



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

Tuesday, March 21, 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 February 16, 2016 meeting
5. New Business:

**i. CU-3850 – Matt Brown**

<b>Applicant:</b>	Ted Blahnik
<b>Owner:</b>	Daniel & Lorrie Olson
<b>Township:</b>	Brown Township
<b>Site:</b>	8159 Morris Rd (120-001249)
<b>Acreage:</b>	5.0 acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Private water and private waste water
<b>Request:</b>	Requesting a Conditional Use from Section 302.0392 of the Franklin County Zoning Resolution to allow the construction of a pond over 1,000 square feet in size in an area zoned Rural.

6. Adjournment of Meeting to April 18, 2016



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

**Monday, February 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 Tuesday, February 16, 2016.

Present were:

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

Franklin County Development Department members,  
Jenny Snapp, Assistant Director, Franklin County Economic Development and Planning  
Matt Brown, Planning Administrator

Chairperson Dever opened the hearing, which was followed by the roll call of members and the swearing in of all witnesses by Mr. Brown.

The first order of business being approval of the minutes of the December 21, 2015, 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 four-to-zero vote.

**OLD BUSINESS:**

The next order of business being Case No. CU-3843. The applicant is Chrystal Svoboda. The site is located at 3604 South Hamilton Road. The township is Madison Township. It is 1.02 acres in size and is served by private water and wastewater. The request is to withdraw the application. Mr. Guyton made a motion to remove Case No. CU-3843 from the table. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

Mr. Guyton made a motion to grant the applicant's request to withdraw the application in Case No. CU-3843 at the request of the applicant. Ms. Hunter seconded the motion. The motion was approved by a four-to-zero vote.

NEW BUSINESS:

The next order of business being Case No. VA-3849. The applicant/owner is Roseline Aleanu. The site is located at 3760 Cleveland Avenue. The township is Clinton Township. It is 0.25 acres and is served by public water and wastewater. It is in the Community Services District. The request is for a Variance from Sections 505.022(e), 531.041(2), 670.0812(a), 670.0812(b), 670.083(c), 670.088(f) 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 the placement of a Dumpster that fails to meet the setback requirements on a lot subject to the Smart Growth Overlay in an area zoned Community Service (CS). Mr. Brown read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve a Variance from Sections 505.022(e), 531.041(2), 670.0812(a), 670.0812(b), 670.083(c), 670.088(f) and 670.088(g)(1) 670.085(a)(1) with the 11 recommendations outlined in Staff's recommendations. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

The next item of business being the approval of bylaws for 2016. Mr. Guyton made a motion to approve the bylaws with two recommended changes by Staff. It was seconded by Chairperson Dever. The motion was approved by a four-to-zero vote.

The next item of business being the election of Chairperson and Vice Chairperson for 2016. Mr. Guyton nominated Gary Dever to continue as Chairperson and Christopher Baer to continue as Vice Chairperson. Ms. Hunter seconded the motion. By unanimous vote, Gary Dever and Christopher Baer were appointed as Chairperson and Vice Chairperson respectively.

There being no further new business to come before the Board of Zoning Appeals, Chairperson Dever adjourned the hearing.

The hearing was adjourned at 2:14 p.m.

Minutes of the February 16, 2016, Franklin County Board of County Commissioners hearing were approved this 21<sup>st</sup> day of March, 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  
March 21, 2016

### Case CU-3850

Prepared by: Matt Brown

<b>Applicant:</b>	Ted Blahnik
<b>Owner:</b>	Daniel & Lorrie Olson
<b>Township:</b>	Brown Township
<b>Site:</b>	8159 Morris Rd (120-001249)
<b>Acreage:</b>	5.0 acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Private water and private waste water
<b>Request:</b>	Requesting a Conditional Use from Section 302.0392 of the Franklin County Zoning Resolution to allow the construction of a pond over 1,000 square feet in size in an area zoned Rural.

#### Summary

The applicant is requesting a conditional use to allow the construction of a pond in excess of 1,000 square feet on a lot zoned Rural. Staff recommends **approval with conditions**.

