A. Call to Order - 7:00 pm

1. Roll Call

2. Pledge of Allegiance

3. Oath of Office

4. Approval of minutes of the February 6, 2020 meeting

5. Affirmation/swearing in of witnesses

C. Items of Public Hearing – New Business

1. **Appeal of the Building Inspector Decision** – Violation Order – Tourist Home – 142 Park Blvd. (Jacqueline Gargus & Thomas Huff) **BZA 07-2020**

2. **Variance** – Side Yard Setback – Addition and Renovations – 50 E. Granville Rd. (Schorr Architects/Kilbourne Middle School) **BZA 03-2020**

3. **Variance** – Front Yard Setback – Fence – 173 E. Wilson Bridge Rd. (Harold Careins) **BZA 04-2020**

4. **Variance** – Extension of Construction Completion Period – Detached Garage - 100 W. South St. (Neil Toepfer) **BZA 05-2020**

6. **Variance** – Rear and Side Yard Setback – Shed – **337 Pingree Dr.** (Anna Rinehart) 
   BZA 08-2020

7. **Variance** – Side Yard Setback – Garage – **384 Colonial Ave.** (Nathan and Sarah Niese) 
   BZA 09-2020

D. Other

E. Adjournment
MEMORANDUM

TO: Members of the Board of Zoning Appeals

FROM: Laney Nofer, Planning and Building Assistant
       R. Lee Brown, Director of Planning and Building

DATE: February 28, 2020

SUBJECT: Staff Memo for the Meeting of March 5, 2020

Items of Public Hearing


Findings of Fact

Background:
On November 13, 2019, Code Enforcement Officer, Chris Keppler received a complaint for the property in question concerning an Airbnb listing for the property.

On November 15, 2019, Mr. Keppler mailed an informational notice to the property owner stating that using the property at 142 Park Blvd as a short term rental is neither a permitted nor a conditional use in the R-10 Zoning District. Mr. Keppler went on to state the following:

Short-term rentals through the Airbnb website fall within the meaning of a “tourist home” under the Zoning Code (1123.73), defined as follows: ‘Tourist Home means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than fifteen individuals and open to transient guests.’ Therefore, we find that your use of the property as a commercially advertised “tourist home”, subject to ongoing bookings and stays of multiple and variable lengths for transient guests, is not legally permitted under current municipal zoning ordinances, and must therefore cease.

Staff received many letters, emails, and calls from neighboring property owners regarding the status of 142 Park Boulevard being used as an Airbnb rental.
On December 2, 2019, staff sent a Violation Order to the property owners stating the following:

*Your use of the above-referenced property as a commercially advertised “tourist home”, subject to ongoing bookings and stays of multiple and variable lengths for transient guests was not legally permitted under current municipal zoning ordinances, and must therefore cease.*

On December 23rd, 2019, Code Enforcement Officer, Chris Keppler and Planning Coordinator, Lynda Bitar met with Ms. Gargus and Mr. Huff regarding the interpretations and application of the zoning code regarding ‘tourist homes’ and ‘transient guests’.

On December 23rd, 2019, an appeal of the Violation Order was filed by Ms. Jacqueline Gargus and Mr. Thomas Huff regarding staff’s interpretation of the definition of ’transient’.

On January 9th, 2020, Ms. Gargus requested that the city attorney clarify in writing the basis for staff’s interpretation and application of the ‘tourist home’ language to their use of the property, and staff’s rationale for using 30 days as the standard for defining ‘transient’.

On January 31st, Director of Law, Tom Lindsey, responded to the property owners request to clarify the terms of the Violation Order:

*You had also requested clarification regarding whether certain short term rentals of the property would be permitted under the City zoning code. The first situation involved the possibility of entering into a rental agreement with a company that would involve different employees of the company staying in the house for less than 30 day periods.*

*In my opinion each individual employee would be considered a separate transient guest. The company, while paying the rent, is not staying in the house and would not be considered a guest.*

*The second situation involved the possibility of having the same individual agree to rent the house for a specific week of the month for five consecutive months (or 2 weeks of the month for 3 months). The statutory definition of transient guest found in state code is less than 30 consecutive days. I am not aware of any statutory exception or legal interpretation that permits adding separate lengths of stay to aggregate more than 30 consecutive days. Therefore, it is my opinion that both situations would be a violation of the City zoning code.*

The appellant has not submitted supplemental materials to staff to accompany their appeal showing how the Building Inspector’s Decision was in error. Staff would encourage the appellant to state at the hearing their case as to why they are appealing the order.

**Worthington Codified Ordinances:**

Section 1125.01(b) states “As provided in Chapter 1129, an appeal from the decision of the Building Inspector or the person designated by the City Manager, may be made to the Board of Zoning Appeals”.

BZA staff memo for the March 5, 2020 Meeting
Page 2 of 12
Section 1129.02(b)(1) states “An appeal to the Board may be taken by any person aggrieved or by an officer of the Municipality adversely affected by any decision of the Chief Building Inspector or a person designated by the City Manager. Such appeal shall be made within twenty days after the decision, by filing with the City Clerk and with the Board a notice of appeal specifying the grounds thereof. Within three days of the filing of such an appeal, the City Clerk shall transmit the same to the Director of Planning and Building. The Director of Planning and Building shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken”.

Section 1129.02(b)(2) states “An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Chief Building Inspector or designated person shall certify to the Board after the notice of appeal shall have been filed with it, that a stay would, in his/her opinion, cause imminent peril to life or property, in which case, proceedings shall not be stayed”.

Request:
The appellant has stated via email the following: “We are hereby filing an appeal of the Violation Order so that terms may be more clearly defined.”

Staff Comments:
Staff believes the language in the code should be upheld regarding the definition of ‘tourist home’.

Staff believes the interpretation of the word ‘transient’ should also be upheld based on the statutory definition provided by the City of Worthington Director of Law.

*Notice: Motions are in the positive per Robert’s Rules of Order. In this particular case, if the board votes yes to the motion below, it would be in favor of the appellant. If the board votes no to the motion below, it would be in favor of the decision of the Building Inspector.

Motion:
2. **Variance – Front Yard Setback – Addition – 50 E. Granville Rd. (Schorr Architects/ Worthington Board of Education) BZA 03-2020**

**Findings of Fact & Conclusions**

**Background:**
This property is in the S-1 (Special) Zoning District along regional thoroughfare Rt. 161. Kilbourne Middle School was constructed in 1938 with a renovation done in 1965. This property is also subject to, and the proposed plans have been approved by the Architecture Review Board on February 27, 2020.

The applicant is proposing to construct a ~10,500 square foot, two-story addition to the existing middle school that will extend into the required side yard along Hartford Avenue. The addition will abut the public right-of-way, making the variance request the full amount of yardage required to be setback.

The proposed addition will be on the 1965 portion of the building rather than the original 1938 building.

The applicant is requesting this addition due to the need for more office and classroom space, as well as an expansion of the student dining hall. Some existing administrative offices will be renovated into classrooms, as well as some storage rooms converted into restrooms.

**Worthington Codified Ordinances:**
Section 1149.03 states requires all buildings other than dwellings to be at least 50 feet from the public right-of-way.

Section 1149.07 states the setback along major traffic routes shall be 50 feet along regional thoroughfares.

Section 1149.08 states 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.

**Request:**
The applicant is requesting to construct the addition in the required side yard setback. With the two-third reduction, the setback is required to be 33 feet 4 inches. In addition, with the structure being proposed to abut the public right-of-way, a variance of the full 33 feet 4 inches is required.

**Conclusions:**
The lot which Kilbourne Middle School is located is quite confined with limited space to expand. This is so because of existing parking, open space, and the existing building footprint.

