

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

August 2, 2017 @ 6:00 p.m.
City Hall Council Chambers

Meeting Minutes

Members Present

Mike Combs
Dorcas Morrow
Al Sedlak
Don Sherman
Marsha Griebel Graham
Valerie Goeller, Clerk

Visitors Present

Matt Gibson
Jim Mets
Zack Brooks
Jim Diltz
Jim Hartzler
Tracy and Ron Vanhorn
Tom Spring
Michelle Blanton
David & Sandra Nibert
Richard Nolton

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

The first item on the agenda was a public hearing as requested by the Vineyard Circleville Church, 152 West Main Street, Circleville, to rezone Lot 1205 and Part Lot 1204 of the Dr. Wayne Griswold's Addition better known as 1030 South Court Street, from R-5, Two Family Residential District to LB, Limited Business District, for the purpose of church and/or business use.

Pastor Ron Vanhorn, 122 Parkview Ave, Circleville was present to discuss their request.

Al Sedlak stated 1030 South Court Street is the old abandoned location where there used to be a Certified Gas Station. This is three to four blocks south of the railroad tracks.

Ron Vanhorn stated we want to put our church there. We would like to put up a metal structure that would be suitable for meeting in.

Al Sedlak stated you are asking for a switch to LB, Limited Business. Usually churches go in the SU, Special Use District.

Ron Vanhorn stated if we outgrow that space we would like the option to turn it into a business.

David Nibert from the audience asked if the lot was big enough to accommodate for parking as well.

Ron Vanhorn stated the lot includes the grass area in the back that extends to the alley to the rear.

Al Sedlak stated we have had other people before us regarding that parcel. So we are familiar with it. It won't allow for a big church.

Pastor Vanhorn stated we are a small church.

Don Sherman stated I don't see a lot of issues with the request because we have LB across the street. My concern is looking at the plan there are a number of issues in regards to developing it due to the narrowness of the lot. The side yard setback is 30' to the north, front yard setback is 30' when not adjacent to a commercial structure. There are no commercial structures on that same side of the street. The plan they showed, both street frontage match the adjacent residential structures. It fits the R-4 if it was residential. Logan Street is also a front yard and they will be parking in that front yard. I know they have talked about the possibility of in the future using it for a business. We don't know what kind of business and if their parking lot will be sufficient for that. They show paving to the property line and street. In LB we have side and rear yard setbacks, but no paving setbacks. Every section of our code has pavement setbacks, but LB does not for some reason. I think that was an oversight. Typically its 20' to 35' depending on the district when adjacent to residential and 10' when adjacent to commercial. These issues will have to be addressed with their site plans.

Ron Vanhorn stated those items we will address with a variance request.

Don Sherman stated I'm glad it's going to be developed. It's been an eyesore for a number of years. I want the commission to know if this rezoning goes through, they will be back for request before this commission.

Ron Vanhorn stated this property has been an eyesore for years and we are excited to make use of the property and do some good there.

Al Sedlak explained the process that rezoning request go through and the role the Planning and Zoning Commission has in these request.

The public hearing was closed and the regular meeting convened.

The first item on the agenda was to vote on a recommendation to forward to City Council of the rezoning of 1030 South Court Street.

Marsha Griebel Graham motioned to recommend to City Council the rezoning of 1030 South Court Street to be approved, seconded by Don Sherman. VOTE ON MOTION: MIKE COMBS, YEA; DORCAS MORROW, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA. 5 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was approval of the July Meeting Minutes.

Al Sedlak stated the July meeting was a lengthy one. There are 38 pages to the minutes. Kim did an excellent job on them. I have one minor correction. On page 27, where I am being quoted, on the six line, it reads *minority* and it should read *majority*.

Dorcias Morrow motioned to approve the minutes with the one noted correction, seconded by Mike Combs. All in favor, minutes approved.

The next item on the agenda was vote to remove Variance #15-17 from the table. This item was tabled last month due to the fact no one was present to speak on behalf of the request.

Again, no one was present to discuss the request.

The item remained tabled.

The next item on the agenda was an expansion of a Non-Conforming Use #2-17, as requested by Emmanuel UMC, 1015 Georgia Road, to install a 42.46 square foot, two sided sign (21.23 sq. ft. per side) that includes a non-digital message board sign, in an area zoned R-3, Single Family Residential District.

Jim Diltz, 315 Sunset Drive, was sworn in and stated we are back. We decided not to go with the digital sign because of the time limitation that was put on it. We would like to have a two-sided sign instead of a single sided sign. It will sit horizontal to the streets.

Al Sedlak stated this sign will replace the digital sign that was approved by us.

Don Sherman stated will this sign be setback the same distance as the existing sign?

Jim Diltz stated from the diagram you can see how far it will sit back from Lynwood and Georgia Roads.

Don Sherman stated I know the existing sign is diagonal. Will it be approximately the same as the existing sign? It will be perpendicular instead of straight.

Mr. Diltz stated it will not be closer to the road.

Don Sherman motioned to approve, seconded by Mike Combs. VOTE ON MOTION: DORCAS MORROW, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA; MIKE COMBS, YEA. 5 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #17-17, as requested by John Ankrom, 1301 Maple Drive, Circleville for Hayley Ash, 561 East Main Street, Circleville to construct a 1,600 sq. ft. structure and parking lot for the purpose of a hair salon at 561 East Main Street, and to vary the front yard setback from 40' to 9.82'; the side yard structure setback from 20' to 6' and the side yard pavement setback from 10' to 3'; the rear yard structure setback from 50' to 10' and the rear yard pavement setback from 35' to 3'; the minimum distance from an adjacent property for a curb cut from 50' to approximately 36', in an area zoned GB, General Business District.

John Ankrom, 1301 Maple Drive, was sworn in and stated this property is on East Main Street across from the entrance to Kroger. It is in the commercial area east of Lancaster Pike. There is a string of residential homes along through there even though it is zoned GB, General Business from Lancaster Pike to past Kingston Pike. Haley Ash is the owner and she is here tonight. She is proposing a hair salon. There is a dilapidated house and a couple other accessory structures that need to come down. She is proposing a 1,600 square foot, one story building with associated parking on the lot. It is residential in character. The entrance would be solely off of East Main Street. It would be low impact to the houses fronting on Franklin Street. Due to the configuration of the lot, it requires a lot of variances based on the GB setbacks that are required. We pushed it as far east as we could, 6'. I am guessing that is the residential setback in the area. In the rear it is 10' to the building and that evens it up on the

lot on that side. It allows us to get 12 parking spots. She plans on five work stations and the code calls for two spots per chair. She will have a couple additional parking spaces. We did not show any screening on the south property line, but she is open to doing a privacy fence to separate this property from the residences at the rear.

Don Sherman stated if you said five work stations she only needs 10 parking spaces.

John Ankrom stated that is correct, but she would like to have the ability of having customers coming and going at the same time. That is the reasoning for the two additional parking spots.

Don Sherman stated even though it wasn't advertised there is another variance. Screening is required to be between a GB District and residential district, a minimum of 10' wide. A privacy fence does not meet the screening requirements. The screening needs to be live.

John Ankrom stated if it has to be live screening then that is a variance that will need to happen. Seems like a 6' privacy fence would do a better job in this particular instance.

Al Sedlak stated the rear yard pavement setback of just 3'. How would 10' work?

Don Sherman stated it wouldn't. (Section 33.03 A. -Landscape screening in Particular District was read from the code.) The side yards are GB so I am not worried about those. Just to complete the list, it would need to be added.

Al Sedlak stated can he meet that if he takes out two parking spaces?

Don Sherman stated that could be a possibility. If you take out two parking spots then you have 13'. Then you couldn't have the sidewalk to the backside of the building. While it's not variances, it will be part of the site plan. Where would the dumpster or garbage go?

John Ankrom stated she would do roll containers that can be taken to the curb.

Don Sherman stated that is fine. Screening for garbage is required. During the site plan review of stormwater will come up.

John Ankrom stated I don't know if we can retain it in the lot or not. I talked to Craig Stevenson about it, but not in specifics.

Don Sherman stated maybe they can use the actual lot to hold some of that. It won't be a lot, but definitely an increase. Looking up and down the street, most of those houses are fairly close to the street. The setbacks are minimal. Most of them are at the 10' to 15' range.

Al Sedlak stated a lot of this can be ironed out during the developmental phase.

