



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

February 7, 2019

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Mikel Coulter; Brian Seitz; D.J. Falcoski; Leah Reibel; and Cindy Crane; and also present were Lee Brown, Director of Planning & Building; Laney Nofer, Planning & Building Assistant; and Tom Lindsey, Director of Law.

2. Pledge of Allegiance

3. Oath of Office

Ms. Reibel was sworn in for a three year term.

4. Approval of minutes of the January 3, 2019 meeting

Mr. Seitz moved to approve the minutes after the correction to the minutes on page 4, seconded by Ms. Reibel. All members voted, "Aye," and the minutes were approved.

5. Affirmation/swearing in of witnesses

B. Items of Public Hearing – Unfinished

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

Ms. Nofer reviewed the following from the staff memo:

Findings of fact:

1. This property is a corner lot abutting both W. South St. & High St. in the C-1 District where each business is permitted one wall-mounted sign and one freestanding sign, with total sign area limited to 100 square feet.

2. The business has 2 wall-mounted signs proposed, one facing W. South St. and the other facing High St. A variance for an additional wall sign is required.

3. The dimensions for the proposed signs would be 11 feet by 1.5 feet for a total of 16.5 square feet each; making the total sign area for the business 33 square feet.

4. The current freestanding sign on the property will be removed prior to installation of the new wall signage.
5. The property is subject to, and has been approved by, the Architectural Review Board on December 13, 2018.

The following conclusions are presented:

1. The additional signage could help direct customers to their location from multiple viewpoints and may be necessary for business identification.
2. The requested variance is not substantial, especially because the business is allowed 2 signs, one being a freestanding sign and the other a wall sign. With this proposal, the business will still only have 2 signs, with the total area being below what is allowable.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Discussion:

Mrs. Nofer said a new rendering was received just before the meeting. The sign contractor told City staff he was going to have trouble mounting the originally proposed lettering so he proposed a larger font to be implemented instead. City staff calculated the sign area to be approximately 44 square feet for the side elevation and approximately 14.5 square feet for the front for a total near 60 square feet which was well below the allowable 100 square feet of sign area. The variance request was for the second sign. City staff viewed "Aveda" as a single sign. Ms. Nofer said with the removal of the freestanding sign, the wall sign will help direct patrons coming from the south side of High Street, and city staff viewed that as a beneficial factor. Ms. Crane wanted to clarify the Board would be approving two wall mounted signs rather than one wall mounted sign and Ms. Nofer replied, "Yes." Ms. Crane asked if the design and the type face would be handled by the Architectural Review Board. Ms. Nofer replied that City staff deemed the sizes and styles were compliant with the design requirements of the Code. She said they were initially concerned about the size of the signs, but after they did some calculations they were no longer concerned since the size was within the allowable square footage. Mr. Brown explained the applicant would have to go back to the Architectural Review Board for the approval of the sign, and the sign could possibly be modified by size, but as mentioned by Ms. Nofer earlier, the freestanding sign would be eliminated, and the Architectural Review Board would have to approve the change in signage.

Ms. Crane asked if the applicant was present. Ms. Jeanne Lennon, 529 High St., Worthington, Ohio, said the size of the “Aveda” lettering would be smaller than what was shown (approximately two thirds of the size of Lennonheads lettering). The smaller letters underneath would be removed. The letters would be black and matted so the appearance would be more like metal instead of shiny. Board members had no questions or concerns. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JEANNE LENNON FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR ADDITIONAL SIGNAGE AT 529 HIGH ST., AS PER CASE NO. BZA 46-18, DRAWINGS NO. BZA 46-18 DATED NOVEMBER 14, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

B. Items of Public Hearing – New

1. **Variance – Monument Sign – 6950 Worthington-Galena Rd. (WG Property LLC) BZA 49-18**

Ms. Nofer reviewed the following from the staff memo.

Findings of fact:

1. This property is in the I-1 District where freestanding signs are limited to the following:
 - a. 2 styles of lettering plus 1 logo
 - b. 3 sizes of lettering including the logo
 - c. No more than 4 colors including black and white
2. This sign came to staff’s attention after following up on an expiring sign permit to change the sign faces on the freestanding sign at the above referenced property. At that time, it was discovered that no permit was sought for the other 2 tenants on the freestanding sign.
3. The sign does not comply with section 1170.03 of the Worthington Codified Ordinances as follows:

- a. The sign has at least 3 styles of lettering plus 2 logos.
 - b. The sign has at least 6 sizes of lettering including the logos.
 - c. The sign has at least 6 colors including black and white.
4. Requested variances are 1 additional style, 1 additional logo, 3 additional sizes, and 2 additional colors.

The following conclusions are presented:

1. The monument sign was intended to provide space for 3 businesses to be advertised. This intent can create difficulty for the businesses to comply with the sign requirements outlined in the City Code as each business has their own branding to accommodate.
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 directory signs were allowed to have a maximum of three different businesses and City Staff confirmed that was correct. Mr. Brown said this was a unique situation for a large building that was vacant for a while and was redeveloped and had three headquarters come in, each with their own branding. He referred to Section 1170.02(j) of Worthington's Codified Ordinances which allows for "Joint Identification Signs." A sign can display more than one business or listing more than one associate, partner, employee or agent of any business. Freestanding joint identification signs shall display no more than three businesses or listings. Wall-mounted joint identification signs may advertise more than three businesses or listings. Mrs. Nofer explained the sign was compliant with the setbacks and size requirements.

Ms. Crane asked if the applicant was present. There was no applicant at the meeting. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward. Mr. Seitz moved to table the applicant seconded by Ms. Reibel. Mr. Brown called the roll. All members voted, "Aye," except Mr. Coulter voted, "Nay." The application was tabled.

2. Variance – Directional Signage Height – 6550 N. High St. (City of Worthington) BZA 50-18

Mr. Brown reviewed the following from the staff memo.

Findings of fact:

1. The north entrance at the Louis J. R. Goorey Worthington Municipal Building is the closest entrance to parking, and typically the only door open for evening meetings. The City would like to officially designate the north entrance as the main entrance and install pedestrian directional signs to help visitors on the site, many of whom are confused about where to enter.
2. The sign height for freestanding pedestrian directional signs shall not exceed thirty-six inches. The total area for all such signage shall be no more than 20 square feet per parcel.
3. The applicant is proposing 4 directional signs to be 48 inches in height. A variance of 12 inches for each sign is needed.
4. The pedestrian directional signs were designed as a part of the City's Wayfinding Program that was adopted by City Council in 2015.

The following conclusions are presented:

1. The directional signs were designed to provide guidance to pedestrians as to where to enter the Municipal Building. Having the signs be 12 inches taller than the typically allowed height for directional signs would be appropriate as visitors would be walking in to the building rather than needing to be directed by car at a lower height.
2. The standard for pedestrian directional sign height is 5 feet. However, staff felt 4 feet would serve our needs.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Discussion:

Mr. Brown represented the City for this application. Board members had no questions or concerns. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward.

Motion:

Ms. Reibel moved:

THAT THE REQUEST BY THE CITY OF WORTHINGTON FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A DIRECTIONAL SIGN TO EXCEED THE MAXIMUM HEIGHT REQUIREMENT AT 6550 N. HIGH ST., AS

PER CASE NO. BZA 50-18, DRAWINGS NO. BZA 50-18 DATED DECEMBER 20, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

3. Variance – Side Yard Setback – Fence – 605 Evening St. (David and Amy Yenkin) BZA 01-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district and is located on the corner of Evening St. and Short St.
2. The applicant is proposing to construct a fence within the area between the public right of way line and the building setback line, which requires a variance. The front yard setback is 30 feet for corner lots, the adjacent side yard can be reduced to 20 feet.
3. The fence is proposed to be open-style, black aluminum, and 5 feet in height. It would stretch 70 feet along the side yard abutting Short St. The majority of the fence would be screened by existing shrubbery, trees, and bushes; providing a natural barrier.
4. The applicant is requesting the fence for the purpose of providing a safe environment for a new puppy.
5. The property is subject to approval by the Architectural Review Board, who approved the proposal with a condition that the fence be no higher than 5 feet and for the vegetation buffer to be maintained.

