



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

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

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

Monday, July 15, 2013
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 June 17, 2013 meeting
5. Old Business:

A. VA-3788 – Anthony Hray – *Requesting to table until August 19, 2013*

Applicant:	Agler Tire c/o Jamal Hemamou
Owner:	Farida Boa
Agent:	David Hodge, Esq.
Township:	Clinton Township
Site:	2925 Westerville Road (PID #130-000008)
Acreage:	0.301-acres
Zoning:	Community Service (CS)
Utilities:	On-site water and wastewater
Request:	Requesting a Variance from Sections 332.042(c), 332.045, 501.012, 501.024, 501.013, 502.021(4), 504.012, 505.022(a), 505.024(a) and 531.02 to allow the use of a temporary structure in association with a used tire store that fails to meet the minimum landscaped open space, front green belt, fence height, fence material, dumpster location, dumpster screening, and parking space requirements in an area zoned Community Service (CS).

B. VA-3794 – Anthony Hray

Applicant/Owner:	Roseline Aleanu
Township:	Clinton Township
Site:	3760 Cleveland Avenue (PID #130-0067000)
Acreage:	0.25-acres
Zoning:	Community Service (CS) District
Utilities:	Central water and wastewater
Request:	Requesting a Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

6. New Business:

A. VA-3796 – Matt Brown

Applicant/Owner:	Eric E. Smith
Township:	Pleasant Township
Site:	6770 Darby Boulevard (PID #230-002327)
Acreage:	0.49-acres
Zoning:	Rural
Utilities:	On-site water and Central wastewater
Request:	Requesting a Variance from Section 650.162(a) to legitimize the construction of an above ground pool and to allow for the construction of a free-standing pool deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

B. CU-3797 – Anthony Hray

Applicant:	Andres Ferrari
Owner:	Joseph E. Budde
Township:	Hamilton Township
Site:	1408 London Groveport Road (PID #150-002395)
Acreage:	2.295-acres
Zoning:	Rural District
Utilities:	On-site water and Central wastewater
Request:	Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

C. VA-3798 –

Applicant/Owner:	Thomas A Parr
Township:	Pleasant Township
Site:	5380 Lambert Road (PID #230-002824)
Acreage:	6.26-acres
Zoning:	Rural
Utilities:	On-site water and wastewater
Request:	Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will fail to be located to the side or rear of the principal building in an area zoned Rural.



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MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, June 17, 2013

The Franklin County Board of Zoning Appeals convened in the 26th floor hearing room, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, June 17, 2013.

Present were:

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

Franklin County Development Department members:

Lee Brown, Planning Administrator
Anthony Hray, Planner

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

The first order of business being the approval of the minutes of the April 15th, 2013, Franklin County Board of Zoning Appeals hearing. Mr. Guyton made a motion to approve, seconded by Ms. Hunter. The minutes were approved by a three-to-zero vote.

OLD BUSINESS:

The next order of business being Variance Case No. 3788. Mr. Guyton made a motion to bring the case off the table. It was seconded by Ms. Hunter. The motion was approved by a three-to-zero vote.

Mr. Guyton made a motion to table Variance Case No. 3788 until the July 15, 2013 hearing. It was seconded by Ms. Hunter. The motion was approved by a three-to-zero vote.

Variance Case No. VA-3736. The owner is Agler Tire. The township is Clinton Township. The site is located at 2925 Westerville Road. It is 0.031 acres. The request is to table the case until the July 15, 2013 hearing. The request is to table the case until the July 15, 2013 hearing.

NEW BUSINESS:

The next order of business being Variance Case No. 3791. The owner is Mary E. Evans-Renkar. The township is Pleasant Township. The site is located at 5960 Graessle Road. It is 5.01 acres. The request is for a Variance from Sections 302.021(a)(1), 302.041(a) and 302.042 of the Franklin County Zoning Resolution to allow the creation of a new lot that fails to meet the minimum lot size and lot wide and results in a residual lot of less than 5 acres in an area zoned Rural.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance Case No. VA-3791. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

The next item on the agenda being Variance Case No. VA-3792. The owner is Akshita Properties, LLC. The township is Franklin Township. It is 0.813 acres. And the request is for a variance from Sections 505.022(b), 505.022(e) and 670.068(b) of the Franklin County Zoning Resolution to allow the placement of a Dumpster that will fail to meet the location and setback requirements and a building expansion that fails to extend toward a primary street on a lot subject to the Smart Growth Overlay in an area zoned Community Service.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Variance Case No. VA-3792 with the Staff's recommendations (see below), with the added condition that the applicant enter into a maintenance agreement with Franklin Township.

1. The applicant must apply for and receive a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant shall install sediment and erosion control measures as needed prior to any earth disturbing activities.
3. The applicant shall plant only Ohio native species, under consultation of the Franklin Soil and Water Conservation District, in accordance with the approved development plan.
4. The applicant shall obtain all necessary permits from the Franklin County Engineer's Office and Franklin Township Road Department prior to conducting any work within the public right-of-way.
5. The applicant shall obtain preliminary building plan approval from the Franklin Township Building Department prior to the issuance of a Certificate of Zoning Compliance.
6. The applicant shall obtain written approval from the Franklin Township Fire Department that the request for the reduced side yard setback and request to not provide the required fireproof separation in the expansion of the southern building wall will not conflict with any fire code and safety regulations prior to the issuance of a Certificate of Zoning Compliance.
7. The applicant shall obtain all required permits from the Franklin Township Building and Fire Departments before beginning any earth disturbing activities and secure all required inspections prior to occupying the building.

It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

The next item on the agenda being Variance Case No. VA-3793. The owner is Southwestern City Schools. The township is Franklin Township. It is 38.058 acres. The location is 1001 Demorest Road. And the request is for a variance from Sections 504.012 and 531.011(2) of the Franklin County Zoning Resolution to allow the construction of a temporary gravel parking area that fails to meet the required parking setback in an area zoned Rural.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Variance Case No. VA-3793 with the Staff's recommendations (see below), with the condition to add the Franklin Township Road Department and the Franklin County Engineer's Office.

1. The applicant must apply for and receive a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant shall file for a Notice of Intent (NOI) with the Ohio Environmental Protection Agency and obtain coverage under an approved NPDES (National Pollutant Discharge Elimination System) General Permit as necessary.
3. The applicant shall file for and receive approval of all State and Federal permits prior to beginning construction of the proposed parking area.

4. The applicant shall maintain the temporary gravel parking area in a manner that no dust is produced.
5. The applicant shall maintain the temporary gravel parking area so that no materials/debris are tracked onto the surface of the roadway by vehicles (construction and passenger) exiting the site. The applicant shall coordinate with the Franklin County Engineer's Office *and Franklin Township Road Department* to develop and implement appropriate measures. *(amended by BZA)*
6. The applicant shall install sediment and erosion control measures as needed prior to any earth disturbing activities.
7. The applicant shall obtain all necessary permits related to the demolition activities from the Franklin Township Building and Fire Departments prior to any earth disturbing activities.
8. The applicant shall obtain all required permits/approvals from the Franklin County Engineer's Office prior to installation/modification of the storm sewer system.
9. The gravel parking area shall be removed immediately (to the extent practicable) following completion of construction in accordance with the approved construction schedule. In no case shall the gravel parking area remain on-site indefinitely.

It was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

The next item on the agenda being Variance Case No. VA-3794. The owner is Roseline Aleanu. The township is Clinton Township. It is 0.25 acres. It is located at 3760 Cleveland Avenue. And the request is for a variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088(g)(1) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements and fail to provide a pedestrian walkway in association with a vehicle repair business on a lot subject to the Smart Growth Overlay in an area zoned Community Service.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to table the case until the July 15th, 2013 hearing. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

17 The next item on the agenda being Appeal Case AP-3795. The Appellant is Karen M. McMichael. The township is Hamilton Township. It is 0.51 acres. It is located at 160 Jackson Road. The request is to appeal the Franklin County Economic Development and Planning Department's issuance of a violation letter concerning the commercial use on a property located in the Rural District. The applicant believes that the commercial use of the property is an existing nonconforming use that began prior to the adoption of zoning in 1948.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to deny the administrative appeal of the Franklin County Economic Development and Planning Department's issuance of a violation letter concerning the commercial use on the property located in the Rural District as being in error and whether the commercial use of the subject site is a nonconforming use. It was seconded by Ms. Hunter. The motion was denied by a three-to-one vote.

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

And, thereupon, the hearing adjourned at 4:48 p.m.

Minutes of the June 17, 2013, Board of Zoning Appeals hearing were approved this 15th day of July, 2013.

Hray, David A.

From: David Hodge <DHodge@smithandhale.com>
Sent: Wednesday, June 26, 2013 4:19 PM
To: Hray, David A.
Subject: RE: 2925 Westerville Road - VA-3788

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks Anthony, given that, on behalf of the applicant I request that this be tabled for another month.

David Hodge
Smith & Hale LLC
37 W. Broad St., Suite 725
Columbus, OH 43215
(614) 221-4255 phone
(614) 221-4409 fax
dhodge@smithandhale.com

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From: Hray, David A. [<mailto:dahray@franklincountyohio.gov>]
Sent: Wednesday, June 26, 2013 4:16 PM
To: David Hodge
Subject: 2925 Westerville Road - VA-3788

David-

I wanted to touch base with you regarding this case and what my discussions with Lee have yielded since you and I last met.

In discussing the proposal of the steel carport in lieu of the trailer, we don't think that this is going to be a viable alternative. Mainly because we are of the understanding that these carport structures do not meet building and fire code requirements. I've reached out to both the Clinton Township Fire Chief, John Harris, and submitted a general inquiry to the State of Ohio Building Dept. who is the regulatory authority for commercial and industrial buildings Clinton Township to confirm.

As far as our discussion about whether an accessory structure/building would need to meet the Smart Growth Overlay standards, I haven't been able to get a final determination on this issue. In my opinion I think you could argue that the proposed building would not be considered a part of or another primary building and therefore would be considered an accessory structure and should need to comply with general development standards of the Community Service District. If this were the case, the building in its proposed location will fail to meet the front building setback and side yard setback. Although, Lee ultimately has the final say on how this code section is interpreted.

Also having looked more closely at the most recent site plan you provided, the dumpster is no longer shown; I figure that the designer just forgot to turn the layer on. I hate to be nit picky but I know someone would notice and raise the question since the note still exists on the plan. I also noticed that Westerville Road is titled Georgesville. I hadn't noticed it before.

In any case, I'm not sure at this point if it wouldn't be in everyone's best interest to table this case another month to get the feedback about the carport structure and to re-evaluate the proposal. I'd hate to waste your time and the BZA members time again by going back before them with an incomplete resolution to these issues.

Please let me know your thoughts and if the site plan has been updated anymore to reflect more details concerning the carport. I'll let you know as soon as I am in contact with the fire and building dept.

Thanks for your continued patience and cooperation with this case.

D. Anthony Hray

Planner

**Franklin County
Economic Development & Planning Department**

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150 South Front Street, FSL Suite 10

Columbus, Ohio 43215-7104

Tel: 614-525-4684

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www.franklincountyohio.gov/edp

From: David Hodge [<mailto:DHodge@smithandhale.com>]

Sent: Thursday, June 13, 2013 5:07 PM

To: Hray, David A.

Subject:

Anthony-

This is what I was attempting to draw today... essentially the "structure" is an enclosed carport. See website for examples:

<http://www.eaglecarports.com/design-your-building-estimator.html>

Also, I'm having them send me something that more accurately represents the 12' X 31' that is being proposed.

