

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

October 4, 2012

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: B. Seitz, L. Reibel, Mr. Hunter and C. Crane.
Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Motion to approve September 6, 2012 minutes by Mr. Hunter, seconded Mr. Seitz. Minutes were approved.
4. Affirmation/swearing in of witnesses.

B. Unfinished Business

1. Variance – Directional Signage – 300 W. Dublin-Granville Rd.(Worthington Schools/TWHS) BZA 28-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Bryon Manchester, 890 Clubview Boulevard North, stated the addition of the signage will increase the safety of the property, be appropriate to the district and a benefit to the community.

Ms. Crane asked if this is replacing existing signage and Mr. Manchester replied there are three existing that will be replaced and the remaining are additional. Mr. Seitz asked if all the signs were going to be five foot three inches in height and Mr. Manchester replied only signs one and two will be that height.

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 is in an S-1 district where directional signs panels cannot exceed 24 inches in height or width, directional signs cannot exceed 36 inches above grade, and total directional signage is limited to 20 square feet in area. Signs are limited to 4 colors including black and white, and 3 sizes of text including a logo.

2. The applicant is proposing 8 directional signs, a maximum of 5 feet 3 inches above grade and as follows:
 - a. 2, 36 inch by 50 inch double sided signs displaying the school mascot and containing 5 colors,
 - b. 5, 24 inch by 36 inch,
 - c. 1, 50 inch by 36 inch,
 - d. directional sign area of 92.5 square feet,
 - e. and 1 sign has 3 sizes of text plus a logo.
3. The requested variances are:
 - a. 1 additional color on 2 signs,
 - b. from 12 to 26 inches for panel width and height for all 8 signs,
 - c. 27 inches for sign height for all 8 signs,
 - d. 72.5 square feet directional sign area,
 - e. 1 additional size of text
4. The property is subject to approval by the Architectural Review Board.

Conclusions:

1. The property is nearly 85 acres with many buildings, facilities, and uses throughout. Many activities are attended by people outside the city, county, and region. Larger and taller directional signs appear appropriate given the large distances between buildings. The majority of the signs are to the rear and will be hidden by many of the buildings and facilities. All of 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 THE WORTHINGTON BOARD OF EDUCATION FOR A VARIANCE FROM CODE REQUIREMENTS FOR DIRECTIONAL SIGNS AT 300 WEST GRANVILLE ROAD, AS PER CASE NO. BZA 28-12, DRAWINGS NO. BZA 28-12 DATED JULY 5, 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.

C. Items of Public Hearing

1. Extension of Construction Completion Period – Windows – 45 W. Short St. (Todd Musgrove) BZA 35-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Todd Musgrove, 45 West Short Street, stated a six month extension is more than adequate.

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

Findings of fact:

1. Building Permit 18865 was issued on November 20, 2009 to replace windows on the existing dwelling. The work was started on or before December 18, 2009 when a framing inspection was conducted by the Building Inspector. Another inspection was conducted on August 3, 2010. The permit expired on April 20, 2011.
2. Staff has no record of any inquiries about any delays in the project.
3. The applicant is requesting an extension of the construction completion period for 6 months from today to allow the completion of the window replacement project.

Conclusions:

1. The property appears to be maintained without excessive evidence of material and equipment stored about the property.

Mr. Seitz moved:

THAT THE REQUEST BY TODD MUSGROVE FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD OF 6 MONTHS FROM TODAY TO COMPLETE THE REPLACEMENT OF WINDOWS AT 45 WEST SHORT STREET, AS PER CASE NO. BZA 35-12, 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 – Front Yard Setback – Planter – 5593-5617 N. High St. (Kelma LLC) BZA 36-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Joel Mazza, 155 West Southington Avenue, stated they would like to add more detail to the outside and that they have also been approved for bike racks by the sign. Ms. Reibel asked if there was anything there before and Mr. Mazza replied there previously was a sign that had been driven into, so this is a whole new sign.

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 a C-2 district with a front yard setback of 50 feet.
2. The applicant is proposing an 8 foot by 6 foot brick planter approximately 15 feet from the east property line. Due to the configuration of the existing parking lot, the planter may be located at least 12 feet from the property line. The requested variance is to allow the entire planter in the front yard setback.
3. The property is subject to, and the planter has been approved by, the Architectural Review Board.

Conclusions:

1. The existing parking already extends nearly to the property line and the base of sign looks unfinished. A planter would be an appropriate way to complete the sign base. The planter is only 2 feet high and smaller than a parking space. 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.

