



**Planning and Zoning - Minutes
Wednesday, May 02, 2012**

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

May 2, 2012
MEETING MINUTES

MEMBERS PRESENT

Bill Mosher
Mike Combs
John Ankrom
David Moss
Al Sedlak
Valerie Goeller, Clerk

VISITORS PRESENT

See Attached List

Chairman Bill Mosher called the meeting to order at 7:00 p.m.

The first item on the agenda was approval of March Meeting Minutes.

Al Sedlak motioned to approve, seconded by Mike Combs. All in favor, motion carried.

The next item on the agenda was Variance #4-12, as requested by Wayne Reed, 502 East Ohio Street, to erect a 6' fence along Renick Avenue and to vary the permitted height from 4' to 6', in an area zoned R5, Two Family Residential District.

Diane Reed was sworn in and stated we want to put up a 6' fence, 19' from the corner of our house. One reason is that the basement stairs start at the corner of the house. We have had items stolen, vehicles broken into, and people cutting through our property.

Bill Mosher stated this is a corner lot and I understand what you want to do.

David Moss asked the type of fence she was proposing.

Ms. Reed replied wood. Is there an ordinance about how far off a property line a fence needs to be when abutting another person's property?

Mr. Mosher replied two feet is a rule of thumb. This will allow you to maintain the other side of the fence without being on your neighbor's property.

John Ankrom stated on the Renick Avenue side it needs to be 3' of the right-of-way line.

Ms. Reed stated it is 10' off the curb.

John Ankrom stated the curb line is in the right-of-way. The right of way line is also your property line.

Ms. Reed stated from the curb to the fence post is 10' then 19' from the fence post to the house. I measured from an existing property line and measured across and came up with the footage I should have according to the survey.

Al Sedlak asked if she was the one who had the survey done by Mr. Ingram in 2008.

Ms. Reed replied no. I have only owned the home for a few years.

Al Sedlak stated she could find more information at the Court House or contact Mr. Ingram. The right-of-way will be in your yard, it is wider than the street.

Al Sedlak motioned to approve Variance #4-12 as requested, seconded by Mike Combs.
VOTE ON MOTION: BILL MOSHER, YEA; MIKE COMBS, YEA; JOHN ANKROM, NAY; DAVID MOSS, YEA; AL SEDLAK, YEA. 4 YEAS, 1 NAY, MOTION CARRIED.

The next item on the agenda was Variance #5-12, as requested by Mitch Truex, 1127 Atwater Avenue, to replace a previously existing carport and to vary the side yard setback from 6' to 2', in an area zoned R3, Single Family Residential District.

John Ankrom stated he would abstain from this issue.

Mitch Truex was sworn in and stated there was a carport in the same location. It was destroyed by a recent hail storm. It's up, but not complete.

Bill Mosher stated is it in the exact same spot?

Mr. Truex replied I moved it toward my house.

Mr. Mosher stated is your 2' request for the overhang? It's hard to tell the property line because it is solid concrete between the two properties.

Mr. Truex stated we have a conjoined driveway with our neighbor.

Dave Moss stated if you drop directly down from the outside of your carport is there is 2' from the property line?

Mr. Truex replied yes.

Bill Mosher stated what are your other plans for the carport?

Mr. Truex stated the contractor will wrap the post and add a top so the birds can't nest.

David Moss motioned to approve Variance #5-12 as requested, seconded by Al Sedlak. VOTE ON MOTION: MIKE COMBS, YEA; JOHN ANKROM, ABSTAIN; DAVID MOSS, YEA; AL SEDLAK, YEA; BILL MOSHER; YEA. 4 YEAS, 0 NAYS, 1 ABSTENTION, MOTION CARRIED.

The next item on the agenda was Variance #6-12, as requested by McDonald's Corporation, 211 McDonald's Drive, Oak Brook, IL 60523, for property located at 1300 South Court Street, to modify their site and to vary the minimum side yard pavement setback for properties abutting a non-residential zoning district from 10' to 3', in an area zoned GB, General Business District.

