



**BOARD OF ZONING APPEALS
-AGENDA-
Thursday, January 5, 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*

A. Call to Order - 7:00 pm

1. Roll Call
2. Pledge of Allegiance
3. Oath of Office
4. Election of Officers
5. Approval of minutes of the December 1, 2016 meeting
6. Affirmation/swearing in of witnesses

B. Item of Public Hearing – Unfinished

1. **Variances** – Side Yard Setback – Fence – **335 Loveman Ave.** (Jordan Graham)
BZA 49-16

C. Item of Public Hearing - New

1. **Variance** – Signage – **882 High St.** (Greg & Phil Giessler/Cam Taylor) **BZA 01-17**
2. **Variance** – Rear Yard Setback – Four Season Room – **6008 Weatherburn Pl.**
(Structure Contracting/Lisa Abrams & Jan Neiger) **BZA 02-17**

D. Other

E. Adjournment



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

December 1, 2016

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: K. Holcombe; B. Seitz; L. Reibel; D. Falcoski; and C. Crane. Also present were D. Phillips, Chief Building Inspector; and L. Brown, Director of Planning & Building.
2. Pledge of Allegiance
3. Approval of minutes of November 3, 2016 meeting. Mr. Seitz moved to approve the minutes, seconded by Mr. Falcoski. All Board members voted “aye”.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

Mr. Phillips reviewed the staff memo.

1. Variance – Side Yard Setback – Fence – 335 Loveman Ave. (Jordan Graham) BZA 49-16

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 prepared an alternate motion for the Board's consideration.
4. The essential character of the neighborhood should not be altered.
5. The delivery of governmental services should not be affected.

Discussion:

Mr. Seitz moved to remove the item from the table, seconded by Mr. Falcoski. All members voted "aye" and the item was removed from the table.

Jordan Graham, 335 Loveman Avenue, said he hired a contractor to install a fence and as part of the contract, the contractor was supposed to secure the necessary permits but failed to do so. He was unaware the contractor did not secure the proper permits until he received a letter from the City.

Ms. Crane said at the last meeting there was discussion about altering the fence to make the fence appear more open or making the fence shorter and asked if he considered either of those options. Mr. Graham replied he did, but the expense to alter the fence would cost just as much as the original fence installation. He is a new home owner with a newborn child, and is unable to afford such alteration. He read from the City's notes that the request for the variance was mitigated by the fact that the fence does not impair the sight lines, does not impair public safety, or the aesthetics of the neighborhood.

Mrs. Holcombe said she looked at the fence earlier in the day, and also another fence at the corner of Indianola Avenue and Loveman Avenue. She said she realizes this is a corner lot, and there is not a lot of privacy at a corner lot, but she feels the fence is too solid and has concerns about someone backing out of the driveway. She said the fence company should be held partly responsible for this matter also. Mr. Graham replied he spoke with an attorney recently, but they discovered the contractor already has several default judgements in Franklin County Municipal Court, and no viable address on record. Mrs. Holcombe asked why he chose a solid fence and Mr. Graham replied he has two dogs and a newborn and they wanted the privacy. Their home is located within a very

busy footpath near the elementary school. He said other dogs walking past could possibly nip through an open style of fence. He matched the style of the surrounding properties and if he had known about the restrictions earlier he probably would have built the fence shorter and closer inside the property. There was also a problem with a pine tree. The contractor opted to build the fence around the tree because the fence would have looked awkward otherwise.

Ms. Reibel said that she agreed with Mrs. Holcombe. Ms. Crane said her opinion has not changed and in fact she feels even stronger about the imposing look. She said the fence does alter the character of the neighborhood and looks like a compound. She does not want to set a precedent in the event someone else wanted to build a similar fence. She sympathizes with the issues Mr. Graham has had with the installation but she feels the fence is overwhelming and does not feel Mr. Graham's reasons for wanting a solid fence were warranted because the children will eventually grow up and move away, but the fence will still be there.

Ms. Crane said if the fence is moved back twenty feet the fence will then meet the code requirements and not need a variance. Mr. Seitz said he is on record for the past two meetings with a yes vote for the fence and said he will go on record for a third time with a yes vote, but since Ms. Holcombe is not in favor of the fence, the fence may not get approved until Mr. Graham comes up with a compromising solution. Mr. Graham asked the Board members if he eliminated the corner of the fence to improve the sight lines, would that be enough for the approval. Ms. Crane explained she is not qualified to redesign projects and suggested Mr. Graham to come back with something the Board can work with. Mr. Graham asked how much time he had to remedy the situation and if he could have six months to work on the problem and Mr. Brown said six months is reasonable since the holidays and winter are near.

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

David Allison, 319 Loveman Avenue, said he lives across the street from Mr. Graham. He and his wife just moved to the neighborhood about three years ago, and they also recently built a fence. He said he grew up in Worthington, went to Worthington High School, and is very proud to be in Worthington. He coached water polo for Worthington High School and is very active in the community. He respects what the Board members do but he feels that three or four hearings over this fence is ridiculous. He suggested possibly removing a few of the boards to open up the fence a little as a compromise but he does not want his neighbor to have to take the fence down. Ms. Reibel asked if everyone in the neighborhood had a six foot fence close to the sidewalk would that change the look of the neighborhood and Mr. Allison replied yes, possibly, but that would not make him change his mind about purchasing a home in Worthington. Ms. Crane said Mr. Graham made his own decision to table the application and come back to the hearings.

Josh Riley, 341 Loveman Avenue, said he lives next door to Mr. Graham and he is in favor of he keeping the fence as is. He said the neighborhood has a hodge-podge variety of fences, including chain link styles, and some people with glass bottles in their front yard. He has no concerns about the sight lines because the fence sits so far back. He looks at the property as a whole and the Grahams are bringing the value of the property upwards. The house used to look like it was falling apart. He was delighted to have this young couple move in next door, bring the house back up in value, and put their heart and soul into the property. Ms. Holcombe said she feels that the fence still needs to be moved back further.

Mr. Dean Hildreth, 334 Kenbrook Drive, said his property abuts the Graham's property in the back yard. He has lived in his house for twenty-five years and he knows what the property looked like before the Grahams moved in. He has no problem with the fence and is delighted the new neighbors have taken such good care of the property. He said the neighbors have motivated him to take better care of his own property.

Dustin Lancaster, 318 Kenbrook Drive, said since the Grahams have moved in the property has improved dramatically. He said he would personally rather see a nice privacy fence instead of what was there before. He wished his other neighbor would take as good of care with their lawn, and trim back the seven foot hedges which are spilling over into his yard. He does not have a problem with the Graham's fence.

Ms. Crane said she has safety concerns with the fence and what could possibly happen if a child was riding a bicycle on the sidewalk and a car backing out of the driveway may not see the child. Mr. Graham said he understood her viewpoint and asked if he cut the fence back diagonally if that would be acceptable, or would he have a better chance of approval by removing some of the planks, or lowering the fence. Ms. Crane said she could not answer the question. Mr. Seitz said the fence could be approved as it is as long as the fence is moved back closer to the house but the Board is not going to tell him what to do, and Mr. Graham needs to come up with a solution.

Mr. Brown said an example Mrs. Holcombe discussed earlier about the fence that tapered down to the setback line. The rear part of the fence remained at six feet while the front part dropped to four feet and they removed every other picket. Mr. Graham said he would take a look at the fence on the corner of Loveman Avenue and Indianola Avenue, then requested to table the application.

Mr. Seitz moved to table the item, seconded by Mr. Falcoski. Mrs. Holcombe, Mr. Seitz, Mr. Falcoski, and Ms. Reibel voted yes, and Ms. Crane voted no. The application was tabled.

