

MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
APRIL 1, 2010

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, C. Crane, and D. Falcoski. Also present was D. Phillips, Chief Building Inspector.

Those present recited the Pledge of Allegiance.

Mr. Falcoski asked the Board members if they had reviewed the minutes of the March 4, 2010 and if so do they have any corrections, deletions, additions or motion for approval of the same. Mr. Hunter moved and Ms. Dorothy seconded for approval of the minutes. All members voted "aye" and the minutes were approved.

Mr. Phillips swore in the witnesses prepared to comment at tonight's meeting.

AGENDA ITEM B-1 – Rear Yard Setback – Shed – 1171 Ridgedale Drive East (Andrew Strange) BZA 03-10

Mr. Falcoski asked for Staff comments.

Mr. Phillips said this property is zoned R-10 and the minimum rear yard setback is 8 feet for accessory structures in excess of 120 square feet. The applicant constructed a 12 foot by 12 foot shed with an approximate 8 foot by 12 foot porch totaling approximately 240 square feet. The shed was built sometime prior to October 2008 approximately 2 feet from the rear property line. The applicant is requesting a variance of 6 feet. The city of Worthington has no record its utilities within the 10 foot easement along the rear property line. The property is against a ravine and the shed should minimally impact the neighbors to the rear. The unusual shape of the lot and the sloping of the rear yard does minimize the amount of usable rear yard. The granting of the variance should not affect the essential character of the neighborhood nor the delivery of governmental services. Granting of any variances with this application will not grant variances from the requirements of the Residential Code of Ohio. He displayed photographs of the neighborhood, commenting on the woods to the north and the nearest neighbors to the rear are in excess of 100 feet from this property.

Mr. Falcoski asked how did the shed come to the attention of the city. Mr. Phillips replied it is his understanding that someone in the neighborhood reported the shed to the Division of Building Regulation and the Building Inspector found the shed when he inspected the property.

Andrew Strange, 1171 Ridgedale Drive East, addressed the Board and stated he has three children, a two car garage, and lots of bicycles. He needed additional storage space and built a shed. After it was constructed, he discovered he needed a building permit.

Mr. Falcoski asked if there was anyone in the audience who wanted to speak for or against the variance request.

Mr. Hunter stated it is almost impossible to see the shed from Ridgedale Drive and there are multi-family residences to the rear. If this application would have come before him prior to construction, he would vote to approve it.

Mr. Crane asked about the proximity of the shed to the property line regarding the fire separation distance requirement of the Residential Code of Ohio. Mr. Phillips replied the Residential Code of Ohio permits detached accessory structures such as this one to be within 2 feet of the property line. Otherwise, the building code requires a 3 foot fire separation distance.

Mr. Falcoski stated he could not see the shed from the road. He asked if there was anyone that wanted to speak for or against this variance.

Shelly Strange, 1171 Ridgedale Drive East, addressed the Board and stated she is in favor of the variance request.

Ms. Crane stated she usually considers 2 feet as too close to the property line but in this case, given the surrounding neighborhood she is not as concerned.

Mr. Falcoski asked if there is a chain link fence next to the shed and Mr. Strange replied yes. Mr. Falcoski asked if the fence was on his property and Mr. Strange replied it was.

Ms. Dorothy stated, given the ravine lot, this variance request could be considered a hardship because there is less usable space. Ms. Strange replied that was their dilemma when trying to locate the shed. To comply with the setback requirements would place the shed almost in the center of the back yard so this location seemed to be the best.

Mr. Hunter stated there is an easement along the rear yard and although the city has no utilities, there are other utilities in the area. Mr. Strange stated he realizes it is his risk to have the shed within the easement. Mr. Hunter stated no action taken by this Board obviates this risk.

