



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

September 3, 2015

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members were present: 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. Seitz moved to approve the August 6, 2015 minutes, seconded by Mr. Falcoski. The minutes were approved.

B. Items of Public Hearing

Variance – Side Yard Setback – Condensing Unit – **327 Highgate Ave.** (Favret Co./Peveler) **BZA 34-15**

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This is an existing lot of record in the R-16 district where the side yard setback requirement is 10 feet.
2. The applicant has replaced the existing air conditioner condenser in the east side yard. The requested variance is to allow the entire condenser within the required yard.
3. The Division of Building Regulation has no record of any inquires about the location of the condenser.

Conclusions:

1. The proposed location is adjacent to the neighbor's driveway 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:

Laura Peveler, 327 Highgate Avenue, had nothing to add to the staff comments.

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 FAVRET CO. AND TONY AND LAURA PEVELER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSER TO REMAIN AT 327 HIGHGATE AVENUE, AS PER CASE NO. BZA 34-15, DRAWINGS NO. BZA 34-15 DATED JULY 13, 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 – Accessory Structure Area – Garage – 63 W. Granville Rd. (Megan Shroy) BZA 35-15

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the R-10 district where the total allowable accessory structure area is 850 square feet.
2. The property contains a historic barn, 24 feet 6 inches by 21 feet totaling 514.5 square feet in area. This barn’s relatively recent addition is to be removed. The new dimensions will be 24 feet 6 inches by 16 feet totaling 392 square feet.
3. The applicant is proposing the construction of a 38 feet 8 inch by 22 feet, 2 story detached garage totaling 1701.3 square feet in area. The total proposed accessory structure area is 2,093.3 square feet. The requested variance is 1,243.3 square feet.
4. The property is subject to approval by the Architectural Review Board.

Conclusions:

1. The property is an unusually large lot, 126.12 feet by 134.68 feet totaling 16,985.8 square feet, which is 6,585.8 square feet, or over 63%, larger than the minimum for the R-10 district. Many lots in the general neighborhood are smaller than the required size. The absolute 850 square foot limitation is irrespective to lot size.
2. The Architectural Review Board will likely insist the existing barn be retained.

3. If the garage were attached to the dwelling, the second story portion of the garage would not be counted as accessory structure area, and excepting the barn, would not require a variance. Attaching the garage to the house would substantially detract from its historic character.
4. There are many trees along the east property line that will provide a visual screening of the garage and the proposed location in the southeast corner of the property will minimize it being seen from Granville Road and Oxford Street.
5. The intent of the accessory structure limit is to prevent imposing accessory structures overshadowing the main dwelling. In this particular case, the main dwelling will not be overshadowed, given the large site, its location on the property, and the screening provided.
6. These factors mitigate the substantial nature of the variance request.
7. The delivery of governmental services should not be affected.

Discussion:

Dennis Meacham, 763 Glenview Drive, Howard, Ohio responded to Ms. Crane's inquired about the office portion on the second story with it is a home occupation of computer work so there would be no traffic.

Mr. Falcoski asked since the garage will be two stories this doubles the accessory square footage, Mr. Phillips stated that is correct.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY MEGAN SHROY FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY STRUCTURE AREA TO CONSTRUCT A GARAGE AT 63 WEST GRANVILLE ROAD, AS PER CASE NO. BZA 35-15, DRAWINGS NO. BZA 35-15 DATED JULY 21, 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 – Side Yard Setback – Condensing Unit – 31 W. Stafford Ave. (Wolfe & Sons Heating & Cooling Inc.) BZA 36-15

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 has replaced the existing air conditioner condenser in the east side yard. The requested variance is to allow the entire condenser within the required yard.
3. The Division of Building Regulation has no record of any inquires about the location of the condenser.

Conclusions:

1. The proposed location is adjacent to a parking lot owned by the City of Worthington serving the Griswold Center, which 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:

Timothy Wolfe, 989 Old Henderson Road, Columbus, stated the unit is not loud and there are bushes along the parking lot.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY WOLFE & SONS HEATING AND COOLING, INC., THOMAS METZ, AND DAVID BRIGHTMAN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSER TO REMAIN AT 31 WEST STAFFORD AVENUE, AS PER CASE NO. BZA 36-15, DRAWINGS NO. BZA 36-15 DATED AUGUST 17, 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. Phillips stated there is a proposed zoning code change going before the Municipal Planning Commission to no longer require condensing units to be outside of the setback, which could be effective by the end of October. He also stated the City is close to issuing email addresses for Board members.

Mr. Seitz moved to adjourn, seconded by Mr. Falcoski. The meeting adjourned at 7:43 PM.