

MINUTES OF THE REGULAR MEETING  
OF THE  
WORTHINGTON BOARD OF ZONING APPEALS  
October 7, 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, 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 September 2, 2010 meeting. Ms. Crane moved to approve, Mr. Hunter 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 – Temporary Use Permit – Banner – 350 E. Wilson Bridge Rd.  
(Todd Barcus/Cott Systems) BZA 28-10.

Mr. Falcoski asked for staff comments.

Mr. Phillips said this property is in a C-3 district where temporary signs are not permitted. The applicant had placed a real estate banner on the north side of the building, visible only from Interstate 270, under a Temporary Use Permit issued by the City Manager. The banner was 7 feet by 171 inches, or approximately 100 square feet. The Temporary Use Permit expired on June 24. The applicant is seeking permission to replace the previous banner with a similarly sized real estate banner on the north side of the building.

Mr. Phillips continued to say the property owner is seeking to sell or lease office space in the building and the applicant advises the banner has increased inquiries about the property. The banner is only visible from the highway and appears to be appropriately sized to be read from the roadway traveling at a high rate of speed. Staff saw no issues with allowing this use for up to the maximum 6 months permitted by the code.

Todd Barcus, 8276 Wildflower Drive, Powell, addressed the Board. Mr. Falcoski asked if he had anything further to add to staff's comments and he replied he did not.

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

Hearing no one, Mr. Hunter moved:

**THAT THE REQUEST BY TODD BARCUS AND COTT SYSTEMS FOR A TEMPORARY USE PERMIT TO ALLOW A BANNER AT 350 EAST WILSON BRIDGE ROAD, AS PER CASE NO. BZA 28-10, DRAWINGS NO. BZA 28-10 DATED AUGUST 9, 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, all members voted “aye” thereon.

AGENDA ITEM B-2 – Variance – Side Yard Setback – Air Conditioner – 581 Oxford St. (MB Construction Contracting Services Inc./Morgan Boucher) BZA 29-10

Mr. Falcoski asked for Staff comments.

Mr. Phillips said this property is in an R-10 district with an 8 foot side yard setback requirement. Air conditioning equipment not located to the rear of a dwelling must be screened and cannot be located in a required yard. The dwelling had an air conditioner condenser in the side yard, but no record of a setback variance was found. An addition to the existing house is currently under construction and the condenser was temporarily relocated to accommodate the work. The applicant is proposing to place the condenser back in the side yard setback when the construction work is complete. The requested variance is to allow the condenser in the side yard setback. The addition was subject to and approved by the Architectural Review Board.

Mr. Phillips continued to say the relocation of the condenser to the rear of the dwelling requires the extension of the refrigeration lines and may affect the performance and efficiency of the cooling system of the dwelling. Staff has no record of inquiries about the location of the condenser. The essential character of the neighborhood should not be substantially altered, nor would the delivery of governmental services be affected.

Mr. Falcoski said it seems that the condenser was already there, was temporarily moved for construction, and now they want to place it back to where it was. Mr. Phillips replied that is correct.

Todd Morgan-Boucher, 581 Oxford Street, addressed the Board. Mr. Falcoski asked if he had anything to add and he replied he did not.

Mr. Falcoski asked for questions or comments from the Board. 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 MB CONSTRUCTION CONTRACTING SERVICES INC. AND TODD AND HEATHER MORGAN-BOUCHER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK ALLOW THE PLACEMENT OF A CONDENSOR AT 581 OXFORD STREET, AS PER CASE NO. BZA 29-10, DRAWINGS NO. BZA 29-10 DATED AUGUST 27, 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-3 – Variance – Side and Rear Yard Setbacks – Garage – 106 E. New England Ave. (Quality Contracting & Design/Bangert) BZA 30-10

Mr. Falcoski asked for Staff comments.

