



Jackson Township Franklin County, Ohio

Fiscal Officer
Ron Grossman

Board of Trustees
Ron McClure
David Burris
Jim Rauck

Administrator
Shane W. Farnsworth

Variance 5-VA-2024

Applicant: Jacob and Sarah Jernigan
Property: 4765 Grove City Road, (parcel #160-001169)

108.01 Nature of a Variance

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable Development Standards of the Zoning Resolution unreasonable. Therefore, the procedure for Variance from Development Standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change in the application of this Zoning Resolution. Applications for Variances are heard by the Board of Zoning Appeals, hereinafter the Board.

Sections of the Jackson Township Zoning Regulations requesting a Variance:

The applicant is requesting a variance of 204.02 (C) to allow for poultry on a lot less than five (5) acres. The parcel is 4.931 acres and is zoned Semi-Residential (SR) District.

204.02 AGRICULTURE - PERMITTED REGULATIONS

Within any platted subdivision or in any area consisting of fifteen (15) or more lots, subdivided under the [Subdivision Regulations of Franklin County, Ohio](#), that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall regulate:

- A. Agriculture on lots of one (1) acre or less.
- B. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: setback building line, height, and size.
- C. Dairying and animal and poultry husbandry as to use on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes. After thirty-five percent (35%) of the lots are so developed, existing dairying and animal and poultry husbandry as a use shall be considered nonconforming use of land and buildings or structures (ORC 519.21).



Jackson Township

Franklin County, Ohio

Fiscal Officer
Ron Grossman

Board of Trustees
Ron McClure
David Burris
Jim Rauck

Administrator
Shane W. Farnsworth

Action by the Board

The Board shall only approve a variance or modification thereof if the following findings are made:

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.
 - *No special condition or circumstance exist.*
2. That 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 terms of this Zoning Resolution.
 - *Interpretation of this zoning resolution does not deprive this property owner rights commonly enjoyed by other property owners within the same zoning district.*
3. That the special conditions and circumstances do not result from the action of the applicant.
 - *Special conditions and circumstances do not result from the action of the applicant.*
4. That granting the variance requested will not confer on the applicant any special privilege that is denied this Zoning Resolution to other lands or structures in the same Zoning District.
 - *Granting of the variance will allow for poultry to be located on the lot.*
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.
 - *The applicant states the chickens live in a 8'x10' shed with an attached run. They do not free range. They do not have roosters and are cared for like extended pets than "livestock". Their food is stored in predator proof containers.*



Jackson Township

Franklin County, Ohio

Fiscal Officer
Ron Grossman

Board of Trustees
Ron McClure
David Burris
Jim Rauck

Administrator
Shane W. Farnsworth

The variance request is to allow for storage unit buildings to be placed closer to the north and south property lines by reducing the setback requirements from 30 feet to 10 feet and reduce the buffering and landscaping requirements from 50 feet to 10 feet.

Attachments:

1. Variance Application
2. Site Map
3. Chicken Coop Images

Fee Paid by Cash / Check # _____

Application # -VA-20

APPLICATION FOR VARIANCE

JACKSON TOWNSHIP BOARD OF ZONING APPEALS

3756 Hoover Road Grove City, OH 43123 (614) 875-2742

Property Owner: Jacob + Sarah Jernigan Applicant: Jacob + Sarah Jernigan

Address: 47105 Grove City Rd Zoned: Rural Residential

PID: 160- 001109 Area/Acres: 5 acres Floodplain: _____

(Home): _____ (Work): _____ (Cell): 614-679-7084

Email Address: Sarah.R.Jernigan@gmail.com

Summary of Variance: On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable Development Standards of the Zoning Resolution unreasonable or impractical. Therefore, the procedure for Variance from Development Standards is provided to allow the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change in the application of this Zoning Resolution.

To the Board of Zoning Appeals, the Applicant requests Appeal from Section: 204.02

- | | | |
|--|---|---|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Access Driveway | <input type="checkbox"/> Setbacks |
| <input type="checkbox"/> Lot Requirements | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Fence / Wall |
| <input type="checkbox"/> Development Standards | <input type="checkbox"/> Violation Appeal | <input checked="" type="checkbox"/> Other |

Requesting the following specific variance:

Request is to allow poultry on a parcel less than 5 acres.

Under Ohio Law (519.14) the Board of Zoning Appeals may only approve a Variance that (A.) will not be contrary to the public's best interest and (B.) that the spirit and intent of the Zoning Resolution will be observed. The applicant summarizes below the following (Attach extra sheets if necessary):

- Describe the special conditions and/or circumstances that exist and which are peculiar to the land and/or structures for the property seeking Variance. Did the property owner / applicant create the unique circumstances? Yes / No (circle one).

