

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: Tuesday, May 29, 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: Todd Huntington, representing Taco Bell, 040-013658; Patricia R. Leonard and Rex Blair, representing 4177 Beechgrove Dr.; Judith Daniels, 4178 Ashgrove Dr.; Richard Robinson, representing 2580 Columbus Street; Ruthellen Weaver and Larry Goldin, 542 S. Drexel Ave., Bexley; Mark A. Slade, 5365 Lambert Road; Rhonda Wood, 2590 Columbus St.; Jeffery Banker, representing 3215 Kingston Ave.; and Bernice Chaddock, 3229 Kingston Ave.

Motion was made by Mr. Brant to approve the minutes of the April 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 Patricia R. Leonard, 4177 Beechgrove Dr.,** for the following variances:
 - a.) To Section 1135.10(a) of Grove City’s Codified Ordinances to exceed the 700-square-foot maximum allowable area for a detached garage by 20 square feet.
 - b.) To Section 1137.08(h) of Grove City’s Codified Ordinances to exceed the 13-foot allowable height for detached garages by 3 feet.
 - c.) To the requirements of Table 1135.10-I of Grove City’s Codified Ordinances to encroach the required 25-foot rear setback by up to 19 feet.

Ms. Leonard explained that her parents would be moving in with her soon, and she hoped to build the garage to accommodate a workshop for her father and to house her car and her parents’ car. She said that the house doesn’t have a basement and there is currently no garage on the property, so there’s no convenient location for the workshop. While there is a garden shed on the property, she said it would be removed when the garage is constructed.

Ms. Reisling asked if Ms. Leonard had looked at a variety of designs for the garage. Ms. Leonard said she’d really just considered the design presented. Mr. Blair, the contractor on the project, explained that what is proposed is a pretty basic garage design with a gabled roof.

Mr. Brant asked if the adjacent lots contained garages. Ms. Zempter said that the lots immediately adjacent on Beechgrove do not have garages, but several lots on the block have garages of similar size in similar locations, including one behind the subject lot.

Mr. Brant noted that a letter was received from neighboring property owner Diana Wilburn objecting to the construction of the garage, and it seemed her primary concern was rainwater drainage. Mr. Brant asked staff if the building would be located in a position where runoff would be a concern. Ms. Zempter explained that gutters and downspouts would be required for the garage, and that they would tie into the

existing underground stormwater system, so runoff should not be a problem for neighboring property owners.

Mr. Brant asked if the garage would encroach the setback on the lot line shared with Ms. Wilburn's property. It was determined that the lots just meet at the southwest corner and don't share an extended lot line and that the garage wouldn't be close to any of the structures on Ms. Wilburn's lot. Ms. Leonard told the board she had spoken with Ms. Wilburn since the letter was sent and had explained the project to her.

Ms. Reisling asked if the applicant was aware of any easements that could be affected by the project. Mr. Blair said they weren't aware of any but that a survey would be supplied with the permit application to ensure no easement issues.

Mr. Little noted that the plan included an extended driveway and concrete pad in addition to the garage itself. He asked where the runoff from the additional pavement would go. Mr. Blair said it would be sloped back toward the house and the street and not toward any neighboring property. Mr. Little asked if there were any provisions planned to address that runoff. Mr. Blair said there would be a trench drain at the garage doors.

Mr. Little asked if any consideration had been given to a smaller garage that would eliminate the encroachment of the setback. Ms. Leonard said the size of the project was based on a desire to provide parking for two cars and a workshop. The board members and the applicant discussed alternative locations for the garage briefly.

Ms. Reisling asked if there was a fence on the lot. Ms. Leonard said that there are fences along some lot lines, but they belong to the neighboring properties and not to hers.

Mr. Little asked if the applicant would give consideration to reducing the width of the garage to eliminate the setback encroachment. Ms. Leonard said that she would prefer to keep the garage at a size that would accommodate two cars and the workshop, but that she would do what she had to do if the variance were not granted.

Ms. Daniels, who owns the property immediately behind the subject property, said she has no problem with the project.

Mr. Brant asked what the normal setback requirement was in the neighborhood of the subject property. Ms. Zempter said the setback requirements for all properties zoned R-2 were 6 feet on the sides and 25 feet at the rear.

