



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

August 1, 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 Cynthia Crane. Also present were Lee Brown, Director of Planning & Building; and Laney Nofer, Planning & Building Assistant.
2. Pledge of Allegiance
3. Approval of the minutes of July 10, 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

1. **Variance** – Rear & Side Yard Setback – Shed – **7092 Lansdowne St.** (Carol Davis)
BZA 25-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residential) Zoning District. To the east, south, and west are all single-family dwellings zoned R-10. To the north of the property is a commercial building zoned C-3 (Institutions and Offices) with the current tenant as Skynet. This 8,832 square foot property abuts 3 public rights-of-way; Lansdowne Street, Rieber Street, & West Wilson Bridge Road.

The applicant is proposing to install a shed on the inside of the existing 6 foot privacy fence. The shed would be located 2 feet west of the fence and in the required side and rear yard property. The fence is approximately 15 feet from the side yard property line, an approximately 3 feet from the rear yard property line.

The proposed shed would be 8 feet by 10 feet for a total of 80 square feet. It would be used to store lawn equipment and other tools.

The applicant is requesting this location due to existing tree locations on the property, and to maximize yard space.

Worthington Codified Ordinances:

Section 1149.01 requires all dwellings and structures accessory to the dwelling be at least 30 feet from the front yard property 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”.

Section 1149.08(a) states that “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”

Request:

The applicant is requesting the shed to be 46.5 feet from the existing W. Wilson Bridge Road right-of-way. The requested variance is 3.5 feet.

The shed is also proposed to be 17 feet from the existing Rieber Street right-of-way. A variance of 3 feet is required.

Conclusions:

The essential character of the neighborhood would not be substantially altered as the proposed shed would be within a fenced area and partially screened from the street or sidewalk.

As the property abuts 3 separate public rights-of-way, this creates reasonable difficulty for the applicant to have a shed on the property.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Richard Davis, 7092 Lansdowne St., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked if there was anyone present to speak for or against this application.

Mr. Joe Kohler, 7072 Lansdowne St., Worthington, Ohio, said he was present at the meeting to show support for his neighbors’ project. He said they have done some great things since they moved in a year ago. Mr. Kohler said the landscaping is wonderful and they have taken such good care of the property that their home is now a credit to the

community and the neighborhood. He and his wife Kathy are both in support of the variance.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY CAROL DAVIS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SHED TO BE LOCATED IN THE SIDE & REAR YARD SETBACK AT 7092 LANSDOWNE ST. AS PER CASE BZA 25-19, DRAWINGS NO. BZA 25-19 DATED MAY 16TH, 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.

**2. Extension of Construction Completion Period – Alteration – 6510 Huntley Rd.
(Charles Kirkendall/Select Optical) BZA 26-19**

Ms. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

Building permit #23871 was issued on November 1, 2017 to remove walls and alter the existing electrical. The work was started on or before December 6, 2018 when a framing and rough electrical inspection were conducted by the Building Inspector. The framing inspection passed, while the electrical rough inspection failed.

The applicant stated he is the only maintenance employee in the building and ran out of time on this project due to other equipment and machines needing his attention.

Worthington Codified Ordinances:

Section 1129.05(b)(6) states the Board may authorize, for good cause shown, extension of the time period provided for the completion of structures in the Building Code for no greater than one year.

Request:

The applicant is requesting an extension of the construction completion period through the end of the year, or 5 months to allow the completion of the project.

Conclusions:

It is reasonable for the Board to consider extending the completion period for a longer period of time to allow ample time for the applicant to self-perform the work, given that there have not been any concerns expressed to staff about the status of the work.

The property appears to be maintained without excessive evidence of material and equipment stored about the property.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Charles Kirkendall, 6510 Huntley Rd., Worthington, Ohio. 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. Falcoski moved:

THAT THE REQUEST BY CHARLES KIRKENDALL ON BEHALF OF SELECT OPTICAL FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD OF 5 MONTHS FROM TODAY TO COMPLETE THE ALTERATIONS AT 6510 HUNTLEY RD. AS PER CASE BZA 26-19, DRAWINGS NO. BZA 26-19 DATED MAY 30TH, 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. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

- 3. **Variiances – Sign Area, Front Yard Setback, Side Yard Setback, & Parking – 7057-7067 Huntley Rd. (Plank Law Firm/Wilson Bridge Corridor) BZA 27-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the I-1 (Light Industrial) Zoning District. This property is 1.658 acres and is located on the west side of Huntley Road, south of the current Huntley Road and Worthington-Galena Road intersection. To the north, south, east, and west of the property are other industrial properties also zoned as I-1.

