



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

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

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

Monday, December 21, 2015
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of revised minutes from the October 19, 2015 meeting
5. Approval of minutes from the November 16, 2015 meeting
6. New Business:

i. VA-3847 – Matt Brown

Applicant/Owner:	John Deardurff
Township:	Clinton Township
Site:	4112 Manor Rd. (PID # 130-002189)
Acreage:	0.14 acres
Zoning:	Urban Residential (R-12)
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Urban Residential.

ii. VA-3848 – Matt Brown

Applicant:	Jon Bussell
Township:	Pleasant Township
Site:	8542 Alkire Rd. (PID #230-001234)
Acreage:	0.48 acres
Zoning:	Rural District
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Sections 512.02(2) and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of an accessory building in the Big Darby Creek Watershed Riparian Setback that exceeds the maximum allowable size in an area zoned Rural.

7. Adjournment of Meeting to January 19, 2015



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

Monday, October 19, 2015

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, October 19, 2015.

Present were:
Gary Dever, Chairperson
Christopher Baer
Nancy Hunter

Franklin County Development Department members,
Matt Brown, Planning Administrator

Craig and Bianca Conie, Applicants
Edward L. McClure, Owner
Toby Chapman, Applicant
John Unger, speaking on behalf of Mr. Chapman

Mr. Dever opened the hearing.

The first order of business being approval of the minutes of the September 21, 2015, meeting.

Ms. Hunter made a motion to approve the September 21, 2015, minutes. It was seconded by Mr. Baer. The motion passed by a three-to-zero vote.

NEW BUSINESS:

The next order of business being Variance Case No. VA-3840. The applicants/owners are Craig and Bianca Conie. The site is located at 4051 Old Poste Road. The township is Norwich Township. It is 0.96 acres. The request is for a variance from Section 512.02(2) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that fails to meet the required property line setback in an area zoned Restricted Suburban Residential (R-1). Mr. Matthew Brown read and presented the case to the Franklin County Board of Zoning Appeals. The applicants, Mr. and Mrs. Conie, appeared and answered questions from the Board. Ms. Hunter made a motion to approve Variance Case No. VA-3840 with staff's recommendations. The motion was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

The next order of business being Variance Case No. VA-3841. The applicant is William Bowman and the owner is Edward McClure. The site is located at 4495 Helen Drive. The township is Madison Township. It is 0.21 acres. The request is for a variance from Section 302.04(c) of the Franklin County Zoning Resolution to legitimize the construction of an accessory building that causes the property to exceed the permitted lot coverage in an area zoned Rural. Mr. Matthew Brown read and presented the case to the Franklin County Board of Zoning Appeals. The owner, Mr. McClure, appeared and answered questions from the Board. Ms. Hunter made a motion to approve the Variance Case No. VA-3841. The motion was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

The next order of business being Variance Case No. VA/CU-3842. The applicant/owner is Toby Chapman. The site is located at 922 Richer Road. The township is Franklin Township. It is 2.004 acres in size. The request is for a conditional use from Section 610.06(2) of the Franklin County Zoning Resolution to legitimize the construction of a garage addition in the floodway fringe. The applicant is also requesting a variance from Sections 610.073 and 610.082(1) of the Franklin County Zoning Resolution and from Sections 4.1-2 and 4.2-1(b) of the Franklin County Special Resolution National Flood Insurance Program Regulation to legitimize the construction of a garage addition that fails to demonstrate compliance with the requirement to minimize flood damage with materials resistant to damage and fails to be flood-proofed by elevation or other appropriate methods. Mr. Matthew Brown read and presented the case to the Franklin County Board of Zoning Appeals. The applicant/owner, Mr. Chapman, appeared and answered questions from the Board.