C. Items of Public Hearing - New

1. Variance – Front Yard Setback – Fence – 209 E. North St. (Mary Jane Kibby) BZA 55-16

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. Fencing is not permitted between the right-of-way line and the building setback line.
2. The East North Street right-of-way is 66 feet wide.
3. The existing dwelling is 12.63 feet from the East North Street right-of-way with a porch approximately 7 feet from said right-of-way. There is an existing, approximately 3 foot tall fence from the southwest corner of the dwelling to the south property line.
4. The applicant proposes to replace the existing fence with a new 4 foot tall, open style fence from the southwest corner of the dwelling to the south property line, 12.63 feet from the right-of-way. The requested variance is 17.37 feet.

The following conclusions are presented:

1. The property is narrow and shallow with a limited rear yard, creating a practical difficulty. In this particular case there is useable yard on the south side of the dwelling, and the proposed fence will not encroach further into the front setback than the existing dwelling, and much less than the existing porch. Additionally, the wider than normal right-of-way places an additional 8 feet of the front yard into the right-of-way. If the right of way were a typical 50 feet wide, it could reduce the requested variance to 9.37 feet. These factors mitigate the substantial nature of the variance requests.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Mary Jane Kibby, 209 East North Street, said the fence is already in place. She would like to replace the fence because of its poor condition. The new fence will go in the same location but will be four feet tall instead of a three feet.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY MARY JANE KIBBY FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ERECT A FENCE AT 209 EAST NORTH STREET, AS PER CASE NO. BZA 55-16, DRAWINGS NO. BZA 55-16 DATED OCTOBER 31, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

All Board members voted “aye” and the motion was approved.

D. Other

There was no other business to discuss.

E. Adjournment

Mr. Seitz moved to adjourn, seconded by Ms. Reibel. The meeting adjourned at 7:54 p.m.



December 30, 2016

To: Members of the Board of Zoning Appeals

From: Don Phillips, Chief Building Inspector

Subject: Staff Comments for the Meeting of January 5, 2017

B. Items of Public Hearing - Unfinished

1. Variance – Side Yard Setback – Fence – 335 Loveman Ave. (Jordan Graham) BZA 49-16

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 reduced 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.*

The following motion is recommended:

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.

C. Items of Public Hearing - New

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

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.

The following motion is recommended:

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.

2. 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 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 unusually 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.

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.

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.



City of Worthington

BOARD OF ZONING APPEALS

APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 49-16
Date Received 8-22-16
Fee \$25
Meeting Date 10-6-16
Filing Deadline
Rept # 102564

1. Property Location 335 LOVEMAN

2. Present/Proposed Use RESIDENTIAL

3. Zoning District R-70

4. Applicant JORDAN GRAHAM

Address 335 LOVEMAN

Phone Number(s) 248-229-5688 / 248 217-0045

5. Property Owner JORDAN GRAHAM

Address 335 LOVEMAN

Phone Number(s) 248-229-5688 / 248 217 0045

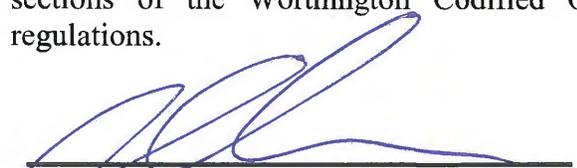
6. Action Requested (ie. type of variance) FENCE SETBACK EXTENSION
TOWARD SIDEWALK

7. Project Details:
a) Description CEDAR FENCE

b) Expected Completion Date 8/1/16

c) Approximate Cost \$5,000

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.


Applicant (Signature)

8/15/16
Date

Tabled 10-6-16
Tabled 11-3-16
Tabled 12-1-16


Property Owner (Signature)

8/15/16
Date

Abutting Property Owners List for
335 Loveman Ave.

Jeremy & Natalie Mumpower		5056 Cornice Ct.	Galena, OH 43021
Resident		334 Loveman Ave.	Worthington, OH 43085
Gail Garee		342 Loveman Ave.	Worthington, OH 43085
Joshua & Katie Riley		341 Loveman Ave.	Worthington, OH 43085
Larry Hildreth		334 Kenbrook Dr.	Worthington, OH 43085
Dustin Lancaster	Stephanie Birtle	318 Kenbrook Dr.	Worthington, OH 43085
David Allison	Ashley Fithen	319 Loveman Ave.	Worthington, OH 43085
Lesley Garrison		322 Loveman Ave.	Worthington, OH 43085

Jordan Graham
335 Loveman
Worthington, OH 43085
(248) 229-5688
JGG35@Case.edu

Supporting Statement

Per the instructions on the City of Worthington Board of Zoning Appeals Application, I wanted to present a summary of our proposed fence, along with discussion of the seven factors described on the Application.

I. General Discussion and Background

My wife and I purchased the property located at 335 Loveman in the Worthington neighborhood of Colonial Hills in March of 2016. The charm of the neighborhood and the family-friendliness of the community were substantial draws as we looked to purchase our first home.

Once we had moved in and had a couple of months to get a feel for the community, we discussed with contractors and our immediate neighbors the prospect of installing a white cedar fence in the traditional stockade/rampart style that is common in our neighborhood along the length of our property that faces the highly-trafficked Greenwich Street.

We have a newborn daughter and two dogs that enjoy playing outdoors, so we had growing safety concerns as the owners of a corner lot where we routinely see large commercial, municipal, and residential vehicles traveling.

This traffic increases exponentially during the school year, as our property is only two blocks south of Colonial Hills Elementary School, and Greenwich Street is a popular thoroughfare for local residents to reach the school by vehicle, as it ends abruptly at the school driveway.

The fence itself is a maximum of 5'11, and grows shorter as the property gradually increases in grade from the garage to the former alleyway between our home and that of our Southern neighbor. At its lowest point, and along most of the southern property line, the fence is closer to 4'9/4'10.

Our backyard includes several old growth trees, and in particular has a very old deciduous tree about 6 feet from the sidewalk that has an extensive root system. After reviewing the fences of our neighbors across Greenwich (who also have a 6-foot wooden fence) and our neighbor immediately adjacent to our East, (who also have a 6-foot white cedar fence), we concluded that constructing a fence in a similar aesthetic would maintain the cohesiveness of our neighborhood's visual layout and would improve the property by providing our child and our dogs with a safe area to play in that was protected from the high-traffic street immediately beyond it.

We contacted a contractor who had installed fences in other areas of Worthington, and in Colonial Hills in particular, and decided upon a fairly conservative and traditional fence concept that was consistent with neighboring parcels as well as the post-war aesthetic of the Colonial Hills neighborhood.

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II. Specific Factors Enumerated in Application Instructions

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;”*

The fence improvement represents a substantial benefit to the property. As a corner lot, the property is proximate to a higher amount of traffic than a similarly-situated parcel without streets on two sides of its property boundaries. Traffic along Greenwich, in particular, features routine usage by commercial, municipal, and residential trucks and other larger vehicles. The fence addresses a safety concern that most homeowners would have in a neighborhood that is predominantly newer families with younger children. The back yard is a lovely piece of property; it’s just categorically unsafe without enclosure due to the high volume of traffic. The variance in question provides for a substantial yard for recreation and mitigates safety concerns while maintaining a coherent aesthetic that is in keeping with the post-war homes that characterize Colonial Hills.

2. *“Whether the variance is substantial;”*

The variance is relatively insubstantial, and was predicated on the fence setbacks of parcels both immediately adjacent to 335 Loveman and those parcels that are located on and around Greenwich Street between Colonial Hills Elementary School and Selby Ave. The 3’-4’ setback from the sidewalk is a common feature with many of these properties, and the fence was intended to mirror this general practice while maintaining the aesthetic of the neighborhood.

