



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

May 5, 2016

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: D. Falcoski, M. Coulter; B. Seitz; L. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Approval of minutes of the March 3 and April 7, 2016 meetings

Mr. Falcoski moved to approve the minutes and Mr. Coulter seconded the motion. All Board members voted, “aye.”

4. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

**1. Variance** – Accessory Building Area – Garage Replacement – **307 E. Granville Rd.**  
(Robert M. Roehrer) **BZA 29-16**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district where the maximum allowable accessory building area is 850 square feet.
2. The applicant is proposing to rebuild an existing detached garage that was damaged by a fire. The garage is approximately 20 feet by 30 feet, with storage above, totaling approximately 1200 square feet. The property also has an existing 10 feet by 12 feet shed. The total proposed accessory building area is 1320 square feet. The requested variance is 470 square feet.
3. The property is subject to, and the garage has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. The garage had been on the property for decades as a legally nonconforming structure but the extent of the repairs requires it to comply with the current requirements, creating a practical difficulty. The loft is what exceeds the total square footage requirement. If the second floor were not part of the reconstruction, the mass of the garage would be the same and there would be no outward difference in appearance. This mitigates the substantial nature of the variance request.
2. The essential character of the neighborhood should not be altered.
3. The delivery of governmental services should not be affected.

**Discussion:**

Robert Roehrer, 307 E. Granville Road, said that the actual square footage of the storage space above will probably be less because of the installation of the trusses.

Ms. Crane said that she noticed a chimney is projecting from the structure and Mr. Roehrer replied the chimney will be removed. He used to burn coal in the coal burner but he stopped burning coal about ten years ago.

Ms. Reibel asked what caused the fire and Mr. Roehrer replied neither the Fire Department, nor the company that the insurance company hired, SEA, could figure out what caused the fire.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY ROBERT M. ROEHRER FOR A VARIANCE FROM CODE REQUIREMENTS FOR TOTAL ACCESSORY BUILDING AREA TO ALLOW THE RECONSTRUCTION OF A GARAGE AT 307 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 29-16, DRAWINGS NO. BZA 29-16 DATED MARCH 31, 2016 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” and the motion was approved.

**2. Variance – Front Yard Setback – Porch Roof – 457 Loveman Ave. (Elite Home Remodeling/Antkowiak) BZA 30-16**

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.
2. The existing dwelling is within the 30 foot front setback.
3. The applicant is proposing to construct a 4 foot 6 inch by 11 foot roof over the existing front stoop within the front setback. The requested variance is to allow the entire roof in the front setback.

The following conclusions are presented:

1. This neighborhood was developed with a 25 foot front setback and when annexed into Worthington, the more restrictive 30 foot front setback applies. This creates a practical difficulty trying to provide a covered entrance into a dwelling. In this particular case, the roof over the stoop is open and not a significant addition to the existing 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:**

Tom Mitchell, Elite Home Remodeling, 6295A Busch Boulevard, Columbus, stated the home owner would like to add the porch to make the house look nicer and safer to get out of the house.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY ELITE HOME REMODELING AND MARK ANTKOWIAK FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A PORCH ROOF ADDITION AT 457 LOVEMAN AVENUE, AS PER CASE NO. BZA 30-16, DRAWINGS NO. BZA 30-16 DATED APRIL 4, 2016 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” and the motion was approved.

**3. Variance – Front Yard Setback – Fence – 72 E. Granville Rd. & 764 Hartford St. (Ace Fence & Deck LLC/Ventresca) BZA 31-16**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. These properties are in the R-10 district where the minimum front yard requirement is 30 feet. Properties along a regional thoroughfare require a minimum 50 foot front yard. Corner lots are permitted to reduce the adjacent front yard to 33-1/3 feet. Fencing is not permitted between the right-of-way line and the building setback line.
2. The applicant is proposing to remove an existing wire fence from 764 Hartford Street and erect a 4 foot tall, open style, wooden fence from the existing wooden fence near the garage, following the contour of the removed wire fence, to approximately 9 feet from the Hartford Street right-of-way, and then head south to connect to the existing wooden fence on 72 East Granville Road. The requested variance is 21 feet for the 764 Hartford Street property, and 24-1/3 feet for the 72 East Granville Road property.
3. The property is subject to, and a painted fence has been approved by, the Architectural Review Board. The applicant will be seeking Architectural Review Board approval for an unfinished, natural fence.

The following conclusions are presented:

1. The 72 East Granville Road property is very narrow and hemmed in by large front and side yard setback requirement being a corner lot. This creates a practical difficulty and the existing fence was granted setback variances in the past. In this particular instance, the small portion of fence to connect to the proposed fence on 764 Hartford Street is not substantial.
2. The 764 Hartford Street property is not being totally enclosed and a portion of the new fence will be screened by the existing vegetation within the front setback. The proposed fence is an open style and the natural, or unfinished, wood will more likely blend into the landscaping background. 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:**

Jim Ventresca stated, 72 East Granville Road, said he needs a fence to keep his small dogs secure in the yard.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY ACE FENCE & DECK LCC AND JAMES AND JORDY VENTRESCA FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT SETBACK TO ALLOW THE ERECTION OF A FENCE AT 72 EAST GRANVILLE ROAD AND 764 HARTFORD STREET, AS PER CASE NO. BZA 31-16, DRAWINGS NO. BZA 31-16 DATED APRIL 4, 2016 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” and the motion was approved.

