



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

April 1, 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; Garrett Guillozet, member; and Michael Coulter, Representative from the MPC. Also present was Lee Brown, Director of Planning & Building. Brian Seitz, Secretary, was absent.
2. Approval of Minutes of the March 4, 2021 meeting

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

B. Items of Public Hearing

1. Extension of Construction Completion Period – Finish Basement – **92 Chaucer Ct.** (Tod Haman) **EXCP 03-2021**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This home is part of a duplex in the R-6.5 (One- and Two-Family Residence) Zoning District. The owner is working on finishing a room in the basement. The Permit for the project was issued on April 12, 2019 and expired on October 12, 2020. The owner has not been able to find skilled workers so is asking for an extension of the permit for 6 months.

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.

Request:

The applicant is requesting a six-month extension, but staff would recommend an extension until the end of the year to allow sufficient time for completion of the project.

Project Details:

1. The only inspections still outstanding are the final electrical and final building.
2. The project is entirely on the interior.

Conclusion:

Staff recommended approval of the time extension to the end of the year to allow the owner enough time to finish the project.

Discussion:

Mr. Brown swore in the applicant, Mr. Tod Haman, 92 Chaucer Ct., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked if there were any emails or callers and Mr. Brown said no.

Motion:

Mr. Falcoski moved:

THAT THE REQUEST BY TOD HAMAN FOR AN EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD UNTIL DECEMBER 31, 2021, AT 92 CHAUCER CT. AS PER CASE NO. EXCP 03-2021, DRAWINGS NO. EXCP 03-2021 DATED FEBRUARY 25, 2021, 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. Coulter, aye; Mr. Guillozet, aye; Mr. Falcoski, aye; and Ms. Crane, aye. The motion was approved.

2. Temporary Use Permit – Temporary Signs – **120 E. Stafford Ave.** (National Church Residences) **TUP 02-2021**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

City Council approved the redevelopment of Stafford Village on February 18, 2020 for the construction of 85 new units in a 2-3 story building at the corner of Hartford St. and Stafford Ave. The proposal is to re-develop the main portion of the complex, which is on approximately 3-acres and contains 58 dwelling units, as a new senior housing development with 85 new dwelling units. There are currently 10 buildings on the site,

seven multi-tenant buildings and three existing single-family homes along Hartford St. All three of the single-family houses on Hartford St. are included in the redevelopment of the site. The southern house is proposed to remain, and the northern two houses (868 & 874 Hartford St.) are proposed to be demolished.

The applicant will be installing construction fencing around the site throughout demolition and construction and would like to install two temporary signs on the construction fence for the purpose of advertising the upcoming development and help screen a portion of the site from the activity.

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 will be installing construction fencing around the site throughout demolition and construction and would like to install two temporary signs on the construction fence for the purpose of advertising the upcoming development and help screen a portion of the site from the activity.

Project Details:

1. Proposing two 5.5 feet tall by 50 feet long vinyl signs with a total of 275 sq. ft.
2. Both signs are to be installed on the westside and southside of the fence at the intersection of Stafford Ave. and Hartford St.
3. The temporary construction signage for The Hartford (formerly known as Stafford Village) and will have say "Coming 2022!" and the phone number for the project.
4. The applicant would like the signage to remain on the fence until the fall of 2022.
 - a. The Board has the ability to issue a Temporary Use Permit for 6-months, and then the applicant could apply for another 6-months by the Board. City staff also has the ability to issue a Temporary Use Permit for 90-days.

Conclusions:

Staff has the ability to grant and issue a 90-day Temporary Use Permit. These are typically for a single banner, generally conforming with signage requirements, and for a reasonable amount of time. In this particular case, the applicant is requesting a longer duration to allow for ample advertising of the property; therefore, a Temporary Use Permit issued by the Board of Zoning Appeals is necessary.

The retention of the temporary signs promotes the future of the project.

The essential character of the neighborhood should not be substantially altered. The proposed signage should actually help screen the demolition and construction on the site.

The delivery of governmental services should not be affected.

Discussion:

Mr. Brown swore in the applicant, Ms. Melanie Wollenberg, representing National Church Residences, 2245 North Bank Dr., Columbus, Ohio 43220. Ms. Crane asked if there were any emails or callers and Mr. Brown said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY THE NATIONAL CHURCH RESIDENCES FOR A TEMPORARY USE PERMIT TO ALLOW FOR TWO TEMPORARY SIGNS TO BE RETAINED AT THE HARTFORD FOR A PERIOD OF SIX MONTHS, AS PER CASE NO. TUP 02-2021, DRAWINGS NO. TUP 02-2021 DATED MARCH 11, 2021, 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. Coulter, aye; Mr. Falcoski, aye; Mr. Guillozet, aye; and Ms. Crane, aye. The motion was approved.

