

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

City Hall Council Chambers
April 5, 2017
6:00 P.M.

MEMBERS PRESENT

Bob McCrady
Mike Combs
Don McIlroy
Marsha Griebel Graham
Terry Leasure
Don Sherman
Al Sedlak, Chairman
Valerie Goeller, Clerk

VISITORS PRESENT

David Harvey
Daniel Carruthers
David Frericks
Jeff Scudder
Damon Henry
Richard Green
Glenn Easterday
Lee Brust
Charles Wellman, Jr.
Rob Neal
Stanley Young

Chairman Sedlak called the meeting to order at 6:00 p.m.

The first item on the agenda was approval of the March Meeting Minutes. Don McIlroy motioned to approve as submitted, seconded by Terry Leasure. All in favor, motion carried.

The next item on the agenda was a Lot Split, as requested by David Frericks, 532 Northfield Drive, Circleville, to split Lot 62 of the Renumbered Lots of Circleville, also known as 123, 125, and 127 West High Street, in an area zoned DB, Downtown Business District.

David Frericks, 532 Northfield Drive, was sworn in and stated he purchased the property with the two houses on it in September of last year. They sit just west of Wittich's Candy Shop. I want to get a mortgage on the property and as they sit the appraisal only came in at \$195,000 for the two units which is way under value. One house has two units in it and the other house has three units. The county has labeled the property commercial. Once it is split I think I will be able to get the appraisal where it needs to be. I am also looking ahead when I go to sell the properties. If the split is approved, I would expect each property to be valued between \$250,000 and \$260,000. This will also bring my rents up to \$2,800 a month. The parking lot in the back goes with the bigger unit. I have a 99 year lease with the Elks. The Elks provided me with 6 parking spaces during Pumpkin Show. That is one for each unit and one for myself. I cannot sell the parking lot because it has no road frontage. The Elks need the parking lot for additional parking and I bought it knowing that and I am good with it. My tenants also use that lot for parking and the Elks are fine with that.

Don Sherman stated is this agreement with the Elks a written agreement or gentlemen's agreement?

Dave Frericks replied a handshake. I have told my tenants that they have off-street parking.

Don Sherman stated parking was the only concern I had and that has been addressed.

Dave Frericks stated with Circleville Oil being gone, there is also a tremendous amount of on-street parking.

Bob McCrady questioned if the parking lot had always gone with this property.

Mr. Frericks replied yes.

Don McIlroy motioned to approve, seconded by Terry Leasure. VOTE ON MOTION: BOB MCCRADY, YEA; MIKE COMBS, YEA; DON MCILROY, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, ABSTAIN; TERRY LEASURE, YEA. 6 YEAS, 0 NAYS, 1 ABSTENTION. MOTION CARRIED.

The next item on the agenda was Variance #1-17, as requested by Mike Search, 10316 State Route 159, Kingston, Ohio, to construct a 44' wide driveway at 1520 Brook Park Drive and to vary the maximum width allowed for a driveway from 20' to 44', in an area zoned R-2, Single Family Residential District.

Charles Search, 10316 State Route 159, Kingston and David Harvey, 366 Hanford Street, Columbus, were sworn in.

Al Sedlak stated this is a requirement of the city's Roadside Feature Manual.

Mr. Search stated this particular lot is a corner lot and my frontage I believe to be 308'. The front of the house will face the bottom of the screen (looking at the Smartboard screens), just like the other houses. The garage will be on the back left hand side. It is a three car garage and its 44' wide. It will come straight out to the street right on the north part of the curve. This is the reason for requesting 44' because of it matching the garage.

David Harvey stated I am with Schumacher Homes and I am the project manager for this project. The request is because it will matchup with his garage. Mr. Search has much more street frontage than anyone else on that street. It is almost triple than what else exists out there. Once they finish this portion of the development, I believe the street will go further into the field. He will have even more frontage and no adjacent property owner on that side.

Don Sherman stated there was some discussion on deed restrictions on the width of the driveway.

Mr. Search replied there are no restrictions on the driveway width.

Al Sedlak stated deed restrictions aren't anything we can vary from. That is the reason for Don's question. The photo doesn't show it well, but the house across from you has an oversized driveway too.

