



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 20, 2016  
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 May 9 and May 16, 2016 meetings
5. New Business:

**i. VA/CU-3855 – Brad Fisher**

<b>Owner/Applicant:</b>	Brittany Schoeder/The Pack, LLC
<b>Township:</b>	0.76
<b>Site:</b>	1145 Hague (140-004317)
<b>Acreage:</b>	0.76
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Public water and private waste water
<b>Request:</b>	Requesting a Variance and Conditional Use from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care on a property that fails to meet the minimum lot size and property line setback for such a use in an area zoned Rural.

6. Adjournment of Meeting to July 18, 2016



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

**Monday, May 9, 2016**

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, May 9, 2016.

Present were:

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

Jenny Snapp, Assistant Director, Economic Development & Planning Department  
Matt Brown, Planning Administrator  
Brad Fisher, Planner

Chairperson Dever opened the meeting.

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

The next order of business was the approval of the minutes from the March 21<sup>st</sup>, 2016 meeting. Mr. Guyton made a motion to table the minutes until the May 16<sup>th</sup>, 2016 meeting. The motion was seconded by Ms. Hunter. The motion was approved by a four-to-zero vote.

**NEW BUSINESS:**

The next item of business being Case No. VA-3851. The applicant is Daniel and Lorrie Olson. The township is Brown Township. The location is 8159 Morris Road. It is 5.0 acres and is served by private water and private wastewater. The request is for a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will be located in front of the principal structure in an area zoned Rural. Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance Case VA-3851. It was seconded by Mr. Baer. The motion failed by a zero-to-four vote.

The next item of business being the approval of Findings of Fact. Ms. Hunter made a motion to approve the Findings of Fact that the basis for denying the applicant's request for a Variance from Section 512.02(2(a)) of the Franklin County Zoning Resolution, as outlined in the request for Case No. VA-3851, results from the applicant's failure to satisfy all criteria for granting a variance under Section 810.041 of the Zoning Resolution. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Mr. Baer made a motion to adjourn the meeting. It was seconded by Ms. Hunter.

By unanimous vote, the meeting was adjourned at 2:12 p.m.

Minutes of the May 9<sup>th</sup>, 2016, Board of Zoning Appeals hearing were approved this 20th day of June, 2016.

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Signature



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

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

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

**Monday, May 16, 2016**

The Franklin County Board of Zoning Appeals convened on the 26th floor, Franklin County Courthouse, 373 South High Street, Columbus, Ohio, 43215, on Monday, May 16, 2016.

Present were:

Gary Dever, Chairperson  
Christopher Baer, Vice Chairperson  
Nancy Hunter

Matt Brown, Planning Administrator, Economic Development & Planning Department  
Brad Fisher, Planner

Chairperson Dever opened the meeting.

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

The next order of business was the approval of the minutes from the March 21st, 2016, meeting. Ms. Hunter made a motion to remove the minutes of the March 21st, 2016, meeting from the table. The motion was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

Ms. Hunter made a motion to approve the minutes of the March 21st, 2016, meeting. It was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

**NEW BUSINESS:**

The next item of business being Case No. VA-3852. The applicant is JAS Group, Inc. The township is Pleasant Township. The location is 6732 Lambert Road. It is 2.18 acres and is served by private water and private wastewater. The request is for a Variance from Sections 670.083(a), 670.083(e), 670.083(h)(4), 670.0812(a), and 670.0816(b) of the Franklin County Zoning Resolution to allow the development of a commercial site that will fail to meet the following requirements: Front setback along a primary street, building orientation, building facade, parking setback, and circulation system on a lot subject to the Smart Growth Overlay in an area zoned Neighborhood Commercial (NC). Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to table Variance Case VA-3852 at the request of the applicant until the July 18th, 2016 meeting. It was seconded by Ms. Hunter. The motion was approved by a three-to-zero vote.

