BOARD OF ZONING APPEALS
-AGENDA-
Thursday, September 3, 2020 at 7:00 P.M.

This will be a virtual meeting that will be streamed on the internet:
worthington.org/live

A. Call to Order - 7:00 pm

1. Roll Call

2. Approval of minutes of the August 6, 2020 meeting

B. Items of Public Hearing – Unfinished

1. **Variance** – Setback & Screening – **6625 Guyer St.** (Schorr Architects/Worthingway Middle School) **BZA 21-2020 To Remain Tabled without Discussion**

2. **Variance –** Front Yard Setback – Single Family Dwelling – **285 McCoy Ave.** (JBAD Architects/Carpenter & Blanchard) **BZA 31-2020 To Remain Tabled without Discussion**

C. Items of Public Hearing – New Business

1. **Variance** – Front Yard Setback – Porch – **325 E. New England Ave.** (Christa Teston & Chris Elliott) **BZA 32-2020**

2. **Variances** – Front & Side Yard Setbacks – Ramp – **84 W. Stanton Ave.** (Shaw & Ott Medical/Cummiskey) **BZA 33-2020**

3. **Variances –** Rear & Side Yard Setbacks – New Garage – **117 W. New England Ave.** (Jeffrey & AnnMarie McCallister) **BZA 34-2020**

4. **Variance –** Accessory Building Total Area – New Garage – **638 Seabury Dr.** (James W. Bihari) **BZA 35-2020**

C. Other

D. Adjournment

MEMORANDUM

TO: Members of the Board of Zoning Appeals

FROM: R. Lee Brown, Director of Planning & Building

DATE: August 27, 2020

SUBJECT: Staff Memo for the Meeting of September 3, 2020

B. Items of Public Hearing – Unfinished

1. **Variance** – Setback & Screening – **6625 Guyer St.** (Schorr Architects/Worthingway Middle School) **BZA 21-2020 To Remain Tabled without Discussion**

2. **Variance –** Front Yard Setback – Single Family Dwelling – **285 McCoy Ave.** (JBAD Architects/Carpenter & Blanchard) **BZA 31-2020**

No additional information was provided at the time of this report. The applicant stated that they intend to submit revised drawings prior to the time of the meeting.

Findings of Fact & Conclusions

Background:
This property is in the R-10 (Low Density Residence) Zoning District. The surrounding properties are also single-family homes in the R-10 District. The lot is 90 feet in width and 163 feet in length for a total of 14,670 square feet in the Morris Addition. The lot is heavily wooded with a prominent slope south towards Rush Creek.

The applicant is proposing to construct a new single-family dwelling. The proposed attached garage drive court with retaining walls and screening walls would be located in the front yard setback.

The proposed garage would be 5-feet 6-inches from the public right-of-way. The existing public right-of-way extends approximately 8-feet south of the edge of pavement for McCoy Ave. The placement of the garage and retaining walls would be approximately 13-feet 6-inches from the edge of the pavement.

The applicant is requesting this location due to the sloping grade and vegetation in the rear yard and states the reduced setback is necessary to have level ground for the garage to be built.

Property History:
The original house was constructed in 1962 and was located 30-feet from the public right-of-way. There was an existing carport that was located in the front setback at the edge of the public right-of-way. The Board approved the reconstruction of the original carport in 2004 that was located at the edge of the public right-of-way. The existing house was demolished in 2015 and a new home started construction in late 2015, however in early 2016 the foundation walls collapsed when the contractor was backfilling dirt against the foundation. Throughout 2016 the house sat until it was ultimately demolished by the previous property owner.

Worthington Codified Ordinances:
Section 1149.01 requires all dwellings and structures accessory to the dwelling be at least 30 feet from the right-of-way line in the R-10 District.

Section 1180.02(a) states "In any 'R' District, no fence or wall shall be erected in the area between the right-of-way line and the building setback line".

Request:
The applicant is requesting the structure, retaining walls and screening to be 5.6-feet from the existing public right-of-way. A variance of 24.6-feet is required.

Conclusions:
The main portion of the proposed new home will be located approximately 34-feet back outside the public right-of-way. The proposed garage, drive court with retaining walls and screening walls would be located entirely in the front setback. The main portion of the home we be at a similar setback as the previous structure and the surrounding homes along McCoy, however the garage, drive court retaining walls and screening walls will encroach into the front setback. The garage height and retaining walls for the drive court appear to be approximately 3-feet in height along the roadway and gradually increases as the property slopes to the south and to the east.

Staff is supportive of the request for the placement of the garage and retaining walls to encroach in the front setback, however we do not understand the need for the screening walls around the drive court.

- The Board should discuss the proposed screening walls being in the front setback.

Detailed elevations were not submitted with the application; elevations might help determine the severity of the encroachment into the front setback.

On August 1, 2019, the Board approved a variance at the neighboring property at 283 McCoy Ave. for the construction of a new home with a garage that would be located at 19.6-feet from the public right-of-way. The main portion of the home was located outside of the front 30-foot setback.

The essential character of the neighborhood might be substantially altered. The proposed garage and retaining walls might not alter the character of the neighborhood, however the screening walls surrounding the drive court might create a compound look and feel.

- The Board should discuss the proposed screening walls being in the front setback.

The previous carport was at the edge of the public right-of-way; however, it did have existing vegetation that helped buffer/screen the carport.

- A landscape plan may help soften the encroachment into the front setback.

Protecting the steep slope, wooded area, and the integrity of Rush Run to the south of the lot is extremely important.

The delivery of government services should not be affected.

If the Board feels that the above items have been addressed, the motion below would be appropriate.

The following motion might be appropriate if the Board feels comfortable moving forward, however tabling the application again is also an option you if you do not feel comfortable with new information being provided last minute.

Motion:
THAT THE REQUEST BY ERIC THOMPSON WITH JBAD ARCHITECTS ON BEHALF OF CRAIG CARPENTER AND KATE BLANCHARD FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A NEW SINGLE FAMILY DWELLING, RETAINING WALLS AND SCREENING WALLS TO BE LOCATED IN THE FRONT YARD SETBACK AT 285 McCOY AVE. AS PER CASE BZA 31-2020, DRAWINGS NO. BZA 31-2020 DATED JULY 24, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

C. Items of Public Hearing – New Business

1. **Variance** – Front Yard Setback – Porch – **325 E. New England Ave.** (Christa Teston & Chris Elliott) **BZA 32-2020**

Background:
This property is located in the R-10 (Low Density Residence) Zoning District. The surrounding properties are also single-family homes in the R-10 District. The lot is 66-feet in width and 200-feet in length for a total of 13,200 square feet in the Morris Addition. The lot is heavily wooded with a prominent slope south towards Rush Creek.

The applicant is proposing a new 6’ x 8’ foot covered porch that will encroach into the required front yard.

There is an existing 3’x 5’ existing covered front porch and sidewalk in this area. The applicant is requesting this variance to add a larger covered entrance.

Worthington Codified Ordinances:
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30-feet from the public right-of-way.

Request:
The applicant is requesting to construct a new covered porch in the required front yard. The porch is proposed to be 10.4-feet from E. New England Ave.; a variance of 19.6-feet is required.

Conclusions:
The essential character of the neighborhood should not be substantially altered as other nearby properties have similar front porches and setbacks. In addition, the porch will match the existing character of the home.

The existing covered porch and the majority of the house are currently located in the front setback. No prior variance was found. The existing house is already located 16.6-feet into the front setback.

The new addition will be 34.6-feet from the edge of pavement for E. New England Ave.

The delivery of government services should not be affected with the installation of the porch.

Motion:
THAT THE REQUEST BY CHRISTA TESTON & CHRIS ELLIOTT FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A PORCH TO BE CONSTRUCTED IN THE REQUIRED FRONT YARD AT 325 E. NEW ENGLAND AVE., AS PER CASE NO. BZA 32-2020, DRAWINGS NO. BZA 32-2020 DATED JULY 16, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

2. **Variances** – Front & Side Yard Setbacks – Ramp – **84 W. Stanton Ave.** (Shaw & Ott Medical/Cummiskey) **BZA 33-2020**

Background:
This property is located in the R-10 (Low Density Residence) Zoning District in the Davis Estates neighborhood. The surrounding properties are also single-family homes in the R-10 District. The lot is 55-feet in width and 122-feet in length for a total lot size of 6,710 sq. ft. in size.

The applicant is proposing to install a handicap ramp for the property owner that will need to encroach into the required front yard and side yard.

There is an existing approximately 3'x 5' existing front porch with stairs in this area. The applicant is requesting this variance so that the property owner can safely enter and exit her home.

Worthington Codified Ordinances:
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30-feet from the public right-of-way.

Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 8-feet from the side yard.

Request:
The applicant is requesting to construct a handicap ramp in the required front yard. The ramp is proposed to be 13.4-feet from W. Stanton Ave.; a variance of 16.6-feet is required. The ramp is also proposed to be 6.8-feet from the western side property line; a variance of 1.2-feet is required.

Conclusions:
The essential character of the neighborhood should not be substantially altered long term, however temporarily it might be altered.

- The handicap ramp would be able to be removed in the future when it is not needed.

The existing front porch and stairs already encroach into the existing front setback.

The handicap ramp will be approximately 22.4-feet from the edge of pavement for W. Stanton Ave.

The ramp would provide safe access to the home and permit the property owner to remain in her home.

The ramp would be designed to meet the Accessibility Code referenced in the Residential Code of Ohio.

The delivery of government services should not be affected with the installation of the porch.

Motion:
THAT THE REQUEST BY SHAW & OTT MEDICAL ON BEHALF OF LUCILLE CUMMISKEY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A HANDICAP RAMP TO BE IN THE REQUIRED FRONT YARD AND SIDE YARD AT 84 W. STANTON AVE., AS PER CASE NO. BZA 33-2020, DRAWINGS NO. BZA 33-2020 DATED AUGUST 5, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

3. **Variances –** Rear & Side Yard Setbacks – New Garage – **117 W. New England Ave.** (Jeffrey & AnnMarie McCallister) **BZA 34-2020**

Background & Request:
This property is located in the R-10 (Low Density Residence) Zoning District in Old Worthington. The surrounding properties are also single-family homes in the R-10 District. The lot is 60-feet in width and 134-feet in length for a total lot size of 8,040 square feet in size.

The applicant is proposing to replace an existing garage and shed with a new larger garage that will need to encroach into the required side yard and rear yard for accessory buildings.

There is an existing approximately 20' x 20' existing garage and a 14' x 20' shed that will be replaced with a new 20' x 26' garage with storage above that will be 3-feet from the side and rear property lines. The applicant is requesting this variance so that the property owner can construct a new garage.

Worthington Codified Ordinances:
Section 1149.08(b) states any accessory building must be at least 10-feet from the rear lot line and 8-feet from the side lot line.

Request:
The applicant is requesting to construct a new garage in the required rear yard and side yard. The garage is proposed to be 3-feet from the side and rear lot line; a variance of 5-feet for the side lot line and 7-feet for the rear lot line is requested.

Conclusions:
The essential character of the neighborhood should not be substantially altered long term as there are several other accessory buildings in Old Worthington located 3-feet from the side and rear lot lines.

The existing detached garage and shed are located 4-feet from the side lot line and the shed is located 3-feet from the rear lot line. The Board granted a Variance on June 5, 2003 for the shed to be located 3-feet from the rear lot line and 4-feet from the side lot line. The existing garage appears to be constructed when the home was constructed in the early 1900's.

The garage will be in the same general location as the existing garage and shed. With the removal of the shed, the new garage will be constructed back towards the rear of the lot in line with the neighbor's garage to the east.

Exiting lots in Old Worthington typically do not meet the size and frontage requirements for the R-10 District. The lot is only 60-feet wide where the R-10 District requires 80-feet and the lot size is only 8,040 sq. ft. in size where the R-10 District requires 10,400 sq. ft. These two site conditions attribute to the need or reduced setbacks in Old Worthington.

The proposal was reviewed and approved by the Architectural Review Board on July 9, 2020.

The delivery of government services should not be affected with the installation of the porch.

Motion:
THAT THE REQUEST BY JEFFREY & ANNMARIE McCALLISTER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE TO BE CONSTRUCTED IN THE SIDE YARD AND REAR YARD AT 117 W. NEW ENGLAND AVE., AS PER CASE NO. BZA 34-2020, DRAWINGS NO. BZA 34-2020 DATED AUGUST 7, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

4. **Variance –** Accessory Building Total Area – New Garage – **638 Seabury Dr.** (James W. Bihari) **BZA 35-2020**

Background & Request:
This property is located in the R-10 (Low Density Residence) Zoning District in Kilbourne Village. The surrounding properties are also single-family homes in the R-10 District. The lot is approximately 60-feet in width and 158-feet in length for a total lot size of 12,194 square feet in size.

The applicant is proposing to construct a new detached accessory building that will exceed the permitted 850 sq. ft. total for accessory buildings.

There is an existing attached garage that is approximately 447 sq. ft. in size. The applicant would like to construct a new detached garage that would be 22' x 22', which would be 484 sq. ft. in size bringing the total square footage of accessory building area to 931 sq. ft. The applicant is requesting a variance so that the property owner can construct a new garage.

Worthington Codified Ordinances:
Section 1149.08(b) states that the total accessory building area cannot exceed 850 sq. ft. in size.

Request:
The applicant is requesting to construct a new garage that would exceed the permitted 850 sq. ft. of accessory building area. The total accessory building area would be 931 sq. ft.; a variance of 81 sq. ft. is requested.

Conclusions:
The essential character of the neighborhood should not be substantially altered.

The garage will be located to the rear of the site and will not be completely visible from the public right-of-way.

The garage will also be able to meet the standards outlined in Section 1149.08(b) for setbacks from the side and rear lot lines.

The delivery of government services should not be affected with the installation of the porch.

Motion:
THAT THE REQUEST BY JAMES W. BIHARI FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE TO BE CONSTRUCTED THAT WILL BRING THE TOTAL ACCESSORY BUILDING SQUARE FOOTAGE OVER 850 SQ. FT. AT 638 SEABURY DR., AS PER CASE NO. BZA 35-2020, DRAWINGS NO. BZA 35-2020 DATED AUGUST 7, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

1129.05 POWERS AND DUTIES.

Review Criteria for Granting Area Variances by the Board of Zoning Appeals:

(c) Area Variances. The Board shall have the power to hear and decide appeals and authorize variances from the provisions or requirements of this Zoning Ordinance. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objective of this Zoning Ordinance. The Board may grant a variance in the application of the provisions of the Zoning Ordinance when it is determined that practical difficulty exists based on the following factors:

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(2) Whether the variance is substantial;

(3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

(4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and,

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
VIRTUAL MEETING

August 6, 2020

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Cynthia Crane, Chair; D.J. Falcoski – Vice-Chair; Brian Seitz, Garrett Guillozet and Mikel Coulter. Also present were Lee Brown, Director of Planning & Building; and Lynda Bitar, Planning Coordinator.

2. Oath of Office – Garrett Guillozet

   Mr. Guillezet was sworn in as a Board member of the Board of Zoning Appeals.

3. Secretary Nomination

   Mr. Coulter moved to nominate Mr. Seitz to be Secretary of the Board of Zoning Appeals and Mr. Guillozet seconded the motion. All Board members voted, "Aye."

4. Approval of Minutes of the July 2, 2020 meeting

   Mr. Coulter moved to approve the minutes, and Mr. Seitz seconded the motion. Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Coulter, aye; Ms. Crane, aye; and Mr. Guillozet, abstained. The minutes were approved.

B. Items of Public Hearing – New Business

1. **Variance** – Setback from Alley – Fence – **5709 Foster Ave.** (Patricia Hosking) **BZA 27-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:
This 8,100 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District in the Colonial Hills neighborhood. The property abuts an improved alleyway that runs parallel to Foster Ave. The 16' wide alleyway provides access to a home on Lake Ridge Rd. and provides access to three houses on Foster Ave and one house on Loveman Ave. The property owner has an existing driveway on Foster

Ave. that runs along the northern side of the house to access their garage and alleyway at the rear of the property.

There is an existing 4' high chain link that fences in the applicant's rear yard. The fence is currently located along the existing alleyway. City staff was unable to find a permit or previous approval for the fence in this location. The applicant would like to install a new 4' high wood picket fence in the same location. The purpose of the fence is to replace an existing chain link fence that has reached its end of life.

Worthington Codified Ordinances:
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30 feet from the public right-of-way.

Section 1180.02(a) states "In any 'R' District, no fence or wall shall be erected in the area between the right-of-way line and the building setback line".

Request:
The applicant is requesting to replace the existing chain link fence with a 4' high wood picket fence within the required front yard from a public (alley) right-of-way. A variance of 30 is required.

Conclusions:
Although the fence is located in the setback from a public right-of-way, the alleyway is only used by five properties. The replacement fence should not impact the existing residents who use this alleyway as access. These factors can mitigate the substantial nature of this variance request.

The essential character of the neighborhood should not be substantially altered as other neighboring properties also have similar fences that abut the public right-of-way along this 16' wide alleyway.

Only a small portion of the existing fence and proposed new fence are located in the setback. The majority of the rear of the lot does not have a fence, it is only in the area immediately behind the existing garage.

The delivery of governmental services should not be impacted as a result of the request.

Discussion:
Mr. Brown swore in the applicant, Ms. Patricia Hosking, 5709 Foster Ave., Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked Mr. Brown and Ms. Bitar if there were any emails or callers who wished to speak, and Ms. Bitar said no.

Motion:
Mr. Seitz moved:

THAT THE REQUEST BY PATRICIA HOSKING FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED FRONT YARD AT 5709 FOSTER AVE., AS PER CASE NO. BZA 27-2020, DRAWINGS NO. BZA 27-2020 DATED JUNE 15, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Coulter seconded the motion. Ms. Bitar called the roll. Mr. Guillozet, aye; Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

2. **Variance** – Side Yard Setback – Addition – **243 Franklin Ave.** (Ted and Christy Walsh) **BZA 28-2020**

Mr. Brown reviewed the following from the staff memo. He also said the presentation included resubmitted materials after the Memo was distributed.

Findings of Fact & Conclusions

Background:
This 10,000 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The home is approximately 2,130 sq. ft. in size and was constructed in 1980. The surrounding properties are also single-family dwellings in the R-10 Zoning District.

The applicant is proposing to expand the kitchen, dining and laundry room 6-feet to the east to be 5-feet from the eastern property line and to expand the second floor above this area in addition to expanding over the existing 2-car garage to add an additional bedroom, bath and expand the master bedroom, bathroom and closet. The proposed addition is approximately 868± sq. ft. in size. The existing footprint of the garage is 3-feet from the eastern property line. The addition would be in the required side yard setback.

The applicant is requesting this addition to increase their existing living space.

Worthington Codified Ordinances:
Section 1149.01 states that the minimum yard, area and maximum height requirements for dwellings and structures accessory to dwellings have a side yard setback of 8-feet for a sum of side yards of 20-feet.

Request:
The applicant is requesting to construct an addition in the required side yard. The addition is proposed to be 5-feet from the property line; a variance of 3-feet is required. However, the application states that the additional will be 4-feet from the property line.

- Clarification needed.

The existing garage is constructed 3-feet from the property line and the addition over the garage will follow the existing footprint of the garage; a variance of 5-feet is required.

Conclusions:
The essential character of the neighborhood should not be substantially altered. The existing footprint of the house will largely remain the same from Franklin Ave. and increase along the side of the house behind the existing 2-car garage.

At the time Roxbury Village was plated in the late 1970's it included variances for side yard setbacks that was approved by City Council as part of the subdivision process. The reduced setbacks were associated with the plans for the new homes to be constructed as part of the overall development.

Elevations were not submitted with the application; elevations would help determine the severity of the encroachment related to the massing along the side yard setback.

- The Board typically reviews the elevations as it relates to the massing of an addition that is requesting to deviate from the setback as outlined in the Planning & Zoning Code.
    - Clarification needed.

The delivery of government services should not be affected.

If the Board feels that the above items have been addressed, the motion below would be appropriate.

Discussion:
Mr. Brown swore in the applicants, Ted & Christy Walsh, 243 Franklin Ave., Worthington, Ohio. Mr. Guillozet asked if there was any feedback from the neighbors and Mr. Brown said he received an email about thirty minutes ago from the neighbors at 253 Franklin Ave., Worthington, Ohio, Daniel Kathryn Kort, and they said they did not have any concerns about the setback variance. Board members had no questions or concerns. Ms. Crane asked Ms. Bitar if there were any other emails or callers and Ms. Bitar said no.

Motion:
Mr. Guillozet moved:

THAT THE REQUEST BY TED AND CHRISTY WALSH FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE CONSTRUCTED IN THE REQUIRED SIDE YARD AT 243 FRANKLIN AVE., AS PER CASE NO. BZA 28-2020, DRAWINGS NO. BZA 28-2020 DATED JULY 6, 2020, 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. Ms. Bitar called the roll. Mr. Coulter, aye; Mr. Falcoski, aye; Mr. Seitz, aye; Mr. Guillozet, aye; and Mrs. Crane, aye. The motion was approved.

3. **Variance** - Setback from Alley – Fence – **5704 Foster Ave.** (A:Z Contracting LLC/ Narayanabhatta) **BZA 29-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:
This 7,650 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District in the Colonial Hills neighborhood. The property abuts an improved alleyway that runs parallel to Foster Ave. between Loveman Ave. and Park Blvd. The 16' wide alleyway provides access to two homes on Foster Ave., one home on Loveman Ave. and one home on Park Blvd. It does not appear that the applicant utilizes the existing alleyway. The property owner has an existing driveway on Foster Ave.

There was an existing 4' high chain link that fenced in the applicant's rear yard that was replaced by the contractor in June 2020 with a new 4' high chain link fence. The old fence and new fence are located along the existing alleyway. City staff was unable to find a permit or previous approval for the fence in this location. The applicant would like approval to leave the new 4' high chain link fence in the same location. The purpose of the new fence was to replace an existing chain link fence that has reached its end of life.

Worthington Codified Ordinances:
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30 feet from the public right-of-way.

Section 1180.02(a) states "In any 'R' District, no fence or wall shall be erected in the area between the right-of-way line and the building setback line".

Request:
The applicant is requesting to retain the 4' high chain link fence within the required front yard from a public (alley) right-of-way. A variance of 30 is required.

Conclusions:
Although the fence is located in the setback from a public right-of-way, the alleyway is only used by four properties. The replacement fence should not impact the existing residents who use this alleyway as access. These factors can mitigate the substantial nature of this variance request.

The contractor and the homeowner were unaware of the setback from the alley abutting their property at the time of the fence installation, however this would have been caught if the contractor would have applied for a Fence Permit. The contractor believed the property to be located in the City of Columbus.

The essential character of the neighborhood should not be substantially altered as other neighboring properties also have similar fences that abut the public right-of-way along this 16' wide alleyway and the fact that the previous fence was in the same location for decades.

The delivery of governmental services should not be impacted as a result of the request.

Discussion:
Mr. Brown swore in the applicant, Mr. Josh Renier, who said he was representing the homeowners of 5704 Foster Avenue, Worthington, Ohio. Board members had no questions or concerns. Ms. Crane asked if there were any emails or calls from people who wanted to speak, and Mrs. Bitar said no.

Motion:
Mr. Seitz moved:

THAT THE REQUEST BY PATRICIA NARAYANABHATTA FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FENCE TO BE LOCATED IN THE REQUIRED FRONT YARD AT 5704 FOSTER AVE., AS PER CASE NO. BZA 29-2020, DRAWINGS NO. BZA 29-2020 DATED JUNE 15, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Coulter seconded the motion. Ms. Bitar called the roll. Mr. Guillozet, aye; Mr. Falcoski, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Ms. Crane, aye. The motion was approved.

4. **Variance –** Front Yard Setback **–** Portico **– 6877 Hayhurst St.** (Trevor Long) **BZA 30-2020**

Background:
This 10,019 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District in the Worthington Estates neighborhood.

The applicant is proposing a new 10' x 4.3' foot concrete porch with a roof that will encroach into the required front yard.

There is an existing brick stoop and sidewalk in this area already. The applicant is requesting this variance to add a covered outdoor space, and to complement the character of the home

Worthington Codified Ordinances:
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30 feet from the public right-of-way.

Request:
The applicant is requesting to construct a porch in the required front yard. The porch is proposed to be 26 feet from Hayhurst St.; a variance of 4 feet is required.

Conclusions:
The essential character of the neighborhood should not be substantially altered as other nearby properties have similar front porch coverings. In addition, the porch will match the existing character of the home.

The delivery of government services should not be affected with the installation of the porch.

Discussion:
Mr. Brown swore in the applicant, Mr. Daniel Millich, Pickerington, Ohio, representing his clients of 6877 Hayhurst St., Worthington, Ohio. Board members did not have any questions or concerns. Ms. Crane asked Ms. Bitar if there were any emails or callers who wanted to speak, and she said no.

Motion:
Mr. Falcoski moved:

THAT THE REQUEST BY TREVOR LONG FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A PORCH TO BE IN THE REQUIRED FRONT YARD AT 6877 HAYHURST ST., AS PER CASE NO. BZA 30-2020, DRAWINGS NO. BZA 30-2020 DATED JULY 10, 2020, 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. Mrs. Bitar called the roll. Mr. Coulter, aye; Mr. Guillozet, aye; Mr. Seitz, aye; Mr. Falcoski, aye; and Ms. Crane, aye. The motion was approved.

5. **Variance –** Front Yard Setback – Single Family Dwelling **– 285 McCoy Ave.** (JBAD Architects/Carpenter & Blanchard) **BZA 31-2020**

Mr. Brown reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:
This property is in the R-10 (Low Density Residence) Zoning District. The surrounding properties are also single-family homes in the R-10 District. The lot is 90 feet in width and 163 feet in length for a total of 14,670 square feet in the Morris Addition. The lot is heavily wooded with a prominent slope south towards Rush Creek.

The applicant is proposing to construct a new single-family dwelling. The proposed attached garage drive court with retaining walls and screening walls would be located in the front yard setback.

The proposed garage would be 5-feet 6-inches from the public right-of-way. The existing public right-of-way extends approximately 8-feet south of the edge of pavement for McCoy Ave. The placement of the garage and retaining walls would be approximately 13-feet 6-inches from the edge of the pavement.

The applicant is requesting this location due to the sloping grade and vegetation in the rear yard and states the reduced setback is necessary to have level ground for the garage to be built.

Property History:
The original house was constructed in 1962 and was located 30-feet from the public right-of-way. There was an existing carport that was located in the front setback at the edge of the public right-of-way. The Board approved the reconstruction of the original carport in 2004 that was located at the edge of the public right-of-way. The existing house was demolished in 2015 and a new home started construction in late 2015, however in early 2016 the foundation walls collapsed when the contractor was backfilling dirt against the foundation. Throughout 2016 the house sat until it was ultimately demolished by the previous property owner.

Worthington Codified Ordinances:
Section 1149.01 requires all dwellings and structures accessory to the dwelling be at least 30 feet from the right-of-way line in the R-10 District.

Section 1180.02(a) states "In any 'R' District, no fence or wall shall be erected in the area between the right-of-way line and the building setback line".

Request:
The applicant is requesting the structure, retaining walls and screening to be 5-feet 6-inches from the existing public right-of-way. A variance of 24-feet 6-inches is required.

Conclusions:
The main portion of the proposed new home will be located approximately 34-feet back outside the public right-of-way. The proposed garage, drive court with retaining walls and screening walls would be located entirely in the front setback. The main portion of the home we be at a similar setback as the previous structure and the surrounding homes along McCoy, however the garage, drive court retaining walls and screening walls will encroach into the front setback. The garage height and retaining walls for the drive court appear to be approximately 3-feet in height along the roadway and gradually increases as the property slopes to the south and to the east.

Staff is supportive of the request for the placement of the garage and retaining walls to encroach in the front setback, however we do not understand the need for the screening walls around the drive court.

- The Board should discuss the proposed screening walls being in the front setback.

Detailed elevations were not submitted with the application; elevations might help determine the severity of the encroachment into the front setback.

On August 1, 2019, the Board approved a variance at the neighboring property at 283 McCoy Ave. for the construction of a new home with a garage that would be located at 19'feet 6" from the public right-of-way. The main portion of the home was located outside of the front 30-foot setback.

The essential character of the neighborhood might be substantially altered. The proposed garage and retaining walls might not alter the character of the neighborhood, however the screening walls surrounding the drive court might create a compound look and feel.

- The Board should discuss the proposed screening walls being in the front setback.

The previous carport was at the edge of the public right-of-way; however, it did have existing vegetation that helped buffer/screen the carport.

- A landscape plan may help soften the encroachment into the front setback.

Protecting the steep slope, wooded area, and the integrity of Rush Run to the south of the lot is extremely important.

The delivery of government services should not be affected.

If the Board feels that the above items have been addressed, the motion below would be appropriate.

Discussion:
Mr. Brown swore in the applicant, Mr. Eric Thompson, representing JBAD Architects, of 243 N. Fifth Ave., Columbus, Ohio, on behalf of his clients, Mr. Craig Carpenter and Ms. Kate Blanchard, the homeowners of 285 McCoy Avenue, Worthington, Ohio. Mr. Thompson said the description put together by city staff. He said like the earlier project, the garage is embedded into the western side of the site. The screening walls are a continuation of the retaining walls which are necessary because of the topography. The ground in front of the house will be flat and leveled. The screening walls would give definition, clarity, and simplicity to the entry area to provide a graceful entry into the house. Mr. Thompson said they were early into the design process, but the intent would be to use the same materials as the house. He said they are still discussing options. The main level of the house is 8.58 which is slightly below McCoy at the low point. The garage is 10 feet high to allow for constructability, and the screening wall would be 7.5 feet. Mr. Brown explained in order to be compliant with the City of Worthington's Planning & Zoning Code the wall could not be higher than 6 feet tall unless the BZA granted a variance to deviate from that requirement. Mr. Thompson said they would prefer to keep the wall at 7.5 feet because to avoid stepping, but he understood the 6-foot rule. Ms. Crane explained the Board does not normally approve fencing in the front yard except for extremely unusual circumstances. She said she understood the sloping of the property and the retaining wall is needed for stability, but she did not understand the need for the fence wall.

Mr. Guillozet said he would like more information and elevations regarding the requested setback. Mr. Seitz said he did not have a problem approving the garage location, he said he understood that a retaining wall is required, but he also had concerns about a 7.5 foot wall going into the setback and they did not know what the materials would be. Mr. Seitz said he thought he understood Mr. Thompson said he intended that the wall would not be

opaque, and he would have a difficult time approving of something that was not opaque. Mr. Seitz reiterated he was okay with approving the garage, retaining wall, and motor court, but the enclosure of the motor court is where he was having a hard time. Mr. Thompson said he was willing to come back to the Board for further discussion on the wall.

Ms. Crane asked Mrs. Bitar if there were any emails or callers who wanted to speak. Ms. Bitar explained staff received an email from Adam and Rosanne Nagel, 282 McCoy Ave., Worthington, Ohio that stated the following:

Dear members of the Worthington Board of Zoning Appeals,

"We write in regard to property at 285 McCoy Ave also listed as project no. 20109 on the agenda for 8/6/2020. To be brief, we both support and have concerns with the variance requested.

In support of the request, we understand that the garage structure will need a revised front yard setback in order to be structurally sound and avoid exorbitant building costs. This is similar to a carport that once stood on the property. We also understand that some sort of retaining wall will be needed to support the garage structure. For the setback variance, we agree.

Our concern is with the elevation of the screening wall proposed at the same distance to the street (i.e. the new front yard setback). This wall is seen most clearly in the north and east elevation drawings. We have concerns with the height of this wall, as it faces the street especially, but do not know if it is a necessary part of the retaining wall structure on the west side/garage side of the driveway entrance to the property. We understand that a low-level retaining wall might be necessary, but a high wall that blocks the view of the trees and general property behind it is a concern. Simply the name screening wall versus retaining wall implies that it will be quite high. With this structure so close to the street, we reiterate the boards own concerns that this will reflect a "compound-like" look and be contrary to the open nature of the Morris Addition and Rush Creek communities. It does not seem likely that other homes would receive permission to put up a privacy fence so close to the street, which is also the visual concept that the drawings present. A low-level retaining wall, that does not rise high above the driveway elevation is certainly a different look and understandable.

As residents of the street for 15 years, we've loved seeing the changes in this corner of Worthington and appreciate the diverse architectural styles and improvements. We are excited to have our new neighbors join us. Overall, it is the long-term built environment and integrity of the open area along natural lines of sight that we ask the Board to consider. Hopefully, the unique needs of the property and the natural setting can be

joined together well."

Mr. Thompson said he would accept the six-foot allowance on the retaining wall if they could keep moving forward with the project. Mr. Brown said from city staff's standpoint, they are in agreement with the garage location, and portions of the retaining walls, but the courtyard component of it was one of the issues raised because of the compatibility with the neighborhood. He said if there was a landscape plan in place for the car area, or what the encroachment area would be that might soften up the area. In the architectural review district area they look for natural screening versus hardscape screening. Mrs. Bitar added that is what not typical anywhere within the City of Worthington walls that are six-feet or three-feet right out in the front setback. Mrs. Bitar said maybe a low one to two-foot wall to frame the front of the property. There were no other emails or callers.

Mr. Thompson explained the homeowners were on the line and wanted to make additional comments.

Mr. Brown swore in the homeowners, Craig Carpenter, and Kate Blanchard, 19 Melrose St., Boston, Massachusetts. Mr. Carpenter said they chose this site because his wife is from Worthington, Ohio, and they picked this site to be near family and friends. He said they were open to suggestions on how to integrate them with the community because they are very excited to move to Worthington. Mr. Carpenter said they plan on inviting family and friends to their home and they want to create something they can be proud of. He would like to move forward with the portion of the application that has been approved, such as the garage and a six-foot retaining wall and they could come back to the Board to revisit the screening wall. Ms. Crane said the Board likes to see the details be as specific as possible regarding the drawings and materials presented.

Mr. Thompson said he would be okay with separating the wall from the application and come back after further discussion with his architect, but he would like to move forward with the garage. Mr. Seitz thanked Mr. Thompson for his kind words and inclusivity, and said he also appreciated Mr. Thompson taking the matter seriously just like the Board does. Mr. Seitz said Mr. Carpenter has chosen a top-notch architectural firm and he was confident they will be able to work something out.

Mr. Seitz moved to table the application and Mr. Coulter seconded the motion. All Board members voted, "Aye," and the application was tabled.

C. Other

There was no other business to discuss.

D. Adjournment

Mr. Seitz moved to adjourn the meeting, and Mr. Coulter seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 8:53 p.m.

City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 31-2020
Date Received 07/10/2020
Fee $25
Meeting Date
Filing Deadline

1. **Property Location** 285 McCoy Avenue, Worthington Ohio 43085
2. **Present/Proposed Use** Vacant Site (previous residence demolished) / Single Family Residence
3. **Zoning District** R-10
4. **Applicant** JBAD Architects - Eric Thompson

   Address 243 N. 5th St., Ste. 200, Columbus Ohio 43215

   Phone Number(s) 614.228.7311

   Email
5. **Property Owner** Craig Carpenter and Kate Blanchard

   Address 19 Melrose St. #3, Boston, Mass, 02116

   Phone Number(s) 617.943.3400

   Email
6. **Action Requested (ie. type of variance)** Front Yard Setback Reduction
7. **Project Details:**

   a) **Description** New Construction of Single-Family Residence

   b) **Expected Completion Date** September 2021

   c) **Approximate Cost** $600,000

PLEASE READ THE FOLLOWING STATEMENTAND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Tabled 8-6-2020

Applicant (Signature) — Date 7/10/20

Property Owner (Signature) Kate Blanchard. — Date 7-9-20

ABUTTING PROPERTY OWNERS
FOR
285 McCoy Ave.

Kewei Hou & Jing Song	287 McCoy Ave.	Worthington, OH 43085
Ernst & Suzanne Fischer	296 McCoy Ave.	Worthington, OH 43085
Elizabeth Hatfield	286 McCoy Ave.	Worthington, OH 43085
Adam & Rosanne Nagel	282 McCoy Ave.	Worthington, OH 43085
Bob Webb Lewis Center LLC	7662 North Central Dr.	Lewis Center, OH 43035
Resident	283 McCoy Ave.	Worthington, OH 43085
Steven & Suzanne Guy	264 E. South St.	Worthington, OH 43085
Christina Beech	276 E. South St.	Worthington, OH 43085

Friday, July 10, 2020

City of Worthington Zoning Department
374 Highland Ave.
Worthington, OH 43085

Re: **Variance Request for Reduction in Front Yard Setback**
285 McCoy Ave

To whom it may concern,

The intent of this project is to construct a new, single-family residence on an existing site at 285 McCoy Avenue. The owner is requesting a reduction to the front yard setback from 30'-0" to 5'-6". Note that the residence, now demolished, which existed on the immediately prior to this project, had a front yard setback of 0'-0" (see sheet 0.2, supporting graphics packet).

The existing site has a very steep slope, not only due to the natural topography but due to the excavation resulting from the demolition of the previous structure (see existing site survey, sheet 0.2, supporting graphics packet). Even with the requested 5'-6" setback, construction of the project will require significant fill, grading and retaining walls, and following the 30'-0" setback would create an undue cost burden for the owner, and these inherent site conditions would create a hardship that would preclude development for any prospective owner.

JB AD

Jonathan Barnes
Architecture and Design
243 N 5th Street, Suite 200
Columbus, Ohio 43215

TEL 614.228.7311
www.jbadusa.com

Furthermore, the project design aims to minimize impact on the natural features of the site and preserve, as much as possible, the existing trees to the south. Following the 30'-0" setback requirement would potentially lead to significant removal of existing mature trees.

The proposed design however locates the garage structure below the lowest level of grade at the street, and is built into the slope at the northwest corner. Because of this, only the upper portion of the garage structure is visible from the street, minimizing its bulk.

Granting the variance would not negatively impact utilities or governmental services. The design will be of a high quality and will improve, not detract, from the quality and character of the neighborhood.

The proposed 2-1/2 story home is sited with one primary basement living area below the level of the street, further minimizing its mass, and the house proper is set back from the street more than 30'-0".

Because of all the reasons noted above, we believe this variance request is reasonable, denying it would be an undue hardship and we respectfully request its approval.

Sincerely,

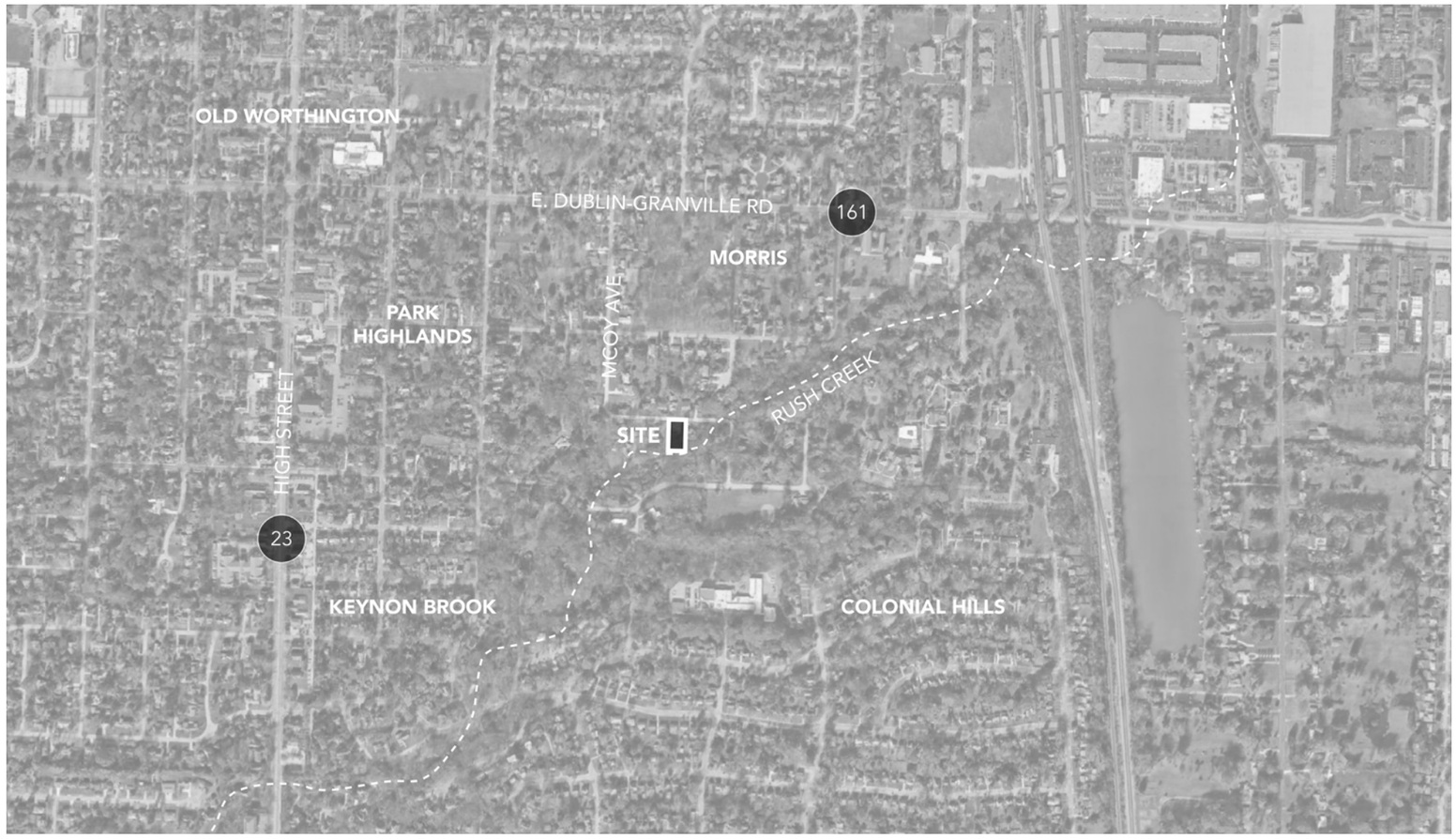
Eric T. Thompson
Senior Associate Architect

CITY OF WORTHINGTON

DRAWING NO. BZA 31-2020

DATE 07/10/2020

285 McCoy Ave.



285 MCCOY AVENUE

SUBMISSION: ZONING VARIANCE

PREPARED FOR:

WORTHINGTON BOARD OF ZONING APPEALS

PROJECT NO: 20109

ISSUE DATE: 07.24.2020

PROJECT ADDRESS:
285 MCCOY AVE
WORTHINGTON, OH 43205

JB
AD

CITY OF WORTHINGTON

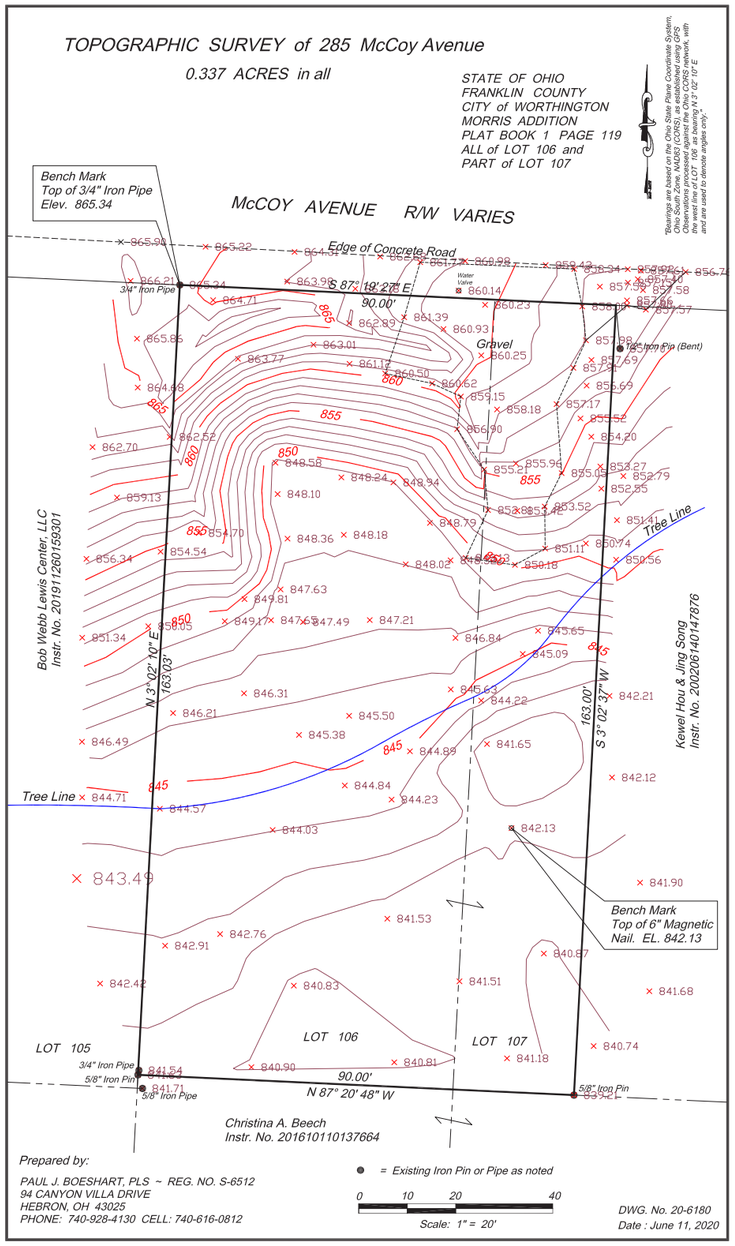
DRAWING NO. BZA 31-2020

DATE 07/10/2020

PREPARED BY:

JONATHAN BARNES
ARCHITECTURE AND DESIGN

243 N. 5TH STREET, STE 200
COLUMBUS, OH 43215
614.228.7311



Existing Topography

Adjacent property - variance previously granted for reduction in Front Yard Setback.

Garage of previous residence on site - 0'- 0" Front Yard Setback

Previous Residence on Property (2015 Image)
Source: Franklin County Auditor Website

CITY OF WORTHINGTON

DRAWING NO. BZA 31-2020

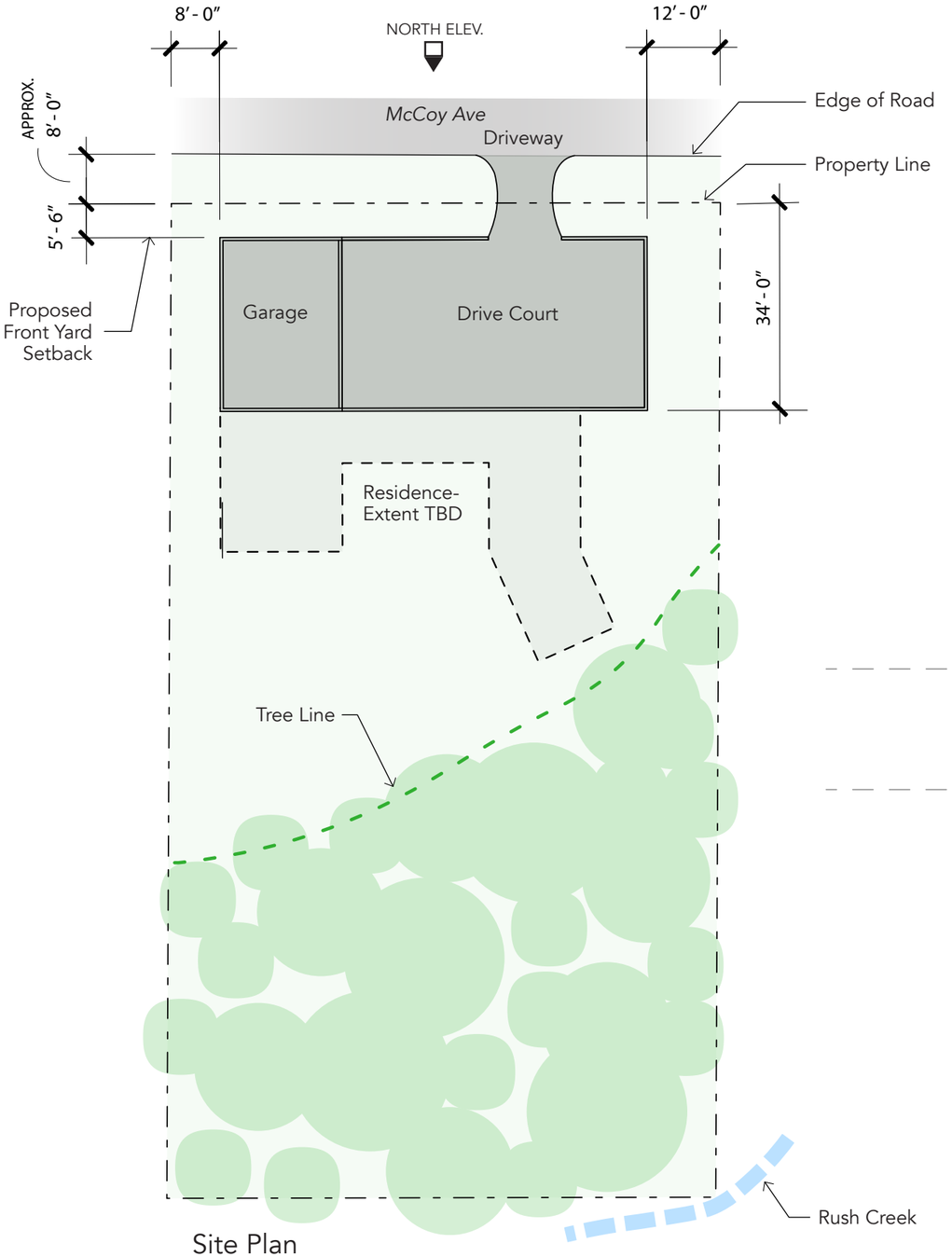
DATE 07/10/2020

Site Information

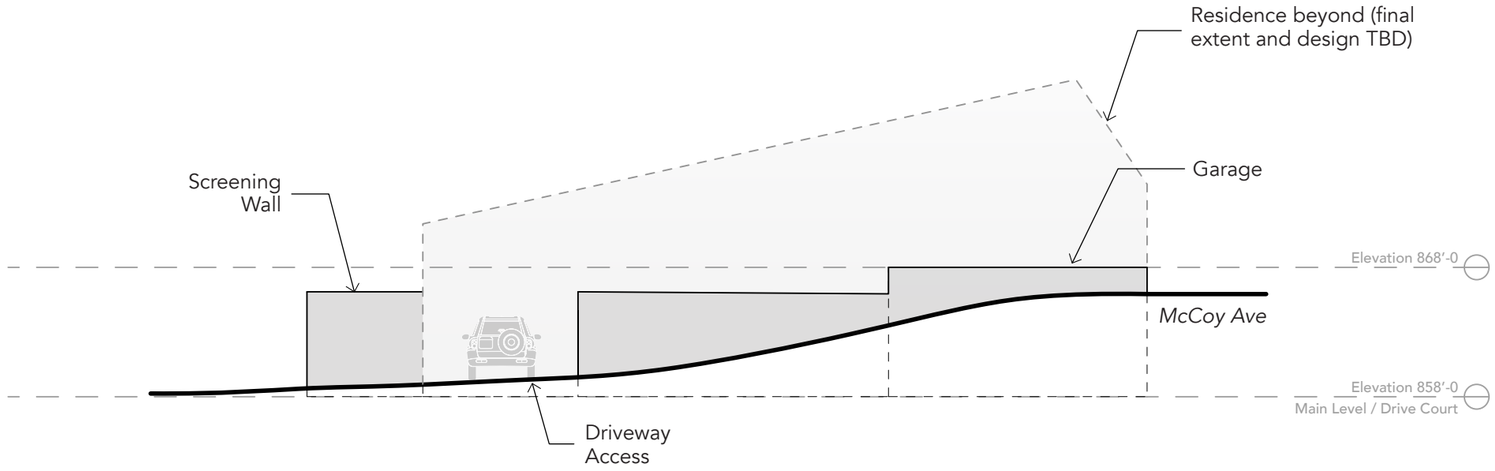
285 MCCOY AVENUE

Scale: N.T.S.

JB AD



Site Plan



North Elevation
(garage and screen wall)

CITY OF WORTHINGTON

DRAWING NO. BZA 31-2020

DATE 07/10/2020

Site Plan & Elevation at McCoy

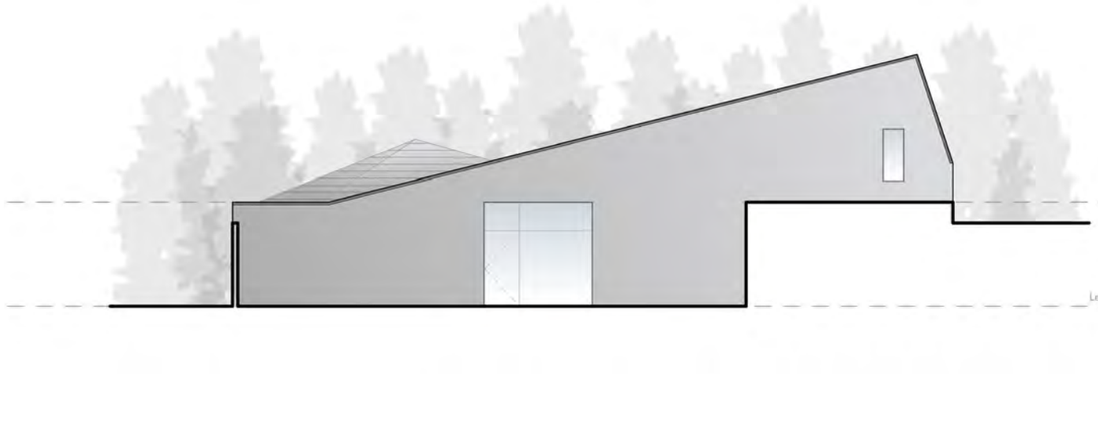
285 MCCOY AVENUE

Scale: N.T.S.

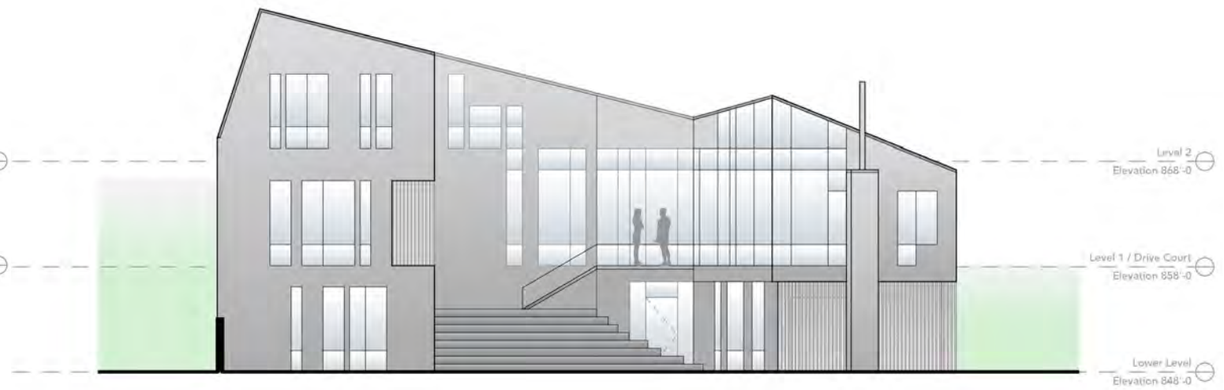
0.3

07.25.20

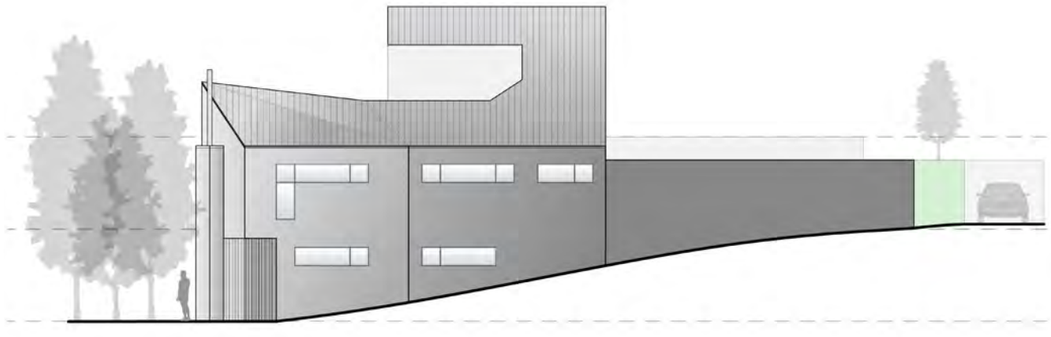
JB AD



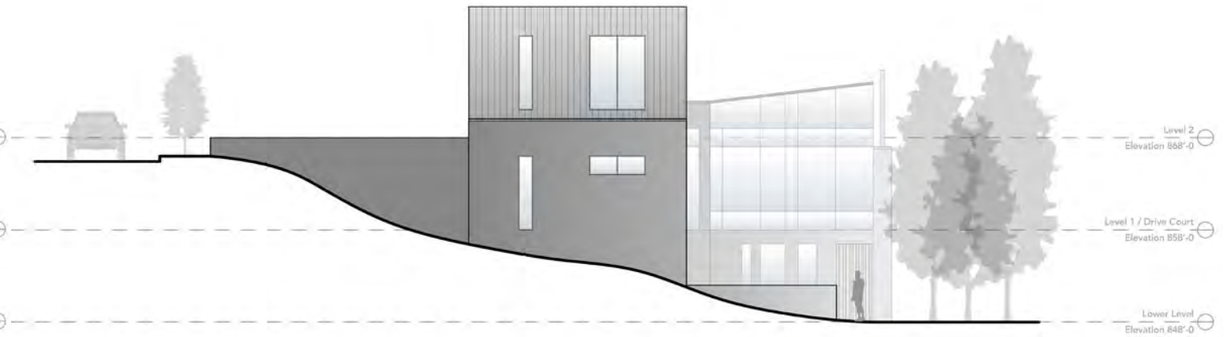
North Elevation



South Elevation



East Elevation



West Elevation

Elevations

285 MCCOY AVENUE

Scale: N.T.S.

CITY OF WORTHINGTON

DRAWING NO. BZA 31-2020

DATE 07/10/2020

0.4

07.25.20

JB AD

City of Worthington
BOARD OF ZONING APPEALS
APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 32-2020
Date Received 07/16/2020
Fee $25 pd
Meeting Date 09/03/2020
Filing Deadline
#108770

1. **Property Location** 325 E. New England Ave. Worthington 43085
2. **Present/Proposed Use** Residential - no change
3. **Zoning District** 510
4. **Applicant** Christa Teston & Chris Elliott

   Address 325 E. New England Ave. Worthington 43085

   Phone Number(s) 614-943-0901

   Email
5. **Property Owner** Christa Teston & Chris Elliott

   Address 325 E. New England Ave. Worth 43085

   Phone Number(s) 614-943-0901

   Email
6. **Action Requested (ie. type of variance)** Front Yard Set Back for front Porch
7. **Project Details:**

   a) **Description** Remodel existing front porch, increase size from 3x5 to 6x8

   b) **Expected Completion Date** Sept / Oct 2020

   c) **Approximate Cost** $16,000

PLEASE READ THE FOLLOWING STATEMENTAND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature) Date

Christa Teston Chris Elliott July 16, 2020

Property Owner (Signature) Date

ABUTTING PROPERTY OWNERS
FOR
325 E. New England Ave.

Geri Hewitt & James King	307 E. New England Ave.	Worthington, OH 43085
David & Kelly Johnson	316 E. New England Ave.	Worthington, OH 43085
Matthew & Katarzyna Price	324 E. New England Ave.	Worthington, OH 43085
Nicholas & Nicole Greco	327 E. New England Ave.	Worthington, OH 43085
Matthew Wunderle & Melanie Tolleson	563 White Oak Pl.	Worthington, OH 43085

Front Yard Set Back Variance Application

325 E New England Ave.

We are proposing to remodel our existing covered front porch by expanding the footprint and modifying the roof line. The current porch is 3' deep by 5' wide and does not facilitate people or packages remaining on the porch and still being undercover. It is such a small footprint that it is difficult for guests to stand on the porch when coming to the front door. With a small variance of 3', we can increase the porch size to 6' deep by 8' wide to make a comfortable standing area and also facilitate the new roof design. The new design and size of the porch will be in scale with the front of the house and enhance the overall curb appeal. This variance will not adversely affect any of the adjoining properties and will tie into the existing walkway from the house to the driveway.

CITY OF WORTHINGTON

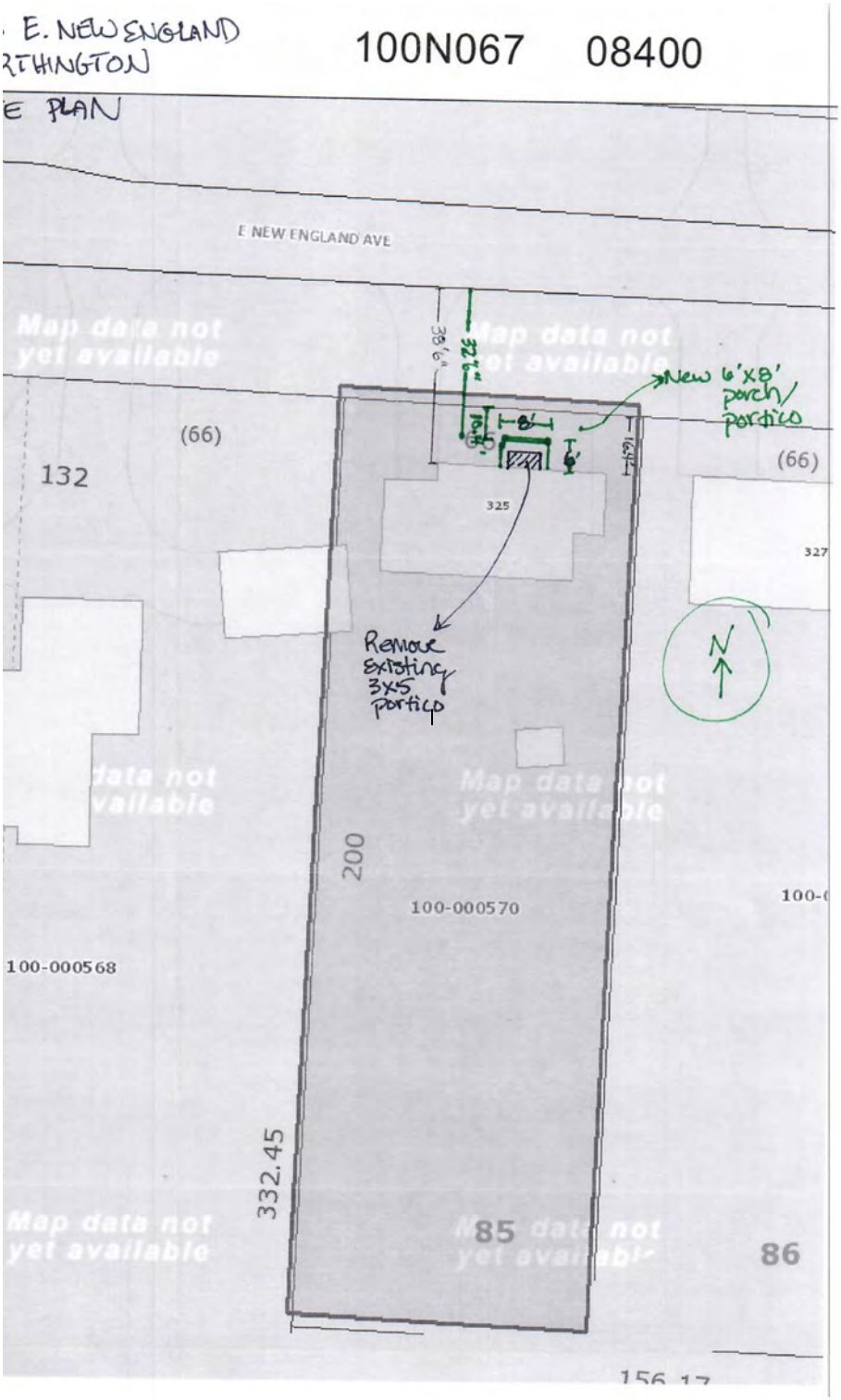
DRAWING NO. BZA 32-2020

DATE 07/16/2020

325 E. New England Ave.

100-000570 04/25/2017

DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085



SITE PLAN

CITY OF WORTHINGTON

DRAWING NO. BZA 32-2020

DATE 07/16/2020

SCALE:	DATE:
	7/15/2020

Existing 3X5 Portico

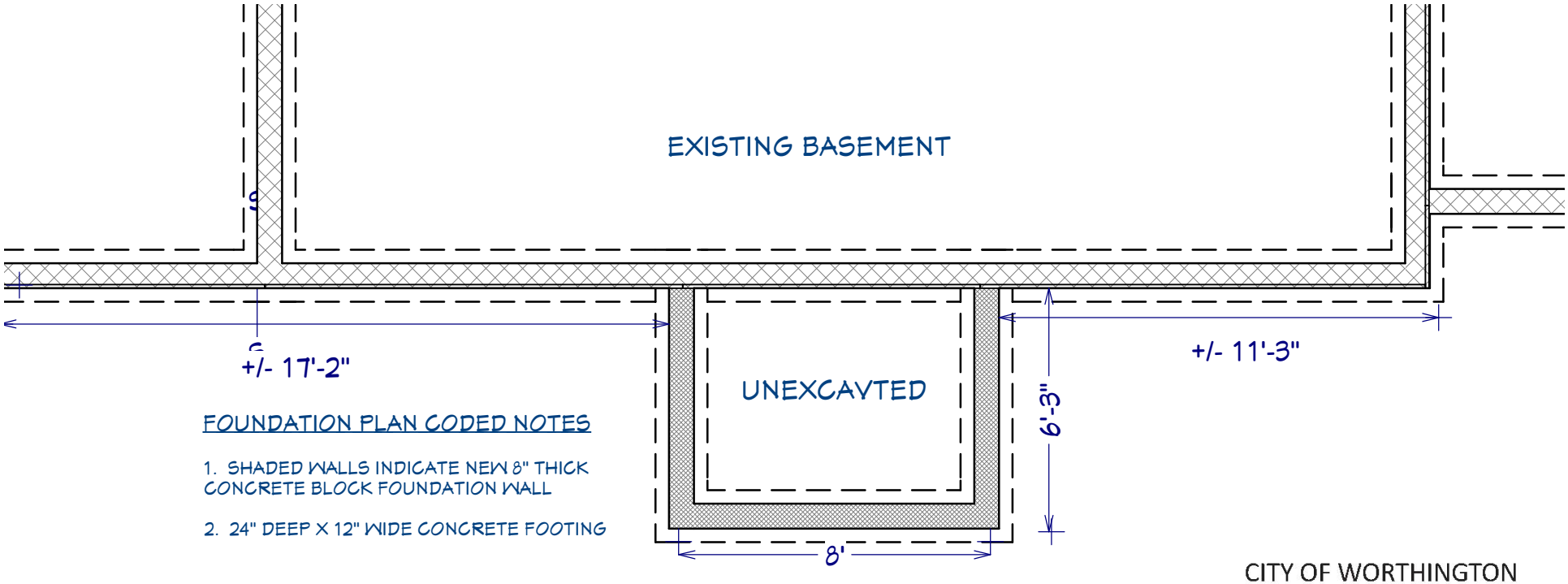
DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085

CITY OF WORTHINGTON

DRAWING NO.BZA 32-2020

DATE 07/16/2020

DATE:
7/15/2020
SCALE:



FOUNDATION PLAN CODED NOTES

1. SHADED WALLS INDICATE NEW 8" THICK CONCRETE BLOCK FOUNDATION WALL

2. 24" DEEP X 12" WIDE CONCRETE FOOTING

CITY OF WORTHINGTON

DRAWING NO.BZA 32-2020

DATE 07/16/2020

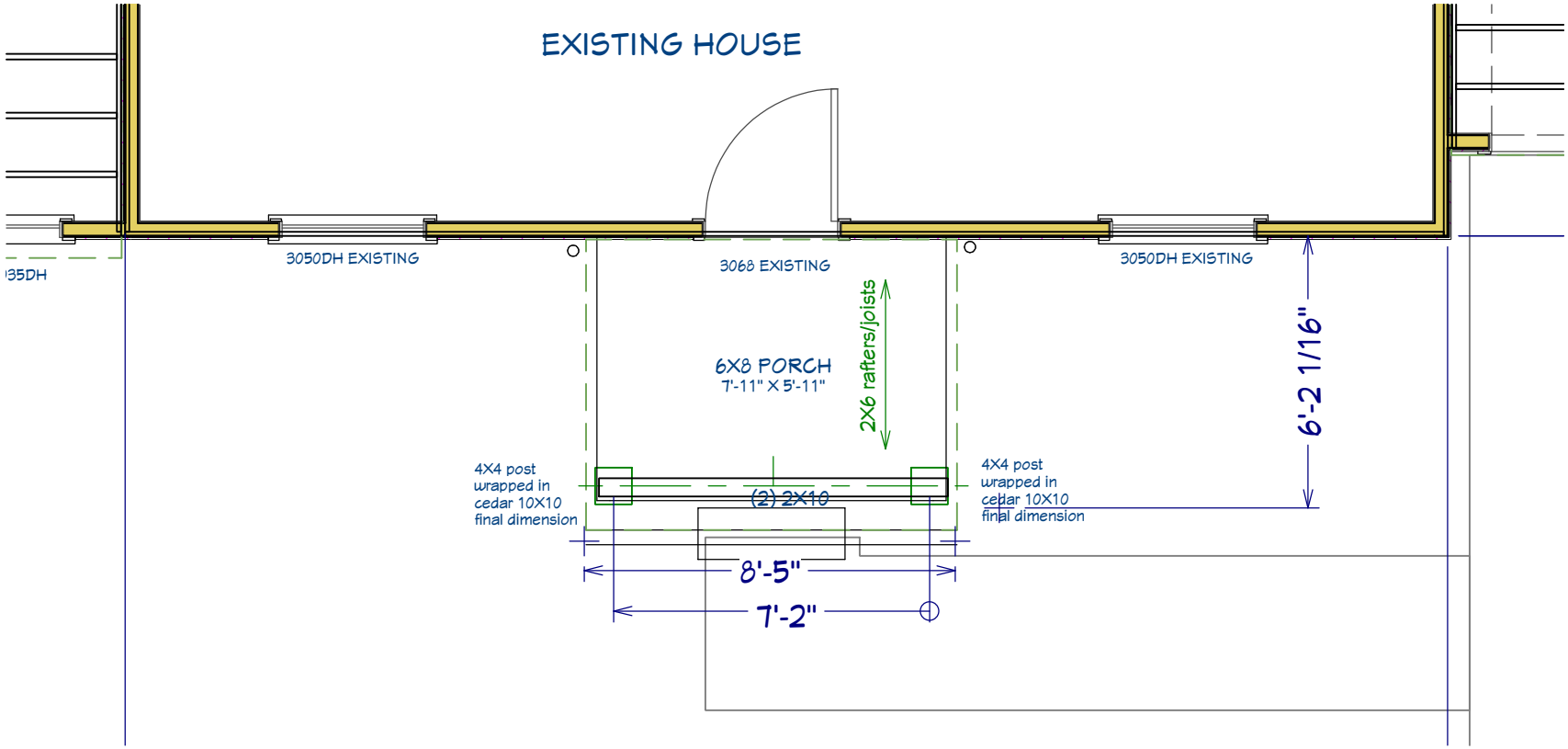
Foundation

DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085

DATE:

7/15/2020

SCALE:1/4"



FRAMING PLAN

CITY OF WORTHINGTON

DRAWING NO.BZA 32-2020

DATE 07/16/2020

DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085

DATE:

7/15/2020

SCALE:1/4"

Front Elevation

DATE:

7/15/2020

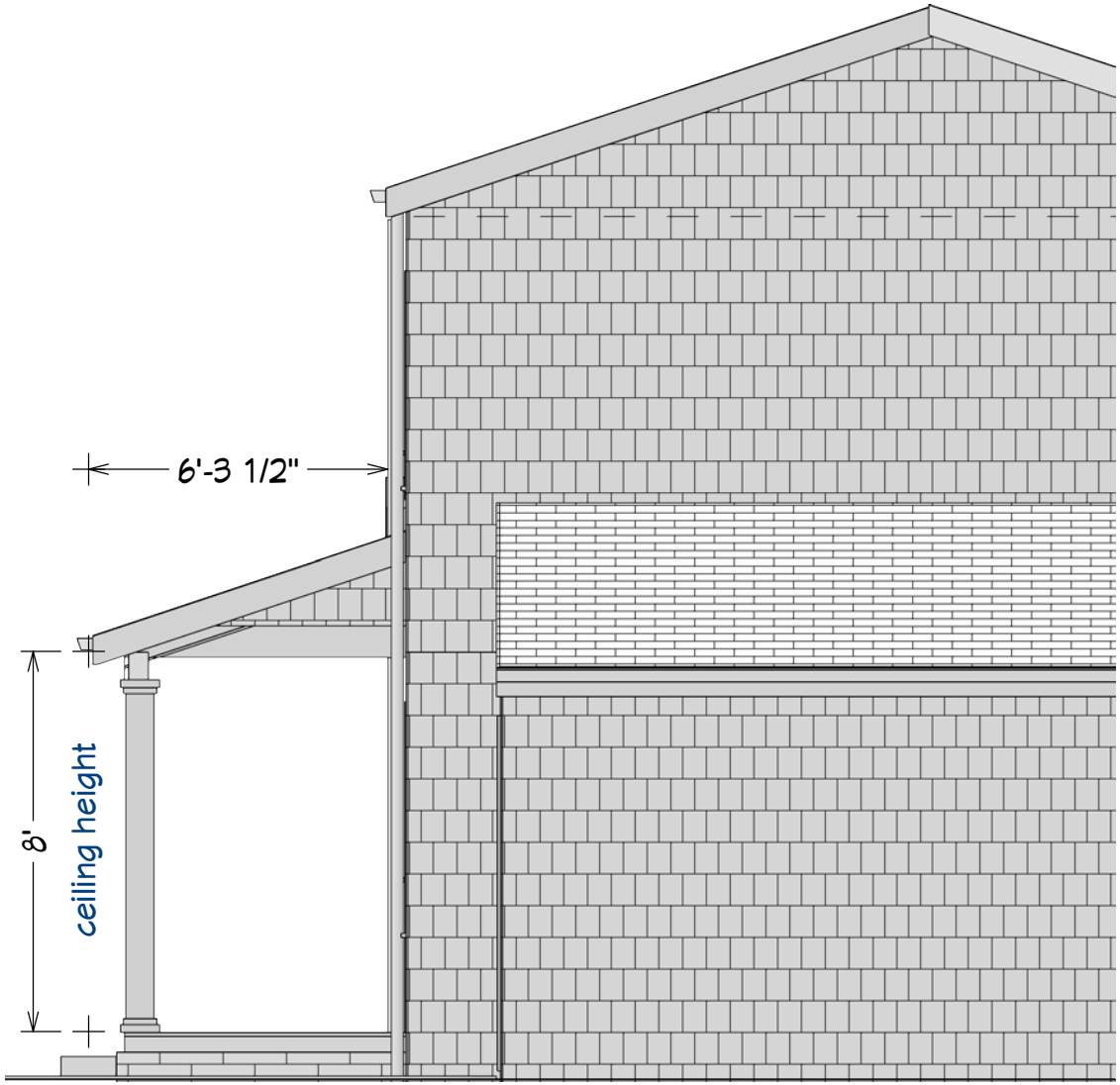
SCALE:1/4"

CITY OF WORTHINGTON

DRAWING NO.BZA 32-2020

DATE 07/16/2020

DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085



PARTIAL EAST ELEVATION

CITY OF WORTHINGTON

DRAWING NO. BZA 32-2020

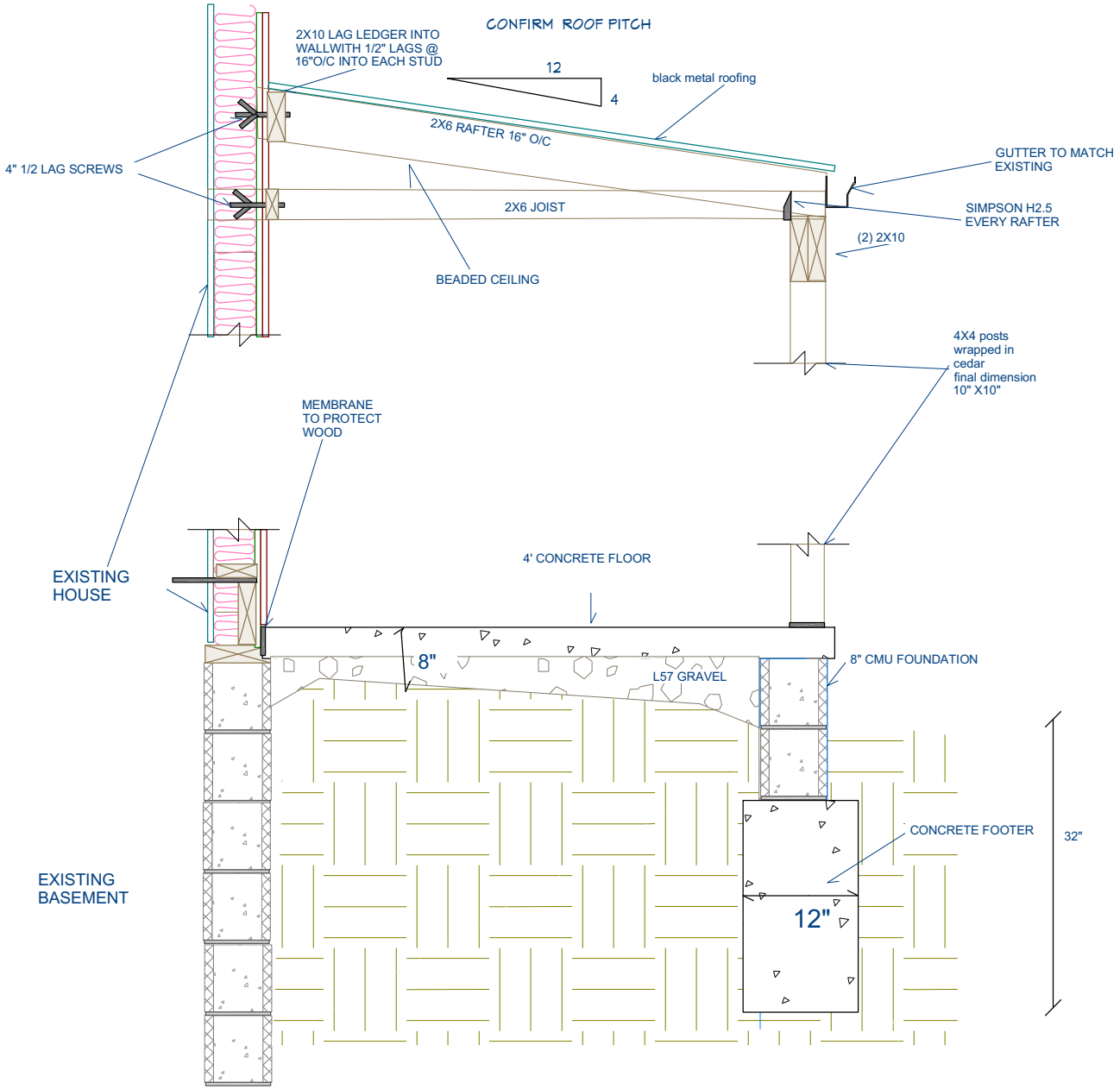
DATE 07/16/2020

DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085

DATE:

7/15/2020

SCALE:1/4"



CITY OF WORTHINGTON

DRAWING NO.BZA 32-2020

DATE 07/16/2020

DRAWINGS PROVIDED BY:Owens Construction
Teston-Elliot Project
325 E. New England Ave.
Worthington, OH 43085

DATE:

7/15/2020

SCALE: NTS

City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 33-2020
Date Received 8/05/2020
Fee 25
Meeting Date
Filing Deadline

1. **Property Location** 84 West Stanton Ave
2. **Present/Proposed Use** No change - 1 family dwelling - Installation of handicap ramp
3. **Zoning District** R-10
4. **Applicant** Shaw & Ott Medical

   Address 270 Lexington Ave Mansfield, Ohio 44907

   Phone Number(s) 419-524-4388

   Email
5. **Property Owner** Lucille Cummiskey

   Address 84 West Stanton Ave

   Phone Number(s) 740-975-3012

   Email
6. **Action Requested (ie. type of variance)** Front and Side yard setback variance
7. **Project Details:**

   a) **Description** Install a handicap ramp at front entrance to allow wheelchair access to/from home/vehicle transportation.

   b) **Expected Completion Date** ASAP

   c) Approximate Cost $4,900.00

PLEASE READ THE FOLLOWING STATEMENTAND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Daniel van Harlingen — Applicant (Signature)

8/3/20 — Date

Property Owner (Signature)

Date

ABUTTING PROPERTY OWNERS
FOR
84 W. Stanton Ave.

Chad Clatterbuck	92 W. Stanton Ave.	Worthington, OH 43085
Adam Shaffer	85 W. Lincoln Ave.	Worthington, OH 43085
Rebecca Forte & Christopher Niederkofler	310 The Bridge St., 4th Floor Ste. A	Huntsville, AL 35806
Resident	77 W. Lincoln Ave.	Worthington, OH 43085
Peter & Kathleen McClernon	78 W. Stanton Ave.	Worthington, OH 43085
Adam & Amanda Lynch	75 W. Stanton Ave.	Worthington, OH 43085
John Hood	81 W. Stanton Ave.	Worthington, OH 43085
Donald Siewertsen	3263 State Rt. 61N	Sunbury, OH 43074
Resident	89 W. Stanton Ave.	Worthington, OH 43085

Shaw & Ott Medical

270 Lexington Ave
Mansfield, OH 44907
419-524-4388

8/3/20

City of Worthington
Board of Zoning Appeals
6550 N. High St
Worthington, Ohio 43085

RE: Mrs. Lucille Cummiskey 84 W. Stanton Ave

Dear Board of Zoning Appeals:

Shaw & Ott Medical has been contracted to install a residential handicap ramp at 84 West Stanton Ave for the property owner, Mrs. Lucille Cummiskey. Please consider this letter our supporting statement for the variance request.

Shaw & Ott Medical is seeking 9'-8" front yard setback variance and a 1'-4" side yard setback variance for the installation of a handicap ramp. The residential handicap ramp is designed to meet or exceed the Ohio Residential Code requirements per section R311 Means of Egress and R312 Guards. Section R311 covers the specific requirements for handicap ramps, primarily the slope requirement. The slope requirement determines the length of the ramp needed based upon the elevation change. In other words, the length of the ramp is determined based upon the total rise you are accommodating/overcoming. The ramp was design to have as little impact on the property as possible, while still adhering to the building code requirements.

It is medically necessary for Mrs. Cummiskey to have a handicap ramp to safely enter and exit her home. She would not be able to enter or exit her home independently without the variance. The variance request is not substantial. The character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance. The variance would not affect the delivery of governmental services. It is unknown if the property owner knew of the existing setbacks at the time of purchasing the property. Unfortunately, this variance request is the only feasible way Mrs. Cummiskey can obtain handicap access to her home. A substantial justice would be granted by approving the variance to allow the handicap ramp installation.

Sincerely,

Daniel van Harlingen
Shaw & Ott Medical
Home Modification Manager

CITY OF WORTHINGTON

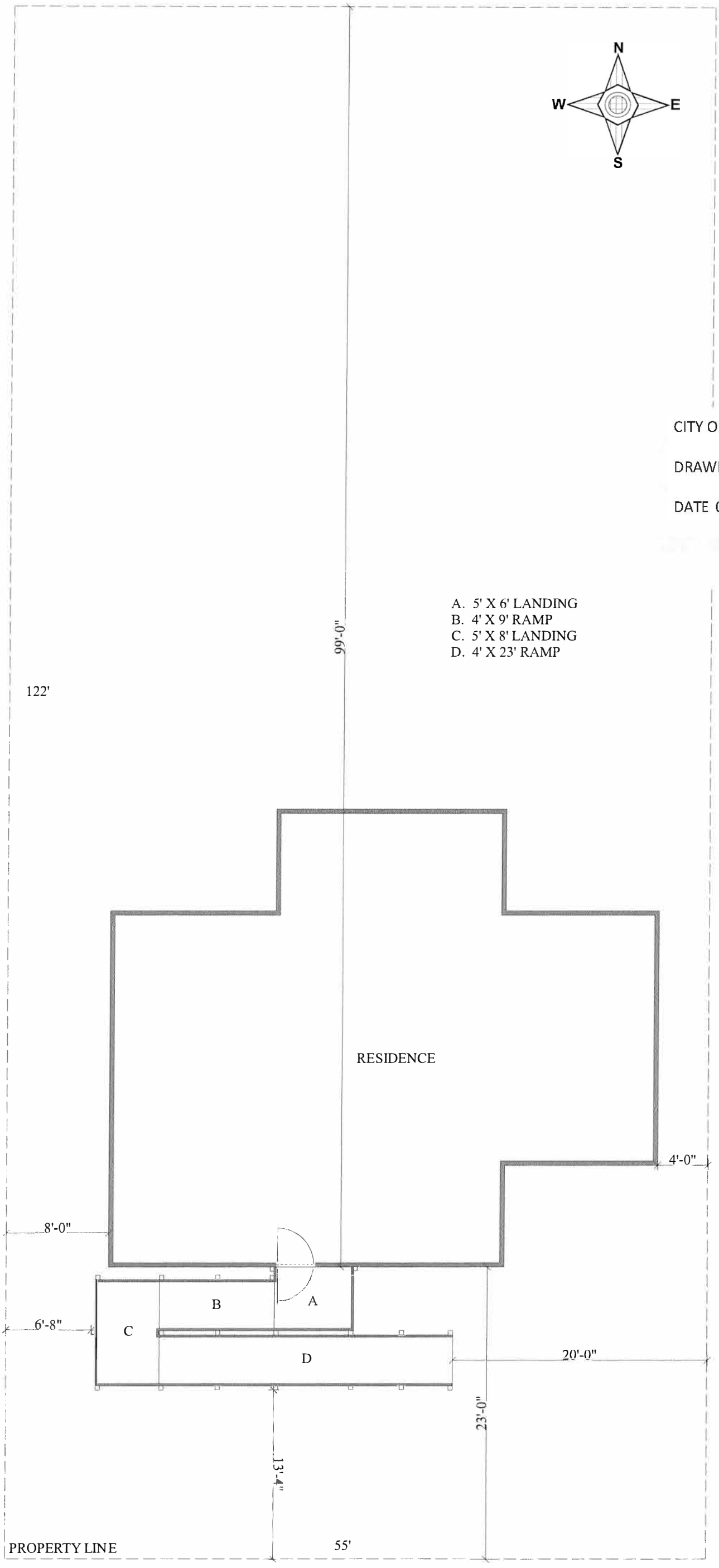
DRAWING NO. BZA 33-2020

DATE 08/05/2020

84 W. Stanton Ave.

100-003132 04/20/2017

PROPOSED SITE PLAN



WEST STANTON AVE 50' R.O.W.

LUCILLE CUMMISKEY
84 WEST STANTON AVE
WORTHINGTON, OHIO 43085

SHAW & OTT MEDICAL
270 LEXINGTON AVE
MANSFIELD, OHIO 44907

PROPOSED SITE PLAN

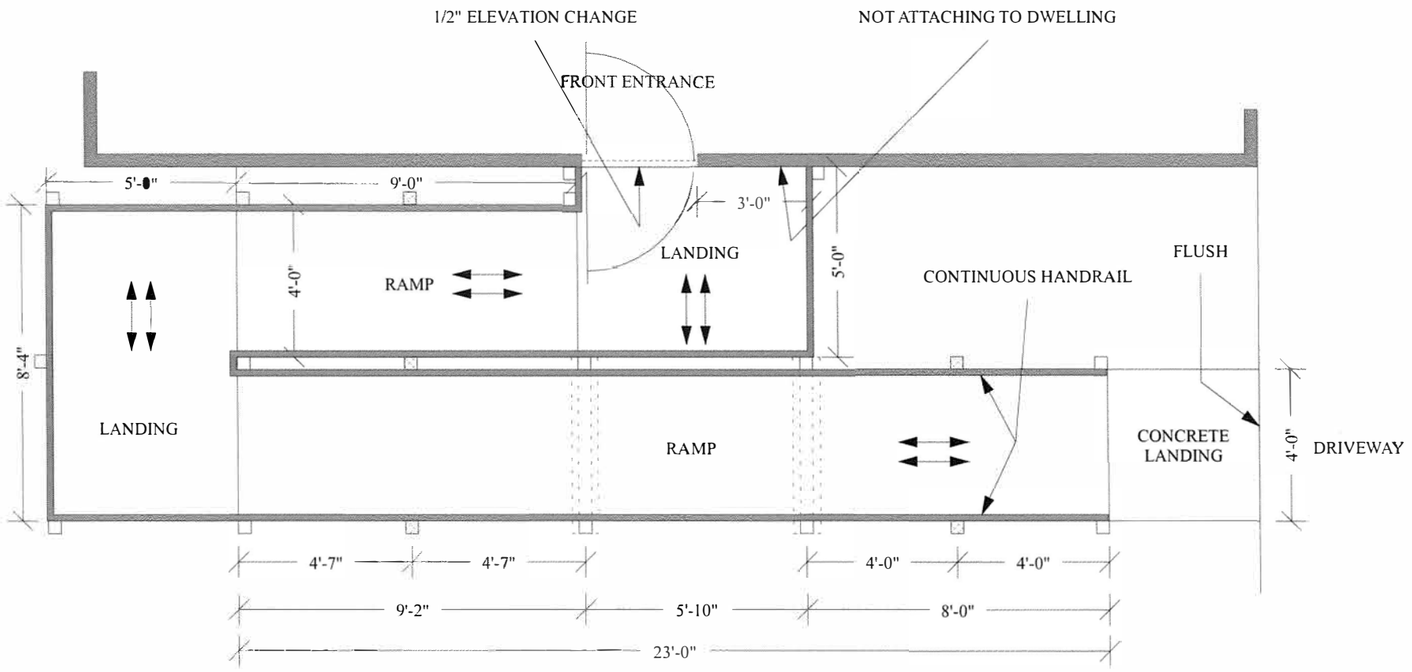
OHIO RESIDENTIAL CODE
MEANS OF EGRESS R 311
GUARDS R312

TOTAL ELEVATION CHANGE =37"

-ALL LUMBER PRESSURE TREATED
-ALL FASTENERS AND HANGERS APPROVED FOR USE IN EXTERIOR AND PRESSURE TREATED APPLICATIONS
-LUMBER THAT COMES IN CONTACT WITH THE GROUND WILL BE APPROVED FOR GROUND CONTACT
403.5 EXTERIOR DECK FOOTING

