



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

July 2, 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; Brian Seitz, and Mikel Coulter. Leah Reibel resigned from the Board and did not attend the meeting. 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 June 4, 2020 meeting

Mr. Coulter moved to approve the minutes, and Mr. Falcoski 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 – Unfinished Business

Mr. Seitz moved to remove the following Agenda item from the table, and Mr. Coulter seconded the motion. All Board members voted, “Aye,” and the item was removed from the table.

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

Findings of Fact

Mr. Brown reviewed the following from the staff memo:

Background:

This property is in the I-1 (Restricted Light Industrial) Zoning District and abuts the Norfolk Railroad right-of-way. 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. By default, the Code 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 250 feet in length on the first floor and 27 feet in length by 50 feet wide for a total of 13,850 square feet. The previously proposed size was a total of 24,083 square feet. The northern section of the building will be 2 stories, or approximately 27 feet 2 inches in height. The I-1 District permits buildings to be a maximum height of 3-stories and a maximum height of 45-feet.

With the 30-foot setback requirement, the building would encroach on the east property line, which is the rear setback.

The applicant reduced the length of the previously proposed building by 75 feet. This allows for more parking to meet Code requirements; the proposal now states 71 spaces will be provided, where previously 39 spaces were proposed. Code only requires 58 spaces, so they are over the required amount. See code requirements below:

Section 1171.01

Administrative and business office	1 for each 250 square feet of gross floor area.
Warehouse	1 for each 1,000 square feet of gross floor area.

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. The building is proposed to be 10 feet from the rear yard property line; a variance of 20 feet is required for the northern lot line.

Conclusions:

Although the variance request is substantial, the eastern property line abuts a railroad right-of-way; 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.

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

Discussion:

Mr. Brown swore in the applicant, Mr. Michael Maistros, 1018 Proprietors Rd., Worthington, Ohio. Mr. Maistros said he would like to clarify a few things. He said the larger delivery trucks would be visiting approximately twice each month, and that they reduced the length of the building by 75 feet and added a significant amount of parking. They also moved the dumpsters closer to the front instead of the back of the property to reduce some traffic flow through the area. Mr. Maistros said he showed a general location for a proposed fire hydrant. He said the owner of the building has every intention of following the required Codes, whether the EPA standards, or the storm water runoff. The building will be sprinkled so they will be pulling a new water line. Mr. Maistros said they would be bringing in new services that will help this site and address the water runoff concerns of the neighboring property. Board members had no other questions or concerns. Ms. Crane asked Mrs. Bitar if there were any additional comments by email or by telephone from the public. Mrs. Bitar said there were some comments from the Railway Museum and their concerns about the easement going through there. They said there is a dispute as to whether there is an ingress and egress agreement, or a utility easement, and the concern that water and sewer would not be allowed in that location. Mrs. Bitar confirmed the Board members had already received that letter.

Mr. Brown swore in the speaker representing Mac Construction, Mr. Walt McHenry, said they own the building next door to the proposed building. Mr. McHenry said he was looking at the revised site plan and said it calls for 58 spaces, 18 spaces for the new business, 12 spaces for the new warehouse, for a total of 88 spaces, and there are 71 spaces provided. Mr. McHenry said he wanted to know how the parking could go down to 58 spaces. Mr. Brown explained the applicant's information was incorrect, and the information in the staff's Memo was correct. They had the wrong calculations for offices, which is one space per 250 feet, and the applicant's information listed the space as one per 150 feet and that was the discrepancy. Mr. McHenry said he was concerned about the empty space at the end of the warehouse and whether it would require more parking space if the area is turned into an office. Mr. Brown explained the applicant would need to come back to the Board if additional parking was needed. Mr. McHenry said there was no easement that he knew of to get out to Proprietors Road from their building at 1028 Proprietors Road. He said he was concerned if the Board granted the variance, that he

would be sued for an easement. Mr. Brown explained that was a civil matter and Mr. McHenry would need to speak with the attorneys already involved.

