



**BOARD OF ZONING APPEALS  
-AGENDA-  
Thursday, September 06, 2018 at 7:00 P.M.**

Louis J.R. Goorey Worthington Municipal Building  
The John P. Coleman Council Chamber  
6550 North High Street  
Worthington, Ohio 43085

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**A. Call to Order - 7:00 pm**

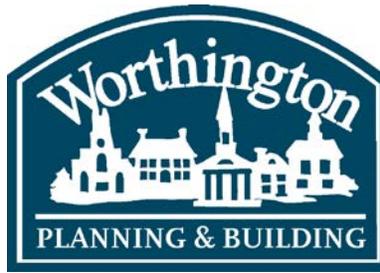
1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the August 2, 2018 meeting
4. Affirmation/swearing in of witnesses

**B. Items of Public Hearing**

1. **Variance** – Side Yard Setback – Fence – **295 W. South St.** (Gary Nolan) **BZA 28-18**
2. **Variance** – Rear Yard Setback – Room Addition – **100 Chacey Ln.** (Edward Murphy/  
Peggy Newkirk) **BZA 29-18**
3. **Variances** – Side & Rear Yard Setback – Fence & Arbor – **5731 Foster Ave.** (Randy  
Headings/ Ruth Smith) **BZA 32-18**
4. **Variance** – Front Yard Setback – Flagpole – **291 Bristol Woods Ct.** (Elise Krieger &  
Brent Bowen) **BZA 33-18**
5. **Extension of Construction Completion Period** – Single Family Dwelling – **410 Tucker  
Dr.** (Aaron and Susan Bakhshi) **BZA 34-18**

**C. Other**

**D. Adjournment**



August 31, 2018

To: Members of the Board of Zoning Appeals

From: Laney Ellzey, Planning and Building Assistant  
Don Phillips, Chief Building Inspector

Subject: Staff Comments for the Meeting of September 6, 2018

## **B. Items of Public Hearing**

### **1. Variance – Side Yard Setback – Fence – 295 W. South St. (Gary Nolan) BZA 28-18**

Findings of fact:

1. The applicant is proposing to construct a fence within the area between the right of way line and the building setback line, which requires a variance. The front yard setback is 30 feet for corner lots, the adjacent side yard can be reduced to 20 feet. Additionally, no structure shall be erected within 10 feet of either the front or side yard right-of-way line at a height greater than two and one-half feet above street grade.
2. This property is in the R-10 district and is located on the corner of South Street and Garden Drive.
3. The proposed fence in the rear yard would be a wooden shadowbox style with open picket, which would replace an existing chain-link fence. The height for this fence is 4 feet with a length of 70 feet along the rear property line. The applicant would need a 20 foot side yard setback as well as a variance for exceeding the 2 ½ feet above street grade criteria for corner lot visibility.
4. The proposed fence would not be deviating from the current fence location.

The following conclusions are presented:

1. The variance request is substantial; although, there are factors that are helpful to the applicant's case, such as the right-of-way being slightly wider for this particular property. Also, the fence sits back from the South and Garden intersection and should not interfere with visibility across that lot.
2. By upholding the location of the current fence, there will be a substantially larger backyard for the homeowners use rather than if the fence was behind the setback.

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

The following motion is recommended:

**THAT THE REQUEST BY GARY NOLAN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND FENCE HEIGHT TO CONSTRUCT A FENCE AT 295 WEST SOUTH STREET, AS PER CASE NO. BZA 28-18, DRAWINGS NO. BZA 28-18 DATED JULY 13, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

**2. Variance – Rear Yard Setback – Room Addition – 100 Chacey Ln. (Edward Murphy/ Peggy Newkirk) BZA 29-18**

Findings of fact:

1. The applicant is proposing to construct a 12 foot by 12 foot-10 inch room addition on an existing deck off the rear of the home. The proposed addition would be 18 feet 7 inches from the property line and would encroach on the 30 foot rear yard required setback. The requested variance is 11 feet and 5 inches.
2. The property is on a private roadway.
3. Staff has received statements of support from a neighboring property owner.

The following conclusions are presented:

1. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

The following motion is recommended:

**THAT THE REQUEST BY EDWARD MURPHY ON BEHALF OF PEGGY NEWKIRK, FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT AN ADDITION AT 100 CHACEY LANE, AS PER CASE NO. BZA 29-18, DRAWINGS NO. BZA 29-18 DATED JULY 13, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

**3. Variance – Side & Rear Yard Setback – Fence & Arbor – 5731 Foster Ave. (Randy Headings/ Ruth Smith) BZA 32-18**

Findings of fact:

1. The applicant is proposing to replace fences and an arbor on the property. The front yard and rear yard setback are 30 feet, while the side yard adjacent to Lake Ridge Road is 20 feet. Additionally, no structure shall be erected within 10 feet of either the front or side yard right-of-way line at a height greater than 2 1/2 feet above street grade.
2. The arbor being proposed would encroach on the other side yard setback 8 feet. The structure would be 6 inches from the side yard property line and 6 inches from the side of the house. The structure will be made of cedar and will be 8 feet in height and 4 1/2 feet wide.
3. The grade from Lake Ridge Road to the property is substantial.
4. The proposed fence in the rear yard would replace the existing chain link fence and would be 4 feet in height. The fence would be located 20 feet from the rear yard alley and approximately 15 feet from the side yard property line. This fence will abut the neighbor's retaining wall.
5. The proposed fence on the north end of the property along Lake Ridge Road will replace an existing wood rail fence along the property line, and will be 4 feet in height. The proposed fence will be in along the right of way.

The following conclusions are presented:

1. At the south end of the property, a neighbor's retaining wall abuts the property, creating a privacy barrier between property owners. There will be no new placements with this new fence; it will just be replacing what fence already exists.
2. The arbor appears to be a decorative feature for the property rather than a permanent structure.
3. The open picket style of the fence and lower height may create a less abrasive view to the property from Lake Ridge Road.
4. The essential character of the neighborhood should not be substantially altered.
5. The delivery of governmental services should not be affected.

The following motion is recommended:

**THAT THE REQUEST BY RUTH SMITH FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK TO ERECT FENCES AND AN ARBOR AT 5731 FOSTER AVE AS PER CASE NO. BZA 32-18, DRAWINGS NO. BZA 32-18 DATED JULY 30, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

**4. Variances – Front Yard Setback – Flagpole - 291 Bristol Woods Ct. (Elise Krieger & Brent Bowen) BZA 33-18**

Findings of fact:

1. The applicant replaced an existing light post with an illuminated flagpole. The flagpole is approximately 6 feet from the right-of-way, encroaching into the 30' front yard required setback. The requested variance is 24 feet.
2. Division of Building Regulation has received numerous inquiries regarding this property.

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.

The following motion is recommended:

**THAT THE REQUEST BY ELISE KRIEGER AND BRENT BOWEN FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK VARIANCE TO ALLOW FOR A FLAGPOLE WITH LIGHTING TO REMAIN AT 291 BRISTOL WOODS CT, AS PER CASE NO. BZA 33-18, DRAWINGS NO. BZA 33-18 DATED AUGUST 9, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

**5. Extension of Construction Completion Period – Single Family Dwelling – 410 Tucker Dr. (Aaron and Susan Bakhshi) BZA 34-18**

Findings of fact:

1. Building Permit 21573 was issued on January 26, 2016 to construct an approximately 19,426 square foot, single family dwelling on the property. The permit expired on July 26, 2017. Plumbing Permit 8097 was issued on August 23, 2016. Mechanical Permit 2156 was issued on April 6, 2017. An Electrical Permit has not been issued.
2. The certificate of phased plan approval was last issued on March 16, 2017. Design work to be completed includes the retaining walls, the thermal envelope, the fireplaces, the swimming pool, fuel gas piping system, and the electrical system.
3. The last permit interaction we have on file was for an administrative action for the mechanical permit on April 11, 2018 in response to a letter sent to the owner and mechanical contractor that has been no inspection in the year since the permit was issued. That contractor advised he was not ready for the rough mechanical inspection and he was willing to resume the project.
4. The applicant was granted a one year time extension by the Board on September 7, 2017. The applicant is requesting another one year extension.
5. The owners filed a claim in Franklin County Common Pleas against the builder on March 5, 2018.
6. Staff has asked for a preliminary schedule to gauge construction progress of the completion of the dwelling.

The following conclusions are presented:

1. This particular dwelling is much larger and more complicated than a typical dwelling. In addition its sheer size which includes a full basement even under the attached garage, the dwelling structure uses a mixture of wood, structural steel, concrete over metal deck, and floor trusses.
2. The brickwork on the home was substantially completed by the end of December 2017; indicating there was progress done within the last year.
3. Since the last time extension, the owner has been in litigation with the builder including the subcontractors placing liens on the property. The owner's counsel advises those matters are close to being resolved, a new contractor has been selected, some of the liens have been released, and scanned copies of the approved drawings have been provided to the new builder. The owner's counsel further reports that they will resume construction in the coming months once liens are released and financing secured. The owner's counsel and contractor also reports that they are geared up, and in the process of outlining a

preliminary construction schedule. They have stated that it is still their desire to complete the construction as quickly as possible.

4. Staff has requested a timeline with milestones for completion of the project. If the Board so desires to grant an additional 1-year extension, staff would recommend a condition be placed on its approval requiring a timeline with milestones.

