



The CITY of
GRANDVIEW HEIGHTS

**THE CITY OF GRANDVIEW HEIGHTS
 BOARD OF ZONING APPEALS**

MINUTES

August 8, 2018

Building & Zoning Department
 Charles Boshane, Director

Chairman Murphy called to order the City of Grandview Heights Board of Zoning Appeals meeting of Wednesday, August 8, 2018 at 7:00pm.

PRESENT: Chairman M. Murphy, K. Dickerson, R. Kinsinger, J. Donovan, B. Pomante, City Attorney Khouzam, City Attorney Koppitch, Clerk M Lonergan, and Director C. Boshane

ABSENT:

The Pledge of Allegiance was recited.

APPROVAL OF PROCEEDINGS:

Dickerson motioned to approve Board of Zoning Appeals Minutes Wednesday, July 11, 2018. Kinsinger Seconded. All Ayes minus two abstains. **BOARD OF ZONING APPEALS MINUTES WEDNESDAY, JULY 11, 2018 APPROVED.**

NEW BUSINESS

- | | | |
|----|-------------------------|--------------------------------------|
| 1. | B.Z.A. Case: | 09-2018 |
| | Address: | 980 Elmwood Avenue |
| | Application | James & Kerry Hyre |
| | Owner: | Grandview Capital LLC |
| | Zoning District: | RS-1 (Single-Family Dwelling) |

The Applicant is seeking aesthetic review approval, per Planning and Zoning Code Section 1155.07 Aesthetic Review Procedure, for the construction of a new two story single family residence.

Chairman Murphy read the staff report verbatim.

Joe Miller, The Hyre’s Attorney -commented - That they are here for aesthetic review, not anything else. We are not here to talk about the lot split. That has already been decided by the Planning Commission. We are not here to consider if a new home should be built on the site at all. We are not here to debate the merits of the Green Space initiative. We are here from the request of the City for Aesthetic Review per which your code 1155.07 sets forth very specific standards. The code is clear that you must grant aesthetic review approval unless you find that “the proposed home is so detrimental to the desirability, property values, or the development of surrounding area. It impairs the stability and value of both improved and unimproved property and causes the degeneration of conditions affecting health, safety, and general welfare of the inhabitants.” That is a very high standard for denial. I don’t think we have to worry about that because I think the evidence is compelling that the applicant seeks to build something beautiful and an enhancement to the area. I did also want to stress as I’m sure your council has advised you that Ohio law like your code is also clear, this is an administrative procedure. You must decide things based on the evidence brought before you in the record. Only from those that are sworn in, under oath, and who have standing. Standing in Ohio is those who own property contiguous or directly adjacent to the subject property or can otherwise show they are uniquely affected. I think the overwhelming evidence that has come before you as I said a moment ago by those who have standing is that this is not detrimental in any way to the community. It conforms in every way to the city’s code. The city’s code is the best evidence of

what's in keeping with the character of the community. We are not seeking any variances. Instead we believe that the evidence will show this enhances the character of the area, it does not detract from that. We are gratified to have the recommended approval of your professional staff. Your staff has determined that the building orientation is arranged specifically so it is similar to other structures that are adjacent to or within the green space overlay district. The materials proposed are similar to the aesthetics and style to those found adjacent or within the green space overlay district. Finally, the staff has recommended to you that the essential character of the neighborhood would not be altered and the adjoining properties would not suffer a detriment as a result of an approval or variance being granted. So we are pleased to receive that recommendation. We tried to supplement the record to your consideration. Each of you have likely received a declaration of Robert S. Livesey. Professor Livesey is a Harvard University educated architect that has inspected the plans submitted, toured the neighborhood, and inspected the area. He has submitted this Declaration to you under oath. He states this design will maintain the character of the Grandview community. He goes on to write that the façade is consistent and complimentary with other homes in the community. It appears essentially as a two story home on the top of a hill. Paragraph 6 and 7 of this declaration sets forth exactly why the Hyre residence is not excessively similar or dissimilar compared to other properties around it. Including and related to the lot coverage minimum and the house height. It's all in keeping with the neighborhood. He concludes the following that the Hyre's Residence as proposed is in keeping with established character of other structures in the neighborhood and surrounding area. We would also like to add into the record the Declaration of Debi Wilcox, a professional appraiser. She is an MAI appraiser; the highest designation you can receive in the profession. She has appraised residential and commercial for over 30 years. She likewise looked at the plans and the factors that you are going to consider. Her declaration examined on whether the Hyre Residence will impair property values of those improved or unimproved properties within the community. She concludes that the Hyre Residence will absolutely cause no impairment or diminish property values. Nor will it cause impairment to the desirability to the community. The adjacent property owners will not experience any negative impact caused by the development of the Hyre Residence. The community likewise will not as well. She believes the property values will benefit from the Hyre Residence. With that expert evidence admitted into the record we would proceed tonight to give a presentation.

