

Franklin County Board of Zoning Appeals

Judicial Services Building (Hall of Justice)
369 South High Street
1st Floor, Commissioners Hearing Room
Columbus, OH 43215

Monday, August 16, 2021
1:30 p.m.

1. Call roll for board members
2. Introduction of staff
3. Approval of minutes from the July 19, 2021 meeting
4. Old Business:

i. Request for a motion to reconsider variance application VA-4009

Owner/Applicant:	International Society for Krishna Consciousness Greater Columbus
Agent:	Desmond Cullimore
Township:	Brown Township
Site:	3508 Walker Rd. (PID#120-000031)
Request:	The International Society for Krishna Consciousness (“ISKCON”) moves the Board of Zoning Appeals requesting the BZA reconsider the denial of ISKCON’s Variance Application, Case No. VA-4009, that was the subject of a hearing on July 19, 2021.

5. New Business:

i. VA-4012 – Brad Fisher

Owner:	DENA Services
Applicant:	Zargos Rebaz Mustafa
Agent:	Vedaie Behzad
Township:	Clinton Township
Site:	3583 Cleveland Ave. (PID#130-000885)
Acreage:	0.290-acres
Utilities:	Public water and sewer
Zoning:	Community Service (CS)
Request:	Requesting a Variance from Section 670.083(f) of the Franklin County Zoning Resolution to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay (SGO).

ii. CU-4013 – Brad Fisher

Owner:	Pavlo & Andriy Zubkevych
Applicant:	Aleksandr Yakhnitskiy
Township:	Pleasant Township
Site:	3305 Kropp Rd. (PID#230-003253), Kropp Rd. (PID#230-003252)
Acreage:	20.986-acres
Utilities:	Private water and wastewater
Zoning:	Rural District
Request:	Requesting a Conditional Use from Section 302.0391 of the Franklin County Zoning Resolution to allow for a private street in an area zoned Rural.

6. Adjournment of Meeting to September 20, 2021



MINUTES OF THE FRANKLIN COUNTY BOARD OF ZONING APPEALS

Monday July 19, 2021

The Franklin County Board of Zoning Appeals convened at 369 South High Street (Judicial Services Building), in the Commissioners' Hearing Room, Columbus, Ohio, 43215, on Wednesday, July 19, 2021.

Present were:

Chris Baer, Chairperson
Paula Armentrout
Tim Guyton
Joe Martin

Franklin County Economic Planning and Development Department:

Jenny Snapp, Assistant Director
Matt Brown, Planning Administrator
Brad Fisher, Planner

Franklin County Prosecuting Attorney's Office:

Jesse Armstrong, Franklin County Assistant Prosecuting Attorney
Adria Fields, Franklin County Assistant Prosecuting Attorney

Mr. Baer opened the meeting.

The first order of business being the roll call and introduction of Staff. The next order of business was the approval of the minutes from the June 21, 2021, meeting. Ms. Armentrout made a motion to approve the minutes. It was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

OLD BUSINESS:

Mr. Guyton made a motion to remove Case No. VA-4001 from the table. It was seconded by Mr. Baer. The motion was approved by a four-to-zero vote. The next order of business being Variance Application Case No. VA-4001. The owner is Angel Rodriguez. The township is Franklin Township. The site is located at 1690 Little Avenue. It is 0.310 acres in size and is served by public water and sewer. It is zoned Restricted Urban Residential. The applicant is requesting a variance from Sections 312.041(a) and 312.042 of the Franklin County Zoning Resolution to allow a lot split that would not meet the minimum lot size or minimum lot width in an area zoned Restricted Urban Residential. Mr. Brad Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Baer made a motion to approve Variance Case No. VA-4001 as outlined in the request with one condition recommended by Staff, which is to apply for and receive approval of a lot split from the Franklin County Economic Development and Planning Department. The motion was seconded by Mr. Martin. The motion was approved by a four-to-zero vote.

NEW BUSINESS:

The next order of business being Variance Case VA-4008. The owner is Teresa Young. The applicant is Derek Cox. The township is Pleasant Township. The site is located at 6855 Darby Boulevard. It is 0.259 acres in size and is served by private water and public sewer. It is zoned Rural. The applicant is requesting a variance from Sections 110.041, 302.043, and 650.162(a) of the Franklin County Zoning Resolution to allow a home to be built on a lot that does not have the required road frontage, not meet the side yard setback and to be located within the Riparian Setback in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Ms. Armentrout made a motion to approve Variance Case VA-4008 with three Staff conditions. It was seconded by Mr. Guyton. The motion was approved by a four-to-zero vote.

The next order of business being Variance Case No. VA-4009. The owner is the International Society for Krishna Consciousness Greater Columbus. The agent is Desmond Cullimore. The township is Brown Township. The site is located at 3508 Walker Road. It is 48.940 acres in size, is served by private water and wastewater and is zoned Rural. The applicant is requesting a variance from Sections 302.047 and 505.022(b) of the Franklin County Zoning Resolution to allow a structure to exceed the maximum permitted height, locate a dumpster on the property and not meet dumpster side yard requirements in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Rural Zoning Commission. Mr. Guyton made a motion to approve Variance Case No. VA-4009 with six Staff conditions. It was seconded by Mr. Baer. The motion failed by a two-to-two vote. Mr. Guyton made a motion to approve the Findings of Fact that the basis for denying the applicant's request for a variance from Sections 302.046, 505.02, and 505.022(b) of the Franklin County Zoning Resolution, as outlined in the request for the applicant identified in Case No. VA-4009, results from the applicant's failure to satisfy the criteria for granting a variance under Section 810.041. The motion was approved with a vote of two yeases and two abstentions.

The next order of business being Variance Case No. VA-4011. The owner is the Grant Fullerton. The applicant is Breck Crandell. The agent is Jill Ramirez. The township is Brown Township. The site is located at 7417 Hayden Run Road. It is 1.110 acres in size and is served by private water and wastewater. It is zoned Rural. The applicant is requesting a variance from Section 302.045 of the Franklin County Zoning Resolution to allow for the construction of a single-family home that would not meet the building line setback requirements in an area zoned Rural. Mr. Fisher read and presented the case to the Franklin County Board of Zoning Appeals. Mr. Guyton made a motion to approve Variance Case No. VA-4011 with one staff condition; that the applicant submit an updated Site Plan that satisfies the minimum front yard setback of 50 feet from the centerline of Hayden Run Road. It was seconded by Ms. Armentrout. The motion was approved by a four-to-zero vote. Mr. Baer made the board aware of a letter dated July 19, 2021 from Ms. Paula Armentrout, board member, advising the Franklin County Commissioners and the board of her intended resignation effective August 31, 2021.

There being no further business to come before the Franklin County Board of Zoning Appeals, Chairperson Baer made a motion to adjourn the hearing. It was seconded by Mr. Martin. The motion was approved by unanimous vote. The proceedings were adjourned at 5:54 p.m.

Signature

Minutes of the July 19, 2021, Franklin County Board of Zoning Appeals hearing were approved this 16th day of August, 2021.

The Cullimore Law Firm
3664 Hickory Rock Drive
Powell, Ohio 43065
Main: (614) 372-9144
www.cullimorelawfirm.com



Desmond J. Cullimore, P.E., BCEE
(614) 372-9144
desmond@cullimorelawfirm.com

August 10, 2021

SENT VIA EMAIL @ [bradfischer@franklincountyohio.gov]

Franklin County Board of Zoning Appeals
Franklin County Commissioners
Economic Development and Planning Department
Attn: Brad Fisher
Lazarus Building
150 South Front Street, FSL Suite 10
Columbus, Ohio 43215-7104

**Re: Motion for Reconsideration of Variance Application VA-4009
International Society for Krishna Consciousness**

Dear Board of Zoning Appeals,

The International Society for Krishna Consciousness ("ISKCON") moves the Board of Zoning Appeals requesting the BZA reconsider the denial of ISKCON's Variance Application, Case No. VA-4009, that was the subject of a hearing on July 19, 2021.

The BZA has the authority to reconsider their decision before an appeal is filed or before the 30-day time limit expires for filing such appeal. *State ex rel Borsuk v. Cleveland*, 28 Ohio St 2d 224 (1972). Thus, the BZA has authority to reconsider the denial of ISKCON's variance requests at the scheduled meeting on August 16, 2021.

The Economic Development and Planning Department issued its Staff Report for Case No. VA-4009 on July 13, 2021. ISKCON's Variance Application provided that the Northwest Bible Church was within Brown Township. The Staff Report, however, indicated that the church was in the City of Hilliard and outside of the County zoning jurisdiction. ISKCON was not permitted adequate time to investigate and address this statement prior to the hearing on July 19, 2021, given the short time between the issuance of the Staff Report and the hearing. Thus, the BZA was not given the opportunity to consider important information related to ISKCON's Variance Application.

The Northwest Bible Church is currently within the City of Hilliard and, therefore, not currently subject to the Franklin County Zoning Resolution. This church, however, was covered under the Franklin County Zoning Resolution at the time it was designed and

constructed within Franklin County, Brown Township. The church was designed to be constructed to a height a 91'2" height. In 1998, the Northwest Bible Church sought and received a variance to exceed the 38-foot height limitation provided in Zoning Resolution Section 302.047 to construct the church to a height of 91' 2".¹ This is the same regulation from which ISKCON seeks a variance.

The variance request stated, like ISKCON in its application, that "A steeple is a typical feature of churches." That variance request had a public hearing before the BZA on May 18, 1998, and per a letter from Development Director George Kinney the BZA "approved a request for a variance from Section 302.047 to allow for the construction of a church and steeple that exceeds the maximum height regulation for the Rural District."²

Northwest Bible Church was ultimately constructed in 2002 and annexed from Brown Township to the City of Hilliard in 2010.³

Thus, the Staff Report accurately stated that the Northwest Bible Church is currently in the City of Hilliard but important new information on the history of the development of this church and the BZA considering and granting a variance for a permitted religious structure in the Rural District to exceed the height restriction contained in Zoning Resolution Section 302.047 was not presented to the BZA.

At the July 19, 2021, hearing on ISKCON's Variance Application, the discussion centered around the variance in the height regulation. A motion to approve all variances was made and ultimately denied. As a result, the dumpster variances were not considered independently from the height variance.

