

**City of Grove City  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
FOR: September 26, 2011**

**Regular Meeting**

Board Member Harold “Butch” Little called the Board of Zoning Appeals regular meeting to order at 7:00 p.m. at the Grove City Municipal Building, 4035 Broadway. Present were: Board members Harold “Butch” Little, John Brant and Jeff Davis; Chief Building and Zoning Official Michael Boso; Planning and Zoning Coordinator Christy Zempter; and Asim Haque of Schottenstein, Zox & Dunn, representing the City. Also present were: William P. Creekbaum Jr., representing 1128 Pinnacle Club Drive; Christopher E. Patton, 6228 Hickory Lawn Ct.; and Jesse Pratt, representing 4000 Gantz Road.

*Motion* was made by Mr. Davis to approve the minutes of the July 25, 2011, regular meeting.

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

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

- 1.) **Hear the appeal of William P. Creekbaum Jr., representing Barry and Sonya Baker, 1128 Pinnacle Club Drive**, for a variance to Section 1135.10(a) of Grove City’s Codified Ordinances to convert an existing storage area into garage space, which would exceed the 900-square-foot overall allowable area for attached garages by 119 square feet.

Mr. Creekbaum addressed the board, explaining that the home on the subject property in Pinnacle Club Estates contains more than 4,500 square feet of living area on the first and second floors, and a plan has been permitted to finish an additional 2,000 square feet of living area on the lower level that would include a guest suite.

He said that the layout of the home includes an attached three-car garage as well as a detached storage area that would provide sufficient space for a fourth garage bay if an existing interior non-load-bearing wall were removed. The storage area already has an overhead door to allow for storage of lawn equipment.

Mr. Creekbaum said the property owners were seeking the variance to allow for indoor storage of more vehicles so they wouldn’t be parked in the driveway.

Mr. Little noted that there would be no changes to the exterior of the structure, which Mr. Creekbaum confirmed. Mr. Creekbaum noted that the interior usage would be changed with the removal of the wall, thus making the variance necessary.

*Motion* was made by Mr. Little to approve the appeal of William P. Creekbaum Jr., representing Barry and Sonya Baker, 1128 Pinnacle Club Drive, for a variance to Section 1135.10(a) of Grove City’s Codified Ordinances to convert an existing storage area into garage space, which would exceed the 900-square-foot overall allowable area for attached garages by 119 square feet.

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

Mr. Little advised all applicants that there is a 21-day period during which the board’s approval of variances may be appealed to City Council, and that any work done during that time would be at the applicant’s risk.

2.) **Hear the appeal of Christopher E. Patton, 6228 Hickory Lawn Ct.,** for the following variances:

- a.) To Section 1135.10(a) of Grove City's Codified Ordinances to build a detached garage that, when combined with the existing attached garage, would exceed the 900-square-foot overall allowable area for garages by 252 square feet.
- b.) To Section 1137.08(h) of Grove City's Codified Ordinances to build a detached garage that would exceed the 13-foot allowable height for detached garages by 4 feet.

Mr. Patton told the board that he was seeking the variance to allow for construction of an additional storage space for vehicles and other materials.

Mr. Brant asked if any response had been received from the applicant's neighbors. Ms. Zempter said no correspondence had been received regarding the appeal.

Mr. Davis asked the applicant if he had discussed his plans with the neighboring property owners. Mr. Patton told the board that the neighbors to the east are his parents and that he had discussed the project with the neighbors to the west and they had no objections. Mr. Patton noted that the materials on the new structure would match those on the existing home.

Mr. Little noted that another accessory building is currently in place on the site of the proposed garage. He asked if the existing structure would be removed or relocated when the garage was built. Mr. Patton said the building had been relocated and his plan was to keep the existing building somewhere on his property.

Mr. Little asked if the existing driveway would provide access to the new garage or if the applicant planned to extend it. Mr. Patton said the existing driveway would be used.

**Motion** was made by Mr. Little to approve the appeal of Christopher E. Patton, 6228 Hickory Lawn Ct., for a variance to Section 1135.10(a) of Grove City's Codified Ordinances to build a detached garage that, when combined with the existing attached garage, would exceed the 900-square-foot overall allowable area for garages by 252 square feet.

