



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

April 5, 2018

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: M. Coulter, C. Crane, B. Seitz, L. Reibel, and D. Falcoski; and also present were D. Phillips, Chief Building Inspector, L. Brown, Director of Planning & Building, and T. Lindsey, Director of Law.
2. Pledge of Allegiance
3. Approval of minutes of the February 1, 2018 meeting

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. **Variiances** – Side Yard Setback – New Attached Garage – **102 E. Riverglen Dr.**
(Mike Fought/Andolina) **BZA 06-18**

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 approximately 4 feet 6 inches from the west property line, with an existing attached garage approximately 3 feet 6 inches from the east property line.
3. The applicant is proposing to demolish the existing single car garage and construct a new attached single car garage further to the north on the site at approximately 3 feet 6 inches from the east property line. The requested variance is approximately 2 feet 6 inches.

The following conclusions are presented:

1. Existing lots of record tend to be narrower than the required minimum 80 foot lot width. In this particular case, the lot is 62.50 feet wide with the existing garage already within the 6 foot side yard. The proposed garage would not be any closer to the east property line. These factors mitigate the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered with the granting of these variances.
3. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the new garage would not be any closer to the neighboring property as the existing garage, and Jeremy Little, Nicholson Builders, 561 Park Overlook Drive, replied that is correct, the new garage would only be moving back further on the property and not closer to the property line.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY MIKE FOUGHT AND ERIC AND MELANIE ANDOLINA FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT AN ATTACHED GARAGE 102 EAST RIVERGLAN DRIVE, AS PER CASE NO. BZA 06-18, DRAWINGS NO. BZA 06-18 DATED MARCH 9, 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.

2. **Variations** – Side Yard Setbacks & Accessory Building Area – House Addition/Renovation & Detached Garage – **100 W. South St.** (Lauerhass Architecture/Madden & Toepfer) **BZA 07-18**

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 minimum side yard requirement of 8 feet for detached accessory buildings in excess of 120 square feet. The total amount of accessory buildings is further limited to 850 square feet.
2. The applicant is proposing extensive alterations and additions to the existing dwelling, including a detached garage and workshop. The 33 foot wide by mostly 22 foot deep garage is proposed to be 3 feet from the west property line. The requested variance is 5 feet.
3. In addition to the 682 square foot detached garage, the additions to the dwelling include the construction of a 296 square foot attached garage. The total proposed accessory building area is 978 square feet. The requested variance is 128 square feet.
4. The property is subject to; and the garage, additions, and alterations have been approved by; the Architectural Review Board.

The following conclusions are presented:

1. Existing lots of record tend to be more narrow than the required 80 foot lot width. In this particular case, the existing rear lot width of 70.5 feet limits the amount of rear lawn area with the paving for vehicle access. The 5 feet of yard is better used being east of the garage rather west. These factors mitigate the substantial nature of the side yard variance requested.
2. The attached garage is hidden and appears to be a part of the dwelling. This mitigates the substantial nature of the accessory building area 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:

Amy Lauerhass, 753 Francis Avenue, Bexley, said the attached garage is part of the master plan and will be used for a disabled relative. The garage area will eventually become part of the living space.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY AMY LAUERHASS, KAREN MADDEN, AND NEIL TOEPFER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND ACCESSORY BUILDING AREA TO CONSTRUCT A DETACHED AND ATTACHED GARAGE AT 100 WEST SOUTH STREET, AS PER CASE NO. BZA 07-18, DRAWINGS NO. BZA 07-18 DATED MARCH 9, 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 member voted “aye” and the motion was approved.

3. Variances – Accessory Building Area – Shed & Pavilion – 1881 W. Dublin-Granville Rd. (William F. Bartelt III) BZA 08-18

Findings of fact:

1. This property is in the R-10 district where the total amount of accessory buildings is limited to 850 square feet.
2. The property contains an existing 22 foot by 28 foot, 616 square foot detached garage.
3. The applicant is proposing to construct a 12 foot by 18 foot, 216 square foot shed and a 10 foot by 16 foot, 160 square foot pavilion. The total proposed accessory building area is 992 square feet. The requested variance is 142 square feet.
4. The property is subject to, and the shed and pavilion have been approved by, the Architectural Review Board.

The following conclusions are presented:

1. This property is larger at 33,541 square feet than the minimum of 10,400 square feet required for the district and the additional structures do not seem out of place for particular property. 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:

Bill Bartelt, 1881 W. Dublin-Granville Road, said the home was built about a hundred years ago and does not have extra space like a modern house. He does not have sufficient work space in his garage. He recently retired and would like to pursue a hobby with painting and he felt the shed would be a good use for that. The pavilion would be for entertainment purposes. Some of their shade trees were not in good shape and had to be cut down and they have tried temporary shade with tents but those were easily blown over.

