

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

**Economic Development & Planning Department**  
James Schimmer, Director

# Franklin County Planning Commission

**Franklin County Courthouse**  
**373 South High Street - Lobby**  
**Meeting Room A**  
**Columbus, OH 43215**

**Wednesday, February 10, 2016**  
**1:30 pm**

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the January 13, 2016 meeting
5. New Business:

**i. 673-A – Matt Brown**

<b>Applicant/Owner:</b>	Michael and Jo Ann Carpenter
<b>Agent:</b>	David Hodge
<b>Township:</b>	Jefferson
<b>Site:</b>	6001 Clark State Road (PID #170-000197)
<b>Acreage:</b>	2.88 Acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Appealing staff’s application of the Franklin County Subdivision Regulations to a proposed adjustment of lot lines between two adjoining parcels of land.

**ii. 674-V – Matt Brown**

<b>Applicant/Owner:</b>	Michael and Jo Ann Carpenter
<b>Agent:</b>	David Hodge
<b>Township:</b>	Jefferson
<b>Site:</b>	6001 Clark State Road (PID #170-000197)
<b>Acreage:</b>	2.88 Acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a Variance from Section 501.05 of the Franklin County Subdivision Regulations to allow a lot line adjustment that will result in a parcel that exceeds the maximum depth to width ratio.

**iii. ZON-15-04 – Matt Brown**

<b>Applicant:</b>	George Brobst Jr.
<b>Owner:</b>	The Old Blue Rooster, LLC
<b>Township:</b>	Madison Township
<b>Site:</b>	5952 London Lancaster Road (PID #181-001364 & 181-001365)
<b>Acreage:</b>	13.45 acres
<b>Zoning:</b>	Rural
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting to rezone two parcels from the Rural District to the Select Commercial Planned (SCPD) District.

**6. MORPC Presentation - 2016 Metropolitan Transportation Plan (MTP) and Active Transportation Plan (ATP)**

**7. Adjournment of meeting to March 9, 2016**



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

**Economic Development & Planning Department**  
James Schimmer, Director

## **MINUTES OF THE FRANKLIN COUNTY PLANNING COMMISSION**

**Wednesday, January 13, 2016**

The Franklin County Planning Commission convened in Meeting Room A, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Wednesday, January 13, 2016.

Present were:

Nancy White, Chairperson  
Tim Guyton, Vice President  
Dan Blechschmidt  
Roxanne Burrus  
Ashley Hoye  
Debbie Johnson  
Lauren Rummel  
Jason Sanson  
Kevin Wheeler  
Marty Wicks

Franklin County Economic Development and Planning Department:

Jenny Snapp, Assistant Director, Planning  
Matt Brown, Planning Administrator

Chairperson White opened the hearing.

The first order of business being the roll call of members, the introduction of staff, and the swearing in of witnesses.

**OLD BUSINESS:**

The next item of business being Case No. 672-V. The Applicant is Rhea Chung and Hong Dong. The township is Plain Township. The location is 4915 Babbitt Road. It is 8.563 acres and is served by private water and wastewater. The request is for a Variance from Sections 501.05 and 204.07(A) of the Franklin County Subdivision Regulations to allow the creation of a lot that will fail to meet the maximum depth-to-width ratio and fail to meet the minimum road frontage requirement. Mr. Guyton made a motion to remove the case from the table. It was seconded by Mr. Sanson. The motion was approved by a vote of nine yeases and one abstention.

Mr. Brown read and presented the case to the Franklin County Planning Commission. Mr. Sanson made a motion to approve Case No. 672-V with Staff's recommendations. It was seconded by Ms. Johnson. The motion was approved by an ten-to-zero vote.

The next item of business being the adoption of Findings of Fact. Mr. Guyton made a motion to approve the Findings of Fact that Case No. 672-V meets all of the six criteria under Section 710.07. The motion was seconded by Mr. Wicks. The motion was approved by a ten-to-zero vote.

The next item of business being Case No. ZON-15-05. The applicant is Al Rahma Mosque. The agent is Dan Heckman with Alpha Architectural Services. The township is Clinton Township. It is located at 2130 Mecca Road. It is served by Public water and wastewater, and the site is .25 acres. The request is to rezone from the Rural District to the Suburban Office and Institutional (SO) District. Mr. Brown read and presented the case to the Franklin County Planning Commission. Mr. Blechschmidt made a motion to approve Case No. ZON-15-05 with staff's recommendation. It was seconded by Ms. Johnson. The motion was approved by an ten-to-zero vote.

The next item of business being approval of the bylaws for 2016. Mr. Wheeler made a motion to approve the bylaws for 2016. It was seconded by Ms. Burrus. The motion was approved by a ten-to-zero vote.

The next item of business being the election of Chairperson for 2016. Mr. Guyton made a motion to nominate Nancy White to continue as Chairperson. The motion was seconded by Mr. Wheeler. The motion was approved by a unanimous vote.

The next item on the agenda is the election of Vice Chairperson. Chairperson White nominated Mr. Guyton to continue as Vice Chairperson. Ms. Burrus seconded the nomination. The motion was approved by a ten-to-zero vote.

The next item of business being the approval of the minutes from the December 9, 2015, meeting. Mr. Guyton made a motion to approve the minutes as submitted. It was seconded by Mr. Sanson. The motion was approved by a vote of six yeases and four abstentions.

There being no further business coming before the Franklin County Planning Commission, Ms. Johnson made a motion to adjourn the hearing. It was seconded by Mr. Sanson. By unanimous vote, the hearing was adjourned at 2:12 p.m.

Minutes of the January 13, 2016, Franklin County Planning Commission hearing were approved this 10th day of February, 2016.

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Signature



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Planning Commission  
February 10, 2016

Case: 673-A  
Prepared by: Matt Brown

<b>Applicant/Owner:</b>	Michael and Jo Ann Carpenter
<b>Agent:</b>	David Hodge
<b>Township:</b>	Jefferson
<b>Site:</b>	6001 Clark State Road (PID #170-000197)
<b>Acreage:</b>	2.88 Acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Appealing staff's application of the Franklin County Subdivision Regulations to a proposed adjustment of lot lines between two adjoining parcels of land.

### Summary:

The applicant is appealing staff's application of the Franklin County Subdivision Regulations to a proposed lot line adjustment. The Franklin County Subdivision Regulations clearly set standards for the review of lot line adjustments and therefore the Subdivision Regulations apply to lot line adjustments. Staff recommends denial of the appeal.

### Request:

The site is located on the south side of Clark State Road just west of Mann Road in Jefferson Township. The site is developed with a single-family home and detached accessory building.

The applicant is proposing to split 0.5 acres from the rear of the property to the south and attach it to the rear of the subject parcel. Both properties are currently non-conforming with respect to the lot geometry standard in the Franklin County Subdivision Regulations. The proposal will result in the southern property becoming more conforming and the northern parcel becoming less conforming, thus not meeting the Subdivision Regulations.

Section 201.05 of the Subdivision Regulations states in part that lot line adjustments must result in parcels that comply with the adopted standard platting conditions and any other conditions determined applicable by the FCEDP and County Engineer. The Economic Development and Planning Department has determined that this means that parcels must comply with the maximum depth to width standard of the Subdivision Regulations.

The applicant filed a lot line adjustment application with the Franklin County Economic Development and Planning Department on November 20, 2015 which was denied on December 18, 2015 for failure of the application to meet the standards of the Franklin County Subdivision Regulations.

The applicant is now appealing the application of the Franklin County Subdivision Regulations to the proposed lot line adjustment.

**Staff Recommendation**

The Franklin County Subdivision Regulations were reviewed by the Franklin County Prosecutor's Office prior to their adoption by the Franklin County Board of Commissioners on March 27, 2012. The Subdivision Regulations, as adopted, provide standards for adjusting lot lines between two adjacent properties. Therefore the Franklin County Subdivision Regulations do apply to lot line adjustments. Staff recommends *denial* of the appeal.

**VARIANCE or APPEAL APPLICATION**

for unincorporated Franklin County

Franklin County Development Department – Franklin County Planning Commission  
150 S. Front Street, FSL Suite 10 Columbus, OH 43215 Phone: (614) 525-3094

to be completed by FCPC Staff

Date Submitted: 01 / 19 / 2016

Received By: Matt Brown

Application No.: 673-A Fee: NA

FCPC Date: 02 / 10 / 16

**Property Owner/Subdivider/or Agent**

Signature: David Hodge - Attorney

Date: 1 / 19 / 2016

Name: Michael Carpenter, Jo Ann Carpenter, Jarmcar LLC

Address: 6001 Clark State Road

City, State, Zip: Gahanna, OH 43230

Phone No: (    ) 365- 4100

Section numbers(s) of the county subdivision regulations and a brief description of variance(s) or appeal(s) requested:

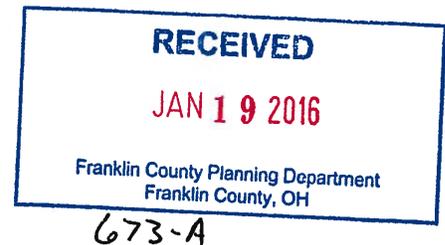
The property owners request a variance to Franklin County Subdivision Regulation Section  
501.05 Lot Geometry, to legitimize an existing condition. Overall all of the involved  
parcels become more conforming.

The property owners appeal the determination that a variance is required.

A Variance and Appeal Statement is attached.

Use a separate sheet to present additional description or information explaining why you feel the FCPC should grant the requested variance(s) or appeal(s).

6001 Clark State Road  
Variance and Appeal Statement



The Appellant's are the owners of the subject real property in Jefferson Township. The Appellant's reside at the property and have, over time, acquired several adjacent parcels. Their ownership consists today of four contiguous parcels, as outlined on the attached GIS map. Generally, the parcels are:

1. A single-family residential parcel along the south side of Clark State Road. (Parcel 1).
2. A landlocked parcel, without frontage on a public street, located adjacent to and south of Parcel 1. (Parcel 2).
3. A single-family residential parcel along the south side of Clark State Road, east of Parcel 1 and Parcel 2, which is the Appellant's primary residence. (Parcel 3).
4. A single-family residential parcel along the north side of Havens Road. (Parcel 4).

With the Appellant's proposed reconfiguration of their parcels, Parcel 1 will remain unchanged. Parcel 2 will be combined with Parcel 3, such that it is no longer nonconforming, and thereby rendering it more conforming. One half acre (.5) will be removed from Parcel 4 and combined with Parcel 3. In terms of the Subdivision Regulations, this .5 acre lot line adjustment makes Parcel 4 more conforming.

