

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: April 23, 2012**

**Regular Meeting**

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:01 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little, John Brant and Kelly Reisling; 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: Jack Reynolds, Dave Cozier and Brett Justice, representing Mount Carmel Health Systems, 5525 Hoover Road; Kyle Hanigosky and Tim Pitro, representing Southern Columbus Cross Training LLC, 6258 Seeds Road; and Todd Huntington, representing KFC, 040-014604 (Meijer Outlot L).

*Motion* was made by Mr. Brant to approve the minutes of the January 23, 2012, regular meeting.

**Seconded by Ms. Reisling. VOTE: Brant, YES; Little, YES; Reisling, YES. APPROVED.**

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

- 1.) **Hear the appeal of Jackson B. Reynolds III, representing Mount Carmel Health Systems, 5525 Hoover Road**, for a variance to the requirements of Table 1135.12-II of Grove City’s Codified Ordinances to exceed the allowable building height of 35 feet by a ratio of 2 feet per each 1 foot the building is set back from the 30-foot required front setback line to a maximum height of 175 feet.

Mr. Reynolds explained that Mount Carmel was interested in purchasing the subject property from Mara Enterprises for a medical complex, and that successful rezoning of the property and approval of the variance were necessary conditions for the purchase. He said that the applicants were two-thirds of the way through the rezoning process, having received a unanimous recommendation for approval from the Planning Commission and a first reading by City Council.

He said that the applicants had been working with City staff over the last few weeks and had agreed to some amendments and conditions to their original request. These items included the reduction of the variance ratio from 2:1 to 1:1 and compliance with all required setbacks, not just the 30-foot right-of-way setback. The applicant did ask, however, that if any or all of the remaining residential properties along Hoover Road were purchased and combined with the subject property, the setback be re-established from the right of way. The applicants also agreed to staff’s recommendation that the variance be contingent upon approval of the current rezoning request.

Mr. Little asked if the maximum requested height remained at 175 feet. Mr. Reynolds said the architects had assured the applicants that 175 feet would accommodate their needs.

Mr. Little asked if any plans were available for the site. Mr. Justice said the applicants were working on the plans now and would bring a development plan to Planning Commission and Council for Phase 1 of the development soon. He said that Phase 1 would encompass 100,000 to 115,000 square feet and would feature an emergency center and imaging, laboratory and medical office spaces. He said that phase of the development represented a \$50-million investment, and the applicants hoped to break ground before the end of the year.

Mr. Little asked if a footprint of the proposed buildings was available. Mr. Justice submitted a drawing of the proposed footprint for the first phase of the development. Mr. Little asked that the drawing be included in the record.

Mr. Reynolds noted that the complex would be oriented toward I-71, and that the buildings of the greatest height would be concentrated in and around the center of the site. He also pointed out that by allowing greater height, greenspace on the site would be maximized. He said that if the medical complex were forced to spread out to accommodate existing height limits, such a layout wouldn't be functionally feasible for the use.

Mr. Little asked what the maximum height of the Phase 1 development was expected to be. Mr. Justice said the medical office building would be three stories, so he anticipated a height of approximately 45 feet.

Mr. Brant asked if any comments had been received from neighboring property owners. Ms. Zempter said that letters had been sent to all adjacent property owners, and she had received a letter from Jackson Township indicating that they had no objections at this time.

**Motion** was made by Mr. Little to approve the appeal of Jackson B. Reynolds III, representing Mount Carmel Health Systems, 5525 Hoover Road, for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to exceed the allowable building height of 35 feet by a ratio of 1 foot per each 1 foot the building is set back from the 30-foot required front setback line to a maximum height of 175 feet with the following stipulations:

- The variance shall begin at any required setback, not only the right-of-way setback;
- No building shall exceed 175 feet in height;
- Approval is contingent upon Council approval of the current rezoning request;
- If existing residential lots are purchased and combined with the subject site, setbacks would be adjusted accordingly.