Don Sherman stated typically most of the lots in these areas are 100' wide and with a 20' wide driveway that is roughly 20%. He is less than 20% and has parking for about 10 cars on the street in front.

Don McIlroy motioned to approve, seconded by Mike Combs. VOTE ON MOTION: MIKE COMBS, YEA; DON MCILROY, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GREIBEL GRAHAM, YEA; TERRY LEASURE, YEA; BOB MCCRADY, YEA. 7 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #2-17, as requested by Damon Henry, 1062 Mulberry Road, Circleville, to turn 364 Barnes Avenue from a one-family structure to a two-family dwelling structure and vary the number of parking spaces required from 4 to 0; the minimum lot area required from 6,000 square feet to 2,196; the rear yard setback from 30' to approximately 6'; the maximum lot coverage allowed from 45% to 59%; and the minimum building area from 1,400 square feet to 1,200 square feet; in an area zoned R-5, Two-Family Residential District.

Damon Henry was sworn in and stated I bought this property and we are looking to convert the detached garage into a single family home. According to the neighbors, it has been vacant for 16 months. The property is rundown and the projected cost to bring it back up to comparable to the other residences in the neighborhood is \$15,000.00 - \$20,000.00.

Don Sherman stated obviously that lot was bigger at one time. We don't know when that happened and the size of the lot is the reason for three of the variances. The lot area, rear yard setback and lot coverage are existing conditions. These are cleanup for record purposes. Right now there is a garage where it's not deep enough to park. They have no off street parking, but would be required four if approved. Two families require 700 square feet per unit.

Al Sedlak stated the property card shows the existing dwelling is 660 square feet and the garage is 540 square feet. One is close and the other is not.

Someone from the audience noted the garage is attached to the house.

Bob McCrady asked if the fence was the property line or does it go beyond?

Don Sherman stated that would be the property line. There is very little rear yard to this property.

Marsha Griebel Graham stated what is your intention trying to convert the garage into a 540 square foot single family?

Mr. Henry stated it will be a one bedroom single family unit. It is vacant now. There is a driveway there where you could fit a smaller car up into the driveway.

Al Sedlak stated what they are proposing isn't going to change the minimum lot area, the rear yard setback, or the maximum lot coverage. All of that won't change. The major issue is the number of parking spaces required from four to zero and the minimum building area from 700 square feet to 660 and 540 for the other. Those are the issues we are focusing on, the existing we can't do anything about.

Don Sherman stated will these be one or two bedroom?

Damon Henry replied one bedroom. That's all you could do there. The one I built on Logan Street, the one that burnt down, are two bedroom at 600 square feet.

Don Sherman stated it's a little better than an efficiency apartment.

Richard Greeno, 351 East Ohio Street, was sworn in and stated how are they going from four cars to zero?

Al Sedlak stated because if they use the garage as a living unit they won't have any parking.

Mr. Greeno stated I own the lot next to it and I don't want all those cars parked on the street. How will he rent it? We have enough drug dealers down there now.

David Martin asked, will this be Section Eight or HUD Housing?

Al Sedlak stated that is up to him. Do you live next door?

David Martin, 357 Barnes Avenue was sworn in and stated I have lived across the street for 24 years. It is a bad neighborhood. Bringing that in will make it worse.

Mr. Greeno stated I have lived in my house for 70 years. I own the lot next to Mr. Henry's and then there is an alley and I own the house next to the alley and then my house at 351 East Ohio Street. I know what goes on down there and I've had enough of it.

Mr. Martin stated that house is just a one bedroom and there is not enough for two families. They will be parking on my side of the street.

Al Sedlak stated, Mr. Martin, maybe you can tell me, but from my observation of going up and down that street all of those houses appear to be single family homes.

Mr. Martin and Mr. Greeno both replied they are single family homes.

Mr. Martin stated you might be able to park a Chevette in that driveway without being in the gutter. This is a bad idea.

Dan Carruthers, 396 Barnes Avenue, was sworn in and stated I have a rental next to me that is HUD housing and it needs torn down. The mortgage company had it and they put rolled roofing on the back. They had to stand on plywood so they would fall through the roof when they put the roof on. We have more rentals on that street than homeowners. The drugs are out of control down there.