Motion was made by Mr. Little to approve the appeal of Patricia R. Leonard, 4177 Beechgrove Dr., for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to exceed the 700-square-foot maximum allowable area for a detached garage by 20 square feet.

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

Motion was made by Mr. Little to approve the appeal of Patricia R. Leonard, 4177 Beechgrove Dr., for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to exceed the 13-foot allowable height for detached garages by 3 feet.

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

Motion was made by Mr. Little to approve the appeal of Patricia R. Leonard, 4177 Beechgrove Dr., for a variance to the requirements of Table 1135.10-I of Grove City's Codified Ordinances to encroach the required 25-foot rear setback by up to 19 feet, with the following stipulation:

- A survey must be provided with the building permit application to ensure that the structure will not obstruct any easements.

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

- 2.) **Hear the appeal of Robert Morris, representing NAPA, 2580 Columbus Street,** for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to encroach the required 30-foot front setback by up to 24 feet.

Mr. Robinson told the board that he was representing Mr. Morris as the local contractor on the project. He said the project was part of a push by NAPA to increase the size of their stores throughout the Columbus area to increase storage and cut down on truck traffic delivering stock.

Mr. Brant asked if there were any other properties along Columbus Street that had received variances to encroach the front setback. Ms. Zempter said that variances had been granted to Grove City Family Dentistry on Columbus Street and City Barbeque on Stringtown Road. Mr. Brant indicated that the Pizza Hut on Columbus Street and the bank at the corner of Columbus Street and Hoover Road seemed closer to the street than 30 feet. Mr. Boso explained that those buildings were built in compliance, but were later affected by road widening.

Ms. Reisling asked if the applicant was planning to extend the building to the parking lot. Mr. Robinson said the additions would not go forward toward Columbus Street, but to the east and west of the existing building. Ms. Reisling asked if the addition would extend closer to Leithart Drive than the existing parking lot. Mr. Robinson said it would. Ms. Reisling said she could see how the view of drivers leaving the parking area of the apartment complex might be obstructed by the addition.

Mr. Little asked if any of the materials being stored would be combustible or volatile. Mr. Robinson said no, that all the stored materials would be auto parts. Mr. Little asked if oil would be included among the materials being stored. Mr. Robinson said he thought there would be oil in the showroom but not in the storage areas.

Mr. Little asked why the addition had to be the full width and if it could be reduced. Mr. Robinson said the applicant was asking for as much space as possible to see what would be permissible. Mr. Little asked if there was any other way to accomplish additional storage. Mr. Robinson said the only other option would be to add height to the building, but he didn't think he'd be allowed to do that. He said that NAPA is pressuring the property owner to expand the building by threatening not to renew their lease.

Ms. Reisling asked if the width of the addition could be limited to reduce the encroachment to 18 feet. Mr. Robinson said it might be acceptable to the applicant, but he couldn't say for sure.

Mr. Little said one option to improve the line of sight would be to move the addition forward, another would be to decrease the width of the addition, and a third would be a combination of the first two options. He said the board members could table the appeal to allow Mr. Robinson to communicate the

board's concerns with the client, or they could deny it or grant it, but he didn't think granting the appeal was a feasible option at this point. Mr. Brant asked if the board could grant the variance for 18 or 20 feet rather than the requested 24 feet, noting that if the item were tabled and the applicant had to come back, construction on the project would be delayed into the fall. Mr. Little asked what the projected timeline for construction was, and Mr. Robinson said the applicant wanted it done as soon as possible.

Mr. Brant noted that the addition shown on the submitted plans doesn't extend to the front or rear of the building, adding that if the addition were extended, that could compensate for area lost by reducing the width of it. Ms. Reisling asked why the addition wasn't drawn as extending from the front of the building to the rear. Mr. Robinson said it was based on cosmetics and attachment of the addition.

Mr. Little noted that the masonry front of the building could serve as an expansion joint for a natural break in the wall. Mr. Little said he wasn't comfortable with the request but would be more comfortable if the width were reduced to 15 feet, though other members of the board might be willing to accept a greater width. He said he believed some space had to be allowed, not only for the line of sight, but also for the building itself.

Ms. Zempter noted that there were representatives of neighboring properties present who would like to speak before the vote.

Ms. Weaver introduced herself as a representative of the owners of the property to the west of the subject site. She said she objected to the project on the grounds of aesthetics, the burden it would create for other property owners and safety.

