



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, June 12, 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 June 12, 2024. The agenda for this meeting was published on June 7, 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

[2024-0110](#)

PC Minutes 5.22.2024

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

Yes: 5 - Greenberg, Pollyea, Shapaka, Suriano and Tamarkin

Absent: 1 - Hicks

Abstain: 1 - Mako

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-0010-2024](#)

To consider a Variance Application to vary Section 1143.09 Off Street Parking of the Codified Ordinances of the City of Gahanna; for property located at 551 Cherry Rd.; Parcel ID 025-001043; Current Zoning SF-3; Andrew Lee, applicant.

City Planner Maddie Capka provided a summary of the application; see attached staff presentation. The application was filed under the previous zoning code and the zoning district at that time was Single Family 3 (SF-3). The site is approximately one acre, which is larger than the average single family residential site in Gahanna. The majority of the surrounding residential sites are also larger. The applicant is requesting approval of a variance to construct a garage larger than what Gahanna City Code permits. The lot is currently undeveloped and a building permit for a new house is in review. The maximum garage size allowed per code is 800 square feet or 1/3 of total floor area, whichever is smaller. The proposed garage is 1,026 feet and is attached to the house by a breezeway. The garage is also 143 feet from the front property line so it is set back greatly from the road. Ms. Capka shared the site plan for the Commission members. Since the garage is attached with a breezeway it is considered an attached garage and is permitted to be to the front of the home. A detached garage would be restricted just to the rear of the home.

Capka shared an elevation of the west side of the house, showing what the garage will look like. The elevation also showed the breezeway attaching the garage to the home. The specific variance being requested is for off street parking requirements. The proposed garage exceeds code by 226 square feet. The standard variance criteria that must be met in order for the variance to be granted include: preservation and enjoyment of substantial property rights and no detrimental effects. Staff recommends approval of the variance as submitted. The lot is very large and the garage would be 143 feet from the front property line. This decreases visibility. The applicant also states they need a larger garage for tools, vehicles, and a riding mower; they do not intend to have any sheds on lot on their lot. Additionally, the new zoning code does not have any restrictions on garage size, so the proposed garage is actually in line with the new zoning code and would not require any variances.

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

Nate Little, Professional Design Services, 620 Alum Creek Road, Bexley. Mr. Little had no additional comment and made himself available for questions.

The Chair closed public comment at 7:06 p.m.

Mr. Greenberg directed a question to Ms. Capka. He wondered if there were any other city departments that voiced concerns. Capka replied there were no concerns from other city departments.

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

Discussion on the motion:

Mr. Shapaka noted that everything falls in line. There were no questions and therefore he felt the application was explained thoroughly. He voiced intention to vote in favor of the request.

Mr. Suriano also stated he will vote in favor of the request, considering the insignificant magnitude of the variance request, and given the distance and orientation of the structure

The motion carried by the following vote:

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

Absent: 1 - Hicks

[V-0011-2024](#)

To consider a Variance Application to vary Sections 1145.06 and 1167.17(b) of the Codified Ordinances of the City of Gahanna; for property located at 361 Canfield Dr.; Parcel ID 025-002414; Current Zoning R-4; Kristi Nye, applicant.

City Planner Maddie Capka provided a summary of the application; see attached staff presentation. The next application of the night was at 361 Canfield Dr., which was also filed under the previous zoning code. It was zoned R4 which was a Single Family Residential district. The applicant is requesting approval of two variances to allow a shed to the side of a house, within a side yard setback. The City of Gahanna Zoning Code requires that all accessory structures be located to the rear of the primary structure. The shed encroaches three feet into the five-foot side yard setback and is also located within a five-foot sanitary sewer easement. The shed was installed prior to city approval and this application is due to Code Enforcement action. The shed was installed in the exact same location as an older shed that was previously in that spot for 30 years. There is also no garage on the property so a shed is the only way to store outdoor materials. Capka shared a site map of the property. There is also another five-foot easement on the neighboring property to the south, along the same property line. The applicant states that the manhole is on their neighbor's property on the other side of the fence, not on the

applicant's property. Capka shared an image of the shed taken from the rear of the structure.

The first variance requested is for the requirement of a minimum five-foot side yard setback. The shed is only 2 feet from the side property line. The second variance is for code that requires all accessory structures be located to the rear of the primary dwelling. The shed is located to the side. Capka provided the standard variance criteria that must be met in order for the variance to be approved. Planning staff recommends approval of both variances. The new shed is in the exact same location as the previous shed, which was there for approximately 30 years. Additionally, the lot is an irregular shape with limited locations for a shed due to power lines and trees.

Planning Commission approved a variance permitting a shed to the side of a house in December of last year, 2023, at 1036 Arcaro Drive. Planning Commission also approved a variance permitting a gazebo that was in a sanitary sewer easement in February of this year, 2024, at 975 Tech Center Drive. The Department of Engineering objects to the application because the shed encroaches into the sanitary sewer easement. However, through discussions with Engineering, staff state that they would be able to sign off on the location if these variances were approved by Planning Commission. There are also no city code requirements, zoning or otherwise, that state that structures must be located outside of easements. The city's mapping also shows that the manhole is on the applicant's property, but the applicant has provided an aerial view showing that it is on their neighbor's property behind the shed.