The renovations of the building are essential to preserve the existing building and grow with the increasing number of students in the district to make it the most functional space it can be.
The essential character of the neighborhood should not be substantially altered as the sidewalk connections to Worthington Library and E. Dublin-Granville Road are being maintained. In addition, the exterior façade will match the existing character of the building, and the historic entry along E. Dublin-Granville will be preserved.

The delivery of government services should not be affected.

Motion:
THAT THE REQUEST BY SCHORR ARCHITECTS ON BEHALF OF THE WORTHINGTON BOARD OF EDUCATION FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION AT KILBOURNE MIDDLE SCHOOL TO BE IN THE REQUIRED FRONT YARD AT 50 E. GRANVILLE RD., AS PER CASE NO. BZA 03-2020, DRAWINGS NO. BZA 03-2020 DATED FEBRUARY 7TH, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

3. **Variance** – Front Yard Setback – Fence – **173 E. Wilson Bridge Rd.** (Harold Careins)  
**BZA 04-2020**

**Findings of Fact & Conclusions**

**Background:**
This property is in the R-10 (Low Density Residential) Zoning District and within the Wilson Bridge Corridor. East Wilson Bridge Road is considered a regional thoroughfare within the City. The dwelling on the property was built in 2015. The property is adjacent to the newly constructed Granby Place Apartments to the east.

The property owner applied for a fence permit in December, 2019. The site plan indicated the fence was to be setback 50 feet from the right-of-way and be 5 feet in height.

On January 27th, 2020, a report was made to Planning and Building staff that a fence had been constructed in the front yard setback at 173 East Wilson Bridge Road. Code Enforcement Officer, Chris Keppler went out the following day to the property in question; he met with the property owner and found that the fence was not constructed per the approved drawings and that a variance would need to be sought.

The applicant made reference in their application that the fence is 6 feet from the current public right-of-way (see applicant’s materials), however that 6 feet would be from the future right-of-way planned for the Wilson Bridge Road Corridor. The applicant is requesting the fence to be located ~21 feet from the current public right-of-way, which would be ~28 feet from the back of curb of East Wilson Bridge Road. The fence is proposed to be open-style and 5 feet in height. The proposed fence is for the purpose of being a visual barrier between adjacent properties.
In 2017, the property owner sought approval from the board to have a gate installed across the driveway ~24 feet from the back of curb of East Wilson Bridge Road. The proposed fence would run along the east and west side of the property; it would extend further into the required front yard than the existing gate feature to have a more “complete look”.

There are three (3) relevant documents or study’s regarding the future of Wilson Bridge Road; the 2011 Wilson Bridge Road Corridor Study, the Wilson Bridge Road Streetscape Improvement Plan, and the Wilson Bridge Corridor District. Based on the Wilson Bridge Corridor Study, the recommendation for the south side of East Wilson Bridge Road is to host office development. As the property in question is privy to potential future development, it is important to consider the how any new plan, variance request, or potential modification to the current site will affect this future use. The Wilson Bridge Road Streetscape Improvement Plan recommends streetscape improvements throughout the corridor and proposes a new multi-use path on the south side of East Wilson Bridge Road. Staff would like the ensure the appropriate amount of right-of-way is secured to allow for these projects to come to fruition; thus, with the granting of this variance, the City would ask the property owner for an additional 15 feet of right-of-way dedication for the use of a future multi-use path.

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

Section 1149.07 states the setback along major traffic routes shall be 50 feet along regional thoroughfares.

**Request:**
The applicant is requesting to construct a fence along the side yard property lines in the required front yard, ~21 feet from the right-of-way. A variance of 29 feet is required.

**Conclusions:**
As the fence is open-style and decorative in nature, this may make the variance request less substantial.

The fence aligns with the existing freestanding monument sign to the east at Granby Place Apartments. This is aesthetically more appealing and would not alter the essential character of the neighborhood.

The delivery of governmental services should not be affected.
Motion:

4. Variance – Extension of Construction Completion Period – Detached Garage - 100 W. South St. (Neil Toepfer) BZA 05-2020

Findings of Fact & Conclusions

Background:
This property is in the R-10 (Low Density Residential) Zoning District within the Architecture Review District in Old Worthington. In March of 2018, the property owner was approved by the Architecture Review Board to demolish the existing dwelling, and construct a new dwelling and garage on the property. In April 2018, the property owner was approved for a variance to construct the garage in the required side yard setback and to exceed the accessory building area limit for the District.

On June 5th, 2018, the property owner applied for a permit to construct a new garage and workshop on the property. After 4 plan reviews, the permit had full approval. Inspections have been called over the life of the permit, but as we pass the 18 month mark, the permit has become invalid and an extension needs to be sought.

Staff has received concerns from neighboring property owners on the status of the project via email and phone. This is in part because there is also an open permit for a new dwelling on the property that is also close to expiring. It is likely the property owner will need to seek an extension for this permit in the coming months as well.

The applicant has stated 3 main reasons for the basis behind the status of the project; those reasons included health-related issues, contractor unavailability, and weather.

The applicant states they are ready to move forward with the project as all pending issues have been resolved.

Worthington Codified Ordinances:
Section 1305.06(b) 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) 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 eighteen-month period or additional time granted by the Board of Zoning Appeals shall constitute a violation of this code.

Request:
The applicant is requesting an extension of approximately 2 months (April 30th, 2020) to complete the project and close the permit. Staff recommends a longer extension to ensure the work be completed within a reasonable time frame, and to avoid the possibility of additional extensions.

Conclusions:
The site has been unfinished for over 18 months. It is reasonable for the Board to consider an extension based on the issues addressed by the applicant and as this is the first extension being requested.

The exterior site work remains unfinished, which could be viewed as an eyesore for the neighborhood, particularly as it is located in historic Old Worthington. This unfinished work can affect the character of the neighborhood if not addressed.

The delivery of government services should not be affected with an extension to the project as long as all equipment and vehicles are outside of the public right-of-way.

*Notice: Staff has not suggested a specific time frame to extend the construction completion period. Please craft the motion to reflect the Board’s preference on this matter.

Motion:
THAT THE REQUEST BY NEIL TOEPHER FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD AT 100 W. SOUTH ST., AS PER CASE NO. BZA 05-2020, DRAWINGS NO. BZA 05-2020 DATED JANUARY 30TH, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.


Findings of Fact & Conclusions

Background:
This approximate 14,000 square foot property is in the R-10 (Low Density Residential) Zoning District on a corner lot. The existing house was built in 1959.
The applicant is proposing to construct a new master suite addition to the side of the existing dwelling. The addition would be 25.6 feet to 29 feet from the rear property line; the varying dimensions are due to a sloped property line. With the dwelling being built prior to the adoption of the Worthington Zoning Code in 1971, the footprint of the existing home is within the required rear property. The proposed addition would be further from the rear property line than the existing home.

The proposed addition would be 20 feet by 23 feet 4 inches for a total of 470 square feet. The addition would not encroach into the required front or side yard. The applicant is requesting this addition for the purpose of adding a bedroom and bath for their growing family.

**Worthington Codified Ordinances:**
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 30 feet from the rear yard property line.

**Request:**
The applicant is requesting to construct an addition to the dwelling that will encroach in the required rear yard. A variance of 4.4 feet to 11 feet is required.

**Conclusions:**
The property is on a corner with additional setback requirements not typically required on other properties in the district, creating a practical difficulty. In this particular case, available rear yard space for building footprint is less than typical lots. These factors can mitigate the nature of this variance request.

The essential character of the neighborhood should not be substantially altered as many properties in the vicinity have been maintained as ranch-style homes.