The totality of the circumstances here are that existing nonconforming parcels are being reconfigured such that they either become conforming, or less nonconforming.

The Appellant's lot line adjustment application was denied by the Franklin County Economic Development and Planning Department (FCEDPD) on the basis that the existing driveway on Parcel 3 does not meet the Lot Geometry requirement of Section 501.05 of the Franklin County Subdivision Regulations (FCSR). Section 501.05 provides as follows:

**Section 501.05 Lot Geometry.** Side lot lines shall be within 5 degrees of being perpendicular or radial to street centerlines. Lot depth to width shall not exceed 4 to 1 (sic) Depth shall be measured from the rear lot line to the street centerline. Width shall be measured parallel or tangent to the street centerline, 100 feet back from the street centerline.

What this means then for Appellant's lot, the depth is being increased due to the .5 acre split from Parcel 4 to be combined with Parcel 3, and the width does not change because the measurement is taken from the same location – 100 feet back from the street centerline. Notwithstanding the location at which the width must be measured, the width of the parcel that is created is greater than what currently exists due to the combination of Parcel 2 with Parcel 3.

If a variance is required, and we do not think one is, these exceptional circumstances warrant the approval of a variance under FCSR Section 701.07. The shape of Parcel 3, specifically the depth of the existing frontage piece and driveway portion of the lot is irregularly shaped, this is an existing condition that cannot be remedied in any way other than a determination of nonapplicability of the FCSR, or the grant of a variance. "Conforming" this condition would result in both an

extraordinary hardship, and an exceptional practical difficulty to the property owners, warranting the grant of the variance – if one is deemed necessary.

The existing condition and configuration of these properties is unusual to the property and is not applicable generally to other property. The purpose of the reconfiguration of these lots is not applicable generally to other property. The grant of this variance will have no impact whatsoever on public health, safety or general welfare, or be injurious in any way to other property or improvements in the neighborhood – this whole reconfiguration is an improvement to existing conditions. These special circumstances and conditions are created entirely by the FCSR and do not result from the act of these property owners – this is an existing condition at 100 feet back from the centerline. Last, the variance requested is the minimum adjustment necessary for the reasonable use of the land – if a variance is deemed necessary.

If a variance is required, and we dispute that, it is clearly warranted on the facts.

There are three bases for this appeal:

1. The condition is an existing nonconformity.
2. This lot reconfiguration is not a “Subdivision” under R.C. Chapter 711.
3. The FCSR are not applicable to this lot reconfiguration under Section 101.07

#### **Basis 1**

As provided above, the reason the lot split application was denied is because the location at which the width measurement must be taken under FCZR Section 501.05 is at 100’ back from the centerline of the road. With the lot reconfiguration proposed, there is no change to this section of the lot, that width measurement is currently 90’ +/- and will remain 90’ +/- afterwards. The depth to width ratio is currently 608’ +/- to 90’ +/-, after the split it will be 680’ +/- to 90’ +/-, again due to the measurement location. However, if the width measurement were to be taken at 350’ +/-, the depth to width would be 680’ +/- to 550’ +/- . The existing configuration of the lot is nonconforming, this is not being modified, this configuration is therefore legal nonconforming, should be recognized as such, and no variance should be required.

#### **Basis 2**

“Subdivision” is a defined term under R.C. Section 711.001. The parcel reconfiguration proposed by the Appellant is not a “subdivision” as that term is defined by Ohio law. Subdivision is defined as follows:

711.001 Plat definitions.

(B) “Subdivision” means either of the following:

- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose of,

whether immediate or future, of transfer of ownership provided, however that the following are exempt.

- (a) A division or partition of land into parcels of more than five acres not involving any new streets or easement of access;
  - (b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;
  - (c) If the planning authority adopts a rule in accordance with section 711.133 of the Revised Code that exempts from division (B)(1) of this section any parcel of land that is four acres or more, parcels in the size range delineated in that rule.
- (2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

The Appellant's proposed lot reconfiguration meets neither (B)(1) nor (B)(2) of R.C. Section 711.001. This is not a division of land into two or more parcels as contemplated under (B)(1), this is it taking four parcels and making them three. Even if it were a subdivision, it would be deemed exempt under Section (B)(1)(b) because it involves an "exchange that does not create additional building sites".

Likewise, Appellant's reconfiguration does not meet R.C. 711.001(B)(2). This is not an improvement involving the opening, widening, or extension of any public or private street(s), or involving the division or allocation of land as open spaces for common use".

Because Appellant's proposed lot reconfiguration is not a "subdivision" under Ohio law, the FCSR do not apply.

### **Basis 3**

Section 101.07 of the FCSR provides the "Scope of Application" of the regulations. The Regulations are applicable to those items provided in that section, and by implication inapplicable to items not provided. Section 101.07 provides:

**101.07 Scope of Application.** Within the unincorporated areas of the County, these Regulations shall be applicable to:

- A. The division of any parcel of land identified as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots, any one of which is less than twenty (20) acres for the purpose, whether immediate or future, of transfer of ownership.
- B. The improvement of one or more parcels of land, including large lot development, for residential, commercial or industrial structures or groups of structures involving the

- division or allocation of land for the opening, widening or extension of any streets;  
and;
- C. The division or allocation of land as open space for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Appellant's proposed lot reconfiguration does not fall within the "scope of application" under 101.07 (A), (B) or (C). Again, under 101.07(A) applicability is reserved to an owner dividing a parcel into two or more parcels. Here the owners are taking four parcels and making three. Under 101.07(B) an owner must be making an improvement involving the division or allocation of land for the opening, widening or extension of streets – not happening here. And 101.07(C) contemplates the division or allocation of land as open space for common use, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities – none of which is proposed or occurring under this lot line adjustment proposal.

For all of the reasons provided, a variance to FCSR Section 501.05 is not required. With a determination that a variance is necessary, for the reasons provided above, the facts warrant a grant of a variance.

Michael Carpenter, Jo Ann Carpenter, Jarmcar LLC

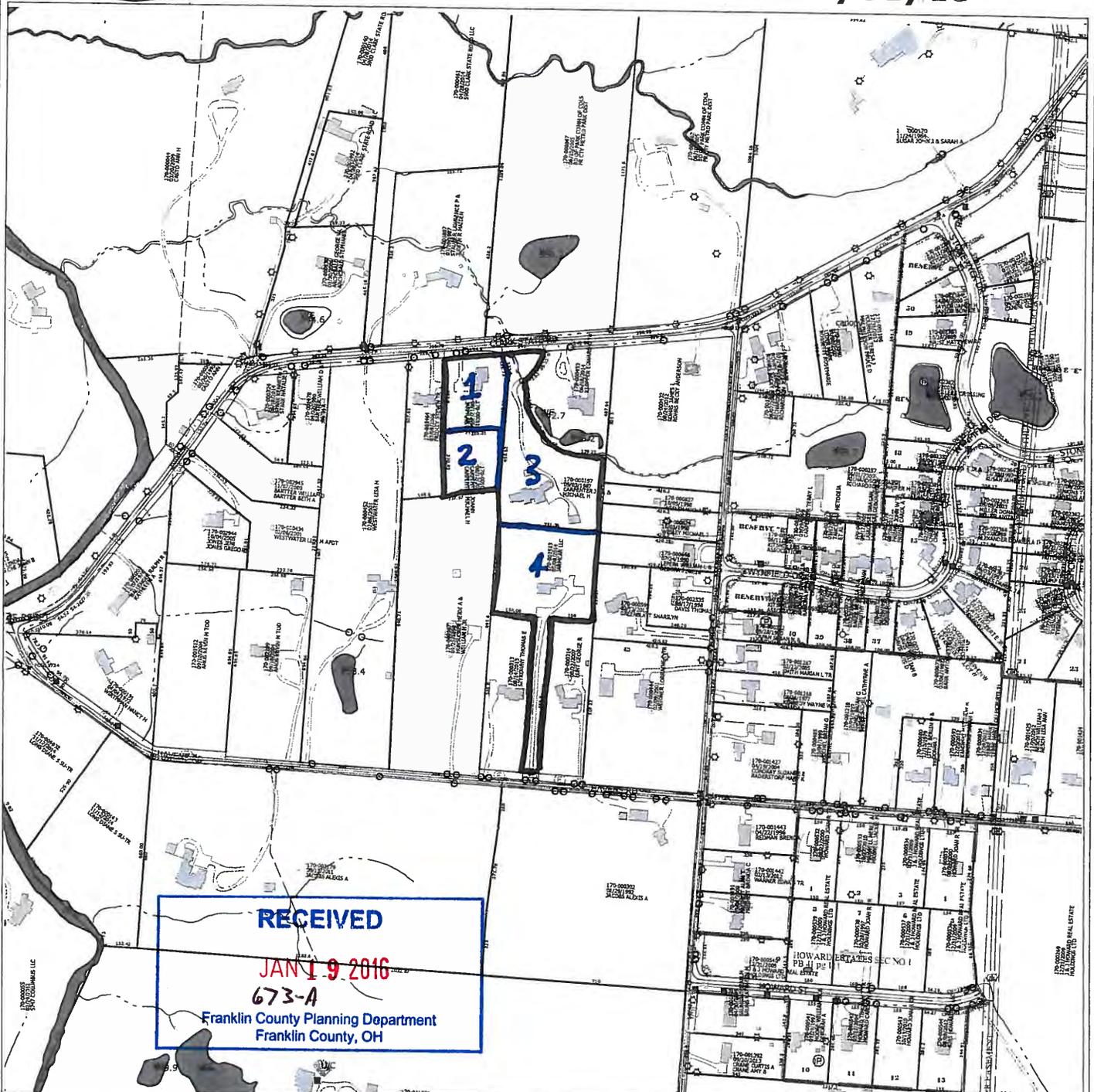
By: David Hedge attorney  
Date: January 19, 2016