The next item of business being Case No. VA-3853. The applicant is Jeffrey Osborn. The township is Sharon Township. The location is 899 Walnut Drive. It is 0.43 acres in size and is served by public water and private wastewater. The request is for a Variance from Section 512.02(2) and 512.02(2)(a) of the Franklin County Subdivision Regulations to allow the construction of an accessory building that exceeds the permitted accessory building size and height and will not meet the minimum setback requirement from a principal structure in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. VA-3853 with Staff's one condition. It was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

The next item of business being Case No. VA-3854. The applicants are John and Elizabeth Deniro. The township is Norwich Township. It is located at 4242 Dublin Road. It is 2.63 acres in size and is served by private water and private wastewater. It is zoned Rural. The request is for a Variance from Sections 302.021(a)(1) and 302.041(a) of the Franklin County Zoning Resolution to allow a lot split that will result in a residual lot of less than 5 acres and create a lot that fails to meet the minimum lot size requirement of 2.5 acres in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Case No. VA-3854. It was seconded by Mr. Baer. The motion was approved by a three-to-zero vote.

There being no further business coming before the Franklin County Board of Zoning Appeals, Mr. Baer made a motion to adjourn the meeting. It was seconded by Ms. Hunter.

By unanimous vote, the meeting was adjourned at 3:19 p.m.

Minutes of the May 16th, 2016, Board of Zoning Appeals hearing were approved this 20th day of June, 2016.

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Signature



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
June 20, 2016

### Case VA/CU-3855

Prepared by: Brad Fisher

<b>Applicant/Owner:</b>	Brittany Schroeder, The Pack, LLC
<b>Township:</b>	Franklin Township
<b>Site:</b>	1145 N. Hague Ave. (PID # 140-004317)
<b>Acreage:</b>	0.76 acres
<b>Zoning:</b>	Rural
<b>Utilities:</b>	Public water and private wastewater
<b>Request:</b>	Requesting a Variance and Conditional Use from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care on a property that fails to meet the minimum lot size and property line setback for such a use in an area zoned Rural.

### Summary

The applicant is requesting a Conditional Use from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care in an area zoned Rural. The applicant is also requesting a Variance from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care that does not occupy a lot that is five (5) acres in size or larger and the building used to care for the animals is closer than the minimum two hundred (200) feet from any property line.

Staff recommends denial of a Conditional Use from Sections 302.035 and denial of Variances from Section 302.035.

### Description of the Request

The applicant's property is located on the west side of N. Hague Avenue, directly west of North Franklin Elementary School in Franklin Township. The property contains a single-family residence totaling 2,036 square feet, including a breezeway attaching the garage.

The applicant is requesting to allow for the operation of a dog day care on a parcel that does not meet the requirements of the Franklin County Zoning Resolution in an area zoned Rural. The dog day care would consist of no more than six (6) dogs at any given time and no more than three (3) non-resident employees. The care of animals will take place within the garage, breezeway and rear yard, with customer parking on the existing driveway.

### Surrounding Area

The entire area surrounding the property is zoned Rural in unincorporated Franklin Township. Redick Park is 0.25 miles north, North Franklin Elementary School is directly east, Interstate 70 is 0.34 miles to

the south and single-family homes are directly to the west. The land use in the area is predominately Medium Density Residential.

### **Comprehensive Plan**

The subject site is located within the planning area of the Scioto-Franklin Neighborhood Plan, which was adopted in 2011. The Plan's future land use map recommends the site for Low Density Residential uses with the following corresponding zoning districts: Restricted Suburban Residential District (R-1) and Limited Suburban Residential District (R-2). The R-1 and R-2 zoning districts allow for Home Occupations, provided the Home Occupation is in association with a permitted dwelling, and in accordance with the provisions of Section 511, Article V of the Franklin County Zoning Resolution.

