

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

Wednesday, September 4, 2019
City Hall Council Chambers

MEETING MINUTES

Members Present

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

Visitors

Jeff Hall
Scott Singer
Joel Kirkwood
Jason Harral
Mike & Liz Ramey
Ryan Badger
Andy & Emily Olson
Daryl Wolfe
John Ankrom

Chairman Al Sedlak called the meeting to order at 6:01 p.m.

Mr. Sedlak stated there was a change to the agenda. The second to the last item on the agenda was for the approval of a **Certificate of Appropriateness** for Kendra Gabriel, who has a business at 151 W. Main St., Circleville, OH. Upon further review of that matter, it was determined that a COA would not be necessary. It amounted to being a small sign on the window of the business and it was determined that a sign approval could be approved administratively without coming to Planning & Zoning. He announced that if there was anyone in the audience that was here for this item, it has been resolved and will not be heard tonight.

The first item on agenda is to approve the August 2019 Meeting Minutes.

Larry Logan made a motion to approve the August 2019 meeting minutes as submitted and Terry Frazier seconded the motion. All in favor, motion carried.

The next item on the agenda is **Variance #13-19**, as requested by Connie Klema for 1395 South Court Street, Circleville, OH 43113 to allow paved areas to be located at the property lines in front and side yard setbacks and to vary parking setbacks from 5' to 0', in GB General Business District.

Ryan Badger, ADR and Associates, the owner's civil engineer, was sworn in.

The property at 1394 is a triangular shaped property down by US 23 and the new connector. The reason we asked for the variance on the pavement setback only is to allow to get the required parking in and make the building site attractive to future tenants. Since we are bound on three sides and there are only three sides, it would not impede on anyone else's property by having this less than allowed pavement setback.

Mr. Sedlak stated that in looking at the two site plans, it is hard to try to determine how many parking places would be created with each of the alternative plans.

Mr. Badger was inquiring what version the members had. He stated they had updated the plans and wasn't sure that everyone had the most updated plans. .

Mr. McIlroy inquired if Mr. Badger knew what the difference was.

Mr. Badger replied he did not. He did state that in order to get the number of parking spaces required, they had made the building smaller in one of the plans.

Mr. McIlroy stated that he had a conversation today with Ms. Klema and she apologized that she could not be here tonight and that you were coming. She asked if he seen any issues. Don McIlroy stated to her that the zero setback would be an issue for him. That five foot area could certainly be a sidewalk someday or some infrastructure that need to be put in there. He stated he told her that she could put as many parking spots as she wants on the west side to accommodate the problem, we as a City have a problem with going down to zero.

Mr. Badger stated that along the connector road and Court Street, they do show a 5' sidewalk in their plan. Mr. Badger put the most recent updated plan (in large form) on the table for the members to review

Mayor McIlroy inquired how far off Court Street would the first parking spot be?

Mr. Badger stated around 15 plus feet.

Mr. Sedlak stated that the five foot sidewalk appears to go along the connecting street and makes the turn and ends quickly and does not extend all the way long Court Street.

Marsha Griebel Graham inquired if everyone was comfortable with proposed driveway cuts.

Mr. McIlroy stated he did not have a problem with either. The cut that is to the south, he would hope that McDonalds would change theirs to match it on the east side some day or McDonalds could change as they develop the old South Court Street school property. The one that bothers him the most is the right in and right out.

Marsha asked if there was going to be a center turning lane there.

Mr. McIlroy stated no, you have to stop and wait for the traffic. That center lane is not a turning lane into McDonalds; it is a left turn lane into the connector to 23.

Mr. McIlroy commented that Mr. Badger is here to get an approval of a setback from 5' to 0'. Is this commission says no, how does this affect your project? He went on to say thank you for building in Circleville and we are very excited about this new development.