Cynthia Nolte was sworn in and stated McDonald's owner, Ron Fooster and Corporate have partnered in a major renovation program. For an exterior renovation we remove all the red mansard trusses and put up parapet walls and everything will be flush. Because this is a play place model we will put metal louvers around the front and inside of the play place itself.

Mr. Mosher stated will things remain in the same location in the interior?

Ms. Nolte replied pretty much. They will come in and install a whole new décor package, which meets McDonald's standard for a fresh and vibrant atmosphere. With major remodels we address any ADA issues inside and out. We are proposing an addition to the rear of the building so they can expand on the storage capacity. It will come out by 10'. That is a major change to the structure.

Bill Mosher stated internally can you tell me how many tables there are?

Ms. Nolte replied I don't know that, but the number of tables and seats won't change. The biggest site change is the side by side drive thru. That means we are adding an extra lane. This will help the stacking issues we currently have on site. A striped pedestrian crosswalk will be added and a handicap ramp attached to the city sidewalk. The main entrance is a left out and a right in, that will change to an entrance only. The existing site circulation has a pass through from the front parking area and the front of the building. We will be closing it up so we can guarantee one way circulation completely around the site. The most northern curb cut is currently an exit only and that won't change.

Bill Mosher stated the request is to reduce the side yard setback from 10' to 3'. At that end of the site you have ten parking spaces that are straight in. Stacking for the drive thru is a critical issue, I am glad it is getting addressed. However, I have never seen anyone park at that end. That is over 100' long for those ten spots and if you turned those to parallel parking spots you could get five parking spaces in there. That is why I asked how many tables you have inside. I have seen cars backed up onto Court Street for the drive thru, but never anyone parking in that area. Is there a need for 64 parking spaces or can you get by with 59?

Ms. Nolte replied we are concerned with reducing parking. I'm not sure how often those parking spots get used. In addition to that our parking count is much lower than what your Zoning Code requires. If we eliminate those we will need to ask for a parking variance. The major concern is we are installing canopies for the two drive thru lanes and we still need to get a 60' delivery truck around those canopies.

Mr. Mosher stated if you do that you wouldn't lose any space. You would only intrude on the traffic pattern by 10' instead of 20'.

Ms. Nolte stated the additional 10' is necessary for the trucks to make the turn and not hit

the canopy.

Mr. Mosher stated you are asking for a seven foot variance. By turning the car sideways and reducing the parking count by five, you would gain some footage because you are talking the difference between 10' and 3'; the difference between 20' and 10' is 10'. You would actually gain 3'.

Ms. Nolte replied the crew currently cones off parking spaces in order for the truck to make the turn. Our concern is the curb line itself with the parking spaces. If we move it back up by 7', then we could come off those parking stalls. It will still be fairly difficult for that truck to make the turn.

Bill Mosher stated does the truck make the turn now?

Ms. Nolte replied yes, but it doesn't have the side by side lane with the additional drive thru equipment.

Mike Combs stated will the addition be a metal type freezer or a structure?

Ms. Nolte replied a freezer that will look like the rest of the building.

Al Sedlak stated the parking spots to the north go into the 10' setback.

Ms. Nolte replied those parking spots are already there.

John Ankrom stated what is the net move for the concrete drive thru lanes toward the south versus what is currently there?

Ms. Nolte replied 25' from the outside lane.

John Ankrom stated then you have another 20' to 25' further to the south. The two dimensions and the three feet we are varying are about 43' from the south property line to the edge of the concrete to the drive thru lane. Now the dimension is more like 63'.

Ms. Nolte replied there is a transformer to the south of the building and we tried tying the lines as close to the building as we could.

John Ankrom stated are you changing the lighting?

Ms. Nolte replied site lighting stays the same with the addition of one light in the far south of the lots. On the building some wall sconces that are down lit are being added along the building. It will help with pedestrian safety.

John Ankrom stated have any accommodations been made for your deliveries?