David Nibert, 586 East Franklin Street, was sworn in and stated you are asking for a 10' variance off the street. The way the drawing looks that is from the existing sidewalk. Does the sidewalk need to be brought up to code?

Don Sherman stated we address that during the site development phase.

David Nibert stated you're going to give him all these variance before you determine where everything is going to be done and what the sidewalk setbacks are on that. If you get the sidewalk any closer you will be right up against the building.

Don Sherman stated the sidewalks are required to be built in the right-of-way, not on the property. Typically there is one foot between the sidewalk and property line. So if approved the sidewalk would be at 10.82' away from the building.

Mr. Nibert stated the property line is about 15' from the curb. Will his setback be from the property line 10' back?

Don Sherman replied yes.

Mr. Nibert stated where that building is going to be set there is a big tree just east of that. So when you come around that curve those people coming and going out of that parking lot won't be able to see around that curve. This is a general business area, but it's all residential in that area. What is the normal setback for a commercial building?

Don Sherman replied in GB, it's 40'.

Mr. Nibert stated according to the County Auditor, 561 is one straight lot. You don't have that jog in that lot where the building will be sitting.

John Ankrom stated there are two lots together.

Mr. Nibert stated have they been combined together? The Auditor does not show it that way. I had the same problem a few years ago putting up a fence on my property. You told me there wasn't enough clearance coming down that road. I'm not sure if you recall that or not? You wouldn't allow a variance for a fence and now you are considering a variance for a commercial building in a residential area. I know a commercial building will require lighting. I'm sure the neighbors don't want light shining in their bedroom windows. If they were developing the whole block that would be one thing. You are asking for a little area, in a residential area, even though it's zoned GB. The whole area is zoned GB, but it's all residential on that side. I would like to see something done with the lot, but I don't think commercial building is what we are after. I'm sure other neighbors along there won't agree with it either.

Scott Wilks was sworn in and stated I live a couple doors down from where she wants to build her shop. I don't have a problem with the shop being there. It is hard to see down that street. Number one, because of that big tree. I have to put my car horizontally to look down my side mirror to see what's coming down that street. You can't just pull out because you have to nose your vehicle so far out and that's dangerous. There are a lot of big trucks that come down through there and people speed. Cut the tree down.

Ms. Ash stated it's not on my lot. The seller that has that lot is on Main Street and the street behind me. It is for sale. I asked if I could buy it and split it. They are not willing to split it.

Richard Nolton, 568 East Franklin Street, was sworn in and stated I'm against all of it. If her business fails then were stuck with an empty building. Then you have lighting at night, trash and all the hair that's going to be thrown away. I would think just more than a few containers would be needed just for that.

Valerie Goeller read a letter from Pam Mets who is against the development. The letter is attached to these minutes.

John Ankrom stated a couple neighbors talked about lighting. It goes without saying they will keep any lighting on the property. I'm sure there will be a night light, but nothing obtrusive. It can't be any worse than what they currently get from Kroger. We talked about just a couple trash containers that can be rolled out to the street. It will be contained out of sight. The last point is it being in a residential area. This is your zoning map and it's not in a residential area. It's in a General Business District. It's a very modest building she wants to put on there. It's residential in scale. If a building like this can't fit on a lot like that then I don't know what you are looking for. There are a string of houses down through there that are substandard. The one currently on that property is of no value at all. You may have noticed the excavator sitting on the site now. A low impact place like a hair salon if you can't get that on the property, I'm not sure what you're going to put there. The city needs to maximize the property values that are out there.

Mr. Nibert stated it is zoned commercial, but there are all residents down through there. She wants to put in a hair salon. How many hair salons do we have in this town and how many do we need? How many vacant buildings do we have here in Circleville? Why put up another building, when in six months it will be vacant. It will be another place for drug addicts to hang out.

Al Sedlak stated keep in mind that we aren't deciding if a commercial building can go up there. It is zoned GB and they have every right to put it there. That is a property right that they have. What we are deciding is whether or not to allow a commercial building with all these other variances that are apparently necessary in order to make that work.

Mr. Nibert stated you allowing those variances will cause these problems. If they want to build they need to buy another lot.

