MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

November 3, 2011

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: C. Crane, R. Dorothy, L. Reibel, D. Falcoski and R. Hunter. Also present was D. Phillips, Chief Building Inspector.

2. Pledge of Allegiance

3. Approval of minutes of the meeting of October 6, 2011 as amended by Ms. Crane. Motion made by Mr. Hunter to approve October 6, 2011 minutes. Mr. Falcoski seconded the motion and all members voted "aye" thereon.

4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Variances – Side Yard Setback – Air Conditioner – 188 E. North St. (Buckeye Heating & Cooling/Hickey) BZA 37-11

Discussion:

Mr. Phillips reviewed the facts from the application.

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

Jerry Lima, Buckeye Heating and Cooling, 6969 Worthington-Galena Rd stated the unit is in the same place as the original unit, otherwise the refrigerant line set would have had to be run across the patio which would affect the efficiency of the unit and could cause safety issues with stepping over the line set.

Ms. Crane asked for questions from the Board.

Mr. Falcoski asked the age of the unit replaced. Mr. Lima said it was sixteen years old. Mr. Hunter stated the board likes to see the units in the side yard screened with bushes or some type of vegetation. Mr. Lima stated that the owner has no problem cooperating with the Boards requirements.

Ms. Crane asked if anyone in the audience wished to speak for or against the variance request. Wayne White, 191 E. North Street stated based that the unit is just being replaced and since he is the only neighbor with a view of the unit he sees no need for vegetation.

Ms. Crane stated if the Board approves a setback variance it does not remove the requirement for vegetation.

Findings of fact:

1. This property is an existing lot of record in an R-10 district with a minimum side yard setback requirement of eight 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.

2. The applicant recently replaced the existing condenser within the side yard setback. The requested variance is to allow the condensing unit entirely in the side yard setback.

Conclusions:

1. Regulation of condensing unit location started in 1988. The property is narrow and on a corner with limited rear yard placement. Placing it slightly to the north and out of the side yard would place the unit in front of the sliding glass doors and next to a screened porch. Staff had no record of any inquiries about the past or present location of the condensers. These facts mitigate the substantial nature of the variance request.

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

3. The delivery of governmental services should not be affected.

Ms. Dorothy moved:
THAT THE REQUEST BY BUCKEYE HEATING AND COOLING AND DAVID AND YVONNE HICKEY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSER TO REMAIN AT 188 EAST NORTH STREET, AS PER CASE NO. BZA 37-11, DRAWINGS NO. BZA 37-11 DATED SEPTEMBER 28, 2011, 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 and all members voted “aye” thereon.

2. Variances – Side Yard Setback – Air Conditioner – 217 E. Clearview Ave. (The Favret Co./Mills) BZA 37-11

Discussion:

Mr. Phillips reviewed the facts from the application.

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

Jerry Mills, 217 E. Clearview stated he had nothing to add to the staff comments.

Ms. Crane, Ms. Dorothy and Mr. Falcoski all stated they had a hard time seeing the unit because of the trees planted in front of the unit.

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

Findings of fact:

1. This property is an existing lot of record in an R-10 district with a minimum side yard setback requirement of eight 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.

2. The applicant recently replaced the existing condenser within the side yard setback with a new unit approximately thirty two inches wide, six feet from the east property line. The majority of the unit will be in the setback. The requested variance is to allow the condensing unit entirely in the side yard setback.

Conclusions:

1. Regulation of condensing unit location started in 1988. The property is narrow and shallow with limited rear yard placement options without reducing further the limited rear yard. Staff had no record of any inquiries about the past or present location of the condensers. These facts mitigate the substantial nature of the variance request.

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

3. The delivery of governmental services should not be affected.

Mr. Falcoski moved:
THAT THE REQUEST BY THE FAVRET COMPANY AND JERRY MILLS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSER TO REMAIN AT 217 EAST CLEARVIEW AVENUE, AS PER CASE NO. BZA 39-11, DRAWINGS NO. BZA 39-11 DATED OCTOBER 3, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Hunter seconded the motion and all members voted “aye” thereon.

3. Variance –Fence – 701 Farrington Dr. (Bryan Rood) BZA 41-11

Discussion:

Mr. Phillips reviewed the facts from the application.

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

Brian Rood, 701 Farrington drive stated he had nothing further to add.

