



AGENDA

**BOARD OF ZONING AND BUILDING APPEALS
THURSDAY, MARCH 17, 2022 6:30 PM**

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

A. CALL TO ORDER

1. ROLL CALL
2. ELECTION OF CHAIR
3. ELECTION OF VICE CHAIR
4. APPROVAL OF MINUTES
 1. Board of Zoning and Building Appeals – Regular Meeting – December 16, 2021
5. APPROVAL OF AGENDA
6. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. Application 2022-5040; 0 National Road SW; Variance for Rear Yard Setback Lot 4 ;
Applicant: Wilcox Communities C/O David Hodge - Attorney for Applicant
2. Application 2022-5040; 0 National Road SW; Variance for Rear Yard Setback Lot 5 ;
Applicant: Wilcox Communities C/O David Hodge - Attorney for Applicant

E. OTHER BUSINESS

F. ADJOURNMENT

Reynoldsburg

OHIO • 1839

MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, DECEMBER 16, 2021 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Furst, Barnhart
ABSENT: Bulls

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – November 18, 2021
Changes were submitted by Mr. Furst and updated prior to the meeting.

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Rettke.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

1. Application #2021-5488; 6553 E Livingston Avenue; Applicant Donna Jean Palmer; Similar Use (Play Station Gaming Lounge)

Mr. Rettke: We'll move on to Item C. Unfinished Business. Item number one application 2021- 5488. Four 6553 East Livingston Avenue. Can we please have an update.

Ms. Butler: So this was table at the last BZBA meeting and the applicant has not given us any updated information.

Mr. Furst: Is the applicant here at this evening, and I'm just not recognizing them? No. Well, if that's the case, Mr. Chair, I do move that we reject this application. We did specifically request a number of items from them that they have not provided. I don't believe we can really move forward with any additional analysis at this time, and we would certainly need that additional information in order to do so.

Ms. Barnhart: I'll second that denial.

Minutes Acceptance: Minutes of Dec 16, 2021 6:30 PM (APPROVAL OF MINUTES)

Mr. Rettke: Any comments, concerns, questions? I'll just state, for the record, I thought we were very specific on our questions and what we would like them to come back with. We were very clear on a date. So I have no problem supporting the denying of this application. And the other? Hearing none could you please call the roll?

Ms. Butler: Ms. Barnhart. Yes. Mr. Furst. Yes. Pastor Linder. Yes. Mr. Rettke. Yes.

| | |
|----------------|---------------------------------|
| RESULT: | DEFEATED [UNANIMOUS] |
| AYES: | Rettke, Linder, Furst, Barnhart |
| ABSENT: | Bulls |

2. Application #2021-5486; 8271 East Broad Street; Blair Image; Variance (Sheetz Signage)

Mr. Rettke: OK, moving on, item C2 application 2021-5486 for 8271 East Broad Street. Can we please have an update?

Ms. Butler: This was tabled at the last BZBA meeting, and I believe the applicant is here for a presentation.

Mr. Rettke: The applicant would like come up, and I did receive an email with the updated information, so I was able to review that prior to the meeting. I hope most of the board members did as well. Actually, if you would, it's hard seeing on your phone. And I presume Staff got it because they emailed it. If you'd say your name and address for the record before we start.

Mr. Amr: Of course, Kareem Amr, that's 4270 Morse Road, Columbus, Ohio. First and foremost, it's a pleasure to be here again. Certainly with the beautiful lights you guys have put out outside, it's absolute warm welcome. We're happy to be here. And, you know, feel more and more comfortable with what feels like familiar faces now and hope it's vice versa as well. But again, we're just glad to be here. With me today, first and foremost, I have myself, Karim. I'm the project manager with Skilken Gold on the site. We have Rebecca here. She and Jim McFarland are our signage consultants. They've done an excellent job at preparing this presentation, analyzing the code and providing what we believe is reasonable justification as to the request we're asking. And then we have Aaron here with the Sheetz team. He leads the real estate and site selection team and is here to attest to the importance of visibility on this specific site and other sites in general. So. We'll start off here with the building design we've proposed for this site, you know, with Sheetz entering this market. They've of course, provided a very, you know, beautiful and attractive product with the stone and the brick here. They have provided on this site four wall signs. Two street signs an mto sign and a 24-7 drive through sign.

Ms. Green: The wall signs are under separate permits right now that are pending with the administration, so we'll be waiting to hear.

Minutes Acceptance: Minutes of Dec 16, 2021 6:30 PM (APPROVAL OF MINUTES)

Mr. Furst: Oh, I'm sorry if you could just make sure you speak into the microphone. I'd appreciate it.

Mr. Rettke: If you state your name and address, for the record, say,

Ms. Green: Sure, my name is Rebecca Green and I'm with zoning resources and my address is 74.Glen Drive Worthington 43085.

Mr. Amr: Great. And if you'd go on to the next slide, please. So here is the proposed sign we have about nine feet in height, brick veneer and stone cap. The design is meant to match the building. Again, what we think is a great esthetic for this type of use, as you'll come to see, hopefully in later slides, we believe this is the most subtle and minimal ask in terms of divergence to the code for signage we typically see with Sheetz. Many signs approved through various municipalities are upwards of 20 feet. And certainly, as we also point out, some of our competitors have almost double the size in this area of monument sign. So again, just trying to emphasize really trying to ask for the minimal necessity of height here. If you're going to next slide. Great, so we just wanted to also point out here, you know, with a lot of these sites and similar uses, you'll see multiple access points, you know, for instance, having a frontage and access on two primary roads. This site specifically only has access through cedar cliff. And so it's even more imperative that we have the appropriate signage and wayfinding so that people on the busy Broad Street can safely maneuver and find the site appropriately, as it does not have the luxury of having multiple frontages or access points on multiple frontages.

Ms. Green: I think it's important to note that the location of the existing multitenant sign at the corner there at Cedar Cliff and East Broad Street. The arrows here are designed to show how this property is access that it's access through Cedar Cliff and not directly from East Broad. Also, you will see on the left the Valvoline and then on the right is the existing Aldi and they'll be important for us to know later. This is a site that has minimum access because we do not have access from East Broad.

Mr. Amr: Great. And if you go on to the next slide, please. Wonderful, just to point out some context of the area. Of course, we have what we believe is a very relevant sign for UDF, you know, while we are aware that this was approved in 2018 under the previous zoning code. We believe it to still be highly relevant as you know it in one way or another sets the precedent for the type of use and the type of signage that accommodates it. Concurrently we also have the property to the North of this, which is the huntingtin sign. Again, what appears to be a very tall sign, just trying to provide the context that you know our ask is an out of line with the character in the area.

Ms. Green: And again, it's important to note is that gas station signs are unique signs and that the most important factor for a consumer is the price. Gas is basically gas, and so a consumer is looking for that price. If you look at the UDF sign, you will see that there's a car turning there that appears to be like an SUV that just skirts the

bottom of that price at that height. So it is important to realize that the traffic does block the price signs even at this prior allowed height. I think it's in my understanding this is a 20 foot sign.