#### Description of the Request

The subject property is located on the south and west side of Morris Road, approximately midway between Amity Road and Walker Road. The subject property has recently been developed with a single-family home. The applicant is proposing to construct a 0.8 acre pond on the subject site.

#### Surrounding Area

The surrounding area is primarily large lot residential and agricultural in character with Rural zoning.

#### Comprehensive Plan

The Brown Township Comprehensive Plan, adopted in 2005, includes two maps to guide development: a Development Densities map and a Conservation Areas map. The Development Densities map recommends this area to develop with low density rural residential uses. The Conservation Areas map shows a small portion of the site in the Second Tier Conservation Area due to hydric soils.

The Big Darby Accord Watershed Master Plan, adopted in 2006, includes two maps to guide development: a Proposed General Land Use Map and a Conservation Strategy Map. The Proposed General Land Use Map recommends the area for Rural Density Conservation Development with 50% open space. The Conservation Strategy Map shows a small portion of the site as located in a Tier 1 Environmental Conservation Zone.

The conditional use proposal is consistent with both planning documents.

### **Staff Review**

Section 302.0392(b) – Manmade ponds greater than 1,000 square feet may be excavated provided the following standards are met:

- 1) A conditional use permit shall be required.
- 2) A registered professional engineer must design the pond
- 3) The pond must have an approved outlet to a creek, river or adequate swale
- 4) The pond shall be designed in accordance with, and reviewed by, the Franklin Soil and Water Conservation District.
- 5) A pond development plan shall be submitted to the Franklin Soil and Water Conservation District for review and approval. The plan must include the following:
  - Location of principal and emergency spillway outlets
  - Location of outlet discharge points
  - Location of dam and pool area
  - Location of spoil
  - Soil stabilization plan including seeding, mulching and fertilizing data
  - Other information deemed reasonably necessary by the Franklin Soil and Water Conservation District or the Franklin County Economic Development and Planning Department
- 6) The Franklin Soil and Water Conservation District shall be responsible for construction inspections to assure the pond is completed in accordance with approved plans

The application as submitted complies with all of the above standards.

### **Franklin County Technical Review Agencies**

The Franklin County Drainage Engineer's Office has indicated no concerns with the proposed pond. The Franklin Soil and Water Conservation District has indicated that the plans comply with the requirements of the Franklin County Zoning Resolution and will be built in conformance with the Natural Resources Conservation Service's standards. The pond is designed to overflow at the northern end of the pond overland to the stream along the roadway. The Franklin Soil and Water Conservation District has noted a potential for erosion through the flood routing and overflow path.

### **Staff Analysis**

Section 815.041 – Approval of Conditional Uses

- 1) The proposed use is a Conditional Use of the Zoning District, and the development standards are met;
- 2) The proposed development is in accordance with the Brown Township Comprehensive Plan and the Big Darby Accord Watershed Master Plan;
- 3) The proposed development keeps with the existing residential and agricultural character of the area.

### **Recommendation**

Staff recommends ***approval*** of a Conditional Use from Section 302.0392 of the Franklin County Zoning Resolution based on staff's analysis with the following conditions:

1. The applicant must apply for and receive an approved Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department prior to any earth disturbing activities.
2. The applicant shall install and maintain sediment and erosion control measures prior to any earth disturbing activities.
3. The applicant must comply with all requirements of the Ohio EPA Big Darby Creek General Construction Permit.
4. The applicant will be responsible for correcting any erosion in the riparian setback area in accordance with the provisions of Section 650.144(c) of the Franklin County Zoning Resolution.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve a Conditional Use from Section 302.0392 of the Franklin County Zoning Resolution to allow the construction of a pond that will exceed 1,000 square feet in size as outlined in the request above for the applicant identified in Case No. CU-3850 with the conditions in staff's recommendation.

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

Voting:

**Findings of Fact**

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

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the conditional use as outlined in the request above for Case No. CU-3850 results from applicant's failure to satisfy the conditions for granting a Conditional Use under Section 815.041.

