



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

January 4, 2018

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 were D. Phillips, Chief Building Inspector, and T. Lindsey, Law Director.

2. Pledge of Allegiance

3. Oath of Office

Ms. Crane was sworn in for a three year term.

4. Election of Officers

Mr. Coulter moved to keep the same slate of Officers as last year, seconded by Mr. Seitz. All members voted “aye.” The chair is Ms. Crane, vice chair is Mr. Falcoski, and secretary is Ms. Reibel.

5. Approval of minutes of the December 7, 2017. Mr. Coulter moved to approve the minutes correcting the duplicate motion on the last page, seconded by Ms. Reibel. All members voted “aye” and the minutes were approved as corrected.

6. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Variances – Front Yard Setback – Sculpture Garden – 820 High St. (CYP Studios/Worthington Public Library) BZA 51-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the S-1 district where the minimum front yard requirement is 60 feet.
2. The applicant is proposing to construct a sculpture garden, including a sculpture, seating, and illumination, approximately 10 feet from High Street right-of-way. The requested variance is 50 feet.

3. The property is subject to, and the garden has been approved by, the Architectural Review Board.
4. Any work within the right-of-way must be approved by the Director of Service and Engineering through a Right of Way Work Permit.

The following conclusions were presented:

1. The sculpture garden is more landscaping and decorative than a more traditional structure like a building. 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 advised he would abstain from discussions and the vote on this matter.

Eugenia Martin, 148 East North Street, did not have further comments. Board members had no questions.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY CYP STUDIOS AND WORTHINGTON PUBLIC LIBRARY FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO CONSTRUCT A SCULPTURE GARDEN AT 820 HIGH STREET, AS PER CASE NO. BZA 51-17, DRAWINGS NO. BZA 51-17 DATED NOVEMBER 17, 2017, 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. Mr. Coulter, abstained; Mr. Seitz, “aye”; Ms. Reibel, “aye”; Mr. Falcoski, “aye”; and Ms. Crane, “aye”. The motion was approved.

2. Variance – Fence Height – 319 Loveman Ave. (David & Ashley Allison) BZA 52-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is an existing lot of record in the R-10 district with a front yard requirement of 30 feet. Corner lots are permitted to reduce the adjacent side yard to 20 feet. Fencing is not permitted between right-of-way and the building line. Fencing within 10 feet of the right-of-way cannot exceed 2 foot 6 inches in height.
2. A variance was granted by the Board of Zoning Appeal on July 2, 1981 for a 42 inch tall fence 4 feet from the Greenwich Street right-of-way.
3. On August 5, 2014, an application to erect a 6 foot tall fence on the property was received with a portion of the fence shown to follow the Greenwich Street right-of-way and within the 20 foot side yard setback. Staff failed to notice the property is a corner lot and approved the application on August 14, 2014. The Fence Permit 867 was issued on September 26, 2014. A footing inspection was approved on November 26, 2014, and the final installation was approved on December 12, 2014.
4. At the November 2, 2017 Board of Zoning Appeals meeting, staff was asked to investigate the fence since it did not appear to comply with the zoning requirements.
5. The applicant is seeking a variance to allow the now existing 6 foot tall fence to remain. The requested variances are 20 feet for side yard setback and 4 feet for fence height within 10 feet of the right-of-way.

The following conclusions were presented:

1. Existing lots of record tend to be smaller than other lots in this district, creating practical difficulties. In this particular case, the lot narrows at the rear and contains a detached garage, further limiting the amount of usable rear yard and adding to these practical difficulties. The fence appears to be the open style the Board typically prefers when encroaching into a side yard. Additionally, there is existing vegetation screening a portion of the fence. The fence is a substantial distance from the Loveman Avenue and Greenwich Street rights-of-way and should not cause intersection sight-line issues. 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 if there had been any complaints and Mr. Phillips replied there was one complaint back in October of 2017 and that is why the resident is asking for a variance now.

David Allison, 319 Loveman Avenue, said he was not the original applicant that came before the Board in 1981. He said he grew up in Worthington and decided to move back to the area after graduating from the University of Dayton. He and his wife have lived in the house for about five years. Because of their large dog, and in hopes of having children they submitted their application to build a fence. The fence is not actually six feet high everywhere, and he went through all the proper steps to obtain the fence permit, and received approval. While pulling out of his driveway one day the bushes in his yard obstructed his view of a jogger going past so he soon afterwards removed the three bushes and angled the fence so the fence would not interfere with his line of sight. His father-in-law is a surveyor so they made sure they knew where the pins were located, and did everything they possibly could to do the right thing and build something beautiful within the specifications.

Ms. Crane said it sounded like Mr. Allison did everything right from his end, and typically the Board does not have a problem with the placement because the lots are so narrow. Mr. Allison said he submitted placement drawings along with the design of the fence. They had flags where the setbacks were and where all the posts were supposed to go, and he understood they were fully compliant. He did not know their plans were approved in error by the City until Mr. Keppler approached and told him what the issue was.