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;”*

The fence was specifically chosen to adhere to the specific aesthetic character of the neighborhood, from its design to the materials used. In fact, the white cedar is the same height and its planks are the same dimensions as those of our immediately adjacent neighbor to the east at 341 Loveman. The fence facing Loveman Ave actually connects directly to our neighbor’s pre-existing fence, and the aesthetics are remarkably – and intentionally – consistent. Fencing across Greenwich at 319 Loveman has a 6-foot fence in a wooden material that is also similar in terms of design and aesthetic.

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4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);

No. The fence does not present any adverse impact on the delivery of any of the described municipal services. By design, it does not impede the delivery of any governmental services.

5. *“Whether the property owner purchased the property with knowledge of the zoning restriction;”*

I was unaware of the zoning restriction upon purchase of the property, and indeed, remained unaware during the design and construction of the fence. As stated above, the height, aesthetic, and setback of the fence were deliberately intended to mirror adjacent properties and to preserve the coherence of the neighborhood’s particular design aesthetic. Furthermore, the contractor who oversaw the construction of the fence failed to inform us that there were zoning restrictions or variance issues involved, as it was his understanding that the fence met generally-accepted guidelines for zoning in the community.

6. *“Whether the property owner’s predicament feasibly can be obviated through some method other than a variance;”*

To derive a reasonable benefit from the backyard, and to maintain cohesive aesthetic and setback with adjacent and proximate properties, it would be difficult to suggest as much. In addition, preserving the old growth pine and its extensive root system would require moving the fence 10 feet or more inside of the property line, which would look unusual as compared to other properties along Greenwich, and would reduce the benefit and value of fencing in the property for future buyers.

7. *“Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.”*

Yes. To the best of my knowledge, the ordinance is intended to maintain a consistent aesthetic and to preclude the impediment of the provision of local government services via obstruction. The fence, as detailed above, not only mirrors down to the materials, height, and design surrounding parcel fences, but even ties directly in to the fence of our eastern neighbors at 341 Loveman.

335 Loveman Ave.



100-001871 03/26/2014

MORTGAGE LOCATION SURVEY

TITLE COMPANY: NORTHWEST SELECT TITLE AGENCY, LLC
 LENDER: THE HUNTINGTON NATIONAL BANK
 BUYER: JORDAN G. GRAHAM AND KRISTIN D. GRAHAM
 SELLER: NEWOLD DEVELOPERS, INC.
 DATE: 02/12/16
 ORDER NO.: 0210-16



LEGAL DESCRIPTION: BEING LOT NO. 272 AND PART OF VACATED ALLEY IN COLONIAL HILLS PLAT NO. 2, OF RECORD IN PLAT BOOK 20, PAGE 10, FRANKLIN COUNTY RECORDER'S OFFICE, CITY OF WORTHINGTON, STATE OF OHIO.

PARCEL NO. 100-001871-00

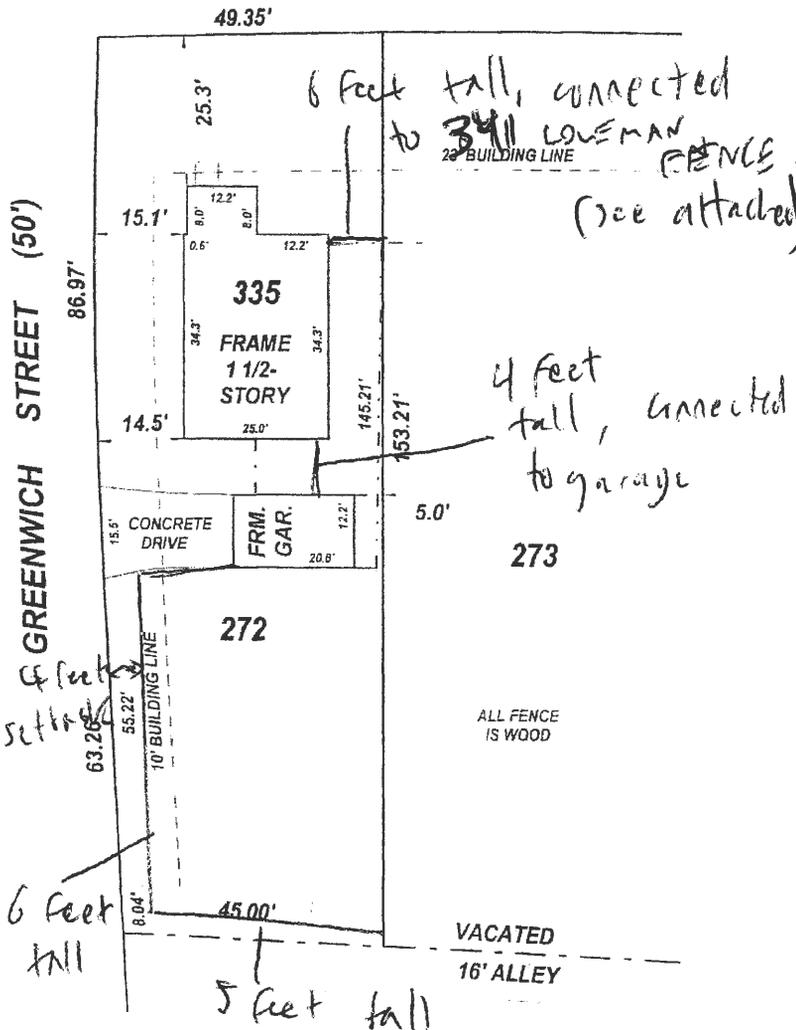
TITLE CO. FILE NO. 12-4533

APPARENT ENCROACHMENTS: NONE.

SCALE: 1" = 25'



LOVEMAN AVENUE (50')



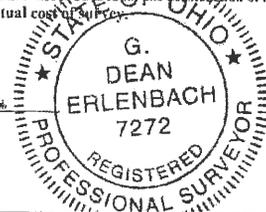
COMPASS
 SURVEYING
 SOLUTIONS

P.O. Box 1902
 Westerville, Ohio 43086-1902
 Phone: (614)378-9140

CompassSurveying@hotmail.com

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage location purposes only and does not show the location of fences or landscaping. This plat is not to be used for the construction of any improvements. Liability for this survey limited to actual cost of survey.

By: 
 G. Dean Erlenbach
 Ohio Registered Surveyor No. 7272



CITY OF WORTHINGTON
 BZA 49-16
 DRAWING NO.

