

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: October 24, 2011**

Regular Meeting

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:01 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; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: Bob Seaton, representing Ron and Jane Routh, 4677 Hirth Hill Road; Eric Eiginger, 2036 Emerald Way Drive; William S. Preece, 6402 Sauk Court; Terry Gillivan, 3677 Park Street; Donald T. Feibel, representing City Barbeque, 2261 Stringtown Road; Bruce H. Baum, Ed Dragon and Gary Curry, representing Entire Energy & Renewables, 65 Sunshine Drive; and Rodger Kessler, representing Englefield BP, 2487 Stringtown Road.

Motion was made by Mr. Little to approve the minutes of the Sept. 26, 2011, regular meeting.

Seconded by Mr. Brant. 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 Danielle Baker, representing Ron and Jane Routh, 4677 Hirth Hill Road**, for a variance to Section 1135.10(a) of Grove City’s Codified Ordinances to construct two attached garages with a combined area of 1,320 square feet, exceeding the allowable garage area of 900 square feet by 420 square feet.

Bob Seaton of Monogram Homes addressed the board on the applicant’s behalf, indicating that the property owners were seeking the variance to allow construction of four garage bays on a home that is currently under construction.

Mr. Brant asked why the applicant was seeking two separate garages rather than a single garage with four bays. Mr. Seaton indicated the configuration of a single four-car garage would push the building farther back on the lot and make it more difficult to fit the home within the required setbacks on the lot.

Mr. Brant asked if the plans had been reviewed and approved by the Pinnacle Club Architectural Review Board, and Mr. Seaton said they had been approved by the board.

Mr. Little noted that construction already had begun on the site, and he asked what the applicant would do if the variance was not approved. Mr. Seaton said the fourth garage bay would be used as a three-season room, as shown on the approved construction drawings submitted after the Building Division denied the original drawings showing that area as a garage. Mr. Seaton said the variance was being sought because the property owners wanted to use the area as a fourth garage bay, but the contractor had submitted the revised drawings to expedite the permitting process so the structure could be framed before winter.

Motion was made by Mr. Little to approve the appeal of Danielle Baker, representing Ron and Jane Routh, 4677 Hirth Hill Road, for a variance to Section 1135.10(a) of Grove City’s Codified Ordinances to construct two attached garages with a combined area of 1,320 square feet, exceeding the allowable garage area of 900 square feet by 420 square feet.

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

Mr. Little advised all 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.

- 2.) **Hear the appeal of Eric A. Eiginger, 6737 Jackson Pike**, for the following variances:
- a.) To Section 1135.10(a) of Grove City's Codified Ordinances to construct a detached pole barn that would exceed the 700-square-foot allowable area for detached garages by 800 square feet.
 - b.) To Section 1137.08(h) of Grove City's Codified Ordinances to construct a detached pole barn that exceeds the 13-foot height limit by 2 feet.
 - c.) To Section 1137.08(a) of Grove City's Codified Ordinances to construct a detached pole building on a residential lot that is not occupied by a residence and for which a building permit has not been issued for a residence building.

Mr. Little noted that the order of the agenda would be altered to address the request for a variance to Section 1137.08(a) first.

Mr. Eiginger told the board that he and his fiancée recently had purchased the 4.72-acre lot with the intention of building a home on it within the next year or so. He added that they would like to construct the pole barn immediately for storage of a tractor, mower and other equipment that will be used to maintain the lot in the meantime.

Mr. Little asked Mr. Boso if a building permit for the residence was required before the pole barn could be constructed. Mr. Boso said the code requires a primary structure on the property before accessory structures can be constructed. In this case, he said, the applicant wants to erect the secondary structure prior to construction of the house on the lot, so a variance would be required to allow for that. Mr. Boso noted that he thought that section of the code was intended more for neighborhood residential lots so garages wouldn't be built alone on smaller lots; but on a larger rural lot, such as the applicant's, a barn like the one proposed would be more appropriate, given that a residential structure also is planned for the lot.

Mr. Eiginger said that he had spoken to the neighboring property owners, and they had no objections to the pole building. He added that some of the neighbors had told him that they had built pole buildings on their properties prior to construction of their homes. He presented the board with letters from Mona Wakeland, 6725 Jackson Pike, and James and Karen Montgomery, 6751 Jackson Pike, both of which indicated no objections to any of the requested variances. Both letters were read into the record by Ms. Zempter.