ISKCON believes that this is a clear demonstration that new facts or unconsidered circumstances exist that warrant reconsideration of the Variance Application. ISKCON requests that the BZA reconsider its Variance Application based on the facts presented to the BZA and this new information.

¹ A copy of that variance request is attached and is noted as Case No. VA-3053.

² See the attached letter from Development Director George Kinney.

³ A copy of that Annexation Petition is attached along with County Commissioner Resolution 0857-10 which was passed on November 16, 2010, is attached.

Franklin County Board of Zoning Appeals
Franklin County Commissioners
Page 3 of 3

Thank you for your prompt attention to this matter. Please let me know if you have any questions or concerns. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Desmond J. Cullimore". The signature is fluid and cursive, with a large initial "D" and "J".

Desmond J. Cullimore

Enclosures

cc: Kenneth N. Wilson; County Administrator
James Schimmer; Director
Jenny Snapp; Assistant Director
Matthew Brown; Planning Administrator

FRANKLIN COUNTY COURTHOUSE



FRANKLIN COUNTY DEVELOPMENT DEPARTMENT

BUILDING, ZONING AND ANNEXATIONS

373 South High Street • Columbus, Ohio 43215-6304

Building (614) 462-3166 • Zoning and Annexations 462-3094
FAX (614) 462-3144

DIRECTOR, GEORGE G. KINNEY

May 22, 1998

Northwest Bible Church
4066 Main Street
Hilliard, Ohio 43026

Re: #VA-3053

Dear Sirs:

This is to inform you that the application for a Variance which you filed with this office was given a public hearing by the Franklin County Board of Zoning Appeals on May 18, 1998.

The above Board approved a request for a Variance from Section 302.047 to allow for the construction of a church and a steeple that exceeds the maximum height regulation for the Rural District. The Board also approved a request for a Variance from Section 531.041 to allow for the construction of an access drive that exceeds the maximum throat width of twenty-five (25) feet.

Sincerely,

A handwritten signature in cursive script that reads 'George Kinney'.

George G. Kinney, Director
Franklin County Development Department

c. Robert Brokaw, Architect

BOARD OF COMMISSIONERS
Dorothy S. Teater • Arlene Shoemaker • Dewey R. Stokes



FRANKLIN COUNTY BOARD OF ZONING APPEALS
373 SOUTH HIGH STREET
TEL: 462-3094
VARIANCE

NOTICE OF
APPEAL FOR A VARIANCE
FROM ZONING RESOLUTION

For IZA Use Only	
V.A.:	3053
Date Filed:	04/17/98
Fee Receipt No.:	68160
Received by:	BW

---Please type or print information - Use additional sheets as necessary---

TO THE HONORABLE COUNTY BOARD OF ZONING APPEALS:

The Applicant, Northwest Bible Church
being the owner(s) of property located in Brown Township(s) and being within the
Rural Zoning District, requests variance from the following listed provisions or
requirements of such zoning district: Height - Section 302.047 and
Drive Width - Section 531.041

and the approval, in accordance with the attached plans, of (state here what is intended to be done on, or with the property insofar as a variance is necessary):

Height = 58'-11" to ridge plus additional 32'-3" for steeple for 91'-2" total
Drive Width = 36'-0" for (3) 12'-0" lanes, one in and two out.

What application for a Certificate of Zoning Compliance has been filed in connection with the proposed development.
(Identify by Number): None

A. DESCRIPTION OF SUBJECT PROPERTY

1. General Description of Property (describe by one of the following):

a. Lot(s)/Reserve(s) - SEE ATTACHED DEED - of _____

b. Beginning at a point along - SEE ATTACHED LEGAL DESCRIPTION -
(street or other) and being _____ feet in a N S E W (circle) direction from the
_____ (specify) of _____ (street or other) and thence having
a dimension of _____ feet along _____
(street or other) and a dimension of _____ feet from the _____
_____ (specify) of _____
(street or other), and having an area of _____ acres/square feet.

c. Attached legal description: YES NO _____

Required Submissions:

1. Two (2) copies of map accurately drawn to an appropriate scale (to fill a sheet not less than 8.5 x 11 inches and not more than 16 x 20 inches). The map shall be identified and submitted in addition to the General Description of Land. The map shall include the subject property and all land within five hundred (500) feet of such property.
2. A list of all owners of property contiguous to and directly across the street from the subject property. The address of owners shall be those appearing on the County Auditor's current tax list of the Treasurer's mailing list. List all property owners within 300 feet in all directions of proposed change. (see table in the last page)

B. ARGUMENTS FOR VARIANCE

Section 303.14, Ohio Revised Code, and the Zoning Resolution authorize the Board of Zoning Appeals to approve only such variance that (1) will not be contrary to the public's interest; (2) that the spirit of the resolution shall be observed; (3) substantial justice done; and (4) in accordance with the general and specific rules contained within Article VIII of the Zoning Resolution. The Board of Zoning Appeals may grant the variance requested in this application only if it appears and the Board specifies in their findings that the facts which establish that each of the following conditions is met:

THE APPLICATION MUST SUMMARIZE BELOW ITS CLAIM WITH REGARD TO EACH CONDITION

1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same Zoning District.
The floor area and capacity requires a taller building to shed the rain water with a sloped roof. To visually separate the auditorium, the roof is offset 5'-7". The steeple is a typical feature for churches.
2. That a literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by the other properties in the same Zoning district under the terms of this Zoning Resolution.

3. That the special conditions land circumstances do not result from the action of the applicant.
The narrow frontage provides the only access to the site. For a more efficient flow of traffic exiting the site, a left turn only lane is proposed, increasing the drive width to 36'.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District.

5. That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare, or injurious to private property or public improvements in the vicinity.


C. AFFIDAVIT

Before completing this application and executing the following affidavit, it is recommended that the application be discussed with the Staff of the Franklin County Development Department.

APPLICANT'S AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

I/WE Northwest Bible Church - Assoc Chuck Wemp being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land included in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability present the arguments in behalf of the application herewith submitted and that the statements and attached exhibits above referred to are in all respects true and correct to the best of my/our knowledge and belief.

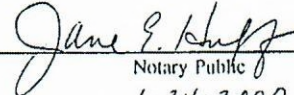

(signature)

4066 MAIN ST
(mailing address)

Hilliard OH 43026

PHONE: 614-876-7882

Subscribed and sworn to before me this 17 day of APRIL, 19 98.


Notary Public
1-24-2000

Person to be contacted for details, if other than above signatory:

ROBERT BROKAW, MEACHAM & APPEL ARCHITECTS, 5640 FRANZ RD, DUBLIN 43017
(name) (address) (phone)
764-0407



Commissioners
 Paula Brooks, President
 Marilyn Brown
 John O'Grady

Economic Development & Planning Department
 James Schimmer, Director

Application for
**Annexation
 Petition**

Expedited Typ 2
 Pursuant to ORC §709.023

RECEIVED

OCT 14 2010

RFB

Franklin County Planning Department
 Franklin County, Ohio

2

Property Information	
Site Address 6639 Scioto Darby Road, Hilliard, Ohio 43026	
Parcel ID(s) 120-000251	Total Acreage 21.43+/-
From Township Brown	To Municipality Hilliard

Staff Use Only
Case # <i>ANYELP2 H-10</i>
Hearing date: <i>11/16/10</i>
Date filed: <i>10/14/10</i>
Fee paid <i>\$30.00</i>
Receipt # <i>22815</i>
Notifications deadline: 5 days <i>10/19/10</i>
Svc statement deadline: 20 days <i>11/3/10</i>

Property Owner Information	
Name Northwest Bible Church	
Address 6639 Scioto Darby Road Hilliard, OH 43026	
Phone # (614) 876-7882	Fax #
Email	

Attorney/Agent Information	
Name Jackson B. Reynolds, III, c/o Smith & Hale LLC	
Address 37 W. Broad St., Ste. 725, Columbus, OH 43215	
Phone # (614) 221-4255	Fax # (614) 221-4409
Email jreynolds@smithandhale.com	

Document Submission
The following documents must accompany this application on letter-sized 8 1/2" x 11" paper.
<input checked="" type="checkbox"/> Legal description of property
<input checked="" type="checkbox"/> Map/plot of property
<input checked="" type="checkbox"/> List of adjacent properties

Waiver of Right to Appeal			
<p>WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.</p>			
Property Owner _____	Date _____	Property Owner _____	Date _____

Economic Development · Community Development
 150 South Front Street, FSL Suite 10, Columbus, Ohio 43215
 Tel: 614-462-5631
 Fax: 614-462-4876
 www.FranklinCountyOhio.gov

Planning · Zoning · Building
 Planning & Zoning Tel: 614-462-3094
 Building Permits Tel: 614-462-3166
 Fax: 614-462-7155

DESCRIPTION OF 21.43 ACRES OF LAND LOCATED ON THE SOUTHERLY SIDE OF SCIOTO-DARBY CREEK ROAD (COUNTY ROAD NO. 29) AND WEST OF ALTON-DARBY CREEK ROAD IN THE TOWNSHIP OF BROWN, COUNTY OF FRANKLIN, STATE OF OHIO TO BE ANNEXED TO THE CITY OF HILLIARD

Situated in the State of Ohio, County of Franklin, Township of Brown, being in Virginia Military Survey Number 6640 and containing 21.43 acres of land, more or less, 21.43 acres being all of the residue of those tracts of land conveyed to the Northwest Bible Church by deeds of record in (20.628 acres) Official Record 20759H07, (0.527 acre) Instrument No. 201006070070173 and (0.527 acre) Instrument No. 200810140152425, all being of record in the Recorder's Office, Franklin County, Ohio, said 21.43 acres being more particularly described as follows:

Beginning at a point in the southerly right-of-way line of Scioto-Darby Creek Road (County Road No. 29) at the southeasterly corner of that 0.072 acre tract of land designated as PARCEL 63-WD and described in the deed to the Franklin County Commissioners, of record in Instrument Number 200501070005135, said beginning point being in the existing City of Hilliard Corporation line as the same was established by City of Hilliard Case No. 20-06, Ordinance No. 01-14 and recorded in Instrument No. 200705150084832, all being of record in the Recorder's Office, Franklin County, Ohio, said beginning point being located 35 feet southerly from, as measured at right angles, the centerline of said Scioto-Darby Creek Road; from said beginning point;