**4. Variance – Front Yard Setback – Retaining Wall – 690 Evening St. (Chad Kiner/Shaw) BZA 32-16**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district where the minimum required front yard is 30 feet. Fences and walls are not permitted between the right-of-way line and the building setback line.
2. The applicant is proposing to replace the existing 2 foot to 2.5 foot tall retaining wall along the right-of-way. The requested variance is 30 feet.
3. The property is subject to, and the retaining wall has been approved 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:**

Chad Kiner, 690 Evening Street, said that he is just replacing the retaining wall. Mr. Coulter said that he is looking forward to the wall being restored if approved by the BZA.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY CHAD KINER AND TIM SHAW FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO REPLACE A RETAINING WALL AT 690 EVENING STREET, AS PER CASE NO. BZA 32-16, DRAWINGS NO. BZA 32-16 DATED APRIL 8, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Coulter seconded the motion. All members voted “aye” and the motion was approved.

**5. Variance – Rear Yard Setback – Shed – 6915 W. Bowerman St. (Margaret Fox-Archer) BZA 33-16**

Mr. Phillips reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district where detached accessory buildings not greater than 120 square feet in area must be no closer than 5 feet from the rear property line.
2. The applicant is proposing to place a 6 foot by 8 foot shed against the existing fence, approximately 6 inches from the north property line. The requested variance is approximately 4 feet 6 inches.

The following conclusions are presented:

1. Corner lots are encumbered with additional setback requirements and can create practical difficulties when trying to place shed in the rear yard that is already reduced in size. In this particular case, the lot is typical for the district with the dwelling located near the front setback to maximize the rear yard. Although this can mitigate the substantial nature of the variance request, staff is concerned about maintenance of the shed.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected since Worthington has no utilities within the easement. Other public utilities, like American Electric

Power, may need to move the shed to make repairs to electrical lines, which may damage or destroy the shed. Typically the easement language precludes liability upon the utility if the shed is damaged when placed within the easement.

**Discussion:**

Margaret Fox-Archer, 6915 West Bowerman Street, stated she has talked with both of her neighbors and she has their support to place the shed anywhere within her fence. Mr. Coulter suggested placing the shed at least three feet away from the fence so that maintaining the shed will be easier. Ms. Crane said that she cannot recall approving a shed so close to the property line. She believed the closest shed ever approved was possibly two feet away from the property line. Ms. Fox-Archer said that she was flexible and could move the shed to two feet away from the property line instead of six inches.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Ms. Reibel moved:

**THAT THE REQUEST BY MARGARET FOX-ARCHER FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR SETBACK TO CONSTRUCT PLACE A SHED AT 6915 WEST BOWERMAN STREET TWO FEET FROM THE NORTH PROPERTY LINE, AS PER CASE NO. BZA 33-16, DRAWINGS NO. BZA 33-16 DATED APRIL 8, 2016 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” and the motion was approved.

**6. Variance – Side Yard Setback – Deck Landing & Stairs – 306 McCoy Ave. (Aaron Larson of Archadeck/Black) BZA 34-16**

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 the minimum sum of the 2 side yards is 20 feet.
2. The existing dwelling is approximately 9.4 feet from the east property line, and approximately 11.8 feet from the west property line, with a sum of the 2 side yards of 21.2 feet. The required east side yard is 8.2 feet.
3. The applicant is proposing to construct a 4 foot by 8 foot landing and stair from an existing deck approximately 5 feet from the east property line. The requested

variance is approximately 3.2 feet for the minimum side yard, and 5 feet for the sum of the 2 side yards.

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 since the easement is a storm water utility easement but no structures are known to be in the vicinity of the proposed deck and landing.

**Discussion:**

Aaron Larson, Archadeck, 171 Ruby Red Lane, Delaware, said that his client has a growing family and they need more space on their deck and want to be able to access their side yard for safety purposes.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY AARON LARSON AND JOSH AND MEGHAN BLACK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A DECK LANDING AND STAIR AT 306 MCCOY AVENUE, AS PER CASE NO. BZA 34-16, DRAWINGS NO. BZA 34-16 DATED APRIL 8, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Falcowski seconded the motion. All members voted “aye” and the motion was approved.

**7. Variance – Side Yard Setback – Shed – 189 Franklin Ave. (Brian and Mary Arthmire) BZA 35-16**

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 side yard requirement is 5 feet for accessory buildings not greater than 120 square feet in area.



2. The applicant is proposing to place an 8 foot by 10 foot shed, 1 foot 1 inch from the east property line. The requested variance is 3 feet 11 inches.

The following conclusions are presented:

1. Existing lots of record tend to be smaller than typically found in the R-10 district and can create a practical difficulty. In this particular case, the lot is 50 feet wide and the rear yard benefits when sheds are located closer to the side property line. Although this can mitigate the substantial nature of the variance request, staff is concerned about maintenance of the shed.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

**Discussion:**

Brian Arthmire, 189 Franklin Avenue, had nothing to add. Ms. Crane asked Mr. Arthmire if he could move the shed one foot closer to the west, and he said that he could do that.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Coulter moved:

**THAT THE REQUEST BY BRIAN AND MARY ARTHMIRE FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO PLACE A SHED 189 FRANKLIN AVENUE AT LEAST TWO FEET FROM THE EAST PROPERTY LINE, AS PER CASE NO. BZA 35-16, DRAWINGS NO. BZA 35-16 DATED APRIL 8, 2016 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” and the motion was approved.

**C. Other**

There was no other business to discuss.

**D. Adjournment**

Mr. Seitz moved to adjourn, seconded by Mr. Falcoski. All Board members voted, “aye” and the meeting was adjourned at 7:32 p.m.