

City of Gahanna

*200 South Hamilton Road
Gahanna, Ohio 43230*



Meeting Minutes

Wednesday, November 6, 2002

Committee of the Whole - 6:00 P.M.

7:30 PM

City Hall

Planning Commission

Richard A. Peck, Chair

Jane Turley, Vice Chair

Cynthia G. Canter

Candace Greenblott

P. Frank O'Hare

Donald R. Shepherd

Othelda A. Spencer

Tanya M. Word, Deputy Clerk of Council

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

Gahanna Planning Commission met in Regular Session in the Council Chambers of City Hall, 200 South Hamilton Road, Gahanna, Ohio on Wednesday, November 6, 2002. The agenda for this meeting was published on November 1, 2002. Chair Richard A. Peck called the meeting to order at 7:30 P.M. with the Pledge of Allegiance led by Planning Commission member, Vice-Chairman, Jane Turley.

Members Absent: Candace Greenblott

Members Present: Richard Peck, Jane Turley and P. Frank O'Hare

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - None

C. APPROVAL OF MINUTES: October 23, 2002

A motion was made by O'Hare to approve the minutes of October 23rd. The motion carried by the following vote:

Yes	3	Chairman Peck, Vice Chairman Turley and O'Hare
Absent	1	Greenblott

D. HEARING OF VISITORS - ITEMS NOT ON AGENDA - None

E. APPLICATIONS:

Chair stated Public Hearing Rules that would govern all public hearings this evening. Assistant City Attorney Ray King administered an oath to those persons wishing to present testimony this evening.

V-0031-2002

To consider a variance application to vary section 1143.08(d) of the Gahanna Codified Ordinances to allow the construction of a fence in a No Build Zone; for property located at 681 Tim Tam Ave., James and Janet Worlin, applicants. (Public Hearing. Advertised in RFE on 10/3/02). (Public Hearing held on 10/9/02, 11/6/02).

Chair opened Public Hearing at 7:32 P.M.

John Mazza, Harris, Turano & Mazza, Attorneys at Law, 941 Chatham Lane, Columbus, OH, stated that he is the attorney for the Worlin's; have a few additional speakers here this evening that want to offer some testimony and support in favor of the fence variance; understand that during the workshop there was discussion about how some of these issues had come up prior to the Worlin's purchasing their home; some discussion about some of these things having been done at a BZA meeting; we do have the minutes of that meeting with us this evening which do describe the dialogue that took place where the Worlin's previous attorney had indicated that he had checked into the matter himself; had spoken with the seller's realtor, that it was a consensus legal opinion that there would be no restriction on building a fence; as we had mentioned previously, when the Worlin's purchased this property, they had dogs; it was their intention to build a fence from the beginning; they sought this property with the understanding that they would be able to build a fence; mentioned previously my legal concern that this was questionable application of equal protection principles; hope we don't have to go down a road of that kind; don't think that you can have inconsistencies in application of law, where you have 25 or 27 variances fences back in that area; think you do need to have consistent application; have become aware that there are a number of Gahanna residents who are here tonight that are in support of the variance application; would like to have

those residents stand. (Clerk's note: Approximately 20 people stood).

Chair asked for Proponents.

Mr. Robert Wallace, 709 Tim Tam, stated that he has lived at this address since 1992 and am the original owner of the home; purchased the land in 1991; just met Worlin about 20 minutes ago; the strip of land that is in the no-build zone and in back of Worlin's property extends down in back of my property; realize that the decision that is going to be made by this Commission is going to set a precedent from here forth; wanted to provide my input into the Commission's decision making process; when I moved in to my home, I knew there was a no-build zone there; it is in the deed covenant; the language in the deed covenant says that you can not erect a temporary or permanent building or outbuilding; to me a fence is not a building or an outbuilding; also when the M/I agent came and was showing us the lot and describing the no-build zone, he said you can't build anything there like an addition to your home; he was talking about a structure, not a fence; in fact, further reading of the covenants state that you can have fences in Rose Run as long as they are in your backyard and as long as they are not metal, chain link, or plastic; Worlin wants to build a wooden fence; drive through Rose Run everyday; there are dozens of wooden fences in backyards in Rose Run; support the Worlin's request for a fence; if he wants to build a wooden fence in his backyard tastefully done, I don't have a problem with that; have heard that there was some type of agreement between the residents that they wouldn't build fences; I have been there since the inception and have never heard of any such agreement; again I endorse the request of the Worlin's.

Skip Cornett, 564 Dark Star, stated that he is here to endorse the variance request made by the Worlin's; it is their desire to complete the fencing of their backyard; it continues to mystify me over the couple of years that I have been giving attention to this, why there can be so many fences in Rose Run; nicely done fences that people have had completed; just seems to be a mystery why the Worlin's can not be allowed to complete the fencing in their backyard; on his behalf, I want to note that the Worlin's are people who spend a great deal of time in their yard; they have done a fence, but it is an incomplete fence; it cuts off half of the yard; want to tell about my own experience of when we moved into Rose Run a year and a half ago; we had a similar type of situation when we moved in April 2001 with the clear expectation that we would fence in our backyard; we chose a home in which the backyard was already halfway fenced; then we got into the whole process and discovered that we couldn't complete the fencing of our backyard; so it raises the concern that I have for the whole business of no-build zone and fencing; there seems to be a lot of inconsistencies in its application; if we had gone ahead and followed the prescriptions of the no-build zone as the City is trying to apply it, our situation would have ended up neighbors in an uproar; would hope that the Zoning Board and Planning Commission would take this back to City Council and look at this matter of no-build zone and fences; it is creating a whole lot of havoc about what people can do with their property and what they can't do.

Chair asked for Opponents.

Scott DelliGatti, 689 Tim Tam Avenue, stated that he is the neighbor to the Worlin's; have repeatedly spoken out against allowing a fence to be built in a no-build zone within our neighborhood; there have been several reasons recorded for my opposing this variance; they are as follows: (1) the Worlin's have failed to identify a suitable hardship that would allow for the variance; in each case they have said their hardship revolves around an inability to view landscaping and a desire to have their dogs roam in their entire property; neither reason warrants consideration as a hardship; they are

self-imposed circumstances not situations that prevent the Worlin's from enjoying their property; (2) the Worlin's have said they received legal advice stating a fence could be attained on their property; improper legal advice never should be considered a hardship; it's unfortunate that their legal counsel never sought out the Planning and Zoning Commission; again, an unfortunate circumstance does not represent a hardship; tonight, I would like to enter a third reason for opposing this variance, material or financial impact; the Worlin's attorney made comments stating that no material impact would occur if a variance were granted and a fence built; now, I could choose to believe this statement, or I could research it and allow the data to speak for me; I'll let two of the quotes speak for themselves; from Catherine Benotto, architect writing for the Seattle Daily Journal "Parks, greenbelts, and other open spaces are essential, particularly as density increases; judging by sales surveys, home buyers are showing a greater desire for homes with easy access to shared open spaces than homes with larger lots but without the communal area"; she also added "in San Diego County, a developer found he could increase the sale price of his houses by 25% by scaling back his development 15% and adding natural open space corridors visible from every home"; from Dana Ulrich, Recorder Publishing Company states "the Center for Rural Massachusetts found in a 1990 study that homes on acre lots in a cluster subdivision with open space appreciated 12.7% faster over 21 years, compared with similar homes on 1/2 acre lots in a subdivision without open space"; to me the data spoke volumes; I've heard numerous times about why the developer supposedly put in no build zones within Rose Run; there is a natural beauty within our cluster of homes; rolling hills, mature trees, and small woodlands, open space if you will; something that developers surely realized when buying this property and zoning it; the data I've observed say people will pay extra for rolling hills, mature trees, and small woodlands; developers recognize this and to this day use it as key selling points for new and existing homes; I have yet to read where people will pay extra for fenced in properties; so again, I ask that the Planning Commission deny this variance based on two overwhelming conditions, a lack of hardship and a substantial material impact on adjacent landowners.

