



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

June 5, 2014

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: D. Falcoski, B. Seitz, R. Hunter, L. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Hunter moved to approve the May 1, 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 – Fence – 323 Crandall Dr. (Wallace Johns) BZA 11-14

Discussion:

Mr. Phillips reviewed the staff memo.

Wallace Johns, 323 Crandall Drive, stated the hedges being shown now is actually in the rear of the property and not the side, however the fence that is being proposed will sit further into the property than the hedges that are existing, are six and half feet tall on the side of the property, and will tie in with the existing fence in the rear.

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

Nancy Nearing, 320 Pittsfield Drive, stated she owns the property to the rear with the existing fence and she is in favor of the Johns' fence.

Mr. Hunter said the structural members have to face inward to the lot and Mr. Johns replied he was aware of that requirement.

Findings of fact:

1. This property is in the R-10 district where the front yard setback requirement is 30 feet. Corner lots are permitted to reduce the adjacent setback to 20 feet. Fencing is not permitted between the right-of-way and the building setback line.
2. The applicant is proposing a 4 foot tall fence in the rear yard and 4 feet from the Ridgedale Drive East right-of way. The requested variance is 16 feet.

Conclusions:

1. Corner lots are challenged by additional setback requirements. In this particular case there is a hedge line along the property line and the fence will be partially hidden. The fence is proposed substantially far from the Crandall Drive and Ridgedale Drive East intersection and should not cause intersection sight distance issues. These factors mitigate the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Seitz moved:

THAT THE REQUEST BY WALLACE JOHNS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ERECT A FENCE AT 323 CRANDALL DRIVE, AS PER CASE NO. BZA 11-14, DRAWINGS NO. BZA 11-14 DATED APRIL 18, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

2. Variance – Rear Yard Setback – Covered Patio – 6617 McBurney Pl. (All Decked Out Inc./Lucas & Oberholzer) BZA 12-14

Discussion:

Mr. Phillips reviewed the staff memo.

Anthony Keefer, PO Box 456, Pickerington, stated there will still be ten feet of easement for utilities to access and one of the property owner stated there are no physical structures behind them only honeysuckle and grass.

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 R-10 district where the minimum rear yard requirement is 30 feet. Uncovered patios and decks are permitted to within 15 feet of the rear property line.
2. The applicant is proposing to construct a 20 foot by 20 foot covered patio, 10 feet from the rear property line. The requested variance is 20 feet.

Conclusions:

1. The existing dwelling extends to the buildable portions of this irregularly shaped lot. This lot is shallower than those typically found which makes adding onto the house require variances. If the patio were an uncovered deck, a 5 foot variance would still be required.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Hunter moved:

THAT THE REQUEST BY ANTHONY KEEFER, AMANDA LUCAS, AND LORI OBERHOLZER FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A COVERED PATIO AT 6617 MCBURNEY PLACE, AS PER CASE NO. BZA 12-14, DRAWINGS NO. BZA 12-14 DATED MAY 9, 2014, 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.

3. Variance – Side Yard Setback – Fence – 1099 Hickory Grove Ct. (Chris Kehl) BZA 13-14

Discussion:

Mr. Phillips reviewed the staff memo.

Chris Kehl, 1099 Hickory Grove Court, stated he is just replacing the existing with a six foot high privacy fence.

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

Findings of fact:

1. This property has platted building setback lines of 30 feet. In a typical R-10 district the front yard setback requirement is 30 feet and corner lots are permitted to reduce the adjacent setback to 20 feet. Fencing is not permitted between the right-of-way and the building setback line.

2. The Snouffer Road and Linworth Road rights of way are both 80 feet wide at this property.
3. The Snouffer Road tree lawn is approximately 22 feet wide from the north property line of the property to the Snouffer Road edge of pavement. Similarly, the Linworth Road tree lawn is approximately 24 feet wide from the east property line of the property to the Linworth Road right of way.
4. The property had an existing 4 foot fence in poor repair the owner is currently replacing the boards.
5. The Division of Building Regulation found no record of any variances or other approvals for the existing fence. The Division has no record of any inquiries about the fence.
6. The applicant is proposing to replace a portion of the fence with a 6 foot tall fence approximately 20 feet from the Linworth Road right of way. The requested variance is 10 feet.

Conclusions:

1. Corner lots are challenged by additional setback requirements. In this particular case, there are three rights of ways the fence must be setback from, creating an unusual hardship. A typical residential right of way is 50 feet wide with trees lawns and sidewalks widths of 12 feet from property line to edge of pavement. Two of the three rights of way are 80 feet wide with tree lawns in excess of 20 feet from the property line to edge of pavements. Both roads are heavily travelled and heavily landscaped. These factors mitigate the substantial variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Ms. Reibel moved:

THAT THE REQUEST BY CHRIS KEHL FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE ERECTION OF A FENCE AT 1099 HICKORY GROVE COURT, AS PER CASE NO. BZA 13-14, DRAWINGS NO. BZA 13-14 DATED MAY 9, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

4. Variance - Signage – 5655 High St. N. (Thirty Four Corp.) BZA 14-14

Mr. Hunter moved to table item, Mr. Falcoski seconded the motion and all members voted “aye” thereon.

5. Variance - Side Yard Setback – Garage Addition – 162 E. South St. (Stephen & Jill Cohen) BZA 15-14

Discussion:

Mr. Phillips reviewed the staff memo.

Steve and Jill Cohen, 162 East South Street, said they had nothing to add to staff comments.

Ms. Crane stated there was no one present to speak for or against this proposal.

Findings of fact:

1. This property is in the R-10 district where accessory structures larger than 120 square feet must be set back a minimum of 8 feet from the side property line. Smaller accessory structures must be set back a minimum of 5 feet.
2. The applicant is proposing to remove the existing detached shed from the property and adding 80 square feet onto the existing detached garage, 5 feet from the property line. The requested variance is 3 feet.
3. The property is subject to, and the addition has been approved by, the Architectural Review Board.

Conclusions:

1. If the addition were a freestanding shed, no variance would be required. The addition is being set back from the property line farther than the existing garage. The requested variance is not substantial.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Falcoski moved:

THAT THE REQUEST BY STEPHEN AND JILL COHEN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT AN ADDITION TO A GARAGE AT 162 EAST SOUTH STREET, AS PER CASE NO. BZA 15-14, DRAWINGS NO. BZA 15-14 DATED MAY 15, 2014, 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.

Mr. Seitz moved to adjourn, seconded by Ms. Reibel and the meeting adjourned at 7:49 PM.