



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

Michael Greenberg, Chair
Michael Tamarkin, Vice Chair
Bobbie Burba
John Hicks
Thomas Shapaka
Michael Suriano
Thomas J. Wester

Pam Ripley, Deputy Clerk of Council

Wednesday, June 9, 2021

7:00 PM

VIRTUAL MEETING

Meeting Call-in Details:

Tel- (513) 306-4583

Conf. ID- 124 935 71#

Speakers must contact planningcommission@gahanna.gov one hour prior to the start of the meeting, and provide name, address, phone number, and item you wish to speak on.

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

Gahanna Planning Commission met in virtual session via Microsoft Teams on June 9, 2021. The agenda for this meeting was published on June 2, 2021. Chair Greenberg called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present 7 - Thom Shapaka, Michael Greenberg, John Hicks, Michael Tamarkin, Bobbie Burba, Michael Suriano, and Thomas J. Wester

B. ADDITIONS OR CORRECTIONS TO THE AGENDA - NONE

C. APPROVAL OF MINUTES

Motion was made by Hicks, seconded by Burba, to approve the meeting minutes from May 26, 2021. Motion carried with the following vote:

Yes: 7 - Shapaka, Greenberg, Hicks, Tamarkin, Burba, Suriano and Wester

[2021-0103](#)

Planning Commission Meeting Minutes for May 26, 2021.

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

[SWP-0003-2021](#)

To consider a Subdivision Without Plat Application to split .787 +/- acres from a 1.74 +/- acre parcel, for property located at 3636 McCutcheon Rd.; Parcel ID No. 025-004332; Current Zoning SF-3; Brad Southard, applicant.

Michael Blackford, Director of Planning provided a summary of the application; see attached Staff Presentation. The proposed lot splits are the same size or larger than neighboring residential properties and all code requirements are met, no unresolved staff comments, no variances needed. Staff recommends approval.

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

Applicant Attorney Katarina Karac this is a very straight forward lot split, happy to answer any questions.

Chair closed public comment at 7:07 p.m.

Wester asked if the lot split requires a curb cut and if it is required does the City charge for it.

Karac is not sure if a curb cut will be required. Blackford does not recall if the driveway will be shared; if not shared they would be allowed to have access onto McCutcheon. There is nominal fee for the Right of Way Permit.

Assistant City Attorney Matt Roth administered an oath to Brad Southard, Applicant in order for him to present testimony this evening.

Southard stated that there is a need for a curb cut just west of the existing approach and any fee will be paid.

Motion was made by Tamarkin, seconded by Shapaka, that the Subdivision Without Plat be Approved.

Discussion on the Motion: Shapaka is in support.

The motion carried by the following vote:

Yes: 7 - Shapaka, Greenberg, Hicks, Tamarkin, Burba, Suriano and Wester

[V-0016-2021](#)

To consider a Variance Application to vary Chapter 1151.15 & 1167.17 of the Codified Ordinances of the City of Gahanna, for a shed installation, for property located at 503 Beaverbrook Dr.; Parcel ID No. 025-007359-00; Current Zoning PUD; Shana Swartz, applicant.

Michael Blackford, Director of Planning provided a summary of the application; see attached Staff Presentation. The application is a result of code enforcement action, work without permit. There does appear to be areas in the rear yard where the shed can be located which is consistent with code. Staff has no major objections, however this Commission continues to receive this type of variance request, we either need to start enforcing the code or change the code.

Chair opened public comment at 7:18 p.m.

Applicant Shana Swartz stated that the backyard fills when it rains.

Clerk confirmed there were no comments from the public. Chair closed the public comment at 7:19 p.m. Called on questions from the Commission.

Wester stated he is troubled by the application, sheds just pop up without regard to code or permitting or even location. Wester would like to hear more arguments on this item before making a final commitment. At this time he doesn't feel he could support the variance.

Suriano asked the applicant if the she is currently under construction or if it is fully built; some of the images looks like there are tarps on the shed. Swartz stated that they started building prior to knowing they needed a permit, once they realized they did it wrong they stopped work and are waiting on the decision of this Commission. Suriano asked if the shed is on skids or on a foundation. Swartz said the shed is placed on the driveway pad foundation. Suriano stated then it will not be on a sub-grade foundation, it is on grade. Relative to the house will the colors be consistent. Swartz stated it will be painted to match the house.

Shapaka has the same reservations that Mr. Wester has, this item is a creeping issue and with the extension of the concrete pad Shapaka asked if there was approval to add the concrete in front? Swartz stated that there was not. Shapaka would be in favor of adding a gate, fence or landscaping in front of it blocking the vehicle from extending past the front of the house. Shapaka is not in support of the variance.

Hicks stated that the comments on the water issues he is familiar with; is it the position of the applicant that the shed can not be located in the back yard due to water issues. Swartz said it was. No further questions.

Burba has no questions.