Kerry Ruberg, 1000 Elmwood, introduced herself. Joe miller- questioned- What is your and Jim's motivation behind the design of the home? How did you decide on the orientation of the home? How did you incorporate the terrain? Did you also look at the new builds in Grandview and how there scaling /size related to the lot size? Did you also consider how this will have a three car attached garage and how that may/may not suit the neighborhood? Kerry- replied- We are very involved in the community. We appreciate the architectural diversity. There is a wide range of styles of homes. We didn't pick one particular style. It was important to incorporate stone. As for the style we drew inspiration from European style and Tudor style. Trees and greenery with a porch was important. We sought to preserve as many trees as possible. We are okay with replacing trees. She went into detail on how she chose the orientation of the home. All of the houses on Goodale face Goodale Blvd and they all have driveways off of the side street. She went over the slideshow, specifically the slides of facing Goodale Blvd. It was Important to match other homes on Goodale Blvd with it being a prominent roadway and the home sitting up on the hill. Another consideration was the lot south of us will most likely never be developed. We considered the surrounding properties when deciding on the scale of the home. We wanted the home to fit in. The lot is unique. It was important that the house nestled into the hill. We looked at the house on Fairview Avenue. That's the one off the top of my head. The newer homes are a little bit taller and three stories. Our lot size is similar to the one on Fairview. We wanted to add more garage space. It was important to have a three car garage. We did go around the neighborhood to make sure there were other three car garages. One example is on the corner of Merrick and Urlin Ave. We are going to move into this house. We want to live their decades. This is meant to be a forever home.

Andy Melaragno-commented- The site study (shown on the PowerPoint) shows the footprint of the home within the setbacks. We are also looking at the retaining wall that will retain the grade. In doing this we are going to minimize lot coverage and any run off by using impervious concrete. There are no variances for lot coverage, impervious surface, or building height (33'7 1/8). The building height is from the grade at the front of the house to the ridge. The Southern elevation we have broken up the massing by creating three different bays. It helps break up the front façade and also the roof. There is a strong emphasis on horizontal lines to help nestle the house. The stone we are using is going to mimic the Ohio limestone that can be found in Grandview and Upper Arlington. The details above the windows will be a natural lime stone or mimic lime stone. Stucco will be used as well. Everything is found locally. The tallest part of the house is on the west elevation. We have incorporated a standing seam metal hood that masks the garage doors and carries on the site line across the face of the house. We are trying to create horizontal lines. The main door and third garage door are masked from the street view based off of the retaining wall. It appears as a two car garage from the street. On the north elevation, the first floor elevation is below grade. This was done to minimize visual impact.

The east elevation we are going to transition the grade drop around the house. That will come into play with the landscaping. We made a point to minimize the effect on the natural grade.

Jim Hyre-commented- The reason why we have put so much effort into this is because this is where we plan to live. We have one chance to get it right. I have lived in Grandview for 8 years and it is important to live in Grandview.