DATE 8-22-16



6 feet tall facing Loveman

LOVEMAN AVE

Greenwich St

GREENWICH ST

100-001774

100-001871 100-001872

100-001873 100-001874

100-001875

5'10 - 5'11
Along
Greenwich

4'9 - 4'10 along
southern
boundary

100-001798

100-001749

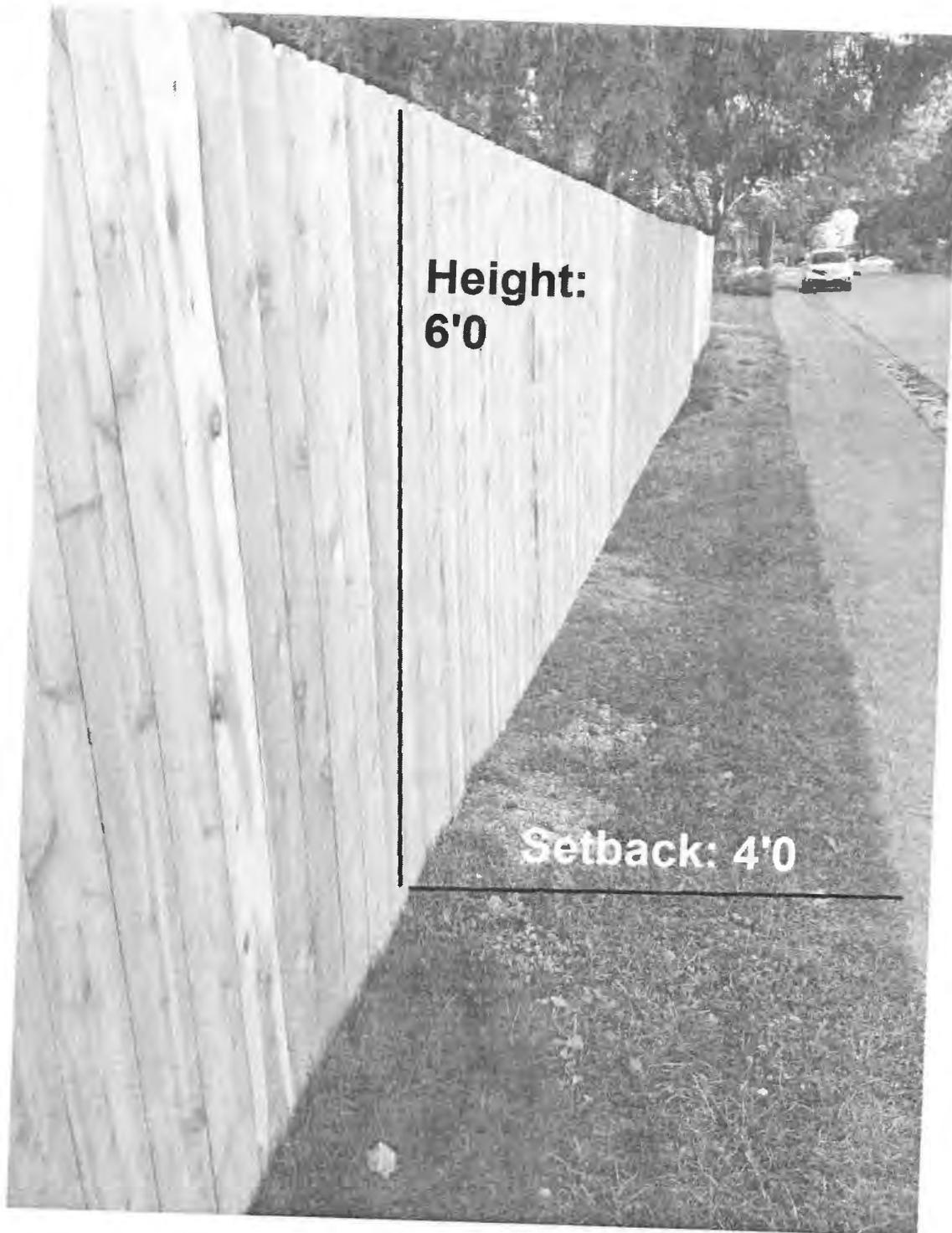
CITY OF WORTHINGTON
DRAWING NO. **BZA 49-16**

DATE **8-22-16**

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



CITY OF WORTHINGTON
BZA 49-16
DRAWING NO.
DATE 8-22-16



CITY OF WORTHINGTON
BZA 49-16
DRAWING NO.

DATE 8-22-16

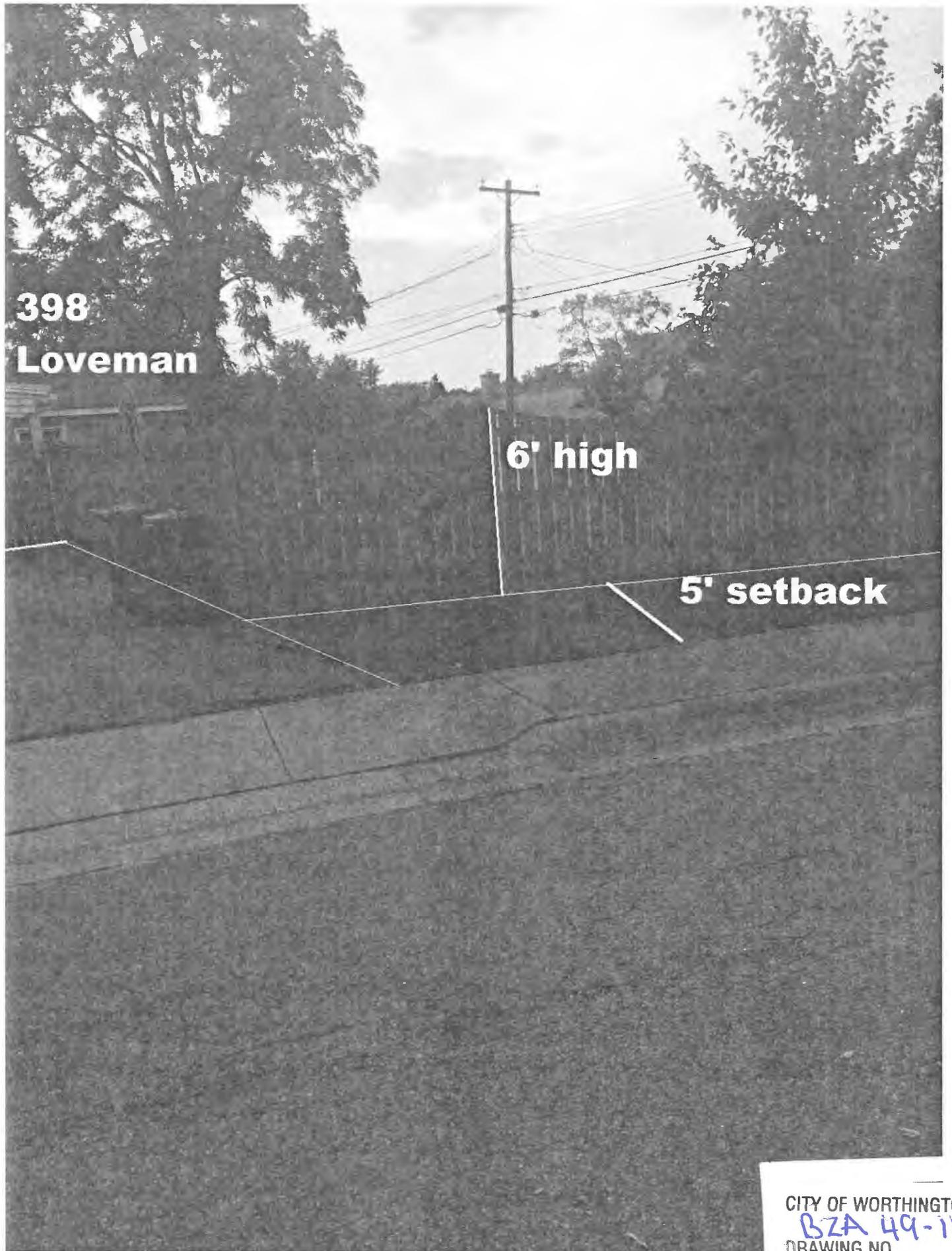
341 Loveman

335 Loveman

6 ft

CITY OF WORTHINGTON
BZA 49-16
DRAWING NO.
DATE 8-22-16

**Fence is same height and
same design; fences connect**



**398
Loveman**

6' high

5' setback

CITY OF WORTHINGTON
BZA 49-16
DRAWING NO.

