



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

February 6, 2014

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: D. Falcoski, B. Seitz, R. Hunter and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Falcoski moved to approve the January 2, 2014 minutes, seconded by Mr. Seitz, and the minutes were approved.
4. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

**1. Variance – Side Yard Setback – Condensing Unit – 576 Whitney Ave. (Columbus Worthington Air/Blair) BZA 03-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Andrew Blair, 576 Whitney Avenue, and Clint Schreck, Columbus Worthington Air, had nothing to add to the staff comments.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum side yard requirement is 8 feet and the minimum sum of the 2 side yards is 20 feet.
2. The existing dwelling is approximately 8.2 feet from the east property line.
3. No record was found for any variance requests for the property.

4. The applicant had replaced the existing air conditioner condenser in the east side yard. The requested variance is to allow the condenser to remain in the side yard setback.
5. The Division of Building Regulation has no record of any inquiries regarding the condenser location.

Conclusions:

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

Mr. Hunter moved:

**THAT THE REQUEST BY COLUMBUS WORTHINGTON AIR AND JENNIFER AND ANDREW BLAIR FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSER TO REMAIN AT 576 WHITNEY AVENUE, AS PER CASE NO. BZA 03-14, DRAWINGS NO. BZA 03-14 DATED DECEMBER 27, 2013, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Seitz seconded the motion and all members voted “aye” thereon.

**2. Variance – Sign – 5949 N. High St. (Dirk Lingrel/Bi’s Relaxing Massage) BZA 04-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Mr. Falcoski asked if the previous sign was removed by the previous tenant or did the City remove it. Mr. Phillips replied the City cannot enter private property and would not know who removed the sign. Mr. Hunter stated the Architectural Review Board had no concerns since it is a low impact business.

Dirk Lingrel, 2919 Gooding Road, Marion stated the sign will be the same size and at the same location as the previous sign

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. This property is in the C-3 district where 1 free standing sign is permitted and must be setback a minimum of 10 feet from the right-of-way.
2. The property contains 2 buildings. The main building has a free standing sign. The smaller building to the south is currently vacant. The previous tenant had a free standing sign for many years that was removed. That sign was approximately at the property line.

3. The applicant is proposing the erection of a second free standing sign, in front of the smaller building, at approximately the same location as the previous sign. The requested variances are for a second free standing sign on the property and 10 feet.
4. The property is subject to, and the proposed sign as modified has been approved by, the Architectural Review Board.

Conclusions:

1. The smaller building was once on a separate parcel. If the parcel had remained separate, a variance would not be required for the second sign. This mitigates the substantial nature of the second sign variance request.
2. Typically buildings along High Street are set back 50 feet with signs set back 10 feet from the right-of-way. In this particular case, both buildings are approximately 40 feet from the right-of-way, and the existing sign is at the right-of-way serving the main building. The smaller building's previous sign was also at the right-of-way. These factors mitigate the substantial nature of the setback variance requires.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Mr. Seitz moved:

**THAT THE REQUEST BY DIRK LINGREL AND RUTHERFORD FUNERAL HOME INC. FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO THE ERECTION OF A SIGN AT 5949 HIGH STREET NORTH, AS PER CASE NO. BZA 04-14, DRAWINGS NO. BZA 04-14 DATED JANUARY 10, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Hunter seconded the motion and all members voted "aye" thereon.

**D. Other**

Mr. Phillips stated at last month's meeting proposed By-Laws for the Board of Zoning Appeals were presented and asked if the Board has any questions, revisions, or motions.

Mr. Hunter moved to accept the By-Laws, Mr. Falcoski seconded the motion, and all members voted "aye" thereon.

Mr. Phillips stated each Board member needs to sign the document, and then each Board member will get a fully executed copy once Ms. Riebel's signature is received.

Mr. Hunter moved to adjourn, seconded by Mr. Falcoski and the meeting adjourned at 7:41 PM.