

MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
September 2, 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 for comments on the minutes of the August 5, 2010 meeting. Mr. Hunter moved to approve, Ms. Dorothy seconded the motion, 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. Mr. Phillips swore in the witnesses prepared to comment at tonight's meeting.

AGENDA ITEM B-1 – Variance – Side and Rear Yard Setback – 5791 Andover Street (R. Michael Shurig) BZA 26-10.

Mr. Falcoski 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, minimum rear yard setback of 10 feet, and a maximum accessory structure area of 850 square feet. The applicant is proposing to replace an existing shed with a new, detached garage. The new garage is proposed to be 6 feet from both side property lines and 5 foot 5 inches from the rear property line. The requested variances are 2 feet for side yard and 4 feet 7 inches for rear yard setback requirements. The proposed garage consists of a 20 foot by 24 foot bay with usable space above, and an 18 foot 8 inch by 14 foot bay with outdoor space similar to a deck above. The accessory structure areas are; total first floor area of 741 square feet, second floor storage area of 480 square feet, and second floor outdoor area of 261 square feet. Total proposed accessory structure area is 1,482 square feet. The proposed variance request is 632 square feet.

Mr. Phillips continued to say this particular lot is narrow, which is typical for the neighborhood. The construction of any attached or detached garage typically requires setback variances. Staff saw few options on the site to place a two car garage without setback variances, with or without the extra bay, and attaching the garage would limit it to a single car or a stacked garage. The original house appears to have a basement but the addition appears to have been constructed over a crawl space, which limits the amount of storage space within the house. It is not unusual to provide storage above the vehicle parking, and without the additional bay to the south, the two car garage area is 960 square

feet and would require a variance for the additional 110 square feet. The added bay to the south further increases the accessory structure area by 523 square feet and reduces the amount of outdoor living space. This is mitigated by the proposed outdoor space above the added bay. Given the tight constraints of the site, the storage of any camping equipment on the property would be severely limited without the added bay. The delivery of governmental services should not be affected.

R. Michael Shurig, 5791 Andover Street, addressed the Board and said he had lost his son in 2002 at the Worthington swimming pool, and the home was a gathering place to help him get through the tragedy. Some life insurance proceeds allows him to build a garage in the back. There are chimney swifts at Colonial Hills Elementary and he and his guests enjoy watching them swirl and enter the chimney one by one at dusk. The observation deck allows a view of the school and the swifts, above the garage to store vehicles. He expects to stay in this house for the rest of his life and this project is an investment.

Mr. Falcoski asked if the existing shed is essentially in the same location as the proposed garage and Mr. Shurig replied yes. Mr. Falcoski asked if there were any issues with an observation deck and Mr. Hunter replied it is just accessory structure.

Mr. Hunter said this property is single family zoning, the space above the proposed garage is almost large enough for an apartment if it had water, power, and a sewer. Mr. Shurig replied he has no intention on converting that space into living space.

Ms. Crane said the garage appears very large but the reason she does not object to its size is because this property borders the school. If there was a house behind it, it would appear to be a large wall at the property line and would typically not like to grant these variances. Mr. Hunter stated there is also a large amount of vegetation in the neighborhood, particularly to the north with the ravine, and no one will likely see this structure.

Mr. Falcoski asked how long has the applicant been at that residence and Mr. Shurig replied since 1982 or 1984 – 22 years. 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 R. MICHAEL SHURIG FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK AND TOTAL ACCESSORY STRUCTURE AREA TO ALLOW THE CONSTRUCTION OF A GARAGE AT 5791 ANDOVER STREET, AS PER CASE NO. BZA 26-10, DRAWINGS NO. BZA 26-10 DATED JULY 29, 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, all members voted “aye” thereon.

AGENDA ITEM B-2 – Variance – Side and Rear Yard Setbacks – Garage Addition –
802 Griswold Street (Marjorie A. Hay) BZA 27-10

Mr. Falcoski 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 a minimum rear yard setback of 10 feet for detached garages. The Residential Code of Ohio requires walls constructed within the 3 foot fire separation distance be a minimum 1 hour fire-resistive rated construction for exposure from both sides including the underside of projections. Openings are not permitted in the wall. The applicant is proposing a 3 foot by 10.3 foot addition to the rear of the existing garage, 4 feet from the rear property line and approximately 2.4 to 2.5 feet from the side property line. The requested variances are 6 feet for rear yard setback, approximately 5.6 to 5.5 feet for side yard setback, and the fire-resistive rated construction for a 3 foot long portion of the south wall.

Mr. Phillips continued to say the existing garage is within the setbacks and an addition to the rear, front, or side of this existing garage requires a setback variance. The existing garage is within the 3 foot fire separation distance, does not appear to be made of fire-resistive rated construction, and is permitted to remain as previously constructed. Staff saw no issue and its Chief Building Inspector offers expert testimony recommending allowing the addition to not be built of fire-resistive construction. The intent of the separation is to safeguard one property from another property when neither property owner can exhibit control over the other property. In this particular case, the fire-resistive construction would not afford much additional benefit since the majority of the existing garage is not required to comply with the current requirement. It would not endanger the safety of general public to allow the 3 foot addition within the fire separation distance be constructed of any material permitted by the building code when the remaining 29 feet would be unprotected and be of similar construction. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected.

Marjorie Hay, 802 Griswold Street, addressed the Board and said she bought a new camper and it is 3 feet longer than her old one she typically kept in the garage with the car. To fit the new camper, he needs an additional 3 feet.

Mr. Falcoski asked if the width of the addition is the width of the existing garage and Ms. Hay replied yes. Mr. Falcoski asked if any trees will need to be removed and Ms. Hay replied no, just trim a branch. Mr. Falcoski noted there are no buildings nearby and Ms. Hay replied just Simsbury Place. Mr. Falcoski asked if she had spoken to any of her neighbors and Ms. Hay replied yes, she spoke to three including one that she camps with.

Ms. Reibel says it is a terrific idea to store a camper inside. Ms. Crane asked if there is a requirement that camping equipment be stored inside and Mr. Phillips replied the requirement is it cannot be stored in a setback. In this particular case, the camper could be

stored north of the garage as long as it is not in the 30 foot rear yard setback. Ms. Reibel noticed both cases tonight are trying to place campers in garages.

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

Hearing no one, Ms. Crane moved:

THAT THE REQUEST BY MAJORIE A. HAY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK AND FIRE-RESISTIVE RATED CONSTRUCTION TO ALLOW AN ADDITION TO AN EXISTING GARAGE AT 802 GRISWOLD STREET, AS PER CASE NO. BZA 27-10, DRAWINGS NO. BZA 27-10 DATED AUGUST 5, 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.

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

The meeting adjourned at 7:45 P.M.