



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

February 1, 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 L. Brown, Director of Planning & Building.
2. Pledge of Allegiance
3. Approval of minutes of the January 4, 2018. 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

1. Variances – Setback and Community Water & Sewerage Facilities – New House – 740 Olen Dr. (Phillip M. Ragland, Jr.) BZA 03-18

Mr. Phillips approved the staff memo:

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum front and rear yard requirement is 30 feet, and the minimum side yard requirement is 6 feet. Dwellings must be connected to public water and sewerage facilities.
2. The purpose of the zoning code is to promote the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements, and lessening or avoiding congestion on public streets and highways, and to provide for administration of this Zoning Ordinance.
3. Accessory use or structure is defined as a use, object or structure constructed or installed on, above or below the surface of a parcel and of a nature customarily incidental and subordinate to the principal use or structure. Among other things, accessory uses or structures include anything attached to or disattached from the principal building of a subordinate nature; garages, sheds, walls, fences,

billboards, poster panels, poles or parking places, whether located on, above or below the surface of a parcel.

4. The City is divided into districts under six general categories including Residential Districts. The R-10 Low Density Residence is further defined as: For low density residential development which has ready access to most community facilities. Community water and sewerage facilities are required.
5. Worthington receives health services by contract with Columbus Public Health, and water and sewer services by contract with Columbus Public Utilities. There is an existing public water service in Olen Drive to the west and within the City of Columbus; and an existing public sanitary sewer to the south, also within the City of Columbus.
6. The applicant is proposing to construct a single-family dwelling with a well to provide potable water and a private on-site sewage treatment system for sanitary waste, which have been approved by Columbus Public Health. The sanitary system design includes primary and secondary drip zones 10 feet from the south, west, and north, property lines. The drip zones are accessory uses and structures, and must meet the front and rear setback requirements of 30 feet. The requested variance is 20 feet for the drip zones.
7. Dwellings must be connected to community water and sewerage facilities. The requested variances are to allow the dwelling to connect to a private well and a private sewage treatment facility.

The following conclusions are presented:

1. The property will yield a reasonable return and can be used as a single-family dwelling by connecting the dwelling to the existing water line to the west and the existing sanitary sewer to the south. The requested variances would not be required.
2. The requested variances are substantial.
3. The essential character of the neighborhood should not be substantially altered with the granting of these variances.
4. The delivery of water and sewer services to this property will be affected by the granting of these variances.
5. The property owner's predicament feasibly can be obviated by making a connection to the water and sewer services to the west and south.

6. The spirit and intent of the zoning requirement to connect to community water and sewerage facilities would not be observed by the granting of these variances.

Discussion:

Mr. Brown provided an overview of the property from creation of the lots, to annexation and how the property is today.

Matthew Cull, 207 North Fourth Street, Columbus, said he is an attorney representing the applicant because the applicant was too ill to come to the meeting. He did not feel the variance was substantial, because as Mr. Brown just pointed out, every other property in the neighborhood is on a septic system and the requested variance is to allow for a modern system. The system would improve what is already in the neighborhood. He said the big thing here is the finances, and to tap into the sewer system with the City of Columbus would roughly cost \$120,000.00 dollars. There is a reason this piece of property has not been developed for four or five decades.

Mr. Phillip Ragland, 1442 Aschinger Boulevard, Columbus, said the cost for the septic system would be \$23,000.00 dollars, and another \$8,000.00 for a well system.

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

Theresa Robinson, 678 Olen Drive, Columbus, said she had concerns about getting into her home and the road being torn up by construction trucks. Ms. Crane asked if the street is public and Mr. Brown replied no, the street is private. Ms. Crane said if this is something the Board would not be involved with and Mr. Brown replied that is correct.

Jonathan Turnes, 760 Olen Drive, Worthington, asked if he should be concerned with drip zones since his property is ten feet away from them. Mr. Brown replied, that he did not believe so because the land rolls down hill towards State Route 315 and the City of Columbus Public Health conducts yearly inspections of septic systems to ensure systems are working properly.

Motion:

Seeing no other speakers, Mr. Seitz moved:

THAT THE REQUEST BY PHILLIP M. RAGLAND, JR. AND DEVSWAN LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACK AND COMMUNITY WATER AND SEWERAGE FACILITIES TO CONSTRUCT A SINGLE FAMILY DWELLING AT 740 OLEN DRIVE, AS PER CASE NO. BZA 03-18, DRAWINGS NO. BZA 03-18 DATED JANUARY 2, 2018, 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 minutes were approved.

2. Variances – Front & Side Yard Setbacks – Addition – 665 Oxford St. (Gerry Bird Architect/DePew) BZA 04-18

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 and a minimum side yard requirement of 8 feet.
2. The Oxford Street right-of-way is 66 feet wide.
3. The existing detached garage is approximately 4.6 feet from the south property line.
4. The applicant is proposing to construct additions to the existing dwelling and garage. One addition is an attached garage that will also join the existing detached garage to the new garage, approximately 4.6 feet from the south property line. The requested variance is approximately 3.4 feet.
5. The applicant is also proposing to construct a front porch addition to the existing dwelling, approximately 20 feet from the Oxford Street right-of-way. The requested variance is approximately 10 feet.
6. The *2013 Residential Code of Ohio* requires exterior walls within 5 feet of a property line be of 1 hour, fire-resistance rated construction. Any variances granted from the zoning code do not grant variances from building code requirements.
7. The property is subject to, and the additions have 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, and typically have existing dwellings at or within the front yard setback, creating a practical difficulty. In this particular case, the Oxford Street right-of-way is 16 feet wider than the typical 50 width, the existing garage is within the side yard setback, and the existing dwelling is within the front yard setback. The existing dwelling’s side porch is to be removed and replaced with a new front porch.

Front porches tend to encourage neighborhood interaction. These factors mitigate the substantial nature of the variances requested.

2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Lloyd DePew, 5400 River Forest Road, Dublin, said he used to live in Worthington for thirty years before moving to Dublin. He said they tried to keep the look that would be complimentary to the neighborhood. He raised four boys at his former Worthington home on New England Street. One of his sons and grandson will be living in the house.

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

Mr. Patrick Porter, 659 Oxford Street, said he owns the property to the south and he is in favor of the submitted plans. The addition will be a great enhancement for the character of the property and the neighborhood.

Mr. Coulter said he lives nearby and glad to see someone is finally taking care of the property.

Motion:

Seeing no other speakers Mr. Seitz moved:

THAT THE REQUEST BY GERRY BIRD ARCHITECT AND LLOYD DEPEW FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT AND SIDE YARD SETBACK TO CONSTRUCT ADDITIONS AT 665 OXFORD STREET, AS PER CASE NO. BZA 04-18, DRAWINGS NO. BZA 04-18 DATED JANUARY 4, 2018, 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.

C. Other

Mr. Brown advised the Board about pending litigation regarding 595 Fox Lane and would update them accordingly.

D. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Mr. Falcoski. All members voted “aye” and the meeting adjourned at 7:40 p.m.