There being no further comments, Mr. Hunter moved:

THAT THE REQUEST BY ANDREW STRANGE FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW A SHED TO REMAIN AT 1171 RIDGEDALE DRIVE EAST, AS PER CASE NO. BZA 03-10, DRAWINGS NO. BZA 03-10 DATED MARCH 3, 2010, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Crane seconded the motion and all members voted “aye” thereon. The motion carried.

AGENDA ITEM B-2 – Temporary Use Permit – Weekday Farmer’s Market – 137 East Granville Road (Cal Taylor) BZA 04-10

Mr. Falcoski asked for Staff comments.

Mr. Phillips stated this property is in an R-10 district. The applicant is proposing to operate a farmer’s market during the week. The market will operate from approximately 3:00 P.M. until approximately 8:00 P.M. one day per week beginning June 1 through September 30. The anticipated day of the week is Tuesday and staff presumed a weekday is Monday through Friday. Temporary signage at approximately six locations is shown on a site plan and is part of this approval. The applicant had made reference to BZA Case number 08-09 approved on April 2, 2009. That case was for a single vegetable stand on a commercially zoned property at the southeast corner of High Street and East New England Avenue at 640 High Street. The delivery of governmental services should not be affected. It was not clear to staff how many of the temporary signs, if any, will remain outside the operating times of the farmer’s market. The granting of this temporary use will not grant any approvals that may be required by the Ohio Building Code.

Mr. Hunter stated the subject property was discussed at the last Municipal Planning Commission and recommended for a rezoning to a new zoning category called VM, Veterans Memorial. The property had not been used as a residence for a number of years. The matter will be before City Council next week. If approved, the property would be similar to a C-3 property with conditional uses for small offices and similar non-intensive uses. The property has had similar uses for many years.

Mr. Hunter also stated he was a frequent customer of the farmer's market at Linworth and State Route 161 in the past and until they closed. He is looking forward to a mid-week farmer's market. He wanted the stand approved last year at the BP lot to succeed and looks forward to a mid-week farmer's market. He stated this is one of the few properties in the entire city that would have the space available not only for the market, but for parking without being intrusive to the neighborhood. If this is very successful, there may be some street parking issues around it, but this is a good application for this type of property and would love to see this use approved for mid-week or any day except Saturday.

Mr. Falcoski asked who owns the building at 137 East Granville Road. Mr. Phillips said he was not certain and believes it is Sharon Memorial Board of Trustees. Dr. Taylor added that is correct.

Cal Taylor, 701 Morning Street, addressed the Board. He volunteered to be on the Sharon Memorial Board of Trustees and later found it is one of the most historic buildings in town needed the most repair. They have spent a year and tens of thousands of dollars restoring the building. They have had two open houses and visitors have commented how they had worked some miracles. The property including the hall and the American Legion has been a community center for many years. The site has been a community focus from Easter egg hunts to the Memorial Day parade that forms at the location for decades. The first year he lived on Morning Street, a cannon was fired.

Dr. Taylor continued to say the site has been a hub of activity. The Legion has dinners on Friday evenings and uses the hall's parking lot. On Sundays, there is a community open breakfast from September to April and the parking lot is typically filled. The Blue Star Moms meet in Memorial Hall and have a packing party twice a year to send boxes to troops. The Veterans of Foreign Wars have met in the building for several years. The American Legion meets in the building behind the hall. They are on land locked property and rely upon the hall's parking lot. They have been great neighbors and he has heard from others that Sharon Hall has tried to be good neighbors as well. We have all served our country a lot of years and we think service to the community comes naturally.

Mr. Falcoski asked who owns the building and Dr. Taylor replied the Sharon Memorial Board of Trustees. It was dedicated in 1947 and Dr. Taylor has the original deeds and original checks. Mr. Falcoski stated he has been in the building many times and it does look a lot nicer now than it used to.

Mr. Falcoski asked if Monday through Friday is his definition of a week day. Dr. Taylor stated it was and the vendors are currently looking at Tuesday because of commitments to other communities like Dublin, Westerville, and Clintonville, who already established their week day markets. This is another opportunity for the community and vendors to unite in a business opportunity.

