



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

October 1, 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; 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 September 3, 2020 meeting

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

B. Items of Public Hearing

1. **Temporary Use Permit – Recreational Facility – 6580 Huntley Rd. (Gary Moore)
TUP 01-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This 2.58-acre property is located in the I-2 (General Industrial) Zoning District on the east side of Huntley Rd. The property was formerly Tropical Nut & Fruit and is now the new home of SuperGames since their relocation from Lakeview Plaza in 2019. SuperGames operates as a portable events program that provides fun and interactive activities for groups of virtually any size. With giant inflatables, portable climbing walls, mobile ziplines and the hottest new games, we instantly transform any event into an amazing experience. SuperGames changed their business model when they moved from Lakeview Plaza to Huntley Rd. to hosting only offsite events.

The applicant has applied for a Temporary Use Permit to temporarily use a private indoor pickleball court to the public for additional revenue for 6-months with the option for an additional 6-months. Pickleball is the fastest growing sport in America and is a sport that can be played by all ages. Seniors are the predominate age group, however it is increasingly expanding to all age groups. Pickleball is played on a small footprint, instead of four people

on a tennis court, you can get two courts on one tennis court. When SuperGames moved to 6580 Huntley Rd., there was approximately 5,000 sq. ft. open for future expansion. The employees constructed two temporary pickleball courts for personal recreational use. This portion of the building is isolated from the rest of the warehouse and will have a separate access for those wanting to utilize the pickleball courts. The applicant states that this would be the only indoor dedicated pickleball court in Ohio. A recreational use is not permitted in the I-2 District (General Industrial) and can only be granted as a Temporary Use Permit reviewed and approved by the Board of Zoning Appeals.

BZA History:

- December 5, 2019 – Variance for oversized signage approved by the Board.
- May 7, 2020 – Variance for decorative wood fencing in the front yard setback approved by the Board.

Worthington Codified Ordinances:

Section 1129.05(b)(5) **Temporary Use Permits** - A temporary use permit may be granted where the temporary use of a structure or premises in any district where such temporary use shall be for a period of more than ninety days is proposed for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A temporary use permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a six-month period, subject to a six months' renewal and such conditions as will safeguard the public health, safety, convenience and general welfare.

Request:

The applicant has applied for a Temporary Use Permit to temporarily use a private indoor pickleball court for the public for additional revenue for 6-months with the option for an additional 6-months. SuperGames currently has two existing pickleball courts in their warehouse that is used by employees.

Conclusions:

The hours of operation will be 7-days a week with weekday hours from 7:00 AM to 8:00 PM and weekend hours from 7:00 AM to 8:00 PM and limited to 12 participants.

No food trucks or outdoor public areas are approved as part of this request.

No signage has been proposed. The applicant states that signage is not needed. Any future signage would need to be reviewed and approved to be in compliance with the Planning & Zoning Code.

The parking demands associated with 12-participants will not negatively impact the existing parking needs on the site. Parking for the temporary use is located on the north side of the building near the entrance to the pickleball courts.

The applicant will be required to be in compliance with the Ohio Building Code as part of their temporary approval for a recreational use. A fire safety and evacuation plan are required by the Division of Fire and will be finalized and approved by the Division of Fire as part of their approval.

The proposed Temporary Use Permit is the best option to temporarily allow a use that is not permitted in the I-2 District. The only other option would be to rezone the property to the I-1 District and apply for a Conditional Use for a recreational use. The land use plans for the City do not recommend the future use of this portion of the corridor to be rezoned to anything less than what it is today.

The overall public health, safety, convenience, and general welfare of the proposed temporary use would be met.

