



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. Falcowski; 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 SEPTEMBER 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.