

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

January 3, 2013

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: B. Seitz, Mr. Falcoski, Ms. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Oaths of Office
4. Election of Officers –Ms. Reibel moved and Mr. Sietz seconded Ms. Crane’s nomination for Chair, Mr. Seitz moved and Ms. Reibel seconded Mr. Falcoski’s nomination for Vice Chair, and Mr. Seitz moved and Mr. Falcoski seconded Ms. Reibel’s nomination for Secretary. All members said “aye” thereon.
5. Ms. Reibel moved approve the December 6, 2012 minutes by, seconded by Mr.Seitz. The minutes were approved.
6. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Variance - Side Yard Setback – 119 E. Granville Rd. (J.C. Rice) BZA 01-13

Discussion:

Mr. Phillips reviewed the staff memo.

JC Rice, 119 East Dublin-Granville Road, stated she has a quote for the screening of the generator, she is a single mother and the generator will provide power for the security system and the refrigerator needed for her daughter’s medication. She apologized for installing it without permission. The quote is for plantings or siding to match the garage and she leaning toward the siding, but that will go before the Architectural Review Board.

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 AR-4.5 district with a minimum 8 foot side yard requirement.

2. The applicant placed a generator approximately 7.5 feet from the west property line. The requested variance is 6 inches.
3. The Division of Building Regulation has no record of inquiries about the location of the generator.
4. The property is subject to approval by the Architectural Review Board.

Conclusions:

1. 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. Falcoski moved:

THAT THE REQUEST BY J.C. RICE FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A GENERATOR TO REMAIN AT 119 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 01-13, DRAWINGS NO. BZA 01-13 DATED DECEMBER 4, 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.

2. Variance – Side Yard Setback - Generator – 6868 Bowerman St. E. (Kenneth & Eleanor Pearlman) BZA 02-13

Discussion:

Mr. Phillips reviewed the staff memo.

Ken Pearlman, 6868 Bowerman Street East, said the part of the neighbor’s house that is adjacent to this generator is a garage and their living quarters are behind the garage. He has spoken to the neighbor and explained the testing of the generator will be conducted during a time that is convenient for them. The screening would be completed in the spring.

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.
2. The applicant is proposing the installation of a generator 5.5 feet from the north property line. The requested variance is 2.5 feet.

Conclusions:

1. The proposed landscape screening 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.

Mr. Seitz moved:

THAT THE REQUEST BY KENNETH AND ELEANOR PEARLMAN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE INSTALLATION OF A GENERATOR AT 6868 BOWERMAN STREET EAST, AS PER CASE NO. BZA 02-13, DRAWINGS NO. BZA 02-13 DATED DECEMBER 5, 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.

3. Variance – Side Yard Setback – Condensing Unit – 96 W. North St. (Bruce & Kerry Mehollin) BZA 03-13

Discussion:

Mr. Phillips reviewed the staff memo.

Bruce Mehollin 96 West North Street stated they constructed an addition in 1995, the original unit had went bad after seventeen years, and it needed replaced. Ms Crane asked if the neighbors have two units and Mr. Mehollin replied yes they were installed last year.

Ms. Crane stated there was 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 with a minimum 8 foot side yard requirement. Refrigeration equipment is not permitted in a required yard.
2. A variance was granted in 1991 for a condenser in the side yard. A variance was granted in 1995 to construct an addition. The 1995 variance documents did not include a second condenser as part of the addition.
3. The applicant has replaced one of the two condensers in the side yard setback. The requested variance is to allow the second condenser in the side yard to remain.
4. The Division of Building Regulation has no record of any inquiries about the past or present location of the condensers.

Conclusions:

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

Mr. Falcoski moved:

THAT THE REQUEST BY BRUCE AND KERRY MEHOLLIN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW A CONDENSER TO REMAIN AT 96 WEST NORTH STREET, AS PER CASE NO. BZA 03-13, DRAWINGS NO. BZA 03-13 DATED DECEMBER 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. Crane stated there was a fourth item on the agenda, a variance for a fence at 6121 Olentangy River Road by Congregation Beth Tikvah, case BZA 04-13. That item has been withdrawn.

Mr. Falcoski moved to adjourn, seconded by Ms. Reibel, and the meeting adjourned at 7:50 P.M.