



**BOARD OF ZONING APPEALS  
-AGENDA-  
Thursday, February 2, 2017 at 7:00 P.M.**

Louis J.R. Goorey Worthington Municipal Building  
The John P. Coleman Council Chamber  
*6550 North High Street  
Worthington, Ohio 43085*

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**A. Call to Order - 7:00 pm**

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the January 5, 2017
4. Affirmation/swearing in of witnesses

**B. Item of Public Hearing – Unfinished**

1. **Variance – Rear Yard Setback – Four Season Room – 6008 Weatherburn Pl.**  
(Structure Contracting/Lisa Abrams & Jan Neiger) **BZA 02-17**

**C. Item of Public Hearing - New**

1. **Variance – Front Yard Setback - Driveway Gate – 173 E. Wilson Bridge Rd.** (Harold Careins) **BZA 03-17**

**D. Other**

**E. Adjournment**



January 27, 2017

To: Members of the Board of Zoning Appeals

From: Don Phillips, Chief Building Inspector

Subject: Staff Comments for the Meeting of February 2, 2017

## **B. Items of Public Hearing – Unfinished**

### **1. Variance – Rear Yard Setback – 6008 Weatherburn Pl. (Structure Contracting/Lisa Abrams & Jan Neiger) BZA 02-17**

Findings of fact:

- 1. This property is in the R-10 district where the minimum rear yard requirement is 30 feet.*
- 2. The existing dwelling is 33 feet to 35 feet from the east property line. A variance was granted in 1991 to construct a deck in the rear of the property.*
- 3. The applicant proposes to replace a portion of the existing deck and construct a 14 foot by 16 foot single story 4 season addition 19 feet from the east property line. The requested variance is 11 feet.*

The following conclusions are presented:

- 1. The property is in a cul-de-sac with an unusual lot shape and the dwelling already within the 30 foot rear setback, creating practical difficulties. The proposed single story addition is not very large. The addition of landscaping along the east property line should address neighbor concerns expressed at the January 5 hearing. 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.*

The following motion is recommended:

**THAT THE REQUEST BY STRUCTURE CONTRACTING, LISA ABRAMS, AND JAN NEIGER FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO CONSTRUCT A FOUR SEASON ROOM AT 6008 WEATHERBURN PLACE, AS PER CASE NO. BZA 02-17, DRAWINGS NO. BZA 02-17 DATED DECEMBER 9, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

### **C. Items of Public Hearing - New**

#### **1. Variance – Front Yard Setback – Driveway Gate – 173 E. Wilson Bridge Rd. (Harold Careins) BZA 03-17**

Findings of fact:

1. This property is in the R-10 district along a regional thoroughfare where the minimum front yard requirement is 50 feet.
2. The 2005 Worthington Comprehensive Plan depicts the Worthington Thoroughfare Plan for the entire City and identifies Wilson Bridge Road as a regional thoroughfare, requiring larger setbacks related to the classification of the street. Larger setbacks are needed for future improvements, such as right-of-way widening, sidewalks, storm water improvements, streets, paths, and utilities.
3. The property is within the 2011 Wilson Bridge Corridor Study which recommends office development on the south side of East Wilson Bridge Road.
4. The 2015 Wilson Bridge Corridor Enhancement Plan recommends streetscape improvements throughout the corridor in addition to a new multi-use path on the south side of East Wilson Bridge Road. The existing right-of-way is approximately 3 feet from the back of the street curb and the City will be purchasing 15 feet of additional right-of-way to allow for the construction this path. This area will also include street trees, streetlights and other enhancements. This proposed path will connect High Street to the Community Center and onto the Northeast Gateway, the project name to realign the Wilson Bridge Road, Worthington-Galena road, and Huntley Road intersection.
5. The 2016 Wilson Bridge Corridor Zoning created categories for the corridor, recommending WBC-2, Professional Office, for this portion of East Wilson Bridge Road for commercial office development on this site.
6. Staff had many discussions with the property owner about the future of the corridor including written correspondence that the property is recommended for commercial development.
7. The East Wilson Bridge Road right-of-way is approximately 64 feet wide at this property.

8. Fence Permit 1010 was issued on July 13, 2016 based upon a 14.5 foot long gate 35 feet from the East Wilson Bridge Road right-of way.
9. On October 11, 2016, a final inspection was conducted of the gate and at that time the gate did not appear to be 35 feet from the right-of-way. While gathering the variance application form for the applicant, it was discovered by the Building Inspector that Wilson Bridge Road is a regional thoroughfare. A sketch of the site was prepared for the applicant to indicate the future right-of-way to be purchased, the approximate location of the gate as constructed, the 30 foot front yard setback for R-10 districts, the 35 foot proposed gate location, and the 50 foot front setback for the regional thoroughfare.
10. On October 12, 2016, finding that Fence Permit 1010 was issued in error, the permit was revoked by the Building Inspector.
11. The applicant is proposing to allow the gate to remain, approximately 27 feet from the East Wilson Bridge Road right-of-way. The requested variance is approximately 23 feet.

The following conclusions are presented:

1. The future for the Wilson Bridge corridor including the purchase of future right-of-way along the south side of East Wilson Bridge Road for a future multi-purpose path is forthcoming but no timeframe is foreseeable at the moment. In preparing for this future, ordinances were adopted by City Council and eventually rezoning will occur as redevelopment begins, perhaps decades in the future. In the meantime, current requirements are being enforced. It was unfortunate the gate did not appear to be installed per the approved plan otherwise the approval error may not have been caught. Regardless if the gate is moved 2 feet to get it out of the 30 foot front yard for the R-10 district, 7 feet to comply with the previously approved plan, or 23 feet to comply with the regional thoroughfare requirements, it appears the gate should be moved due to these long term development plans.
2. The lots are large with many dwellings on the south side, and office buildings on the north side, set back from the right-of-way. Since the gate is relatively small in relation to the lot, the essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

The following motion is appropriate to allow the gate to remain as erected:

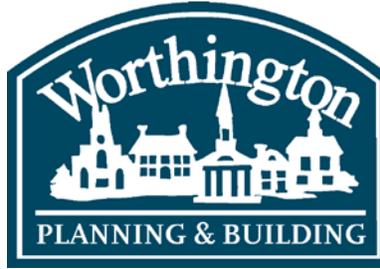
**THAT THE REQUEST BY HAROLD CAREINS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACKS TO ALLOW A GATE TO REMAIN AT 27 FEET FROM THE EAST WILSON BRIDGE ROAD RIGHT-OF-WAY AT 173 EAST WILSON BRIDGE ROAD, AS PER CASE NO. BZA 03-17, DRAWINGS NO. BZA 03-17 DATED DECEMBER 19, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

## Reference

Portions of Section 1129.05

(c) Area Variances. The Board shall have the power to hear and decide appeals and authorize variances from the provisions or requirements of this Zoning Ordinance. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objective of this Zoning Ordinance. The Board may grant a variance in the application of the provisions of the Zoning Ordinance when it is determined that practical difficulty exists based on the following factors:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) Whether the variance is substantial;
- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- (4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);
- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;
- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and,
- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

January 5, 2017

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: M. Coulter; B. Seitz; L. Reibel; D. Falcoski; and C. Crane. Also present was L. Brown, Director of Planning & Building.
2. Pledge of Allegiance
3. Oath of Office
4. Election of Officers

Mr. Seitz moved for Ms. Crane for chair, Mr. Falcoski for vice chair, and Ms. Reibel for secretary; seconded by Mr. Falcoski. All members voted aye.

