



**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, June 17, 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 April 15, 2013 meeting
5. Old Business:

**A. VA-3788 – Anthony Hray – *Requesting to table until July 15, 2013***

<b>Applicant:</b>	Agler Tire c/o Jamal Hemamou
<b>Owner:</b>	Farida Boa
<b>Agent:</b>	David Hodge, Esq.
<b>Township:</b>	Clinton Township
<b>Site:</b>	2925 Westerville Road (PID #130-000008)
<b>Acreage:</b>	0.301-acres
<b>Zoning:</b>	Community Service (CS)
<b>Utilities:</b>	Private Water and Wastewater
<b>Request:</b>	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).

**6. New Business:**

**A. VA-3791 – Anthony Hray**

<b>Applicant/Owner:</b>	Mary E. Evans-Renkar
<b>Township:</b>	Pleasant Township
<b>Site:</b>	5960 Graessle Road (PID # 230-000011)
<b>Acreage:</b>	5.01-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Private water and wastewater
<b>Request:</b>	Requesting 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 width and results in a residual lot of less than 5 acres in an area zoned Rural.

**B. VA-3792 – Anthony Hray**

<b>Applicant:</b>	C. David Johnson, Architect
<b>Owner:</b>	Akshita Properties LLC / Ammar Karmin
<b>Township:</b>	Franklin Township
<b>Site:</b>	297 Georgesville Road (PID #130-002671)
<b>Acreage:</b>	0.813-acres
<b>Zoning:</b>	Community Service (CS) District
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	Requesting 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 (CS).

**C. VA-3793 – Anthony Hray**

<b>Applicant:</b>	Southwestern City Schools, c/o Mark Waller
<b>Owner:</b>	Southwestern City Schools Board of Education
<b>Township:</b>	Franklin Township
<b>Site:</b>	1001 Demorest Road (PID #140-000373)
<b>Acreage:</b>	38.058 - acres – Franklin County
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	Requesting 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.

**D. VA-3794 – Anthony Hray**

<b>Applicant/Owner:</b>	Roseline Aleanu
<b>Township:</b>	Clinton Township
<b>Site:</b>	3760 Cleveland Avenue (PID #130-0067000)
<b>Acreage:</b>	0.25-acres
<b>Zoning:</b>	Community Service (CS) District
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	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).

**E. AP-3795 – Anthony Hray**

<b>Appellant/Owner:</b>	Karen M. McMichael
<b>Township:</b>	Hamilton Township
<b>Site:</b>	160 Jackson Road (PIDs #150-001212, 001214, 001216)
<b>Acreage:</b>	0.51-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Appealing 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 non-conforming use that began prior to the adoption of zoning in 1948.
<b>Request:</b>	

**6. Adjournment of Meeting to July 15, 2013**

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

**Monday, April 15, 2013**

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, April 15, 2013.

Present were:

Christopher Baer, Vice Chairperson  
Tim Guyton  
Nancy Hunter

Franklin County Economic Development and Planning Department members:

Lee Brown, Planning Administrator  
Anthony Hray, Planner

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

The first order of business being approval of the minutes of the March 18, 2013, Franklin County Board of Zoning Appeals hearing. Ms. Hunter made a motion to approve the minutes. It was seconded by Mr. Guyton. The minutes were approved by a three-to-zero vote.

**OLD BUSINESS:**

The next order of business being Case No. VA-3786. The applicant is Bruce McCormick. The site is located at 4582 Katherine Road. The township is Madison Township. It is 0.39 acres. The request is for a Variance from Section 504.011 to legitimize the extension of the principal building that fails to meet the required building setback in an area zoned Rural.

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

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Case No. VA-3786. Ms. Hunter seconded the motion. The motion was approved by a three-to-zero vote.

**NEW BUSINESS:**

The next order of business being Case No. VA-3799. The applicant is Agler Tire, C/O Jamal Hemamou. The owner is Farida Boa. The township is Clinton Township. It is located at 2925 Westerville Road. It is .301 acres in size and the request is for a Variance from Section Nos. 332.042(c), 332.045, 501.012, 501.024, 501.013, 502.021(4), 505.022(a), 505.024(a), and 531.02 to allow for the use of a temporary structure in association with a used tire store that fails to meet the minimum landscaped open space, front greenbelt, fence height, fence material, Dumpster location, Dumpster screening, and parking space requirements in an area zoned Community Services.

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

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to table the case until the June 2013 meeting of the Board of Zoning Appeals. It was seconded by Vice Chairperson Baer. The motion was approved by a three-to-zero vote.

The next order of business being Case No. VA-3789. The applicant is IForce. The owner is Rylee, Ltd. The township is Franklin Township. It is located at 3571 West Broad Street. The request is to withdraw the case. Ms. Hunter made a motion to table the case. It was seconded by Vice Chairperson Baer. The motion was approved by a three-to-zero vote.

The next order of business being Case No. VA-3790. The applicant is Karryen Jones. The township is Madison Township. It is located at 3764 Noe-Bixby Road. It is 0.46 acres in size and the request is for a Variance from Section 502.021(3) to legitimize the construction of a residential driveway (parking pad) that does not meet the minimum 3-foot setback requirement from a property line in an area zoned Restricted Urban Residential.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve the Variance from Section 502.012(3) to legitimize the construction of the residential driveway parking pad that does not meet the minimum 3-foot setback requirement from a property line. Ms. Hunter seconded the motion. The motion was approved by a two-to-one vote.

Ms. Hunter made a motion to approve the Variance from Section 502.021(3) to legitimize the construction of the residential driveway, continuation of the blacktop pad that does not meet the minimum 3-foot setback requirement from the property line. It was seconded by Mr. Guyton. The motion failed by a two-to-one vote.

Mr. Guyton made a motion to accept the Findings of Fact. The basis for denying the applicant's request as it relates to the driveway turnaround extension as outlined in the request results from the applicant's failure to satisfy the criteria for granting a Variance under Section 810.041. It was seconded by Ms. Hunter. The motion was approved by a vote of two yeses with one abstention.

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

And, thereupon, the hearing adjourned at 4:01 pm.

Minutes of the April 15, 2013, Board of Zoning Appeals hearing were approved this 20th day of May, 2013.

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*Signature*

**Hray, David A.**

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**From:** David Hodge <DHodge@smithandhale.com>  
**Sent:** Thursday, June 06, 2013 5:01 PM  
**To:** Hray, David A.  
**Subject:** RE: CARPORT PDF

Anthony-

Got you voicemail, sorry I missed you. We'll table another month. Call me when you have a few minutes.

Thanks,

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](mailto:dhodge@smithandhale.com)

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**From:** Hray, David A. [<mailto:dahray@franklincountyohio.gov>]  
**Sent:** Wednesday, June 05, 2013 4:30 PM  
**To:** David Hodge  
**Subject:** RE: CARPORT PDF

David-

If the opportunity presents itself, can you please give me a call sometime tomorrow to discuss the revisions.

Thanks,

**D. Anthony Hray**  
Planner

**Franklin County**  
**Economic Development & Planning Department**  
Lazarus Building  
150 South Front Street, FSL Suite 10  
Columbus, Ohio 43215-7104  
Tel: 614-525-4684  
Fax: 614-525-7155  
[www.franklincountyohio.gov/edp](http://www.franklincountyohio.gov/edp)

---

**From:** Tom Warner [<mailto:twarner@advancedcivildesign.com>]  
**Sent:** Wednesday, June 05, 2013 3:28 PM  
**To:** [DHodge@smithandhale.com](mailto:DHodge@smithandhale.com); [hemamou@sbcglobal.net](mailto:hemamou@sbcglobal.net)  
**Cc:** Hray, David A.  
**Subject:** FW: CARPORT PDF

David,

Please see the attached and revised site plan. Anthony Hray has also been copied on this email transmission.

Thank you.

**Thomas M. Warner, P.E.**  
**Managing Partner**



**Thomas M. Warner P.E.**  
422 Beecher Road  
Gahanna, OH 43230  
ph 614.428.7750  
fax 614.428.7755  
dir 614. 428.7743  
[www.advancedcivildesign.com](http://www.advancedcivildesign.com)

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**From:** Cameron Fulford  
**Sent:** Wednesday, June 05, 2013 3:24 PM  
**To:** Tom Warner  
**Subject:** CARPORT PDF

ATTACHED IS THE PDF OF THE CARPORT/STEEL BUILDING



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
June 17, 2013

### Case VA-3791

Prepared by: Anthony Hray

<b>Applicant/Owner:</b>	Mary E. Evans-Renkar
<b>Township:</b>	Pleasant Township
<b>Site:</b>	5960 Graessle Road (PID # 230-000011)
<b>Acreage:</b>	5.01-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Public water and wastewater
<b>Request:</b>	Requesting 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 width and results in a residual lot of less than 5 acres in an area zoned Rural.

### Summary

The applicant is requesting a variance to allow the creation of a new lot that fails to meet the minimum lot size and lot width and results in a residual lot of less than five acres. The request satisfies the criteria necessary for granting a variance. Staff recommends approval with conditions.

### Description of the Request

The applicant’s property is located on the east side of Graessle Road, approximately one-third (1/3) of a mile south of London-Groveport Road. The site currently contains two single-family residences and several accessory buildings. The request will allow the subject site to be divided into a 0.939-acre tract and 4.07-acre remainder. The 0.939-acre tract will contain an existing 1,600 square foot home, 80 square foot shed and 360 square foot accessory building. The 4.07-acre remainder will contain an existing 1,500 square foot home and 2,100 square foot barn. The applicant intends to sell the home on the proposed 0.939-acre lot and must split the existing lot in order to do so.

### History

According to the Franklin County 1966 Zoning Map, the subject site originally consisted of three parcels being one-acre, one and three quarter (1.75) –acres and two and one-quarter (2.25) -acres in size. The applicant acquired the properties in 1983, at which time two of the three parcels had already been combined to create a 2.75-acre tract and the 2.25-acre remainder. In July of 1995, the applicant petitioned to have both parcels combined to create the current 5.01-acre lot. In doing so, it created a situation where two homes were now located on one lot of record, which is not permitted in the Rural Zoning District. In 2006, the applicant received a Variance (VA-3541) with an identical request. However, the applicant failed to complete and record a lot split before the Variance expired.

### **Surrounding Area and Land Use**

The surrounding area is within the Big Darby Watershed and is predominately made up of larger lots, ranging from 1-20 acres in size, and is occupied by single-family residential and/or agricultural land uses in the Rural Zoning District. The subject property is bordered to the east by land under ownership of Franklin County Metro Parks and to the north, south and west by single-family residential development. Many of the lots in the surrounding area also contain a significant amount of mature woodlands and open drainageways.

### **Comprehensive Plans**

The Pleasant Township Comprehensive Plan, adopted in June of 2009, recommends the subject site for the Rural Estate future land use category. This category allows for single-family residential development at a maximum density of one (1) dwelling unit per acre. Portions of the site are also recommended for the stream buffer land use category which aims to provide protection of environmentally sensitive areas.

The Big Darby Accord Watershed Master Plan, adopted in June of 2006, recommends the subject site for low density development on lots greater than five (5) acres in size within the Rural Residential Estate land use category. Approximately three (3) acres of the site is also identified within the Protected Environmental Conservation Zone, which is protected under current zoning regulations (Section 650 – Big Darby Creek Watershed Riparian Setbacks).

The request is consistent with both planning documents.

### **Franklin County Public Health Department**

Public Health regulations do not allow for more than one wastewater treatment system to be located on a single parcel of record. Therefore, the applicant's property is in violation of this regulation seeing as it has two household wastewater treatment systems located on one lot of record. The applicant will be required to submit a site review application to ensure that the existing wastewater treatment systems are functioning properly and not creating a health nuisance. Additionally, the applicant must submit a soils report to verify that the newly created lot and the residual lot have sufficient area and soils to effectively support a reserve wastewater treatment system in the event that either of the existing wastewater treatment systems should fail. These items will be required in conjunction with a lot split application provided the variance request is approved.

### **Staff Review**

#### Variance from 302.021(a(1))– Land Division for One-Family Dwelling Structures in the Rural District:

- A lot of record on the date of adoption of this Zoning Resolution (1966) may be subdivided in accordance with the Franklin County Subdivision Regulations to provide up to four (4) residential lots, of less than five (5) acres each providing the remaining portion of the lot is five (5) acres or more.
  - The current lot in 1966 was comprised of three different lots of record and had already exhausted the number of permitted subdivisions (lot splits) without maintaining a five-acre remainder. By combining the lots, it made them more conforming with respect to this requirement. However, subdividing the lot per the request is not permitted since the remainder of the lot will be less than five-acres.

#### Variance from 302.041– Lot Area:

- For each dwelling unit there shall be a lot area of not less than two and one-half (2.5) acres.
  - The proposed lot will be 0.939-acres in size; 1.56-acres less than what is required.

Variance from 302.042– Minimum Lot Width:

- For a one-family dwelling, there shall be a lot width of one hundred and fifty (150) feet or more at the front line of the dwelling. Furthermore, said lot shall have access to and abut an improved, dedicated, publicly maintained street right-of-way for a distance of one hundred and fifty (150) feet or more.
  - The proposed 0.939-acre lot will measure 100 feet in width at the front line of the dwelling and provide 100 feet of abutment on Graessle Road.

**Staff Analysis – Section 810.41**

- 1) *Special conditions and circumstances exist which are peculiar to the structure or property involved and are not applicable to other structures or property in the same zoning district;*
  - » The Rural Zoning District does not allow for two (2) single-family dwellings to be located on one lot of record and the Franklin County Public Health Department does not allow for two (2) wastewater treatment systems to be located on one lot of record. Granting the variance request will help to correct this situation.
- 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 of the Zoning Resolution will prevent the applicant from being able to sell one of the homes and to correct the situation mentioned above.
- 3) *The special circumstances and conditions of this request do result from the action of the applicant;*
  - » The special circumstances and conditions of this request are a result of actions taken by the applicant. However, in light of the special circumstances concerning this request, granting the requested variance will correct the error made by the applicant in combining the lots.
- 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 extend special privileges to the applicant. The applicant is trying to sell one of the homes and is unable to do so without subdividing the lot.
- 5) *Granting the variance will not adversely affect the safety of persons residing in the vicinity of the proposed development, nor will it be materially detrimental to the public welfare or injurious to private property in the vicinity;*
  - » Granting the variance will not negatively impact any of the above.