The City of Worthington is collaborating with the Mid-Ohio Regional Planning Commission (MORPC) and the Ohio Department of Transportation (ODOT) to improve congestion and traffic flow at the intersection of Huntley Road / Wilson Bridge Road / Worthington-Galena Road, which is also known as the "Northeast Gateway." As part of these efforts, certain properties within that corridor will be impacted by the roadway reconfiguration.

The property in question will be impacted by the Northeast Gateway in a way that will put them in noncompliance; they are hoping to legalize those points today. Also, there were a number of existing nonconformities unrelated to the Northeast Gateway that the applicant wishes to make legal as well.

As part of the Northeast Gateway project, the city is purchasing some of the property on the west side of Huntley Road. This will result in the subject parcel losing a portion of their frontage; thus, making them non-compliant with both front yard setback and distance of the freestanding sign to the public right-of-way.

Existing nonconformities include side yard setback, landscaping of parking areas, surfacing, and parking spaces required.

If approved, the applicant is requesting 5 of the 6 variances; which they state stems from changes to the Code after the construction of the property's improvements, be terminated when the owner of the property voluntarily demolishes the building. This is requested so in the event of a fire or natural disaster the owner has the ability to rebuild as existing with variances set in place.

Worthington Codified Ordinances:

1. Section 1149.02 requires all buildings be at least 50 feet from the right-of-way line in the I-1 District.
2. Section 1149.02 requires properties in the I-1 district to have a maximum percent of lot coverage of 35%.
3. Section 1149.02 requires buildings or structures in the I-1 District to have a minimum width of 20 feet for each side yard.
4. Section 1170.05(c) requires freestanding signs to be not closer than 10 feet to a public right-of-way.
5. Section 1171.02(d) requires access drives to be separated at 300 foot minimum intervals.

6. Section 1171.02(h) requires properties in the I-1 district to have 1 tree per every 6 parking spaces.

Requests:

1. The applicant is requesting the asphalt parking lot to be located 6 feet 6 inches from the proposed public right-of-way. A distance of 50 feet is required by code. A variance of 43 feet 6 inches is required. *Although this request is a result of the Northeast Gateway Project, the applicant wishes to terminate this variance upon voluntary demolition.*
2. The applicant is requesting the lot coverage on the property to be retained at 35.34%. The maximum lot coverage requirement is 35%. A variance of .34% is required.
3. The applicant is requesting the existing building to be located 18 feet 6 inches from the northern side yard property line. A distance of 20 feet is required by code. A variance of 1 foot 6 inches is required.
4. The applicant is requesting the freestanding sign to be 3 feet from the proposed public right-of-way. A distance of 10 feet is required by code; thus, a variance of 7 feet is required. *This request is a result of the Northeast Gateway Project.*
5. The applicant is requesting the access drives to be located 154 feet 6 inches from the each other. A distance of 300 feet is required. A variance of 145 feet 6 inches is required.
6. The applicant is requesting there to be 0 trees in the parking lot. A total of 1 tree per every 6 parking spaces is required. A total of 56 parking spaces are on the lot; thus, a variance of 10 street trees is required.

Conclusions:

As mentioned above, 2 of the 6 variance requests are a result of the Northeast Gateway project and were not at the result of the property owner.

The remaining requested variances would not change the existing character of the property as they are all existing features.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Craig Moncrief, attorney for the applicant. He said the reason they were asking to legitimize some of the nonconformities

was to protect some of the property owners' rights to the existing structure since there has been no change due to their causing. 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:

Ms. Reibel moved:

THAT THE REQUEST BY WORTHINGTON GALENA, LLC FOR VARIANCES FROM CODE REQUIREMENTS AT 7057-7067 HUNTLEY RD. AS PER CASE BZA 27-19, DRAWINGS NO. BZA 27-19 DATED JUNE 14, 2019, BE APPROVED WITH THE CONDITION THAT THE FIVE (5) VARIANCES REQUESTED BY THE APPLICANT BE TERMINATED AT THE TIME THE BUILDING IS VOLUNTARILY DEMOLISHED, 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. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

4. Variances – Sign Area, Front Yard Setback, Side Yard Setback, & Parking – 7079-7085 Huntley Rd. (Plank Law Firm/Wilson Bridge Corridor) BZA 28-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the I-1 (Light Industrial) Zoning District. This property is 1.391 acres and is located on the west side of Huntley Road, south of the current Huntley Road and Worthington-Galena Road intersection. To the north, south, east, and west of the property are other industrial properties also zoned as I-1.