The delivery of government services shall not be affected.

**Motion:**
THAT THE REQUEST BY JONATHAN AND LESLEY KHOURY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE CONSTRUCTED IN THE REQUIRED REAR YARD AT 314 W. NEW ENGLAND AVE., AS PER CASE NO. BZA 06-2020, DRAWINGS NO. BZA 06-2020 DATED JANUARY 31ST, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.
6. **Variance** – Rear and Side Yard Setback – Shed – 337 Pingree Dr. (Anna Rinehart) **BZA 08-2020**

**Findings of Fact & Conclusions**

**Background:**
This property is in the R-10 (Low Density Residential) Zoning District. The lot is an irregular shape and is approximately 6,364 square feet.

On December 16, 2019, Code Enforcement Officer, Chris Keppler received report of a newly constructed shed, possibly without a permit at the property in question. After further review, staff confirmed the shed was constructed without a permit and advised the property owner to apply for one. After receipt of the permit application, it was discovered the shed was in the required side and rear yard property and would require a variance.

The applicant stated the newly constructed shed replaced an older, deteriorating shed that existing when they purchased the home. The neighboring property owner stated to Mr. Keppler that the previous shed was likely smaller and further away from the property lines.

The newly installed shed is 16 feet by 12 feet for a total of 192 square feet. It is 2 feet 2 inches from the rear property line, and 3 feet 4 inches from the side yard property line.

**Worthington Codified Ordinances:**
Section 1149.08(b) of the Worthington Codified Ordinances has the following regulations for accessory buildings:
- If the accessory structure exceeds 120 square feet, it must be setback at least 8 feet from the side yard lot line, and 10 feet from the rear lot line.

**Request:**
The applicant is requesting to retain the existing shed in the required rear and side yard. A variance of 7 feet 10 inches is required for the rear yard, and 6 feet 8 inches is required for the side yard.

**Conclusions:**
The substantial character of the neighborhood should not be substantially altered as a shed has been in place in a similar location for many years. This factor may also lessen the impact of the variance request.

The delivery of government services should not be affected.

**Motion:**
THAT THE REQUEST BY ANNA RINEHART FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A SHED TO BE IN THE REQUIRED SIDE AND REAR YARD AT 337 PINGREE DR., AS PER CASE NO. BZA 08-2020, DRAWINGS NO. BZA 08-2020 DATED FEBRUARY 4TH, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

BZA staff memo for the March 5, 2020 Meeting
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7. **Variance – Side Yard Setback – Garage – 384 Colonial Ave.** (Nathan and Sarah Niese)  
   **BZA 09-2020**

**Findings of Fact & Conclusions**

**Background:**  
This property is in the R-10 (Low Density Residential) Zoning District in the Colonial Hills neighborhood.

The applicant is proposing to construct an addition to the existing dwelling 6.98 feet from the eastern side yard property line. The variance request is due to an irregularly shaped lot and consists only of a small corner of the addition, not the entire length.

The applicant is requesting this variance for the purpose of needing addition garage space for vehicles, and additional living space.

**Worthington Codified Ordinances:**  
Section 1149.01 states any dwelling or structure accessory to a dwelling must be at least 8 feet from the side yard property line, and total in 20 feet for both side yards.

**Request:**  
The applicant is requesting to construct an addition in the required side yard. A variance of 1.02 feet is required.

**Conclusions:**  
The property has a ravine running through the rear of the property. This can limit the location of an addition being built to the rear rather than to the side as proposed.

The variance request is not substantial as it encroaches slightly over 1 foot into the required side yard.

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

The delivery of government services should not be affected.

**Motion:**  
THAT THE REQUEST BY NATHAN AND SARAH NIESE FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE IN THE REQUIRED SIDE YARD AT 384 COLONIAL AVE., AS PER CASE NO. BZA 09-2020, DRAWINGS NO. BZA 09-2020 DATED FEBRUARY 10th, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.
1129.05 POWERS AND DUTIES.

(a) Generally. The Board of Zoning Appeals shall have the following powers, and it shall be its duty to: hear and decide appeals where it is alleged there is an error of interpretation made by the Building Inspector in the enforcement of this Zoning Ordinance, the Building Code, or the Property Maintenance Code, or any amendment thereto.

(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 well safeguard the public health, safety, convenience and general welfare.

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

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

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

(2) Whether the variance is substantial;

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

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

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

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

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

February 6, 2020

A. Call to Order – 7:00 p.m.

1. Roll Call - the following members were present: Mikel Coulter, Brian Seitz, Leah Reibel and Cynthia Crane. Also present were Lee Brown, Director of Planning and Building; and Laney Nofer, Planning & Building Assistant. Board member D.J. Falcoski was absent.

2. Pledge of Allegiance

3. Oaths of Office

Due to Mr. Falcoski’s absence the Oaths of Office would take place at the next meeting in March.

4. Election of Officers

Mr. Seitz moved to maintain the current Board of Officers, and Mr. Coulter seconded the motion. All Board members voted, “Aye, ” and the motion was approved. Ms. Crane as Chair, and Mr. Falcoski as Vice-Chair.

5. Approval of the minutes of December 5, 2019

Mr. Coulter moved to approve the minutes as corrected, seconded by Mr. Seitz. All Board members voted, “Aye,” and the minutes were approved.

6. Affirmation/swearing in of witnesses

B. Items of Public Hearing


Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:
This 13,413 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The current dwelling was built in 2004 – the same year the owner stated he installed a removable flagpole in the front yard.

In October 2018, a Worthington resident reported a flagpole located in the required front yard at the property in question. Staff confirmed the flagpole was within the required front yard and there had been no permit issued or variance approval. The homeowner stated it was a removable flagpole and did remove it from its post in January 2019.

The homeowner would now like to seek approval for the flagpole to be located in the same location. The flagpole is approximately 18 feet from the front yard property line.

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

**Request:**
The applicant is requesting to retain the flagpole within the required front yard approximately 18 feet from the front property line. A variance of 12 feet is required.

**Conclusions:**
The flagpole has been in place for approximately 15 years in the proposed location. The inquiry that resulted in the violation case is the only complaint staff has received for the property.

The homeowner was unaware of the zoning restrictions at the time of the flagpole installation.

The flagpole being removable could lessen the impact of the variance request as it gives any future property owners the option to easily remove the pole.

The essential character of the neighborhood should not be substantially altered as other flagpole has been in place for 15 years.

The delivery of governmental services should not be affected.

**Discussion:**
Ms. Crane asked if the applicant was present. Mr. Peter Borin, 6491 Northland Rd., Worthington, Ohio, said he had letters with him from the neighbors that were in favor of
the flagpole and he shared those with the Board members. Mr. Boriin explained the flagpole was removable. In the winter he places a tennis ball over the opening along with mulch to cover up the opening, and then in the spring he and his wife plant flowers around the flagpole. Board members had no questions or concerns. Ms. Crane asked if there was anyone present to speak for or against this application.

Mr. Dean Brill, 6562 Northland Rd., Worthington, Ohio, said he and his wife had no problem with the flagpole and were glad their neighbor was showing his patriotism and his support for the Ohio State University. He said the flagpole has been in the neighborhood for a long time. Mr. Brill said he has lived in the neighborhood for over forty years and he felt the flagpole was part of the neighborhood. He said he did not understand why they were discouraging someone to display their patriotism. Mr. Brill said his wife was also in support of the flagpole but could not attend the meeting.

