



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