The City of Worthington is collaborating with the Mid-Ohio Regional Planning Commission (MORPC) and the Ohio Department of Transportation (ODOT) to improve congestion and traffic flow at the intersection of Huntley Road / Wilson Bridge Road / Worthington-Galena Road, which is also known as the “Northeast Gateway.” As part of these efforts, certain properties within that corridor will be impacted by the roadway configuration.

The property in question will be impacted by the Northeast Gateway in a way that will put them in noncompliance; they are hoping to legalize those points today. Also, there were a number of existing nonconformities unrelated to the Northeast Gateway project that the applicant wishes to make legal as well.

As part of the Northeast Gateway project, the city is purchasing some of the property on the west side of Huntley Road. This will result in the subject parcel losing a portion of their frontage; thus, making them non-compliant with both front yard setback and distance of the freestanding sign to the public right-of-way.

Existing nonconformities include side yard setback, landscaping of parking areas, surfacing, and parking spaces required.

If approved, the applicant is requesting 5 of the 6 variances; which they state stems from changes to the Code after the construction of the property's improvements, be terminated when the owner of the property voluntarily demolishes the building. This is requested so in the event of a fire or natural disaster the owner has the ability to rebuild as existing with variances set in place.

Worthington Codified Ordinances:

1. Section 1149.02 requires all buildings be at least 50 feet from the right-of-way line in the I-1 District.
2. Section 1149.02 requires buildings or structures in the I-1 District to have a minimum width of 20 feet for each side yard.
3. Section 1170.05 requires freestanding signs to be not closer than 10 feet to a public right-of-way.
4. Section 1171.01(b) requires 1 parking space per each 1,000 square feet of gross floor area.
5. Section 1171.02(d) requires access drives to be separated at 300 foot minimum interval
6. Section 1171.02(h) requires properties in the I-1 district to have 1 tree per ever 6 parking spaces.

Request:

1. The applicant is requesting the building to be located 40 feet from the proposed right-of-way. A distance of 50 feet is required by code. A variance of 10 feet is required. In addition, the asphalt parking lot will abut the proposed Huntley right-

- of-way line, requiring a variance of 50 feet. *Although this request is a result of the Northeast Gateway Project, the applicant wishes to terminate this variance upon voluntary demolition.*
2. The applicant is requesting the existing building to remain at 19 feet 6 inches from the northern side yard property line. A distance of 20 feet is required by code. A variance of 6 inches is required.
 3. The applicant is requesting the freestanding sign to be 1 foot 6 inches from the proposed right-of-way. A distance of 10 feet is required by code; thus, a variance of 9 feet 6 inches is required. *This request is a result of the Northeast Gateway Project.*
 4. The applicant is requesting a variance to retain the existing 16 parking spaces on the parcel. Code requires 1 parking space per every 1,000 square feet of gross floor area. The site has a total of 20,586 square feet of gross floor area. A variance of 5 spaces is required.
 5. The applicant is requesting the access drives to remain at 153 feet 6 inches distance from the each other. A distance of 300 feet is required by code. A variance of 146 feet 6 inches is required.
 6. The applicant is requesting there to be 0 trees in the parking lot. A total of 1 tree per every 6 parking spaces is required. A total of 16 parking spaces are on the lot; thus, a variance of 3 street trees is required.

Conclusions:

As mentioned above, 2 of the 6 variance requests are a result of the Northeast Gateway project and were not at the result of the property owner.

The remaining requested variances would not change the existing character of the property as they are all existing features.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Coulter asked Mr. Brown if the applicant would bury the utilities and Mr. Brown said with the northeast gateway project some of the utilities would be buried, such as water lines and sewer. Mr. Brown said as part of the project, City Council has allocated funds towards streetlights and street trees, but he did not believe any more utility lines would be buried. Mr. Coulter asked where the utility

poles would be moved to. Mr. Brown said he would check to find out. Ms. Crane asked if there was anyone to speak for or against this application, but no one came forward.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY WORTHINGTON GALENA, LLC FOR VARIANCES FROM CODE REQUIREMENTS AT 7079-7085 HUNTLEY RD. AS PER CASE BZA 28-29, DRAWINGS NO. BZA 28-19 DATED JUNE 14TH, 2019, BE APPROVED WITH THE CONDITION THAT THE FIVE (5) VARIANCES REQUESTED BY THE APPLICANT BE TERMINATED AT THE TIME THE BUILDING IS VOLUNTARILY DEMOLISHED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