We've had chickens for a while now we believe we did our due diligence on checking for restrictions. Unfortunately, we have 5 acres, but per Jackson Twp we need "greater than 5 acres."

2. Describe how the Township's Zoning Code restrictions will deprive the property owner of property rights commonly enjoyed by other properties in the area. Did the property owner / applicant purchase the property knowing of these restrictions? Yes / No (circle one).

Per our property deed (attached to E-mail) we have 5 acres. Code 204.02 says we need "Greater than 5 acres" to have poultry. Our surrounding parcels are 3+ acre lots. We believe we aren't in a subdivision + have adequate acreage.

3. Describe in specific detail why this Variance request **WILL NOT** adversely affect the health, safety or general welfare of adjacent property owners or neighbors.

Our chickens live in an 8x10 foot shed w/ an attached run. They do not free range. We do not have roosters & they are cared for like extended pets, than "livestock." Their food is stored in predator proof containers.

SUBMITTAL CHECKLIST

- | | |
|--|---|
| <input type="checkbox"/> Legal Description / Deed | <input type="checkbox"/> Photos documenting requested use |
| <input type="checkbox"/> Plot Plan / Site Plan | <input type="checkbox"/> Date Filed _____ |
| <input type="checkbox"/> Detailed Building Plan | <input type="checkbox"/> Legal Ad _____ |
| <input type="checkbox"/> Property Owners within 500' | <input type="checkbox"/> Notices Sent _____ |
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Hearing Date _____ |

VARIANCE PROCEDURES

PUBLIC NOTICE: After filing your Variance Application, the Zoning Administrator will provide written notice of your request to all property owners within approximately five-hundred (500') feet of the exterior boundaries of the property. *Written notice to property owners, and a Legal Notice in the Grove City Record will occur approximately ten (10) days prior to the date of the hearing.* The Zoning Administrator will visit the property prior to the Public Hearing date to photograph the requested variance. **NOTE:** By filing this Variance you grant permission to the Township and its employees to enter upon your property for the purpose of documenting and photographing the existing conditions of the property and of situations for the requested variance. All application materials including photographs become public records of the Township and will be posted on the Township's website for public information purposes.

PUBLIC HEARING: The Applicant or the applicant's representative must be present at the Public Hearing at the date and time scheduled. All persons wishing to speak will be asked to stand and be sworn in to speak truthfully. It is the responsibility of the applicant to accurately present all facts, statements, photographs and other evidence supporting their request for variance. The Board Chair will allow persons present to voice their opinions either for or against your request. The Board Chair will ensure that the meeting will be conducted in an orderly and professional manner. All Public Hearings are conducted at the Township Hall, 3756 Hoover Road, Grove City, Ohio.

APPROVAL PROCESS: Under Ohio Law (519.14) the Board of Zoning Appeals may only approve a Variance that will not be contrary to the public's best interest and that preserves the spirit and intent of the Zoning Resolution. The Board of Zoning Appeals must apply the standard of "*PRACTICAL DIFFICULTY*" when reviewing your variance request. This legal standard, developed through Ohio case law provides for the following guidelines to be used by the Board of Zoning Appeals:

1. Whether the property will yield a reasonable return or whether there can be beneficial use of the property without the variance;
2. Whether the variance is "substantial";
3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a "substantial detriment";
4. Whether the variance would adversely affect the delivery of government services;
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
6. Whether the problem can be solved by some manner other than the granting of a variance;
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

Additionally, the Board of Zoning Appeals may approve your request with certain stipulations and conditions in order to preserve the spirit and intent of the Zoning Resolution and to ensure that your request will not substantially affect adjoining properties or the character of the property.

APPLICANT'S AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

I/We Jacob + Sarah Jernigan
(Name of property owner / applicant)

4765 Grove City Rd, Grove City, OH 43123 Home: _____
(Address) (City, State, Zip Code) (Phone)

Cell: 614-679-7084 Business: _____
(Phone) (Phone)

"the above named Owner / Applicant being duly sworn, depose and say that I/We are the owner(s) of the land included in the application and that the foregoing statements contained herein and attached hereto, and any and all supplemental information, attachments or exhibits accurately describe the request to the best of my ability. By filing this Application for Variance. I/We do hereby grant permission to Jackson Township and its employees to enter upon my property and to photograph and document all conditions observed therein and to post all application materials upon the Township's website for public information purposes."

