



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

March 7, 2019

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: Mikel Coulter; D.J. Falcoski; Leah Reibel and Cindy Crane; and also present was Donald Phillips, Chief Building Inspector; and Laney Nofer, Planning & Building Assistant. Board member Brian Seitz was absent.
2. Pledge of Allegiance
3. Approval of the minutes of February 7, 2019

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

4. Affirmation/swearing in of witnesses

**B. Items of Public Hearing – Unfinished**

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

Mr. Falcoski moved to remove the item from the table, seconded by Mr. Coulter. All Board members voted, "Aye," and the item was removed from the table.

Ms. Nofer reviewed the following from the staff memo:

**Findings of Fact & Conclusions**

**Background:**

This property is in the I-1 District. In June 2017, a sign permit was applied for and approved for 6950 Worthington Galena Rd. With no inspection called in, the sign permit was approaching expiration in October of 2018. After a follow up inspection occurred, it was discovered that 2 more tenants were added to freestanding sign without applying for a permit; it appeared the addition of the 2 tenants brought the sign in to non-compliance. A letter was then sent to the property owner to either comply with the sign regulations or apply for a variance.

**Code Requirements:**

Section 1170.03 of the Worthington Codified Ordinances has the following regulations for sign design:

- 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

**Request:**

The applicant is requesting a variance for 1 additional style, 1 additional logo, 3 additional sizes, and 2 additional colors.

**Conclusions:**

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.

The essential character of the neighborhood would not be substantially altered. The sign would provide clearer information for the community.

Governmental services would not be affected.

**Discussion:**

Ms. Crane asked if the applicant was present. Mr. Eric Zimmerman, 206 Christopher Ct., Hebron, Ohio. Mr. Falcoski asked if there were three separate signs for each business, would they need to have a variance? Mr. Phillips replied yes, because the property is only allowed to have one freestanding sign. Ms. Crane felt the sign was busy and said most of the signs in Worthington have some uniformity, even with several tenants. Mr. Phillips explained each business is allowed so many square feet of building mounted signage depending on how much frontage they have. Not all three businesses have frontage. Ms. Crane stated Pet People particularly stands out and suggested moving them in to a black and red color scheme. Ms. Reibel asked if Pet People used that color and logo all throughout the county. Mr. Zimmerman confirmed. Ms. Crane said there were other businesses in Worthington who have adjusted their colors and logos. Mr. Zimmerman stated Pet People were the ones who applied for the permit, so he would need to go back and talk with BusSTRUT and BSN Sports. Mr. Coulter said across the street is commercial and not residential. Mr. Coulter stated if the Pet People would consider changing the sign from green to red or black background, that would help the color situation and the sign would then be primarily red, black, and white. Mr. Coulter stated he understands logos and styles being an important part of the branding. Ms. Reibel asked if Pet People could put a sign on their storefront. Mr. Zimmerman said BSN takes up

about 6,000 square feet of the front of the building while Pet People occupies the rest of the front, and BSN Sports is in the rear of the building. Mr. Zimmerman said he could check with the owners of Pet People, but Mr. Coulter said he was not sure if that would help or not. Ms. Crane agreed with Coulter's suggestion. Ms. Crane asked if there was anyone who wanted to speak for or against this application.

Mr. Michael Bellman, 297 Abbot Ave., Worthington, Ohio, suggested Pet People changing the background of their sign to gray instead of green.

**Motion:**

Mr. Coulter moved:

**THAT THE REQUEST BY WG PROPERTY LLC FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW A MONUMENT SIGN TO EXCEED THE ALLOWABLE COLORS, LOGOS, STYLES, AND SIZES AT 6950 WORTHINGTON-GALENA RD. AS PER CASE BZA 49-18, DRAWINGS NO. BZA 49-18 DATED DECEMBER 11, 2018, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING AND AMENDED THAT THE GREEN FROM THE PET PEOPLE'S SIGN BE CHANGED TO MATCH THE BLACK, RED, OR GRAY AS SHOWN ON THE OTHER TWO SIGNS.**

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

**Items of Public Hearing – New**

- 1. Variance – Front Yard Setback – Flagpole – 297 Abbot Ave. (Michael Bellman)  
BZA 07-19**

Mrs. Nofer reviewed the following from the staff memo:

**Findings of Fact & Conclusions**

**Background:**

This property is in the R-10 District. The flagpole was brought to staff's attention by a Worthington resident who inquired if the pole structure was in the required front yard setback. After further review, it was confirmed that the structure was within the setback and would require a variance. There is no record of any previous building or zoning permits granted for the flagpole.

