

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: October 26, 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, John Brant 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 Kim Roose of 3278 Columbus Street; Richard D. Bigham Jr., representing Marathon, 3518 Broadway; Trent Soles, representing Volunteers of America, 4026 McDowell Road; and John Oney and Craig Oiler, representing Grove City Family Dentistry, 3031 Columbus Street.

Motion was made by Mr. LeVally to approve the minutes of the September 28, 2009, regular meeting.

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

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

- 1.) **Hear the appeal of Kim Roose, 3278 Columbus Street**, for the following variances:
 - a.) To Section 1135.10(a) of Grove City’s Codified Ordinances to convert an existing garage into a carriage house, exceeding the 700-square-foot allowable area for a detached garage by 906 square feet.
 - b.) To Section 1137.08(h) of Grove City’s Codified Ordinances to exceed the 13-foot allowable height of detached garages and accessory buildings by 11 feet.

Mr. LeVally asked Mr. Roose if the proposed second-story addition would be a fully livable space with restroom facilities and other accommodations, and Mr. Roose said that he would like to include a restroom. Mr. LeVally indicated that such facilities would allow the space to be used as an apartment, but Mr. Roose said he wasn’t proposing an apartment, but rather a game room.

Mr. LeVally asked if the proposed architecture for the addition matched the existing structure, and Mr. Roose responded that it would and that the exterior modification of the structure already had been approved by City Council.

Mr. Brant asked if the requested variances had been discussed at the City Council meeting during which the modifications were approved, and Mr. Roose said that no questions had been raised at the meeting.

Mr. Little asked if City Council members had been aware that restroom and other facilities would be part of the addition, and Mr. Roose said the subject didn’t arise during the City Council meeting.

Mr. Little noted that the width of the existing masonry garage was 24 feet and that the addition would enlarge the dimension to 32 feet. He asked if the garage would be torn down. Mr. Roose said it wouldn’t be torn down, but the second floor would be added to the existing masonry garage.

Mr. Little asked if someone could live in the addition if, for example, Mr. Roose were to sell the property. Mr. Roose said he wasn’t planning to move, nor was he planning to live in or rent out the space.

Mr. Little asked if the garage is on a separate parcel from the house, but Mr. Roose said that everything was contained on a single parcel. Mr. LeVally indicated that he was concerned that the lot could eventually be split and the garage would become the primary structure on the new lot. Mr. Roose said he had no plans to split the lot. Mr. Boso told the board that the lot is zoned for single-family use, so using the space as an apartment would create a multi-family use and violate the zoning code. He added that any attempt to split the lot would have to be reviewed and approved by Planning Commission.

Mr. LeVally asked Mr. Roose to confirm that the area above the garage would not be inhabited, and Mr. Roose said that it would only be used as a game room.

Motion was made by Mr. LeVally to approve the appeal of Kim Roose, 3278 Columbus Street for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to convert an existing garage into a carriage house, exceeding the 700-square-foot allowable area for a detached garage by 906 square feet.

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

Motion was made by Mr. Brant to approve the appeal of Kim Roose, 3278 Columbus Street, for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to exceed the 13-foot allowable height of detached garages and accessory buildings by 11 feet.

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

Mr. LeVally advised 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 Richard D. Bigham Jr., representing Marathon, 3518 Broadway,** for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install a digital gas price indicator.

Mr. Bigham addressed the board members, indicating that the signage at the Certified station was being changed to Marathon signage and that the existing pylon sign would be lowered to 8 feet to meet current code requirements. He added that the applicant was seeking a variance to use electronic price fonts on the new sign in place of the manual fonts currently used.

Mr. LeVally asked if the new sign would be in the same place as the existing sign. Mr. Bigham said a new foundation would be poured and a new pole placed, but the sign would be at the same location.

Mr. Little asked if the sign would be static, and Mr. Bigham said it would display the price only, and no message boards or flashing would be incorporated.

Motion was made by Mr. Little to approve the appeal of Richard D. Bigham Jr., representing Marathon, 3518 Broadway, for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install a digital gas price indicator.

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

3.) **Hear the appeal of Trent Soles, representing Volunteers of America, 4026 McDowell Road,** for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable area for attached signage of 200 square feet by 67 square feet.

