

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: Monday, September 24, 2012**

Regular Meeting

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:02 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little and John Brant; 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: Scott Ryan, representing 2678 Southwest Blvd.; Dale Benson, Ryan D. Srbljan and Andrew Bacher, representing 4770 Hoover Road; Elsa Morris, 2468 Hickorybend Ct.; Barry Baker, 1128 Pinnacle Club Drive; Robert Morris and Richard Robinson, representing 2580 Columbus Street; Larry Goldin, Ruth Weaver and John Weaver, 2590 Columbus Street; and Mark A. Slade, 5365 Lambert Road. Board member Kelly Reisling was absent.

Motion was made by Mr. Little to approve the minutes of the Aug. 27, 2012, regular meeting.

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

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

- 1.) **Hear the appeal of Scott Ryan and Amy Carpenter, representing Roger and Mary Hill, 2678 Southwest Blvd.,** for a variance to the requirements of Table 1135.10-I of Grove City’s Codified Ordinances to convert an existing one-car garage into living space.

Mr. Ryan told the board that the materials used for the alteration of the garage would match the exterior of the existing house. He explained that the garage is undersized and basically unusable for vehicle storage, adding that the homeowners had purchased a 6x6-foot shed to store their lawnmower, and all other equipment from the garage would be stored in the basement.

Mr. Brant asked the applicant if he had any problem with the inclusion of a stipulation that adequate storage space for materials stored in the garage must be provided. Mr. Ryan said he didn’t have any problem with that.

Mr. Little asked if a separate water system would be required for the altered space. Mr. Ryan said none would be required because an existing bathroom adjacent to the garage would be incorporated into the suite. He added that no additional load would be placed on any of the utilities.

Mr. Little noted that the application indicated that no additional cars would be located on the site. Mr. Ryan responded that the suite was intended for the homeowner’s 90-year-old mother, who does not have a car.

Mr. Little asked if there were any plans to extend the driveway, and Mr. Ryan noted that there’s not enough clearance to expand it.

Mr. Brant asked if any comments were received from neighboring property owners, and Ms. Zempter responded that no comments were received.

Motion was made by Mr. Little to approve the appeal of Scott Ryan and Amy Carpenter, representing Roger and Mary Hill, 2678 Southwest Blvd., for a variance to the requirements of Table 1135.10-I of

Grove City's Codified Ordinances to convert an existing one-car garage into living space, with the following stipulations:

- No additional space will be made available on the lot to house materials, other than the 6x6-foot shed that's already been purchased; and
- The newly created space cannot be used as a rental space.

Seconded by Mr. Brant. VOTE: Little, YES; Brant, 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 Andrew Bacher, representing Grove City Church of the Nazarene, 4770 Hoover Road, for the following variances:

- a.) To Section 1145.16(e)(1) of Grove City's Codified Ordinances to erect a ground-mounted sign that would exceed the 50-square-foot area limit by 170 square feet and the 8-foot height limit by 16 feet; and
- b.) To Section 1145.06(c) of Grove City's Codified Ordinances to install an electronic message center.

Mr. Benson, the executive pastor of Grove City Church of the Nazarene, told the board that in addition to church and school-related activities, the site hosts a significant number of community events. He noted that as people come to the site for these events, it can be difficult for them to find the proper entrance because the existing signage on the site is off-set to the original parking lot, which is no longer near the primary entrance to the facility. He added that in addition to the church, school and athletic fields, the building contains a childcare center and retail court that includes a restaurant, salon and bookstore. With the existing signage, he said, there's no way to indicate to the public that those facilities are there.

Mr. Benson added that he believed that the facility was one of the largest employers in the City, other than the municipal government and the school district. He said that the church had 5 acres under roof, and that events taking place there draw thousands of people to the City, where they might patronize local hotels and restaurants.

Mr. Benson acknowledged that a variance was required to allow the signage proposed and that the variance would bring with it the fear of a precedent being set for other locations. However, he said, it would be difficult to find another site in Grove City or even in Columbus that hosted so many events in addition to the church, school, athletic and retail facilities permanently established there.

