



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

May 4, 2017

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: T. Reis; B. Seitz; D. Falcoski; L. Reibel; C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Approval of minutes of the April 6, 2017. Mr. Falcoski 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. Variance – Front Yard Setback – Porch Roof – 5671 Indianola Ave. (Linda Kuder)
BZA 12-17**

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 requirement is 30 feet.
2. The Indianola Avenue right-of-way is 80 feet.
3. Building Permit 21541 was issued on December 4, 2015 to replace 12 windows. On March 2, 2016, the permit was amended to replace the existing roof covering and the porch roof structure over the entry door. On March 9, 2016, a correction letter was issued advising the porch roof did not comply with the building and zoning code requirements including the front setback requirement. Not finding inspection activity on this permit, the owner and tenant were notified on March 7, 2017 the porch roof requires additional approvals.
4. A portion of the dwelling is in the front yard setback including the entire original porch roof and the new porch roof. The new porch roof is not substantially larger than the original porch roof. The requested variance is to allow the new porch roof to remain in the front yard setback.

5. Staff has not received any inquiries about the property.
6. Granting of any zoning code variances does not grant any variances from the requirements of the 2013 Residential Code of Ohio.

The following conclusions are presented:

1. The wider than the typical 50 foot right-of-way at this property encroaches an additional 15 feet into the front yard compared to other properties in the district, creating a practical difficulty. If the right-of-way were 50 feet, no variance would be required. These factors further mitigate what is not a substantial 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:

Michael Moody, 5671 Indianola Avenue, said he started roof repairs immediately after filing the application because the roof was leaking, and due to his travel schedule, he was unable to follow up with the variance issue beforehand.

Ms. Crane asked if there was an additional encroachment and Mr. Phillips replied a couple of inches, and there is an eighty-foot right-of-way. If there was a fifty foot right-of-way, no variance would be required.

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

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY MICHAEL SCOTT MOODY AND L & J LAND HOLDINGS LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT SETBACK TO ALLOW A PORCH ROOF TO REMAIN AT 5671 INDIANOLA AVENUE, AS PER CASE NO. BZA 12-17, DRAWINGS NO. BZA 12-17 DATED MARCH 21, 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 member voted “aye” and the motion was approved.

2. Variance – Front Yard Setback – Fence – 5971 Olentangy River Rd. (DJ Falcoski & Christina Corl) BZA 13-17

Mr. Falcoski said he is recusing himself from this matter concerning his residential property, left the dais, and sat in the audience.

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. Fencing is not permitted between the right-of-way and the building setback line.
2. The applicant is proposing to erect 80 feet of a 4 foot tall fence with approximately 4 feet 6 inch tall posts, approximately 10 feet from the Olentangy River Road right-of-way. The requested variance is approximately 20 feet.

The following conclusions are presented:

1. The property is heavily landscaped along the right-of-way which will screen the fence from the right-of-way. This mitigates 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:

Ms. Crane asked why the applicant is not using their back yard for their daughter's playground. Christina Corl, 5971 Olentangy River Road, replied they like to use all of their yard. Their yard used to have a row of hedges, but the hedges have become spindly and no longer protects their yard from the road. She wants the fence for protection of her family and pets. The fence will be on the inside of the hedge row and not visible from Olentangy River Road. Between her house and the other houses along State Route 161, there are eleven other homes with front yard fences along Olentangy River Road in Worthington, and her fence would not be visible from the road.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY DONALD JOHN FALCOSKI AND THE CHRISTINA L. CORL QUALIFIED PERSONAL RESIDENCE TRUST FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ERECT A FENCE AT 5971 OLENTANGY RIVER ROAD, AS PER CASE NO. BZA 13-17, DRAWINGS NO. BZA 13-17 DATED MARCH 27, 2017, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Reis seconded the motion. The four Board members present voted “aye” and the motion was approved.

3. Variance – Side Yard Setback – Fence – 201 E. New England Ave. (Eric & Arenda Nolan) BZA 14-17

Ms. Crane said Mr. Falcowski has resumed his place at the dais.