The Chair opened public comment at 7:12 p.m.

Applicant Kristi Nye, 361 Canfield Drive, provided additional information on the application. She stated the applicants are not denying that the manhole or the shed is on their property. The manhole sits behind trees that have been there for over 30 years. There are also guide wires from the phone pole that are in the applicant's yard, behind the trees, and a six-foot fence behind those guide wires. The applicant stated even if the shed was moved, the manhole cover is not accessible from the backyard. The described conditions existed prior to the applicant moving into the house, in 1994. There is easement access to the manhole cover through the neighbor's yard. So, while the manhole is on the applicant's property, it cannot be accessed by the fence that has been there for 30 years.

The Chair closed public comment at 7:13 p.m.

Mr. Shapaka asked Ms. Nye how much space is between the shed and the house. Nye replied that there is approximately 2 and 1/2 feet between the shed and the house. Nye shared that she can walk through there comfortably. Mr. Shapaka noted that typically it is preferable to have three feet. Nye replied that there is a gas meter. Mr. Shapaka noted the space looked tight to walk through; Nye noted that a shed was there when the house was purchased in 1994. Mr. Shapaka asked if the shed was movable or if it had a foundation. Nye said it was a metal shed that was on a wooden plank. Shapaka questioned if there was any electricity going to the shed. Nye replied there is not.

Ms. Pollyea asked if a survey was done before the shed was replaced. Ms. Nye replied that, because they were replacing a dilapidated existing structure with a new one, the applicant did not get a survey. The applicants were within the fence line and felt they had ample space to move between the houses. The applicants made sure they could get to the gas line and to the fireplace to open up the chimney, to clean on a regular basis. It was noted that the metal shed was replaced with a wooden shed. Ms. Pollyea asked Ms. Nye if she made any inquiries with city staff. Nye replied that she did not. Nye explained that because the shed was in disrepair, they wanted to improve the property with a new shed. The previous shed had collapsed and was held up by 4x4s. As described by Nye, the applicants purchased the new shed on a whim and put it in the same place as the original shed. The applicants did not think they needed to do anything else. Pollyea asked how the easement was to be accessed. Nye stated individuals would have to go around the outside of the fence to access the manhole cover, regardless of whether the shed is there or not. There is no access to the manhole cover by going into the applicant's backyard. There is gate in the fence, for those walking around the shed to access the manhole.

Mr. Greenberg asked how long the new shed had been in place. Nye responded that the new shed was delivered in December of last year, 2023. Greenberg questioned whether the previous shed had an application. Nye reiterated that the shed was in place when she moved into the house in 1994. Greenberg asked if there were any comments from neighbors. Nye responded that she did not receive any.

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

Discussion on the motion:

Ms. Pollyea stated that her concern with this variance was the fact that there was no survey that was done and there were no inquiries raised as to what might need to be done to replace the shed. Pollyea noted that living in an

incorporated city, there are going to be rules and regulations that have to be followed. Pollyea noted that the regulations were not followed. Pollyea expressed having no issue with the placement of the shed; rather, she took issue with there being no due diligence done by the applicant. Pollyea's concern is this will set a precedent. Pollyea said she intended to vote no on the application.

Mr. Suriano shared that he was in favor of the variance given that the shed was in the location of the old shed and that the property was oddly shaped. Suriano agreed with Pollyea and wished that there had been due diligence done. However, given that the applicant had lived at the home since the mid-1990s and never had a code enforcement violation or issue with the easement, prior, it is reasonable to assume that that there would not be an issue with the new existing shed.

Mr. Tamarkin added that he also planned to vote in favor of the request. Tamarkin added that when a pergola at Tech Center Drive was built, there was an easement for the drainage and for the underground utilities. Tamarkin stressed that it should be understood that if the city needs to dig up the pipe or get to the manhole, the city has a right to ask the applicant to move the shed. The easement takes priority, even if the variance is approved. Acknowledging that this need has not happened in 30 years and may not happen, however, asserting it could happen in the future.

Mr. Mako echoed the remarks regarding the city's right to access the easement.

The motion carried by the following vote:

Yes: 5 - Greenberg, Mako, Shapaka, Suriano and Tamarkin

No: 1 - Pollyea

Absent: 1 - Hicks

[V-0012-2024](#)

To consider a Variance Application to vary Chapter 1171.03(i) swimming pool fencing requirements of the Codified Ordinances of the City of Gahanna; for property located at 1129 Brookhouse Ln., Parcel ID 025-009482; Current Zoning ER-2; Robert LeVeck, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. Director Blackford shared a prior zoning map because the request was subject to the zoning code in effect prior to May 1, 2024. The property is zoned ER-2. There is not a lot of development within estate residential. This is a larger lot size. There are ten units on about 50 acres of land. The request was straightforward. Zoning code requires pools to be enclosed by a fence for inground pools. Code is less concerned about the type of fence, rather that there is a fence for an inground pool, enclosing it. The fence must be between 48 and 72 inches in height. The fence can be a privacy fence, chain link or wrought iron. There are some limitations in the gaps. The applicant proposed to have an automatic pool cover in lieu of a fence, for an

inground pool. Fencing was described as not being in character with the neighborhood and the improvements are anticipated to have a positive effect on property value. Mr. Blackford paused to note that many variance applications come before Planning Commission as a result of code enforcement action. However, this particular applicant, and the next application, filed permits ahead of time, asserting this is not a code enforcement action.

