



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

March 5, 2015

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: D. Falcoski, B. Seitz, L. Reibel and C.Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Seitz moved to approve the February 5, 2015 minutes, seconded by Ms. Reibel, and the minutes were approved.
4. Affirmation/swearing in of witnesses.

**B. Unfinished Business**

1. **Variance - Rear Yard Setback – Multi-family Dwellings - 39 & 41 W. New England Ave. (Showe Worthington LLC/Snow House) BZA 34-14**

Ms. Crane asked for a motion to remove from table, so moved by Mr. Seitz and seconded by Ms. Reibel. All members voted “aye” thereon

Mr. Phillips reviewed the staff memo.

Chris Peterson, 45 North Fourth Street, Columbus stated he had nothing to add to the staff comment and is present for any questions.

Ms. Crane stated she is confused about the fire wall since they are proposing 6 feet and 5 feet 9 inches from the property line but the building code only cares about fire walls within five foot of the property line. Mr. Phillips replied it is not relevant to the southern building, but is relevant to the west building where it is less than five feet. If variances are approved tonight they are only zoning code variances and not building code variances.

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

Findings of fact:

1. This property is in the C-5 district where the rear yard setback requirement is 20 feet. Parking is not required but if provided must be approved by the Board of Zoning Appeals.
2. The applicant is proposing the substantial redevelopment of the property including the conversion of an existing building into a residence, demolition of an existing building, and construction of multifamily buildings. Off-street parking is provided with attached garages. Portions of one of the residential buildings is proposed 6 feet and 5 feet 9 inches from the south property line. The requested variance is 14 feet and 14 feet 3 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.
4. The property is subject to, and the proposal has been approved by, the Architectural Review Board.
5. A Conditional Use Permit has approved by the Municipal Planning Commission for the residential use in this district.

Conclusions:

1. Buildings in the C-5 district only have a rear setback requirement. The requested variance for the building is not substantial when taking into account the more than required side and front yard setbacks proposed.
2. The delivery of governmental services should not be affected.

Mr. Falcoski moved:

**THAT THE REQUEST BY SHOWE WORTHINGTON LLC AND SNOW HOUSE FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK, AND APPROVAL OF OFFSTREET PARKING IN THE C-5 DISTRICT TO ALLOW CONSTRUCTION OF MULTIFAMILY DWELLINGS AT 39 AND 41 WEST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 34-14, DRAWINGS NO. BZA 34-14 DATED AUGUST 29, 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.

## C. Items of Public Hearing

### 1. Variance – Rear Yard Setback - Window Well – 6629 McBurney Pl. (Steve Gobel/Meilton) BZA 07-15

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Reibel asked if this would be considered an egress window and Mr. Phillips replied it is being put in for an emergency egress.

Brian Meilton, 6629 McBurney Place, they are planning on finishing their basement, so yes this is an egress window.

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

Findings of fact:

1. This property is in the R-10 district where the minimum rear yard requirement is 30 feet.
2. The applicant is proposing to construct a 44 inch by 66 inch window well 27 feet 6 inches from the west property line. The requested variance is 2 feet 6 inches.

Conclusions:

1. 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. Seitz moved:

**THAT THE REQUEST BY STEVE GOBEL AND BRIAN MEILTON FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A WINDOW WELL AT 6629 MCBURNEY PLACE, AS PER CASE NO. BZA 07-15, DRAWINGS NO. BZA 07-15 DATED FEBRUARY 5, 2015, 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.

**2. Variance – Side Yard Setback - Condensing Unit – 6939 Perry Dr. (Walter & Christine Phillips) BZA 08-15**

Discussion:

Mr. Phillips reviewed the staff memo.

Walter Phillips, 6939 Perry Drive, stated they had contracted with Columbus/Worthington Air last spring to replace the furnace and A/C unit in the previously existing location and had been unaware of the zoning requirements.

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

Findings of fact:

1. This property is in the R-10 district where the minimum side yard requirement is 8 feet.
2. The existing dwelling appears to be within the 8 foot south side yard setback.
3. The applicant recently replaced the condensing unit in the south side yard. The requested variance is to allow the condenser to remain wholly within the setback.
4. Staff has no records 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.

Ms. Reibel moved:

**THAT THE REQUEST BY WALTER AND CHRISTINE PHILLIPS FOR A VARIANCE FROM CODE REQUIRMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSING UNIT TO REMAIN AT 6939 PERRY DRIVE, AS PER CASE NO. BZA 08-15, DRAWINGS NO. BZA 08-15 DATED FEBRUARY 5, 2015, 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. Falcoski moved to adjourn, seconded by Ms. Reibel and the meeting adjourned at 7:43 PM.