

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: February 28, 2011**

Regular Meeting

Board Member Harold “Butch” Little 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 Harold “Butch” Little, John Brant and Jeff Davis; Planning and Zoning Coordinator Christy Zempter; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: Don Wood, representing Wood Bookkeeping & Tax Service, 3751 Broadway; and Cecil Cotton, representing Amazing Grace Christian Church, 2255 Quail Creek Blvd.

Motion was made by Mr. Brant to approve the minutes of the January 24, 2011, regular meeting.

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

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

- 1.) **Hear the appeal of D.E. Wood, representing Wood Bookkeeping & Tax Service, 3751 Broadway,** for a variance to Section 1135.09(b)(14)(A) of Grove City’s Codified Ordinances to install a parking lot in the Historical Preservation Area that encroaches the building setback line by 16 feet.

Mr. Wood told the board that he was returning to request a third variance after being granted variances by the board on November 22, 2011, for a reduction in the required number of parking spaces and elimination of parking setbacks on three sides of the property. He indicated that the portion of the proposed pavement that would extend beyond the building setback line would be screened on one side by the existing porch and on another by landscaping. The section of pavement that extends beyond the porch would contain an access aisle for the accessible parking space on the lot, and Mr. Wood stated that if the access aisle were not there, a sidewalk would have to be there to access the front porch. He said the pavement would be well-screened and maintained in an attractive manner.

Mr. Wood added that he was discouraged about the situation, stating that the City wanted him to remove the existing garage and pave the alley at the rear of the property and that the cost of such a project would be overwhelming for him. He said he had already made concessions and would be cleaning up the property line, resurfacing the pavement and removing the railroad ties that are currently in place along the neighboring drive aisle which is included in a shared ingress/egress easement held by the applicant.

Mr. Brant asked the applicant if he had reviewed the staff report submitted to the BZA members. Mr. Wood said that he had read it. Mr. Brant noted that the report indicated that the project required approval through Planning Commission and City Council, and that the applicant didn’t need the approval of the BZA. Mr. Wood said he had received that information but that he felt he had been run in circles throughout the process. Mr. Brant then stated that the previous variances granted by the BZA to the applicant had stipulated that the project receive Planning Commission and Council approval and that approval hadn’t been granted. He added that even if the board granted the requested variance, City Council approval would still be required before the project could be pursued.

Mr. Haque stated that the applicant had the right to come before the BZA and request that the board make a decision on the variance, but if the board granted the variance, it still would be contingent upon Planning Commission and Council approval of the applicant’s development plan, as were the previously

granted variances. He added that the issue of the variance could have been consolidated with the development plan approval process to save the applicant the additional step of appealing to the BZA, but that because he had chosen to bring his request to the board, the BZA members were obligated to rule on his request.

Mr. Brant asked if the applicant could still seek the variance through Planning Commission and Council if it were denied by the BZA, and Ms. Zempter replied that he could.

Mr. Little acknowledged that the applicant might like to go into his meeting with Planning Commission with an approval from the BZA in place, but that the development plan approval stipulated with the previously granted variances still had not been resolved. He added that an approval of the current variance request would be subject to the same condition.

Mr. Wood asked if the board would be required to include that condition. Ms. Zempter said that even if the condition were not stated in the granting of the variance, the project could not move forward without a development plan approved by City Council.

Mr. Brant added that even if the board granted the variance, it could be appealed to City Council.

Mr. Wood said that he was willing to undergo that scrutiny. He went on to say that the proposed parking area has been used for ingress/egress for many years, and his proposal would just clean up the area and continue a use that has been ongoing for some time.

Mr. Brant noted that the use of the property had changed from residential to commercial and that the applicant was now required to comply with requirements of the building and zoning codes applicable to nonresidential properties.

Mr. Haque recommended that the board analyze the variance request on its merits rather than considering the other options the applicant has to pursue the variance.

Mr. Brant then stated that other issues were raised in the staff report to the board members, including the Development Department's concern about how the project would affect a pedestrian-oriented environment in the area around the property. Ms. Zempter said that the Development Department's report to Planning Commission on this project indicated a desire to maintain a pedestrian-friendly corridor with well-maintained sidewalks and limited traffic entering and exiting properties from Broadway. She added that the report had noted two recent development plan approvals that included the removal of existing curb cuts on Broadway.