5. **Variance** – Rear & Side Yard Setback – Carport & Workshop – **82 E. Riverglen Dr.** (Clare Sweeny) **BZA 29-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residence) Zoning District. To the north, south, east, and west of the property are single-family residences in the R-10 Zoning District. To the rear of the property is an unimproved alley approximately 16 feet in width.

The applicant is proposing to install a carport and workshop in the northeast corner of the property in the rear yard.

The entire proposed carport and workshop would be 22 feet by 34 feet for a total of 748 square feet. The carport is approximately 484 square feet while workshop is 264 square feet. The attached structures are proposed to be both 3 feet from the eastern side and rear yard property line.

The applicant is requesting this location due to maximize use of the lawn and to store vehicles & other equipment. The previous attached garage on the property was converted into living space.

Worthington Codified Ordinances:

Section 1149.08(b) of the Worthington Codified Ordinances has the following regulations for accessory buildings:

- If the accessory structure exceeds 120 square feet, it must be setback at least 8 feet from the side yard lot line, and 10 feet from the rear lot line.

Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30 feet from the public right-of-way.

Request:

The applicant is requesting the combined workshop and carport to be both 3 feet from the side and rear property line. The requested variance is 27 feet for the rear yard and 5 feet for the side yard.

Conclusions:

There are large trees and foliage in the rear and side yard, which can provide a barrier to the structure from neighboring property owners.

With the installation of the proposed structure, vehicles and lawn equipment could be stored outside of public view.

There are currently neighboring structures such as fences and outbuildings that encroach within the unimproved alley. Although this is so, the proposed structure must still be outside of the alley and only on private property.

The essential character of the neighborhood should not be substantially altered.

The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked staff if there was a possibility the right-of-way could be developed. Mr. Brown stated that the property owners have an option to petition the City to vacate that land. Mr. Brown stated he believed there were no other utilities in that area other than what you see above ground with the utility poles. Legally, any property owner must be outside of the right-of way because the City does have the option to go in and clear the 16 foot right-of-way. Mr. Brown iterated again that the property owners at 82 E. Riverglen Drive must be sure that any structure is 3 feet off their property line and not within the right-of-way.

Ms. Crane asked if the applicant was present. Ms. Clare Sweeny, 82 E. Riverglen Dr., Worthington, Ohio, and Tad Tritz. Mr. Tritz said they would like to build their carport within three feet of the lot line and would not encroach into the alley way. He said they

also planned to keep as much vegetation as possible and the carport would be shielded from the neighboring property. Mr. Brown mentioned Section 1149.01 of the Codified Ordinances for the City of Worthington, which discusses the 30 foot setback from any right-of-way, needed to be added to the docket.

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

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY CLARE SWEENEY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A CARPORT AND WORKSHOP TO BE LOCATED IN THE REAR AND SIDE YARD SETBACK, AND IN THE AREA BETWEEN THE DWELLING AND PUBLIC RIGHT-OF-WAY AT 82 E. RIVERGLEN DR. AS PER CASE BZA 29-19, DRAWINGS NO. BZA 29-19 DATED JUNE 25TH, 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. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

6. **Variance** – Side Yard Setback – Fence – **120 E. Granville Rd.** (Ryan and Katharine Coffman) **BZA 30-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residence) Zoning District. To the north, south, east, and west of the property are the all single-family dwellings also zoned R-10. This property is located on the northwest corner of East Granville Road and Morning Street. This fence is subject to and has been approved by the Architecture Review Board on June 13th, 2019.

The applicant is proposing to install a 4ft high, open-style, metal fence in the side and rear yard.

The proposed fence would be 4 feet in height, open-style, and metal in composition. The fence would follow the rear property line to the north with sections closing the area between the rear property and the garage, and the house and the garage. The fence would also align with the east side of the house and meet with the fence in the rear. The area of fence to the east will be in the required side yard setback.

The applicant is requesting this location for the purpose of allowing small children and a dog to play in the rear yard away from the roadway.

Worthington Codified Ordinances:

Section 1149.07 requires the minimum required front yard along regional thoroughfares to be 50 feet.

