

**City of Grove City
BOARD OF ZONING APPEALS
MEETING MINUTES
FOR: Monday, October 22, 2012**

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 Kelly Reisling; 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: Herma McGuire, representing 4093 Hoover Road; Dale Benson, Andrew Bacher and Ryan Srbljan, representing 4770 Hoover Road; Bill McKendry, 2920 Wynridge Drive; Elsa Morris, 2468 Hickorybend Court; and Owen Connaughton, 2461 Hickorybend Court.

Motion was made by Mr. Little to approve the minutes of the Sept. 24, 2012, regular meeting.

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

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

- 1.) **Hear the appeal of Herma McGuire, 4093 Hoover Road**, for a variance to Section 1135.09(b)(3) of Grove City’s Codified Ordinances to operate a driving school on a property zoned C-2 (Retail Commercial).

Mrs. McGuire told the board that the site would house classroom sessions Mondays through Thursdays with approximately 20 students at a time. She added that she has eight years of experience teaching in a driving school and that she recently received state certification to open a driving school.

Mr. Haque asked for a moment to address the board regarding questioning and how it relates to the board’s decisions. He praised the board’s efforts and cited the criteria listed in the staff reports as relevant to the decision-making process. He encouraged the board members to tie their questioning to those criteria wherever possible.

Mr. Brant noted that the staff report indicated that none of the driver training would be done in the parking lot at the subject site. Mrs. McGuire confirmed that fact, adding that arrangements had been made to use the parking lot of a local school for maneuverability training, and students would be picked up at their homes or schools for driver training. She also confirmed Mr. Brant’s understanding that the site would be used only for classroom training and to store cars.

Mr. Little asked if Mrs. McGuire had insurance for the business and related vehicles. Mrs. McGuire said she had spoken with an insurance agent, but cars would have to be purchased and vehicle identification numbers provided before a quote could be provided for the vehicles. Mrs. McGuire said the insurance policy would cover the interior of the building, as well.

Mr. Little asked if all the items provided to the board members, including the applicant’s written statement regarding insurance, would be incorporated into the meeting minutes. Ms. Zempter confirmed that they would be.

Motion was made by Mr. Little to approve the appeal of Herma McGuire, 4093 Hoover Road, for a variance to Section 1135.09(b)(3) of Grove City’s Codified Ordinances to operate a driving school on a property zoned C-2 (Retail Commercial) with the following stipulations:

- There will be no in-car training, no maneuverability training, in the parking lot of the premises; and
- The insurance policy will include the premises and parking lot in an umbrella policy to the limits of the state code.

Seconded by Ms. Reisling. VOTE: Little, YES; Reisling, YES; Brant, YES. **APPROVED.**

Mr. Little advised the applicant 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 Andrew Bacher, representing Grove City Church of the Nazarene, 4770 Hoover Road, for the following variances:

- a.) To Section 1145.16(e)(1) of Grove City's Codified Ordinances to erect a ground-mounted sign that would exceed the 50-square-foot area limit by 170 square feet and the 8-foot height limit by 16 feet; and
- b.) To Section 1145.06(c) of Grove City's Codified Ordinances to install an electronic message center.

Mr. Bacher told the board that he hoped to discuss some alternate versions of the sign, which were lower and longer than the originally proposed sign. He noted that the four options submitted to the board did not include a final design, but each represented a reduction in area of about 76 square feet. He stated that he would like the items to remain tabled until a final design could be prepared on the basis of the board's feedback.

Motion was made by Mr. Little to remove the items from the table.

Seconded by Mr. Brant.

Mr. Haque noted that because the applicant was not seeking an immediate ruling, the board could leave the item on the table and just discuss it. Mr. Brant stated that he believed any testimony given at the meeting should be included in the record. Mr. Haque responded that any testimony would be on the record, but agreed that the board could remove the item from the table and return it to the table later in the meeting. Mr. Little said he would prefer to remove the item from the table and then return it if the board so chose at the end of testimony.

VOTE: Reisling, YES; Brant, YES; Little, YES. **APPROVED.**

Ms. Reisling asked if the message center was absolutely necessary. Mr. Benson, the pastor of the church, responded that he believed the message center was important because the site houses several entities beyond the church, school and daycare center shown on the permanent portion of the sign and because it hosts so many events. Without the message center, he said, there would be no way of letting people know what's going on at the site.

Mr. Little said he wanted to return the focus to the first item of the appeal. He noted that all the signs shown on the new drawings were approximately 8 feet tall. Mr. Brant added that the 8-foot height would meet code requirements.

Mr. Brant asked what the area of each of the four new signs would be. Ms. Zempter stated that, based on the drawings submitted, all four signs would be approximately 144 square feet, exceeding the code limit by 94 square feet rather than the original requested variance of 170 square feet.

Mr. Benson reiterated his statement at earlier meetings that the church would be willing to give up allowable wall signage to accommodate additional area on the ground-mounted sign.

Mr. Little asked how the sign would be oriented. Mr. Benson said the sign would be perpendicular to Hoover Road and the side of each sign closest to the man in the drawing would be closest to the building. He added that it would be in the location shown on the original site plan submitted with the application but would be moved closer to the building to avoid encroachment of the right-of-way.