5. Approval of minutes of December 1, 2016 meeting

Mr. Seitz moved to approve the minutes, seconded by Mr. Falcoski. All members voted aye.

6. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

Mr. Brown 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. Corner lots are permitted to reduce the adjacent yard to 20 feet. Fencing is not permitted between the right-of-way line and the building setback line. Fencing within 10 feet of the right-of-way cannot exceed a height of 2 feet 6 inches above the street grade.
2. The applicant has erected a 5 feet 11 inch tall fence along approximately 63 feet of the Greenwich Street right of way. The requested setback variance is 20 feet.
3. Assuming the grade from Greenwich Street is relatively flat with a 6 inch curb, the fence is approximately 77 inches above the Greenwich Street grade. The requested variance is approximately 47 inches.

The following conclusions are presented:

1. The property is on a corner with additional setback requirements not typically required on other properties in the district, creating a practical difficulty. In this particular case, the property is much more narrow than typically found in the district, which reduces in half the amount of rear yard that can be fenced. These factors mitigate the substantial nature of the setback variance request.
2. The purpose of preserving intersection sight lines is to allow vehicle drivers to see vehicles, pedestrians, bicyclists, and other users of roads and sidewalks well before reaching an intersection. The fence should not impact the sight lines at the Loveman Avenue and Greenwich Street intersection since it is set back far to the south of the intersection. These factors mitigate the substantial nature of the fence height variance request.
3. The Board has typically allowed solid fences up to 4 feet in height at the right-of-way, or taller fences with a more open style. Staff had conversations with the applicant who is willing to lower the fence to 4 feet 6 inches and may require 6 months to alter the fence.
4. The essential character of the neighborhood should not be altered.
5. The delivery of governmental services should not be affected.

**Discussion:**

Jordan Graham, 335 Loveman Avenue, did not have anything further to add.

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

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY JORDAN GRAHAM FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACKS AND FENCE HEIGHT TO CONSTRUCT A FOUR FOOT SIX INCH TALL FENCE AT 335 LOVEMAN AVENUE, AS PER CASE NO. BZA 49-16, DRAWINGS NO. BZA 49-16 DATED AUGUST 22, 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.

## **C. Items of Public Hearing - New**

### **1. Variance – Signage – 882 High St. (Greg & Phil Giessler/Cam Taylor) BZA 01-17**

Mr. Brown reviewed the staff memo:

Findings of fact:

1. This property is in the C-3 district where a sign is limited to 2 styles of lettering plus 1 logo, and not more than 3 sizes of lettering, including a logo.
2. The applicant is proposing to replace the sign faces of the existing freestanding sign with new faces containing 5 styles of lettering including 3 logos. The requested variance is 2 styles of lettering including the 2 logos.
3. The propose sign is subject to, and 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:**

Mr. Coulter said the Architectural Review Board felt the sign was very stylish but they were surprised the telephone and address numbers were not listed on the sign. He said the Board offered to consider having the additional information on the sign but the applicant was comfortable with the sign as presented at the meeting.

Greg Giessler, 387 Highgate Avenue, did not have anything further to add.

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

**Motion:**

Ms. Reibel moved:

**THAT THE REQUEST BY GREG & PHIL GIESSLER, CAM TAYLOR, AND CAROL & CO. LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE AT 882 HIGH STREET, AS PER CASE NO. BZA 01-17, DRAWINGS NO. BZA 01-17 DATED NOVEMBER 1, 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 – Rear Yard Setback – 6008 Weatherburn Pl.** (Structure Contracting/Lisa Abrams & Jan Neiger) **BZA 02-17**

Mr. Brown reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district where the minimum rear yard requirement is 30 feet.
2. The existing dwelling is 24 feet from the east property line. A variance was granted in 1991 to construct a deck in the rear of the property.
3. The applicant proposes to replace a portion of the existing deck and construct a 14 foot by 16 foot single story 4 season addition 10 feet from the east property line. The requested variance is 20 feet.

The following conclusions are presented:

1. The property is in a cul-de-sac with an unusual lot shape and the dwelling already within the 30 foot rear setback, creating practical difficulties. The proposed single story addition is not very large. 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:**

Mr. Coulter asked to see the photograph showing the edge of the deck to be clear where the room addition would be.

Brian O'Neil, 4073 Wilbur Avenue, Columbus, said the biggest concern was the twenty-four feet from the distance of the house to the property line. Since the property was surveyed they found out the distance is actually thirty-three feet, and they would not be going out any further than the deck that was previously approved.

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

Doug Buford, 181 West Short Street, said he lives directly behind the property of the applicant and remembers when the previous owner wanted to construct a similar room addition but it was denied. He said he built his house as close to the line as he could back in 1965 when the property was located next to a big grassy field. After he built his home, the property next door was sold and four houses were constructed on that lot. He objected to having the applicant's house any closer than the house already is. Ms. Crane asked why he objected to the room addition and Mr. Buford replied he was afraid the neighbor's addition would cause his property to lose value, and his interfere with his breakfast room view.

Charles Buford, Jr., 96 West South Street, said his father's house is where he grew up and one day will inherit the property. He does not want to see the house next door move any closer to his father's home.

Mr. O'Neil said he has worked for the family for over fifteen years and they do not want to have issues with the neighbors. The addition would not work on the side of the home, so his client would like the addition to open up their living room. Ms. Crane asked when he planned to begin construction and Mr. O'Neil replied the plan is weather dependent, but if the ground is not completely frozen, then he could begin demolition of the deck and regrading the ground.

Mr. Coulter said he should move forward and put together a site plan with additional landscape screening so the houses would not look into each other's windows. He recommended something soft and green that would not lose leaves in the winter so there would be a constant barrier between the homes.

Mr. Falcoski asked if the applicant enclosed the deck area, could they proceed to building a four season room without a variance if they did not go further than the area of the deck. Mr. Brown replied the code looks at the encroachment differently with the addition of a room rather than a deck. Ms. Crane suggested the applicant work with his neighbor before the next meeting. Mr. O'Neil requested to table the meeting.

Mr. Seitz moved to table the application, seconded by Mr. Coulter. All Board members voted aye and the application was tabled.