Ms. Nolte replied they will be switching to cart delivery. This means a delivery truck will come two to three times a week. It will only be there for 20 minutes versus the current one and half hours.

John Ankrom stated you have 15' between the drive thru lane and the parking stalls along the Court Street sides. Where the delivery truck currently parks doesn't leave room for anyone to get through.

Ms. Nolte replied I had this conversation with the store manager. He indicated it wasn't a major issue with people backing out of those spaces while the truck is parked there. 15' should be fine with a car parked at an angle.

Ralph Ankrom, 130 Crites Road, was sworn in and stated he is concerned with the lot moving further south. Now they have 3' of concrete up against my land.

Ms. Nolte replied it will be grass.

Ralph Ankrom stated there are three trees down through there that I want preserved as a buffer to obstruct their lights. The trees are right on the line.

Ms. Nolte replied they are more on your property. If any trees are on McDonald's property and they remove them they will replace with the same thing.

Ralph Ankrom replied I like what is there. I am concerned with losing those trees, if they come out then I have more lights than what already exists. I have no problem with what they are doing, but want to know what they are going to do.

Ms. Nolte replied we will replace them.

Tim Tener, Chief of the Circleville Fire Department, was sworn in and stated I have general concerns. These are problems we have now and I don't think the future site will take care of it. There is 15' between the parking spaces and the drive thru. That makes it tight for the fire department to do anything suppression wise into the facility. That is where the hydrant is too, on the street. In that 15' area is where the fire suppression would take place. The way it is proposed to be laid out and traffic flow will be a big improvement.

David Moss stated is the issue when a delivery truck is parked there?

Chief Tener replied a delivery truck makes it worse. We look for fire lanes to be 20'. They have 15' on the south end, but we can't change it now. It was approved before 1997 when I became fire chief. It doesn't give 20' to move around vehicles and parked vehicles. I can't say it's not manageable or something we can't work with. This is just a concern of mine.

Ms. Nolte thanked the chief for his concerns and reassured the site condition is not being made any worse.

Mike Combs motioned to approve Variance #6-12 as requested, seconded by Al Sedlak.
VOTE ON MOTION: JOHN ANKROM, ABSTAIN; DAVID MOSS, YEA; AL SEDLAK, YEA; BILL MOSHER, YEA; MIKE COMBS, YEA. 4 YEAS, 1 ABSTENTION, MOTION CARRIED.

Ms. Nolte stated I have one other item I would like to bring to your attention. We have a monument sign we want to use to replace the existing one. It appears we will have a request before you next month for an electronic messaging sign. This sign will be in the exact location as the existing sign. The software that controls that sign will let us make any adjustments per your request.

Valerie Goeller questioned if on top of a Conditional Use Permit for the sign, will she need to vary the use because it not being located on an arterial highway?

Bill Mosher replied no, it's how we treat it. It will be set where it is not completely

animated. We can make a stipulation that it doesn't move.

The next item on the agenda was an informal discussion as requested by Travis and Krista Stonerock, 593 Northridge Road, to finish the upper portion of a proposed 23' x 28' detached garage (ZP #8445) for residential use, in an area zoned R-2, Single Family Residential District.

Krista Stonerock stated we removed a garage last summer with plans to build another garage on the opposite side of our house. It had an awkward driveway and we wanted to change that pattern. In the past year we started discussing creating some living space on the upper level. The space would not to be rented out, but for our oldest daughter who has some special needs. She is 16 and craves independence. We want to prepare for the future and we don't feel she will ever be able to live out on her own. This will give us the opportunity to keep her close, but give her some independence. We wouldn't seek independent utilities. All utilities would be tapped into our current home utilities. I have drawings of a one and half or two story garage with dormers and studio apartment upstairs.

John Ankrom stated did you ever give it any consideration to attach it to the house?

Mrs. Stonerock replied currently our living room is on that side and three of the living room walls have windows. I love the windows and don't want a door from the garage coming into our living room. We were planning on six feet, but we might ask for a variance to three feet. Our only other option would be to put it in our backyard, but that takes up most of our backyard.

