

# BOARD OF ZONING APPEALS -AGENDAThursday, April 4, 2024 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

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# A. Call to Order - 7:00 pm

- 1. Roll Call
- 2. Pledge of Allegiance
- 3. Approval of minutes of the March 7, 2024 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.

- Extension of Construction Completion Period Porch Enclosure 126 W. Granville Rd. (Scott Volzer) EXCP 02-2024
- 2. Extension of Construction Completion Period Addition 569 Oxford St. (Michael Siroskey) EXCP 03-2024

# C. Items of Public Hearing

- Variance Side & Rear Yard Setbacks Addition 207 Lake Ridge Rd. (John Gifford/ Garson) VAR 08-2024
- 2. Variances Rear Yard and Hot Tub Setback Deck with Hot Tub **6819 Joslyn Pl.** (Jessie Holtz) VAR **09-2024**

- 3. Variance Side Yard Setback Swimming pool **690 Evening St.** (Jeremy Jones/Kiner) VAR 10-2024
- 4. **Variances** Directional Signage **80 E. Wilson Bridge Rd.** (Ashley Tanner/McDonald's) **VAR 11-2024**
- D. Other
- E. Adjournment



#### **MEMORANDUM**

TO: Members of the Board of Zoning Appeals

FROM: Lynda Bitar, Planning Coordinator

DATE: March 29, 2024

SUBJECT: Staff Memo for the Meeting of April 4, 2024

# 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 – Porch Enclosure – 126 W. Granville Rd. (Scott Volzer) EXCP 02-2024

# **Findings of Fact & Conclusions**

#### **Background:**

This property at the northeast corner of SR 161 and Evening St. is home to a Bungalow that was built in 1920 and is a contributing building in the Worthington Historic District. In 2011 the applicant/owner began renovating the house, outbuildings, and property including: installation of new roofs; repair/replacement of windows; repair of the foundation; repair of the garages; construction of a rear porch addition; and erection of fencing with pergolas. ARB approval was granted on May 26, 2022 to enclose the front porch

A permit was issued July 14, 2022 and expired on January 15, 2024. The homeowner is requesting more time to complete the project.

#### **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 one year.

# **Project Details:**

- 1. The last inspection was on September 16, 2022.
- 2. The project was delayed due to illness, and to fix a maintenance issue with the house.
- 3. The applicant is enclosing the front porch to create a usable area that would function as a vestibule. Also, the existing leaded glass front door with sidelights that has been restored would be protected from the weather.
- 4. The new walls would be made up of 6'6" high windows above 2'3" walls. The windows would consist of 2' wide true divided light antique French doors with 10 lights each. Three doors are proposed on each side and 4 would be in the front. The lower walls are proposed with cedar shakes to match the house, painted the same Khaki Beige color. Trim, brackets, overhangs and other details would be custom milled to match the original house. The windows and trim would be painted Gloss Antique White.
- 5. The new front door would have a 2/3 light over panels with raised trim, and matching sidelights. A transom window is proposed above. Antique Bronze would be the color of the door and lower base trim.
- 6. The existing stone foundation and columns would remain, with the new walls placed on the porch between the columns.
- 7. An existing wall on the west side of the porch would be removed.

#### **Conclusion:**

Staff feels a one-year time extension should be granted to allow work on the project to continue.

#### **Motion:**

THAT THE REQUEST BY SCOTT VOLZER FOR AN EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD UNTIL APRIL 4, 2025 AT 126 W. GRANVILLE RD. AS PER CASE NO. VAR 08-2024, DRAWINGS NO. VAR 08-2024, DATED FEBRUARY 16, 2024, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

2. Extension of Construction Completion Period – Addition – 569 Oxford St. (Michael Siroskey) EXCP 03-2024

# **Findings of Fact and Conclusions**

#### **Background:**

This house was built in 1915 and is a contributing building in the Worthington Historic district.

The Architectural Review Board approved a renovation of the home in 2019. The renovation included the modifications of windows and the rear door, addition of skylights, 1<sup>st</sup> floor half bath, 2<sup>nd</sup> floor full bath, laundry, kitchen, and family space.

The property owner was issued a permit for the project on August 10, 2021 and it expired on February 10, 2023. An extension was granted until March 1, 2024. An additional extension is requested with this application.

# **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 one year.

# **Project Details:**

- 1. The applicant is requesting a time extension because of additional issues, such as structural damage from previous renovations, non-compliant electrical wiring, and challenge to obtain materials and sub-contractors. Also, personal issues have taken up time for the owner.
- 2. The last inspection for this project was completed in October 2021. The electrical for the project has not been approved. The applicant will be submitting electrical and plumbing drawings soon.
- 3. Remaining work includes electrical, plumbing, HVAC, and some exterior.
- 4. Rough inspections are expected to be scheduled in April or May.

# **Conclusions:**

Staff feels a one-year time extension should be granted to allow work on the project to continue.

#### **Motion:**

THAT THE REQUEST BY MICHAEL P. SIROSKEY FOR AN EXTENSION OF THE CONSTRUCTION COMPLETION PERIOD UNTIL APRIL 4, 2025 AT 569 OXFORD ST., AS PER CASE NO. EXCP 03-2024, DRAWINGS NO. EXCP 03-2024, DATED MARCH 8, 2024, 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

1. Variance – Side & Rear Yard Setbacks – Addition – 207 Lake Ridge Rd. (John Gifford/ Garson) VAR 08-2024

# **Findings of Fact & Conclusions**

# **Background:**

This R-10 Zoning District property is on a curve of Lake Ridge Rd. and is about 52' wide and an average of 131' deep for 7405.2 square feet in area. The existing house is a split level that was constructed in 1958 and is 2099 square feet in area. There is a one-car attached garage that is accessed by a driveway on the west side of the property.

The owners would like to convert the existing garage into living space and construct a two-story addition to the rear that would have a two-car garage on the first floor and a primary suite on the second floor.

# **Worthington Codified Ordinances:**

Section 1149.01 Yard, Area and Height for Dwellings and Accessory Structures.

The required rear yard in the R-10 Zoning District is 30'.

#### 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.

#### **Requests:**

- 1. The addition is proposed 5' 10 13/16" from the west side property line for a variance of 1 3/16"
- 2. The addition is proposed 17'9" from the rear property line for a variance of 12'3".

#### **Project Details:**

- 1. A new drive is proposed further northeast on the property, curving to run along the east property line. A 1' easement has been purchased from the neighbor to the east to accommodate placement of the new driveway.
- 2. The new structure would be 28' 3 3/4" wide x 32' 3 7/8" deep and attached to the rear of the existing house. The first floor is planned to be 790 square feet; the second floor 742 square feet
- 3. The encroachment into the west side yard would be in the same proximity as the existing front portion of the house.
- 4. The addition is designed to be complementary to the existing house.

#### **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 variances.

#### **Motion:**

THAT THE REQUEST BY JOHN F. GIFFORD FOR VARIANCES TO CONSTRUCT AN ADDITION AS PER CASE NO. VAR 08-2024, DRAWINGS NO. VAR 08-2024, DATED FEBRUARY 19, 2024, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

2. Variances – Rear Yard and Hot Tub Setback – Deck with Hot Tub – **6819 Joslyn Pl.** (Jessie Holtz) VAR **09-2024** 

# **Findings of Fact & Conclusions**

# **Background:**

This roughly 80' wide x 154' deep corner lot was created in 1961 as part of Worthington Estates No. 2 subdivision and in the R-10 Zoning District. The house was constructed in 1967, and placed at least 30' from Joslyn Pl. and Halligan Ave.

A new larger deck with a hot tub is proposed on the west side of the house.

# **Worthington Codified Ordinances:**

# Section 1149.06 Architectural Projections

(c) Uncovered floor areas such as patios, decks and similar structures accessory to a dwelling shall be permitted to within not less than fifteen feet of the rear lot line provided that the floor level of the structure shall be not more than three feet above the adjacent grade prior to construction of the structure, and provided that railings, screens, posts or other enclosures shall project not more than four feet above the floor surface of the structure.

# Section 1173.05 Portable and Nonportable Swimming Pools.

- (a) For the purposes of this section, the following terms are defined as follows:
  - "Portable swimming pool" means a container which is designed or used for wading purposes; which will not permit filling with water to a depth greater than 24 inches; and which may be dismantled, stored or moved from one place to another without the use of tools other than those normally found in a household workshop.
  - "Nonportable swimming pool" means any artificial body of water, whether inground or above-ground which conforms to the following criteria.
  - (1) It is supplied with water from a controlled water source.
  - (2) It is not enclosed within a building.
  - (3) The depth of water exceeds 24 inches at any point.
- (b) Portable swimming pools shall be considered as a conforming use in any "R" or "AR" District.
- (c) Nonportable swimming pools may be allowed as an accessory use only in "R" and "AR" Districts provided that they comply with the following conditions and requirements:
  - (1) The pool is intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
  - (2) The pool may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located.

(3) The swimming pool or the property as hereinafter defined on which it is located, shall have a barrier as required by Chapter 1305 to prevent uncontrolled access by children or other persons from the street or other adjacent properties.

#### **Request:**

- 1. A 6' variance would be needed for a deck to be 9' from the rear property line instead of the required 15'.
- 2. The applicant is proposing to construct a deck with a hot tub 9' from the property line for a variance of 1'.

# **Project Details:**

- 1. The existing 12' x 20' wood deck is deteriorated and needs to be replaced.
- 2. The new deck is planned to be 21' x 20', low to the ground, without a railing, and made of a composite material. A hot tub is planned to be located on the deck.
- 3. Hot tubs are categorized as a non-portable swimming pools based on the definition, so any adjacent accessory structures must be at least 10' from any property line.
- 4. A solid fence encloses the side and rear yards.

#### **Conclusion:**

The proposed deck and hot tub should not substantially alter the essential character of the neighborhood.

#### **Motion:**

THAT THE REQUEST BY JESSIE HOLTZ FOR VARIANCES TO ALLOW CONSTRUCTION OF A NEW DECK WITH A HOT TUB AT 6819 JOSLYN PL., AS PER CASE NO. VAR 09-2024, DRAWINGS NO. VAR 09-2024, DATED FEBRUARY 23, 2024, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

3. Variance – Side Yard Setback – Swimming pool – **690 Evening St.** (Jeremy Jones/Kiner) VAR 10-2024

# **Findings of Fact & Conclusions**

#### **Background & Request:**

This property is 69' wide x 187.24' deep or 12,920 square feet in area and in the R-10 Zoning District. The house was built in the early 1900's and is a two-story Colonial Revival style house. Approval was granted in 2015 and 2016 by the ARB to allow renovation of the house and replacement of the garage. In 2020 the ARB approved plans to construct an addition at the rear of the garage that functions as an enclosed sport court. In 2023, a request was approved to add a roof structure, deck, patio, and hot tub to the rear of the house.

With this application, the owner is looking for approval to add a swimming pool.

#### **Worthington Codified Ordinances:**

Section 1173.05 Portable and Nonportable Swimming Pools.

- (a) For the purposes of this section, the following terms are defined as follows:
  - "Portable swimming pool" means a container which is designed or used for wading purposes; which will not permit filling with water to a depth greater than 24 inches; and which may be dismantled, stored or moved from one place to another without the use of tools other than those normally found in a household workshop.
  - "Nonportable swimming pool" means any artificial body of water, whether inground or above-ground which conforms to the following criteria.
  - (1) It is supplied with water from a controlled water source.
  - (2) It is not enclosed within a building.
  - (3) The depth of water exceeds 24 inches at any point.
- (b) Portable swimming pools shall be considered as a conforming use in any "R" or "AR" District.
- (c) Nonportable swimming pools may be allowed as an accessory use only in "R" and "AR" Districts provided that they comply with the following conditions and requirements:
  - (1) The pool is intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
  - (2) The pool may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which it is located
  - (3) The swimming pool or the property as hereinafter defined on which it is located, shall have a barrier as required by Chapter 1305 to prevent uncontrolled access by children or other persons from the street or other adjacent properties.

