

MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
May 5, 2011

The regular meeting of the Worthington Board of Zoning Appeals was called to order at 7:30 P.M. with the following members present: C. Crane, D. Falcoski, R. Dorothy, L. Reibel and J. Sauer. Also present was D. Phillips, Chief Building Inspector.

Those present recited the Pledge of Allegiance.

Motion made by Mr. Sauer to approve April 7, 2011 minutes. Mr. Falcoski seconded the motion and all members voted "aye" thereon.

Ms. Crane asked those that plan to speak fill out speaker slips and to be sworn. Mr. Phillips swore in the witness prepared to comment at the meeting.

AGENDA ITEM B-1 – Variance - Side Yard Setback – Carport – 779 Oxford St.
(Stephen Dempsey Design Consulting/Brofford) BZA 05-11

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is an existing lot of record in an R-10 district with a minimum side yard setback of eight feet and a minimum sum of the two side yards of twenty feet. Architectural projections such as eaves and gutters are permitted into the side yard at a rate of two inches per foot of side yard, or sixteen inches for an eight foot setback. The property contains an existing single family dwelling, seven foot two inches from the north property line and 18.8 feet from the south property line. The applicant is proposing the construction of a 21.8 foot by 13.2 foot carport addition, 5.6 feet from the south property line with architectural projections 4.8 feet from the south property line. The requested variances are 3.2 feet for side yard setback and eight feet for the sum of the two side yards. The carport is subject to, and has been approved by, the Architectural Review Board.

Mr. Phillips continued to say the existing lot is 50.02 feet wide with a relatively steep grade down to the existing garage. Any covered entry on the south side of the house will require a variance. Worthington typically has narrow existing lots with existing dwellings closer to the property line where the minimum six foot side yard setback and a minimum twelve foot sum of the side yards would apply. This particular property does not qualify for the six foot and twelve foot setbacks and if it did, it would still require relatively minor variances. These factors mitigate the relatively substantial variance request. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected.

Ms. Crane asked for the applicant address the Board.

Stephen Dempsey, 5623 Dumfries Court, Dublin, stated he was the designer and explained that they have already been to the Architectural Review Board and have made the required changes. This carport will allow the homeowners to drop off their children and packages safely at the home in bad weather, instead of going down a big slope to the rear of the lot to the only allowable place for a garage.

Clare Brofford, 779 Oxford Street stated the pictures from 45 Stafford Avenue are actually what they are proposing, but a little larger. Ms. Brofford said since their driveway is long and steep with a small single car garage about one hundred feet down a hill, this was a solution both architecturally and for physical reasons during bad weather, since the carport would provide covered parking. With such a narrow lot a two car garage would not look appropriate.

Ms. Crane asked for questions from the Board.

Mr. Sauer stated that this has been before the Architectural Review Board and has been approved.

Ms. Dorothy then moved:

THAT THE REQUEST BY STEPHEN DEMPSEY DESIGN CONSULTING, AND JEREMY AND CLARE BROFFORD FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF A CARPORT AT 779 OXFORD STREET, AS PER CASE NO. BZA 05-11, DRAWINGS NO. BZA 05-11 DATED FEBRUARY 11, 2011, 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 and all members voted “aye” thereon.

AGENDA ITEM B-2 -Variance – Side & Rear Yard Setback & Accessory Structure Area – 59 W. New England Ave. (Gary & Kathy Moore) BZA 11-11

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is an existing lot of record in an R-10 district with minimum eight foot side yard setback, ten foot rear yard setback, and maximum 850 square foot area for accessory structures. The applicant is proposing to demolish an existing detached garage and construct a 22 foot by 28 foot detached garage with storage above totaling approximately twelve hundred thirty two square feet, six feet from the east and south property lines. The requested variances are 382 square feet for total accessory structure area, two feet for side yard setback, and four feet for rear yard setback. The demolition of the existing garage and the construction of the new garage are subject to, and have been approved, by the Architectural Review Board.

