



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

August 6, 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, Garrett Guillozet and Mikel Coulter. Also present were Lee Brown, Director of Planning & Building; and Lynda Bitar, Planning Coordinator.

2. Oath of Office – Garrett Guillozet

Mr. Guillezet was sworn in as a Board member of the Board of Zoning Appeals.

3. Secretary Nomination

Mr. Coulter moved to nominate Mr. Seitz to be Secretary of the Board of Zoning Appeals and Mr. Guillozet seconded the motion. All Board members voted, “Aye.”

4. Approval of Minutes of the July 2, 2020 meeting

Mr. Coulter moved to approve the minutes, and Mr. Seitz seconded the motion. Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; Ms. Crane, aye; and Mr. Guillozet, abstained. The minutes were approved.

B. Items of Public Hearing – New Business



1. **Variance** – Setback from Alley – Fence – **5709 Foster Ave.** (Patricia Hosking) **BZA 27-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 8,100 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District in the Colonial Hills neighborhood. The property abuts an improved alleyway that runs parallel to Foster Ave. The 16’ wide alleyway provides access to a home on Lake Ridge Rd. and provides access to three houses on Foster Ave and one house on Loveman Ave. The property owner has an existing driveway on Foster

Ave. that runs along the northern side of the house to access their garage and alleyway at the rear of the property.

There is an existing 4' high chain link that fences in the applicant's rear yard. The fence is currently located along the existing alleyway. City staff was unable to find a permit or previous approval for the fence in this location. The applicant would like to install a new 4' high wood picket fence in the same location. The purpose of the fence is to replace an existing chain link fence that has reached its end of life.

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 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 to replace the existing chain link fence with a 4' high wood picket fence within the required front yard from a public (alley) right-of-way. A variance of 30 is required.

Conclusions:

Although the fence is located in the setback from a public right-of-way, the alleyway is only used by five properties. The replacement fence should not impact the existing residents who use this alleyway as access. These factors can mitigate the substantial nature of this variance request.

The essential character of the neighborhood should not be substantially altered as other neighboring properties also have similar fences that abut the public right-of-way along this 16' wide alleyway.

Only a small portion of the existing fence and proposed new fence are located in the setback. The majority of the rear of the lot does not have a fence, it is only in the area immediately behind the existing garage.

The delivery of governmental services should not be impacted as a result of the request.

Discussion:

Mr. Brown swore in the applicant, Ms. Patricia Hosking, 5709 Foster Ave., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked Mr. Brown and Ms. Bitar if there were any emails or callers who wished to speak, and Ms. Bitar said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY PATRICIA HOSKING FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED FRONT YARD AT 5709 FOSTER AVE., AS PER CASE NO. BZA 27-2020, DRAWINGS NO. BZA 27-2020 DATED JUNE 15, 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. Ms. Bitar called the roll. Mr. Guillozet, aye; Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

2. Variance – Side Yard Setback – Addition – 243 Franklin Ave. (Ted and Christy Walsh) BZA 28-2020

Mr. Brown reviewed the following from the staff memo. He also said the presentation included resubmitted materials after the Memo was distributed.

Findings of Fact & Conclusions

Background:

This 10,000 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The home is approximately 2,130 sq. ft. in size and was constructed in 1980. The surrounding properties are also single-family dwellings in the R-10 Zoning District.

The applicant is proposing to expand the kitchen, dining and laundry room 6-feet to the east to be 5-feet from the eastern property line and to expand the second floor above this area in addition to expanding over the existing 2-car garage to add an additional bedroom, bath and expand the master bedroom, bathroom and closet. The proposed addition is approximately 868± sq. ft. in size. The existing footprint of the garage is 3-feet from the eastern property line. The addition would be in the required side yard setback.

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

Worthington Codified Ordinances:

Section 1149.01 states that the minimum yard, area and maximum height requirements for dwellings and structures accessory to dwellings have a side yard setback of 8-feet for a sum of side yards of 20-feet.

Request:

The applicant is requesting to construct an addition in the required side yard. The addition is proposed to be 5-feet from the property line; a variance of 3-feet is required. However, the application states that the additional will be 4-feet from the property line.

- Clarification needed.

The existing garage is constructed 3-feet from the property line and the addition over the garage will follow the existing footprint of the garage; a variance of 5-feet is required.

Conclusions:

The essential character of the neighborhood should not be substantially altered. The existing footprint of the house will largely remain the same from Franklin Ave. and increase along the side of the house behind the existing 2-car garage.

At the time Roxbury Village was platted in the late 1970's it included variances for side yard setbacks that was approved by City Council as part of the subdivision process. The reduced setbacks were associated with the plans for the new homes to be constructed as part of the overall development.

