



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, November 6, 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 November 6, 2024. The agenda for this meeting was published on November 1, 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, James Mako, Sarah Pollyea, Thomas W. Shapaka, Michael Suriano, and Michael Tamarkin

Absent 1 - John Hicks

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

C. APPROVAL OF MINUTES

[2024-0214](#)

Planning Commission minutes 10.23.2024

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

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

Absent: 1 - Hicks

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-0027-2024](#)

To consider a Variance Application to vary section 1103.09(e) Development Standards of the Codified Ordinances of the City of Gahanna; for property located at 494 Denwood Dr. N.; Parcel ID 025-003016; Current Zoning R-3 - Small Lot Residential; Tony Todaro, applicant.

Director Blackford provided a summary of the application; see attached staff presentation.

The variance request is to allow an accessory detached structure to be placed into two rear yards at the north and west side of the property. Director Blackford shared a map of the surrounding area. The site is a corner lot. The request is for a gazebo to be placed one foot from the north and west property lines. Per zoning code, those are both rear yards. In 2023, the code was amended to reduce accessory structure setbacks from ten feet to five feet. Planning staff and City Council had lengthy discussions on the matter to settle on five feet. The gazebo is just under 200 square feet and slightly over ten feet tall. The size meets code, and this application is strictly about the placement of the structure. The application is a result of Code Enforcement action.

Director Blackford shared a site plan showing the location of the installed gazebo, as well as a rendering of the gazebo. Director Blackford reiterated the request, which is a Variance to reduce the setback from five feet to one foot. Relevant variance criteria include: the variance is not likely to result in substantial damage to the essential character of the neighborhood. He explained that the subdivision in question has homes built in the 1960s, and there are detached accessory structures with similar setbacks due to the age of the subdivision. Additionally, he highlighted the criteria "the variance is not likely to result in environmental impacts greater than what is typical for other lots in the neighborhood." He said that an issue that Code Enforcement and Engineering sees is related to drainage. Drainage is one of the reasons for setbacks. In cases like this application, in which the structure has a roof, there will be runoff that goes to other properties. He noted that Engineering did not have concerns with this project, but noted there are sometimes issues with drainage. Drainage can also be worse in older subdivisions.

Staff recommends disapproval of the Variance. Code was once ten feet, which was modified to five feet with many discussions. Additionally, Director Blackford said there are no unique circumstances on the lot that necessitate approval of the Variance.

Chair opened public comment at 7:09 p.m.

Tony Todaro, 494 Denwood Dr. N., thanked the Planning Commission for their time. He stated that he is a father of three and that while he loves

his neighborhood, he has concerns regarding safety. These include fast drivers and unmaintained sidewalks. He purchased the gazebo to create a safe space for his family to gather. Because he lives on a corner lot, the side yard is not functional. It cannot be built upon without being in violation of code. There is already a garage in the backyard. Years prior, he was able to build a fence at the property line and poured a concrete pad. The purpose of the concrete pad was to have a place where they could put a cover. There is a sweet gumball tree, and Mr. Todero hoped to have coverage from the tree. He felt that, as a citizen, there should not be any issue putting something in his backyard that did not impede with the neighboring properties. He noted there have been no drainage issues, though he could implement a gutter system if needed. He questioned why he could not put a structure on his property that was no higher than his garage, when there is already a fence and a concrete pad. He felt it was not an eyesore. He said placing it five feet away from each property line would create a corridor of unused space. He said the gazebo can be bolted to the concrete pad, but it has not yet been done. He would move it if required for an easement. There are no power or water lines in this area, which he had marked beforehand. He reiterated that his goal is to create a safe space for his children.

Chair closed public comment at 7:15 p.m.

Mr. Shapaka asked the Clerk if there was any feedback from neighbors or the public. Ms. McGuire replied there had not been any feedback. He then asked Director Blackford if it is approved, would it require a permit. He did not know if one had been filed but said none had been approved yet. Mr. Shapaka wondered if the image provided was the structure in Mr. Todero's yard. Mr. Todero replied that it was a photo from Costco; however, he would provide one showing the structure on his property if needed. Director Blackford shared an overhead view of the property. Mr. Todero explained that his garage has two garage doors, effectively creating a drive-thru garage. He envisioned a pad from the detached garage to the corner. Mr. Shapaka wondered whether Mr. Todero would consider reorienting the gazebo. Mr. Todero noted his preference to not rotate the gazebo 90 degrees, so that he did not have one continuous structure. If separated, he can place a grill or something similar between the garage and the gazebo. Mr. Shapaka wondered if the yard was enclosed. Mr. Todero said it is enclosed with a six-foot privacy fence in the back yard and 45-inch fence around the side.

