



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

James Mako, Chair
John Hicks, Vice Chair
Michael Greenberg
Sarah Pollyea
Thomas W. Shapaka
Michael Suriano
Michael Tamarkin

Sophia McGuire, Deputy Clerk of Council

Wednesday, December 4, 2024

7:00 PM

City Hall, Council Chambers

A. CALL MEETING TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Gahanna Planning Commission met in regular session on December 4, 2024. The agenda for this meeting was published on November 30, 2024. Chair James Mako called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Sarah Pollyea.

Present 6 - Michael Greenberg, John Hicks, James Mako, Sarah Pollyea, Michael Suriano, and Michael Tamarkin

Absent 1 - Thomas W. Shapaka

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

C. APPROVAL OF MINUTES

[2024-0248](#)

Planning Commission minutes 11.20.2024

A motion was made by Hicks, seconded by Pollyea, that the Minutes be Approved. The motion carried by the following vote:

Yes: 5 - Greenberg, Hicks, Mako, Pollyea and Tamarkin

Absent: 1 - Shapaka

Abstain: 1 - Suriano

D. SWEAR IN APPLICANTS & SPEAKERS

Assistant City Attorney Matt Roth administered an oath to those persons wishing to present testimony this evening.

E. APPLICATIONS - PUBLIC COMMENT[V-0031-2024](#)

To consider a Variance Application to vary chapter 1103.07(e) - Development Standards of the Codified Ordinances of the City of Gahanna; for property located at 683 Vivian Court; Parcel ID 025-007564; Current Zoning R-1 - Large Lot Residential; Bill Graver, applicant.

City Planner Maddie Capka provided a summary of the application; see attached staff presentation.

The application is for a variance at 683 Vivian Court. The zoning map shows that the zoning for this property and the surrounding properties is R-1, which is Large Lot Residential. The site is also located at the end of a cul-de-sac. The applicant is requesting approval of a variance to allow an addition within a rear yard setback. The addition would be 576 square feet and attached to the rear of the existing house. The standard rear yard setback for all property zoned R-1 is 25 feet and the addition is between 19 and 25 feet from the west or rear property line. The previous zoning code had a reduced setback of 15 feet for attached accessory structures; however, that language was removed from the current code and all additions are now subject to principal structure setbacks instead. The applicant states they have been planning the addition since 2023. At that time the rear yard setback was 15 feet which is why the addition was planned within the current setback. Capka shared a site plan showing the frontage along Vivian Court to the east and the addition in blue and to the rear of the existing structure. She also highlighted setbacks and provided elevations of the addition.

The Variance is being requested to chapter 1103.07(e) of the zoning code, which is the large lot residential. Code states that the principal structure must be at least 25 feet from the rear property line. The proposed addition is approximately 19 feet from the rear property line at its closest point. Capka provided the standard variance criteria that must be met for the application to be approved. Criteria include: the variance is not likely to result in substantial damage to the character of the neighborhood; it's not likely to result in damage to adjoining properties; it's not likely to affect the delivery of government services; it's not likely to result in environmental impacts greater than what is typical; the variance is necessary for the economical use of the property which cannot be achieved through another method; and the variance is not likely to undermine the objectives of the Land Use Plan. Staff recommends approval of the variance as submitted. The addition was compliant with the 2023 zoning code during its initial planning stage, and the addition is not parallel to the rear property line so it's not entirely within the 25-foot setback. Capka added that there is no fence on this property or many of the adjoining properties, so the addition would likely be visible from some of the neighboring yards.

Chair opened public comment at 7:06 p.m.

Bill Graver, Stone Pillar Construction, introduced himself as the general contractor for the project. He stated the project was originally started in 2023 when the previous zoning code would have permitted it. The permit was in the process of being issued and then it was brought to their attention that the zoning code had changed. Thus, a Variance was necessary in order to be in compliance. He stated it was not intentional.

Linda Mendel, 678 Audra Court. Ms. Mendel stated that her back yard faces the applicants' backyard. She understands that the Variance is for a room addition that is 19 feet from the property line. She asked the Commission that it be denied for two reasons. First, she and her spouse feel that it will impact the character of the neighborhood and enjoyment of their yard. Second, they feel it will impact their property values when their house is eventually sold. She said that one of the reasons they chose their neighborhood was because of the open spaces. She noted that there are no fences because the deed restrictions prohibit parameter fences in an effort to preserve open spaces. She stated the addition will change the view from the back windows of their home. She also recognized that someday they will need to sell their house, and expressed concern about the impact to their property values if the addition is approved. She felt that a potential buyer would want the open space that she and her husband currently enjoy. She also mentioned the deed restrictions. While there is not currently a functioning neighborhood association, the tenor of the deed restrictions prohibited outbuildings and fences to maintain the open spaces. She also expressed distrust of the contractor due to lack of communication. She stated that she initially thought the project was a repair, but it became apparent that it was much more than a repair. Upon learning of the project, she researched the zoning code. This alerted the Planning staff to the fact that there was no permit issued. She expressed two concerns: first, the work was started without a permit; and second, she felt a contractor should be aware of the change in the zoning ordinances. She questioned if what was filed for is what would be built. She again expressed the enjoyment that they get from their backyard and asked the Planning Commission to deny the application.

Mr. Graver expressed appreciation for Mrs. Mendel's comments. He reiterated that the project was planned prior to the code being changed. He stated that Planning and Zoning Coordinator Kelly Wicker approved the application. However, Ms. Wicker caught the setback issue after the approval was made. He stated they followed the rules, and they are only at the meeting because of an issue that was related to timing.

Chair closed public comment at 7:14 p.m.

Ms. Pollyea asked Ms. Capka to elaborate on the permitting issue referenced by Mrs. Mendel. Ms. Capka explained the permit was filed for after the new zoning code went into effect. At the time of the filing, the 25-foot rear yard setback was in effect. Capka stated that the permit was never issued, and the contractor began construction. The applicant had submitted a permit application, but began construction before receiving the final approval. Ms. Wicker noticed the 25-foot setback at the northern part of the addition and not

the 19 feet. Ms. Wicker caught the issue before the permit was issued, after construction began. Code Enforcement took action.

Mr. Hicks directed his questions to Mr. Graver. He asked if it was Mr. Graver's understanding that the permit was applied for under the prior zoning code. Mr. Graver stated that his understanding was that the permit action had been dealt with, and there were conversations between the homeowners and the City. Additionally, he understood that the application had been filed. They did not know there was a zoning issue when they began the project and immediately filed for a Variance upon learning of the code change. Mr. Hicks stated it does not sound like a permit had been applied for. Mr. Graver stated it had been applied for. He stated that it had cleared through the permitting system (OpenGov) and had been marked as "cleared for issuance." However, it was pulled back when Ms. Wicker noticed the setback issue. Mr. Hicks asked if it was Mr. Graver's position that the permit was applied for in a timely manner under the prior code, but that it had not been issued. Mr. Graver agreed. Mr. Hicks asked what construction was done so far and what the intended use of the addition was. Mr. Graver replied that the footer was dug out, and that it was intended to be a bedroom. It is not an outbuilding or anything that violates a deed restriction. Mr. Hicks asked Mr. Graver if he knew of the intended purpose of the addition, to which Mr. Graver replied he did not.

Mr. Greenberg asked if the addition looked like the house. Mr. Graver replied that it would look like the home and would be the same colors. It is one story. It is about 11 or 12 feet high. Mr. Greenberg asked Ms. Capka if there were any variance criteria that had not been met. Ms. Capka replied there were not.

Mr. Suriano asked if, when Mr. Graver stated foundations were dug out, that there were only trenches at this point. Mr. Graver agreed, adding that there is only straw in the trenches, and that no footings have been poured, nor was there any concrete block laid. Mr. Suriano inquired if this was replacing anything else in the back, such as a deck. Mr. Suriano also asked if there was anything currently on the property that would violate any deed restrictions. Mr. Graver replied there were not.

Mr. Tamarkin noted that in the side yard, the structure is 20 feet from the property line, and asked Ms. Capka if the side yard setback is still 15 feet. Ms. Capka confirmed. The rear yard setback for primary structures has always been 25 feet in this zoning district. However, attached accessory structures had a 15-foot setback instead of 25 feet. The new construction is part of the primary structure, which is what makes the project non-compliant.

Chair Mako asked for clarification regarding the timeline. He asked if the permit was applied for but never issued. Mr. Graver confirmed. Mr. Mako said that construction started, but the permit had not yet been issued by the City. Mr. Graver again confirmed. Mr. Mako noted for the record that Mrs. Mendel sent photos to the Planning Commission prior to the meeting. He asked Mrs. Mendel if the deed restrictions allowed plantings such as trees to be put near the property line. Mrs. Mendel believed the only restriction was on fences.