Mary Jane Kreidler, 938 Cordero Lane, stated that the north side of our backyard is adjacent to the back of Worlin's backyard; as we stated at the Planning Commission meeting on October 9th, we have been and still are opposed to the Worlin's request to build a fence through the "No Build Zone" of their property; several of the neighbors who can also see Worlin's backyard have expressed their written opposition to building the fence; these neighbors are Mike Dengel, Arlene Tyler, Arlene Raya, and Lawrence Buynak; we all have this "No Build Zone" on our properties; we have landscaped our properties to enhance the open and "park-like" setting that we have on this particular block of Rose Run; there are between 15 and 20 children ages one year through 18 years old that reside in a circle of homes around the Worlin's and none of these families have fences to protect their children; so apparently, these families also like the open, "park-like" setting of the neighborhood; we have lived here for five years and there has never been a problem with dogs coming onto our property and threatening us; if the pit bull in the neighborhood is considered dangerous, then we believe it is the obligation of the City of Gahanna to remove it in order to protect all the neighbors; the City of Gahanna Code, Section 1143.08(d) states that "No permitted accessory use building or structure or fence shall be permitted to encroach upon any area designated as a "No Build Zone"; we all are abiding by this section of the Gahanna City Code and again express our opposition to this variance request to construct a fence in a "no build zone".

Eric Kreidler, 938 Cordero Lane, stated that when my wife & I purchased our property, we knew very clearly that we had a no-build zone that would prevent us from constructing a fence; in fact, when we first met the Worlin's and heard of them wanting to construct a fence, my wife & I were the first to inform them that was not permitted;

apparently many of our neighbors heard the same thing from their lawyers and their realtors, because when we talked to the neighbors, they clearly indicated that their expectation was there would be no fences built in no-build zones; from a practical point of view, when I purchased my property with the restrictions on it, that is part of the property that I paid for; to me that is valuable; a lot has been made of the Worlin's landscaping; I too have spent a lot of money, time, and energy landscaping my property; when you view my property from any place in the surrounding properties, it's attractive; unfortunately when you view the Worlin's property from my property or Scott DelliGatti's property, you see weeds growing, orange painted mulch, illegal signs, etc.; for these reasons I urge the Planning Commission to deny this variance application.

Chair asked for rebuttal.

Mazza stated that he thought he heard a great reason why the Planning Commission ought to allow the Worlin's to build a fence so you wouldn't have to look at their trashed out yard all the time; however, obviously that is a perspective that the gentleman holds; let me address the comments that were heard one by one; first of all you don't have to show a hardship; that is one ingredient to allow for a variance; you can show reasonable use; you can show that it is not materially affecting the use of others; secondly, I heard about real estate values supposedly affecting coming from an article; nothing can be more hearsay than that; why don't we have a Real Estate Appraiser from Gahanna here this evening to talk about this neighborhood and the real estate values being affected in this neighborhood; I am aware of those two studies the gentleman talked about in his comments from other legal work that I have done; the questions and the issues that are raised in those studies have to do with open public land use where the issue is the private sale and development of public land; the opposition was saying where you have open land, wooded areas; not one part of an individual's house or his yard; that is totally inapplicable in this application; as for the comment that was made by Kreidler about all the other residents who are against the fence variance, why aren't those persons here this evening, having been sworn in by King and giving testimony on record that they are against this fence variance; if you can't accept testimony from someone who is not sworn in; you certainly can't accept an allegation from somebody that other neighbors also have an objection; if they have an objection, they ought to be here and standing up and being counted; we have gone through every step that we have to go through in this process; we have gone through workshop several times and we believe that the grounds have substantiated for the variance and hope that you agree; still have yet to hear an objection from anybody that is in fact material in nature and not totally subjected.

Chair closed the Public Hearing at 7:51 P.M.

Mazza asked if the Planning Commission wanted a copy of the minutes from the BZA meeting in November 1999. Peck stated that you are more than welcome to present those minutes; we can give them to the Clerk and make them as part of the record. O'Hare asked are those the minutes from the meeting between Worlin and his previous attorney. Worlin stated that these are minutes from the BZA meeting held on November 18, 1999, where our previous attorney represented us; this is the meeting where the attorney indicated that he did do what he felt was due diligence in researching this issue. O'Hare commented that he was under the impression that you were going to bring this evening documentation where you had spoken to your attorney and he in turn told you it was okay to build this fence. Worlin commented that in the workshop he indicated that his attorney was a part of the initial meeting during the appeal process; in that meeting he indicated that he had done the legal review prior to closing. O'Hare replied so it's in the minutes of the November 1999 meeting. Worlin replied yes that is correct, he testified under oath. O'Hare asked so the attorney never gave you a letter or form of

documentation. Worlin replied that we had a faxed issue from him; looked in the file and it disintegrated over a year ago; if it is a big issue, he testified under oath in November 1999; we didn't care to bring him back out here again to re-testify; it was our number one reason buying a house in this area was because we could put a fence on the property; number two was the large garden tub.

