



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

July 5, 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; L. Brown, Director of Planning & Building; L. Ellzey, Planning & Building Assistant.

2. Pledge of Allegiance

3. Approval of minutes of the June 7, 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. Variances – Accessory Building Area & Front Yard Setback – Workshop – 5566 Milton Ave. (Eric Rousculp) BZA 23-18

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 front yard requirement of 30 feet. Total accessory building area is limited to 850 square feet.
2. The property has an existing 339 square foot attached garage.
3. The applicant is proposing construct a 21 foot 2 inch by 38 foot detached, story and a half workshop, with a 21 foot 2 inch by 22 foot game room and 21 foot 2 inch by 16 foot covered patio; totaling 1608 square feet in area. The total proposed accessory building area is 1,947 square feet. The requested variance is 1,097 square feet.

4. The applicant is proposing the building 18 feet 6 inches from the Sharon Springs right-of-way. The requested variance is 11 feet 6 inches.

The following conclusions are presented:

1. The majority of the workshop is underground due to the slope of the site, is a half story as defined in the zoning code, and comprises half of the proposed building area. The more visible game room is a more modest 466 square feet with a fairly large, 339 square foot covered patio. If this building were attached to the dwelling, these uses would not be considered accessory but the primary use, and only the workshop area would be counted. These factors mitigate the substantial nature of the accessory building area variance.
2. 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. In this particular case, the lot is 64 feet 3 inches wide with a dwelling encroaching into the many of the setbacks. 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:

Eric Rousculp, 5566 Milton Avenue, said his wife Lisa purchased the home through a Sheriff Sale and they had no intentions of living there until they started working on the home and fell in love with the area and decided to make this place their home. He is an avid woodworker and would like to have a workshop.

Ms. Reibel said she thought Mr. Rousculp did a really good job with the home.

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

Katie Ledford, 133 Sharon Springs Drive, said her bedroom is close to the property line and she has noise concerns when this family entertains. She can hear the neighbors when the windows are open or closed. She understands Mr. Rousculp will be adding a soundproof wall which will be close to her property.

Ms. Crane said she was a little concerned with the size of the structure and the number of uses, and the fact that this structure will also have a kitchen and a shower. She did not understand what the game room had to do with this project. Mr. Rousculp replied he had tried to figure out how to be able to have a workshop on the property and be able to use the structure as a garage. He would like to add a hot tub to the patio area and be able to use the hot tub without having to go inside the house to clean up first so that is why he would like to have a bathroom in the accessory structure.

Mr. Coulter asked if he would be okay with moving the project over two feet and Mr. Rousculp replied he would like to keep the sight lines even with the house, but was willing to move the accessory structure over two feet. He designed the concept of the structure but said he would be hiring an architect to move forward. There are plans to use either glass block or possibly a double layer of drywall material to reduce noise spillage.

Mr. Coulter said those were good intentions, but he would still like to see the project moved over two additional feet, further away from the neighbor's property.

Ms. Reibel said she struggled with the thought of this unit becoming livable space. Mr. Rousculp said he did not plan to add a kitchen but a grill placed in the terraced area.

Mr. Seitz said he was concerned with the addition of plumbing to the structure because he felt the structure was becoming more like a house. Mr. Rousculp said the lack of plumbing would be inconvenient but not a game changer. He said he has had discussions with his builder about possibly having the shower on the outside of the structure but he would prefer a full bathroom.

Ms. Crane asked him if he planned to have a toilet in the workshop and Mr. Rousculp replied he would like to have a toilet in the structure. Mr. Coulter said having a bathroom in the structure would be similar to having an apartment over the garage. Mr. Rousculp said that was not a problem he would just walk back into the house.

Mr. Seitz asked how does the city enforce not having a dwelling in this detached building and Mr. Phillips replied when the applicant applies for a permit, he looks for items that would classify the structure as a dwelling such as sanitation facilities, which would include a lavatory, shower and a water closet. He also looks for cooking facilities but having just a grill and a microwave is not considered a kitchen. There would have to be a stove, a refrigerator, and a sink. He did not hear anything this evening which would cross the line to have this accessory structure considered a dwelling.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY ERIC ROUSCULP FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY BUILDING AREA AND FRONT YARD SETBACK TO CONSTRUCT AN ACCESSORY BUILDING AT 5566 MILTON AVENUE, AS PER CASE NO. BZA 23-18, DRAWINGS NO. BZA 23-18 DATED JUNE 6, 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. Mr. Phillips called the roll. Mr. Coulter, Mr. Falcoski, and Mr. Seitz voted “aye”. Ms. Crane and Ms. Reibel voted “nay”. The motion was approved.

**2. Variance – Accessory Building Area – Garage – 145 Northhigh Dr. (Collin Smith)
BZA 24-18**

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 existing 400 square foot attached garage and an approximately 100 square foot shed.
3. The applicant is proposing to replace the existing shed with a 24 foot by 40 foot detached garage, with a 12 foot by 40 foot storage space above, totaling 1440 square feet in area. The total proposed accessory building area is 1,840 square feet. The requested variance is 990 square feet.

The following conclusions are presented:

1. The property is almost 43,440 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 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:

Ms. Crane asked if there was a time table for this project and Collin Smith, 145 Northhigh Drive, replied he did not have a time table prepared. Ms. Crane asked if he would be demolishing the shed and he replied yes..