Ms. Pollyea expressed confusion about the timeline of the permitting. She wondered why construction was started when the permit had not yet been issued. Mr. Graver explained that he felt there would be no issues getting the permit, and that he had communicated with the office and never had a reason to expect the setback issue. Ms. Pollyea asked if it would make more sense to wait for the permit to be issued before digging. Mr. Graver said that ideally, it made sense to wait; however, in the construction field it is commonplace to begin work while the permit is being issued. He expressed that there was no ill intent in digging before the permit was formally issued.

Mr. Hicks asked if it was fair to say that he relied on a verbal confirmation from the City. Mr. Graver agreed.

Mr. Greenberg asked when Mr. Graver first learned that neighbors had a concern with the addition. Mr. Graver replied that he learned of the concern when the neighbor called Code Enforcement in August or September of 2024. Mr. Greenberg then asked if there was any consideration to change the project to comply with code. Mr. Graver replied that there was discussion to do so; however, he did not feel that Mrs. Mendel would prefer the options they discussed. Ultimately, the client and contractor opted to apply for a Variance. Mr. Graver reiterated that when it was conceived, the project complied with code.

Chair Mako asked if it would be feasible to make the project compliant. Mr. Graver said there were approaches they could take to make it code compliant. However, he did not feel those were fair options.

Mr. Suriano, in referencing Mrs. Mendel's submitted photos, noted the location of pine trees. He wondered if the addition were moved, if it would risk the western edge of the structure running into trees. Mr. Graver confirmed this was a possibility.

A motion was made by Greenberg, seconded by Pollyea, that the Variance be Approved.

Discussion on the motion:

Ms. Pollyea expressed her concern with the timing. She understood how projects work in reality and that conversations were exchanged with City staff. However, she took issue with the fact that the permit was not issued prior to the work beginning. She stated her intention to vote no on the Variance.

Mr. Hicks described the situation as unfortunate, noting that the applicant relied on a verbal confirmation rather than formal approval. He stated that when considering Variances, he gets stuck on the fifth point, which is, "The variance is necessary for the economical use of the property, and such economical use of the property cannot be achieved through another method." He questioned if there were other solutions, and if the one presented was necessary. He acknowledged that the applicant did not prefer the other solutions, even though there are ways to make it compliant. He also said that while the project does encroach on the setback, it does not encroach on any

easements. All things considered, he intended to support the application.

Mr. Greenberg felt there were opportunities for neighbors to communicate to come to an agreement on the project. He would not be in favor of the project.

Mr. Suriano stated he will be in favor of the variance. While there was not an official permit in writing at the time of construction, he understood that it was planned before the code change and felt it complied with Variance criteria. He did not feel it had a material impact on the spirit of the setback. Additionally, it will maintain the pine trees, which will act as a buffer between the site and neighbors.

Mr. Tamarkin also stated his favor for the application. He acknowledged that if it were not for the zoning code change, the project would not have come before Planning Commission. He noted there was still 19 feet to the property line, and noted that it would be built in a less favorable way if redesigned.

Chair Mako stated he would also be in favor of the application. He suggested that the contractor wait for the official approval in writing before beginning a project. He appreciated staff's input as well.

The motion carried by the following vote:

Yes: 4 - Hicks, Mako, Suriano and Tamarkin

No: 2 - Greenberg and Pollyea

Absent: 1 - Shapaka

[DP-0002-2024](#)

To consider a Development Plan Application for property located at 425 S. Hamilton Road; Parcel ID Numbers 025-002205, 025-012950, and 025-000406; Current Zoning RI - Restricted Institutional; Shepherd Christian School; Cindy de Mesa, applicant.

City Planner Maddie Capka provided a summary of the application; see attached staff presentation.

Ms. Capka introduced the application as a major development plan located at 425 South Hamilton Road, which is the Shepherd Church of the Nazarene. The property is zoned Restricted Institutional. The applicant is requesting approval of a major development plan for a school addition at Shepherd Church of the Nazarene. The project includes two separate additions to the front of the existing school building. They are both around 3,500 square feet and all the exterior materials for the additions will match the existing building. The additions are also approximately 134 to 138 feet from the closest front property line. All parking requirements are met.

Ms. Capka shared a site plan of the existing school building. It highlighted the southern portion of the site in blue with both additions shown in red, and the 135- and 138- foot setbacks from along Hamilton

Road and the I 270 on-ramp. She also provided an aerial view of the site, showing the existing mature foliage to the south and east of the building. The building is almost entirely screened from the right of way. She shared a rendering of the front of the addition, showing the matching materials with the existing building. She also provided the renderings that were submitted by the applicant. The East Elevation would face Hamilton Road.

She provided the major development plan criteria. They are: the development plan meets the applicable development standards of the zoning ordinance; it is in accord with appropriate plans for the area; it would not have undesirable effects on the surrounding area; and it would be in keeping with the existing land use character and physical development potential of the area. Staff recommends approval of the major development plan as submitted. The project meets all zoning code requirements with no variances, and it matches all the existing development on the site. As shown in the aerial view, the areas between the additions and Hamilton Road and the I 270 ramp are heavily wooded and screen most of the building from view.

Chair Mako opened public comment at 7:41 p.m.

Mr. Mike Fluhart, head teacher at the Shepherd Christian School, stated the school has been blessed with growth in recent years to the point that it can no longer continue to grow without expanding its footprint. They are adding a total of eight classrooms which will be approximately the size as the existing classrooms. There will be four on each one of the wings. Four additional classrooms will let them continue to grow. There is also a plan to offer more opportunities for students. One classroom will be designated as a career focus room. This can be opened up to the community. The primary reason for the addition is to handle the growth.

Chair closed public comment at 7:43 p.m.

Ms. Pollyea asked what kind of school Shepherd Christian School is. Mr. Fluhart described it as a Christian non-profit that is chartered by the Ohio Department of Education. It has been at the site for roughly 20 years and is pre-kindergarten through eighth grade. Ms. Pollyea asked where students typically come from, to which Mr. Fluhart replied there are nine school districts that feed into Shepherd. They include Gahanna, Columbus City Schools, Whitehall, and Reynoldsburg. His most recent calculations determined the school could accept up to six more students. Some special subjects had to move into the church building side of the site, which has smaller rooms. He stated the school has a strong STEM program, and one of the rooms will be an innovation lab.

Mr. Hicks welcomed Mr. Fluhart. He recalled when Shepherd Nazarene requested Planning Commission approval for a temporary structure. Mr. Fluhart said the school did not end up adding the modular. From the time they applied, the state had funds to approve for the modular, but after the variance process was complete there were no longer funds available. So, they decided to proceed with the permanent construction instead. Mr. Hicks said he would be in support of the project.

Mr. Greenberg asked how many additional students will be able to attend the school Mr. Fluhart replied that last year the school grew by 100 students, which puts them at 322 total students. With the new construction, they should be able to accommodate an additional 75 students. He said some of the growth will allow them to move out of the church rooms. Mr. Greenberg asked what will happen if the school expands beyond the 75 students. Mr. Fluhart replied that Shepherd would have to come back to Planning Commission. Mr. Greenberg expressed his support.

Chair Mako asked if the additions will match the existing building. Mr. Fluhart confirmed they would. Mr. Mako asked if there would be any impact to the vehicular circulation of the parking lot. Mr. Fluhart said there would be no impact. Ms. Capka confirmed the project complies with the required number of parking spaces. Chair Mako noted the proposed shelter house on the northeast portion of the site. Mr. Fluhart said it is an open-air shelter house for picnics and other gatherings. It will be for the school, community, and church. It will not impact the school addition.

Mr. Hicks wondered what would be held at the shelter house and whether it would be wired for sound. Mr. Fluhart said it will be wired for electric, but he was unsure if speakers would be installed.

A motion was made by Suriano, seconded by Pollyea, that the Development Plan be Approved.

Discussion on the motion

Ms. Pollyea said she will be in support of the application.

Mr. Hicks recalled the last application from Shepherd Nazarene, in which the proposed modulares did not have windows. He appreciated that the new construction would provide sunlight into the additions.

Mr. Suriano expressed his support per staff recommendation.

Mr. Tamarkin also stated his support, noting his appreciation for growth in the community. He added that healthy schools and parishes are good for the community.

Chair Mako also expressed his support.

The motion carried by the following vote:

Yes: 6 - Greenberg, Hicks, Mako, Pollyea, Suriano and Tamarkin

Absent: 1 - Shapaka

F. UNFINISHED BUSINESS - NONE

G. NEW BUSINESS - NONE

H. OFFICIAL REPORTS

Director of Planning

Maddie Capka shared that there will be one application for the December 18th meeting. She said that City Council approved the requested zoning code changes, which will go into effect on January 2nd.

I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Mr. Hicks recalled the topping off ceremony for the new civic center, 825 Tech Center Drive. City staff and board and commission members were able to sign a beam that will be located on top of the space that will be planned as the new Senior Center. Members noted there was a tree atop the beam, which Mr. Suriano shared is a Nordic tradition for good luck.

Chair Mako commented that the Central Park development is progressing well.

K. ADJOURNMENT

There being no further business before the Planning Commission, the Chair adjourned the meeting at 7:54 p.m