



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

June 7, 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; and also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Approval of minutes of the May 3, 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. Variance – Side Yard Setback – Garage – 528 N. Selby Blvd. (Angela & Kenneth Donnelly) BZA 15-18

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.
2. The applicant is proposing construct a 13 foot by 26.8 foot attached garage, 6 feet from the west property line. The requested variance is 2 feet.

The following conclusions are presented:

1. Existing lots of record tend to be narrower than the 80 feet typically found in the district. Additionally, corner lots tend to have additional setback requirements, limiting choices and typically having smaller rear yards. In this particular case, the lot is 72.61 feet on a corner lot. 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:

Kenneth Donnelly, 528 North Selby Boulevard, did not have additional comments.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY ANGELA AND KENNETH DONNELLY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A GARAGE AT 528 NORTH SELBY BOULEVARD, AS PER CASE NO. BZA 15-18, DRAWINGS NO. BZA 15-18 DATED APRIL 18, 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.

2. Variance – Accessory Building Area – Shed – 325 Medick Way (Ian Mykel & Laura Justice) BZA 16-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-16 district where total accessory building area is limited to 850 square feet in area.
2. The property contains an existing 601 square foot attached garage and 100 square foot shed.
3. The applicant is proposing to construct a 12 foot by 16 foot shed, 192 square foot in area. The total proposed accessory building area is 893 square feet. The requested variance is 43 square feet.

The following conclusions are presented:

1. The property is over 55,756 square feet in area where the minimum lot area is 16,000 square foot for the district. The accessory building area is an absolute 850 square foot regardless of the size of the property. The requested variance is 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:

Ian Mykel, 325 Medick Way, said they will be adding power to the shed because it will be used for recreational and creative space for their children, not for storing tools.

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

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY IAN MYKEL AND LAURA JUSTICE FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY BUILDING AREA TO CONSTRUCT A SHED AT 325 MEDICK WAY, AS PER CASE NO. BZA 16-18, DRAWINGS NO. BZA 16-18 DATED APRIL 18, 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.

3. Variance – Side Yard Setback – Garage – 46 W. New England Ave. (Luanne L. & Michael D. Clevenger) BZA 17-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district with a minimum side yard requirement of 8 feet for detached garages.
2. The applicant is proposing to construct a 24 foot by 20 foot detached garage, 5 feet from the east property line. The requested variance is 3 feet.
3. The property is subject to, and the garage has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. The existing lots of record are typically narrower than the 80 feet typically found in the district. In this particular case, the lot is 67.49 feet wide, limiting where in the rear yard the garage can be placed. 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:

Mike Clevenger, 46 West New England Avenue, said his old garage was no longer usable.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY LUANNE L. AND MICHAEL D. CLEVINGER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A GARAGE AT 46 WEST NEW ENGLAND AVENUE, AS PER CASE NO. BZA 17-18, DRAWINGS NO. BZA 17-18 DATED APRIL 26, 2018, 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 members voted “aye” and the motion was approved.

4. Variance – Rear Yard Setback & Extension of Nonconforming Use – Accessible Ramp – 684 Andover St. (Jason Sherman/Step by Step) BZA 18-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is an existing lot of record in the S-1 district with a minimum rear yard requirement of 60 feet for residential uses.
2. The property has a legally nonconforming residence with no street frontage. The lack of frontage causes all the setbacks to default to the rear requirement.

3. The applicant is proposing to construct an accessible ramp along the west side of the existing dwelling. This is an approximate 151 square foot extension of the nonconforming residential use of the property.
4. The ramp is proposed 27.34 feet from the west property line. The requested variance is 32.66 feet.

The following conclusions are presented:

1. The property is zoned for institutional uses and its bathroom facilities are being altered to be accessible. The proposed ramp will allow the building to have an accessible entrance. This mitigates the substantial nature of the extension of the residential use of the property.
2. This a very large property with a modest building set westerly on the site, mainly due to the topology. The property sits behind other properties and is a substantial distance from Andover Street to the west and Granville Road to the north. These factors mitigate the substantial nature of the setback 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:

Jason Sherman, 2820 Castlewood Drive, Columbus, did not have any comments.

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

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY JASON SHERMAN AND STEP BY STEP ACADEMY INC. FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK AND THE EXTENSION OF THE NONCONFORMING USE TO CONSTRUCT A RAMP AT 684 ANDOVER STREET, AS PER CASE NO. BZA 18-18, DRAWINGS NO. BZA 18-18 DATED APRIL 27, 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. Variance – Accessory Building Area – Shed – 144 Highland Ave. (Scott Finley) BZA 19-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district where total accessory building area is limited to 850 square feet in area.
2. The property contains an approximately 560 square foot attached garage and a 100 square foot shed; totaling approximately 660 square foot in area.
3. The applicant is proposing to replace the shed with a larger, 16 foot by 32 foot, 512 square foot accessory building. The total proposed accessory building area is 1072 square feet. The requested variance is 222 square feet.

