

MEETING MINUTES



Board of Zoning Appeals

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, June 16, 2022 | 7:00 pm

CALL TO ORDER

President Piper called the Regular Meeting of Board of Zoning Appeals to order at 7:01 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

President Piper led the Board and attendees in the Pledge of Allegiance.

ROLL CALL

Attendee Name:	Title:	Status:
President Matthew Piper	President	Present
Vice President Aaron Epling	Vice President	Absent
Steve Donato	Member	Present
James Martin	Member	Present
Greg St. Clair	Member	Present
Arthur Steele	Member	Present
Bobby Stepp	Member	Present

Staff Members Present: Planning Director John Talentino, Planning Manager/Acting Clerk Carson Combs, Planning Intern Abby Thiel.

Others Present: Anas Abdallah (SKR Realty, LLC.) representing BZA-22-11; Chadwick and Lisa Morrow (homeowners) representing BZA-22-15; James Calabrese (homeowner) representing BZA-22-16; Jim Rudolph representing BZA-22-17; Kyle Wrentmore (Mannik Smith) and Jeff Gilger (Moo Moo Car Wash) representing BZA-22-19; and other unnamed persons in attendance.

APPROVAL OF MEETING MINUTES – May 19, 2022

President Piper made a motion to approve the May 19, 2022, meeting minutes. The motion was seconded, and a Voice Vote approved the motion.

Status:	Accepted by voice vote (6-0)
Ayes:	

CHANGES TO THE AGENDA (requests for postponements, withdrawals, or change in order of cases)

Mr. Combs indicated that as noted in the staff report, staff requests a postponement of Case #7 to address outstanding issues.

OATH TO TELL THE TRUTH

President Piper administered the Oath to Tell the Truth.

NEW CASES:

CASE 1: BZA-22-11 – SKR REALTY, LLC. – 4920 Scioto Darby Road

PARCEL NUMBER: 050-002826

APPLICANT: SKR Realty LLC, c/o Anas Abdallah, 4920 Scioto Darby Road, Suite 120, Hilliard, OH 43026

REQUEST: Review and approval of variance to Hilliard Code Section 1127.04(b)(1) to permit gravel as a parking lot surface within the rear yard of a commercial building.

[Mr. Combs gave the staff report.]

BACKGROUND:

The site includes 2.5 acres located on Scioto Darby Road, approximately 200 feet northwest of Scioto Farms Drive and 250 feet southeast of Reed Point Drive. The property is zoned B-2, Community Business District, which allows for a broad range of commercial, education, food, office, personal service and retail uses. Adjacent properties on the north side of Scioto Darby Road are also zoned B-2. The retired Norfolk Southern railroad property is located to the rear of the site to the north. On the southern side of Scioto Darby Road across from the site are the Nightingale Estates and Scioto Farms Subdivisions, both zoned R-3 (Moderate Density Residential District). The property includes a multi-tenant building that is approximately 21,000 square feet in size and associated parking with approximately 83 marked spaces.

CONSIDERATIONS:

- The applicant is proposing to install a gravel parking area off the paved drive aisle to the rear of the property. No dimensioned plan has been provided to staff for evaluation.
- Deterioration of the public street is a primary consideration for not permitting gravel as a parking lot surface within the Zoning Code. While variances have been granted in the past, those instances were for single-family application where a significantly long paved driveway was located between the gravel area and the public street. In those instances, extremely low trip generation/usage would not result in disbursement of the gravel. Other examples such as utility substations also have very low trip rates and have zoning limitations as public utility uses.
- Section 1127.04(b)(1) of the Zoning Code requires a paved surface of concrete or asphalt. The Code does not permit gravel parking areas. The Planning and Zoning Commission may approved alternative pavement systems such as pavers, brick or other permeable hard surfaces based upon the durability and appearance of proposed materials for parking areas. The Planning and Zoning Commission may also approve substitutes for storage areas. The proposed gravel material would not meet the general parameters for Planning Commission consideration.
- All parking areas must meet applicable requirements for stormwater management. No details have been submitted to the City Engineer for review, including proposed parking area size and preliminary quantity/quality calculations to determine stormwater facilities that would be necessary for the expansion.

