



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

Tuesday, January 21, 2014
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Swearing in of witnesses
4. Approval of minutes from the November 18, 2013 meeting
5. New Business:

A. VA-3811 – Jonathan Lee

Applicant	Matt Mefford / Tesla Motors
Owner:	William Crawford / S&B Development
Township:	Mifflin Township
Site:	3445 Morse Road (PID #190-004796)
Acreage:	2.835-acres
Zoning:	Community Service (CS) District
Utilities:	Central water and on-site wastewater
Request:	Requesting a Variance from Section 332.042(b) and 670.086(c(6)) of the Franklin County Zoning Resolution to allow the retail sale of automobiles on a lot that fails to meet the minimum lot width requirement and to allow a monument sign that fails to meet the minimum setback requirement on a lot subject to the Smart Growth Overlay zoned Community Service (CS).

6. Approval of By-Laws
7. Election of Chair and Vice-Chair
8. Adjournment of Meeting to February 18, 2014



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

Monday, November 18, 2013

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 18, 2013.

Present were:

Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter

Franklin County Economic Development and Planning Department:

Anthony Hray, Planner
Scott Ulrich, Planner

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

The first order of business being approval of the minutes of the October 21st, 2013, Franklin County Board of Zoning Appeals hearing. Ms. Hunter made a motion to approve the minutes. It was seconded by Mr. Guyton. The minutes were approved by a three-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. VA-3804. The applicant is TH Midwest, Inc. The site is located at 185 Georgesville Road. The township is Franklin Township. It is 1.5 acres. And the request is for a Variance from Sections 332.042(c), 670.083(a), 670.083(h), 670.083(h)(5), 670.086(c)(3), 670.086(c)(7)(ii), 670.086(d)(1), 670.088(a) and 670.0812(a)(b) of the Franklin County Zoning Resolution to allow the development of a gas station and convenience store that will fail to meet the minimum landscaped open space, front building setback, facade, canopy location, ground sign type and height, wall sign, front yard, and parking lot and circulation requirements on a lot subject to the Smart Growth Overlay in an area zoned Community Services.

Vice Chairperson Baer made a motion to remove the case off of the table. It was seconded by Mr. Guyton. The motion was approved by a three-to-zero vote.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Case No. VA-3804. Ms. Hunter seconded the motion. The motion was approved by a three-to-zero vote.

The next order of business being Case No. VA-3809. The applicant is Great City Cars. The owner is John Stoughton. The township is Blendon Township. It is located at 6147 Westerville Road. It is 0.65 acres in size. And the request is to withdraw the application.

Mr. Guyton made a motion to withdraw the case pursuant to the applicant's request. It was seconded by Vice Chairperson Baer. The motion was approved by a three-to-zero vote.

The next order of business being Case No. VA-3810. The applicant is Juliet Bullock. The owners are Carol Ballogg and Gary Kopp. The township is Sharon Township. It is located at 883 Plum Tree Drive. There is public water and on-site wastewater. The request is for a Variance to Sections 512.02(2) and 302.041(c) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will exceed the maximum height and square footage allowed and exceed the permitted lot coverage in an area zoned Rural.

Mr. Scott Ulrich read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance Case VA-3810 with Staff's conditions. Mr. Guyton seconded the motion. The motion was approved by a three-to-zero vote.

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

And, thereupon, the hearing adjourned at 2:50 p.m.

Minutes of the November 18th, 2013, Board of Zoning Appeals hearing were approved this 21st day of January, 2014.

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
January 21, 2014

Case VA-3811

Prepared by: Jonathan Lee

Applicant:	Matt Mefford / Tesla Motors
Owner:	William Crawford / S&B Development
Township:	Mifflin Township
Site:	3445 Morse Road (PID #190-004796)
Acreage:	2.84-acres
Zoning:	Community Service (CS) District
Utilities:	Central water and on-site wastewater
Request:	Requesting a Variance from Section 332.042(b) and 670.086(c(6)) of the Franklin County Zoning Resolution to allow the retail sale of automobiles on a lot that fails to meet the minimum lot width requirement and to allow a monument sign that fails to meet the minimum setback requirement on a lot subject to the Smart Growth Overlay zoned Community Service (CS).

