



**BOARD OF ZONING APPEALS
-AGENDA-
Thursday, December 7, 2023 at 7:00 P.M.**

Louis J.R. Goorey Worthington Municipal Building
The John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

A. Call to Order - 7:00 pm

1. Roll Call
2. Pledge of Allegiance
3. Approval of minutes of the November 2, 2023 meeting
4. Affirmation/swearing in of witnesses

B. Items of Public Hearing – Consent Agenda

There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Board and will be adopted by one motion. If a member of the Board, staff, or the public requests discussion on a particular item, that item will be removed from the Consent Agenda and considered separately on the agenda. Approval of Consent Agenda items includes conditions as listed in the staff memo.

1. **Extension of Construction Completion Period – Additions – 174 Loveman Ave.**
(Debora S. Stubbs) **EXCP 12-2023**
2. **Extension of Construction Completion Period – Addition – 642 Farrington Dr.**
(Heather L. Shellenbarger) **EXCP 13-2023**

C. Items of Public Hearing – Regular Agenda

1. **Temporary Use Permit – Automotive Service in C-3 Zoning District – 6465 Proprietors Rd.** (Luxury Worldwide LLC) **TUP 03-2023**

D. Other

E. Adjournment



MEMORANDUM

TO: Members of the Board of Zoning Appeals

FROM: Lynda Bitar, Planning Coordinator

DATE: November 30, 2023

SUBJECT: Staff Memo for the Meeting of December 7, 2023

B. Items of Public Hearing – Consent Agenda

There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Board and will be adopted by one motion. If a member of the Board, staff, or the public requests discussion on a particular item, that item will be removed from the Consent Agenda and considered separately on the agenda. Approval of Consent Agenda items includes conditions as listed in the staff memo.

1. **Extension of Construction Completion Period – Additions – 174 Loveman Ave. (Deborah S. Stubbs) EXCP 12-2023**

Findings of Fact and Conclusions

Background:

This house is located on a .28 acre lot in the R-10 (Low Density Residential) Zoning District in Colonial Hills. The property owner is constructing a 1958 sq. ft. addition to the rear of the existing home. The applicant demolished an existing one-story den addition above the crawl space and has added a new one-story bedroom and den above the basement.

The permit for the project was issued on June 4, 2020 and expired on December 4, 2021. The Board of Zoning Appeals approved requests to extend the construction completion period at its December 2, 2022 and December 1, 2023 meetings.

This application represents a third extension request.

Worthington Codified Ordinances:

[Section 1305.06 Compliance with Ordinances:](#)

- (b) The permit authorizing the work as shown on the approved construction documents is invalid if the work is not completed within eighteen months of the issuance of the permit.
- (c) Before any work authorized by a permit may continue for which the permit is invalid, the owner of the property shall make application to the Board of Zoning Appeals for an extension of time as

required under Chapter 1129 of the Planning and Zoning Code. Failure to complete work within said time period or any additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

Request:

The applicant is requesting an extension of the permit construction completion period until August 31, 2024.

Project Details:

1. The owner has been doing most of the work himself and needs additional time to complete the project.
2. The remaining work on the project includes insulating the basement, installing a ceiling in the basement, and building an egress or deck outside of the French doors.

Conclusion:

Staff feels a one-year time extension is an appropriate amount of time to finish the project, call for inspections, and close the permit.

Motion:

THAT THE REQUEST BY DEBORA S. STUBBS FOR AN EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD UNTIL DECEMBER 7, 2024, AT 174 LOVEMAN AVE., AS PER CASE NO. EXCP 12-2023, DRAWINGS NO. EXCP 12-2023 DATED NOVEMBER 2, 2023, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

2. **Extension of Construction Completion Period – Addition – 642 Farrington Dr. (Heather L. Shellenbarger) EXCP 13-2023**

Findings of Fact & Conclusions

Background:

This property is in the R-10 (Low Density Residential) Zoning District in Kilbourne Village. The property owner is completing an addition and interior renovation to the house.

The permit for the project was issued on December 29, 2020 and expired on June 29, 2022. Due to contractor issues and material shortages, a request to extend the construction completion period was approved by the BZA until September of 2023.

This application represents a second extension request.

Worthington Codified Ordinances:

[Section 1305.06 Compliance with Ordinances:](#)

(b) The permit authorizing the work as shown on the approved construction documents is invalid if the work is not completed within eighteen months of the issuance of the permit.

(c) Before any work authorized by a permit may continue for which the permit is invalid, the owner of the property shall make application to the Board of Zoning Appeals for an extension of time as required under Chapter [1129](#) of the Planning and Zoning Code. Failure to complete work within said time period or any additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

Request:

The applicant is requesting an extension of the permit construction completion period.

Project Details:

1. A new contractor has been hired so the applicant is optimistic the project will now be finished.
2. The project includes expanding the master suite and constructing a new 365 sq. ft. family room addition to the rear of the house.

Conclusion:

Staff feels a one-year time extension is an appropriate amount of time to finish the project, call for inspections, and close the permit.

Motion:

THAT THE REQUEST BY HEATHER L. SHELLNBURGER FOR AN EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD UNTIL DECEMBER 7, 2024, AT 642 FARRINGTON DR., AS PER CASE NO. EXCP 13-2023, DRAWINGS NO. EXCP 13-2023 DATED NOVEMBER 3, 2023, 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 – Regular Agenda

1. **Temporary Use Permit** – Automotive Service in C-3 Zoning District – **6465 Proprietors Rd.** (Luxury Worldwide LLC) **TUP 03-2023**

Findings of Facts and Conclusions

Background:

This property is in the C-3 (Institutions and Offices) Zoning District and is 107.6' wide x 275' deep or 29,590 square feet (sf) in area. There are 3 buildings on the site. There is a two-story building at the front of the site that was built in the early 1970s and two one-story buildings to the rear that were built in the 1960s. The warehouse building that is part of this request is 2188 sf in area about in the center of the property.

Luxury Worldwide LLC is an automotive service business, which is not an allowable use in the C-3 Zoning District. The business is in the process of looking for another location to operate.

Worthington Codified Ordinances:

[Section 1129.059\(5\) – Temporary Use Permits](#)

A temporary use permit may be granted where the temporary use of a structure or premises in any district where such temporary use shall be for a period of more than ninety days is proposed for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A temporary use permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a six-month period, subject to a six months' renewal and such conditions as will safeguard the public health, safety, convenience, and general welfare.

