



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

Economic Development & Planning Department
James Schimmer, Director

Franklin County Board of Zoning Appeals

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

Monday, July 20, 2015
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 15, 2015 meeting
5. New Business:

i. VA-3832 – Anthony Hray

Applicant/Owner	Sharon Kendrick
Township:	Truro Township
Site:	2900 Renfro Rd. (PID #260-000377)
Acreage:	0.23 acres
Zoning:	Restricted Urban Residential (R-8) District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 312.044 of the Franklin County Zoning Resolution to construct a deck that will fail to meet the rear yard setback requirement in an area zoned Restricted Urban Residential (R-8) District.

ii. VA-3833 – Anthony Hray

Agent:	Istvan Gajary
Applicant/Owner:	Joshua McElhaney
Township:	Clinton Township
Site:	3913 Karl Rd. (PID #130-004032)
Acreage:	1.14 acres
Zoning:	Rural District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 501.012 and 501.024(b) of the Franklin County Zoning Resolution to construct a fence that will not meet the height and materials requirements in an area zoned Rural.

iii. VA-3834 – Anthony Hray

Applicant:	Hanawalt Exteriors
Owner:	Ed & Darlene Hinton
Township:	Brown Township
Site:	8566 Morris Rd. (PID #120-001028)
Acreage:	5.05 acres
Zoning:	Rural District
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution to construct an addition that is a prohibited use within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

6. Adjournment of Meeting to August 17, 2015



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

Economic Development & Planning Department
James Schimmer, Director

MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday, June 15, 2015

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, June 15, 2015.

Present were:

Christopher Baer, Vice Chairperson
Tim Guyton
Nancy Hunter

Franklin County Development Department members:

Matt Brown, Planning Administrator
Jonathan Lee, Planner

Mr. Baer opened the hearing.

The first order of business being approval of the minutes of the April 20, 2015, meeting. Ms. Hunter made a motion to approve the April 20, 2015, minutes. It was seconded by Mr. Baer. The motion passed by a two-to-zero vote, with Mr. Guyton abstaining.

NEW BUSINESS:

The next order of business being Variance Case No. VA-3830. The applicant/owner is William and Susan Chadwick. The site is located at 3314 Norton Road. The township is Pleasant Township. It is 3.345 acres. The request is for a variance from Sections t650.162(a) and 513.012(1)(b) of the Franklin County Zoning Resolution to allow construction of an above-ground pool with decking that is a prohibited use in the Big Darby Creek Watershed Riparian Setback and will fail to meet the pool location requirement in an area zoned Rural. Mr. Jonathan Lee read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance Case No. VA-3830 with staff's recommendations. The motion was seconded by Mr. Guyton. The motion was approved by a three-to-zero vote.

The next order of business being Variance Case No. VA-3831. The applicant/owner is Daniel and Linda Sherritt. The site is located at 3759 Darbyshire Drive. The township is Norwich Township. It is 0.30 acres. The request is for a variance from Sections 308.42, 504.012 and 531.014(2)(a) of the Franklin County Zoning Resolution to legitimize construction of a parking facility expansion to a driveway that will fail to meet the lot coverage and parking setback requirements from the front and side property line in an area zoned Suburban Residential. Charles H. McClenaghan appeared on behalf of the applicants/owners David and Linda Sherritt. Mr. Jonathan Lee read and presented the case to the Franklin County Board of Zoning Appeals. Mr. McClenaghan presented the case on behalf of the applicants and introduced Applicant's Exhibits 1 through 16. Mr. Guyton made a motion to approve the Variance Case No. VA-3831. The motion was seconded by Ms. Hunter. The motion was denied by a three-to-zero vote. Mr. 150 South Front Street, FSL Suite 10 Columbus, Ohio 43215-7104
Tel: 614-525-3095 Fax: 614-525-7155 www.FranklinCountyOhio.gov

Guyton made a motion for the basis to deny the applicant's request for a variance from Sections 308.042, 504.012 and 531.014(2)(a) of the Franklin County Zoning Resolution as outlined in the request for Case No. VA-3831 results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041. The motion was seconded by Ms. Hunter. The motion was approved by a three-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Vice Chairperson Baer adjourned the meeting. The hearing was adjourned at 2:55 p.m.

Minutes of the June 15, 2015, Board of Zoning Appeals hearing were approved this 20th day of July, 2015.

