



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

Economic Development & Planning Department  
James Schimmer, Director

# Technical Review Committee Agenda

Franklin County Engineer's Office  
970 Dublin Road  
Columbus, OH 43215

Tuesday, March 25, 2014  
1:30 p.m.

## 1. Old Business

### A. BZA

#### i. VA-3812 – Anthony Hray – Presented to TRC on January 28, 2014

<b>Applicant/Owner:</b>	Brian and Beth Warner
<b>Township:</b>	Brown Township
<b>Site:</b>	4042 Amity Road (PID #120-000791)
<b>Acreage:</b>	1.2-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	On-site water and wastewater
<b>Request:</b>	Requesting a Variance from Sections 512.02(2) and 650.162(a) to legitimize the expansion of an illegally constructed accessory building that fails to meet the required property line setback, exceeds the maximum size permitted and is located within the Big Darby Creek Riparian Setback in an area zoned Rural.

## 2. Adjournment of Meeting to April 29, 2014



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

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

# Application for Zoning Variance

Revised January 1, 2009

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JAN 15 2014

VA

Franklin County Planning Department  
 Franklin County, Ohio

Property Information	
Site Address 4042 AMITY RD	
Parcel ID(s) 120-000791-00	Zoning RESIDENTIAL
Township BROWN	Acreage 1.2
Water Supply <input type="checkbox"/> Public (Central) <input checked="" type="checkbox"/> Private (Onsite)	Wastewater Treatment <input type="checkbox"/> Public (Central) <input checked="" type="checkbox"/> Private (Onsite)

Staff Use Only
Case # VA-3812
Date filed: 1/15/14
Fee paid 425.00
Receipt # 1921
Received by: DAH
Hearing date: 2/18/14
Zoning Compliance: R2-13-1237

Applicant Information	
Name/Company Name BRIAN WARNER	
Address 4042 AMITY RD HILLIARD OHIO 43026	
Phone # 614 870 7864	Fax #
Email	

Document Submission
The following documents must accompany this application:
<input checked="" type="checkbox"/> Completed application
<input checked="" type="checkbox"/> Fee Payment (Checks only)
<input checked="" type="checkbox"/> Auditor's map (8 1/2" x 11")
<input checked="" type="checkbox"/> Site Map (max 11" x 17")
<input checked="" type="checkbox"/> Covenants and deed
<input checked="" type="checkbox"/> Notarized signatures
<input checked="" type="checkbox"/> Proof of water & waste water supply
Please see the Application Instructions for complete details

Property Owner Information	
Name/Company Name BRIAN BETH WARNER	
Address 4042 AMITY RD HILLIARD OHIO	
Phone # 614 870 7864	Fax #
Email BRIAN BETH WARNER@SBCGLOBAL.NET	

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

Case #  
VA-3812

Variance(s) Requested	
Section	512.02
Description	TO ALLOW 5 FT SETBACK. MY SETBACK IS 5 FT NOT 10 FT
Section	512.02
Description	ALLOW MY CURRENT SQ FT OFF 1920 SQ FT 540 SQ FT
Section	512.02 OVER 1440.
Description	COVERED WOOD STORAGE AREA JUST BUILT.

Describe the project
30 X 56 BARN IN QUESTION WAS BUILT IN 2003
BUILT WITH 5 FT SETBACK WHICH I BELIEVED TO BE
CONNECT. I D.
RECENT ADDITION OF PORCH FOR WOOD STORAGE

**NOTE: To receive a variance, you must meet all the variance requirements** in Section 810.04 of the Franklin County Zoning Resolution. Your answers to the following questions will help the Board of Zoning Appeals determine whether you meet the requirements for a variance. If you don't answer the questions, we will consider your application incomplete.

1. Are there special conditions or circumstances applying to the property involved that do not generally apply to other properties in the same zoning district.

SEE ATTACHED ANSWER SHEET.

2. That a literal interpretation of the requirements of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of the Zoning Resolution.

3. That the special conditions and circumstances, listed under question #1, do not result from any actions of the applicant.

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4. That approving the variance requested will not grant the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District.

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5. Would granting the variance 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?

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6. Can there be any beneficial use of the property without the variance?

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7. How substantial is the variance? (i.e. 10 feet vs. 100 feet - Required frontage vs. proposed)

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8. Would the essential character of the neighborhood be substantially altered or would the adjoining properties suffer substantial harm as a result of the variance?