Discussion:

Mr. Brown swore in the applicant, Mr. Gary Moore, 6580 Huntley Rd., Worthington, Ohio. Mr. Moore said the community has been very supportive during this time, and their revenue is down 80%. A large portion of their business is working with cities and the NFL, so pickleball is one way for them to survive through this pandemic. He said they received a grant from the city for the façade, and that is why the building looks so good now. They also received a \$2,500.00 city grant to help keep employees safe from Covid. Mr. Moore said he realized the City's Parks and Recreation Department had a limited amount of pickleball courts and they can only accept 18 people at a time, so he has been asked by many people if they can play on his courts. Ms. Crane asked if Mr. Moore if he had clients lined up waiting to play and Mr. Moore said yes, but there would only be room for 12 people at a time. Ms. Crane asked if there had been any comments from the public and Mrs. Bitar said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY GARY MOORE FOR A TEMPORARY USE PERMIT TO OPERATE A RECREATIONAL FACILITY IN THE I-2 DISTRICT AT 6580 HUNTLEY RD., AS PER CASE NO. TUP 01-2020, DRAWINGS NO. TUP 01-2020 DATED AUGUST 25, 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. Mr. Brown called the roll. Mr. Falcoski, aye; Mr.

Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

2. **Variance – Side Yard Setback – Fence – 74 Orchard Dr. (Peter & Joan Macrae) BZA 36-2020**

Mrs. Bitar reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residence) Zoning District at the northeast corner of Orchard Dr. and Hartford St. The surrounding properties are also single-family homes in the R-10 District. The lot is 50' in width and 128' in length for a total of 6400 square feet in area.

To have a larger area to grow plants without interference from deer, the homeowners are requesting approval to install a 5' high fence at the property line. The proposed fence would be black aluminum picket style and extend from the northwest corner of the house and head west along the north side of the drive to the Hartford St. right-of-way line. At Hartford St., the fence is proposed to run north along the property line to the neighbors' fence corner. The northern 6' of fencing would be on top of a 1' high concrete retaining wall that is shown as curving toward the back property line. The height to the top of the posts would likely be above 6'. Landscape material is proposed in beds on both sides of the new fence.

Worthington Codified Ordinances:

Section 1149.08 (a): At corner lots, no accessory uses, accessory structures, structures, material or equipment storage shall be located in any required front yard. Side yards fronting on the adjacent street can be reduced to two-thirds of the required front setback from the right of way of the adjacent street. The required setback for this property along Hartford St. is 20'.

1180.02 "R" DISTRICTS (a): 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 except for a wall necessary to accommodate differences in grade. No fence or wall in an "R" district shall exceed a height of six feet.

Request:

The applicant is requesting the fence to be located on the west property line. The requested variance is 20'. The fence post caps will be higher than 6' on the portion mounted on the concrete wall.

Conclusions:

The essential character of the neighborhood should not be substantially altered. The fence to the north is in the same location at the property line. The post caps being higher than 6' would not be substantial. The addition of landscape material would help mitigate any impact of the fence. Small corner lots have limited area for back yard living and planting, so this request could enhance the use of the property.

The delivery of government services would not be affected.

Discussion:

Ms. Crane asked if this property was in the Architectural Review District and Mrs. Bitar said no, this property is south of the District. Mrs. Bitar swore in the applicants, Mr. Peter and Mrs. Joan Macrae, 74 Orchard Dr., Worthington, Ohio. Mr. Macrae said he was told a five foot fence would not keep out the deer, and so he hoped this will be a deterrent because the deer have decimated his landscaping the past five years.

Mrs. Bitar referenced that the fence would actually be 5-feet in height vs. the 6-feet referenced in the staff memo. Board members did not have any questions or concerns. Ms. Crane asked if there were any public comments and Mrs. Bitar said no.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY PETER & JOAN MACRAE FOR VARIANCES FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED SIDE YARD AND TO HAVE POST CAPS HIGHER THAN 5' AT 74 ORCHARD DR. AS PER CASE BZA 36-2020, DRAWINGS NO. BZA 36-2020 DATED AUGUST 26, 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. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

3. **Variance – Front Yard Setback – Handrails – 98 E. New England Ave. (Mark & Susan Taylor) BZA 37-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions**Background & Request:**

The property is 62-feet wide and 134-feet deep. The house is a Colonial Revival influence that was built in 1941. The applicant is requesting the installation of handrails that will encroach into the front yard setback.

The house is located approximately 30-feet from the public right-of-way. The existing stoop is approximately 25-feet from the public right-of-way and with the addition of the handrails it would encroach an additional 2-feet and ultimately be located approximately 23-feet from the public right-of-way.

