

Canal Winchester

*Town Hall
10 North High Street
Canal Winchester, OH 43110*



Meeting Minutes

Monday, August 14, 2017

7:00 PM

Planning and Zoning Commission

*Bill Christensen – Chairman
Michael Vasko – Vice Chairman
Joe Donahue – Secretary
Brad Richey
June Konold
Joe Wildenthaler
Drew Gatliff*

Call To Order

Time In: 7:00pm

Declaring A Quorum (Roll Call)Approval of Minutes

July 10, 2017 Planning and Zoning Commission Meeting Minutes

A motion was made by Brad Richey, seconded by Drew Gatliff, that the July 10 Minutes be approved. The motion carried by the following vote:

Yes: 5 – Christensen, Gatliff, Richey, Vasko and Wildenthaler

Abstain: 2 – Donahue and Konold

Public CommentPublic OathPublic Hearings**VA-17-009**

Property Owner: Nifco America Corp.

Applicant: Rodney Craddock

Location: 8015 Dove Parkway

Request: Variance from Chapter 1191.02(a)(4) to waive the requirements to plant one (1) tree for every one (1,000) square feet of building ground coverage.

Mr. Moore presented the application for Rodney Craddock for Nifco America Corp located at 8015 Dove Parkway. The applicant is requesting a variance from section 1191.02(a)(4) to waive the requirements to plant one (1) tree for every one thousand (1,000) square feet of building ground coverage. Staff updated the Planning and Zoning Commission that the 12,160 sq. ft. building addition that was approved with #SDP-17-001 was completed in June 2017. The last item that is needed in order for the applicant to receive the Occupancy Permit for the addition is to plant the required 13 trees per code. These 13 trees were shown on the applicants plans back in January 2017 when the building addition was approved.

The applicant is requesting approval to waive required 13 trees that are needed per code. The applicant is requesting this variance due to the building addition being constructed over existing pavement and that no landscaping was removed for the addition. Nifco is also purchasing 23.6 acres of property in Canal Pointe on August 30, 2017. 4.1 acres of the property to be purchased is heavily wooded and is intended to be used as an amenity for the employees of the company.

Staff recommends that variance application #VA-17-009 be approved as presented. The applicant has committed to purchasing 23.6 acres of additional land in Canal Pointe to construct new facilities on. With the purchase 4.1 acres

are heavily wooded and are planned to be used as an amenity for the employees of the company.

Mr. Vasko asked staff if there is a written commitment that they will not be cutting the trees in the 4.1 acre parcel in the future. Mr. Haire responded stating that the 4.1 acre parcel is in the Canal Winchester Woodland map, and there are protections for woodlands that do not allow them to be removed without a detailed replacement plan. Mr. Vasko stated that a little tree is not the same when replacing a large tree. Vasko stated he would like to see a commitment that those trees will not be cut in the future.

Mr. Christensen asked the applicant if he had any comment he would like to make.

Mr. Craddock stated that Nifco is going to construct a new facility on the 16 acres in the next year or two. If it is helpful, they can plant the 13 trees in addition to what is required on that 16 acre property.

Mr. Vasko asked the applicant if Nifco is willing to commit in writing that no trees will be removed in the 4.1 acre property without Planning and Zoning Commission approval. Mr. Haire stated that the Urban Forester must issue a tree removal permit to remove trees in a woodland. Mr. Vasko stated that the trees in this area is a critical area and with constant loss of trees in the community, it is important to retain what we can. The request is to gain P&Z approval on top of the Urban Forester approval. The applicant responded by saying he cannot see a scenario where they would want to remove those trees.

Mr. Donahue wanted to clarify with the applicant that they are willing to plan 13 additional trees in the 16 acre parcel in addition to whatever they will be required to plant when they build on that property. The applicant affirmed.

Mr. Christensen opened up the application for public comment.

A motion was made by Mike Vasko, seconded by Joe Donahue, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 7 – Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

A motion was made by Joe Donahue, seconded by Joe Wildenthaler, to approve this Variance as presented. The motion carried by the following vote:

Yes: 6 – Christensen, Gatliff, Richey, Wildenthaler, Konold and Donahue

No: 1 - Vasko

VA-17-010

Property Owner: Vicki & Jason Kay

Applicant: Vicki & Jason Kay

Location: 7299 Connor Ave.