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9. How would the variance adversely affect the delivery of governmental services?  
 (e.g., water, sewer, garbage, fire, police - Verification from local authorities - i.e. fire might be required)

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10. Did the applicant purchase the property with knowledge of the zoning restrictions?

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11. Could the applicant's predicament feasibly be obtained through some method other than a variance?

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12. Would the spirit and intent behind the zoning requirement be observed and would substantial justice be done by granting the variance?

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Case # VA-3812

**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.

Brian P Warner  
Applicant

1/12/14  
Date

Brian P Warner  
Property Owner (Signature must be notarized)

1/12/14  
Date

Ruth M. Warner  
Property Owner (Signature must be notarized)

1-12-2014  
Date

**\*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.**

Susan L. Mantle

1-12-14



Susan L. Mantle  
Notary Public, State of Ohio  
My Commission Expires 08-08-2015

Re: Residential Zoning Compliance Application RZ# 13-1237 (4042 Amity Road)

Answers for Application for Zoning Variance submitted by Brian Warner, Applicant.

1. Yes, the special circumstance is that the building was built in 2003 and has been in existence for over 11 years.
2. Yes, I would be prejudiced if a literal interpretation of the zoning requirements would be enforced. Due to the amount of time that has passed, I do not have any recollection on how I came to the understanding that it was a 5 ft required set back. The building was built in 2003. The size does not and has not for 11 years caused any adverse affect to the surrounding properties. Yes, I would definitely be deprived of the same rights that are commonly "enjoyed" by my surrounding neighbors.
3. Yes, the special circumstance from question one is a result of my understanding that it was a 5 ft set back.
4. No, I do not believe that the granting of this variance would lend me any special privileges that are not also enjoyed by surrounding property owners.
5. No. For over 11 years this building has existed with absolutely NO adverse affect and has created no detrimental issues in any way.
6. No. Without the allowance of the requested variance, I would be deprived of my ability of inside storage.
7. According to Section 512 – Accessory Buildings, a set back from property lines is 10 ft and we are requesting only a 5 ft set back variance on the east/rear side of the property line. Only a portion of the building does not meet the required 10 ft set back. We also are requesting a square footage variance. Based on the maximum size limit of 1440 sq ft for an accessory building, we are requesting a variance of 480 sq ft. The original building has been in existence at the 1680 sq footage size for the past 11 years and has not been detrimental to the surrounding properties. The recent addition of an 8 x 30 open air storage area brings the total sq footage to 1920, which is 480 sq ft above building size requirements. This addition has also proven not to be detrimental to the surrounding properties.
8. No. The building has been in existence since 2003 with no adverse issues with adjoining properties. The building is aesthetically pleasing and maintained. See attached pictures.

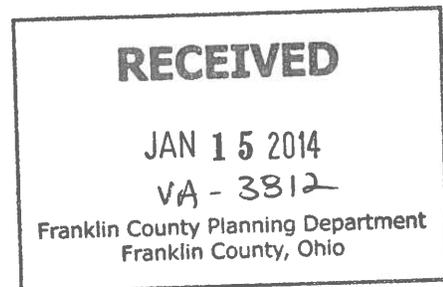
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VA - 3812

Franklin County Planning Department  
Franklin County, Ohio

9. It would not adversely affect in any way or have any impact on local government agencies i.e. police, fire, garbage, sewer/water.
10. No. The property was purchased in 1988 as a rural residence with no specific knowledge of zoning restrictions/regulations.
11. No.
12. Yes. I now understand the importance of zoning requirements. Yes, a substantial justice would be served in granting this variance and appreciate the time and effort that the Board of Zoning Appeal must take to review my variance request. The granting of this variance will not have any adverse affect toward the surrounding property owners or the aesthetics of our Brown Township Community.