Mr. Phillips said this property is an existing lot of record in an R-10 district with setback requirements of 8 feet from the side and 10 feet from rear property lines for detached garages. The property has an existing two-car garage approximately 7 inches from the east property line and 10 inches from the north property line. The applicant is proposing to replace the garage with a new 24 foot by 22 foot garage, 3 feet from both the east and north property lines. The requested variances are 5 feet for side yard and 7 feet for rear yard setback. The garage is subject to and approved by the Architectural Review Board.

Mr. Phillips continued to say the lot is narrow, which is typical for this neighborhood, and placing the garage on the site within the required setbacks would make parking a vehicle in the west bay difficult and reduce the limited rear yard area even more. Staff saw these reasons as mitigating the substantial nature of the variance request. The essential character of the neighborhood should not be substantially altered since the new garage will be farther from the existing property lines than the existing garage. The delivery of governmental services should not be affected.

Doug Matthews, 106 East New England Avenue, stated that the garage is now structurally unstable and that why it is being replaced. If the garage was placed according to the zoning requirements, then a new driveway would have be installed and would substantially reduce the yard. Mr. Falcoski stated that is the hardship, that it would cause the owner to replace the driveway. Mr. Matthews agreed.

Mr. Falcoski asked for questions or comments from the Board, and asked if anyone in the audience would like to speak for or against this variance request.

Hearing no one, Mr. Hunter moved:

**THAT THE REQUEST BY QUALITY CONTRACTING AND DESIGN, ED BANGERT, AND DOUGLAS MATTHEWS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A GARAGE AT 106 EAST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 30-10, DRAWINGS NO. BZA 30-10 DATED AUGUST 27, 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.

AGENDA ITEM B-4 – Variance – Signage – 445 E. Granville Rd. (Signcom Inc. – Bruce Sommerfelt/OSU) BZA 31-10

Mr. Falcoski asked for Staff comments.

Mr. Phillips said this property is in an S-1 district with a medical campus comprising several parcels. They are proposing 9 signs, a lot of which do not meet our current code requirements, based on size of directional signs and number of colors. They are requesting variances for 6 colors and a variance of 2 additional colors; 26.67 square feet of directional signage, a variance of 6.67 square feet; exceeding 50% of non-directional information on directional signs, a variance of 44.3%, address not facing the street; and address area exceeding 2 square feet, a variance of 0.25 square feet per sign. The property is subject to approval of the Architectural Review Board.

Mr. Phillips continued to say this property is a 45 acre campus with over a dozen large buildings, many buildings and functions within the large site, and compliance with signage code requirements makes any useful and meaningful signage impossible without variances. Staff did not find any of the requested variances to be substantial. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected.

Bruce Summerfelt, 527 West Rich Street, Columbus, addressed the Board and said most of what they are asking for is not visible from the main right of way. Only sign C-2 is a new sign, all others are replacements. The 6 colors are part of the new Ohio State Medical Center logo. The size variances are because the city counts both sides of the signs and on a couple of the ground signs and it is not necessary for graphics to be on both sides.

Mr. Falcoski asked if it is the same sign code for every site no matter the size. Mr. Hunter replied yes and that is one of the issues. Mr. Phillips stated there are additional requirements for commercial and industrial zoning and this property is not one of those zoning categories. There is no limit on how many free standing or building signs for this property so those variances are not required.

Mr. Phillips said the Worthington Christian High School sign has five colors. Mr. Crane agreed and said that the board had also granted similar variances to the Cottage Candy Shop.

Mr. Falcoski asked for questions or comments from the Board. Ms. Crane asked why the addresses are not facing the street. Mr. Summerfelt replied the signs G&H are really not addresses, they are to identify the buildings and those buildings are facing the street.

Mr. Falcoski asked if anyone would like to make a motion.

Ms. Crane moved:

**THAT THE REQUEST BY SIGNCOM, INC., BRUCE SOMMERFELT, AND THE STATE OF OHIO FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW NINE SIGNS AT 445 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 31-10, DRAWINGS NO. BZA 31-10 DATED SEPTEMBER 15, 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, Ms. Crane moved for adjournment with Ms. Dorothy seconding the motion.

The meeting adjourned at 7:55 P.M.