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

Voting:

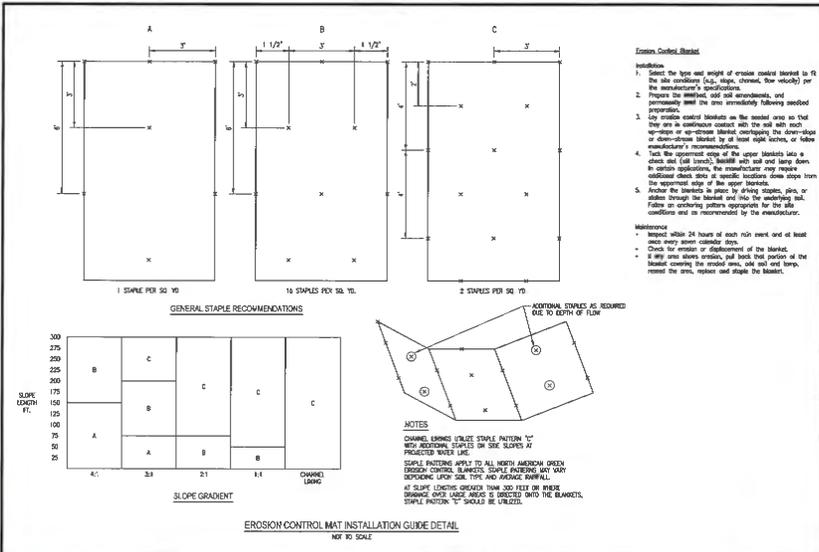








**RECEIVED**  
**FEB 11 2016**  
 Franklin County Planning Department  
 Franklin County, Ohio  
 00-3850



**SILT FENCE**

**LOCATION**

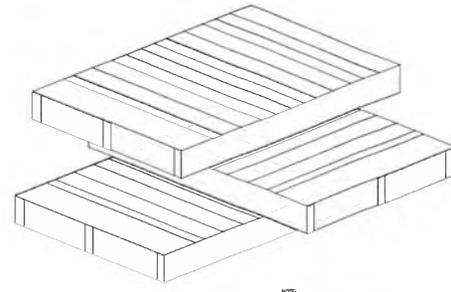
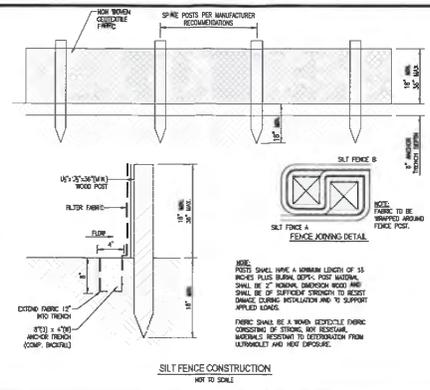
- Installed parallel to the slope contour.
- Minimum of 10 feet beyond the top of slope to provide a windrow storage area.
- Accessible for maintenance (removed or replaced on all fast repair).

**INSTALLATION**

- Lay out the location of the fence so that it is parallel to the contour of the slope and at least 10 feet beyond the top of slope to provide a windrow storage area. Turn the ends of the fence so loops such that the point of contact between the ground and the bottom of the fence and perimeter of a higher elevation than the top of the fence of its lowest side.
- Excavate on right-hand slope by four-foot wide trench along the entire length of the fence line. Underneath the fence on the down-slope side of the excavated trench and the support posts on the down-slope side of the trench.
- Drive the support posts at least 18 inches into the ground, tightly spacing the fence between the posts to meet in the soil. A maximum of 12 inches of the filter fabric should extend into the trench. If it is necessary to join the ends of two fences, use the end join method shown.
- Use the lower 18-inch section of filter fabric on the bottom of the trench and extend it toward the up-slope side of the trench.
- Secure the trench with soil material and compact it in place.

**MAINTENANCE**

- Inspect within 24 hours of a rain event and at least once every seven calendar days.
- If fence fabric tears, rips or deteriorates, or if any other serious conditions, replace the affected portion immediately. Note: All repairs should meet specifications as outlined within this manual.
- Remove deposited sediment when 18 inches of filter fabric is buried or when 1.5 inches over-top the height of the fence at its lowest point. When collecting drainage area has been established, remove the fence and sediment promptly, grade the site to meet with the surrounding area, and stabilize.



