

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: Monday, July 22, 2013**

**Regular Meeting**

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:05 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little and Kelly Reisling; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; and Stephen Smith of Frost Brown Todd, representing the City. Also present were: James Hartley of Signcom, representing 3330-3360 Justus Road; Karen Evans and Cheri Walter, representing 5592 Meadow Grove Drive; Kevin Ludke and Jeff Poole, representing 1394 Stringtown Road; Jim Rauck, 1111 London-Groveport Road; and Gregory Seimer, representing 6343 Shawnee Street. Board member John Brant was absent.

*Motion* was made by Ms. Reisling to approve the minutes of the June 24, 2013, regular meeting.

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

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

- 1.) **Hear the appeal of Melody Ward, representing Prologis, 3330-3360 Justus Road,** for a variance to Section 1145.16(e)(1) of Grove City’s Codified Ordinances to install a ground-mounted sign that would exceed the 8-foot height limit by 12 feet.

*Motion* was made by Ms. Reisling to remove this item from the table.

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

James Hartley addressed the board on behalf of property owner Prologis. He noted that the height of the proposed sign had been changed, along with its location, based on feedback from the board at the June meeting. He said the new location featured an opening in the landscaping to allow for a better line of sight at a lower height.

Ms. Reisling noted that board members had suggested at the last meeting that the possibility of moving the existing monument sign be considered. Mr. Hartley responded that it could be moved, but no location could be found where it would have any visibility. He added that the opening in the landscaping at the new site could accommodate visibility for a 20-foot sign, but not a 6-foot sign.

Ms. Reisling asked if the competing industrial park across I-270 had ground-mounted signage that would not meet the City’s code requirements. Mr. Hartley said he didn’t think so, but that site didn’t have the visibility issues Prologis has because all the buildings and attached signage there was visible from the highway.

Mr. Little asked if there was any location on the Prologis site where a sign that met code requirements would be visible. Mr. Hartley said he couldn’t find such a site without removing landscaping. Mr. Little said there appeared to be several openings farther east on the property that would accommodate a lower sign.

Mr. Little stated that the property owner recently was granted a variance for increased wall signage and asked if the approved wall sign would remain on the site. Mr. Hartley said the applicant was willing to

remove it if the new variance was approved. Mr. Little asked if it would remain if the variance were denied, retaining its visibility. Mr. Hartley said the wall sign had poor visibility because it was parallel to the highway, whereas the ground-mounted sign would be perpendicular. Ms. Reisling asked if the wall sign could be moved from the front of the building to the side to make it perpendicular to the highway. Mr. Hartley said he hadn't looked at that option, but he thought visibility would be very limited because the buildings are so close together, and moving the sign to one side would eliminate all visibility for traffic coming from the other direction.

Mr. Little said he noticed a location on the site where most of the trees obstructing visibility were on the applicant's property, so they potentially could be removed or relocated to create an opening for a sign that meets the limits of the code. Mr. Hartley said he couldn't imagine a 6-foot-tall monument being identifiable from I-270. Mr. Little asked what height the applicant could live with. Mr. Hartley said that 15 feet would be better than nothing, but even at that height, the bottom of the sign would be obscured.

Ms. Reisling expressed concern that even if this variance were approved, requests for further variances could be likely when the landscaping grows to obscure the new sign. Mr. Hartley said the applicant would be willing to agree not to return for another variance in the future, but Mr. Smith said such an agreement probably would not be enforceable.

Mr. Smith added that all applicants should be aware that because only two board members were present, a unanimous vote would be required for any approval.

Mr. Hartley noted that he was aware the board might be concerned about opening a Pandora's box, but that a 20-foot sign didn't represent a high-rise sign per industry standards and he didn't think many commercial properties would seek a variance for such a sign. Mr. Little countered that the code allows an 8-foot height and the board had received requests for 20-foot signs from other property owners.

**Motion** was made by Mr. Little to approve the appeal of Melody Ward, representing Prologis, 3330-3360 Justus Road, for a variance to Section 1145.16(e)(1) of Grove City's Codified Ordinances to install a ground-mounted sign that would exceed the 8-foot height limit by 12 feet.

**Seconded by Ms. Reisling. VOTE: Reisling, NO; Little, NO. DENIED.**

- 2.) **Hear the appeal of Karen Evans, representing Cheri Walter and Ann Toomey, 5592 Meadow Grove Drive, for a variance to Section 1137.05(c) of Grove City's Codified Ordinances to install a privacy fence that would encroach the building setback by 19 feet.**

Ms. Evans said that when the applicants purchased the home, they had fewer than 30 days from contract to closing. The new owners indicated that they would be bringing in a contractor to look at installing an in-ground pool and would need a survey. The previous owners didn't indicate any problem with installing a pool, but when the survey was made available, the applicants discovered a 40-foot sanitary sewer easement at the back of the property that would eliminate the possibility of installing a pool there. The City's engineer told Ms. Evans and the new homeowners that a fence could be installed within the easement, but not a pool. As a result, Ms. Evans said, any pool would have to be installed in the limited area near the house, and would have to encroach the setback along one of the streets fronting the corner lot. She added that the applicants weren't seeking a variance for the pool yet, only the fence, which would be required as a barrier around the pool.

