



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

September 3, 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. Approval of Minutes of the August 6, 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, aye. The minutes were approved.

B. Items of Public Hearing – Unfinished

1. **Variance** – Setback & Screening – **6625 Guyer St.** (Schorr Architects/Worthingway Middle School) **BZA 21-2020 To Remain Tabled without Discussion**
2. **Variance** – Front Yard Setback – Single Family Dwelling – **285 McCoy Ave.** (JBAD Architects/Carpenter & Blanchard) **BZA 31-2020**

No additional information was provided at the time of this report. The applicant stated that they intend to submit revised drawings prior to the time of the meeting.

To Remain Tabled without Discussion

C. Items of Public Hearing – New Business

1. **Variance** – Front Yard Setback – Porch – **325 E. New England Ave.** (Christa Teston & Chris Elliott) **BZA 32-2020**

Mr. Brown reviewed the following from the staff memo:

Background:

This property is located 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 66-feet in width and 200-feet in length for a total of 13,200 square feet in the Morris Addition. The lot is heavily wooded with a prominent slope south towards Rush Creek.

The applicant is proposing a new 6' x 8' foot covered porch that will encroach into the required front yard.

There is an existing 3'x 5' existing covered front porch and sidewalk in this area. The applicant is requesting this variance to add a larger covered entrance.

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 new covered porch in the required front yard. The porch is proposed to be 10.4-feet from E. New England Ave.; a variance of 19.6-feet is required.

Conclusions:

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

The existing covered porch and the majority of the house are currently located in the front setback. No prior variance was found. The existing house is already located 16.6-feet into the front setback.

The new addition will be 34.6-feet from the edge of pavement for E. New England Ave.

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

Discussion:

Mr. Brown swore in the applicants, Ms. Christa Teston & Mr. Chris Elliott, 325 E. New England Ave., Worthington, Ohio. Ms. Crane asked if the porch addition would allow for seating on the porch and Ms. Teston said yes. Board members did not have questions or concerns. Ms. Crane asked if there were any emails or callers and Mrs. Bitar said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY CHRISTA TESTON & CHRIS ELLIOTT FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A PORCH TO BE CONSTRUCTED IN THE REQUIRED FRONT YARD AT 325 E. NEW ENGLAND

AVE., AS PER CASE NO. BZA 32-2020, DRAWINGS NO. BZA 32-2020 DATED JULY 16, 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. Guillozet, aye; Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; and Ms. Crane, aye. The motion was approved.

2. **Variances** – Front & Side Yard Setbacks – Ramp – **84 W. Stanton Ave.** (Shaw & Ott Medical/Cummiskey) **BZA 33-2020**

Mr. Brown reviewed the following from the staff memo:

Background:

This property is located in the R-10 (Low Density Residence) Zoning District in the Davis Estates neighborhood. The surrounding properties are also single-family homes in the R-10 District. The lot is 55-feet in width and 122-feet in length for a total lot size of 6,710 sq. ft. in size.

The applicant is proposing to install a handicap ramp for the property owner that will need to encroach into the required front yard and side yard.

There is an existing approximately 3'x 5' existing front porch with stairs in this area. The applicant is requesting this variance so that the property owner can safely enter and exit her home.

Worthington Codified Ordinances:

Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30-feet from the public right-of-way.

Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 8-feet from the side yard.

Request:

The applicant is requesting to construct a handicap ramp in the required front yard. The ramp is proposed to be 13.4-feet from W. Stanton Ave.; a variance of 16.6-feet is required. The ramp is also proposed to be 6.8-feet from the western side property line; a variance of 1.2-feet is required.

Conclusions:

The essential character of the neighborhood should not be substantially altered long term, however temporarily it might be altered.

- The handicap ramp would be able to be removed in the future when it is not needed.

The existing front porch and stairs already encroach into the existing front setback.

The handicap ramp will be approximately 22.4-feet from the edge of pavement for W. Stanton Ave.

The ramp would provide safe access to the home and permit the property owner to remain in her home.

The ramp would be designed to meet the Accessibility Code referenced in the Residential Code of Ohio.

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

Discussion:

Mr. Brown swore in the applicant, Mr. Dan Van Harligan, representing 84 W. Stanton Ave., Worthington, Ohio. Mr. Van Harligan said he was trying to make sure the project was done according to Code and successful. Board members did not have any questions or concerns. Ms. Crane asked Mrs. Bitar if there were any emails or phone calls and Mrs. Bitar said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY SHAW & OTT MEDICAL ON BEHALF OF LUCILLE CUMMISKEY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A HANDICAP RAMP TO BE IN THE REQUIRED FRONT YARD AND SIDE YARD AT 84 W. STANTON AVE., AS PER CASE NO. BZA 33-2020, DRAWINGS NO. BZA 33-2020 DATED AUGUST 5, 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. Guillozet, aye; Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; and Ms. Crane, aye. The motion was approved.

3. **VariANCES** – Rear & Side Yard Setbacks – New Garage – **117 W. New England Ave.** (Jeffrey & AnnMarie McCallister) **BZA 34-2020**

Mr. Brown reviewed the following from the staff memo:

Background & Request:

This property is located in the R-10 (Low Density Residence) Zoning District in Old Worthington. The surrounding properties are also single-family homes in the R-10 District. The lot is 60-feet in width and 134-feet in length for a total lot size of 8,040 square feet in size.

The applicant is proposing to replace an existing garage and shed with a new larger garage that will need to encroach into the required side yard and rear yard for accessory buildings.

There is an existing approximately 20' x 20' existing garage and a 14' x 20' shed that will be replaced with a new 20' x 26' garage with storage above that will be 3-feet from the side and rear property lines. The applicant is requesting this variance so that the property owner can construct a new garage.