# **Request:**

The proposed swimming pool would be 9'3" from the north property line, and the adjacent paved area 3' from the property line for a variance of 7'.

#### **Project Details:**

- 1. The deck for the 18' x 30' pool would be adjacent to the garage and existing patio, and about 3' from the north property line. The pool is proposed 9'3" from the north property line. A variance is needed to locate the pool and deck closer than 10' to any property line.
- 2. The pool deck would be silver Travertine to match the patio.
- 3. A locking cover is proposed for the pool.
- 4. Evergreen shrubs are planned along the north property line to provide screening.

# **Conclusion:**

The proposed deck and pool should not substantially alter the essential character of the neighborhood as the proposed is compatible with the house and property.

#### **Motion:**

THAT THE REQUEST BY JEREMY S. JONES ON BEHALF OF CHAD KINER FOR A VARIANCE TO INSTALL A SWIMMING POOL AT 690 EVENING ST., AS PER CASE NO. VAR 10-2024, DRAWINGS NO. VAR 10-2024, DATED MARCH 6, 2024, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

4. Variances – Directional Signage – **80 E. Wilson Bridge Rd.** (Ashley Tanner/McDonald's) VAR 11-2024

# **Findings of Fact & Conclusions**

# **Background & Request:**

McDonald's has operated at this location since 1979. The site was redeveloped in 2018. At some point during the pandemic, temporary signs were added to the site to direct customers to curbside pickup and delivery driver spaces.

The ARB approved this plan for permanent directional signage at its December 14, 2023 meeting.

## **Worthington Codified Ordinances:**

1170.02 Definitions and Provisions.

(f) "Directional sign" means a sign used to direct on-site traffic and identify services such as restrooms, hours of operation, etc., and of which no more than fifty-percent of the graphic area is non-directional information. The display area for such signs shall not exceed twenty-four inches in height or width, and the above grade height for freestanding directional signs shall not exceed thirty-six inches. The total area for all such signage shall be no more than 20 square feet (sf) per parcel. Directional signs are excluded in the computation of sign area.

# **Requests:**

- 1. Directional sign area is proposed to be 27.5 sf for a variance of 7.5 square feet.
- 2. Directional sign height is proposed to be 7' for a variance of 4' for each sign.

# **Project Details:**

- 1. Directional Sign Area 27.5 sf
  - Existing entrance signs -18" x 23" x 4 sides = 11.5 sf total
  - Curbside pickup signs 24" x 24" x 3 signs = 12 sf total
  - Delivery sign 24" x 24" x 1 signs = 4 sf total
- 2. Three poles permanently placed in at the head of parking spaces are proposed. Each pole would have a dark gray bollard with one sign each pointing to 2 parking spaces. Overall sign height of 7' is proposed.
- 3. The signs would be 24" x 24" with a dark gray background in the middle and a white background on both sides. The middle would read "Mobile Order, Curbside, Pick Up" in white; a mobile app logo in red and yellow is proposed below; and "RESERVED" and "Drive Thru" would be at the bottom in white and yellow. The sides would have dark gray numbers with arrows pointing to the parking spaces.
- 4. One 24" x 24" delivery driver sign is proposed at the parking spots on the south side of the restaurant. The height would also be 7' and a dark gray bollard is proposed. A dark gray background, a red and yellow logo, and white lettering and arrows are planned for this sign.
- 5. All the bollards on the site would be painted dark gray.

# **Conclusion:**

The proposed directional signage would not change the essential character of the neighborhood.

# **Motion:**

THAT THE REQUEST BY ASHLEY TANNER ON BEHALF OF MCDONALD'S FOR VARIANCES TO INSTALL NEW DIRECTIONAL SIGNS AT 80 E. WILSON BRIDGE RD., AS PER CASE NO. VAR 11-2024, DRAWINGS NO. VAR 11-2024, DATED MARCH 11, 2024, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

# 1129.05 Powers and Duties.

- (b) <u>Exceptions.</u> In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:
- (5) <u>Temporary use permits.</u> 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) <u>Area Variances</u>. 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) <u>Interpretation of District Map.</u> 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 March 7, 2024

# **A.** Call to Order – 7:00 p.m.

- 1. Roll Call the following members were present: Cynthia Crane, Chair; 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.
- 2. Pledge of Allegiance
- 3. Approval of Minutes of February 1, 2024, meeting Mr. Guillozet moved to approve the minutes and Mr. Coulter seconded the motion. All members voted "Aye" and the minutes were approved.
- 4. Affirmation/swearing in of witnesses

# **B.** Items of Public Hearing

1. Variance – Side Yard Setback – Detached Garage – 949 Clayton Dr. (Anthony Pello) VAR 04-2024

Mrs. Bitar reviewed the following from the staff memo:

# **Findings of Fact and Conclusions**

# **Background:**

This R-10 (Low Density Residential) Zoning District property is 0.38 acres in area and near the end of the Clayton Dr. cul-de-sac. The existing house was constructed in 1969 and is 2388 square feet in area. The owner is planning to remodel the existing attached garage for use as a primary suite. A new 22' x 24' detached garage is proposed with this application.

# **Worthington Codified Ordinances:**

# Section 1149.08 Special Yard Requirements.

(b) No accessory buildings shall be located in any front or side yard except under unusual circumstances where such building shall not conflict with the intent and purposes of this Zoning Ordinance, or, where enforcement shall result in extreme hardship. In either case the decision to permit such activity shall be made by the Board of Zoning Appeals. 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. Accessory buildings of 120 square feet or less in area must be set back at least five feet from the side and rear lot lines. In any "R" District the total area for accessory buildings shall be limited to 850 square feet and must be compatible in materials and appearance to the other buildings in the area.

# **Request:**

The applicant is requesting approval to construct a new detached garage at the southwest corner of the property 4' from the side property line for a variance of 4'.

# **Project Details:**

- 1. The proposed garage is 22' x 24' or 528 square feet in area.
- 2. A gabled roof is proposed that is planned to be 12' at the highest point and the walls would be 8' in height.
- 3. Location in the southwest corner of the property, 4' from the side property line, would allow the garage to be more in line with the existing driveway.
- 4. There is existing fencing and vegetation along the side and rear property lines.

#### **Conclusions:**

- The essential character of the neighborhood would not be substantially altered as a result of the variance.
- The variance should not adversely affect the delivery of governmental services as the structure would be outside of the utility easement to the rear.

#### **Discussion:**

Mrs. Bitar: This is an irregularly shaped lot at the end of cul-de-sac and the plan is to convert the existing attached garage to living space and to construct a new free-standing garage. As you can see here in the southwest corner of the property, they'd like to be closer than what is allowed to inside property line with the garage. So, it would be four feet rather than eight feet from the property line for a variance of four feet. They are hoping to line it up as best they can with the existing driveway, so that's really a big part of the placement there. Plus, it's kind of an enclosed area with fences being some vegetation, so we didn't think it would be a problem to have that four feet from the property line, and it should not impact the neighbors or the neighborhood generally. Mrs. Crane: Is the applicant here? Please come forward. State your name and address for the record.

Mr. Anthony Pello: Tony Pello, 949 Clayton Drive.

Mrs. Crane: Do you have anything to add to staff's presentation?

Mr. Pello: No. I think it was pretty well laid out in there what we want to do. Our neighbors are fully aware of it, and they're all for it, no problem, and I think what we're really, our consideration is, you know, our intent of this remodel and building a garage so we can stay in our home a little longer, and as we get older. We'd like to have a straight shot into the garage, and right now we need to, we're going to need to veer to the right a little bit in order to get to it. So, if we can move it over, just that four feet will help us a lot.

Mrs. Crane: Any questions for the applicant? Is there anyone in the audience who would like to

speak for or against this application? Thoughts or motions, Board members?

#### **Motion:**

Mr. Seitz moved:

THAT THE REQUEST BY ANTHONY PELLO FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD TO CONSTRUCT A FREESTANDING GARAGE 949 CLAYTON DR., AS PER CASE NO. VAR 04-2024, DRAWINGS NO VAR 04-2024 DATED JANUARY 4, 2024, BE APPROVED, BASED ON THE FINDINGS AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

2. Variance – Side & Rear Yard Setbacks – Shed – 99 E. North St. (Joshua Myers) VAR 05-2024

Mrs. Bitar reviewed the following from the staff memo:

# **Findings of fact & Conclusions**

## **Background:**

This 60' wide x 134.2' deep (8052 square feet in area) parcel was established in 1938, being part of lot 2 of the original plat of Worthington and is considered an existing lot of record. A two-story house was approved and constructed last year. The owner would like to add a shed to the property.

# **Worthington Codified Ordinances:**

Section 1149.08 Special Yard Requirements.

(b) No accessory buildings shall be located in any front or side yard except under unusual circumstances where such building shall not conflict with the intent and purposes of this Zoning Ordinance, or, where enforcement shall result in extreme hardship. In either case the decision to permit such activity shall be made by the Board of Zoning Appeals. 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. Accessory buildings of 120 square feet or less in area must be set back at least five feet from the side and rear lot lines. In any "R" District the total area for accessory buildings shall be limited to 850 square feet and must be compatible in materials and appearance to the other buildings in the area.

#### **Request:**

The applicant is requesting approval for a new shed at the southwest corner of the property 0' from the side and rear property lines for variances of 5' each.

#### **Project Details:**

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- 1. The proposed shed is 5' deep and 10' wide and is planned for the southwest corner of the property. The shed would be tied into the adjacent fence and adjacent to the property lines.
- 2. The structure would have a shed style roof, being 8'6" on the north side and lower on the south side. The roof is proposed to be standing seam metal to match the front porch roof.
- 3. Siding for the shed is also planned to match the front porch, being horizontal 1" x 6" Cypress. Six-foot-wide bypass doors would be on the north side and finished with the same siding.
- 4. There are trash cans stored on the apartment property south of the proposed shed.
- 5. The Architectural Review Board approved this proposal at its February 8, 2024, meeting.

#### **Conclusion:**

The essential character of the neighborhood would not be substantially altered as a result of the variances.

#### **Discussion:**

Mrs. Bitar: This is the location of a new home. It was finished last year, and the owner has realized that the shed is needed for garden equipment. Tthis 50 square foot shed that would need to be five feet from each of the side and rear property lines is requested to be right at the property lines. There's a fence that they've put in that they would like to shore it up against or attach it to. It's a very small structure with just a sloped roof so it doesn't stand very high either. The other thing that we noticed is that the apartments that are behind this have their trash cans right in that location. Staff didn't think this would change the character of the neighborhood. There are a lot of accessory structures, especially older ones that are right at the property lines. Also, the Architectural Review Board approved this at its February 8th meeting and didn't have any concerns.

Mrs. Crane: Questions for staff? Is the applicant here?

Mr. Josh Myers: Josh Myers, 99 East North Street.

Mrs. Crane: Do you have anything to add to staff's presentation.

Mr. Myers: I do not.

Mrs. Crane: Any questions? Is there anyone in the audience wish to speak about this proposal. Any

comments or motions?

#### **Motion:**

Mr. Guillozet moved:

THAT THE REQUEST BY JOSH MYERS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND REAR YARDS TO ADD A SHED AT 99 E. NORTH ST. AS PER CASE NO. VAR 05-2024, DRAWINGS NO. VAR 05-2024, DATED JANUARY 24, 2024, 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; Mrs. Benzenberg; Mr. Seitz, aye; Mr. Guillozet, aye; and Mrs. Crane, aye. The motion was approved.

3. Variance – Rear Yard Setback at Right-of-Way – Fence – **540 Greenglade Ave.** (Clinton J. Sweitzer) VAR **06-2024** 

Mrs. Bitar reviewed the following from the staff memo:

# **Findings of Fact & Conclusions**

#### **Background & Request:**

This 2754 square foot house was built in 1970 on a 0.49 acre parcel that is in the R-10 Zoning District and part of the Olentangy Hills subdivision. The lot is at the northwest end of the Greenglade Ave. cul-de-sac and shares a rear property line with W. Wilson Bridge Rd. which is a regional thoroughfare. There is an existing chain-link fence around much of the rear of the property that the owner would like to replace.