Peck stated as a matter of City Ordinance, the Planning Commission is required to specify the reasons for granting a variance; the ordinance does not require us to specify reasons for denying one; however, I feel like basic fairness requires at least for me that Worlin deserves an explanation of why I feel the way I do about certain aspects of this application; spent quite a bit of time on the Auditor's website researching various public records; Worlin's deed says that he purchased Lot No. 174 in Rose Run, Section 3 as that lot is numbered and delineated upon the recorded plat thereof of record in plat book 71, page 12, Recorder's Office, Franklin County Ohio; now the Worlin's bought the land from the Fredmans who bought it from the Tross' and they bought it from the Banegi's who bought it from Mobley Homes who bought it from M/I Schottenstein Homes who bought the land from the Goldberg's; after they bought the land from the Goldberg's but before they saw any lots; M/I Schottenstein recorded deed restrictions with the County on August 2, 1988; Mobley bought the land subject to those restrictions in 1992; the plat and the plat number has been part of the property's legal description on every deed since that time including the Worlin's deed; Article 1S of the deed restrictions prohibits chain link fence, metal or plastic fencing, except as specifically provided herein for any lot within Rose Run; no provision of the deed restriction otherwise permits chain link, metal, or plastic fencing; Wallace is correct, the deed restrictions do not prohibit all wood fences; Article 1U says the recorded plat for Rose Run sets forth on many lots a no-build zone, except as herein and described in this paragraph, no lot owner shall or shall permit to be constructed in such no-build zone any temporary or permanent building or out-buildings provided that the lot owner may use such areas for recreational areas such as for recreational equipment or facilities, for landscaping or gardening of flowers or vegetables, and for other purposes of like manner or nature; there are no other descriptions in the paragraph, so the language it says except as otherwise described doesn't mean anything; the deed restrictions prohibit buildings in a no-build zone, but they do permit swing sets and recreational equipment; Article 2A says that the owners of the lake lots may not construct or cause to be constructed within a no-build zone fencing of any type or structure; now that clearly says no fencing at all over there, that applies to lake lots only; that doesn't apply everywhere; Article 4 says that by accepting a deed to any of the above described real estate, a grantee, which in this case is Worlin as the successor grantee, accepts the same subject to the foregoing covenants and agrees for himself, his heirs, his successors, and assigned to be bound by each of such covenants jointly; so in essence, this is an agreement between 174 property owners who have all taken in succession from the original deed to restrict each other's use of the property; the plat for the Worlin's lot clearly indicate the presence of a 40 foot no-build zone at the rear of the property; all property deeds are by law subject to tax liens, zoning ordinances, regulations and restrictions, conditions, reservations, and easements of record; City ordinances require that every plat application must include a copy of the proposed deed restriction; now Title 3 of the Gahanna Codified Ordinances regulates zoning matters; Section 1121.02 - Interpretation states "when a Zoning Ordinance requires a more restricted use of land or impose other higher standards than are required in any other ordinance or regulation, private deed restriction or private covenant, the provisions of this Zoning Ordinance shall govern"; however, if the requirements of the other ordinance, regulation, private deed restriction or private covenant is more restrictive, then those requirements shall govern; so the more restrictive of the two interpretations or of the two documents applies; this rule of interpretation has existed in its current form since there was a zoning code in this City in 1958; that was the first

zoning code; that portion of code remains unchanged; the City Charter and the Ohio Revised Code delegate the authority to administer to Planning the provisions of the Zoning Ordinance to this Planning Commission, which is stated in Section 1125.01 - Authority of Planning Commission; the Planning Commission is charged with making interpretations of this Zoning Ordinance, Section 1125.02(a) - Powers and Duties of Planning Commission; there is always room for honest disagreement; we have seen evidence of that here tonight; fortunately or unfortunately, somebody has to decide what the interpretation is; by Charter and by City Code that is the job and responsibility of the Planning Commission; Section 1123 of the Zoning Code sets out the definitions; there is no specific definition of a no-build zone there; words without specific definitions are defined first by the illustrated books entitled "The Illustrated Book of Development Definitions" and it is not in there and "Dictionary of Architecture and Construction" and it is not in there; then by "Webster's Unabridged Dictionary"; unless they are specifically defined, all words used in this Zoning Ordinance shall carry their customary meanings; because we don't have a more specific definition, the ordinary and customary meaning of no-build is what applies; now every section of the City's Zoning Code that governs single family residences; that is ER-1 (Estate Residential Districts), ER-2 (Estate Residential Districts), SF-1 (Residential Districts), SF-2 (Residential Districts), SF-3 (Residential Districts) contains a section clearly designated as yard requirements; no accessory use building or structure shall be permitted to encroach upon any area designated as a "no-build zone"; these code sections have been in place since May 1989; those were part of Ordinance 0042-89; the same night that the City Council accepted this plat on May 2, 1989, the City Council also amended the Zoning Code in Ord-0047-89; this is the ordinance that added the language "no accessory use building or structure shall be permitted to encroach upon any area designated as a "no-build zone"; now that definition includes building or structure which is a more restricted definition than the "building only" definition that's in the deed restriction; that is the definition that the law says the Planning Commission is to follow and adhere to; our definition section includes fences in the portion of the code that a fence is defined as a structure; this is stated in Section 1123.53 - Structure of the Gahanna Codified Code; the State law also says that the City has the authority to regulate fences and billboards; the deed restrictions clearly notifies all property owners that many lots have no-build zones; the Rose Run deed restrictions clearly prohibit sheds and other out-buildings in the no-build zones; the City Zoning laws prohibits fences in no-build zones; when you read the deed restriction, the plat, the deed, the Zoning Ordinances together, which is what we are charged to do, don't see any other reasonable interpretation than a no-build zones excludes a fence; don't doubt that Worlin received advice that the Code permitted a fence in a no-build zone, but that advice was not from the City; the City has honored our mistakes in the past when we have granted permits in error and the homeowner has gone ahead and constructed in reliance on the City's activities; we have tried to find a way to make that right, when it's our mistake; this is clearly not the City's mistake; the City is not bound by the outside parties mistaken interpretation of the Zoning Code, even if the outside parties mistaken interpretation was made in good faith; a variance is still required; the Zoning Code states that we shall not grant a variance unless the Planning Commission finds that all of the following conditions apply to the case in question; Mazza is correct, the word hardship is not specifically used here; it is thrown around a lot, but not specifically used in this section of the code which is 1131.03; we have to find:

- (a) there are special circumstances or conditions applying to the land, building, or use referred to in the application.
- (b) the granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- (c) the granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be

materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Allow me to take these one by one; as for the special circumstances; have viewed the property and the surrounding areas; do not see any special circumstances that apply specifically to this land; the lot is exactly as it was platted 14 years ago; three previous property owners owned this land; did not identify any special circumstance; there is no disproportionate impact from road traffic or any other public nuisance that might warrant a variance such as some of the variances that have been granted for properties along Route 62; do not see any special circumstances that apply to the building; the house that is there is no different in type or character from the other 173 homes in Rose Run; don't see any special circumstances that apply to the use; Worlin has been very adamant that he wants full privacy in his entire backyard, and I respect that; Worlin has been very thorough and persistent with this application; however, not understanding their real estate agreement or having explained incorrectly to a person does not create a special circumstance that applies to the use that they desire; the Worlin's have mentioned there is pit bull in the neighborhood and they should have a variance because another neighbor got a variance for that reason; there is a difference between the two applications; first the pit bull on the other application was on an immediately adjoining property; both properties abut backyard to backyard; secondly, the stated reason for the variance was to permit a child to play in the backyard out of the sight where that dog is kept; the Commission had also received information where there had been enforcement problems out there; we also had the agreement of the home owner that the fence would come down as soon as the special circumstance (which is the pit bull) went away; in terms of property rights; a variance can only be granted if it's necessary for the preservation and enjoyment of substantial property rights; enjoying your backyard is certainly a substantial property right; those of us who own homes take great pride in being able to have a place that we can call our own and a place where we can get away from things; however, this variance is not necessary to preserve the rights that Worlin's obtained with their property deed; it appears that the Worlin's are asking the Planning Commission to expand their property rights not to preserve them by allowing them to do what is expressly prohibited on their lot along with 153 other lots in Rose Run in terms of putting fences in there; except for the places and the lots where applicants have come in and convinced the Planning Commission that they have satisfied the conditions for a variance; as to adverse affects; don't find that granting this variance will adversely affect the health or safety of persons residing in the neighborhood; however, do see that granting the variance will be materially injurious to the property or improvements in the neighborhood; there are 174 lots in Rose Run; 153 of them have no-build zones; they all have deed restrictions that are very consistent from top to bottom; there have been some fences built in Rose Run; there are no fences in the immediate area where the Worlin's seek to extend; allowing fences to be erected in a sub-division that was expressly designed to maximize natural vistas and open area injures the property rights not only of the immediate neighbors, but of all 174 owners who bought property with the same restrictions and subject to the same Zoning Ordinances; there are a couple of other issues that have come up; Worlin has stated that he feels he is being treated differently because of the outpouring of the strong opposition that their application faces; as a Planning Commission member, I have to tell you that the volume in the number of opponents is something that might be considered, but don't view it as a major factor in how I approach my duties; the job of the Planning Commission is to listen to the concerns that people express and to consider them and make the best decision; in terms of the strength of the opposition, this Planning Commission has seen much more controversial issues than this; with all due respect of how important this issue is to you; last year we had an issue with regard to opening up what had been a vacated street; well the Mayor opposed what he thought the Planning Commission was going to do, so he

wrote an entire neighborhood and we heard testimony for two hours in here from everyone in the surrounding area who wanted to object to what they thought we were going to do; we considered all of their opinions and testimony; however, at the same time, I voted my conscience, believe that my colleagues did also; the Commission ultimately decided to present a plan to the Mayor that he didn't approve of; where that plan goes from there, is the function of City Council; we have done the same thing with St. Matthew's Church, New Life Church; we hear a lot of opponents and proponents; Worlin and his attorney have also mentioned the number of variances; didn't go back to forever, but this Planning Commission was created in this present form as it existed with a Design Review and all of its current functions in 1997; that is where I started; in 1997 in the entire City of Gahanna, we had 5 fence variances that were applied for; Planning Commission approved 4; one was in a no-build in McKeena Creek; it was approved because the lot backed up onto Route 62; we did not have any applications from Rose Run in 1997; in 1998 there were 5 fence variances applied for; we approved two; one of the two that was approved was for an invisible fence and one was for side yard encroachment; again there were no applications from Rose Run; in 1999 there were 3 fence variances applied for; we didn't approve any; two applications were from Rose Run and they were both denied; in 2000 there were 5 fence variances applied for; we approved 3, two were to replace existing chain link fences with upgraded materials and rather than let the residents persist with an unsightly chain link fence, the Planning Commission granted them the variance so that they would improve the neighborhood; one of those three was in a side yard; again there were no Rose Run applications; in 2001, there were 9 fence variances applied for; three were approved; one of the three was for barbed wire around high voltage lines in the industrial zone; one was to extend a patio around a side door; and one was in no-build zone; that was the 1 Rose Run application and that was the one that was approved; that application was Cornett's; remember the testimony from that particular application because when I sat in the Committee Rooms during our workshop and we reviewed the application and went out and look at the property, my inclination was to deny the variance; then I came in here and listened to the testimony of the neighbors, testimony of the property owners, and looked at the specifics of that property, for whatever there were already five fences surrounding the Cornett property; to force them to build what they could within the code when everything else in those six lots was already out of wack would have been obscured; so we connected the last dot; but those are six yards that back up against each other; there view is not part of the open vista because their lots are immediately adjacent to the entrance on Cannonade and Dark Star and is hidden by the fence along Route 62; we didn't have the adverse impact on the neighborhood; we did have a special circumstance which was that five of the six immediately surrounding there already had fences and that's what we had to deal with at the time; so from that five year period, we have had 27 applications; 12 of them approved; 15 denied; 3 of them from Rose Run and 1 approved; the homes on Dark Star, Affirmed Court, and Cannonade Ct. which are located in Rose Run had existing fences where permits had been obtained from the City some years ago; actually more than five years ago; the City Attorney recommended upholding the permits and granting the variance because the fences were built with City approval and if the City did not follow its own procedure, then when a citizen comes in and tries to comply with the procedures and the Planning Commission tells them what to do and they go out and do it; see it as a special circumstance that would disproportionately penalize a homeowner for relying on the City's thoughts and so those three were granted; the fourth one was granted because of the problems with the Pit Bull with the immediate adjacent property owner; it was conditioned upon removal as soon as the Pit Bull is no longer there; so as a total of that 6 year period, we have had 37 applications; approved 19, 8 Rose Run applications; 5 have been approved; 3 of the 5 were because of City error and 2 this Planning Commission identified as a special circumstance and found that there would not be an adverse impact; don't see any City

error in this case; there certainly has been an error; don't doubt for one minute that Worlin has every right to be upset; but it is not a mistake of the City; it is not the duty of Planning Commission nor the responsibility of the Commission to start taking charge for correcting mistaken information that people receive in the course of real estate transactions; that opens up a whole can of worms that just is not something that the Planning Commission could get into; have listened intently to everything that Worlin has said; reviewed information submitted by Worlin; Mazza knows this is a proceeding that is quasi-judicial, however, it is not strictly bound by the rules of evidence; there are 153 lots there with no-build zones in Rose Run; only 8 of them have sought variances; this is not an issue of beauty being in the eyes of the beholder; this is an issue of enforcing a plat that was approved by the City, accepted by the County, and then deeded to 174 separate owners; each of whom have property rights in those deeds; the Worlin's have been very forthright and have testified consistently that they knew of the restrictions when they bought the house; they always wanted to build a fence on this property and someone other than the City told that they could do it; but the no-build zone is a material and very significant feature of the development; its use is limited by the deed covenants and by the yard requirements of the residential zoning category; the City adopted the no-build restriction by ordinance at the same meeting it accepted the plat in May 1989; it was all done at the same meeting; can't support the application; tried to be as thorough as possible in explaining my reasons; hope that you can accept it for what it is worth; took an honest and open look at everything you had to say; but I have to tell you that I can't support the variance.

A motion was made, seconded by Vice Chairman Turley, that this matter be Approved. The motion failed by the following vote:

Yes	0	
No	3	Chairman Peck, Vice Chairman Turley and O'Hare
Absent	1	Greenblott

Chair advised applicant of his right to appeal this decision to the Board of Zoning and Building Appeals within 20 days. Contact the Clerk of Council's office for further information.

V-0032-2002

To consider a variance application to vary Section 1107.01(d) - Required Improvements; to allow deletion of required sidewalks; Section 1143.08(a) - Dwelling Dimensions and Lot Coverages; to allow a front yard setback of less than 35'; Section 1167.06 - Building on Corner Lot; Setback Requirements; for property located at 4115 Stygler Rd.; by Christine J. Messick, applicant. (Public Hearing. Advertised in RFE on 10/17/02). (Public Hearing held on 10/23/02, 11/6/02, 11/20/02, 12/4/02).