Signature



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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
July 20, 2015

Case VA-3832

Prepared by: Anthony Hray

Applicant/Owner:	Sharon Kendrick
Township:	Truro Township
Site:	2900 Renfro Road (PID #260-000377)
Acreage:	0.23-acres
Zoning:	Restricted Urban Residential (R-8) District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 312.044 of the Franklin County Zoning Resolution to construct a deck that will fail to meet the rear yard setback requirement in an area zoned Restricted Urban Residential (R-8) District.

Summary

The applicant is requesting a Variance from Section 312.044 to allow the reconstruction of a deck that will fail to meet the rear yard setback requirement. Staff recommends **approval with conditions**.

Description of the Request

The subject site is lot 520 of the Qualstan East subdivision, located on the southeast corner of Renfro Road and Norcrest Drive. The site is developed with a 1,400 square-foot single-family home built in 1969, and a wooden deck totaling approximately 300 square feet. The applicant has requested to reconstruct the deck, which was originally built by one of the previous property owners, in the same footprint. Both the home and deck violate the required rear yard setback and are considered to be non-conforming structures. Reconstruction of a non-conforming structure is only permitted if it complies with the current development standards of the zoning district in which the non-conforming structure is located.

Surrounding area

The area surrounding the subject site consists of medium density single-family homes zoned Restricted Urban Residential (R-8).

Comprehensive Plan

The Blacklick-Madison Area Plan, adopted in 2011, recommends the site and surrounding area remain developed as medium density residential land uses. The applicant’s request does not conflict with this land use recommendation.

Staff Review

Variance from Section 312.044 – Rear Yard Setback:

- For main buildings there shall be a rear yard of twenty percent (20%) or more of the lot depth, except a rear yard of more than thirty (30) feet shall not be required.
 - The required rear yard for the site is 0.20×72.35 (lot depth) = 14.47 feet
 - The deck currently maintains a rear yard setback of seven (7) feet
 - The deck will be reconstructed in the same location, thus a variance of 7.47 feet is required

Technical Agencies

No comments or concerns.

Staff Analysis

Section 810.041 – Approval of Variance:

- 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;*
 - » The unique geometry of the lot and orientation of the home are special conditions that do not apply to other structures/property in the same zoning district.
- 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;*
 - » A literal interpretation would deprive the applicant the ability to construct a deck to the rear of the home; a right commonly enjoyed by other properties in the same zoning district.
- 3) *The special circumstances and conditions of this request do not result from the action of the applicant;*
 - » The special conditions previously mentioned are not a result of any action 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 privilege on the applicant.
- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property or public improvements in the vicinity;*
 - » Granting the variance will not negatively affect any of the above.

Recommendation

Staff recommendation is that the BZA **approve** a Variance from Section 312.044 of the Franklin County Zoning Resolution to construct a deck that will fail to meet the rear yard setback requirement with the following conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance for the proposed deck.
2. The applicant must apply for and receive approval of a Building Permit for the proposed deck from the Franklin County Building Department.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a Variance from Section 312.044 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No.VA-3832 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 a Variance from Section 312.044 of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3832 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

GIS)

