



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, May 20, 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. New Business:

A. VA-3791 – Anthony Hray

Applicant/Owner:	Mary E. Evans-Renkar
Township:	Pleasant Township
Site:	5960 Graessle Road (PID # 230-000011)
Acreage:	5.01-acres
Zoning:	Rural District
Utilities:	Private water and wastewater
Request:	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.

6. Adjournment of Meeting to June 17, 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.

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
May 20, 2013

Case VA-3791

Prepared by: Anthony Hray

Applicant/Owner:	Mary E. Evans-Renkar
Township:	Pleasant Township
Site:	5960 Graessle Road (PID # 230-000011)
Acreage:	5.01-acres
Zoning:	Rural District
Utilities:	Public water and wastewater
Request:	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:

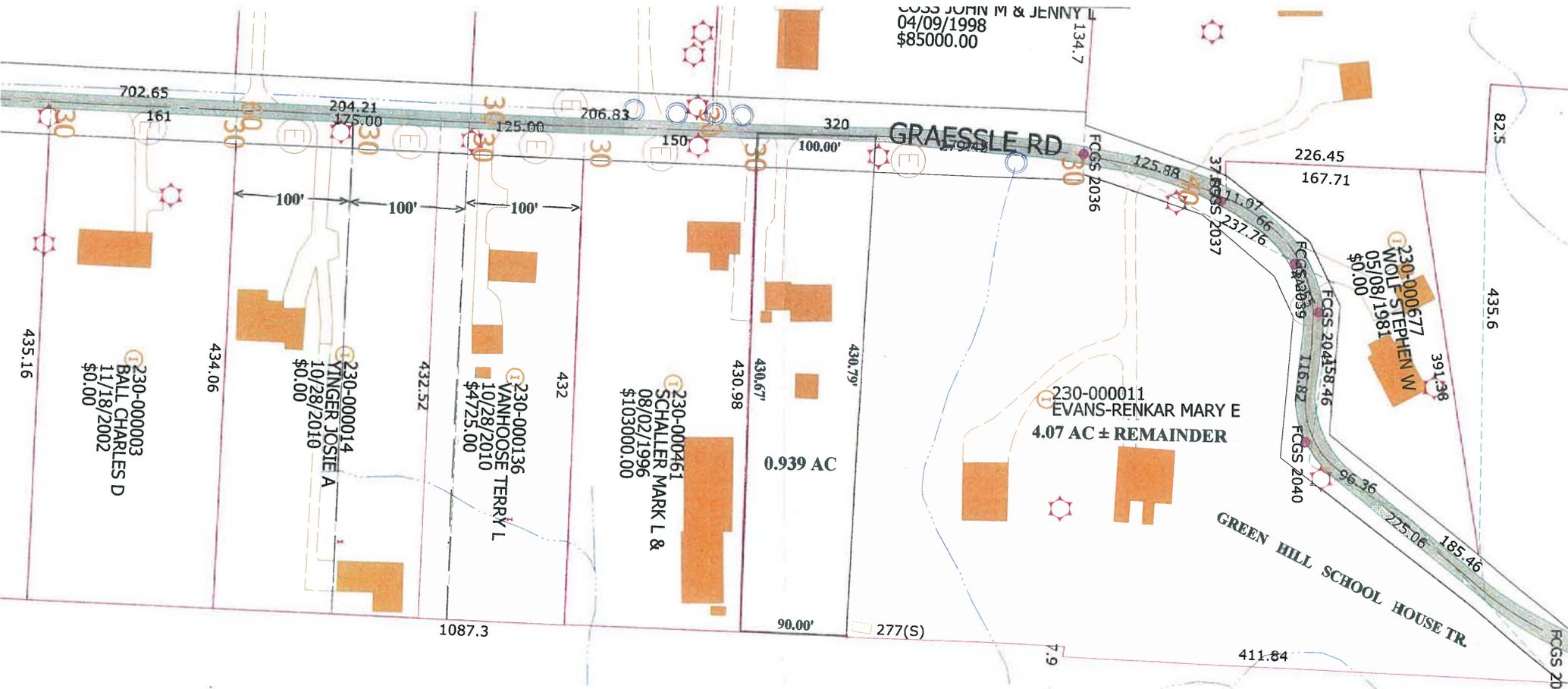
_____ moves that the basis for denying the applicant's request for the variances as outlined in the request above for Case No. VA-3791 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____

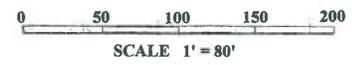
Voting:



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

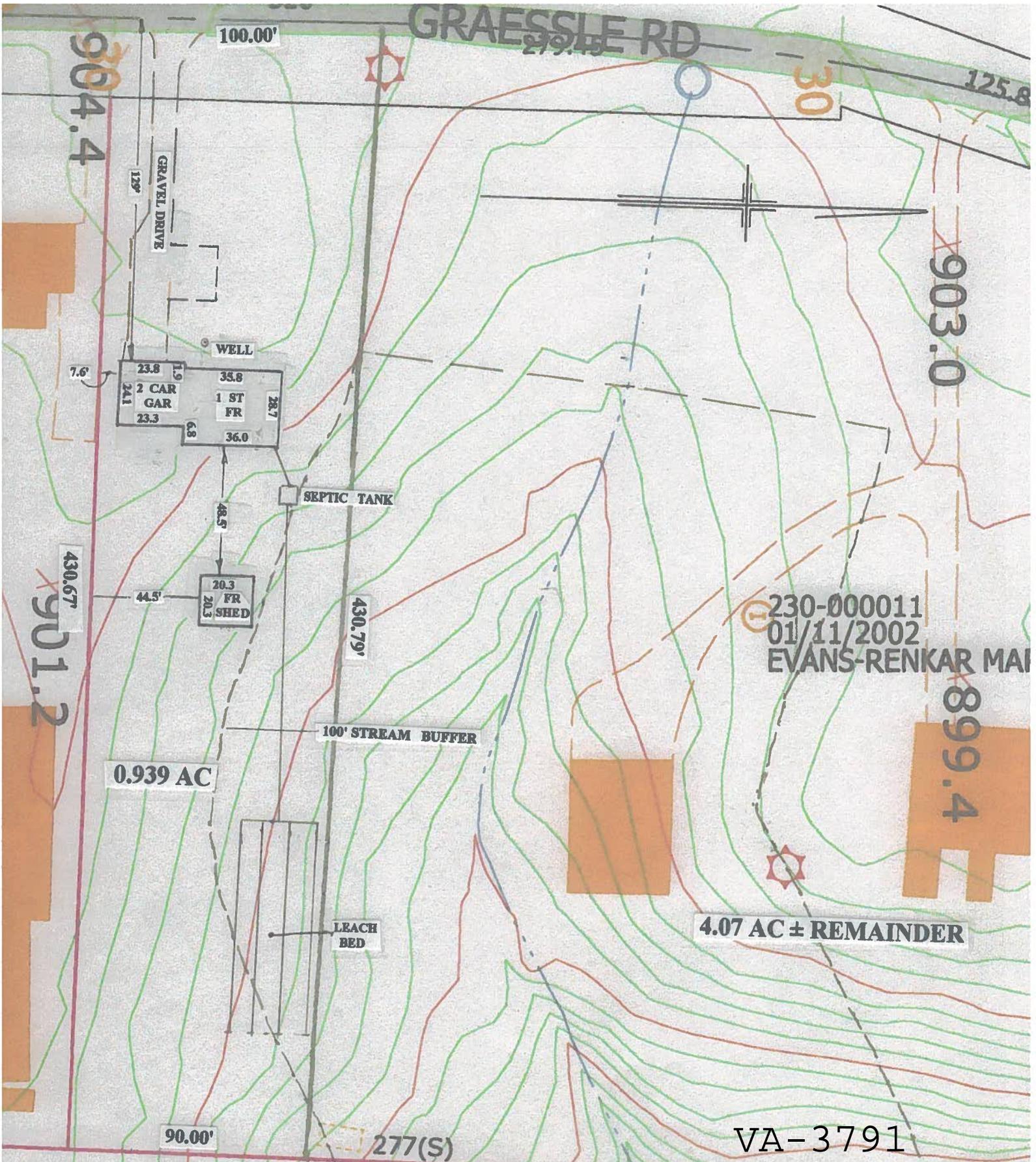


THOMAS ENGINEERING & SURVEYING CO.
P.O. BOX 28098 COLUMBUS, OH 43228
614 276-2619



SITE PLAN

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



904.4

100.00'

GRAESSLE RD

30

125.8

GRAVEL DRIVE

WELL
 23.8 1.9 35.8 28.7
 2 CAR GAR 1 ST FR
 23.3 23.1 36.0

SEPTIC TANK

20.3 FR SHED
 20.3

430.79'

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

430.67'
 901.2

100' STREAM BUFFER

0.939 AC

899.4

LEACH BED

4.07 AC ± REMAINDER

90.00'

277(S)

VA-3791



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

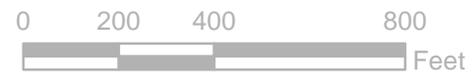
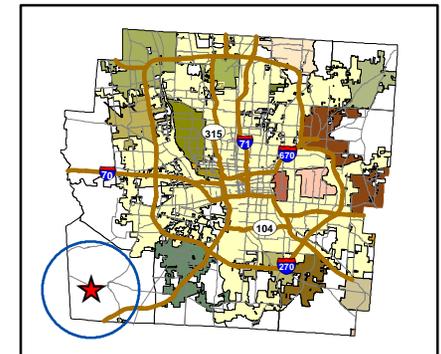


VA-3791

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5.01 acres
Pleasant Township

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





VA-3791

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- Proposed Lot Line
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