

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: October 25, 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; and Stephen Smith of Schottenstein, Zox & Dunn, representing the City. Also present were: Mike Hanover of Hanover Signs, representing Maurices, 1731 Stringtown Road; Terry Hickey, representing South-Western City Schools, 4750 Big Run Road South; and Rick Redfern, 3513 Lake Louise Drive.

Motion was made by Mr. Brant to approve the minutes of the Sept. 27, 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.

Mr. Little then introduced Law Director Stephen Smith, who spoke to the board about pending procedural changes that would take effect at the board’s next meeting, Nov. 22. Mr. Smith told board members that changes would be made to the application itself, and staff reports, including recommendations, would be prepared to address future applications. He added that, for each future case, board members would be completing a form that states the board’s ruling and an explanation for that ruling. He requested that the board meet half an hour earlier, at 6:30 p.m., for the Nov. 22 meeting to discuss the new forms and other changes to the process.

- 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. Little stated that Mr. Powless had submitted a request that his application be withdrawn.

- 2.) **Hear the appeal of Jeannie Biller, representing Maurices, 1731 Stringtown Road**, for a variance to Resolution CR-48-04 to install a sign that exceeds the 36-inch height limit by 6 inches and the 32-foot length limit by 3¼ inches.

Mike Hanover of Hanover signs addressed the board on behalf of Maurices, explaining that the business had recently expanded, taking over three tenant spaces, and company representatives believed a larger sign was justified based on that expansion as well as the presence of larger signs on some of the neighboring tenant spaces, such as Staples.

Mr. Davis noted that a letter dated Sept. 28, 2010, included in the application package indicated that landlord approval for proposed changes to the site had not been received. Mr. Hanover said that referred to other proposed changes to the storefront and interior of the building, but that the landlord had approved

the proposed change in signage. Mr. Davis asked if the plans for the signage change and the other proposed alterations were independent of each other, and Mr. Hickey said they were and that one could proceed without the other.

Mr. Brant asked if the matter would have to be heard by City Council, given the fact that Council had approved an amendment to the development plan for Parkway Centre South addressing signage. Mr. Smith responded that the BZA had the authority to vary what was approved by Council in Resolution CR-48-04 for the individual applicant.

Mr. Little asked Mr. Hanover if he thought the increase of 3¼ inches in length and 6 inches in height would create a marked difference in visibility. Mr. Hanover said that it would from the perspective of his client. Mr. Little noted that the only changes to the existing sign would be the size.

Mr. Hanover stated that Staples, PetSmart and Bed Bath & Beyond all appeared to have signage that exceeded the 3-foot height limit. Mr. Little asked if variances had been received by those tenants, and Mr. Boso responded that signage for some of the larger tenant spaces had been approved as part of the original development plan for the center. He added that no signage criteria for new tenants existed, so CR-48-04 was approved to allow administrative approval of sign permits for the center without requiring amendments to the development plan for each new sign. Mr. Boso noted that with its expansion, Maurices would now be among the larger tenants of the center. Mr. Brant asked if an approval of the variance would create a lack of uniformity, and Mr. Boso responded that he didn't think it would and that the larger sign would be consistent with existing tenant frontage-signage ratios.

Mr. Little asked if the matter could be referred to City Council whether the board approved or denied the variance. Mr. Smith explained that any aggrieved party could appeal an approval of the variance to City Council, but that a denial could be appealed per Chapter 2506 of the Ohio Revised Code, most likely to the Court of Common Pleas.

Motion was made by Mr. Little to approve the appeal of Jeannie Biller, representing Maurices, 1731 Stringtown Road, for a variance to Resolution CR-48-04 to install a sign that exceeds the 36-inch height limit by 6 inches and the 32-foot length limit by 3 ¼ inches.

Seconded by Mr. Brant. VOTE: Little, NO; Davis, YES; Brant, 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 Mark Waller, representing South-West Career Academy, 4750 Big Run Road South**, for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install an electronic message board on an existing ground-mounted sign.

Mr. Hickey addressed the board in place of Mr. Waller, who was unable to attend the meeting. Mr. Hickey explained that the applicant proposed to replace an existing 3x5-foot standard board with a 3x7-foot digital board within the same supporting sign structure at South-West Career Academy. He said the reason for the proposed change was to allow the presentation of information about events, Career Academy offerings and various community education programs.

Mr. Davis asked if the messages would be changing continuously on the sign. Mr. Hickey said he wasn't sure which type of board would be used but that typically such signs can be programmed to remain static or scroll messages.

Mr. Brant asked if the current standards had been adopted to prohibit signs that could be read by motorists. Mr. Boso responded that the possibility of such signs distracting drivers had been a concern. He said that when a variance request for a similar sign at Grove City High School came before the board, the issue of driver safety arose. Mr. Brant asked if the board could apply conditions requiring the sign to be static and limiting the frequency with which messages could be changed. Mr. Boso said the board could include such stipulations, and asked if Mr. Hickey had anything prepared to address such conditions. Mr. Hickey said he did not, but that the boards themselves could be programmed to accommodate those stipulations.

Mr. Brant asked if Mr. Hickey could speak to the district's willingness to accept those conditions, and he said he would not like to speak to that. Mr. Brant asked if he would be willing to have the item tabled until the next meeting, and Mr. Hickey said he didn't think Mr. Waller would object to that and he thought Mr. Waller would be able to better address the questions board members had about the sign.

Returning to the issue of traffic safety, Mr. Hickey stated that the sign would be at a traffic signal at a large intersection, so traffic would not be constantly flowing at the location.

Mr. Little said that there were some concerns about the sign, most notably the scrolling aspect, but also the fact that there are multiple schools in the vicinity of the subject property, opening up the possibility that multiple requests for similar signage could follow an approval. He added that he agreed with Mr. Brant that the board needed to speak with someone who could respond to those concerns.

Mr. Hickey said the only reason the electronic board was not installed during construction of the building was that funding for it was not available, adding that money was allocated for an electronic sign at Central Crossing High School so one was installed there at the time of construction.

Mr. Little asked if Central Crossing had received a variance for its electronic message board. Mr. Boso explained that the property was in Jackson Township at the time of construction, so the sign was approved by the township, not the City. When the property was annexed into Grove City, the sign became a legal non-conforming item.

Mr. Redfern, whose property backs up to the South-West Career Academy, then addressed the board. He stated that he travels through the intersection in question each day and that several distractions already exist there. In addition to the nearby Central Crossing electronic message board, the name of the street changes there and elementary school-age children are crossing the street there every morning. While the existing Central Crossing sign can't be changed, he said he objected to adding a second distraction in the line of sight of drivers who could be turning left across a crossing lane used by children. He added that the size of the property was huge and that such a sign might be more appropriate somewhere on the frontage along Big Run Road South.

Mr. Brant said that, given Mr. Redfern's concerns, it might be a good idea for the district to consider alternate locations for the sign. Mr. Little reiterated that the board needed to discuss the issues with someone empowered to make such decisions and provide more specific information.

Motion was made by Mr. Little to table the appeal of Mark Waller, representing South-West Career Academy, 4750 Big Run Road South, for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install an electronic message board on an existing ground-mounted sign.

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

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 7:30 p.m.
VOTE: Brant, YES; Little, YES; Davis, YES. **APPROVED.**

Harold "Butch" Little, Chairman

Christy Zempter, Secretary