



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

October 1, 2015

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members were present: D. Falcoski, B. Seitz, R. Hunter 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 September 3, 2015 minutes, seconded by Mr. Falcoski. The minutes were approved.

B. Items of Public Hearing

Variance – Signage – 6740 Huntley Rd. (CBUS Lifting Co.) BZA 37-15

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the I-1 district where allowable sign area is 1.5 sf for each 1 lineal foot of street frontage to a maximum of 100 square feet.
2. The applicant has the rear portion of the building with approximately 24 feet of frontage. The allowable sign area is approximately 36 square feet. The applicant is proposing to place a 16 foot by 16 foot sign on wall, totaling 256 square feet. The requested variance is for 220 square feet.

Conclusions:

1. The location of the business at the back of the building may warrant a larger than typical sign to be seen from Huntley Road, although a compliant sign could be placed nearer Huntley Road. To this end, the proposed sign contains graphics that may not be easily seen from Huntley Road, making it larger than it needs to be. The sign could be reduced in half with the CBUS Lifting Co. logo and perhaps the arrow, reducing the substantial nature of the variance request.
2. The delivery of governmental services should not be affected.

Discussion:

Mr. Hunter stated with multiple tenants this could be setting a precedent. Matt Barnes, 6740 Huntley Road, said the majority of the businesses are service related where this business is trying to attract customers to the rear of the building. Mr. Hunter said he could vote for a smaller sign 8 feet x 16 feet with the name and an arrow.

Mr. Seitz asked if the sign is reduced by half what would be the variance square footage and Mr. Phillips stated it would be for 92 square feet.

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 CBUS LIFTING CO. AND CAPOCCIA-FMD LTD FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGN AREA TO ALLOW THE PLACEMENT OF A SIGN AT 6740 HUNTLEY ROAD, AS PER CASE NO. BZA 37-15, DRAWINGS NO. BZA 37-15 DATED AUGUST 31, 2015 BE APPROVED, WITH THE FOLLOWING AMENDMENT; THAT THE SIGN WOULD BE EIGHT FEET HIGH BY SIXTEEN FEET WIDE; BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Falcoski seconded the motion. Mr. Hunter, Mr. Falcoski, and Ms. Crane voted yes. Mr. Sietz voted no. the motion passed.

2. Variance – Fence – 7046 Worthington-Galena Rd. (Penny Roberts) BZA 39-15

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the I-1 district where the minimum front yard requirement is 50 feet. Fences cannot be erected between the right-of-way line and the front yard setback.
2. The applicant has erected 65 feet of a 40” tall, post and chain fence, from the building sidewalk to the tree lawn to the west to approximately the right-of-way line. The majority of the fence is within the 50 foot front set back.

Conclusions:

1. The applicant is attempting to prevent vehicles from entering the south curb cut, travel north past the building, and then travel to the east along the north property line to reach Huntley Road. A more effective, long term means of traffic control may be adding a curb and landscaping to prevent through traffic. The requested variance is substantial.
2. Staff prepared multiple sample motions for consideration.

3. The delivery of governmental services should not be affected.

Discussion:

Ms. Cranes asked if the first motion would approve a variance, and the second two motions would temporarily approve the fence. Mr. Phillips replied that is correct.

Penny Robert, 7046 Worthington-Galena Road, stated they were having problems with traffic cutting through their property. Chad Roberts, 7046 Worthington-Galena Road said it is a safety hazard for himself and his dog. He used to park his vehicle and trailer to block the traffic however the Fire Department said it was a fire issue. Ms. Roberts did not understand why since there are two drive approaches.

Mr. Hunter said there probably is a better permanent way to resolve this with possible curb and landscaping. He asked how many drive approaches are required and Mr. Phillips replied the zoning code allows one approach for every three hundred feet.

Mr. Falcoski stated the Board is faced with granting a variance for a fence in the front setback and if so it would put you in a position as non-compliance with the Fire Department. Mr. Hunter stated he would like to hear the reasoning from the Fire Department. Mr. Phillips stated he would notify the City Manager who would then notify the Fire Department.

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

Motion:

Mr. Hunter moved to table item, Mr. Seitz seconded the motion and all members voted “aye” thereon item tabled.

3. Variance – Side Yard Setback – New Dwelling – Vacant Lot West of 27 E. Riverglen Dr. (Nancy Saylor) BZA 40-15

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 dwelling 10 feet from the alley right-of-way to the west. The requested variance is 10 feet.

Conclusions:

1. The intent of the front setback requirement is to create open streetscapes within the community. It does not appear that was intended for alleys. In this particular case, other properties to the north and south along this alley were similarly constructed within the 20 foot requirement. This dwelling 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:

Nancy Saylor, 27 East Riverglen Drive, said her hope is to be able to build a home on the lot while being consistent with the other homes along the alley.

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

Richard Shiels, 37 East Riverglen Drive, asked what impact this could have on the storm sewer. Mr. Phillips replied he could have the City Engineer come to the next meeting. Mr. Hunter stated the survey does not show any easements on the property.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY NANCY SAYLOR FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF A DWELLING AT PARCEL IDENTIFICATION NUMBER 100-000913, AS PER CASE NO. BZA 40-15, DRAWINGS NO. BZA 40-15 DATED SEPTEMBER 4, 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 – Shed – 547 Greenglade Ave. (Kent Hofacre) BZA 41-15

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the R-10 district where the rear yard setback requirement is 10 feet for detached accessory structures over 120 square feet in area.
2. The applicant is proposing to construct a 12 foot by 16 foot shed 6 feet from the rear property line. The requested variance is 4 feet.

3. There are 10 foot general utility easements along the rear property lines but the city has no record of water or sewer services within those easements.

