

CITY OF GROVE CITY, OHIO
BOARD OF ZONING APPEALS MINUTES

October 28, 2013

Regular Meeting

The regular meeting of the Board of Zoning Appeals was called to order by Chairman Little at 7:00 p.m. in the Council Chambers, City Hall, 4035 Broadway.

Roll was called and the following members were present:

Harold "Butch" Little

John Brant

Kelly Reisling

Staff Present: Chief Building and Zoning Official Michael Boso; Clerk of Council Tami Kelly; Director of Law Stephen Smith.

Also Present: Mark Waller, representing SWCS, 3055 Kingston Ave.; Richard Robinson, representing Janice Bicker, 2859 Columbus St.; Nicholas Hershberger, representing Kroger, 2474 Stringtown Rd.

1. Mr. Brant moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Reisling.

Mr. Brant	Yes
Mr. Little	Yes
Ms. Reisling	Yes

2. All representatives addressing the Board were sworn in at this time.

The Chair moved into the Agenda Items.

1. **Hear the Appeal of Mark Waller, representing South Western City Schools, 3055 Kingston Ave., for a Variance to Section 1145.06(c) – to install a Monument Sign with changeable copy.**

Ms. Reisling recused herself from this item due to a conflict of interest.

Mr. Mark Waller, representing SWCS, was present to request a variance for the changeable copy sign for the new JC Sommer school. He said it would be in the basic location, just a bit further off the road. He said they look at it as a way to reach out to the community without being a traffic hazard. It is similar to the one approved for Monterey school.

Mr. Brant asked what is meant by changeable copy. Mr. Waller said the sign body has grooves in it so the letters snap in. Mr. Brant asked if it was to be like the Career Academy. Mr. Waller said no. The Career Academy is an electronic message board. This will have fixed letters that will be changed, as needed. Mr. Little asked if the sign was to be illuminated, either externally or internally. Mr. Waller said no. Mr. Little asked if there was any moving copy whatsoever on the sign. Mr. Waller said no. Mr. Little asked if any comments were received by any contiguous property owners. Mr. Boso said no.

Mr. Little moved to grant the appeal of Mr. Waller, representing SWCS, 3055 Kingston Ave., for a Variance to Section 1145.06(c) – to install a Monument Sign with changeable copy; seconded by Mr. Brant.

Mr. Little	Yes
Ms. Reisling	---
Mr. Brant	Yes

2. **Hear the Appeal of Richard Robinson, representing Janice Bicker, for a Variance to the requirements of Table 1135.10-I – to construct a Carport that would encroach the six foot (6') side setback by six feet (6').**

Mr. Richard Robinson, representing Janice Bicker, was present to answer any questions. He said the white plastic fence will be at the side and the roof will be shingled to match the house. He said the fence would be on the property line and the carport would rest on it. Ms. Reisling asked if there were any drainage issues on the neighbor's property. Mr. Robinson said no. They will gather the water and bring it back down on the Bicker's side. Ms. Reisling asked if we have heard from any of the neighbors and Mr. Boso said no.

Mr. Brant asked if any similar variances have been granted in this area in the past. Mr. Boso, Chief Building & Zoning Official, said yes - on Security Drive.

Mr. Little asked about storm water run-off. Mr. Robinson said the gutter would drop it onto the driveway. Mr. Little asked if there was an underground system. Mr. Robinson said it is just a splash box, for the whole neighborhood. Mr. Little said he doesn't see a feasible way to get rid of the storm water. He also said it appears that the carport is a continuation of the gabled roof. Mr. Robinson said the shed roof would be below the gable and he would only have to catch the water from the shed (carport). Mr. Robinson stepped forward and showed the Board the roof system from the drawings submitted. Mr. Brant asked if both properties have basements. Mr. Boso said from the picture, it appears they both have basements. Mr. Brant asked what the distance was between the two homes. Mr. Boso said 17 feet. Mr. Brant said he is reluctant to approve this without a solution for getting rid of the storm water. Mr. Robinson said he would draw up something and come back. After further discussion, it was determined that the water would be rerouted the storm water onto the owners property and transported to the main storm water line.

Mr. Little moved to grant the appeal of Mr. Robinson, representing Janice Bicker – 2859 Columbus St., for a variance to the requirements of Table 1135.10-I – to construct a carport that would encroach the six foot (6') side setback by six feet (6') with the stipulation that the storm water line be rerouted to transport the storm water onto the owner's property and down to the main storm water line; seconded by Ms. Reisling.

Ms. Reisling	Yes
Mr. Brant	Yes
Mr. Little	Yes

Mr. Brant moved to remove the Appeals of Nicholas Hershberger, representing Kroger at 2474 Stringtown Rd., and the Appeal of Robert E. Wilson, representing AT&T Mobility, from the Table and place them on the Agenda; seconded by Ms. Reisling.

Mr. Brant	Yes
Mr. Little	Yes
Ms. Reisling	Yes

3. **Hear the appeal of Nicholas Hershberger, representing Kroger, 2474 Stringtown Road, for the following variances:**

- a. **To Section 1145.16(a)(3) - to exceed the 22-square-foot allowable area for attached Signage by 63 square feet; and**
- b. **To Section 1145.16(e)(1) - to increase the area of the legally non-conforming ground-mounted Sign on the site by 18 square feet.**

a. Mr. Smith, Dir. of Law, provided the Board with a copy of the approved Ordinance for Kroger's Special Use Permit, which stipulates there shall be no signage on the kiosk. He said he spoke to the applicant

- a. Mr. Smith, Dir. of Law, provided the Board with a copy of the approved Ordinance for Kroger’s Special Use Permit, which stipulates there shall be no signage on the kiosk. He said he spoke to the applicant and believes they will ask for that portion of signage to be removed from their request today, thereby reducing the amount of square footage needed on the variance.