Mr. Soles addressed the board members, explaining that the existing wall sign, which faces Stringtown Road, is approximately 1,000 feet back from the road and is behind several developed outparcels, limiting visibility of the sign. He went on to say that Volunteers of America would like to place an additional sign along the west elevation of the building facing McDowell Road, and that this sign would be non-illuminated and would be constructed of PVC letters pinned to the wall. He added that the sign would indicate the location of the donation center at the side of the building.

Mr. Little noted that the only way to really see the proposed sign would be to travel down McDowell, past the first entrance to the center to the second entrance. Mr. Soles said the primary purpose of the sign wasn't visibility from Stringtown Road, but to increase identification along McDowell. Mr. Little asked why that couldn't be accomplished with a smaller sign. Mr. Soles acknowledged that it could be smaller, but that he was looking for the greatest readability. He added that the size of the letters had been reduced from the original proposal.

Mr. Little asked if the owner had contemplated a smaller sign and if there was a contingency plan in case the variance were not approved. Mr. Soles said the contingency plan would be to propose a smaller sign, probably changing the "THRIFT STORE & DONATION CENTER" section of the sign to include both upper- and lower-case letters to match the "Volunteers of America" portion of the sign to reduce the overall area. Mr. Little asked if Mr. Soles had any idea how much that would reduce the area of the sign. Mr. Soles estimated that it make that section of the sign approximately two-thirds of what was shown on the application materials.

Mr. Brant asked if the primary purpose of the sign would be to identify the donation point in the store. Mr. Soles responded that the purpose was twofold: to identify the store as well as to direct people to the donation center.

Mr. LeVally asked if Mr. Soles would be averse to changing the font and style on "THRIFT STORE AND DONATION CENTER" to upper- and lower-case letters. Mr. Soles said that for consistency he would keep it at the same height of 16 inches, but would be willing to change the font and style to reduce the overall area.

Motion was made by Mr. LeVally to approve the appeal of Trent Soles, representing Volunteers of America, 4026 McDowell Road., for a variance to Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable area for attached signage of 200 square feet by approximately 45 square feet with the stipulation that the 16-inch-high letters be composed of both upper- and lower-case letters on both sides of the awning.

Mr. LeVally asked if the phrasing and stipulation of his motion were clear, and Ms. Zempter responded that she understood the motion that was being voted upon as a variance of up to 45 square feet beyond the allowable 200-square-foot allowable area, maintaining the 16-inch height of the letters but changing the font and style to include both upper- and lower-case letters.

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

- 4.) **Hear the appeal of Ryan C. Oyster, representative of Kentucky Fried Chicken Inc., Meijer Outlot C, London-Groveport Road,** for the following variances:
 - a.) To Section 1145.16(a)(3) of Grove City's Codified Ordinances to exceed the maximum allowable area for attached signage of 35 square feet by 108.55 square feet.

- b.) To Section 1145.16(e)(1) of Grove City's Codified Ordinances to erect a second monument sign.
- c.) To Section 1145.14(c) of Grove City's Codified Ordinances to exceed the three-foot allowable height for directional signs by one foot.
- d.) To Section 1145.16(b)(1) of Grove City's Codified Ordinances to paint a 27.2-square-foot graphic on the exterior wall of the building.

Mr. LeVally noted that the applicant had submitted a request that the items be tabled.

Motion was made by Mr. LeVally to table the appeal of Ryan C. Oyster, representative of Kentucky Fried Chicken Inc., Meijer Outlot C, London-Groveport Road.

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

- 5.) **Hear the appeal of Michael J. Fitzpatrick, representing Grove City Family Dentistry, 3031 Columbus Street,** for the following variances:
 - a.) To Section 1136.06(c) of Grove City's Codified Ordinances to reduce the required parking and drive aisle setback of 20 feet on the south side of the property to 7 feet and to eliminate the fence required for screening.
 - b.) To Section 1136.06(a)(2) of Grove City's Codified Ordinances to reduce the required parking and drive aisle setback of 15 feet on the west side of the property to 8 feet, 5 inches.
 - c.) To the requirements of Table 1135.12-II of Grove City's Codified Ordinances to encroach upon the 30-foot building setback by up to 16 feet.