Conclusions:

1. The rear setback requirement for 120 square foot and smaller sheds is 5 feet. In this particular case, the property is against a well screened Wilson Bridge Road right-of-way and mitigates 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:

Kent Hofacre, 547 Greenglade Avenue, stated staff said the wrong size, the shed will be 12 feet by 16 feet.

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 KENT HOFACRE FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A SHED AT 547 GREENGLADE AVENUE, AS PER CASE NO. BZA 41-15, DRAWINGS NO. BZA 41-15 DATED SEPTEMBER 4, 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.

5. Variance – Rear Yard Setback – Terrace Addition – 752 High St. (Angela Petro/Sweet Carrot Central Ohio LLC) BZA 42-15

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the C-5 district where the minimum rear yard requirement is 20 feet.
2. The applicant is proposing to construct a 15 foot deep elevated terrace along the west and south portions of the existing building. A portion of the terrace is proposed 10 feet from the east property line. The requested variance is 10 feet.
3. The property is subject to, and the terrace has been approved by, the Architectural Review Board.

4. The terrace and new stair encroaches into the Village Green to the west and will require Council approval

Conclusions:

1. The C-5 district has no setback requirements excepting for the rear. In this particular case, the terrace's rear yard encroachment 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:

Ms. Crane asked for the location of the rear yard. Mr. Phillips stated High Street is the front and the rear would be east of the building.

Jay Trueman, 550 South High Street, said the additional space requested is for steps to provide egress for the terrace.

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 ANGELA PETRO AND THE CITY OF WORTHINGTON FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A TERRACE AT 752 HIGH STREET, AS PER CASE NO. BZA 42-15, DRAWINGS NO. BZA 42-15 DATED AUGUST 20, 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.

6. Variance – Side Yard Setback – Addition – 563 Meadoway Pk. (Maple Craft LLC/West) BZA 43-15

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, the minimum side yard requirement is 6 feet, and the minimum sum of the 2 side yards is 12 feet.

2. The applicant is proposing to demolish an existing detached garage and construct a partial 2 story addition with tandem 2 car garage, approximately 24.8 feet from the Meadoway Park right-of-way and approximately 3.9 feet from the east property line. The sum of the 2 proposed side yards total approximately 7.9 feet. The requested variances are approximately 5.2 feet for front yard setback, approximately 2.1 feet for side yard setback, and approximately 4.1 feet for the sum of the 2 side yards.
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.

Conclusions:

1. Narrow and irregularly shaped lots in the neighborhood make compliance with the setback requirements difficult to achieve. In this particular case, the addition could be moved to the south to avoid the front yard setback but at the expense of a smaller rear yard. Similarly, it could also be narrowed so that only a sum of side yards variance would be required but this reduces the size of the addition. A large portion of the garage will not have a second story above, reducing the visual impact from the east. Lastly, many properties along this stretch of Meadoway Park are similarly encroaching into the setbacks. These factors mitigate the substantial nature of the variances requested.
2. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked for the definition of a tandem garage. Gary Dunn, 5863-C Zarley Street, New Albany replied instead of two cars being parked parallel they would be parked end to end.

William West, 563 Meadoway Park, stated they are not rebuilding the new garage any closer to the property line than the existing just going further into the lot.

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 KRISTINA HOOVER AND WILLIAM WEST FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT AND SIDE YARD SETBACKS TO ALLOW THE CONSTRUCTION OF AN ADDITION AT 563 MEADOWAY PARK, AS PER CASE NO. BZA 43-15, DRAWINGS NO. BZA 43-15 DATED SEPTEMBER 9, 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.

7. Variance – Side Yard Setback – Garage – 690 Evening St. (Timothy Shaw) BZA 44-15

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is in the R-10 district where the minimum side yard requirement is 8 feet for detached accessory structures. Total accessory structure area is limited to 850 square feet.
2. The applicant is proposing to construct a 28 feet by 28 feet, 2 story detached garage, 3 feet from the south property line. The second story contains 16 feet by 26 feet 8 inches of storage space. Total proposed accessory structure area is 1,210.7 square feet. The requested variances are 5 feet for side yard setback and 360.7 square feet of accessory structure area.
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 garage is subject to, and has been approved by, the Architectural Review Board.

Conclusions:

1. The garage replaces one that was previously on the property and allows some of the existing foundation to be reused for the new garage. The previous garage was similarly close to the property line and the detached garage to the south also is close to the property line. This mitigates the substantial nature of the side yard setback variance request.
2. The intent of the accessory structure area limit is to prevent imposing accessory structures overshadowing the main dwelling. In this particular case, the pitched roof allows for usable space for storage. Whether or not it is used for storage would not change the outward appearance of the structure. If the garage were attached to the dwelling, the storage space would not be counted as accessory structure area. These factors mitigate the substantial nature of the variance request.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Discussion:

Tim Shaw, 690 Evening Street, had nothing to add to staff comments.

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 TIMOTHY SHAW FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND ACCESSORY STRUCTURE AREA TO ALLOW THE CONSTRUCTION OF A GARAGE AT 690 EVENING STREET, AS PER CASE NO. BZA 44-15, DRAWINGS NO. BZA 44-15 DATED SEPTEMBER 10, 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 all Board members should have a City email address now. The Municipal Planning Commission did recommend approval to Council the proposed ordinance where condensing units could be placed in the required setback without a variance, Council introduced the ordinance on September 21, 2015 and it will be heard on October 5, 2015. If approved it will be effective 23 days later.

Mr. Seitz moved to adjourn, seconded by Mr. Falcoski. The meeting adjourned at 8:30 PM.