The following conclusions are presented:

1. The property is over 41,817 square feet in area where the minimum lot area is 10,400 square foot for the district. The accessory building area is an absolute 850 square foot regardless of the size of the 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:

Scott Finley, 144 Highland Avenue, said he intends to use the shed as a workshop. The shed will have electricity at some point, but not plumbing.

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

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY SCOTT FINLEY FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY BUILDING AREA TO CONSTRUCT A SHED AT 144 HIGHLAND AVENUE, AS PER CASE NO. BZA 19-18, DRAWINGS NO. BZA 19-18 DATED MAY 3, 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.

6. Variance – Side & Rear Yard Setback – Garage – 519 N. Selby Blvd. (Brandon & Sarah Clark) BZA 20-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the R-10 district with a minimum side yard requirement of 8 feet and minimum rear yard requirement of 10 feet for detached garages.
2. There is an 8 inch sanitary sewer within an 8 foot easement along the south property line.
3. The applicant is proposing to construct a 24 foot by 24 foot detached garage, 3 feet from the west property line and 8 feet from the south property line. The requested variances are 5 feet for side yard and 2 feet for rear yard setback.

The following conclusions are presented:

1. Existing lots of record are typically narrower than the typical 80 foot in the district. In this particular case, the lot is 70 feet wide and contains a large tree to the east of the existing garage, limiting where in the rear yard the garage can be placed. The garage must be out of the sanitary easement, further limiting options for the owner. The existing garage is in poor repair and replacement appears to be the better option for the owner. These factors mitigate the substantial nature of the requested variances.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Brandon Clark, 519 North Selby Boulevard, did not have any comments.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY BRANDON AND SARAH CLARK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK TO CONSTRUCT A GARAGE AT 519 NORTH SELBY BOULEVARD, AS PER CASE NO. BZA 20-18, DRAWINGS NO. BZA 20-18 DATED MAY 10, 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.

7. Variance – Rear Yard Setback – Shed – 287 Loveman Ave. (Kenneth Paul) BZA 21-18

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 rear yard requirement of 10 feet for sheds over 120 square feet in area.
2. There is an 8 inch sanitary sewer within an 8 foot easement along the south property line.
3. The applicant is proposing to construct a 12 foot by 12 foot shed, 6 feet from the south property line. The requested variance is 4 feet.
4. Placement of the shed within the 8 foot easement will require approval by City Council. Any Board of Zoning Appeals Approval does not grant City Council approval. The applicant is aware of this requirement and is willing to place the shed 8 feet from the south property line.

The following conclusions are presented:

1. Existing lots are typically narrower and smaller than the typical 80 foot width and 10,400 square foot found in the district. In this particular case, the lot is 50 foot wide and 7,243.75 square foot in area with a limited rear yard. 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:

Ken Paul, 287 Loveman Avenue, said he will not be building the shed within the easement. He did not know the easement existed until he heard from city staff and that issue has been resolved.

Ms. Crane asked if the shed would be used as an accessory structure and Mr. Paul said half of the structure will be used as a shed, and the other half will be a playhouse for his daughter. The shed will not have electricity at this time.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY KENNETH PAUL FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO CONSTRUCT A SHED 8 FEET FROM THE REAR PROPERTY LINE AT 287 LOVEMAN AVENUE, AS PER CASE NO. BZA 21-18, DRAWINGS NO. BZA 21-18 DATED MAY 11, 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.

Ms. Reibel made a friendly amendment to add “rear” to the language of the motion. Mr. Coulter seconded the amendment.

All members voted “aye” and the motion was approved as amended.

8. Variance – Side Yard Setback & Accessory Building Area – Garage – 802 Evening St. (Shawn McNeil/Reik) BZA 22-18

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 garages. Total accessory building area is limited to 850 square feet in area
2. The applicant is proposing to construct a 22 foot by 22 foot, 2 story, detached garage, 968 square foot in area, and 2 feet from the south property line. The

requested variances are 6 feet for side yard setback and 118 square feet for total accessory building area.

3. The *2013 Residential Code of Ohio* requires the walls and projections of detached garages less than 3 feet from a property line be constructed of 1 hour, fire-resistant-rated construction and no openings in these walls are permitted. The granting of zoning code variances does not grant variances from building code requirements.
4. The property is subject to, and the garage has been approved by, the Architectural Review Board.

