



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, September 15, 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 August 18, 2014 meeting
5. Old Business:

**A. VA/CU-3813 – Anthony Hray – Tabled at July 21, 2014 meeting**

<b>Applicant:</b>	AT&T Mobility – Cynthia Rafalski
<b>Owner:</b>	Eugene J. Boso and Diana H. Babbert
<b>Agent:</b>	Ed Block, P.E. – GPD Group
<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.

**6. New Business**

**A. VA-3821 – Matt Brown**

<b>Applicant/Owner:</b>	Terri L. Newsome
<b>Township:</b>	Franklin Township
<b>Site:</b>	1364 Brown Road (PID #140-004237)
<b>Acreage:</b>	0.23-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Public water and wastewater
<b>Request:</b>	Requesting a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure.

**B. VA-3822 – Anthony Hray**

<b>Applicant:</b>	Jeffrey Hoffman
<b>Owner:</b>	Steve C. Lytton
<b>Township:</b>	Pleasant Township
<b>Site:</b>	7009 London-Groveport Road (PID #230-002471)
<b>Acreage:</b>	0.67-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	On-site water and public wastewater
<b>Request:</b>	Requesting a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single-family dwelling that will fail to meet the required setback.

**C. VA-3823 – Jonathan Lee**

<b>Applicant/ Owner:</b>	Timothy and Tamara Marcum
<b>Township:</b>	Hamilton Township
<b>Site:</b>	1021 Obetz Road (PID #150-001368)
<b>Acreage:</b>	0.924-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	On-site water and wastewater
<b>Request:</b>	Requesting a Variance from Section 512.02(2) to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size.

**D. VA/CU-3824 – Anthony Hray**

<b>Applicant:</b>	Ed Block – GPD Group
<b>Owner:</b>	Hamilton Meadows Baptist Church
<b>Township:</b>	Hamilton Township
<b>Site:</b>	2239 Rohr Road (PID #150-000092)
<b>Acreage:</b>	9.092-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	On-site water and wastewater
<b>Request:</b>	Requesting a Variance from Sections 501.012 and 501.013 and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower and the construction of a barbed wire fence that will exceed the permitted height.

**7. Adjournment of Meeting to October 20, 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, August 18, 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, August 18, 2014.

Present were:

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

Franklin County Economic Development and Planning Department:

Matt Brown, Planning Administrator  
Anthony Hray, Planner  
Jenny Snapp, Assistant Director

Chairperson Dever 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 July 21, 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 four-to-zero vote.

### **NEW BUSINESS:**

The next order of business being Case No. CU-3818. The applicant is Justiniano Duro. The site is located at 3375 Fisher Road. The township is Franklin Township. It is 1.90 acres. It is in the Rural District. There is public water and on-site wastewater.

The request is for a Condition Use from Section 511.03 of the Franklin County Zoning Resolution to allow for a home occupation with the storage of commercial vehicles and equipment in an area zoned Rural.

Mr. Hray read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Conditional Use Case No. CU-3818 with Staff's conditions. Mr. Baer seconded the motion. The motion was denied by a vote of three nos and one yes.

The next order of business being the adoption of the Findings of Facts. Mr. Guyton made a motion that the basis of denying the applicant's request for the conditional use outlined in the request above for case No. CU-3818 results from the applicant's failure to satisfy the conditions for granting a Conditional Use under Section 815.041. The motion passed by a vote of three yeses and one abstention.

The next order of business being Variance Case No. VA-3819. The owner is Tina Green. The township is Madison Township. The site is located at 7540 Groveport Road. It is 2.63 acres. It is in the Rural District. It is served by on-site water and wastewater.

The request is for a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will fail to meet the required setback from the side property line 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-3819 with Staff's conditions. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote.

The next order of business being Variance Case No. VA-3820. The owner is South-Western City Schools. The township is Franklin Township. The site is located at 3505 Briggs Road. It is 38.05 acres. It is in the Rural District and served by public water and wastewater.

The request is for a Variance from Sections 505.022(a) and 505.024(a) of the Franklin County Zoning Resolution to allow the placement of a Dumpster that will fail to meet the required location and screening requirements in an area zoned Rural.

Mr. Anthony Hray read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Hunter made a motion to approve Variance Case No. VA-3820 with Staff's conditions. Mr. Guyton seconded the motion. The motion was approved by a four-to-zero vote.

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 Mr. Baer.

And, thereupon, the hearing adjourned at 2:49 p.m.

Minutes of the August 18, 2014, Board of Zoning Appeals hearing were approved this 15<sup>th</sup> day of September, 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  
September 15, 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.
<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.

### **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**.

### **History**

This case was initially presented to the Board of Zoning Appeals (BZA) on May 19, 2014 with a staff recommendation of denial. Subsequently, the Board accepted the agent's request to table the case until the July 2014 meeting to allow the agent time to explore other siting alternatives and gather additional information. At the July 21, 2014 BZA meeting, the agent provided the results of a "balloon test" that illustrated visibility of the tower from various locations in the area surrounding the site. The agent also provided new propagation maps detailing the coverage levels that would occur at an alternative site that was in conformance with the required setback. It was later discovered during the meeting that the results of the propagation test were based on a cell tower height that was not consistent with the tower being requested. The results of the test at the alternative location were based on a cell tower having a height of 190 feet; which is inconsistent with the requested cell tower at a height of 150 feet. In light of this fact, the applicant requested to table the case until the September 15, 2014 meeting to correct this discrepancy. The applicant has since submitted new propagation maps detailing the coverage levels at the alternative location using a cell tower at a height of 150 feet.

### 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 Battelle 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 Single-Family Residential
East	Rural	Battelle Darby Creek Metro Park 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;
    - o 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. Staff has confirmed that Franklin County Metro Parks continues to support their initial concerns.

### **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.

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", written over a white background.

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.

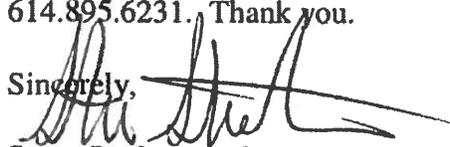
Over 215 species of birds are located in the park, nest and migrate through the river corridors. Telecommunication towers do impose issues for these species. Additionally, breeding colonies of the Federally Endangered Indiana bat are located both north and south of this site. Aesthetics aside, which 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.

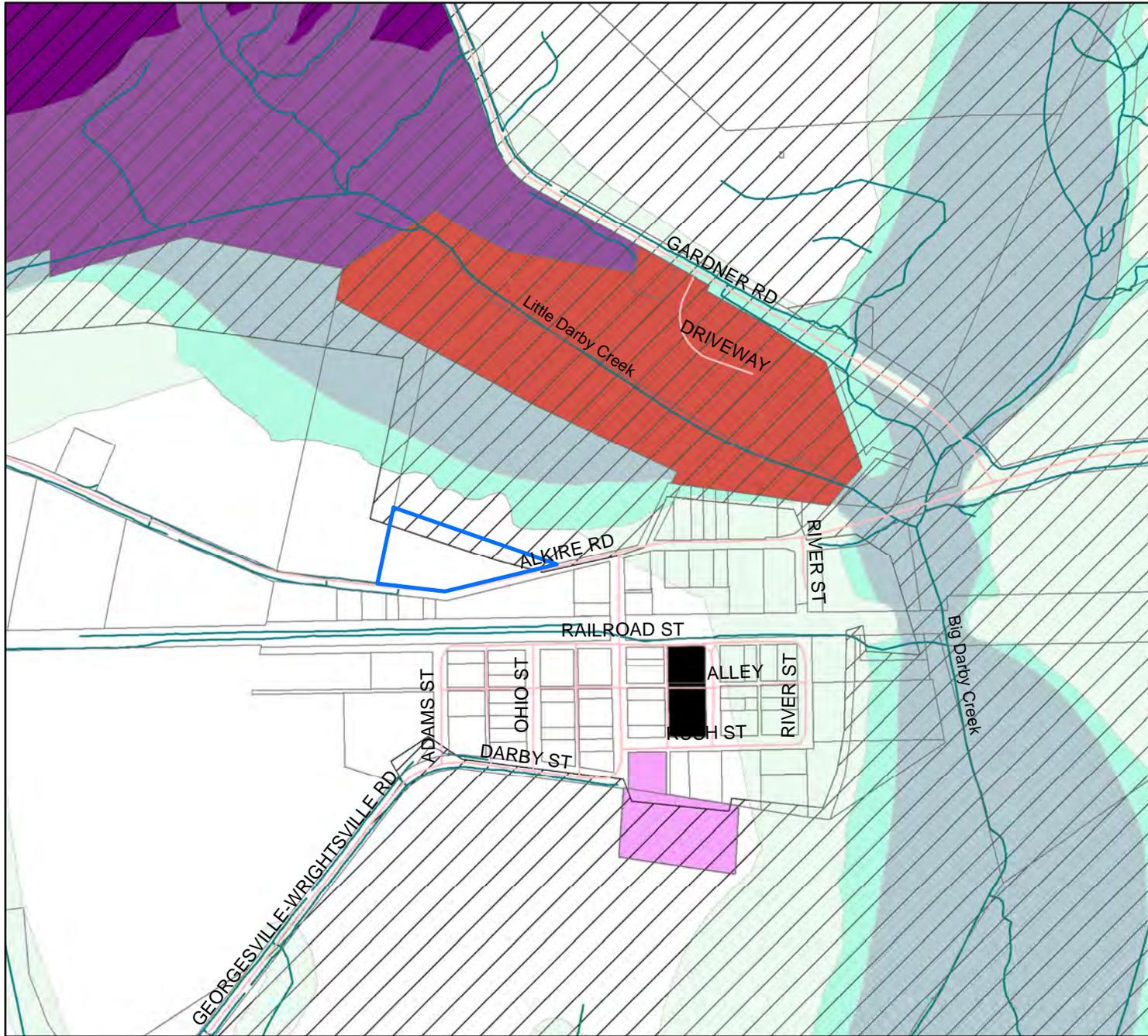
In both cases, we believe this variance and conditional use would clearly increase the visibility of the structure and set a precedent adjacent to critical habitats, therefore impacting not only the wildlife but also the park experience for our visitors. We also recommend that the variance be coordinated 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

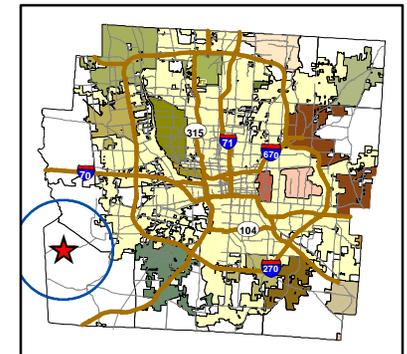


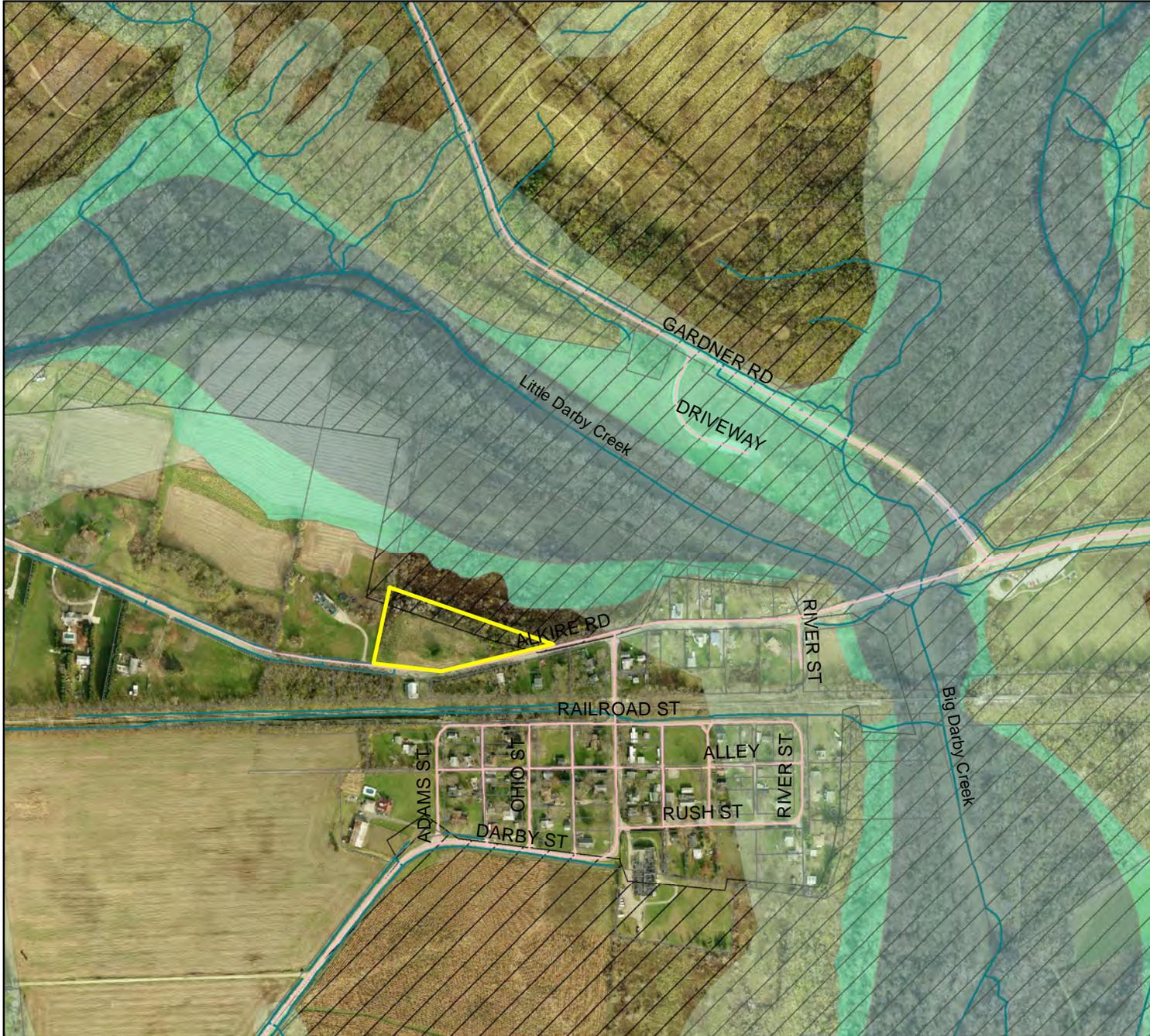
# VA/CU-3813

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

- 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



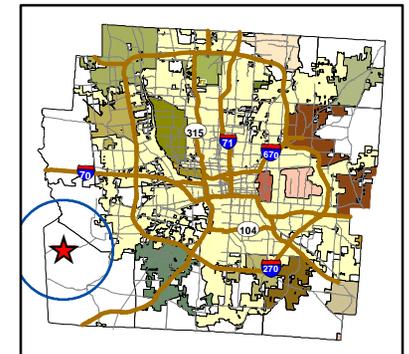


# VA/CU-3813

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

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



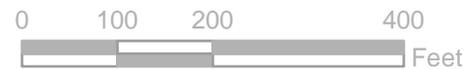
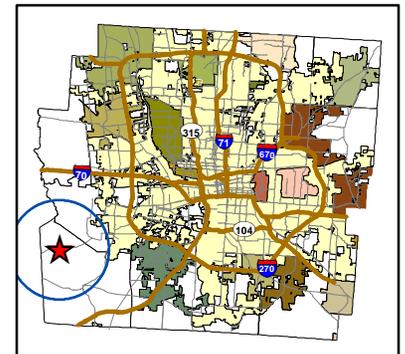


# VA/CU-3813

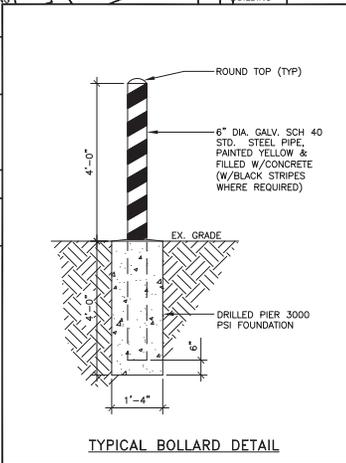
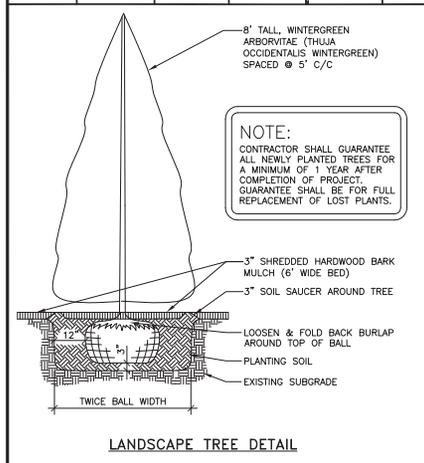
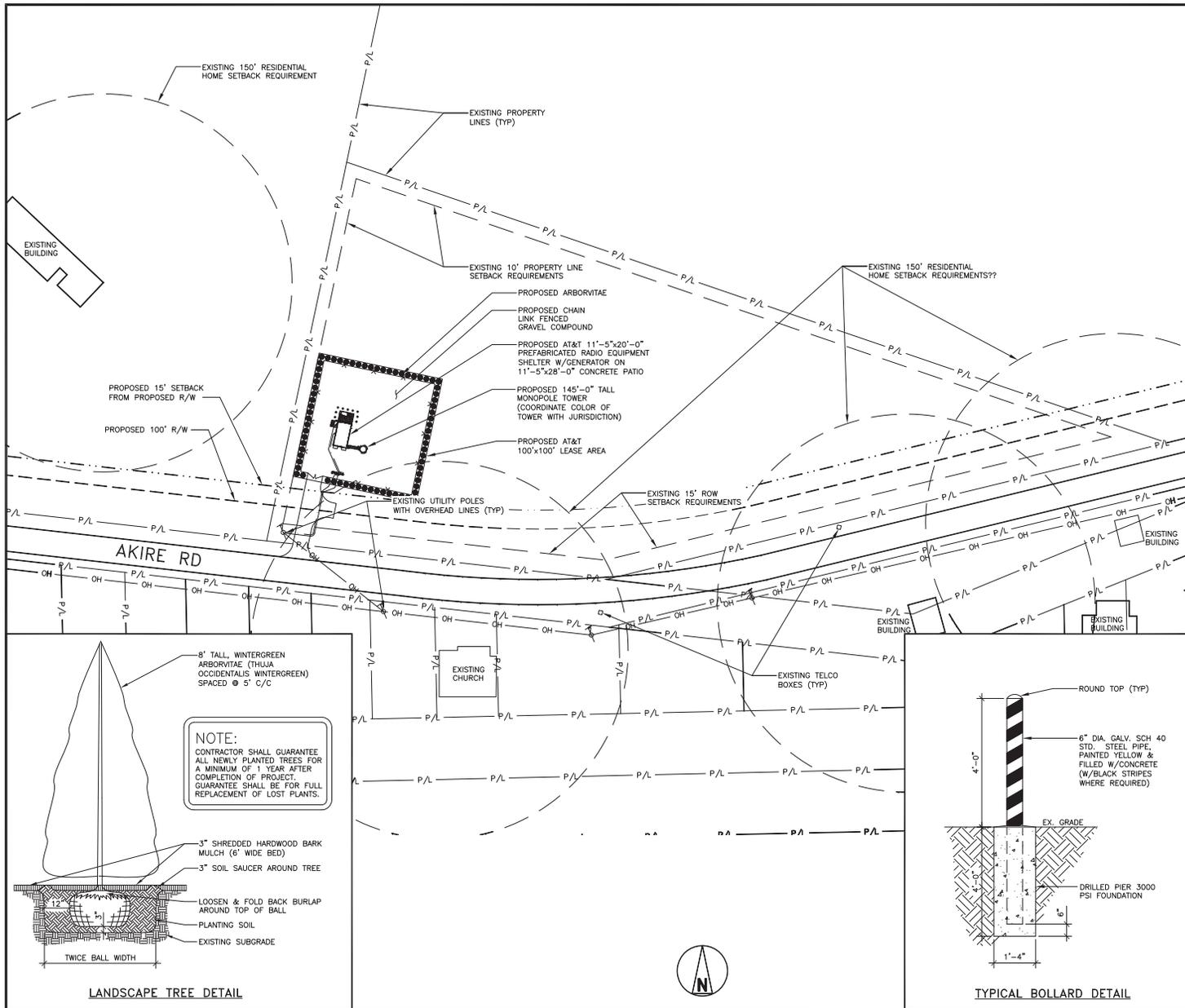
Requesting a Variance from Section 302.0394(17) and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower that will fail to meet the required setback from a public park, resource protection district and greenway in an area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