Mr. Brant noted that, based on the materials submitted to the board, the applicants seemed to view the site as a multi-purpose institution rather than simply a church. Mr. Benson responded that number of inspections required for the various uses of the facility indicated that the City also viewed the site that way.

Mr. Brant asked if the area variance would be adequate without the message board, noting that several institutions had sought electronic signage and been turned down. Mr. Benson responded that the facility was similar to a conference center, and the electronic message board would be necessary to inform the public of the various events hosted there. He noted that the church currently uses temporary signage on the grounds to advertise events, and the message board would provide a less cluttered means of informing the public.

Mr. Brant indicated that many people had testified against past requests for electronic message boards on the basis of safety. Mr. Benson said that the documents submitted to the board included data that indicated that the rise in the number of electronic billboards and message boards along interstates and other roadways had not resulted in an increase in the number of traffic accidents. Based on the reports he had read, he said, he didn't see the sign as a potential distraction to drivers.

Mr. Brant noted that objections had been voiced by neighboring property owners. Mr. Benson said he had tried to visit Ms. Morris, who had attended the previous board meeting, but couldn't reach her.

Mr. Little asked where the existing sign is in relationship to the proposed location of the new sign. Mr. Benson noted that the new sign would be moved out onto the berm and centered at the front of the building, about 60 feet to the south of the existing sign's location. Mr. Little said the new location didn't seem to significantly improve the sign's capacity to direct traffic to the southern entrance of the site. Mr. Benson noted that they would move the sign further south if the board agreed to that, but that the location was chosen to maximize aesthetics.

Mr. Little asked if the existing sign could be moved or the trees blocking it could be removed to increase its visibility. Mr. Benson noted that the existing sign features manually changeable letters, which he finds more distracting than electronic messaging, and that, as a community member, he believed the proposed sign would be more attractive than the existing sign.

Mr. Little asked if the existing sign could be revamped to accomplish everything the applicant sought without constructing a new sign. Mr. Benson said he didn't know if that would be possible, adding that without a digital display, he would have to find a new way to inform the public about the various facilities and events housed at the site.

Mr. Little asked what the duration of each message proposed on the electronic message board would be. Mr. Benson said the materials he had read indicated the duration of each message should be four to six seconds, but that he would be open to the board's judgment. Mr. Little asked if the message board would be in operation 24 hours a day. Mr. Benson said he would prefer to keep it on all the time, but would be open to restrictions determined by the board.

Mr. Little noted that the sign would, in essence, be a TV screen. Mr. Srbljan responded that it would be a high-resolution message center capable of just about anything, but that the purpose was not necessarily to run full-color video or animation. The primary intention was to display full-color photos with related text with background colors to match the sign structure and building. He indicated that he has worked with other entities whose attitude regarding message centers has gone from a blanket "no" to a focus on regulating the content.

Mr. Brant said the board faced a problem approving the message board, in that neighboring Grove City High School was granted a variance in 2005 for an electronic message board, but the variance was overturned by City Council. Mr. Brant asked that the minutes from the Aug. 22, 2005, BZA meeting and Council Resolution CR-73-05 overturning the variance be introduced into the record. He added that the issue had come up three or four times during his tenure on the board, and approval was granted only once. He noted that the approval of an electronic message board at the Central Crossing complex allowed conversion of an existing manually changeable sign and was subject to stringent restrictions.

Mr. Srbljan noted that the type of sign proposed wasn't even available in 2005 and the technology of such signs has improved significantly even over the last few years.

Mr. Brant told the applicants that a committee has been working to revise the existing sign code, and the revisions are expected to be presented to City Council in the coming months. He suggested the applicants approach the committee and Council to request a change in the code related to electronic signage.

Mr. Little noted that there were two issues at stake, and the first issue to be addressed was the size of the sign. He asked if the existing sign could be retrofitted without establishing a new sign. Mr. Benson said he didn't think the cost would justify the benefit. Mr. Srbljan added that it was not feasible to identify all the entities housed on the site on the existing sign, but that they might be able to limit the height and area of the new sign to that of the existing sign. He added that other options could be considered and that the proposed sign was intended to open conversation to determine what would be possible. The applicants presented a second drawing to the board that kept the height within the code's 8-foot limit but still exceeded the area limit and contained an electronic message center. Mr. Little asked that the drawing be introduced into the record and asked the applicants if a third option was available. Mr. Srbljan said a third could be created with input from the board.

