

Canal Winchester

*City Hall
45 East Waterloo Street
Canal Winchester, OH 43110*



Meeting Minutes

Wednesday, July 26th, 2023

7:00 PM

Planning and Zoning Commission

*Joe Donahue - Chairman
Joe Wildenthaler – Vice Chairman
Brad Richey - Secretary
Rick Deeds
Eileen Goodin
Deborah McDonnell
Steve Palsgrove*

Call To Order

Time In: 7:00pm

Declaring A Quorum (Roll Call)

A motion was made by Rick Deeds, seconded by Joe Wildenthaler, that Brad Richey & Deborah McDonnell be excused.

The motion carried by the following vote:

Yes: 5 – Wildenthaler, Donahue, Goodin, Deeds & Palsgrove

Excused: 2 – Richey & McDonnell

Approval of Minutes

June 12th, 2023 Planning and Zoning Commission Meeting Minutes

A motion was made by Steve Palsgrove, seconded by Eileen Goodin, that the June 12th, 2023 Minutes be approved.

The motion carried by the following vote:

Yes: 5 – Wildenthaler, Donahue, Goodin, Deeds & Palsgrove

Public CommentPublic OathTabled Applications**VA-23-007**

Property Owner: John Hurt

Applicant: John Hurt

Location: 21 E Fairfield St

Request: Variance to Chapter 1195.04(a) to reduce the rear yard setback for an accessory building.

Mr. Moore presented the application for John Hurt for property located at 21 East Fairfield Street. The applicant is requesting approval to reduce the rear yard setback to construct a new accessory building.

Staff discussed the subject property is a 0.19 acre lot zoned R-3 on the south side of East Fairfield Street. The existing single family home is 1,044 sq. ft. and there is an existing detached accessory building in the rear yard at 96 sq. ft. The existing accessory structure is proposed to be removed as part of the project.

The applicant is requesting approval to construct a 21' x 24' accessory building to replace the existing shed. The proposed accessory building's plans have been updated since the previous meeting. The main change is that the garage door height has been reduced to an 8' by 8' door.

The accessory building is proposed to be located 5 feet from the rear property line. The applicant provided photographs showing what the building would look like if it was to be in a location like what the commission proposed during last

month's meeting, pushing it closer to the house and the garage. Staff believes the applicant intends to keep it in the original location and not the updated location as shown in the photographs provided.

The applicant also provided photographs of a small metal shed located in the Winchester Village subdivision. Staff informed the commission that a setback check was done for this shed, but due to its size being less than 200 square feet, staff was unaware of what it looked like. However, the materials used do look similar to what the applicant is requesting.

Mr. Donahue asked staff to verify the size of the accessory building was to be 24' x 21' x 12' and that the main change from the original application was the garage door height was changing from 10' to 8'. Staff confirmed that the garage door height appears to be the only modification from the original application.

The applicant discussed his concerns with the setbacks on his property and how he feels he doesn't have the lot size to accommodate 8' and 10' setbacks. Mr. Hurt feels 3' setbacks are more appropriate for his property.

Staff informed the commission that the rear setback for Mr. Hurt's current zoning district is 8' and there is an electric easement for South Central Power that is 5' on the rear of the lot.

Mr. Deeds noted that the proposed building doesn't seem to be area appropriate.

Mr. Hurt responded that there are many different types of buildings in his area and there doesn't seem to be any consistency. He expressed that he wants to use metal to deter in from rotting in the next 5 years.

Mr. Donahue asked if the current shed on the property would remain. Mr. Hurt said it would be removed. Mr. Donahue clarified that the front of the garage would not face the rear of the property. The front of the doors would face Fairfield Street.

Mrs. Goodin asked if any vehicles would be parked in the garage. Mr. Hurt explained that he intends to store a Jeep with no top, lawnmowers, pressure washers and miscellaneous tools. He will be driving the Jeep through the grass to park it.

Mrs. Goodin asked for clarification on why the applicant did not want to put the shed at the end of the driveway. Mr. Hurt explained that he would like as much greenspace as possible and would like to avoid cutting a tree down.

Mr. Wildenthaler asked how far the tree would be from the proposed shed if placed where the current setbacks are and Mr. Hurt responded that it would be 1' away. Mr. Hurt then stated that if his variance is granted to a 3' setback, the tree would be 5' away from the accessory building.

Mr. Donahue clarified with staff that the variance application was asking for 3' of relief. If approved, this variance would preserve the trees and some of the greenspace on the property as well as vegetation and would allow the applicant to maintain his views.

There was discussion between Mr. Deeds and the applicant about whether or not the accessory structure looked more like a shed or a pole barn. Mr. Hurt confirmed the colors would look the drawing submitted, gray with white doors and a black band along the bottom.

Mr. Palsgrove asked staff whether additional variances would be required for the applicant's request. Staff affirmed that the section of the code the applicant is referring to is up to the commission's interpretation on whether or not additional variances are appropriate.

Staff affirmed that this structure would require a building permit due to its size and inspections would be required.

Mr. Donahue opened up the application for the Public Hearing.

