

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: Monday, August 26, 2013**

Regular Meeting

Board Member John Brant 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 John Brant and Kelly Reisling; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; and Stephen Smith of Frost Brown Todd, representing the City. Also present were: Matthew Freeman, 3267 Columbus Street; Terry Gillivan, 3302 Park Street; and Lesley Jennings, 3296 Columbus Street. Board member Harold "Butch" Little was absent.

Motion was made by Ms. Reisling to approve the minutes of the July 22, 2013, regular meeting.

Seconded by Mr. Brant and approved unanimously.

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

- 1.) **Hear the appeal of Matthew Freeman, 3267 Columbus Street**, for the following variances:
 - a.) To Section 1135.10(a) of Grove City's Codified Ordinances to exceed the 700-square-foot overall area for detached garages by 644 square feet; and
 - b.) To Section 1137.08(h) of Grove City's Codified Ordinances to exceed the 13-foot height limit for detached garages by 11 feet.

Mr. Freeman explained that the project was intended to create more room for his family. He said that the garage floor is currently lower than the street, so the structure is prone to flooding, and that he wanted to increase the height of the existing overhead door to allow for storage of vehicles with a taller profile. To address these issues, he decided to raise the garage roof. In the process of developing this project, he decided to seek approval for a second floor to the garage to provide more storage and recreational space. He said he also hopes to add a third garage bay in the second phase of the project.

Ms. Reisling confirmed that the proposed construction was related to an existing garage and asked if the modifications would address the flooding issues. Mr. Freeman said he wanted to raise the existing block and pour a deeper cement floor to raise the floor above the level of the street. He added that the problem had been in existence for many years and was caused by the raising of the street to accommodate sewer lines before he bought the property.

Mr. Brant asked if any correspondence had been received from neighboring property owners. Ms. Zempter said no correspondence had been received, but Terry Gillivan indicated to the board that he was a neighboring property owner and wanted to present testimony.

Mr. Gillivan was sworn in at this time because he was not present at the start of the meeting. He told the board that he and his wife lived across the street behind the subject property. He added that he had spoken with Mr. Freeman about the project and indicated that he had some concerns about the height and that Mr. Freeman had told him he wouldn't add vertically to the structure.

Mr. Brant asked if Mr. Gillivan's objections extended to the area variance, and Mr. Gillivan said he didn't have a problem with increasing the area of the garage at ground level. Mr. Gillivan noted that his own garage exceeded the height limit by 2 feet.

Mr. Brant asked if Mr. Freeman had agreed to changes to his plan in his conversation with Mr. Gillivan. Mr. Freeman said he asked Mr. Gillivan if he had any problem with him increasing the area horizontally and Mr. Gillivan said he didn't, but that he thought an increase in height would make the structure ugly. Mr. Freeman said he didn't agree that the structure would be unattractive.

Ms. Reisling asked about the color and height of the home on the property. Mr. Freeman said the house has two stories and is blue and that the garage would match the materials used on the house. Ms. Reisling asked if the requested variance represented both phases of the project or just the first one. Ms. Zempter said the figures in the current request would accommodate both phases. Ms. Reisling asked if the applicant had considered any other design patterns. Mr. Freeman said he liked this design because it was linear and would allow for an 8-foot ceiling height on the second story to make it more usable.

Ms. Reisling asked Mr. Gillivan what his concerns were. Mr. Gillivan said he thought the additional height would not be aesthetically pleasing.

To illustrate his concerns, Mr. Gillivan showed a photograph of a two-story garage on a nearby property that was permitted as a result of a variance a few years ago. He said that several windows in his house would look out at the proposed garage addition on Mr. Freeman's property. Mr. Brant asked how tall Mr. Gillivan's house was, and Mr. Gillivan estimated it was about 30 feet tall. Mr. Brant noted that the proposed garage would not be taller than Mr. Gillivan's house. Mr. Gillivan argued that the architectural features, including an overhead garage door, made a garage of that size less aesthetically appealing than a house of similar height.

Mr. Freeman argued that everything he'd done to the property had been intended to improve it and that he would like to continue to request the variances as originally phrased in his application.

Ms. Reisling asked if the photo provided by Mr. Gillivan was of the same garage referenced in the staff report, and it was determined that it was.

Motion was made by Mr. Brant to approve the appeal of Matthew Freeman, 3267 Columbus Street, for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to exceed the 700-square-foot overall area for detached garages by 644 square feet.

Seconded by Ms. Reisling. VOTE: Reisling, YES; Brant, YES. APPROVED.

Motion was made by Mr. Brant to approve the appeal of Matthew Freeman, 3267 Columbus Street, for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to exceed the 13-foot height limit for detached garages by 11 feet.

Seconded by Ms. Reisling. VOTE: Brant, NO; Riesling, YES. DENIED.

2.) **Hear the appeal of Lesley Jennings, 3296 Columbus Street**, for a variance to Section 1137.05(c) to eliminate the 30-foot building setback for a privacy fence.

Ms. Jennings indicated two primary reasons for requesting the variance. The first was to provide security as she walked from the garage at the rear of her property to her house and the second was to allow usable yard space for her large dog.

Ms. Reisling asked if the applicant had experienced any security issues. Ms. Jennings said she hadn't, but had only been living in the house for about a month and that the house was near Tristano's restaurant, so there's a lot of activity in the area, particularly in the evenings and on weekends.

Ms. Reisling asked if a 4-foot-tall fence would provide the necessary security. Ms. Jennings said she would feel more comfortable with at least a 5-foot fence because a 4-foot fence would be too easy for intruders and her dog to climb over.

Ms. Reisling asked if the applicant had communicated with any of her neighbors about the project. Ms. Jennings said she had discussed it with her next-door neighbors and they were understanding about the need to provide an enclosed area for the dog and even talked about tying fences on the two properties together with a gate that would allow each of them to help each other with their dogs.

Ms. Reisling asked if the Building Division had received any correspondence, and Ms. Zempter said none had been received. Mr. Brant asked if letters were sent to neighbors across the street and Ms. Zempter said those neighbors were notified.

Mr. Brant asked if Ms. Jennings would accept a limit of 5 feet on the height, and she said she would. She added that she had done some more research and would be willing to install a decorative fence in a wrought-iron, picket style along the street and back to the garage.

Motion was made by Mr. Brant to approve the appeal of Lesley Jennings, 3296 Columbus Street, for a variance to Section 1137.05(c) of Grove City's Codified Ordinances to eliminate the 30-foot building setback for a privacy fence with the following stipulations:

- The height of the fence shall be no taller than 5 feet; and
- The portion of the fence within the setback would have a wrought-iron appearance.

Seconded by Ms. Reisling. VOTE: Reisling, YES; Brant, YES. **APPROVED.**

Mr. Brant asked if there was any new business to discuss, and none was indicated.

Mr. Brant advised applicants that there is a 21-day period during which the board's approval of variances may be appealed to City Council, and that any work done during that time would be at the applicant's risk.

Adjournment.

Motion was made by Ms. Reisling and seconded by Mr. Brant to adjourn the meeting at 7:31 p.m. VOTE: Brant, YES; Reisling, YES. **APPROVED.**

John Brant, Board Member

Christy Zempter, Secretary