

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
March 28, 2022**

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 in person.

1. Roll was called. The following members were present:

George Holinga

John Brant

Mark "Tony" Haughn

Staff present: Michael Boso, Chief Building and Zoning Official attended virtually; Laura Scott, BZA Secretary; Jesse Shamp, representing the Law Director.

Also present; Tom Linzell, M + A Architects, Joe Buckfeller, Tosoh SMD, Inc. Representing American Nitrile; Rebecca Mott and Don Plank, Plank Law Firm, LPA, Michael Spengler and Doug Smith of Veregy, Jacob Block, President, American Nitrile and Alex Mallison, Sr. Process Manager, American Nitrile.

All those wishing to speak were sworn in. The Chair moved to the next item.

2. ***Motion by Chair Holinga to approve the minutes from the February 28, 2022 meeting. Second by John Brant.***

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

Chair Holinga introduced the first item.

3. Hear the appeal of Thomas Linzell of M + A Architects representing Tosoh SMD, Inc., 3600 Gantz Rd., (Parcel #040-007623), for a variance to Table 1135.12-II; Non-Residential District Requirements; to construct a building addition exceeding the maximum building height of 35'-0" by 27'-4" for a total building height of 62'-4".

Tom Linzell of M + A Architects spoke briefly about the 81,679sf Tosoh SMD, Inc. addition proposed for the east side of the property. The additional building height is necessary for the presses and crane used in the new manufacturing process. Mr. Brant acknowledged that the project had gone before Planning Commission and City Council who recently approved the development plan with a stipulation that this variance be obtained.

Motion by Chair Holinga to grant the appeal of Thomas Linzell of M + A Architects representing Tosoh SMD, Inc., 3600 Gantz Rd., (Parcel #040-007623), for a variance to Table 1135.12-II; Non-Residential District Requirements; to construct a building addition exceeding the maximum building height of 35'-0" by 27'-4" for a total building height of 62'-4". Second by Mr. Brant.

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

Chair Holinga moved to the next item.

4. Hear the appeal of Donald T. Plank, Esq., Plank Law Firm, LPA representing American Nitrile, 3500 Southwest Blvd., (Parcel #040-007676) for two variances.

1) Section 1137.16 - Screening of Service/Mechanical Equipment; to waive the requirement to provide screening of rooftop service structures/mechanical equipment, with various heights from 52'-0" to 73'-0" from grade, a maximum of 35'-8" above roof or building height of 37'-4".

2) Table 1135.12- II; Non-Residential District Requirements; to install mechanical equipment of various heights, exceeding the 35' maximum building height by a maximum of 35'-8".

Ms. Rebecca Mott introduced the project. Alex Mallison, Sr. Process Manager, presented slides and provided statistics about the business. Mr. Mallison explained there are only three similar facilities on par with this one in the U.S. today. The business will be a 24/7, 365 operation producing 3.5 billion nitrile gloves annually. The business will employ 350 full-time employees and have a payroll of 25 million dollars annually. The company is privately owned here in Columbus, Ohio. Both the manufacturing and warehousing will be on this site. He described the manufacturing process in detail beginning with the dipping, drying, leaching, stripping and packaging. The stacks are needed due to the drying process. The production line consists of a chain about a mile long, a liquid solution adheres to a porcelain mold that looks like a hand. The water is removed through leaching and drying in a gas fired oven. The stack height is a requirement from the Environmental Protection Agency (EPA). The stacks are needed due to the emissions and heat produced. The stacks to the north disperse particulate and warm moist air into the atmosphere, similar to that of a furnace, and are well below good engineering practices, solidified by the Environmental Protection Agency (EPA) at 65 meters. The stacks are located near the furnaces and get the heat up and away for the safety and comfort of employees.

Chair Holinga asked about the stacks, their function, if there would be any odors and if any chemical effluents will exit the stacks such as chlorine. Mr. Mallison explained the chlorine stack (scrubber) is smaller than the other stacks. The scrubber's function is to take the air off the production line that contains a concentration of chlorine and putting it through an advanced scrubber before emitting it from the building.

Mr. Brant asked about the status of the EPA review. Mr. Mallison stated by Wednesday they will be in the public review period. They are getting comments back to EPA and intend to have EPA permit in hand by May 1. Mr. Brant expressed concern about Bolton Field and low flying aircraft. The applicant indicated they checked into it, are not in the flight pattern, have towers below 100' and believe they are in compliance with FAA regulations. Mr. Mallison noted that the Department of Homeland Security, OSHA and Ohio EPA are well aware of some of the chemicals they have on site. Mr. Brant asked about the color of the stacks proposed to be gray/silver metallic. Mr. Boso, who has authority to approve the color of the stacks, had no issue with the color of the stacks.