#### **D. Other**

Mr. Brown stated the Holiday Inn redevelopment is still scheduled to come before the Board in the near future. Ms. Crane asked about the CVS development site and Mr. Brown replied if that site requires variances they will be granted by City Council as part of the development plan approval process, Mr. Brown also mentions the redevelopment of the area around Stafford Village. Mr. Brown discussed the Linworth Crossing development, the United Dairy Farmers redevelopment, , OhioHealth development, the Snow House, the Zettler Hardware site, the Kilbourne Building, Central Ohio Urological Group on West Wilson Bridge Road opening in February 2017, the OSU Medical will be moving into The Heights, and activity on the Step By Step site.

#### **E. Adjournment**

Ms. Reibel moved to adjourn the meeting, seconded by Mr. Seitz. The meeting adjourned at 8:10 p.m



# City of Worthington BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case #	BZA 02-17
Date Received	12-9-16
Fee	\$25
Meeting Date	1-5-17
Filing Deadline	
Rept #	163056

1. Property Location 6008 Weatherburn Place
2. Present/Proposed Use Four seasons room
3. Zoning District \_\_\_\_\_
4. Applicant Brian O'Neal - Structure Contracting  
Address 4073 Wilbur Ave  
Phone Number(s) 614-679-0640
5. Property Owner Lisa Abrams - Jan Neiger  
Address 6008 Weatherburn Place  
Phone Number(s) \_\_\_\_\_
6. Action Requested (ie. type of variance) Four seasons room
7. Project Details:
  - a) Description 16 x 14 Feet four seasons room
  - b) Expected Completion Date \_\_\_\_\_
  - c) Approximate Cost 38,000

**PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:**

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Tabled 1/5/17

Brian O'Neal  
Applicant (Signature)

12/9/16  
Date

Jan Neiger  
Property Owner (Signature)

12/15/16  
Date

Abutting Property Owners List for  
6008 Weatherburn Pl.

Charles Buford		181 Short St.	Worthington, OH 43085
Christopher Whitham	Brandy Ferris	210 W. South St.	Worthington, OH 43085
Joseph & Beatrice Rich		286 W. South St.	Worthington, OH 43085
Mary Steed-May		6011 Weatherburn Pl.	Worthington, OH 43085
Scott & Amy Farkas		6025 Weatherburn Pl.	Worthington, OH 43085
Dale & Martha Brinkman		6022 Weatherburn Pl.	Worthington, OH 43085

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# STRUCTURE CONTRACTING, LLC

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December 19, 2016  
Brian S. O'Neal  
Structure Contracting, LLC  
4073 Wilbur Ave.  
Grove City, Oh 43123

To Whom it May Concern,

We are requesting a variance to construct a four season room addition to the property located at 6008 Weatherburn Pl. Worthington oh, 43085. The addition we are proposing is to extend 14' off existing structure and be 16' wide. Currently there is a deck in place of where we are planning to construct this addition. In speaking with the building department, they have informed us that a variance will need to be issued prior to obtaining a building permit due to the placement of the new addition encroaching on the allowed distance to the property line. Attached you will find a plot plan showing property lines, current home, and proposed placement of addition. We are currently working with surveyors to locate all property line markers to ensure exact distances.

Sincerely yours,

Brian S. O'Neal  
Structure Contracting, LLC  
614.679.0640

# 6008 Weatherburn Pl.

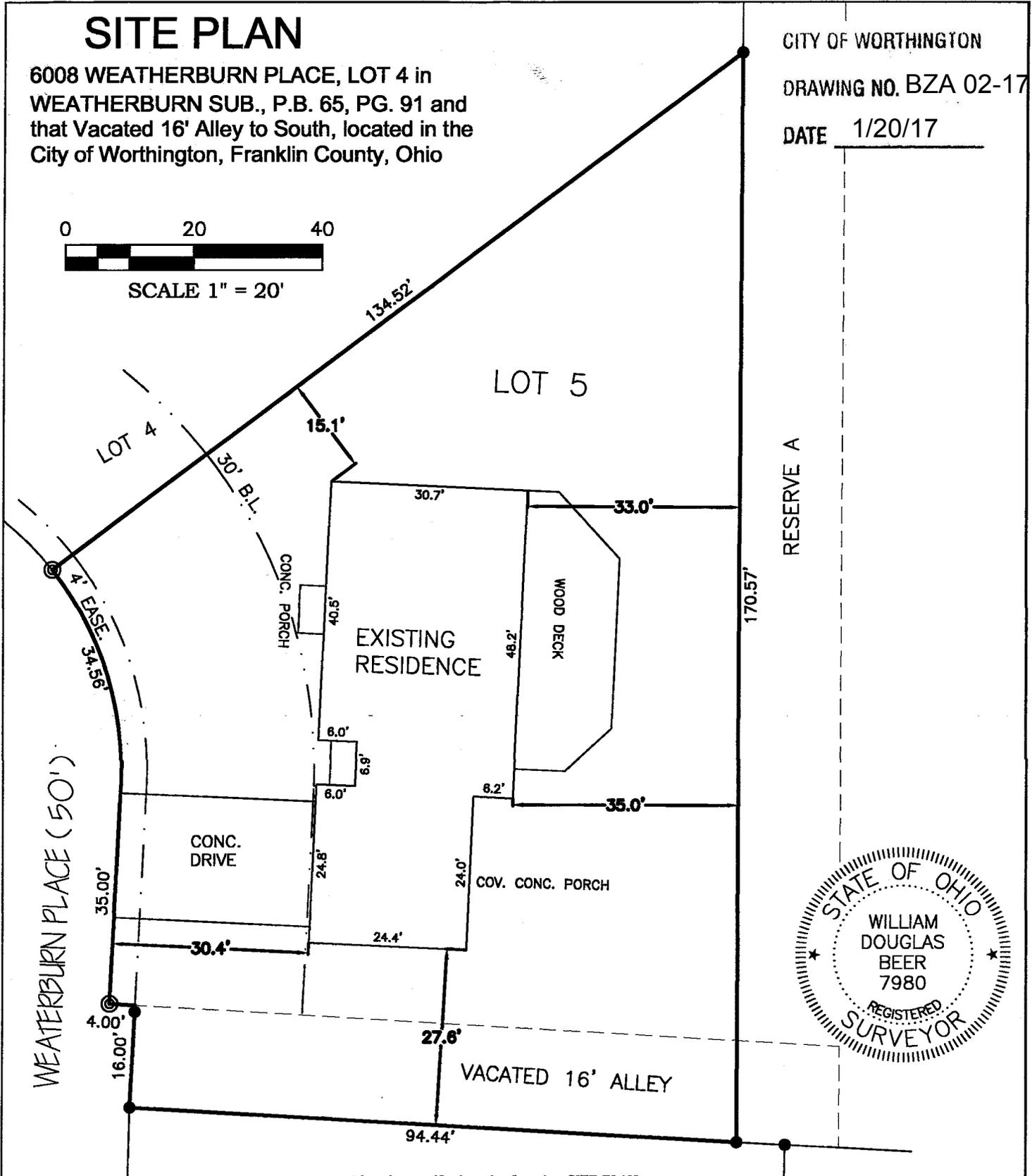
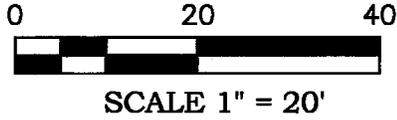