3. Temporary Use Permit – Temporary Sales Office at 862 Hartford St. – **120 E. Stafford Ave.** (National Church Residences) **TUP 03-2021**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

City Council approved the redevelopment of Stafford Village on February 18, 2020 for the construction of 85 new units in a 2-3 story building at the corner of Hartford St. and Stafford Ave. The proposal is to re-develop the main portion of the complex, which is on approximately 3-acres and contains 58 dwelling units, as a new senior housing development with 85 new dwelling units. There are currently 10 buildings on the site, seven multi-tenant buildings and three existing single-family homes along Hartford St. All three of the single-family houses on Hartford St. are included in the redevelopment of the site. The southern house is proposed to remain, and the northern two houses (868 & 874 Hartford St.) are proposed to be demolished.

The applicant would like to utilize the existing residence at 862 Hartford St. as a temporary sales office during construction.

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 would like to utilize the existing residence as a temporary sales office during construction.

Project Details:

1. Utilize the existing residence as a sales office until the fall of 2022.
2. Hours of operation:
 - a. Monday – Friday from 9:00 AM to 5:00 PM
 - b. Weekends by appointments only
3. Staff:
 - a. 1-2 employees on site
4. Parking:
 - a. 2 spots in the driveway and additional on street parking along Hartford St.
5. Signage has not been proposed at this time.
6. The applicant would like to utilize the existing home until the fall of 2022.
 - a. The Board has the ability to issue a Temporary Use Permit for 6-months, and then the applicant could apply for another 6-months by the Board. City staff also has the ability to issue a Temporary Use Permit for 90-days.

Conclusions:

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

The temporary office use will have the appearance that the existing home is being used as a residence from the outside.

The delivery of governmental services should not be affected.

Discussion:

The applicant was already sworn in before the previous Agenda item. The applicant asked if the Temporary Use Permit could be issued on May 1st. of 2022 and run six months from that date instead of today's date. Board members had no questions or concerns. Ms. Crane asked if there were any emails or callers and Mr. Brown said no.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY THE NATIONAL CHURCH RESIDENCES FOR A TEMPORARY USE PERMIT TO ALLOW FOR THE EXISTING HOME AT 862 HARTFORD ST. FOR A PERIOD OF SIX MONTHS, BEGINNING START DATE OF MAY 1ST, 2022, AS PER CASE NO. TUP 03-2021, DRAWINGS NO. TUP 03-2021 DATED MARCH 5, 2021, 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 – Enclose and Expand Screened Porch – **6714 Lakeside Circle W (Nicholson Builders/Bedinghaus) VAR 12-2021**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This property is an interior lot on Lakeside Circle in the Potters Creek Section 2 subdivision, which is in the R-10 (Low Density Residence) Zoning District. Due to the nature of the subdivision with unusually shaped and sized lots, many of the lots were platted with setbacks to allow for development to proceed. This lot has the required rear yard shown on the north side.

The owners would like to replace the existing screened porch at the northeast corner of the house with a sunroom and expand that room to the north. The room has been designed to match the house.

Worthington Codified Ordinances:

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

Request:

The applicant is requesting the room expand 4' 2 5/8" into to the required 30' yard.

Conclusion:

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

Discussion:

Mr. Brown swore in the applicant Mr. William Nicholson, 6525 Busch Blvd., Columbus, Ohio. Board members had no questions or concerns. Ms. Crane asked if there were any emails or callers and Mr. Brown said no.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY NICHOLSON BUILDERS ON BEHALF OF KIM JACOBS AND BOBBI BEDINGHAUS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SUNROOM TO BE CONSTRUCTED AT 6714 LAKESIDE CIRCLE W., AS PER CASE NO. VAR 12-2021, DRAWINGS NO. VAR 12-2021 DATED MARCH 8, 2021, 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.

5. Temporary Use Permit – Outdoor Seating – **2185 W. Dublin-Granville Rd.**
(Cameron’s) **TUP 04-2021**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

Cameron’s restaurant would like to offer an outdoor seating option for its customers on a temporary basis. The restaurant had approval from City staff to have the seating area for 90 days last year. Also, staff allowed the use again this year for the last couple of weeks to allow the applicant to take advantage of the nicer weather in anticipation of the BZA hearing.

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:

A Temporary Use Permit is requested to allow the outdoor seating area for 6 months. A 6 month renewal could be sought at that time.

Project Details:

1. The 20’ x 30’ area is in the parking lot west of the building in place of 6 parking spaces.
2. Planter boxes and pots with various plants are at the edges of the area and supplemented by a black chain attached to stanchions.

