



City of Gahanna

Meeting Minutes

Planning Commission

200 South Hamilton Road
Gahanna, Ohio 43230

Thomas Shapaka, Chair
James Mako, Vice Chair
Michael Greenberg
John Hicks
Michael Suriano
Michael Tamarkin
Thomas J. Wester

Pam Ripley, Deputy Clerk of Council

Wednesday, February 22, 2023

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 February 22, 2023. The agenda for this meeting was published on February 17, 2023. Chair Thomas Shapaka called the meeting to order at 7:00 p.m. with the Pledge of Allegiance led by Greenberg.

Present 7 - John Hicks, Michael Greenberg, James Mako, Thomas W. Shapaka, Michael Suriano, Michael Tamarkin, and Thomas J. Wester

B. ADDITIONS OR CORRECTIONS TO THE AGENDA

At the request of Attorney Mike Shannon, Representing the developer Skilken Gold on the proposed Sheetz project their applications are being postponed until March 8, 2023, 7:00 p.m.

C. APPROVAL OF MINUTES

2023-0032

Planning Commission meeting 2.8.2023

Motion was made by Hicks, seconded by Wester, that the Minutes from February 8, 2023, be approved.

Motion carried with the following vote:

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

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 COMMENTV-0001-2023

To consider a Variance Application to vary Chapters 1143.08(a) and 1167.17(b) of the Codified Ordinances of the City of Gahanna, to allow for a shed installation on property located at 60 Savern Place; Parcel ID: 025-003993; Current Zoning SF-3; Bradley Rhoads, applicant.

Director of Planning Michael Blackford provided a summary of the application; see attached staff presentation. Director Blackford said the request is for a variance to allow a shed to be in the front yard and to be within the front yard setback. Site plan indicates it is 18' from the right-of-way. Single Family Residential (SF-3) requires a 35' front yard setback. Code requires that sheds be located to the rear of the structure. Blackford showed the area in the rear yard where the shed could be located to meet code. The applicant sent in a video of some of the draining challenges on the property. The video clip would not work. Blackford said he believes the property to the east drains into the applicant's backyard. Blackford shared that the request originated from citizen complaints about the shed. This is a code enforcement action. The variance criteria to consider is as follows: Are there special circumstances or conditions applying to the land, building or use? Is the variance necessary for the preservation and enjoyment of property rights? Will the variance adversely affect health or safety? Blackford shared that anytime you start putting objects closer to the roadway it tends to obscure some sight lines. Blackford has not heard any specific complaints regarding distance from the road. He does know that some of the neighbors have some challenges related to what their view looks like. It impacted the view to a certain degree. If the commission is going to approve the variance request, staff recommends that there be some level of screening specified as a condition of approval. He believes the applicant included screening information in the application. This is a corner lot and sometimes there are challenges where to place accessory structures. However, he believes the site plan shows a substantial area in which a shed could be placed that meets code. The applicant states there are some drainage issues that limit where the shed can be placed.

Chair opened public comment at 7:09 p.m.

Applicant Bradley Rhoads was not in attendance.

Public Comment:

Jerry Durre 603 Havens Corners, Gahanna, is one house removed from the house. For 15 years, he has enjoyed sitting on his front porch, looking west, which is the only direction he can look because of the way his house was build. In looking west, he could see all the way to Hamilton Road before this shed was placed. Now, he can see no further than the back of the shed. It is unsightly and ruins his sight lines going all the way to St. Matthew's Church. It doesn't make sense to him to have the shed there. It sets a bad precedent for the whole area. If he can do it, they all can do it. It is possible it could open a door for there to be sheds all up and down. It is a nice-looking

neighborhood that is being cleaned up. Then, this shed appears out of nowhere. Otherwise, the gentleman has done a really decent job of fixing the house up. Durre said the shed is unsightly and blocks his view going down the street. This should not be the case. All those houses are on a straight line all the way down the street, and this ends it. His will be the only one out of line.