3.257 acres  
Pleasant Township

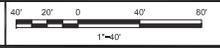
- Cell Tower Location
  - Fenced Area and Driveway
  - 8684 Alkire Rd.
  - Parcels
  - Streets
  - Big Darby Creek Setbacks
- Franklin County Floodplain**
- Floodway Fringe
  - Floodway







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 & DeWine, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2100 Fax 330-572-2101

SEAL:

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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

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, Pyle, Schomer, Burns & DeFries, Inc.  
520 South Main Street, Suite 2531  
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PROJECT NO: 2013749.89  
DRAWN BY: NMT  
CHECKED BY: EAB

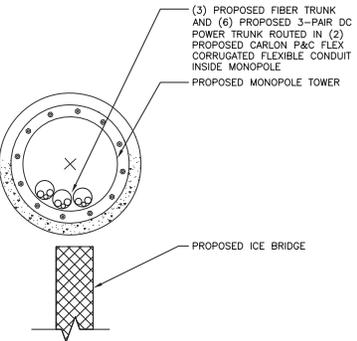
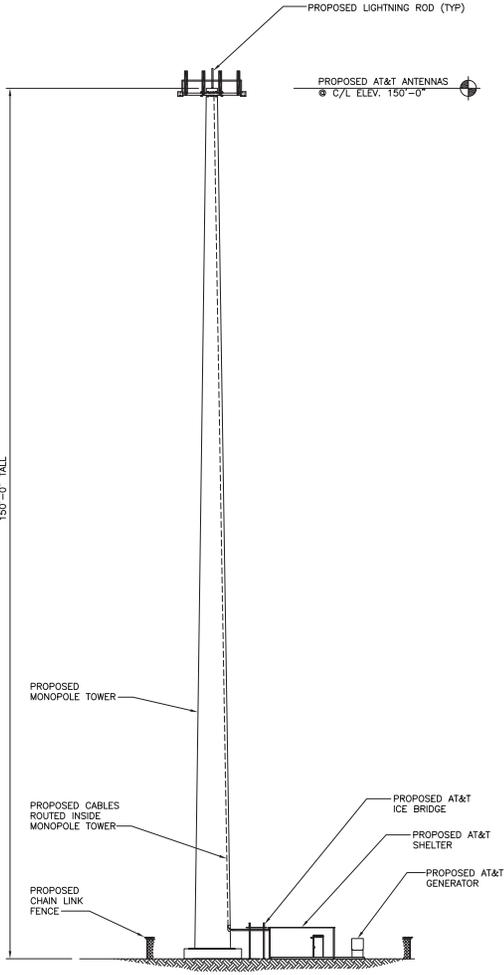
LANDLORD/PROPERTY OWNER SIGNATURE:

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

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

SHEET TITLE:  
TOWER ELEVATION,  
ANTENNA & COAX PLANS

SHEET NUMBER:  
**T-1**



NOT USED

NO SCALE

2

NOT USED

3

TOWER ELEVATION

NO SCALE

1

COAX/FIBER ROUTING PLAN

NO SCALE

4

NOT USED

5

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.

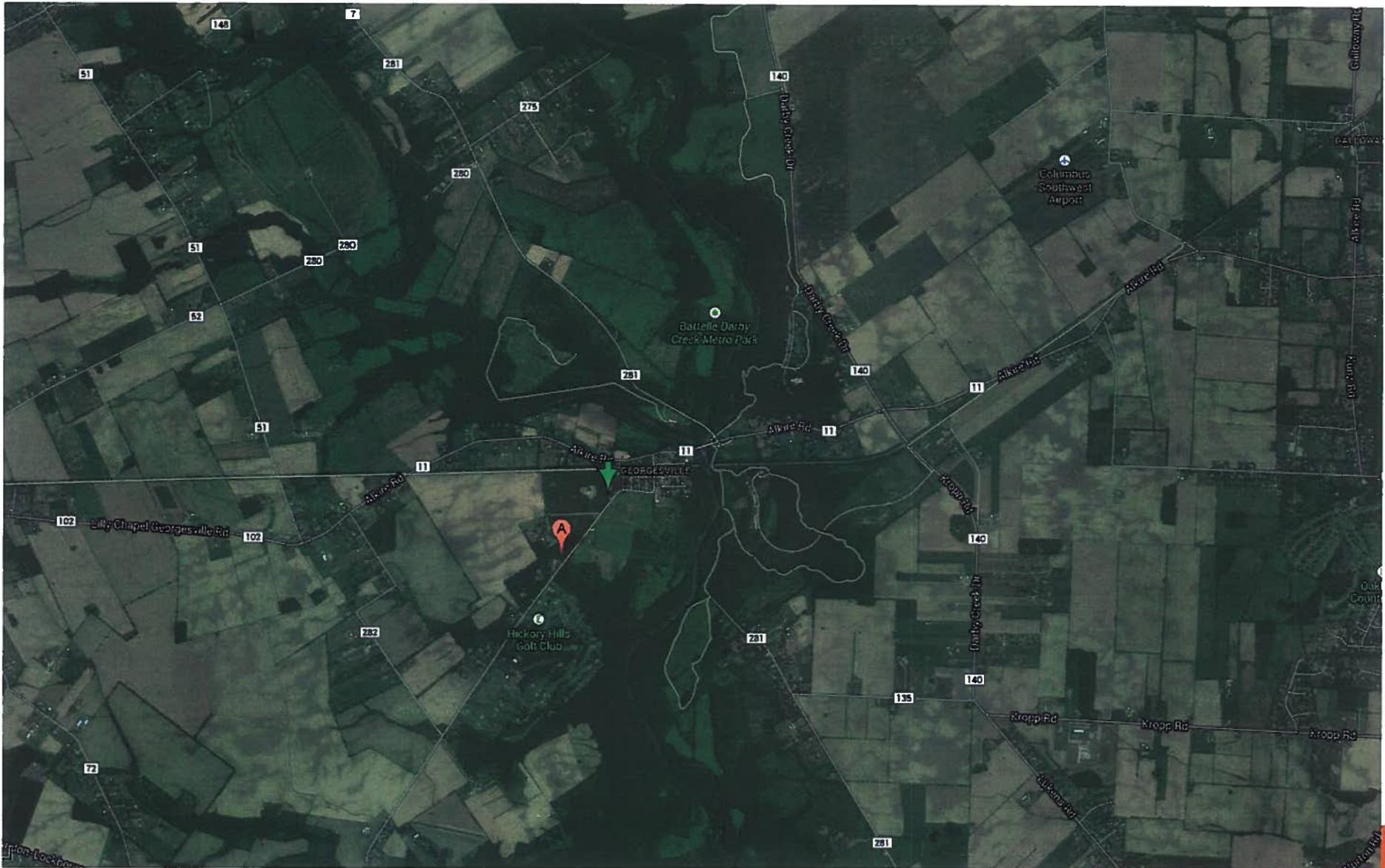
- There was a Crown tower that was investigated but it was ~1.5 miles to the SE of the targeted area and when propagation was run using the existing Crown tower it did not give the desired coverage improvement in the target area.
- Coverage Map signal level explanation
  - **Green**-Excellent in-building 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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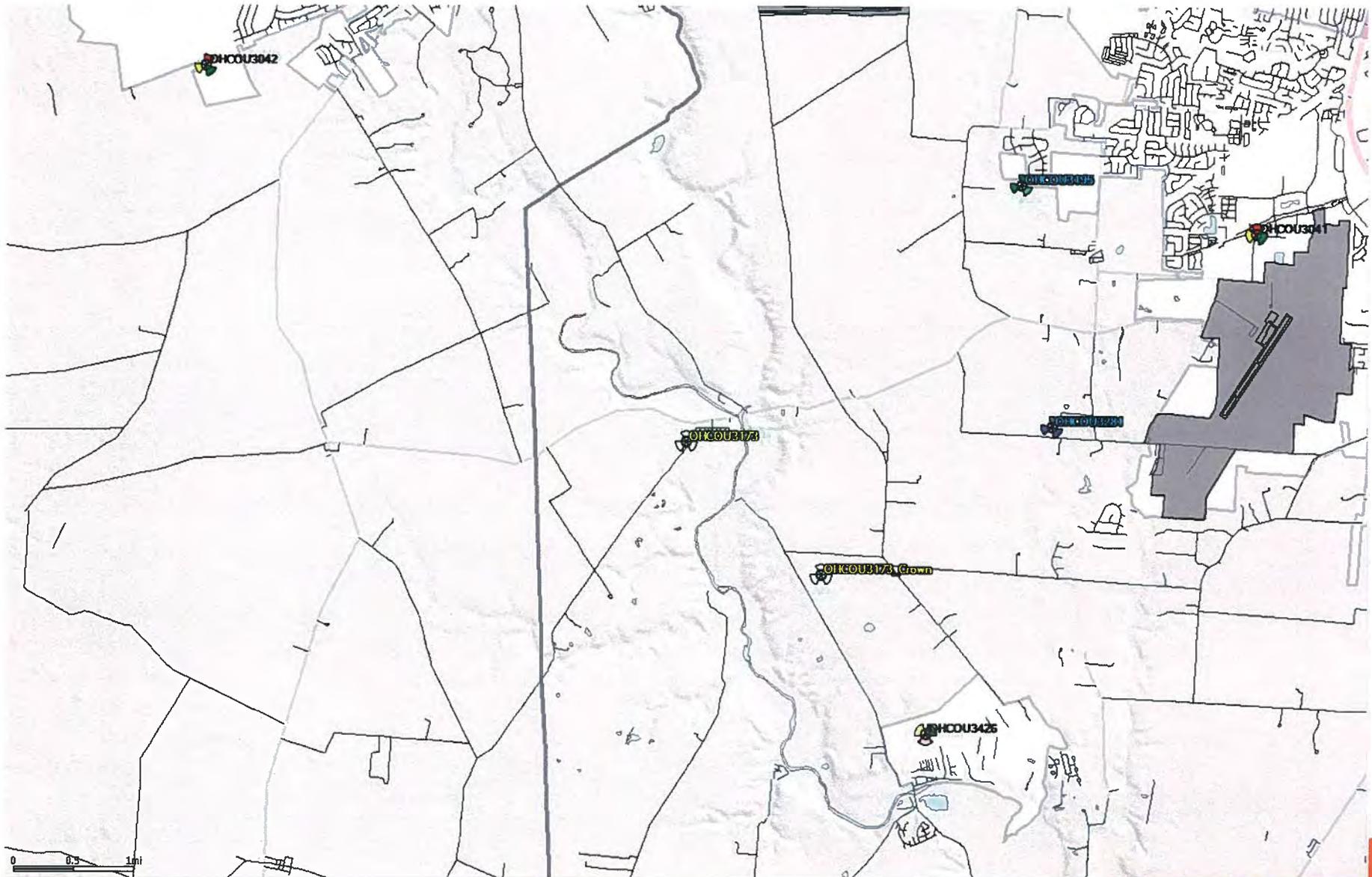
# Satellite Map Of General Area of BATTELLE DARBY CREEK



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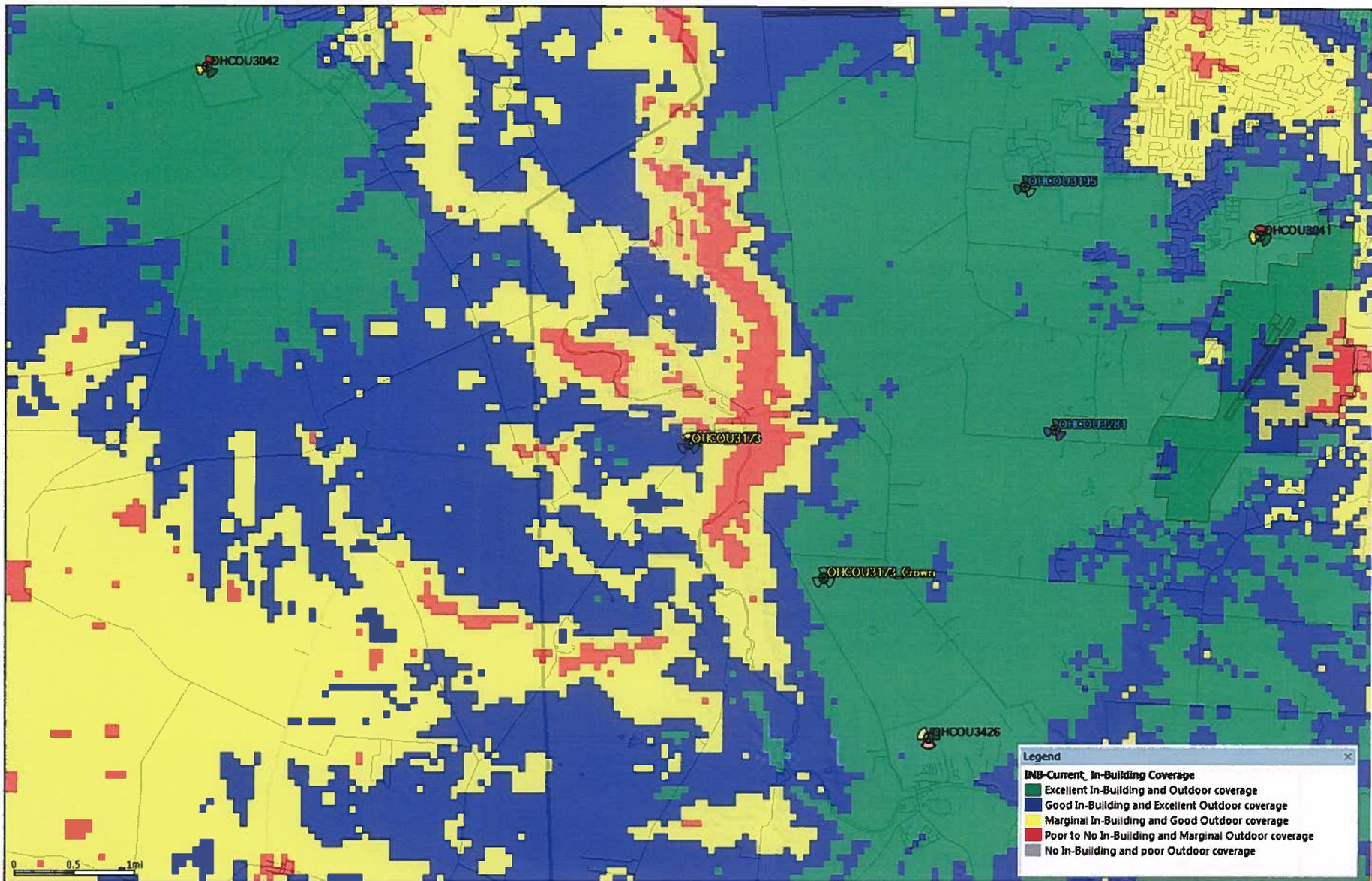
# AT&T Existing sites in Black, Future sites in Blue and OH3173 in Yellow



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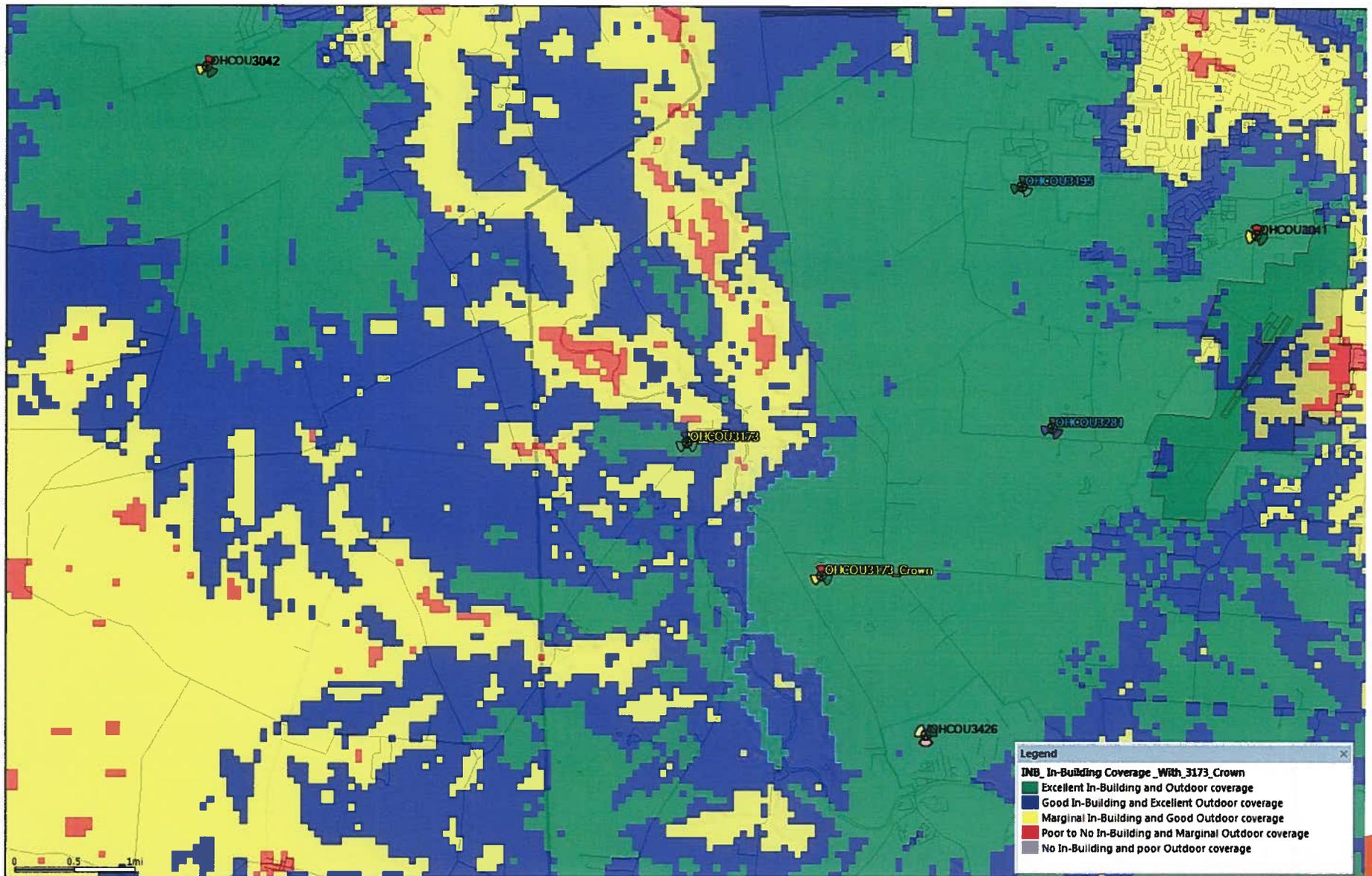
# Coverage Plot Without OHCOU3173 Site



