

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: December 28, 2009**

Regular Meeting

Board Chairman Jeff LeVally called the Board of Zoning Appeals regular meeting to order at 7:03 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board Members Jeff LeVally, John Brant and Harold "Butch" Little; Planning and Zoning Coordinator Christy Zempter; Chief Building and Zoning Official Michael Boso; and Stephen Smith of Schottenstein, Zox & Dunn, representing the City. Also present were: Thomas W. Coffey, Michael F. Maloof and Marc Porreca, all representing Buckeye Entertainment, 3131 Broadway.

Motion was made by Mr. Brant to approve the minutes of the November 23, 2009, regular meeting.

Seconded by Mr. Little. VOTE: Brant, YES; Little, YES; LeVally, ABSTAIN. APPROVED.

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

- 1.) **Hear the appeal of Thomas W. Coffey, representative of Buckeye Entertainment, 3131 Broadway,** for a variance to the requirements of Table 1135.12-II of Grove City's Codified Ordinances to reduce the required number of parking spaces by up to 31 spaces.

Mr. Coffey addressed the board, introducing himself as the architect on the project, Mr. Porreca as the managing partner and marketing director for Buckeye Entertainment, and Mr. Maloof as the owner of the subject property as well as the gas station and car wash across the street from it.

Mr. Coffey told the board that he was seeking the same consideration that was given in 2001 when the City approved the lot split that separated the subject property from the neighboring motel's parcel. At that time, the building on the property was a restaurant, a use with the same parking requirements as the proposed private club use. A stipulation of Planning Commission's approval was that a parking easement be acquired for the paved area directly to the south of the new lot.

He added that the tenant would operate the establishment in compliance with any local or state requirements.

Mr. LeVally asked how many parking spaces would be required for the proposed use, and Ms. Zempter responded that 52 spaces would be required. There are 21 spaces on the lot and an additional 17 in the easement area, the total of which falls 14 spaces short of the requirement.

Mr. Coffey said the maximum number of patrons is expected to be 20-25 at a time.

Mr. Brant asked for an explanation of the Planning Commission's decision to approve the lot split and how the reasoning applied then compares to the appellant's request. Mr. Boso said that the commission just considered the motel owner's request for the lot split and determined that a parking easement subject to approval by City Staff would be required.

Mr. Smith explained that under city code, the appellant is entitled to count the parking spaces on the subject property, but that Mr. Coffey was seeking consideration of the additional parking provided with the easement in the board's decision. However, he continued, even when that parking is taken into account, the requirement is not met.

Mr. Maloof said that his understanding was that the motel owner requested the lot split to be able to sell the subject property to the owners of the bar/restaurant that was the tenant of the building on the subject property at that time. He went on to say that his feeling was that the city officials believed then that the 38 spaces were adequate and that it was his understanding that the code hadn't changed since the lot split was approved.

Mr. Smith said that the fact that the City required a reciprocal parking agreement in that situation is not to say that the City then agreed that the provided parking would be sufficient for any future use on the property. He added that certain uses permissible under the existing zoning classification would require less parking than the proposed use. He went on to tell the board members that regardless of past decisions, they were bound to consider the case before them based on requirements of factors laid out in the city code and by the Ohio Supreme Court.

Mr. LeVally asked if he was correct in the understanding that the easement agreement was never recorded. Mr. Maloof said that although it was never officially recorded, it is included on the property's deed.

Mr. Little asked if Mr. Maloof also owns the motel, and Mr. Maloof responded that he does not. Mr. Little then asked how the additional 14 spaces required by code beyond those on the property and within the easement could be found. Mr. Maloof said he had been working with the motel owner on an agreement to accommodate overflow parking at the site and that he had a signed written agreement for an additional 15 parking spaces in hand. The agreement was shown to members of the board and entered into the record. Mr. Little asked Mr. Coffey if he was aware of the agreement prior to submitting the site plan included with his application. Mr. Coffey said that he was, and Mr. Little asked why the plan indicated that the parking spaces in question were reserved for motel use. Mr. Maloof said he didn't want to give the impression that the spaces were part of the site, and that he didn't want to have to rely on the neighboring property owner if it could be avoided.

