



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

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

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

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

**B. Items of Public Hearing**

1. **Variance** – Front Yard Setback – Flagpole – **291 Bristol Woods Ct.** (Brent Bowen & Elise Kreiger) **BZA 36-18**
2. **Appeal of the Building Inspector Decision** – Flagpole Removal – **291 Bristol Woods Ct.** (Brent Bowen & Elise Kreiger) **BZA 47-18**
3. **Variance** – Accessory Building Area – Carriage House – **1 Kenyon Brook Dr.** (Robb Best) **BZA 44-18**
4. **Variance** – Accessory Building Area – Carriage House – **594 Hartford St.** (RAS Construction/Huffman) **BZA 45-18**

**C. Other**

**D. Adjournment**



## MEMORANDUM

TO: Members of the Board of Zoning Appeals

FROM: Laney Nofer, Planning and Building Assistant

DATE: November 30, 2018

SUBJECT: Staff Comments for the Meeting of December 6, 2018

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

1. **Variance** – Front Yard Setback - Flagpole – **291 Bristol Woods Ct.** (Brent Bowen and Elise Krieger) **BZA 36-18**

#### Findings of fact:

1. The applicant replaced an existing light post with an illuminated flagpole. The flagpole is approximately 6 feet from the right-of-way, encroaching into the 30' front yard required setback. The requested variance is 24 feet.
2. This request was heard by the Board of Zoning Appeals on September 6, 2018 and was denied.
3. Division of Building Regulation has received numerous inquiries regarding this property.

#### The following conclusions are presented:

1. The requested variance is not substantial.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

#### The following motion is recommended:

**THAT THE REQUEST BY ELISE KRIEGER AND BRENT BOWEN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FLAGPOLE WITH LIGHTING TO REMAIN AT 291 BRISTOL WOODS CT, AS PER CASE NO. BZA 36-18, DRAWINGS NO. BZA 36-18 DATED SEPTEMBER 26, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

2. **Appeal of the Building Inspector Decision** – Flagpole Removal – **291 Bristol Woods Ct.**  
(Brent Bowen & Elise Krieger) **BZA 47-18**

Findings of fact:

1. On July 9<sup>th</sup>, 2018, Code Enforcement Officer, Chris Keppler received a report about a new structure, a flag pole, which was possibly in the right-of-way or front yard setback.
2. On July 17<sup>th</sup>, 2018, Mr. Keppler met with Brent Bowen and provided him a Board of Zoning Appeals application and a Building Permit/Certificate of Compliance application, along with Board of Zoning Appeals meeting schedule and copies of code sections 1149.01 and 1149.08.
3. On August 9<sup>th</sup>, 2018, Mr. Bowen filed for a Board of Zoning Appeals application for a variance to allow a flagpole with lighting to remain in the front yard at 291 Bristol Woods Court.
4. On August 10<sup>th</sup>, 2018 Mr. Bowen submitted a Building Permit/Certificate of Compliance application (2018-1223) for the flagpole structure. The permit was put on hold until a decision was made by the Board of Zoning Appeals at the meeting on September 6, 2018.
5. On September 6<sup>th</sup>, 2018, the Board of Zoning Appeals denied the setback variance to allow for a flagpole that encroached in the front yard setback.
6. On September 7<sup>th</sup>, the application for permit 2018-1223 was denied by the Chief Building Inspector, Don Phillips. In the denial, Mr. Phillips advised that Mr. Keppler would follow up in thirty days to verify removal.
7. On September 26, 2018, Mr. Bowen re-filed for a variance to allow a flagpole with lighting to remain in the front yard at 291 Bristol Woods Court.
8. The applicant was ordered on October 8<sup>th</sup>, 2018 by Mr. Keppler to remove the flagpole on the property within twenty days.
9. The applicant appealed the order on October 26<sup>th</sup>, 2018 on the grounds of needing additional time.

The following conclusions are presented:

1. Staff believes the grounds for the appeal is not sufficient. Section 1129.02 of the Codified Ordinances states the appellant must “specify the grounds thereof”. It is not clear to staff why additionally time is needed as the owner has known about the circumstances since July 10<sup>th</sup>, 2018.

The following motion is recommended:

**THAT THE REQUEST BY ELISE KRIEGER AND BRENT BOWEN TO APPEAL THE BUILDING INSPECTOR DECISION TO ORDER THE REMOVAL OF THE FLAGPOLE AT 291 BRISTOL WOODS CT, AS PER CASE NO. BZA 47-18, DRAWINGS NO. BZA 47-18 DATED SEPTEMBER 26, 2018, BE GRANTED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

BZA staff memo for the December 6, 2018 Meeting

3. **Variance** – Accessory Building Area – Carriage House – **1 Kenyon Brook Dr.** (Robb Best) **BZA 44-18**

Findings of fact:

1. This property is in the R-10 district where total accessory building area is limited to 850 square feet in area.
2. The property currently contains an existing 283 square foot attached garage.
3. The applicant is proposing to construct a 24 foot by 28 foot 2 story detached carriage house that will total 1,344 square feet in area. The total proposed accessory building area is 1,627 square feet. The requested variance is 777 square feet.
4. The proposed two-story structure would allow for two cars on the first level and a studio for woodworking on the second level.
5. The property is subject to, and the accessory building has been approved by, the Architectural Review Board on November 8, 2018.

The following conclusions are presented:

1. The property is approximately 28,314 square feet in area where the minimum lot area is 10,400 square foot for the district. The accessory building area is an absolute 850 square foot regardless of the size of the property. This mitigates the substantial variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

The following motion is recommended:

**THAT THE REQUEST BY ROBB BEST FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A CARRIAGE HOUSE AT 1 KENYON BROOK DR., AS PER CASE NO. BZA 44-18, DRAWINGS NO. BZA 44-18 DATED NOVEMBER 6, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

4. **Variance** – Accessory Building Area – Carriage House – **594 Hartford St.** (RAS Construction/Huffman) **BZA 45-18**

Findings of fact:

1. This property is in the R-10 district where total accessory building area is limited to 850 square feet in area.
2. The property currently contains an approximate 600 square foot barn which will be demolished.

3. The applicant is proposing to construct a 26 foot by 26 foot attached garage that will total 676 square feet in area. Additionally, the applicant is proposing a 16 foot by 20 foot carriage house to the rear of the home that will be 320 square feet in area. The total proposed accessory building area is 996 square feet. The requested variance is 146 square feet.
4. The proposed two-story attached garage would allow for two cars on the first level and would be living space on the second level.
5. The property is subject to, and the accessory buildings have been approved by, the Architectural Review Board on October 25, 2018.

The following conclusions are presented:

1. The property is approximately 25,300 square feet in area where the minimum lot area is 10,400 square foot for the district. The accessory building area is an absolute 850 square foot regardless of the size of the property. This mitigates the substantial variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

The following motion is recommended:

**THAT THE REQUEST BY RAS CONSTRUCTION ON BEHALF OF ROBERT AND TERA HUFFMAN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE AND CARRIAGE HOUSE AT 594 HARTFORD ST., AS PER CASE NO. BZA 45-18, DRAWINGS NO. BZA 45-18 DATED NOVEMBER 9, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

## **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.

### **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

November 1, 2018

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: M. Coulter; B. Seitz; and C. Crane; and also present were L. Brown, Director of Planning & Building, L. Nofer, Planning & Building Assistant and T. Lindsey, Law Director.
2. Pledge of Allegiance
3. Approval of minutes of September 6, 2018 & October 4, 2018 meetings

Mr. Coulter moved to approve both September 6, 2018 & October 4, 2018 meeting minutes, Seconded by Mr. Seitz. All Board members voted, "Aye," and the minutes were approved with the following corrections to the September, 6, 2018 minutes:

Page 8, 4<sup>th</sup> application, order of the vote was corrected, listing Mrs. Crane last.  
Page 17, 3<sup>rd</sup> paragraph, the word instruction was changed to construction.

4. Affirmation/swearing in of witnesses

**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:

**Motion:**

Mr. Seitz moved:

**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.**

Mr. Coulter seconded the motion. All Board members voted, “Aye,” and the motion was approved.

Mr. Brown reviewed the following from the staff memo:

**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

**Discussion:**

Ms. Crane asked if the applicant was present. Mr. Steve Justice, an attorney representing the Bakhshi family, said they have addressed the three conditions that were unlawful and could not be enforced. His understanding is that those conditions are to be removed from the Permit which was granted in September. Mr. Justice said they have made effort since then to proceed. The Settlement Agreement, which is a Conditional Agreement, was finalized the day after the last hearing. The conditions for the contractor have not been completely satisfied yet but they have 90-days in which to do so. They still remain hopeful that will be fulfilled and some time in December the lawsuits will be finally dismissed after the case is entirely resolved.

Mr. Justice said they have endeavored to begin work on the site again and shore up the house, and have put on garage doors and other things at ground level. The confusion over the Permit and the fact that a final Permit has not been issued yet has been problematic in terms of finding roofers to come out and work on the site. The house has a reputation and the roofers are hesitant to do any work until the Permit situation had been resolved. Other workers in the past have been heckled and harassed by the neighbors. No one wants to go out and work on the house unless there is a clear Permit for them to do so. Mr. Justice said they have lost two months during the Permit ordeal and trying to figure out what the Permit was and whether the conditions were enforceable or unlawful. He requested an extension for the full four months if not six months and then they can come back after that time frame and provide an update. Back in September they gave the Board a construction timeline and Mr. Coulter opined he felt six months was a reasonable time frame. He said it will

probably take at least a year to finish the house. Ms. Crane asked for clarification when Mr. Justice said “Permit”, and Mr. Justice replied, and said he was referring to the Permit Extension. He requested a full four to six months from today. Mr. Coulter said his main concern was that he just wanted to see some progress. Ms. Crane asked if there was anyone present to speak for or against this application and no one came forward. Mr. Lindsey suggested stating a six month extension from the September date so there would not be a lapse in the Building Permit since the Board did originally approve the extension. Mr. Coulter made a friendly amendment to change the wording to six months from the September date.

**Motion:**

Mr. Seitz moved:

**THAT THE RECONSIDERED APPROVAL FOR AARON AND SUSAN BAKHSHI FOR A SIX MONTH EXTENSION (FROM THE SEPTEMBER 6, 2018, MEETING), 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.**

Mr. Coulter seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

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

Mrs. Nofer reviewed the following from the staff memo:

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.

**Discussion:**

Mr. Coulter explained the Architectural Review Board (ARB) has already discussed this matter and the reason they approved the higher sign was due to traffic in the area. If the sign is too low people would not be able to see it. Mrs. Nofer explained the applicant was unable to attend the meeting but would like to move forward with hearing the item. Mr. Brown said typically the Board would like to have the applicant present to answer questions and answer any questions for the neighbors but this item is different since the applicant has already gone before the ARB for approval and has gone through their first public hearing. Staff felt comfortable moving forward. Ms. Crane said she was okay with moving forward and if there seemed to be controversy they could always table the item.

Ms. Nofer said the applicant is La Chatelaine restaurant. They have already put up directional signage to help direct their patrons. The sign is 7 feet tall and the base will be 2 feet by 2 feet. Since the sign exceeds the 3 foot height limit the sign would need a variance. The sign was approved by the ARB at the September 27, 2018, hearing, and the applicant felt the sign was necessary to help direct their patrons to the parking lot. The restaurant owner said people are parking in their private lot but not patronizing the restaurant. Ms. Nofer said the restaurant owner preferred the existing sign that is already installed instead of the taller sign. Ms. Crane asked if there was anyone present to speak for or against this application and no one came forward.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY LA CHATELAINE FOR A VARIANCE FROM CODE REQUIREMENTS TO INSTALL A SIGN NO HIGHER THAN 7 FEET 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.**

Mr. Coulter seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz,

aye; and Ms. Crane, aye. The motion was approved.

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

Mrs. Nofer reviewed the following from the staff memo:

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.

**Discussion:**

Ms. Crane asked if the applicant was present. Mr. Ed Mershad, 10334 Wellington Blvd., Powell, Ohio, said he would like to paint the bollards the same color as the sign and add reflective taping. He said he will be repairing the brick base. Ms. Crane asked if there was anyone present who wanted to speak either for or against this application and no one came forward.

**Motion:**

Mr. Seitz moved:

**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.**

Mr. Coulter seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

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

Mrs. Nofer reviewed the following from the staff memo:

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.

**Discussion:**

Ms. Crane asked if the applicant was present. Mrs. Erin Harmeyer, 518 Haymore Ave., Worthington, Ohio, Mrs. Harmeyer explained her car would not be hanging over the sidewalk. Ms. Crane asked if there was anyone present who wanted to speak either for or against this application and no one came forward.

**Motion:**

Mr. Coulter moved:

**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.**

Mr. Seitz seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

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

Mrs. Nofer reviewed the following from the staff memo:

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.

**Discussion:**

Ms. Crane asked if the applicant was present. Mr. Glen Moog, 178 Abbot Ave., Worthington, Ohio, said he was not exactly sure where his back yard property line was but he was assuming the chain link fence was on the property line and the neighbor was not sure either. He said the shed has been built with old barn siding so the shed is very heavy. The shed would be difficult to move because of the weight of the beams but the builder said moving the shed may be possible on skids, but Mr. Moog said he preferred to leave the shed where it is now. Mr. Seitz said he was okay with where the shed is now instead of moving the shed a foot.

Mr. Seitz asked who owned the chain link fence and Mr. Moog said he believed the fence was his. Mr. Lynn Bender said he lived directly behind Mr. Moog at 177 Highland Ave., Worthington, Ohio. Mr. Bender said he has lived in Worthington for thirty years, and the houses in area were mostly construction in the 1960's and all of the houses have the same kind of chain link fence. He said no one knows who put the fences up, it was possible the fences were constructed when the homes were built. Ms. Crane asked if there was anyone else who wanted to speak for or against this application.