**Seconded by Ms. Reisling. VOTE: Little, YES; Reisling, YES; Brant, YES. APPROVED.**

- 2.) **Hear the appeal of Kyle Hanigosky, representing Crossfit Gym, 6250-6290 Seeds Road,** for a variance to Section 1135.09(b)(10) to allow a physical fitness facility in an IND-1 (Light Industry) zoning district.

Mr. Hanigosky told the board that, since the submittal of his application, he and his partner had received approval for their limited liability company, so the legal name of the entity is now Southern Columbus Cross Training LLC. He said they were in the process of becoming an affiliate of Crossfit Gym.

He explained that the Crossfit method is a strength-and-conditioning program used by various law enforcement and military organizations, fire departments and elite athletes, but can be applied to anyone.

Mr. Hanigosky said they're considering the site at 6258 Seeds Road, a unit on the site that has been vacant for six months. He said other tenants at the site include graphic designers, steam cleaners, a carpet outlet, painters and flooring contractors.

He noted that the staff report mentioned two similar variance requests, and he argued that his request was more in line with the approved 1997 use variance for the Cheer Center to be located in an industrial district than the more recent denied church use in an IND-2 district.

Mr. Hanigosky said he and his partner didn't have the funds for rent in many of the retail spaces in which the proposed use would be allowed, and that industrial facilities were a better fit for the Crossfit style of training. He said the use would in no way harm the property, the other tenants or the integrity of the industrial district.

Mr. Brant asked if the photos submitted with the application represented a typical floorplan and if the gym proposed locally would have a similar open layout. Mr. Hanigosky said it would.

Mr. Brant asked how many means of egress the site has. Mr. Hanigosky said there were man doors at the front and rear of the site and an overhead door at the rear.

Mr. Brant asked Mr. Boso what the building use group for the gym would be. Mr. Boso said he thought the use group would be B (business). Mr. Brant noted that his concerns with the previous variance request for the church were primarily related to the building code, the use-group requirements and the type of people expected to be using the site. He said in this case, the use-group requirements would be less stringent and he expected the clients of the facility to be mostly younger adults.

Mr. Boso asked how many customers the applicant expected at the site. Mr. Hanigosky said he didn't expect more than 20 people at a time.

Ms. Reisling asked if the site was sprinklered. Mr. Hanigosky said he believed it was.

Mr. Little noted that the application materials had indicated that only two to four parking spaces were allotted for the unit. Mr. Hanigosky said the parking issue had been discussed with the landlord. He said the site had 100-110 spaces and that he'd never seen more than 10 cars in the lot at any time. He said the times when the gym would require the most parking would be for classes early in the morning (around 6:30) and evenings between 5:30 and 7:30.

Mr. Little asked how late classes would run, and Mr. Hanigosky said the gym would be closed by 8 p.m. He added that Saturday morning classes would be offered, and the facility would be closed on Sundays.

Mr. Little asked if Mr. Boso knew of any occupants in the building or adjacent buildings that worked with hazardous chemicals or byproducts. Mr. Boso said that the Jackson Township Fire Department was requiring installation of a spray booth for painting at a nearby site, though he wasn't sure of its proximity to the applicant's site.

Mr. Brant asked if neighboring property owners were notified of the variance request and if comments had been received. Ms. Zempter said that letters were sent to adjacent property owners but no comments were received.

Mr. Little asked why the proposed gym use isn't recommended in the Light Industry district. Mr. Boso said that parking issues would be the most likely reason.

*Motion* was made by Mr. Little to approve the appeal of Kyle Hanigosky, representing Southern Columbus Cross Training LLC, 6258 Seeds Road, for a variance to Section 1135.09(b)(10) to allow a physical fitness facility in an IND-1 (Light Industry) zoning district.

**Seconded by Mr. Brant. VOTE: Reisling, 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 variances may be appealed to City Council, and that any work done during that time would be at the applicant's risk.

- 3.) **Hear the appeal of Todd Huntington, representing KFC, 040-014604 (London-Groveport Road outlet in front of Meijer)**, for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable signage of 35.4 square feet by 72.2 square feet.