Mr. Badger stated as an engineer that is a difficult question to answer. He is not doing any of the negotiating with tenants. Just from his opinion, they will be tightened up with their maneuverability in access with their own property to meet more of these requirements. They will need to shrink buildings to where maybe Starbucks is no longer interested or people who are looking at the larger building may no longer have the interest. They will have to shrink the larger building from 60' of depth to 40'.

Mr. McIlroy asked if they have a site plan.

Mr. Badger stated they did not have a site plan nailed down yet, that is why they are here today to know what their perimeters are so we know what their options are. This layout is just an option. He stated again, that they are trying to maximize the odd shaped lot to utilize the property.

Mr. Sedlak stated he sees two problems. One with the 10' parking set back you don't have the correct size of the buildings. The other item is on the site plan with ten foot setbacks, you have 110 spaces, and for the site plan for zero foot setback you only have 96. How can you have more parking spaces with the ten foot setback?

Mr. Badger stated he would apologize again, he is not sure what version of that ten foot setback drawing you are looking at verses what he has. We have done a lot of scenarios and not sure when that one was submitted. The last he heard, they were only submitting asking for a variance on the zero. In essence, when you reduce the square footage of building that reduces the number of spaces required but also allows you to have more space to put parking spaces in.

Mr. Sedlak asked if everyone would feel more comfortable having more precise drawing to review and allow them the opportunity to review this with Terry ahead of time and then come back to our meeting next month.

Mr. Frazier stated that would be better.

Mr. McIlroy stated he did not want this to get bogged down by this commission so he would like them to get together with the Service Director and try to hammer some of this out and then review at next month's meeting.

Mr. Badger stated they could provide additional drawings to answer these questions.

Mr. Sedlak stated he hopes the feedback they Mr. Badger is picking up is that the commission wants to be able to approve this but we just need better site plans to look at.

Mr. Badger asked is the commission is ok with the 23 side and the connector road side are those two areas meeting the setback request?

Mr. McIlroy stated the Court Street side setback is the issue.

Mr. Sedlak stated whoever drafted the narrative statement did an excellent job. Clearly this is an unusual shaped parcel and asking for a variance is very appropriate.

Mr. Badger stated that it was Connie Klema, who is an attorney. He stated that technically it will never be a zero setback because we have to match back in from our pavement to existing ground without crossing the line. There will always be a foot or two between the right of way lines so it does grant a little more clearance.

Mr. Sedlak asked for a motion to table Variance 13-19. Mr. McIlroy so moved and Marsha Griebel Graham seconded. All in favor. Motion carried.

The next item on tonight's agenda is **Variance 14-19**, as requested by Jeff Hall for property located at 112 Kimberly Place, Circleville, OH 43113 to vary the garage encroachment on the back yard setback and replace the curb cut in R2, Single Family Residential District.

Jeff Hall was sworn in.

Mr. Hall stated the resident is adding a laundry room and garage to the side of the house and taking out the existing driveway and getting a curb cut and making a driveway to the new garage. The encroaching is in the back. They are following the same pattern as the house.

Mr. Sedlak asked if the existing shed was being removed.

Mr. Hall stated it can be moved over a little more. It is just sitting there now and they are within guidelines for that. The shed can be adjusted once the garage is there.

The board had no questions for Mr. Hall.

Sharon Blankenship, 118 Kimberly Place, Circleville, OH 43113 was sworn in.

She stated that on both sides of her are homes. When she backs out of her driveway, there are people parked on both sides. Now there is someone wanting to add a two care garage. She stated she has no objections to that but she feels like she wants her property surveyed so she knows where the true property line is. She was told by neighbors that the property lines were not being followed. She stated she has pictures that prove how people park there. It is very

difficult to get in and out of her driveway and there is no place to park there now. She stated she wants her property surveyed and she is willing to pay for it.

Mr. Sedlak explained that she can get her property surveyed anytime she wants. He stated that if she had issues with parking, she can contact the Police Department and they will investigate if they are parked legally.