Summary

The applicant is requesting variances to allow the retail sale of automobiles on a lot that fails to meet the minimum lot width requirement and to allow a monument sign that fails to meet the minimum setback requirement on a lot subject to the Smart Growth Overlay zoned Community Service. Staff recommends **approval with conditions**.

Description of the Request

The subject property is located on the south side of Morse Road, approximately one-quarter mile west of Sunbury Road in Mifflin Township. The property contains a 23,894 square foot commercial warehouse building used for storage, offices and automotive services with paved parking on the sides and rear of the building. The site also features open space to the north of the building along Morse Road containing an existing septic system and free standing monument sign.

The applicant is proposing to add the automobile sales use with no proposed site changes or modifications. The proposed use will allow on-site sales and online sales with vehicle pick up available at this location. The applicant is proposing a low-impact, small-scale form of automobile sales with customers primarily browsing and purchasing inventory on a computer. There is also limited on-site vehicle inventory with the vehicles being “made to order” and delivered to this location for immediate pickup by the customer. The applicant is proposing to use no more than 15 existing parking spaces for vehicle display. Additionally, the applicant is proposing to install a 78 square foot monument sign along the front property line, which will replace an existing non-conforming monument sign.

Surrounding Area

The surrounding area is zoned Rural to the west, Community Commercial (CC) to the north, Community Service (CS) to the east, and City of Columbus Residential (LR) to the south. The Alum Creek stream is also located to the south with a portion of the property located in the floodplain and Alum Creek Stream Buffer.

Comprehensive Plan

The property is located in the planning area of the Clinton-Mifflin Land Use Plan, adopted in 2009. The plan recommends this property retain its current land use as full-range commercial with the option for multi-family residential. The proposed use is consistent with the plan recommendation.

Staff Review

Variance from Section 332.042(b):

- For uses listed in SIC Code #55 (retail sales of automobiles), there shall be a lot width of not less than two hundred (200) feet abutting on and having access to a public street right-of-way depicted as a major arterial street on the Franklin County Thoroughfare Plan, current edition.
 - The applicant is requesting a variance of 25 feet to conduct retail sales of automobiles on a lot that is 175 feet wide.

Variance from Section 670.086(c(6)):

- Ground signs must be setback at least 15 feet away from all property lines.
 - The applicant is requesting a variance to eliminate the setback requirement in order to locate the ground sign along the front property line.

Franklin County Public Health

Franklin County Public Health has indicated that the septic system is functioning properly and the proposed use will not have any negative impact.

Franklin County Engineer's Office

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

Franklin County Drainage Engineer

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

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has indicated no concerns with the variance request.

City of Columbus Division of Planning and Operations

The City of Columbus Division of Planning and Operations has indicated traffic and access concerns for the site. Those concerns are addressed in staff's recommendation.

Staff Analysis – Section 810.41

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the same zoning district.*
 - » At 2.84 acres, the property is significant in size compared to the lot width. The property does not lend itself to conventional automobile sales due to its existing layout. Parking is available only on the sides and rear of the building and any potential expansion of the parking lot to accommodate car display areas are limited by the mounding and septic system in front of the building. This will hinder the potential of using the site for higher impact, conventional automobile sales and cater more to smaller scale automobile sales similar to the proposed use.

- » The right-of-way width along the subject site is greater than other parts of Morse Road. This puts the property at a disadvantage in how close the ground sign can be to the front of the property.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
 - » A literal interpretation of the zoning resolution would prohibit a use (automobile sales) that is compatible with the surrounding area and that will not significantly affect the area in its proposed low-impact form.
 - » The applicant's front property line is located further from the street than is typical of other properties in the same zoning district forcing the applicant to locate the proposed ground sign further from public view. The front property line is approximately 30 feet away from the edge of pavement. The front property lines of other properties in the same zoning district along Morse Road are approximately 15-20 feet away from the edge of pavement.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
 - » No special circumstances or conditions apply as a result of any action of the applicant. The property has existed with its current lot width since 1966.
 - » A deed for the existing right-of-way was dedicated in 1999 to Franklin County and then the right-of-way was annexed to the City of Columbus in 2001. The City of Columbus did not express any concerns with the location of the proposed ground sign.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » The lot width variance does not offer exceptional privilege to the applicant compared to surrounding property owners. The applicant is proposing a low-impact form of automobile sales that is more consistent with uses of the Community Service district than conventional automobile sales.
 - » The variance will allow the applicant to advertise their location as effectively as other properties within the surrounding area.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
 - » Allowing the use as proposed will not negatively impact the surrounding area.
 - » The proposed ground sign will not obstruct the view of motorists but rather help them identify and effectively access the site.