Motion was made by Mr. Little to approve the appeal of Eric A. Eiginger, 6737 Jackson Pike, for a variance to Section 1137.08(a) of Grove City's Codified Ordinances to construct a detached pole building on a residential lot that is not occupied by a residence and for which a building permit has not been issued for a residence building.

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

Mr. Little asked if an application for a building permit had been submitted for the project. Mr. Eiginger said that the application had not been submitted because he was told that the variances would be necessary to approve the project.

Mr. Brant noted the size of the lot and asked if the applicant had any intention to divide it. Mr. Eiginger said he had no intention to divide the lot.

Mr. Little asked if there were any restrictions in the area on how long the applicant had to build on the lot, and the applicant said he was aware of no such restrictions.

Mr. Eiginger noted that the proposed pole building would be located approximately two-thirds of the way back from the road on the 1,400-foot-deep lot.

Mr. Little asked if the applicant planned to run any utilities to the structure, and Mr. Eiginger said that only electric was planned, and that probably wouldn't be run to the building until later. Mr. Little asked if there would be any accommodations to allow the use of the building as a temporary living space, and Mr. Eiginger said there would not be.

Motion was made by Mr. Little to approve the appeal of Eric A. Eiginger, 6737 Jackson Pike, for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to construct a detached pole barn that would exceed the 700-square-foot allowable area for detached garages by 800 square feet.

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

Motion was made by Mr. Little to approve the appeal of Eric A. Eiginger, 6737 Jackson Pike, for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to construct a detached pole barn that exceeds the 13-foot height limit by 2 feet.

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

3.) **Hear the appeal of William S. Preece, 6402 Sauk Ct.,** for the following variances:

- a.) To Section 1135.10(a) of Grove City's Codified Ordinances to construct an 816-square-foot detached garage, which would exceed the 700-square-foot allowable area for detached garages by 116 square feet and, when combined with the existing 576-square-foot attached garage, would exceed the 900-square-foot overall allowable area for garages by 492 square feet.
- b.) To Section 1137.08(h) of Grove City's Codified Ordinances to construct a detached garage that exceeds the 13-foot height limit by 6 inches.

Mr. Preece told the board that he was seeking the variance to allow the addition of a detached three-car garage beside his house.

Mr. Brant asked if any correspondence had been received from neighboring property owners, and Ms. Zempter said none had been received.

Mr. Little noted that there is an existing attached two-car garage on the property and asked if it would remain on the lot. Mr. Preece said it would remain, and explained that his lot is relatively large and is on a cul-de-sac.

Mr. Little asked if the driveway would be extended. Mr. Preece said that it would and that the new driveway would match the existing concrete driveway. Mr. Preece noted that the exterior of his home is stucco and that the exterior finish of the proposed garage also would be stucco.

Motion was made by Mr. Little to approve the appeal of William S. Preece, 6402 Sauk Ct., for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to construct an 816-square-foot detached garage, which would exceed the 700-square-foot allowable area for detached garages by 116 square feet and, when combined with the existing 576-square-foot attached garage, would exceed the 900-square-foot overall allowable area for garages by 492 square feet.

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

Motion was made by Mr. Little to approve the appeal of William S. Preece, 6402 Sauk Ct., for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to construct a detached garage that exceeds the 13-foot height limit by 6 inches.

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

4.) **Hear the appeal of Terry Gillivan, 3677 Park Street,** for the following variances:

- a.) To Section 1135.10(a) of Grove City's Codified Ordinances to construct a 672-square-foot detached garage/pole barn, which, when combined with the existing 308-square-foot attached garage, would exceed the 900-square-foot overall allowable area for garages by 80 square feet.
- b.) To Section 1137.08(h) of Grove City's Codified Ordinances to construct a detached garage/pole barn that exceeds the 13-foot height limit by 6 feet, 1 3/8 inches.

Mr. Gillivan was sworn in because he wasn't in attendance for the swearing-in at the beginning of the meeting.

Mr. Gillivan explained that the subject property is near Beulah Park, and a commercial property is across the alley from the rear of the property. He noted that a 24x24-foot building could be constructed and remain within the area limits imposed by the code, but that he preferred to construct a 24x28-foot building.