Mr. Benson reiterated that the site provides facilities for many community events that the City couldn't offer without the church's participation and that he was seeking some reciprocity on this issue that the church can't resolve without the City's help.

Mr. Benson noted that the church has no wall signage and would be willing to agree not to use the allotted wall signage area in return for allowing more area for the ground-mounted sign.

Mr. Little asked if the board could consider the site a multi-tenant facility. Mr. Boso said that a lot of different activities take place at the site and that multiple spaces are available for different uses, although each entity probably doesn't have a lease like a standard commercial tenant would have. He added that the proposed changes to the sign code address signage issues for multi-tenant facilities.

Mr. Little concluded that the site was a multi-functional facility with a single owner.

Ms. Morris told the board that the church was behind her yard. She characterized it as a "mini-mall" and said that traffic at the site is problematic on Sundays. She added that the site might not be the best location for the events presented there because it is in a residential neighborhood, and that the church is becoming more like a commercial entity, which would hurt property values.

Ms. Morris submitted documents on local property values to the board that were introduced into the record at Mr. Brant's request. Mr. Brant asked if Ms. Morris had submitted a letter prior to the meeting, and Ms. Zempter told the board that the letter received prior to the meeting was from Deborah Miller, another neighboring property owner opposed to the sign.

Mr. Brant asked if she would be opposed to the proposed sign if it didn't contain an electronic message center. Ms. Morris said she thought the existing sign was fine for the site and that the proposed sign would be illuminated in a way that would make the area look commercial rather than residential. Mr. Little asked if her primary concern was the illumination, and she responded that she also was concerned with the height of the proposed sign. Mr. Little asked if a reduction in height and restrictions on the illumination would calm the concerns of the neighbors. Ms. Morris said she would have to see the final product to know for sure.

Mr. Brant asked if the church was located on residential property. Ms. Zempter said the zoning of the church parcel was SD-1 (Educational), but that it was surrounded by many residential properties. Mr. Brant noted that the high school probably was not on a residential parcel either. Ms. Zempter said that most schools and churches in the City were on parcels zoned SD-1.

Mr. Baker addressed the board as a member of the church's congregation and the parent of students at the school. He said that when he was moving his family and business from Xenia, the church's reputation drew him to Grove City. He added that he almost missed the church the first time he visited because of the lack of appropriate signage. He said he liked the option for the lower sign better than the tower-type sign originally proposed, but that he believed the electronic message center was a necessary element.

Mr. Little asked if the dimensions of the second drawing could be further reduced to come closer to compliance with code. Mr. Srbljan asked if a workshop process would be possible, allowing the applicants to work with the City to create a more acceptable option. Mr. Little said that possibility was always available. Mr. Srbljan said that his preference would be to table the appeal to allow time to work with the City on another option.

Motion was made by Mr. Little to table the appeal of Andrew Bacher, representing Grove City Church of the Nazarene, 4770 Hoover Road, for variances to Section 1145.16(e)(1) and 1145.06(c) of Grove City's Codified Ordinances to erect a ground-mounted sign that would exceed the 50-square-foot area limit by 170 square feet and the 8-foot height limit by 16 feet and to install an electronic message center with the stipulation that the new option be based on the second drawing and not the tower design.

Mr. Brant added that he believed the electronic message center needed to be addressed via City Council and not the BZA, given the history of denial of similar signage requests. Mr. Brant asked if Ms. Zempter thought the proposed changes to the sign code would be presented before the end of the year. She said she believed the final language had been submitted to the Councilman Steven Bennett, but she didn't know if a date had been set to introduce the new code language for a vote by City Council.