Mr. Falcoski asked if he has a list of vendors committed to this market. Dr. Taylor replied one of the vendors is working on the vendors list since he has been busy with the rezoning process for the site. He stated the applicant is the Sharon Memorial Board, he happens to be the president of the board, and that is why his name is on the application. We also had conflicting dates on the various documents submitted. The requested dates should be May 1 until October 31. There may be vendors in May.

Mr. Falcoski stated there is a tentative layout of the market. Dr. Taylor stated it may need some adjustment. Some in the neighborhood use Morning Street as a cut through when Granville Road backs up and this is an opportunity to capture some of that Morning Street traffic. There are neighborhood walkers who that are also hoping to attract. Dr. Taylor described the number of lots owned by the Board of Trustees and pointed out the location of the American Legion building and said it is also zoned R-10.

Mr. Falcoski asked if there are plans to have a police officer direct traffic. Dr. Taylor replied he does not anticipate there will be a need or the traffic will be that intense. The parking lot can hold a maximum of fifty-some cars and there is off street parking available. Mr. Falcoski asked how many vendors are anticipated. Dr. Taylor replied optimistically 10 or 12 vendors to start.

Mr. Falcoski asked why is the market not proposed for the weekend. Dr. Taylor replied there already is a Saturday market on the weekend and he does not want to compete with that market. He is trying to provide a site for additional business opportunities that the city needs. He said the vendors are shown on the site plan in the parking area next to the building to provide more parking on the site. They will be working with the Legion to address their parking requirements but generally use the east end of the parking lot.

Mr. Falcoski asked if there had been a similar use at this site. Mr. Hunter replied not at this site. There have been events like the Memorial Parade organization before, during, and after the parade with this site being an incredible hub of activity. The city has a history of similar commercial uses along Granville Road for the selling of Christmas trees. There have been various functions at what used to be the old Harding Hospital site. Nothing exactly like this but this site is a unique property in terms of its openness and central location.

Ms. Crane asked what portion of the operating times was going to be vending time as opposed to setup and tear down. Dr. Taylor replied the vendors are estimating three to three and a half hours of vending time is reasonable with an hour before and after for setup and teardown. Mr. Falcoski asked if the setup and tear down will be daily, that is, the setup will not be there over night. Dr. Taylor replied the market will have to be removed because the parking lot is used for other events and other parking, and the signage will only be there for the day of the operation.

Mr. Falcoski asked if anyone would like to speak for or against this application.

Adam Welly, 14950 Fladt Road, Marysville, address the Board. He is the owner of the Wayward Seed Farm and attends five farmer's markets in the city of Columbus and farms about 40 acres in Madison and Union Counties. He has a large Community Supported Agriculture (CSA) group based in the Columbus area. A CSA is when people buy a share of a farm and food is delivered by the farm to its shareholders weekly. About 25 percent of his business is located in the Worthington area. In the past year they have joined the Worthington Area Chamber of Commerce and are looking for more opportunities in addition to their CSA and their Saturday market. They have a lot of customers who shop at their Saturday market and would like a weekday opportunity. Their customers typically purchase a day or two of produce to typically use on the weekend. A weekday opportunity would allow unique or artisan produced items not typically available at the larger grocery stores. When they spoke to 15 to 18 vendors, they all have interest but also are waiting to see the outcome of this meeting.

Mr. Falcoski asked if he was a vendor at the Saturday farmer's market. Mr. Welly replied that he is.

Ms. Dorothy asked why this location. Has he looked at other locations like indoor winter markets. Why not at other commercially zoned property. Mr. Welly replied shortly after joining the chamber in 2009, he spoke to a few of his customers about a weekday opportunity and was introduced Dr. Taylor who stated he may have an opportunity at Sharon Memorial Hall. Also weekday markets do not tend to be large because they tend to be neighborhood markets with people tending to walk or bicycle. The number of attendees for weekday markets tend to be a fraction of a Saturday market because people work during the week. A smaller location such as this site would support the number of customers that would attend and this is not anticipated to be a large market.