Mr. Amr: Great, if you go to the next slide. Again, just want to provide some context of the area. The site is not partial to a Lowes to the south and the Aldi to the east. Did you have anything new on that? OK, thank you. Great. I know at the last meeting we did point out this multitenant sign as providing hardship. One thing I don't believe we had a chance to emphasize, though, is how much this sign blocks the view of our site from various angles. At various parts coming down West Broad Street. This sign, fairly large from width and length, does indeed block very small signs that we have in the amount of text and the amount. Really, what's going on in the sign really detracts from the identified ability of our site, we believe. So just to attest to specific hardship on the site, we think reasonably this multitenant sign is very prominent and again, detracts to the visibility and proper maneuvering that that we typically want our signs to provide.

Mr. Furst: I'm trying to understand your argument a little better. You said that the multitenant sign limits the identify ability of your site. In what way is it specifically that it is a Sheetz or is it that your pricing is X? Or what exactly is difficult to identify given this multitenant sign?

Mr. Amr: We're trying to say that the site has a limited length with dimension of visibility, and a significant portion of that dimension is blocked by this multitenant sign from various angles.

Mr. Furst: Thank you.

Mr. Amr: Again, just to provide a bit more context as to some of the regular Sheetz signs that are approved in dozens of other municipalities. Just want to quickly point out here this is a 20 foot pylon sign. Again, we've tried our best to reasonably mitigate and keep our ask very subtle and low for what we're asking on this specific site. Again, asking for nine feet instead of 20 feet, which we've seen approved in other municipalities and of course, one to add to the design a bit more with the brick veneer. So, that's all we wanted to point out here. Again, we won't dwell on this too long, but this is a depiction of what the quote unquote regular Sheetz pylon signs look like on a significant amount of the sites. And you know, compared to the UDF sign we pointed out earlier is similar in nature and size as well in prominence. So again, just want to reiterate, we're really trying to minimize our ask here in terms of signage. Just a different view, you can continue. One of the BZBA members from the last meeting asked that we pointed out the sign at Brice and Tussing. We are aware that this isn't formally part of the city of Reynoldsburg. However, just wanted to address that request. Again, this sign is, I believe, 20 feet as well. So again, just trying to reiterate here, what we're asking is really the most subtle we would like to go in terms of just basic visibility of the site.

Ms. Green: And if you would turn then to Page 11, I think it's important to see, I think it's important to see how the cars both for the regular pylon sign and this one that we've designed at Brice that you can see the prices, which is the most significant portion of the sign for consumer decision making. You can see those prices above the cars, which is important in whether a customer will be turning right or left onto the site onto Cedar Cliff.

Mr. Amr: Right, and I'd just like to add to that point of pricing. You know, I don't know about you guys, but I constantly get, you know, that Sheetz gas prices are really low. You know, that's constantly pointed out to me as they enter a new market. That's a significant part of their business model as well. So it's really important to provide at least some sort of visibility to that as well. It's another view you can continue. Great. So just to touch here on the hardship factors. Again, won't dwell on it too long, but you know, one of the hardship factors ties into, you know? That variance is not injurious or provides any safety hazards. In fact, we think it's the opposite, providing slightly more visibility than what's allowed per code will allow people to maneuver more responsibly. Given the speed limit here, there's really not too much time to make the decision to get on to Cedar Cliff from either side. So we believe our ask is actually aiding in the safety in this area. Reasonably so.

Mr. Furst: Real quick, I'm sorry, I don't mean to derail your presentation, but just to be a stickler for the terminology so that the hardship factors are addressed in subsection D. All of these are not specifically hardship factors. These are factors that this body must consider for a variance application, but they're not specifically hardship factors. So when we ask you about hardship factors that would only relate to subsection D.

Mr. Amr: OK, got it, great. OK, if you'd like to continue. OK. Great. So again, just to attest to the hardship factors, again, I guess we'll just attest to subset the at the speed, the price becomes visible at about four hundred twenty feet to the driver. Again, that's 5.7 seconds to make a decision to turn onto to Cedar Cliff. At the proposed height. We definitely think that's justifiable considering, per the zoning code. If we were to go with the six foot monument sign, that would only make the height of the prices about eight to 10 inches from the grass. So really counterintuitive there to have such a low monument sign when maneuvering into the site is such a key factor for this type of use.

Ms. Green: And I think it's also important to note that especially going west on East Broad Street, where there are several lanes of traffic to look across. It is important to consider that if you're going 50 miles per hour and you only have five seconds to make the decision to turn that, it is reasonable to be able to see those gas prices that's the most significant portion of a consumer's decision. It's reasonable to see that at a height that is more than ten point seventy five inches from grade. And that is primary to the reason that our sign is this minimal nine feet so that we can have consumers see the prices. Above the grass, above landscaping above any mountains or whatever the electrical box that's next to the multiple tenants sign. It's

very important that it's more than just ten point seventy five inches from grade.

Mr. Amr: You can go on, I think we touched on those. Great, so here's a depiction of a six foot sign that would be to code, you know, simply put, I think from the majority of angles, it just cannot be seen again from just in terms of identify ability, safety, wayfinding. It's really counterintuitive for a sign for this type of used to be so low to the ground. And in fact, really just to touch on safety again. Pricing on gas is to some and quite a few people, the key determinant in choosing a gas station. So we want to make it as safe as possible for them to safely identify and enter the site. Again, just from the view, you can hardly see it behind an oncoming car as well.

Mr. McFarland Jim McFarland, zoning resources, my address is 84 Skyline Drive in South Bloomfield, Ohio. Mr. Furst, I wanted to just address the comment you made earlier in terms of identification of the site in terms of the type of facility this is. Specifically driving westbound there will be at least three lanes of traffic that are vehicle going westbound would be able to see through. Obviously, we've talked about the pylon is a hardship being able to identify the structure. We've superimposed the canopy there, but wanted to identify two specific areas where the Sheetz logo will be placed. One of those is going to be on the west elevation of the canopy, which will be in impaired by the trees at full foliage in the summer. There's virtually no way to be able to see any canopy graphics going westbound at Broad in the summer. Secondly, the end cap of the canopy will have a Sheetz logo, which will be parallel to Broad Street. Again, coming driving towards the West, coming from the east, you will not be able to read or even see that Sheetz logo hanging on the side of the canopy. And thirdly, a six foot sign will be virtually unnoticed. Maybe if you're at the traffic light, maybe if there's not traffic coming in the other lane, if it's a slow part of the day, not at rush hour. But again, those are three different types of graphics that will be evident or are supposed to be, but will be completely not evident going westbound on Broad.

Mr. Furst: Let me ask you, given that during this presentation, you've stated multiple times that pricing is the most significant factor to consumers or at least too many consumers. How is the identify ability of this as a Sheetz location factor into that equation? At least to me, and perhaps I don't shop or think or make these decisions in a typical fashion, but it is very obvious that this is a gas station. Given the canopy layout, the pumps are visible, things like that. So at least my thought process typically would be if I was in need of fuel for my vehicle to look for the outline of a gas station and then focus on price.