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 3/31/15



**RECEIVED**  
**JAN 19 2016**  
**673-A**  
Franklin County Planning Department  
Franklin County, OH

Disclaimer

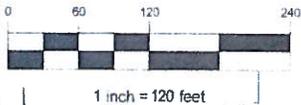
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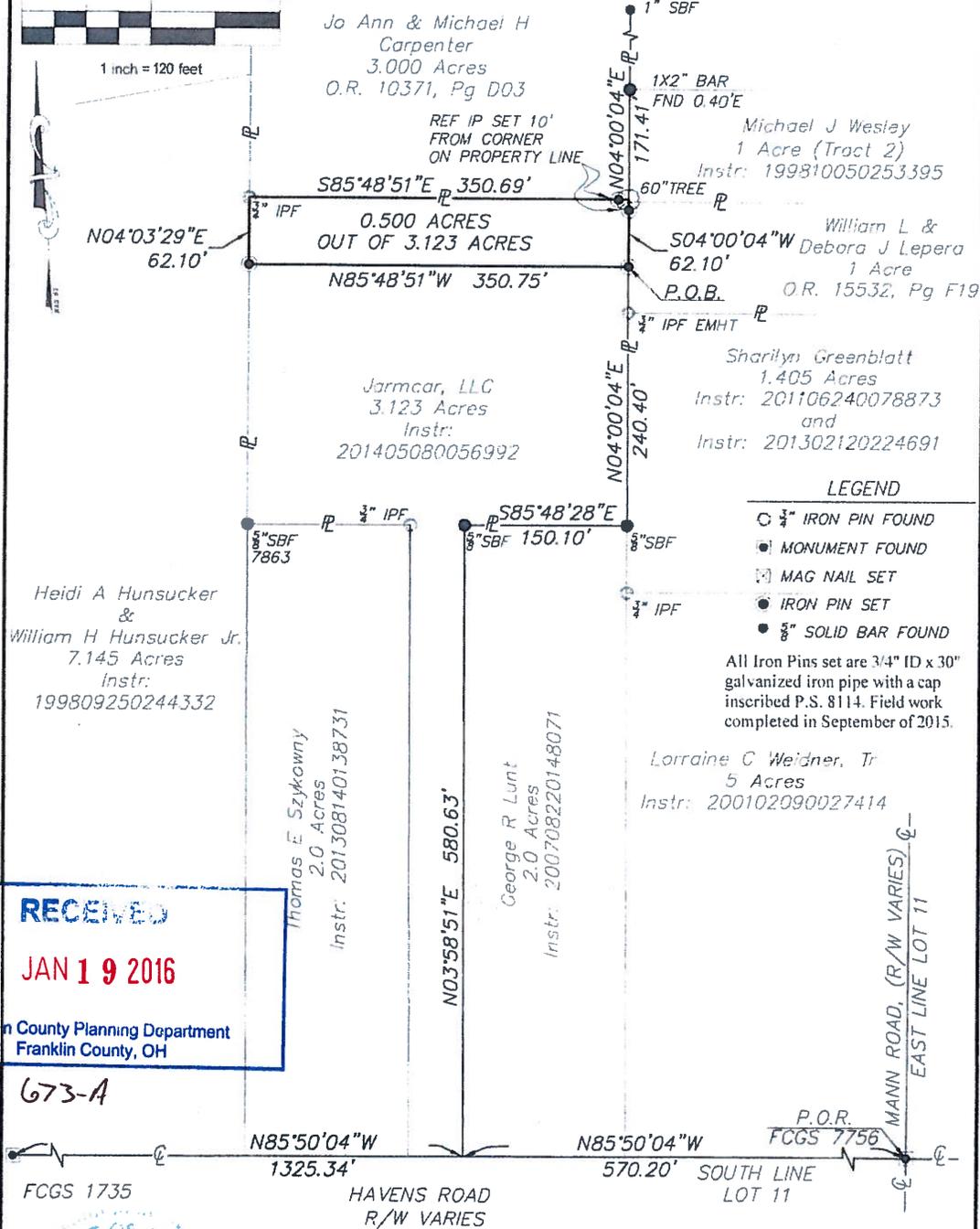
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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

**GRAPHIC SCALE**



SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN,  
TOWNSHIP OF JEFFERSON, LOT 11, QUARTER TOWNSHIP 2,  
TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY LANDS



**LEGEND**

- 3/4" IRON PIN FOUND
- MONUMENT FOUND
- ⊠ MAG NAIL SET
- IRON PIN SET
- 5/8" SOLID BAR FOUND

All Iron Pins set are 3/4" ID x 30" galvanized iron pipe with a cap inscribed P.S. 8114. Field work completed in September of 2015.

Z:\CARPENTER BOUNDARY SURVEY DRAWINGS\CARPENTER LOT SPLIT HALF ACRE.DWG - 0 PREP - PLOTTED BY BO - October 02, 2015 - 9:20 AM

**RECEIVED**  
**JAN 19 2016**  
 Franklin County Planning Department  
 Franklin County, OH

673-A



*Robert W. Martin* 10-2-15  
 Robert W. Martin, P.S. 8114 DATE

For the purpose of this description a bearing of N85°50'04"W was held on Centerline of HAVENS Road (Right of Way VARIES), and is based on the Ohio State Plane Coordinate System, South Zone, NAD83. Said bearing was established by Static and RTK GPS Observations, and was determined by using National Geodetic Survey, OPUS--S service. This plot is based on a survey completed by Robert W. Martin in September of the year 2013.

**SURVEY EXHIBIT OF**  
**0.500 ACRES ON**  
**HAVENS ROAD**

Prepared By: **TAT WATCON**  
 CONSULTING ENGINEERS & SURVEYORS  
 83 Shull Avenue  
 Gahanna, Ohio 43230  
 Ph. (614) 414-7979

DRAWN BY: NEW	SCALE: 1" = 120'	DATE: 10/02/2015
CHECKED BY: RWM	PROJECT:	SHEET NO. 1 OF 1

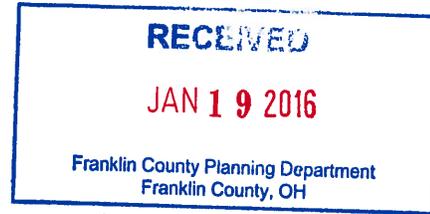


Commissioner Marilyn Brown · Commissioner Paula Brooks · Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

December 18, 2015

Underhill Yaross & Hodge LLC  
David Hodge  
8000 Walton Parkway, Suite 260  
New Albany, OH 43054



Mr. Hodge:

This correspondence is concerning your lot split application, Case #9795-15-LS, proposing a lot line adjustment to move 0.5 acres from parcel 170-001513 to parcel 170-000197. The proposed lot line adjustment must meet the applicable subdivision standards specified in the *Franklin County Subdivision Regulations*. This document is available in the "Planning and Zoning" section of our website at [development.franklincountyohio.gov](http://development.franklincountyohio.gov). The application was reviewed for compliance with the *Franklin County Subdivision Regulations* and has been **denied** based on the following:

1. Section 501.05— *Lot Geometry*: Side lot lines shall be within 5 degrees of being perpendicular or radial to street centerlines. Lot depth to width ratio shall not exceed 4 to 1.
  - The property at parcel 170-000197 has a larger lot depth to width ratio than 4 to 1 and the proposed lot line adjustment increases that lot depth to width ratio.

The lot split application and survey may be revised to show adherence to this subdivision standard.

The other option is to file a formal variance request. This request will go before the Franklin County Planning Commission (FCPC) in a public hearing who will act upon it in accordance with Section 701 of the Franklin County Subdivision Regulations. The fee to file is \$350 (non-refundable). The next variance deadline is January 19, 2016 for the February 10, 2016 Planning Commission meeting.

Finally, the application was reviewed by Technical Review Agencies. Please see below for comments.

**Franklin County Public Health**

An easement is needed for the aerator's discharge line.

If you have additional questions, please contact me by phone at 614-525-4879 or by email at [kspergel@franklincountyohio.gov](mailto:kspergel@franklincountyohio.gov).

Sincerely,



Kendra Spergel  
Planning Project Coordinator



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Planning Commission  
February 10, 2016

Case: 674-V  
Prepared by: Matt Brown

<b>Applicant/Owner:</b>	Michael and Jo Ann Carpenter
<b>Agent:</b>	David Hodge
<b>Township:</b>	Jefferson
<b>Site:</b>	6001 Clark State Road (PID #170-000197)
<b>Acreage:</b>	2.88 Acres
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting a Variance from Section 501.05 of the Franklin County Subdivision Regulations to allow a lot line adjustment that will result in a parcel that exceeds the maximum depth to width ratio.

### Summary:

The applicant is requesting a variance to allow a lot line adjustment that will result in a parcel that exceeds the maximum depth to width ratio. The application satisfies the criteria necessary to grant a variance. Staff recommends conditional approval.

### Request:

The site is located on the south side of Clark State Road just west of Mann Road in Jefferson Township. The site is developed with a single-family home and detached accessory building.

The applicant is proposing to split 0.5 acres from the rear of the property to the south and attach it to the rear of the subject parcel. Both properties are currently non-conforming with respect to the lot geometry standard in the Franklin County Subdivision Regulations. The proposal will result in the southern property becoming more conforming and the northern parcel becoming less conforming, thus requiring a variance. The existing depth to width ratio of the northern property is 6.71 to 1 and the proposed ratio is 7.36 to 1. The maximum permitted depth to width ratio is 4 to 1. The proposal will not result in any new lots.

### Surrounding Zoning and Land Use:

The surrounding area is zoned Restricted Suburban Residential and is low density residential in character. The minimum lot size in the Restricted Suburban Residential District is 1 acre with a minimum lot width of 60 feet at the right-of-way and 150 feet at the front line of the dwelling.

### **Comprehensive Plan:**

The Jefferson Township Comprehensive Plan, adopted in 1996, recommends the area for low density residential uses. The proposal will not result in any new lots and therefore will not change the residential density in the area.

### **Technical Agency Reviews**

The Franklin County Drainage Engineer's Office, Franklin County Engineer's Office, Franklin Soil & Water Conservation District and Jefferson Township indicated no concerns with the proposed Lot Line Adjustment.

Franklin County Public Health indicated that an easement would be needed on the subject property for the aerator discharge line from the property to the south.

### **Staff Analysis**

#### Variance Criteria:

All of the following must be met in order to grant a variance:

1. *It shall not be detrimental to public health or safety or be injurious to other property.*  
The proposed lot line adjustment will have no impact on public health or safety or be injurious to other property. The proposal will not result in the creation of any new lots.
2. *Circumstances of the request are unique to the property and not generally applicable to others.*  
The requested variance is unique in that both properties impacted by the proposal are nonconforming with respect to exceeding the maximum depth to width ratio. Any change to the depth of either property would require a variance.
3. *Due to physical surroundings, shape or characteristics of the property, a hardship would result, as distinguished from an inconvenience, if the strict letter of these Regulations were enforced.*  
The requested variance will have no impact to the surrounding area as no new lots will be created and the existing lot is already developed with a single-family home. In addition, the proposed lots conform to the Jefferson Township Zoning Resolution. The existing and proposed lots could only conform to the Subdivision Regulation's depth to width standard through the acquisition of additional road frontage. This situation presents a hardship to the property owner.