Worthington Codified Ordinances:

Section 1149.08(b) states any accessory building must be at least 10-feet from the rear lot line and 8-feet from the side lot line.

Request:

The applicant is requesting to construct a new garage in the required rear yard and side yard. The garage is proposed to be 3-feet from the side and rear lot line; a variance of 5-feet for the side lot line and 7-feet for the rear lot line is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered long term as there are several other accessory buildings in Old Worthington located 3-feet from the side and rear lot lines.

The existing detached garage and shed are located 4-feet from the side lot line and the shed is located 3-feet from the rear lot line. The Board granted a Variance on June 5, 2003 for the shed to be located 3-feet from the rear lot line and 4-feet from the side lot line. The existing garage appears to be constructed when the home was constructed in the early 1900's.

The garage will be in the same general location as the existing garage and shed. With the removal of the shed, the new garage will be constructed back towards the rear of the lot in line with the neighbor's garage to the east.

Exiting lots in Old Worthington typically do not meet the size and frontage requirements for the R-10 District. The lot is only 60-feet wide where the R-10 District requires 80-feet and the lot size is only 8,040 sq. ft. in size where the R-10 District requires 10,400

sq. ft. These two site conditions attribute to the need or reduced setbacks in Old Worthington.

The proposal was reviewed and approved by the Architectural Review Board on July 9, 2020.

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

Discussion:

Mr. Brown swore in the applicants, Mr. Jeffrey McCallister, and Mrs. Annmarie McCallister, 117 W. New England Ave., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked if there were any emails or callers and Mrs. Bitar said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JEFFREY & ANNMARIE McCALLISTER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE TO BE CONSTRUCTED IN THE SIDE YARD AND REAR YARD AT 117 W. NEW ENGLAND AVE., AS PER CASE NO. BZA 34-2020, DRAWINGS NO. BZA 34-2020 DATED AUGUST 7, 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. Guillozet, aye; Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; and Ms. Crane, aye. The motion was approved.

4. **Variance** – Accessory Building Total Area – New Garage – **638 Seabury Dr.** (James W. Bihari) **BZA 35-2020**

Background & Request:

This property is located in the R-10 (Low Density Residence) Zoning District in Kilbourne Village. The surrounding properties are also single-family homes in the R-10 District. The lot is approximately 60-feet in width and 158-feet in length for a total lot size of 12,194 square feet in size.

The applicant is proposing to construct a new detached accessory building that will exceed the permitted 850 sq. ft. total for accessory buildings.

There is an existing attached garage that is approximately 447 sq. ft. in size. The applicant would like to construct a new detached garage that would be 22' x 22', which would be 484 sq. ft. in size bringing the total square footage of accessory building area to 931 sq. ft. The applicant is requesting a variance so that the property owner can construct a new garage.

Worthington Codified Ordinances:

Section 1149.08(b) states that the total accessory building area cannot exceed 850 sq. ft. in size.

Request:

The applicant is requesting to construct a new garage that would exceed the permitted 850 sq. ft. of accessory building area. The total accessory building area would be 931 sq. ft.; a variance of 81 sq. ft. is requested.

Conclusions:

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

The garage will be located to the rear of the site and will not be completely visible from the public right-of-way.

The garage will also be able to meet the standards outlined in Section 1149.08(b) for setbacks from the side and rear lot lines.

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

Discussion:

Mr. Brown swore in the applicant, Mr. James Bihari, 638 Seabury Dr., Worthington, Ohio. Mr. Bihari said he would like to build his garage twenty-two feet instead of twenty. He said he needed the extra space to be able to get into his car because the space is tight right now. Mr. Coulter asked how far away the tree was from the property line. Mr. Bihari said the tree was 8.5 feet from the property line. Mrs. Bitar said the neighbor to the south had some concerns and sent in an email to be read.

“Hello,

We are writing to express concerns regarding the request for a variance at 638 Seabury Dr. for a new garage structure. Our primary concern is that the space between the owner's tree at the end of the driveway and our property line is not wide enough for construction equipment and/or cars to pass through without creating lasting damage to our property. The owner intends to drive cars to and from the new garage through that space. We are also

concerned that the space surrounding the new structure will not be maintained in a manner that is consistent with the neighborhood standards.”

Thanks for your time,
Bobby and Derrin Ritchie
630 Seabury Dr.
Worthington, Ohio

Mr. Bihari said he knew his neighbor was concerned about her yard getting torn up so that was why he hired a surveyor to make sure there would be enough room to avoid harming the neighbor’s yard, whose property line is 8.4” from the tree. Mr. Bihari said he had enough room to drive through the other side of the tree, which is closest to his house. Ms. Crane asked if there were any other emails or calls and Mrs. Bitar said no. Mr. Guillozet asked Mr. Bihari if either of his neighbors have a large garage or shed behind their homes and Mr. Bihari said one of his neighbors had a shed.

Mr. Seitz asked Mr. Brown for clarification related to size and access to the garage. Mr. Brown replied that it would be similar to just a large shed and that we don’t require access to a shed.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY JAMES W. BIHARI FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE TO BE CONSTRUCTED THAT WILL BRING THE TOTAL ACCESSORY BUILDING SQUARE FOOTAGE OVER 850 SQ. FT. AT 638 SEABURY DR., AS PER CASE NO. BZA 35-2020, DRAWINGS NO. BZA 35-2020 DATED AUGUST 7, 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. Guillozet, aye; Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; and Ms. Crane, aye. The motion was approved.

C. Other

There was no other business to discuss.

D. Adjournment

Mr. Guillozet moved to adjourn the meeting, and Mr. Seitz seconded the motion. All Board members voted, “Aye,” and the meeting adjourned at 8:25 p.m.