Thanks,

David Hodge

Smith & Hale LLC

37 W. Broad St., Suite 725

Columbus, OH 43215

(614) 221-4255 phone

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dhodge@smithandhale.com

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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
July 15, 2013

REVISED

Case VA-3794

Prepared by: Anthony Hray

Applicant/Owner:	Roseline Aleanu
Township:	Clinton Township
Site:	3760 Cleveland Avenue (PID #130-006700)
Acreage:	0.25-acres
Zoning:	Community Service (CS) District
Utilities:	Central water and sewer
Request:	Requesting a Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

Summary

The applicant is requesting variances to allow for the construction of an access drive that fails to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business on a lot subject to the Smart Growth Overlay. **Neither the applicant nor a representative of the applicant was in attendance at the June 17, 2013 hearing, therefore the Board of Zoning Appeals acted to table the case for one month as a courtesy to ensure that the applicant and/or representative be present.** Staff recommends **approval with conditions**.

Description of the Request

The applicant's property is located on the east side of Cleveland Avenue, north of Pegg Road. The property contains an unfinished 1,580 +/- square foot commercial building (construction originally started in 2006) and a 639 square foot storage building which was constructed in 1966 according to Franklin County Auditor records. The applicant intends to complete the unfinished building, pave an access drive and parking area, and use a dumpster for the operation of an automotive repair business.

Case History

The site was the subject of a variance case, VA-3527, that was heard and approved by the Franklin County Board of Zoning Appeals on June 19, 2006. Construction of the unfinished commercial building had begun illegally without an approved zoning compliance and the site failed to comply with all required zoning standards in effect at that time. The owner/applicant at that time, Vincent Leke, subsequently

received all required zoning approvals. However, the building and associated development (parking, landscaping, etc.) was never completed accordingly and both the variances and zoning approvals have expired.

Surrounding Area

Direction	Zoning	Land Use
North	Community Service (CS)	Restaurant
South	Community Service (CS)	Restaurant
East	Restricted Urban Residential (R-12)	Single-Family Home
West	Community Service (CS)	Bar/Restaurant

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted in 2009, recommends full range commercial and multi-family land uses. The current Community Service (CS) zoning of the property and proposed use are consistent with this land use recommendation. The plan makes more specific recommendations for various focus areas within the planning area. The Cleveland Avenue focus area is identified as being a key corridor for redevelopment and serves as a significant economic indicator for the township. To maintain economic sustainability and strength, areas being redeveloped should incorporate inviting design, improved landscaping, pedestrian infrastructure, and include the use of stormwater best management practices. Recognition of the benefits that this type of redevelopment offers was the principle driving force in the implementation of the Smart Growth Overlay, which was formally adopted for areas within Clinton and Mifflin Townships, including properties fronting Cleveland Avenue, in 2011.

The request is consistent with the recommendations of the Clinton-Mifflin Land Use Plan.

Staff Review

Variance from Section 531.042 – Location of Drive:

- An access drive, exclusive of curb returns, shall be ten (10) feet or more from the side lot line and fifty (50) feet or more from another access drive.
 - The proposed access drive from Cleveland Avenue will maintain a 0.5 +/- foot setback from the side property line and approximately ten (10) +/- feet from the access drive serving the adjacent site to the north.
 - A variance of nine and one-half (9.5) feet and 40 feet respectively is required.

Variance from Section 670.0812 – Parking Setback:

- No parking lot, stacking space, loading space or circulation aisle is permitted between the principal building and a street centerline.
 - One of the five (5) parking spaces proposed is located between the principal building and the street centerline.

Variance from Section 670.0812(b) – Parking Lot Location:

- A surface parking lot shall be located behind the principal building; however, up to half the number of parking spaces provided may be located at the side of the principal building.
 - The applicant is proposing to locate more than half of the provided parking spaces at the side of the principal building.

. Variance from Section 670.0816 – Pedestrian Infrastructure:

- A pedestrian walkway is required from the sidewalk to a primary building entrance.
 - The applicant has requested relief from providing the pedestrian walkway as they anticipate little to no walk in customers considering the nature of their business. It is important to note that this portion of Cleveland Avenue does have existing concrete sidewalks along the entire frontage of the site.

Variance from Section 670.088((g(1))– Parking Lots:

- A surface parking lot or vehicular circulation area shall be screened from all abutting public streets with a wall or fence, or continuous row of shrubs to a minimum height of three (3) feet and a maximum height of five (5) feet, or mound, subject to approval by the Administrative Officer.
 - The applicant has requested relief from providing the screening as prescribed above.

Franklin County Engineer’s Office

The Franklin County Engineer’s Office – Traffic Division is allowing the applicant to gain access from Cleveland Avenue. The applicant is required to obtain an access permit and any other required permits prior to conducting any work within the public right-of-way. The applicant will be installing a traditional stormwater management system consisting of catch basins and piping to control stormwater from the proposed paved areas and building roof runoff. The applicant is required to submit and receive approval of the system design and stormwater calculations prior to the issuance of a Certificate of Zoning Compliance.

Clinton Township Road Department

The proposed stormwater system will tie into an existing catch basin located in the adjacent alley to the east of the site. This basin and alley are maintained by the township. The Township Road Superintendent has reviewed the request and proposed system design and has no concerns. The applicant will be required to obtain all required permits prior to conducting any work within the township’s public right-of-way.

Franklin Soil and Water Conservation District

The applicant has agreed to install a French drain on the south side of the unfinished building as a stormwater best management practice to convey runoff from the southern roofline. The drain must be sized properly and designed in accordance with the Ohio Department of Natural Resources Rainwater and Land Development Manual. The applicant shall also coordinate with Franklin Soil and Water Conservation District to ensure proper installation.

The applicant has proposed to install two (2) shade trees in the front yard of the site in accordance with the Smart Growth Overlay. Staff has requested that the applicant also plant an additional six (6) bushes/shrubs in the front yard of the site. The applicant shall plant only Ohio native species which are suitable for an urban environment. The applicant shall consult with Franklin Soil and Water Conservation District to choose suitable tree/plant species prior to the issuance of a Certificate of Zoning Compliance.

Staff Analysis – Section 810.41

- 1) *Special conditions and circumstances exist which are peculiar to the structure/property involved which are not applicable to other structures/property in the same zoning district;*
 - » Taking into the account the location of all pre-existing structures (i.e. commercial building and storage building) and the size constraints of the site, the applicant has attempted to comply with as many of the applicable Smart Growth Overlay standards as possible while still being able to maintain a functional site for the proposed use.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*

- » Considering the size and dimensions of the site and location of existing buildings, a literal interpretation of the Zoning Resolution would render the site undevelopable.
- 3) *The special circumstances and conditions of this request do not result from the action of the applicant;*
 - » The special circumstances and conditions of this request are not a result of the applicant.
 - 4) *Granting the variance requested will not confer on the applicant special privileges that are denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
 - » Granting the variance will not confer any special privileges to the applicant. Various other sites under the same zoning district in the surrounding area fail to meet the standards outlined above.
 - 5) *Granting the variance will not adversely affect the safety of persons residing in the vicinity of the proposed development, be materially detrimental to the public welfare and be injurious to private property in the vicinity;*
 - » Granting the variance will not adversely affect any of the above.

Recommendation

Staff recommendation is that the BZA approve a Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business on a lot subject to the Smart Growth Overlay with the following conditions:

1. The applicant must apply for and receive a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant shall install a French Drain in accordance with the Ohio Department of Natural Resources Rainwater and Land Development Manual and receive approval of its design and installation from the Franklin County Soil and Water Conservation District.
3. In addition to the two (2) shade trees proposed, the applicant shall install six (6) additional bushes/shrubs in the front yard of the site (location to be shown on site plan). All plant materials/species shall be native to Ohio and be approved by the Franklin Soil and Water Conservation District.
4. The applicant shall receive approval of storm water calculations and drainage construction plans from the Franklin County Engineer's office prior to any earth disturbing activities.
5. The applicant shall install sediment and erosion control measures as needed prior to any earth disturbing activities.
6. The applicant shall obtain all necessary permits from the Franklin County Engineer's Office and/or Clinton Township Road Department prior to conducting any work within the public right-of-way.
7. The applicant shall obtain all required permits and inspections from the State of Ohio Building Dept. and Clinton Township Fire Dept.
8. The applicant shall not store any damaged, dismantled or otherwise inoperable vehicles, and/or any materials, equipment and articles (i.e. tires, waste containers, skids, junk, etc.) on the site. Vehicles awaiting service/repair, shall be maintained in a completed, useable and otherwise normal condition at all times.
9. The applicant is not permitted to conduct vehicle sales of any kind on the site.
10. **The applicant shall demarcate a pedestrian walkway within the proposed, paved access drive, leading from Cleveland Avenue to the primary building entrance. The applicant shall use pavement markings or striping and parking blocks or bollards to designate this area for pedestrian use only.**

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business on a lot subject to the Smart Growth Overlay as outlined in the request above for the applicant identified in Case No. VA-3794 with the conditions in staff's recommendation.

Seconded by: _____

Voting:

Findings of Fact

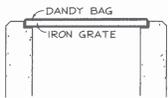
For your convenience, the following are proposed findings of fact:

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 variances as outlined in the request above for Case No. VA-3794 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:



**DANDY BAG
EROSION CONTROL DEVICE**

INSTALL DANDY BAGS ON STRUCTURE(S):

REMOVE DRIED SEDIMENT FROM SURFACE OF UNIT AND FINE MATERIAL FROM INSIDE ENVELOPE AS NEEDED.

DANDY PRODUCTS INC.
P.O. BOX 1980
HESTERVILLE, OHIO 43086
1-800-591-2264
www.dandyproducts.com

LOCAL SUPPLIERS:
SITE SUPPLY 614-443-4545 (MARK CONVERSE)
EAST JORDAN IRON WORKS 614-871-2436

VA-3794

UNDERGROUND UTILITIES

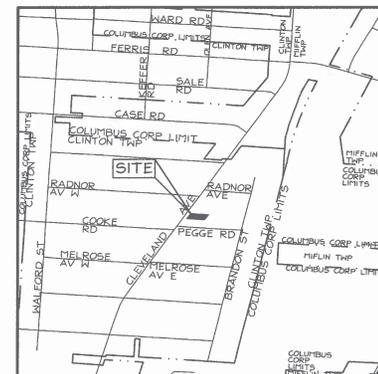
Two Working Days
BEFORE YOU DIG
Call 800-362-2764 (Toll free)
OHIO UTILITIES
PROTECTION SERVICE
NON-MEMBERS
MUST BE CALLED DIRECTLY

