

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

Wednesday, December 6, 2017
City Hall Council Chambers

MEETING MINUTES

Members Present

Al Sedlak
Dorcas Morrow
Terry Leasure
Don Sherman
Mike Combs
Kim Hunter, Clerk

Visitors Present

Matt Whited
Amanda Whited
Amy Elsea

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

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

Al Sedlak stated on page 9 at the very top, I believe what I said was I would not be comfortable with that. Also, on page 10 in the last paragraph, fifth line down, it should say equity. Does anyone else have any corrections? If not, can we have a motion to approve? Terry Leasure motioned to approve, seconded by Dorcas Morrow. All in favor, minutes approved with two minor corrections.

The next item on the agenda is Non-Conforming Use #5-17, as requested by Amanda Whited, 19141 Greist Road, Stoutsville, OH 43154 to utilize 202 North Pickaway Street for a Home Goods Store, and install 12 square foot of signage in an area zoned R-4, Historic Neighborhood Single-Family Residential District.

Amanda Whited, 19141 Greist Road, Stoutsville, was sworn in and stated my husband and I are opening a Home Goods Store. My husband builds custom furniture and it is a showroom for the things that he builds. We also carry things for your home such as pillows, lamps, etc. We also have some children's clothing.

Al Sedlak stated one of the things that needs to be addressed is whether there will be any retail sales at this location.

Amanda Whited replied yes.

Al Sedlak stated the reason that is important is because this is a property right. This is something you acquired with the property, a Non-Conforming Use. What that means is that the use of the property is lawful because even though it doesn't conform to the zoning for that property, it was used for this type of use before zoning came in to existence. When a person wants to change or enlarge a Non-

Conforming Use they have to get our approval and that is why you are here. One provision of the section of our zoning code dealing with Non-Conforming Uses. Section 10.03 describes the substitution of uses. It allows substitution and the very last sentence in that paragraph states in an "R" District, no change shall be authorized by the Planning and Zoning Commission as to any use which is not a permitted or conditional use in any "R" District. That is a sticking point that we have from time-to-time. We have to be able to conclude that your uses are going to be similar to previous uses. That is why the retail aspect of it is important. One of the "R" Districts is the RO District, Residential Office, and it is a little bit broader. In that, for the conditional uses, it allows for administrative business or professional offices not carrying on retail trade. We had to distinguish it from that. Basically, the question that we were discussing and that we had to address is whether these premises were ever used for retail in the past. I believe, between our collective memories, we are aware that it has. There was a musical instrument store and Mr. Sherman pointed out it was a grocery store at one point, which is as retail as you can get. That was the hurdle we needed to clear and I think we are all comfortable that we have. Somewhere down the road that intersection probably needs to be reexamined for rezoning purposes. I think catty-cornered across from you is a business. I know it has been in the past. As the downtown continues to expand, little-by-little, your location would be more appropriate in the DB, Downtown Business District, than in a residential district. I think we are fine with that you are wanting to do with our code, at this point. Does anyone else have any questions?

Don Sherman asked do you know what the square footage of the building is.

Amanda Whited replied 1,800 square feet, I believe.

Don Sherman stated just the first floor.

Amanda Whited replied about 1,000 square feet.

Don Sherman stated the only reason I am bringing this up is they have five parking spots. While we are doing the Non-Conforming, to clarify, it doesn't meet a commercial requirement for the number of parking spaces. I just wanted to have that noted. You are going to be pretty close. Five parking spaces at 1,000 square feet you are okay. I just wanted to make a note of that. You are allowed 24 square foot of signage if it was in a regular area and they only have twelve. They have minimal signage which fits the residential area a lot better. I am glad you are not trying to plaster the building with signage.

Al Sedlak stated in the future if you did want to change or enlarge the signage, before you do anything and certainly before you incur any expense, come to the Service Department and speak with them to make sure you are going to within the limits.

Terry Leasure stated I want to thank you for coming in and for being a business. We need it. The more we can get, the better.

Al Sedlak stated if there are no other questions or comments, can we have a motion to approve Non-Conforming Use #5-17?

Terry Leasure motioned to approve, seconded by Mike Combs. VOTE ON MOTION: MIKE COMBS, YEA; AL SEDLAK, YEA; DON SHERMAN, YEA; TERRY LEASURE, YEA; DORCAS MORROW, YEA. 5 YEAS, 0 NAYS, MOTION CARRIED.

Al Sedlak stated the only other item on the agenda is the tabled item, Conditional Use Permit #8-17 and Variance #22-17, both by the same applicant. They were tabled back in October because the premises were already in violation of our signage ordinances. We voted at that time to table the request until such time as the violation was eliminated and they became in compliance. Don, it is my understanding that they are still in violation?

Don Sherman replied no, they are okay. They are just under the requirement. I had to go back and do research on this. They are in compliance. What had put them out of compliance was the two large 4' x 8' signs on the light posts and they have blacked those out. They are still there, but there is no advertising on them. They are now in compliance since they blacked out the signs

Al Sedlak asked do we leave this on the table for another meeting and notify them that we can proceed on it. The reason I say that is for the record nobody is here on behalf of the applicant.

Don Sherman replied when they called about it one of the things that was not only the compliance issue, there was a question about whether or not that pole sign would be removed.

Al Sedlak stated the Zanzi's Pizza sign.

Don Sherman stated the general concession was that it would not even stand a chance of passing without that sign being removed. We were waiting to see if they could provide anything about the pole sign. We can notify them that the site is in compliance and see if they want to be heard. Again, I think the impression I got was the only way it was even going to have a chance would be removal of the pole sign. The removal of the pole sign almost brings them back in to full compliance with the original zoning if you include the 200 square feet. They were given so much. You have four 3'x 8' signs. That is 128 square feet right there, just on the poles. You have another 54 square feet in the pole sign. You are not that far off.

Al Sedlak stated that is a good idea. Please notify them that the signage is now in compliance. We are prepared to take it off the table at our next meeting, if they are prepared to be here. You can let them know that the Zanzi's pole sign is still an issue and while there have been representations that it would be removed, it has not been removed. Please let them know that is still a concern. If they are ready to go forward, I think it would be appropriate to remove it from the table for January. Let them know we are prepared to go forward and deal with that on the merits.

Don Sherman motioned to adjourn, seconded by Terry Leasure. All in favor, meeting adjourned.

Submitted by: Kim Hunter