Thence, southwardly, a distance of 195 feet more or less to a point;

Thence eastwardly, parallel with and 230 feet southerly from, as measured at right angles, the centerline of said Scioto-Darby Creek Road, a distance of 200 feet, more or less, to a point;

Thence southwardly, a distance of 928 feet, more or less, to a point;

Thence westwardly, a distance of 60 feet, more or less, to a point of curvature;

Thence westwardly, with the arc of a curve to the right having a radius of 230 feet, a chord distance of 97 feet, more or less, to a point;

Thence southwardly, a distance of 242 feet, more or less, to a point;

Thence northwestwardly, a distance of 219 feet, more or less, to a point;

Thence northwestwardly, a distance of 1016 feet, more or less, to a point;

Thence northwardly, a distance of 275 feet, more or less, to a point;

Thence eastwardly, parallel with and 230 feet southerly from as measured at right angles, the centerline of said Scioto-Darby Creek Road, a distance of 600 feet, more or less, to a point;


Thence northwardly, a distance of 195 feet more or less, to a point in the southerly right-of-way line of said Scioto-Darby Creek Road at the southwesterly corner of that 0.080 acre tract of land designated as PARCEL NO. 61-WD and described in Exhibit "A" in the deed to the Franklin County Commissioners, of record in Instrument No. 200505110089483, Recorder's Office, Franklin County, Ohio, said point also being in said existing southerly Corporation Line;

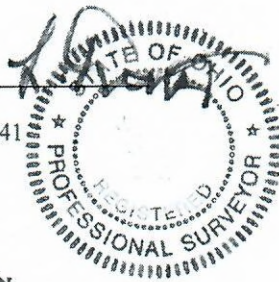
Thence eastwardly, with the southerly right-of-way line of said Scioto-Darby Creek Road, with the southerly line of said PARCEL 61-WD, with the southerly line of that 0.048 acre tract of land designated as PARCEL 62-WD and described in Exhibit "A" in the deed to the Franklin County Commissioners, of record in instrument No. 200501190011675, Recorder's Office, Franklin County, Ohio, with the southerly line of said PARCEL 63-WD and with said existing Corporation Line, the same being parallel with and 35 feet southerly from, as measured at right angles, the centerline of said Scioto-Darby Creek Road, a distance of 250 feet, more or less, to the point of beginning and containing 21.43 acres of land, more or less.

The total length of the proposed annexation is 4,377 feet, more or less, of which 250 feet, more or less are contiguous with said City of Hilliard Corporation Line. This proposed annexation does not create any islands of township land.

This description was written for annexation purposes only and is not intended to be used in the transfer of any lands.

BAUER, DAVIDSON & MERCHANT, INC.
Consulting Engineers


Jimmie L. Davis,
Professional Surveyor No. 6941



RECEIVED

AUG 19 2010

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

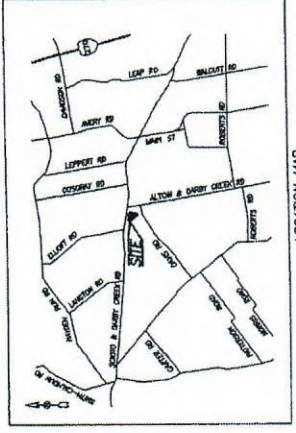
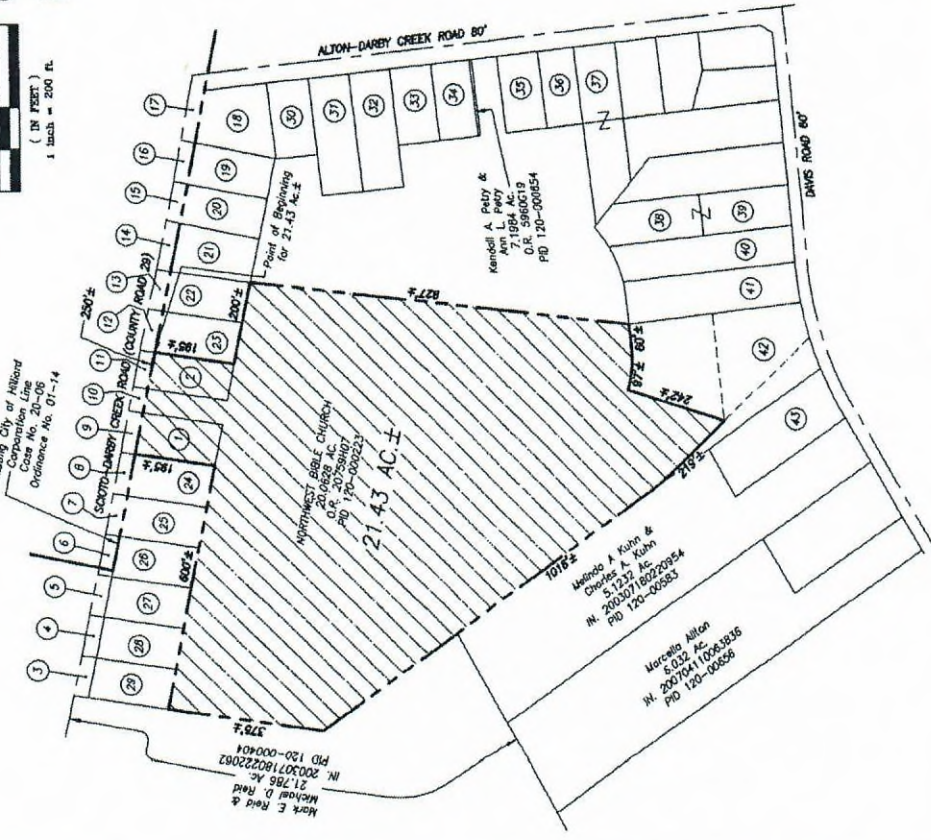
ANNEXATION
PLAT & DESCRIPTION
ACCEPTABLE
DEAN C. RINGLE, P.E., P.S.
FRANKLIN COUNTY ENGINEER

By BDFAR Date 8/19/2010

RECEIVED

OCT 14 2010

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, TOWNSHIP OF BROWN,
 BEING IN VIRGINIA MILITARY SURVEY 6640,
 CONTAINING 21.43± ACRES OF LAND SOUGHT TO
 BE ANNEXED TO THE CITY OF HILLIARD, OHIO



- 1 NORTHWEST BIBLE CHURCH
IN. 200810140152425
0.527 AC.
PID 120-000251
- 2 NORTHWEST BIBLE CHURCH
0.475 AC.
IN. 201026070070173
PID 120-000587
- 3 FRANKLIN COUNTY COMMISSIONERS
PARCEL 55-WD
0.080 AC.
IN. 200411160284711
PID 120-000254
- 4 FRANKLIN COUNTY COMMISSIONERS
PARCEL 56-WD
0.080 AC.
IN. 200501040002053
PID-000253
- 5 FRANKLIN COUNTY COMMISSIONERS
PARCEL 57-WD
0.080 AC.
IN. 200501040002050
PID-000250
- 6 FRANKLIN COUNTY COMMISSIONERS
PARCEL 58-WD
0.080 AC.
IN. 200501040002046
PID-000246
- 7 FRANKLIN COUNTY COMMISSIONERS
PARCEL 59-WD
0.080 AC.
IN. 200501190011679
PID-0001679
- 8 FRANKLIN COUNTY COMMISSIONERS
PARCEL 60-WD
0.080 AC.
IN. 200412160284712
PID-0004712
- 9 FRANKLIN COUNTY COMMISSIONERS
PARCEL 61-WD
0.080 AC.
IN. 20050110089483
PID-00089483
- 10 FRANKLIN COUNTY COMMISSIONERS
PARCEL 62-WD
0.080 AC.
IN. 200501180011675
PID-0001675
- 11 FRANKLIN COUNTY COMMISSIONERS
PARCEL 63-WD
0.080 AC.
IN. 200501070005115
PID-0005115
- 12 FRANKLIN COUNTY COMMISSIONERS
PARCEL 64-WD
0.080 AC.
IN. 200501070005142
PID-0005142
- 13 FRANKLIN COUNTY COMMISSIONERS
PARCEL 65-WD
0.080 AC.
IN. 200501070005139
PID-0005139
- 14 FRANKLIN COUNTY COMMISSIONERS
PARCEL 66-WD
0.080 AC.
IN. 200501140046148
PID-00046148
- 15 FRANKLIN COUNTY COMMISSIONERS
PARCEL 2-WD
0.103 AC.
IN. 200508170157413
PID-00057413
- 16 FRANKLIN COUNTY COMMISSIONERS
PARCEL 28-WD
0.103 AC.
IN. 200504010127108
PID-000127108
- 17 FRANKLIN COUNTY COMMISSIONERS
PARCEL 27-WD
0.103 AC.
IN. 200503030000647
PID-0000647
- 18 CHARLES L. COON &
PATRICIA L. COON
IN. 10008230153827
PID 120-000258
- 19 WOODROW PARCELS
0.507 AC.
IN. 200112130230228
PID 120-000257
- 20 DAVID CLAIR &
ELINDA C. CLAIR
0.527 AC.
IN. 200410080233263
PID 120-000256
- 21 CHRISTOPHER R. CONLEY &
JENNIFER M. CONLEY
IN. 200502080121488
PID 120-000255
- 22 JENAI L. SCHW
0.527 AC.
O.R. 230505028
PID 120-000254
- 23 CHRISTOPHER L. RICHMOND &
JESSICA S. RICHMOND
0.527 AC.
IN. 200512020271975
PID-000253
- 24 RENEE H. HORN
0.527 AC.
O.R. 28450809
PID 120-000250
- 25 ERIC T. McDONNELL &
LARA K. McDONNELL
0.527 AC.
IN. 20071207025519
PID 120-000249
- 26 STEVEN J. WINTERBRO
&
MARGO
0.527 AC.
O.R. 6142814
PID 120-000248
- 27 CATHERINE I. JONES
0.527 AC.
IN. 200103170109317
PID 120-000247
- 28 LESTER LINDSAY &
ERMA M. LINDSAY
0.527 AC.
O.R. 24080201
PID 120-000246
- 29 ALLEN T. EWMS &
JANICE K. EWMS
0.527 AC.
IN. 200103050043812
PID 120-000245
- 30 DANIEL L. HALL &
CHERYL A. HALL
0.528 AC.
IN. 19971210149437
PID 120-000239
- 31 JAMES F. STARR &
DEBRA S. STARR
0.877 AC.
IN. 1997060100000647
PID 120-000250
- 32 JERRY R. SCHMALJOHN &
BROOKLYN M. SCHMALJOHN
0.677 AC.
IN. 200501030000647
PID 120-000251
- 33 CALVIN CUTLER
0.528 AC.
IN. 200610030217495
PID 120-000262
- 34 PETER A. SOROKA &
MARLIN S. SOROKA
0.527 AC.
IN. 1997060100000647
PID 120-000261
- 35 NORMAN C. HAYES
0.528 AC.
O.R. 05623025
PID 120-000764
- 36 ANTHONY GANGLUFT &
MICHELLE GANGLUFT
0.528 AC.
IN. 200810210155511
PID 120-000265
- 37 SCOTT B. ARNOLD &
DENISE M. ARNOLD
0.528 AC.
O.R. 230505028
PID 120-000264
- 38 NICHOLAS T. GERRIS
0.553 AC.
O.R. 16939007
PID 120-000662
- 39 NICHOLAS T. GERRIS
0.528 AC.
D.B. 3462 P. 200
PID 120-000273
- 40 DOUGLAS J. KNALP &
ROBIN L. KNALP
0.528 AC.
IN. 200104020194535
PID 120-000274
- 41 JOHN W. STALL III &
JANICE M. STALL
0.528 AC. & 0.445 AC.
O.R. 0812514
120-000481
- 42 TERRY C. THURSTON &
DENISE R. THURSTON
2.323 AC.
IN. 200406260149106
PID 120-000276
- 43 HELEN M. MCCANN
1.002 AC.
O.B. 1334 P. 260
PID 120-000268

