BOARD OF ZONING APPEALS
-AGENDA-
Thursday, November 01, 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

A. Call to Order - 7:00 pm

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the September 6, 2018 & October 4, 2018 meetings
4. Affirmation/swearing in of witnesses

B. Items of Public Hearing

1. **Reconsideration & Clarification of Previous Approval** – Single Family Dwelling – **410 Tucker Dr.** (Aaron and Susan Bakhshi) **BZA 34-18**

2. **Variance** – Sign Height – Directional Sign – **627 High St.** (La Chatelaine) **BZA 38-18**

3. **Variance** – Bollards – **893-905 High St.** (Ed Mershad) **BZA 39-18**

4. **Variance** – Front Yard Setback - Garage Extension – **518 Haymore Ave.** (Ezra Wengard/Harmeyer) **BZA 40-18**

5. **Variance –** Side & Rear Yard Setbacks - Shed – **178 Abbot Ave.** (Glenn Moog) **BZA 41-18**

6. **Variance –** Front Yard Setback - Garage Extension – **340 Longfellow Ave.** (RAS Construction, Inc./Posey) **BZA 42-18**

C. Other

1. Discussion of Future Memorandums

D. Adjournment

MEMORANDUM

TO: Members of the Board of Zoning Appeals

FROM: Laney Nofer, Planning and Building Assistant

DATE: October 26, 2018

SUBJECT: Staff Comments for the Meeting of November 1, 2018

B. Items of Public Hearing

1. Reconsideration & Clarification - 410 Tucker Dr. (Aaron and Susan Bakhshi) **BZA 34-18**

The following motion is proposed for the Board to discuss an item that was previously approved:

THAT THE PREVIOUS APPROVAL FOR AARON AND SUSAN BAKHSHI FOR A FOUR MONTH 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 RECONSIDERED FOR THE PURPOSE OF CLARIFYING CONDITIONS.

Background & Request:

The Board of Zoning appeals approved a 4-month extension of a Building Permit at the September 6, 2018 meeting. Three of the four conditions that were placed on the extension may not be legally enforceable. The conditions involving the settlement agreement, paying liens and obtaining financing all require affirmative actions by someone other than the applicant. The Board will need to clarify their intent of the conditions and reconsider the applicant's request for an extension of time for the Building Permit.

Updates:
Since the Board heard this item in September, the applicant has completed the following:

- Settlement Agreement was executed
- Site has been mowed
- Garage doors have been installed, thus shoring up the house

The following motion is recommended:
THAT THE RECONSIDERED APPROVAL FOR AARON AND SUSAN BAKHSHI FOR A FOUR MONTH 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.

2. Variance – Sign Height - Directional Signage – **627 High St.** (La Chatelaine) **BZA 38-18**

Findings of fact:

1. The applicant is proposing a "Private Parking" directional sign to be mounted approximately 7 feet above grade on an existing utility pole along the west side of the La Chatelaine parking lot.

2. A variance would be required for the sign as it intends to exceed the 3 foot height limit.

3. The property is subject to, and the sign has been approved by, the Architectural Review Board on September 27, 2018.

The following conclusions are presented:

1. The sign is necessary for patrons to identify appropriate parking locations for the La Chatelaine establishment. The sign is intended deter unwanted traffic and parking from other neighboring establishments and residents.

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 LA CHATELAINE FOR A VARIANCE FROM CODE REQUIREMENTS TO INSTALL A SIGN IN THE REAR PARKING LOT AT 627 HIGH ST., AS PER CASE NO. BZA 38-18, DRAWINGS NO. BZA 38-18, DATED OCTOBER 4, 2018, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

3. Variance – Bollards – **893-905 High St.** (Ed Mershad) **BZA 39-18**

Findings of fact:

1. The applicant is proposing to install two bollards 2 feet west of the sign base. As the bollards would be a structure within the front setback, a variance is required.

2. There have been several occasions where cars have struck the base of the monument sign. The intent of the bollards would be to protect the sign.

3. The bollards would be painted the same color as the monument base.

4. The property is subject to, and the bollards have been approved by, the Architectural Review Board on September 27, 2018.

The following conclusions are presented:

1. The essential character of the neighborhood should not be substantially altered.

2. The delivery of governmental services should not be affected.

The following motion is recommended:
THAT THE REQUEST BY ED MERSHAD FOR A VARIANCE FROM CODE REQUIREMENTS TO CONSTRUCT BOLLARDS AT 893-905 HIGH ST, AS PER CASE NO. BZA 39-18, DRAWINGS NO. BZA 39-18 DATED OCTOBER 4, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

4. Variance – Front Yard Setback - Garage Extension – **518 S. Haymore Ave.** (Harmeyer) **BZA 40-18**

Findings of fact:

1. This property is zoned R-10 with a minimum front yard requirement of 30 feet.

2. The applicant is proposing to construct a 6 foot extension to the front of their current two car attached garage. The total extension is 6 by 20 feet, for a total of 120 square feet.

3. The current garage is 30.6 feet from the right-of-way. With the 6 foot extensions, the garage would be 24.6 feet from the right-of way, thus a 6 foot variance would be required.

4. The applicant intends to use the space for a mudroom and storage space, as well as creating additional space for cars and vans to park so they do not block the driveway with vehicles.

The following conclusions are presented:

1. The dwelling immediately connects behind the current garage space, and there is equipment and mature trees in the side yard next to the garage. These factors would impede the opportunity of having the garage extended into either the rear or side yard.

2. There is a 5 foot utility easement in the rear of the property, which could hinder the opportunity for a storage-like structure in the rear yard. There are no other accessory structures on the property.

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 EZRA WENGERD ON BEHALF OF JAY AND ERIN HARMEYER FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO CONSTRUCT A GARAGE ADDITION AT 518 HAYMORE AVE. AS PER CASE NO. BZA 40-18, DRAWINGS NO. BZA 40-18 DATED OCTOBER 5, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

5. Variance – Side & Rear Yard Setback - Shed – **178 Abbot Ave.** (Moog) **BZA 41-18**

Findings of fact:

1. The applicant has replaced a deteriorating shed that was 1 foot from the side yard property line, and 2 feet from the rear yard property line, with a new shed that is 4 feet from the rear yard property line, and 3 feet from the side yard property line. The shed has already been constructed without prior approval.

2. This case started as a Code Enforcement issue.

3. The size of the shed is 10 feet by 15 feet, totaling 150 square feet. A variance of 6 feet from the rear yard property line, and 5 feet from the side yard property line is required.

4. There is a 5 foot sanitary easement in the rear of the property. The new shed is 1 foot in this easement. The applicant stated they would be willing to relocate the shed, should the city need access into the easement.

The following conclusions are presented:

1. Comparing to the previous structure, the newly erected shed is further away from the rear and side yard property lines.

2. Existing lots of record tend to be narrower than the 80 feet typically found in the district. For this particular property, the width is 70 feet, and the length is 145 feet for a total of 10,150 square feet, making it less than the required minimum lot area. 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 may be affected.

The following motion is recommended:
THAT THE REQUEST BY GLENN MOOG FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR AND SIDE YARD SETBACK TO CONSTRUCT A SHED AT 178 ABBOT AVE, AS PER CASE NO. BZA 41-18, DRAWINGS NO. BZA 41-18 DATED OCTOBER 5, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

6. Variance – Front Yard Setback - Garage Extension – **340 Longfellow Ave.** (Posey/ RAS Construction) **BZA 42-18**

Findings of fact:

1. The applicant is requesting a garage extension of 4 feet into the front yard setback which would be 26 feet from the right of way. A variance of 4 feet is required.

2. The proposed garage addition would be 4 feet by 16 feet for a total of 64 feet.

3. The applicant is requesting this variance to allow for wheelchair accessibility into home through the garage.

The following conclusions are presented:

1. The depth increase is a necessity to allow wheelchair maneuverability in and out of the garage space.

2. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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 SEAN KOCHERAN ON BEHALF OF DICK AND MARYLOU POSEY FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO CONSTRUCT A GARAGE EXTENSION AT 340 LONGFELLOW AVE, AS PER CASE NO. BZA 42-18, DRAWINGS NO. BZA 42-18 DATED OCTOBER 5, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

C. OTHER

1. Discussion of Future Memorandums
   i) Staff is considering making slight modifications to the current structure of the Board of Zoning Appeals Memorandums.

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.

Review Criteria for Granting Area Variances by the Board of Zoning Appeals:

(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

September 6, 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 were D. Phillips, Chief Building Inspector; L. Brown, Director of Planning & Building; L. Ellzey, Planning & Building Assistant; and T. Lindsey Director of Law.

2. Pledge of Allegiance

3. Approval of minutes of the August 2, 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 – Fence – **295 W. South St.** (Gary Nolan) **BZA 28-18**

Mr. Phillips reviewed the staff memo:

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.

Discussion:
Ms. Crane asked if the new fence would be replacing an old fence and Mr. Phillips replied, "Yes." Ms. Crane asked if a variance was ever approved for the existing fence or if the fence was installed before the current code. Mr. Phillips replied staff did not know when the current fence was installed because there is no permit on file with the City office, nor an application for a variance. He said based on the current condition of the fence, it is likely the fence was installed prior to December of 1971. Mr. Phillips confirmed where the fence would be located.

Gary Nolan, 295 West South Street, said he would like to build a four foot fence along the area where he has asked for a variance, and a six foot privacy fence between his house and his neighbor's house. Ms. Crane asked why the four foot fence would not need a variance. Mr. Phillips explained the fence is out of sight behind the dwelling and does not interfere with visibility from the corner lot. Ms. Crane asked if there anyone to speak for or against this application.

Motion:
Mr. Seitz moved:

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.

Mr. Coulter seconded the motion. All members voted, "aye" and the motion was approved.

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

Mr. Phillips reviewed the staff memo:

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.

Discussion:
Ed Murphy explained he is the contractor for 100 Chacey Lane, who will be building a four season room addition. Board members had no concerns. Ms. Crane asked if there was anyone present to speak for or against this application.

Linda Spohn, 185 Laurel Lane, said her house is just a little bit to the west of 100 Chacey Lane. Ms. Spohn said she was not in opposition of the addition she just has concerns about additional drainage running off her neighbor's property onto her property. She said she has to take a bridge to her property and last June took a video where the water was higher than the bridge. She does not want any more water concentrated in that area, and felt her neighbor has already done things to concentrate the water flow. Ms. Spohn said the water issues did not exist before her neighbor began doing things.

Fred Hunter, 185 Laurel Lane, said there is a basin where the lots drain into by the bridge and with normal run-off that has worked pretty well, but there has been a concentration of

drainage in the past year and the result has been during heavy rains and there has been a pretty significant amount of flooding. He is concerned the addition will cause more drainage and flooding and asked if there was a way to mitigate the drainage.

Ms. Spohn said her neighbors have done some recent work installing drainage pipes into their basement which sends more water out into the drainage area. Mr. Hunter showed a video that he took after a heavy rain storm on June 21, 2018. The water was up to the top of the bridge. He is concerned the storm water coming off of the neighbor's addition will cause additional flooding and the bridge leading to their house would not be able to withstand additional water flow. The bridge is the only way they can get to their house.

Mr. Coulter asked Mr. Phillips if the concentrated water was on public or private property and Mr. Phillips responded the water was on private property. Mr. Coulter asked Mr. Murphy if he could redirect the gutters to the street instead of the back yard to reduce the concentrated water. Mr. Phillips suggested creating a dry well in the back yard so both downspouts could be directed towards the dry well. Mr. Brown also suggested the addition of a rain garden.

Motion:
Mr. Coulter moved:

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 AND AMENDED THAT AN ADDITIONAL GUTTER AND DOWNSPOUT LINE BE DAYLIGHTED TO THE DOWNSIDE OF THE BRIDGE AND AMENDED THE HOMEOWNER HAS THE OPTION TO INSTALL A DRY WELL.

Mr. Seitz seconded the motion. All members voted, "aye" and the motion was approved. Ms. Crane asked what recourse the speakers have regarding water on their property. Mr. Phillips explained that is a civil matter between the two property owners. Ms. Reibel asked for clarification for what was approved. Mr. Coulter explained the property owners will need to run a downspout to the down side of the bridge. Mr. Murphy did not feel that would solve the issue. Mr. Phillips explained a building permit could not be approved until a day lighted drain line was installed towards the down side of the bridge because that is what was approved. Mr. Coulter asked if they could do an Amendment to the motion to add a dry well. Mr. Lindsey said in order to resolve the matter in the interest of both the applicant and the neighbor, giving them either choice to resolve the problem would be fine.

Mr. Coulter moved to reconsider the motion, seconded by Ms. Reibel. All members voted, "aye," and the motion is reconsidered. Mr. Coulter proposed adding the amendment the home owner has the alternative to install the dry well if they so desire. Ms. Reibel seconded the amendment. All members voted, "aye," and the amendment was approved.

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

Mr. Phillips reviewed the staff memo:

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 ½ 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.

Discussion:
Randy Headings stated he is the contractor for the job and his address is 405 Darbyton Drive, Plain City, Ohio. Mr. Coulter said he wished the home owner was present because he would like to know why they needed the fence to be so high. Mr. Headings said where the split rail fence is located, the fence is only three feet high not four feet. Ms. Crane asked if there was anyone to speak for or against this application.

Motion:
Mr. Seitz moved:

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 AVENUE 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.

Ms. Reibel seconded the motion. All members voted, "aye," and the motion was approved.

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

Mr. Phillips reviewed the staff memo:

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.