### **Staff Recommendation**

Based on Staff's Analysis, staff recommends **conditional approval** of the variance request from Section 501.05 of the Franklin County Subdivision Regulations to allow a lot line adjustment that will result in a parcel that exceeds the maximum depth to width ratio.

The conditions of approval are as follows:

1. The applicant must apply for and receive approval of the proposed lot line adjustment from the Franklin County Economic Development and Planning Department.
2. The applicant must comply with any requirements from Franklin County Public Health with respect to the existing onsite septic systems.

**VARIANCE or APPEAL APPLICATION**

for unincorporated Franklin County

Franklin County Development Department – Franklin County Planning Commission  
150 S. Front Street, FSL Suite 10 Columbus, OH 43215 Phone: (614) 525-3094

to be completed by FCPC Staff

Date Submitted: 01 / 19 / 2016

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Application No.: 674-V Fee: 350.00

FCPC Date: 02 / 10 / 16

**Property Owner/Subdivider/or Agent**

Signature: David Hodge - attorney

Date: 1 / 18 / 2016

Name: Michael Carpenter, Jo Ann Carpenter, Jarmcar LLC

Address: 6001 Clark State Road

City, State, Zip: Gahanna, OH 43230

Phone No: (     ) 365 - 4100

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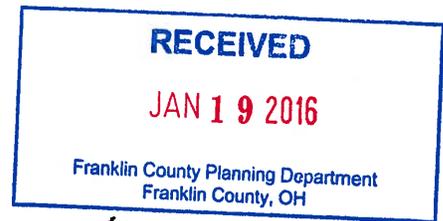
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6001 Clark State Road  
Variance and Appeal Statement



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3. A single-family residential parcel along the south side of Clark State Road, east of Parcel 1 and Parcel 2, which is the Appellant's primary residence. (Parcel 3).
4. A single-family residential parcel along the north side of Havens Road. (Parcel 4).

With the Appellant's proposed reconfiguration of their parcels, Parcel 1 will remain unchanged. Parcel 2 will be combined with Parcel 3, such that it is no longer nonconforming, and thereby rendering it more conforming. One half acre (.5) will be removed from Parcel 4 and combined with Parcel 3. In terms of the Subdivision Regulations, this .5 acre lot line adjustment makes Parcel 4 more conforming.

The totality of the circumstances here are that existing nonconforming parcels are being reconfigured such that they either become conforming, or less nonconforming.

The Appellant's lot line adjustment application was denied by the Franklin County Economic Development and Planning Department (FCEDPD) on the basis that the existing driveway on Parcel 3 does not meet the Lot Geometry requirement of Section 501.05 of the Franklin County Subdivision Regulations (FCSR). Section 501.05 provides as follows:

**Section 501.05 Lot Geometry.** Side lot lines shall be within 5 degrees of being perpendicular or radial to street centerlines. Lot depth to width shall not exceed 4 to 1 (sic) Depth shall be measured from the rear lot line to the street centerline. Width shall be measured parallel or tangent to the street centerline, 100 feet back from the street centerline.

What this means then for Appellant's lot, the depth is being increased due to the .5 acre split from Parcel 4 to be combined with Parcel 3, and the width does not change because the measurement is taken from the same location – 100 feet back from the street centerline. Notwithstanding the location at which the width must be measured, the width of the parcel that is created is greater than what currently exists due to the combination of Parcel 2 with Parcel 3.

If a variance is required, and we do not think one is, these exceptional circumstances warrant the approval of a variance under FCSR Section 701.07. The shape of Parcel 3, specifically the depth of the existing frontage piece and driveway portion of the lot is irregularly shaped, this is an existing condition that cannot be remedied in any way other than a determination of nonapplicability of the FCSR, or the grant of a variance. "Conforming" this condition would result in both an

extraordinary hardship, and an exceptional practical difficulty to the property owners, warranting the grant of the variance – if one is deemed necessary.

The existing condition and configuration of these properties is unusual to the property and is not applicable generally to other property. The purpose of the reconfiguration of these lots is not applicable generally to other property. The grant of this variance will have no impact whatsoever on public health, safety or general welfare, or be injurious in any way to other property or improvements in the neighborhood – this whole reconfiguration is an improvement to existing conditions. These special circumstances and conditions are created entirely by the FCSR and do not result from the act of these property owners – this is an existing condition at 100 feet back from the centerline. Last, the variance requested is the minimum adjustment necessary for the reasonable use of the land – if a variance is deemed necessary.

If a variance is required, and we dispute that, it is clearly warranted on the facts.

There are three bases for this appeal:

1. The condition is an existing nonconformity.
2. This lot reconfiguration is not a “Subdivision” under R.C. Chapter 711.
3. The FCSR are not applicable to this lot reconfiguration under Section 101.07

### **Basis 1**

As provided above, the reason the lot split application was denied is because the location at which the width measurement must be taken under FCZR Section 501.05 is at 100’ back from the centerline of the road. With the lot reconfiguration proposed, there is no change to this section of the lot, that width measurement is currently 90’ +/- and will remain 90’ +/- afterwards. The depth to width ratio is currently 608’ +/- to 90’ +/-, after the split it will be 680’ +/- to 90’ +/-, again due to the measurement location. However, if the width measurement were to be taken at 350’ +/-, the depth to width would be 680’ +/- to 550’ +/- . The existing configuration of the lot is nonconforming, this is not being modified, this configuration is therefore legal nonconforming, should be recognized as such, and no variance should be required.

### **Basis 2**

“Subdivision” is a defined term under R.C. Section 711.001. The parcel reconfiguration proposed by the Appellant is not a “subdivision” as that term is defined by Ohio law. Subdivision is defined as follows:

711.001 Plat definitions.

(B) “Subdivision” means either of the following:

- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose of,

whether immediate or future, of transfer of ownership provided, however that the following are exempt.

- (a) A division or partition of land into parcels of more than five acres not involving any new streets or easement of access;
  - (b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites;
  - (c) If the planning authority adopts a rule in accordance with section 711.133 of the Revised Code that exempts from division (B)(1) of this section any parcel of land that is four acres or more, parcels in the size range delineated in that rule.
- (2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any public or private street or streets, except private streets serving industrial structures, or involving the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders or as easements for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities.

The Appellant's proposed lot reconfiguration meets neither (B)(1) nor (B)(2) of R.C. Section 711.001. This is not a division of land into two or more parcels as contemplated under (B)(1), this is it taking four parcels and making them three. Even if it were a subdivision, it would be deemed exempt under Section (B)(1)(b) because it involves an "exchange that does not create additional building sites".

Likewise, Appellant's reconfiguration does not meet R.C. 711.001(B)(2). This is not an improvement involving the opening, widening, or extension of any public or private street(s), or involving the division or allocation of land as open spaces for common use".

Because Appellant's proposed lot reconfiguration is not a "subdivision" under Ohio law, the FCSR do not apply.

### **Basis 3**

Section 101.07 of the FCSR provides the "Scope of Application" of the regulations. The Regulations are applicable to those items provided in that section, and by implication inapplicable to items not provided. Section 101.07 provides:

**101.07 Scope of Application.** Within the unincorporated areas of the County, these Regulations shall be applicable to:

- A. The division of any parcel of land identified as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots, any one of which is less than twenty (20) acres for the purpose, whether immediate or future, of transfer of ownership.
- B. The improvement of one or more parcels of land, including large lot development, for residential, commercial or industrial structures or groups of structures involving the

- division or allocation of land for the opening, widening or extension of any streets;  
and;
- C. The division or allocation of land as open space for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Appellant's proposed lot reconfiguration does not fall within the "scope of application" under 101.07 (A), (B) or (C). Again, under 101.07(A) applicability is reserved to an owner dividing a parcel into two or more parcels. Here the owners are taking four parcels and making three. Under 101.07(B) an owner must be making an improvement involving the division or allocation of land for the opening, widening or extension of streets – not happening here. And 101.07(C) contemplates the division or allocation of land as open space for common use, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities – none of which is proposed or occurring under this lot line adjustment proposal.

For all of the reasons provided, a variance to FCSR Section 501.05 is not required. With a determination that a variance is necessary, for the reasons provided above, the facts warrant a grant of a variance.

