



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

August 7, 2014

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: D. Falcoski, R. Hunter, B. Seitz and C. Crane. Also present was L. Brown, Director of Planning and Zoning and D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. **Variance** – Freestanding Sign – **5655 N. High St.** (Thirty Four Corporation) **BZA 14-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked what the sign was in the slide presentation and Mr. Phillips replied that is the sign which advertises for this building behind the bank and which is being replaced.

Lauren Tonti, 34 North High Street, Columbus, stated the owner and sign company worked hard to come up with a design that will enhance the area while coming close to conforming in design.

Mr. Hunter stated there is a significant difference between this and the original application and the Architectural Review Board had no problem approving this.

Mr. Seitz asked about the pipes above the sign and Ms. Tonti replied when completed they will be cut off.

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 off-premise signs are not permitted, freestanding sign area is limited to 60 square feet, and tenant names on a sign are limited to 3. Sign bases in excess of 2 feet in height are counted towards sign area. Freestanding signs must be setback a minimum of 35 feet from an adjoining property line. Existing, legally nonconforming signs altered more than 50% must comply with these requirements.
2. The adjacent property has an existing, legally nonconforming, off-premise sign, 8 feet wide by 7 feet 10 inch tall with a 82 inch wide and 25 inch tall base, with 4 tenant names, and setback approximately 6 feet from the south property line. The existing sign area is 153.8 square feet. This sign has been damaged.
3. The applicant is proposing to replace the existing sign with a new non-illuminated sign on the existing base. The new sign will be off-premise, 9 feet 2 inches wide by 6 feet 10.5 inches tall, with the same 82 inch by 25 inch base, 9 tenant panels, and setback approximately 6 feet from the south property line. The proposed sign area is 154.5 square feet. The requested variances are for an off-premise sign, additional sign area of 94.5 square feet, 6 additional tenant panels, and 29 feet from the adjacent property line.
4. The property is subject to, and the proposed sign has been approved by, the Architectural Review Board.

Conclusions:

1. The existing sign has likely been at this location since the original building was constructed sometime around 1960, the existing sign foundation will be reused, and the new sign is proposed to be approximately the same size as the existing sign. These factors mitigate the substantial nature of the off-premise, sign area, and setback from adjacent property line variance requests.
2. The location of the building is unique. It is setback off High Street and sits behind a bank at the corner of North High Street and Selby Boulevard. The owner believes the tenants find value in advertising their name on the free standing sign. The proposed sign offers a simple, 2 color, single style, and single size graphic which reduces the distraction to drivers. These factors mitigate the substantial nature of the additional tenant panels variance request.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Mr. Falcoski moved:

THAT THE REQUEST BY THIRTY FOUR CORPORATION, WORTHINGTON CENTER CORPORATION, AND NORTH HIGH CORPORATION FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ERECT A SIGN AT 5655 HIGH STREET NORTH AND PARCEL NUMBER 100-003170, AS PER CASE NO. BZA 14-14, DRAWINGS NO. BZA 14-14 DATED JULY 8, 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.

2. Variance – Side Yard Setback – Carport & Pergola – 488 Loveman Ave. (Tena Singley) BZA 20-14

Discussion:

Mr. Phillips reviewed the staff memo.

Carl Singley, 488 Loveman Avenue, had nothing to add to staff comments. Ms. Crane said she understands the carport is for sheltering you when you get in and out of the car and Mr. Singley replied yes. Ms. Crane asked, what is the purpose of the Pergola and Mr. Singley said for enjoyment and shelter.

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 6 feet.
2. The applicant has constructed a 10 foot 10 inch by 18 foot carport approximately 1 foot from the east property line. The requested variance is 5 feet.
3. The applicant also proposes the construction of 2 pergolas in the rear, one of which is proposed to be 5 feet from the east property line. The requested variance is 1 foot.

Conclusions:

1. The existing lot is very narrow and any additions typically require variances in this neighborhood. In this particular case, one of the owners is in a wheel chair and the carport offers protection from the elements when using a vehicle. The carport is open on all 4 sides and provides only overhead protection. These factors mitigate the substantial nature of the carport variance request.
2. The pergola will not be as close to the east property line as the existing attached garage. The requested variance is not substantial.
3. The essential character of the neighborhood should not be substantially altered.

