

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: September 28, 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 and Harold "Butch" Little; 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 Tim Hentz and Mike Bedi, representing the Hampton Inn at 4017 Jackpot Road; Carroll Knight, representing Sunoco at 2375 Stringtown Road; and Nilay Bhatt and Bill Patel, representing 4771 Nicholas Point Drive. Absent was Board Member John Brant.

*Motion* was made by Mr. LeVally to approve the minutes of the July 27, 2009, regular meeting.

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

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

- 1.) **Hear the appeal of Blake Helms, representing 4017 Jackpot Road**, for the following variances:
  - a.) To Section 1131.03(49) of Grove City's Codified Ordinances to reduce the 180-square-foot area requirement for parking spaces by up to 20 square feet.
  - b.) To Section 1136.06(a)(2) of Grove City's Codified Ordinances to reduce the 15-foot parking setback to 7 feet.

Tim Hentz addressed the board on behalf of the Hampton Inn at 4017 Jackpot Road, indicating that he was present to answer any questions the board members might have about the application.

Mr. LeVally stated that his only concern was the street trees. He asked Mr. Hentz to confirm that they had been approved by the City's Urban Forester, and Mr. Hentz confirmed that they had. Mr. LeVally asked if the landscaping would be replaced if it died out after the first season, and Mr. Hentz responded that he wasn't sure what code required on that, but that he assumed it would be. Mr. Little asked if there would be a one-year warranty with the landscaping material, and Mr. Hentz said he assumed there would be, then amended his statement to indicate that there absolutely would be.

Mr. Little asked Mr. Hentz to explain why the reduction in the area of the parking spaces was necessary. Mr. Hentz said that because a particular number of parking spaces are required to accommodate the proposed building addition per City Code as well as Hampton Inn corporate requirements, the reduced area is necessary to achieve the required number of spaces on the lot. In addition, he said, the reduced area of the spaces would keep the setback variance requested to a minimum.

Mr. Little asked if all the spaces would have to be reduced to the 160-square-foot area, and Mr. Hentz responded that 160 square feet would be the minimum and some of the spaces would be larger.

Mr. Little noted that there are three accessible parking spaces in existence, and he asked how many there would be on the revised plan. Mr. Hentz indicated that a total of four accessible spaces would be included in the revised plan, and that the spaces would comply with the requirements for accessible spaces.

Mr. Little asked if there was no other way of getting around the requirement for the number of spaces without reducing the area of the majority of the parking spaces, and Mr. Hentz said there was none that he could see. He added that if he increased the area of the spaces, he would have to request a more significant variance on the parking setback issue. Mr. Hentz noted that the 9x18 dimension had been striped on nearby properties, including Parkway Center.

David Douglas, attorney for Red Roof Inn, 4055 Jackpot Road, then addressed the board in opposition to the request. He stated that the lots on which the hotels and neighboring White Castle restaurant sit were split with the intention of supporting the hotels at the size they currently exist. He went on to say that the Red Roof Inn shares a property easement with the Hampton Inn, so his client's property rights are being affected by the proposed changes.

Mr. Douglas said that he disputed the contention that the hotel's owners would maintain landscaping if it were to die off based on the fact that his client has had to file suit twice against them to compel them to contribute to the maintenance of the shared ingress-egress easement. He said he didn't think they had been good neighbors and it would be inappropriate to reward them for their lack of care for the shared easement.

Mr. LeVally asked where Mr. Douglas' client's property was in relationship to the Hampton Inn, and it was determined that it is directly to the south.

Mr. Little said he understood Mr. Douglas' concern, but that the board was addressing the reduction in parking space area and parking setback, not the maintenance of the landscape materials, and he didn't see how the two issues corresponded. Mr. Douglas responded that if he had to file suit to compel them to pay their fair share of the easement maintenance, it posed some doubt that the applicant would properly maintain the landscaping required in relationship to the area affected by the variances.

Mike Bedi, owner of the Hampton Inn, was then sworn in to allow him to address Mr. Douglas' allegations regarding the lawsuit. He said that suit was filed in error because when the maintenance bill was received, the Hampton Inn accounting department requested details of the expenses, and the suit was filed while they were awaiting this information. He added that the suit was ultimately dismissed because the money had been exchanged by the time the suit was to be heard.

**Motion** was made by Mr. LeVally to approve the appeal of Blake Helms, representing 4017 Jackpot Road, for a variance to Section 1131.03(49) of Grove City's Codified Ordinances to reduce the 180-square-foot area requirement for parking spaces by up to 20 square feet.