Section 1149.08 (a) states “At corner lots, no accessory uses, or accessory structures shall be located in any required front yard. Side yards fronting adjacent streets can be reduced to two-thirds of the required front yard setback from the right-of-way of the adjacent street.” Making the side yard setback for this case 33 feet 4 inches.

Request:

The applicant is requesting the fence to be 10 feet 8 inches from the eastern side yard property line. The requested variance is 22 feet 8 inches.

Conclusions:

There is existing vegetation along Morning Street which can act as a visual barrier to the fence.

The variance request is not substantial.

The essential character of the neighborhood should not be substantially altered.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Ryan Coffman, 120 E. Granville Rd., Worthington, Ohio. Ms. Crane asked Mr. Coulter about the discussion of the project with the Architectural Review Board and he said they had no problems with the fence, they felt the fence was appropriate for the neighborhood. 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 RYAN AND KATHARINE COFFMAN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE SIDE YARD SETBACK AT 120 E. GRANVILLE RD. AS PER CASE BZA 30-19, DRAWINGS NO. BZA 30-19 DATED JULY 1ST , 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.

**7. Variance – Side Yard Setback – Addition – 517 Meadoway Park. (Eric Klopfer)
BZA 31-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residence) Zoning District. To the north, south, east, west of the property are all single-family dwellings also in the R-10 Zoning District. The lot is 50.19 feet in width and 182.21 feet in length for a total of 9,145 square feet, slightly below the minimum lot size for the district.

The applicant is proposing to construct a room addition on the western side of the property off the southwest corner of the dwelling.

The proposed 600 square foot one-story addition would align with the current dwelling which is 5 feet from the side yard property line.

The applicant is requesting this variance to expand the kitchen, add a larger dining space, a 4th bedroom, and a ½ bath.

Worthington Codified Ordinances:

Section 1149.05 states for existing lots of record, “The prevailing setback shall be met, but need not exceed the setbacks requirements for the district, and each side yard shall be a minimum of six feet.”

Request:

The applicant is requesting the addition to align with the existing home at 5 feet from the side yard property line. The requested variance is 1 foot.

Conclusions:

Existing lots of record tend to be smaller than other lots in this district, creating practical difficulties. In this particular case, the lot width is less than the minimum required by code, which limits the location that an addition can be located on the property. This factor can mitigate the substantial nature of the variance request.

A chain link fence separates the abutting neighbor from the subject property, which can provide somewhat of a barrier.

The essential character of the neighborhood should not be substantially altered.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Mike Chisek, representing 517 Meadowway Park, Worthington, Ohio. Mr. Chisek said the sunroom would match the coming off of the existing house and the addition would replace that open area and go all the way across the rear of the home. The variance is to match the existing line of the house on the side. Board members had no questions or concerns.

Ms. Crane asked if there was anyone present to speak for or against this application.

Mr. Robert Kidder, 511 Meadowway Park, Worthington, Ohio. Mr. Kidder said he was Mr. Klopfer's neighbor and he was in support of the addition.

Mr. Robert Oleksa, 525 Meadowway Park, Worthington, Ohio. Mr. Oleksa said he lives on the other side of Mr. Klopfer and he is in support of the project and felt the project would have a positive affect on the neighborhood.

Mrs. Beth Heisey, 528 Meadowway Park, Worthington, Ohio. Mrs. Heisey said she was in support of the project. This is a young family that is growing and needs the additional space. She said the family has already improved the driveway and landscaping and the project will enhance the neighborhood. Ms. Crane said she was delighted to see so many people come out in support of one project.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY ERIC KLOPFER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE LOCATED IN THE SIDE YARD SETBACK AT 517 MEADOWWAY PARK. AS PER CASE BZA 31-19, DRAWINGS NO. BZA 31-19 DATED JULY 2ND, 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.

8. **Variance** – Side Yard Setback – 2nd Floor Addition – **860 Oxford St.** (Christy & TJ Bowen)
BZA 32-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is an existing lot of record in the R-10 (Low Density Residence) Zoning District. To the north, south, and west of the property are all single-family dwellings in the R-10 District. To the east of the property is a commercial property zoned C-3 (Institutions and Offices), with the tenant as Worthington Wholistic Health Center. This property is subject to the Architecture Review Board and will be heard on Thursday, July 25th, 2019.