Mr. Blackford shared a site plan. Important dimensions include a 46-foot setback from the property line of the adjacent home, to the west. Blackford stated it is about 120 feet from pool to structure. To the south, there is a 187 foot setback. This particular subdivision is unlike every other subdivision in the city. Typically, there are around three homes to an acre, whereas this subdivision has a home every five acres. There are a few specific variance criteria that are relevant to this project. One criteria is whether the character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment. Mr. Blackford noted that within the application, the applicant discussed the character of the area, and whether the property owner's predicament could be feasibly avoided without a variance.

Staff felt the spirit of code was met with the proposed pool cover. Through research, Director Blackford found that State Building Code allows for automatic pool covers in lieu of fencing. State Building Code has requirements for inground pools, noting it can be a fence or an automatic pool cover. Building and zoning code is about health, safety, and welfare, which is built into the State Building Code. Above ground pools can have a fence or a removable ladder per code.

Director Blackford noted that the applicant stated that there is no fencing in the area, acknowledging that at first glance, it appears there is not. However, Blackford shared an image showing that there is fencing around a pool in this particular neighborhood, appearing to be a wrought iron fence, that is well disguised. Additionally, Blackford said that if Planning Commission feels this variance is appropriate and that automatic pool covers are in an appropriate alternative to fencing, a broader code change might be considered.

The Chair opened public comment at 7:30 p.m.

Robert LeVeck 1129 Brook House Lane. Mr. LeVeck stated that a neighbor to the south, situated on 20 acres, has a pool without a fence. The idea for an auto pool cover came from this neighbor. That neighbor is not in the City of Gahanna, he is in Jefferson Township and is therefore following different rules.

Gary Goldsmith 4651 East Johnstown Road. Mr. Goldsmith inquired about what happens to the automatic pool cover in the situation of a power outage. Goldsmith wondered how a pool could be secured in the event the power goes out, noting power in the area had gone out multiple times this year, 2024. Mr. LeVeck replied there is a generator for the whole house. Mr. Goldsmith made additional comments from the audience that were inaudible.

The Chair closed public comment at 7:32 p.m.

Mr. Shapaka asked if the cover can be shut manually if the power goes out. Mr. LeVeck confirmed. Mr. Shapaka then asked if there is a trail or public access to the property. Mr. LeVeck confirmed there is not. Mr. Shapaka asked if there were neighborhood children that play in the yard, and Mr. LeVeck said there were not, noting that his family was among the youngest in the neighborhood. Mr. Shapaka wondered if Mr. LeVeck's neighbor had a fence rather than a pool cover, would Mr. LeVeck instead plan to put in a fence. Mr. LeVeck expressed uncertainty. LeVeck felt that the automatic cover was a brilliant idea in terms of safety and convenience. He added that it can be controlled with a cell phone.

Ms. Pollyea shared that her concerns center around the safety of the electronic cover. Pollyea wondered if there is a shut off valve of some kind, in case of malfunctions. Having watched a movie in which an auto-pool cover malfunctioned and trapped swimmers in a pool, Pollyea wondered if this was possible. Mr. LeVeck did not know the answer to the question but was willing to find out an answer. Ms. Pollyea asked if there was an application that could be used on a phone to see the status of the cover. Mr. LeVeck confirmed this was available. Pollyea then asked Mr. LeVeck to summarize the reasoning for not being able to install a fence. Mr. LeVeck noted that he has an additional application in the Planning Department for a terrace. It includes a patio that would feature a walk out basement patio, at pool level. Given how the patio will flow from the house, and terrace to the pool, LeVeck prefers the aesthetic of not having a fence surrounding the pool.

Mr. Greenberg asked Mr. LeVeck if he can explain how the system operates. Mr. LeVeck explained rails are built into the pool itself. On one end, where the cover rolls up, there is a power switch that controls a motor to open and close the pool. Greenberg asked if there was any chance of electrocution. Mr. LeVeck replied that is an entirely separate system and there is no concern for anything like that.

Mr. Suriano directed a question to Mr. Roth. He wondered if, in the

instance that the variance is approved, the City of Gahanna would not assume any risk relative to an estate property. Mr. Roth replied that as an administrative panel, the Planning Commission would have immunity unless it is acting completely recklessly. Roth did not believe there would be any risk of liability if something happened on Mr. LeVeck's property, as a result of this decision. Mr. Suriano then directed a question to Planning Staff, inquiring if the perimeter of the backyard were enclosed, would that fence suffice. Mr. Blackford concurred, noting that code only requires the pool to be enclosed by a fence on the property.

Mr. Tamarkin asked Mr. LeVeck if this project had been reviewed by LeVeck's homeowner's insurance company. Mr. LeVeck replied he had not reviewed this project with his insurer. Tamarkin stated that, because he works in insurance, he inquired of colleagues as to whether a policy would cover a pool without a fence. Tamarkin reported his colleagues voiced concern and shared they would not cover such a property/project. Tamarkin said that while LeVeck believed a fence around the pool would not be aesthetically pleasing, that he envisioned a three-sided fence with the fourth side being the home. He then asked Mr. LeVeck what happens when it rains, whether runoff flows down around the cover and into the pool. Mr. LeVeck replied that the water pools on top of the cover and there is a separate motor that pumps the water off the cover. It will drain back into the housing of the cover, and then be pumped out, so it does not pool for a long period of time. Mr. Tamarkin then asked if the cover can hold the weight of a person. Mr. LeVeck replied yes. If someone falls into the pool, the cover will hold a person.

