

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: November 22, 2010**

Regular Meeting

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 6:41 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: Mark Waller, representing South-Western Career Academy, 4750 Big Run Road South; Rick Redfern, 3513 Lake Louise Drive; Trent Soles and John Latkowski, representing Park Square Shopping Center, 2040-2140 Stringtown Road; Craig A. Hoffman, 3037 Dennis Lane; and Donald Wood, David Cook and Karen Oiler, all representing Wood Bookkeeping and Tax Services, 3751 Broadway.

Motion was made by Mr. Brant to approve the minutes of the Oct. 25, 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. Smith then addressed the board regarding procedural changes that were being introduced at the meeting, including staff reports and documentation of the board’s findings of fact in each case. He noted that the staff reports are intended only as a guide and that board members are not bound by recommendations from the staff report or from any individual staff member. He went on to explain that beginning at this meeting, the board would be completing a report for each variance request that includes findings of fact on each of the standards established by City code and by the Ohio Supreme Court. He explained that the board members didn’t need to agree that all standards had been met to grant the variance, but that each standard should be a factor in their consideration of each appeal. He added that, in the case of multiple variances requested by a single applicant, the board would complete one form for each variance. He indicated that the additional documentation would create a better record in cases where the board’s decision might be appealed or for other future reference needs.

Mr. Davis asked if the applicants had received copies of the staff reports. Ms. Zempter said the reports hadn’t been distributed to the applicants, but that the reports were public documents and would be available to anyone who requested copies. Mr. Smith suggested that in the future the reports could be distributed to the applicants at the same time they were sent to the board members. Mr. Brant said he thought it would be a good idea to get them to the applicants in advance or have copies available at the meeting. Mr. Smith said that any applicant who wanted time to review the report could request that his or her appeal be postponed so that any concerns could be addressed.

- 1.) **Hear the appeal of Mark Waller, representing South-Western 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. Waller, coordinator of property services for South-Western City Schools, told the board that the Career Academy houses many programs of benefit to the community, and that the proposed message board would allow the circulation of information regarding those programs to members of the community.

In response to safety concerns regarding the proposed sign and an existing electronic message board across the street from it, Mr. Waller said he had checked with a representative of the Grove City Police Department, and no accidents had been reported in the last 12 months at the intersection where the signs are located. He added that in recognition of concerns regarding scrolling signs, he would be willing to limit the movement on the sign to a standard rotation of messages without any scrolling and to eliminate scrolling from the existing Central Crossing High School message board across the street.

Mr. Davis asked Mr. Waller to explain the rotation of messages. Mr. Waller said there would be no side-to-side movement on the sign, but that one message would appear, then the sign would briefly go black before the display of the next message.

Mr. Brant noted that a nearby resident had spoken at the last meeting, indicating a concern that the electronic signs might create a distraction to drivers, particularly during times when intermediate school students were walking to and from school near the intersection. Mr. Waller said he understood the concerns, but that he believed the elimination of scrolling would improve safety in the area.

Mr. Brant asked if Mr. Waller was aware of any accidents prior to the last year, and Mr. Waller responded that he didn't know of any.

Mr. Little asked how scrolling would be eliminated from the sign, and Mr. Waller said the option wouldn't be programmed into the message board. Mr. Little then asked what would prevent the changing of the program to include scrolling later. Mr. Waller said he would be diligent to see that it didn't happen.

Mr. Little asked if Mr. Waller saw any issues with the potential of dueling signs, given the existence of the Central Crossing message board in close proximity to the proposed electronic sign. Mr. Waller said he thought that as a driver facing the signs at the intersection, each one could be read safely even though they would display separate messages.

Mr. Waller said that the existing sign for the Career Academy was difficult to read. Mr. Little asked if larger print for the existing sign had been considered, and Mr. Waller said it hadn't. He added that larger print wouldn't allow for multiple messages or for the changing of the messages from inside the building in cases of inclement weather.

Mr. Davis asked if there was a way to formalize the willingness to eliminate scrolling from the existing sign and not allow it for the proposed sign. Mr. Smith said that conditions addressing the scrolling could be attached to the approval of the variance.

