



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

January 7, 2021

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, Secretary; Garrett Guillozet, member; and Tom Reis, Representative from the MPC. Also present were Lee Brown, Director of Planning & Building; and Lynda Bitar, Planning Coordinator..

2. Oaths of Office

Ms. Crane said Mrs. Bitar came by her house and gave her the Oath of Office and she signed the required document.

3. Mr. Guillozet nominated Ms. Crane to remain Chair and Mr. Seitz nominated Mr. Falcoski to remain as Vice-Chair. Mr. Guillozet nominated Mr. Seitz to remain as Secretary. Mr. Seitz seconded the motion to retain the current officers in their positions. All Board members voted, "Aye."

4. Approval of Minutes of the December 3, 2020 meeting

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

B. Items of Public Hearing

1. **Extension of Construction Completion Period – Addition/Alterations – 770 Olen Dr.** (Lauren & Leo Drinkwine) **EXCP 01-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residential) Zoning District on the north side of Olen Dr. off Olentangy River Rd. just north of Antrim Park. Olen Dr. is actually located in the City of Columbus, however five out of the six houses on this road are located in the City of Worthington.

The property owner is constructing an addition to the east side and north side of the existing home that adds approximately 856± sq. ft. The addition includes a first-floor master bedroom suite, great room & dining room, and deck to the rear of the home.

Worthington Codified Ordinances:

Section 1305.06(b) The permit authorizing the work as shown on the approved construction documents is invalid if the work is not completed, inspected, and approved within eighteen months of the issuance of the permit.

Section 1305.06(c) Before any work authorized by a permit may continue for which the permit is invalid, the owner shall make application to the Board of Zoning Appeals for an extension of time as required under Chapter [1129](#) of the Planning and Zoning Code. Failure to complete work within said eighteen-month period or additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

Section 1129.05(b)(6) The Board may authorize, for good cause shown, extension of the time period provided for the completion of structures in the Building Code. However, the Board may not authorize the extension of the period for greater than a one-year extension of time subject to one-year renewals such conditions as well safeguard the public health, safety, convenience and general welfare.

Request:

The applicant is requesting an extension to complete the interior and exterior work. The applicant has stated in their application that the project will be completed by Summer 2021. Since no date was specified in their application, staff would suggest the Board grant a 1-year extension to ensure that the project will be completed. Staff feels this is an appropriate amount of time to finish the project, call for inspections, and close the permit.

Conclusions:

The construction has been in progress for over 20-months. It is reasonable for the Board to consider an extension based on the issues addressed by the applicant and as this is the first extension being requested.

The exterior site work is nearly finished, which should alleviate any concern of this being viewed as an eyesore for the neighborhood. The unfinished work should not affect the character of the neighborhood; however, we have had complaints in the past concerning the condition of the site throughout construction. The City's Code Enforcement Officer notified the property owner of the complaint and the property owner immediately cleaned up the site.

The original permit was issued on April 3, 2019, however in March of 2020 the world was hit with a global pandemic that shut down the region for several months. This slowed down the applicant's ability to finish the outstanding items in the allotted timeframe. The

applicant has stated that they are acting as their own general contractor and that things have been delayed and moved a much slower pace than desired.

The delivery of government services should not be affected with an extension to the project as long as all equipment and vehicles are outside of the public right-of-way.

Discussion:

Mr. Brown swore in the applicants, Lauren & Leo Drinkwine, 770 Olen Dr., Worthington, Ohio. Mrs. Drinkwine said they were continuing to make progress and hoped to be finished soon. Ms. Crane asked Mrs. Drinkwine if a one-year extension would give them enough time to complete the project and Mrs. Drinkwine said yes. Ms. Crane asked Mrs. Bitar if there were any emails or outside callers regarding this application and Mrs. Bitar said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY LAUREN & LEO DRINKWINE FOR AN EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD UNTIL JANUARY 7, 2022 AT 770 OLEN DR., AS PER CASE NO. EXCP 01-2020, DRAWINGS NO. EXCP 01-2020 DATED NOVEMBER 9, 2020 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

2. **Variance** – Side Yard Setback – Egress Window – **127 Orchard Dr.** (Buckeye Restoration, Inc./Sinclair) **BZA 55-2020**

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 in the Park Highlands subdivision. The surrounding properties are also in the R-10 District. The lot is 50' wide and 123.4' deep or 6170 square feet in area. The single-family house on this property is 30' wide and 1680 square feet in area, and there is a detached garage at the rear of the lot. The west side of the house is about 6' from the property line.

Worthington Codified Ordinances:

Section 1149.05 states the side yard setback for an addition to an existing primary structure may be reduced to no less than 6' if the addition projects no further into the side yard than the existing structure.

Request:

The applicant is seeking approval to install an egress window 3' from the west property line; a variance of 3' is requested.