STAFF RECOMMENDATION:

Staff finds that the proposed variance to Section 1127.04(b)(1) for the purpose of expanding public parking within a commercial business district is not appropriate and would set a negative precedent for other commercial properties. Staff finds that there can be beneficial use of the property without the variance and that the proposal would be a substantial departure from the code for parking lot standards. Conditions for the variance are being self-created and can be addressed through other means such as managing tenants and their parking provision. Staff finds that the proposed variance does not meet the spirit and intent of the Code and the

provisions listed within Section 1106.04 of the Code and respectfully recommends that the variance request be denied.

[END OF REPORT | BZA-22-11]

Mr. Combs noted that the applicant had submitted a plan that indicated the proposed location of the gravel earlier in the day. He described the plan and the unresolved Zoning Code and Engineering issues that had not been evaluated or addressed.

Mr. Martin asked if stormwater could be addressed off-site; Mr. Combs noted that staff had concerns about the application because no potential option had been proposed, and Mr. Talentino noted that off-site facilities could be used with the approval of the other property owner.

Mr. St. Clair asked about lighting provision, and Mr. Talentino noted that the Code requires lighting and other applicable requirements unless the Board grants a variance to those requirements.

Anas Abdullah, the property owner, said he was proposing gravel because it was gravel in the past. He noted that he is fixing up the building and his tenants are contractors and need space to park trucks so they are not in front of the building. He said that Code Enforcement had sent violations and stopped him from spreading gravel.

He said that they would only put gravel from the dumpster to the north edge of the paved area and only approximately 20 feet in depth – not all the way to the property line as indicated. He said he was just trying to make things look better.

Mr. Martin asked why he wanted gravel when the Code requires pavement; Mr. Abdallah indicated that he was not sure of the building’s future and did not want to spend money. He said he may tear down the whole building and redevelop. He is waiting to see what happens to the railroad property.

Mr. Stepp noted that it sounds like he’s already put a lot of money into the property.

President Piper, seconded by Mr. Donato made a motion to approve the variance to Hilliard Code Section 1127.04(b)(1) to permit gravel as a parking lot surface within the rear yard of a commercial building.

Status:	Disapproved (0-6).
Mover:	President Matthew Piper
Seconded:	Mr. Steve Donato
Nays:	President Matthew Piper, Mr. Steve Donato, Mr. James Martin, Mr. Greg St. Clair, Mr. Arthur Steele, Mr. Bobby Stepp

CASE 2: BZA-22-15 – MORROW RESIDENCE – 3644 Sanctuary Loop
PARCEL NUMBER: 053-000357 (Heritage Preserve Section 2, Phase 4 – Lot 291)
APPLICANT: Chadwick and Lisa Morrow, 3644 Sanctuary Loop, Hilliard, OH 43026
REQUEST: Review and approval of variance to the Subarea A standards of the Heritage Preserve PUD Development Text to reduce the required rear yard setback from 20 feet to 11.5 feet and to Section 1117.04 of the Hilliard Zoning Code to increase the maximum lot coverage from 35.0% to 35.32% for a 288-square foot covered porch.

[Mr. Combs gave the staff report.]

BACKGROUND:

The site includes 0.18-acre located on Sanctuary Loop, approximately 540 feet northwest of the intersection with Woodland Drive. The parcel is Lot 291 on the Section 2 Phase 4 plat of the Heritage Preserve Subdivision. The property and all surrounding residences are zoned PUD, Planned Unit Development, as part of the Heritage Preserve Development Text. The property is a modified flag-shaped parcel that is located along the eyebrow (modified cul-de-sac) at the turn of Sanctuary Loop and is located within Subarea A-4 of the PUD text. Properties on each side are located within the same phase of the development and include other similar lot sizes and home styles. Lots along the rear of the property front onto Audubon Avenue and are located within Section 2, Phase 6 (Subarea A-6). Those lots (359-364) include larger homes and lot sizes. This is a request for variances to permit the expansion of an existing patio that will include the construction of a 288-square foot roof addition to cover a portion of the porch/patio.