Mr. Brown swore in the speaker from the Railway Museum, Mr. John Bergman, 990 Proprietors Rd., Worthington, Ohio. Mr. Bergman said he noticed the applicant did not change the supporting statement at all and that Mr. Brown would not be addressing the easement issue, but he felt that would be something he would want to look at before granting a request to build. Mr. Bergman said he agreed with Mr. McHenry that if granted, it would set a precedent. He said he has tried talking with the owner's attorney, but that had been a fruitless effort. Mr. Bergman asked Mr. Brown about the applicant's request for a setback variance for ten feet instead of thirty feet, and if parking is normally allowed within a thirty-foot setback without a variance, and Mr. Brown said yes, parking is permitted, the variance was for the structure. Mr. Bergman said the ingress and egress issue was being disputed, but there has never been a utility easement. He asked Mr. Brown for clarification about the storm water issue and Mr. Brown explained he had spoken with the City's Engineer, and the person that handles all of the storm water requirements review, and they believe that the requirements for on-site retention for water quality and water quantity, that the proposed plan would help the exiting issues that the Railway Museum and Mac Construction would be experiencing. Mr. Bergman said he wanted to go on record with his displeasure of the height of the building, but since that was not an issue, he was not going to elaborate any further. Mr. Seitz said he appreciated City Staff's clarification about the parking requirements, and he also thanked the applicant for the maneuverability study to show how the trucks could maneuver without going onto Mac Construction's property.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY MICHAEL J. MAISTROS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A WAREHOUSE TO BE IN THE REQUIRED REAR YARD SETBACK AT 1018 PROPRIETORS RD., AS PER CASE NO. BZA 16-2020, DRAWINGS NO. BZA 16-2020 DATED JUNE 10TH, 2020, BE UPHELD, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Coulter seconded the motion. Mrs. Bitar called the roll. Mr. Falcoski recused himself from voting; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

C. Items of Public Hearing – New Business

1. **Variance – Front Yard Setback – Front Entry & Porch – 561 Park Overlook Dr.**

(Jeremy Little) **BZA 18-2020**

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 in the Colonial Hills neighborhood. The dwelling was built in 1954 and is an existing lot of record.

The applicant is proposing to construct a front porch and entry feature to the existing dwelling that would encroach in the required front yard.

The applicant is requesting this variance to enhance the livability and aesthetic of the home without having to sacrifice any part of the interior.

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 construct a front entry and porch in the required front yard. The porch is proposed to be 26 feet 6 inches from Park Overlook Drive; a variance of 3 feet 6 inches is required.

Conclusions:

The lot size is smaller than the minimum required for the district. This can limit the area in which a feature like this can be added to the dwelling. This factor can mitigate the nature of the variance request.

The essential character of the neighborhood should not be substantially altered as other nearby properties have similar front entries features and porches. The porch will also match the existing character of the home. In addition, Worthington is traditionally known for encouraging front porch structures in order to convey a friendly and inviting feel throughout the neighborhood.

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

Discussion:

Mrs. Nofer swore in the applicant, Mr. Jeremy Little, 561 Park Overlook Dr., Worthington, Ohio. Mr. Little said they are looking to add a front entry, and front covered porch. The

enclosed front entry component would not encroach into the required setback. He said it was a simple entry piece. Board members had no comments or concerns. Ms. Crane asked Mrs. Bitar if there were any emails or callers who wanted to comment, and she said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JEREMY LITTLE FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A PORCH TO BE IN THE REQUIRED FRONT YARD AT 561 PARK OVERLOOK DR., AS PER CASE NO. BZA 18-2020, DRAWINGS NO. BZA 18-2020 DATED MAY 18, 2020, 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. Mrs. Bitar called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

2.  **Variance – Garage – 5781 Indianola Ave. (Bret Gould) BZA 19-2020**

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 in the Colonial Hills neighborhood on a corner lot.

The applicant is proposing to install a 22 foot by 24 foot two-car garage in the southwest corner of the property in the required rear and side yard.

The proposed garage would be placed in the area where a shed currently stands. The shed would be removed as part of this proposal.

The applicant is requesting this variance for the purpose of adding storage space to the property.

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 to construct a garage both 3 feet from the rear and side property lines. A variance of 5 feet is required for the side yard. A variance of 7 feet is required for the rear yard.

Conclusions:

There is a mature tree in the rear yard that the property owner wishes to keep intact. In addition, the property being located on a corner limits where a garage structure can be built in conformity. These factors mitigate the nature of this request.

The property does not currently have a garage; thus, with the installation of the proposed structure, cars and other equipment would be stored out of public view.

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

Discussion:

Mr. Coulter asked if the shed would be taken away or relocated somewhere else on the property. Mrs. Nofer said the homeowner intends to remove the shed. Mrs. Nofer swore in the applicant, Mr. Bret Gould, 5781 Park Overlook Dr., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked Mrs. Bitar if there were any emails or callers who wanted to comment, and she said no.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY BRET GOULD FOR A VARIANCE FROM CODE REQUIREMENTS FOR A GARAGE TO BE CONSTRUCTED IN THE REQUIRED REAR AND SIDE YARD AT 5781 PARK OVERLOOK DR., AS PER CASE NO. BZA 19-2020, DRAWINGS NO. BZA 19-2020 DATED MAY 29TH, 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. Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; and Ms. Crane, aye. The motion was approved.

**3. Variance – Front Yard Setback – Pond – 1105 Beechview Dr. (Alainna Greene)
BZA 20-2020**

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. The surrounding properties are also single-family homes in the R-10 District. The neighborhood was originally developed in 1954 in Perry Township without curb and gutters. Due to annexation, the neighborhood is now a mix of Worthington, Columbus, and Perry Township.

The applicant is requesting a variance to allow the retention of a pond of the property. The variance request is both due to a violation case with the City and was recommended as a form of remediation by Mayors Court.

The pond is located in the southeast corner of the property. The property owners stated they installed the pond for the purpose of retaining water and to prevent flooding on their property and neighboring properties. They stated the neighboring property to the north has experienced a substantial amount of water on their property that floods their basement; the installation of this pond on the subject property has helped remediate that for them.

The property owners have attempted other means of correcting the flooding in the area by installing a rock trench and a 12” drainpipe that flows under their driveway, but they stated the retention pond is the most successful method.

The Service and Engineering Department stated there are no applicable codes or storm water regulations they can legally enforce with this particular issue – making this solely a zoning issue. Again, this area was developed when it was all Perry Township which had very limited stormwater regulations at that time.

The property owners plan to add aesthetic improvements to the pond such as plants, bushes, tall grasses, and rocks around the edge.

Worthington Codified Ordinances:

Section 1147.01 states Man-made impoundments, lakes or ponds shall not be permitted in the City, except as part of a planned development in a Community Development Project, Integrated Commercial Center and Integrated Office, Research or Restricted Industrial Centers. This prohibition on impoundments, lakes, or ponds shall not apply in residential districts to back yard fishponds or decorative water features with a depth of thirty inches or less, a surface of less than seventy-five square feet and located to the rear of a dwelling or structure.

Request:

The applicant is requesting to retain the existing pond. A variance is required to allow a man-made pond of this size and depth.

Conclusions:

The property in question is larger than the typical lot size seen in the R-10 district; the minimum lot size requirement is 10,400 square feet, while this property is approximately 58,300 square feet. In addition, the pond is in place to solve a drainage problem in the neighborhood rather than there for leisure purposes. There have been other methods explored to alleviate the flooding in the area, and the applicant states the method in question is the one that most solves the issue at hand. These factors may mitigate the substantial nature of the variance request.

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

The delivery of government services should not be affected with the retention of the pond as long as it is maintained.

Discussion:

Mrs. Nofer swore in the applicant, Mrs. Alainna Greene, 1105 Beechview Dr., Worthington, Ohio. Ms. Crane asked what the Code requirement was for swimming pools and if fencing was required and Mrs. Nofer said yes, fencing is required around pools and referred the discussion to Mr. Brown. Mr. Brown said he recently met with the City's Law Director, Mr. Tom Lindsey, to go over some questions and concerns that staff and Board members had. Mr. Brown said a four-foot fence is required around swimming pools, but there was no requirement set forth for fencing around ponds. Mr. Brown said he confirmed with Mr. Lindsey there would be no liability on the City's behalf for proving this and/or the Board for proving this, if for some reason five years from now or ten days from now, that something would happen, the liability would be upon the applicant themselves. There would be no liability to the City or the Board of Zoning Appeals for proving that. Mr. Brown said if there became an issue with mosquitos, the City has a contract with Columbus Public Health and the City could reach out to Columbus Public Health for their assistance in reaching out to the homeowners and assisting with regulations and improvements to the pond. He said when it's the applicants turn to speak; he would like to hear how the pond area would be improved.