Ms. Hunter made a motion to approve the variance request in Variance/Conditional Use Case No. VA/CU-3841. The motion was seconded by Mr. Baer. The motion failed by a three-to-zero vote. Ms. Hunter made a motion for the basis to deny the applicant's request for a variance from Sections 610.073 and 610.082(1) of the Franklin County Zoning Resolution and Sections 4.1-2 and 4.2-1(b) of the Franklin County Special Resolution National Flood Insurance Program Regulation as outlined in the request for Case No. VA/CU-3841 results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041 of the Franklin County Zoning Resolution and Section 3.5-2 of the Franklin County Special Resolution National Flood Insurance Program Regulation. The motion was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

Ms. Hunter made a motion to approve the conditional use request in Variance/Conditional Use Case No. VA/CU-3841. The motion was seconded by Mr. Baer. The motion failed by a three-to-zero vote. Ms. Hunter made a motion for the basis to deny the applicant's request for a conditional use from Section 610.06(2) of the Franklin County Zoning Resolution as outlined in the request for VA/CU-3841 results from the applicant's failure to satisfy the criteria for granting a conditional use under Section 815.041. The motion was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Chairperson Dever adjourned the meeting.

The hearing was adjourned at 3:00 p.m.

Minutes of the October 19, 2015, Board of Zoning Appeals hearing were approved this 21st day of December, 2015.

Signature



Commissioner Marilyn Brown • **Commissioner** Paula Brooks • **Commissioner** John O'Grady
President

Economic Development & Planning Department
James Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, November 16, 2015

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, November 16, 2015.

Present were:

Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter

Franklin County Development Department members,
Jenny Snapp, Assistant Director
Matt Brown, Planning Administrator

Craig and Bianca Conie, Applicants
Edward L. McClure, Owner
Toby Chapman, Applicant
John Unger, speaking on behalf of Mr. Chapman

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

The first order of business being approval of the minutes of the October 19th, 2015, Franklin County Board of Zoning Appeals hearing. Ms. Hunter made a motion to table the approval of the minutes to the December 21st, 2015 meeting. It was seconded by Mr. Guyton. The tabling was approved by a three-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. CU-3843. The applicant/owner is Chrystal Svoboda. The site is located at 3604 South Hamilton Road. The township is Madison Township. It is 1.02 acres. It is in the Limited Suburban Residential District and is served by private water and wastewater. The request is for a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow a home occupation for lawn equipment repair in an area zoned Limited Suburban Residential. Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to table Case No. CU-3843, at the request of the applicant's attorney, until the January 19th, 2016, meeting. It was seconded by Ms. Hunter. The motion was approved by a three-to-zero vote.

The next order of business being Case No. VA-3844. The applicant is Taylor Classroom Sales, Inc. The owner is Groveport Madison Board of Education. The site is located at 3200 Dunloe Road. The township is Madison Township. It is 14.3 acres. The property is served by public water and wastewater, and it is in the Rural District. The request is for a Variance from Section 531.021 of the Franklin County Zoning Resolution to allow for the reduction of parking spaces below that required for the proposed use in an area zoned Rural. Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. VA-3844 with Staff's two conditions with a revision to Condition No. 2; that the building permit must come from the Village of Groveport rather than the State of Ohio. It was seconded by Mr. Guyton. The motion was approved by a three-to-zero vote.

The next order of business being Case No. VA-3845. The applicants are John and Robin Hayes. The site is located at 7740 Feder Road. The township is Brown Township. It is 0.82 acres. The property is served by private water and wastewater, and it is in the Limited Suburban Residential Rural District. The request is for a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Limited Suburban Residential (R-2). Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Case No. VA-3845. It was seconded by Hunter. The motion failed by a vote of one yes and two noes. Mr. Guyton made a motion that the basis for denying the request results from the applicant's failure to satisfy the criteria for granting a Variance under Section 810.041. It was seconded by Mr. Baer. The motion was approved by a vote of two yeses and one no.

The next order of business being Case No. CU-3846. The applicant is Wirenet, Inc. The owner is Walter Rolfes. The site is located at 5150 Neff Road. The township is Pleasant Township. It is 28.8 acres. It is in the Rural/Residential District. The request is for a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunications tower in an area zoned Rural. Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. CU-3846 with Staff's three conditions. It was seconded Mr. Guyton. The motion was approved by a three-to-zero vote.

There being no further New Business to come before the Board of Zoning Appeals, Mr. Guyton made a motion to adjourn the hearing. It was seconded by Mr. Baer. The motion passed by a unanimous vote.

