



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS  
VIRTUAL MEETING

June 4, 2020

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: Cynthia Crane, Chair; D.J. Falcoski – Vice-Chair; Leah Reibel, Secretary; Brian Seitz, and Mikel Coulter. Also present were Lee Brown, Director of Planning and Building; Lynda Bitar, Development Coordinator; and Laney Nofer, Planning and Building Assistant.
2. Approval of Minutes of the May 7, 2020 meeting  
  
Mr. Coulter moved to approve the minutes, and Mr. Seitz seconded the motion. All Board members voted, “Aye,” and the minutes were approved.
3. Affirmation/swearing in of witnesses will be before each speaker

**B. Items of Public Hearing – New Business**

1. **Variance** – Rear Yard Setback – New Warehouse – **1018 Proprietors Rd.** (Michael J. Maistros, AIA) **BZA 16-2020**

Mr. Brown reviewed the following from the staff memo:

**Findings of Fact**

**Background:**

This property is in the I-1 (Restricted Light Industrial) Zoning District and abuts the Norfolk Railroad. The parcel does not have frontage to Proprietors Road, as it is located behind other parcels. It does, however, have a means of access to Proprietors Road via an easement with a driveway.

The lot does not have a clear “front yard” due to not abutting a roadway. Staff then considers each lot line to be the rear yard; in the I-1 Zoning District, the rear yard setback is 30 feet.

With the current setback limitations, the construction of a new building with accommodating parking is not likely to fit within the buildable area of the lot. Thus, a variance is required for any new structure.

The parcel has an existing building on it, as well as parking to accommodate that building. The applicant would keep the existing building as a part of the project.

The applicant is proposing to construct a warehouse for Buckeye Heating and Cooling. The warehouse is proposed 50 feet wide by 325 feet in length for a total of 16,250 square feet. The northern section of the building will be 2 stories. With the 30-foot setback requirement, the building would encroach on the north and west property lines.

**Worthington Codified Ordinances:**

Section 1149.03 states all buildings other than dwellings in the I-1 Zoning District to be at least 30 feet from the rear yard property line.

**Request:**

The applicant is requesting to construct a new warehouse in the required rear yard setback. With the property not having frontage to the primary street, each lot line setback on all sides is 30 feet. A variance of approximately 3 feet is required for the northern lot line, and approximately 20 feet is required for the eastern lot line.

**Conclusions:**

Although the variance request is substantial, the east property line abuts a railroad; thus, would not physically encroach on another building or parking lot on that side. This can ease some of the impact of the request.

The shape of this lot is irregular and has more stringent setback requirements than typical lots in this district, creating a practical difficulty.

The essential character of the neighborhood should not be substantially altered as the proposed warehouse will not be seen from the road and is proposed to be mostly single-story.

The delivery of government services should not be affected with the construction of the warehouse.

**Discussion:**

Mr. Coulter said as he looked at the site plan he could get passed the setback, and he did not have an issue with that on the east side, but what he does have an issue with is the size of the building relative to the size of the parking lot. He understood this will be a warehouse, but he was concerned about larger service trucks and space available for parking. The plans show a 44% shortage for parking. Mr. Brown said it might be possible for the landscaped area to be striped for additional parking.

Mr. Seitz said he had questions about maneuverability for delivery trucks and how that would work because there would probably be a substantial number of vehicles delivering sizeable equipment. He asked Mr. Brown if the parking variance would need to be added to the motion and Mr. Brown said yes.

Mr. Brown swore in the applicant, Mr. Michael Maistros, 1018 Proprietors Rd., Worthington, Ohio, said he had a meeting with Lt. Brad Dunn, from the Worthington Fire Department, and Mr. Dunn approved of the proposed plans as long as the hose length was under 200 feet, and the turnaround was also acceptable by the Fire Department. He said the business does have large trucks from time to time, and they would need to keep the asphalt area open so the large trucks can maneuver in and out of the service bay area so they can drop off equipment and that is why they did not show additional parking or green space in that area. Mr. Maistros said it may be possible to reduce the size of the warehouse to get closer to the parking requirement. There will be three offices inside the building, and the warehouse is mainly storage for the HVAC equipment, so the parking requirement would not be needed for that tenant, but a future tenant may have problems if they needed more parking for their business.

