

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

October 01, 2012

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

*Jeff Davis      Maria Klemack-McGraw      Ted Berry      Steve Bennett      Melissa Albright*

1. Ms. Klemack- McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Albright.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. President Berry recognized Mayor Stage who presented a check for \$338.00 to the Food Bank that was received from the Mt. Carmel Up & Away 5k this year. A representative from Mt. Carmel expressed their excitement in being able to sponsor this for the Food Pantry. It was also announced that an event called "Hands for Hunger" will take place on Oct. 27, 2012.

The Chair read the agenda items and they were approved by unanimous consent.

**The Chair recognized Ms. Klemack-McGraw - Chairman of Lands & Zoning, for discussion and voting under said Committee.**

1. Ordinance C-52-12 (Approve the Plat for Pinnacle Club, Section 6, Part 3, Phase B) was given its second reading and public hearing and Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

2. Ordinance C-53-12 (Approve a Special Use Permit for Grove City Dog Grooming located at 4157 Kelnor Drive) was given its second reading and public hearing.

Mr. Joe Hull, attorney for petitioner, was present to answer any questions.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Bennett.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

3. Ordinance C-54-12 (Approve a Special Use Permit for Pet Supplies Plus located at 2430 Stringtown Road) was given its second reading and public hearing.

Mr. Joe Hockadoner, representative for petitioner, was present and explained this is a pet supply store that also offers grooming and shampooing of dogs.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

4. Resolution CR-35-12 (Appeal the decision of the Board of Zoning Appeals Granting a Variance for a Sign for Comfort Dental located at 2196 Stringtown Road) was given its reading and public hearing.

Mr. Ryan Srbljan, applicant, requested to allow the variance to stand. He said the existing sign needed painted and it now looks much better. He also noted that there was a question as to whether or not a variance was even needed for this sign, as it has been in constant use, since Roxanne's left. The building has been rented out to temporary businesses that have used it. There was much discussion about this at the BZA meeting. He said all this appeal does is incurs additional expense to the new business.

Ms. Klemack-McGraw stated that Mr. Little, of the BZA, told them that there was a 21 day waiting period and if they continued with the sign they did so at their own risk. She noted that she provided Council with copies of the Staff report. She further reviewed the six (6) items in the Code, as well as the additional items from Staff. She asked that the Staff Report be attached to these Minutes and noted that she disagreed with one point in the Staff Report – she believes that the public interest is harmed when a variance is issued needlessly. In doing so, it diminishes respect for our laws. She expressed her objection to this variance citing that: the public interest would be harmed if the variance stood; that granting the variance confers a special privilege denied by the Sign Code on other lands or structures in the same zoning district; a literal enforcement of the Sign Code will NOT result in unnecessary hardship by depriving the applicant rights Commonly enjoyed by other properties in the same zoning district; no special conditions or circumstances exist which are peculiar to the land and structure involved, and which are not applicable to other lands or structures in the same zoning district; the variance granted by the Board of Zoning Appeals does violate the spirit of the Code.

Ms. Albright asked Mr. Smith if he felt any differently that a variance did need to be requested in this circumstance, or that the Staff erred in their judgment of the grandfathering. Mr. Smith said he believes Staff is correct in their interpretation.

Mr. Bennett stated that the property directly to the east of this property is removing two pedestal signs and replacing it with one that meets Code. He said that is the point. He said in his mind, there are three items: the height, which he believes is too much; the overall size, which is more than two times larger than the Code allows and he doesn't agree with; the angle of the sign that may affect the health, safety and welfare of the community.

Mr. Srbljan reiterated the discussion over whether a variance was even needed, due to the fact that the sign always branded an entity that was using the building. He said it was never out of use for six

months. He said he understands Council's view. Mr. Berry asked if they understood they were proceeding at their own risk. Mr. Srbljan said absolutely. He said the contention is not the cost of the sign faces.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Berry.

Mr. Berry asked Ms. Kelly, Clerk of Council to explain what yes/no vote means. Ms. Kelly explained that the Resolution is written to repeal the variance. A "Yes" vote would remove the variance granted by BZA.

The vote was called.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

**The Chair asked that any new business to be brought before the attention of Council be done so at this time.**

1. Mr. Rob Starrett, President of Fountainview Condo's, voiced concern over the disturbance of the peace to some of their residents due to the commercial businesses next door. In years past, some of their residents asked the City to erect and pay for a wall. They understand the City can't spend public money on private property. With the current change in the Board, there is no longer support for a fence among the majority of owners. However, the majority does agree that a barrier is needed and would like to see a green barrier. Ms. Jodee Lowe, City's Urban Forester, has come out to speak with their group a couple of times and suggested 12 to 15 trees be strategically placed. He said they recognize that the residents of Fountainview must take ownership for part of the solution to the problem and are working money into their 2012 budget to plan a few trees on their property along Lamplighter. By planting a few trees each year, it won't take them long to have a "green" barrier. However, he asked the City if there was anything they could do to give immediate relief to the half dozen residents affected by the headlights of vehicles exiting the commercial development on Lamplighter. He asked if Fountainview can partner with the City and perhaps Continental Development to provide a solution for these residents, by way of a grant or something. He thanked them for their consideration.

