



**Planning and Zoning - Minutes
Wednesday, December 04, 2013**

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

DECEMBER 4, 2013
CITY HALL COUNCIL CHAMBERS

Members Present

Al Sedlak
Don McIlroy
Mike Combs
Terry Leasure
John Ankrom
Marsha Griebel Graham
Bob McCrady

Visitors Present

See Attached List

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

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

The next item on the agenda was Conditional Use Permit #8-13, as requested by Beverly Kay Fisher, 1248 Turner Drive, to use a 9' x 12' area in her home for dog grooming, in an area zoned R-5, Two-Family Residential District.

Bev Fisher was sworn in and stated I am a licensed groomer and would like to use a small room in my home for pet grooming. I have a four bedroom home, all of my kids are grown up and have moved out. The room is located immediately to the left when you come in the front door, it is a 9' x 12' room.

Al Sedlak stated what you will be doing is conducting a home occupation. Is the 9' x 12' room less than 20% of the floor area of your home?

Mrs. Fisher replied yes.

Al Sedlak stated will the home occupation be managed by you and will you have any employees?

Mrs. Fisher stated it is only going to be me, no employees.

Al Sedlak stated have you ever been involved in dog grooming before?

Mrs. Fisher replied yes, I had a salon in Laurelville and I did great there. Dr. Palmer owned the property and he sold it.

Al Sedlak stated on an average day, how many dogs will you groom?

Mrs. Fisher stated four. I don't keep dogs. A customer will bring their dog and they are welcome to stay with them. When that dog leaves, I bring another one in. It's hard for me to groom a dog when I have barking dogs. This is why I do one at a time.

Al Sedlak stated do you have any intentions of putting a sign out front?

Mrs. Fisher replied if this passes, yes, I would like to get a permit for a small sign.

Al Sedlak stated you are limited to one, non-illuminated sign, no more than four square feet.

Mrs. Fisher stated that is fine.

John Ankrom stated your property adjoins an empty lot to the rear that goes through to Williams Drive.

Mrs. Fisher replied I own both properties.

John Ankrom stated do you intend to bring customers in from Williams or Turner Drives?

Mrs. Fisher replied I would like to use the Turner Drive side. I have room for five cars in my driveway. The only cars that would be there would be mine, the customer and my kids if they are visiting.

John Ankrom stated you have a fenced in yard, do you intend to keep client's dogs in the fenced area?

Mrs. Fisher replied no. I have my own pets and they run the back yard. I have no intentions of keeping other peoples dogs. I don't want a kennel license.

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

The next item on the agenda was Variance #31-13, as requested by J.S. Goode Landscaping, 6795 Tarlton Road, to install a 4' chain link fence for Leah Prickett, 137 West Union Street, and to vary the front yard setback from a street right-of-way line from 3' to approximately 0', in an area zoned R-4, Historic Neighborhood Single Family Residential District.

Leah Prickett was sworn in and stated I am the home owner. We already have the backyard fenced in. We wanted to fence in the front yard as well. We have three dogs and we want to

install a doggie door for while we are at work so they can come and go from the backyard to inside. We wanted to keep the front yard and backyard separated so during the day when someone comes to the front door the dogs wouldn't be able to get to them. When I am on the front porch, I would like for them to be able to be with me and not have to be on a leash.

Al Sedlak stated basically all the fencing is installed except for the stretch along the east property line from the existing fence out to the wrought iron fence that runs across the front.

Valerie Goeller stated John partially approved the permit for the fence that has already been installed. That section was allowed by code. The owner wanted that portion done right away. The portion that needed a variance is what they held off on.

John Ankrom stated the way our code reads the fence in a front yard can't be over 4' high and within 3' of the right-of-way line. If she comes all the way up to the wrought iron fence, which is what she applied for, she will project into the 3' area.

Don McIlroy stated why wouldn't you do wrought iron to keep it consistent?

Ms. Prickett stated there is a lot of yard and it's expensive.

John Ankrom stated how far is it from the current wrought iron fence to where the new chain link fence is?

Ms. Prickett replied maybe 20'.

John Ankrom stated there is a wrought iron fence that goes along the sidewalk in front of her house but it is a continual fence that goes in front of her neighbor's house to the east.

Don Mason, 131 West Union Street was sworn in and stated we are the adjoining property owners to the fence line on the east side. As Mr. Ankrom said the wrought iron fence goes around both of our yards and that is a historic neighborhood. The problem we have is the chain link fence going in the front of the property. There isn't one house on that block that has chain link in front of any home, it's all wrought iron fence. We don't have a problem with the purpose of the fence, but we ask that they use wrought iron where she wants the chain link. Chain link will stick up above the wrought iron and it won't look right. We have discussed this with her, but that was before we found out it was going out to the wrought iron fence. We didn't know it until we saw the contractor marking the post holes.

John Ankrom stated Leah, did you get any type of quote for wrought iron?

Ms. Prickett replied no, I did not.

John Ankrom stated so you have no idea how expensive it will be or to duplicate what is existing. Is this something you are willing to consider?

Ms. Prickett stated I would consider it.