Recommendation

Staff recommendation is that the BZA approve a Variance from Sections 332.042(b) and 670.086(c(6)) of the Franklin County Zoning Resolution to allow the retail sale of automobiles on a lot that fails to meet the minimum lot width requirement and to allow a monument sign that fails to meet the minimum setback requirement with the following conditions:

1. The applicant and/or the property owner must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant and/or the property owner must complete a traffic access study that is approved by the City of Columbus, Department of Public Service prior to the issuance of a Certificate of Zoning Compliance.
3. Any improvements warranted by the traffic access study or deemed necessary by the City of Columbus, Department of Public Service must be completed by the property owner and/or the applicant.

Resolution

For your convenience, the following is a proposed resolution for staff’s recommendation of approval:

(a) **Proposed Resolution for Request:**

_____ moves to approve a Variance from Sections 332.042(b) and 670.086(c(6)) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3811 with the conditions in staff’s recommendation.

Seconded by: _____

Voting:

Findings of Fact

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

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

_____ moves that the basis for denying the applicant’s request for the Variance from Sections 332.042(b) and 670.086(c(6)) as outlined in the request above for Case No. VA-3811 results from applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

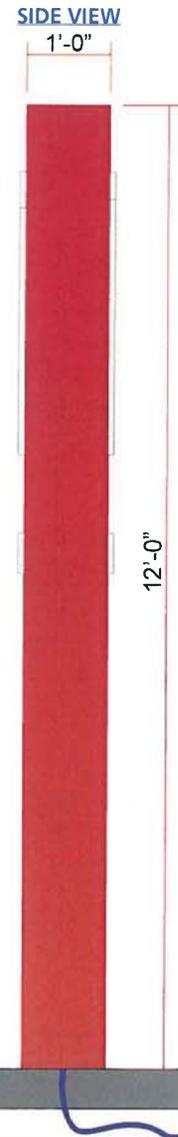
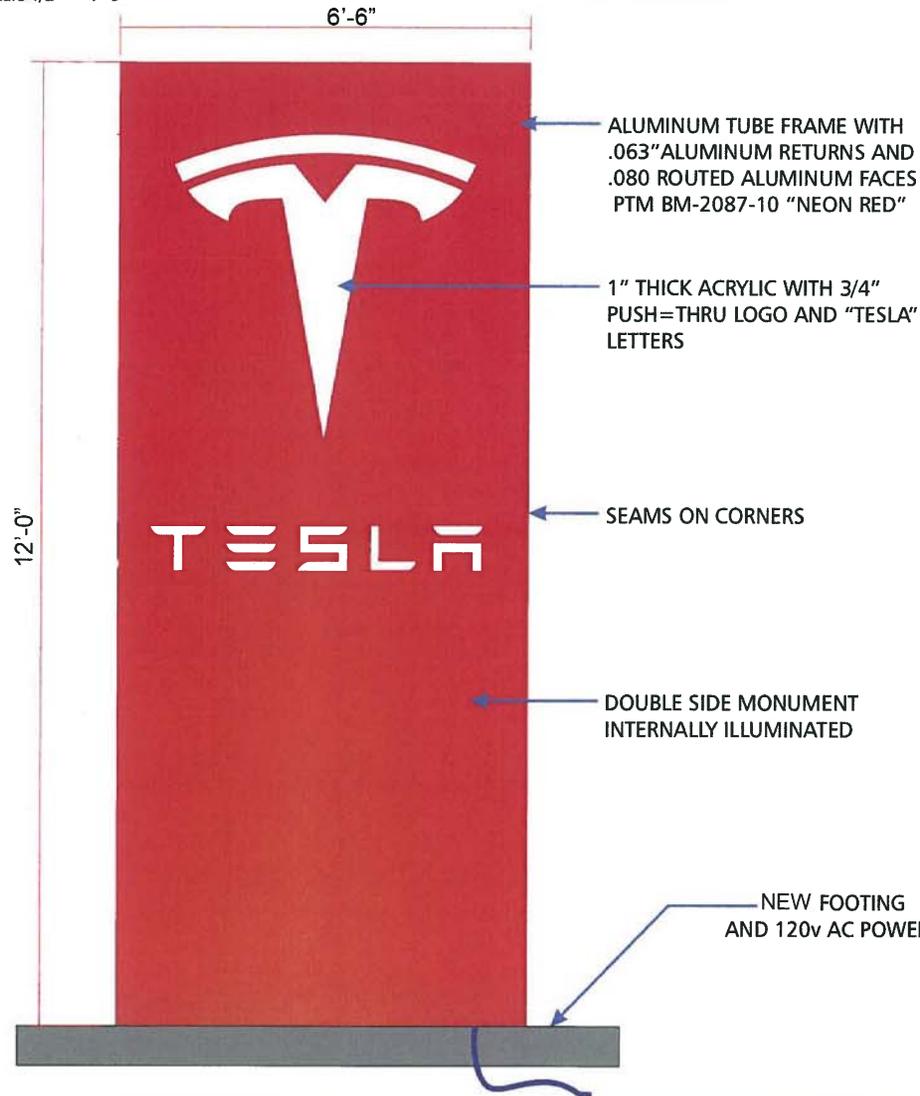