RECEIVED

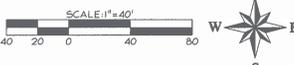
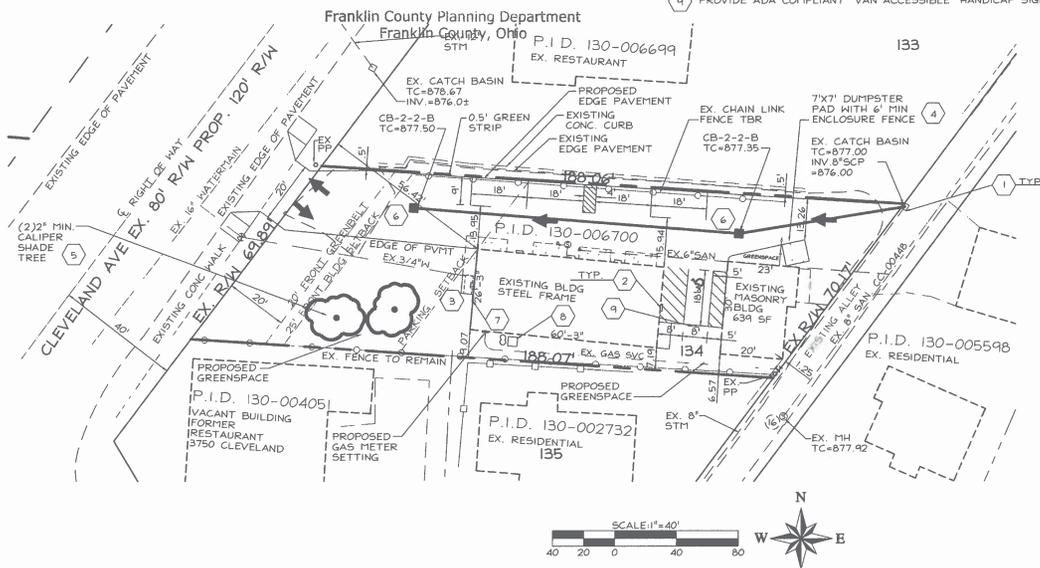
MAY 16 2013

COMPLIANCE NOTES

- 1 CONTRACTOR SHALL INSTALL DANDY BAG EROSION CONTROL DEVICE (PER DETAIL AT LEFT) ON ALL INLETS SUSCEPTIBLE TO RECEIVING SEDIMENT LADEN RUNOFF DURING CONSTRUCTION. ADDITIONALLY SEDIMENT FENCE SHALL BE INSTALLED IN ALL AREAS WHERE GRADING RESULTS IN SEDIMENT LADEN WATER LEAVING THE SITE AND NOT DIRECTED TO AN INLET
- 2 EROSION CONTROL ELEMENTS ARE SUBJECT TO REVIEW AND MODIFICATION BY THE FRANKLIN COUNTY SOIL AND WATER CONSERVATION DISTRICT, THE FRANKLIN COUNTY ENGINEER'S OFFICE AS WELL AS CLINTON TOWNSHIP DIVISION OF ROADS.
- 3 ALL BUILDING LIGHTING WILL BE DOWNCAST LIGHTING MEETING THE MAXIMUM FOOT CANDLE INTENSITY AT RESIDENTIAL PERIMETER LOT LINES PER SECTION 670.0810. FIXTURE BOTTOM TO BE LOCATED 10'-6" ABOVE FFE.
- 4 PROPOSED LIGHT FIXTURE PER CUT SHEET BELOW.
- 5 A BICYCLE RACK MEETING THE REQUIREMENTS OF THE FRANKLIN COUNTY DEVELOPMENT SECTION 670 SMART GROWTH OVERLAY DISTRICT REGULATIONS WILL BE INSTALLED AT THE FRONT OF THE BUILDING AND CONTAIN A 72"x30" SET-ASIDE FOOTPRINT FOR THE PURPOSE OF BICYCLE STORAGE.
- 6 A CONCRETE DUMPSTER PAD WITH MAXIMUM 6' HEIGHT ENCLOSURE MEETING THE FRANKLIN COUNTY DEVELOPMENT DEPARTMENT REGULATION WILL BE INSTALLED.
- 7 PROPOSED TREES TO BE INSTALLED ALONG ROADWAY FRONTAGE SHALL BE FROM THE LIST OF ACCEPTABLE SPECIES AS DEFINED BY THE FRANKLIN COUNTY SOIL AND WATER DISTRICT
- 8 SITE SHALL COMPLY WITH THE FRANKLIN COUNTY ENGINEER'S OFFICE WITH REGARDS TO DRAINAGE MANAGEMENT REGULATIONS FOR INCREASED RUNOFF.
- 9 NO VEHICLES OR MATERIALS SHALL BE STORED ON SITE UNLESS PROPERLY SCREENED AS PRESCRIBED UNDER SECTION 521 OF THE FRANKLIN ZONING RESOLUTION.
- 10 BUILDING MOUNTED SIGN NON ILLUMINATED AND NOT TO EXCEED 16 SF MEETING THE REQUIREMENTS OF SECTION 670, SMART GROWTH OVERLAY, WILL BE LOCATED ON FRONT OF BUILDING.
- 11 MECHANICAL AC PAD UNIT PROPERLY SCREENED PER SECTION 670.088(J) OF THE SMART GROWTH OVERLAY
- 12 PROVIDE ADA COMPLIANT 'VAN ACCESSIBLE' HANDICAP SIGN



LOCATION MAP
NO SCALE



PROPOSE BUILDING MOUNT LIGHTING

**TWP LED
LED Wall Luminaire**

Specifications

Width: 18" (18")
Height: 12" (12")
Depth: 4" (4")
Weight: 10 lbs (10 lbs)

Introduction

The popular TWP luminaire is now available with LED technology. Call it a traditional reformer, the TWP LED offers a sleek appearance and is powered by advanced LEDs. A one-piece polycarbonate cover delivers enhanced durability and is vandal resistant, making the TWP LED ideal for 11' mounting heights or high traffic areas.

The new TWP LED luminaire is powerful yet energy efficient, capable of replacing up to a 250W metal halide luminaire while saving up to 75% in energy costs. Offering an expected service life of more than 20 years, the TWP LED eliminates frequent lamp and ballast replacements associated with traditional technologies.

Ordering Information EXAMPLE: TWP LED 30C 700 50K 13M MV01 D08X0

Series	Performance Class	Dimensions	Temp	Color Temp	Input Voltage	Input Current	Input Power	Output Power	Efficiency
TWP18	100	18" x 12" x 4"	277V	50K	100V-277V	0.8A	200W	150W	75%
TWP24	100	24" x 12" x 4"	277V	50K	100V-277V	1.3A	300W	225W	75%
TWP30	100	30" x 12" x 4"	277V	50K	100V-277V	1.7A	400W	300W	75%
TWP36	100	36" x 12" x 4"	277V	50K	100V-277V	2.1A	500W	375W	75%
TWP42	100	42" x 12" x 4"	277V	50K	100V-277V	2.5A	600W	450W	75%

Stock configurations are offered for shorter lead times:

Standard Pole Mount	Standard Pole Mount
TWP LED 18" 100 100 100 100 100	TWP LED 18" 100
TWP LED 24" 100 100 100 100 100	TWP LED 24" 100
TWP LED 30" 100 100 100 100 100	TWP LED 30" 100
TWP LED 36" 100 100 100 100 100	TWP LED 36" 100

LITING

SANITARY SEWER NOTE:
CONTACT SEWER PERMIT OFFICE 910 DUBLIN RD 3RD FLOOR 445-7490 FOR ANY WORK INVOLVING THE EXISTING SANITARY SERVICE LATERAL(S) OUTSIDE OF THE BUILDING, AND IF ANY NEW CONNECTIONS TO THE SANITARY SEWER MAINLINE ARE REQUIRED.

Site Data Table

TOTAL SITE AREA: 0.2536 AC.
TOTAL DISTURBED AREA: 0.21 AC.
PRE-DEVELOPED IMPERVIOUS: 3,912 S.F.
POST-DEVELOPED IMPERVIOUS: 7,067 S.F.

OWNER/APPLICANT
ALEXANDR ROSELINE
405 GRANDLIN PARK DR
BLACKLICK, OHIO 43004
PH: (614) 678-9127

GENERAL CONTRACTOR
TOTAL MAINTENANCE & CONSTRUCTION, LLC
5734 WESTBOURNE DRIVE
COLUMBUS, OHIO 43213
TERRY HENSLEY
PH: (614) 578-1744
FX: (614) 866-3549
EMAIL: thensley2008@yahoo.com

ENGINEER
DES ENGINEERING LLC
10382 YELLOW LOCUST LANE
CENTERVILLE, OHIO 45458
DANIEL E. SAMTEC P.E.
PH: (614) 638-0071
FX: (614) 638-0099
EMAIL: dsamtec@woh.rr.com

FLOOD ZONE

THE SUBJECT PROPERTY LIES ENTIRELY IN ZONE "X" ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THE FIRMI COMMUNITY PANEL NO. 34049C0187K EFFECTIVE DATE JUNE 17, 2008.

ZONING: SECTION 670 SMART GROWTH OVERLAY SECTION 332.C5 (COMMUNITY SERVICE 18' HEIGHT DISTRICT)

EXISTING USE: VACANT BUILDING/GRAVEL LOT

PROPOSED USE: VEHICLE REPAIR (3 BAYS)/OFFICE

PID (EXISTING): PID 130-006700

PARCEL AREA (AC.): 0.2536 AC. (PER FRANKLIN COUNTY AUDITOR)

PARCEL AREA (SF): 11,045.62 S.F.

LOT COVERAGE AREA (SF): 7,067 S.F. = 63.98%

BUILDING USE, AREA

OFFICE	97 S.F.
REPAIR SHOP	1,484 S.F.
STORAGE GARAGE	359 S.F.
SUB TOTAL	1,940 S.F.

SPACES PROVIDED

OFFICE AT 1/300 S.F. - 1 SPACE
REPAIR FACILITY - 2 PER BAY - 6 SPACES

SPACES REQUIRED - 5 SPACES PER SECTION 670.0812(c) INCLUDES 1 HC VAN ACCESSIBLE

SPACES PROVIDED - 5 SPACES

LOADING SPACES - NONE REQUIRED

MAXIMUM BUILDING HEIGHT = 18'

BUILDING RIDGE HEIGHT = 15' REPAIR FACILITY 14' EXISTING GARAGE

R/W - RIGHT OF WAY LINE

SETBACKS	FRONT	SIDE	REAR
BUILDING	56.42'	0'	0'
PARKING	56.42'	0'	0'

VARIANCES REQUESTED

- SECTION 531.042 LOCATION OF DRIVE LESS THAN 10' FROM SIDE LOTLINE & (50) FEET OR MORE FROM ANOTHER ACCESS DRIVE
- SECTION 670.0812(a) - SETBACK: NO PARKING LOT, STACKING SPACE, LOADING SPACE OR CIRCULATION AISLE IS PERMITTED BETWEEN THE PRINCIPAL BUILDING AND THE STREET CENTERLINE
- SECTION 670.0812(b) - PARKING LOT LOCATION: A SURFACE PARKING LOT SHALL BE LOCATED BEHIND THE PRINCIPAL BUILDING; HOWEVER UP TO HALF THE NUMBER OF PARKING SPACES PROVIDED MAY BE LOCATED AT THE SIDE OF THE PRINCIPAL BUILDING
- SECTION 670.0816 - PEDESTRIAN INFRASTRUCTURE: A PEDESTRIAN WALKWAY IS REQUIRED FROM THE SIDEWALK TO PRIMARY ENTRANCE OF THE PRINCIPAL BUILDING
- SECTION 670.088(g) - PARKING LOTS: A SURFACE PARKING LOT OR VEHICLE CIRCULATION AREA SHALL BE SCREENED FROM ALL ABUTTING PUBLIC STREETS WITH A HALL OR FENCE, OR A CONTINUOUS ROW OF SHRUBS TO A MINIMUM HEIGHT OF 3' (2' AT TIME OF PLANTING), AND A MAXIMUM HEIGHT OF 5'

PLANS PREPARED BY
DES Engineering LLC
10382 YELLOW LOCUST LANE
CENTERVILLE, OHIO 45458
614-638-0071 FAX: 614-638-0099

SITE IMPROVEMENTS FOR
3760 CLEVELAND AVE.
FRANKLIN COUNTY, OHIO

Zoning Variance Plan

ISSUED:	
PERMIT:	05-08-2013
REVISED:	
AS BUILT:	1 of 1



VA-3794

Requesting a Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business that is subject to the Smart Growth Overlay in an area zoned Community Service (CS).

