

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
February 23, 2015**

The Chair, Ms. Reisling called the Board of Zoning Appeals meeting to order at 5:04p.m. at the Grove City Municipal Building, 4035 Broadway.

Roll was called and the following members were present:

John Brant

Kelly Reisling

George Holinga

Staff present: Representing Director of Law Stephen Smith, Yazan Ashrawi was in attendance. Also, Michael Boso, Chief Building and Zoning Official, and Planning and Zoning Coordinator Laura Scott.

All representatives addressing the board were sworn in at this time. The Chair moved to the first item on the agenda;

- 1) Ms. Reisling opened the nominations for a chair. Mr. Brant nominated Ms. Reisling, seconded by Mr. Holinga.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

- 2) Ms. Reisling moved to approve the minutes from the Sept. 29th, 2014. Second by Mr. Brant.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

The Chair moved to the next item. No representative was present for the Southwestern City Schools. The Chair moved to the next item.

- 3) Hear the appeal of **Joel Rhoades, representing Epcon Communities, 4883 & 4895 Hoover Rd.**, for a variance to the Flood Damage Prevention Code Section 1329.18 (a), Prohibited, to perform compensatory cutting and filling within the floodplain.

Todd Pomorski and Chris Buerkle were present. Mr. Pomorski briefly addressed the board regarding the project. Randy Vansky of 2585 Hoover Crossing Way spoke of concerns about flooding and a spring. He also understood from the plan he saw that the project would tie into the existing storm drains. He felt the construction of 64 residential buildings in the area could result in flooded basements and insurance claims.

Mr. Brant asked Mr. Boso if he had reviewed the request and had any issues with it. Mr. Boso said he had no issues with the request. He provided a detailed explanation of the plan showing how water for the project will be managed for Mr. Vansky. He showed from the drawing that it did not appear the project would tie in to existing storm drains. The City will not allow the developer to add to the storm drains if they could not handle it. This will all be engineered to handle the water appropriately. Even though they

are filling in certain areas they are also digging out in other areas. The changes to the stream will not only address the effects of the fill but also roof and storm water from the project through retention.

Mr. Brant clarified the developer must seek a variance to fill in the floodplain and that FEMA establishes the elevations. Ohio Department of Natural Resources and FEMA would have to review and approve any changes. Mr. Boso stated the FEMA approval would result in a Letter of Map Revision (LOMR). A more detailed study will be done showing elevations. The chair pointed out the storm water will all be moving to the southeast away from the neighboring subdivisions. Mr. Boso concurred.

Mr. Pomorski responded to Mr. Vansky's concern about a spring. He explained the borings are typically 15-25 feet deep. They have not discovered any rocks or springs so far. If they run into problems, they will address them appropriately based on the type of issue.

Motion by Ms. Reisling to grant the appeal of Joel Rhoades, representing Epcon Communities, 4883 & 4895 Hoover Rd., for a variance to the Flood Damage Prevention Code Section 1329.18 (a), Prohibited, to perform compensatory cutting and filling within the floodplain. Second by Mr. Brant.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; APPROVED.

The Chair moved to the next item.

- 4) Hear the appeal of **Doug Kincaid, Interstate Construction representing Watermark Services, LLC, 1920 Stringtown Rd., (Wendy's)** for a variance to Section 1145.16 (a)(3)(A) Sign Area Measurement, to install five signs totaling 88 square feet, exceeding the total square footage allowed of 42 square feet by 52% or 46 square feet.

Doug Kincaid, representing Wendy's explained the request for additional signage for the new Wendy's on Stringtown. The new ultra-modern building will replace Watermark's only free-standing Wendy's in Grove City. It is one of three Wendy's in Grove City. Today's Wendy's customer is a drive-through customer and rarely enters the store. The new branding and quality statement is the new standard for Wendy's. Three of the five signs do not necessarily require a variance but are part of the package. The quality statement lettering measuring 10 feet on the East elevation help to identify the main entrance. The 31 square-foot quality statement is designed to be visible to drive through customers.

Mr. Brant indicated the BZA had granted a similar request for the Raising Cain's next door. Mr. Brant asked if any of the adjacent property owners have contacted us. Ms. Scott said no. Mr. Holinga felt the signage was consistent with the monument sign. There being no questions, opponents or concerns;

Motion by Ms. Reisling to grant the appeal of Doug Kincaid, Interstate Construction representing Watermark Services, LLC, 1920 Stringtown Rd., (Wendy's) for a variance to Section 1145.16 (a)(3)(A) Sign Area Measurement, to install five signs totaling 88 square feet, exceeding the total square footage allowed of 42 square feet by 52% or 46 square feet. Second by Mr. Holinga.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

The Chair moved to the next item.

- 5) Hear the appeal of **Muhammad Arif, Skyways Petroleum, 4441 Broadway**, for a variance to Section 1145.06, Prohibited Signs, to approve an existing changeable copy sign and electronic gas pricing sign.