Chair Mako asked Director Blackford if there had been any variances like this before, for fencing. Mr. Blackford replied that there had not been, to his knowledge. Mr. Mako asked Mr. LeVeck what company he was working with for the pool cover. Mr. LeVeck replied he is working with Sunshine Pools, out of Mount Vernon.

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

Discussion on the motion:

Mr. Shapaka noted that the State of Ohio accepts this kind of product in lieu of a fence. He is a bit leery of the liability aspect. He noted that he intended to vote in favor of the variance. His reasoning is that, living near a wooded area, there would be a cover with or without a fence. He also suggested that Mr. LeVeck may want to put up a fence, eventually, due to animals venturing onto the property.

Ms. Pollyea said that she is struggling with this application. She said that some of her safety concerns were alleviated thanks to the whole house generator and phone application. However, she commented on the Ohio Supreme

Court's 2001 adoption of the "attractive nuisance doctrine," which makes a homeowner liable for injuries to children trespassing on someone else's land, if the injury is caused by a hazardous object or condition that is likely to attract children who are unable to appreciate that risk. Pools are specifically named as an attractive nuisance. Because of her safety concerns, she stated she would vote against the application.

Mr. Greenberg stated he also had initial safety concerns. However, Mr. Roth addressed one of them, which was whether the City of Gahanna would have any liability. He was glad to hear that was not the case. He believed the city has had code for many years that a fence around a pool is required. He felt a precedent would be set once a decision was made. He intended to vote in favor of the variance.

Mr. Suriano stated he would vote in favor of the variance, while noting some of his colleagues' concerns. He felt there would be risk assumed as a homeowner, but, felt more comfortable given that the Ohio Building Code has adopted automatic pool covers within a certain standard. He also referred to Mr. Greenberg's comments about setting a precedent. Mr. Suriano expressed his belief that each variance is taken on a case-by-case basis, and that simply because one is approved does not necessarily mean that the next application will be the same. Given the location of the property, the lack of foot traffic, and knowledge that the pool will be covered, and the City of Gahanna is not held liable, he would be in favor of the variance.

Mr. Tamarkin said he had a number of concerns about the application. He read a portion of an email received by the Clerk. He read a portion of the letter aloud, "...the pool is approximately 60 feet from our children's playground on our property. We have 14 grandchildren, of which 11 are under the age of eight years old and use the playground extensively during the summer... Can you guarantee that our grandchildren cannot possibly drown in the pool." Tamarkin stated it is interesting that Ohio Building Code allows it. However, he noted it is only good as long as it is closed. He also felt that, as far as precedence goes, he felt it would be a bad precedent to set to allow a pool cover in lieu of a fence. He would not be willing to cross that line and intended to vote no on the application.

Mr. Mako shared he would also vote no on the application. He felt that this is a critical safety issue and did not want the decision weighing on him.

The motion failed by the following vote:

Yes: 3 - Greenberg, Shapaka and Suriano

No: 3 - Mako, Pollyea and Tamarkin

Absent: 1 - Hicks

[V-0014-2024](#)

To consider a Variance Application to vary Sections 1109.05(e)(1)A-B of the Codified Ordinances of the City of Gahanna; for property located at 1127 Riva Pl.; Parcel ID 025-007262; Current Zoning R-1 Large Lot Residential; Cheyenne Price, applicant.

Director Blackford provided a summary of the application; see attached

staff presentation. This request is under the new zoning code. The zoning for the property is R1 - Large Lot Residential. This includes lots around the 15,000 square foot range. This application is for a fence, and it was determined that a variance was necessary, to allow it in its proposed location. The applicant would like to have a privacy fence, six feet in height, located within the front yard. It is considered the second front yard from the zoning code perspective. A setback of eight feet is requested. Blackford reviewed the zoning code history on fences. For nearly 60 years the City of Gahanna denied privacy fencing in the side or front yard.. In late 2020, the City of Gahanna code changed, due to the amount of variances sought. The new code, active as of May of 2024, went back to the pre-2020 edition, including the larger setback. For corner lots, with the second front yard, that functioned like a side yard, code was amended to allow privacy fences half the distance of the setback. With the new zoning code in May of 2024, the code language that was adopted in 2020 was not brought into the new code of 2024; this will be updated. Blackford shared a site plan and highlighted certain features. The second front yard is on Riva Ridge Boulevard. The proposed setback is eight feet. The permitted setback is 35 feet. The previously permitted location is 17.5 feet, half of the permitted setback.

Blackford shared the request and variance criteria. The first criterion is that the variance is not likely to result in substantial change to the essential character of the neighborhood. The second criterion is whether the variance would damage the adjoining properties. Blackford did not believe that the fence would cause any issues there. The third criterion is whether the variance would adversely affect the delivery of governmental services. The fence was reviewed by staff and faced no objections about the delivery of governmental services. The fourth criterion is whether the variance would result in environmental impacts, greater than what is typical for the neighborhood. Fifth is whether it is necessary for the economical use of the property. The last criterion is whether it would undermine the objectives of the Land Use Plan. The Land Use Plan (LUP) does not focus on fencing in yards. The primary variance criterion staff focused on was whether the variance would result in substantial change to the essential character of the neighborhood. Staff's recommendation is approval with modification. Staff recommend that the variance be approved at 17.5 feet, which is what the prior code edition, in 2020, allowed.