Mr. John Weichel, 170 Abbot Ave., Worthington, Ohio, said he lives to the west of Mr. Moog and he has lived in the neighborhood for 32 years and he knew the original home owner who built the house and the fence was part of the original equipment for the house. He said when he moved in, he had his house surveyed but he did not remember where the exact lot line was, but he owns the fence portion in the back. Mr. Weichel said if you assumed the lot line was in the middle of the fence it is really a few inches to the north of the fence. He said the sanitary sewer line has a manhole at the corner between Mr. Moog's lot line, his lot line, and Mr. Bender's lot line. Mr. Weichel said if there was a problem

with the sewer the fence might need to be removed, but he did not feel there would be a problem with the shed. There were no other speakers.

Mr. Brown discussed the encroachment of the shed in the utility easement along the rear of the property. There is a 5' sanitary sewer easement at the rear of the property, and the shed is encroaching 1' into the easement. Mr. Brown stated that the shed should be moved outside of the easement, and that the Service & Engineering Department would prefer to see the shed outside of the easement. He also stated that the applicant provided a statement that they would take on all liability related to the shed if the shed needed to be moved in the future. Mr. Brown stated that this would apply to the current property owner, and any future property owner; he also stated that they would document this in the file for the future.

**Motion:**

Mr. Coulter moved:

**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.**

Mr. Seitz seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved. Mr. Brown wanted to note the applicant was aware if there was a problem with the sewer, he would be responsible for moving the shed not the City.

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

Mr. Brown reviewed the following from the staff memo:

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 20 feet for a total of 80 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.

**Discussion:**

Ms. Crane asked if the applicant was present. Mr. Sean Kocheran, 351 W. South St., Worthington, Ohio. Ms. Crane asked if there would be adequate room for parking in the driveway and Mr. Kocheran said yes. Ms. Crane asked if there was anyone present who wanted to speak for or against this application and no one came forward.

Mr. Brown discussed the need for single-level living in the City of Worthington, and discussed the need for flexibility to help our residents age in place in their community.

**Motion:**

Mr. Coulter moved:

**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.**

Mr. Seitz seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye.

**C. OTHER**

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

**Discussion:**

Ms. Crane said she would like to hear the history of the properties if they have come before the Board before. Mr. Coulter said he liked Mr. Brown's comments about an aging population and some of the reasons behind the requests for variances. Mr. Brown said city staff's goal is to help provide enough information so Board members can make informed decisions. Ms. Crane asked if hardship was taken off the list of criteria and Mr. Brown said it was taken off the criteria about 16-18 years ago, and that the review criteria for granting variances are always listed on the last page of the memo.

Mr. Lindsey said depending on the type of variance requested, the court requires hardship for area variances which would be the only applications you would see under Worthington's codified ordinances. There are codes that permit Boards to do both use and area variances but Worthington does not have use variances in their code. Mr. Lindsey echoed Mr. Brown's comments about tying the Boards discussions back to the original criteria standards. He said most Boards would take the view, if no one had objections and if the request was reasonable, the variance would be granted. The challenge then becomes, if down the road, somebody comes in with a similar request and the neighbors did have objections. Mr. Lindsey said it is important to make sure the applicants substantiate the reasons why a variance is needed.

**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.

#### **D. Adjournment**

Mr. Seitz moved to adjourn the meeting, seconded by Mr. Coulter. All Board members voted, "Aye," and the meeting adjourned at 8:18 p.m.



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings - First Thursday of Every Month

Case #	BZA 36-18
Date Received	9-25-18
Fee	\$95.00 pd
Meeting Date	11/1/2018
Filing Deadline	#65998

1. Property Location 291 Bristol Woods Ct, Worthington, OH 43085
2. Present/Proposed Use \_\_\_\_\_
3. Zoning District R10
4. Applicant Brent Bowen & Elise Krieger  
 Address 291 Bristol Woods Ct., Worthington, OH 43085  
 Phone Number(s) 937-215-3076
5. Property Owner Brent Bowen & Elise Krieger  
 Address 291 Bristol Woods Ct., Worthington, OH 43085  
 Phone Number(s) 937-215-3076
6. Action Requested (ie. type of variance) Front Yard Set Back Variance
7. Project Details:
  - a) Description Flagpole with lighting installation
  - b) Expected Completion Date Already completed
  - c) Approximate Cost \$300.00

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

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

B Bowen / E Krieger      9-25-2018 / 11-2  
 Applicant (Signature)      Date

B Bowen / E Krieger      9-25-2018 / 11-2  
 Property Owner (Signature)      Date

ABUTTING PROPERTY OWNERS  
FOR  
291 Bristol Woods Ct.

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

# 291 Bristol Woods Ct.



100-005987 04/26/2017

To whom it may concern,

Basic plans/description for 291 Bristol Woods Ct. Worthington, OH 43085

Requesting building permit and front yard setback variance for a residential flagpole with up-lighting.

Installed a residential flagpole with up-lighting on it. Existing electrical was used...location is on private property and not in the city's right away. Completed work ourselves...pole is in same location as previous a previous structure.

Things we ask the board to consider:

1. Please consider that my house has a very unique property line and also suffers from having a very shallow front lot...the nearest part of my home measures only ~14 feet to the sidewalk...this is less than half of what the typical front yard setback is. My variance is asking to let the pole remain where it is which is just over 3 feet from the sidewalk. This location was chosen because there was a preexisting structure in this location since 1986 (unfortunately without proper variance granted to the original builder). This allowed us to reuse the same concrete hole and electrical wiring for this flagpole.
2. We made sure to use a flagpole that is shorter than the height of my house as to not overly stand out or take away from the house's esthetics. The location of the flagpole created the least impact on our property as possible since it reused the existing electrical line and concrete hole. The location is very well to the side of our house and does not block the view of the front of our house. Alternative locations on our property would require removal of trees or mature bushes, excavating of our grass/yard to reroute electrical line...or would require the pole to be near powerlines.
3. We addressed concerns of safety for vehicles turning around near our house with a light cascading onto the pole which illuminates not only the pole to be visible at night but also gives off ambient light which lights the sidewalk and road...this light in addition to the multiple lights we have on the exterior of our home appropriately luminates the area to be safe for drivers (even though this isn't a requirement of Worthington code).
4. Furthermore, I parked my vehicle in picture below to show that even with a vehicle fully on the sidewalk and over the 8" high street curb the vehicle would still have to cover nearly three additional feet before they could strike the structure...I would argue that the only chance this pole has of ever being a concern for any vehicle would be a catastrophic loss of control of a person's vehicle and that it isn't susceptible to a slight driving misjudgment. We also added a basic stone perimeter around the pole to give it further protection and visibility.

5. Multiple examples of flagpoles in the city of Worthington already in existence that are in similar location/front yard setback (see photos below). Please note this is only a small number shown and there are actually many more that exist currently. I do not want feel as if I'm the only resident of Worthington being scrutinized or policed on this type of structure and location.

Some of the addresses are:

- 5616 Indianola Ave.
- 28 W Dublin Granville Rd.
- 313 Highland Ave.
- 297 Abbot Ave.
- 211 Halligan Ave.
- 6491 Northland Rd.
- 430 Ridgedale Dr. N.

Answers to questions asked on the application:

1) The variance for the property will yield continued lighting of the designated area as well as the ability to fly flags to show our love of many things such as history, America, gay pride, Ohio, and our Universities.

2) The variance is not substantial. The structure only takes up a very small amount of ground space. My house has a very unique property line and also suffers from having a very shallow front lot...the nearest part of my home measures only ~14 feet to the sidewalk...this is less than half of what the typical front yard setback is. My variance is asking to let the pole remain where it is which is just over 3 feet from the sidewalk.

3) No, the essential character of the neighborhood will not be substantially altered...and no adjoining properties will suffer substantial detriment as a result of this variance.

4) No, the variance will not adversely affect the delivery of governmental services.

5) No, I was unaware of the zoning restriction previously...but now I am aware of it.

6) At this point it cannot...as this is being done retroactively and it is replacing a preexisting structure in the exact same location using the same post hole and same electrical work.

7) Yes, I believe it would be very appropriate justice for this variance to be approved as I find it an adequate location and structure replacement to the previous structure that was there previously...this was an improvement and gets rid of an old structure that was in disrepair.

Thank you so much for your time and extreme consideration!

Brent Bowen and Elise Krieger  
291 Bristol Woods Ct.

(Pictures attached below of property lines and placement of flagpole, the amount of clearance between the road and the flagpole as illustrated with a vehicle that fits between while still have an additional ~3 feet of clearance, the amount of illumination given to the road and flagpole area that makes sure the pole is always visible and additional visibility is given to the sidewalk and road, the last photos are of houses in Worthington currently with flagpoles in front yard setbacks...this is just a small sample of the numerous ones that are currently in Worthington.

Picture/Location of new flagpole with up-lighting.



Sets further back than it appears at corner...view is from center of front of the house.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

The distance from the curb to the grass fits an entire vehicle and still has ~3ft of clearance.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

Large amount of clearance between the road/8" curb and the flagpole. Would take a very major accident or loss of control of a vehicle to be in the way. Also USPS, UPS, FedEx, Worthington Street Cleaning, Worthington Trash/Recycling/Yard Waste have all never had an issue with it or even come close to it before with their large commercial vehicles.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

Flagpole and street are both well illuminated at night.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

Sidewalk is also illuminated.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

Well illuminated pole is visible for added safety.

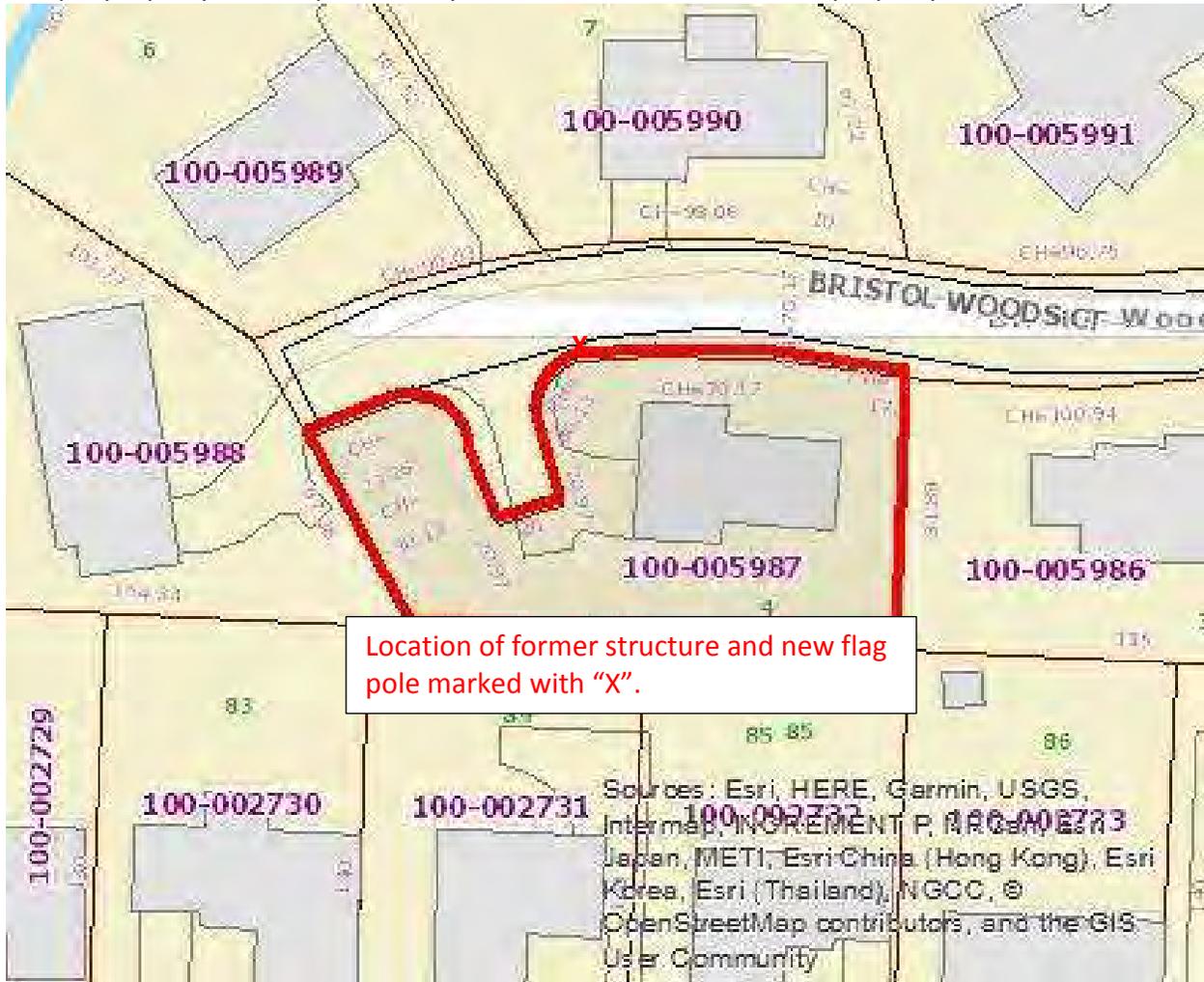


CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

Unique property line shape and very shallow front setback on our property.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

28 W Dublin Granville Rd.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

313 Highland Ave.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

297 Abbot Ave.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

211 Halligan Ave.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

6491 Northland Rd.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18

430 Ridgedale Dr. N.



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

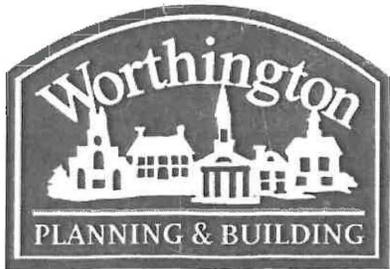
DATE 09/26/18



CITY OF WORTHINGTON

DRAWING NO. BZA 36-18

DATE 09/26/18



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings – First Thursday of Every Month

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

1. Property Location 291 Bristol Woods Ct.

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

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

4. Applicant Elise Krieger & Brent Bowen

Address 291 Bristol Woods Ct.

Phone Number(s) 937-215-3076

5. Property Owner Elise Krieger & Brent Bowen

Address 291 Bristol Woods Ct.

Phone Number(s) 937-215-3076

6. Action Requested Location Variance

(ie. type of variance)

#### 7. Project Details:

a) Description Flagpole with lighting replacing old broken lightpost.