The following conclusions are presented:

1. The variance request is substantial, although, there are factors that may be helpful to the applicant’s case, such as the right-of-way in question being an unimproved section of Short St. Also, the open-style fence being screened by trees and shrubbery, mitigates the variance 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. David Yenkin, 605 Evening St., Worthington, Ohio. Ms. Crane said she was a little concerned about the height of the fence. Mr. Yenkin explained the Architectural Review Board (ARB) approved their request of five feet because the breed of dog they have chosen has been known to jump. Mr. Coulter said the applicant had originally asked for a 6' fence, and the Board members approved a 5' fence instead. Board members had no questions or concerns. Ms. Crane asked if there was anyone present who wanted to speak for or against this application, but no one came forward.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY DAVID AND AMY YENKIN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE AT 605 EVENING ST., AS PER CASE NO. BZA 01-19, DRAWINGS NO. BZA 01-19 DATED JANUARY 04, 2019, 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.

4. **Variance** – Accessory Building Area – Garage – **6773 Bowerman Ct.** (Shawn McNeil/ Mowry) **BZA 04-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of fact:

1. This property is in the R-10 district where the minimum lot area is 10,400 square feet and total accessory building area is limited to 850 square feet in area regardless of property size. The subject property is approximately 12,741 square feet in area and located on a cul-de-sac.
2. The property contains an existing approximate 460 square foot attached 2-car garage to be demolished, and an approximate 80 square foot shed that will remain.
3. The applicant is proposing to replace the existing garage with a 24 foot by 40 foot attached garage, totaling 960 square feet in area. With the existing shed, the total

proposed accessory building area on the property would be 1,040 square feet. The requested variance is 190 square feet.

4. The depth of the garage is for the purpose of having tandem parking to accommodate 3-4 cars. The view from the street will still appear to be a 2-car garage.

The following conclusions are presented:

1. The property being larger than the minimum required by Code helps mitigate the substantial nature of this variance request.
2. Parking is typically more difficult on a cul-de-sac due to the closer proximity of drive openings.
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. Matthew Mowry, 6773 Bowerman Ct., Worthington, Ohio and Mr. Shawn McNeil, 370 Charleston Ave., Columbus, Ohio. Mr. Mowry said the garage was in poor condition and he would like to rebuild the garage and get some of their cars off the street. They have growing family and with bicycles, and lawn equipment that need additional storage space. Mr. Coulter said he had been in the garage many times before and he was aware of the tight space; he knew the former home owners. 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, but no one came forward.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY SHAWN MCNEIL ON BEHALF OF MATT MOWRY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE AT 6773 BOWERMAN CT., AS PER CASE NO. BZA 04-19, DRAWINGS NO. BZA 04-19 DATED JANUARY 11, 2019, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Falcoski seconded the motion. Mr. Brown called the roll. All Board members voted, "Aye," and the motion was approved.

5. **Extension of Construction Completion Period** – Single Family Dwelling – **410 Tucker Dr. (Aaron & Susan Bakhshi) BZA 05-19**

Mr. Brown reviewed the following from 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. A one-year extension of the expired permit was granted on September 7, 2017 as per case# BZA 29-17.
2. At the September 6, 2018 Board of Zoning Appeals Hearing, the applicant was granted a four-month time extension for Building Permit #21573 as per case# BZA 34-18. On November 1, 2018, case# BZA 34-18 was brought back to the Board for reconsideration & clarification of the conditions. At that hearing, the Board of Zoning Appeals approved a six-month time extension from the September 6th, 2018 hearing, making the permit expiration date March 6th, 2019.
3. The owner states all roof work should be completed prior to the Board of Zoning Appeals hearing on February 7, 2019.
4. The applicant is requesting an additional one-year time extension by the Board with intent the dwelling be completed within that time frame.
5. The obligations of all the parties set forth in the settlement agreement have been met, and all lawsuits have been dismissed. Additionally, the mechanics' liens recorded on the property have been paid and released.