Mr. McFarland If UDF was in a similar situation, I could agree with you. But you've has advantage of being in a four way intersection, having multiple access points onto their property, as well as two different from two different directions. They have multiple ways. Sheetz doesn't have that advantage. Sheetz is extremely limited to a faster speed, to more landscaping infringements and to a code height for a sign that just is unreasonable for based upon the size of vehicles and for the ability for some people driving so quickly to be able to make a decision. But I wouldn't disagree that

it could be a gas station sign, but I see another one more easily accessible on the right side and maybe in the City of Columbus. But I'll go ahead and give my money to the gas station in Columbus, then Reynoldsburg, because I can see that sign easier.

Mr. Amr: All great point. Thank you, Jim, for that. If you'd like to continue. You know, I believe we've touched on this quite a bit. Don't have to reiterate. But, you know, just to summarize the majority of signs we've seen approved in various municipalities upwards of 20 feet could say the same about our competitors as well. So again, just asking for a subtle divergence in the code for this one. Great, and here we have the proposed nine foot sign. Again, I think our ask here is very reasonable. Just asking for the bare minimum for identify, ability, safety and wayfinding. Again, just that small amount of three feet taking it off the ground, we believe, makes a world of difference and again is way more intuitive for all the reasons we mentioned. Um, you know, for the board members request, we'll only consider hardship factors pertaining to this. So this just pertains to light and air, and you certainly don't affect that so you can keep going. Same here, I think we've reiterated these points quite a bit. And again, just want to just oppose the UDF sign on to our site, um, considerably larger. And again, we are aware this was before these newly approved zoning code. But again, it does provide context and what we believe is precedence for this use and for this site. It again, points we've touched on, so we won't repeat what we've already said, I think at this time we'd be happy to answer any questions you may have.

Mr. Rettke: Any questions, concerns, comments?

Pastor Linder: Just a couple of things. The multitenant sign when you were denied the ability to use that was that including gas pricing or just the very name of your business on that side, it says you were denied space on the multi-tenant sign, why were you denied?

Mr. Amr: The owner of the sign informed us that they save those spaces for quote unquote larger tenants of the master development. So in our inquiry, they said there was promise to another user.

Pastor Linder: And then a follow up to that, had you had even name recognition on that state? That's fine. Not including the gas pricing. Would that impact in any way the way you would approach this variance?

Mr. Amr: I think so. I think if we did have the ability to have, you know, at least the Sheetz logo and we have had some prices on larger pylon signs that would certainly aid in the identify ability. People are now seeing sheets as synonymous with lower gas prices. So if we were to have, you know, had that opportunity, maybe a different discussion here

Pastor Linder: Then if I could just follow up. When people are traveling past and

they notice the Sheetz sign maybe this is one, maybe for the individual that's here from the company. But surely you have locations where people go past go into another entrance. I keep hearing there's only one entrance, but there really is another entrance to the plaza. You would travel past, you'd enter in and backtrack. I feel like I've even been to Sheetz locations where I would have gone past and come back around. Obviously, that's not ideal, but surely that does come up in a lot of locations.

Mr. Hensley: Yes. Erin Hensley, 6:30 Morrison Road, Gahanna, Ohio. Yeah, but I'm sure they do, but I don't think that's the majority. I mean, that's why we like being on these corner intersections, you know, because that's where the traffic's, you know, the majority of the traffic is coming from. But you are right, you can come past here and, you know, go down and make the next, I think there's another light further west.

Pastor Linder: Yes.

Mr. Hensley: Then you have to turn in and make another left and, you know, come all the way to backtrack, which I tell these guys all the time, that's it. We call it an inconvenient store instead of convenience store, but it is possible .

Pastor Linder: and just one more since you're at the podium. And I do appreciate how you've made the case, and a lot of it does seem to make good sense for those gas prices, but there's such brand awareness. And also, when the presentation was initially made for the site, we were talking about all the other benefits to having a Sheetz in your community other than even just fuel. So in other words, people are going to be drawn to your location beyond just fuel, is there any way to quantify what percentage of revenue is driven by. And I know it's hugely steered towards gas, but is there any way to quantify what percentage of revenue is on either side of that fuel versus non-fuel?

Mr. Hensley: I mean, it varies from station to station, but we, you know, we think of ourselves as that one stop shop where those people are, you know, they're coming to get gas, but they're also maybe going in and, you know, getting breakfast or lunch or, you know, on their way home for dinner and a gallon of milk or whatever. They're doing it, you know, all at once. But we really feel like it's our customer on the lot is it our gas price. Especially us being new to this market. We just opened our ninth store this week. You know, if we had. Fifty stores over here, and, you know, we were as well-known as we are and, you know, some markets in Pennsylvania. You know, everybody's coming to us anyway. But right now, we just feel like we're at a competitive disadvantage on gas prices. I mean, if we were just asking for, you know, if we didn't have gas, I don't think we'd be here. We might still need a little bit more height because that is pretty low. We just want to, you know, be competitive with our competitors and play ball. T.

Pastor Linder: Thank you, Mr. Chairman.

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

Mr. Furst: I do have a couple of questions. One. I've heard you talk about wanting to be competitive. And of course, I think that makes sense. Do you feel that if we were not to grant this variance that it would impose such a significant competitive disadvantage that this location may not become economically viable?

Mr. Amr: You know, I'll invite Erin again to attest to that, but visibility is very high up there with importance, if you'd like to elaborate.

Mr. Hensley: Yeah, that's a tough call. I mean, you know, not the pass the buck, but that's, you know, ultimately not my call. But all I can say is it's extremely important that we have the same advantage as our competitor.

Mr. Furst: So there's no way that you could really determine whether you would continue with this particular location if we weren't to grant the variance? Because in my mind you could make a decent hardship that we would be, or I'm sorry, a decent argument that it would be a hardship and such that we are preventing you from being able to fully utilize the benefits of the site. There would be, in that case, a deprivation of the beneficial use of the site. If that was the case, that this location no longer becomes economically viable because the customers that are primarily driven by price signals cannot see those signals.

Mr. Amr: I think if this were a strictly hypothetical question in the sense that, you know, in a large amount of time, resources, civil engineering, what have you has already gone into the site that does skew the question. If the question were to be asked, you know, at the absolute very beginning, I think that the answer would very much, you know, if you're asking the question would not granting the variance deter Sheetz from the site? You know, if this was from the beginning and hypothetical, I think, that very much could be, yeah, it could deter them.

Mr. Hensley: Yeah, I mean, don't get me wrong, we've got some really small sites out there, but so does all of our competition around this. I mean, that's the big thing, it's a competitive disadvantage. How much of a disadvantage that is, I mean, I can't tell you, but it definitely is a competitive disadvantage.

Mr. Furst: Thank you.

Mr. Rettke: Ms. Barnhart do you have any questions?

Ms. Barnhart: I just want to first thank you for the information and the presentation. I thought it was very good. The one thing I want to thank you for showing is in these renderings just, you know, from the view of a car how you really, you know, ten point seventy five inches from grade you really can't see. And, you know, because you're on Broad Street and there's, you know, five six lanes wide. It does make it difficult. So, I appreciate you showing us that.

