

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

Wednesday, July 10, 2019
City Hall Council Chambers

MEETING MINUTES

Members Present

Dorcas Morrow
Al Sedlak
Marsha Griebel-Graham
Larry Logan
Terry Frazier
Don McIlroy
Brenda Short, Clerk

Visitors

Charles Estel
Matt Forquer
Kara Justice
Tim Colburn
Ron Munn
Julie Strawser
Sean Clark

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

The first item on agenda is to approve the May 2019 meeting minutes. Al Sedlak requested a change on Page 4. John Ankrom instead of Adkins and illuminated instead of laminated. Larry Logan made a motion to approve the June minutes with those corrections and Don McIlroy seconded the motion. Motion carried.

VARIANCE # 11-19, as requested by Steven & Rhonda Taylor, 915 McCormick Av., Circleville, OH 43113 to vary the total allowable lot coverage from 981 sq. ft. to 1288 sq., and to construct a second curb cut in an R2 District, Single Family Residential District.

Steven Taylor was sworn in.

Mr. Taylor explained he is wanting to add a second garage onto the back half of his lot and needs a curb cut on Buck Court in order to get to the garage. Basically the garage will be for his race car trailer and dually truck, so they aren't parked on the road and can be kept inside building.

Mr. Sedlak stated there are two provisions of our code that restrict these two issues. In regard to the size of the garage, section 32.01E of Zoning Code states the total area of all accessory uses or structures shall not exceed the greater of 1000 square feet or 3.5% of the total area of the lot. Such area should be considered as area of all uses and structures covered by a roof. In addition, these restrictions are subject to lot coverage requirements as listed in 31.08 of the Ordinance. Section 31.08 covers the total lot area that all improvements that can cover and that limitation is 35%. You would be within that, but for your garage if we understand your proposal, it would be 1280 square

foot and that would comprise for the accessory uses. This would comprise 4.9% of your lot area. He asked Mr. Taylor to explain why he needs a garage that big.

Mr. Taylor stated he needs a garage that size because he has a 32 foot race car trailer and F450 Crew Cab that combined together are big. The 32 foot trailer has a 6 foot dove tail on it. I have to be able to put the whole trailer in the garage. The garage is 32 x 40.

Mr. Sedlak stated that in regard to the curb cut in Section 31.09A, it states curb cuts in R districts shall be located not less than 35 feet from any street intersection. Your curb cut will go off Buck Court behind your house. If more than one curb cut is proposed on a single lot the applicant shall demonstrate that such additional curb cut is necessary for safe vehicular movement to and from the site and that the distance between the curb cuts is sufficient to allow for the safe and sufficient to allow for the safe and efficient ingress and egress of vehicular traffic. He asked Mr. Taylor to explain why the garage is needed there and where the curb cut would be in relation to the house.

Mr. Taylor stated he is putting the garage at the back part of lot, bringing it 10 feet off property line and needs the curb cut in there so he can put a driveway into the garage.

Mr. Sedlak asked approximately how far the curb cut would be from the intersection of McCormick and Buck.

Mr. Taylor stated it is a good ways. It is however long the lot is (177 feet long) so at least 150 feet.

Mr. Sedlak stated the existing curb cut is around the corner on McCormick on the left side of the house. He inquired if the fence was going to remain?

Mr. Taylor stated the fence will remain. They are going to section out the fence and bring it in and section the fence back up to the garage. There will not be a gate.

Don McIlroy stated he went down and looked at this property. Behind your fence, there is a house behind you that is on Buck. Is there a lot between you and them?

Mr. Taylor stated yes there is a lot between.

Mr. McIlroy inquired if Mr. Taylor was buying that lot, would you have a problem with someone having a garage that size there.

Mr. Taylor stated he would not have a problem. He stated he contemplated buying the lot. He stated he would rather put his \$40,000 into building a garage instead of the lot.

Don McIlroy stated our zoning code says one curb cut per property.

Mr. Sedlak inquired if he had checked the sub division restrictions.

Mr. Taylor stated he has and he has had conversations with Scott and Nick Clifton and they have Ok'd this.

Mr. Sedlak stated what this committee grants is basically approval or dispensation from our zoning requirements. There are situations that there are also subdivision restrictions and what we do does not have any effect on those.

Brenda Short stated there were no written responses received from any of the neighbors.

Ron Munn, 925 McCormick Avenue was sworn in. He lives across the street from Buck Court from the Taylors.