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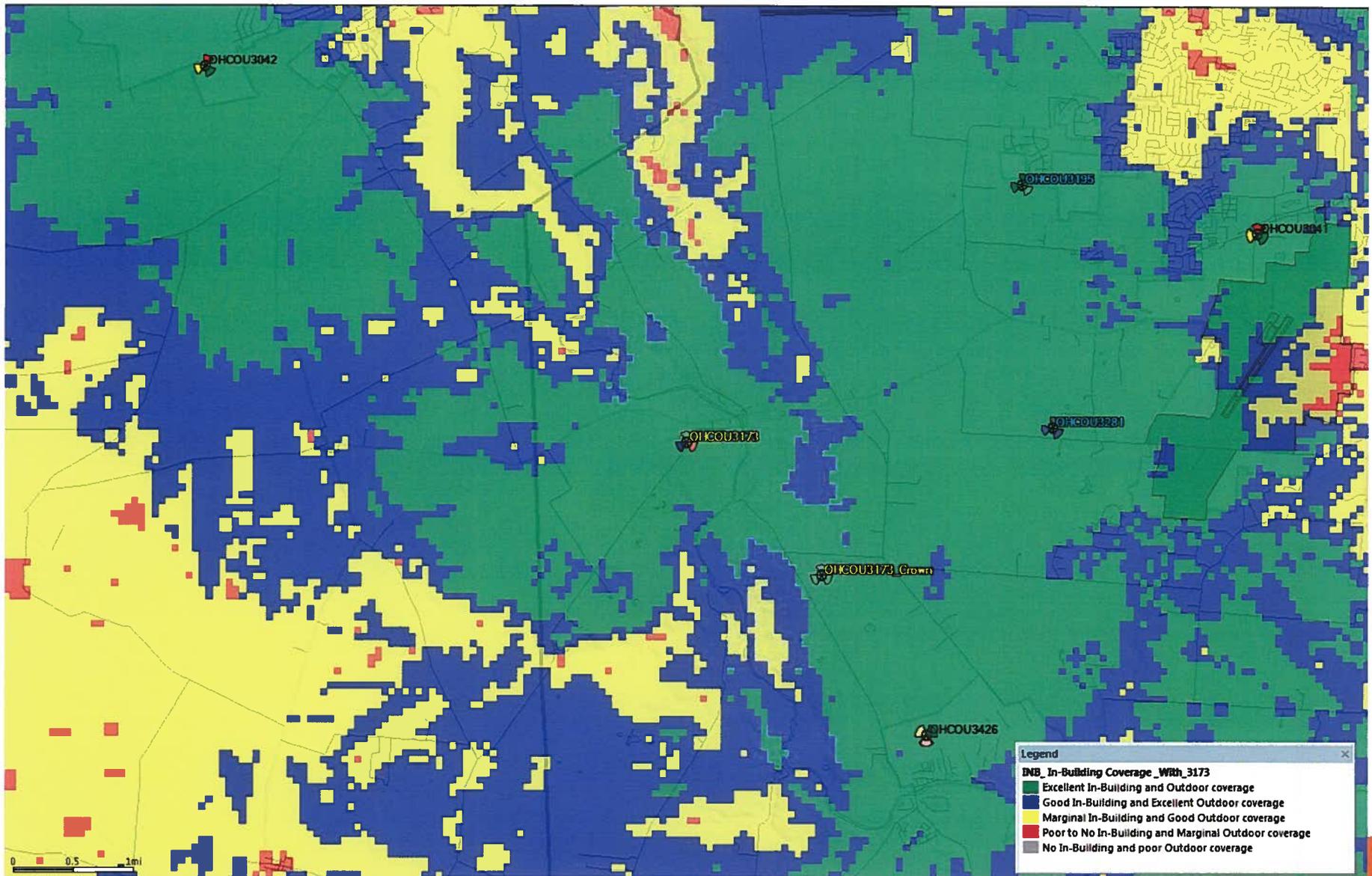
# Coverage Plot With OHC0U3173\_Crown Site



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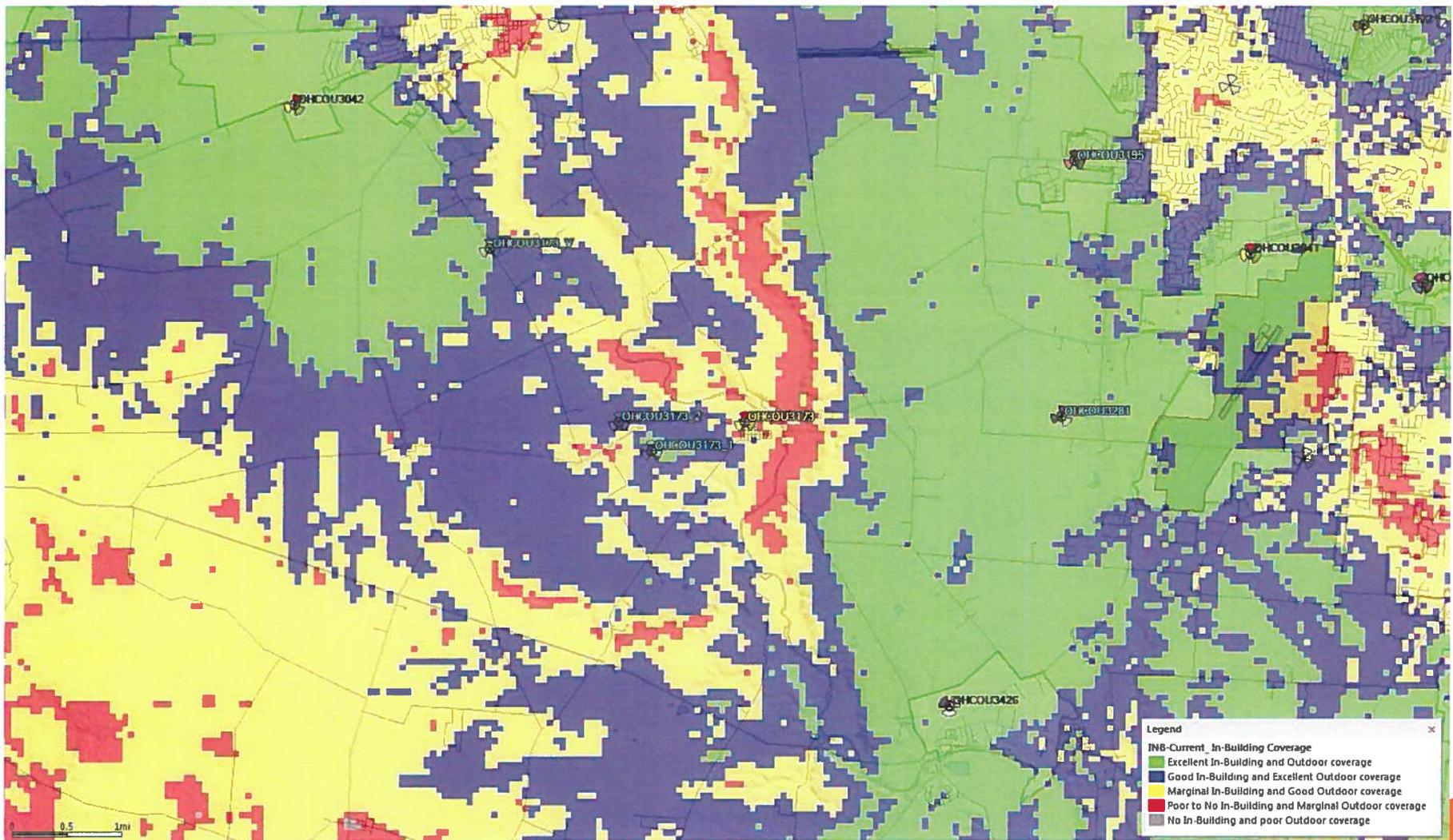
# Coverage Plot With OHC0U3173 Site



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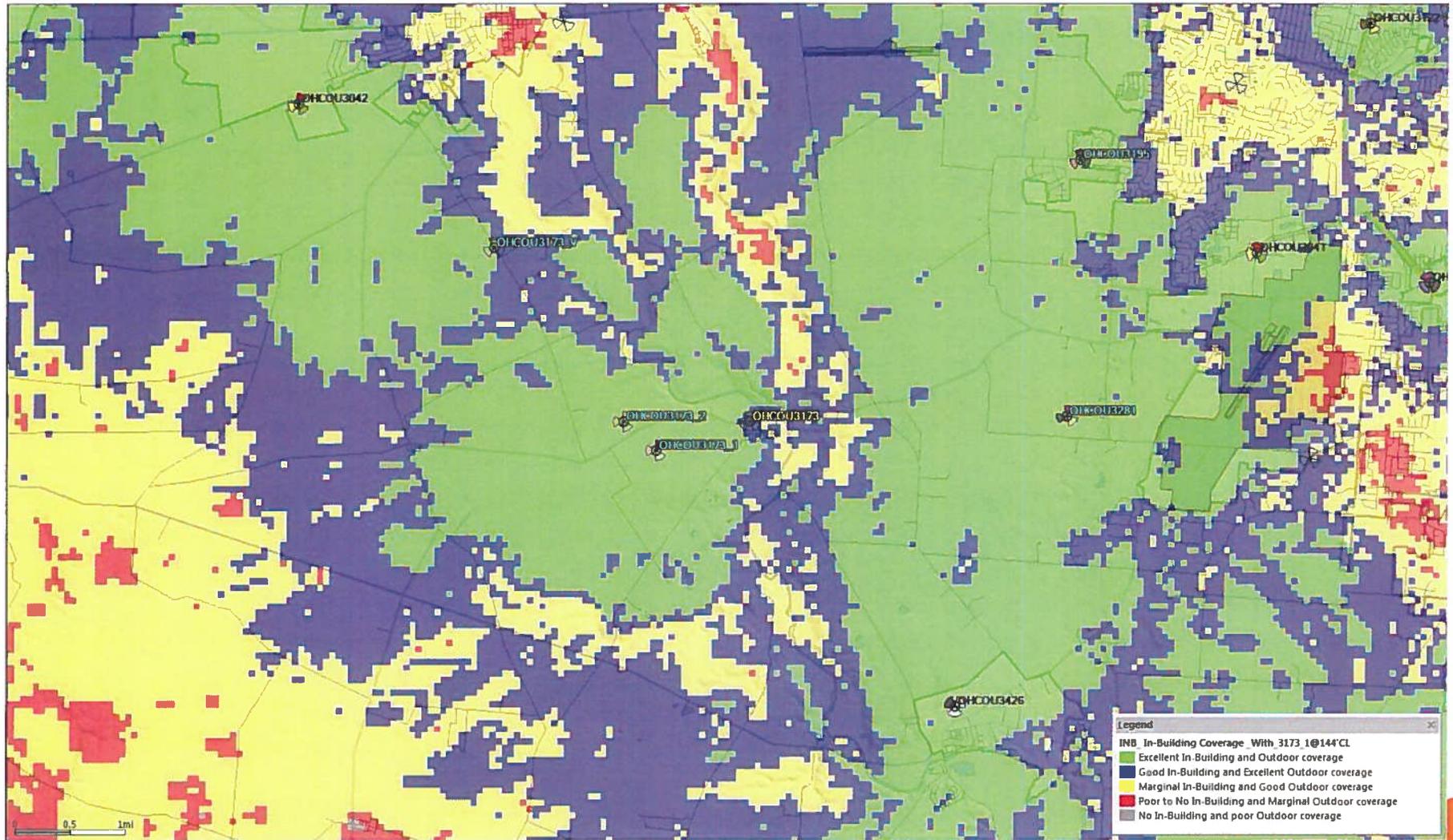
# Current LB Coverage Plot Without OHCOU3173 Site



Restricted Proprietary Information

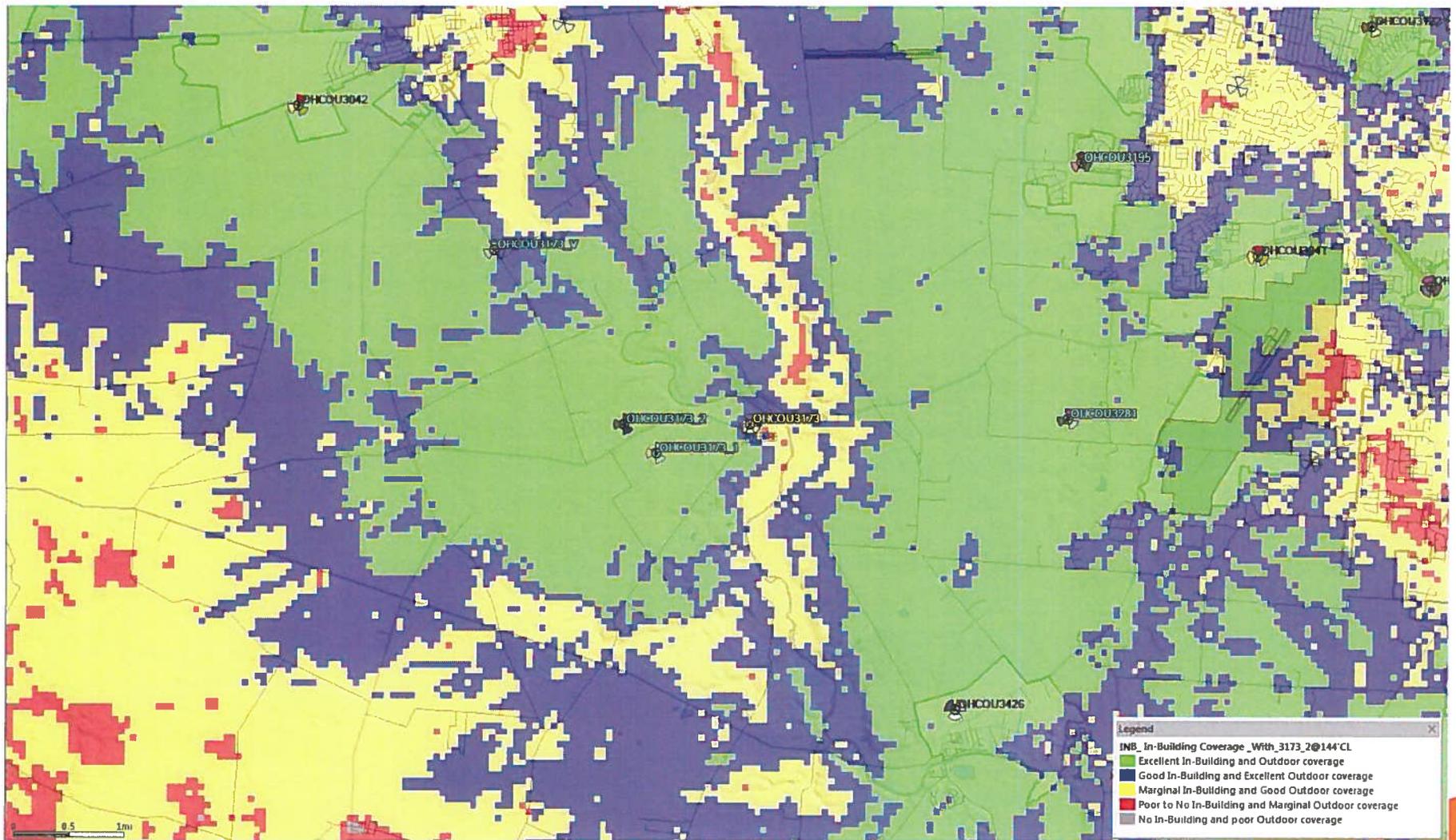
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# LB Coverage Plot With OHCOU3173\_1 Proposed Site @ 144' CL



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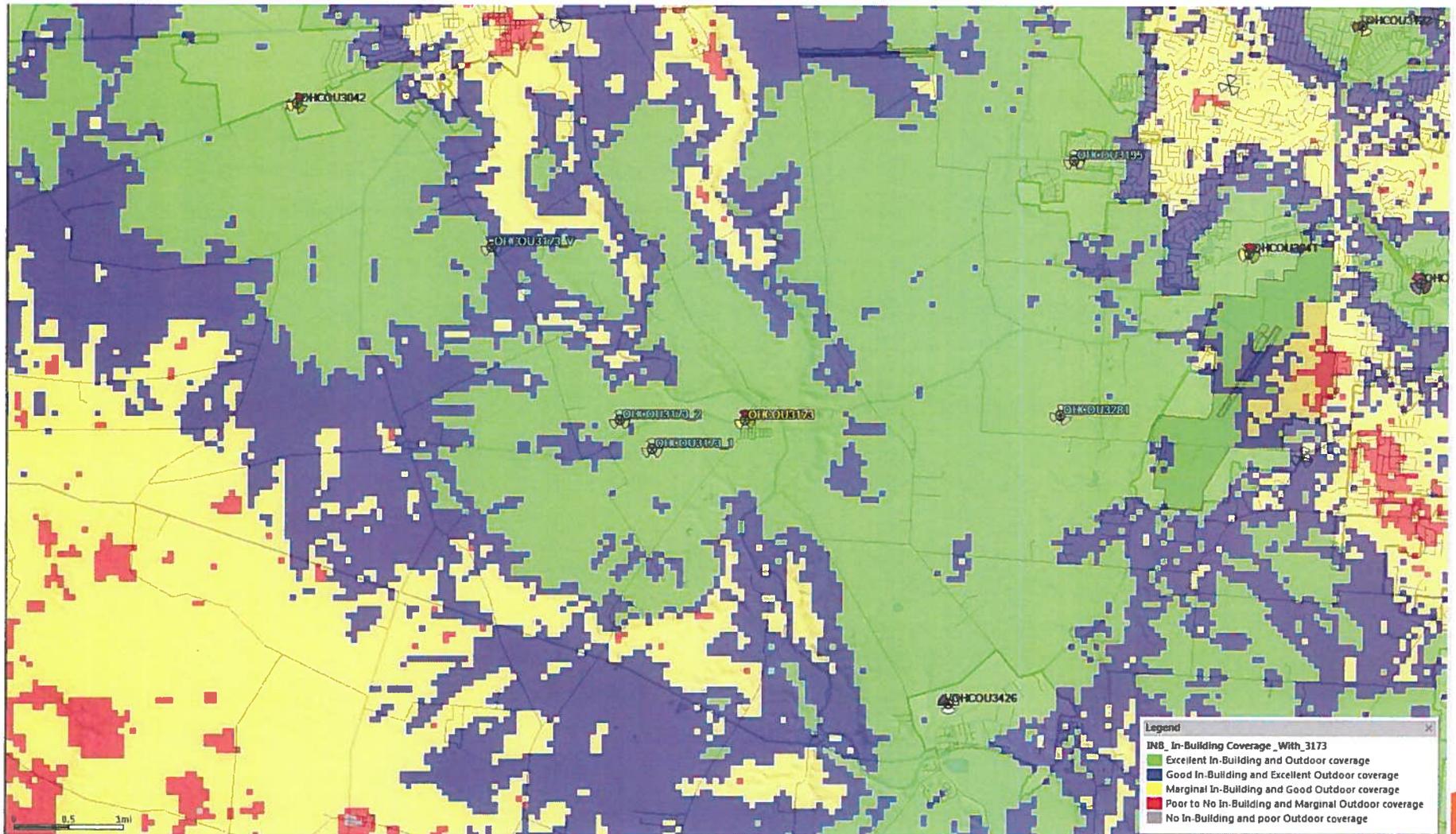
# LB Coverage Plot With OHCOU3173\_2 Proposed Site @ 144' CL



