

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

**Regular Meeting**

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:02 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little, John Brant and Jeff Davis; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: Ryan Srbljan, representing ProLogis, 3125 Lewis Centre Way; Thomas Bloomer, 6851 Jackson Pike; and Jason Francis, representing M/I Homes.

*Motion* was made by Mr. Brant to approve the minutes of the February 28, 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 Ryan Srbljan, representing ProLogis, 3125 Lewis Centre Way**, for a variance to Section 1145.14(c) of Grove City’s Codified Ordinances to install three directional signs that exceed the height limit for directional signs by 7 feet, 6 inches, and the area limit by 17.65 square feet.

Mr. Srbljan explained that the subject parcel is quite large and contains three tenants with shipping and receiving locations in both the front and back of the building and additional traffic at side entrances. As a result, he said, there is steady semi-truck traffic at the site throughout the day. He added that there are three separate entrances to the site, which is the reason three signs are requested. The proposed signs, he said would match the standard ProLogis Industrial Park sign design.

While the applicant had requested approval for 10-foot-tall signs, Mr. Srbljan said his client was willing to limit the height to 8 feet, as suggested in the staff report, if that was the preference of the board.

*Motion* was made by Mr. Little to approve the appeal of Ryan Srbljan, representing ProLogis, 3125 Lewis Centre Way, for a variance to Section 1145.14(c) of Grove City’s Codified Ordinances to install three directional signs that exceed the height limit for directional signs and the area limit by 17.65 square feet, with the following stipulation:

- That the height of the signs not exceed 8 feet.

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

Mr. Little advised all applicants that there is a 21-day period during which the board’s approval of variances may be appealed to City Council, and that any work done during that time would be at the applicant’s risk.

- 2.) **Hear the appeal of Thomas Bloomer, 6851 Jackson Pike**, for the following variances:
  - a.) To Section 1135.10(a) of Grove City’s Codified Ordinances to install a pole barn that exceeds the 700-square-foot limit for detached garages by 2,300 square feet.

- b.) To Section 1137.08(h) of Grove City's Codified Ordinances to install a pole barn that exceeds the 13-foot height limit by 9 feet, 8 inches.

Mr. Little noted that the two requested variances would be addressed separately.

Mr. Bloomer was then sworn in and addressed the board. He stated that the structure would actually be a stick-built garage rather than a pole barn, and that it would house a recreational vehicle, motorcycles and some other items.

In response to Mr. Brant's question regarding the size of the lot, Mr. Bloomer said it was 4.92 acres.

Mr. Little asked if any utilities would be run to the structure. Mr. Bloomer said the only utility to the building would be electric.

Mr. Brant asked if staff had received any response from neighboring property owners, and Ms. Zempter said none had been received. Mr. Bloomer indicated that he had spoken with the three surrounding property owners and none had any objections.

**Motion** was made by Mr. Little to approve the appeal of Thomas Bloomer, 6851 Jackson Pike, for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to install a pole barn that exceeds the 700-square-foot limit for detached garages by 2,300 square feet.

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

**Motion** was made by Mr. Little to approve the appeal of Thomas Bloomer, 6851 Jackson Pike, for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to install a pole barn that exceeds the 13-foot height limit by 9 feet, 8 inches.

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

- 3.) **Hear the appeal of Jason Francis, representing M/I Homes, Parcel 040-009226 (Pinnacle The Greens),** for a variance to Section 1329.18(a) of Grove City's Codified Ordinances to use fill in the Special Flood Hazard Area on a residentially zoned property.

Mr. Francis noted that when the item was tabled in January, the board asked that the applicant work with staff to address some of their concerns. In the interim, he said, M/I Homes had commissioned a detailed hydraulic study for the area, which yielded some surprising results. He went on to say that the study determined new floodplain boundaries that encroached significantly less on the subject lots than the boundaries shown on the existing Flood Insurance Rate Maps (FIRMs). He said the study included better topographic and hydraulic information than that available for the FEMA study represented on the FIRMs.

Mr. Francis said that M/I Homes still wanted to incorporate fill on the site to provide increased elevation and, thus, better protection by removing the lots completely from the floodplain boundaries.

Mr. Little asked if a report of the study had been submitted to the City, and Mr. Francis responded that the Building Division had been supplied a copy of the hydraulic study prepared by EMH&T and that it had been reviewed by Hockaden. He added that the study showed changes in flood heights at cross-sections along the length of the area studied, and many showed decreases while only a few showed slight increases, none of which exceeded a fraction of an inch. He said the study showed a reduced impact at the upstream end of the study, where ODOT had previously expressed concern about the effect on its

facilities. Mr. Francis noted that ODOT engineers had since indicated that they were satisfied that their facilities would not be affected.

Mr. Brant asked if the structures would be outside the floodplain even without the fill. Mr. Francis responded that, based on the floodplain boundaries determined by the new study, the sites of all the structures on the proposed lots would be outside the floodplain.

Ms. Zempter explained that M/I Homes could request a Letter of Map Amendment from FEMA based on the EMH&T study that would revise the existing floodplain boundaries to correspond with those determined by the study. At that point, she said, M/I Homes could build on the lots without a variance. However, the newly delineated floodplain would still encroach on the rear portions of some of the lots, which could create increased insurance requirements or problems in permitting accessory structures for the owners of the lots. By incorporating fill, she said, M/I Homes would be required to go through a separate process with FEMA, providing the new elevations to apply for a Letter of Map Revision Based on Fill (LOMR-F), which would remove the lots entirely from the floodplain.