[1123.06 Automotive Services and Sales.](#)

(b) "Automotive services" means the routine light maintenance primarily of the personal vehicles of the general public including the retail sale and supply of motor fuels and lubricants at service stations; the sale and installation of tires, filters and accessories with related mechanical adjustments; and the making of light repairs to vehicles which do not necessitate the dismantling or repair of the vehicle outside of a building. Automotive services may include the retail sale of convenience items and goods not related to the automotive vehicle and its maintenance. Automotive services does not include tire recapping, metal repair, spray-painting or similar types of fabrication which by nature are noxious to occupants of adjacent property or the general public.

[Section 1147.01 "C-3" Institutions and Offices.](#)

Permitted Uses:

Administrative and business office
Medical/dental office or clinic
Business services - philanthropic
Institutions: religious, charitable,
philanthropic

Public uses
Semipublic uses
Essential services
Accessory uses

Conditional Uses:

Laboratories
Scientific research facilities
Nursing homes
Drive-in banks
Mortuaries
Social activities
Animal hospital
Veterinary care center
Feeding facilities, in-plant

Nursery school, pre-school, child day care
centers
Public service facilities
Plant production
Instructional institution
Personal services
Bed and breakfast
Dense-pack-open-plan office
Arts and crafts
Neighborhood bakery

Request:

A Temporary Use Permit is requested to allow an Automotive Service business to remain operating in the C-3 Zoning District for six months.

Project Details:

1. The sketch included with the application shows room for two vehicles inside the building and additional parking around the back of the lot.

Division of Building Regulations Comments:

We first received a report on July 3, 2023 of this change in use from the A-3 use group to a B/S-1 non-separated mixed. On July 7, 2023, Jerry L. Graves, building inspector, confirmed the change of use and advised the tenant construction documents need to be prepared showing compliance with the [2017 Ohio Building Code](#). Permit Application [BLDC2023-0107](#) was received on July 26, 2023 and finding the construction documents to be inadequate, an adjudication order was issued on August 10, 2023. It was recommended a registered design professional be retained to prepare the documents, however, since that use is not a permitted or conditional use in that district per the local zoning code, it was also verbally recommended to the owner the tenant correct the building code violations by vacating the building. As of today, revised construction documents have not been received and the building has not been vacated by the tenant.

Per [1129.05\(b\)\(5\)](#), the Board of Zoning Appeals can grant a Temporary Use Permit between 90 days and not more than 6 months. If such permit is granted, the owner and/or the tenant will be required to submit construction documents showing compliance with the building code within 30 days of the granting of such permit, or vacating the building within the same 30 days, which will be communicated via an order. Failing that submission or vacation, a complaint will be filed in Worthington Mayor's Court.

Conclusion:

The tenant would need to submit construction documents to occupy the space for more than 30 days regardless of the length of the Temporary Use Permit. Six months would be appropriate if the tenant plans to gain approval to occupy the space per the Building Code within 30 days.

Motion:

THAT THE REQUEST BY LUXURY WORLDWIDE LLC FOR A TEMPORARY USE PERMIT FOR SIX MONTHS TO OPERATE AN AUTOMOTIVE SERVICE IN THE C-3 ZONING DISTRICT AT 6465 PROPRIETORS RD., AS PER CASE NO. TUP 03-2023, DRAWINGS NO. TUP 03-2023, DATED OCTOBER 23, 2023, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING AND CONDITIONED ON THE BUSINESS OWNER SUBMITTING CONSTRUCTION DOCUMENTS AND GETTING A PERMIT WITHIN 30 DAYS.

1129.05 Powers and Duties.

(b) Exceptions. In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

(5) Temporary use permits. A temporary use permit may be granted where the temporary use of a structure or premises in any district where such temporary use shall be for a period of more than ninety days is proposed for a purpose or use that does not conform to the regulations prescribed elsewhere in this Zoning Ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A temporary use permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a six-month period, subject to a six months' renewal and such conditions as will safeguard the public health, safety, convenience, and general welfare.

(6) Extension and construction completion periods. The Board may authorize, for good cause shown, extension of the time period provided for the completion of structures in the Building Code. However, the Board may not authorize extension of the period for greater than a one-year extension of time subject to one-year renewals and such conditions as will safeguard the public health, safety, convenience, and general welfare.

(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.

(d) Interpretation of District Map. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning District Map may be made to the Board which shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Ordinance.

(e) Extension of Nonconforming Use. The Board shall have the authority to grant an extension of a building or the expansion of the use of a lot devoted to a nonconforming use upon a lot occupied by such building or use, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building or use became nonconforming, and where such extension is necessary and incidental to the existing use of such building or lot. However, the floor areas or lot areas of such extensions shall not exceed, in all, 100 percent (100%) of the area of the existing building or lot devoted to a nonconforming use.



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

November 2, 2023

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Garrett Guillozet, Vice-Chair; Brian Seitz, Secretary; Beth Benzenberg; and Mikel Coulter, Representative of the MPC. Also present were Lee Brown, Director of Planning and Building; and Lynda Bitar, Development Coordinator. Cynthia Crane, Chair, was absent.
2. Pledge of Allegiance
3. Approval of Minutes of October 5, 2023, meeting

Mr. Coulter moved to approve the minutes and Mr. Seitz seconded the motion. All members voted "Aye" and the minutes were approved.

4. Affirmation/swearing in of witnesses

B. Items of Public Hearing – Consent Agenda

There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Board and will be adopted by one motion. If a member of the Board, staff, or the public requests discussion on a particular item, that item will be removed from the Consent Agenda and considered separately on the agenda. Approval of Consent Agenda items includes conditions as listed in the staff memo.

1. **Extension of Construction Completion Period** – New Generators and Fire Suppression Systems – **6595 Proprietors Rd.** (Edward Alford/Sprintcom Inc.) **EXCP 11-2023**

Findings of Fact and Conclusions

Background:

This building houses equipment for T-Mobile and is located on a 3-acre lot on the west side of Proprietors Rd. in the C-3 Zoning District. A permit was pulled to upgrade the facility including new generators and fire suppression systems in January of 2022 and equipment lead times and other challenges delayed the progress of the project. The permit expiration date was August 2, 2023.

Worthington Codified Ordinances:**Section 1305.06(b) Compliance with Ordinances.**

The permit authorizing the work as shown on the approved construction documents is invalid if the work is not completed, inspected, and approved within eighteen months of the issuance of the permit.

Section 1305.06(c) Compliance with Ordinances.