Debi Wilcox was asked to please describe her experience with appraising. Wilcox -commented- That she has appraised since 1984. I have appraised a variety of properties in Arlington, Grandview, and all over City of Columbus. I have appraised Residential and Commercial. I have the MAI designation since 1990. I am also certified in the State of Ohio. I am also an appraiser in Kentucky and South Carolina. I am a real estate agent in Ohio and broker in South Carolina. I belong to several MLS organizations. Wilcox was asked to state what she did to undertake her assignment. I take every opportunity I can to come to Grandview. I drove the area, by the property, and down Elmwood. I also reviewed the renderings, zoning issues, etc. Joe Miller -asked- If the home was detrimental to property values or desirability in the area? Wilcox- replied- Not at all. I feel it will enhance the surrounding areas, property values and desirability. Joe Miller-asked- In your professional experience why do you hold this opinion? Wilcox-commented- When she looked at the area and the surrounding homes in particular. I enjoyed the tree areas and the age of the surrounding homes. Even though this home will be brand new, the house will enhance the area. Joe Miller- asked- Do you believe this home will result in impairment or destruction of value of surrounding properties? Do you believe that this home will impair the stability and value of improved or unimproved homes in the area? Do you believe this home as proposed will result in degeneration of conditions affecting the health, safety, and general welfare of the inhabitants? Do you believe this home is detrimental to the desirability, property values, or development of the surrounding areas? Wilcox commented no to all these questions.

Kinsinger-questioned- He is curious about the driveway. I am trying to picture the slope. Melaragno -replied- The driveway slope is 8%. The complaint driveway is the credit in the building coverage.

Pomante-questioned- Does anyone know the distances from the other examples you brought from Goodale to the start of the home? Do we know how far that proposed house will be from the house from the north? Joe Miller-replied- I don't think we depicted that. My suspicion is that you would not see uniformity in the distance from Goodale. We do not have those calculations. Kerry Hyre-commented- We will be 20' from the house to the lot line. Pomante -commented – You said the driveway will be an 8% grade and the house will be 33' in height.

Chairman Murphy-asked- Do you have a street scape to see the current home to the new home? Kerry Hyre-replied- Our current house sits up a little bit higher. They are not completely on the same plane.

Pomante-Asked- Do we know the measurement of the point of one peak to other peak? Melaragno -replied- The grade from the Goodale to the front of the house is 778. Which is about where the first floor is. So another foot and a half. There was discussion on calculating the peak to peak measurement.

Melaragno- commented-The second floor ceiling height of the house to the north is 808. My peak is at 811. By the time you put an attic space above it, it's a higher house. The peak of the roof of the house to the north will be higher.

Pomante-commented- On the overall square footage, 3500 square feet is what is allowed. Your coming in around 2400 square feet. I like the layout and design. Instead of a large massed house why not a longer dormer style roof line to fit the area? Melaragno-replied- The buildable foot print of the house is on the setback.

Discussion of the Ohio limestone material used and clarification that the roof will be an asphalt roof.

Chairman Murphy- commented – Talk to us about this designs engagement with Goodale. Melaragno- replied- The family room is on the first floor. The view from the family room and front porch is an incredible view. When coming down Goodale you can't really see the top of the hill unless driving in a convertible. Joe Miller- commented- It also helps that we are preserving the wooded areas. Kerry Hyre-commented- We are mindful of keeping the hill and wooded areas.

Chairman Murphy-commented- Seems like with the scale of the house you don't see the nose of the house. There could be a porched roof or something to relate to the community. Have you thought about that? What tells me this is the front of the house? Melaragno -replied- The columned porch recesses back to create a gathering space. Unfortunately getting a roof across the front of the house is difficult with the limits of the footprint. Joe Miller-commented- It maybe too visually imposing. Kerry Hyre- commented- That porch is very important. There was thought put into the placement. Wilcox-commented- From a real estate point of view, you don't want houses exactly the same. When I drive through Grandview I see variety. I think the design did a nice job incorporating to take advantage of the hills, the view, and the site itself.

Chairman Murphy- Commented-I love that Grandview is diverse, but we also want some similarities. I would not call this a nestling house. If we could bring the scale down that would be great. Do something to articulate the entrance of the home. Discussion on these being good ideas.

Donovsky-commented – I think the view of Goodale should be looked at differently. This is not a lot that faces Goodale. This house sits 147 feet away from Goodale. I have no problems with the elevation views.

Further discussion on the heights of the two peaks and calculations. Discussion of the house to the south overpowering the north being the concern. The conclusion was the house peaks are going to align.