Discussion:
Brent Bowen, 291 Bristol Woods Court said the light pole was not functioning when he replaced it with a flagpole. Mr. Phillips confirmed a variance was not granted earlier. Mr. Brown said when this development was done part of the public improvements that were required were street lights and those street lights were to be placed in the public right-of-way. Mr. Brown explained this Board does not have the authority to grant variances for items within the right-of-way. The Public Service & Engineering Department did come out to inspect the flagpole and verified that the flagpole is not within the public right-of-way. The flagpole sits on the owner's property and that is why they are coming to this Board to ask for a variance. Ms. Crane asked Mr. Bowen why he made the change, and he replied the light pole was no longer functioning. Ms. Reibel asked if the other houses in the subdivision have light posts and Mr. Bowen replied, "yes." Mr. Falcoski asked if Mr. Bowen replaced the nonfunctioning light post with a new light post if a variance would be needed and Mr. Phillips replied, "yes." Ms. Crane asked if there was anyone who wanted to speak for or against this application.

Rachel Olson, 292 Bristol Woods Court, Worthington, Ohio, said she and her husband live directly across the street from Mr. & Mrs. Bowen. They recently moved to the neighborhood in May. She said she was against the flag pole for many reasons. One of the reasons they moved into their neighborhood was because of the street lighting. Mrs. Olson felt the light on the flag pole did not have adequate ground coverage because the light only shines upward on the flag. None of the other nineteen homes in their subdivision have flag poles. Mrs. Olsen said some of the flags Mr. Bowen has flown were offensive and she did not like the fact there was not any control over what type of flags were flown. She said Mr. Bowen already has a flag pole like structure attached to his home and wondered why that pole was not sufficient. Mr. and Mrs. Bowen were not in favor of Mr. Bowen keeping his flag pole. Mrs. Olson submitted a letter from her neighbor who was not able to attend the meeting. The neighbor had safety concerns because the area is heavily trafficked by school age children and their parents.

Mr. Seitz said he was struggling with why the variance was needed for a flag pole. Mr. Phillips explained the flag pole was located within the front yard setback, and accessory structures are not allowed in the front yard. If the flag pole was thirty feet back, and variance would not be required. A broken light post would also have needed a variance to be replaced due to the location within the setback. (The street lights were originally planned to have been in the public right-of-way).

Ms. Reibel asked about the height of the flag pole and Mr. Phillips replied that dimension was not given but he estimated the flag pole to be between fourteen and fifteen feet. Mr. Bowen said he did try to speak with his neighbors, but the neighbors that were just speaking had not moved into the neighborhood yet when the flag pole was installed.

Ms. Crane said she wanted to clarify the City, nor Board members drive around town looking for issues of work that was completed without approval, city staff relies upon citizen complaints. Mr. Coulter said for the record there was one letter of support that was submitted.

Motion:
Mr. Seitz moved:

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.

Mr. Coulter seconded the motion. Ms. Crane, nay; Mr. Coulter, nay; Ms. Reibel, nay; Mr. Falcoski, aye; and Mr. Seitz, aye. The motion was denied.

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

Mr. Phillips reviewed the staff memo:

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.

Discussion:

Steve Justice, attorney with the law firm of Dungan & LeFevre, representing the Bakhshi family, seeking an extension of time to complete the construction of his client's dream home. Mr. Justice said his address is 210 W. Main St., Troy, Ohio, 45373. The Bakhshi family began the construction of this home in 2015. They entered into an oral agreement with a contractor to oversee the construction of the home. The stated price for the home at the time was around $750,000.00 dollars. In the early part of 2017 the price had already well exceeded that amount. Mr. Justice said his client suspected money he was paying for materials and services to be supplied to his home were being used elsewhere by the contractor. Mr. Bakhshi asked the contractor to supply evidence, receipts and invoices in order to prove his funds were being used for his home. What Mr. Bakhshi received in response was basically a stone wall. There was no willingness to provide evidence that the monies were being spent on his home so he refused to provide more money.

The contractor walked off the job in the spring of 2017. At that point in time, his client spent another eight or nine months trying to negotiate with the contractor to redeem the relationship to get evidence to support the money he had spent, well over a million dollars, to construct what had already been done to his home. As it turned out, he was unable to get the contractor to comply. In the first part of 2018, Mr. Bakhshi was forced to file a lawsuit against the contractor to try to get the information he needed to proceed with the construction and try to find out what happened to the money he had already spent.

In the meantime, in the middle of 2017, certain subcontractors had not been paid by the contractor with money that Mr. Bakhshi had provided so the subcontractors recorded Mechanic's Liens on the property, which made it difficult for Mr. Bakhshi to get financing. In the first part of 2017 Mr. Bakhshi initiated a lawsuit against the general contractor. Early on in the case Mr. Bakhshi won a significant procedural decision against the contractor. The contractor appealed the decision to the Franklin County Court of Common Pleas. Soon after the contractor appealed that decision the trial court, where the case was filed, stayed all of the activity at the trial court level until the appellate court ruled on the procedural decision. That was six months ago. In that time frame Mr. Justice said they have not been able to move an inch. He has not been able to do discovery, or get any information from the contractor in order to move forward. Mr. Justice said about a month ago, they engaged in serious settlement negotiations with the contractor. The contractor decided that he was willing to take steps to pay off the Mechanic's Liens and try to be set free from the litigation so that everyone could move on with their lives. Mr. Justice said he was happy to say he had just received a settlement agreement from the contractor. He had hoped to finalize the agreement within a day. Their proposed plan would give the contractor 90 days to pay off the Mechanic's Liens on the house. The Mechanic's Liens were in excess of $250,000.00 dollars. Once the Mechanic's Liens are paid off by the contractor Mr. Bakhshi will be able to secure

financing to complete his house. No one would ever want to be in this type of situation. Mr. Bakhshi and his family want to live in their new house. Mr. Justice said through doing some discovery, the contractor was using one operating account, and would take money from one account but use it for other projects. He was taking money from Peter to pay Paul. When the subcontractors were not paid, Mr. Bakhshi's suspicions were correct, but things are moving forward to correct the situation. On top of that, Mr. Bakhshi continued to put money into the house. Mr. Justice said if the contractor continues to follow through they should be able to initiate construction on the inside of the house and finish the outside. They should be able to get that going by the end of the year, or first of next year. The estimated time line, which was provided to the Board members, showed the house should be completed by February of 2020, roughly fourteen months after they begin construction. Most of the outside work has already been completed. Once the roof has been put on, and the spouts put in place, the remainder of the work will be inside the house. If the Mechanic's Liens are removed soon than ninety days Mr. Bakhshi should be able to secure the financing and get going on the project. They need the extension of time to be able to finish the house. They did not want to be in this position, nor did they want they want the contractor to do what he did with the money. They did not want the litigation to deal with the situation either, but they were forced to. Mr. Justice said they were asking for a one year extension because it could take up to fourteen months to finish the house.

Mr. Justice said he had spoken with the City's Law Director prior to the meeting that evening and the Board members had expressed interest in setting up some interim milestones along the way to make sure construction was proceeding. Mr. Justice said it may be three months before they can do anything. If they are going to be required to come back before the Board and give some kind of report along the way, they would like at least six months before doing so. Nine months from the time of the meeting. At that point in time they may only have six more months of work to get done. By that time, the roof will have been completed, the external work will be done, and they will be busy working on the inside of the house. Mr. Justice said he was willing to answer any questions.

Ms. Crane said she drove past the house the last week and there appeared to be a lot of erosion in the front yard. She asked at what point the front yard would be repaired because it looks hazardous.

Mr. Phillips said if you look at the landscaping plan there will be a retaining wall and a place for run off to be held and some landscaping installed. He said it was purposeful to get the driveway to curve because of the steep grade. Mr. Justice said there would be retaining walls in both the front and back yards. There will also be black silt fencing which is required by the storm water management plan to prevent unnecessary erosion and runoff.

Mr. Coulter asked Mr. Phillips about the current status of the home with inspections. Mr. Phillips replied the work that has been done has been inspected.

Mr. Falcoski asked Mr. Phillips what would happen if an extension was not granted. Mr. Phillips explained the Permit would no longer be valid and one option would be to apply for a new Permit and start construction at that time with a new Permit. Mr. Falcoski asked Mr. Phillips if a new Permit is not granted what would happen next. Mr. Phillips said he has no legal authority to withhold a Permit that complies with the zoning and building codes of Ohio.

Mr. Coulter asked if the Board granted the extension of time for the Permit for whatever time period, to clarify if nothing could be done to the house until there was a settlement of the liens, or if Mr. Bakhshi would have to pay for that out of his pocket. Mr. Coulter said he was concerned with waiting ninety days to put a roof on the house. At that point in time the weather would be too cold and the shingles would not seal and some of the felt has already blown off the roof. The exposed plywood needs to be protected right now. If the roof is not protected now, the rest of it could be lost, and the interior of the house could be compromised. A house cannot be shingled in December. Mr. Justice said the general contractor was present at the meeting and he is also a roofing expert. There is no lack of desire to get started as soon as possible.

Mr. Coulter said he is a forensic architect and he specializes in building envelopes, and rooftops. Mr. Justice said Mr. Coulter could probably understand the financing side of this issue. He said you cannot get a loan to construct a home if there are existing liens on the property. The liens will take priority over the security interest of the lending institution so they will not give you a loan. Mr. Justice said the contractor has ninety days to pay off the liens, but hopefully he will do it sooner than that. At that point, they can close on the financing that they need in order to get the money to do the rest of the work. Mr. Coulter said the brick work on the outside had already been done. Mr. Justice said his client did that out of pocket. Mr. Coulter said whatever time frame is approved, the rooftop has to be a priority.

Mr. Jay Bakhshi, 259 Summerford Place, Dayton, Ohio. Mr. Bakhshi said he is the owner of Miami Valley Construction Group and he is the new general contractor for the home. Mr. Coulter asked how Mr. Bakhshi planned to button up the building. Mr. Bakhshi said the wood for this home has been treated and is a specialty wood with a two year exterior span. The house was originally was covered in totality in ice and water guard twenty feet inside freeze line to prevent ice damming. Mr. Bakhshi said there was water guard underneath the felt lining which adheres to the plywood over the entire roof. Mr. Coulter said he understood ice and water guard only had about ninety days before it had to be covered up, and Mr. Bakhshi said he was not aware of that information. Mr.

Coulter said the manufacturer will give you a ninety day guarantee. Mr. Coulter asked Mr. Bakhshi if the interior of the building was deteriorating and Mr. Bakhshi said no, but there are a couple of areas that have gotten wet. He said there are two roof systems that will go on the front of the home which are only accessible from the second level which will be flat low sloping roof tops. Those roof tops were also covered in totality with felt paper, water and ice guard. Mr. Bakhshi said there is an area in the garage which has a hole in the peak that needs to be covered. There is another exposed area on the west side of the home, but the majority of the home is water tight.

Mr. Justice said the first thing the plan to do is finish the roof and they hope the weather stays warm enough to do that. The repairs to cover any holes will done within a week but the overall finishing of the texture of the roof is a more expensive endeavor and he does not know when within the next ninety days that would occur. Mr. Bakhshi said shingles could be installed in the wintertime. He explained hand nails would be used verses using a pneumatic in order to make sure the nails were flush. The tar strip on the back of the shingles are not only adhered by the heat but by the rays of the sun. You can get a partial seal even in the winter once you have done the roof.

Ms. Crane opened up the meeting for audience comments.

Mrs. Caitlin Anderson, 330 Medick Way, Worthington, Ohio, said she opposed a Permit extension of a year because she felt that would a carte blanche Permit that would leave everyone in the same position that they are in today, but she did support the recommendations of city staff, of a phased approval with conditions along the way, and for a four month extension. She and her husband would like to see the house finished and the family move in.

Dr. Robert Bornstein, 495 Tucker Dr., Worthington, Ohio, said he and his wife are also building a house. He said he is new to the neighborhood and was not part of the original meetings but he was here last year and had the same opinion as his neighbors that all would like to see the house finished and have the family move in. Dr. Bornstein said there has been a total lack of accountability from the builder and the owner. He said the part of the house has an opening, and for a while there was not a door, and he felt inspections should be re-done to confirm everything is still okay. Dr. Bornstein also disagreed with giving the home owner a year extension. He said the article about the house in the Dispatch was embarrassing for the city and felt the Board members need to hold the owner accountable.

Dr. Mary Dillhoff, 430 Tucker Dr., Worthington, Ohio, said she lives one house to the west. She said she would like to clarify a few comments. She would not like the Permit approved for an entire year, and she also approved of staff comments, and felt an even shorter time period like three months would make the project move along faster. Dr.

Dillhoff said the roof structure was put on over two years ago and the house has not been under a significant roof for two full years. Mrs. Dillhoff said she felt more information is needed, besides the plan presented by Mr. Bakhshi and proof that something will happen. She felt he should be using a licensed contractor and not just someone off the street with the same last name. She felt a plan was needed by all of the subcontractors that will agree to do the work when there are liens on the house for $275,000.00 dollars. She said if she kept going down the list of issues the house has not been maintained safely all this time. There is electric that is laid out back which she can still see from her property. She said she has tried hard to be neighborly but has not gotten any cooperation from Mr. Bakhshi. Dr. Dillhoff said she would personally like to address Mr. Bakhshi and what he has done may be legal, but what he has done is personal to her. She said if he had planned to live in this home for the rest of his life, she thought he would have been more neighborly. Dr. Dillhoff said she presented photographs of the property next door to the Franklin County Auditor's Office, and they lowered the appraisal of their house by $100,000.00 dollars. Dr. Dillhoff urged the Board to hold the home owner accountable to a shortened time line.

Ms. Crane asked Mr. Phillips what could be done with the fences for erosion control and what the channels were for the neighbors to address those matters. Mr. Phillips said they should contact the Department of Service & Engineering because they enforce the storm water provisions for the State of Ohio.

