



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

Donald R. Shepherd, Chair
Bobbie Burba, Vice Chair
David K. Andrews
Kristin E. Rosan
Thomas J. Wester
Jennifer Price
Joe Keehner

Kayla Holbrook, Deputy Clerk of Council

The Commission may caucus at 6:30 p.m.

Wednesday, December 21, 2016

7:00 PM

City Hall

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, December 21, 2016. The agenda for this meeting was published on December 16, 2016. Chair Don Shepherd called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Mr. Andrews.

Present 5 - David K. Andrews, Donald R. Shepherd, Bobbie Burba, Kristin E. Rosan, and Joe Keehner

Absent 2 - Thomas J. Wester, and Jennifer Tisone Price

B. ADDITIONS OR CORRECTIONS TO THE AGENDA

None.

C. APPROVAL OF MINUTES:

[2016-0380](#)

Planning Commission Minutes - December 7, 2016

A motion was made by Rosan, seconded by Andrews, that these Minutes be Approved. The motion carried by the following vote:

Yes: 5 - Andrews, Shepherd, Burba, Rosan and Keehner

Absent: 2 - Wester and Price

D. HEARING OF VISITORS - ITEMS NOT ON AGENDA

None.

E. APPLICATIONS/PUBLIC HEARINGS:

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

[V-0012-2016](#)

To consider a Variance Application to vary Section 1143.08 (b), Yard Requirements, of the Codified Ordinances of the City of Gahanna; to allow the main structure to be constructed fifteen feet (15') from the rear property line; for property located at Lot 13, Hamilton Court, No. 445; Parcel ID No. 027-000093; current zoning, Single Family Residential (SF-3); George Parker, applicant.

(Advertised in the RFE on 12/15/2016)

Gard gave an overview of the application.

Chair opened the public hearing at 7:05 p.m.

Applicant, George Parker, said they could not get a three car garage on the west side; this is for an elderly couple; they wanted extra storage space; this was the only way he could figure out how to fit in the accessory space; code says it can be attached or unattached from the building; they have sized this down as much as they could with the builder; has not compromised design with the homes in this area; will be a very attractive home; would like to sell the lot and accomodate their request; feels the buyers will not be interested without this plan.

Chair called for additional proponents; there were none. Chair called for opponents, Debbie Levine, 460 Old Mill Drive; have been there since the beginning; is the adjoining property; original rear yard setback for this property is 25'; was set by the City of Gahanna and was originally developed and platted in 2007; presume there are reasons for doing that; has a development background in land; the variance of 10' to reduce to 15' is not acceptable; proposal is for convenience; this lot requires a smaller structure to be in compliance with setbacks; home could be achieved within the required setbacks; said the applicant has presented a photo in the application of the property; understands it was taken in the far southeast part to project that angle; there are 2 trees on the property, both evergreens; will be no protection if they move forward with this; past history with Mr. Parker is hearing promises without any teeth; no confidence that if this variance is granted, nothing will happen; have a number of photos taken today and videos of the land; there is plenty of land to build a house; needs to be adjusted; it was approved by Council at the time in 2007; should not be different today; would like an opportunity for

rebuttal.

Parker said he is not aware of what she is speaking about; denied a \$50,000 payment to her for an easement; Levine said he is wrong; Parker said he takes great offense to what she said about him.

Chair closed the public hearing at 7:15 p.m.

Rosan asked Gard if current code allows the applicant to apply for a building permit to put this addition on and encroach into the setback; Gard confirmed; Rosan confirmed we are being asked this tonight so this can be built at the same time as the house and not after but it can be built; Gard confirmed; Andrews said we basically do not have much choice; Rosan said this sounds like a loophole in the code; thought could be that the homeowner may not build this after the fact; Keehner said understands the neighbor is concerned that this is not within code; Andrews said there is a loophole essentially around this; Keehner asked Levine about her opposition; Levine said her lot is triangular shaped as well; they had to comply with that to build; said George Parker designed her home to have lots of glass along the back; to have an outbuilding put there and to require a variance does not make any sense; what about moving the front property line up; if you look at the sign, there is a picture with the real estate sign; sign is approximately 40' from the center line of the street; which equates to a 25' setback; the front setback is 35'; she only has a side yard on her property; on west side; has no backyard; has pictures of lot 12 home; those people who bought that lot are taking care of the pond; was not done by the original developer; there were promises made; Andrews confirmed she understands there is still a way to accomplish this; Levine said yes; Keehner said her concern is the view from the corner of the house; Andrews asked Mr. Parker about the lack of greenery; would assume will plant some kind of trees or shrubs; Parker said yes and believes clients would like to; we have a deck on that south east corner of the house; they would like to make it look like the trees continue; Andrews asked if he gave approval with a condition for screening on the backside; would make Levine happier; Parker said always likes to screen houses from each other; Andrews asked Levine how she felt about the condition proposed; Levine said in almost 30 years of experience with Mr. Parker, there is no teeth into this; concerned this may not happen; Gard said there is a final inspection; could hold occupancy up; Levine said there are two other lots in the area that this home would fit on nicely; Shepherd said we are not reviewing that at this time; Rosan asked Andrews if landscaping be submitted for approval to Gard prior to construction; said the reality is, if we do not do it this way, we run the risk that it is built and there is no landscaping; let's try to use this process to address her concerns; this could encroach ; Levine said that is pretty crappy that the code is

written like this; has been through things like this before; ridiculous that this loophole exists; could turn this down and recreate the home; sorry that Mr. Parker's financial concern is considered; Rosan said not considering that; have guidelines in code; reality is, can occur without this variance; want to make things better; thanked her for coming and commenting; Andrews asked if we can make it evergreens; Rosan suggested leaving that up to administration; Parker said he agrees about the evergreens.