#### **Worthington Codified Ordinances:**

1180.02 "R" Districts.

(a) 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 except for a wall necessary to accommodate differences in grade.

# 1149.07 Setback of Buildings on Principal Streets and Highways.

The setback for all buildings and accessory buildings along major traffic routes shall be:

(b) Along regional thoroughfares: 50 feet

#### **Request:**

The applicant would like approval to replace an existing fence that is in the required rear yard at the W. Wilson Bridge Rd. right-of-way. The location is proposed on the property line, so the variance request is 50'.

#### **Project Details:**

- 1. The existing fence is chain link and encloses the rear yard with the help of an ~85' stretch on the property to the north.
- 2. Proposed is a 6' high black aluminum picket fence with a parallel bar 2' lower.

#### 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. Fencing is all along the right of way, and this style should not stand out due to the style and color.

#### **Discussion:**

Mrs. Bitar: This is another lot toward the end of a cul-de-sac, and the difficulty for this property is that it is not only adjacent to the Greenglade cul-de-sac, but also Wilson Bridge Rd. to the rear. There has always been fencing along this area, but they would like to replace what's there with a different style of fencing, and in order to do that, there needs to be a variance for setback. Because

Wilson Ridge Road is a regional thoroughfare in the community, the required setback is 50 feet.

The chain link that is there is rusted.

Mrs. Crane: Is the applicant here?

Mr. Clint Sweitzer: Clint Sweitzer, 540 Greenglade Ave,

Mrs. Crane: Do you have anything to add to staff's presentation?

Mr. Sweitzer: The only thing is along the back, along Wilson Bridge Road, it's going to be a wooden privacy fence. The black iron would be along the sides in the front of the house.

Mrs. Crane: Any questions for the applicant?

Mrs. Benzenberg: Is the neighbor's fence remaining to the north?

Mr. Myers: Yeah, so the neighbor's fence is wooden privacy fence for about half of that stretch, and I wasn't going to build a privacy fence right alongside his privacy fence.

Mrs. Crane: Is there anyone in the audience to speak for or against this application? Any comments or motions?

#### **Motion:**

Mrs. Benzenberg moved:

THAT THE REQUEST BY CLINTON J. SWEITZER FOR A VARIANCE TO INSTALL A NEW FENCE IN THE REQUIRED SETBACK AT A RIGHT-OF-WAY AT 540 GREENGLADE AVE., AS PER CASE NO. VAR 06-2024, DRAWINGS NO. VAR 06-2024, DATED JANUARY 30, 2024, BE APPROVED BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

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

4. **Variance** – Accessory Building Area – Garage – **141 Northigh Dr.** (William Hernandez/ Eagle Home Properties Inc.) **VAR 07-2024** 

Mrs. Bitar reviewed the following from the staff memo:

# **Findings of Fact and Conclusions**

#### **Background:**

This property is 1.01 acres in area (111' wide x 391.35' deep) and Lot #52 of the Northigh Acres subdivision which was approved in 1923. The property is in the R-10 (Low Density Residential) Zoning District. The existing house was constructed in 1979, is about 2200 square feet (sf) in area and sits about 56 feet from the front property line. The owner is planning a 700 sf house addition and renovation, and would like to construct a two-story freestanding garage north of the house.

At the last Board of Zoning Appeals meeting, the owner proposed a 1480 sf garage that would have been in the front and side yard setbacks as well as over the 850 sf limit for accessory buildings. The BZA denied the request although the owner agreed to move the building out of the

required front yard. This is a new application for a smaller 972 sf garage that would not need setback variances.

# **Worthington Codified Ordinances:**

# Section 1149.08 Special Yard Requirements.

(b) No accessory buildings shall be located in any front or side yard except under unusual circumstances where such building shall not conflict with the intent and purposes of this Zoning Ordinance, or, where enforcement shall result in extreme hardship. In either case the decision to permit such activity shall be made by the Board of Zoning Appeals. 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. Accessory buildings of 120 square feet or less in area must be set back at least five feet from the side and rear lot lines. In any "R" District the total area for accessory buildings shall be limited to 850 square feet and must be compatible in materials and appearance to the other buildings in the area.

#### 1123.30 Dwellings.

(b) "Dwelling unit" means one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

#### 1147.01 Permitted and Conditional Uses

In the R-10 Low Density Residence zoning district single-family dwellings are a permitted use.

# **Requests:**

The applicant is requesting approval to have 1432 sf in total Accessory Building Area by constructing a new detached garage and keeping the existing attached garage, for a variance of 582 sf.

# **Project Details:**

- 1. The proposed garage would be 15' from the side property line and 30' from the front property line.
- 2. The first floor is planned to be 28' wide x 21' deep (598 sf) and the second floor would be 374 sf in area for total new area of 972 sf.
- 3. The existing garage is 20' x 23' (460 sf).
- 4. The new garage would hold two cars and have stairs at the rear of the first floor. The second floor is proposed with a half bathroom, a furnace, and open space. Use as a home office and storage is proposed. An additional dwelling unit would not be permitted.
- 5. A front house addition and the garage would have similar design (gable roof forms) and matching materials (board and batten siding, stone).

#### **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 variance.

The proposed amount of additional accessory building area would typically be acceptable on a 1.01 acre property.

• The garage could not be used as a dwelling unit as the Code only allows one dwelling unit per property in the R-10 Zoning District.

#### **Discussion:**

Mrs. Bitar: As you'll recall, this was before you at your last meeting and it was a different version than what you see this evening. The applicant has changed the plans for the freestanding garage so that instead of being in the front and side setbacks and being over 1,000 square feet over the accessory area of variance, it's now been made smaller, it's been pushed back to the 30-foot line in the front and it's I think 15 feet away on the side. The total area is going to be 1,432 square feet so that's the two levels of this new garage plus the existing two-car garage that's attached to the house. The variance is now 582 square feet so it seems like the applicant has done what was asked at the last meeting. This type of structure with a second floor is something we see more and more in the community. The other thing that we noticed, the house remodel ends up being very similar to the garage in style and height and it looks like there's only going to be a half bath now instead of a full bath on the garage second floor.

Mrs. Crane: What is a half bath? I've heard it referred to different things.

Mrs. Bitar: A commode and a sink.

Mrs. Crane: Any questions for staff? Is the applicant here? Please come forward.

Mr. William Hernandez: My name is William Hernandez, 141 Northigh Drive.

Mrs. Crane: Do you have anything to add to staff's presentation?

Mr. Hernandez: No, it's like you guys know already so we kind of shrink a little bit and we get rid of the shower because that was a concern for employees who's going to live in there and all that kind of stuff. So, that's, you know, I'll get rid of the shower and then instead of having three car garage, we'll have two to make it a smaller to be in the set box to the front and the side with a neighbor too, that's it.

Mr. Guillozet: Is your neighbor's receptive to your changes?

Mr. Hernandez: Um, I have, yeah, so I guess, you know.

Mr. Guillozet: I know that was a concern last time and I certainly appreciate you coming back and I'm fine with this proposal, I think it's going to fit in nicely.

Mrs. Crane: I mean, we discussed a number of things, and you did all of them. There's only one variance for area at this point. I'm just amazed, I recall at the end of last meeting you had like one day to submit this, I mean, you must have gotten on that right away.

Mr. Hernandez: Yeah, I talked to my architect, and I told him, you know, if it's possible and I mean, we do a lot of work together, and he does all my designs and stuff, so.

Mrs. Crane: I wasn't expecting you till next month, right?

Mr. Seitz: Good job.

Mrs. Crane: Is there anyone in the audience that would like to speak for or against this proposal?

#### **Motion:**

Mr. Seitz moved:

#### THAT THE REQUEST BY EAGLE HOME SERVICES FOR A VARIANCE FROM

Page **8** of **9** BZA Meeting March 7, 2024 Minutes CODE REQUIREMENTS TO ALLOW CONSTRUCTION OF A FREESTANDING GARAGE THAT WOULD CAUSE ACCESSORY BUILDING AREA TO BE OVER THE LIMIT AT 141 NORTHIGH DR., AS PER CASE NO. VAR 07-2024, DRAWINGS NO VAR 07-2024 DATED FEBRUARY 6, 2024, BE APPROVED, BASED ON THE FINDINGS AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

#### C. Other

# D. Adjournment

Mr. Guillozet moved to adjourn the meeting and Mr. Seitz seconded the motion. All Board members voted, "Aye," and the meeting adjourned at 7:18 p.m.





# BZA APPLICATION EXCP 02-2024 126 W. Granville Rd.

Plan Type: Extension of Construction Completion Period Project:

**App Date:** 02/16/2024

Status: In Review

Valuation: \$0.00

Description: Extend construction time by one year to enclose the porch to a 3 season room

Parcel: 100-000068 Main Address: 126 W Granville Rd Main Zone:

Worthington, OH 43085

 Owner
 Applicant
 Owner

 Debra J Volzer
 Scott L Volzer
 Scott L Volzer

126 W DUBLIN-GRANVILLE RD 126 W DUBLIN-GRANVILLE RD 126 W DUBLIN-GRANVILLE RD

Worthington , OH 43085 Worthington , OH 43085 Worthington , OH 43085

Mobile: 6144995897 Mobile: 6144995897

Invoice No. INV-00005175	Fee (Residental) Board of Zoning Appeals		Fee Amount \$25.00	Amount Paid \$25.00
		Total for Invoice INV-00005175	\$25.00	\$25.00
		Grand Total for Plan	\$25.00	\$25.00

# 126 W. Granville Rd.





( Subject property) Scott Volzer. 126 W. Dublin Granville Rd. worth metor onio DRAWING NO. EXCP 02-2024 Please be informed that I DM Ravesting on extension of time to complete my building project enclosing a front porch within its original footprint) My project was sidelined due to a personal, and extended illness - now resolved for the most part stationally my project was divert my work time Dans energy/resources to fix a materner 15500 at this property - carperter ants did some damage and I needed to evaluate them and repair some structural consideration of my request for up to (1 year) extended Hime Sweit Stott L. Udzan









# [Existing Elevations Shown]

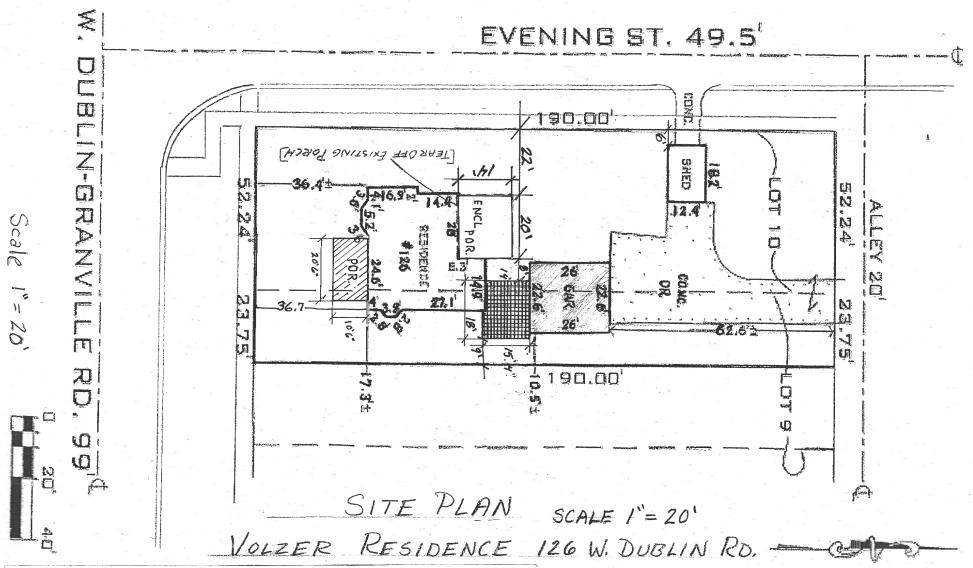
PROPOSAL: FRONT PORCH ENCLOSURE - 3 SEASON ROOM

OLZER

RESIDENCE

126 W. DUBLIN GRANVILLE

RD.