Ms. Pollyea wondered if there were any easements that the pad would encroach upon. It was confirmed by administration there were no easements. She wondered how much space is between the garage and the pad. Mr. Todero explained it is all one continuous pad. Ms. Pollyea

questioned why he did not simply move it, to which Mr. Todero explained it is not his preference for multiple reasons. Ms. Pollyea asked if he had researched City code prior to the project. Mr. Todero said he did try, but for someone not familiar with City code, it is not an easy task. He tried to understand it and stay within guidelines, and attempted to improve his backyard with something that did not cause issues with neighbors.

Mr. Greenberg asked for clarification from the administration that if the applicant picked up the gazebo and moved it, it would comply with code and would not need a variance. Director Blackford confirmed that it could be approved with a site plan showing there was a five-foot setback. Mr. Todero said he could move it if required, adding that his goal was to keep it in its existing spot to maximize the space. He again explained that moving it to create a continuous structure connected to the garage was not the best use of space, as it creates wasted space behind the gazebo. Mr. Greenberg asked Director Blackford if anything else would be needed for a gazebo if it was moved to be in accordance with code. Director Blackford replied that because it is less than 200 square feet, a zoning certificate would be needed but that is all.

Mr. Suriano expressed his wish to better understand the property layout. The northeast corner has a detached garage. There is some space along the back, northeast property line. West of the garage there is some space and the gazebo. Mr. Suriano wondered how much space is between the garage and the gazebo. Mr. Todero thought there was perhaps ten feet. Suriano asked Director Blackford if a permit is required to pour concrete. Director Blackford replied the Planning Department would not have had a permit requirement at the time Mr. Todero's concrete pad was poured, and he did not believe Engineering required one. However, he added that there have been changes to the requirements since that was done. Mr. Suriano asked Mr. Todero if the pad was up against the fence. He said that one reason for setbacks is for the ability to maneuver around the structure if it is ever needed. Mr. Todero estimated there were a couple of inches between the fence posts and the pad, and maybe 8-10 inches between the slats and the pad. Suriano asked how much space is available on the south end of the pad. Mr. Todero explained that the pad was poured with the gazebo in mind, and there are four to five inches on the north and south ends. Mr. Suriano asked if moving the gazebo to the south would move it off the concrete pad. Mr. Todero confirmed.

Mr. Tamarkin clarified the location and size of the concrete pad and gazebo with Mr. Todero.

Chair Mako asked when the concrete pad was installed. Mr. Todero

believed it was about two and a half years ago. The gazebo was installed about a year and a half ago or two years ago. Chair Mako then asked Director Blackford when the current setback standards were put into the zoning code. Director Blackford replied the five-foot setback was implemented in March 2023. He added that a few years ago, there would have been no permit required for the concrete pad, and it could have been poured right up to the property line.

Mr. Shapaka asked for the ballpark dimensions from the garage to the north fence. Mr. Todero replied it was approximately six feet. The gazebo could align with the back of the garage if it was rotated.

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

Discussion on the motion:

Mr. Shapaka stated there was never an intention within the code to permit a setback be one foot. However, since it is surrounded by a six-foot privacy fence, and is an open structure, he planned to support the application.

Ms. Pollyea complimented the structure but noted that the zoning code exists for a reason and felt it should be uniformly applied. She did not feel there were special circumstances that necessitated the variance. She intended to vote against the application.

Mr. Greenberg echoed Ms. Pollyea's comments.

Mr. Suriano agreed with Mr. Shapaka. If the gazebo were a closed structure he would feel differently. He does not feel it changes the neighborhood's character, damages neighboring properties, affects the delivery of governmental services, does not result in environmental impacts, is a more economical use of the property, and does not impact the Land Use Plan. He stated his support for the application.

Mr. Tamarkin also expressed his support for the application. He noted the zoning code is important to follow, but felt the location of the gazebo would not have an impact on the surrounding area.

Chair Mako stated that he would agree with Ms. Pollyea and Mr. Greenberg, and staff's recommendation. He felt a bad precedent would be set by approving it.

The motion failed by the following vote:

Yes: 3 - Shapaka, Suriano and Tamarkin

No: 3 - Greenberg, Mako and Pollyea

Absent: 1 - Hicks

[V-0028-2024](#)

To consider a Variance Application to vary section 1103.07(e) Maximum Height of Structure of the Codified Ordinances of the City of Gahanna; for property located at 400 Braemer Ct.; Parcel ID 025-011408; Current Zoning R-1 - Large Lot Residential; Corey Schoo, applicant.

