



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

April 2, 2015

**A. Call to Order – 7:30 p.m.**

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

**B. Items of Public Hearing**

**1. Variance – Front Yard Setback – Carport – 509 Kenbrook Dr. (Scott Wittenburg)  
BZA 09-15**

Discussion:

Mr. Phillips reviewed the staff memo.

Scott Wittenburg, 509 Kenbrook Drive, had nothing to add to the staff comments.

Mr. Falcoski asked if there was anyone in the audience 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 applicant is proposing to construct a 17 foot deep by 20 foot wide carport and porch canopy, 28 feet from the Kenbrook Drive right-of-way. The requested variance is 2 feet

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.

Ms. Reibel moved:

**THAT THE REQUEST BY SCOTT WITTENBURG FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A CARPORT AT 509 KENBROOK DRIVE, AS PER CASE NO. BZA 09-15, DRAWINGS NO. BZA 09-15 DATED MARCH 6, 2015, 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.

**2. Variance** – Dimensional Requirements – Semipublic Use – **6238 Linworth Rd.**  
(Linworth Baptist Church) **BZA 10-15**

Discussion:

Mr. Phillips reviewed the staff memo.

Amy Kuhn, 145 East Rich Street, stated the character of the neighborhood will probably be improved.

Ms. Reibel stated she is concerned the parking is close to Linworth Road. Ms. Kuhn replied that the site is elevated, there will be four foot shrubs and trees planted along Linworth Road for screening, and this lot will typically only be used on Sundays during daytime hours so there should not be a problem.

Mr. Falcoski asked if there is a minimum screening requirement and Mr. Phillips replied there is only the fifty foot setback requirement.

Ms. Reibel asked if there had been a discussion by the Municipal Planning Commission and Mr. Hunter replied yes, a lengthy one with the arborist and they are satisfied with the plantings.

Mr. Falcoski 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 following requirements would apply for a semipublic use:
  - a. Minimum lot width of 200 feet
  - b. Minimum lot area of 2 acres

- c. Parking must be setback a minimum of 50 feet from the Linworth Road right-of-way.
2. The applicant is proposing to use the existing buildings for a semipublic use and construct a parking lot to supplement parking for the semipublic use to the south. The following are requested:
  - a. Actual lot width of 192 feet be allowed, a variance of 8 feet
  - b. Actual lot area of 1.176 acres, a variance of 0.824 acres
  - c. Parking within 10 feet of the right-of-way, a variance of 40 feet.
3. The semipublic use in the R-10 district has been granted a Conditional Use Permit from the Municipal Planning Commission with changes to the proposed landscaping plan.

Conclusions:

1. The lot width variance request is not substantial.
2. This property, along with the lots to the south and east, will be used as one site. The applicant had originally proposed rezoning of the property to be combined with the property to the south. The current zoning allows oversight by the Municipal Planning Commission via a Conditional Use Permit. These factors mitigate the substantial nature of the lot area variance request.
3. The proposed parking will be elevated from Linworth Road and heavily screened. This mitigates the substantial nature of the front yard setback variance request.
4. The essential character of the neighborhood should not be substantially altered when compared to the existing semipublic use to the south.
5. The delivery of governmental services should not be affected.

Mr. Hunter moved:

**THAT THE REQUEST BY LINWORTH BAPTIST CHURCH AND KEITH AND TERESA FULLER FOR A VARIANCE FROM DIMENSIONAL REQUIREMENTS FOR A SEMIPUBLIC USE AND CONSTRUCT A PARKING LOT 6238 LINWORTH ROAD, AS PER CASE NO. BZA 10-15, DRAWINGS NO. BZA 10-15 DATED MARCH 6, 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. Ms. Reibel voted no, Mr. Hunter and Mr. Falcoski voted yes. The motion was not approved.

Ms. Reibel made a motion to reconsider, seconded by Mr. Hunter and all members voted “aye” thereon.

Mr. Hunter moved to table, seconded by Ms. Reibel and all members voted “aye” thereon.