RECEIVED

OCT 14 2010

Franklin County Planning Department
 Franklin County, Ohio
 666 Westwood Drive S.
 Hilliard, Ohio 43038
 (614) 442-5028
 DAVIDSON &
 MERCHANT, INC.
 Consulting Engineers

ANNEX No. _____ ORD. No. _____
 TO THE
 CITY OF HILLIARD
 FROM
 BROWN TOWNSHIP 21.43AC.
 DATE: _____ SCALE 1" = 200'

The local partition boundary of reservation area is 1.377± ac. ± 5.78' is contiguous to the City of Hilliard

LEGEND:
 EXISTING CITY OF HILLIARD CORP. LINE
 PROPOSED CITY OF HILLIARD CORP. LINE
 AREA TO BE ANNEXED

SCALE: 1" = 200'
 DATE: August 19, 2010
 ORDER NO. 604-10

RECEIVED

OCT 26 2010

*Resolution
of the
City of Hilliard, Ohio*

Franklin County Planning Department
Franklin County, OH

Resolution No. 10-R-40
Page 1 of 2
Adopted: October 25, 2010

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF HILLIARD WILL PROVIDE TO THE 21.43 ACRES ± LOCATED IN BROWN TOWNSHIP, FRANKLIN COUNTY, OHIO, UPON ANNEXATION TO THE CITY, AND TO PROVIDE FOR BUFFER REQUIREMENTS.

WHEREAS, on October 15, 2010, pursuant to Ohio Revised Code Section 709.023, the property owner seeking the annexation of 21.43 acres ± of real property in Brown Township, Franklin County, Ohio, contiguous to the City of Hilliard, filed a Petition for Annexation of its property to the City of Hilliard with the Board of County Commissioners of Franklin County, Ohio, a copy of which is attached hereto as Exhibit "A", notice of which was duly served upon the City of Hilliard as prescribed by law; and

WHEREAS, Ohio Revised Code Section 709.023(C) provides that within twenty days after the date that the petition is filed, the municipal corporation to which annexation is sought shall adopt a Resolution stating what services the municipal corporation will provide to the territory seeking annexation and an approximate date by which it will provide those services; and

WHEREAS, Ohio Revised Code Section 709.023(C) also provides that within that same twenty day period, a municipal corporation shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that if the municipality corporation's zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining in the township from which the territory was annexed, the municipal corporation shall require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. In the event that the proposed 21.43 acres ± (the "Property") is annexed to the City of Hilliard, Ohio, the City will provide to the Property the full range of municipal services available to the residents of, and to the property within, the City of Hilliard, including but not limited to police protection, mayor's court, public works and street maintenance, residential refuse collection, planning, building, zoning and engineering services, and parks and recreation, all of which can be provided immediately upon the effective date of the annexation as provided by law. Should it be determined that as a result of the annexation, the boundary line between the township and the City divides or segments a street or highway so as to create a road maintenance problem the City, as a condition of the annexation, shall assume the maintenance of that street or highway or otherwise correct the problem.

SECTION 2. The County Commissioners have previously requested information on the status of water and sewer services to and within suburbs of the City of Columbus. The proposed annexation area is included within the boundaries of the area of the City of Hilliard's Water Service Contract and Sewerage Contract with the City of Columbus and those services are provided in accordance with the terms and conditions of those contracts. The City of Hilliard shall be under no obligation to extend water or sewer lines to any of the Property at the cost of the City or in contravention of the contracts.

SECTION 3. If the Property is annexed and becomes subject to the City of Hilliard zoning and the City zoning permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under applicable county or township zoning regulations in effect at the time of the filing of the petition on the land adjacent to the annexed territory remaining in the unincorporated area of Norwich Township, then the City of Hilliard will require the owner or owners of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Norwich Township.

SECTION 4. The Clerk of Council is hereby directed to forward and file certified copies of this Resolution with the Franklin County Board of County Commissioners and to send a copy to the Agent for the Petitioners for annexation within twenty days following the date that the petition was filed.

SECTION 5. This Resolution shall become effective upon its adoption.

ATTEST:

Lynne M. Fasone
Lynne M. Fasone
Clerk of Council

SIGNED:

Brett A. Scotto
Brett A. Scotto
President of Council

APPROVED AS TO FORM:

Pamela A. Fox
Pamela A. Fox
Director of Law

APPROVED:

Donald J. Schonhardt
Donald J. Schonhardt
Mayor

10-R-40

VOTE:	Yea	Nav	Abstain
President Scotto	✓		
Vice President McGivern	✓		
Ashenurst	✓		
Iosue	✓		
Kunze	✓		
Roberts	✓		
Urtley	✓		
Results:	7	0	0

I, Lynne M. Fasone Clerk of Council
hereby certify that the foregoing is a true copy
of Resolution 10-R-40 duly adopted
by the Council of the City of Hilliard
the 25th day of October, 2010.

Lynne M. Fasone
Clerk of Council
City of Hilliard

Review of Petition to Annex 21.43 +/- acres from Brown Township to the city of Hilliard by Jackson B. Reynolds, III, Esq. Case #ANX-EXP2-14-10 (ECONOMIC DEVELOPMENT & PLANNING)

WHEREAS, the Commissioners of Franklin County, State of Ohio, proceeded to journalize the petition that Jackson B. Reynolds, III, Esq. filed on behalf of the Northwest Bible Church on October 14, 2010 and solicited to and/or been heard by all persons desiring to be reviewed for or against the granting of the Expedited Type 2 petition, and having considered all the facts with reference thereto, being fully advised, and

WHEREAS, the Commissioners make the following findings based upon the exhibits and testimony presented at the review of this matter:

1. The petition does meet all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code.
2. The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory.
3. The territory proposed for annexation does not exceed five hundred acres.
4. The territory proposed for annexation shares a contiguous boundary with the municipal corporation to which annexation is proposed for a continuous length of at least five percent of the perimeter of the territory proposed for annexation.
5. The annexation will not create an unincorporated area of the township that is completely surrounded by the territory proposed for annexation.
6. The municipal corporation to which annexation is proposed has agreed to provide to the territory proposed for annexation the services specified in the relevant service resolution #10-R-40, passed on October 25, 2010 by the city of Hilliard.

Resolution No. 0857-10

November 16, 2010

Review of Petition to Annex 21.43 +/- acres from Brown Township to the city of Hilliard by Jackson B. Reynolds, III, Esq. Case #ANX-EXP2-14-10 (ECONOMIC DEVELOPMENT & PLANNING)

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, OHIO:

That, in accordance with the findings made in the preamble, which are incorporated herein, the prayer of the Petition be *approved*, and the territory sought to be annexed by the petition filed herein *shall* be annexed to the city of Hilliard, Ohio, in accordance with the law; that the orders and proceedings of this board relating to the Petition, and map and description attached thereto, and all papers on file relating to this matter be delivered forthwith to the Clerk of Council, city of Hilliard, Ohio.

Prepared by: R. Lee Brown

C: Economic Development & Planning Department

SIGNATURE SHEET FOLLOWS

SIGNATURE SHEET

Resolution No. 0857-10

November 16, 2010

REVIEW OF PETITION TO ANNEX 21.43 +/- ACRES FROM BROWN TOWNSHIP TO THE CITY OF HILLIARD BY JACKSON B. REYNOLDS, III, ESQ. CASE #ANX-EXP2-14-10

(Economic Development and Planning)

Upon the motion of Commissioner Marilyn Brown, seconded by Commissioner Paula Brooks:

Voting:

John O'Grady, President	Aye
Paula Brooks	Aye
Marilyn Brown	Aye

Board of County Commissioners
Franklin County, Ohio

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon by the Board of County Commissioners, Franklin County, Ohio on the date noted above.



Debra A Willaman, Clerk
Board of County Commissioners
Franklin County, Ohio



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

Economic Development & Planning Department
James Schimmer, Director

RESOLUTION SUMMARY

REVIEW OF PETITION TO ANNEX
21.43 +/- ACRES FROM
BROWN TOWNSHIP
TO THE CITY OF HILLIARD
BY JACKSON B. REYNOLDS, III, ESQ.

Description:

Attached is a resolution to consider the annexation of 21.43-acres, more or less, from Brown Township to the city of Hilliard. The petition case number is ANX-EXP2-14-10.

Applicant:

Northwest Bible Church

Agent:

Jackson B. Reynolds, III, Esq.

Site:

6639 Scioto Darby Creek Road

Additional Information:

The site is contiguous to the city of Hilliard on one side. The proposed annexation does not include the right-of-way of Scioto Darby Creek Road.

Analysis:

The applicant *has met* all statutory requirements outlined in Section 709.21 of the Ohio Revised Code. The applicant *has* provided proof of notification, and timeline and *has* provided a service resolution from the city of Hilliard stating the services that will be provided once the annexation has been approved. The city of Hilliard has agreed to provide the territory proposed for annexation the services specified in the relevant service resolution #10-R-40 passed October 25, 2010.

Recommendation:

Pending any questions, staff would request your ***approval*** of this annexation.



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

Economic Development & Planning Department
James Schimmer, Director

MEMO JOURNALIZATION

TO: Debbie Willaman, County Clerk
Franklin County Commissioners Office

FROM: R. Lee Brown, Planning Administrator
Franklin County Economic Development & Planning Department

CC: James Schimmer, Director
Franklin County Economic Development & Planning Department

RE: Description of Expedited Type 2 annexation case to be
journalized on the **October 19, 2010** General Session Agenda
for a review on **November 16, 2010**.

Case #ANX-EXP2-14-10- An annexation ANX-EXP2-14-10 was filed in our office on October 14, 2010. The petition is requesting to annex 21.43+/- acres from Brown Township to the city of Hilliard. The applicant is the Northwest Bible Church. The agent is Jackson B. Reynolds, III, Esq. **Site: 6639 Scioto Darby Creek Road (Parcel Numbers: 120-000251, 120-000587 and 120-000223)**

STAFF REPORT

Board of Zoning Appeals
August 16, 2021

Case: VA-4012

Prepared by: Brad Fisher

Owner:	DENA Services, Inc.
Applicant:	Zargos Mustafa
Agent:	Behzad Vedaie, PhD., P.E.
Township:	Clinton Township
Site:	3583 Cleveland Ave. (PID #130-000885)
Acreage:	0.29-acres
Zoning:	Community Service (CS)
Request:	Requesting a Variance from Section 670.083(f) of the Franklin County Zoning Resolution to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay (SGO).

Summary

Requesting a Variance to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay (SGO). The request satisfies the criteria necessary for granting a variance. Staff recommends **conditional approval.**

Description of the Request

The subject site is located on the west side of Cleveland Avenue, just north of the Northern Lights shopping center in Clinton Township. The site was developed with a 988 square foot single-family home in 1932. Two detached accessory buildings were constructed at a later date. Staff notes that as of November 2020 all vegetation and structures on the site other than the single-family home have been removed.

The request is to construct an 1,840 square foot 4-bay service garage to the rear of the existing single-family home. The home is intended to be used as an office that would be associated with the service garage. The Smart Growth Overlay requires that the width of a principal building be a minimum of 60 percent of the lot width. The required 60 percent building width is 40 feet and the existing principal building is 30 feet wide. A variance of 10 feet is required.

Surrounding Land Use and Zoning

The subject site and all adjacent properties are located in Clinton Township. Properties to the north, east and south are zoned Community Service (CS) and developed with commercial uses. A COTA park and ride is located just to the south and zoned Commercial Planned Development District in the City of Columbus. An alley abuts the subject site to the west and all other properties further west are zoned Urban Residential (R-12) and developed with medium density residential uses.

Comprehensive Plan

The Clinton-Mifflin Land Use Plan, adopted in 2009, includes a Future Land Use Map that recommends the subject site for a full range of commercial and multi-family residential uses. Corresponding zoning districts include: Suburban Apartment Residential (R-24), Suburban Office (SO), Neighborhood Commercial (NC), Community Commercial (CC), and Community Service (CS) districts.

The subject site is located in the Cleveland Avenue focus area of the Plan. Some of the goals for this focus area are to place buildings closer to the street, locate parking to the side and rear of buildings, provide bicycle parking spaces and include landscaping.

The proposed use is consistent with the Plan's future land use recommendations, parking is located to the side and rear of the existing building and bicycle parking spaces will be provided. The proposed service garage will not be located close to the street; however, the limited frontage of this property does not allow for the intended 4-bay service garage and still have an access drive that leads to the rear of the property. Staff notes that the applicant must provide landscaping along the frontage of the site to comply with zoning and meet the Plan's landscaping recommendations.

Staff Review

Variance from Section 670.083(f) – Design Standards for Frontage Buildings: The width of a principal building(s), including any significant architectural appurtenances thereto, along a primary building frontage shall be a minimum of 60 percent of the lot width.

- The width of the existing primary building is 30 +/- feet and the width of the subject site is 66.79 feet. The existing principal building takes up 45 percent of the lot width, which will not change with the proposed service garage.
 - A variance to allow the frontage building requirements to be reduced by 15 percent (10 feet) is required.

Technical Review Committee Agency Review

Franklin County Engineer's Office

- One van accessible ADA compliant parking space must be provided.
- The curb cut on the adjacent lot to the south has been removed since the COTA park and ride was developed. This curb cut must be removed from the site plan.
- The FCEO is supportive of widening the existing access point at Cleveland Avenue to the extent that it does not impact the existing stormwater inlet as identified on the site plan.

Franklin County Economic Development and Planning Department

- Section 521.17 of the Franklin County Zoning Resolution requires screening of the proposed parking areas that are to the side and south of the existing building from the roadway and neighboring properties. Based on the site plan submitted this requirement has not been met.
- Section 670.088(g)(1) of the Zoning Resolution includes similar screening requirements as Section 521.17. Based on the site plan submitted this requirement has not been met.

No other agencies expressed any concerns with the request.

Staff Analysis

Section 810.041 – Approval of Variance:

The Franklin County Zoning Resolution identifies five (5) criteria in Section 810.041 that must be satisfied to approve a Variance request.

- 1) *Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district;*
 - » The applicant indicated that the subject site's access to Cleveland Avenue is limited due to the location of an existing stormwater inlet.

- » Staff does not believe the location of the existing stormwater inlet serves as a special circumstance for not meeting frontage building requirements. However, the proposed parking spaces to the side and rear of the primary building as shown on the site plan submitted are permitted and the proposed location of the service garage will allow for ingress and egress of tow trucks and other traffic servicing the site. Additionally, the proposed development and use of the site is not out of character with similar uses in the area and will not detract from future development in the area provided landscaping and screening requirements are met.
- 2) *A literal interpretation of the provisions of this Zoning Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Zoning Resolution;*
 - » Staff notes that the proposed use and development would not be out of character with similar uses in the area. Additionally, the applicant is proposing bicycle parking spaces as recommended by the Clinton-Mifflin Land Use Plan and the site has access to the alley to the west, which could help reduce vehicle trips via the Cleveland Avenue access point.
- 3) *The special conditions and circumstances do not result from the action of the applicant;*
 - » The applicant indicated that the circumstances are related to the existing non-conforming frontage building.
 - » Staff does not believe that the special circumstance results from any action of the applicant.
- 4) *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Resolution to other lands or structures in the same Zoning District;*
 - » Staff does not believe granting the variance will confer on the applicant a special privilege provided landscaping is provided along the frontage of the site and all other development standards are met.
- 5) *Granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development, be materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity;*
 - » Staff believes that the proposed use and development will not adversely impact the community provided Staff and reviewing agency comments are addressed.

Staff's Recommendation:

Staff's recommendation is that the Board of Zoning Appeals ***conditionally approve*** a Variance from Section 670.083(f) of the Franklin County Zoning Resolution to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay (SGO). The conditions of approval are as follows:

1. The applicant must apply for and receive approval of Certificates of Zoning Compliance with the Franklin County Economic Development and Planning Department.
2. One van accessible ADA compliant parking space must be identified on the site plan prior to approval of a Zoning Compliance.
3. The curb cut on the adjacent lot to the south, which is the COTA park and ride must be removed from the site plan prior to approval of a Zoning Compliance.
4. The screening and buffering requirements per Sections 521.17 and 670.088(g(1) of the Franklin County Zoning Resolution must be identified on the site plan prior to approval of a Zoning Compliance.
5. The Clinton Township Fire Department must confirm that the proposed building meets setback requirements based on the building materials proposed.

Resolution

For your convenience, the following is a proposed resolution:

Proposed Resolution:

_____ moves to approve a variance from Section 670.083(f) and of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4012 with Staff's recommended condition.

Seconded by: _____

Voting:

Findings of Fact

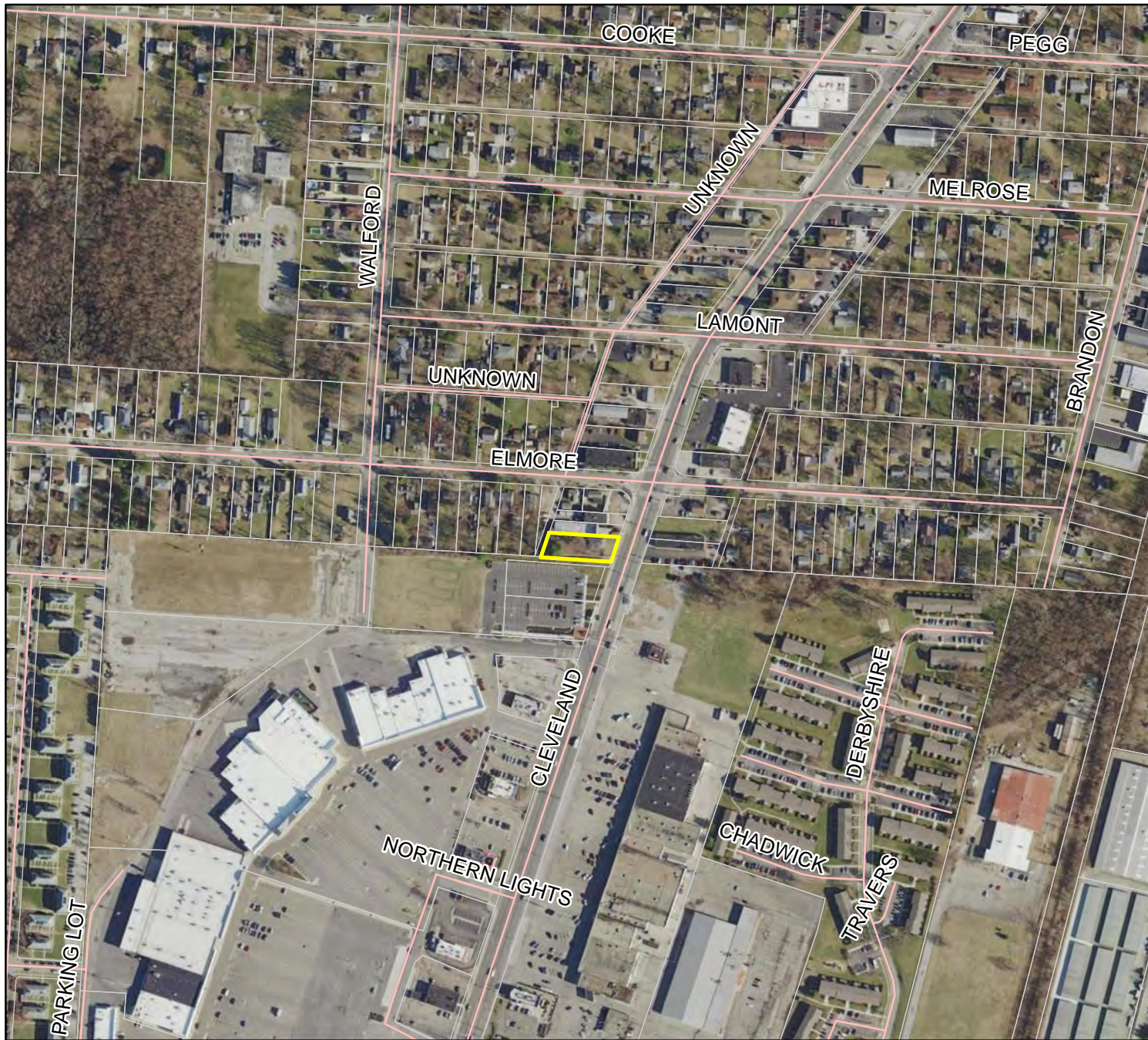
For your convenience, the following are proposed findings of fact:

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 from Section 670.083(f) of the Franklin County Zoning Resolution as outlined in the request for the applicant identified in Case No. VA-4012 results from applicant's failure to satisfy the criteria for granting a variance under Section 810.041.

Seconded by: _____



Voting:

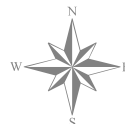
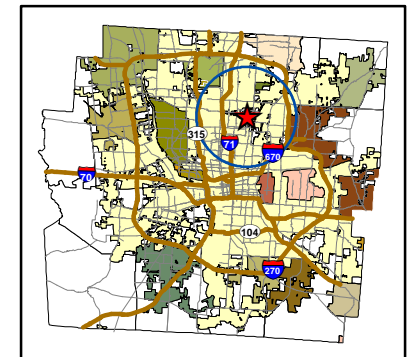


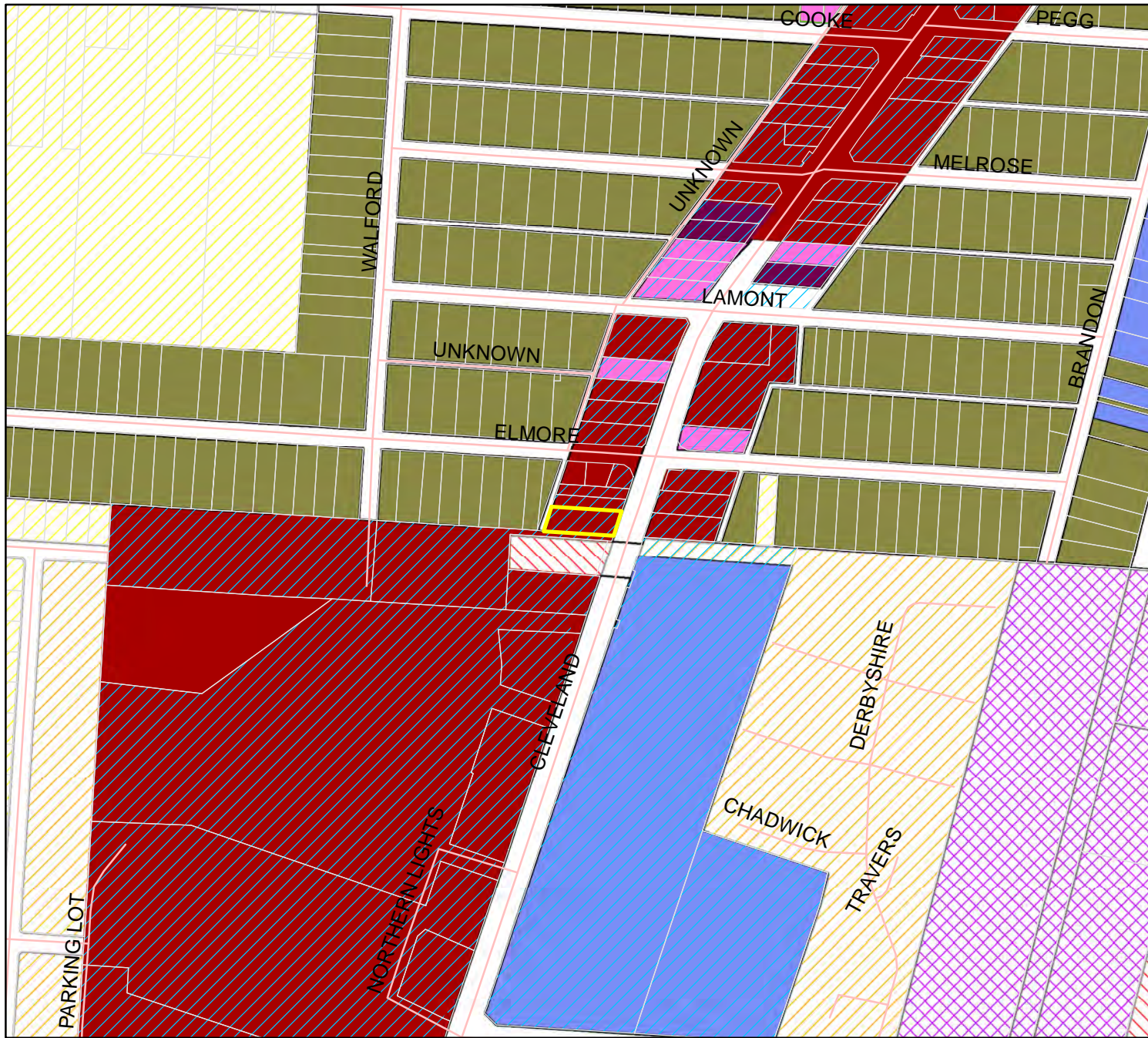
VA-4012

Requesting a Variance from Section 670.083(f) of the Franklin County Zoning Resolution to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay

Acres: 0.29-acres
Township: Clinton Township

-  3583 Cleveland Avenue
-  Streets
-  Parcels

















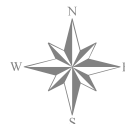
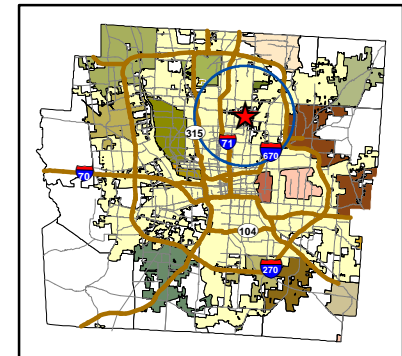


VA-4012

Requesting a Variance from Section 670.083(f) of the Franklin County Zoning Resolution to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay

Acres: 0.29-acres
Township: Clinton Township

-  3583 Cleveland Avenue
-  Streets
-  Parcels
- Franklin County Zoning**
-  Rural
-  Urban Residential
-  Suburban Apartment Residential
-  Neighborhood Commercial
-  Community Service
-  Limited Industrial
-  Select Commercial Planned District
- City of Columbus Zoning**
-  Residential
-  Multi-family
-  Commercial
-  Manufacturing



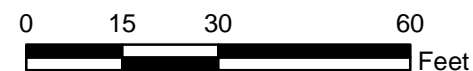
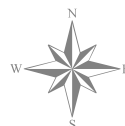
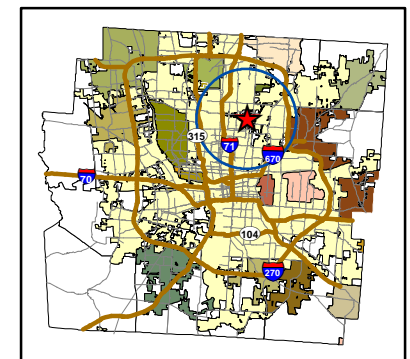