Mr. Little noted that two of the drawings showed the screen closest to the street and the other two showed the screen in the center of the sign.

Mr. Little asked if visibility of the sign would be affected by trees on the site. Mr. Benson said there might be some interference from the trees, but the new sign would not be set as far back as the existing sign.

In response to Mr. Little's question of whether the applicant was seeking an approval of the variances, Mr. Benson said that he was not seeking a decision at the meeting. He said the item was tabled in September to allow for discussions with the Chamber of Commerce and City Council regarding proposed changes to the sign code. He added that, in discussions with the Chamber of Commerce, he learned that the proposed changes to the sign code did not include language permitting electronic message centers.

Mr. Brant stated that if Council members are considering changes to code language, they have the option to amend the proposed language to address other issues. He went on to say that a variance for an electronic message center for Grove City High School was approved by the BZA but later overturned by City Council, and the applicant's site is just across the street from the high school. He added that the board also had turned down a number of requests for electronic signage during his tenure. As a result, he said, he would be very reluctant to vote in favor of an electronic sign.

Ms. Reisling said the height of the sign seemed appropriate and aesthetically pleasing, but she did have an issue with the digital screen. She said that she could understand the applicant's desire to communicate the information to the community, but a problem arises because the church is surrounded by a residential area. She noted that there already are traffic issues in the area around the high school and church, and she believed the sign could exacerbate those problems.

Mr. Little asked what the applicant was seeking from the board if not a decision on the variances. Mr. Srbljan said the representatives of the church and sign company wanted to determine an acceptable square footage, height, location and setback so a final proposal could be prepared and brought back to the board at a future meeting. He acknowledged that the message center was an ongoing issue that might not be resolved immediately.

Mr. Little asked if the applicant was prepared to move forward with either of the requests. Mr. Srbljan said that he would request that the message center request be tabled.

Mr. Brant noted that the applicant would not require a height variance based on the new drawings and that the area variance would become 94 square feet rather than the original request.

Ms. Reisling said that she had no problem with the new height, but wondered why all the extra space would be necessary if the message center was removed from the equation. Mr. Benson said that if the electronic message center was removed, the church probably would want to add the names of the other entities housed at the site to the sign.

Mr. Haque told Mr. Benson that his understanding was that the applicant had returned to the board seeking feedback rather than a vote, which was not a common experience of the board. He explained that the applicant can request that each item be tabled again and the board members can agree to table or not to table. Conversely, he said, if the applicant sought an opinion tonight, the board would be required to provide one.

Mr. Little said that, from his perspective, the two issues would not be easily defined independently from one another. As a result, he said, he didn't feel that he was in a position to provide an opinion on one and not the other. He added that the charge from the last meeting was for the applicant to get the necessary information from the Building Division and City Council and that the board could not provide it.

Motion was made by Mr. Little to table both appeals.

Seconded by Ms. Reisling.

Mr. Haque asked if the applicant was seeking a decision at the meeting on one of the issues. Mr. Srbljan requested that the board take action on both items, as amended with the new sign designs, to clear them from the board's agenda.

Mr. Little asked which of the four designs the applicant would like the board to vote on. Mr. Srbljan said that the top design on page 1 of 2 would be preferable to the applicant.

Mr. McKendry, a resident of Hoover Crossing, a subdivision across the street from the church, addressed the board. He said that the church provided an outstanding service to the community, but his concern was that a video display in a residential area could cause traffic problems. He noted that the church seemed to be taking the position that it's a tax-exempt organization that operates commercial businesses and, therefore, needs a commercial sign. He asked that the board deny the video display, at least.

Mr. Connaughton, who arrived after the start of the meeting, was sworn in prior to addressing the board. As a neighboring property owner, he said it wasn't a matter of disliking the church, but he believed that the sign would be intrusive of the personal space of residential property owners as the illumination would light up their back yards. He added that the sign essentially would create a wall between the two exits on the site, creating visibility issues for drivers leaving the site.

Ms. Morris noted that the pastor had indicated in his testimony regarding the role of the church in the community that everyone knows where the church is. If that's so, she said, the sign would be unnecessary.

Motion was made by Mr. Little to approve the appeal of Andrew Bacher, representing Grove City Church of the Nazarene, 4770 Hoover Road, for a variance to Section 1145.16(e)(1) of Grove City's Codified Ordinances to erect a ground-mounted sign that would exceed the 50-square-foot area limit by 94 square feet.

Seconded by Mr. Brant. VOTE: Brant, NO; Little, NO; Reisling, NO. DENIED.

Motion was made by Mr. Little to approve the appeal of Andrew Bacher, representing Grove City Church of the Nazarene, 4770 Hoover Road, for a variance to Section 1145.06(c) of Grove City's Codified Ordinances to install an electronic message center.

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

Mr. Little said he thought the applicant needed to discuss the sign in more detail with the Building Division, but the current proposal had been denied.

Mr. Little asked if there was any new business to discuss, and none was indicated.

Adjournment.

Motion was made by Mr. Little and seconded by Mr. Brant to adjourn the meeting at 7:52 p.m. VOTE: Reisling, YES; Brant, YES; Little, YES. **APPROVED.**

Harold "Butch" Little, Board Chairman

Christy Zempter, Secretary