Conclusion:

The essential character of the neighborhood should not be substantially altered as egress windows are very close to grade, not easily seen from the right-of-way, and prevalent in Worthington.

Discussion:

Mrs. Bitar swore in the applicants, Rod Patterson with Buckeye Restoration and the owner of 127 Orchard Dr., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked Mrs. Bitar if there were any emails or additional callers concerning this application and she said no.

Motion:

Mr. Reis moved:

THAT THE REQUEST BY BUCKEYE RESTORATION, INC. ON BEHALF OF DAVID AND CHANEL LOREANE MELENDEZ SINCLAIR FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW INSTALLATION OF AN EGRESS WINDOW AT 127 ORCHARD DR., AS PER CASE NO. BZA 55-2020, DRAWINGS NO. BZA 55-2020 DATED, NOVEMBER 13, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

3. **Variance – Side Yard Setback - Shed – 886 Oxford St. (Damien & Kellie Healy)**
VAR 01-2020

Mr. Brown reviewed the following from the staff memo:

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

This structure is a one and ½ story Cap Code influenced home constructed in 1940 with a front porch added in 2004 and a two-story addition added above the garage in 2007. The homeowners would like to install a new shed for storage behind the existing garage. The shed will be 10'x14' and will be placed 15-feet behind the existing garage and 26-feet from the rear lot line, however the shed is proposed to be 3-feet from the side lot line where Code requires 8-feet for an accessory structure over 120 sq. ft. in size. The proposed shed will be 140 sq. ft. in size.

The proposed shed is a wood-framed structure with a gabled roof. The style is a Cape

Code design to match the existing home. The shed will be painted to match the house

The Architectural Review Board reviewed and approved the shed at their meeting on December 10, 2020.

Worthington Codified Ordinances:

1149.08(b) Special Yard Requirements

No accessory buildings shall be located in any front or side yard except under unusual circumstances where such building shall not conflict with the intent and purposes of this Zoning Ordinance, or, where enforcement shall result in extreme hardship. In either case the decision to permit such activity shall be made by the Board of Zoning Appeals. Accessory buildings such as garages and storage buildings exceeding 120 square feet in area may be located in the rear yard provided such buildings are set back at least eight feet from the side lot lines and ten feet from the rear lot line. Accessory buildings of 120 square feet or less in area must be set back at least five feet from the side and rear lot lines. In any "R" District the total area for accessory buildings shall be limited to 850 square feet and must be compatible in materials and appearance to the other buildings in the area.

Request:

The applicant is requesting the shed to be 3-feet from the side lot line. A variance of 5-feet is required.

Conclusions:

The shed will not be visible from the public right-of-way as it is to the rear of the existing garage which is located further back on the lot and there is a large amount of vegetation along the perimeter of the property.

The essential character of the neighborhood should not be substantially altered. Sheds and/or detached garages being 3-feet from the side lot line is not uncommon in Old Worthington.

The 3-feet will still permit the applicant the ability to maintain the shed and the area around the shed without creating a maintenance issue.

There is an existing 560 sq. ft. attached garage and with the proposed 140 sq. ft., the total square footage of accessory structure area will be approximately 700 sq. ft, well below the 850 sq. ft. permitted by Code.

The existing lot is 74-feet wide and 195-feet deep in size for a total lot size of 14,430 sq. ft. in size. The usable backyard space is limited due to the location of the existing home and attached garage sitting further back on the lot than typically found in Old Worthington.

The delivery of government services should not be affected.

Discussion:

Ms. Crane asked Mr. Reis if the Architectural Review Board (ARB) had any issues with the structure when the ARB application was reviewed, and Mr. Reis said no.

Mr. Brown swore in the applicant Damian Healy, 886 Oxford St., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked if there were any additional comments from email or outside callers and Mr. Brown said no.

Motion:

Mr. Reis moved:

THAT THE REQUEST BY DAMIAN AND KELLIE HEALY FOR A VARIANCE FROM CODE REQUIREMENTS TO INSTALL A SHED IN THE SIDE YARD SETBACK AT 886 OXFORD ST. AS PER CASE NO. VAR 01-2020, DRAWINGS NO. VAR 01-2020, DATED NOVEMBER 30, 2020, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

- 4. **Variance** – Accessory Structure Area – New House with Attached Garage – **235 E. Wilson Bridge Rd.** (Ryan Lehberger/Barrett) **VAR 02-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 1.01-acre property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The lot is 111-feet wide and 400-feet deep in Northhigh Acres. The rear portion of this lot is adjacent to McCord Park.

The property recently transferred on October 15, 2020 to a new property owner that is an existing Worthington resident who made application to demolish the existing home and made application to construct a new 4,682 sq. ft. single-family 2-story home with 970 sq. ft. of that square footage being related to a 4-car attached garage. The proposed accessory structure area is 120 sq. ft. over what is permitted.