**Recommendation**

Staff recommendation is that the BZA approve 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 width and results in a residual lot of less than 5 acres in an area zoned Rural with the following conditions:

1. The applicant must apply for and receive approval of a lot split application from the Franklin County Economic Development and Planning Department. The lot split application must be approved and recorded within one year of the date of approval by the Board of Zoning Appeals.
2. The applicant must receive approval of a site review application and soils report from the Franklin County Public Health Department in conjunction with the lot split application. For purposes of the lot split application, the applicant must revise the site plan to include the location of the existing well and wastewater treatment system located on the 4.07-acre remainder.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve 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 width and results in a residual lot of less than 5 acres in an area zoned Rural as outlined in the request above for the applicant identified in Case No. VA-3791.

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:

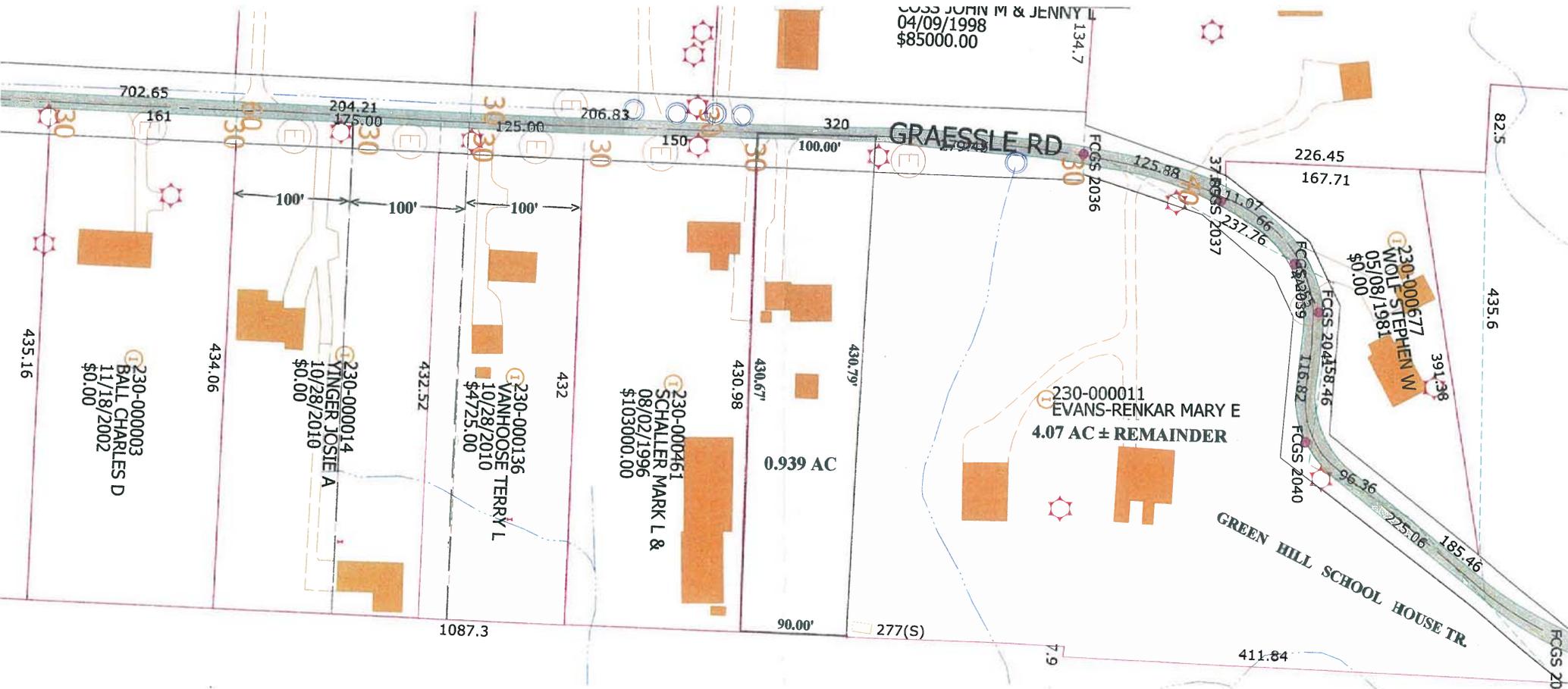
\_\_\_\_\_ moves that the basis for denying the applicant's request for the variances as outlined in the request above for Case No. VA-3791 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: \_\_\_\_\_

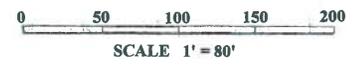
Voting:



COSS JOHN M & JENNY L  
04/09/1998  
\$85000.00

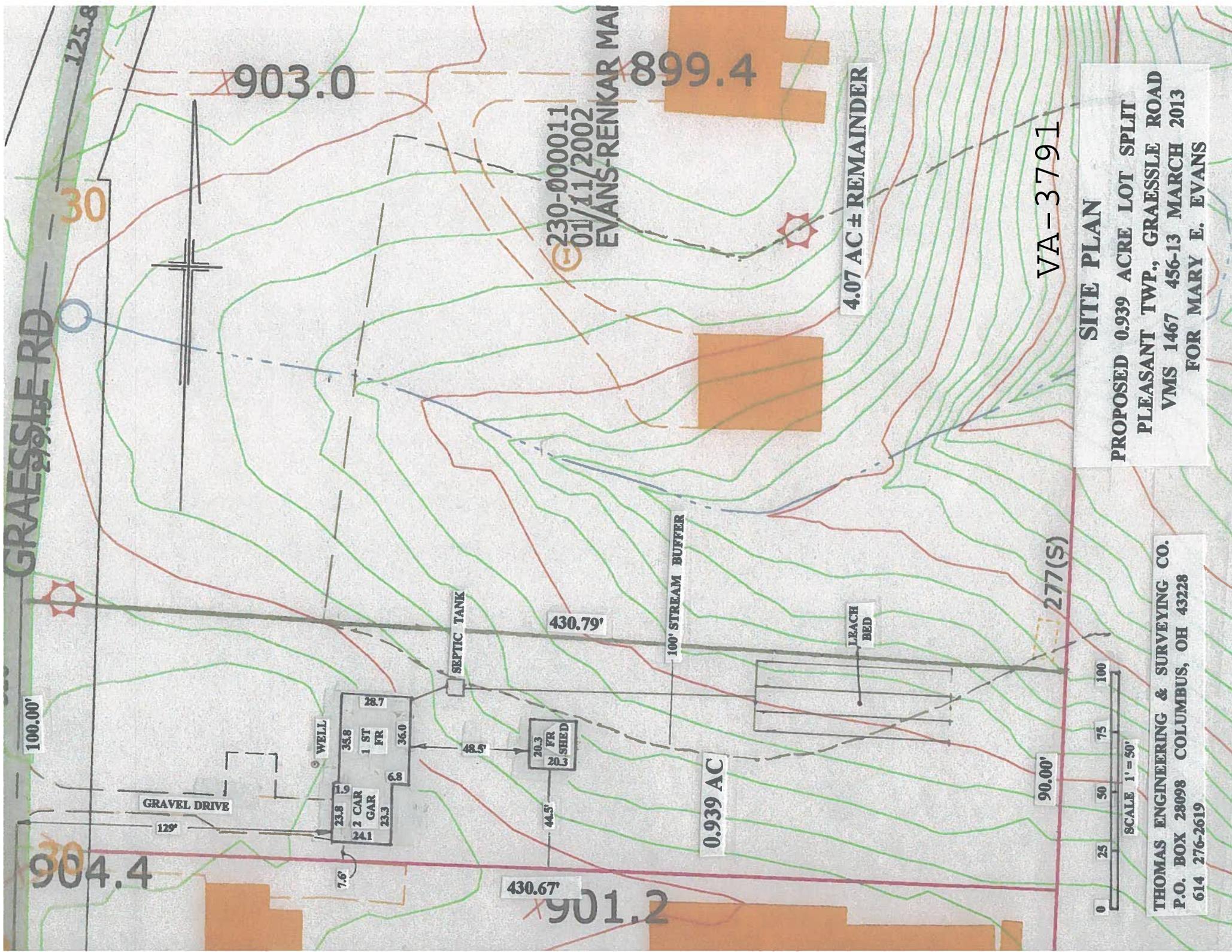


THOMAS ENGINEERING & SURVEYING CO.  
P.O. BOX 28098 COLUMBUS, OH 43228  
614 276-2619



### SITE PLAN

PROPOSED 0.939 ACRE LOT SPLIT  
PLEASANT TWP., GRAESSLE ROAD  
VMS 1467 456-13 MARCH 2013  
FOR MARY E. EVANS



GRAESSLE RD

125.8

30

100.00'

904.4

30

903.0

230-000011  
01/11/2002  
EVANS-RENKAR MAI

899.4

4.07 AC ± REMAINDER

VA-3791

SITE PLAN

PROPOSED 0.939 ACRE LOT SPLIT  
PLEASANT TWP., GRAESSLE ROAD  
VMS 1467 456-13 MARCH 2013  
FOR MARY E. EVANS

GRAVEL DRIVE

12°

WELL



SEPTIC TANK



430.79'

100' STREAM BUFFER

LEACH BED

0.939 AC

430.67'

901.2

277(S)

90.00'



THOMAS ENGINEERING & SURVEYING CO.  
P.O. BOX 28098 COLUMBUS, OH 43228  
614 276-2619

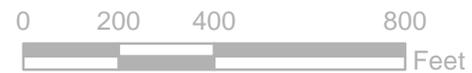
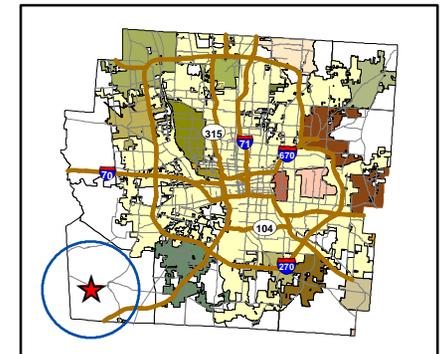


# VA-3791

Requesting 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 width and results in a residual lot of less than 5 acres in an area zoned Rural.

5.01 acres  
Pleasant Township

-  Proposed Lot Line
-  5960 Graessle Road
-  Parcels
-  Streets
-  Big Darby Setbacks



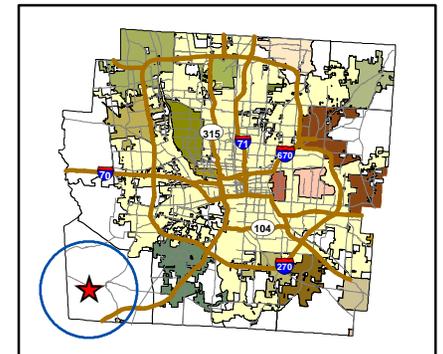


## VA-3791

Requesting 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 width and results in a residual lot of less than 5 acres in an area zoned Rural.

5.01 acres  
Pleasant Township

-  Proposed Lot Line
-  5960 Graessle Road
-  Parcels
-  Streets
-  Big Darby Setbacks





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

Economic Development & Planning Department  
James Schimmer, Director

## **STAFF REPORT**

Board of Zoning Appeals  
June 17, 2013

### **Case VA-3792**

Prepared by: Anthony Hray

<b>Applicant:</b>	C. David Johnson, Architect
<b>Owner:</b>	Akshita Properties LLC / Ammar Karmin
<b>Township:</b>	Franklin Township
<b>Site:</b>	297 Georgesville Road (PID #140-002671)
<b>Acreage:</b>	0.813-acres
<b>Zoning:</b>	Community Service (CS) District
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	Requesting a Variance from Sections 332.043(b), 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 and meet the side yard requirement on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS).

### **Summary**

The applicant is requesting variances to allow the placement of a dumpster that fails to meet the location and setback requirements, and a building expansion that fails to extend toward a primary street and meet the side yard requirement, on a lot subject to the Smart Growth Overlay. The intended use of the site is for retail sale of cigars, hookahs and miscellaneous food items. Staff recommends **approval with conditions**.

### **Description of the Request**

The subject site is located at the southwest corner of Georgesville Road and Lincoln Park Ct., south of Broad Street, adjacent to the recently developed Hollywood Casino. The property contains a 1,850 +/- square foot commercial building constructed in 1968 according to Franklin County Auditor records. The applicant will complete a 216 square foot and 429 square foot expansion respectively, to the west and south face of the existing building, as well as façade, landscaping and sidewalk improvements.

### **Surrounding Area**

Direction	Zoning	Land Use
North	Community Service (CS)	Metro West Apartment Complex
South	General Industrial (GI)	Adult Entertainment
East	Commercial Planned District - (Columbus)	Hollywood Casino
West	General Industrial (GI)	Multi-Tenant Commercial Building

## **Comprehensive Plan**

The Westland Area Interim Development Framework, adopted in 2010, recommends limited range commercial and multi-family land uses for this particular area. Recommended land uses would include a limited range of retail uses, mostly neighborhood scale, including offices and multi-unit housing and townhomes. The plan also serves as an important tool in helping the community achieve its future vision by recognizing and implementing key development principles. With respect to the subject case, the plan calls for embracing redevelopment strategies that incorporate attractive facades and landscaping, stormwater best management practices, walkable pedestrian connectivity, reduced parking foot prints and a greater balance of sustainable land uses in line with the future land use map.

The request is consistent with the recommendations of the Westland Area Interim Development Framework.