Request: Variance from Chapter 1157.04(a)(2) to exceed the maximum 30% lot coverage to install an in ground pool.

Mr. Moore presented the application for Vicki & Jason Kay for 7299 Connor Ave. The applicant is requesting approval for a variance from Chapter 1157.04(a)(2) to exceed the maximum 30% lot coverage to install an in ground pool. Staff presented the application to the commission and commented that with the construction of the pool and the pool patio, the applicant would have approximately 33.4% lot coverage. A table was provided for review.

The subject property is unique in that there is a 20 ft. drainage easement to the rear of the property. The applicant is requesting to construct the pool + patio from the edge of the home to the edge of the existing 20 ft. drainage easement. While the location of the pool is not the concern, the grade the pool will be constructed at is. The grade at the edge of the home is at 763.30 elevation. The grades near the far end of the pool as indicated by the plot plan are at 760.00 elevation. This would result in a drop of more than 3 ft. at the far edge of the pool from the concrete work to the ground. The grades around the pool could not be graded out to soften the drop due to the pool being constructed right along the drainage easement, which cannot be altered or built upon. Additionally, The Villages at Westchester HOA regulates pools in the community to be in-ground only. In Schedule "S" for Conditions to Swimming Pool Approvals, it states; "No portion of any swimming pool may be twelve inches (12") or more above the grade of the lot as the same exists prior to the installation of the pool unless the lot grade changes are specifically described in the application and approved by the Association."

The applicant has provided information that shows the pool company is proposing to drop the grade at the house to achieve the far end of the pool not being more than 12" out of the ground when completed. Staff informed the commission this would result in the front corner of the house being lowered 2+ feet. Staff is concerned with how these grade changes will affect the drainage on this property and could affect the flow break at the rear yard of this home and the neighbors. Staff is requesting until further information has been provided to show how the grades will work with the construction of the pool the application be tabled as presented. If the grade changes end up being more than 12" above grade, staff requests that the applicant gain HOA approval prior to the variance being approved by the P&Z Commission.

Mr. Vasko asked staff if the HOA allows the pool to be exposed out of the ground for 12 inches. Staff affirmed.

Mr. Vasko asked if the city building permit would allow that. Staff stated that more than 30 inches requires a handrail.

Mr. Wildenthaler asked staff if the HOA would have anything to say about the fence. Staff indicated that the applicant has a preexisting wood fence with a permit and it is assumed it was approved by the HOA.

Mr. Vasko stated that he thinks the plans for the pool are not completed and more information needs to be supplied for review. Concerns with the exposed pool at the rear of the yard and the uncertainty with dropping grade near the foundation of the existing home.

Mr. Vasko also stated his concern with changing the flood routing in that area and would like to see engineering data showing it will not adversely affect the neighboring lots.

Mr. Vasko asked if the applicant has any objection to tabling the application to gather additional information. Staff indicated that he has informed the applicant staffs concern with the +/- 3 foot drop off at the rear of the pool and that is when the information shows the grade at the house being modified to tonight's discussion.

Jason Kay spoke about the pool and stated that once the city informed them of potential issues with the design, he brought them up to the pool company they assured him they could get it to work. Mr. Kay stated that they have already made several concessions with the pools design by shifting the layout, and reducing the amount of lot coverage by reducing the patio.

Mr. Vasko stated he is an advocate for letting people do what they want on their own property but the big concern is water. When you change drainage, you could affect the neighboring properties. Vasko would like to be 100% comfortable that there will be no adverse impacts with the proposal.

Mr. Kay stated that he does not understand if the 20' drainage easement is not being encroached then the drainage should not be affected. Mr. Vasko stated he may be correct but he does not know that without an analysis.

Mr. Richey asked the applicant if the deck is existing. The applicant affirmed. Mr. Richey stated he does not understand how the pool contractor will change the grades for the pool without changing the foundation on the existing deck with it being right next to the pool not including relocating the A/C unit. The applicant stated that the A/C unit will be dropped down with the patio. Richey added that without seeing a survey with points he does not understand how the pool company is going to get the property to work.

Mr. Wildenthaler asked the applicant how the grade change for the pool will work with the property. The applicant stated that water will still be able to get from the rear of the property by going over the pool area.