Jacob Jernigan
(Owner Signature)
Sarah Jernigan
(Co-Owner Signature)

Subscribed and sworn before me this 26 day of December 2023
(Day) (Month) (Year)

Kacey R Stewart
(Notary Signature)

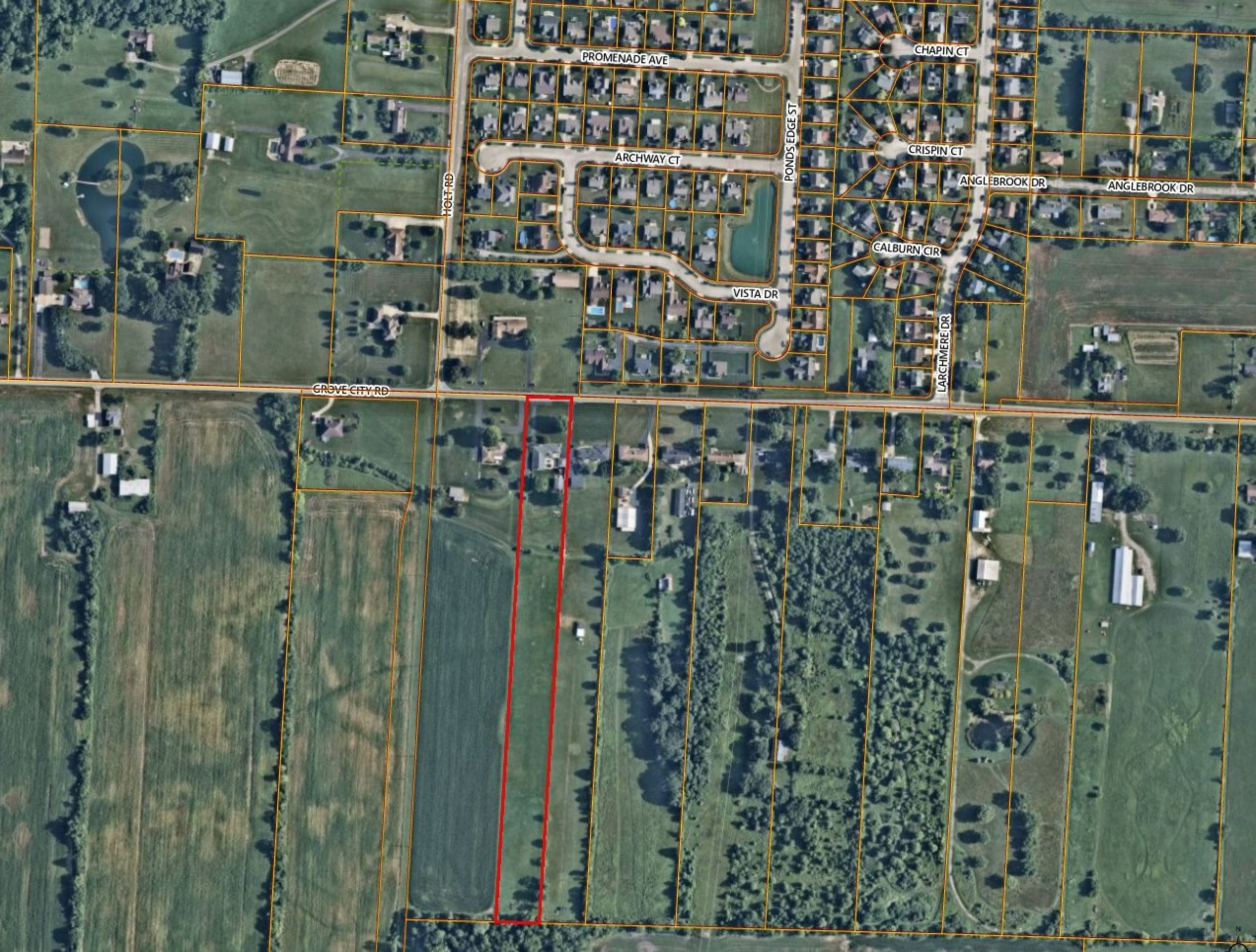


KACEY R STEWART
Notary Public
State of Ohio
My Comm. Expires
December 2, 2028

ACTION BY TOWNSHIP

Application Received & Accepted by: _____ Date: _____

Hearing Date: _____ 7:00pm at the Jackson Township Hall, Grove City, Ohio



PROMENADE AVE

CHAPIN CT

ARCHWAY CT

CRISPIN CT

HOLT RD

PONDS EDGE ST

ANGLEBROOK DR

ANGLEBROOK DR

VISTA DR

CALBURN CIR

LARCHMERE DR

GROVE CITY RD





12/02/2022

1 of 86

Select Date



