



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

October 2, 2014

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: D. Falcoski, L. Reibel, R. Hunter, B. Seitz and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Hunter moved to approve the August 7, 2014 and September 4, 2014 minutes, seconded by Mr. Falcoski and the minutes were approved
4. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

1. **Variance** – Notice of Violation and Order to Correct – Excessive Vehicles on Site – **6568 N. High St.** (Tilton’s Automotive Services) **BZA 36-14**

Mr. Phillips stated the appellant has asked that this matter be tabled and be heard at a future time.

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

2. **Variance** - Front, Side & Rear Yard Setbacks; Number of Parking spaces; Drive Aisle Width – New Gasoline/Convenience Store Station – **2182 W. Dublin-Granville Rd.** (UDF) **BZA 32-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Donald Plank, 145 East Rich Street, referenced a drawing showing the variances requested. He explained originally there were four curb cuts which have been reduced to two, how the City of Columbus asked for 30 feet of right of way dedication which impacted the site,

how they had to work with four jurisdictions on the traffic study. They are doing improvements to Linworth Road and adding a left turn lane.

Mr. Hunter stated the applicant has agreed to put in crosswalks if the other municipalities agree and a left turn lane off of Linworth Road.

Mr. Seitz asked about the letter dated September 25 from the adjacent property owner and wanted to know if everything in this document had been agreed to. Mr. Phillips replied it was presented to the Architectural Review Board and the Municipal Planning Commission at last week's meeting and was shared with this Board for information.

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 and is being rezoned to the C-4 district. The Municipal Planning Commission has recommended approval of the rezoning to City Council. The following requirements are common to both the C-3 and the C-4 districts:
  - a. Front yard setback – 50 feet
  - b. Rear yard setback – 30 feet
  - c. Side yard setback – 15 feet
  - d. Parking – 1 for each 2 fuel dispensing stations not at the fueling station plus 1 for each 150 gross square feet of retail floor area
  - e. 22 foot drive aisles
  - f. Off street parking and aisles setback 25 feet from residential uses. This requirement can be reduced to 12 feet 6 inches with a solid wall or fence at least 4 feet in height but not more than 6 feet in height
  - g. Fencing is not permitted between the right of way line and the building setback line
2. The adjacent property to the west is within the City of Columbus and the two parcels cannot be combined into one.
3. The two parcels are being redeveloped and part of that redevelopment is dedication of 30 feet of right of way along West Dublin-Granville Road.
4. The applicant is redeveloping both parcels into one gasoline/convenience store as follows:
  - a. A canopy and fueling stations are proposed 17 feet from the proposed West Dublin-Granville Road right of way. The requested variance is 33 feet for front yard setback.
  - b. A 4480 square foot convenience store is proposed 18 feet from the north property line. The requested variance is 12 feet for rear yard setback.
  - c. An approximately 12 foot by 12 foot pergola is proposed adjacent to the convenience store, approximately 27 feet from the north property line. The requested variance is approximately 3 feet.

- d. A convenience store and fueling canopy is proposed to cross the west property line and be entirely within the 15 foot side yard. The requested variance is 15 feet for side yard setback.
  - e. 4 of 10 fueling stations and 38.1% of the 4,480 square foot retail store, or 1707 square feet, are proposed in Worthington. This requires 14 parking spaces and almost 12 parking places are provided. The requested variance is 3 parking spaces.
  - f. The drive aisle for deliveries in the rear is proposed at 18 feet in width. The requested variance is 4 feet.
  - g. The eastern parking and drive aisle is proposed to be 10 feet from the east property line with a 4 foot open style fence. The requested variance is 15 feet for parking setback from residential uses.
  - h. A fence along the east property line is proposed to the new right of way location. The requested variance is 50 feet.
5. The 2011 Ohio Building Code requires exterior walls and projections within 5 feet of a lot line be made of 2 hour, fire-resistance rated construction for Mercantile Group M. 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.
  6. The property is subject to, and the demolition and construction have been approved with modifications by, Architectural Review Board.
  7. The Gasoline/Convenience store use requires, and the Municipal Planning Commission approved, a Conditional Use Permit.

