

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
May 26, 2015**

The Chair, Ms. Reisling called the Board of Zoning Appeals meeting to order at 6:30p.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 the Director of Law, Yazan Ashrawi. 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 moved to approve the minutes from April 28, 2015. Second by Mr. Brant.

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

The Chair moved to the next item.

- 2) Hear the appeal of **Loretta Waltz, property owner, 5680 Daisy Trail, (Parcel # 040-013113)** for a variance to Section 1137.05 (c) (1) to install a 6ft tall fence in front of the setback on a corner lot.

Mrs. Waltz would like the 6 ft. solid fence to protect the children that come over and for curb appeal. Her dogs bark at passing dogs, the existing split rail fence provides security but is ugly and provides no privacy when they are using the hot tub. Mr. Brant asked about needing the fence to comply with state law for pool and spa enclosures. Mrs. Waltz stated the spa has a locking cover. There was a discussion about similar fences in the area. Mr. Holinga asked why the fence needs to be so high to protect children and dogs. She drove around and decided on this fence seeing several others in the area. She presented a list of fences on corner lots. Mr. Boso stated there are different sections of Meadow Grove with varying requirements.

A lengthy discussion followed on the 15' sewer easement along Stargrass and the appropriate location of the fence followed. Dan Waltz (son) explained he would like to bring the fence 31' from the front of the house towards the sidewalk. There is also an easement at the rear further restricting the area available for play. John Brant felt the lake posed a danger to children. Mr. Holinga mentioned the hardship due to slope of the lot and questioned Waltz' on clear vision for motorists. Dan Waltz stated the fence posed no more obstruction than the parked cars in the driveway. Mrs. Waltz said they planned to landscape around the fence.

Billie Gaver (daughter) explained there is a 6ft tall privacy fence similar to the one they would like in view from their lot which led them to believe this type of fence is allowed. Mrs. Waltz stated she did not receive any information on permitting or deed restrictions from Rockford Homes when she purchased the home and was unaware of any rules.

Mr. Brant stated the Waltz's issues with Rockford are with Rockford and not with the BZA. The BZA does not enforce restrictive covenants. Yazan Ashrawi stated it should be clear the BZA may grant a variance to city codes for height and setback but this decision does not supersede rules of the Home Owners Association or deed restrictions.

Mr. Borden representing Rockford Homes Homeowners Association spoke on behalf of the one to two hundred homeowners in the Meadow Grove subdivision who invested in the community, agreed to the deed restrictions and abide by them. There are \$300K homes directly across the street from the Waltz's. The current fence may be ugly but it meets the deed restrictions. There are multiple sections, some are thirty years old and so many of the pictures show the older sections where the restrictions are different. There are some very nice picket fences in Meadow Grove which meet the deed restrictions. The proposed fence is higher and solid and does not meet the deed restrictions. I don't think they have proven they have a hardship because they have not bought all of the fence needed yet. There are eight panels of fence in the side yard. This is the main street and the longest street that goes through Meadow Grove. This fence will be highly visible from Buckeye Parkway and an eyesore. They have a wire fence inside the split rail fence which keeps the dogs and the children in. Loretta Waltz said would much rather see the tall fence with beautiful landscaping as it fits in with the area. Billie Gaver said the hardship is when their dogs see other dogs and they bark. It is embarrassing. She stated there is no way Rockford enforces the privacy fence issue. Borden indicated the fence Billie was speaking of is in an older section of Meadow Grove.

Motion by Ms. Reisling to grant the appeal for Loretta Waltz, property owner, 5680 Daisy Trail, (Parcel # 040-013113) for a variance to Section 1137.05(c)(1) to install a 6ft privacy fence with stipulations; 1) a landscape plan must be submitted and approved by the Urban Forester and landscaping shall be installed with the fence 2) a permit is to be obtained for the spa, 3) the fence enclosure must meet the requirements for pools and spas per section 1325.04 of the building code. Second by Mr. Brant.

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

Motion by Ms. Reisling to grant the appeal to for Loretta Waltz, property owner, 5680 Daisy Trail, (Parcel # 040-013113) for a variance to Section 1137.059(c)(1) to install a fence in front of the setback on a corner lot. Second by Mr. Brant.

VOTE: Holinga, NO; Brant, YES; Reisling, YES; **APPROVED**.

Ms. Reisling reminded Mrs. Waltz there is a 21-day waiting period before the variance is effective in order to allow for appeals from City Council or any aggrieved party. This decision has nothing to do with the deed restrictions on the property.

The Chair moved to the next item. This item had been tabled from April 28th.

- 3) Hear the appeal of **William B. Casassa, Ohio Industrial Owner I, LLC, c/o Hackman Capital Partners, 3940-4000 Gantz Rd. Parcel 040- 004140** for a variance to Section 1145.02 to install two real estate signs 64 square feet (each) in area and 8 feet in height, exceeding the maximum sign area allowed per parcel by 120 square feet, the maximum height allowed by four feet (4') and the maximum number of signs per parcel by one sign.

Mr. Shane Woloshan representing Colliers International spoke on his appeal. The property is one parcel but has two buildings. The first building to the north has 50,000 square feet of space available the second has multiple tenants, is fully occupied now with a rolling vacancy. There are two 64 square foot signs on the property; one for each building. These are the same size signs used by the industry everywhere. He would like to keep the signs in place as they exist now in order to 1) keep Colliers on equal footing with other real estate companies and 2) since the 15 year tax abatement just expired they do not want to go to smaller signs from a pricing standpoint. The signs that are permitted are small like those used for residential. The smaller signs are easily obscured by the many trees on the property. The average time a tenant occupies is 3-7 years. Signs are installed 9 months in advance of an upcoming vacancy.

The board asked questions about the buildings and the installation of signs. Woloshan said even when a space is occupied they may be shopping for a new or better tenant. There was a discussion on what is allowed and where and the stipulation recommended in staff report. Mr. Holinga and Mr. Brant asked for a revision of the stipulations to allow Woloshan to display a sign in advance of a move out.

Motion by Ms. Reisling to grant the appeal to Section 1145.02 to install two real estate signs exceeding the maximum sign area allowed per parcel by 120 square feet, the maximum height allowed by four feet (4') and the maximum number of signs per parcel by one sign with the following stipulations.

- 1) **The signs for 3940 Gantz shall be no more than 32sf in area and 8 feet in height and shall be removed 30 days after the space is leased.**
- 2) **No sign is approved for 4000 Gantz.**
- 3) **For the Parcel 040-004140, a sign may be installed 6 months prior to the expiration of a lease and may be placed anywhere on the parcel.**

Seconded by Mr. Brant. Ms. Reisling mentioned the 21-day waiting period.

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

The Chair asked for any new business. There being none, the Chair moved to adjourn the meeting at 7:50pm. Seconded by Mr. Brant.

Adjournment.

Ms. Reisling, Board Member

Laura Scott, Secretary