Mr. Arif was present and addressed the board. He is a new business owner converting the Grove City Marathon to a Mobil station. He believes the electronic sign provides greater visibility compared to the old manual font sign. He would like to keep the changeable copy sign because it has been there 10-15 years and looks good on the building.

Mr. Brant asked Mrs. Scott to confirm the wall sign has been cited by the Building Division as a code violation along with three others which have recently been removed. She indicated this is correct. Mr. Brant asked Mr. Arif which sign was more important to him. He wants to keep the electronic gas pricing sign. He will take down the other sign if he must. Mr. Holinga had no questions and suggested the signs be handled separately.

Ms. Reisling asked why after his sign contractor was denied a permit was the sign installed anyway. Mr. Arif indicated his sign contractor did so without his knowledge. He bought the building 3- 4 months ago gave permission to Mobil to arrange for the conversion from Marathon to Mobil. They hired a local contractor but he was not licensed in Grove City. He installed the sign without his knowledge, then tried to steal his sign. He called the police. Mr. Arif said he was cited by the City and is doing his best to get approval. The sign contractor never appeared again. Without the sign, it appears he is not selling gas. He has a loan on the property.

Motion to grant the appeal of Muhammad Arif, Skyways Petroleum, 4441 Broadway, for a variance to Section 1145.06 (c) Prohibited Signs, to approve LED gas pricing fonts on an existing ground mounted sign. Second by Mr. Holinga.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED**.

Motion to grant the appeal of Muhammad Arif, Skyways Petroleum, 4441 Broadway, for a variance to Section 1145.06, to approve an existing changeable copy sign. Second by Mr. Brant.

VOTE: Brant, NO. Holinga, NO, Reisling, NO; **DENIED**.

Ms. Reisling asked when the sign will have to be removed. Mrs. Scott indicated we have to wait 21 days in case the decision is appealed. Brant asked if the sign has to be removed. Mrs. Scott said yes, they should be removed so they can no longer be used. The Chair called the next item;

- 6) Hear the appeal of **David Keil, Property Owner, and Sean Bailey, prospective buyer, 0000 Orders Rd.**, for a variance to Table 1135.10-I, Residential District Requirements, to waive the requirement to have a minimum 80ft of street frontage to build on a lot zoned R-1.

David Keil, the property owner, Kirsten and Sean Bailey addressed the board. Keil said they are making the request to have the home front on Keefer Rd., which is currently a stub street or dead end. The lot has plenty of frontage on Orders Rd and a curb cut but they do not wish to use it. Mrs. Bailey indicated they are making the request because they have children, know people in Margie's Cove and wish to be part of the neighborhood. Also, the cost of building a bridge for a driveway and bringing water and sewer from Orders Rd will be very costly. To build a driveway that can carry emergency vehicles is very expensive. The bridge that is there is in disrepair and impassable. They would have to dig underneath the stream to bring water and sewer. The water, storm and sewer is available from Keefer Rd within 50 feet and could be brought straight across the property to the west as indicated by the city in order to be available to future development. Keil said the property has been for sale for a while. It is too narrow to bring Keefer Rd through and develop with more homes as the street would have to be single load. Homewood who owns the lot to the north is not interested in the property.

Mr. Brant stated for the record that City Building and Zoning departments do not support the request. Bailey's and Keil felt that if they bought the lot and built the home fronting on Orders Rd. per code, Keefer would still dead end and no future development could occur there. Mr. Brant asked counsel if the City could use eminent domain. Yazan Ashrawi indicated the city could use eminent domain for street right-of-way.

Mr. Brant is not sure why the variance is needed. Mr. Boso indicated the code requires every lot have a minimum street frontage. The frontage requirement allows the city to carry streets through subdivision and connect to and maintain water and sanitary services. Without this, we could not build subdivisions.

The Bailey's confirmed they intend to bring the water and sewer across the lot and grant an easement to the city. The house sits back far enough that not even the driveway would interfere with the easement. Mr. Holinga asked if the Baileys own the lot. They are in contract with Mr. Keil, pending this approval. The properties to the west are in Jackson Township.

Stewart Wilkens, 2679 Loris way, and John Miles representing the Margie's Cove homeowners association (HOA) spoke. Mr. Wilkens wants the building to have the same aesthetics as that in Margie's Cove, meet the deed restrictions, covenants and pay into the association. The Baileys indicated they would do so. Mr. Miles felt the lot would have to be added to the Margie's Cove plat. Mr. Boso said this would not be required nor would the Baileys be required by the city to join the association. Mr. Miles questioned Bailey's use of the storm drains and retention.

The Chair asked if the Baileys would be willing to meet the requirements of HOA and meet codes. Mrs. Bailey said meeting the code would be OK, but they would not be part of the Margie's Cove plot plan. Mr. Keil stated they sold an acre behind this lot to Homewood for Hoover Crossing. Homewood is not interested the other 4 acres. They do not want to access Orders Rd by connecting Keefer to Longridge. The lot is not wide enough to suit them and could only have a single load street.