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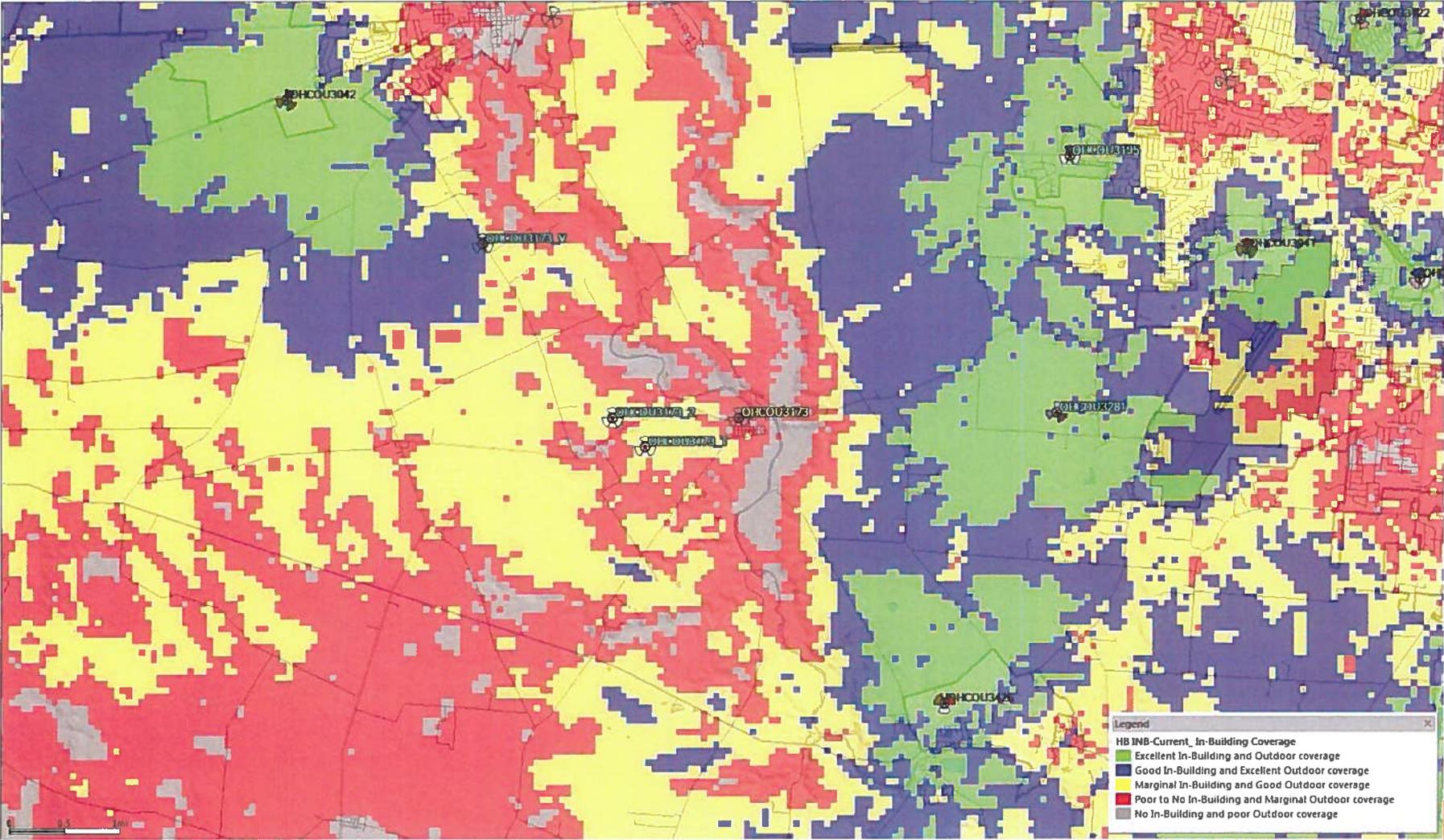
# LB Coverage Plot With OHCOU3173 Selected Site



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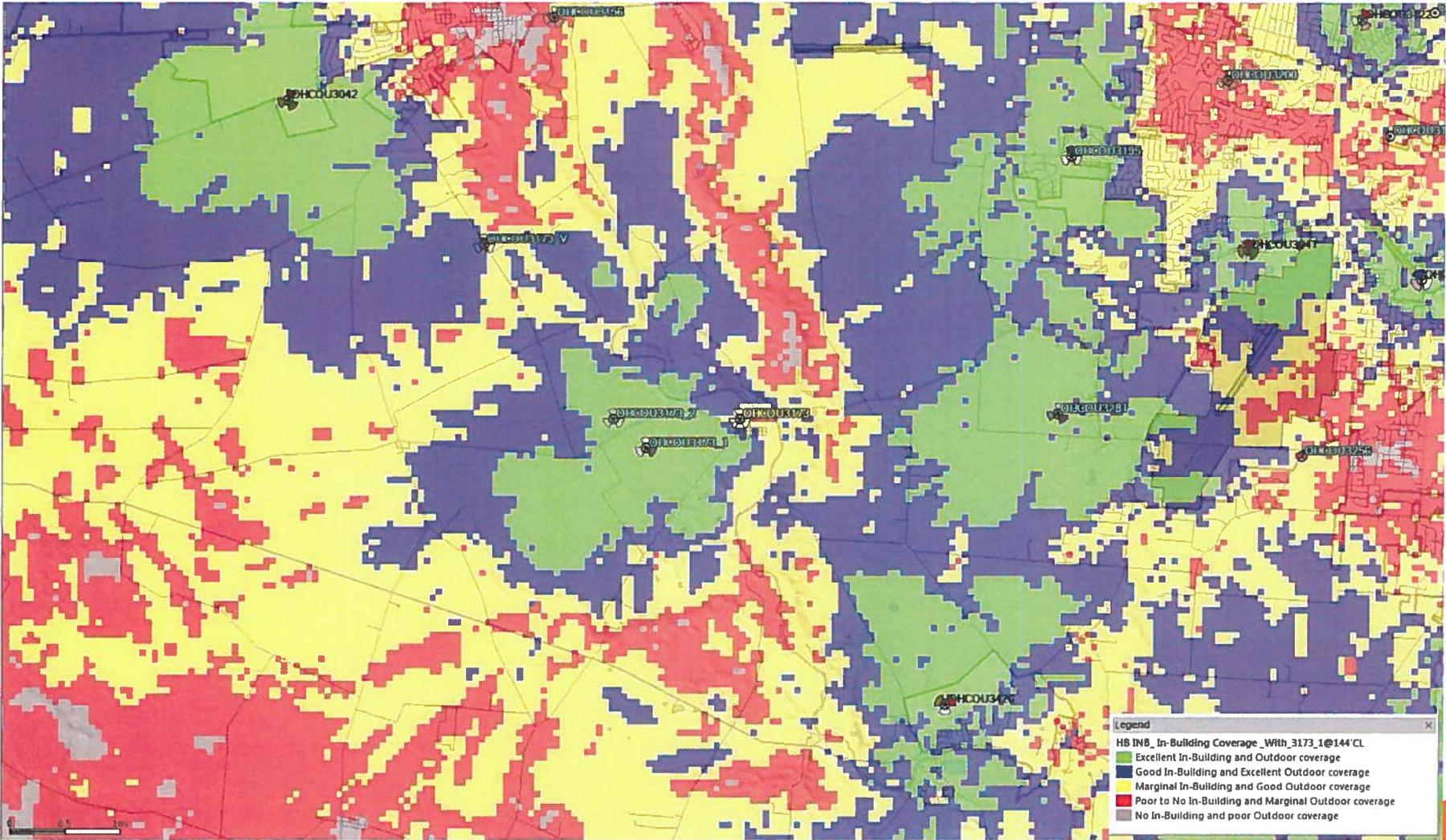
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# Current HB Coverage Plot Without OHCOU3173 Site



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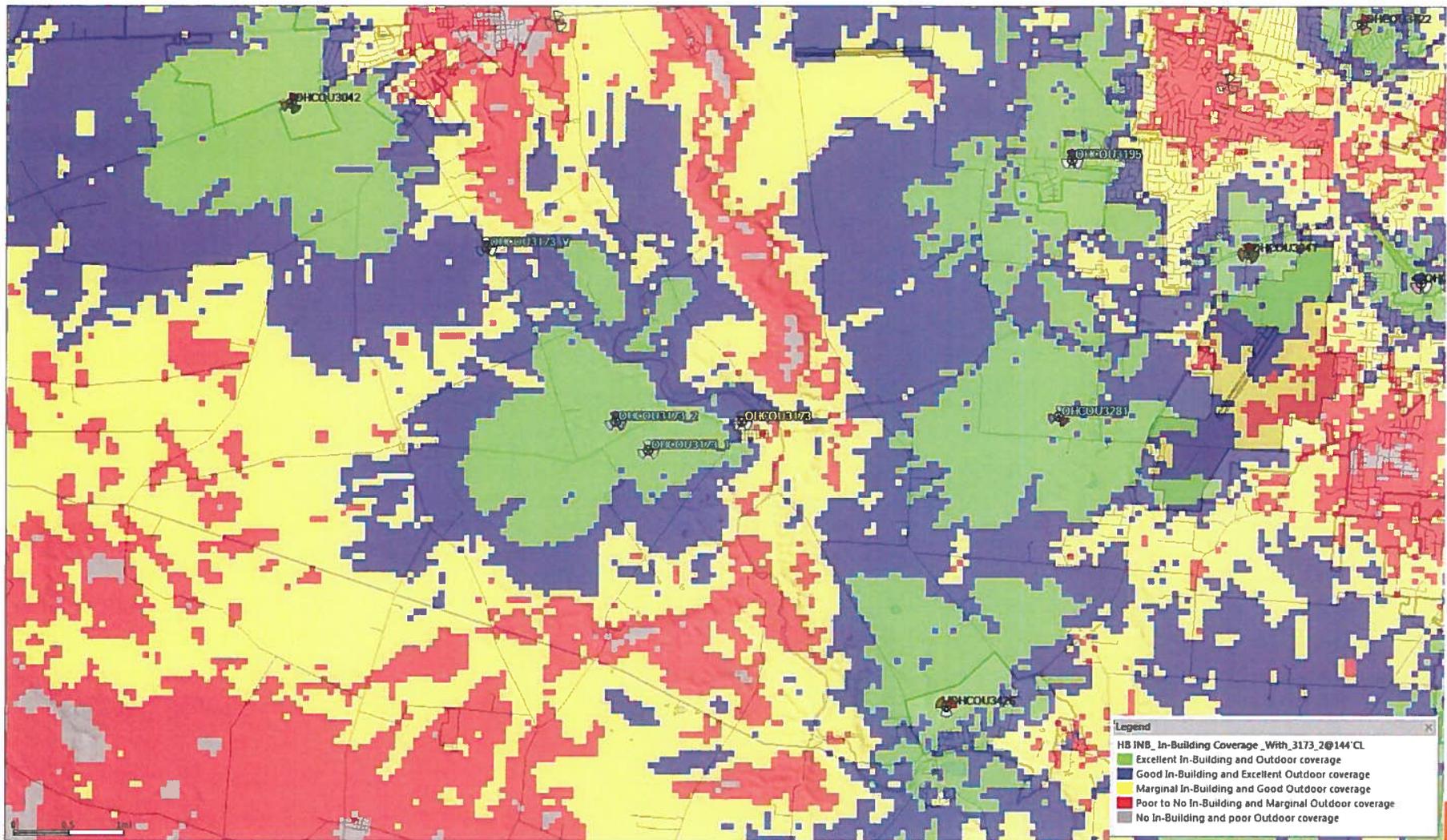
# HB Coverage Plot With OHCOU3173\_1 Proposed Site @ 144' CL



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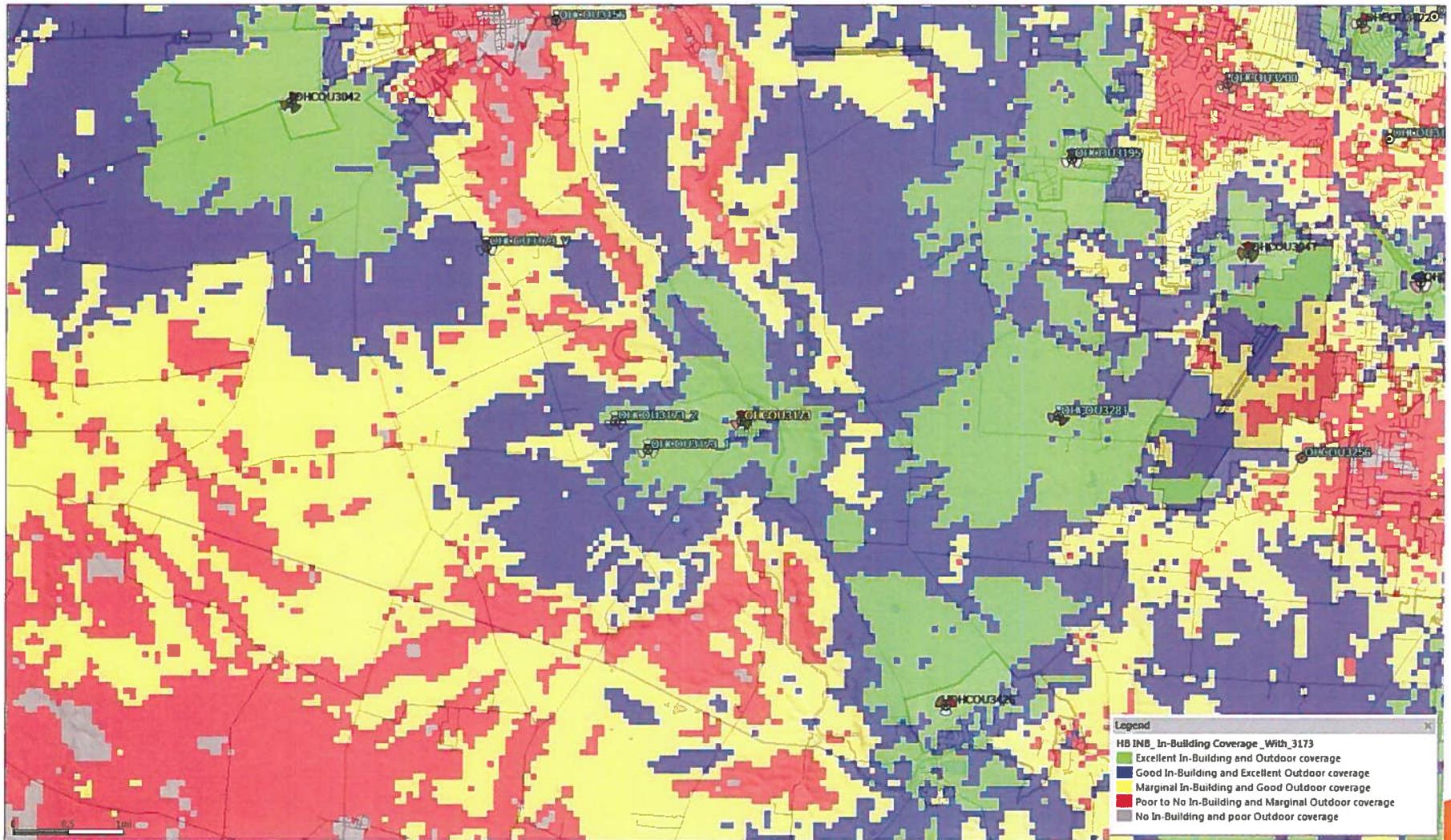
# HB Coverage Plot With OHCOU3173\_2 Proposed Site @ 144' CL



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# HB Coverage Plot With OHCOU3173 Selected 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  
September 15, 2014

### **Case VA-3821**

Prepared by: Matt Brown

<b>Applicant/Owner:</b>	Terri Newsome
<b>Township:</b>	Franklin Township
<b>Site:</b>	1364 Brown Road (PID #140-004237)
<b>Acreage:</b>	0.23-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	Public water and wastewater
<b>Request:</b>	Requesting a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure in an area zoned Rural.

#### **Summary**

The applicant is requesting a variance to allow a chain-link fence between a street and the principal structure. The request fails to meet the criteria for granting a variance, therefore staff recommends **denial**.

#### **Description of the Request**

The subject site is a corner lot located on the southeast corner of Brown Road and Little Avenue. The site is part of the Ransburghs subdivision, platted in 1948. The site contains a single-family home, approximately 1,188 square feet in size, a 192 square foot patio and a 288 square foot detached garage.

The applicant filed a Residential Fence Permit Application on July 28, 2014 to legitimize sections of a chain link fence located between the principal structure and both Brown Road and Little Avenue that were installed without permits in 2013. Additionally, the applicant sought to replace a section of wood fence with chain link also located between the principal structure and the street. The Residential Fence Permit Application was denied on July 28, 2014.

#### **Surrounding Area**

The surrounding area to the north, east, and south is zoned Rural and a portion to the west is zoned Rural and Restricted Urban Residential (R-8). The area is comprised of low to medium density single-family residential development.

#### **Comprehensive Plan**

The property is located within the planning area of the Southwest Area Plan, adopted in 2009 by both Columbus and Franklin County. The plan recommends this property retain its current land use as semi-rural to low density residential. The existing use is in conformance with the Area Plan recommendation.

## **Staff Review**

### Variance from Section 501.024(b):

- Chain link fences shall not be permitted between a street and a principal structure
  - The applicant is requesting a variance to allow a chain-link fence between a street and the principal structure.

## **Franklin County Engineer's Office**

The Franklin County Engineer's Office has indicated that the location of the fence does not impact the sight distance along either road.