### **Staff Review**

#### Conditional Use from Section 302.035:

- Kennel or other facilities for the care or boarding of animals, provided it occupies a lot of not less than five (5) acres. Building, pen or other enclosure so used shall not be within two hundred (200) feet of any property line.
  - Providing care for animals in an area zoned Rural requires a Conditional Use Permit.

#### Variances from Section 302.035:

- Kennel or other facilities for the care or boarding of animals, provided it occupies a lot of not less than five (5) acres.
  - The lot is only 0.76 acres, not meeting the required five (5) acres.
- Building, pen or other enclosure so used shall not be within two hundred (200) feet of any property line.
  - The applicant's garage and breezeway that would be used to care for dogs is approximately: 98 feet from the center line of N. Hague Avenue, 58 feet from the southern property line, 203 feet from the western property line, and 9 feet from the northern property line, not meeting the required two hundred (200) feet from any property line.

### **Technical Review Committee Agency Review**

*Franklin County Traffic Engineers:* Expressed concerns regarding vehicles backing out onto N. Hague Avenue and the internal circulation space within the site to adequately allow cars to exit onto N. Hague Avenue.

- The applicant indicated that client's pick-up and drop off times will be staggered in order to maintain normal traffic flow. The applicant plans to provide ample parking and turn-around space on the site by staggering these pick-up and drop off times.

*No other agencies expressed concerns.*

### **Staff Analysis**

#### Section 810.041 – Approval of Variance:

The Board of Zoning Appeals shall only approve a variance if all of the following findings are made:

- 1) *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District.*
  - » The applicant indicated that the special circumstances that differentiate this property from similar properties is the relatively small size of the business, and that no boarding of animals is taking place. The applicant will care for up to six (6) dogs, versus a commercial dog day care that cares for up to 150 dogs. The applicant further stated that all dogs will be picked up by 6:30pm, similar to standard business hours.
  - » Staff notes that the size of the business is not relevant to the variance requested.

- 2) *That 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.*
  - » The applicant indicated that a literal interpretation of the provisions would deprive her the opportunity to earn a livable wage as compared to in-home child day care providers.
  - » Staff notes that a Child Day Care is permitted in an area zoned Rural however; the applicant is applying for a Dog Day Care.
- 3) *That the special conditions and circumstances do not result from the action of the applicant.*
  - » The applicant has indicated that she was initially denied a Home Occupation for the dog day care due to the site exceeding the allowed twenty percent (20%) gross floor area of the dwelling unit. As the structure was already existing, the applicant believes the failure to meet this provision was not the result of her actions. The applicant further stated that there are no licenses or permits required by the state of Ohio for the operation of a dog day care; there are however special licenses and permits required by the state of Ohio to operate a kennel or boarding facility.
- 4) *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District.*
  - » The applicant has indicated that other property owners in the area have multiple pets residing on their properties full time. The applicant further stated that it is within her legal rights to adopt six (6) dogs of her own.
  - » Staff agrees that there are no known restrictions in the surrounding area of the applicant regarding the ownership of six (6) or more dogs on one property.
- 5) *That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.*
  - » The applicant has indicated that granting the variance should have a nearly unnoticeable effect on the surrounding area, and that sound, traffic, and privacy have been thoroughly addressed. The applicant further explained the existing driveway has three (3) parking spaces.
  - » Based on staff and technical agency review, there have been concerns regarding cars backing out onto N. Hague Avenue and the internal circulation space within the site to adequately allow cars to exit onto N. Hague Avenue.

### **Staff Analysis**

#### **Section 815.041 – Approval of Conditional Use**

The Board of Zoning Appeals shall approve an application for a Conditional Use if the following three (3) conditions are met:

- 1) *The proposed use is a Conditional Use of the Zoning District, and the applicable Development Standards established in this Zoning Resolution are met;*
  - » The applicant has requested variances to address the lot size and distance from property line requirements.
- 2) *The proposed development is in accordance with applicable plans or policies for the area;*
  - » The Scioto-Franklin Neighborhood Plan recommends this site for Low Density Residential Development. The Plan allows for Home Occupations, provided the Home Occupation is in association with a permitted dwelling, and in accordance with the provisions of Section 511, Article V of the Franklin County Zoning Resolution.
- 3) *The proposed use will be in keeping with the existing land use character of the area.*
  - » The proposed use will not deter from the existing residential character of the area.