0.25 acres
Clinton Township

3760 Cleveland Avenue

Parcels

Streets

County Zoning

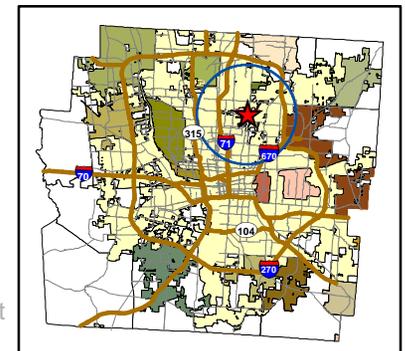
Rural

Urban Res.

Suburban Apt. Res.

Community Service

Select Com. Planned Dist.



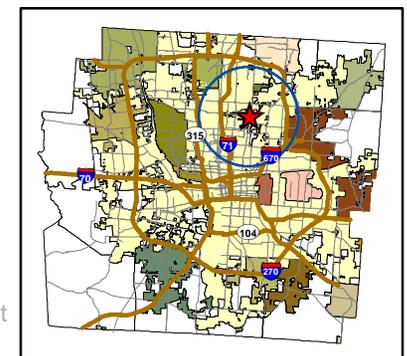


VA-3794

Requesting a Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business that is subject to the Smart Growth Overlay in an area zoned Community Service (CS).

0.25 acres
Clinton Township

- 3760 Cleveland Avenue
- Parcels
- Streets



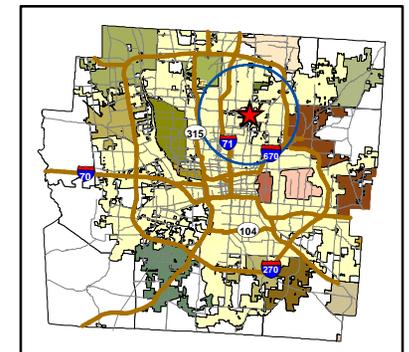


VA-3794

Requesting a Variance from Sections 531.042, 670.0812(a), 670.0812(b), 670.0816 and 670.088((g(1))) of the Franklin County Zoning Resolution to allow the construction of an access drive that will fail to meet the location requirement, construction of a parking lot that will fail to meet the required setback and screening requirements, and fail to provide a pedestrian walkway in association with a vehicle repair business that is subject to the Smart Growth Overlay in an area zoned Community Service (CS).

0.25 acres
Clinton Township

-  3760 Cleveland Avenue
-  Parcels
-  Streets





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
July 15, 2013

Case VA-3796

Prepared by: Matt Brown

Applicant/Owner:	Eric E. Smith
Township:	Pleasant Township
Site:	6770 Darby Boulevard (PID #230-002327)
Acreage:	0.49-acres
Zoning:	Rural District
Utilities:	On-site water and Central wastewater
Request:	Requesting a Variance from Section 650.162(a) to legitimize the construction of an above ground pool and to allow for the construction of a free-standing pool deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

Summary

The applicant is requesting variances to legitimize the construction of an above ground pool and allow for the construction of a pool deck in the Big Darby Creek Riparian Setback. Staff recommends approval with conditions.

Description of the Request

The applicant’s property is located on the east side of Darby Boulevard, south of London-Groveport Road in Darbydale. The property contains a 1,230 square foot house with an attached rear deck, a 720 square foot detached garage, a 140 square foot shed, a 565 square foot, illegally constructed, above ground pool, and a 170 square foot deck that was used with a 230 square foot pool that has been removed from the property. The applicant intends to legitimize the above ground pool, remove the 170 square foot deck and build a 432 square foot deck next to the new pool.

The total increase in impervious surface on the property with the proposed development is approximately 600 square feet. The entire property is located within the Big Darby Creek Riparian Setback.

Surrounding Area

The zoning in the surrounding area is Rural and riparian setbacks apply to most of the area. The site is part of Allen E. McDowell’s East Darbydale subdivision platted in 1948. The Big Darby Creek is located immediately to the south of the subdivision and tributaries of Big Darby Creek are located immediately to the west and north.

Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in 2009, includes two maps to guide development: a Future Land Use map and a Conservation Strategy Tiers map. The Future Land Use map indicates the

site as stream buffer and recommends no construction in the area. The Conservation Strategy Tiers map does not show the site being located in a tiered area. Tiered lands are the most environmentally sensitive areas recommended for protection.

The Big Darby Accord Watershed Master Plan, adopted in 2006, also includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map shows the subject site as existing development and recommends the site for Residential Suburban High Density development with 3 to 5 dwelling units per acre. The Conservation Strategy Map shows the site as existing development and outside of tiered areas.

Since the subject site is located outside of the tiered areas of both planning documents and the site is shown as existing development on the Big Darby Accord Watershed Master Plan General Land Use Map, staff believes the request is consistent with both planning documents.

Staff Review

Variance from Section 650.162(a) – Construction:

- Construction of buildings or structures of any kind or size are prohibited. This restriction applies to new construction, and does not apply to existing residential structures and associated accessory structures.
 - The request is to legitimize the construction of a 565 square foot above ground pool and allow the construction of a 432 square foot deck.
 - Prior to constructing the new pool, the property owner removed a 230 square foot pool from the property.
 - The increase in the site’s impervious surface is approximately 600 square feet

Franklin County Engineer’s Office

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

Franklin County Drainage Engineer’s Office

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

Franklin Soil and Water Conservation District

The Franklin Soil and Water Conservation District has reviewed the requested variance and believes that the project can mitigate any adverse impacts to the riparian setback area by planting trees or shrubs, using ground water infiltration practices, or a combination of plantings and infiltration practices.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals may grant a variance to Section 650 provided the following conditions are satisfied.
 - 1) *In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board must consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.*
 - » The proposed development will not cause a negative impact on the riparian setback, nor will it reduce the setback area’s effectiveness in performing riparian functions. A net increase in impervious area of 2.8 percent has been proposed. The applicant is willing to work with the Franklin Soil and Water Conservation District to mitigate the increase in impervious surface.
 - 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » The proposed development is permitted in the underlying Rural zoning district and conforms to all development standards.

- 3) *Variances are void if not implemented within one (1) year of the date of issuance.*
 - » A Certificate of Zoning Compliance may only be issued for an approved variance within the period of one (1) year from the date of final approval by the Board of Zoning Appeals. If a variance has not been used within one (1) year of its issuance, meaning there has not been active and substantial improvement to a property in accordance with a valid variance, then the variance shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the Board of Zoning Appeals.

Section 650.20(b) – Variances Within Riparian Setbacks:

- In making a determination under Section 650.20(a), the Board must consider the following, in addition to the findings required in Section 810.041 of the Franklin County Zoning Resolution.
 - 1) *The native vegetation of the property.*
 - » The above ground pool and proposed deck are located in a maintained yard area of the property. The proposal does not require the removal of any native vegetation.
 - 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Working with the Franklin Soil and Water Conservation District, the applicant will mitigate any adverse impacts of the proposed development to maintain the integrity and functionality of the riparian setback.
 - 3) *Soil-disturbing activities permitted in the riparian setback through variances must minimize clearing to the extent possible and must include the use of Best Management Practices (BMPs) necessary to minimize erosion and control sediment. Prior to any soil-disturbing activity, the applicant must consult with Franklin Soil and Water.*
 - » The proposed development requires minimal disturbance in the riparian setback and the applicant will use Best Management Practices to reduce erosion and control sediment on site during all phases of development.
 - 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » The applicant will mitigate the additional impervious area from the proposed development by planting native trees and shrubs or by implementing infiltration practices to reduce runoff.

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » Special circumstances do apply to the subject property. The property is located entirely within the Big Darby Creek Watershed Riparian Setback. Any new construction on this lot is only permitted through approval of a variance.
- 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 any new construction on this property. Other properties in the Rural zoning district but not within the stream setback would be permitted to construct a structure provided all development standards are met. The applicant's proposal will comply with all development standards required of a new structure within the Rural zoning district.
- 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.

- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » Other properties in the area have pools and decks located in the riparian setback.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
 - » Allowing the development will not be injurious to private property or the public welfare. The applicant will cooperate with the Franklin Soil and Water Conservation District to ensure that construction is completed in a responsible manner. The applicant will use BMP practices to mitigate the proposed disturbance and reduce effects of the construction on the setback area.

Recommendation

Staff recommends *approval with conditions* of the variance request based on staff’s analysis and comments from the Franklin Soil and Water Conservation District. The conditions are as follow:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive an approved building permit from the Franklin County Economic Development and Planning Department.
3. The applicant must plant native tree species or shrubs, install infiltration practices, or use a combination of plantings and infiltration practices in accordance with comments from and to the satisfaction of the Franklin Soil and Water Conservation District. The mitigation practices to be used must be indicated on the Certificate of Zoning Compliance application.
4. The applicant must install and maintain sediment and erosion control measures prior to any earth disturbing activities to the satisfaction of the Franklin Soil and Water Conservation District.
5. Mitigation must be completed within six months of the Certificate of Zoning Compliance approval.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve the variance from Section 650.162(a) of the Franklin County Zoning Resolution to legitimize the construction of an above ground pool and to allow for the construction of a free-standing pool deck within the Big Darby Creek Riparian Setback as outlined in the request above for the applicant identified in Case No. VA-3796 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 as outlined in the request above for Case No. VA-3796 results from applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

Legal Description: Situated in Ohio, County of Franklin, Township of Pleasant, Being Part of Lot 47 Allen E. McDowell's East Darbydale Addition, Plat Book 21, Page 24A

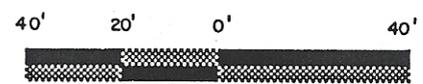
Applicant: Eric Smith LW#10806

Posted Address: 6770 Darby Blvd.