Elevations were not submitted with the application; elevations would help determine the severity of the encroachment related to the massing along the side yard setback.

- The Board typically reviews the elevations as it relates to the massing of an addition that is requesting to deviate from the setback as outlined in the Planning & Zoning Code.
 - Clarification needed.

The delivery of government services should not be affected.

If the Board feels that the above items have been addressed, the motion below would be appropriate.

Discussion:

Mr. Brown swore in the applicants, Ted & Christy Walsh, 243 Franklin Ave., Worthington, Ohio. Mr. Guillozet asked if there was any feedback from the neighbors and Mr. Brown said he received an email about thirty minutes ago from the neighbors at 253 Franklin Ave., Worthington, Ohio, Daniel Kathryn Kort, and they said they did not have any concerns about the setback variance. Board members had no questions or concerns. Ms. Crane asked Ms. Bitar if there were any other emails or callers and Ms. Bitar said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY TED AND CHRISTY WALSH FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE CONSTRUCTED IN THE REQUIRED SIDE YARD AT 243 FRANKLIN AVE., AS PER CASE NO. BZA 28-2020, DRAWINGS NO. BZA 28-2020 DATED JULY 6, 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. Ms. Bitar called the roll. Mr. Coulter, aye; Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Guillozet, aye; and Mrs. Crane, aye. The motion was approved.

3. Variance - Setback from Alley – Fence – 5704 Foster Ave. (A:Z Contracting LLC/ Narayanabhatta) BZA 29-2020

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 7,650 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District in the Colonial Hills neighborhood. The property abuts an improved alleyway that runs parallel to Foster Ave. between Loveman Ave. and Park Blvd. The 16' wide alleyway provides access to two homes on Foster Ave., one home on Loveman Ave. and one home on Park Blvd. It does not appear that the applicant utilizes the existing alleyway. The property owner has an existing driveway on Foster Ave.

There was an existing 4' high chain link that fenced in the applicant's rear yard that was replaced by the contractor in June 2020 with a new 4' high chain link fence. The old fence and new fence are located along the existing alleyway. City staff was unable to find a permit or previous approval for the fence in this location. The applicant would like approval to leave the new 4' high chain link fence in the same location. The purpose of the new fence was to replace an existing chain link fence that has reached its end of life.

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 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 to retain the 4' high chain link fence within the required front yard from a public (alley) right-of-way. A variance of 30 is required.

Conclusions:

Although the fence is located in the setback from a public right-of-way, the alleyway is only used by four properties. The replacement fence should not impact the existing residents who use this alleyway as access. These factors can mitigate the substantial nature of this variance request.

The contractor and the homeowner were unaware of the setback from the alley abutting their property at the time of the fence installation, however this would have been caught if the contractor would have applied for a Fence Permit. The contractor believed the property to be located in the City of Columbus.

The essential character of the neighborhood should not be substantially altered as other neighboring properties also have similar fences that abut the public right-of-way along this 16' wide alleyway and the fact that the previous fence was in the same location for decades.

The delivery of governmental services should not be impacted as a result of the request.

Discussion:

Mr. Brown swore in the applicant, Mr. Josh Renier, who said he was representing the homeowners of 5704 Foster Avenue, Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked if there were any emails or calls from people who wanted to speak, and Mrs. Bitar said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY PATRICIA NARAYANABHATTA FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED FRONT YARD AT 5704 FOSTER AVE., AS PER CASE NO. BZA 29-2020, DRAWINGS NO. BZA 29-2020 DATED JUNE 15, 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. Ms. Bitar called the roll. Mr. Guillozet, aye; Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

4. Variance – Front Yard Setback – Portico – 6877 Hayhurst St. (Trevor Long) BZA 30-2020

Background:

This 10,019 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District in the Worthington Estates neighborhood.

The applicant is proposing a new 10' x 4.3' foot concrete porch with a roof that will encroach into the required front yard.

There is an existing brick stoop and sidewalk in this area already. The applicant is requesting this variance to add a covered 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.

Request:

The applicant is requesting to construct a porch in the required front yard. The porch is proposed to be 26 feet from Hayhurst St.; a variance of 4 feet is required.

Conclusions:

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, Mr. Daniel Millich, Pickerington, Ohio, representing his clients of 6877 Hayhurst St., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked Ms. Bitar if there were any emails or callers who wanted to speak, and she said no.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY TREVOR LONG FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A PORCH TO BE IN THE REQUIRED FRONT YARD AT 6877 HAYHURST ST., AS PER CASE NO. BZA 30-2020, DRAWINGS NO. BZA 30-2020 DATED JULY 10, 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. Coulter, aye; Mr. Guillozet, aye; Mr. Seitz, aye; Mr. Falcoski, aye; and Ms. Crane, aye. The motion was approved.