Mr. Amr: Oh, absolutely, thank you for that. And again, I think just another point, as you know, most people don't tend to preplan when they want to go to a certain gas station that or store like this. That decision is made very quickly and very suddenly. And so we think just asking for the subtle amount for that to be identified is just.

Mr. Hensley: Something else I just thought of. And, you know, I personally haven't dug into this a lot. But, do we have landscaping around this sign?

Mr. Amr: I believe a minimal amount, but most of the landscaping is in between the sign and the building. But there is landscaping in front of the old design that, as Jim pointed out in full bloom, does cover up a significant amount of the sign coming east or coming west.

Mr. Hensley: Yeah, it was this weird. I missed that 10 and a half inches or whatever.

Mr. Amr: Right. Like, if it were a six foot sign, I mean, just having tall grass would cover up part of the pricing.

Mr. Rettke: Any other questions, concerns, comments? I just got a few. Most of them are thank you for the various exhibits as you're driving east or west bound, trying to display that sign how it would look. Some of the significance to your argument about, you know, the depths off the ground. You know, until you see that car parked in front of you, you wouldn't appreciate that. I think the Target, what was the Target? Four hundred and twenty feet? Five point seven seconds so some of that of that data is valuable. Interesting. Um, you know, when we went from six to nine feet, did you guys increase the letter size? I look back and couldn't find where

Mr. Amr: I don't believe we did. No.

Mr. Rettke: The lettering, the logo is still the same. We're just adding to the base to get it in the visible range.

Mr. Amr: Correct.

Mr. Rettke: The code basically is what six feet tall, no more than twenty four square feet. If I remember correctly. Is that what you have Mr. Shook?

Mr. Shook: Yes, that is the...

Mr. Rettke: And then we're at what, nine feet by what was the width?

Mr. Amr: By 12 feet 1 inch.

Mr. Rettke: So one hundred and eight square feet, roughly. For the entire base.

Ms. Green: Graphic area is.(Inaudible).

Mr. Rettke: Yeah, I think that's what the minutes said last time was thirty six. I think you raised some valid arguments. Any other questions, concerns, comments? Staff, would you have anything to add, I know you're all kind of new to the situation here? Mr. Shook?

Mr. Shook: Just a couple of things, and these questions are not intended to sway the BZBA, it's just simply to address some of the factors in Section 1109.13. In the presentation, you had mentioned the site being blocked by the large multitenant side and then some of the foliage from the landscaping at Aldi's or even kind of in that driveway area. Correct?

Mr. Amr: Correct.

Mr. Shook: Okay. Are those conditions that you were aware of at the time that you looked at this site for the construction of a Sheetz?

Mr. Amr: To answer your question, yes, but there wasn't enough time given to determine our placement on the pylon sign that required quite a bit of digging into the owner of it, legal teams having to talk and look over restrictive covenants. So we were familiar, of course, with the landscaping, but we were under the assertion just fully so that the placement on the pylon sign would be given.

Mr. Shook: Okay and go and kind of dovetailing on what Pastor Linder asked the multitenant sign you had anticipated that Sheetz was going to be able to use that multitenant site?

Mr. Amr: Correct.

Mr. Shook: And currently on the multitenant sign, it appears to be only one vacancy left.

Mr. Amr: Correct.

Mr. Shook: The anticipation was that you were going to get that vacancy.

Mr. Amr: Yes.

Mr. Shook: All right. As Pastor Linda indicated, and I don't know that this was really answered. Was there any intention of putting the price of the gasoline on the multitenant sign?

Mr. Amr: We've seen it done before, you know, so we would, of course, approach them with that ask. But again just having the Sheetz logo there, I think we'd have a different discussion here, but having me there certainly impairs us quite a bit.

Mr. Shook: Do you think looking at the sign, the multitenant sign right now that there would have been enough room for both as Sheetz logo and the pricing for gasoline?

Mr. Amr: You know, I don't know the inventory of Sheetz signage. I don't know if you wanted to.

Mr. Hensley: Dealing with this one panel that's available now, no.

Mr. Shook: And so I guess the question here is that even if you had been on the multitenant sign, it still wouldn't have solved your problem of visibility for your pricing, right?

Ms. Green: I think what could have happened, though, is that Sheetz would be up here on the multitenant sign and then we could have done a code compliant price sign on the site

Mr. Shook: With just pricing and no Sheetz logos?

Ms. Green: At least a small, maybe a small Sheetz logo, but we could have done a code compliant, a six foot sign that would have the prices we'd have the Sheetz big up here on both sides of this multitenant sign. And then pricing.

Mr. Shook: OK, thank you. That's all I had.

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

Ms. Barnhart: I'd like to make a motion that we approve the variance request for application 2021-5486 as requested.

Pastor Linder: I'll second.

Mr. Rettke: Moved in second. Any other discussion, comments, concerns?

Mr. Furst: Yes, Mr. Chair, I did have a couple of comments. So. Well, I appreciate that the ask that you bring here is minimal, and I certainly agree that it is. I still remain unconvinced regarding the hardship. I would contend that most of the vehicles traveling along the Broad Street corridor are very regular. It's commutes travel, people who reside, work or otherwise have economic activity in the area. I think once you're there for any period of time, they would very quickly become familiar with the fact that there is a gas station there and that what your brand is and perhaps even realize that you do offer very competitive gas prices. Tangent to that is the fact that the hardship arguments that you've articulated don't particularly apply to you as the applicant, they apply to potential customers that you might have. Unless I'm grossly misreading our code, the hardship must apply to you as the applicant, not a third party.

Mr. Amr: Those are all great points to touch on your first point. You know, I don't know if we can necessarily conjecture that all passer buyers are completely familiar with the area. Columbus is growing and certainly Reynoldsburg is, and Sheetz is new to this market. So just that sort of identify a body, I don't think we could marginalize the consumer base based on that. And in addition to that, while that does touch on a few of the hardships. A key point here is indeed safety and the decision time to get to this site. We believe it's intuitive to have just the minimal amount of visibility. Now to your point about hardships on the applicant. The hardship is it could be economically disadvantaged to Sheetz significantly. So what are the disadvantages to the customers? I think would be fair to say it would also be disadvantage to Sheetz. You know, if it's not easy to identify them, but much easier to identify the UDF right down the street, I would venture to say that they do have a disadvantage in that regard.

Mr. Furst: Thank you. That's all the further commentary I had.

Mr. Rettke: Moved in second, how can we please have role?

Ms. Butler: Ms. Barnhart. Yes. Mr. Furst. No. Pastor Linder. Yes. Mr. Rettke. Yes.

| | |
|----------------|--------------------------|
| RESULT: | APPROVED [3 TO 1] |
| AYES: | Rettke, Linder, Barnhart |
| NAYS: | Furst |
| ABSENT: | Bulls |

D. NEW BUSINESS

None

E. OTHER BUSINESS

Mr. Furst: I did just have a couple of comments. So first I wanted to say, you know, welcome, Mr. Meyer. We're glad to have you here. Look forward to working with you. Second, thank you, Ms. Butler, for filling in. I know it's a bit of a fire drill and not an easy task, so thank you for that. And then also, I wanted to say, Mr. Rettke, I understand you're not going to be continuing with us, and this board will certainly miss your many years of experience on these matters and specifically on this board.

