

MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
February 3, 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, C. Crane, D. Falcoski, R. Dorothy and L. Reibel. Also present was D. Phillips, Chief Building Inspector.

Those present recited the Pledge of Allegiance.

Oath of office taken by Mr. Falcoski.

Approval of January 6, 2011 minutes was tabled.

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 – Temporary Use Permit – Office Trailers – 5750 N. High St. (Corna Kokosing Construction Co./St. Michael Catholic Church) BZA 03-11

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is in an S-1 district and is subject to setback requirements and Architectural Review approval. The applicant is in the planning stages of constructing an addition to Marian Hall to house the parish offices currently in the old convent along Selby Boulevard to the south. The convent is to be restored back to its former use and the timing of these projects requires the temporary relocation of the parish office to temporary office space so that the convent can be reopened. It is anticipated the construction of the addition will be complete in February of 2012. The temporary office space will be in the form of two trailers designed specifically for this use as one office measuring approximately 24 feet by 60 feet. The Board of Zoning Appeals is authorized to issue a Temporary Use Permit for up to six months and can be renewed for an additional six months. The granting of this Temporary Use Permit does not grant any variances from the zoning code or any requirements of the Ohio Building Code.

Mr. Phillips continued stating this site is large with several large buildings and the proposed location is well screened from Selby Boulevard and most of North High Street by these buildings. There is vegetation along the north property line to shield the trailer from the view of the houses to the north. Those houses are also set down in a ravine-like subdivision providing even more screening. No issue with adjoining property owners is anticipated given the proposed office use of the trailers. The timing of this approval has been connected to the issuance of the certificate of occupancy to maximize the time the trailers can be used by the parish.

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

Sheri Rogers, 5750 North High Street, representing St. Michael had nothing to add to the staff comments.

Ms. Crane asked for questions from the Board.

Mr. Falcoski asked if there will be any markings on the trailer or will they just be a solid color. Ms. Rogers stated there would be no graphics, just a solid color with wood grain paneling on the side.

Ms. Dorothy asked if they had picked a color yet. Ms. Rogers said the one they reserved was beige, but there was no guarantee that is what will be delivered, but all the trailers were neutral colors.

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

Daniel Baer, 45 Kenyon Brook Drive, said he had spoke to Mr. Daley from the church but wanted to know the length of time the trailer would be there. Ms. Rogers said if approved the trailer would be delivered February 15, 2011 and it would be there until construction is completed.

Ms. Crane stated this Temporary Use Permit can be issued for six months, then renewed for another six months.

Ms. Crane asked if anyone else would like to address this proposal.

Hearing no one, Mr. Hunter moved:

THAT THE REQUEST BY CORNA KOKOSING CONSTRUCTION COMPANY AND SAINT MICHAEL CATHOLIC CHURCH FOR A TEMPORARY USE PERMIT TO ALLOW OFFICE TRAILERS FOR SIX MONTHS FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE DIVISION OF BUILDING REGULATION AT 5750 NORTH HIGH STREET, AS PER CASE NO. BZA 03-11, DRAWINGS NO. BZA 03-11 DATED JANUARY 5, 2011, 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” thereon.

AGENDA ITEM B-2 - Variance – Side Yard Setback on a Corner Lot – Air Conditioner – 300 E. New England Ave. (Paul Schwerling/Porter) BZA 04-11

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 front yard setback of 30 feet, and adjacent side yard setback of 20 feet for

corner lots. The applicant is proposing the replacement of an existing air conditioner condenser in the side yard, with the screening required by the zoning code. The requested variance is to allow the condenser in the side yard.

Mr. Phillips continued stating the corner lots typically impose additional restrictions to the use of property, as is the case with this property. Not only is the lot substandard in size, but there are limitations to alternate locations. The east side has doors and vehicular pathways, and the north side is separated by the detached garage. Relocating the condenser to these locations would still allow the condenser to be seen from the right of way and the extra length of refrigerant lines may impact the performance of the air conditioner. It appears the previous unit was in place at the proposed location and the Division of Building Regulation has no record of inquiries about the condenser. All of these factors mitigate the 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.

Susan Porter, 300 East New England Avenue had nothing to add to the staff comments.

Ms. Crane asked for questions from the Board.

Mr. Falcoski asked if this is just replacing the old unit in the same spot and asked if the white lattice screen was going to be reinstalled. Ms. Porter replied yes.

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

Hearing no one, Ms. Dorothy moved:

THAT THE REQUEST BY PAUL SCHWERLING AND SUSAN PORTER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE PLACEMENT OF AN AIR CONDITIONER CONDENSER AT 300 EAST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 04-11, DRAWINGS NO. BZA 04-11 DATED JANUARY 6, 2011, 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.

AGENDA ITEM B-3 - Variance – Side Yard Setback – Carport – 779 Oxford St.
(Stephen Dempsey Design Consulting/Brofford)) BZA 05-11

Mr. Hunter moved to table. Mr. Falcoski seconded the motion and all members voted “aye” thereon.

AGENDA ITEM B-4 - Variance – Rear Yard Setback – Addition – 6880 Halligan Ave.
(Robert Apel/Greene) BZA 06-11

Ms. Crane asked for staff comments.

