibit A.
8. No commercial activity is to take place from the pole barn other than the storage of commercial vehicles as approved by this Board.

On March 26, 2010 the applicant received a certificate of zoning compliance in order to construct a home on the property; the certificate held the conditional that any commercial activity from the property would need a conditional use permit.

Zoning Violations:

The applicant received a letter from the Franklin County Economic Development and Planning Department on August 7, 2008 and a follow-up letter on August 28, 2008 notifying the applicant of the violations of a non-permitted use in a zoning district, inoperable vehicles, commercial vehicles and a commercial business in a Rural Zoning District.

On March 26, 2010 and again on April 6, 2010 a letter was sent from the Franklin County Economic Development and Planning Department to the applicant to cite the violation of the construction of a fence without a permit; the fence in question also encroached approximately seven feet onto the neighboring property.

On April 23, 2010 the case was scheduled for the Environmental Division of the Franklin County Municipal Court but received a continuance so that the applicant could attempt to correct the violations through the zoning process.

Letter from the Applicant’s Agent Mr. Moyer:

On December 17, 2010 staff received a letter from Mr. Moyer which outlined points which, according to Mr. Moyer, should grandfather the proposed use on the property and allow the applicant to conduct his business without the need for a Conditional Use permit. Due to the timing of when the letter was received, staff requested that the case be tabled for 30 days so that the Prosecutor’s office could have time to review

the issues raised in the letter. At the time of this writing, the Prosecutor’s office is still investigating the accuracy of the points raised in Mr. Moyer’s letter.

Surrounding Area

Direction	Zoning	Land Use
North	Residential – R2F – (Columbus)	Housing for disabled persons
East	Rural	Single-family home
South	Rural	Single-family home
West	Restricted Urban Residential (R-8) Neighborhood Commercial (NC)	Single-family home Restaurant

Comprehensive Plan

The Southwest Area Plan, a collaborate effort by the City of Columbus, Franklin Township, Jackson Township and Franklin County adopted in April 2009, recommends for the applicants parcel for Neighborhood Commercial, which is intended “to provide localized commercial areas for the daily use of neighborhood residents”. Examples of Neighborhood Commercial uses are “small-scale retail establishments, office and dwelling units located above other permitted uses”. The plan goes on to outline corresponding zoning districts from the Franklin County Zoning Resolution considered acceptable districts in the Neighborhood Commercial future land use category, which are: Neighborhood Commercial, Select Commercial Planned District and Planned Shopping Center.

Policy B of the Southwest Area Plan discourages conditional use home occupations in the planning area and Section 511.03(d)(1) of the Franklin County Zoning Resolution expressly prohibits the Board of Zoning from granting a conditional use for a home occupation in this area.

Staff Review

Variance from Section 501.012 – No fence or wall between a street and a principal structure shall be more than three and one half (3½) feet in height.

1. *That 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 special circumstances are a result of the odd shape of the property having double frontage without being a corner lot.

2. *That 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;*
 - Literally interpreting the regulations would require the applicant to move the fence all the way back to be in line with the accessory building which would essentially negate the purpose the fence would be built.

3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The special conditions and circumstances are not a result of the applicant.

4. *That 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;*
 - Granting the variance will not confer a special privilege.

5. *That 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;*
 - Granting the variance for the fence at its current location adversely affect the neighbors on either side of the applicant's property fronting on Little Avenue as the fence interferes with their ability to see vehicles approaching as they try and pull out of their driveways. However, if the fence is pulled back to be even with the southern boundary of parcel 140-004236, then these visibility issues should be remedied.

Variance from Section 501.012 – No fence shall exceed six (6) feet in height.

1. *That 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;*
 - There are no special conditions or circumstances that are peculiar to the land or structure that are not applicable to other lands or structures in the same Zoning District.
2. *That 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;*
 - Literally interpreting the regulations would not deprive the applicant of any rights.
3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The special conditions and circumstances are solely the result of the applicant as they are choosing the oversized fence.
4. *That 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;*
 - Granting the variance would confer a special privilege on the applicant as they have not demonstrated a hardship.
5. *That 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;*
 - Granting the variance for a 10 foot metal fence is out of character for a residential area, especially since it is intended to screen the applicant's vehicles associated with a commercial business. If a commercial business were not operating from the property than there would be no need for a fence of this size; therefore, the fence would be detrimental to the area as it furthers the use of the property for commercial activities.

Variance from Section 512.02(2) – Accessory building setback

1. *That 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;*
 - There are no special conditions or circumstances that are peculiar to the land or structure that are not applicable to other lands or structures in the same Zoning District. Two additions to the oversized accessory building were constructed illegally.
2. *That 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;*
 - A literal interpretation would not deprive the applicant of any rights

3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The conditions do not result from the action of the applicant; however the addition to the existing accessory building were constructed illegally and contrary to the conditions of the previous variance.
4. *That 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;*
 - Granting a variance would confer a special privilege as a hardship has not been demonstrated.
5. *That 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;*
 - Granting the variance would have adverse affects to the items listed above as it would assist to further to operation of a commercial business in a residential area.

Variance from Section 512.02(2) – Accessory building size

1. *That 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;*
 - There are no special conditions or circumstances that are peculiar to the land or structure that are not applicable to other lands or structures in the same Zoning District. Two additions to the oversized accessory building were constructed illegally.
2. *That 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;*
 - A literal interpretation would not deprive the applicant of any rights
3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The conditions do not result from the action of the applicant; however the addition to the existing accessory building were constructed illegally and contrary to the conditions of the previous variance.
4. *That 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;*
 - Granting a variance would confer a special privilege as a hardship has not been demonstrated.
5. *That 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;*
 - Granting the variance would have adverse affects to the items listed above as it would assist to further to operation of a commercial business in a residential area.

Conditional Use from Section 511.03 – Home occupation

1. *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in the Zoning Resolution are met;*
 - The proposed conditional use is absolutely contrary to the development standards for the area. Policy B of the Southwest Area Plan discourages conditional use home occupations in the planning area and Section 511.03(d)(1) of the Franklin County Zoning Resolution expressly prohibits the Board of Zoning from granting a conditional use for a home occupation in this area.

2. *The proposed development is in accordance with applicable plans or policies for the area.*
 - As mentioned above, the proposal is directly contrary to the recommendations of the Southwest Area Plan.
3. *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*

The existing land use character of the area is mainly residential and the proposed tree trimming business does not match the character of the neighborhood. Although the Southwest Area Plan recommends the property be utilized for Neighborhood Commercial uses in the future, these commercial uses are much less intense than the applicant's business.

Utilities

The applicant utilizes central water and sewer for their water and wastewater needs.

Franklin County Drainage Engineer

At the Technical Review Committee meeting, the Franklin County Drainage Engineer mentioned that an underground drainage line running through the applicant's property. The Drainage Engineer has requested a 20 foot easement so that this line can be maintained so that there is no negative impact on the neighborhood.

Staff Analysis:

Staff understands that the applicant was under the impression at the time they purchased the property that a commercial use could be conducted from the property. According to the applicant's application, a tree trimming business has been run from the property for 20 years and the applicant purchased the tree business and the equipment at the time the property was purchased. Furthermore, the applicant consulted the Franklin County Auditor's website which has the property listed as "Commercial Warehouse"; the applicant was under the impression that the designation was a zoning designation.

That being said, it is not the responsibility of the Franklin County Economic Development and Planning Department nor the Board of Zoning Appeals to "correct" the mistakes made by the applicant. The applicant shouldn't have taken the seller solely on their word and should have investigated the zoning of the property before they purchased the land; the Franklin County Auditor's site lists how the property is being taxed not the property is zoned.

The case of *Cheek v. United States* in 1991 highlighted that the misunderstanding or being unaware of a law does not excuse a citizen from adhering to it, thus helping to popularize the phrase "Ignorantia juris non excusat" meaning "ignorance of the law does not excuse".