Ms. Crane asked how difficult it would be to take a few boards off the top of the fence and Mr. Allison replied the fence boards are seasoned because the fence is four years old now and he would have warping concerns with such removal. He said the fence has transparency and you can see into the back yard in between the boards.

Mr. Coulter said he could see how the fence tapers downward near the house and he did not have a problem approving the fence the way it is now. Mr. Seitz said he agreed with Mr. Coulter.

Mr. Falcoski asked if the complaint was due to the height of the fence or because of the closeness to the road. Mr. Phillips replied the complaint came from a neighbor who asked for a six foot fence within the setback, but their fence was solid and she did not want the fence below six feet.

Ms. Crane said typically she does not like to approve fences so close to the right-of-way.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY DAVID AND ASHLEY ALLISON FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE SETBACK AND FENCE HEIGHT TO ALLOW AN EXISTING FENCE TO REMAIN AT 319 LOVEMAN AVENUE, AS PER CASE NO. BZA 52-17, DRAWINGS NO. BZA 52-17 DATED DECEMBER 1, 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. Mr. Coulter, “aye”; Mr. Seitz, “aye”; Ms. Reibel, “aye”; Mr. Falcoski, “aye”; and Ms. Crane, “nay”. The motion was approved.

3. Variance – Side Yard Setback – Generator – 6264 Proprietors Rd. (Karen L. Hoskinson) BZA 01-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the I-1 district with a required side yard of 20 feet.
2. The applicant is proposing to install an emergency generator 11 feet from the north property line. The requested variance is 9 feet.

The following conclusions are presented:

1. The existing electrical and natural gas services are on the north side of the building. If the generator were to be located elsewhere on the site, there will be a much greater cost to extend the natural gas line to the generator, and the emergency power feed to the service, creating a practical difficulty. These factors mitigate the substantial nature of the side yard 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:

Josh Conway, 7187 Even Trail Drive., Powell, said he was in attendance at the meeting on behalf of Karen Hoskinson who was unable to attend the meeting and he is the realtor that helped them purchase the building.

Mr. Coulter asked if the generator was set up to do test runs once per week and Mr. Conway replied the generator has not been installed yet, but they would do that once the system is in place. Mr. Coulter asked them to pick a test time that would not interfere with waking the neighbors up.

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

Glen Layman, 14266 Robins Road, Westerville, said he is with Countryside Electric, would be installing the generator, most generators run at 3600 revolutions per minute which is the sound of an average air conditioner. The generator to be installed is called a quiet source and runs at 1800 revolutions per minute. If you stand twenty feet away from the generator, you would not be able to hear it.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY KAREN HOSKINSON AND HOSKINSON INVESTMENTS LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE SETBACK TO INSTALL AN EMERGENCY GENERATOR AT 6264 PROPRIETORS ROAD, AS PER CASE NO. BZA 01-18, DRAWINGS NO. BZA 01-18 DATED DECEMBER 7, 2017, 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.

**4. Variance – Side Yard Setback – Scale – 6600 Huntley Rd. (Mettler-Toledo, LLC)
BZA 02-18**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the I-2 district with a required side yard of 20 feet.
2. The applicant is proposing to install a vehicle scale from 4 feet to 12 feet from the east property line. The requested variance is 16 feet.

The following conclusions are presented:

1. The scale structure and scale itself is below ground and the visible portion of the scale will not differ substantially from the existing driveway and will be similar to the existing scale on the west side of the property. 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:

Thad Boggs, 10 West Broad Street, Floor 23, Columbus, with Frost, Brown & Todd, representing his client Mettler-Toledo LLC, the applicant, said this request was before the Municipal Planning Commission for a Conditional Use Permit in December. The scale will be used for research and development purposes. Mettler-Toledo is a leading global supplier of measuring devices with operations in Worthington and as well in 39 other countries across the world. The scale is important to the operations within the City of Worthington.

Ms. Crane asked if there was anyone to speak for or against this application and no one came forward.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY METTLER-TOLEDO INC. FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE SETBACK TO INSTALL A SCALE AT 6600 HUNTLEY ROAD, AS PER CASE NO. 02-18, DRAWINGS NO. BZA 02-18 DATED DECEMBER 8, 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 members voted “aye” and the motion was approved.

