

PRAIRIE TOWNSHIP BOARD OF ZONING APPEALS
Minutes of the January 12, 2021 Meeting

Members Present: Doug Owsley, Bill Gallaer, Bruce Steele, Duane Dellinger, Chrissy Grossholz

Others in Attendance: Dana Scott and Alicia Armentrout from Zoning

Acting Chairman Owsley called the meeting to order at 7:00 P.M.

Mr. Owsley announced that we are having a combination in-person and virtual meeting.

Mr. Owsley asked for a motion to approve the minutes of the March 10, 2020 meeting.

Mr. Steele made a motion to approve and a second from Mr. Gallaer. All members voted in favor to approve.

Mr. Owsley swore in those wishing to speak, both in person and online.

Election of new officers will be tabled until the February 2021 meeting.

Old Business: None

New Business: A) Variance Application 649-VA-20

Applicant: Nicole Johnson, AIS-Advanced Industrial Supply, 4883 Trabue Road, Columbus Ohio 43228
Location: Parcel No. 241-000038
Request: To grant a Variance from the provisions of Sections 936 (Special Setback Requirements for Business and Manufacturing Districts, 1013 (Screening), 1016 (Outdoor Storage and Storage of Hazardous Materials), 1021 (Noise), 1022 (Vibration), and 1023 (Air Pollution); to allow the applicant to continue to operate a hardscape business at its current location and with less setbacks than the Resolution requires in a M-2 (Heavy Manufacturing) District.

Ms. Scott gave the facts of the Variance request. Owner of the property is Pennsylvania Lines (Railroad). AIS leases about 4 acres of the 26 acre tract. She showed pictures of the property and the property is zoned M-2. Property to the North is City of Columbus, the East is high density single family homes. Applicant wants a variance to continue to operate a hardscape business with large outdoor bulk storage, with the loading and unloading of trucks at the current location and closer to the residential district or view than the Resolution requires.

Ms. Scott read Section 936, when a manufacturing district or use is adjacent to a residential district, the minimum front, rear and side setbacks shall be a minimum of 400 feet. The lot area currently is only 150' wide and applicant wants a variance to be 25' from the residential lot line. Ms. Scott again showed pictures of the property. Ms. Armentrout explained the pictures of the property that she obtained.

Speaking for was Nicole Johnson (Applicant) who stated that they started working on this last year and

were taking a lot of steps to eliminate any of the problems. They have added about 5000 tons of millings to improve the drive area. She stated that they have removed the materials to at least 3-50 ft off of the fence line so that it is no longer up against the houses. Since the property is only 150', asking them to go to 400' would force them out. She said that they have tried to accommodate by shortening the hours that the trucks come in and they want to work with the community and be a part of the community.

She stated that about 4 to 5 big trucks come in a day to load and unload for about 3 months (Oct-Jan) to fill the location up and during the Summer about 2 months to get loads out. She stated that trucks are not to come in before 7am and out by 5pm or dark but typically they are done by 3-4 pm. A few smaller trucks come in and out throughout the day. They do not sell retail.

Speaking for was Robert Patterson (AIS-Applicant) wanted to clarify that trucks coming in are there about 20 minutes at a time unloading and taking off. There a about 6 to 7 trucks a day. They are done right now with the mulch part of it and will start up again in about March. This is the only time that you would hear the vehicles running. Paver deliveries are about 2 or 3 deliveries going out in the summer and right now about one truck going out all winter. Hours of operation are about 7:30am and out about 3-3:30pm during the spring and summer. They have brought in the millings to keep the dust down and removed a lot of junk and trash from the property.

Speaking against was Trevor Clark (4571 Nickerson Road) who is a property owner with property adjacent to AIS. He is an attorney that has been asked by neighbors to make a statement on their behalf. He stated that they have been complaining about this property for about 4 years with EPA, law enforcement due to noise and went to Columbus because that's who they thought handled this but found out that Prairie Township was actually who should be contacted. Original notice went to railyard and it was not returned and resulted in another year delay when it was discovered that this was a leased property. He stated that he had to object to some of the statement made today. He stated that they still come right up against the fence when they are turning the trucks around and move away but the activity is still right there. He stated that after company received notice of the violations, that he estimates that they have probably tripled their business this year and the estimate of trucks in and out by the company is inaccurate. On December 22, he counted at least 8 trucks, with some two at a time and 2 fork lifts running constantly behind his house. He works from home, neighbors work from home currently due to pandemic. He said that we are not just talking about setbacks, we are talking about noise, vibrations, pollution, screening (no barrier except for residential fencing) and HOA limits them to how high a fence can be. He stated that he has made numerous attempts to discuss problems with AIS and AIS once responded and did not respond after that. Neighbors were told when they bought and built homes in this area that the property was a railyard buffer and not an active business. He stated that AIS is in a lease and variances should apply to people that are owners of the property. If AIS didn't take the time to assess the lease and see if this was an approved use of the property, it falls on them. Neighbors are suffering from the lack of proper use and enjoyment of their property.