Dr. Mary Dillhoff said they were re-done once, rules were set by the EPA for water control, and there is currently no water runoff but she has been through this before. She said she has taken photographs and sent it to the building folks but there is no ability to enforce this.

Ian Mykel, 325 Medick Way, Worthington, Ohio, said his wife asked him to remind everyone from last year's meeting for a one-time year extension but here they are again being asked to extend the time to build. Mr. Mykel felt the three month time period was a fine recommendation. Mr. Mykel said he felt three months would be enough time for the court system to clarify what they are going through. He does not want this property to sit vacant for another year. Mr. Mykel said he supported a shorter time extension.

Mr. Matthew Anderson, 330 Medick Way, Worthington, Ohio, suggested a three month extension subject to the submission of a formal timeline for full completion. Two weeks prior to that hearing date and to the extent they seek another extension it would be subject to full review and public comment. Mr. Anderson stated he is also an attorney and felt the liens would not be paid off prior to ninety days and that they will wait until the ninetieth day to pay the liens off. He said the new contractor should be able to put together plans before the liens are paid, so he would recommend a four month extension and two weeks prior to that hearing have a formal plan submitted to the Board members for review and

with the opportunity for public comment. If the timeline is acceptable they could further the extension at that time.

Ms. Crane said they received a timeline but she did not know how formal it was. Mr. Anderson said he had not seen the timeline but would like a copy to review.

Mr. Justice said he just received a written Settlement Agreement before the meeting which was the result of a month long negotiation. He said he anticipated the Agreement would be signed the following day. The Agreement will require the liens to be paid off in ninety days, and if not the litigation would resume, but that is a worst case scenario. Mr. Justice said he could not guarantee that any party to a settlement agreement would comply but more times than not they do because the alternative is usually bankruptcy for them. Mr. Justice said he anticipated the Settlement Agreement to be completed as early as tomorrow. Within ninety days, or sooner, if they abide by the executed Agreement, the liens will be paid off and his client would be able to begin construction. The timeline he prepared also reflected that.

Mr. Justice referred to Dr. Dillhoff's comments about water runoff and the silt fencing which is in place. He said silt fencing is designed to prevent the erosion of soil predominantly in the early stages or during the grading and construction when you do not have grass or vegetation in place to prevent soil erosion and runoff. Mr. Justice said there is vegetation almost all over the whole site now and that is why telephone calls regarding silt fencing and runoff and so forth are probably not moving the Ohio EPA and others because the entire site is covered with grass and vegetation which naturally adheres the soil and prevents the kind of erosion that the silt fence is designed to do in the beginning when you do not have vegetation. He said Dr. Dillhoff's comments about Jay Bakhshi who is the owner of Miami Valley Construction Group LLC it is a construction company and has constructed homes and commercial buildings for almost twenty years. Mr. Justice said it was offensive to hear someone stand up and insinuate because someone has the same last name or that they should get a licensed contractor, Dr. Dillhoff did not know what she was talking about and it was offensive for her to say something like that.

Mr. Justice did not know what court dates Dr. Dillhoff was referring to. He said he had a scheduling order from the court and deadlines that have to be met, depositions that need to be done by the end of the month and a trial that would need to take place next February or March. He said they have put the litigation on hold for ninety days to try to get the matter to settle and permit the liens to be paid off. Mr. Justice said when they come back, they want to have something to tell everybody about the work that has been done. He said he was being as dead honest as possible, and it may take ninety days before any significant work can be done. Mr. Justice said to give him six months after that when they have had a chance to get some work done. He said Mr. Phillips can follow the case and read that the case has been settled, but three months would not be enough time. Mr.

Justice said the case would be dismissed if the case is settled. He said to let them come back after they have had a chance to do some work. Mr. Justice suggested giving them at least nine months to get something done. Three months to get the liens paid off and six months to get some work done, and then they could show everyone what has been done so far.

Mr. Brown said he would like to point out that staff did provide scanned copies of the approved drawings to the new contractor.

Mr. Justice confirmed they do have the new drawings. He said they did not have all of the interior designs that they paid a lot of money to obtain but they were able to obtain those from a subpoena during litigation so they now have all the drawings to proceed with construction.

Mr. Coulter said he wanted to make a comment to benefit everyone in the audience. The schedule that was provided, and for the size of the home, and the amount of work that needs to be done, the schedule seemed reasonable for the length of time to finish. He said you can expedite anything and throw money at anything but that is not always the best route to go. He said the sequence seemed logical as he reviewed the list of items and the suggested time frames. The schedule is not set in stone, some things will get moved around and some things will get done before others, but he felt the schedule was reasonable and achievable. The contractor said he has twenty years experience and he said he is licensed and he should be taken for his word about that. Mr. Coulter said he took a look at the brick work which looked reasonably done. He felt the schedule looked reasonable for what they are trying to do.

Mr. Mykel said this process is the only avenue they have to speak about what is going on with the property considering it is not in a good shape. He felt three months was a little short but nine months was too long.

Mrs. Sandy Bornstein, 495 Tucker Dr., Worthington, Ohio, said she did not question the schedule because she is also building a house and knows how long it takes. What she is questioning is the promises that were made last year. What kind of proof is there that the liens will be cleared in ninety days and be able to move forward. She felt the group should get together in three or four months to confirm they can get the financing and that the liens are off and they can adhere to schedule. At that point, once they have the money, of course it will take that long.

Mr. Justice said they will clearly know within ninety days whether the liens are paid off or not because the lawsuits will be dismissed and a matter of public record. He said everyone in the room could go online and look at the Franklin County Courthouse website and read the Complaint. All the information is free and publicly accessible.

They would all know when the cases have been dismissed. He said he could not guarantee the liens would be paid off in ninety days but when someone signs a Settlement Agreement they typically comply with that. Mr. Justice said he believed the contractor would do that and then they could move forward with construction.

Mr. Phillips said he did look online at the Franklin County Recorder's Office and noticed one of the four liens has been released and that was by Airtron Heating & Cooling, the Mechanical Permit holder for the property. Someone asked if the Settlement Agreement would be available and Mr. Justice explained the Settlement Agreement will be a private document, but the Court's website will show that the case has been dismissed with Prejudice meaning the case cannot be brought again and the only way that would happen is if the liens are paid off, otherwise the litigation will proceed. Mr. Justice said there were four liens, but two of the liens have been paid off.

Ms. Crane said there is a balance between what is a reasonable expectation for instruction to proceed but on the other side of the equation there is a community concern about a good faith effort and aside from the brick work there seems to have been very little progress. Mr. Coulter said he would attempt to make a motion and accept friendly amendments. Mr. Seitz asked if they could have a moment of discussion and Mr. Coulter said, "Yes."

Mr. Seitz said he agreed with talking with the neighbors and keeping the neighbors in the loop. He said he would also support a four month extension with an updated schedule of construction and then also allowing for public comment. He said if they agreed to the full year then there would not be a reason for public comment for twelve months. Mr. Phillips said that was correct unless one of the Board members conditions on the motion required certain milestones to be hit and if they fail then they would have to come back before the Board. Ms. Crane asked who would be in charge of enforcing the conditions. Mr. Phillips said the Division of Building Regulation, the same entity that enforces the zoning and building codes now.

Mr. Coulter said the motion he crafted had a six month time limit with timelines the Board would be asking to be met with the possibility of a friendly amendment of four months instead of six if the Board felt that would be more appropriate. He said he agreed the motion should not be for nine months or a year. Mr. Seitz said he agreed with Mr. Coulter and he did not feel everything could be done in four months, but it would be nice to have them in the room in front of everybody letting them know where they are. Mr. Coulter said he would require reports before the end of six months. Ms. Reibel said she would also support four months. Mr. Seitz said they are all busy people and do not have time to hop on a website to find out what happened. Mr. Seitz said he would like Mr. Justice to come back in and explain what happened and that is why he would support the motion for four months. Ms. Crane said she agreed with four months. Mr. Seitz said he

was also a little hesitant about milestones because he did not if the members on the Board would be the appropriate entity to set those milestones. Mr. Seitz felt the contractor or the home owner should tell the Board where they are going to be with the milestones. Mr. Brown said the contractor provided the schedule. Mr. Seitz said they have a measurable device that they can look at in four months and see where they are. Ms. Crane said if there was a four month extension and they came back and said all the liens were paid off and the roof is in progress or not in progress because of zero degree temperatures. Mr. Coulter said he felt the Board members would be more comfortable with milestones.

Motion:
Mr. Coulter moved:

THAT THE REQUEST BY AARON AND SUSAN BAKHSHI FOR A FOUR MONTH EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD TO ALLOW FOR 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, WITH THE FOLLOWING CAVEATS:

- **THAT THE ISSUANCE OF TIMELINES WOULD INCLUDE INFORMATION OR THE STATUS OF THE SETTLEMENT WITHIN SIXTY DAYS;**
- **CONFIRMATION THAT THE LIEN RELIEF HAS BEEN TAKEN ADVANTAGE OF AND FINANCING IS IN PLACE;**
- **THE START OF CONSTRUCTION WITHIN NINETY DAYS WILL OCCUR;**
- **COMPLETION OF THE ROOF WITHIN ONE HUNDRED AND TWENTY DAYS AND AN UPDATE OF PROJECT STATUS AT THE END OF FOUR MONTHS;**

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.

Mr. Seitz asked to hear the bullet points again.

Mr. Coulter reiterated:

For the Permit timelines would include confirmation or status of the settlement within sixty days which would include a route of relief of the liens, evidence that they have been

paid and evidence of new financing to continue the construction; the status of construction to start within ninety days; completion of the roof within one hundred and twenty days and an update; and a project status at the end of four months.

Mr. Lindsey said he would suggest at the beginning that the change for the request for a one year be read as approved as modified to four months just so that it's clear that the original request was for one year. Ms. Crane asked for clarification as to the edited form from the City's Law Director, Mr. Lindsey. Mr. Lindsey said the Code provision under 1129.05 The Powers and Duties does provide the Board the ability to grant the extension up to one year and to grant conditions that the Board deems appropriate including health, safety and general welfare, so those conditions set forth in the motion fall within the category giving the Board authority to do so.

Mr. Falcoski asked who would be monitoring the conditions to make sure the conditions were met and what would happen if the conditions were not met. Mr. Phillips explained if they were in violation of Chapter 1305 and they would be asked to come back before the Board. Mr. Lindsey said enforcement of any of those zoning provisions would be handled through the Planning & Building Department and they would notify the property owner and give them a chance to correct the violation.

Ms. Reibel seconded the motion.

Mr. Seitz said he had one more question before voting. He said his intention of asking for a four month extension was so they would get updates every four months. Mr. Seitz said by the Board granting one year, then asked only one for month update? Mr. Phillips clarified to Mr. Seitz that the Board was granting only four months.

Mr. Lindsey clarified the way motions are normally styled that it's the request of the applicant by name for "x", if you are approving it, "shall be approved based on" and then other conditions and situations would apply. In this situation, Mr. Coulter and his styling the motion realized that he did not want to grant one year but only four months, but where that language appeared in the motion would have indicated that they only requested a four month extension, but they requested one year. The motion would be approving a modification of their request to provide for only a four month extension which means at the end of four months their permit would once again be expiring and they would need to request and additional extension of time. The indicated milestones need to be met prior to that four month period. Mr. Coulter said at the end of four months if the milestones have been met and they can show evidence of that it would be easier to extend it again. Ms. Crane asked Mr. Coulter to re-read the motion.

Mr. Justice said if they proceed forward with a four month then they will have to come in and make a new application every four months, and fill out all the forms again. Mr.

Coulter said in four months they could come back and ask for an extension of eight months or a year. Mr. Justice said what that means they would have to fill out forms all over again based on the motion because their Permit expires. He said to his knowledge this has never been done before and what he is asking the Board to do is just contemplate that because his client is just asking for an extension of time and he would be happy to come in with Permit conditions on a one year extension and every four months he would have to come in and report status and so forth and he could do that and tell you where they are. You would know what is going on and what is not. If he was not complying with the Permit that was granted for a year and the Conditions, then you could take action then. If the Permit died in four months they would have to come in and start all over again. He said they could effectively get to the same thing by granting him a one year extension and having him come in once every four months to give a detailed report to make that a condition of the Permit and determine whether he is compliant or not. Mr. Justice said he was just suggesting to the Board it would be far more fair and consistent with how other home owners in Worthington have been treated historically. What they are doing has never been done to another home owner and he is in this position because a contractor took advantage of him. Mr. Justice said he heard someone earlier say how embarrassing this was to have in the Columbus Dispatch. Can you imagine how embarrassing it is to Mr. and Mrs. Bakhshi and their family to see the lies that were included with the Columbus Dispatch article? He said he was just asking for similar treatment. Mr. Bakhshi is happy to come in and report as a condition of the extension. Why should he have to re-apply for an application every four months? Mr. Coulter clarified what he meant and that was to come back within four months and at that point in time he could ask for a full year. If Mr. Bakhshi has met the milestones the Board would feel really good about that.

Mr. Justice said the only milestones that will have been accomplished…Mr. Justice was interrupted by Mr. Coulter, and Mr. Coulter said those are the most important ones. Mr. Justice asked which ones. Mr. Coulter said the milestones that were given to him today, the relief of the liens, the effective financing, the fact that things were moving forward with positive progress. Mr. Coulter said everyone one in the room wants him to finish the house.