**3. Variance – Front and Side Yard Setback – Porch & Garage – 571 Evening St. (Adam & Gary Moore) BZA 11-15**

Discussion:

Mr. Phillips reviewed the staff memo.

Adam Moore, 59 West New England Avenue stated the garage would be similar to the one existing just to the south.

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

Jo Rodgers, 575 Evening Street, stated her property is directly to the north and is fourteen feet away from this building. The porch variance of eight feet is actually one third of the existing setback and will stick out dramatically on this street that has open views and consistent setbacks. A large porch on a narrow lot will make an impact visually and asked for the request to be denied. Ms. Rodgers also stated she does not oppose a garage being built but asks that it be built in line with the house leaving green space on each side.

Romano Klepec, 565 Evening Street, presented photographs and said even new garages are in line with the existing homes and maintain a green space. He suggested the garage be built on the opposite side, but if not then requested there be a minimum of five to eight feet setback from the lot line.

Mr. Hunter stated the discussion about the location of the garage is more appropriate for the Architectural Review Board which will occur next week.

Mr. Moore said they are flexible either the north or south side of the lot for the garage, but for the porch it would only extend six feet from the front windows not eight to nine feet as previously stated.

Mr. Hunter moved to table, seconded by Ms. Reibel. All members voted “aye” thereon.

**4. Variance – Side Yard Setback – Addition – 701 Farrington Dr. (Brad Schoch/Rood) BZA 12-15**

Discussion:

Mr. Phillips reviewed the staff memo.

Bryan Rood, 701 Farrington Drive, had nothing to add to the staff comments.

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

Findings of fact:

1. This property is an existing lot of record in the R-10 district with a front yard requirement of 30 feet. Corner lots are permitted to reduce the adjacent side yard to 20 feet. Buildings must be setback 50 feet along regional thoroughfares. Architectural projections are permitted a maximum of 30 inches into the required front yard.
2. The existing dwelling is 30.4 feet from the West Granville Road right-of way and within the required 50 foot setback for buildings.
3. The applicant is proposing the construction of a 14 foot 8 inch by 43 foot, two story addition, ranging from 18 feet 9 inches from the West Granville Road right-of-way to 15 feet 3 inches from the right-of way with an approximate 12 inch eave. The requested variance ranges from 31 feet 3 inches to 34 feet 9 inches without the eave, and 32 feet 3 inches to 35 feet 9 inches with the eave.
4. The property is subject to, and the addition has been approved by, the Architectural Review Board.

Conclusions:

1. The lot is irregularly shaped and is on a corner. The requested variance would not be substantial if the typical 20 foot side yard requirement would apply to the addition.
2. In this particular case, the property has an additional 50 foot building setback requirement due to it fronting a regional thoroughfare, namely an Ohio state route. The pavement edge is approximately 32 feet from the right-of-way line and the right-of-way is approximately 105 feet at its narrowest near this property. This creates a larger than normal buffer for this property than some others along regional thoroughfares.
3. Approximately one third of the existing house is within this setback. There is existing vegetation which provides some screening of the property when traveling east from one of the community gateways, especially when exiting from another state route to the west.
4. Dwellings with 2 car garages are in higher demand than single car garages.
5. These factors mitigate the substantial nature of the variance request.
6. The delivery of governmental services should not be affected.

Mr. Hunter moved:

**THAT THE REQUEST BY BRAD SCHOCH AND BRYAN ROOD FOR A VARIANCE FROM CODE REQUIRMENTS FOR SIDE YARD SETBACK TO ALLOW CONSTRUCTION OF AN ADDITION AT 701 FARRINGTON DRIVE, AS PER CASE NO. BZA 12-15, DRAWINGS NO. BZA 12-15 DATED MARCH 6, 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.

#### **5. Variance – Signage – 800 High St. (Huntington National Bank) BZA 13-15**

Discussion:

Mr. Phillips reviewed the staff memo.