## **Staff Analysis – Section 810.41**

### Section 810.041 – Approval of Variance:

- 1) *No special circumstances and conditions exist that do not apply to other properties in the same zoning district.*
  - » The applicant states that special circumstances and conditions apply to this property as it is a corner lot and there is a bus stop located adjacent to the property. These serve to limit the location and use of a chain link fence on the property and may cause safety concerns with non-chain link fences obstructing the view of the bus stop.
  - » The subject site is a corner lot with frontage on Brown Road and Little Avenue that has maintained the same lot configuration since 1966. This establishes a front yard for the property along both streets and limits the permitted locations for chain link fences on the property. However, there are multiple corner lots along Brown Road, located within the same zoning district that experience the same limitation. The Franklin County Engineer's Office indicated the location of the fence does not impact the sight distance along either road.
- 2) *A literal interpretation of the zoning resolution would not deprive the applicant of rights enjoyed by other properties in the same zoning district.*
  - » The applicant states that other properties along Brown Road have existing chain link fences in the front yard.
  - » There are other properties along Brown Road that have chain link fences in the front yard however these do not meet fence standards and are either non-conforming or are in violation of the Franklin County Zoning Resolution. These fences must comply with the fence standards when repaired or replaced.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
  - » No special circumstances or conditions exist.
- 4) *Granting the variance will confer on the applicant special privileges that are denied to other properties in the surrounding area.*
  - » Granting the request will allow the applicant to construct a chain link fence in a location that is not permitted for other properties located in the same zoning district and surrounding area.
- 5) *Granting the variance will be injurious to private property and the public welfare in the surrounding area.*
  - » The applicant states that a chain link fence is necessary to protect the property and allow an unobstructed view for the safety of both pedestrian and automobile traffic along Brown Road and Little Avenue.
  - » The applicant may still protect their property by installing a fence in the front yard. Based on input from the Franklin County Engineer's Office, the location of the existing fence does not pose sight distance issues. The applicant may also use alternative fence types that provide spacing between panels or other open fence styles such as wrought iron. Granting the request will be detrimental to the public welfare of the surrounding area as it will encourage the use of chain link fences in front yards of residential properties and impact property values.

**Recommendation**

Staff’s recommendation is that the BZA deny a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure. Staff recommends denial because the applicant has failed to satisfy the criteria necessary to approve a variance under Section 810.04.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure as outlined in the request above for the applicant identified in Case No. VA-3821.

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

Voting:

**Findings of Fact**

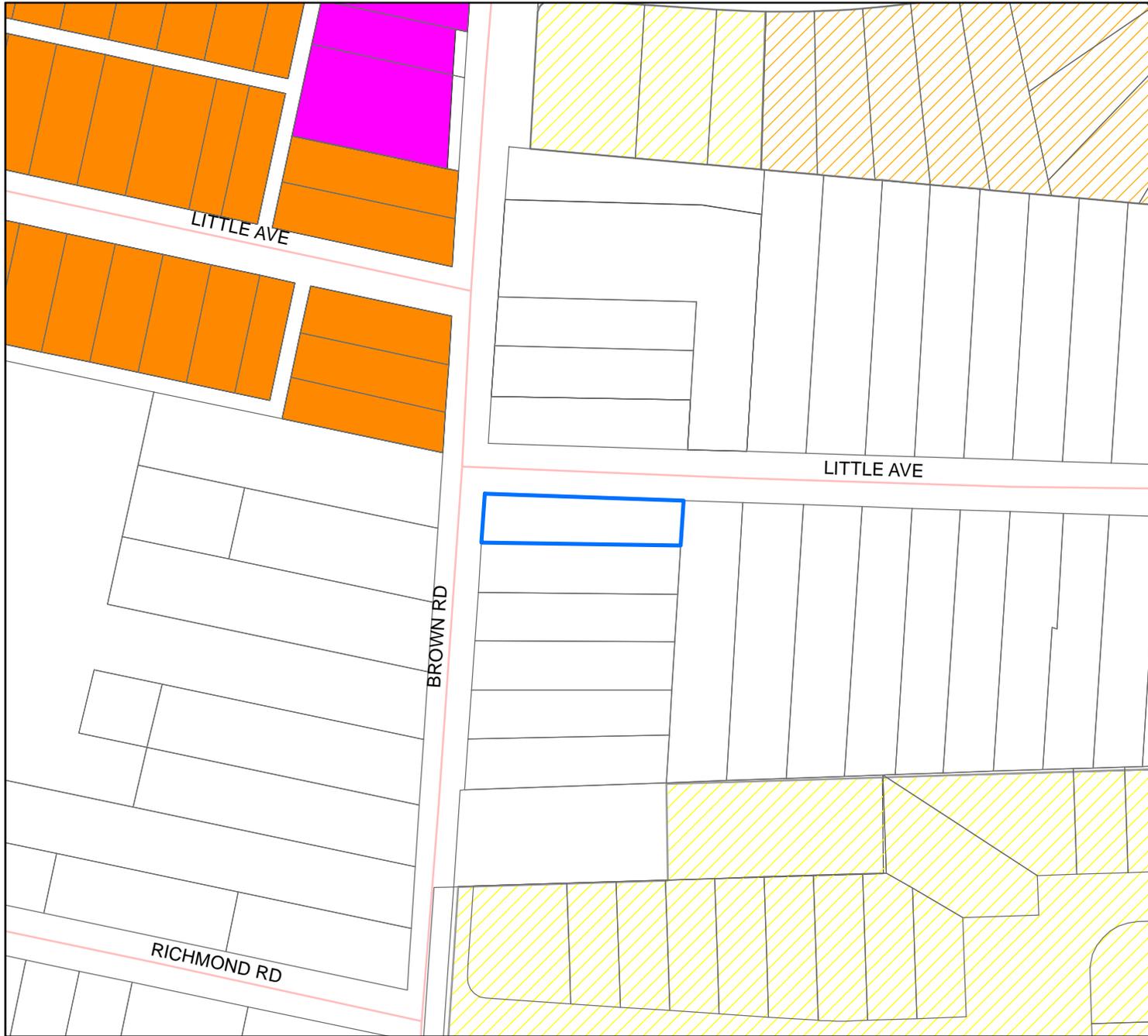
For your convenience, the following are proposed findings of fact:

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-3821 results from applicant’s failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:



# VA-3821

Requesting a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure.

.23 acres  
Franklin Township

 1364 Brown Rd.

 Parcels

 Streets

### Columbus Zoning

 Residential

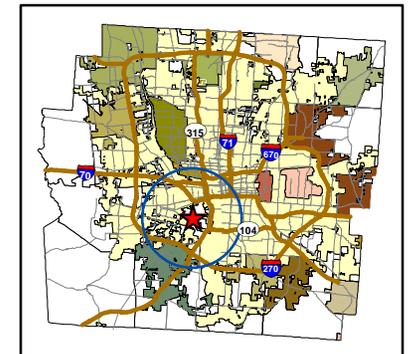
 Multi-family

### County Zoning

 NC

 R-8

 RURAL





## VA-3821

Requesting a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure.

.23 acres  
Franklin Township

 1364 Brown Rd.

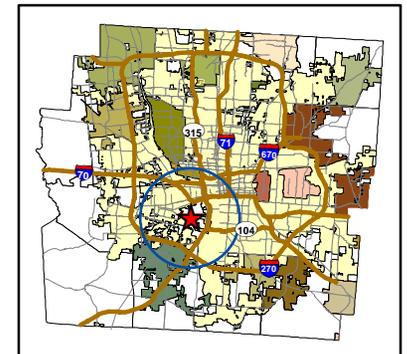
 Parcels

 Streets

### Corporate Boundaries

 Columbus

 Franklin



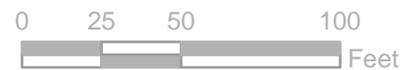
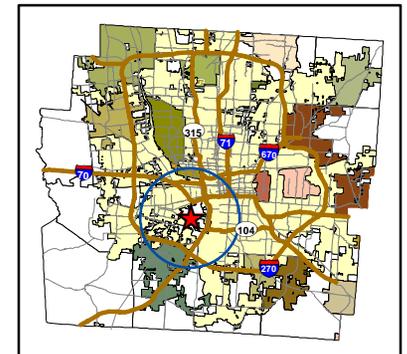


# VA-3821

Requesting a Variance from Section 501.024(b) of the Franklin County Zoning Resolution to allow a chain-link fence between a street and the principal structure.

.23 acres  
Franklin Township

-  1364 Brown Rd.
-  Parcels
-  Streets



**Property Report**

Generated on 07/28/14 at 11:59:46 AM

Parcel ID  
**140-004237-00**

Map Routing No  
**140-M148N -096-00**

Card No  
**1**

Location  
**1364 BROWN 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.

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AUG 11 2014

Franklin County Planning Department  
Franklin County, OH

VA-3821

**DENIED**

7/28/2014

JPL

RZ-14-1440

See letter.

**RECEIVED**

JUL 28 2014

Franklin County Planning Department  
Franklin County, OH



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
September 15, 2014

### Case VA-3822

Prepared by: Anthony Hray

<b>Applicant:</b>	Jeffrey Hoffman
<b>Owner:</b>	Steve C. Lytton
<b>Township:</b>	Pleasant Township
<b>Site:</b>	7009 London-Groveport Road (PID #230-002471)
<b>Acreage:</b>	0.67-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	On-site water and public wastewater
<b>Request:</b>	Requesting a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single-family dwelling that will fail to meet the required setback.

### Summary

The applicant is requesting variances to allow the creation of a lot that will fail to meet the minimum lot size in the Rural Zoning District and to allow the construction of a single-family dwelling that will fail to meet the required front setback. Staff recommends denial as the request fails to meet the criteria for approving a variance.

### Description of the Request

The site is located on the south side of London-Groveport Road, approximately two-tenths (0.20) of a mile east of Norton Road. The site is comprised of lots 139-145 of the Covered Bridge Subdivision, which was platted in 1927. The site is developed with a 732 square foot single-family home that was built in 1927. The applicant is proposing to demolish the existing dwelling and construct a new 1,500 square foot single family home and split the lot along a previous lot line. The site was once six (6) individual lots of record, however, the previous property owner combined all six (6) lots in 1987-1988. The applicant wishes to split the lot resulting in a 0.30 and 0.37-acre tract. The new home will be constructed on the 0.30-acre tract and the residual 0.37-acre tract will remain open yard space and be maintained in association with the current property owner’s residence, which is located immediately to the west of the site, at 5556 Fern Drive. The 0.37-acre tract cannot be combined with his property because it is separated by a 10 foot wide alley that was dedicated for public use at the time the subdivision was platted in 1927. However, the alley was never developed or improved with any kind of public infrastructure and would need to be officially vacated before the two properties could be combined. The unimproved alley is currently maintained by property owners of the subdivision as open yard area.

## Surrounding Area

Direction	Zoning	Land Use
North	Rural	Darbydale Elementary School
South	Rural	Single-Family Home
East	Rural	Single-Family Home
West	Rural	Single-Family Home

## Comprehensive Plan

The 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. Both the Accord Watershed Master Plan and the Pleasant Township Comprehensive Land Use Plan recommend the area remain high density suburban residential. The site is not located within any of the tiered conservation areas; however, the southern half of the site, consisting primarily of the area proposed to be split, is located within the Big Darby Creek Riparian Setback. New construction of any type or size is strictly prohibited in the setback.

The Pleasant Township Comprehensive Plan also encourages reductions in household energy use by incorporating alternative, renewable energy sources, such as geothermal heating and solar hot water heaters, with new development. Low impact development (LID) techniques, such as bioswales, native landscaping, pervious pavement, and rain gardens should be incorporated into new development when feasible to decrease costs and maintenance and to integrate more natural solutions for stormwater management.

The request does not conflict with the land use recommendations of either planning document but will result in the creation of an unbuildable lot without the approval of variances from the stream setback standards.

## Staff Review

### Variance from Section 302.041(a) –Lot Size:

- » For each dwelling unit there shall be a lot area not less than 2.5-acres
  - The applicant is proposing to subdivide the site into two (2) tracts of land
    - The northern tract will consist of 0.30-acres
    - The southern tract will consist of 0.37-acres

### Variance from Section 504.011-Required Setback :

- » A structure or other use of land, except parking, shall locate no closer to a street right-of-way than the established building line.
  - The established building line along London-Groveport Road is 120 feet, measured from the centerline of the roadway
    - The applicant is proposing to construct a new home that will maintain a setback of only 60 feet from the centerline of London-Groveport Road
      - A variance of 60 feet is being requested

## Ohio Department of Transportation

The Ohio Department of Transportation maintains London-Groveport Road and posed no concerns with the request.

### **Franklin County Engineer's Office**

The Franklin County Engineer's Office posed no concerns with the request. The applicant will be required to obtain a driveway permit from the appropriate entity if a new access point is proposed along Dawn Drive.

### **Franklin County Public Health**

The site receives water from an on-site well located on the southern portion of the site. If the variances and a lot split are approved, the well will be located on the 0.37-acre tract and the applicant has stated that he wishes to continue using this well for the new home proposed on the 0.30-acre tract. The Franklin County Public Health Department has reviewed the request and stated that the well can continue to be used for the new home even if it is located on a separate lot of record; however, access to, use, and maintenance of the well must be provided in a recorded easement prior to the construction of the new home.

### **Franklin County Sanitary Engineer's Office**

The exiting home is served by public wastewater supplied and maintained by the Franklin County Sanitary Engineer's Office. Their office has confirmed that the new residence would have access to wastewater services via sewer mains located along both London-Groveport Road and Dawn Drive. The applicant would be responsible for obtaining any permits necessary at the time of home construction.

### **Section 810.41 – Approval of Variance from Section 504.011**

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;*
  - » The site is currently non-conforming with respect to the minimum lot size standards of the Rural Zoning District. Subdividing the lot as requested would create two lots that would be less conforming with respect to the minimum lot size standards.
- 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. The applicant would be able to develop the lot in accordance with the applicable development standards if the lot remains in its current configuration.
- 3) *The special circumstances and conditions of this request are a result from action of the applicant;*
  - » By splitting the lot, the applicant would be creating the special circumstances and conditions surrounding this request.
- 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. Allowing the lot split will create an unbuildable lot since it is not able to be combined with the owner's property to the west. The applicant has stated that the southern tract being created would be retained by the current property owner and maintained as yard space in conjunction with his residence located immediately to the west. However, the properties are separated by a 10 foot wide alley that was dedicated for public use at the time the area was platted in 1927. The alley was never improved and has been privately maintained as open yard area. The alley would need to be officially vacated before the newly created tract could be combined with the owner's property to the west.
- 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 building setback is in place to protect the public welfare and private property. Furthermore, allowing the lot split would set a precedent for allowing the creation of a lot which

would require approval from the Board of Zoning Appeals to allow development in the Big Darby Stream Riparian Setback. Although the applicant claims that no new development would occur on the newly created lot, there is nothing to prevent the owner from the selling the lot at some point in the future to someone who may have interest in doing so and who may not be aware of the environmental concerns and zoning restrictions in place.

**Recommendation**

Staff's recommendation is that the BZA deny a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single-family dwelling that will fail to meet the required setback. Staff recommends denial because the the applicant has failed to satisfy the criteria necessary to approve a variance under Section 810.041.

**Resolution**

For your convenience, the following is a proposed resolution:

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

\_\_\_\_\_ moves to approve a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single-family dwelling that will fail to meet the required setback as outlined in the request above for the applicant identified in Case No. VA-3822.

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 and as outlined in the request above for Case No. VA-3822 results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041 as detailed in staff's analysis.

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

Voting:

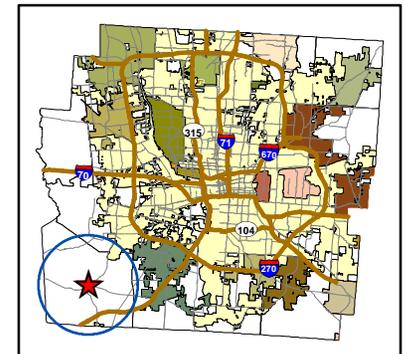


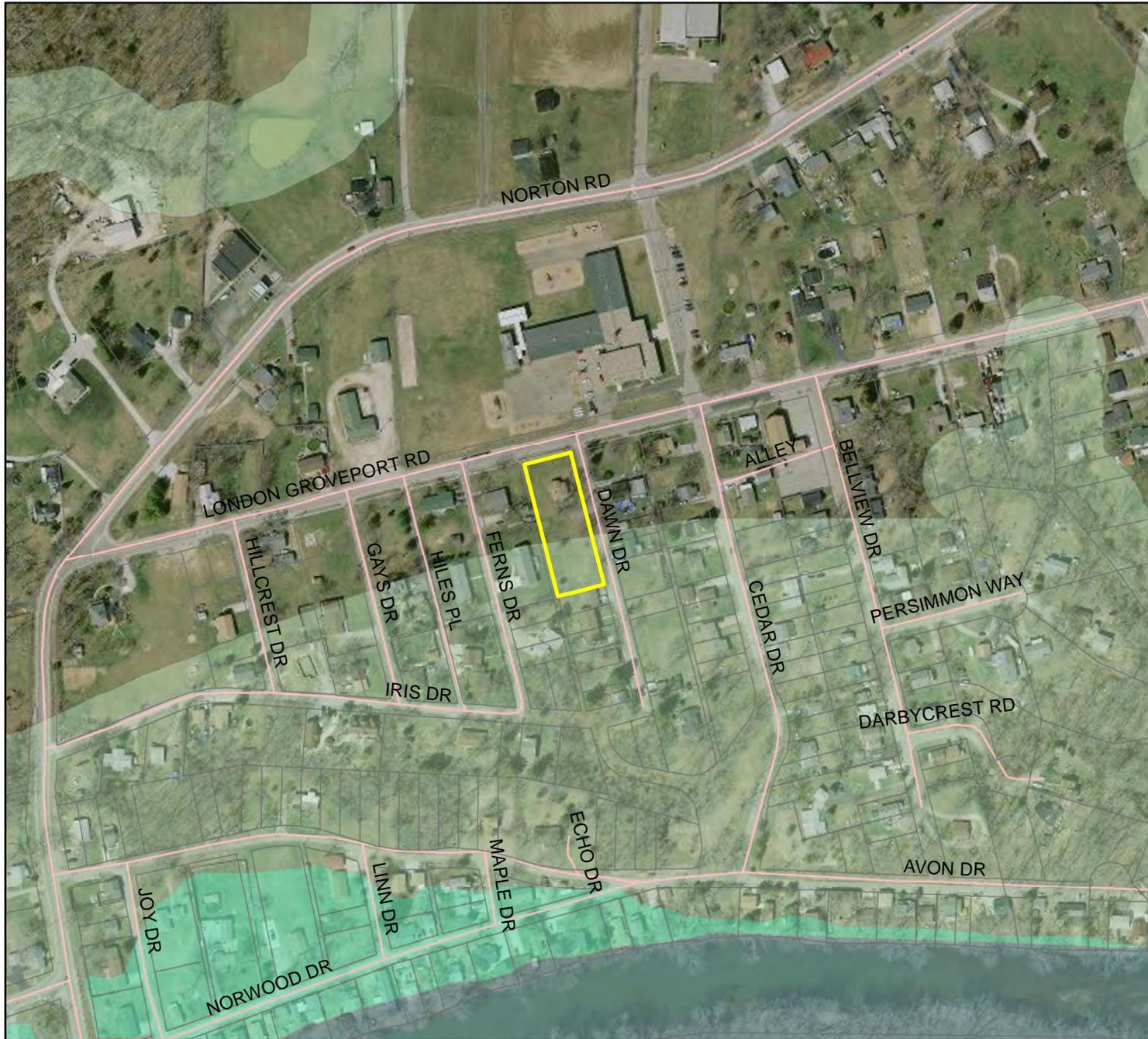
# VA-3822

Requesting a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single family dwelling that will fail to meet the required setback.