CONSIDERATIONS:

- The home at 3644 Sanctuary Loop was given zoning approval for construction in October 2020 and included a 12' x 16' patio to the rear of the structure. The proposal includes the installation of a new 13' x 35' patio in place of the existing pavement and extend along the rear elevation of the home. The proposed at-grade patio complies with the Code and PUD text.
- The existing retaining wall will be extended with matching materials an additional 15 feet parallel with the patio. Landscaping will be provided in the space between the low retaining wall and the concrete patio.
- The proposed hip roof extension to cover portions of the patio will be 12 x 24 in size and match the existing home in color, materials and design. The requested rear yard variance will permit the installation of the roof.
- Maximum lot coverage for homes within the Heritage Preserve PUD is 35 percent for structures. Given the smaller size of the lot and the non-standard configuration due to the street design in the curve of Sanctuary Loop, the proposed roof extension will result in a 35.32 percent coverage just slightly higher than the maximum. As a new subdivision, stormwater management has been accounted for in the design of the lots.
- Heritage Preserve is a PUD with an Architectural Review Committee. All proposals for improvements within the subdivision also require private approval from the ARC to ensure compatibility within the neighborhood.

STAFF RECOMMENDATION:

Staff finds that the proposed variances are generally consistent with the spirit and intent of the Zoning Code. As proposed, the improvements to the residence will not adversely affect the character of the surrounding neighborhood, nor be a detriment to surrounding neighbors. As analyzed, the proposed variances will not affect public services. While the applicant could utilize the property without the improvements, the proposed roof addition is minor and will improve the usability of the property with minimal impact to the surrounding area. Staff recommends that the proposed variances be approved with the following three conditions:

- 1) That the proposed porch overhang shall remain open and not be enclosed in any way by fence, wall or other structure unless specifically reviewed and approved by the Board of Zoning Appeals;
- 2) That a zoning certificate be obtained prior to the issuance of building permits; and
- 3) That all applicable building permits be obtained prior to construction.

[END OF REPORT | BZA-22-15]

Mr. St. Clair asked for clarification as to the extent of the roof; Mr. Combs noted that the patio would extend out an additional foot and be a total of 35 feet in width. Mr. Combs noted that the patio and retaining wall is

considered as an accessory structure/use and would be permitted by Code if proposed alone. He explained that the roof is part of the home and therefore must comply with the 20 foot building setback for .

Mr. Piper pointed out a neighboring gazebo with a roof in the image. He asked if it was on the patio whether it would be allowed; Mr. Combs noted that because the gazebo roof is detached, it is an accessory structure and would be permitted.

Mr. Combs noted that the proposed improvements would not be enclosed. He specified there is nothing in the application and staff has included a condition that it remain as such. Mr. Combs noted that anything within the Heritage Preserve development would require HOA approval.

Mr. Chadwick Morrow, the property owner, noted that the entire project has been approved by the HOA and that the roof would not extend beyond the retaining wall. He said the roof structure was an original option from the homebuilder – the lot is too small.

Mr. Combs noted for the Board that public correspondence was received and provided for their review as part of their deliberation.

Mr. St. Clair, seconded by President Piper, made a motion to approve a variance to Section 1117.04 of the Hilliard Zoning Code to increase the maximum lot coverage from 35.0% to 35.32% for a 288-square foot covered porch with three conditions:

- 1) That the proposed porch overhang shall remain open and not be enclosed in any way by fence, wall or other structure unless specifically reviewed and approved by the Board of Zoning Appeals;
- 2) That a zoning certificate be obtained prior to the issuance of building permits; and
- 3) That all applicable building permits be obtained prior to construction.

Mr. Combs clarified that the request also includes a variance to the Subarea A standards of the Heritage Preserve PUD Development Text to reduce the required rear yard setback from 20 feet to 11.5 feet.

Mr. St. Clair and President Piper verified the addition to the motion.

Status:	Approved with three conditions (5-1).
Mover:	Mr. Greg St. Clair
Second:	President Matthew Piper
Ayes:	President Matthew Piper, Mr. Steve Donato, Mr. Greg St. Clair, Mr. Arthur Steele, Mr. Bobby Stepp
Nays:	Mr. James Martin

CASE 3: BZA-22-16 – CALABRESE RESIDENCE – 4293 Charles Court

PARCEL NUMBER: 050-009407 (Hoffman Farms Section 4, Phase 2 – Lot 304)

APPLICANT: James Calabrese, 4293 Charles Court, Hilliard, OH 43026

REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool).

[Mr. Combs gave the staff report.]