The following motion is recommended:

**THAT THE REQUEST BY AARON AND SUSAN BAKHSI FOR A ONE YEAR EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD TO ALLOW THE CONSTRUCTION OF A DWELLING TO CONTINUE AT 410 TUCKER DRIVE AS PER CASE NO. BZA 34-18, DRAWINGS NO. BZA 34-18 DATED AUGUST 10, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING AND THE TIMELINE WITH MILESTONES, AS DISCUSSED BY THE BOARD AT THE MEETING BE A CONDITION OF THE APPROVAL.**

*(partial)* **1129.05 POWERS AND DUTIES.**

(a) Generally. The Board of Zoning Appeals shall have the following powers, and it shall be its duty to: hear and decide appeals where it is alleged there is an error of interpretation made by the Building Inspector in the enforcement of this Zoning Ordinance, the Building Code, or the Property Maintenance Code, or any amendment thereto.

(b) Exceptions. In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

(6) Extension and construction completion periods. The Board may authorize, for good cause shown, extension of the time period provided for the completion of structures in the Building Code. However, the Board may not authorize extension of the period for greater than a one-year extension of time subject to one-year renewals and such conditions as well safeguard the public health, safety, convenience, and general welfare.

(c) Area Variances. The Board shall have the power to hear and decide appeals and authorize variances from the provisions or requirements of this Zoning Ordinance. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objective of this Zoning Ordinance. The Board may grant a variance in the application of the provisions of the Zoning Ordinance when it is determined that practical difficulty exists based on the following factors:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(2) Whether the variance is substantial;

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

(4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and,

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

August 2, 2018

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: M. Coulter; L. Reibel; D. Falcoski; and C. Crane; and also present were D. Phillips, Chief Building Inspector; and L. Ellzey, Planning & Building Assistant.
2. Pledge of Allegiance
3. Approval of minutes of the July 5, 2018 meeting

Mr. Coulter moved to approve the minutes, seconded by Mr. Falcoski. All members voted “aye” and the minutes were approved.

4. Affirmation/swearing in of witnesses

**B. Items of Public Hearing**

**1. Variances – Signage – 7007 N. High St. (The Witness Group) BZA 27-18**

Mr. Phillips reviewed the staff memo:

Findings of fact:

1. This property is in the C-4 district and within the Wilson Bridge Road District. This site has been identified in policy documents to be WBC-3. The following signage requirements apply:
  - a. The parcel is permitted 1 freestanding sign. The Wilson Bridge Corridor Districts allows for 2 freestanding signs for parcels larger than 2 acres.
  - b. Freestanding signs must be setback a minimum of 10 feet from the right of way.
  - c. Freestanding sign area is limited to 60 square feet. The Wilson Bridge Corridor Districts allow freestanding signs up to 100 square feet in size.
  - d. Freestanding signs are limited to 3 tenants. The Wilson Bridge Corridor Districts allows up to 8 tenants.
  - e. Each business is permitted a single wall mounted sign. The Wilson Bridge Corridor Districts allows a business occupying more than 25% of a building a wall mounted sign and a projecting sign.
  - f. Each business is limited to 100 square feet of total sign area.



requested variance is to allow all of the directional sign graphic to be non-directional.

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

The following conclusions are presented:

1. The site is very large with a mix of proposed uses and buildings, with 2 ingress points into the site, approached from 2 major streets, including a shared intersection with the existing mall to the north. Policy documents for future zoning in the Wilson Bridge Road corridor allows for more and larger signage. The sign code anticipates visibility from the rights-of-way but does not provide for duplicate signage on the back of buildings when they are pushed up towards the street. The signs are a fair distance from the Wilson Bridge Road and High Street intersection which require freestanding signs to be larger than a typical site. The hotel requires larger signs to be seen from the street since it is set back from the streets on the site, behind the other 5 buildings. The proposed hotel signage is not disproportionate to the size of the building and the 2 smaller projecting signs are more directional signs than signs advertising a business. The directional sign on the south is intended to aid those on Caren find the entrance to the hotel. 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:**

Ms. Crane asked for clarification if all of the previous variance requests for this address would be replaced by the current proposal and Mr. Phillips responded, "Yes." He said the current site does not have that many tenants on it, otherwise for the hotel it will not be substantially different. What will be substantially different is the four buildings with three to five tenants per building and they will have double the signage. This will be a mini town center, most of the signs will not be visible from West Wilson Bridge Road, or High Street, some of the signs will be on the backs of the buildings and would only be visible from Caren Avenue if looking in between the buildings. Ms. Crane asked if the applicant was present.

Jack Reynolds, an attorney from Smith & Hale, 37 West Broad Street, Columbus, Ohio, and Rob McGuinness, representing Ford & Associates Architects, 1500 West First Avenue, Columbus, Ohio. Mr. Reynolds said he agreed with staff comments, that this will be a shopping center. Merchants along West Wilson Bridge Road will need signage to identify themselves and let patrons know how to get to their stores, restaurants, or

personal service place. The shopping center will be a little different than across the street because they are bringing their buildings forward. Mr. Reynolds said when you look at the individual signs themselves the signage package is not that large. The calculation for the freestanding sign may have been a little excessive. Mr. McGuinness said each panel is forty-seven square feet. Mr. Phillips explained the way the sign code is defined, the entire width of the structure has to be measured, not just the panel area. Mr. Reynolds said the hotel need some signage because of the way it sits back on West Wilson Bridge Road, and the directional signage on Caren Avenue will help get people onto the site. Mr. Reynolds said additional right-of-way along West Wilson Bridge Road will be donated to the city, and some along North High Street, in order to increase the dedicated right-of-way. He said if the right-of-way had not been dedicated they would have needed a 10 foot setback. This will be a really nice re-development of the site once things get started and the buildings are built. Ms. Crane asked if the right-of-way was dedicated for future widening of the roads and Mr. Phillips explained there could be a pedestrian walkway since the city is trying to create a more walkable environment and get people to walk down Wilson Bridge Road and not feel hemmed in by a four foot sidewalk. Ms. Crane asked if there was anyone to speak for or against this application.

Steve Rosandich, 140 Caren Avenue, felt the buildings should not be placed so close to the road and would be an egress problem for emergency vehicles. Ms. Crane explained to Mr. Rosandich the Board is only discussing signage for the property. Mr. Rosandich continued to say he was against the buildings being so close to the road because there is nowhere to tuck and roll away from an oncoming vehicle that loses control. Ms. Crane said Mr. Rosandich was out of order. He said he would like to continue the conversation concerning signage and he felt the hotel owners were not good neighbors. Mr. Rosandich was not in favor of any signage facing Caren Avenue that might shine towards his property. He asked for careful consideration for the people that live along Caren Avenue and Hayhurst Avenue.

Mr. Coulter reviewed some of the signage issues that were addressed through the Architectural Review Board process. He explained a signage package was developed where the signs can only be of a certain size, a certain dimension, and will be located down low on the building. Mr. Phillips stated there have not been any sign applications submitted yet, but the code allows them to be illuminated. Ms. Crane asked if there were any restrictions on the brightness of the signs. Mr. Phillips responded the sign code has a maximum wattage that is permitted inside the fixture. Mr. Coulter explained if the fixtures are LED, the Board members require the LED to be of a warm color. Mr. Falcoski asked if a landscaping plan had been approved yet, and Mr. Coulter replied, "Yes." The plan included buffering. Mr. Rosandich asked to keep the monument sign as small as possible.

**Motion:**

Mr. Falcoski moved:

**THAT THE REQUEST BY THE WITNESS GROUP AND HE HARI INC. FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE AT 7007 NORTH HIGH STREET, AS PER CASE NO. BZA 27-18, DRAWINGS NO. BZA 27-18 DATED JULY 6, 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. Variance – Side & Rear Yard Setbacks, Signs – Shed, EV Charging Stations, Light Pole – 80 E. Wilson Bridge Rd. (McDonald’s USA, LLC) BZA 30-18**

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 setback requirement from North High Street is 100 feet for accessory buildings, and the side yard setback requirement is 15 feet. Businesses are not permitted to have off-premise signage. Changeable copy signage is not permitted. Directional signage is limited to 3 feet in height and total directional sign area is limited to 20 square feet.
2. Variances for redevelopment of the site for a new restaurant and its associated signage were granted on April 5, 2018. Total directional signage area approved was 30.84 square feet.
3. The applicant is proposing a 10 foot by 17 foot shed along the south property line and approximately 83 feet from the North High Street right-of-way. The requested variances are 15 feet for side yard setback, and 17 feet for rear yard setback.
4. Additionally, the applicant is proposing to place 2 electric vehicle charging stations with a display screen for processing transactions, along the south property line. The requested variance is 15 feet for side yard setback and for changeable copy on the charging station display screens.
5. Each charging station is proposed with a 12 inch by 18 inch, 1.5 square foot, estimated at 7 foot tall, directional sign. The total proposed directional sign area is

33.84 square feet. The requested variance is an additional 3 square feet of directional sign area.

6. The charging station will have the Blink company logo on the transaction side of the station and the directional sign will have the Car Charging Group, Inc. name. The requested variances are 2 off-premise signs for Blink and Car Charging Group, Inc.
7. Lastly, a light pole east of the proposed shed was not previously identified at the April 5, 2018 hearing. The proposed light pole is approximately 10 from the south property line. The requested variance is 5 feet.
8. The *2017 Ohio Building Code* requires exterior walls of buildings within 5 feet of a property line be made of fire-resistance-rated construction. Variances from the *Ohio Building Code* can only be granted by the Ohio Board of Building Appeals.
9. The property is subject to, and the changes to the project have been approved by, the Architectural Review Board. The Board did not approve advertising in the charging station display screen.