0.67 acres  
Pleasant Township

-  709 London-Groveoprt Rd.
-  Parcels
-  Streets
-  Big Darby Creek Setbacks
- County Zoning**
-  Rural
-  Neighborhood Com.
-  Community Com.
- Franklin County Floodplain**
-  Floodway Fringe
-  Floodway



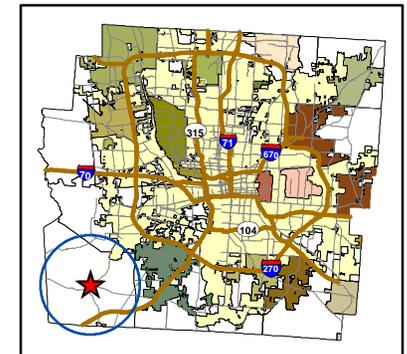


## VA-3822

Requesting a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single family dwelling that will fail to meet the required setback.

0.67 acres  
Pleasant Township

-  7009 London-Groveport Rd.
-  Parcels
-  Streets
-  Big Darby Creek Setbacks
- Franklin County Floodplain**
-  Floodway Fringe
-  Floodway



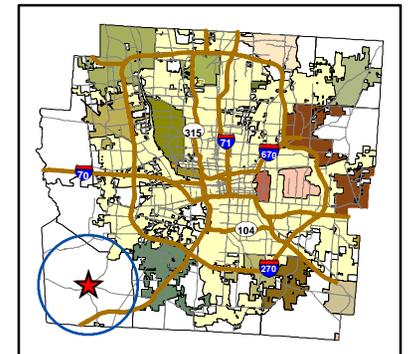


## VA-3822

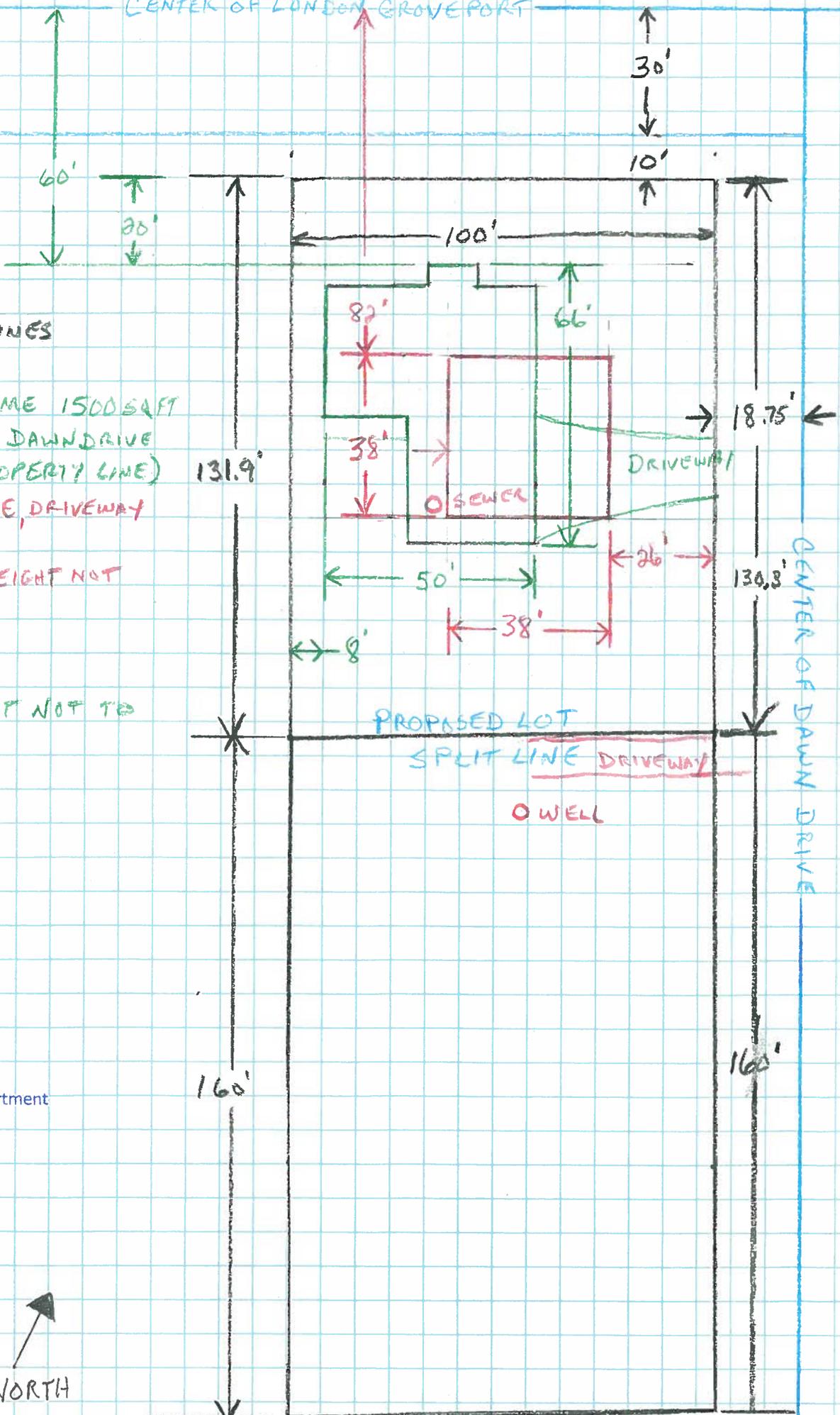
Requesting a Variance from Sections 302.041(a) and 504.011 to allow the creation of a lot that will fail to meet the minimum lot size requirement and to allow the construction of a single family dwelling that will fail to meet the required setback.

0.67 acres  
Pleasant Township

-  7009 London-Groveport Rd.
-  Proposed Lot Line
-  Proposed New Home
-  Parcels
-  Streets
-  Big Darby Creek Setbacks



CENTER OF LONDON GROVEPORT



BLACK = PROPERTY LINES  
 BLUE = ROADS  
 GREEN = PROPOSED HOME 1500 SQ FT  
 (MAY MOVE TOWARD DAWN DRIVE  
 AND THE REAR PROPERTY LINE)  
 RED = EXISTING HOME, DRIVEWAY  
 AND WELL  
 732 SQ FT HEIGHT NOT  
 OVER 20'

NEW HOME HEIGHT NOT TO  
 EXCEED 20'

RECEIVED

AUG - 7 2014

Franklin County Planning Department  
 Franklin County, OH

VA-3022



SCALE 1/4" = 8'



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

Economic Development & Planning Department  
James Schimmer, Director

## **STAFF REPORT**

Board of Zoning Appeals  
September 15, 2014

### **Case VA-3823**

Prepared by: Jonathan Lee

<b>Applicant/Owner:</b>	Timothy and Tamara Marcum
<b>Township:</b>	Hamilton Township
<b>Site:</b>	1021 Obetz Road (PID #150-001368)
<b>Acreage:</b>	0.924-acres
<b>Zoning:</b>	Limited Suburban Residential District (R-2)
<b>Utilities:</b>	On-site water and wastewater
<b>Request:</b>	Requesting a Variance from Section 512.02(2) to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size.

### **Summary**

The applicant is requesting a variance to allow the construction of an accessory building that will exceed the maximum size permitted on a lot less than one (1) acre in an area zoned Limited Suburban Residential (R-2). The request fails to meet the criteria for granting a variance, therefore staff recommends **denial**.

### **Description of the Request**

The subject property is located on the north side of Obetz Road approximately 0.35 miles west of Lockbourne Road in Hamilton Township. The property contains a 1,586 square foot house in addition to a 529 square foot attached garage.

The applicant is proposing to construct a 768 square foot detached accessory building to the rear of the property. The accessory building will be used for personal storage. Properties less than 1 acre in size are permitted accessory buildings up to 720 square feet. The proposed accessory building exceeds the permitted size by 48 square feet.

### **Surrounding Area**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	Rural R-2 Residential District (Columbus)	Church Medium-High Density Residential
South	Rural	Agriculture and Utilities
East	Limited Suburban Residential (R-2)	Church
West	Limited Suburban Residential (R-2)	Single-family home

## **Comprehensive Plan**

The property is not located in any County or Township adopted area plans. It is located within The City of Columbus' Scioto Southland Area Plan, adopted by the City of Columbus in 2007. The plan recommends this property to retain its current land use as low density residential.

## **Staff Review**

### Variance from Section 512.02(2):

- Accessory buildings on lots less than one (1) acre may not exceed a total size of more than 720 square feet.
  - The proposed accessory building's area is 768 square feet.

## **Franklin County Public Health**

No comments

## **Franklin County Engineer's Office**

No comments

## **Franklin Soil and Water Conservation District**

No comments

## **Staff Analysis**

### Section 810.041 – Approval of Variance:

- 1) *No special circumstances and conditions exist that do not apply to other properties in the same zoning district.*
  - » The applicant states that they own certain items too large to store in an accessory building that does not exceed the size requirement. The applicant believes that this creates a special circumstance.
  - » The subject site is a 0.924 acre lot that has maintained the same lot configuration since 1966 and is similar in size and configuration to other residential properties located in the same zoning district along Obetz Road. There are no special circumstances and conditions that exist on the property that do not apply to the other properties in the same zoning district.
- 2) *A literal interpretation of the zoning resolution would not deprive the applicant of rights enjoyed by other properties in the same zoning district.*
  - » The applicant states that other similarly sized properties in the surrounding area have accessory buildings that are larger than the applicant's proposed accessory building. The applicant believes these accessory buildings may have applied for and received variances to the accessory building size requirement.
  - » Building Permit and Zoning records do not indicate that any of the surrounding residential properties of similar size and located along Obetz Road received variances or permits for accessory buildings that exceeded 720 square feet in size. These similarly sized residential properties along Obetz Road are limited to the same accessory building size as the subject property.
- 3) *No special circumstances or conditions apply to this property as a result of actions taken by the applicant.*
  - » The special circumstance perceived by the applicant does result from the applicant's actions.
  - » Staff found no special circumstances or conditions exist.
- 4) *Granting the variance will confer on the applicant special privileges that are denied to other properties in the surrounding area.*
  - » The variance would allow the applicant to construct an accessory building that is larger than what is permitted for other similarly sized residential properties located along Obetz Road.
- 5) *Granting the variance will be injurious to the public welfare in the surrounding area.*
  - » The applicant states that granting the variance would improve the property by allowing storage of items currently located in the yard and prevent damage and theft.

» Staff believes that granting the variance may result in other properties in the surrounding area applying for variances to the accessory building size limitation and constructing accessory buildings that exceed the maximum size permitted. The applicant is still permitted to construct an accessory building for the storage of items but it cannot exceed the maximum size permitted. The applicant may also pursue other alternatives to storing personal property and protecting it from damage and theft.

**Recommendation**

Staff's recommendation is that the BZA deny a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size. Staff recommends denial because the applicant has failed to satisfy the criteria necessary to approve a variance under Section 810.04.

**Resolution**

For your convenience, the following is a proposed resolution:

**Proposed Resolution for Request:**

\_\_\_\_\_ moves to approve a Variance from Section 512.02(2) of the Franklin County Zoning Resolution to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size as outlined in the request above for the applicant identified in Case No. VA-3823.

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

Voting:

**Findings of Fact**

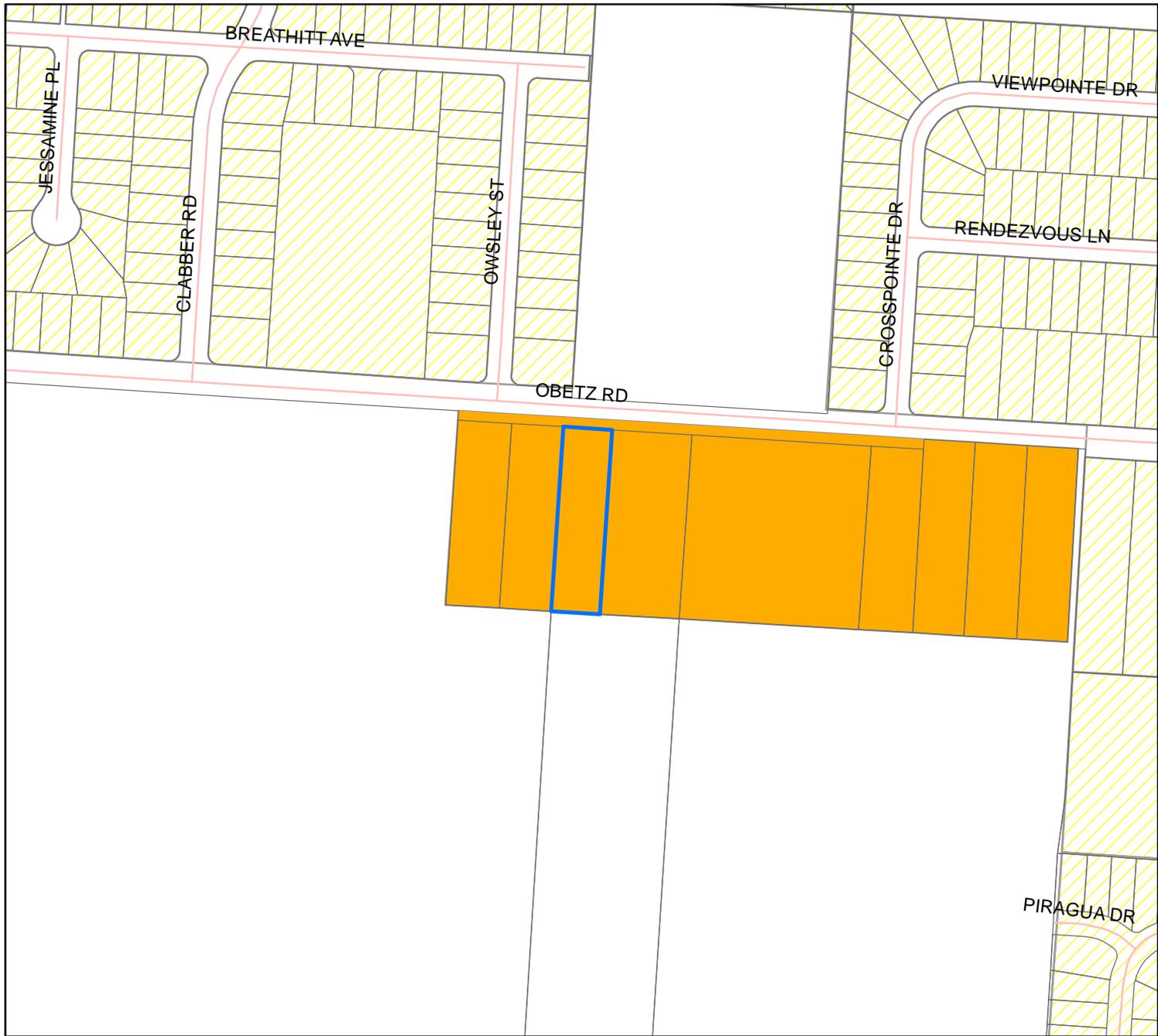
For your convenience, the following are proposed findings of fact:

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 a variance as outlined in the request above for Case No. VA-3823 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

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

Voting:

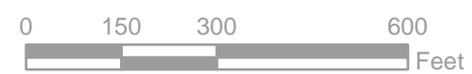
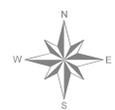
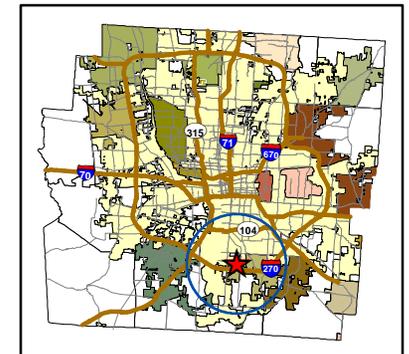


# VA-3823

Requesting a Variance from Section 512.012(2) to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size.

.924 acres  
Hamilton Township

-  1021 Oletz Rd.
-  Parcels
-  Streets
- Columbus Zoning**
-  Residential
- County Zoning**
-  Rural
-  Limited Suburban Res.





## VA-3823

Requesting a Variance from Section 512.012(2) to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size.

.924 acres  
Hamilton Township

 1021 Obetz Rd.

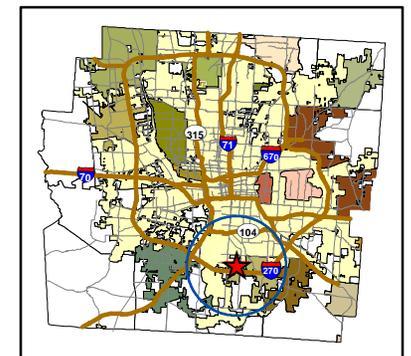
 Parcels

 Streets

### Corporate Boundaries

 Columbus

 Hamilton





## VA-3823

Requesting a Variance from Section 512.012(2) to allow the construction of an accessory building that will exceed the size permitted on a lot less than one (1) acre in size.

.924 acres  
Hamilton Township

 1021 Obetz Rd.

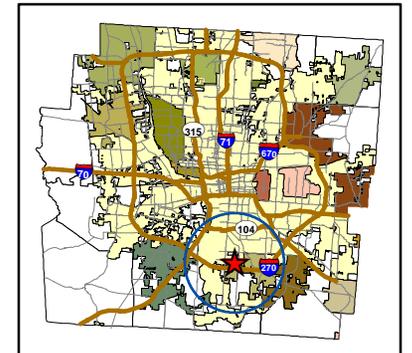
 Parcels

 Streets

### Corporate Boundaries

 Columbus

 Hamilton



OBETZ RD.

