

Shannon - Additional Requested Variances

City of Franklin,

We are seeking additional variance items for the address located at 9414 Deardoff Rd. Franklin, OH 45005.

Below is the required narrative statement for ***“A variance will be needed from Section 1107.11(a)(3)(B) which prohibits accessory structures in the front yard for all accessory structures which do not have permits (rain collector, wood storage building, and chicken coop). Accessory use permits are required for these structures as well.”***

A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.

The subject property encompasses 48.888 acres, making it an exceptionally large and irregularly configured parcel compared to typical lots in the zoning district. The proposed home is specifically designed with a walkout basement at the rear, which necessitates an orientation that does not allow the front of the home to face directly toward Deardoff Road. This unique topographic and design requirement results in the existing accessory structures (rain collector, wood storage building, and chicken coop) being technically classified as located in the "front yard" under zoning definitions, despite their functional placement to the rear of the proposed home. These conditions are peculiar to this property due to its size, layout, and the specific architectural needs for the walkout basement, and are not generally applicable to other properties in the district.

B. The special conditions or circumstances that exist did not result from the actions of the applicant.

The special conditions arise from the property's expansive 48.888-acre size, its natural topography supporting a walkout basement design, and the resulting home orientation that prevents the front facade from facing Deardoff Road. These circumstances are inherent to the land itself and the practical requirements for constructing a home with a rear walkout basement. The existing accessory structures were positioned based on functional needs and predate the proposed home plans; they did not create the orientation issue, which stems from the property's unique characteristics rather than any intentional actions by the applicant.

C. There cannot be any beneficial use of the property without the variance.

Without the variance, the existing accessory structures—essential for rainwater collection, wood storage, and poultry housing—would need to be removed or relocated, significantly impairing the property's practical and beneficial use for rural residential purposes. Given the property's

large size and the structures' functional placement more than 120 feet from the proposed home and fully screened from view, denying the variance would impose an unnecessary hardship, preventing the reasonable enjoyment and utility of this expansive parcel as intended for agricultural and residential support activities.

D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.

The requested variance seeks only to maintain the existing accessory structures in their current locations, which are technically classified as the front yard solely due to the home's required orientation for a rear walkout basement. This is a minimal deviation from the prohibition on front-yard accessory structures, as the structures are positioned to the rear of the proposed home, over 120 feet away, and completely invisible from Deardoff Road or neighboring properties. No new construction is proposed in this request, making the variance the least intrusive relief necessary to allow reasonable use of the 48.888-acre property without altering its rural character.

E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.

The difficulty stems directly from the property's unique size and topography, which dictate a home orientation that technically places functional rear-positioned accessory structures in the front yard under zoning rules. Relocating the structures or reorienting the home is not feasible, as reorientation would eliminate the desired walkout basement feature, and relocation on a 48.888-acre parcel would be impractical and disruptive given their established utility and screening. No alternative design or compliance method can resolve this orientation-driven classification issue without compromising the property's intended use, leaving a variance as the only viable solution.

F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance.

The accessory structures are small-scale (rain collector, wood storage building, and chicken coop), located more than 120 feet from the proposed home on a 48.888-acre parcel, and fully screened from view from Deardoff Road and all neighboring properties. Granting the variance to maintain these existing structures in their current, functionally rear positions will preserve the rural, low-impact character of the neighborhood, with no visual or functional impact on adjoining properties or the surrounding area.

G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

The existing accessory structures are modest in scale and located well within the interior of the 48.888-acre property, with no encroachment on roadways, easements, or access points. They do not interfere with any infrastructure and will have no impact on the delivery of governmental

services, including water, sewer, or trash pickup, which are unaffected by their continued presence in the current location.

H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.

The intent of prohibiting accessory structures in front yards is to maintain aesthetic standards and prevent visual clutter along roadways and property fronts. Here, the structures are completely screened from public view and neighboring properties, functioning in a rear-like position on an exceptionally large 48.888-acre lot, aligning with the rural zoning district's purpose. Granting the variance poses no risk to public health, safety, or welfare, as the structures are low-impact, existing features that support sustainable rural living without any adverse effects.

