

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

July 5, 2012

A. Call to Order – 7:30 p.m.

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

2. Pledge of Allegiance

3. Motion to approve June 7, 2012 minutes by Mr. Hunter, seconded Mr. Falcoski, and all members voted “aye” thereon.

4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Variance – Lot Width – 171 E. Granville Rd. (Douglas Hoover/Shultz) BZA 19-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Douglas Hoover, 6660 N. High Street and the attorney for the applicant, stated the adjoining property is owned by Mary Wisenberger and each property has its own driveway entrance separated by a hedge which then comes together in the rear causing the Wisenberger pavement to encroach on the Shultz property. There are currently curbs separating the driveway because there have been issues with the Wiesenbergers’ tenants using Ms. Shultz driveway and causing damage to Ms. Shultz garage. Originally they considered having an easement there, however this would give rights to two different people and the two property owners do not get along.

Ms. Crane asked if deeded, would there be enough room for both parties to turn their vehicles and Mr. Hoover replied yes.

Mr. Falcoski asked by moving the property line to the east does it avoid the existing garage and Mr. Hoover replied the portion that would be deeded would leave the garage on Ms. Shultz property.

Mr. Reibel asked for the exact location of the proposed property line and Mr. Hoover stated it will be 1.8 feet from the right of way of Granville Road and then taper back to the northwest corner of the Shultz garage.

Mr. Hunter asked if both property owners are in agreement. Mr. Hoover said yes.

Ms. Crane asked if there was 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 minimum lot width of 80 feet.
2. The lot is 66 feet wide.
3. The applicant is proposing the transfer of a 1.80 foot to 1.45 foot wide by approximately 140.17 foot long strip of the property to the owner to the west, reducing this lot width to 64.20 feet. The requested variance is to reduce an existing nonconforming lot an additional 1.80 feet in lot width.

Conclusions:

1. The lot area and any existing setback requirements are not affected by the request and the transfer of the land would correct an encroachment of the existing driveway to the west from this property. The requested variance is not 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 DOUGLAS HOOVER AND JOAN SHULTZ FOR A VARIANCE FROM CODE REQUIREMENTS FOR LOT WIDTH TO ALLOW THE TRANSFER OF A PORTION OF THE PROPERTY AT 171 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 19-12, DRAWINGS NO. BZA 19-12 DATED JUNE 7, 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.

2. Variance – Side Yard Setback – Air Conditioning Unit – 144 Halligan Ave. (Edward & Jennifer Saboley) BZA 20-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Ed Saboley, 144 Halligan Avenue, said the reason for relocating the unit to the side yard is for efficiency of the lines. The old unit was located in the rear between the two additions and they are planning to build a deck in that location at a later date.

Ms. Crane asked if there was 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 has relocated the condenser to the side yard, 4 feet from the west property line. The requested variance is to allow the entire condenser in the side yard setback.

Conclusions:

1. The property to the west has its garage and family room facing this unit with no windows on the east wall of the family room. These factors 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. Reibel moved:

THAT THE REQUEST BY EDWARD AND JENNIFER SABOLEY FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW AN AIR CONDITONER CONDENSER TO REMAIN 144 HALLIGAN AVENUE, AS PER CASE NO. BZA 20-12, DRAWINGS NO. BZA 20-12 DATED JUNE 8, 2012, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

3. Variance – Side Yard Setback – Addition – 135 W. Clearview Ave. (Brett & Kay Holland)
BZA 21-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if the minor changes made by the Architectural Review Board do not affect this variance request and Mr. Phillips replied that is correct.

Ms. Crane asked the applicant to address the Board.

Brett Holland, 135 W. Clearview Avenue, stated the original drawing did not show the two condensing units, but the drawing in front of you will maintain the current hedging.

Mr. Falcoski asked if the current home is in the setback and Mr. Phillips replied that is correct. Mr. Holland said they have played around with the location of the three car garage and the front would not support it, so that is why they are proposing to enlarge the existing one car garage by fourteen feet, and it will have windows so that appears to be an extension of the house and not just a garage. The two lots have already been combined where this garage would be extended.