Al Sedlak stated if those are all single family residences, I'm not how appropriate a duplex would be.

Todd Caudill, 27346 State Route 159, was sworn in and stated I own 349 Barnes Avenue. My property is across the street. If there are cars parked on both sides of the street you can't pass each other. There are kids everywhere in that neighborhood.

Bob McCrady stated I drove by three times and that was my experience.

Damon Henry stated all I can say is I will put the best renters I can find in there.

Mr. Carruthers stated the house next to me is owned by a mortgage company and they don't take care of it. There are a lot of houses down there in bad shape.

Damon Henry stated that is why I am making a huge investment in the property to fix it up.

Mr. Martin stated they don't care, they will tear it up.

Don McIlroy stated it's all over town. I wish I would have known about these homes when we took down 45 homes with grant dollars. You don't know that he will put someone in that home that will bring danger to the neighborhood.

The neighbors commented that it's not the person you put in there, it's the people they bring with them.

Mr. Henry stated right now it's vacant. It's bringing the property values down.

Al Sedlak stated I am troubled by the irrespective of however good tenants Mr. Henry might be able to get for three reasons. One, we would be creating the first multi-family unit on the street. Secondly, these units are really small and well below the code requirement. The parking issue is a very serious one. You will probably have four cars for two units, at least two. The street is very narrow and that is too much congestion.

Bob McCrady stated I'm troubled with the parking and the size of the units.

Don Sherman motioned to approve Variance #2-17 as requested, seconded by Bob McCrady. VOTE ON MOTON: AL SEDLAK, NAY; DON SHERMAN, NAY; MARSHA GRIEBEL GRAHAM, NAY; TERRY LEASURE, NAY; BOB MCCRADY, NAY; MIKE COMBS, YEA; DON MCILROY, NAY. 6 NAYS, 1 YEA. MOTION DENIED.

The next item on the agenda was Variance #3-17, as requested by Donald R. McIlroy, 503 Douglas Drive, Circleville, to replace an existing six foot fence and to vary the maximum height of fence allowed in a front yard from 4' to 6' (Nicholas Drive side); the allowed use of an opaque fence in a front yard; and the minimum distance from the right-of-way line from 3' to 0', in an area zoned R-3, Single-Family Residential District.

Don McIlroy was sworn in and stated my home was built in 1973. My wife and I have lived there for 23 years. When we purchased the home there was a fence. Bob Hively also owned the home and there was a fence there. When Mr. Hively bought the home the fence was there. We know it's been there at least 30 years and more than likely the whole 40 years of that home. I replaced the fence 16 years ago. As Mayor of the City of Circleville I went to the Service Director to tell him that I had wind damage and I need to replace it. The need for the variance is the 92' along Nicholas Drive that is called a front yard. So I found out the fence was never varied. There was a gazebo that had a permit and there was a porch in the back yard that had a permit, but not the fence. I think home owner after home owner assumed the fence had been varied. That is why I am here today. My wife has been a licensed daycare provider for over 33 years now and 23 years at this location. We want to keep the kids safe. Almost everyone on Douglas Drive has a fence. We worked with our insurance company and met with a contractor. The first question the contractor asked was does this fence have a variance.

Al Sedlak stated it is probably close to a non-conforming use situation. Is everything staying the same?

Don McIlroy replied no changes.

Bob McCrady motioned to approve Variance #3-17, seconded by Marsha Griebel Graham. VOTE ON MOTON: DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA; TERRY LEASURE, YEA; BOB MCCRADY, YEA; MIKE COMBS, YEA; AL SEDLAK, YEA. 6 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #4-17, as requested by Stanley Young, Branham Sign Company, 127 Cypress Street, Reynoldsburg, Ohio for Aldi, Inc., P O Box 2997, Springfield, Ohio to update their signage in conjunction with their remodel/expansion at 23455 U.S. Route 23 South and to vary the already varied amount of maximum signage allowed from 259.58 square feet to 346.50 square feet, in an area zoned GB, General Business District.