And, thereupon, the hearing adjourned at 3:49 p.m.

Minutes of the November 16, 2015, Board of Zoning Appeals hearing were approved this 21st day of December, 2015.

Signature



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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
December 21, 2015

Case VA-3847

Prepared by: Kendra Spergel & Matt Brown

Applicant/Owner:	John Deardurff
Township:	Clinton Township
Site:	4112 Manor Rd. (PID # 130-002189)
Acreage:	0.14 acres
Zoning:	Urban Residential (R-12) District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Urban Residential.

Summary

The applicant is requesting a Variance from Section 512.02(2) to allow the construction of an accessory building that exceeds the maximum allowable size. Staff recommends **denial**.

Description of the Request

The applicant’s property is located on the east side of Manor Road and south of Lehner Road in Clinton Township. The property contains a single-family residence with a 747 square foot footprint and a 716 square foot detached garage. The original detached garage, constructed in 1955, was 440 square feet. In April 2014, the applicant received permits to construct a 276 square foot addition to the detached garage, increasing the accessory building size to its current 716 square feet.

The applicant illegally constructed a second 168 square foot accessory building adjacent to the existing garage, which he is seeking to legitimize. The applicant filed a building permit and residential zoning compliance for the 12 foot by 14 foot (168 square feet) accessory building in October 2015. In November 2015, the applicant re-applied to reduce that size to 8 feet by 13.5 feet (108 square feet) for a total accessory building size on the property of 824 square feet. The new building resembles an open, covered porch and is located on the west side of the existing detached garage.

Surrounding Area

The entire area surrounding the property is zoned as Urban Residential (R-12) in unincorporated Clinton Township. Properties a short distance to the north are located in the City of Columbus and zoned Single-Family Residential (SR).

Comprehensive Plan

The property is located within the planning area of the Clinton-Mifflin Land Use Plan adopted by Clinton and Mifflin Townships in 2009. The Future Land Use Map in the plan recommends Medium Density Residential for this property and surrounding properties west of Cleveland Avenue.

The requested variance does not conflict with the future land use recommendation as the property will remain residential in use and character.

Staff Review

Variance from Section 512.02(2):

- For lots smaller than 1 acre in size the maximum size of accessory buildings is 720 square feet
 - o The new accessory building will result in a total accessory building size of 824 square feet, putting the property 104 square feet over the allowed accessory building size.

Technical Review Committee Agency Review

No technical review committee agencies expressed any concerns with the variance request.

Staff Analysis

Section 810.041 – Approval of Variance:

- 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 indicates that there is a special condition due to a wind tunnel which pushes rain water and snow against the doors of the existing garage. The new accessory building would help to block and protect those doors. The applicant states that without the new building protecting the garage from damage, the property value will decrease.
 - » Staff notes that there is not a special circumstance or condition that applies to this property with respect to the variance request. Most properties in the surrounding area under the zoning authority of Franklin County are similarly sized at less than 1 acre and therefore must adhere to the same accessory building size limitations.
- 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.*
 - » The applicant indicates that the new building protects the aesthetic qualities of the existing garage and acts like a porch roof by providing improvements to safety and accessibility.
 - » Staff notes that there is no record of variances or approved zoning compliances for accessory buildings exceeding the size requirement in the surrounding area.
- 3) *That the special conditions and circumstances do not result from the action of the applicant.*
 - » The applicant built a 276 square foot addition onto the existing 440 square foot detached garage in 2014, increasing the accessory building size on the property to 716 square feet. The applicant stated that he was unaware that this new covered porch was considered an accessory building.
 - » Staff does not believe that there are any special conditions or circumstances related to the requested 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.*
 - » The applicant indicated that the new building is similar to an open, covered porch and will not be used for storage, its purpose is to protect the exterior of the existing accessory building from rain and snow.
 - » Granting this variance will confer special privilege to the applicant as other properties in the surrounding area have not been permitted to exceed their accessory building size allowance.

- 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.*
- » The applicant has indicated that the new accessory building aids in keeping snow and water away from the entrance of the detached garage and prevents the doors from being blocked. The applicant has also stated that the building will protect the aesthetics of the existing garage.
 - » Based on staff review, the new accessory building 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.