Chair closed the public comment at 7:12 p.m.

Questions from the Commission:

Greenberg commented that he thought at a previous meeting it was discussed if the applicant was not in attendance that the commission was not going to act or not vote on the application. Shapaka said he believed it was to be tabled or not voted on. Shapaka asked if Greenberg had an opinion.

Hicks commented that if the applicant has been invited and not shown up, then he is ready to act. Shapaka and Wester agree.

Tamarkin said that in looking at Google Earth it shows that there is a shed in the backyard and no shed where the current one is placed. Tamarkin asked if it was the same shed or a new one. Blackford said he believes it is the same shed. They tried to find out that information. He believes they moved the shed. They questioned if it was a second shed or a new shed. Tamarkin assumes that the shed was moved from the backyard to the front yard. He drove by the house and agrees with the neighbor that it is unsightly where it is. He knows that there are comments about the water. He is not sure if the water is to the east of the house and to the south of the house. He is curious why the shed was moved.

Shapaka asked Mr. Durre if he is directly east of the property. Mr. Durre is one house removed from the property. Shapaka said the hardship clause said there was water in the back. He asked Mr. Durre if he has water in his back yard? Mr. Durre said his yard does not have water. However, neighbor Jeff Caffee on Jonsol Ct. property backs up to the applicant's property. There is a lot of water in Caffee's back yard. There is a drainage area that has had a lot of work done to help drain the water. Durre said there is plenty of room in the backyard. There was an old shed there previously. If the shed is moved forward from where the old shed was, it is out of the way of the water. He doesn't understand why it's a problem. Shapaka thanked for the clarification of the old shed. Shapaka asked if the parking pad on the side had to be approved. Blackford said that residentially you can pave pretty much anywhere you want on your property. There is a limit on how much you can pave with the lot coverage. There are regulations with commercial properties. Shapaka asked if the commission wanted it screened, it would help cover that parking space also, or can they just request screening of the parking space if the shed is declined? Blackford said that the commission can condition a variance application when they approve it, but if they deny it, they are denying it. There is no code requirement to have screening of the parking area since it is a driveway.

Mako asked Blackford if the drainage pattern is draining to the west. Blackford said he doesn't have firsthand knowledge of it. The applicant did provide a video clip that showed it draining east to west in the area. Blackford knows from second-hand conversations that a previous city engineer had talks with residents out there or with this owner about drainage. He doesn't know firsthand what it is like or what kind of storm event the video showed. Blackford is not knowledgeable enough to speak on it.

A motion was made by Mako, seconded by Wester, that the Variance be Approved.

Discussion on the motion:

Suriano is not in favor of the variance. There have been several variances before the commission for homes that have two front yards and what that means for setbacks and the implications. He believes in this case, when talking about the usability and whether that puts an impetus on the use ability of what would be the backyard, it doesn't appear when looking at Google Earth where the shed was previously that it significantly impacts the usability of the space. He believes that if the drainage is mitigated, it should be able to be there again. He is not in favor of the variance.

Tamarkin is not in support for two reasons; the applicant is not here and when they cannot explain themselves, they have to suffer the consequences. His question would be why the shed has to be there instead of in the back yard. Without that explanation he is going to assume it can be in the backyard and he is not going to be in favor.

Hicks said in his opinion the application does not support the criteria for granting a variance. He is opposed to the motion.

Wester is not in support because of everything his colleagues have said.

Mako said he is not in support of the variance. One of the slides shows the area to the south, which shows a good chunk of property where the shed can go. He thanked the neighbor for attending and giving his opinion.

Greenberg said that it appears the consensus is going to be a vote "no." What happens next to the application? Do they have to move the shed back to meet code? Blackford said that there is code enforcement action, and he will get in touch with code enforcement and provide them the update. Code enforcement has been in a holding pattern on acting. Roth said that code enforcement would file a charge. They have been notified and chose to file the variance application to try and avoid a criminal charge in Mayor's Court. If the variance is not granted, that is the next step. Greenberg is not in support.

