

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
June 22, 2015**

The Chair, Ms. Reisling called the Board of Zoning Appeals meeting to order at 5:30p.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, Laura Leister; also 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 May 26, 2015. Second by Mr. Brant.

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

The Chair moved to the next item.

- 2) Hear the appeal of **Kirsten and Sean Bailey, prospective buyers representing Deerfield Lands, 0000 Orders Rd., (Parcel # 040-004966)** for a variance to Table 1135.10 –I to waive the requirement to have 80 feet of road frontage on an R-1 (Residential) Lot.

Mrs. Bailey explained they were back to request the same variance as last time to allow them to waive the requirement for 80 feet of frontage in order to place a driveway off Keefer Rd and to access water, sewage and schools and so her children can get on a bus in a development instead of Orders Rd.

Mr. Brant asked legal counsel, Miss Leister if he could ask to have the minutes from the February 23 meeting incorporated to reflect the full discussion here. Miss Leister said yes.

Excerpt from February 23, 2015 Board of Zoning Appeals meeting follows:

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Hear the appeal of David Keil, Property Owner, and Sean Bailey, prospective buyer, 0000 Orders Rd., for a variance to Table 1135.10-I, Residential District Requirements, to waive the requirement to have a minimum 80ft of street frontage to build on a lot zoned R-1.

David Keil, the property owner, Kirsten and Sean Bailey addressed the board. Keil said they are making the request to have the home front on Keefer Rd., which is currently a stub street or dead end. The lot has

plenty of frontage on Orders Rd and a curb cut but they do not wish to use it. Mrs. Bailey indicated they are making the request because they have children, know people in Margie's Cove and wish to be part of the neighborhood. Also, the cost of building a bridge for a driveway and bringing water and sewer from Orders Rd will be very costly. To build a driveway that can carry emergency vehicles is very expensive. The bridge that is there is in disrepair and impassable. They would have to dig underneath the stream to bring water and sewer. The water, storm and sewer is available from Keefer Rd within 50 feet and could be brought straight across the property to the west as indicated by the city in order to be available to future development. Keil said the property has been for sale for a while. It is too narrow to bring Keefer Rd through and develop with more homes as the street would have to be single load. Homewood who owns the lot to the north is not interested in the property.

Mr. Brant stated for the record that City Building and Zoning departments do not support the request. Bailey's and Keil felt that if they bought the lot and built the home fronting on Orders Rd. per code, Keefer would still dead end and no future development could occur there. Mr. Brant asked counsel if the City could use eminent domain. Yazan Ashrawi indicated the city could use eminent domain for street right-of-way.

Mr. Brant is not sure why the variance is needed. Mr. Boso indicated the code requires every lot have a minimum street frontage. The frontage requirement allows the city to carry streets through subdivision and connect to and maintain water and sanitary services. Without this, we could not build subdivisions.

The Bailey's confirmed they intend to bring the water and sewer across the lot and grant an easement to the city. The house sits back far enough that not even the driveway would interfere with the easement. Mr. Holinga asked if the Baileys own the lot. They are in contract with Mr. Keil, pending this approval. The properties to the west are in Jackson Township.

Stewart Wilkens, 2679 Loris way, and John Miles representing the Margie's Cove homeowners association (HOA) spoke. Mr. Wilkens wants the building to have the same aesthetics as that in Margie's Cove, meet the deed restrictions, covenants and pay into the association. The Baileys indicated they would do so. Mr. Miles felt the lot would have to be added to the Margie's Cove plat. Mr. Boso said this would not be required nor would the Baileys be required by the city to join the association. Mr. Miles questioned Bailey's use of the storm drains and retention.

The Chair asked if the Baileys would be willing to meet the requirements of HOA and meet codes. Mrs. Bailey said meeting the code would be OK, but they would not be part of the Margie's Cove plot plan. Mr. Keil stated they sold an acre behind this lot to Homewood for Hoover Crossing. Homewood is not interested the other 4 acres. They do not want to access Orders Rd by connecting Keefer to Longridge. The lot is not wide enough to suit them and could only have a single load street.

Mrs. Bailey said the current home estimate is around \$800,000. Mr. Brant said it seems the concern from homeowners association is that they use the same materials. Mrs. Bailey indicated the house would be very nice and would not be seen because they intend to leave many of the trees and make it secluded. All they will see from Keefer is the driveway. The home plan design is almost done.

Mr. Miles and Mr. Wilkens insisted since the only access to the home will be from Keefer Rd and they will get the benefits of it, they should be part of the Margie's Cove Association. Mr. Keil suggested the Baileys meet with association to discuss becoming part of it. Mr. Holinga asked about dues. Mr. Miles said they are \$300 per year. More discussion on whether the lot will have to be platted into Margie's Cove subdivision. Mr. Brant stated from what Mr. Keil said the lot was never intended to be part of Margie's Cove. Everyone seemed to agree on this point. Mr. Boso clarified the lot would not be platted to Margie's Cove but this did not preclude them from joining the association.

Mr. Wilkens said he didn't think the home looked like it belonged there. Bailey said it will not be seen. Mr. Wilkens continued to voice concerns that the plans submitted did not have enough information and it was not clear what the frontage would be and there is no provision for curb, gutter or sidewalk. Mrs. Bailey said the frontage would be 60 feet. The only sidewalk built would be a corner clip if that is what was wanted. Keil and Bailey promised it would be aesthetically pleasing.

Motion to grant the appeal of David Kiel, Property Owner, and Sean Bailey, prospective buyer, 0000 Orders Rd., for a variance to Table 1135.10-I, Residential District Requirements, to waive the requirement to have a minimum 80ft of street frontage to build on a lot zoned R-1. Second by Mr. Holinga.

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

The Chair encouraged the Baileys to talk with HOA and come to some agreement.

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Continuation of the minutes from June 22, 2015;

Mr. Brant asked Mr. Boso, who is also the Floodplain Manager if the Bailey's could build in front of the stream on the front of the four (4) acre lot bordering Orders Rd. Mr. Boso indicated they would have to span the floodplain to build there which could incur considerable expense. Mr. Brant stated that the Bailey's proposal to build behind the stream would be the first appropriate place to build a home. Mr. Boso agreed bridging the stream could add considerable cost to the project but that he had no estimate on the cost.

Ms. Reisling asked if the Bailey's had investigated these costs. Mrs. Bailey stated they had and that estimates for a driveway for regular cars would cost \$46,000 and could go up to \$75,000 if it were to carry heavy commercial vehicles. Mrs. Bailey provided an updated site plan to the board members.

Ms. Reisling asked the Bailey's if they were willing to commit to extending the sewer and water from Keefer Rd west to the other side of the lot and would enter into a development agreement with city. Mrs. Bailey said they had planned on it.

Kathleen Faught of 3171 Orders Rd. spoke next. She has lived across from this lot for over 25 years and attended because she was interested in what will be happening on this lot. She had no objections to the variance.

Motion to grant the appeal of Kirsten and Sean Bailey, prospective buyers representing Deerfield Lands, 0000 Orders Rd., (Parcel # 040-004966) for a variance to Table 1135.10 –I to waive the requirement to have 80 feet of road frontage on an R-1 (Residential) lot with the stipulation that a development agreement between the city and the developer be executed.

Second by Mr. Holinga.

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

Ms. Reisling reminded the Baileys of the 21-day waiting period before the variance is effective in order to allow for appeals from City Council or any aggrieved party.

The Chair asked for any new business. There being none, the Chair moved to adjourn the meeting at 5:47pm. Seconded by Mr. Brant.

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

Adjournment.

Ms. Reisling, Board Member

Laura Scott, Secretary