DATE 8-22-16

**401
Loveman**

**6' ft
High**

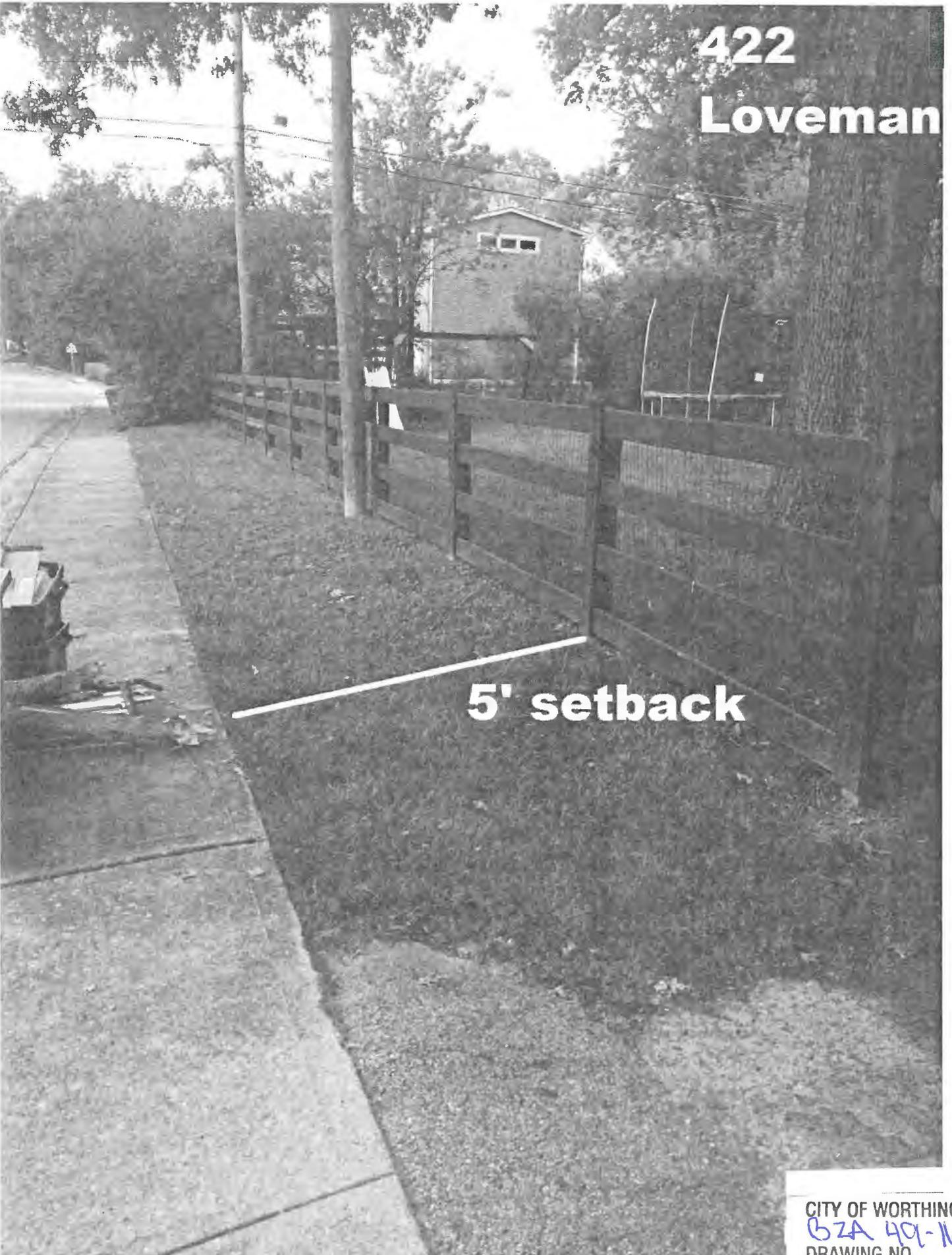
4' Setback

CITY OF WORTHINGTON
BZA 49-16
DRAWING NO.

DATE 8-22-16

422

Loveman



5' setback

CITY OF WORTHINGTON
BZA 491-10
DRAWING NO.

DATE 8-22-16

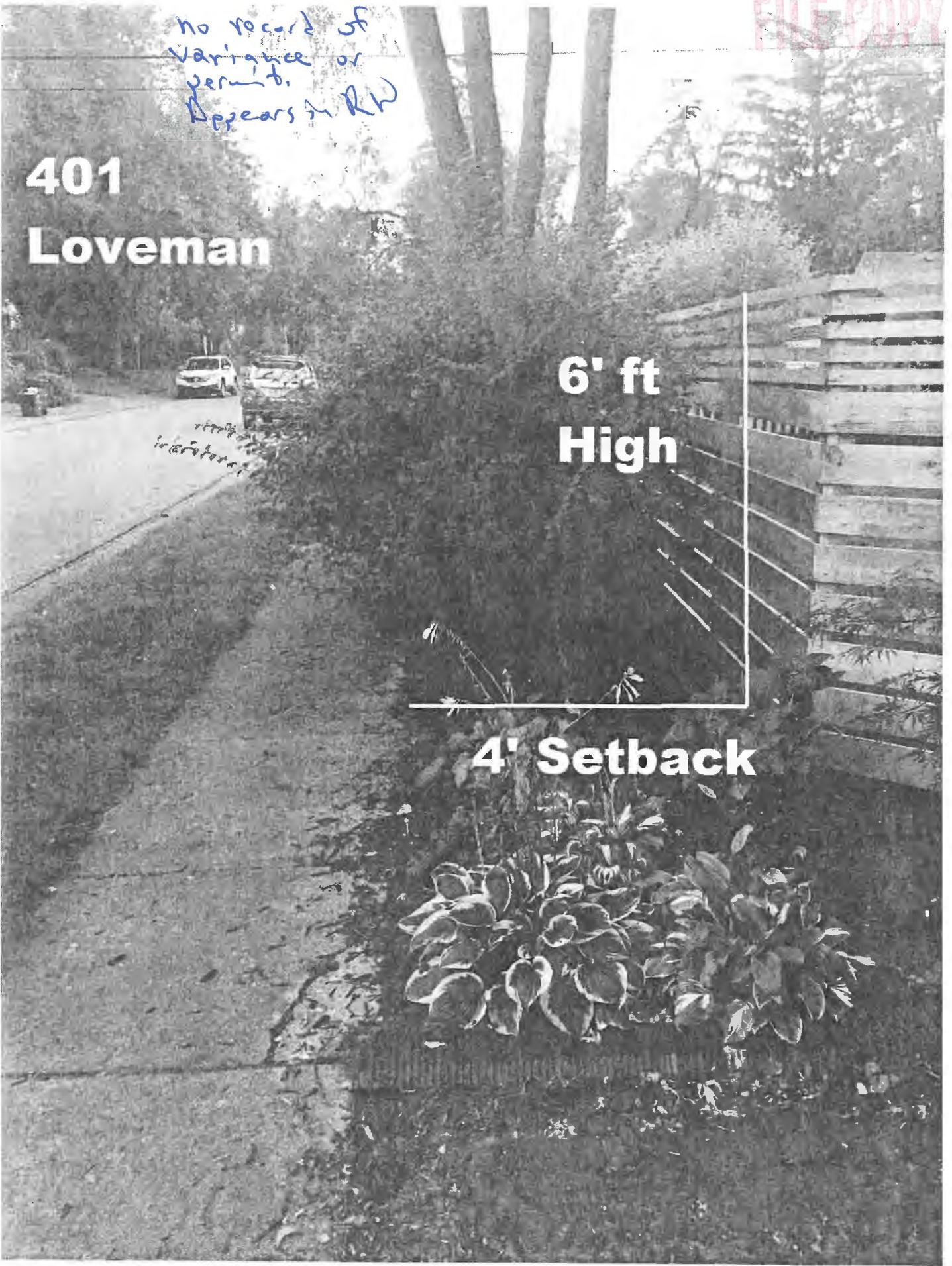
no record of
variance or
permit.
Appears in RW

**401
Loveman**

**6' ft
High**

*with
inset*

4' Setback



CH=50

CH=51.4

Andover St

Loveman Ave



CH=50

CH=56.56

395

406

117.5

(129.6)

CH=134.6

(CH=128.6)



(CH=128.6)

(8)

(8)

(8)