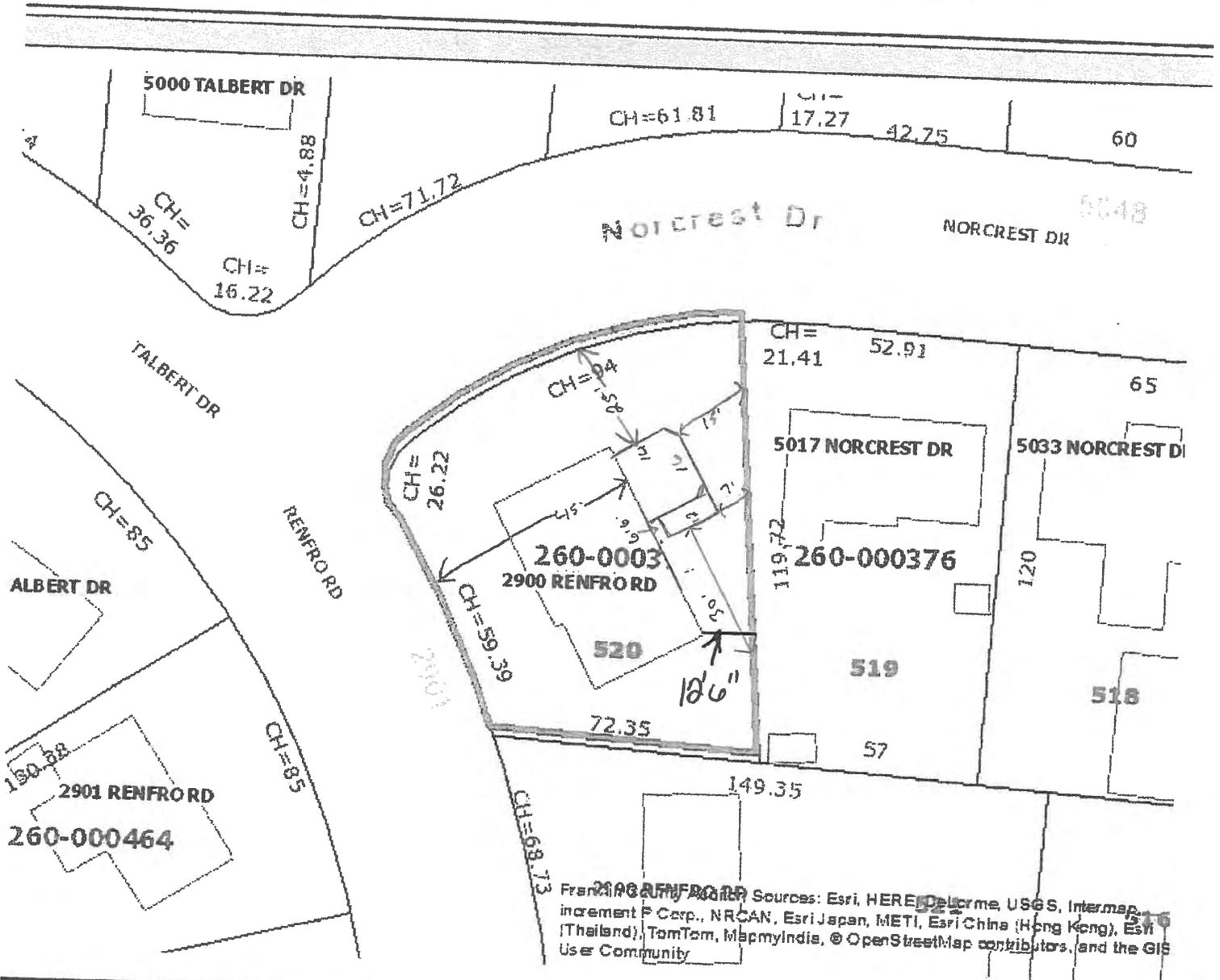
ID
0037700

Map Routing No
260N122M
27300

Owner
AUSTIN SHARON J

Location
2900 RENFRO RD

Generated on 05/08/2016 at 11:45:19 AM



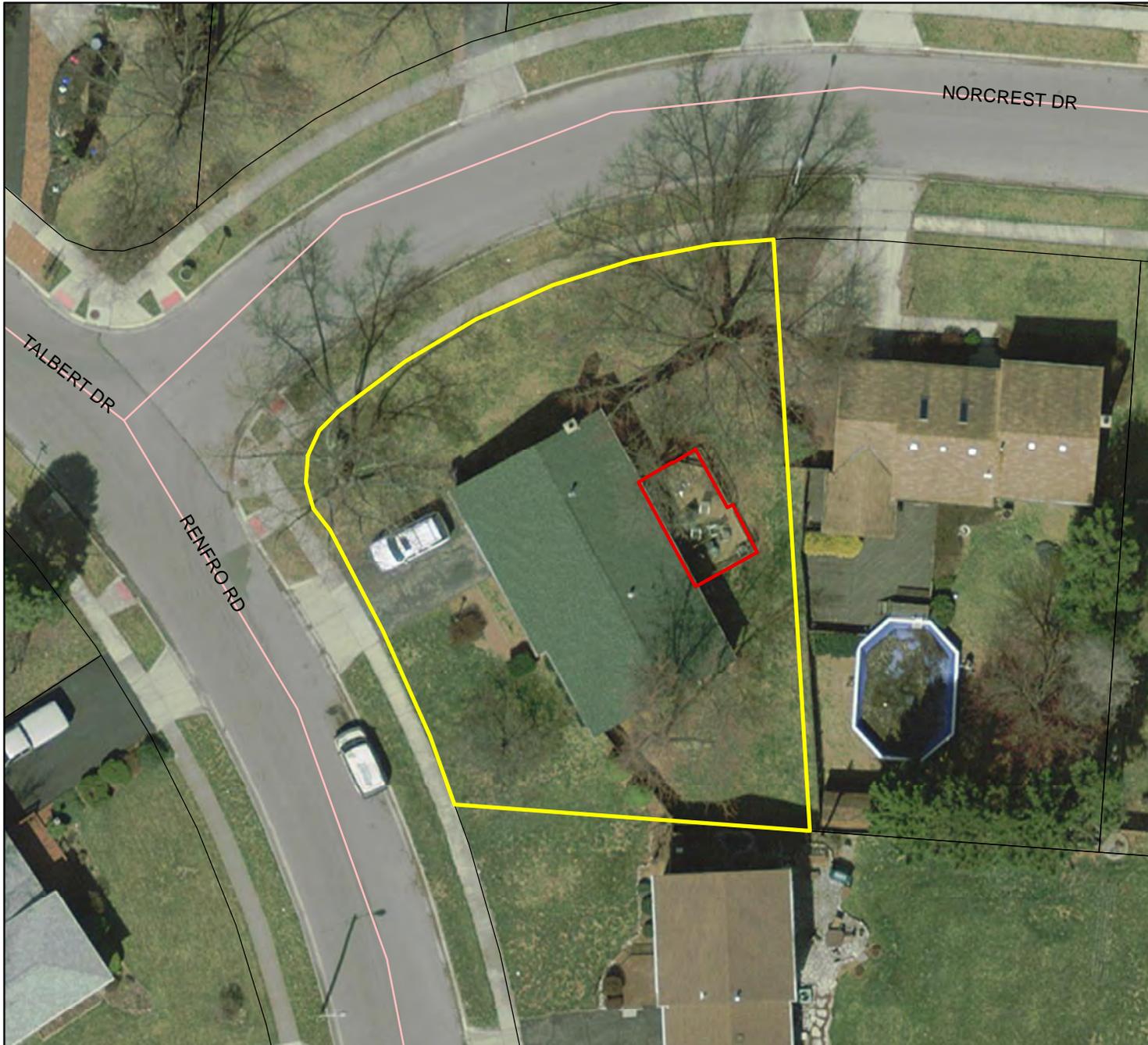
Drawing is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. If this drawing are notified that the public primary information source should be consulted for verification of the information contained on this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

