



**Commissioner** Marilyn Brown • **Commissioner** Paula Brooks • **Commissioner** John O’Grady  
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 19, 2014  
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 21, 2014 meeting
5. New Business:

**A. VA/CU-3813 – Anthony Hray**

|                   |   |
|-------------------|---|
| <b>Applicant:</b> | AT&T Mobility – Cynthia Rafalski  |
| <b>Owner:</b>     | Eugene J. Boso and Diana H. Babbert   |
| <b>Agent:</b>     | GPD Group – Ed Block, P.E.  |
| <b>Township:</b>  | Pleasant Township   |
| <b>Site:</b>      | 8684 Alkire Road (PID #230-001173)  |
| <b>Acreage:</b>   | 3.257-acres   |
| <b>Zoning:</b>    | Rural District  |
| <b>Utilities:</b> | Not applicable  |
| <b>Request:</b>   | Requesting a Variance from Section 302.0394(17) and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway in an area zoned Rural. |

**B. VA-3814 – Matt Brown**

|                         |  |
|-------------------------|--|
| <b>Applicant/Owner:</b> | Jeff Haskett   |
| <b>Township:</b>        | Norwich Township   |
| <b>Site:</b>            | 3948 Riverview Drive (PID #200-000425)   |
| <b>Acreage:</b>         | 1.37-acres   |
| <b>Zoning:</b>          | Rural District   |
| <b>Utilities:</b>       | Onsite water and waste water   |
| <b>Request:</b>         | Requesting a Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural. |

6. Adjournment of Meeting to June 16, 2014



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

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

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

**Monday, April 21, 2014**

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 21, 2014.

Present were:

Christopher Baer, Vice Chairperson  
Tim Guyton  
Nancy Hunter

Franklin County Economic Development and Planning Department:  
Matt Brown, Planning Administrator  
Anthony Hray, Planner

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

The first order of business being approval of the minutes of the January 21st, 2014, Franklin County Board of Zoning Appeals hearing. Mr. Guyton made a motion to approve the minutes. It was seconded by Ms. Hunter. The minutes were approved by a three-to-zero vote.

**NEW BUSINESS:**

The next order of business being Case No. VA-3812. The applicants/owners are Brian and Beth Warner. The site is located at 4042 Amity Road. The township is Brown Township. It is 1.02 acres and the request is for 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.

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-3813 with the following Staff conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance, for all improvements made to the site since 1995, from the Franklin County Economic Development and Planning Department and pay all applicable penalty fees associated with obtaining a Zoning Compliance after-the-fact.
2. The applicant must apply for and receive approval of all necessary permits from the Franklin County Building Department and pay all applicable penalty fees for work without a permit.

3. The applicant shall remove the free-standing shed from the property by July 21, 2014.
4. The applicant shall appropriately mitigate the impervious area created by the accessory building addition and lean-to structure. The applicant shall coordinate with the Franklin Soil and Water Conservation District to receive approval of a landscaping plan and the specifications concerning the type, size and design of the rain barrel or cistern system prior to the issuance of a Certificate of Zoning Compliance. Mitigation shall be completed on-site by July 21, 2014.
5. The applicant shall redirect or relocate the downspout located on the southeast corner of the accessory building to prevent the discharge and/or flow of stormwater onto the adjacent property. This condition must be satisfied by July 21, 2014.

Ms. Hunter seconded the motion. Mr. Brown read the amendments to the conditions into the record as follows:

**Amendment to No. 3:** "The applicant shall remove the freestanding shed from the property by July 21st, 2014. All other conditions shall be completed within one year of the date of approval."

**Amendment No. 4:** "The applicant shall mitigate the impervious area created by the accessory building addition. The applicant shall, according to the Franklin County Soil and Water Conservation District, receive approval of the landscaping plan and specifications concerning the type, size and design of the rain barrel or cistern system prior to issuance of a Certificate of zoning Compliance."

**Amendment No. 5:** "The redirecting downspout on the southeast corner of the building to prevent stormwater flow onto the adjacent property by July 21st, 2014."

The motion was approved by a three-to-zero vote.

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

And, thereupon, the hearing adjourned at 2:46 p.m.

Minutes of the April 21st, 2014, Board of Zoning Appeals hearing were approved this 19th day of May, 2014.

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*Signature*



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
May 19, 2014

### Case VA/CU - 3813

Prepared by: Anthony Hray

|                   |   |
|-------------------|---|
| <b>Applicant:</b> | AT&T Mobility – Cynthia Rafalski  |
| <b>Owner:</b>     | Eugene Boso and Diana H. Babbert  |
| <b>Agent:</b>     | GPD Group – Ed Block, P.E.  |
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| <b>Site:</b>      | 8684 Alkire Road (PID #230-001173)  |
| <b>Acreage:</b>   | 3.257-acres   |
| <b>Zoning:</b>    | Rural District  |
| <b>Utilities:</b> | Not applicable  |
| <b>Request:</b>   | Requesting a Variance from Section 302.0394(17) and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway in an area zoned Rural. |

### Summary

The applicant is requesting a conditional use and variance to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway. The request fails to satisfy the criteria necessary to grant a conditional use and variance and conflicts with recommendations of the Big Darby Accord Watershed Master Plan and the Pleasant Township Comprehensive Land Use Plan. Staff recommends **denial**.

### Description of the Request

The subject site is located on the north side of Alkire Road, approximately one-quarter mile west of Gardner Road. The site is located within the Big Darby Creek Watershed and is adjacent to Batelle Darby Creek Metro Park and Little Darby Creek. The site is currently vacant, but did contain a single-family home and accessory building that were both demolished sometime between 2010 and 2011. The applicant is proposing to construct a wireless telecommunication facility that will include the following: a 150 foot tall monopole telecommunication tower and related electrical and telephone services, a one-story prefabricated radio shelter, and an emergency backup generator installed on a concrete pad, all within a six-foot chain link fenced compound. The site will be accessed from Alkire Road by a new 12 foot wide gravel access drive. The site will be unmanned except for periodic maintenance, which generally occurs one to two times per month.

## Surrounding Area

| Direction | Zoning | Land Use   |
|-----------|--------|--|
| North     | Rural  | Battelle Darby Creek Metro Park                              |
| South     | Rural  | Church<br>Single-Family Residential                          |
| East      | Rural  | Battelle Darby Creek Metro Park<br>Single-Family Residential |
| West      | Rural  | Single-Family Residential                                    |

## Comprehensive Plan

The subject site is located within the planning areas of the Big Darby Accord Watershed Master Plan and the Pleasant Township Comprehensive Plan, adopted in 2006 and 2009 respectively. In terms of future land use recommendations, the Accord Watershed Master Plan does not make any specific recommendation for the site, however, the Pleasant Township Comprehensive Land Use Plan suggests the site be used for agriculture or single-family residential.

Conservation and preservation of environmentally sensitive areas is a key theme in both planning documents and a tiered conservation strategies map was developed to identify critical areas. The area of the site to be used for the proposed telecommunication tower is identified within Tier 2. According to the Accord Master Plan, area within Tier 2 is categorized as being secondary priority for protection and includes land containing highly erodible soils and contiguous wooded areas that are greater than three (3) acres in size. New development should respect these sensitive areas and be located elsewhere on site to minimize adverse impacts and disturbance.

The Pleasant Township Comprehensive Plan also recommends protecting the scenic vistas and rural corridors that define the Township's landscape. New development should maintain greater setbacks to minimize visual impacts and implement design guidelines aimed at preserving the rural character and aesthetics of the community. The plan also identifies this section of Alkire Road as being a high priority for new sidewalks and other pedestrian-friendly transportation investments.

## Staff Review

### Conditional Use from Section 302.0394 – Telecommunication Towers:

- As provided for in Section 303.211 of the Ohio Revised Code, Public Utilities or other functionally equivalent providers may site a telecommunication tower as a Conditional Use provided the following conditions are met
  1. The maximum height of a tower shall not exceed 150 feet;
    - The top of the tower will be 150 feet above ground level
  2. The tower and any stabilization structures or guide wires shall not be placed closer than ten (10) feet from a side or rear property line;
    - The tower and any stabilization structure will be placed a minimum of ten feet from a side or rear property line
  3. The tower shall not be placed closer than 150 feet from any existing residential dwelling;
    - The closest existing residential dwelling is greater than 150 feet from the proposed tower
  4. Minimum lot size for which a tower is to be placed shall be two (2) acres;
    - The lot where the proposed tower is to be placed is 3.257-acres in size.
  5. The tower shall be located a minimum of fifteen (15) feet from the edge of the existing right-of-way line or proposed right-of-way line as depicted in the Thoroughfare Plan as adopted by the Mid-Ohio Regional Planning Commission on October 6, 1961 and as amended from time to time, whichever right-of-way is greater;

- The proposed tower will be located 15 feet from the proposed right-of-way line as depicted on the Franklin County 2020 Thoroughfare Plan.
- 6. Security fencing shall be provided to prevent uncontrolled access to the tower site;
  - The site will be secured by a six foot chain link fence.
- 7. The tower shall be designed to aesthetically complement the surrounding community. Towers shall be painted in a non-contrasting color minimizing visibility unless otherwise required by the FCC or FAA;
  - The tower will be galvanized steel and painted light grey to achieve a non-contrasting color, minimizing visibility.
- 8. A landscaping plan must be submitted and approved by the Board of Zoning Appeals. An evergreen hedge planted three feet on center or an evergreen tree line planted five (5) feet on center is suggested. All existing vegetation shall be retained and maintained to the extent possible;
  - The proposed fence will be surrounded by eight (8) foot tall arborvitae spaced five (5) feet on center
- 9. Advertising shall not be permitted anywhere on the tower or site with the exception of identification signs and no trespassing signs, which are required;
  - No advertising or additional signage is proposed except those required by these regulations or State or Federal law
- 10. The tower shall not be artificially lighted except to assure safety or as required by the FAA;
  - The tower will not be artificially lighted or require lighting per FAA
- 11. Towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the Ohio Basic Building Code;
  - Certification has been provided by the agent, Ed Block, Professional Engineer and Project Manager
- 12. The tower shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance;
  - The proposed site is to be unmanned, with maintenance checks at a frequency of one to two times per month
- 13. The applicant or tower provider shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area and that no viable siting alternative exists. There shall be an explanation of why a tower at this proposed site is technically necessary;
  - Propagation maps have been provided to illustrate a comparison of current cellular coverage levels in the area and coverage level improvements based on the proposed tower location. However, the applicant has failed to provide evidence to support that no viable siting alternative exists other than a written statement to this effect.
- 14. Where the tower is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and that vehicular access is provided to the property. Reasonable access and circulation shall be provided to the tower.
  - The applicant has secured a lease agreement with the current property owner and a site plan has been provided which details the proposed access point and gravel drive.
- 15. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other towers to the extent possible, the removal of the tower within one-hundred eighty (180) days after the site's use is discontinued, proof that other co-location opportunities have been explored and are unavailable and that notice has been provided as required in Section 303.211 of the Ohio Revised Code;
  - The applicant has provided a statement agreeing to the above statement.
- 16. A tower may be attached to a residential or non-residential building or a structure that is a permitted use in the district; including, but not limited to, a church, a municipal or governmental building or facility, agricultural building, and a building or structure owned by a utility, provided

conditions two (2) through fifteen (15) above are met and the tower height does not exceed twenty (20) feet above the existing building or structure to which the tower is attached.