4. The delivery of governmental services should not be affected.

Mr. Hunter moved:

THAT THE REQUEST BY TENA SINGLEY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CARPORT TO REMAIN AND TO CONSTRUCT A PERGOLA AT 488 LOVEMAN AVENUE, AS PER CASE NO. BZA 20-14, DRAWINGS NO. BZA 20-14 DATED JUNE 25, 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 – Illuminated Window Sign – 654 High St. (Graeter’s) BZA 21-14

Discussion:

Mr. Phillips reviewed the staff memo.

Mr. Brown added within the Worthington Design Guidelines it does recommend against any neon illuminated window signs and staff is concerned about precedent setting as this goes forward. There are possibly other options such as additional lighting, or like, House Wine, using a string of lights to bring attention to their place. Ms. Crane agreed saying if everyone had an illuminated sign it would certainly change the appearance.

Mr. Falcoski asked if it is because it is neon or any illuminated sign and Mr. Brown replied the guidelines are against any illuminated signage in the windows.

Mr. Falcoski asked if the sign was there and it was taken away or has it been there and was just turned off and Mr. Phillips replied saying once it was brought to their attention that the window sign is not permitted the operator of the business removed it.

Ms. Crane asked if there were any additional questions for staff.

Jason Hudson, 854 Master Drive, Galloway stated that all of the Graeter’s stores have that sign as a customer recognition sign, they also provide a public service with public restrooms available and since other businesses close earlier it hard for people to know they are open until 11pm.

Mr. Hunter stated there are only two locations in the City that have a neon sign, even though there have many who want them.

Mr. Hudson said it was brought to his attention that the sign could be placed further inside the store and this would be acceptable, however it could still be seen from outside, so why not place it at the window. The problem they have is during the week from 10-11pm, unless there are customers in the store people may assume employee’s are just in there cleaning.

Mr. Seitz said he is concerned with the precedent and what could happen later.

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

Martin Raupple, 55 West New England asked if anyone had complained and Ms. Crane replied yes.

Mr. Seitz asked for applicant options and Mr. Phillips replied the sign could be moved four foot back from the window, it could go to a bright orange sign on a clear back ground, and maybe the light from the store may be able to shine through the orange and give the appearance of illumination.

Findings of fact:

1. This property is in the C-5 district. Illuminated window signs are not permitted.
2. The applicant has a neon sign in the shape of an ice cream cone with the word "open" that has been in place for some time. The sign is illuminated. The applicant is seeking a variance to allow this window sign to be illuminated.

Conclusions:

1. Window signs are permitted including signs saying open. A sign in the window or at each door using contrasting orange and black is very effective in communicating a business is open to patrons on the street. An illuminated ice cream cone window sign would seem appropriate for this business at this location. Since the ice cream cone sign already incorporates the word open, it would seem reasonable to allow this particular business this one illuminated window sign. When this business ceases operations at this location, this particular window sign would likely not be appropriate for the next business. 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. Falcoski moved:

THAT THE REQUEST BY GRAETER'S AND DEROBERTS FAMILY LP FOR A VARIANCE FROM CODE REQUIREMENTS FOR AN ILLUMINATED WINDOW SIGN AT 654 HIGH STREET, AS PER CASE NO. BZA 21-14, DRAWINGS NO. BZA 21-14 DATED JUNE 26, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING, ON THE CONDITION THE SIGN BE REMOVED WHEN GRAETER'S ICE CREAM CEASES OPERATIONS AT THIS LOCATION.

Mr. Hunter seconded the motion. Mr. Seitz, Mr. Hunter, and Ms. Crane voted no. Mr. Falcoski voted yes. The variance was denied.

4. Variance – Accessory Structure Area – Greenhouse – 6570 Plesenton Dr. (Susan Edison) BZA 22-14

Discussion:

Mr. Phillips reviewed the staff memo.

Susan Edison, 6570 Plesenton Drive, stated the plants would like a winter home.

Mr. Seitz asked if the greenhouse was part of the original building package would a variance be required and Mr. Phillips replied yes because just as an attached garage is considered an accessory structure, the key is whether or not the space is habitable with heating facilities.

Ms. Crane asked if there was anyone in the audience who would like to speak for or against this proposal.

Findings of fact:

1. This property is in the R-16 district where total accessory structure area is limited to 850 square feet.
2. The property contains an existing 19 foot by 18 foot attached carport, a 28.3 foot by 22.5 foot detached garage, and a 16 foot by 16 foot shed. The existing accessory structure area is 1,234.75 square feet.
3. The applicant is proposing to construct an 8 foot 7½ inch by 23 foot 5⁵/₈ inch greenhouse attached to the existing dwelling. The proposed accessory structure area is 202 square feet. The proposed total accessory structure area is 1,436.75 square feet. The requested variance is an additional 202 square feet.