History:

In 2002 the Architectural Review Board and the Board of Zoning Appeals approved the construction of a covered front porch that included a variance for setbacks, however that request did not include the addition of handrails. The porch was never constructed. The proposed handrails will extend out an additional 2-feet into the setback. The Architectural Review Board reviewed and approved the proposed handrails at their meeting on September 24, 2020.

Worthington Codified Ordinances:

Section 1149.01 states that the required front yard setback is to be 30-feet from the lot line.

Request

The applicant is requesting to install handrails that will encroach into the front setback. A variance of approximately 7-feet is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered as there are several other porches with handrails found throughout Old Worthington located in a similar area.

The existing front stoop does not have handrails, this would provide additional safety to those entering and exiting the house that may need additional assistance and provide overall safety in inclement weather.

The proposal was reviewed and approved by the Architectural Review Board on September 24, 2020.

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

Discussion:

Mr. Brown swore in the applicant Mr. Mark Taylor, 98 E. New England Ave., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked if there were any public comments and Mrs. Bitar said no.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY MARK & SUSAN TAYLOR FOR A VARIANCE TO INSTALL HANDRAILS AT 98 E. NEW ENGLAND AVE. AS PER CASE NO. BZA 37-2020, DRAWINGS NO. BZA 37-2020, DATED AUGUST 27 , 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. Mr. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

4. **Variance** – Rear Yard Setback – Screen Room – **1177 Macgregor West Ave.**
(Kristen & Benjamin Buss) **BZA 38-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This property is located in the R-10 (Low Density Residence) Zoning District in Perry Highlands. The surrounding properties are also single-family homes in the R-10 District. The lot is on the corner of Macgregor West Ave. and Perry Dr. and is approximately 101-feet in width and 93-feet in depth for a total lot size of 10,890 sq. ft. in size.

The applicant is proposing to construct a new screened porch on the rear of the home that will be approximately 20’x20, this includes the roof overhang and gutters. The screened porch would be 10-feet from the rear property line.

Worthington Codified Ordinances:

Section 1149.01 states that the required rear yard setback is to be 30-feet from the lot line.

Request:

The applicant is requesting to construct a screened porch that would be 10-feet from the rear yard setback, a variance of 20-feet is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered as there are several rear additions found throughout the neighborhood.

The screened porch will be located to the rear of the site and will not be completely visible from the Macgregor West Ave. public right-of-way, however the addition would be visible from the Perry Dr. right-of-way.

There is an existing paver patio in the area of the proposed screened porch.

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

Discussion:

Mr. Brown swore in the applicants Mrs. Kristen & Mr. Benjamin Buss, 1177 Macgregor West Ave., Worthington, Ohio. Mr. Buss said they wanted to have some entertaining space that was free of bugs. Mrs. Buss said the Board should have received an email of support from their neighbor who lives to the south of their property, the neighbor that would be most impacted from the construction. The Board members acknowledge they received the email. Board members had no questions or concerns.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY KRISTEN & BENJAMIN BUSS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SCREEN ROOM TO BE CONSTRUCTED AT 1177 MACGREGOR WEST AVE., AS PER CASE NO. BZA 38-2020, DRAWINGS NO. BZA 38-2020 DATED A, SEPTEMBER 2, 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. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

- 5. **Variance – Front Yard Setback – Front Porch – 784 Oxford St. (James Ross/Riley) BZA 39-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This structure was constructed in 1950 and is categorized as a Cap Cod in the Worthington Historic District. The lot is 60-feet in width and 252-feet deep for a total lot size of 15,120 sq. ft. in size.

The applicant would like to construct a new 12' wide by 7' wide covered front porch. The covered porch will have a gable roof and the roof would be supported by round, tapered columns. The existing house is located approximately 28-feet from the public right-of-way. The covered porch would be located approximately 21-feet from the public right-of-way. This request is to install a covered front porch that will encroach into the front yard setback.

Worthington Codified Ordinances:

Section 1149.01 states that the required front yard setback is to be 30-feet from the lot line.