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

Scott Doellinger, 140 Northhigh Drive, said he lives west of the applicant's property and he is in favor of this project.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY COLLIN SMITH FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY BUILDING AREA TO CONSTRUCT A GARAGE AT 145 NORTHHIGH DRIVE, AS PER CASE NO. BZA 24-18, DRAWINGS NO. BZA 24-18 DATED JUNE 6, 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. Mr. Phillips called the roll. Mr. Coulter, Ms. Reibel, Mr. Falcoski, and Mr. Seitz voted "aye", Ms. Crane voted "nay". The motion was approved.

3. Variance – Signage 445 E. Granville Rd. (Danite Sign Co./Boundless) BZA 25-18

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the S-1 district with the following signage requirements:
 - a. Signs are limited to 4 colors including black and white.
 - b. Directional signs are limited to 24 inches in height or width
 - c. Directional signs are limited to 36 inches in height above the grade
 - d. Directional signs are limited to a total of 20 square feet in area.

2. The applicant is proposing the to replace the sign faces of the existing freestanding sign with a new sign face and placing 17 directional signs about the property, as follows:
 - a. The freestanding sign and the directional sign for the Health and Wellness Center, Sign A, will contain 8 colors. The requested variance is 4 additional colors.

- b. The 2 parking directional signs will contain 5 colors. The requested variance is 1 additional color.
 - c. 6 directional signs, A through F, are proposed to be 3 feet 6 inches wide and 4 feet above grade. The requested variances are 1 foot 6 inches for sign width and 1 foot for sign height.
 - d. 9 directional signs, 1 through 9, are proposed to be 3 feet wide and 3 foot 6 inches above grade. The requested variances are 1 foot for sign width and 6 inches for sign height.
 - e. 2 directional signs for parking are proposed to be 4 feet 4 inches above grade. The requested variance is 1 foot 4 inches for sign height.
 - f. The total area of the 17 directional signs is 87 square feet. The requested variance is 67 square feet.
3. The property is subject to, and the signage has been approved by, by the Architectural Review Board.

The following conclusions are presented:

1. The extra colors on the freestanding sign and 1 directional sign is more the result of the logo merging colors, creating additional colors. The 2 directional signs are using 2 shades of grey. The variance requests for additional colors are not significant.
2. The property is over 45 acres in size with approximately 18 dispersed buildings housing different functions. Finding a particular service or a particular building is difficult without directional signs. If each building were on a separate parcel, few if any directional sign variances would probably be required, especially since each building would have an address to make it easier to find. These factors mitigate the substantial nature of the directional sign variances requested.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Discussion:

Michael Mayhugh, 995 Lori Lane, Westerville, said they have a large campus with a network of drives which are inefficient and people have a difficult time finding where they are supposed to go. They are in the process of developing a masterplan and do not want to build an expensive monument sign until the masterplan has been completed.

Ms. Crane asked what the company is about and Mr. Mayhew replied the program was formerly known as Step By Step which is a special educational program for children with autism who cannot get along with children in the regular school system. The school is

staffed with therapists and social workers and the teachers work one on one with the students.

Mr. Falcoski asked why the directional signs needed to be taller, and Mr. Mayhew replied due to the large number of buildings and they need the font to be legible from the road so the signs need to be larger.

Mr. Seitz asked if the Architectural Review Board had any discussion about the height of the signs and if the previous signs were problematic because they were the same height as cars. Mr. Coulter replied the Board did discuss the signs and agreed the signs needed to be a little taller so they would not interfere with sight lines. Mr. Seitz said he had safety concerns with the signs located at intersections and Mr. Mayhew said he agreed and the signs will be pulled back from the intersections a little bit.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY DANITE SIGN CO. AND STEP BY STEP ACADEMY INC. FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ERECT SIGNS AT 445 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 25-18, DRAWINGS NO. BZA 25-18 DATED JUNE 7, 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. Mr. Phillips called the roll. Mr. Coulter, Ms. Crane, Mr. Falcoski, and Mr. Seitz voted “aye“. Ms. Reibel voted “nay“. The motion was approved.

4. Variance – Accessory Building Area – Pavilion Size Change – 1881 W. Dublin-Granville Rd. (William F. Bartelt III) BZA 26-18 (Amendment to BZA 08-18)

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 existing 616 square foot detached garage and a 216 square foot shed, totaling 832 square feet in area.
3. On April 5, 2018, a variance allowing a total accessory building area of 992 was granted, to allow the construction of a 10 foot by 16 foot, 160 square foot pavilion. The applicant is proposing the pavilion to be 12 feet by 16 feet and 192

square feet in area. The proposed total accessory building area is 1,024 square feet. The requested additional area variance is 32 square feet.

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 area requested 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:

William Bartelt, III, 1881 West Dublin-Granville Road, said he was acting as his own architect and he missed the addition of a connecting piece of sidewalk. The width of the pavilion is two feet wider which is necessary so the post will not land in the middle of the sidewalk.

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

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY WILLIAM BARTELT FOR A VARIANCE FROM CODE REQUIREMENTS FOR ACCESSORY BUILDING AREA TO CONSTRUCT A PAVILION AT 1881 WEST DUBLIN-GRANVILLE ROAD, AS PER CASE NO. BZA 26-18, DRAWINGS NO. BZA 26-18 DATED JUNE 8, 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.

C. Other

There was no other business to discuss.

D. Adjournment

Ms. Reibel moved to adjourn the meeting, seconded by Mr. Seitz. The meeting adjourned at 7:54 p.m.