Mr. Davis asked if Mr. Waller's testimony altered the opinions given prior to the meeting in the staff report. Mr. Boso said that he had consulted with the City's Safety Director after the staff report was distributed, and that the Safety Director had reported no issues with the existing electronic sign and had not expressed any concerns regarding the proposed sign.

Mr. Little asked if any comments had been received from neighboring property owners or other residents, and Ms. Zempter said she had not received any comments other than those made by Mr. Redfern, a neighboring resident, at the October meeting.

Mr. Redfern was again present at the meeting and was sworn in as he had not arrived prior to the first swearing-in of speakers. In addressing the board, he said he wondered why, if school district officials recognized concerns about scrolling, the Central Crossing High School sign continued to feature scrolling of messages. He added that he objected to the enlargement of the existing sign and creation of a situation where the messages change. He said a lot of information was being conveyed to travelers at the

intersection in question, including the change of the street name from Southwest Boulevard to Southwest Crossing, information regarding turn lanes and the existing signage. While he acknowledged that the angle and location of the existing sign might make it difficult to convey messages to passing drivers, he didn't believe that design flaw should allow the creation of a more dangerous situation.

Mr. Redfern noted that while it is possible that no accidents were reported at the intersection in the last year, it is a busy intersection and minor accidents may not have been reported to the police department. He suggested that maybe the school district could turn the signs off when younger children were crossing the intersection on their way to and from school, though he said he wouldn't want to rely solely on the word of school officials that it would be done.

Mr. Brant asked Mr. Waller if he would be open to the possibility of turning the sign off for certain hours before and after school. Mr. Waller said the district would be open to that possibility. Mr. Boso asked if the sign would have to be turned off or if a single static message could be displayed during that time. Mr. Waller said he was certain that he could turn off power to the sign, but he wasn't sure if he could post a message that would remain static for an extended period of time.

Mr. Little asked how the sign would be illuminated, and Mr. Waller said the sign would have a black face with red LED letters. Mr. Little asked if the purpose of replacing the existing sign with an electronic message board was to capture the attention of passing drivers, and Mr. Waller said the purpose was to attract attention and inform the public.

Mr. Brant suggested that any motion to approve the variance include a condition that the sign be turned off or messages not change during the times people are normally entering and leaving school. Mr. Davis noted the previously mentioned condition eliminating scrolling from both the existing and proposed electronic signs.

A discussion of precise hours for the disabling of the rotation of messages followed. Mr. Little suggested that the message board work in conjunction with the school zone sign. The message board would be in the static mode when the school zone sign was in operation and the applicant and board members agreed to language for the condition that would synchronize the disabling of the message board with the hours of operation of the nearby "school zone" traffic-control signs.

Mr. Little noted that he still had safety concerns regarding distractions created by the signs, given that the signs are designed to attract attention. He added that the location of both the proposed sign and the existing electronic sign on a site that contains three schools increased his concern.

Motion was made by Mr. Little to approve the appeal of Mark Waller, representing South-Western 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 with the following conditions:

- a.) That the scrolling mechanism for the sign be eliminated; and
- b.) That the message board remain static during the hours of operation of the county's 20-mile-per-hour "school zone" sign.

Ms. Zempter asked if Mr. Little wanted to include the existing Central Crossing sign in the condition that eliminates scrolling, and Mr. Little responded that he didn't think it would be appropriate to include that sign in the motion.

Seconded by Mr. Brant. VOTE: Little, NO; Davis, YES; Brant, YES. APPROVED.

Mr. Smith indicated that the board should then complete the report of findings of fact on the case. Mr. Little asked if it should be done as part of the public forum, and Mr. Smith responded that it was theoretically best if it were done on the record while the applicant and other interested parties were present.

The board unanimously agreed that the variance would not adversely affect delivery of governmental services and was not substantial; that it would confer upon the applicant a special privilege denied to other lands, structures or buildings in the same district; and that the property would yield a reasonable return or be of beneficial use without the variance. Two of three board members found that the variance would not be contrary to public interest, adversely affect health or safety of persons or be injurious to private property/public improvements; that the essential character of the neighborhood would not be substantially altered, nor would adjoining properties suffer a “substantial detriment”; that the property owner’s predicament could be resolved through some method other than a variance; that no special conditions or circumstances peculiar to the land or structure exist; that no special conditions or circumstances exist as a result of actions of the current or previous owner; and that the variance preserves the “spirit and intent” of the zoning requirement and “substantial justice” would be done by granting the variance.