I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

The variance is necessitated by the property's unique combination of large size (48.888 acres), topography requiring a specific home orientation for a walkout basement, and the resulting technical front-yard classification of functionally rear accessory structures. Similar large parcels with comparable topographic constraints and orientation needs would warrant equivalent consideration under the UDO. The request does not seek special privileges beyond addressing these peculiar circumstances, ensuring equitable treatment rather than preferential advantage.

Below is the required narrative statement for “***A variance will be needed from Section 1107.11(w)(1)(C) which limits the number of storage structures on a lot to two. With the proposed construction of the out building, the property will have three storage structures (wood storage building, barn, and proposed out building).***”

A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.

The subject property encompasses 48.888 acres, making it an exceptionally large parcel far exceeding the size of typical lots in the zoning district. This expansive acreage provides ample space for multiple accessory storage structures without impacting visibility, density, or aesthetics in a manner comparable to smaller lots. The proposed third outbuilding will be set back more than 900 feet from the road and over 320 feet from side lot lines, ensuring it remains entirely screened from view. These conditions—stemming from the property's unusual size and configuration—are peculiar to this land and not generally applicable to other properties in the district, which are typically much smaller and more constrained.

B. The special conditions or circumstances that exist did not result from the actions of the applicant.

The special circumstances arise inherently from the property's exceptional size of 48.888 acres and its layout, which naturally accommodates additional accessory structures in remote, screened locations without visual or functional impact. The need for a third storage outbuilding reflects the practical requirements of managing a large rural parcel, rather than any actions taken by the applicant to create the condition. The existing structures and the proposal for one additional outbuilding are a direct response to the land's scale, not the result of applicant-induced changes.

C. There cannot be any beneficial use of the property without the variance.

Without the variance allowing a third accessory storage structure, the property's full beneficial use as a large rural residential parcel would be significantly impaired. The 48.888-acre size necessitates additional storage for equipment, vehicles, or materials essential to maintaining the land, supporting hobbies, or rural living activities. Limiting structures to two would create

unnecessary hardship, preventing reasonable and practical utilization of the expansive property in a way that aligns with its scale and intended rural character.

D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.

The requested variance—to permit one additional accessory storage structure, for a total of three—is minimal and not substantial, particularly on a 48.888-acre parcel. The new outbuilding will be deeply set back (over 900 feet from the road and more than 320 feet from side lot lines) and completely invisible from roadways or neighboring properties. This limited relief represents the smallest deviation necessary to enable reasonable use of the large property for storage needs commensurate with its size, without altering density or appearance in any meaningful way.

E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.

The limitation to two accessory structures creates a practical difficulty on this unusually large 48.888-acre property, where additional enclosed storage is reasonably needed for efficient land management. Alternative solutions, such as combining functions into fewer buildings or using temporary/open storage, are impractical due to weather exposure, security, and organization needs on such expansive land. No redesign or reconfiguration can adequately address the storage requirements without compromising functionality, making a variance the only feasible resolution.

F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance.

The proposed third outbuilding will be located on a 48.888-acre parcel with setbacks exceeding 900 feet from the road and 320 feet from side lot lines, rendering it entirely invisible from any adjacent roadways or neighboring properties. This addition maintains the low-density, rural character of the neighborhood, with no visual, noise, or traffic impacts. Adjoining properties will experience no detriment, as the structure blends seamlessly into the large, screened interior of the property.

G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

The proposed outbuilding is a modest accessory structure placed well within the interior of the 48.888-acre property, with substantial setbacks that avoid any interference with roadways, easements, or access routes. It will not impede or alter access for governmental services, including water, sewer, or trash pickup, which remain unaffected by this low-impact addition.

H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.

The intent of limiting accessory structures to two is to prevent overcrowding and maintain aesthetic and functional order on typical lots. On this exceptionally large 48.888-acre parcel, a third structure—deeply set back and invisible from public view—aligns with the rural zoning district's purpose of allowing practical land use without density concerns. Granting the variance poses no risk to public health, safety, or welfare, as the addition supports responsible property management in a non-intrusive manner.