100-006204 03/27/2014

# SITE PLAN

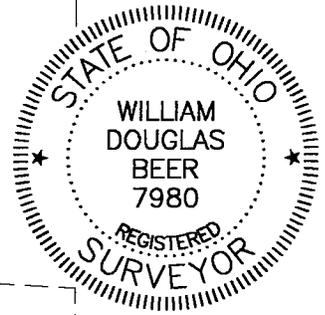
6008 WEATHERBURN PLACE, LOT 4 in  
 WEATHERBURN SUB., P.B. 65, PG. 91 and  
 that Vacated 16' Alley to South, located in the  
 City of Worthington, Franklin County, Ohio

CITY OF WORTHINGTON  
 DRAWING NO. BZA 02-17  
 DATE 1/20/17



Current Site Plan

RESERVE A



I hereby certify that the forgoing SITE PLAN  
 Survey was prepared from actual  
 field measurements in accordance with Chapter  
 4733-37 Ohio Administrative Code.

**BENCHMARK LAND SURVEYING**  
 3501 Manila Drive  
 Westerville, Ohio 43081  
 (614) 794-9609 ~ Office  
 E-mail: bmlsurveying@yahoo.com

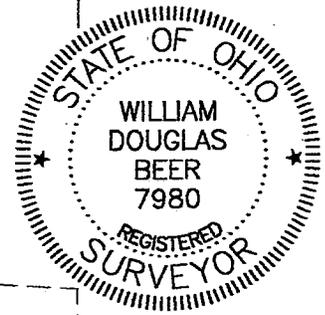
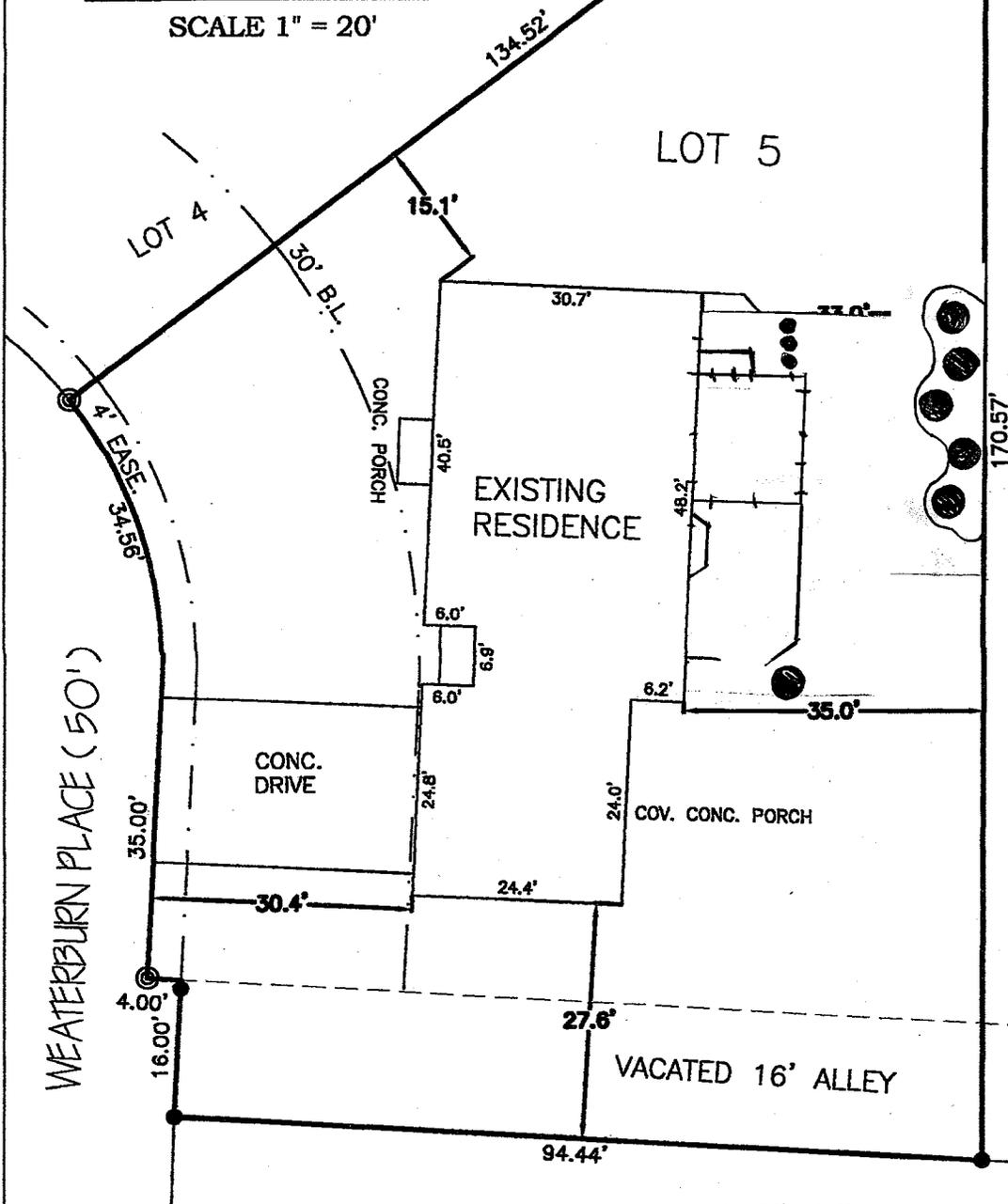
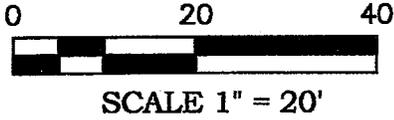
*William D. Beer* 12/23/16  
 WILLIAM D. BEER DATE  
 Registered Surveyor No. 7980

**LEGEND:**  
 ● = IRON PIN FOUND  
 ⊙ = Monument (to be) SET

# SITE PLAN

6008 WEATHERBURN PLACE, LOT 4 in  
 WEATHERBURN SUB., P.B. 65, PG. 91 and  
 that Vacated 16' Alley to South, located in the  
 City of Worthington, Franklin County, Ohio