Ms. Reibel said she appreciated Mr. Justice's advocacy on behalf of his client. She said first of all, she did not believe that the Board has not done anything like this before. Mr. Justice said that information was based on what he was told. She said the Board is ready to take a vote. Mr. Justice said consistency is important in law and his client wants to finish the house and they are happy to report with milestones and so forth. Ms. Crane said they have certainly dealt with multiple extensions for building permits whether or not they have cut the requested time short, but this is an unusual project with an unusual history and she agreed with Ms. Reibel the Board was done with the discussion and ready to take a vote. Mr. Justice said in four months it will be January 6th and the only thing

that will have been accomplished based on the timeline they have before them is a settlement and hopefully the liens will have been released and they will be in a position to start drying out the home and start to work on the roof. There will not even be a completed roof on the timeline until the end of January. Mr. Seitz said he would be looking forward to hearing more about the house in January. Ms. Crane said the Board will be at the next BZA meeting on January 3rd. She said she would like to hear the motion read again.

Mr. Coulter moved:

THAT THE REQUEST BY AARON AND SUSAN BAKHSHI FOR A ONE YEAR EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD TO ALLOW FOR THE CONSTRUCTION OF THE DWELLING TO CONTINUE AT 410 TUCKER DRIVE AS PER CASE AS PER CASE NO. BZA 34-18, DRAWINGS NO. BZA 34-18 DATED AUGUST 10, 2018, WITH THE FOLLOWING CAVEATS:

- **THAT THE PERMIT BE EXTENDED FOR A FOUR MONTH TIME LIMITATION;**
- **THAT THE BOARD WILL WANT TO SEE THE RENEWAL OF THE BUILDING PERMIT; TIMELINE WOULD INCLUDE CONFIRMATION OF THE STATUS OF SETTLEMENT WITHIN SIXTY DAYS;**
- **START OF CONSTRUCTION INCLUDING LIEN RELIEF THAT HAD BEEN PAID, EVIDENCE OF FINANCING TO GO FORWARD WITH CONSTRUCTION;**
- **START OF CONSTRUCTION WITHIN 90 DAYS;**
- **COMPLETION OF THE ROOF WITHIN 120 DAYS;**
- **UPDATE OF THE STATUS AT THE END OF 180 DAYS;**

Ms. Reibel seconded the motion.

Ms. Crane said she was just wondering there is a 180 day timeline. Mr. Coulter said he meant to say 160. Mr. Lindsey clarified 120 days.

Mr. Brown asked for clarification Mr. Coulter's motion and the timeline, status of the settlement within 60 days, but their original statement said they thought would be resolved within 90 days. Mr. Coulter said Mr. Justice said the settlement may be finalized tomorrow. Mr. Justice explained parties signing a settlement agreement just means parties agree to do certain things. The Settlement Agreement will not be completed until the liens are paid. He said what matters is that will have been done in 90 days. Mr. Coulter said the Board just wants to know when the liens have been paid.

Ms. Crane asked for a roll call. Mr. Seitz, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Coulter, aye; and Ms. Crane, aye. Ms. Crane said the extension is for four months.

C. Other

Mr. Brown discussed an invitation to a MORPC event.

D. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Mr. Coulter. All members voted, "aye," and the meeting adjourned at 9:17 p.m.

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

October 4, 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 were L. Brown, Director of Planning & Building; and L. Nofer, Planning & Building Assistant.

2. Pledge of Allegiance

3. Approval of minutes of the September 6, 2018 meeting

   Ms. Crane stated that the board would wait until the next meeting to vote on the minutes.

4. Affirmation/swearing in of witnesses

B. Items of Public Hearing

1. Variance – Side Yard Setback – Shed – **528 N. Selby Blvd.** (Kenneth Donnelly) **BZA 35-18**

Mrs. Nofer reviewed the following from the staff memo:

Findings of fact:

1. A variance was granted on June 7, 2018 to construct a garage on the west side of the house that encroached on the side yard setback requirements.

2. The applicant is proposing to construct a 12 foot by 8 foot shed, totaling 96 square feet, 3 feet from side yard lot line. Based on the proposed size of this structure being less than 120 square feet in size, it shall not be erected within 5 feet of the side yard lot line. The requested variance is 2 feet.

3. There is an 8 foot utility easement on the North end of the property in the rear yard that prohibits a permanent structure from being located in it; thus, the proposed shed would be constructed outside the 8’ easement.

The following conclusions are presented:

1. The essential character of the neighborhood should not be substantially altered.

2. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked for clarification on the location of the previously approved garage from the June 7, 2018 hearing. Mrs. Nofer reverted to the site plan depicting the location of the garage, which was approved for six feet from the side yard property line. Ms. Crane asked Mrs. Nofer to clarify if the dotted line on the east side of the property was an added feature as well. Mrs. Nofer clarified that it was not, and that it was depicting the building line on the original survey.

Ms. Crane asked if the applicant was present. Kenneth Donnelly, 528 N. Selby Blvd. Worthington, OH 43085, came forward. Ms. Riebel asked the applicant why he needed the shed to be three feet from the side yard. The applicant replied that he preferred that location to create more space between the shed and the home. Ms. Riebel asked if the applicant would be able to maneuver a lawn mower around the space between the shed and the home if it were outside the setback of five feet. The applicant replied that he could but still preferred to have it closer to the property line.

Ms. Crane asked the applicant to clarify if the existing garage space would be converted into living space. The applicant confirmed that the garage would be converted into living space. Ms. Crane asked if the applicant had a preference regarding the two location options for the shed and the applicant said no. Ms. Crane asked if it made a difference which option the board approved. Mr. Coulter responded that it was not relevant for this board to review the orientation of the shed, and stated they were only there to review the variance request of two feet. Mr. Coulter suggested that the board approve both options and allow the applicant to then have the autonomy to choose either option. Ms. Crane asked if there was anyone to speak for or against this application, and no one came forward.

Motion:
Mr. Falcoski moved:

THAT THE REQUEST BY KENNETH DONNELLY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A SHED AT 528 NORTH SELBY BOULEVARD, AS PER CASE NO. BZA 35-18, DRAWINGS NO. BZA 35-18 DATED SEPTEMEBR 10, 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

Ms. Crane stated that the Law Director has requested an executive session. The chair would like to entertain a motion to go into executive session for the purpose of conferring with the Law Director concerning a matter that is the subject of pending or imminent court action. Mr. Coulter moved to go to into executive session. Mr. Seitz seconded the motion. Ms. Crane asked if there was any more discussion before proceeding to the vote. Hearing no comment, Ms. Crane then stated that the board would then proceed with a roll call vote on the motion to go into executive session for the purpose of conferring with the Law Director concerning a matter that is the subject of pending or imminent court action. Mr. Brown called the roll. All members voted “aye” and the motion passed. The board and staff then went into executive session at 7:15 pm

The board and staff then returned from executive session and reconvened at 8:03.

D. Adjournment

Mr. Falcoski moved to adjourn the meeting seconded by Ms. Reibel. All members voted, “aye” and the meeting adjourned at 8:04 p.m.

City of Worthington
BOARD OF ZONING APPEALS
APPLICATION

Meetings – First Thursday of Every Month

Worthington PLANNING & BUILDING

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

RECEIVED AUG 10 2018 BY: .....

1. Property Location: 410 Tucker Drive
2. Present/Proposed Use: Single Family Home
3. Zoning District: SFR
4. Applicant: Aaron & Susan Bakhshi
   Address: 58 W. Riverglen Dr., Worthington
   Phone Number(s): 937-269-1264
5. Property Owner: Aaron & Susan Bakhshi
   Address: 58 W. Riverglen 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:

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 Bakhshi — Applicant (Signature) — 8-9-18 Date

A-K Bakhshi — 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.

CITY OF WORTHINGTON

DRAWING NO. BZA 34-18

DATE 08/10/18

Miami Valley Construction Group, LLC

	Task	Assigned To	Start	End	Working Days (Excludes Holidays &Weekends)	%	2018		2019				2020	
							Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
	Bakhshi, Susan & Aaron		9/15/18	2/25/20	361									
1	90 Day Settlement Agreement Period	undetermined variable	9/15/18	12/14/18	63	0								
2	Drying out Home/Repair Damage. Exterior Finishing's (Not Including Landscaping/Pool), Install Roof,Gutters & Downspouts	Weather permitting/ Roofing Contractor	12/15/18	1/30/19	30									
3	Electrical rough-in/ Audio & Video	Electric work in house	1/20/19	3/19/19	40									
4	HVAC,Plumbing, & Framing	Various Contractors	2/19/19	4/1/19	30									
5	Inspections	City Of Worthington/Franklin County, Time Allowed For Repairs	4/2/19	4/22/19	15									
6	Insulation & Drywall	Contractor	4/22/19	6/24/19	45									
7	Painting	Painting Contractor/In House	6/24/19	7/22/19	20									
8	Flooring Installation/ Tile Work	In House/ Contracted	7/22/19	8/30/19	30									
9	Cabinet Installation	Contracted	8/20/19	9/10/19	15									
10	Finish Installation of Plumbing/Electric/HVAC/Audio & Video	Contracted/ In House	9/11/19	12/6/19	60									
11	Exterior Lighting, Exterior Landscaping, Exterior Pool	Contracted	11/4/19	12/24/19	35									
12	Driveway/Driveway Lighting	Contracted	11/26/19	1/2/20	25									
13	Final Inspection/ Occupancy Permit	Time Allowed for repairs if needed	1/5/20	2/10/20	25									
14	Homeowner Move In		2/11/20	2/25/20	10									

Wednesday, September 05, 2018 4:25:11 PM - Bakhshi, Susan & Aaron.sdr - SmartDraw 2018

City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 38-18
Date Received 10-4-2018
Fee $50.00 pd
Meeting Date 11-1-2018
Filing Deadline
66035

1. **Property Location** 627 High St
2. **Present/Proposed Use** RESTAURANT
3. **Zoning District** _____
4. **Applicant** LA Chatelaine
   Address 1550 W. Lane Ave, Col 43221
   Phone Number(s) 614 488 1911
5. **Property Owner** La Chatelaine
   Address 1535 W. Lane Ave Col 43221
   Phone Number(s) 614 488 1911
6. **Action Requested** (ie. type of variance) Sign height to increase from Code allowed 3' to approx 7'
7. **Project Details:**
   a) **Description** Directional Private Parking Sign
   b) **Expected Completion Date** 11/10/18
   c) **Approximate Cost** 300

PLEASE READ THE FOLLOWING STATEMENTAND 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.

Applicant (Signature) _____ Date 10.3.18

Property Owner (Signature) _____ Date 10.3.18

Abutting Property Owners List for
627 High St.

Wacked Hair Salon	11 W. New England Ave.	Worthington, OH 43085
Stephen & Barbara Jerman	11 W. New England Ave.	Worthington, OH 43085
The Omolesky Law Firm, LLC	25 W. New England Ave.	Worthington, OH 43085
North Outerbelt Transportation	25 W. New England Ave.	Worthington, OH 43085
DataField, Inc. Corporate	25 W. New England Ave.	Worthington, OH 43085
Samuel Musgrove	562 Evening St.	Worthington, OH 43085
Fritzy Jacobs	633 High St.	Worthington, OH 43085
Dewey's Pizza	640 High St.	Worthington, OH 43085
James and Lindsay Cleverley	31 E. New England Ave.	Worthington, OH 43085
KASA Yoga and Wellness	634 High St.	Worthington, OH 43085
Worthington Lodge LLC	634 High St.	Worthington, OH 43085

La Chatelaine

Sign Variance Request

To request a height variance from sign code to allow a directional "no parking" sign, design to meet code, but be placed higher than the code specified 3' above grade.

The intended placement of the sign would be approx. 7' above grade to top of sign. This sign is intended to be placed on an accessory pole located back in the parking area.

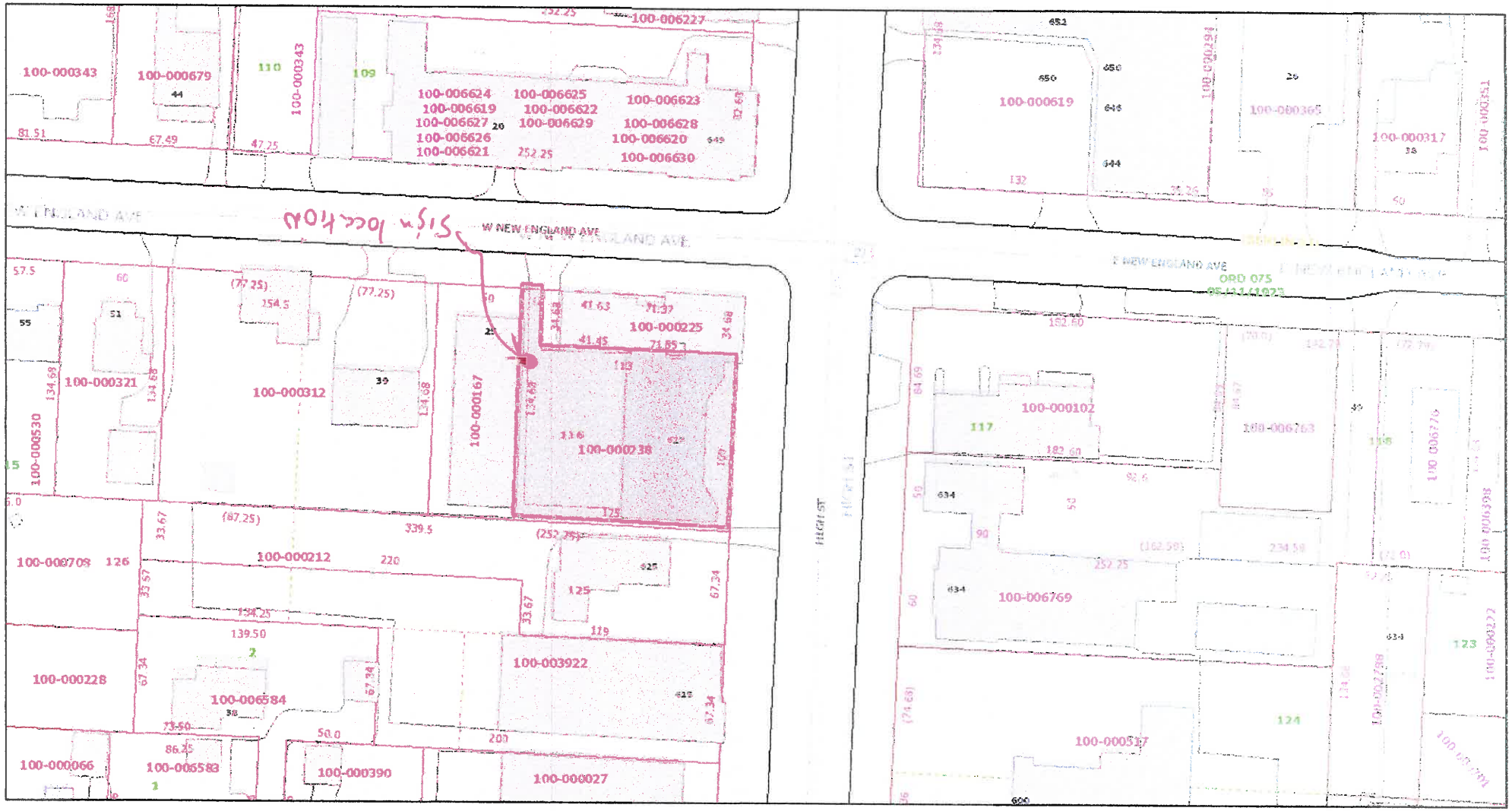
There is restricted access and space available to place a code standard ground directional, hence the variance request. Given the very tight access and private parking, and off premise parcels adjacent to the parking lot entrance there is no functional location other than utilizing the accessory pole.