Mr. Brown said staff had additional discussions with the Service & Engineering Department about the storm water issues that have plagued the area and they did not believe the proposed project would exacerbate the situation. Ms. Crane said he had some concerns about the depth of the pond and felt it could be a safety issue since there was not a fence. Mr. Brown said they could check with the applicant to see if they were willing to add a safety barrier.

Mr. Josh Greene, 1105 Beechview Dr. S., Worthington, Ohio said they have already obtained a fence permit to eliminate the danger near the pond. He said from top to bottom the pond is about six feet deep, but there is currently only about two inches of water in the pond now, and the deepest it has ever been has been about two feet deep. He said if the pond is approved, they have also planned to clean it up by adding some landscaping around the area. Ms. Crane asked Mrs. Bitar if there were any emails or outside callers wishing to speak about the application and Mrs. Bitar said she received one email from Mr. Vince Gazzara, 1099 Beechview Dr. S., Worthington, Ohio.

Mr. Gazzara wrote:

RE: 1105 Beechview Dr pond variance 6/20/20

“First understand the topography and rain water flow in this area of Beechview Drive. Rain water flows onto 1115 Gepharts from the property north and from two properties behind them on Linworth Rd. which are at a higher elevation. This water then flows down hill to 1105 Greene's front yard, currently through a 12" pipe under Greens driveway and an old possibly compromised buried drain pipe that terminates in Greene's catch basin.

More water then accumulates on Greene's front yard from the two properties behind Greene on Linworth Rd which are at a higher elevation. In heavy rains, water also flows from the properties across Beechview Dr, over the roadway, to Greene's front lawn. All this water has to then flow from Greene to the drainage ditch south of Greene which runs from the current catch basin across the rear of 5892 Linworth Rd Scales to the creek . My driveway borders 1105 Green and my house borders 5892 Scales.

The problem to be solved here is to sufficiently direct heavy rain water from 1115 Gephart to 1105 Green so Gephart is not flooded. This is not a zoning issue.

1. The catch basin in question does not meet code for location and size. It is not a pond. In the dry months of summer it turns to stagnant water, then mud and then dries out.
2. As stated in the application, even with this catch basin 1115 Gephart still gets flooded so the problem for 1115 is not solved even if the catch basin is approved and Greene spends the proposed \$10,000 to make it look better.
3. When our Beechview Dr subdivision was platted in the 1950's the large southward sloping front yard of 1105, currently Greene, was a natural conduit for all the referenced rain water to run to the creek south of 5892 Linworth, which then runs to Antrim Lake.
4. A pond or catch basin of the code compliant 80 square feet is all that would be needed at the south side of Greene's property if the water flowing out of it could continue, unimpeded, through the drainage ditch across 5892 Scales to the creek. A few years ago Pat Scales placed a drainage pipe in the ditch leading from Greene's catch basin and buried it so he could have riding mower access. The pipe is not deep enough so this inadvertently created a dam that keeps the excess rain water from leaving Greene's property.

This could be solved by removing the shallow pipe and placing it a foot lower, and possibly adding a second pipe next to it or a larger pipe. That would get any excess water off Greene's property, but still does not fix the excess water issue at 1115 Gephart.

5. The solution here, which is not the responsibility of zoning, is to effectively get the heavy accumulated rainwater from 1115 Gephart to 1105 Greene, then from Greene to Scales, then to the creek.

If any of these property owners want some help with ideas or manual labor, I am available.”
There were no other speakers.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY ALAINNA GREENE FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A POND TO REMAIN IN THE REQUIRED FRONT YARD AT 1105 BEECHVIEW DR., AS PER CASE NO. BZA 20-2020, DRAWINGS NO. BZA 20-2020 DATED MAY 29TH, 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. Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; and Ms. Crane, nay. The motion was approved.

4. **Variance** – Setback & Screening – **6625 Guyer St.** (Schorr Architects/Worthingway Middle School) **BZA 21-2020**

The applicant requested to table this item. Mr. Coulter moved to table this application and Mr. Seitz seconded the motion. All Board members voted, “Aye,” and the application was tabled.

5. **Variance** – Rear Yard Setback – Shed – **587 Fox Lane.** (John and Steffanie Hauelsen) **BZA 22-2020**

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residence) Zoning District. Fox Lane is a private drive with approximately 20+ homes. The rear yard of the property abuts the Olentangy River.

