

**City of Grove City
BOARD OF ZONING APPEALS
REGULAR MEETING
February 26, 2024**

The regular meeting of the Board of Zoning Appeals was called to order by Chair Holinga at 5:30p.m., at the Grove City Municipal Building, 4035 Broadway.

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

George Holinga Mark “Tony” Haughn

Staff present: Jesse Shamp representing the Law Director, Justin Taylor Inspection Supervisor, and Planning and Zoning Manager Laura Scott. Vice Chair John Brant and Chief Building and Zoning Official Michael P. Boso were excused.

Also present; Jeff Brown and Shawn Davis for 5486 Carlisle Dr., Chris Bradley for 3679 Grove City Rd. and Rebecca Mott for 3400 Southwest Blvd./5824 Quail Run Dr.

2. ***Motion by Chair Holinga to approve the minutes from the January 22 meeting as written. Second by Mr. Haughn.***

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

Representatives for the first item had not yet arrived. Chair Holinga began with the 2nd item. All available representatives addressing the board were sworn in.

3. Hear the appeal of Parks Davis, A.I.S. Renovations for 5486 Carlisle Dr. (Parcel #040-017483) for a variance to Section (Table) 1135.14 – II: To encroach the rear yard setback of 25’ by 11’ for total rear yard setback of 14’, by installing a deck.

Shawn Davis with A.I.S. said the deck would better serve the homeowner than a patio on grade due to the sloped yard. The deck itself will be 16’ deep and encroach the rear setback by 11’. Jeff Brown, who owns the property just east of 5486 Carlisle Dr. and another property to the north spoke next. His lot starts a little south of Silverlawn Dr. and goes all the way north to the pond. He had a few observations and a request for the BZA. He explained he wanted to be a good neighbor and that he felt Rockford built a quality product. Because only 5 of the 10 parcels that abut his land have homes built on them, there are only a handful of people who could have responded to this variance. One homeowner has built a concrete patio and the others have nothing yet. The applicant’s home was built in line and at the same setback as the other homes on the block, but this home extends deeper into the rear yard and that is because they have a built-in covered porch that they are adding on to with the deck. His concern is he doesn’t want all of these properties that abut his lot to be allowed to build decks to within 14’ of the rear property line. The board acknowledged Mr. Brown’s concern. Jesse Shamp said precedent does not drive every decision and each case is different.

Motion by Chair Holinga to grant the appeal of Parks Davis, A.I.S. Renovations for 5486 Carlisle Dr. (Parcel #040-017483) for a variance to Section (Table) 1135.14 – II: To encroach the rear yard setback of 25’ by 11’ for total rear yard setback of 14’, by installing a deck with one stipulation to begin construction within 12 months. Second by Mr. Haughn.

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

The applicant was advised of the 21-day waiting period.

Rebecca Mott and Chris Bradley were sworn.

4. Hear the appeal of Chris Bradley, The Camber Company for 3679 Grove City Rd. (Parcel # 040-003263) for a variance to Section 1135.12-II: To exceed the maximum building height of 35’ by 2’-6” for an overall building height of 37’-6”.

Chris Bradley stated the project obtained final development plan approval from Council and must now seek approval from the BZA for the height variance. He spoke of statistics for clear heights (the interior ceiling height) that are standard in warehousing and industrial districts today. They have been very considerate in terms of the scale of the project and how it has been set up to have less impact on the adjoining property owners. The project meets the and exceeds the required 100’ building setback and includes a bike path to the west to provide further buffering to the neighboring incompatible residential use. They turned the building so the offices and not the truck loading area face west. They will provide a 6’ mound with trees. The actual roof height will be 36’ but the 1’-6” parapets bring the overall height to 37’-6” which is only on one side of the building. The back of the building will be only 31’-10” tall. They will be building the two buildings one at a time as they secure tenants. This is not typical bulk warehousing, but single-load truck which draws a different user. Chair Holinga asked Mrs. Scott if she had sent letters to the adjacent property owners and she said yes, but she had not received any responses.

Motion by Chair Holinga to grant the appeal of Chris Bradley, The Camber Company for 3679 Grove City Rd. (Parcel # 040-003263) for a variance to Section 1135.12-II: To exceed the maximum building height of 35’ by 2’-6” for an overall building height of 37’-6” with two stipulations. 1) To begin construction within 12 months, 2) Join all the parcels prior to building permits being issued. Second by Mr. Haughn.

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

The applicant was advised of the 21-day waiting period.

5. Hear the appeal of Rebecca Mott, Attorney, Plank Law Firm, LPA representing 3400 Southwest LLC for 3400 Southwest Blvd. (Parcel #040-006747) for the following variances.

a. A variance to Section 1136.06 (a) (3): To reduce the required 45-foot truck parking setback, the six-foot earthen mound and three staggered rows of evergreens to a 20-foot truck parking setback with a 4-foot earthen mound, and two staggered rows of evergreens.

- b. A variance to Section 1136.06 (b) - Rear and side yards adjacent to compatible use districts; To reduce the required 20-foot parking setback from 20' to 0' to the north and 20' to 5' to the east; to provide no parking lot perimeter plantings to the north and to relocate the required parking lot perimeter plantings for the east to the southeast portion of the site, to screen the storage area from Southwest Blvd.
- c. A variance to Section 1136.06 (d): To waive the requirements to install interior vehicular peninsulas, islands, aisle end islands, and planting areas for landscaping.
- d. A variance to Section 1137.05 (c): To allow a six-foot high chain link fence.
- e. A variance to Section 1137.11 (a): To allow the gravel parking area to remain.

