



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

October 3, 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 was Don Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Approval of the minutes of September 5, 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** – Side Yard Setback – Shed – **191 Chacey Lane.** (Rick and Leslie Paoletti)
BZA 41-19

Mr. Phillips reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This approximate 68,389 square foot property, zoned R-10 is located on a private street off Worthington Galena Road. The surrounding properties are single family dwellings zoned R-10.

There is an existing 8 foot by 12 foot storage shed on the property in the required side yard, approximately 5 feet 6 inches from the eastern property line. Staff found no record of previous variances or permits on file for the existing shed.

The applicant is proposing to replace the existing shed with a new 10 foot by 14 foot shed. It would still remain 5 feet 6 inches from the eastern property line, while moving in 2 feet towards the house and the back yard.

The applicant is requesting this location because they feel is ideal to provide access to both the front and back yards, while remaining out of sight. There is some foliage separating the shed from adjacent residences.

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.

Request:

The applicant is requesting a shed to be located 5 feet 6 inches from the side yard property line. A variance of 2 feet 6 inches is required.

Conclusions:

The foliage from neighboring properties is substantial and can shield the structure from other properties. The shed is also being proposed in a similar location to what is currently in place. In addition, the neighboring property owner abutting the area of the proposed shed has expressed his support for an approval. These points lessen the substantial nature of the variance request.

There is a ravine running through the rear of the property that slopes the yard significantly. This can limit where a shed can be located on the 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 if the applicant was present. Mr. Rick Paoletti, 191 Chacey Lane, Worthington, Ohio. Board members had no 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 RICK AND LESLIE PAOLETTI FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SHED TO BE LOCATED IN THE REQUIRED SIDE YARD AT 191 CHACEY LN., AS PER CASE BZA 41-19, DRAWINGS NO. BZA 41-19 DATED AUGUST 15TH, 2019, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Reibel seconded the motion. Mr. Phillips 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 Yard Setback – Fence – **187 Lake Ridge Rd.** (Bryan and Rachel Petras) **BZA 42-19**

Mr. Phillips reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This approximate 10,000 square foot property is an existing lot of record in the R-10 District.

The surrounding properties are also zoned R-10 with single-family dwellings. There is a ravine & park to the north, across the road from the property in question. This feature makes Lake Ridge Road a one-sided road for houses.

The applicant is proposing to extend an existing fence into the required front yard. The fence is proposed to match the existing as a 4 foot, semi-private style. The applicant is requesting this location to maximize the yardage on their parcel.

The area of public right-of-way from edge of pavement to the front yard property line ranges approximately from 3.6 feet at its closest point and 11.5 feet at its furthest point. The fence is not permitted in the public right-of-way.

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.” The house is approximately 16 feet from the public right-of-way.

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 located 3 feet 9 inches from the front yard property line. A variance of 12 feet 3 inches is required. If granted, the fence must be setback 3 feet 9 inches from the existing public right-of-way, rather than the edge of pavement.

Conclusions:

The majority of the yard space is located on the side of the dwelling. This limits the area in which a fence can be on the property. The extension of the fence could generate a more usable yard space for the property owners, creating a beneficial use of the property.

The fence is already encroaching in the front yard setback at approximately 16 feet from the public right-of-way. There are also evergreen trees planted in a row along the front property line. The extension of the fence along with the planted evergreen trees may hinder site lines for road users.

Although this lot is unique, there are no other semi-private fences located in the required front yard along Lake Ridge Road. This could change the character of the neighborhood.

The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Bryan Petras, 187 Lake Ridge Rd., Worthington, Ohio. Mr. Petras discussed where the property pins were located and said he measured 3 feet 9 inches to the curb from the pins to determine the location of the proposed fence. He stated he planned to keep a few large maple trees inside the fence line, while retaining the line of evergreens outside the fence for buffering. Mr. Petras has three young children he would like to have play in a fenced-in yard to keep them from being too close to the street. Mr. Petras stated he plans to use the same company that installed his existing fence and the fence would be identical to the style and height that is there now. Mr. Coulter said he did not have a problem with the fence going in between the two trees given that the house is located within a cul-de-sac.

Mr. Seitz stated he needed clarification on the distance the fence would be from the ROW. Mr. Phillips stated the fence location was improperly referenced in the Staff Memo; the intended location was to be along the public right-of way line, which happened to be approximately 3 feet 9 inches from the back of curb at its closest point. Mr. Phillips explained staff needed a more accurate survey before approving the fence permit. If the Board granted a variance up to the ROW line, then the applicant would have the maximum amount of variance the Board could give him. Ms. Reibel asked if there were any site line issues with traffic. Mr. Phillips said the only concern staff had during their meeting was the neighbor to the west has a driveway and their view could be hindered by the fence as they pull out. Ms. Crane explained that the City normally does not like to see fences in the front yard, but she would only consider this variance because the lot is so strangely shaped. 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 BRYAN AND RACHEL PETRAS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED FRONT YARD AT 187 LAKE RIDGE ROAD., AS PER CASE BZA 42-19, DRAWINGS NO. BZA 42-19 DATED AUGUST 27TH, 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. Phillips called the roll. Mr. Coulter, aye; Mr. Falcoski; aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

3. **Variance** – Side Yard Setback – Detached Garage – **5776 Indianola Ave.** (Anthony and Kimberly Lordo) **BZA 44-19**

Mr. Phillips reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 7,420 square foot property, zoned R-10 (Low Density Residential) is located on the east side of the Worthington city limits, abutting the railroad tracks. To the north, south, and west are also zoned R-10 hosting single family dwellings.

The applicant is proposing to construct a 20 foot by 28 foot detached garage in the required side yard behind the dwelling. There is not currently a garage or shed on the property, so this would provide an area for storage of vehicles and lawn equipment.

The applicant is requesting this location because it aligns with the current driveway and would create an ease of access of getting cars into the garage. There are several other garages in the immediate area that are detached and close to the property lines.

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.

Request:

The applicant is requesting a 560 square foot detached garage to be built 3 feet from the side yard property line. A variance of 5 feet is required.

Conclusions:

Existing lots of record tend to be narrower than the required minimum 80 foot lot width. In this particular case, the lot is 53 feet in width. This limits the space in which a garage can be located on the property. This factor may mitigate the substantial nature of the variance request.

The garage would be setback behind the house, which is preferable.

Having a garage on the property could prevent cars from being parked in the driveway or in the street, as well as with storage of other lawn items and equipment.

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

The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Dr. Anthony Lordo, 5776 Indianola Ave., Worthington, Ohio. Board members had no comments 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 ANTHONY AND KIMBERLY LORDO FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A DETACHED GARAGE TO BE LOCATED IN THE REQUIRED SIDE YARD AT 5776 INDIANOLA AVE., AS PER CASE BZA 44-19, DRAWINGS NO. BZA 44-19 DATED SEPTEMBER 3RD, 2019, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

4. **Variance** – Front Yard Setback – Building Addition – **Worthingway Middle School**
(City of Worthington School District/Schorr Architects) **BZA 45-19**

Mr. Phillips reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

Built in 1965, the 75,580 square foot Worthingway Middle School is in the S-1 (Special) zoning district and is located in the Worthington Estates neighborhood between Lambourne, Guyer, Longfellow, Hawthorne, and Thackeray. The surrounding parcels are single family homes in the R-10 (Low Density Residence) zoning district.

The City of Worthington School District is proposing to construct an addition on the northwest corner of the existing building that will encroach into the required front yard. Much of the addition will be outside of the setbacks while one portion, the media center, will encroach into the required front yard. Additional trees are projected to be planted to contribute to the aesthetics and screening on the property. There may be alterations to the parking and drive aisles that will not be addressed at this hearing, but at a later date.

The applicant is proposing the addition to be between 23.3 feet at its closest point and 57 feet from its furthest point where variances are required. Please refer to the drawings for exact dimensions for each point in question.

The applicant is requesting this location because the school would like to retain the location of the existing building, and the track and football field; this limits the possible areas where a new addition could be located. The northwest corner was an ideal location because it would be in an existing open space that would not compromise the use of the fields or the existing building. The school is intending to remain open and operating while the addition is being built.

Worthington Codified Ordinances:

Section 1149.02 states all buildings except dwellings in the S-1 District must be at least 60 feet from the public right-of-way.

Request:

The applicant is requesting for an addition to be built in the required front yard at many different points at Worthingway Middle School. A setback variance is required to allow this addition in the proposed location.

Conclusions:

The school addition would still be over 50 feet in distance from any residential property line per Code section 1149.03, making the variance request less substantial.

The school is requesting this variance to enhance the useable space for educating middle school students. The variance would allow other uses on the property to remain.

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

The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Mike Dingleline said he was an architect representing Schorr Architects and the school district. Ms. Crane asked if the addition would expand the capacity of the school. When the school is completed the school will be able to handle 750 students, which is an increase in the number of the students at the school now by 150 - there are currently 600 students there now. Mr. Coulter asked how the need for additional parking for staff would be handled. Mr. Dingleline said they are using some of the area that will be demolished to increase bus safety and the number of onsite parking would be doubled. He said he would be bringing the parking layout back to the Board in the future and the additional space would also increase the fire lane space as well as the space for busses and staff. Ms. Crane asked if there was anyone present to speak for or against this application.

Mr. Jim Andrews, 6602 Hawthorne St., Worthington, Ohio, said he was concerned with the broader scope of the expansion of the building. His first concern was runoff from the roof of the building and how it would affect the houses to the west. The second concern was regarding the wing expanding west being too close to the property line and being two stories tall. He was concerned that the green space would become building. Mr. Andrews stated he is already having trouble with the runoff onto his property and anticipated the school addition may add to that runoff, and heavy rains overwhelms the system that is in place now. Mr. Phillips said the storm drainage issue was being addressed by the City's Engineer, Mr. Dan Whited. Mr. Phillips also stated that any concerns regarding storm drainage should be directed to Mr. Whited in the Service and Engineering Department as the BZA hearing was only concerning the setback variance request. Mr. Phillips also iterated that construction would not begin until plans had been reviewed & approved.

Mr. Dingleline said they were tearing down almost as much as they are adding. He stated the two stories would allow them to have less impervious area than if it were to be one story, and would encourage the most green space as possible. He said there were only adding 14,000 square feet to the building's footprint. He also stated they were adding to the paving area, some of which would be pervious to help contain the water. Mr. Dingleline said they were doing everything they could to help the storm water issue such as working closely with the Service and Engineering Department. Ms. Reibel asked if it was unusual to add a 2 story addition to a one story building. Mr. Dingleline said no and that it was in

the best interest from a programming standpoint. The second story would be no taller than the gym, but it would be closer to the property line. Mr. Reibel asked if there would be a landscape plan and Mr. Dingledine responded yes, there will be landscaping to help buffer the property.

Mr. Andrews responded that the possibility of reconfiguring the building to the south would allow for the two story to be further from residences. Mr. Andrews again expressed feeling the building was too close to the right-of-way, and felt there were solutions for moving that out of the way. There were no other speakers.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY SCHORR ARCHITECTS OF BEHALF OF WORTHINGTON CITY SCHOOL DISTRICT FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A BUILDING ADDITION TO BE LOCATED IN THE REQUIRED FRONT YARD AT WORTHINGWAY MIDDLE SCHOOL, AS PER CASE BZA 45-19, DRAWINGS NO. BZA 45-19 DATED SEPTEMBER 6TH 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. Phillips called the roll. Mr. Coulter abstained; Mr. Falcoski, aye; Ms. Reibel, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