John Ankrom stated I would have to agree with Mr. Mason, it would look better. I don't feel like we can burden the extra expense on you, but if you and your neighbor could work something out that would be great.

Don McIlroy stated if it's an ascetic issue perhaps the two of you can get together and share in the cost of the wrought iron.

Al Sedlak stated maybe we should table this for a month to give you time to get an estimate on wrought iron and discuss it with Mr. Mason.

John Ankrom stated you have money invested in the chain link fence, then an additional cost for wrought iron. Maybe the two of you can share the cost. Then Don gets what he wants and you accomplish what you want.

Ms. Prikett replied I will go back to J.S. Goode and ask for a quote.

Mr. Ankrom stated there is also a company in Columbus called Fortin Welding. They used to be on 3rd Ave in the Grandview area and they do a lot of ornamental fencing. It might be a good place to get a quote.

Marsha Griebel Graham motioned to table Variance #31-13, seconded by Don McIlroy. All in favor, motion carried.

The next item on the agenda was Variance #32-13, as requested by DMG Rentals #11, 2050 Stapleton Court, Cincinnati, OH 45240 to install a 5' x 12' = 60 square foot, two-sided sign at 109 Caroline Court (Route 23 side) and to vary the type of sign allowed from a wall sign to a freestanding sign and the maximum sign area allowed from 2 square feet to 120 square feet, in an area zoned R-5, Two-Family Residential District.

Heidi Ollish of DMG Rentals was sworn in and stated we recently purchased 109 Caroline Court, which is 32 town homes. There was an existing sign that faced Route 23. It was a "V" shaped sign. We changed the name of the complex so we were replacing what was existing. We made it a little bit bigger. When we went to put it up, we pulled the permits and we were told that a permit was never granted for it. That is why we had to request the variance. The sign is for marketing letting people know there are town homes for rent.

John Ankrom stated we might need to amend your request because I noticed you put up a couple oval signs out front on Court Street.

Ms. Ollish stated that was a different permit, does that require a variance too?

Mr. Ankrom stated I don't know that we ever got a permit on those.

Valerie Goeller stated we received a permit for the fence.

Ms. Ollish replied I thought so, but there were so many permits we had to apply for between your department and the Building Department.

Mr. Ankrom stated I was going to propose we include it in this request. In an R-5 area she is only allowed 2 square feet. She has 120 sq. ft. on Rte. 23, the two ovals you put out front were 4' x 6'. That is roughly 48 sq. ft. To cover it I think we should amend the request to 168 sq. ft. to include the two additional signs. The two signs on Court Street are very tasteful.

Don McIlroy stated will you have an office down there?

Ms. Ollish replied yes, at first one of the units will be set up as a model until they are all leased. Then they will be managed from a separate location.

Don McIlroy stated when do you plan to start renting?

Ms. Ollish replied effective January 15th preleasing for a March 1st move in.

John Ankrom motioned to approve the request and by amending it two allow for three signs (including the two signs on Court Street) and up to 168 square feet, seconded by Bob McCrady. VOTE ON MOTION: DON MCILROY, YEA; MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA. 7 YEAS, 0 NAYS, MOTION CARRIED.

The next item on the agenda was Variance #33-13, as requested by Circleville Ag Products, 347 East Corwin Street, to construct an 84' x 80' = 6,720 square foot structure at 320 East Corwin Street and to vary the front depth from 50' to 3' and the rear yard depth from 40' to 16', in an area zoned LI, Limited Industrial District.

Scott Ewing, 347 East Corwin Street, was sworn in and stated the building is going to be used for machinery and lime storage.

Al Sedlak stated how far from Washington Street is this going to be constructed?

Mr. Ewing replied 150' or better. It's across the street from the residences.

John Ankrom stated they had some perimeter painting on the ground. It is a ways back from Washington Street. The drawing Tom gave us was not real detailed. I know what the front and rear yard setbacks are but he didn't indicate the setback for the east side yard. It is a minimum of 25'. It looks like you will have it, but I don't know where the property lines are.

Mr. Ewing stated if it matters he owns everything to the east.

John Ankrom stated it does matter because it is a separate parcel with its own deed. He can sell this property off with the building on it. If it's right on the property line, that could be a problem. We want to know its 25' off the property line. I am suggesting before you construct this building you understand where your property lines are and maintain at least 25' on the east line. Will the doors face north?

Mr. Ewing replied they will face south along Corwin Street. There will be one big opening facing the east.

John Ankrom stated you definitely need the 25'. As far as pulling equipment in and out, you are going to be using the right of way on Corwin Street because you only have a three feet offset from the right-of-way to the face of the building.

Don McIlroy motioned to approve as requested, seconded by Terry Leasure. VOTE ON MOTION: MIKE COMBS, YEA; TERRY LEASURE, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; DON MCILROY, YEA. 7 YEAS, 0 NAYS, MOTION CARRIED.

The next item on the agenda was Variance #34-13, as requested by Carlin Campbell of PW Campbell, 109 Zeta Drive, Pittsburgh, PA 15238 for The Savings Bank, to construct a 12,275 square foot building at 201 North Court Street to be utilized as their new bank branch and to vary the maximum building size of 5,000 square feet to 12,275 square feet, in an area zoned DB, Downtown Business District.

