

City of Columbus
Public Hearing – 9331 W. Broadway Avenue Variance Application (PC-15-105)
(Joseph Palumbo – owner and applicant)
July 15, 2015

The July 15, 2015 Public Hearing to receive testimony regarding the request for a variance at 9331 West Broadway Avenue from the required minimum 20' side yard setback to a 12' side yard setback to construct a wood framed accessory building for storage was called to order at 7:02 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner, and Jody Krebs; City Administrator Elizabeth Mursko, Planner Dean Johnson, and Recording Secretary Karen Boland.

Also in attendance were City Council Members Denny Peterson and Bill Krebs; Pat Preiner, Linda Larson, Loran Larson, Joe Palumbo, Lee Lillquist, and Dan Mike.

Sternberg: Now we'll have a Public Hearing and discussion on the Palumbo variance application, pages 1 through 8 in the enclosure. At this time I'd like to ask the recording secretary to read the notice as published.

Notice was read at this time.

Sternberg: Okay. At this point I'd like to ask the applicant to please come forward. And if you could just have a seat and then state your name and address for the record, please.

Palumbo: Uh, Joseph J. Palumbo. Address 9331 West Broadway Avenue.

Sternberg: Thank you. Can you please tell us what it is that you're asking?

Palumbo: Uh, what I'm asking is to offset my proposed building, which -- it would be an addition -- there's a 30 by 60 there now. And we would be constructing a 30 by 70 addition. And what I'm trying to do is offset it to the east, um, about, well, it would end up being 12, it would end up being 12 feet west of the property line versus the 20-foot standard. And the reason I'm trying to do that, is, I'm trying to gain access with a south-facing door. You know, I think ... there's my illustration there (referring to the overhead). I'm trying to pour as little asphalt as I can. You know, I want to remain as residential in appearance as I can, just, I mean, for my own sake. I live there, so... Um, if I don't offset it to the east, which would be to the right on the screen, I am either forced to offset it to the left, which just completely blocks the entire view of the backyard, which is, um, it's all we use it for. And, because of my wife, I'm trying not to do that. Um, if I could just offset it to the east, I wouldn't, you know, I wouldn't block any view. It's, you know, it's kind of wasted space. Um, we'd just end up using it for storage or something, and I thought, you know, if I were, if I were my neighbor, like Lars and Linda, maybe they would rather have the building a bit closer to the property line than end up with this kind of storage area on the side -- the out-of-sight, out-of-mind area. Um, the only other option is to just, literally, extend the 30 by 60 straight back, don't offset it at all. And I'll have to have, you know, overhead doors on the west side. Well, there's no way you're going to swing a truck and trailer

in there, without pouring more asphalt or laying more asphalt, and I just, you know, I've got enough asphalt. And, I really, you know, I'm going to have to take down some trees, some mature trees, that, you know, I've planted since they were broom handles, so they're my children. And, uh, you know that's about it. And I thought, well I've got an idea, you know. Why don't I just move it over closer to the property line, and, you know, there's giant arborvitaes just stacked there that, you know, pretty much block the view of anything but the roof for a few more days. And, uh, that's where we're at. And there's a fence there as well. I don't know if you can see it in the drawing, but...

Sternberg: That's this brown, brown-looking line here?

Palumbo: Um, that's actually, yeah, that's the mulch. The fence is encentered in that mulch.

Sternberg: Okay, so that black line.

Palumbo: There's a six-foot ornamental aluminum fence on my side of the arborvitaes, which are about, oh, I don't know, maybe 12 feet tall.

Sternberg: Well, any questions for the applicant?

Wolowski: How do the neighbors behind there feel about that?

Palumbo: Um, you know, I spoke to Lars and Linda and I think it was left at, you know, 'If they approve it we're okay with it. We're not going to show up to the meeting and say "Rah! Rah! Approve it." But, if they did approve it, then we'd be fine with that.'

Wolowski: Okay. Thank you.

Sternberg: So, basically, you want to put this off to the left of the screen, just for the – the main purpose is to keep the line of sight. Not, not have any... So you don't lose your view, and not have any more asphalt. And then, you'd like the access along the left side of that existing building as a drive lane into a ten-foot door on the offset there.

Palumbo: Yeah. And would that, would that, would that ten feet, ten-foot door be used very much? Oh, I don't know. You know, just a smaller, I think more of just kind of a wheelbarrow, hand tool access. It's pretty tight over there to be... You know, you're not going to be backing trailers in or, it's just, I think it's too narrow for that, but it would be nice to have some kind of south-facing door. And the only way I would achieve that is to offset it to the east or the west, and if I go west, yeah, I just, I lose the whole line of sight, which may seem a little 'Wah! Wah!', but, it's, um,... You know, the backyard is beautiful, and it's all it's there for is to look good, and it's the deepest part of the backyard, so it's kind of nice to look out the window and be able to see back, you know, two and a half acres. And, if I offset it to the west, I'll lose that whole view. Um, even if I go straight, I'm gonna lose the best part of the view to the northeast corner. Um, but any way I slice it, if I go straight or I offset it, I've got to pour more asphalt. And I just, I'm

fightin' it. You know, I'm, you know, in my own head, I just don't want more hot, black, nasty asphalt.