Chairman Murphy-commented- We have a letter from a resident. Under the law it is not a sworn in affidavit. This can't be used as part of the consideration. Kinsinger read the letter verbatim of Nancy Kramer,

To Whom It May Concern:

We are writing to register our opposition to the proposal put forth by the Hyre family to build on the property fronting Goodale Blvd (at the corner of Elmwood Avenue) - and directly abutting our own residence at 955 Urlin Avenue.

As you well know, this project has raised considerable ire among neighbors, for a variety of reasons; not the least of which is the inevitable (& we believe, negative) precedent it sets for further development up and down the Goodale Blvd "greenway" corridor.

We have written previously to Grandview City officials citing our objections to the original lot split and proposed development (which we and others continue to believe violates the city's own zoning and safety standards); and have showed up in person to state these concerns.

Unfortunately, we are out of town for this upcoming Zoning meeting to review the Hyre's latest proposal, including actual architectural drawings; and so felt compelled to once again register our objections in writing for the record.

Let us be clear, we do not take lightly the step of opposing our neighbor's development ambitions. We respect their rights, and we have had nothing but positive interactions with them on a personal level. However, we genuinely believe both the development of this lot in general, and the character and scale of this particular proposed project is wrong for Grandview, and should be denied.

As Grandview continues to evolve, facing new residential development along its eastern edge, and heightened commercial development along the lower portions of Goodale, it must be thoughtful about preserving those particular portions of its neighborhoods that reinforce its unique charms and historical significance. The Goodale Blvd Greenway Corridor is one of those areas. Dotted with the last remaining original homes, and some of the few hills and stands of trees that inspired the city's "grand view" namesake; this area should not be given over to careless and over-sized cookie-cutter development, which seems more intent on maximizing financial gain than adding to the quality and character of our community.

More specifically, it seems to us that everything about the Hyre's proposed project - its scale, architectural design, sight lines and even material choices - feels generally uninspiring and out of step with the two neighboring historic homes that will bookend it. At a minimum, if they are truly intent on building in such a visible (& important) spot, the Hyre's should consider designing and constructing a home in character with its surrounding; rather than a box-like mini-mansion more appropriate to some bland suburban building lot in Dublin or Westerville.

We urge the members of the Grandview Zoning board to think about the precedent they are setting with this decision - and to determine what message they want to send not only to the Hyre's but to other developers who come to Grandview to flip homes versus build community.

For the record Joe Miller objected.

Joe Miller-commented- He would like to continue his objection on those with "standing". Once again persons who are not adjacent or directly contiguous or uniquely affected to the subject property.

Bill Thompson, 1083 Wyandotte, 1220 Grandview Avenue -commented- This is one side of the story. The applicant says it's a 2 story. It's 4 stories. Properties would be affected. The other objections I have is the lot is not 10,000 square feet. The recorded deed states its .22 acres, 9475 square feet. That is not a buildable lot. There have been no variances applied for. The proposed front yard setback is not compliant with 1155.01. That states that the front entry door of the home that faces Goodale must equal the average of the adjacent homes on Goodale. The average is 234 feet. The proposed structure is not staying in character or similar to homes in the neighborhood. Similarly, sized lots within 250 feet of 980 Elmwood have much smaller homes. Examples were provided. The garage is not permitted under a home 1153.02. This has been brought up in the past and has been denied. I hope the board denies this application.

Further discussion that the property is an Elmwood address and not a corner lot.

City Attorney Koppitch- commented - There is a survey noting that the lot is complaint. When the Planning Commission approved the lot it was a complaint lot. It is immaterial to what your approving tonight, but for the sake of the board members there was a rounding error on the survey. There were no changes to the lot dimensions. The survey was updated properly. The lot has 10, 001 square feet.

Basements are not included in the square footage calculations. Its only above grade calculations. Kerry Hyre-commented- We have the survey rerecorded with Franklin County.