Mr. Nick Hershberger, representing Kroger, asked for additional signage for this structure because of the uniqueness of the construction. Since the definition in the Code only allows for signage based on the frontage of a building and not the canopy, they are asking for use of the canopy area. He said they agreed to no signage on the Kiosk during the approval of their Special Use Permit and requested they withdraw the square footage for the Kiosk signs, which reduces their overall variance request.

Mr. Brant asked Mr. Boso how he classified the canopy and if he regulated it under the Building Code or the Zoning Code. Mr. Boso said its regulated under the Building Code as a structure, but not under the Zoning Code. Mr. Brant asked if variances for these have been granted in similar situations. Mr. Boso said yes. The Kiosk/Canopy for the Kroger at SR665 and the Giant Eagle on Stringtown were referenced. Mr. Brant asked if the stipulation in the Special Use Permit Ordinance for Kroger was done to prohibit granting these types of variances. Mr. Smith said no. There are a whole range of uses that require a Special Use Permit and Council approved this under the regular process. Council didn’t have the sign package with the Special Use request, but had some concerns about signage on all the units, so they added the stipulation. Mr. Little confirmed that all the signage on the Kiosk is removed from the request and the Board is only considering signage for the canopy now. Mr. Hershberger said yes.

Mr. Little moved to approve a variance for Nicholas Hershberger, representing Kroger, 2474 Stringtown Road, to Section 1145.16(a)(3) to exceed the 22-square-foot allowable area for attached Signage by 54 sq. ft. of signage on the Canopy only; seconded by Ms. Riesling.

Mr. Little	Yes
Ms. Reisling	Yes
Mr. Brant	Yes

- b. Mr. Little then reviewed Item b. Mr. Hershberger explained that they would like to add gas price signage to the existing monument sign. Since the initial submittal, Kroger has submitted a revised drawing that shows three (3) gas prices, rather than two (2). However, the square footage for the new submittal is 14.33, rather than the 17+ sq. ft. of the original submittal. He said this allows Kroger to get the gas pricing on the street and in a safer place for drivers to check. Ms. Riesling asked if it is illuminated. Mr. Hershberger said it is internally lit with changeable copy by remote, but is not an LED sign. Ms. Reisling asked if the size was similar to other gas price signs. Mr. Hershberger said Skyline is the vendor for the sign and they supply many stations. He thought it was similar. Ms. Reisling asked if the sign was double sided. Mr. Hershberger said yes.

Mr. Brant confirmed that the only changeable copy would be the price and there would be no messaging. Mr. Hershberger said there is no messaging associated with this sign.

Mr. Little asked if the sign could be smaller. Mr. Hershberger said he wouldn’t be comfortable with a smaller sign and feel that drivers were able to see it at a safe distance. Mr. Little asked what the setback of this sign is, given the new road construction. It was determined that it was about 15’ from the road.

Mr. Little moved to grant the variance for Nicholas Hershberger, representing Kroger, 2474 Stringtown Road, to Section 1145.16(e)(1) to increase the area of the legally non-conforming ground-mounted Sign on the site by 14.33 square feet; seconded by Ms. Reisling.

Ms. Reisling	Yes
Mr. Brant	Yes
Mr. Little	Yes

Mr. Little asked if there was anyone in the audience present to address AT&T Tower issue. Mr. Brant questioned Mr. Smith on a point of order. Mr. Brant said the appellant is not present. He believes that someone representing the application must be present to in order for the Board to take the item off the Table and hear testimony. Mr. Smith said the Board has the right to remove this from the Table with or without a representative present. Testimony can be taken from those present and placed on the record. The Board can then decide to place it back on the Table; vote it up or vote it down. Mr. Brant said just out of being fair to the applicant, he feels they should be present. They can also hear and rebut any testimony given. It was explained to the Board that if the item was left on the Table without any action, the item would die on the table at the end of the meeting. The applicant would then have to resubmit their request.

Mr. Little moved to remove the Appeal of Robert E. Wilson, representing AT&T Mobility, 3921 Sunshine Park Place, from a variance to Section 1137.15(d)(1) – to install a 150’ tall Antenna Tower that would encroach the setback for such structure by 105’, from the Table and place it on the Agenda; seconded by Ms. Reisling.

Mr. Brant	No
Mr. Little	Yes
Ms. Reisling	Yes

4. **Hear the appeal of Robert E. Wilson, representing AT&T Mobility, 3921 Sunshine Park Place,** for a variance to Section 1137.15(d)(1) - to install a 150-foot-tall Antenna Tower that would encroach the setback for such structure by 105 feet.

Mr. Brant recused himself from this issue due to a family member representing Mr. Fillinger in a legal matter.

Mr. Geoff Fillinger, representing the Grove City Trailer Park, which is contiguous to the parcel involved in the variance request, expressed opposition to this request. He said things are moving forward with the Town Center and this Tower does not fit with the development of the Town Center. He said he and the people in the Trailer Park should not have to live next to such a Tower. He said it adds a danger to the area.

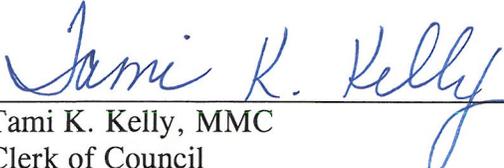
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Mr. Little	No
Ms. Reisling	No
Mr. Brant	---

There being no other business to come before the Board, Mr. Little moved to adjourn; seconded by Ms. Reisling.

Ms. Reisling	Yes
Mr. Brant	Yes
Mr. Little	Yes

The Board of Zoning Appeals adjourned at 7:45 p.m.



Tami K. Kelly, MMC
Clerk of Council



Harold "Butch" Little
Chair