

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: June 22, 2009**

Regular Meeting

Board Chairman Jeff LeVally called the Board of Zoning Appeals regular meeting to order at 7:00 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board Members Jeff LeVally, John Brant and Harold “Butch” Little; Planning and Zoning Coordinator Christy Zempter; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were Christopher Love, representing Lot 9, Jen Arl Estates, and Noel Darby of 3701 Sheldon Place.

Motion was made by Mr. LeVally to approve the minutes of the May 26, 2009, regular meeting.

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

Motion was made by Mr. LeVally to remove from the table the appeal of Christopher Love, Lot 9, Jen Arl Estates (Parcel 040-010163), for a variance to Section 1136.06(b) of Grove City’s Codified Ordinances to eliminate the parking setback on the south side of the property and construct a parking lot that extends beyond the lot line into an adjacent easement parcel.

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

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

- 1.) **Hear the appeal of Christopher Love, Lot 9, Jen Arl Estates (Parcel 040-010163)**, for a variance to Section 1136.06(b) of Grove City’s Codified Ordinances to eliminate the parking setback on the south side of the property and construct a parking lot that extends beyond the lot line into an adjacent easement parcel.

Christopher Love addressed the board, explaining that he had met June 11 with members of the neighboring condominium association, which owns the easement parcel, and they seemed receptive to his plans for the lot. He said he e-mailed a form letter the following day requesting that all condominium association board members who had been at the meeting sign the letter indicating that they understood and approved of the proposed use of the parcel. He said he was told by one member of the board that it would be no problem, but that he hadn’t yet received the signed letter.

Mr. LeVally confirmed that the only thing the board was waiting for was a written agreement with the condominium association. He added that the item had been on the table for more than 90 days, which is longer than he would like to see an item tabled.

Mr. Brant said he would like to make a motion that the item be returned to the table until next month, even though he said he understood Mr. LeVally’s concern about the length of time it had been on the table.

Mr. Little agreed with Mr. Brant’s proposal.

Motion was made by Mr. Brant to table the appeal of Christopher Love, Lot 9, Jen Arl Estates (Parcel 040-010163), for a variance to Section 1136.06(b) of Grove City’s Codified Ordinances to eliminate the parking setback on the south side of the property and construct a parking lot that extends beyond the lot line into an adjacent easement parcel.

Seconded by Mr. Little. VOTE: Little, YES; Brant, YES; LeVally, YES. TABLED.

Mr. Love asked if he would still have to wait a month if he were able to secure the signed letter right away, and Mr. LeVally indicated that he would.

2.) **Hear the appeal of Noel Darby, 3701 Sheldon Place**, for a variance to Section 1137.05(c) to place a privacy fence in front of the building setback line.

Ms. Darby addressed the board, indicating that the reasons for her request had been spelled out in a letter submitted with her application to the board.

Mr. LeVally asked how far the fence extended into the setback. Ms. Darby responded that it was a 6x6-foot decorative white resin panel, so it extended 6 feet beyond the building line.

Mr. Little asked why she chose a 6-foot-high fence. Ms. Darby responded that it was chosen to hide the view of her next-door neighbor's trash cans and other items stored in front of his house, including a commercial snow plow and salt spreader. She added that she and her husband had to pick up trash that had blown into their yard from the neighbor's trash cans. In addition, she said, the fence provided a privacy buffer since the houses were so close together and that it added a decorative element to the property.

Mr. Little asked why the style of the panel differed from that of the fence in place behind the building line on the property. Ms. Darby said that fence was in place before the panel was added and that she didn't care for the style of the existing fence.

Mr. Little asked if a 4-foot fence would hide the objects in the neighbor's yard, and Ms. Darby responded that she didn't think it would. Mr. Little asked if she had investigated other options that would minimize the visual impact of the fence, particularly the height. Ms. Darby said if she didn't use the panel, she probably would have used at least 6-foot-tall arborvitae.

Roy Sanders, the owner of the property and the father of the applicant, addressed the board, indicating that he believed the fence added to the appearance of the property and that it didn't make sense that he would not be allowed to maintain his property in this manner.

Alan McPherson of 3709 Sheldon Place, the next-door neighbor of the applicant, also addressed the board. He stated that he believed the panel was actually 6x8 feet, so it would extend 8 feet in front of the building line. He said that his objection to the panel was that his building line was 2 to 3 feet behind the applicant's and that now when he let his two German shepherds out in the morning, he could no longer look to see if anyone was walking down the street who might be frightened by the presence of the dogs in the yard. He said he had been advised by the Building Division of the City Code section that prohibits the storage of trash cans in front of the house, but that he had not been aware of it prior to that and that he had seen trash cans stored in similar locations throughout his neighborhood.

Mr. McPherson said that the landscaping on the applicant's side of the fence was attractive but there were unattractive cinder block-type elements along the bottom of the fence on his side of it. He added that the fence creates a shadowed spot on his property and that his cars have been broken into several times, so he sees it as a safety issue as well.

Mr. Little asked Mr. McPherson when his trash pickup was scheduled, and Mr. McPherson responded that it was scheduled on Mondays.

Mr. LeVally said he was also disconcerted about the height of the fence and that, while he understood the applicant's concerns about trash blowing in, he believed a shorter fence would serve the same purpose.

Motion was made by Mr. LeVally to approve the appeal of Noel Darby, 3701 Sheldon Place, for a variance to Section 1137.05(c) to place a privacy fence in front of the building setback line.

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

Mr. Haque explained that while appeals may be made to City Council when a variance is granted, there is no internal appeal process for denials by the BZA. However, Chapter 2506 of the Ohio Revised Code provides for appeals of such decisions to the Franklin County Court of Common Pleas.

Mr. LeVally commented that he had driven by the property and that the fence just jumped out at him. He added that if the fence had been 4 feet tall, he probably would have voted to grant the variance. Mr. Little said his response to the application followed the same lines and that the fence was attractive but, given its location, it was clearly a violation of the code. He added that if the height could be mitigated in a way that wouldn't restrict the view of the neighbor, he wouldn't have objections to it.

Mr. LeVally asked if there was any other new business, and none was indicated.

Mr. LeVally thanked both Building Inspector Mike Chinn and Mr. Haque for their presence at the meeting.

Adjournment.

Motion was made by Mr. LeVally and seconded by Mr. Brant to adjourn the meeting at 7:27 p.m. VOTE: LeVally, YES; Little, YES; Brant, YES. **APPROVED.**

Jeff LeVally, Chairman

Christy Zempter, Secretary