- The proposed monopole tower will be supported by its own foundation and will not be attached to any residential or non-residential building or structure.
17. No telecommunication tower shall be located within one thousand (1,000) feet of any historic site, historic district, public park, resource protection district or greenway.
- The proposed tower will be located within 1,000 feet of a public park, resource protection district and greenway. The applicant has applied for a variance from this section – see below. Using GIS software, staff was able to identify several potential locations within one mile of the subject site that would comply with this standard.

Variance from Section 302.0394(17) –Telecommunication Towers:

- » No telecommunication tower shall be located within 1,000 feet of any historic site, historic district, public park, resource protection district or greenway
  - The proposed location of the telecommunication tower will violate the required setback from Batelle Darby Creek Metro Park, as well as violate the setback from the Big Darby Creek Critical Resource Protection District and greenway of the Little Darby Creek.
    - The towers approximate setbacks are as follows:
      - Batelle Darby Creek Metro Park = +/- 208 feet
      - Big Darby Creek Critical Resource Protection District = +/- 350 feet
      - \*Greenway of Little Darby Creek = +/- 950 feet

*\*According to Section 720 of the Franklin County Zoning Resolution, a greenway is defined as a linear open space or natural area along a watercourse. Greenways can be used to connect parklands, enhance recreational opportunities, and protect natural habitat and scenic areas.*

**Franklin County Engineer**

The Franklin County Engineer’s Office maintains this section of Alkire Road which is classified as a Minor Arterial road per the Franklin County 2020 Thoroughfare Plan. As such, the minimum half right-of-way required is 50 feet. Accordingly, the Engineer’s Office requests that the applicant dedicate additional highway right-of-way to meet the recommendations of the Thoroughfare Plan. Additionally, the Engineer’s Office is concerned with the location of the proposed access drive as detailed in a letter dated April 28, 2014. Based on their analysis, the location of the proposed access drive does not meet the minimum sight distance requirements for vehicles attempting a left turn onto a roadway with a posted speed limit of 35 miles per hour (MPH). The Engineer’s Office requests that an alternative location be considered.

**Franklin County Metro Parks**

Franklin County Metro Parks is opposed to the request citing negative impacts that the tower will present to native wildlife and their natural habitat, in addition to the visual impacts imposed on individuals enjoying Battelle Darby Creek Metro Park. Furthermore, Metro Parks is concerned with the implications that will result from allowing such a utility to encroach within the required setback when alternative sites exist. These concerns are more fully detailed in a letter dated May 8, 2014 that has been included with this report.

**Franklin County Public Health**

The applicant is required to properly abandon the on-site water and wastewater treatment system that served the former single-family dwelling in accordance with all Franklin County Public Health regulations. Proof that this has been successfully completed will be required prior to the issuance of a Certificate of Zoning Compliance.

### **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, however, all development standards have not been met;*
  - » The proposed use is a Conditional Use of the Rural District; however, the applicant fails to meet standards 13 and 17 of Section 302.0394 as addressed above.
- 2) *The proposed use is not in accordance with applicable plans or policies for the area;*
  - » The proposed use is not in accordance with recommendations of the Big Darby Accord Watershed Master Plan or the Pleasant Township Comprehensive Land Use Plan as indicated above. Both documents stress the environmental sensitivity of the Big Darby Watershed and the need to preserve its natural features and rural aesthetic. Additionally, the location of the proposed tower is identified as Tier 2 land according to the Conservation Strategy Map in both planning documents. Tier 2 land includes highly erodible soils which are not favorable for development.
- 3) *The proposed use will not be in keeping with the existing land use character and physical development potential of the area.*
  - » The proposed use will not be in keeping with the existing land use character and physical development potential of the area. The proposed tower will be located less than 250 feet from a public park and would be uncharacteristic to the exiting rural and scenic landscape of the area. Furthermore, based on its environmental sensitivity, the location of the proposed tower has been identified as an area that should be preserved and is not recommended for development.

### **Section 810.41 – Approval of Variance**

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

- 1) *Special conditions and circumstances do not exist which are peculiar to the structure/property involved which are not applicable to other structures/property in the same zoning district;*
  - » No special conditions or circumstances exist. The setback applies to all property in the Rural District. The applicant has argued that the subject site is the only location that will support their service and coverage needs. However, the applicant has failed to provide significant evidence to suggest that the proposed site is the only viable location in the area.
- 2) *A literal interpretation of the provisions of this Zoning Resolution will not 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 will not deprive the applicant of any right commonly enjoyed by other properties in the same zoning district. Any telecommunication tower proposed in the Rural Zoning District is required to comply with all standards outlined under Section 302.0394.
- 3) *The special circumstances and conditions of this request are a result from action of the applicant;*
  - » No special circumstances or conditions exist. The applicant has failed to provide evidence supporting that no alternative sites exist as required under Section 302.0394(13).
- 4) *Granting the variance requested will confer on the applicant special privileges that are denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
  - » Allowing the applicant to deviate from the zoning requirements will grant special privileges denied to other properties in the Rural District. Granting the request will set a precedent and have damaging consequences for the Big Darby Creek Watershed if similar requests are made in the future.

- 5) *Granting the variance will not adversely affect the safety of persons residing in the vicinity of the proposed development, however, it will be materially detrimental to the public welfare and be injurious to private property in the vicinity;*
- » The required setback is in place to protect the public welfare and private property. Siting a tower in close proximity to public open space and environmentally sensitive areas compromises their ability to function appropriately and effectively.

**Recommendation**

Staff's recommendation is that the BZA deny a Variance from Section 302.0394(17) and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway in an area zoned Rural. Staff recommends denial for the following reasons:

1. The request conflicts with recommendations of both the Big Darby Accord Watershed Master Plan and Pleasant Township Comprehensive Land Use Plan.
2. The applicant has failed to satisfy the criteria necessary to approve a variance under Section 810.041 and a conditional use under Section 815.041.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve a Variance from Section 302.0394(17) and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway as outlined in the request above for the applicant identified in Case No. VA/CU-3813.

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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 variance and conditional use as outlined in the request above for Case No. VA/CU-3813 results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041 and a conditional use under Section 815.041 as detailed in staff's analysis.

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

Voting:



DEAN C. RINGLE, P.E., P.S.  
FRANKLIN COUNTY ENGINEER

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April 28, 2014

Cynthia Rafalski  
AT&T Mobility  
8372 East Broad Street  
Reynoldsburg, OH 43068

Re: VA/CU-3813 8684 Alkire Road, Grove City, OH 43123 Telecommunication Towers

Ms. Rafalski:

The Franklin County Engineer's Office is concerned with proposed access point for the telecommunication tower located at 8684 Alkire Road, Grove City, OH 43123. The sight distance from the proposed access point is limited due to a horizontal & vertical curve east of the proposed drive on Alkire Road. The posted speed along that section of Alkire Road is 35 MPH; however, the western property line is the beginning of a 55 MPH section of Alkire Road.

Based on a 35 MPH speed limit the proposed site drive does not meet the required minimum sight distance for vehicles attempting a left turn. An alternate access location should be considered.

If there are any additional questions or concerns, please contact me by phone at 614-525-3054 or by email at [bwelch@franklincountyengineer.org](mailto:bwelch@franklincountyengineer.org).

Sincerely,

Dean C. Ringle, P.E., P.S.  
Franklin County Engineer

A handwritten signature in black ink, appearing to read "Brent Welch".

Brent Welch  
Traffic Development Supervisor

Cc: Master File  
Traffic File

# Metro Parks



1069 West Main St  
Westerville OH 43081

Tel: 614.891.0700

TTY: 614.895.6240

Fax: 614.895.6208

www.metroparks.net

## Park Commissioners:

Greg S. Lashutka

Jim McGregor

J. Jeffrey McNealey

## Director:

John R. O'Meara

## Your Metro Parks:

Battelle Darby Creek

Blacklick Woods and  
Golf Courses

Blendon Woods

Chestnut Ridge

Clear Creek

Glacier Ridge

Heritage Park  
and Trail

Highbanks

Inniswood Metro  
Gardens

Pickerington Ponds

Prairie Oaks

Rocky Fork

Scioto Audubon

Sharon Woods

Slate Run Farm  
and Park

Three Creeks

Walnut Woods

May 8, 2014

Anthony Hray  
Franklin County  
Economic Development and Planning Department  
150 S. Front Street, FSL Suite 10  
Columbus, Ohio 43215

**RECEIVED**

MAY - 8 2014

Franklin County Planning Department  
Franklin County, Ohio

VA/CU - 3813

Re. VA/CU-3813

Mr. Hray:

Thank you for the opportunity to comment on this most recent variance and conditional use request by AT&T Mobility to allow a cell tower within the required setback from a public park, resource protection district and greenway. The subject property is adjacent to Battelle Darby Creek Metro Park which includes Big Darby Creek a federal and state scenic river.

We have concerns about this particular request for two reasons. First, if approved, it sets a very dangerous precedent for utility placement in required setback zones, especially when alternate sites exist that are located well away from the creeks and riparian corridor. The Battelle Darby Creek Metro Park includes the Big and Little Darby Creek riparian corridors which are extremely important migratory paths for birds and bats.

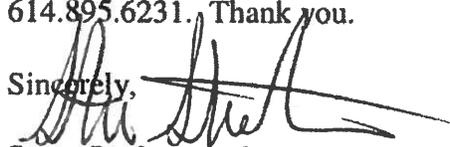
Over 215 species of birds are located in the park, nest and migrate through the river corridors. Telecommunication towers do impose issues for these species. Additionally, breeding colonies of the Federally Endangered Indiana bat are located both north and south of this site. Aesthetics aside, which are very important to park visitors, we are very concerned about establishing precedent for this type of intrusion into the setback zones.

Second the Camp Chase Trail is a park facility located adjacent to the subject property. This multi-use trail is part of the Ohio to Erie state wide trail facility connection Cincinnati to Cleveland.