The existing 1,040 sq. ft. single-story home was located approximately 65-feet from the public right-of-way and constructed in 1955 has already been demolished. The new home will be constructed approximately 178-feet back from E. Wilson Bridge Rd. with a western side yard of 16.1-feet and an eastern side yard of approximately 19.11-feet with a rear yard of 105.5-feet. The new home exceeds the setbacks for homes found in the R-10 District. Setback requirements along this corridor would have a front setback of 50-feet, side yard setback of 8-feet minimum for a total of 20-feet and a rear yard of 30-feet if they are located

in the R-10 District. The applicant will be utilizing the existing curb cut to E. Wilson Bridge Rd.

There are three (3) relevant documents or study's regarding the future of Wilson Bridge Road; the 2011 Wilson Bridge Road Corridor Study, the Wilson Bridge Road Streetscape Improvement Plan, and the Wilson Bridge Corridor District. Based on the Wilson Bridge Corridor Study, the recommendation for the south side of East Wilson Bridge Road is to host medium density (10-14 du/ac) development. As the property in question is privy to potential future development, it is important to consider the how any new plan, variance request, or potential modification to the current site will affect this future use. The Wilson Bridge Road Streetscape Improvement Plan recommends streetscape improvements throughout the corridor and proposes a new multi-use path on the south side of East Wilson Bridge Road. Staff would like the ensure the appropriate amount of right-of-way is secured to allow for these projects to come to fruition; thus, with the granting of this variance, the City would ask the property owner for an additional 15 feet of right-of-way dedication for the use of a future multi-use path.

City Staff did notify the property owner of the City's plans for the future of the Wilson Bridge Road Corridor in an email dated December 1, 2020 along with all relevant plans for the corridor. The City had a previous issue when the property owner at 173 E. Wilson Bridge Rd. objected to the construction of the Granby Place apartments constructed next door to his newly constructed home. City staff was able to document our conversation with that property owner prior to the construction of his home showing that he had full knowledge of the plans for the corridor. City staff wanted to make sure that the applicant knew what to expect as the corridor redevelops. The applicant's new home is planned to have multi-family on both sides in the future.

The City of Worthington currently owns four of the parcels along E. Wilson Bridge Rd. west of the site in the area identified for future office and will be rezoning these properties in early 2021.

The applicant is requesting the additional square footage to allow for storage related to the upkeep of the property, vintage car, and motorcycle enthusiast and to allow for some flexibility long-term to have a ramp installed in the garage that would be ADA accessible. The applicant stated that the home will be incorporating multi-generational/ADA type design to permit the homeowner to age in place.

Worthington Codified Ordinances:

Section 1149.08(b) of the Worthington Codified Ordinances states, "In any "R" District, the total area for accessory buildings shall be limited to 850 square feet and must be compatible in materials and appearance to the other buildings in the area".

Request:

The applicant is requesting to construct a 970 sq. ft. 4-car attached garage. A variance of 120 sq. ft. is required.

Conclusions:

The variance request is not substantial.

The variance would allow for additional space for storage of any outside materials and equipment.

The essential character of the neighborhood might be altered as there are no other existing homes in the area that are this size and/or have an accessory structure area this size.

This area is a transitioning from older single-family homes to a mix of multi-family and office.

A new single-family home is not desirable in this area; however, the property is still legally zoned R-10, and the property meets all the requirements to construct a new home in the R-10 District except that they are 120 sq. ft. over on accessory structure size. The construction of this new single-family home does further impact the redevelopment of the corridor, thus making the redevelopment of the surrounding parcels much more problematic.

If the surrounding parcels redevelop at the recommended Medium Density Residential designation, we would like to note that the additional setback and screening requirements outlined in Chapter 1181 were only intended to screen residential development to the south of the parcels fronting along E. Wilson Bridge Road and is not recommended for existing residential along E. Wilson Bridge Rd. Granby Place is an example of where the additional setback and screening requirements were not required adjacent to residential.

The applicant's proposal shows a side loaded garage so that the overall visual impact from the public right-of-way will not be one big garage across the front of the house.

The lot is 4-times the size of similar lots found in the R-10 District.

The delivery of governmental services should not be affected.