Rick Cox discussed that his survey company staked the property to establish where the platted easement for the power line is and expressed his concern for the applicant's view if the accessory structure were to be put where staff recommended. He also stated he doesn't believe there is any consistent character in this neighborhood.

Staff clarified how this property is zoned and the history of the residential zoning classifications in this area. When this property was originally zoned, the setbacks were different than what they are today.

Mr. Cox responded that the size and shape of the applicant's lot is a hardship for how to place a garage on the lot, but the proposed location would help to screen the public water works building.

A motion was made by Steve Palsgrove, seconded by Eileen Goodin that this Public Hearing be closed.

The motion carried by the following vote:

Yes: 5 –Wildenthaler, Donahue, Goodin, Deeds, & Palsgrove

Mr. Deeds asked staff if the variance was for the rear setback only. Staff affirmed but added that the applicant is also informally appealing the exterior design standards. It is at the commission's discretion to affirm or disaffirm staff's interpretation of the code.

Discussion ensued regarding the building materials between commission members.

Staff informed the commission that they can either make a motion to address the setback change only or they can also vote on the exterior changes in regards to how they interpret Chapter 1195.04(b).

A motion was made by Rick Deeds, seconded by Joe Donahue that Variance Application #VA-23-007 be approved as presented, with the recommendation that the applicant work with staff to ensure the described building is erected as shown.

The motion carried by the following vote:

Yes: 5 –Wildenthaler, Donahue, Goodin, Deeds, & Palsgrove

Public Hearings

VA-23-010

Property Owner: John & Marshell Crabtree
 Applicant: American Pools and Fountains
 Location: 116 East Columbus Street
 Request: Variance to Chapter 1195.04(e) to permit a second accessory structure.

Staff informed the commission that the applicants were unable to attend the rescheduled meeting date and they requested their application be tabled to the next meeting.

A motion was made by Rick Deeds, seconded by Steve Palsgrove to table this application until the next meeting date.

The motion carried by the following vote:

Yes: 5 –Wildenthaler, Donahue, Goodin, Deeds, & Palsgrove

SDP-23-006

Property Owner: Donley Concrete Inc.
 Applicant: Dustin Shells, Harral & Stevenson
 Location: 10229 Busey Road
 Request: Site Development Plan to approve a 12,000 sq. ft. accessory building

The subject property is zoned LM (Limited Manufacturing) and consists of the Donley Concrete Company headquarters on 8.139 located on the south side of Busey Road. Properties to the north consist of large lot homes in Violet Township. Properties to the east, west and south are zoned LM and located in the Canal Pointe Industry and Commerce Park.

The applicant is requesting approval to construct a new 60' x 200' (12,000 sq. ft.) accessory building on the southeast corner of the property. The building will function as covered storage for the fleet vehicles and other products.

The current building meets the required setbacks of 25'. The site will not require any additional parking or landscaping. Staff does not have any concerns regarding storm water runoff.

The applicant has provided elevations for the proposed accessory structure. The building is shown at 60' wide by 200' long. The west elevation features ten (10) 12'x14' overhead garage doors and three (3) man doors. The north and south elevations will have upper and lower windows. The east elevation has a series of high bay windows. The proposed building is metal siding and roof to match the existing storage building adjacent to the west.

Chapter 1175.02(g)(2)(F) requires an eight (8) foot asphalt multi-use path to be constructed in the right-of-way as indicated in the CEDA trail plan. This property currently does not have a public trail or sidewalk in the public frontage.

Staff recommends that Site Development Plan Application #SDP-23-006 be approved with the following condition:

1. An eight (8) foot asphalt multi-use path be constructed along the Busey Road right-of-way.

The applicant is in agreement with staff's recommendation but expressed concern financially about the 8' path.

Mr. Wildenthaler asked staff who would be in charge of the maintenance of the path. Staff informed the commission it would be treated like any other public sidewalk and would be up to the property owner.

A motion was made by Steve Palsgrove, seconded by Joe Wildenthaler that Site Development Plan #SDP-23-006 be approved with the following condition:

1. **An eight (8) foot asphalt multi-use path be constructed along the Busey Road right-of-way**

The motion carried by the following vote:

Yes: 5 –Wildenthaler, Donahue, Goodin, Deeds, & Palsgrove

Old Business

New Business

Mr. Moore informed the commission that Turbo Wash has started construction. The Sheetz gas station has officially opened. A vehicle has run into the brick wall at Winchester Pike and will need to be repaired. The Tenby building on Diley and Busey Road is almost ready for temporary occupancy. Half of the building is already leased. The buildings on Robinett Way are wrapping up and should be ready for temporary occupancy soon. ODOT has begun their sound wall project on US-33.

Adjournment

Time Out: 7:50pm

A motion was made by Rick Deeds, seconded by Steve Palsgrove, that this meeting be adjourned.

The motion carried by the following vote:

Yes: 5 –Wildenthaler, Donahue, Goodin, Deeds, & Palsgrove

Date

Chairman – Joe Donahue

Secretary – Brad Richey