



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

January 7, 2016

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members were present: D. Falcoski, B. Seitz, C. Crane, L. Reibel, and M. Coulter. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Oaths of Office - Ms. Reibel and Mr. Seitz were sworn to serve the new term.
4. Election of Officers - Mr. Falcoski moved to approve the following slate of officers:
Ms. Crane – Chair
Mr. Seitz – Vice Chair
Ms. Reibel – Secretary

Mr. Seitz seconded the motion. The motion was approved.

5. Mr. Falcoski moved to approve the Dec. 3, 2015 minutes, seconded by Ms. Reibel. The minutes were approved.
6. Affirmation/swearing in of witnesses

B. Items of Public Hearing

Mr. Phillips reviewed the following from the staff memo:

1. Variance – Signage – 6661 Huntley Rd. (Tilton’s Automotive Service) BZA 50-15

Findings of fact:

1. This property is in the I-1 district where each business is permitted 1 wall mounted sign and total sign area cannot exceed 100 square feet in area.
2. The applicant placed 2 banners on the building without approval.
3. The property has a 60 square foot monument along the Schrock Road right-of-way.

4. The applicant is proposing to attach 2 wall mounted signs on the building facing the Schrock Road and Huntley Road rights-of-way. Each sign is proposed to be 52.65 square feet in area, totaling 105.3 square feet. The existing monument sign and banners will be removed when the wall mounted signs are installed. The requested variances are 1 additional wall mounted sign and additional sign area of 5.3 square feet.

The following conclusions are presented:

1. Placing a single wall mounted sign on a building at an intersection can present a practical difficulty. This mitigates the substantial nature of the number of wall signs variance request.
2. The total sign area variance is not substantial.
3. It is reasonable to allow the 2 banners to stay until the new signs are placed on the building and this work be completed within 30 days. Similarly, the existing monument sign should also be removed within 30 days.
4. The essential character of the neighborhood should not be altered.
5. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Andy Tilton, 580 Hartford Street, said that everything Mr. Phillips discussed is what they would like to happen. He said that the monument sign out front is hidden by the automobiles that are parked in the parking lot, so banners were placed on the building so that customers could find his business. The banners are temporary. He would like to have wall mounted signs so that people will see the name of his business from both streets, and that type of sign is a safer choice.

Ms. Crane asked if the permanent signs would look like the banners. Mr. Tilton said that the sign Ms. Crane was looking at was actually a mockup of the real sign and not a banner.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Mr. Seitz moved:

THAT THE REQUEST BY TILTON'S AUTOMOTIVE SERVICE AND HUNTLEY ROAD PROPERTIES LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW TWO WALL MOUNTED SIGNS AT 6661 HUNTLEY ROAD, AS PER CASE NO. BZA 50-15, DRAWINGS NO. BZA 50-15 DATED OCTOBER 28, 2015 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING ON THE CONDITION THAT THE 2 BANNERS AND THE MONUMENT SIGN BE REMOVED BY FEBRUARY 7, 2016.

Mr. Falcoski seconded the motion. All members voted "aye". The motion was approved.

2. Variance – Front Yard Setback – Handrail – 181 E. Granville Rd. (Scott Potter & Jill Welch) BZA 01-16

Mr. Phillips reviewed the following from 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 along a regional thoroughfare is 50 feet.
2. The property has an existing dwelling and front porch approximately 25.78 feet from the East Granville Road right-of-way.
3. The applicant is proposing to add a handrail to the existing steps of the porch entirely within the front setback. The requested variance is approximately 24.22 feet.
4. The property is subject to approval by the Architectural Review Board.

The following conclusions are presented:

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:

Ms. Crane asked if the applicant was present. Scott Potter, 181 East Dublin-Granville Road said that he has lived at the current location for twenty-five years, but he feels that the handrail is needed. Ms. Crane said that she agreed that this is safety issue.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Ms. Reibel moved:

THAT THE REQUEST BY SCOTT POTTER AND JILL WELCH FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE INSTALLATION OF A HANDRAIL AT 181 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 01-16, DRAWINGS NO. BZA 01-16 DATED DECEMBER 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. All members voted “aye”. The motion was approved.

