

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: January 25, 2010**

**Regular Meeting**

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:00 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board Members Harold “Butch” Little, John Brant and Jeff Davis; Planning and Zoning Coordinator Christy Zempter; Chief Building and Zoning Official Michael Boso; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: Joseph H. Marek and Keith Cobb, representing Giant Eagle, 2173 Stringtown Road; and Rick Boone and Trent Soles, representing Dairy Queen, 3050 Southwest Blvd.

*Motion* was made by Mr. Brant to approve the minutes of the December 28, 2009, regular meeting.

**Seconded by Mr. Little. VOTE: Brant, YES; Little, YES; Davis, ABSTAIN. APPROVED.**

All who wished to address the board were sworn in at this time.

1.) Election of new chair.

Mr. Brant nominated Mr. Little as chair. The nomination was seconded by Mr. Davis.

VOTE: Mr. Little, YES; Mr. Davis, YES; Mr. Brant, YES. **APPROVED.**

2.) **Hear the appeal of Joseph H. Marek, representing Giant Eagle, 2173 Stringtown Road,** for a variance to Section 1145.16(a)(3) of Grove City’s Codified Ordinances to exceed the 200 square feet of allowable attached signage by 125 square feet.

Mr. Marek addressed the board, informing the members that Giant Eagle was adding a state liquor agency within the store and wanted to add a sign to bring attention to its presence.

Mr. Brant asked why the phrase “state liquor agency” was being used, given that there is a state agency that sells liquor for the Board of Liquor Controls and that there was a store operated by this agency across the street from Giant Eagle. Mr. Marek responded that he would have to check with representatives of Giant Eagle to be sure, but he assumed that a state liquor agency would be opening inside the store. Mr. Brant noted that Giant Eagle sells some alcohol products already. Mr. Marek acknowledged that fact and said he thought perhaps the state liquor agency would allow the store to sell more hard liquor products.

Mr. Brant asked if the proposed signage would be comparable to the existing signage advertising the store’s pharmacy. Mr. Marek responded that it would.

Mr. Davis asked why representatives of Giant Eagle wouldn’t typically be available to respond to such questions at the meeting. Mr. Marek said that as the applicant for the permit, he would be able to answer more questions from a technical standpoint regarding the sign, but if other questions remained and the item needed to be tabled to another meeting, representatives of Giant Eagle might need to attend to answer those questions.

Mr. Davis asked how a question regarding the legitimacy of a sign – whether it’s an accurate portrayal of what’s offered – would be resolved. Mr. Boso said that if the board members had any questions that

couldn't be answered by the sign company's representative, the board could either disapprove the request based on those questions or table the item to the next meeting to allow time to gather the necessary information. Mr. Little added the third possibility that the answers could be gathered beforehand.

Mr. Davis asked if there was a timetable in place for the installation of the sign. Mr. Marek said his company already had the sign, but that it could be installed in another location if it was not approved for the Stringtown Road store. He estimated a timetable of two to three weeks before it was installed, depending upon the decision of the board.

Mr. Little asked if any consideration had been given to the possibility of consolidating signs to keep the overall area within the limits of the existing variance for the location. Mr. Marek said he didn't believe Giant Eagle had looked at that possibility. The existing variance permits 272 square feet of attached signage, which is 72 square feet beyond the code limit of 200 square feet. Mr. Little noted that the approval of the proposed sign would further increase nonconformity to City code. Mr. Marek asked if a new variance would be required if an existing sign were reduced in size to accommodate the new sign. Ms. Zempter responded that if the overall area of the attached signage remained within the 272-square-foot limit of the existing variance, a second variance would not be required. Mr. Marek said he would have to consult with Giant Eagle representatives to find out whether they would agree to changes in existing signage to keep the overall area within 272 square feet.