The applicants installed a 64 square foot shed for the storage of their lawnmower and other materials without approval.

On October 15, 2019, a complaint to the City of Worthington was made regarding a shed at the property in question was being installed without a permit. Staff pursued the matter and informed the property owners of the need for a permit for the installation of a shed. The applicants stated that they were unaware that they needed a permit.

The property owners made application for permit on November 20, 2019, which was approved on November 25, 2019 with the intention of moving the shed in the spring to comply with the approved drawing submitted with their application showing the shed to be 5 feet from the northern property line., City staff followed up with the property owner again once the City reopened for business for a status updated on moving the shed. The property owners then applied for a variance on June 5, 2020 to keep the shed in the same location.

The applicant is requesting this variance in order to retain the shed in its current location and to have continued space for outdoor storage.

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 yard lot line, and 5 feet from the rear lot line.

Request:

The applicant is requesting to retain the existing shed in the required side yard approximately 3.3 feet – 4 feet from the property line. A variance of 1 – 1.7 feet is required.

Conclusions:

The property has a slight grade reduction on the opposing side yard, as well as the rear yard towards the river. This can limit the location where a shed can be put. In addition, the shed in size is minimal compared to other sheds in the area. These factors can mitigate the substantial nature of the variance request. The City of Worthington was also granted an easement of access along the southern portion of the applicant's property for river access in cases of emergency. The location of the shed would need to be located outside of this area for access to the river by first responders.

The essential character of the neighborhood should not be substantially altered as having a shed is not uncommon for the district.

Providing a minimum of 3.3 feet to 4 feet will permit the applicant to maintain the shed as needed.

The delivery of government services should not be affected with the retention of the shed.

Discussion:

Ms. Crane asked if there was a problem with the number of accessory structures or the square footage of those accessory structures and Mr. Brown said staff did receive two letters from the neighbors which he would read into the record. He said per the City's Code, people can have 850 square feet of accessory structure space. He explained the applicants had a one car garage, a two-car carport, a shed, and Rubbermaid containers to hold storage along side of their house, but they would not exceed 850 square feet of space.

Mrs. Nofer swore in the applicants, Mr. John and Mrs. Stephanie Haueisen, 587 Fox Lane, Worthington, Ohio. Ms. Crane asked why the shed was placed so far in the back of the yard and Mr. Haueisen said that was the most convenient spot for the shed and he begins mowing in the back. He said he was also taking care of mowing his neighbor's grass also. Board members had no other comments. Ms. Crane asked Mr. Brown if there were any emails or callers. Mr. Brown said he had received two emails he wanted to read into the record.

The first email was from Dr. Bob Chosy:

"I would like to say several things with regard to this case before you tonight. Though, technically, it may not be proper to mention the original situation, it is difficult to ignore the elephant in the room. The BZA failed, in my opinion, to correctly divide the lot resulting in a very high house wall being built incredibly close to the Haueisen's home. I realize that the correction wasn't made by this board early enough, allowing the the foundation of the wall to already be built. There has subsequently been some tit for tat between the neighbors but the bottom line is that to require the aging Haueisen's to move their shed, which is not up against the neighbor's house, one foot (12 inches) south is unreasonable and frankly ludicrous. Therefore I ask respectfully that this variance be allowed. Thank you for listening to my understanding of this situation."

Email from Mr. Tom & Mrs. Debbie Comer, 599 Fox Lane, Worthington, Ohio:

"We are responding to the request from the Haueisen's, for the Worthington BZA to allow the improper location of an originally unpermitted structure, built in their back yard, (Sept. '19) at 587 Fox Lane.

As Neighbors, we do not support the BZA approving this variance. We have always appreciated the work of the BZA, in monitoring correct behavior, and keeping quality in our beautiful City!

As neighbors of the Haueisen's, we all directly share the beautiful Olentangy River View from our homes and patios. (See photos.) The backdrop of all of our lots is filled with large, beautiful trees, not Sheds. Thus, Sheds definitely alter the "character of our neighborhood". Everyone on the River spends their time in their back yards, so it is irrelevant to say the "shed is not noticeable from the street".

The Haueisen's are using as defense, that they "cleared out" the back NW corner of their yard, to "enhance the view for the neighbors". We appreciated the clearing of the many, unsightly "antique" wood piles. However, if the Haueisen's had any concern about their neighbors' view, they would certainly have not replaced the wood piles with a 7 1/2' x 8' (8 ft tall) Plastic Shed! If not for retaliation, they could have installed a shed on the back SW corner, next to a house and lot that has been vacant for 12 years.