**3. Variance – Front Yard Setback – Porch – 254 Kenbrook Dr. (Jared McAlister)
BZA 02-16**

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is an existing lot of record in the R-10 district with a platted front yard setback of 40 feet.
2. This Board recently granted a side yard setback variance to allow an addition to the existing dwelling on the west side of the lot. The existing dwelling is within the 40 foot front setback.
3. The applicant is proposing to expand the existing front porch to the east. The proposed open porch will be 5 feet deep and 13 feet 6 inches wide. The requested variance is to allow the entire porch in the front setback.

The following conclusions are presented:

1. Platted building lines, or setbacks, are typically less than what are currently required by the zoning code and the more restrictive is usually applied. In this particular case, the front yard setback of 40 feet exceeds the 30 feet for the district. The porch is being enlarged and would not likely need a variance if the 30’ setback is applied, which is typical of this neighborhood. 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:

Ms. Crane asked if the applicant was present. Mr. Jared McAlister, 254 Kenbrook Drive, said that he just wants to add character to the front of the home by adding the overhang on the front porch.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Mr. Falcoski moved:

THAT THE REQUEST BY JARED MCALISTER FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A PORCH AT 254 KENBROOK DRIVE, AS PER CASE NO. BZA 02-16, DRAWINGS NO. BZA 02-16 DATED DECEMBER 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. All members voted “aye”. The motion was approved.

4. Variance – Side Yard Setback – Shed – 6901 Betsey Pl. (Katrina Timson) BZA 03-16

Mr. Phillips reviewed the following from 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 buildings over 120 square feet in area.
2. The applicant replaced an existing 10 foot by 10 foot shed 8.5 feet from the north property line with a 10 foot by 16 foot shed 2.5 feet from the same property line. The requested variance is 6 feet.

The following conclusions are presented:

1. The shed is somewhat protected from view by fencing, 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:

Ms. Crane asked if the applicant was present. Katrina Timson, 6901 Betsy Place, said that she needed a larger shed to store lawn care equipment.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Mr. Seitz moved:

THAT THE REQUEST BY KATRINA TIMSON FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A SHED TO REMAIN AT 6901 BETSY PLACE, AS PER CASE NO. BZA 03-16, DRAWINGS NO. BZA 03-16 DATED DECEMBER 7, 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. All members voted “aye”. The motion was approved.

5. Variance – Accessory Building Area – Garage – 258 Highland Ave. (Rizek Construction LLC/Lumpe) BZA 04-16

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district where total accessory building area is limited to 850 square feet.
2. The existing lot is 0.976 acres or 42,514.56 square feet.
3. The applicant is proposing to convert the existing 2 car garage into habitable space, and construct a 3 car garage addition, 35 feet by 22 feet with a 16 foot by 7 foot 4 inch additional storage area totaling 887.3 square feet. The property has an existing shed, approximately 100 square feet in area, that the applicant intends to demolish when the garage is completed. The proposed total accessory building area is 887.3 square feet without the shed. The requested variance is 37.3 square feet without the shed.

The following conclusions are presented:

1. The requested variance is mitigated when this larger than typical lot is compared to the minimum 10,400 square foot lot of the district.
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 if the applicant was present. Lisa Lumpe, 258 Highland Avenue, said that her goal is to get rid of the shed in the back because everything will fit in the new garage. Mrs. Lumpe said that she needs the extra space in her garage because her house does not have a basement. Mr. Seitz asked if the shed goes away, will the variance request be reduced by one hundred square feet and Mr. Phillips replied that is correct.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and one person raised their hand.

Frank McCarthy, 272 Highland Avenue, said that his house to the right of the applicant, has seen the renderings, and believes that the new addition will look beautiful and enhance the neighborhood. He urged the Board to approve the variance.