F.E.M.A. Flood Zone Designation: Flood Zone "X" as per F.I.R.M. 390167 0310G

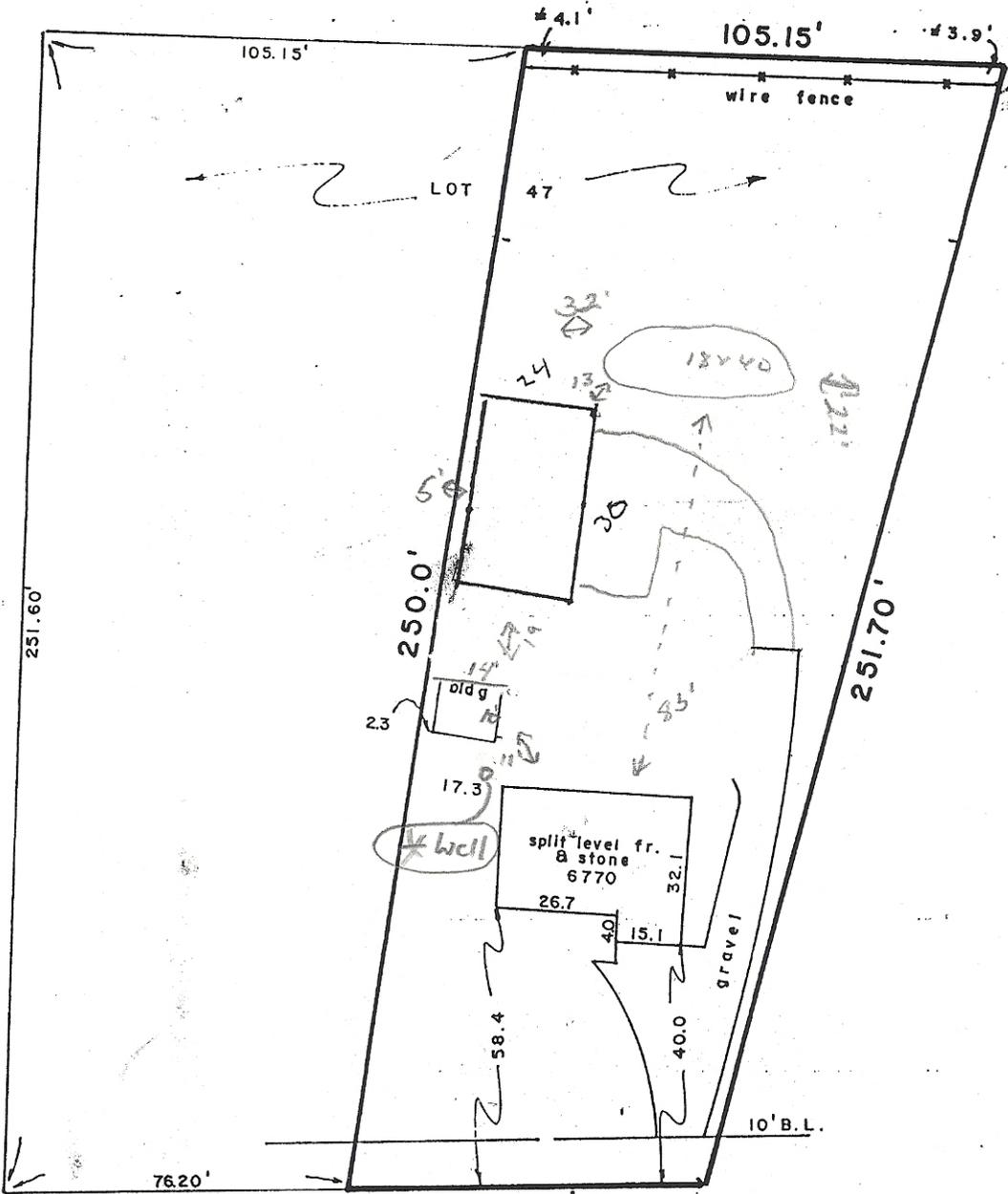
Apparent Encroachments: 1) Fences not in conformance with legal description.

VA-3796



Scale: 1" = 40'

Date: 6-24-'98



896.05' to LONDON - GROVEPORT RD. (S.R. 665)

DARBY BLVD. 50'

I hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative

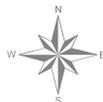
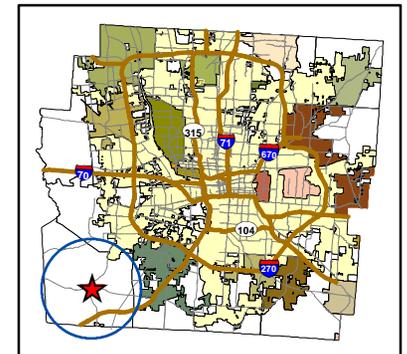


VA-3796

Requesting a variance from Section 650.162(a) to legitimize the construction of an above ground pool and to allow for the construction of a free-standing pool deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

0.49 acres
Pleasant Township

-  6770 Darby Blvd
-  Proposed Pool Deck
-  Pool
-  Parcels
-  Streets



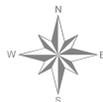
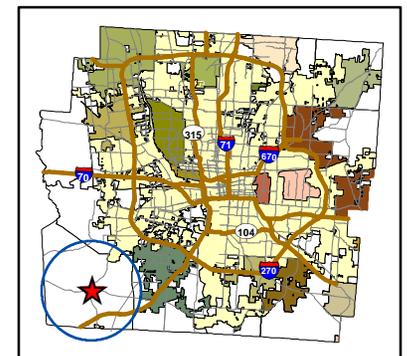


VA-3796

Requesting a variance from Section 650.162(a) to legitimize the construction of an above ground pool and to allow for the construction of a free-standing pool deck within the Big Darby Creek Riparian Setback in an area zoned Rural.

0.49 acres
Pleasant Township

-  6770 Darby Blvd
-  Proposed Pool Deck
-  Pool
-  Parcels
-  Streets



Brown, Matthew

From: Gilson, Martha
Sent: Monday, June 24, 2013 1:48 PM
To: Brown, Matthew
Cc: steph10242000@yahoo.com
Subject: RE: VA-3796

Hi Matt,

I met with Mr. and Mrs. Smith last week to discuss mitigation for their new pool. The pool will cover approximately 600 sq.ft. and the deck will cover 400 sq.ft., so 1,000 sq. ft. will need to be mitigated. The requirement is one 10-gal native tree for each 100 sq. ft. We discussed planting 10 native trees; I left them a tree list of appropriate species. They wanted to plant some shrubs and I told them that would be acceptable at the rate of 2 5-gal native shrubs for every tree substituted. Placement was also discussed with them.

They currently have a rain garden and a rain barrel and have proposed installing another rain garden, or an infiltration trench under the deck, to infiltrate the runoff from their driveway and garage roof. This would be at a 1:1 ratio. Runoff captured from each sq. ft. of current impervious surface would mitigate 1 sq. ft. of pool and deck surface.

Mr. and Mrs. Smith are very willing to work with Franklin Soil and Water in plant selection and sizing of infiltration practices. I feel confident that between tree plantings and infiltration practices the full amount will be mitigated.

Regards,
Martha

Cc: Stephanie Smith

From: Brown, Matthew [<mailto:mybrown@franklincountyohio.gov>]
Sent: Friday, June 21, 2013 4:33 PM
To: Gilson, Martha
Subject: VA-3796

Hi Martha,

Anthony mentioned that you were going out to the site at 6770 Darby Blvd to see what mitigation would be needed. Could you provide me with information that should be included as a condition of approval? Thanks
Matt

Matt Brown
Planner & Floodplain Manager

Franklin County
Economic Development & Planning Department

Lazarus Building
150 South Front Street, FSL Suite 10
Columbus, Ohio 43215-7104
Tel: 614-525-5647
Fax: 614-525-7155
www.franklincountyohio.gov/edp



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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
July 15, 2013

Case CU-3797

Prepared by: Anthony Hray

Applicant:	Andres Ferrari
Owner:	Joseph E. Budde, Trustee
Township:	Hamilton Township
Site:	1408 London-Groveport Road (PID #150-002395)
Acreage:	2.295-acres
Zoning:	Rural District
Utilities:	On-Site Water and Wastewater
Request:	Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

Summary

The applicant is requesting a conditional use home occupation to allow the operation of an auto repair and auto sales business on a lot zoned Rural. The applicant fails to meet the criteria required to grant a conditional use request, fails to meet all conditional use home occupation requirements and the proposed use is inconsistent with the South Central Accord. Staff recommends **denial**.

Description of the Request

The subject property is located on the north side of London-Groveport Road, approximately one-half mile east of Lockbourne Road. The property contains a 1,944 square foot single-family home, as well as an existing 920 square foot accessory building. The applicant is proposing to construct an additional 1,200 square foot accessory building, allow the use of a dumpster, and to expand an existing gravel parking area for the purpose of operating an automotive repair and automotive sales business. The applicant plans to perform general automotive repairs to passenger cars and light trucks as well as purchase, repair and resell cars. No painting or body work has been proposed. The applicant has requested the ability to repair between three (3) and ten (10) vehicles per week and sell up to an additional thirty (30) cars per year.

Surrounding Area

Direction	Zoning	Land Use
North	Manufacturing (Columbus)	Industrial Park
South	Manufacturing (Columbus)	Single-Family Home Agriculture
East	Rural	Single-Family Home
West	Manufacturing (Columbus)	Agriculture

Comprehensive Plan

The South Central Accord, originally adopted in 1997 and amended and readopted in 2000 and 2004, recognizes the surrounding manufacturing zoning and existing industrial uses and recommends the subject area transition from low-density residential to industrial land uses. This particular area of the County (South Central Area) is especially sensitive to ground water contamination due to the presence of Ohio's most productive aquifer, which supplies the city of Columbus's South Wellfield. Columbus draws approximately 20 million gallons of water per day from this wellfield alone. In light of this fact, groundwater pollution potential data was prepared by the Ohio Department of Natural Resources who created a rating system for determining an areas relative vulnerability to contamination and pollution. The property that is the subject of this request is rated at having a higher than average potential for groundwater pollution. Potential threats to the aquifer and wellfield include various substances and chemicals, with the source of these threats including vehicle accidents and spills, agricultural waste, leaking underground storage tanks, hazardous materials storage and handling and oil and gas production and transmission. The plan recommends that uses which could create such pollution sources be discouraged.

Based on the nature of the proposed use and the obvious threat of spilling/leaking vehicle fluids and other potential contaminants, the proposal is not consistent with the recommendation of the South Central Accord.

Staff Review

Section 511.03 - Conditional Use Home Occupation Requirements:

- It is recognized that there may be some home occupations which do not meet the criteria of a permitted home occupation as defined under Section 511.02, but which may be suitable for residential areas provided they comply with the following standards and can meet the procedure and requirements for authorizing a conditional use under Section 815.
 - o Section 511.031 – Criteria: The appearance of the structure shall not be altered and/or the occupation within the residence shall not be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or unauthorized signs unless otherwise permitted by this Section or authorized by the Franklin County Board of Zoning Appeals. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes and shall not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals. The Conditional Use Home Occupation shall be carried on by individuals residing in the residential dwelling and provided:
 - 1) *There shall be no more than a total of three (3) non-resident employees.*
 - The applicant has indicated that the business will be operated by him, and no additional employees are needed.
 - 2) *The conduct of a home occupation may be approved within a structure accessory to a dwelling unit and located on the same lot as the dwelling unit.*
 - The applicant is proposing to construct a 1,200 square foot accessory building to be used primarily for the automotive repair and automotive sales use. The applicant has not proposed to use any portion of the dwelling for purposes of the request.

- 3) *Sales of commodities not produced on the premises may be permitted provided such commodities are specified and approved as a part of the application in accordance with Section 815.*
- The applicant has indicated that he intends to purchase, repair and resell up to 30 cars per year. Please note that this is in addition to the automotive service business, where the applicant anticipates servicing between three (3) and ten (10) vehicles per week. The applicant has not specified where the vehicles for sale will be located on the site and how they will be advertised.
- 4) *Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time.*
- No organized instruction is proposed with this application.
- 5) *No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.*
- The applicant is proposing to extend an existing gravel parking area for storage of vehicles awaiting repair. The development plan submitted in association with this request does not indicate how this area will be screened as required. The applicant's application form does indicate that a fenced area to accommodate a reasonable number of vehicles will be constructed, however, this exact area is not detailed on the development plan and the height and type of fencing is not described.
- The applicant has also proposed to store a commercial dumpster on the property, which according to the development plan will be centered on a concrete pad and fully enclosed by a fence. However, the development plan fails to specify the location height, type and opacity of the proposed fencing to ensure that it will provide the required screening. Furthermore, the use of a dumpster must be approved by the Board of Zoning Appeals as its use is not permitted in the Rural Zoning District.
- 6) *Signage shall be consistent with the provisions of Section 541.03(8).*
- The applicant has indicated the possibility of signage, but has provided no details at this time.
- 7) *Delivery traffic shall be limited to not more than three (3) UPS or similar deliveries per week. No semi-tractor truck deliveries will be permitted at any time.*
- The applicant has indicated on his application that there will not be any delivery traffic to/from the subject site. However, the applicant has not addressed how inoperable vehicles will be transported to the site and how frequently and at what time a trash truck will visit the site to empty the dumpster.