John Gavin, 3200 Valleyview Drive had nothing to add.

Ms. Reibel asked if the new portion of the sign will be the Huntington Private Client Group sign and Mr. Gavin replied that is correct.

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

Findings of fact:

1. This property is in a C-3 district where total freestanding sign area is limited to 60 square feet.
2. The existing freestanding sign was granted a variance in 2012 to allow the addition of a panel to the bottom of the sign and increased the sign area to 78.67 square feet.
3. The applicant is proposing the placement of second panel on the existing sign. The panel is 4 inches tall and 8 feet wide spaced from the main sign and the existing panel, which will be lowered. The overall sign height would be increased to 5 feet 10 inches and the proposed sign area is 93.33 square feet. The requested variance is an additional 14.66 square feet for a total variance of 33.33 square feet.
4. The property is subject to, and the sign has been approved by, the Architectural Review Board.

Conclusions:

1. The overall sign massing will not be significantly increased with the addition of the second panel.
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 HUNTINGTON NATIONAL BANK FOR A VARIANCE FROM CODE REQUIRMENTS FOR SIGN AREA TO ALLOW THE ALTERATION OF A SIGN AT 800 HIGH STREET, AS PER CASE NO. BZA 13-15, DRAWINGS NO. BZA 13-15 DATED MARCH 6, 2015, 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.

#### **6. Temporary Use Permit – Food Truck – 923 High St. (Schmidt’s/Sprint Lube) BZA 14-15**

Discussion:

Mr. Hunter stated that all three positive votes are needed for this to be approved, he voted against this last time, he would vote against it again this time. To be fair to the applicant maybe it should be tabled until the next meeting.

Andy Schmidt, 2300 Brandon Road, stated that last year May 1, they asked for a Temporary Use Permit and at that time there were concerns by the City about northbound traffic, parking stacking, food, grease and trash. The Board did grant approval for three months as a test of the concept and during that time there was a complaint about being parked close to the right of way, so they moved the truck further back in the lot that day. On September 4, 2014 the Board voted against allowing a food truck, but now they are back and are fine with waiting until next month to have their case heard.

Mr. Schmidt asked why he would vote against it and Mr. Hunter replied he is not opposed to food truck’s, he just thinks there could a better location such as athletic fields. The intersection is already busy and is going to get worse when the new store opens down the street.

CJ Swan, 923 High Street, stated after being denied the extension last year there was talk about setting up guidelines for food trucks within the City. Mr. Falcoskli stated he was part of a meeting with the Central Ohio Food Truck Association held at the Library last week and there has been ongoing conversation with the Old Worthington Business Association. There is a questionnaire that will be given to businesses and residents.

Ms. Swan did ask for the case to be tabled.

Mr. Hunter moved to table and Ms. Reibel seconded the motion and all members voted “aye” thereon.

**7. Variance – Sign – 6491-6493 Proprietors Rd. (Jim’s Sign Shop/Kerbler) BZA 15-15**

Discussion:

Mr. Phillips reviewed the staff memo.

James Bowen, 1298 Maize Court, stated the picture of the piano can always be black and white and would like the piano height to be between eighteen and twenty two inches.

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

Findings of fact:

1. This property is in a C-3 district where a freestanding sign must comply with the following requirements:
  - a. A sign must be setback a minimum of 10 feet from the right-of-way
  - b. Sign area is limited to 60 square feet.
  - c. 3 different letting sizes are permitted including the logo
  - d. Up to 4 colors are permitted.
2. The property has an existing nonconforming sign that was damaged by a vehicle. No details about the existing sign were provided. An aerial photograph indicates the sign is at the Proprietors Road right-of-way.
3. The applicant is proposing to replace the existing sign as follows:
  - a. The sign is to be placed in substantially the same location as the existing sign. The requested variance is 10 feet for setback from the right-of-way.
  - b. The sign is proposed to be 96 inch by 48 inch, double faced, totaling 64 square feet. The requested variance is 4 square feet.
  - c. 4 lettering sizes are proposed including the logo. The requested variance is an additional lettering size.
  - d. The logo is proposed to include all of the colors of the piano including various shades of grey, various shades of brown, and various shades of tan to simulate the metal workings of the wires and hardware within the piano. The quantity of requested colors could not be determined.