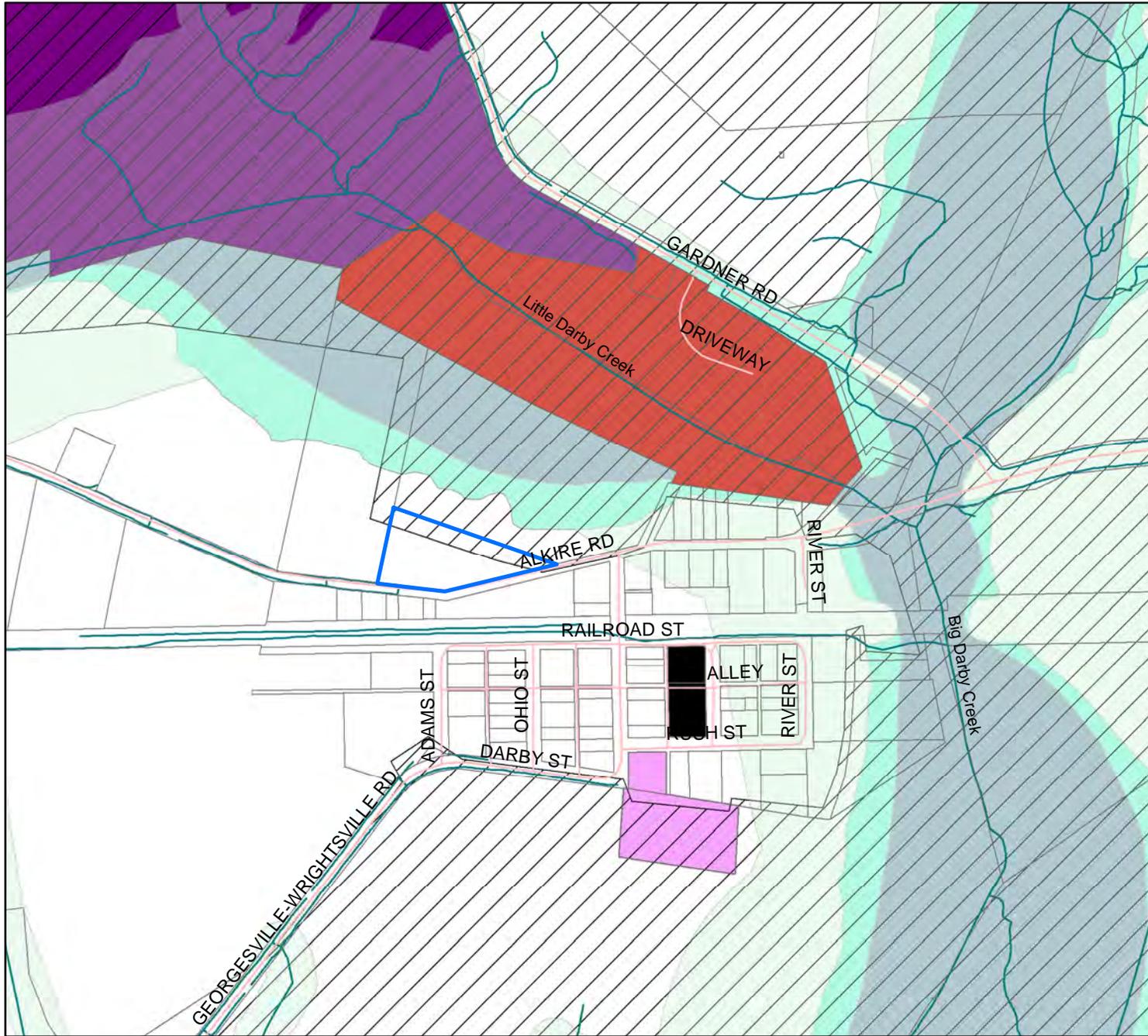
In both cases, we believe this variance and conditional use would clearly increase the visibility of the structure and set a precedent adjacent to critical habitats, therefore impacting not only the wildlife but also the park experience for our visitors. We also recommend that the variance be coordinated with the National Park Service under Section 7 of the Wild and Scenic Rivers Act. Consequently, we oppose the variance and conditional use permit.

If you have any questions about our comments, please feel free to contact me at 614.895.6231. Thank you.

Sincerely,

  
Steve Studenmund

Strategic Planning and Land Acquisition Manager

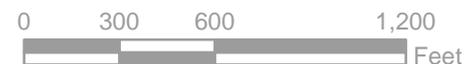
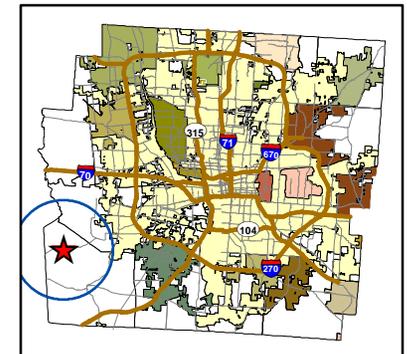


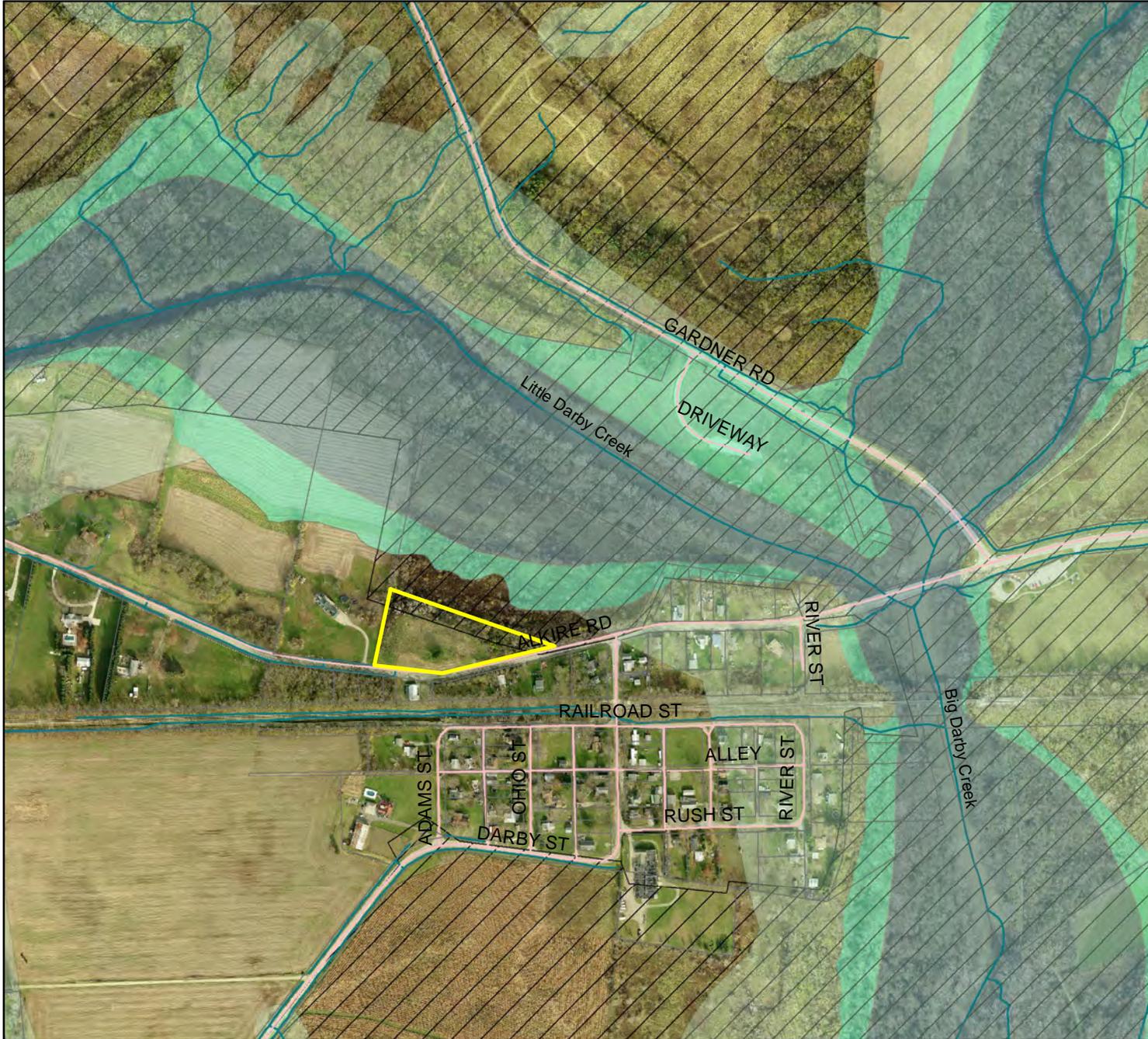
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3.257 acres  
Pleasant Township

- 8684 Alkire Rd.
- Parcels
- Streets
- Streams
- Big Darby Creek Setbacks
- Batelle Darby Creek Metro Park
- County Zoning**
- Rural
- Community Service
- Restricted Industrial
- General Industrial
- Exceptional Use
- Franklin County Floodplain**
- Floodway Fringe
- Floodway



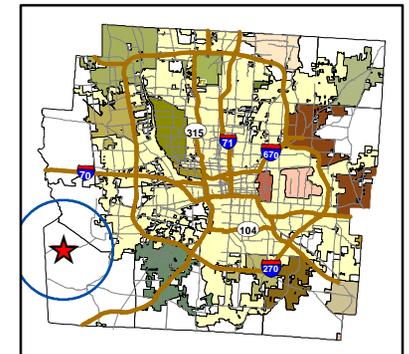


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3.257 acres  
Pleasant Township

-  8684 Alkire Rd.
  -  Parcels
  -  Streets
  -  Streams
  -  Big Darby Creek Setbacks
  -  Batelle Darby Creek Metro Park
- Franklin County Floodplain**
-  Floodway Fringe
  -  Floodway



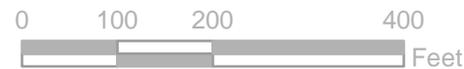
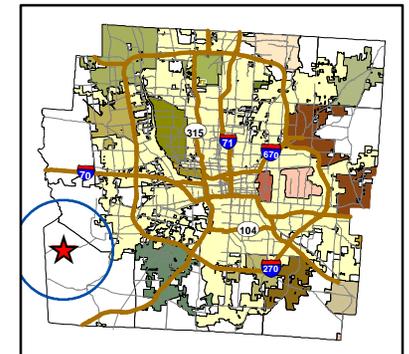