BACKGROUND:

The site is located in the cul-de-sac of Charles Court approximately 200 feet south of Clover Place. The 0.456-acre parcel is Lot #304 of the Hoffman Farms subdivision and was platted as part of Section 4, Phase 2. The

property and all surrounding residences are located within the subdivision are zoned PUD, Planned Unit Development District as part of the Hoffman Farms PUD Plan. This application is a variance request to install a locking cover for an existing hot tub in lieu of swimming pool fencing with self-closing and self-locking gate as required by Section 1121.02(d)(5) of the Code.

CONSIDERATIONS:

- The site and surrounding properties are zoned PUD, Planned Unit Development District as part of the Hoffman Farms PUD Plan. The property is a larger lot located at the end of the lot backing to smaller lots that front onto Parkmeadow Lane.
- Hilliard Code Section 1121.02(d)(5)(a) states that the immediate surroundings or yard around the pool shall be fenced and equipped with a self-latching gate with a self-closing lock to prevent uncontrolled access into any swimming pool.
- Since 2018, the Board of Zoning Appeals has received five variance requests to replace required pool fencing with an automatic pool cover. **The Board has approved all six requests.** [BZA-22-7 Vawter Residence; BZA-21-35 Bandow Residence; BZA-21-6 Capron Residence; 20-0157AR Miglietti Residence; 20-0145AR Ruma Residence; 18-0093AR Tucker Residence]
- According to Section 1121.06(f) of the Zoning Code, a private swimming pool includes “....any pool, lake, pond or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet.” An outdoor hot tub is considered as a pool by Code.
- Section 1121.06(f)(4) requires fencing around the pool, in conformance with the fence provisions/requirements of Section 111.02(d). This is the first instance of a request for a variance to permit a locking cover for a hot tub in lieu of required swimming pool fencing.

STAFF RECOMMENDATION:

Staff finds that there can be beneficial use of the property without the variance and that the proposed variance to permit a pool without fencing is substantial. Staff finds that the property owner’s difficulty can be feasibly obviated through some method other than a variance. Based on these findings, consistent with the provisions of Hilliard Code Section 1106.04, staff respectfully recommends that the proposed variance be denied.

[END OF REPORT | BZA-22-16]

The Board inquired whether the cover was locking; Mr. Combs indicated that the cover does lock, but consistent with past requests staff is recommending disapproval.

Mr. James Calabrese, the property owner, confirmed that the cover has four locks and the key is kept indoor. The cover cannot be lifted; Mr. St. Clair noted he has a hot tub and that the cover is very difficult to lift. He said the cover is intended to stay on to hold the heat.

Mr. Talentino noted that this portion of the Code has not been addressed because of other more pressing Code sections that are being reviewed by City Council.

Mr. Steele, seconded by President Piper, made a motion to approve a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool) with one condition:

- 1) That the hot tub remains covered and locked when not in use.

Status:	Approved with one condition (6-0).
Mover:	Mr. Arthur Steele
Seconded:	President Matthew Piper

Ayes:	President Matthew Piper, Mr. Steve Donato, Mr. Greg St. Clair, Mr. James Martin, Mr. Arthur Steele, Mr. Bobby Stepp
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CASE 4: BZA-22-17 – GILLESPIE RESIDENCE – 4755 Heath Trails Road

PARCEL NUMBER: 050-010354 (Ansmil West Subdivision – Lot 23)

APPLICANT: Tyler & Sarah Gillespie, 4755 Heath Trails Road, Hilliard, OH 43026

REQUEST: Review and approval of a variance to Hilliard Code Section 1121.02(d)(1)(i) to reduce the required setback for a fence on a second frontage of a corner lot from 15 feet to ~~12 feet~~ (11 feet).

[Mr. Combs gave the staff report.]