She went on to state she called the City and they told her they were not able to give her a surveyors name and number to contact. The neighbors have a lot of company and they park their car right next to her driveway. It is hard to pull straight out. She stated again she wanted to have her property surveyed. She wants a phone number to call for a survey and she will pay for it herself.

Mr. Sedlak stated there is no one in the City that can point you to a particular surveyor. They cannot make a referral. You can look in the yellow pages of the phone book and get a list to contact.

She stated that then she will just fix her house up and sell it. She stated her and her husband both work and pay taxes and she doesn't cause any trouble. She just wants to pull out of her driveway and turn around so she can go to work. Her husband can pull out back.

Don McIlroy asked if the question about the property line on Mr. Hall's side or the other side.

She stated she did not have an issue with that property and then turned to Mr. Hall and asked if he was wanting to put another garage on there going toward the Davis house? She stated that the garage is going toward the Davis house.

Mr. McIlroy stated the garage is going on the side toward her house.

Mr. Sedlak stated that his curb cut to his garage would be moved toward the new garage and would eliminate some of the parking there and the available parking would be toward the left of his garage.

Mr. Hall stated he did determine the property lines.

Mrs. Blankenship stated the left side is wanting to put a garage and now this guy is putting a garage and utility room. Correct?

Mayor McIlroy stated all they are aware of is the request from

She stated everyone is trying to confuse her. She stated again that she wants to get a survey of her property to verify the property lines and she is willing to pay for it. She wants to know where her property lines are and she stated that is all she is here to say. She stated she called the Court House and they couldn't give her any names of people to call.

Marsha Griebel Graham instructed her to call the Pickaway County Engineer's Office and they would provide her with a list of names and numbers.

She stated again she wants her property surveyed and she will pay for this. She has an issue with the property lines. She can fix her place up and sell it and then the issue is fixed. She stated she feels like it doesn't matter what she has to say and that is all she has to say.

Mr. Sedlak asked if anyone on the board had any questions or comments and if not he asked for a motion.

Larry Logan made a motion to approve Variance 14-19 and Mike Combs seconded.

VOTE ON MOTION: DON MCILROY, YEA; TERRY FRAZIER, YEA; MARSHA GRIEBEL GRAHAM, YEA. MIKE COMBS, YEA; AL SEDLAK, YEA; LARRY LOGAN, YEA; DORCAS MORROW, YEA. 7 YEAS, 0 NAYS, MOTION CARRIED.

Al Sedlak stated the next item on the agenda is **Variance #15-19**, as requested by Harral & Stevenson for Southern Ohio Development Group, LLC, for property located at 1250 S. Court St., Circleville, OH 43113, to vary the height for planned construction from 35' to 50' in a GB, General Business District.

Jason Harral from Harral & Stevenson, Civil Engineers and Surveyors, was sworn in.

Mr. Harral explained this is the old South Court Street School property. The request for the height variance is a condition of the closing of the property. The property will not close and transfer to the developer unless they know they can achieve this variance. They understand they will have to come back with the developer to submit final site plans and get a Zoning Permit. They are asking for that at this time. This variance needs to be secured in order to close on the property.

Mr. Sedlak asked if anyone had any questions. He went on to say that they have dealt with this same issue for another parcel recently. In the General Business District for the height limit it is 35'. After the last one, we discussed why that was and it was determined from a fire and safety standpoint. We did approve the other one.

John Ankrom, 390 Lawnwood Drive, Circleville was sworn in.

He stated he would see this situation a little different than the previous one. This one has residential area around it. It certainly impacts the people across the alley to the east where there are single story homes and they will be looking at the sun disappearing behind this 50' wall. Is there some kind of buffer made between the Residential District and this GB District? He stated the residents will have a wall and windows looking down in their yard and people coming and going at 2 am in the morning.

Brenda Short confirmed that letters were sent to all property owners within 100' of the property lines.

No one else was in the audience today for comments.