Director Blackford shared that he is very familiar with the area and did not find any homes with fencing that extended beyond the house.

The Chair opened public comment at 7:58 p.m.

Cheyenne Price, 1127 Rive Place. Ms. Price introduced herself as one of the property owners. She stated she and her partner have issues with the 17.5 foot setback recommendation. On May 30, 2024 the applicants had an initial staff report stating, "The request has been reviewed by the appropriate City staff and there are no stated objections to the variance and recommendation was approval as submitted." The applicant stated the report explicitly acknowledged that the eight-foot setback was approximately half of what city code requires, yet it still recommended approval as submitted. The applicants were very happy with this initial recommendation, considering all of the appropriate committees including Building, Engineering, Fire, Police, Parks, and Planning had all signed off on the variance with no comments. Then, on June 3, 2024, a second staff report was provided, which entailed the concerns of an eight-foot setback compared to a 35-foot setback.

Ms. Price disagreed that the proposed fence would be out of character with the neighborhood. The neighborhood contains a number of privacy fences. Price feels that the application should not be penalized for the coincidence that corner lot neighbors have simply chosen not to erect privacy fences. In fact, one of the neighbors directly behind the property that shares a property line with the applicant has a privacy fence. The neighbor is not on a corner lot. Ms. Price stated that they intend to add landscaping to the outside of the fence, regardless of whether the variance is approved, to help hide it from view. In discussion, neighbors have not expressed concern about the proposed fence location to the applicants. Price's main grievance is that regardless of the opinions of our neighbors, there is no Home Owners Association (HOA) and the neighborhood is overwhelmingly against an HOA. Additionally, Ms. Price and her partner have two dogs that they would like to let run free in their yard. Price reiterated her belief that the request will not diminish the character of the neighborhood or in any way make it appear less desirable. Price noted that regardless of how close the fence is to the road, it will be visible either way. Price also added that a portion of the yard is uneven, making the half requiring the variance more appealing to utilize.

Chair closed public comment at 8:03 p.m.

Mr. Shapaka asked Mr. Blackford if there are sidewalks currently there. Mr. Blackford confirmed. Mr. Shapaka asked how close to the sidewalk the eight-foot fence would be. Mr. Blackford believed it would be eight or nine feet, but he did not review the request and was not as familiar with the application. Mr. Shapaka asked Blackford if there was a view showing the area with the trees, the tree line, and how much of the property is hidden or consists of trees. Mr. Blackford provided the layout.

Mr. Shapaka asked Ms. Price what type of dogs she has. Price shared that she has a 30-pound cattle dog mix and a small chihuahua. This why another type of fence would not work. The dogs would be able to slip right through the fence.

Ms. Pollyea asked Ms. Price if she could expand on the reasons the side yard area needs to be the portion of the yard utilized. Ms. Price replied there is a deck in the back yard and a number of trees and some garden beds. There is also a mound with bushes, trees, and plants. There are obstacles that prevent Ms. Price and her partner from utilizing the space in the way in which they hope to. Because of the way the house is situated on the property, it makes the inside and outside of the fence unusable, in their opinion.

Mr. Greenberg raised a question on the privacy aspect. He wondered if it would be six-foot slats installed. Ms. Price confirmed, adding that they intend to add landscaping to obscure it from view.

Mr. Suriano shared that there appears to be a 15-foot easement from Rive Ridge Boulevard. Price explained that within the original fence permit, not the variance, Engineering signed off on it. They made Price aware of it but took no issue with it. She explained there is an area with a manhole which will have a three-foot distance on all sides. Suriano inquired as to where the edge of the property line is. Price replied that their property is about 14 inches inside of the sidewalk. The proposed fence would be a little over a foot, plus the sidewalk, plus another three or four feet of grass. The applicants want eight feet from that property line.

Mr. Tamarkin asked if the fence cuts through the mound with landscaping that Price referenced. Price said the intention is for the mound to be inside the fence. The mound provides them with some privacy during the summer, but when trees die in the winter it is not helpful.

Mr. Mako asked whether there was any concern from neighbors regarding the variance application. Price informed the Chair that over the course of the two years they have lived at the property, they have discussed a plan to put up a fence, with their neighbors in casual conversation, and no one has objected to it.

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

Discussion on the motion

Mr. Shapaka stated that he has an issue with request of eight feet, given the history of the neighborhood. Shapaka asked Mr. Blackford if a six-foot fence in the front yard is acceptable. Mr. Blackford said a six-foot privacy fence in the

front yard is not a variance request. Shapaka said he was in favor of the privacy fence being in the front yard, but not the distance. As submitted, Shapaka was not in favor of the application, but he would be in favor of a 17.5-foot variance request.

Ms. Pollyea said she agreed and felt it was not in character with the neighborhood. Pollyea found the application extremely well researched and thought out and understood the need for it in this situation. She said she planned to vote in favor.