Tamarkin stated his understanding is that the side with the blue tarp will match the house and the front will have a door that will match the garage door. Swartz said it would. No further comments.

Greenberg stated he is in agreement with Wester and Shapaka; he thinks that sheds need to be in the rear of the property and is concerning that they continue to pop up everywhere in the community. Greenberg agrees with Blackford that the Commission needs to take another look at the rules and how they are treated. Greenberg is not in support of the variance.

Motion was made by Hicks, seconded by Wester, that Variance V-0016-2021 be approved.

Discussion on the Motion: Wester asked Blackford if this Variance can be postponed and request if the applicant can come back with a landscape plan to provide more curb appeal, what options does this Commission have. Blackford stated that the Commission can request a continuance. Code Enforcement will not fine the Applicant if Planning Commission doesn't take action tonight and delays the action. Suriano stated he is conflicted, there is not a one size fits all for properties. Suriano feels this variance is really tight up against the house and the at the moment the shed doesn't have a foundation and is more moveable. Suriano is more in agreement in delaying to better understand the intent in and around the shed. Suriano appreciated that backyards can be wet depending on the grad and doesn't have an issue there, judging from the photos the shed is pretty tight. Currently Suriano is not in favor and welcomes a better understanding of landscaping and how the shed would be situated relative to the rest of the house. Shapaka does not have an issue with the variance in the side yard, if the shed could be pushed back more and the encroachment could move back 18" or 21" from the front. Shapaka believes it would help the project overall and since the shed is not on a foundation it might be easy to do. Shapaka is not in favor of this variance unless verbiage can be added regarding moving the shed back and some type of landscaping. Bringing the request back later is more beneficial. Hicks stated that this area of Hunters Ridge has no sheds or patios in the back yards. In Hicks opinion this variance does meet the criteria for the variance they are requesting. Hicks is in favor of granting the variance for those reasons. Burba stated would like to postpone the request in order to see some landscaping and photos of the back yard. Tamarkin is in agreement with the rest of the Commission members, adding landscaping and moving the shed further back would be a better look. The view from the street is important. With a little landscaping and moving further back Tamarkin would be in favor. Greenberg agrees with the rest of the Commission members to bring the request back, moving the shed back and add some landscaping. Greenberg asked Roth with the Commission being in favor of a continuance how is that handled.

Roth stated that the Commission has to deal with the motion that was made. If the current motion was withdrawn and another motion to postpone could be entered.

Hicks withdrew the motion on the approval of variance request V-0016-2021 and recommended it be postponed.

Motion was made by Hicks, seconded by Wester, that Variance V-0016-2021 be postponed until the June 23, 2021 meeting for landscaping and further set back information unless the administration needs more time to review.

Discussion on the motion: Wester stated postponing is a good move and allows the resident time to reconsider and come back with the additional information. Wester stated the Commission wants to work with the resident on this. Greenberg feels this is a good solution.

Motion carried with the following vote:

Yes: 7 - Shapaka, Greenberg, Hicks, Tamarkin, Burba, Suriano and Wester

[V-0017-2021](#)

To consider a Variance Application to vary section 1143.08(c) and 1167.17(b) of the Codified Ordinances of the City of Gahanna, to allow for a shed installation on property located 782 Tim Tam Ave; Parcel ID No. 025-008353; Current zoning SF-3; Alex Panda, applicant.

Michael Blackford, Director of Planning provided a summary of the application; see attached Staff Presentation.

The application is a result of code enforcement action. The permit was filed but never completed. There are three (3) easements on the property; a 15' utility easement, a drainage easement and another 10' utility easement which restricts where sheds can be placed. Staff comments: severe reduction to side yard setback from 7.5' to 1.8', Blackford does not recall when a variance of this severity was approved. There does appear to be areas in the rear yard where the shed can be located which meet code. The area is reduced significantly due to the easements; but there are some locations. Staff concerns are the same as the last variance; if we continue to receive this type of variance request, we either need to start enforcing the code or change the code language and reconsider what our standards are. There are methods of softening the view with landscape screening or fencing. Blackford showed areas in the rear yard that would work for the location of the shed.

Chair opened public comment at 7:41 p.m.

Applicant, Alex Panda apologized for moving forward with the construction of the shed without a permit. In regards to putting the shed in the back yard there are windows along the entire back of the house, putting the shed up against the house would be difficult and block windows. There is also a patio in the back yard. There are multiple drainage pipes in the back yard and the yard is sloped to the drain. When there is excessive rain the drain floods and is deep. Panda has talked to his neighbors regarding the shed they are all fine with the shed

placement.

Clerk confirmed there were no comments from the public. Chair closed the public comment at 7:44 p.m. Called on questions from the Commission.