### **Recommendation**

Staff recommends ***denial*** of a Variance from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care that does not occupy a lot that is five (5) acres in size or larger and the building used to care for the animals is closer than the allowed two hundred (200) feet from any property line.

Staff recommends *denial* of a Conditional Use from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog daycare that does not meet the standards for a permitted use in an area zoned Rural.

**Resolution**

For your convenience, the following are proposed resolutions for the request:

**Proposed Resolution for Variance Requests:**

- (a) \_\_\_\_\_ moves to approve a Variance from Section 302.035 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA/CU-3855.

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

Voting:

- (b) If the resolution for the variance request 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/CU-3855 results from the applicant’s failure to satisfy the criteria for granting a variance under Section 810.041 of the Franklin County Zoning Resolution as detailed in staff’s analysis.

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

Voting:

**Proposed Resolution for Conditional Use Request:**

- (a) \_\_\_\_\_ moves to approve a Conditional Use from Section 302.035 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. VA/CU-3855.

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

Voting:

- (b) If the resolution for the conditional use request fails for lack of support, the following are proposed findings of fact for adoption by the BZA:

\_\_\_\_\_ moves that the basis for denying the applicant’s request for the conditional use as outlined in the request above for Case No. VA/CU-3855 results from the applicant’s failure to satisfy the criteria for granting a conditional use under Section 815.041.

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

Voting:

# MORTGAGE LOCATION SURVEY

022310

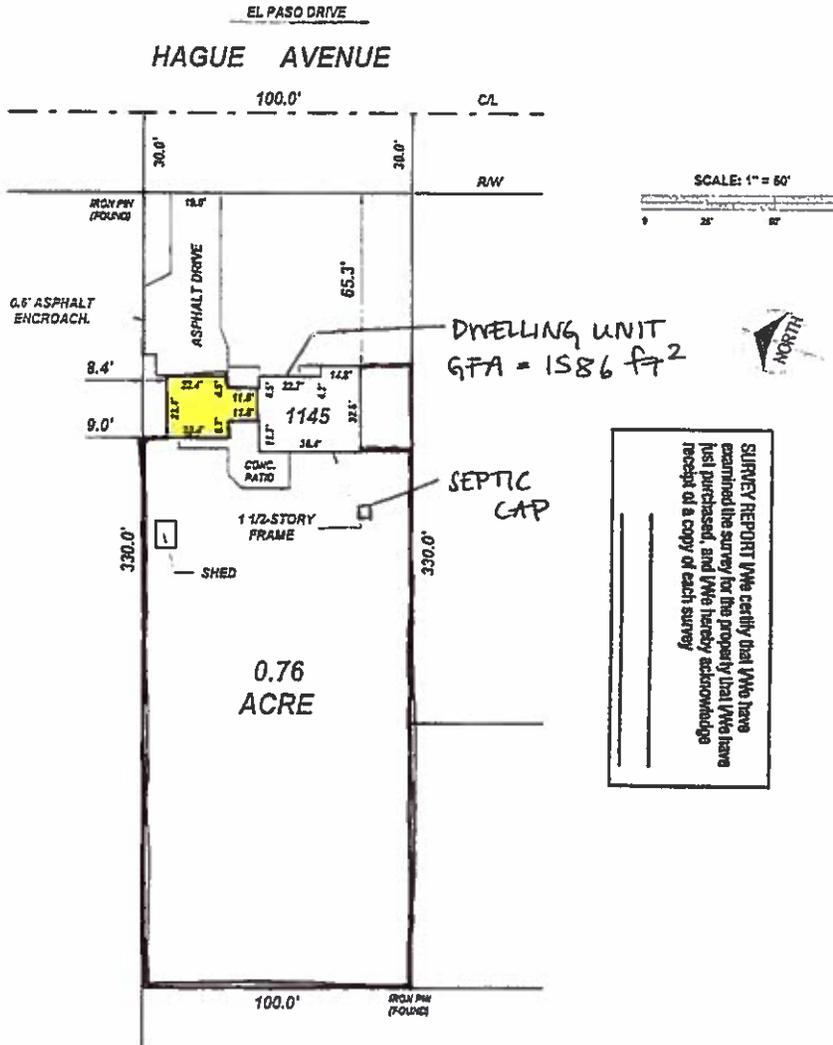
TITLE COMPANY: NORTHWEST SELECT TITLE AGENCY  
 LENDER: US BANK, N.A.  
 BUYER: JACOB G. GRICE  
 SELLER: NATALIE L. SCHOENER  
 DATE: 04/26/10  
 ORDER NO.: 022310