Recommendation

Staff recommends denial of a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Urban Residential (R-12). The reason for recommending denial is that the application fails to satisfy the criteria for granting a variance outlined in Section 810.041.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3847.

Seconded by: _____

Voting:

Findings of Fact

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

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for a Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3847 results from the applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 10/15/15

RECEIVED
Franklin County GIS Department
Franklin County, Ohio

NOV 09 2015

RECEIVED

NOV 02 2015

Franklin County Planning Department
Franklin County, Ohio

130-003969
03/04/2011
SMOCK RAYMOND J
SMOCK JESSICA RAE

Franklin County Planning Department
Franklin County, Ohio

VA-3847

DENIED

KS

R2-15-2008

11/3/2015

75.11

130-002189
01/04/1999
DEARDURFF JOHN T

8'x13'-6"
ROOF AREA

WALKWAY

22'

(216.81)

226.81

888.4

SEE R.R. 19 PG 1A

80

130-007212

Disclaimer

Scale = 20



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

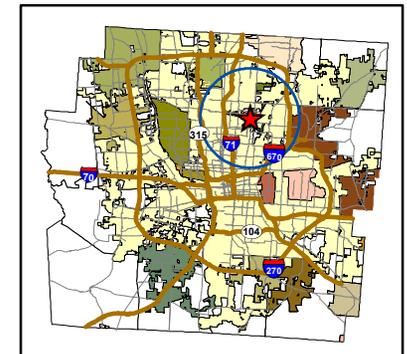


VA-3847

Requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Urban Residential.

0.14 Acres
Clinton Township

-  4112 Manor Road
-  Parcel
-  Streets



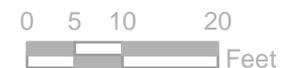
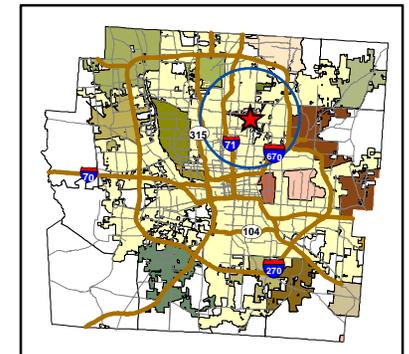


VA-3847

Requesting a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Urban Residential.

0.14 Acres
Clinton Township

-  4112 Manor Road
-  Proposed Roof
-  Existing Addition
-  Parcel
-  Streets





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
December 21, 2015

Case VA-3848

Prepared by: Matt Brown

Applicant/Owner:	John Bussell
Township:	Pleasant Township
Site:	8542 Alkire Road (PID #230-001234)
Acreage:	0.428 acres
Zoning:	Rural (R)
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Sections 650.162(a) and 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that is a prohibited use in the Big Darby Creek Watershed Riparian Setback and will fail to meet the accessory building size requirement in an area zoned Rural (R).

Summary

The applicant is requesting a Variance from Sections 650.162(a) and 512.02(2) to allow the construction of an accessory building that exceeds the maximum allowable size within the Big Darby Creek Watershed Riparian Setback. Staff recommends approval of the riparian setback variance and denial of the accessory building size variance.

Description of the Request

The applicant’s property is located on the north side of Alkire Road, approximately 0.25 miles west of Gardner Road in Pleasant Township. The site contains a 904 square-foot single-family residence built in 1850, a 160 square foot accessory building to the rear of the home, and an 88 square foot accessory building to the side of the home. The applicant is proposing to construct a 30 foot by 24 foot (720 square-foot) pole barn to the west of the single-family residence. The proposed pole barn will replace the existing 88 square foot accessory building. The entire property is located in the Big Darby Creek Watershed riparian setback and regulatory floodplain impacts a small area at the rear of the property.

Surrounding Area

The area surrounding the applicant’s property is located within the Rural District with the exception of the property to the north which is zoned Community Service (CS). The area features undeveloped land owned by the Columbus and Franklin County Metropolitan Parks District to the north, east and west, Big Darby Creek is located to the north, and low density residential uses are to the south.

Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in 2009, includes two maps to guide development: a Future Land Use map and a Conservation Strategy Tiers map. The Future Land Use map recommends the subject site for agricultural use and shows stream buffer on the site. Construction is not recommended

in the stream buffer. The Conservation Strategy Tiers map shows the site as being located in tiered 1 and 2 areas. Tiered lands are the most environmentally sensitive areas recommended for protection.

The Big Darby Accord Watershed Master Plan, adopted in 2006, also includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map shows the subject site as existing park. The Conservation Strategy Map shows the site as being located in a tier 1 and 2 area.

The applicant's request does not keep with the recommendations of either adopted land use plan.

Staff Review

Variance from Section 512.02(2):

- For lots smaller than 1 acre in size the maximum size of all accessory buildings is 720 square feet.
 - The proposed accessory building will be a 720 square feet in size, bringing the total area of all accessory buildings to 880 square feet

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

- Construction of buildings or structures of any kind or size within the Big Darby Watershed Riparian Setback is prohibited.
 - The applicant is requesting to construct a 30 foot by 24 foot (720 square-feet) pole barn within the Big Darby Creek Watershed Riparian Setback
 - The net increase in impervious area on the lot will be 632 square-feet

Franklin County Engineer's Office

The Franklin County Engineer's Office has indicated no concerns with the variance request.

Franklin County Drainage Engineer's Office

The Franklin County Drainage Engineer's Office has indicated no concerns with the variance request.

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project can mitigate any adverse impacts to the riparian setback area.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
 - 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The property is currently used for residential purposes and the entire property is located within the riparian setback and therefore there is a practical difficulty in developing the property as otherwise permitted by the zoning resolution.
 - 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » Accessory buildings are permitted in the underlying Rural zoning district but the proposed building exceeds the maximum permitted size.
 - 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial

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

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
 - 1) *The native vegetation of the property.*
 - » The proposed accessory building will be located in an area of existing gravel, maintained yard and an existing accessory building that will be removed. The proposal does not require the removal of any native vegetation.
 - 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant must mitigate any impacts of the proposed development to maintain the integrity and functionality of the riparian setback.
 - 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The applicant will be required to consult with the Franklin Soil & Water Conservation District to limit clearing and, minimize erosion and control sediment
 - 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant must mitigate the additional impervious area from the development.

Section 810.041 – Approval of Variance:

- 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 indicates that they encounter a special condition due to their lot being placed within the riparian setback area since they purchased the property in 2005. The applicant did not address any special conditions or circumstances related to the requested accessory building size variance.
 - » Staff notes that the riparian setback standard was adopted in 2008 after the applicant purchased the property and the entire property is located in the riparian setback.
 - » Staff notes that there is not a special circumstance or condition that applies to this property with respect to the accessory building size variance request. Most properties in the surrounding area under the zoning authority of Franklin County are similarly sized at less than 1 acre and therefore must adhere to the size limitations for accessory buildings on property less than 1 acre in size.
- 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.*
 - » The applicant indicates that because of the zoning amendment adopting the riparian setback they are unable to build a structure that they intended to build when they purchased the property.
 - » A literal interpretation of the riparian setback standards would deprive the applicant of rights enjoyed by others in the area.
 - » Staff notes that there is no record of variances or approved zoning compliances for accessory buildings exceeding the size limitation in the surrounding area and a literal interpretation of the maximum accessory building size standard does not deprive the applicant of rights enjoyed by others in the area.
- 3) *That the special conditions and circumstances do not result from the action of the applicant.*
 - » The adoption of riparian setback standards was not the result of any action by the applicant.

- » Based on staff review, the application of the riparian setback standards to the applicant's entire property is not a result of any actions of the applicant.
 - » Based on staff review, there is no special circumstance or condition with respect to the accessory building size variance request.
- 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.*
- » The applicant indicates that the requested variance will allow space to store vehicles and tools.
 - » Granting the riparian setback variance request will not confer privilege to the applicant as other properties, wholly contained in the riparian setback, have been granted variances to the standard.
 - » Granting the accessory building size variance will confer special privilege to the applicant as other residential property in the surrounding area must adhere to the same size limitation for accessory buildings.
- 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.*
- » The applicant is willing to install underground water retention to prevent adverse storm water impacts to the riparian area. The applicant indicates that a large portion of the site is already wooded.
 - » By complying with mitigation requirements, the proposed riparian setback variance will not cause any adverse impacts.
 - » Granting the accessory building variance may set a precedent for other property owners to apply for a similar variance request and allow larger accessory buildings than intended for properties less than 1 acre in size.

Recommendation

Staff recommends ***approval*** of a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to allow the construction of an accessory building the Big Darby Creek Watershed Riparian Setback with the following conditions:

1. The applicant must either reduce the proposed size of the accessory building so that the total size of all accessory buildings on the property do not exceed 720 square feet, or remove all other accessory buildings from the site, or receive approval of a variance from Section 512.02(2) for a total accessory building size in excess of that permitted.
2. The applicant must apply for and receive approval of a Certificate of Zoning Compliance for the proposed accessory building from the Franklin County Economic Development and Planning Department.
3. The applicant must apply for and receive approval of a Building Permit for the proposed accessory building from the Franklin County Economic Development and Planning Department.
4. The applicant must submit information with the Certificate of Zoning Compliance application demonstrating mitigation in compliance with the Ohio EPA General Permit, the proposed method of mitigation is to be reviewed and approved by the Franklin Soil and Water Conservation District and Franklin County Economic Development and Planning Department.
5. The applicant, under direction of the Franklin Soil and Water Conservation District, must install and maintain sediment and erosion control measures prior to any earth disturbing activities and limit clearing to the extent practicable.
6. The final location of the proposed accessory building must be approved by Franklin County Public Health to ensure construction is not detrimental to the onsite septic system.

Staff recommends ***denial*** of a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that exceeds the maximum allowable size in an area zoned Rural (R). The reason for recommending denial of the variance request is that the application fails to satisfy the criteria for granting a variance under Section 810.041.

Resolution

For your convenience, the following is a proposed resolution for the Variance request from Section 650.162(a):

Proposed Resolution for Request from 650.162(a):

_____ moves to approve a Variance from Section 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3848.

Seconded by: _____

Findings of Fact

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

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for a Variance from Section 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3848 results from the applicant’s failure to satisfy the criteria for granting a variance under Sections 650.20(a), 650.20(b) and 810.041.

Seconded by: _____

For your convenience, the following is a proposed resolution for the Variance request from Section 512.02(2):

Proposed Resolution for Request from 512.02(2):

_____ moves to approve a Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3848.

Seconded by: _____

Findings of Fact

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

If the resolution fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

_____ moves that the basis for denying the applicant’s request for a Variance from Section 512.02(2) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3848 results from the applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____



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Franklin County Planning Department
Franklin County, Ohio