5. **Variance – Front Yard Setback – Single Family Dwelling – 285 McCoy Ave.**
(JBAD Architects/Carpenter & Blanchard) **BZA 31-2020**

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. The surrounding properties are also single-family homes in the R-10 District. The lot is 90 feet in width and 163 feet in length for a total of 14,670 square feet in the Morris Addition. The lot is heavily wooded with a prominent slope south towards Rush Creek.

The applicant is proposing to construct a new single-family dwelling. The proposed attached garage drive court with retaining walls and screening walls would be located in the front yard setback.

The proposed garage would be 5-feet 6-inches from the public right-of-way. The existing public right-of-way extends approximately 8-feet south of the edge of pavement for McCoy Ave. The placement of the garage and retaining walls would be approximately 13-feet 6-inches from the edge of the pavement.

The applicant is requesting this location due to the sloping grade and vegetation in the rear yard and states the reduced setback is necessary to have level ground for the garage to be built.

Property History:

The original house was constructed in 1962 and was located 30-feet from the public right-of-way. There was an existing carport that was located in the front setback at the edge of the public right-of-way. The Board approved the reconstruction of the original carport in 2004 that was located at the edge of the public right-of-way. The existing house was demolished in 2015 and a new home started construction in late 2015, however in early 2016 the foundation walls collapsed when the contractor was backfilling dirt against the foundation. Throughout 2016 the house sat until it was ultimately demolished by the previous property owner.

Worthington Codified Ordinances:

Section 1149.01 requires all dwellings and structures accessory to the dwelling be at least 30 feet from the right-of-way line in the R-10 District.

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 structure, retaining walls and screening to be 5-feet 6-inches from the existing public right-of-way. A variance of 24-feet 6-inches is required.

Conclusions:

The main portion of the proposed new home will be located approximately 34-feet back outside the public right-of-way. The proposed garage, drive court with retaining walls and screening walls would be located entirely in the front setback. The main portion of the home will be at a similar setback as the previous structure and the surrounding homes along McCoy, however the garage, drive court retaining walls and screening walls will encroach into the front setback. The garage height and retaining walls for the drive court appear to be approximately 3-feet in height along the roadway and gradually increases as the property slopes to the south and to the east.

Staff is supportive of the request for the placement of the garage and retaining walls to encroach in the front setback, however we do not understand the need for the screening walls around the drive court.

- The Board should discuss the proposed screening walls being in the front setback.

Detailed elevations were not submitted with the application; elevations might help determine the severity of the encroachment into the front setback.

On August 1, 2019, the Board approved a variance at the neighboring property at 283 McCoy Ave. for the construction of a new home with a garage that would be located at 19’feet 6” from the public right-of-way. The main portion of the home was located outside of the front 30-foot setback.

The essential character of the neighborhood might be substantially altered. The proposed garage and retaining walls might not alter the character of the neighborhood, however the screening walls surrounding the drive court might create a compound look and feel.

- The Board should discuss the proposed screening walls being in the front setback.

The previous carport was at the edge of the public right-of-way; however, it did have existing vegetation that helped buffer/screen the carport.

- A landscape plan may help soften the encroachment into the front setback.

Protecting the steep slope, wooded area, and the integrity of Rush Run to the south of the lot is extremely important.

The delivery of government services should not be affected.

If the Board feels that the above items have been addressed, the motion below would be appropriate.

Discussion:

Mr. Brown swore in the applicant, Mr. Eric Thompson, representing JBAD Architects, of 243 N. Fifth Ave., Columbus, Ohio, on behalf of his clients, Mr. Craig Carpenter and Ms. Kate Blanchard, the homeowners of 285 McCoy Avenue, Worthington, Ohio. Mr. Thompson said the description put together by city staff. He said like the earlier project, the garage is embedded into the western side of the site. The screening walls are a continuation of the retaining walls which are necessary because of the topography. The ground in front of the house will be flat and leveled. The screening walls would give definition, clarity, and simplicity to the entry area to provide a graceful entry into the house. Mr. Thompson said they were early into the design process, but the intent would be to use the same materials as the house. He said they are still discussing options. The main level of the house is 8.58 which is slightly below McCoy at the low point. The garage is 10 feet high to allow for constructability, and the screening wall would be 7.5 feet. Mr. Brown explained in order to be compliant with the City of Worthington's Planning & Zoning Code the wall could not be higher than 6 feet tall unless the BZA granted a variance to deviate from that requirement. Mr. Thompson said they would prefer to keep the wall at 7.5 feet because to avoid stepping, but he understood the 6-foot rule. Ms. Crane explained the Board does not normally approve fencing in the front yard except for extremely unusual circumstances. She said she understood the sloping of the property and the retaining wall is needed for stability, but she did not understand the need for the fence wall.