The following conclusions are presented:

1. Existing lots are typically narrower than the typical 80 foot width in the district. In this particular case, the lot is 49.98 feet wide. A large tree hinders placing the garage further to the east, and placing it closer to the south property line permits easier maneuvering into the garage. The Board historically has not approved accessory buildings closer than 3 feet to a property line to allow maintenance of the garage. Otherwise, these factors mitigate the substantial nature of the setback variance request.
2. Because the garage is detached, the second story area counts against the total building area. Similarly, the carport portion of the garage also is counted as building area. Otherwise the massing along the south property line is not substantially increased by the second story and mitigates the substantial nature of the accessory building area variance.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Discussion:

Jenna Scholl Reik, 802 Evening Street, said they would like to have the garage further up, but they are trying to preserve some large trees including a sycamore. In order to protect the tree roots on the south and east side of the property they are using pole barn construction.

Ms. Crane asked if she would be willing to add a foot to side yard setback making the variance for three feet instead of two. Shawn McNeil, 370 Charleston Avenue, Columbus, said the garage is being built because of the busy neighborhood and street. The lot is tiny and maneuverability is an issue and there is no off street parking available.

This is a two-car family and they need room for two cars and that is why they are asking for a carport.

Ms. Crane asked if the suggestion of three feet would work, and Mr. McNeil replied it might be possible, but they need as much room as possible for their growing family.

Ms. Crane asked what the proposed use of the second floor of the garage would be and Ms. Reik replied she would be using it for storage. The garage will have electricity but not plumbing.

Mr. Coulter said this matter was already discussed at the Architectural Review Board meeting but mostly about the details of design. He is in support of the garage with a variance for three feet but not two feet.

Mr. McNeil asked what the concern was with an extra foot for the variance and Mr. Coulter explained taking care of the side of a structure would be difficult with only a two foot distance, such as for lawn maintenance and painting.

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

Miles Allen Horton, 1512 ½ Glen Avenue, Columbus, said he was representing his father who could not attend the meeting. Mr. Horton said he grew up in Worthington and attended Evening Street Elementary School. He said the applicant stated they were unaware of the zoning requirements prior to the purchase of the home and if it was their intent to do an extensive renovation why did they not look into zoning restrictions beforehand. Did the applicant not learn of said zoning restrictions during phase one of their massive addition of their small home. Why did the homeowner not apply for zoning in its totality when starting their renovation process? How long has the applicant lived with unsuitable parking? The lot is small and slender and the applicant knew that when purchasing the property. Cramming a large garage structure three feet off of the property line is not within the character of the street, nor non-intrusive for the neighbor. The proposed new structure would eliminate all the green space.

Mr. Horton continued to say his father loves the open yard that surrounds his historic cottage home. The beautiful yards are one of the draws to this historic area. The large structure has few architectural elements and not aesthetically pleasing or in the realm or character of the neighborhood. He felt this hinders the future development of 798 Evening Street having a garage right on top of the property line which is not ideal for anyone's home. The yards beauty will be greatly compromised. He said the zoning requirements are in place to ensure aesthetically pleasing green corridors between homes, and this plan is not within the character of Evening Street and compromises the draw of the neighborhood and will reduce the value of the other homes.

Ms. Crane asked how far Mr. Horton's father's garage is from the south property line. Mr. Horton replied he was not sure.

Seth Cramer, 806 Evening Street, said the garage is approximately ten feet or less from the south property line. The garage is approximately thirty-five feet from the north property line. Mr. Cramer said his garage is approximately three feet from the property line also and he is in support of the project. He did not feel the character of the neighborhood would be changed, nor decrease the value of the nearby homes.

Ms. Reik stated the existing detached garage at 798 Evening Street is approximately 39 inches from the detached garage to the south of that property.

Ms. Crane asked Mr. Horton if he felt the garage would change the essential character of the neighborhood and he replied yes. She asked if there was a hardship and Mr. Horton replied there would be a hardship because there would not be any greenspace on either side of the home.

Mr. Coulter did not feel there would be future constraints on the 798 Evening Street property because they would be subject to the same zoning requirements.

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

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY SHAWN MCNEIL AND JENNA SCHOLL REIK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A GARAGE AT 802 EVENING STREET AT THREE FEET OFF THE SOUTH PROPERTY LINE, AS PER CASE NO. BZA 22-18, DRAWINGS NO. BZA 22-18 DATED MAY 11, 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

There was no other business to discuss.

D. Adjournment

Ms. Reibel moved to adjourn, seconded by Mr. Seitz. All members voted “aye” and the meeting adjourned at 8:31 p.m.