# VA/CU-3813

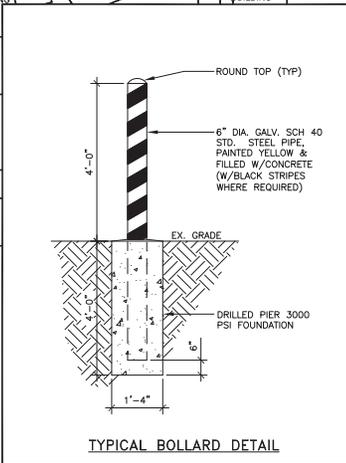
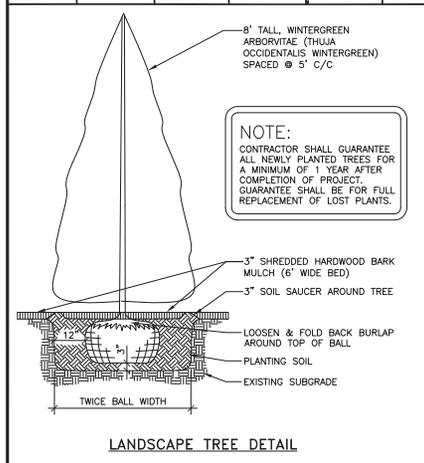
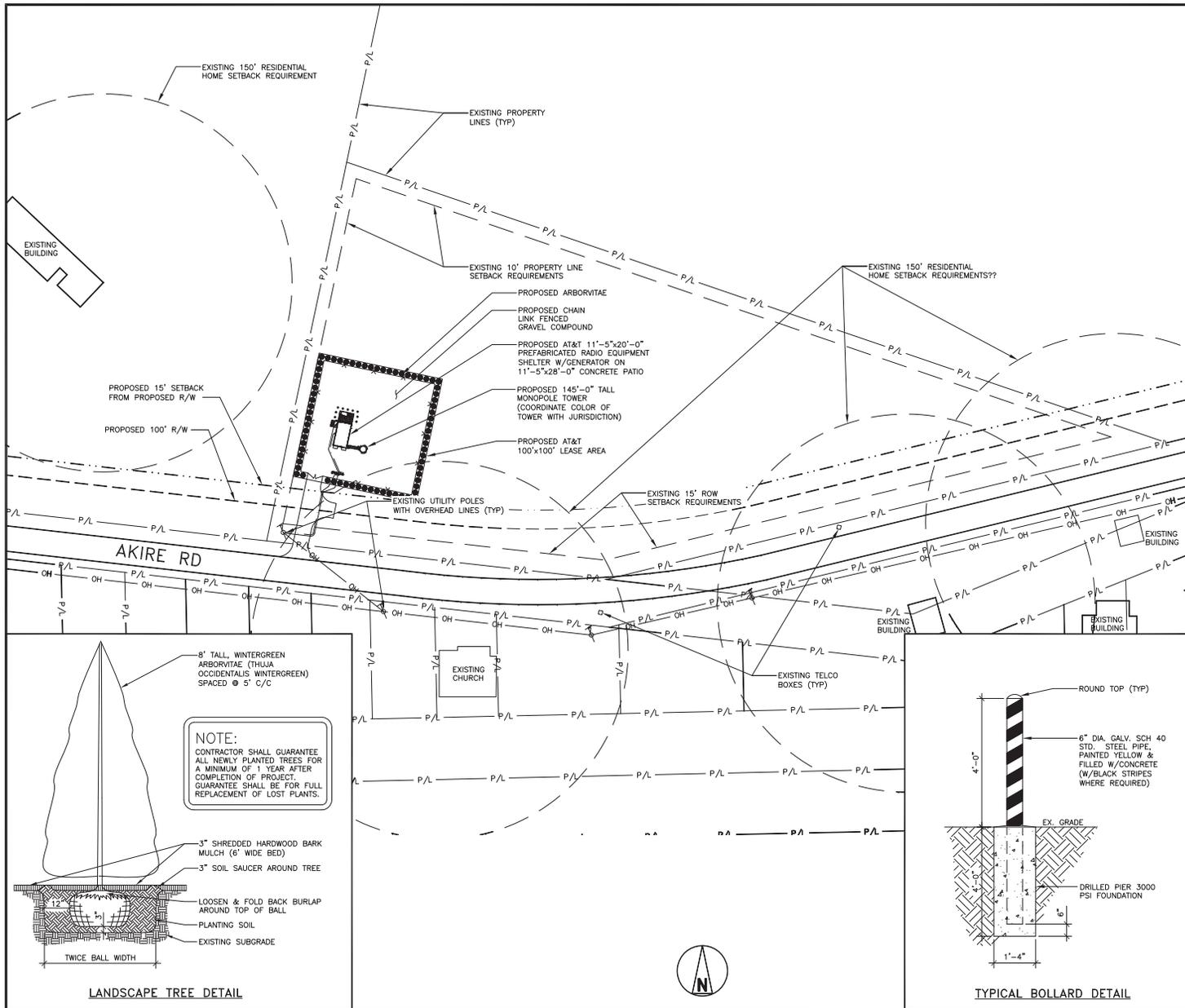
Requesting a Variance from Section 302.0394(17) and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway in an area zoned Rural.

3.257 acres  
Pleasant Township

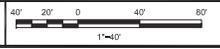
- Cell Tower Location
  - Fenced Area and Driveway
  - 8684 Alkire Rd.
  - Parcels
  - Streets
  - Big Darby Creek Setbacks
- Franklin County Floodplain**
- Floodway Fringe
  - Floodway







OVERALL SITE PLAN



NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. CONTRACTOR SHALL MAINTAIN A 10'-0" MINIMUM SEPARATION BETWEEN THE PROPOSED LTE GPS ANTENNA AND TRANSMITTING ANTENNAS.
3. PROPERTY LINES ARE APPROXIMATIONS ONLY.
4. ANTENNAS & MOUNTS OMITTED FOR CLARITY.
5. FOR FIBER TRUNK REF AT&T LTE GUIDE LINES REV. 1.9 PAGE 13 TABLE 2.1.2.
6. FOR DC POWER CABLE TRUNK REF AT&T LTE GUIDE LINES REV 1.9 PAGE 14 TABLE 2.1.3
7. SHELTER SHALL BE SET PER FIBREBOND'S SPECIFICATIONS. SEE FIBREBOND DRAWING DB298; LIFTING, STORAGE, AND TRANSPORTATION DIAGRAM.

VA/CU-3813  
4/21/14

APPLICANT/OWNER:

8372 EAST BROAD STREET  
FLOOR 2 - SOUTH (83)  
REYNOLDSBURG, OHIO 43068

PREPARED BY:

**GPD GROUP.**  
Glas, Pyra, Schomer, Burns & DeFries, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2100 Fax 330-572-2101

SEAL:

NOT TO BE USED FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

PROJECT NO: 2013749.89  
DRAWN BY: NMT  
CHECKED BY: EAB

LANDLORD/PROPERTY OWNER SIGNATURE:

| REV | DATE     | DESCRIPTION       |
|-----|----------|-------------------|
| A   | 10/16/13 | ISSUED FOR REVIEW |
|     |          |                   |
|     |          |                   |
|     |          |                   |
|     |          |                   |
|     |          |                   |
|     |          |                   |
|     |          |                   |
|     |          |                   |

PROJECT LOCATION:  
BATTELLE DARBY CREEK  
SOH3173  
8684 ALKIRE RD  
GROVE CITY, OH 43123

SHEET TITLE:  
OVERALL SITE PLAN

SHEET NUMBER:  
**C-1**



VA/CU-3813  
4/21/14

APPLICANT/OWNER:



8372 EAST BROAD STREET  
FLOOR 2 - SOUTH (B3)  
REYNOLDSBURG, OHIO 43068

PREPARED BY:



**GPD GROUP.**  
Glas, Pyra, Schomer, Burns & DeWine, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2100 Fax 330-572-2101

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PROJECT NO: 2013749.89  
DRAWN BY: NMT  
CHECKED BY: EAB

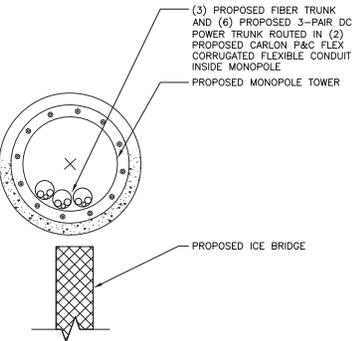
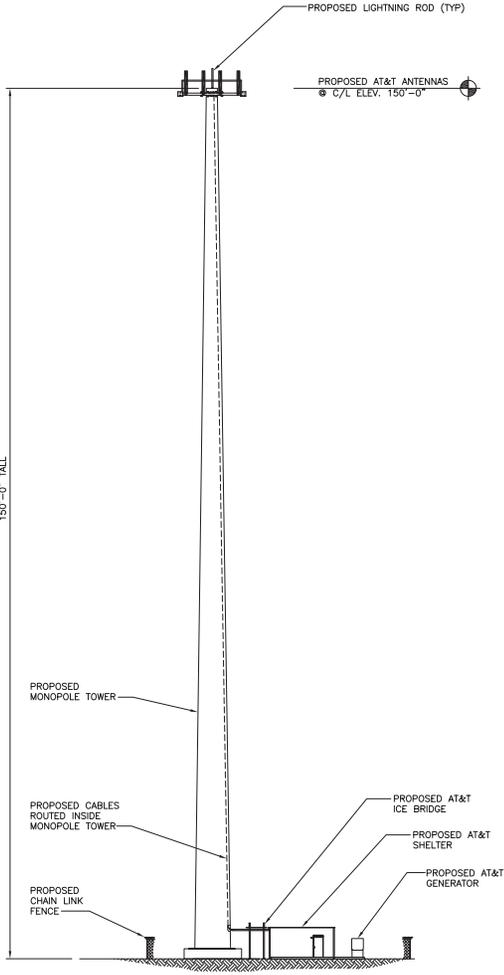
LANDLORD/PROPERTY OWNER SIGNATURE:

| REV | DATE     | DESCRIPTION       |
|-----|----------|-------------------|
| A   | 10/16/13 | ISSUED FOR REVIEW |
|     |          |                   |
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PROJECT LOCATION:  
BATELLE DARBY CREEK  
SOH3173  
8684 ALKIRE RD  
GROVE CITY, OH 43123