Ms. Mott indicated the property owner owns both 3400 Southwest Blvd. in Grove City and the property to the north located in Urbancrest. She presented site plans from 1988 and 1999 showing the property with a gravel outside storage area and a 6' high chain link fence. She explained she had just gone through Planning Commission and Council for the approval of a Special Use Permit with a 2-year time limit to allow an unimproved gravel outside storage area and fence. They needed a Special Use Permit for the storage yard because they have expanded the area a little bit but it has existed there as a legal non-conforming condition.

She explained the variance requests are typical for an industrial site and storage yard for cranes, equipment, containers, trucks and maneuvering for trucks. Request (a) involves landscaping along Lewis Center Way, a reduced set back of 20' instead of 45', with a good mound and landscaping treatment. The user will be routing all truck traffic through the Lewis Center Way entrance and not Southwest Blvd. Request (b) relates to providing the required landscaping on the north and east. They own the lot to the north and they did not want to do the landscaping on the north property line because within two years the proposed storage use under Special Use Permit will be relocating to the property to the north in Urbancrest. A gate was installed to allow for temporary maneuvering of trucks and equipment between the lots, for now. Typically, they would be required to place more trees along the east property line to screen headlights for car or truck parking. It was decided that concentrating the required trees and shrubs on the front of 3400 Southwest Blvd. primarily on the southeast corner of the lot, would provide a good landscape buffer/screening of the property for motorists traveling Southwest Blvd. The next variance request is to eliminate parking lot islands and end aisles which are not practical or feasible for a gravel lot. The last two variances are needed to allow a 6' chain link perimeter fence without slats, and a gravel parking surface rather than asphalt or concrete surface. Ms. Mott stated the fence had been approved in 1988 but she did not know if any of it still existed. She noted that Development Department staff support the variances as stated in the staff report.

Mr. Haughn said he understood the requests were supported by Council. Chair Holinga asked about the future use of the property. Ms. Mott explained the property has the potential for a future retail building up front and another warehouse structure at the rear. If this comes to fruition they will be going through the full development plan process.

Chair Holinga asked Ms. Mott if she was supportive of getting a fence permit and she said yes. Chair Holinga asked Mrs. Scott if she had sent letters to the adjacent property owners and she said yes, but she had not received any responses.

Motion by Chair Holinga to grant the appeal of Rebecca Mott, Attorney, Plank Law Firm, LPA representing 3400 Southwest LLC for 3400 Southwest Blvd. (Parcel #040-006747) for the following variances, with one stipulation to obtain a fence permit. Second by Mr. Haughn.

- a. A variance to Section 1136.06 (a) (3): To reduce the required 45-foot truck parking setback, the six-foot earthen mound and three staggered rows of evergreens to a 20-foot truck parking setback with a 4-foot earthen mound, and two staggered rows of evergreens.***
- b. A variance to Section 1136.06 (b) - Rear and side yards adjacent to compatible use districts; To reduce the required 20-foot parking setback from 20' to 0' to the north and 20' to 5' to the east; to provide no parking lot perimeter plantings to the north and to relocate the required parking lot perimeter plantings for the east to the southeast portion of the site, to screen the storage area from Southwest Blvd.***
- c. A variance to Section 1136.06 (d): To waive the requirements to install interior vehicular peninsulas, islands, aisle end islands, and planting areas for landscaping.***
- d. A variance to Section 1137.05 (c): To allow a six-foot high chain link fence.***
- e. A variance to Section 1137.11 (a): To allow the gravel parking area to remain.***

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

The applicant was advised of the 21-day waiting period. The Chair moved to the next item.

6. Hear the appeal of Rebecca Mott, Plank Law Firm LPA for 5824 Quail Run Dr., (Parcel #040-009118), for the following variances. (Staff note: the applicant is appealing the Building Inspectors "Notice of Corrections" decision (Exhibit 2) in sequential order (see Exhibit A.) Staff has attempted to summarize each item as a variance appeal request for this agenda.)

BZA Appeal Items:

- a) Building Review Item #1: Appeal to Notice of Corrections Item 1 requiring sealed plans stamped by Ohio Licensed Engineer to be accepted because 1) the item fails for lack of specific reference and proper legal notice to the Applicant and Property Owners and 2) the applicant provided plans and specifications for the pool enclosure from the manufacturer that included a structural analysis completed by a New York licensed professional engineer, for support of structural load combinations prescribed by the 2015 International Building Code.
- b) Zoning Review Item #1: Section 1135.10: to appeal the applicability of the current zoning standards establishing the rear setback of 25' and accepting the correct rear yard setback for the property

is equal to 15% of the total lot depth of 125', which is 18.75' per the PUD-R (R-1B) standards found in the 1986 lot development standards for the Quail Creek and Meadow Grove extensions table 1135.10.

c) Zoning Review Item #2: Section 1135.10(a) – to allow a 960sf pool cover structure because the code section listed in the Notice of Corrections is not applicable to the pool structure and refers only to “garages” as in “residential garage” and “detached garage.”

d) Zoning Review Item #3: Section 1137.08 (h) – to allow a 9'-6" tall accessory building (pool structure) because the code section listed in the Notice of Corrections is not applicable because the overall height of the pool structure is below the 13' maximum height for an accessory structure.

e) Zoning Review Item #4: Section 1135.09 Permit Expiration and 1305.10 Permit Revocation are not applicable to the lawful permit issued for the in-ground pool.

Motion by Chair Holinga to withdraw the above request. Second by Mr. Haughn.

Mr. Shamp asked Ms. Mott to respond to the motion and she confirmed she had requested the withdrawal of the aforementioned variances because staff had issued a new corrections order and withdrawn the former corrections order.

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

There being no new business, the Chair adjourned the meeting at **6:17p.m.**

Adjournment.

George Holinga, Chair

Laura Scott, Secretary