Conclusions:

1. The existing sign had been in place for many years and appears it can be repaired. Unless the sign is moved to the building, there are few places on the site the sign could be placed to meet the setback requirement without impacting parking. This mitigates the substantial nature of the setback variance request.
2. The proposed sign is smaller than the existing sign and makes it more conforming with the current requirements. Given its proximity to the right-of-way, a smaller sign would be just as effective. The requested size variance is not substantial.
3. The proposed sign design is simpler and more conforming to the number of sizes of lettering currently permitted compared to the existing sign. Reducing the logo to 12 inches would not require a variance for number of sizes. The requested variance for sizes is not substantial.
4. The current logo being used is a black and white caricature which effectively conveys the nature of the business. The proposed logo, although more realistic in its rendering, does not more effectively convey the nature of the business. Granting of this variance would apply to the piano logo used and would not readily apply to future tenants of the building. This mitigates the substantial nature of the colors variance request.
5. The location of the property across from industrial uses and the proposed sign being more conforming than the existing sign should not substantially alter the essential character of the neighborhood.
6. The delivery of governmental services should not be affected.

Mr. Hunter moved:

**THAT THE REQUEST BY JIM'S SIGN SHOP AND THOMAS KERBLER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW THE REPLACEMENT OF A SIGN AT 6491-6493 PROPRIETORS ROAD, AS PER CASE NO. BZA 15-15, DRAWINGS NO. BZA 15-15 DATED MARCH 11, 2015, BE APPROVED AND AMENDED TO INDICATE THE PIANO REPRESENTATION BE NO MORE THAN TWENTY TWO INCHES IN HEIGHT AND BLACK AND WHITE IN COLOR, 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.

**8. Variance – Rear Yard Setback – Condensing Units – 752 High St. (Worthington Community Improvement Corporation) BZA 16-15**

Discussion:

Mr. Phillips reviewed the staff memo.

Jeff Harris, 6550 North High Street, stated this request went through the Architectural Review Board last week with a series of external changes, and this is a part of a larger \$500,000 budget to renovate the building, partially funded with a \$300,000 grant from the State of Ohio, with a requirement that all monies be spent by June 30, 2015. Mr. Harris stated the City is in active lease negotiations with a restaurant concept for the southern portion of the building.

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

Findings of fact:

1. This property is in a C-5 district with a minimum 20 foot rear yard setback requirement.
2. The building will be undergoing some improvements to facilitate the leasing of space, including the installation of heating, ventilating, and air conditioning equipment.
3. The applicant is proposing to place approximately 8 condensing units along the east side of the building, ranging from approximately 3.6 feet from the east property line to approximately 8.2 feet from the east property line. The requested variance ranges from approximately 16.4 feet to 12.8 feet.
4. The exterior alterations including the 8 condensing unit locations are subject to, and have been approved as modified by, the Architectural Review Board.

Conclusions:

1. Buildings in the C-5 district only have a rear setback requirement. A large part of the building is within the setback and the proposed location of the condensers best shields them from view given the site conditions. 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.

Ms. Reibel moved:

**THAT THE REQUEST BY WORTHINGTON COMMUNITY IMPROVEMENT CORPORATION AND THE CITY OF WORTHINGTON FOR A VARIANCE FROM CODE REQUIRMENTS FOR REAR YARD SETBACK TO ALLOW THE PLACEMENT OF CONDENSING UNITS AT 752 HIGH STREET, AS PER CASE NO. BZA 16-15, DRAWINGS NO. BZA 16-15 DATED MARCH 13, 2015, 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.

Ms. Reibel moved to adjourn, seconded by Mr. Hunter and the meeting adjourned at 8:45 PM.