Ohio Environmental Protection Agency (EPA)

Staff consulted with various representatives in the hazardous waste and compliance division of the EPA regarding the proposed use. These representatives reiterated concerns involving the high potential of contaminants, mainly vehicle fluids, seeping into the ground from vehicles awaiting repair. Staff also consulted these representatives in regard to the applicant's plan to install a floor drain and underground holding tank in the proposed accessory building. The tank would hold vehicle and miscellaneous fluids awaiting disposal. The tank would be pumped by a licensed hauler and the waste would be transported and disposed of or recycled at the proper facility. The installation of a floor drain and holding tank will require review and approval by the EPA Division of Surface Water and must be engineered to State specifications. Additionally, depending on the types of fluids and substances being contained within the holding tank and being stored within the accessory building, hazardous substance regulations may apply.

The applicant will be required to contact the EPA compliance division and is responsible for obtaining all required permits and approvals related to the proposed use should the request be granted.

Franklin County Public Health Department (FCPH)

Should the proposed accessory building be constructed, regardless of whether the conditional use is approved, the applicant must submit a revised site plan which details the point of discharge for the existing aerator serving the residence. Plans for the accessory building must be approved by FCPH prior to the issuance of a Certificate of Zoning Compliance and Building Permit. FCPH staff also stated concerns with the strong potential of fluids, leaking from vehicles being stored on-site, contaminating the applicant's well and the aquifer.

Ohio Department of Transportation (ODOT) – District 6

The Ohio Department of Transportation maintains this portion of London-Groveport Road and has posed no concerns with additional traffic being generated as a result of the proposed use. However, as is customary with a commercial change in use, the applicant will be required to pave the portion of the drive within the public right-of-way and to obtain an access permit should the request be approved.

Hamilton Township Fire Department

The Hamilton Township Fire Department is concerned with containment of fluids and/or chemicals that will be stored on-site and the threat of fluids leaking from vehicles awaiting repair. Should this request be granted, the applicant will be required to obtain satisfactory fire inspections from the Hamilton Township Fire Department prior to occupying the proposed building and conducting the proposed use.

Staff Analysis – Section 815.041

- 1) *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
 - » The proposed use is a conditional use home occupation as provided under Section 511. However, the applicant has failed to meet all of the required development standards. First, the applicant has failed to provide screening details for the proposed vehicle storage area and the commercial dumpster. Secondly, the applicant has failed to provide signage details that are required to be approved as part of this request. Finally, the applicant has failed to provide more details concerning how vehicles that are inoperable will be transported to the site for repair and how much traffic this could potentially generate.

- 2) *The proposed development and use is in accordance with applicable plans or policies for the area;*
 - » The proposed use is discouraged by the South Central Accord primarily due to its high potential of becoming a source of groundwater contamination. Vehicles awaiting repair will be stored on a pervious surface (gravel) and fluids and other potentially hazardous substances leaking from these vehicles can leach into the ground and pollute the groundwater. It is important to recall that this area was found to have a higher than average vulnerability for groundwater contamination according to the South Central Accord.

- 3) *The proposed development will be in keeping with the existing land use character and physical development potential of the area.*
 - » Although the area is clearly transitioning towards more industrial uses, residential development is still present to the east and south. It is important to recall that a Conditional Use Home Occupation should be clearly incidental to and secondary to the residential use of a lot and/or structure and should not become a detriment to the existing residential character of the lot or the general area. In this particular case, considering the size, nature and intensity of the proposed use, the residential character of the general area will be adversely impacted. Furthermore, an operation of this magnitude is undoubtedly not incidental and secondary to the residential use of the lot which is a standard criterion for all home occupations. The proposed use should be encouraged in a more

appropriate area that allows for compatible commercial uses where proper utilities (public water and sewer), impervious parking surfaces, and storm water infrastructure/pollution prevention is in place.

Recommendation

Staff recommendation is that the BZA deny a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles based on the following:

1. The applicant has failed to meet the applicable Development Standards of a Conditional Use Home Occupation required under Section 511.031 of the Franklin County Resolution.
2. The request fails to meet all three (3) conditions, as described above, required to approve a Conditional Use set forth under Section 815.041 of the Franklin County Zoning Resolution.

Resolution

For your convenience, the following is a proposed resolution:

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

_____ moves to approve a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the conduct of a home occupation from an accessory structure that involves the repair and sale of automobiles as outlined in the request above for the applicant identified in Case No. CU-3797 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 conditional use as outlined in the request above for Case No. CU-3797 results from applicant's failure to satisfy the conditions for granting a Conditional Use under Section 815.041.

Seconded by: _____

Voting:

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX:614-235-4559

Andres Ferrari

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Applicant:

Posted Address: 1408 London Groveport Road, Columbus, Ohio

JUN 12 2013

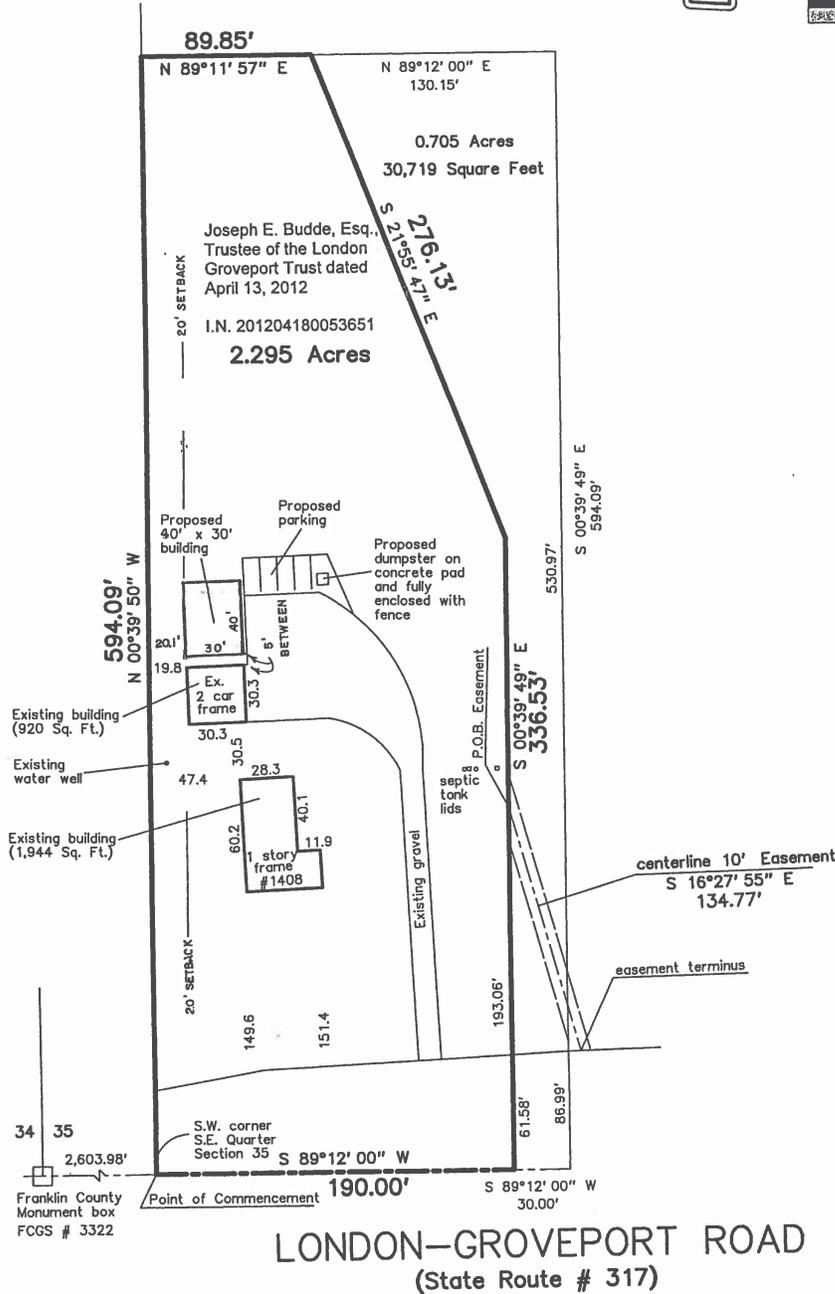
Franklin County Planning Department
Franklin County, OH

CM-3797



Scale 1" = 80'

Date: 06/05/2013



Myers Surveying Co., Inc.

By *Joseph P. Myers*

Professional Surveyor

Site Plan for Zoning Purposes

Myers Order No. - 12-05/23/2013



2013052312

Rec.

Field

ASM

DWG

DO

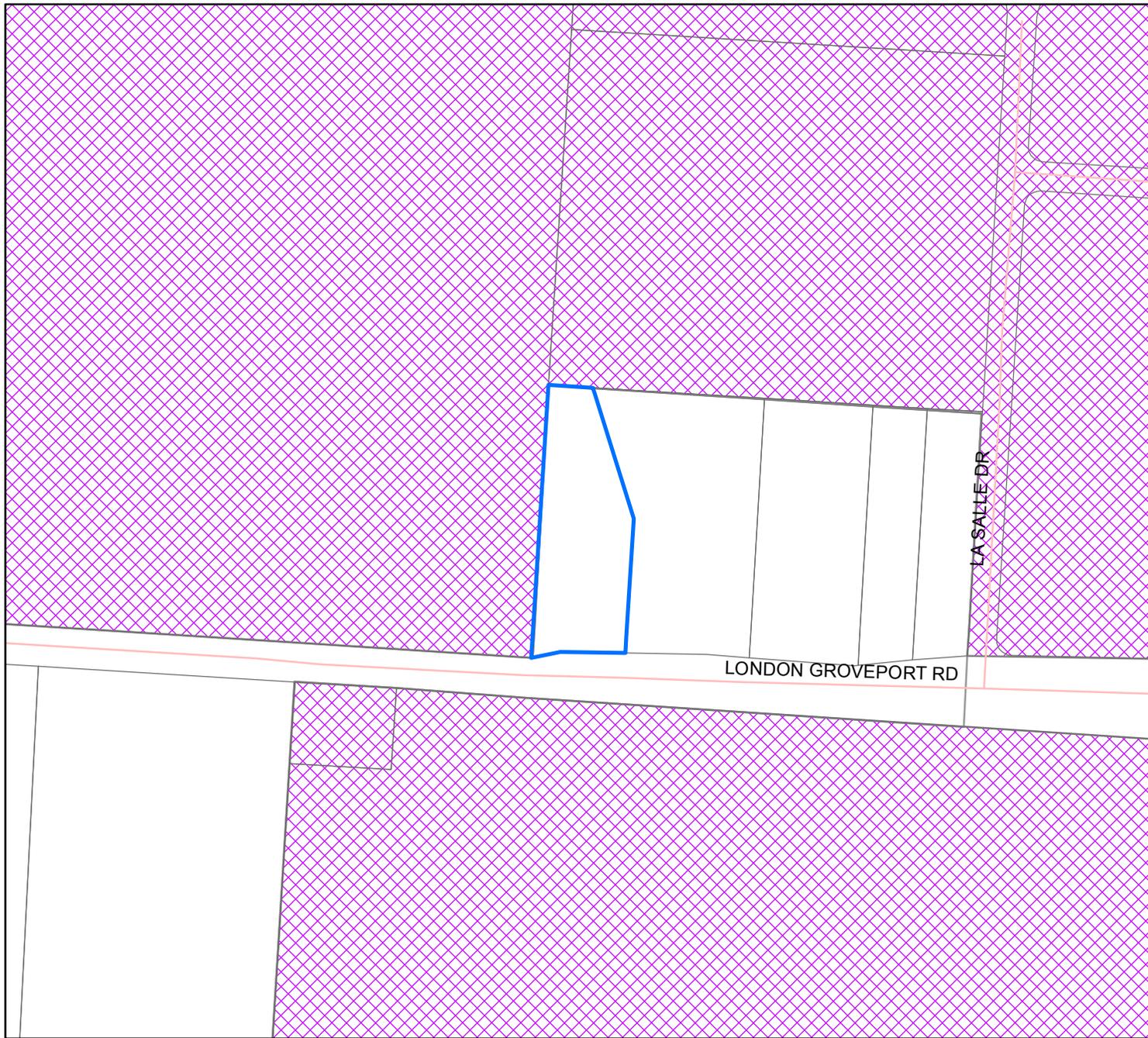
Ltr.