CITY OF WORTHINGTON  
 DRAWING NO. BZA 02-17  
 DATE 1/20/17

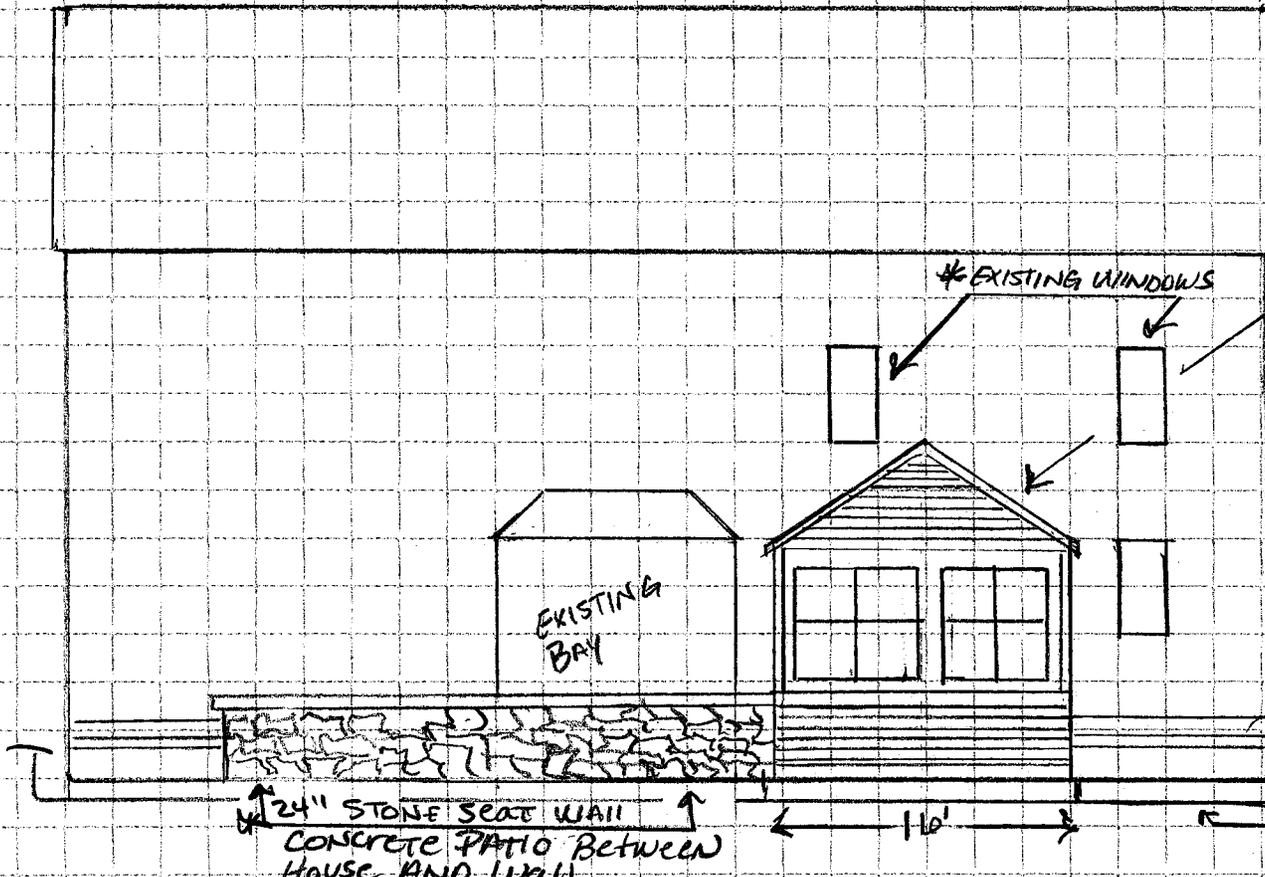


I hereby certify that the forgoing SITE PLAN  
 Survey was prepared from actual  
 field measurements in accordance with Chapter  
 4733-37 Ohio Administrative Code.

**BENCHMARK LAND SURVEYING**  
 3501 Manila Drive  
 Westerville, Ohio 43081  
 (614) 794-9609 ~ Office  
 E-mail: [bmllsurveying@yahoo.com](mailto:bmllsurveying@yahoo.com)

*William D. Beer* 12/23/16  
**WILLIAM D. BEER** DATE  
 Registered Surveyor No. 7980

**LEGEND:**  
 ● = IRON PIN FOUND  
 ⊙ = Monument (to be) SET



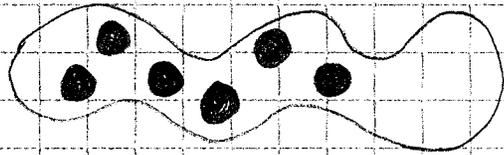
- Proposed Addition**
- \* SHINGLES TO MATCH EXISTING
  - \* SIDING TO MATCH EXISTING
  - \* Block FOUNDATION Below Frost line
  - \* GUTTERS TO MATCH EXISTING & Tie DIRECTLY INTO NEW UNDERGROUND conductors

8' EXTERIOR WALLS

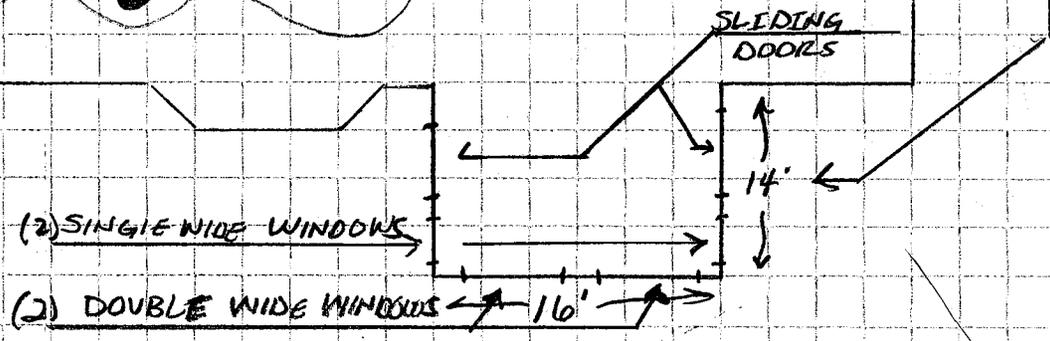
24" STONE SEAT WALL  
CONCRETE PATIO Between House AND Wall

INSTALL NEW PERIMETER DRAIN TO CHANNEL RUNOFF WATER FROM NEGATIVE FAH

INSTALL ARBORVITAE EVERGREEN BUFFER SCREEN 8-10' TALL



TOP VIEW OF FOUNDATION



CITY OF WORTHINGTON  
DRAWING NO. BZA 02-17  
DATE 1/20/17



CITY OF WORTHINGTON

DRAWING NO. BZA 02-17

DATE 1/20/17



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## Charming Emerald Green Arborvitae For Garden Decor Ideas

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**CITY OF WORTHINGTON**

**DRAWING NO. BZA 02-17**

**DATE** 1/20/17

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Image Info



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings – First Thursday of Every Month

Case #	BZA 03-17
Date Received	12-19-16
Fee	\$25
Meeting Date	2-2-17
Filing Deadline	

1. Property Location 173 E Wilson Bridge Rd

2. Present/Proposed Use \_\_\_\_\_

3. Zoning District R-10

4. Applicant HAROLD CAREINS

Address 173 E Wilson Bridge Rd

Phone Number(s) 614 857 0257

5. Property Owner HAROLD CAREINS

Address 173 E Wilson Bridge Rd

Phone Number(s) 614 859 0257

6. Action Requested (ie. type of variance) Variances from zoning code requirements

#### 7. Project Details:

a) Description 14' automated driveway gate

b) Expected Completion Date Done

c) Approximate Cost \$12,000

#### PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

[Signature]  
Applicant (Signature)

12-9-2016  
Date

\_\_\_\_\_  
Property Owner (Signature)

\_\_\_\_\_  
Date

Abutting Property Owners List for  
173 E. Wilson Bridge Rd.