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

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

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

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

*Denied 9-6-18*

Elise Krieger & Brent Bowen  
Applicant (Signature)

8-9-2018  
Date

RECEIVED  
AUG 09 2018

BY: .....

Elise Krieger & Brent Bowen  
Property Owner (Signature)

8-9-2018  
Date

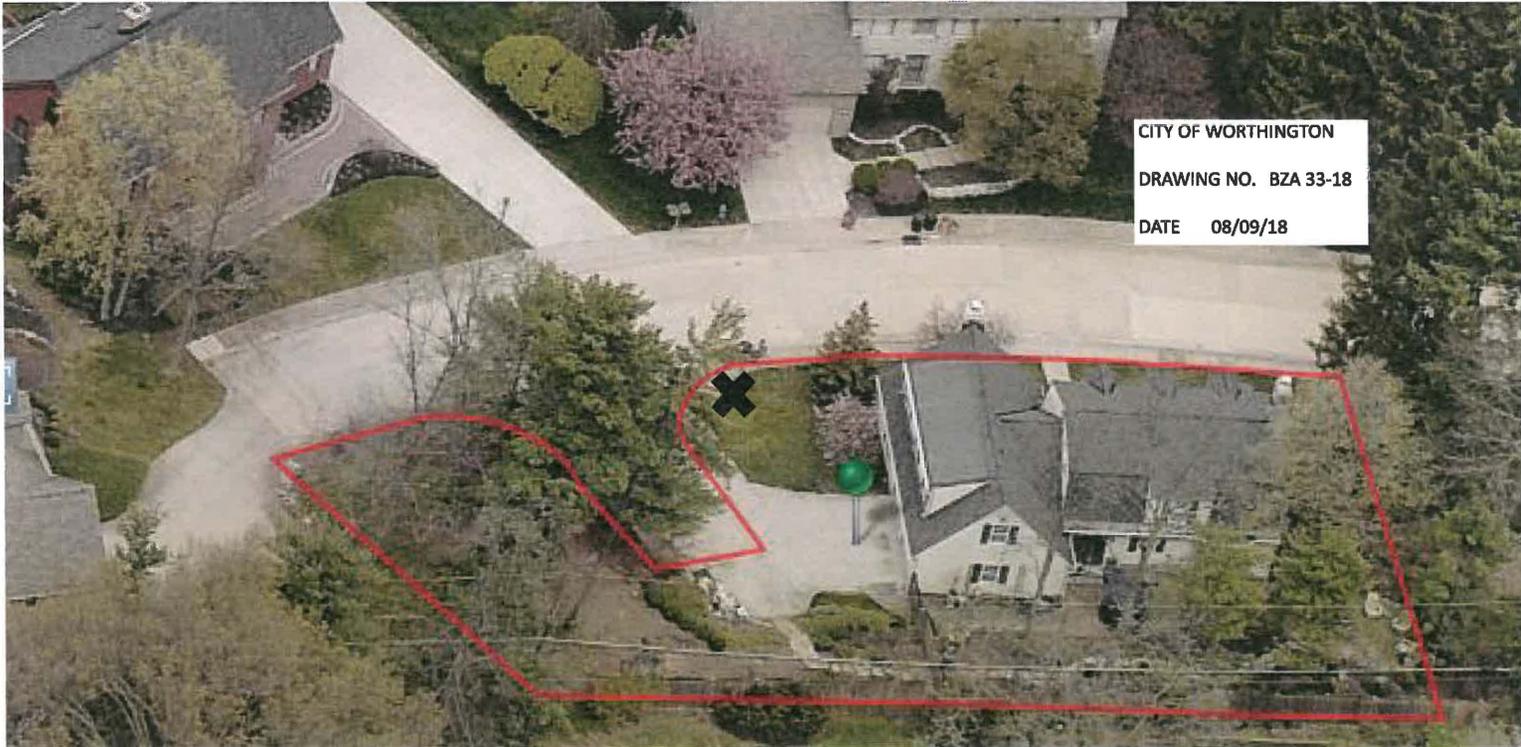
Abutting Property Owners List for  
291 Bristol Woods Ct.

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

# 291 Bristol Woods Ct.



100-005987 04/26/2017



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



**WITH FLAGPOLE**



**WITH LIGHTPOST**

## Phillips, Don

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**From:** sweber <sweber1@columbus.rr.com>  
**Sent:** Thursday, August 23, 2018 1:14 PM  
**To:** Brown, Lee  
**Cc:** Phillips, Don  
**Subject:** 291 Bristol Woods Ct. flag pole issue

Gentlemen,

I understand there is a public hearing regarding this issue 9/6/18 regarding zoning of the aforementioned property.

I am a 22 year resident, residing at 314 Bristol Woods Ct. and want the city of Worthington to vote against this monstrosity that was installed without approval. I respectfully request that this pole be removed. I view this flag pole as a commercial install rather than residential use.

Bristol Woods Development Company filed deed restrictions and joint maintenance agreement on August 9, 1985 with the Franklin County Recorders Office. Additionally, on April 9, 1987 Amendment 1 was filed.

In reviewing these documents personally, I am certain that the jist of the restrictions were made to ensure conformity, within the Bristol Woods community. My previous residence ( 7960 Stanburn ) was located 5 doors down from a Middle school which flew an illuminated flag mounted on a pole of this size. The apparatus that hoisted the flag clanged against the pole, disrupting the peace of the neighborhood during windy weather.

In closing, I want the City of Worthington to deny a zoning variance to 291 Bristol Woods Ct. for this flag pole.

Please do not hesitate to call me regarding this issue.

Regards,  
Sandi Weber  
314 Bristol Woods Ct.  
Email:sweber1@columbus.rr.com  
Phone: 614-436-96546



Virus-free. [www.avast.com](http://www.avast.com)

Information from ESET Endpoint Security, version of detection engine 17932 (20180823)

The message was checked by ESET Endpoint Security.

<http://www.eset.com>

## Brown, Lee

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**From:** Buck Wince <bwince@daviswince.com>  
**Sent:** Wednesday, September 05, 2018 7:54 PM  
**To:** Brown, Lee  
**Subject:** Variances – Front Yard Setback – Flagpole - 291 Bristol Woods Ct. (Elise Krieger & Brent) BZA 33-18

Dear Mr. Brown:

I am a next door neighbor (Philip "Buck" Wince Jr. 315 Bristol Woods Ct.) of Brent and Elise and we fully support their request and application as outlined below in the Staff Report and Agenda:

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

**Findings of fact:**

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

**The following conclusions are presented:**

- 1. The requested variance is not substantial.**
- 2. The essential character of the neighborhood should not be substantially altered.**
- 3. The delivery of governmental services should not be affected.**

**The following motion is recommended:**

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

Please feel free to contact me at 614-565-1603 if you require further information or confirmation of our support.

Sincerely  
Buck

Philip O. "Buck" Wince Jr. AIA, LEED®AP  
Davis Wince, Ltd. Architecture

office 614 785.0505  
direct 614 468.2310  
cell 614.565.1603



1466 Manning Parkway · Powell, OH 43065  
[www.daviswince.com](http://www.daviswince.com) | [Join us on Facebook!](#)  
Office Locations: Columbus, OH & Denver, CO

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. Olson 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. Olson 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. Mr. Coulter, nay; Ms. Reibel, nay; Mr. Falcoski, aye; and Mr. Seitz, aye; Ms. Crane, nay. 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.

**From:** [Brent Bowen](#)  
**To:** [Nofer, Laney](#)  
**Cc:** [Brown, Lee](#)  
**Subject:** Written request for modification/withdraw of order 291 Bristol Woods Ct  
**Date:** Friday, October 26, 2018 3:50:54 PM

DRAWING NO. BZA 47-18

DATE 10/26/18

---

Laney-

I know Lee is out of the office on vacation...below is me writing to seek withdrawal of the current order to remove/relocate my flagpole at 291 Bristol Woods Ct...please confirm you received this. Have a great weekend!

Brent Bowen and Elise Krieger

To Whom It May Concern-

This is my formal request to seek withdraw/modification of the Order To Correct on 10-08-2018 from Chris R Keppler (code enforcement officer). It is the request of myself and my wife to have this order withdrawn/modified on the grounds of needing more time to properly assess the situation. There has been an accessory structure located in this spot since 1986 and has never caused any issue before. The structure is tasteful, provides light to the immediate area, and allows us as homeowners to express our individuality and support of God, Country, State, and other beliefs through displaying our many flags. Its our hope that you strongly consider letting us keep this already existing structure because relocating it would be difficult to do physically because we would need to excavate part of the yard to reroute existing wiring and remove mature tress and bushes to make a new location available for it. Also please consider that we have an extremely unique property line, very shallow front yard, and most of our yard is taken up by very large/mature trees and bushes. Thank you so much for your time and considerations.

Sincerely-

Brent Bowen and Elise Krieger  
291 Bristol Woods Ct Worthington OH 43085



\_\_\_\_\_ ESET Endpoint Security \_\_\_\_\_

This email was scanned, no threats were found.

Detection engine version: 18281 (20181026)

<http://www.eset.com>



*Via certified and first class mail*

October 8, 2018

**NOTICE OF VIOLATION AND ORDER TO CORRECT**  
**2018-1017 (Zoning)**

**TO:**

Elise F. Krieger  
291 Bristol Woods Ct.  
Worthington, OH 43085

**LOCATION OF REAL ESTATE:**

**Parcel ID: 100-005987-00**  
291 Bristol Woods Ct.  
Worthington, OH 43085

---

On July 9, 2018 the City of Worthington received a report of a new structure (flagpole) in front of the primary residence, possibly located in the City's right-of-way or within the required front yard setback.

I met with your husband on July 10 and July 17 and discussed with him the need to obtain necessary permits and approvals for the structure, beginning. I agreed to delay further enforcement action while he pursued a request for a location variance from the Board of Zoning Appeals (BZA) based on the location of the flagpole. An application (BZA 33-19) was subsequently received on August 9, a hearing took place on September 6, and by a vote of 3-2, the application for a front yard setback variance to allow an illuminated flagpole was denied by the Board. Based on the Board's decision, Worthington's Chief Building Official notified you in writing on September 7, 2018 to remove the structure within thirty (30) days.

Based on an inspection of the property earlier today, I find the illuminated flagpole structure (photo enclosed) is in violation of local ordinances and must be removed.

**You are hereby ordered to correct the violation by October 28, 2018**  
**Failure to comply with this Order is a violation of the**  
**Codified Ordinances\* of the City of Worthington:**

**1121.04 COMPLIANCE WITH REGULATIONS.**

- (a) No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located or except as specifically hereinafter provided.
- (b) No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located except as specifically hereinafter provided.
- (c) No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Zoning Ordinance except as specifically hereinafter provided.
- (d) No lot or acreage held under one ownership at the time of the effective date of this Zoning Ordinance (Ordinance 51-71, passed December 13, 1971) shall be reduced or subdivided in any manner below the minimum area and yard provisions required by this Ordinance except as specifically hereinafter provided.

**1123.70 STRUCTURE**

"Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing to signs, buildings and backstops for sports, walls or fences.

### **1125.99 PENALTY.**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in or any provision of this Zoning Ordinance or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

### **1129.02 APPLICATIONS AND APPEALS.**

(a) Applications. An application for a hearing in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Zoning Ordinance, may be submitted by any person aggrieved. An application for a hearing before the Board shall be submitted to the Director of Planning and Building at least twenty-seven days before the next regular meeting. After such application has been filed, the Director of Planning and Building shall transmit same to the Board. A fee of twenty-five dollars (\$25.00) for all applications for variance in any residential district and a fee of fifty dollars (\$50.00) for any and all requests in any nonresidential district shall be charged. Fees shall be paid at the time notice of appeal is filed.

(b) Appeals.

(1) An appeal to the Board may be taken by any person aggrieved or by an officer of the Municipality adversely affected by any decision of the Chief Building Inspector or a person designated by the City Manager. Such appeal shall be made within twenty days after the decision, by filing with the City Clerk and with the Board a notice of appeal specifying the grounds thereof. Within three days of the filing of such an appeal, the City Clerk shall transmit the same to the Director of Planning and Building. The Director of Planning and Building shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Chief Building Inspector or designated person shall certify to the Board after the notice of appeal shall have been filed with it, that a stay would, in his/her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed.

### **1129.03 HEARINGS.**

The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and give the public notice thereof at least fourteen days prior to the hearing by posting a description of the appeal on the City's website. The property that is the subject of the appeal is to be posted with a placard stating the date, time and location of the hearing. At this hearing, any party may appear in person or by attorney.

### **1129.04 DECISIONS OF THE BOARD OF ZONING APPEALS.**

(a) The Board of Zoning Appeals shall decide all applications and appeals within ten days after the final hearing thereon.

(b) The appellant shall be notified in writing of the Board's decision. Such notice shall be transmitted by the Director of Planning and Building. The decision of the Board shall be binding upon the Chief Building Inspector or designated person.

(c) The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have only those powers of the municipal official from whom the appeal was taken. Any person adversely affected by a decision of the Board may appeal to the Clerk of Franklin County Court of Common Pleas.

### **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:

(1) Interpretation of Zoning Ordinance and Zoning Maps. Where the street layout actually on the ground varies from the street layout as shown on the Zoning District Map, the Board may interpret provisions of this Zoning Ordinance.

(2) Reconstruction on nonconforming structure or use. Where a nonconforming structure or a structure occupied by a nonconforming use has been damaged to an extent of more than fifty percent (50%) of its fair market value, the Board may permit reconstruction where it finds an owner would incur undue hardship requiring a continuance of the nonconforming structure or use.

(3) Performance Requirements. Where a decision is needed as to whether an industry should be permitted within the "I-1" or "I-2" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts. (Pertains to performance requirements only.)

A. The Board shall have the power to authorize issuance of a Certificate of Compliance for uses that are subject to performance requirements as set forth in this Zoning Ordinance in Section 1175.03 provided they are accompanied by: a plan of proposed construction of development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the performance requirements.

B. The Board may require the applicant to furnish the expert opinion of consultants qualified to advise as to whether a proposed use will conform to the performance requirements. A copy of such reports shall be furnished to the Board.