The following conclusions are presented:

1. The roof on the home was substantially completed by the end of December 2018 indicating there was progress since the last hearing in November.
2. The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Steve Justice, an attorney with the Law Firm of Dungan & LeFevre, said he was representing his clients Aaron and Susan Bakhshi. He said he felt the staff's report had adequately conveyed the progress that they have made.

At the previous meeting, Mr. Justice said he explained both parties had reached a Settlement Agreement and they were waiting for the obligations of the Agreement to be completed and they were completed in December. All the liens on the property have been

released. After the liens were released, Mr. and Mrs. Bakhshi began working on the roof of the house despite some weather challenges along the way. They are now focusing on the interior of the house. There is remaining outside work to be done such as landscaping which they plan to take care of within the next year. The awning to be installed on the front of the house will be installed after the temperature outside reaches above 47 degrees. The rooftop is 100% complete. The current Permit ends on March 6th, 2019. Mr. Justice said they are requesting a one year extension to complete the rest of the home. Ms. Crane asked if the house was able to be locked up now and weather tight. Mr. Justice replied, "Yes." Mr. Coulter said all his concerns had been addressed and they were well on their way to getting the project done and he appreciated that. Ms. Crane asked if there was anyone present who wanted to speak for or against this application.

Mr. Ian Mykel, 325 Medick Way, Worthington, Ohio, said his neighbor was unable to attend the meeting so he was relaying the message. The neighbor has not seen contractors working on the house and was concerned the house will be in the same situation a year from now. They would like to see the house finished.

Mr. Aaron Bakhshi, 58 Riverglen Dr., and 410 Tucker Dr., Worthington, Ohio. Mr. Bakhshi said the reason there has not been a constant flow of contractors was because of some animosity going on between the previous contractors. He said he has had some difficulty getting American Electric Power (AEP) to the house due to weather conditions, but that is one of their next steps is to dry out the lumber and make sure everything is okay. They are still waiting for AEP to come out and install the temporary service. Mr. Bakhshi said even though the weather has been bad, they are still ahead of schedule. Ms. Crane said if anyone would like a copy of the schedule, the schedule has been made a part of the record. Mr. Brown said City staff felt a one-year extension to finish the house was not unreasonable. There were no other speakers.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY AARON AND SUSAN BAKHSHI FOR A ONE YEAR EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD TO ALLOW THE CONSTRUCTION OF A DWELLING TO CONTINUE AT 410 TUCKER DR. AS PER CASE NO. BZA 05-19, DRAWINGS NO. BZA 05-19 DATED JANUARY 11, 2019, 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.

6. **Variance** – Front Yard Setback – Front Porch Steps – **41 W. South St.** (J.S. Brown & Company/Yang) **BZA 06-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the setback is the prevailing distance from the right-of-way and the 30' front yard setback for the district would not apply.
2. The applicant is proposing to replace their front porch & with that are moving the location of the steps. The new steps & railing will be in the front yard setback. A variance of 2 feet is required.
3. The property is subject to; and front steps have been approved by; the Architectural Review Board on January 24, 2019.

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:

Ms. Crane asked if the applicant was present. Mr. David Ottavi, 195 Glenmont Ave., Columbus, Ohio. Board members had no questions or concerns. Ms. Crane asked if there was anyone present who wanted to speak for or against this application, but no one came forward.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY J.S. BROWN & COMPANY ON BEHALF OF WILLIAM AND ROSANNE YANG FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FRONT STEPS AT 41 W. SOUTH ST., AS PER CASE NO. BZA 06-19, DRAWINGS NO. BZA 06-19 DATED JANUARY 17, 2019, 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.

D. Other

Mr. Brown explained he needed a photograph of the Board for the Annual Report.

E. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Ms. Reibel. All Board members voted, “Aye,” and the meeting adjourned at 7:53 p.m.