Sternberg: But, other than that, it's buildable. I mean it is physically...there's nothing perk-test wise or anything like that that's restricting you – mottled soil ...

Palumbo: Not that I'm aware of.

Sternberg: ...from lining it perfectly up with that building there? And if you lined it up with that building, that would meet the 20-foot setback? I'm assuming the current one is 20 feet away.

Palumbo: Um, you know, honestly, I never measured it, but, I would say, you know what, it probably is 20-foot setback, because I figured I would have a 12-foot ... Yeah. It's roughly 20 feet. It was there when I bought it, so I don't, I don't know exactly, but...

Mursko: It's 20 feet. Meets the code.

Watson: Yeah, Mr. Chair. He has one post marked at 12.6 out there, and it's well beyond the additional eight foot needed to make it.

Palumbo: Yeah, the distance from the, the distance from the property line to, uh, -- you know, it's hard to see, it's pretty small -- but the distance from the property line to the six-foot ornamental fence is 128 inches. And I wanted to get as close to the fence as I could with the building, but you still have to be able to put siding up, and so I thought, shoulder-width, two feet away. You can still walk between there. And, you know, I had even thought, to my neighbors, I didn't want to, I don't want to make it wide enough that it becomes a storage area. Because then it becomes this kind of junkyard hidden between the shop and the fence. So, I thought, let's, let's minimize that down to two feet. So really all you're going to do is be able to get in there to, to hammer out siding, and, you know, there's really nothing else to use it for. So, with the 128-inch offset on the fence, if you add 24 inches to that, I think it comes out to, just a touch bit more than 12 feet. So it gives me a few inches for my margin for error when I'm – if it's approved, and I build the shop. I certainly don't want someone to come out and say, 'You're two inches over.' So I just said 12 feet.

Sternberg: Sure. That makes sense. Any other questions? Okay. At this time I'd like to – you can, uh, probably have a seat – and at this time I'm going to open the meeting to the public.

Palumbo: Okay.

Sternberg: Thank you for...

Palumbo: Yup. Thank you.

Sternberg: Is there anyone from the public that would like to speak? Please come forward and state your name and address for the record.

Lillquist: My name is Lee Lillquist. I'm at 17434 Gehrig Street, kitty-corner from his property. Um, I don't, I don't know how to put this, but, uh, I see this guy list as primary use for this property -- he didn't put his first use is residential. He put down personal business. And, as far as I'm concerned, this is just an expansion of a private business which is already in non-compliance in a residential area. Now, I haven't been complaining. Maybe the statute's changed. I think it always used to be, you weren't supposed to have more than two employees if you were going to operate a business in a residential area. I don't know if that statute's changed at all. But, uh, I wish Mr. Palumbo the best with both of his businesses and the publicity he gets and everything else for Ice Dam Guys, but I wish that he would expand his business -- and that's what I think this is, is a business expansion in a residential area... And we turned down commercial. There was a move to make that whole area, including my property, commercial. It's a residential area. Primary use of the property should be personal residence or family. But, uh, I don't have a problem with the variance. I don't, if he gets to put this up, I don't care where he puts it, but, uh... I'll have my trees there. I'm going to have to plant more trees here after the roundabout, but that's a totally different story. Um, but I'm, I think this is an expansion of a business that's already in non-compliance in a residential area. And that's why I'm against this, um, building project. Any questions of me?

Sternberg: No. Any questions?

Watson: No sir.

Sternberg: Thank you sir. Anybody else from the public?

Larson: Loran Larson. 17540 Kettle River Boulevard Northeast. I'm a neighbor next to Joe Palumbo. Uh, we have, we have discussed this with him a number of times. He has been very cordial and very straightforward about it. And, uh, we love him as a neighbor. He's a great neighbor, and he has a nice, beautiful place. And, uh, with the American way, I don't begrudge anybody making a living and working hard to do it. And, uh, but, whether, however you decide he should do this... We're not, I'm not going to say he has to do this or he has to be here or he has to be there. I'm going to leave that up to the people that do this. You study this kind of stuff; you do this all the time. I just want to make sure that when the time comes, when I want to sell my property, that I can get a reasonable amount for it. And that what's there doesn't detract from it. I try to keep a really nice place. We -- my wife and I -- spend a lot of time keeping our place up, and yard, and flowers, and the house, and the buildings and everything. So, we try to do, we try to do our, the way we should do it there, and be a good neighbor. And, uh, so, I'm not going to say that it should be one way or the other. That's going to be your and the Council's decision to make, and we will abide by it, however it is. And, uh, we're not trying to be unreasonable or anything, but just to know that it's, it puts us in a rock and a hard place. And, uh, so, we're gonna, we're gonna leave the decision up to you guys. You can sweat it out. Okay? And I trust your judgment. I know that you'll discuss this, and I know that the Council will discuss it, and that good heads should prevail.

Sternberg: Thank you sir.

Larson: So that's what I have to say.

Sternberg: Thank you.

Larson: Mm-hmm.

Sternberg: Anybody else from the public? Okay. At this time I'm going to close the meeting with the right to reopen if it becomes necessary.

Hearing closed at 7:18 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary