



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

May 2, 2019

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Mikel Coulter; D.J. Falcoski; Leah Reibel; Brian Seitz and Cindy Crane; and also present was Lee Brown, Director of Planning & Building; and Laney Nofer, Planning & Building Assistant.
2. Pledge of Allegiance
3. Approval of the minutes of April 4, 2019

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

4. Affirmation/swearing in of witnesses

B. Items of Public Hearing

1. **Variance** – Front Yard Setback – Fence – **199 E. Wilson Bridge Rd.** (Stephen Peer)
BZA 15-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of fact & Conclusions

Background:

This property is in the R-10 District. To the west of the property are the recently approved Granby Place Apartments, zoned WBC-1 (Medium Density Residential). Across the street to the north of the property is the Worthington Educational Center (WEC). To the east and south of the property are single family dwellings in the R-10 zoning district. The area on the south side of E. Wilson Bridge Rd. is recommended to be a mix of Professional Office (WBC-2) and Medium Density Residential (WBC-1). The applicants parcel is recommended for Medium Density Residential (WBC-1) in the future.

In December of 2018, it was reported that a fence was erected in the front yard setback along with the placement of a temporary carport structure and storage of a trailer, boat, equipment and other materials being stored in the front setback. The homeowner removed the fence and cleaned up the site.

The owner is proposing to erect a 6 foot high wood privacy fence in the front yard setback and along the west side yard property line. A variance is needed for the portion of the 6 foot fence along the western property line that would be located in the front setback. The applicant has stated that the fence is needed for screening and privacy purposes.

There is existing vegetation and trees that would possibly remain on the property in front of the proposed fence location. The existing vegetation appears to be in poor condition and consists of a fallen tree and several overgrown honeysuckle bushes. The applicant's site plan shows 18 'Emerald Green' Arborvitae to be planted in front of the fence facing East Wilson Bridge Road. The applicant has stated that a cleaned-up version of the existing vegetation, or the proposed addition of Arborvitae along the frontage would soften the visual appearance of the solid wood fence. Staff is unclear what of the existing vegetation would remain.

In 2011 City Council adopted the Wilson Bridge Road Corridor Study that focused on the Wilson Bridge Road Corridor to foster the vision of the Worthington Comprehensive Plan as a thorough analysis of the development and redevelopment potential for this economic corridor. The plan makes recommendations for additional improvements that are needed for the corridor.

In 2015 City Council adopted the Wilson Bridge Road Corridor Enhancement Plan which recommends a future 10 foot multi-use path on the south side of East Wilson Bridge Road starting at High Street and working its way east to the Community Center, and then continuing east to the Northeast Gateway project that is currently underway to realign E. Wilson Bridge Rd., Worthington-Galena Rd. and Huntley Rd.. This plan also recommends decorative street lights and street trees as part of the overall streetscape improvements proposed for the corridor.

In 2016 City Council adopted Wilson Bridge Corridor development standards to facilitate implementation of the Wilson Bridge Road Corridor Study which promotes the redevelopment of the Wilson Bridge Road Corridor into a mixed-use area that will generate new economic growth within the City. These requirements are intended to foster development that strengthens land use and economic value; to encourage mix of uses, to enhance livability of the area; to provide pedestrian and bicycle connections; and to promote high-quality buildings and public spaces that will enhance the corridor and sustain long-term economic vitality of the corridor. These development standards focus on setbacks, right-of-way dedication, screening, lighting, signage, parking, tract coverage, bike & pedestrian access, building design, building materials, landscaping and preservation of natural features.

The overall aesthetic goal for the corridor did not envision a 6 foot high wood privacy fence located in the setback. Fences are not permitted in the required front yard anywhere in the City.

The existing public right-of-way is approximately 10 feet from the back of curb of E. Wilson Bridge Rd. The 15 feet of additional future right-of-way will provide enough space for a tree lawn and a 10 foot multi-use path. The placement of the fence will be 49 feet from the back of curb of E. Wilson Bridge Rd. The requirement would be 50 feet plus the 10 feet of existing right-of-way for a total distance of 60 feet from back of curb. One of the overall goals of the Wilson Bridge Road Corridor Plan was to improve the streetscape of the corridor through enhanced design standards and streetscape improvements.

Worthington Codified Ordinances:

- Section 1149.07 (b) states “The setback for all buildings and accessory buildings along major traffic routes shall be 50 feet along regional thoroughfares”.
- Section 1180.02 (a) states “In any “R” District, no fence or wall shall be erected in the area between the right-of-way line and the building setback line”.

Request:

The applicant is requesting the fence to be 39 feet from the existing public right-of-way, which is 49 feet from the back of curb of E. Wilson Bridge Road The requested variance is 11 feet.

Conclusions:

The essential character of the neighborhood would be substantially altered as the proposed fence could create a private compound feel.

The delivery of government services should not be affected.