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district where the required front yard is 30 feet. Corner lots are permitted to reduce the adjacent side yard 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 East New England Avenue and Plymouth Street rights-of-way are 66 feet. A portion of the Plymouth Street right-of-way does not have a curb and gutter and the grade rises approximately 1 foot above the street at the right-of-way line.
3. The applicant is proposing to erect a 48 inch tall, open style fence along the rear of the property and extending it to the Plymouth Street right-of-way, continue parallel to that right-of-way 39 feet, and extend it to the existing dwelling. The requested variances are 20 feet for side yard setback, and approximately 30 inches for fence height within 10 feet of the right-of-way.

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 dwelling is set back from East New England Avenue limiting the amount of rear yard that can be fenced, and the 66 foot rights-of-way, typically 50 feet in this district, reduced the front yard an additional 8 feet. 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 East New England Avenue and Plymouth Street 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:

Phillip Fletcher Watterworth, 196 North Liberty Street, Delaware, said he was Arenda Nolan's father, and the fence is necessary for safety reasons.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY ERIC AND ARENDA NOLAN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND FENCE HEIGHT TO ERECT A FENCE AT 201 EAST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 14-17, DRAWINGS NO. BZA 14-17 DATED APRIL 6, 2017 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Reis seconded the motion. All Board members voted "aye" and the motion was approved.

4. Variance – Front Yard Setback – Addition – 6200 Linworth Rd. (Linworth Baptist Church) BZA 15-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the S-1 district where the required front yard is 60 feet.
2. The existing building was granted a front yard setback variance on January 7, 1999 to construct an addition.
3. The applicant is proposing to demolish a portion of the existing building and construct a 2 story, 12,862 square foot addition plus a basement, a portion of which will be 45 feet from the Linworth Road right-of-way. The requested variance is 15 feet.

The following conclusions are presented:

1. The existing site, its parking needs, and the additional 10 foot setback requirement for the S-1 district compared to commercial zoning districts, limit where an addition can be placed on the property. Only a portion of the addition will be in the setback. 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:

Greg Eller, 7861 Walnut Street, New Albany, gave the Board members an overview of their master plan. The sanctuary built in 1999 with the initial setback serving the church well, but they are short on classrooms. Mr. Eller said they are studying the best way to add onto the building and they would like to build a more efficient corner of the church.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY LINWORTH BAPTIST CHURCH FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO CONSTRUCT AN ADDITION AT 6200 LINWORTH ROAD, AS PER CASE NO. BZA 15-17, DRAWINGS NO. BZA 15-17 DATED APRIL 7, 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.

5. Variance – Sign – 7166 N. High St. (Rodney Walker/Blaze Pizza) BZA 16-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-4 district where each business is permitted 1 wall mounted sign.
2. The applicant is proposing to place a second wall mounted sign on the south elevation of the building. The requested variance is an additional wall mounted sign.

3. The second wall mounted sign must be approved by the Architectural Review Board.

The following conclusions are presented:

1. The intent of the wall sign limitation to provide for no more than a single wall mounted sign visible from street. In this particular case, the tenant space in 7166 has both a North High Street and East Wilson Bridge Road exposure. Allowing a second wall mounted sign for this tenant space seems appropriate. The total permitted sign area would not increase with this variance. All 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:

Alex Brussow, 21 Elmwood Street Northeast, Grand Rapids, Michigan, said the company officials would like the additional wall sign for visibility.

Ms. Crane asked about sign area and Mr. Phillips replied, if approved, any business at this site would be allowed to have the additional wall sign, but the design would still need the approval of the Architectural Review Board.

Mr. Seitz asked if the same awning will still be used and Mr. Brussow replied the awnings will be recovered.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY RODNEY WALKER, BLAZE PIZZA, AND RENSKO PROPERTIES LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR NUMBER OF WALL MOUNTED SIGNS TO ALLOW THE PLACEMENT OF A SIGN AT 7166 NORTH HIGH STREET, AS PER CASE NO. BZA 16-17, DRAWINGS NO. BZA 16-17 DATED APRIL 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.

D. Other

There was no other business to discuss.

E. Adjournment

Mr. Reis moved to adjourn, seconded by Mr. Seitz, and the meeting adjourned at 7:32 p.m.