Mr. Brant asked if the exterior materials on the building would match those of the house. Mr. Gillivan said a commercial-grade vinyl matching that on the house would be used. Mr. Brant asked if the applicant would have any objection to a stipulation that the exterior finish match that of the house, and Mr. Gillivan said he would not object to that.

Mr. Little asked what the second floor of the building would be used for. Mr. Gillivan said the ground level would be used primarily for vehicles and the second floor would be used for storage of other items.

Mr. Brant asked if any utilities would be run to the building. Mr. Gillivan said an independent electric drop for the building would be installed, but no gas, water or sewage was planned for the building. Mr. Little asked if the structure would be used for a residence, and Mr. Gillivan said it would not be.

Mr. Little asked how the building would be accessed from the alley. Mr. Gillivan said that a gravel driveway would be installed, unless otherwise requested. Ms. Zempter noted that City Code requires a smoothly paved asphalt or concrete driveway, and Mr. Gillivan said the driveway would be installed to meet code. Mr. Little asked if the driveway would extend only from the alley to the garage and would not be expanded to allow for outside storage. Mr. Gillivan said it would run only from the alley to the garage.

Mr. Davis asked if there had been any response from neighboring property owners, and Ms. Zempter said none had been received.

Motion was made by Mr. Little to approve the appeal of Terry Gillivan, 3677 Park Street, for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to construct a 672-square-foot detached garage/pole barn, which, when combined with the existing 308-square-foot attached garage, would exceed the 900-square-foot overall allowable area for garages by 80 square feet, with the condition that the exterior finish match that of the existing house.

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

Motion was made by Mr. Little to approve the appeal of Terry Gillivan, 3677 Park Street, for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to construct a detached garage/pole barn that exceeds the 13-foot height limit by 6 feet, 1 3/8 inches.

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

5.) **Hear the appeal of Donald T. Feibel, representing City Barbeque, 2261 Stringtown Road,** for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to construct a covered patio that would encroach the 30-foot building setback line along Parkmead Drive by up to 19 feet.

Mr. Feibel explained that an outdoor patio with an overhead extension that would extend approximately 19 feet into the setback along Parkmead Drive is proposed for the site.

Mr. Davis asked if the applicant had heard anything from City Council members regarding the project.

Mr. Feibel said he had spoken to some of the council members and the mayor. He added that he and his associates had a good relationship with City staff and that staff was supportive of the variance request.

Mr. Davis asked if the applicant had heard any negative comments in his conversations, and Mr. Feibel said he hadn't.

Mr. Brant asked if any of the neighboring property owners had responded, and Ms. Zempter said that none had.

Mr. Little asked what type of lighting was proposed for the patio. Mr. Feibel said there would be downcast lighting installed in the overhead extension as well as some lights on the front facing Stringtown Road. He noted that the business would close at 10 p.m. and that no residences abut the site.

Mr. Little asked if access to the rear of the property would be limited to the drive directly south of the applicant's tenant space. Mr. Feibel said that would be one point of access, but vehicles also had access from the east side of the site near Donatos. He added that the elimination of the narrow drive aisle beside the proposed patio and smokers was done at the suggestion of City staff and the fire department.

Mr. Little noted that the elimination of the drive aisle essentially created a dead-end situation on the property. Mr. Feibel said the new entrance at the rear of the building would provide better access for emergency vehicles, trash haulers and delivery trucks to the rear of the building.

Mr. Little asked if representatives of the fire department had reviewed the plans. Mr. Feibel said he wasn't sure, but that they would see them when the plans were submitted for a building permit. Mr. Boso

said the Jackson Township Fire Department officials had indicated that the changes to the site would not affect their ability to fight fires or respond to an emergency at the location. Mr. Little noted that all access points to the rear would be from adjacent properties. Mr. Boso said that the neighboring properties were all owned by the same entity and that cross-access easements had been written for the site. Mr. Feibel noted that those easement agreements would be recorded.

Mr. Little asked if bollards were proposed for protection at the fence around the smokers and at the corner of the building. Mr. Feibel said no bollards had been planned. He added that the plan had been updated since it was submitted to the board members to reflect the removal of additional pavement and installation of a rain garden along the parking area at the front of the site.

Mr. Haque suggested that the recording of the cross-access easements be included as a condition of the variance.

Motion was made by Mr. Little to approve the appeal of Donald T. Feibel, representing City Barbeque, 2261 Stringtown Road, for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to construct a covered patio that would encroach the 30-foot building setback line along Parkmead Drive by up to 19 feet, with the condition that the access road be recorded as part of the construction documents.