A motion was made by Andrews, seconded by Rosan, that this Variance be Approved with the following condition:

Condition: that landscaping, to include evergreens, be planted along the south east property line, subject to administrative approval.

Discussion on the Motion: Keehner said not sure how to vote on this; have great respect for Mr. Parker and what he has built in Gahanna; respect his judgment; think if we can guarantee vegetation, will vote yet; would rather see neighbors work together before the come to Planning Commission; if everyone is comfortable, can vote yes; not completely certain. Shepherd said not in support of this; does not like variances when it can be accomplished in another way; understands it can still be built, would rather it go that way; tried to stay consistent with not supporting variances.

The motion carried by the following vote:

Yes: 4 - Andrews, Burba, Rosan and Keehner

No: 1 - Shepherd

Absent: 2 - Wester and Price

[V-0013-2016](#)

To consider a Variance Application to vary Section 1171.03 (h), Fence Standards, of the Codified Ordinances of the City of Gahanna; to allow a privacy fence in the side and front yards; for property located at 107 Price Road; Parcel ID No. 025-006779; current zoning, Single Family Residential (SF-3); Joshua A Minniti, applicant.

(Advertised in the RFE on 12/15/2016)

Gard gave an overview of the application.

Chair opened the public hearing at 7:35 p.m.

Applicant, Joshua Minniti, 107 Price Road; only a variance for side yard; not for front yard; said fence will increase property value; fence is practical; his surrounding neighborhood consists of a large parking lot and a broken down barn, and a boarded up house owned by the City of Gahanna; have meters in the back that those readers will schedule readings for; did not have prior knowledge of the zoning requirements; moved from Columbus; will construct this in a way that is completely legal, safe, efficient, and cost effective; believes them

upgrading the landscaping has added to the charm of the neighborhood; have large dogs that they would like to allow enjoy the yard; said his neighbors all like him.

Chair called for additional proponents; there were none. Chair called for opponents, there were none.

Chair closed the public hearing at 7:40 p.m.

Rosan said very good presentation.

A motion was made by Burba, seconded by Rosan, that this Variance be Approved. The motion carried by the following vote:

Rosan said supports the application; reasonable due to proximity to trail; not in the right of way; factors have been met.

Yes: 5 - Andrews, Shepherd, Burba, Rosan and Keehner

Absent: 2 - Wester and Price

F. UNFINISHED BUSINESS:

G. NEW BUSINESS:

[CC-0003-2016](#)

To recommend to Council, changes to Part Eleven - Planning and Zoning Code, of the Codified Ordinances of the City of Gahanna.

Franey said have been reviewing Chapter 11; to accommodate the move of the Building and Zoning divisions; very straight forward changes; would like to put through as soon as possible; will be a full review of Chapter 11 in 2017 with a more in depth review; Keehner said most of it seems to clean up language; in 1105.03, giving notice to contiguous property owners; speaks to not notifying if there are more than 50 property owners; said some of this may be changes in communication with technology; Holbrook explained the change is to be consistent with the language in Charter; to reflect current and accurate practices.

A motion was made by Rosan, seconded by Andrews, that this Proposed Code Change be Postponed to Date Certain to the Planning Commission, due back on 1/25/2017. The motion carried by the following vote:

Yes: 5 - Andrews, Shepherd, Burba, Rosan and Keehner

Absent: 2 - Wester and Price

H. OFFICIAL REPORTS:

City Attorney

No report.

City Engineer

Priestas wished everyone a safe and happy holiday season.

Planning & Zoning Administrator

Gard echoed Priestas comments.

Department of Development

No report.

Council Liaison

No report.

CIC Liaison

No report.

Chair

No report.

I. CORRESPONDENCE AND ACTIONS

[SWP-0007-2016](#) A Subdivision Without Plat Application to split 8.880+/- acres of a 29.932+/- acre tract; of property located at Taylor Road/Eastgate; Parcel ID Nos. 025-010847 and 025-010849; David E. Poe, applicant; administratively approved by the Planning and Zoning Administrator on 11/30/2016.

Clerk Holbrook read the application into the record.

J. POLL MEMBERS FOR COMMENT

None.

K. ADJOURNMENT

7:48 p.m. by Andrews

POSTPONED APPLICATIONS: to 1/18/2017

[CU-0009-2016](#)

To consider a Conditional Use Application to allow a residential drug and alcohol rehabilitation facility in a Community Commercial (CC) zoning district, for property located at 121 James Road; Parcel ID No. 025-000855; Access Ohio LLC; Donald T. Plank, applicant.

(Advertised in the RFE on 9/22/2016 and 12/1/2016)