

PRAIRIE TOWNSHIP BOARD OF ZONING APPEALS
Minutes of March 14th, 2017 Meeting

Members Present: Scott Schlosser, Doug Owsley, Christy. Overla, Bruce Steele, Mark O'Loughlin

Others in Attendance: Connie Swisher, Dana Scott, and Alicia Boyes (Zoning Department)

The meeting was called to order at 7:00 P.M. by Mr. O'Loughlin.

Mr. O'Loughlin called for the approval of the minutes from the February 14th, 2017 meeting.

Mr. Owsley made a motion to approve the minutes. There was a second by Ms. Overla. All members voted in favor to approve.

New Business:

A) Conditional Use Application No. 185-CU-17

Variance Application No. 605-VA-17

Applicant: Jonathon Jackson

Location: 2509 Norton Road, Galloway, Ohio 43119

Request: To grant a Conditional Use from the provisions of Section 568 #2; to allow a Lawn Care/Snow Removal/Egress Window Business to be conducted as a home based business and to grant a Variance from the provisions of Section 568 #2 A & B; to allow the use of two (2) accessory structures for storage, and to have more than one (1) employee for the home based business located at Parcel No. 240-000169 Norton Road, Galloway, Ohio 43119.

Ms. Swisher gave the facts of the requests. The parcel is a 31 acre tract of land zoned Rural and is surrounded by commercial farmland. The Schmelzer Ditch runs south through the property behind the existing structures. The property is currently a working farm that has 4 accessory buildings: 2 for agricultural use and 2 for storage. Currently the business is based out of his Inah Avenue residence and was approved by the BZA in 2006 with the following conditions: maintain 18' width between the house and fence, nothing permitted to be stored outside, and all areas be maintained in compliance with drainage. 2006 Variance requested a taller fence and accessory building – the request was approved with no stipulations. In 2017 a Zoning Compliance was issued for a new 4000 sq. ft. home and Land Disturbance Permit has been issued for Norton Road. Franklin Soil & Water and the Prairie Township Fire Marshal have been to the property to inspect and both have no issues with the request. Owners have been in contact with Franklin County Engineers Office for drainage, ditch and access approvals. The owners have applied to Franklin County for building permits.

Discussion/Questions regarding the Schmelzer Ditch and current Conditional Use compliance were had.

Speaking For:

Jonathon Jackson, 171 Inah Avenue, Columbus, Ohio 43228
Antoine Spalding, 162 Inah Avenue, Columbus, Ohio 43228
James Purcell, 172 Inah Avenue, Columbus, Ohio 43228
Linda Stinson, 192 Inah Avenue, Columbus, Ohio 43228
Maria, 2635 Duncan Road, Delaware, Ohio 43119

Speaking Against:

Bud Clark, 5741 Granada Avenue, Galloway, Ohio 43119
Steve Fout, 2410 Valencia Road, Galloway, Ohio 43119

Mr. O'Loughlin made a motion to break for private deliberations for the purpose of discussing the merits of the applications at 7:28pm.

Mr. Owsley seconded the motion.

The Board returned at 7:41pm.

Mr. O'Loughlin called the meeting to order.

Mr. Owsley motioned that the Conditional Use be accepted as presented.

Mr. Steele seconded the motion.

Mr. Owsley spoke on the finding of facts:

- 1) The Variance before us is not substantial.
- 2) The Variance will not cause the character of the neighborhood to be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- 3) The Variance will not adversely affect the delivery of governmental services such as water, sewer, garbage collection.
- 4) The property owner purchased the property with knowledge of the zoning restrictions.
- 5) The property owner's predicament could be feasibly obviated through some method other than a variance.
- 6) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- 7) The property in question would yield a reasonable return and there would be a beneficial use of the property without a variance.

Role Call Votes: Mr. Schlosser For
Mr. Owsley For
Ms. Overla For
Mr. Steele For
Mr. O'Loughlin For

Conditional Use unanimously approved.