**SEED TOLERANCE CHART**

SPECIES	SEEDING RATE LB./ACRE	EMERGIBLE pH	SEED SURVIVAL*
LEVEL AND SLOPING OPEN AREAS			
1. TALL FESCUE	30	5.0-5.5	2 1 1
2. TALL FESCUE	25	5.0-5.5	2 1 1
3. CRACKING RED FESCUE	15	5.0-5.5	2 1 1
4. CRACKING RED FESCUE	15	5.0-5.5	2 1 1
DRYUP GRASS AND CUTS			
4. TALL FESCUE	10	4.8-5.5	2 1 1
5. CRACKING RED FESCUE	25	5.0-5.5	2 1 1
5. TALL FESCUE	30	5.0-5.5	2 1 1
EMERGIBLE ORNAMENTAL**	10		
LOWLAND NON-WAIVERANCE AREAS			
4. CRACKING RED FESCUE	40	5.0-5.5	2 1 1
5. CRACKING RED FESCUE	40	5.0-5.5	2 1 1
7. PERENNIAL PENSILVANIA (DWARF TYPE)	175	4.5	2 1 2
8. TALL FESCUE	175	4.5	2 1 2

\* 1 - PREPARED 2 - WILL TOLERATE \*\* INCLUDE WITH SPECIFIC INOCULANT.

**PERMANENT TURF GRASS SEED MIX**

TYPE OF SEEDS - GRASSES	COMMON NAME	lbs./ACRE
Festuca arundinacea	Tall Fescue	210
Festuca rubra	Cracking Red Fescue	70
Poa annua	Perennial Bluegrass	35
Poa trivialis	Sheep Bluegrass	35
GRASSES lbs PER ACRE		350

\* ANY AREAS REFERRED TO IN THIS DOCUMENTATION WILL BE SEEDING WITH TURF GRASS UNLESS NOTED OTHERWISE ON THE PLAN.

**PERMANENT SEEDING DATES**

MONTH	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
NON-RECORDED*												
RECORDED												
DORMANT SEEDING**												

IRRIGATION NEEDED DURING THIS PERIOD TO CONTROL DROUGHT AT TIMES OTHER THAN IN THE SHADDED AREAS. USE MILDCLAY.

\* LATE SUMMER SEEDING DATES MAY BE EXTENDED 3 DAYS IF MULCH IS APPLIED.

\*\* INCREASE SEEDING APPLICATION BY 50%.

DAN OSBORN  
 8155 MORRIS ROAD  
 HILLIARD, OHIO

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 INDIANAPOLIS, INDIANA 46204  
 PH: (317) 421-0900  
 INFO@WILLIAMSCREEK.COM

