

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

May 01, 2023

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in Room A of the Grove City Library – 3959 Broadway.

Roll was called and the following members were present:

Roby Schottke Mark Sigrist Ted Berry Randy Holt Christine Houk

1. Ms. Houk moved to approve the Minutes from the previous meeting and approve as written; seconded by Mr. Schottke.

Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes

2. President Berry moved to excuse Mayor Stage; seconded by Ms. Houk.

Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes

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

The Chair recognized Mr. Schottke, Chairman of Lands, for discussion and voting under said Committee.

1. Resolution CR-24-23 (Appeal the decision of the Board of Zoning Appeals granting a Variance for Yard Obstructions & Fences located at 5588 Scotch Woods Drive) was given its reading and public hearing.

Mr. Farah Jama, property owner, explained that he received deck and fence permit for his property. When the deck was inspected, he was told that the deck was not to Code and it had to be modified. Then, they built their fence and the inspector said it was not to Code. He said they have been to the City offices many times and received no direction. He said they agree with the distance from the sidewalk and realizes that their fence gets closer to the sidewalk as it curves. He said he built the deck and fence with his family's colleagues. He feels that making him use a licensed contractor is another punishment. He said they can move it to where it should be, but don't understand some of these stipulations.

Ms. Laura Scott, Planning & Zoning Coordinator, provided a detailed timeline of events for this deck and fence. She explained that the initial permits that were approved in May/June, 2022, were done so with a set of plans that showed the deck and fence behind the setback line. She said the posts for the deck were placed properly, but the deck was built two feet (2') beyond the posts – which put it over the setback and not built to the approved drawings. The Chief Building & Zoning

Official met with the property owner and explained the issues. He allowed the deck to encroach into the setback by two feet, but explained that the fence had to be built at the setback line. While there, he spray painted the grass to show Mrs. Jama where the fence needed to be installed. Ms. Scott said there was no amended plan submitted to their office for anything different than had previously been approved for the fence. In September, an Inspector found the fence under construction in a location not per the approved plan. A violation letter was sent and then a complaint was filed in Mayor's Court since the fence had not been moved. In March, Mrs. Jama submitted a BZA Application with no detailed information, so Ms. Scott and an inspector went to the property; sat with the owner; took measurements; drew out a plan for the fence; had it agreed to by Mrs. Jama and processed an application for a variance to the Board of Zoning Appeals. While there, Ms. Scott used cups to mark for Mrs. Jama where the fence would be located if a ten foot variance was approved. She said 10 feet beyond the building setback line would allow for the gate to remain in place and allow for a lawnmower to get through.

Mrs. Jama, property owner, said that the neighbor across the street also got a variance and they have a lot more fence than the ten feet that was given for her fence. She said they just want to be treated fairly. She said she knows that they should not have taken the fence that big, but are hoping that Council can accommodate something for them.

Ms. Scott explained that the property owner across the street looks different because that home was built 14 feet behind the 30' setback. They also received a 10' encroachment variance from BZA. However, their fence comes out 24' because of the 14' that is within the setback and the 10' that is encroaching the setback.

Ms. Houk asked about the stipulation for landscaping. She is concerned that the evergreen shrubs may obscure visibility for vehicles. Ms. Scott stated that the distance from the road would be 60 feet and they consider that adequate for visual clearance.

Mr. Schottke asked Mr. Smith explain the voting on this resolution. Mr. Smith, Dir. of Law, stated that a no vote would leave the variance in place with the stipulations set by the BZA. A yes vote would reverse the decision and eliminate the variance, requiring that the fence be built to Code (at the setback line). He commented that the requirement in the stipulations that requires a registered contractor gives him pause. He said electricians are required to be licensed and registered, but fences are different. Mr. Berry asked if Council can change those stipulations. Mr. Smith said Council has the right to affirm, reverse or modify the decision of the BZA. Ms. Scott explained that she recommended this because of all the problems that have experienced in getting the fence properly built and felt it would assist the homeowner.

After further discussion, Mr. Berry moved that Section 1 be amended to modify the variance by amending Stipulation #1 & #2 to remove the reference to a registered contractor; seconded by Mr. Schottke.

Ms. Houk said she would like to amend this amendment to add *The Building Division shall mark the property with the approved variance fence location*; seconded by Mr. Berry.

Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes

There being no additional questions on the amendment, the vote was called on the main motion.

Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes

There being no additional questions or comments, Mr. Schottke moved it be approved as amended; seconded by Ms. Houk.

Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes

The Chair recognized Ms. Houk, Chairman of Service, for discussion and voting under said Committee.

