



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

January 03, 2019

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Mikel Coulter; Brian Seitz; D.J. Falcoski; and Cindy Crane; and also present was Lee Brown, Director of Planning & Building. Board Member L. Reibel was absent.
2. Pledge of Allegiance
3. Oath of Office

Mr. Brown explained there were supposed to be Two Oaths given at the meeting but since Ms. Reibel was not present, he only asked Mr. Seitz to stand and take the Oath to be sworn in. Mr. Seitz's term will be for another three years.

4. Election of Officers

Mr. Seitz moved to retain the current Officers, seconded by Mr. Coulter. All Board members voted, "Aye," and the Officers remained the same.

5. Bylaws

Mr. Coulter moved to approve the Bylaws seconded by Mr. Falcoski. All Board members voted, "Aye," and the Bylaws were approved.

6. Approval of minutes of the December 6, 2018 meeting

Mr. Seitz moved to approve the minutes, seconded by Mr. Coulter. All members voted, "Aye," and the minutes were approved.

7. Affirmation/swearing in of witnesses

B. Items of Public Hearing

1. **Variance – Signage – 529 High St. (Jeanne Lennon) BZA 46-18
To Be Tabled**

Mr. Coulter moved to table the application, seconded by Mr. Seitz. All Board members

voted, “Aye,” and the application was tabled.

2. **Temporary Use Permit** – Temporary Signage – **445 E. Dublin-Granville Rd.**
(Kemper House Worthington, LLC) **TUP 01-18**

Mr. Brown reviewed the following from the staff memo:

Findings of fact:

1. This property is in the S-1 district where temporary signs are not permitted.
2. In January, the City Council approved rezoning the southern 4.84 property as a Planned Unit Development (PUD) to allow for construction of the Kemper House, an Alzheimer’s/Dementia/Memory Care Facility. The site was previously Worthington Foods.
3. The applicant is proposing to install 2 temporary signs on an existing monument structure which will serve as the locating feature for Kemper House Worthington’s Information Center. Both temporary signs are proposed to be 2 feet by 3 feet for a total area of 6 square feet.
4. The applicant has requested the board grant an approval to for 6 months which would equate to July 3rd, 2019. After which, the applicant may ask staff for a 90 temporary use permit if the project needs additional time; making the potential end date October 3rd, 2019.
5. Temporary signs are prohibited except with the issuance of a Temporary Use Permit, and can be granted for up to 6 months as per Section 1129.05(b)(5).

The following conclusions are presented:

1. Staff typically grants Temporary Use Permits to businesses to help them with grand openings and other special events. These are typically a single banner, generally conforming with signage requirements, and for a reasonable amount of time. In this particular case, the temporary signage will support Kemper House Worthington in their community outreach, pre-sales, and pre-marketing efforts during construction.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Greg Cini, 1640 E. Broad St., Columbus, Ohio 43203. Mr. Cini said they are planning to open in late summer of 2019. They had a little bit of a delay because of all the rain and they may need to ask for extension, but it all depends on the weather. The information center will be designed for pre-marketing, and will give the public a chance to learn more about what services will be offered. Mr. Cini said they will be using the front portion of what was known as the Harding Hospital building. He and possibly two or three other employees will be utilizing the space. Board members had no questions or concerns. Ms. Crane asked if there was anyone present who wanted to speak either for or against this application.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY KEMPER HOUSE WORTHINGTON, LLC FOR A TEMPORARY USE PERMIT TO ALLOW FOR TEMPORARY SIGNAGE AT 445 E. DUBLIN-GRANVILLE ROAD. AS PER CASE NO. TUP 01-18, DRAWINGS NO. TUP 01-18 DATED NOVEMBER 26, 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. All Board members voted, "Aye," and the motion was approved.

3. Variance – Side Yard Setback & Fence Height – Sport Court – 182 E. New England Ave. (Mark Denny) BZA 48-18

Findings of fact:

1. This property is in the R-10 district with a minimum side yard requirement of 8 feet, and a maximum fence height of 6 feet.
2. The applicant is proposing to install a basketball hoop which will be approximately 2 feet from the side yard property line. As this is a structure accessory to the dwelling, code requires it to be a minimum of 8 feet from the side yard setback property line. A variance of 6 feet is required.
3. The applicant is also proposing to install a 10 foot high fence around the edge of 3 sides of the sport court. The maximum fence height for this district is 6 feet. A variance of 4 feet would be required for the fence area within the side yard setback.

4. Fences over 6 feet in height must comply with the 2013 Residential Code of Ohio. A variance for fence height does not grant variances from building code requirements.

The following conclusions are presented:

1. The fence height of 10 feet is for the purpose of containing the balls being used within the sport court, mitigating the substantial nature of the request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Mark Denny, 182 E. New England Ave., Worthington, Ohio. Mr. Denny said his neighbor's live part-time in Arizona but he knew they would be home during the month of December and that is why he chose the time frame so the neighbors' would have a chance to speak up if they did not approve. Ms. Crane asked why the fence needed to be only two feet from the setback line. Mr. Denny said he wanted to have the yard opened as much as possible away from concrete because that is where all the neighborhood kids play soccer. Ms. Crane asked why Mr. Denny did not want to line the fence up with the shed and Mr. Denny said it was his understanding a fence could be placed on the property line and a pad could be placed up to fence line without a variance. He said he did not want to push the pad all the way to the property line.

Ms. Crane said she was concerned with the hoop being so close to the neighbors' property, and the possibility of noise issues. Mr. Denny said he spoke with his neighbor about the sports court, hoop and light and he did not have concerns. He also said he planned to add some arborvitae but the landscaping was not part of the application. Ms. Crane said she would like to protect the integrity of the properties because the sports court will likely be there long after both the applicant and neighbors reside in the area. She would like to see the sports court moved back a little plus the addition of screening. Mr. Denny said everything they have done has been done with the spirit of Worthington. He said he planned to hire a very professional company that would make the area look at good as possible.

Mr. Coulter said he did not have a problem with the ten foot fence because the neighbors' would probably appreciate not having the balls in their yard and the lighting does not come under the Board's purview. He said if necessary the lighting could probably be put on timers or dimmers. Mr. Coulter said he did not have an issue with having the basketball

pole being two feet away from the property line but at some point in time there might be a need to add a few more arborvitae for visual purposes. Mr. Denny said that was already part of his plan. Ms. Crane asked if there was anyone present who wanted to speak either for or against this application but no one came forward.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY MARK DENNY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND FENCE HEIGHT AT 182 E. NEW ENGLAND AVE, AS PER CASE NO. BZA 48-18, DRAWINGS NO. BZA 48-18 DATED DECEMBER 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; Mr. Falcoski, aye; and Ms. Crane, nay. The motion was approved.

C. Other

Mr. Brown discussed an update for 410 Tucker Drive, and he invited the Board members to the Groundhog Day Breakfast, Friday, February 1, 2019 at 7:00 a.m.

D. Adjournment

Mr. Seitz moved to adjourn the meeting seconded by Mr. Coulter. All Board members voted, "Aye" and the meeting adjourned at 7:48 p.m.