

MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
January 6, 2011

The regular meeting of the Worthington Board of Zoning Appeals was called to order at 7:30 P.M. with the following members present: R. Hunter, L. Reibel, R. Dorothy, and C. Crane. Also present was D. Phillips, Chief Building Inspector.

Those present recited the Pledge of Allegiance.

Annual election of officers. Ms. Crane nominated for Chair, Ms. Dorothy nominated for Vice Chair and Ms. Reibel nominated as Secretary. Motion made by Mr. Hunter and Ms. Dorothy seconded the motion, the slate was approved..

Ms. Crane asked for comments, additions, changes or motions. Mr. Hunter moved to approve the minutes of the December 2, 2010 meeting. Ms. Dorothy seconded the motion, all members voted 'aye', and the minutes were approved.

Ms. Crane asked those that plan to speak fill out speaker slips and to be sworn. Mr. Phillips swore in the witnesses prepared to comment at tonight's meeting.

AGENDA ITEM B-1 – Variance – Signage and Roof – 5617 N. High St. (Kelma LLC)
BZA 01-11

Ms. Crane asked for staff comments.

Mr. Phillips said this property is in a C-2 district where a maximum of three tenants are permitted on a freestanding joint identification sign, a maximum freestanding sign area of 60 square feet is allowed, and the sign must be setback a minimum of 10 feet from the right of way. The district also requires a minimum side yard setback of 20 feet and a minimum rear yard setback of 30 feet. The applicant is proposing changing the existing building from a restaurant use to a multi-tenant building with 4 entrances for 4 potential tenants, although 3 are currently shown on the site plan. The applicant is proposing to alter the existing 96 square foot freestanding sign with a new 105.6 square foot sign to identify the building and its 4 tenants. The requested variances are to allow a fourth tenant on the joint identification sign, sign area increase of 45.6 square feet, and to allow the alteration of a sign within a portion of the 10 foot setback. The existing building is approximately 1.1 feet from the south property line and within the 20 foot south side yard setback, and approximately 11.8 feet from the west property line and within the 30 foot rear yard setback on the west. The applicant is amending the application to include the proposal to alter the existing roof along the south, east, and north elevations; and small portions at the northwest and southwest corners of the west elevation. The requested

variances are approximately 18.9 feet for side yard setback and approximately 18.2 feet for rear yard setback.

Mr. Phillips continued by stating alterations are subject to the requirements of the Ohio Building Code and variances granted by this Board do not grant variances from the requirements of the Ohio Building Code. The proposed modifications are subject to, and have been approved by the Architectural Review Board. This property has not succeeded as a restaurant for a number of years and has been vacant for quite some time. One of the potential future tenants has outgrown its current location and may occupy nearly half of the building's first floor, but the building is being planned as a 4 tenant building. The building is set back from North High Street and is shielded by buildings to the north and south. This does not allow building mounted signs to be easily seen from North High Street until you are upon the property. The fourth tenant on the freestanding sign is needed to ensure all businesses can be easily found. The proposed sign is only 9.6 square feet larger than the existing sign and will encroach less into the 10 foot setback from the right of way since it is being narrowed. All these issues mitigate the substantial nature of the sign variances. The exterior building modifications are intended to create a more visually pleasing, multi-tenant building. The history of the property mitigates the substantial nature of the setback variance requests. The essential character of the neighborhood should not be substantially altered or the delivery of governmental services should not be affected.

Ms. Crane asked if there was a representative for the applicant.

David Ingalls said he was representing the owners Richard & Kathy Dong who are currently out of the country. Mr. Ingalls said the primary issue with the signage is to accommodate a possible fourth tenant in the lower level.

Mr. Hunter stated that the Architectural Review Board approved this request without issue. This is fundamentally taking the existing sign and flipping it ninety degrees and then cleaning up its appearance. Same basic dimensions, except it will be more vertical than horizontal. Mr. Ingalls agreed. Mr. Hunter said the building is already there and we are dealing with changes making the roof a more decorative style, but not project out any further than before.

Ms. Crane said the code allows for three tenants on a directory sign and this would increase by one. Mr. Phillips said that is correct.

Ms. Crane asked if anyone in the audience had comments for or against this proposal.

Hearing no one, Mr. Hunter moved:

THAT THE REQUEST BY KELMA LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE, AND SIDE AND REAR YARD SETBACK REQUIREMENTS TO ALTER A SIGN AND THE ROOF AT 5617 NORTH HIGH STREET, AS PER CASE NO. BZA 01-11, DRAWINGS NO. BZA 01-11 DATED

DECEMBER 2, 2010, 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, all members voted “aye” thereon.

AGENDA ITEM B-2 - Variance – Side & Rear Setback – New Garage – 115 W. New England Ave. (Steve Copeland) BZA 02-11

Ms. Crane asked for staff comments.

Mr. Phillips said this property is an existing lot of record in an R-10 district with a minimum side yard setback of 8 feet and rear yard setback of 10 feet for detached accessory structures over 120 square feet. The applicant is proposing the demolition of an existing detached garage and construction of a 24 foot by 24 foot detached garage, 3 feet from the west property line and 5 feet from the south property line. The requested variances are 5 feet for side and rear yard setback. The proposed modifications are subject to, and have been approved by, the Architectural Review Board.

Mr. Phillips continued stating the lot is narrow, which is typical for this neighborhood, and placing the garage outside of the required setbacks could interfere with parking a vehicle in the east bay of the garage. Placing the garage closer to the west and south property lines, lessens the impact to the relatively small yard space and further mitigates the substantial nature of the setback variance request. The essential character of the neighborhood should not be substantially altered or the delivery of governmental services should not be affected.

Ms. Crane asked for a representative for the applicant.

John Marsh, owner of 115 W. New England Avenue had nothing to add to the staff comments.

Steve Copeland the Architect from 1515 W. Lane Avenue. Mr. Copeland said there is a power line across the back of the property and we have left five feet for the easement. It is a narrow lot and it has been pushed as far back and over to the side as felt most reasonable to get in and out of the garage.

Ms. Dorothy asked if there is an easement on this property and Mr. Phillips said only a utility easement. Mr. Copeland said there is a shared driveway and there is a four foot easement on each side of property line for the shared driveway. We have proposed the garage be placed at three foot instead of four feet since it will not affect the neighbor at the garage location.

Jeff McCallister from 117 W. New England Avenue said he has reviewed the plans and has no objections to the request.

Ms. Crane asked for questions or comments from the audience.

Hearing no one, Ms. Dorothy moved:

THAT THE REQUEST BY STEVE COPELAND FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A GARAGE AT 115 WEST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 02-11, DRAWINGS NO. BZA 02-11 DATED DECEMBER 15, 2010, 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 than gave an update to the Board about the Worthington Square being sold and about the proposed changes. Also, about the proposal of a French restaurant being opened behind Graters.

There being no further business, Mr. Hunter moved for adjournment with Ms. Reibel seconding the motion

The meeting adjourned at 7:55 P.M.