Mr. Brant asked if it would be a lengthy process to pursue the first alternative. Ms. Zempter said that it would, and that even the LOMR-F option would take some time.

Mr. Brant asked if the reviewing engineer was satisfied with the results of the hydraulic study, and Ms. Zempter said that the engineer was satisfied that the results were accurate.

Mr. Little asked if the applicant had requested a Letter of Map Change. Mr. Francis responded that he hadn't, and that M/I Homes' preference was to pursue the LOMR-F option, which is more of an as-built process.

Mr. Little asked Mr. Francis to explain the fill process. Mr. Francis said dirt would be imported or good, compactable clay material would be borrowed from on-site locations to raise the site by approximately 1-2 feet; then the fill would be compacted and tested for density; the site would be surveyed, probably a couple of times, upon completion of the fill process to verify that all grades meet or exceed established elevation requirements; then an application for a LOMR-F would be submitted to FEMA, along with a community acknowledgment form completed by the City. At that point, he said, there would be a review period of approximately six weeks, at the conclusion of which FEMA would issue the LOMR-F.

Mr. Little asked if any of the soils from the foundations of homes on the proposed lots would be used for the fill. Mr. Francis said they most likely would be used, but then corrected himself to say that material removed from foundations of lots in other portions of the subdivision would actually be likely to be used and that the fill would be in place before any construction began on the lots included in the variance request.

Mr. Little asked how it would be handled if a customer indicated a preference to build on one of the subject lots. Mr. Francis said the lots would not be developed for three or four years until after the fill process was completed and the LOMR-F issued.

Mr. Little noted that there is an impact for a buyer of a lot adjacent to or near a floodplain even if the lot itself is outside the floodplain boundaries. He asked how those buyers would be protected. Mr. Francis noted that the LOMR-F was a permanent amendment to the existing map and that copies are saved by M/I Homes. A copy of the LOMR-F can be provided to the homeowner's lender to prove that the property is not within the floodplain. He added that a homeowner also could have an elevation certificate done to prove that the structure was not within the floodplain.

Mr. Brant asked if the people who buy the lots would be exempt from flood insurance requirements as a result of the LOMR-F. Mr. Francis responded that the federal mandate for flood insurance extends only to structures within the floodplain, but that individual lenders could require flood insurance.

Mr. Little asked if M/I would provide the topographical survey to the buyers of the properties. Mr. Francis said he didn't think they had in the past but that it was a great idea. He added that M/I had nothing to hide regarding the process and that providing the information to the buyers would make it that much easier if they had a need to submit that information to lenders in the future.

Ms. Zempter indicated that the Building Division was a repository for Flood Insurance Rate Maps and Letters of Map Change, and that electronic and printed copies of all such documents are available through the Building Division or on FEMA's website.

Mr. Brant asked if the community's participation in the National Flood Insurance Program (NFIP) could be jeopardized by approval of the variance. Ms. Zempter said the results of the new detailed flood study gave staff more confidence that the project wouldn't create problems on the subject property or neighboring properties. In addition, she said, the regulation in question exceeds the requirements of the NFIP, so while a variance to local regulations is required, the variance would not be contrary to federal requirements.

Mr. Little asked if the City would keep records of fill operations and related topographical surveys. Mr. Boso said such information would be included in the record of the Special Flood Hazard Area Development (SFHAD) permit. Mr. Little asked if an SFHAD permit would be required given that the fill would remove the property from the floodplain. Ms. Zempter said the property would remain within the floodplain until the fill was placed and the LOMR-F approved by FEMA, so an SFHAD permit would be required for the fill itself.

Mr. Little asked if the City would have the final survey and topographical reports at the conclusion of the fill process. Mr. Francis said that information would be provided to the City prior to their completion of the community acknowledgment form, which must be provided to FEMA with the LOMR-F application.

Mr. Little stated that a letter was submitted by Ron and Kristine Kursinskis of 4882 Rheims Way regarding this application. Mr. Little then read the letter, which indicated concerns related to a pond and associated landscaping shown on the development plan for the site, fencing restrictions, and siding and minimum-square-footage requirements for the proposed houses.

Mr. Little noted that the items were unrelated to the issue before the board. He said that the board's task was to determine the appropriateness of placing fill on the site. Mr. Francis indicated that he was willing to speak with the neighboring property owners in attendance after the meeting.

Mr. Haque stated that the issues in question seemed to be related to the development plan, which was approved in 2009, rather than the current request to the BZA.

Mr. Kursinskis then was sworn in, and he asked if the plan submitted with the variance application would become the plan of record for the project. Mr. Haque said the only item at issue regarding the project is the variance to allow fill on the site and that the issues presented in Mr. Kursinskis' letter were development issues that would have been determined in the Planning Commission process. Mr. Boso added that the BZA's decision would not override anything in the approved development plan for the site.

**Motion** was made by Mr. Little to approve the appeal of Jason Francis, representing M/I Homes, Parcel 040-009226 (Pinnacle The Greens), for a variance to Section 1329.18(a) of Grove City's Codified Ordinances to use fill in the Special Flood Hazard Area on a residentially zoned property.

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

Mr. Brant thanked Mr. Francis for completing the hydraulic study and indicated that he would not have voted to approve the variance if the study had not been done.

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

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

**Adjournment.**

**Motion** was made by Mr. Little and seconded by Mr. Davis to adjourn the meeting at 7:56 p.m. VOTE: Davis, YES; Brant, YES; Little, YES. **APPROVED.**

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Harold "Butch" Little, Chairman

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Christy Zempter, Secretary