Before any work authorized by a permit may continue for which the permit is invalid, the owner shall make application to the Board of Zoning Appeals for an extension of time as required under Chapter 1129 of the Planning and Zoning Code. Failure to complete work within said time period or any additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

Request:

The applicant is requesting to extend the construction completion period for the project.

Project Details:

1. The last inspection date was October 3, 2023. Regular inspections were made throughout the construction period.

Conclusions:

Staff feels a one-year time extension should provide ample time to complete the remaining work, call for inspections, and close the permit.

Motion:

THAT THE REQUEST BY EDWARD ALFORD TO EXTEND THE CONSTRUCTION COMPLETION PERIOD UNTIL NOVEMBER 2, 2024 AT 6595 PROPRIETORS RD. AS PER CASE NO. EXCP 11-2023, DRAWINGS NO. EXCP 11-2023, DATED SEPTEMBER 19, 2023, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Seitz moved to approve the Consent Agenda, and Mrs. Benzenberg seconded the motion. All Board members voted, "Aye," and the motion was approved.

C. Items of Public Hearing – Regular Agenda

1. **Variance** – Side and Rear Yard Setbacks – Addition, Dumpster Enclosures, Seatwalls & Ramp
920 High St. (Orange Frog Design Group/ Dairy Queen) VAR 38-2023

Mrs. Bitar reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

The existing 861 sq. ft. Dairy Queen is located at the northeast corner of High St. and North St. in the C-2 Zoning District and was constructed in 1955. The lot is approximately 14,810 sq. ft. in size; however, 6,752 sq. ft. is located in a highway easement for High St., leaving only 8,058 sq. ft. of usable ground. Approximately 10'-12' of the front of the building is actually located in the public right-of-way. The property owner would like to construct a rear addition to house a new cooler and freezer along with several building and site improvements.

In anticipation of this project in 2021, City Council allocated \$80,000 in their 2022-2026 Capital Improvements Program for streetscape enhancements associated with the onsite improvements that are proposed by DQ. City staff has been working with POD Design and the owner of DQ to install seat walls, pavers, landscaping, street trees and crosswalk enhancements at this intersection that builds on previous offsite improvements associated with CVS and City National Bank.

Worthington Codified Ordinances:

[1149.02 Yard, Area and Height for all Buildings other than Dwellings.](#)

The required front yard in the C-2 Zoning District is 50'.

[1149.08 Special Yard Requirements.](#)

At corner lots, no accessory uses, accessory structures, structures, material or equipment storage shall be located in any required front yard. Side yards fronting on the adjacent street can be reduced to two-thirds of the required front setback from the right of way of the adjacent street.

The required side yard along North St. is 33 1/3'.

Requests:

1. An addition is proposed 14'8" from the North St. property line for a variance of 18'8".
2. Dumpster enclosures would be installed as close as 13' from the North St. property line for a variance of 20'4".
3. Seat walls and a ramp are proposed along the south side of the building and addition at 6' from the North St. property line and along the property line for variances of 27'4" and 33'4".

Project Details:

1. Proposed Rear Building Addition:
 - a. 370 sq. ft. (20'x18.5')
 - b. Total square feet of the building with the new addition will be 1,231 sq. ft.
 - c. The space will be utilized for a new walk-in cooler and freezer along with an additional area for storage.
 - o The current cooler, freezer and storage area are located in the basement accessed by steep stairs to the rear of the building.
 - d. Brick to match existing brick with 4" cast stone cap at the foundation.
 - e. Cementitious siding on the addition. There will be 6" lap siding, trim and panels that will be painted white.

- Sherwin Williams Natural White SW9542.
- f. Flat roof is proposed surrounded by a parapet to screen mechanical equipment from view.
- g. A new insulated hollow metal door to be installed on the north side of the addition to access the building.
- h. No exterior lighting has been proposed at this time.
- 2. Existing Building Improvements:
 - a. Replace the existing cedar shingles with new 30-year dimensional asphalt shingles.
 - Weathered Wood – Color
 - The existing cedar shingles are in poor condition and in need of replacement.
 - b. Windows & Doors to be replaced in the future.
 - Staff would like to get Board approval to permit City staff to administratively approve the windows and doors in the future if they were to go to a bronze or black frame for the windows and doors and maintain a similar character and look.
 - The existing frames on the windows and doors are a mix of black and aluminum. The black framed windows were approved by the Board in 2005 when the Board approved a walkup service window on the south side of the building.
 - c. Existing white trim will be painted white to match the addition.
 - Sherwin Williams Natural White SW9542
- 3. New Dumpster Enclosures:
 - a. Brick to match the existing brick on the DQ building with a 4-inch cast stone cap.
 - b. Dumpster doors will be hardi-plank siding and trim attached to a steel frame and paint to match the building.
 - c. The new dumpster enclosure will house two dumpsters. One dumpster is for trash and the other dumpster is for cardboard.
 - d. The existing grease receptacle will be removed, and a new grease receptacle will be installed inside the building and there will be an exterior pipe to pump out the grease when needed.
 - e. Screening around the dumpster is also being provided to help soften all the hardscape.
- 4. Onsite and offsite Improvements:
 - a. The drive isles on High St. and North St. will be reduced in width to meet current Code requirements. The access drive to High St. is approximately 35-feet wide, where 22-feet is the minimum required by Code. The access drive to North St. is 27-feet wide, where 22-feet is the minimum required by Code. The reduction in the wide access points will slow traffic down for those entering and exiting the site and will provide an additional area for pedestrian improvements to the site.
 - b. Additional greenspace and landscaping are being added in the area of the dumpster enclosure along the North St. side of the property.
 - c. Additional greenspace and landscaping are also being added along the High St. portion of the property to the north and south of the access point to High St.
 - d. Additional landscaping is also being added along the norther side of the building.
 - e. The final landscape plan will be coordinated with the landscaping proposed for the offsite improvements associated with the City's portion of the project.

f. Removal of 7 parking spaces will occur with the addition, however with the new total square footage of 1,231 sq. ft. only 16 parking spaces are required by Code. The applicant will be providing 19 parking spaces. Additional parking is also available on the neighboring parcel and many people walk to this location from the surrounding neighborhoods.

g. Patio Improvements:

- The High St. portion of the patio area is completely located in the public right-of-way; however, the North St. portion of the patio is located outside of the public right-of-way.
- The existing seating area is a mix of concrete and asphalt, and the southern patio area has a severe slope down to the sidewalk.
- As many of you may know, this intersection has every type of utility located in Worthington underground at this location. The underground utilities in this area make improvements much more difficult. The City will be working with those utility providers to move their utilities to the edge of the right-of-way outside of the proposed City improvements.
- Brick seat walls and planting beds are proposed along High St. and North St.
 - The brick for the seatwalls will be the Worthington brick that has been used at our other intersection improvements throughout the City.
 - The brick seat walls will provide additional seating; however, they will also provide a barrier for those sitting on the outdoor patio along High St.
 - The brick seat wall along the North St. side of the site will address the grade change and provide a much more usable space for patrons utilizing the patio space.
- A mix of concrete and pavers will be used in the patio area.
- A handicap ramp will also be installed on the North St. side of the property to provide access to those entering and exiting the site.
 - The change in grade in this location makes it impossible to not have the need for steps at the intersection, however it is an improvement over the existing conditions today.
- New patio furniture is proposed as part of the improvements, however the details related to the patio furniture have not been provided at this time.

h. Bicycle racks will be installed on the north side of the building; however, they are not shown at this time. Bike racks will be required to be installed as part of this project.

i. Landscaping Beds:

- Two landscaping beds will be installed along High St. and North St.
 - These planting beds are subject to change depending on final design and utility relocation.
- The rationale for not having a tree lawn along the North St. side of the property is related to the relocation of utilities in the area and the possibility of the need to be able to access these underground utilities while still providing much needed vegetation to help soften all the hardscape.
- Vehicular traffic and overall speed along North St. are not as intense as the High

St. portion of the site. Most traffic on the North St. side of the property will be stopped waiting for a signal. This is not a perfect situation, however with the existing site conditions this seems to be the best option. High St. has a much higher volume of vehicles traveling north and south and at a higher rate of speed.

- The landscaping bed will be able to have foundation plants along with street trees that will provide an additional screening, shade and separation from North St.
 - A Memorandum of Understanding (MOU) will need to be worked out between the City and the property owner for the future maintenance of proposed vegetation.
- j. Brick pavers will be installed at the intersection of High St. and North St. to match with the brick pavers that were installed at the northwest corner of High St. and North St. as part of the City National Bank site improvements.
5. The existing DQ Sign is to remain. No changes are proposed to the existing sign besides normal maintenance.

Staff Comments:

1. The final design of the streetscape improvements is subject to change related to final design work and utility relocation.
2. The onsite improvements and offsite improvements both enhance the area and provide additional safety to those utilizing the DQ patio area.
3. The final landscape plan will be coordinated with the landscaping proposed for the offsite improvements associated with the City's portion of the project. The majority of the proposed landscaping is located in the public right-of-way, only the landscaping by the dumpsters and the north side of the building addition will be on private property.
4. There will be many other small improvements on the site related to the access drives and unneeded poles, wires and signage that will be removed as part of the overall improvements on the site.
5. The site is tight, however the proposed onsite improvements and the offsite improvements proposed by DQ and the City will greatly improve the existing conditions.
6. A Memorandum of Understanding (MOU) will be needed between the property owner and the City for the future maintenance of the landscaping in the planting beds as part of the offsite improvements.

Conclusions:

The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the variances.

The variances would not adversely affect the delivery of governmental services.

Due to the existing conditions, the property owner's predicament cannot be feasibly obviated through some method other than variances.

The proposed changes would allow an existing business to continue to thrive and make the corner safer and more aesthetically pleasing.

Discussion:

Mrs. Bitar asked Mr. Brown to address the timing of the project for the City.

Mr. Brown: There are a lot of items in the right-of-way so the City allocated money for that project a couple years ago and the amount now needs doubled so it will go back to Council. The improvements will go with the site and be similar in style to the Village Green.

Mr. Guillozet: Okay, is there anyone in the audience to speak for the application? If you would please state your name and address into the microphone for the record.

Mr. Matt Lones: Matt Lones, Orange Frog Design Group, 411 Meditation Lane, Columbus, Ohio 43235;

Mr. Ron Overstreet: Ron Overstreet, 90 Wilson Drive, Worthington, Ohio, 43085.

Mr. Lones: Thanks everyone for listening to the case and trying to get all this resolved. We've been working on this for a while with the city. Lee and Lynda have been great, city staff has been great. We've been working with their landscape architect going back and forth. The design has changed a couple times, trying to meet some new request of citizens as well as working through with staff so what you see here is the blend of those comments from citizens as well as from staff. The reason for the location of the addition is it's really the only place we can add it on the site. This is such a difficult site with utilities, setbacks, with required parking so what we're trying to do with the addition is we're stepping it in I believe it's a foot on each side, to try to get further away if we can. We don't want the brick to touch the existing brick because you want to see that 1950s brick versus the 2023 brick. We're trying to match it best we can but you know how that works. Also, with the change of material it hopefully will reduce some of that effect because we have some white around the windows already up front and on the side pickup window. So, that's kind of the site methodology with the design also the main reason for this is the freezer cooler right now is in the basement and one, you would never know this site had a basement. I didn't, and then two, trying to figure out how to get deliveries down there is really difficult. It's very successful here in Worthington and they need a larger cooler freezer. This will accommodate that and doing that. It also is able to eliminate some outside containment items such as the grease tank.

Mr. Overstreet: The grease has already been changed. I actually have an indoor tank now. So, that piece in one of the pictures you see the grease tank that's out there that tank no longer exists at this point so that piece has already been removed. So, we've already made that improvement.

Mr. Lones: There's another tank or something?

Mr. Overstreet: Oh, yeah, you have to take care of the co2 tank, it is outside of the building, that needs to be addressed.

Mr. Lones: So that goes away, and then it cleans up the back of the building. The dumpster's aren't in an attractive location or they really have no defined space, the dumpster enclosure will help that but also it gives a little more green space to kind of define his property a little bit more from Ace. One of the other kind of nice things about the project is on High Street the curb cut is like 36 or some feet. It's really long if you're heading south from the transformer. So, the city, actually the landscape architect for them, asked if it was okay if they reduce that down to a traditional curb cut size by doing that. That gives us the ability to have grass bicycle parking along the north side of the building which actually helps out for patrons as well as it slows the traffic down coming in the parking lots of people don't get hit. So, the working relationship with POD, the city and Ron, I think it's gone really well. Unfortunately, when you look at the current setback requirements for where the buildings placed the variance is the only way we can do anything with the property. So,

any questions you may have regarding the seating walls and stuff like that I think Lee probably knows more about those than what we do we feel that it's going to be a great asset to him, but also it's going to clean up the corner for the city.

Mr. Coulter: Lynda had brought up during her presentation when do you anticipate getting started apart from what the city has to do?