Conclusions:

1. The property is very large at 2.344 acres and the accessory structure area limitation does not take into account the overall size of a property. The addition is tucked behind the house and carport, below the carport elevation, and will likely not be visible from most properties. 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. Hunter moved:

THAT THE REQUEST BY SUSAN EDISON FOR A VARIANCE FROM CODE REQUIREMENTS FOR TOTAL ACCESSORY STRUCTURE AREA TO CONSTRUCT A GREENHOUSE AT 6570 PLESENTON DRIVE, AS PER CASE NO. BZA 22-14, DRAWINGS NO. BZA 22-14 DATED JULY 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.

5. Variance – Side Yard Setback – Shed – 5485 N. High St. (Pat Barron) BZA 23-14

Discussion:

Mr. Phillips reviewed the staff memo.

Mr. Seitz asked if there was any place on the lot that the shed could be placed and not require a one hour wall and Mr. Phillips replied anywhere that is five feet from the property line.

Pat Barron, 611 Overlook Drive, Columbus, stated this location is as inconspicuous location as it can be. Mr. Hunter stated even though he voted against it in Architectural Review he does believe this location is the best possible.

Ms. Crane asked if there was anyone in the audience who would like to speak for or against this proposal.

Findings of fact:

1. This property is in the C-1 district where accessory structures must be setback 8 feet from the property line.
2. The applicant placed a shed on the property and is proposing it to be located on the lot line and 10 feet from the alley to the west. The requested variance is 8 feet.
3. The 2011 Ohio Building Code requires exterior walls and projections within 5 feet of a lot line be made of 1 hour, fire-resistance rated construction for Low Hazard Storage Group S-2 . Any zoning code variances granted do not grant any variances from the requirements of the 2011 Ohio Building Code. Those variances must be granted by the Ohio Board of Building Appeals.
4. The property is subject to, and the shed has been approved by, the Architectural Review Board.

Conclusions:

1. The property is very small with a small building and limited parking. Locating the shed almost anyplace else would require removing parking. The owner has a need to store products and material in support of the rabbit rescue business without giving up much needed office space. When this business ceases operations, it would be reasonable to expect the shed be removed. 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 PAT BARRON FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE PLACEMENT OF A SHED AT 5485 NORTH HIGH STREET, AS PER CASE NO. BZA 23-14, DRAWINGS NO. BZA 23-14 DATED JULY 10, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING, ON THE CONDITION THE SHED BE REMOVED WHEN OHIO HOUSE RABBIT ADOPTION CENTER AND/OR OHIO HOUSE RABBIT RESCUE, INC. CEASES OPERATIONS AT THIS LOCATION.

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

6. Variance – Front Yard Setback – Porch Roof – 55 W. New England Ave. (Sean Kocheran/Raupple) BZA 24-14

Discussion:

Mr. Phillips reviewed the staff memo.

Martin Raupple, 55 West New England, stated this will help protect the stoop and house from weather.

Ms. Crane asked if there was anyone in the audience who would like to speak for or against this proposal.

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.
2. The existing dwelling is approximately 23 feet 2 inches from the West New England Avenue right of way.
3. The applicant is proposing to extend the roof 4 feet 2 inches over the existing entry, approximately 19 feet from the right of way. The requested variance is approximately 11 feet.
4. The property is subject to, and the roof extension has been approved by, the Architectural Review Board.

Conclusions:

1. The existing lot is smaller than normally found in the R-10 district and the house is already encroaching into the front yard setback. Covered entrances benefit people attempting to use a door during inclement weather. The roof will not have supports to the ground which minimizes its visual impact. 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. Hunter moved:

THAT THE REQUEST BY SEAN KOCHERAN AND MARTIN AND AMANDA RAUPPLE FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A ROOF OVER AN ENTRANCE AT 55 WEST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 24-14, DRAWINGS NO. BZA 24-14 DATED JULY 10, 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.

7. Variance – Side Yard Setback – Addition – 244 Tucker Dr. (Scott & Patricia McFarland) BZA 25-14

Discussion:

Mr. Phillips reviewed the staff memo.

Scott McFarland, 244 Tucker Drive, stated this would add to their master bedroom with an additional closet, walkway and sitting area.

