

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

August 1, 2013

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: D. Falcoski, L. Reibel and R. Hunter. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Hunter moved to approve the June 6, 2013 minutes, seconded by Ms. Reibel and the minutes were approved.
4. Affirmation/swearing in of witnesses.

B. Unfinished Business

1. **Variance - Signage – 885 High St. (Providential Properties) BZA 26-13**

Discussion:

Mr. Phillips reviewed the staff memo.

Findings of fact:

1. This property is an existing lot of record in a C-3 district. Projecting signs are not permitted.
2. The applicant is proposing each business be allowed the option of a projecting sign or a wall mounted sign. The variance request is to allow projecting signs.
3. The property is subject to, and the projecting signs have been approved by, the Architectural Review Board.

Conclusion:

1. Projecting signs are typically reserved for the C-5 district. In this particular case, the building is 'L' shaped and once one enters the property, the projecting signs may be easier for a patron to see. 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 stated the applicant for **885 High Street** case **BZA 26-13** does not appear to be here and asked for a motion to table.

Mr. Hunter moved to table item, Ms. Reibel seconded the motion and all members voted “aye” thereon.

C. Items of Public Hearing

1. Variance - Side Yard Setback - Garage – 676 Oxford St. (Susan Keaton) BZA 29-13

Discussion:

Mr. Phillips reviewed the staff memo.

Shawn McNeil, 370 Charleston Avenue, stated since this is an irregular lot and to get the proper maneuvering in and out of the garage on a daily use this variance is required.

Mr. Falcoski asked if there was anyone in the audience to speak for or against this proposal.

Susan Keaton, 676 Oxford Street, stated the neighbors on the north side did submit a letter stating they are fine with this and that the house is at the same distance as the new garage would be.

Findings of fact:

1. This property is a legally nonconforming lot in an R-10 district. Detached accessory structures larger than 120 square feet must be a minimum of 8 feet from the side property line.
2. The applicant is proposing the construction of 20 foot by 30 foot detached garage, 4 feet 7 inches from the north property line. The requested variance is 3 feet 5 inches.
3. The property is subject to, and the garage has been approved by, the Architectural Review Board.

Conclusion:

1. The lot is 48.125 feet wide and if the garage is placed 8 feet from the north property line, it would hinder maneuvering a vehicle into the garage. This 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. Hunter moved:

THAT THE REQUEST BY SUSAN KEATON FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A GARAGE AT 676 OXFORD STREET, AS PER CASE NO. BZA 29-13, DRAWINGS NO. BZA 29-13 DATED JUNE 17, 2013, 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 - Signage – 600 High St. (Sign-A-Rama/Worthington United Methodist Church)
BZA 30-13**

Discussion:

Mr. Phillips reviewed the staff memo.

Mr. Hunter stated the Hartford Street sign was withdrawn from the Architectural Review Board application and asked if it had been withdrawn from this application. Mr. Phillips replied that nothing was received to withdraw the Hartford Street sign from the Board of Zoning Appeals application. He stated granting a variance tonight will not grant Architectural Review Board approval, but would secure a variance for the future when they come back to the Architectural Review Board.

John Persons, 158 North Hamilton Road, stated the Hartford Street sign is in this application for the right-of-way issue only and not the design of the sign. They know they must go back to the Architectural Review Board for those design changes.

Mr. Hunter stated he has the same objection in this meeting since it is located in a residential location and he cannot vote for that kind of a sign on a residential street.

Mr. Falcoski asked for Mr. Phillips to explain what they would be voting on. Mr. Phillips stated the Board would only be voting on the location of the sign, if the Board does not grant a variance tonight but the design gets approved by the Architectural Review Board, then the sign would have to be placed ten feet back from the right-of-way.

Ms. Reibel asked to see the slide showing the right of way line. Mr. Phillips pointed out that going back ten feet would place the sign behind the hedges

Mr. Falcoski asked Mr. Phillips to explain what options the applicant has at this point. Mr. Phillips stated that this whole application can be withdrawn or tabled, the application can be modified to remove the Hartford Street sign, the Board can vote on the whole application, or can vote on part of the application.

Mr. Hunter said he would vote for tabling this piece of the application.

Mr. Hunter made a motion to table the Hartford Street sign, Ms. Reibel seconded the motion and all member voted “aye” thereon.

Mr. Falcoski asked if there was anyone in the audience to speak for or against this proposal.