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.

2.) **Hear the appeal of Trent A. Soles, representing Park Square Shopping Center, 2040-2140 Stringtown Road, for the following variances:**

- a) To Section 1145.16(e)(1) of Grove City’s Codified Ordinances to install a ground-mounted sign that would exceed the 8-foot height limit by 8 feet and the 50-square-foot area limit by 94 square feet.
- b) To Section 1145.06(f) of Grove City’s Codified Ordinances to install a tenant panel on an off-premises sign.

Ms. Zempter explained that the second variance was being requested because the shopping center occupies two separate parcels, and the inclusion of a Volunteers of America tenant panel on the proposed sign would constitute off-premises signage because that store is on a different parcel than the other stores in the center and the site of the proposed sign.

Mr. Soles explained that the site landscaping has grown to a point that it has begun to hide the center, and that the developed outparcels adjacent to the site have further obstructed the shopping center from view. As a result, he said, the need has arisen for a sign to identify the entrance to the center as well as the tenants within it.

Mr. Soles stated that his company, DaNite Sign Co., had designed signage for Parkway Centre and The Shoppes at Grove City, and that the proposed sign would duplicate the style of those signs on the east end of Stringtown Road. He went on to note that the proposed sign would be smaller than the ground-mounted signs at Parkway Centre and The Shoppes at Grove City.

Mr. Latkowski, the property manager for the center, stated that the property owners had been undertaking projects each year to improve the site, and that now they wanted to address the major missing component of the center – a ground-mounted sign.

Mr. Little asked how long the property owners had been working to prepare the proposal for the sign. Mr. Latkowski responded that the present owners had been working on it since they bought the property five years ago, but that various setbacks, including the loss of Sears Hardware as an anchor tenant a few years ago, had impeded their efforts. Now that Volunteers of America has been established as the center's anchor tenant, he said the time is appropriate to pursue the installation of the sign.

Mr. Little noted that Volunteers of America had previously appeared before the board to request additional signage, and Ms. Zempter confirmed that the board had approved additional wall signage for Volunteers of America along the McDowell Road elevation.

Mr. Brant observed that the staff report was favorable to the variances but suggested two conditions: that the sign comply with all landscaping requirements established by the Urban Forester; and that no ground-mounted sign be erected on the parcel upon which Volunteers of America is located. Mr. Latkowski said he could accept those conditions.

Mr. Little asked if a landscape plan was available. Mr. Soles said the plan showed a basic layout but that he would be willing to work with the Urban Forester to determine the specifics of the plan.

Motion was made by Mr. Little to approve the appeal of Trent A. Soles, representing Park Square Shopping Center, 2040-2140 Stringtown Road, for a variance to Section 1145.16(e)(1) of Grove City's Codified Ordinances to install a ground-mounted sign that would exceed the 8-foot height limit by 8 feet and the 50-square-foot area limit by 94 square feet with the following conditions:

- a.) That the final location be approved by the Building Department; and
- b.) That the applicant shall work with the Urban Forester to ensure that all landscaping requirements are met, which would include a landscaping plan.

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

The board unanimously agreed that the variance would not be contrary to public interest, adversely affect the health or safety of persons or be injurious to private property/public improvements or adversely affect the delivery of governmental services; that it would not confer any special privilege upon the applicant, substantially alter the essential character of the neighborhood or cause adjoining properties to suffer a "substantial detriment"; that it is substantial; that the property owner's predicament could not feasibly be resolved through some method other than a variance; that no special conditions or circumstances peculiar to the land or structure exist and that no special conditions or circumstances have resulted from actions of the current or previous property owner; that the property would yield a reasonable return and there could be beneficial use of the property without the variance; and that the variance preserves the "spirit and intent" of the zoning requirement and provides "substantial justice."

