

MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
August 5, 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 L. Bitar, Development Coordinator.

Those present recited the Pledge of Allegiance.

Mr. Falcoski said we have two sets of meeting minutes to approve for the June 3, 2010 and July 1, 2010 meetings and asked if everybody had a chance to review the minutes. Mrs. Crane asked if two motions are required. Mr. Falcoski replied one motion is required. Mrs. Crane moved to approve and Mr. Hunter seconded the motion and all members voted 'aye' and the minutes were approved.

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

AGENDA ITEM B-1 – Variance – Front Yard Setback – 844 Oxford Street (Brad Orndorf/Chris Bradley & Jason Krauss) BZA 22-10.

Mr. Falcoski asked for Staff comments.

Ms. Bitar said this is an application to replace the front steps, they face Oxford Street and is at the corner of Oxford and Stafford. The applicant is planning to replace the existing steps with a wider version of the same. The rail is going to match what is there now. The steps as you can see are 8 feet wide rather than the existing 4 foot 1 inch. The front edge is 11 feet from the front property line and the required setback would be 30 feet so they are extending 19 feet into the required setback. This application has been approved by the Architectural Review Board.

Mr. Hunter said it was unanimously approved by the Architectural Review Board and there was, I think, one comment questioning the positioning of the railing, but it was approved, thinks it is an improvement to what is there, and it is going to look good.

Brad Orndorf, 5800 Porter Center, Centerburg addressed the Board. Mr. Falcoski asked if he had anything to add and Mr. Orndorf replied he did not.

Mr. Falcoski asked for comments from the Board.

Mr. Falcoski asked if anyone in the audience would like to speak for or against the variance request.

Hearing no one, Mr. Hunter moved:

THAT THE REQUEST BY BRAD ORNDORF, CHRIS BRADLEY, AND JASON KRAUSS FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A STAIR AND RAIL AT 844 OXFORD STREET, AS PER CASE, AS PER CASE NO. BZA 22-10, DRAWINGS NO. BZA 22-10 DATED JULY 2, 2010, 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-2 – Variance – Side Yard Setback – Air Conditioner – 886 Clayton Drive (Kyle Kidd/Columbus Worthington Air/Breen) BZA 23-10

Mr. Falcoski asked for staff comments.

Ms. Bitar said this application is for an air conditioner that was replaced. The applicant made application for the heating and cooling permit and was advised that a variance would be required, the variance was not sought, and the air conditioner was replaced. It is in the same location as the previous unit and is screened with existing vegetation. The homeowner to the west had no concerns with the placement of the air conditioner and leaving it in that location. It is in close proximity to side of the property but there is no other good location on this property.

Mr. Hunter said you do not see it from Clayton but there is a ravine behind the house which leaves no space at all in the backyard.

Kyle Kidd, 1371 Morning Avenue, Columbus addressed the Board. Mr. Falcoski asked if he would like to add anything and Mr. Kidd replied he did not.

Mr. Falcoski asked if the Board had any questions.

Hearing no one, Ms. Crane moved:

THAT THE REQUEST BY KYLE KIDD/COLUMBUS WORTHINGTON AIR AND JOHN AND JANICE BREEN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW AN AIR CONDITIONER CONDENSER TO REMAIN AT 886 CLAYTON DRIVE, AS PER CASE NO. BZA 23-10, DRAWINGS NO. BZA 23-10 DATED JULY 6, 2010, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND AS PRESENTED AT THE MEETING.

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

AGENDA ITEM B-3 – Variance – Front Yard Setback – Porch – 430 Pittsfield Dr.
(Kevin Clausen/Stanley) BZA 24-10

Mr. Falcoski stated this item had been withdrawn by the applicant.

AGENDA ITEM B-4 – Variance – Fence at Alley Right-of-Way – 263 Franklin Ave.
(Gary Schmidt) BZA 25-10

Mr. Falcoski asked for staff comments.

