



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

February 6, 2020

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Mikel Coulter; Brian Seitz, Leah Reibel and Cynthia Crane. Also present were Lee Brown, Director of Planning and Building; and Laney Nofer, Planning & Building Assistant. Board member D.J. Falcoski was absent.
2. Pledge of Allegiance
3. Oaths of Office

Due to Mr. Falcoski's absence the Oaths of Office would take place at the next meeting in March.

4. Election of Officers

Mr. Seitz moved to maintain the current Board of Officers, and Mr. Coulter seconded the motion. All Board members voted, "Aye," and the motion was approved. Ms. Crane as Chair, and Mr. Falcoski as Vice-Chair.

5. Approval of the minutes of December 5, 2019

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

6. Affirmation/swearing in of witnesses

B. Items of Public Hearing

1. **Variance** – Front Yard Setback – Flagpole – **6491 Northland Rd.** (Ellen and Pete Boriin) **BZA 47-19**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 13,413 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The current dwelling was built in 2004 – the same year the owner stated he installed a removable flagpole in the front yard.

In October 2018, a Worthington resident reported a flagpole located in the required front yard at the property in question. Staff confirmed the flagpole was within the required front yard and there had been no permit issued or variance approval. The homeowner stated it was a removable flagpole and did remove it from it's post in January 2019.

The homeowner would now like to seek approval for the flagpole to be located in the same location. The flagpole is approximately 18 feet from the front yard property line.

Worthington Codified Ordinances:

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 to retain the flagpole within the required front yard approximately 18 feet from the front property line. A variance of 12 feet is required.

Conclusions:

The flagpole has been in place for approximately 15 years in the proposed location. The inquiry that resulted in the violation case is the only complaint staff has received for the property.

The homeowner was unaware of the zoning restrictions at the time of the flagpole installation.

The flagpole being removable could lessen the impact of the variance request as it gives any future property owners the option to easily remove the pole.

The essential character of the neighborhood should not be substantially altered as other flagpole has been in place for 15 years.

The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Peter Boriin, 6491 Northland Rd., Worthington, Ohio, said he had letters with him from the neighbors that were in favor of

the flagpole and he shared those with the Board members. Mr. Boriin explained the flagpole was removable. In the winter he places a tennis ball over the opening along with mulch to cover up the opening, and then in the spring he and his wife plant flowers around the flagpole. Board members had no questions or concerns. Ms. Crane asked if there was anyone present to speak for or against this application.

Mr. Dean Brill, 6562 Northland Rd., Worthington, Ohio, said he and his wife had no problem with the flagpole and were glad their neighbor was showing his patriotism and his support for the Ohio State University. He said the flagpole has been in the neighborhood for a long time. Mr. Brill said he has lived in the neighborhood for over forty years and he felt the flagpole was part of the neighborhood. He said he did not understand why they were discouraging someone to display their patriotism. Mr. Brill said his wife was also in support of the flagpole but could not attend the meeting.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY ELLEN AND PETE BORIIN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FLAGPOLE TO REMAIN IN THE REQUIRED FRONT YARD AT 6491 NORTHLAND RD., AS PER CASE NO. BZA 47-19, DRAWINGS NO. BZA 47-19 DATED SEPTEMBER 19TH, 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. All Board members voted, “Aye”, and the motion was approved.

2. **Variance** – Side Yard Setback & Accessory Building Area – Garage Addition – **690 Evening St.** (Simplified Living Architecture & Design/Kiner) **BZA 01-2020**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 12,903 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. This property is subject to, and the proposed plans have been approved by, the Architecture Review Board on January 9th, 2020.

The applicant is requesting approval to construct an addition to the existing two-story detached garage in the rear yard. The addition would be 31.9 feet by 33 feet for a total of

1,052.7 square feet. The addition would be located 5.1 feet from the southern property line in the required side yard.

The existing 2-story detached garage in the southeast corner of the lot in the rear yard received a variance in 2015 for total accessory building area and encroachment in the required side yard. The existing garage was approved to be 3 feet from the side yard property line and to have 1,212.8 square feet of accessory building area. With the proposed addition, total accessory building area on the property would become 2,265.5 square feet.

The applicant is requesting this addition for the purposed of constructing an indoor sport court.

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 1149.08(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 to construct an addition to the existing detached garage. A variance of 2.9 feet is required for the side yard. A variance of 1,052.7 square feet is required for total accessory building area.

Conclusions:

The variance request is substantial. Although, neighboring property owners have expressed support for the proposed structure which may lessen the impact of the request.

The addition would allow for a space to host a sport court as well as possible storage of any outside materials and equipment.