Mr. Rettke: Thank you. I appreciate it. It was fun. I can't for the life of me remember how long it's been, but I think it's been about maybe 11 years. I think three terms that I filled in a month. So. In fact, our first I want to say my first BZBA was when the church wanted to go down a big lot. So I've been here a while, so that was rather interesting. I learned a lot from that one. I learned a lot about how the city works. You know, our new zoning codes around a lot of. You know, I thought I was well versed in it, but that one threw a lot of wrinkles, so it's been fun, been experience. I learned a lot. You know, this is sort of in line with my profession, so it goes hand in hand. You know, I spent two hours with Sheetz on their Hilliard location today on my day off. So the Sheetz is taken everybody by storm. So it's very interesting. You know, every jurisdiction poses a

Minutes Acceptance: Minutes of Dec 16, 2021 6:30 PM (APPROVAL OF MINUTES)

significant challenge. And you know, they're not unique to most businesses. So just trying to navigate all the different rules, all the different requirements. A lot of jurisdictions can be. Similar, but yet, you know, we each have our challenges, so I think just keeping an open mind listening, being a reasonable looking at what the code says, you know, we've had some battles over the year, but for the most part, I think we've all come to the right decision on almost everything. So, you know, seeing the city grow. Looking forward to the future, so that's all I have, really. I want to thank you guys. You know, I've seen a lot of board members come and go, you know, everybody's got a different schedule. You know, once a month doesn't seem like a lot, but there's a little bit more behind the scenes, you know, stuff like that. So I appreciate anybody who serves on these boards. You know, you kind of take a beating on the social media presence or the public sector somewhat. If people knew what we did, how we did it, I think it would settle things down. People assume a lot. So I would just say, ask for patience, ask questions. You know, don't assume we're on a take or anything like that. So. You know, there's things we can say no to things we can say yes to, but we all arrive at our own reasoning, but within the text of the code, so. Well, I think, you know, staff I've seen, we're trying to add it up. I think I've seen eight different people sitting over there in the planning. So. Welcome. I'm sure we'll still work together in some sort of fashion, so. That's all I've got.

Mr. Meyer: I would just say thank you for the warm welcome and, you know, hello and goodbye, but it's good to be here and I look forward to working with you folks and you in another capacity in the future.

Mr. Shook: I also want to thank Mr. Rettke. You know, it's going to be darn near impossible to replace your experience on the board. But one thing I would emphasize, and I think that this gets forgotten on social media so often is that every board member here on the BZBA or on the Planning Commission or on some of our other boards. You do this without pay. This is a volunteer position. 11 years volunteering for the city, I think that's to be tremendously appreciated by the public in ways that I don't think they often understand but know that we do. We do.

Mr. Rettke: And I appreciate you and I spoke of it earlier, but, you know, for nine of those years, we didn't have a city attorney sitting here to ask questions to and some of this is hard to deal with without that representation. So I think that changed the dynamic a lot. So I really appreciate having you here on this. Staff has always been here, but they can't answer a lot of the questions that you could especially like enforcement, things that we could do, stuff like that. So made my life a little easier. Well, having no other business, correct? I guess we'll move for adjournment at 7.22pm. Thank you.

F. ADJOURNMENT

7:22 pm

Chairman

Planning and Zoning Administrator

Minutes Acceptance: Minutes of Dec 16, 2021 6:30 PM (APPROVAL OF MINUTES)



Department of Development
Planning & Zoning Division
7232 East Main Street
Reynoldsburg, Ohio

App./Case#: _____

Date Submitted: _____

Fee Amount: _____

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

Paid: _____

I. PROPERTY INFORMATION

Property Address: _____ Parcel ID#(s): _____

II. PROPERTY OWNER OF RECORD

Property Owner Name(s): _____
Contact Email: _____ Contact Phone Number: _____

III. BUSINESS/TENANT INFORMATION (IF APPLICABLE)

Business Name: _____ Contact Name: _____
Contact Phone Number: _____ Contact Email: _____
Description of Use: _____

IV. APPLICANT INFORMATION

Applicant Name: _____ Applicant Address: _____
Applicant Phone Number: _____ Applicant Email: _____
 Property Owner Business Owner/Tenant Contractor Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLICABLE:
Variance (Non-Residential (\$450) / Residential (\$100)): _____

 Special Exception Use Permit (\$350): _____
 Other: _____

Please review the attached checklist and note the items you are responsible for submitting with this application. All required items must be submitted to the Planning & Zoning Administrator.

Applicant Signature: David Hodge Attorney for Property Owner and Applicant **Date:** _____

*By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is authorized with the full knowledge of the owner. *

****OFFICE USE ONLY****

Additional Notes:

Zoning Information
Zoning District: _____
 Historic District
 CC Overlay
Add'l Approvals Req'd
 Planning Commission
 Other: _____

| | |
|---|--|
| BZBA Meeting Date: _____ <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Tabled <input type="checkbox"/> Denied | City Council Meeting Date: _____ <input type="checkbox"/> No Action Taken <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied |
| P&Z Admin.: _____ Date: _____ | Clerk of Council: _____ Date: _____ |

Attachment: BZBA Application Oxford Circle - Lot 4 (Eastwood Lot 4 Rear Yard Variance App #2022-5040)



Michael L. Smith

Auditor, Licking County, Ohio

D.1.a

EASTWOOD DEVELOPMENT PARTNERS LLC NATIONAL RD

Parcel #: 107-017466-00.
Rt #: 107-001.00-008.

Tax District: 107 - ETNA -REY -C-SW LICK LSD-WLJFD
School District: SOUTHWEST LICKING LSD
Neighborhood: 08300 Etna Twp -- West Half
Classification: 100 Agricultural Vacant Land
Acreage:
Property Desc: 58.417 AC SEC 9 R20 T16

1



ATTRIBUTES

Story Height:
Exterior Wall:
Heating:
Cooling:
Basement:
Attic:

Total Rooms:
Bedrooms:
Family Rooms:
Dining Rooms:

Full Baths:
Half Baths:
Other Fixtures:

Year Built:
Finished Living Area:

Fireplace Openings:
Fireplace Stacks:

Basement Garage(s):
Basement Finished: No

AREA

First Floor:
Upper Floor:
Attic:
Half Story:
Crawl:
Basement:

| VALUES (by tax year) | | Land | Improvement | Tot: |
|----------------------|-------------|------|-------------|------|
| 2020 | Market CAUV | 0 | 0 | |
| 2019 | Market CAUV | 0 | 0 | |
| 2018 | Market CAUV | 0 | 0 | |

SALES HISTORY

| | Pcl # | Instrument Type | Sale Price | Conv # | V | LO | Previous Owner |
|------------|-------|--------------------------|------------|--------|---|----|------------------------------|
| 08/16/2021 | 1 | EX - EXEMPT CONVEYANCE | 0.00 | 99999 | N | Y | FOSTER ROBERT & SEYMOUR NEAL |
| 07/14/2021 | 1 | PL - PLAT | 0.00 | 44444 | N | Y | FOSTER ROBERT & SEYMOUR NEAL |
| 09/10/2019 | 1 | EX - EXEMPT CONVEYANCE | 0.00 | 99999 | N | Y | STRAWSER ELIZABETH D TRUSTEE |
| 12/15/2017 | 1 | MT - MEMORANDUM OF TRUST | 0.00 | 99999 | N | N | BROWN NANCY A TRUSTEE |