**Motion:**
Mr. Seitz moved:

**THAT THE REQUEST BY ELLEN AND PETE BORIIN FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A FLAGPOLE TO REMAIN IN THE REQUIRED FRONT YARD AT 6491 NORTHLAND RD., AS PER CASE NO. BZA 47-19, DRAWINGS NO. BZA 47-19 DATED SEPTEMBER 19TH, 2019, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Ms. Reibel seconded the motion. All Board members voted, “Aye”, and the motion was approved.


Mrs. Nofer reviewed the following from the staff memo:

**Findings of Fact & Conclusions**

**Background:**
This 12,903 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. This property is subject to, and the proposed plans have been approved by, the Architecture Review Board on January 9th, 2020.

The applicant is requesting approval to construct an addition to the existing two-story detached garage in the rear yard. The addition would be 31.9 feet by 33 feet for a total of...
1,052.7 square feet. The addition would be located 5.1 feet from the southern property line in the required side yard.

The existing 2-story detached garage in the southeast corner of the lot in the rear yard received a variance in 2015 for total accessory building area and encroachment in the required side yard. The existing garage was approved to be 3 feet from the side yard property line and to have 1,212.8 square feet of accessory building area. With the proposed addition, total accessory building area on the property would become 2,265.5 square feet.

The applicant is requesting this addition for the purposed of constructing an indoor sport court.

**Worthington Codified Ordinances:**
Section 1149.08(b) of the Worthington Codified Ordinances has the following regulations for accessory buildings:
- If the accessory structure exceeds 120 square feet, it must be setback at least 8 feet from the side yard lot line, and 10 feet from the rear lot line.

Section 1149.08(b) states, “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 to construct an addition to the existing detached garage. A variance of 2.9 feet is required for the side yard. A variance of 1,052.7 square feet is required for total accessory building area.

**Conclusions:**
The variance request is substantial. Although, neighboring property owners have expressed support for the proposed structure which may lessen the impact of the request.

The addition would allow for a space to host a sport court as well as possible storage of any outside materials and equipment.

The essential character of the neighborhood should not be substantially altered as the architectural features of the addition are consistent to that of the existing garage and dwelling.

The delivery of governmental services should not be affected.
Discussion:
Ms. Crane asked if the applicant was present. Mr. Chad Kiner, 690 Evening St., Worthington, Ohio. He said the space was not intended to be lived in, they just want to have an indoor sports court for the children and their friends. Ms. Crane asked Mr. Coulter how the Architectural Review Board felt about the structure. Mr. Coulter said the Kiners are his neighbors, and he was supportive of the project. He said the building materials would be the same and you would not be able to see the structure from the street.

Mr. Brown asked where the heating and cooling units would be located, and Mr. Kiner explained where the mini-split system would be located. Mr. Brown said the mini-split system would need to be screened from the neighboring property. Mr. Kiner said that would not be a problem. Ms. Crane asked if there was anyone present to speak for or against this application, but no one came forward.

Motion:
Ms. Reibel moved:

THAT THE REQUEST BY SIMPLIFIED LIVING ARCHITECTURE AND DESIGNS ON BEHALF OF CHAD KINER FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR A GARAGE ADDITION TO BE IN THE REQUIRED SIDE YARD AT 690 EVENING ST., AS PER CASE NO. BZA 01-2020, DRAWINGS NO. BZA 01-2020 DATED DECEMBER 20TH, 2019, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Seitz seconded the motion. All Board members voted, “Aye,” and the motion was approved.


Mrs. Nofer reviewed the following from the staff memo:

Findings of Fact & Conclusions

Background:
This 11,200 square foot property is an existing lot of record in the R-10 (Low Density Residential) Zoning District. The dwelling was built in 1957 and the current property owner has resided there since 1974.

The applicant is requesting to construct a 120 square foot, one-story addition to the existing dwelling that would encroach in required side yard. There is an existing concrete porch,
wall, and foundation where the addition is proposed. The proposed addition would align with the dwelling along the northern elevation and extend back 13 feet 8 inches.

The current porch structure and wall is approximately 2 feet 2 inches from the western side yard property line. The proposed addition would replace that structure and be 3 feet 3 inches from the property line; making it further away from the neighboring property.

The applicant is requesting this addition to acquire additional kitchen space as a part of an interior remodel. The abutting neighbor to the west has been made aware of the plans, and according to the applicant, has expressed no concerns.

**Worthington Codified Ordinances:**
Section 1149.08(b) requires all dwellings and structures accessory to the dwelling be at least 8 feet from the side yard line in the R-10 District.

**Request:**
The applicant is requesting to construct an addition in the required side yard. A variance of 4 feet 9 inches is required.

**Conclusions:**
The roof height for the addition appears to be shorter than the rest of the dwelling, making the appearance from the west less intrusive. In addition, the structure is proposed further away from the property line than the current porch location which creates more space between the two properties. These factors may mitigate the substantial nature of the variance request.

The essential character of the neighborhood should not be substantially altered as it appears many properties in the surrounding area may also have dwellings within the required side yard setback.

The delivery of government services should not be affected.

**Discussion:**
Mr. Coulter asked to review the overhang on the addition. He said it looked like the overhang, on what would be the right-hand side of the north elevation is more than it is on the other side of the house and he wanted to know if there was a reason for that, or if that was a mistake on the drawing.

Mr. Bryce Jacob, 1522 Hess St., Columbus, Ohio, representing J.S. Brown & Company, said there was a step back and they were trying to have a consistent overhang, so it was possible there was an error in how the overhang was drafted. Ms. Crane asked if there was anyone present who wanted to speak for against this application.
Mr. John Hopler, 219 Sanbridge Circle, Worthington, Ohio, said he appreciated the representatives from J.S. Brown & Company for communicating with them concerning the project. He said they expressed some concerns about the excavation work that would be done closer to his own home and if there would be any drainage effect on his property, or to the piping. The second concern was privacy because of the way the addition would jet out towards their master bedroom window. He asked if this was a normal variance request and if so, would give them peace of mind should they ever talk to a future buyer. Ms. Crane said the request was not terribly unusual, but she did not know the history about that particular subdivision. Mr. Brown explained most of the houses in the area were built in the 1950’s and 1960’s and the Code was developed in the 1970’s so this was not an unusual request. There were no other speakers.

**Motion:**
Mr. Coulter moved:

**THAT THE REQUEST BY J.S BROWN AND COMPANY ON BEHALF OF ANNIE GARRAWAY FOR A VARIANCE FROM CODE REQUIREMENTS TO ALLOW FOR AN ADDITION TO BE IN THE REQUIRED SIDE YARD AT 211 SANBRIDGE CIR., AS PER CASE NO. BZA 02-2020, DRAWINGS NO. BZA 02-2020 DATED JANUARY 9th, 2020, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Seitz seconded the motion. All Board members voted, “Aye,” and the motion was approved.

**Other**

Mr. Brown gave an update regarding the status of Building Permits for projects on South Street and Tucker Drive.

**Adjournment**

Mr. Seitz moved to adjourn the meeting, seconded by Ms. Reibel. All Board members voted, “Aye,” and the meeting adjourned at 7:33 p.m.
BZA 07-2020

142 Park Boulevard. Worthington, Ohio 43085

Appeal of the Building Inspector Interpretation/Violation Order
Table of Contents

1. Appeal of Ms. Jacqueline Gargus & Thomas Huff
2. Informational Notice
3. Notice of Violation and Order to Correct by Chris Keppler
4. Law Director & Property Owner Email Correspondence
Dear Madam:

On 17 December 2019 we received a message from the Worthington Planning and Building Department regarding a Violation Order for rentals at our house at 142 Park Blvd., Worthington 43085. The message "clearly indicated [your] right to seek modification or withdrawal of the Order by filing an application with the Board of Zoning Appeals (BZA)" by 23 December 2019.