RECEIVED

DEC 17 2013

Franklin County Planning Department
Franklin County, OH

A **MONUMENT SIGN** Scale: 1/2" = 1'-0" **FRONT VIEW** 97.50 Sq. Ft.



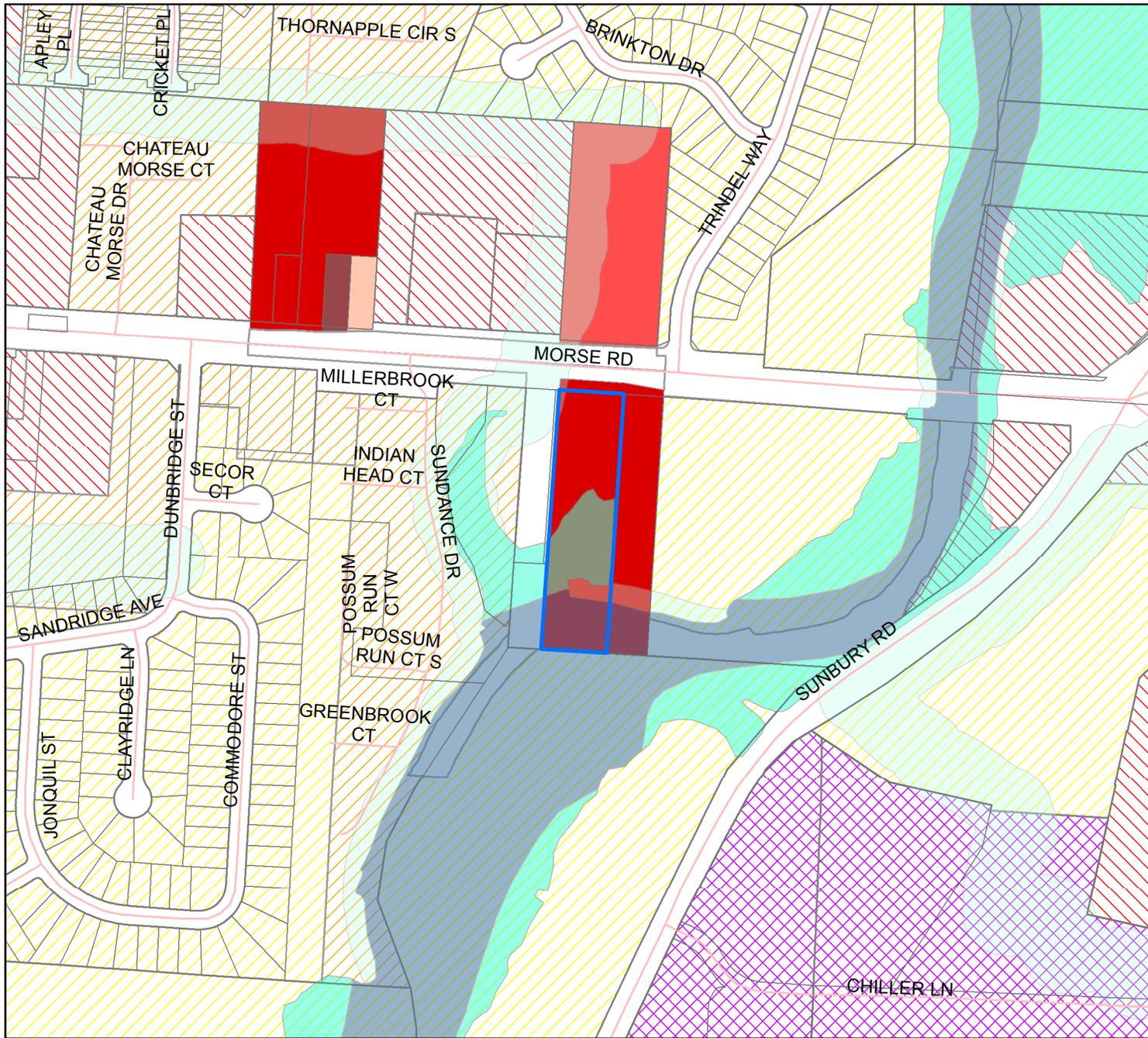
NOTE:
DIGITAL PRINT TRANSLUCENT VINYL APPLIED ON PUSH-THRU ACRYLIC "T" LOGO AND "TESLA" LETTERS MAY NOT BE A PERFECT MATCH TO BM OC-65 CHANTILLY LACE DUE TO THE NATURE OF THE APPLICATIONS