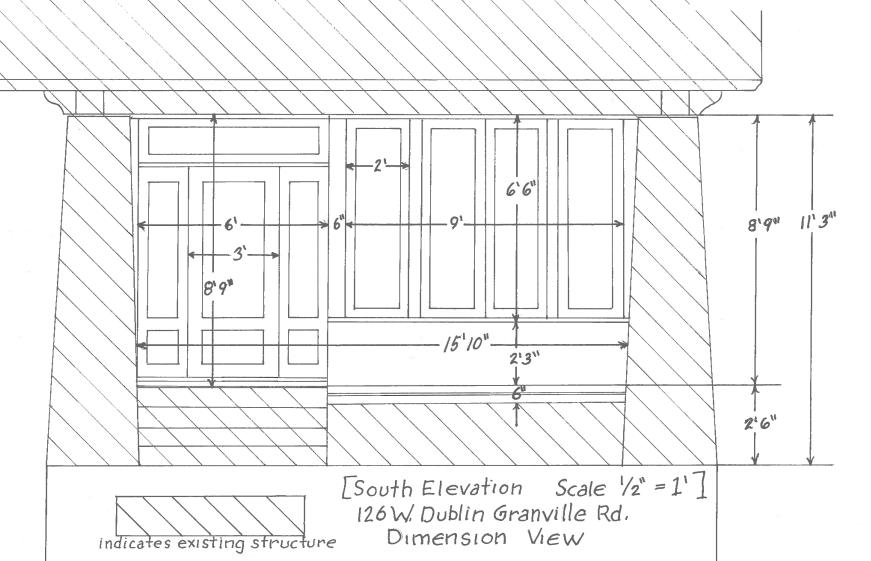


Front Porch Enclosure - 3 Season room

Approved Architectural Review Board City of Worthington Date 05/26/2022

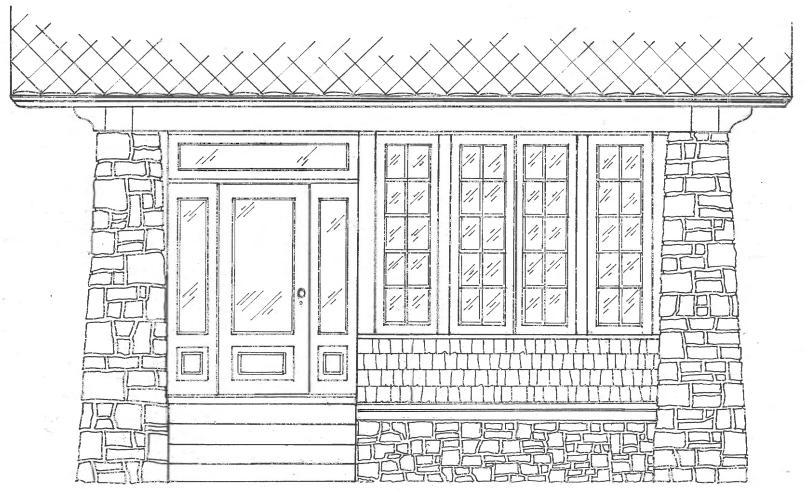
Zynda Bitan





Approved
Architectural Review Board
City of Worthington
Date 05/26/2022

Zynda Bitar



[South Elevation Scale 1/2" = 1']

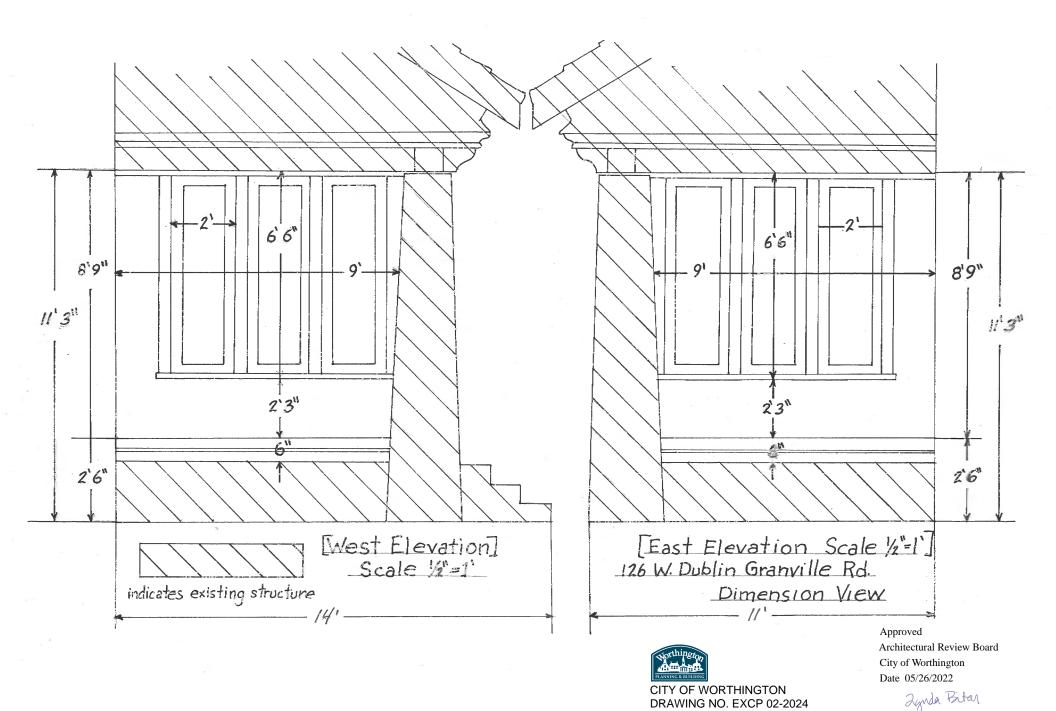
126 W. Dublin Granville Rd.

Detail view



Approved
Architectural Review Board
City of Worthington
Date 05/26/2022

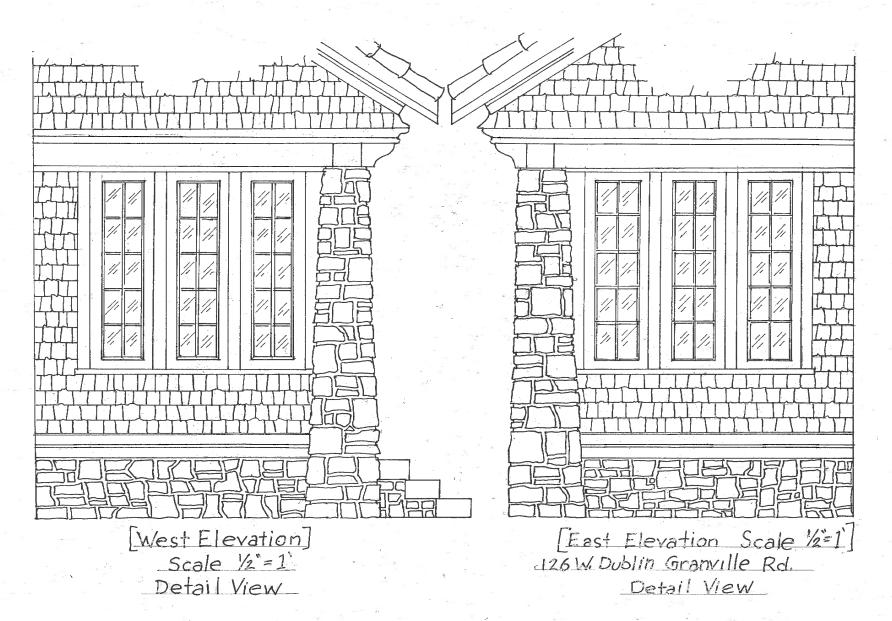




DRAWING NO. EXCP 02-2024

Clerk

DATE 02/16/2024





CITY OF WORTHINGTON DRAWING NO. EXCP 02-2024 DATE 02/16/2024 Approved Architectural Review Board City of Worthington Date 05/26/2022

Zynda Bitar



# BZA APPLICATION EXCP 03-2024 569 Oxford St.

Plan Type: Extension of Construction Completion Period Project:

District: City of Worthington

App Date:

Zone:

03/08/2024

Status: In Review

Valuation: \$0.00

Description: I am applying for a one-year extension on my current building permit (BLDR2021-0346). The

extension is necessary due to unforeseen structural issues identified during the remodeling process, requiring immediate resolution before further progress could occur. Additionally, the unique challenges of working on an older property have significantly limited the availability of interested and qualified contractors, as there is a high demand for tradespeople. Moreover, my capacity to oversee and work on the project was further constrained in the fall and winter months as I needed to provide care for my Aunt, who sustained a severe shoulder injury and required

assistance during her treatment and recovery.

Parcel: 100-000201 Main Address: 569 Oxford St Main

Worthington, OH 43085

Owner Applicant

Michael P Siroskey
569 OXFORD ST
Worthington , OH 43085

Michael P Siroskey
569 OXFORD ST
Worthington , OH 43085

Work Class: Extension of Construction Completion Period

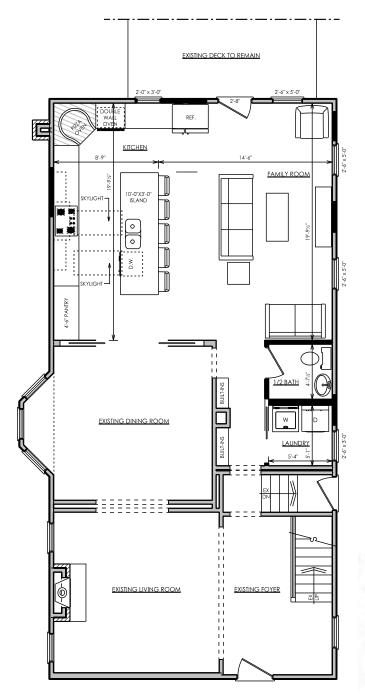
Invoice No.	Fee	Fee Amount	<b>Amount Paid</b>
INV-00005267	(Residental) Board of Zoning Appeals	\$25.00	\$25.00
	Total for Invoice INV-00005267	\$25.00	\$25.00
	Grand Total for Plan	\$25.00	\$25.00