IS-CAN Ohio LP	2600 Corporate Exchange Dr	Columbus, OH 43231
Worthington City Schools District Board of Education	200 E. Wilson Bridge Rd.	Worthington, OH 43085
PV Wilson Bridge LLC	1433 Grandview Ave.	Columbus, OH 43212
George & Kathryn Bleimes	158 Northhigh Dr.	Worthington, OH 43085
Christopher & Lindsay Selinsky	156 Northhigh Dr.	Worthington, OH 43085
Steven & Cynthia Taylor	154 Northhigh Dr.	Worthington, OH 43085
Susan Smathers	163 E. Wilson Bridge Rd.	Worthington, OH 43085

Harold Careins  
173 E Wilson Bridge Rd  
Worthington, OH 43085

December 13, 2016

Dear Board of Zoning Appeals,

This supporting statement is to request the grant of a variance at 173 E Wilson Bridge Rd in Worthington for a gate constructed under permit 1010. The variance submission was suggested by Donald Phillips after our discussion on October 11, 2016.

The project was the construction of a 14-foot automated single swing driveway gate. A permit 1010 was submitted by me and approved by the Chief Building Inspector Donald Phillips. After I excavated two holes I called in for the post hole inspection. Jerry Graves signed the permit 1010 on July 15, 2016, after inspecting the two holes; that were used to construct the two supporting gate posts. On October 11, 2016, I called in for a final inspection, Donald Phillips arrived and informed me that he didn't know where the property line was located, but felt the gate was constructed inside the easement. If I had known there was a problem with the location of the holes I would have moved them before filling the holes with a total of 600 lbs. of concrete.

Donald Phillips informed me that E Wilson Bridge Rd at my location was a regional thoroughfare. After measuring E Wilson Bridge Rd it fell short of the minimum required width to be classified as a regional thoroughfare per 1101.04 Street Standards code. E Wilson Bridge Rd at 173 E Wilson Bridge Rd measured to be 40 feet in width consisting of only as single east and west bound lane with a shared turn lane. The required 30' setback is only needed per 1149.01 for district R-10.

The long-term plans for south side bike path on E Wilson Bridge Road doesn't have a projected start date or funding. Most likely a developer would be tasked with constructing the bike path meaning the lots along E Wilson Bridge Road would be purchased and any existing structures would be removed. If by chance a bike path was constructed a sitting vehicle would occur daily, from any residences on E Wilson Bridge, when waiting for traffic to clear before pulling out. The gate is automated and would eliminate any waiting to entry the residence.

I the property owner did my best in following the guidelines set by the Worthington Planning and Building department. I submitted the required permit application and documents, after the permit 1010 was issued I followed through and called in the required inspection before constructing the gate. If at any time before the final construction a problem occurred, I would have been more than happy to correct it. Moving the gate at this point would place great hardship on my part and I request a variance be grant for the gate to stay at its present location at 173 E Wilson Bridge Rd.

Respectfully submitted,

# 173 E. Wilson Bridge Rd.



#### **1101.04 STREET STANDARDS.**

(a) Streets shall be dedicated to public use by the land owner. Minor Access Streets shall be so designed as to discourage use by non-local traffic. Dead-end Alleys are prohibited. Easements for utilities shall be provided along the side or rear Lot lines and not across Lots. Streets shall have the following minimum right-of-way widths:

- (1) Freeways - 200 feet.
- (2) Regional Thoroughfares - 80 feet.
- (3) Local Thoroughfares - 80 feet.
- (4) Neighborhood Collectors - 50 feet.
- (5) Minor Access Streets - 50 feet.
- (6) Cul-de-sac and Dead-End Streets - 50 feet.
- (7) Cul-de-sac circles, radius - 50 feet.
- (8) Alleys - 20 feet.
- (9) Easements - 10 feet.

(b) The following shall be constructed with curb and gutter and have minimum pavement widths between face of curbs as follows:

- (1) Regional Thoroughfares - 48 feet.
- (2) Local Thoroughfares - 36 feet.
- (3) Neighborhood Collectors - 26 feet.
- (4) Minor Access Streets - 26 feet.
- (5) Cul-de-sac circles shall be constructed with a paved turnaround having a radius of 38 feet.

(c) Alleys shall have a minimum pavement width of 18 feet.

(d) Cul-de-sac and Dead-End Streets shall have a maximum pavement length of 600 feet.

(e) Pavement grades and slopes shall be as follows:

(1) Freeways, regional and Local Thoroughfares and Neighborhood Collectors may not be designed with grades which exceed a maximum of five percent (5%).

(2) All other streets and Alleys may not exceed eight percent (8%) grades.

(3) The minimum slope for any street at the gutter shall be one-half of one percent (1/2%). Street curbs or edges of street pavements shall be rounded by radii not less than twenty-five feet. Plans and profiles of each street shall be prepared on a horizontal scale of one inch equals fifty feet or larger, and a vertical scale of one inch equals ten feet or one inch equals five feet, typical street sections on a scale of three-eighths inch equals one foot. Plans and profiles of proposed sanitary and storm sewers with grades and pipe sizes shall be prepared; also plans of proposed water distribution systems, showing pipe sizes and location of valves and fire hydrants; street tree planting plan; and street lighting system if applicable, showing location, type of construction and quantity of illumination as may be required by State or City regulations in effect at the time of the filing of the Preliminary Plat.

(4) The minimum elevation for any street shall be that as set forth in Chapter 1105.  
(Ord. 12-2008. Passed 4-7-08.)