Mr. Suriano concurred with Mr. Shapaka. Given a corner lot, and that the applicant is saddled with having two front yards, it is a situation that results in difficulty using the property. However, he felt that having the fence eight feet to the right of way and property line is out of character. Suriano agreed that 35 feet was too much, he felt that eight feet is too close. Suriano planned to vote against the variance.

Mr. Tamarkin agreed with Mr. Suriano. Tamarkin appreciated the use of the property but agreed that eight feet is too close to the property line and does not keep with the look and feel of the neighborhood. This is another precedent he did not want to set. He would, however, be in favor of the 17.5-foot variance. He asked Mr. Blackford if this would have to be a separate application. Mr. Blackford stated this variance can be amended if someone wanted to make a motion to allow a privacy fence six feet in height and 17.5 feet from Riva Ridge. This would not necessitate a new submittal. If the application is voted against, then a new application would need to be submitted. Mr. Tamarkin said he would not be in support of an eight-foot setback, but if an amendment was made for 17.5 feet, he would be in favor.

Mr. Mako said he would also not vote in favor of the eight-foot variance. He asked Ms. Price if she would be amenable to the 17.5-foot variance. Ms. Price noted she tried to file the application before the May 1, 2024 change, however the necessary forms were removed from the website when she tried to file the application on April 30, 2024. She would have been filing for the eight-foot variance but it would have been from 17.5 feet instead of from 35 feet. She wondered if there was middle ground the commission would be willing to compromise on, so that she and her partner can make the best use of their yard.

Mr. Shapaka stated he would entertain 15 feet. He made a motion to amend the variance application to 15 feet. Mr. Roth stated his preference that the original motion be withdrawn before voting on the second motion. Mr. Greenberg stated he wished to withdraw the original motion for an eight-foot fence on Riva Place. Mr. Roth stated a vote to withdraw is not necessary, provided the panel seemed to be in agreeance to withdraw the motion.

The motion was withdrawn.

A motion was made by Shapaka, seconded by Tamarkin, that the Variance be Approved with amendment of a 15-foot setback.

Discussion on the motion:

Mr. Suriano noted that the distance puts the fence outside of the easement and he was in favor.

Mr. Tamarkin recognized the applicant and homeowners' need for space and would be in favor.

Mr. Mako asked the applicant if 15 feet would be acceptable to her. Price agreed.

The motion carried by the following vote:

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

Absent: 1 - Hicks

[V-0013-2024](#)

To consider a Variance Application to vary Sections 1165.08(a) and 1165.08(b)(1) of the Codified Ordinances of the City of Gahanna; for property located at 2023 Crescent Blvd.; Parcel ID 025-014172; Current Zoning SCPD; Orthopedic One; Kylie Cochran, applicant.

City Planner Maddie Capka provided a summary of the application; see attached staff presentation. Orthopedic One is part of the Crescent at Central Park development. This application was also filed under the previous zoning code. The zoning district is Select Commercial Planned District (SCPD). The applicant is requesting approval of two variances for square footage of wall signage. A design review, final development plan, and variance applications were approved for Orthopedic One in May of last year, 2023. The same signage was shown in these applications. However, signage is not approved by Planning Commission, which is why these applications are now before the commission. The proposed sign package includes three wall signs. They exceed both maximum total signage requirements and maximum wall signage requirements. Capka shared an image of the site. The majority of the frontage is on the I-270 on-ramp with a small amount of frontage on Tech Center Drive. As of right now, there are no monument signs proposed along Tech Center, which is why the applicant would like to have a greater amount of wall signage. Capka shared a site plan showing the specific locations. Two of the signs are 49 square feet and are located on the northernmost and southernmost portions of the building. A third sign is the largest at 99.56 square feet and is on the primary facade of the building near the entrance.

There are two specific variances that are being requested. Both of them are to the Permanent Signs standards. The first, 1165.08(a), states that City of Gahanna code allows a maximum of 150 square of signage on the entire site. The applicant proposed 197.56 square feet of signage, approximately 47 square feet over the limit. The second, 1165.08(b)(1), permits a maximum of 50 square feet total of wall signage. Again, the applicant proposes 197.56 square feet of wall signage, which is 147 square feet above the requirement.

Capka shared the variance criteria for signage, which is similar to the fence variance criteria. The owner must show that practical difficulties have been encountered. Staff recommends approval of both variances as submitted. Due to the frontage along I-270, along with the fact that the site is also at the end of a cul-de-sac and does not have much visibility from Tech Center Drive or Hamilton Road. Additionally, the new zoning code would allow up to 400 square feet total of signage at this site. If it were filed today, the applicant would be requesting one variance instead of two.

The Chair opened public comment at 8:23 p.m.

Craig Rutkowski 11076 Center Village Road Galena. Mr. Rutkowski introduced himself as I'm project manager for the architecture firm Moody Nolan. Moody Nolan is the architect of record for this project. Rutkowski said this is about site distance of the building off of the main roads. There is great frontage along I-270, but the application is about way finding and getting a sign that is appropriate for the distance of the buildings off the main road.

The Chair closed public comment at 8:23 p.m.

Mr. Greenberg asked Planning staff if there is a master sign plan that the facility has to follow. Capka replied there is not one at the Crescent. Blackford replied there is a master sign plan for a nearby property that is a multi-tenant property. However, there is no master sign plan for this site, as it is a single tenant property.

