



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

June 4, 2015

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: R. Hunter, L. Reibel, D. Falcoski, B. Seitz and C. Crane. 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 May 7, 2015 minutes, seconded by Mr. Seitz. The minutes were approved.

**B. Items of Public Hearing**

**1. Variance – Signage – 649 High St. (The Worthington Inn) BZA 21-15**

Mr. Phillips reviewed the staff memo.

**Findings of fact:**

1. This property is in the C-5 district where each business is permitted 1 building mounted sign.
2. The applicant is proposing to place signage on either side of the existing awning on the south side of the building. The requested variance is for one additional building mounted sign.
3. The property is subject to, and the signage has been approved by, the Architectural Review Board.

**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.

**Discussion:**

Rick Waller, Sign Vision, 987 Claycraft Road, approached the Board to answer any questions.

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

**Motion:**

Mr. Hunter moved:

**THAT THE REQUEST BY THE WORTHINGTON INN AND 649 HIGH LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW A SECOND SIGN AT 649 HIGH STREET, AS PER CASE NO. BZA 21-15, DRAWINGS NO. BZA 21-15 DATED MAY 1, 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 – **364 E. Stafford Ave.** (Richard Geier) **BZA 22-15**

Mr. Phillips reviewed the staff memo.

**Findings of fact:**

1. This property is an existing lot of record in the R-10 district where the side yard setback requirement is 8 feet.
2. The applicant is proposing to replace the existing air conditioner condenser in the west side yard, approximately 4 feet from the west property line. The requested variance is 4 feet.

**Conclusions:**

1. The proposed location is adjacent to the neighbor’s garage and mitigates 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.

**Discussion:**

Richard Geier, 364 East Stafford Avenue, stated the existing unit has been at the location for twenty years and had been told by neighbors there was already an approved variance.

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

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY RICHARD GEIER FOR A VARIANCE FROM CODE REQUIREMENTS SIDE YARD SETBACK TO PLACE A CONDENSER AT 364 EAST STAFFORD AVENUE, AS PER CASE NO. BZA 22-15, DRAWINGS NO. BZA 22-15 DATED MAY 8, 2015, 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.

**3. Variance – Sign – 673 High St. (Harold C. Baker) BZA 23-15**

Mr. Phillips reviewed the staff memo.

**Findings of fact:**

1. This property is in the C-5 district where each business is permitted 1 building mounted sign.
2. The applicant is proposing to place 2 signs on the building, 1 on the front of the building for the main entrance from High Street, and 1 on the rear of the building for the rear entrance from the parking to the west. The requested variance is for an additional wall sign.
3. The property is subject to, and the overall signage has been approved by, the Architectural Review Board. The specific signage design must be approved by the Architectural Review Board.

**Conclusions:**

1. It is reasonable for a business, especially a restaurant, to have a sign at their rear entrance especially since to the west is the parking for this portion of the city. 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.

**Discussion:**

Harold Baker, 673 High Street, stated directional signage is really needed because there are many doors on the rear of the building and this will show customers what door to use for what business. This business will open in twenty to thirty days so it is critical to have signage.

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

**Motion:**

Mr. Hunter moved:

**THAT THE REQUEST BY HAROLD C. BAKER FOR A VARIANCE FROM CODE REQUIRMENTS FOR SIGNAGE TO ALLOW A SECOND SIGN AT 673 HIGH STREET, AS PER CASE NO. BZA 23-15, DRAWINGS NO. BZA 23-15 DATED MAY 11, 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.

**4. Variance – Rear Yard Setback – Garage – 579 High St. (Joel Mazza) BZA 24-15**

Ms. Crane asked if the applicant was present and no one representing the owner was present.

Mr. Hunter moved to table item, seconded by Mr. Seitz. Joel Mazza appeared and was sworn in by Mr. Phillips.

Mr. Hunter remove his motion to table.

Mr. Phillips reviewed the staff memo.