IMPROVEMENTS

| Description | Yr Built | SqFt | Value |
|-------------|----------|------|-------|
|-------------|----------|------|-------|

TAXES

| | Prior | 1st Half | 2nd Half | Total |
|------------------|-------|----------|----------|----------|
| Taxes/Reductions | 0.00 | 5005.31 | 5005.31 | 10010.62 |
| Pen/Int/Adj | 0.00 | 0.00 | 0.00 | 0.00 |
| Recoupment | 0.00 | 0.00 | 0.00 | 0.00 |
| Specials | 0.00 | 0.00 | 0.00 | 0.00 |
| Gross Due | 0.00 | 5005.31 | 5005.31 | 10010.62 |
| Payments | 0.00 | 0.00 | 0.00 | 0.00 |
| Net Due | 0.00 | 5005.31 | 5005.31 | 10010.62 |

Attachment: BZBA Application Oxford Circle - Lot 4 (Eastwood Lot 4 Rear Yard Variance App #2022-5040)

OnTrac Property Map

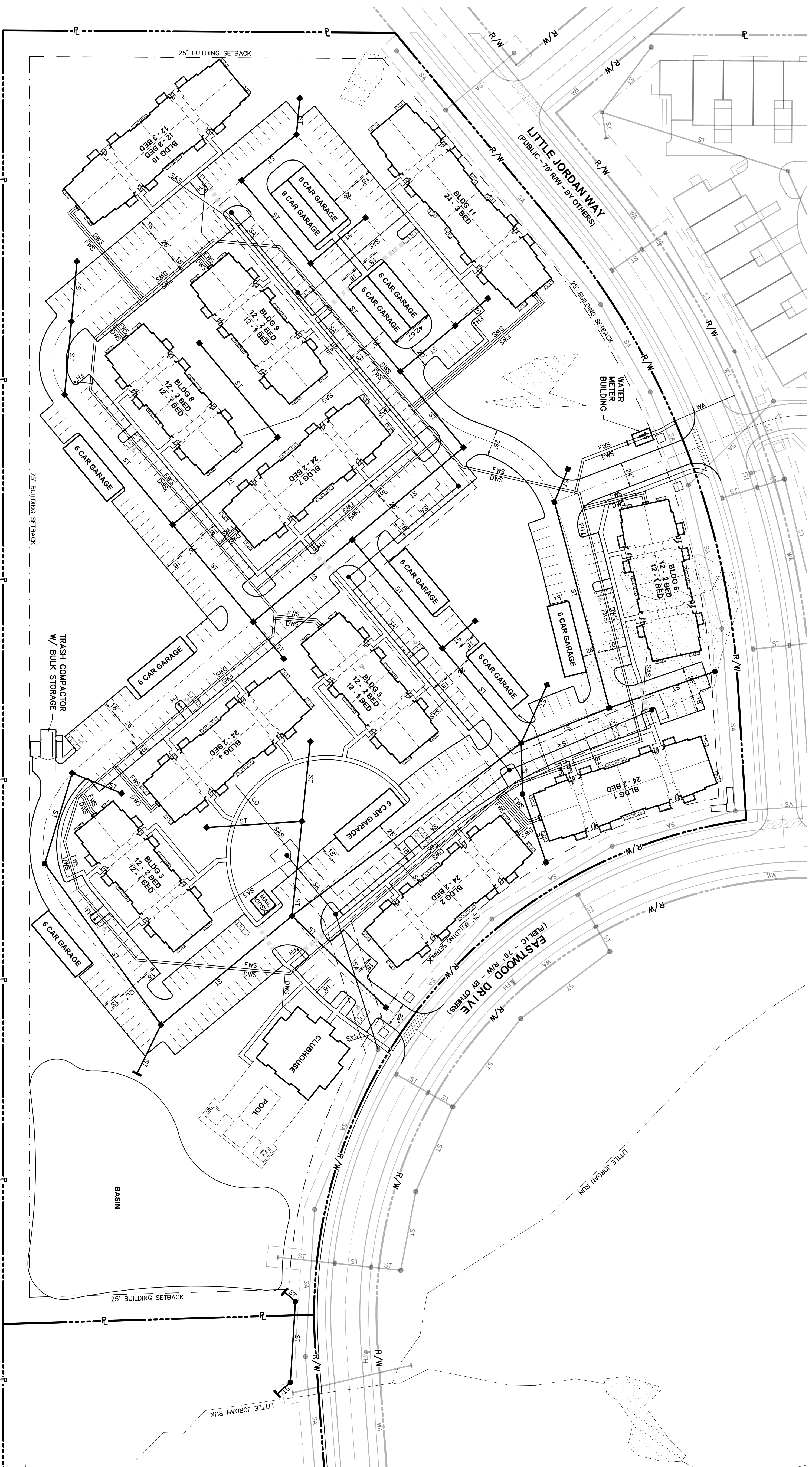


February 1, 2022

| | | | | | | | | | |
|--------------------------|--|--|-----------------|--|------------------------|--|------------|--|---------------------------|
| Owner Name & Acres | | | County Road | | Driveway | | 376 Feet | | Jurisdictional Townships |
| Centerline Labels | | | Township Road | | Interstates | | 0.07 Miles | | Historical Townships Line |
| | | | Other Road Type | | Municipal Corporations | | | | County Boundary |

LICKING COUNTY TAX MAP

Licking County Auditor GIS



LEGEND

| | | | | | |
|-----|------------------------------|---|-------------------------|--------------|---------------------------------|
| SA | PROP. SANITARY MAN | ● | PROP. SANITARY MANHOLE | SA | FUTURE SANITARY MAN (BY OTHERS) |
| SAS | PROP. SANITARY SERVICE | ○ | PROP. SANITARY CLEANOUT | ST | FUTURE STORM (BY OTHERS) |
| ST | PROP. STORM | ■ | PROP. CATCH BASIN | WA | FUTURE WATER (BY OTHERS) |
| WA | PROP. WATER | — | PROP. ENDWALL | Wetland Area | WETLAND AREA |
| DWS | PROP. DOMESTIC WATER SERVICE | ● | PROP. STORM MANHOLE | | |
| FWS | PROP. FIRE WATER SERVICE | ● | PROP. FIRE HYDRANT | | |
| | | ● | PROP. WATER VALVE | | |



REYNOLDSBURG, OHIO
PRELIMINARY SITE PLAN
 FOR
THORNTON HALL
 PLAN PREPARED BY:

ADVANCED CIVIL DESIGN, INC.
 ENGINEERS, ARCHITECTS, SURVEYORS

781 Science Boulevard, Suite 100
 Gahanna, Ohio 43230
 ph 614.428.7750
 fax 614.428.7755

SCALE: 1" = 50'
 DATE: 1/26/2022

SHEET 1 / 1

BOARD OF ZONING & BUILDING APPEALS APPLICATION

APPLICATION: _____

ADDRESS: 0 National Road SW

PARCEL: 107-017466-00.000

DISTRICT: Residential Medium

APPLICANT: Oxford Circle Development, LLC c/o Don Kenney, Jr.