Chair opened Public Hearing at 8:26 P.M.

Chair asked for Opponents. There were none.

Chair advised that this application has been postponed until November 20th at the request of the applicant; this application will meet in workshop just prior to the public hearing at 6:30 P.M.

Chair closed Public Hearing at 8:27 P.M.

Postponed to Date Certain to Planning Commission

Z-0014-2002

To consider a zoning change application for 1.8 acres located at 4574 N. Hamilton Rd.;

current zoning ER-2, Estate Residential; proposed zoning of CC2, Community Commercial; Mercado Real Estate Investments, applicant. (Public Hearing. Advertised in RFE on 10/3/02 and 10/10/02). (Public Hearing Re-advertised in RFE on 10/24/02). (Public Hearing held on 10/23/02, 11/6/02, 11/20/02, 12/18/02, 01/22/03).

Chair opened Public Hearing at 8:28 P.M.

Chair advised that this application has been postponed until November 20th.

Chair asked for Opponents.

Tom Liszkay, 457 Tresham Road, stated that he does not live near the property; actually lives about 1.5 miles away; would like to point out some things that he has pointed out to the Commission before; this is part of the North Triangle Plan; the concept when the Triangle Plan was developed was to aggregate lots, put together lots, limited access to Hamilton Road; realize that at that particular point of Hamilton Road, there have been a number of projects and testimony before this Commission about where those entrance and access points are; where traffic lots are going to be; ask that you consider that when you consider this application; there are three lots there in that particular area; this particular lot as I understand it is alongside the Giant Eagle; the way Giant Eagle is placed, it kind of acts like a natural barrier to further commercial development going south on Hamilton Road; think it is a nice barrier; it sets off that commercial point up to Morse Road; south of that, I think there are the mature woods, the newly developed condominiums in that area; what I would like to see and I realize this is up to the property owners is those three lots be aggregated; perhaps connected to another project in the area; access only from the interior as the Triangle Plan suggests.

Chair closed Public Hearing at 8:31 P.M.

Heard by Planning Commission in Public Hearing

FDP-0017-2002

To consider an amendment to an approved final development plan (FDP-0004-2000) to allow changes to the site plan to reflect acquisition of property and deletion of other property; for property located at 5099 & 5171 Shagbark Rd.; by The Woods at Shagbark, Phase, II, Mo Dioun, applicant. (Public Hearing. Advertised in RFE on 10/17/02). (Public Hearing held on 10/23/02, 11/6/02).

Chair opened Public Hearing at 8:32 P.M.

Glen Dugger, 37 W. Broad Street, stated that he is here to represent The Stonehenge Company; met with the Administration; from that meeting there were some conditions regarding access issues that were requested of us; we are willing to adhere to those conditions which as stated in the comments of the Administration.

Chair asked for Opponents. There were none.

Chair closed Public Hearing at 8:34 P.M.

A motion was made that this matter be Approved. The motion carried by the following vote:

Absent **1** Greenblott

Yes **3** Chairman Peck, Vice Chairman Turley and O'Hare

Z-0015-2002

To consider a zoning application on 1.999 acres of property located at 435/437/439 Johnstown Rd.; current zoning is SF-3 (Residential Districts); requested zoning of AR (Multi-Family Residence Districts); Jancor Properties, by Peter J. Cordts, applicant. (Public Hearing. Advertised in RFE on 10/24/02, 10/31/02). (Public Hearing held on

11/6/02, 11/20/02).

Chair opened Public Hearing at 8:34 P.M.

Peter J. Cordts, 5719 Clear Stream Way, Westerville, OH, stated Jancor Properties is a private company that he owns along with some investors who do small developments; we had noticed that this property was for sale and saw an opportunity; we felt that it was a perfect location for this need of 14 condominiums; one of the reasons why we like this development is because of the location; obviously it fits well with what Gahanna is doing; what we noticed in the area according to the records from the 2000 census is that the average person in the area is about 37 years old, mostly married; the median income was about \$57,000; as far as housing, there's pockets of multi-family; there's apartments; there are condominiums across the street from this development; on the road just west of this property there are four streets of multi-family housing; if you go east on Johnstown Road there are obviously apartments there; so the mentality of that area is a multi-family development; our thought is why not keep this property in that range of development as multi-family; we take care of the properties and a person that is renting likes the fact that a landlord is going to take care of the property and landscape; right now we do not own the property; we have put a deposit on the property pending approval of this zoning application and also pending a few other approvals; the property right now is currently zoned for 5 single family residences which is a great opportunity for the City of Gahanna; you will be able to get 5 opportunities to get taxes from those homes; however, the mentality of the area; the new development that is happening down in Olde Gahanna, we feel this would be a wonderful opportunity to merge the two; what we like about this parcel is the location; you are minutes from the pool; the elementary school is there; Easton; etc.; we feel this would be a wonderful opportunity to get this project moving forward; if the City were to approve this project, our goal is to break ground this coming February; hopefully have 1/3 of the condos sold at pre-construction; looking to open in 2003; as far as what I have received regarding any phone calls from residents or persons calling me about the development; I haven't heard of any people opposed; I'm sure there are people opposed and that is fine; we have received a letter from the City of Gahanna's Zoning Department dated November 1, 2002 stating that the Zoning Department and Department of Development do support the rezoning of this property; we thank them for that; my one main concern would be the Engineering Department's requirement for the left hand turn; the average income of the people in this area or the people that we are looking for make about \$55,000 per year; in order to make this project work, we need to sell the condos starting at or about \$150,000 - \$160,000; anything past that really doesn't work for our budget or for the area; what we are doing for the proposed owners is giving them more bang for the buck; we are looking to develop 14 units all to have three bedrooms; eight of them will have two car attached garages; the balance will have a single car garage attached; 2 1/2 baths; full basement; fireplaces and cathedral ceilings; in order to do this, we've worked hard with the contractors to obtain some cost savings; however, the Engineering Department has requested a left hand turn lane and that would kind of put a wrinkle in this development for the simple reason that some of my numbers are coming back at about \$100,000 which would affect the bottom line and probably would not make the development; if there is someone from the Engineering Department or perhaps from the Planning Commission who could give me a reason why this is required, I would appreciate it. Peck stated that in terms of requirements, we really have two different issues that we are talking about and they are sort of being shuffled around; a number of the issues that you have mentioned all relate to the Final Development Plan which comes later; the first issue and the only real issue which is before us this evening is the Zoning application; the Zoning question is confined to "Is it appropriate to rezone those two acres from single family to multi-family; then if we get to that point and get past the zoning then it becomes an issue of what is the best way to make it work. O'Hare commented that at the

beginning of your presentation, you called these condominiums and then later heard rental; asked are we talking condominium or rental property. Cordts replied they are condos; basically what I was saying was that the pockets of development in the area right now (i.e. along Goshen Lane and West Johnstown Road) you do have people renting; was just using that as an association; using it as an association whereas a person who is renting, a newly married couple they can afford to purchase a condo for what we are building them for.