Mr. Hunter said the traffic on Granville Road and High Street at 6:30 in the evening would hamper customers wanting to visit a weekday market in a commercial location. Mr. Welly said the majority of his customers on Saturday are walking and feels most of his weekday customers will be walking to the market similar to what he sees at the Saturday market.

Mr. Falcoski asked there were photographs of the temporary signage. Mr. Phillips replied there were none. Mr. Falcoski asked that the temporary signage be described. Dr. Taylor said the signage will be simple, similar to real estate or garage sale signs embedded in the ground. It will have some sort of logo on it, like fresh fruit. Mr. Falcoski asked if the other signage will be related to parking. Dr. Taylor replied it was and showed an example of what logo he has in mind. He had not discussed this logo with the vendors but something like a cornucopia, with fruits, vegetables, something fresh.

Mr. Hunter stated these types of temporary signs are typically approved by staff unless it is a long term temporary sign, like the Roadrunner property off Interstate 270 at Lakeview Plaza Boulevard. Dr. Taylor said these signs will be placed and removed the same day.

Jamie Moore, 14950 Fladt Road, Marysville address the Board and is also the owner of Wayward Seed Farm with Mr. Welly. She said they have been the leaders of the new weekday market in Dublin. They partner with a community center that will equally benefit by bringing people to the neighborhood. In Dublin, the signage is required to be placed before and removed after the market and no additional signage is permitted throughout the week. In addition to the CSA program and 25 percent of their customers coming from the Worthington area, some of those customers are visiting the weekday market in other locations. Some of the reasons given is they are too busy on Saturday, or the Saturday market is too busy for them, or were doing other things. A mid-week market is appealing to those customers and allows them to pick up cheese and dairy products the farm currently does not offer. A lot of the vendors in the Dublin market are interested in the outcome of this meeting.

Mr. Falcoski asked where is the market located in Dublin. Ms. Moore replied it is at the Dublin Community Church, in the historic district on State Route 161. Mr. Falcoski asked how many vendors attend that market. Ms. Moore replied last year was their first year and averaged 13 vendors per week. Mr. Falcoski asked how many people attend on any given day. Ms. Moore replied, although they started later than planned, they averaged approximately 150 people per day, during the same operating hours that are proposed in Worthington. They started with 4:30 until 8:00 and later changed from 4:30 to 7:00. This year, the hours are from 4:00 to 7:00 and the church is excited about the second season.

Mr. Falcoski asked if they learned anything from the first year that they will change this year. Ms. Moore replied they have reached far many more Dublin residents by talking with the city of Dublin and local businesses and creating a cooperative environment. That took a while and their marketing and advertising was delayed. They used their CSA members and vendors and outreached through their networks to find the Dublin customers.

Allison Chapman, 144 East Granville Road, addressed the Board and stated she lives across the street from the hall. She is in support of the market and owns a business in Worthington. She has been impressed with Dr. Taylor's commitment to the building and bringing people together to use the space. She has seen great benefit from the activity in the neighborhood and is excited to see people using the space. She would like to support Wayward Seed as a peer business, have discussed some projects with them, and is excited about the professionalism and the sense that they have of building community among their vendors.

Mr. Falcoski asked how long she has lived at that location. Ms. Chapman replied a year and a half and said Dr. Taylor has done a great job in keeping the neighbors informed about changes in the building and when things are taking place.

Ms. Dorothy asked how she feels about the proposed zoning change. Ms. Chapman replied she is in support of it and her husband attended the Municipal Planning Commission hearing last week.