**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 to erect a 27 foot 8 inch by 26 foot detached garage, 5 feet from the west property line. The requested variance is 15 feet.
3. The applicant is further proposing a 16 foot by 40 foot swimming pool, approximately 7 feet 2 inches from the west property line. The requested variance is approximately 12 feet 10 inches.
4. Lastly the applicant is proposing a 50 feet by 40 feet garage with a second story apartment, 7 feet 2 inches from the west property line. The requested variance is 12 feet 10 inches.
5. The property is subject to approval by the Architectural Review Board. That Board approved the detached garage at least 5 feet from the west property line. The pool and the garage/apartment building require approval by that Board.
6. A Conditional Use Permit for the residential expansion including the accessory uses requires the approval of the Municipal Planning Commission.

7. 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. It also requires exterior walls within 3 feet of a lot line not contain any openings such as windows and doors. Granting of these variances do not grant variances from the 2013 Residential Code of Ohio.

Conclusions:

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

**Discussion:**

Ms. Crane asked for clarification on what the Board is discussing since the agenda and staff comments are different. Mr. Phillips replied staff had not yet met when the agenda item had been published in the Columbus Dispatch. Staff determined not only did the detached garage need a variance, but the pool and the garage apartment building are in the twenty foot setback also for a total of three structures in the required setback.

Ms. Crane stated if the Board makes a motion, it must include all three elements and Mr. Phillip replied that is correct.

Ms. Crane asked how staff determined all of this development will not substantially alter the essential character of the neighborhood. Mr. Phillips replied the zoning district is C-5. Looking at the neighborhood as a whole, you have multi-family to the west, a post office to the north, and an office building to the south, and multiple commercial buildings to the east. If this development were a couple of blocks over in the R-10 district, it would be a tremendous to that neighborhood.

Mr. Hunter stated he was not at the last ARB/MPC meeting and does not know what was approved. Joel Mazza, 579 High Street, stated the rear fence needs to go back to the Architectural Review Board and there are issues regarding the apartment. Mr. Phillips said the expansion of the residential use requires a conditional use approval by the Municipal Planning Commission.

Mr. Hunter said the building is in the C-5 district with essentially a zero lot line requirement. It was underutilized as a commercial property and Mr. Mazza has spent a lot of money improving the site. It is across the street from the post office, next to an apartment building and another office building, is not in an R-10 district, and in terms of its character, it is a great addition to that neighborhood.

Ms. Reibel asked if the pool was approved by the Architectural Review Board and Mr. Phillips replied it was but the expansion of the conditional use still requires approval by the Municipal Planning Commission. Granting of variances does not require the Municipal Planning Commission to approve a Conditional Use Permit. Mr. Hunter said he thinks the apartment above the garage is still to be decided and Mr. Mazza replied that

is correct. Mr. Phillips stated all of the accessory uses are expansions of the Conditional Use Permit for the residential including both garages, the apartment, and the pool.

Ms. Reibel asked if the pool will have a fence around it and Mr. Phillips replied yes, the zoning code requires a fence.

Ms. Crane asked if the larger garage is a four car garage because the elevation shows four doors. Mr. Phillips replied there are four overhead doors but it is not clear if the fourth bay will be used for parking. Based upon the size of the building, it appears to be able to accommodate seven vehicles through those four overhead doors.

Ms. Crane asked what is the intended use of the apartment, and Mr. Mazza replied he hopes his mother will move into it eventually. Ms. Reibel asked if he will rent the apartment and Mr. Mazza replied he intends his mother to live in it. Mr. Phillips stated once the apartment is approved, the site becomes a property with two single-family dwellings on it.

Ms. Crane asked if the pool would be visible from the street and Mr. Mazza replied the pool is sunk down between the carriage house, the garage, the house, and a high decorative fence.

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

**Motion:**

Mr. Hunter moved:

**THAT THE REQUEST BY JOEL MAZZA AND ERMA LLC FOR A VARIANCE FROM CODE REQUIRMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF TWO GARAGES, AN APARTMENT, AND A POOL AT 579 HIGH STREET, AS PER CASE NO. BZA 24-15, DRAWINGS NO. BZA 24-15 DATED MAY 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.

Mr. Hunter to adjourn, seconded by Mr. Seitz and the meeting adjourned at 8:06 PM.