## **Staff Review**

### Variance from Section 332.043(b)– Side Yard:

- When adjacent to another commercial district, the side yard shall be at least ten (10) feet, unless fireproof walls of adjacent buildings are attached, in which case no side yard is required.
  - The expansion of the southern building wall will fail to meet the required ten (foot) setback and will not provide the required fireproof separation
    - The setback as proposed will be reduced to four (4) feet
      - A variance of six (6) feet is required

### Variance from Section 505.022(b)– Dumpster Location:

- When located in side yards, the dumpster must be setback from the front of the building a minimum distance of 50 percent of the building depth.
  - Based on the depth of the building, inclusive of the expansion, the dumpster located in the side yard must be setback at least 42.5 feet from the front of the building.
    - The applicant has proposed to set the dumpster 2 feet +/- from the front of the building
      - A variance of 40.5 feet is required

### Variance from Section 505.022(e)– Dumpster Location:

- When located on a property adjacent to a commercial or industrial zoning district or use, the setback from the side and rear property line may not be less than eight (8) feet.
  - According to the applicant’s site plan, the dumpster will maintain a setback of only 4.5 +/- feet from the side property line
    - A variance of 3.5 feet is required

### Variance from Section 670.068(b) – Expansions and Extensions of Buildings:

- The expansion of a building’s gross floor area by 25 percent or more, but less than 50 percent, may follow optional design standards as listed under Section 670.084, provided at least 50 percent of the expansion is towards the primary street (Georgesville Road).
  - Neither expansion will extend the building towards Georgesville Road as required

## **Franklin Township Road Department**

The site maintains one full access point from Lincoln Park Ct., which was reduced from two (2) access points, as a result of the Georgesville Road improvements completed in 2012. The applicant will be installing public sidewalks, five (5) feet in width, to connect with existing sidewalks that were installed along the properties frontage in conjunction with the improvements completed to Georgesville Road. The applicant is required to obtain all necessary permits from the Franklin Township Road Department prior to conducting any work within the public right-of-way of Lincoln Park Ct.

### **Franklin County Engineer's Office**

The site maintains one access point from Georgesville Road, which was also reduced from two (2) access points, as a result of the Georgesville Road improvements. The road improvements completed included public sidewalks, five (5) feet in width, along the frontage of the subject site, as well as the construction of center medians in the roadway. As a result of the placement of the center medians, the access point from Georgesville Road is effectively limited to right-in/right-out only traffic. The applicant has added a note to the site plan to this effect at the request of the Engineer's office. The applicant is also required to obtain a permit from the Engineer's office prior to completing any work within the County's public right-of-way associated with the installation of the proposed sidewalks along Lincoln Park Ct.

### **Franklin County Sanitary Engineer's Office**

A twenty (20) foot wide sanitary sewer easement, running north to south, crosses the entire site and is located approximately four (4) feet east of the existing building. The Franklin County Sanitary Engineer's Office will not allow for the construction of any building within this easement, consequently preventing the proposed expansion/s of the building towards Georgesville Road.

### **Franklin Township Building Department**

The applicant and staff have been in contact with the Township Building Department and the applicant will be submitted building plans for review to ensure that the request for the reduced side yard setback and lack of fireproof separation of the expansion to the southern building wall will not conflict with any building code requirements. It is important to note that any zoning variance approved under this request does not supersede any building code requirements nor will it exempt the applicant from fully complying with all building, fire and safety codes. The applicant will be required to obtain preliminary building plan approval prior to the issuance of a Certificate of Zoning Compliance.

### **Franklin Township Fire Department**

The applicant and staff have been in contact with the Franklin Township Fire Department and the applicant will be submitting plans accordingly to ensure 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. The applicant will be required to obtain written approval from the Township Fire Department 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;*
  - » The location of the sanitary sewer easement prevents the applicant from expanding the building towards the primary street as required by code. Therefore, the applicant is limited to expanding the building into the required side yards.
  
- 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 of the Zoning Resolution would render the site undevelopable. Expanded the building towards the primary street is not permissible due to the location of the sewer line easement.
  
- 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. Again, the location of the sewer line easement precludes the applicant from expanding the building in compliance with the zoning district.
- 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 332.043(b), 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 and meet the side yard requirement 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 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.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve Variance from Sections 332.043(b), 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 and meet the side yard requirement on a lot subject to the Smart Growth Overlay as outlined in the request above for the applicant identified in Case No. VA-3792 with the conditions in staff’s recommendation.

Seconded by: \_\_\_\_\_

Voting:

**Findings of Fact**

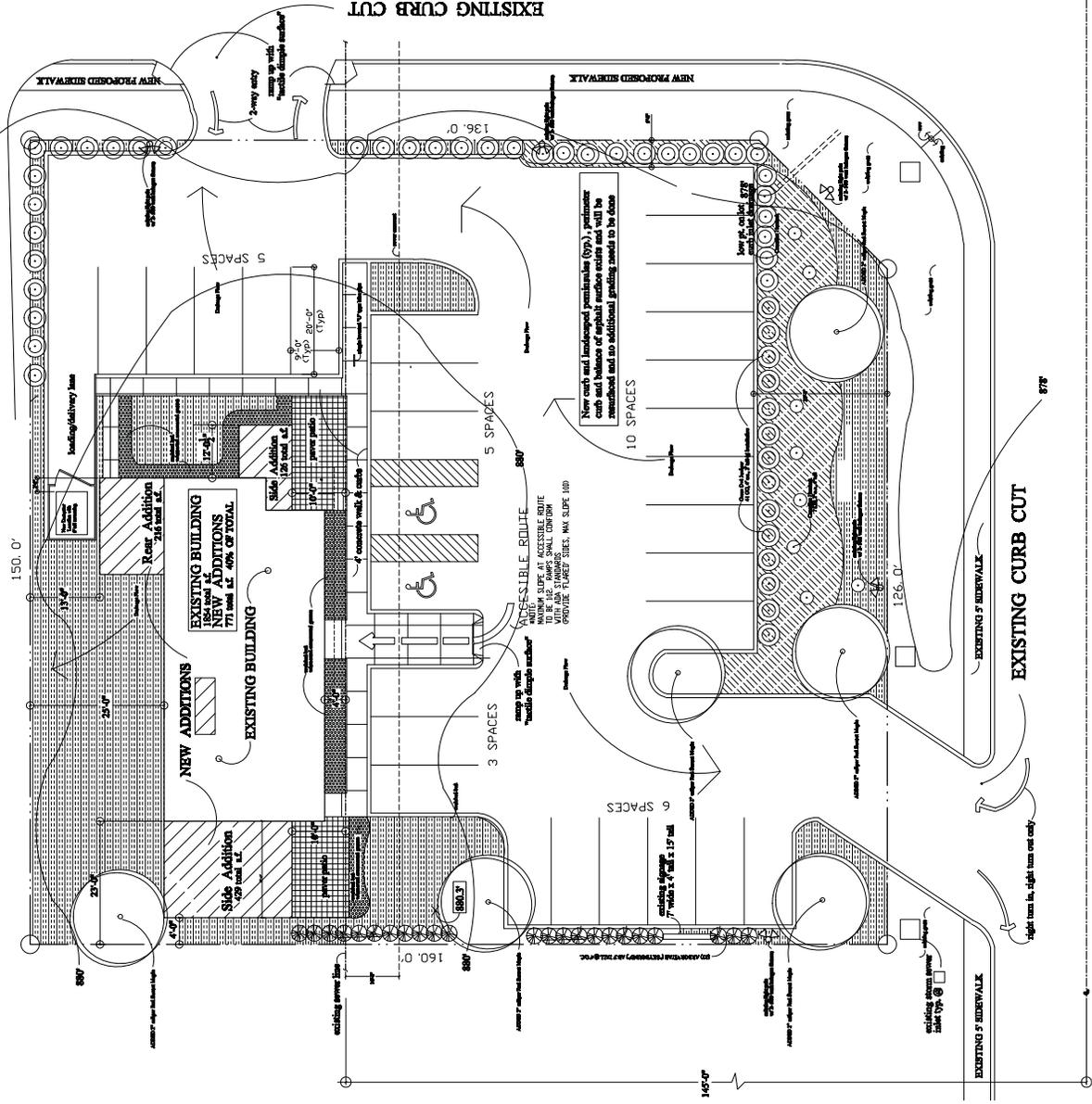
For your convenience, the following are proposed findings of fact:

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-3792 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: \_\_\_\_\_

Voting:



LINCOLN PARK CT.

EXISTING LOTTERY LEFT	OWNER
XXXXXX	XXXXXXXXXX

**GEORGESVILLE RD.**

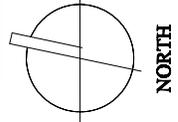
EXISTING BUILDING	1854 total s.f.
NEW ADDITIONS	755 total s.f. 40% OF TOTAL
FRONT ADDITION	429 total s.f. 56% of additions
(SIDE ADDITION)	326 total s.f. 44% of additions
RENOVATED BUILDING	W/ADDITIONS, TOTAL S.F. 2609 S.F.
7294 S.F. OF GREEN LANDSCAPED AREA	
16,418 S.F. OF BUILDING/HARDSCAPE AREA	
23,712 S.F. TOTAL LOT AREA (813 ACRES)	
31% TOTAL GREENSCAPE COVERAGE	

**Parking Calculations**  
 SQUARE FOOTAGE BREAKDOWNS ORIGINAL BLDG.  
 W/ADDITIONS, TOTAL S.F. 2625 S.F.  
 non-public area, kitchen, behind bar, Office.....572 S.F.  
 lobby reception, hostess, hall and bedrooms.....423 S.F.  
 retail area, cigar sales/walk-in humidor.....164 S.F.  
 bar area, bar stool and stand-up tables.....203 S.F.  
 lounge lounge area & 4-season m.....1,247 S.F.

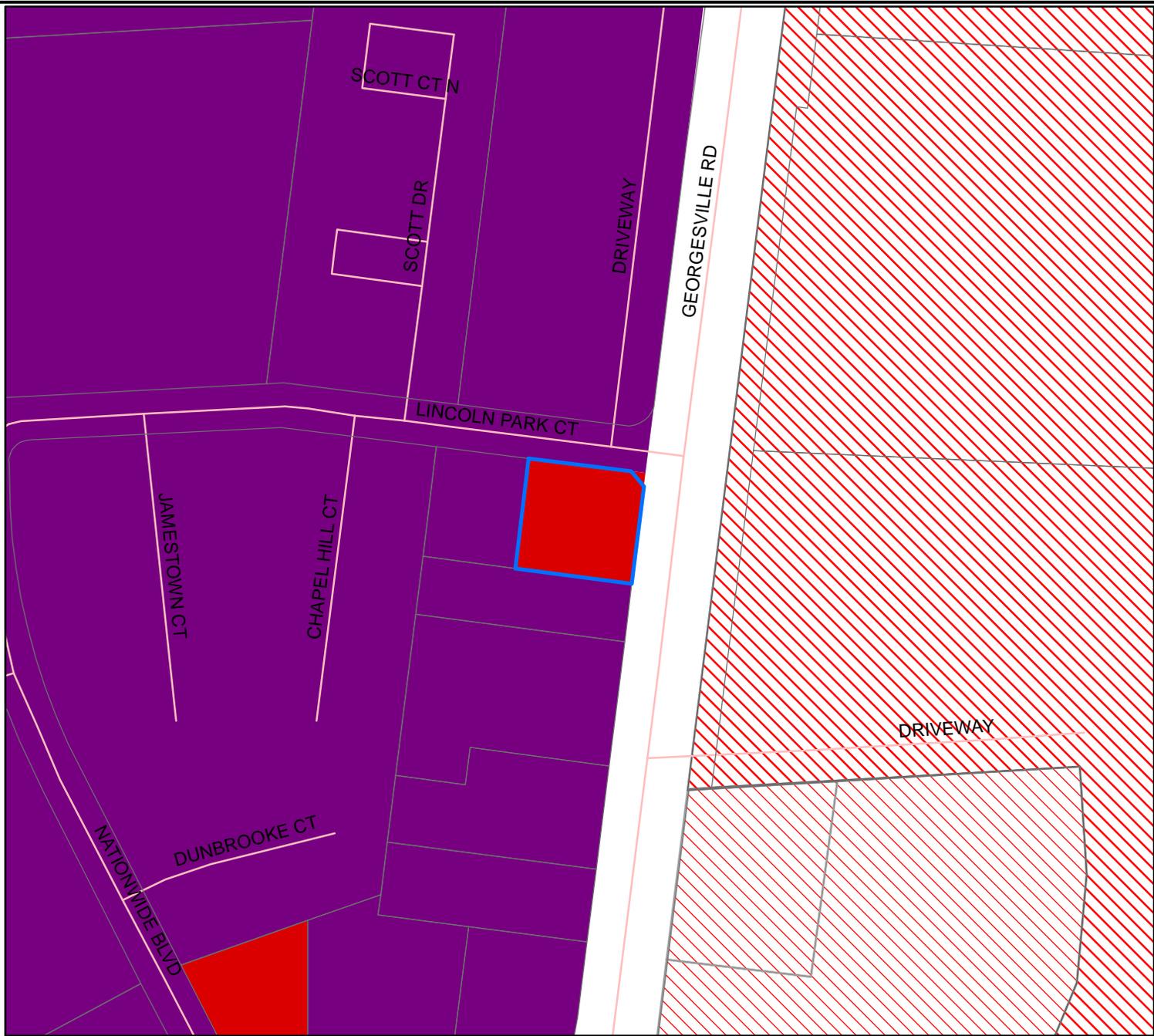
2,461 s.f. / 75 s.f. = .32 spaces x 25% "Smart Growth" parking reduction...8 spaces req'd.  
 164 s.f. / 200 s.f. = .82 spaces less than 1 parking space required  
 413 total s.f. of patio area 1 space / 195 s.f. = .21 spaces  
 total of parking space 26 spaces required, 29 spaces provided

**297 GEORGESVILLE RD.  
 SITE DEVELOPMENT. PLAN**

6-4-13



Scale: 1" = 20'-0"  
 29 parking spaces provided  
 (includes 2 handicapped spaces, 1 van accessible)



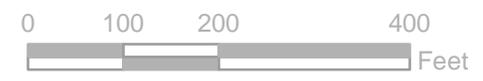
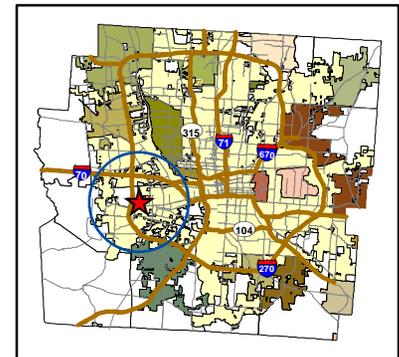
**VA-3792**

Requesting 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 (CS).

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0.813 acres  
Franklin Township

-  297 Georgesville Road
-  Parcels
-  Streets
- County Zoning**
-  Community Service
-  General Industrial
- Columbus Zoning**
-  Commercial



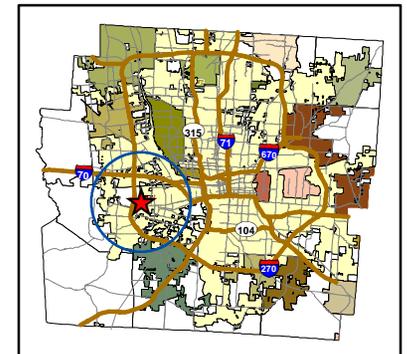


## VA-3792

Requesting 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 (CS).

0.813 acres  
Franklin Township

- 297 Georgesville Road
- Parcels
- Streets



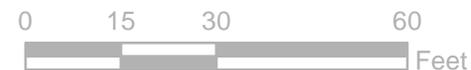
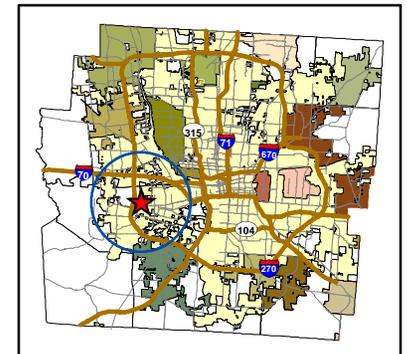


## VA-3792

Requesting 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 (CS).

0.813 acres  
Franklin Township

-  297 Georgesville Road
-  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  
June 17, 2013

### **Case VA-3793**

Prepared by: Anthony Hray

<b>Applicant:</b>	Mark Waller/Southwestern City Schools
<b>Owner:</b>	Southwestern City Schools Board of Education
<b>Township:</b>	Franklin Township
<b>Site:</b>	1001 Demorest Road (PID #140-000373)
<b>Acreage:</b>	38.058-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	Requesting 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.

### **Summary**

The applicant is requesting variances to allow the construction of a temporary gravel parking area that fails to meet the required parking setback. The gravel parking area will be used for student and bus parking while demolition and re-construction of the Franklin Heights High School occurs. The project will be completed in phases and according to the preliminary construction schedule the temporary parking will be removed sometime between June-November of 2015. Staff recommends **approval with conditions**.

### **Description of the Request**

The subject site is located on the southwest corner of the intersection at Briggs and Demorest Roads. The subject site contains the West Franklin Elementary School and the Franklin Heights High School and athletic complex. The Southwestern City School District is undertaking a district wide project to modernize existing school buildings as well as construct new facilities. At this particular site, the applicant will be completing phased demolition and re-construction of the high school and athletic facilities and as a result must re-locate parking to accommodate students and buses. The proposed gravel parking area will provide 154 passenger vehicle spaces and 20 bus spaces. Once construction is completed, a new, paved parking area will be constructed on the site and the temporary gravel parking will be removed and returned to use for athletic fields and tennis courts.

**Surrounding Area**

Direction	Zoning	Land Use
North	Rural	Single-Family Residential
South	C-1 Commercial (Columbus) R-4 Residential (Columbus)	Franklin Heights Recreation Building Single-Family Residential
East	Rural	Church Single-Family Residential
West	R-2 Residential (Columbus)	Single-Family Residential

**Comprehensive Plan**

The Greater Hilltop Plan Amendment, adopted in 2010 by the city of Columbus, recommends the subject property for institutional land uses (i.e. schools, government property and places of worship).

The request is consistent with the land use recommendation of the Greater Hilltop Plan Amendment.

**Staff Review**

Variance from Section 504.012– Parking Setback:

- Open parking or loading spaces shall be permitted to extend toward the street right-of-way from the established building line a distance equal to forty percent (40%) of the required setback distance.
  - o The required setback along this portion of Briggs Road is 50 feet measured from the centerline of the road.
    - Therefore the required parking setback is 60% of this distance, or 30 feet (measured from centerline).
    - The proposed temporary gravel parking area will encroach three (3) +/- feet within the required parking setback

Variance from Section 531.011(2) – Parking Facilities:

- All required facilities, additional space provided, and access drives thereto, including required curb cuts shall be sloped and constructed to provide adequate drainage, surfaced with a sealed surface pavement, and maintained in such a manner that no dust will be produced by continuous use.
  - o The temporary parking area will be constructed with a non-sealed surface (gravel), but will provide adequate stormwater drainage and be constructed, compacted and maintained with materials in accordance with the Ohio Department of Transportation specifications to ensure that no dust will be produced by continuous use.

**Franklin County Engineer’s Office**

The County Engineer’s Traffic Division has reviewed the proposal for ingress and egress and has posed no concerns with its location and layout. The County Engineer’s Office has also reviewed the proposed drainage and stormwater system design as well as the compaction and grading plans and has posed no concerns.

**Franklin County Fire Department**

The township fire department has posed no concerns with access and maneuverability on the site.

**Franklin Township Building Department**

The applicant must obtain all required demolition permits prior to beginning any earth disturbing activities.

### **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;*
  - » The circumstances surrounding this request are unique in that the high school will continue to be used during the proposed reconstruction is completed in phases. Requiring the applicant to pave the parking area and then to remove it and repave the permanent parking area in the relatively short duration that the reconstruction will be completed would be a financial hardship and waste of district resources.
- 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;*
  - » Gravel parking areas are not permitted regardless of the zoning district. Requiring the lot to be paved only for the relatively short period of time during which construction is being completed would create a hardship for the applicant.
- 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. The requested variances will be used for a relatively short duration and will be removed once the new parking area is paved.
- 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. Again, the proposed parking area is temporary and will not be a permanent condition on the site.
- 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 504.012 and 531.011(2) of the Franklin County Zoning Resolution to allow for the construction and use of a temporary gravel parking area 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 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 to develop and implement appropriate measures.
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.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve Variance from Sections 504.012 and 531.011(2) of the Franklin County Zoning Resolution to allow for the construction of a temporary gravel parking area that fails to meet the required parking setback as outlined in the request above for the applicant identified in Case No. VA-3793 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-3793 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: \_\_\_\_\_

Voting:

**GENERAL NOTES**

1. ALL PLANS & CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT FRANKLIN TOWNSHIP, CITY OF COLUMBUS AND APPLICABLE OHIO DEPARTMENT OF TRANSPORTATION STANDARDS.
2. CONTRACTOR SHALL OBTAIN A PERMIT FOR ALL CONSTRUCTION ACTIVITIES IN ACCORDANCE WITH LOCAL, STATE & FEDERAL REGULATIONS.
3. THE CONTRACTOR IS TO PERFORM ALL INSPECTIONS AS REQUIRED BY THE OHIO EPA FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND FURNISH OWNERS REPRESENTATIVE WITH WRITTEN REPORTS. OWNERS WILL OBTAIN ODA PERMITS.
4. ITEM NUMBERS REFER TO THE OHIO DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MATERIAL SPECIFICATIONS AND ALL CONSTRUCTION WORK SHALL BE DONE ACCORDING TO SAID SPECIFICATIONS AND IN ACCORDANCE WITH APPLICABLE STANDARDS OF FRANKLIN TOWNSHIP AND CITY OF COLUMBUS. WHEN IN CONFLICT, THE FRANKLIN TOWNSHIP ACCORDMENTS SHALL PREVAIL.
5. ALL DIMENSIONS ARE TO THE EDGE OF PAVEMENT AND/OR FACE OF CURB, UNLESS OTHERWISE NOTED.
6. ALL STANDARD PARKING SPACES ARE 9' BY 19'.
7. ALL CATCH BASIN GRATES LOCATED WITHIN PAVEMENT, GRAVEL OR SIDEWALK AREAS SHALL CONFORM TO ADA REQUIREMENTS.
8. CONTRACTOR TO REPLACE ANY PAVEMENT OR UTILITIES DAMAGED WHICH ARE NOT SPECIFIED TO BE REMOVED ON THESE PLANS.

**GRADING NOTES**

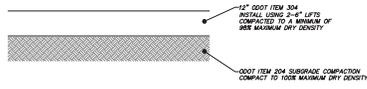
1. CONTRACTOR TO REMOVE TREES AND CLEAR AREAS AS NECESSARY TO PERFORM ALL SITE WORK INCLUDING DRAINAGE AND UTILITY WORK.
2. PROTECTION OF EXISTING TREES AND VEGETATION. PROTECT EXISTING TREES AND OTHER VEGETATION INDICATED TO REMAIN IN PLACE AGAINST UNNECESSARY CUTTING, BREAKING OR SHAKING OF ROOTS, SKIPPING OR BRUISING OF BARK, SPLITTING OF TRUNKS BY STROPPING CONSTRUCTION MATERIALS OR EXCAVATED MATERIALS WITHIN DRIP LINE, EXCESS FOOT OR VEHICULAR TRAFFIC, OR PARKING OF VEHICLES WITHIN DRIP LINE. PROMOTE TEMPORARY GUARDS TO PROTECT TREES AND VEGETATION TO BE LEFT STANDING.
3. ALL ELEVATIONS SHOWN ARE FINISHED GRADE ELEVATIONS.
4. ALL FILL UNDER PAVEMENT SHALL BE COMPACTED TO THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.
5. THE CONTRACTOR IS RESPONSIBLE FOR BALANCING THE SITE EARTHWORK ON SITE AND ANY BURY/BORROW PITS AS NEEDED. GEOTECHNICAL ENGINEER MUST APPROVE AREAS PROOF TO BURY/BORROW OPERATIONS. AS-BUILT OF BURY/BORROW PIT WILL BE REQUIRED AT COMPLETION OF CONTRACTOR WORK AND MUST BE SUBMITTED TO THE CONSTRUCTION MANAGER.
6. CONTRACTOR SHALL IMPLEMENT ALL SOIL AND EROSION CONTROL PRACTICES REQUIRED BY THE CITY OF COLUMBUS, FRANKLIN COUNTY, AND THE OHIO EPA.
7. ALL GRADING SURFACE AREAS THAT HAVE BEEN EXPOSED OR LEFT BARE AS A RESULT OF CONSTRUCTION AND ARE TO REMAIN GRADE ARE TO BE SEEDED AND MULCHED AS SOON AS PRACTICAL IN ACCORDANCE WITH DOTT ITEM 658.
8. CONTRACTOR TO REMOVE & REPLACE PAVEMENT AS SPECIFIED ON PLANS.

**UTILITY NOTES**

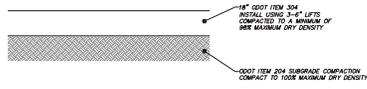
1. COMPACTED FILLS ARE TO BE MADE TO A MINIMUM OF THREE FEET ABOVE THE CROWN OF ANY PROPOSED SEWER PRIOR TO CUTTING OF TRENCHES FOR PLACEMENT OF SAID SEWERS. ALL FILLS SHALL BE CONTROLLED, COMPACTED, AND INSPECTED BY AN APPROVED TESTING LABORATORY OR AN INSPECTOR FROM THE APPROPRIATE GOVERNMENTAL AGENCY.
2. ADJUST ALL EXISTING CASTINGS AND CLEANOUTS WITHIN PROJECT AREA TO GRADE AS REQUIRED.
3. ALL PROPOSED STORM SEWERS, SURFACE OR OTHER DRAINAGE FACILITIES ARE TO BE PRIVATE AND MAINTAINED BY THE OWNER. EROSION CONTROL MEASURES MUST PROVIDE PROTECTION UNTIL COMPLETION OF THE PROJECT AND VEGETATIVE STABILIZATION.
4. ALL STORM STRUCTURES ARE DOTT TYPES UNLESS OTHERWISE INDICATED.
5. STORM SEWER PIPE LABELED "SM" SHALL BE ONE OF THE FOLLOWING: PVC 300-36, PVC PROFILE PIPE PER DOTT ITEM 702.01, HIGH DENSITY POLYETHYLENE PER DOTT ITEM 702.02, GALVANIZED COILED METAL DOTT ITEM 702.03, OR REINFORCED CONCRETE PIPE, DOTT ITEM 706.02 CLASS II. STORM SEWER PIPE LABELED "DOTT" SHALL BE REINFORCED CONCRETE PIPE, DOTT ITEM 706.02 CLASS II. ALL STORM IS TO BE INSTALLED PER DOTT ITEM 603. ALL STORM PIPE USED MUST HAVE A MANUFACTURER SPECIFIED FRICTION FACTOR OF 0.013 (SM) OR LESS.
6. ALL CATCH BASINS IN THE PAVEMENT ARE TO HAVE A 2" CONCRETE APRON ON ALL SIDES AND A 4" PERFORATED UNDERDRAIN EXTENDING 10' FROM THE CATCH BASIN IN THE UPHILL DIRECTION AND CAPES. ALL CATCH BASINS IN THE CURB ARE TO HAVE A 4" PERFORATED UNDERDRAIN EXTENDING 10' FROM THE CATCH BASIN IN THE UPHILL DIRECTION AND CAPES.
7. ANY FIELD TILE CUT IN LOCATION WHICH DRAINS IN AN OFFSITE AREA MUST BE TIED INTO THE STORM DRAINAGE SYSTEM.
8. ALL CATCH BASINS WITH DEPTH GREATER THAN 4.5" SHALL BE PROVIDED WITH STEPS. STEPS SHALL MEET THE REQUIREMENTS OF DOTT ITEM 604.
9. DISTANCES SHOWN FOR STORM SEWER PIPES ARE MEASURED FROM CENTER OF STRUCTURE. CONTRACTOR RESPONSIBLE FOR ACTUAL FIELD TILE LENGTH. COORDINATES FOR STORM STRUCTURES ARE SHOWN TO THE CENTER OF STRUCTURE UNLESS OTHERWISE NOTED.
10. ROOF DRAINS, FOUNDATION DRAINS AND ALL OTHER CLEAR WATER CONNECTIONS TO THE SANITARY SEWER SYSTEMS ARE PROHIBITED.
11. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO THE BEGINNING OF CONSTRUCTION OR EARTH MOVING OPERATIONS.
12. FORTY-FOUR HOURS BEFORE DIGGING IS TO COMMENCE, THE CONTRACTOR SHALL NOTIFY THE FOLLOWING AGENCIES: THE OHIO UTILITY PROTECTION SERVICES BOARD, THE CITY OF COLUMBUS DEPARTMENT OF PUBLIC UTILITIES, AND ALL OTHER AGENCIES WHICH MAY HAVE UNDERGROUND UTILITIES INVOLVED IN THE PROJECT AND ARE NON-MEMBERS OF OHIO UNDERGROUND PROTECTION, INC.

