

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: September 27, 2010**

**Regular Meeting**

Board Member Harold “Butch” Little 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 Harold “Butch” Little, John Brant and Jeff Davis; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; Asim Haque of Schottenstein, Zox & Dunn, representing the City; and Urban Forester Jodee Lowe. Also present were: Christine Houk, Matt Yerkes and Darryl Rogers, all representing 4084 Broadway; and Kristin Burke and Rickard Sicker, both representing 2607 London-Groveport Road.

*Motion* was made by Mr. Brant to approve the minutes of the Aug. 23, 2010, regular meeting.

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

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

- 1.) **Hear the appeal of Mark Powless, 5822 Donavans Bluff**, for the following variances:
  - a) To Section 1135.10(a) of Grove City’s Codified Ordinances to construct an addition to an attached garage that would exceed the 900-square-foot allowable area for attached garages by 38 square feet.
  - b) To the requirements of Table 1135.10-I of Grove City’s Codified Ordinances to encroach the 6-foot side setback by up to 5 feet, 10 inches.

Mr. Brant noted that Mr. Powless had requested that his appeal, which had been tabled at the August 23 meeting, be postponed until the board’s October 25 meeting. The board allowed the item to remain tabled.

- 2.) **Hear the appeal of Christine A. Houk, representing 4084 Broadway**, for the following variances:
  - a) To Section 1135.09(b)(14)(A) of Grove City’s Codified Ordinances to alter the existing parking area between the street right-of-way and the building setback line.
  - b) To Section 1136.06(a)(1) of Grove City’s Codified Ordinances to reduce the 10-foot required parking setback from the right-of-way to 2 feet and to eliminate the required 2-inch minimum caliper trees from the landscaping plan along the right of way.
  - c) To Section 1136.06(b) of Grove City’s Codified Ordinances to eliminate the required 2-inch minimum caliper trees from the landscaping plan along the south lot line.

Ms. Houk addressed the board, explaining that she hoped to purchase the building at 4084 Broadway to house her existing accounting business, which she has operated from a rented office space in the Town Center for approximately 10 years. She said the only sticking point in the sale was the current parking

situation and that the proposed changes would help to accommodate elderly and disabled clients by improving the site's accessibility.

Mr. Yerkes, the current owner of 4084 Broadway, told board members that he and his wife were in contract to buy the former Kenstar building on Broadway, where they planned to relocate the 10 employees in the Columbus office of their web-design company. However, their ability to secure financing for that purchase is contingent upon the sale of 4084 Broadway.

Mr. Rogers of Rogers Krajnak Architects, the firm that has been working with Ms. Houk on the proposed changes, told the board that there were three target goals for the project: creating a safer parking situation so vehicles leaving the site would not be required to back out onto Broadway; improving accessibility; and improving the appearance of the site.

When asked by Mr. Little, Mr. Rogers confirmed that one tree would be removed from the front yard, but a screening of English boxwood would be added on two sides of the parking area.

Mr. Little asked how far the parking area would be set back from the right of way. Mr. Rogers said the setback from the right-of-way line would be 2 feet, but it would be 4 feet from the sidewalk. It would be further separated from the street by the sidewalk and the buffer between the sidewalk and curb.

**Motion** was made by Mr. Little to approve the appeal of Christine A. Houk, representing 4084 Broadway, for a variance to Section 1135.09(b)(14)(A) of Grove City's Codified Ordinances to alter the existing parking area between the street right-of-way and the building setback line.

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

In addressing the second item of the appeal, Mr. Brant asked the Urban Forester if she had any objections to the request. Ms. Lowe said she didn't have any objections. She said that the tree that would be removed was probably near the end of its lifespan, and that she was satisfied with the screening of the boxwoods.

**Motion** was made by Mr. Little to approve the appeal of Christine A. Houk, representing 4084 Broadway, for a variance to Section 1136.06(a)(1) of Grove City's Codified Ordinances to reduce the 10-foot required parking setback from the right-of-way to 2 feet and to eliminate the required 2-inch minimum caliper trees from the landscaping plan along the right of way.

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

Mr. Brant requested that a call received by Ms. Zempter from neighboring property owner Karen Dover, expressing her support for the proposed variances, be entered into the record. Mr. Davis added that he had received a similar call from Ms. Dover.

Mr. Little asked Ms. Lowe if it would be beneficial to eliminate the tree or if she just believed there wouldn't be enough space for it under the proposed plan. Ms. Lowe said she didn't think there would be enough room for the tree to stay. She said the narrow width of the lot would prevent a tree from growing properly in the proposed parking area, but that the one or two maple trees currently in the back of the property would remain, so the site would not be without trees.

Mr. Brant noted that he would like to thank Ms. Houk for her efforts to improve the accessibility of the site in compliance with ADA requirements.

*Motion* was made by Mr. Little to approve the appeal of Christine A. Houk, representing 4084 Broadway, for a variance to Section 1136.06(b) of Grove City's Codified Ordinances to eliminate the required 2-inch minimum caliper trees from the landscaping plan along the south lot line.