VIA-3848

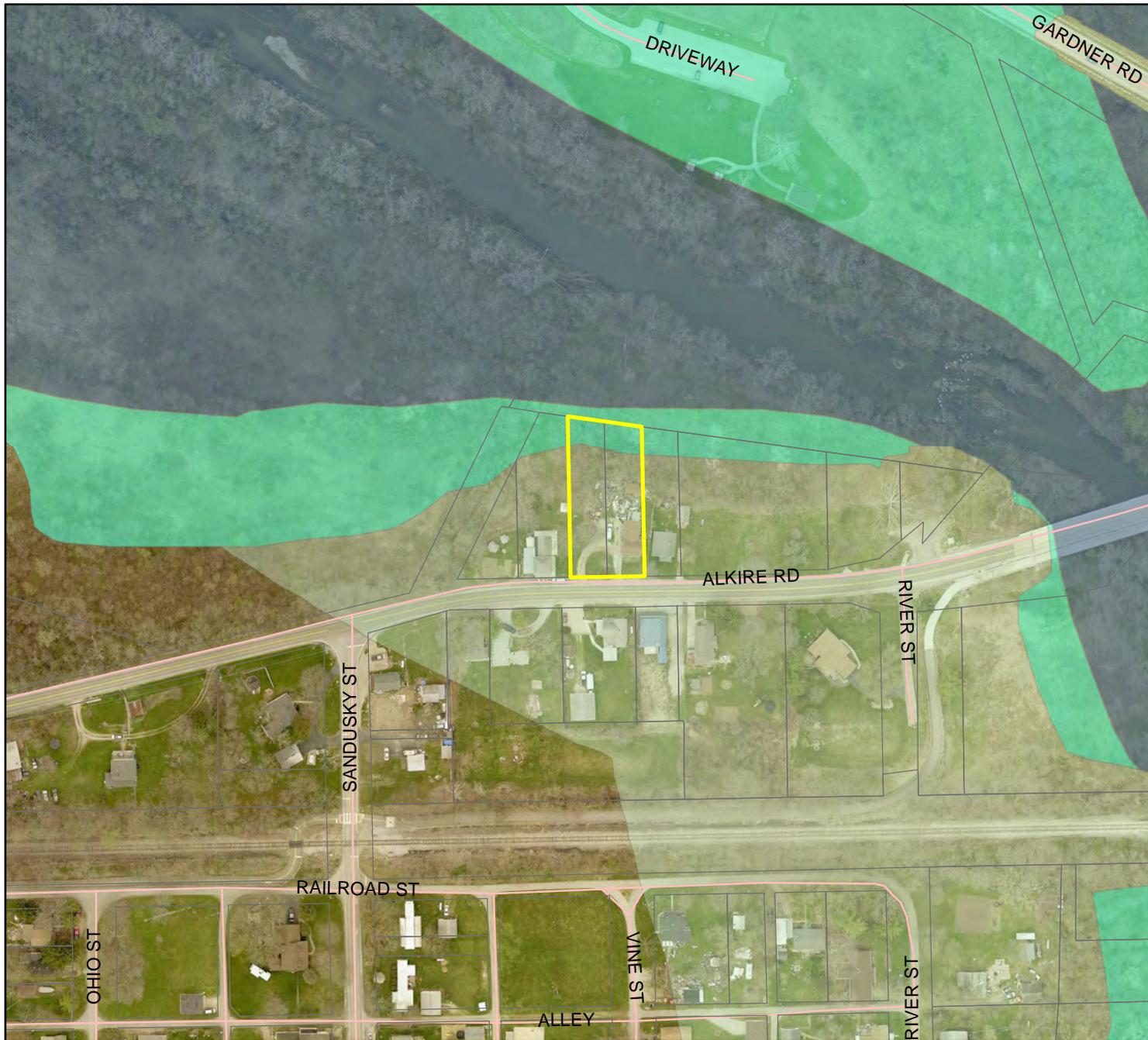
ALKIRE



1 inch = 20 feet

0 10 20 40 Feet

X equals Remove shed
S equals Septic



VA-3848

Requesting a Variance from Sections 512.02(2) and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of an accessory building in the Big Darby Creek Watershed Riparian Setback that exceeds the maximum allowable size in an area zoned Rural.

