

.MINUTES OF THE REGULAR MEETING
OF THE
WORTHINGTON BOARD OF ZONING APPEALS
September 1, 2011

The regular meeting of the Worthington Board of Zoning Appeals was called to order at 7:30 P.M. with the following members present: C. Crane, R. Dorothy and L. Reibel. Also present was D. Phillips, Chief Building Inspector.

Those present recited the Pledge of Allegiance.

Motion made by Ms. Dorothy to approve August 4, 2011 minutes. Ms. Reibel seconded the motion and all members voted "aye" thereon.

Ms. Crane asked those who plan to speak to fill out a speaker slip and to be sworn. Mr. Phillips swore in the witnesses prepared to comment at the meeting.

AGENDA ITEM B-1 – Variance – Front Yard Setback – A/C Condenser in Front Yard - 240 Hardy Way (The Favret Co./Joseph Miller) BZA 28-11

Mr. Phillips stated this property is in an R-10 district with a minimum front yard setback requirement of thirty feet. Condensing units must be installed in the rear of a dwelling, or on the side of a dwelling with screening and outside the side yard setback. The applicant recently replaced the existing condenser in the front yard within the front yard setback. The requested variance is to allow the condensing unit entirely in the front yard setback.

Mr. Phillips continued to say the regulation of condensing unit location started in 1988. The property has a limited rear yard due to the steep grade to the north. The basement is finished and to relocate the electrical and refrigerant lines would require the removal of finishes. Staff has no record of any inquiries about the past or present location of the condenser and the existing hedge in the front mostly screens the unit. Properties along the south side of Hardy Way have rear yards facing this street and there are compliant condensers located in those rear yards that would appear to be in the front yard like the subject property. Staff concludes these facts mitigate the substantial nature of the variance request. The essential character of the neighborhood should not be substantially altered and the delivery of governmental services should not be affected.

Ms. Crane asked for the applicant to address the Board.

Douglas Hoover, 6660 North High Street and attorney for Joseph Miller, stated the home was purchased over fifty years ago and they had the A/C Condenser installed in 1985, prior to the City regulating the location of A/C units. The unit was replaced this year and put in the exact same location. There are a total of eighteen properties on Hardy Way, eleven of which are addressed to other streets, but they use Hardy Way to reach their driveways at the rear of their properties. These properties have similar exterior rear finishes with garages and condensing units facing Mr. Miller's property. This new unit

has a five foot hedge next to Hardy Way and this property has similar features of a rear yard facing Hardy Way. Residents both on Hardy Way and Colonial have signed a petition in favor of this variance. The Favret Company has supplied an estimate of \$1450 dollars to relocate the unit.

Ms. Crane asked for questions from the Board.

Ms. Reibel stated she has driven by the property and the unit is not visible from street.

Ms. Carne asked if anyone in the audience wished to speak for or against the variance request.

Hearing no one, Ms. Dorothy moved:

THAT THE REQUEST BY THE FAVRET COMPANY AND JOSEPH MILLER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW AN AIR CONDITIONER CONDENSING UNIT TO REMAIN AT 240 HARDY WAY, AS PER CASE NO. BZA 28-11, DRAWINGS NO. BZA 28-11 DATED JULY 28, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Reibel seconded the motion and all members voted “aye” thereon.

Ms. Crane stated since there are only three Board members present all items of public hearing must have a unanimous vote.

AGENDA ITEM B-2 – Variance – Signage – 6895 N. High St. (One Stop Signs/Fifth Third) BZA 29-11

Mr. Phillips stated this property is in a C-3 district where total sign area is limited to one hundred square feet and free-standing sign area is limited to sixty square feet. The applicant is proposing the replacement of the existing free-standing sign with a new nine foot ten inch by five foot one inch double faced sign. The proposed free-standing sign area is 99.97 square feet. The requested variance is 39.97 square feet. The property is subject to, and the sign has been approved by, the Architectural Review Board.

Mr. Phillips continued to say that the applicant is proposing to use the total allowable sign area of one hundred square feet on the free-standing sign. This mitigates the substantial nature of the variance request. The essential character of the neighborhood should not be substantially altered and the delivery of governmental services should not be affected.

Ms. Crane asked if they are requesting to use all of their allowable sign area on a freestanding sign and have no wall sign and Mr. Phillips replied that is correct.

Ms. Crane asked for the applicant to address the Board.

Justin Scalf, 1517 State Route 28, Loveland, Ohio with One Stop Signs stated there is an advantage in the sign reduction, because currently there is a tall pylon sign which obstructs the street view.

Ms. Reibel asked about the lighting of the sign. Mr. Scalf said they are going to use the existing lighting.

Ms. Crane stated the board is only considering the size of the sign and Architectural Review has already approved the design.

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

Hearing no one, Ms. Reibel moved:

THAT THE REQUEST BY ONE STOP SIGNS AND FIFTH THIRD BANK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGN AREA TO ALLOW THE ERECTION OF A SIGN AT 6895 NORTH HIGH STREET, AS PER CASE NO. BZA 29-11, DRAWINGS NO. BZA 29-11 DATED AUGUST 3, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Dorothy seconded the motion and all members voted “aye” thereon.

AGENDA ITEM B-3 - Variance – Side Yard Setback – Fence – 397 Colonial Ave.
(Jamie Velker) BZA 30-11

Mr. Phillips stated this property is in an R-10 district with a minimum front yard setback of thirty feet. Corner lots are permitted to reduce the adjacent side yard to twenty feet. The applicant is proposing to replace an existing fence with a new four foot picket fence within the twenty foot side yard setback. The requested variance is twenty feet.

Mr. Phillips continued to say that the Andover Street right of way is eighty feet or about thirty feet wider than a typical residential right of way and mitigates the substantial nature of the variance request. The fence should not cause intersection sight distance issues. The essential character of the neighborhood should not be substantially altered nor the delivery of governmental services should be affected.

Ms. Crane asked for the applicant to address the Board.

Jamie Velker, 397 Colonial Avenue stated the existing fence has been damaged from storms and needs replaced instead of repaired. The fence will remain a white picket style.

Ms. Crane asked for questions from the Board.

Ms. Dorothy asked if she had spoken with any neighbors and Ms. Velker replied yes, the neighbor that would share the fence approves and has offered to pay half of the expense. She also shared with the board an abutting property owner letter from a neighbor giving their approval of the fence.

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

Hearing no one, Ms. Dorothy moved:

THAT THE REQUEST BY JAMIE VELKER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK REQUIREMENTS TO ALLOW THE ERECTION OF A FENCE AT 397 COLONIAL AVENUE, AS PER CASE NO. BZA 30-11, DRAWINGS NO. BZA 30-11 DATED AUGUST 5, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Ms. Reibel seconded the motion and all members voted “aye” thereon.

There being no further business, Ms. Dorothy moved for adjournment, and Ms. Reibel seconded the motion.

The meeting adjourned at 7:54 P.M.