John Oney of Architectural Alliance addressed the board on behalf of the applicant. He said that Dr. Oiler, the owner of the site, has been in business at the location for 20 years and that he made a major investment approximately 10 years ago in a renovation of the property that has been very successful. He added that this success has created a couple of pinch points in the development, one of which is parking. He said that the existing 40 spaces can become congested at busy times, and that Dr. Oiler owns the 50-foot lot to the south of the property and wants to expand parking into that lot, adding 10 new spaces.

Mr. Oney said the first parking setback variance requested by the applicant is similar to the original setback variance received when the applicant undertook the earlier expansion 10 years ago. He added that Dr. Oiler had spoken with the neighboring property owner to the south of the property, and that the neighbor had requested no fence be included in the plans.

Mr. Oney explained that the request for a parking setback variance on the west side of the property would allow the applicant to align the new parking with the existing parking, and it wouldn't encroach any more than the existing parking does.

He stated that the final variance requested would accommodate a building addition that would create a second waiting room and allow for better accessibility of patients to the areas of the building where various services – dentistry, orthodontics and oral surgery – are provided. He said sight triangles and similar safety issues that could be affected by the expansion were thoroughly investigated and addressed before the final plan was presented. He added that the architecture and materials proposed for the addition

would match the existing structure and that the closest the addition would come to the lot line would be 14 feet.

Mr. Little asked if the addition could have been placed at the back of the existing building. Mr. Oney responded that, because of the location of the existing waiting room and other features, expanding to the south rather than the north would not solve the problem of internal foot traffic throughout the office. The proposed expansion would create separate waiting and consultation areas for the different segments of the business and allow for more direct entry and exit to and from the building for patients.

Mr. Brant asked if the City might have any issues with the request for the building setback variance, and Ms. Zempter responded that the development plan for the project was scheduled to go before Planning Commission the next day (Tuesday, October 27), and that the plan would have to be approved by City Council before construction could begin.

Mr. Haque said that if the variances were acceptable to the council members, they could be granted contingent upon City Council's approval of the development plan.

Mr. Brant asked if the applicant had anything in writing from the neighboring property owners indicating that they were supportive of the plan and parking setback variance as shown. Dr. Oiler said he had met with them and asked what they wanted to see, and that they had indicated they had no problem with the distance. He said he could contact the neighbor and request a written statement. Mr. Brant said that if the variance were granted, he would like to make it contingent upon a written statement.

Motion was made by Mr. LeVally to approve the appeal of Michael J. Fitzpatrick, representing Grove City Family Dentistry, 3031 Columbus Street, for a variance to Section 1136.06(c) of Grove City's Codified Ordinances to reduce the required parking and drive aisle setback of 20 feet on the south side of the property to 7 feet and to eliminate the fence required for screening, with the stipulations that a letter be submitted from the adjoining property owner to the south stating a preference to eliminate the fence, and that Planning Commission recommend and City Council approve the development plan for the site.

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

Motion was made by Mr. LeVally to approve the appeal of Michael J. Fitzpatrick, representing Grove City Family Dentistry, 3031 Columbus Street, for a variance to Section 1136.06(a)(2) of Grove City's Codified Ordinances to reduce the required parking and drive aisle setback of 15 feet on the west side of the property to 8 feet, 5 inches, with the stipulation that Planning Commission recommend and City Council approve the development plan for the site.

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

Motion was made by Mr. LeVally to approve the appeal of Michael J. Fitzpatrick, representing Grove City Family Dentistry, 3031 Columbus Street, for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to encroach upon the 30-foot building setback by up to 16 feet, with the stipulation that Planning Commission recommend and City Council approve the development plan for the site.

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

Mr. LeVally asked if there was any other new business, and none was indicated. Mr. LeVally thanked the City staff for attending in an advisory capacity.

Adjournment.

Motion was made by Mr. LeVally and seconded by Mr. Brant to adjourn the meeting at 7:54 p.m.
VOTE: Brant, YES; LeVally, YES; Little, YES. **APPROVED.**

Jeff LeVally, Chairman

Christy Zempter, Secretary