Wester stated he is conflicted with the variance, and is in complete agreement with staff recommendations. Can the Commission look at landscaping or relocating the shed. Suriano stated similar to the last discussion, understanding the side yard easement and looking at the site plan, less than 2' is really tight. Shapaka asked Blackford if there is a 15' utility easement isn't it allowable to build and use my property on top of that easement as long as it is not a permanent structure; a shed can be installed as long as it doesn't have a foundation; is this information correct. Blackford stated he doesn't believe so, that is part of the process that gets reviewed by several other departments in the City. The Engineer Division looks at easements specifically. Different easements have different requirements. Blackford stated that the applicant's original application was in the rear of the property where the 15' utility easement is. Shapaka would like the question clarified for future projects. The 2' variance on the side is excessive, however if he has to put it on the side of the house it has to sit away from the front of the house and have some landscaping and screening. Shapaka is not in favor of the variance. Hicks stated that on Google maps you can see the drain and slope of the back yard and the windows along the back of the house. Hicks asked if the Applicant considered putting the shed to the rear and west of the house within the allowable easement. Panda stated that in anticipation of the Commission denying the variance he has been trying to figure out what he can do; the shed could potentially fit in that rear area. Panda called five (5) companies to see if anyone could move the shed; he has not had any returned calls. Panda is willing to work with the Commission on moving the shed, but needs assistance finding someone who does that type of work. Panda is open to relocating the shed to the northwest corner of the house. Burba is in agreement with the Commission on having the Applicant move the shed. Tamarkin has no comment. Greenberg agrees that moving it back into the proper area that would be approved.

Motion was made by Burba, seconded by Tamarkin, that the Variance V-0017-2021 be approved.

Discussion on the Motion: Wester is in support of relocating the shed, not in support of the current motion. Suriano is not in support of the current location, however is in support of relocating to another portion of the yard. Shapaka not in support of as it sits; however would support if the applicant wants to delay this decision and come back with it in a spot that is further away and with some fencing or puts it in the proper spot. Hicks stated that there is an opportunity to relocate the structure to a place that is allowed and he will not

need the Commissions permission to do so. Hicks is not in support of the variance application. Burba agrees with the other Commission Members. Tamarkin is not in support; the 1.5' setback for the side property is just too tight even though the neighbor is in agreement. Tamarkin would be in support of moving the shed. Greenberg is in agreement with the other Commission Members and not approving it in the location proposed.

The motion failed by the following vote:

Yes: 0

No: 7 - Shapaka, Greenberg, Hicks, Tamarkin, Burba, Suriano and Wester

F. UNFINISHED BUSINESS - NONE

G. NEW BUSINESS - NONE

H. OFFICIAL REPORTS

Assistant City Attorney

Roth stated that in regards to the last application it has always been his understanding that you could put non-permanent structures over a utility easement. Just know that if the utility company needs to come in and do anything that they could tear it down. Roth will research and answer at the next meeting. It is not allowed to put anything on the drainage easement, due to dealing with surface water and water flow.

Director of Planning

Blackford stated he looked at staff comments on the last variance again and said that the Water Resource Engineer who reviews building permits for accessory structures specifically said to remove the shed from the easement. The shed request was originally in the utility easement by the swing set. It appears the original request was allowed, however he was told by Engineering it was not allowable. That was a year ago and there is different staff now. Blackford would like to be kept in the loop in order to correspond with the Applicant. Maybe it can be put back in the corner where he originally wanted it; but was specifically was told no by staff who reviews for that. Maybe he was told that in error and maybe staff made a mistake.

Council Liaison - NONE

CIC Liaison

Hicks shared the next meeting is on June 15, 2021.

Chair - NONE

I. CORRESPONDENCE AND ACTIONS - NONE

J. POLL MEMBERS FOR COMMENT

Wester asked Blackford if the City has any restrictions to the number of sheds that can be on a property, how many square feet of shed, and can sheds have electric. Blackford stated that you need a permit to have electric in a shed. There is not a limitation on the number of sheds allowed. One thing not talked about, due to it not being an issue is lot coverage. Eventually at some point you can only have so much structure on a residential lot. The overall lot coverage is limited. There is no square footage limit; however there is a height and placement set back that applies.

Shapaka stated that the Commission likes when neighbors speak out. The more the neighbors come and talk about the issues before the Commission, the more it helps with the decisions made. He would like to see more neighbor interaction.

Hicks shared that there were some proposed changes give to the Charter Review Commission that affected this Commission. This Commission discussed and gave their opinion to the Charter Review Commission, those proposed changes have been removed. However there are two (2) proposed changes in the current draft that do affect Planning Commission. The first is how the meetings will be posted and made available to the public. They are clarifying the verbiage to say that a notice will be posted at City Hall in a location accessible to the public. The second proposed change is when Planning Commission recommends something to Council that requires their approval; it currently reads "that action shall be taken by Council within 90 days". The proposed change is "Council will approve or deny such recommendation within 90 days."

Burba asked Blackford if the Rubbermaid sheds require a permit. Blackford stated yes, that all accessory structures need a permit.

Greenberg asked for any final comments.

K. ADJOURNMENT

Meeting adjourned at 8:11 p.m.