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Property Report

Generated on: 12/22/13 at 07:10:21 PM

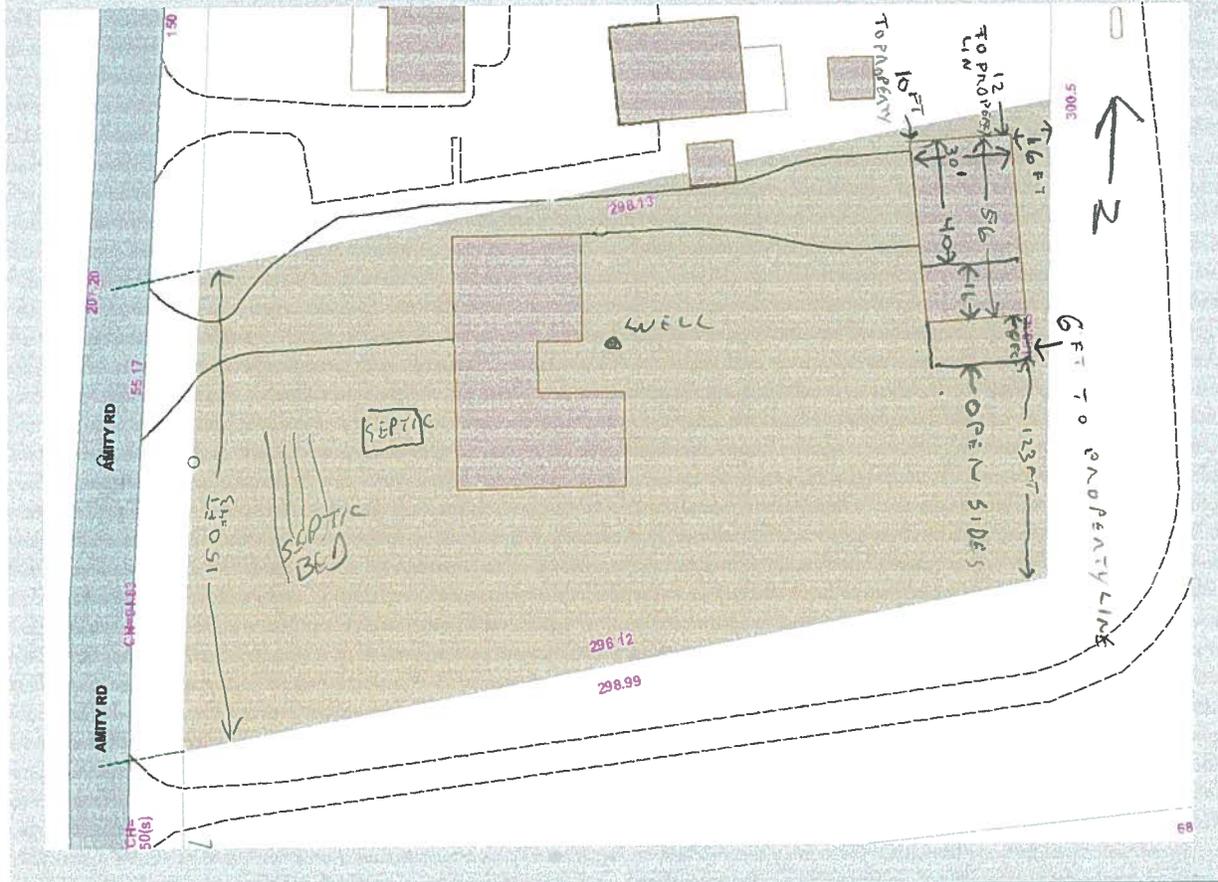
Parcel ID  
120-000791-00

Map Routing No  
120-O005E -009-03

Card No  
1

Location  
4042 AMITY RD

GIS



Disclaimer

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

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

# Myers Surveying Company, Inc.

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

614-235-8677

FAX:614-235-4559

A Boundary Survey prepared for and certified to:

**Brian Warner**

**Legal Description:** Situated in The State of Ohio, County of Franklin, Township of Brown Being 1.002 Acres in Virginia Military Survey No. 1478