Staff is recommending *denial* of this application based on the 2011 Wilson Bridge Road Corridor Plan, 2015 Wilson Bridge Road Corridor Enhancement Plan and the 2016 Wilson Bridge Road Development Standards all adopted by City Council.

Discussion:

Ms. Crane asked staff to clarify the location of the proposed Wilson Bridge Right of Way dedication and how much it would encroach onto the property at 199 E. Wilson Bridge Road. Mr. Brown explained there is already current right-of-way that is 10 feet from back of curb, and the city would want to buy an additional 15 feet of right-of-way that is currently Mr. Peer’s property. The 15 feet of right of way would be for 10 feet of a multi-use path and 5 feet for a buffer. Ms. Crane asked if the fence would be within the proposed right-of-way location, and Mr. Brown replied that there was still approximately 11 feet

between where the edge of the future right-of-way would be and where the proposed fence location was.

Mr. Falcoski asked staff about a previous application that came before the board regarding a gate in the front yard setback. Mr. Brown responded that 173 E. Wilson Bridge Road was approved for an open style gate in the front yard setback. Mr. Falcoski asked if the gate at that address would encroach into the proposed future right of way. Mr. Brown responded that no, the gate was far enough back so that a car could pull up in front of the gate and the rear of the car would not sit over the proposed multi use path.

The board discussed if they have approved any 6 foot privacy fences in the front yard setback before and it was concluded that they have not. They have, however, approved some shorter and more open-style fences in the front yard setback. Mr. Coulter stated he would be more comfortable with a 4 foot high fence.

Ms. Crane asked if the applicant was present. Mr. Stephen Peer, 199 E. Wilson Bridge Road, Worthington came forward. Ms. Crane asked why the applicant needed the fence in the front yard setback.

Mr. Peer stated he is trying to protect his family from anyone wandering onto his property from the apartments or from the bike path. He stated he did not want people walking by and seeing into his windows or people using his yard.

Mr. Peer stated that if staff and the board felt his fence would create a compound feel, then they should consider the apartments creating a compound, too. He stated the apartments are located closer than his proposed fence and are taller and more obtrusive.

Ms. Crane stated that it is hard to gauge whether or not there will be children or persons who wander off the apartment site as it has not even been constructed yet.

Ashley Owens, 207 E. Wilson Bridge Rd. stated her concerns for the nearby apartment complex. Ms. Owens stated she is concerned with the apartments and feels more comfortable with Mr. Peer installing a fence. Mr. Falcoski asked if Ms. Owens would want to install and fence, and she answered, perhaps.

Mr. Brown told staff that he fears if the board approves the fence to be 6 feet tall and in the front yard setback, then he wonders if others would want to follow suit. This could potentially cause issues with future cases coming before the board.

Board members discussed the options for the applicant. Mr. Brown reminded the board that if they were to approve a fence in the front yard setback, to include landscaping as a condition to help soften the appearance from the future multi-use path. Mr. Brown

mentioned to the board that the applicant provided a landscape plan showing arborvitae planted in front of the fence, which he felt would be suitable. Board members collectively agreed that a 4 foot fence felt more appropriate in the front yard setback, and that the applicant could choose the style.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY STEPHEN PEER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR FENCE TO BE LOCATED IN THE FRONT YARD SETBACK AT 199 E. WILSON BRIDGE RD. AS PER CASE BZA 15-19, DRAWINGS NO. BZA 15-19 DATED MARCH 15, 2019, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING WITH THE CONDITION THE FENCE BE NO MORE THAN FOUR FEET IN HEIGHT AND HAVE LANDSCAPING PLANTED IN FRONT OF IT.

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

2. Variance – Front and Rear Yard Setback – Attached Garage & Addition– 44 W. Granville Rd. (James Ash) BZA 16-19

Mrs. Nofer reviewed the following from the staff memo:

Background:

This property is in the R-10 District. To the north of the property is the Worthington Presbyterian Church. To the east, south, and west are all residential properties zoned R-10. This proposal was before the Architecture Review Board on April 25th, 2019 and was approved.

The owner would like to add two additions that would be completed in two phases. The first phase would be the addition of an 807 square foot attached two-car garage with living space above. The attached garage would be located on the west side of the house over the current parking pad. The second phase is the expansion of the kitchen area. Both additions will be located in the required front and rear yard. Also, there is an existing easement for access and parking shared by 44 W. Granville Road and 64 W. Granville Road that would be encroached on with the proposed west side addition.

The garage addition is proposed to be 5 feet from the northern property line, while the main

house addition is to be 6 feet from the northern property line.

West Granville Road (State Route 161) is a Regional Thoroughfare with a required setback of 50 feet from the right-of-way. The proposed garage addition and kitchen addition would be in the required front setback. The garage addition would be approximately 32 feet and the kitchen addition would be 48 feet from the public-right-of-way. The lot is only 67' deep, thus making any additions to this home impossible without variances for the front and rear yard setbacks. No additional variances are needed for side yard requirements or accessory building area.