Motion was made by Mr. Little to approve the appeal of Trent A. Soles, representing Park Square Shopping Center, 2040-2140 Stringtown Road, for a variance to Section 1145.06(f) of Grove City's Codified Ordinances to install a tenant panel on an off-premises sign with the following condition:

- a.) That no ground-mounted sign shall be installed on Parcel 040-009218, the site of the Volunteers of America store.

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

The board unanimously agreed that the variance would not be contrary to public interest, adversely affect the health or safety of persons or be injurious to private property/public improvements or adversely affect the delivery of governmental services; that it would not confer any special privilege upon the applicant, substantially alter the essential character of the neighborhood or cause adjoining properties to suffer a “substantial detriment”; that it is substantial; that the property owner’s predicament could not feasibly be resolved through some method other than a variance; that no special conditions or circumstances peculiar to the land or structure exist and that no special conditions or circumstances have resulted from actions of the current or previous property owner; that the property would yield a reasonable return and there could be beneficial use of the property without the variance; and that the variance preserves the “spirit and intent” of the zoning requirement and provides “substantial justice.”

Mr. Little reiterated that there is a 21-day period during which the board’s approval of the variances may be appealed to City Council, and that any work done during that time would be at the applicant’s risk. Mr. Smith noted that another reason to complete the board’s report at the time of the vote is that the reports have to be completed on the day of the meeting to accommodate the window for appeals.

Mr. Brant suggested the possibility that the staff report could be accepted by the board members because it addresses the standards in the board’s findings of fact. Mr. Smith responded that the staff report is intended solely as a guide and that the board members should make their own determinations on the standards.

- 3.) **Hear the appeal of Craig A. Hoffman, 3037 Dennis Lane**, for a variance to the requirements of Table 1135-10-I to convert an existing one-car attached garage into living space.

Mr. Hoffman explained to the board that the garage of his home is so small that it is difficult to get a car or van in and out of it, making it essentially unusable for vehicle storage. He said the requested variance would allow him to convert the space into a rec room/pantry. He added that his family’s current parking situation would not be changed because no vehicle is stored in the garage at this time.

Mr. Hoffman noted that he included with his application examples of 36 houses within a two-mile radius of his home in which garages had been converted into living space.

Mr. Brant asked if anything was currently stored in the garage area. Mr. Hoffman said that he installed a shed over the summer and that most of the items that had been stored in the garage were now being stored in the shed.

Mr. Little asked if the applicant would be using any street parking. Mr. Hoffman said his family currently keeps two cars parked in the driveway and a third parked on the street, and that situation would not change regardless of the conversion of the garage space.

Mr. Brant noted that the staff report was favorable to the variance, and Mr. Little observed that such conversions seemed to be a trend in the applicant’s neighborhood.

Motion was made by Mr. Little to approve the appeal of Craig A. Hoffman, 3037 Dennis Lane, for a variance to the requirements of Table 1135.10-I to convert an existing one-car attached garage into living space.

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

The board unanimously agreed that the variance would not be contrary to public interest, adversely affect the health or safety of persons or be injurious to private property/public improvements or adversely affect the delivery of governmental services; that it would not confer any special privilege upon the applicant, substantially alter the essential character of the neighborhood or cause adjoining properties to suffer a “substantial detriment”; that it is not substantial; that no special conditions or circumstances peculiar to the land or structure exist and that no special conditions or circumstances have resulted from actions of the current or previous property owner; that the property would yield a reasonable return and there could be beneficial use of the property without the variance; and that the variance preserves the “spirit and intent” of the zoning requirement and provides “substantial justice.” Two of three board members agreed that the property owner’s predicament could not be resolved through some method other than a variance.

Mr. Little reiterated 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.

4.) **Hear the appeal of D.E. Wood, representing Wood Bookkeeping and Tax Services, 3751 Broadway,** for the following variances:

- c) To the requirements of Table 1135.12-II of Grove City’s Codified Ordinances to reduce the required number of parking spaces from 11 to seven.
- d) To Section 1136.06(c) of Grove City’s Codified Ordinances to eliminate the required parking setback and associated landscaping along the south lot line.

Mr. Wood noted that two garage spaces are included on the proposed development plan in addition to the seven open spaces, but that his variance request included the additional two spaces because the plan (including the use of the garage spaces) had not yet been approved.