Mr. Phillips continued saying that the narrow existing lots of record on corner lots limit the size and placement of dwellings and garages without greatly impacting the amount of usable outdoor living area. In this particular case, the amount of usable rear yard is greatly impacted by the placement of a garage without setback variances. Staff did not consider the setback variances as substantial. The storage space above the garage is typically not considered accessory area when a garage is attached. A 616 square foot garage is not unusual for a two car garage and is well below the maximum allowable accessory structure area. Similarly, 616 square foot detached garages with 10:12 pitched roof and without storage above would not require an area variance. The intent of the 850 square foot limit is to prevent vary large structures from overshadowing modestly sized principal buildings. In this particular case, the two dormers slightly increase the apparent size of the garage but the use of the attic as storage space does not substantially increase the apparent size of the garage. Staff considered this to mitigate the substantial nature of the variance request. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected.

Ms. Crane asked the applicant to address the Board.

Adam Moore, 403 Hickory Lane, Westerville, addressed the Board and said the total square footage is not 1200 square feet. The first floor would be 616 square feet, the second floor strictly for storage only would be only 334 square feet, for a total of 950 square feet.

Ms. Crane asked for questions from the Board.

Mr. Sauer stated the Architectural Review Board liked the garage plans. Mr. Sauer continued stating there are other garages placed close to this same area.

Ms. Crane asked if the proposed garage is being placed in the current garage's location and Mr. Moore replied yes, but in a larger footprint, while maintaining the six foot side yard setback.

Ms. Crane asked if there was anyone in the audience to speak for or against this proposal.

Hearing no one, Mr. Falcoski moved:

THAT THE REQUEST BY GARY AND KATHY MOORE FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARD SETBACK, AND ACCESSORY STRUCTURE AREA TO ALLOW THE CONSTRUCTION OF A GARAGE AT 59 WEST NEW ENGLAND AVE, AS PER CASE NO. BZA 11-11, DRAWINGS NO. BZA 11-11 DATED APRIL 1, 2011, 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 and all members voted "aye" thereon.

AGENDA ITEM B-3 – Variance - Signage – 137 E. Dublin-Granville Rd. (Sharon Memorial Hall) BZA 13-11

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is in a VM district where directional signage cannot exceed 36 inches in height, and the dimensions of the signs are limited to 24 inches in width and 24 inches in height. The applicant is proposing to place two to four, “Sharon Memorial Hall Parking Only” signs at a portion of the rear parking lot. The bottom of the signs are proposed to be no more than 48 inches to 54 inches above grade. The maximum proposed sign height would be 72 to 78 inches above grade. The requested variance is 36 to 42 inches. The property is subject to, and the directional signs have been approved by, the Architectural Review Board.

Mr. Phillips continued to say that it is not unusual to see similar parking related signage be placed higher above grade than the 36 inches permitted by the zoning code so they can be easily seen by others from the parking lot in the case of a large vehicle obstructing their view. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected. A specific number of signs at a specific maximum height should be approved and the motion was drafted to give the Board flexibility, if the Board so chooses to use it.

Ms. Crane asked for the rationale behind the sign code with the allowable height being 36 inches, when many signs exist that are taller than code allows. Mr. Phillips stated that directional signs are typically used to direct off street traffic on to the site and help direct traffic within a site. Mr. Phillips said these signs are more directional than regulatory and regulatory signs would not have to comply with the height requirement.

Ms. Crane asked the applicant to address the Board.

Cal Taylor, 701 Morning Street, stated the entire parking lot belongs to Sharon Memorial Hall who now has tenants that require the use of the parking spaces. Dr. Taylor said the signs will help to alert individuals that the parking is for Sharon Memorial Hall visitors and tenants only and is asking for four signs total to be at 48 inches at the bottom of the sign.

Ms. Crane asked for questions from the Board

Mr. Sauer stated that Architectural Review had requested that the words towing be removed from the bottom of the sign.

Ms. Crane asked if there was anyone in the audience to speak for or against this proposal.

Sheila Bagley, 5812 Olentangy Boulevard, Riverlea, stated she is a new business tenant at the Memorial Hall, she wanted to be located within Worthington, but was hesitant

because of the known parking issues. Ms. Bagley stated she hoped the board would approve the signs to eliminate the issue of unauthorized parking.

Hearing no one else, Ms. Dorothy moved:

THAT THE REQUEST BY SHARON MEMORIAL HALL FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW THE PLACEMENT OF FOUR DIRECTIONAL SIGNS AT A MAXIMUM HEIGHT OF SEVENTY TWO INCHES ABOVE GRADE AT 137 EAST DUBLIN-GRANVILLE ROAD, AS PER CASE NO. BZA 13-11, DRAWINGS NO. BZA 13-11 DATED APRIL 7, 2011, 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 and all members voted “aye” thereon.