Michael Spengler of Veregy (formerly Dynamix), the engineer of record, presented exhibits that broke down each of the vantage points shown on sheet A0. A person standing 200 feet in front of the building would not see the stacks. The stacks on the north end of the building are 1,000 feet away from Southwest Blvd. and therefore not visible. The stacks will be seen starting from a location behind the new Ohio Health building to the south of Southwest Blvd. in the Beulah Park project. Projects under construction or to be built just south of Southwest Blvd. in Beulah Park will continue to further obscure the stacks. Mr. Brant acknowledged the photos show how mature trees on the property will also provide screening. Ms. Mott indicated they are proposing landscaping for the project even though they are not required to do so.

Ms. Mott provided background on the variances being requested. She does not believe they need the variance to Section 1135.12-II but requested it per the city's directive. Regarding the variance to Section 1137.16, she stated that if their client were to be required to provide screening of the mechanical equipment it would be more obtrusive, apparent, and impactful and not practical. The stacks will be

40' above the current height of the building which is shown on the submittal documents at 33'-1/4" from finished floor. The 37'-4" building height shown on sheet A0, does not represent true building height and is due to a grade change in that area of the building. The stacks vary in height from grade from 52' to 73' feet.

Ms. Mott read her arguments for each of the factors (criteria) in the application, to the BZA. (Refer to the BZA application for this detail.) She stated the stacks are like many other visuals in an urban landscape such as telephone poles and electrical lines as well as other things naturally occurring. Ms. Mott spoke of the stipulations in the staff report and presented arguments for changes to the stipulations. She also asked to review the changes made to the two variance statements. Staff, legal counsel and the BZA participated in the discussion. Ms. Mott accepted the language (changes) to the two variance requests. Changes to the 1st stipulation were also agreed to which included 1) listing each of the plan sheets from the submittal by name and date and 2) allowing a variable of 2'-0" (+ or -) to be made to the stack height, dimension or location. The BZA directed Mr. Shamp, legal counsel to draft the language for the modifications to the 1st stipulation and present it following the motion for each variance.

The chair asked if staff had sent letters to adjoining property owners or received any responses. Mrs. Scott said she had sent letters but received no responses. There were no further comments or questions from those in attendance.

Motion by Chair Holinga to grant the appeal to variance #1 with the four stipulations, as modified.

#1) Table 1135.12-II- Non-residential District Requirements; to install mechanical equipment of various heights, exceeding the 35' maximum building height by a maximum of 38'-0". Second by John Brant.

- 1) This approval is based on the materials provided including Site Plan dated 1/13/2022, the Site Plan Showing Rooftop Mechanicals dated 1/13/2022, Revised AO – Isometric Sheet dated 03/07/2022, H202 – HVAC Roof Plan dated 02/02/2022, and A901 Existing Elevations dated 12/01/2021. If changes should occur beyond a variable of 2'-0" +/- to the height, dimension, or location of the stacks, the variance shall be null and void.***
- 2) If the operation ceases, the tenant/building owner shall be responsible for the removal of any mechanicals or equipment that are the subject of this variance that exceed the 35' maximum building height.***
- 3) This variance is contingent upon approval of the Ohio EPA air quality permit.***
- 4) The color of the stacks was not provided and shall be reviewed and approved by the Building Division.***

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

Motion by Chair Holinga to grant the appeal to variance #2 with the four stipulations, as modified.

#2) 1137.16 – Screening of Service and Mechanical Equipment; to waive the requirement to provide screening of rooftop service structures/mechanical equipment of various heights from 52'-0" to 73'-0" from grade, a maximum of 40' above a building height of 33', from finished floor, with a variable of 2'-0" (+/-). Second by John Brant.

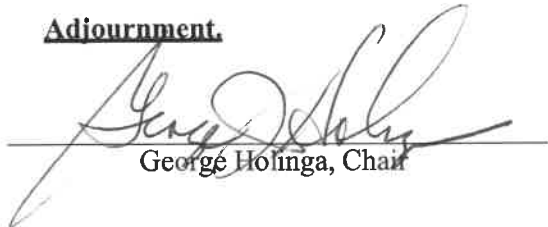
- 1) This approval is based on the materials provided including Site Plan dated 1/13/2022, the Site Plan Showing Rooftop Mechanicals dated 1/13/2022, Revised AO – Isometric Sheet dated 03/07/2022, H202 – HVAC Roof Plan dated 02/02/2022, and A901 Existing Elevations dated 12/01/2021. If changes should occur beyond a variable of 2'-0" +/- to the height, dimension, or location of the stacks, the variance shall be null and void.***
- 2) If the operation ceases, the tenant/building owner shall be responsible for the removal of any mechanicals or equipment that are the subject of this variance that exceed the 35' maximum building height.***
- 3) This variance is contingent upon approval of the Ohio EPA air quality permit.***
- 4) The color of the stacks was not provided and shall be reviewed and approved by the Building Division.***

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

The applicant was advised of the 21-day waiting period. Ms. Mott asked to add the presentation info as Exhibit 1. An electronic version will be provided to staff.

There being no new business, the Chair adjourned the meeting at 6:38 p.m.

Adjournment.


George Holinga, Chair
Laura Scott, Secretary