

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Thursday, October 2, 2003

7:00 PM

City Hall

Board of Zoning and Building Appeals

*Timothy W. Pack, Chair
Michael R. Moran, Vice Chair
Robert D. Fischer
Debra Mecozzi
Michael F. Schirtzinger
Isobel L. Sherwood, CMC/AE, Clerk of Council*

Members Absent: Debra Mecozzi

Members Present: Michael F. Schirtzinger, Michael Moran, Robert D. Fischer and Timothy W. Pack

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

The Board of Zoning & Building Appeals met in Regular Session on Thursday, October 2, 2003 at Gahanna City Hall, 200 S. Hamilton Road, Gahanna, Ohio. Chairman Timothy W. Pack called the meeting to order at 7:00 p.m.

B. SWEARING IN OF WITNESSES.

Chairman Pack asked Assistant City Attorney, Ray King, to swear in anyone wishing to speak. No one wished to speak.

C. PUBLIC HEARING:

A motion was made by Fischer, seconded by Moran, to open the public hearing The motion carried by the following vote:

Yes	4	Schirtzinger, Moran, Fischer and Pack
Absent	1	Mecozzi

BZA-0002-2003

To consider an appeal of the Planning Commission denial of FDP-0003-2003, a final development plan for 23.924 acres zoned M-1, Manufacturing, to allow development of the site; property located at 870 Claycraft Road, Columbus Tile Yard by Gary Lyons, applicant.

Chairman Pack opened the public hearing at 7:06 p.m., and asked if the appellant was present. Pack asked Clerk to note that the appellant was not present.

Ray King, 107 W. Johnstown Road, Assistant City Attorney, said he has had several telephone conversations with the new attorney representing Columbus Tile Yard, Marvin Resnick. They did fax a request in to the Council office asking that the matter be remanded to the Planning & Zoning Commission and scheduled for a workshop session to determine whether the matter can be resolved without the necessity of the board of Zoning & Building Appeals involvement; that the appeal not proceed. (Clerk had passed copy of fax to Board members before meeting.) Pack asked Gard if the Administration had any objections to this and Gard said no. Pack stressed that the Board is being asked to remand this back to Planning Commission; would be sending it back to Planning because of the request of the applicant; and that the Administration is in agreement with this; not remanding because of an error on anyone's part.

Chairman asked for proponents; there were none.

Chairman asked for opponents; there were none.

Remand to Planning Commission

A motion was made by Fischer, seconded by Moran, to close the public hearing. The motion carried by the following vote:

Absent	1	Mecozzi
Yes	4	Schirtzinger, Moran, Fischer and Pack

Fischer said he would go along with the request of the applicant to remand FDP-0003-2003 back to Planning Commission to work to solve the issue.

Schirtzinger said he agrees with Fischer that we should refer it back to Planning as the applicant requested. He did try to access the property and contacted Gary Lyons and he denied him access to view the property; reason given was that he (Lyons) did not want him to see the property, and consult his legal counsel.

Moran said that since the appellant wants it to be remanded and the Administration agrees it would be appropriate to handle it this way. Moran continued that it has been almost 6 months since this appeal was filed and was postponed at least twice by the appellant; wants to note that it has been no fault of the board; was at the request of the appellant.

Pack said he would like to add similar comments; thinks it is the best interest of the City and the applicant to try and resolve this issue if there is a possibility to resolve and eventually come to a win win situation for everyone then that's what we should do. Also for the record Pack would like to state that he contacted Gary Lyons on Monday on behalf of the board and requested access to the property; be on site to review the issues at hand in order for the board to properly make a determination of the facts in this case and Lyons did relay that member of the board were not to be on the property; could see everything needed to see from Morrison Road.

A motion was made by Pack, seconded by Schirtzinger, that FDP-0003-2003 be remanded back to the City of Gahanna Planning Commission and appropriate City officials for further consideration consistent with Chapter 147. The motion carried by the following vote:

Yes	4	Schirtzinger, Moran, Fischer and Pack
Absent	1	Mecozzi

Pack said he would like to bring up one issue. The application for the final development plan explicitly mentions that the Planning Commission has the right to be on a piece of property or parcel for review in their process of reviewing applications. Pack thinks it would be a good idea that our forms for to the BZBA that we have similar language; seeking the same right as the Planning Commission to stay consistent with the review of evidence and facts involved in cases.

A motion was made by Pack, seconded by Schirtzinger, to request that permission to be on an applicants property be added to BZBA forms for all future appeals that may be coming to BZBA thru the Administration or Planning Commission The motion carried by the following vote:

Yes 4 Schirtzinger, Moran, Fischer and Pack
Absent 1 Mecozzi

D. UNFINISHED BUSINESS:

Rules of Procedure.

E. NEXT MEETING.

F. ADJOURNMENT: Motion by Moran; 7:20 p.m..