(4) Changes in nonconforming uses. The Board may authorize substituting a nonconforming use for another nonconforming use provided no structural alterations except those required by law or ordinance are made. However, in an "R" or "AR" District, no change shall be authorized by the Board to any use which is not a permitted or conditional use in any "R" or "AR" District, and in a "C" District no changes shall be authorized to any use which is not a permitted or conditional use in any "C" District.

(5) Temporary use permits. A temporary use permit may be granted where the temporary use of a structure or premises in any district where such temporary use shall be for a period of more than ninety days is proposed for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A temporary use permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a six-month period, subject to a six months' renewal and such conditions as will safeguard the public health, safety, convenience and general welfare. (Ord. 19-2005. Passed 6-6-05.)

(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 will safeguard the public health, safety, convenience and general welfare.

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

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

(2) Whether the variance is substantial;

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

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

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

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

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

(d) Interpretation of District Map. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning District Map may be made to the Board which shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Ordinance.

(e) Extension of Nonconforming Use. The Board shall have the authority to grant an extension of a building or the expansion of the use of a lot devoted to a nonconforming use upon a lot occupied by such building or use, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building or use became nonconforming, and where such extension is necessary and incidental to the existing use of such building or lot. However, the floor areas or lot areas of such extensions shall not exceed, in all, 100 percent (100%) of the area of the existing building or lot devoted to a nonconforming use.

(f) (EDITOR'S NOTE: Subsection (f) hereof was repealed by Ord. 09-2013.)

(g) Variances to the Building Code. The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Building Code, Chapter 1305 of the Codified Ordinances for one, two and three family dwellings as will not be contrary to the public interest. 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 the Building Code. The Board may grant a variance in the application of the provisions of the Building Code for one, two and three family dwellings after hearing expert independent testimony on the application only if all of the following findings are made:

(1) There are unique circumstances or conditions present by which strict conformity to the provisions of the Building Code would create significant hardship for the property owner or contractor performing services for the property owner;

(2) The unique circumstances or conditions were not created by the property owner or contractor performing services for the property owner; and,

(3) The variance, if authorized, shall not, in any way endanger the health, safety or welfare of the building occupants or the general public. Such determination shall be based on independent expert testimony.

(h) Variances to the Property Maintenance Code. The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of the Property Maintenance Code, Chapter 1311 of the Codified Ordinances. Variances may be granted only when the Board determines that strict scrutiny to the provisions of the Property Maintenance Code would create significant hardship for the property owner, and the variance, if authorized, would not endanger the health, safety or welfare of the general public. Variances to the Property Maintenance Code, if authorized, are applicant specific and do not pass to future property owners or occupants.

#### **1149.08 SPECIAL YARD REQUIREMENTS.**

(a) At corner lots, no accessory uses, accessory structures, structures, material or equipment storage shall be located in any required front yard. Side yards fronting on the adjacent street can be reduced to two-thirds of the required front setback from the right of way of the adjacent street.

(b) No accessory buildings shall be located in any front or side yard except under unusual circumstances where such building shall not conflict with the intent and purposes of this Zoning Ordinance, or, where enforcement shall result in extreme hardship. In either case the decision to permit such activity shall be made by the Board of Zoning Appeals. Accessory buildings such as garages and storage buildings exceeding 120 square feet in area may be located in the rear yard provided such buildings are set back at least eight feet from the side lot lines and ten feet from the rear lot line. Accessory buildings of 120 square feet or less in area must be set back at least five feet from the side and rear lot lines. In any "R" District the total area for accessory buildings shall be limited to 850 square feet and must be compatible in materials and appearance to the other buildings in the area.

(c) No accessory uses or structures, off-street parking facilities, except for single family, or material or equipment storage shall be located in any required front yard, except as otherwise provided herein. On High Street northward from the Worthington-Galena Road parking facilities, which are incidental to the primary use of the property involved, but not including structures, may be located within fifty feet of the right of way.

(d) All yard areas not used for access, parking, circulation, buildings and services shall be landscaped and maintained.

**YOU HAVE THE RIGHT TO SEEK MODIFICATION OR WITHDRAWAL OF THIS NOTICE AND ORDER BY FILING AN APPLICATION WITH THE WORTHINGTON CITY CLERK FOR A HEARING BEFORE THE WORTHINGTON BOARD OF ZONING APPEALS. THE APPLICATION MUST BE IN WRITING AND MUST SPECIFY THE GROUNDS THEREOF, AND SHALL BE MADE WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS NOTICE. THE APPLICATION MUST BE FILED IN THE OFFICES OF THE WORTHINGTON CITY CLERK (614 436-3100), LOCATED AT 6550 N. HIGH STREET, WORTHINGTON, OHIO. OPEN 8:00 A.M. to 5:00 P.M. MONDAY THROUGH FRIDAY.**

Thank you for your cooperation and feel free to contact me at 614-431-2424 with any questions.

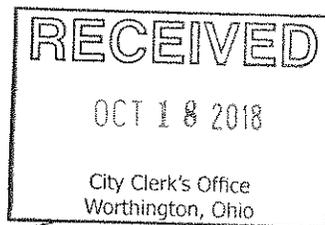
Sincerely,



Chris R. Keppler, Code Enforcement Officer  
Planning and Building Department  
Division of Building Regulation

/crk

\*Codified Ordinances are available for review online at [www.worthington.org](http://www.worthington.org)





# Planning, Zoning and Building Investigations

FILE # ADDRESS	DATE PID	OWNER TENANT	VIOLATION CONFIRMED	VIOLATION TYPE DEADLINE	NOT LTR DATE RECEIVED	PROSC Venue	CITATION COURT	CLOSED REASON	REPORT
20181017 291 BRISTOL WOODS 6987	7/9/2018	KRIEGER ELISE F	Yes	ZONING 12/31/2018	10/2/2018				report of a new structure, flag pole, possibly in the right-of-way or in the front yard setback
<b>INSPECTOR</b>	<b>SCHEDULED</b>	<b>ACTUAL</b>	<b>INSPECTOR REPORT</b>						
CHRIS KEPPLER	12/6/2018		Case #: BZA 36-18 Application Date: 9/26/2018 Description: Front Yard Setback - Flag pole Hearing Date: 12/6/2018						
CHRIS KEPPLER	12/31/2018								
CHRIS KEPPLER	7/10/2018	7/10/2018	met with home owner, discussed report of new structure, possibly in r-o-w or front setback, inspected flag pole (he argues that it was erected 18 months ago, and was replacing an existing, although shorter, structure and therefore should not have required any permit or approval; exposed wires coming from the ground from previous lamp post were wrapped around the halyard cleat on the side of the pole; using home owner's voltage meter, tested the exposed + / - wires and they are not drawing current, he stated it is disconnected from the main box inside the residence, but he has plans to connect a new upright at the base of the pole within the next week						
			asked home owner to submit applications and to obtain necessary approvals before he proceeds						
CHRIS KEPPLER	7/17/2018	7/17/2018	inspected property and observed new uplighting now installed at base of the flagpole; met with home owner and provided him a zoning application and a building permit/certificate of compliance application, along with BZA meeting schedule and copies of code sections 1149.01 and 1149.08						
			home owner wanted to continue to argue/debate whether the pole/lighting were new structures or not; i offered to write him a formal violation order if he wished to appeal the interpretation, otherwise, i would expect completed applications to be submitted with fees paid within the next two weeks; home owner stated he thought the City was being petty, i stated City staff did not have the authority to grant a variance, or to ignore a clear code violation, adding that i couldn't speak for the BZA but i was aware of 3 or 4 other properties that were able to obtain approval for flagpoles in a front yard setback						
CHRIS KEPPLER	7/18/2018	7/18/2018	phone call with resident regarding status of the loose wiring report, assured caller that there was no known safety hazard, previously exposed wires were not energized, they were now connected to a new light, but the work had not been permitted or inspected yet, however owner of the property had been asked to submit plans for approval within the next two weeks						
CHRIS KEPPLER	7/26/2018	7/26/2018	resident called to complain about flagpole; briefed resident on status of existing complaint, and possible next steps in the enforcement process						
CHRIS KEPPLER	8/9/2018	8/9/2018	checked BDS, found no new permit applications						
CHRIS KEPPLER	8/13/2018	8/13/2018	discussed with staff, checked BDS, found new application:						
			BZA Case Number: 33-18 Type: Variance (location) Application Date: August 9, 2018 Hearing Date: September 6, 2018						
DON PHILLIPS	9/10/2018	9/7/2018	Application for Permit/Certificate of Compliance 2018-1223 received 8/9/18. BZA did not grant a setback variance. Permit was not approved and letter sent advising the flagpole and light fixture need to be removed within 30 days.						
CHRIS KEPPLER	9/27/2018	9/27/2018	inspected property, noted landscape improvements around the base of the flag pole; returned call to resident inquiring about complaint status						
CHRIS KEPPLER	9/28/2018	9/28/2018	reviewed timeframe for writing a formal Violation Order based on previous communications with the property owner; returned phone call to another resident inquiring about complaint status						
CHRIS KEPPLER	10/2/2018	10/2/2018	drafted Violation Order						
CHRIS KEPPLER	10/8/2018	10/8/2018	inspected property, took updated photos; edited final draft of Violation Order to include current photo, mailed VO to property owner and her husband, copies sent certified and regular mail; responded to another email inquiry re complaint status, attached a copy of the Violation Order for that resident						
CHRIS KEPPLER	10/29/2018	10/29/2018	email from resident inquiring about case status						
CHRIS KEPPLER	11/5/2018	11/5/2018	discussed violation status with staff; the home owners 'appeal' of the violation order might be questioned on the basis of proper filing, timeliness and/or failure to articulate the grounds for such appeal, but their desire to appeal was made clear, so we agreed to delay taking the case to Mayor's Court until their second BZA case is heard and decided; received new email inquiry from resident						

FILE # ADDRESS	DATE	OWNER PID TENANT	VIOLATION CONFIRMED	VIOLATION TYPE DEADLINE	NOT LTR DATE RECEIVED	PROSC Venue	CITATION COURT	CLOSED REASON	REPORT
CHRIS KEPPLER	11/9/2018	11/9/2018		notices sent certified mail to the property owner and her husband were both returned unclaimed; received voice mail message from resident with questions regarding case status					
CHRIS KEPPLER	11/13/2018	11/13/2018		reviewed file, checked BDS, found new BZA case information:  Case #: BZA 36-18 Application Date: 9/26/2018 Description: Front Yard Setback - Flag pole Hearing Date: 12/6/2018  returned call, left message for neighbor on Bristol Woods Ct; took call from neighbor - she disagrees with decision to delay Mayor's Court and accept second BZA request, she thinks we should have already fined the home owner; tried to explain, but she fails to understand limits of staff role and responsibility, and concept of due process - home owner has been charged but not found guilty yet					



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings – First Thursday of Every Month

Case #	B7A 44-10
Date Received	11-06-18
Fee	\$25.00 pd
Meeting Date	12-06-18
Filing Deadline	10/19/18

1. **Property Location** 1 KENYON BROOK DR, WORTHINGTON
2. **Present/Proposed Use** Residential
3. **Zoning District** \_\_\_\_\_
4. **Applicant** ROBB BEST  
**Address** 1 KENYON BROOK DR  
**Phone Number(s)** 630-991-6771
5. **Property Owner** same  
**Address** \_\_\_\_\_  
**Phone Number(s)** \_\_\_\_\_
6. **Action Requested** out building  
(ie. type of variance)
7. **Project Details:**
  - a) **Description** Carriage house/garage
  - b) **Expected Completion Date** 90 days after approval
  - c) **Approximate Cost** \$66,000

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

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

Robb Best  
Applicant (Signature)

11-6-18  
Date

Robb B  
Property Owner (Signature)

11-6-18  
Date

ABUTTING PROPERTY OWNERS  
FOR  
1 Kenyon Brook Dr.

Joesph and Leigh Foust	30 Kenyon Brook Dr.	Worthington, OH 43085
Joesph Fiala & Mary Fristad	25 Kenyon Brook Dr.	Worthington, OH 43085
John and Joyce Knape	35 Kenyon Brook Dr.	Worthington, OH 43085
Ann Pratt	15 Kenyon Brook Dr.	Worthington, OH 43085
Scott Norris	469 Tibet Rd.	Columbus, OH 43202
Tenant	5756 N. High St.	Worthington, OH 43085
Rahman Bahrami	4342 N. High St.	Columbus, OH 43214
Ohio Family & Sports Chiropractic	5721 N. High St.	Worthington, OH 43085
Rebecca Garabed	5713 Bromley Ave.	Worthington, OH 43085

## Support statement for new garage at the 1 Kenyon Brook Drive residence

We recently purchased the residence at 1 Kenyon Brook Drive, built in 1923. We seek to build a free-standing carriage house/garage to supplement the existing single car garage. The current garage interior measures 14'4" by 19'9." (The useable interior footage of the existing garage is limited by a staircase encroachment that leads to a Master bath edition by a previous owner.) It is inadequate to house two cars, which is the minimum norm by today's standards.

The new carriage house/garage addition is well supported on a lot that is just under  $\frac{3}{4}$  of an acre. The new structure would sit 5' away from the existing garage, and be in alignment with the back of the current garage, finishing 10 feet off the right property lot line. Thus, there are no placement issues.

We believe the new garage space would not only be in good keeping with the existing quality and size of the current home, but would improve the usability and overall value of the residence and be an enhancement to the neighborhood.

The design, material choice, and the 12/12 roof pitch of the new structure would be in keeping with the current residence and create a nice visual balance to the triple peak effect of the English cottage style arts and crafts residence.

The carriage house/garage structure will measure 24' wide by 28' deep. The first-floor interior would be 23' by 24' (due to stairway clearance for the loft,) and the useable second floor loft area would measure 18' by 22'.

Per the guidelines, we understand this additional garage footage would require a variance. This is the only remedy available that would allow us to house a second car and a hobby woodworking shop.

We have spoken to our new neighbors across the street and adjacent to us and they feel the new carriage house/ garage is appropriate for the neighborhood.