The following conclusions are presented:

1. The shed appears to be more a fence, like the dumpster enclosure, than a building. The 2 small directional signs need to be raised to be visible when a vehicle parks in front of them. The requested setback variances, and the directional signage area and height variances are not substantial.
2. Typically off-premise signs are discouraged but in this particular case, the electricity vendor should be known to the user of the charging stations. This mitigates the substantial nature of the off-premise sign 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:**

Lynsey Jordan, representing Permit Solutions, 175 South Third Street, Columbus, Ohio, and Sharon Sills, representing McDonald's USA, 2 Easton Oval, Columbus, Ohio. There were no questions or concerns. Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Ms. Reibel moved:

**THAT THE REQUEST BY MCDONALD'S USA, LLC AND FRANCHISE REALTY INTERSTATE CORP FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACKS AND SIGNAGE TO CONSTRUCT A SHED, EV CHARGING STATIONS, AND A LIGHT POLE AT 80 WEST WILSON BRIDGE ROAD, AS PER CASE NO. BZA 30-18, DRAWINGS NO. BZA 30-18 DATED JULY 13, 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.

**3. Variance – Side Yard Setback – Addition – 529 High St. (Jeanne Lennon/Lennonheads) BZA 31-18**

Findings of fact:

1. This property is in the C-1 district with a required side yard of 10 feet.
2. Variances were granted on August 3, 2017 to construct additions to the property but the project scope has changed.
3. The applicant is proposing to construct a single story addition on the south side of the building. A portion of the addition, approximately 24.5 feet by 7 feet, is proposed 8 feet 2¾ inches from the south property line. The requested variance is 1 foot 9¼ inches.
4. The property is subject to, and the addition has been approved by, by the Architectural Review Board.

The following conclusions are presented:

1. The building is set back to provide for parking on this corner lot, limiting where additions can be added. 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:**

Matt Lones, representing Orange Frog Design Group, 411 Meditation Lane, Columbus, Ohio, said he is the architect for this project. Mr. Lones said the previous design had the original gable bump on the south side. The new shed roof addition off of the back will

allow for some circulation and inefficiencies on the inside with the previous design. The bump will allow for a processing area where people will be seated. There were no questions or concerns. Ms. Crane asked if there was anyone present to speak or against this application.

**Motion:**

Mr. Coulter moved:

**THAT THE REQUEST BY JEANNE LENNON, LENNONHEADS, AND JD SYSTEMS LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT AN ADDITION AT 529 HIGH STREET, AS PER CASE NO. BZA 31-18, DRAWINGS NO. BZA 31-18 DATED JULY 17, 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.

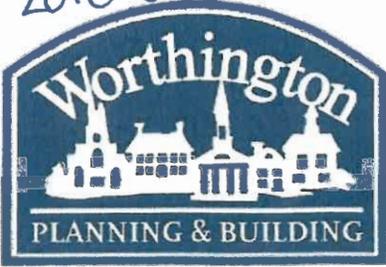
**C. Other**

There was no other business to discuss.

**D. Adjournment**

Mr. Falcoski moved to adjourn the meeting seconded by Ms. Reibel. All members voted, “aye” and the meeting adjourned at 7:55 p.m.

2018 0802



City of Worthington BOARD OF ZONING APPEALS APPLICATION

Meetings - First Thursday of Every Month

Table with case details: Case # BZA-28-18, Date Received 7-13-18, Fee \$25.00, Meeting Date 9-10-18, Filing Deadline 8-10-18

1. Property Location 295 W. South St.

2. Present/Proposed Use Residential

3. Zoning District R-10 N

4. Applicant Gary Nolan

Address 295 W. South St. Worthington, OH 43085

Phone Number(s) 513-638-1236

5. Property Owner Gary Nolan

Address 295 W. South St.

Phone Number(s) 513-638-1236

6. Action Requested (ie. type of variance) Exception to allow fence to be constructed w/in 20' of side yard setback

- 7. Project Details: a) Description Replace chain link fence w/ wooden fence b) Expected Completion Date Fall 2018 c) Approximate Cost \$5,000

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME: The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Gary A Nolan Applicant (Signature)

7/12/18 Date

Gary A Nolan Property Owner (Signature)

7/12/18 Date

Abutting Property Owners List for  
295 W. South St.

|                             |              |   |  |
|-----------------------------|--------------|---|--|
| John Merola<br>Tenant       | Dale Brubeck | 6630 W. Plesenton Dr.<br>303 W. South St. | Worthington, OH 43085<br>Worthington, OH 43085 |
| David and Katherine Fairman |              | 511 Garden Dr.                            | Worthington, OH 43085                          |
| June Mollica                |              | 298 W. South St.                          | Worthington, OH 43085                          |
| Paul and Mary Hartley       |              | 294 W. South St.                          | Worthington, OH 43085                          |
| Brian and Alexandra Austria |              | 290 W. South St.                          | Worthington, OH 43085                          |
| William Luce                |              | 285 W. South St.                          | Worthington, OH 43085                          |

**Address: 295 W. South St**

**Board of Zoning Appeals Supporting Statement**

I am looking for a variance to allow the building of a fence within 20' of the side yard setback. We are looking to replace an old chain link fence, with a new shadowbox style wooden fence. The new fence would not deviate from the current location of the existing fence.

I do not believe this variance is substantial. The character of the neighborhood would not be harmed and would likely improve as the new fence will look better than a chain link fence. Adjoining properties would not be harmed by this variance.

The variance would not adversely affect the delivery of any governmental services.

I purchased the property about 1 year ago and did not have knowledge of the zoning restriction. I assumed as there was already a fence in place, that we would be able to replace it without changing the layout.

I could avoid the variance by following the code and building a new fence 20' from the right of way, but this would drastically alter the size of our back yard. If we do not receive a variance, we would keep the chain link fence up to maintain our current yard size.

By replacing the chain link fence with a wooden fence, this would not alter the current footprint of the fence line but would improve the aesthetics of the neighborhood.

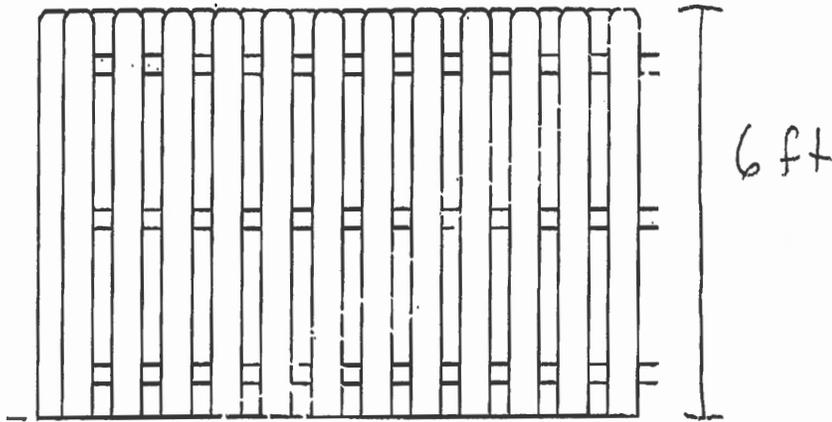
Thanks,  
Gary Nolan

# 295 W. South St.



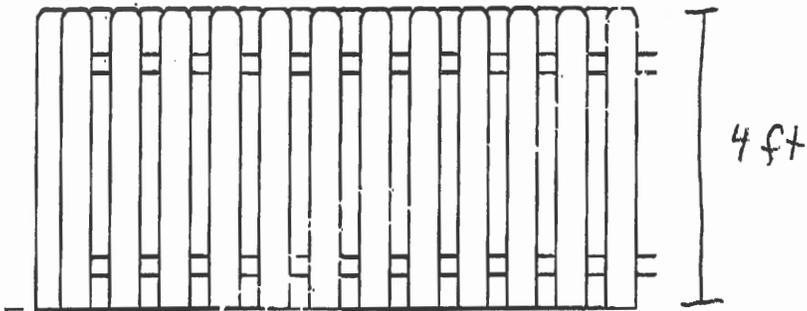
100-001075 04/20/2017

# 295 W. South St.



Wood Shadowbox fence  
(pickets on both sides)

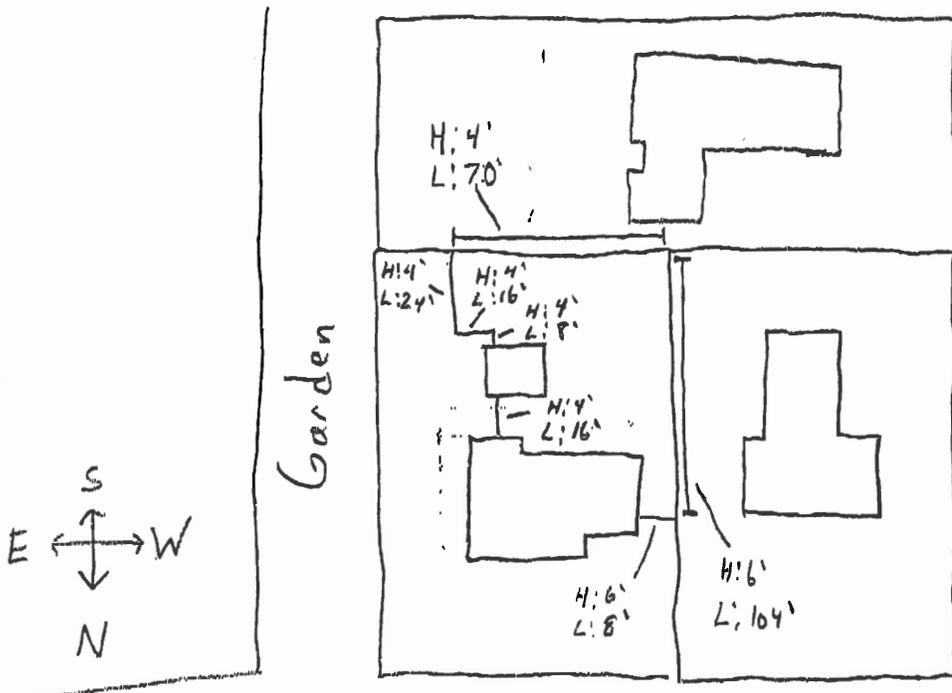
- Replacing existing chain link fence with new wooden fence
- Not deviating from existing fence location