Mr. Munn stated he has some questions and he has some concerns with these variances. The Taylors approached him a few weeks ago communicating their intentions to build a garage. He appreciated that. He and his wife discussed it over the following days. They have no personal problems or issues with the Taylors. He mainly wanted to see what their intentions were for the garage of that size and on that size of a lot. He thought that size of a garage they were concerned of the negative impact on property value. They were concerned to some degree on safety issues with a possible increase of traffic. There are small children at the end of Buck Court that ride their motorized vehicles in the area. If in fact what they said is true, they are only going to store their vehicle there, then they don't have a huge problem with that. Their concern was that it would be used as a repair garage. Their hobby is race cars and they were concerned that if this garage would be used as a repair shop. They currently have a 4-5 car garage with a lift in it. They do have a large car hauler with a large truck that pulls it and they park it with respect to the neighborhood. If he feels more secure having the trailer and vehicle in a garage, they understand.

The second curb cut is a concern. They chose that location when they built 6 years ago because that area offers some things that other areas do not. It offers more peace and quiet and less traffic. Mr. Munn's driveway accesses Buck Court. There are two vacant lots there. There will be at least two more driveways there.

He stated their main concerns are traffic and they did not want the garage to be a work place and much traffic. If it is going to be used for storage and they are sincere about that, then they may not have any issues. He stated deed restrictions are put in place to protect communities and home owners.

Mr. Munn stated he would ask that all factor be considered when approving a second curb cut and putting a building in that is larger than allowed in their type of small development.

Mr. Taylor stated he does currently have a 5 car garage with a lift, but the garage and lift are used to store his race cars. He is requesting to build a garage for his race car and vehicle he uses to pull the car hauler.

Mr. Logan inquired if the exterior of the garage would match the house.

Mr. Taylor stated yes, it would match.

Mr. Taylor states he had discussed building a garage when he bought the property and has also talked with Mr. Clifton in reference to purchase the other vacant property and building a garage there.

Mr. Munn stated it is his understanding that he could not build a garage on the vacant lot without putting a residence on there.

Mr. Logan stated you cannot build an accessory building on a lot without a residence on it. He could purchase the lot and do a lot combination and this would require notification of all the neighbors and approval from this commission.

Mr. Munn stated if they are true as to what they are going to do with the garage, they can live with in, but he does not necessarily agree with it. He stated he feels they should have looked at property out in the county where there are less restrictions and more space. What they are requesting does not fit with the neighborhood.

Don McIlroy stated he understands what Mr. Taylor is wanting to do and he trusts that he does what he stated he is going to do. He went on to state, what happens if he sells and then someone else buys the property and then there is another curb cut and the garage is used for other purposes.

Mr. Sedlak stated very often when there are multiple requests within one application, we vote on them all together. He stated he felt in this case it would be best to vote on the curb cut first, because if that is not successful, then the second one becomes mute.

Don McIlroy made a motion to approve Variance #11-19 to construct a second curb cut in an R2 District and Larry Logan seconded the motion. 3 yeas. 3 nays. In the case of a tie, that is not a majority so the request is denied.

Mr. Sedlak stated that with the second curb cut being denied there is no need to vote on the garage since it is mute without the curb cut.

Mr. Sedlak informed Mr. Taylor he was free to talk to the Service Department to discuss other ways of modifying the request for approval.

Variance #8-19, as requested by Jimmy Benton, 900 Lincoln Dr., Circleville, Ohio to vary the allowable side yard setback from 6 feet to 5 feet and to allow a pond/water garden in the front yard, in an R3 District, Single Family Residential District.

Mr. Benton was sworn in.

Mr. Benton stated his wife is handicapped and has an artificial hip and it is difficult for her to get in and out of their vehicle in the garage. The previous owners had added a bay window and their vehicle was taller and opening their car doors was not an issue. The Benton's have a smaller

vehicle and it is more difficult. When you open the door, there is not enough room to get in and out of the car safely. Currently she gets in and out in the driveway, but is a safety issue in the snow and ice. They previously inquired about widening the garage to 6 feet and was advised to apply for 4 feet additional width.

In addition to that, he is requesting to do a water garden in the front yard with a few plants and some goldfish. It is 24 inches deep and 8 x 9 and a little waterfall. It will go between sidewalk and the house.

Mr. Logan asked if this pond would go where the shrubs are now.

Mr. Benton stated yes. There was a birdbath there previously.

Mr. Benton stated on the east side of the garage would be a shed also. There was a shed in the back yard, but it is in the back corner and too close to the house. He stated he wants to incorporate it into the garage as one structure with just a separating wall between the shed and garage.

Mr. Sedlak asked for the dimensions of the pond.

Mr. Benton stated 8 x 9 with a 4 foot waterfall. 24 inches deep. Flex liner insert.