Bill Mosher stated I was hopeful you could attach it with a breezeway, but you have that chimney in the middle of the side of the house and windows on both sides. Our code doesn't allow for a separate residence on a single lot and we have gotten around that in the past by connecting the two structures with a roof. If that can be done it will make things a lot simpler for everyone. If we allow you to do it without connecting the structures we are setting a very difficult precedence. We have to consider that you or your daughter may not live there forever and some point in time it becomes a saleable property.

Mrs. Stonerock stated, help me with what a breezeway does?

Bill Mosher stated it has a roof. A roof makes it part of the house, one structure, because it is connected.

Al Sedlak stated we could put a restriction on a variance that it not be used as a rental premises, but strictly additional living for the immediate family. If you sell the property and then they sell, it makes it real hard to enforce.

Mrs. Stonerock stated wouldn't rentals have their own utilities?

Mr. Sedlak replied not necessarily. They usually do, but don't have to. Someone down the road could abuse it. Bill is right, try to find a way to connect it.

Bill Mosher stated I would have a hard time approving it the way it is now, because of the precedence it will set. Most certainly not because of your intent, it is admirable.

John Ankrom stated what if she would have come in and said this is going to be a recreational space for her children.

Al Sedlak stated the use of all accessory structures shall conform to the definition above and no accessory structure shall be used for human habitation or commercial purposes.

John Ankrom stated “Accessory” is the key word. When you attach it to the main structure it is no longer an accessory structure.

Mrs. Stonerock stated we aren’t planning on doing the interior structure for awhile. If we construct it and leave the upper space undefined could we wait to add the breezeway until it changes?

Bill Mosher stated I would hope you would come in and let us know when you do it. We are not authorizing anyone to put an apartment above a garage.

John Ankrom stated once you attach it the setback will be different than an unattached garage. When you attach it you will need an 8’ side yard setback. For a detached structure you only need 6’.

Mrs. Stonerock stated we are already thinking about asking for a 3’ variance for the detached garage now.

Bill Mosher stated a 3’ variance for a garage is not uncommon. Make sure your neighbors are onboard.

The next item on the agenda was an informal discussion as requested by Warner Searls, Jr., 568 Spring Hollow Road, to abandon a 60’ reserve located between lots 5 and 6 of the Spring Hollow Subdivision.

Warner Searls stated this afternoon I dropped off plans that were prepared by Michael Clark’s Office and everyone should have a copy. We want to put up a three car garage on mostly our existing lot and some on the lot next to us. As you can see the way they laid out the garage, it’s near the reserve. When they laid out the subdivision in the 30’s they didn’t expect the property behind, which is now Sylvan Subdivision, to be developed. We are requesting the 60’ reserve to be abandoned. At that time we could move forward with having it surveyed. I haven’t spoken with my neighbor to the south of me, but we would like for him to take the other part of the property. There is a 15’ area set aside for an existing walkway; we would like the city to keep that reserved. There is a natural swale that rolls down to a storm drain that goes at an angle into that lot. There is an existing storm sewer underneath that and we would make sure we didn’t change that natural terrain so the water could drain to the storm drain. We would maintain access for the city to any sewer on that property. The surveyor laid out a 24’ driveway. That is probably a little more than what we need, most likely 15’.

John Ankrom stated are you saying you are going to have a three car garage, but you won’t need a driveway to access all three doors?

Mr. Searls replied correct. The existing driveway is for a one car garage. We tried selling the property over the last year with two different realtors. With the market it is making it really difficult to sell property. Even if we had sold the property, we would have purchased again in Circleville. We like Circleville and have no plans of leaving. So now we want to improve our property and stay here.

Bill Mosher stated your home sits on Lot 6, correct?

Mr. Searls replied yes, then the 60' vacant lot, set aside for the future reserve, and then my neighbor on Lot 5. We only want a portion of that 60' reserve.

Mr. Ankrom stated the reserve is only 10' in width. The rest of it is currently right of way.