Michael Carpenter, Jo Ann Carpenter, Jarmcar LLC

By: David Hedge, attorney

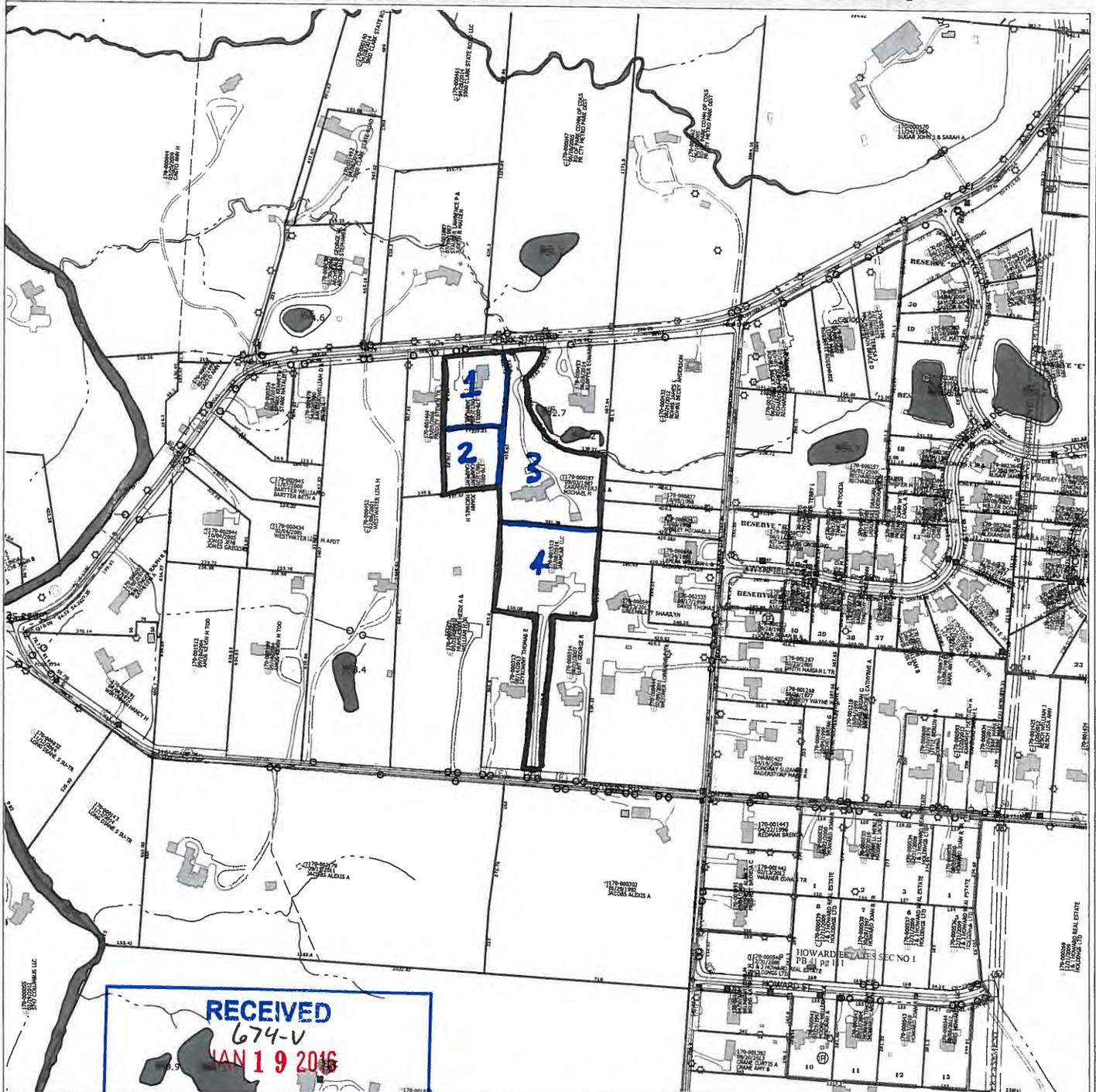
Date: January 19, 2016



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 3/31/15



**RECEIVED**  
674-V  
JAN 19 2016  
Franklin County Planning Department  
Franklin County, OH

Disclaimer

Scale = 500



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.

**GRAPHIC SCALE**



SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN,  
TOWNSHIP OF JEFFERSON, LOT 11, QUARTER TOWNSHIP 2,  
TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY LANDS

Jo Ann & Michael H  
Carpenter  
3.000 Acres  
O.R. 10371, Pg D03

REF IP SET 10'  
FROM CORNER  
ON PROPERTY LINE

S85°48'51"E 350.69'  
0.500 ACRES  
OUT OF 3.123 ACRES  
N85°48'51"W 350.75'

Jarmcar, LLC  
3.123 Acres  
Instr:  
201405080056992

Heidi A Hunsucker  
&  
William H Hunsucker Jr.  
7.145 Acres  
Instr:  
199809250244332

Thomas E Szykowny  
2.0 Acres  
Instr: 201308140138731

George R Lunt  
2.0 Acres  
Instr: 200708220148071

Lorraine C Weidner, Tr  
5 Acres  
Instr: 200102090027414

Michael J Wesley  
1 Acre (Tract 2)  
Instr: 199810050253395

William L &  
Debora J Lepera  
1 Acre  
O.R. 15532, Pg F19

Sharilyn Greenblatt  
1.405 Acres  
Instr: 201106240078873  
and  
Instr: 201302120224691

**LEGEND**

- 3/4" IRON PIN FOUND
- MONUMENT FOUND
- ⊠ MAG NAIL SET
- ⊙ IRON PIN SET
- 3/8" SOLID BAR FOUND

All Iron Pins set are 3/4" ID x 30" galvanized iron pipe with a cap inscribed P.S. 8114. Field work completed in September of 2015.

**RECEIVED**

**JAN 19 2016**

Franklin County Planning Department  
Franklin County, OH

674-V

2. CARPENTER BOUNDARY SURVEY DRAWINGS CARPENTER LOT SPLIT HALF ACRE.DWG - 0 XREFS: - PLOTTED BY BO - October 02, 2015 - 9:20 AM



*Robert W. Martin* 10-2-15  
Robert W. Martin, P.S. 8114 DATE

For the purpose of this description a bearing of N85°50'04"W was held on Centerline of HAVENS Road (Right of Way VARIES), and is based on the Ohio State Plane Coordinate System, South Zone, NAD83. Said bearing was established by Static and RTK GPS Observations, and was determined by using National Geodetic Survey, OPUS-S service. This plat is based on a survey completed by Robert W. Martin in September of the year 2013.

**SURVEY EXHIBIT OF  
0.500 ACRES ON  
HAVENS ROAD**

Prepared By:  
**TAT  
WATCON**  
CONSULTING ENGINEERS & SURVEYORS  
83 Shull Avenue  
Cahanna, Ohio 43230  
Ph. (614) 414-7979

DRAWN BY: NEW  
CHECKED BY: RWM

SCALE: 1" = 120'  
PROJECT:

DATE: 10/02/2015  
SHEET NO. 1 OF 1

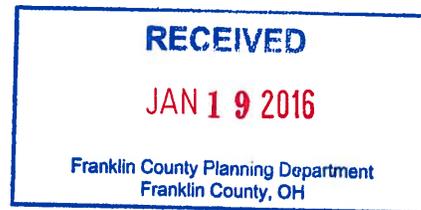


Commissioner Marilyn Brown · Commissioner Paula Brooks · Commissioner John O'Grady  
President

Economic Development & Planning Department  
James Schimmer, Director

December 18, 2015

Underhill Yaross & Hodge LLC  
David Hodge  
8000 Walton Parkway, Suite 260  
New Albany, OH 43054



Mr. Hodge:

This correspondence is concerning your lot split application, Case #9795-15-LS, proposing a lot line adjustment to move 0.5 acres from parcel 170-001513 to parcel 170-000197. The proposed lot line adjustment must meet the applicable subdivision standards specified in the *Franklin County Subdivision Regulations*. This document is available in the "Planning and Zoning" section of our website at [development.franklincountyohio.gov](http://development.franklincountyohio.gov). The application was reviewed for compliance with the *Franklin County Subdivision Regulations* and has been denied based on the following:

1. Section 501.05— Lot Geometry: Side lot lines shall be within 5 degrees of being perpendicular or radial to street centerlines. Lot depth to width ratio shall not exceed 4 to 1.
  - The property at parcel 170-000197 has a larger lot depth to width ratio than 4 to 1 and the proposed lot line adjustment increases that lot depth to width ratio.

The lot split application and survey may be revised to show adherence to this subdivision standard.

The other option is to file a formal variance request. This request will go before the Franklin County Planning Commission (FCPC) in a public hearing who will act upon it in accordance with Section 701 of the Franklin County Subdivision Regulations. The fee to file is \$350 (non-refundable). The next variance deadline is January 19, 2016 for the February 10, 2016 Planning Commission meeting.

Finally, the application was reviewed by Technical Review Agencies. Please see below for comments.

**Franklin County Public Health**

An easement is needed for the aerator's discharge line.

If you have additional questions, please contact me by phone at 614-525-4879 or by email at [kspergel@franklincountyohio.gov](mailto:kspergel@franklincountyohio.gov).

Sincerely,

  
Kendra Spergel  
Planning Project Coordinator

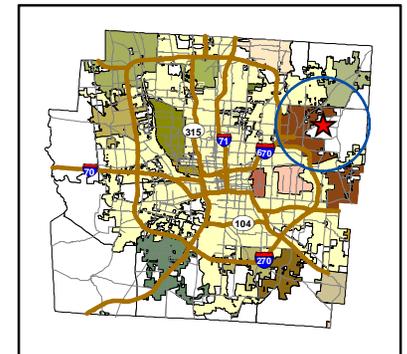


## 674-V

Requesting a Variance from Section 501.05 of the Franklin County Subdivision Regulations to allow a lot line adjustment that will result in a parcel that exceeds the maximum depth to width ratio.

2.88 Acres  
Jefferson Township

-  6001 Clark Sate Road
-  Parcel
-  Streets





CLARK STATE RD

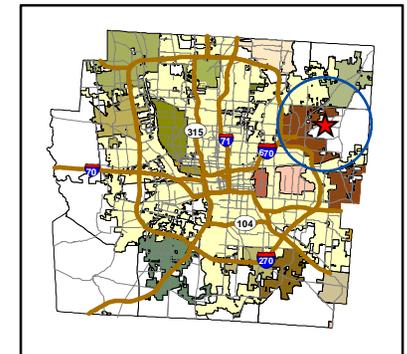
MANN RD

## 674-V

Requesting a Variance from Section 501.05 of the Franklin County Subdivision Regulations to allow a lot line adjustment that will result in a parcel that exceeds the maximum depth to width ratio.

2.88 Acres  
Jefferson Township

-  6001 Clark Sate Road
-  Area to be Adjusted
-  Parcel
-  Streets





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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Planning Commission  
February 10, 2016

### Case ZON-15-04

Prepared by: Matt Brown

<b>Applicant:</b>	George Brobst Jr.
<b>Owner:</b>	The Old Blue Rooster, LLC
<b>Township:</b>	Madison Township
<b>Site:</b>	5952 London Lancaster Road (PID #181-001364 & 181-001365)
<b>Acreage:</b>	13.45 acres
<b>Zoning:</b>	Rural
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting to rezone two parcels from the Rural District to the Select Commercial Planned (SCPD) District.

### Summary

The applicant is requesting to rezone two parcels from the Rural District to the Select Commercial Planned District (SCPD) to allow the site to be used consistent with Standard Industrial Code (SIC) 7299 for weddings and other social event space. Staff recommends approval with conditions.

### Request

The site is comprised of two parcels located just north of the Pickaway County line on the northeast corner of the Oregon Road and London Lancaster Road intersection. London Lancaster Road ends approximately 3,400 feet east of the Oregon Road intersection. The site is developed with 3 buildings, a parking area and a pond. The buildings include a 2,650 square foot agricultural barn constructed in 1930, a 3,150 square foot shelter house constructed in 2013 and a 3,573 square foot pole barn constructed in 2007. The parking area is approximately 0.74 acres in size and surfaced with crushed gravel. The site has access to London Lancaster Road

The applicant is requesting the rezoning to allow the property to be used as event space for weddings and other social events. Event hours will be limited from 2:00 p.m. to 12:00 a.m. on Fridays, Saturdays and Sundays from mid-April through October. Events will host a maximum of 200 people.

### Surrounding Land Use/Zoning

The surrounding area is characterized by low-density residential and agricultural uses zoned Rural. A short distance to the west is the Homestead Springs golf course zoned Exceptional Use and the Homestead Springs and Sunny Acres subdivisions zoned Limited Suburban Residential (R-2).

## **Comprehensive Plans**

The subject site is located in the planning area of the Blacklick-Madison Area Plan, adopted November 2011. The plan provides land use, site design and transportation recommendations within the planning area.