SHEET TITLE:  
TOWER ELEVATION,  
ANTENNA & COAX PLANS

SHEET NUMBER:  
**T-1**



TOWER ELEVATION NO SCALE 1

COAX/FIBER ROUTING PLAN NO SCALE 4

NOT USED 3

NOT USED

NO SCALE 2

NOT USED

3

281

Gardner Rd

Little Darby Creek

1000' RADIUS

11

Alkire Rd

Alkire Rd

Alkire Rd

11

Alkire Rd

11

Railroad St

Adams St

Ohio St

Rush St

Vine St S

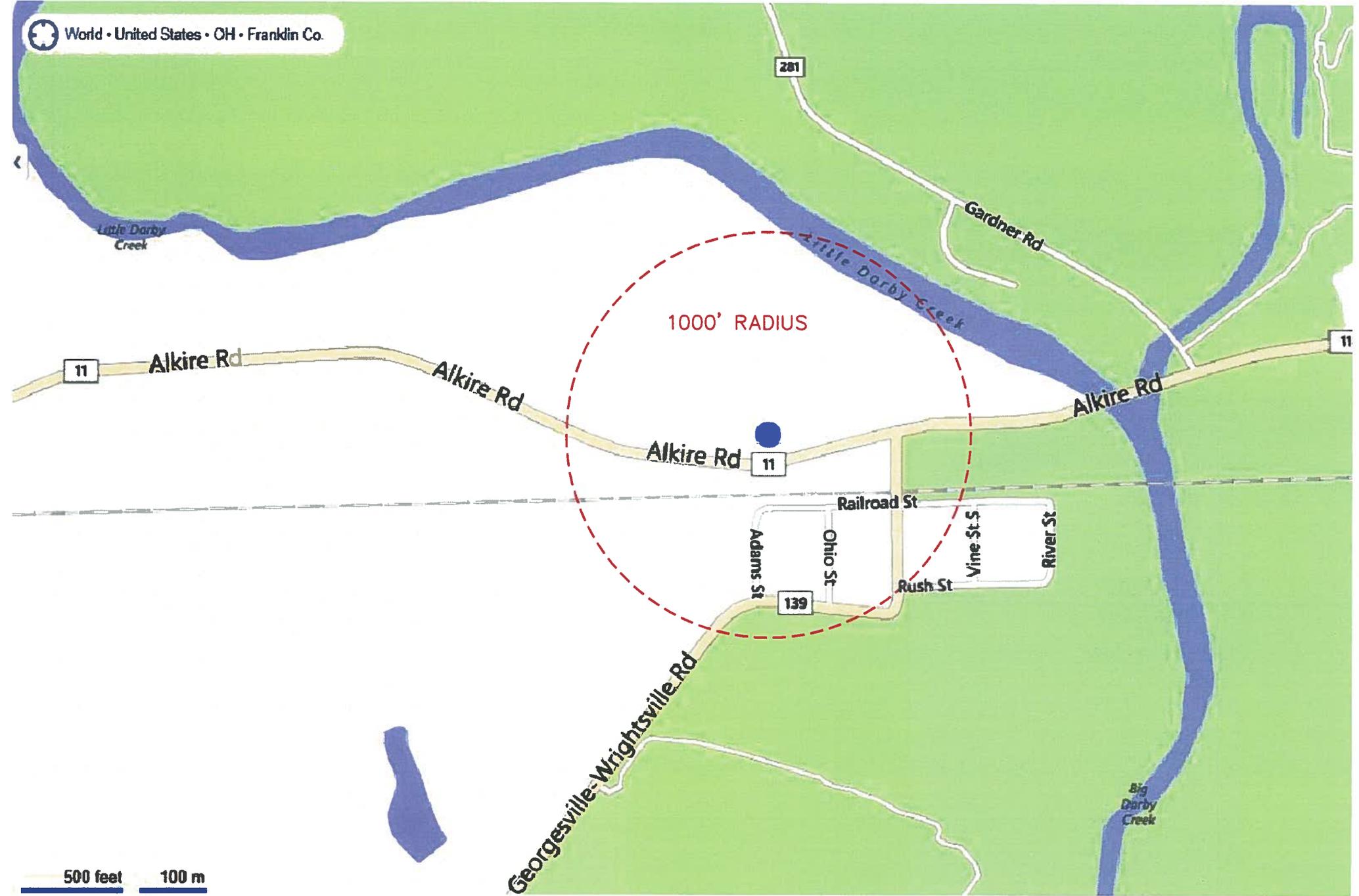
River St

139

Georgesville-Wrightsville Rd

Big Darby Creek

500 feet 100 m



8

Distance between two points on the ground

1,001.09 Feet

339.13 degrees

Save

Clear

39.8928, -83.2247 Untitled

Gardner Rd

Alkire Rd

Georgesville

Adams St

Ohio St

Sandusky St

Vine St

Waver St

Darby St

VA/CU-3813



at&t

# OH3173-BATTELLE DARBY CREEK

## Needed Capacity & Coverage Improvements

**RECEIVED**

APR 14 2014

CU-3813

Franklin County Planning Department  
Franklin County, Ohio

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# Needed Improvements

❖ **Target area** needs coverage and capacity improvements in the Georgesville area.

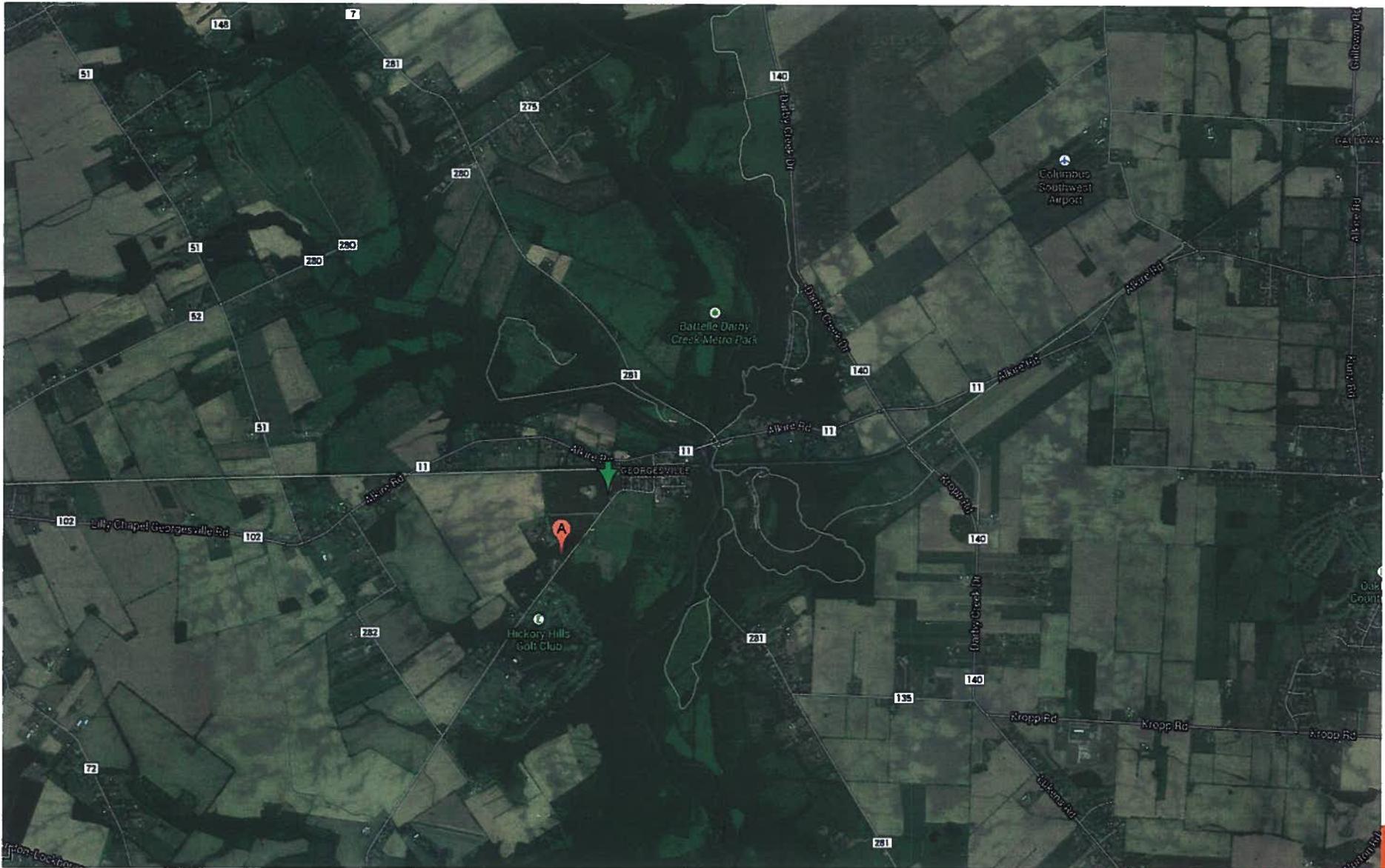
- There was a Crown tower that was investigated but it was ~1.5 miles to the SE of the targeted area and when propagation was run using the existing Crown tower it did not give the desired coverage improvement in the target area.
- Coverage Map signal level explanation
  - **Green**-Excellent in-building and outdoor coverage
  - **Blue**-Good in-building and Excellent outdoor coverage
  - **Yellow**-Marginal in-building and Good outdoor coverage
  - **Red**-Poor to No in-building and Marginal outdoor coverage
  - **Grey**-No in-building and Poor to No outdoor coverage



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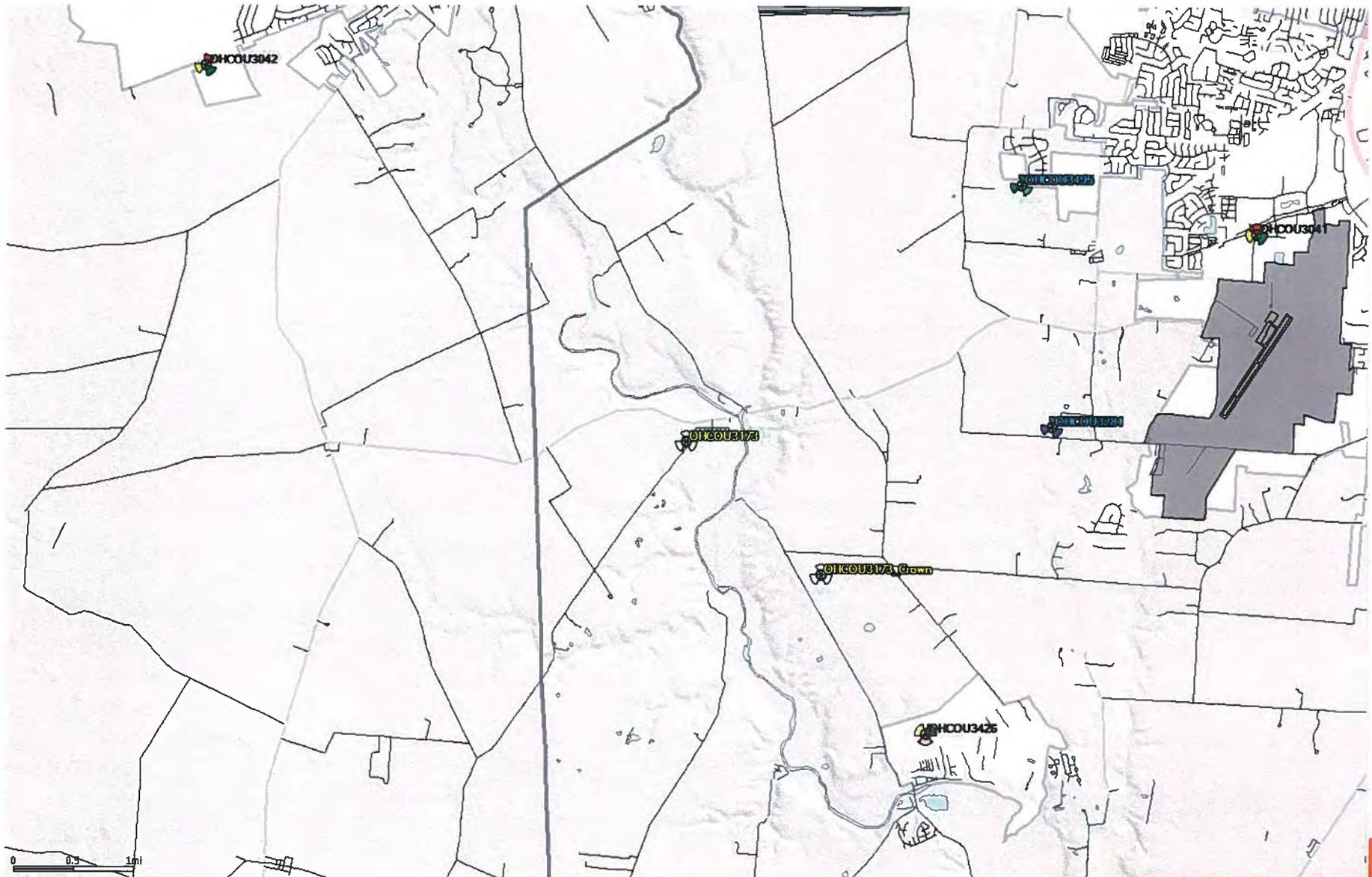
# Satellite Map Of General Area of BATTELLE DARBY CREEK