Recommendation

Staff recommends conditional approval of a variance from Section 501.012 to allow a fence to exceed the maximum permitted height with the following conditions:

1. The applicant must move the fence back to align with the southern boundary of parcel 140-004236.
2. The applicant will not be permitted driveway access to Little Avenue and must remove the gate from that section of fence.
3. The applicant must reseed the former area of the driveway beyond the fence.
4. A 20 foot easement must be granted to the Franklin County Engineer for the drainage line on the property.
5. The applicant must receive a fence permit from the Franklin County Economic Development and Planning Department.

Staff recommends denial of a variance from Section 501.012 to allow for a 10 foot fence to be placed on the property as it does not meet the criteria for granting a variance.

Staff recommends denial of a variance from Section 512.02(2) to allow for a reduction of an accessory building setback as it does not meet the criteria for granting a variance.

Staff recommends denial of a variance from Section 512.02(2) to allow for an oversized accessory building as it does not meet the criteria for granting a variance.

Staff recommends denial of a conditional use from Section 511.03 to allow the applicant to conduct a tree trimming business from the property as it does not meet the criteria for granting a variance and it is expressly prohibited in the Franklin County Zoning Resolution.

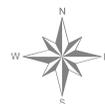
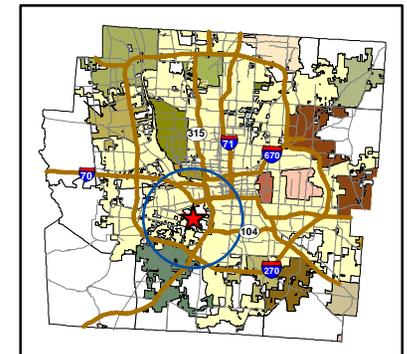


VA/CU-3729

Requesting variances from Section 501.012 and 512.02(2) and a conditional use from Section 511.03 of the Franklin County Zoning Resolution to legitimize the construction of a fence that exceeds the maximum permitted height, allow the construction of a fence that exceeds the maximum permitted height, legitimize the construction of an accessory building that exceeds the maximum permitted size and fails to meet the minimum property line setback, and allow a conditional use home occupation for a tree trimming business in an area zoned Rural.

1.00 acres
Franklin Township

-  1300 Brown Road
-  Parcels
-  Streets
-  Corporate Boundaries
-  Columbus



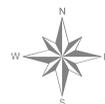
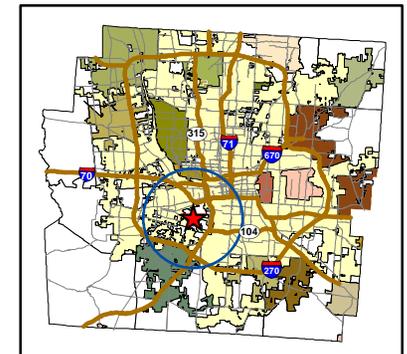


VA/CU-3729

Requesting variances from Section 501.012 and 512.02(2) and a conditional use from Section 511.03 of the Franklin County Zoning Resolution to legitimize the construction of a fence that exceeds the maximum permitted height, allow the construction of a fence that exceeds the maximum permitted height, legitimize the construction of an accessory building that exceeds the maximum permitted size and fails to meet the minimum property line setback, and allow a conditional use home occupation for a tree trimming business in an area zoned Rural.

1.00 acres
Franklin Township

-  1300 Brown Road
-  Parcels
-  Streets
-  Corporate Boundaries
-  Columbus





Commissioner John O’Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
 President

Economic Development & Planning Department
 James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
 January 18, 2011

Case VA-3730

Prepared by: Scott Fulton

Owner/Applicant:	John Ferner
Township:	Madison Township
Location:	3933 London-Lancaster Road
Acreage:	1.864-acres
Zoning:	Rural District
Utilities:	On lot well and septic
Request:	Requesting a Variance from Section 512.02(1) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure in an area zoned Rural.

Summary

The applicant is requesting a Variance to allow an accessory structure to be built in front of a principal structure. The proposal does not meet the conditions for granting a Variance; therefore, staff is recommending ***denial*** of the requests.

Description of the request

The applicants’ property is located on the south side of London-Lancaster Road in south eastern Madison Township. The property contains a 1,552 square foot single family home constructed in 1988 and a 512 square foot pool constructed in 1997. The applicant is proposing to construct a 960 square foot accessory structure in front of the principal structure off a turn-around off the side of the existing driveway. The applicant states that he is unable to build the structure behind the principal structure as it would interfere with the septic system and leech field on the property.

Surrounding Area:

Direction	Zoning	Land Use
North	Rural	Single-family home
East	Rural	Single-family home
South	(Pickaway County)	Farm Field
West	Rural	Farm Field

Comprehensive Plans:

The Madison Township Comprehensive Plan, adopted in 1999, recommends this property be utilized for agricultural uses and discourages the extension of central sewer into the area. An update to this plan is currently underway.

Staff Review

Variance from Section 512.02(2) – Accessory building size

1. *That 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;*
 - Although the septic system and leech field would preclude the applicant from constructing the accessory building to the rear of the house on the western side of the property, the applicant has the ability to construct the building on the eastern portion of the property without interfering with the existing well head location. As a result there are no special conditions or circumstances involved with the proposed variance.
2. *That 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;*
 - A literal interpretation would not deprive the applicant of any rights as he still has the ability to construct the accessory building to the side or rear of the principal structure.
3. *That the special conditions and circumstances do not result from the action of the applicant;*
 - The conditions are the result of the applicant as it is his choice to construct the accessory building in front of the principal structure.
4. *That 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;*
 - Granting a variance will confer a special privilege as the applicant has not demonstrated a hardship.
5. *That 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;*
 - Granting the variance would not have adverse affects to the items listed above.

Recommendation

Staff recommends denial of the request as it does not meet the criteria for granting a variance.

LONDON LANCASTER ROAD

property line

property line

39'

60'



DRIVE WAY

55'



EXISTING HOUSE

SEPTIC LOCATION

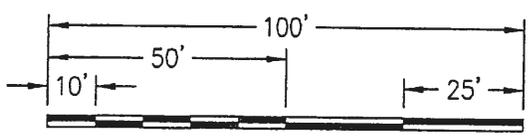
WATER WELL LOCATION

RECEIVED

NOV 23 2010

Franklin County Planning Department
Franklin County, OH

VA-3730



BAR SCALE
1" = 40'



property line

SITE PLAN

SCALE: SEE BAR SCALE

Project Title		PROPOSED BUILDING FOR JOHN FERNER	
Drawing #		11-8-10FJ	
Scale: AS NOTED	Drawn by: MJB	Rev.	
Date: 11-10-10	PROPOSAL		