**SITE DATA:**

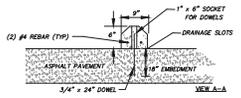
**OWNER:** SOUTH-WESTERN CITY SCHOOL DISTRICT  
 3805 MARLBOROUGH DRIVE  
 GROVE CITY, OHIO 43123  
 (614) 801-3000  
**ARCHITECT:** SHIP LEADING DESIGN  
 3805 MARLBOROUGH DRIVE  
 GROVE CITY, OHIO 43123  
 (614) 391-3112  
**SITE ENGINEER:** THE KLEINGERS GROUP  
 500 S WASHINGTON ROAD  
 WESTERVILLE, OH 43081  
 (614) 884-1111  
**BOUNDARY:** BOUNDARY BASED ON SURVEY BY KLEINGERS & ASSOCIATES  
**DATE:** SEPTEMBER 2012  
**TOPOGRAPHY:** SURVEY BY KLEINGERS & ASSOCIATES  
**DATE:** SEPTEMBER 2012  
**EXISTING USE:** HIGH SCHOOL  
**REFERENCE DIMENSIONS:** SEE BELOW  
**PROPOSED PARKING SPACES =** 154 TEMPORARY STUDENT SPACES  
 20 TEMPORARY BUS SPACES  
**NOTE:** SEE BLOT OF TRAFFIC SIGNAL PLAN AND CORNER OF INTERSECTION OF DEWEESTER RD AND BRIDGE RD. ELEV = 848.6 (MANSION)  
**NOTE:** SEE BLOT ON SE CORNER OF CONC PAD SE CORNER OF EX. STUDENT PARKING ELEV = 852.0 (MANSION)



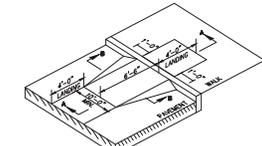
**TEMPORARY GRAVEL PARKING/PATH**  
N.T.S.



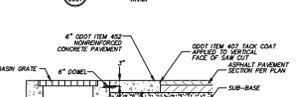
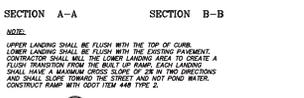
**TEMPORARY GRAVEL BUS PARKING**  
N.T.S.



**PRB-CAST CONCRETE WHEEL STOPS**  
N.T.S.



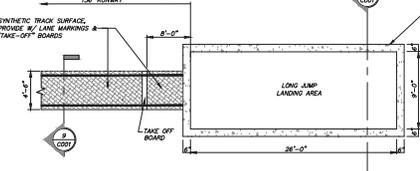
**CURB RAMP DETAIL**  
N.T.S.



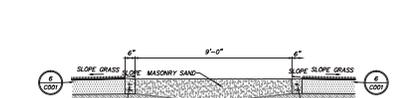
**FINGER DRAIN AND CONCRETE APRON DETAIL**  
N.T.S.

**C001**

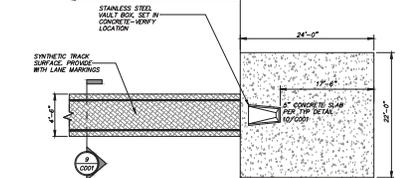
VA-3793  
(5.29.13)



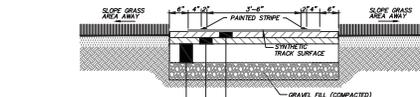
**LONG JUMP RUNWAY AND PIT**  
N.T.S.



**LONG JUMP PIT - SECTION**  
N.T.S.



**POLE VAULT RUNWAY AND CONCRETE PAD**  
N.T.S.

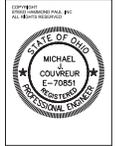


**POLE VAULT/LONG JUMP RUNWAY**  
N.T.S.



**TYPICAL EXTERIOR CONCRETE SLAB WALK**  
N.T.S.

**C001**



MICHAEL COULTER  
 5151 BUCKLEBURY DRIVE  
 COLUMBUS, OHIO 43235  
 (614) 884-1111  
 (614) 884-1112  
 (614) 884-1113  
 (614) 884-1114  
 (614) 884-1115  
 (614) 884-1116  
 (614) 884-1117  
 (614) 884-1118  
 (614) 884-1119  
 (614) 884-1120  
 (614) 884-1121  
 (614) 884-1122  
 (614) 884-1123  
 (614) 884-1124  
 (614) 884-1125  
 (614) 884-1126  
 (614) 884-1127  
 (614) 884-1128  
 (614) 884-1129  
 (614) 884-1130



**SOUTH-WESTERN CITY SCHOOL DISTRICT**  
**FRANKLIN HEIGHTS HIGH SCHOOL**  
 1001 Demonst Road, Columbus, OH 43204  
**SOUTH-WESTERN CITY SCHOOL DISTRICT**  
 3805 Marlboro Drive, Grove City, OH 43123

**ISSUANCES**

NO.	DATE	DESCRIPTION
1	05-24-2013	ISSUED FOR PERMITTING
2	05-24-2013	ISSUED FOR CONSTRUCTION

**GENERAL NOTES & DETAILS**

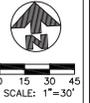
DATE: 05-24-2013  
 COMM NO: 2012014.01

**C001**





VA-3793  
(5.29.13)



STATE OF OHIO  
MICHAEL COUVREUR  
E-70501  
PROFESSIONAL ENGINEER



SOUTH-WESTERN CITY SCHOOL DISTRICT  
**FRANKLIN HEIGHTS HIGH SCHOOL**  
1001 Demonest Road, Columbus, OH 43204  
SOUTH-WESTERN CITY SCHOOL DISTRICT  
3805 Maritime Drive, Grove City, OH 43123

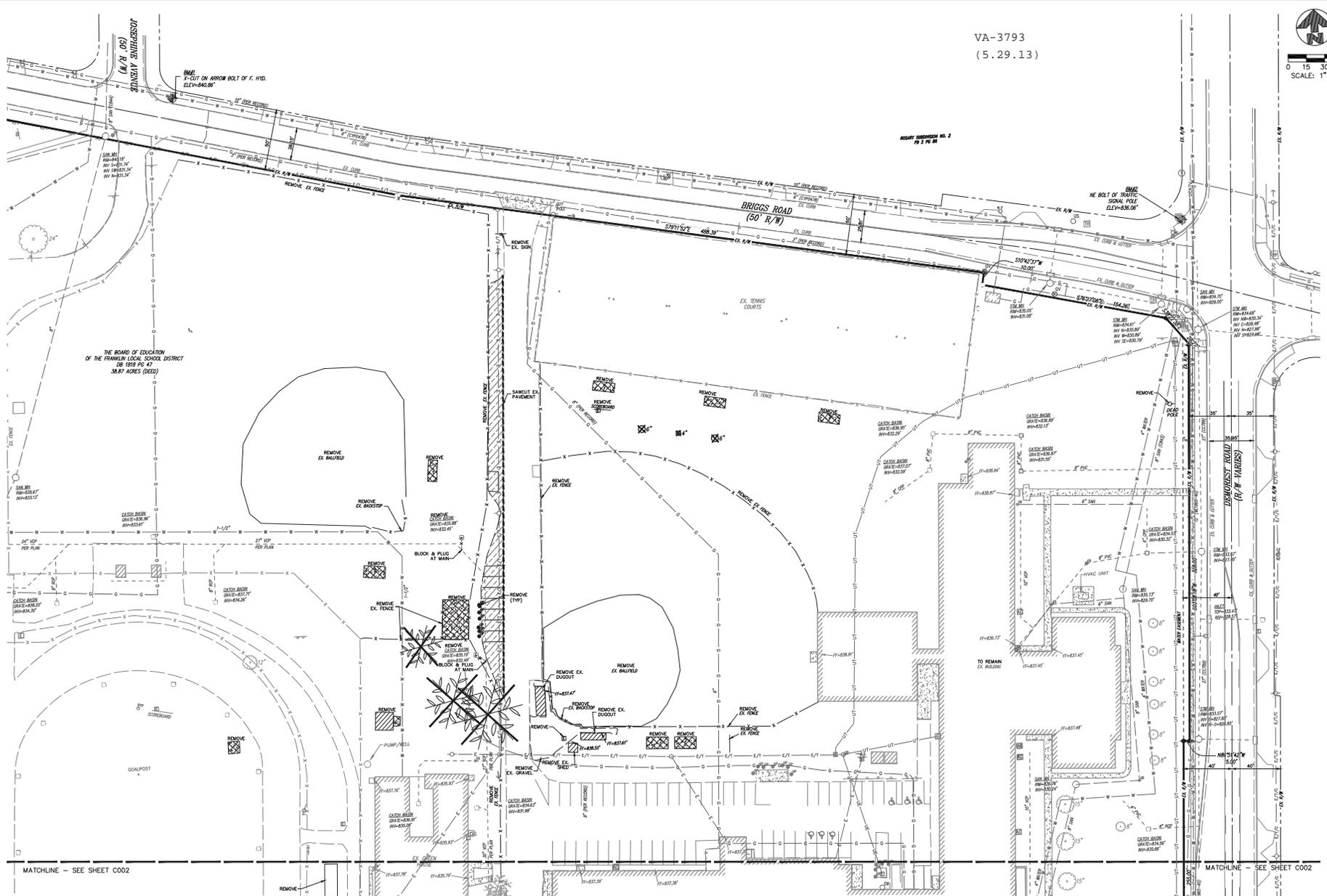
ISSUANCES

1	ISSUED	05-24-2013
2	REVISED	05-24-2013
3	REVISED	05-24-2013
4	REVISED	05-24-2013
5	REVISED	05-24-2013
6	REVISED	05-24-2013
7	REVISED	05-24-2013
8	REVISED	05-24-2013
9	REVISED	05-24-2013
10	REVISED	05-24-2013

DEMOLITION PLAN

DATE 05-24-2013  
COMM NO 201201401

C003



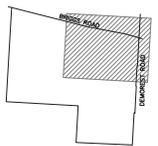
**LEGEND**

**EXISTING SYMBOLS**

□	CONCRETE MONUMENT FOUND	—UT—	EX. LIGHT POLE	—X—	EX. FENCE
●	3/8" CAPPED IRON PIN SET	—T—	EX. UNDERGROUND TELEPHONE	⊙	EX. SOIL BORING
○	5/8" IRON PIN FOUND	—T—	EX. OVERHEAD TELEPHONE	⊙	EX. SANITARY SEWER
○	1" IRON PIPE FOUND	—T—	EX. TELEPHONE MANHOLE	⊙	EX. STORM SEWER
△	MAN SET	—T—	EX. TELEPHONE PEDESTAL	⊙	EX. CATCH BASIN
⊙	BENCHMARK	—G—	EX. GAS MAIN	⊙	EX. INLET
⊙	EX. UTILITY POLE	—G—	EX. GAS VALVE	⊙	EX. YARD DRAIN
⊙	EX. GUY WIRE	—G—	EX. UNDERGROUND CABLE TV	⊙	EX. SLOW SPOUT
—UE—	EX. UNDERGROUND ELECTRIC	—UCATV—	EX. WATER MAIN	⊙	EX. TRAFFIC CONTROL CABINET
—E—	EX. OVERHEAD ELECTRIC	—W—	EX. WATER VALVE	⊙	EX. TRAFFIC SIGNAL POLE
⊙	EX. FIRE HYDRANT	⊙	EX. WATER METER	⊙	EX. SIGN
⊙	EX. HVAC UNIT	⊙	EX. IRRIGATION CONTROL VALVE	⊙	EX. GUARD POST (PIPE BOLLARD)
⊙	EX. TRANSFORMER	⊙	EX. MANHOLE	⊙	EX. FLAG POLE
⊙	EX. ORGAND LIGHT				
⊙	EX. ELECTRIC BOX				

