

PRAIRIE TOWNSHIP BOARD OF ZONING APPEALS
Minutes of the April 13, 2021 Meeting

Members Present: Doug Owsley, Bruce Steele, Chrissie Grossholz, Mike McKay, Duane Dellinger

Others in Attendance: Connie Swisher, Dana Scott, Alicia Armentrout from Zoning

Chairman Doug 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 swore in those wishing to speak, both in person and online.

Mr. Owsley asked for a motion to approve the minutes from the March 9, 2021 meeting. Motion from Mike McKay and second from Bruce Steele to approve the minutes. All members voted to approve.

Old Business: None

New Business: **A) Variance Application 655-VA-21**

Applicant: Catherine and Leobardo Martinez
3930 Bronson Court
Hilliard, Ohio 43026

Location: Parcel No. 240-000884
445 Emmitt Avenue
Columbus, Ohio 43228

Request: To grant a Variance from the provisions of Section 930 Table 2 (Dimensional Requirements); to permit the applicant to build a house with less front and side setbacks and less square footage than the resolution requires in an R-6 (medium density residential) District

Ms. Swisher gave the facts and showed pictures of the Variance Application. It's a one quarter acre tract zoned R-6 known as the West Columbus Park Sub Division, also known as Mix Addition. The property is surrounded by R-6 on all sides. The applicant is proposing a 1,092 square foot house with a setback from Emmitt Avenue of 7' and a combined side set back of 14'. R-6 Zoning requires a setback from Emmitt Avenue of 30' and a combined side setback of 15' with a minimum of 5' on one side. All principal structures in R-6 must be a minimum of 1,200 square foot. The parcel is a combination of three lots combined into one lot. There is a creek that runs through the property approximately midway. The lot is 110' deep. There is

approximately 50' to the rear of the creek. The applicant is proposing a breezeway with an attached 24'x24' garage. The garage is proposed to be 10' from the road right-of-way. The house is proposed to be 5' from the north lot line and the garage 9' from the south lot line. When owner gets their MS4 Land Disturbance Land Permit, Soil and Water will meet with the applicant to discuss what is required from them for to do in regards to the creek in the back of proposed house. The front porch was in question as it set in front of the house. It was agreed that no porch would be permitted if this Variance is granted due to future home owners' safety with proximately to Emmit Avenue. Discussion if there was enough room behind the creek to meet all of the requirements of current zoning. It's not feasible to build behind the creek due to flash flooding and having access over the creek to build and for emergency services. There is approximately 15' difference in elevation from the road to the creek.

Speaking on behalf was the applicant, Catherine Martinez. Ms. Martinez was asked if it was possible to build on the rear of the property. She felt a walkway could be built over the creek but not a driveway. No others in person or virtual to speak for or against the Variance. Discussion from Board on other properties not conforming to zoning and discussion that most were built prior to Township Zoning and many before Franklin County Zoning in 1946. Discussion to move house back to have it 10' from the right of way instead of 7'.

Mr. Owsley stated the determining factors of whether or not to grant the request for Variance Application.

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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 variance; | YES |
| 2) Whether the variance is substantial; | YES |
| 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; | NO |
| 4) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and garbage collection; | NO |
| 5) Whether the property owner purchased the property with knowledge of the zoning restrictions; | YES |
| 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and | NO |
| 7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; | NO |

Mr. Owsley asked for a motion on Variance Application 655-VA-21

Mr. Steele made a motion, second by Ms. Grossholz, to approve an amended Variance 655-VA-21 with a change from 7' setback on the front to a 10' setback on the front with no structure encroaching the front 10' setback.

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

The Variance is APPROVED

NEW BUSINESS: None

Announcements: 3 Variance applications on the agenda for May.

Adjournment: 7:36 P.M.

Submitted by: Duane Dellinger