a) The directional sign if to be informative to vehicles entering the lot to identify that it is a private lot for patrons of La Chatelaine only.
b) The variance is not substantial. Request is for height adjustment of approx. 4'
c) The neighborhood will not be adversely affected as this sign is not readily visible.
d) the variance will not adversely affect governmental services visible from the right of way
e) there had been an established no parking sign for many years that was removed, in order to secure a variance and secure a permit for such
f) securing a variance is the conduit to obviate the predicament to identify a private lot
g) the spirit and intent of the code is met in the design of the sign panel that meets code

627 High St.

100-000238 04/25/2017

100N064 02000



September 6, 2018

1:862

0 55 110 220 ft

0 15 30 60 m

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

CITY OF WORTHINGTON

DRAWING NO. BZA 38-18

DATE 10/04/18

Franklin County Auditors Office
Copyright 2015

CITY OF WORTHINGTON

DRAWING NO. BZA 38-18

DATE 10/04/18

SCALE 3/8" = 1'

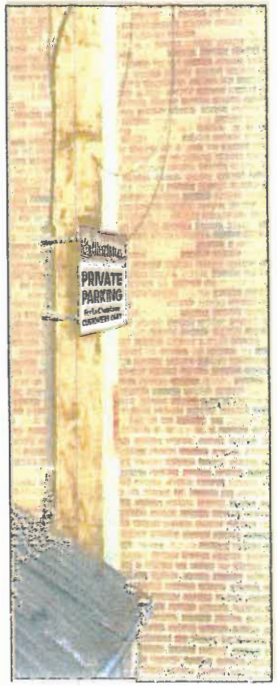
(1) S.F. Aluminum Private Parking Sign 4 SQ. FT.

.090" THICK ALUMINUM PLATE SIGN WITH RADIUS CORNERS AND SMOOTH, FINISHED EDGES.
HIGH PERFORMANCE VINYL GRAPHICS APPLIED.
SIGN SECURED TO WOODEN POLE USING (2) BAND CLAMPS.

COLORS:

BACKGROUND - WHITE AND BURGUNDY, PMS #188
La Chatelaine - WHITE, 3M #7725-10
PRIVATE PARKING, ETC. - BLACK, 3M #7725-12

SCALE 1-1/2" = 1'



VERIFY ALL MEASUREMENTS AND DIMENSIONS PRIOR TO PRODUCTION

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SIGNCOM Design • Fabrication • Erection • Service

CLIENT APPROVAL _____ DATE _____

☐ PRODUCTION ART REQUIRED
Colors on Printed Documents May Vary

PROJECT NAME LA CHATELAINE
LOCATION
CITY WORTHINGTON STATE OHIO

REVISION

SALES BMS
DESIGN RAF
SIZE 14

DATE 8-30-18
SCALE Noted
PROJECT# 18503

City of Worthington
BOARD OF ZONING APPEALS
APPLICATION

Meetings – First Thursday of Every Month

Case #	BZA 39-18
Date Received	10-4-2018
Fee	$50.00 pd
Meeting Date	11-1-2018
Filing Deadline	
	#66042

1. **Property Location** 893-905 High St.
2. **Present/Proposed Use** Neighborhood Commercial
3. **Zoning District** C-1
4. **Applicant** Worthington Center LLC - Ed Mershad
   Address 893 High St. Suite D, Worthington, OH 43085
   Phone Number(s) 614-571-1178
5. **Property Owner** Worthington Center LLC
   Address 893 High St., Suite D, Worthington, OH 43085
   Phone Number(s) 614-571-1178
6. **Action Requested** (ie. type of variance) Allow addition of 2 Bollards in parking lot, painted color of monument sign
7. **Project Details:**
   a) **Description** Add 2 Bollards to protect monument sign
   b) **Expected Completion Date** 11/15/18
   c) **Approximate Cost** $200

PLEASE READ THE FOLLOWING STATEMENTAND 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.

Ed Mershad — Applicant (Signature) — 10/4/18 Date

Ed Mershad — Property Owner (Signature) — 10/4/18 Date

Abutting Property Owners List for
893-905 High St.

Marathon	911 High St.	Worthington, Ohio 43085
Poaga LLC	67 Spring Creek Dr.	Westerville, Ohio 43081
Poaga LLC	891 High St.	Worthington, Ohio 43085
The Salt Box	891 High St.	Worthington, Ohio 43085
CVS	918 High St.	Worthington, Ohio 43085
Pet People	910 High St.	Worthington, Ohio 43085
Porch Growler	890 High St.	Worthington, Ohio 43085
John & Barbara McConagha	876 Oxford St.	Worthington, Ohio 43085
Kevin & Emily Masterson	31 W. North St.	Worthington, Ohio 43085
Todd & Patricia Hitt	880 Oxford St.	Worthington, Ohio 43085
Michael and Joy Scholl	41 W. North St.	Worthington, Ohio 43085
Kevin and Mollie Turner TR	51 W. North St.	Worthington, Ohio 43085
Donald Drabant	872 Oxford St.	Worthington, Ohio 43085

Re: Zoning Appeals Statement

Worthington Center located at 893-905 High St. is requesting the addition of 2 bollards to protect the current monument sign. There have been several occasions whereby cars inadvertently strike the base of the monument sign. We are in the process of repairing the sign base and the bollards should protect the base from future damage.

The bollards will be painted the same color as the monument base and will not substantially detriment the existing look of the sign or property.

893-905 High St.

893-905 High St.
Monument Sign Bollard

City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case #	BZA 40-18
Date Received	10-05-18
Fee	$25 pd
Meeting Date	11-01-18
Filing Deadline	
	100043

1. **Property Location** 518 Haymore Ave. S. Worthington OH 43085
2. **Present/Proposed Use** Garage Extension (Street Side)
3. **Zoning District** R-10
4. **Applicant** Ezra Wengerd

   Address 3923 Grove Church Rd. Gambier OH. 43022

   Phone Number(s) 614 578 5945 (Joseph)
5. **Property Owner** Jay & Erin Harmeyer

   Address 518 Haymore Ave. S. Worthington OH.

   Phone Number(s) 952-210-6236 (Erin) 614-316-1437 Jay
6. **Action Requested** (ie. type of variance) Permission to add 6' extension to front of 2 car garage
7. **Project Details:**

   a) **Description** 6' deep x 20' addition to front of garage - gable facing street

   b) **Expected Completion Date** May 2019

   c) **Approximate Cost** $24,000.00

PLEASE READ THE FOLLOWING STATEMENTAND 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.

Ezra Wengerd — Applicant (Signature) — 10-2-2018 Date

Property Owner (Signature) — 10/3/2018 Date

Erin Harmeyer — 10/3/2018

ABUTTING PROPERTY OWNERS
FOR
518 S. Haymore Ave.

Michael & Erin Farley		508 S. Haymore Ave.	Worthington, Ohio 43085
Timothy and Lisa Potts		528 S. Haymore Ave.	Worthington, Ohio 43085
Michael Hannemann	Jennifer Ottesen	525 S. Haymore Ave.	Worthington, Ohio 43085
Katherine Hickey		513 S. Haymore Ave.	Worthington, Ohio 43085
David and Lesley Wade		505 S. Haymore Ave.	Worthington, Ohio 43085
Deborah Hayden		505 N. Haymore Ave.	Worthington, Ohio 43085
Jeffrey and Melissa Sever		515 N. Haymore Ave.	Worthington, Ohio 43085

Supporting Statement:

Our request for the variance to our property is to extend our garage out 6' to provide additional square footage in the garage to build a mudroom and a storage space in the back of our garage that we would not have the appropriate space for if we did not add on. The extension of the garage coming out 6' does not impact the delivery of any government services. Also, with the extension of the garage cars and vans are able to park in the driveway comfortably without blocking access to the sidewalk for pedestrians using the sidewalk. The simple addition of 6' to the garage will provide us the additional square footage we need in order to add the mudroom and storage we but also is minimal enough that our house's external structure will still be comparable to that of our neighbors and other houses on our street.

518 S. Haymore Ave.

074013

MORTGAGE LOCATION SURVEY

TITLE COMPANY: *NORTHWEST SELECT TITLE AGENCY*
LENDER: *THE EQUITABLE MORTGAGE CORPORATION*
BUYER: *JOSEPH H. AND ERIN M. HARMEYER*
SELLER: *BRIAN D. AND MOLLY A. COFFEY*
DATE: *07/17/13*
ORDER NO.: *0740-13*

LEGAL DESCRIPTION: *BEING LOT NO. 30 OF THE AMENDED PLAT OF BLOCKS "F", "N", "R" & "S" AND 3.87 ACRE TRACT WORTHINGTON ESTATES, OF RECORD IN PLAT BOOK 36, PAGES 52 AND 53, FRANKLIN COUNTY RECORDER'S OFFICE, CITY OF WORTHINGTON, STATE OF OHIO.*

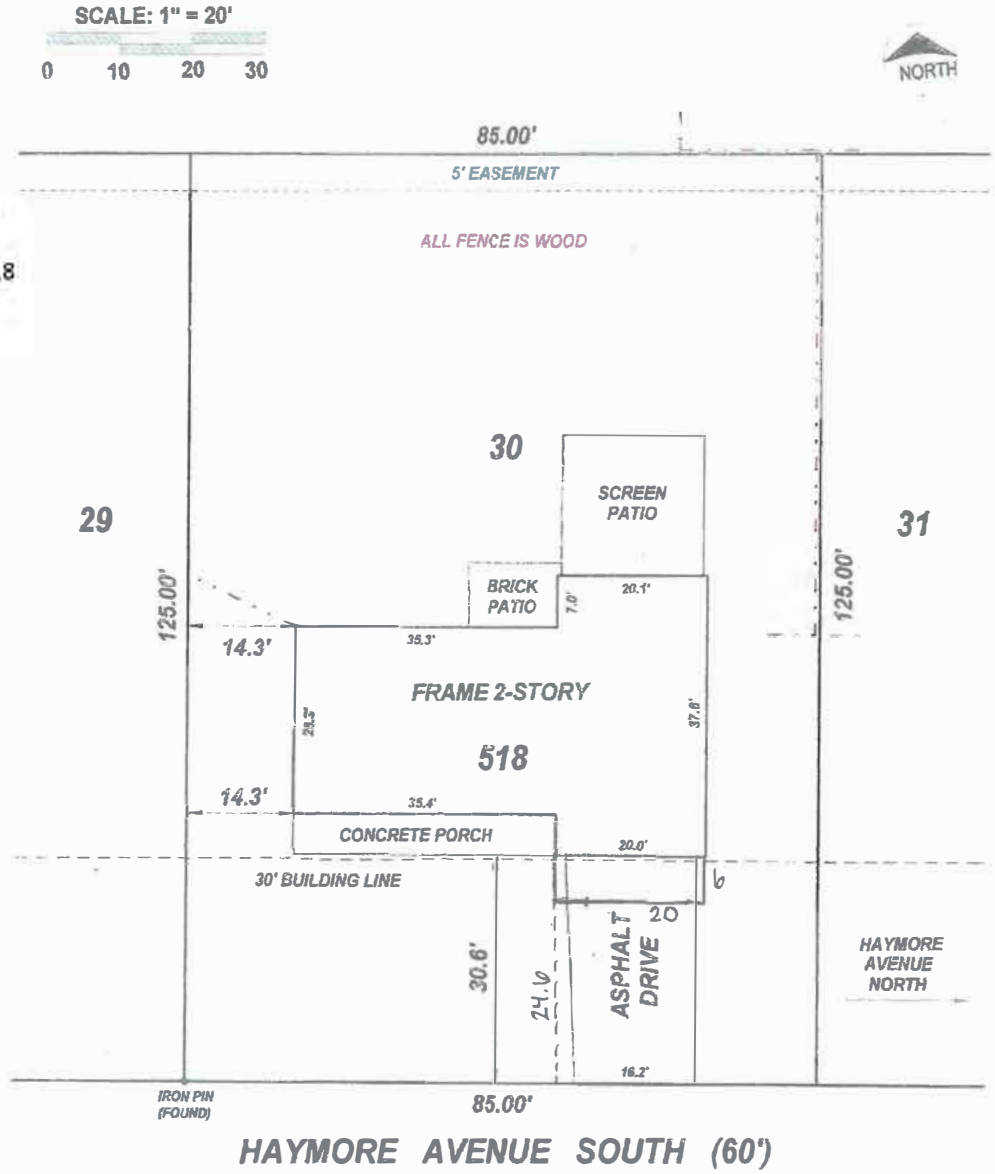
APPARENT ENCROACHMENTS: *NONE.*

PARCEL NO. 100-004267-00 *TITLE CO. FILE NO. NWS-9914*

CITY OF WORTHINGTON

DRAWING NO. BZA 40-18

DATE 10/05/18



COMPASS SURVEYING SOLUTIONS

P.O. Box 1902
Westerville, Ohio 43086-1902
Phone: (614)378-9140
Fax: (614)891-5889
CompassSurveying@yahoo.com

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and does not show the location of fences or landscaping. This plat is not to be used for the construction of any improvements. Liability for this survey limited to actual cost of survey.