Mr. Tamarkin asked if the address numbers count as part of a sign. Capka replied that address numbers are exempt and are not considered signage.

Mr. Mako asked if the request submitted is similar to other projects that they have worked on with significant frontage on interstates. Mr. Rutkowski stated the scale is more proportional to what was done for a Westerville site. He added they have done buildings on freeways and they try to maximize size in those cases. This case is primarily about wayfinding.

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

Discussion on the motion:

Mr. Shapaka said he planned to vote in favor. He felt the sign complemented the building.

Mr. Tamarkin agreed that he would be in favor. Tamarkin noted this property, like the last one, has two front yards in a sense. He felt the signs were appropriate for this size of building.

Mr. Mako stated his intention to vote in favor of the application.

The motion carried by the following vote:

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

Absent: 1 - Hicks

[DP-0001-2024](#)

To consider a Development Plan Application for property located at Morse Rd.; Parcel ID 025-011219; Current Zoning R-4 Multi-Unit Residential; Elliott Parc; Douglas Ervin, applicant.

Director Blackford provided a summary of the application; see attached staff presentation. He stated this property is about 14 acres and zoned R4, which is a multi-unit zoning designation. There are hundreds of acres zoned similarly along Morse and Johnstown. After a number of meetings and a lot of discussion, the property was rezoned from estate residential to multi-family to allow for multi-family development early in 2023. A tree clearing process started shortly thereafter. They then returned to Planning Commission for a Final Development Plan and Design Review. The latest application is for a Development Plan to remove a constructed wetlands, redesign a clubhouse, convert two apartment buildings into townhomes, and add apartments to garage buildings.

Director Blackford shared a previous plan from the 2023 Final Development Plan with highlighted areas being changed on the latest application.

Development Plan Criteria: the plan meets applicable development standards, it is in accord with appropriate plans for the area, it would not have undesirable effects on the area, and it is consistent with land use character and development of the area.

Staff recommends approval as submitted. The use is permitted by right, is consistent with surrounding developments and with rezoning, the changes are minor in nature, and there are no variances accompanying the application.

Chair opened public comment at 8:32 p.m.

Doug Ervin, Director of Planning and Development for the Stonehenge Company, 147 North High Street. Mr. Ervin expressed gratitude for the opportunity to speak at the meeting. He said their original plan was relatively unchanged but for a few minor tweaks. He wanted to be clear

that “constructed wetlands” was perhaps a poor naming choice, and that there were essentially rain gardens that were a part of the sustainable green infrastructure. They implemented the rain gardens as a test, ran calculations and found that it reduced storm discharge by over 48% of what was required. There was a downstream analysis along Johnstown Rd that found that the as-built condition made the situation over 25% better. They had the in-house management and marketing group take a look to see what was missing from the site. They determined one of the constructed wetlands could be converted to a hard surface for pickleball courts.

Additionally, there was a large community building that had residential units in it when the Final Development Plan was originally approved. In order to enhance the development, they opted for a freestanding Community Building.

Mr. Ervin paused to reaffirm some of the company’s values. He stated none of the multi-family development that is built are sold and, figuratively speaking, the company’s doors at 147 North High St. are always open for discussion and feedback.

Mr. Ervin shared renderings of the new community building, which is a steel structure with some metal cladding and a lot of glass. Banding is intended to resemble copper. They wanted to ensure the building had some natural elements to complement the rest of the site. The freestanding building allows better security, privacy, and accommodation for delivery services such as Amazon and Uber. There are small refrigeration units inside for people that get perishable deliveries. They felt it important to have a freestanding building to manage some of these new components of multi-unit management. There is a lot of demand for these types of communities right now and it is estimated folks will live in the communities for between one and three years. A lot of them don’t want to rent homes, so they felt a townhouse project would help break up monotony. Framing the new community building with townhomes gives a good rhythm. Mr. Ervin shared renderings of three-story three-bedroom units with 2.5 bathrooms. He noted the units are nice and will rent for a lot of money.

Ervin said that in the early stages of planning, he had been trying to implement what he called a Carriage House style of unit, in which the units are above a garage. Ervin shared renderings for those units. He stated they attempted to make the look feel practical and utilitarian. There is a parapet with a pitched roof so the neighbors to the south are not overwhelmed. Ervin met with a group of Windward Trace residents and went through the project with them to make sure they were aware of

the change. They have increased the buffer between the two developments.

As Director Blackford noted, the development is still at 251. The overall layout is exactly the same, though the front is now more attractive from the Morse Road view. Ervin believes these changes give them some differentiation within the unit mix and make the development more marketable to prospective residents. Mr. Ervin ended his presentation.

Gary Goldsmith 4651 East Johnstown Road. Mr. Goldsmith is the neighbor diagonal to the development. He did not have questions but expressed concerns about the removal of wetlands. He appreciates that there is a retention pond to catch water, but the removal of wetland areas creates a problem because the water has to go somewhere. Mr. Goldsmith stated water often ends up in his backyard. He added that Windward Trace has no retention pond and his yard is flooded in the spring rains, along with other neighbors. He objected to the removal of wetlands.

The Chair invited Mr. Ervin to respond to Mr. Goldsmith's comments.