Request:

The applicant is requesting to construct a covered porch that would be approximately 21-feet from the public right-of-way, a variance of 9-feet is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered as there are several covered front porches found throughout Old Worthington that have varying setbacks from the public right-of-way.

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

The Architectural Review Board reviewed and approved the proposed front porch addition at their meeting on September 10, 2020.

Discussion:

Ms. Crane asked Mr. Coulter if the Architectural Review Board (ARB) had any issues with the design and Mr. Coulter said no, they felt this would be a nice addition to the home. Mr. Brown swore in the applicant, Mr. James Ross, on behalf of 784 Oxford St., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked if there were any public comments and Mr. Brown said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY JAMES ROSS ON BEHALF OF ANNE RILEY FOR A VARIANCE TO ADD A COVERED FRONT PORCH AT 784 OXFORD ST. AS PER CASE NO. BZA 39-2020, DRAWINGS NO. BZA 39-2020, DATED AUGUST

22, 2020 BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Falcoski seconded the motion. Mr. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

6. Variance – Setback from Alley – Fence – 5716 Foster Ave. (John S. Jones) BZA 40-2020

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 7,450 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 is an existing 4’ high chain link that fenced in the applicant’s rear yard that the property owner would now like to replace with a 4’ high decorative black aluminum fence. The old fence and the proposed 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 Board approved a Variance in 1982 for the construction of a new garage that would be 3-feet from the side yard. The purpose of the new 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 remove an existing 4’ high chain link fence and install a new 4’ high decorative black aluminum 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 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 applicant's proposed fence material is an improvement over chain link.

The Board recently reviewed and approved two other setback requests for fences along an alleyway at 5704 and 5709 Foster Ave. at their meeting on August 6, 2020.

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

Discussion:

Mr. Brown swore in the applicant, Mr. John Jones, 5716 Foster Ave., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked if there were any public comments and Mr. Brown said no.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY JOHN S. JONES FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED FRONT YARD AT 5716 FOSTER AVE., AS PER CASE NO. BZA 40-2020, DRAWINGS NO. BZA 40-2020 DATED SEPTEMBER, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Guillozet seconded the motion. Mr. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

7. Variance – Side Yard Setback – Garage – 655 Hartford St. (James Ross/Mullen) BZA 41-2020

Mrs. Bitar reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

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. A farmhouse was originally constructed in 1860 on this relatively small ~75' x ~127' (9504 square feet) corner lot. Several additions were constructed over the years to create a 2233 square foot house. The existing house is 30.5' from the E. New England Ave. property line. The New England Ave. right-of-way is 66' wide and the distance from the property line to the street is about 25'.

The owners would like to add a 24' x 24' attached garage to the south side of the house at the west end. The garage would encroach into the required 20' side yard to approximately 6.5' from the south property line, which is also the right-of-way line for E. New England Ave. A 30' wide curb cut is proposed.

Approved by the Architectural Review Board, the garage is designed to fit in with the house, with matching roof lines and matching materials.

Worthington Codified Ordinances:

Section 1149.08 (a): At corner lots, no accessory uses, accessory structures, structures, material or equipment storage shall be located in any required front yard. Side yards fronting on the adjacent street can be reduced to two-thirds of the required front setback from the right of way of the adjacent street. The required setback for this property along E. New England Ave. is 20'.

Request:

The applicant is requesting to construct a new garage in the required side yard for a corner lot. The garage is proposed to be 6.5' from the side lot line; a variance of 11.5' is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered as the design of the garage would fit in with the house and the structure would still be over 30' from the street due to the wide tree lawn area. Also, the placement of the existing houses at the other three corners of this intersection are closer to the right-of-way lines than required.

Small corner lots have limited area for back yard living. If the garage were required to meet the setback requirements, the rear yard would be greatly reduced.

The proposal was reviewed and approved by the Architectural Review Board on September 24, 2020.