The motion failed by the following vote:

Yes: 0

No: 6 - Hicks, Greenberg, Mako, Suriano, Tamarkin and Wester

Abstain: 1 - Shapaka

Sheetz

At the request of Attorney Mike Shannon, Representing the developer Skilken Gold on the proposed Sheetz project their applications are being postponed until March 8, 2023, 7:00 p.m.

V-0033-2022 To consider a Variance Application to vary Chapter 1167.18(c)(1) Screening Requirements and 1163.08 Interior Landscaping Requirements of the Codified Ordinances of the City of Gahanna, for property located on Johnstown and Morse Roads; Parcel IDs: 025-011244, 025-011243 and 025-011226; Current Zoning NC; Sheetz Gahanna; Sarah Gold, applicant.

FDP-0009-2022 To consider a Final Development Plan Application for property located on Johnstown and Morse Roads; Parcel IDs: 025-011244, 025-011243 and 025-011226; Current Zoning NC; Sheetz Gahanna; Sarah Gold, applicant.

DR-0019-2022 To consider a Design Review Application for property located on Johnstown and Morse Roads; Parcel IDs: 025-011244, 025-011243 and 025-011226; Current Zoning NC; Sheetz Gahanna; Sarah Gold, applicant.

F. UNFINISHED BUSINESS - NONE

G. NEW BUSINESS - NONE

H. OFFICIAL REPORTS

Assistant City Attorney

Roth thanked the commission for postponing the Sheetz application at their request.

Director of Planning

Blackford said that staff reach out to applicants regarding the meetings. It is becoming a real problem getting folks to show up to hearings. Staff will try to investigate to see what other communities do. It just seems to be a lot of challenges with people attending hearings and he knows they are told. The applications say you have to attend, communication from his staff, and Council Office and there are still struggles getting people to attend.

Council Liaison - None

Mayor - None

Chair

Shapaka said he voted to abstain. If there would have been a tie, he would have thought it unfair. If he had a different conscience, he would have voted "no" also. It seems completely out of place. He thanked the commission for doing the right thing.

I. CORRESPONDENCE AND ACTIONS - NONE

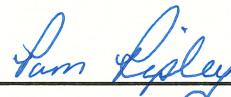
J. POLL MEMBERS FOR COMMENT

Wester asked Mr. Roth, since the variance was voted down, how long does the applicant have to comply with the citation the city will issue? Roth said it depends on when they cite them. If code enforcement goes out tomorrow, it would be at least one week, maybe two weeks, from tomorrow. We don't have to give any particular amount of time. They have already been noticed that this is a problem. Wester asked how long they must comply with removal. Roth said he doesn't do anything with Mayor's Court, but we can continue to cite them if they don't remove it. He thinks normally the prosecutor is going to give them a continuance of a month to get in compliance before putting him in front of the magistrate for a fine.

Suriano shared that the Gahanna Municipal Library grand opening is open to the public on March 4, 2023.

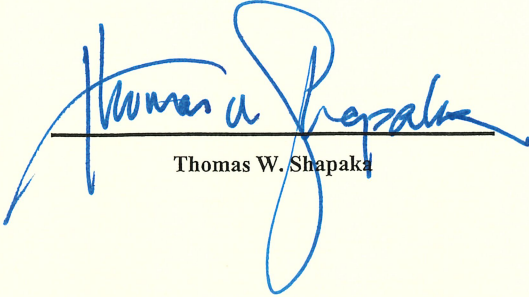
K. ADJOURNMENT

There being no further business the meeting adjourned at 7:28 p.m.



Pam Ripley
Deputy Clerk of Council

APPROVED by the Planning Commission, this
8th day of MARCH 2023.



Thomas W. Shapaka