I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

The variance is justified by the property's unique scale of 48.888 acres, which distinguishes it from smaller lots where a two-structure limit is appropriate. Other similarly large parcels in the district facing comparable practical needs for additional storage would merit equivalent consideration under the UDO. The request addresses these specific circumstances without seeking privileges beyond what the ordinance intends for equitable application on oversized properties.

Below is the required narrative statement for “***A variance will be needed from Section 1107.11(x)(1)(B) which requires all swimming pools or parts thereof to be located in the rear yard. The proposed swimming pool is located in the secondary front yard.***”

A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.

The subject property encompasses 48.888 acres, an exceptionally large parcel that far exceeds the size of typical lots in the zoning district. The proposed home is designed with a rear walkout basement, which requires a specific orientation that prevents the front of the home from facing directly toward Deardoff Road due to the property's topography and layout. This unique orientation results in the proposed swimming pool being technically classified as located in the "side yard" under zoning definitions, despite its functional placement to the rear of the home. These conditions—arising from the property's expansive size and the architectural necessity of the walkout basement—are peculiar to this land and not generally applicable to smaller or differently configured properties in the district.

B. The special conditions or circumstances that exist did not result from the actions of the applicant.

The special circumstances stem from the property's inherent large size of 48.888 acres and its natural topography, which supports and necessitates a home orientation with a rear walkout basement. This orientation inherently shifts the zoning classification of rear-functional elements, such as the pool, into the technical "side yard." These factors are intrinsic to the land itself and preexist any actions by the applicant, who is simply designing the home and pool to integrate practically with the property's features.

C. There cannot be any beneficial use of the property without the variance.

Without the variance, the proposed swimming pool could not be constructed in its intended location adjacent to the rear walkout basement of the home, severely limiting the property's beneficial use for family recreation and enjoyment on this expansive 48.888-acre rural parcel. Denying the variance would prevent the reasonable integration of a standard residential amenity with the home's design, imposing an unnecessary hardship that restricts the full recreational and lifestyle benefits expected on such a large property.

D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.

The requested variance—to permit the swimming pool in a location technically classified as the "side yard" due solely to the home's required orientation—is not substantial. In practice, the pool functions as a rear-yard feature, positioned to the rear of the proposed home on a vast 48.888-acre lot with setbacks exceeding 560 feet from the nearest roadway and over 480 feet from the closest property line. This minimal relief is the least deviation necessary to allow the pool's logical placement while preserving the home's walkout basement design and enabling reasonable residential use.

E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.

The difficulty arises directly from the property's topography and size, which dictate a home orientation for the rear walkout basement that technically places the rear-positioned pool in the side yard. Alternative solutions, such as reorienting the home (which would eliminate the walkout feature) or relocating the pool farther from the home (compromising accessibility and integration), are impractical on this 48.888-acre parcel. No compliant redesign can reconcile the zoning classification with the functional rear placement without undue hardship, making a variance the only viable resolution.

F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance.

The proposed pool will be located more than 560 feet from the nearest roadway and over 480 feet from the closest property line on a 48.888-acre parcel, ensuring it remains entirely private and screened from view. This placement preserves the low-density, rural character of the neighborhood, with no visual or functional impact on adjoining properties, which will experience no detriment from this rear-oriented recreational feature.

G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

The swimming pool will be situated well within the interior of the expansive 48.888-acre property, with substantial setbacks that avoid any encroachment on roadways, easements, or access points. It will not interfere with infrastructure, leaving the delivery of governmental services, including water, sewer, and trash pickup, completely unaffected.

H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.

The requirement for pools to be in the rear yard aims to maintain privacy, aesthetics, and safety by keeping such features away from public view and property fronts. Here, the

pool—functionally positioned to the rear of the home on a large, screened 48.888-acre lot—fully aligns with this intent, posing no visibility issues or risks. Granting the variance supports safe, private recreational use without any detriment to public health, safety, or welfare.

I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

The variance is justified by the property's unique combination of 48.888 acres and topography requiring a specific home orientation that technically displaces a rear-functional pool into the side yard. Other properties in the district with comparable large size and topographic constraints necessitating similar orientations would qualify for equivalent relief under the UDO. The request ensures equitable application of the ordinance without granting undue special privileges.