Ck.

CU-3797

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

2.295 acres
Hamilton Township



 1408 London Groveport Rd

 Parcels

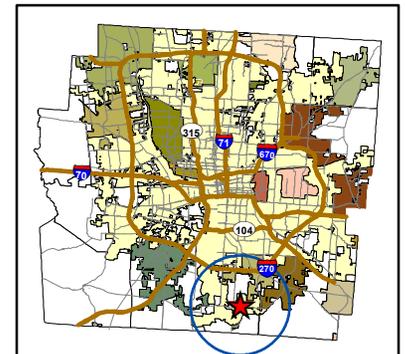
 Streets

County Zoning

 Rural

Columbus Zoning

 Manufacturing



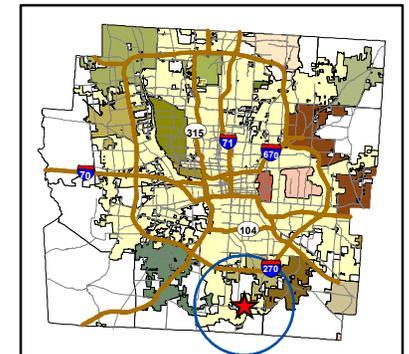


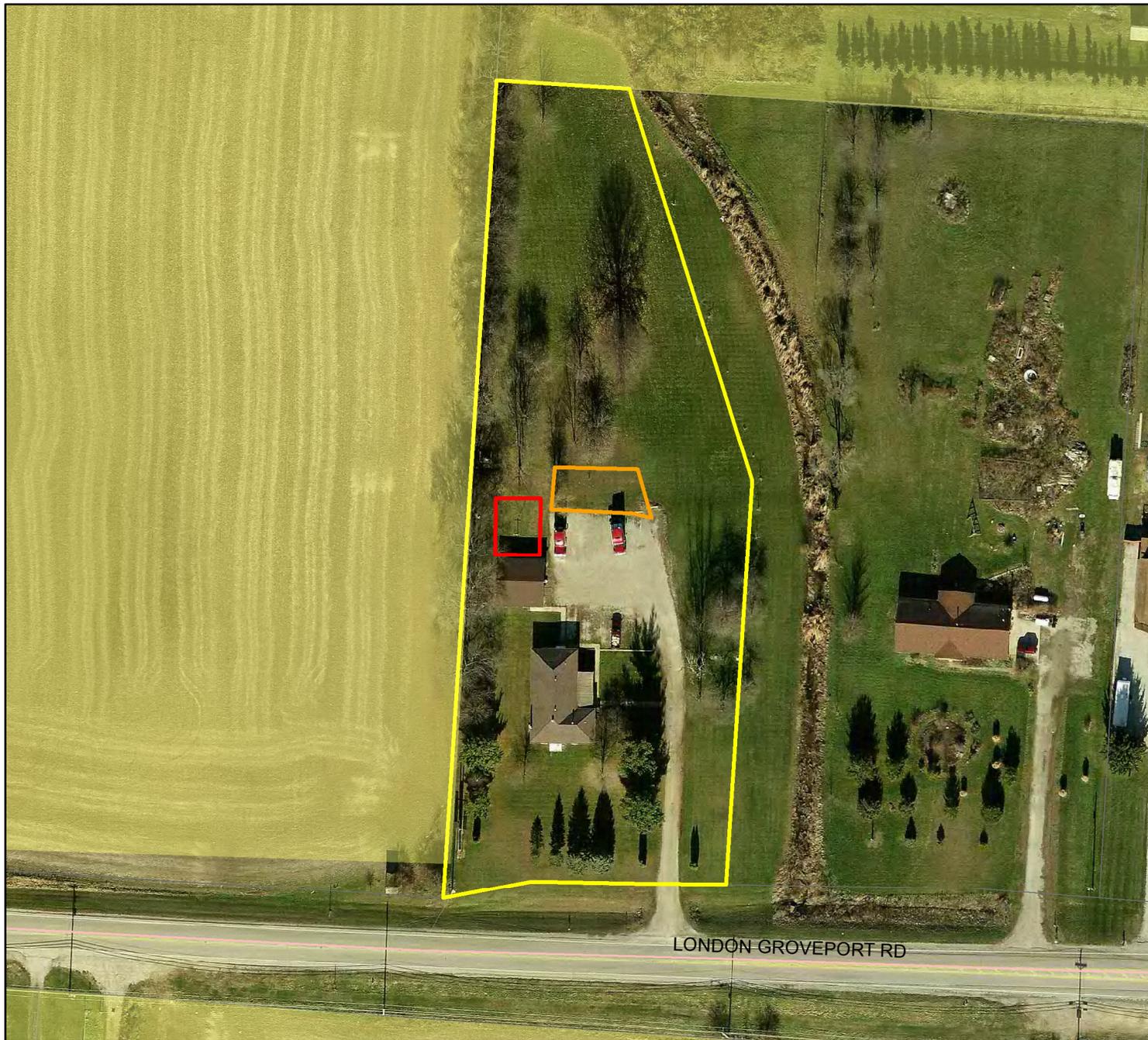
CU-3797

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

2.295 acres
Hamilton Township

-  1408 London Groveport Rd
-  Columbus Corp. Limit
-  Parcels
-  Streets



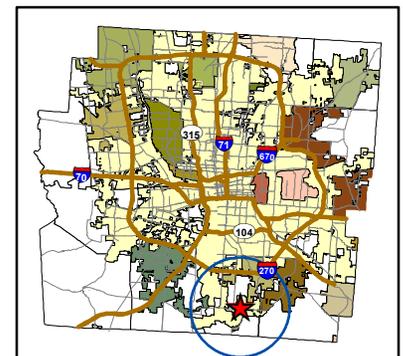


CU-3797

Requesting a Conditional Use from Section 511.03 of the Franklin County Zoning Resolution to allow for the operation of a home occupation from an accessory structure that involves the repair and sale of automobiles in an area zoned Rural.

2.295 acres
Hamilton Township

-  1408 London Groveport Rd
-  Proposed Accessory Building
-  Proposed Parking Expansion
-  Columbus Corp. Limit
-  Parcels
-  Streets





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

Economic Development & Planning Department
 James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
 July 15, 2013

Case VA-3798

Prepared by: Matt Brown

Applicant/Owner:	Thomas and Sheri Parr
Township:	Pleasant Township
Site:	5380 Lambert Road (PID # 230-002824)
Acreage:	6.26-acres
Zoning:	Rural
Utilities:	Onsite Water and Septic
Request:	Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will fail to be located to the side or rear of the principal building in an area zoned Rural.

Summary

The applicant is requesting a variance to allow the construction of an accessory building that will be located in front of the principal building. Staff recommends *approval with conditions*.

Description of the Request

The applicant's property is located on the east side of Lambert Road, approximately 0.4 miles north of London-Groveport Road. The property contains a 2,900 square foot house and a 2,240 square foot accessory building. The house is setback from the road right-of-way approximately 500 feet and the accessory building is setback approximately 460 feet.

The applicant is proposing to construct a new 1,380 square foot accessory building approximately 480 feet from the road right-of-way which is approximately 20 feet in front of the house.

Surrounding Area

The zoning in the surrounding area is Rural and Limited Suburban Residential (R-2). The area is low to medium density residential and agricultural in character. Hellbranch Run is located immediately to the east with riparian setbacks and floodplain associated with the stream.

Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in 2009, includes two maps to guide development: a Future Land Use map and a Conservation Strategy Tiers map. The Future Land Use map shows the subject site as Rural Estate with a recommended density of 0.2 to 1 dwelling unit per acre. The Conservation Strategy Tiers map shows the site as including environmentally sensitive land however the proposed development is located outside of the sensitive areas.

The Big Darby Accord Watershed Master Plan, adopted in 2006, also includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map shows the subject site as existing development in the Rural Residential Estate land use category with a recommended density of 0.2 dwelling units per acre. The Conservation Strategy Map also shows the site as existing development with environmentally sensitive areas.

The development proposal is consistent with both planning documents.

Staff Review

Variance from Section 512.02(2(a)):

- An accessory building shall be located to the side or rear of the principal structure and shall be no closer than 10 feet from any part of the principal structure.
 - The request is to allow an accessory building to be constructed in front of the principal structure.
 - The principal structure is setback approximately 500 feet from the road right-of-way and the proposed accessory building will be located approximately 20 feet in front of the principal structure

Franklin County Engineer's Office

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

Franklin County Drainage Engineer's Office

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

Franklin Soil and Water Conservation District

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

Staff Analysis

Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the Rural zoning district.*
 - » The property is impacted by the Big Darby Creek Riparian Setback and the proposed accessory building is located on the site in such a way as to protect this environmentally sensitive area.
- 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 the construction of the proposed accessory building which aside from the requested variance complies with all development standards for accessory buildings. The applicant could alleviate the need for the requested variance only by moving the building completely to the side of the house which would place it in the riparian setback and therefore require a variance from the riparian setback requirements.
- 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.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
 - » The proposed accessory building complies with all development standards except for its location with respect to the location of the house. The proposed accessory building is located in such a way as to protect the riparian setback on the property. The Big Darby Creek Riparian Setback standards of the Franklin County Zoning Resolution recommend that the Board of Zoning Appeals grant variances to other setback standards before granting variances to the riparian setback standards.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*

- » Allowing the development as proposed protects the public welfare by protecting the riparian setback on the property.