Ms. Crane asked if there was anyone in the audience who would like to speak for or against this proposal.

Findings of fact:

1. This property is an existing lot of record in the R-16 district where the minimum side yard requirement is 10 feet.
2. The applicant is proposing to construct a 13 foot by 11 foot 8 inch addition, a corner of which will be 8 feet 9¼ inches from the west property line. The requested variance is 1 foot 2¾ inches

Conclusions:

1. A very small portion of the addition will be within the setback. The requested variance is not significant.
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 SCOTT AND PATRICIA MCFARLAND FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF AN ADDITON AT 244 TUCKER DRIVE, AS PER CASE NO. BZA 25-14, DRAWINGS NO. BZA 25-14 DATED JULY 11, 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.

**8. Variance – Accessory Structure Area – Garage – 123 W. North St. (Thomas R. Zack)
BZA 26-14 To Be Tabled**

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

**9. Variance – Side Yard Setback – Addition – 379 Colonial Ave. (Sean Kocheran/Frenz)
BZA 27-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if there were any questions for staff.

Dave Frenz, 379 Colonial Avenue, stated they have chosen to update and enlarge their house as others have done in the neighborhood instead of moving.

Ms. Crane asked if there was anyone in the audience who would like to speak for or against this proposal.

Jeanne Izzo, 389 Colonial Avenue, stated she is located to east and has done a lot of work to maintain privacy on her property. This addition could cause trees to be eliminated on her yard once Mr. Frenz trims branches that come over the property line, or because the footing will be so close to the property line it could kill her trees. Originally she was okay with the proposed garage, but once the proposal became a two story addition she is not because it will also eliminate privacy on her property and patio. She then showed images of spacing between many houses around them.

Ms. Crane asked how far back will this addition go and Mr. Phillips stated the addition is about thirty five feet from the right of way and then back thirty two feet flush with the back of the house.

Mr. Seitz asked the applicant if he has spoken with an arborist and Mr. Frenz replied no and said the conversation that took place was, if the trees were to come into any negative impact that he would be willing to cover the cost to replace the trees.

Ms. Crane asked since this addition is the same distance as the house to the east, how is the privacy on the neighbors patio being compromised. Ms. Izzo did not respond.

Mr. Raupple stated he believes this addition will not negatively impact the neighbor's property and the neighbor would have to turn around to look at the addition from her patio. Also, this addition is within staying with the neighborhood, since the property across the street also did a similar addition.

Douglas Matthies, 5736 Andover Street, for a view down the property line then said he believes the issue is not the neighbor viewing the addition, but it is the people in the addition who can look down and view the neighbor.

Don Richey, 8199 Britson Place, stated he grew up in that house and believes in an area where the houses are closer than most, this addition would cause oppressiveness to the neighbor. Mr. Hunter indicated there are many houses in the neighborhood with the same space between properties.

Mr. Hunter state that one member is missing and three positive votes are needed in order to be approved, and the applicant has the option to asked this item be tabled until all five members are present.

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.
2. The applicant is proposing to construct an 8 foot by 32 foot, two story addition, 4 feet 6 inches from the east property line. The requested variance is 3 feet 6 inches.
3. The 2013 Residential Code of Ohio requires exterior walls and projections within 5 feet of a lot line be made of 1 hour, fire-resistance rated construction. Granting of this variance does not grant variances from the 2013 Residential Code of Ohio.

Conclusions:

1. Although this lot is wider than normally found in this portion of the city, it is approximately 15 feet narrower than a typical R-10 lot. Many of the existing garages in the area, especially to the south along Park Boulevard, were originally constructed relatively close to the property line and this garage addition is in keeping with the setbacks of other properties. In this particular case, there is room to construct a second bay to the existing garage, which is seldom found in this neighborhood, and still provides ample space to the property line for maintenance of the addition. 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. Hunter moved:

THAT THE REQUEST BY SEAN KOCHERAN AND DAVID AND MICHELLE FRENZ FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF AN ADDITON AT 379 COLONIAL AVENUE, AS PER CASE NO. BZA 27-14, DRAWINGS NO. BZA 27-14 DATED JULY 11, 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. Mr. Hunter, Mr. Falcoski, and Ms. Crane voted yes, and Mr. Seitz voted yes. Motion was approved.

Mr. Falcoski moved to adjourn, seconded by Mr. Hunter and the meeting adjourned at 8:50 PM.