Ms. Crane asked for questions from the Board.

Ms. Dorothy asked if the fence is replacing an existing fence. Mr. Rood said the fence on the rear is rotting, so he is replacing that portion but adding along Dublin-Granville Road and then a return back to the house.

Mr. Hunter said that the Architectural Review Board did approve the split rail fence with black wire, behind the fence so that the homeowner can secure his dogs.

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

Findings of fact:

1. This property is an existing lot of record in an R-10 district with a front yard setback requirement of thirty feet. Corner lots are permitted to reduce the adjacent side yard setback to twenty feet.

2. The applicant is proposing to erect a split rail fence along the south, west and north property lines and connecting it to the rear of the existing dwelling. The requested variance is to allow the fence within the twenty foot side yard setback.

3. The property is subject to, and the fence has been approved by, the Architectural Review Board.

Conclusions:

1. This is an odd shaped lot visually separated by vegetation from the Granville Road facing properties to the west. The amount of fenced rear yard would be substantially reduced without the variance. The proposed fence is a split rail which is more decorative than a traditional solid fence. These circumstances mitigate the substantial nature of the variance request.

2. The fence should not cause intersection sight distance issues especially given the large Granville Road right of way.

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

4. The delivery of governmental services should not be affected.

Ms. Reibel moved:

THAT THE REQUEST BY BRYAN ROOD FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE ERECTION OF A FENCE AT 701 FARRINGTON DRIVE, AS PER CASE NO. BZA 41-11, DRAWINGS NO. BZA 41-11 DATED OCTOBER 7, 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.

4. Variance – Signage – 6902 N. High St. (Primrose School) BZA 40-11

Discussion:

Mr. Phillips reviewed the facts from the application.

Ms. Crane asked if the building mounted sign is in the motion and Mr. Phillips replied the motion includes total sign area and both the building sign and free standing sign are both about sign area.

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

Dan Simonds, 7635 Polo Lane, Powell stated he and his wife are the owners of Primrose School. He said the original owners had plans to stick with the current sign and have the school name placed below the HER name. He stated there will be fewer colors on this proposed sign, even though it will be much larger since the sign will also be for CF Bank.

Mr. Falcoski asked for clarification on the total allowable free standing sign area. Mr. Phillips stated 60 square feet is the allowable and Primrose is proposing 107 square feet, but the sign is being shared with CF bank on one parcel. If they each did their own sign on their own parcel, the signs could be 60 square foot each.

Mr. Simonds said the building mounted sign is 42 inches in diameter, a round sign that is basically the logo and will have a goose neck lamp for lighting.

Mr. Hunter stated that these changes have not been to Architectural Review, that will be next week, but he did not see any potential problems with getting approved.

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

Findings of fact:

1. This property is in a C-3 district where free standing signage is limited to 60 square feet and total sign area of 100 square feet.

2. The applicant is proposing to replace the existing, joint identification sign with a new 5 foot 2-¾ inch by 10 foot 3 inch double sided sign. The proposed sign area is 107.2 square feet. The requested variance is 47.2 square feet. Additionally, the applicant is placing a sign on the building of approximately 10 square feet for a total sign area of 117.2 square feet. The requested total sign area variance is 17.2 square feet.

3. A variance was previously granted for CF Bank to have an off-premise sign on the former HER sign.

4. The sign is subject to approval by the Architectural Review Board.

Conclusions:

1. The two properties have been sharing a single sign since CF Bank was constructed a few years ago. Each property could erect a 60 square foot sign for a total area of 120 square feet. This proposal's sign area is less than the sum of the two signs and mitigates the substantial nature of the variance request.

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

3. The delivery of governmental services should not be affected.

Ms. Dorothy moved:
THAT THE REQUEST BY PRIMROSE SCHOOL AND DAN SIMONDS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGN AREA TO ALLOW THE REPALCEMENT OF A SIGN AT 6902 NORTH HIGH STREET, AS PER CASE NO. BZA 40-11, DRAWINGS NO. BZA 40-11 DATED OCTOBER 7, 2011, 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 and all members voted "aye" thereon.

Mr. Phillips advised the Board that the format of the meeting minutes will be changing.

Mr. Hunter moved to adjourn the meeting at 7:52 P.M., Mr. Falcoski seconded the motion. All members said "aye" and the meeting adjorned.