Mr. Overstreet: So, the addition, sooner the better really from my perspective, and so possibly this fall, or at least in the spring, my business continues to slow day by day so this is actually the best time for me to make these changes so and really from the operational standpoint that Matt mentioned my freezer being in the basement, my walk-in cooler is actually on the first floor which will free up about a hundred square feet of space for me to make some changes and do some different things and improve the business. So, there's a couple of pieces inside that you know really, it's only 800 square feet. My cooler takes up 100 square feet. So, obviously it will make some improvements.

Mr. Brown: I think the one thing also to add there was the conversation about the utilities that's going to be the other thing that we're going to be working on. Once this portion of the project is in the right-of-way its going to be a city project. We can have any of the utility companies as you know, I feel like every six days you drive by there's something been torn up in front of the Dairy Queen site. We can make them move their utilities outside of our right-of-way to do this work. If it was just the DQ wanting to do the work, they can't do it, but we can have utility companies do it. So, what will happen is we get approval from council for the extension of the money we can start working with utility companies to get all that stuff out of the right-of-way. I'm not sure where it's going to go, but we will start that process.

Mr. Guillozet: Questions?

Mrs. Benzenberg: In the photos of the dumpsters are they where these enclosures are going to go or are they further back?

Mr. Lones: They are actually not on his property right now. They're actually on the CVS/Ace property, so, they're going to be moving to the west. Basically, if you look at this picture here, you can see.

Mrs. Benzenberg: Yeah

Mr. Lones: So, we're going to be removing some asphalt to create a green space and some more variety or something there to kind of soften that edge and then the dumpster will be a little bit further north than what they're showing now.

Mr. Seitz: You answered my question I only was curious about the grease dumpster, so good job.

Mr. Guillozet: Questions, is there anyone in the audience who would like to speak either for or against this application? Okay Board members. Are there any final questions for the applicant? If there are none, I would entertain a motion.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY ORANGE FROG DESIGN GROUP ON BEHALF OF DAIRY QUEEN FOR VARIANCES TO CONSTRUCT A BUILDING ADDITION AND SITE IMPROVEMENTS AT 920 HIGH ST., AS PER CASE NO. VAR 38-2023, DRAWINGS NO. VAR 38-2023, DATED SEPTEMBER 11, 2023, BE APPROVED BASED ON THE

FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Coulter seconded the motion. Mr. Brown called the roll. Mrs. Benzenberg, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Mr. Guillozet, aye. The motion was approved.

3. Variance – Side and Rear Yard Setbacks – Addition and Detached Garage – 672 Evening St. (Jamee M. Parish/Smith) VAR 40-2023

Mrs. Bitar reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:

This 1,736 sq. ft. Dutch Colonial was constructed in 1925 and includes an existing 324 sq. ft. detached garage that is a contributing building in the Worthington Historic District. The R-10 Zoning District lot is rather small at 50' x 150' for a total lot area of 7,500 sq. ft. The applicant would like to demolish the existing garage and construct a new 2-car garage and demolish an existing deck to construct a new kitchen/dining area and bathroom addition to the rear of the home.

Worthington Codified Ordinances:

1149.05 Existing Lots of Record.

The side yard setback for a building addition to an existing primary structure may be reduced to no less than six feet and the sum of side yards reduced to no less than twelve feet if the addition projects no further into the side yard than the existing structure.

Section 1149.08 (b) Special Yard Requirements:

Accessory buildings such as garages and storage buildings exceeding 120 square feet in area may be located in the rear yard provided such buildings are set back at least eight feet from the side lot lines and ten feet from the rear lot line.

Requests:

1. A new garage would be 3' from the rear and side yards for variances of 7' and 5'.
2. An addition is proposed that would be 4.7' from the north property line for a variance of 1.3'.

Project Details:

1. Garage -
 - a. The existing detached garage is proposed to be demolished.
 - b. Construct a new 24' x 24' (576 sq. ft.) garage.
 - c. Siding is to be board and batten siding that will be painted white to match the house.
 - d. Two separate garage doors will be installed with a man-door and window on the northern elevation.
 - e. Garage doors will be Clopay "coachman" line with no windows and will be painted to match the siding and trim.

- f. Proposed setback along the eastern and southern property line will be 3' where an 8' side yard and a 10' rear yard is required by Code.
 - The existing garage is approximately 0.7' from the eastern property line and 1.1' from the southern property line.
 - g. The detached garage is proposed less than 5' from the property line and per RCO 302.1 the exterior wall will be required to be 1-hour fire-resistance rated constructed.
2. Rear Addition -
- a. Demolition of the existing deck to permit the construction of a one-story kitchen/dining area that would include a full-bath addition.
 - b. Transom windows will be installed on the northern elevation in the dining area as well as two doors and windows on the eastern elevation that will have access to a future patio. A small window will also be installed in the new bathroom in the addition.
 - c. The addition will be offset by 12" and will 4.7' from the northern property line where 6' is required by Code.
 - The existing structure is currently location 3.7' from the northern property line.
 - d. The addition is proposed less than 5' from the north property line and per RCO 302.1 the exterior wall will be required to be 1-hour fire-resistance rated constructed.
3. Siding & Trim -
- a. Removal of the existing aluminum siding is to be replaced with new Hardie plank 7" lap siding.
 - b. Painted Sherwin Williams 7004 Snowbound.
4. Roof -
- a. Dimensional shingles to remain and new shingles on the addition and garage are to match.
5. Windows & Doors -
- a. Will be wood with white aluminum cladding. Brand to be determined.
 - Clarification needed on whether the windows and doors will have interior or exterior muntins.
 - b. The existing windows on the home are proposed to remain except for one window on the rear of the home that will be removed related to the roof pitch of the addition.
 - The removal of the rear window will not be visible from the street and the new addition and new siding will cover the location of the existing window.
6. Lighting -
- a. Light fixtures where not provided as part of the application materials. The applicant has stated that both the fixtures on the house and garage will be black.
7. Patio -
- a. Proposed to be a bluestone patio that will be installed at grade and in the future.
 - Does not need to be approved by the Board since the patio is proposed to be at grade.
8. Mechanical Equipment -
- a. The existing HVAC equipment is located on the southeast corner of the existing home. The site plan does not show the location of the equipment, so if the equipment is to be in a different location it will need to be shown on the site plan and screened from view.

Conclusions:

The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variances. Both the addition and garage are typical for Old Worthington.

