

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: January 26, 2009**

Regular Meeting

Board Chairman Jeff LeVally called the Board of Zoning Appeals regular meeting to order at 7:05 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board Members Jeff LeVally, John Brant and Harold “Butch” Little; Planning and Zoning Coordinator Christy Zempter; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present was Matthew Yerkes, 4084 Broadway.

Motion was made by Mr. Brant to approve the minutes of the December 22, 2008, regular meeting.

Seconded by Mr. LeVally. VOTE: Brant, YES; LeVally, YES. APPROVED.

1.) Election of new chair.

Mr. LeVally tabled the election because Mr. Little had not yet been sworn in and Mr. Haque advised that he would not be able to participate as a member of the board until he has been sworn in. Mr. LeVally said he would serve pro tem until the election was held.

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

2.) Hear the appeal of Matthew Yerkes, 4084 Broadway, for a variance to the requirements of Table 1135.12-II of Grove City’s Codified Ordinances to provide eight fewer parking spaces than the required 10.

Mr. Yerkes told the members of the board that he and his wife were preparing to open a small business at the above address and had been advised that the parking variance would be required. Mr. Yerkes said that he had a website development company located on the north side of Columbus, but that the business planned for the Broadway location would be a small marketing company called Broadway Marketing Group. He went on to say that his wife would be working at the location and that he would be there part-time as well.

Mr. Brant asked how handicapped parking would be handled at the location. Mr. Yerkes said he had been in touch with representatives of the Department of Justice regarding ADA requirements and was told that since there’s no real room to put a handicapped parking spot on the property, they would only be required to provide equivalent facilitation, making arrangements to meet potential clients in an accessible location if they required that.

Mr. Brant indicated that his understanding was that the Department of Justice would require a variance from an acceptable board and that he wasn’t so sure Mr. Yerkes’ proposal would be acceptable from their viewpoint.

Ms. Zempter told the board that she had discussed the issue with Mr. Yerkes earlier and that the requirements for existing buildings were not so great as those for new buildings, though requirements do exist. She went on to say that ADA requirements ultimately were regulated by the Department of Justice through civil proceedings, and since he was acting on advice from Department of Justice representatives, that course of action would probably be safe.

Doug Grossman, 1788 Killdeer Dr., president of Robarco, which own the property just to the north of the subject property, then addressed the BZA members. He told board members that his biggest concern was that downtown parking is already a nightmare, and tenants in his nearby businesses already are running out of spaces because other people are parking in the spaces intended to serve his properties.

He said he doesn't like to tow cars, and doesn't think he ever has, but he doesn't want to see the situation aggravated. He added that he's 100 percent for building up business downtown, but the parking situation is a big issue and he doesn't have time to monitor his lots to make sure they're not being used by employees and customers of other businesses.

Mr. Brant asked how many parking spaces existed on Mr. Grossman's nearby properties, and Mr. Grossman estimated approximately 20 spaces.

Mr. Grossman said a second concern was the precedent that would be set if Mr. Yerkes left the property and another type of commercial establishment moved in.

Mr. LeVally asked Mr. Little if he would like to ask any questions as an interested observer. Mr. Little asked Mr. Yerkes where within the building the business offices would be located. Mr. Yerkes said he and his wife would each have offices in what used to be first-floor bedrooms. Mr. Little asked if there would be two to three employees in addition to Mr. Yerkes and his wife, and Mr. Yerkes responded that it would only be two to three total employees: Mr. Yerkes, his wife and possible his father on a part-time basis. Mr. Little asked if Mr. Yerkes had investigated expanding the existing concrete parking pad. Mr. Yerkes said he had but that it was his understanding that the City is not very enthusiastic about expanding parking in the front of the building and that he wanted to try to maintain the street appeal of the property.

Mr. Little asked if Mr. Yerkes had observed problems with others parking in the spots on his property, and Mr. Yerkes said he hadn't.

Motion was made by Mr. LeVally to approve the appeal of Matthew Yerkes, 4084 Broadway, for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to provide eight fewer parking spaces than the required 10.

Seconded by Mr. Brant. VOTE: LeVally, YES; Brant, YES. APPROVED.

Mr. LeVally advised the applicant that there was a 21-day appeal period during which any decision could be appealed to City Council and that no permits would be issued during that period.

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

Adjournment.

Motion was made by Mr. Brant and seconded by Mr. LeVally to adjourn the meeting at 7:23 p.m. VOTE: Brant, YES; LeVally, YES. **APPROVED.**

Jeff LeVally, Chairman

Christy Zempter, Secretary