The Plan recommends the subject site and the area east of Oregon Road for low density residential uses while the area west of Oregon Road is recommended for farmland preservation. The community's Vision for Planned Growth contained within the Plan is for appropriate development that maintains residential and rural character and a range of uses that respects current areas.

The proposed rezoning will allow the site to be rented for weddings and other social events such as graduation parties. No new development is proposed on the site and the existing development keeps with the area's rural character.

## **Staff Analysis**

### Select Commercial Planned District:

The Select Commercial Planned District (SCPD) is intended to provide for any use permitted in a straight commercial, restricted industrial, and limited industrial zoning district to locate in residential areas with development controls to ensure compatibility with the surrounding environment. As part of the rezoning of an area to the SCPD a development plan showing buildings, parking, landscaping, lighting, signage, etc. is required and must be accompanied by a written development text. Any deviation from the SCPD standards must be requested as a waiver and approved as part of the SCPD. Any change or modification to an approved development plan or change to the list of permitted uses must be approved as an amendment through the rezoning process.

### Existing Permitted Uses in Rural district:

Single-family dwellings, home occupations, accessory uses, Schools and Parks, Religious Uses

### Proposed Permitted Uses in SCPD:

The only proposed use of the property is for hosting social events such as weddings and graduation parties. This use is identified in Standard Industrial Code (SIC) 7299 – Miscellaneous Personal Services, Not Elsewhere Classified

### Access/Traffic:

The site has four (4) access points to London Lancaster Road. London Lancaster Road is a Township maintained roadway with a 60 foot wide right-of-way. The Township Road Superintendent expressed no concerns with the proposed use and access.

### Parking:

The parking area is surfaced with gravel and sized to accommodate approximately 130 vehicles. The applicant has proposed to plant 45 pine trees along the western and northern edges of the parking area. The applicant has requested a waiver of parking setback and paving requirements. The Township and Franklin County Engineer's Office expressed no concerns with the requested waivers.

#### Storm Water/Drainage:

No new development is proposed on the site and the applicant has complied with storm water requirements for the past development activity on the site. The Franklin County Drainage Engineer's Office and Franklin Soil & Water Conservation District expressed no concerns.

#### Sewage Disposal and Water Supply:

The property owner has received design approval for a soil absorption system to serve a restroom facility within the shelter house structure. In addition, the applicant has proposed to utilize two (2) portable toilets that will be screened such that they are not viewable from adjacent properties or the public right-of-way. Bottled water and water dispensers will be used for potable water at the site.

#### Architectural Design:

No new buildings are proposed. There are three (3) existing buildings on the site, only one (1) of which will be utilized in association with the proposed use. The shelter house structure is 3,150 square feet and has a maximum occupancy of 160 people. The shelter house has a wood and stone exterior. There is also a 2,650 square foot agricultural barn on the site which was constructed in 1930 and is used for tractor storage. This agricultural barn is 35 feet in height, exceeding the maximum 25 feet height of the SCPD zoning district. The applicant has requested a waiver of the maximum height for this structure. The third structure on the property is a 3,573 square foot pole building used for the property owner's personal storage.

In addition to the permanent buildings on the property the applicant has proposed three (3) locations that may be used for placing a 2,400 square foot white nylon and metal frame tent.

#### Outside Storage:

No rubbish or debris of any kind will be placed or permitted to accumulate on any portion of the property so as to render any portion of the property unsanitary, unsightly, or detrimental to the public health, safety, or welfare. The existing agricultural barn on the property is used for storage and a dumpster will be used for trash disposal. The dumpster will be screened and gated in accordance with the Zoning Resolution.

#### Pollution:

No smoke or odor will be emitted or produced on the property. Noise level will be no greater than sixty (60) decibels at property lines.

#### Graphics and Signage:

One (1) free standing, wooden sign is proposed at the intersection of London Lancaster Road and Oregon Road. The sign is V-shaped and each panel is 30" x 48" in size. The sign will be located a minimum of 15 feet from the right-of-way and the sign will not be illuminated.

#### Lighting:

Most lighting fixtures on the site are cut-off type fixtures located on the buildings and in the parking area. There is a light next to the agricultural barn (Structure "A") that illuminates the side of the barn.

### Screening & Landscaping Plan:

The applicant has proposed to plant 45 pine trees along the western and northern ends of the parking area. No additional screening or landscaping has been proposed.

The SCPD standards of the Franklin County Zoning Resolution require screening 6 feet in height with 60% opacity when adjacent to residential areas. In addition, the Zoning Resolution requires one (1) tree (3" caliper or larger) for every 10 parking spaces to be planted in or among the parking rows. Screening and landscaping is required to be illustrated on a separate landscaping plan prepared by a landscape architect. The applicant has requested a waiver of the screening, parking lot planting and landscape plan requirements.

### **Technical Agency Review**

Franklin County Engineer's Office – No concerns related to the proposed use and access.

Franklin County Drainage Engineer's Office – Indicated that property owner has addressed all stormwater requirements.

Franklin County Public Health – Approved proposed septic system design.

Franklin Soil & Water Conservation District – No concerns

Madison Township – Initially expressed concerns with traffic volumes and ability of roadway to withstand increased traffic. Following conversations with the Engineer's office the Township indicated no concerns.

### **Staff Review**

The proposed rezoning does not keep with the land use recommendation of the Blacklick-Madison Area Plan however; staff believes that the proposed use is unique and not contemplated by the Plan. The Plan places emphasis on the rural character of the community, the protection of agricultural land and the preservation of agricultural barns. The site has a rural character as developed and no new development has been proposed. The proposed use will allow others to enjoy this rural character while preserving an agricultural barn and land.

The SCPD zoning district is intended to provide a flexible approach to commercial developments in unincorporated Franklin County. The district allows for commercial and industrial uses in residential areas that incorporate controls necessary to ensure compatibility with the surrounding area. Staff believes that the proposed use and the existing development, along with staff's recommended conditions, will ensure compatibility with the surrounding area.

Staff believes that the proposed rezoning advances the general health, safety and welfare of the public by encouraging appropriate use and development of the land affected and the overall development of the surrounding area.

### **Staff Recommendation**

Staff recommends approval of the proposed rezoning with the following conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department prior to holding any events at the site.
2. The applicant must apply for and receive commercial building approval from the City of Groveport prior to holding any events at the site.

3. The property owner must combine the two properties that are the subject of the rezoning request.
4. The applicant must install pine trees or other plantings along the eastern and southern edges of the parking area, outside of the right-of-way. Such plantings must be at least 4 feet in height and achieve an opacity of 60% within 2 years. Any planting that does not survive must be replaced within 1 year. All plantings must be Ohio native species and be detailed and approved by the Franklin Soil and Water Conservation District during the Certificate of Zoning Compliance process.
5. The applicant must apply for and receive a Sewage System Installation Permit from Franklin County Public Health.
6. No more than one (1) tent may be used per event.
7. The development plan must be updated to remove "Tent Site One" from the plan. Any tent used on the site must be located behind the front building line of the shelter house structure, Structure "B" on the development plan.
8. The driveway access to the sheltering structure, Structure "B", may not be used for parking vehicles or food trucks during events.
9. The driveway to Structure "C" may not be used for event guest parking.
10. No vehicle parking may occur outside of the designated parking area. No vehicle parking is permitted on any grassed areas.
11. Event sounds may not be clearly audible at property lines. A clearly audible sound is any sound for which the information content is unambiguously communicated to the listener, such as, but not limited to, understandable speech, comprehension of whether a voice is raised or normal, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device. A recording device may be used in the enforcement of this limitation to capture the clearly audible noise.
12. Site lighting, including the light illuminating the side of Structure "A", may only be used during events with the exception of building security lighting.
13. A directional sign must be placed at the exit from the parking area, outside of the right-of-way, instructing drivers to turn right only.
14. The dumpster must be screened and located on the site in accordance with Section 505 of the Franklin County Zoning Resolution.

## **APPLICATION FOR REZONING**

### **5952 London Lancaster Road, Groveport, Ohio – Madison Township**

#### **Applicant and Background**

The Old Blue Rooster, LLC, an Ohio limited liability company (the "Applicant") owns the real property located at 5952 London Lancaster Road in Groveport, Ohio (the "Property"). The Property is located in Madison Township and consists of two (2) tax parcels, Franklin County Auditor tax parcel numbers 181-001364 (7.845 acres) and 181-001365 (5.6 acres). The Property is located on the north side of London Lancaster Road, east of Oregon Road within the designated area of the Blacklick – Madison Area Plan approved by the Franklin County Board of Commissioners. The legal description of the Property is attached hereto.

#### **Use and Zoning**

The Property includes a shelter house that is operated as an event center for the purpose of hosting weddings and various other social events such as graduation parties. Events at the Property are generally held during the hours of 2:00 p.m. until 12:00 a.m. on Fridays, Saturdays, and Sundays during the year from mid-April through October and host a maximum of two hundred (200) guests at each event.

The Property is located in an area that is currently classified for zoning purposes as rural under the Franklin County Zoning Resolution. The Applicant now seeks to have the Property rezoned to a Select Commercial Planned District to allow the operation of the Property as an event center, as described above. Activities and events held at the Property fall within OMB SIC Group Type of Use Code ("Code") 7299-miscellaneous personal services. In accordance with the Franklin County Zoning Resolution, uses within Code 7299 are permitted in Select Commercial Planned Districts as they fall within the uses permitted in Community Commercial, Community Service, and Limited Industrial Districts.

Upon rezoning the Property to Select Commercial Planned District, the Applicant will ensure compliance with all aspects of the Franklin County Zoning Resolution as it applies to the Property as a Select Commercial Planned District.

#### **Adjacent Parcels and Uses**

1. 5001 Oregon Road – This property is known as Franklin County Auditor's tax parcel #181-001355-00. The property is owned by Kevin and Christine Hall and is currently used as a single family residence.

2. 5049 Oregon Road – This property is known as Franklin County Auditor's tax parcel #181-001356-00. The property is owned by George M. Brobst, Jr. and is currently used as a single family residence. Mr. Brobst and his wife, Natalee, are the owners of the Applicant.

3. 5964 London Lancaster Road -This property is known as Franklin County Auditor's tax

parcel #181-001366-00. The property is owned by George M. Brobst, Jr. and is currently vacant land. Mr. Brobst and his wife, Natalee, are the owners of the Applicant.

4. 5997 Lancaster Road – This property is known as Pickaway County Auditor's tax parcel #F1600010021401. The property is owned by Linda Wineland, Mrs. Brobst's mother, and is currently used as a single family residence.