5. **Variance – Side Yard Setback – EV Charging Station – 48 W. New England Ave.**
(City of Worthington) **BZA 46-19**

Mr. Phillips reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

The West New England parking lot is tucked within the block of High St., W. New England., Oxford St., and W. Granville Rd. The parking lot has residential properties zoned R-10 (Low Density Residential) surrounding it to the north, west, and south, with commercial properties to the east. The parking lot serves Old Worthington and the surrounding area. This property is subject to, and the plans have been approved by the Architecture Review Board on September 26, 2019.

The applicant is proposing to install a 6-foot-tall electric vehicle (EV) charging station in the required side yard setback. The charging station would provide community members with vehicle charging capabilities when they visit Old Worthington. The existing handicap spot would move 2 spaces down to support the installation of the charging stations while still being accessible to neighboring shops and sidewalks.

The applicant is requesting this location because of its proximity to Old Worthington. In addition, the two proposed parking spaces dedicated for this function are located next to a transformer which helps power the devices.

This project has been approved by City Council, where they directed city staff to apply for all necessary board and permit approvals. Staff are aware of this and are working with outside contractors and internal departments to ensure completion of the project in a timely manner.

Worthington Codified Ordinances:

Section 1149.03 states “Nonresidential buildings or uses shall not be located or conducted closer to any lot line of a ‘residential district’ as defined in Section 1141.03 than the distance specified in the following schedule:

<u>Minimum Side or Rear Yard</u> <u>Abutting any</u> <u>"Residential District"</u> <u>(feet)</u>	<u>Use</u>
50	Churches, schools and public or semipublic buildings; off-street loading spaces for nonresidential uses.

Section 1170.02(e) states “Changeable Copy” signs are prohibited except as follows:

- (1) “Bulletin Boards” for public and semi-public uses are permitted with changeable copy not exceeding 15 square feet used to identify events. Bulletin Boards shall not be internally illuminated.
- (2) Gasoline service stations and gasoline/convenience store stations whose principal business is the sale of motor fuel may display one sign with changeable copy to identify the grades or types of motor fuel sold and the prices of such fuel.

Request:

The applicant is requesting an EV Charging Station be installed approximately 2 feet from the edge of the property line in the West New England Avenue parking lot. A variance of 48 feet is required.

The screen on the EV Charging Station will have the ability for changeable copy. A variance is needed to allow this.

Conclusions:

There is an existing 6 foot high fence on the residential property abutting the proposed location of the EV Charging Stations. This fence currently helps to shield the charging station from the residential property, thus, the adjoining residential property should not suffer a substantial detriment.

With 25% of vehicles proposed to be electric by 2025, the installation of an EV Charging Station could be a beneficial feature to the growing EV demand.

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

The delivery of governmental services should not be affected.

Discussion:

Mr. Coulter said the City still needed to show where the handicap parking spaces would be relocated. Mr. Falcoski asked where the second location would be and Mr. Phillips said the City had not made a decision as to where the second EV location would be. Mr. Setiz asked Mr. Phillips to confirm that when they move the handicap parking spaces, will that change the proposed location of the charging station? Mr. Phillips responded that it would not change the location of the proposed location but may reconfigure the parking lot striping. Mr. Phillips stated when they apply for a permit, he would review the parking spots and charging station location for compliance. 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 AN E.V. CHARGING STATION TO BE LOCATED IN THE REQUIRED SIDE YARD IN THE WEST NEW ENGLAND AVENUE PARKING LOT AS PER CASE BZA 46-19, DRAWINGS NO. BZA 46-19 DATED SEPTEMBER 6TH, 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; 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 and Ms. Reibel seconded the motion. All Board members voted, “Aye,” and the meeting adjourned at 7:55 p.m.

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