Discussion:

Mr. Guillozet: Is the applicant here, do please come forward and state your name and address for the record.

Ms. Jamee Parish: Jamee Parish, 162 East North Broadway, Columbus, Ohio 43214.

Mr. Guillozet: Anything to add to staff presentations tonight?

Ms. Parish: I don't think so. I think they did a good job explaining what our issues are with the site, the garage is just not in good shape at all, and so we'd like to do a reasonably sized garage that is more subtle than it could be just trying to keep the height down, but maximize as much regard as we can just because they don't have a whole lot of room to begin with. And then just as they said, you know, just trying to offset the addition from the existing house to kind of you know keep the existing separate from the new and just architecturally.

Mr. Seitz: Okay, awesome. I just need to see some pieces there. Thank you.

Mr. Guillozet: Is there anyone in the audience who would like to speak either for or against this application? Sir, would you please come up and state your name and address for the microphone?

Mr. Dwight Barkhurst: My name is Dwight Barkhurst, I live at 664 Evening Street, and we share the driveway with the applicant. We're on the south side. She's on the north and my wife and I approve of this project, although I kind of like the garage.

Mr. Guillozet: Are there any other questions for the applicant or for city staff?

Motion:

Mrs. Benzenberg:

THAT THE REQUEST BY JAMEE M. PARISH ON BEHALF OF PAM SMITH FOR VARIANCES TO CONSTRUCT AN ADDITION AND NEW GARAGE AS PER CASE NO. VAR 40-2023, DRAWINGS NO. VAR 40-2023, DATED OCTOBER 5, 2023, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Seitz seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Seitz, aye; Mrs. Benzenberg, aye; and Mr. Coulter, aye. The motion was approved.

4. Variance – Side Yard Setback – Shed – 600 Morning St. (Paul Campagnoli) VAR 41-2023

Mrs. Bitar reviewed the following from the staff memo:

Findings of fact & Conclusions**Background:**

This house was constructed as a split-level in 1948 but was changed to a two-story house in 2011 and is approximately 1,988 sq. ft. in size. The R-10 Zoning District property is 60' wide x 330' deep or 0.47 acres in area. The applicant would like to install a shed in the rear of the property.

Worthington Codified Ordinance:

[Section 1149.08 \(b\) Special Yard Requirements:](#)

Accessory buildings such as garages and storage buildings exceeding 120 square feet in area may be located in the rear yard provided such buildings are set back at least eight feet from the side lot lines and ten feet from the rear lot line.

Request:

Installation of a 140 square foot shed is proposed 2' from the south property line for a variance of 6'.

Project Details:

1. The shed would be 10'x14' (140 sq. ft.).
2. The shed would have wood siding and have dimensional shingles that would include two double-hung windows along the front along with double doors and a single door with transom windows.
3. The application materials show a picture of a white shed with either black or dark green doors and window shutters. The color of the shed should be painted to complement the color found on the existing home.
4. There are no Building Code issues since the structure is under 200 sq. ft. in size.

Conclusion:

The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance.

Discussion:

Mr. Guillozet: Please come up and state your name and address for the record.

Mr. Paul Campagnoli: Paul Campagnoli, 600 Morning Street, Worthington, Ohio. In regards to the property line our neighbors addition is three feet seven inches from the property line. From what I looked on before from on the Worthington website they basically extended their existing house back and then as you saw in the pictures there, there's a garage that's facing our property there. So, we were looking at the site and said well, that's a perfect place for a shed and obviously we're surrounded on either side. There's additions that go back, so, we're sort of like in this "U", and this place in the shed there will give us, you know more of that sense of privacy, so, that's what we're seeking and having it not sticking out as far as it could and the idea I think there was a question on one of the paperwork's we do want to paint it to match the body of the house.

Mr. Seitz: Is it staked out on the backside there? I thought I saw some flags.

Mr. Campagnoli: I think that was just informal, it's not. The plot isn't staked out formally.

Mrs. Benzenberg: Would it be near to those ladders?

Mr. Campagnoli: Right, it would be basically in front of that garage area.

Mrs. Bitar: The carport?

Mr. Campagnoli: Yeah, the carport. Yep, yep, that big open rectangle there. Yeah, yeah, those were nursery flags.

Mrs. Benzenberg: My question before was trying to get at where your house is in relationship to the property line like if you were to extend on the right side looking at this photo.

Mr. Campagnoli: From where we want to place the shed. I guess it's about 50 feet. I'm not sure if I'm understanding your question.

Mrs. Bitar: I think she's asking how far your house is to the property line?

Mr. Campagnoli: Oh, um, I don't know exactly. I don't know the exact distance from the house from the edge of the house there. There's a chimney that juts out if that counts.

Mr. Coulter: I think what's thrown us off is that drawing right there and in which shows the red is actually going through the house next door.

Mr. Campagnoli: Yeah, yeah, the red line

Mrs. Benzenberg: So, there might only be eight feet between your house and the neighbor's house.

Mr. Campagnoli: Yes, it's not a great distance.

Mrs. Bitar: Yeah, it's pretty close.

Mr. Coulter: The shed is going to be back at the garage.

Mrs. Benzenberg: I just thought if it were 15 feet and if the shed were yeah, that would be funny, but it's going to be pretty close anyway.

Mr. Guillozet: Other questions for the applicant or city staff, or is there anyone in the audience? No one else came forward.

Motion:

Mr. Seitz moved:

THAT THE REQUEST BY PAUL CAMPAGNOLI AND ELIZABETH MELVILLE FOR A VARIANCE TO INSTALL A SHED AT 600 MORNING ST. AS PER CASE NO. VAR 41-2023, DRAWINGS NO. VAR 41-2023, DATED OCTOBER 11, 2023, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mr. Coulter seconded the motion. Mr. Brown called the roll. Mrs. Benzenberg, aye; Mr. Coulter, aye; Mr. Seitz, aye; and Mr. Guillozet, aye. The motion was approved.

D. Other

Mr. Brown: I sent an email out maybe about an hour ago or hour and a half ago just inviting you all to the ED 411 that usually takes place at the union at OSU in the first Friday in December so if you want to register for that, let me know and we can get you registered. Probably for Beth who doesn't know this if there's any trainings what we usually try to do or any events we will email both the Board of Zoning Appeals, Planning Commission and Architectural Review Board to invite you to attend those and then get you registered. So, if you are interested you can follow the link to see what's going to go on, but it's going to be Friday, December 1st from 7:30 am to 1:30 pm. You usually hear a lot of information that's going on in the region, so just check your email and let me know.