Recommendation

Staff recommends approval with conditions of the variance request based on staff’s analysis. The conditions are as follow:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive an approved building permit from the Franklin County Economic Development and Planning Department.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve the variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will fail to be located to the side or rear of the principal building as outlined in the request above for the applicant identified in Case No. VA-3798 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 as outlined in the request above for Case No. VA-3798 results from applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

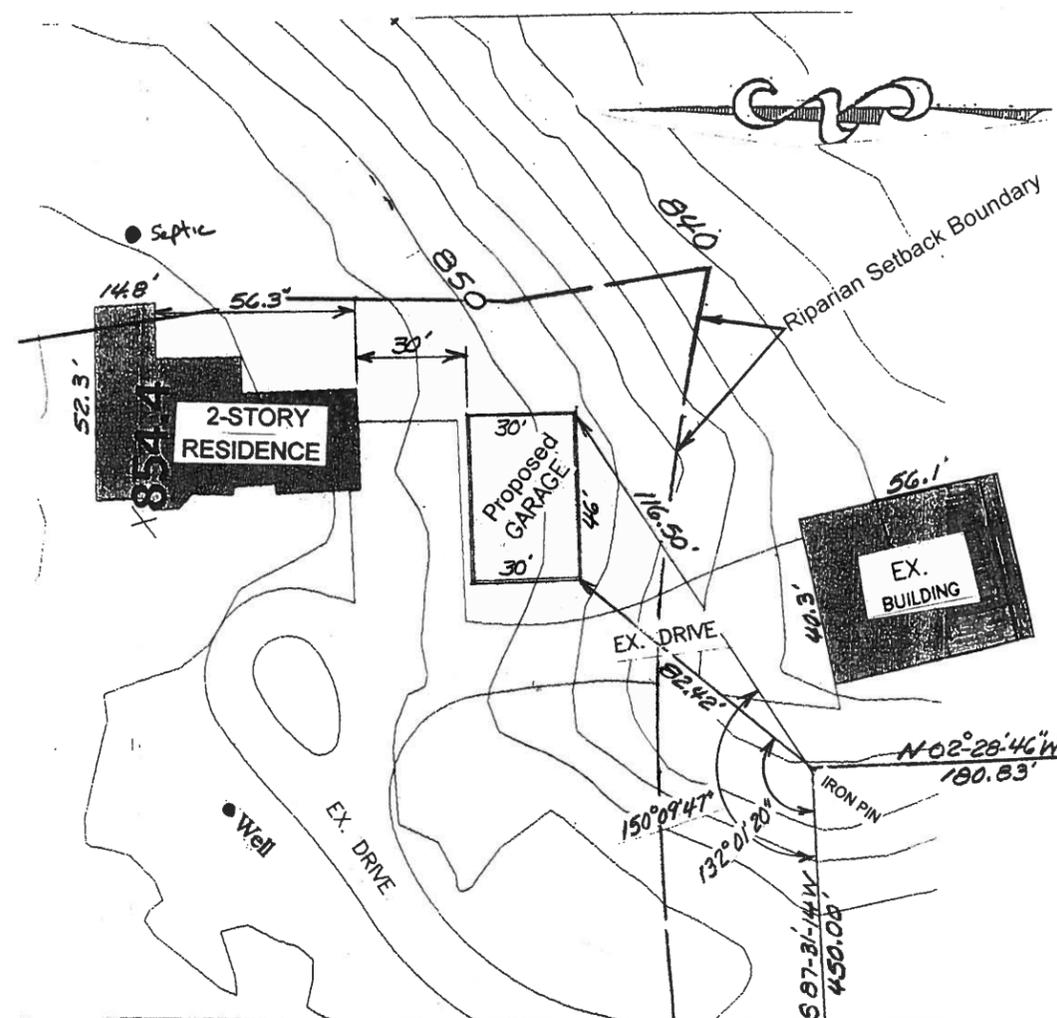
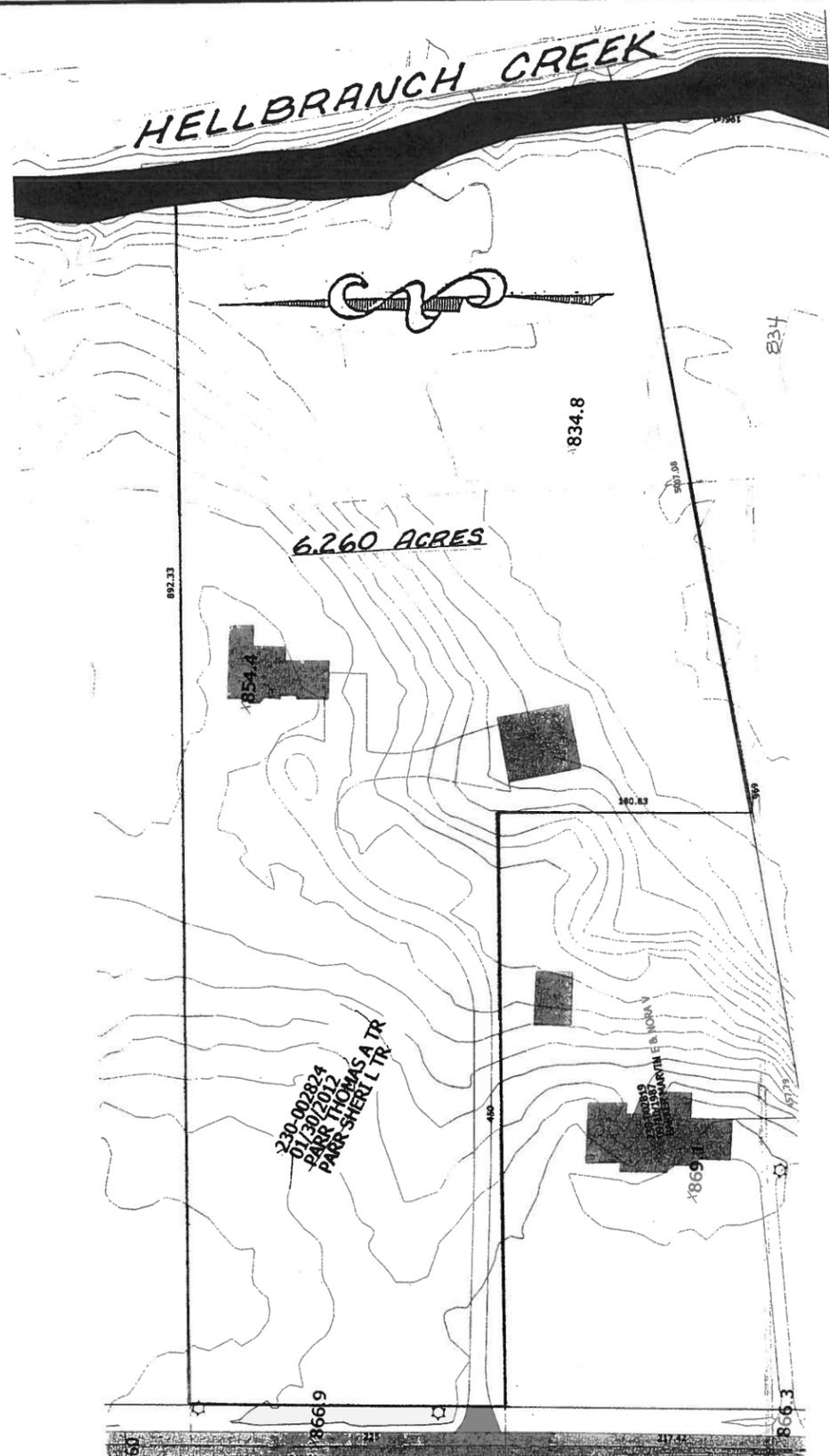
Seconded by: _____

Voting:

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JUN 13 2013

Franklin County Planning Department
Franklin County, OH



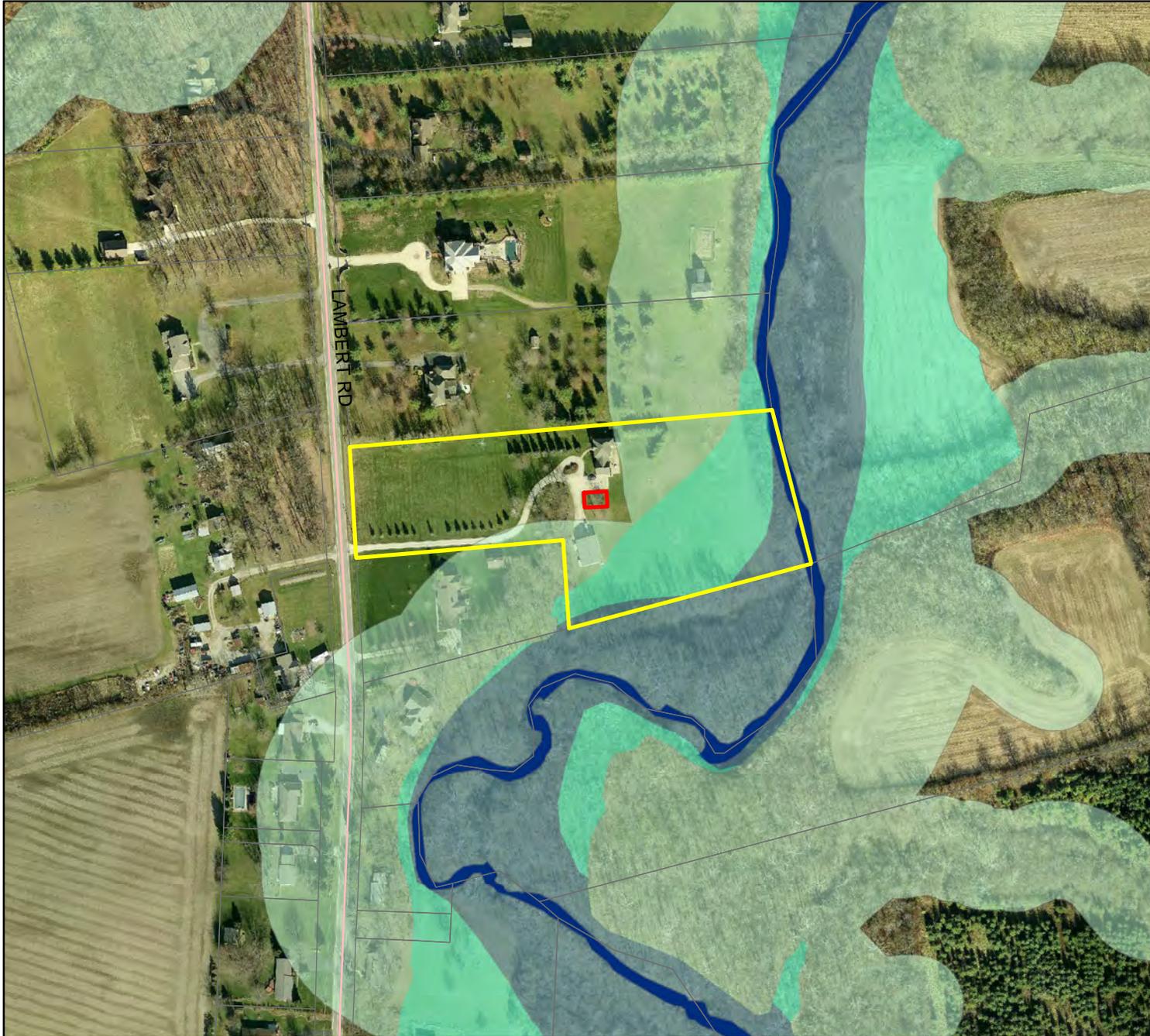
DETAIL
SCALE: 1" = 30'

5380 Lambert Road

Roger P. Arnold P.S.
Professional Land Surveyor #6065
3385 Josephine Circle
Grove City, Ohio 43123
(614) 875-7684



Proposed Lot Improvement		DRAWN BY R.P. ARNOLD	
SCALE: AS NOTED	APPROVED BY	DRAWING NUMBER 8149	
DATE: 6-12-13	FRANKLIN COUNTY, OHIO		



VA-3798

Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will fail to be located to the side or rear of the principal building in an area zoned Rural.

6.26 acres
Pleasant Township

 5380 Lambert Road

 Proposed Building

 Parcels

 Streets

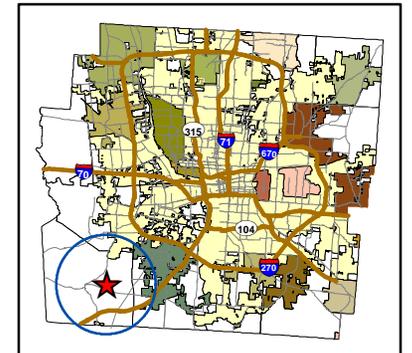
Floodplain

 1% Annual Flood Chance

 Floodway

 Streams

 Big Darby Setbacks





VA-3798

Requesting a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will fail to be located to the side or rear of the principal building in an area zoned Rural.

6.26 acres
Pleasant Township

5380 Lambert Road

Proposed Building

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