



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, DECEMBER 17, 2020 6:30 PM

PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Rettke (Remote), Furst (Remote), Bulls (Remote), Barnhart (Remote)
ABSENT: Linder

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – November 19, 2020

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Rettke.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. Application #2020-5499; 1792 Brice Road; Applicant Brian Carter/Bright Futures Learning Center; Conditional Use - Child Daycare Center

Mr. Rettke: Can we please have the presentation for application number 2020-5499 for 1792 Brice Road, please.

Ms. Wheeler: Thank you, Mr. Chair. So this is an application for a conditional use permit. The property is located at 1792 two Brice Road. This is within our innovation zone, and the applicant is requesting BZBA approval of a conditional use to operate a child daycare center that will serve us approximately 40 to 45 children. Child Daycare Center is listed as a conditional use in innovation zone, hence the reason for the application before you. And other than that, there was a staff report that address some of the conditional use standards. I believe, again, the applicant is on this evening if there are more specific questions.

Mr. Bowsher: Mr. Carter, would you like to give a presentation, go a little bit more in

depth and what Ms. Wheeler did about the business and your location and what you plan to do there?

Mr. Carter: Absolutely. Thank you for having me tonight. I'm looking for a conditional use permit for location 1792 Brice Road, it will go into an existing structures and existing plaza, so it will require little to no construction. It is going to be a child care center. We do plan to abide by all Reynoldsburg city provisions and regulations, Ohio Job and Family Services and the state of Ohio. As Ms. Wheeler mentioned, the center will hold about 40 to 50, 45 to 50 children. We do plan to staff about 10 to 12 staff members and we will be open from 6:00 a.m. to 6:00 p.m. Monday through Friday. The playground and the playground will be in behind the center, it will be protected, and it'll be about 600 square feet. It'll be protected by the first line of defense will be concrete barriers. Then the second fence will be concrete bollards that are about eight inches in diameter and about, say, five feet tall.

Mr. Rettke: Anybody have any questions, concerns or comments?

Ms. Barnhart: I had a couple of questions. Is this is this a new business or are you relocating from somewhere else?

Mr. Carter: This will be a new business.

Ms. Barnhart: OK, and what particularly drew you to this site? Was there; just because I know that we're asking for a conditional use here.

Mr. Carter: I was looking for again, I was looking for a location that didn't require a lot of construction that would impede like local traffic or anything like that, so that seemed to be a good location. I do know some other daycare owners in the area, so Reynoldsburg just seem to be a good place for me. I've worked with Columbus Public Schools about 10 years ago for about three years. So child care is a passion of mine. I've gotten out of it, but it is a passion of mine.

Ms. Barnhart: So you also mentioned that this would bring 10 to 12. Are these full time jobs?

Mr. Carter: Yes, they would be full time.

Mr. Furst: Mr. Carter, it's my understanding that this unit that you're going to be occupying was a former private club. I understand you've got to do a lot of exterior modifications, except perhaps for the play area. Can you describe any of the interior modifications you're going to make? A private club doesn't exactly strike me as a great layout for a child care center. So I just kind of curious how you were going to plan to change that.

Mr. Carter: Yes. Well, it was a previous restaurant or lounge, I would need an architect to come in to place and the structure was pretty much already there. We

would need to tear down some of the staging that's already in there, but the architect would just put up walls to construct the classroom. So a space like that is pretty much ideal for daycare because it's an open space and doesn't require any tearing of anything down or messing with the initial structure of the location.

Mr. Furst: It makes sense, can you talk a little bit more about the play area? We have a requirement in our zoning code that no play area is to be adjacent to a loading area or a place where vehicles may be idling. I was having a little trouble understanding from your application exactly where the play area was going to be located on the building. Could you just maybe describe a little more detail?

Mr. Carter: OK, so the play area per Ohio Job and Family Services Code would be about six hundred square feet. It would be directly by the exit. It would come out and it would be fenced in for no more than 10 children at a time out there. And we would protect that with the first line of protection would be about five feet from the fencing, which would be concrete poles. And then about five feet from there, we would have concrete barriers to protect the playground. From those concrete barriers, it is about forty five feet to the loading dock from that big lots loading dock from where the concrete barriers are. So it would be about a total of 50 feet from where the playground is.

Mr. Furst: So there are loading and unloading zones for the businesses that are still in that same building to the north there as well, that I had some concern about. I don't see any particular. It says it shall not be located adjacent to a loading space. Mr. Shook, are you satisfied that the play area here would satisfy the requirements of our code? That's not entirely clear to me.

Mr. Shook: I think we would probably need a little bit more information about what's going on in the rear of that building, I'm very familiar with that building because we've had a lot of dealings with the with the commercial landlord there on some code issues this year. And of course, we're very familiar with this space because we had some issues with the private club that have been operating there earlier this year. The back area that isn't. It isn't a commercial loading space in the sense that you would ordinarily expect from a big box store, like a big lots or a Kroger, but there is a big lots that is just adjacent to that lot to the east. So that might be an area of concern here. I think if there was any way to, I don't know if Andrew can pull up the aerial of the adjacent lot. And also that you can see that just east there is a there is a Big Lots store where they do have a loading dock.