ATTORNEY: David Hodge, Underhill and Hodge, LLC

DATE: February 3, 2022

I. REQUEST.

The Applicant requests a variance from Section 1103.19(III) – Residential District Rear Yard Setback, to reduce the minimum rear setback from 30 feet to 25 feet.

II. STATEMENT IN SUPPORT.

This property was part of the 137-acre annexation from Etna Township to the City of Reynoldsburg which occurred in early 2021. The subsequent development plan for this property established two multifamily residential subareas behind a commercial subarea along East Main Street. This application concerns one of those residential subareas, as shown of the submitted site plan.

An oversight occurred during the development plan approval process and this application seeks to correct that issue. Specifically, the development plan proposed a 25-foot perimeter buffer around the multifamily residential portion of this property. This perimeter also constitutes the development's rear yard under the zoning code and this was not caught during the development plan approval process. This application seeks to correct that oversight and requests a variance to reduce the minimum rear yard from 30 feet to 25 feet to allow the development as previously approved.

The requested variance is in accordance with the general purpose and intent of the regulations by this zoning district and will not be injurious to the area or otherwise detrimental to the public welfare. The requested variance for a 5-foot reduction is not substantial and it is only requested to the smallest extent necessary. The overwhelming majority of the property's west rear yard is compliant with the code required 30-foot rear yard. However, there are a few points on structures which extend 25-feet from the east rear property line. Given the insubstantial degree of the requested variance, the requested reduction will not be injurious to the area nor detrimental to the public welfare.

The requested variance will not permit the establishment of any use which is not otherwise permitted. The requested variance is an area variance and not a use variance. The proposed multifamily residential use is permitted under the established zoning district.

The previous approval of a development plan with a 25-foot rear yard is a special circumstance which warrants granting of the requested variance. The plan was developed and approved to make the best use of the oddly shaped property while providing a high quality residential development

to the standards of the City of Reynoldsburg. Strict application of the rear yard standard at this point following development plan approval would deprive the property owner of the reasonable use of land and structures.

The Applicant suffers from a practical difficulty which warrants granting of the requested variance. The Application designed a development and the development plan was subsequently approved. Enforcement of the code required rear yard after the fact would cause a practical difficulty. The requested variance is not substantial nor detrimental to the surrounding property owners. However, this minor variance will completely alleviate the Applicant's practical difficulty.

The variance is requested to the smallest extent possible. The overwhelming majority of the property's west rear yard is compliant with the code required 30-foot rear yard. However, there are a few points on structures which extend 25-feet from the east rear property line. Under the circumstances, this minimal variance is necessary for the Applicant to enjoy reasonable use of the land.

The requested variance will not impair and adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

The variance will not confer on the property owner any special privilege that is unduly denied by the zoning code to other land in the same district. The requested variance is not substantial and is only requested to correct an oversight.

No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of this variance. This is a practical difficulty which is unique to this property and under these circumstances.

The variance is not a matter of convenience. It is the only manner to remedy the Applicant's practical difficulty.

EXHIBIT A

Situated in the County of Licking, Township of Etna and State of Ohio, bounded and described as follows:

Being a part of the southeast quarter of Section 9, Township 16, Range 20, Refugee Lands, and being all of the 58.379 Acre tract (58.417 Acres by Survey) conveyed to Nancy A. Brown by deed of record in Instrument Number 2004033000110693, Recorder's Office, Licking County, Ohio (all references to recorded documents are on file in said Recorder's Office, unless otherwise noted) and being more particularly described as follows:

Commencing at a mag nail in the centerline intersection of old U.S. Route 40 (National Road) and Summit Road (Twp. Road #26) said mag nail also being 21 feet right of centerline 1951 survey station 79+54.51 per State of Ohio Right-of-Way Plans FRA. -40- 24.90 LiC. -40-(0.00)-(6.13), Sheet 168 of 174;

thence, along the old centerline of said U.S. Route 40 (National Road), South 85° 26' 30" West, 652.95 feet to a set mag nail 21 feet right of centerline survey station 73+01.56 at the southwest corner of the Schwan's Sales Enterprises, Inc. 3.01 Acre tract (Deed Book 112, Page 841), the southeast corner of said 58.417 Acre tract, and THE TRUE POINT OF BEGINNING of this description;

thence, continuing along the older centerline of U.S. Route 40 and part of the south line of said 58.417 Acre tract, South 85° 26' 30" West, 96.50 feet to a set mag nail at an angle point in said centerline;

thence, continuing along the old centerline of said U.S. Route 40 and part of the south line of said 58.417 acre tract, South 85° 33' 00" West, 1,593.90 feet to a set mag nail at the southeast corner of the CVETA NASTEV, Trustee 10.64 acre tract (Instrument Number 20000322008898).

thence, along the east line of said 10.64 acre tract and the west line of said 58.417 acre tract, North 00° 58' 29" East, 1,596.05 feet to a found 5/8/ inch rebar in the north line of said southeast quarter section No. 9, and the south line of the Ruth E. Schmitt 39.828 acre tract (Official Record Volume 621, Page 485) passing a set iron pipe in the Right-of- Way at 101.45 feet;

thence, along part of the south line of said 39.828 acre tract, the north line of said 58.417 acre tract, and part of the north line of said southeast quarter section No. 9, South 89° 31' 27" East, 1,656.59 feet to a set iron pipe at the northwest corner of the Lisa A. Master 1.5 acre tract (Official Record Volume 489, Page 405);

thence, along the east line of said 58.417 acre tract, the west line of said 1.5 acre tract, the west line of the Evelyn M. Ballman 2.0 acre tract (Official Record Volume 339, Page 330), the west line of the Evelyn M. Ballman 1.5 acre tract (Instrument Number 200006050017953), the west line of the Joan B. Ogenschak 2.496 acre tract (Official Record Volume 844, Page 619), the west line of the Mary Ellen Praither 2.5 acre tract (Instrument Number 200503170007854), and the west line of said 3.009 acre tract, South 00° 03' 36", East, 1,450.73 feet to the place of beginning passing a found 1 inch iron pipe in the Right-of-Way at 1,349.42 feet Containing 58.417 acres, subject however to all legal highways, easements, leases and restrictions of record and of records in the respective utility offices. The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in December 2006. Iron pipes set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". Basis of bearings in the centerline of U.S. Route #40 as South 85° 33' 00" North per The State of Ohio Right-of-Way Plans FRA. -40-24 90 LiC. -40-(0.00)-(6.13), Sheet 168 of 174.

Parcel No.: 107-017466-00.000
 Property Address: National Road SW
 Etna, OH 43068
 Prior Instrument References: 201909100019058

4836-3085-5412.1

March 17th, 2022

Board of Zoning and Building Appeals
City of Reynoldsburg
7232 E. Main Street
Reynoldsburg, OH 43068

RE: Eastwood Lot 4 – Residential Variance Request for Rear Yard Setback

Board of Zoning and Building Appeals

Below is the staff review of the above referenced application.