This new Shed makes a total of SIX Sheds on the Haueisen's property. All noticeable eye sores to neighbors and anyone passing by. In addition to the SIX Sheds, there are at least Four 55 gallon barrels, lining the house. We question the need for a single family (total 2 people) needing this excessive storage, plus a garage and a double carport. The City of Worthington should not allow this unkept, unsafe (home for varmints), condition in the City.

It's shocking to know that people who have caused The City of Worthington so much strife, with their frivolous law suit, is now asking for special treatment. Asking the city to overlook their 3 foot illegal set back, (shed is 2 ft from property line), after legally fighting their next door neighbor to move their entire home 18 inches, even though the new home was legally and properly permitted by the city.

Everyone needs to follow the rules, enforced by the BZA. This unsightly Shed Needs to be located correctly."

Thanks for your consideration,
Tom and Debbie Comer- 599 Fox Lane

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JOHN AND STEFFANIE HAUESISEN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SHED TO BE IN THE REQUIRED SIDE YARD AT 587 FOX LN., AS PER CASE NO. BZA 22-2020, DRAWINGS NO. BZA 22-2020 DATED JUNE 5TH, 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. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, nay; and Ms. Crane, aye. The motion was approved.

6. Variance – Extension of a Nonconforming Use – House Addition and Garage – 159 E. Granville Rd. (RAS Construction/Rekos) BZA 24-2020

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 along regional thoroughfare Rt. 161. The duplex was built in 1921. This property is also subject to, and the proposed plans have been approved by the Architecture Review Board on June 11, 2020.

The applicant is proposing to construct an addition to the rear of the structure, as well as a second garage. Because the structure houses two dwelling units, it is a non-conforming use and would therefore need approval from the Board of Zoning Appeals to extend the use by constructing an addition.

Worthington Codified Ordinances:

Section 1129.05(e) states, “The Board shall have the authority to grant an extension of a building or the expansion of the use of a lot devoted to a nonconforming use upon a lot occupied by such building or use, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building or use became nonconforming, and where such extension is necessary and incidental to the existing use of such building or lot”.

Request:

The applicant is requesting approval from the Board of Zoning Appeals to allow for the existing non-conforming use to be extended with the building.

Conclusions:

The building was originally constructed and has continued to be used as multi-family in use. The continuation of this use should not have neighboring properties suffer a substantial detriment as a result of the variance.

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

The delivery of government services should not be affected with the extension of the building and new garage.

Discussion:

Mrs. Nofer swore in the applicants, Mr. Greg Rekos, 9396 Concord Rd., Powell, Ohio, 43065. Board members had no questions or concerns. Ms. Crane asked if there were any emails or callers and Mrs. Bitar said no.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY RAS CONSTRUCTION ON BEHALF OF GREG AND JENN REKOS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR EXTENSION OF A NON-CONFORMING USE FOR AN ADDITION AND GARAGE AT 159-161 E. GRANVILLE RD., AS PER CASE NO. BZA 24-2020, DRAWINGS NO. BZA 24-2020 DATED JUNE 5TH, 2020, 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. Mrs. Bitar called the roll. Mr. Seitz, aye; Mr. Coulter, aye; Mr. Falcoski, aye; and Ms. Crane, aye. The motion was approved.

7. **Variance** – Fence – Supporting Members – **243 W. New England Ave.** (Mike Miller and Meredith Baron) **BZA 25-2020**

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.

The applicant is proposing to remove the existing fence on the property and install a new 6 foot privacy fence to enclose the back yard of the house.

On the west side of the property, the adjoining neighbor would not like the fence between the two properties to be removed, as it is a shared fence. The applicant states the only solution to allow a new fence to be installed on their property is by building on the existing fence. This would result in having the “nice” side of the fence facing inward on only the west side of the property.

The applicant has stated they have had conversations with the neighboring property owner about their request; it is the understanding of staff that while the neighbor would not like the existing fence to be removed, they do not object to the applicant installing the fence on their property.

Worthington Codified Ordinances:

Section 1180.02(b) states, “Supporting members for walls or fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls. This shall not apply to fences with vertical supporting members where the fence is designed to be identical in appearance from either side.”