LEGAL DESCRIPTION: BEING 0.76 ACRE (PART OF VIRGINIA MILITARY SURVEY NO. 1279), TOWNSHIP OF FRANKLIN, COUNTY OF FRANKLIN, STATE OF OHIO.

PARCEL NO. 140-004317-00 TITLE CO. FILE NO. P-10-NWS1084OR



APPARENT ENCROACHMENTS: ASPHALT DRIVE 0.6' (MAX.) OVER PROPERTY LINE



SURVEY REPORT WHO certifies that WHO have examined the survey for the property that WHO have just purchased, and WHO hereby acknowledge receipt of a copy of each survey

RECEIVED

MAY 12 2016

Franklin County Planning Department  
 Franklin County, OH

CU-3855



COMPASS SURVEYING SOLUTIONS

P.O. Box 1902  
 Westerville, Ohio 43086-1902  
 Phone: (614)378-9140  
 Fax: (614)891-3839  
 CompassSurveying@yahoo.com

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey as defined in Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage purposes only and does not show the location of fences or landscaping. This plat is not to be used for the construction of any improvements.

By: *[Signature]*

G. Dean Erlenbach  
 Ohio Registered Surveyor No. 7272



☐ Proposed home occupation totalling 681.76 ft<sup>2</sup> currently used as a garage and breezeway proposed use as dog daycare  
 = existing 6ft vinyl fence

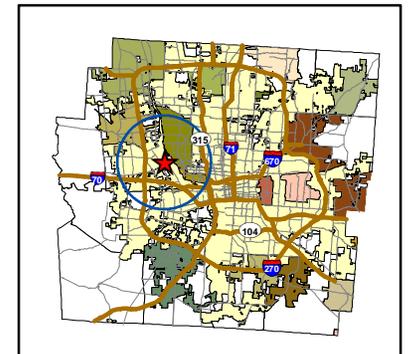


## VA-CU-3855

Requesting a Conditional Use from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog daycare that does not meet the standards for a permitted use in an area zoned Rural. Requesting a Variance from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care that does not occupy a lot that is five (5) acres in size or larger and the building used to care for the animals is closer than the allowed two hundred (200) feet from any property line.

0.76 Acres  
Franklin Township

-  1145 Hague Avenue
-  Parcels
-  Streets





## VA-CU-3855

Requesting a Conditional Use from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog daycare that does not meet the standards for a permitted use in an area zoned Rural. Requesting a Variance from Section 302.035 of the Franklin County Zoning Resolution to allow for the operation of a dog day care that does not occupy a lot that is five (5) acres in size or larger and the building used to care for the animals is closer than the allowed two hundred (200) feet from any property line.

0.76 Acres  
Franklin Township

- 1145 Hague Avenue
- Parcels
- Streets