Mrs. Bitar said the applicant had the misfortune of having their home catch on fire this was last year, has since rebuilt the home and put a small addition on the rear that the Architectural Review Board approved as part of the rebuilding process. There was a fence along that rear line, which is along the alley, and because of that right-of-way, fencing must be setback 30 feet. There was a fence there before but staff could not find any record of a variance being granted and there are other fences along that same alley. It is a unique spot, the City does not have many alleys, this was a newer development, and the developer chose to have that alley. The alley is not used but for vehicular access for the second house in which is east of this one. They had fence along both sides but they are replacing it now with a white vinyl fence. The previous fence had to be removed to allow access to the property during the reconstruction.

Gary Schmidt, 263 Franklin Avenue, address the Board and said he is here to answer any questions.

Mr. Falcoski asked if the Board had any questions.

Mr. Hunter offered condolences for all Mr. Schmidt has been through.

Mr. Falcoski said this fence that you are proposing to put up is a little taller than the one that was there. Mr. Schmidt replied yes on the back lot line. Every other place in the plan it is the exact same height. Mr. Falcoski said is it as tall as the fences on either side and Mr. Schmidt replied said yes, it is all six foot except for two places where there is a little courtyard that is framed by the garage and the guest bedroom. He had an eight foot fence in there. On the back lot line it was a lower fence, did not know how high it was, it was not six foot tall. Both of those sections had to come out for the reconstruction of the home. One to get earth moving equipment into the house at the rear lot line, the other one was for taking the siding off of the house.

Ms. Dorothy asked what side of the house is the proposed eight foot high fence. Mr. Schmidt replied on the plot plan, there is a square with a note stating 24 lineal feet, that square is a courtyard that is open space. It is between the garage and the northeast corner of the house. It is a nice little garden, he kind of had it as a viewing garden before. The fence there is kind of critical because there are three entry points into the house through

there, so that fence is more than just a privacy fence, it is a security fence. He had an eight foot fence there before, he did not know how it was approved, but this home was built by Duffy Homes in 1980 and staff could not find a record of any variances.

Ms. Dorothy said we are looking at two different variances, setback and fence height. Ms. Bitar replied that is correct.

Mr. Falcoski asked if the fence that was there before along the alley was as high as the fence being proposed at the alley. Mr. Schmidt replied no, the proposed fence would be 6 foot to keep it all consistent. Mr. Falcoski asked what was the height before and Mr. Schmidt replied three and a half feet.

Ms. Crane asked if there a visibility issue with that tall of a fence. Ms. Bitar said the proposed fence is similar to those existing on either side of this property and there are no vehicles that drive down the alley. Mr. Schmidt said one cannot drive down the alley since it is physically blocked half way down the alley. Mr. Hunter said it is not a trash truck alley and Mr. Schmidt replied it is not, the only thing this alley is really used for is walking dogs and lately that has been difficult because all of his stuff is out there. The alley is a grass and is a pedestrian path.

Mr. Falcoski asked if anyone in the audience would like to speak for or against the variance request.

Ms. Dorothy asked if the neighbors to the side provide him any comments about the proposed or even the existing eight foot fence. Mr. Schmidt replied the neighbor to the east will not care, he is usually not here, he had talked about it in the past, and it had been there for 20 years or more.

Mr. Hunter said the eight foot fence was there to start with. Mr. Schmidt said he bought the house in 1991, a cluster of four homes that Duffy built. Three of the homes were fenced in rear yards to the alley. He does not know how that happened. He fenced the yard in two or three years later, after his son was born, and started getting dogs so it became critical to fence the yard. He did not use a 6 ft. fence on the rear lot but did on the sides, and it went right back to the alley just like we would like to do again. The eight foot section was there when the house was bought so perhaps it was there for 30 years.

Mrs. Dorothy said it looks like a nice fence, she drove back there, and it looks like it is mostly up already, except for the back part. Mr. Schmidt said his wife wants a white fence and he is tired of painting the fence, so are going vinyl.

Hearing no one else, Mr. Hunter moved:

THAT THE REQUEST BY GARY SCHMIDT FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK AND MAXIMUM FENCE HEIGHT TO ALLOW ERECTION OF A FENCE AT 263 FRANKLIN AVENUE, AS PER CASE NO. BZA 25-10, DRAWINGS NO. BZA 25-10 DATED JULY 20, 2010, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND THE MATERIAL PRESENTED AT THE MEETING.

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

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

The meeting adjourned at 7:43 P.M.