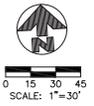
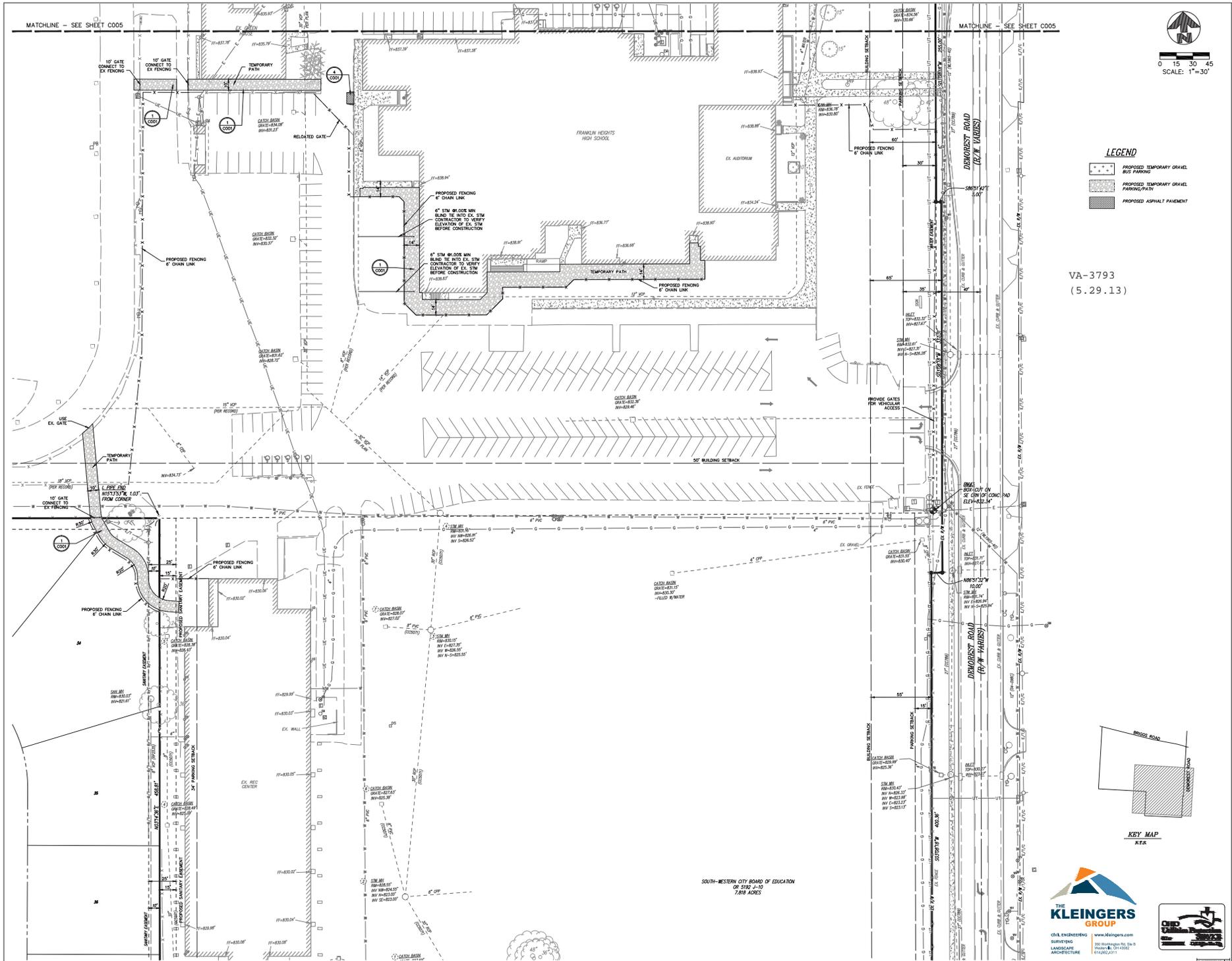
**DEMOLITION LEGEND**

▨	FULL DEPTH PAVEMENT REMOVAL	⊙	EX. HARDWOOD TREE
⊗	CONCRETE REMOVAL		
—S—	SANICUT		
⊗	REMOVE AND DISPOSE OF TREE		
XXXX	REMOVE AND DISPOSE OF CULVERT/STRUCTURE ONLY/PLUG REMAINING LINE		



KEY MAP  
K.R.

P:\CADD\PROJECTS\2013\DEMOLITION\DWG\_C003.DWG (20130524) (13:56:49) (13:56:49)



- LEGEND**
- PROPOSED TEMPORARY GRAVEL BLDG PARKING
  - PROPOSED TEMPORARY GRAVEL PARKING/PATH
  - PROPOSED ASPHALT PAVEMENT

VA-3793  
(5.29.13)



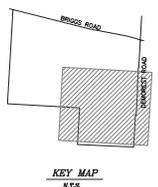
10000 S.W. 11th Ave.  
Coral Gables, FL 33134  
305-444-1111  
305-444-1111  
305-444-1111  
305-444-1111

**SIP**  
LEADING DESIGN

SOUTH-WESTERN CITY SCHOOL DISTRICT  
**FRANKLIN HEIGHTS HIGH SCHOOL**  
1001 Demorest Road, Columbus, OH 43204  
SOUTH-WESTERN CITY SCHOOL DISTRICT  
3805 Marlboro Drive, Grove City, OH 43123

**ISSUANCES**

NO.	DATE	DESCRIPTION
1	05-24-2013	ISSUED FOR PERMITTING
2	05-24-2013	ISSUED FOR PERMITTING



**LOCATION PLAN**

DATE 05-24-2013  
COMMNO 201201401

**C004**



SOUTH-WESTERN CITY BOARD OF EDUCATION  
OF 2382 ± AC  
7.818 ACRES







**Hray, David A.**

---

**From:** Nick McCullough <nick.mccullough@kleingers.com>  
**Sent:** Thursday, May 09, 2013 10:30 AM  
**To:** Hray, David A.  
**Cc:** Mike Couvreur  
**Subject:** Franklin Heights HS DRAFT Construction Schedule

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Morning Anthony,

Below is a DRAFT construction schedule for Franklin Heights HS.

June 2013 - Aug 2013	Misc Demo/Site Prep Package
Sept 2013 - Nov 2013	Foundation Package, Utility Relocations, Building Pad Prep
Nov 2013 - June 2015	Phase 1 Construction with Music Rooms
June 2015 - Nov 2015	Begin Remaining Sitework and Exterior Improvements
June 2015 - Aug 2015	Demo Existing Building
June 2015	Owner Move in Phase 1
June 2015 - Dec 2015	Phase 2 Construction - Art Rooms and Auditorium
Dec 2015	Owner Move in Phase 2
Dec 2015 - Jun 2016	Project Closeout

Based on this draft schedule, the temporary parking will be removed between June 2015 and November 2015.

**Please note this is a DRAFT schedule prepared by the architect. The Construction Manager at Risk is preparing their schedule that should be completed soon.**

Thanks,

Nick

**Nick McCullough, PE, LEED AP BD+C**

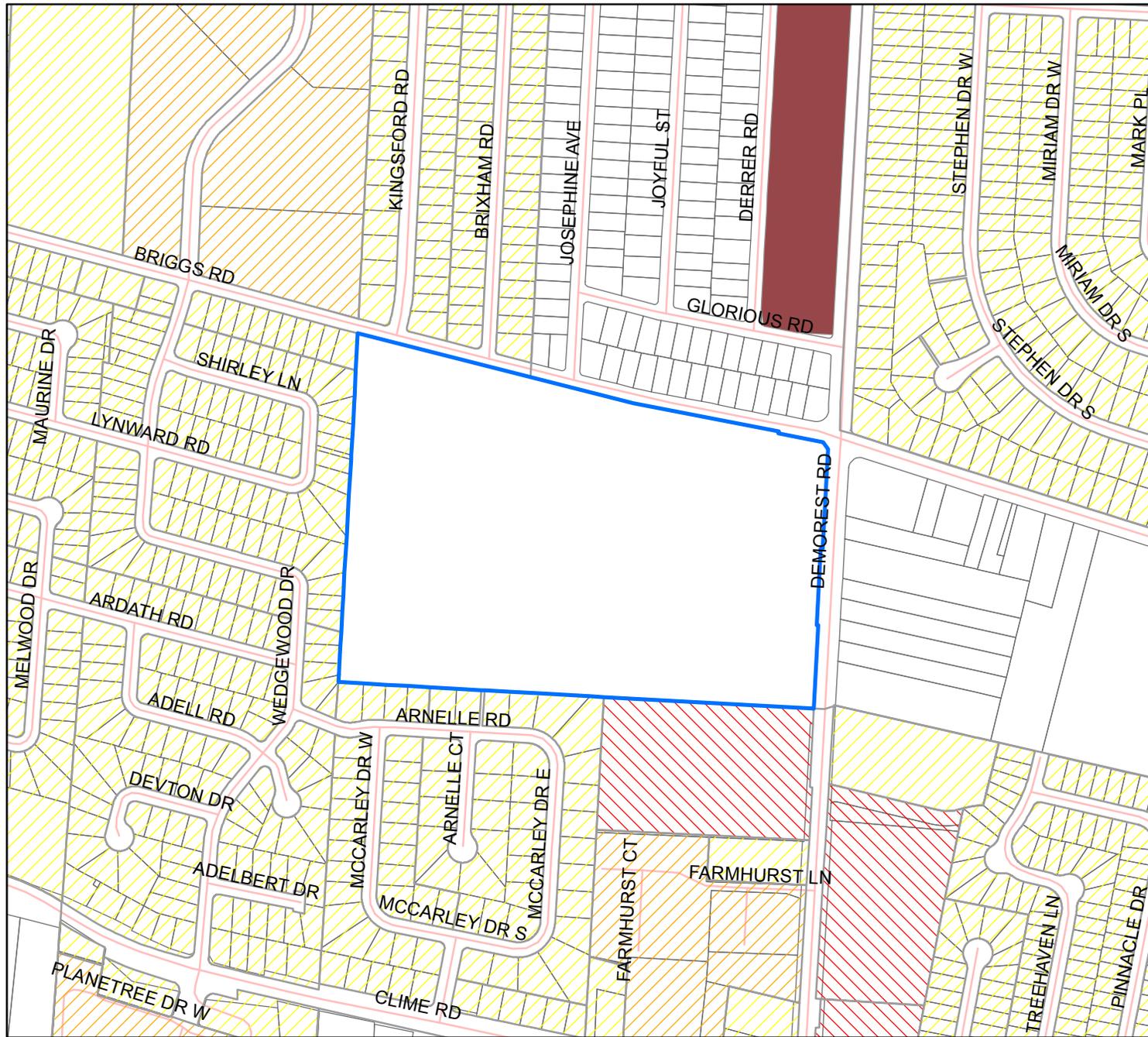
The Kleingers Group



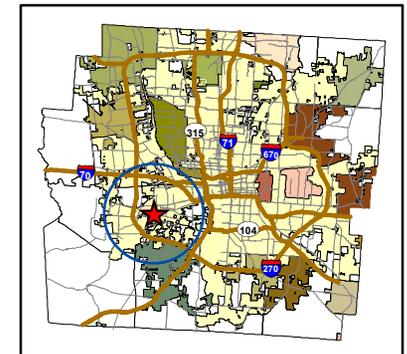
# VA-3793

Requesting 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.

38.058 acres  
Franklin Township



- 1001 Demorest Road
- Parcels
- Streets
- County Zoning**
  - Rural
  - Suburban Apt. Res.
- Columbus Zoning**
  - Residential
  - Multi-family
  - Commercial
  - Manufacturing



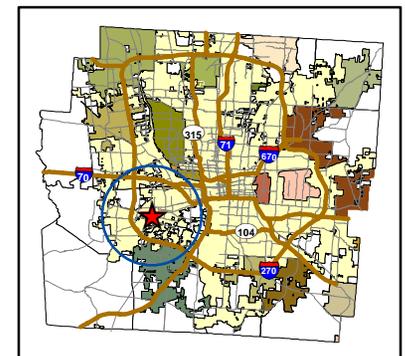


# VA-3793

Requesting 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.

38.058 acres  
Franklin Township

- 1001 Demorest Road
- Parcels
- Streets



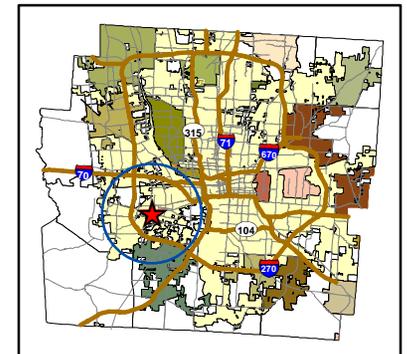


## VA-3793

Requesting 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.

38.058 acres  
Franklin Township

-  1001 Demorest Road
-  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  
June 17, 2013

### **Case VA-3794**

Prepared by: Anthony Hray

<b>Applicant/Owner:</b>	Roseline Aleanu
<b>Township:</b>	Clinton Township
<b>Site:</b>	3760 Cleveland Avenue (PID #130-006700)
<b>Acreage:</b>	0.25-acres
<b>Zoning:</b>	Community Service (CS) District
<b>Utilities:</b>	Central water and sewer
<b>Request:</b>	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. 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.
  - o 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.
  - o 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.
  - o 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.
  - o 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.
  - o 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.