5. Variance – Front Setback – Porch – 232 E. Granville Rd. (Scott Thompson) BZA 53-17 (Amendment to BZA 44-17)

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is an existing lot of record in the R-10 district along a regional thoroughfare with a minimum front yard requirement of 50 feet.
2. The existing dwelling is 40.1 feet from the East Granville Road right-of-way.
3. A variance was granted on October 5, 2017 to construct a 12 foot by 5 foot covered porch, 35.1 feet from the right-of-way.
4. In response to an Architectural Review Board request that the columns not obscure the windows, the applicant is proposing to widen the porch to 14 feet 6 inches. The porch remains 35.1 feet from the right-of-way. The requested variance is for an additional 2 feet 6 inches of porch width within the front setback.
5. The property is subject to, and the porch 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:

Scott Thompson, 3411 Bunty Station, Delaware, said he is with Story Built Homes and had no additional comments.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY SCOTT THOMPSON FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO CONSTRUCT A PORCH AT 232 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 53-17, DRAWINGS NO. BZA 53-17 DATED DECEMBER 8, 2017, 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.

6. Variance – Side Setback – Addition – 688 Hartford St. (Marcus W. Hitt) BZA 54-17

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 minimum side yard requirement is 6 feet.
2. The existing dwelling is 1.8 feet from the north property line.
3. The applicant is proposing to construct an addition to the rear of the existing dwelling, 5.47 feet from the north property line. The requested variance is 0.53 feet.
4. The property is subject to, and the addition 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:

Marcus Hitt, 688 Hartford Street, said their was a letter of support for the project from his neighbor. Ms. Crane replied the members did receive the letter of support.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY MARCUS HITT FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT AN ADDITION AT 688 HARTFORD STREET, AS PER CASE NO. BZA 54-17, DRAWINGS NO. BZA 54-17 DATED DECEMBER 8, 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 members voted “aye” and the motion was approved.

7. Extension of Construction Completion Time – Addition – 254 Kenbrook Dr. (Jared McAlister) BZA 55-17

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. Building Permit 21529 was issued on November 25, 2015 to construct an addition and alter the existing dwelling. The permit originally expired on May 25, 2017.
2. On July 6, 2017, the Board of Zoning Appeals granted an extension of the construction completion period until December 31, 2017. The work is not completed.
3. The applicant is requesting a second extension of the construction completion period to complete the work, projected to be June 1, 2018.
4. Staff has no record of any inquiries on the status of construction on the property.

The following conclusion is presented:

1. It is reasonable for the Board to consider extending the completion period for a longer period of time to allow ample time for the owner to self-perform the work, given that there have not been any concerns expressed to staff about the status of the construction, and the exterior of the additions are substantially complete.

Discussion:

Jared McAlister, 254 Kenbrook Drive, said a year extension would give him ample cushion time to get his project done.

Ms. Crane asked what his yard looked like and Mr. McAlister replied the yard has been graded and seeded, the driveway was completed at the end of November and he did more

than the City had asked him to do for the sidewalk repair. He went from the fire hydrant all the way to the edge of his property (adding an additional 16 feet of sidewalk).

Ms. Crane asked what the view would look like from his neighbor's point of view, does the house look finished or more like a construction site. Mr. McAlister replied the house is finished aside from the northeast corner and he has some stocked material outside. He said there was a recent attempted break-in at his house because he did not have any blinds on the addition and there was construction equipment in plain view. Someone tried to kick in his back door while his daughter was home by herself. He now has blinds on the windows.

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

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY JARED MCALISTER FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD FOR ONE YEAR, TO ALLOW THE CONSTRUCTION AUTHORIZED BY BUILDING PERMIT 21529 TO CONTINUE AT 254 KENBROOK DRIVE, AS PER CASE NO. BZA 55-17, DRAWINGS NO. BZA 55-17 DATED DECEMBER 8, 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 members voted "aye" and the motion was approved.

8. Variance – Side Setback – Detached Garage & Additions – 124 W. North St. (J. S. Brown & Co./Maher) BZA 56-17

Findings of fact:

1. This property is an existing lot of record in the R-10 district where detached accessory buildings over 120 square feet in area and dwellings must be set back a minimum of 8 feet from side property line.
2. The applicant is proposing to demolish the existing detached garage and construct a new detached garage, 3 feet from the west property line. The requested variance is 5 feet.
3. The applicant is also proposing an addition, a portion of which is a screened porch 3 feet from the east property line. The requested variance is 5 feet.

4. The *2013 Residential Code of Ohio* requires exterior walls of dwellings within 5 feet of a property line be of 1 hour, fire-resistance rated construction and openings in the wall be limited to 25% of the wall area. Any variances granted from the zoning code does not grant variances from the building code requirements.
5. The property is subject to, and the garage and addition has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. Existing lots of record tend to be narrower than the required 80 foot lot width, creating a practical difficulty. In this particular case, the lot is 20 feet narrower and if wider, no variances would be required. 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:

Courtney Bowe, 1522 Hess Street, said she was representing the home owners.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY J.S. BROWN & CO. AND JAMES AND THERESA MAHER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A GARAGE AND ADDITION AT 124 WEST NORTH STREET, AS PER CASE NO. BZA 56-17, DRAWINGS NO. BZA 56-17 DATED DECEMBER 8, 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 members voted “aye” and the motion was approved.

D. Other

There was 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 adjourned at 7:49 p.m.