

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR (Virtual) MEETING
August 24, 2020**

The regular meeting of the Board of Zoning Appeals was called to order by Chair Holinga at 5:30 p.m. at the Grove City Municipal Building, 4035 Broadway. This meeting was held via Webex Events and open to the public.

1. Roll was called. The following members were present at 4035 Broadway, City Hall lower level.

George Holinga

John Brant

Tony Haughn

Staff present at 4035 Broadway: Michael P. Boso, Chief Building and Zoning Official; Jesse Shamp, representing the Law Director; Laura Scott, Planning and Zoning Coordinator/BZA Secretary; Todd Hurley, Information Systems Director.

Attending virtually via Webex Events; Justin Taylor, Building Inspector; David Fraser, owner of Silco Fire and Security; Brendan Fleming of The Kleingers and Patrick G. Moore of Al Neyer LLC, representing Silco Fire and Security; Parks Davis, AIS Renovations Ltd. and property owner, Shannon L. Rosenberg for 5558 Deergrass Ct.; Michael Cope, property owner at 5551 Coneflower Ct.; Michael Wilcher, property owner at 3601 Grant Ave.

2. ***Motion by Chair Holinga to approve the minutes from the July 27 meeting. Second by Mr. Haughn.***

VOTE: Brant, YES; Holinga, YES; Haughn, YES; **APPROVED**.

Staff continued to assist an adjoining property owner having issues joining the meeting. Mr. Boso asked Chair Holinga if he would move the first case on the agenda to the #3 position to accommodate the adjoining property owner. All board members were in favor and signified with an "aye." The Chair called the next item.

3. Hear the appeal of Michael Wilcher, property owner at 3601 Grant Ave., (Parcel #040-000158) for three variances to Section 1137.05 - Yard Obstructions and Fences.

1) to encroach the 30' front setback on a corner lot on Grant Ave. by 10' with a fence, for a total setback of 20'.

2) to encroach the 30' front setback on a corner lot on Curtis Ave. by 30' with a fence, for a total setback of 0'.

3) to exceed the maximum height for a fence in front of the setback of 42", by 6" for an overall fence height of 48".

Michael Wilcher was sworn in and explained the peculiarities and irregularities of the lot, the setbacks and right-of-way on both Curtis Ave. and Grant Ave. The lot is particularly narrow at 48' in width. Placing the fence at the setback line would place it in the house. The setback lines fall in the middle of the structure. Placing the fence as proposed will position it 17' from the roadway (curb) and 12' from the edge of sidewalk. He has a two dogs, one is large that needs the taller 48" fence. The house was built prior to the setback requirements and zoning. The decorative fence will be another improvement to the property which has been renovated. The fence will not create a vision clearance issue. The board members had no questions.

Mrs. Scott stated she had not received any responses from adjoining property owners. There were no comments from the public.

Motion by Chair Holinga to approve the appeal of Michael Wilcher, property owner at 3601 Grant Ave., (Parcel #040-000158) for three variances to Section 1137.05 - Yard Obstructions and Fences; with one stipulation; construction to begin within 12 months. Second by John Brant.

- 1) to encroach the 30' front setback on a corner lot on Grant Ave. by 10' with a fence, for a total setback of 20'.***
- 2) to encroach the 30' front setback on a corner lot on Curtis Ave. by 30' with a fence, for a total setback of 0'.***
- 3) to exceed the maximum height for a fence in front of the setback of 42", by 6" for an overall fence height of 48".***

VOTE: Brant, YES; Holinga, YES; Haughn, YES; **APPROVED.**

Chair Holinga informed the applicant of the 21-day waiting period and moved to the next item.

4. Hear the appeal of Pat G. Moore, AIA, of Al Neyer LLC representing Silco Fire and Security for a vacant lot located at 00 Southwest Blvd., (Parcel#040-007883) for two variances to Section 1135.12-II - Nonresidential District Requirements.

- 1) to encroach the 100' rear setback next to a residential district by 45' for a total rear setback of 55'.
- 2) to encroach the 50' side yard setback to a non-residential district by 26.47' for a total side setback of 23.53'.

Patrick Moore, David Fraser and Brendan Fleming were sworn in. Patrick Moore explained Silco Fire and Security is an established business on the adjoining property. The proposed building is a 45,000 expansion comprised of two phases. He recognized the many challenges of designing the expansion of the business on a tapered lot that also has floodway, a sign easement for the park and a detention basin at the pinch point of the triangular lot making the north corner undevelopable. This is why the building needed to be pushed back. There have been multiple designs of the project that took into consideration the overall business flow, work flow, traffic flow. These plans have previously been presented to the Development Department and accepted by City Council. In recognition of the residential neighbors to the south and city (township) owned property to the west, they have enhanced the landscaping to the south and narrowed the addition to provide the mounding, buffer and screening to the adjoining properties. The drainage plans have also been enhanced.