**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**

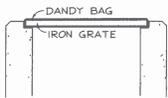
For your convenience, the following are proposed findings of fact:

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**

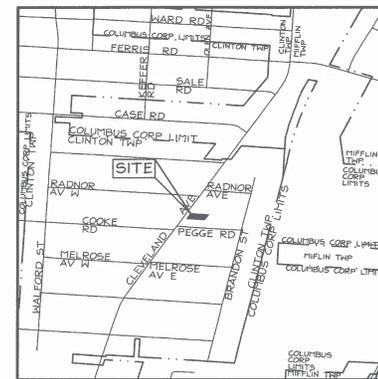
Two Working Days  
**BEFORE YOU DIG**  
Call 800-362-2764 (Toll free)  
OHIO UTILITIES  
PROTECTION SERVICE  
NON-MEMBERS  
MUST BE CALLED DIRECTLY

RECEIVED

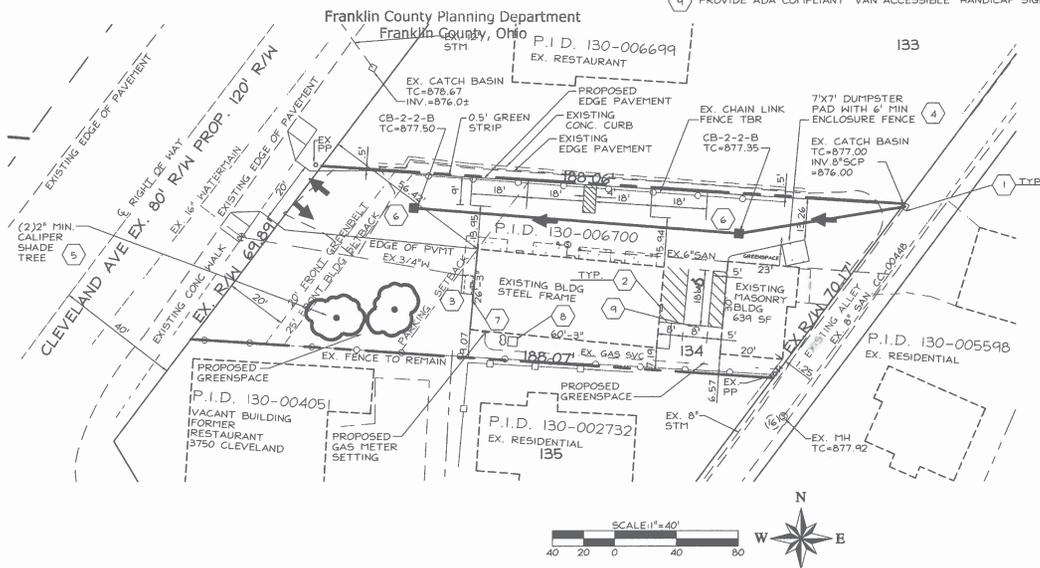
MAY 16 2013

**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: 6" (6")  
Depth: 4" (4")  
Weight: 1.5 lbs (1.5)

**Introduction**

The popular TWP LED luminaire is now available with LED technology. Cast in a traditional aluminum, the TWP LED offers a sleek appearance and is powered by advanced LEDs. A one-piece polycarbonate cover delivers enhanced durability and is impact 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 DDBX0

Series	Performance class	Dimensions	Temp	Color Temp	Input Voltage	Input Current	Input Power
TWP18	100	18" x 6" x 4"	277V	5000K	1.5A	2.25W	2.25W
TWP18	100	18" x 6" x 4"	277V	5000K	1.5A	2.25W	2.25W
TWP18	100	18" x 6" x 4"	277V	5000K	1.5A	2.25W	2.25W
TWP18	100	18" x 6" x 4"	277V	5000K	1.5A	2.25W	2.25W
TWP18	100	18" x 6" x 4"	277V	5000K	1.5A	2.25W	2.25W

**Stock configurations are offered for shorter lead times:**

Item	Item	Item	Item
TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V
TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V
TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V	TWP LED 18" x 6" x 4" 100 5000K 277V

**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**  
ALEXANDRO ROSELINI  
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@uoh.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.

**Site Data**

<b>ZONING:</b>	SECTION 670 SMART GROWTH OVERLAY SECTION 332.C5 (COMMUNITY SERVICE 18' HEIGHT DISTRICT)	<b>PARKING REQUIREMENTS</b> OFFICE AT 1/300 S.F. - 1 SPACE REPAIR FACILITY - 2 PER BAY - 6 SPACES	<b>R/W - RIGHT OF WAY LINE</b> SETBACKS FRONT SIDE REAR BUILDING 56.42' 0' 0' PARKING 56.42' 0' 0'
<b>EXISTING USE:</b> PROPOSED USE: PID (EXISTING)	VACANT BUILDING/GRAVEL LOT VEHICLE REPAIR (3 BAYS)/OFFICE 130-006700	<b>SPACES REQUIRED - 5 SPACES PER SECTION 670.0812(c)</b> INCLUDES 1 HC VAN ACCESSIBLE	<b>VARIANCES REQUESTED</b> SECTION 531.042 LOCATION OF DRIVE LESS THAN 10' FROM SIDE LOTLINE & (50) FEET OR MORE FROM ANOTHER ACCESS DRIVE
<b>PARCEL AREA (AC.)</b> <b>PARCEL AREA (SF)</b> <b>LOT COVERAGE AREA (SF)</b>	0.2536 AC. (PER FRANKLIN COUNTY AUDITOR) 11,045.62 S.F. 7,067 S.F. = 63.98%	<b>SPACES PROVIDED - 5 SPACES</b>	<b>SECTION 670.0812(a) -</b> SETBACK: NO PARKING LOT, STACKING SPACE, LOADING SPACE OR CIRCULATION AISLE IS PERMITTED BETWEEN THE PRINCIPAL BUILDING AND THE STREET CENTERLINE
<b>BUILDING USE, AREA</b>	OFFICE 97 S.F. REPAIR SHOP 1,484 S.F. STORAGE GARAGE 359 S.F. SUB TOTAL 1,940 S.F.	<b>LOADING SPACES - NONE REQUIRED</b>	<b>SECTION 670.0812(b) -</b> PARKING LOT LOCATION: A SURFACE PARKING LOT SHALL BE LOCATED BETWEEN THE PRINCIPAL BUILDING; HOWEVER UP TO HALF THE NUMBER OF PARKING SPACES PROVIDED MAY BE LOCATED AT THE SIDE OF THE PRINCIPAL BUILDING
		<b>MAXIMUM BUILDING HEIGHT = 18'</b> <b>BUILDING RIDGE HEIGHT = 15'</b> REPAIR FACILITY 14' EXISTING GARAGE	<b>SECTION 670.0816 -</b> PEDESTRIAN INFRASTRUCTURE: A PEDESTRIAN WALKWAY IS REQUIRED FROM THE SIDEWALK TO PRIMARY ENTRANCE OF THE PRINCIPAL BUILDING
			<b>SECTION 670.088(g) -</b> 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**

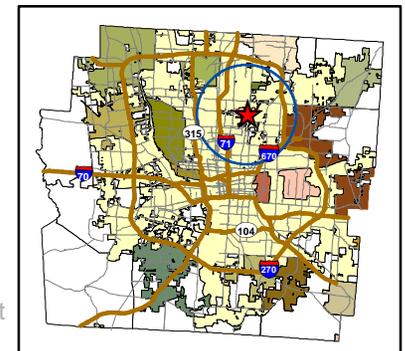
Rural

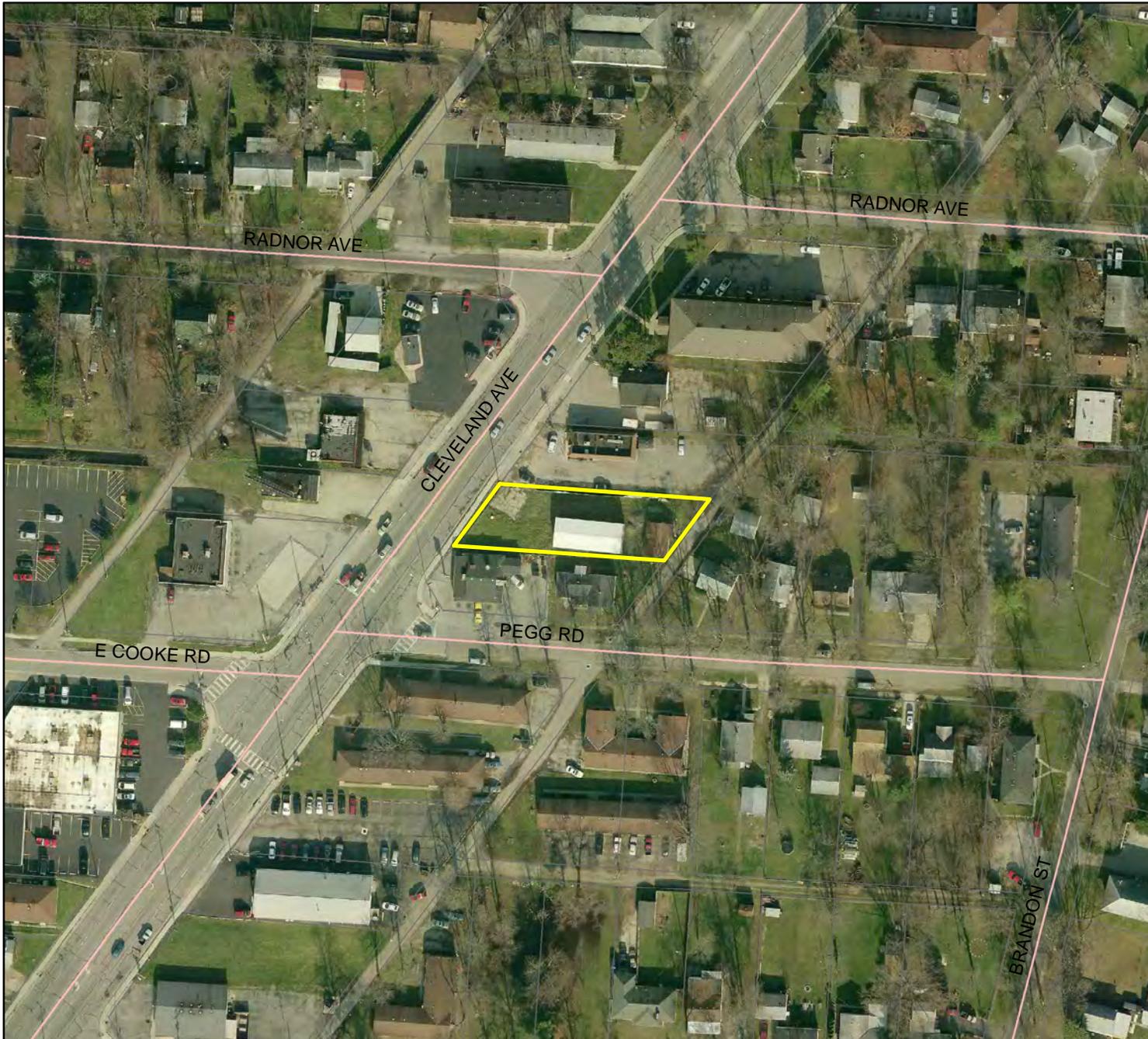
Urban Res.

Suburban Apt. Res.

Community Service

Select Com. Planned Dist.



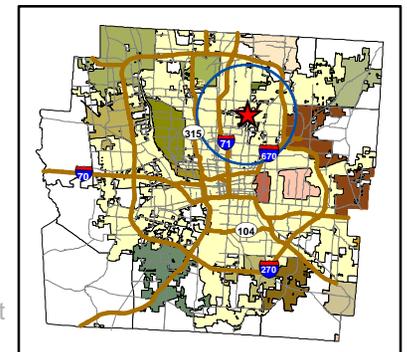


## VA-3794

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



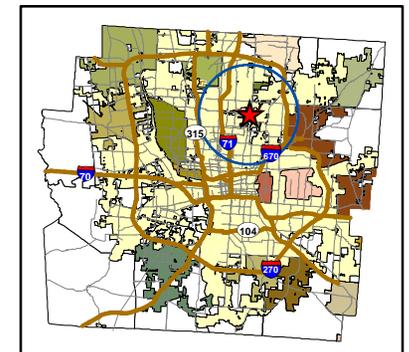


## VA-3794

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  
June 17, 2013

### **Case AP-3795**

Prepared by: Anthony Hray

<b>Appellant/Owner:</b>	Karen M. McMichael
<b>Township:</b>	Hamilton Township
<b>Site:</b>	160 Jackson Road (PIDs #150-001212, 001214, 001216)
<b>Zoning:</b>	Rural District
<b>Acreage:</b>	0.51-acres
<b>Utilities:</b>	Central water and onsite septic
<b>Request:</b>	Appealing 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 non-conforming use that began prior to the adoption of zoning in 1948.

### **Summary**

The appellant is appealing the issuance of a violation letter concerning the commercial use of a garage located on a lot in the Rural Zoning District. Staff is defending its decision based on the fact that the applicant has not provided sufficient and conclusive evidence to support her claim that the use pre-dates the adoption of zoning in 1948 and has been operated continuously, without interruption for a period of more than two-years, and therefore does not meet the definition of a non-conforming use.

### **Case History**

A letter issued by the department on April 2, 2013, cited the applicant for failing to comply with Sections 300.022 and 302.02 of the Franklin County Zoning Resolution. More specifically, the applicant operates a commercial automotive repair business from an existing garage. The respective sections mentioned above provide that only a use listed as a permitted use shall be allowed as a matter of right in a Zoning District and any use not so designated shall be prohibited. In this particular case, the commercial use of the subject site is not a permitted use of the Rural Zoning District and is therefore prohibited.

### **Franklin County Zoning Resolution**

Section 300.022 – Permitted Uses – Only a use designated as a permitted use shall be allowed as a matter of right in a Zoning District and any use not so designated shall be prohibited except, when in character with the Zoning District, such additional use may be added to the permitted uses of the Zoning District by amendment of the Zoning Resolution.

#### Section 302.02 – Permitted Uses of the Rural Zoning District:

- Single-Family Dwellings
- Permitted Home Occupation

- Accessory Buildings/Structures
- Schools and Parks
- Religious Uses (church or place of worship)
- Adult Family Homes (ORC 3722)
- Child Day Care (six (6) or fewer children)

Definition of a Non-Conforming Use – A legal use of a building and/or of land that antedates the adoption of the Franklin County Zoning Resolution and does not conform to the regulations of the zoning district in which it is located.

Section 110.043 – Non Conforming Uses – The non-conforming use of a lot and/or structure may be continued, expanded or changed subject to the following:

1. Change of a non-conforming use shall be allowed to a permitted use of the zoning district in which the non-conforming use is located.
2. On approval of an appeal to the Board of Zoning Appeals, a non-confirming use may be changed to a use found to be more nearly in character with the Zoning District in which the non-conforming use is located.
3. On approval of an appeal to the Board of Zoning Appeals, a non-conforming use may be expanded.
4. No non-conforming use may be reestablished where such non-conforming use has been discontinued for a period of at least two (2) years. The non-conforming use of any structure damaged by fire, explosion, flood, riot or act of God may be continued and used as before any calamity, provided the building or structure has not been destroyed to an extent of more than one-half (1/2) of its fair value, and provided such reconstruction is started within twelve (12) months of such calamity and is continued in a reasonable manner until complete.

