



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

October 5, 2017

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: M. Coulter; B. Seitz; L. Reibel; and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Approval of minutes of the September 7th, 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

Ms. Reibel moved to take this application off of the table, seconded by Mr. Coulter. All board members voted “aye.”

**1. Variance – Signage – Mural – 455 E. Wilson Bridge Rd. (Jim Saltz/Yappy Greek)
BZA 28-17**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-1 district where each business is permitted 1 wall mounted sign. A sign is permitted only 4 colors including black and white. Temporary signs are not permitted in this district.
2. A sign is any device, structure, material or combination of these intended to advertise or draw attention to such items as business names, organization names, real estate, buildings or structures, products, services or entertainment.
3. The applicant is proposing to paint an 8 foot by 8 foot mural on the east side of the building. The mural is intended to draw attention to the Greek restaurant in the building, and is a sign by definition. The requested variance is to allow a second wall mounted sign with more than 4 colors.
4. The Division of Building Regulation has had compliance problems with this property in general, and this tenant in particular. From November 24, 2004 until July 28, 2017, a total of 24 investigations have been pursued, mostly violations of

Chapter 1170 Signs, including 1 case corrected after a complaint was filed in Worthington Mayors Court in 2015. An investigations report for this property is enclosed for your use.

5. The violation in the investigation opened on May 2, 2017 was recently corrected after the tenant was advised the Board may not grant a variance if they are in violation. It will remain open for at least another 30 days should a complaint in Worthington Mayors Court be warranted.
6. The granting of these 2 variances does not grant variances from other requirements of Chapter 1170 Signs.
7. Staff has not found any violations of Chapter 1170 since August 9, 2017.

The following conclusions are presented:

1. The requested variance is not substantial, and is more decorative than a traditional sign.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Jim Saltz, 2667 Charing Road, Columbus, Ohio, said he is the artist for the project and has been working on the 8' by 8' mural in his studio. Ms. Crane asked what kind of paint Mr. Saltz is using on his project and he replied he is using an oil based paint such as Rustoleum. Mr. Coulter asked if the project will look similar to what was originally presented and Mr. Saltz said yes, very similar, but more ocean. Ms. Crane asked if the colors would be the same, and Mr. Saltz replied, "yes." Ms. Crane asked if there was anyone to speak for or against this application.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JIM SALTZ, YAPPY GREEK, AND CAPITAL ENTERPRISES FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW A MURAL AT 455 EAST WILSON BRIDGE ROAD, AS PER CASE NO. BZA 28-17, DRAWINGS NO. BZA 28-17 DATED JULY 7, 2017, 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 Board members voted, "aye", and the motion was approved.

C. Items of Public Hearing - New

1. Variance – Side Yard Setback – Fence – 5671 Indianola Ave. (Emma Lindholm) BZA 36-17

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 2 foot 6 inches above the street grade.
2. The Indianola Avenue right-of-way is 80 feet wide. The Park Boulevard right-of-way is 60 feet. The grade rises approximately 18 inches above the Park Boulevard street grade at the property line.
3. The applicant is proposing to erect a 6 foot tall fence along the Park Boulevard right-of-way. The requested variance are 20 feet for side yard setback and approximately 66 inches for fence height.

The following conclusions are presented:

1. The wider than typical right-of-way encroaches onto this property an additional 5 feet, compounding the practical difficulties of a narrow lot at an intersection. Additionally, Park Boulevard was constructed south of the center of the right-of-way, creating even more lawn area between the curb and the right-of-way, further mitigating the substantial side yard setback variance.
2. The Board typically seeks a 4 foot tall or open style 6 foot tall fence when encroaching into the side yard, but in this particular case, the proposed fence is at the back of the existing dwelling, and should not impact intersection sight lines compared to similar fences at other intersections in the district. This mitigates 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:

Mrs. Emma Lindholm, 5671 Indianola Avenue, said they have hired a contractor to build the fence instead of installing themselves. Ms. Crane asked about the fence going across the driveway and Mrs. Lindholm said there would be a gate opening up at the driveway.

Mr. Coulter asked why she picked the style of fence that she did and she replied because the fence was different and interesting. Ms. Reibel said she knows the Board has approved of six foot fences in the past but the Board had requested an open style of picket for such tall fences. Mrs. Lindholm asked if her neighbors would have to take down their six foot fences and Ms. Crane asked if the neighbors' fences were in the right-of-way and Mrs. Lindholm replied no. Mrs. Lindholm explained her property sits higher up, there is a slope. Ms. Crane explained she understood the hardship of the narrow lot near the right-of-way but she was concerned about the height of the fence. Mr. Coulter said he did not have a problem with the location of the proposed fence but asked Mrs. Lindholm if she would compromise to a five foot fence instead. Ms. Reibel said she would be comfortable with a four and a half foot fence with open slots since the house is located on a corner lot. Mr. Coulter said he was okay with the proposed look and asked Mrs. Lindholm if she would be okay with a five foot fence instead of six. Mrs. Lindholm said she would consider the idea but would have to come back to a future meeting. Ms. Reibel felt the fence should be more consistent with what was recently approved by the Board for a corner lot.

Ms. Reibel moved to table the application, seconded by Mr. Coulter. All members voted, "aye" and the application was tabled.

2. Variance – Sign Requirements – Face Replacement – 510 High St. (Signarama Worthington) BZA 37-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-1 district where signs are permitted 2 styles of lettering plus one logo.
2. The applicant is proposing to replace the sign face of an existing freestanding sign. The new sign face includes 3 styles of lettering plus a logo. The requested variance is 1 additional lettering style.
3. The property is subject to, and the sign face 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:

David Mayer, 7282 Innisfree Lane, Dublin, said his client really likes her logo and felt there should be very little impact. He said the non-conforming sign has been up for years, but his company did not install the sign. Ms. Reibel asked if the new sign would be in the same location as the old sign and Mr. Mayer replied yes, this will be a sign face replacement. Ms. Crane asked if there was anyone to speak for or against this application.

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY SIGNARAMA WORTHINGTON AND U A GROUP LTD FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO REPLACE THE SIGN FACE AT 510 HIGH STREET, AS PER CASE NO. BZA 37-17, DRAWINGS NO. BZA 37-17 DATED SEPTEMBER 19, 2017, 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 board members voted, “aye” and the motion was approved.

D. Other

No other business to discuss.

E. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Ms. Reibel. All members voted, “aye,” and the meeting was adjourned at 7:30 p.m.