Mr. Owsley motioned that the Variance be accepted as submitted.

Ms. Overla seconded the motion.

Mr. Owsley spoke on the finding of facts:

- 1) The Variance before us is not substantial.
- 2) The Variance will not cause the character of the neighborhood to be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- 3) The Variance will not adversely affect the delivery of governmental services such as water, sewer, garbage collection.
- 4) The property owner purchased the property with knowledge of the zoning restrictions.
- 5) The property owner's predicament could be feasibly obviated through some method other than a variance.
- 6) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- 7) The property in question would yield a reasonable return and there would be a beneficial use of the property without a variance.

Role Call Votes: Mr. Schlosser For
 Ms. Overla For
 Mr. Owsley For
 Mr. Steele For
 Mr. O'Loughlin For

Variance unanimously approved.

Variance Application No. 606-VA-17

Applicant: Dr. Mazar, Akbar Properties, LLC

Location: 4832 West Broad Street, Columbus, Ohio 43228

Request: Seeking a variance from Section 930-Table 2 (Dimensional Requirements); to allow the owner to construct a new building closer to the rear lot line, and Section 1221; to allow the placement of a new monument sign closer to an adjoining lot line than the Resolution requires in a General Business District.

Ms. Scott gave the facts of the request. The vacant parcel is a .88 acre tract (formerly McDonald's) located on the north side of W. Broad St, just west of N. Murray Hill Rd., in front of the Westland Square Shopping Center. Requesting a 10' setback from rear property line for new Urgent Care building (Resolution requires 25'). Requesting a 20.5' setback from adjoining lot line for new monument sign (Resolution requires 30'). Prairie Township Fire Department has no issues with the request.

Water and sewage line easements, and placement of building were discussed.

Speaking For:

Chris Winkle, Gande Group, 642 Brooksedge Blvd, Westerville, Ohio 43081

Speaking Against:

None.

Mr. McLaughlin made a motion to break for private deliberations for the purpose of discussing the merits of the applications at 7:59pm.
Ms. Overla seconded the motion.

The Board returned at 8:05pm.
Mr. O'Loughlin called the meeting to order.
Mr. Owsley motioned that the Variance be accepted as presented.
Ms. Overla seconded the motion.

Mr. Owsley spoke on the finding of facts:

- 1) The Variance before us is not substantial.
- 2) The Variance will not cause the character of the neighborhood to be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- 3) The Variance will not adversely affect the delivery of governmental services such as water, sewer, garbage collection.
- 4) The property owner purchased the property with knowledge of the zoning restrictions.
- 5) The property owner's predicament could not be feasibly obviated through some method other than a variance.
- 6) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- 7) The property in question would not yield a reasonable return and there would be a beneficial use of the property without a variance.

Role Call Votes: Mr. Schlosser For
 Ms. Overla For
 Mr. Owsley For
 Mr. Steele For
 Mr. O'Loughlin For

Variance unanimously approved.

Old Business: Continue discussion regarding text amendments, rezoning New Rome to GB and the West Broad Street Corridor Overlay District.

Ms. Swisher spoke of the creation of the list of questions. Ms. Boyes explained the color coding of the changes and edits and how the changes recommended by both boards had been combined, addressed, and narrowed down to a final list of questions and definitions that would be forwarded to MKSK and legal. Discussion was held concerning the list of questions and definitions.

Announcements:

A brief discussion was held concerning an upcoming Variance for the April 11, 2017 BZA meeting. Property is on Mix Avenue. Owners built a structure on a corner lot without first obtaining the necessary permits and Variance.

BZA has been invited to the Zoning Commission meeting on March 28, 2017 at 7pm. Pete, Tracey and Justin from MKSK will be in attendance to go over the final list of questions.

Hoffman's has been deemed structurally unsound after the fire damage to the structure.

Adjournment: 8:50pm

Submitted by: Alicia Boyes, Zoning Specialist I