Information on this web site is prepared for the real property inventory within this county. Users of this data are notified that the public primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

RECEIVED
JUN 11 2015

Franklin County Planning Department
Franklin County, Ohio

A-3032



VA-3832

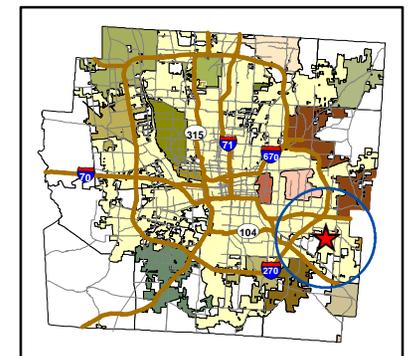
Requesting a Variance from Section 312.044 of the Franklin County Zoning Resolution to construct a deck that will fail to meet the rear yard setback requirement in an area zoned Restricted Urban Residential (R-8) District.

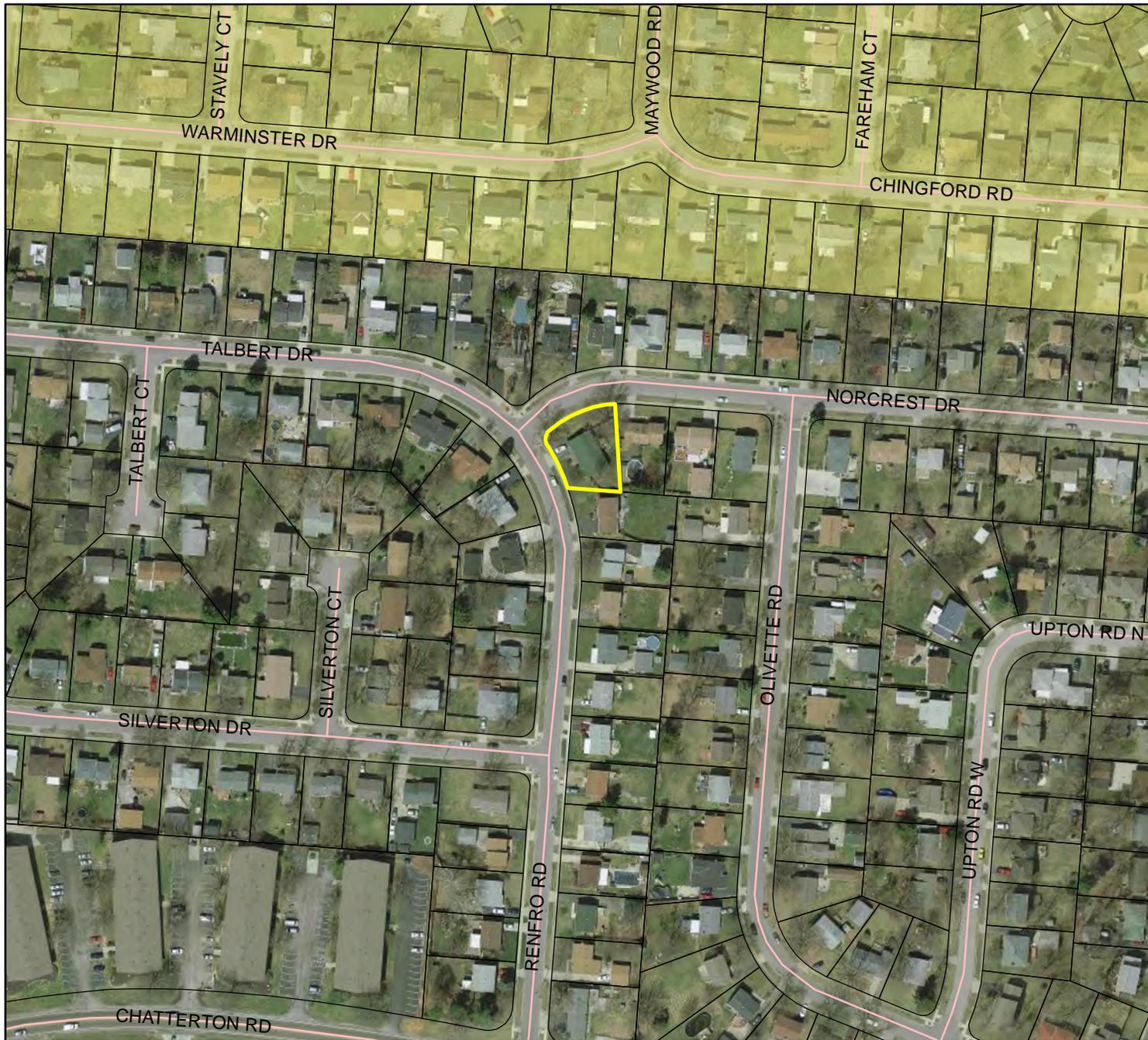
0.23 acres
Truro Township

-  2900 Renfro Road
-  Parcels
-  Streets
-  Proposed Deck

Corporate Boundaries

-  Columbus





VA-3832

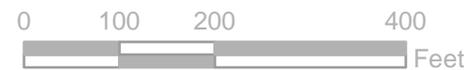
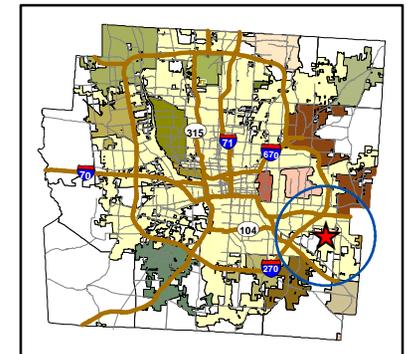
Requesting a Variance from Section 312.044 of the Franklin County Zoning Resolution to construct a deck that will fail to meet the rear yard setback requirement in an area zoned Restricted Urban Residential (R-8) District.

0.23 acres
Truro Township

- 2900 Renfro Road
- Parcels
- Streets

Corporate Boundaries

- Columbus





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
July 20, 2015

Case VA-3833

Prepared by: Anthony Hray

Agent:	Istvan Gajary
Applicant/Owner:	Joshua and Abby McElhaney
Township:	Clinton Township
Site:	3913 Karl Road (PID #130-004032)
Acreage:	1.14-acres
Zoning:	Rural District
Utilities:	Public water and wastewater
Request:	Requesting a Variance from Section 501.012 and 501.024(b) of the Franklin County Zoning Resolution to construct a fence that will fail to meet the height and materials requirements in an area zoned Rural.

Summary

The applicant is requesting a Variance from Sections 501.012 and 501.024(b) to allow the construction of a four (4) foot tall, chain-link fence between the street and the principal structure. Staff recommends denial.

Description of the Request

The subject site is located on the southwest corner at the intersection of Karl and Cooke Roads. The site is developed with a 1,600 square-foot single-family home built in 1953; an attached two-car garage, in-ground swimming pool, and a 200 square foot accessory building. The applicant has requested a variance to complete construction of a four (4) foot tall, chain-link fence that will be located between the street and the principal structure.

Surrounding area

The area surrounding the subject site is comprised of low and medium density single-family homes. The properties located immediately to the north, west and south are within Clinton Township and are zoned Rural. Properties to the east along Karl Road are within the City of Columbus and are zoned Suburban Residential.