# 569 Oxford St.









Approved
Architectural Review Board
City of Worthington
Date 03/28/2019

Clerk

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

CITY OF WORTHINGTON

DRAWING NO. AR 25-19

DATE 03-15-2019



# 569 Oxford Street Worthington, Ohio 43085

**Existing Photos** 



Existing Front and Right Elevation



Existing Rear and Left Elevation



Existing Rear Elevation

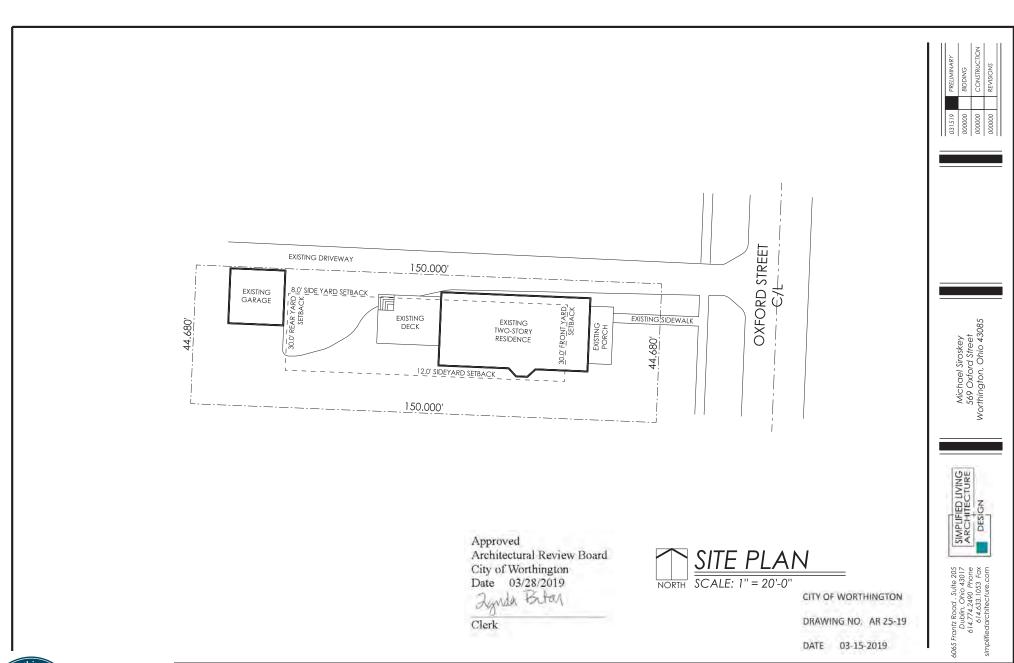


Existing Rear and Left Elevation

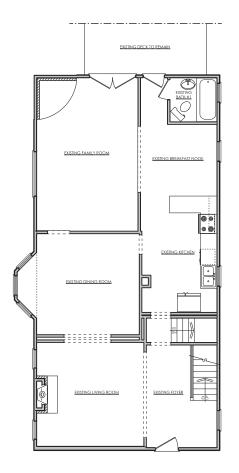
CITY OF WORTHINGTON

DRAWING NO. AR 25-19

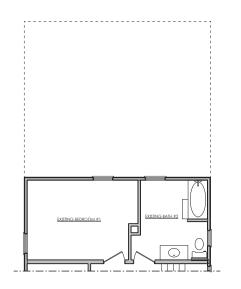
DATE 03-15-2019











EXISTING SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

CITY OF WORTHINGTON

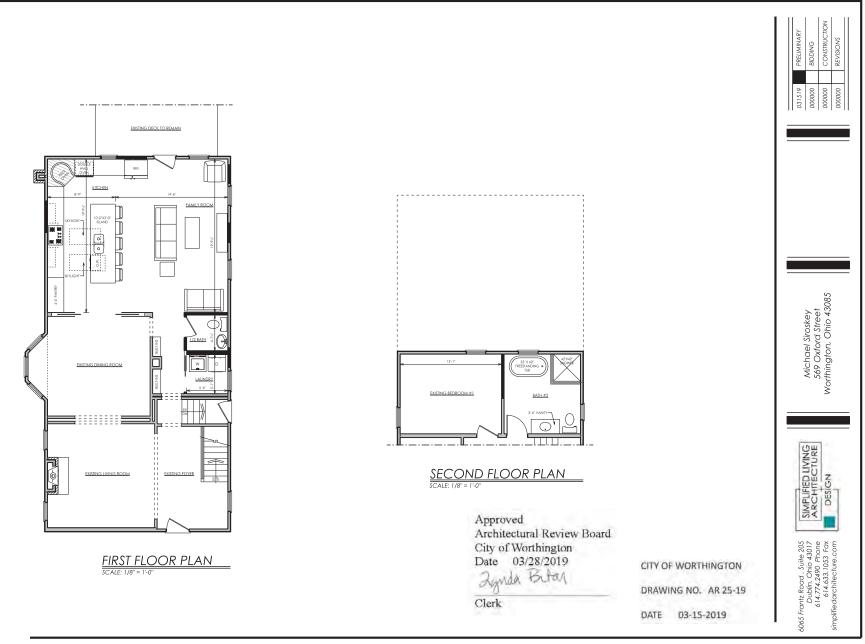
Michael Siroskey 569 Oxford Street Worthington, Ohio 43085

SIMPLIFIED LIVING ARCHITECTURE DESIGN

DRAWING NO. AR 25-19

DATE 03-15-2019











# BZA APPLICATION J5F'\$, !&\$&( &\$+`@J\_YF]X[ YFX"

Plan Type: Variance Project: App Date: 02/19/2024

Work Class: Variance Residential District: City of Worthington

Status: In Review

Valuation: \$0.00

Description: Please see attached:

(207 Lake Ridge) 1129.05 Zoning Variance

Parcel:100-001841MainAddress:207 Lake Ridge RdMainZone:

Worthington, OH 43085

Owner Applicant
Danielle Garson John F Gifford

Home: 4128747188 207 Lake Ridge Road

Worthington, OH 43085 Home: (614) 204-2230 Business: (614) 204-2230 Mobile: (614) 204-2230

Invoice No.	Fee		Fee Amount	<b>Amount Paid</b>
INV-00005186	(Residental) Board of Zoning Appeals		\$25.00	\$25.00
		Total for Invoice INV-00005186	\$25.00	\$25.00
		Grand Total for Plan	\$25.00	\$25.00

# 207 Lake Ridge Rd.





Description of Improvements to 207 Lake Ridge Road (Section 1129.05 ©):



The proposed addition to the single family dwelling at 207 Lake Ridge Road includes the following variances: 1149.01 Rear Yard Setback from 30ft to 17ft 9in

1149.05 Side Yard Setback from 6ft to 5ft 10in

The proposed addition includes a two car garage with a master bed and bath above the garage. The addition will attach to the rear of the current dwelling. Additionally, a driveway along the east side of the property for ingress and egress to the proposed garage. The zoning variances to property at 207 Lake Ridge Road will yield a reasonable return, as the addition to the dwelling will make the dwelling more family friendly, complementing the surrounding dwellings by placing the garage at the rear of the property. The variances will allow for a master bed and bathroom and a two car garage, which allows for the creation of more living space in the house and for two cars to be parked in the garage. In turn, the front of the house will become free of cars, making more permeable green space in the front yard of the house and allowing for more use of the outdoor spaces on the lot that connects to a city park across the street.

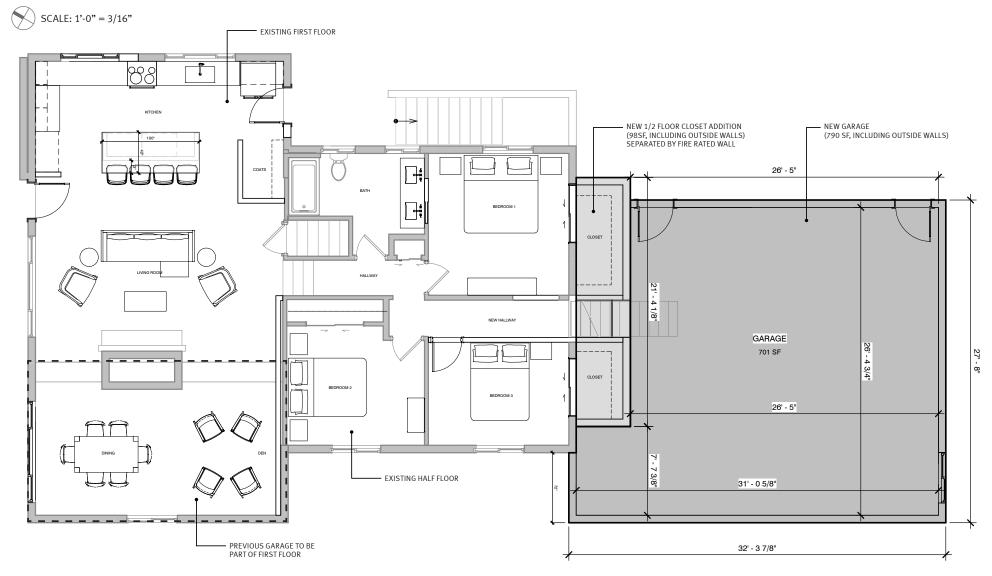
The requested variances are needed to build the addition to maintain the original character of the existing dwelling as the current side yard setback on the west side property line is 5ft 10in, thus to maintain the original character align the addition to the existing outside wall a side yard of 5ft 10in is necessary. The rear yard setback is necessary to complement the character of the surrounding dwellings to the south and east, whose garages are all in the rear yard. The proposed zoning variance would not substantially alter the essential character of the neighborhood as the adjoining properties also have garages that are inside of the 30ft rear yard setback. This is due to a significant majority of the lots in colonial hills not meeting the 10400sf requirement that the R-10 zoning requires. The lot at 207 Lake Ridge Road is 7405.2 sf therefore 2994.8 sf smaller than the established minimum. This hardship is a cause for the rear yard setback variance, along with maintaining the essential character of the neighborhood.

This would not cause detriment to any adjoining properties. No deliverable governmental services would be adversely affected as water, sewer and garbage are all serviced at the front of the property and no changes to the front of property will affect these services. The owner purchased the property with knowledge of the zoning restrictions. The proposed addition can not be built without the zoning variances. The existing dwelling predates the zoning code and to build an addition within the character of the existing dwelling would require a zoning variance. The existing dwelling does not meet the current zoning codes side yard setback. The rear yard setback minimum of 30ft does not allow for a 2 car garage as only 49 feet of rear yard exists and a 18ft wide garage is the greatest width the 30ft rear yard setback will allow for on the lot.

Substantial justice would be done by granting all variances as it would allow for a garage and additional living space to be built in the rear of the property that compliments the character of the surrounding dwellings in the Colonial Hills neighborhood. Providing more space for a family to live and become a part of the greater Worthington community fabric. Furthermore, such variances will provide more outdoor space in the front of the house making for a more aesthetically pleasing view of the dwelling by removing cars from the front of the house. The spirit and intent behind the zoning requirement would be observed as the proposed addition is a complement to the existing surrounding houses and the overall Colonial Hills neighborhood and the city of Worthington at large!

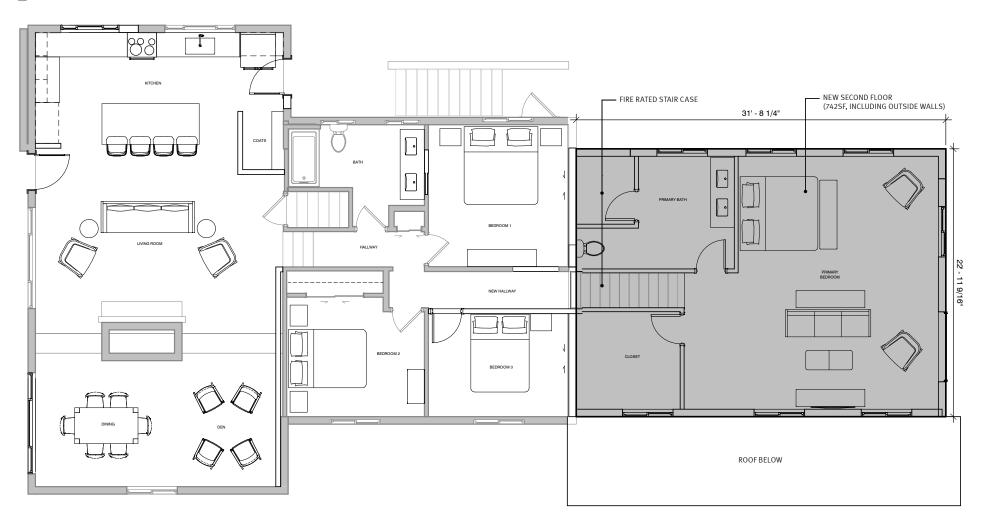


#### PROPOSED PLANS - GROUND/HALF/GARAGE FLOORS



#### **PROPOSED PLANS - SECOND FLOOR**







# IMPROVEMENTS TO: 207 LAKE RIDGE ROAD WORTHINGTON, OHIO 43085

**WORTHINGTON BOARD OF ZONING APPEALS** 

**VARIANCE REQUESTS** 

FOR MEETING ON APRIL 4, 2024



#### **GENERAL INFORMATION**

Owners: Danielle Garson & John Gifford

Address: 207 Lake Ridge Road, Worthington, OH 43085

Parcel ID #: 100-001841-00 Year Built: 1958 Split Level Lot Size: .17 Acres (7,405.2 SF)

	Existing SF:	New SF:
Basement:	550 SF	550 SF
Ground Floor:	583 SF	887 SF
Half Floor:	662 SF	761 SF
Second Floor:	0 SF	742 SF
Garage:	304 SF	790 SF

3,730 SF Total: 2,099 SF





#### **VARIANCE REQUESTS**

Variance is required for the following:

- 1149.01 Yard, area and height for all dwellings and accessory structures.
  - Reduce minimum rear yard width from 30ft to 17ft 9in.
- 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 6 ft to no less than 5ft 10in.