50

53.34

71.76

CH=74.72

CH=66.72

(8)

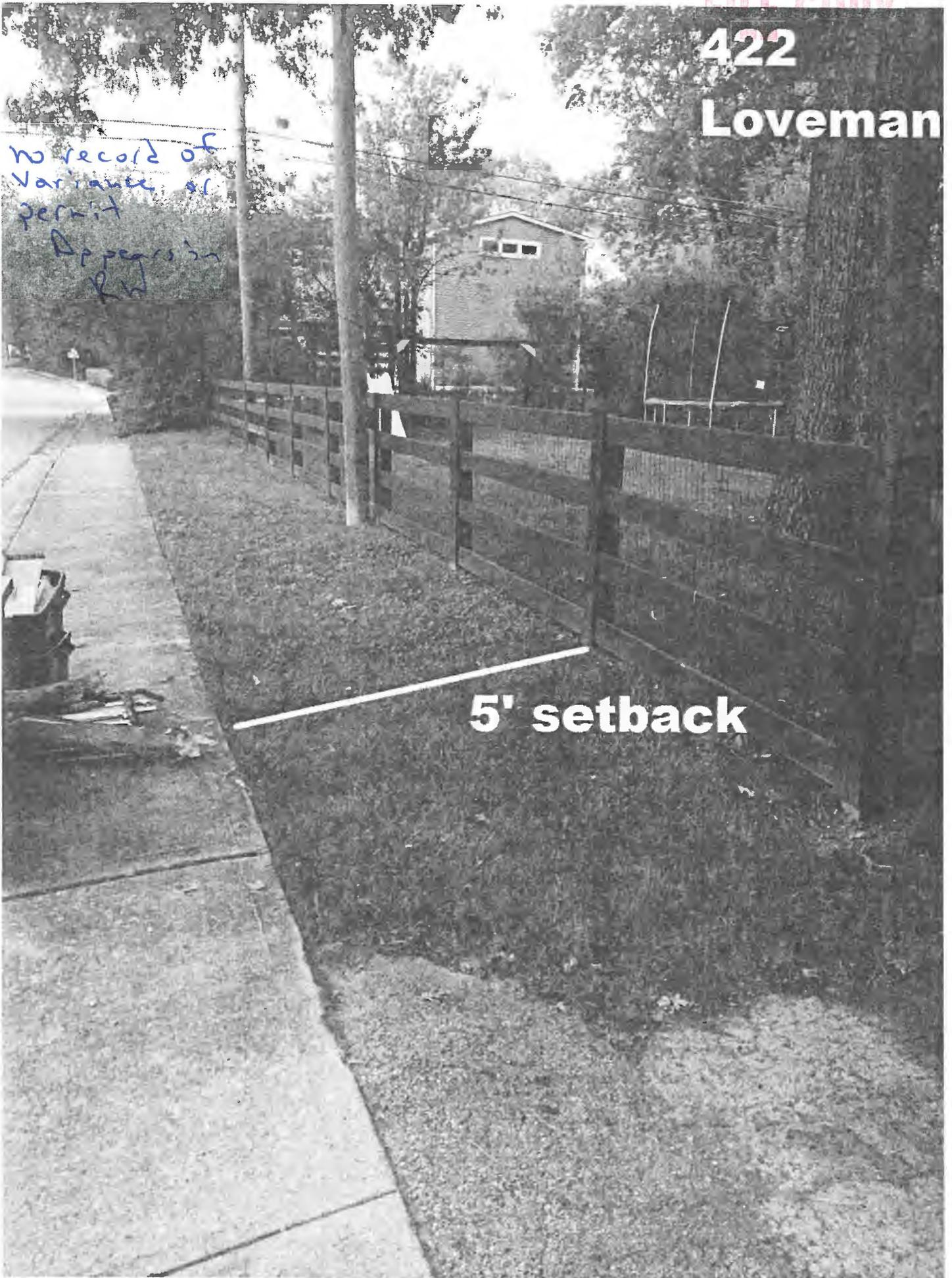
(8)

422

Loveman

no record of
variance or
permit
Appears in
RW

5' setback



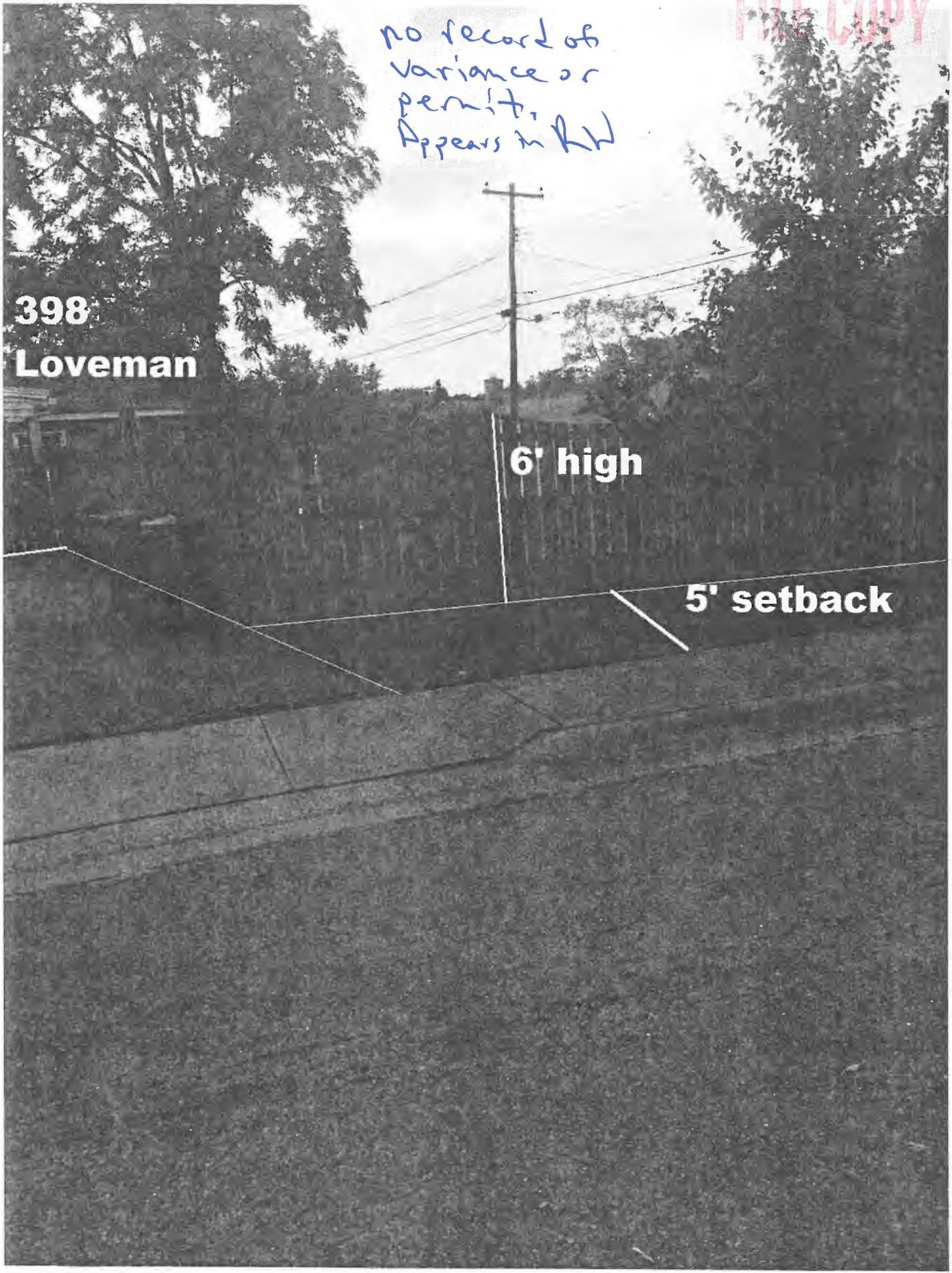
FILE COPY

no record of
variance or
permit.
Appears in R/W

**398
Loveman**

6' high

5' setback





50

157.1

(149.1)