Amber Decker, 232 Pingree Drive, addressed the Board and also supports the mid-week farmer's market. She would be walking to this market with her children. They attend the Saturday market and think that is one of the greatest things that Worthington does. It is so crowded it is difficult to maneuver a stroller. Since Jubilee left, there has been no easy way to get produce unless you drive to a grocery store and they would love to see a mid-week farmer's market.

Jan Staats, 6320 Faircrest Road, Columbus addressed the Board and said she is the executive director of the Olde Worthington Business Association (OWBA) and the Worthington Farmer's Market manager. The OWBA represents the downtown Worthington retail businesses and area businesses, which run eight events throughout the year and the primary one is the Worthington Farmer's Market. The market began in 1987 and started out with 10 vendors meeting once a month in June, July and August. Over time, the market has grown to over 100 vendors. They run two markets – one in the winter and one in the summer and are considered a yearlong market. They have a statewide presence and participate in several travel expositions. They are an Ohio Proud market of produce and other products grown in Ohio, the vendors come from throughout Ohio, and they have a wide website presence. She has been a market master since 1997 and this market is beginning its 24th year. She has consulted with many cities and businesses to develop their own market. Those she has assisted include Jefferson Township, Reynoldsburg, Powell, downtown Columbus market, Worthington Industries, Ohio Health which includes Riverside and Doctor's Hospital, and Ohio Public Employees Retirement System. Three years ago, they organized a volunteer group of citizens called the Olde Worthington Business Association Friends of the Market. They have about 900 residents participating in their electronic mail list with a mission to provide support for the market, educate the market on sustainability, healthy eating, healthy living, and being "green."

Jane Haskins, 237 Greenbrier Court, address the Board. She is the chair of the Friends of the Market and wished Dr. Taylor the very best in this endeavor. They are concerned about a possibility of confusion between the markets. The OWBA market has been operating for a long time, it has a reputation as one of the better markets in Ohio and that reputation was earned. The OWBA is not affiliated with the Sharon Memorial Hall market and want to make sure that this is clear in the signage, the wording, the way that the market is referred to, so that is not called the old Worthington Farmer's Market, that it is called something else so that is clearly distinct to both the vendors and the customers that this is a different endeavor. The OWBA supports a mid-week market and are exploring sponsoring their own mid-week market possibly starting in 2011.

Mr. Falcoski thanked Ms. Staats and Ms. Haskins for their work on the Worthington Farmer's Market and said he attends that market almost every Saturday, and commended their work with the Old Worthington Business Association. He asked if her intent was to ensure there was no confusion between the old Worthington Farmer's Market and this new mid-week market – specifically the name of the markets. Ms. Haskins replied that it was and the name of this mid-week market could be confusing. She stated that Ms. Staats

has a lot of experience as a market master and she is not the market master for this proposed market and they want a distinction for the public.

Mr. Falcoski asked what is the name of the mid-week market. Dr. Taylor replied it is the Memorial Farmer's Market. Mr. Falcoski asked if that name is acceptable and Ms. Staats replied that it is. Mr. Hunter commented he found nothing in the material that would indicate any relationship with the old Worthington Farmer's Market. Ms. Haskins said she is concerned the public may make an assumption.

Ms. Crane stated she understand the concern but this is not something this Board wants to deal with. If the Worthington Farmer's Market wants to protect its name, it should be trademarked, copyrighted, or do whatever businesses do to protect their names. If you think that someone is unfairly infringing on that, that are legal avenues you can pursue, but this Board would not have authority to deal with it. Mr. Falcoski agreed with that and in the spirit of community and all of us being neighbors, can we say that the Worthington Farmer's Market is the Worthington Farmer's Market and Dr. Taylor will call his event something else. Mr. Hunter said this Board cannot tell the applicant what to call his mid-week market. The naming issue is a trademark and copyright matter, and this Board is deciding on a farmer's market for a week day presence as a temporary use for this location. Ms. Haskins was hoping the Board had authority to add a stipulation on the name of the market or the signage. Mr. Falcoski stated he is comfortable all parties will do as they said they will do even if this Board has no authority to bind the applicant on the name of the market.