Mr. Clark showed pictures and audio from his and neighbors backyards looking toward the AIS business operation. They showed times of trucks coming in and out of property and dust created.

Speaking against was Kevin and Miranda Cross (4577 Nickerson Road) Kevin stated that this started in 2015 with early morning deliveries (4:30am). Never had any issues before this company moved in and now it is like living next to a construction zone all day long. Large heavy loaders and giant Caterpillar machines loading semis and dump trucks with tumblers used that rattle their entire house. The view in the winter is awful toward this site. About 3 or 4 weeks ago, had to call sheriff's department because of

a delivery at 10:30pm. Miranda expressed general concerns about safety because of amount of dust covering everything in house and on property.

Speaking against was Debra Kurtz (217 Evergreen Terrace) who was wondering what business is doing to property values? Mr. Owsley stated that we can't really speculate on that issue. She asked if landowner should be involved in the variance request? Ms. Scott answered that the Railroad sent a written affidavit on behalf of AIS permitting them to apply for the variance.

Speaking against was Bradley and Emily Greishof (4559 Nickerson Road) who said concerns about the noise throughout the day from trucks in and out, vibrations and dust. He said that they just wanted to throw in support of neighbors and oppose this variance with them, on the record.

Trevor Clark added that prior to the hearing that a number of neighbors that could not make it tonight but they did submit written statements.

Nicole Johnson (Applicant) returned and thanked everyone for their comments. She stated that if there is anything that is not being done and they want to work with neighbors. If they need to improve on dust reduction and hasn't been addressed as well as we thought it was, then we need to know and want to know. If there is any way that they can work to make improvements, that is what they really want to do.

Another speaker from AIS (applicant) said that the 10:30pm delivery did not happen. He stated that they have a problem with dust coming in operation and they don't drive trucks fast enough to be kicking up a huge dust storm. Aggregate bins in the wrong location can be moved to the front of the property. Vibrations from trains coming through all the time and semi-trucks from UPS. He stated that he doesn't think that everything being claimed is directly related to them at times.

Mr. Steele made a motion at 7:52pm that the Board take a recess for private deliberations for the purpose of discussing the merit of the applications. Second from Mr. Dellinger.

Board returned at 7:56pm.

Mr. Owsley stated the determining factors of whether or not to grant the request:

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| 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a Conditional Use | NO |
| 2) Whether the Conditional Use is substantial (creates nonconforming property) | YES |
| 3) Whether the essential character of the neighborhood be altered (all of the current properties are similar or the same) | YES |
| 4) Whether the Conditional Use adversely affect governmental services | NO |
| 5) Whether property owner purchased the property with knowledge of zoning restrictions | YES |
| 6) Whether the property owner's predicament be obviated through some other method. | NO |
| 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the conditional use. | NO |

Chairman Owsley asked for a motion on Variance Application 649-VA-20

Mr. Steele made a motion to accept the Variance request as presented.

Mr. Dellinger seconded the motion.

Roll Call Vote:	Ms. Grossholz	NO
	Mr. Steele	NO
	Mr. Dellinger	NO
	Mr. Gallaer	NO
Chairman	Mr. Owsley	NO

The Variance Application is DENIED

New Business: B) Variance Application 650-VA-21

Applicant: Francisco Anaya, 416 Evergreen Terrace, Columbus, Ohio 43228
Location: Parcel No. 240-006876, 235 Evergreen Terrace, Columbus, Ohio 43228
Request: To grant a Variance from the provisions of 930 Table 2 (Dimensional Requirements); to allow the applicant to construct a new home with less setbacks and more lot coverage than the Resolution requires in an R-6 (medium density residential) District

Ms. Scott gave the facts of the variance request. Francisco Anaya is the applicant and Eric Cordero is here tonight speaking on his behalf. Property is a vacant legal non-conforming lot, 42' by 105' with 42' of frontage on Evergreen Terrace. Zoned R-6 and surrounded by R-6 on all sides. Applicant is seeking to construct a new single family home over the allowable lot coverage and with less setbacks than the Resolution requires. It will be a 2 story, 2018 sq. ft. home which will be over the allowable lot coverage by about 26 sq ft. Setbacks required are 30' from the rear and house is proposed at 21' from the rear. Resolution requires 5' from one side, with the sum of both sides being 15', applicant is requesting a variance from 5' on both sides. She showed pictures of property and proposed setbacks.

Speaking for was Mr. Cordero (on behalf of applicant) stated they are using same setbacks as a previous property on Woodlawn Avenue. Applicant owns the house next door and they are trying to build and continue to improve the neighborhood.

Speaking against was Debra Kurtz (217 Evergreen Terrace) who is concerned about putting these houses so close together. Real concern is the infrastructure of the sewer, sanitary and storm sewer system. Her question is how can these houses be connected to the sewer system? Mr. Owsley answered that this is a variance for the lot setback and the distance between houses as well as the lot coverage. Sanitary and storm sewer are allowed and would be hooked up according to code without regard to what we decide here tonight. Ms. Scott stated that everything will go thru Franklin County and will be done per code.

