

.MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
July 7, 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 Ms. Dorothy to approve May 5, 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.

Ms. Crane stated that there is one item to be tabled. It is item 6, a signage variance at 460 Schrock Rd. (Branham Signs) BZA 24-2011 and a motion will be made when the item is discussed.

AGENDA ITEM B-1 – Variances – Front & Side Yard Setback – Porch and Second Floor Garage Additions – 49 E. Southington Ave. (Edward Fowle) BZA 20-2011

Mr. Phillips stated this property is an existing lot of record in an R-10 district with a minimum front yard setback of thirty feet along the East Southington Avenue right-of-way, and a minimum side yard setback of twenty feet along the Bromley Avenue right-of-way. 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 twenty four inches, and into a front yard no more than thirty inches. The property contains an existing single family dwelling with an existing porch approximately thirty feet from the Southington right-of way. The applicant is proposing to extend the front porch to the west approximately twenty eight feet from the Southington right-of-way and approximately eleven feet two inches from the Bromley right-of-way, with an approximate four inch eave and an approximate four inch gutter. The requested variances are; two feet for front yard setback plus architectural projects, or two feet eight inches with the architectural projections; and eight feet ten inches for side yard setback plus the architectural projections, or six feet with the architectural projections.

The property also contains an existing attached garage whereby a portion is within the side yard setback, approximately fourteen feet eight and a half inches from the Bromley Avenue right-of-way. The applicant is proposing to add a second story addition above the garage to increase the amount of living space of the dwelling. A portion of this addition would also be within the side yard setback and be approximately fourteen feet eight and a half inches from the right-of-way. Architectural projection information was not found in the application but is assumed to be a four inch eave and four inch gutter. The requested

variance is five feet three and a half inches plus architectural projections or five feet eleven and a half inches with architectural projections.

Mr. Phillips continued to say corner lots in R-10 districts are typically limited by the thirty foot front and twenty foot side yard setback requirements. In addition to being very narrow, this particular lot tapers towards the south. Staff did not consider the variance request as substantial. 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 to address the Board.

Edward Fowle, 49 East Southington, stated he also owns 55 East Southington, which is next door to this property.

Ms. Crane asked for questions from the Board.

Ms. Dorothy asked if the other neighbor had been spoken with and Mr. Fowle replied he has spoken with them and they are pleased with the proposal.

Ms. Crane asked for comments from the audience, for or against this proposal.

Hearing no one, Mr. Hunter moved:

THAT THE REQUEST BY EDWARD FOWLE FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACK REQUIREMENTS TO ALLOW THE ADDITION OF A FRONT PORCH AND A SECOND STORY ABOVE THE EXISTING GARAGE AT 49 EAST SOUTHINGTON AVENUE, AS PER CASE NO. BZA 20-2011, DRAWINGS NO. BZA 20-2011 DATED JUNE 6, 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-2 – Variance – Setback – Sunroom on Existing Rear Deck – 181 Laurel Ln. (JSB Home Exteriors/Dieken) BZA 21-2011

Mr. Phillips stated this property is in an R-10 district with minimum thirty foot yard setbacks. The applicant is proposing to partially enclose an existing deck with a twelve foot by sixteen foot sunroom, eighteen feet from the south property line. The requested variance is twelve feet.

Mr. Phillips continued to say this particular property is along a private drive and does not front a public right-of-way. By definition, there is no front or side yard, and the minimum applicable setback is a thirty foot rear yard. There is a lot of open space around the house and staff felt this mitigated 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.

Roger Lutz, JSB Home Exteriors, and Laurel Dieken, 181 Laurel Lane, stated they had nothing to add to the staff comments.

Ms. Dorothy asked if the neighbor behind had been spoken with and Ms. Dieken stated that Tom and Pam Clanton are in favor and their home has about thirty yards of woods between properties.

Mr. Falcoski asked if the reason for the variance is because they are proposing to modify the existing structure by enclosing the previously approved deck and Mr. Phillips replied decks have different setback requirements than enclosed structures.

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

Hearing no one, Mr. Hunter moved:

THAT THE REQUEST BY JSB HOME EXTERIORS AND LAUREL DIEKEN FOR A VARIANCE FROM CODE REQUIREMENTS FOR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A SUNROOM AT 181 LAUREL LANE, AS PER CASE NO. BZA 21-2011, DRAWINGS NO. BZA 21-2011 DATED JUNE 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-3 – Side Yard Setback – Fence – 653 Oxford St. (Eric Hoover) BZA 22-2011

Mr. Phillips stated this property is an existing lot of record in an R-10 district with a minimum twenty foot side yard setback along the East New England Avenue right-of-way. The applicant is proposing to erect a fence between the garage and the house, eleven and a half feet from the East New England Avenue right-of-way. The requested variance is nine and a half feet. The property is subject to, and the fence has been approved by, the Architectural Review Board.

Mr. Phillips continued to say that fifty foot wide corner lots have reduced yard areas which limit where one can place a fence. In this particular case, the proposed fence will encroach into the setback no closer than the existing garage and house, and from this perspective, staff did not see this variance request as 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.

Eric Hoover, 653 Oxford Street, pointed out where exactly the variance is being requested and explained this fence would tie in with the existing fence.