Ms. Crane asked if there was 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 front yard setback of 30 feet. Corner lots are permitted to reduce this setback to 20 feet for the adjacent street. Total allowable accessory structure area is limited to 850 square feet.
2. The existing dwelling is 4.2 from the Evening Street right of way. There is an existing 8 foot by 12 foot shed on the property.
3. The applicant is proposing the construction of an addition to the south existing dwelling, 6.2 feet from the Evening Street right of way. The requested variance is 13.8 feet.
4. The applicant further proposes the placement of two air conditioner condensers and an emergency generator adjacent to the addition, also within the 20 foot side yard setback. The requested variance is to allow the condensers and generator in the side yard setback.
5. Part of this project is an addition to the single car garage, enlarging it to approximately 822 square feet. With the shed, the total proposed accessory structure area is 918 square feet. The requested variance is 68 square feet.
6. The property is subject to, and the addition has been approved with minor modifications by, the Architectural Review Board.

Conclusions:

1. Corner lots have additional setback requirements than a typical residential lot and in this particular case, the existing dwelling already is substantially in the setback. The addition is being set back an additional 2 feet relative to the existing dwelling and a large hedge shields the addition and equipment from view. The side yard faces the public right of way and noise from the equipment would not transmit to adjacent residences, unlike other properties not on a corner lot. These factors mitigate the substantial nature of the setback variance request.
2. Modern family storage needs have increased over time and the garage addition would not require a variance, except for the existing shed. The requested variance is not substantial.

3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Mr. Hunter moved:

THAT THE REQUEST BY BRETT AND KAY HOLLAND FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK AND TOTAL ACCESSORY STRUCTURE AREA TO ALLOW THE CONSTRUCTION OF AN ADDITION, THE PLACEMENT OF AIR CONDITIONING CONDENSERS, AND AN EMERGENCY GENERATOR AT 135 WEST CLEARVIEW AVENUE, AS PER CASE NO. BZA 21-12, DRAWINGS NO. BZA 21-12 DATED JUNE 8, 2012, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

4. Variance - Signage – 679-B High St. (Michael Celentano) BZA 22-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Michael Celentano, 710 Havens Corners Road, Gahanna stated his business is hidden from High Street and when they were looking for property they knew they wanted to be handicap accessible and knew it was going to be difficult especially in a Historic District. This site happens to be handicap accessible through the back door, but once individuals get back there they get lost. Mr. Celentano proposes putting an A frame sign back in front of the recycling dumpster, because the problem is, when you pull into the parking lot this is what you see. If a sign could be placed in the no parking area customers could see it. There already is an A frame sign out front which directs people to the corridor, but it is not handicap accessible.

Mr. Hunter asked to view the slide that shows the property then asked to see the picture taken of the parking lot. Mr. Hunter asked to be shown the entry doors location. Mr. Hunter stated there are many businesses back there with zero visibility, so maybe a sign on the property owners dumpster would be a good solution. Mr. Hunter asked how many people are typically in one of the gatherings. Mr. Celentano said it ranges from fifteen to fifty.

Mr. Seitz asked if there has been any signage issues likes this before the board and Ms. Crane said she could not recall any. Mr. Seitz stated he believes the best solution would be for the owner of the building to come up with a way to better allow areas for signage for all of the tenants.

Mr. Hunter said a directional arrow sign on the existing dumpster enclosure is a valid solution, but not on the proposed enclosure which is on City property. Mr. Hunter asked Mr. Phillips who would have to approve it and Mr. Phillips said it would be the Architectural Review Board.

Mr. Seitz agreed the best option would be to place the sign on the existing dumpster, not the City dumpster. Mr. Celentano stated he was thinking of an A frame sign which would only be out during open hours and placed in the parking lot by the dumpster. Mr. Seitz asked if the A frame sign was preferred instead of a permanent sign on the existing dumpster enclosure and Mr. Celentano replied yes. Mr. Seitz stated the location for the A frame sign is on City property.