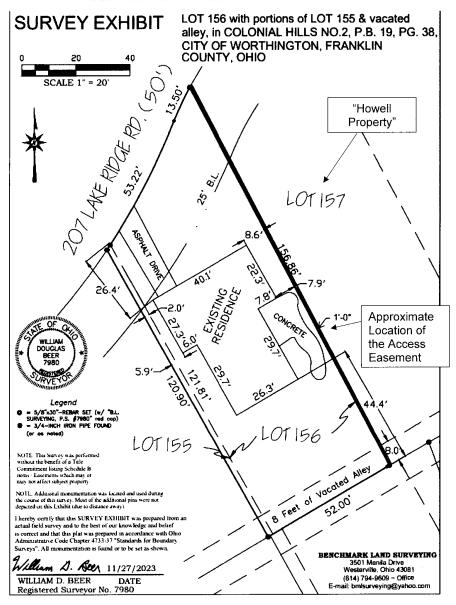




#### **LAND SURVEY**

FOR MORE INFORMATION, SEE ADDITIONAL EXHIBIT IN SUBMITTAL.

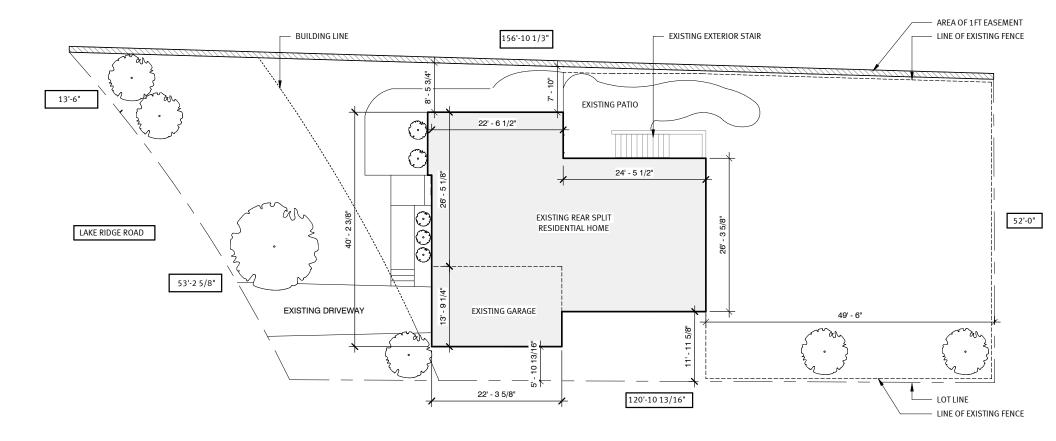
#### **EXHIBIT B DEPICTION OF ACCESS EASEMENT LOCATION**





#### **EXISTING SITE PLAN**







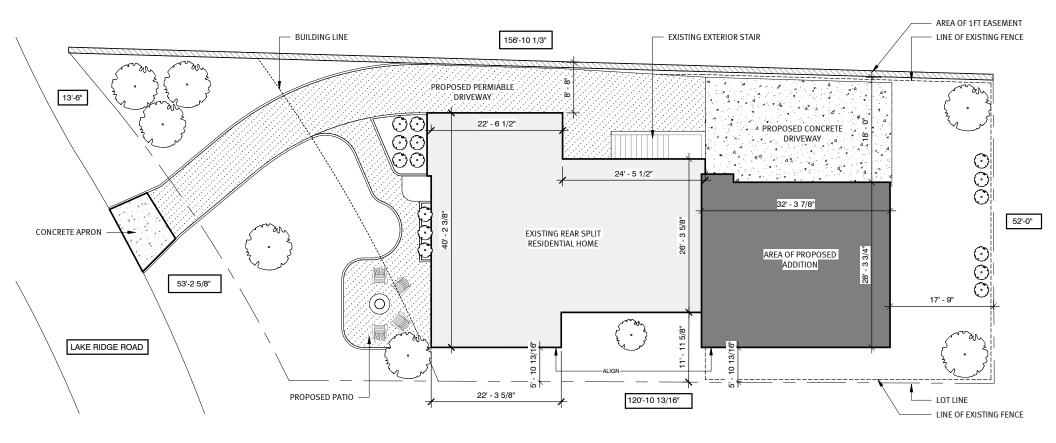
#### PROPOSED SITE PLAN + VARIANCE REQUESTS



SCALE: 1'-0" = 3/32"

Variance is required for the following:

- 1149.01 Yard, area and height for all dwellings and accessory structures.
  - Reduce minimum rear yard width from 30ft to 17ft 9in.
- 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 6 ft to no less than 5ft 10in.





#### **PROPOSED EXTERIOR ELEVATIONS**





#### DO NOT DETACH





Instrument Number: 202312060126810 Recorded Date: 12/06/2023 8:24:02 AM



Daniel J. O'Connor Jr. Franklin County Recorder 373 South High Street, 18th Floor Columbus, OH 43215 (614) 525-3930

http://Recorder.FranklinCountyOhio.gov Recorder@FranklinCountyOhio.gov Return To (Mail Envelope):

KAYNE LAW GROUP

Mail Envelope

Transaction Number: T20230085845

**Document Type:** EASEMENT **Document Page Count:** 6

**Submitted By (Mail):** KAYNE LAW GROUP

Mail

First Grantor: First Grantee: KAREN JO HOWELL DANIELL GAR

AREN JO HOWELL DANIELL GARSON

 Fees:
 Instrument Number: 202312060126810

 Document Recording Fee:
 \$34.00
 Recorded Date: 12/06/2023 8:24:02 AM

Document Recording Fee: \$34.00 | Recorded Date: 12/06/2023 8:24:02 AM Additional Pages Fee: \$32.00 |

Total Fees: \$66.00 Amount Paid: \$66.00

Amount Due: \$0.00

#### OFFICIAL RECORDING COVER PAGE

### DO NOT DETACH

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If an error on the cover page appears on our website after review please let our office know. COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION.

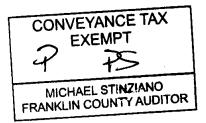
This instrument prepared by and after recording return to

Kayne Law Group, Co. P.A. 612 Park Street, Suite 200 Columbus, Ohio 43215 Attn: Michael Sharvin, Esq.

TRANSFER NOT NECESSARY

DEC U5 2023

MICHAEL STINZIANO AUDITOR FRANKLIN COUNTY, OHIO





#### **EASEMENT AGREEMENT**

This EASEMENT AGREEMENT (this "Agreement") is executed, delivered and made effective as of this  $2^{-b}$  day of December, 2023 (the "Effective Date"), by and between Karen Jo Howell, an individual ("Howell"), and Daniell Garson and John Gifford, married (collectively, "Grantee"; Howell and Grantee are sometimes referred to herein collectively as the "Parties" and individually a "Party").

#### **Background Information**

- A. Howell owns certain parcels of real property located at 215 Lake Ridge Road, Worthington, OH 43085 (Franklin County Parcel ID Nos. 100-001842-00 and 100-001843-00) (the "**Howell Property**"). The Howell Property is more particularly described in **Exhibit A**, attached hereto and made a part hereof.
- B. Grantee owns a certain parcel of real property located at 207 Lake Ridge Road, Worthington, OH 43085 (Franklin County Parcel ID No. 100-001841-00) (the "Grantee Property").

#### Agreement

NOW, THEREFORE, in consideration of the premises, as set forth in the foregoing Background Information, and of the mutual promises herein set forth, and other good and valuable consideration paid, the Parties do hereby agree as follows:

- 1.01. Access Easement. Howell hereby grants and conveys to Grantee, a non-exclusive, appurtenant easement for vehicular and pedestrian ingress and egress and for construction of improvements associated with such easement (including but not limited to portions of a driveway), within the one (1) foot-wide area running along the southwestern lot line of the Howell Property, which such easement area is generally depicted on **Exhibit B**, attached hereto and made a part hereof.
- 1.02. <u>Successors and Assigns</u>. This Agreement shall inure to the benefit of and be binding upon the respective successors and assigns (including successive, as well as immediate, successors and assigns) of the Parties, and shall run with the land and to the benefit of the Grantee Property.

- 1.03. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the state in which the Properties are situated. For all litigation, disputes and controversies which may arise out of or in connection with this Agreement, the undersigned hereby waive the right to trial by jury and consent to the jurisdiction of the courts in the state in which the Properties are situated. In the event either party hereto brings or commences legal proceedings to enforce any of the terms of this Agreement, the successful party shall then be entitled to receive from the other party(s), in every such action commenced, a reasonable sum as attorneys' fees and costs, including all fees and costs incurred upon any appeals, to be fixed by the court in the same action.
- 1.04. <u>Severability</u>. If any provision of this Agreement or the application of any provision to any person or any circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provision of this Agreement or the application of said provision to any other Person or circumstance, all of which other provision shall remain in full force and effect.
- 1.05. <u>Amendments in Writing</u>. No change, amendment, termination or attempted waiver of any of the provisions of this Agreement shall be binding upon any Party unless in writing and signed by the Parties.
- 1.06. <u>Agreement for Exclusive Benefit of Parties</u>. The provisions of this Agreement are for the exclusive benefit of the Properties, the Parties (and their successors and assigns) and the Permittees of the Parties and not for the benefit of any other Persons, and this Agreement shall not be deemed to have conferred any rights, express or implied, upon any other Persons.
- 1.07. No Merger. All of the provisions of this Agreement are for the mutual benefit and protection of the present and all future owners of the Properties; and if there should at any time be common ownership of any of the Properties, or any estate therein then it is the intention of the Parties that there be no merger into the respective fee simple estates of the rights and benefits and the obligations and burdens of this Agreement, but rather that such rights and benefits and such obligations and burdens shall be separately preserved for the benefit of all future owners of the fee simple estates in the Properties.
- 1.10. <u>Index of Exhibits</u>. The following exhibits attached to this Agreement are hereby incorporated herein:

Exhibit A – Howell Property Legal Description

Exhibit B – Depiction of Access Easement Location

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Signature and Acknowledgment Pages Follow



IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives, to be effective as of the date first above written.

#### **EASEMENT AGREEMENT**

(Howell Signature and Acknowledgment)

1

Howell:

Karèn Jo Howell

This is an acknowledgment certificate. No oath or affirmation was administered to the signer with regard to the notarial act

STATE OF OHIO

COUNTY OF FLENKIN, SS:

The foregoing instrument was acknowledged before me this  $\frac{2^n}{2^n}$  day of  $\frac{\text{Decembe}}{2^n}$ 

2023, by Karen Jo Howell.

Votary Public

MICHAEL J. SHARVIN NOTARY PUBLIC, STATE OF OHIO My Commission Does Not Expire

Section 147.03 O.R.C.

#### **EASEMENT AGREEMENT**

(Grantee Signature and Acknowledgment)

Grantee:

This is an acknowledgment certificate. No oath or affirmation was administered to the signer with regard to the notarial act

STATE OF OHIO COUNTY OF Franklin, SS:

The foregoing instrument was acknowledged before me this 2 day of December 2023, by Danielle Gargen and Jahr Office 2023, by Danielle Garson and John Gifford, married.

Motary Public

MICHAEL J. SHARVIN NOTARY PUBLIC, STATE OF OHIO My Commission Does Not Expire Section 147.03 O.R.C.