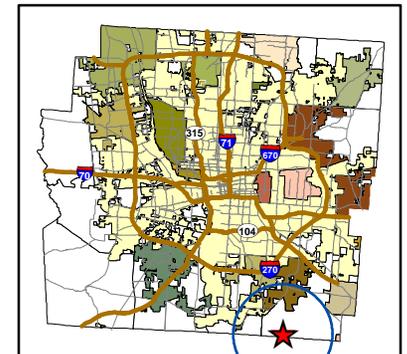


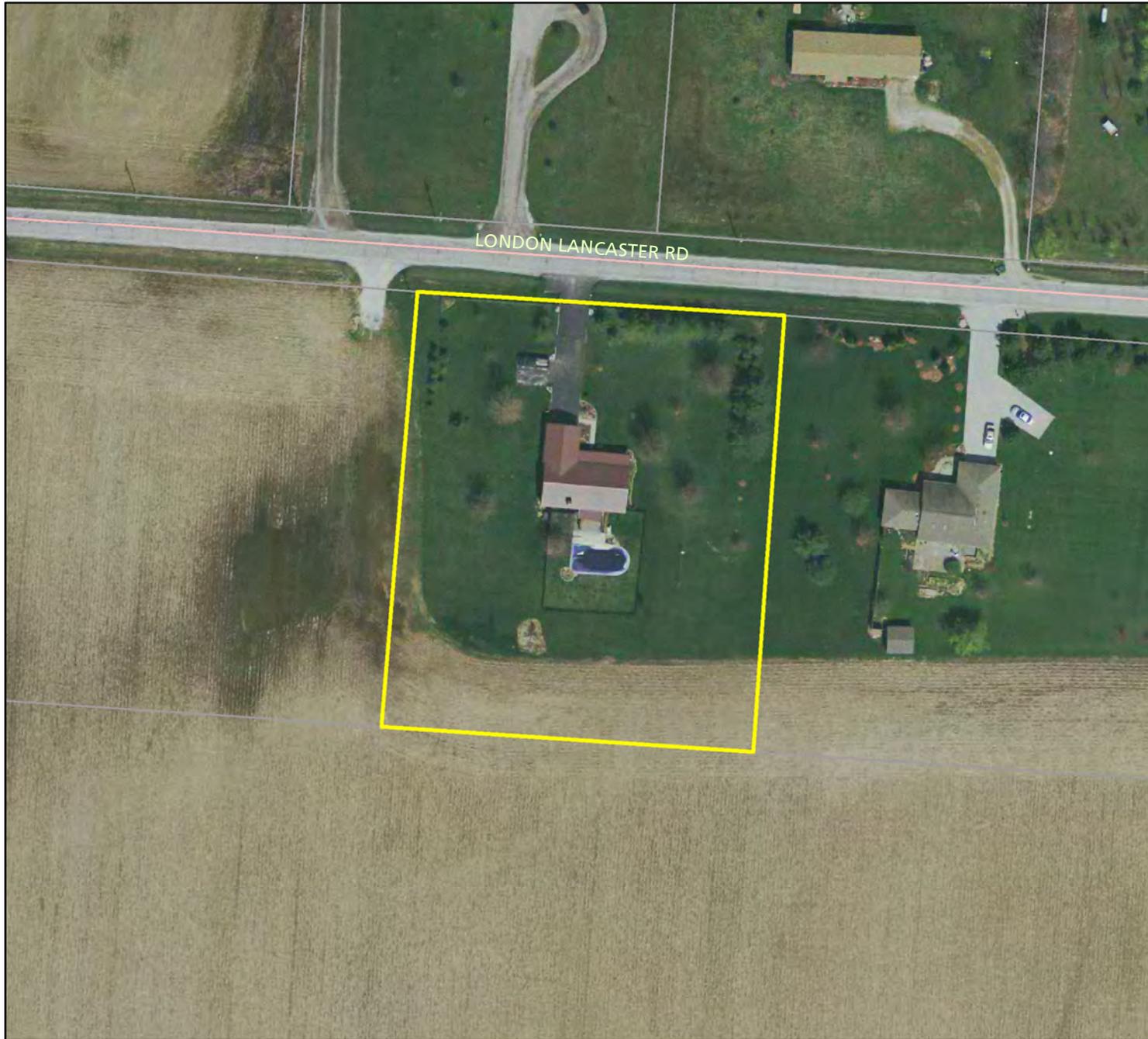
VA-3730

Requesting a Variance from Section 512.02(a) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure in an area zoned Rural.

1.864 acres
Madison Township

-  3933 London-Lancaster Road
-  Parcels
-  Streets



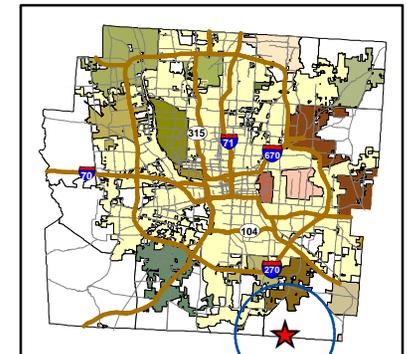


VA-3730

Requesting a Variance from Section 512.02(a) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure in an area zoned Rural.

1.864 acres
Madison Township

-  3933 London-Lancaster Road
-  Parcels
-  Streets





Commissioner John O’Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
January 18, 2011

Case VA-3731

Prepared by: Anthony Hray

Applicant/Owner:	Chris and Tammy Foley
Township:	Pleasant Township
Site:	6700 Johnson Road (PID # 230-000482)
Acreage:	0.99-acres
Zoning:	Rural
Utilities:	Private Well and Septic
Request:	Requesting a Variance from Sections 512.02(2) and 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building in front of a principal structure that will cause the property to exceed the permitted accessory building size on a property less than one acre in an area zoned Rural.

Summary

The applicant is requesting a variance from Sections 512.02(2) and 512.02(2(a)) to allow the construction of an accessory building in front of a principal structure that will cause the property to exceed the permitted size of accessory buildings on a lot less than one acre. Staff recommends denial.

Description of the Request

The subject site contains a 2,025 square-foot single-family home constructed in 1966 and a 196 square-foot shed with an unknown date of construction. The applicant has requested a variance to allow construction of a 1,350 square-foot accessory building for personal storage.

Surrounding area

The property is located on the north side of Johnson Road, approximately one-half mile west of Kuntz Road. The area is exclusively low density residential and agricultural land uses with Rural zoning.

Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in June of 2009, aims to preserve the rural character of the township. New development should be set back from scenic corridors to maintain the township’s spacious, wide-open feel and minimize visual impacts to those traveling on roadways.

Staff Review

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

- An accessory building shall be located to the side or rear of the principal structure
 - o The proposed accessory building will be located in front of the principal structure

Variance from Section 512.02(2) – Size of Residential Accessory Buildings :

- A lot less than one acre in size shall contain no more than two accessory buildings and their combined square footage shall not exceed 720 square-feet.
 - The applicant has proposed to construct a single, accessory building of 1,350 square-feet
 - A variance of 630 square-feet is required

Staff Analysis

- 1) *Special circumstances and conditions do not exist that do not apply to other properties in the Rural district.*
 - » According to the applicant’s statement the location of the principal structure and shallowness of the rear yard would make it difficult to locate the accessory building to the rear of the principal structure. However, staff’s review concludes that there is adequate room to locate the proposed accessory building to the side (east side yard) of the principal structure according to code.
- 2) *A literal interpretation of the zoning resolution would not deprive the applicant of rights enjoyed by other properties in the zoning district.*
 - » All properties zoned for residential use are permitted a maximum of two accessory buildings and shall not exceed the maximum size permitted by code based on lot size. In this particular case, the lot being 0.99-acres in size, although extremely close to the one acre threshold, does not constitute a hardship. A lot must be a minimum of one acre to house a building of this size.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions exist as a result of the applicant.
- 4) *Granting the variance will provide the applicant special privileges that are denied to other properties in the surrounding area.*
 - » No other properties in the surrounding area contain an accessory building in front of the principal structure. Allowing an accessory building in this location would be uncharacteristic of the area.
- 5) *Granting the variance will be injurious to private property and public welfare in the surrounding area.*
 - » Granting the variance may negatively impact private property values in the surrounding area. Allowing a building to be located in front of the principal building will detract from the areas rural character and appeal. Although permitting one building of this size and location may not have a significant impact, the precedent setting nature of the request could have a substantial negative impact on the township’s scenic corridors if similar cases are approved in the future.

Recommendation

Staff recommends *denial* of the variance request based on the following findings of fact:

1. The request fails to meet the criteria for granting a variance as outlined in staff’s analysis.
2. The request contradicts recommendations of the Pleasant Township Comprehensive Land Use Plan.

VA-373

212-09

MORTGAGE LOCATION SURVEY

RECEIVED

DEC 7 2010

Franklin County Planning Department
Franklin County, Ohio

LEGAL DESCRIPTION: BEING 0.993 ACRES, TOWNSHIP OF PLEASANT, COUNTY OF FRANKLIN, STATE OF OHIO.