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**1149.01 YARD, AREA AND HEIGHT FOR DWELLINGS AND ACCESSORY STRUCTURES.**

The following schedule establishes minimum yard, area and maximum height requirements for dwellings and structures accessory to dwellings by districts:

District	Minimum Lot Width (f) (in feet)	Minimum Lot Area (f) (per family)	Minimum Yard Width (in feet)(d)				Sum of Side Yards	Maximum Height of Buildings Stories	Feet
			Front	Rear	Either Side				
"F-1"	No residences are permitted								
"S-1"	200	2 acres	60	60	25	60	4	45	
"R-16"	100	16,000 sq. ft.	30	30	10(f)	25	2-1/2	35	
"R-10"	80	10,400 sq. ft.	30	30	8(f)	20	2-1/2	30	
"R-6.5"									
Single-Family	70	8,750 sq. ft.	30	30	8(f)	16	2-1/2	30	
Two-Family	90	5,850 sq. ft.	30	30	10	25	2-1/2	30	
"AR-4.5"									
Single-Family	70	8,750 sq. ft.	30	30	8(f)	16	2-1/2	30	
Two-Family	90	5,850 sq. ft.	30	30	10	25	2-1/2	30	
Multi-Family	120(a)	4,500 sq. ft.	30	25	12	30	3	40(e)	
"AR-3"									
Single-Family	70	8,750 sq. ft.	30	30	8(f)	16	2-1/2	30	
Two-Family	90	5,850 sq. ft.	30	30	10	25	2-1/2	30	
Multi-Family	200(b)	3,000 sq. ft.	30	20	20	50	4	45	
"SC Assisted"	120(g)	1,660 sq. ft.	30	30	20	50	2	30	
(Assisted Living and Nursing Home Uses)									
"SC Residential"	120(i)	3,000 sq. ft.	30	30	20	50	3	40	
"SC Residential"	120 (l)	2400 sq. ft.	30	30	20	50	3	40	
(Including Efficiency Units)									

(a) Maximum percent of lot coverage with buildings is twenty-five percent (25%).

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- (b) Maximum percent of lot coverage with buildings is twenty percent (20%).
- (c) This requirement may be reduced twenty-five percent (25%) for retirement and convalescent homes based on approval of Council.
- (d) See Section [1149.08](#) for special yard requirements.
- (e) See Section [1149.04](#) for additional height regulations.
- (f) See Section [1149.05](#) for existing lots of record.
- (g) Maximum percent of lot coverage in "SC" Assisted is thirty percent (30%).
- (h) Any "SC" development containing two or more stories shall provide elevator access to all dwellings above the first floor.
- (i) Maximum percentage of lot coverage in "SC" Residential is twenty percent (20%).  
(Ord. 22-87. Passed 5-11-87; Ord. 46-97. Passed 9-22-97.)

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7/12 H Harold



Department of Planning and Building  
Division of Building Regulation  
374 Highland Avenue, Worthington, OH 43085-2662  
Phone: (614) 431-2424 Fax: (614) 842-8336

http://www.worthington.org

2016-1178  
Application #  
1010  
Permit #  
62353  
Receipt #

### Application for Fence Permit

Fences requiring a design per the Chapter 1301 Ohio Building Code or Chapter 1305 Residential Code of Ohio will require a building permit in lieu of a fence permit. The requirements of Chapter 1180 still apply

RECEIVED  
JUL 08 2016

Address of Project: 173 E Wilson Bridge Rd

Fee: .....

**Owner:**

**Contractor:**

HAROLD CAREINS  
name  
173 E Wilson Bridge Rd  
address  
Worthington OH 43085  
city, state, zip code  
614 859 0257  
phone

HAROLD CAREINS  
name  
173 E Wilson Bridge Rd  
address  
Worthington OH 43085  
city, state, zip code  
614 859 0257  
phone

**ZONING INFO:** Zoning District: R-10N

signature of applicant

HAROLD CAREINS 614859-0257 7-8-16  
printed name phone date

Special Approvals		
A.R.B Case No.	B.Z.A. Case No.	<u>WBC 01-16</u>
Approval Date	Approval Date	<u>7/12/16</u>

approved by 7/12/16  
date

Permit fee: \$25.00

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Department of Planning and Building  
 Division of Building Regulation  
 374 Highland Avenue, Worthington, Ohio 43085-2662  
 Phone: 614-431-2424 Fax: 614-842-6336

**FENCE PERMIT # 1010**

APPLICATION #: 20161178

Issue Date: 07/13/2016 Date Printed: 07/13/2016

This permit conveys no right to occupy any street, alley, or sidewalk, or any part thereof, either temporarily or permanently, nor to cause any nuisance or harm to the peace, comfort, safety, or repose of persons on surrounding properties or the public.

Permission is hereby granted to: **CAREINS HAROLD &  
 OTAKI MEGUMI  
 PO BOX 3672  
 COLUMBUS, OH 43210**

To perform the following construction: **FENCE GATE 7/16**

at **173 WILSON BRIDGE RD E**  
 Parcel# **100-2476**  
 Lot# **N/A**

The work is to be performed by: **OWNER  
 PO BOX 3672  
 COLUMBUS OH 43210  
 614-313-3227**

**ALL INSPECTION REQUESTS MUST BE MADE ON THE DAY OF THE  
 INSPECTION AND CALLS ARE TAKEN 7:30 A.M. TO 8:30 A.M.**

Inspection results are posted at:  
<http://worthington.org/index.aspx?nid=143>

Receipt Number: 62353 Fees: **PERMIT, GENERAL** 25.00

Applicant: **HAROLD CAREINS 614-859-0257**

**1180.06 INSPECTION.** It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the Building Inspector, and the fence does not encroach upon another lot or parcel of land. The City shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the permit as outlined in Section 1180.01(b). However, the issuance of the permit by the City shall not be construed to mean the City has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.

**DO NOT COVER ANY WORK UNTIL BELOW HAS BEEN SIGNED**

INSPECTION	DATE	INSPECTOR
Post hole	07.15.16	[Signature]
Final		

**APPROVED PLANS MUST BE KEPT ON JOBSITE**

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July 12, 2016

Pursuant to 1180.01(b), the Division of Building Regulation is hereby issuing an

**[1] APPROVAL OF CONSTRUCTION DOCUMENTS FOR A FENCE [1]**

This is not a permit but a review response. This approval expires on 07/12/2017 if construction is not started.

Portions of the Construction Documents are approved as amended herein:

PROJECT:	FENCE GATE 7/16	APPLICATION NO:	2016-1178(1)
ADDRESS:	173 WILSON BRIDGE RD E PARCEL # 100-2476	ZONING/ARD:	R-10N
OWNER:	CAREINS HAROLD & OTAKI MEGUMI PO BOX 3672, COLUMBUS, OH 43210		
TENANT:	NA	APPLICANT:	HAROLD CAREINS 614-859-0257

Construction documents for the above referenced project have been reviewed for compliance with the provisions of the Chapter 1180 of the Codified Ordinances of Worthington, Ohio.

1. **1180.02 "R" DISTRICTS.** In any "R" District, no fence or wall shall be erected in the area between the right of way line and the building setback line except for walls necessary to accommodate differences in grade. No fence or wall in an "R" district shall exceed a height of six feet.

Solid fences and walls shall be constructed of brick, stone, wood or other compatible material as determined by the Building Inspector. No barbed wire fences or a fence having cutting edges of any kind shall be constructed or maintained within this district. Supporting members for walls or fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls. This shall not apply to fences with vertical supporting members where the fence is designed to be identical in appearance from either side.

2. **1180.06 INSPECTION.** It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved by the Building Inspector, and the fence does not encroach upon another lot or parcel of land. The City shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the permit as outlined in Section 1180.01(b). However, the issuance of the permit by the City shall not be construed to mean the City has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.