**WILLIAMS CREEK CONSULTING**

STATE OF OHIO  
 THEODORE BLANKIN  
 CHARTERED ENGINEER  
 REGISTERED PROFESSIONAL ENGINEER

DRAWN BY: AER  
 CHECKED BY: TT  
 SCALE: AS SHOWN  
 DATE: 2/9/2016

REVISIONS

OLSON PROPERTY  
 8155 MORRIS ROAD  
 HILLIARD, OHIO

PROJECT NUMBER

DRAWING NUMBER  
**C1.4**  
 SHEET 2 OF 5

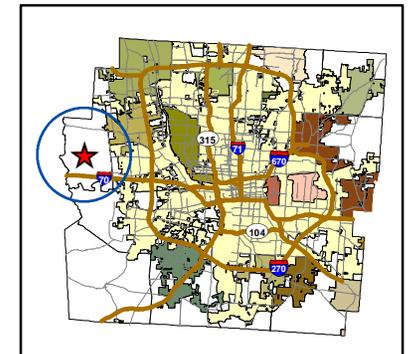


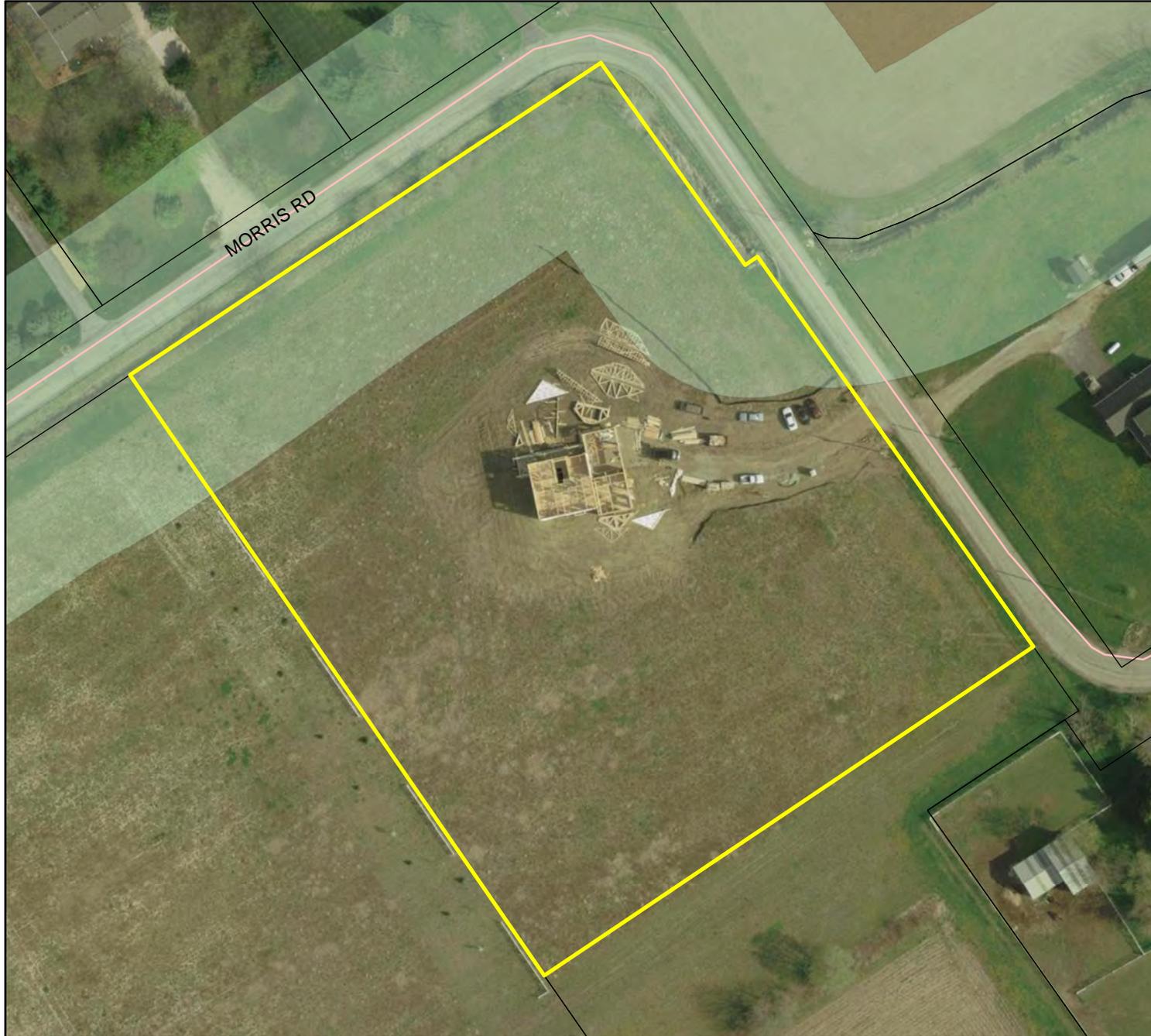
## CU-3850

Requesting a Conditional Use from Section 302.0392 of the Franklin County Resolution to allow the construction of a pond over 1,000 square feet in size in an area zoned Rural.

5.0 Acres  
Brown Township

-  8159 Morris Road
-  Parcel
-  Streets
-  Big Darby Creek Setbacks





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