### **Staff Review**

The appellant argues that the commercial use was established prior to the adoption of zoning, which occurred in unincorporated Franklin County in 1948, and has been in operation continuously since that time; thus meeting the definition of a non-conforming use. However, the applicant has provided no conclusive evidence to substantiate this argument and to prove that the site has been continuously used for commercial purposes, more specifically auto repair, prior to 1948. The applicant has provided several documents (newspaper article and hand written ledger) alleging that the garage on the site at one time was used for a blacksmith shop; however this is obviously an entirely different use than the current auto repair use being conducted. Furthermore, according to Section 110.043 of the Franklin County Zoning Resolution (see above), the Board of Zoning Appeals does not have the authority to legitimize a non-conforming use, but to only allow for its expansion or a change in use to one found to be more in character with the respective zoning district. However, it is important to note that this would only apply to a use which meets the definition of a non-conforming use as defined above; which in this particular case, the appellant has failed to prove that the current commercial use (auto repair) of the site meets this definition. Furthermore, staff argues that the current auto repair use is also not in character with the Rural Zoning District and would not warrant an appeal as provided under Section 110.043(2). Therefore, staff has not erred in their decision to declare the current commercial use of the site in question as a prohibited use of the Rural Zoning District.

### **Staff Analysis**

The Board of Zoning Appeals must decide whether 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 was in error and whether the commercial use of the subject site is a non-conforming use.

Staff requests that the Board of Zoning Appeals make the following findings of fact and conclusions:

1. The issuance of a violation letter by the Franklin County Economic Development and Planning Department concerning the commercial use of the site was not in error.
2. The commercial use of the site is not a non-conforming use, as defined, nor is it a permitted use of the Rural District and is therefore prohibited as provided under Sections 300.022 and 302.02 of the Franklin County Zoning Resolution.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves 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 a property located in the Rural District was in error and whether the commercial use of the subject site is a non-conforming use as outlined in the request above for the applicant identified in Case No. AP-3795.

.

Secoded by: \_\_\_\_\_

Voting:

**Findings of Fact**

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

If the resolution passes, the following are proposed findings of fact for adoption by the BZA:

\_\_\_\_\_ moves that the basis for denying the applicant’s request for the administrative appeal as outlined in the request above for Case No. AP-3795 is:

1. The issuance of a violation letter by the Franklin County Economic Development and Planning Department concerning the commercial use of the site was not in error.
2. The commercial use of the site is not a non-conforming use nor is it a permitted use of the Rural District and is therefore prohibited as provided under Sections 300.022 and 302.02 of the Franklin County Zoning Resolution.

Secoded by: \_\_\_\_\_

Voting:



# RECEIVED Administrative Appeal

MAY - 9 2013



**Commissioners**  
Marilyn Brown, President  
Paula Brooks  
John O'Grady

Revised January 1, 2009

Franklin County Planning Department  
Franklin County, Ohio

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

Property Information	
Site Address <b>160 Jackson Rd.</b>	
Parcel ID(s) <b>150 - 001212 150-1216 150-001214</b>	Zoning <b>Residential</b>
Township <b>Hamilton Township</b>	Acreage <b>.51</b>
Water Supply <input checked="" type="checkbox"/> Public (Central) <input type="checkbox"/> Private (Onsite)	Wastewater Treatment <input type="checkbox"/> Public (Central) <input checked="" type="checkbox"/> Private (Onsite)

Staff Use Only
Case # <b>AP-3795</b>
Date filed: <b>5-9-13</b>
Received by: <b>LMK</b>
Hearing date: <b>JUNE 17</b>
Zoning Compliance:

Applicant Information	
Name/Company Name <b>Karen M. McMichael</b>	
Address <b>11568 Honey Creek St Thorndale, Ohio 43076</b>	
Phone # <b>614-961-0107</b>	Fax #
Email <b>karenmcmichael13@yahoo.com</b>	

Document Submission
The following documents must accompany this application:
<input checked="" type="checkbox"/> Completed form
<input checked="" type="checkbox"/> Auditor's map (8 1/2" x 11")
<input checked="" type="checkbox"/> Covenants and deed
<input checked="" type="checkbox"/> Notarized signatures
<input type="checkbox"/> Proof of water & waste water supply
<input type="checkbox"/> Copy of Administrative Officer's decision
Please see the Application Instructions for complete details

Property Owner Information	
Name/Company Name <b>Karen M. McMichael</b>	
Address <b>11568 Honey Creek St Thorndale, Ohio 43076</b>	
Phone # <b>614-961-0107</b>	Fax #
Email <b>karenmcmichael13@yahoo.com</b>	

Agent Information (if applicable)	
Name/Company Name	
Address	
Phone #	Fax #
Email	

Case #

Describe the decision by an Administrative Officer that is being appealed:

The property is zoned residential (Rural). There is a commercial property on the property.

Section 300.022 Franklin County Zoning Resolution  
Section 302.02

Describe the project

I want it zoned correctly since the building has been there since 1940's. And there has been a blacksmith shop on the site since 1865's.

Affidavit

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form.

Karen M. McMichael  
Applicant

4/21/2013  
Date

Karen M. McMichael  
Property Owner (Signature must be notarized)

4/21/2013  
Date

Property Owner (Signature must be notarized)

Date

Connie L. Myers, Notary



Connie L. Myers  
Notary Public, State of Ohio  
My Commission Expires 09-07-2017

\*Agent must provide documentation that they are legally representing the property owner.

\*\*Approval does not invalidate any restrictions and/or covenants that are on the property.

Case #

AP-3795

## Application instructions

Please submit the following:

1) **Application Form**

Completed application form with notarized signatures

2) **Covenants or deed restrictions.**

Provide a copy of your deed with any deed restrictions

You can find your deed at:

[www.franklincountyohio.gov/recorder](http://www.franklincountyohio.gov/recorder)

3) **Auditor's Tax Map.**

Provide a map showing the subject property and all land within 500 feet of the property.

You can find the map at:

[www.franklincountyohio.gov/auditor](http://www.franklincountyohio.gov/auditor)

4) **Proof of utility service**

Provide proof from the provider of your water and wastewater services.

Note: If services are provided by a private or public entity, you must provide a letter verifying that you have service or will have access to it. If you're proposing an on-lot septic system or well, please provide information from the Franklin County Board of Health (or appropriate agency).

5) **Copy of Administrative Officer's decision**

Provide a copy of the letter or application indicating the decision being appealed

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MAY - 9 2013

Franklin County Planning Department  
Franklin County, Ohio

RECEIVED

MAY - 9 2013



**Commissioner** John D'Grady □ **Commissioner** Paula Brooks □ **Commissioner** Marilyn Brown  
President

Franklin County Planning Department  
Franklin County, Ohio

AP-3795

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

April 2, 2013

Karen McMichael  
11568 Honeycreek Rd.  
Thornville, Ohio 43076

REF: 154 Jackson

Karen McMichael,

An inspection of your property, located in Hamilton Twp. (Tax District 150, Parcel 001214 & 001216), zoned Residential Rural, revealed a violation(s) of the Franklin County Zoning Resolution.

The violation(s) are: Permitted use, inoperable vehicle(s), & operating a business on parcels zoned Residential Rural.

According to Section 300.022 of the Franklin County Zoning Resolution, only a use designated as a Permitted Use shall be as a matter of right in a Zoning District and use not so designated shall be prohibited except, when in character with the Zoning District, such additional use may be added to the Permitted Uses of the Zoning District by amendment of this Resolution.

According to Section 531.054 a permitted inoperable motor vehicle shall meet the requirements in terms of limiting not more than one (1) wrecked or otherwise inoperable motor vehicle shall be allowed per one (1) dwelling unit. Any permitted inoperable motor vehicle shall be parked or stored by completely enclosing the same within a permitted or accessory structure, or by screening same with a one hundred percent (100%) opaque fence not to exceed six (6) feet in height in such a manner so as not to be visible at ground level from any adjacent lot or street. For purposes of these regulations, storage of inoperable vehicles shall not be permitted between the principal structure and a street unless stored within an otherwise permitted accessory structure.

According to Section 302.02 of the Franklin County Zoning Resolution, conducting a commercial business in an area zoned Rural is not permitted. Commercial business is confined to one of the zoning districts identified for said business.

In order to resolve this matter you must comply with the above quoted code. Your prompt compliance with the quoted code will eliminate the involvement of the Franklin County Prosecutor's office.

MAY - 9 2013

Franklin County Planning Department  
Franklin County, Ohio

If you have questions contact me at (614) 525-5627 (best 8am-12n), or visit our web site at [www.franklincountyohio.gov/edp](http://www.franklincountyohio.gov/edp) for further clarification of the violation(s).

I will re-inspect the property in approximately five (5) business days.

Respectfully,



Paul B. Eberts  
Zoning Officer  
Franklin County Economic Development and Planning  
[pbeberts@franklincountyohio.gov](mailto:pbeberts@franklincountyohio.gov)

# Shadeville thinks: must be better way

By ERIC ROZENMAN  
Citizen-Journal Staff Writer

It isn't the money they'd get if an interchange takes their homes, but the sentiment accumulated by generations living in the same place, that's important to some Shadeville residents.

The Ohio Department of Transportation (ODOT) will hear citizens of the tiny village at 4 p.m. Monday and 7 p.m. Tuesday in Hamilton Township High School, 4999 Lockbourne-rd.

ODOT this week detailed plans to relocate four miles of U.S. Route 23 south of I-270.

**ALL THREE ALTERNATIVE** plans call for a four-lane, limited access road through the community of approximately 200. Two show an interchange in the midst of the 75 houses, with the highway lying about 1,200 feet west of existing U.S. Route 23.

Al ough copies of the three plans show a rectangular Shadeville surrounding the new road, the cluster of buildings is just two streets wide and three blocks long. Major highway construction would gobble it up, residents believe.

AN ON GOING to the meetings. Don't know  
Continued on Page 11, Col. 1



**A REMINDER** — Shadeville, on the east bank of the Scioto River near Scioto Downs race track, began with the Cottage Mills in the 1840s. The Rawlins' blacksmith shop still stands, at the rear of a welding garage on Jackson-st. It was in use for a century after the Civil War.



**ALSO THREATENED** — A s constructed about the same tim Route 23.

# Shadeville thinks there must be a bet

● From Page One

whether it'll do any good or not, but we're going," Jenny Caylor promised. She lives at 188 Jackson-st with two sisters.

"We've lived here maybe 68 years, and have been in this house at least 60," Miss Caylor said. Her grandmother, who died in 1934, had one of four log houses still standing in Shadeville, she added.

**IF THE HIGHWAY** is built the Caylor sisters have no idea where they'd go.

Thinking about it gives you sort of a let down feeling," Jenny Caylor said. "We like the peacefulness. It bothers anyone here."



Franklin County Planning Department  
Franklin County, Ohio

MAY - 9 2013

RECEIVED

1937

AP-3795

On Sept 30 - 1937 Charles F Rawlins  
sold to Charles J and Marie Rawlins  
two lots No 47-49 with house, blacksmith  
shop, garage, tools, stock + business for  
the sum of 1800.00

Month	Year	Description	Amount	Balance
Sept 30	1937	Charles J + Marie Rawlins Paid	600.00	4500.00
Oct 30	"	"	29.00	4210.00
Nov	"	"	29.00	3920.00
Dec	"	"	29.00	3630.00
Jan	1938	"	29.00	3340.00
Feb	"	"	29.00	3050.00
Mar	"	"	29.00	2760.00
Apr	"	"	29.00	2470.00
May	"	"	29.00	2180.00
June	"	"	29.00	1890.00
July	"	"	29.00	1600.00
Aug	"	"	29.00	1310.00
Sept	"	"	29.00	1020.00
Oct	"	"	29.00	730.00
Nov	"	"	29.00	440.00
Dec	1937	"	29.00	150.00
Jan	1938	"	29.00	121.00
Feb	"	"	29.00	92.00
Mar	"	"	29.00	63.00
Apr	"	"	29.00	34.00
May	"	"	29.00	5.00
June	"	"	29.00	240.00
July	"	"	29.00	470.00
Aug	"	"	29.00	700.00
Sept	"	"	29.00	930.00

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MAY - 9 2013

Franklin County Planning Department  
Franklin County, Ohio

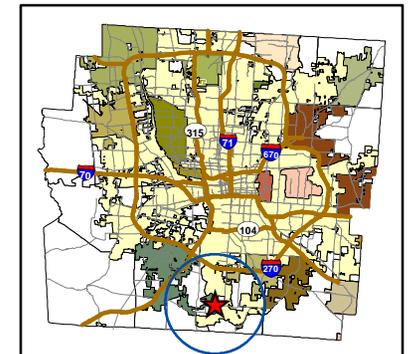


## AP-3795

Appealing 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 property is an existing non-conforming commercial use that began prior to the adoption of zoning in 1948.

0.51 acres  
Hamilton Township

- 160 Jackson St
  - Parcels
  - Streets
- County Zoning**
- Rural
  - Community Com.



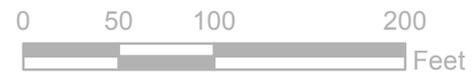
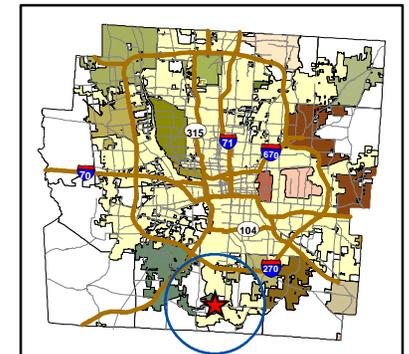


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-  Parcels
-  Streets





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