Mr. Carter: So if I can jump in, so if you see where the red is we're planning on, I mean, we wouldn't have a problem because I talked to the owner of the building. We wouldn't have a problem putting concrete barriers around the entire perimeter of the building. If that was what was needed, he said he wouldn't have a problem with us doing that.

Mr. Furst: That helps tremendously.

Mr. Shook: You can see where the big lots is, its right there. I mean, if we're giving the textbook definition of adjacent I think that where you see those Bog Lots trucks located, that is adjacent to where the play area would be.

Mr. Carter: OK.

Mr. Shook: So that is a concern.

Mr. Furst: Also to Mr. Carter, I certainly appreciate you trying to bring business to the city and everything, I'm just kind of curious what you feel, what separate your business from some of the other businesses. It's my understanding that there is a child care provider almost immediately across the street from here.

Mr. Carter: I think what would separate my child care center is one. I don't think that there are, well, I know that there are not a lot of male owned child care centers. And two, with me being a former employee of Columbus Public Schools, I know the need of early childhood development and education. I think I bring that experience from being in the classroom. I think that's what would separate me as far as the curriculum and the activities that I would set forth for the children.

Mr. Furst: That sounds very good. Thank you.

Mr. Rettke: Any other questions, concerns your comments?

Mr. Furst: I'm having trouble getting past the play area adjacent requirement, I think ideally before, you know, if I was king of the world here, I would want to maybe see an alternate play area location in here, if possible, before we were to really move on with this particular application.

Mr. Carter: OK, so the quick, before we go further. I was speaking with the owner of the grass area here about a possible because the person that owns this building doesn't own the grass area. This is for rent. What about a play area there? Would that be a problem?

Mr. Shook: Looking at that, part of the issue is that there's already another business on the far south side of that building. So how would kids be able to access that play area? I guess they just walk down the sidewalk in front of the other business down here. So the concern there would be that it's directly connected to the interior daycare center.

Mr. Carter: OK.

Mr. Shook: But if there's a plan, if you can develop a plan, you know, I think that's something we could probably take a look at. I don't think our code strictly prohibited it, but it would be concerning. And then again, it's still again, we can see here how

close it is to that loading dock.

Mr. Carter: OK.

Mr. Shook: That's a safety issue more than anything else. That's for the safety of the kids.

Mr. Carter: All right. Absolutely. So anything behind the building would not work because of the loading dock there.

Mr. Shook: Yeah, I think so. I don't think it would work.

Mr. Rettke: We've always had issues with these strip malls trying to put in a daycare with a playground in the back because you have all those other individual buildings needing to load and unload because they've all got doors back there. But then the refuse, the collection of the refugees, all that goes into play on those locations, on those playgrounds.

Mr. Carter: I'm sorry. Does it have to be in front? Can it be to be in front, are we able to do it that way?

Mr. Shook: Considering the layout of the building that might require some work here to kind of barricade the children off from the parking lot. I'm not saying it couldn't be done, but it would be, I think, pretty difficult.

Mr. Bowsher: With the option for an indoor playground type area. I know that others have come up with certain ideas, and I know, obviously job and family services have certain requirements based on square footage and requirements of that nature. Would that not be something that would be easy to attain maybe than creating something outside that may put the children in harm's way? The reason I say this is, as Mr. Rettke pointed out, Ms. Wheeler and myself have come across a few of these over our time being here Reynoldsburg, one of them specifically in the Blacklick Plaza where it's very similar strip center, sort of like this, where they have sort of a row. This is what I'm showing here. A lot of vehicles are coming back and through this. And then they had one that was basically like on over here. Now, that's very dangerous because now the kids are having to cross sort of this area. And yes, it may not be an actual street, but it just I don't necessarily know if I would want my children to be having to walk where automobiles necessarily would be at, especially if you've got 10, 15, 20 children that are all going out the same time. Now, I don't know the full scheme of how you're running the business and how many individuals will be watching the children. So that can obviously play into that factor. But to me, being in a center such as this may be something indoors would be more appropriate, but not knowing what your size constraints are inside the building.

Mr. Shook: There's no question that a daycare there is certainly a significantly improved use for that space than what was there before. And one other concern that

I think it's important to bring this up that would normally arise with putting a daycare in a strip mall. It would be the surrounding businesses, whether they're adult type businesses, a bar, for example. None of those are here. There's a there's the French bakery. There's a church that occupies the far north units. And then there's the carry out that is a standalone building on the northwestern side of the lot. So those are your business in the area. We have not since the private club vacated that space, we have not had any issues in this area from a crime perspective.

Mr. Rettke: Is the (Inaudible) still on the south side or did they pull out?

Mr. Shook: On this side here?

Mr. Rettke: Yeah.

Mr. Shook: I don't know on that one.