Mr. Phillips said this property is in an R-10 district with a minimum rear yard setback of 30 feet. Uncovered decks not more than 3 feet above the adjacent grade are required to be setback a minimum of 15 feet from the rear lot line. The applicant is proposing an 8 foot 8 inch by 16 foot, single story addition approximately 11 feet 4 inches from the rear lot line. The requested variance is 18 feet 8 inches for rear yard setback. The applicant is also planning a future deck along the rear of the property from the addition to the southern portion of the existing dwelling, approximately 11 feet 4 inches from the rear lot line. The requested variance is 3 feet 8 inches for rear yard setback for uncovered decks.

Mr. Phillips continued stating that corner lots typically impose additional restrictions to the use of property and normally this manifests itself in a reduced rear yard. In this particular case, with the attached garage adjacent the available buildable yard, staff saw few options of increasing living space without a major change to the internal layout of the house. This mitigates the substantial nature of the variance request. Decks are considered less intrusive to abutting properties and the zoning code allows them to encroach upon a portion of a rear yard setback. In this particular case, the reduced rear yard reduces the ability of creating a usable outdoor living area without a variance, and staff did not see the variance request as substantial. 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.

Robert Apel, 4633 Hayden Run Road, Columbus, stated if the front door was on Halligan than the addition would be in the side yard and not the rear, and this is the nature of a corner lot. Mr. Apel requested the option to return to a wood fence as it is, instead of replacing it with a short brick wall as the plans show, so it would allow the owners money to invest in underground utilities. Mr. Phillips said as long as the fence does not exceed six feet in height, it would not require any variances because it is currently outside the setbacks.

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

Ms. Reibel asked if the deck is still proposed to be 11 feet 4 inches from the neighbors lot line. Mr. Apel stated yes, that the deck will not project any further than the addition.

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

Hearing no one, Mr. Falcoski 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 AND UNCOVERED DECK AT 6880 HALLIGAN AVENUE, AS PER CASE NO. BZA 06-11, DRAWINGS NO. BZA 06-11 DATED JANUARY 7, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Dorothy seconded the motion and all members voted “aye” thereon.

AGENDA ITEM B-5 - Variance – Signage – 7141 N. High St. (Kessler Sign Co./Englefield Oil Co.) BZA 07-11

Ms. Crane asked for staff comments.

Mr. Phillips said this property is in a C-4 district with the following signage requirements: a maximum of two styles of lettering plus one logo, a maximum of three sizes of all lettering including the logo, and a maximum freestanding sign area of 60 square foot. The applicant amended the replacement of an existing ground mounted sign, with a new 7 foot 6 inch by 4 foot 8½ inch sign. The requested variances are as follows: three styles plus two logos, a variance of one style and one logo; six lettering sizes, a variance of three sizes; and 70.6 square feet sign area, a variance of 10.6 square feet. The signage is subject to the approval of the Architectural Review Board.

Mr. Phillips continued stating that the original proposal is not in keeping with the Design Guidelines and the Architectural Review Board had tabled the application pending some changes to be proposed by the applicant. Those changes were submitted this week. The color scheme was changed to eliminate the color variance, but the new sign is slightly larger than the old, mostly due to the extra detail added around the sign. The delivery of governmental services should not be affected.

Ms. Crane asked to start the discussion with the style of letters. Mr. Phillips said the code allows for two styles of letters and one logo per sign. Mr. Phillips said their request is for three styles of letters and two logos.

Ms. Crane asked if there are still six sizes verses the code allowing three sizes. Mr. Phillips stated that was correct and confirmed the size is referring to the font size.

Ms. Crane confirmed there was no longer a request for a color variance.

Ms. Crane asked for an explanation of the size of the signage area. Mr. Phillips said the area of the sign would include all the various frames. The existing sign did not have molding or frame work around it and the size increased also because it is a double sided

sign. Ms. Crane confirmed that the text area is the same, so the increase is primarily the frame.

Ms. Crane asked for a representative for the applicant.

Rodger Kessler, Kessler Sign Company, 170 Pinehurst Drive, Granville and John Gordon, vice president of Englefield Oil Company, 447 James Parkway, Heath, both addressed the Board. Mr. Kessler stated the size of the sign is remaining the same, but they are adding gingerbread around the sign to take in the architecture feature of the building and upgrade the current sign of multiple colors. Mr. Kessler said this is the directions the Architectural Review Board suggested.

Ms. Dorothy asked what is the increase by percentage. Mr. Phillips stated code allows for 60 square feet, they are asking for 70.6 square feet, and that is about 17 percent larger.

Ms. Crane stated the Board is only reviewing for the freestanding sign and not the wall sign. Ms. Crane asked for a review of the six lettering sizes. Mr. Phillips pointed out to the Board all six different sizes being proposed on the sign. The Board had a discussion about the previous sign having five different sizes and this request of six sizes.

Ms. Crane asked for an explanation of how the three companies of “Duke”, “Duchess” and “BP” come together. Mr. Gordon gave the history of the purchase of Duke and Duchess and then BP. He explained that Englefield Oil provides the gasoline for BP and is the owner operator of the facility.

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

Hearing no one, Ms. Riebel moved:

THAT THE REQUEST BY RODGER KESSLER AND BENJAMIN ENGLEFIELD FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGN STYLES AND SIZES, AND SIGN AREA TO ALLOW THE REPLACEMENT OF A GROUND MOUNTED SIGN AT 7141 NORTH HIGH STREET, AS PER CASE NO. BZA 07-11, DRAWINGS NO. BZA 07-11 DATED JANUARY 7, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Hunter seconded the motion and all members voted “aye” thereon.

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

The meeting adjourned at 8:12 P.M.