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

3.) Hear the appeal of Robert Morris, representing NAPA, 2580 Columbus Street, for the following variances:

- a.) 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 23 feet; and
- b.) To the requirements of Table 1135.12-II of Grove City's Codified Ordinances to reduce the required number of parking spaces from 34 to 20.

Motion was made by Mr. Little to remove the appeal from the table.

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

Mr. Morris introduced himself as the agent for property owner Darlene McKnight. He said plans were in place to paint the building, replace existing signage and provide landscaping on the site. He added that he had a letter from a neighboring property owner addressing parking overflow, and that the existing lot would be resealed and restriped. He said he would hate to see NAPA move out because they couldn't get the necessary storage, as the store had been a long-term presence on Columbus Street. He said that most of NAPA's business involved delivery of parts and only 15-20 percent involved walk-in trade.

The letter addressing parking overflow was introduced into the record.

Mr. Little asked if the dimensions of the building had changed from the original application materials. Mr. Robinson said the dimensions had not changed. Mr. Little noted that there would be a 15-foot space

between the sidewalk and the new exterior wall, and that landscaping would be installed in that space per the plans submitted at the meeting.

Mr. Brant asked if NAPA had indicated that they would leave the site if they didn't get the additional storage space. Mr. Morris said it was his understanding that they would leave. He said the space could be rented to another tenant or sold to someone who wouldn't be as favorable to the neighbors as NAPA is.

Ms. Zempter noted that the parking agreement submitted explicitly states that it's not an easement or contractual obligation. Mr. Little asked if any binding agreement related to the parking was in existence. Mr. Morris said he had only the non-binding agreement indicated in the letter.

Mr. Little asked if anyone wanted to address the board on the appeal to encroach the setback. Mr. Slade, a representative of the corporation that owns the multi-family residential property to the rear of the site, said that the encroachment would affect the visibility of his site from Columbus Street.

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 up to 23 feet.

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

Ms. Weaver introduced herself as a representative of Grovener Ltd., the owner of the neighboring shopping center to the west. She said that she was at the subject property on Saturday, and five parking spaces were available, while 12 were occupied by NAPA trucks. By increasing storage, she said, the store would be more delivery-oriented and would require more trucks. She added that the parking agreement with Midas presented to the board was not a contract, not an easement and would be voided if employees used the overflow parking area. She added that she didn't know how customers would know to use the alternate site and that they would be more likely to use the adjoining lot owned by her client. She added that the applicant had failed to present new materials prior to the meeting, so due process had been violated.

Mr. Goldin, one of the owners of the neighboring site, stated that he was concerned that he would have to pay for the policing of the parking lot to make sure the NAPA customers were not using his lot. He added that Ms. Weaver had contacted Ms. Zempter several times throughout the month up to the morning of the meeting to ask if new plans had been submitted, and none had been.

Ms. Zempter confirmed that Ms. Weaver had called several times, and that the plans shown to the board by the applicant at the meeting had not been submitted to the Building Division prior to the meeting. She said the only plans submitted to the Building Division were those included with the original application.

Mr. Weaver spoke to the board on behalf of the tenants of the neighboring shopping center. He said that the parking at NAPA isn't adequate now and that the addition of storage space would increase the number of trucks parked there and drive customers to the adjacent property, which would affect the businesses in the shopping center. He added that the owners and tenants of the shopping center had consistently been blindsided by new plans that hadn't been made available prior to the board meetings.

Mr. Brant asked for a legal opinion on the parking agreement. Mr. Haque stated that the document clearly was not a binding agreement between the two parties and that if the board was looking for permanency, the document submitted would not provide it.

Mr. Little asked Mr. Morris how he could ensure that NAPA customers would park in the spaces available to them and not on the neighboring property. Mr. Morris said he could post signage directing them to the overflow parking area, but that it wasn't feasible to have a person in the lot checking to make sure NAPA customers aren't parked in the adjacent lot.

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 reduce the required number of parking spaces from 34 to 20.

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

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 Mr. Brant to adjourn the meeting at 9:03 p.m.
VOTE: Little, YES; Brant, YES. **APPROVED.**

Harold "Butch" Little, Board Chairman

Christy Zempter, Secretary