Mr. Sedlak stated that Section 32.04, it states that in any zoning district, lakes, ponds or similar bodies of water shall be considered an accessory use and meet the following requirements. A. The applicant shall provide a site plan for the property indicating the location of the lake or pond as well as other physical characteristics of the site including the location of inlets, outlets and sub surface drainage. In addition the applicant shall address how illicit access will be controlled. B. The high water mark shall be located not less than 60 feet from any property line. C. The applicant shall demonstrate that the lake or pond will be constructed and maintained to proper and accepted engineering and technical standards.

Mr. Benton was asked to address controlling access.

Mr. Benton stated it would be difficult to control access since it was the front yard. There are some children in the neighborhood. There is nothing to prevent them from getting into the pond. He stated he had one in his front yard in Columbus and never had any issue. He stated he understand the caution.

Marsha Griebel Graham inquired if the entire pond was going to be 2 feet deep.

Mr. Benton explained that it would have an edge for some plants and some shallow areas. The deepest part will be about a 3x4 area and that is located in the center.

Mr. Benton stated there is a spot where the shed used to be in the back yard he could put the pond there. The back yard is fenced. Only way for access is through garage or house.

Mr. Sedlak explained they would vote on the two items separately.

Marshal Griebel Graham made a motion to vary side yard setback for enlarging the garage and constructing a shed from 6 feet to 5 feet and Terry Frazier seconded. 6 Yeas. 0 Nays. Motion carried.

Mr. Sedlak stated it has been informally discussed by the board present that some members would not have a problem with putting this pond in the back yard and they do in the front yard. It is your application so if there are amendments or modification that would be made to it would have to come from the applicant. The board has a lot of concerns with this going in the front yard but there are fine with it going in the back yard since it is enclosed.

Mr. Benton stated he wanted to amend the variance to state the pond would be in his back yard. He inquired if he could put a sitting area with a bench and trellis.

Mr. Sedlak stated he didn't see a problem with it, but instructed Mr. Benton to submit a drawing to the Service Department for approval.

Larry Logan made a motion as amended to allow a pond /water garden in the rear yard in an R3 Residential District and Dorcas Morrow seconded. 6 Yeas. 0 Nays. Motion carried.

Conditional Use Permit #7-19, as requested by St. Joseph Cemetery, 1151 N. Court St., Circleville, Ohio to install 30 square foot of signage, in an SU District, Special Use District.

Charles Estel and Matt Forquer were sworn in.

Mr. Estel stated there is currently a green metal sign. The wind blows it over. They provided a picture of the sign that was put up at the Parish Center and he stated it will be very similar to that. The signage part will be made out of marble versus metal and wood to match to cemetery. There will be pillars on the sides on a concrete base with landscaping stones underneath it. It will set in the exact same spot as the current one. 34' off the road. 29' from the driveway. They will use stone to build the base up, but there will not be any issues with obstructing view when looking down Court Street.

Mr. Forquer stated that is a high visible area there and they want to do the best job to represent their parish. This would be an upgrade to what they currently have.

Mr. Sedlak stated that Section 35.09 J12 has the restriction regarding location and size. He stated he believes they would fit under schools, hotels, hospitals and other public facilities. The maximum square area is 30', height 10' and minimum distance from right of way is 10'. He meets all of these requirements.

Don McIlroy made a motion to approve CU Permit #7-19 and Larry Logan seconded the motion. 6 Years. 0 Nays. Motion carried.

Conditional Use Permit # 8-19, as requested by Ohio Health/Berger Hospital, 600 N. Pickaway St., Circleville, OH, to replace an existing 4' fence in an SU Special Use District.

Kara Justice, Facilities Supervisor for Ohio Health, was sworn in.

Mrs. Justice explained that the current fence along Pickaway Street at the hospital is old and falling apart. The request is to tear out the existing fence in front of the hospital and install new fence in the same place. They would like to replace it with an aluminum fence. It will be a bronze gloss which is a dark gray.

Mr. Sedlak inquired if this was just for along Pickaway Street or was it for anywhere else also.

She replied no it was just along Pickaway Street. It will be the same height 4' and the same distance. She stated the other fence back by helipad and other areas will not be touched.

Mr. Logan inquired if it would have the speared top as indicated in some of the picture.

Mrs. Justice stated no, it is a smooth top.

Dorcas Morrow made a motion to approve CU Permit #8-19 and Marshal Griebel Graham seconded the motion. 6 Yeas. 0 Nays. Motion carried.

Mr. Sedlak stated that since our last meeting, some questions have been brought to our attention as far as clarifying a couple of items. Julie Strawser is here to request clarification on those items. Don Sherman had referenced her to a couple Code Sections prior to his retirement.

Julie Strawser explained that the Judicial Committee was charged with getting some clarification about perpendicular signage. In the code it says the property owner/business would have to show why the flat signage isn't feasible. She did not feel there was any building uptown that flat signage isn't feasible. Why don't we have an Ordinance amending it to allow perpendicular signage but note that if ODOT comes through and says they must come down then they will be taken down?