Mr. Huntington reminded the board that he had previously represented Taco Bell for a variance for additional signage at a neighboring site. He noted that a dual KFC-Taco Bell restaurant originally had been proposed for the subject site, and signage variances were granted for that project. However, a corporate decision was made not to pursue development of the dual facility, so now separate restaurants are proposed on adjacent outlots in front of Meijer on London-Groveport Road.

He said that Meijer had approved everything proposed for the outlots. He noted that in his earlier request for signage variances for Taco Bell, a letter relinquishing the existing variances for the KFC site was requested as a condition for approval. He said KFC has agreed to terminate those variances on the condition that they receive the variance currently before the board.

Mr. Huntington said the number of signs is on par with what has been proposed for Taco Bell, but the signage is slightly larger to accommodate the larger KFC mug sign.

He said that if KFC received approval for the requested variance, a letter terminating the previous variances would be submitted as soon as the 21-day appeal period expired. This letter would fulfill stipulations suggested by staff for both Taco Bell and KFC's requests.

Mr. Huntington said that the development plan for Taco Bell had been approved and they hoped to begin construction soon.

Mr. Little noted that the Taco Bell variance had been tabled and not approved, and that KFC seemed to be holding the existing variance over the board's head, refusing to relinquish it unless its current request is approved.

Mr. Huntington said the termination of the existing variance is being required for Taco Bell's variance approval, but KFC was not comfortable terminating it without assurance that their signage package would be approved. He added that there was no malicious intent involved.

Mr. Brant noted that the requested variance is roughly half the original variance and that the two projects together would not exceed the existing variance. He added that he believed the applicant was just following good business practices and not attempting to subvert the City.

Mr. Little said that the termination letter had been set forth as a condition to move forward with the Taco Bell variance, and KFC's failure to submit it without first receiving approval for its variance was a sticking point for him.

Ms. Reisling asked if her understanding that KFC planned to develop the site in the fall was correct. Mr. Huntington said they hoped to begin the process in the fall. After a restructuring earlier in the year, he said, KFC has begun to move forward with remodels and new buildings. He noted that KFC owns the property and has indicated to him that they want to develop as soon as possible, but an exact date will depend on when approvals are granted and drawings are done.

Ms. Reisling asked if a date for development could be stipulated. Mr. Brant noted that changes in the economy could cause delays and that he wasn't aware of a precedent for stipulating a construction start date. Mr. Little added that the board could establish parameters but he didn't think it would be in anyone's best interest given potential economic issues and other factors.

**Motion** was made by Mr. Little to approve the appeal of Todd Huntington, representing KFC, 040-014604 (London-Groveport Road outlot in front of Meijer), for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable signage of 35.4 square feet by 72.2 square feet with the following stipulations:

- The variance is for KFC and not transferable to another entity;
- The area of signage must be distributed on each side of the building as shown on the plan; and
- The applicant shall submit a signed document terminating the variances approved in 2009 within 30 days of the meeting.

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

Mr. Brant asked if the applicant's presence would be required to remove the Taco Bell item from the table at the next meeting. Mr. Haque said it wouldn't be required, but it would probably be in the applicant's best interest to attend. Mr. Huntington said he planned to attend the meeting.

Mr. Brant asked if the Taco Bell item could be removed from the table and approved at the current meeting with the stipulation that the KFC letter be submitted. Mr. Haque said that notification requirements probably would prevent that.

4.) Discussion of proposed changes to Sections 1135.10 and 1137.08 of Grove City's Codified Ordinances.

Mr. Little said the letter and code-change language included in the board members' packets conveyed what the board wanted to convey in terms of establishing more realistic standards for garages and outbuildings. Mr. Brant recommended that Mr. Little represent the board before Council when the code change is considered.

**Motion** was made by Mr. Little to accept the letter and terminology for revisions to Sections 1135.10 and 1137.08 of Grove City's Codified Ordinances.

**Seconded by Ms. Reisling. VOTE:** Little, YES; Reisling, YES; Brant, YES. **APPROVED.**

Mr. Little asked if there was any new business to discuss, and Ms. Zempter indicated that she had no new business.

### **Adjournment.**

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

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Harold "Butch" Little, Board Chairman

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Christy Zempter, Secretary