Finding no other speakers, Mr. Seitz moved:

THAT THE REQUEST BY RIZEK CONSTRUCTION LLC AND LISA AND JOHN LUMPE FOR A VARIANCE FROM CODE REQUIREMENTS FOR TOTAL ACCESSORY BUILDING AREA TO ALLOW THE CONSTRUCTION OF A GARAGE AT 258 HIGHLAND AVENUE, AS PER CASE NO. BZA 04-16, DRAWINGS NO. BZA 04-16 DATED DECEMBER 7, 2015 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING WITH THE CONDITION THAT THE EXISTING SHED WILL BE REMOVED.

Mr. Falcoski seconded the motion. All members voted “aye”. The motion was approved.

6. Variance – Rear Yard Setback – Garage – 6880 Halligan Ave. (Robert Apel/Greene) BZA 05-16

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district where the minimum rear yard setback is 30 feet.
2. The applicant is proposing to convert the existing 2 car garage into habitable space and construct a 2 car garage addition approximately 22.1 feet from the east property line. The requested variance is approximately 7.9 feet.

The following conclusions are presented:

1. Corner lots are encumbered with additional setback requirements which can limit the size and use of rear yards. In this particular case, the dwelling was placed in excess of the front setback requirement and into the rear setback, which limits expanding the dwelling without rear yard setback variances. A previous variance

was granted for a addition to the east at the north end of the dwelling. 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:

Ms. Crane asked if the applicant was present. Robert Apel, 5959 Bell Haven Drive, Hilliard, said that the front yard is addressed off Highland Avenue and the side yard is off of Halligan, but that is not the front yard. Ms. Crane said that confuses people. Mr. Apel said that the two substantial pine trees near the driveway will stay and will help screen the garage doors. Ms. Crane asked to confirm that the front yard is actually the side yard and Mr. Apel said that is correct. He explained that what he is building into now is the rear yard.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Mr. Seitz moved:

THAT THE REQUEST BY ROBERT APEL AND KIM AND HOWARD GREENE FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF AN ADDITION AT 6880 HALLIGAN AVENUE, AS PER CASE NO. BZA 05-16, DRAWINGS NO. BZA 05-16 DATED DECEMBER 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. All members voted “aye”. The motion was approved.

7. Variances – Side Yard Setback & Accessory Building Area – Garage – 6560 Worthington-Galena Rd. (Finish Line Building Inc./Gibson) BZA 06-16

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district where the minimum side yard requirement is 8 feet, and total accessory building area cannot exceed 850 square feet.
2. The dwelling has an existing 574 square foot attached garage. The existing lot is 1.2515 acres, or 54,515.34 square feet.
3. The applicant is proposing the construction of a 16 foot by 23 foot garage addition totaling 368 square feet, 6 feet 2 inches from the east property line. The total proposed accessory building area is 942 square feet. The requested variances are

1 feet 10 inches for side yard setback and 92 square feet for accessory building area.

The following conclusions are presented:

1. The irregularly shaped lot with the position and orientation of the existing dwelling creates the practical difficulty of encroaching into the side yard setback. However this is limited to a sliver of the garage addition, lessens the impact, and is not as substantial as it may appear. These factors mitigate the substantial nature of the side yard setback variance request.
2. The lot is substantially larger than the minimum of 10,400 square feet for the district. This mitigates the substantial nature of the accessory building area 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:

Ms. Crane asked if the applicant was present. Dan Custer, 7682 Old Foxe Court, Columbus, said they plan to do some other things to the front of the house to make it look more aesthetically pleasing such as adding a front porch and roof, and some exterior treatments in addition to the garage to dress up the house a little more.

Ms. Crane asked if the shape of the lot is making things hard to fit and Mr. Custer replied part of the lot tapers back but also the orientation of the house sits on an angle as shown in the drawing. He said that they tried to avoid having to ask for a variance but the garage needs to be a little bit bigger.

Mr. Seitz asked if he has communicated with the neighbors and Mr. Custer replied he had not spoken with the neighbors personally, but the homeowners are present this evening.