Mr. Little asked what type of fence was proposed. Ms. Walter said that they were considering a 6-foot-tall cedar or vinyl fence, but they might go with a lower height if the pool turns out not to be a possibility.

Mr. Boso noted that a variance had been approved for a property on Mallow Lane and Meadow Grove Drive for a 6-foot-high fence about 4 feet off the sidewalk with a stipulation that landscaping be placed to break up the long fence.

Ms. Evans asked what fence height was required to be considered an adequate barrier for a pool. Mr. Boso said the pool code required a 4-foot-tall fence.

Mr. Little asked if a second variance to install a 6-foot-tall fence in the building setback, and Mr. Smith said the current variance request would cover that issue, but a height could be stipulated as part of an approval.

Ms. Zempter noted that a letter opposing the variance had been received from neighboring property owner Michael Uhrin.

**Motion** was made by Mr. Little to approve the appeal of Karen Evans, representing Cheri Walter and Ann Toomey, 5592 Meadow Grove Drive, for a variance to Section 1137.05(c) of Grove City's Codified Ordinances to install a privacy fence that would encroach the building setback by 19 feet, with the following stipulation:

- The height of the fence shall not exceed 6 feet.

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

Mr. Little advised applicants 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 Kevin Ludke, Manheim Ohio, 1394 Stringtown Road,** for a variance to Section 1137.11 of Grove City's Codified Ordinances to install a gravel parking lot.

Mr. Ludke said that Manheim would like to create a gravel parking lot on the site similar to those on properties to the east and west. He added that the lot would be lit, mounded, landscaped and surrounded by a chain-link fence and entrance gate, with a 40-foot paved apron and entry. He said it would be used for overflow employee parking on auction days.

Ms. Reisling asked why the applicant didn't want to pave the lot. Mr. Ludke said Manheim does want to pave the lot, but he didn't know when funding would be available to do so. He added that they planned to request funds for 2014.

Ms. Reisling asked how big the lot would be. Mr. Ludke said it would be 400x100 feet. He said that the fence connecting the new lot to the existing paved employee lot eventually would be removed and the lots connected when the new lot was paved.

Mr. Little asked if landscaping was proposed only for the front of the lot. Mr. Ludke said that more landscaping could be provided. Mr. Little asked if the gate would be automatic or manually operated. Mr. Ludke said it would be manually operated by a security guard, who would man the site while vehicles were parked there, and the gate would be locked after all cars left the lot.

Mr. Rauck, who owns the property east of the subject property said he didn't think any landscaping would be necessary, but he proposed that the gravel lot be topped with RAP to reduce dust and that the driveway be moved toward the center of the lot so all three sites might eventually be accessed from a single curb cut. Mr. Little questioned the possibility of centering the driveway given the angle.

Mr. Smith noted that once the parking lot is installed any screening or landscaping requirements listed in the code would have to be followed.

**Motion** was made by Mr. Little to approve the appeal of Kevin Ludke, Manheim Ohio, 1394 Stringtown Road, for a variance to Section 1137.11 of Grove City's Codified Ordinances to install a gravel parking lot.

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

- 4.) **Hear the appeal of Gregory M. Seimer, representing William and Penny Wood, 6343 Shawnee St.,** for a variance to the requirements of Table 1135.10-I of Grove City's Codified Ordinances to encroach the rear setback by 2 feet.

Mr. Seimer was sworn in because he wasn't present for the swearing-in earlier in the meeting.

Mr. Seimer indicated that the contractors had thought a 22-foot easement shown on the survey indicated the required setback line for the property, but learned that the setback was 25 feet after submitting plans for a building permit. A sunroom on the back of the house encroaches that setback, but remains outside the 22-foot easement.

Mr. Little asked if the house had been built yet. Mr. Seimer said it hadn't.

Ms. Reisling asked if houses had been built on the properties on either side of the subject property, and Mr. Seimer said houses had been built on both sites. Ms. Reisling asked if either of those houses encroached the setback, and Mr. Seimer said he didn't think either did.

Mr. Little asked if any correspondence had been received regarding this appeal, and Ms. Zempter said none had been received.

Mr. Seimer noted that a tree-lined area separated the back of the lot from the neighboring property.

**Motion** was made by Mr. Little to approve the appeal of Gregory M. Seimer, representing William and Penny Wood, 6343 Shawnee St., for a variance to the requirements of Table 1135.10-I of Grove City's Codified Ordinances to encroach the rear setback by 2 feet.

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

Mr. Little asked if there was any new business to discuss, and none was indicated.

**Adjournment.**

**Motion** was made by Mr. Little and seconded by Ms. Reisling to adjourn the meeting at 8:18 p.m. VOTE: Reisling, YES; Little, YES. **APPROVED.**

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Harold "Butch" Little, Board Member

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Christy Zempter, Secretary