**Code Requirements:**

Section 1149.01 of the Worthington Codified Ordinances requires the minimum front yard setback for the R-10 district to be 30 feet.

**Request:**

The applicant is requesting to retain the current flagpole in the front yard setback. A variance of approximately 18.5 feet is required.

**Conclusion:**

The flagpole does not appear to alter the essential character of the neighborhood nor impact the delivery of governmental services. The lot width and lot area for this parcel are slightly larger than the typical R-10 District requirements. This creates a marginally larger than normal front yard, which could mitigate the variance request.

The property owners were unaware of the zoning restriction when they purchased the property.

The variance request is not substantial as the flagpole has been in place for at least 14 years.

**Discussion:**

Ms. Crane asked if there was a zoning restriction at the time when the flagpole went in. Mrs. Nofer stated it was unclear when the flagpole was installed as there was no permit applied for, but it was likely installed during the time the zoning restriction was in place for a front yard setback. Mr. Falcoski asked how this flagpole came before the board. Mrs. Nofer reminded the board of the 291 Bristol Woods Ct. flagpole case. The owner of that property provided staff with various properties around Worthington who appeared to also have flagpoles located in their front yards. Staff then had to proceed with investigations for those properties to confirm if they were inside or outside the front yard setback. Mr. Falcoski asked staff to confirm if the 291 Bristol Woods Ct. flagpole had a lighting feature included. Staff reported yes. Mr. Falcoski asked if the flagpole before them had a lighting feature. Staff reported no. Ms. Crane asked in order for the flagpole to be in compliance with the code, it would have to be no closer than the house? Staff stated it had to be 30 feet from the right-of-way to comply. Mr. Phillips said unless the house was less than 30 feet from the right-of-way, then the flagpole would need to be no closer than the house. Mr. Phillips stated most houses are at least 30 feet from the right-of-way. Mr. Coulter asked if there had been any complaints from neighbors. Mrs. Nofer stated no. Mr. Phillips said only the person who brought it to our attention, who was not a direct neighbor.

Ms. Crane asked if the applicant was present. Mr. Michael Bellman, 297 Abbot Ave.,

Worthington, Ohio, said he purchased the house from a former service veteran who he believed installed the flagpole, but he was not sure what year. Mr. Bellman stated he bought the home in 2007 and it was there when he bought it. Mr. Bellman referenced another property that had a flagpole on Rieber Street. Ms. Crane asked if staff has heard of this flagpole, and staff replied they had not and would open an investigation. Mr. Coulter said the flagpole had been in place for several years and no one has complained about it, so he did not have an issue with the flagpole. Ms. Crane asked if the flagpole were to be replaced and re-erected in the same place, would they have to again obtain a variance? Mr. Phillips stated that variances run with the land, and unless the zoning code changes, they would not need another variance. Ms. Crane asked if there was anyone present who wanted to speak for or against this application.

Mrs. Maryann Bellman, 9014 Macintyre Dr., Dublin, Ohio, said she was a property appraiser in 1979 and she remembered going through the house with the previous owner. Ms. Bellman said they had reviewed some old historical documents that Franklin County has and would be happy to pull these records. She said Worthington's Ordinances went into effect in 1971 and this could have been brought to anyone's attention, but it never was. If the Board felt the flagpole should be lit up, they could have that done, but there is no electricity going to the flagpole now.

**Motion:**

Ms. Reibel moved:

**THAT THE REQUEST BY MICHAEL BELLMAN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW A FLAGPOLE TO BE IN THE FRONT YARD SETBACK AT 297 ABBOT AVE. AS PER CASE BZA 07-19, DRAWINGS NO. BZA 07-19 DATED FEBRUARY 07, 2019, 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. Phillips called the roll. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; and Ms. Crane, aye. The motion was approved.

1. **Variance – Side Yard Setback – Garage – 41 W. South St. (J.S. Brown & Company/Yang) BZA 08-19**

The applicant requested this item to be tabled. Mr. Coulter moved to table the application, seconded by Mr. Falcoski. All Board members voted, "Aye," and the application was tabled.

**D. Other**

There was no other business for discussion.

**E. Adjournment**

Ms. Reibel moved to adjourn the meeting, seconded by Mr. Falcoski. All Board members voted, "Aye," and the meeting adjourned at 7:34 p.m.