Jody Oster, 1080 Wyandotte -commented- She handed out a packet to the board members. 1155.07 talks about homes being similar. This is under b page 1. We have a 1/4 or less acre lot. With a home exclusive of the lower level that is roughly 5600 square feet. If you look at exhibit b you will see the backup documentation in relation to the homes that are north of the 980 Elmwood property. It shows that they are roughly 1/4 of an acre or less. The average square footage is 2198 square feet. There was an application made by another applicant. The board expressed the massing of the home was too much in comparison to the other homes on the side of it. We have the applicants comparing themselves to homes along Goodale and Elmwood. We have had a Myer's survey done that is included in the packet. The entry way is fronting Goodale, not Elmwood. There was also a discussion with the Tom Komlanc application about garages being towards the rear. This garage is in the side yard. This home doesn't belong on this lot. There are safety issues on the hill. Elmwood is a very dangerous road. I urge you to deny this proposal. I hold my objection that the house faces Goodale.

Director Boshane-commented- The house faces Elmwood. The front door can be on Goodale Blvd. The front yard is Elmwood.

Further discussion of the code defining the front door and the front door of the applicant's home facing Elmwood.

City Attorney Koppitch reiterated it's a complaint lot.

City Attorney Koppitch-commented – Madam Chair, if you look at the documents, the Planning Commission documents were included to provide the overall context. If you look at the minutes, the "building plans" were for demonstration only to show that it is a building code complaint lot. There were no set plans of elevations. You are not looking at the Plans from the Planning Commission application. The square footage would just be the foot print of the home.

Joe Miller-commented- That is exactly right. It was lot coverage; it would be the first floor of the home. Not the home. The deed is not an issue. It was corrected yesterday. This has been addressed. I agree with Mr. Donovsky and staff in regards to what we should be dealing with. Even if we are to look at Oster's Exhibit D, these frontages are not even near the ridgeline of Goodale hill. There is no average. Mrs. Oster lives approximately 450 feet two streets over from this home. So I stand on my objection as to standing.

Pomante -commented- He apologizes for the miscalculation. The house to the north will still be taller. Just wanted to announce that.

James Oberla, 1020 Westwood Avenue -commented- The green space overlay is more detrimental to our property value than this house. This is personal property; they want to build a house. I think their plans are very nice. It's going to set into the hill and be nestled because the hill drops. The ridgeline is well done. The green space overlay was done over duress. The city purchased the property.

Colleen Solms, 1307 Elmwood Ave-commented- The 980 Elmwood is 4508 square feet. Approximately 7 times the square feet to lot size ratio of those three comparable homes. My fear is this is going to be a precedent of building gigantic houses on small lots. I also would like to comment to putting a driveway on Elmwood Hill. There are frequently landscape trucks, service trucks, and pedestrians on the hill. Until you come over the top of the hill, you have no idea who is coming the other way. The hill is a hazard.

City Attorney Khouzam-asked- The question is directed to Director Boshane. Is the city still planning a sidewalk on Elmwood? Did the curb cut that was recommended by the Building Department take into consideration the possibility of a future curb cut? Director Boshane- replied- At the Planning Commission meeting the Mayor indicated they talked about putting a sidewalk in on Elmwood Avenue. I don't believe they have come to a final agreement on that sidewalk. Yes, the retaining wall had to be moved back to the property line. So that it wasn't in our right of way. The Mayor and the applicant have not come to the final conclusion on that. The applicant does have to get a right of way permit for the curb cut from the service department. The purpose of the sidewalk would be to promote pedestrian safety. Why they haven't come to an agreement is because they would have to continue it beyond the property. That's on an administration level.

James Palumbo, 1104 Elmwood-commented- The Elmwood hill has lots of pedestrian traffic, bikes, cross country team, and joggers. It's the steepest hill in Grandview Heights. Sidewalks are great. I wish they would put them in. The sidewalks end at Bluff Avenue. There are a lot of speeders.

Jerry Cusack, 1020 Elmwood-commented- Only two cars can fit on the street. There is no room for a right or left hand turn out of our shared driveway. This is the steepest hill. You cannot see what coming at you off of the hill.

Chairman Murphy-commented- We can't help with safety review.

City Attorney Koppitch-commented- They widened the curb out to help make it safer.

Director Boshane-commented- The City Engineer received it and worked with the Hyre's to make it work. They reviewed it and said its workable. Their designer indicated they are going to make it 20' wide. Our normal is 12'-16' wide. This was to address those concerns of pulling out of the driveway. The City Engineer can address the turning.