# EXHIBIT A HOWELL PROPERTY LEGAL DESCRIPTION

Being the entire interest in and to real property known as and located at:

Situated in the State of Ohio, in the County of Franklin, and in the Township of Sharon and bounded and described as follows:

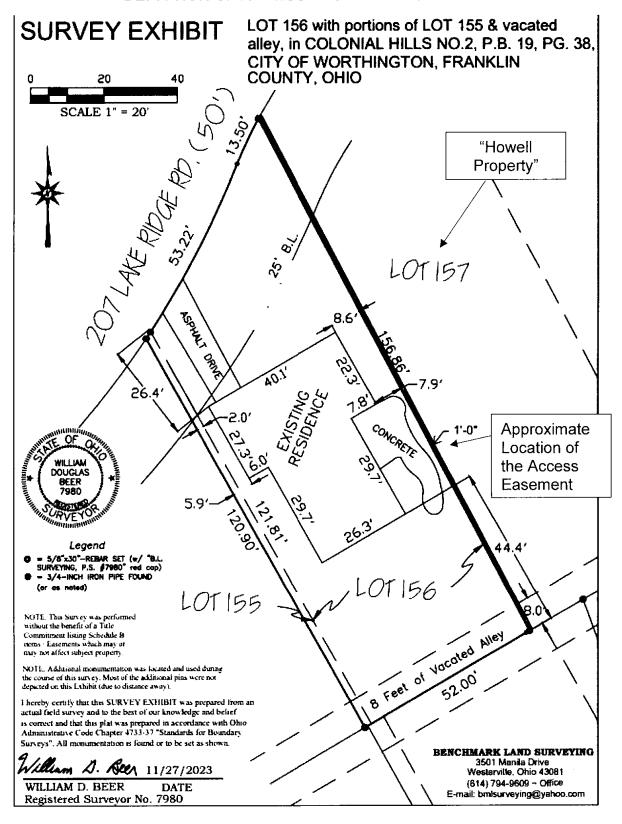
Being Lots Numbers One Hundred Fifty-seven (157) and One Hundred Fifty-eight (158), Colonial Hills Subdivision as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 19, page 38, Recorder's Office, Franklin County, Ohio.

Parcels Nos. 100-001842-00 and 100-001843-00 Street Address: 215 Lake Ridge Road



#### **EXHIBIT B DEPICTION OF ACCESS EASEMENT LOCATION**

Recorded: 12/06/2023 08:24:02 AM





### **BZA APPLICATION** VAR 09-2024 6819 Joslyn Pl.

Plan Type: Variance Project: App Date: 02/23/2024

Work Class: Variance Residential City of Worthington District:

In Review Status:

\$0.00 Valuation:

Description: 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.

> We are planning to expand our current 12x20 wood deck to a larger 21x20 deck. The current deck has deteriorated due to its proximity to a large oak tree and needs to be replaced. We have opted to replace the deck with composite, which will be less susceptible to rot and maintain its beauty long-term. We are extending a deck over a stone patio that needs replaced. The deck will enhance the beauty and value of the property and is the most suitable option, given we have to work around a large oak tree. We also believe the composite decking will improve the life span and beauty of the deck since we won't have ongoing maintenance associated with the current wood deck and stone patio.

Whether the variance is substantial.

The current code requires 15 ft from the property line. The deck extension will be approximately 8 ft from the property line. We are positioned on a corner lot, so the backyard is very narrow compared to our side yard. There is still substantial yard space on the side of the house that is effectively part of our backyard.

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.

The character and integrity of the neighborhood would remain intact should the variance be granted. We believe that the deck will enhance the aesthetic and value of the property.

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

This variance will have no impact on the delivery of services.

- Whether the property owner purchased the property with knowledge of the zoning restriction. We were not aware of the zoning requirements when we purchased the home.
- Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

There is no viable alternative due to the position of the house on the property and the obstruction from the large oak tree. Alternative options would most likely require a more substantial variance.

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

The spirit and intent of the zoning requirement would be preserved should the variance be granted. There would still be ample yard space, ample space between the deck and the fence/property line and the deck will add value to the property and the neighborhood.

100-004229 Main Main Parcel: Address: 6819 Joslyn Pl Zone: Worthington, OH 43085

Owner Applicant **Dustin Starkey** Jessie Holtz Mobile: (740) 412-9540 6819 JOSLYN PL

Worthington, OH 43085 Mobile: 7404977944

Invoice No. INV-00005219	Fee (Residental) Board of Zoning Appeals		Fee Amount \$25.00	Amount Paid \$25.00
		Total for Invoice INV-00005219	\$25.00	\$25.00
		Grand Total for Plan	\$25.00	\$25.00

6819 Joslyn Pl.





HOY LAND SURVEYING
39 Village Green Drive
Westerville, Ohio 43082
Phone: 614-679-1186 LENDER JPMORGAN CHASE BANK CERTIFIED TO NORTHWEST SELECT TITLE AGENCY FEMA INFORMATION: FLOOD ZONE HALLIGAN NONE NOTED LOT 147 - WORTHINGTON ESTATES NO. 2 3001-2018 S 155.16 DATE OF DRAWING. COUNTY FRANKLIN DRN. SJH CK. SS × õ 90' 4" MAP PANEL INFO 39049C 0157K DECK 2 STORY FRAME 6819 5' EASEMENT 22.0 AVENUE BLACKTOP DRIVE 80.23 7-30-18 30' BLDG. LINE 31.6 BUYER STARKEY & HOLTZ 154.42' DRAWING SCALE 1" = 36 PG. JOSLYN PLACE 50 50-25



CITY OF WORTHINGTON DRAWING NO. VAR 09-2024 DATE 02/23/2024

# A1 QUALITY CARPENTRY

911 Robinwood Ave. Suite E COLUMBUS, OHIO 43213 (614) 499-4197

> Email: aoneqc@gmail.com www.A1QC.com

SIGNATURE\_

### **CONTRACT**

DATE\_\_\_/\_\_\_/\_\_\_



SUBMITTED TO: Jessie Holtz & Dustin Starkey	TIME FRAME: THE FOLLOWING DATES MEAN
6819 Joslyn Place Worthington, Ohio 43085	THAT YOUR PROJECT COULD BEGIN AS SOON AS THE APPROXIMATE START DATE, BUT SHOULD BE COMPLETED NO LATER THAN THE APPROXIMATE COMPLETION DATE.
PHONE 740-497-7944 ALT#	APPROXIMATE START DATE 5 / 13/2024
DATE 2 / 1 / 2024	APPROXIMATE COMPLETION DATE $5/31/2024$
WE HEREBY SUBMIT SPECIFICATIONS FOR:	
Removing existing 12'x20' deck, and hauling as	way. Customer to remove concrete pavers.
Installing new 20'x21'6 deck in same location pressure treated pine, and will be designed to area on deck.	_
TimberTech's composite flooring [Prime + Serie hidden fasteners. No handrails will be instal.	
the yard. The bottom of the deck will be enceplastic and gravel underneath the deck.  * ALL TRASH WILL BE REMOVED * WORK TO HAVE	E 2 YEAR WARRANTY
Payment to be made as follows: 1/3 down / 1/3 after framing	g / balance upon completion
ANY ALTERATION OR DEVIATION FROM THE ABOVE SPECIFICATIONS INVOLVING EXTRA COSTS WILL BE DONE ONLY UPON A WRITTEN CHANGE ORDER. THE COSTS WILL BECOME AN EXTRA CHARGE OVER AND ABOVE THE COST STATED BELOW. THIS IS TO INCLUDE, BUT IS NOT LIMITED TO HIDDEN DAMAGES UNCOVERED DURING	WE PURPOSE HEREBY TO FURNISH MATERIAL AND LABOR COMPLETE IN ACCORDANCE WITH ABOVE SPECIFICATIONS FOR THE SUM OF :
THE COURSE OF THE JOB, AND ADDITIONAL WORK OR PERMITS REQUIRED BY LOCAL BUILDING INSPECTORS. ALL ELEMENTS OF THIS CONTRACT ARE CONTINGENT UPON	Twenty-three thousand -
STRIKES, ACCIDENTS, WEATHER, SUBCONTRACTORS, OR OTHER DELAYS BEYOND OUR CONTROL. THE CONTROL DOES NOT INCLUDE MATERIAL PRICE INCREASES, OR ADDITIONAL LABOR AND MATERIALS WHICH MAY BE NECESSARY SHOULD UNFORESEEN	nine hundred -
PROBLEMS ARISE AFTER THE WORK HAS STARTED. ALL WARRANTIES ARE LIMITED LABOR WARRANTIES. NO VERBAL PROMISES REGARDING MATERIAL AND LABOR, OR START AND COMPLETION DATES WILL BE HONORED. AS REQUIRED BY LAW, WE ALWAYS CALL BEFORE WE DIG. HOWEVER, WE ARE NOT RESPONSIBLE FOR BURIED LINES THAT ARE NOT MARKED,	eighty-seven 50/100
OR ARE MARKED INCORRECTLY. THIS INCLUDES, BUT IS NOT LIMITED TO PHONE, CABLE, ELECTRIC, GAS, WATER, SPRINKLER, OR ANY OTHER LINES INSTALLED BY THE HOMEOWNER OR ANOTHER CONTRACTOR. WE ARE NOT RESPONSIBLE FOR NORMAL DISTURBANCE TO YARD NECESSARY TO FULFILL THE CONTRACT. WE ARE NOT RESPONSIBLE FOR HOMEOWNER ASSOCIATION DEEDS & RESTRICTIONS. WE RESERVE THE RIGHT TO TERMINATE THIS CONTRACT UPON WHCIH YOUR DEPOSIT WILL BE REFUNDED. OTHERWISE, DEPOSITS ARE NON REFUNDABLE.	22 097 50
2/15/2	<sub>\$_</sub> 23,987.50
AUTHORIZED SIGNATURE:	
ACCEPTANCE OF CONTRACT: THE ABOVE PRICES, SPECIFICATIONS ACCEPTED. YOU ARE AUTHORIZED TO DO THE WORK AS SPECIFIED. PAYMEN	
SIGNATURE	DATE/

**DIAGRAM** 

# A1 QUALITY CARPENTRY

911 Robinwood Ave. Suite E COLUMBUS, OHIO 43213 (614) 499-4197

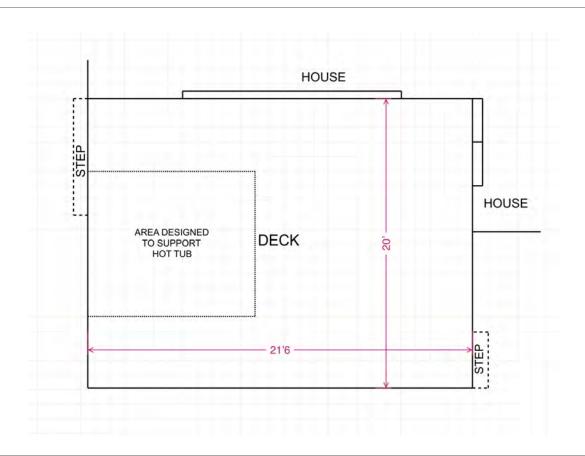
> Email: aoneqc@gmail.com www.A1QC.com

	PIANNING & BUILDING
(	CITY OF WORTHINGTON
[	DRAWING NO. VAR 09-2024
[	DATE 02/23/2024

SUBMITTED TO: Jessie Holtz & Dustin Starkey	
6819 Joslyn Place	
Worthington, Ohio 43085	_
PHONE 740-497-7944 ALT#	
DATE 2 / 1 / 2024	

WE HEREBY SUBMIT SPECIFICATIONS FOR:

SIGNATURE\_



DATE\_\_\_\_/\_



## BZA APPLICATION VAR 10-2024 690 Evening St.

Plan Type: Variance Project: App Date: 03/06/2024

Work Class: Variance Residential District: City of Worthington

Status: In Review
Valuation: \$0.00

Description: We will be building a swimming pool for the Kiner residence. The property line will be 9'3" away from

the waters edge. With the concrete edge coming to 6'3" from the edge of the property. An autocover will be used in lieu of a fence and the perimeter will have some small vegetation to

provide privacy and aesthetic value for the neighborhood.