Ms. Crane asked if the pavilion would be an open style and Mr. Bartelt replied yes.

Ms. Crane asked if this project was reviewed by the Architectural Review Board, and Mr. Coulter replied yes, and the members had a lengthy discussion about how large the property is and the members were comfortable with Mr. Bartelt's project.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY WILLIAM BARTELT FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY BUILDING AREA TO CONSTRUCT A SHED AND PAVILION AT 1881 WEST DUBLIN-GRANVILLE ROAD, AS PER CASE NO. BZA 08-18, DRAWINGS NO. BZA 08-18 DATED MARCH 9, 2018, 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. Variances – Setback & Signage – New Drive-in Restaurant – 80 W. Wilson Bridge Rd. (McDonald's USA, LLC) BZA 09-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-4 district along a regional thoroughfare, abutting North High Street, and within the Wilson Bridge Corridor Districts. This site has been identified in policy documents to be WBC-3. The following are requirements of the C-4 district:
 - a. Minimum side yards of 15 feet.

- b. Signage requirements:
 - i. Maximum of one freestanding sign
 - ii. Freestanding signs cannot be closer than 10 feet to the right-of-way nor closer than 35 feet to an adjacent property line
 - iii. Maximum of one building mounted sign
 - iv. Total sign area of 100 square feet, of which a maximum of 60 square feet is permitted to be allocated to a freestanding sign.
 - v. Total directional sign area of 20 square feet
 - vi. Maximum directional sign height of 36 inches and display size of 24 inches in width or height
 - vii. Changeable copy is not permitted
 - viii. A maximum of 4 colors are permitted.
 - ix. Both sides of a double faced sign counts towards total sign area
2. The following variances have been previously granted:
 - a. A menu board with changeable copy was approved on April 1, 1982
 - b. 4 freestanding signs, one of which in the side yard, on December 1, 1994.
3. The applicant is proposing to demolish the existing building and most of the site and signage, and construct a new building with signage, including the following:
 - a. Placing 4 light poles along the north driveway, approximately 10 feet from the north property line. The requested variance is 5 feet.
 - b. Relocate and rotate the second, North High Street, 6 foot by 5 foot freestanding sign to the east, 6.34 feet from the North High Street right-of-way and 13.16 feet from the south property line. The requested variances are a second freestanding sign, 3.66 feet for setback from the right-of-way, and 21.84 feet for setback from the adjacent property.
 - c. Place 2 “pre-browse” changeable copy signs, 2 “menu board” changeable copy signs, and 2 “canopy order display” changeable copy signs. The requested variances are for 6 additional freestanding signs with changeable copy displaying more than 4 colors.
 - d. Four building mounted signs. The requested variance is 3 additional wall signs.
 - e. An approximately 12 foot tall directional sign indicating “drive thru”. The requested variance is approximately 9 feet for height.
 - f. Two 11 foot 5.62 inch tall directional signs indicating “order here”. The requested variance is 8 feet 5.62 inches.
 - g. Two 7 foot tall, 3 foot 11 inch by 1 foot 2 inch “reserved drive thru” signs. The requested variance is 4 feet for overall directional height and 1 foot 11 inches for directional sign display area height.
 - h. Total proposed sign area for the existing monument sign receiving a face replacement, the altered second freestanding sign, the 6 new freestanding

signs, and the 4 wall mounted signs is 245.35 square feet. The requested variance is 145.35 square feet.

- i. Total proposed directional sign area for the 2 entry signs, the “drive thru” sign, the 2 “order here” signs, the 2 “pull forward” signs, and the 2 “reserved drive thru” signs total 30.84 square feet. The request variance for directional sign area is 10.84 square feet.
4. The property is subject to, and the project has been approved by, the Architectural Review Board and the Municipal Planning Commission.

The following conclusions are presented:

1. The drive through aisle for the redeveloped site is being expanded to allow for 2 order lanes, essentially doubling the amount of freestanding and directional signage needed for efficient operation of the business. The additional wall signs are the company logo and not excessively large on all 4 elevations of the building. Some of the variances are not substantial, like the location of the 4 light poles along the north entry drive, and the need for 2 freestanding signs given the property fronts 2 streets. Some of the tall directional signs are to ensure vehicles that are not too tall and damage the building. Other directional signs would not be visible when parking a vehicle in front of them and raising it seems a reasonable solution. Order menus, confirming an order, would not be able to function without a changeable copy variance. Similarly, the pre-browse and menu boards are mostly static but modern technology allows these to be adjusted for menu changes without requiring a physical change to the sign. All these factors mitigate the substantial nature of the signage variance requests.
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 how close the drive-thru would be to High Street. Joe Smiley, McDonald’s Corporation, 635 Brooksedge Boulevard, Westerville, replied, 71.5 feet from the property line and two trees would be added to the landscaping.