Discussion:

Mr. Brown swore in the applicant Ryan Lehberger, an Architect who is representing his clients who own 235 E. Wilson Bridge Rd., Worthington, Ohio. Mr. Lehberger said he wanted to reiterate the profile of the garage would not change. Mr. Seitz asked if the homeowners were on the call and Mr. Lehberger said they were. Mr. Seitz said he wanted to make sure they understood what Mr. Brown was explaining that the future surrounding area of the Wilson Bridge Corridor is planned for commercial development. Mr. Lehberger said his clients understood there could be commercial development surrounding them and were aware of the fifteen-foot dedication for the path. Ms. Crane and Mr. Seitz felt the request for an additional 120 sq. ft. of space was reasonable. Ms. Crane said she wanted to be on record saying just because someone has an interest in something that requires additional space does not obligate the Board to approve the variance, however, in this case

the request was not that significant. Ms. Crane asked if there were any emails or additional and Mr. Brown said no.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY RYAN LEHBERGER ON BEHALF OF TOM & AMY BARRETT FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR THE ACCESSORY STRUCTURE AREA TO EXCEED 850 SQ. FT. AT 235 E. WILSON BRIDGE RD., AS PER CASE NO. VAR 02-2020, DRAWINGS NO. BZA 02-2020 DATED DECEMBER 2, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING WITH THE CONDITION THAT THE APPLICANT DEDICATE 15 FEET OF RIGHT-OF-WAY ALONG THE PROPERTY'S FRONTAGE WHEN NEEDED FOR THE MULTI-USE TRAIL.

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

5. **Variance** – Side Yard Setback – Egress Window – **460 Whitney Ave.** (Alan & Susan Moran) **VAR 03-2020**

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 Worthington Estates. The surrounding properties are also in the R-10 District. The lot is 70' wide and an average of 234' deep or 16,380 square feet in area. The single-family house with attached garage is 57' wide, 2190 square feet in area, and is located 9'6" from the west property line.

Worthington Codified Ordinances:

Section 1149.01 states the required side yard is 8 feet.

Request:

The applicant is seeking approval to install a 40" deep egress window 6'2" from the west property line; a variance of 1'10" is requested.

Conclusions:

The essential character of the neighborhood should not be substantially altered as egress windows are very close to grade, not easily seen from the right-of-way, and prevalent in Worthington.

The variance is not substantial.

Discussion:

Mrs. Bitar swore in the applicants Allen and Mrs. Susan Moran, 460 Whitney Ave., Worthington, Ohio. Board members did not have any questions or comments. Ms. Crane asked if there were any emails or additional calls and Mr. Brown said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY ALAN AND SUSAN MORAN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW INSTALLATION OF AN EGRESS WINDOW AT 460 WHITNEY AVE., AS PER CASE NO. VAR 03-2020, DRAWINGS NO. VAR 03-2020 DATED DECEMBER 4, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

6. **Variance** – Setback on Corner Lot – Addition – **528 Kenbrook Dr.** (Famiglia Homes/ Farland) **VAR 04-2020**

Mrs. Bitar reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is a corner lot in the R-10 (Low Density Residential) Zoning District in Colonial Hills. The surrounding properties are also in the R-10 Zoning District. The lot is ~58’ wide on the Kenbrook Dr. side and an average of ~135’ deep, for lot area of about 9600 square feet. The home is approximately 903 sq. ft. in area and was constructed in 1942.

Worthington Codified Ordinances:

1149.01 Yard, Area and Height for dwellings and accessory structures:

The required front yard in the R-10 Zoning District is 30’.

1149.08 Special Yard Requirements:

(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 side yard on a corner lot in the R-10 Zoning District is 20’.

Request:

The applicant is requesting to construct an addition to the north that would extend into the required side yard of the adjacent street (Forest Ave.) of this corner lot. The addition is proposed to be 18' from the east property line; a variance of 2' is required.

The addition would sit further away from the street than the existing house and would meet the setback requirement on the west side and to the rear. The proposed addition would add about 500 square feet of living space to the house, including a two-car attached garage to the rear and a master suite. The roofline would be slightly lower than the existing.

Conclusions:

The essential character of the neighborhood should not be substantially altered with the addition. Many additions have been constructed in Colonial Hills, and the size would not be out of scale with other structures.

The variance is not substantial being only 2' into the required setback, and not as close to the right-of-way as the existing house.

Discussion:

Mrs. Bitar swore in the applicant, Alainna Greene, on behalf of 528 Kenbrook Dr., Worthington, Ohio. Board members did not have any comments or concerns. Ms. Crane asked if there were any emails or additional calls and Mr. Brown said no.

Motion:

Mr. Reis moved:

THAT THE REQUEST BY FAMIGLIA HOMES ON BEHALF OF 528 KENBROOK DR. FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE CONSTRUCTED IN THE REQUIRED SIDE YARD ON THE CORNER LOT AT 528 KENBROOK DR., AS PER CASE NO. VAR 04-2020, DRAWINGS NO. VAR 04-2020 DATED DECEMBER 4, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Seitz seconded the motion. Mr. Brown called the roll. Mr. Guillozet, aye; Mr. Falcoski, no response; Mr. Seitz, aye; Mr. Reis, aye; and Ms. Crane, aye. The motion was approved.

C. Other

There was no other business to discuss.

D. Adjournment

Mr. Seitz moved to adjourn the meeting and Mr. Guillozet seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 8:01 p.m.