Mr. Seitz asked who would Mr. Celentano have to go before for the A frame sign and Mr. Phillips stated if this Board grants a variance for an off premise sign then it would have to go before City Council to allow the City Manager to enter an agreement to allow the sign to be placed on City property.

Mr. Falcoski spoke about findings of fact number three which states the property owner prefers a directional sign be placed on the dumpster then asked Mr. Celentano if that was he wants. Mr. Celentano replied no, he would rather have an A frame sign.

Mr. Phillips made a recommendation to the Board that they table this application until the owner and applicant decide what they want. Ms. Crane agreed that the applicant needs to come up with another option and then the board could vote.

Mr. Hunter stated he feels it should tabled and that the applicant should have a discussion with Ms. Bitar, a couple board members and the property owner to figure out appropriate options.

Mr. Falcoski asked if the Board could vote on allowing a temporary banner until the sign issue gets worked out and Mr. Phillips replied Mr. Celantano can seek a Temporary Use Permit from the City Manager.

Findings of fact:

1. This property is an existing lot of record in a C-5 district where off premise signs are not permitted, directional signage is limited to 20 square feet per parcel, and temporary signs are permitted when complying with 1170.05(f)(1):

C-5 Central Commercial Zoning District Exceptions. Temporary sidewalk signs may be located on the sidewalk or tree lawn in front of a business establishment in the C-5 Central Commercial District. Such signs shall be limited to a maximum of one for each business, and placed on the sidewalk or tree lawn only during the hours the business is open. Sidewalk signs shall be located not closer than three feet from the back edge of the curb, a minimum of ten feet from any other sidewalk sign, and allow a minimum of five feet of sidewalk in front of each business for pedestrian circulation. They may be double sided, and shall be no wider than three feet and not taller than five feet in height including any base. Signs with a three-dimensional form shall not exceed thirty cubic feet in area. The signs shall be suitable for pedestrian traffic and not illuminated. Central Commercial District sidewalk signs shall not be subject to the regulations of Section 1170.03.

2. The applicant is a tenant in the building, is proposing an additional temporary sign be allowed, either on the dumpster enclosure, an a-frame sign in the parking lot, or a sign or signs in the public parking lot.
3. The property owner prefers a permanent directional sign be placed on the dumpster enclosure for all tenants to use as directional signage.
4. To place a sign on the city owned property would require approval of City Council. Any variances granted at this Board does not grant nor guarantee permission will be granted by City Council.
5. Permanent signs require approval by the Architectural Review Board.

Conclusion:

1. It is not clear what exactly is being requested although a hardship exists for the rear tenants of the property to be found when one enters the municipal parking lot to the south.
2. A temporary sign on the dumpster enclosure for this one tenant does not seem to be the best solution for the common problem of the tenants.
3. The proposed A-frame sign can be placed on the sidewalk along High Street without a variance. One placed elsewhere on the property or on the city owned parking lot would appear out of place.
4. An off premise sign could provide better visibility but it is not likely permission will be granted by City Council.
5. A permanent directional sign mounted on the dumpster enclosure appears to be the optimal solution and likely requires a variance for total directional sign area of 20 square feet.
6. The design of a permanent directional sign on the enclosure is subject to approval by the Architectural Review Board. That Board can decide on the size of the sign as long as it does not exceed 3 feet wide or 4 feet tall.
7. The essential character of the neighborhood should not be substantially altered.

Mr. Hunter moved for the case to be tabled. Ms. Reibel seconded the motion and all members voted “aye” thereon.

5. Variance - Side Yard Setback – Air Conditioning Unit – 307 E. Granville Rd. (Robert Roehrer) BZA 23-12

Discussion:

Ms. Crane asked for a motion to table the case because there is no one present to represent the case.

Mr. Hunter moved for the case to be tabled. Mr. Falcoski seconded the motion and all members voted “aye” thereon.

Mr. Hunter moved and Ms. Reibel seconded to adjourn. The meeting adjourned at 8:37 P.M.