Ms. Crane asked what the Architectural Review Board thought about the proposed plan and Mr. Coulter replied the Board members were happy with the plan and they spent a fair amount of time discussing the building itself. Staff recommended changing some of the colors on some of the signs to which McDonald’s agreed. They also discussed the size of the signs and the electronic menu boards.

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

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY MCDONALD'S USA, LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACK AND SIGNAGE TO CONSTRUCT A RESTAURANT AT 80 WEST WILSON BRIDGE ROAD, AS PER CASE NO. BZA 09-18, DRAWINGS NO. BZA 09-18 DATED MARCH 9, 2018, 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.

5. Variances – New Mixed Use Site – 7007 N. High St. (The Witness Group) BZA 10-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-4 district along a regional thoroughfare and North High Street, and within the Wilson Bridge Corridor Districts. This site has been identified in policy documents to be WBC-3. The following are requirements of the C-4 district:
 - a. The maximum height is 3 stories and 45 feet. WBC-3 for this property permits 4 stories.
 - b. The minimum parking setback with screening and landscaping is 12.5 feet.
 - c. The front yard requirement is 50 feet from the West Wilson Bridge Road right-of-way and 100 feet from the North High Street right-of-way. WBC-3 for this property permits a 5 foot front yard from the West Wilson Bridge right-of-way and a 50 foot front yard from the North High Street right-of-way.
 - d. Parking spaces must be a minimum of 9 feet in width and at least 171 square feet in area, or 9 feet by 19 feet.
 - e. Required parking is based on use as follows:
 - i. Restaurant – 1 space per 50 square feet of gross floor area devoted to the bar area, and 1 space per 100 square feet for the remaining area.
 - ii. Administrative and business office – 1 space per 250 square feet of gross floor area
 - iii. Hotel – 1 for each sleeping room or suite
 - iv. WBC-3 limits parking to 125% of the required parking.

2. The applicant is proposing to demolish the existing hotel on the property and redevelop the site with 6 buildings.
3. A basement is defined as a portion of a building, partly underground, but having more than fifty percent (50%) and less than eighty percent (80%) of its floor-to-floor height below the average finished grade of the adjoining ground. A basement shall be considered a half story in determining the maximum number of stories permitted by these regulations.
4. Proposed building # 5 is a 4 story hotel with a basement, at a height of 55 feet 10 inches. The requested height variances are 1½ stories and 10 feet 10 inches.
5. An approximately 160 foot portion of the west entrance to the site from West Wilson Bridge Road to the north is proposed to abut or be within 12.5 feet of the residential uses to the west. The requested parking setback variance is 12.5 feet.
6. Proposed buildings # 1 and #2 are single story, and buildings #3 and # 4 are 2 story, all proposed to be at least 5.3 feet from the Wilson Bridge Road right-of-way with patio walls 5.0 feet from the same right-of-way, after the dedication of some of this property to the Wilson Bridge Road right-of-way. The requested variances are 44.7 feet for the 4 buildings and 45 feet for the patio walls.
7. Proposed building # 6 is single story, 10.5 feet from the North High Street right-of-way. The requested variance is 89.5 feet.
8. The applicant is proposing parking spaces at 9 feet by 18 feet, or 162 square feet in area, for 66 of the proposed 342 parking spaces. The requested variance is 9 square feet for 66 spaces.
9. The required parking ranges from 313 to 715 spaces, depending on the amount of restaurant uses with bar area within each building, ranging as follows:
 - a. Building # 1 ranges from 28 to 136 spaces
 - b. Building # 2 ranges from 28 to 137 spaces
 - c. Building # 3 is 55 spaces
 - d. Building # 4 is 44 spaces
 - e. Building # 5 is 111 spaces
 - f. Building # 6 ranges from 47 to 232 spaces
10. The applicant is estimating the required parking at 418 total spaces and proposing 342 spaces. The requested variance is 76 spaces.