CH=60

CH=81.4

394

398

CH=92.05

CH=92.35

(CH=90.35)

Andover St

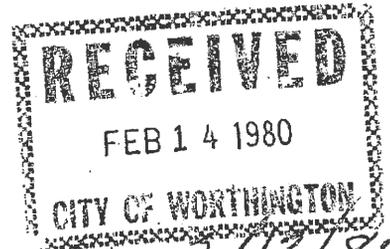
an Ave

CH=

41.05

Case No. B2A 4-80

City of Worthington
GENERAL ZONING APPLICATION



Date 2/13/80
Fee \$25.00 pd

Application for:

- Rezoning
- Conditional Use
- Certificate of Appropriateness
- Subdivision w/o Plat
- Variance/Exception
- Other _____

1. Property Location 398 LOVEMAN AVE.
 Present Use Residential (single) Present Zoning _____
 Proposed Use Residential (single) Proposed Zoning _____

2. Applicant John E. Knepp
 Address 398 LOVEMAN AVE Telephone Number 888-9964
 Owner John E. Knepp
 Address 398 LOVEMAN AVE. Telephone Number 888-9964

3. Project Description BUILD 48" CHAIN LINK FENCE

4. Project Construction Details:

- a. Design 48" CHAIN LINK FENCING
- b. Color Silver Size 48"
- c. Approximate Cost \$500.00
- d. Project Completion Date 4/30/80

It is proposed to build a
48" Chain link Fence at 398
LOVEMAN AVE.

Reason for this fence is to
keep my two dogs in and children
from trying to play with them.
Also my yard is being used for a
short cut from ANDOVER ST + LOVEMAN.

Respectfully submitted

John E. Krepp
John E. Krepp

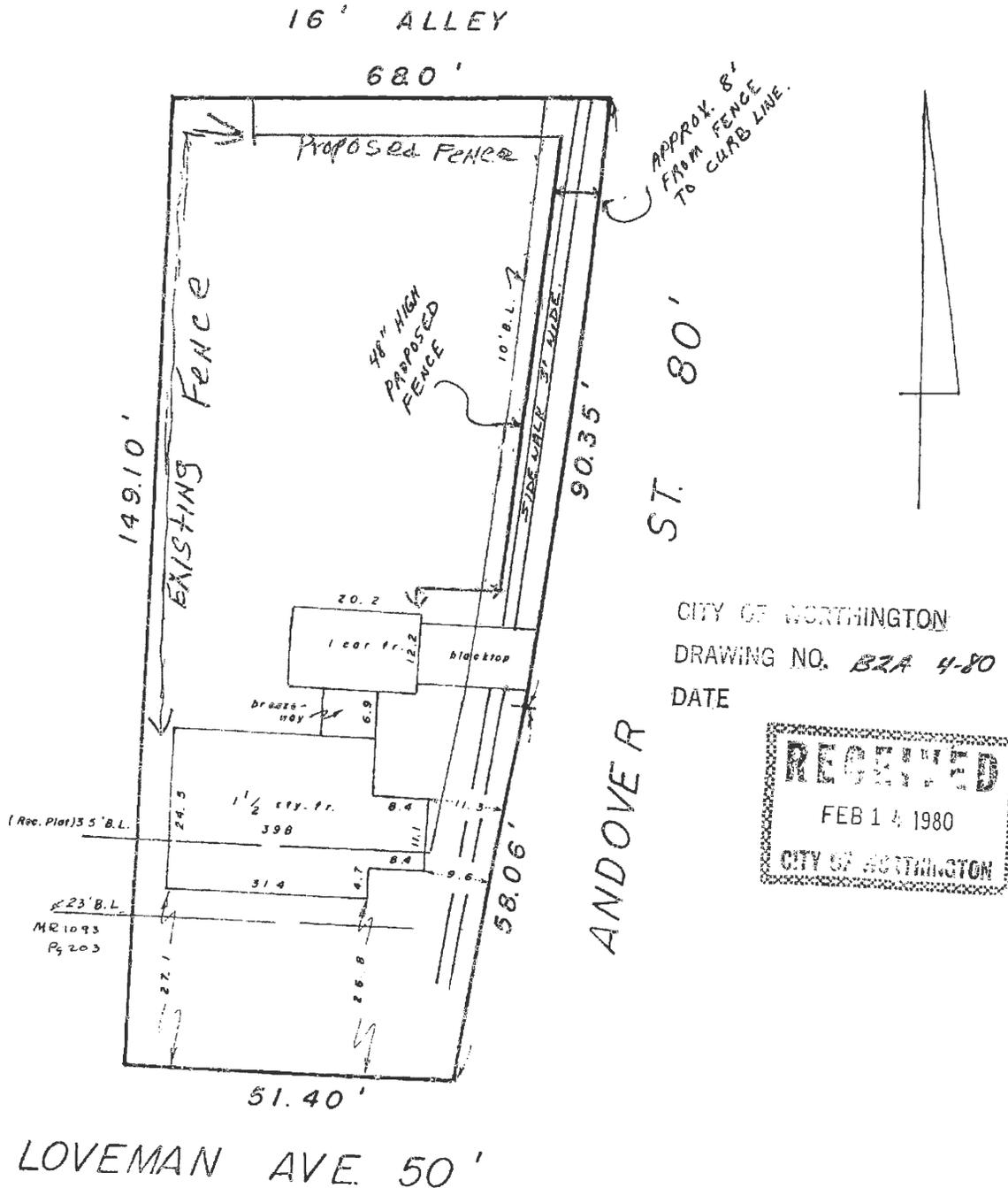
LOT 283 COLONIAL HILLS PLAT # 2 WORTHINGTON, OHIO

FOR

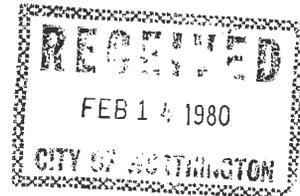
JAY F. ZOOK INC. & TITLE INS. CO. INVOLVED

P.B. 20 Page 10
Scale 1" = 20'

Franklin Co. Rec. Office
9-27-68



CITY OF WORTHINGTON
DRAWING NO. BZA 4-80
DATE



We hereby certify that the foregoing plat was prepared from an actual survey of the premises. No side line of principal building is less than dimension shown. Iron pins not set unless indicated thus -0-. For Mortgage Loan & Title Insurance purposes only.

MYERS SURVEYING CO.
BY *[Signature]*
Registered Surveyor

KNEPP

2000

MINUTES OF THE REGULAR MEETING
-WORTHINGTON BOARD OF ZONING APPEALS-
MARCH 6, 1980

The regular meeting of the Board of Zoning Appeals was called to order at 8:00 p.m. with the following members present: W. W. Fallon, A. M. Fountain, and D. G. Orrick (G. D. Clark and R. F. Chosy, absent). D. B. Elder, Clerk, and M. M. Pagano, Assistant Building Inspector, were also present.

Agenda Item A-3. The minutes of the January 3, 1980 meeting were approved as submitted.

Chairman Orrick explained that it is necessary for a request to receive three affirmative votes for approval. He noted that, inasmuch as two Board members were absent, the applicants may request that action be tabled until the next meeting.

The Chairman stated that Agenda Item C-4 would be heard first.

Agenda Item C-4. Variance - Request by Mr. John Knepp for a variance from Code regulations to permit fencing to within less than 10 feet of the side yard right-of-way line on the property at 398 Loveman Avenue.

Mr. Knepp was present to discuss the request.