Parcel: 100-000223 Main Address: 690 Evening St Main Zone:

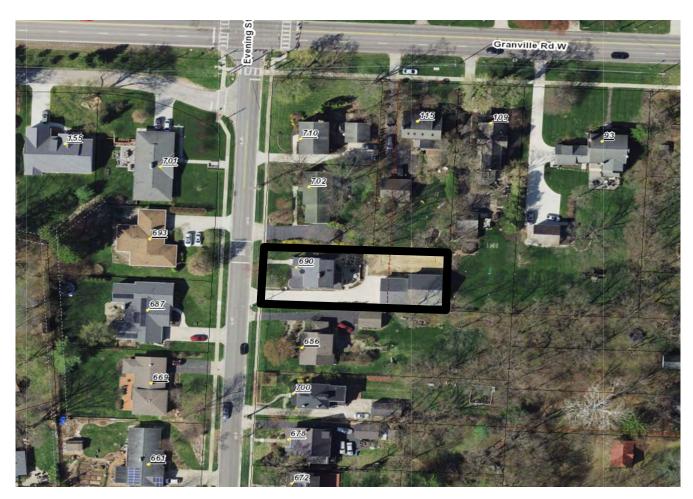
Worthington, OH 43085

Applicant Owner
Jeremy S Jones Chad Kiner
2121 Killian Road 690 EVENING ST
AKRON, OH, OH 44312 Worthington , OH 43085
Business: (330) 733-4082 Mobile: (614) 204-7879

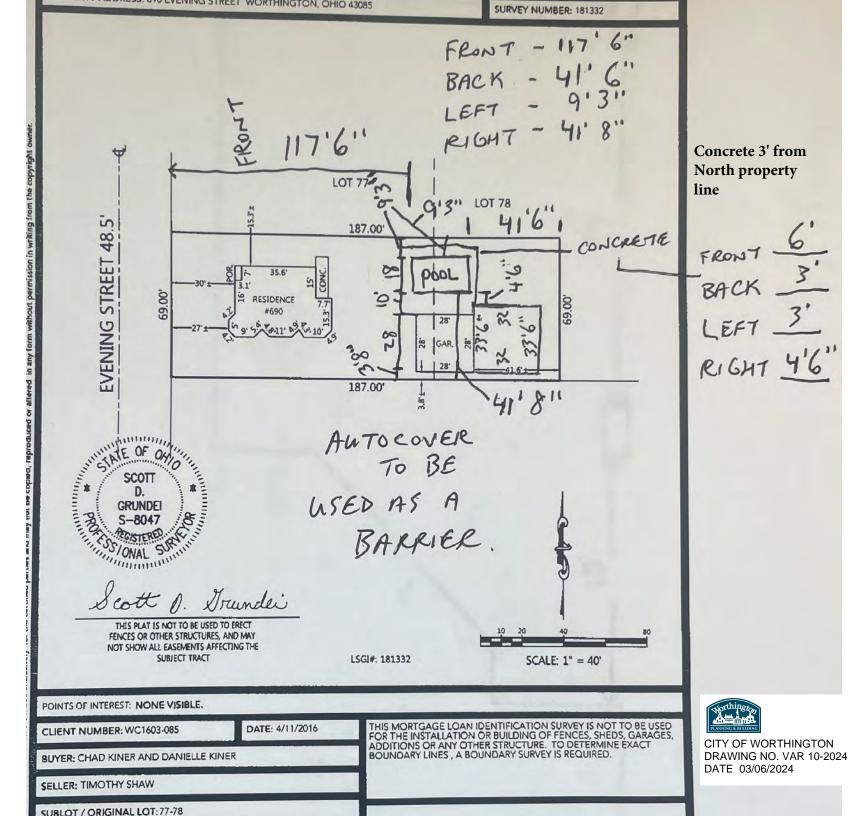
Mobile: (330) 461-7291

Invoice No.	Fee		Fee Amount	Amount Paid
INV-00005264	(Residental) Board of Zoning Appeals		\$25.00	\$25.00
		Total for Invoice INV-00005264	\$25.00	\$25.00
		Grand Total for Plan	\$25.00	\$25.00

# 690 Evening St.















CITY OF WORTHINGTON DRAWING NO. VAR 10-2024 DATE 03/06/2024



### BZA APPLICATION VAR 11-2024 80 E. Wilson Bridge Rd.

Plan Type: Variance Project: App Date: 03/11/2024

Work Class: Variance Commercial District: City of Worthington

Status: In Review

Valuation: \$0.00

Description: Per recommendation from the City of Worthington, we would like apply for the variance for the size

and height of the directional signage in the parking lot. We will have (3) 24" x 24" for the Curbside pick up installed in the asphalt with gray bollards, (2) McDelivery signs will updated with gray bollards. The signs will be 5' to the bottom of the sign. We need the height of the signs to direct

customers to right area for their needs.

Parcel:100-005497MainAddress:80 E Wilson Bridge RdMainZone:Worthington, OH 43085

Applicant Owner

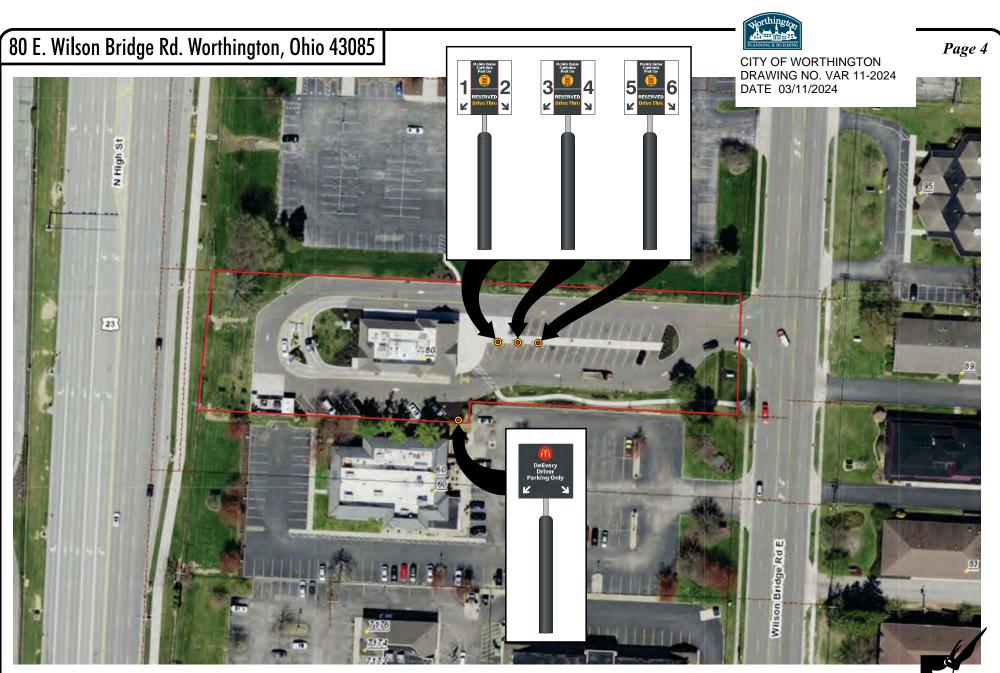
Ashley Tanner McDonalds Real Estate Co. 2669 National Rd 80 E WILSON BRIDGE RD Zanesville, OH 43701 Worthington , OH 43085

Invoice No. INV-00005266	Fee (Commercial/Industrial) Board of Zoning Appeals		Fee Amount \$50.00	Amount Paid \$50.00
		Total for Invoice INV-00005266	\$50.00	\$50.00
		Grand Total for Plan	\$50.00	\$50.00

# 80 E. Wilson Bridge Rd.







 $24^{\prime\prime}$  x  $24^{\prime\prime}$  RESERVED Drive-Thru parking signs mounted on steel poles with Dark Gray bollards, qty. 4 for 8 spots.

Dk. Gray McDonald's Red McDonald's Yellow



McDonald's Worthington, Ohio



Saved as "McD Worthington OH \_Drive Thru Reserved rev 3-28-24"

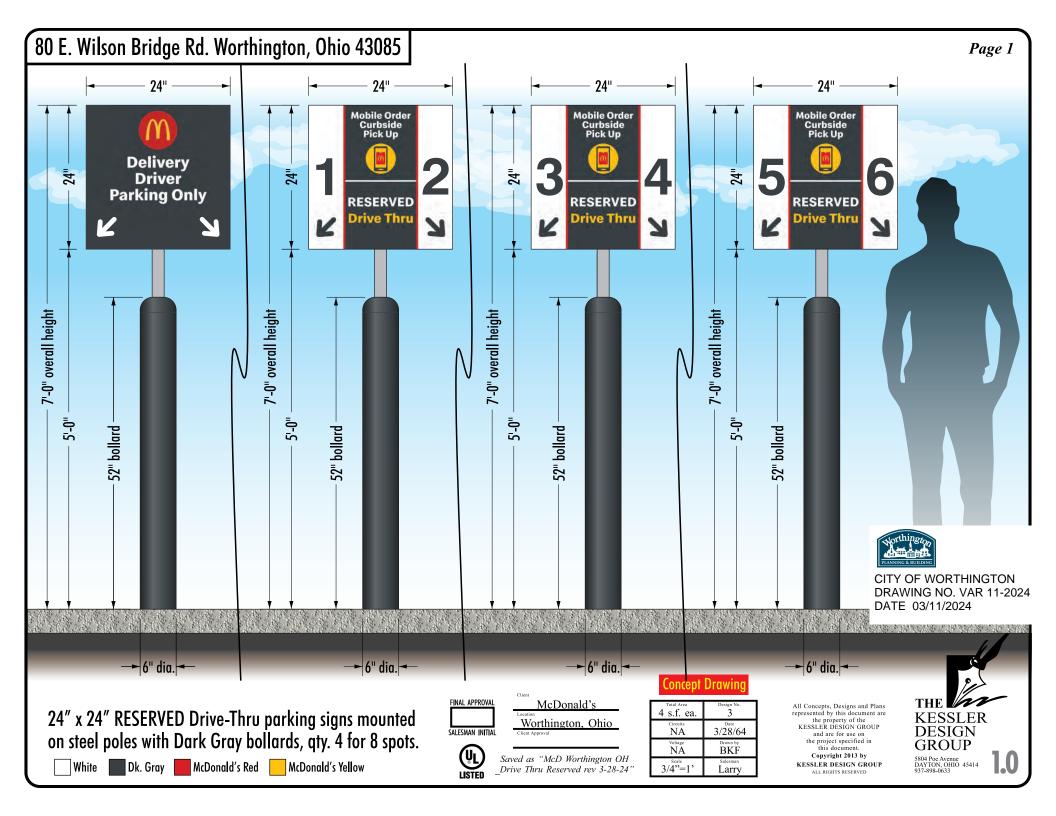
#### **Concept Drawing**

4 s.f. ea.	Design No.
NA	3/28/64
NA	BKF
NTS	Larry

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**KESSLER** DESIGN GROUP





### **EXISTING**



**PROPOSED** 

24" x 24" RESERVED Drive-Thru parking signs mounted on steel poles with Dark Gray bollards, qty. 4 for 8 spots.

Dk. Gray McDonald's Red McDonald's Yellow

#### FINAL APPROVAL SALESMAN INITIAL

McDonald's Worthington, Ohio



Saved as "McD Worthington OH Drive Thru Reserved rev 3-28-24"

#### Concept Drawing

4 s.f. ea.	Design No.
NA Circuits	3/28/64
NA	BKF
NTS	Salesman Larry

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CITY OF WORTHINGTON DRAWING NO. VAR 11-2024 DATE 03/11/2024



**EXISTING** 



**PROPOSED** 

24" x 24" RESERVED Drive-Thru parking signs mounted on steel poles with Dark Gray bollards, qty. 4 for 8 spots.

Dk. Gray McDonald's Red McDonald's Yellow



McDonald's Worthington, Ohio



Saved as "McD Worthington OH Drive Thru Reserved rev 3-28-24"

#### **Concept Drawing**

4 s.f. ea.	Design No.
NA Circuits	3/28/64
NA	Drawn by BKF
NTS	Salesman Larry

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## **Existing Directional Signs at Entrance**