Mr. Wood said that his situation was different from the situations referenced in the Development Department's report. He said that in his situation, three neighboring properties shared a single curb cut on Broadway, so the curb cut could not be removed. He added that the City financed the existing curb cut. Mr. Brant asked if it was installed when the property was still residential, and Mr. Wood said that it was.

Mr. Little said the board was trying to address the need to maintain the appearance of the property and keep the area safe for pedestrian and vehicular traffic while keeping the integrity of the Historical Preservation Area intact. Considering those factors, he said, the board had to look at the building setback line on the property and the proposed parking encroachment of 16 feet.

Mr. Davis noted that he didn't understand why the applicant was in front of the board when he still hadn't received the development plan approval stipulated with the earlier variances and required for the use of the proposed variance. Mr. Wood said that he felt because he had been guided improperly through the

process earlier, he believed the issue needed to come before the BZA. He added that his understanding was that he had the right to bring his appeal to the BZA but that it could also be handled through the development plan process.

Mr. Davis asked if the applicant would be required to return to the BZA if his project received approval through Planning Commission and City Council. Ms. Zempter said he would not be required to return, but that the variance could be granted by Council as part of the development plan approval.

Mr. Little noted that if the applicant had a better understanding of the City requirements involved with the project, the discussion would make more sense to him. He suggested that professionals who had more experience with the process might be able to create a submission for the applicant that would be more likely to gain approval. Mr. Wood said he was working with Bob Wolfe Engineering on the project but that he hadn't brought a representative of the firm with him to the meeting because he hadn't expected to discuss the plans in depth.

Mr. Little said the City was trying to help the applicant, but no progress was being made through the Planning Commission and Council process, and their approval of the project was ultimately a requirement. He added that the board could grant or deny the variance, but the applicant would still have to take the same route and see the same people regardless of the outcome of the board's vote.

Mr. Brant noted that there were items in the staff report that would be better answered to Planning Commission and Council than to the BZA members.

Mr. Davis told the applicant that he supports beautification and business in the downtown area, but that he didn't understand why the applicant doesn't take the steps that have been clearly outlined for him. Mr. Davis asked the applicant whether he was better off taking the risk of having the variance denied by the board prior to returning to the Planning Commission or appearing before the commission without a record of a vote on the matter by the BZA. He added that there were negatives in the staff report that had not been answered satisfactorily.

Mr. Little said the board was trying to give the applicant an escape route and that he was rolling the dice by requesting a vote on the matter, but the applicant did not withdraw his request.

Motion was made by Mr. Little to approve the appeal of D.E. Wood, representing Wood Bookkeeping & Tax Service, 3751 Broadway, for a variance to Section 1135.09(b)(14)(A) of Grove City's Codified Ordinances to install a parking lot in the Historical Preservation Area that encroaches the building setback line by 16 feet with the following stipulation:

- The development plan must be approved by Planning Commission and City Council.

No second was immediately forthcoming, and Mr. Haque advised the board that someone had to second the motion to proceed to a vote.

Seconded by Mr. Brant. VOTE: Little, NO; Davis, NO; Brant, NO. DENIED.

- 2.) **Hear the appeal of Cecil Cotton, representing Amazing Grace Christian Church, 2255 Quail Creek Blvd.,** for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install a ground-mounted sign with manually changeable copy.

Mr. Brant asked the applicant if the proposed sign met the height, area and setback requirements of the sign code. Mr. Cotton said that it did.

Motion was made by Mr. Little to approve the appeal of Cecil Cotton, representing Amazing Grace Christian Church, 2255 Quail Creek Blvd., for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install a ground-mounted sign with manually changeable copy.

Seconded by Mr. Davis. VOTE: Davis, YES; Brant, YES; Little, YES. **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 any work done during that time would be at the applicant's risk.

The board members then completed the finding-of-fact reports for each of the two appeals on the night's agenda. (See attached reports.)

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

Adjournment.

Motion was made by Mr. Little and seconded by Mr. Davis to adjourn the meeting at 8:03 p.m. VOTE: Brant, YES; Little, YES; Davis, YES. **APPROVED.**

Harold "Butch" Little, Chairman

Christy Zempter, Secretary