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

Hearing no one, Ms. Dorothy moved:

THAT THE REQUEST BY ERIC HOOVER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ERECT A FENCE AT 653 OXFORD STREET, AS PER CASE NO. BZA 22-2011, DRAWINGS NO. BZA 22-2011 DATED JUNE 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 - Variances – Front & Side Yard Setback – Porch & Dormer Additions, Air Conditioner and Garage – 73 Orchard Dr. (John Rogers & Beth Elliott) BZA 23-2011

Mr. Phillips stated this property is an existing lot of record in an R-10 district with a minimum thirty foot front yard setback along the Orchard Drive right-of-way, and a minimum twenty foot side yard setback along the Hartford Street right-of-way. 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 forty inches, and into a front yard no more than thirty inches. Detached accessory structures over 120 square feet in area must be setback a minimum of ten feet from the rear property line. The applicant is proposing to construct a porch addition on the front of the existing dwelling, seventeen feet from Orchard Drive. The requested variance is thirteen feet. The existing dwelling is approximately twenty five feet from the Orchard Drive right-of-way and approximately seven feet from the Hartford Street right-of-way. The applicant is also proposing to add dormers along the front of the existing dwelling with a twelve inch eave and an approximate four inch gutter. A portion of the dormers including the eave and gutter will be in the front yard setback approximately twenty five feet from the Orchard right-of-way plus the architectural projections, and in the side yard setback approximately eight feet six inches from the Hartford right-of-way. The requested variances are five feet plus architectural projections or six feet four inches for front yard, and eleven feet six inches plus architectural projections or twelve feet ten inches for side yard setback.

The property has an air conditioning condenser in the rear yard but is within the side yard setback. To avoid delays in replacing this condenser in the future, a variance is being requested to allow the condenser to be wholly within the setback.

The property has a detached garage approximately 8½ feet from the Hartford right-of-way and approximately 4.4 feet from the south property line. The applicant will be making repairs to this garage which may include reconstruction of this nonconforming garage. To avoid delays in beginning reconstruction, the applicant is requesting a variance to repair the structure within the side and rear yard setbacks. The requested variances are 11½ feet for side yard and up to 5.6 feet for rear yard setback.

Mr. Phillips continued to say that corner lots with existing structures within the setbacks create a difficulty trying to add to the existing building. A second story addition is much different than a typical addition, and the existing garage will also not encroach more than it does now. From this perspective, staff did not find the requested variances 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

John Rogers, 73 Orchard Drive, stated has lived there for three years and this proposal will add an additional bedroom and a full bathroom. Also, this will allow them to reconfigure their entry way and add a porch which they believe is size appropriate for the home. He then stated they have no intention of enclosing the porch, they just want a place to sit out, out of the weather. Doing the garage repairs is more cost effective than replacing the garage and the request for the air conditioning is only to replace the existing old one and put a new one in the same location

Mr. Hunter asked to view the picture of garage and then asked if the footprint was changing and Mr. Rogers said no. Mr. Phillips stated the concern staff has is that once you start repairing more than fifty percent of the garage, then it must comply with current zoning code requirements. Mr. Hunter said repairing more than fifty percent is no different than replacing then entire garage with the same footprint, of which he has no problem approving.

Mr. Rogers stated he has spoken with the neighbors and there have been only positive responses.

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 JOHN ROGERS AND BETH ELLIOTT FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT AND SIDE YARD SETBACK TO CONSTRUCT A PORCH AND DORMERS, ALLOW THE PLACEMENT OF AN AIR CONDITIONING CONDENSER, AND THE RECONSTRUCTION OF A GARAGE, AT 73 ORCHARD DRIVE, AS PER CASE NO. BZA 23-2011, DRAWINGS NO. BZA 23-2011 DATED JUNE 10, 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-5- Variance – Accessory Structure Area – New Garage – 830 Middlebury Dr. N. (Alec & Kristin Carpenter) BZA 25-2011

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

Ms. Crane asked for staff comments.

Mr. Phillips stated this property is in an R-10 district with a maximum permitted total accessory structure area of 850 square feet. The existing property has a twenty two foot by twenty one foot attached garage and an approximately eight foot by eight foot shed. The existing accessory structure area is approximately 526 square feet. The applicant is proposing the construction of a thirty two foot by twenty four foot detached garage with a thirty four foot by twelve foot attic storage above. The proposed accessory structure area is 1,176 square feet. The total existing and proposed accessory structure area is 1,702 square feet. The requested variance is 852 square feet.

Mr. Phillips continued to say the intent of the 850 square foot limit is to prevent vary large structures from overshadowing modestly sized principal dwellings. The delivery of governmental services should not be affected.

Ms. Crane asked the applicant to address the Board

Alec Carpenter, 830 Middlebury Drive, stated they have decided to withdraw the application since there is so much opposition from neighbors.

AGENDA ITEM B-6 - Variances – Signage – 460 Schrock Rd. (Branham Signs) BZA
24-2011

Ms. Crane asked for a motion to table.

Mr. Hunter moved to table, seconded by Ms. Reibel, and all members voted “aye” thereon.

There being no further business, Mr. Hunter moved for adjournment, and Mr. Falcoski seconded the motion.

The meeting adjourned at 8:01 P.M.