The essential character of the neighborhood should not be substantially altered as the architectural features of the addition are consistent to that of the existing garage and dwelling.

The delivery of governmental services should not be affected.

Discussion:

Ms. Crane asked if the applicant was present. Mr. Chad Kiner, 690 Evening St., Worthington, Ohio. He said the space was not intended to be lived in, they just want to have an indoor sports court for the children and their friends. Ms. Crane asked Mr. Coulter how the Architectural Review Board felt about the structure. Mr. Coulter said the Kiners are his neighbors, and he was supportive of the project. He said the building materials would be the same and you would not be able to see the structure from the street.

Mr. Brown asked where the heating and cooling units would be located, and Mr. Kiner explained where the mini-split system would be located. Mr. Brown said the mini-split system would need to be screened from the neighboring property. Mr. Kiner said that would not be a problem. 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 SIMPLIFIED LIVING ARCHITECTURE AND DESIGNS ON BEHALF OF CHAD KINER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE ADDITION TO BE IN THE REQUIRED SIDE YARD AT 690 EVENING ST., AS PER CASE NO. BZA 01-2020, DRAWINGS NO. BZA 01-2020 DATED DECEMBER 20TH, 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. All Board members voted, “Aye,” and the motion was approved.

3. **Variance** – Side Yard Setback – Room Addition – **211 E. Sanbridge Circle.** (J.S. Brown & Company/Garraway) **BZA 02-2020**

Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 11,200 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The dwelling was built in 1957 and the current property owner has resided there since 1974.

The applicant is requesting to construct a 120 square foot, one-story addition to the existing dwelling that would encroach in required side yard. There is an existing concrete porch,

wall, and foundation where the addition is proposed. The proposed addition would align with the dwelling along the northern elevation and extend back 13 feet 8 inches.

The current porch structure and wall is approximately 2 feet 2 inches from the western side yard property line. The proposed addition would replace that structure and be 3 feet 3 inches from the property line; making it further away from the neighboring property.

The applicant is requesting this addition to acquire additional kitchen space as a part of an interior remodel. The abutting neighbor to the west has been made aware of the plans, and according to the applicant, has expressed no concerns.

Worthington Codified Ordinances:

Section 1149.08(b) requires all dwellings and structures accessory to the dwelling be at least 8 feet from the side yard line in the R-10 District.

Request:

The applicant is requesting to construct an addition in the required side yard. A variance of 4 feet 9 inches is required.

Conclusions:

The roof height for the addition appears to be shorter than the rest of the dwelling, making the appearance from the west less intrusive. In addition, the structure is proposed further away from the property line than the current porch location which creates more space between the two properties. These factors may mitigate the substantial nature of the variance request.

The essential character of the neighborhood should not be substantially altered as it appears many properties in the surrounding area may also have dwellings within the required side yard setback.

The delivery of government services should not be affected.

Discussion:

Mr. Coulter asked to review the overhang on the addition. He said it looked like the overhang, on what would be the right-hand side of the north elevation is more than it is on the other side of the house and he wanted to know if there was a reason for that, or if that was a mistake on the drawing.

Mr. Bryce Jacob, 1522 Hess St., Columbus, Ohio, representing J.S. Brown & Company, said there was a step back and they were trying to have a consistent overhang, so it was possible there was an error in how the overhang was drafted. Ms. Crane asked if there was anyone present who wanted to speak for against this application.

Mr. John Hopler, 219 Sanbridge Circle, Worthington, Ohio, said he appreciated the representatives from J.S. Brown & Company for communicating with them concerning the project. He said they expressed some concerns about the excavation work that would be done closer to his own home and if there would be any drainage effect on his property, or to the piping. The second concern was privacy because of the way the addition would jet out towards their master bedroom window. He asked if this was a normal variance request and if so, would give them peace of mind should they ever talk to a future buyer. Ms. Crane said the request was not terribly unusual, but she did not know the history about that particular subdivision. Mr. Brown explained most of the houses in the area were built in the 1950's and 1960's and the Code was developed in the 1970's so this was not an unusual request. There were no other speakers.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY J.S BROWN AND COMPANY ON BEHALF OF ANNIE GARRAWAY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE IN THE REQUIRED SIDE YARD AT 211 SANBRIDGE CIR., AS PER CASE NO. BZA 02-2020, DRAWINGS NO. BZA 02-2020 DATED JANUARY 9th, 2020, 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. All Board members voted, "Aye," and the motion was approved.

Other

Mr. Brown gave an update regarding the status of Building Permits for projects on South Street and Tucker Drive.

Adjournment

Mr. Seitz moved to adjourn the meeting, seconded by Ms. Reibel. All Board members voted, "Aye," and the meeting adjourned at 7:33 p.m.