VA-4012

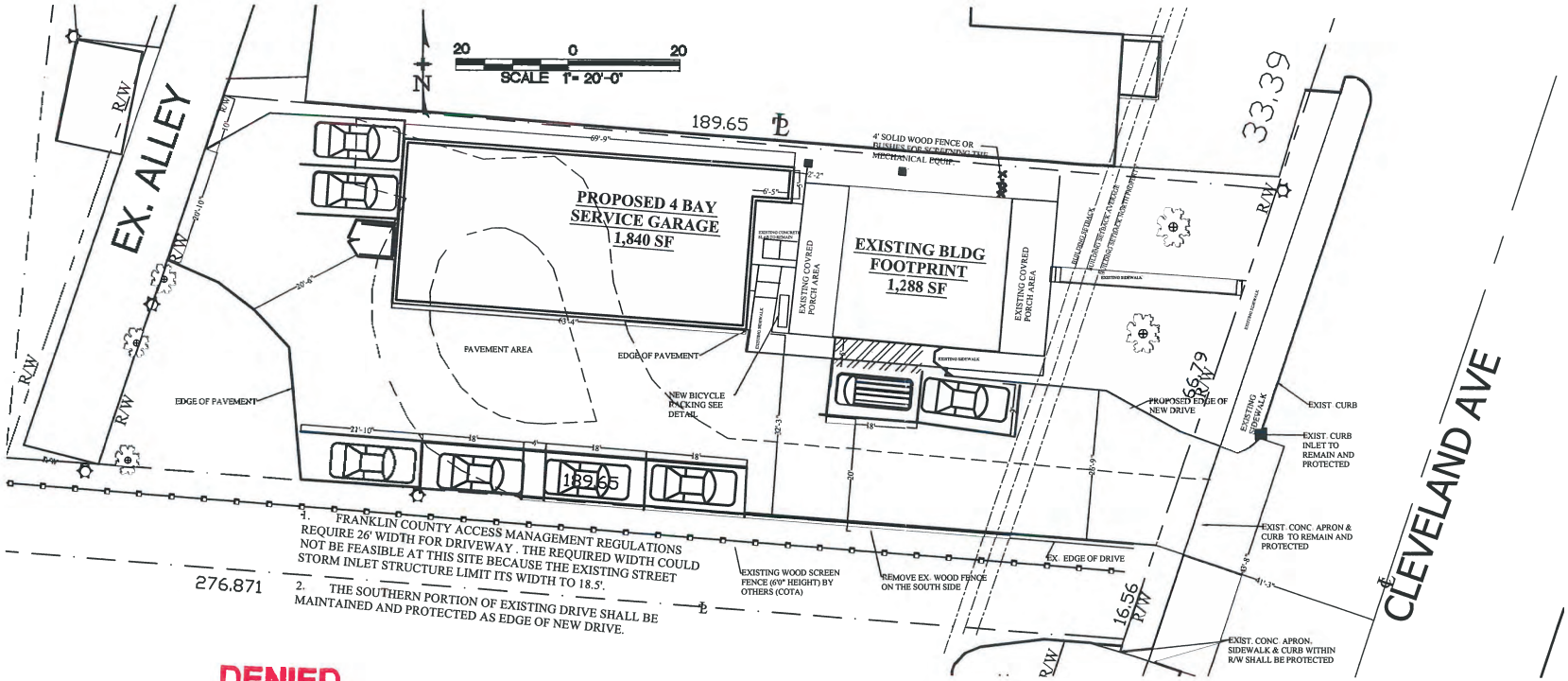
Requesting a Variance from Section 670.083(f) of the Franklin County Zoning Resolution to allow for the construction of a building that would not meet the building frontage requirements in an area zoned Community Service (CS) and subject to the Smart Growth Overlay

Acres: 0.29-acres
Township: Clinton Township

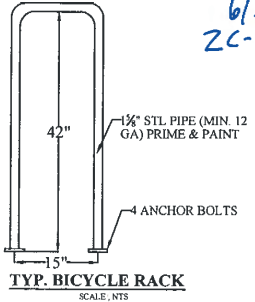
- 3583 Cleveland Avenue
- Streets
- Parcels



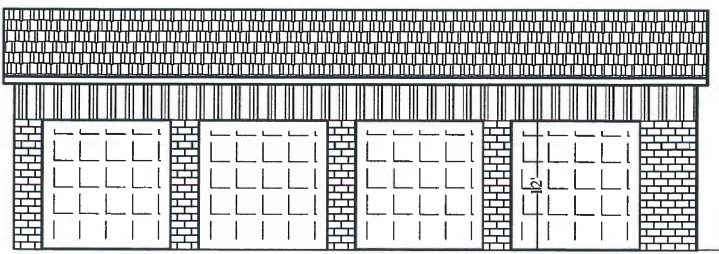
**BUILDING ADDITION AS A NEW
SERVICE GARAGE SPACES
AT 3583 CLEVELAND AVE. COL OH 43224**



DENIED
TB
6/30/2021
ZC-21-066



- ZONING ANALYSIS:**
1. PARCEL: 130-000885 EXISTING 2-STORY BUILDING
 2. ZONING: CS COMMUNITY SERVICE
 3. SITE AREA, 12,788 SF (0.29 ACRES), BUILDING FOOTPRINT AREA 980 S.F.
 4. PROPOSED BUILDING FOOTPRINT 1900 SF
 5. PARKING SPACE REQUIRED @ EX. OFFICE (900/250) = 3.6X .65= 2.3; SPACES GARAGE SHOP (4 BAY) 4X2X.65 = 5.2 TOTAL PARKING SPACE REQ: 8 SPACES PARKING SPACES PROVIDED: 8 SPACES
 6. PERCENTAGE OF GREEN SPACE 25%.



NOTES:

REVISIONS:		
No.	Revisor/Issue	Date

FIRM NAME AND ADDRESS:
REC INC. ARCHITECTURAL ENGINEERING & PLANNING
 INNOVATIVE ENGINEERING GROUP INC.
 1901 W. BROADWAY, SUITE 200
 COLUMBUS, OH 43228
 TEL: (614) 886-2323 FAX: (614) 886-2328
 WWW: WWW.RECINC.COM

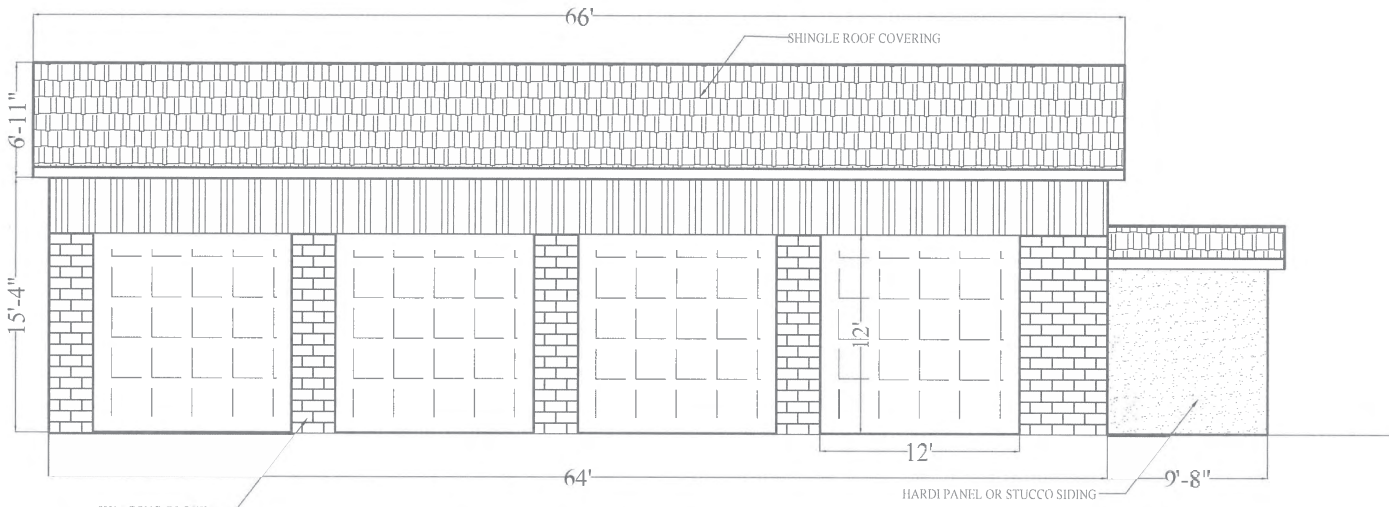
OWNER'S NAME: ZAGRUS

PROJECT NAME: NEW FOUR BAY GARAGE BUILDING
LOCATION: 3683 CLEVELAND AVE. Columbus, Ohio 43224
SHEET TITLE: PROPOSE SITE PLAN

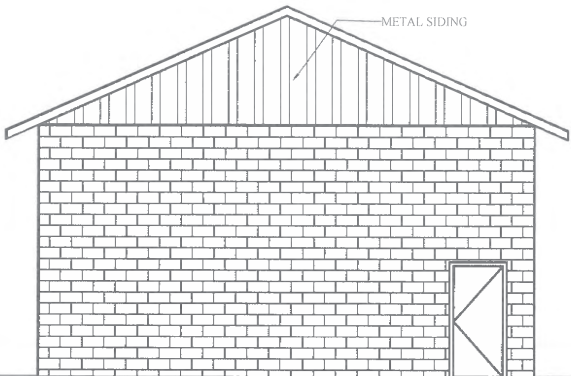
STATE OF OHIO
 BEHOLD
 VEDDIE
 54043
 REGISTERED PROFESSIONAL ENGINEER

BID DOC. NO.

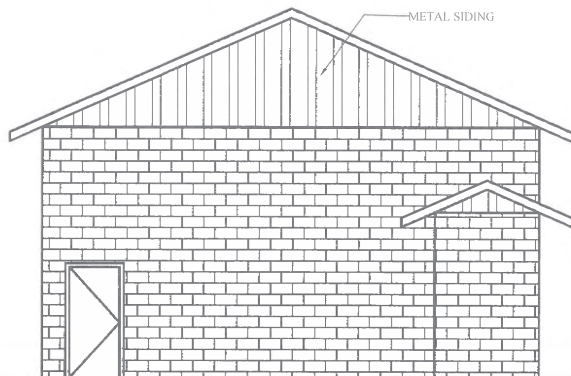
DATE: May 2021
SHEET NO.: 1
SCALE: AS NOTED



SOUTH ELEVATION PLAN
SCALE : 1/8" = 1'-0"



WEST ELEVATION PLAN
SCALE : 1/8" = 1'-0"



EAST ELEVATION PLAN
SCALE : 1/8" = 1'-0"

NOTES:

REVISIONS:

No.	Revision/Issue	Date

FIRM NAME AND ADDRESS:
GIBSON ARCHITECTURAL DESIGNERS • PLANNERS
 1801 E. BURTON ROAD, SUITE 204 COLUMBUS, OH 43229
 TEL: 614-291-1100 FAX: 614-291-1101
 OWNER'S NAME: **ZAGRUS**

PROJECT NAME: **NEW FOUR BAY GARAGE BUILDING**
 LOCATION: **3683 CLEVELAND AVE. Columbus, Ohio 43224**
 SHEET TITLE: **BUILDING ELEVATIONS**



BID DOC. NO.

DATE: March 2021
 SCALE: AS NOTED
 SHEET NO. 5/6



STAFF REPORT

Board of Zoning Appeals
August 16, 2021

Case: CU-4013

Prepared by: Brad Fisher

Owner:	Pavlo & Andriy Zubkevych
Applicant:	Aleksandr Yakhnitskiy, P.E.
Engineer:	Matt Poindexter – CESO, Inc.
Subdivision:	Zubkevych Village
Township:	Pleasant Township
Site:	Kropp Road (PID #230-003252), 3305 Kropp Road (PID #230-003253)
Acreage:	20.989-acres
Utilities:	Private water and wastewater
Zoning:	Rural
Request:	Requesting a Conditional Use from Section 302.0391 of the Franklin County Zoning Resolution to allow for a private street in an area zoned Rural.