By _____

G. Dean Erlenbach
Ohio Registered Surveyor No. 7272

STATE OF OHIO
G. DEAN ERLENBACH
7272
REGISTERED
PROFESSIONAL SURVEYOR

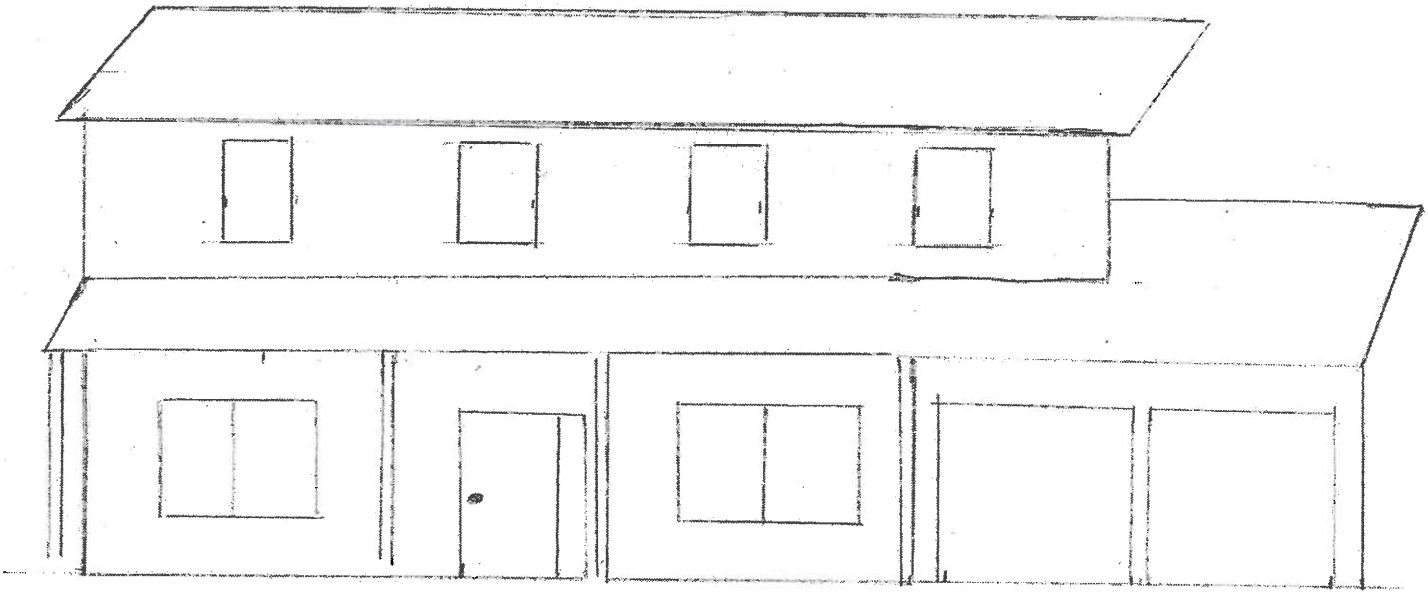
Harmeyer Residence
South Side elevation - Existing

Scale 1/8 = 1'

CITY OF WORTHINGTON

DRAWING NO. BZA 40-18

DATE 10/05/18



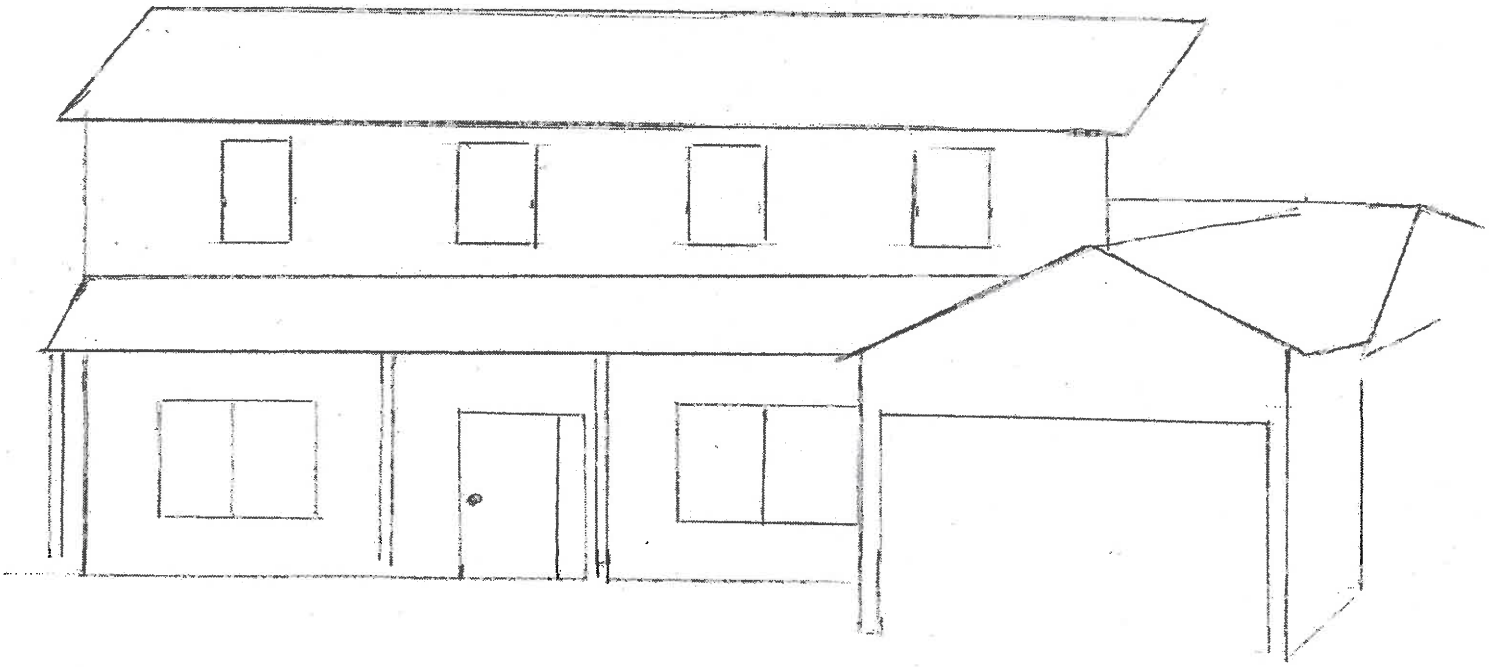
Harmey Residence
South Side Elevation - Projected

Scale 1/8" = 1'

CITY OF WORTHINGTON

DRAWING NO. BZA 40-18

DATE 10/05/18



City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 41-18
Date Received 10-05-2018
Fee $25.00 pd
Meeting Date 11-1-2018 7 PM
Filing Deadline
#66045

1. **Property Location** 178 ABBOT AVE
2. **Present/Proposed Use** RESIDENTIAL
3. **Zoning District** R10
4. **Applicant** GLENN MOOG

   Address 178 ABBOT AVE

   Phone Number(s) (614) 578 2433
5. **Property Owner** CATHE + GLENN MOOG

   Address SAME

   Phone Number(s) (614) 595-6106 @ CATHE
6. **Action Requested** (ie. type of variance) WOULD LIKE TO BE 4' FROM BACK AND 3' FROM SIDE
7. **Project Details:**

   a) **Description** SHED

   b) **Expected Completion Date** SPRING 2019

   c) **Approximate Cost** $3000 +

PLEASE READ THE FOLLOWING STATEMENTAND 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.

Glenn Moog — 10/5/18
Applicant (Signature) — Date

[illegible] — 10/5/18
Property Owner (Signature) — Date

ABUTTING PROPERTY OWNERS
FOR
178 Abbot Ave.

John and Patricia Wiechel		170 Abbot Ave.	Worthington, Ohio	43085
Scott and Katharine Gaddis		186 Abbot Ave.	Worthington, Ohio	43085
Brian and Shannon Schoch		6938 Joslyn Pl.	Worthington, Ohio	43085
Steven Ciciora	Meagan Kane	167 Abbot Ave.	Worthington, Ohio	43085
Carey and Judith Songailo		6838 Joselyn Pl.	Worthington, Ohio	43085
Lynn and Donna Bender		177 Highland Ave.	Worthington, Ohio	43085
Joselyn Ruvio		187 Highland Ave.	Worthington, Ohio	43085
Colonel and Betty Clegg		169 Highland Ave.	Worthington, Ohio	43085

I am wanting to construct a shed in place of a very old shed that I had to take down. The old shed was 2' from the back property line and 1' from side. The new shed will be 4' from the back and 3' from the side. I have verbal approval from both neighbors. (Raddis and Bender) The shed will be 10' x 15' with 1 window, double door side entrance and black steel roof.

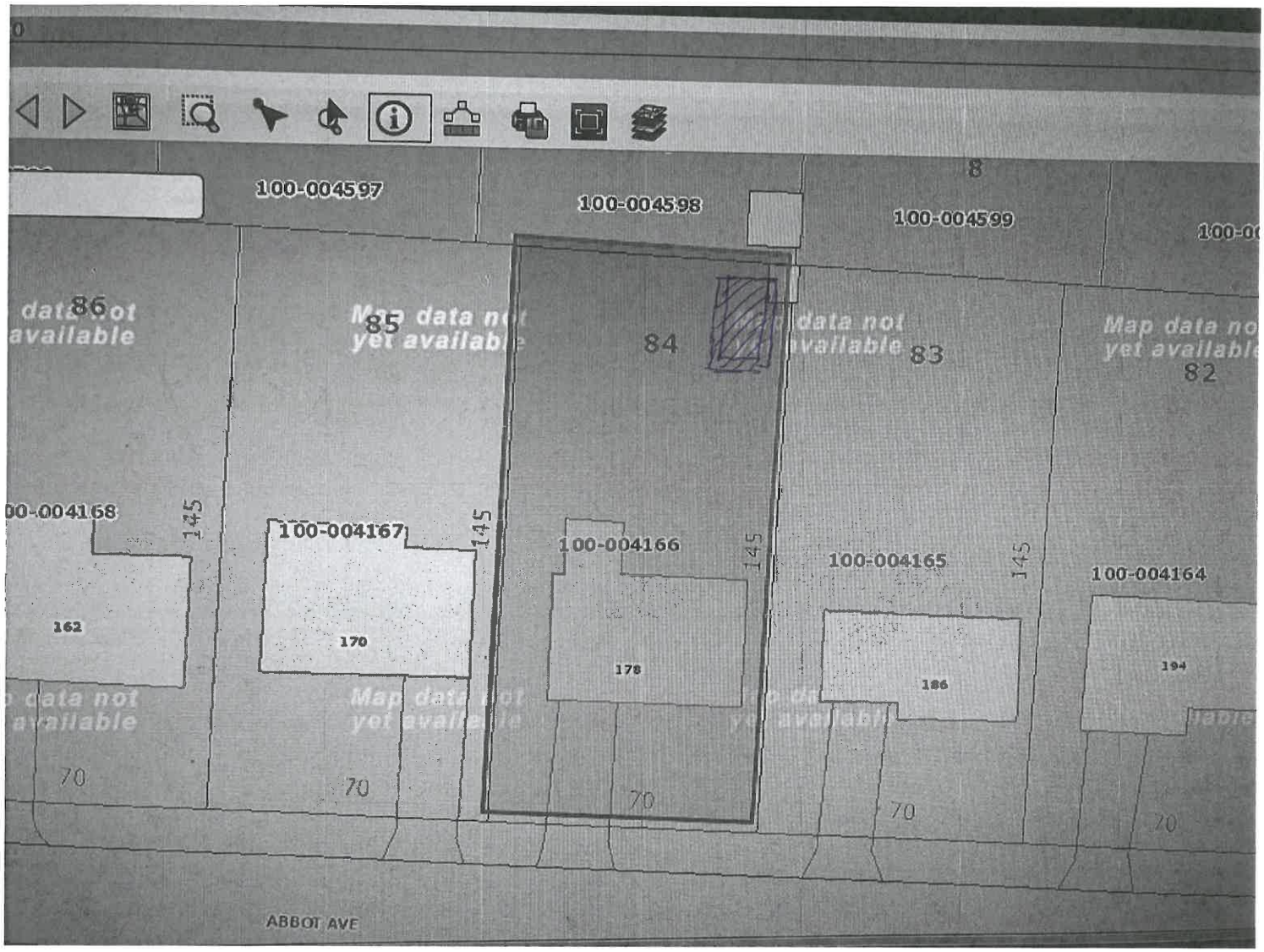
Glenn Mooy

178 ABBOT AVE

178 Abbot Ave.

100-004166 04/17/2017

4' from back
3' from side



CITY OF WORTHINGTON

DRAWING NO. BZA 39-18

DATE 10/04/18

To Whom it May Concern,
My name is Scott Gaddis and my family and I live at 186 Abbot Ave, next door to the Moog's. Glenn and I have talked about his shed and its placement/design and we have no concerns about it. We fully support the project and it will not impact our yard or house in any way. If you have any questions please do not hesitate to contact me at 614-657-7830.