E. Adjournment

Mr. Seitz moved to adjourn the meeting, and Mrs. Benzenberg seconded the motion. All Board members voted, “Aye,” and the meeting adjourned at 7:32 p.m.

Draft

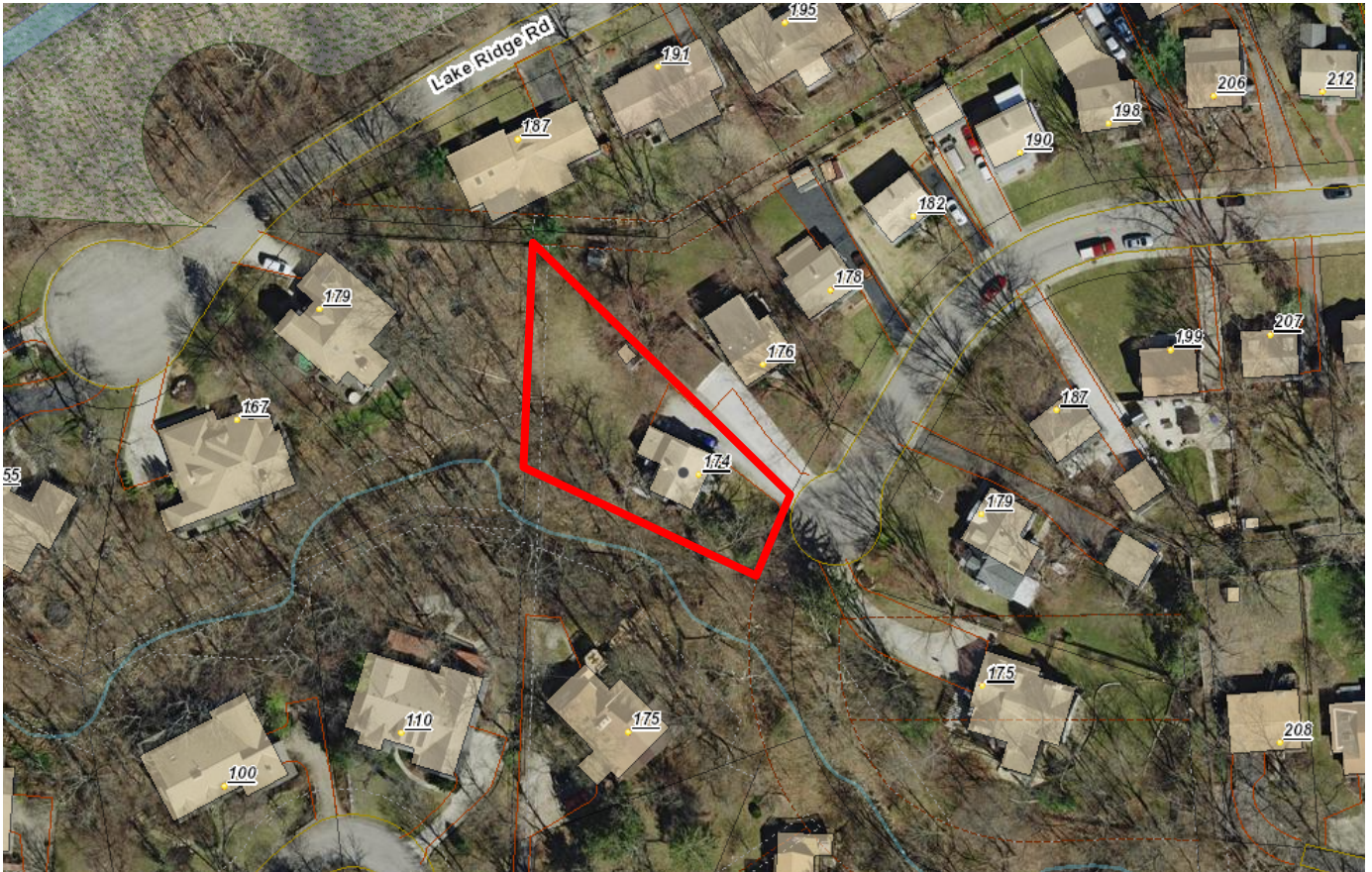


BZA APPLICATION EXCP 0012-2023 174 Loveman Ave.

Plan Type: Extension of Construction Completion Period **Project:** **App Date:** 11/02/2023
Work Class: Extension of Construction Completion Period **District:** City of Worthington
Status: In Review
Valuation: \$0.00
Description: Extend construction time until Aug. 31, 2024 to complete the project.

Parcel: 100-001814	Main	Address: 174 Loveman Ave Worthington, OH 43085	Main	Zone:
Owner Kevin L Stubbs 174 LOVEMAN AVE Worthington , OH 43085 Home: 6142266728	Owner Debora S Stubbs 174 LOVEMAN AVE Worthington , OH 43085 Home: 6145964272	Applicant Debora S Stubbs 174 LOVEMAN AVE Worthington , OH 43085 Home: 6145964272		
Invoice No.	Fee		Fee Amount	Amount Paid
INV-00004829	(Residential) Board of Zoning Appeals		\$25.00	\$25.00
Total for Invoice INV-00004829			\$25.00	\$25.00
Grand Total for Plan			\$25.00	\$25.00

174 Loveman Ave.



11/2/2023

My husband, Kevin, is completing this addition by himself. We are getting very close to being done but, we would very much appreciate it if we could have a little more time, maybe until August 31, 2024.

We still have to:

1. Insulate The basement
2. install a ceiling in The basement
3. build an egress or deck outside of The French doors.

We are hoping to complete The basement during The winter months, Then complete The egress Through spring and summer.

Thank you so much for helping us with this: — Deb Stubbs





BZA APPLICATION EXCP 0013-2023 642 Farrington Dr.

Plan Type: Extension of Construction Completion Period **Project:** **App Date:** 11/03/2023
Work Class: Extension of Construction Completion Period **District:** City of Worthington **Approval:**
Status: In Review
Valuation: \$0.00
Description: Unable to finish do to problems with the contractor.

Parcel: 100-003206	Main	Address: 642 Farrington Dr Worthington, OH 43085	Main	Zone:
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Applicant	Owner
Heather L Shellenbarger	Daniel D Shellenbarger
642 FARRINGTON DR	642 FARRINGTON DR
Worthington , OH 43085	Worthington , OH 43085
Home: 6143251868	Mobile: 614-499-6891

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00004845	(Residential) Board of Zoning Appeals	\$25.00	\$25.00
Total for Invoice INV-00004845		\$25.00	\$25.00
Grand Total for Plan		\$25.00	\$25.00

642 Farrington Dr.



We are requesting an extension on our permit due to a number of unforeseen difficulties. The pandemic limited our access to labor and supplies and we needed to go through legal channels to remove an underperforming contractor. We have hired a better contractor and are currently working to finally finish the project. Thank you for any consideration you can provide.