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

Mr. Little advised the applicant that there is a 21-day period during which the board's approval of the variance 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 Rickard Alan Sicker, representing 2607 London-Groveport Road,** for a variance to Section 1136.06 of Grove City's Codified Ordinances to eliminate requirements for parking and drive aisle setbacks and associated landscaping for the four lots that would be created on this property by a proposed lot split.

Mr. Sicker addressed the board, explaining that he was the civil engineer for the project when the original development plan for the site was approved by City Council. He said that one of the four buildings approved on that development plan had been constructed, and that the plan was to complete the development of the site exactly as it was approved but to split the site into four separate lots. The introduction of these new lot lines would create the need for variances to setback and landscaping requirements.

Ms. Burke then spoke as a representative of the property owners. She said that when the original development plan was submitted, the owners had every intention of developing the entire parcel. They were able to secure Sky Bank as a tenant in a space now held by Huntington Bank at the outset of the project, but the subsequent economic downturn has prevented them from contracting with tenants for additional buildings. Ms. Burke said that the lot split would allow the owners to sell the existing building to the current tenant, Huntington Bank, and create more forward momentum in developing the rest of the site.

Ms. Lowe asked if new owners of the individual parcels would be required to follow the existing landscape plan. Ms. Burke said any sale would include contract language requiring adherence to the approved plan.

Ms. Lowe asked who would be responsible for the maintenance of the shared access road. Ms. Burke said the Huntington Bank would be responsible until the other three parcels were sold. She added that the owners were working on a shared-maintenance agreement that ultimately would apply to the owners of all four properties.

Mr. Brant asked Mr. Haque if he saw any problem with the arrangement as explained by Ms. Burke. Mr. Haque stated that Planning Commission would be expected to sufficiently vet issues of access and maintenance of the drive aisle as part of the lot-split approval process.

Mr. Little noted that the landscaping did not seem to be an issue and would be dealt with at the time the lots are sold. He asked what hardship would be caused by denying the variance request. Ms. Burke said the owners would not be able to sell the Huntington building and she believed the overall development would stagnate.

Mr. Little asked if the original intention was to split the lots eventually. Ms. Burke said that the original plan was for the owners to develop the site as a whole.

Mr. Little mentioned the existing drive, noting that Planning Commission would address it but he wanted to be sure nothing was overlooked. He asked if the width of the existing drive would be carried through the additional parcels. Ms. Burke said the access drive continues to a point between what is shown on the plan as retail east and retail west, and at that point there's a division line where city officials had requested bollards be placed to create an area called "the plaza" that could be used for a small farmer's market or outdoor restaurant seating.

Mr. Brant asked Ms. Zempter if she had heard from any neighboring property owners, and she said that she had not. He asked Ms. Burke if she was aware of any way the neighboring property owners could be negatively affected. She said she didn't believe there would be negative effects, and that the neighboring Goddard School is owned by three of the owners of the subject property.

Mr. Little asked if the proposed drive that would tie into the site of the Goddard School would be private or dedicated to the City. Ms. Burke said at this point it would be a private road, but that the owners had discussed with Development Director Chuck Boso the possibility of dedicating it.

Mr. Little asked if the road the development would tie into behind the Goddard School was privately owned. Ms. Burke responded that she wasn't sure if the responsibility for the road was shared equally by CVS and the Goddard School or if it was somehow split between the two property owners.

Mr. Little asked Mr. Boso if he thought the fire department would have any objection to the road's 24-foot width. Mr. Boso said that the fire department would have had an opportunity to review the plan when it was originally approved by the City, and no issues were raised at that time. He said that as long as the site was developed as approved, he didn't anticipate any problems, and any modifications would have to be submitted to the City for additional review.

**Motion** was made by Mr. Little to approve the appeal of Rickard Alan Sicker, representing 2607 London-Groveport Road, for a variance to Section 1136.06 of Grove City's Codified Ordinances to eliminate requirements for parking and drive aisle setbacks and associated landscaping for the four lots that would be created on this property by a proposed lot split.

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

Mr. Little asked if there was any new business to discuss, and Mr. Brant requested that Ms. Lowe explain her role as Urban Forester in the zoning process. Ms. Lowe said that she was part of the review process for new plans submitted to Planning Commission, and that she followed the landscaping issues through the review stage to the development of a site or modifications to it. Mr. Boso added that the Urban Forester has full authority in the enforcement of Chapter 1136 of the City's Codified Ordinances, which deals with setbacks, screening and other landscaping issues.

### **Adjournment.**

**Motion** was made by Mr. Little and seconded by Mr. Brant to adjourn the meeting at 7:40 p.m. VOTE: Davis, YES; Brant, YES; Little, YES. **APPROVED.**

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Harold "Butch" Little, Chairman

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Christy Zempter, Secretary