BACKGROUND:

The site is a 0.283-acre parcel located at the corner of Heath Trails Road and Hawkstone Road within the Ansmil West subdivision. The property at 4755 Heath Trails Road is Lot 23 of the Ansmil West subdivision, which is zoned PUD, Planned Unit Development. Properties to the west along Hawkstone Road are located within the Heather Ridge subdivision and are zoned PUD, Planned Unit Development as part of the Heather Ridge Development plan. To the south across Hawkstone Road is the Heather Ridge Park properties owned by the City. ***After analyzing street construction drawings and subdivision plats for the area, this is a request for a variance to reduce the required setback for a fence on a second frontage of a corner lot from 15 feet to 11 feet.***

CONSIDERATIONS:

- The Zoning Code previously limited fences to only the rear yard and side yard on all residential lots citywide, including corner lots.
- The Code just changed to provide more flexibility for properties located on corners that effectively have two street frontages. Ordinance 21-33 to modify fence provisions of the Zoning Code became effective on December 8, 2021, and allowed fences on the second frontage of corner lots to encroach up to half the distance from the building line as noted in Section 1121.02(d)(1)(i):
“Fences shall not be located past the build-to line of the main structure on the parcel, except that on a corner lot, an aluminum/wrought iron style fence shall be permitted to pass the build-to line parallel to the secondary front lot line by half the linear distance between the build-to line and the right-of-way line, and shall not be greater than forty-eight inches (48”) in height.”
- The side of the property along Hawkstone Road includes a 30-foot building line, which would allow the fence to be located 15 feet from the property line (16 feet behind the sidewalk) per Code requirements. The homeowner is requesting a variance to place a 4-foot decorative, aluminum fence twelve feet from the sidewalk. The proposed location is an 11-foot setback that encroaches 4 feet into the required setback.

STAFF RECOMMENDATION:

Staff finds that recent changes to the Code have significantly increased the available area for placement of fencing on corner lots and approving the requested variance would be contrary to direction recently established by City Council. Staff finds that the proposed variance would be substantial and that there can be beneficial use of the property without the variance. The recent change to the Code is intended to strike a balance between a desire to provide more flexibility for corner lot owners while considering the intent of City policy to restrict the visual appearance of fences in front yards. Staff finds that the proposed variance does not

demonstrate a practical difficulty and that the fence permit application in process should be revised to meet Code requirements. Staff respectfully recommends disapproval of the requested variance.

[END OF REPORT | BZA-22-17]

Mr. Combs noted that the variance request has been amended based on further study of the property line and civil plans for the construction of the public street.

Mr. Piper and Mr. St. Clair asked for clarification of the graphic on the screen; Mr. Combs said there would be a difference of 4 feet between the requested variance and Code.

Mr. St. Clair inquired about the fence material; Mr. Combs noted that the proposed fence is a 4-foot decorative aluminum fence that complies with Code.

Board members asked why they needed the variance.

A representative for the applicant indicated that the property owner was not available due to a medical issue. He indicated that they wanted the variance to maximize the amount of play area in the side yard for their children.

Mr. Piper asked if the applicant was aware of the current Code and if there were a need to postpone; Mr. Talentino verified they were aware.

Mr. Martin asked if the fence line can be moved closer to the front of the home; Mr. Talentino said the fence could go up to the front corner of the house, but not forward of the face of the house.

Mr. Donato, seconded by President Piper, made a motion to approve a variance to Hilliard Code Section 1121.02(d)(1)(i) to reduce the required setback for a fence on a second frontage of a corner lot from 15 feet to 11 feet.

Status:	Disapproved (2-4).
Mover:	Mr. Steve Donato
Seconded:	President Matthew Piper
Ayes:	Mr. Steve Donato, Mr. Arthur Steele
Nays:	President Matthew Piper, Mr. James Martin, Mr. Greg St. Clair, Mr. Bobby Stepp

President Piper noted that the applicant's options are to appeal or to meet the current Code requirements. Mr. St. Clair noted that the applicant can extend the fence toward the front of the house, but they cannot go closer to the road.

CASE 5: BZA-22-19 – MOO MOO EXPRESS – 3880 Brown Park Drive

PARCEL NUMBER: 050-007563 (Brown Commerce Park)

APPLICANT: Kyle Wrentmore, 1160 Dublin Road, Suite 100, Columbus, OH 43215

REQUEST: Review and approval of variances to Hilliard code Section 1111.03 to reduce the required parking setback along Brown Park Drive from 20 feet to 16 feet; Section 1127.04 to reduce the maneuvering lane width for one-way stacking lanes from 14 feet to 11.25 feet; and Section 1125.05(b) to reduced required landscaping for perimeter parking lot from 180 to 112 shrubs.

[Mr. Combs gave the staff report.]

