



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

August 6, 2015

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members were 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 July 2, 2015 minutes, seconded by Mr. Seitz. The minutes were approved.

B. Items of Public Hearing

1. **Variance** – Side Yard Setback – Fence – **186 Park Blvd.** (Paul & Amanda Cook)
BZA 30-15

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 minimum front yard requirement is 30 feet. Corner lots are permitted to reduce the adjacent setback to 20 feet. Fencing is not permitted between the right-of-way and the building set back line.
2. The applicant is proposing to demolish some existing fencing and erect a new 4 foot high fence approximately 10 feet from the Brookside Oval East right-of-way and 25 feet from the Hardy Way right-of-way. The requested variance is for 10 feet along Brookside Oval East and 5 feet along Hardy Way.

Conclusions:

1. Corner lots are challenged by additional setback requirements. In this particular case the property is hemmed in by 3 rights-of-way. The property is graded much higher than Park Boulevard. The properties along the south side of Hardy Way treat it like an alley or a back yard with garages and fences within the setback. 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.

Discussion:

Amanda and Paul Cook, 186 Park Boulevard, stated the fence would provide safety for their child.

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 THE PAUL AND AMANDA COOK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACK TO ALLOW THE ERECTION OF A FENCE AT 186 PARK BOULEVARD, AS PER CASE NO. BZA 30-15, DRAWINGS NO. BZA 30-15 DATED JULY 6, 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.

2. Variance – Rear Yard Setback – Screened Porch – 6653 McBurney Pl. (Trevor Custom Homes) BZA 31-15

Mr. Phillips reviewed the staff memo.

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 single family dwelling that will contain a 12 foot 8 inch by 17 feet 8 inch screened porch, 25.8 feet from the west property line. The requested variance is 4.2 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.

Discussion:

Steve Goebel, 6814 Whitetail Lane, Westerville, stated the screened in porch fits in with the quality and design of the subdivision.

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 TREVOR CUSTOM HOMES FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO CONSTRUCT A DWELLING AT 6653 MCBURNEY PLACE, AS PER CASE NO. BZA 31-15, DRAWINGS NO. BZA 31-15 DATED JULY 7, 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.

**3. Variance – Lot Width – 6121 Olentangy River Rd. (Congregation Beth Tikvah)
BZA 32-15**

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the R-10 district where the minimum lot width is 200 feet for a semi-public use.
2. The existing property has a semi-public use which fronts 165.40 feet along Olentangy River Road and 50 feet along Colebrook Drive. The total existing lot width is 215.40 feet.
3. The applicant is proposing to sell the unused back portion of the lot to the neighbor to the west. The resultant parcel will no longer front Colebrook Drive and the lot width will be reduced to 165.40 feet. The requested lot width variance is 34.6 feet.
4. The subdivision without plat to transfer the property has been approved by the Municipal Planning Commission on the condition this Board grant the lot width variance. The subdivided lot will be joined to the neighbor’s property resulting only in the movement of property lines.

Conclusions:

1. The portion of the property being transferred has not been used by the owner. There will be no physical changes to the remaining portion of the property as a result of this transfer. 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.

Discussion:

Andy Shaffron,,7128 Blustran Court, Columbus, representing Beth Tikvah had nothing to add to staff comments

Mr. Hunter stated at the Municipal Planning Commission meeting there were no neighbors in opposition.

Scott Whitlock, 6081 Olentangy River Road, stated he is in full support of this variance, especially since in 1978 a Conditional Use permit was approved by Council to include it having a lot width of 165.4 feet and is concerned why today the lot width is figured using two different sides of the parcel.

Ms. Crane asked for clarification from staff on the calculation of using two different frontages for lot width. Mr. Phillips replied, by definition in the zoning code, the portion of the lot that fronts a public right of way is the portion you count to determine the lot width.

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 CONGREGATION BETH TIKVAH FOR A VARIANCE FROM CODE REQUIRMENTS FOR LOT WIDTH TO ALLOW A SUBDIVISION AT 6121 OLENTANGY RIVER ROAD, AS PER CASE NO. BZA 32-15, DRAWINGS NO. BZA 32-15 DATED JULY 10, 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.

4. Variance – Side Yard Setback – 254 Kenbrook Dr. (Jared McAlister) BZA 33-15

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 minimum front yard requirement is 30 feet. Corner lots are permitted to reduce the adjacent setback to 20 feet.
2. The applicant is proposing to construct a 28 foot by 25 foot addition to the west of the existing dwelling, from 7.4 feet to 8.5 feet from the Foster Avenue right-of-way. The requested variance is from 12.6 feet to 11.5 feet.

Conclusions:

1. Corner lots are challenged by additional setback requirements. Even if Foster Avenue were not a right-of-way, the addition would still require a side yard setback variance. The existing dwelling layout inhibits an addition to the north especially trying to work around an existing attached garage. Foster Avenue does not appear to be centered in the right-of-way and visually the addition will be closer to the street than in other parts of the city. There are a number of existing dwellings within the 20 foot side yard on corner lots including one across Foster Avenue to the west. This addition should not cause intersection sight line issues. 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.

Discussion:

Joe McAlister, 3050 Fishinger Road, stated the site plan by the surveyor shows it is a two story home but it is only a one story home. The addition will also be one story with dormers to match surrounding homes. He said five neighbors also have no objections.

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

Dave Patton, 238 East Selby Boulevard, stated he is one of the neighbors who is in support of this request.

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY JARED MCALISTER FOR A VARIANCE FROM CODE REQUIRMENTS FOR SETBACK TO ALLOW THE CONSTRUCTION OF AN ADDITION AT 254 KENBROOK DRIVE, AS PER CASE NO. BZA 33-15, DRAWINGS NO. BZA 33-15 DATED JULY 10, 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.

Mr.Falcoski moved to adjourn, seconded by Mr. Seitz. The meeting adjourned at 7:56 PM.