SLOPE

1 / 11.35



□ = NON FROST PROTECTED SUPPORT POST

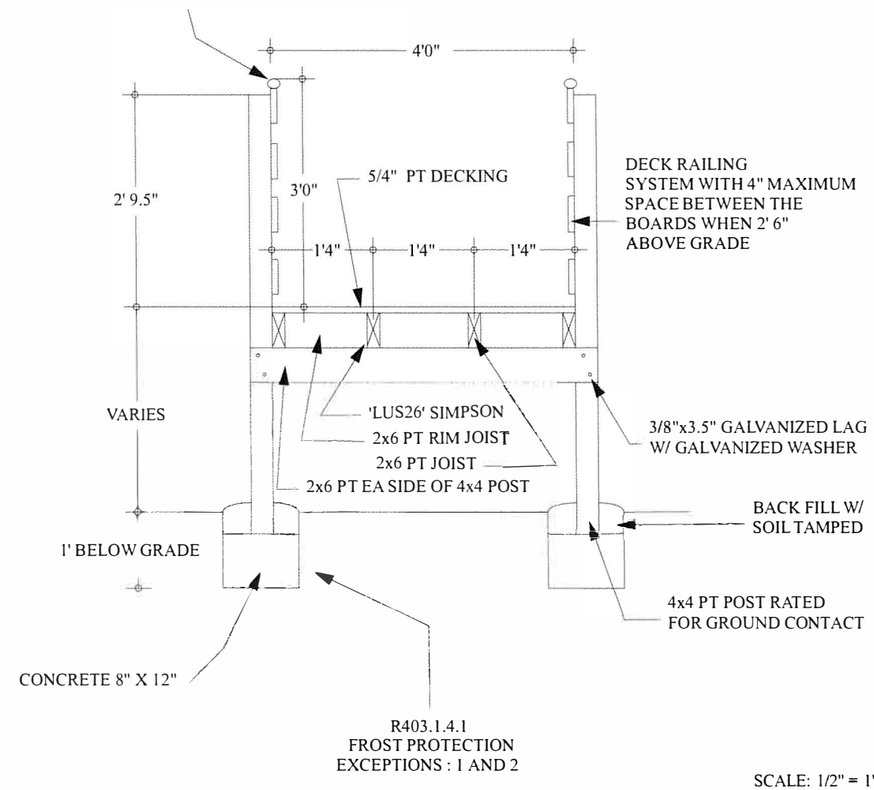
▣ = GUARD RAIL SUPPORT ONLY

= 2X6 JOIST DIRECTION

= 2X6 JOIST SUPPORT

SCALE: 1/4" = 1'

DETAIL



SCALE: 1/2" = 1'

CITY OF WORTHINGTON

DRAWING NO. BZA 33-2020

DATE 08/05/2020

LUCILLE CUMMISKEY
84 WEST STANTON AVE
WORTHINGTON, OHIO 43085

SHAW & OTT MEDICAL
270 LEXINGTON AVE
MANSFIELD, OHIO 44907

City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case #	BZA 34-2020
Date Received	08/07/2020
Fee	$125.00 pd
Meeting Date	09/03/2020
Filing Deadline	
	#68876

1. **Property Location** 117 W. New England Ave.
2. **Present/Proposed Use** 2-car garage/replacement
3. **Zoning District** R10 Residential
4. **Applicant** Jeffrey & AnnMarie McCallister
   Address 117 W. New England Ave.
   Phone Number(s) 614-519-3546
   Email _____
5. **Property Owner** Jeffrey & AnnMarie McCallister
   Address 117 W. New England Ave
   Phone Number(s) 614-519-3546
   Email _____
6. **Action Requested (ie. type of variance)** Property line setback (3 feet)
7. **Project Details:**
   a) **Description** Replace existing garage and shed with new larger garage
   b) **Expected Completion Date** fall/winter 2020
   c) **Approximate Cost** $40,000

PLEASE READ THE FOLLOWING STATEMENTAND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature) _____ Date _____

Abutting Property Owners List for
117 W. New England Ave.

Jeffrey & Judith Bergen		108 W. New England Ave.	Worthington, OH 43085
Nancy Ratey		100 W. New England Ave.	Worthington, OH 43085
John Marsh	Jodi Utterback	115 W. New England Ave.	Worthington, OH 43085
Gary & Kathy Moore		123 W. New England Ave.	Worthington, OH 43085

To: Board of Zoning Appeals
City of Worthington

From: Jeff & AnnMarie McCallister
117 W. New England Ave.,
Worthington

Re: Variance request for garage replacement

Members of the Board:

We are writing to request approval of a variance to allow us to replace our existing two-car garage and shed with a single, larger garage, in roughly the same footprint.

As seen on the sketch of our property, the eastern wall of our current garage and the eastern wall of the shed lie about three feet from the east property line (between our property and our neighbors, John and Jodi Marsh, 115 W. New England Ave.), and the southern wall of the shed comes to within about 2 feet of the property line to the south (the same neighbors own that property as well).

While the shed is relatively new and in good condition, the same cannot be said of the garage. It is a bit run-down — literally: the southern wall has been knocked off of the slab by a wayward vehicle sometime in its past and was never repaired, so the bottom of that part of the wall is rotting out. We fear if we don't demolish the garage, that will happen on its own, and sooner rather than later.

We would like to use the same general footprint of the existing structures, and so we request a variance to allow us to place the building within three feet of both the eastern and southern property lines. It is our contention that a new garage will be quite beneficial to the property's overall value, and since our requested variance allows only what has been in place for many years, the variance would not be considered substantial. The essential character of the neighborhood would be unchanged by the variance itself (though we feel the new garage will vasty improve that character). The requested variance will have no affect on any governmental or other essential services. Without a variance, we would have to place a replacement garage literally in the middle of our backyard. Please also note that we have the blessing of our neighbors, the aforementioned John and Jodi Marsh, who received a similar variance when they replaced their garage and moved it closer to the property line only a few short years ago.

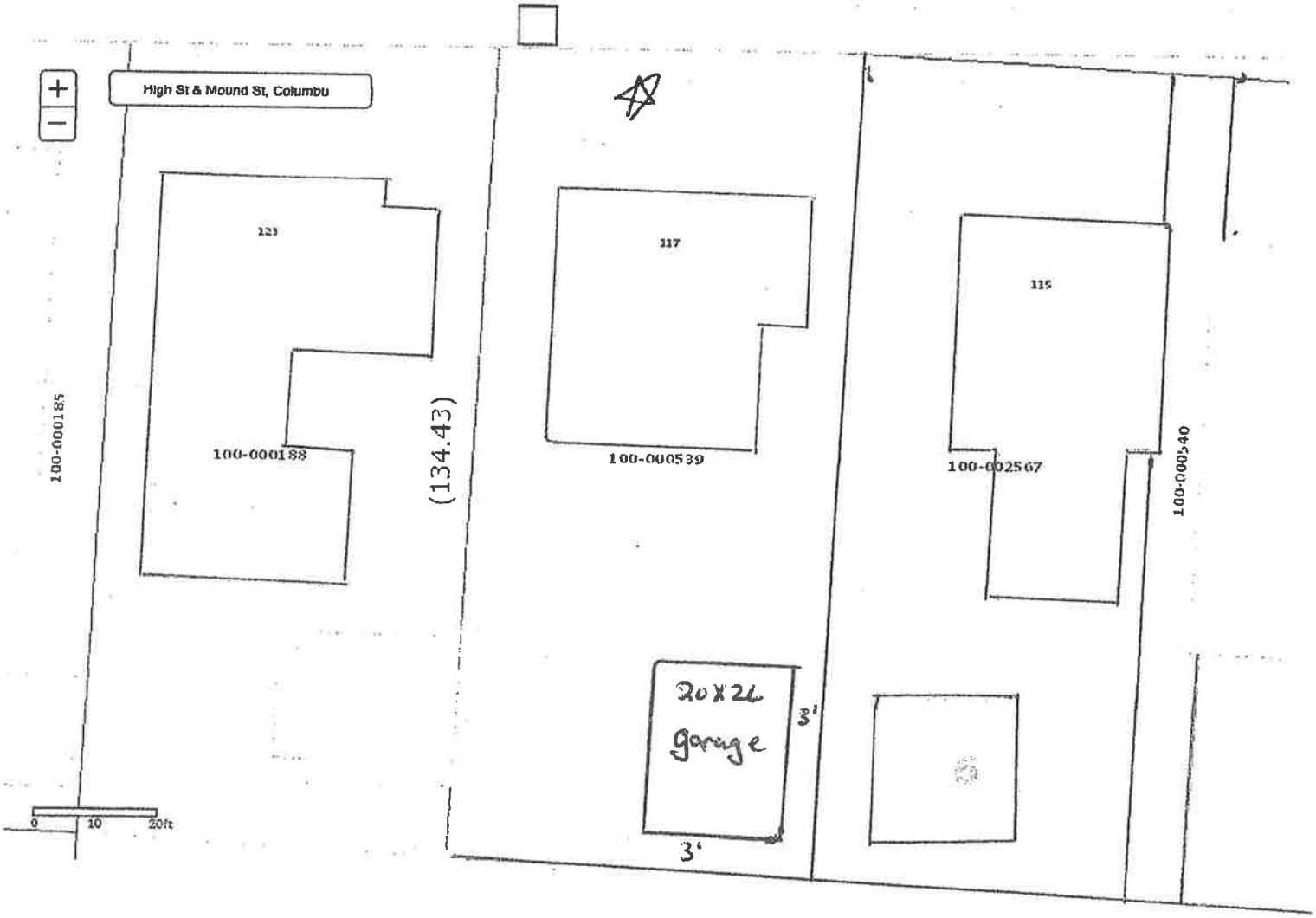
Therefore, it is our contention that this variance will in fact keep to the spirit and intent behind the zoning requirement, and do substantial justice by allowing us to keep the new structure in the same footprint of the old one(s).

Thank you for your consideration,
Jeff & AnnMarie McCallister

117 W. New England Ave.

100-000539 04/19/2017

OUR OFFICE SEARCH ONLINE TOOLS REFERENCE CONTACT US



Approved
Architectural Review Board
City of Worthington
07/09/2020
Lynda Bitar

Clerk

CITY OF WORTHINGTON

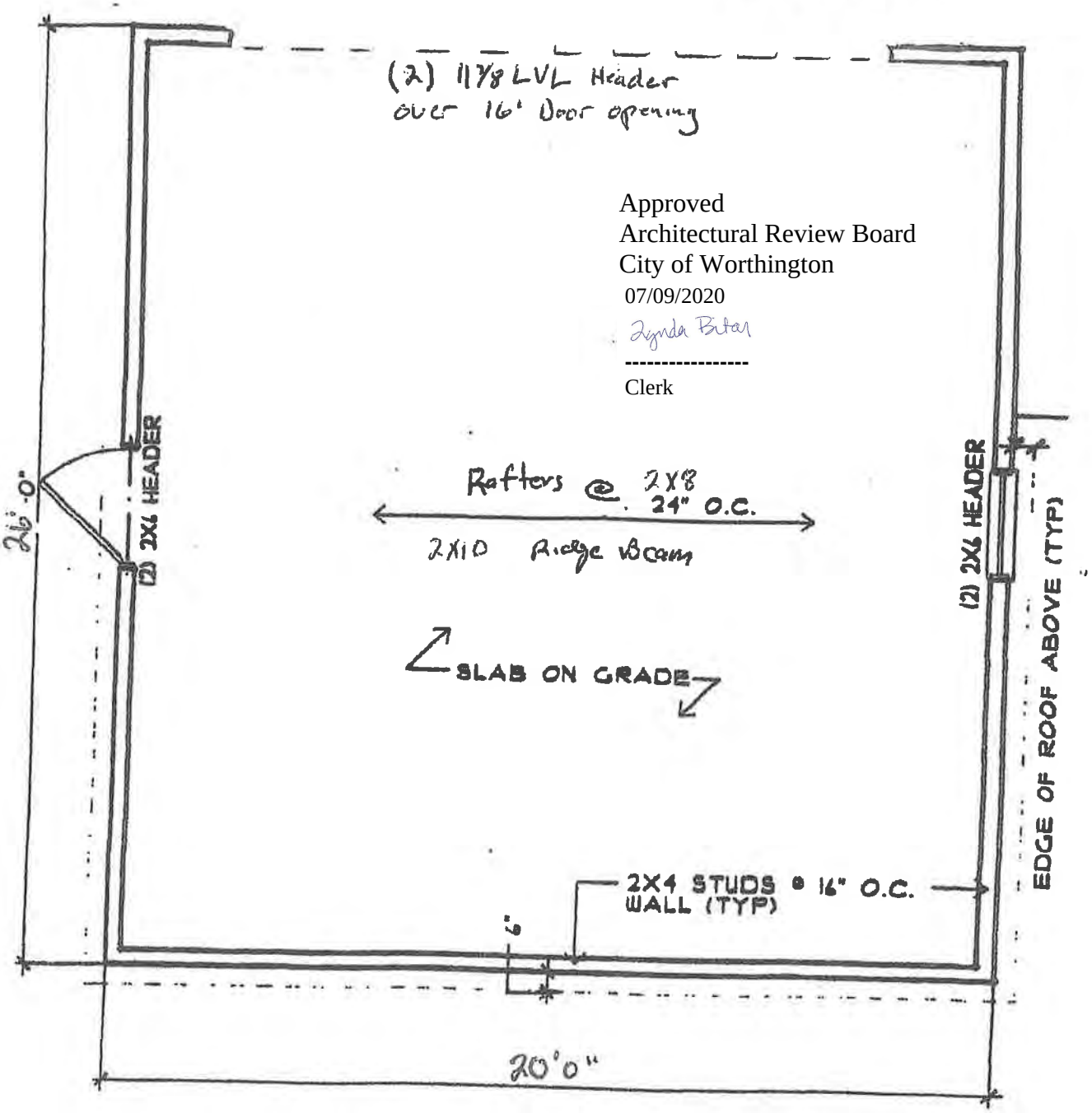
DRAWING NO. BZA 34-2020

DATE 08/07/2020

CITY OF WORTHINGTON

DRAWING NO. BZA 34-2020

DATE 08/07/2020



FLOOR PLAN

SCALE: 1/4" = 1'-0"

0 1' 2' 3' 4' 5' 6' 7' 8'

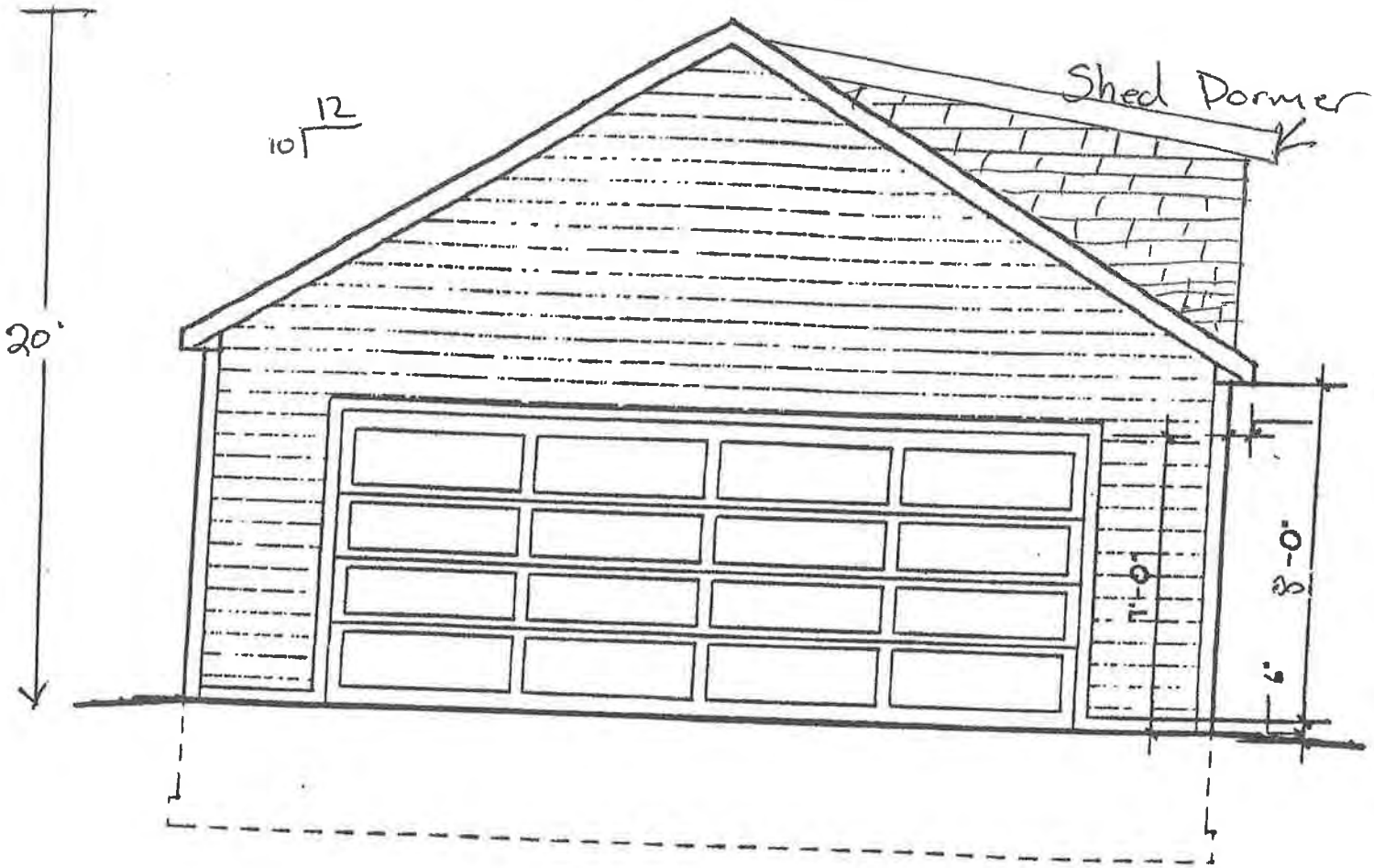
Approved
Architectural Review Board
City of Worthington
07/09/2020
Zynda Bitar

Clerk

CITY OF WORTHINGTON

DRAWING NO. BZA 34-2020

DATE 08/07/2020



SCALE: 1/4" = 1'-0"

0 1' 2' 3' 4' 5' 6' 7' 8'