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

Discussion:

Mrs. Bitar swore in the applicants, Mr. Daniel and Mrs. Sarah Mullen, 655 Hartford St., Worthington, Ohio. Mr. Mullen clarified where the attached garage would be located. Board members did not have any questions or concerns. Ms. Crane asked if there were any public comments and Mrs. Bitar said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY JAMES ROSS ON BEHALF OF DANIEL & SARAH MULLEN FOR A VARIANCE TO CONSTRUCT AN ATTACHED GARAGE IN THE REQUIRED SIDE YARD AT 655 HARTFORD ST., AS PER CASE NO. BZA 41-2020, DRAWINGS NO. BZA 41-2020, DATED SEPTEMBER 4, 2020, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Falcoski seconded the motion. Mr. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

- 8. **Variations** – Front & Side Yard Setback – Addition – **566 Park Blvd.** (Jonathan Leonard, Architect/Payne) **BZA 42-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This property is located in the R-10 (Low Density Residence) Zoning District in Colonial Hills. The surrounding properties are also single-family homes in the R-10 District. The lot is 49-feet in width and 135-feet in length for a total lot size of 6,615 square feet in size.

The applicant is proposing an extensive renovation to the existing home. The applicant will be expanding the existing home on the first floor and second floor to the west and south to be 3-feet from the southern property and adding a front open air front porch with a pergola and raised planters that will encroach into the front setback. The existing home is approximately 7-feet from the southern property line, approximately 5-feet from the northern property line and approximately 26-feet from the front property line. The site plan also shows the addition of a rear patio with a pergola that appears to encroach into the side yard setback on the north side of the home, however the renderings show the patio and pergola in line with the existing house. Clarification is needed on what is actually being constructed.

Worthington Codified Ordinances:

Section 1149.01 states that a structure must be a minimum of 8-feet from the side lot line

Section 1149.01 states that there shall be a sum of side yards of 20-feet.

Section 1149.01 states that a structure must be 30-feet from the public right-of-way.

Request:

The applicant is requesting to expand the existing footprint of the home to the west and south and adding patios and pergolas that will all encroach into the side and front yard setbacks. The house is proposed to be 3-feet from the side lot line; a variance of 5-feet for the side lot line is requested. The sum of the side yards will be 8-feet; a variance of 12-feet is requested. The open front porch with pergola and retaining walls will be 18-feet from the public right-of-way; a variance of 12-feet is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered as the majority of the homes found in Colonial Hills have a variety of side and front yard setbacks found throughout the neighborhood.

The existing home already encroaches in the front yard setback by approximately 4-5-feet, an additional 5-7-feet should not alter the character of the neighborhood.

The rear patio and pergola addition appear to encroach into the side yard setback on the northern portion of the property. The site plan and renderings seem to conflict.

- Clarification is needed on what is being proposed.

The addition to the west and south will be 3-feet from the southern property line, however the eaves appear to extend out further. Section 1149.06(a) states that architectural projections may extend or project into required side yards not more than two inches for each one foot of width of such side yard.

- Clarification is needed that that proposed eaves would not extend over 6-inches.

The neighboring house to the south appears to encroach into the side yard setback and appears to be constructed at or near the property line. The proposed addition would be approximately 3-feet from the neighbor's house.

Fire-rated construction will be required by the for the addition to be 3-feet from a property line.

Exiting lots in Colonial Hills typically do not meet the size and frontage requirements for the R-10 District. The lot is only 49-feet wide where the R-10 District requires 80-feet and

the lot size is only 6,615 sq. ft. in size where the R-10 District requires 10,400 sq. ft. These two site conditions attribute to the need for reduced setbacks in Colonial Hills.

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

If the Board feels comfortable with the applicant's responses to the items that need clarified, the following motion would be appropriate.

Discussion:

Mr. Brown swore in the applicant, Mr. Jonathon Leonard, on behalf of the homeowner of 566 Park Blvd., Worthington, Ohio. Mr. Brown referenced the correct setbacks vs. what was referenced in the memo during the presentation. The orientation of the materials needed to be rotated. West was referenced as south and north was referenced as west in the memo.

Mr. Leonard said the fence is close to the property line and inboard to the property owners. The existing garage wall is about 7'4" at the nearest point and they plan to bring that to 3' which is their request. The back-yard patio is currently a three-season room and the patio is meant to fit within that footprint and would be inline with the house, to clear up the confusion about the shadow lines. Mr. Leonard said the other variance request extends into the front yard which is for an open porch. They would like to install a planter bed in the front at grade.