Comprehensive Plan

The site is outside the planning area of Clinton-Mifflin Land Use Plan, however the North Linden Neighborhood Plan Amendment, adopted in 2014, recommends the site and surrounding area remain developed with low to medium density residential land uses. The applicant’s request does not conflict with this land use recommendation.

Staff Review

Variance from Section 501.012 – Fence Height:

- No fence or wall between a street and a principal structure shall be more than three and one half (3 ½) feet (42 inches) in height.
 - The applicant is requesting a variance to allow the construction of a four (4) foot tall fence between the street and the principal structure

Variance from Section 501.024(b) – Fence Materials:

- Chain link fences shall not be permitted between a street and a principal structure
 - The applicant is requesting a variance to allow the use of chain link material

Technical Agencies

No comments or concerns.

Staff Analysis

Section 810.041 – Approval of Variance:

- 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;*
 - » The applicants have suggested that the lot fronting on two (2) streets is a special circumstance that is unique to the property involved and is not applicable to other properties in the same zoning district. However, this condition is not uncommon and does not prohibit the applicants from meeting the fencing requirements as written.
- 2) *A literal interpretation of the provisions of this Zoning Resolution will not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
 - » The applicants have suggested that a literal interpretation will deprive them from fencing a considerable portion of their yard; denying their dog and children the ability to play freely and securely in their yard. However, staff found that a literal interpretation does not prevent the applicant rights commonly enjoyed by other properties in the same zoning district.
- 3) *The special circumstances and conditions of this request do not result from the action of the applicant;*
 - » The special conditions previously stated by the applicants are not a result of any action of the applicant.
- 4) *Granting the variance requested will 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 provide the applicants with special privileges that are denied to other properties in the same zoning district.
- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property or public improvements in the vicinity;*
 - » Granting the variance may be materially detrimental to the public welfare. Approving variances of this type may set an unfavorable precedent for future requests which are similar in nature. The fencing standards were adopted to ensure residential areas remain inviting and visually appealing.

Recommendation

Staff recommendation is that the BZA deny a Variance from Sections 501.012 and 501.024(b) of the Franklin County Zoning Resolution to construct a fence that will fail to meet the height and materials requirements. The reason for denial is that the applicants have failed to satisfy the criteria for granting a variance under Section 810.041.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a Variance from Section 501.012 and 501.024(b) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No.VA-3833.

Seconded by: _____

Voting:

Findings of Fact

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

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

_____ moves that the basis for denying the applicant’s request for a Variance from Section 501.012 and 501.024(b) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3833 results from applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

Voting:

Site plan



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 6/10/15



Disclaimer

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

Scale 1" = 80'



RECEIVED
JUN 11 2015
Franklin County Planning Department
Franklin County, Ohio
Real Estate / GIS Department

VA-3833



VA-3833

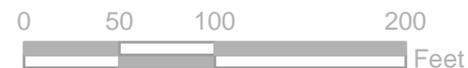
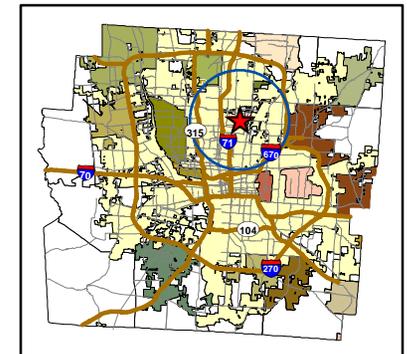
Requesting a Variance from Section 501.012 and 501.024(b) of the Franklin County Zoning Resolution to construct a fence that will not meet the height and materials requirements in an area zoned Rural.

1.14 acres
Clinton Township

-  3913 Karl Road
-  Parcels
-  Streets
-  Proposed Fence

Corporate Boundaries

-  Columbus





VA-3833

Requesting a Variance from Section 501.012 and 501.024(b) of the Franklin County Zoning Resolution to construct a fence that will not meet the height and materials requirements in an area zoned Rural.