Stanley W. Young, III, 220 Pontious Lane, Circleville, was sworn in and stated this particular store had been scheduled to be remodeled back in February of 2014. That is why we came to you then to seek the variance for additional wall signs. Subsequent to that the store remodel was put on hold. Now it is currently being remodeled and bigger than what they had planned. It's going from 14,860 square feet to 18,183 square feet. The site sits well over 250' off of Route 23. As part of the expansion, the signage needs to be balanced with the building. Originally they had just two wall signs and two Aldi logo cabinets. We are asking for the addition of two sets of three feet tall "Food Market" letters that you can see on the drawing for each elevation and a slightly larger Aldi sign cabinets. 122.8 square feet of all the signage is the existing freestanding sign that sits out by Route 23. We are just re-facing it. We think the proposed sign package balances with the building. It will not cause any issues with safety or service to the building or adjacent property owners. We are here seeking your review and approval.

Al Sedlak stated so you are basically just replacing the existing signs with the two on the building being slightly larger. They are just more in-portion with the new addition.

Don Sherman stated you are also adding the words "Food Market."

Mr. Young stated this is an Aldi 6.0 which is a new brand. It will be a prototype store which is fantastic for our community. Every other store that gets remodeled that Aldi's spends thousands of dollars on will copy this store.

Don McIlroy stated we were in jeopardy of losing that whole shopping center on the west side. It was crumbling and businesses were leaving. This administration and with Council's approval we built that connector. We did that for the sole purpose of creating more business over there and saving that plaza. This is a good example.

Bob McCrady motioned to approve, seconded by Terry Leasure. VOTE ON MOTION: MARSHA GRIEBEL GRAHAM, YEA; TERRY LEASURE, YEA; BOB MCCRADY, YEA; MIKE COMBS, YEA; DON MCILROY, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA. 7 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #5-17, as requested by Craig Stevenson of Harral and Stevenson, LLC, 120 East Main Street, Suite A, for Jeff Barr of 1410 N Court, LLC, to construct storage units at 1410 North Court Street and to vary the rear yard setback for a future unit from 50' to 35', in an area zoned GB, General Business District.

Craig Stevenson, Harral and Stevenson, 120 East Main Street and Jeff Barr, 1410 North Court Street, were sworn in.

Craig Stevenson stated first I want to clarify that the only variance we are requesting is the rear yard setback. The way the agenda reads it sounds like we need approval to build the storage units. The proposal is to build public storage units. They will be oriented in a north south direction parallel to North Court Street. It seemed to be the most efficient way to develop the site. In a commercial district for retail uses the parking lot far

outweighs the building in size. The way storage unit's work is that it is about a 50/50. The building setback is 50' and parking less than that. The pavement setback is 35'. In the rear of the property is where it is paved to. To lay it out in the most efficient way was the last building extended to the current parking setback. We are requesting a 15' relief from the building setback. It more benefitted the neighbors as well. We have all seen storage units where you see the doors and whatever activities you see in the drive lanes. We have proposed the last building that abuts the residential district to front on one side. So the rear of the building doesn't have doors. We felt this provided a barrier between the units and homes. They will only see the backside of a nice looking building and not the doors and all the activity.

Al Sedlak stated you are requesting a building setback and not a parking setback, correct?

Mr. Stevenson replied correct. Coincidentally it is the same setback as a pavement setback.

Al Sedlak stated from the back of the building to the lot line will be grass, correct?

Mr. Stevenson replied that is correct.

Don Sherman stated there are a couple issues. When we reviewed their original site plan they had 25' drives which are required by the fire department. This submittal has been reduced down to 23.2 and that doesn't work for the fire department. That has to be changed back to 25'. The original plan had a 20' building and the new plan has it at 25'. That makes a big difference of what the variance ends up being. Screening is also required in addition to the back of the building.

Craig Stevenson stated are you asking for screening?

Don Sherman stated it is a requirement of zoning.

Craig Stevenson stated something like pine trees?

Don Sherman stated yes, that would work.

Craig Stevenson stated this is the first time I've heard that we have to take it back to a 25' drive. I'm calculating as we go. That adds about 1.25' to each of those. I will pick up 5' and go back to a 20' building and it will be a wash.

Don Sherman stated if you go back to a 20' building you are at 33.5'. Which was your original submittal. I did talk to the fire chief about the 23.2' lanes and he said absolutely not.