We appreciate your help and service,

Shellenbargers



CITY OF WORTHINGTON
DRAWING NO. EXCP 13-2023
DATE 11/03/2023



**BZA APPLICATION
TUP 0003-2023
6465 Proprietors Rd.**

Plan Type: Temporary Use Permit **Project:** **App Date:** 10/23/2023
Work Class: Board of Zoning Appeals Commercial **District:** City of Worthington **Approval:**
Status: Submitted
Valuation: \$0.00
Description: Automotive shop

Parcel: 100-006843	Main	Address: 6465 Proprietors Rd Worthington, OH 43085	Zone: C-3
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Applicant: Luxury Worldwide LLC
Business: 6147878020
Owner: David OBrien
8395 Olentangy River Road
Columbus, OH 43235
Business: 6145826003

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00004769	(Commercial/Industrial) Board of Zoning Appeals	\$50.00	\$50.00
Total for Invoice INV-00004769		\$50.00	\$50.00
Grand Total for Plan		\$50.00	\$50.00

6465 Proprietors Rd.



100-002216 06/12/2021

LUXURY WORLDWIDE LLC

6465 Proprietors Rd Worthington, OH 43085 (614)787-8020 Luxuryworldwidellc@gmail.com

October 23rd, 2023

RE: REQUEST OF TEMPORARY USE PERMIT

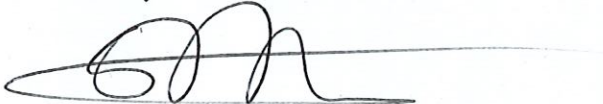
To Whom it May Concern:

I am writing this letter to the Board Of Zoning Members of the City Of Worthington asking for your permission to allow us to use 6465 Proprietors Rd to continue the use of our business while we are pursuing the search of other locations that would be fit for us.

If our request is approved we will continue to be respectful of our surroundings and try to be less of an inconvenience to anyone.

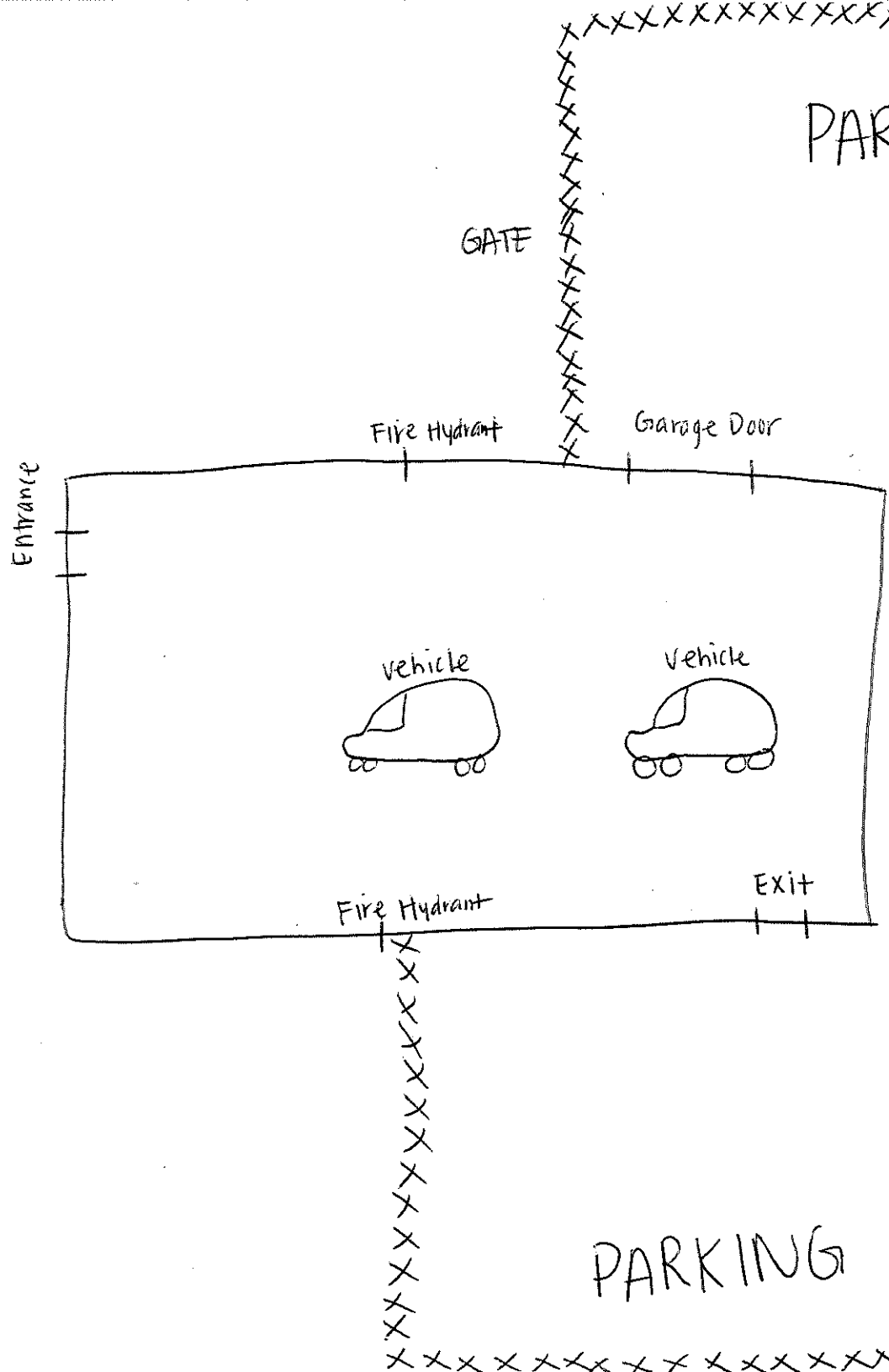
Sincerely,

Luxury Worldwide LLC



CITY OF WORTHINGTON
DRAWING NO. TUP 03-2023
DATE 10/23/2023

Proprietors Rd



PARKING AREA



CITY OF WORTHINGTON
DRAWING NO. TUP 03-2023
DATE 10/23/2023

PARKING AREA