Mr. Bowsher: This is the little carry out that's over here.

Mr. Rettke: But didn't that used to be a drive through? Then they made it, an auto detailing company came in there.

Mr. Bowsher: Oh, this one over here on the other parcel?

Mr. Rettke: No, right adjacent to where he wants to occupy.

Mr. Furst: You mean 90 degrees?

Mr. Rettke: See that big garage door?

Mr. Bowsher: Oh, that one.

Mr. Rettke: They were supposed to be washing and detailing cars in there.

Mr. Bowsher: This is from August 2019. This is a little over a year ago. It looks like this was a thrift store and donation center. I'm not sure if that's changed since then.

Mr. Rettke: Yeah, because we told him he couldn't stack in the front of the store, he had to stack towards the rear. There is some concern, you know, would they be out there washing cars and they're supposed to conduct all business on the inside of that place and then on the outside, they could, you know, pull them out to dry them off. But that was about it. So that's adjacent almost to the playground. But again, I don't know, but that is a drive thru type building.

Mr. Shook: I don't think it's being used for that purpose.

Mr. Furst: I'm not sure the appetite of the rest of the board, but Mr. Carter, if you

would like to investigate alternate configurations for the play area, I certainly would have no problem with just tabling this application for a month and then we can reconvene and discuss if you had additional layout.

Mr. Carter: Yeah, let's look into that, because the location that is I believe that is right next door to, I guess it would be to the left, it is vacant. So I was thinking about actually adding on to that. So I will see if we can use that, if I can get that as well, and then maybe see if we can do an indoor playground that way and use that extra location that's next door as an indoor playground.

Mr. Bowsher: Would this be what I'm outlining here, obviously, this is separate roofs? There's two separate tenants, it looks like in here, so it would be this one that you're speaking of, Mr. Carter?

Mr. Carter: So this one right here, I guess, where the pointer is. But to the right, I guess. To the right.

Mr. Bowsher: This one?

Mr. Carter: That's vacant when I was there and I would ask about that and see if possible, we can make that into an indoor playground, if that's, I don't know, indoor playground is even allowed by Job and Family Services to have to look and see.

Mr. Bowsher: OK, we're more than willing to work with you. Obviously, Mr. Shook mentioned this is certainly a much better use than what was previously there. So we're happy about that. And of course, we want to fill vacancies in the city and put people back to work and have good care for children in the area. So, just we're not there yet. You know, we're hopeful that we can get there.

Mr. Carter: OK.

Mr. Furst: I move that we table this application to our next meeting.

Ms. Barnhart: I'll Second.

Mr. Rettke: Moved and seconded, any other further discussion? I'm hearing none, can we have the roll call, please?

Ms. Wheeler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. ABSENT. Mr. Rettke. Yes.

RESULT:	TABLED [UNANIMOUS]
AYES:	Rettke, Furst, Bulls, Barnhart
ABSENT:	Linder

Next: 1/21/2021 6:30 PM

2. Appeal; 6669 Rocky Den Road; Applicant Barbara Giannopoulos

Mr. Rettke: OK, moving on, item D-2, we have an appeal for 6669 Rocky Den Road. Can we have a presentation on that, please?

Mr. Shook: Yeah, I'll go and speak to that. So this is an appeal under our new vacant property registration ordinance that was passed last early summer, we were able to identify almost one hundred vacant properties in the city of Reynoldsburg. This is one of them. The property owner is appealing the identification of her property as a vacant property. I did speak with a representative for Ms. Giannopoulos earlier today, and my understanding is that their intention is to withdraw their appeal and register the property. But I would ask the board at this time to table it until the next meeting to see if they actually do register to protect their right to litigate their appeal if they if they choose later on not to register.

Mr. Furst: Yeah, I'm perfectly willing to do that, Mr. Shook, I did have one question. Do you know if the property owner has filed for an exemption or this is kind of the first result of the finding a vacancy?

Mr. Shook: I think early on, she had requested an exemption, she didn't qualify under any of the exemptions. And in the new chapter, you know, typically those kinds of exemptions are going to be if a property is up for sale or if there's an open building permit for renovations on the property. But none of that is the case here. I think what this is, is that this was the family home that she grew up in. Her mother passed away a few years ago. And I think there's a strong emotional tie to this property. And she's in a strong enough financial position. She has no need to rent it out. I think that she just wants to hold on to it. And we understand that. We just want to make sure that we've got these properties registered, secured and taken care of, which I think she intends to do.

Mr. Furst: Sure, sure. I move that we table this item until the next meeting.

Ms. Barnhart: I'll Second.

Mr. Rettke: Was moved and seconded any other further discussion? If not, can we have the roll call, please?

Ms. Wheeler: Ms. Barnhart. Yes. Miss Bulls. Yes. Mr. Furst. Yes. Mr. Rettke. Yes.

E. OTHER BUSINESS

None

F. ADJOURNMENT

7:04PM

Chairman

Planning and Zoning Administrator