PARCEL NO. 230-000482-00 TITLE CO. FILE NO. 09020035



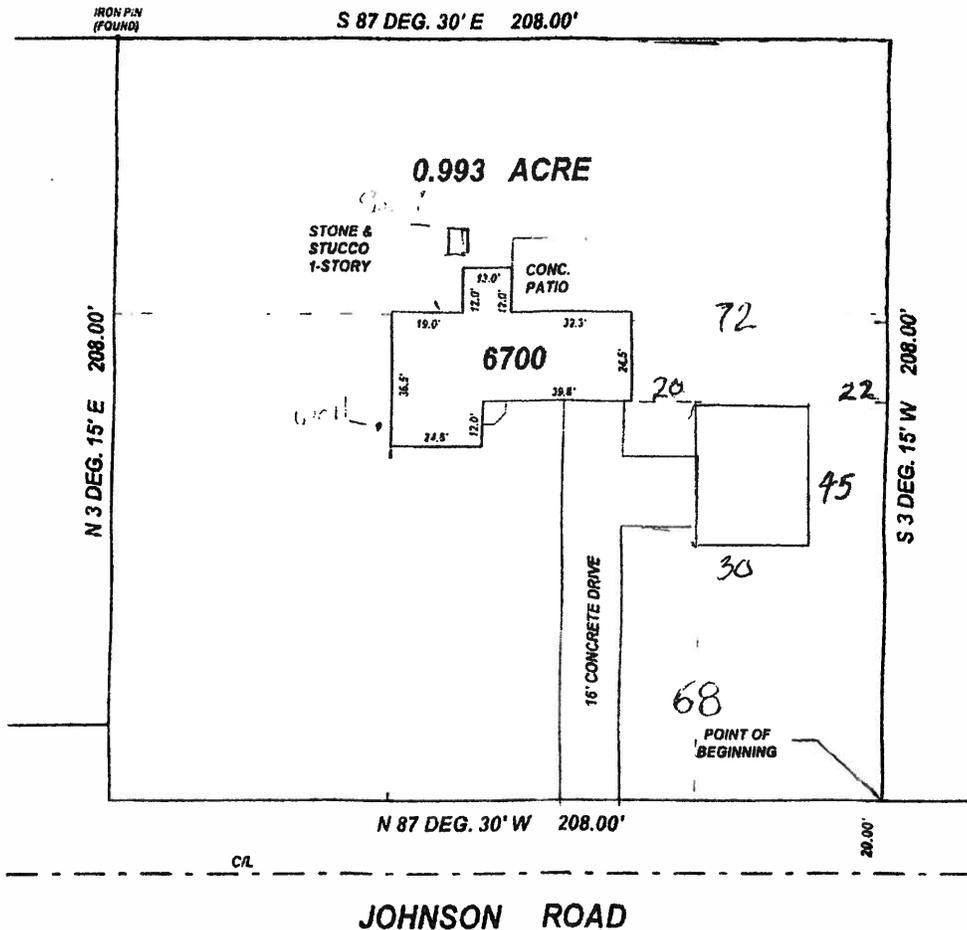
APPARENT ENCROACHMENTS: NONE.

$1/40" = 1.3'$

SCALE: 1" = 40'



ALL FENCE IS CHAINLINK



ERLENBACH
LAND
SURVEYING

635 Park Meadow Road, Suite 205
Westerville, Ohio 43081
Phone: (614)891-5888
Fax: (614)891-5889
ErlenbachSurveying@sbcglobal.net

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and does not show the location of fences or landscaping. This plat is not to be used for the construction of any improvements.

By

G. Dean Erlenbach
Ohio Registered Surveyor No. 7272



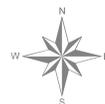
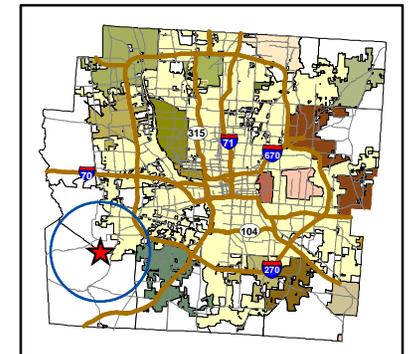


VA-3731

Requesting a Variance from Section 512.02(2) and 512.02(a) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure that will cause the property to exceed the permitted accessory building size on a property less than one acre in an area zoned Rural.

0.99 acres
Pleasant Township

-  6700 Johnson Road
-  Parcels
-  Streets



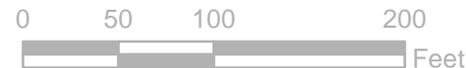
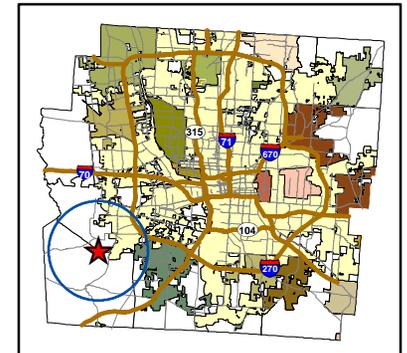


VA-3731

Requesting a Variance from Section 512.02(2) and 512.02(a) of the Franklin County Zoning Resolution to allow for the construction of an accessory building in front of a principal structure that will cause the property to exceed the permitted accessory building size on a property less than one acre in an area zoned Rural.

0.99 acres
Pleasant Township

-  6700 Johnson Road
-  Parcels
-  Streets
-  Corporate Boundaries
-  Prairie





Commissioner John O'Grady · Commissioner Paula Brooks · Commissioner Marilyn Brown
President

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
January 18, 2011

Case VA/CU-3732

Prepared by: Anthony Hray

Applicant:	Williams-Shepherd Architects
Owner:	Northern Lights Improvements LLC.
Agent:	Jodi Hill
Township:	Clinton Township
Site:	3411 Cleveland Avenue (PID # 130-011855)
Acreage:	12.29-acres
Zoning:	Community Service (CS)
Utilities:	Central Water and Sewer
Request:	Requesting a Variance from Sections 332.042(c), 332.045 and 541.03(2) and a Conditional Use from Section 332.034 of the Franklin County Zoning Resolution to allow the addition of a drive-thru aisle and to allow wall signage on a building wall that does not face a public street on a lot that fails to meet the landscaped open space and front green belt requirement in an area zoned Community Service (CS).

Summary

The applicant is requesting a variance from Sections 332.042(c), 332.045 and 541.03(2) and a Conditional Use from Section 332.034 to allow the addition of a drive-thru aisle and installation of a wall sign to a McDonald's restaurant on a site that fails to meet the landscaped open space and front green belt requirement. Staff recommends **conditional approval**.

Description of the Request

The subject site, part of the Northern Lights Shopping Center, contains a McDonald's fast food restaurant which was originally constructed in 1971. According to the applicant the site was later redeveloped in 1997. The applicant has requested to create an additional drive-thru aisle and install a wall sign on the west face of the restaurant. In addition to the request, the restaurant façade and wall signage will be changed to coincide with McDonald's corporate branding strategy and additional landscaping will be planted to enhance the site. The applicant has also agreed to install sidewalks and pavement markings along the northern portion of the site to increase pedestrian accessibility and will install bicycle parking to encourage cycling.

Surrounding Area

The property is located on the southwest corner at the intersection of Cleveland Avenue and Innis Road. The surrounding area is exclusively commercial.

Direction	Zoning	Land Use
North	Community Service	US Bank
East	Commercial Planned Development (Columbus)	Burger King
South	Community Service	Fifth Third Bank
West	Community Service	Northern Lights Shopping Center

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted on January 13, 2009, aims to promote short- and long-term economic growth in this area. Means of achieving this type of growth include allowing a diverse mix of land uses along Cleveland Avenue, improving the design and placement of new buildings and investing in a community main street with streetscape improvements.

The plan encourages construction of new buildings with street presence in retail areas. Placement of buildings closer to the street, while also incorporating façade and green space improvements will provide a more inviting design and avoid a landscape dominated by parking. Sidewalks and bike lanes should be added to provide optimal pedestrian accessibility and safety. Bicycle parking should be added on public and private property to encourage cycling and keep pace with area bikeways plans.

The Cleveland Avenue Streetscape 2020, adopted June 8, 2010, as an amendment to the Clinton-Mifflin Land Use Plan, makes specific recommendations for this particular area along Cleveland Avenue. This area is a major retail corridor and is plagued by an over abundance of parking and over scaled signage, unattractive landscaping, lack of visual identity and poor pedestrian circulation.

The improvement plan focuses on five key themes: improving circulation, adding accessories, greening Cleveland Avenue, building identity, and extending the streetscape. The first theme concentrates on improving circulation by enhancing and adding sidewalks where needed, eliminating excessive driveways, improving pedestrian circulation within shopping center parking lots and adding a bike path along either side of Cleveland Avenue. The second theme of the plan addresses adding accessories to improve the livability of the corridor. Recommendations include adding streetscape elements such as trash cans, low street lights, bus shelters, landscaping consisting of trees and low-lying shrubs, bike racks and bike shelters.

The third theme, greening Cleveland Avenue, aims to attract more businesses and creating and more attractive and aesthetically pleasing streetscape by adding landscaping and reclaiming public spaces for general enjoyment. The fourth theme, building identity, seeks to establish a sense of place and restore community pride for residents of the corridor. Adding street lights to enhance safety and creating entrance gateways to identify the area are noted solutions. The final theme, extending the streetscape, emphasizes extending the streetscape beyond the focus area and incorporating these key themes among the entire Cleveland Avenue corridor.

The Smart Growth Overlay standards, currently in draft form, are intended to promote sensible and sustainable development in areas that include a mix of pedestrian and vehicle-oriented development patterns, setbacks ranging from 20 to 40 feet, lot widths of 50 feet, and commercial uses. These standards aim to create better and safer pedestrian accessibility, accommodations for bicycle parking, reduce overabundant parking areas and enhance façade, landscaping and architectural design. Furthermore, use of this overlay also serves as a means of implementing key policy recommendations of comprehensive land use plans.

Staff Review

Variance from Section 332.042(c) – Minimum Lot Width:

- At least twenty percent (20%) of the lot must be landscaped open space.
 - Currently the lot maintains 17.19% landscaped open space.
 - Additional landscaping will increase overall landscaped open space to 18.72%
 - Thus, a variance of 1.28% is required.

Variance from Section 332.045 – Front Green Belt:

- A landscaped area of at least 15 feet in width shall be provided between the existing street right-of-way line, or the right-of-way as depicted on the Franklin County Thoroughfare Plan (FCTP), whichever is greater and any structure or paved area.
 - Cleveland Avenue
 - Classified as a major arterial (FCTP) roadway requiring an overall width of 120 feet.
 - Existing right-of-way measures 80 feet in width.
 - Site currently provides an 8.5 foot front green belt between the existing street right-of-way and edge of the parking area.
 - Literal interpretation of the code would require the front greenbelt to extend an additional 40' beyond the existing right-of-way line.
 - Compliance with this standard could only be accomplished with relocation of the building and parking area.

Variance from Section 541.03(2)-Wall Signs:

- Any activity may display wall signs for each wall of the building which faces a public street
 - The west walls of the building fail to face a public street

Conditional Use of Section 332.034-Retail Sales:

- Drive-thru facilities developed in association with a permitted use provided all lot lines are 25 feet or more from a residential zoning district.
 - The lot is in excess of 600 feet from the nearest residential zoning district.

Staff Analysis

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Community Service zoning district.*
 - » Compliance with the development standards mentioned in this variance request would require complete redevelopment of the site. This would constitute an unnecessary hardship and would preclude the applicant from having beneficial use of the property.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the zoning district.*
 - » A literal interpretation of the zoning resolution would effectively remove any beneficial use of the property. The site would need to be completely redeveloped to comply with all development standards of the Community Service zoning district.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » The applicant did not create any of the existing hardships.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*

- » The applicant's proposal meets the spirit and intent of the zoning district. Furthermore the applicant has successfully incorporated recommendations included in the Clinton-Mifflin Land Use Plan, Cleveland Avenue Streetscape 2020 and Smart Growth Overlay standards to enhance the site.
- 5) *Granting the variance will not be injurious to private property and public welfare in the surrounding area.*
- » Allowing the development to occur will promote better pedestrian accessibility and vehicular circulation within the site. Furthermore, the development is in keeping with the goals and intent established by the Clinton-Mifflin Land Use Plan and Smart Growth Overlay standards.

Franklin County Soil and Water

The applicant, under consultation of Franklin Soil and Water, has agreed to install a rain garden to minimize storm water run off and to improve water quality. Franklin Soil and Water encourages this type of practice to help lead the way in establishing sustainable water quality in ultra urban settings.

Recommendation

Staff recommends ***conditional approval*** of the variance request. The conditions of approval are as follow:

1. The applicant must apply for and receive an approved Commercial Zoning Compliance Certificate from the Franklin County Economic Development and Planning Department.
2. The applicant must install sidewalks and bicycle parking in accordance with the approved site plan.
3. The applicant must apply for and receive an approved On-Premise Sign Permit from the Franklin County Economic Development and Planning Department.
4. The applicant must install landscaping under direction of the Franklin County Soil and Water Conservation District and in accordance with the approved landscape plan.
5. The applicant shall consult Franklin County Soil and Water to ensure proper installation of a rain garden in compliance with the approved site plan.
6. The applicant must apply for and receive all required permits from the State of Ohio Building Department prior to any earth disturbing activities.



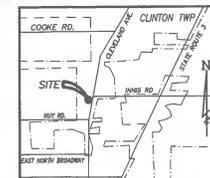
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DEC - 9 2010

Franklin County Planning Department
Franklin County, Ohio

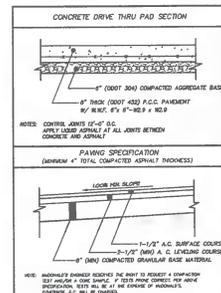
VA/cu-3732

NORTHERN LIGHTS SHOPPING CENTER INC.
12,290 AC.
PARCEL #1
D.B. 1699, PG. 5



VICINITY MAP
NO SCALE

- NOTES:
- THESE DRAWINGS HAVE BEEN GENERATED FROM EXISTING DRAWINGS ON FILE AND/OR PROVIDED TO THE ARCHITECT BY THE OWNER. THE GENERAL CONTRACTOR MUST VERIFY DIMENSIONS IN THE FIELD AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.
 - THESE DRAWINGS REFLECT THE SCOPE OF WORK ESTABLISHED BY THE OWNER/OPERATOR OF THE FACILITY.
 - THE ARCHITECT MAKES NO WARRANTIES EITHER STATED OR IMPLIED THAT THE SCOPE OF WORK DOES OR DOES NOT INCLUDE ANY ADDITIONAL WORK WHICH MAY BE NECESSARY TO SATISFY REQUIREMENTS BEYOND THE SCOPE OF WORK REQUESTED BY OWNER/OPERATOR.