David Fraser explained the business is growing steadily and is a major financial investment for the company. Mr. Boso commented the final development plan had recently been approved by City Council who stipulated the variances. Brendan Fleming said they responded to all landscaping comments from the city. Mr. Brant pointed out staff had shared a letter of support from the Jackson Township Trustees, an adjoining property owner. Chair Holinga asked Mr. Fraser if he accepted the stipulation recommended by staff. He said yes. Mr. Haughn asked if there had been any opposition from adjoining property owners. Mrs. Scott said no.

Motion to grant the appeal of Pat G. Moore, AIA, of Al Neyer LLC representing Silco Fire and Security for a vacant lot located at 00 Southwest Blvd., (Parcel#040-007883) for two variances to Section 1135.12-II - Nonresidential District Requirements; with one stipulation; construction is to begin within 12 months. Second by Mr. Brant.

- 1) *to encroach the 100' rear setback next to a residential district by 45' for a total rear setback of 55'.*
- 2) *to encroach the 50' side yard setback to a non-residential district by 26.47' for a total side setback of 23.53'.*

VOTE: Brant, YES; Holinga, YES; Haughn, YES; **APPROVED.**

Chair Holinga informed the applicant of the 21-day waiting period and moved to the next item.

5. Hear the appeal of Parks Davis, AIS Renovations Ltd. for 5558 Deergrass Ct., (Parcel #040-014808), representing the property owner Shannon L. Rosenberg for a variance to Section 1135.10-I – Residential District Requirements to encroach the 25' rear yard setback by 9', with a room addition for a total rear yard setback of 16'.

Parks Davis, the builder said he wished to encroach the 25' setback for a final setback of 16' on one side and 20' on the other side of the addition. He is aware of the opposition and is open to ideas. The proposed size of the structure is the minimum square footage that would work for this family. The property owner Shannon Rosenberg spoke and restated she wishes to add square footage and value to the home. The home has a basic contractor stair down to the back yard. The plan repositions the rear exit to the side of the addition to add privacy and improve the back view of the home.

An aerial view of the property was displayed. Mr. Brant asked if anyone knew the distance from the adjoining property owner's lot line to their hot tub and deck. He addressed a similar variance and its outcome. He asked staff for clarification comparing it to this variance. Staff provided details. Mr. Brant asked Mr. Davis if the addition could be placed on the side of the home instead. Mr. Davis explained what is proposed is the ideal situation for the value and flow of the home because the family room wall bumps back 4' in this location. He didn't know how he could reconfigure the 12' X 15' addition and make it work. Chair Holinga commented that he thought the home looked better with the addition. Mr. Haughn said he had the same concerns as everyone else.

Michael Cope, the neighbor to the rear residing at 5551 Coneflower Ct. presented his opposition to the variance and referred to the letter he had sent in. He said it gave him no pleasure to oppose the addition. The Rosenbergs were nice people. Photos from Mr. Cope's perspective of the Rosenberg property were discussed. Mr. Cope explained he had concerns about the closeness of the two homes before purchasing it. He likes his privacy and wants to be a good neighbor. However, a 9' encroachment of a 25' rear yard setback was just too close. A 1' encroachment is different than a 9' encroachment. It is not minor, and would be problematic when it came time to sell his home. He knows these are odd-shaped lots.

Chair Holinga asked Mr. Cope how close his hot tub and deck are to his fence line. He said he had not measured it. The home had an existing elevated deck and a fence. After purchasing his home, he installed a new vinyl privacy fence, bumped it back and added a section on the deck and an area for the hot tub which was done with permits. He also added screening. He has done all he can do for plantings because the swale and utilities at the rear keep him from doing more. Chair Holinga asked Mr. Cope if having the Rosenbergs install conifers would change his mind. Mr. Cope said no.

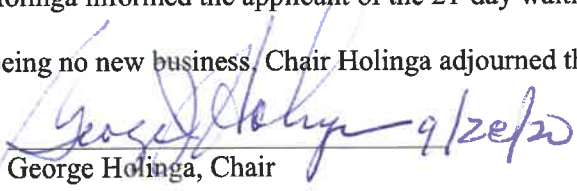
Prior to the motion, Mr. Shamp, representing the Law Director, instructed the board that while past decisions on variances overturned by Council may be instructive, board members should focus their inquiry on the specific case at hand and the determinative factors.

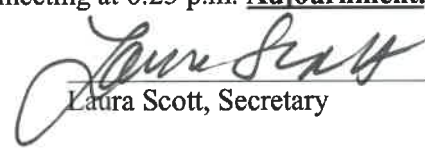
Motion by Chair Holinga to grant the appeal of Parks Davis, AIS Renovations for 5558 Deergrass Ct., (Parcel #040-014808), representing the property owner Shannon L. Rosenberg for a variance to Section 1135.10-I – Residential District Requirements; to encroach the 25' rear yard setback by 9', with a room addition for a total rear yard setback of 16' with one stipulation; construction is to begin within 12 months. Second by Mr. Brant.

VOTE: Brant, YES; Holinga, YES; Haughn, NO; **APPROVED.**

Chair Holinga informed the applicant of the 21-day waiting period and moved to the next item.

There being no new business, Chair Holinga adjourned the meeting at 6:25 p.m. **Adjournment.**

 9/26/20
George Holinga, Chair


Laura Scott, Secretary