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

- 6.) **Hear the appeal of Bruce H. Baum, representing Entire Energy & Renewables, 65 Sunshine Dr.,** for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to construct a 53-foot-tall silo that would exceed the 35-foot allowable building height by 18 feet.

Mr. Baum introduced himself to the board as an engineer for Amicon, which represents Entire Energy & Renewables, and indicated that three representatives of the partnership that owns the company also were present. He explained that the 53-foot-tall silo would be located on the east side of the building, approximately 54 feet from the property line and that it would be used to store a product created in the recycling process proposed for the site. He said proximity to the road was an important factor to allow access for semi-trucks to load and unload the product at the silo.

Mr. Brant noted that an e-mail inquiry had been received from an area resident who was under the impression that grain would be stored in the silo, but that the applicant had indicated the silo would be used to store a carbon byproduct created in the recycling of tires. Mr. Baum said that no grain would be stored in the silo.

Mr. Brant asked if the byproduct is explosive or combustible. Mr. Dragon said the product is not explosive and, although it can burn, it is no more combustible than any other non-explosive powder.

Mr. Brant asked if any special training would be required to fight fires related to the product, and Mr. Baum said he was not aware of any need for special training.

Mr. Brant noted that the letter-writer referred to the silo as an attractive nuisance and asked if the applicant considered the silo an attractive nuisance. Mr. Baum said he didn't consider it an attractive nuisance and added that the silo would be painted to match the existing building.

Mr. Brant added that the letter-writer was concerned that the silo would reduce the property values of homes in the area. Mr. Baum said he didn't think the silo would be any more detrimental to property values than a water tower or similar structure.

Mr. Brant asked if the railroad had been notified of the project to address any right-of-way issues. Mr. Baum said the railroad tracks are on the west side of the building and the proposed site of the silo is on the east side, so he didn't think the railroad tracks would have any effect on the structure.

Mr. Brant asked if any other correspondence had been received from neighboring property owners. Ms. Zempter said the only correspondence had been the e-mail from Stefanie Logan referenced by Mr. Brant but that other neighboring property owners were in attendance at the meeting.

Mr. Little asked how the height of the structure and setback from the right-of-way related to the threat of collapse. Mr. Boso said foundation and design would be reviewed to ensure that the likelihood of collapse would be limited and added that there is a large open area around the structure.

Mr. Brant asked what building use group the applicant's business would fall under, and Mr. Boso said that hadn't been determined yet because the Building Division was awaiting more information on the use and detailed interior plans, including equipment and layout.

Mr. Brant asked what zoning classification the use would fall under. Mr. Boso said it was determined to be a recycling facility, which is an approved use within the industrial zoning classification in place on the property.

Mr. Little asked what kind of security was in place around the structure. Mr. Curry said that the proposed site was not within a fenced-in area. Mr. Little asked how the top of the silo would be accessed. Mr. Curry said he imagined ladders would be used that could be blocked off. Mr. Little noted that a condition should be imposed to require some kind of security to limit access to the silo.

Mr. Little asked what the silo was constructed of, and Mr. Baum responded that it was made of steel.

Mr. Little said he was still concerned about security, and Mr. Curry said the site was partially fenced, except for the access area to the road. Mr. Little suggested the possibility of a 6-foot-tall chain-link fence at the base of the silo, but Mr. Curry expressed concern that the fence would obstruct truck access and that people could climb the fence and access the silo from the top of the fence. Mr. Baum indicated that the fence could be detrimental and it would be better if the silo were isolated from other structures and access to the walls of the silo eliminated.

Mr. Little noted the cooling equipment located next to the proposed site of the silo and asked if there was any protection around it. Mr. Curry said the equipment was just large air-conditioning units, and they were not protected.

Mr. Brant asked if there would be any requirement under the building code for a security fence if the variance were granted. Mr. Boso said he was not aware of any such requirement, but that it would be evaluated as part of the building permit review.

Jack Widner, representative of the Grove City Trailer Park, which is adjacent to the subject property, addressed the board. He indicated that neighboring property owners had many questions about the project, including what product would be manufactured or recycled at the site, whether chemicals would be involved and what truck traffic would be like at the site. He noted that the site was surrounded by a residential area with a church and daycare center nearby. He said he didn't think the silo would look good

in the neighborhood and that it would affect the value of properties that already have been hit hard by the current economy.