John Gibson, 6560 Worthington-Galena Road, said that he briefly spoke with the neighbors to let them know what their plans are and they are in favor of what they plan to do. He said that the neighbors have already helped him relocate some shrubs.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Ms. Reibel moved:

THAT THE REQUEST BY DAN CUSTER AND BRAD AND GINGER GIBSON FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND TOTAL ACCESSORY BUILDING AREA TO ALLOW THE CONSTRUCTION OF AN ADDITION AT 6560 WORTHINGTON-GALENA ROAD, AS PER CASE NO. BZA 06-16, DRAWINGS NO. BZA 06-16 DATED DECEMBER 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. All members voted “aye”. The motion was approved.

8. Variances – Fencing & Parking – 6121 Olentangy River Rd. (Congregation Beth Tikvah) BZA 07-16

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district where the following are required for semi-public uses:
 - a. Off-street parking spaces and access drives abutting a residential district must be setback 25 feet.
 - b. The 25 foot setback can be reduced to 12.5 feet with screening by a solid fence or dense planting of evergreen shrubs not less than 4 feet in height. The space between the fence and the lot line must be a minimum 10 feet and landscaped.
 - c. Parking stalls are to be a minimum of 171 square feet in area.
 - d. The minimum front yard is 50 feet. Fencing is not permitted between the right-of-way and the front yard setback.
2. The applicant is proposing parking, fencing, and landscaping alterations to the site requiring variances from these requirements as follows:
 - a. Expand the parking to the west to within 5 feet of the west property line without screening. The requested variance is 20 feet.
 - b. Erect the 6 foot screening fence up to the property line. The requested variance is up to 10 feet.
 - c. Allow the new parking stalls to be 9 foot by 18 foot, 162 square feet in area. The requested variance is 9 square feet per stall.
 - d. Allow the screening fence to extend to within 15 feet of the Olentangy River Road right-of-way. The requested variance is 35 feet.
3. The Municipal Planning Commission approved the proposed site alterations as submitted, amending the Conditional Use Permit. If the parking is located to within 5 feet of the west property line, the Conditional Use Permit will require another amendment.

The following conclusions are presented:

1. The site previously had additional acreage to the west that was sold to the neighbor to the west. That large buffer of undeveloped land mitigates the substantial nature of the parking setback variance without screening along the west property line.
2. Mature trees prevent the screening fence to be placed at the required minimum 10 feet from the property line. By moving the fence toward the property line, it meets the intent of the screening fence, preserves trees, and resembles a typical fence in the district usually constructed on the property line. These factors mitigate the substantial nature of the screening setback requirement.
3. The small number of parking stalls that will be 1 foot shorter than required by the zoning code is not substantial.
4. The screening within 15 feet of the Olentangy River Road right-of-way attempts to protect an additional abutting residential property while not interfering with sight lines for entering and exiting vehicles from the property. These two seemingly conflicting sections of the code mitigates the substantial nature of the fence front setback variance request.
5. The essential character of the neighborhood should not be substantially altered.
6. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Andy Shafran, 7128 Bluffstream Court, Columbus, said that he is representing Congregation Beth Tikvah and has nothing further to add.

Mr. Coulter said that as a member Municipal Planning Commission, they have worked long and hard with Congregation Beth Tikvah for a very long time and they have gone to extreme lengths to meet with neighbors, talk with them, compromise and work out solutions, and what has been presented this evening is a really good plan for everybody involved.

Ms. Crane asked if there was anyone present that wanted to speak either for or against this application and no one came forward.

Mr. Seitz moved:

THAT THE REQUEST BY CONGREGATION BETH TIKVAH FOR VARIANCES FROM CODE REQUIREMENTS FOR FENCING AND PARKING TO ALLOW CHANGES TO THE SITE AT 6121 OLENTANGY RIVER ROAD, AS PER CASE NO. BZA 07-16, DRAWINGS NO. BZA 07-16 DATED DECEMBER 11, 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. All members voted “aye”. The motion was approved.

D. Other

Beginning in May start time, the meetings will beginning at 7:00 p.m.

E. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Ms. Reibel. All members voted “aye” and the meeting adjourned t 8:12 p.m.