The applicant is proposing to construct a second story addition to the primary dwelling. The applicant states the current second floor is un-livable, as it is only 7 feet in height at its highest point. The current home sets back 3 feet 8 inches from the northern side yard property line.

The proposed addition on the north side would be in the required side yard. The applicant is requesting this location to be consistent with the current footprint of the home.

Worthington Codified Ordinances:

Section 1149.05 states for existing lots of record, “The prevailing setback shall be met, but need not exceed the setbacks requirements for the district, and each side yard shall be a minimum of six feet.”

Request:

The applicant is requesting the addition to be 3 feet 8 inches from the side yard property line. The requested variance is 2 feet 4 inches.

Conclusions:

Existing lots of record tend to be narrower than the 80 feet typically found in the district. This can limit the area in which additions can be built. The 2nd floor addition aligning with

the current 1st level setback can mitigate the substantial nature of the variance request as it is extending up and not moving further into the setback that what is currently there.

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

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicants were present. Mr. TJ Bowen and Mrs. Christy Bowen, 860 Oxford St., Worthington, Ohio. Ms. Crane asked the applicants about the status of the second floor. The applicants stated that it is finished but it is unfortunately not very livable based on the configuration of the rooms and height of the ceilings. Mr. Coulter explained the ARB first tabled the application because there were some initial concerns with the aesthetics and design, but after the Bowens worked with an architect the Board unanimously approved of the plan with the changes. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY CHRISTY AND TJ BOWEN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE LOCATED IN THE SIDE YARD SETBACK AT 860 OXFORD ST. AS PER CASE BZA 32-19, DRAWINGS NO. BZA 32-19 DATED JULY 3RD, 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. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

9. Temporary Use Permit – Temporary Sign – 6560, 6580, 6586 Worthington-Galena Rd. (Benton Benalcazar/Hellers Haven Subdivision) TUP 01-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

These parcels are in the R-10 (Low Density Residence) Zoning District. The properties along Worthington-Galena Road to the northeast and southwest are also zoned R-10. Adjacent to the southwest is a house owned and used by what used to be the Worthington Baptist Church, and is soon to be Watermark Church. The property to the south is

Worthington Condominiums in the AR 4.5 (Low Density Apartment) Zoning District. Across the street in the C-3 (Institutions and Offices) Zoning District are the Worthington Police Department and an office complex.

The 3 parcels secured Preliminary Plat approval by the Municipal Planning Commission on May 9th, 2019 to create a 9-lot subdivision on a new public street, named “Wanda Place”.

The applicant is requesting to have a temporary sign located in front of the middle parcel at 6580 Worthington Galena Road. The sign would be 18 square feet and 2-sided. The applicant is requesting the sign to advertise the lots for sale.

Worthington Codified Ordinances:

Section 1170.02 (n) states. “A ‘Temporary Sign’ means a sign associated with a temporary activity, not permanently attached to a building or permanently embedded on a site. Temporary Signs shall be prohibited except for the issuance of a Temporary Use Permit as per Section 1129.05(b)(5).”

Section 1129.05 (b)(5) states, “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.” It goes on to say, “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 six months’ renewal”.

Request:

The applicant is requesting a Temporary Use Permit to install an 18 square foot 2-sided temporary sign for a period of 6 months from the approval date.

Conclusions:

Staff has the ability to grant and issue a 90-day Temporary Use Permits. 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 sale of the properties on Worthington-Galena Road.

Another option presented to the applicant was to install an individual real estate signs at each of the 3 parcels. Code section 1170.07(a) states such signs may not exceed 6 ½ square feet per display area until the time of sale. After which, a sign advertising the sale of the property may be up for a period of 1 week”. The applicant chose to seek approval from the Board of Zoning Appeals in order to have the sign be larger and up longer.

The essential character of the neighborhood should not be substantially altered.

The delivery of government services should not be affected.

Discussion:

Ms. Reibel asked if the sign was compliant as far as the number of colors and Mr. Brown said no, he counted at least six colors, but what they have done administratively in the past with temporary signs, is not to restrict to four colors since the signs are only temporary.