Julie Wilson, 4254 Rishel Street, said her back yard backs up to the field beside the subject property and that she can see the building from her bedroom window, and she wanted to know where the silo would be in relation to her home. Mr. Little asked if her concern was whether the silo would be within her line of sight, and she said that was her concern. A site plan was displayed, and the applicant explained where the silo would be placed in relation to Ms. Wilson's property. It was determined that it was actually the former 3M building that Ms. Wilson could see from her window, and that the silo probably would not be in her line of sight.

Jami Casto, 4224 Rishel Street, said she was concerned about semi traffic at the site because she could already hear semis entering and exiting the former 3M building. Mr. Curry indicated that truck-traffic noise from the subject site wouldn't reach Ms. Casto's property because the access wouldn't be from Grove City Road. Mr. Dragon went on to say that only six to eight trucks were expected to access the site each day.

Mr. Little noted that the carbon product to be stored in the silo already had been identified as non-explosive. Mr. Brant added that because the structure was steel, a fire inside the silo would not likely cause it to collapse.

Mr. Widner asked if there would be any emissions, and Mr. Dragon said there would be no emissions. Mr. Baum added that the silo would be used solely for storage and that the recycling process would take place within the plant. Mr. Dragon noted that the tires would already be shredded when they were brought to the site.

Mr. Little noted that the board was addressing only the issue of the silo and not the process proposed for the interior of the plant.

Mr. Brant asked how close the nearest residential structure is to the site. Mr. Curry indicated that the nearest residence was probably about 300 feet from the site and that the trailer park was about 500 feet away.

Mr. Boso asked what the hours of semi-truck traffic at the site would be. Mr. Dragon said traffic would be limited to the hours between 7 a.m. and 5 or 6 p.m.

Mr. Brant asked how long 3M was at the site, and Mr. Dragon indicated that they were there from the 1950s on. Mr. Brant noted, then, that the industrial use of the site had been ongoing for 50 or 60 years.

Mr. Little asked if any lighting was proposed with the project. Mr. Baum said none was proposed at this time.

Motion was made by Mr. Little to approve the appeal of Bruce H. Baum, representing Entire Energy & Renewables, 65 Sunshine Dr., for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to construct a 53-foot-tall silo that would exceed the 35-foot allowable building height by 18 feet, with the condition that a security structure or fence be constructed around the perimeter of the silo.

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

- 7.) **Hear the appeal of Rodger Kessler, representing Englefield BP, 2487 Stringtown Road,** for a variance to Section 1145.06(c) of Grove City’s Codified Ordinances to install LED gas price fonts on an existing ground-mounted sign.

Mr. Brant asked if the applicant had any problem with the recommended stipulations in the staff report to limit the electronic fonts to gas prices and to require that the light intensity dim automatically at night. Mr. Kessler said he had no problem with those stipulations.

Mr. Little asked if any part of the sign would incorporate scrolling or movement, and Mr. Kessler said the sign would be static.

Mr. Little asked if the sign structure would be altered, and Mr. Kessler said it would not.

Motion was made by Mr. Little to approve the appeal of Rodger Kessler, representing Englefield BP, 2487 Stringtown Road, for a variance to Section 1145.06(c) of Grove City’s Codified Ordinances to install LED gas price fonts on an existing ground-mounted sign for gas prices only.

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

Mr. Little asked if there was any new business to discuss, and Ms. Zempter indicated that she had no new business.

Mr. Little asked how the code could be changed to address the number of recent requests for garage area and height variances, particularly given new construction trends toward three- and four-car garages. Ms. Zempter said that the Building Division could work with legal counsel to draft language for a code amendment, which then could be submitted to City Council for approval. Mr. Brant asked Ms. Zempter if she could work with legal counsel to draft such language and then present it to the board members for discussion. She said she would work with Mr. Haque and Stephen Smith of Schottenstein, Zox & Dunn to draft such language and would present it to the board members at their next meeting. Mr. Little suggested that some of the variances that have recently been granted could be used as models to determine new code limits.

Adjournment.

Motion was made by Mr. Little and seconded by Mr. Davis to adjourn the meeting at 8:27 p.m. VOTE: Brant, YES; Little, YES; Davis, YES. **APPROVED.**

Harold “Butch” Little, Chairman

Christy Zempter, Secretary