Mayor Stage said he has put a deal on the table twice. He said he still has no problem putting a deal on the table to contribute to a grant to put greenery there. However, he doesn't want to get into another moving target. He said he negotiated with Continental to assist with this and then had a \$200,000.00+ proposal given to him, which was way out of the scope of work. He said there are three words in Mr. Starrett's report that give him concern - "at this time". He said he sees a moving target moving in and would like to have a Resolution approved by their Board that says "15 or 16 trees" or whatever they are asking for, and where they want them planted, with a price tag, and let the City take a look at it. Mr. Starrett said he would take that back to the Board and thanked them all.

**The Chair recognized members of Administration and Council for closing comments.**

Mayor Stage had no statistical report. He reported on the Mt. Carmel ground blessing, which was very nice. He commented that there was a moving event @ Rotary Lake called "Fishing Without Boundaries" last week. He reported on current events.

# Staff Report

## Grove City Board of Zoning Appeals

**Applicant:** Ryan Sribljan, DaNite Sign Co.  
**Property:** 2196 Stringtown Road (Comfort Dental, formerly Roxainne's Flowers)  
**Meeting Date:** Monday, Aug. 27, 2012

Code Section	Requested Variance
1145.16(e)(1)	To retain a ground-mounted sign that exceeds the 50-square-foot area limit by 46 square feet and the 8-foot height limit by 12 feet

### Case summary

The applicant is representing Comfort Dental, which is moving into the building formerly occupied by Roxainne's Flowers on Stringtown Road.

The new tenants would like to maintain the existing ground-mounted sign structure on the site and just replace the sign faces. However, the existing sign is 20 feet tall (8 feet taller than code allows) and 96 square feet in area (46 square feet larger than code allows). Because Roxainne's has been out of business for longer than six months, the sign is no longer grandfathered and must be brought into compliance with current standards, according to the code.

### Analysis

Pursuant to Chapter 1133 of the Codified Ordinances, the BZA may grant variance from the terms of the Zoning Code and the Sign Code provided that such variances are not inconsistent with substantial justice and avoiding unreasonable hardship to property owners. The following factors shall be considered and weighed by the BZA in determining practical difficulties and/or hardship:

- **Whether the variance will be contrary to public interest or adversely affect the health/safety of persons or be injurious to private property/public improvements.**

Staff doesn't anticipate any adverse effect on public interest, health/safety considerations or private property/public improvements as a result of the variance.

- **Whether the variance would adversely affect the delivery of governmental services such as water, sewer and trash pick-up.**

The variance is not expected to affect the delivery of governmental services.

- **Whether the variance would confer upon the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.**

While the board has granted area and height variances for ground-mounted signs in recent years, most of those variances were for multi-tenant sites, and the height variances granted to single-tenant sites usually addressed visibility issues based on the ground elevations of the sites. Because this is a single-tenant location and there are no elevation issues on the site, it is staff's opinion that the variance would confer special privilege upon the applicant.

- **Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a “substantial detriment.”**

The sign structure is already in existence and has been at this location for some time, so it is staff's opinion that a variance allowing it to remain in place would not affect the essential character of the neighborhood or cause adjoining properties to suffer a “substantial detriment.”

- **Whether the variance is substantial.**

The variance would give the applicant nearly double the allowable area and two-and-a-half times the height permitted by code, so it is staff's opinion that the variance is substantial.

- **Whether the property owner's predicament feasibly can be resolved through some method other than a variance.**

The existing sign structure could be removed and replaced by a sign that meets all code requirements.

- **Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity; narrowness, shallowness or steepness of the lot; or adjacency to non-conforming and inharmonious uses, structures or conditions.**

Staff is aware of no special conditions or circumstances peculiar to the land or structure.

- **Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.**

The commercial use of the property is expected to continue regardless of whether or not the variance is granted.

- **Whether special conditions or circumstances exist as a result of actions of the current or a previous owner.**

Staff is aware of no special conditions or circumstances that exist as a result of actions of the current or previous owner.

- **Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.**

Given the fact that only a single tenant needs to be identified at the site and the ground elevation would not prevent visibility of a legally conforming sign, it is staff's opinion that the variance would not preserve the “spirit and intent” of the zoning requirement, nor would it provide “substantial justice.”

### **Staff recommendation**

Staff recommends denial of the requested variance.

2. Ms. Conrad reminded everyone of Harvest Days this Sunday. She also noted that they lost some space for classes but are working with Southwest City Schools to utilize the Kingston building. Mr. Berry asked if there was a chance they would sell the building to us. It was explained that we are working on that but there are State statutes that must be followed.
- After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 7:40 p.m.

  
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Tami K. Kelly, MMC  
Clerk of Council

  
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Ted A. Berry  
Chair