AGENDA ITEM B-4 - Variance – Front & Rear Yard Setback/Access Drive Separation - Addition – 6592 Proprietors Rd. (David H. Jones, Architect) BZA 14-11

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is in an I-1 district with a minimum front yard setback of 50 feet, a minimum rear yard setback of 30 feet, and access drives must be a minimum of 300 foot intervals. The applicant is proposing the construction of an addition to the existing building. The front of the addition is proposed to be 26 feet to 20 feet from the west property line, a variance of 24 feet to 30 feet. The rear of the addition is proposed to be approximately on or near the property line, a variance of approximately 30 feet. The applicant is further proposing a new access drive 200 feet to the north of the existing access drive. The requested variance is 100 feet. The granting of setback variances does not grant any variances from the requirements of the Ohio Building Code.

Mr. Phillips continued stating that the current setback requirements imposed on this shallow lot prevents almost any construction without variances. The addition would be no closer to the Proprietor Road right of way than the existing building and the rear of the property fronts railroad right of way. All these factors mitigate the substantial nature of the requested variances. Locating the proposed access drive further to the north may interfere with its use by being in close proximity to the Schrock Road and Proprietors Road intersection. The additional access drive allows for one way drive aisles in the parking lot. Staff did not find the requested drive access interval variance to be substantial. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected.

Ms. Crane asked the applicant to address the Board.

David H. Jones, architect, 5940 North High Street, Worthington, stated the existing building was built in 1985, when the front building setback line was 15 feet, and the building was built on the rear property line with a four hour fire wall. Mr. Jones stated the current requirements of 50 foot front and 30 foot rear setback combined with the narrowness of the lot, requires them to get a variance to maintain the existing setbacks. They are proposing to remove a portion of the existing building and then rebuild a one and half story structure to increase office space.

Mr. Falcoski asked Mr. Phillips when the setbacks were changed. Mr. Phillips did not know when the setbacks changed or if the property was previously in a different zoning category.

Mr. Sauer stated he encourages the board to support a business that wants to stay here and expand.

Ms. Crane asked if there was anyone in the audience to speak for or against this proposal.

Chris Chakroff, 100 Whieldon Lane, Worthington, said he is a customer of Knappe Industries for three years, is very pleased with the workmanship this company offers, and hopes the board will approve the request so the business can expand.

Hearing no one else, Ms. Reibel moved:

THAT THE REQUEST BY DAVID H. JONES AND KNAPE PROPERTIES LTD FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT AND REAR YARD SETBACK, AND ACCESS DRIVE SEPARATION TO ALLOW THE CONSTRUCTION OF AN ADDITION AT 6592 PROPRIETORS ROAD, AS PER CASE NO. BZA 14-11, DRAWINGS NO. BZA 14-11 DATED APRIL 8, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Dorothy seconded the motion and all members voted “aye” thereon.

AGENDA ITEM B-5 - Variance – Signage – 43 E. North St. (Sarah Conroy, DDS) BZA 15-11

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is in a C-3 district where joint identification signs are limited to three listings. The applicant is proposing the erection of a sign with four listings. The requested variance is one listing. The sign is subject to, and has been approved by, the Architectural Review Board.

Mr. Phillips continued to say the applicant advises the sign will eventually list up to four dentists including specialists. The essential character of the neighborhood should not be substantially altered. The delivery of governmental services should not be affected.

Ms. Crane asked the applicant to address the Board.

Jodi Egbert, 637 Garden Road, Columbus said she is the dental hygienist at the office and they are wanting to add one more listing of a specialist on the sign, a new doctor joining the office.

Ms. Crane asked if the new sign would not be larger than the existing sign and Ms. Egbert replied it is being reconfigured to allow for more space for the additional name.

With no one in the audience, Mr. Falcoski moved:

THAT THE REQUEST BY SARAH CONROY, AND THOMAS AND MELLISA HUTSON, FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW THE PLACEMENT OF A FOURTH LISTING ON A SIGN AT 43 EAST NORTH STREET, AS PER CASE NO. BZA 15-11, DRAWINGS NO. BZA 15-11 DATED APRIL 15, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Dorothy seconded the motion and all members voted “aye” thereon.

There being no further business, Mr. Falcoski moved for adjournment with Ms. Reibel seconding the motion

The meeting adjourned at 8:23 P.M.