CITY OF WORTHINGTON

DRAWING NO. BZA 28-18

DATE 07/13/18



Distance from lot lines:

- N: 40'
- S: along property line w/ neighbor
- E: along the right of way
- W: along property line w. neighbor

W. South



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings – First Thursday of Every Month

|                 |             |
|-----------------|-------------|
| Case #          | BZA 29-18   |
| Date Received   | 7-13-18     |
| Fee             | \$ 25.00 pd |
| Meeting Date    | 09-06-18    |
| Filing Deadline | #65575      |

1. Property Location 100 CHACEY LN
2. Present/Proposed Use ADDITION
3. Zoning District R-10N
4. Applicant EDWARD P MURPHY  
Address 1484 LANCASTER AVE REYNOLDSBURG OHIO 43068  
Phone Number(s) 614-348-5484
5. Property Owner PEGGY NEWKIRK  
Address 100 CHACEY LN  
Phone Number(s) 614-396-7588
6. Action Requested (ie. type of variance) REAR SETBACK VARIANCE TO SIT ON WOOD DECK
7. Project Details:
  - a) Description 12 FT X 12 FT 10" ROOM
  - b) Expected Completion Date \_\_\_\_\_
  - c) Approximate Cost \$ 25,000

**PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:**

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Edward P Murphy  
Applicant (Signature)

7-13-18  
Date

Peggy R. Newkirk  
Property Owner (Signature)

7/13/18  
Date

Abutting Property Owners List for  
100 Chacey Ln.

|                             |             |                             |                       |
|-----------------------------|-------------|-----------------------------|-----------------------|
| Nancy Bootes                |             | 6628 Worthington-Galena Rd. | Worthington, OH 43085 |
| Laurel Dieken               |             | 181 Laurel Ln.              | Worthington, OH 43085 |
| Brian Girard                |             | 6636 Worthington-Galena Rd. | Worthington, OH 43085 |
| Richard and Leslie Paoletti |             | 191 Chacey Ln.              | Worthington, OH 43085 |
| Frederick Hunker            | Linda Spohn | 185 Laurel Ln.              | Worthington, OH 43085 |

I EDWARD P MURPHY 614-~~74~~348-5484

would like to build a room on the back  
of the house. 100 CHACEY LANE. 12' X 12' 10"

thanks

Edward P Murphy

# 100 Chacey Ln.



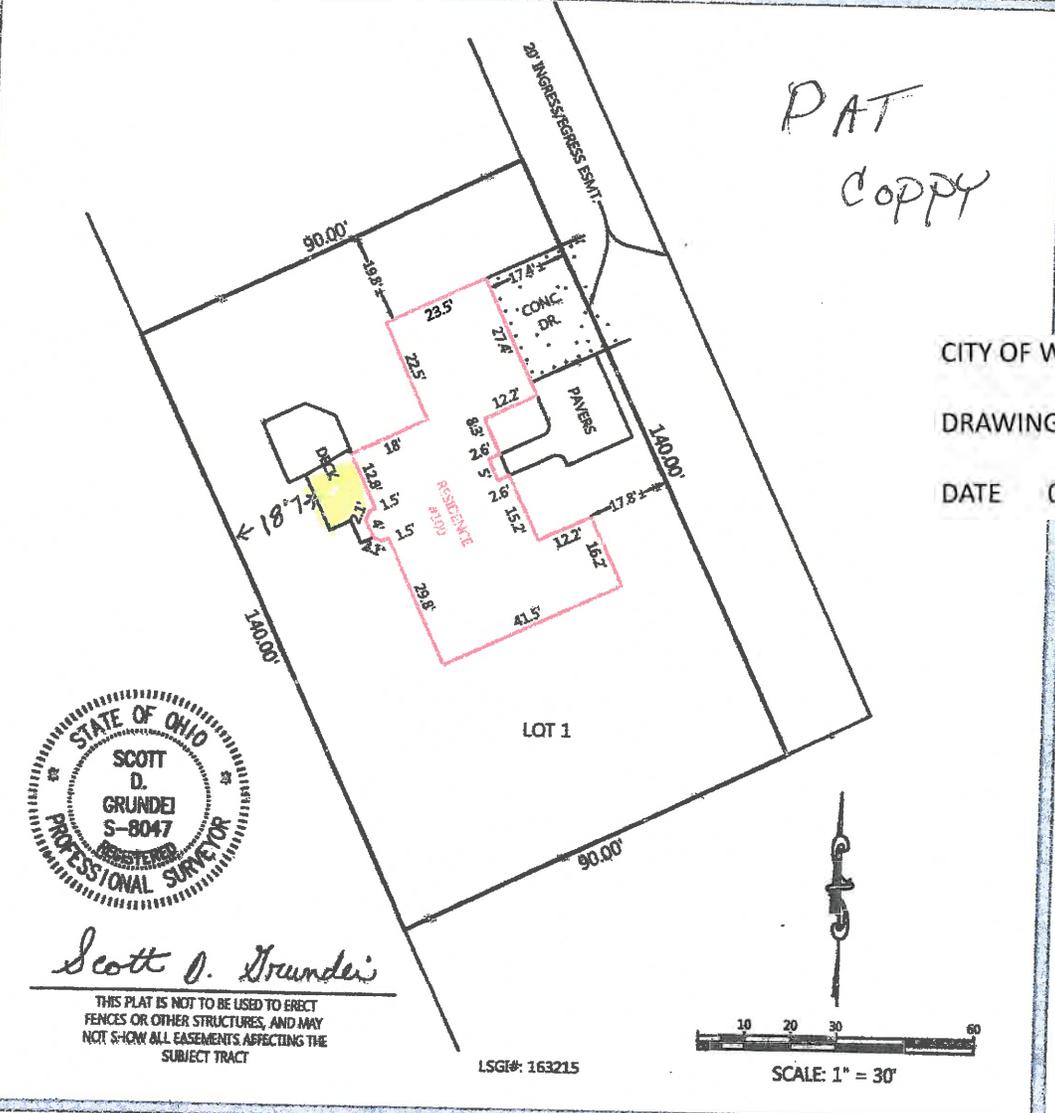
100-005521 04/26/2017



PROPERTY ADDRESS: 100 CHACEY LANE WORTHINGTON, OHIO 43085

SURVEY NUMBER: 163215

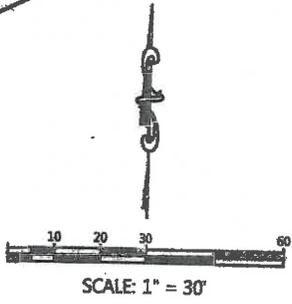
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*Scott D. Grundei*

THIS PLAT IS NOT TO BE USED TO ERECT FENCES OR OTHER STRUCTURES, AND MAY NOT SHOW ALL EASEMENTS AFFECTING THE SUBJECT TRACT

LSGI#: 163215



CITY OF WORTHINGTON  
DRAWING NO. BZA 29-18  
DATE 07/13/18

POINTS OF INTEREST: NONE VISIBLE

|                                    |                 |
|------------------------------------|-----------------|
| CLIENT NUMBER: 1583175             | DATE: 10/3/2014 |
| BUYER: PEGGY WILLS NEWKIRK         |                 |
| SELLER: STEVEN & JUDITH RIGSBY     |                 |
| SUBLOT / ORIGINAL LOT: 1           |                 |
| SUBDIVISION: CHACEY ACRES NO 2     |                 |
| PLAT: 54                           | PG: 66          |
| COUNTY: FRANKLIN                   |                 |
| CERTIFIED TO: TITLE FIRST AGENCY + |                 |

THIS MORTGAGE LOAN IDENTIFICATION SURVEY IS NOT TO BE USED FOR THE INSTALLATION OR BUILDING OF FENCES, SHEDS, GARAGES, ADDITIONS OR ANY OTHER STRUCTURE. TO DETERMINE EXACT BOUNDARY LINES, A BOUNDARY SURVEY IS REQUIRED.

Landmark Survey is proud to support:

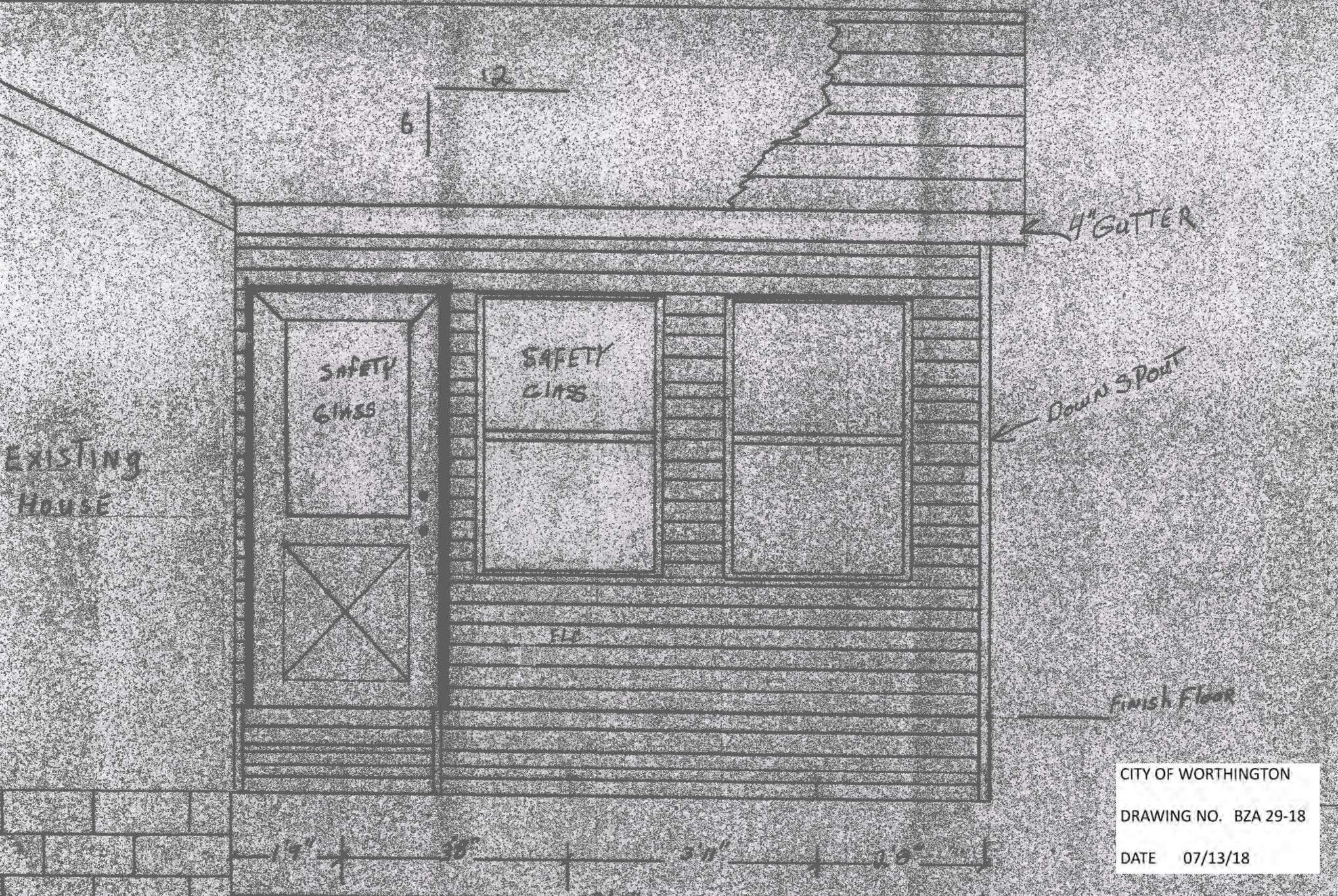


**LANDMARK**

Landmark Survey Group  
2099 West Fifth Avenue  
Columbus, Ohio 43212  
Phone: 614.485.9000  
Fax: 614.485.9003

THIS PLAT DEPICTS THE SUBJECT PROPERTY IN ACCORDANCE WITH THE OHIO ADMINISTRATIVE CODE, CHAPTER 4733-39, MINIMUM STANDARDS FOR MORTGAGE SURVEYS IN THE STATE OF OHIO, AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE.

② 1/2 SCALE

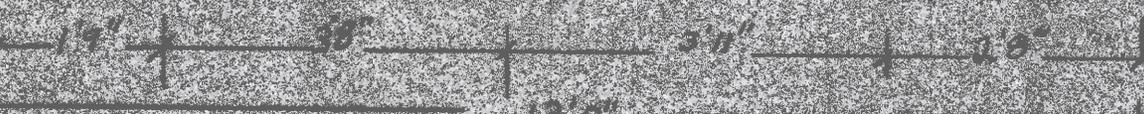


EXISTING HOUSE

4" GUTTER

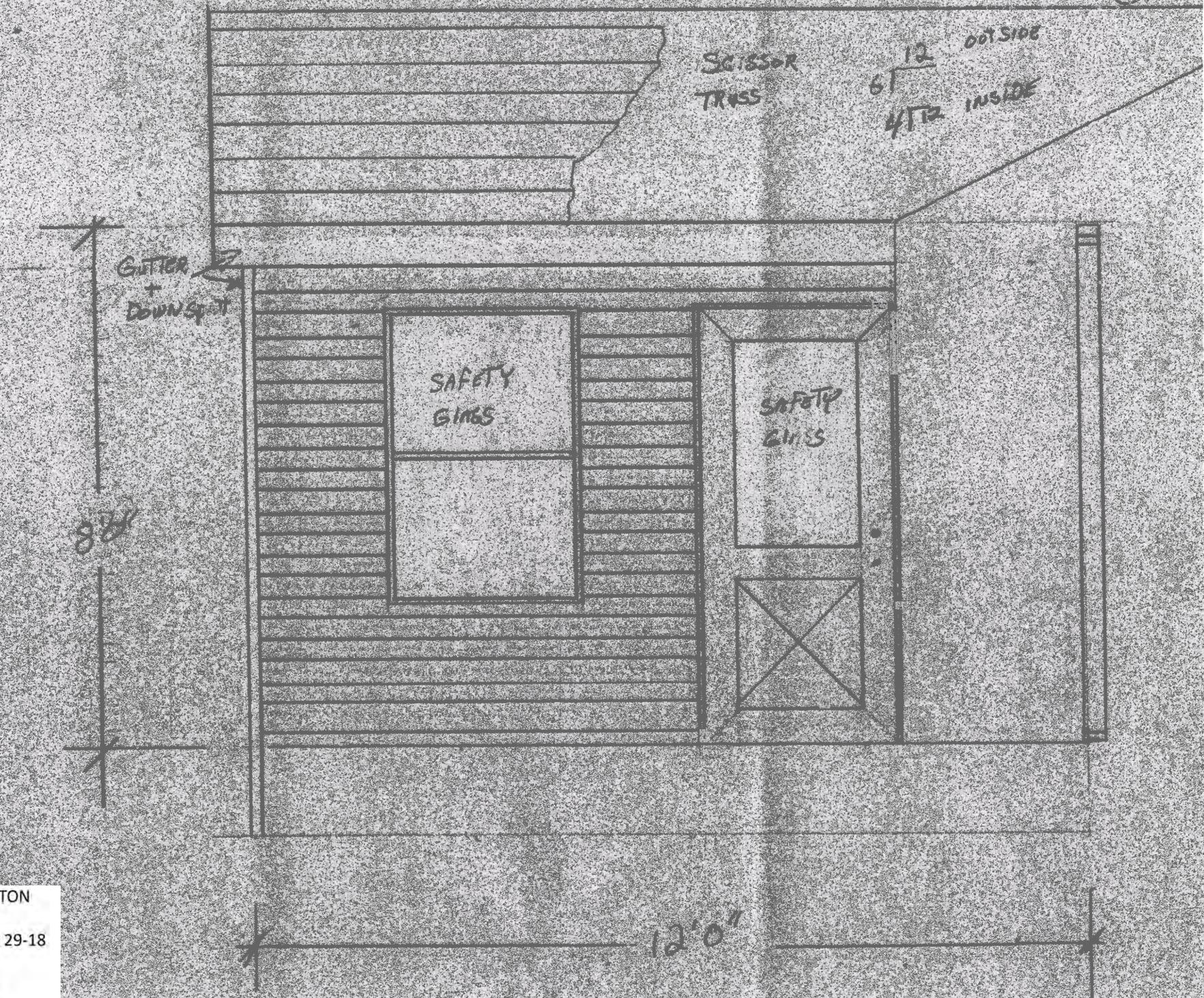
DOWN SPOUT

Finish Floor

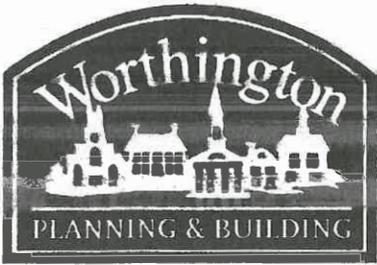


CITY OF WORTHINGTON  
DRAWING NO. BZA 29-18  
DATE 07/13/18

4



CITY OF WORTHINGTON  
DRAWING NO. BZA 29-18  
DATE 07/13/18



**City of Worthington**  
**BOARD OF ZONING APPEALS**  
**APPLICATION**  
 Meetings - First Thursday of Every Month

|                 |           |
|-----------------|-----------|
| Case #          | BZA 32-18 |
| Date Received   | 07/30/18  |
| Fee             | \$25.00   |
| Meeting Date    | 09/06/18  |
| Filing Deadline | #65672    |

1. **Property Location** 5731 Foster Avenue
2. **Present/Proposed Use** Single Family Dwelling
3. **Zoning District** R-10N
4. **Applicant** Randy Headings  
**Address** 405 Darbyton Dr. Plain City, OH 43064  
**Phone Number(s)** 614-679-6908
5. **Property Owner** Ruth Smith  
**Address** 5731 Foster Ave., Worthington 43085  
**Phone Number(s)** 614-561-9157
6. **Action Requested** Set back variance for fence &  
*(ie. type of variance)* arbor
7. **Project Details:**
  - a) **Description** Fence around perimeter of backyard & arbor on front left elevation
  - b) **Expected Completion Date** Spring 2019
  - c) **Approximate Cost** \$8,000.00

**PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:**

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

[Signature]  
 Applicant (Signature)

7/26/18  
 Date

[Signature]  
 Property Owner (Signature)

7/27/18  
 Date

Abutting Property Owners List for  
5731 Foster Ave.

|                        |             |                    |                       |
|------------------------|-------------|--------------------|-----------------------|
| John Ficek             |             | 5723 Foster Ave.   | Worthington, OH 43085 |
| John Ficek             |             | 232 Neilston St.   | Columbus, OH 43215    |
| Anita Goldsmith        |             | 234 Park Blvd.     | Worthington, OH 43085 |
| Walter Vernier         |             | 196 Park Blvd.     | Worthington, OH 43085 |
| Theodore Nemeth        | Sara Seidel | 204 Park Blvd.     | Worthington, OH 43085 |
| Holly Thompson         |             | 212 Colonial Ave.  | Worthington, OH 43085 |
| Mary Mielke            |             | 5730 Foster Ave.   | Worthington, OH 43085 |
| Karen Howell           |             | 215 Lake Ridge Rd. | Worthington, OH 43085 |
| David and Whitney Tapp |             | 5722 Foster Ave.   | Worthington, OH 43085 |

5731 Foster Avenue

Ruth Smith

1.