BACKGROUND:

The site includes a 0.8-acre parcel located at the northeast corner of Cemetery Road and Brown Park Drive within the Brown Commerce Park. The original car wash was constructed in the late 80s according to development requirements at that time; in 1994, a lot split was approved to allow the car wash portion of the site to be sold to the operators of the car wash. The site includes a full access point onto Cemetery Road that is provided through a shared access easement with the adjacent auto repair site (now ATL Total Car Care) that was part of that lot split. In 1998, the 4600-square foot car wash was granted approval for a 1,200-square foot detailing bay to the west side of the building. The car wash received a Level “A” site plan approval by staff in 2018 to install 8 vacuum canisters along the west side of the building, and the Planning and Zoning Commission (October 2019) approved a sign variance to permit an internally illuminated menu board.

This is a request to eliminate the detailing bay along the west side of the building, completely renovate the car wash architecture and make improvements to the site that will include pavement reductions, improved circulation, lighting improvements and landscaping upgrades. This is a request for variances necessary to complete upgrades for a 4,900-square foot building and site layout that will bring the site more fully into compliance with the Code.

CONSIDERATIONS:

- The property is located within the Cemetery Road corridor and is zoned B-2, Community Business District, which permits a broad range of commercial and retail uses. Adjacent properties on either side and to the rear are also zoned B-2 and include two commercial strip retail buildings, mini-warehouse and an auto repair shop. Properties across Cemetery Road to the south are zoned PUD, Planned Unit Development District, and include additional retail and service uses as in the B-2 zoning district.
- *Parking.* The existing layout for the property includes twelve on-site spaces. Renovation plans include improvement of circulation on the west side of the building. The existing detailing bay would be removed to create a standard two-way drive aisle with 18 spaces. Reconfiguration will improve flow and will *improve the pavement setback along Brown Park Drive from approximately 7 feet to 16.73 feet.* The adjusted layout will permit more room for landscaping. A variance is requested to Section 1111.03 to reduce the required pavement setback from 20 feet to 16 feet to allow for this enhancement while adding additional parking spaces.
- *Stacking Lanes.* The existing single-stacking lane for the car wash on the east side of the building is currently 20 feet in width. Proposed plans increase the pavement to a width of 22.5 feet to create two stacking lanes that are 11.25 feet wide. Code requires a minimum of 14 feet per lane (28 feet). The proposed dual stacking lane will help reduce back-ups into the public street during peak times and will add the minimum amount of pavement necessary for the stacking lanes to function properly. A variance to Section 1127.04 is requested to reduce the one-way stacking lane width from 14 feet to 11.25 feet as proposed on the plans.
- *Landscaping.* As part of overall improvements to the site, perimeter and interior parking lot landscaping will be provided. Portions along the public rights-of-way will be installed to meet Code requirements; Landscaping cannot be provided in some existing areas of the site that will not be modified:
 1. The pavement setback along the northern property line is currently ± 1 foot and will not allow for landscape installation.
 2. Pavement in the stacking lane crosses the property line in its current condition (zero setback) and will not permit perimeter landscaping.

The proposed improvements will enhance the site to the extent possible to meet Code requirements and a variance to Section 1125.05(b) to reduce required landscaping for perimeter parking lot from 180 to 112 shrubs.

- All other site elements such as architecture, lighting and signage will comply with Code.

STAFF RECOMMENDATION:

Staff finds that the proposed variances are generally consistent with the overall spirit and intent of the Zoning Code. The existing car wash site was approved decades ago prior to many of today's development standards. Upgrades to the commercial property will significantly improve the character of the surrounding neighborhood and will not be a detriment to nearby property owners. Requested site improvements will enhance traffic flow and reduce on-street conflicts while the applicant is moving the site toward compliance for all aspects of the requested variances. Staff recommends that the proposed variances be approved with the following two conditions:

- 1) That a zoning certificate be obtained prior to the issuance of building permits; and
- 2) That all applicable building permits be obtained prior to construction.

[END OF REPORT | BZA-22-19]

Mr. Combs clarified for the Board that shared access is maintained to Cemetery Road consistent with the original lot split. He said the dual stacking lanes are intended to prevent back-ups into the public street. Mr. Combs noted the additional parking with the removal of the detail bay to reduce congestion.

Mr. St. Clair asked if there were any projected numbers of the site, noting other locations that have nearby parking for overflow; Mr. Talentino said that there are no requirements for that analysis, but that the use of the site is not changing, but additional parking will be provided.