**Posted Address:** 4042 Amity Road (County Road 12)

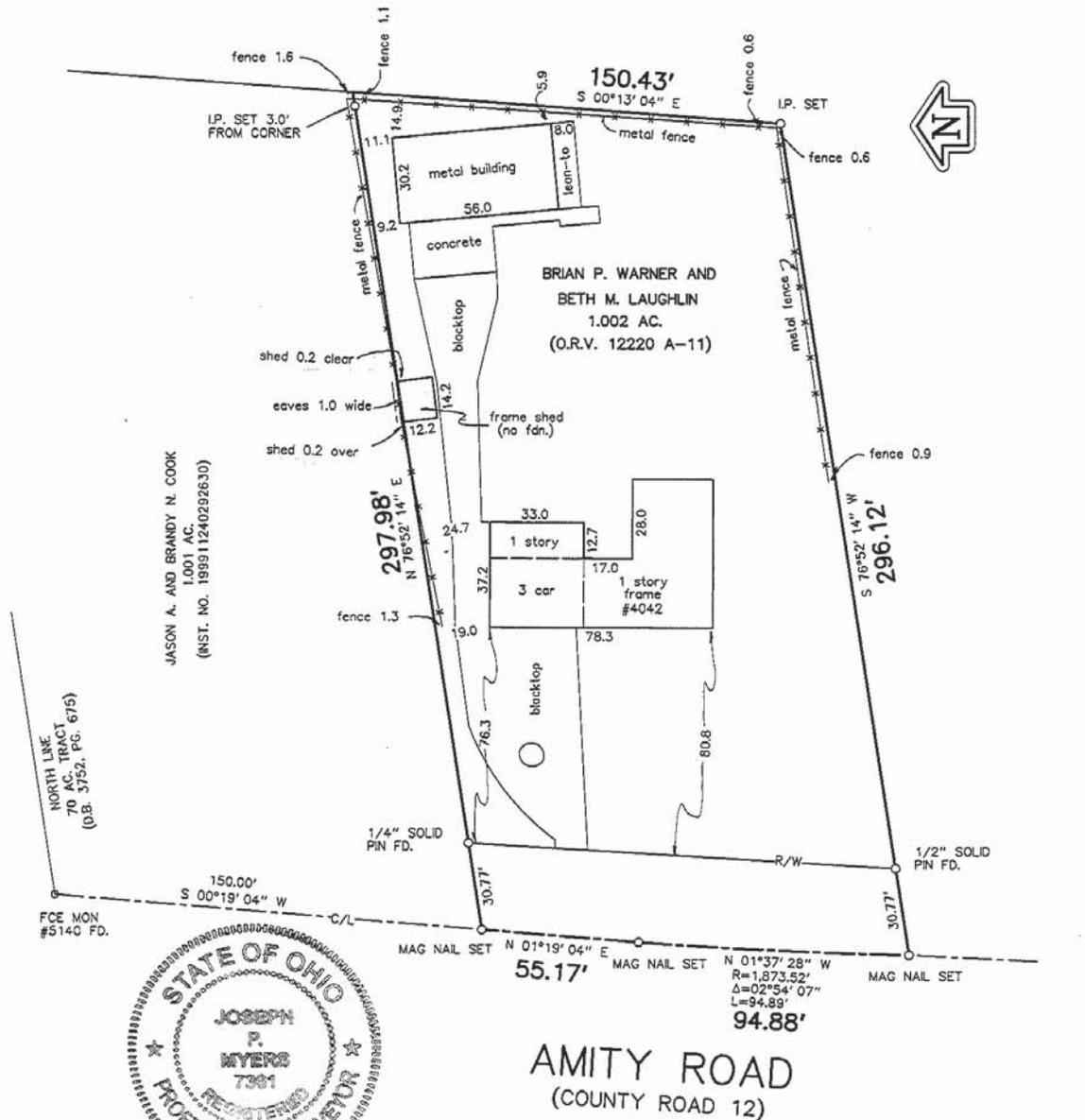
VA-3812

2.24.14



Scale 1" = 50'  
Date: 02/21/2014

KAREN L. MURRAY-SMITH AND ALAN SMITH  
6.596 AC.  
(INST. NO. 2D0702160028641)



JASON A. AND BRANDY N. COOK  
1.001 AC.  
(INST. NO. 199911240292630)

NORTH LINE  
70 AC. TRACT  
(O.B. 3752, PG. 675)

FCE MON  
#5140 FD.



AMITY ROAD  
(COUNTY ROAD 12)

We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pipes set are 30"x1" O.D. with an orange plastic plug inscribed "P.S. 6579", unless otherwise noted. Basis of bearings is the centerline of Amity Road held as South 00° 19' 04" West per O.R.V. 12220 A-11.

Myers Surveying Co., Inc.

By *[Signature]*

Professional Surveyor

Myers Order No. - 3-01/30/2014



201401303

Rec.	Field	DWG	Ltr.	Ck.
CA	RON	DJO	DJO	