(1) The setbacks as they are now will limit the backyard for use of enjoyment for the homeowner and pets.

(2) No not substantial

(3) No character of neighborhood would not be altered

(4) No would not affect any services

(5)

(6)

(7)

CITY OF WORTHINGTON

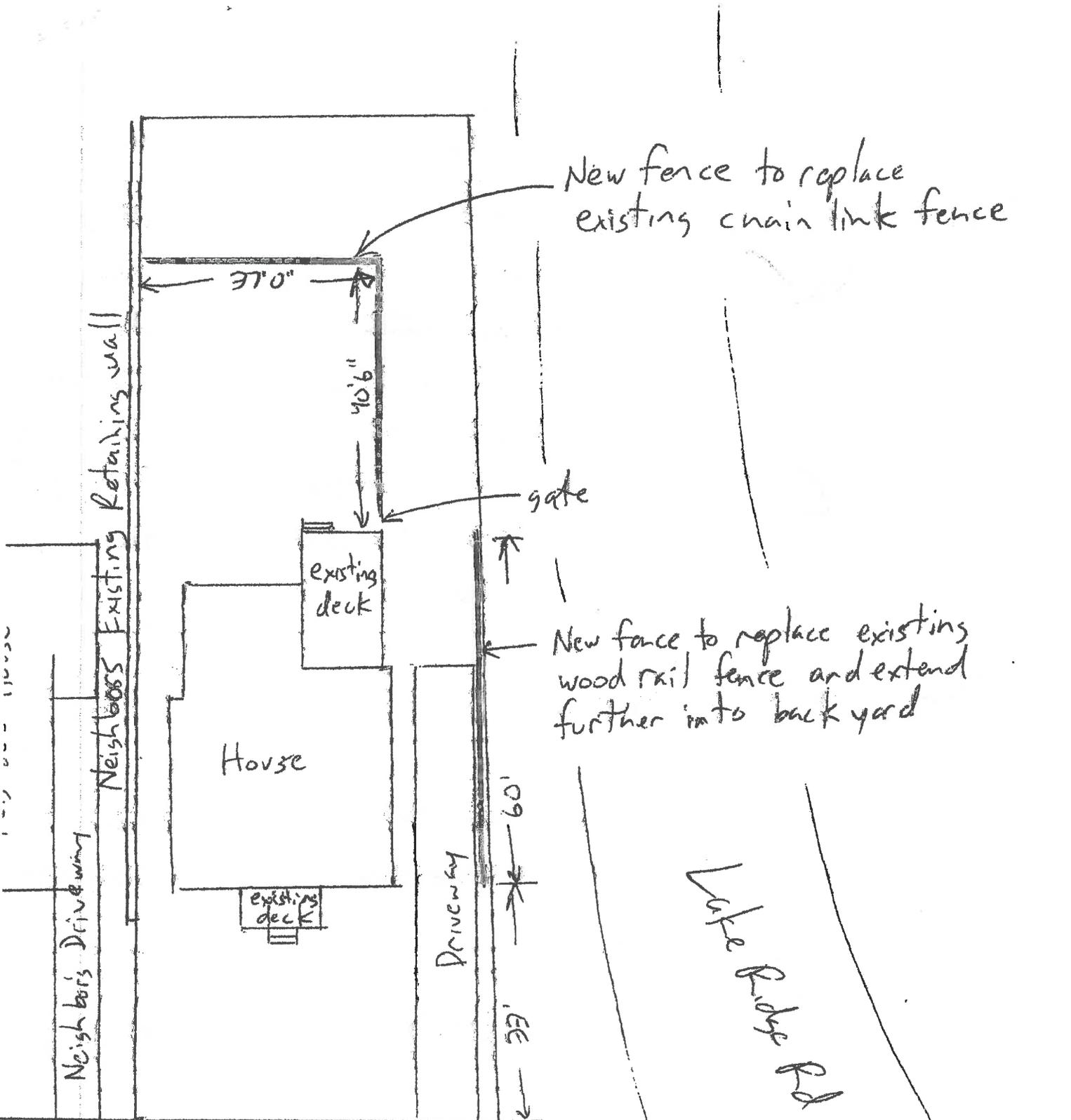
DRAWING NO. BZA 32-18

DATE 07/30/18

# 5731 Foster Ave.



100-001844 03/25/2014

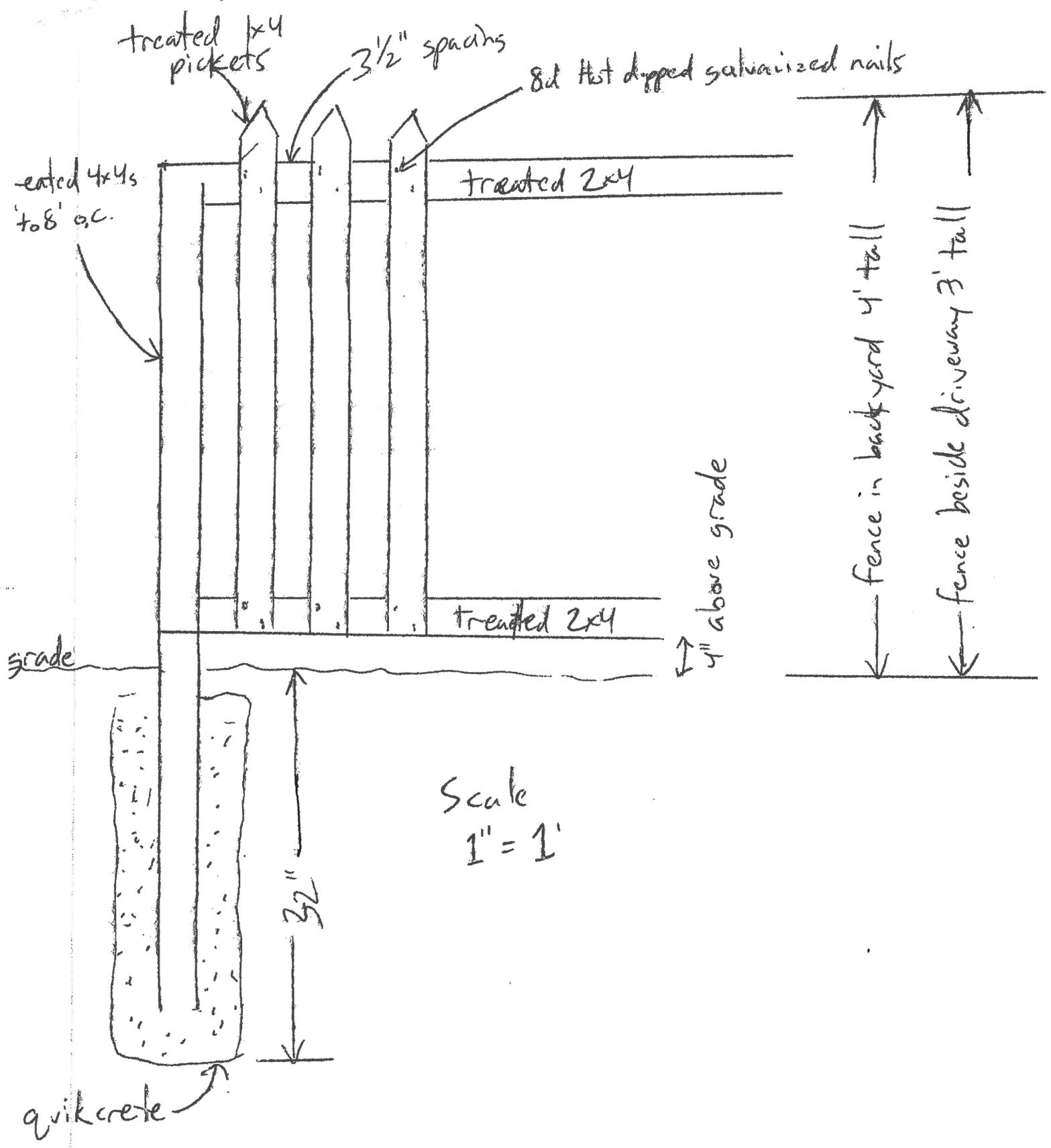


Scale 1/2" = 10'