Sincerely,
Scott Gaddis

City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 42-18
Date Received 10-5-2018
Fee $25.00
Meeting Date 11-1-2018
Filing Deadline
#66049

1. **Property Location** 340 Longfellow Ave
2. **Present/Proposed Use** Residential
3. **Zoning District** R-10 N
4. **Applicant** RAS Construction, Inc
   Address 351 W. South St. Worthington OH 43085
   Phone Number(s) 614.679.3863
5. **Property Owner** Dick & Marylou Pasey
   Address 340 Longfellow Ave.
   Phone Number(s) 614-679-8201
6. **Action Requested** (ie. type of variance) Front yard setback
7. **Project Details:**
   a) **Description** 4 ft. extension to front of garage
   b) **Expected Completion Date** Spring 2019
   c) **Approximate Cost** _____

PLEASE READ THE FOLLOWING STATEMENTAND 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.

Applicant (Signature) 10/4/18 Date

Agent For Owner: Sean Kocheran
Co-Applicant

Property Owner (Signature) 10/4/18 Date

614-679-3863

ABUTTING PROPERTY OWNERS
FOR
340 Longfellow Ave.

John Gaeuman		350 Longfellow Ave.	Worthington, Ohio	43085
Jennifer and Edgar Edwards		330 Longfellow Ave.	Worthington, Ohio	43085
Board of Education of Worthington		6625 Guyer St.	Worthington, Ohio	43085
Andrea Lowman		335 Longfellow Ave.	Worthington, Ohio	43085
Stephanie Bart-Horvath	Michael Horvath	345 Longfellow Ave.	Worthington, Ohio	43085

Construction, Inc.

R.A.S. Construction

Supporting Statement
RAS Construction, Inc.
351 W. South St., Worthington, OH 43085
614-679-3863

10/5/18

Re: Worthington Zoning Appeals Application for 340 Longfellow Ave.

To Whom It May Concern,

We request a minor 4 foot front yard setback variance to accommodate increasing the depth of the existing garage which is relatively shallow. The request is critical in making modifications to allow for wheel chair accessibility into the home from the garage. The variance will not have any negative impact on the street scape as there are current structures which currently set more forward than the proposed structure. We appreciate your consideration for the variance as it is desperately needed to accommodate a medical need.

Thank you for your consideration.

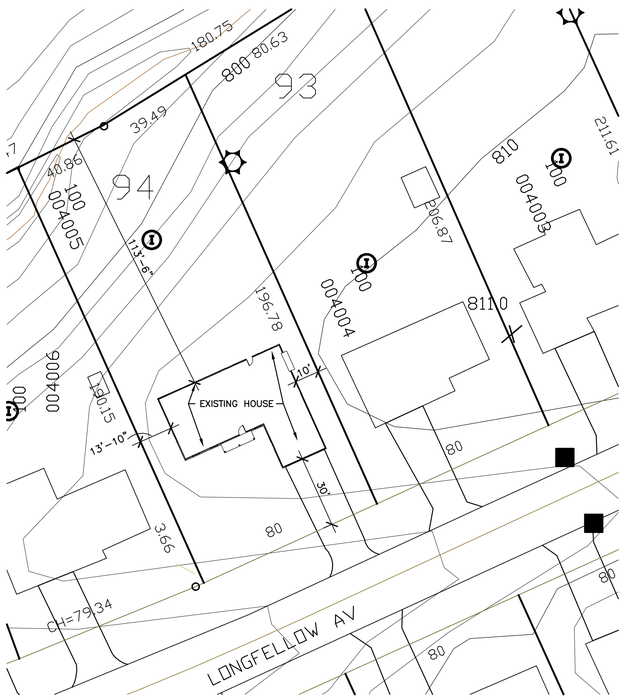
Respectfully Submitted,
Sean Kocheran

340 Longfellow Ave.

100-004005 04/26/2017

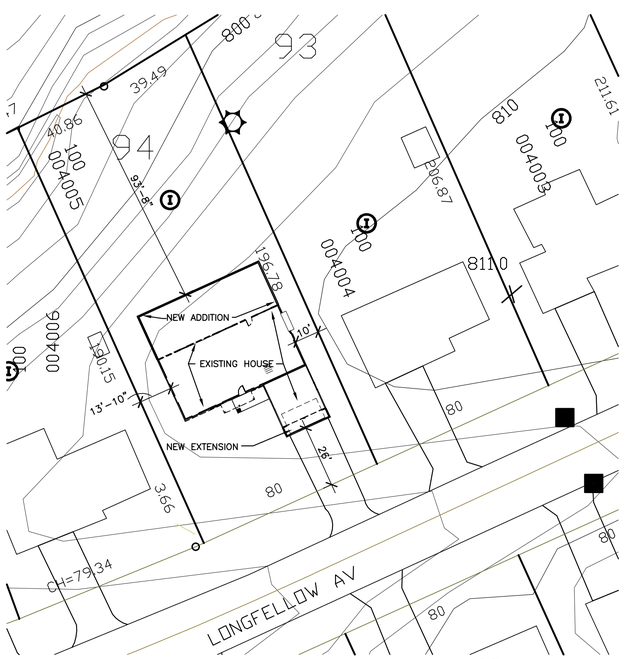
THESE DRAWINGS HAVE BEEN PREPARED BY JOHN YOUNG (YOUNGS' CAD SERVICE) 7952 TRELLAGE CT. POWELL, OHIO 43065 (614) 507-9678 FOR RAS CONSTRUCTION.

PROPOSED HOUSE RENOVATION FOR THE RESIDENCE AT 340 LONGFELLOW AVENUE WORTHINGTON, OHIO 43085



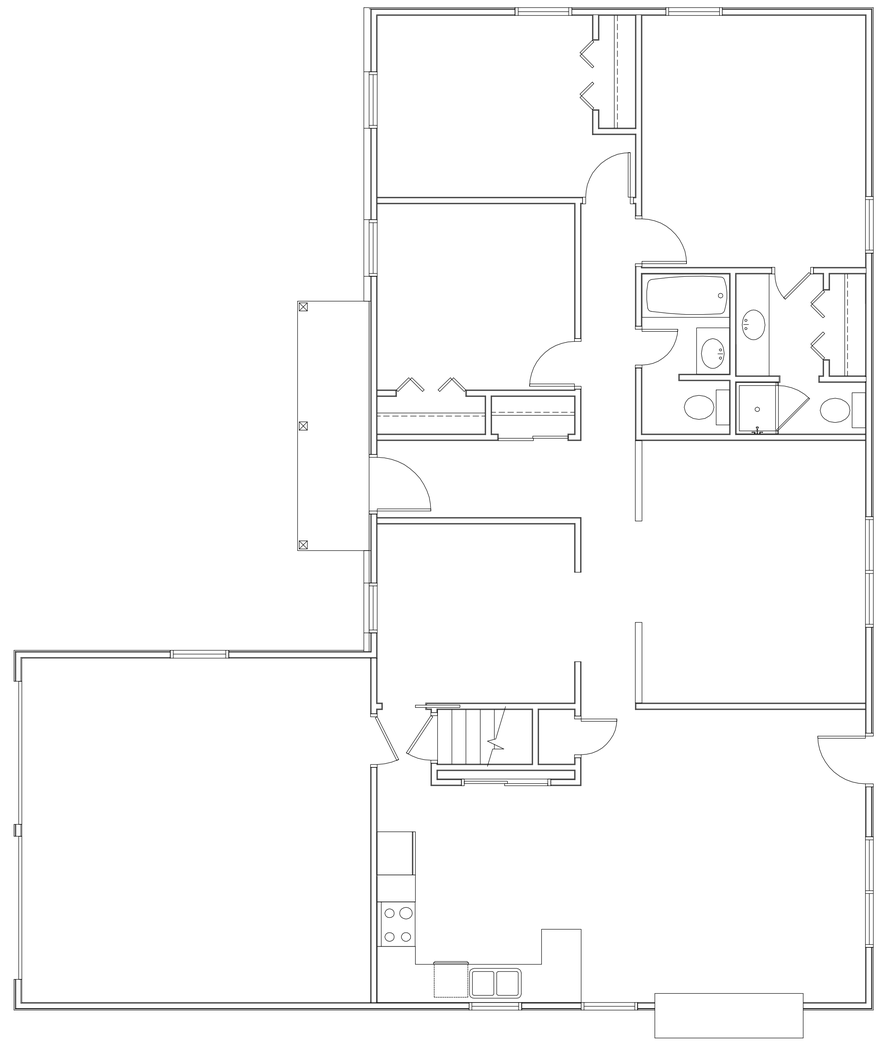
existing site plan

1" = 30'-0"



proposed site plan

1" = 30'-0"



existing first floor plan

1/4" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

A
1

DATE: 9/10/2018 SET: DESIGN SET

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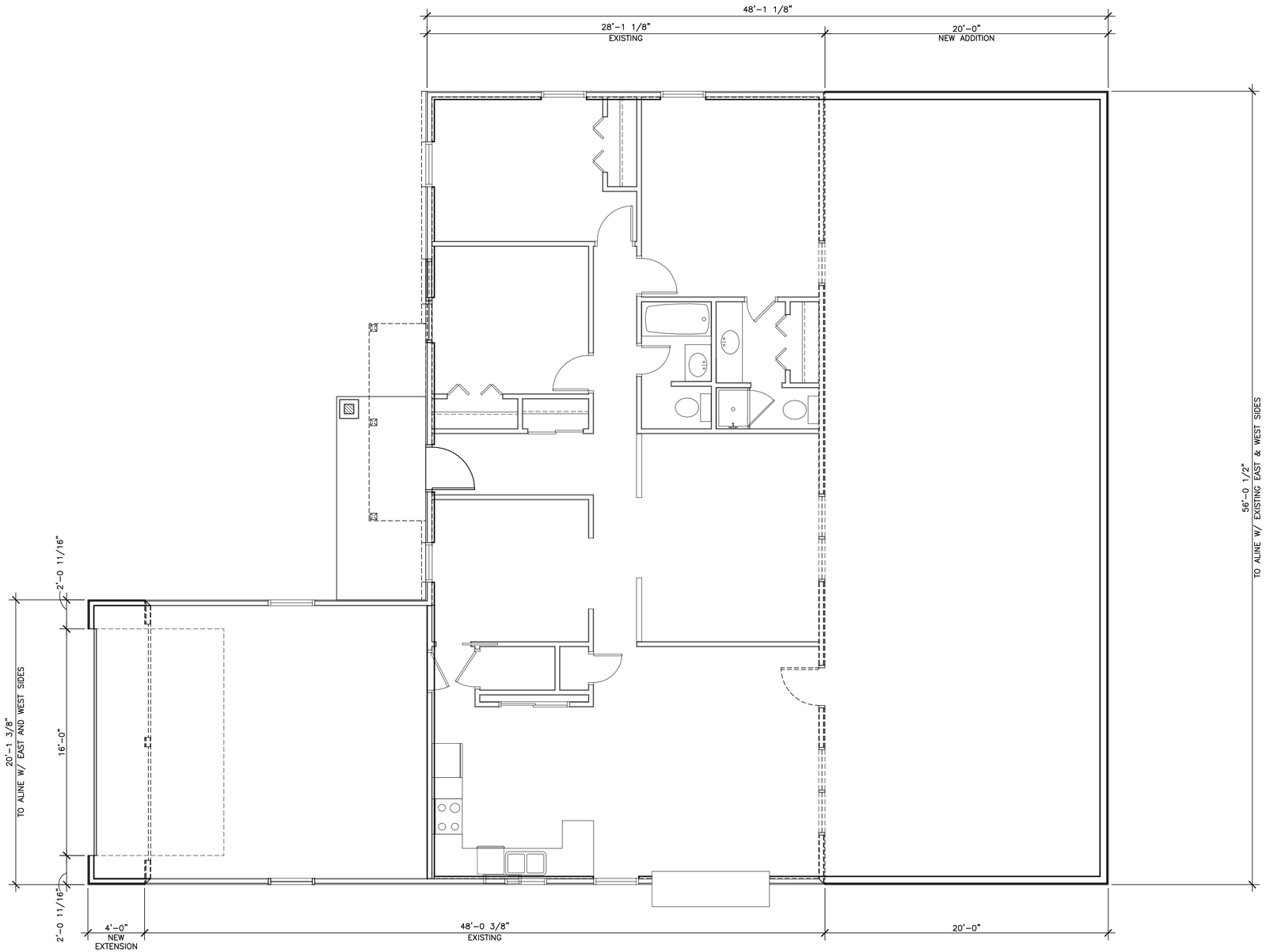

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

proposed first floor plan

1/4" = 1'-0"