Conclusions:

1. The 30 foot right of way dedication shifted the project to the north, reducing the amount of space available between the canopy and the new right of way, and the building and pergola to the north property line. The canopy and pergola are open structures and do not create as large a visual impact. These factors mitigate the substantial nature of the front and rear yard variance requests for the canopy and building. The pergola setback is not substantial.
2. The two properties being in different municipal jurisdictions prevent the combination of the two parcels into one. With the combination of the lots no side yard setback variance would be required and mitigates the side yard setback variance request.
3. A combined property would require 35 parking spaces under Worthington's requirements, and a minimum of 23 and a maximum of 28 under Columbus' requirements. 25 parking places are provided and this seems adequate for this type of retail use where people do not typically casually shop for long periods of time.
4. The north drive aisle will be signed for one way traffic to allow delivery vehicles adequate maneuvering room and appears adequate for the site.

5. There is significant vegetative screening along the east property line and if the zoning code allowed its use to reduce the parking and aisle setback from residential uses, a reduced variance would be required. These factors mitigate the substantial nature of the parking and aisle setback from residential uses variance request.
6. The fence extending to the right of way along the east property line will discourage people from cutting through the vegetation. This factor mitigates the substantial nature of the fence in the front yard variance request.
7. The essential character of the neighborhood should not be substantially altered.
8. The delivery of governmental services should not be affected.

Mr. Hunter moved:

**THAT THE REQUEST BY UNITED DAIRY FARMERS INC. AND COBANCORP INC. FOR VARIANCES FROM CODE REQUIREMENTS FOR FRONT, SIDE & REAR YARD SETBACKS; NUMBER OF PARKING SPACES; DRIVE AISLE WIDTHS; PARKING AND DRIVE AISLES SETBACK FROM RESIDENTIAL USES TO ALLOW THE CONSTRUCTION OF A NEW GASOLINE/CONVENIENCE STORE AT 2182 WEST DUBLIN-GRANVILLE ROAD, AS PER CASE NO. BZA 32-14, DRAWINGS NO. BZA 32-14 DATED AUGUST 22, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Ms. Reibel seconded the motion and all members voted “aye” thereon.

**3. Variance – Side Yard Setback – Condensing Unit – 195 Tucker Dr. (David & Sherri Holcomb) BZA 33-14**

Discussion:

Mr. Phillips reviewed the staff memo.

David Holcomb, 195 Tucker Drive, stated this was replaced in February when their furnace went out and thought Buckeye Heating & Cooling would get the required permits.

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-16 district where the minimum side yard requirement is 10 feet and existing side yards can be reduced to the prevailing setback. Building service equipment cannot be located in a required yard.
2. The existing dwelling is approximately 6.3 feet from the east property line.

3. The applicant replaced an air conditioner condenser within the east side yard. The requested variance is to allow the entire condenser within the side yard setback.
4. Staff has no record of any inquiries regarding the location of the condenser.

Conclusions:

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

Mr. Seitz moved:

**THAT THE REQUEST BY DAVID AND SHERRI HOLCOMB FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW AN AIR CONDITIONER CONDENSER TO REMAIN AT 195 TUCKER DRIVE, AS PER CASE NO. BZA 33-14, DRAWINGS NO. BZA 33-14 DATED AUGUST 27, 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 – Rear Yard Setback & Offstreet Parking in the C-5 Zoning District – Multi-family Dwellings – 39 & 41 W. New England Ave. (Showe Worthington LLC/Snow House) BZA 34-14**

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

**5. Variance – Construction of Sidewalks – 6335 Plesenton Dr. (Jean-Clare Bohm) BZA 35-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Friedrich Bohm, 6335 Plesenton Drive, had nothing to add.

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-16 district. Subdividing property requires sidewalks be constructed within the right of way.

2. The existing lot was recently split into one 10.932 acre lot and one 0.419 acre lot on the condition this Board grant a variance from the sidewalk requirement. The requested variance is to not build any sidewalks in the Plesenton Drive and Olentangy River Road rights of way.

Conclusions:

1. This particular portion of the subdivision has a steep grade up Plesenton Drive and the Olentangy River Road is elevated with guard rails, making sidewalks impractical to construct and use. The Plesenton Drive subdivision does not have sidewalks and neither does Olentangy River Road. Signage is provided advising motorists that pedestrians use the roadway. The requested variance is not significant.
2. The essential character of the neighborhood should not be substantially altered.

Mr. Falcoski moved:

**THAT THE REQUEST BY JEAN-CLARE BOHM FOR A VARIANCE FROM CODE REQUIREMENTS TO CONSTRUCT A SIDEWALK AT 6335 PLESENTON DRIVE, AS PER CASE NO. BZA 35-14, DRAWINGS NO. BZA 35-14 DATED SEPTEMBER 4, 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. Hunter moved to adjourn, seconded by Mr. Seitz and the meeting adjourned at 7:54 PM.