Chair asked for Opponents.

Jan Volker, 232 Dunbarton Road, stated that she moved to Gahanna less than a year ago; bought a home in an area that Cordts states is multi-family; I beg to disagree with him completely; before I purchased my home I checked with the County Auditor's map and that whole area with the exception of a very few pockets of rental properties which Cordts did mention is single family; the rest of that whole area is all home owner single family residences; would be highly disappointed if these condos go into this area; when I bought my home, I clearly was under the understanding based on Franklin County records that all the properties in the adjacent vicinity where I live were single family dwellings; to see these potential condos go up in an area that basically has large mature trees, quiet neighborhood, single family homes with average families in them would bring the property value down; the second concern that I have is where I live now there are existing sewage problems; they have been ongoing for years; was not aware of that when I bought my home; however, within six months my basement flooded with sewage; I became acutely aware of that problem; went to the Zoning personnel the other day and asked them if they had checked with the Engineers to see how you're going to deal with the sewage problems that may be impacting from these potential 42 people on two acres; the lady told me no, we have not checked with Engineering yet. I asked the lady wouldn't it seem logical that you would find out if this was going to be a problem before you consider approving this application; thirdly, I was disappointed to hear the approval from the Zoning Department before this has even gone anywhere; I hope that won't influence your decision in this matter, because it sounds like based on what Zoning has already agreed to, they think it's a done deal; again I moved here with the firm belief that I was moving into a single family residential area and that I was not moving into a multi-faceted area.

Mary L. Lamonte, 441 W. Johnstown Road, stated that she moved into her home two years ago; we purchased our home from the Lake family; like Volker indicated one of the things that appealed to me was the quietness of the neighborhood; it was an older more mature neighborhood; to bring in a condominium development would be like kicking up dust everywhere; I would not want to have to move, but this would make me move; do not want to live next door to a condominium or apartment complex; there is a lot of development going on in Gahanna which is a great thing; however, I do not want it next door to me; yes there is a problem with the water on the lot next door; we get a lot of water when it rains as well; we don't have a basement, so I don't know how that is; our property is nice and quiet; there is not much of a traffic issue at this point; think that by developing a condo complex this would increase traffic beyond measure; we would really just like to see it be all housing in that area.

Keith T. Gayer, 414 Debra Lane, stated that his property abuts right up against this property; has lived at his residence for 37 years; it is a nice quiet residential area; find this very upsetting.

Nancy Gayer, 414 Debra Lane, stated that we have been at this address since 1965; all the lots in the immediate area are at least a 1/2 acre; can't see building something of this

magnitude in that area; there are condos across the road, but all you see from Johnstown Road is the nice entrance and one condo; it just doesn't fit in.

Chair asked for Rebuttal.

Cordts stated that he can appreciate the residents opposition; however, Chesses the owner of the property does have a right by law to sell the property; it was previously approved for five single family homes; did they oppose the five single family homes; if this gets tabled are we allowed to do five single family homes.

Chair closed Public Hearing at 8:56 P.M.

Chair stated that before any application comes to the Planning Commission every application is preliminary reviewed by the Development Department, the Zoning Division, and the Engineering Department to see if there are any major concerns; now the level of review depends on the level of the application; Komlanc has expressed some concern as to how this project might work; Gard and Chrysler have also expressed their concerns to the applicant; again the only issue that is before us the issue of zoning; these persons have stated their recommendations; their recommendation is something that this Planning Commission considers; however, it is by no means conclusive of how the Commission ultimately decides to proceed on this matter.

Chair advised that this application will be taken to workshop on November 13th at 6:15 P.M.

Heard by Planning Commission in Public Hearing

FDP-0018-2002

To consider a Final Development Plan for Countryside Electric, Inc. to be located at 275-277 W. Johnstown Rd.; Glen Lehman, applicant. (Public Hearing. Advertised in RFE on 10/31/02). (Public Hearing held on 11/6/02, 11/20/02).

Chair opened Public Hearing at 8:58 P.M.

Glen Lehman, 14266 Robins Road, Westerville, OH stated that he is the owner and the applicant for this project; it was neat to see the article "City Looking to Lure Business" in a recent Rocky Fork Enterprise; am a small electrical contractor coming to the area; went to the Development Department before purchasing this parcel and asked them if what I wanted to do there would be fitting; they told me yes it would; I went ahead and purchased the parcel; to sum it all up, here this evening to ask the Commission for their approval.

Chair asked for Opponents.

Harry Lewis, 307 & 319 W. Johnstown Road, stated that he is basically concerned about what is going to take place; here is a Final Development Plan; have not heard or been notified of any development; received a letter stating the Final Development Plan; just want to know what is going to happen there. Peck commented that the Final Development Plan is certainly open for your review at the Council Office; it is public record; you're more than welcome to spend as much time as you like reviewing the file

O'Hare stated that he is concerned about the noise that will be generated by the types of trucks that will be going in and out of there. Peck commented that you will want to do a traffic pattern. Lehman replied that the traffic would be basically at 7:30 A.M.; approximately 10-15 small vans go in and out of the project; then at the end of the day at around 4:00 or 4:30, it would be the same process as in the morning. O'Hare asked are you going to be parking the vans inside. Lehman replied no, not all of them.

Chair advised that this application will be taken to workshop on November 13th at 6:40 P.M.

Turley asked who are your adjacent neighbors. Lehman replied there are actually two lots that I purchased; one is the large lot in between the brick building and the white house which is being used as a business also; of the two lots, one is a large lot that goes straight back; the second one is just a small easement which goes to the lot which behind the white house. Turley commented that it would really be helpful if you could bring to workshop a sketch of where the buildings are on the adjacent lots.

Heard by Planning Commission in Public Hearing

DR-0075-2002

To consider a Certificate of Appropriateness; for property located at 275-277 W. Johnstown Rd.; by Countryside Electric, Inc., Glen Lehman, applicant.

See discussion on previous application.

V-0034-2002

To consider a variance application to vary Section 1145.06(a) - Yard Requirements; for property located at 277 N. Stygler Rd; to allow a 6' encroachment into the 25' front setback; by James David Jones, applicant. (Public Hearing. Advertised in RFE on 10/31/02). (Public Hearing held on 11/6/02).

Chair opened Public Hearing at 9:04 P.M.

James David Jones, 277 Stygler Road, stated that he is applying for a variance for the addition of a porch to the newly added addition to the house.

Peck asked how high is the porch. Jones stated it is just one step up.

Chair asked for Opponents. There were none.