PROPOSED HOUSE RENOVATION FOR THE RESIDENCE AT 340 LONGFELLOW AVENUE WORTHINGTON, OHIO 43085

A2

DATE: 9/10/2018 SET: DESIGN SET

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PROPOSED HOUSE RENOVATION FOR THE RESIDENCE AT 340 LONGFELLOW AVENUE WORTHINGTON, OHIO 43085

proposed south elevation

1/4" = 1'-0"

existing south elevation

1/4" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

A 3

DATE: 9/10/2018 SET: DESIGN SET

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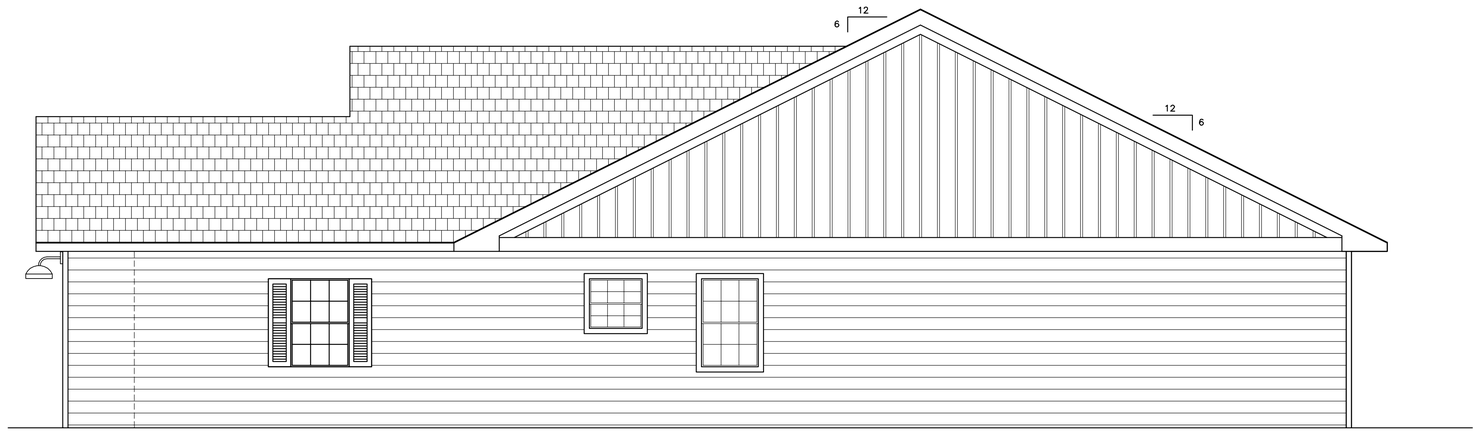

proposed east elevation

1/4" = 1'-0"

NOTE:
WINDOW OPENINGS ON NEW ADDITION ARE TO BE DETERMINED AS NEW FLOOR PLAN IS DEVELOPED

existing east elevation

1/4" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

A
4

DATE: 9/10/2018 SET: DESIGN SET

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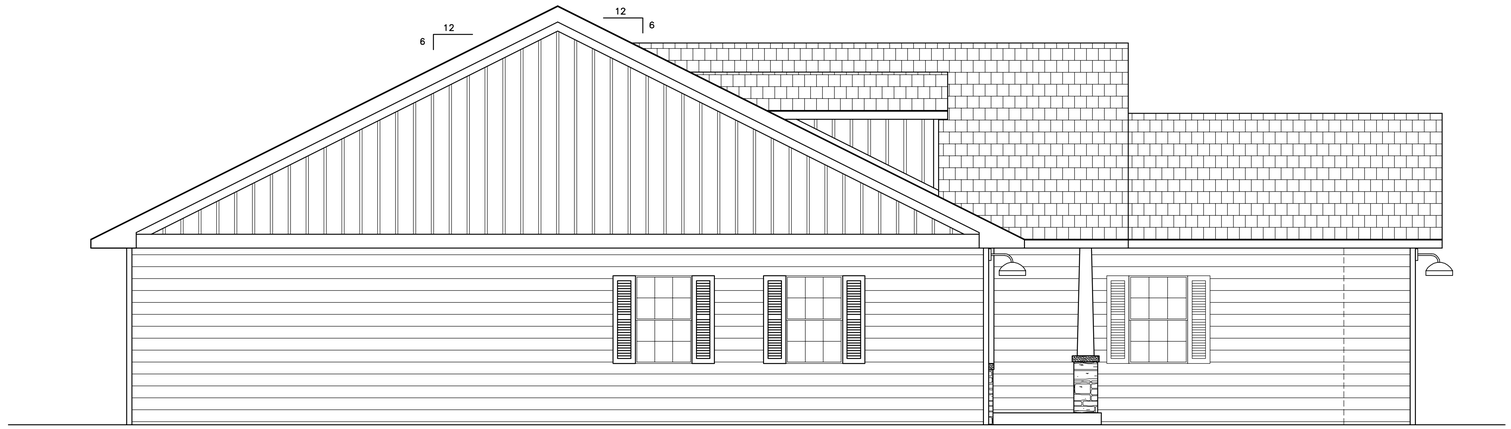

NOTE:
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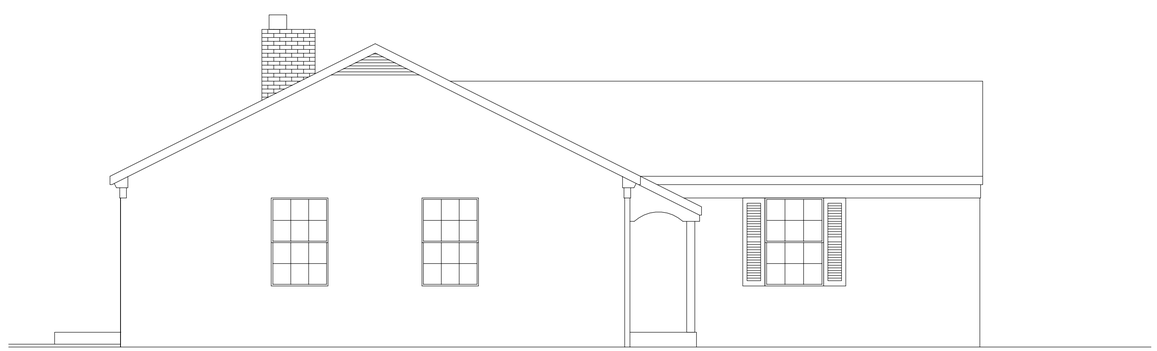
proposed west elevation

1/4" = 1'-0"



existing west elevation

1/4" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

A 5

DATE: 9/10/2018 SET: DESIGN SET

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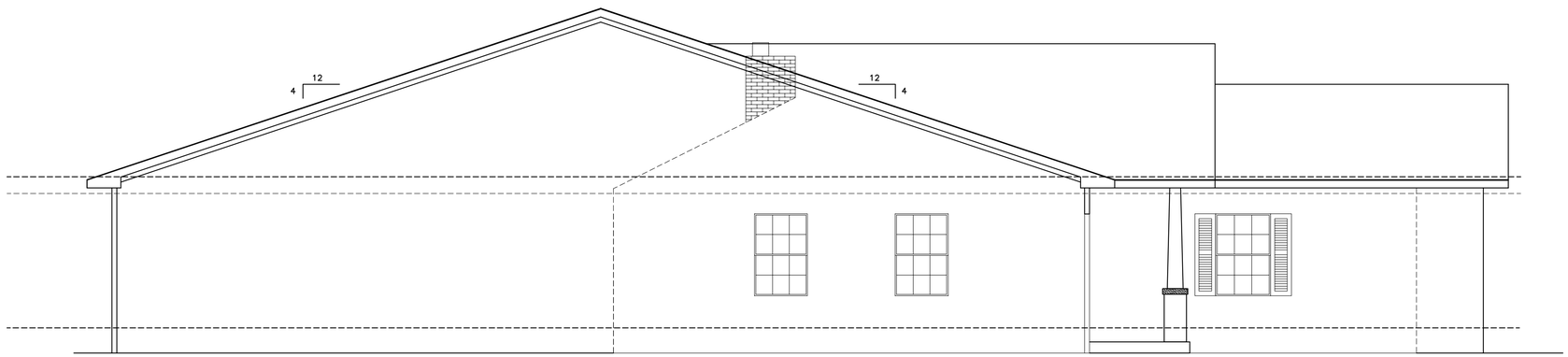
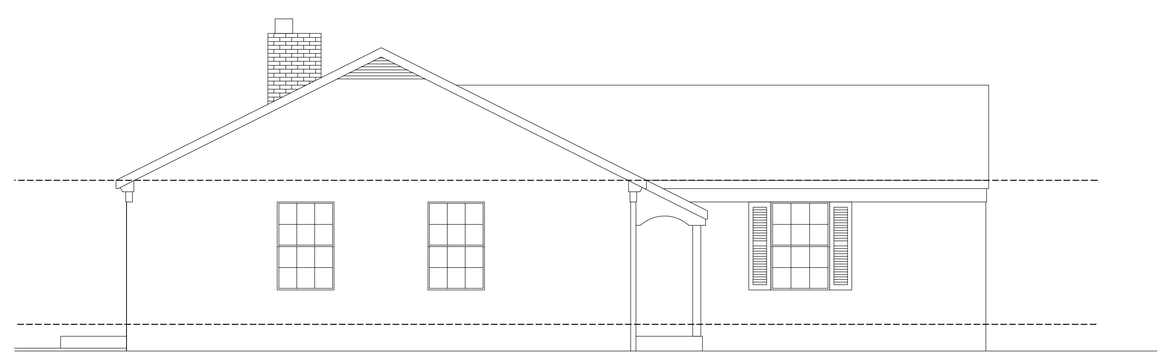


proposed west elevation

1/4" = 1'-0"



existing west elevation

1/4" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

A 6

DATE: 9/10/2018 SET: DESIGN SET

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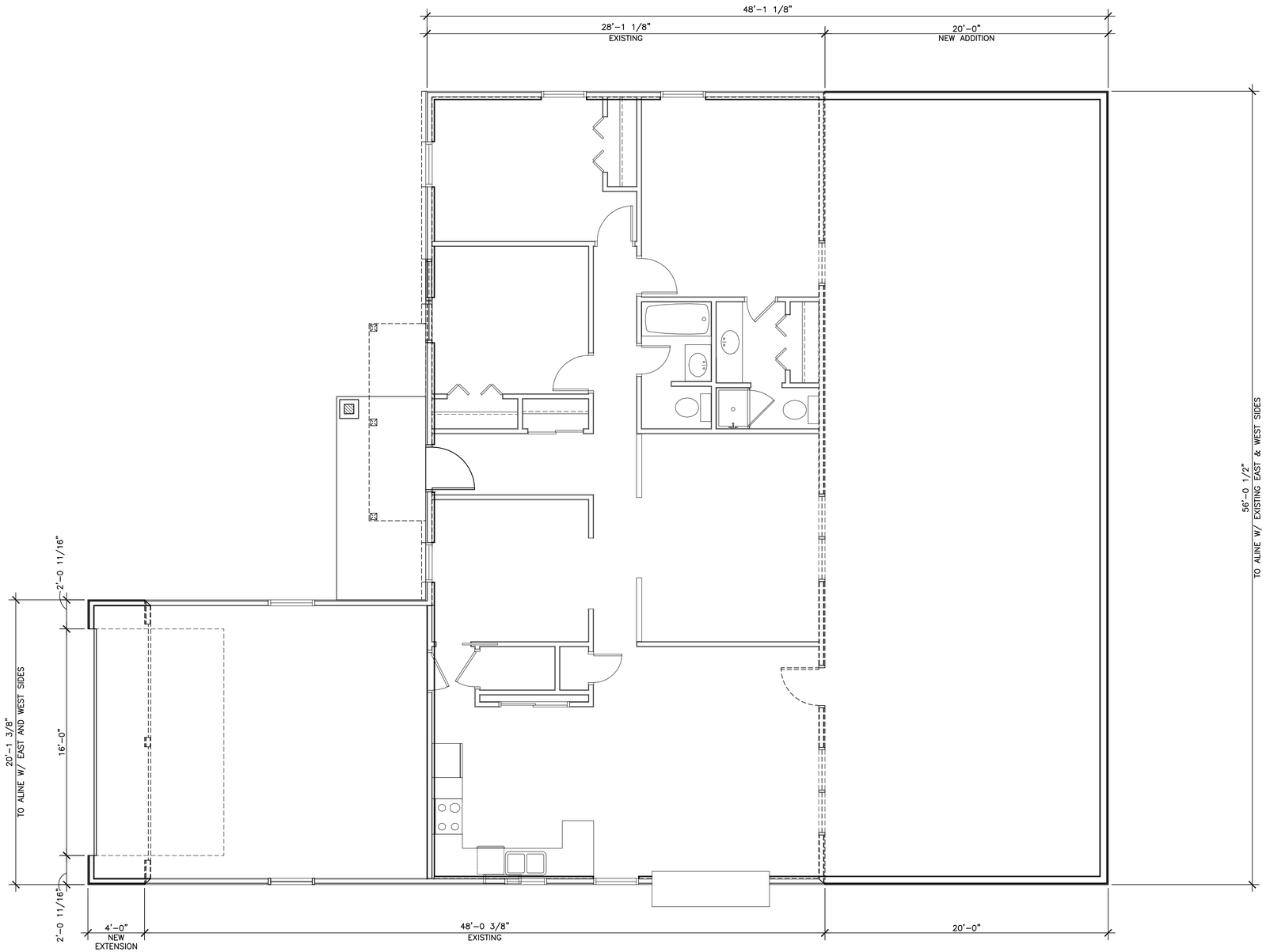

CITY OF WORTHINGTON

DRAWING NO. BZA 42-18

DATE 10/05/18

proposed first floor plan

1/4" = 1'-0"

PROPOSED HOUSE RENOVATION FOR THE RESIDENCE AT 340 LONGFELLOW AVENUE WORTHINGTON, OHIO 43085

A2

DATE: 9/10/2018 SET: DESIGN SET