1.14 acres
Clinton Township

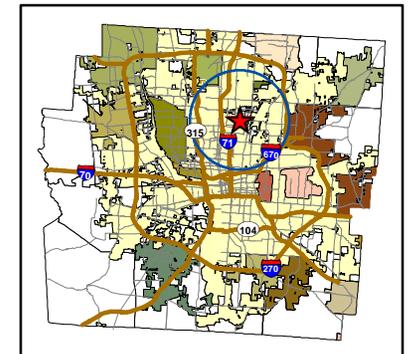
 3913 Karl Road

 Parcels

 Streets

Corporate Boundaries

 Columbus





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

Economic Development & Planning Department
James Schimmer, Director

STAFF REPORT

Board of Zoning Appeals
July 20, 2015

Case VA-3834

Prepared by: Anthony Hray

Applicant:	Hanawalt Exteriors
Owner:	Ed and Darlene Hinton
Township:	Brown Township
Site:	8566 Morris Road (PID #120-001028)
Acreage:	5.05-acres
Zoning:	Rural District
Utilities:	Private water and wastewater
Request:	Requesting a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to construct an addition that is a prohibited use within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

Summary

The applicant is requesting a Variance from Section 650.162(a) to allow the construction of a deck and sunroom within the Big Darby Creek Watershed Riparian Setback. Staff recommends *approval with conditions*.

Description of the Request

The subject site is located to the north of Morris Road, approximately one-half mile east of Amity Road. The site is developed with a 2,500 square-foot single family home built in 1990, a 3,600 square-foot accessory building constructed in 1993, and a 100 square foot shed with an unknown date of construction. The applicant has requested to remove an existing deck attached to the rear of the home totaling approximately 372 square feet, and replace it with a 696 square foot deck with a screened in porch constructed on top. Approximately 75 percent of the property is located within the riparian setback, which includes the applicant’s residence, existing deck, and accessory building. The proposed deck/screened in porch is to be located entirely within the riparian setback.

Surrounding area

The area surrounding the subject site is comprised of larger lots zoned Rural, with a combination of single-family residential and agricultural land uses. The subject site is within the Big Darby Watershed and is bisected from east to west by the Patterson Ditch.

Comprehensive Plan

The Brown Township Comprehensive Plan, adopted in 2005, recommends Low Density Rural Residential land uses for this area. The Comprehensive Plan also designates this area as a first tier conservation zone recognizing the presence of wooded areas and streams. The Big Darby Accord

Watershed Master Plan, adopted in 2006, also makes land use and conservation strategy recommendations for this area of the township. The Watershed Master Plan recommends land uses compatible with the Rural Residential Estate category for this area, and identifies Tier 1 and Tier 2 land on the subject site. Areas designated as Tier 1 are considered a primary priority for protection and are important in maintaining the overall health of the watershed. Tier 2 areas are a secondary priority for protection and constitute an integral piece of the open space network by creating linkages between all other components of the land conservation strategy. The applicant's request is consistent with the land use recommendations of both planning documents and will not negatively impact any land included in the conservation strategy.

Staff Review

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

- Construction of buildings or structures of any kind or size within the Big Darby Watershed Riparian Setback is prohibited.
 - The applicant is requesting to construct a 29 foot by 24 foot deck (approximately 696 square-feet) with a screened in porch built using the deck as its foundation.
 - The proposed deck will replace an existing deck measuring 31 feet by 12 feet (approximately 372 square-feet)
 - The net increase of impervious area on the lot will be 324 square-feet or 0.14 percent.

Technical Agencies

According to the Franklin Soil and Water Conservation District (FSWCD), mitigation is required to be consistent with the Ohio EPA General Permit for storm water discharges associated with construction activities within the Big Darby Creek Watershed. The permit requires that infiltration and groundwater recharge equal or exceed the pre-development groundwater recharge. Although the permit itself does not apply to this development due to the small area of disturbance, its requirements are still appropriate and must be met to consider approval of the variance request. Based on the location of disturbance (Zone 2), a mitigation ratio of three to one (3:1) is required. The net increase in impervious surface is 324 square-feet in size; therefore mitigation of 972 square-feet is needed to off-set the impact of the proposed development. Mitigation is accomplished primarily by planting native trees and/or shrubs within the riparian setback area. The applicant must complete a landscape plan to be reviewed and approved by the FSWCD demonstrating proper mitigation.

No other technical agencies posed any concerns with the request.

Staff Analysis

Section 650.20(a) – Variances Within Riparian Setbacks:

- The Franklin County Board of Zoning Appeals (BZA) 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 inflict a negative impact on the riparian setback, nor will it reduce the setback area's effectiveness in supplying riparian functions. A net increase in impervious area of 0.14 percent is proposed. Provided the applicant properly mitigates the proposed disturbance, the proposal will not harm or reduce the functions of the riparian setback.
 - 2) *The Board may not authorize any structure in a Zoning District other than those authorized in the underlying Zoning District.*
 - » A deck and screened in porch are permitted structures in the Rural District.
 - 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 BZA. If the applicant does not use the variance within one (1) year of its issuance, it shall expire and no work may commence without either renewing the variance or receiving a new variance approval from the BZA.