CONCRETE DRIVE THRU PAD SECTION
 4" (100% A.C.) FULL PAVEMENT
 1/2" (100% A.C.) LEVELING COURSE
 1" (100% A.C.) SURFACE COURSE
 4" (100% A.C.) FULL PAVEMENT
 1" (100% A.C.) SURFACE COURSE

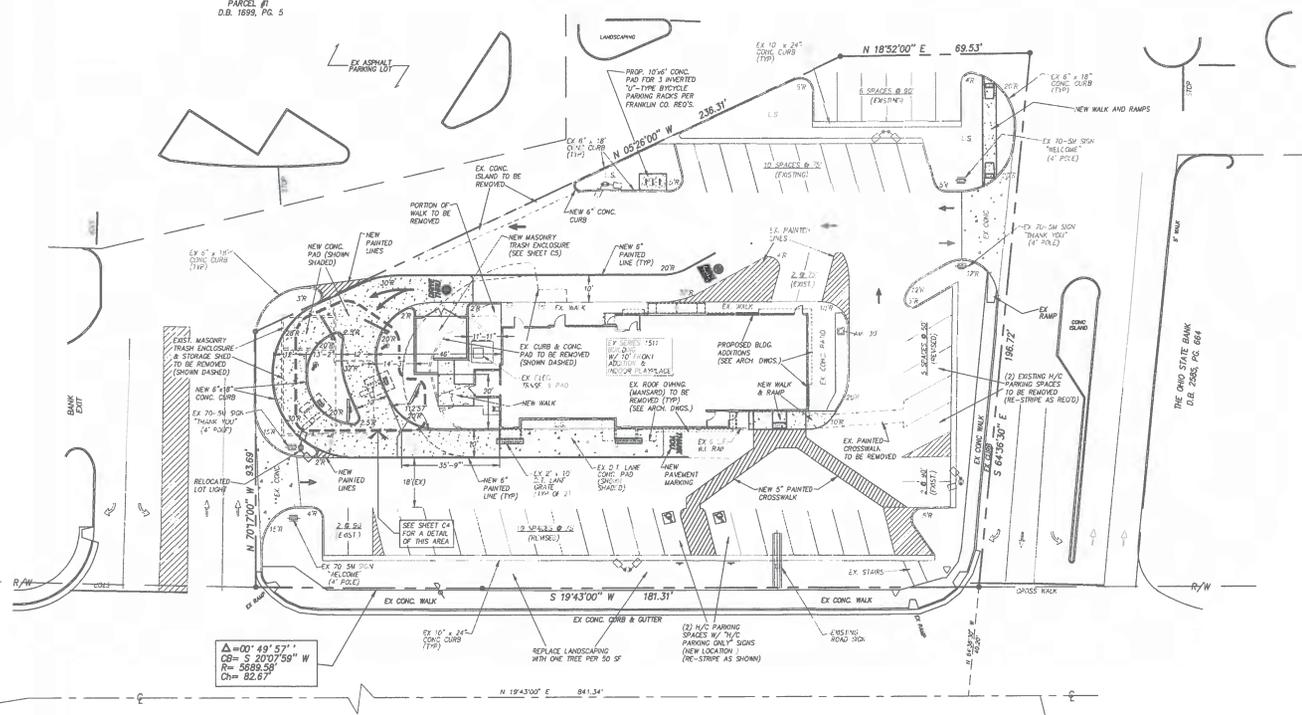
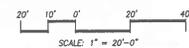
LOT LIGHTING (EXISTING)

5 DOUBLE LOT LIGHT ASSEMBLIES FOR A TOTAL OF 10 (400-BROWNING LIGHT FIXTURES MOUNTED ON 3'-2" HIGH POLES ON A 2" HIGH CONCRETE BASE FOR A TOTAL MOUNTING HEIGHT OF 24' A.E. ALL FIXTURES ARE TO BE INSTALLED TIED AT A 30 DEGREE ANGLE UNLESS NOTED.)

PARKING INFORMATION	
SPACES	29 SPACES @ 1' x 18' @ 29'
SPACES	100 SPACES @ 1' x 18' @ 90'
SPACES	5 SPACES @ 1' x 18' @ 80'
SPACES	2 SPACES @ 1' x 18' @ 29'
SPACES	1 SPACES @ 1' x 18' @ 29'

EXISTING NUMBER OF PARKING SPACES PRIOR TO THIS PROPOSED REMODEL = 46 SPACES

GREEN SPACE CALCULATIONS
 TOTAL OF LEASED AREA = 42,564.52 SF
 EXISTING GREEN SPACE AREA = 7,319.79 SF OR 17.19%
 PROPOSED GREEN SPACE AREA = 7,865.65 SF OR 18.72%



$\Delta = 00^\circ 49' 57''$
 $CD = S 101^\circ 56' 50'' W$
 $R = 5889.56'$
 $Ch = 82.67'$

CLEVELAND AVE. 80'

REV	DATE	DESCRIPTION
1	12/09/10	ISSUE FOR PERMITS
2	12/09/10	ENCLOSURE ADDITIONAL TRAFFIC PLACED PAID NEW WALK/PARK
3	12/09/10	ENCLOSURE EX 1/4" C PARKING SPACES
4	12/09/10	ENCLOSURE FOR REVIEW

WILLIAMS-SHERBEE ARCHITECTS
 4444 Taylor Road, Dublin, Ohio 43017
 Phone: 614-799-0300
 Fax: 614-799-0301