Director Blackford provided a summary of the application; see attached staff presentation.

The Variance request is for an accessory structure, which is a pool house, which will exceed the maximum height for accessory structures. The pool house is 542 square feet and 17 feet tall. The maximum allowed height is 15 feet. A Variance was approved in 2022 for a pool house to encroach into the 10-foot side yard setback by three feet. The applicant states the increased height will allow more sun onto the deck. There is a four-foot-tall fence around the back yard and tall trees along the rear property line, but not at the side.

Director Blackford provided a site plan showing the proposed pavilion location in red, with the fence outlined in blue. A street view image was also provided. Neither the location nor design are a concern. The only issue is the height of the structure.

The same Variance criteria as the last request apply. There do not appear to be any concerns about easements or disruption of governmental service. Staff's recommendation is disapproval of the request. There are no special circumstances necessitating the variance. Additionally, staff is unaware of other structures over 15 feet high in the area. Director Blackford said he looked at other variances and there was a variance approved in 2018 in Harrison Pond for a detached garage, increasing the height from 15 feet to 20 feet. Because it was near a preserve area, the garage had no visual impacts on the area. Also, the fence is four feet high and does not provide the same type of screening that a higher fence would provide. However, Director Blackford noted that a two-foot increase is minor, and that up to 16.5 feet can be administratively approved. This Variance request is the result of a permit review. It has not been installed yet.

Chair Mako opened public comment at 7:45 p.m.

John Esterby, 400 Braemer Ct. Mr. Esterby noted there would not be much over 15 feet, because the pool house has an angled roof. He stated there are large trees along the property line that help to screen the planned pool house. The primary reason for the height is to create enough space to enjoy sun that reaches that area.

Chair Mako closed public comment at 7:48 p.m.

Mr. Shapaka asked if the slope was complimentary to the house. Mr. Esterby stated it is not, and that the neighborhood has very steep roofs. Mr. Shapaka asked if the back wall is the same as the house. Mr. Esterby confirmed the texture is the same.

Ms. Pollyea thanked Mr. Esterby for filing for a permit first. She asked if Mr. Esterby could elaborate on the structure. Mr. Esterby stated it is mostly a pergola, but there is a two-foot storage area along the back of the structure that will be used for storing pool items. Ms. Pollyea asked if the 17 feet is the top of the sloped roof, which Mr. Esterby confirmed.

Mr. Suriano noted there were two pitches that meet at the roof. He asked if the lower pitch impeded sunlight. Mr. Esterby stated that the two-pitch look appealed to him, and that if they did not use this plan, the alternative was a tee-pee roof, which would still be too high.

Mr. Tamarkin wondered if the application is not approved, would it be reduced to 15 feet. Mr. Esterby said the structure is already built, but it could be cut by two feet. Corey Schoo, applicant, added that the bottom of the beam is at nine feet, with the overall height of 17 feet. Mr. Suriano asked to see the elevation plans, which Mr. Schoo passed to Commission members. He explained that all the structures are pre-built in his shop. Minimal carpentry work will be done on-site.

Chair Mako asked if there was any way to make an adjustment so the project could be administratively approvable. Mr. Schoo said the only option is to cut the posts and make them shorter, reducing the beam height to seven feet rather than nine feet. If the slope is reduced, the notches in the wood would be visible. The notches have reached maximum third capacity of rafter depth.

Mr. Tamarkin asked Director Blackford if the project would be approved at 16.5 feet. Director Blackford said that it doesn't technically meet code, but it would be reviewed administratively. He noted that at this meeting only six inches is being discussed.

Ms. Pollyea asked if it was detrimental for the structure to be reduced six inches. Mr. Esterby stated that he could, if necessary. Ms. Pollyea wondered if the six inches would prevent the applicant to enjoy the sun, to which Mr. Esterby replied it would simply take longer for the sun to reach the pergola.

Mr. Shapaka wondered if reducing the overhang would be an option. He thought that might not impact the shadow line.

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

Mr. Shapaka stated that if the City would approve a 16.5-foot structure, he was not opposed to approving a 17-foot structure.

Ms. Pollyea stated she did not want to set a precedent to approve variances that could be administratively approved with minimal changes. She stated her preference for the applicant to comply with code by removing six inches from the height of the structure.

Mr. Greenberg stated that the zoning code exists for a reason, and the city has stated their position. Therefore, he would not be in favor.

Mr. Suriano felt that the requested height of 17 feet was not drastically different and would not be noticeable when viewed from the street. As an architect, he understands difficulties with placement and shading, and felt the difference was negligible.