Mr. Martin asked for clarification of the stacking lanes. He voiced concern about congestion because of traffic flow coming from both access points; Mr. Talentino explained that both access points are not being changed but they will provide more space on-site. He said that they have a right to maintain both access points.

Mr. Kyle Wrentmore of Mannick Smith (1160 Dublin Road, Suite 100, Columbus) clarified that the street trees along Cemetery Road will be new and that the site will include a total of 19 spaces. He noted that the cross-access would not change.

Jeff Gilger of Moo Moo Car Wash (13375 National Road, Etna, Ohio) explained that they operate mostly with a subscription model to lessen traffic congestion. They have 24 units around Columbus and expect most usage to be on the way home. The facility can process 100 cars per hour. Patrons will enter from Cemetery Road and exit onto Brown Park Drive. He noted that approximately one-third of customers will use the vacuums. He explained that they have strategies for high-usage days, including separating the lanes with cones to avoid merging.

President Piper, seconded by Mr. St. Clair, made a motion to approve variances to Hilliard code Section 1111.03 to reduce the required parking setback along Brown Park Drive from 20 feet to 16 feet; Section 1127.04 to reduce the maneuvering lane width for one-way stacking lanes from 14 feet to 11.25 feet; and Section 1125.05(b) to reduce the required landscaping for perimeter parking lot from 180 to 112 shrubs with two conditions:

- 1) That a zoning certificate be obtained prior to the issuance of building permits; and
- 2) That all applicable building permits be obtained prior to construction.

Status:	Approved with two conditions (6-0).
Mover:	President Matthew Piper
Secunder:	Mr. Greg St. Clair
Ayes:	President Matthew Piper, Mr. Steve Donato, Mr. Greg St. Clair, Mr. James Martin, Mr. Arthur Steele, Mr. Bobby Stepp

CASE 6: BZA-22-20 – RUGH’S REMODELING & RESTORATION, LLC. – 3211 Hilliard-Rome Road

PARCEL NUMBER: 050-002969 (Tinapple Plaza)

APPLICANT: 543 Company [c/o Melissa Kelly, Northwestern Ohio Security Systems, Inc.] PO Box 869, Lima, OH 45802; Rugh’s Remodeling & Restoration, c/o Rhonda Phillips, 3211 Hilliard-Rome Road, Hilliard, OH 43026.

REQUEST: Review and approval of a temporary use under the provisions of Section 1106.02 to permit the annual construction of a parade float.

[Mr. Combs gave the staff report.]

BACKGROUND:

The site is part of the Tinapple Square shopping center comprised of 6.47 acres located along Hilliard Rome Road just north of Tinapple Road. The center has nearly 1,450 feet of frontage along the curve in Hilliard Rome Road between Old Hilliard and Roberts Road. The center includes four buildings, of which the applicant is leasing a space within the smallest building in the center located to the rear of the property. This is a request for the temporary use approval from the Board under the provisions of Section 1106.02 to construct a Fourth of July float on a yearly basis within the shopping center parking lot.

CONSIDERATIONS:

- The shopping center is zoned B-2, Community Business District, which allows for a broad range of commercial uses (commercial services, construction, education, food and entertainment, offices, personal services, retail, etc.). Because the proposed use will utilize approved parking spaces as part of a multi-tenant center and is not a separate accessory use, a temporary use request is sought for the float construction during a limited time frame on a yearly basis.
- To the south of the site across Tinapple Road are homes within the Hyde Park and Westbriar subdivisions that are zoned R-3, Medium Density Residential District. The Jerry Spears Center, zoned PUD (Planned Unit Development), is located between the subdivisions. The shopping center includes a 6-foot privacy fence along Tinapple Road that screens the center from these uses.
- The float construction is proposed to occur from June 1 to July 3 each year and would be completed within the 12-space parking lot between the two western buildings in the center. This lot includes a dumpster enclosure and is the location where fleet parking is provided for the remodeling business. The center includes significant levels of parking that are largely unparked during peak hours. The business has obtained permission from the shopping center owner.
- To the west of the site directly behind the proposed float location is a single-family neighborhood within the City of Columbus zoned for residential uses. A 6-foot privacy fence separates the parking lot area and buildings from the neighborhood and a bikepath connection is also located between the neighborhood and shopping center.
- The proposed location to build the float will be located approximately 250 feet from the entrance of the center along Hilliard Rome Road. Across the street is the Cross Creek Park (zoned S-1, Support Facilities District) owned by the City of Hilliard and additional neighborhoods off Gillette Avenue and Bonner Court located within Columbus. The proposed use would be screened from Hilliard Rome Road and uses across the street.
- Last year float construction occurred along Hilliard Rome Road and was visible to the public, generating complaints, including those regarding unapproved signage. No violation letters were sent, but staff worked with the business to resolve the issues. The business has been responsive and has inquired and submitted the temporary use request in good faith.