Mr. Brown said the soffits and the gutters need to be in compliance regarding the overhang, otherwise that would need to be added to the variance request. Mr. Leonard said the rake and the eave could be reduced if that is an issue, or he was okay with adding that to the variance request. Ms. Crane said she would have concerns about maintenance if the request was for a foot and a half from the property line. Mr. Guillozet asked if there had been any comments from the neighbors about the proposed project and Mr. Brown said no. Ms. Crane asked if there were any additional comments from callers or through email and Mr. Brown said no. Mr. Leonard said he had spoken with all of the neighbors that would be impacted by the proposed project and all spoke positively, and in support of the project. Mr. Brown asked the Board members if they wanted to consider the architectural projections as part of the variance and if so, to have that added to the motion.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY JONATHON LEONARD, ARCHITECT ON BEHALF OF SALLY PAYNE FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR ADDITIONS TO BE CONSTRUCTED IN THE SIDE AND FRONT

YARDS AT 566 PARK BLVD., AS PER CASE NO. BZA 42-2020, DRAWINGS NO. BZA 42-2020 DATED SEPTEMBER 4, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING AND AMENDED THAT THE ONE FOOT SIX INCH OVERHANG BE APPROVED AS DISCUSSED AT THE MEETING THIS EVENING.

Mr. Guillozet seconded the motion. Mr. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

9. **Variance** – Rear Yard Setback – Addition – **6642 Masefield St.** (James Ross/Williams) **BZA 43-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background & Request:

This property is located in the R-10 (Low Density Residence) Zoning District in Worthingway. The surrounding properties are also single-family homes in the R-10 District. The lot is a corner lot on the corner of Masefield St. and Thackeray Ave. that is approximately 124-feet in width and 93-feet in depth for a total lot size of 11,530 sq. ft. in size.

The applicant is proposing to construct a new covered screened porch, deck and family room addition on the rear of the home that will vary from 11-feet to 22-feet from the rear property line.

BZA History:

- April 7, 2016 – Variance for rear yard setback to reduce the rear yard setback to 23-feet for an addition.
- November 5, 1987 – Variances for rear yard setback for a deck to be located 8-feet from the rear property line and install a lattice fence that is 8-feet in height.

Worthington Codified Ordinances:

Section 1149.01 states that the required rear yard setback is to be 30-feet from the lot line.

Request:

The applicant is requesting the following:

- Covered screened porch that would be 11-feet to 13-feet from the rear yard setback.
- Deck would be 13-feet to 18-feet from the rear yard setback.

- Family room addition would be 18-feet to 22-feet from the rear yard setback.

Conclusions:

The essential character of the neighborhood should not be substantially altered as there are several rear additions found throughout the neighborhood.

The property is on a corner with additional setback requirements not typically required for properties in the district and presents a practical difficulty

The covered screened porch is located in the same location as the original deck that was approved in 1987 and would be visible from Thackeray Ave, however it is located in the location of the existing deck and should not negatively impact the surrounding properties. The deck and family room addition will be back towards the northeast corner of the lot north of the covered porch. The deck would not be highly visible; however, the family room addition would have some visibility from Masefield St. The delivery of government services should not be affected with the proposed additions.

Discussion:

Mr. Brown swore in the applicant, Mr. Williams, 6642 Masefield St., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked if there were any public comments and Mr. Brown said no.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY JAMES ROSS ON BEHALF OF MARK & LEE WILLIAMS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A COVERED SCREENED PORCH, DECK AND FAMILY ROOM ADDITION TO BE CONSTRUCTED 10-FEET TO 22-FEET FROM THE REAR PROPERTY LINE AT 6642 MASEFIELD ST., AS PER CASE NO. BZA 43-2020, DRAWINGS NO. BZA 43-2020 DATED A, SEPTEMBER 10, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Guillozet seconded the motion. Mr. Brown called the roll. Mr. Falcowski, aye; Mr. Coulter, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

10. Variances – Signage – 6130 Linworth Rd. (Gondal Linworth LLC) BZA 44-2020

Mrs. Bitar reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background

This building was constructed by Wendy's International in 1985 and operated as a fast-food restaurant with a drive-thru until earlier this year. The applicant is planning to transform the property into a restaurant that combines Dunkin' (formerly Dunkin Donuts) and Baskin Robbins.