5. 0 Lancaster Road - This property is known as Pickaway County Auditor's tax parcel #F160010021600. The property is owned by Carolyn D. Miller and is vacant agricultural land.

### **Development/Site Plan**

The development/site plan prepared by a surveyor is submitted for consideration. The surveyor's contact information is:

Louis Haines  
354 Kessler Street  
Groveport, Ohio 43125

Also enclosed is a copy of the site and soil evaluation log and site plan from a soil scientist who has been engaged to install a soil based treatment system at the Property. See section 9, below. The scientist's contact information is:

Mark E. Flowers, P.E.  
Flowers Septic System Design, Inc.  
263 Park Trails Ct.  
Newark, Ohio 43055  
740.587.7363

In addition to such documents, please note as follows:

1. Permitted Uses.

In accordance with the Franklin County Zoning Resolution, the Applicant requests that uses consistent with Code 7299 for weddings and social events be permitted as part of the Property's rezoning as a Select Commercial Planned Districts as they fall within the uses permitted in Community Commercial, Community Service, and Limited Industrial Districts.

2. Site Map.

The survey/site map prepared by surveyor, Louis Hanes, is hereby submitted for review consideration.

3. Vegetation.

No significant strands of vegetation are located upon the Property.

4. Soils.

Please see the site plan and soil evaluation log attached hereto from Flowers Septic System Design, Inc.

5. Traffic

Since the Property is located in a remote area and events are only held on weekends, there is virtually no effect on traffic. The Franklin County Engineer's office and the Madison Township Trustees have indicated that no traffic study is required as part of this request.

6. Access

The Property has four (4) existing driveways and a parking lot that are accessible from London-Lancaster Road. However, guests attending events at the Property generally only utilize the dedicated parking lot for access. Some vendors and handicapped guests use the driveway to the shelter house (structure "B" on the development plan) for access. Guests do not use the driveway to the barn or the garage (structures "A" and "C" on the development plan, respectively) to access events at the Property. Access to the Property is believed to meet the standards set forth in Section 420.034(6) of the Franklin County Zoning Resolution.

7. Parking

The Property features a dedicated gravel lot for parking approximately one hundred thirty (130) vehicles. Such parking lot is located on the east side of the Property and is not close in proximity to any residences in the area. The Applicant intends to surround the parking lot with pine trees for screening. Accordingly, lighting in the parking lot does not and will not shine into any homes. Given the location of the Property and the parking lot's proximity to residences, the Applicant respectfully requests that any and all paving, landscaping, and setback requirements required by Sections 420.034(7) or 531 of the Franklin County Zoning Resolution be waived with respect to the parking lot on the Property.

8. Storm Water Drainage

No changes to the storm water drainage at the Property will be made. Drainage at the Property has never caused damage to any area. Nevertheless, the Franklin County Engineer's Office and the Ohio Environmental Protection Agency ("EPA") have requested that the Applicant seek to obtain permit coverage for past construction activities at the Property. In order to satisfy this request, the Applicant engaged Stone Environmental Engineering & Science ("Stone") to prepare a Notice of Intent for general permit coverage under Ohio EPA Permit #OC000004. Such Notice has been prepared and submitted to the Franklin County Engineer and the Ohio EPA.

9. Water Supply and Sewage Disposal

Water at the Property is supplied by a pond; however, such water is not used as potable water. The Applicant provides potable water through a dispenser and bottled water. Sewage disposal is facilitated through two (2) portable toilets located on the Property and a 1,500 gallon holding tank. Screening for the portable toilets will be provided through trees or wood panels so that the toilets are not viewable from adjacent properties or the right of way. The Ohio EPA and the Franklin County Department of Public Health have evaluated the holding tank and sewage disposal at the Property. Upon the recommendation of the Ohio EPA, the Applicant is working with the Franklin County Department of Public Health and installing a soil based treatment system at the Property. The Ohio EPA has indicated that the sewage disposal at the Property will be solely within the jurisdiction of the Franklin County Department of Public Health since the proposed design flow (less than 1000 gallons per day) does not warrant jurisdiction by the Ohio EPA. The Franklin County Department of Public Health has approved the foregoing plan. Please see the attached letter from the Franklin County Department of Public Health attached hereto.

10. Architectural Design

No changes are proposed to the shelter house or the barn located upon the Property. The exteriors are compatible with the surrounding area and otherwise generally comply with the Select Commercial Planned District requirements; however, the barn located on the Property is thirty-five (35) feet in height. The barn is identified as structure "A" on the development plan. The Applicant hereby respectfully requests that the building height requirement be waived with respect to the barn on the Property.

11. Outside Storage

There is an existing barn located on the Property. There is also a dumpster located on the Property that is screened and gated in accordance with Section 505 of the Franklin County Zoning Resolution. No rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the Property so as to render any portion of the Property unsanitary, unsightly, or detrimental to the public health, safety, or welfare.

12. Utilities and Facilities

All existing utilities and facilities at the Property are located underground.

13. Pollution

a. Smoke: No smoke shall be emitted from any structure on the Property.

b. Odor: No odorous gases or other odorous matter shall be produced upon the Property.

c. Noise: The noise level shall be no greater than sixty (60) decibels at the boundary lines of the Property.

14. Graphics and Signage

One (1) free standing, wooden sign with two (2) 30" x 48" panels configured in a v-shape is located on the Property. There is no lighting for the sign. The sign shall not be located within fifteen (15) feet of the right of way. Such sign conforms to the signage standards set forth in Section 420.034(14(b)) of the Franklin County Zoning Resolution.

15. Lighting

Most lighting fixtures on the Property are cut-off type fixtures (down lighting) and are limited to the building and parking areas on the Property. The parking lot features dusk to dawn lights. Generally, lighting fixtures at the Property are only lit during hours of events held at the Property. There is one (1) lighting fixture next to the barn that is utilized to illuminate the American flag on the side of the barn. The lighting fixtures on the Property meet the standards for lighting set forth in Section 420.034(15) of the Franklin County Zoning Resolution.

16. Landscaping

Other than the planting of pine trees for screening the parking lot, the Applicant does not contemplate adding any additional fencing or landscaping to that already located on the Property. If the existing white fence located on the Property is removed at any time, the Applicant will, after applying for and receiving the requisite permit, install a new fence matching the old design outside of the right of way. To the extent that a formal landscape plan prepared by a landscape architect is required as part of this submission, the Applicant requests that such requirement be waived as all landscaping is in existence on the Property.

Please refer to the photographs enclosed as part of this submission to see the existing fencing landscaping at the Property. Such landscaping and fencing meet the standards set forth in Section 420.034(16) of the Franklin County Zoning Resolution. To the extent that any screening may be required by such section, the Applicant hereby requests that such screening requirement be waived with respect to the Property.

**Waiver Rationale**

Through the course of this submission, the Applicant has requested waivers from various requirements imposed by the Franklin County Zoning Resolution. The Applicant has requested such waivers because the lighting, activities, and use of the Property as an event center do not interfere with or create a nuisance upon any of the surrounding Property. Accordingly, the Applicant respectfully requests that such waiver requests be granted. Nevertheless, to the extent that compliance with any requirements is made conditional upon the requested rezoning, the Applicant will comply with such conditions.

**Conclusion**

As noted above, the Property is located within the Blacklick – Madison Area Plan adopted by the Franklin County Board of Commissioners (the "Plan"). The Plan indicates that

the future use of the area where the Property located is to be "low density residential" and is in a rural zoning classification. While the proposed use of the Property as an event center is not expressly permitted by such designation and classification, we believe that such use is compatible with and complements the character, future goals, and comprehensive development of the surrounding property and area. The Applicant has developed the Property into a very attractive site for weddings and other social events that will enable guests to enjoy the beautiful, rural setting of the Blacklick-Madison Area. Such use will also create some economic activity in the area without the stress and burdens of a high volume, daily business.

As the activities at the Property are very positive for and consistent with the future goals for the area and the community, the Applicant respectfully requests that this Application for Rezoning be approved so that the Property may be utilized as an event center as described herein. Please note that the Applicant will supplement this application as soon as possible with any additional information requested.

RECEIVED

JAN 19 2016

Franklin County Planning Department  
Franklin County, OH

ZON-15-04



BASES OF BEARINGS  
THE CENTERLINE OF THE LONDON-LANCASTER ROAD  
AS A 89°36'34" W FROM PRIOR DEED  
RECORDS ACCURATE  
PREPARED FROM EXISTING DEED RECORDS  
AND FIELD LOCATIONS THIS IS NOT A BOUNDARY  
AND FIELD LOCATIONS THIS IS NOT A BOUNDARY  
SURVEY. IT IS TO BE USED FOR PLANNING & ZONING  
IT IS NOT TO BE USED TO CONSTRUCT FENCES

ASBUILT DRAWING  
PLAT OF TWO TRACTS  
IN THE SE 1/4 SEC-11, TWP-10, RGE-21,  
MADISON TWP., FRANKLIN CO.,  
STATE OF OHIO  
FOR  
THE OLD BLUE ROOSTER LLC.