Chairman Orrick explained that the Code prohibits the Board from granting permission for the placement of structures in the right-of-way.

Mr. Elder indicated that the Service Director would forward a letter to the applicant and, if the letter proved satisfactory to Mr. Knepp, he could request withdrawal of the application. Mr. Elder suggested that the matter be tabled until Mr. Knepp could review the Service Director's letter.

Mrs. Fountain moved that the request be tabled until the next regular meeting.

The motion was seconded by Mr. Fallon and carried.

Agenda Item C-1. Variance - Request by Mr. & Mrs. Paul Stach for a variance from yard requirements to permit the construction of a wood deck in the side yard setback on the property at 234 West New England Avenue.

Mr. and Mrs. Stach were present to discuss the request.

Chairman Orrick asked for comments from members of the audience.

There being none, Mrs. Fountain asked if the rail fence would be removed only in the area of the deck but would remain for the rest of the yard.

Mr. Stach indicated that that was correct.



City of Worthington BOARD OF ZONING APPEALS APPLICATION

Meetings - First Thursday of Every Month

Case #	BZA 01-17
Date Received	11-1-16
Fcc #	150
Meeting Date	1-5-17
Filing Deadline	628909

1. Property Location 882 High STREET, WORTHINGTON, OHIO
2. Present/Proposed Use Commercial Property - Residential Real Estate
3. Zoning District C-3
4. Applicant GREG GIESSLER/Phil GIESSLER
 Address 882 High STREET, WORTHINGTON, OHIO 43085
 Phone Number(s) 614.832.7679 614.832.7675
5. Property Owner Phil GIESSLER/CAROL GIESSLER
 Address 882 High STREET, WORTHINGTON, OHIO 43085
 Phone Number(s) 614.832.7675
6. Action Requested (ie. type of variance) Sign
7. Project Details:
 - a) Description Changing OUT signs INSERT NEED VARIABLE FOR Fair Housing Logo AND Logo FOR "PARENT Company"
 - b) Expected Completion Date _____
 - c) Approximate Cost \$ 250⁰⁰

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)

10.31.2016
Date

[Signature]
Property Owner (Signature)

10.31.2016
Date

Abutting Property Owners List for
882 High St.

Herbert Vaughan		888 High St.	Worthington, OH 43085
Dirk & Linda Smith		8 Hartford Ct.	Worthington, OH 43085
Connie Queeney		7 Hartford Ct.	Worthington, OH 43085
Alto Inc.	Barrister's Inc.	3363 Tremont Rd.	Columbus, OH 43221
Kernos LLC		879 High St.	Worthington, OH 43085
Providential Properties LLC		1601 W. 5th Ave., Suite 193	Columbus, OH 43212

The purpose of the variance requested is to update our current sign to incorporate an additional company's logo on our main sign, that company being Leading Real Estate Companies of the World. We also need to add the fair housing logo and Realtor logo. The goal is to have our front office sign reflect our current yard sign. We would like to paint the current sign frame from white to black and only change the inserts. Please see attached professionally designed sign and picture of current sign.

Thank you!

882 High St.



100-000308 04/10/2014

**CAM
TAYLOR**
CO. MLS 
REALTORS
614-888-0307

RE/MAX
NORTH
REALTORS

CITY OF WORTHINGTON
BZA 01-17
DRAWING NO.
DATE 11-1-16

CamTaylor



Leading

REAL ESTATE
COMPANIES
OF THE WORLD

APPROVED
ARCHITECTURAL REVIEW BOARD
CITY OF WASHINGTON
DATE 12/8/16
[Signature]
CLERK



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 #	1630516

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.

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

STRUCTURE CONTRACTING, LLC

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

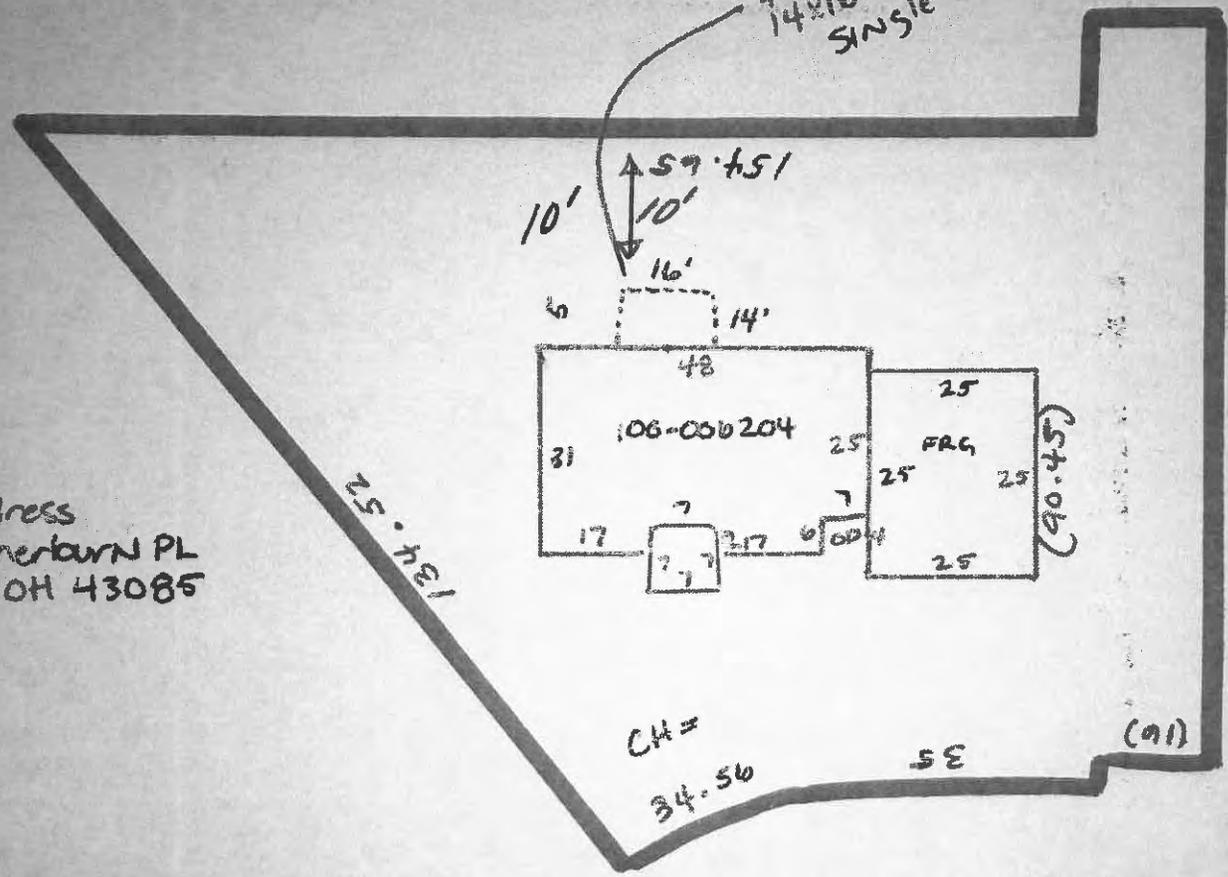
6008 Weatherburn Pl.



100-006204 03/27/2014

* NOT TO SCALE

Proposed 4 seasons
14x16' 4 seasons
single story



Proposed 4 seasons
Room addition
(single story)
Foundation to be
typical block construction
below frost line
Wood framed matching
existing exterior
finishes.

Architectural
Details to follow.

Property Address
6008 Weatherburn PL
Worthington OH 43085

CITY OF WORTHINGTON
BZA 02-17
DRAWING NO.

DATE 12-9-16



CITY OF WORTHINGTON
 BZA 02-17
 DRAWING NO.
 DATE 12-9-16