Mr. Ervin stated that the current wetlands are constructed and were not previously existing wetlands. There was an existing wetland that was delineated, and credits were purchased in order for it to be filled. He stated Stonehenge's Engineers did an analysis at the request of the City Engineer as it relates to offsite storm release. He encouraged any of the neighbors to access the analysis and review it. He was aware there is an existing condition, but noted the development is not contributing to it. He stated that after they are done with the development and through the sustainable green infrastructure, the retention pond is smaller than it would have been. Otherwise, through rain gardens and other measures, they are trying to absorb as much as possible. Reports show that the development has actually made the situation better.

Chair closed public comment at 8:43 p.m.

Mr. Shapaka asked Mr. Roth what course of action the public has if excessive amounts of water come across a neighbor's property. Mr. Roth was unsure of the answer, though referenced a law that goes back hundreds of years regarding surface water rights. There is a cause of action if developer would do something that would directly cause damage to neighboring property. He added this is not his area of expertise. Mr. Shapaka then asked Mr. Blackford if all properties have to retain the water for a certain amount of time, which would be shown by the civil drawing. Mr. Blackford replied yes, that is part of the Engineering

process. Generally speaking, the developer is required not to make the situation worse. Either to improve it or maintain the situation.

Ms. Pollyea asked if there was a first phase to determine why the wetlands needed to be removed or replaced. She referenced wetlands highlighted in green on the site plan provided. Mr. Ervin replied that those are not wetlands but are constructed rain gardens. They had a wetland delineation and worked with engineers and the Ohio EPA and acquired credits to fill the wetland. It was a real wetland that was created by draining from the adjoining properties. He noted that what is shown on the site plan is not jurisdictional wetlands and that "wetland" was a poor wording choice. Ms. Pollyea inquired about the units added to the garage buildings. She wondered if this referenced town houses with attached garages. Ervin replied that when the building was originally approved there were 12 residential units in the building. When townhomes were added, they could only fit eight in the space. He was then left to create four remaining units. In essence, there are four one-bedroom units on the second floor of a garage building.

Mr. Greenberg directed a question to Director Blackford. He wondered, if Engineering gives approval, it will mean they have done the calculations and approved of the project. Mr. Blackford confirmed that if Engineering reviews the project and the math works out, it is approved. Mr. Greenberg noted that when previous Elliot Parc applications were before the Commission, the room was full of neighbors, and they discussed having a fence around the area in the back so that headlights would not shine into the residents' properties. Mr. Ervin confirmed that the fence is still a part of this. He added that the folks of Windward Trace picked the color and type of fence to match their existing fencing. He said his company is committed to accommodating the issues that have been brought up and referenced some conversation topics he had with the residents at Windward Trace. Greenberg asked where the trash compactors would be located. Ervin stated there are two areas that are enclosed. Greenberg noted that pickleball is a loud sport, adding there was a complex in Florida that outlawed it because of resident complaints. Ervin replied there will be two courts. There was a sound analysis done to make sure it would not be too He noted that if pickleball turns out to be a fad, these courts could later turn into something else, such as a sand volleyball court. He noted there would be set hours per the residence rules.

Mr. Suriano said that in looking at the application, it looks like the town homes are predominantly white brick. Mr. Ervin confirmed and noted there is some siding on the returns. Mr. Suriano asked if the equitone panel is a cementitious panel. Mr. Ervin replied it is more of a metal

panel. Mr. Suriano asked if it comes pre-finished, which Mr. Ervin confirmed. Mr. Suriano asked if the shingles are asphalt shingles. Mr. Ervin confirmed they are three-tab asphalt shingles. Mr. Suriano asked if the metal French balconies are prefabricated, which Mr. Ervin confirmed.

Mr. Tamarkin asked if the pickleball courts would be lit. Mr. Ervin replied they would not be. Tamarkin replied that the hours for the court would be daylight hours, in that case.

Mr. Mako directed a question to Mr. Blackford. With the changes, the density is staying the same as the previous submittal. Director Blackford confirmed, stating that when the rezoning happened in 2022, 251 units was the maximum allowed at that point. Mr. Mako asked if the detention pond has safety benches. Mr. Ervin confirmed there were safety shelves in place. The Chair confirmed his understanding that the community building will be a central place for deliveries such as Amazon. Mr. Ervin explained that items high in value and non-perishables will go to people's doors, however with food and grocery delivery services on the rise there will be a delivery area in the corridor.

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

Michael Blackford shared that at the next meeting on June 26 there will be a rezoning application for a property east of Valvoline on Hamilton Rd., and a variance and design review for One Church. He suggested there may be residents attending for each application.

Mayor

Mayor Laurie Jadwin shared that the city is working on the development of an Active Transportation Plan thanks to a grant received by the Ohio Department of Transportation. She referenced a survey that went out to residents in February. The consultants are working with that information

gathered through the survey and have compiled a list of at least 60 different projects to improve multimodal transportation in the community. On June 25th there will be an open house from 5:00-7:00 p.m. in Council Chambers with the consultants to engage the community for feedback. She invited Commission members to join the conversation. The mayor also shared the rehabilitation of five bridges along I-270 including the Hamilton Road bridge, which begins on June 17th.

I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Mr. Mako shared that he had an enjoyable vacation, and his health is improving.

K. ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 9:00 p.m.