Thank you for your support and guidance on helping us realize our new addition.  
Robb and Mary Best

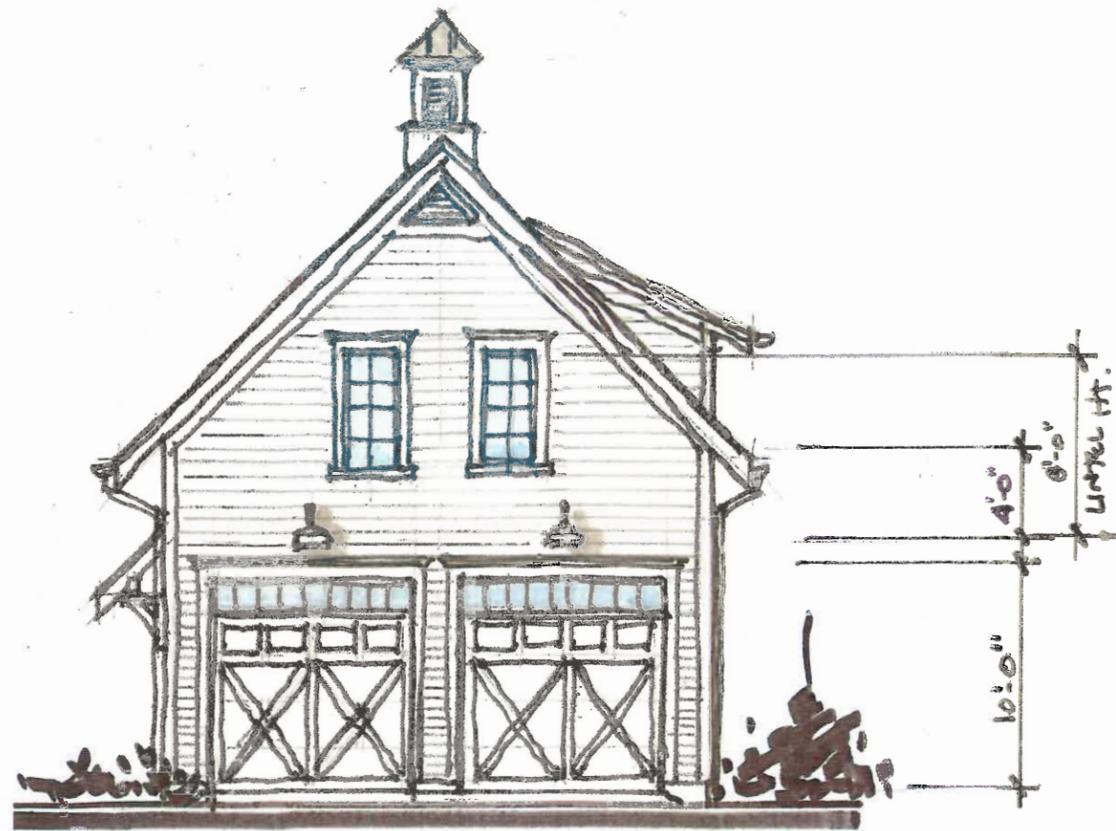
# 1 Kenyon Brook Dr.



100-001856 04/25/2017

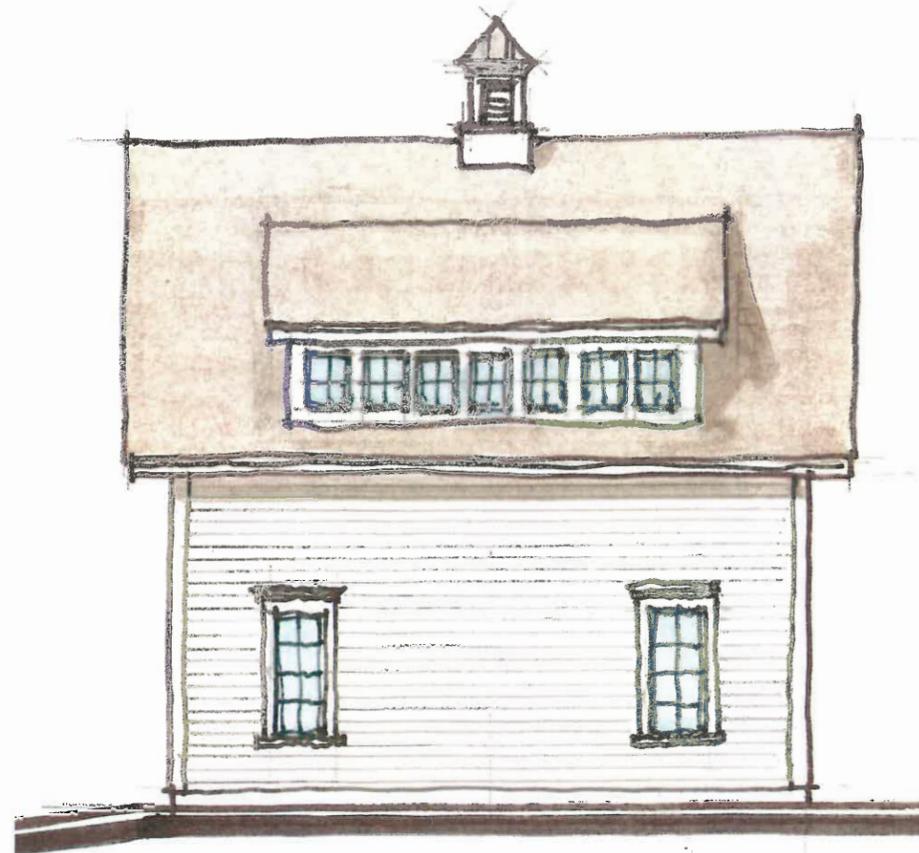
# Best Residence

1 Kenyon Brook Dr., Columbus, OH 43085



Front Elevation  
Scale: 1/8"=1'-0"

(Scalable at 11"x17" print size)



Right Side Elevation  
Scale: 1/8"=1'-0"

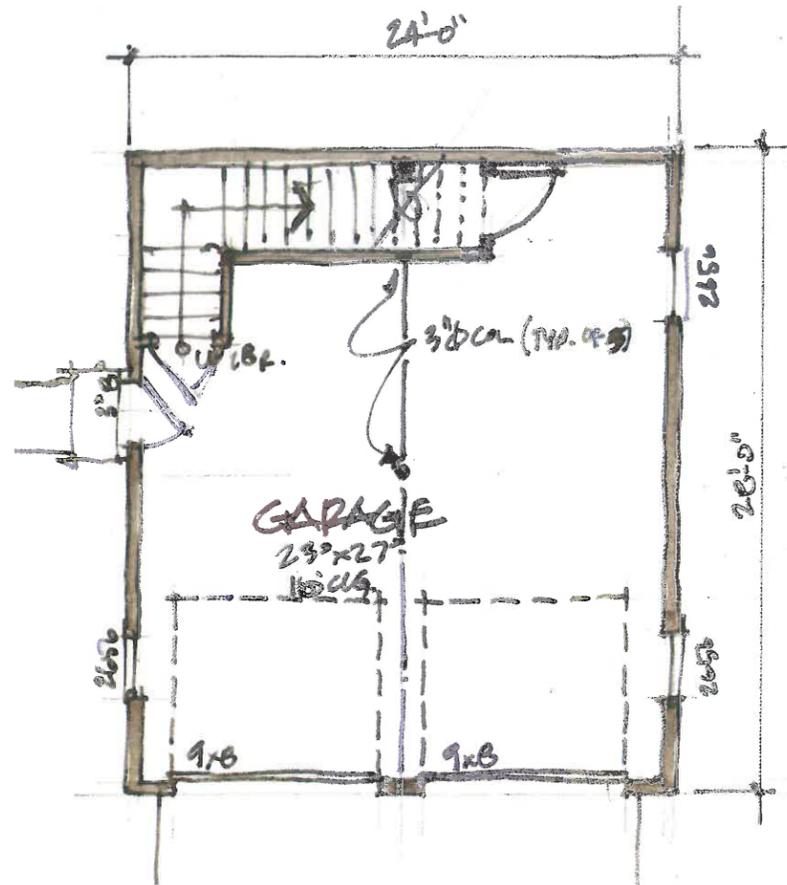
CITY OF WORTHINGTON

DRAWING NO. BZA 44-18

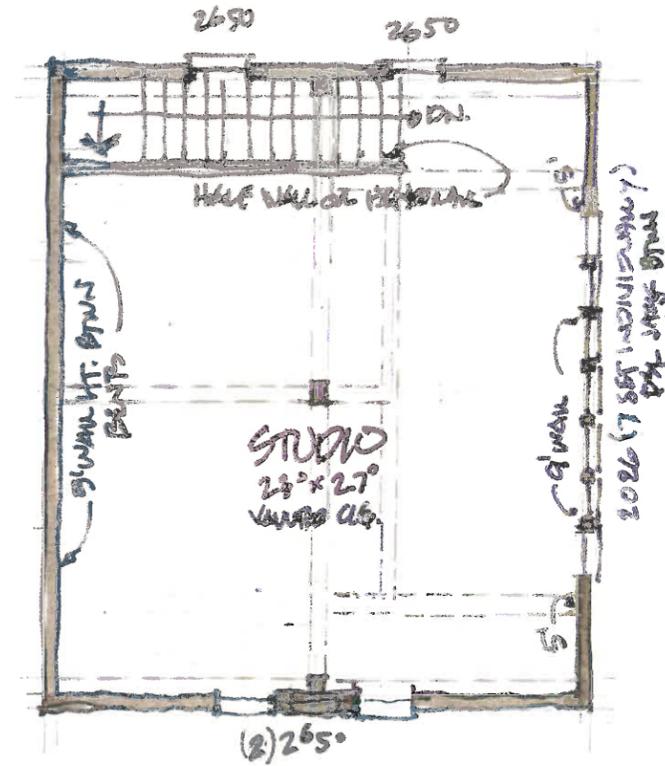
DATE 11/06/18

# Best Residence

1 Kenyon Brook Dr., Columbus, OH 43085



First Floor Plan  
Scale: 1/8" = 1'-0"



Second Floor Plan  
Scale: 1/8" = 1'-0"

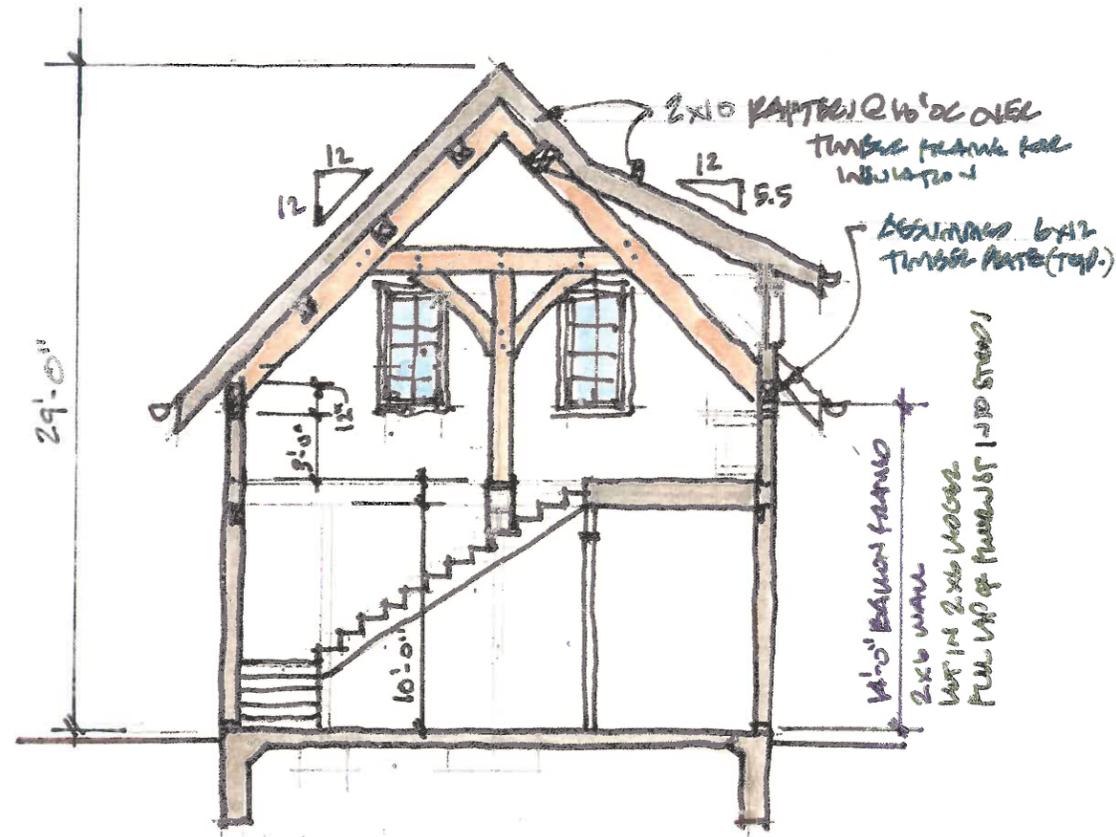
CITY OF WORTHINGTON

DRAWING NO. BZA 44-18

DATE 11/06/18

# Best Residence

1 Kenyon Brook Dr., Columbus, OH 43085



Building Section  
Scale: 1/8" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. BZA 44-18

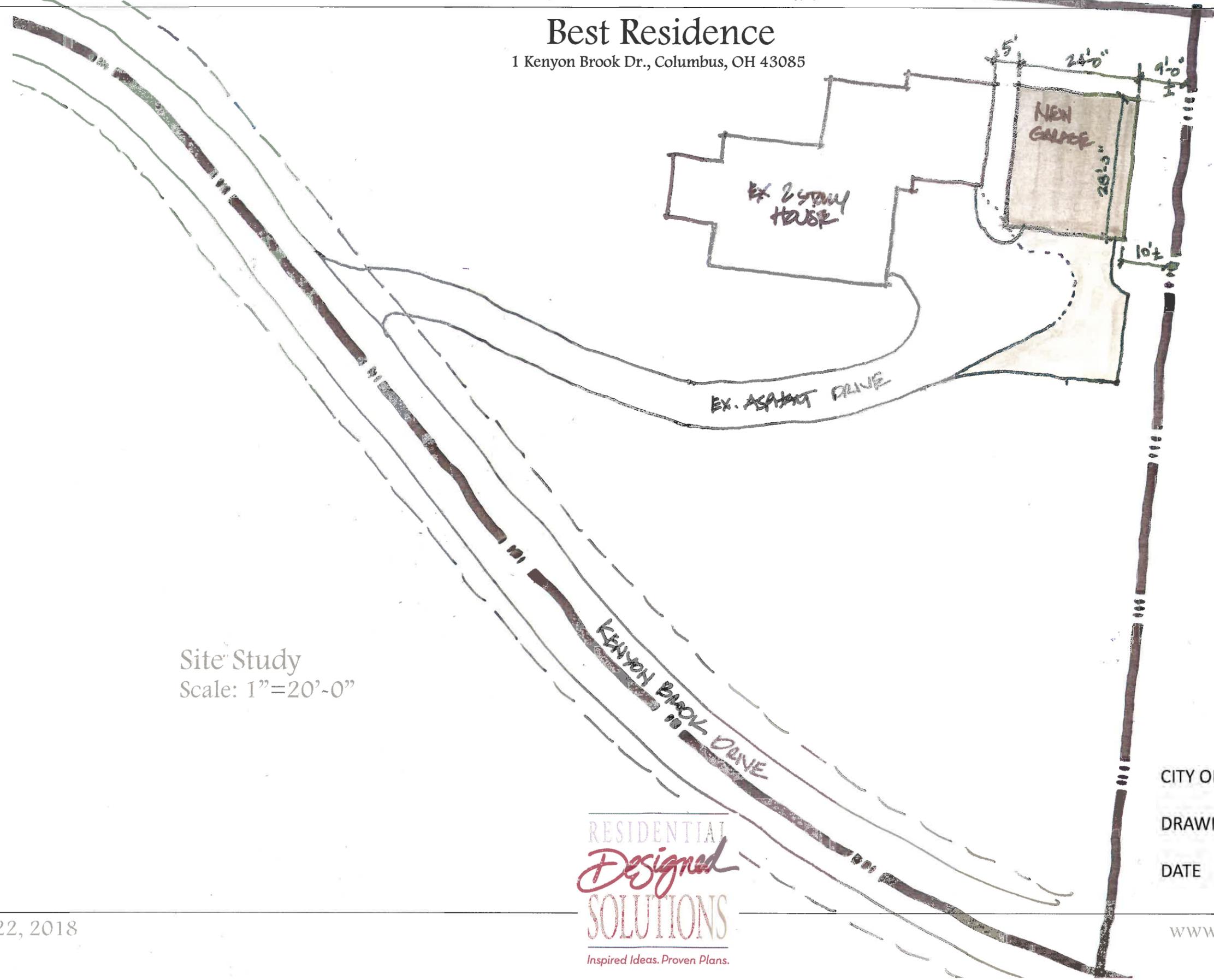
DATE 11/06/18



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# Best Residence

1 Kenyon Brook Dr., Columbus, OH 43085



Site Study  
Scale: 1"=20'-0"

CITY OF WORTHINGTON  
DRAWING NO. BZA 44-18  
DATE 11/06/18



October 22, 2018

[www.rdshomedesign.com](http://www.rdshomedesign.com)



# City of Worthington

## BOARD OF ZONING APPEALS

### APPLICATION

Meetings – First Thursday of Every Month

Case #	BZA 45-18
Date Received	11-09-18
Fee	\$ 25.00 pd
Meeting Date	12-06-18
Filing Deadline	11-09-18
	# 00211

1. **Property Location**      594 Hartford Street
2. **Present/Proposed Use**    Single Family Dwelling
3. **Zoning District**
4. **Applicant**                Sean Kocheran / RAS Construction  
  
**Address**                      351 W South Street Worthington Ohio 43085  
  
**Phone Number(s)** 614-679-3863
5. **Property Owner**    Robert and Tera Huffman  
  
**Address**                      594 Hartford Street Worthington OH 43085  
  
**Phone Number(s)** \_\_\_\_\_
6. **Action Requested**      Accessory structure square footage variance  
 (ie. type of variance) \_\_\_\_\_
7. **Project Details:**
  - a) **Description**    16x20 free standing carriage house
  - b) **Expected Completion Date**    Spring 2019
  - c) **Approximate Cost**    \$30,000

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

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

Sean Kocheran  
Applicant (Signature)

11/5/18  
Date

[Signature]  
Property Owner (Signature)

11/5/18  
Date

Abutting Property Owners List for  
594 Hartford St.

Gregory & Christiana Hopkins	608 Hartford St.	Worthington, OH 43085
Warren & Marlene Orloff	356 Loveman Ave.	Worthington, OH 43085
Resident	590 Hartford St.	Worthington, OH 43085
Paul Graham & Anne Scaperoth	611 Morning St.	Worthington, OH 43085
John Schaffner	601 Morning St.	Worthington, OH 43085
Timothy & Brenda Tilton	595 Morning St.	Worthington, OH 43085
Worthington Methodist Church	600 High St.	Worthington, OH 43085



# R.A.S. Construction

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

11/21/18

**Re: Worthington ARB Application for 594 Hartford St.**

To Whom It May Concern,

We are submitting a request for zoning approval for variance on accessory structure square footage. The accessory structures have already been through the Architectural Review Board and was approved.

Thank you for your consideration.

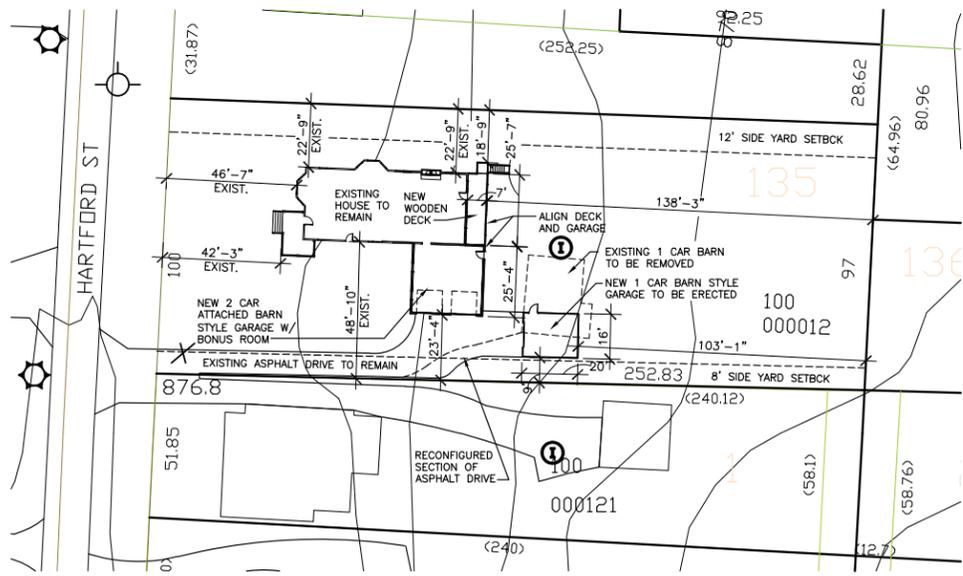
Respectfully Submitted,  
Sean Kocheran

# 594 Hartford St.

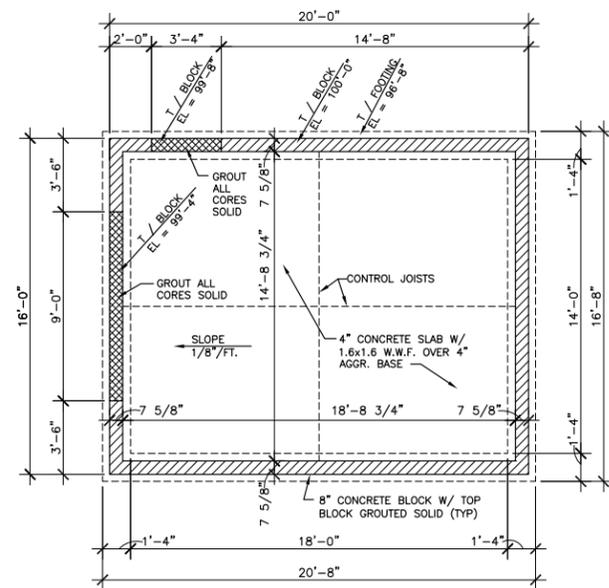


100-000012 04/25/2017

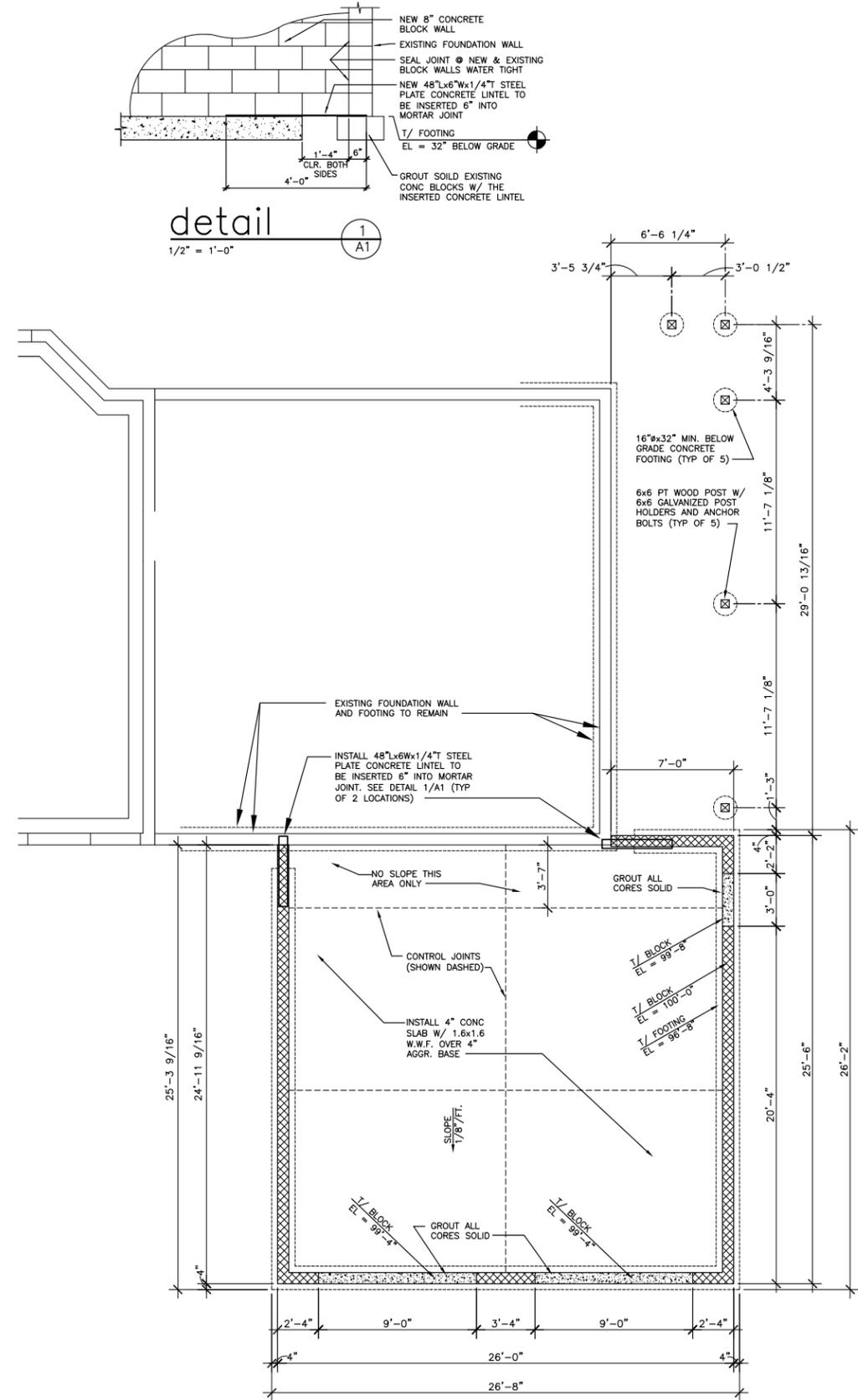
**PROPOSED DECK & 2 CAR ATTACHED & DETACHED GARAGE FOR THE RESIDENCE  
594 HARTFORD STREET WORTHINGTON, OHIO 43085**



site plan  
1" = 30'-0"

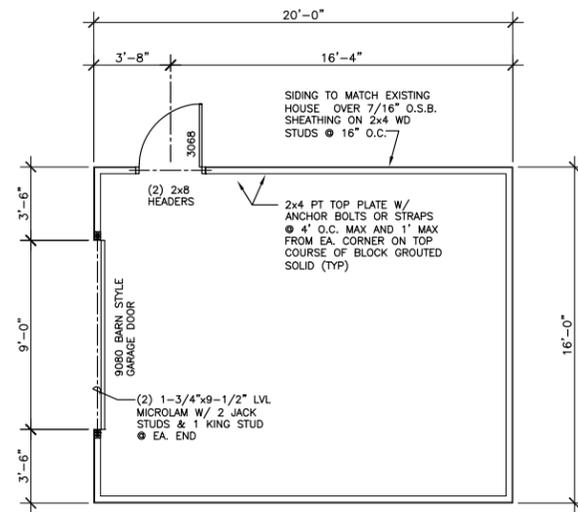


detached garage foundation plan  
1/4" = 1'-0"