Ms. Crane asked Mr. Maistros how much the building could be shortened, and he said possibly 25 ft., but he would have to check with his client. Ms. Crane asked Mrs. Bitar if there were any speakers.

Mrs. Bitar swore in Walt McEnery said his wife, Laurie McEnery, owners of MAC Construction. Their location is just north of this property. Mr. McEnery said the first time they heard about the project was when the little blue sign went up with notice about the upcoming meeting. He said he heard nothing from the new owner about what they wanted to do. Mr. McEnery said when the purchase was being considered, he talked with the owner, and his attorney, who said the City told them that the lot could not be built upon because there was no frontage. He said they were also told there was no water tap for their building. There is apparently an outstanding water bill for this property, and Mr. McEnery said he did not want his building's water shut off because of that building's lack of payment. He said he was not disagreeing with City Staff, but the way he calculated the parking with the site plan that was provided on the website, there were 32 or 33 spaces plus 2 handicapped spaces, rather than 39. Mr. McEnery said he did not want to be in the parking control business or towing people off the property, so that is another concern. He said when the building was remodeled in 2009, there were 29 spaces and two ADA spaces, and when Jordan LLC was there, the parking lot was full. Traffic was another concern of his. He said they have a twenty-foot entry, and he did not know how a semi-trailer would be able to get in and out of this property without going on to MAC Construction's property. Mr. McEnery said he was originally told by the attorney that there might be a 5,000 square foot addition, and he was surprised to hear the addition might be 24,000 square feet, or possibly 30,000 square feet with a mezzanine in the building. He said approximately seven

years ago, the owner paved their parking lot which caused more flooding into his warehouse and cost him \$15,000.00 to \$20,000.00 dollars to take care of the water, but the storm sewer that is on the site now is undersized. Mr. McEnergy said that one of Worthington's engineers was interested in him not adding to Worthington's storm water system. He said he also spoke with the neighboring property about the train tracks and the last big rain the one track was six inches below water. Ms. Crane asked if there were any more speakers and Mrs. Bitar said yes, there was a caller from the Railway Museum.

Mrs. Bitar swore in John Bergman from the Railway Museum, 990 Proprietors Rd., Worthington, Ohio, said he agreed with the statements made by Mr. McEnergy. Mr. Bergman referred to the memorandum and said the building's height was incorrect, and that the entire building would be 27 feet tall, two stories in height. He said the building would definitely be seen along Proprietor's Rd. Mr. Bergman said the owner of the building has been a bully to deal with about the easement, and the only access onto their property is the fifty-foot easement. He said MAC Construction shares that easement, and he has never had a problem with MAC construction and feels they have been the best neighbor they could ever have. Mr. Bergman said the previous owner recently died, and the new owner does not have an ingress or egress Agreement. He said that information was for a point of reference, and they are addressing the issue through the court system. Mr. Bergman said he submitted an email to the Board members earlier and Ms. Crane asked if all the Board members had received and read the email and all the Board members said yes. Mr. Bergman reviewed highlights from the email. Mr. Bergman said there has been a storm water problem in the area for a long time, and they are currently working on their water issues with underground drainage. All three properties along this Road have had water problems. Mr. Bergman felt this would be too much building for the site in regard to the water runoff and drainage and felt the fire hydrants could be an issue too. He explained he was a firefighter for 40 years with the City of Columbus and discussed the importance of the hose length. He felt the character of the neighborhood would be substantially altered and a detriment to neighboring properties.

Mrs. Bitar said she received an additional email from Gary Anagnostis who is the President of the Railway Museum. His comments echoed the statements from the previous speakers. He is also concerned about the building's distance from the fire hydrant and storm drainage is a problem in the whole area.