CITY OF WORTHINGTON

DRAWING NO. BZA 32-18

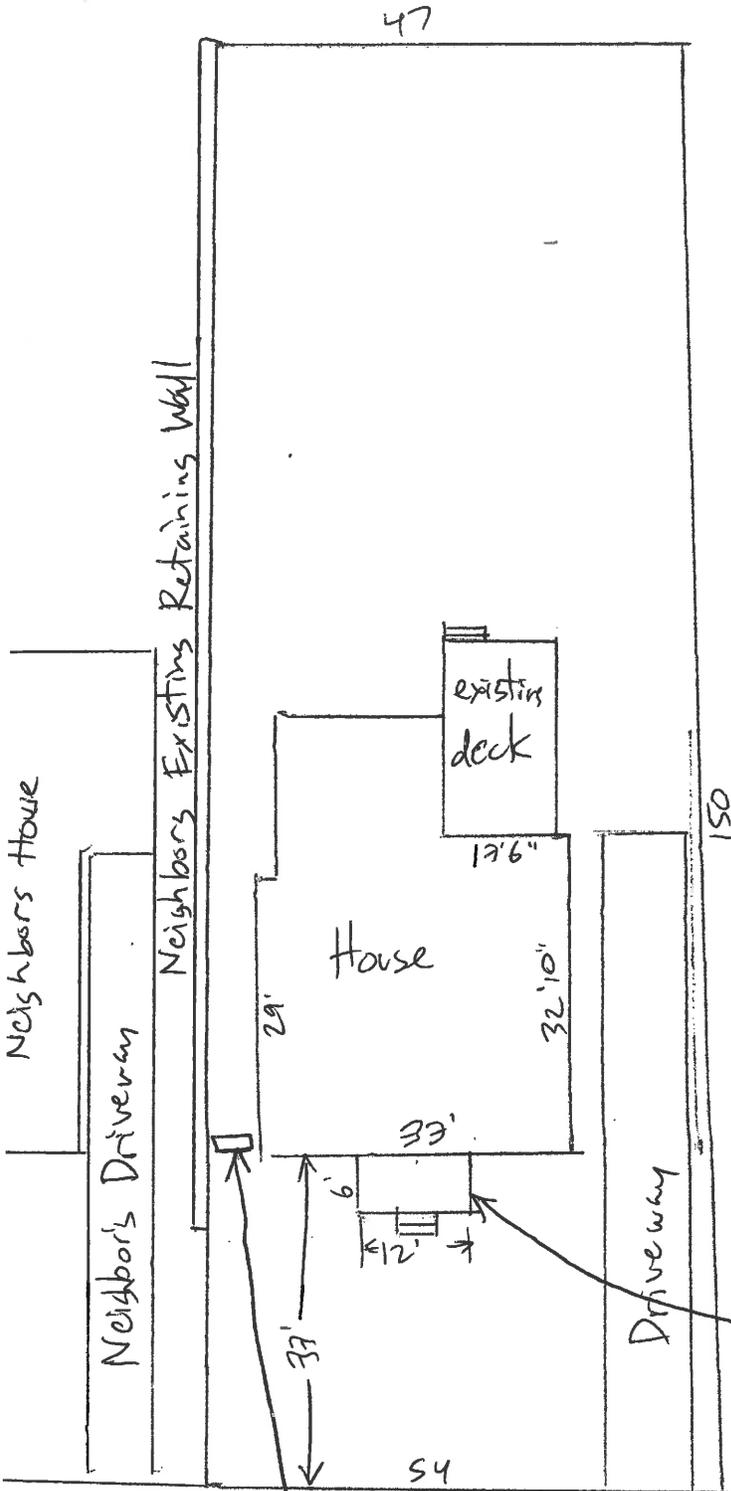
DATE 07/30/18



CITY OF WORTHINGTON

DRAWING NO. BZA 32-18

DATE 07/30/18



CITY OF WORTHINGTON

DRAWING NO. BZA 32-18

DATE 07/30/18

|                                     |   |
|-------------------------------------|---|
| City of Worthington, Ohio           |   |
| Reviewed for                        |   |
| Code Compliance                     |   |
| Application # 2018-0992(1)          |   |
| <input type="checkbox"/>            | Approved  |
| <input checked="" type="checkbox"/> | Approved as Noted                                       |
| <input type="checkbox"/>            | Professional Approval<br>(see separate approval letter) |
| <input type="checkbox"/>            | Not Approved  |
| Reviewed by<br><i>Don Phillip</i>   |   |
| Date<br>7/13/18                     |   |

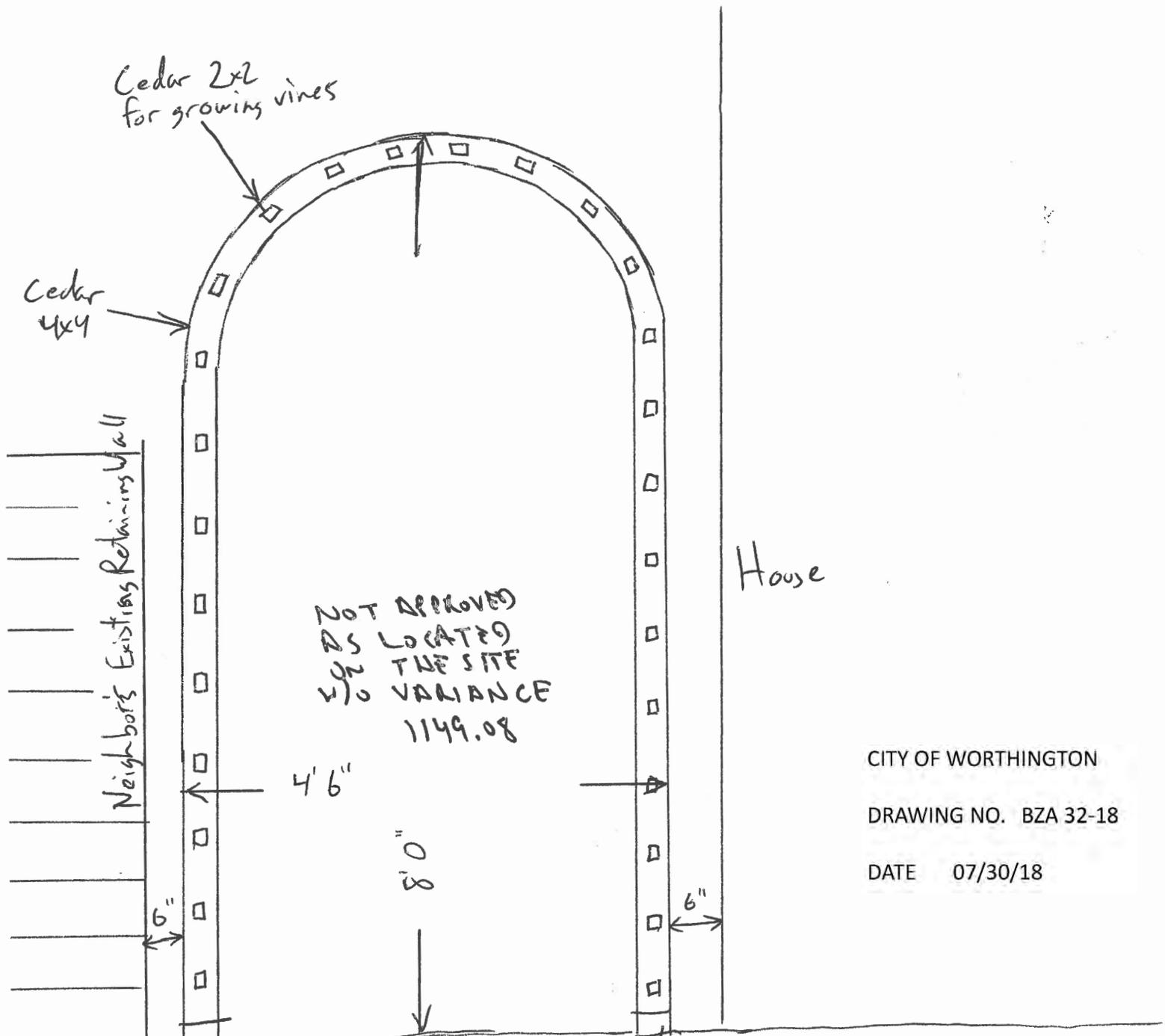
Existing deck to ~~be~~ be replaced with new footings, framing decking and railing

NOT APPROVED, REQUIRES SETBACK VARIANCE

Scale 1/2" = 10'

1149.08

# Proposed Arbor



NOT APPROVED  
AS LOCATED  
W/O THE SITE  
VARIANCE  
1149.08

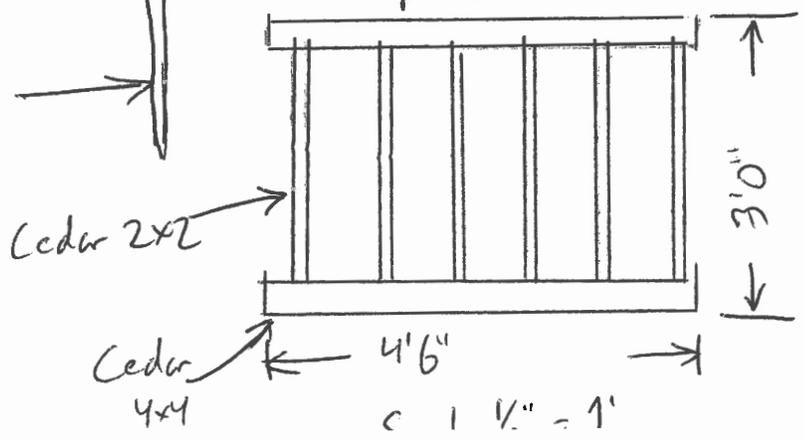
CITY OF WORTHINGTON

DRAWING NO. BZA 32-18

DATE 07/30/18

Scale 1" = 1'

Top view





CITY OF WORTHINGTON

DRAWING NO. BZA 32-18

DATE 07/30/18

City of Worthington, Ohio  
 Reviewed for  
 Code Compliance  
 Application # 2018-0993(1)

Approved  
 Approved as Noted  
 Partial/Phased Approval  
(See attached plan approval letter)  
 Not Approved

Reviewed by Don Phillips  
 Date 7/13/18



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings – First Thursday of Every Month

|                 |           |
|-----------------|-----------|
| Case #          | BZA 33-18 |
| Date Received   | 08-09-18  |
| Fee             | \$25.00   |
| Meeting Date    | 09-06-18  |
| Filing Deadline | 08-10-18  |
|                 | 105742    |

1. Property Location 291 Bristol Woods Ct.

2. Present/Proposed Use \_\_\_\_\_

3. Zoning District \_\_\_\_\_

4. Applicant Elise Krieger & Brent Bowen

Address 291 Bristol Woods Ct.