Proposed are the following changes to the signage that require variances:

1. Preview and menu boards would be located toward the west side of the drive thru and be smaller than the previous versions. The new signs would be electronic so variances would be required for changeable copy and illumination.
2. A new sign is proposed for the existing freestanding brick base that would be filled in where the previous sign set down in the brick. The base is 5'4" high on one side and 4'10 1/2" on the side, and about 10' wide. Proposed is a 9' wide x 4'7" high cabinet (~41 square feet in area per side) identifying "DUNKIN'" in orange and pink; "baskin robbins" with a "BR" logo in blue and pink; and "DRIVE THRU" in pink and white. The background of the sign is proposed as white that would be opaque. A variance would be needed for the overall sign area of ~174 square feet (two-sided 10' wide x 9'8" high including the base).
3. Signs were originally proposed on three sides of the building identifying the businesses, but the ARB only approved signs for the north and west sides. The north side of the building would have internally illuminated channel letters saying "DUNKIN'" in orange with a pink apostrophe. The letters are proposed as 24" high with sign area of 24.8 square feet. Baskin Robbins is shown as an internally illuminated pink and blue logo that is 30" high and 22.5 square feet in area. On the west side, two signs are proposed for Dunkin: internally illuminated orange "DUNKIN" letters would be 24" high (24.8 sf in area) in the gable; and 15" high (12.4 sf in area) non-illuminated characters and letters would represent the America Runs on Dunkin logo (colors are not clear). Variances are needed for number of wall signs and overall sign area for Dunkin'.
4. Directional signs are proposed at the 2 entrances. A previous variance was granted for the 4' height, but the size of the signs would need to meet the Code requirement of being 2' x 2'.

Worthington Sign Code – Chapter 1170

1170.02 DEFINITIONS AND PROVISIONS.

(e) "Changeable copy" signs are prohibited except as follows:

(1) "Bulletin Boards" for public and semi-public uses are permitted with changeable copy not exceeding fifteen square feet used to identify events. Bulletin Boards shall not be internally illuminated.

(2) Gasoline service stations and gasoline/convenience store stations whose principal business is the sale of motor fuel may display one sign with changeable copy to identify the grades or types of motor fuel sold and the prices of such fuel.

(f) “Directional sign” means a sign used to direct on-site traffic and identify services such as restrooms, hours of operation, etc., and of which no more than fifty-percent of the graphic area is non-directional information. The display area for such signs shall not exceed twenty-four inches in height or width, and the above grade height for freestanding directional signs shall not exceed thirty-six inches. The total area for all such signage shall be no more than 20 square feet per parcel. Directional signs are excluded in the computation of sign area.

1170.03 DESIGN REQUIREMENTS.

(b) Illumination. Internally illuminated signs shall be constructed so as to allow the illumination of only letters, numbers or other identifying symbols on the display surface. No light shall pass through the background. Internally illuminated signs shall not exceed the equivalent of an 800 milliamper fluorescent tube mounted not closer than twelve inches on center. External illumination shall be installed so that the light source is not visible from adjoining premises and does not illuminate such premises. No external light source shall be located or arranged so as to cause confusion or a hazard to traffic or conflict with traffic control signals. Flashing signs shall not be permitted.

1170.04 MEASUREMENT.

(a) Sign area is calculated by totaling all display areas of a sign, including sign faces, molding and framing, but excluding supporting members less than or equal to twenty-four inches in width.

(b) Planters or other decorative supporting structures shall be excluded in the computation of sign area unless the structure exceeds two feet in height or eight feet in length, in which case the entire structure shall be included in the computation of sign area.

1170.05 COMMERCIAL AND INDUSTRIAL DISTRICT REQUIREMENTS.

(a) Sign area. Allowable permanent sign area for any single business shall be limited according to the widths of the building or part of the building occupied by such enterprise. For the purposes of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area for signage. The area of all permanent signs for any single business shall be equivalent to one and one-half square feet of sign area for each lineal foot of width of the building or part of the building, but shall not exceed a maximum area of 100 square feet per business.

