

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

April 5, 2012

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: B. Seitz, D. Falcoski, R. Hunter and C .Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Motion made by Mr. Hunter to approve March 1, 2012 minutes. Mr. Seitz seconded the motion and all members voted “aye” thereon.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Variance – Side Yard Setback – Condensing Unit – 5539 Indianola Ave. (Gale & Carol Burkett) BZA 07-12

Discussion:

Mr. Phillips reviewed the facts from the application.

Mr. Hunter stated there is a letter from the neighbor most affected by the condenser who is in favor of the variance.

Ms. Crane asked the applicant to address the Board.

Carol Burkett and Gale Burkett, 5539 Indianola Ave, had nothing further to add to the staff comments.

Ms. Crane asked for questions from the Board.

Ms. Crane asked if anyone in the audience who would like 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 side yard setback of 8 feet.
2. The applicant is proposing the replacement of an existing air conditioning condenser in the side yard, with the screening required by the zoning code. The requested variance is to allow the condenser in the side yard.

Conclusions:

1. The regulation of condenser unit location was started in 1988. Relocating the condenser to avoid a deck in the rear with the added length of refrigerant lines may impact the performance of the air conditioner. It appears the previous unit was in place at the proposed location and the Division of Building Regulation found no record of inquiries about the condenser. All of these factors mitigate 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 GALE AND CAROL BURKETT FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE PLACEMENT OF AN AIR CONDITIONER CONDENSER AT 5539 INDIANOLA AVENUE, AS PER CASE NO. BZA 07-12, DRAWINGS NO. BZA 07-12 DATED FEBRUARY 17, 2012, 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.

2. Variance – Signage and Parking; Approval of Parking Lot in C-5 Zoning District – 640 High St. (Dewey’s Pizza) BZA 08-12

Discussion:

Mr. Phillips reviewed the facts from the application.

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

Scot Rogers, 6730 Main Street, Newtown Ohio, stated he is the Architect representing Dewey’s. He stated they discovered after a topographic survey that there is a seven foot drop from the back property line to the High Street curb which needs to be leveled to eliminate the sudden step in the middle of the property. This will entail digging out the parking lot a couple of feet, which will affect the roots of a couple trees so the trees will be removed. There are new trees being added both to the interior of the lot and at the street. He continued by explaining the parking layout and stated by using angled spaces this would allow for more parking spots. Also, there are three drives being eliminated close to the intersection and a fourth near the back. This is being changed to two small ones, one in and one out, to control the direction of traffic. Signage proposed is one sign facing High Street and one sign facing the Plaza on New England Avenue. He stated that the sign designs have not been finalized.

Ms. Crane asked for questions from the Board.

Mr. Hunter stated this has been before the Architectural Review Board in a very preliminary stage. The parking is not required in a C5 district, but they are proposing 12 parking spaces

which is needed in the Downtown area. The Architectural Review Board has no objection to the trees being removed or the sign locations.

Mr. Falcoski asked if the pylon sign is being removed. Mr. Rogers said yes, the sign removal is part of the demolition of the existing site.

Mr. Seitz asked Mr. Phillips to explain what the code requires for the drive approaches. Mr. Phillips said the Zoning Code requires each drive approach be at a minimum of 300 feet intervals, so the variance is for 264 feet.

Ms. Crane asked if anyone in the audience who would like to speak for or against this proposal.

Findings of fact:

1. This property is in a C-5 district where:
 - a. each business is permitted only 1 wall mounted building sign,
 - b. parking is not required but if provided must be approved by the Board of Zoning Appeals,
 - c. access drive intervals must be a minimum of 300 feet,
 - d. parking cannot be located within 5 feet of the right of way,
 - e. a minimum of 2 inch diameter deciduous tree trunk measured at breast height must be provided within the parking area for each 6 parking spaces.
2. The applicant is proposing to redevelop the site which includes the demolition of an existing building and its associated parking areas including the closing of four existing drive approaches, and the construction of a new building with parking.
3. The applicant is proposing 2 wall mounted signs, one facing High Street and one facing East New England Avenue. The requested variance is for a second wall mounted sign.
4. The applicant is proposing a new parking area with two relocated drive approaches at a 35 feet 6 inch interval. The requested variance is 264 feet 6 inches.
5. The new parking area includes one parking stall with an approximate 2.1 foot by 3.7 foot triangular portion of the pavement and curb within the 5 foot parking setback. The area within the setback is approximately 3.9 square feet. The requested variance is to allow the 3.9 square feet of pavement and curb within the 5 foot parking setback.
6. The parking area shows 12 parking spaces and requires a minimum of 4 inches of deciduous tree trunk measured at breast height within the parking area. The parking plan does not show any deciduous trees within the parking area so a variance from this requirement is required.
7. The property is subject to approval by the Architectural Review Board.