Mr. Wood explained that he is a tax accountant and the only employee of the business at the site, so there’s not a lot of traffic in and out of the site. He said the heaviest traffic he remembered from last tax season was four cars at a time and no more than 10 throughout the course of a day.

Mr. Brant asked if the garage could be eliminated from the site. Mr. Wood said it could be removed, but that its removal would be detrimental to his business because he uses the garage space for storage.

Mr. Little noted that concern had been expressed by staff that there would not be enough space to maneuver in and out of the garage with the proposed parking situation and asked if Mr. Wood agreed that maneuverability could be a problem there. Mr. Wood and Mr. Cook, who works with Bob Wolfe Engineering, said they believed the issue had been addressed in the most recent drawings submitted to the Development Department.

Mr. Little noted that at least two of the spaces on the plan were only 18 feet deep, and asked how pickup trucks and other longer vehicles would be handled. Mr. Wood said that they could choose one of the longer, 20-foot spots. Mr. Little acknowledged that they could use the longer spots, but that the shorter spots were closer to the steps to the rear entrance. Mr. Wood responded that most clients use the front door, but Mr. Little suggested that in inclement weather, the proximity of the rear door to the parking spaces could influence people to choose the shorter spaces and the rear entrance. Mr. Wood said the only people who come through the back door are people he has invited.

Mr. Little asked if there would be provisions to prevent parking in front of the garage, and Mr. Wood indicated that the area would not be striped.

Mr. Little then read for the record an account of a phone call Nov. 1 from neighboring property owner Bill Saxton, who stated that his only concern with the proposed variance was that the drive aisle on his property not be used by Mr. Wood or anyone accessing his property. Mr. Saxton's property shares a drive aisle with a property owned by David and Tracie Underwood, and Mr. Wood has been pursuing an easement agreement with the Underwoods to include the use of their portion of the drive aisle in his development plan.

Mr. Wood said he had spoken several times with Mr. Saxton about his concerns, and the solution Mr. Wood has proposed is to install wheel stops every 12 feet along the property line.

Mr. Little asked if Ms. Zempter had a copy of the easement agreement with the Underwoods, and Ms. Zempter said she had not received one. Mr. Wood said he had copies available and distributed them to the board members and staff.

Mr. Smith noted that what was provided was not an actual easement agreement, but rather a letter of intent that stated conditions that must be met before an easement would be formalized. He added that if the board were to approve the variances, he would recommend including a condition that the easement be recorded. Mr. Wood said the neighboring property owners were reluctant to record the easement before approvals were granted for the variances and development plan. Mr. Cook said the easement has been drafted but not recorded.

Mr. Smith indicated that Mr. Wood already had undertaken some changes to the property without prior approval from the City, and that a court case related to the property was pending in Mayor's Court. He asked Mr. Wood if he had been working to resolve the violations, and Mr. Wood said that he had been working with Mr. Boso on those issues. He stated that he had removed a sign that was in violation, had reseeded ground where he had previously placed gravel and was working with Mr. Boso to get a change of occupancy approved.

Mr. Smith suggested that the board include a second condition that the applicant obtain development plan approval from City Council. Mr. Wood stated that a development plan had been submitted to the Development Department and that the requirement for the requested variances had arisen as part of the review of that plan.

Mr. Little noted that the staff report recommended not limiting the variance to the south lot line and asked which issue was being addressed in that recommendation. Ms. Zempter said the recommendation referred to the variance for parking setbacks and associated landscaping, because the development plan had not yet been approved and conversations with Development Department staff indicated that the plan submitted to the BZA might not be the plan that is ultimately approved. She added that including the west and north lot lines in the variance would provide some flexibility if the parking plan was reconfigured.

Mr. Brant asked if the applicant was in a Catch-22 situation because the site couldn't meet non-residential parking requirements without variances, and it couldn't be returned to residential use because of the PSO zoning. Mr. Zempter said that it was staff's opinion that the code requirements for setbacks and landscaping for non-residential parking and drive aisles could not be met on the site. However, Mr. Boso said the property could be returned to a residential use because that was a grandfathered use on the property and the occupancy has never officially been changed to office use.