Peck asked how would you gain access to this addition from your property without the porch being there. Jones replied there is one entrance from the rear. Spencer asked is the addition built yet. Jones replied yes it is; the porch extends 6 ft. beyond the setback line. O'Hare asked how wide is the porch. Jones replied 10 x 6. O'Hare asked how much does it encroach into the building line. Jones replied 6 ft. O'Hare commented so your house is right up to the building line. Canter asked were you aware of that when you constructed it. Jones replied yes. Canter asked did you think that the porch was not part of the building that could encroach. Jones stated it was an afterthought. Peck stated that he has two concerns (1) the Commission has been faced with a lot of applications over the last couple of years as people are upgrading houses in Royal Manor but they want to encroach in the building setback lines; the Commission has done everything that they could to try to keep people within those lines; this is a huge encroachment; (2) my fear is that this house will take on the appearance of a multiple housing unit, because it will in fact have two main entrances. Spencer asked how do you get to the addition from the existing house. Jones replied through the rear of the addition or the front. Spencer asked how do you get to the addition without going outside. Jones replied you don't. Spencer commented so the two really aren't connected. Jones replied not through the house. Spencer said so it actually is two stories as opposed to 1-1/2 stories. Jones replied it is actually 1-1/2 stories. Spencer asked how do you determine that it is 1 1/2 stories. Jones replied the upstairs is not a full 8 ft. ceiling to the top. Gard asked what is the addition used for. Jones replied it will be used for a music studio. O'Hare asked who designed this. Jones replied he did. Canter stated that the 6 ft. is not acceptable for the setback; however, you have a need for the cover there and I understand that; asked can you make the cover smaller; commented that she can support a minimum encroachment, but can't support 6 ft.; your statement is that it was an afterthought; as you have heard this evening, in order for us to grant a variance there are special circumstances; don't consider an afterthought a special circumstance. Jones asked what

would you consider to be minimal. Gard asked can you live with 2 ft.; code says you can have 2 ft. Peck stated that if you can live with 2 ft. Gard could administratively approve this and you can withdraw the application for the variance. Jones stated that I am willing to go 2 ft. Gard stated that she will allow a 2 ft. eave which is not considered an encroachment; at that point you won't need a variance. Peck stated that the Planning Commission can entertain a motion that Council approve a refund of your application fee. Jones stated that he will withdraw the variance application.

Withdrawn

A motion was made by Vice Chairman Turley to recommend to Council to refund application fee for V-0034-2002 to Mr. James David Jones. The motion carried by the following vote:

- Yes** **3** Chairman Peck, Vice Chairman Turley and O'Hare
- Absent** **1** Greenblott

V-0022-2002

To consider a variance application to vary Section 1109.02(b)(2) - Streets; for property located on Old McCutcheon; East of Stygler; South of Marjoram Drive; to vary required pavement width of 26' to 19' along the whole road of Old McCutcheon; City of Gahanna by Jennifer Chrysler, applicant.

Chair opened Public Hearing at 9:17 P.M.

Jennifer Chrysler, Deputy Director of Department of Development. stated that we are requesting a recommendation to Council for approval of the reduction of the street pavement for Old McCutcheon Road from 26' to 19'; would like to state for the record that the approved plat for Woodmere Place does not stipulate the pavement width; it is just a 40' right-of-way, so the approval of this application in no way changes the plat; would like to further talk about the three conditions for granting a variance and why the Administration would like Planning Commission to recommend approval of this variance; (1) there is a special circumstance that exists on the site; we believe that the typography is the special circumstance; there are several very large trees located along Old McCutcheon Road; we would like the preservation of these trees; there are also existing utility poles which would prevent a financial hardship for those to be moved; they were already existing when the applicant came in for the plat to be approved in the first place; (2) does not apply; (3) we do not believe that it will materially affect adversely the health or safety of persons residing in the neighborhood; in fact, we think that it will improve the surrounding area; this development is an in fill development; the smaller street widths are consistent with new traditional developments; Planning Commission has approved other new and traditional developments in the area (i.e. Founders Ridge); there are narrow pavement widths in Founders Ridge; we also feel that this street only serves those lots that are located along the street and the park; now we know at certain times of the year because the park is used for football, there is a heavier amount of traffic; however, the park was there first so therefore, the people that are buying these lots will know the existence of the park; the City is not asking to come in and put a park in after the homes have been built and sold; we would like to improve this for the entire length of the street as C.V. Perry will be coming in to develop the lots that are located in the vacated portion which I will discuss further on the next application.

Chair asked for Opponents. There were none.

Chair closed Public Hearing at 9:21 P.M.

Canter asked is it your opinion if we reduce this pavement width by 7' that there will be

any provisions made for on-street parking for these residences. Chrysler replied it is not our intention to make provisions for on-street parking; we feel that because the lots are not built yet, that they will be well aware of the situation that exists; however, there is a public parking lot located at the end of the 12 lots, so they are more than welcome to park cars in if they have events. Canter asked so none of these houses either on the Woodmere Development or C.V. Perry's Development will have any on-street parking allowed. O'Hare asked will the street be signed for no-on street parking. Chrysler replied yes it will. Canter asked so there is no possible way we can provide at least one side of on-street parking; there aren't that many trees down by the C.V. Perry Development; now Woodmere, there are a lot of trees; we talked to Maddy when we platted that to provide some mountable curbs and make some provision for some on-street parking. O'Hare stated that you haven't said anything about the fire trucks; if one car is parked along there, potentially you have about 10' to get a fire truck through there. Chrysler stated that is why the street is going to be no on-street parking; we have met their concerns by no on-street parking allowed on the street. Peck asked what are the access points to McCorkle Park. Chrysler replied there are two parking lots on McCorkle Park; you can access one off of Olde Ridenour Road, and the other is through Old McCutcheon Road.

Canter stated that she won't be supporting this application; have repeatedly stated that you need to provide some on-street parking in subdivisions; don't think is a good idea. O'Hare replied that can't support this application either because he believes this is too narrow for the type of activity that is going to go on for this City street; secondly, we need to use our imagination in terms of how to save the trees and make an adequate street with some parking; so far all we're doing is moving a line and not really looking at how we can make it adequate for what we want to use it for. Shepherd stated that he will not be supporting the application; it doesn't matter if you put signs stating no parking, unless you have a police officer there and a tow truck there when those people start playing ball and the kids are late, they are going to park in the closest space; when there is a fire, every second counts. Peck stated that he will not be supporting this application.

A motion was made, seconded by O'Hare, that this matter be Recommended to Council for Approval. The motion failed by the following vote:

Yes	0	
No	3	Chairman Peck, Vice Chairman Turley and O'Hare
Absent	1	Greenblott

2002-0058

To recommend to Council the repeal of ORD-0022-2001; To abandon a portion of McCutcheon Road as a public roadway with utility easements to be maintained; to declare as excess land; for 0.106 acres and 0.553 acres located on McCutcheon Road east of Stygler Road and west Olde Ridenour Road.

Chair opened Public Hearing at 9:30 P.M.