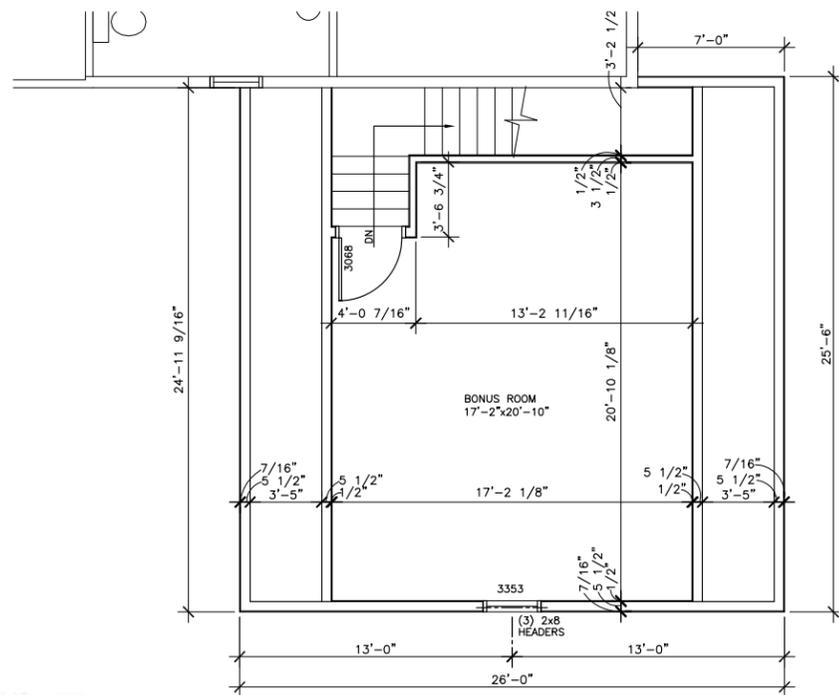


attached garage and deck foundation plan  
1/4" = 1'-0"

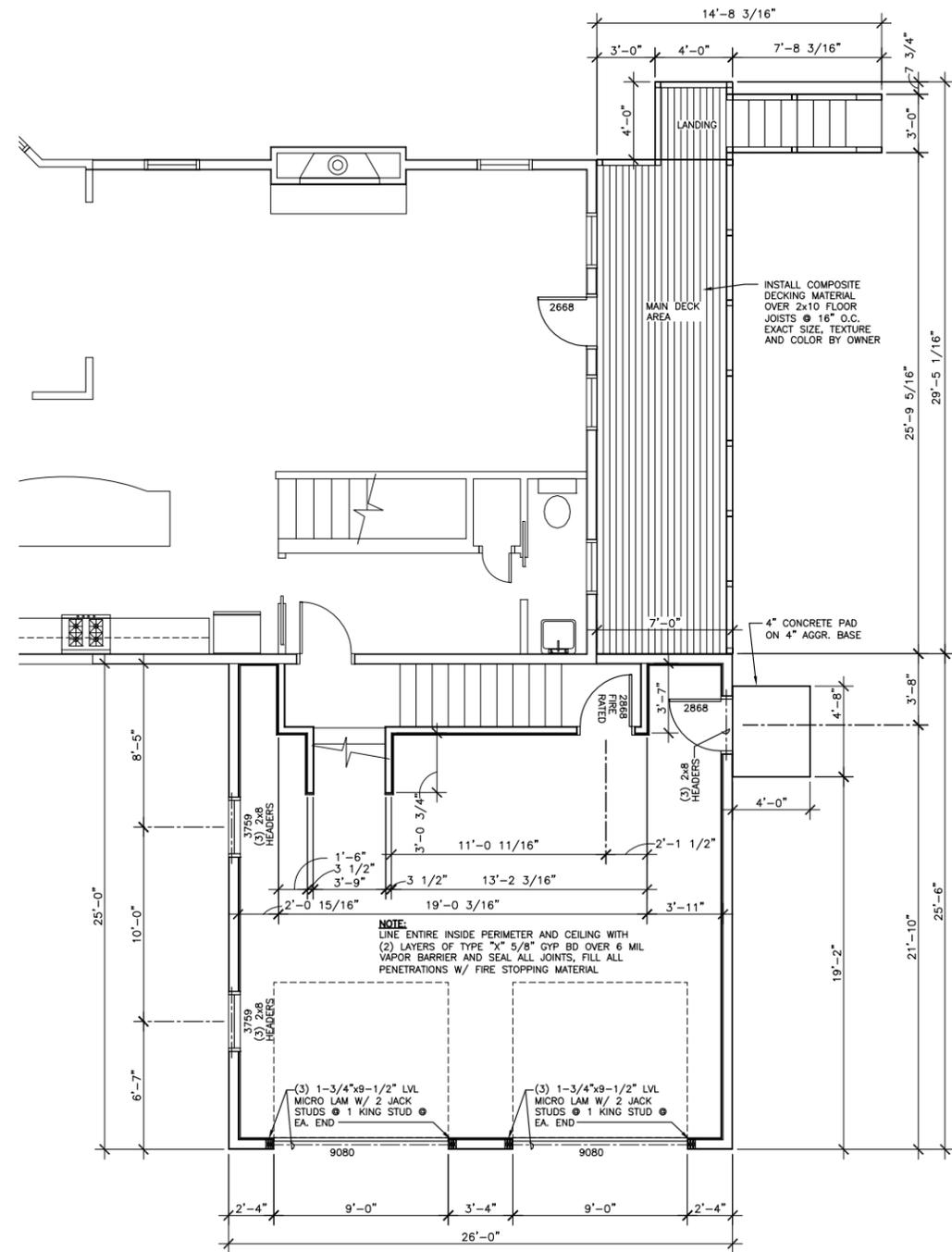
CITY OF WORTHINGTON  
DRAWING NO. BZA 45-18  
DATE 11/09/18



detached garage floor plan  
1/4" = 1'-0"



bonus room floor plan



attached garage and deck floor plan  
1/4" = 1'-0"

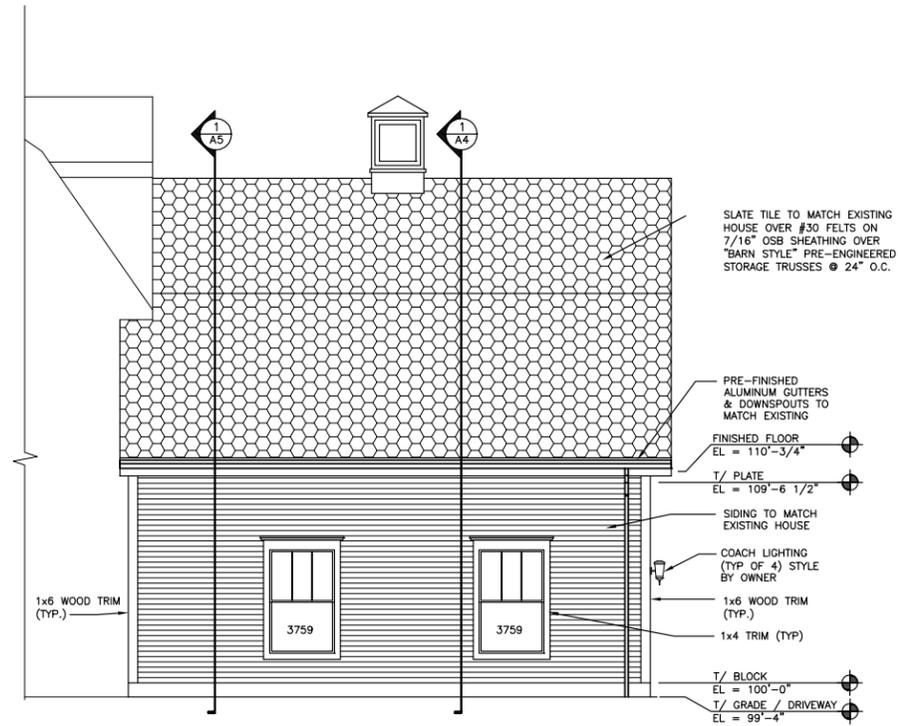
CITY OF WORTHINGTON

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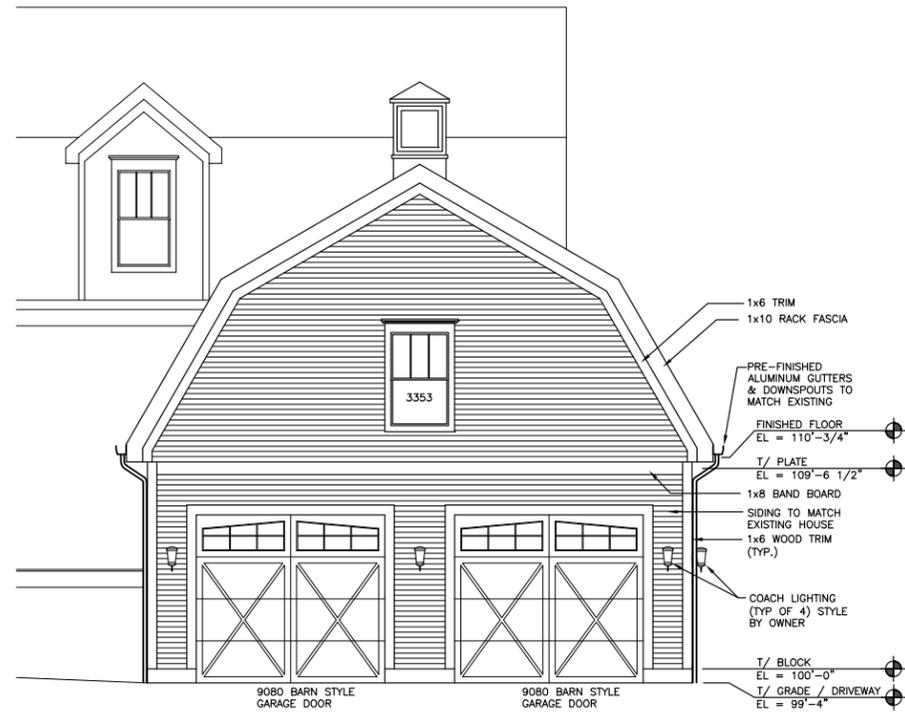
DATE 11/09/18

PROPOSED DECK & 2 CAR ATTACHED & DETACHED GARAGE FOR THE RESIDENCE  
594 HARTFORD STREET WORTHINGTON, OHIO 43085

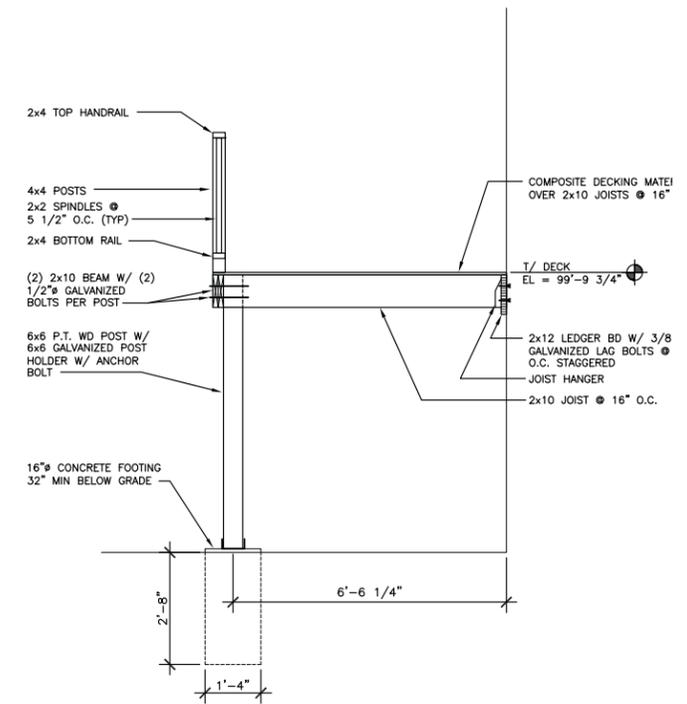




partial west elevation  
1/4" = 1'-0"



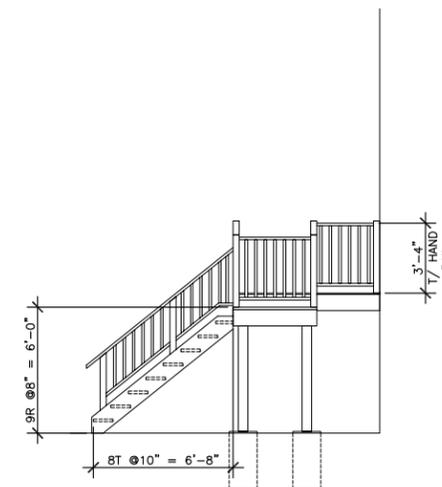
partial south elevation  
1/4" = 1'-0"



section 1  
1/2" = 1'-0"



east elevation  
1/4" = 1'-0"



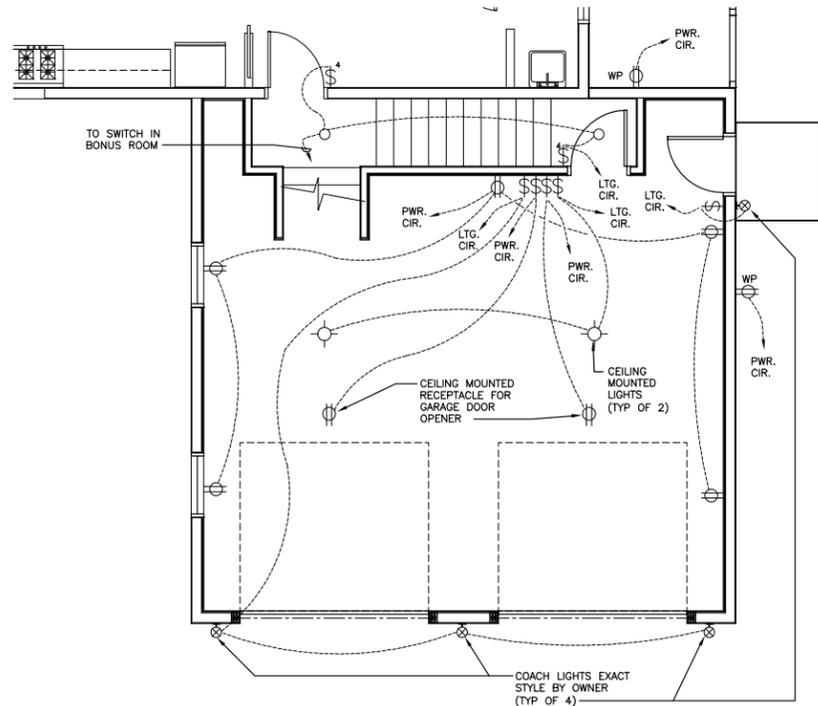
north elevation  
1/4" = 1'-0"

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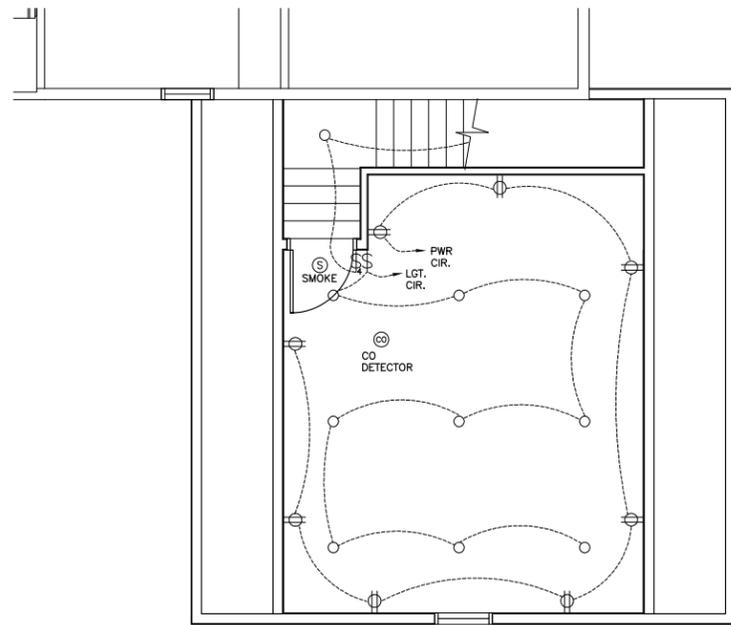
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garage level electrical plan  
1/4" = 1'-0"



bonus room electrical plan  
1/4" = 1'-0"



**GENERAL NOTES:**

1. FIRESTOP ALL PENETRATIONS AS NEEDED.
2. INSULATE EXISTING 2x4 WALLS W-15 CAVITY IF CAVITY IS EXPOSED.
3. INSULATE ANY CEILINGS W/ R-38 IF CEILING IN EXPOSED AND PROVIDE VAPOR BARRIER TO HEATED SIDE OF ROOM.