3. Six four-top tables are in the enclosed area and would meet social distancing requirements.
4. Umbrellas provide shade for the customers.

Conclusions:

The temporary use is attractive and allows the restaurant to serve more customers. Creative solutions like the proposed are helping restaurants survive during the pandemic.

Discussion:

The applicant had difficulties trying to attend the meeting. Board members did not have any questions or concerns. Ms. Crane asked Mr. Brown if there were any emails or callers and he said no. The applicant Mr. Moorehead was finally able to attend the virtual meeting. Mr. Brown swore in the applicant, Mr. Keith Moorehead, 3852 Cypress Creek Dr., Columbus, Ohio. He said they would like the open area for dining for customers that are still cautious about dining indoors.

Motion:

Mr. Guillozet moved:

THAT THE REQUEST BY KEITH MOOREHEAD FOR A TEMPORARY USE PERMIT TO ALLOW OUTDOOR SEATING FOR 6 MONTHS AT 2185 W. DUBLIN-GRANVILLE RD., AS PER CASE NO. TUP 04-2021, DRAWINGS NO. TUP 04-2021 DATED MARCH 11, 2021, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING AND IF APPROVED THAT THIS COMES INTO EFFECT AFTER THE 90-DAY APPROVAL ISSUED BY CITY STAFF.

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

6. Nonconforming Use Expansion – Dumpster Enclosure – **5596 N. High St. (Jim Martin)**
NONC 01-2021

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This neighborhood shopping center was built in 1953, with only the northern 40% of the building being in the City of Worthington and the remainder in the City of Columbus. The property recently sold, and the new property owner would like to do several improvements to the site. There is an existing parking lot that is located on two existing parcels (PID #100-001483 & PID #100-001484) that are associated with Sharon Square accessed from the alleyway that runs parallel to N. High St. between E. Selby Blvd. and Chase Rd. The Architectural Review Board reviewed and approved the proposed improvements at their meeting on February 25, 2011.

Worthington Codified Ordinances:

Section 1151.04 Nonconforming Uses of Land (or Land with Minor Structures Only)

Where at the time of passage of this Zoning Ordinance (Ordinance 51-71, passed December 13, 1971) lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structures with a replacement cost exceeding one thousand dollars (\$1,000), the use may be continued so long as it remains otherwise lawful, provided:

(a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;

(c) If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located; and

(d) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

Section 1129(e) Extension of Nonconforming Use. The Board shall have the authority to grant an extension of a building or the expansion of the use of a lot devoted to a nonconforming use upon a lot occupied by such building or use, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building or use became nonconforming, and where such extension is necessary and incidental to the existing use of such building or lot. However, the floor areas or lot areas of such extensions shall not exceed, in all, 100 percent (100%) of the area of the existing building or lot devoted to a nonconforming use.

Request:

The applicant would like to construct a new dumpster enclosure around two existing dumpsters on a parcel zoned R-10 (Low Density Residential).

Project Details:

1. New dumpster enclosure
 - a. The dumpsters are currently unscreened.
 - b. The enclosure will be enclosed with wood fencing.
 - i. Approximately 9-feet x 17-feet in size.
 - ii. Height will be 7-feet.
 - iii. Fence will be natural.
 - c. Black bollards are proposed to protect the dumpster.
 - d. The dumpster will be approximately 10-feet from the property line.

Conclusions:

The Board has the authority to grant an extension of a building or the expansion of the use of a lot devoted to a nonconforming use upon a lot occupied by such building or use. Construction of the dumpster enclosure requires Board approval.

Adjoining properties should not suffer a substantial detriment as a result of the variances. The enclosure for the dumpster is an improvement over the existing dumpsters just sitting out in the open on the parking lot along the alleyway.

The delivery of governmental services should not be affected as the adjacent alley is unimproved.

Discussion:

Mr. Brown swore in the applicant, Mr. Jim Martin, 300 E. Broad St., Columbus, Ohio. Board members had no questions or concerns. Ms. Crane asked Mr. Brown if there were any emails or callers and Mr. Brown said no.

Motion:

Mr. Coulter moved:

THAT THE REQUEST BY JIM MARTIN FOR APPROVAL OF A NONCONFORMING USE EXPANSION TO INSTALL A DUMPSTER ENCLOSURE AROUND AN EXISTING DUMSPTER ON A PARCEL ZONED R-10 AT 5596 N. HIGH ST. (PID #100-001483 & PID #100-001484) AS PER CASE NO. NONC 01-2021, DRAWINGS NO. NONC 01-2021, DATED MARCH 5, 2021, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

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

C. Other – 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 7:50 p.m.