



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

December 4, 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. Ms. Crane corrected two misspellings within the minutes of the November 6, 2014 meeting. Mr. Hunter moved to approve the minutes as amended, seconded by Ms. Reibel. The minutes were approved.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

**1. Variance – Front Yard Setback – Portico – 384 Colonial Ave. (Jeff Acuff & Louise Elliott)
BZA 43-14**

Discussion:

Mr. Phillips reviews the staff memo.

Jeffrey Acuff, 7951 Shot Road, Westerville, stated the portico will esthetically improve the curb appeal, provide protection from the elements and help with some of the rain runoff which currently lands on the porch and goes toward the house.

Mr. Hunter stated that one usually comes before the Board prior to starting construction. Mr. Acuff replied it was his mistake and apologized.

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

Jay Zollars, 6280 Linworth Road, stated he believes it is a good addition for the neighborhood and for the house.

Findings of fact:

1. This property is in the R-10 district where the minimum front yard requirement is 30 feet.
2. A portion of the existing dwelling is within the front yard setback which includes a 7 foot 5 inch wide by 5 foot 9 inch deep porch entirely in the front yard setback.
3. The applicant is proposing to construct a 7 foot 5 inch by 5 foot 9 inch portico on the existing patio. The requested variance is to construct the portico within the front yard setback.

Conclusions:

1. The existing dwelling extends into the front setback and includes an existing patio. It would be reasonable to provide protection from the elements at the main entrance to the dwelling. 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 JEFF ACUFF AND LOUISE ELLIOT FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A PORTICO 384 COLONIAL AVENUE, AS PER CASE NO. BZA 43-14, DRAWINGS NO. BZA 43-14 DATED NOVEMBER 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.

2. Variance - Front Yard Setback – New Second Story – 6245 Linworth Rd. (MRZ Investments LLC) BZA 44-14

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if the line going north to south and into the house and several other houses is the right-of-way line and Mr. Phillips replied that is correct. Ms. Crane asked if the right-of-way line is not moved are they still able to continue and Mr. Phillips replied not legally.

Ms. Crane asked if tonight’s discussion includes this right-of-way being changed by the Board or whether to give permission to continue construction of the addition in the setback. Mr. Phillips replied the Board is granting a variance from the zoning code that would allow them to construct that portion within the front yard setback and the right-of-way has nothing to do with tonight’s proceedings.

Mr. Falcoski stated the Board would be allowing them to build the second story addition within the same existing footprint.

Mr. Hunter stated many of houses in the area are in the right-of-way.

Jay Zollars, 6280 Linworth Road, said he lives directly across the street from this property and when they started to work on the rear they realized the second story was bowing, but was told the work on the second story requires a variance because six foot of the front of the house is in the right-of-way, and the front yard setback. He also stated he has filed a petition with the City of Worthington and Franklin County regarding the right-of-way, but no agreement has been reached.

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

Keith Fuller, 6238 Linworth Road, said the neighborhood needs help and approves the work being done.

Findings of fact:

1. This property is in the R-10 district where the minimum front yard requirement is 30 feet.
2. The dwelling existed when annexed into Worthington in 1993. A portion of the dwelling is in the Linworth Road right-of-way, and a substantial portion is in the front yard setback.
3. The applicant is proposing an addition to convert the second floor half story into a full second story. The majority of the addition is in the front yard setback. The requested variance is to allow the addition within the front yard setback.
4. The property owner, the City of Worthington, and the Franklin County Engineer's office are in negotiations to remove the dwelling from the right-of-way by vacating a portion of the right-of-way. The granting of this variance does not give permission to construct the addition within the right-of-way nor vacate any portion of the right-of-way.

Conclusions:

1. This irregularly shaped lot has an existing dwelling within the front yard setback and was in poor repair when purchased at auction. During construction of a rear second story addition, the owner discovered the front portion of the dwelling was also in need of replacement. This prompted a change in plans to include a second floor addition to the front portion of the dwelling.
2. The existing dwelling was a story and half and the addition converts this half story to a full story. Although the majority of the addition is in the front yard setback, the footprint of the dwelling is not expanding.
3. This portion of the Linworth Road right-of-way is wider than the typical 50 feet found in most R-10 districts. If it were typical, it is likely a front yard setback variance would be minimal, if required.

4. These factors mitigate the substantial nature of the variance request.
5. The essential character of the neighborhood should not be substantially altered.
6. The delivery of governmental services should not be affected.

Ms. Reibel moved:

THAT THE REQUEST BY MRZ INVESTMENTS LLC FOR A VARIANCE FROM CODE REQUIRMENTS FOR FRONT YARD SETBACK TO CONSTRUCT AN ADDITION AT 6245 LINWORTH ROAD, AS PER CASE NO. BZA 44-14, DRAWINGS NO. BZA 44-14 DATED NOVEMBER 7, 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.

Mr. Hunter moved to adjourn, seconded by Mr. Seitz and the meeting adjourned at 7:48 PM.