40'

N. PROPERTY LINE

102.25'

RECEIVED

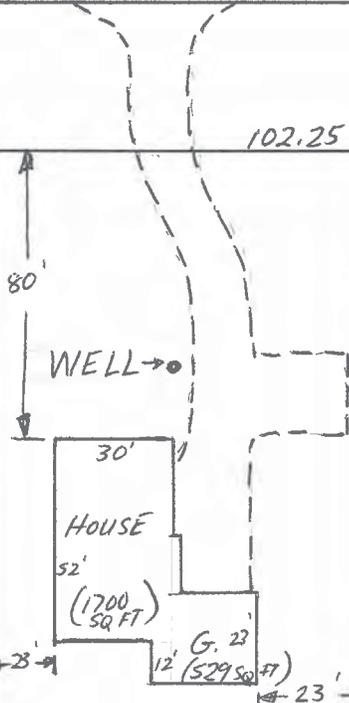
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Franklin County Planning Department  
Franklin County, Ohio

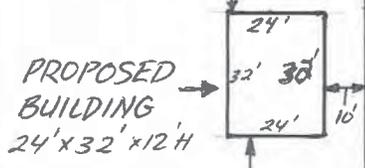
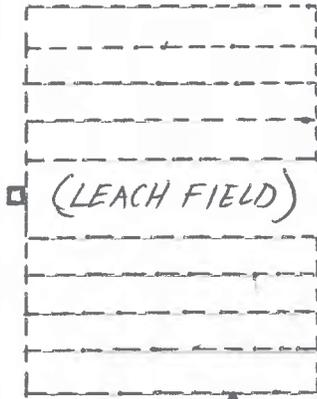
VA-3823

415.65' WEST PROPERTY LINE

415.65' EAST PROPERTY LINE



SEPTIC TANK



PROPOSED BUILDING  
24' x 32' x 12'H

10'-MIN

68' APPROX

102.25'

S. PROPERTY LINE

APPROX SCALE 1" = 40'



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

Economic Development & Planning Department  
James Schimmer, Director

## STAFF REPORT

Board of Zoning Appeals  
September 15, 2014

### Case VA/CU - 3824

Prepared by: Anthony Hray

<b>Applicant:</b>	Ed Block – GPD Group
<b>Owner:</b>	Hamilton Meadows Baptist Church
<b>Township:</b>	Hamilton Township
<b>Site:</b>	2239 Rohr Road (PID #150-000092)
<b>Acreage:</b>	9.092-acres
<b>Zoning:</b>	Rural District
<b>Utilities:</b>	On-site water and wastewater
<b>Request:</b>	Requesting a Variance from Sections 501.012 and 501.013 and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower and the construction of a barbed wire fence that will exceed the permitted height.

### Summary

The applicant is requesting a conditional use and variances to allow the construction of a telecommunication tower that will be enclosed by an eight (8) foot barbed wire fence. The request meets all conditions necessary to grant a conditional use, however, the request fails to satisfy the criteria necessary to grant a variance. Staff recommends **denial** of a Variance from Sections 501.012 and 501.013 and **approval with conditions** of a Conditional Use from Section 302.0394.

### Description of the Request

The site is located on the south side of Rohr Road, approximately one-tenth (0.10) of a mile west of Shook Road. The site is developed with a 5,150 square foot single-story church, a 120 square foot shed, and 1,600 square foot accessory building. 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 fenced compound. The compound will be accessed by a 12 foot wide gravel drive extending from the church’s existing, paved parking area. The site will be unmanned except for periodic maintenance, which generally occurs one (1) to two (2) times per month.

## Surrounding Area

Direction	Zoning	Land Use
North	Planning Industrial District (PID) - Village of Obetz	Warehousing/Production/Distribution
South	General Industrial (GI) Rural	Vacant Single-Family Residential
East	General Industrial (GI)	Vacant
West	Rural	Single-Family Residential

## Comprehensive Plan

The subject site is located within the planning areas of the South Central Accord and the Obetz and Hamilton Township Community Plan, which were adopted in 1997 and 1998 respectively. The South Central Accord's Future Land Use Map makes no specific recommendation for this particular site, however, the Obetz and Hamilton Township Community Plan's Future Land Use Map recommends the site for industrial land uses.

The proposal does not conflict with the land use recommendation of the Obetz and Hamilton Township Community Plan.

## 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 9.092-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 on 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 more than 15 feet from edge of the existing right-of-way of all adjacent roadways.
  6. Security fencing shall be provided to prevent uncontrolled access to the tower site;
    - The site will be secured by an eight (8) foot chain link fence affixed with three (3) strand barbed wire. Variances have been requested to allow the use of barbed wire and to allow a fence in excess of six (6) feet in height.
  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 applicant is proposing to use existing vegetation in lieu of planting the evergreen tree line as recommended. A formal landscape plan was not submitted in conjunction with the request, but details concerning the location of the existing tree line have been included on the site plan. Staff recommends that an additional landscaping plan be prepared, under consultation with the Franklin Soil and Water Conservation District to incorporate a planting scheme similar to that recommended above.
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. A written explanation of why a tower at this location is technically necessary has also been provided and confirms that no other siting alternatives exist.
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 does not violate any of the above.

Variance from Section 501.012 – Height:

- » No fence or wall between a street and a principal structure shall be more than three and one half (3½) feet (42 inches) in height. Elsewhere, no fence shall exceed six (6) feet in height
  - The applicant is requesting a variance to allow the construction of an eight (8) foot chain-link fence to enclose the proposed cell tower compound

Variance from Section 501.013 – Electric and Barbed Wire Fences:

- » Electric and barbed wire fences shall be prohibited unless otherwise permitted by Section 971.03 of the Ohio Revised Code
  - The applicant is requesting a variance to allow the use of three (3) strand barbed wire atop the eight (8) foot chain-link fence proposed.

**Franklin County Engineer**

Rohr Road is classified as a collector per the Franklin County 2020 Thoroughfare Plan and is recommended for a minimum right-of-way width of 80 feet, or a half right-of-way width of 40 feet. Currently this section of Rohr Road maintains a half-right-of-way width of 33 feet; therefore, the Franklin County Engineer’s Office is requesting that the property owner dedicate an additional seven (7) feet +/- to match the recommendation of the Thoroughfare Plan.

**Franklin Soil and Water Conservation District**

The Franklin Soil and Water Conservation District conducted a review of the site and identified a small wetland area located in the southernmost section. The request does not appear to encroach within the wetland area; however, it has been recommended that the applicant perform a wetland delineation to ensure that there will be no impact as a result of the request or any future development. The report must be reviewed and confirmed by the Franklin Soil and Water Conservation District prior to the issuance of a Certificate of Zoning Compliance.

**Franklin County Public Health**

An on-site wastewater treatment system services the existing church. As a cautionary measure, the Franklin County Public Health Department has requested that the applicant retain a soils scientist to conduct an analysis of the site to ensure that the cell tower placement will not impact a reserve treatment area in the event that the primary wastewater system fails. The analysis and report for the reserve area must be reviewed and approved by their office 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, and all development standards have been met;*
  - » The proposed use is a Conditional Use of the Rural District and meets all applicable development standards.
  
- 2) *The proposed use is in accordance with applicable plans or policies for the area;*
  - » The proposed use is not in conflict with the Obetz and Hamilton Township Community Plan.

- 3) *The proposed use will be in keeping with the existing land use character and physical development potential of the area.*
  - » The proposed use will not deter from the existing land use character or physical development potential of the surrounding area.

#### **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 that necessitate the need for an eight (8) foot high fence and the use of barbed wire. The applicant claims that the fence height and use of barbed wire are necessary to secure the fence compound and deter theft and trespassing. However, the applicant has failed to provide any substantial evidence to suggest that such problems exist with other cell tower sites or has been an issue in the surrounding 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. All properties in the Rural Zoning District are subject to the fence regulations outlined in Section 501.
- 3) *The special circumstances and conditions of this request are not a result from action of the applicant;*
  - » No special circumstances or conditions exist as indicated above.
- 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.
- 5) *Granting the variance will adversely affect the safety of persons residing in the vicinity of the proposed development, and be materially detrimental to the public welfare and be injurious to private property in the vicinity;*
  - » Allowing the use of barbed wire presents a safety concern to those working or playing in and around the vicinity of the cell tower compound. A safer means of theft deterrence should be explored.

#### **Recommendation**

Staff's recommendation is that the BZA **deny** a Variance from Sections 501.012 and 501.013 of the Franklin County Zoning Resolution to allow the construction of a barbed wire fence that will exceed the permitted height. Staff recommends **denial** because the applicant has failed to satisfy the criteria necessary to approve a variance under Section 810.04.

Staff's recommendation is that the BZA **approve** a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower with the following conditions:

1. The applicant must apply for and receive approval of a Certificate of Zoning Compliance from the Franklin County Economic Development and Planning Department.
2. The applicant shall apply for and receive approval of all State permits.
3. The applicant must revise their landscaping plan to include additional plantings as recommended under Section 302.00394(8). All plantings shall be species that are native to Ohio.

4. The applicant shall conduct a wetland delineation to ensure that the request and any future development will not impact any environmentally sensitive area/s on the site prior to the issuance of a Certificate of Zoning Compliance.
5. The applicant shall conduct a soils analysis prior to the issuance of a Certificate of Zoning Compliance to identify an area viable for a reserve on-site wastewater treatment system. The analysis shall be reviewed by the Franklin County Public Health Department to ensure that the request will not negatively impact this area.
6. The applicant shall be required to dedicate the additional right-of-way, as requested by the Franklin County Engineer's Office, prior to the issuance of a Certificate of Zoning Compliance.

**Resolution**

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

(a) **Proposed Resolution for Variance Request from Sections 501.012 and 501.013:**

\_\_\_\_\_ moves to approve a Variance from Sections 501.012 and 501.013 of the Franklin County Zoning Resolution to allow the construction of a barbed wire fence that will exceed the permitted height as outlined in the request above for the applicant identified in Case No. VA/CU-3824.

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

Voting:

(b) **Proposed Resolution for Conditional Use Request from Section 302.0394:**

\_\_\_\_\_ moves to approve a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower as outlined in the request above for the applicant identified in Case No. VA/CU-3824 with conditions.

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

Voting:

**Findings of Fact**

For your convenience, the following are proposed findings of fact for the requested variance and conditional use:

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the variance as outlined in the request above for Case No. VA/CU-3824 results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041 as detailed in staff's analysis.

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

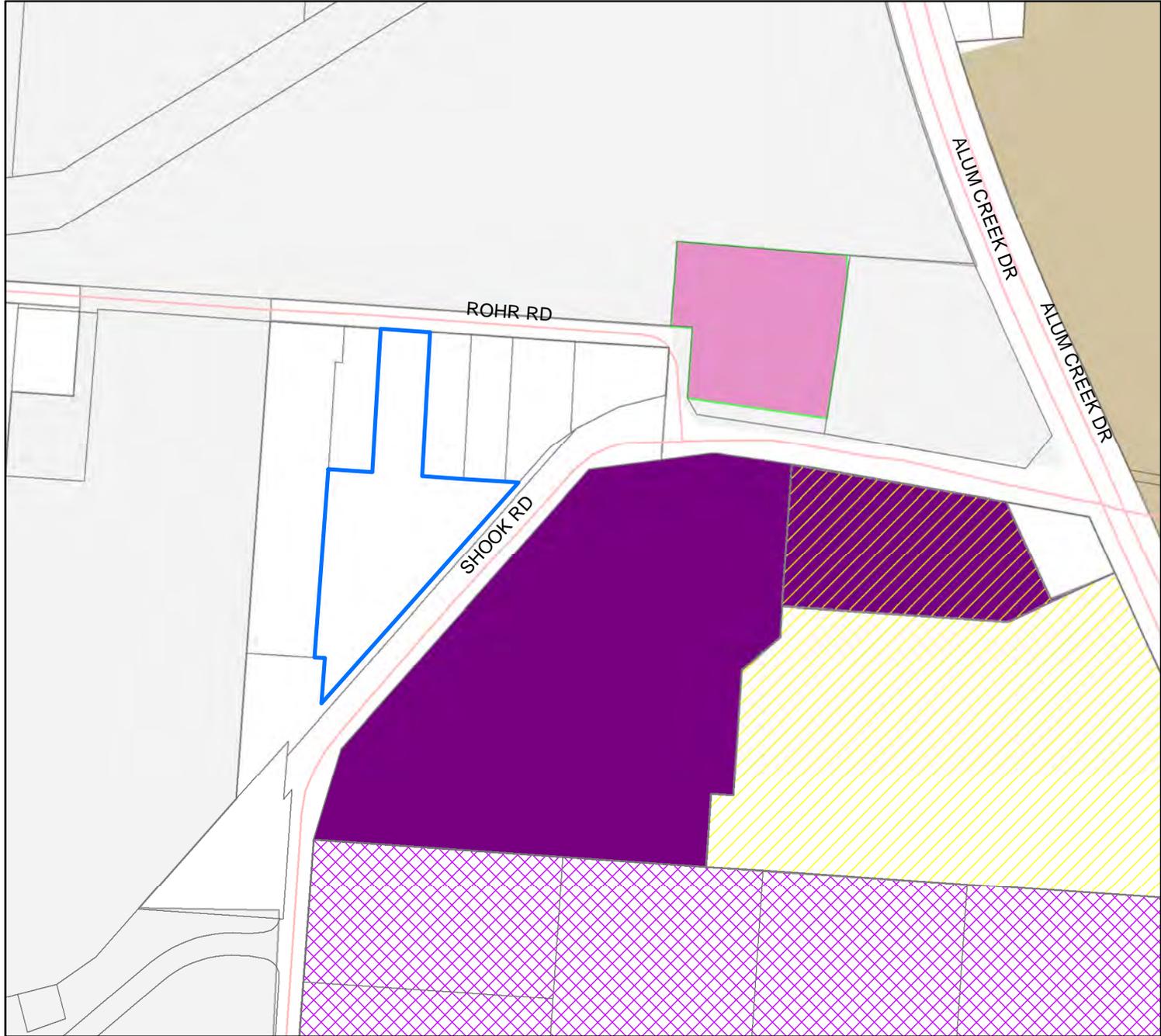
Voting:

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

\_\_\_\_\_ moves that the basis for denying the applicant's request for the conditional use as outlined in the request above for Case No. VA/CU-3824 results from the applicant's failure to satisfy the criteria for granting a conditional use under Section 815.041.

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

Voting:

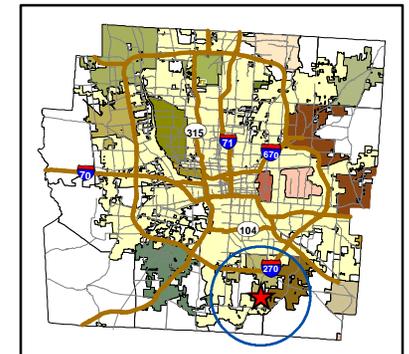


# VACU-3824

Requesting a Variance from Sections 501.012 and 501.013 and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower and the construction of a barbed wire fence that will exceed the permitted height.

9.092 acres  
Hamilton Township

- 2239 Rohr Rd.
- Parcels
- Streets
- Corporate Boundaries**
- Groveport
- Obetz
- Columbus Zoning**
- Residential
- Manufacturing
- County Zoning**
- Rural
- General Industrial
- Select Com. Planned Dist.





# VA/CU-3824

Requesting a Variance from Sections 501.012 and 501.013 and a Conditional Use from Section 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower and the construction of a barbed wire fence that will exceed the permitted height.

9.092 acres  
Hamilton Township

 2239 Rohr Rd.

 Parcels

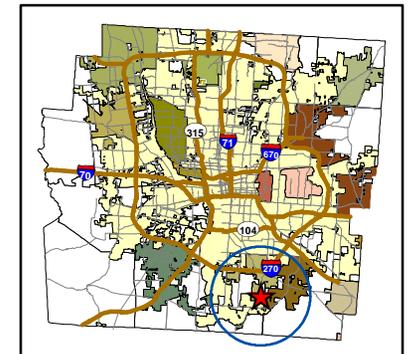
 Streets

### Corporate Boundaries

 Columbus

 Groveport

 Obetz



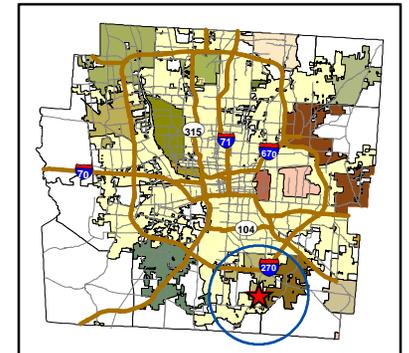


## VA/CU-3824

Requesting a Variance from Section 501.012 and 501.013 and a Conditional Use from Sections 302.0394 of the Franklin County Zoning Resolution to allow the construction of a telecommunication tower and the construction of a barbed wire fence that will exceed the permitted height.

9.092 acres  
Hamilton Township

-  2239 Rohr Rd.
-  Cell Tower approx. location
-  Parcels
-  Streets
- Corporate Boundaries**
-  Obetz





1. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS.
2. PROPERTY LINES ARE APPROXIMATIONS ONLY.
3. ANTENNAS & MOUNTS OMITTED FOR CLARITY.