Findings of fact:

1. This property is an existing lot of record in a C-3 district with the following signage requirements:
 - a. Freestanding signs must be setback 10 feet from the right-of-way.
 - b. Total amount of directional signage is limited to 20 square feet.
 - c. The maximum size of a directional sign is 24 inches in width or height and 36 inches maximum above grade.
2. The Hartford Street right-of-way is 66 feet.
3. The applicant is proposing:
 - a. a 48 inch by 36 inch free standing sign for the east entrance from Hartford Street, on the east property line. The requested variance is 10 feet.
 - b. directional signs as follow;
 - i. 3, 18 inch by 18 inch hanging directional signs totaling 6.75 square feet
 - ii. 1, 4 foot by 3 foot wall mounted directional sign totaling 12 square feet
 - iii. and 1, 2 faced, 36 inch by 28 inch freestanding directional sign totaling 14 square feet.
 - iv. total proposed directional sign area is 32.75 square feet. The requested variance is 12.75 square feet.
 - c. the freestanding directional sign faces are 36 inches wide, 28 inches tall, and approximately 48 inches above grade. The requested variances are 12 inches for height, 4 inches for width, and 12 inches for height above grade.
4. The property is subject to, and the signage excepting the Hartford Street freestanding sign, have been approved by the Architectural Review Board.

Conclusion:

1. Hartford Street is residential and the right-of-way is 16 feet wider than the typical 50 feet found in other residential areas. This additional 8 feet of green space mitigates the substantial nature of the freestanding sign variance request.
2. The site is a collection of 6 parcels totaling 3.979 acres with a large, multiuse building. These factors mitigate the substantial nature of the directional signage variance requests.
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 THE WORTHINGTON UNITED METHODIST CHURCH FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW THE ERECTION OF SIGNS AT 600 HIGH STREET, AS PER CASE NO. BZA 30-13, DRAWINGS NO. BZA 30-13 DATED JUNE 20, 2013 BE APPROVED WITH THE EXCEPTION OF THE PORTION OF A FREE STANDING SIGN ON HARTFORD STREET SIDE AS PER THE TABLED MOTION, 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.

**3. Variance - Monument Sign – 45 E. Old Wilson Bridge Rd. (Not Your Daddy’s Buzz Cuts)
BZA 31-13**

Discussion:

Mr. Phillips reviewed the staff memo.

Terry Sauer, 6707 Oak Shadow Drive, said he had nothing to add to the staff comments.

Mr. Falcoski asked if there was anyone in the audience to speak for or against this proposal.

Findings of fact:

1. This property is an existing lot of record in a C-4, C-3, and R-10 district. The majority of the property is C-4 and houses a large office building and associated parking. The C-3 portion of the property has a converted dwelling used by a personal services business. The R-10 portion of the property is being used for parking.
2. The property is subject to the following signage requirements:
 - a. freestanding signs are not permitted in residential districts and must be set back a minimum of 10 feet from the right of way in other districts.
 - b. a maximum of 3 sizes of lettering including a logo is permitted.
3. The applicant is proposing to erect a 6 foot by 5 foot freestanding sign, as amended by the Architectural Review Board, as follows:
 - c. on the R-10 portion of the property approximately 3 feet from the East Wilson Bridge Road right-of-way. The requested variances are to allow a freestanding sign in a residential district and 7 feet of sign setback from the right-of-way.
 - d. 4 sizes of lettering including the logo. The requested variance is 1 size of lettering.
4. The property is subject to, and the sign as amended has been approved by, the Architectural Review Board.

Conclusions:

1. This site is unique in that a converted dwelling sits in front of a large office building and a small portion of the property is zoned residential. Placing the sign on the C-3 portion of the property will decrease its visibility. The existing parking also limits options to placing the sign. These factors mitigate the substantial nature of the variance request.
2. The additional size of lettering does not appear as a substantial variance request.
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 NOT YOUR DADDY'S BUZZ CUTS AND OHIO AUTOMOBILE CLUB FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIGNAGE TO ALLOW THE CONSTRUCTION OF A SIGN AT 45 EAST OLD WILSON BRIDGE ROAD, AS PER CASE NO. BZA 31-13, DRAWINGS NO. BZA 31-13 DATED JUNE 28, 2013 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 - Rear Yard Setback – Shed – 502 E. Clearview Ave. (Stephen Corvi) BZA 32-13

Discussion:

Mr. Phillips reviewed the staff memo.

Stephen Corvi, 502 East Clearview Avenue, stated he feels the shed needs to be closer to property line so to have ample space between the garage and the shed, this will be beneficial when he washes down the garage or has maintenance to do.

Mr. Phillips stated the Board historically has not approved setbacks less than three feet for accessory structures.

Findings of fact:

1. This property is an existing lot of record in an R-10 district. Detached accessory structures not larger than 120 square feet must be a minimum of 5 feet from the rear property line.
2. The applicant is proposing the construction of an 8 foot by 15 foot shed, 3 feet from the east property line. The requested variance is 2 feet.

Conclusions:

1. The proposed shed could be placed against the garage and not require a variance, but the 2 foot space between the two structures allows for their maintenance. This existing lot is smaller than those typically found in an R-10 district. Placement of the shed to the rear of the existing garage preserves the usable portion of the rear yard.
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 STEPHEN CORVI FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO CONSTRUCT A SHED AT 502 EAST CLEARVIEW AVENUE, AS PER CASE NO. BZA 32-13, DRAWINGS NO. BZA 32-13 DATED JUNE 28, 2013, 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.

Mr. Hunter moved to adjourn, seconded by Ms. Reibel, and the meeting adjourned at 7:57 P.M.