Worthington Presbyterian Church was granted a variance in 1992 for the construction of a 20' x 20' detached garage that would be 4' from the northern property line. When the lots were reconfigured by the church in 1990, the intent at the time was to have garages provided for the two houses in the future.

Worthington Codified Ordinances:

- Section 1149.01 (b) requires all dwellings and structures accessory to the dwelling be at least 30 feet from the rear yard lot line in the R-10 District.
- Section 1149.07 (b) states “The setback for all buildings and accessory buildings along major traffic routes shall be 50 feet along regional thoroughfares”.

Request:

The applicant is requesting a 25 foot rear yard variance and an 18 foot front yard variance for the proposed attached garage, and a 24 foot rear yard variance and a 2 foot front yard variance for the proposed addition.

Conclusions:

The property is approximately 7,456 square feet in area, where the minimum lot area for the R-10 district is 10,400 square feet. This smaller lot configuration limits the location of any building or structure on the site. The lot is rather wide; however, the depth of the lot is extremely shallow making any addition impossible without the need for a variance, making the lot unbuildable.

The construction of an attached garage could prevent cars and equipment from being stored outside within view.

The essential character of the neighborhood would not be substantially altered with the proposed additions.

The delivery of government services should not be affected.

Staff is recommending *approval* of this application with the condition that the encroachment into the easement does not adversely impact the adjacent property owners.

Discussion:

Ms. Crane asked staff to confirm that the structure would be located in both the front and rear yard setback. Mr. Brown confirmed and stated that because the property was on a regional thoroughfare, the required front yard must be 50 feet, while the required rear yard be 30 feet. Ms. Crane asked how old the house was and Mr. Brown replied the house was built in the 1920's. Mr. Brown said the lot configuration was a little different before the southern addition to the Presbyterian Church which was done in the early 1990's. This lot and the neighbor's lot to the west were reconfigured in 1990 and then in 1992 the lots were sold off to separate people from the Presbyterian Church. There was an easement of access put in for the curb cut to State Route 161, but it messed with the configuration of the lots and reduced the rear yard and the setbacks on the property. Mr. Brown said what was approved in 1992 allowed for a detached garage to be four feet from the property line. The proposed garage is attached to the dwelling and would be five feet to the rear yard property line for the garage and six feet for the house addition, making it similar to the original approval.

Mr. Seitz asked Mr. Coulter if the Architecture Review Board had seen the proposal. Mr. Coulter responded yes, and that he had gone out to the property and was comfortable with the placement of the garage and addition.

Ms. Crane asked if the applicant was present. Mr. Jim Ash, said he was the owner of 44 W. Granville Rd., Worthington, Ohio. Mr. Ash said the current parking pad is in quarters, three fourths of which are on his property. He said the easement, which was signed in 1992, provides for ingress and egress to the parking area for the property owners at 44 & 64 E. Granville Rd. Mr. Ash was unaware of this easement as it was not on the deed he received. The survey that was provided at the time of closing showed the curb cut and easement in a different location. Mr. Ash said he has been discussing the matter with his neighbor to add new language to clarify both deeds in the future. Mr. Ash stated the location of the proposed structure wouldn't negatively impact or conflict with any of the plans of the neighboring property owner at 64 W. Granville Road. Mr. Ash also stated the location would not interfere with their ability to park on their side of the property.

Mr. Coulter asked if the dwelling was currently in compliance, and Mr. Brown responded that the dwelling would be considered a non-conforming structure, but if any new structure was to be built, it could not be done with out seeking a variance.

Amanda Helter at 64 W. Granville Road came forward. She displayed a drawing indicating the original easement agreement showing each property being approved for a detached garage, but that hers was not accurate based on her property lines and house location.. Ms.

Helter stated that she did not have any objections but that she would like an updated copy of the deed indicating the correct easement information, and a survey done. Ms. Crane told Ms. Helter that is beyond the scope of the Board.

Mr. Brown stated if the neighbor at 64 W. Granville Road ever wanted to build a garage or accessory structure, it would likely need both Architecture Review Board approval and Board of Zoning Appeals approval. This is so because of the slope of the lot and location of the property lines. Mr. Brown stated where the church originally got approval for a detached garage to be, is actually impossible as it would have to set on top of the house. Mr. Brown stated he and Ms. Nofer met with the neighbor and walked the site with her and discussed what might be better options. Mr. Brown said they would need two parking spaces dedicated to their lot to meet Code.

Ms. Crane asked if there was anyone else present who wanted to speak for or against this proposal, but no one came forward.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JAMES ASH FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ATTACHED GARAGE AND ADDITION TO BE BUILT IN THE FRONT AND REAR YARD SETBACK AT 44 W. GRANVILLE RD. AS PER CASE BZA 16-19, DRAWINGS NO. BZA 16-19 DATED APRIL 03, 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. Brown called the roll. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

C. Other

There was no other business to discuss.

D. Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Mr. Falcoski. All Board members voted, "Aye," and the meeting adjourned at 8:15 p.m.