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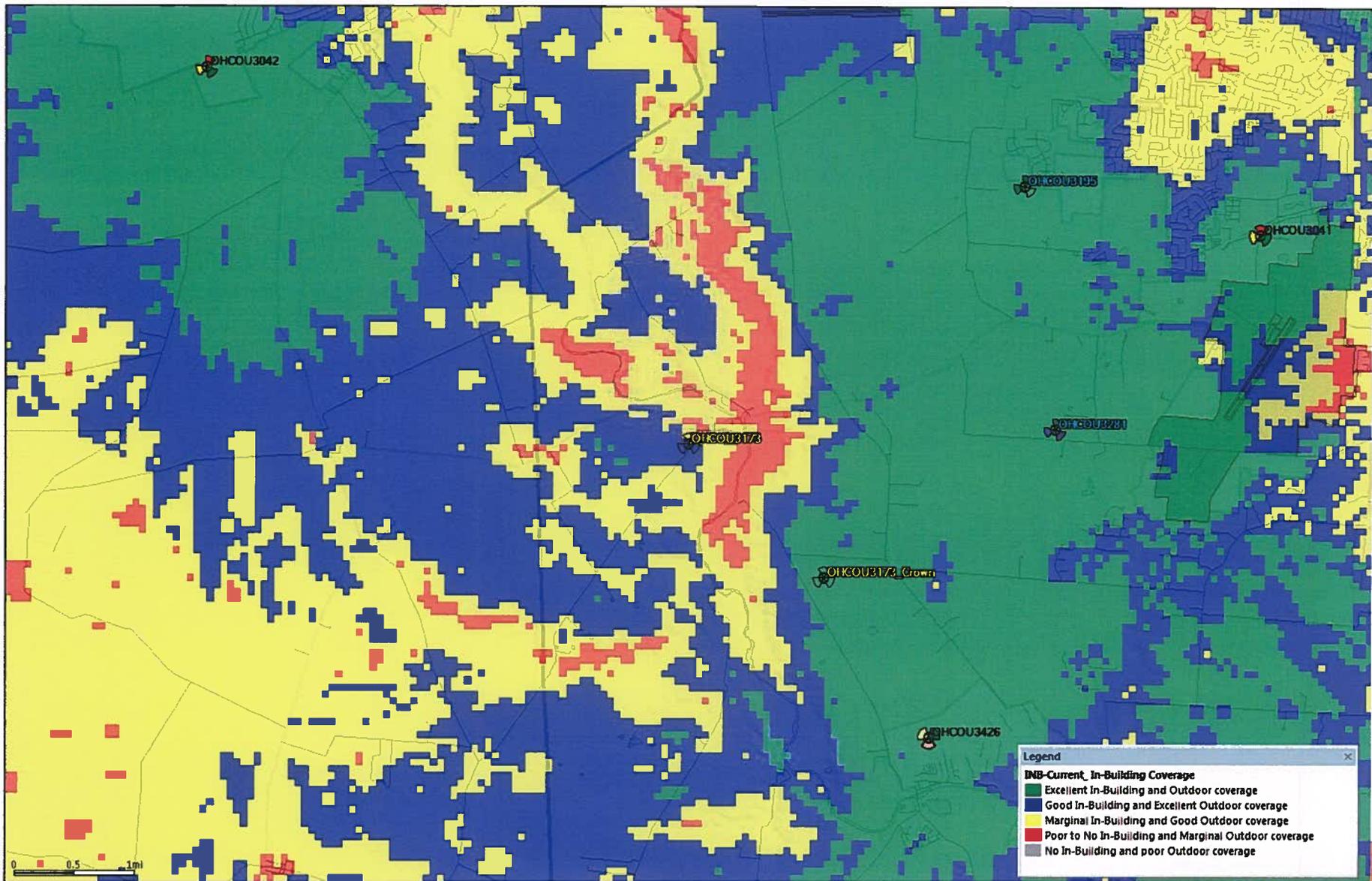
# AT&T Existing sites in Black, Future sites in Blue and OH3173 in Yellow



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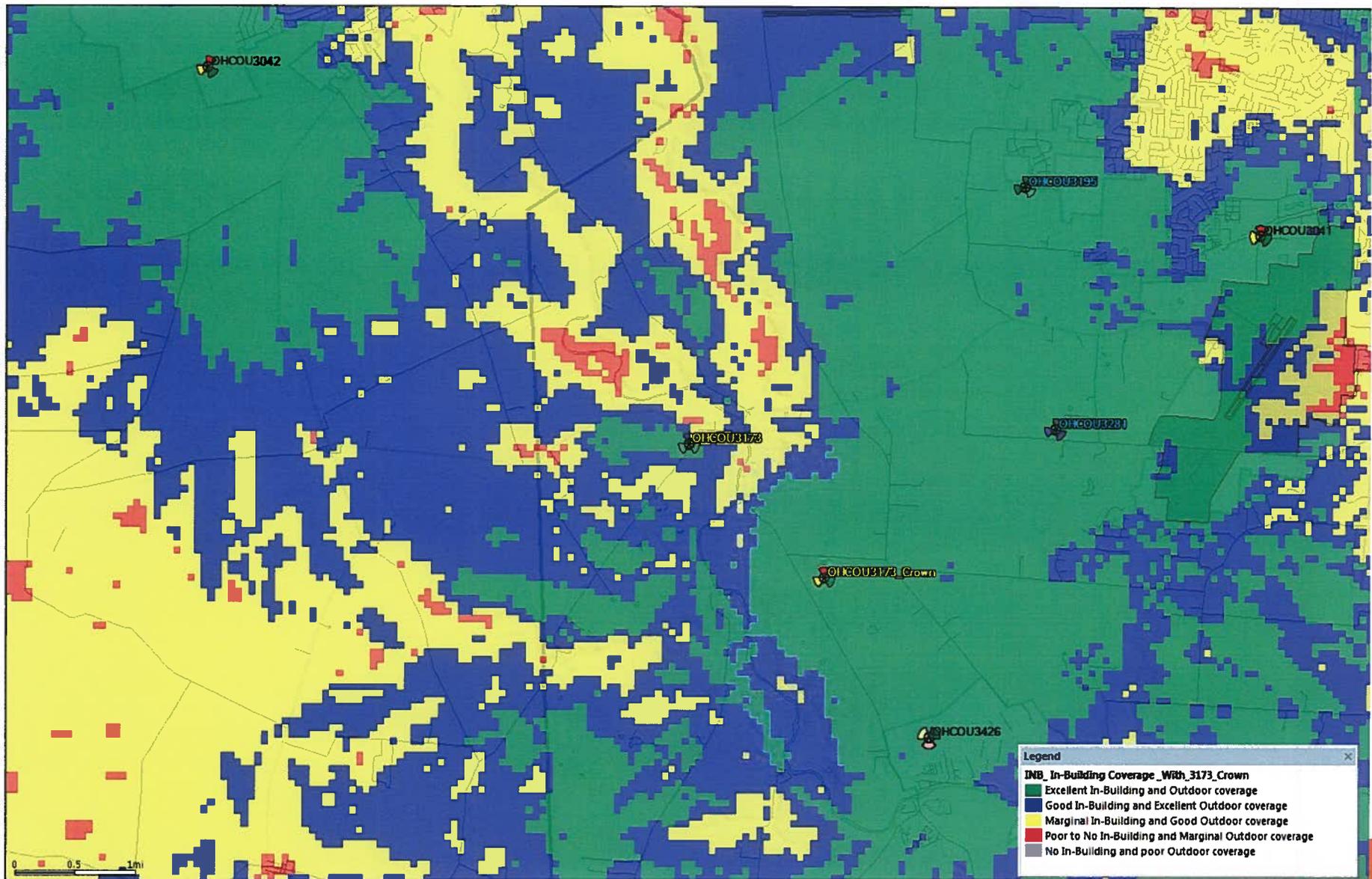
# Coverage Plot Without OHCOU3173 Site