Below is the required narrative statement for ***“A variance will be needed from Section 1107.11(x)(2)(A) which requires all swimming pools be completely enclosed by a fence or barrier not less than 48 inches in height. While a pool cover is included, the UDO specifically requires a fence around the perimeter for an inground pool.”***

A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.

The subject property comprises 48.888 acres, an exceptionally large and expansive parcel that significantly exceeds the size of typical lots in the zoning district. The proposed swimming pool will be located more than 560 feet from the nearest roadway and over 480 feet from the closest property line, resulting in a highly secluded and private setting where public visibility and unauthorized access are virtually eliminated. These conditions—stemming from the property's unusual scale and remote interior placement—are peculiar to this land and not generally applicable to smaller, more constrained properties in the district, where fencing is typically necessary to address proximity-related safety risks.

B. The special conditions or circumstances that exist did not result from the actions of the applicant.

The special circumstances arise inherently from the property's exceptional size of 48.888 acres and its layout, which allow for substantial setbacks that minimize visibility and access concerns. The secluded location of the pool is a direct result of the land's natural configuration and scale, not any actions taken by the applicant. The applicant's plan to install an automatic safety pool cover represents an additional proactive safety measure, further demonstrating that the conditions are intrinsic to the property rather than applicant-created.

C. There cannot be any beneficial use of the property without the variance.

Without the variance, the requirement for a 48-inch fencing enclosure would impose an unnecessary and burdensome obstacle to installing a swimming pool, a standard recreational amenity that enhances the beneficial use of this large rural residential property. Given the pool's remote location and the planned automatic safety cover, the absence of fencing would not compromise safety, yet strict enforcement would deter or prevent the pool's construction,

thereby restricting the reasonable enjoyment and recreational value of the 48.888-acre parcel for the owners and their family.

D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.

The requested variance—to waive the requirement for a 48-inch fencing enclosure—is not substantial, as the pool's extreme setbacks (more than 560 feet from roadways and over 480 feet from property lines) on a 48.888-acre lot already provide natural barriers far exceeding typical fencing protections. The addition of an automatic safety pool cover offers equivalent or superior safety when the pool is unsupervised. This limited relief is the minimum necessary to permit the reasonable inclusion of a private recreational feature without imposing redundant physical barriers on such a vast and secluded property.

E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.

The practical difficulty stems from the property's large 48.888-acre size and the pool's deeply set-back location, which render a traditional fence unnecessary for safety while still triggering the zoning requirement. Alternative compliance methods, such as installing the full fence, would be excessive and aesthetically intrusive on this expansive rural lot without adding meaningful protection. The automatic safety cover provides a modern, effective substitute, but cannot replace the mandated fence under strict code interpretation; thus, a variance is the only means to reconcile the regulation with the property's unique conditions and enhanced safety measures.

F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance.

The swimming pool, located more than 560 feet from roadways and over 480 feet from property lines on a 48.888-acre parcel, will remain completely private and invisible from adjoining properties or public view. Waiving the fencing requirement will have no visual or functional impact on the surrounding area, preserving the open, rural character of the neighborhood. Adjoining properties will suffer no detriment, as the pool's seclusion and the automatic safety cover ensure no increased risk or intrusion.

G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

The variance pertains solely to the absence of a perimeter fence around a deeply interior swimming pool on a 48.888-acre property, with no changes to site access, driveways, or infrastructure. The pool's location and the variance will not impede roadways, easements, or service routes, leaving the delivery of governmental services such as water, sewer, and trash pickup entirely unaffected.

H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.

The fencing requirement is intended to prevent unauthorized access and enhance safety around swimming pools. On this exceptionally large 48.888-acre property, with the pool's remote setbacks and the installation of an automatic safety cover providing a reliable barrier when not in use, the variance fully aligns with the regulation's safety intent while avoiding unnecessary physical fencing in a naturally secure location. Granting the variance poses no detriment to public health, safety, or welfare, as equivalent protections are maintained through the property's isolation and advanced safety features.

I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

The variance is justified by the property's unique scale of 48.888 acres and the pool's extraordinary setbacks, which eliminate the typical risks that necessitate fencing on smaller lots. Other similarly large and secluded parcels in the district would qualify for comparable relief when incorporating equivalent safety measures like automatic covers. The request promotes consistent and equitable application of the UDO based on site-specific conditions, without granting undue privileges beyond what the ordinance allows for properties with parallel circumstances.