11. The property is subject to, and the project has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. The property has a descending grade moving east to west, which causes the west elevation of the basement to appear as another story from the west. Otherwise, building # 5 is a 4 story building in keeping with the Wilson Bridge Road Corridor Districts. The City is transitioning to new requirements for that corridor when property is eventually rezoned to the new districts. In the meantime, applicants are encouraged to look at the new requirements while planning their developments. These factors mitigate the substantial nature of the height variance request.
2. The northwest entrance of the site is being aligned with the existing signalized intersection to the north to provide easier site ingress and egress from West Wilson Bridge Road. This causes that portion of the drive to be installed less than 12.5 from the west property line. The requested parking setback variance is not substantial.
3. The Wilson Bridge Road Corridor Districts encourages buildings closer to the right-of-way with parking behind the buildings, and to create outdoor seating areas, especially for restaurants, to create a better pedestrian and biking environment. These factors mitigate the substantial nature of the front yard setback variances requests.
4. The zoning code allows vehicle overhangs to count as part of the 171 square foot of the required parking space and in many cases allows an 18 foot deep parking space to comply. This site has 66 parking spaces that do not provide for the vehicle overhang. The requested parking space size variance is not substantial.
5. Determining required parking is very difficult without specific tenants and knowing how the buildings will be specifically used. The applicant made a reasonable estimate of the required parking taking into account the dynamic way this mixed use site will use parking. During the evening, the hotel and restaurants will have a higher parking demand while during the day, the office uses will have a higher parking demand. The Wilson Bridge Corridor Districts recognizes some property owners provide too much parking and caps it at 125% of the required parking. These factors mitigate the substantial nature of the number of parking space variance.

Discussion:

Jack Reynolds, Smith & Hale, representing Ohm Patel, said this has been a long two year process and they have worked diligently with staff and the Architectural Review Board. He said staff explained the hotel would be located within the corridor where new regulations were going to be adopted and asked them to adhere to those requirements that would be set forth in the Wilson Bridge Road Corridor. He said there was no one in the audience in opposition because Mr. Patel had several private meetings with the residents at the hotel and discussed what the project was going to be. There were also several public meetings with the Architectural Review Board and Municipal Planning Commission over the past two years.

Ohm Patel, The Witness Group, 600 Enterprise Drive, Lewis Center, said everyone had given a great summary as to how they came up with their final plan for the project. He said they had all kinds of plans for development and landscaping, and they knew the plan was not a small one. At one point they were thinking about having condominiums, a parking deck, and all sorts of other stuff on the plan but they knew going in that they needed to be very open and flexible and to integrate with the community. They met with neighbors in the meeting rooms to see what their needs were and what they learned was the need for better communication, to work with city staff, and be open to new ideas. This Hampton Inn Suite hotel will be a unique and impressive property. They will also have 3000 square feet of meeting space which will be a nice venue for the community.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY THE WITNESS GROUP AND HE HARI INC. FOR A VARIANCE FROM CODE REQUIREMENTS FOR BUILDING HEIGHT, PARKING SETBACK, FRONT YARD SETBACK, PARKING SPACE SIZE, AND NUMBER OF PARKING PLACES TO CONSTRUCT 6 BUILDINGS AT 7007 NORTH HIGH STREET, AS PER CASE NO. BZA 10-18, DRAWINGS NO. BZA 10-18 DATED MARCH 9, 2018, 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.

6. Variances – Real Estate Signs – 7227 N. High St. (Lehner Signs/The Shops at Worthington Place) BZA 11-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-2 district where each property is permitted 1, 13 square foot real estate sign.
2. The property is 16.20 acres fronting North High Street and West Wilson Bridge Road. It contains a 178,610 square foot covered mall building and a 2,070 square foot vacant building.
3. The applicant has placed 3 real estate signs on the property. Each sign has 2, 2 foot by 4 foot panels arranged in a “v” totaling 16 square foot per sign. The requested variances are 3 square foot of real estate sign area and 2 additional real estate signs.

The following conclusions are presented:

1. This property is very large and the real estate sign provisions do not take parcel size into account for commercially zoned property, only industrially zoned property. The requested variances are not significant.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Greg Bunger, Lehner Signs, 375 Sycamore Drive, Circleville, said his client would like to promote the vacant space available in the large mall by placing three leasing signs in the most prominent locations.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY LEHNER SIGNS AND WORTHINGTON SQUARE VENTURE LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW THREE REAL ESTATE SIGNS TO REMAIN AT 7227 NORTH HIGH STREET, AS PER CASE NO. BZA 11-18, DRAWINGS NO. BZA 11-18 DATED MARCH 12, 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 motion was approved.

C. Other

Mr. Brown said Police Chief Jerry Strait extended an invitation for the members to attend a training session called Alert Lockdown Inform Counter and Evacuate, A.L.I.C.E., and would train people how to handle a hostile person at a meeting.

D. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Ms. Reibel. All members voted “aye” and the meeting adjourned at 8:07 p.m.