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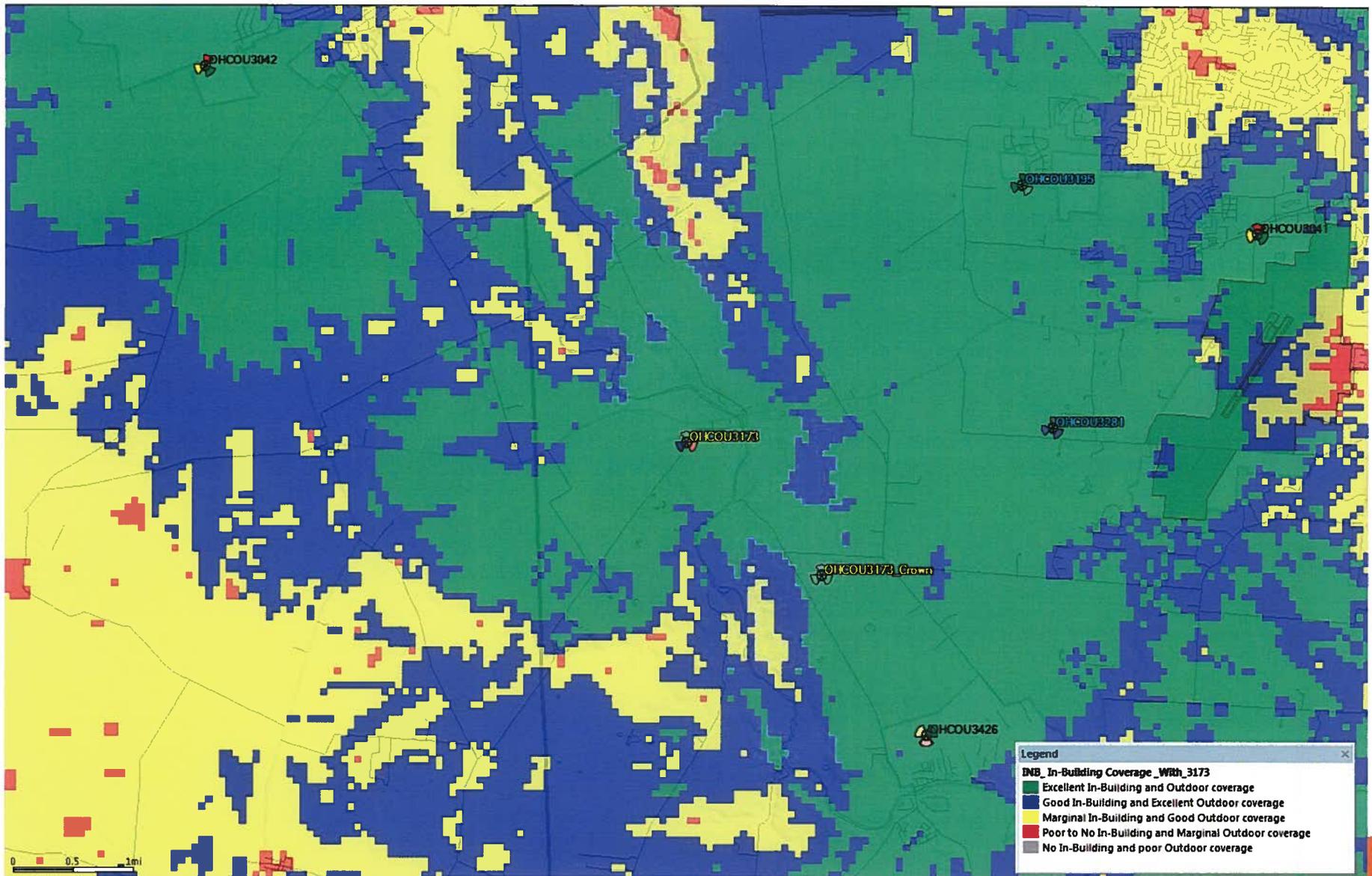
# Coverage Plot With OHC0U3173\_Crown Site



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# Coverage Plot With OHCOU3173 Site



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

Economic Development & Planning Department  
James Schimmer, Director

## ***STAFF REPORT***

Board of Zoning Appeals  
May 19, 2014

### **Case VA-3814**

Prepared by: Matt Brown

|                         |  |
|-------------------------|--|
| <b>Applicant/Owner:</b> | Jeff Haskett   |
| <b>Township:</b>        | Norwich Township   |
| <b>Site:</b>            | 3948 Riverview Drive (PID #200-000425)   |
| <b>Acreage:</b>         | 1.37-acres   |
| <b>Zoning:</b>          | Rural  |
| <b>Utilities:</b>       | Onsite water and waste water   |
| <b>Request:</b>         | Requesting a Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural. |

#### **Summary**

The applicant is requesting a variance from Section 110.041 to allow for the construction of a single-family dwelling on a lot that fails to have at least 60 feet of abutment on an improved, publicly maintained right-of-way. Staff recommends ***conditional approval***.

#### **Description of the request**

The site is currently vacant. Based on a review of aerial photography, a single-family home existed on the property as recently as 2007. The property was created in 1946 as a 2.05 acre lot and subdivided in 1974 to create a 0.68 acre lot and 1.37 acre lot; the 1.37 acre lot is the subject of this variance request. When created in 1946, the site had no abutment on a publicly maintained right-of-way. Access is provided to the site by a private drive located within an access easement recorded in 1946. The recorded agreement indicates that the drive will be maintained by the owners of property having access to the drive.

#### **Surrounding Area**

The property is located in an area of low density residential development and is one of approximately 30 properties with no abutment on a publicly maintained right-of-way. To the west of the property is an area of low density residential development in the city of Columbus and to the east is the Scioto River.

#### **Comprehensive Plan**

The Norwich Township Land Use Plan, adopted in 2001, includes recommendations for the western edge of the township but includes no recommendations for the subject site.

## **Staff Review**

### Variance from Section 110-041 – Non-Conforming Lots:

- The construction of a conforming structure shall be allowed on a non-conforming lot of record having at least sixty (60) feet abutment on an improved, publicly maintained right-of-way
  - The subject site has zero (0) feet of abutment

## **Technical Review Agencies**

No concerns were raised by Franklin County Public Health, the Franklin County Engineer's office, the Franklin County Drainage Engineer's office, the Franklin Soil and Water Conservation District, or the Norwich Township Fire Department.

## **Staff Analysis**

### Section 810.041 – Approval of Variance:

- 1) *Special circumstances and conditions exist that do not apply to other properties in the same zoning district.*
  - » The subject property was created prior to the adoption of land use regulations requiring properties to abut on a publicly maintained right-of-way. An agreement recorded in 1946 granted an access easement to all property owners along the private drive. The easement provides access to publicly maintained Dublin and Fishinger Roads. The agreement also provides for the maintenance of the private drive by those owning land along the drive.
- 2) *A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the same zoning district.*
  - » A literal interpretation of the zoning resolution would deprive the applicant of rights enjoyed by other properties in the Rural Zoning District and, more specifically, rights enjoyed by the approximately 30 other properties located along the private drive that contain single-family homes.
- 3) *The special circumstances and conditions that apply to this property are not a result of actions taken by the applicant.*
  - » The special circumstances and conditions described above related to the creation of the lot are not a result of the applicant; the applicant purchased the property after the lot had been created.
- 4) *Granting the variance will not confer on the applicant special privileges that are denied to other properties in the surrounding area.*
  - » The variances offer no privilege to the applicant compared to surrounding property owners.
- 5) *Granting the variance will not be injurious to private property or the public welfare in the surrounding area.*
  - » The variance will not be detrimental to private property or the public welfare.

## **Recommendation**

Staff's recommendation is that the BZA approve a Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural with the following condition:

1. The applicant must apply for and receive an approved residential zoning compliance and building permit from the Franklin County Economic Development and Planning Department.

**Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Request:**

\_\_\_\_\_ moves to approve the Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural as outlined in the request above for the applicant identified in Case No. VA-3814 with the condition in staff’s recommendation.

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

Voting:

**Findings of Fact**

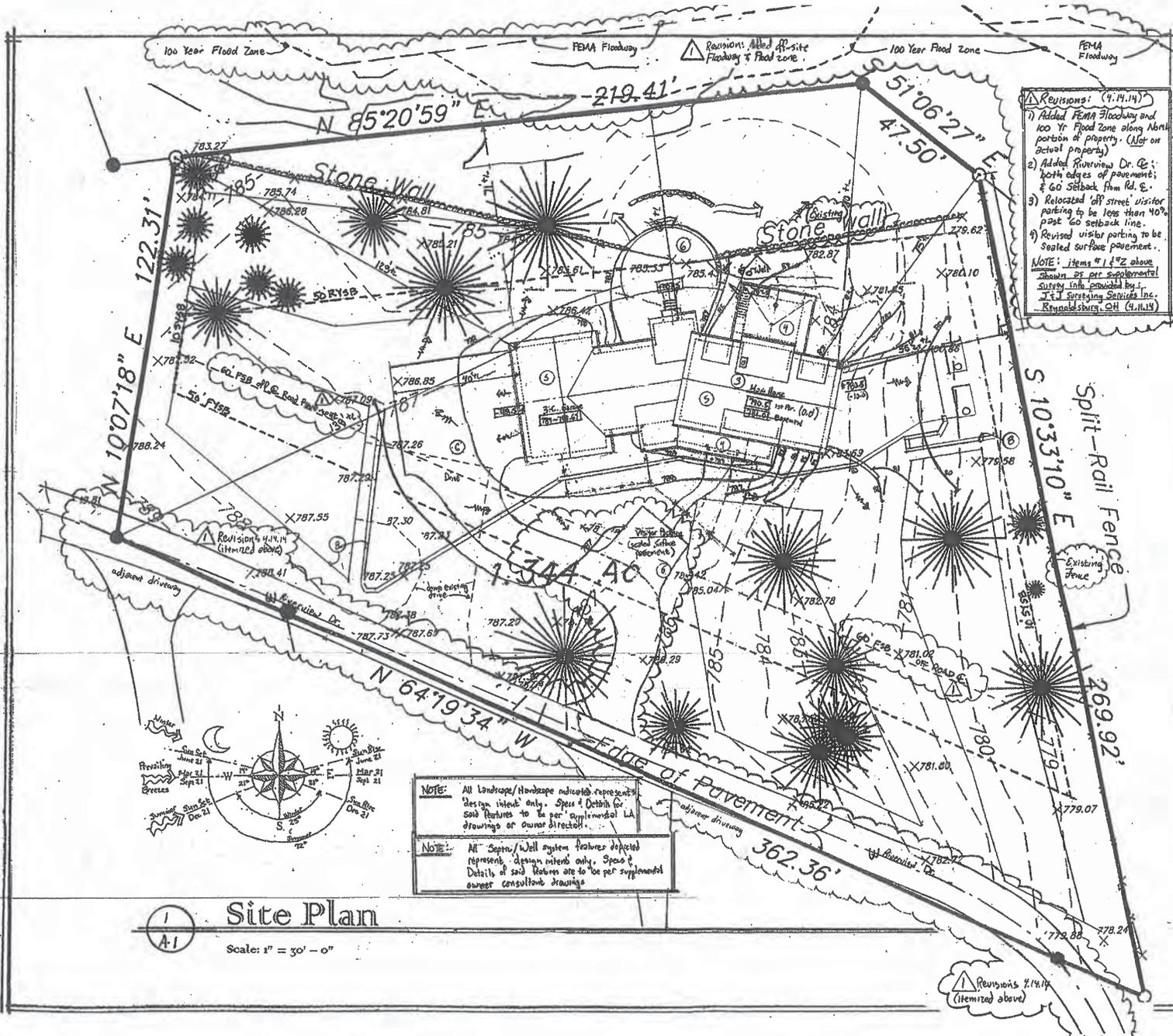
For your convenience, the following are proposed findings of fact:

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 variance as outlined in the request above for Case No. VA-3814 results from applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:



**Revisions: (4.14.14)**

- 1) Added FEMA Floodway and 100 Yr Flood Zone along North portion of property. (Not on actual property)
- 2) Added Riverview Dr. C&G: both edges of pavement; & 60 Setback from Rd. E.
- 3) Relocated off street visitor parking to be less than 40% past 60 setback line.
- 4) Revised visitor parking to be sealed surface pavement.