Request:

The applicant is requesting a variance to construct a fence with the supporting members facing outward.

Conclusions:

The proposed fence will have a look to it that resembles supporting members facing inward. In addition, the fence will not be seen well, if at all, from the public-right-of-way. These factors may mitigate the substantial nature of the variance request.

The essential character of the neighborhood may be altered as it is not common to have supporting fence members facing outward in the community.

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

Discussion:

Mr. Seitz asked Mrs. Nofer to clarify if there were only three sections of the fence to be replaced. Mrs. Nofer explained the rear portion of the fence was on their property so they did not need consent of the neighbor to remove that portion of the fence.

Mrs. Nofer swore in the applicant, Ms. Meredith Baron, and Mr. Mike Miller, 243 W. New England Ave., Worthington, Ohio. Mr. Miller said they want to replace one side of the fence, but part of that fence lies on the neighbor’s property. They would like to remove the entire section of the fence to clean up the property line, but the neighbor will not allow them to remove the portion of their fence that lies on her property. Mr. Miller said that was going to interfere with building the fence with the supports on the inside because the builders need to build the fence from the outside. The supporting posts would remain natural in color like the horizontal slats.

Ms. Crane asked Mr. Miller if it was possible to remove the neighbor’s fence in order to properly install their new fence, then replace the neighbor’s fence back the way it was. He said he assumed the neighbor did not want him touching her fence at all, and he had not

thought of that idea. Mr. Coulter said the motion could be drafted with the option of temporarily removing the neighbor's fence for construction purposes as long as the neighbor's fence was replaced the way it was originally, and if the neighbor does not agree to that then the Board could discuss just approving the fence with the first option.

The following email was sent in from the neighbor at 242 Sanbridge Circle, Worthington, Ohio.

"My name is Andrew Hess, and I live at 242 Sanbridge Circle. I recently received a letter about a hearing for our neighbors at 243 W New England road. They had asked for a variance on a fence, I believe.

We are in favor of the fence and have no issue with it being added to their property. Thank you."

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY MIKE MILLER AND MEREDITH BARON FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A THE SUPPORTING MEMBERS OF A FENCE TO FACE OUTWARD AT 243 W. NEW ENGLAND AVE. AS PER CASE NO. BZA 25-2020, DRAWINGS NO. BZA 25-2020 DATED JUNE 5TH, 2020, 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. Mrs. Bitar called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, nay. The motion was approved.

8. **Variance – Side Yard Setback – Addition/Alteration – 536 Loveman Ave.**
(Lauerhass Architecture/Chamberlin) **BZA 26-2020**

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. The surrounding properties are also single-family dwellings in the R-10 Zoning District.

The applicant is proposing to construct a second story addition over the rear section of the existing garage. The addition would be in the required side yard.

The applicant is requesting this addition to increase their living space.

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 to construct an addition in the required side yard. The addition is proposed to be 4 feet from the property line; a variance of 2 feet is required.

Conclusions:

The essential character of the neighborhood should not be substantially altered. The existing footprint of the house will remain the same.

The delivery of government services should not be affected.

Discussion:

Mrs. Nofer swore in the applicant, Ms. Amy Lauerhass, 753 Francis Ave., Bexley, Ohio. Ms. Lauerhass said she wanted to note that the lot size is smaller than what is normally required for the district and the addition behind the garage is within the required setbacks. Board members had no questions or concerns. Ms. Crane asked if there were any emails or outside callers and Mrs. Bitar said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY LAUERHASS ARCHITECTURE ON BEHALF OF LAURA AND ADAM CHAMBERLIN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A ADDITION TO BE CONSTRUCTED IN THE REQUIRED SIDE YARD AT 536 LOVEMAN AVE., AS PER CASE NO. BZA 26-2020, DRAWINGS NO. BZA 26-2020 DATED JUNE 5TH, 2020, 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. Coulter, aye; Mr. Falcoski, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

D. Other

Mr. Brown said Ms. Leah Reibel resigned from the meeting and City Council was looking for a replacement and Mrs. Nofer's last day would be July 17, 2020, and she will be moving back home to Van Wert, Ohio, to work for the Maumee Valley Planning Commission.

E. Adjournment

Mr. Seitz moved to adjourn the meeting, and Mr. Coulter seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 9:32 p.m.