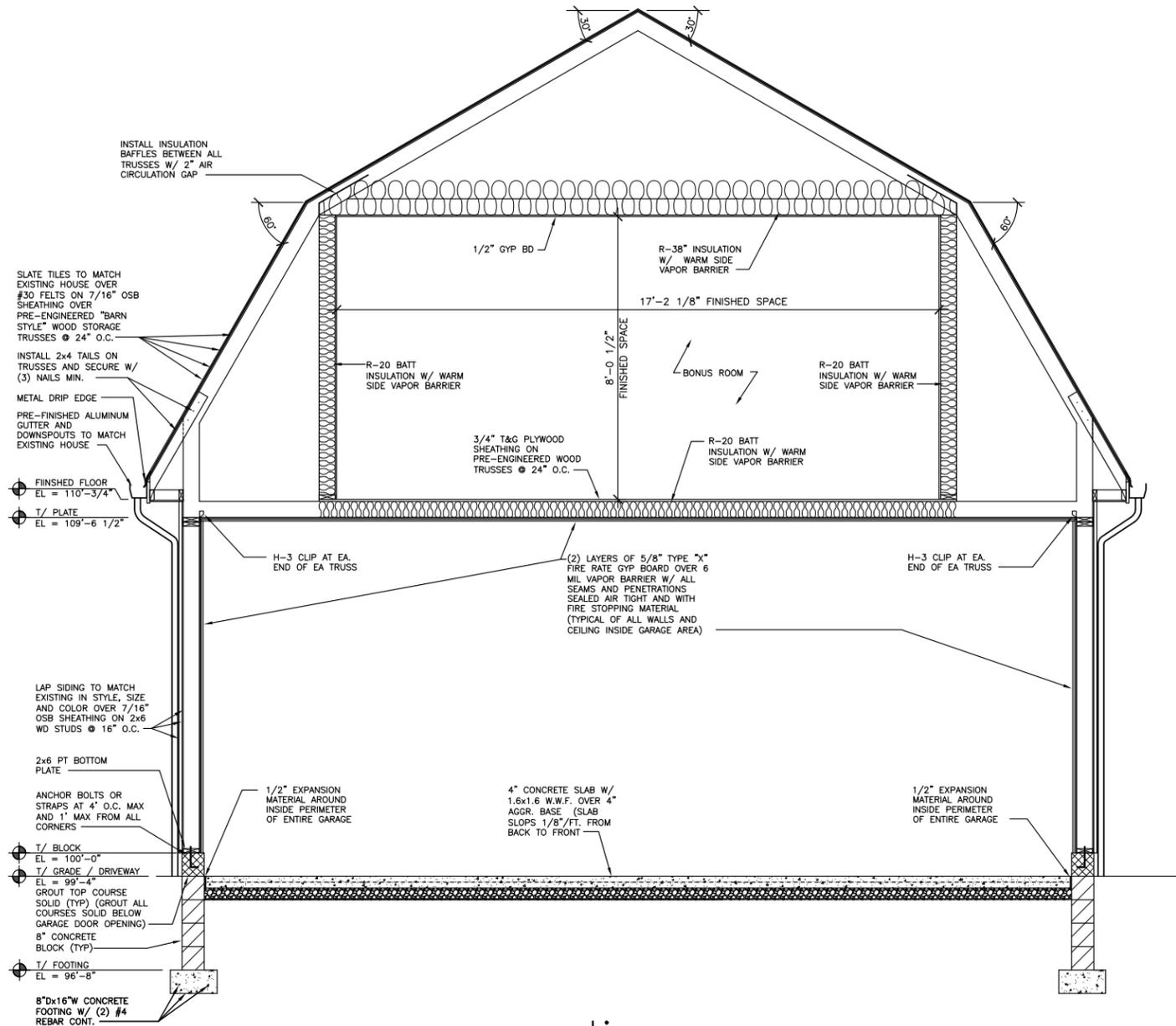
**ELECTRICAL NOTES:**

1. ALL OUTLETS TO BE TAMPER RESISTANT.
2. INSTALL CIRCUITS ON ARC FAULT BREAKERS AS REQUIRED BY CODE.

NOTE:  
ALL CIRCUITS TO BE ON ARC FAULT BREAKERS TO CODE.

**CO AND SMOKE DETECTOR NOTES**

1. HARD WIRED CO DETECTOR TO BE INSTALLED ON EA LEVEL AND ON OWN DEDICATED CIRCUIT
2. INSTALL SMOKE DETECTORS IN EACH BEDROOM SLEEPING AREA THAT ARE HARD WIRED AND ON OWN DEDICATED CIRCUIT (TYP)



section  
1/2" = 1'-0"



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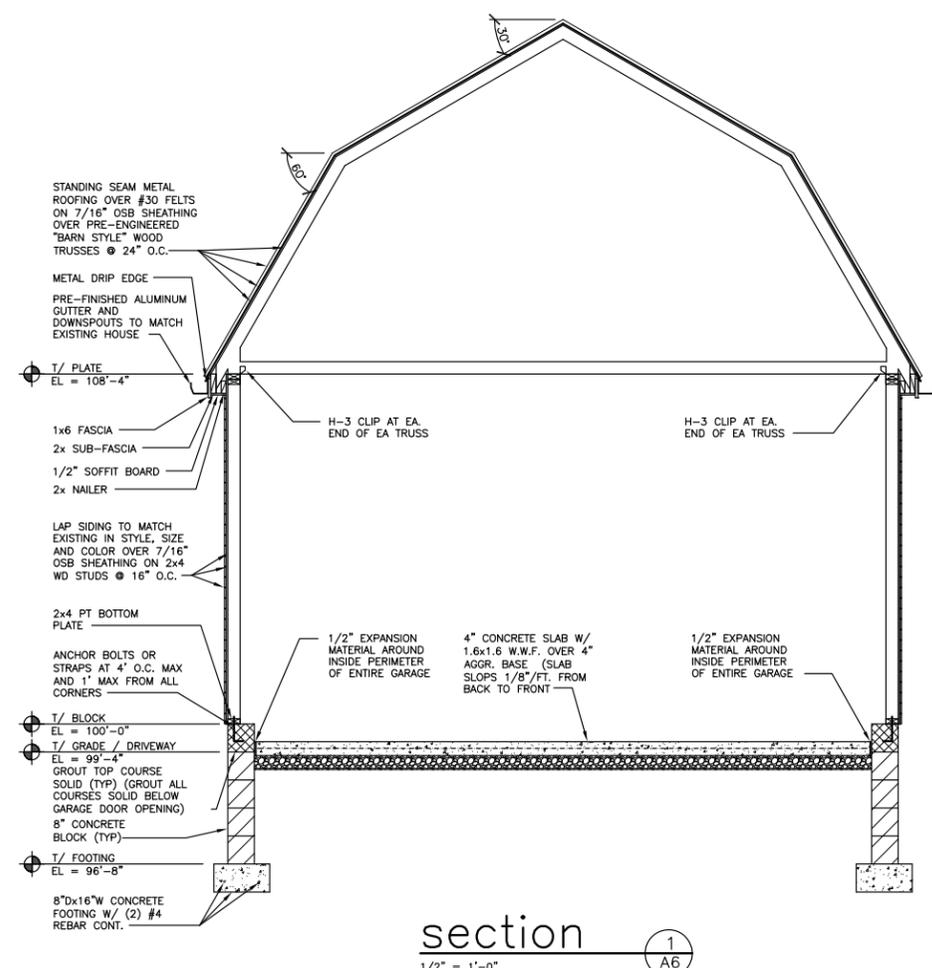
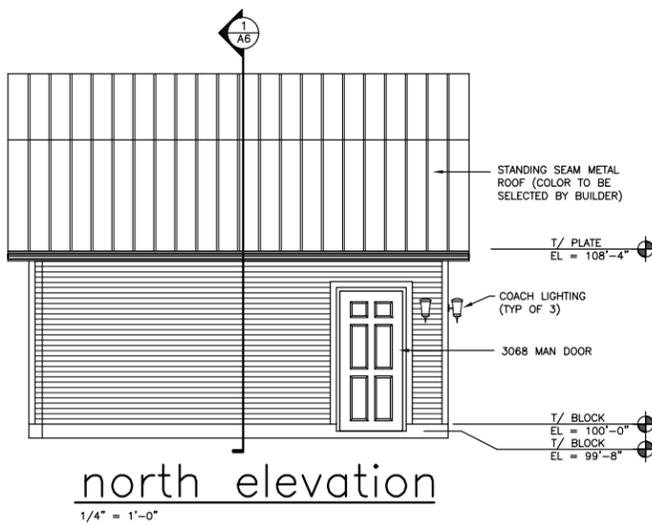
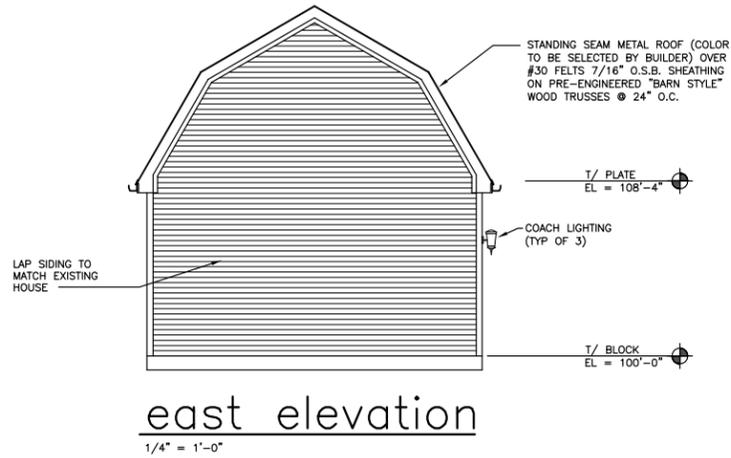
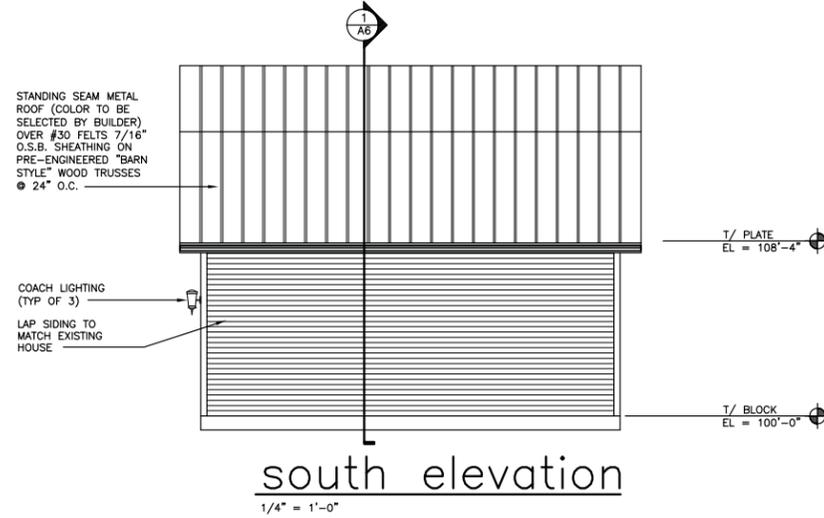
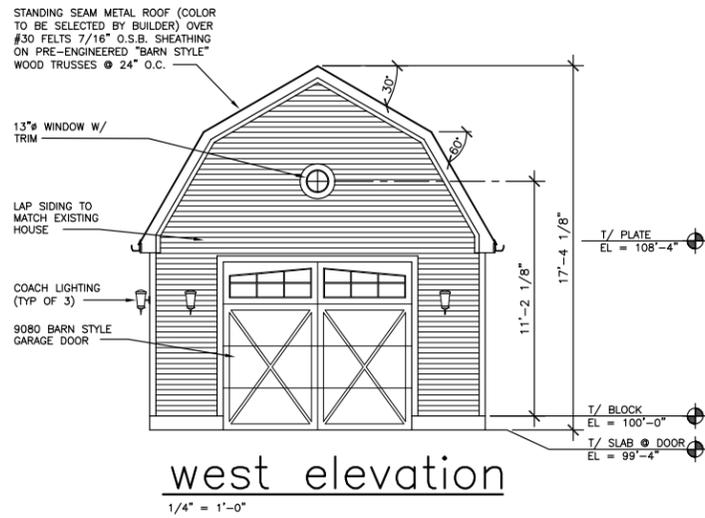
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