Mr. Maistros said one thing he forgot to mention when he met with Lt. Dunn from the Worthington Fire Department, was that Lt. Dunn was going to require them to add a new fire hydrant to the property so that is part of their plan. He said there will be a civil engineer getting involved to address the water issues if the project moves forward, and the legal issue about the easement also needs to be resolved. Mr. Maistros said at the time of submitting this application, the owner of the building has decided to remove a large portion of the second floor mezzanine which would put the total square footage to 17,500 square

feet and that would affect the parking calculations a little bit. They may also be willing to reduce the length of the building by 25 feet. Mr. Coulter asked Mr. Brown if the building would have a sprinkler suppression system, and Mr. Brown said yes. Mr. Brown said Lt. Dunn's review of the plan was positive. Mr. Coulter confirmed if a building in the industrial district could be three stories in height, and Mr. Brown said that was correct, the proposed building is in compliance with height requirements for the district. Mr. Coulter said his main concerns were the overall size of the building, and that easement issues were resolved. Ms. Crane and Mr. Seitz said they were also concerned about the size of the building. Mr. Seitz said he would like to see maneuverability for large vehicles around the property without encroaching into the neighboring property. Mr. Maistros said he appreciated the comments and asked to table the application. He said he wanted to mention the large vehicles only make deliveries twice a month, so they would not be on the property very often.

Mrs. McEnery said she is a co-owner of MAC Construction, said she has been speaking with the Water Department, and since the property has now been split, it is the obligation of the second parcel owner to have their own tap and people are no longer allowed to tie into one another's tap. Mr. Coulter moved to table the application, and Mr. Seitz seconded the motion. All Board members voted, "Aye," and the application was tabled.

5. **Variance – Front Yard Setback – Porch – 661 Seabury Dr. (Famiglia Homes/Piche)  
BZA 17-2020**

Mr. Brown reviewed the following from the staff memo:

**Findings of Fact & Conclusions**

**Background:**

This property is in the R-10 (Low Density Residence) Zoning District and is on the corner regional thoroughfare Rt. 161 and Seabury Drive. This property is also subject to, and the proposed plans have been approved by the Architecture Review Board on May 14, 2020.

The applicant is proposing a new 34 foot by 8-foot concrete porch with a roof which will extend across the front of the house, and into the required front yard.

There are currently flower beds lining the front of the home that would be replaced with the proposed front porch. The applicant is requesting this variance to add a usable outdoor space, and to complement the character of the home

**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.

Section 1149.07 states the setback along major traffic routes shall be 50 feet along regional thoroughfares.

**Request:**

The applicant is requesting to construct a porch in the required front yard. The porch is proposed to be 29 feet from Seabury Drive; a variance of 1 foot is required. The porch is proposed to be 37 feet from W. Dublin-Granville Road; a variance of 13 feet is required.

**Conclusions:**

The current dwelling is located closer to W. Dublin-Granville Road than the proposed porch; this lessens the impact of the variance request.

Although this lot is located off regional thoroughfare W. Dublin-Granville Rd., it is not easily seen by passerby's due to a grassy median which acts as a buffer.

The essential character of the neighborhood should not be substantially altered as other nearby properties have similar front porch coverings. In addition, the porch will match the existing character of the home.

The delivery of government services should not be affected with the installation of the porch.

**Discussion:**

Mr. Brown swore in the applicant, Mrs. Alainna Greene, on behalf of 661 Seabury Dr., Worthington, Ohio. Ms. Crane asked Mrs. Bitar if she had received any emails or calls from the public and she said no. Board members had no comments or concerns.

**Motion:**

Mr. Coulter moved:

**THAT THE REQUEST BY FAMIGLIA HOMES ON BEHALF OF MICHAEL AND DANIELLE PICHE FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A PORCH TO BE IN THE REQUIRED FRONT YARD AT 661 SEABURY, AS PER CASE NO. BZA 17-2020, DRAWINGS NO. BZA 17-2020 DATED MAY 8<sup>TH</sup>, 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. Mrs. Bitar called the roll. All Board members voted, "Aye," and the motion was approved.

**C. Other**

There was no other business to discuss.

**D. Adjournment**

Ms. Reibel moved to adjourn the meeting and Mr. Coulter seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 8:22 p.m.