**NOTE:** items #1 & 2 above shown as per supplemental survey info provided by J.T. Surveying Services Inc. Reynoldsburg, OH (4.14.14)

Revised  
4/14/14

Zoning Compliance  
Application RZ-14-1273

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APR 15 2014

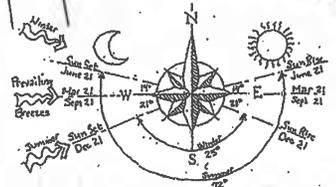
Franklin County Planning Department  
Franklin County, Ohio



Site Plan Revisions

Drawing #1, Sht # A-1  
Scale: 1"=30'-0"  
(Revisions 'clouded')

**Haskett Residence**  
3948 Riverview Dr  
Site Revisions Addendum #1  
14<sup>th</sup>, April 2014  
Nau & Bullock Architects



**NOTE:** All Landscape/Hardscape indicated represents design intent only. Space & Details for said features to be per supplemental LA drawings or owner directed.

**NOTE:** All Septic/Well system features depicted represent design intent only. Space & Details of said features are to be per supplemental owner consultant drawings.

1  
A-1  
Site Plan  
Scale: 1" = 30' - 0"

Revisions 2/14/14  
(Itemized above)







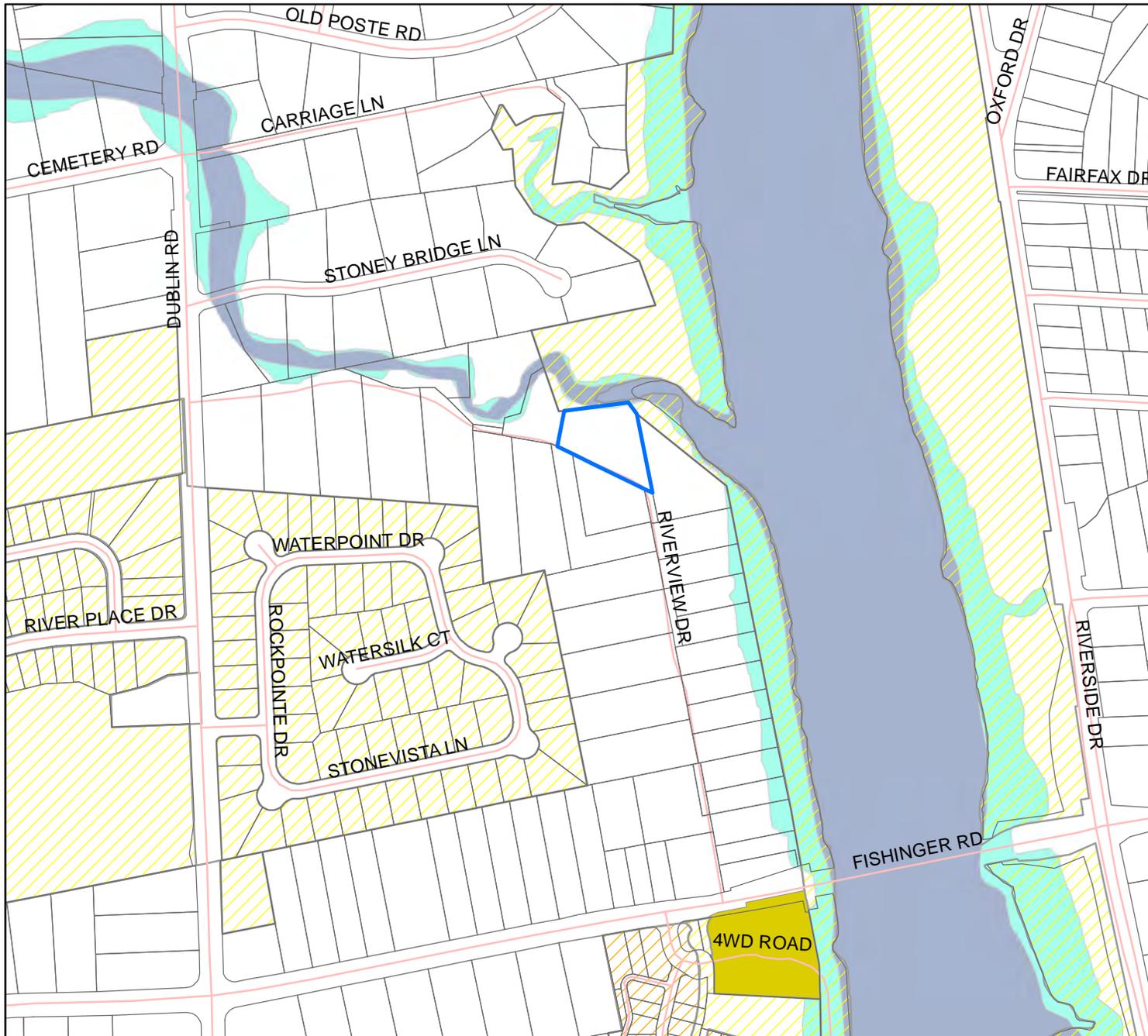












# VA-3814

Requesting a Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural.

1.37 acres  
Norwich Township

 3948 Riverview Dr.

 Parcels

 Streets

### Columbus Zoning

 Residential

 Multi-family

### County Zoning

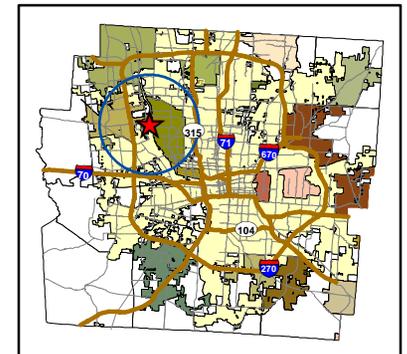
 Rural

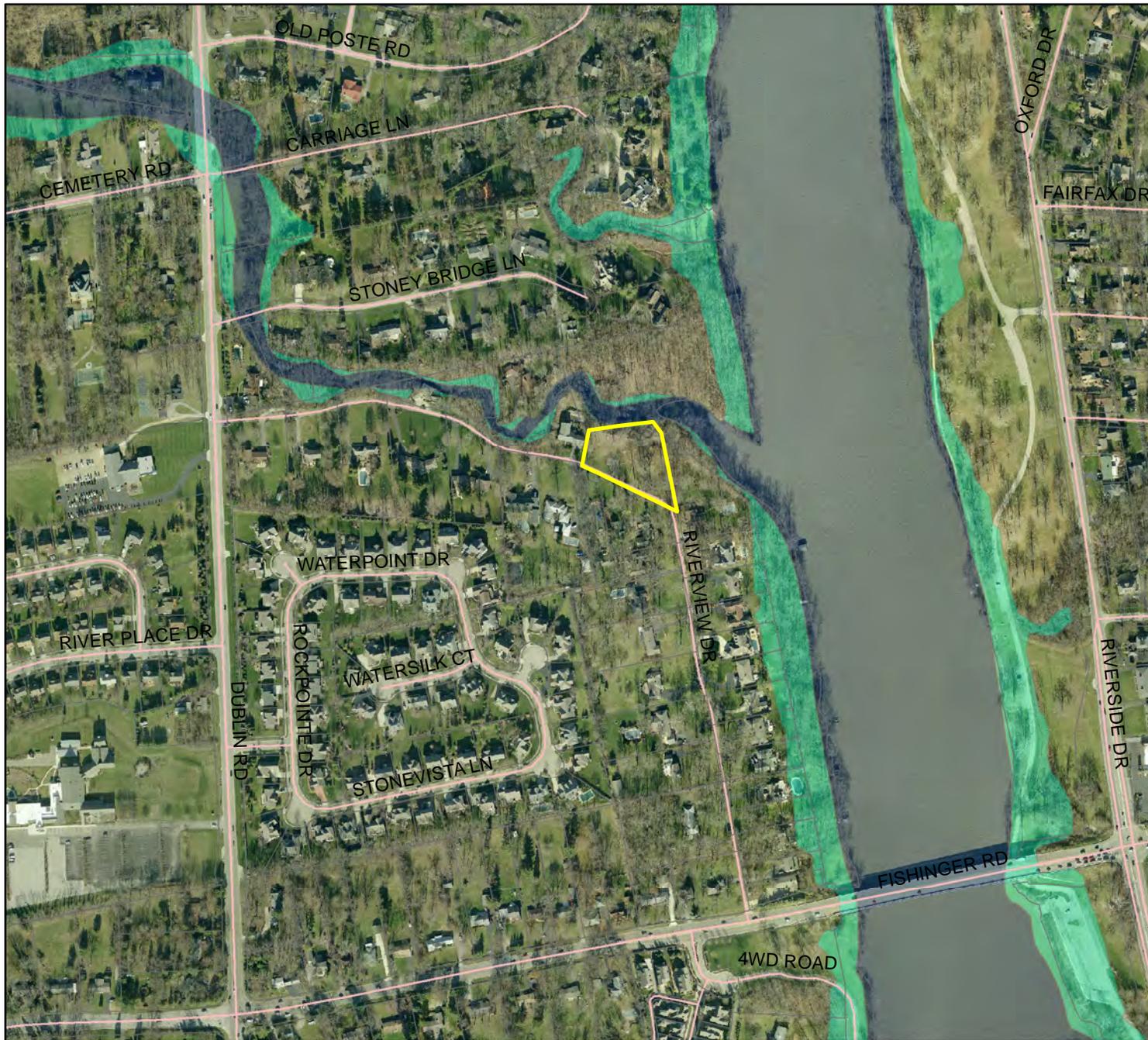
 Urban Res.

### Franklin County Floodplain

 Floodway Fringe

 Floodway





# VA-3814

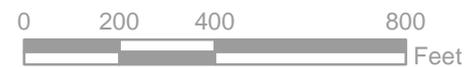
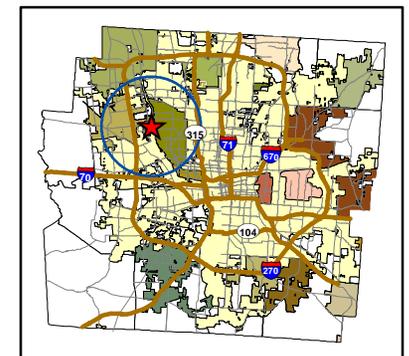
Requesting a Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural.

1.37 acres  
Norwich Township

- 3948 Riverview Dr.
- Parcels
- Streets

## Franklin County Floodplain

- Floodway Fringe
- Floodway





# VA-3814

Requesting a Variance from Section 110.041 to allow the construction of a new home on a non-conforming lot that fails to meet the required abutment on an improved, publicly maintained right-of-way in an area zoned Rural.

1.37 acres  
NorwichTownship

- 3948 Riverview Dr.
- Parcels
- Streets

## Franklin County Floodplain

- Floodway Fringe
- Floodway