Chrysler stated that this application is not dependent upon the variance; these are two separate applications; we would like Planning Commission to consider them as such; C.V. Perry Company is preparing to build on the existing lots on Imperial Rise III off the unimproved section of Old McCutcheon Road; this portion will be accessed from Stygler Road through the portion of Old McCutcheon Road to be built with Woodmere Place; Ordinance 0022-2001 vacated portions of Old McCutcheon Road which are now needed and so we are therefore asking you to repeal that ordinance so that we can allow the road to go back to access those lots; we are also going to revacate the portion from where those lots end down to Olde Ridenour Road. Peck asked does this affect the access from Armor Hill. Chrysler replied no. Peck commented that he remembered

originally that the C.V. Perry lots were to be accessed from Armor Hill. Chrysler replied no that was not the case. Komlanc commented that the follow-up on the actual legal description and exhibit will allow for continuation of Old McCutcheon through the Woodmere lots; it would abolish the right-of-way through Armor Hill; the previous plan that was before you had Woodmere Place cul-de-sacing and it stopped there; the C.V. Perry lots were to be accessed off of Armor Hill on the last vacation; however, as a part of this application, we will be vacating the section of Armor Hill and allowing for Old McCutcheon to go through. Shepherd asked do you remember the reason why the cul-de-sac was brought up in the first place and why it was chosen to be done that way. Komlanc replied there was some concerns from the local residents and the former Administration (Mayor McGregor) had some concerns in regards to the safety of the children in the neighborhood. Peck asked so all of the access to the C.V. Perry lots will now come off of Stygler. Komlanc replied yes; the diagram on the monitors show the end of Woodmere; the C.V. Perry lots are at the bottom of the screen; those were previously platted; the section north of what is shown as McCutcheon Road is City Park now; football fields do reside there now; there is also a parking lot. Turley asked how will C.V. Perry lots be accessed again. Komlanc replied off of McCutcheon Road. Shepherd asked will McCutcheon Road be running all the way through to Olde Ridenour. Komlanc replied no, that portion will be vacated at the end of lot 202 and cul-de-saced at that point; the section remaining there to Ridenour Road will be vacated. Peck so what we want to do is take the 22 homes and all the access to a park and make it one way in and one way out on a 19' road. Komlanc replied that is correct. Turley asked how many feet long is that cul-de-sac. Komlanc replied that he would have to research that question a little more. Chrysler stated that whether or not the variance is approved, they still need the repeal of the ordinance to access their lot. Canter confirmed we are taking all the C.V. Perry lots, all the Doug Maddy lots, and the park traffic out to Stygler Road. Chrysler replied that is correct. Canter asked so that is the only ingress and egress from that top parking lot. Chrysler replied that is correct. Canter asked whose idea was this, because we talked about this when we did Maddy's; we were going to let the park traffic go out his, but the C.V. Perry was going out Armor Hill. Peck commented that was the solution at the time to the recommendation from the Administration. Chrysler stated that she can't answer to that, would like to workshop the application. Canter asked is the Engineering Department in support of this. Komlanc replied yes.

Chair advised that this application will be taken to workshop set for November 13th at 7:00 P.M.

Tim Rini, V.P. of Land Development for C.V. Perry, stated there are 11 lots platted; there is one on the west side of Armor Hill; we will leave the plat exactly as is.

Discussed

F. UNFINISHED BUSINESS:

DR-0049-2002

To consider a Certificate of Appropriateness for Signage; for property located at the entrance to the Academy Ridge Subdivision; Academy Ridge Comm. Assoc. by Coffman Stone Company, L.L.C., David A. Itkoff, applicant.

Dr. Itkoff stated that he is here for the approval for the sign for Academy Ridge; the final design has been reviewed with the trustees and they have approved it.

A motion was made by Vice Chairman Turley that this matter be Approved. The motion carried by the following vote:

Yes	3	Chairman Peck, Vice Chairman Turley and O'Hare
Absent	1	Greenblott

G. NEW BUSINESS:

DR-0074-2002

To consider a Certificate of Appropriateness for Signage; for property located at 630 Morrison Rd., Suite 300; Liberty Mutual by Branham Sign Co., Inc., Mary Miller, applicant.

Mary Miller, Branham Sign Company, 127 Cypress Street, Reynoldsburg, OH stated that Liberty Mutual recently went through a logo change; there is currently non-illuminated aluminium plate letters on the building reading Liberty Mutual; we will be removing those letters and replacing them with the very same type of lettering; the difference is the new lettering will be white with a blue logo; they have added a logo; that is the revision; they are also going from all capital letters to an upper and lower case; we are adding about 7 sq. ft to the original sign; the sign is going back in the same place.

A motion was made, seconded by Vice Chairman Turley, that this matter be Approved. The motion carried by the following vote:

- Yes** **2** Vice Chairman Turley and O'Hare
- No** **1** Chairman Peck
- Absent** **1** Greenblott

DR-0076-2002

To consider a Certificate of Appropriateness for Signage; for property located at 265 Lincoln Circle, Studio B; StudioTemple by Sign-A-Rama, Scott Wagner, applicant.

Scott Wager, Sign-A-Rama stated that we are proposing a sign face replacement; the sign background will be white to match the other signs in the center; the text will be PMS 2622 and PMS Black; will also be going into the existing sign box.

A motion was made that this matter be Approved. The motion carried by the following vote:

- Yes** **3** Chairman Peck, Vice Chairman Turley and O'Hare
- Absent** **1** Greenblott

DR-0077-2002

To consider a Certificate of Appropriateness for Signage; for property located at 403 Agler Rd.; Frank Duff's Auto Service by Hanover Signs, Brenda Hunt, applicant.

Brenda Hunt, Hanover Signs, 1771 Progress Avenue, Columbus, OH stated that the owner wants a sign on the east side of the building; wants people to see it from the east side; applicant is willing to change the colors; has another color scheme with me this evening; white background with PMS 535 Unique Red. O'Hare commented that we will be voting on the submitted layout plan received this evening 11/6/02 which has the white background with red lettering.

A motion was made by O'Hare to Approve the submitted layout plan dated 11/6/02 with white background and red lettering. The motion carried by the following vote:

- Absent** **1** Greenblott
- Yes** **3** Chairman Peck, Vice Chairman Turley and O'Hare

H. COMMITTEE REPORTS:

Committee of the Whole

Gahanna Jefferson Joint Committee - Canter.

Canter stated that the next meeting will be January 28th; the Fire Department talked about the possibilities of controlling traffic lights during emergency situations; looking at a device that they can flip so as they are exiting the fire station gives them the right of way and stops all the other traffic; Mifflin Township wants to use an abandoned building out by the bus barn for a training site for fire training.

Creekside Development Team - Greenblott - No Report

I. OFFICIAL REPORTS:

City Attorney - No Report

City Engineer - No Report

Department of Development - No Report

Chair.

J. CORRESPONDENCE AND ACTIONS - No Report

K. POLL MEMBERS FOR COMMENT.

Turley thanked Scruti for the nice Powerpoint presentations for the various applications.

L. ADJOURNMENT - 10:00 P.M.

TANYA M. WORD
Deputy Clerk of Council

Isobel L. Sherwood, MMC
Clerk of Council

*APPROVED by the Planning Commission, this
day of 2012.*

Chair Signature