City Attorney Koppitch- commented – The curb cut is an administrative and Service Department action.

Further discussion of widening the drive.

Jim Woodland, 1050 Lincoln Rd-commented- I was the Council President when the green space overlay was put into place. There is an issue with the front door. Safety should be part of the aesthetic review in my opinion.

Chairman Murphy-commented – I have reservations about the front entry door.

Dickerson-commented- I don't have a problem with the design layout as presented.

Pomante-commented- Safety is a huge issue. A sidewalk should be there which we can't control. That street will get busier and busier. There is also a reason in the house you live in now has a shared driveway.

There was more discussion of the retaining wall and sidewalk as talked about before.

Chairman Murphy-commented- As we are looking at the precedent for homes being built above garages. This home is being built into a hill and this garage is 100% under grade unlike previous cases where it is 100% above grade. That is my mind is night and day. I have a question about code. Is 2 ½ stories code? Is the bonus space a story?

Director Boshane-commented- Its 2 ½ stories or 35'. The bonus space is not considered a story. We don't have final construction drawings at this point. If there is a need for variance they would have to come back. Upon review of the final construction drawings we will verify everything.

Donovsky-commented- This total house is 33' tall. The other houses that are the continuous houses maximizes the 35', which is the half point of the roof line. So the real peak of the house is 43'. That alone is night and day.

Further discussion of the bonus space and the explanation of a ½ story.

Jennifer Stevens, 1040 Elmwood-commented- Can we get color renderings of different angles?

Kinsinger-commented- I think it's fair to say that I don't think you would see the house due to the trees.

Jody Oster-commented- The trees probably won't be there. It's usually helpful to have the context of the views. Right now the house is not built in the green space. There is a proposed ordinance on the November ballot to expand the green space to 200 ft. If that passes construction of this house would not be permitted.

Further discussion of already discussed information on the frontage on Elmwood.

Director Boshane- commented - That the Planning Commission approved the lot itself. They had nothing to do with aesthetic review or the actual project. It was always stated that the project was going to be submitted at a later date. So we didn't know the final design until this point.

City Attorney Khouzam-commented- What Mr. Boshane is saying is that the presentation that was made at the Planning Commission showed a conceptual drawing of a house. Not necessarily sited to any

particular orientation. Not for the purpose of getting approval. This is where the house could rest. At some point they will come back for approval for the house.

Further discussion of the process the Hyre’s went through prior to the Board of Zoning Appeals today and already discussed information.

Pomante-commented- Maybe the thing to do would be to bring back a street elevation.

Chairman Murphy-commented- a photo from Goodale would be nice as well.

Kinsinger-commented- That would have been great if we got that. I feel the reason why we are up here as board members is because we have the experience to review what is provided in the packets.

Chairman Murphy-asked- Do we have a demo tree survey? Kerry Hyre-replied- There are some trees that will have to come down. The trees you see from Goodale are on the City of Grandview Heights property. Our goal is to take down as little as possible.

Director Boshane-commented- I suggested a condition for trees in the staff report. If they put the three trees in, then it blocks the house more.

Kerry Hyre- commented- We like trees. We are okay with replacing the trees we take down. We are open to putting trees on city property.

Further discussion of the powers of the Board of Zoning Appeals and what the board is voting on today. There was more discussion of the location of the front door and how to make the front door prominent.

Director Boshane-commented- Way finding has been created.

Dickerson motioned to approve aesthetic review approval, per Planning and Zoning Code Section 1155.07 Aesthetic Review Procedure, for the construction of a new two story single family residence with condition:

1. The applicant shall obtain all proper and required permits prior to any construction.
2. The applicant shall replace at least three trees that are 2”-3” caliper.

Kinsinger Seconded.

		Yea	Nay
a: Aesthetic Review	Murphy		X
	Kinsinger(Second)	X	
	Dickerson (Motion)	X	
	Donovsky	X	
	Pomante		X

Vote: 3-2

COMMUNICATIONS

There being no further business, the meeting was adjourned at 9:48 p.m.

Megan Lonergan, Clerk
Building and Zoning Department

Megan Murphy, Chairman
Board of Zoning Appeals