Ms. Crane asked if the applicant was present. Mr. Benton Benalcazar, 4741 Tussic St., Westerville, Ohio 43082. He said he was requesting the sign on behalf of the owner, Mr. Brad Gibson because it is a land sale which can take a bit longer. Mr. Benalcazar stated the small signs which would have been in compliance at 6 square feet would have been difficult to get much verbiage on them. The applicant also stated the three parcels were preliminarily approved for a sign lot subdivision so they were hoping to have a larger sign. Mr. Coulter asked when the sign would be put up and Mr. Benalcazar said if the sign is approved, he would proceed to put the order in, and the sign would be installed before the end of August. Mr. Brown explained the six months' time limit would begin today. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY BENTON BENALCAZAR ON BEHALF OF BRAD GIBSON FOR A TEMPORARY USE PERMIT TO ALLOW FOR A TEMPORARY SIGN TO BE LOCATED AT 6580 WORTHINGTON-GALENA RD. AS PER CASE TUP 01-19, DRAWINGS NO. TUP 01-19 DATED JULY 3RD, 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. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, nay; and Ms. Crane, aye. The motion was approved.

10. **Variance** – Front Yard Setback – New Single-Family Dwelling – **283 McCoy Ave.**
(Bob Webb Homes/Silver) **BZA 33-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residence) Zoning District. To the north, south, east, west of the property are all single-family dwellings also in the R-10 Zoning District.

The lot is 66 feet in width and 163 feet in length for a total of 10,758 square feet; thus, barely exceeding the minimum lot area. There is a prominent slope in the rear yard that inhibits the location of the dwelling. Rush Creek is located directly to the south of the property which may contribute to the sloping grade of the property.

The applicant is proposing to construct a new single-family dwelling. The attached garage portion of the new construction would be located in the front yard setback.

The proposed garage would be 19 feet 6 inches from the front yard property line. There is a current dwelling on the property that is also located 19 feet 6 inches from the front yard property line that will be demolished.

The applicant is requesting this location due to the sloping grade in the rear yard and states the reduced setback is necessary to have level ground for the garage to be built.

Worthington Codified Ordinances:

Section 1149.01 requires all dwellings and structures accessory to the dwelling be at least 30 feet from the right-of-way line in the R-10 District.

Request:

The applicant is requesting the structure to be 19 feet 6 inches from the existing public right-of-way. A variance of 10 feet 6 inches is required.

Conclusions:

The proposed structure being the same setback as the current structure helps mitigate the substantial nature of the variance request. Other structures in close proximity are also close to the public right-of-way.

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

The delivery of government services should not be affected.

Discussion:

Mr. Brown added to the presentation that because Rush Creek is to the south, it may be more difficult to build towards that feature rather than closer to the right-of-way.

Ms. Crane asked if the applicant was present. Ms. Cynthia Silver, 279 McCoy Ave., Worthington, Ohio; and Mr. Kirk Denyes, representing Bob Webb Homes, 10812 Buckingham Pl., Powell, Ohio. Mr. Denyes explained the house next to this lot is less than one foot from the property line, but the new dwelling would meet the required setbacks and side yard dimensions. All the trees in the back of the lot would stay. Mr. Denyes explain that the home design was a reverse two-story. It appears to be a ranch from the

front view and a two-story from the rear. Mr. Brown asked if both parcels were legal lots of record and Ms. Silver said yes. Ms. Crane asked if there was anyone present to speak for or against this application.

Mrs. Roseanne Nagle, 282 McCoy Ave., Worthington, Ohio, said she was also representing her husband Adam, and they own the house across the street from the new build. She said they both give their support for all aspects of the proposed project.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY BOB WEBB HOMES ON BEHALF OF CYNTHIA SILVER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A NEW SINGLE FAMILY DWELLING TO BE LOCATED IN THE FRONT YARD SETBACK AT 283 McCOY AVE. AS PER CASE BZA 33-19, DRAWINGS NO. BZA 33-19 DATED JULY 3RD, 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. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

11. Variance – Side Yard Setback – Shed – 55-57 W. South St. (Tina Jacobson) BZA 35-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 Zoning District. To the north, south, east, west of the property are all single-family dwellings also in the R-10 Zoning District. This property is subject to, and the shed has been approved by the Architecture Review Board on June 27th, 2019.

The applicant is proposing to replace the current shed on the property with a new shed in the same location. A variance or permit was never sought for the previous shed. It was stated that the existing shed has been destroyed by animals and has decaying floors and walls. The applicant would like to store materials such as the lawn mower and other landscaping tools in a new shed that would be more durable.

The shed is proposed to be 8 feet by 12 feet for a total of 96 square feet.

The applicant is requesting this location as it would be in the same location as the previous shed. In addition, the applicant feels the placement of the shed anywhere else around the perimeter of the property would cause the need to remove vegetation, which she is trying to avoid.