Mr. Little asked Mr. Marek if his company installed signage for many Giant Eagle locations. Mr. Marek said that Giant Eagle has a national contract with another company, but that his company subcontracts for a lot of the work within the central Ohio area. Mr. Little asked if the proposed "state liquor agency" signage was typical of what was installed at other locations, and Mr. Marek said he believed it was.

Mr. Little asked if the sign was electrified, and Mr. Marek responded that it was an LED-illuminated sign. Mr. Little asked if any preparations other than the shipping of the sign had been undertaken. Mr. Marek said that no work had been done to the store and that the only preparations had been to file for the sign permit and, subsequently, the variance.

Mr. Little asked when the addition of signage would end, noting that other options could be added within the store that the owners might like to advertise with permanent signage. Mr. Marek said he believed the size of the store would limit expansion to a degree and that the proposed signage would be proportional to the shopping center. Mr. Little responded that he believed approval would set a precedent and create the possibility of a revolving door of requests for additional signage.

Mr. Marek asked if there were other tenants in Grove City who exceeded signage limits significantly. Ms. Zempter responded that there are other commercial properties that have been granted variances to exceed allowable signage, an example being Parkway Centre East, which was granted a variance that essentially permitted 1.5 square feet of signage per lineal foot of frontage rather than the 1:1 ratio required by the code.

Mr. Brant asked if there was another way to advertise the presence of the state liquor agency. Mr. Marek suggested a banner, but Ms. Zempter responded that code permits commercial banners only for grand openings and only for 20 days. It was determined that the Giant Eagle portion of the pylon sign on the property could be reconfigured to incorporate a reference to the state liquor agency as long as the size of the sign was not increased.

Mr. Brant noted that the request came down to an aesthetics issue versus a business issue to make the public aware of the presence of the state liquor agency. Mr. Little stated that he would agree except for

the fact that alcohol already is sold within the store, so it's not a completely new concept, and no sign was installed to advertise the sale of beer and wine.

**Motion** was made by Mr. Little to approve the appeal of Joseph H. Marek, representing Giant Eagle, 2173 Stringtown Road, for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the 200 square feet of allowable attached signage by 125 square feet.

**Seconded by Mr. Brant.** VOTE: Davis, YES; Brant, YES; Little, NO. **APPROVED.**

Mr. Little advised the applicant that there is a 21-day period during which the board's approval of the variance may be appealed to City Council, and that no permits would be issued during that period.

3.) **Hear the appeal of Trent Soles, representing Dairy Queen, 3050 Southwest Blvd.,** for a variance to Section 1145.06(c) to install a manual reader board.

Mr. Soles addressed the board, telling the members that a 20-foot-tall pylon sign with a manually changeable reader board is currently in place on the property. The existing sign does not conform to the height limit in the current City code, but has been grandfathered as a legally nonconforming structure. He said that Dairy Queen had considered two possibilities: to change the faces in the existing pylon sign and otherwise maintain it as it is or to remake the sign to conform to current national branding for Dairy Queen. As part of the second option, the sign would be brought within the current 8-foot height limit and would conform to code in all areas except the presence of the changeable copy.

Mr. Soles noted that the reader boards are a common element of Dairy Queen signage nationwide and that they are very effective for advertising purposes.

Mr. Little asked if the sign would be illuminated, and Mr. Soles said it would be. Mr. Little asked if any moving images would be incorporated into it, and Mr. Soles responded that none would.

**Motion** was made by Mr. Little to approve the appeal of Trent Soles, representing Dairy Queen, 3050 Southwest Blvd., for a variance to Section 1145.06(c) to install a manual reader board.

**Seconded by Mr. Brant.** VOTE: Brant, YES; Little, YES; Davis, YES. **APPROVED.**

Mr. Little asked if there was any other new business, and none was indicated.

### **Adjournment.**

**Motion** was made by Mr. Little and seconded by Mr. Brant to adjourn the meeting at 7:35 p.m. VOTE: Little, YES; Davis, YES; Brant, YES. **APPROVED.**

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Harold "Butch" Little, Chairman

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Christy Zempter, Secretary