Below is the required narrative statement for “***Additional information is needed from the applicant in order to demonstrate compliance with the keeping of poultry/domestic fowl regulations of Section 1107.06(a)(5).***”

A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district.

The subject property encompasses 48.888 acres and includes historic chicken coops constructed in the 1940s that were present on the land and conveyed with its purchase. These longstanding structures represent a pre-existing, decades-old use for keeping poultry that is deeply integrated into the property's rural history and character. The property's exceptional size further supports maintaining a number of chickens above the standard limit for sustainable egg production tied to charitable purposes. These historic structures and their associated use are peculiar to this large parcel and not generally applicable to other properties in the zoning district, where poultry keeping is typically initiated anew on smaller lots without such inherited historic features.

B. The special conditions or circumstances that exist did not result from the actions of the applicant.

The special conditions arise from the presence of chicken coops built in the 1940s, which were included with the property at the time of purchase, long predating the applicant's ownership. The current number of chickens, exceeding the maximum of 12, continues a historic rural practice inherited with the land rather than stemming from any deliberate action by the applicant to create the condition. The charitable donation of eggs to local homeless shelters and individuals experiencing homelessness reflects a benevolent extension of this pre-existing use, not an applicant-induced expansion.

C. There cannot be any beneficial use of the property without the variance.

The historic 1940s chicken coops are a functional part of the property's rural heritage, and the modest number of chickens enables meaningful egg production that is donated to local homeless shelters and those in need. Without a variance to allow the current number of

chickens (exceeding the limit of 12), the applicant would be forced to significantly reduce or cease this activity, eliminating the charitable community benefit and impairing the reasonable historic and sustainable use of the existing structures on this expansive 48.888-acre parcel.

D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.

The requested variance seeks an increase above the 12-chicken limit to maintain the current flock in the existing 1940s coops, with no new construction or significant expansion proposed. This limited relief is minimal on a 48.888-acre rural property and is the least necessary to preserve the ongoing historic use and associated charitable egg donations without altering the scale or low-impact nature of the activity.

E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.

The difficulty stems from the inherited historic chicken coops and a flock size that exceeds the 12-chicken maximum to support viable egg production for charitable purposes. Reducing the flock to strictly comply would undermine the practical functionality of the coops and eliminate meaningful donations to homeless shelters, while removing or relocating the historic structures is neither feasible nor desirable. No alternative compliance method can accommodate this pre-existing, community-benefiting use without undue disruption, making a variance the only reasonable solution.

F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties suffer substantial detriment as a result of the variance.

The keeping of a modest number of chickens in historic coops on a 48.888-acre rural property aligns with traditional agricultural practices and produces no odor, noise, or visual nuisance. The activity supports charitable egg donations and has no impact on surrounding properties due to the parcel's large size and interior location of the coops. Granting the variance will maintain the established rural neighborhood character without causing any substantial detriment to adjoining properties.

G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.

The variance involves an increase in the number of chickens kept in existing historic coops on a remote portion of a 48.888-acre property, with no changes to site access, infrastructure, or layout. This low-intensity rural activity will not interfere with roadways, easements, or service routes, leaving governmental services such as water, sewer, and trash pickup entirely unaffected.

H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.

The poultry regulations in Section 1107.06(a)(5) aim to ensure responsible keeping of domestic fowl without adverse impacts. Allowing an increase of the 12-chicken limit on this large historic property supports sustainable rural practices and directly benefits public welfare through egg donations to homeless shelters and individuals. The activity is well-managed, contained, and poses no health or safety risks, fully aligning with the regulation's intent while enhancing community welfare.

I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

The variance is warranted by the unique historic presence of 1940s chicken coops conveyed with the property, the modest flock size needed for charitable egg production, and the 48.888-acre rural setting. Other properties in the district with comparable historic structures, longstanding uses, or similar community-oriented purposes would qualify for equivalent consideration under the UDO. The request promotes fair and equitable treatment based on these specific circumstances rather than conferring any undue special privilege.