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.*
 - » No existing vegetation, aside from grass, will be disturbed or removed as a result of the proposed development.
 - 2) *The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback*
 - » Provided the applicant properly mitigates the proposed disturbance with the required amount of native plantings, the applicant will 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 Conservation District.*
 - » Provided the applicant installs and maintains proper sediment and erosion controls in consultation with the FSWCD, the applicant will minimize erosion and control sediment.
 - 4) *The degree to which the presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to any waterway.*
 - » Provided the applicant properly mitigates the proposed disturbance with the required amount of native plantings, the applicant will off-set the impact of increased impervious cover.

Section 810.041 – Approval of Variance:

- 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;*
 - » The applicant states that the home and existing deck are within the riparian setback but were constructed well before the riparian setback regulations were in effect.
 - » Based on staff analysis, other properties along Morris Road impacted by the riparian setback have available rear yard space (outside of the setback area) to locate a deck.
- 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;*
 - » A literal interpretation would deprive the applicant the ability to locate a deck in a location that is feasible considering the layout of the home. The home has two (2) entry doors located on the northwest side of the house which will be integrated into the proposed screen room.
- 3) *The special circumstances and conditions of this request do not result from the action of the applicant;*
 - » No special circumstances or conditions apply as a result of any action of the applicant. The existing home and deck were built prior to adoption of the Big Darby Creek Watershed Riparian Setbacks in 2008.
- 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 privilege on the applicant but will permit the applicant to build a deck and screened in porch in a location where it is feasible based on the layout of the home.

- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or be injurious to private property or public improvements in the vicinity;*
» Pending review and approval of the applicant’s required mitigation; the proposed construction will not be detrimental to the surrounding area.

Recommendation

Staff recommendation is that the BZA approve a Variance from Section 650.162(a) of the Franklin County Zoning Resolution to construct an addition that is a prohibited use within the Big Darby Creek Watershed Riparian Setback with the following conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance for the proposed deck and screened in porch from the Franklin County Economic Development and Planning Department.
2. The applicant must apply for and receive approval of a Building Permit for the proposed deck and screened in porch from the Franklin County Building Department.
3. The applicant must submit a landscape plan with the Certificate of Zoning Compliance Application demonstrating mitigation compliance with the Ohio EPA General Permit to be reviewed and approved by the Franklin Soil and Water Conservation District and Franklin County Economic Development and Planning Department.
4. The applicant, under direction of the Franklin Soil and Water Conservation District, must install and maintain sediment and erosion control measures prior to any earth disturbing activities and during all phases of construction.
5. The applicant shall remove the existing 100 square foot shed from the property and vegetate the area with grass or approved landscaping in consultation with the Franklin Soil and Water Conservation District. The shed must be removed before receiving a final building inspection for the deck and screened in porch from the Franklin County Building Department.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution for Request:

_____ moves to approve a Variance from Section 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA-3834 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 a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution as outlined in the request above for Case No. VA-3834 results from applicant's failure to satisfy the criteria for granting a variance under Sections 650.20(a), 650.20(b) and 810.041.

Seconded by: _____

Voting:

SECTION

DATE

APPROVED

**BOARD OF HEALTH
FRANKLIN COUNTY**

*Set no 91108
South
Back top*

*145
31105*

*105
11000*

RECEIVED

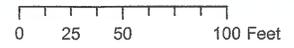
APR 11 2015

Franklin County Planning Department
Franklin County, Ohio

VA-3834



1 inch = 60 feet



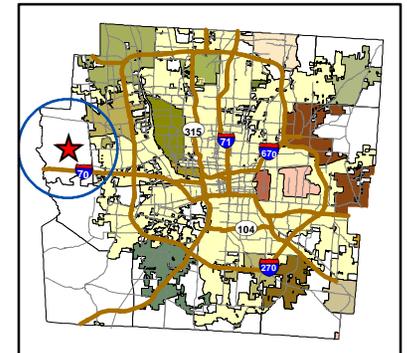


VA-3834

Requesting a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution to construct an addition that is a prohibited use within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

5.05 acres
Brown Township

-  8566 Morris Road
-  Parcels
-  Proposed Addition
-  Patterson Ditch
-  Big Darby Creek Setbacks





VA-3834

Requesting a Variance from Sections 650.162(a) of the Franklin County Zoning Resolution to construct an addition that is a prohibited use within the Big Darby Creek Watershed Riparian Setback in an area zoned Rural.

5.05 acres
Brown Township

-  8566 Morris Road
-  Parcels
-  Streets
-  Patterson Ditch
-  Big Darby Creek Setbacks