Ms. Reibel asked if there was going to be some overlap of vendors. Ms. Haskins stated there may be. Ms. Reibel stated the name will be pretty clear and there may be enough room in the city for a couple of farmer's markets. Ms. Haskins agreed.

Ms. Reibel asked if there was any problems with last year's stand. Mr. Hunter stated that was only one location, saw him there a couple of times, and did not know what his procedures were.

Someone stated he would there with a cooler.

Mr. Hunter stated the vegetable stand was not a farmer's market, it was an experiment, and was a farm stand. Mr. Hunter continued he is a frequent Saturday farmer's market customer and by Tuesday, the strawberries he purchased are gone, the peaches are on their way to being consumed, and would love to have another market in the city.

There was someone speaking inaudibly and Mr. Hunter replied he would rather not see one on Tuesday but would love to see a Thursday market.

Ms. Dorothy asked what are the permitted uses and what variances are being granted. Mr. Phillips replied that no variance is being granted, instead temporary permission would be granted to use the property in a way that is not one of the permitted uses. Mr. Hunter gave an example of a Christmas tree lot at Selby Boulevard and High Street or other one time or periodic uses of a piece of property.

Mr. Falcoski recalls granting a temporary use permit for a nursery in the same general area. Mr. Hunter said it was Darby Farms. Ms. Crane noted this did not come before the Board this year. Mr. Phillips said that applicant is only seeking a 90 day temporary use permit and the City Manager has authority to grant up to 90 days. Ms. Crane asked if this application is for more than 90 days and Mr. Phillips replied yes.

Ms. Dorothy asked if this is successful, the Board will be granting future temporary use permits. Mr. Phillips replied if Dr. Taylor applies again next year, and the Board so approves it, yes.

Ms. Crane recalls the Darby Farms applicant was asked to come back last year because the year before – their first year - there was some community objection. Even though they did not need to come back, they offered to come back for the second year. There was no objections last year.

Dr. Taylor said he has lived across the street from the property since 1974 in a house built in the 1800's and the family has owned commercial and industrial property on Huntley Road since 1985. Out of 25,000 square feet, they have only 1,500 square feet vacant. In the current economic climate, they have been doing it right. This is a piece of property that the least understood and known in the community and is on the national register for historic sites. It is on Worthington's website site as well as the National Park Service. He has pictures of the man who used to live there. They see this site as an opportunity since it is one of the few large enough spaces in the city to accommodate the traffic. High and New England was probably very difficult for a person to try to get traffic during rush hour. It is a challenge and they saw it as an opportunity because the parade has been there for years, forming up on the grass as well as the asphalt and think it is a tremendous site in the community to do something like this. He can appreciate it from two standpoints. He grew up on a farm, had a big garden, and he has raised produce as well as livestock, and understands that it does not all ripen on the same day. You have to take the opportunity will you can. Secondly, he does not see this as a big challenge. He is a retired army engineer officer as well as an emergency responder in the Ohio. Putting something like this together is a matter of coordination, communication, and collaboration. He thinks this is what he is on track with and will distinctly market it as Memorial Farmer's Market, if that is the desire. He has been the public relations director for six years in organizations so yes, they can do it, and is confident.

With no other discussion, Ms. Crane moved:

THAT THE REQUEST BY CAL TAYLOR FOR A TEMPORARY USE PERMIT TO ALLOW THE OPERATION OF A WEEKDAY FARMER'S MARKET FROM MAY 1, 2010 UNTIL OCTOBER 31, 2010, AS PER CASE NO. BZA 04-10, DRAWING NO. BZA 04-10 DATED MARCH 17, 2010, 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. The motion carried.

Mr. Hunter moved that the meeting be adjourned, which was seconded by Ms. Reibel. The meeting adjourned at 8:25 P.M.