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

**Motion** was made by Mr. LeVally to approve the appeal of Blake Helms, representing 4017 Jackpot Road, for a variance to Section 1136.06(a)(2) of Grove City's Codified Ordinances to reduce the 15-foot parking setback to 7 feet.

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

Mr. LeVally advised all applicants that there is a 21-day period during which approvals may be appealed to City Council and that no permits can be issued during that time.

- 2.) **Hear the appeal of Michael Zacks, representing Sunoco, 2375 Stringtown Road,** for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install a digital gas price indicator.

Carroll Knight, distributor for Sunoco, addressed the board on behalf the applicant.

Mr. LeVally asked if it was correct that the request was for the replacement of manually changeable fonts with digital indicators on two signs, and Mr. Knight confirmed that it was. Mr. Knight went on to say the applicant didn't want to change the foot pattern or the square footage of the sign, only the price fonts.

Mr. LeVally asked if he was correct in the understanding that there would be no flashing lights or moveable copy. Mr. Knight responded that it would be a stationary sign that just displayed the price of the product.

*Motion* was made by Mr. LeVally to approve the appeal of Michael Zacks, representing Sunoco, 2375 Stringtown Road, for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install a digital gas price indicator.

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

- 3.) **Hear the appeal of Bill Patel, 4771 Nicholas Point Dr.,** for a variance to Section 1135.10(a) of Grove City's Codified Ordinances, to construct a 500-square-foot detached garage in addition to the existing 600-square-foot attached garage, exceeding the allowable garage area by 200 square feet.

Mr. Patel and Nilay Bhatt of Dani Homes, who had arrived after the initial swearing-in, were sworn in to allow them to address the board.

Mr. Bhatt said that the applicant was requesting a one-car detached garage of approximately 488 square feet on his lot, in addition to the existing three-car attached garage. He said the applicant has more than three cars, including a large truck that doesn't fit into the existing garage, and the proposed garage would prevent him from having to park the truck in the driveway or on the street.

Mr. LeVally asked if there would be any living space in the proposed garage, and Mr. Bhatt responded that there would not be. He said it would be a standard, single-story garage with an elevation designed to complement the house architecturally.

Mr. Little asked what the height of the garage would be. Mr. Bhatt said the height from grade at the point of the drive would not exceed 20 feet.

Mr. Little asked if the structure met all other standards for the development, and Mr. Bhatt responded that it did.

Mr. Little asked how the proposed garage tied in to the rest of the house. Mr. Bhatt said it would be completely detached with no structural connection to the house.

Mr. Haque advised the applicant that, based on his description of the height of the garage, a second variance would be required. He quoted Section 1137.08(h) of Grove City's Codified Ordinances, which states that "No detached garages and accessory buildings shall exceed a height of thirteen feet above grade." He went on to say that the applicant could amend his application on the floor and request the

second variance, as well, and the board would have the discretion to decide whether to hear that appeal immediately or request additional information.

Mr. Bhatt asked how the measurement of the height was spelled out in the code and whether it was an average height. Mr. Boso indicated that the standard interpretation for the maximum height of a structure is from grade to the highest point on the structure.

Mr. Bhatt indicated that he wished to amend the application to include a request for a variance to Section 1137.08(h), and that he would be requesting a 20-foot height limit.

**Motion** was made by Mr. LeVally to accept the amendment to Mr. Patel's application from the floor to include a request for a variance to Section 1137.08(h).

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

Mr. Little said, given that the bulk of the garage is 14 feet wide and there would be a 10:12 pitch for the roof, the peak of the roof would be approximately 70 inches above the 10-foot ceiling of the garage. So the overall height of the structure would be in the vicinity of 16 to 16-and-a-half feet tall. Mr. Bhatt replied that Mr. Little's estimate was more accurate than the 20 feet he had requested, but he had requested 20 feet just to ensure he would have room without doing the calculations prior to the request.

**Motion** was made by Mr. LeVally to approve the appeal of Bill Patel, 4771 Nicholas Point Dr., for a variance to Section 1135.10(a) of Grove City's Codified Ordinances, to construct a 500-square-foot detached garage in addition to the existing 600-square-foot attached garage, exceeding the allowable garage area by 200 square feet.

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

**Motion** was made by Mr. LeVally to approve the appeal of Bill Patel, 4771 Nicholas Point Dr., for a variance to Section 1137.08(h) of Grove City's Codified Ordinances, to exceed the 13-foot allowable height for a detached garage by up to 5 feet.

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

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

**Adjournment.**

**Motion** was made by Mr. LeVally and seconded by Mr. Little to adjourn the meeting at 7:41 p.m. VOTE: Little, YES; LeVally, YES. **APPROVED.**

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Jeff LeVally, Chairman

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Christy Zempter, Secretary