Don Sherman stated this is zoned General Business and I have no problem with a business going in there. I have a problem varying all four sides of the lot. I recognize the lot depth is not conducive for development. The wide side of the lot is only 132' and the rear and front yard setback is 90'. The short side you have 85'. Based on that you can't put anything on that side. I realize whatever goes in there variances will be required. You can build half that size and still require variances. All those lots down through there are not that deep and don't meet the GB Development Standards. I understand you want five stations and that is how you make money. If it had less stations, the variances would have less impact on the neighborhood. That is where I am trying to balance things. The lot is a problem lot.

Al Sedlak stated it's not only variances in every direction, but they are significant. I concur with Don.

John Ankrom replied if it's a matter of degree, what's the degree? How much does the building need to be reduced? We couldn't put a 10' x 10' with parking without a variance.

Al Sedlak stated I'm not sure how the GB Zoning came in to place there. Maybe the zoning isn't conducive for a business.

John Ankrom stated would you rather have a dilapidated building there?

Al Sedlak stated we are applying the zoning code. We can't do anything about the current situation. I can't give you a middle ground or compromise. That is not our role.

Mike Combs motioned to approve, seconded by Marsha Griebel Graham. VOTE ON MOTION: AL SEDLAK, NAY; DON SHERMAN, NAY; MARSHA GRIEBEL GRAHAM, NAY; MIKE COMBS, YEA; DORCAS MORROW, NAY. 1 YEA, 4 NAYS. MOTION DENIED.

Al Sedlak stated in the packet there is one additional item that is not included on the agenda. It is a lot split and combination for property located at 870 Atwater Avenue.

Don Sherman motioned to add the request to the agenda, seconded by Marsha Griebel Graham. All in favor, motion carried.

Don Sherman stated lot splits in the code is something that falls under my direction where I can approve or not approve. The commission at some point in the past has asked that all lot splits be presented to the commission. Typically it wouldn't be added at the last minute like this. By code I can approve, but by commission policy it's here.

Al Sedlak stated this is something we have done on an informal nature. It's a housekeeping item for the parcels as opposed to a change of use. Is there someone here to speak on this request?

Matt Gibson, 23365 Alkire Road, Circleville was sworn in and stated we held an auction and it was announced that the lot would be split to meet the code of the city. It was also announced that any purchasing party fully understood if there was any change of use that they would have to submit a plan and come before the board for any change.

Al Sedlak stated for those that are wondering this is the old Atwater School property. The building and surrounding acreage go with lot two and lot one is unimproved.

Matt Gibson stated the property was split in half acreage wise.

Al Sedlak stated were lot one and lot two sold to two separate people?

Matt Gibson replied the structure was sold. The lot without the structure did not sell.

Don Sherman stated this entire parcel is seven tax parcels. It was never worried about combining them because it was school property. Six of the parcels are small and totally on lot two. The seventh parcel which is a large parcel is all of lot one and a big part of two. That is the reason to split the big parcel and then the remaining six parcels would be combined. It is cleaning it up and probably should have been done 50 years ago.

Marsha Griebel Graham stated does this meet the side yard setback?

Don Sherman stated it is SU District. There is nothing required in the SU District.

Matt Gibson stated Mr. Stevenson was hired to resurvey that and assure us of what he did would meet code.

Marsha Griebel Graham stated what if it's changed to another districts will it meet code?

Don Sherman stated the side yard does not meet code. In the SU the side and rear yard is supposed to be 50' to 75'. They have 26'.

Mr. Gibson stated everything will come back to the board if there is a change and both parties understand that. We aren't looking for a variance or conditional use.

Don Sherman stated it does create a variance. Depending on the use, in the SU District it requires 50' to 75' for a side yard. This is only showing 26'.

Mr. Gibson stated we will move it. Mr. Stevenson was supposed to do it to code. That is what he was hired to do. It was announced at the auction, that if the same owner didn't buy it that the property would be divided to code. Does the setback pertain to new and existing structures?

Don Sherman stated you are creating it because it is on an existing lot. If it stays as a school, if its non-assembly it's 50', if it's an assembly building its 75'. It depends on what they are doing with the building. If it's educational or recreational it needs to be 75'. I would think 50' would meet 80% of the requirements. When they come back depending on what they do with the building it may need to be rezoned. Then we are looking at a whole new standard of setbacks.

Mr. Gibson stated doesn't it have to come back if the use changes, even if there are no structures.