Summary

The applicant is requesting a Conditional Use to allow for a private street in an area zoned Rural. The request satisfies the criteria necessary for granting a Conditional Use. Staff recommends **conditional approval**.

Request

The subject site is located on the west side of Kropp Road, north of Haenszel Road in Pleasant Township. The site is mostly vacant grass land with 4.65-acres of woods and developed with a 2,400 square foot accessory building. If this Conditional Use is approved the existing accessory building is intended to be removed.

The applicant has requested a Conditional Use from the Franklin County Zoning Resolution to allow for a private street to serve a proposed 5-lot single-family subdivision in an area zoned Rural. The Zoning Resolution allows for private streets to be used where back land is desired to be developed for low-density single-family residential lots without public water or sanitary sewer service. Private streets may satisfy road frontage requirements provided the 8 conditions found in Section 302.0391 have been met.

Surrounding Land Use/Zoning

The subject site and all surrounding properties are zoned Rural in Pleasant Township. All surrounding properties are developed with low density single-family residential uses and include active agricultural fields.

Comprehensive Plan

The Pleasant Township Comprehensive Plan, adopted in 2009 and the Big Darby Accord Watershed Master Plan, adopted in 2006 include maps to help guide development. Both plans recommend the area for conservation development with 50 percent dedicated open space and identify a portion of the site as tier 1 and 2 lands associated with the existing woods on lot 5. Tier 1 and 2 lands are recommended for protection through land acquisition or other programs.

Staff notes that 50 percent dedicated open space has not been provided, however the applicant is proposing to develop the site under the by-right Rural zoning which was recognized by the Big Darby Accord Watershed Master Plan. Under the by-right Rural zoning requirements each lot can only develop 20 percent of the lot. Additionally, the tier 1 land includes 4.65-acres of wooded area that will be held in a conservation easement and the 1.85-acre detention basin will be held in a reserve. The proposed dedicated open space totals 6.5-acres, which is 31 percent of the subject site and potential development is outside the tier 1 and 2 areas.

Staff Review

Conditional Use from Section 302.0391 – Private Streets:

- Where back land is desired to be developed for low-density single-family residential lots without public water or sanitary sewer service. Private streets may satisfy road frontage requirements provided the following conditions are met:
 - a) The road right-of-way is dedicated on a subdivision plat, and a homeowner's association is created to care for its permanent maintenance.
 - b) The subdivision is approved by the Franklin County Planning Commission.
 - c) The roadway construction meets cross-sectional standards for gravel and pavement from the Franklin County Subdivision Regulations.
 - d) There shall be no future extension off this road to additional lots which would engender more traffic.
 - e) The right-of-way is wide enough to permit both road construction and drainage as may be necessary, and utility easements.
 - f) The road surface shall be paved with either asphalt or concrete.
 - g) Due to the narrowness of the street, no on street parking shall be permitted.
 - h) The roadway surface shall be 18 feet wide.
 - The applicant is proposing a 5-lot single-family subdivision that is capable of meeting the conditions above. Staff notes that the proposed subdivision is scheduled to be heard by the Franklin County Planning Commission on August 11th. Provided Planning Commission approves the Preliminary Plan, the above conditions must be met.

Technical Review Committee Agency Review

Franklin County Engineer's Office

The proposed private street must meet Franklin County Engineer's Office width and composition standards for a subdivision street with ditch. 25 feet of right-of-way must be dedicated in fee along Kropp Road to the County prior to the approval of the final plat.

Pleasant Township Fire Department

Indicated no concerns with the request provided the private street is built to County standards.

No other reviewing agencies indicated any concerns with the request.

Staff Analysis

Section 815.041 – Approval of Conditional Use:

The Board of Zoning Appeals shall only 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 the applicable Development Standards established in this Zoning Resolution are met;*
 - » The proposed private street is a Conditional Use in the Rural district.
 - » Provided the recommendations of Staff and the Franklin County Engineer's office are addressed all development standards will be met prior to receiving approval of the Preliminary Plan to allow the platting of this subdivision.

- 2) *The proposed development is in accordance with applicable plans or policies for the area;*
 - » 50 percent dedicated open space has not been provided as recommended by the adopted plans, however the applicant is proposing to develop the site under the by-right Rural zoning which was recognized by the Big Darby Accord Watershed Master Plan. Under the by-right Rural zoning requirements each lot can only develop 20 percent of the lot. Additionally, the tier 1 land includes 4.65-acres of wooded area that will be held in a conservation easement and the 1.85-acre detention basin will be held in a reserve. The proposed dedicated open space totals 6.5-acres, which is 31 percent of the subject site and potential development is outside the tier 1 and 2 areas.
- 3) *The proposed use will be in keeping with the existing land use character of the area.*
 - » The proposed use will be in keeping with the existing land use character of the area, which will include low density single-family residential lots.

Recommendation

Based on Staff’s analysis, Staff’s recommendation is that the Board of Zoning Appeals **conditionally approval** a Conditional Use from Section 302.0391 of the Franklin County Zoning Resolution to allow for a private street in an area zoned Rural. The conditions of approval are as follows:

- 1. The proposed private street must meet Franklin County Engineer’s Office width and composition standards for a subdivision street with ditch.
- 2. 25 feet of right-of-way must be dedicated in fee along Kropp Road to the County prior to the approval of the final plat.
- 3. No parking signs must be installed along the roadway with proposed locations identified on construction plans and installation occurring as part of the construction phase.

Resolution

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

Proposed Resolution for Conditional Use Request:

_____ moves to approve a Conditional Use from Section 302.0391 of the Franklin County Zoning Resolution as outlined in the request above for the applicant identified in Case No. CU-4013.

Seconded by: _____

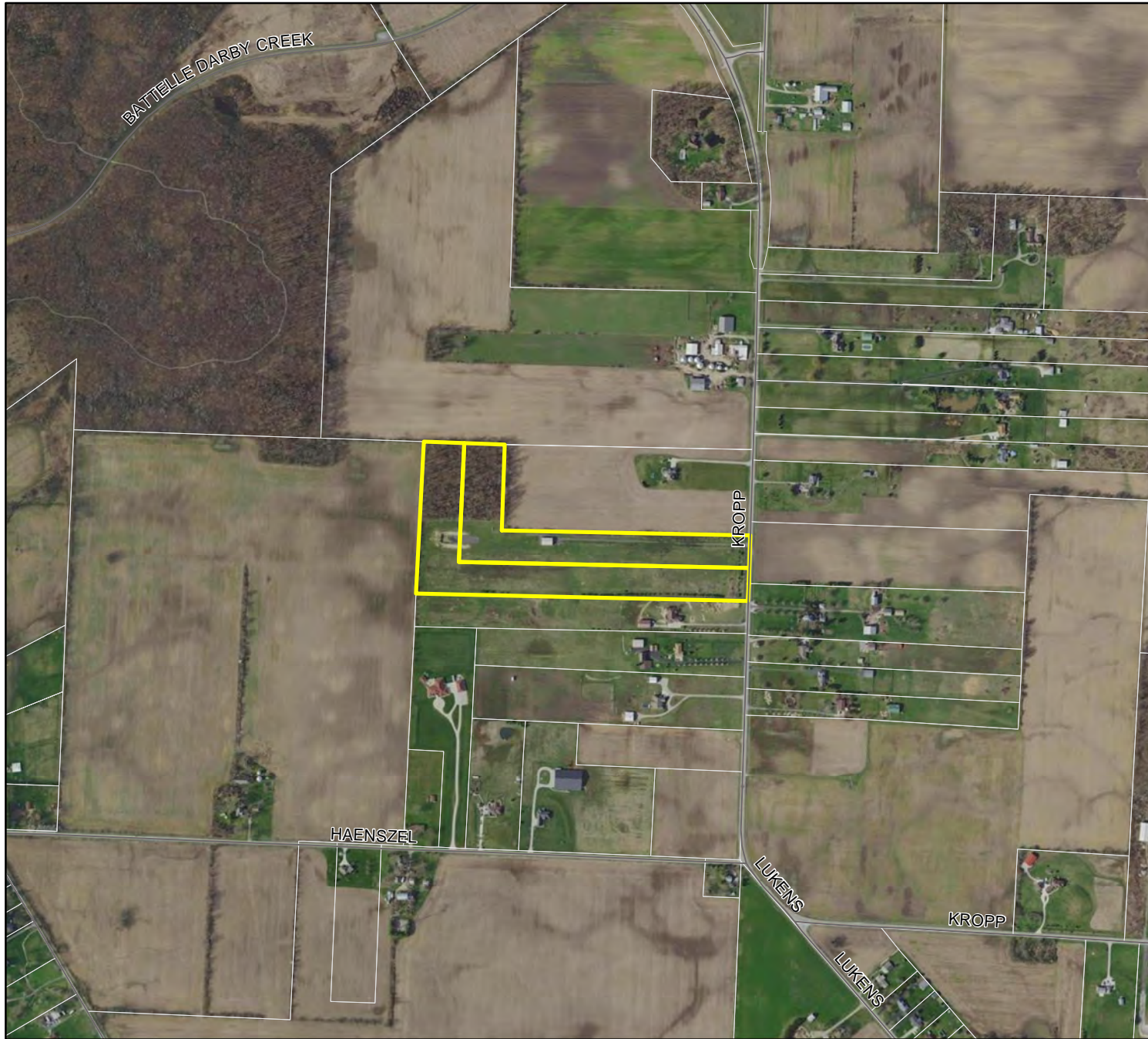
Voting:

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. CU-4013 results from the applicant’s failure to satisfy the criteria for granting a conditional use under Section 815.041.

Seconded by: _____

Voting:



CU-4013

Requesting a Conditional Use from Section 302.0391 of the Franklin County Zoning Resolution to allow for a private street in an area zoned Rural.

Acres: 20.989
Township: Pleasant

-  3305 Kropp Rd
-  Streets
-  Parcels