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

Mr. Little asked the applicant why he was requesting the additional height. Mr. Patton said he's considering the purchase of a conversion van and would like to install a taller garage door opening to allow for storage of the van within the new building.

Mr. Brant asked if the applicant needed the variance before he could submit building plans for the project. Mr. Boso said that plans had been submitted and denied based on the zoning requirements.

Mr. Little noted that the applicant's property backs up to state route 665, so there is no neighbor immediately to the south.

**Motion** was made by Mr. Little to approve the appeal of Christopher E. Patton, 6228 Hickory Lawn Ct., for a variance to Section 1137.08(h) of Grove City's Codified Ordinances to build a detached garage that would exceed the 13-foot allowable height for detached garages by 4 feet.

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

- 3.) **Hear the appeal of Jesse D. Pratt, representing Crosslink Church, 4000 Gantz Road,** for a variance to Section 1135.09(b)(11) of Grove City's Codified Ordinances to allow a church assembly use in a property zoned IND-2 (Heavy Industry).

Mr. Pratt, the pastor of Crosslink Community Church, told the board that he was seeking a variance to allow the church to use a tenant space on the subject property for worship services and other meetings. He explained that the most recent use of the space had been as a call center for National City Bank, and that additional parking had been installed, bathrooms finished, and HVAC and electric installed to accommodate the approximately 200-employee call center.

He said that while the proposal of a church use in an office/warehouse space sounded unusual even to him, this specific space has been finished in a way that is unlike traditional office/warehouse spaces and provides the necessary amenities for such a use.

Mr. Pratt said his congregation is currently a mobile church. Since outgrowing a building near the west end of the City, the church has been meeting at Grand Oaks Event Center on Gateway Circle. He added that as the church has continued to grow, a need for a more permanent, dedicated space arose, and church representatives had been looking for such a space in the same general area as Grand Oaks to remain close to the church's membership base. He noted that the space at 4000 Gantz Road is a rare commodity that would allow the church to remain in the same general area and could accommodate the church's growing membership. Mr. Pratt said that 175-200 people attend services each weekend.

Mr. Brant asked if plans had been submitted for the project. Mr. Boso said no plans had been submitted but he had discussed the project with Mr. Pratt. Mr. Boso said he was very familiar with the space and that it had been extensively remodeled to allow for more of an office complex on the interior. He added that the space would meet code requirements for parking and restroom facilities. Mr. Brant asked if it also would meet the other building code requirements for the sub-A use group that churches fall under. Mr. Boso said it would as far as he could tell, but no formal floor plan had been submitted yet, so he couldn't make a definitive determination.

Mr. Brant asked what use groups were housed in neighboring buildings. Mr. Pratt noted that the subject property was the first building at the entrance to the industrial park, so it's surrounded by medical offices, office/warehouse spaces, restaurants, event centers and the Mid-Ohio Foodbank, among other uses.

Mr. Brant asked what materials were distributed from the warehouse space adjacent to the subject space. Mr. Pratt said the area immediately adjacent is currently vacant, and that the only tenant space in the building that is occupied is the J.D. Power space at the opposite end of the building.

Mr. Boso noted that the subject property was different than traditional warehouse space and more like an office space. He added that because of its location is something of a buffer area between the industrial park and more commercial and office uses.

Mr. Pratt then submitted some additional documents to the board, including the current site and floor plans and a narrative explaining the applicant's argument for the variance. The documents were later introduced into the record by Mr. Little.

Mr. Brant noted that the staff report indicated that the City's legal counsel had advised that a use variance such as this one must be reviewed using the higher standard of unnecessary hardship than the standard

used for area variances. Given that, Mr. Brant asked if the variance could have any affect on the zoning of neighboring properties.

Mr. Haque said the board would not affect neighboring zoning by granting the variance. He explained that there is a difference in the standard for review of area variances and use variances, and that the standard for use variances is essentially whether the denial of the variance would result in unnecessary hardship to the applicant. He said that the same variables should be considered when evaluating use variances, but they should be held to a higher level of scrutiny. He added that this level of scrutiny tends to come into play more at the next level, if the board's decision were to be appealed to the court system.

Mr. Little asked if National City's use of the space had required a variance, and Mr. Boso responded that it hadn't.

Mr. Little noted that parking probably would not be an issue during the church's Sunday services, but he asked the applicant if other services would be held during the week. Mr. Pratt said meetings would sometimes be held through the week, but those would typically take place in the evenings.