Mr. Sedlak stated that in our code, perpendicular signs are actually referred to as projecting signs. This is a sign that projects outward perpendicular to the building face. Section 35.09 J9 states may extend into the right of way provided the applicant demonstrates that due to the location of the building or other physical characteristics of the lot, the erection of an alternative sign outside of the right of way is not feasible. In addition, the applicant shall certify that the sign may be subject to subsequent removal, at the owner's expense, if so required by ODOT or the City. He stated that any projecting sign in the DB District is going to go in the right of way. The language in this may just be consistent with our frankly overly restrictive sign requirements to start with, that we want to be able to review most sign requests rather than giving a blanket approval. Being in the DB District, it is to be protectant of the downtown area. He stated this allows all signage downtown to be reviewed. This allows each request to be addressed.

Julie stated the language of "if not feasible" is what is questioned.

Al Sedlak stated if we did a blanket approval, then we lose control of the signage. Reviewing the request for a projecting sign might depend on the size of the sign or how far into the right of way it extends. It is just a way of having a review.

Julie said the other question dealt with hard surfacing. She stated she did get a response from Mr. Sherman and he stated the hard surfacing for the downtown business district should be asphalt, Portland concrete, brick or similar material and maintained in a neat and orderly manner. There are some parking lots downtown that are not hard surfaced. Is that allowed because they were grandfathered in? Her inquiry was about the one on Scioto and Main.

Don McIlroy stated that is not grandfathered in because that was more recent when the building came down. Now, the lot is there and some are using it for parking.

Mr. Sedlak stated this discussion references Section 34.03 D. He stated he believes that provision was adopted when the Scioto and Main problem arose. He thought this was to address issue like that happening all over the downtown.

Don McIlroy stated he thinks they are meeting the surfacing requirements but what they are using it for does not meet other guidelines.

Mr. Sedlak stated it is difficult to impose requirement that are going to be a considerable expense if it is just sitting there vacant. Obviously that is a money maker whether it is being used as a parking lot or something else.

Mrs. Strawser stated that as far as she knows there has not been an application for a parking lot in the downtown business district. If someone were to tear a building down and the owner owns the lot. They could have whatever surface they want as long as they are not using it for a parking lot.

Terry Frazier stated that stone is not a hard surface. Yes, they can just put gravel down if they are not using it for a parking lot.

Julie inquired if this means “not used as a parking lot any time during the year”.

Don McIlroy stated that there are many that use areas for parking during Pumpkin Show that are not actual parking lots normally.

Mr. Sedlak stated that the demolition requirements are more for the Historic Review Board rather than Planning and Zoning.

Mr. Sedlak stated the answer to her question is, if it is used for parking then it is subject to surfacing requirements. If it is a vacant lot and it is not used for any commercial purpose there are no requirements on it.

He stated there is an empty lot on East Main Street that sits vacant and has grass.

Julie inquired what the surface is where the old skating rink was.

Mr. Logan stated it is gravel. It is not used for any parking.

The last item on the agenda is an item that was tabled from last month.

Conditional Use Permit #6-19, as requested by Danite Sign Company for Pickaway County Fairgrounds at 415 Lancaster Pike, Circleville, OH, to erect a new sign in a Special Use District.

First matter we have to do is approve a motion taking this item off the table and bringing it back before the board.

Marshal Griebel Graham made a motion to move the item off the table and bring it back before the board for discussions. Larry Logan seconded the motion. Motion carried.

Sean Clark was sworn in.

Mr. Clark explained the sign is already up and this is not typical, but they had wanted it up prior to the start of the Pickaway County Fair and he apologized. The sign was commissioned to another sign company that has been faltering and Pickaway County Commissioners hired Danite at the last minute to put in the EMC, Electronic Message Center sign with the famous cow on top of it that has been reconditioned.

Don McIlroy stated it is a good looking sign.

Mr. Clark stated it is approximately the same size as the previous sign. He apologized for not looking at the code for rolling messages.

Mr. Sedlak stated they had approved the previous sign and a time interval was set then. He was instructed to check with the service department on the intervals. Restrictions were put on the previous sign. Basically this is a replacement. This is in a Special Use District, so it does require our approval. Whatever interval we approved for the previous sign will work for the new sign. Location, size and height meets the code.

Terry Frazier made a motion to approve and Larry Logan seconded. 6 Yeas. 0 Nays. Motion carried.

Marsha Griebel Graham made a motion to adjourn, seconded by Dorcas Morrow. Meeting adjourned at 7:25 p.m.

Submitted by Brenda Short