Craig Stevenson stated we can go back to 33.5' and include screening.

Bob Norpoth was sworn in and stated I own the chiropractor building located at 1440 North Court Street. The Chiropractic office and Turner Alignment all sit back and then you will have this one sit out in front of it. Aesthetically it will look awful. I would like to see this building setback with the others.

Craig Stevenson stated we are proposing to put the building on the allowable front yard setback line.

Al Sedlak stated that setback is city wide for the General Business District.

Don Sherman stated they are required a 10' setback in paving and 40' front yard setback for the building. They are in compliance. Is the pavement 10' off the right-of-way?

Craig Stevenson stated it's probably more like 15' from the right-of-way line.

Mike Combs asked, are there requirements for sidewalks?

Don Sherman stated yes, all the new buildings along there have put them in.

Mike Combs asked, how high will the front fence be?

Mr. Barr stated it will be a black, commercial duty, 6' chain link fence with barbed wire.

Glenn Easterday, 100 Hillcrest Drive, was sworn in and stated I'm looking at property values depreciating because of this building. All the other buildings down through there are sitting back 60' from the roadway. When did that disappear from your records? Once you build building #1 you won't see Dr. Freeman's Office and you won't be able to see the physical therapy office. He has a proposed fence, a proposed electric gate, and a proposed exit. He doesn't have to build it if it says proposed. The storage units in Williamsport were just broken into, every unit was broken into and no one saw it happen. If I'm a policeman all I will see is building number one. You can't see past one. It will be fenced in so the police can't go back there to see what's going on. If it was facing east and west the police could drive by and look down each unit. I'm a neighbor and I'm not reporting anything. I don't see where it's going to add value to my property. It should be in line with the other businesses. Right now you have HBC that's opening 180 units out on Route 23 and I talked to Enter Room Rental Units and they are running at 70% occupancy. At the first of next month they have 350 units that will be open for rent in Circleville. This is all within a five mile radius. How many units are going in here? Will there be a dumpster on site, so when people move out they don't just leave there trash? How many units does Circleville need? There are a lot of grey areas.

Al Sedlak stated Don, you said that the fire department looked at this. Does the police department look at it for security?

Don Sherman replied no. Individual lot security is up to the property owners.

Mike Freeman, 1412 and 1414 North Court Street, was sworn in and stated I understand this is a variance meeting for the back of the building. You graciously gave the Aldi sign guy a variance to show off his business. They have been here for 10 years. We have been here for 34 years and now all of a sudden my business is going to be hidden. I will have reduced visual presence. If they build this you won't be able to see my building until you are on top of my building and then by it. I know what will happen is they will be going up and down my blacktop to look into their property. When you come into Circleville from the north off of Court Street you will see Wellman's and then you see a big fenced in prison with litter that catches along the fence line. That reflects on my business and my wife's business. Why can't they sit it back? They should do it as a business curtesy. I looked at the bowling alley the way it was for 20 years. I never called the city to complain about it. Not even over the paint jobs, trash, wood signs, nothing. My business will suffer and so will my wife's.

Chuck Wellman, 1435 North Court Street, was sworn in and stated I think a lot of good points have been made. My concern is the safety. I don't like the way the buildings are proposed. They should be built perpendicular to

Court Street so you can drive by on Court Street and see down the rows and what is going on. I live across the street and own four properties across the street. I have put up with the Pet Store next to me for six years. People shooting guns, having parties, and kids coming over from the bowling alley. The kids were getting into the building before the pet shop was there and having sex and drug parties. If they build the building they should build it perpendicular to Court Street, have excess lighting, mandatory fences with a key or code access. If not, it's a safety concern for every home in Circleville. There will be drug deals going on back there. You won't be able to see what's going on. Kids will be back there drinking. Safety is my concern and not to prevent you from having a business there. I don't like the idea of it sitting out in front of the other buildings.