NOTES 2

APPLICANT/OWNER:



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



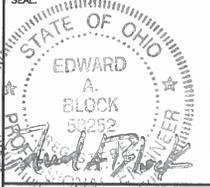
**BLACK & VEATCH**  
4100 REGENT STREET  
SUITE 400  
COLUMBUS OH, 43219

PREPARED BY:



**GPD GROUP**  
Gillis, Pyle, Schwaner, Harris & DeBorja, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2100 Fax 330-572-2101

SEAL:



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: 2013749.96  
DRAWN BY: LMB  
CHECKED BY: EAB

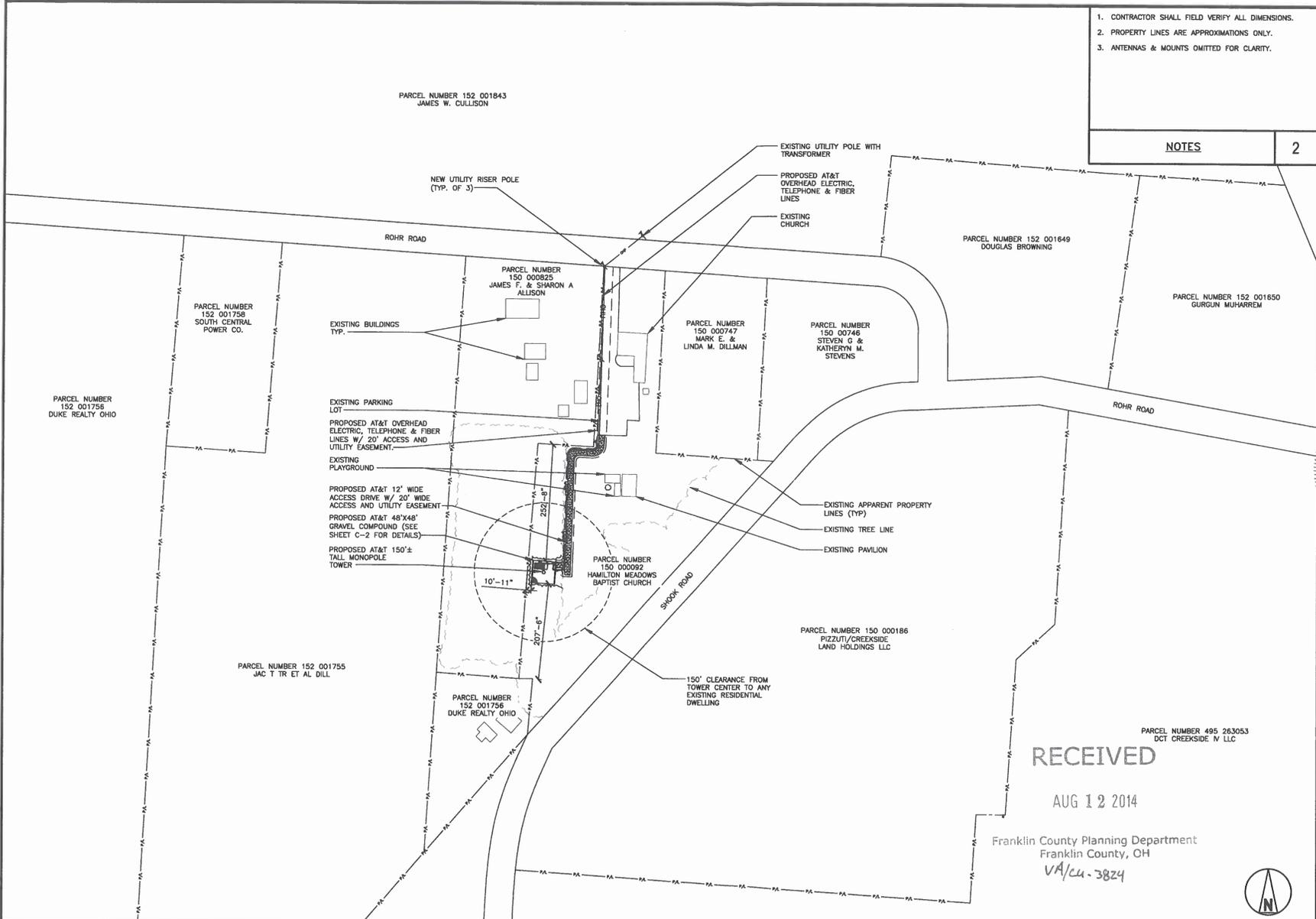
LANDLORD/PROPERTY OWNER SIGNATURE:

REV	DATE	DESCRIPTION
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B	06/06/14	REVISED PER CLIENT
C	06/05/14	REVISED PER ZONING

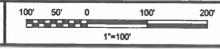
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RICKENBACKER AIRPORT NORTH  
SOH 5144  
2239 ROHR ROAD  
LOCKBOURNE, OH 43137

SHEET TITLE:  
OVERALL SITE PLAN

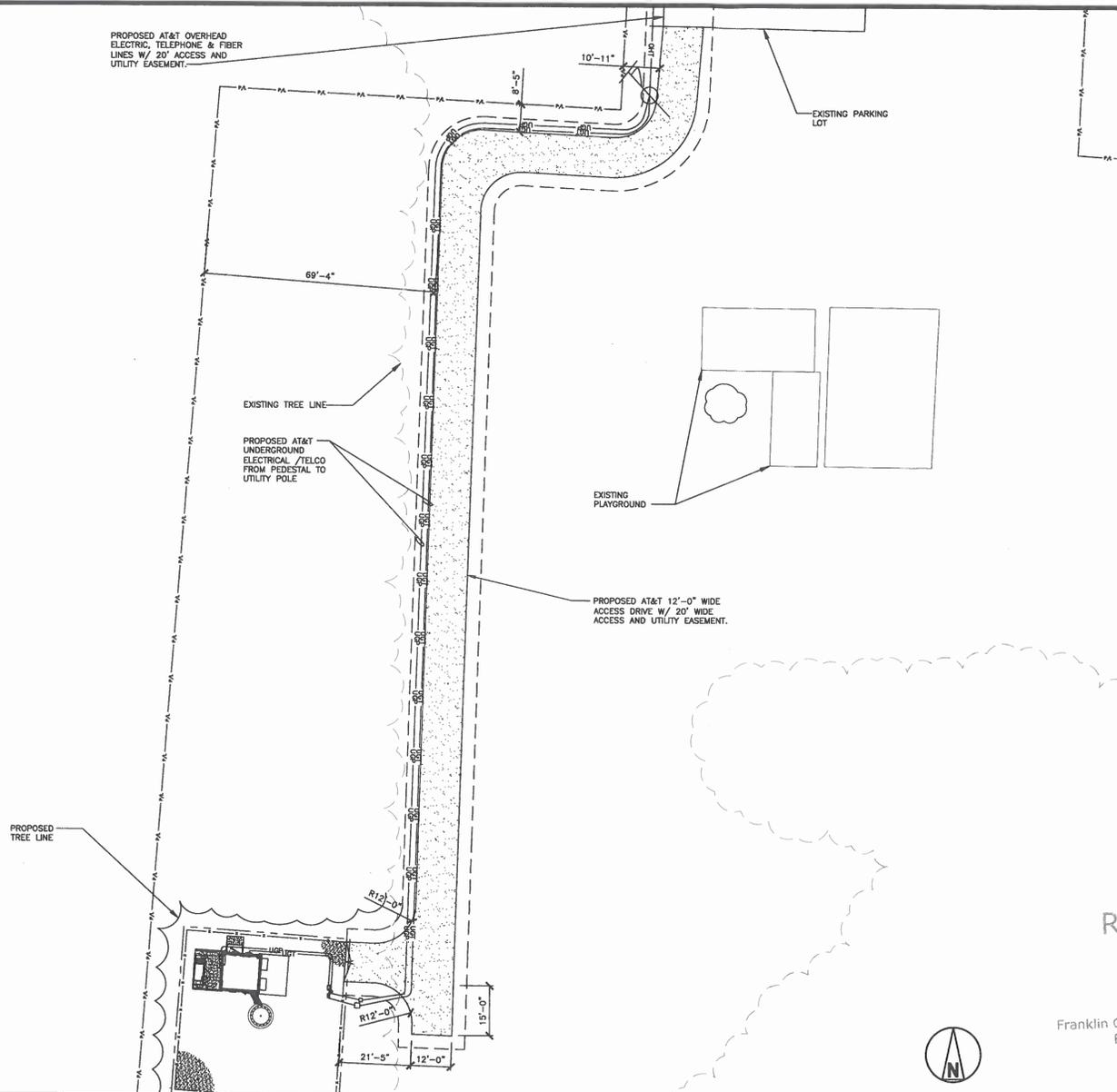
SHEET NUMBER:  
C-1



OVERALL SITE PLAN



PROPOSED AT&T OVERHEAD  
ELECTRIC, TELEPHONE & FIBER  
LINES W/ 20' ACCESS AND  
UTILITY EASEMENT.



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. SHELTER SHALL BE SET PER FIBREBOND'S SPECIFICATIONS. SEE FIBREBOND DRAWING D9818; LIFTING, STORAGE, AND TRANSPORTATION DIAGRAM.

APPLICANT/OWNER:



8372 EAST BROAD STREET  
FLOOR 2 - SOUTH (83)  
REYNOLDSBURG, OHIO 43088



**BLACK & VEATCH**  
4100 REGENT STREET  
SUITE 4-M  
COLUMBUS OH, 43219

PREPARED BY:



**GPD GROUP**  
Glenn, Pyke, Robinson, Burns & Deffenbacher, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2100 Fax 330-572-2101

SEAL:



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PROJECT NO: 2013749.96  
DRAWN BY: LMB  
CHECKED BY: EAB

LANDLORD/PROPERTY OWNER SIGNATURE:

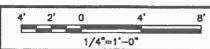
NOTES 2

- FENCE \_\_\_\_\_
- LEASE AREA \_\_\_\_\_
- PROPOSED ICE BRIDGE 

RECEIVED

AUG 12 2014

Franklin County Planning Department  
Franklin County, OH  
VA/cu-3829



DRIVEWAY PLAN

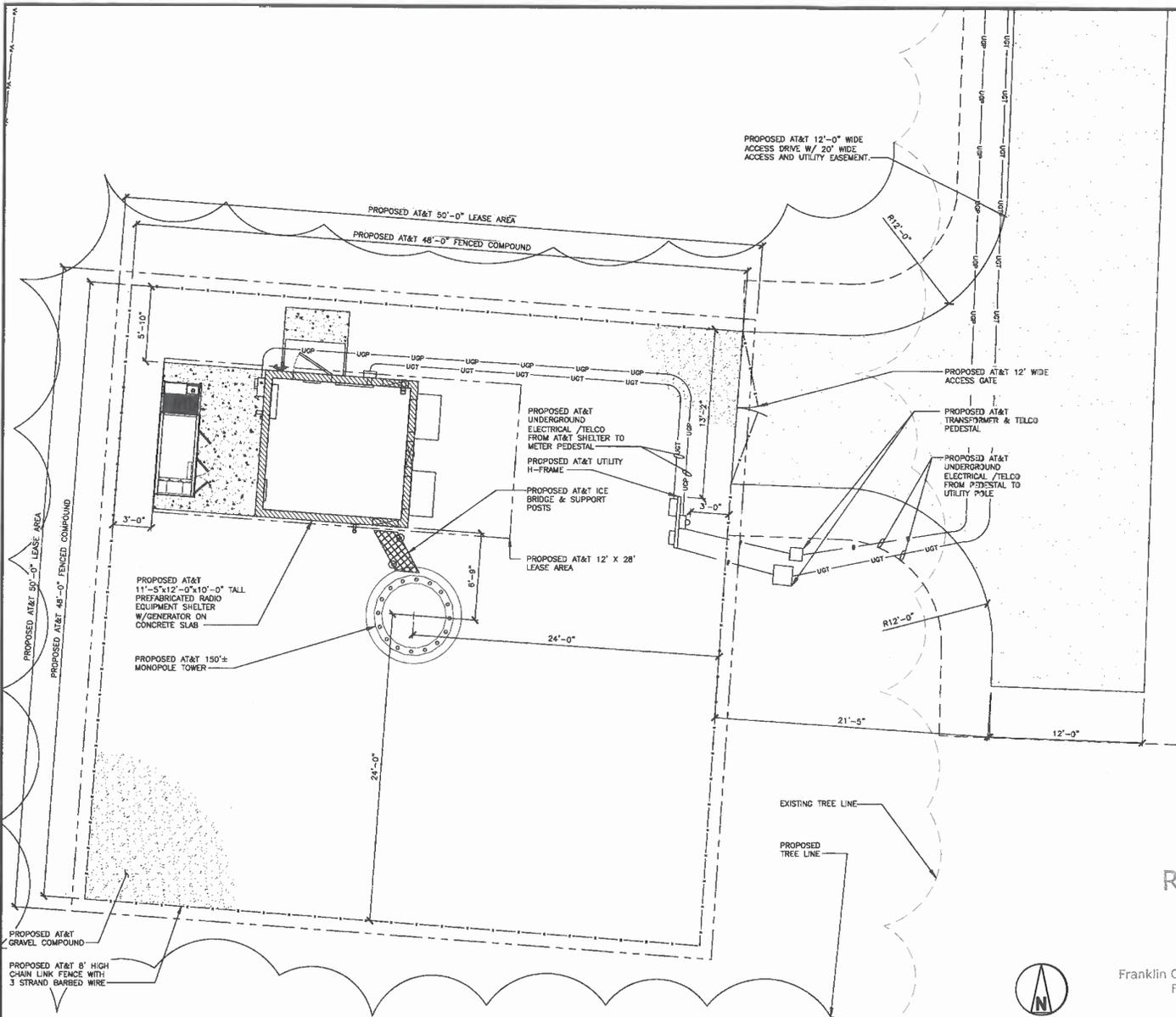
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LEGEND

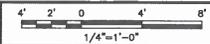
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SHEET TITLE:  
**DETAILED  
SITE PLAN**

SHEET NUMBER:  
**C-2**



DETAILED COMPOUND PLAN



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. SHELTER SHALL BE SET PER FIBREBOND'S SPECIFICATIONS. SEE FIBREBOND DRAWING 09B18; LIFTING, STORAGE, AND TRANSPORTATION DIAGRAM.

APPLICANT/OWNER:

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

BLACK & VEATCH  
4100 REGENT STREET  
SUITE 4-M  
COLUMBUS OH, 43219

PREPARED BY:

GPD GROUP  
Gina Pyle, Sherry Burns & Barbara, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2100 Fax 330-572-2101

SEAL:

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PROJECT NO:	2013749.96
DRAWN BY:	LMB
CHECKED BY:	EAB
LANDLORD/PROPERTY OWNER SIGNATURE:	

NOTES 2

FENCE	_____
LEASE AREA	-----
PROPOSED ICE BRIDGE	

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AUG 12 2014

Franklin County Planning Department  
Franklin County, OH  
VA/CL4-3824

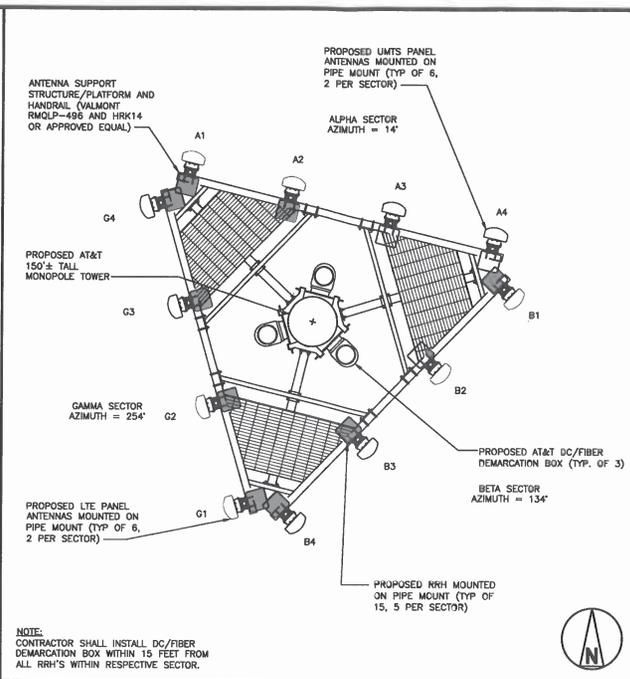
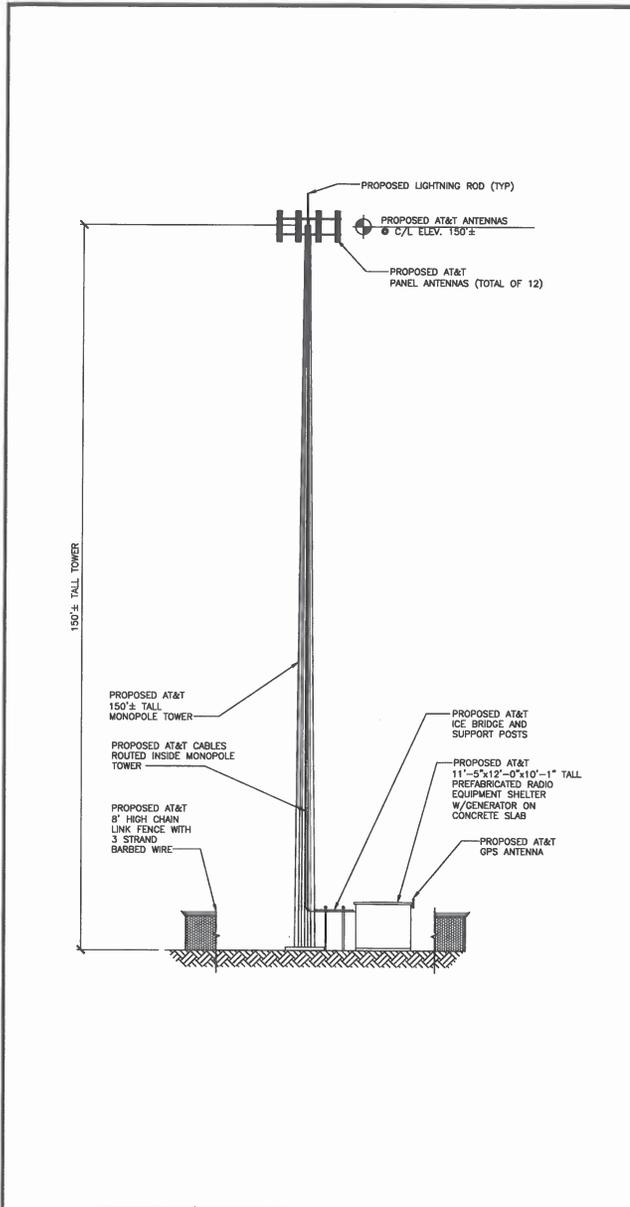
LEGEND 3

PROJECT LOCATION:

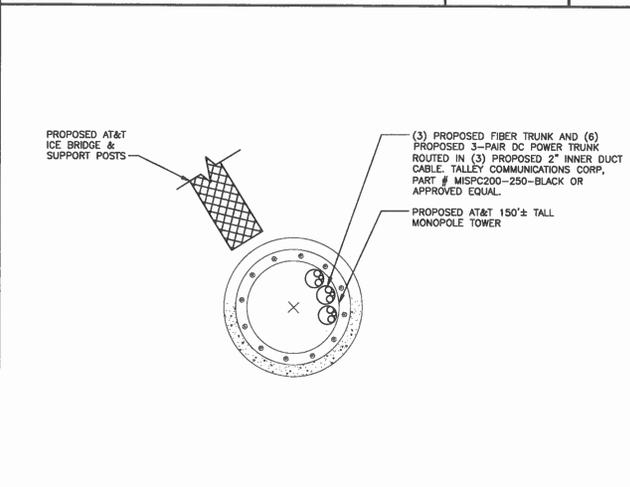
RICKENBACKER AIRPORT NORTH
SOH3144
2239 ROHR ROAD
LOCKBOURNE, OH 43137

SHEET TITLE:  
DETAILED SITE PLAN

SHEET NUMBER:  
C-3



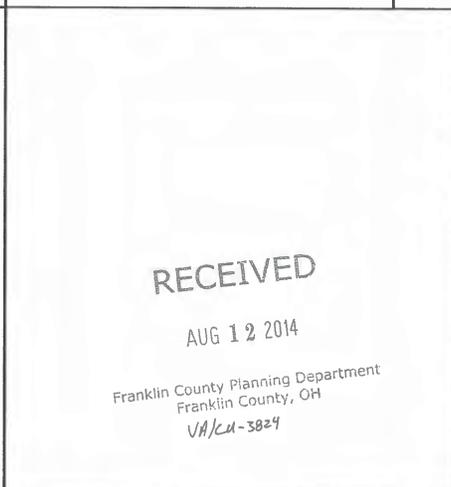
**ANTENNA LAYOUT PLAN** NO SCALE 2



**CABLE/FIBER ROUTING PLAN** NO SCALE 3



**NOT USED** 4



**NOT USED** 5

**TOWER ELEVATION** NO SCALE 1

APPLICANT/OWNER:

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

**BLACK & VEATCH**  
4100 REGENT STREET  
SUITE 4-M  
COLUMBUS OH, 43219

PREPARED BY:

**GPD GROUP.**  
Chris Pyle, Richard Berris & Darwyn, Inc.  
520 South Main Street, Suite 2531  
Akron, Ohio 44311  
330-572-2101 Fax 330-572-2101

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REV	DATE	DESCRIPTION
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PROJECT LOCATION:  
RICKENBACKER AIRPORT NORTH  
SOH3144  
2239 ROHR ROAD  
LOCKBOURNE, OH 43137

SHEET TITLE:  
TOWER ELEVATION,  
ANTENNA & COAX PLANS

SHEET NUMBER:  
**T-1**