REVISIONS

ELEVATIONS

Shed dormer windows should be veritcal and smaller - to be approved by staff

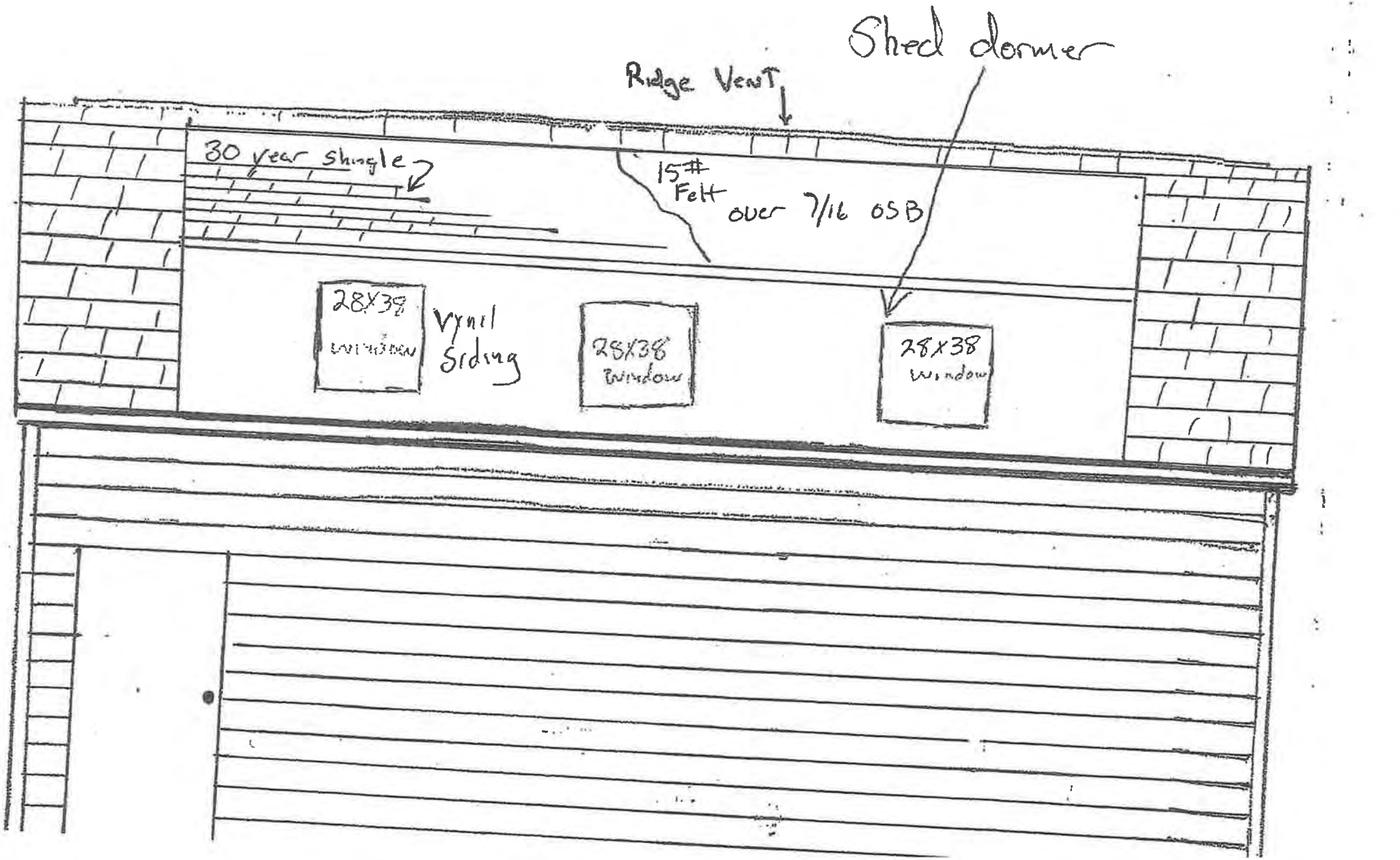
Approved
Architectural Review Board
City of Worthington
07/09/2020
Zynda Bitar

Clerk

CITY OF WORTHINGTON

DRAWING NO. BZA 34-2020

DATE 08/07/2020



City of Worthington
BOARD OF ZONING APPEALS APPLICATION

Meetings – First Thursday of Every Month

Case # BZA 35-2020
Date Received 08/07/2020
Fee $25.00 ck #68877
Meeting Date 09/03/2020
Filing Deadline

1. **Property Location** 638 SEABURY DRIVE
2. **Present/Proposed Use** DETACHED GARAGE
3. **Zoning District** R-10
4. **Applicant** JAMES W. BIHARI

   Address 638 SEABURY DRIVE, WORTHINGTON, OH 43085

   Phone Number(s) 614-915-7210

   Email
5. **Property Owner** JAMES W. BIHARI

   Address 638 SEABURY DRIVE, WORTHINGTON, OH 43085

   Phone Number(s) 614-915-7210

   Email
6. **Action Requested (ie. type of variance)** EXCEED 850 SQ FT. TOTAL GARAGE SPACE LIMIT
7. **Project Details:**

   a) **Description** BUILD 22x22 FT DETACHED GARAGE (INSTEAD OF ALLOWED 20x20 FT GARAGE)

   b) **Expected Completion Date** OCTOBER 2020 ?

   c) **Approximate Cost** $26,800

PLEASE READ THE FOLLOWING STATEMENTAND SIGN YOUR NAME:
The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature) — Date: 8-6-2020

Property Owner (Signature) — Date: 8-6-2020

ABUTTING PROPERTY OWNERS
FOR
638 Seabury Dr.

Barbara & Derrin Ritchie	630 Seabury Dr.	Worthington, OH 43085
William & Marybeth McDonald	631 Seabury Dr.	Worthington, OH 43085
Marvin & Beth McCreary	637 Seabury Dr.	Worthington, OH 43085
Elaine Miracle	645 Seabury Dr.	Worthington, OH 43085
Matthew & Bryn McCarthy	646 Seabury Dr.	Worthington, OH 43085
Christopher & Sarah Fisher	637 Farrington Dr.	Worthington, OH 43085
Lyndon & Susan Smith	629 Farrington Dr.	Worthington, OH 43085

August 6, 2020

Dear City of Worthington,

I am working with Shawn McNeal of Garage Gurus to have a detached garage built at my property at 638 Seabury Drive.

I am seeking a variance to build my detached 2-stall garage to be 22 by 22 feet, rather than the permitted 20 by 20 feet. According to my builder, most people today build a 22 by 22 or 24 by 24 foot garage these days, because 20 by 20 is tight for fitting 2 full-sized cars (and bicycles etc.)

The codes in Worthington allow for a total of 850 square feet of garage space. My current attached garage is a total of 446.75 square feet in interior dimension (*interior* dimensions used per Don Phillips of the City of Worthington because the garage walls are shared with the bedrooms in the floor above) leaving 403.25 square feet allowed for a detached garage (or about 20 by 20 feet, exterior dimensions for a detached garage).

The following statements pertain to the seven (7) factors to be addressed on the filing application instructions:

1. Increasing width/length by 2 feet will make the garage more useable, though a smaller garage could also be built.
2. Building a 22 by 22 foot garage rather than a 20 by 20 foot garage does not seem like a substantial variance, given the proposed location.
3. The essential character of the neighborhood would not seem to be adversely affected by a slightly larger garage built within the wooded area of my property, visible to very few neighbors. I intend to leave the garage surrounded by vegetation (except for in front of the wood-finish garage door).
4. A 2 foot increase in garage size would in no way affect government services, given the proposed garage location.
5. I knew nothing about garage square footage limits when I purchased the property.
6. I could certainly build a 2 foot smaller garage which would not require a variance, but I am not asking for a huge variance. I doubt that most people

looking at the built garage could determine with certainty whether it is 20 feet or 22 feet wide without measuring it.

7. The zoning 850 square foot total limit on garage space seems to limit the total to 4 garage parking spaces per property. I would have 4 garage parking spaces, so I think the spirit and intent of the requirement is observed. The only reason I need to ask for the variance is that my attached garage has one stall which is longer (making it nearly 450 square feet), probably designed to be a garage workshop space when the house was built in 1965.

My current garage is a two-stall, side-load garage, 19.25 feet wide (interior) with a 16 foot wide garage door. It is very difficult if not impossible to park 2 full size cars (of the type made when this house was built!) by making the sharpest 90 degree turn into the garage without driving onto my neighbor's property or scraping the side of a car on the 16 foot garage door frame.

I want to avoid this problem in my detached garage by making the door 18 feet wide and the garage 22 feet wide—thus the request for a variance. Below are some additional reasons for my request for a variance.

A. According my builder, Shawn McNeil, an 18 foot wide garage door on a 20 foot wide garage requires a more costly engineered design for the garage door wall (an engineered steel frame), since there is only 1 foot beside the garage door on each side. Making the garage 22 feet wide would eliminate the need for that special metal garage frame.
B. Not having a make a special build might cut down on build time, making for less disruption to the neighbors.
C. Making my garage and garage door wider would make it easier to park cars without a lot of maneuvering that could annoying neighbors.
D. Making the garage wider would make it possible to for me to fully open the car doors once inside, thereby minimizing swearing (which also could annoy my neighbors). Also I am less likely to get stuck inside my car when I am elderly. (I'm kidding but not totally kidding-my 93 year old Dad would get stuck inside of cars parked inside a small garage! See picture of my cars inside my garage now.)
E. Making it wider would make it easier for me to store things like folded lawn chairs and lawn and gardening equipment along the garage walls to keep my yard looking neater for the neighbors.

F. Making it wider would make it more likely that the garage would fulfill its intended purpose as a garage that holds two cars rather than being a member of the “One Car In a Two Car Garage Club”, with more cars parked in my driveway.
G. Making the 2 feet wider would not make a significant difference in the outward appearance of the garage, since it is being built in an unused wooded area. (See picture of the proposed build site. The chairs mark the FRONT corners of the garage. It is about 20 feet between the chairs and a little over 22 feet to the outer edge of the chairs.)
H. I've told my adjacent neighbors on either side that I intend to get a variance to build it 22 by 22 and no one has objected yet, but there is always time!

For those reasons I am requesting a variance to the rule that sets the maximum garage space at 850 square feet so that I can have a garage built that is 22 by 22 feet, instead of 20 by 20 feet. Thank you so much for your consideration.

Jim Bihari
638 Seabury Drive
Worthington, OH 43085
614-915-7210
jimbihari@yahoo.com

CITY OF WORTHINGTON

DRAWING NO. BZA 35-2020

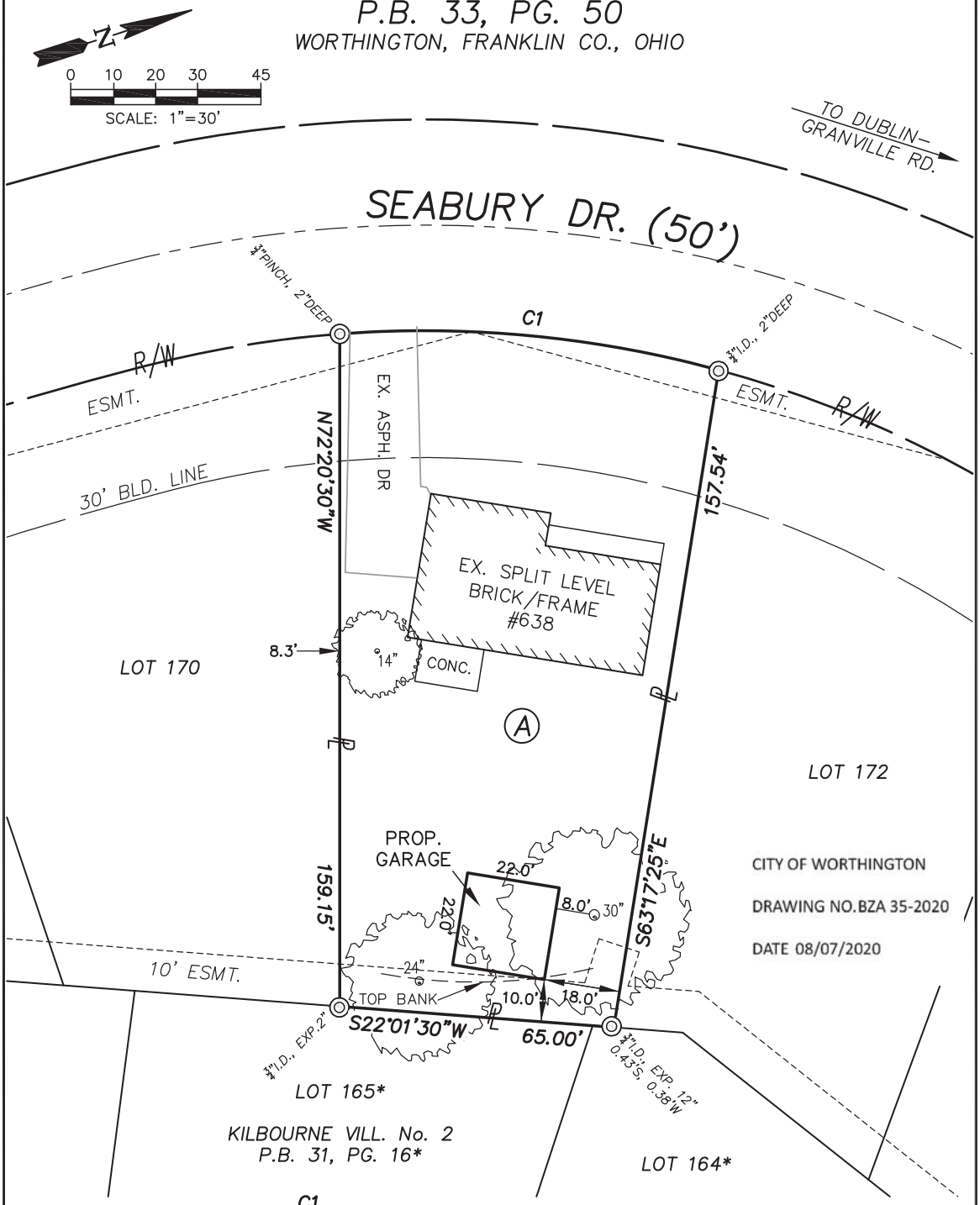
DATE 08/07/2020

638 Seabury Dr.

100-003866 04/19/2017

BOUNDARY SURVEY

LOT 171 ~ KILBOURNE VILLAGE No. 3
P.B. 33, PG. 50
WORTHINGTON, FRANKLIN CO., OHIO



C1
R=265.95'
L=90.44'
Δ=19°28'59"
CH=N23°05'33"E
90.00'

Ⓐ JAMES W. BIHARI
INS. 201704180051427
LOT 171
0.286 AC.

LEGEND

- ◎ IRON PIPE FOUND
- ℄ PROPERTY LINE
- R/W PUBLIC ROAD RIGHT-OF-WAY

SURVEY NOTES

Bearings hereon are referenced to the plat "Kilbourne Village No. 3", of record in P.B. 33, Pg. 50. Lot Nos. referenced to same except where noted otherwise.

Address of subject property is 638 Seabury Dr., Worthington, OH 43085. PID is 100-003866.

This plat is based on the results of an actual field survey performed on the property under my supervision in August, 2020.

STATE OF OHIO
MICHAEL P. LOMANO
7711
REGISTERED PROFESSIONAL SURVEYOR

WESTERVILLE LAND SURVEYING, LLC
125A E. HOME ST.
WESTERVILLE, OH 43081
(614) 899-2209

DRAWING NAME: 20243BS.DWG

DATE: 8/6/20 REVISED:
JOB No.: 20-243 F.B./PG.: 32/22
CLIENT: MR. JIM BIHARI
CLIENT P.O.: N/A

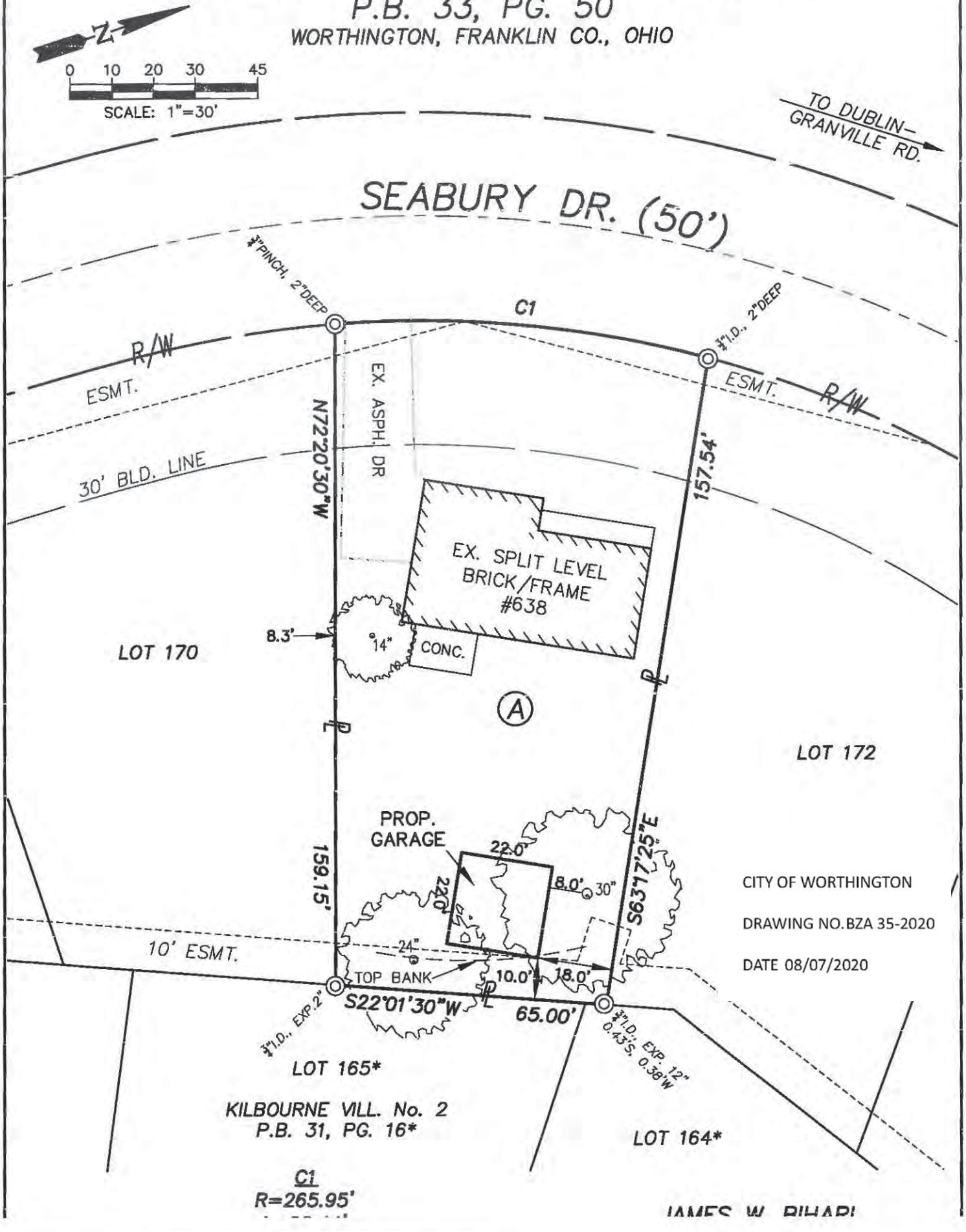
BY Michael P. Lomano
OHIO PROFESSIONAL SURVEYOR No. 7711