Jeff Scudder, 210 Meadow Drive, was sworn in and stated I've been in Circleville my whole life besides my time in the military. I bought my house on Meadow Drive in 1993. I put up with the bowling alley. You can check police records, many reports of the drunken parties at 2:00 am in that area. Finally the bowling alley is gone. Now you are going to bring in storage units. With that you have problems. People will park on Meadow Drive, run through my yard, and then through my neighbor's yard. They will access through the 6' chain link fence. They will go in there and do whatever they want to do. When the kids put graffiti on the back of the last unit will they come out and remove it? Probably not. They will drop that building in and collect rent. They say proposed, well we know what that means. They were supposed to put a fence around the units on South Court Street and they didn't. Instead of a fence they have big cement blocks put around it. There is only access in one place, so once they get in there they can do anything they want to. The value of my property and my neighbors will be brought down. You talked about 24 hour access. That is no different than the bowling alley. Nobody will be with them and they can put whatever they want in that facility when they want to. We have proof in Circleville there have been storage units used to make meth. There is no one to babysit. They could put food in it and then we get rodents. We get all kinds of wildlife. We aren't far from the tracks. I don't know if I will stay in Circleville. I feel I am established here. I do business here in Circleville. This is home to me. I just can't see storage units there. The only way I knew about this is because I got a letter because I am 100' from them. Other than that, if I hadn't gotten the letter I wouldn't know it was going in. That's the best you could do for me as a resident of Circleville. I'm 53 years old and I didn't just move in here. I'm active in this community and I'm asking that you not build here. All of the neighbors should have been notified.

David Frericks stated my house sits next to Jeff's. It appears 75% of my property line abuts the proposed site. I appreciate that the bowling alley is down. It was an eyesore and ran horribly the last 25 years. I think all of the property owners are glad the building is down. Glenn made a good point on the word "proposed" being used a lot. Proposed is not a fact. I'm concerned with the breaking and entering of the units. If they use an electric card people will be jumping over our four foot fence. I don't want to put up a six foot fence. I'm concerned with the litter that will happen at this place. That is a fair statement. You won't have someone policing it every day. If I owned one, I doubt that I would. On the city side, now you have an income producing property. If you don't put it there, what do you put there? In all fairness, I don't think you are going to have the drunken sex parties that the bowling alley provided. Safety and the trash is my biggest fear. My tenant will sit on his back porch and look at this great big building. Everyone has to adjust. I would like to see the board not vote on this tonight. Let them address our concerns and then vote on it. What are you going to do to make it look more aesthetically pleasing? We want more definitive answers, not proposals. I would like to see another meeting where are questions and concerns get answered.

Craig Stevenson stated the "proposed" vernacular is something we use in the business. If it's there we say "existing," if it is part of a plan we are looking for approval for it is proposed. If it's on the drawing, it will happen. It's not like pie in the sky. This is starting to sound like some type of rezoning hearing or conditional use. We aren't asking for approval for the use of it, it's an allowable use. We haven't asked for plan review on

the orientation of the buildings. We are simply asking for a setback variance for the rear building setback for 16.5'.

Jeff Barr stated I can address some of the concerns and I appreciate the comments. I have hired Bill Leist for a part-time employee. He works for the Savings Bank and on the side he takes care of a lot of properties. He watched the bowling alley while I took possession of it from the bank. I am open to whatever. The electronic gate is Calvin Access Controls, they are based out of Radner, Ohio. I have four of those gates now. You roll up to the key pad and you enter your own personnel access code. I've been in this business for 13 years. I'm currently selling three of them now. One is in Chillicothe on Western Avenue, it's never been broken into. I've owned it for four years. It has a partial fence with a gate. Health and New Lexington Mini Storage. Break in's happen. New Lex has been broken into six times over twelve years. Heath has been broken into a little more than that. It was the same drug addict who was doing it and we couldn't catch him. I own one in Lancaster, Fairfield Mini Storage. The police have the code to get in there anytime they want to. They do drive byes at night time. There is one officer who lives five miles down the road and he does do occasional drive troughs. With DigiGate when you type in the code, it tells me who it is, as long as they didn't give the code to someone else. There are two storage facilities on Court Street, they aren't painted up and they have no fence. I understand the trash concern. I will have someone there every day or every other day. If someone moves out and leaves there trash, I will get it picked up. Maybe not that minute, but it will be picked up.

Bob Norpoth asked what his objection was to turning the buildings the other way.