ID LETTER	SQUARE FEET	HEIGHT	CURRENT USE	MAXIMUM OCCUPANCY	CONSTRUCTION
*A*	2650 SQ.FT	35 FEET	TRACTOR STORAGE		WOOD-POST+BEAM
*B*	3150 SQ.FT	16 FEET	SHELTERHOUSE	160	WOOD + STONE
*C*	3573 SQ.FT	21.5 FEET	RV. STORAGE		METAL-CLAD POLE BARN
WHITE TENT	2400 SQ.FT	20 FEET	TEMPORARY	40	NYLON + METAL FRAME

EXISTING SITE LIGHTING TABLE		
LIGHT NUMBER	WATTAGE	LUMENS
#1	26	2901
#2	18	1681
#3	15.3	724
#4	37	2688

Louis Haines  
354 Kessler Street  
Groveport, Ohio 43123  
Phone 837-2181



CHECKED CORRECTLY THE PLAT SHOWN HEREON  
IS CORRECTLY SURVEYED BY ME,  
DATE: 1/19/16  
SIGNED: [Signature]

AGRICULTURAL  
CRDP USE

THE OLD BLUE ROOSTER LLC.  
7.845 ACRES  
181-001364

PROPOSED PINE TREE SCREEN  
15- 3" PINE TREES

ADDED  
CRUSHED  
GRAVEL  
AREA  
0.30 ACRES

EXISTING  
CRUSHED  
GRAVEL  
AREA  
0.44 ACRES

KEVIN M. HALL  
CHRISTINE N. HALL  
5.00 ACRES  
181-001355

WOODED  
RESIDENTIAL USE

GEORGE M. BROBST JR  
NATALEE L. BROBST  
4.943 ACRES  
181-001356

LAWN & LANDSCAPE  
RESIDENTIAL USE

0.550  
ACRES

THE OLD BLUE ROOSTER LLC.  
5.606 ACRES  
181-001265

EXISTING  
POND  
28696 SQ.FT.  
0.66 ACRES  
DISTURBED SOILS  
DURING POND CLEANUP

EXISTING  
BARN  
12820 SQ.FT.  
0.29 ACRES  
DISTURBED SOILS  
DURING BARN CONSTRUCTION

GEORGE M. BROBST JR.  
5.596 ACRES  
181-001365  
WOODED  
RESIDENTIAL USE

MADISON TOWNSHIP FRANKLIN COUNTY

MADISON TOWNSHIP PICKAWAY COUNTY

C/L LONDON-LANCASTER ROAD

SECTION TOWNSHIP & COUNTY LINE

AGRICULTURAL  
CRDP USE

AGRICULTURAL  
CRDP USE

AGRICULTURAL  
CRDP USE

WOODED  
RESIDENTIAL USE

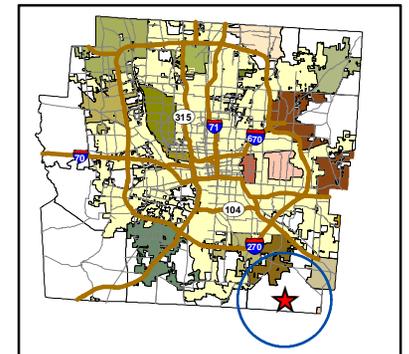


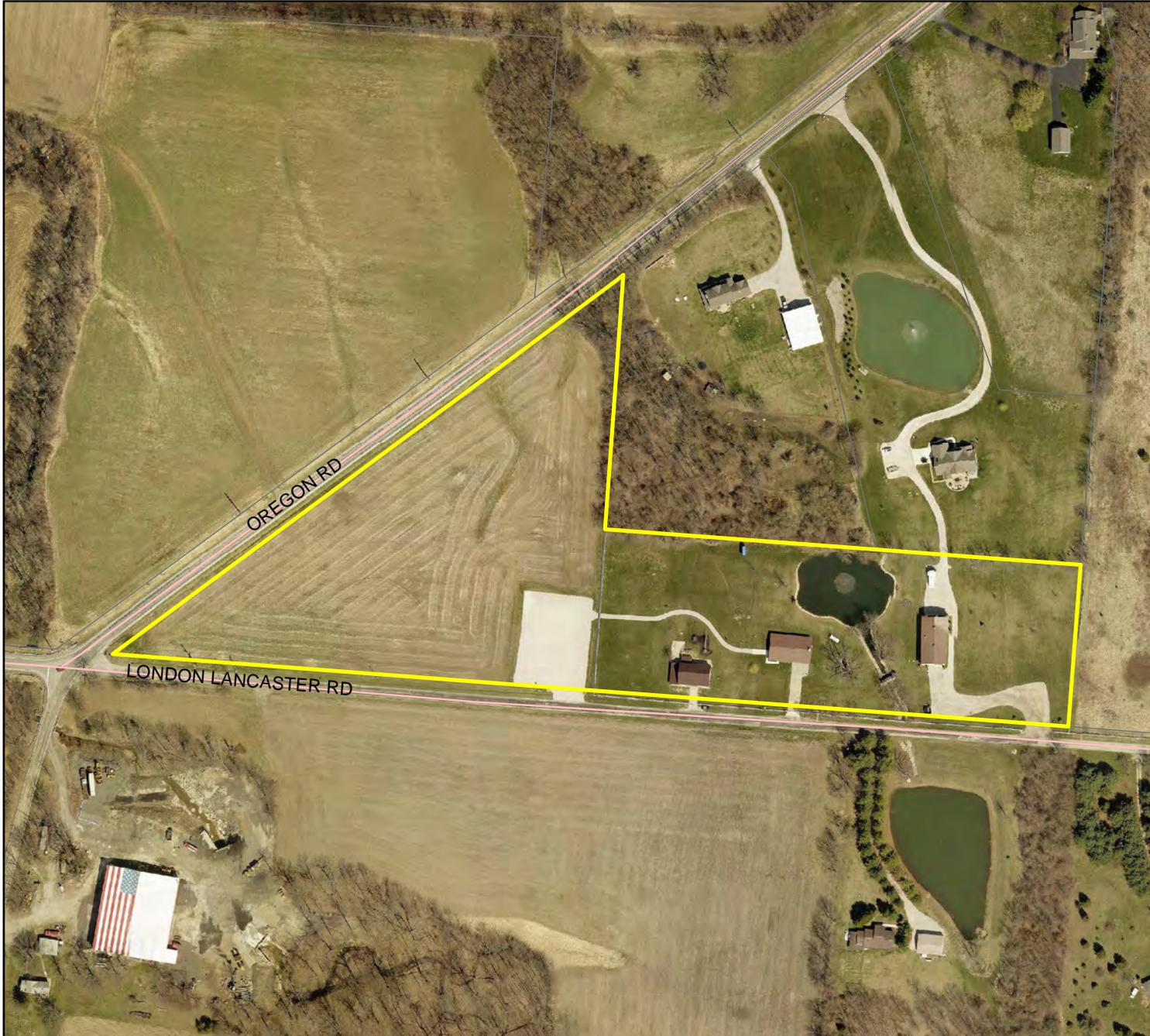
## ZON-15-04

Requesting to rezone two parcels from the Rural District to the Select Commercial Planned (SCPD) District.

13.5 Acres  
Madison Township

-  5952 London Lancaster Road
-  Parcel
-  Streets
-  Floodway Fringe
-  Floodway



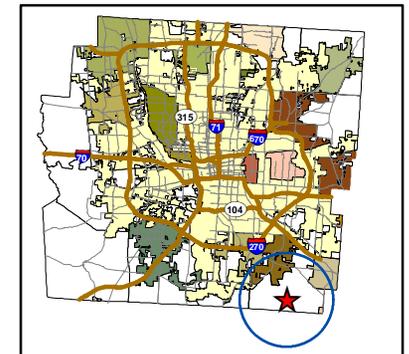


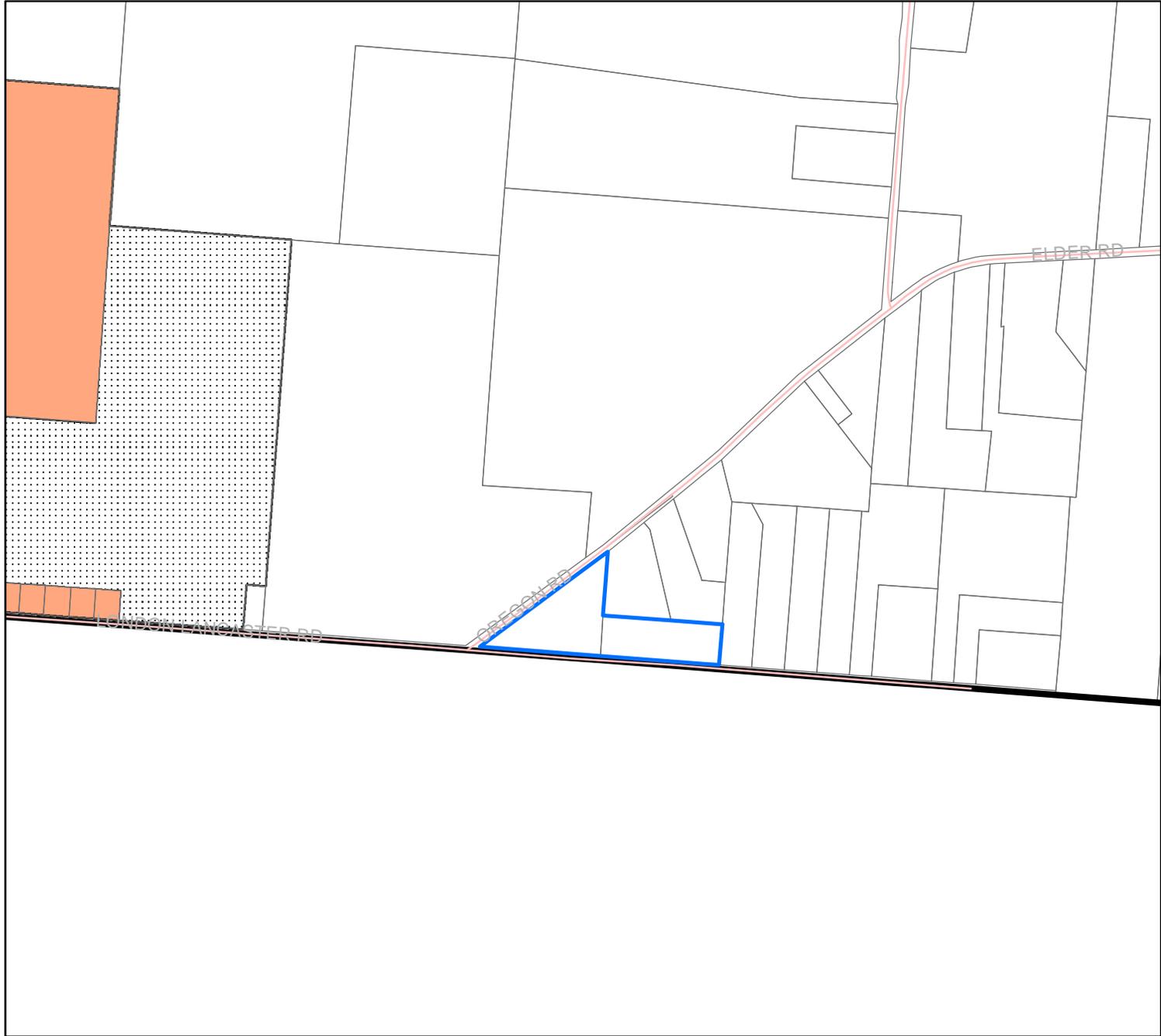
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Madison Township

-  5952 London Lancaster Road
-  Parcel
-  Streets





**ZON-15-04**

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Requesting to rezone two parcels from the Rural District to the Select Commercial Planned (SCPD) District.

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13.5 Acres  
Madison Township

-  5952 London Lancaster Road
-  Streets
-  Franklin County Boundary
-  Parcel
- Zoning**
-  Exceptional Use
-  Limited Suburban Residential
-  Rural