Mr. Hunter moved:

THAT THE REQUEST BY KELMA LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE CONSTRUCTION OF A PLANTER AT 5593-5617 NORTH HIGH STREET, AS PER CASE NO. BZA 36-12, DRAWINGS NO. BZA 36-12 DATED AUGUST 31, 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 - Supporting Members – Fence – 285 Medick Way (Arthur Chakalis) BZA 37-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Art Chakalis, 285 Medick Way, stated there is approximately one hundred feet of woods before the parking lot, so the fence would not be seen. The previous fence was rotten and installed the same way. Mr. Seitz asked to confirm that there are two issues before the Board, one being the height of twelve inches above what code allows and the placement of the supporting members and Mr. Phillips replied that is correct.

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-16 district where the supporting members of fences are not to be visible from adjoining properties, and a maximum height of 6 feet is permitted for fences.
2. The applicant is proposing replacing an existing fence with a 24 foot and 18 foot section of 6 foot high solid fencing. The fence is proposed with the supporting members facing the property to the south and with fence posts approximately 12 inches above the fencing boards. The requested variances are to allow the fence with supporting members visible from the southern neighbor and 12 inches of additional fence height for the supporting posts.

Conclusions:

1. The wooded northern portion of southerly neighbor, and the use of that property to the south for parking and driveways as part of a high school campus, mitigate the substantial nature of the variance requests.
2. The delivery of governmental services should not be affected.

Mr. Seitz moved:

THAT THE REQUEST BY ARTHUR CHAKALIS FOR A VARIANCE FROM CODE REQUIREMENTS FOR FENCING TO ALLOW THE ERECTION OF A FENCE AT 285 MEDICK WAY, AS PER CASE NO. BZA 37-12, DRAWINGS NO. BZA 37-12 DATED SEPTEMBER 5, 2012, 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.

4. Variance - Condensing Unit – 107 W. Stafford Ave. (Wolfe & Sons HVAC/Narazaki) BZA 38-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Timothy Wolfe, 3097 Cranston Drive, stated it is a two ton heat pump unit which will cover the recently remodeled attic space because there was no way to run duct work in this area. Also, the neighbors will not be able to see or hear the unit or from the street.

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 minimum 8 foot side yard requirement. Refrigeration equipment is not permitted in a required yard.
2. The existing dwelling is approximately 9.7 feet from the west property line. The existing dwelling has 2 existing condensers in the setback. Staff has no record of any inquiries regarding the location of the 2 condensers.
3. The applicant is proposing the installation of a new condenser in the side yard setback. The requested variance is to allow 3 condensers in the side yard.
4. The property is subject to, and the condenser has been approved by, the Architectural Review Board.

Conclusions:

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

Ms. Reibel moved:

THAT THE REQUEST BY TIMOTHY WOLFE, MICHAEL NARAZAKI, AND MIKI USHIBA FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE PLACEMENT OF THREE CONDENSERS AT 107 WEST STAFFORD AVENUE, AS PER CASE NO. BZA 38-12, DRAWINGS NO. BZA 38-12 DATED SEPTEMBER 7, 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.

5. Variance - Rear Yard Setback – Gable Addition – 110 Park Blvd. (John Weese/Community of Christ Church) **BZA 39-12**

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Jim Clark, 2433 Shillingham Court, stated it should be noted that there is also a fifty foot front setback and the existing building is at thirty five feet. Mr. Phillips said it will be added in the findings of facts in the minutes.

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 minimum rear and front yard setback of 50 feet.
2. The property contains an existing building from 28.1 feet to 28.3 feet from the north property line, and 35 feet from the Park Boulevard right of way. A portion of the existing building has a flat roof.
3. The applicant is proposing to construct a gabled roof over the flat roof portion of the building. Almost half of the new roof will be within the rear yard setback and a significant portion in the front yard setback. The requested variances are from 21.7 feet to 21.9 feet for the rear yard and 15 feet for the front yard.
4. The applicant is also planning to relocate refrigeration equipment to the rear of the existing building, also within the 50 foot rear yard setback but no closer than 28.1 feet from the north property line. The requested variance is 21.9 feet.

5. Excepting the new sign installed in 2003, staff has no record of inquiries about the property.
6. The alteration was approved by the Municipal Planning Commission, amending the Conditional Use Permit.

Conclusions:

1. The grade to the north slopes steeply and the northern neighbors currently view the existing roof. Placing a gabled roof over the flat roof would improve the look of the building and mitigates the substantial nature of the variance request.
2. The refrigeration equipment will be screened by fencing. The requested variance is not substantial.
3. The essential character of the neighborhood should not be substantially altered.

Mr. Hunter moved:

THAT THE REQUEST BY JOHN WEESE AND LESLIE DELAPP FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW CONSTRUCTION OF A ROOF AND PLACEMENT OF REFRIGERATION EQUIPMENT AT 110 PARK BOULEVARD, AS PER CASE NO. BZA 39-12, DRAWINGS NO. BZA 39-12 DATED SEPTEMBER 7, 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.

Ms. Reibel moved to adjourn, and Mr. Seitz seconded the motion. The meeting adjourned at 7:58 P.M.