



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

April 6, 2017

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: M. Coulter; B. Seitz; D. Falcoski; L. Reibel; 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 the March 2, 2017. Mr. Coulter moved to approve the minutes, seconded by Mr. Seitz. All members voted, “aye” and the minutes were approved.
4. Affirmation/swearing in of witnesses.

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

**1. Extension of Construction Completion Period – Covered Deck & Patio – 555 Evening St. (Susan & Dennis Kerr) BZA 09-17**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. Building Permit 21356 was issued on August 10, 2015, to construct a covered deck and patio. The building permit expired on February 10, 2017.
2. The applicant is anticipating completing the work by June 15, 2017.
3. Staff has not received any inquiries regarding the state of construction.

The following conclusions are presented:

1. It would be reasonable to extend the permit to August 10, 2017, allowing adequate time to complete the project.

**Discussion:**

Dennis Kerr, 2291 Walhaven Court, Columbus, said he and his wife own the property and since the photograph was taken, the roof decking has already been replaced and shingled. Mr. Seitz asked he had a preference for the June or August completion date and Mr. Kerr replied no, but August is fine too.

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

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY SUSAN AND DENNIS KERR FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD TO AUGUST 10, 2017 TO COMPLETE THE WORK AUTHORIZED BY BUILDING PERMIT 21356 AT 555 EVENING STREET, AS PER CASE NO. BZA 09-17, DRAWINGS NO. BZA 09-17 DATED FEBRUARY 21, 2017, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

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

**2. Variance – Side Yard Setback – Fence – 346 Colonial Ave. (Rick Harvey) BZA 10-17**

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 front yard setback requirement is 30 feet. Corner lots are permitted to reduce the adjacent setback to 20 feet. Fencing is not permitted between the right-of-way 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 received a variance on May 7, 2015 to replace two portions of split rail fencing with a similar style wooden fencing. One portion was to be erected 3 feet from the Greenwich Street right-of-way, and the other was to be erected 6 feet from the Greenwich Street right-of-way. In a conversation between staff and the applicant, the fences were erected at 3 feet and 6 feet from the sidewalk. The applicant is requesting the existing fencing be permitted along the Greenwich Street right-of-way.
3. The applicant is proposing to connect the two sections of existing fencing with 50 inch to 60 inch tall, open style fencing. The fencing will be along the Greenwich Street right-of-way. The requested variance is 20 feet.
4. A portion of the grade from Greenwich Street is relatively flat with a 6 inch curb and the proposed fence is approximately 56 inches above the Greenwich Street grade nearer the south portion of the property. Another portion appears to rise approximately 24 inches above the street, with the proposed top of fence approximately 84 inches above the street at the north property line. The requested

variance for fence height is approximately 26 inches to approximately 54 inches moving from south to north.

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 more narrow than typically found in the district, the proposed fence is an open style fence, and these factors mitigate the substantial variance request for setback.
2. The fencing is a substantial distance from the Colonial Avenue and Greenwich Avenue intersection, is an open style fence, and should not cause intersection sight distance issues. These factors mitigate the substantial fence height variance request.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

**Discussion:**

Rick Harvey, 346 Colonial Avenue, said he built the first phase of fencing two years ago. Ms. Crane asked how long a portion of the fence had been removed and Mr. Harvey replied part of the fencing was removed when he completed phase one of the new fence and the old fence was falling apart.

Ms. Reibel asked if school children walking to school come into his yard and Mr. Harvey replied yes.

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

**Motion:**

Mr. Falcoski moved:

**THAT THE REQUEST BY RICK HARVEY FOR A VARIANCE FROM CODE REQUIREMENTS SIDE YARD SETBACK AND FENCE HEIGHT TO ERECT FENCING AT 346 COLONIAL AVENUE, AS PER CASE NO. BZA 10-17, DRAWINGS NO. BZA 10-17 DATED MARCH 7, 2017, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

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

**3. Variance – Accessory Structure Area – New Garage – 266 E. Granville Rd.** (Debbie

Cameron & Bill McCarthy) **BZA 11-17**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district where the total allowable accessory building area is 850 square feet.
2. The existing dwelling has an attached 473 square foot garage.
3. The applicant is proposing to construct an 14 foot by 28 foot, 2 story garage, 784 square feet in area. The total proposed accessory building area is 1,257 square feet. The requested variance is 407 square feet.
4. The property is subject to, and the garage has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. The intent of the accessory building area limit is to prevent imposing accessory buildings overshadowing the main dwelling. In this particular case, the proposed garage does not overshadow the main dwelling.
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 already reviewed and approved of the design of the carriage house style garage.

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

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY DEBBIE CAMERON AND BILL MCCARTHY FOR A VARIANCE FROM CODE REQUIREMENTS FOR TOTAL ACCESSORY BUILDING AREA TO ALLOW THE CONSTRUCTION OF A DETACHED GARAGE AT 266 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 11-17, DRAWINGS NO. BZA 11-17 DATED MARCH 17, 2017 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

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

**D. Other**

There was no other business to discuss.

**E. Adjournment**

Mr. Coulter moved to adjourn the meeting at 7:18 p.m., seconded by Mr. Falcoski.