STAFF RECOMMENDATION:

Staff finds that the proposed temporary use is generally consistent with the spirit and intent of the Zoning Code. As proposed, the temporary use to construct a parade float will be conducted in a commercial center on a portion of the site that will be screened from public view and will not impact the surrounding area or other tenants within the center. Based on these findings, staff recommends that the proposed temporary use request be approved with the following four conditions:

- 1) That the proposed float construction be permitted for a 30-day period each year within the area as designated on the approved plan;
- 2) That the proposed float be stored within the area designated on the approved plan at all times;
- 3) That the float be dismantled and removed from the shopping center within one week following the parade;
- 4) That any Code Enforcement or general nuisance violations invalidate this Board Order and result in immediate enforcement action and
- 5) That a Zoning Certificate be obtained prior to the commencement of this temporary use.

[END OF REPORT | BZA-22-20]

Mr. Martin asked for clarification as to the timing; Mr. Combs stated that the temporary use would apply every year for a duration of 30 days prior to the parade with an additional week to remove the float after the event.

Mr. Stepp, seconded by President Piper, made a motion to approve a temporary use under the provisions of Section 1106.02 to permit the annual construction of a parade float with five conditions:

- 1) That the proposed float construction be permitted for a 30-day period each year within the area as designated on the approved plan;
- 2) That the proposed float be stored within the area designated on the approved plan at all times;
- 3) That the float be dismantled and removed from the shopping center within one week following the parade;
- 4) That any Code Enforcement or general nuisance violations invalidate this Board Order and result in immediate enforcement action and
- 5) That a Zoning Certificate be obtained prior to the commencement of this temporary use.

Status:	Approved with two conditions (6-0).
Mover:	Mr. Bobby Stepp
Seconded:	President Matthew Piper
Ayes:	President Matthew Piper, Mr. Steve Donato, Mr. Greg St. Clair, Mr. James Martin, Mr. Arthur Steele, Mr. Bobby Stepp

CASE 7: BZA-22-18 – KASPER RESIDENCE – 4267 Shire Cove Road

PARCEL NUMBER: 050-003139 (Shier Cove – Lot 72)

APPLICANT: Helen Kasper / Larry Kasper, 4267 Shire Cove Road, Hilliard, OH 43026

REQUEST: Review and approval of a variance from Hilliard Code Section 1121.02(d)(5) to permit a locking cover in lieu of a fence around a hot tub (private pool).

UPDATE:

Staff is continuing to work with the applicant on a solution to the situation concerning pending zoning violations at 4267 Shire Cove Road. Staff hopes to have the details of this application resolved for the July 21, 2022, meeting and requests that the case be postponed.

[END OF REPORT | BZA-22-18]

President Piper, seconded by Mr. Donato, made a motion to postpone Case #BZA-22-18 to the July meeting.

Status:	Postponed to the July 21, 2022, meeting (6-0).
Mover:	President Matthew Piper
Seconded:	Mr. Steve Donato
Ayes:	President Matthew Piper, Mr. Steve Donato, Mr. Greg St. Clair, Mr. James Martin, Mr. Arthur Steele, Mr. Bobby Stepp

PRESIDENT'S COMMUNICATION

Mr. Talentino introduced planning intern Abby Thiel. He noted that she will be before the Board in the future to present a case. President Piper welcomed Abby, and Mr. Combs noted that there will be additional cases for the July meeting.

ADJOURNMENT – 7:59 PM

President Piper motioned to adjourn and gaveled the meeting at 7:59 p.m.

CERTIFICATION:



Carson Combs, Planning Manager/Acting Clerk
July 22, 2022

[END OF MINUTES | JUNE 16, 2022]