RECEIVED

DEC 17 2013

Franklin County Planning Department
Franklin County, OH

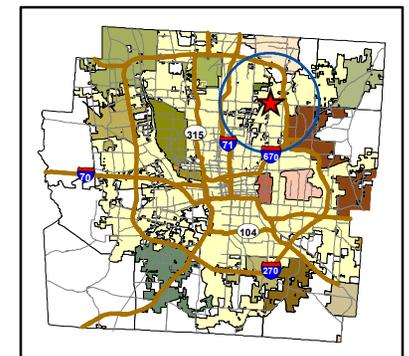


VA-3811

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2.835 acres
Mifflin Township

- | | |
|-----------------------------------|------------------------|
| Franklin County Floodplain | 3435 Morse Rd. |
| Floodway Fringe | Parcels |
| Floodway | Streets |
| Clean Streams NE | Columbus Zoning |
| County Zoning | Residential |
| Rural | Multi-family |
| Suburban Apt. Res. | Commercial |
| Suburban Office/Insti. | Manufacturing |
| Community Com. | |
| Community Service | |





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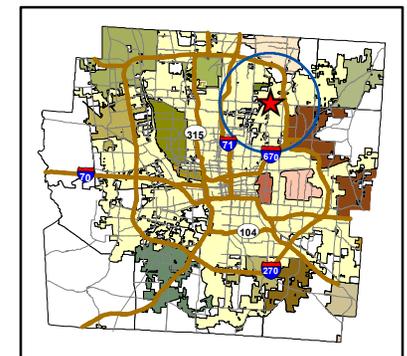
- 3435 Morse Rd.
- Parcels
- Streets

Franklin County Floodplain

- Floodway Fringe
- Floodway

Corporate Boundaries

- Columbus
- Mifflin





VA-3811

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2.835 acres
Mifflin Township

-  3435 Morse Rd.
-  Parcels
-  Streets

Franklin County Floodplain

-  Floodway Fringe
-  Floodway

Corporate Boundaries

-  Columbus
-  Mifflin