Conclusions:

1. Businesses on corner lots are at a disadvantage with the restriction of one wall mounted sign per business and this second sign allows better visibility traveling south on High Street, and offers visibility when traveling west on East New England Avenue. These factors mitigate the substantial nature of the variance request.
2. Parking is not required to be provided in a C-5 district and if provided, must be approved by this Board. In this particular case, variances are required as proposed.
3. The drive interval variance stems from the relatively small size of the site and the need to create a one way traffic pattern. The resulting two drive approaches will function as one large drive approach and mitigates the substantial nature of the variance request.
4. The very small amount of pavement and curb within the 5 foot setback is not substantial.
5. Three ash trees are proposed to be removed from the site and any one of them could satisfy the deciduous tree requirement. The parking area is relatively small, additional evergreens are being proposed, and this appears to mitigate the substantial nature of the variance.
6. The delivery of governmental services should not be affected.

Mr. Hunter moved:

THAT THE REQUEST BY DEWEY'S PIZZA FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE, ACCESS DRIVE INTERVAL, PARKING SETBACK FROM THE RIGHT OF WAY, TREES IN PARKING AREAS, AND APPROVING THE PARKING LOT AT 640 HIGH STREET, AS PER CASE NO. BZA 08-12, DRAWINGS NO. BZA 08-12 DATED MARCH 6, 2012, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Falcowski seconded the motion and all members voted "aye" thereon.

3. Variance – Additional Wall Signs – 6851 N. High St. (Sign Vision Co./Huntington Bank)
BZA 09-12

Discussion:

Mr. Phillips reviewed the facts from the application.

Ms. Crane asked the applicant to address the Board

Darren Gray, 987 Claycraft Road, Gahanna, stated that the sign next to the new entry is going to be the smaller version. Mr. Phillips confirmed that is what has been applied for with the sign permit application.

Ms. Crane asked for questions from the Board.

Ms. Crane asked if anyone in the audience who would like to speak for or against this proposal.

Findings of fact:

1. This property is in a C-2 district where each business is permitted one, wall mounted sign.
2. The applicant is proposing the following additional wall mounted signs:
 - a. Adjacent to a new entry for a new product line.
 - b. A new illuminated ATM sign for the canopy for the drive up ATM.
 - c. A revised logo and sign at the top of the ATM enclosure
 - d. A new welcome sign above the ATM
 - e. Two patterns of the logo outline on the ATM enclosure.
3. The requested variance is for 6 additional wall mounted signs.
4. The property is subject to, and sign have been approved by, the Architectural Review Board.

Conclusions:

1. The Architectural Review Board did not approve the sign next to the new entry as submitted. The sign must either not have the word Huntington twice, or a smaller version can be installed next to the door. In either case, the sign requires a variance. The entry for the new product line can be confused with the entry for the bank so additional signage seems reasonable.
2. Similarly, a sign to identify which drive through bay is for the ATM is necessary. The additional signage on the ATM will not be readily visible from the adjoining properties.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Mr. Seitz moved:

THAT THE REQUEST BY SIGN VISION COMPANY AND HUNTINGTON BANK FOR A VARIANCE FROM CODE REQUIREMENTS FOR ADDITIONAL WALL MOUNTED SIGNS 6851 NORTH HIGH STREET, AS PER CASE NO. BZA 09-12, DRAWINGS NO. BZA 09-12 DATED MARCH 9, 2012, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Falcowski seconded the motion and all members voted "aye" thereon.

4. Variance – Front Yard Setback – Porch Rail – 307 E. Granville Rd. (Paul Norman/Roehrer)
BZA 10-12

Discussion:

Mr. Phillips reviewed the facts from the application.

Ms. Crane asked the applicant to address the Board

Paul Norman, 142 E. Stanton Avenue, Columbus, stated that the railing is for safety.

Mr. Falcoksi asked if they are just replacing exactly what is already there. Mr. Norman replied yes, but also adding a handrail down the stairs.

Mr. Hunter said this property is back off the street further than compared to the neighbors.

Ms. Crane stated there is no one 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 along a regional thoroughfare with a minimum front yard setback of 50 feet.
2. The existing dwelling is approximately 48 feet from the right of way and has an existing deck entirely within the front yard setback.
3. The applicant is proposing resurfacing the existing deck with new decking material, and placing new railings around the deck. The requested variance is to allow the railings to be installed within the front yard setback.
4. The property is subject to, and the alteration has been approved by, the Architectural Review Board.

Conclusions:

1. The deck already exists in the front yard setback and is approximately 40 feet from the right of way. The requested variance does not appear to be substantial.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Hunter moved:

THAT THE REQUEST BY PAUL NORMAN AND ROBERT ROEHRER FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE PLACEMENT OF A RAILING ON A DECK AT 307 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 10-12, DRAWINGS NO. BZA 10-12 DATED MARCH

**15, 2012, 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. Hunter moved to adjourn the meeting at 8:06P.M., Mr. Seitz seconded the motion. All members said “aye” and the meeting adjourned.