November 23, 2011

To: Members of the Board of Zoning Appeals

From: Don Phillips, Chief Building Inspector

Subject: Staff Comments for the Meeting of December 1, 2011

B. Items of Public Hearing

1. Variance – Temporary Sign – **5600 N. High St.** (Worthington Thrift Shop) **BZA 42-11**

Findings of fact:

1. This property is in a C-1 district and subject to architectural review. Temporary signs are prohibited except through a Temporary Use Permit, in a C-5 district, and the following exceptions:
    a. Real estate signs
    b. Construction signs
    c. Political signs
    d. Historical markers

2. Temporary signs in a C-5 district are permitted when the business is open, limited to 1 per business, can be double sided, be no wider than 3 feet, no taller than 5 feet including any base, and are not subject to the design requirements of the sign code.

3. The applicant is proposing to place a temporary sign, the design of which has not been selected, in the northwest corner of the property. The requested variance is to allow a temporary sign.

Conclusions:

1. This property is unique in Worthington where most of the property and over half of the building is within the City of Columbus. This particular tenant is located within the City of Worthington portion of the property.

2. The tenant appears to have limited funds for advertising and the placement of a temporary sign similar for those in the C-5 district may help them increase traffic into the store. Granting of this variance would only apply to this particular tenant and shall expire when the tenant ceases operations at this location. With the limited store hours and its unique location within the community, the variance request does not appear substantial.

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

The following motion is recommended:

THAT THE REQUEST BY WORTHINGTON THRIFT SHOP AND ROBERT AND NELLIE NICKLAUS FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW A TEMPORARY SIGN CONFORMING TO THE C-5 REQUIREMENTS AT 6880 NORTH HIGH STREET, AS PER CASE NO. BZA 42-11, DRAWINGS NO. BZA 42-11 DATED NOVEMBER 3, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

2. Variances – Setback at Alley Right-of-Way – Fence; Wall Signs – **5617 N. High St.** (Kelma LLC) **BZA 43-11**

Findings of fact:

1. This property is in a C-2 district with a 30 foot rear yard setback requirement and each business is allowed 1 building mounted sign. Fences must be setback from the right-of-way line to the building setback line.

2. There is an alley to the west and the rear of the property with the existing building being approximately 11 feet 8 inches from the west right-of-way.

3. The applicant has erected a fence in the northwest corner of the site beginning at the west end of the existing building and extending to the east with a portion of the fence in the rear yard setback. The proposed fence will be approximately 11 feet 8 inches from the west property line and the requested variance is 18 feet 4 inches.

4. The applicant also proposing a second wall mounted sign for the tenant to the south. The requested variance is a second wall mounted sign for a business.

5. The fence and signage is subject to the Architectural Review Board. The fence has been approved by that Board.

6. Signs are subject to the requirements of the Ohio Building Code and variances granted by this Board do not grant variances from the requirements of the Ohio Building Code.

Conclusions:

1. Setback variances were granted in January of this year for the exterior alterations nearing completion. The fence will be used by the veterinary clinic, is an open style, and will be at the rear of the property. The requested variance does not appear substantial.

2. The original concept of 4 building mounted signs for the 4 tenants is being modified due to tenant requirements. Half of the building is being used by the veterinary clinic with one of its signs, and the south half of the building will be housing a second tenant offering various services and the additional sign will allow more descriptive language. A single, larger sign would not need a variance but the architecture of the building, with

portions of the façade not in the same plane, does not allow a single sign. All graphics on these signs are subject to approval by the Architectural Review Board and that Board will not likely allow two identical signs on the building. These factors mitigate the substantial nature of the variance request.

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

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

The following motion is recommended:

THAT THE REQUEST BY KELMA LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK AND SIGNAGE TO ERECT A FENCE AND A SECOND WALL MOUNTED SIGN FOR A SINGLE BUSINESS AT 5617 NORTH HIGH STREET, AS PER CASE NO. BZA 43-11, DRAWINGS NO. BZA 43-11 DATED NOVEMBER 8, 2011, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Reference

Portions of Section 1129.05

(c) Area Variances. The Board shall have the power to hear and decide appeals and authorize variances from the provisions or requirements of this Zoning Ordinance. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objective of this Zoning Ordinance. The Board may grant a variance in the application of the provisions of the Zoning Ordinance when it is determined that practical difficulty exists based on the following factors:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
(2) Whether the variance is substantial;
(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
(4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);
(5) Whether the property owner purchased the property with knowledge of the zoning restriction;
(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and,
(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.