Mr. Little asked if any alterations to the exterior of the building were planned. Mr. Pratt said he didn't anticipate any changes, but a door could be installed if additional egress space were required.

Mr. Little asked if signage was proposed. Mr. Pratt said that any signage would be similar to that on the J.D. Power tenant space, which features channel letters.

Mr. Davis asked the applicant if he had any comments related to the staff report. Mr. Pratt said that he had read through the report and felt that each item addressed could be argued in a way that led to different conclusions. He noted that neighboring properties like the Mid-Ohio Foodbank hold regular meetings and events. He also said that the location of the subject property made it unique in that visitors would not have to navigate through the industrial park to reach it. He added that the proposed use is not significantly different from the previously allowed use of the property.

Mr. Davis asked how the nearby area, including sites such as the Blue Moon Event Center, was zoned and whether variances were required for uses such as that one. Ms. Zempter stated that the Gateway Circle area, including the Blue Moon Event Center, was a planned unit development, and that a variety of uses were permitted there that would not be permitted together in a single standard zoning classification. Mr. Boso added that in planned unit developments such as that one, approval of development plans for a variety of uses are basically left to City Council's discretion.

Mr. Davis noted that there's not much consistency of use in that area, and he wondered if the goal was to provide more consistency or if the requested variance was just so significantly different from the allowable uses. Mr. Boso said his personal opinion was that because the subject property is on the very edge of the Southpark industrial development and is surrounded by other uses, a variance for this property would not have the same impact as one for a property on the interior of the industrial park.

Mr. Haque noted that while standards are applied by the courts universally, the board has to evaluate each application based on the facts and circumstances specific to it.

Mr. Brant asked if event spaces such as Blue Moon and Grand Oaks are within the industrial park or if they are on adjacent properties that have always had a different zoning classification. Mr. Boso said they are on adjacent properties with a different zoning classification.

Mr. Little asked the applicant if he understood the board's concerns about the assembly use in close proximity to the other uses or potential uses on or near the site. Mr. Pratt said he did understand. Mr. Little asked if the applicant knew what uses were occupying the building to the north of the subject building. Mr. Pratt said he wasn't certain.

Mr. Davis asked what kind of tenant potentially would occupy the space if the variance were not granted. Mr. Boso said the space likely would be reconfigured to contain warehouse and small office space.

Mr. Davis asked if the applicant had other potential locations in mind for the church. Mr. Pratt said the church's current lease with Grand Oaks was coming due and would not be renewed, and that the church hadn't yet found a site to consider other than the subject property.

*Motion* was made by Mr. Little to approve the appeal of Jesse D. Pratt, representing Crosslink Church, 4000 Gantz Road, for a variance to Section 1135.09(b)(11) of Grove City's Codified Ordinances to allow a church assembly use in a property zoned IND-2 (Heavy Industry).

**Seconded by Mr. Brant. VOTE: Little, YES; Davis, NO; Brant, NO. DENIED.**

Mr. Little advised the applicant that the board's denial could be appealed in court. Mr. Haque confirmed that under the Ohio Revised Code, the applicant could appeal the denial to the Franklin County Court of Common Pleas or the county's Environmental Court.

Mr. Little asked if there was any new business to discuss, and Mr. Brant said he had a question to pose to legal counsel. He asked, if the board were faced with a variance request, could approval be made contingent upon some factor not included in the order for which the variance was required. Mr. Haque stated that stipulations could be included in the approval but they should be relevant to the subject of the appeal. He further noted that the Board of Zoning Appeals has a distinct field of authority because one layer of review has already taken place on the administrative level, and the board is faced with the appeal of a specific finding from that initial review. On the other hand, bodies such as Planning Commission and City Council are charged with a broader initial review of development.

Mr. Boso added that City Barbeque could be returning to the BZA with an appeal for a setback variance to accommodate outdoor patio seating shown an amended development plan for their site at 2261 Stringtown Road.

**Adjournment.**

*Motion* was made by Mr. Little and seconded by Mr. Davis to adjourn the meeting at 8:00 p.m. VOTE: Davis, YES; Brant, YES; Little, YES. **APPROVED.**

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Harold "Butch" Little, Chairman

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Christy Zempter, Secretary