Al Sedlak stated I couldn't find a strip on the plat as recorded in the Records Office. I'm not sure what that is reference to, if it is setting the boundary or width of it. What you are talking about definitely would extend into Spring Hollow. Looking at the Subdivision Plat, I didn't see the 10' reserve. I just saw a designation area between Lots 5 & 6 as reserved.

Mr. Searls stated the 10' came later and per the City Law Director called a "spike".

Mr. Sedlak stated the 10' reserve is on your survey. It's not on the plat.

John Ankrom stated it does show it.

Al Sedlak replied your copy shows it much clearer. My copy is hard to read. We still don't own the 10' strip.

Mr. Searls replied we don't want to encroach on that 10' strip. Our garage can be built without encroaching on that. I wasn't aware of that until we met out on the lot.

John Ankrom stated his proposed garage will project in the right of way. My opinion is we can abandon our right of way and not even touch the 10' reserve. He can accomplish what he wants done.

Dave Moss stated who owns the reserve?

Al Sedlak replied the owners of the Subdivision.

John Ankrom stated if there are 33 owners, each person in the subdivision owns 3% of that reserve.

Al Sedlak stated there are a couple ways to deal with the reserve and if we aren't dealing with the reserve, that simplifies it a lot. One would be go through the platting process and amend the plat or get signatures of 2/3 of the owners to alter the plat.

John Ankrom stated he currently maintains this property, the city is not. Warren will need to petition the city to abandon the right of way.

Dave Moss stated and maintains an easement for the storm sewer and walkway.

John Ankrom stated the lots in the Spring Hollow Subdivision are very tight. Right now the city owns a piece of property that means nothing to the city. If we can make the properties better for the residents, it's a good move to me. The effort is on Mr. Searls and the city isn't looking to mow any more land.

Al Sedlak stated have you discussed this with Gary Kenworthy?

Mr. Searls replied yes, I spoke with him early on.

Mr. Sedlak stated I spoke with Gary about this. We talked in terms of altering or amending the Subdivision Plat. He was going to review the plat. When we spoke neither one of us

were clear as to where you were going to build. I will follow up with Gary and we can put our heads together and make sure he is brought up to date. I don't think Gary has seen this drawing. Your drawing has really clarified a lot.

John Ankrom stated if you want to proceed you will need to get with Clark's Office and get the finalized drawing and legal descriptions together and submit it with the petition.

Mr. Searls thanked the commission.

John Ankrom stated I didn't get into this earlier and its past history. I used to own Lot 5 at one point in time. I received a variance from the commission for a front yard setback. I started building a house and had an injunction filed against me that stopped construction. The injunction was because of the front yard setback because it was a platted setback. The code reads building line. I had an approved Zoning Permit. I could have gone back to all the property owners and got permission to do that, but I didn't. I chose to abandon the project. The City reimbursed me and I went on. He is going to face the same issue. This is the 25' setback and his house currently violates that. Now his garage is going to be roughly the same distance. With it being an accessory structure we say it has to be built in the rear of the house. He could be up against a 2/3 signature anyway just to vary that, if he wants to be safe.

Al Sedlak stated we vary the code, not the subdivision plat. This is a private matter and it's up to him to follow the procedure. It shouldn't be too difficult for him to get the 2/3 approval.

David Moss stated John; the City reimbursed you because they made the mistake of giving you the variance?

John Ankrom replied correct, I could have sued the City.

David Moss replied we don't want to make the same mistake.

Al Sedlak stated we need to give him a heads up.

John Ankrom stated I told him.

Mike Combs stated the Historic District Review Board hasn't met in a couple months. One of the last things we talked about was the Ed Webb Building. It looks like they are finally doing something to it.

John Ankrom stated John Farthing needs to come up with some kind of plan as what he is going to do with the back wall of his structure and the side wall of Wittich's structure. We haven't seen anything on it. Valerie and I have both made it clear to him we needed something in writing.

John Ankrom motioned to adjourn, seconded by David Moss. All in favor, meeting adjourned.