SEI # 2586

LC # 94-0091

McDonald's
 PROPOSED McDONALD'S RESTAURANT REMODEL AT:
 3411 CLEVELAND AVENUE
 COLUMBUS, OHIO

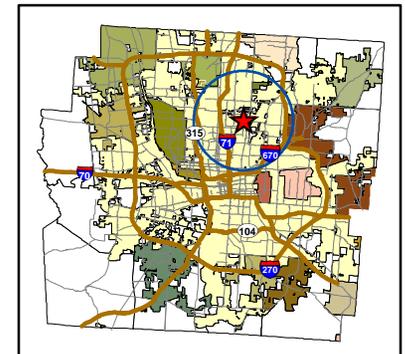
JOB NO. 08010-001
 DATE: AUGUST 2010
 SCALE: 1" = 20'-0"
 SITE PLAN
 SHEET: C1

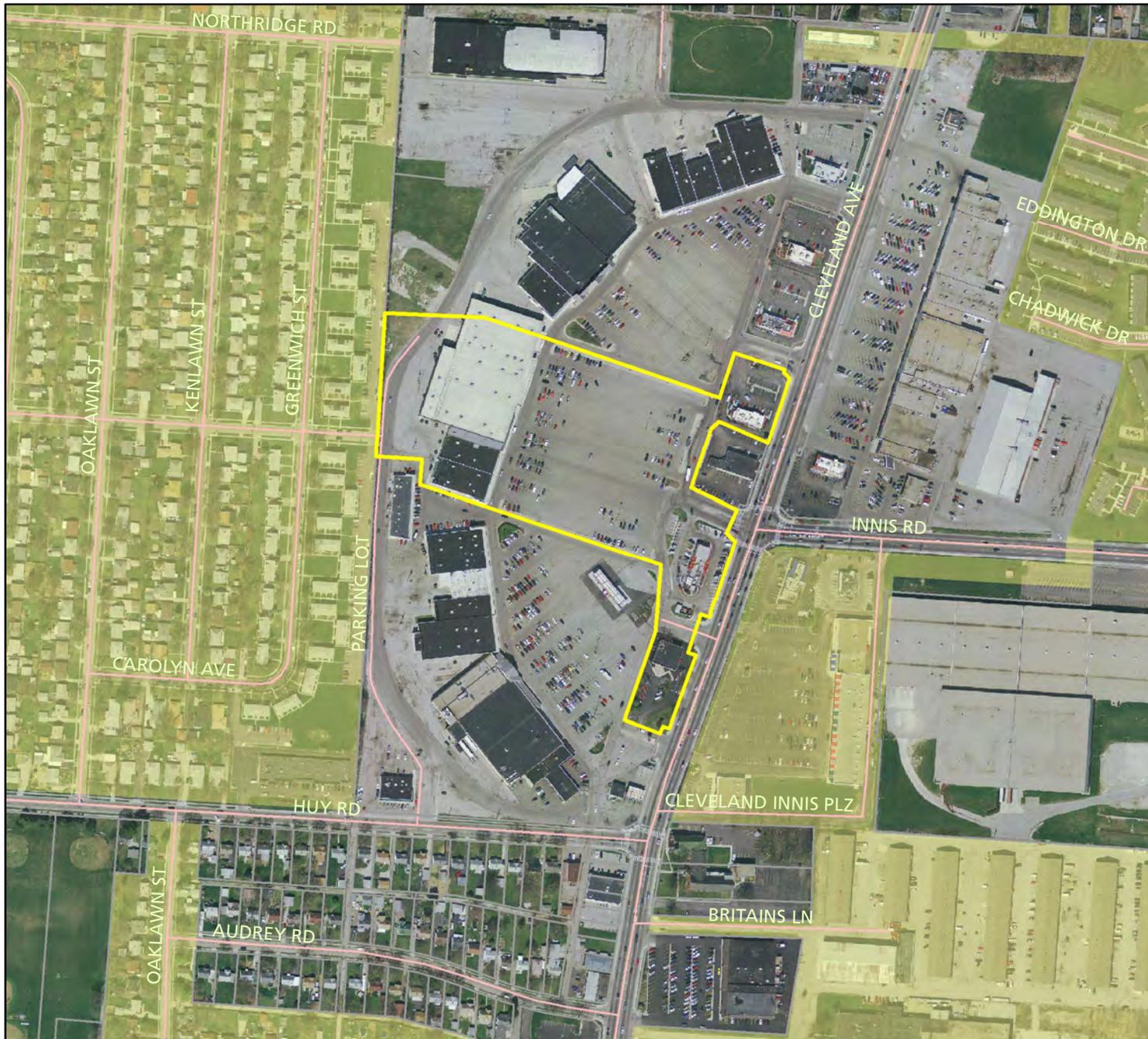
VA/CU-3732

Requesting a Variance from Sections 332.042(c), 332.045 and 541.03(2) and a Conditional Use from Section 332.034 of the Franklin County Zoning Resolution to allow the addition of a drive-thru aisle and to allow wall signage on a building wall that does not face a public street on a lot that fails to meet the landscaped open space and front green belt requirement in an area zoned Community Service (CS).

12.29 acres
Clinton Township

-  3411 Cleveland Avenue
-  Parcels
-  Streets
-  Corporate Boundaries
-  Columbus



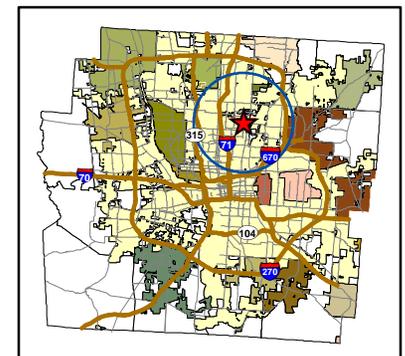


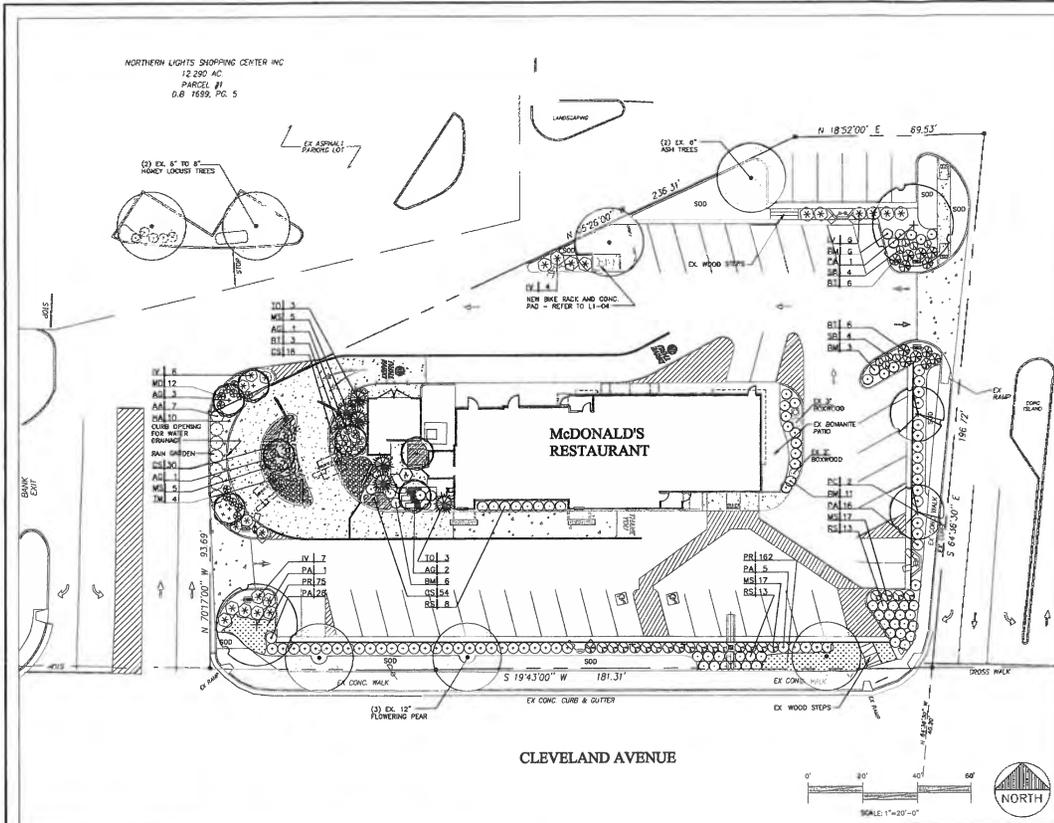
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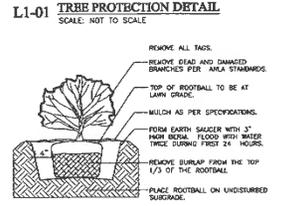
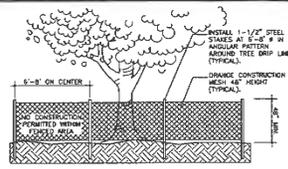
-  3411 Cleveland Avenue
-  Parcels
-  Streets
-  Corporate Boundaries
-  Columbus





PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	DBH	QTY	SIZE	HT/W	REMARKS/COMMENTS
DECIDUOUS TREES							
AG	AMELANCHIER SPINDA 'AUTUMN BRILLIANT'	AUTUMN BRILLIANCE SERVICEBERRY	D	3	6'-7"	8' X 3'	BAR (3) SINGLE-STEM, (2) MULTI-STEM
PA	PIRUS CALLERYANA 'ARISTOCRAT'	ARISTOCRAT PEAR	D	2	2" CAL.	10' X 3'	BAR
PC	PIRUS CALLERYANA 'CLEVELAND SELECT'	CLEVELAND SELECT PEAR	D	2	2" CAL.	10' X 3'	BAR
SHRUBS							
AA	ARONIA ARBUTIFOLIA 'WINTERGEM'	BRIGHT CHOKEBERRY	D	7	24"	24' X 18'	CONT.
EM	ERIGONIA MEGASTROCHA 'WINTER GEM'	WINTER GEM BURNING	F	12	24"	24' X 24'	CONT.
BF	BURSERIA THUNBERGII 'SOLARIS P.P.'	GOLDEN RUBY BASSWOOD	D	15	18"	18' X 18'	CONT.
IV	IVEA VIRGINICA	VIRGINIANA WHITEPINE	D	23	3 GAL.	18" X 18"	CONT.
PA	PIRUS CALLERYANA 'ARISTOCRAT'	ARISTOCRAT PEAR	D	2	2" CAL.	10' X 3'	CONT.
SB	SPIRAEA X BUNALDA 'GOLDFLAME'	GOLDFLAME SPIRAEA	D	8	15"	15" X 15"	CONT. OR BAR
TM	TRICHOMA 'SOLARIS'	SOLARIS TRICHOMA	F	2	24"	24" X 24"	CONT. OR BAR
TO	TEUCHOS 'TECHNY'	TECHNY ARBORVITAE	F	6	5'-6"	5' X 3'	CONT. OR BAR
RS	ROSA 'SUNNY'	SUNNY KNOCK-OUT ROSE	D	34	3 GAL.	18" X 18"	CONT.
ORNAMENTAL GRASSES							
IC	IMPATIENS 'COLUMBIA'	WEDDING BELL	GRASS	34	2 GAL.		CONT.
MS	MISCANTHUS SINENSIS 'ADAGIO'	ADAGIO WARDEN GRASS	GRASS	2	2 GAL.		CONT.
PR	PANICUM VIRGATUM 'ROTUNDALEIGH'	ROTUNDALEIGH SWITCH GRASS	GRASS	237			CONT.
PERENNIAL BACKGROUND COVER							
CS	CORONILLA	TICKSEED	D	100			CONT.
WATER GARDEN PLANTINGS							
HA	HELIOPSIS SCUTELLARIA 'GOLDEN LACE'	GOLDEN LACE SUNFLOWER	D	10	1 GAL.		CONT.
MB	MORNING GLORY	JACOB CLINE BEGONIA	D	12	1 GAL.		CONT.