After meeting with Chris Kepler and Lyda Bitar of the Worthington Planning and Building Department, we were concerned that the language used in the citations of the Ohio Building Code (310.3.2) and Ohio Revised Code (3731.01) was ambiguous and did not seem to bear directly on our case. We are hereby filing an appeal of the Violation Order so that terms may be more clearly defined.

We also understand from Mr. Kepler that the filing of an appeal entails a stay on the Violation Order.

We look forward to working with you to resolve this matter.

Yours Sincerely,

Jacqueline Gargus & Thomas Huff
November 15, 2019

Jacqueline Gargus
142 Park Blvd.
Worthington, Ohio 43085

Dear Ms. Gargus:

The City of Worthington received a complaint that your property at 142 Park Blvd. was being used for transient lodging. Yesterday I verified a current rental listing for the property on Airbnb.com.

Section 1121.04 of the Worthington Zoning Code* prohibits a building from being used for any purpose other than that which is permitted in the district in which the building is located, except as may be specifically provided for elsewhere in the code. In addition, Section 1147.01 provides that uses not specifically listed or interpreted by municipal officials to be categorically included under the Zoning Code, shall not be permitted except by amendment to the code.

Your property at 142 Park Blvd. is in an R-10 residential district, and according to Worthington’s Zoning Code, a “tourist home” is neither a permitted nor a conditional use in any R-10 zoned district. Short-term rentals through the Airbnb website fall within the meaning of a “tourist home” under the Zoning Code (1123.73), defined as follows: “Tourist Home means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than fifteen individuals and open to transient guests.”

Therefore, we find that your use of the property as a commercially advertised “tourist home”, subject to ongoing bookings and stays of multiple and variable lengths for transient guests, is not legally permitted under current municipal zoning ordinances, and must therefore cease.

Thank you for your understanding in this matter, and if you have any further questions, feel free to contact me at (614) 431-2424.

Sincerely,

[Signature]

Chris R. Keppler, Code Enforcement Officer
Planning and Building Department
Division of Building Regulation

*Codified Ordinances of Worthington are available for review online at www.Worthington.org
Architect’s House on the Park

Worthington

Tom

Park House is a beautifully restored and artfully furnished mid-century modern, four-bedroom, two-bath house. It is nestled between an expansive park, a wooded slope, picturesque walking trails, and Rush Creek. It’s like being in the countryside, yet you are only a short walk to the restaurants, bars, shops, farmers’ market, and clubs of historic Worthington’s lively downtown. It is also short walk to the bus route to the Ohio State campus, where parking is a challenge on football Saturdays.

Reviews

⭐4.93
15 reviews
NOTICE OF VIOLATION AND ORDER TO CORRECT
Investigation File #: 2019-1811
December 2, 2019

TO: Jacqueline Gargus
142 Park Blvd.
Worthington, OH 43085

LOCATION OF REAL ESTATE:
142 Park Blvd.
Parcel ID: 100-000945-00

On November 15, 2019, I sent you formal written notice that your use of the above-referenced property as a commercially advertised “tourist home”, subject to ongoing bookings and stays of multiple and variable lengths for transient guests was not legally permitted under current municipal zoning ordinances, and must therefore cease.

As discussed by phone on November 25, you agreed to comply with the zoning code by pulling the Airbnb ad for the property, but you requested permission to honor existing Airbnb bookings through the end of the year with an understanding that those commitments would not involve large parties, and there would be no further noise or parking problems.

I told you I would discuss this with managers in my department before responding to your request. Due to the Thanksgiving holiday, that discussion occurred this morning at our weekly staff meeting, and based on continued complaints from nearby residents, and multiple corresponding police runs to the property to deal with disorderly conduct and peace disturbances,

You are hereby ordered to correct this zoning violation, effective immediately upon receipt. Failure to comply with this order is a violation of the Codified Ordinances* of the City of Worthington, specifically:

1121.04 COMPLIANCE WITH REGULATIONS.
(a) No building or structure shall be located, erected, constructed, reconstructed, enlarged or structurally altered except in conformity with the area, height and yard regulations of the district in which such building or structure is located or except as specifically hereinafter provided.
(b) No building, structure or lot shall be used for any purpose other than that which is permitted in the district in which such building, structure or lot is located except as specifically hereinafter provided.
(c) No yard or other open space existing about any building or structure shall be so reduced in area or dimension as to make it less than the minimum required by this Zoning Ordinance except as specifically hereinafter provided.
(d) No lot or acreage held under one ownership at the time of the effective date of this Zoning Ordinance (Ordinance 51-71, passed December 13, 1971) shall be reduced or subdivided in any manner below the minimum area and yard provisions required by this Ordinance except as specifically hereinafter provided.
(Ord. 51-71. Passed 12-13-71.)

1123.73 TOURIST HOME.
"Tourist home" means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than fifteen individuals and open to transient guests. (Ord. 22-87. Passed 5-11-87.)
1125.99 PENALTY.
It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in or any provision of this Zoning Ordinance or any amendment or supplement thereto adopted by Council. Any person, firm or corporation violating any regulation thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars ($500.00). Every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

1147.01 PERMITTED AND CONDITIONAL USES.
The permitted and conditional uses for each district, except districts designated as Planned Use Districts, are shown in the accompanying tabulation which shall constitute Chapter 1147 of the Zoning Ordinance. All uses in Zoning Districts designated Planned Use District shall be in accordance with the Preliminary Plan adopted by the City Council pursuant to Chapter 1174 of the Codified Ordinances. The interpretation of uses given in categorical terms shall be as defined in Chapter 1123. Uses not specifically listed or interpreted by municipal officials to be included categorically under this chapter and Chapter 1123 shall not be permitted except by amendment to the Zoning Ordinance… (Ord. 04-2013. Passed 2-19-13; Ord. 12-2017. Passed 4-3-17.)

YOU HAVE THE RIGHT TO SEEK MODIFICATION OR WITHDRAWAL OF THIS NOTICE AND ORDER BY FILING AN APPLICATION WITH THE WORTHINGTON CITY CLERK FOR A HEARING BEFORE THE WORTHINGTON BOARD OF ZONING APPEALS. THE APPLICATION MUST BE IN WRITING AND MUST SPECIFY THE GROUNDS THEREOF AND SHALL BE MADE WITHIN TWENTY (20) DAYS AFTER THE DATE OF THIS NOTICE. THE APPLICATION MUST BE FILED IN THE OFFICES OF THE WORTHINGTON CITY CLERK (614 436-3100), LOCATED AT 6550 N. HIGH STREET, WORTHINGTON, OHIO. OPEN 8:00 A.M. to 5:00 P.M. MONDAY THROUGH FRIDAY.

Sincerely,

Chris R. Keppler, Code Enforcement Officer
Planning and Building Department
Division of Building Regulation
(614) 431-2424

Cc: Jacqueline Gargus
5880 Beechview Dr. E.
Worthington, OH 43085

*Codified Ordinances are available for review in their entirety at www.worthington.org

Attachments: (3)
- Airbnb – General Information about local regulations
- Worthington – Permitted and Conditional Uses for R-10 (Low Density Residential)
- November 15, 2019 Informational Notice
Respectfully,

Tom Lindsey
Law Director
City of Worthington
374 Highland Avenue
Worthington, OH 43085
614-431-2424 (Office)
614-880-1467 (Fax)
 tlindsey@ci.worthington.oh.us

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Begin forwarded message:

From: Jackie Gargus <jgargus@gmail.com>
Date: February 20, 2020 at 5:14:42 PM EST
To: "Lindsey, Tom" <Tom.Lindsey@worthington.org>
Subject: Re: 142 Park Street - Request for complaints, Interpretation of transient guest, Deadline for materials

Mr. Lindsey,
OK, thanks for the clarification.
Jackie
Ms. Gargus,

I received your voice message earlier today.

It appears there may have been a misunderstanding as to the ability to table the hearing indefinitely.

The hearing is scheduled for March 5th and hearing notices have been sent and posted.

You have four options regarding the scheduled hearing.

You may appear and present your arguments to the Board. The Board will consider the arguments and make a decision.

You may appear and request the Board to table the appeal. The Board will most likely table it to a specific date, probably one or two months.

You may choose to not appear. The Board will most likely deny the appeal in the absence of any argument by you.

You may email Ms. Nofer that you are withdrawing your appeal.

If you decide to withdraw your appeal, you would still have the ability to raise the issue at a future date.

You would simply file an application for a permit/approval under the zoning and building code to rent the property for less than 30 day periods.

Staff would then issue an adjudicatory order denying your application.

You would then have the ability to appeal that denial.

If you withdraw your appeal, staff does not intend to take enforcement action for any past violations.

However, any future violations would subject you to possible enforcement action.
Please let us know if you have any questions.

Respectfully,

**Tom Lindsey**

Law Director

City of Worthington

374 Highland Avenue

Worthington, OH 43085

614-431-2424 (Office)

614-880-1467 (Fax)

Tom.Lindsey@Worthington.org

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---

**From:** Lindsey, Tom  
**Sent:** Tuesday, February 18, 2020 3:16 PM  
**To:** jgargus@gmail.com  
**Cc:** Keppler, Chris <Chris.Keppler@worthington.org>; Bitar, Lynda <Lynda.Bitar@worthington.org>; Nofer, Laney <Laney.Nofer@worthington.org>
Ms. Gargus,

I wanted to follow up with you concerning your appeal and my previous email. Staff did not receive any materials from you to include in the packet prior to the February 7th deadline.

The appeal is still scheduled to be on the agenda for the March 5th Board of Zoning Appeals meeting.

You are entitled to appear at the hearing and present any evidence or argument in support of your appeal.

If you have decided not to pursue the appeal, please notify Ms. Bitar and Ms. Nofer that you are withdrawing your appeal.

If possible, please do it by 10:00 am tomorrow so it can be properly noted on the meeting agenda.

Please feel free to contact me if you have any questions.

Respectfully,

Tom Lindsey

Law Director

City of Worthington

374 Highland Avenue

Worthington, OH 43085

614-431-2424 (Office)

614-880-1467 (Fax)
Ms. Gargus,

This email is a follow up to our meeting earlier this month.

REQUEST FOR COMPLAINTS

You had requested copies of the complaints that the City had received concerning the short term rentals of your property.

I have attached various emails in response to your request.

Please let me know if you have any additional public record requests.
INTERPRETATION OF TRANSIENT GUEST

You had also requested clarification regarding whether certain short term rentals of the property would be permitted under the City zoning code.

The first situation involved the possibility of entering into a rental agreement with a company that would involve different employees of the company staying in the house for less than 30 day periods.

In my opinion each individual employee would be considered a separate transient guest.

The company, while paying the rent, is not staying in the house and would not be considered a guest.

The second situation involved the possibility of having the same individual agree to rent the house for a specific week of the month for five consecutive months (or 2 weeks of the month for 3 months).

The statutory definition of transient guest found in state code is less than 30 consecutive days.

I am not aware of any statutory exception or legal interpretation that permits adding separate lengths of stay to aggregate more than 30 consecutive days.

Therefore, it is my opinion that both situations would be a violation of the City zoning code.

DEADLINE FOR MATERIALS

Next Friday, February 7th, is the deadline for you to submit any written materials that you want included in the packet for your appeal.

There is no requirement that you submit written materials.

You are permitted to simply appear at the hearing and present oral testimony and argument.

Please feel free to email myself or Lynda Bitar if you have any questions regarding this matter.
Respectfully,

Tom Lindsey

Law Director
City of Worthington
374 Highland Avenue
Worthington, OH 43085
614-431-2424 (Office)
614-880-1467 (Fax)
Tom.Lindsey@Worthington.org

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1. Property Location  50 East Dublin-Granville Rd, Worthington, OH 43085

2. Present/Proposed Use  Middle School

3. Zoning District  City of Worthington Historic District, 100006615

4. Applicant  Schorr Architects

   Address  230 Bradenton Avenue, Dublin, OH 43017

   Phone Number(s)  614-798-2096

   Email

5. Property Owner  Worthington Board of Education

   Address  200 E. Wilson Bridge Rd. Worthington, OH 43085

   Phone Number(s)  614-450-6000

   Email

6. Action Requested (ie. type of variance)  Set-Back Variance

7. Project Details:
   a) Description  Addition to the east facade of Kilbourne Middle School

   b) Expected Completion Date  August 2021

   c) Approximate Cost  ~3.4 - 3.6 Million

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

Applicant (Signature)  2.07.2020

Property Owner (Signature)  2.07.2020
Abutting Property Owners List for
50 E. Granville Rd.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Location</th>
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<tbody>
<tr>
<td>Huntington National Bank</td>
<td>800 N. High St</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Board of Trustees</td>
<td>752 N. High St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Worthington Public Library</td>
<td>820 High St</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Victoria Brankamp</td>
<td>782 Hartford St</td>
<td>Worthington, OH 43085</td>
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<tr>
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<td>77 E. Granville Rd</td>
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<tr>
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<td>89 E. Granville Rd.</td>
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<tr>
<td>James Ventresca</td>
<td>764 Hartford St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>James Ventresca</td>
<td>72 Granville Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>St. Johns Church</td>
<td>700 High St.</td>
<td>Worthington, OH 43085</td>
</tr>
</tbody>
</table>
Kilbourne Middle School Addition and Renovations
Supporting Statement
02/07/2020

The project is an addition and partial renovation to the existing middle school.

Project Information

The addition is located on the east portion of the building which fronts Hartford St. This east portion of the existing building was constructed in 1965 as part of an addition to the original 1938 building. No portion of the 1938 building will be affected by this addition.

The partial renovations to the building encompass the existing administrative offices, student dining, and small storage spaces on the second floor. The administrative offices are located in the original 1938 building, and will be renovated into two new classrooms. Student Dining will be expanded as part of the addition, and existing portions not part of the addition will be renovated to match. On the second floor, two existing storage rooms will be renovated to accessible restrooms.

Variance Supporting Information

The location of the addition is essential to the project as it is the only room for expansion on the site without either eliminating parking or disrupting the historic Kilbourne Middle School façade on the south end. Additionally, the project is designed to meet the standards of the OFCC which includes room areas based on program. Each room is designed to meet those requirements. As the building is an addition, there would be no change to the character of the neighborhood. The programmatic elements that exist at the exterior now will be the same, being drop-off and pick-up.

The purpose of the addition is to increase the number of classrooms and the area of student dining space to the OFCC standards in order to meet the increasing demands of student enrollment; while also to create a safer entry in the process. Currently, the south historic entry is the secured entry for the school, yet the vast majority of the student population enters and leaves through the east entrance. This is a problem, as the administration area secures an entry point that is not the most used in the school. In the proposed addition, the administrative area will move to the east entry and create a secure entrance by which all traffic into the school can be ascertained. Five classrooms will be created, and student dining will be expanded.

On the exterior of the building, the existing concrete area is used as a waiting area for students awaiting pick-up. A portion of the area is used as public sidewalk which is a part of the only connection between E. Dublin Granville Rd. and Worthington Public Library. The face of the building addition and entry extend from the existing building to 10ft away from the curb. This condition extends for a distance of 50ft. Additionally, governmental services would not be adversely affected. We believe that we are not substantially affecting the usability of the sidewalk, and as such the intent behind the zoning requirement is maintained.
Worthington Kilbourne Middle School
Addition and Renovations
02.07.2020
EXISTING EAST FACADE
NEW EAST FACADE

CITY OF WORTHINGTON
DRAWING NO. BZA 03-2020
DATE 02/07/2020
ENLARGED EAST ELEVATION

1/16" = 1'-0"
ENLARGED SOUTH ELEVATION
1/16" = 1'-0"

ENLARGED NORTH ELEVATION
1/16" = 1'-0"
1. Property Location

   173 E Wilson Bridge Rd

2. Present/Proposed Use

3. Zoning District

   R-10

4. Applicant

   HAROLD CAREINS

   Address

   173 E Wilson Bridge Rd

   Phone Number(s)

   614 859-0257

   Email

5. Property Owner

   HAROLD CAREINS

   Address

   173 E Wilson Bridge Rd

   Phone Number(s)

   614 859-0257

   Email

6. Action Requested (ie. type of variance)

   Variance Front Yard Set Back

7. Project Details:

   a) Description

      Sidewalk Fence on Front Sidewalk

   b) Expected Completion Date

      3-31-2020

   c) Approximate Cost

      $7,000

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature)

[Signature]

Date

01-28-2020

Property Owner (Signature)

[Signature]

Date

08-28-2020
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>Zip Code</th>
</tr>
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<tbody>
<tr>
<td>IS-CAN Ohio LP</td>
<td>2600 Corporate Exchange Dr</td>
<td>Columbus, OH</td>
<td>43231</td>
</tr>
<tr>
<td>Worthington City Schools District Board of Education</td>
<td>200 E. Wilson Bridge Rd.</td>
<td>Worthington, OH</td>
<td>43085</td>
</tr>
<tr>
<td>Tenant</td>
<td>150 E. Wilson Bridge Rd.</td>
<td>Worthington, OH</td>
<td>43085</td>
</tr>
<tr>
<td>George &amp; Kathryn Bleimes</td>
<td>158 Northigh Dr.</td>
<td>Worthington, OH</td>
<td>43085</td>
</tr>
<tr>
<td>Christopher &amp; Lindsay Selinsky</td>
<td>156 Northigh Dr.</td>
<td>Worthington, OH</td>
<td>43085</td>
</tr>
<tr>
<td>Steven &amp; Cynthia Taylor</td>
<td>154 Northigh Dr.</td>
<td>Worthington, OH</td>
<td>43085</td>
</tr>
<tr>
<td>Granby Place LLC</td>
<td>470 Olde Worthington Rd. Suite 1</td>
<td>Westerville, OH</td>
<td>43082</td>
</tr>
<tr>
<td>Susan Smathers</td>
<td>163 E. Wilson Bridge Rd.</td>
<td>Worthington, OH</td>
<td>43085</td>
</tr>
</tbody>
</table>
Harold Careins  
173 E Wilson Bridge Rd  
Worthington, OH 43085

January 26, 2020

Dear Board of Zoning Appeals,

I humbly request a variance for a front yard setback at 173 E Wilson Bridge Rd in Worthington for a fence project under permit 1332.

We decided to build a decorative rail fence on the east and west side of our yard. The original site plan and granted permit observed the 50’ front yard setback but looked incomplete. A variance for the front yard setback will allow the fence to have a more complete look. The fence is currently under construction and the remaining sections in the front yard are tacked together to give us a visual of what it would look like. The present location of the fence allows for future development of a bike path and doesn’t interfere with any services.

We are only looking to keep the fence in its current location. A variance for a front yard setback was granted for fence permit (1010) constructed at 173 E Wilson Bridge Rd back in December of 2016. I wasn’t sure if my previous variance for a front yard setback carried over with fence permit 1332.

Respectfully submitted,
Harold Careins  
173 E Wilson Bridge Rd.  
(614) 859-0257
173 E. Wilson Bridge Rd.
1. Property Location 100 W. South St.

2. Present/Proposed Use Detached Garage

3. Zoning District

4. Applicant Neil Deepfer
   Address 100 W. South St.
   Phone Number(s) (614) 956-8667
   Email

5. Property Owner Neil Deepfer
   Address 100 W. South St.
   Phone Number(s) (614) 956-8667
   Email

6. Action Requested (ie. type of variance) additional time to complete work

7. Project Details:
   a) Description Detached Garage
   b) Expected Completion Date 4/30/2020
   c) Approximate Cost $30,000

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

Applicant (Signature) 1/19/2020

Property Owner (Signature) 1/29/2020
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles &amp; Leslie Buford</td>
<td>96 W. South St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Sarah Johnston &amp; Fritz Graf</td>
<td>117 W. South St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Brenda Sutherland</td>
<td>111 W. South St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Susan Hoffmannbeck</td>
<td>102 W. South St.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Samuel &amp; Mary Musgrove</td>
<td>562 Evening St.</td>
<td>Worthington, OH 43085</td>
</tr>
</tbody>
</table>
Supporting Statement

We ran into a lot of delays with the project, mainly centering around three main issues:

- Started late due to lack of contractor availability and weather issues
- Health issues with immediate family delayed us for 10 months
- Health issues with extended family delayed us for another 5 months

Essentially we are doing the project ourselves, hiring contractors where needed but not to complete the entire structure. Once we got going last summer (late), we built the foundation and then my wife broke her foot. Rather than hire out the rest of the construction we chose to wait until she could participate, working on it as time permitted which was limited due to her care needs. Then we got going this spring/summer and after framing my mother developed severe health issues which have consumed almost all of our time. That has now been resolved and we are moving forward again.
Permit Information

Address: 100 SOUTH ST W
Application# - Date: 20180747 - 06/05/2018
Application Type: PERMIT
Permit# - Date: 24430 - 06/13/2018
Type of Work: NEW BUILDING
ELECTRICAL/FIRE ALARM
HVACR
PLUMBING
Project: NEW GARAGE & WORKSHOP 6/18
Contractor: TO BE DETERMINED
Status: Open

Inspections

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<th>Pass/Fail</th>
<th>Notes</th>
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<td>LENNY LEWIS</td>
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<td>07/02/2019</td>
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<td>KEN FARMWALD</td>
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Plan Review

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<th>Completed</th>
<th>Reviewer</th>
<th>Approved?</th>
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<tr>
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<tr>
<td>01/09/2019</td>
<td>01/09/2019</td>
<td>DON PHILLIPS</td>
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<td>10/18/2018</td>
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<td>06/05/2018</td>
<td>06/11/2018</td>
<td>DON PHILLIPS</td>
<td>Partial</td>
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No fees due at this time. Call 431-2424 if you have any questions
City of Worthington
BOARD OF ZONING APPEALS
APPLICATION
Meetings – First Thursday of Every Month

1. Property Location  CORNER OF WEST NEW ENGLAND & FARRINGTON DR.

2. Present/Proposed Use  SINGLE FAMILY HOME

3. Zoning District  R-10

4. Applicant  JONATHAN & LESLEY KHOURY
   Address  314 W. NEW ENGLAND
   Phone Number(s)  614-302-0125
   Email

5. Property Owner  JONATHAN KHOURY
   Address  314 W. NEW ENGLAND
   Phone Number(s)  614-302-0125
   Email

6. Action Requested (ie. type of variance)  REAR YARD SETBACK

7. Project Details:
   a) Description  ADDING MASTER SUITE TO EXIST. HOME
   b) Expected Completion Date  LATE 2020
   c) Approximate Cost  $20K

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

Applicant (Signature)  1/20/20
Property Owner (Signature)  1/20/20
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State, ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel and Heather Shellenbarger</td>
<td>642 Farrington Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Dominic Gugliemi</td>
<td>306 W. New England Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>John and Carol Robinson</td>
<td>313 W. New England Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Michael and Felicity Beck</td>
<td>321 W. New England Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Lyndon and Susan Smith</td>
<td>629 Farrington Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Christopher and Sarah Fisher</td>
<td>637 Farrington Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Raymon Bulkley</td>
<td>621 Farrington Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
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</table>
KHOURY VARIANCE - REAR YARD

SUPPORTING STATEMENT

1. HOME WILL NOT FUNCTION PROPERLY FOR OUR GROWING FAMILY WITHOUT THE ADDITIONAL BEDROOM & BATH.

2. WE CONSIDER IT SUBSTANTIAL TO MEET OUR NEEDS.

3. THE VARIANCE REQUEST WILL NOT CHANGE THE NEIGHBORHOOD. THE ADDITION IS ACTUALLY ABOUT 8' FURTHER FROM THE REAR LINE THAN THE EXISTING HOUSE.

4. THE VARIANCE WILL NOT AFFECT DELIVERY OF ANY GOVERNMENT SERVICES.

5. THERE WAS NO KNOWLEDGE OF THE 30 FOOT REAR SETBACK SINCE THE EXISTING HOUSE IS APPROX. 17'-6" FROM THE REAR LINE.

6. THE ONLY OTHER OPTION FOR ADDITIONAL BEDROOM WOULD BE TO ADD A SECOND FLOOR. (VERY COSTLY)

7. WE THINK THE VARIANCE IS JUSTIFIED. ONLY A SMALL PORTION OF THE ADDITION ENCROCHES OVER THE 30' BUILDING LINE, STILL MUCH LESS THAN THE ORIGINAL HOUSE.

COPY - DENNIS MEACHAM
DJMARCHITECT@GMAIL.COM
314 W. New England Ave.
1. Property Location 337 Pingree Dr Worthington, OH 43085

2. Present/Proposed Use Storage/Garage Use

3. Zoning District

4. Applicant Anna R Rinehart
   Address 337 Pingree Dr Worthington, OH 43085
   Phone Number(s) 614.397.1698
   Email

5. Property Owner Same as above
   Address
   Phone Number(s)
   Email

6. Action Requested (ie. type of variance) *SHELD IS NOT 10' FROM PROPERTY LINE.

7. Project Details:
   a) Description Storage Shed
   b) Expected Completion Date Finished
   c) Approximate Cost $5900.00

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

Anna Rinehart
Applicant (Signature) 1.16.2020

Anna Rinehart
Property Owner (Signature) 1.16.2020
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michele Brown</td>
<td>345 Pingree Dr</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Heather McGurer</td>
<td>300 E. Stafford Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>William and Jimmie Halfen</td>
<td>329 Pingree Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Pharoah Properties, LLC</td>
<td>3311 Calumet St.</td>
<td>Columbus, OH 43202</td>
</tr>
<tr>
<td>Tenant</td>
<td>292 E. Stafford Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Mark and Virginia Roesner</td>
<td>289 E. Clearview Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Robin Freeman</td>
<td>340 Pingree Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>John and Martha Beatty</td>
<td>310 E. Stafford Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
</tbody>
</table>
February 4th, 2020

This shed is replacement for old deteriorated shed that existed when we purchased the home.

Thank you,
Anna Richard
614, 397, 1698

CITY OF WORTHINGTON
DRAWING NO. BZA 08-2020
DATE 02/04/2020
City of Worthington
BOARD OF ZONING APPEALS
APPLICATION
Meetings – First Thursday of Every Month

1. Property Location 384 Colonial Ave. Worthington OH 43085

2. Present/Proposed Use Residential

3. Zoning District

4. Applicant Nathan Niese and Sarah Niese

   Address 384 Colonial Ave. Worthington OH 43085

   Phone Number(s) 614-296-4669

   Email

5. Property Owner Nathan Niese and Sarah Niese

   Address 384 Colonial Ave. Worthington OH 43085

   Phone Number(s) 614-296-4669

   Email

6. Action Requested (ie. type of variance) Change of structural footprint that encroaches into side-yard setback.

7. Project Details:
   a) Description Addition of attached two-car garage + additional living space
   b) Expected Completion Date August, 2020
   c) Approximate Cost $250,000

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

Applicant (Signature) 2.10.2020

Property Owner (Signature) 2.10.2020
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher Schraff</td>
<td>376 Colonial Ave.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>Anna Marty</td>
<td>396 Colonial Ave.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>Jane Reida</td>
<td>5765 Andover St.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>Mary Brown</td>
<td>397 Colonial Ave.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>Jami Velker</td>
<td>389 Colonial Ave.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>Jeanne Ritchey</td>
<td>379 Colonial Ave.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>David and Michelle Frenz</td>
<td>5771 Andover St.</td>
<td>Worthington</td>
<td>OH 43085</td>
</tr>
<tr>
<td>Janet Keller</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SUPPORTING STATEMENT
Nathan & Sarah Niese
384 Colonial Ave. Worthington, OH 43085

(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;
   - The proposed variance directly increases value to the subject property and contributes to increased value of the adjacent properties and Colonial Hills Subdivision at large.

(2) Whether the variance is substantial;
   - The variance is not substantial. It represents a small corner of proposed structure encroaching on the required setback. The encroachment DOES NOT consist of the entire length of the elevation. Special care and planning have been exercised to respect the existing setback at the front and rear corners. The encroachment at the midpoint of the elevation is a function of an irregular shaped lot.

(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;
   - The character of the neighborhood will not be substantially altered since Colonial Hills homes and sites have all been planned and originally constructed with minimal setbacks. The new proposed addition reinforces Colonial detailing as a defining characteristic of the existing architectural fabric.

(4) Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage);
   - The variance will not adversely affect delivery of government services.

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;
   - When this property was purchased the owners had no knowledge of the side yard zoning restrictions.

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
   - The increasing need for second vehicle storage in Colonial Hills is not easily obviated on any existing lot of record without variances. This particular lot is not easily solved by locating additional vehicle storage to the rear or west for several reasons. 1. The existing West elevation is closer to the west setback and property line than the east so a greater variance would be required on that side. 2. Locating vehicle storage in the rear yard would require vehicle circulation along the east property line which would affect the experience of the adjacent property. Additionally, the adjacent property would be required to look into the proposed garage in this location.

(7) Whether the spirit and intent behind the zoning requirement would be
   - The spirit and intent of the zoning requirement is already being observed and reflected in the careful planning of the rest of the building footprint to specifically avoid gross obtuse gestures that disregard the setback. The variance needed for the small proposed encroachment is a direct result of standard vehicle widths and architectural detailing that compliments the existing character of the neighborhood. To deny this request would be a rejection of aesthetic values, and would also be inconsistent with an established pattern by City of Worthington to grant variances that increase property values.

CITY OF WORTHINGTON

DRAWING NO. BZA 09-2020

DATE 02/10/2020
384 Colonial Ave.
384 Colonial Avenue
Zoning: R-10 Low Density Residential
Total Lot Area: 16,625.64 Ft² .38 Acres
Existing House Footprint: 2,961.30 Ft²
Total Proposed Lot Coverage (Structure Only): 18%
CITY OF WORTHINGTON
DRAWING NO. BZA 09-2020
DATE 02/10/2020

Front Elevation
Scale: 1/4" = 1'-0"

Rear Elevation
Scale: 1/4" = 1'-0"