Ms. Oiler, who is married to Mr. Wood and is the agent of the LLC that owns the property, told the board that the property was purchased with the intent to run a business there and that they had never had an intention of living there.

Mr. Davis asked how the project would progress from this point. Mr. Cook indicated that once the board made a decision regarding the variances, the applicant would move forward with the Development Department to get a plan submitted to Planning Commission.

Motion was made by Mr. Little to approve the appeal of D.E. Wood, representing Wood Bookkeeping and Tax Services, 3751 Broadway, for a variance to the requirements of Table 1135.12-II to reduce the required number of parking spaces from 11 to seven with the following conditions:

- a.) That the variance is contingent upon a development plan approved by City Council; and
- b.) That the variance is contingent upon the submission of a recorded egress easement.

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

The board unanimously agreed that the variance would not be contrary to public interest, adversely affect the health or safety of persons or be injurious to private property/public improvements or adversely affect the delivery of governmental services; that it would not confer any special privilege upon the applicant, substantially alter the essential character of the neighborhood or cause adjoining properties to suffer a “substantial detriment”; that it is substantial; that the property owner’s predicament could not feasibly be resolved through some method other than a variance; that special conditions or circumstances peculiar to the land or structure do exist but that no special conditions or circumstances have resulted from actions of the current or previous property owner; that the property would not yield a reasonable return and there could not be beneficial use of the property without the variance; and that the variance preserves the “spirit and intent” of the zoning requirement and provides “substantial justice.”

Mr. Brant asked if an ADA-accessible parking spot would be required. Ms. Zempter responded that one would be required and is shown on the plan.

Mr. Little indicated that the Urban Forester had submitted comments via e-mail and her only concern was that the variety of Arborvitae be indicated on the landscape plan. Ms. Zempter indicated that those issues would be addressed as part of the development plan approval process.

Mr. Little asked if the variance would need to be changed to address the suggestion that the north and west lines be included, and Ms. Zempter said she thought the phrasing of the variance should be changed to include those additional sides of the property.

Motion was made by Mr. Little to approve the appeal of D.E. Wood, representing Wood Bookkeeping and Tax Services, 3751 Broadway, for a variance to Section 1136.06(c) of Grove City’s Codified Ordinances to eliminate the required parking setback and associated landscaping along the south, north and west lot lines.

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

Mr. Smith recommended that the motion be modified to include the two conditions included on the approval for the previous variance.

Motion was made by Mr. Little to modify the approval of the variance to Section 1136.06(c) of Grove City’s Codified Ordinances to eliminate the required parking setback and associated landscaping along the south, north and west lot lines to include the following conditions:

- c.) That the variance is contingent upon a development plan approved by City Council; and
- d.) That the variance is contingent upon the submission of a recorded egress easement.

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

The board unanimously agreed that the variance would not be contrary to public interest, adversely affect the health or safety of persons or be injurious to private property/public improvements or adversely affect the delivery of governmental services; that it would not confer any special privilege upon the applicant, substantially alter the essential character of the neighborhood or cause adjoining properties to suffer a “substantial detriment”; that it is substantial; that the property owner’s predicament could not feasibly be resolved through some method other than a variance; that special conditions or circumstances peculiar to the land or structure do exist but that no special conditions or circumstances have resulted from actions of the current or previous property owner; that the property would not yield a reasonable return and there could not be beneficial use of the property without the variance; and that the variance preserves the “spirit and intent” of the zoning requirement and provides “substantial justice.”

Mr. Little reiterated 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.

- 5.) **Hear the appeal of Jason Francis, representing M/I Homes, Parcel 040-009226 (Pinnacle the Greens),** for a variance to Section 1329.18(a) of Grove City’s Codified Ordinances to use fill in the Special Flood Hazard Area on a residentially zoned property.

Mr. Little noted that Mr. Francis had submitted a request that his appeal be postponed to a later meeting.

- 6.) 2011 meeting schedule.

Mr. Little stated that the board members had copies of the proposed schedule and that after review, any questions or concerns could be addressed at the December meeting.

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 8:55 p.m.
VOTE: Davis, YES; Brant, YES; Little, YES. **APPROVED.**

John Brant, Board Member

Christy Zempter, Secretary