Chairman Owsley asked for a motion on Variance request 650-VA-21

Mr. Steele made a motion to accept the Variance request. Mr Gallaer seconded the motion.

Roll Call Vote:	Ms. Grossholz	For
	Mr. Steele	For
	Mr. Dellinger	For
	Mr. Gallaer	For
Chairman	Mr. Owsley	For

The Variance is Approved

New Business: C) Variance Application No. 651-VA-21

Applicant: Francisco Anaya, 416 Evergreen Terrace, Columbus, Ohio 43228
Location: Parcel No: 240-006876, 243 Evergreen Terrace, Columbus, Ohio 43228
Request: To grant a Variance from the provisions of 930 Table 2 (Dimensional Requirements); to allow the applicant to construct a new home with less setbacks than the Resolution requires in an R-6 (medium density residential) District.

Ms. Scott gave the facts of the variance request. Francisco Anaya is the applicant and Eric Cordero is here tonight speaking on his behalf. Property is a corner vacant legal non-conforming lot, 53' by 105' with 53' of frontage on Evergreen Terrace and 105' frontage on Mt. Royal, Zoned R-6 and surrounded by R-6 on all sides. Applicant is seeking to construct a new single family home with less setbacks than the Resolution requires. It will be a 2 story, 2018 sq. ft. home. Setbacks required are 30' from the rear and front of house. House is proposed at 15' from Mt. Royal and 21' from the rear, which is the alley. She showed pictures of property and proposed setbacks.

Speaking against was Debra Kurtz (217 Evergreen Terrace) who asked will there be any access from the alley to these house? Answer was NO. She then asked about house design and what direction it faced. She said that she has lived there 21 years and understands that changes take place but doesn't understand why houses need to be so close together.

Chairman Owsley asked for a motion on Variance request 651-VA-21

**Mr. Steele made a motion to accept the Variance request as presented.
Ms. Grossholz seconded the motion.**

Roll Call Vote:	Ms. Grossholz	For
	Mr. Steele	For
	Mr. Dellinger	For
	Mr. Gallaer	For
Chairman	Mr. Owsley	For

The Variance is Approved

New Business: B) Variance Application 652-VA-21

- Applicant:** Rebecca J. Mott, Plank Law Firm, LPA, 411 East Town Street, Floor 2
Columbus, Ohio 43215
- Location:** Parcel No. 240-005204 and 240-001784, 4436 Westport Road, Columbus,
Ohio 43228
- Request:** To grant a Variance from the provisions of Sections 826 (Multi-Family Residential Districts MFR-12); 930 Table 2 (Dimensional Requirements), 933 (Yard Requirements for corner and through lots), 1110 #14 (Setback Requirements), and 1121 (Residential); to allow the construction of a multi-family senior housing residential development with higher density, fewer and smaller parking spaces and with less setbacks than the Resolution requires.

Ms. Scott gave the facts of the Variance requests. Owner of property is First Global Investments. Rebecca Mott with Plank Law Firm on behalf of Woda Cooper Companies Inc. will be presenting variance request. This will be a three story senior housing complex. Property is approx. 2.7 acres tract located South of West Broad St., North of Sullivant Avenue, and on the West side of Westport Road just East of I270. Township removed about 5 buildings on this tract in 2014. Zoning is MFR-12 with MFR-12 to the north and south and Franklin Township is to the east. Ms. Scott read parts of Sections 826, 930, 933, 1110#14 and 1121 of the Resolution that apply to this variance request. Ms. Scott showed pictures of the property.

Speaking for was Rebecca Mott (Applicant) talked about the background and some of the features and amenities of the project. This will be a 60 unit residential building, 3 story with landscaping and 117 parking spaces. 24% of the parking spaces will be the smaller spaces. There will be green space, open space and recreation amenities for the seniors. Woda Cooper has been awarded tax credits and financing for this proposal and the 60 units on the property. Huge investment and growth opportunity for the Township. She stated that this project conforms to the stated goals of the comprehensive plan. The Franklin Township parcel would remain as the green space for the property.

Ms. Mott discussed several determining factors as to why the variance should be granted.

My Owsley showed concern for the available parking and discussion ensued about where parking would be located and sizes of the parking spaces.

Speaking for was Joseph McCabe (500 S. Front Street – Woda Cooper) said they are a Columbus based company working in seventeen different states. The company is different from most in that they actually own the properties that they develop. Large percentage of their projects are senior living facilities. Looking at this as a long term asset. Although this is a 55 and over facility, the average age of their other residents is 74. This is one reason for asking for less parking. About a 13.8 million dollar investment in this area.

Nobody spoke against.

Chairman Owsley asked for a motion on Variance request 652-VA-21

**Mr. Steele made a motion to accept the Variance request as presented.
Mr. Gallaer seconded the motion.**

Roll Call Vote:	Ms. Grossholz	For
	Mr. Steele	For
	Mr. Dellinger	For
	Mr. Gallaer	For
Chairman	Mr. Owsley	For

The Variance is Approved

Announcements: Next month 2 requests

Adjournment: 9:13pm

Submitted by Bill Gallaer