Mr. Sedlak asked for a motion for approval of Variance 15-19. Terry Frazier made a motion to approve and Dorcas Morrow seconded.

VOTING: MIKE COMBS, YEA. DON MCILROY, YEA; AL SEDLAK, YEA; MARSHA GRIEBEL GRAHAM, YEA; LARRY LOGAN, YEA; DORCAS MORROW, YEA; TERRY FRAZIER, YEA. 7 YEAS AND 0 NAYS. MOTION CARRIED.

Variance 16-19, as requested by John Ankrom for Mike Ramey at 152 York St., Circleville, OH 43113, to vary the front and side yard setbacks in an R5 Two Family Residential District.

Al Sedlak stated he did have a question. Should that be front and side or front and rear? It is a corner lot.

Mr. Ankrom state the rear setback is 30' to the alley and we are going to be 13.8'.

Mr. Sedlak stated it is going to be even with the existing garage/house that is back there. That would be a rear yard rather than a side yard.

Mr. Ankrom stated it was filled out as front and rear and Brenda made a mistake on the agenda.

Change the Variance request to show front and rear yard setbacks, not front and side yard.

Mr. Ankrom stated the Rameys are here and can also answer any questions. They are purchasing three lots on the corner of York and Scioto Streets. There is currently a duplex residence there. They are going to remodel and convert it into a single family residence for themselves. There is no garage there currently. Mr. Ramey has an RV and would like to build a 40' x 60' building to the front of this house and filling in the back corner with a separate garage structure that is 22.8' x 25.4'. They are also going to add a 10' x 20' covered front porch addition in the "L" shape. The 40' x 60' garage there will be a driveway that will go out to York Street and the smaller garage would have garage doors that open out onto Scioto Street.

Mr. Logan stated the garage is twice as big as the existing residence.

Mr. Adkins stated yes it is. This is to accommodate the RV and trailer.

Mr. McIlroy inquired if the existing residence is on Central alley.

Mr. Ankrom stated it faces York Street but sits back toward the alley.

Mr. Ramey confirmed there would be no commercial use for this property.

Mr. Ankrom stated as far as the lot coverage standpoint because there are three lots, so there is 34% lot coverage which will not be an issue.

He explained the reason for the shift to the west toward Scioto Street was because there are some mature trees they want preserve. There is no current driveway from York Street or Scioto. They would require two curb cuts.

Mr. Sedlak inquired if the curb cuts would be 35' from intersections.

Mr. Ankrom stated he wasn't sure that the one on York Street would be. You probably have about 20' from the garage to the curb line. York Street does not dead in there. It continues west and dives into the railroad property.

Mr. Sedlak suggested they modify their request to additionally ask for a curb cut within 35' of the intersection. Section 31.09 A is the section that states the curb cut shall be located not less than 35' from any intersection. Section B also stated not more than (2) curb cuts per street frontage shall be established for any single lot in GB District. All curb cuts must be located not less than 150' from any street intersection, measured from the right of way line and 50' from any adjacent property. In addition, the applicant shall demonstrate that the distance between the curb cuts is sufficient to allow for the safe and efficient ingress and egress of vehicular traffic from site.

Mr. Adkins stated it would be on the same lot but two different streets.

Mr. Sedlak stated he believes with the second curb cut being around the corner from each other, there would be no traffic hazard created. He stated he feels it meets the criteria.

Let it show that the variance request is amended to provide for those two additional items (31.09 A & B).

No one in the audience had any comments.

Terry Frazier made a motion to approve Variance #16-19 with the amendments and Dorcas Morrow seconded the motion.

Voting: MIKE COMBS, YEA; DON MCILROY, YEA; AL SEDLAK, YEA; TERRY FRAZIER, YEA; MARSHA GRIEBEL GRAHAM, YEA; LARRY LOGAN, YEA; DORCAS MORROW, YEA. 7 YEAS AND 0 NAYS. MOTION CARRIED.