NOTES:

ALL PLANT MATERIALS TO COMPLY WITH THE LATEST EDITION OF AMERICAN STANDARD FOR SHRUBS AND TREES. ALL PLANTING SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR FROM ASSOCIATION DATE.

MULTI-STEM TREES PLANTED IN WINDY CONDITIONS SHALL BE STAKED TO THE LARGEST BRANCHES WITH 2 OR 3 STAKES WITH WIRE AND RUBBER HOSE OR APPROVED MATERIALS.

LANDSCAPE CONTRACTOR IS TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES AND OBTAIN APPROVAL FROM CITY OF CLEVELAND SUPERVISOR, IF NECESSARY, TO MAKE ADJUSTMENTS TO PLANT LOCATIONS.

LANDSCAPE CONTRACTOR MUST COORDINATE WITH GENERAL CONTRACTOR AND OTHER SITE OPERATIONS.

PLANTING BEDS SHALL BE TREATED WITH A PRE-EMERGENT HERBICIDE APPLIED AT PROPOSED SPECIFIED RATES UNLESS OTHERWISE NOTED.

BED DEPTH SHALL BE SMOOTH, CONSISTENT 4-1/2" DEEP AND HAND OUT EDGES TO BE LOCATED BETWEEN ALL SIDES (INCL. TREES) AND LAWN AREAS.

GENERAL CONTRACTOR IS RESPONSIBLE FOR FINISHED GRADES. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR FINE GRADING AND TO PROVIDE 4" OF AMENDED TOPSOIL FOR PLANTING BEDS.

BEES ARE TO BE CROWNED SMOOTH AND FREE OF SOIL CLODS AND STONES. ALL PLANTING BEDS AND TREE STAKES ARE TO BE ENCLOSED WITH 2" HARDWOOD MULCH AT TIME OF NEW PLANTING WHICH IS NOT TO BE MOVED UP AROUND TRUNKS OF TREES. KEEP MULCH 2" AWAY FROM MAIN STEM OR FLARE OF TRUNK OF TREES. PLANTING BEDS TO BE MAINTAINED WITH NO MORE THAN A 2" MULCH DEPTH MARKING.

PLANT QUANTITIES HAVE BEEN PROVIDED FOR CONVENIENCE ONLY. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR HIS OWN "TAKE OFFS".

ALL PLANTS ARE TO BE RECEIVED FROM CONTAINER, GRADES AND NON-Biodegradable MATERIALS. ALL TREES TO BE STAKED AND WRAPPED WITH APPLICABLE WOODEN BARK PROTECTANT.

PLANTINGS SHALL BE FERTILIZED UPON INSTALLATION. RECOMMENDED FERTILIZER IS TO BE USED WITH BROADCAST AT PRODUCT SPECIFIED RATE.

SOIL ALL AREAS INDICATED ON PLAN SEED AREAS BEYOND PROPERTY LINES (EXCEPTED DURING CONSTRUCTION).

SEED IS TO BE LEGUMI-NOSITAM PLUS MAX (LESCO, INC. 1-800-321-5259) OR EQUAL. SOIL AT A RATE OF 1/2 LB PER 1000 SQ FT.

ALL ORNAMENTAL MATERIALS AND DEBRIS ARE TO BE REMOVED FROM THE SITE BY THE LANDSCAPE CONTRACTOR. LAWN AREAS AND BEDS SHOULD BE FREE OF STONES GREATER THAN 2".

THE LANDSCAPE CONTRACTOR IS TO COORDINATE WITH IRRIGATION CONTRACTOR AND ALSO WITH SITE SUPERVISOR REGARDING PROPER IRRIGATION.

SHRUBS AND TREE PROTECTION MULCHING AND LIME BUT NOT LIMITED TO LOCATION OF PROPERTY LINES, BOUNDING, EXISTING VEGETATION OBTAINED FROM SITE SOURCE CONSULTANTS: M.C. COLLINS, CLEVELAND, OHIO.

THE LANDSCAPE CONTRACTOR SHALL SUBMIT A ONE (1) YEAR MAINTENANCE CONTRACT FOR CONSIDERATION BY THE OWNER. CONTRACT SHALL BE SEPARATE FROM THE INSTALLATION CONTRACT.

CODE REQUIREMENTS & CALCULATIONS

CITY OF COLUMBUS SMART GROWTH OVERLAY

1. SECTION 679.08A LANDSCAPING AND SCREENING

(a) FRONT YARD

REQUIRED: 1 SHADE TREE FOR EACH 50' OF FRONTAGE (24.33' = 1 SHADE TREE)

PROVIDED: 5 SHADE TREES

2. (1) PARKING LOTS

REQUIRED: PARKING LOT OR VEHICULAR CIRCULATION AREA SHALL BE SCREENED FROM ALL ADJACENT PUBLIC STREETS WITH A SHALL OR FENCE, OR A CONTINUOUS ROW OF SHRUBS

PROVIDED: SCREENING ALONG CLEVELAND AVE. PARKING WITH SHRUBS WITH 75% SHADY.

(2) PARKING LOTS (CONT.)

REQUIRED: 1 TREE FOR EVERY 10 PARKING SPACES (46 PARKING SPACES = 5 SHADE TREES)

PROVIDED: 5 SHADE TREES

3. SECTION 679.0814 BICYCLE INFRASTRUCTURE

(a) REQUIRED: ONE BICYCLE SPACE SHALL BE PROVIDED PER 10 PARKING SPACES (46 PARKING SPACES / 10 = 4.6 BICYCLE SPACES)

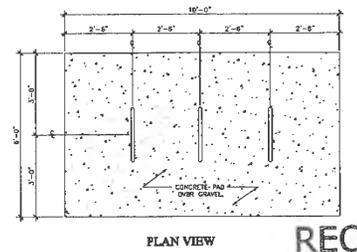
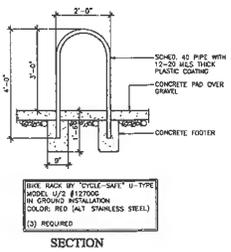
PROVIDED: 5 BICYCLE SPACES WITHIN 50 FT OF THE PRIMARY ENTRANCE

CODED NOTES:

(A) 3" X 3" CONCRETE STEPPING STONES (OPTIONAL)

LEGEND

() EXISTING DECIDUOUS TREE OR SHRUBS TO BE RETAINED



L1-04 BIKE RACK
SCALE: 1/2" = 1'-0"

Franklin County Planning Department
Franklin County, Ohio

VA/CU-3732

PROJECT: 12/29/10
START DATE: 11/04/10
CONSTRUCTION ISSUE DATE:
REVISIONS:
1 -
2 -
3 -
4 -
5 -

WILLIAM SHEPHERD ARCHITECTS
4254 Fuller Road
Dublin, Ohio 43017
(614) 761-8881

SCHIEBER & ASSOCIATES
a studio of landscape architecture & horticulture
457 D WATERBURY COURT
GARLAND, OHIO 43020
(614) 716-7391

MCDONALD'S RESTAURANT
Columbus, Ohio 3411
Cleveland Avenue

LANDSCAPE PLAN

DATE:
SCALE:
PROJECT NO: 10-100117

L1



WS Williams
hepherd
Architects

MCDONALD'S 3411 CLEVELAND AVE. COLUMBUS, OH



Williams
Shepherd
Architects

MCDONALD'S 3411 CLEVELAND AVE. COLUMBUS, OH