(b) Wall-mounted signage. Each business shall be permitted one wall-mounted sign.

(c) Freestanding Signage. There shall be no more than one freestanding sign per parcel. No part of any freestanding sign shall exceed an above-grade height of fifteen feet. Freestanding signs shall not be larger than sixty percent (60%) of the total sign area allowed for under Section 1170.05 (a). Freestanding signs shall be located not closer than ten feet to a public right of way or thirty-five feet to an adjoining property line.

Variations Requested:

1. Menu and Preview Boards – Changeable copy with background illuminated.
2. Dunkin':
 - Three wall signs – only 2 would be allowed per the Code.
 - Sign Area – Wall sign area total 62 square feet. One-half of the freestanding sign area would be ~87 square feet. One-half of sign face only would be ~41 square feet. Total sign area for Dunkin' is proposed to be 149 square feet which includes the brick sign base (without base they would have 103 square feet of signage.) Only 100 square feet of signage is allowed per business and no more than 60 square can be in the freestanding sign.
3. Baskin Robbins:
 - Wall sign area is 22.5 square feet. One-half of the freestanding sign area would be ~87 square feet. One-half of sign face would be ~41 square feet.

Conclusions:

The menu and preview boards would be appropriate for this application.

Although the west elevation was approved by the ARB, it seems the signs as shown on the east elevation are what was in mind, having one sign for each business rather than 2 for Dunkin'. With an oversized freestanding sign at the corner, signs may not be necessary on the west side of the building. It is difficult to say the businesses would not yield a reasonable return without the additional wall signs.

Reduction of the freestanding sign area may be possible but the ARB felt the proposed sign cabinet would be appropriately sized with the existing base. The actual sign faces would be ~41 square feet, which would be larger than the UDF and Linworth Crossing signs, but smaller than the BP sign. The character of the neighborhood, however, should not be substantially altered and adjoining properties should not suffer a substantial detriment as a result of the variance. Reuse of the existing base is positive as it matches the building.

Proposed directional sign faces should be reduced to no wider than 2' to meet the Code.

The proposal was reviewed and approved by the Architectural Review Board on September 10, 2020.

The delivery of government services should not be affected with the proposed signage.

Discussion:

Ms. Crane asked the Board members for comments. Mr. Coulter said the ARB Board spent a fair amount of time discussing the monumental sign, and what is currently being proposed is fine. The applicant had originally proposed a second sign on the east side of the building and the Board did not approve that, and the second sign was removed from the application. Mr. Coulter said he did not understand why there were two signs on the drawing for Dunkin on the front of the building.

Mrs. Bitar swore in the applicant Mr. Tushar Patel, on behalf of 6130 Linworth Rd., Worthington, Ohio. Mr. Patel said the smaller sign on the west elevation is a non-illuminated sign which is more like a tag, "American runs on Dunkin". He said they were not able to fit both brand signs on the gable. Mrs. Crane asked if there was a problem with a tag line regarding the City's sign Code. Mrs. Bitar said it appeared this was two logos so the font style may be in question, but the letters were all the same size. She felt this should be considered one font style with two logos and if the Board felt that was appropriate for this location and size than that is what the interpretation should be. Mr. Coulter said he agreed with Mrs. Bitar.

Mr. Coulter asked if the 4' high directional sign needed to be added to the motion. Mrs. Bitar stated that the 4' high directional sign was already referenced in the materials and staff memo. Ms. Crane asked if there were any additional comments or emails and Mr. Brown said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY GONDAL LINWORTH LLC FOR VARIANCES TO INSTALL SIGNAGE AT 6130 LINWORTH RD. AS PER CASE NO. BZA 44-2020, DRAWINGS NO. BZA 44-2020, DATED SEPTEMBER 4, 2020, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING AND AMENDED TO ALLOW THE SIGN TO HAVE TWO LOGOS ON ONE SIGN.

Mr. Coulter seconded the motion. Mr. Brown called the roll. Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Guillozet, 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. Coulter seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 8:46 p.m.