3. **1181.07 PROCEDURES FOR REVIEW**

(a) Existing Development Modifications. The City staff may approve site and building changes that conform to the Design Standards for the WBC. Such modifications shall be limited to the minor modification of existing buildings, the addition or modification of lighting, fencing, landscaping, accessory structures and wall-mounted signs; and the modification of freestanding signs. Staff approval under this subsection may be used for all properties in the WBC, regardless of the existence of an approved plan for the property per Chapters 1173, 1175 or 1181.

Construction of the fence described above, in the attached application, and in the drawings attached thereto is authorized, on the condition that the fence shall conform in every respect to the applicable provisions of the Codified Ordinances of the City of Worthington including maximum fence height of 6' (which includes any posts or post caps) and supporting structural members to face into the property.

A final inspection is required for every fence, and that the procedure for scheduling inspections is hereto attached.

374 Highland Avenue, Worthington, OH 43085 (614) 431-2424 Fax (614) 842-6336

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October 12, 2016

Harold Careins and Megumi Otaki  
PO Box 3672  
Columbus, OH 43210

Harold Careins and Megumi Otaki  
173 E. Wilson Bridge Rd.  
Worthington, OH 43085

Re: Fence Permit 1010  
Parcel # 100-002476, Zoning District R-10  
173 Wilson Bridge Road East

Dear Mr. Careins and Ms. Otaki:

As discussed on October 11, 2016 with Harold Careins, the gate as constructed on the property at 173 Wilson Bridge Road East could not be approved because it does not appear to comply with the approved drawings, specifically, the gate appears to have been erected within the front yard setback from the Wilson Bridge Road right-of-way. The approved plans showed it was to be erected 35' from the right-of-way and Mr. Careins indicated its placement was measured from the Wilson Bridge Road street. At that time we discussed the 30 foot front yard setback for the R-10 district, the fact that roads are constructed inside a right-of-way, the typical width of a right-of-way, and the yellow notice left by Jerry L. Graves, Field Inspector, approving the post holes for depth. I could not explain why the permit had Mr. Graves' signature for the post holes, in contradiction to the yellow notice, and in contradiction to our records in the office. We closed our conversation that I would send Mr. Careins a Board of Zoning Appeals application since the fence would need to be moved and only the Board has authority to grant variances from zoning code requirements.

Returning to the office, I further discovered that Wilson Bridge Road is a regional thoroughfare. As such, 1149.07 requires a 50' front setback, which means Fence Permit 1010 was issued in error, and as such, is null and void per Ordinance 1125.01. I apologize on behalf of the City of Worthington for any inconvenience caused by my error.

In conversations with Lee Brown, Director of Planning and Zoning, I learned the long term plans for the Wilson Bridge Road corridor includes the eventual purchase of approximately 15' of right-of-way along the south side of the right-of-way to construct a multi-use path running east-west through the corridor. No timetable for this project has been established.

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To assist you in putting all this information together, I created a sketch of the property showing the approximate locations of:

- 1) the 50' front setback,
- 2) the proposed 35' for the gate,
- 3) the 30' setback for the R-10 district,
- 4) the gate at its estimated location
- 5) the 15' future right-of-way to be purchased

The purpose of putting all this information together is to advise you of Worthington's future plans for the corridor and as I discussed with Mr. Careins this morning, as this may affect the Board of Zoning Appeals decision to grant a setback variance. If the gate is allowed to remain where constructed, the future multi-use path could be blocked by a vehicle sitting at the gate waiting for entry. This is not an ideal condition and may be part of the Board's consideration.

As I discussed with Mr. Careins this morning, you can seek a variance from the Board of Zoning Appeals to allow the gate to remain or it can be moved to the 50' location from the right-of-way. An application and the Board schedule is included for your use.

Below are the specific requirements of the zoning code:

**1123.02 ACCESSORY USE OR STRUCTURE.**

"Accessory use or structure" means a use, object or structure constructed or installed on, above or below the surface of a parcel and of a nature customarily incidental and subordinate to the principal use or structure. Among other things, accessory uses or structures include anything attached to or disattached from the principal building of a subordinate nature; garages, sheds, walls, fences, billboards, poster panels, poles or parking places, whether located on, above or below the surface of a parcel.

**1123.13 BUILDING SETBACK LINE.**

"Building setback line" means the depth of required front, side and rear yards measured perpendicular to each respective lot line.

*(partial)* **1125.01 BUILDING INSPECTOR.**

(a) It shall be the duty of the Building Inspector, who shall be appointed by the City Manager, or another person designated by the City Manager, to enforce this Zoning Ordinance. It shall also be the duty of all officials and employees of the Municipality to assist the Building Inspector or person designated by the City Manager by reporting to him on all new construction, reconstruction or land uses where seeming violations exist. All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Zoning Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Zoning Ordinance. Any permit or license issued in conflict with the provisions of this Zoning Ordinance shall be null and void.

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*(partial)* **1149.01 YARD, AREA AND HEIGHT FOR DWELLINGS AND ACCESSORY STRUCTURES.**

The following schedule establishes minimum yard, area and maximum height requirements for dwellings and structures accessory to dwellings by districts:

District	Minimum Lot Width <sup>f</sup> (in feet)	Minimum Lot Area <sup>f</sup> (per family)	Minimum Yard Width (in feet) <sup>d</sup>			Sum of Side Yards	Maximum Height of Buildings Stories	Feet
			Front	Rear	Either Side			
"R-10"	80	10,400 sq. ft.	30	30	8 <sup>f</sup>	20	2-1/2	30

(d) See Section 1149.08 for special yard requirements.

(f) See Section 1149.05 for existing lots of record.

**1149.07 SETBACK OF BUILDINGS ON PRINCIPAL STREETS AND HIGHWAYS.**

The setback for all buildings and accessory buildings along major traffic routes shall be:

- (a) Along freeways and expressways: 50 feet
- (b) Along regional thoroughfares: 50 feet
- (c) Along High Street northward from Worthington-Galena Road: 100 feet

Exceptions: Setback within "C-5" District – None (see Section 1141.04).

**1180.02 "R" DISTRICTS.**

- (a) In any "R" District, no fence or wall shall be erected in the area between the right of way line and the building setback line. No fence or wall in an "R" district shall exceed a height of six feet.
- (b) Solid fences and walls shall be constructed of brick, stone, wood or other compatible material as determined by the Building Inspector. No barbed wire fences or a fence having cutting edges of any kind shall be constructed or maintained within this district. Supporting members for walls or fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls. This shall not apply to fences with vertical supporting members where the fence is designed to be identical in appearance from either side.

Again, I apologize for the issuance of the permit in error.

Should you have any questions, feel free to contact me at 614-431-2424.

Sincerely,

Donald L. Phillips, Jr., P.E.  
 Chief Building Inspector  
 Division of Building Regulation

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