She noted that the addition would move a side overhead-door entrance to a front entrance that would be visible from Columbus Street, that the addition would impede the handicapped parking ramps on the site and that it would displace the existing dumpster. She added that NAPA trucks already had hit her clients' building, damaging a canopy. She said that the site contains fewer parking spaces than the number required for a building of that size and that the additional area would lead to greater parking requirements. She added that trees have already been cut down on the site to accommodate the potential expansion.

Mr. Brant told Ms. Weaver that the concerns listed in her testimony were not relevant to the requested variance, which is limited to the encroachment of the setback on the opposite side of the building. Ms. Weaver said her clients are opposed to the setback variance because they believe it damages their property. She added that the subject property has no access from a public way and has been using her clients' entrance from Columbus Street for years.

Larry Goldin, one of the owners of the property to the west, told the board that they were not informed about the original construction of the NAPA building, and that the owners of the subject site were supposed to construct an entrance off Leithart but never did and had just been using the entrance on his property since the NAPA building was constructed. He added that he objected to the materials of the existing building and proposed addition and that he was on the verge of chaining off NAPA's access to the Columbus Street entry on his property.

Ms. Wood, a tenant in Mr. Goldin's building, told the board that as the owner of Aqua Spa, her business relied upon aesthetics and that clients already had commented on how unattractive the NAPA building was and that it would only get worse if the proposed addition to the west were constructed. Mr. Little asked if the NAPA building was in existence when she rented the space. Ms. Wood said it was, but the expansion would bring the wall significantly closer to her business and change the natural light in her space.

Ms. Reisling asked staff to clarify that the requested variance affected the addition to the east side of the building and not the one to the west. Ms. Zempter said that was correct and that the required setback on the west side would be just 6 feet, so the addition on that side would not encroach as shown on the submitted plans. She added that the whole project would be subject to zoning approval through the certificate of appropriateness process, so even if a variance were granted tonight, a more detailed plan would have to be submitted and the staff would look at the parking issues as well as aesthetics of the project before any approval would be granted.

Mr. Brant noted that the testimony related to the addition on the west side of the property was irrelevant to the board's deliberation. Mr. Haque said it was up to the board members to determine what they believed to be relevant.

Mark Slade of Sladeco Inc., owner of the apartment complex behind NAPA said that he objected to the variance on the grounds of the interruption to the line of sight of vehicles leaving his property. He said he didn't see the necessity to make an exception to the setback requirements. He added that he didn't think that even a 15-foot encroachment would be acceptable. He also wondered where mechanical units serving the NAPA building would be relocated.

Mr. Little said he was sympathetic to the concerns of the neighboring property and business owners, but that the matter before the board was just the encroachment of the setback on Leithart Drive. He added that there would be a forum to address the entrance to the site, parking requirements and other concerns, but that the variance hearing was not that forum.

Mr. Little asked if the applicant had considered any plans other than the one submitted. Mr. Robinson said the submitted plan was the only one they had at this point. He said the applicant just wanted to see what might be possible before expending time and money on more detailed plans.

Motion was made by Mr. Little to approve the appeal of Robert Morris, representing NAPA, 2580 Columbus Street, for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to encroach the required 30-foot front setback by 18 feet with the stipulation that the addition be moved forward to be in line with the existing front wall of the building.

Seconded by Brant. VOTE: Little, NO; Reisling, NO; Brant, NO. DENIED.

A brief recess was held at Mr. Brant's request and the board reconvened a few minutes later.

- 3.) **Hear the appeal of Jeffery L. Banker, representing Hazel Banker, 3215 Kingston Ave.,** for a variance to Section 1137.05(c) of Grove City's Codified Ordinances to install a privacy fence between the building setback line and the street right-of-way line.

Mr. Banker told the board members that his mother has lived at the property for about 40 years and that the proposed privacy fence would be located in the same location where a chain-link fence used to be. He showed the board members photos of the site with the fencing temporarily positioned on the site. He said that although Viola is a dead-end street, people often think they can access Windsor Park from there, so the fence would provide some privacy from traffic. He said the fence could be installed at the building line, but it would make the yard almost unusable and would limit his mother's ability to garden in the back yard.