Don Sherman stated because it is zoned Special Use it will come back regardless. There are only certain allowable uses in the SU District. If they are going to use it for something that doesn't fall under the SU District, then they have to come back to rezone it. That opens up all new setbacks. It's hard to tell what that side yard needs to be.

Mr. Gibson stated I don't think it is causing a variance at this point. If they come back to apply for a GB Use then it will meet code. If they apply for a use that doesn't require 10' at that time they would have to apply for the variance.

Marsha Griebel Graham stated even in a General Business District it depends if it abuts a non-residential district, its 20' for structures and 10' for paved areas, but if it abuts a residential district its 40' for structures and 35' for paved areas.

Mr. Gibson stated it's hard to project what it will be in the future. There is no intent for change. You could guess 75' or a minimum of 10'.

Marsha Griebel Graham stated but in the SU District it does say 50' to 75' and that's how it is zoned now.

Don Sherman stated its zoned Special Use and obviously it will stay that way or it will need to be rezoned. Assuming it would be rezoned most side yards are 30' to 50' depending on the district when abutting residential. The 50' side yard meets the majority of the SU uses. My feeling is if instead of the 26' it would be 50'. The potential chance for a variance down the road is minimized. 24' setback would change the acreage a little bit.

Matt Gibson stated it sounds like you are trying to tell me you want us to move that line.

Don Sherman stated right now it's a variance. 26' under SU is a variance. We don't want to create variances. I'm trying to find a good balance for what it might be down the road. I'm not comfortable asking you to go to 75'. That is a big difference in acreage and he is trying to do what is right.

Al Sedlak stated I think we are addressing this the best we can for now.

Matt Gibson stated I want to get this right. You want Craig to move that north property line an additional 24' to the north for a total of 50'. My concern is that if he moves that line do we need to come back here next month for approval?

Don Sherman stated we will make the motion contingent on that line being moved.

Don Sherman motioned to approve with the stipulation the 26' setback to the north goes to 50', seconded by Mike Combs. VOTE ON MOTION: DON SHERMAN, YEA; MARSHA GRIEBEL GRAHAM, YEA; MIKE COMBS, YEA; DORCAS MORROW, YEA; AL SEDLAK, YEA. 5 YEAS, 0 NAYS. MOTION CARRIED.

Don Sherman stated I have one informal discussion I want to bring up. The City somewhat created this issue. Depending on how we handle this, some people could use it to their benefit. Article 32, Accessory Structures, are required to be on the same parcel as the principal building use. An accessory use cannot be on a lot by itself.

The City through a grant tore down several dilapidated houses. Evidently at least one of those lots we left a garage. So we created an accessory use on a vacant lot with no principal structure. What has come up is someone wants to take that structure and use it for a storage barn. I can see someone buying a dumpy house with a nice accessory structure and tearing down the house. I'm not sure how to handle those. They are going to want to purchase the lot with an accessory use on it. It then is a Non-Conforming Use. They can come before us under a Non-Conforming and ask for a 50% increase to the structure. I don't know how to respond to the person who is wanting to do this.

Al Sedlak stated the way it is phrased is that *No separate accessory structure can be erected on a vacant lot*. If there is a vacant lot we don't want a garage put on it. Now you have a house and garage and they can tear down the house then that creates the same situation.

Don Sherman stated in the past year we may have had four or five individuals come in wanting to have a storage area where they can work on their own personal cars and store them on a lot by itself. I can see the potential for people looking for a decent garage and not so good house that can come down.

Al Sedlak stated they created the Non-Conforming Use by knocking down the house. If they then want to enlarge or enhance it, they would have to come back and get approval. That would give the commission the ability to address it.

Don Sherman stated I think it's one thing the city tore it down, but if an individual tears it down they are creating it. I have approved demolition permits to take down houses. I never even considered asking if there was an accessory building.

Al Sedlak stated in the Historic District we have criteria as to when they can get a demolition permit. Do we in a residential district?

Don Sherman replied no. I just wanted to give you a heads up. It will probably be before us.

Don Sherman motioned to adjourn, seconded by Dorcas Morrow. All in favor, motion carried.

A short discussion took place regarding Tom Spring's proposed changes to the Zoning Code. Jim Hartzler, the city's Planning Consultant and Tom Spring, City Council Member, were present to discuss those proposed changes.

Respectfully submitted by: Valerie Goeller

DRAFT