Mrs. Bailey said the current home estimate is around \$800,000. Mr. Brant said it seems the concern from homeowners association is that they use the same materials. Mrs. Bailey indicated the house would be very nice and would not be seen because they intend to leave many of the trees and make it secluded. All they will see from Keefer is the driveway. The home plan design is almost done.

Mr. Miles and Mr. Wilkens insisted since the only access to the home will be from Keefer Rd and they will get the benefits of it, they should be part of the Margie's Cove Association. Mr. Keil suggested the Baileys meet with association to discuss becoming part of it. Mr. Holinga asked about dues. Mr. Miles said they are \$300 per year. More discussion on whether the lot will have to be platted into Margie's Cove subdivision. Mr. Brant stated from what Mr. Keil said the lot was never intended to be part of Margie's Cove. Everyone seemed to agree on this point. Mr. Boso clarified the lot would not be platted to Margie's Cove but this did not preclude them from joining the association.

Mr. Wilkens said he didn't think the home looked like it belonged there. Bailey said it will not be seen. Mr. Wilkens continued to voice concerns that the plans submitted did not have enough information and it was not clear what the frontage would be and there is no provision for curb, gutter or sidewalk. Mrs. Bailey said the frontage would be 60 feet. The only sidewalk built would be a corner clip if that is what was wanted. Keil and Bailey promised it would be aesthetically pleasing.

Motion to grant the appeal of David Kiel, Property Owner, and Sean Bailey, prospective buyer, 0000 Orders Rd., for a variance to Table 1135.10-I, Residential District Requirements, to waive the requirement to have a minimum 80ft of street frontage to build on a lot zoned R-1. Second by Mr. Holinga.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED.**

The Chair encouraged the Baileys to talk with HOA and come to some agreement.

The Chair moved to the next item:

- 7) Hear the appeal of **Ryan Amos, Coppertree Homes representing Christopher and Amy Tatman, 1695 Hartig Dr.**, for a variance to Section 1135.10 (a) to increase the total square footage allowed for an attached garage from 900 square feet (outside dimensions) to 1,157 square feet , which is 257 more than permitted.

Mr. Amos was sworn in and provided details on the case. He told the board the home zoned PUD-R in Pinnacle Section 5 only allows a maximum attached garage of 900square feet per code. The original plan included a garage of 1,157 feet which had to be revised to meet code by adding a wall and a garden room. Ms. Reisling confirmed with Mr. Amos the change would not be visible from outside. The variance would allow the homeowner to build the home as originally planned. Mr. Boso said Mr. Amos could submit for the change now but if it was overturned they could not issue a permit.

Motion to grant the appeal of Ryan Amos, Coppertree Homes representing Christopher and Amy Tatman, 1695 Hartig Dr., for a variance to Section 1135.10 (a) to increase the total square footage allowed for an attached garage from 900 square feet (outside dimensions) to 1,157 square feet , which is 257 more than permitted. Second by Mr. Brant.

VOTE: Brant, YES. Holinga, YES, Reisling, YES; **APPROVED.**

The Chair recused herself from voting on the last two appeals for the Southwestern City Schools. Mr. Brant took over and moved to the next item.

- 8) Hear the appeals from **Mark Waller, representing South-western City Schools, 2600 Cameron St.**, for a variance to Section 1145.06, Prohibited Signs, to install a monument sign with changeable copy and,
- 9) Hear the appeal of **Mark Waller, representing South-western City Schools, 3646 Richard Ave.**, for a variance to Section 1145.06, Prohibited Signs, to install a monument sign with changeable copy.

Dave Stewart, Deputy Superintendent for Southwestern City Schools addressed the board on both appeals. These are the same signs installed at Monterey and will be used at all of the new elementary schools. Mr. Brant recalled a previous variance granted. Neither Mr. Brant nor Mr. Holinga had questions.

Motion by Mr. Brant to grant the appeal from Mark Waller, representing South-western City Schools, 2600 Cameron St., for a variance to Section 1145.06, Prohibited Signs, to install a monument sign with changeable copy. Second by Mr. Holinga.

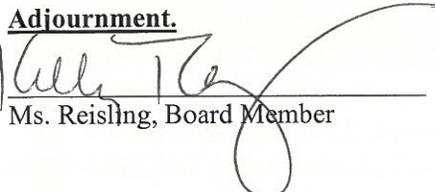
VOTE: Brant, YES. Holinga, YES; **APPROVED.**

Motion by Mr. Brant to grant the appeal of Mark Waller, representing South-western City Schools, 3646 Richard Ave., for a variance to Section 1145.06, Prohibited Signs, to install a monument sign with changeable copy. Second by Mr. Holinga.

VOTE: Brant, YES. Holinga, YES; **APPROVED.**

Ms. Reisling, the Chair asked for any new business. Their being none, the Chair *moved* to adjourn at 6:20pm. Seconded by Mr. Brant.

Adjournment.


Ms. Reisling, Board Member


Laura Scott, Secretary