Mr. Guillozet said he would like more information and elevations regarding the requested setback. Mr. Seitz said he did not have a problem approving the garage location, he said he understood that a retaining wall is required, but he also had concerns about a 7.5 foot wall going into the setback and they did not know what the materials would be. Mr. Seitz said he thought he understood Mr. Thompson said he intended that the wall would not be

opaque, and he would have a difficult time approving of something that was not opaque. Mr. Seitz reiterated he was okay with approving the garage, retaining wall, and motor court, but the enclosure of the motor court is where he was having a hard time. Mr. Thompson said he was willing to come back to the Board for further discussion on the wall.

Ms. Crane asked Mrs. Bitar if there were any emails or callers who wanted to speak. Ms. Bitar explained staff received an email from Adam and Rosanne Nagel, 282 McCoy Ave., Worthington, Ohio that stated the following:

Dear members of the Worthington Board of Zoning Appeals,

“We write in regard to property at 285 McCoy Ave also listed as project no. 20109 on the agenda for 8/6/2020. To be brief, we both support and have concerns with the variance requested.

In support of the request, we understand that the garage structure will need a revised front yard setback in order to be structurally sound and avoid exorbitant building costs. This is similar to a carport that once stood on the property. We also understand that some sort of retaining wall will be needed to support the garage structure. For the setback variance, we agree.

Our concern is with the elevation of the screening wall proposed at the same distance to the street (i.e. the new front yard setback). This wall is seen most clearly in the north and east elevation drawings. We have concerns with the height of this wall, as it faces the street especially, but do not know if it is a necessary part of the retaining wall structure on the west side/garage side of the driveway entrance to the property. We understand that a low-level retaining wall might be necessary, but a high wall that blocks the view of the trees and general property behind it is a concern. Simply the name screening wall versus retaining wall implies that it will be quite high. With this structure so close to the street, we reiterate the boards own concerns that this will reflect a “compound-like” look and be contrary to the open nature of the Morris Addition and Rush Creek communities. It does not seem likely that other homes would receive permission to put up a privacy fence so close to the street, which is also the visual concept that the drawings present. A low-level retaining wall, that does not rise high above the driveway elevation is certainly a different look and understandable.

As residents of the street for 15 years, we’ve loved seeing the changes in this corner of Worthington and appreciate the diverse architectural styles and improvements. We are excited to have our new neighbors join us. Overall, it is the long-term built environment and integrity of the open area along natural lines of sight that we ask the Board to consider. Hopefully, the unique needs of the property and the natural setting can be

joined together well.”

Mr. Thompson said he would accept the six-foot allowance on the retaining wall if they could keep moving forward with the project. Mr. Brown said from city staff’s standpoint, they are in agreement with the garage location, and portions of the retaining walls, but the courtyard component of it was one of the issues raised because of the compatibility with the neighborhood. He said if there was a landscape plan in place for the car area, or what the encroachment area would be that might soften up the area. In the architectural review district area they look for natural screening versus hardscape screening. Mrs. Bitar added that is what not typical anywhere within the City of Worthington walls that are six-feet or three-feet right out in the front setback. Mrs. Bitar said maybe a low one to two-foot wall to frame the front of the property. There were no other emails or callers.

Mr. Thompson explained the homeowners were on the line and wanted to make additional comments.

Mr. Brown swore in the homeowners, Craig Carpenter, and Kate Blanchard, 19 Melrose St., Boston, Massachusetts. Mr. Carpenter said they chose this site because his wife is from Worthington, Ohio, and they picked this site to be near family and friends. He said they were open to suggestions on how to integrate them with the community because they are very excited to move to Worthington. Mr. Carpenter said they plan on inviting family and friends to their home and they want to create something they can be proud of. He would like to move forward with the portion of the application that has been approved, such as the garage and a six-foot retaining wall and they could come back to the Board to revisit the screening wall. Ms. Crane said the Board likes to see the details be as specific as possible regarding the drawings and materials presented.

Mr. Thompson said he would be okay with separating the wall from the application and come back after further discussion with his architect, but he would like to move forward with the garage. Mr. Seitz thanked Mr. Thompson for his kind words and inclusivity, and said he also appreciated Mr. Thompson taking the matter seriously just like the Board does. Mr. Seitz said Mr. Carpenter has chosen a top-notch architectural firm and he was confident they will be able to work something out.

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

C. Other

There was no other business to discuss.

D. Adjournment

Mr. Seitz moved to adjourn the meeting, and Mr. Coulter seconded the motion. All Board members voted, “Aye,” and the meeting adjourned at 8:53 p.m.

DRAFT