Charles Sachs of P.W. Campbell and Jason Harral of Harral and Stevenson were sworn in.

Al Sedlak stated we have some real detailed and impressive plans before us as to what you plan to develop.

Jason Harral stated The Savings Bank is going to be constructing a new building on the corner of Pinckney and Court Streets. It's at the location of the existing parking lot adjacent to the Elks Building. The variance was to vary the square footage of the building. The code allows for a maximum of 5,000 sq. ft. and this building is 12,275 sq. ft.

Al Sedlak stated it is straight forward. I was surprised our code didn't allow for more square footage for multiple level buildings. This is why the variance is needed.

Marsha Griebel Graham stated the piece that runs from the bank to the drive thru, what is the total height?

Jason Harral stated those are the pneumatic tubes for the drive thru. They are close to 14' to allow enough clearance for the alley. There are some major fiber optic lines that run through that alley to the old GTE building across the street.

John Ankrom stated Tim Tener requested that.

Doyle Kiser, 27061 Westfall Road, was sworn in and stated my question is the tubes that run across the alley, what will they look like? We have not seen a drawing.

Copies of the renderings were passed out for several people in the audience.

Marsha Griebel Graham motioned to approve as requested, seconded by Bob McCrady.
VOTE ON MOTION: TERRY LEASURE, YEA; JOHN ANKROM, ABSTAIN; MARSHA GRIEBEL GRAHAM, YEA; BOB MCCRADY, YEA; AL SEDLAK, YEA; DON MCILROY, YEA; MIKE COMBS, YEA. 6 YEAS, 0 NAYS, 1 ABSTENTION. MOTION CARRIED.

The last item on the agenda was a Zoning Compliance Certificate, as requested by the Circleville Moose #2440, to utilize 452 Lancaster Pike for their fraternal organization, in an area zoned GB, General Business District.

Daniel Bobbit, 123 Stihl Avenue, stated they plan to use the building that is located between Sutherlands and Cash Advance, it has the glass front facade. They are downsizing from where they are now. The building is 2,300 square feet. 1,200 will be for the patrons and the other will be the offices and meeting rooms in the back plus bathrooms. Bill Toole with the Building Department already looked at it and said it would be feasible for what we want to do.

John Ankrom stated is there good egress out the back of the building?

Mr. Bobbit replied yes, we have a second means of egress.

Bob McCrady stated how many members do you have?

Mr. Bobbit stated we have 500+, but recently downsized to about 120 members that actually participate at the Lodge.

Don McIlroy stated the 1,200 square foot area for the patrons, how will that be laid out?

Mr. Bobbit stated there will be two bathrooms that are handicap accessible. There will be a small bar along the back wall. The rest will be tables sitting there.

Don McIlroy stated what happens with the liquor license?

Mr. Bobbit replied we have to get the zoning approved before we can proceed with transferring the liquor license.

John Ankrom stated can you tell us about your parking situation.

Mr. Bobbit stated out front you can see the line going straight up toward Lancaster Pike. You can park the cars head in, there are 60 parking spaces. To the right, being the west side of the parking lot, there is another area where you can get 25 more parking spaces.

John Ankrom stated did Bill Toole say what your occupancy load would be?

Mr. Bobbit stated anywhere between 70 and 80 people for the front section.

Mr. Ankrom asked if he was comfortable with that number.

Mr. Bobbit replied yes.

John Ankrom stated if you have an event there and you have 120 people show up, you aren't going to be able to do it.

Mr. Bobbit stated we understand this.

Don McIlroy stated have you had any discussion with the landlord about the condition of the parking lot? I am very happy that this lot is paved, but it has some striping problems.

Mr. Bobbit stated we have not. We are going to because he is in charge of the parking lot.

Terry Leasure stated I think it is a good move on your part since your membership has dropped dramatically. Will you still serve breakfast in the mornings?

Mr. Bobbit stated there is no kitchen provided in this place. Maybe down the road if Cash Advance goes out and we expand we could acquire that space too.

John Ankrom stated when Dan came in I told him it is zoned General Business but we really don't have the designation for Fraternal Organization under the GB District. The only way we could entertain that would be under Similar Use Category, which does provide for restaurants and taverns. In the DB, which is very similar to the GB District does allow for Fraternal Organizations. We just don't have any Fraternal Organizations in the GB District and it doesn't specifically list them.

Al Sedlak stated I don't have a problem approving this. I have no problem if you approve a Zoning Certificate for that.

John Ankrom stated I would like some guidance from this Commission as if you feel it is considered a similar use. If I had to make a judgment call on my own, I would approve it as

a similar use.

Terry Leasure stated I think it is a good gesture, they are coming back to Circleville.

Don McIlroy stated it is filling in a vacant place.

Bob McCrady motioned that it was a similar use, seconded by Terry Leasure. All in favor, motion carried.

Everyone agreed to meet on January 8th because of the first Wednesday is the New Year Holiday.

Don McIlroy motioned to adjourn, seconded John Ankrom. All in favor, meeting adjourned.