1. Ordinance C-17-23 (Authorizing the Appropriation of Property and Easements from multiple properties for the public purpose of making, repairing, and improving the Demorest Corridor Improvement Project and declare an emergency) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that this is the second phase of the Demorest Road corridor improvements. There are seven (7) properties involved and letters have gone out to owners. He said there are four (4) properties left to negotiate with. This legislation allows the project to keep moving forward while negotiations continue. The request for an emergency is to keep the timing of the project to stay on track.

Ms. Houk noted that this emergency is just to waive the 30 day grace period, as this ordinance has had a first and second reading.

There being no additional questions or comments, Ms. Houk moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Holt.

Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes

Ms. Houk moved it be approved as an Emergency Measure; seconded by Mr. Holt.

Mr. Sigrist	Yes
Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes

The Chair recognized Mr. Sigrist, Chairman of Safety, for discussion and voting under said Committee.

1. Ordinance C-18-23 (Repeal and Replace Section 331.44 of the Codified Ordinances of Grove City titled Texting While Driving Prohibited and declare an emergency) was given its first reading.

Mr. Sigrist moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Berry.

Mr. Berry	Yes
Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes

Mr. Smith explained that the Ohio legislature passed a new law for texting and driving. He said most of the time these are incorporated when we do our yearly codification. Because this was signed after the first of the year, it is not part of the latest codification and the Safety Division wanted to have it incorporated into our Code.

Mr. Sigrist moved it be approved as an emergency measure; seconded by Ms. Houk.

Mr. Holt	Yes
Ms. Houk	Yes
Mr. Schottke	Yes
Mr. Sigrist	Yes
Mr. Berry	Yes

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

1. Ms. Chris Moore offered a prayer for Ohio, the City while under renovation, along with the South-Western City Schools, our churches, families, and the board members. With the next election, she asked that righteous men and women be chosen to serve.
2. Mr. Greg Goettemoeller, Rensch Rd. resident, said he had a meeting with the attorney representing the annexation on Rensch Road and was told that the property would not be used for residential purposes. He asked why it would not be used for residential. *Mr. Smith* explained that when an annexation is accepted into the City, the property is given the most comparable zoning as it had in the Township. Someone can ask for something different, but that will go through a public process. Mr. Goettemoeller asked if community members have any influence on what gets built at this property. *Mr. Berry* said yes. Once a request is made, there will be public meetings and time for the public to make their opinions known. Mr. Goettemoeller asked if there was an outline of the process. *Mr. Smith* provided a review of the process & Mr. Berry suggested he stop in to see Ms. Kelly who could provide him with an outline. Finally, he asked how tall a one-story building would be. *Mr. Boso* stated that in the regular zoning Code, the maximum height for a building is 35 feet. So, one-story would equal 17.5 feet.

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

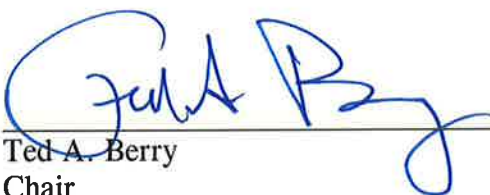
1. Mr. Teaford, Dir. of Safety, shared two Proclamations for Mayor Stage. The first was for Suicide Awareness Month and the second was for Building Safety Month.

2. After closing comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Adjourned at 7:59 p.m.



Tami K. Kelly, MMC
Clerk of Council



Ted A. Berry
Chair

CITY OF GROVE CITY, OHIO
COUNCIL CAUCUS NOTES

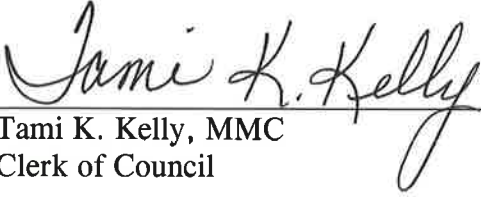
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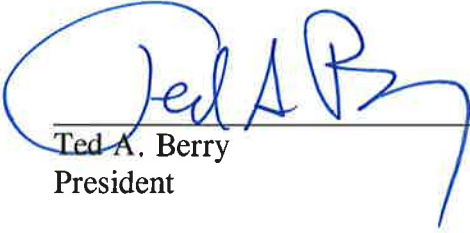
Council met at 6:30 p.m. in Room A, Grove City Library, 3959 Broadway.

Council Members reviewed the Agenda items.

Ms. Kelly submitted a New Liquor Permit for Grove City Taco's Inc. located at 2348 Stringtown Rd. There being no objections, Ms. Kelly said she would mark it and return it to the Liquor Control Board.

Council retired to the Chambers to begin the Regular meeting.


Tami K. Kelly, MMC
Clerk of Council


Ted A. Berry
President