



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

November 3, 2016

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: M. Coulter, B. Seitz, L. Reibel, and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Approval of minutes of October 6, 2016 meeting. Mr. Seitz moved to approve the minutes, seconded by Mr. Coulter. All Board members voted “aye”.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Variance – Side Yard Setback – Fence – 335 Loveman Ave. (Jordan Graham) BZA 49-16

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum front yard requirement is 30 feet. Corner lots are permitted to reduce the adjacent yard to 20 feet. Fencing is not permitted between the right-of-way line and the building setback line. Fencing within 10 feet of the right-of-way cannot exceed a height of 2 feet 6 inches above the street grade.
2. The applicant has erected a 5 feet 11 inch tall fence along approximately 63 feet of the Greenwich Street right of way. The requested setback variance is 20 feet.
3. Assuming the grade from Greenwich Street is relatively flat with a 6 inch curb, the fence is approximately 77 inches above the Greenwich Street grade. The requested variance is approximately 47 inches.

The following conclusions are presented:

1. The property is on a corner with additional setback requirements not typically required on other properties in the district, creating a practical difficulty. In this particular case, the property is much more narrow than typically found in the district, which reduces in half the amount of rear yard that can be fenced. These factors mitigate the substantial nature of the setback variance request.

2. The purpose of preserving intersection sight lines is to allow vehicle drivers to see vehicles, pedestrians, bicyclists, and other users of roads and sidewalks well before reaching an intersection. The fence should not impact the sight lines at the Loveman Avenue and Greenwich Street intersection since it is set back far to the south of the intersection. These factors mitigate the substantial nature of the fence height variance request.
3. The Board has typically allowed solid fences up to 4 feet in height at the right-of-way, or taller fences with a more open style. Staff prepared an alternate motion for the Board's consideration.
4. The essential character of the neighborhood should not be altered.
5. The delivery of governmental services should not be affected.

Discussion:

Jordan Graham, 335 Loveman Avenue said that most of the issues were covered at the previous meeting last month, but said he would review what was discussed. He said that fence is six feet tall, made out of cedar, and is similar in appearance to what the neighboring properties have. He said that the fence contractor told him that they obtained the fence permit, but they actually did not. He has not received any complaints from the neighbors.

Mr. Coulter said that he would be concerned about the height at six feet and interfering with vision at the corner but since the fence is so far back, he would not have a problem approving the fence.

Ms. Crane asked about the photograph of the split rail fence and where that fence was located and Mr. Graham replied that fence is located down the street. Mr. Phillips said that he could not find an approval for those fences in question. Ms. Reibel said that she would feel more comfortable approving a fence that was shorter or a split rail type of fence because of the location of the property. Mr. Coulter said the fence sits far back, and is not on the corner of the intersection.

Ms. Crane said that she thinks the fence is massive and sits too close to the road, and asked if there was any way to cut the fence down to four feet. Mr. Graham said that he has safety concerns because there is a lot of foot traffic in the area and there is an elementary school nearby. He has a small infant and a dog and would like to keep the fence as is for safety reasons. Ms. Crane said that she does not like seeing a precedent set for fences near intersections that have six foot solid walls. Mr. Coulter asked if there could be a compromise to split the difference in height and cut the fence down to five feet high. Mr. Graham said that there would be substantial cost involved if he has to lower

the fence. Mr. Coulter said for what it is worth, the Architectural Review Board has approved six foot stockade fences within the district in the past, and some have been reduced to five feet in height. He said that they do take a hard look at corner intersections, but this house sits far back from the corner.

Ms. Crane said that she has not voted for these types of fences in the past. Mr. Phillips suggested tabling the meeting until Mr. Falcoski could attend the meeting so there would be five Board members present. Mr. Graham requested to table the meeting.

Motion:

Mr. Coulter moved to table the item, seconded by Mr. Seitz. Mr. Coulter, Mr. Seitz, and Ms. Reibel voted aye, and Ms. Crane voted nay. The application was tabled.

C. Items of Public Hearing - New

1. Variances – Rear & Side Yard Setbacks – New Building – 780 E. Granville Rd.
(Danny Popp/Jack Maxton Chevrolet) **BZA 54-16**

Findings of fact:

1. This property is an existing lot of record in the I-2 district and along a regional thoroughfare with a front yard setback requirement of 50 feet and a rear yard setback requirement of 30 feet. Corner lots are permitted to reduce the adjacent setback to 33 feet 4 inches.
2. The old Huntley Road right-of-way is approximately 60 feet at the property and is mostly used by the adjacent property owners.
3. The applicant is proposing to demolish the existing building and construct a new building further north on the site. The building is proposed 25 feet from the north property line, a requested variance of 5 feet, 11 feet 11 inches from the old Huntley Road right-of-way, a requested variance of 21 feet 5 inches, and 25 feet from the Huntley Road right-of-way, a requested variance of 8 feet 4 inches.
4. The property is subject to, and the demolition of the existing building and construction of the new building has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. The property is on a corner with additional setback requirements not typically required on other properties in the district, creating a practical difficulty. In this particular case the typical challenges are compounded with an additional right-of-way to the west that is effectively used by the adjacent property owners. If this old right-of-way were vacated, the side yard setback variances would be

substantially reduced and possibly not be considered substantial. These factors mitigate the substantial nature of the variance requests.

2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Danny Popp, 855 East Cooke Road, Columbus, and he is the owner of DDP Architects & Associates representing the owner.

Ms. Crane asked if there was anyone to speak either for or against this application. Elizabeth Hendershot, 6121 Huntley Road, stated she is a staff attorney for the DLZ Corporation which owns the property to the north and DLZ is not opposed to the project but clarified old Huntley Road is used to get to the art gallery behind their location and also to reach the garage, which both belong to DLZ.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY DANNY POPP, JACK MAXTON CHEVROLET, AND CAR JMC LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR AND SIDE YARD SETBACKS TO CONSTRUCT A BUILDING AT 780 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 54-16, DRAWINGS NO. BZA 54-16 DATED SEPTEMBER 9, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Coulter seconded the motion. All Board members voted aye and the motion was approved.

D. Other

There was no other business to discuss.

E. Adjournment

Mr. Seitz moved to adjourn, seconded by Ms. Reibel. The meeting was adjourned at 7:34 p.m.