Mr. Smith said that if the board were to grant the variance, he would recommend at least two conditions: that the existing easement be recorded, and that the second agreement be entered into and officially recorded.

Mr. Brant asked if all adjacent properties are within Grove City's municipal limits, and it was determined that they are.

Mr. Smith asked the applicant if he knew how many rooms and parking spots the hotel has, but he did not. Mr. Smith said that it isn't clear that the motel has enough parking spaces to be able to share those additional spaces with the applicant without becoming noncompliant in the process. He added that city code requires one space per room.

Mr. Brant asked the appellant if it would adversely affect him if the decision were delayed for a month to determine whether the motel has enough parking to enter into the second agreement. Mr. Maloof said it would create a significant delay, and he would like more feedback on the option of considering only the on-premises parking and that provided with the easement. He added that he believed the proposed use would be less intensive than a bar or restaurant.

Mr. Maloof said he invested in the property with the intent of cleaning it up and trying to find a good tenant, and he believed that the tenant would provide a good operation, restricting access, providing security and not serving alcohol. Mr. Porreca said the contracted security force would provide one person inside the building and one person patrolling outside.

Mr. Smith said he had spoken earlier in the day with a representative of the security company, who had confirmed that a one-year contract had been signed, terminable only for non-payment.

Mr. LeVally introduced all correspondence related to the case into the record. This correspondence consisted of letters from Urbancrest Mayor Joseph L. Barnes Sr. and Marvin L. Mitchell Sr. in opposition to the variance, as well as a letter from Frederick R. Scott of Central Operations Protection & Safety Services confirming security for the site and a letter from Paul Horn, president of Buckeye Entertainment, stating that his company would “run a respectable business and help the community in any way possible.”

Mr. Brant asked if any of the correspondence came from adjacent property owners. Ms. Zempter responded that none of the letters were from adjacent property owners.

Motion was made by Mr. LeVally to approve the appeal of Thomas W. Coffey, representative of Buckeye Entertainment, 3131 Broadway, for a variance to the requirements of Table 1135.12-II of Grove City’s Codified Ordinances to reduce the required number of parking spaces by up to 31 spaces with the stipulation that the existing easement be formally recorded.

Seconded by Mr. Brant. VOTE: LeVally, YES; Little, NO; Brant, YES. **APPROVED.**

Mr. LeVally advised the applicant that there is a 21-day period during which the board’s approval of the variance may be appealed to City Council, and that no permits may be issued during that period.

2.) 2010 meeting schedule.

Motion was made by Mr. LeVally to approve the meeting schedule as submitted.

Seconded by Mr. Brant. VOTE: Little, YES; Brant, YES; LeVally, ABSTAIN. **APPROVED.**

Mr. LeVally then made the following statement: “I’d like to thank the administration and elected officials for allowing me this opportunity to serve the citizens of Grove City as a member and chair of the Board of Zoning Appeals. This board plays an important role in balancing respect for the traditions of Grove City with an understanding of the need for regulated development. I know whoever fills this seat will continue to uphold these values. I would encourage all board members not only to review all the plans and documents provided, but also to do a site visit to gain a better understanding of the issues at hand. I would also like to give a special thank you to Ms. Zempter, Mr. Boso and Counsellor Haque for their assistance. Should the board, staff or administration have any questions or desire any additional information, please do not hesitate to contact me. Thank you.”

Adjournment.

Motion was made by Mr. LeVally and seconded by Mr. Little to adjourn the meeting at 7:55 p.m. VOTE: Brant, YES; LeVally, YES; Little, YES. **APPROVED.**

Harold “Butch” Little, Vice Chairman

Christy Zempter, Secretary