The next item on agenda is **Variance \$17-19**, as requesting by SureSite Consulting Group for property at 613 S. Washington St., Circleville, OH 43113 to permit the installation of a single, omnidirectional antenna to be attached to a commercial building in the GE, General Employment District.

Scott Singer from SureSite Consulting was sworn in.

Mr. Singer explained that sprint is proposing to put a mini macro directional antenna on this building and it is an installation to improve cell reception for their customers and improve access to 911 emergency services.

Mr. Sedlak asked what regulation was he seeking a variance.

Mr. Singer stated that Sprint had been informed from the previous Service Director that a variance was required. It was recently brought to their attention that it was actually falling under the regulations for the GE District.

Terry Frazier stated there was an email from the previous service director stating a variance was required. He stated that he and Brenda had reviewed the code and did not see where a variance would be needed.

After review of Section 25.2, Mr. Sedlak stated that this would require a Conditional Use Permit. He stated the height limitation 45' would be fine, since his is 30'.

Mr. McIlroy inquired how many residents in Circleville will be affected by this.

Mr. Singer stated this is an area where Sprint identified a section of town that needs better coverage and to eliminate any dead spots.

Emily Olson, 611 S. Washington Street, Circleville, OH 43113 was in the audience and stated she just wanted to ask where the antenna would be located and if it would interfere with her service.

Mr. Singer stated that it would not interfere with any other electronics. He had a drawing that showed it would be mounted on the building and shared that with Mrs. Olson. She stated she would not have any issues with the location.

Mr. Sedlak stated if there were no other comments or questions he would ask for a motion to approve Conditional Use Permit #17-19.

Larry Logan made the motion to approve CU Permit 17-19 and Mike Combs seconded the motion.

VOTING: DON MCILROY, YEA; AL SEDLAK, YEA; TERRY FRAZIER, YEA; MARSHA GRIEBEL GRAHAM, YEA; DORCAS MORROW, YEA; LARRY LOGAN, YEA; AND MIKE COMBS, YEA. 7 YEAS AND 0 NAYS. MOTION CARRIED.

The last item on the agenda is the CU Permit 9-19 that was tabled at the last meeting due to no representative being present.

Don McIlroy made a motion to remove CU Permit 9-19 from the table and Dorcas Morrow seconded. All were in favor. The item was removed from the table.

We can then proceed with **Conditional Use Permit #9-19**, as requested by Mike's Landscaping, 11500 Tarlton Rd., Circleville, OH 43113 to construct a 20' x 24' Pavilion at 440 Nicholas Dr., Circleville, OH 43113 in an SU, Special Use District.

Joel Kirkwood, Mike's landscaping, was sworn in.

The plan was to build a 20'x24' Pavilion off the side of the trail on the backside of the YMCA property. It is already constructed.

Mr. McIlroy stated after last month's meeting, he drove down and tried to figure out where it was going to go and noticed that it was already there. It looks like it is in the right location and think it will service that trail very well. He stated it bothers him that it was already constructed without approval. We do not want Mike's Landscaping to get a bad reputation for not abiding by the rules. Mr. McIlroy asked that this be relayed to Mike for future reference.

Mr. Kirkwood apologized and stated he would share this information.

Mr. Sedlak stated if there is nothing further, can we have a motion to approve Conditional Use Permit 9-19.

Don McIlroy made a motion to approve CU Permit 9-19 and Dorcas Morrow seconded it.

VOTING: MIKE COMBS, YEA; AL SEDLAK, YEA; TERRY FRAZIER, YEA; MARSHA GRIEBEL GRAHAM, YEA; LARRY LOGAN, YEA; DORCAS MORROW, YEA; AND DON MCILROY, YEA. 7 YEAS AND 0 NAYS. MOTION CARRIED.

Dorcas Morrow made a motion to adjourn and Larry Logan seconded the motion. All in favor. Motion carried. Meeting was adjourned at 7:30

Submitted by: Brenda Short