BOUNDARY SURVEY

LOT 171 ~ KILBOURNE VILLAGE No. 3

P.B. 33, PG. 50

WORTHINGTON, FRANKLIN CO., OHIO

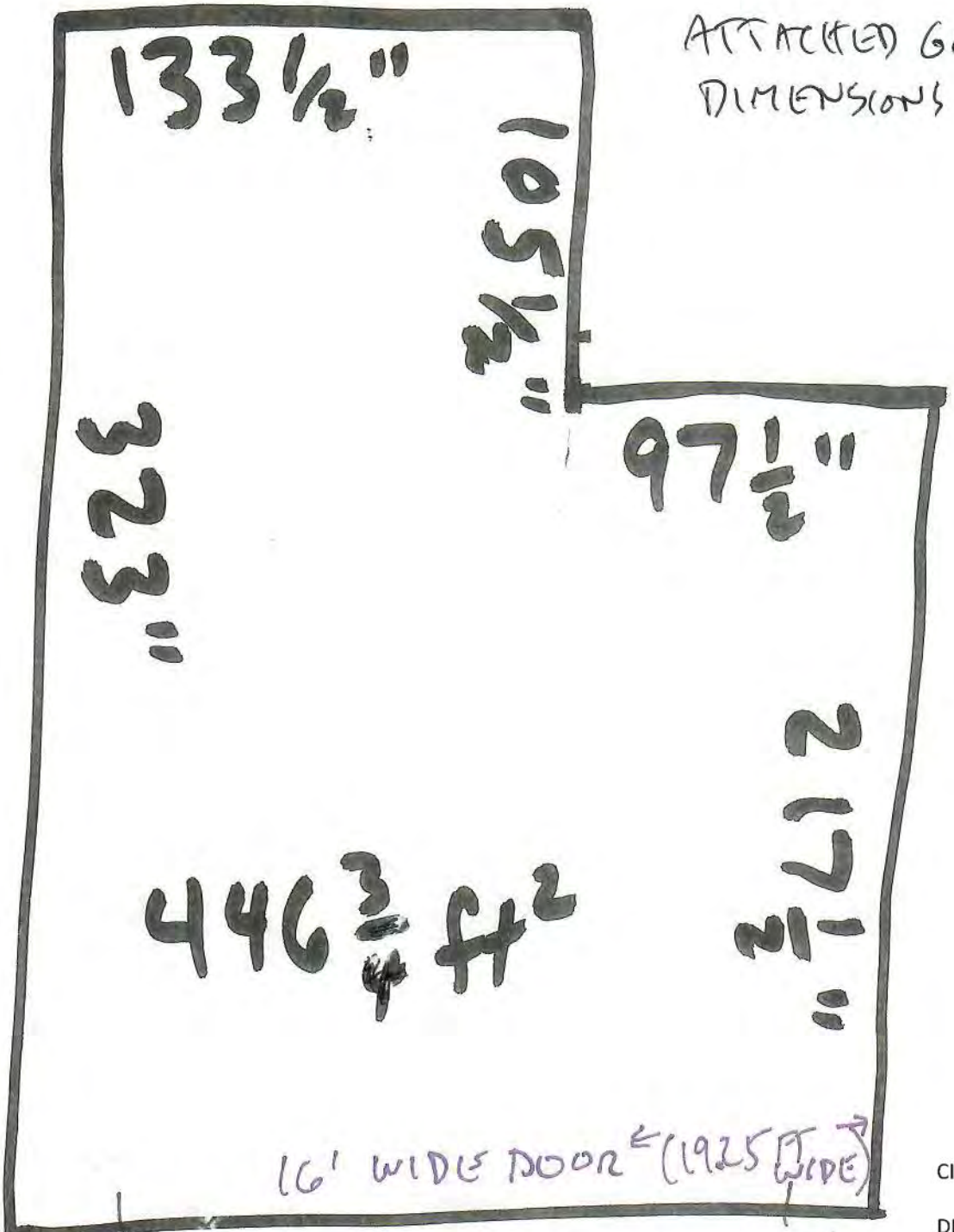


CITY OF WORTHINGTON

DRAWING NO. BZA 35-2020

DATE 08/07/2020

JIM BIHARI
638 SEABOAT Dr.



ATTACHED GARAGE DIMENSIONS

299½ ft² + 147.¾ ft²

LONG SIDE SQUARE FOOTAGE

SHORT SIDE SQUARE FOOTAGE

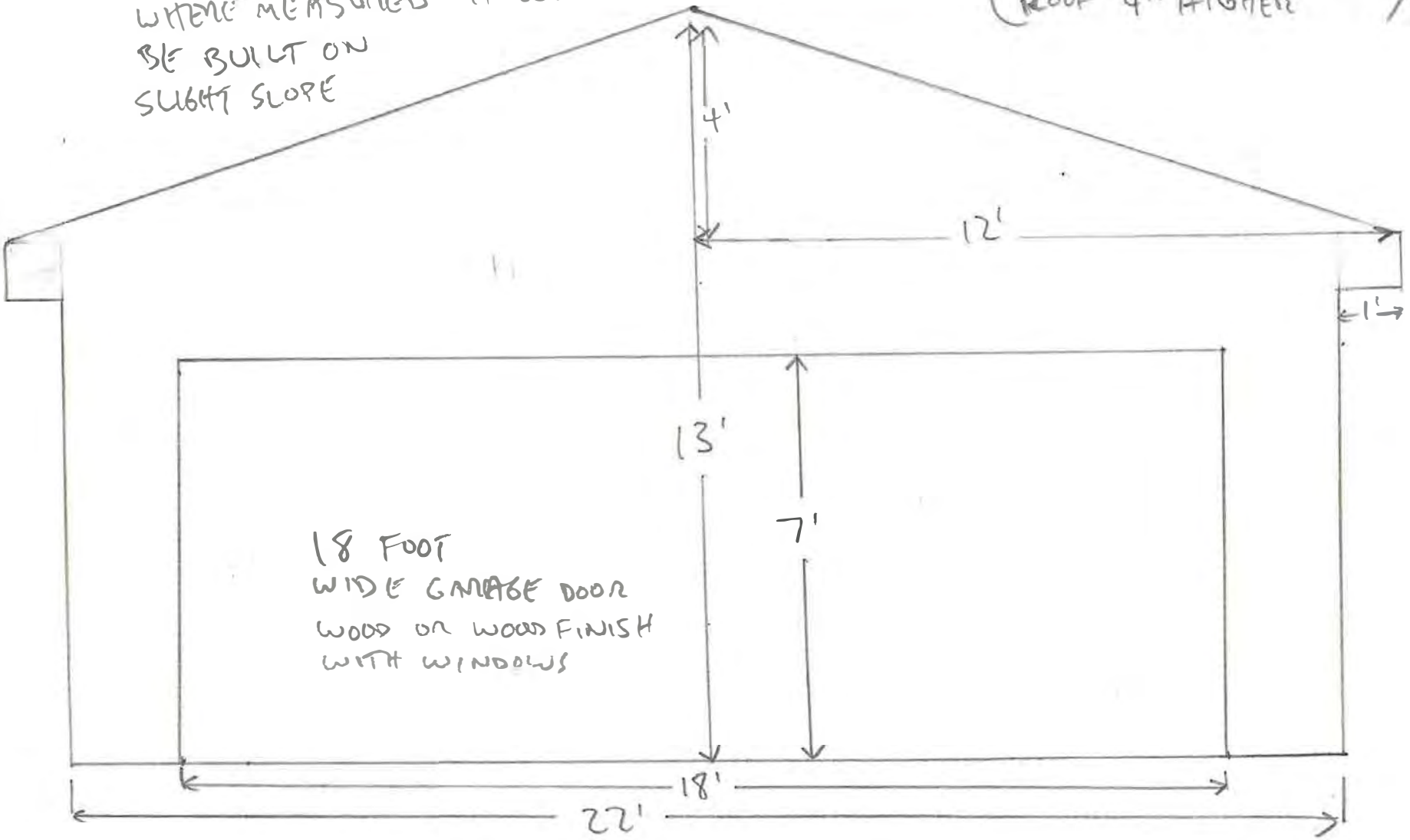
CITY OF WORTHINGTON

DRAWING NO. BZA 35-2020

DATE 08/07/2020

JAMES BIHARI GARAGE (22' x 22')
638 SEABURY
ROUGHLY 13' HIGH, DEPENDING
WHERE MEASURED - IT WILL
BE BUILT ON
SLIGHT SLOPE

4"
←24"→
(EVERY 24" WIDER MAKES
ROOF 4" HIGHER)



FRONT VIEW

CITY OF WORTHINGTON

DRAWING NO. BZA 35-2020

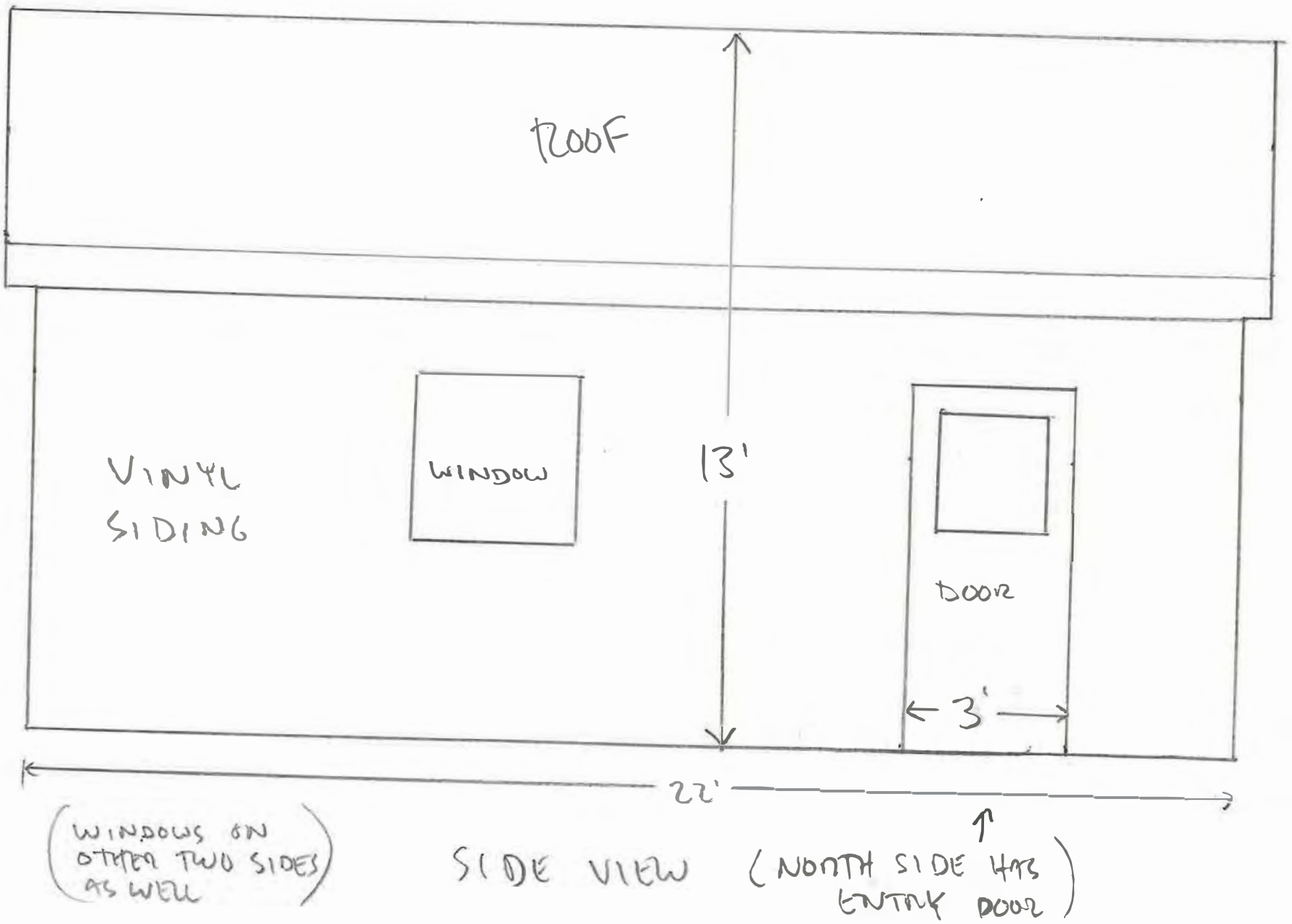
DATE 08/07/2020

JAMES BIHARI GARAGE (22' x 22')
638 SEABURY

CITY OF WORTHINGTON

DRAWING NO. BZA 35-2020

DATE 08/07/2020

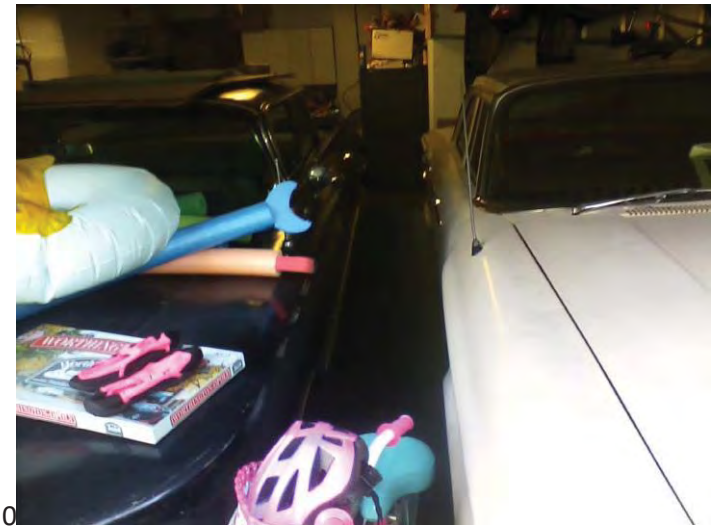



CITY OF WORTHINGTON
DRAWING NO. BZA 35-2020
DATE 08/07/2020


CITY OF WORTHINGTON
DRAWING NO. BZA 35-2020
DATE 08/07/2020

The two chairs mark the FRONT corners of the proposed garage site. It is about 20 feet between the chairs and about 23 feet to the outer sides of the chairs.

My current side-load attached garage, about the same interior width as a 20 foot wide garage. Need room for mower etc. to the side.



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CITY OF WORTHINGTON

DRAWING NO. BZA 35-2020

DATE 08/07/2020

The Garage Gurus

Estimate

TO: JIM BIHARI
6149157810
638 Seabury Worthington Ohio
jimbihari@yahoo.com

DATE: 6/3/2020
Office : 614 267 9530
Fax: 614 474 5613 cell 354 8361

SALES REP.	TERMS
Shawn McNeil	25% deposit 3 draws

DESCRIPTION	ADD	TOTAL
Plans and permits. Site work, remove trees as needed. Excavate and install concrete footers with 4 course block foundation for 22'x22' Backfill and rough grade. install 4" compacted base and install 4" 4000 PSI concrete floor over vapor barrier. Frame 2x4x8 walls. Install gable with 4/12 pitch roof with 1' vented overhangs. Install 6 panel entry door and hardware. Install 16x7' steel garage door. Install house wrap and standard color vinyl siding, vented vinyl soffits and trim. Install 30 yr. shingles over 15 lb felt drip edge and ridge vent. Install 5" aluminum gutters and downspouts.		$24,40
Install trench and underground electric to house with 2– 15 amp circuits with 2 interior wall outlets, 1 garage door outlet 2 interior lights and 2 exterior lights and 1/2 hp chain drive opener with 2 remotes.		$2400
Does Not include: Utility/gas line relocation, survey, landscaping, driveway, underground drainage, paint.	Subtotal	$26,80
	Deposit	$6,700

Ped 7-31

The contractor agrees to delivery and installation of those items, as set out above, in accordance with availability from contractors, suppliers and with contractor's own scheduling requirements. Contractor shall remove all trash and debris resulting from this job from the premises. Unless written above, the contractor shall not paint, stain, or perform any interior decorating service. Contractor shall provide reasonable service, without charge, for the period of one (1) year from the year from the date of completion of the installation in accordance with any warranties by the manufacturer(s) to the purchaser. This service shall be rendered by the contractor between 9.A.M. and 4 P.M. on weekdays. Service performed after the one year period,, or not in accordance with the above mentioned warranties, shall be charged to the purchaser at the then prevailing rate of the contractor. Contractor does not warrant against concrete cracking. It is understood that the contractor does not guarantee the elimination of moisture from the home. THERE IS NO WARRANTY REGARDING CONDENSATION. No other warranties, express or implied, are given or made.

The Customer hereby releases and agrees to indemnify and hold harmless Great Lakes Garages LLC (DBA The Garage Gurus) , it's sub-contractors and it's employees from all liability or claims from damage done by them, resulting from the movement of construction materials, equipment and delivery vehicles upon or about the property in order to perform the contracted work. Any request to limit amount of traffic on property must be discussed prior to commencement of work and agreed upon by both parties.

All checks are to be made payable to Great Lakes Garages, LLC.. Unless otherwise specified, the terms of the contract require final payment in cash upon delivery and installation. If the purchaser has arranged financing with a third party, the purchaser agrees to execute all documents required by such third party. Any delinquent balances due under this contract shall bear interest at the rate of one and one-half percent (11/2%) per month, an annual rate of eighteen percent (18%), from the date such payment is due. IT IS UNDERSTOOD THAT ALL WARRANTIES ARE NULL AND VIOD OF NO FORCE OR EFFECT UNLESS THE PURCHASER PERFORMS HIS OBLIGATION HREUNDER IN A TIMELY FASHION.

This contract constitutes the complete and entire understanding of the parties and no other understanding, verbal or otherwise, shall be binding unless agreed in writing by both parties. Any dispute or claim arising from this contract shall be settled through arbitration procedure of the Columbus Better Business Bureau. It is further understood that should the purchaser unjustly prevent the contractor from completing the work, the contractor is relieved of any further obligation hereunder and the purchaser agrees to pay the contractor all expenses incurred by the contractor and thirty percent (30%) of the contract price as liquidated and agreed damages and not as a penalty of forfeiture.

The purchaser acknowledges that before signing this contract that the purchaser had a reasonable opportunity to examine it; that thereafter a legible, executed and complete copy thereof was delivered to the purchaser. The purchaser has read and understands this contract and agrees to the terms and conditions set forth herein.

Contractor:
Sign: [signature] date 7-14-20

Home Owner:
Sign: [signature] date 7-14-2020