Mr. Wildenthaler asked the applicant if the pool contractor has shot elevations of the rear yard. The applicant affirmed and stated based off the original design no more than 12" would be out of the ground.

Mr. Gatliff stated that the bigger concern is that the drainage easement is a no build zone, so you can not disturb anything in that entire area. With the grades shown by staff, you are still 2.5 feet out of the ground at the end of the pool if you drop the house grade down 12 inches.

Mr. Moore stated that the issue with the application is there are no elevations shown on the plans to determine how the yard will slop and how drainage will function when you change grades in the rear yard. The original concern to the property owner was the 3.5 foot drop at the rear of the pool to the ground. With the response that they are lowering grade at the house to achieve no more than 12 inches exposed at the rear, how is the flow of water altered on that side of the house. The concern is water will actually be moving towards the home's foundation rather than away.

Mr. Haire asked the applicant if they are installing drains around the pool, based on the renderings. The applicant indicated that the rendering is showing an automatic safety cover for the top of the pool.

Mr. Richey stated he is not opposed to the pool or its location and associated ground coverage, but he cannot wrap his head around how the grades are to be altered and function appropriately. If the HOA only allows less than 12 inches exposed, how is 3.5 feet going to be dropped next to the existing steps and only add one step. The pool company needs to provide the survey data and show a couple points of the existing grades and what the new proposed grades are going to be.

Staff explained that a concern is how is the existing footers on the pool side of the deck going to work if they are exposed and not buried below frost level with the grade changes.

Mr. Vasko stated that the design for that needs to be confirmed by the pool company.

The applicant stated that this is their first pool so the entire process is new to them. If the city needs additional information to get the pool to work then they will gather what is needed for review.

Mr. Richey asked the applicant if they are opposed to tabling the application to get additional information in for review. The applicant indicated that they would like to get the pool constructed before the end of pool season.

Mrs. Konold asked staff if they can communicate to the pool company what is needed to get final approval prior to the next P&Z Meeting. Staff affirmed.

The applicant asked the commission if there is a concern with exceeded the 30% maximum lot coverage with the pool and the attention is now how to get the pool to work with the property. The commission affirmed but they are concerned with approving the variance without looking at the pool design and how it affects the property.

The applicant stated that they are requesting less of a variance with the proposal this evening because they have scaled down the project based on previous comments from staff. Mr. Moore states that the last page of the HOA approval letter will show what the HOA approved in terms of design of the pool, which exceeded setbacks and lot coverage.

Mr. Gatliff commented that while the request was scaled down from previous request to staff, it was scaled down to meet code. Not making concessions to the project. It would be to follow the rules. The applicant responded by saying the request dropped down the lot coverage from 37% to 33.4%. Additionally, Mr. Kay commented that the deck should not count towards full impervious surface because it allows for water to leech underneath the deck as it is pervious with the gap in between the slats.

Mr. Christensen opened up the application for a public hearing.

A motion was made by Joe Donahue, seconded by Brad Richey, that this Public Hearing be closed. The motion carried by the following vote:

Yes: 7 – Christensen, Gatliff, Richey, Wildenthaler, Konold, Vasko and Donahue

A motion was made by Joe Donahue, seconded by Joe Wildenthaler, to table this Variance so the applicant can provide more information. The motion carried by the following vote:

Yes: 7 – Christensen, Gatliff, Richey, Wildenthaler, Vasko, Konold and Donahue

Old Business

Staff updated the P&Z Commission that City Council approved the zoning text amendments to the LM zoning district.

City Council also passed by emergency Canal Cove Section 4 and Villages at Westchester Section 10 Part I Plats.

September 21st, City Council will make a decision on AutoZone's appeal.

September 5th, City Council will hear the application for Turning Stone's PUD and rezoning and will start the three reading process.

September 18th, City Council has set the application for Certified Oil’s appeal. Chairman Christensen has indicated he is not available to be at the meeting to answer questions so if Vice Chair Mike Vasko is available that would be good.

New Business

Adjournment

Time Out: 7:57pm

A motion was made by Joe Donahue, seconded by Joe Wildenthaler, that this Meeting be adjourned. The motion carried by the following vote:

Yes: 7 – Christensen, Gatliff, Vasko, Richey, Donahue, Konold and Wildenthaler

Date

Bill Christensen, Chairman

Joe Donahue, Secretary