Mr. Tamarkin felt the difference was minimal as well, and, considering the structure was already fabricated, he would be in favor.

Chair Mako stated that applying code consistently is important and he would not be in favor.

The motion failed by the following vote:

Yes: 3 - Shapaka, Suriano and Tamarkin

No: 3 - Greenberg, Mako and Pollyea

Absent: 1 - Hicks

[V-0029-2024](#)

To consider a Variance Application to vary section 1111.03 Requirements for Permanent Signage of the Codified Ordinances of the City of Gahanna; for property located at 1070 Tech Center Dr.; Parcel ID 025-013634; Current Zoning IM - Innovation & Manufacturing; Burns & Scalo Roofing; Stephen Butsko, applicant.

Director Blackford provided a summary of the application; see attached staff presentation.

He noted Burns & Scalo was before Planning Commission earlier this year. It is a roofing company currently under construction in the Innovation & Manufacturing District. The Variance request is for two wall signs. The initial project was approved under the former zoning code, which was in effect until April 30, 2024. When it was approved, it had a setback of 75 feet. Former code for signage is the same as it is today. It permits one wall sign at a maximum of 50 square feet. The request is for two wall signs. One is for 91 square feet and the other is 30 square feet. The reasoning provided is the setback. With the slope and elevation change,

it is difficult to see.

Director Blackford provided a site plan that showed where signs will be. The variance criteria is the same as previous requests. In the question of whether the variance is likely to result in substantial damage to the essential character of the neighborhood, staff recalled there was a similar Variance granted for Edison Brewing, which is near the site. Edison is set back from the road and has two wall signs. Director Blackford shared there are alternatives to wall signs, such as a ground sign. Staff does not support the request but does not object.

Chair opened public comment at 8:10 p.m.

Stephen Butsko explained that the primary reason for filing for the variance was due to the way the building is positioned on Tech Center drive. Images were presented and Mr. Butsko explained the challenges with visibility at the site.

Closed public comment at 8:13 p.m.

Mr. Shapaka asked if future monument signs would no longer be considered if these wall signs are approved. Mr. Butsko stated that at this time, that is the case.

Ms. Pollyea asked for clarification that the reason for the Variance was visibility, which Mr. Butsko confirmed. She noted that the building is red, and wondered if the sign will affect someone's ability to find the property. She asked if a Variance had been acquired for the color of the building. Mr. Butsko stated his uncertainty, noting that he is a representative of the sign contractor, not Burns & Scalo.

Mr. Tamarkin wondered if the applicant could install a monument sign without a Variance. Director Blackford recommended that if this application is approved, a condition be added to either limit or disallow a monument sign. As it stands, it would still be allowed. Mr. Tamarkin asked if the Variance covers both wall signs and the expanded square footage. Director Blackford confirmed it does.

Chair Mako asked if one sign will show "Burns & Scalo" while the other sign shows only the logo, which Mr. Butsko confirmed. The front of the building will have the full business name and one side will show the logo. Chair Mako asked Director Blackford if the Variance that Edison Brewing obtained was similar. Director Blackford shared a street view of Edison Brewery to show the Commission the signs that were approved. Chair Mako then asked Mr. Butsko, if the condition to prohibit a

monument sign without another Variance was approved, if he knew whether Burns & Scalo would be comfortable with that.

Mr. Shapaka asked for clarification whether a condition would be added. Chair Mako said it potentially would be. Mr. Tamarkin surveyed members to confirm that they were comfortable with a condition on the Variance that would prohibit the business to install a monument sign without an additional Variance. Mr. Butsko wondered if the Variance could be approved as proposed, with changes to the dimension limitations of a monument sign. Chair Mako stated that any new signs should be spelled out in a Variance application. Because of this, he felt a monument sign should be considered separately.

A motion was made by Tamarkin, seconded by Greenberg, that the Variance be Approved with a condition that the approval not include a monument sign without an additional Variance. The motion carried by the following vote:

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

Absent: 1 - Hicks

F. UNFINISHED BUSINESS - NONE

G. NEW BUSINESS - NONE

H. OFFICIAL REPORTS

Director of Planning

Director Blackford stated that there will be one Variance application at the next meeting.

Council Liaison

Director Blackford shared that the current focus is budget season, and that Council would soon vote on the zoning code changes that Planning Commission recently reviewed.

I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Commission members sent well wishes to Mr. Hicks.

K. ADJOURNMENT

There being no further business before Planning Commission, the meeting was adjourned at 8:26 p.m.

Sophia McGuire
Deputy Clerk of Council

*APPROVED by the Planning Commission, this
day of 2024.*

James Mako