Mr. Brant asked how much higher the proposed fence would be than the former chain-link fence was. Mr. Banker said it would be 2 feet higher.

Mr. Brant asked what the code permits. Ms. Zempter said that within the front setback, the code only allows fences 42 inches tall and of a particular type that allows greater visibility. She said that privacy-type fences of any height are prohibited in the front setback by code.

Mr. Banker said that the fence as proposed would not obstruct any view. He said that if the variance isn't granted, he would install the same type of fence, but it would be moved 6 feet in from Viola to be in line with the side of the house.

Mr. Little noted that the fencing would match the type of fencing already in place on the opposite side of the yard.

Mr. Brant asked if Mrs. Chaddock, who had written a letter to the board objecting to the variance, was present. Mrs. Chaddock stood and was sworn in when Mr. Banker objected that she hadn't been sworn in at the start of the meeting. She told the board that she lived across the street from the subject property and used to live behind it. She said she had lived in the area for a long time, as well, and didn't see a lot of traffic on Viola. She said she didn't know until the day of the meeting what type of fence it would be.

Mr. Little told her that the applicant could put up a fence and the board's only consideration was the location of the proposed fence. He added that if the variance were denied, the applicant could put up the same fence at the line of the house, so the only difference would be that it would be 6 feet further from the street.

Mr. Brant asked if she still had an objection to the fence being installed six feet in front of the line of the house. She said she didn't want the fence to come out to the street. Mr. Little explained that it wouldn't come all the way out to the street. Mrs. Chaddock then noted that there were no stockade fences in the neighborhood. Mr. Brant said that wasn't really relevant to the case before the board because such fences were permitted by the code.

Mrs. Chaddock said she wanted the fence to be installed correctly. The board members indicated that the inspectors in the Building Division would be responsible for ensuring proper installation.

Motion was made by Mr. Little to approve the appeal of Jefferey L. Banker, representing Hazel Banker, 3215 Kingston Ave., for a variance to Section 1137.05(c) of Grove City's Codified Ordinances to install a privacy fence between the building setback line and the street right-of-way line.

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

- 4.) **Hear the appeal of Todd Huntington, representing Taco Bell, 040-013658 (London-Groveport Road outlet in front of Meijer),** for the following variances:
 - a.) To Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable area for attached signage of 38.2 square feet by up to 62.1 square feet.
 - b.) To Section 1145.16(c) of Grove City's Codified Ordinances to allow roof signs.

Mr. Little asked the applicant what had changed since the application first was presented to the board in January. Mr. Huntington said that, at the board's request, KFC had submitted a letter relinquishing signage variances granted in 2009 for a combined Taco Bell/KFC restaurant on an adjacent parcel. He said development plans had been submitted and the applicant hoped to begin construction in a month or so. He said he didn't have any further information about KFC's plans for development of the adjacent lot.

Mr. Brant asked if the letter from KFC had been made part of the record. Ms. Zempter said it had.

Mr. Huntington said that the signage proposed was the same as that presented at the earlier meeting. Mr. Brant asked Ms. Zempter to incorporate the minutes from the earlier meeting into the record of this meeting to address all the items discussed in January.

Mr. Huntington said that the purple bells on the clearance bar at the order-point canopy had been removed at the request of Planning Commission and Council during the development plan approval, but no other changes had been made to the signage.

Mr. Little noted that the roof signage referred to lettering atop the canopies on three elevations of the building.

- **Motion** was made by Mr. Little to approve the appeal of Todd Huntington, representing Taco Bell, 040-013658 (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 area for attached signage of 38.2 square feet by up to 62.1 square feet.

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

Motion was made by Mr. Little to approve the appeal of Todd Huntington, representing Taco Bell, 040-013658 (London-Groveport Road outlot in front of Meijer), for a variance to Section 1145.16(c) of Grove City's Codified Ordinances to allow roof signs.

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. Mr. Brant asked staff how City Council had voted on the appeal of the board's approval of a use variance for a gym at 6258 Seeds Road. Ms. Zempter said that City Council had overturned the approval.

Adjournment.

Motion was made by Mr. Little and seconded by Mr. Brant to adjourn the meeting at 8:27 p.m. VOTE: Reisling, YES; Brant, YES; Little, YES. **APPROVED.**

Harold "Butch" Little, Board Chairman

Christy Zempter, Secretary