Phone Number(s) 937-215-3076

5. Property Owner Elise Krieger & Brent Bowen

Address 291 Bristol Woods Ct.

Phone Number(s) 937-215-3076

6. Action Requested Location Variance  
(ie. type of variance)

7. Project Details:

a) Description Flagpole with lighting replacing old broken lightpost.

b) Expected Completion Date \_\_\_\_\_

c) Approximate Cost ~\$300<sup>00</sup>

**PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:**

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Elise Krieger & Brent Bowen  
Applicant (Signature)

8-9-2018  
Date

RECEIVED  
AUG 09 2018

BY: .....

Elise Krieger & Brent Bowen  
Property Owner (Signature)

8-9-2018  
Date

Abutting Property Owners List for  
291 Bristol Woods Ct.

|                          |                     |                       |                       |
|--------------------------|---------------------|-----------------------|-----------------------|
| James and Nicole McCourt |                     | 263 Bristol Woods Ct. | Worthington, OH 43085 |
| Pamela Bradigan-Sestile  | Richard Sestile     | 272 Bristol Woods Ct. | Worthington, OH 43085 |
| Zachary and Rachel Olson |                     | 292 Bristol Woods Ct. | Worthington, OH 43085 |
| Sandra Weber             |                     | 314 Bristol Woods Ct. | Worthington, OH 43085 |
| Philip Wince Jr.         | Kathleen Anne Kelly | 315 Bristol Woods Ct. | Worthington, OH 43085 |
| Keith Thompson           |                     | 376 Ridgedale Dr. N   | Worthington, OH 43085 |
| Philip and Elaine Clark  |                     | 362 Ridgedale Dr. N   | Worthington, OH 43085 |

# 291 Bristol Woods Ct.



100-005987 04/26/2017





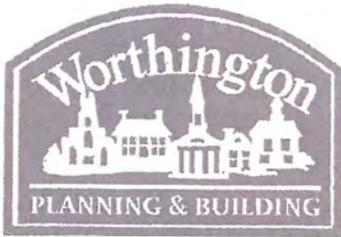
CITY OF WORTHINGTON  
DRAWING NO. BZA 33-18  
DATE 08/09/18

**WITH LIGHTPOST**



CITY OF WORTHINGTON  
DRAWING NO. BZA 33-18  
DATE 08/09/18

**WITH FLAGPOLE**



City of Worthington
BOARD OF ZONING APPEALS
APPLICATION

Meetings -- First Thursday of Every Month

Case # BZA 34-18
Date Received 8-10-18
Fee
Meeting Date 09-06-18
Filing Deadline 08-10-18

RECEIVED
AUG 10 2018

- 1. Property Location 410 Tucker Drive
2. Present/Proposed Use Single Family Home
3. Zoning District SFR
4. Applicant Aaron & Susan Bakshi
Address 58 W. Riverglan Dr., Worthington
Phone Number(s) 937-269-1264
5. Property Owner Aaron & Susan Bakshi
Address 58 W. Riverglan Dr., Worthington
Phone Number(s) 937-269-1264
6. Action Requested (ie. type of variance) Build Permit Extension
7. Project Details:
a) Description See attached
b) Expected Completion Date
c) Approximate Cost

BY: .....

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

A-K Bakshi
Applicant (Signature)

8-9-18
Date

A-K Bakshi
Property Owner (Signature)

8-9-18
Date

Abutting Property Owners List for  
410 Tucker Dr.

|                             |                   |                       |
|-----------------------------|-------------------|-----------------------|
| Tracey Trgovac              | 411 Highgate Ave. | Worthington, OH 43085 |
| Anthony & Bethany Hahn      | 399 Highgate Ave. | Worthington, OH 43085 |
| William & Carol Damsel      | 390 Tucker Dr.    | Worthington, OH 43085 |
| Kyle & Nicole Widder        | 380 Medick Way    | Worthington, OH 43085 |
| Matthew & Angela Wooster    | 400 Medick Way    | Worthington, OH 43085 |
| Kevin & Molly King          | 420 Medick Way    | Worthington, OH 43085 |
| Christopher & Mary Dillhoff | 430 Tucker Dr.    | Worthington, OH 43085 |

August 8, 2018

City of Worthington  
Attn. Linda Bitar  
374 Highland Avenue  
Worthington, OH 43085

Re: Single Family Home Construction Project, 410 Tucker Drive, Worthington, OH

To Whom It May Concern:

My wife and I are submitting this application asking that the Board of Zoning Appeals grant us a one-year extension of the building permit previously issued for the construction of our new home located at 410 Tucker Drive in Worthington. Although most of the structural construction of the house is complete, a lot of the interior work remains to be completed. We plan to finish the construction of our new home, and we believe that if the building permit is extended for one more year, we will be able to complete the construction of the new home.

A number of factors have contributed to the delay in the completion of construction. In the spring of 2017, our general contractor, walked off the job. We subsequently learned that our general contractor had been spending money we paid for the construction of our home on other projects. Subcontractors on our home were not being paid by the general contractor. Consequently, the subcontractors sued the general contractor and recorded mechanics liens on our new home property. We attempted for several months to negotiate with the general contractor and asked for documentation to justify the expenses and where the money was spent, but the general contractor refused to comply. So, we were left with no other option but to sue the general contractor in early 2018 in Franklin County Common Pleas Court. After we won an early, favorable procedural decision, the general contractor appealed the trial court's decision to the Franklin County Court of Appeals, and the trial court stayed the lawsuit while the appeal was pending. That was almost six months ago. The appellate case has been briefed but not orally argued yet, and we likely are a few months away from a decision. In the meantime, though, the stay of the trial court proceedings has prevented us from obtaining valuable information from the general contractor, e.g., interior designs, drawings, etc., that we need to finish the project.

We recently were able to obtain necessary information directly from the interior designer subcontracted to work on our home, and the architect and Worthington Building Department have agreed to help us, as appropriate, with additional information we may need to complete the construction. Our plan is to reinstate construction in the next few months and complete the project within the next year. Given the current status of the project, the extenuating circumstances, and the costs already incurred, it makes sense to allow us to complete the construction of our new home by extending our construction permit.

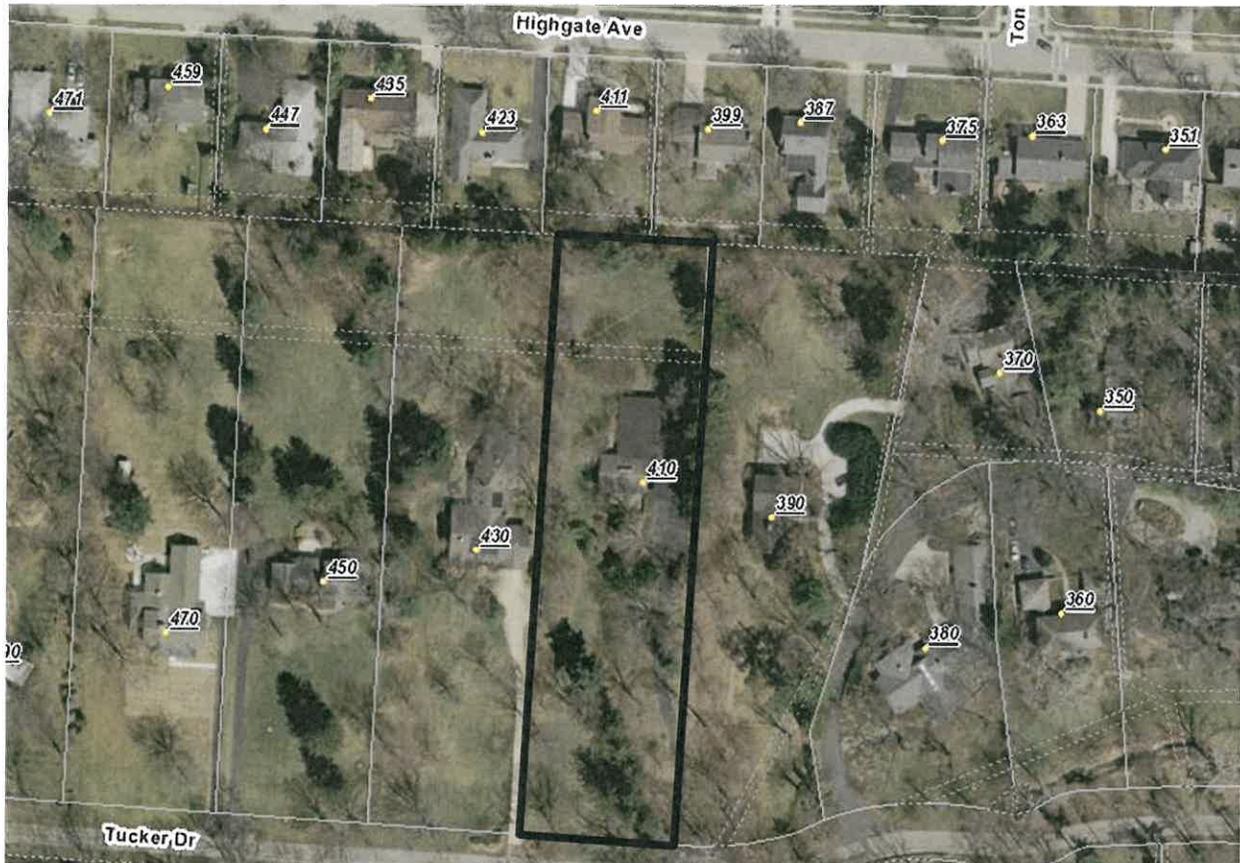
Therefore, we respectfully ask that you extend our permit for one more year to allow us to complete the construction of our new home.

Sincerely,

A. K. Bakhshi

Aaron K. Bakhshi

# 410 Tucker Dr.



100-001166 07/19/2017