Worthington Codified Ordinances:

Section 1149.08(b) of the Worthington Codified Ordinances has the following regulations for accessory buildings:

- If the accessory structure is 120 square feet or less, it must be setback at least 5 feet from the side and rear lot lines.

Request:

The applicant is requesting the shed to be 2 feet from the side yard property line. A variance of 3 feet is required.

Conclusions:

With the shed being in the same location as the previous, this can mitigate the substantial nature of the variance request.

There is existing vegetation surrounding the current shed which could continue to provide a barrier to the proposed shed.

The essential character of the neighborhood would not be substantially altered

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Ms. Tina Jacobson, 55 W. South St., Worthington, 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. Seitz moved:

THAT THE REQUEST BY TINA JACOBSON FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SHED TO BE LOCATED IN THE SIDE YARD SETBACK AT 55-57 W. SOUTH ST. AS PER CASE BZA 35-19, DRAWINGS NO. BZA 35-19 DATED JULY 3RD, 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. Mr. Coulter, aye; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

12. Variance – Side Yard Setback & Accessory Building Area – Garage – 779 Oxford St. (Laurie Gunzelman/Brofford) BZA 36-19

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 Zoning District. The surrounding parcels are also zoned R-10. The lot meets the minimum lot area for the district at 12,662 square feet. This property is subject to, and the garage has been approved by the Architecture Review Board on May 9th, 2019.

The applicant is proposing to construct a new detached 2-story, 2-car garage with an attached storage shed. The existing 1 car garage and storage shed would be demolished.

There is an active 8 inch sanitary sewer line running north and south through the middle of the property. The line is just east of the existing garage. The proposed garage and shed will be located outside the area of the sanitary sewer.

The proposed 1,157 square foot garage and storage shed would be in the required side yard. The existing garage sets about 6 feet from the side property line.

The applicant is requesting the location in the required side yard to align with the existing drive aisle that is adjacent to the main residence, and to provide adequate maneuverability to turn around on site.

Worthington Codified Ordinances:

Section 1149.08(b) of the Worthington Codified Ordinances has the following regulations for accessory buildings:

- If the accessory structure exceeds 120 square feet in area it may be located in the rear yard provided such buildings are set back at least 8 feet from the side lot lines and 10 feet from the rear lot line.

Section 1149.08(b) states, “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”.

Request:

The applicant is requesting the garage to be 3 feet 6 inches, and the shed portion to be 4 feet 9 inches from the side yard property line. A variance of 4 feet 6 inches is required for the garage and 1 foot 3 inches for the shed.

The applicant is also requesting the garage and attached storage shed to be 1,157 square feet in total accessory building area. An existing porte cochere was approved in 2011 to be 285 square feet, which makes the total proposed accessory building area on the property 1,442 square feet. A variance of 592 square feet is required.

Conclusions:

Although it is of a larger scale, the proposed garage and shed are in a similar location to that of the existing garage, which may seem less obtrusive from the street.

The property slopes downward after the porte cochere which limits the area in which a garage structure can be located.

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

The delivery of government services should not be affected.

Discussion:

Mr. Brown stated they had to have a conversation with the property owner regarding the 8 inch sanitary sewer line running through the middle of the property. Mr. Brown stated they are treating the sanitary line as an easement and any structure must be 8-10 feet from it in case any work needed to be done on it. From that conversation, they had the applicant move the proposed garage structure further back, away from the sanitary line.

Ms. Crane asked if the applicant was present. Mr. Kyle Green, said he was representing Gunzelman Architects and Interiors, 171 E. Gates, Columbus, Ohio; and Ms. Clare Brofford, 779 Oxford St., Worthington, Ohio. Ms. Crane asked for the reason of the second story in the garage and Ms. Brofford explained she needed the additional space for storage. The area would not be finished. She would like to store bikes away from the cars. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY LAURIE GUNZELMAN ON BEHALF OF CLARE BROFFORD FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW

FOR A GARAGE TO BE LOCATED IN THE SIDE YARD SETBACK AND EXCEED THE MAXIMUM ACCESSORY BUILDING AREA AT 779 OXFORD ST. AS PER CASE BZA 36-19, DRAWINGS NO. BZA 36-19 DATED JULY 11TH, 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. 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. Coulter moved to adjourn the meeting, seconded by Ms. Reibel. All Board members voted, "Aye," and the meeting adjourned at 8:23 p.m.