0.48 Acres
Pleasant Township

 8542 Alkire Road

 Parcel

 Streets

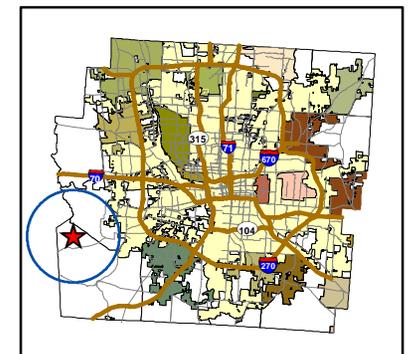
Franklin County Floodplain

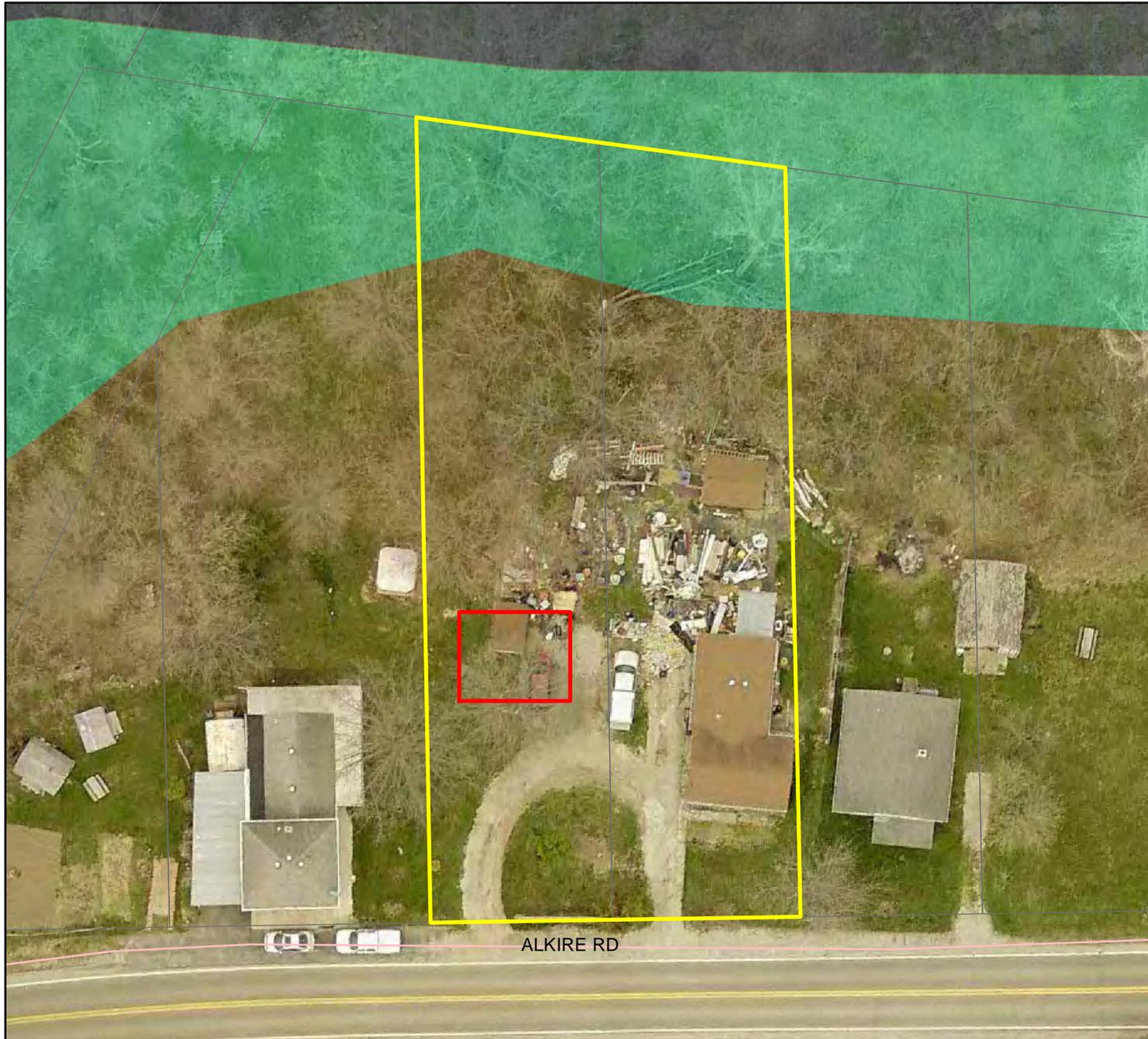
 Floodway Fringe

 Floodway

Big Darby Creek Setbacks

 Big Darby Creek Setbacks





VA-3848

Requesting a Variance from Sections 512.02(2) and 650.162(a) of the Franklin County Zoning Resolution to allow the construction of an accessory building in the Big Darby Creek Watershed Riparian Setback that exceeds the maximum allowable size in an area zoned Rural.

0.48 Acres
Pleasant Township

-  8542 Alkire Road
 -  Proposed Accessory Building
 -  Parcel
 -  Streets
- Franklin County Floodplain**
-  Floodway Fringe
 -  Floodway