Craig Stevenson stated I think that is irrelevant and I don't know that we need address that. That is how we proposed it.

Bob Norpoth stated how many units did you say you had sold?

Mr. Barr replied 250-300 units.

Bob Norpoth stated what will keep you from selling these in two to three years?

Dave Frericks stated your variance request is right up against my property. I would like to see an artist rendering of what this will look like. I came here to be objective and I'm not hearing that Craig is willing to work with us.

Mr. Barr stated I felt the last building was creating a barrier. You won't see the traffic and in my thought it was better than a fence. There are no doors facing your property. It will be a wall.

Mr. Frericks stated then this goes back to the potential for graffiti and then my tenants have to look at it. If they vote tonight and they vote no, are the storage units still going in?

Mr. Barr replied 50/50 or it will be sold.

Don Sherman explained where the setbacks come from and how council is the body that approves the zoning code. They meet everything of the zoning code except the rear yard setback.

Al Sedlak stated if they took that rear building out, you would not have had any notice as to what was going on. They could have gone in to the Service Department and got a permit for it. I don't have a problem with building

number five, but I do with a lot of the other features that created building number five. This is the reason I am going to vote no on it. I'm sure it's a cost analysis to make the project work for him.

Chuck Wellman stated the only new buildings out there that have been built in the last ten years have installed sidewalks. I don't see sidewalks in front of here. The foot traffic on North Court Street is getting out of control.

Don Sherman stated it is required. I realize it's not part of their drawing. There are several things that are not in their drawing. When Berger Hospital bought the old Super Duper they put sidewalks in. When the library moved in, they put sidewalks in. Any new or redevelopment requires sidewalks. This is a zoning plan and we are in the processes of reviewing their site plan. That includes storm drainage and a lot of other things.

Jeff Barr stated in regards to the variance. I am asking, would you rather look at a steel wall or a bunch of doors and traffic?

Dave Frericks replied a steel wall.

Terry Leasure stated I understand that you have to make the figures work to make the project worthwhile, but I understand what the neighbors are saying about the 40' front yard setback. Would you consider moving it back to be in line with the other businesses down through there?

Mr. Barr stated I will have to run the numbers and total cost of the package. That fifth building made it feasible.

Don Sherman motioned to approve Variance #5-17 as requested, seconded by Bob McCrady. VOTE ON MOTION: TERRY LEASURE, NAY; BOB MCCRADY, NAY; MIKE COMBS, NAY; DON MCILROY, NAY; MARSHA GRIEBEL GRAHAM, NAY; AL SEDLAK, NAY; DON SHERMAN, NAY. 0 YEAS, 7 NAYS. MOTION DENIED.

The next item on the agenda was Variance #6-17, as requested by Robert Neal Contractor Inc., 649 Lancaster Pike, for Keith and Nancy Downing, 369 Markley Road, to construct two separate room additions and to vary the rear yard setback from 40' to 36', in an area zoned R-2, Single-Family Residential District.

Rob Neal, 450 North Pickaway Street, was sworn in and stated we are asking to build two rooms to the back of the Downing's home. To the left side of the house there will only be a 36' rear yard setback and I believe the requirement is 40'. Both neighbors have 14' additions to their homes.

Don Sherman stated to clarify the 36' is at the property line, it will be a little more than 36' because of the angle. It is 36' right at the property line. I didn't run the math.

Bob McCrady motioned to approve Variance #6-17 as requested, seconded by Terry Leasure. VOTE ON MOTION: DON MCILROY, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA; TERRY LEASURE, YEA; BOB MCCRADY, YEA; MIKE COMBS, YEA. 7 YEAS, 0 NAYS. MOTION CARRIED.

Don Sherman stated in your packet was a handout regarding all these antennas going up around town. Verizon has put up six or seven over the past three years. MobileLite just put one up on High Street. We really have no say in this at this point. There are number of cities suing over it. They can go up to 50' and I had no idea the one on High Street would be that high. The closest one is over by the Administration building. They look like little brown tubs. I issued a Right-of Way Permit for it. I can't deny it.

Marsha Griebel Graham stated we discussed this onetime before.

Don Sherman motioned to adjourn, seconded by
Bob McCrady. All in favor, motion carried.