1. **Project Summary**

- a. The property is located at 0 National Rd SW in Reynoldsburg, OH. Lot 4 includes 11 buildings of multi-family dwelling units on 15.912 acres. The property was annexed into the city in 2021 and zoned Residential Medium.
- b. The applicant, Wilcox Communities, is requesting the Board of Zoning and Building Appeals approval for a residential zoning variance to allow the rear yard setback on lot 4 to deviate from the required minimum of 30 feet and allow the already approved 25 foot rear yard setback.

3. **Staff Recommendation**

- a. Staff has no issues with the rear yard setback of 25 feet that has already been approved. Staff does not believe that this deviation from the code will have any effect on surrounding property owners.

Please contact the Development Department with any questions or comments.



Michael L. Smith

Auditor, Licking County, Ohio

D.2.a

EASTWOOD DEVELOPMENT PARTNERS LLC NATIONAL RD

Parcel #: 107-017466-00.
Rt #: 107-001.00-008.

Tax District: 107 - ETNA -REY -C-SW LICK LSD-WLJFD
School District: SOUTHWEST LICKING LSD
Neighborhood: 08300 Etna Twp -- West Half
Classification: 100 Agricultural Vacant Land
Acreage:
Property Desc: 58.417 AC SEC 9 R20 T16

1



ATTRIBUTES

Story Height:
Exterior Wall:
Heating:
Cooling:
Basement:
Attic:

Total Rooms:
Bedrooms:
Family Rooms:
Dining Rooms:

Full Baths:
Half Baths:
Other Fixtures:

Year Built:
Finished Living Area:

Fireplace Openings:
Fireplace Stacks:

Basement Garage(s):
Basement Finished: No

AREA

First Floor:
Upper Floor:
Attic:
Half Story:
Crawl:
Basement:

| VALUES (by tax year) | | Land | Improvement | Tot: |
|----------------------|-------------|------|-------------|------|
| 2020 | Market CAUV | 0 | 0 | |
| 2019 | Market CAUV | 0 | 0 | |
| 2018 | Market CAUV | 0 | 0 | |

SALES HISTORY

| | Pcl # | Instrument Type | Sale Price | Conv # | V | LO | Previous Owner |
|------------|-------|--------------------------|------------|--------|---|----|------------------------------|
| 08/16/2021 | 1 | EX - EXEMPT CONVEYANCE | 0.00 | 99999 | N | Y | FOSTER ROBERT & SEYMOUR NEAL |
| 07/14/2021 | 1 | PL - PLAT | 0.00 | 44444 | N | Y | FOSTER ROBERT & SEYMOUR NEAL |
| 09/10/2019 | 1 | EX - EXEMPT CONVEYANCE | 0.00 | 99999 | N | Y | STRAWSER ELIZABETH D TRUSTEE |
| 12/15/2017 | 1 | MT - MEMORANDUM OF TRUST | 0.00 | 99999 | N | N | BROWN NANCY A TRUSTEE |

IMPROVEMENTS

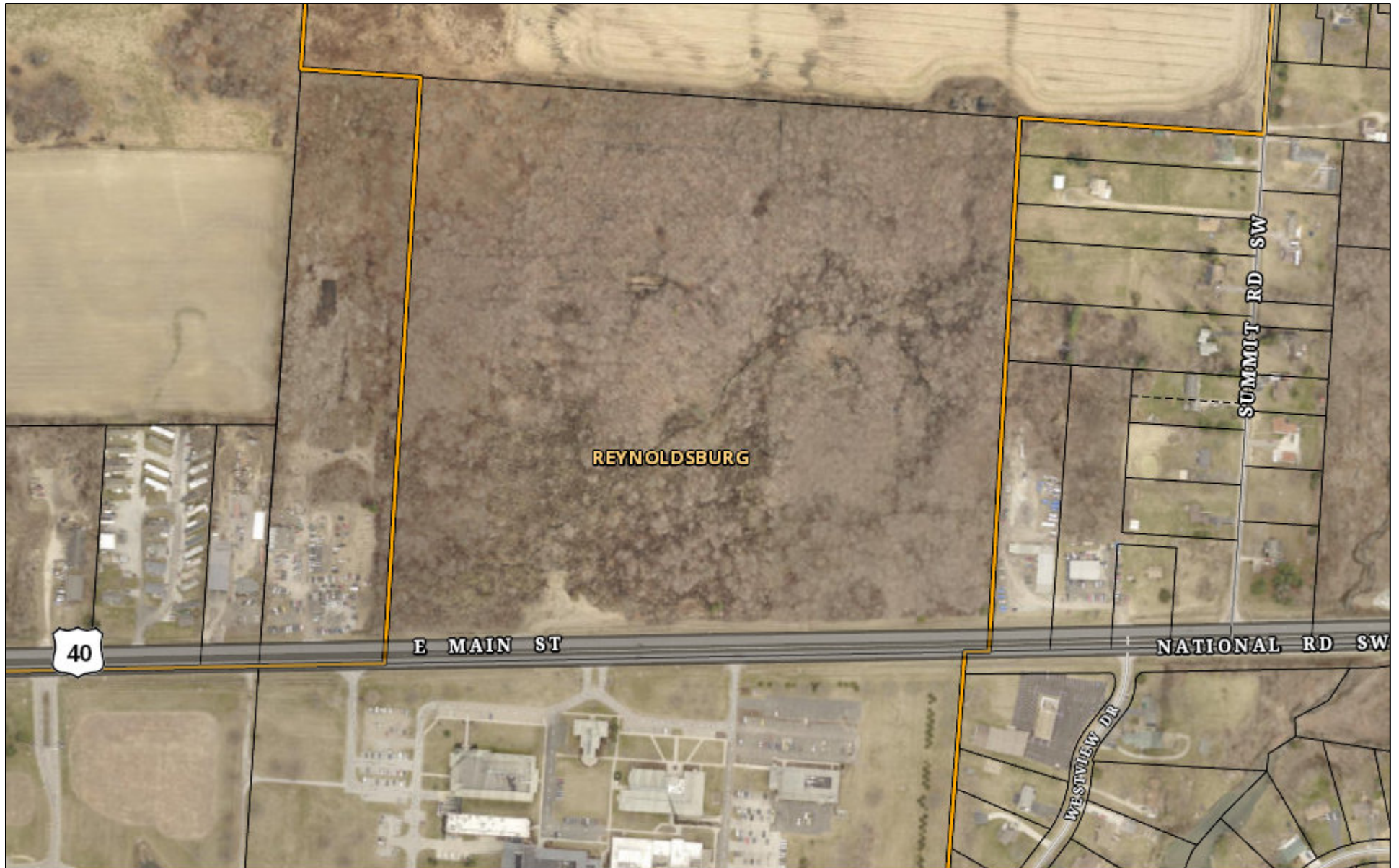
| Description | Yr Built | SqFt | Value |
|-------------|----------|------|-------|
|-------------|----------|------|-------|

TAXES

| | Prior | 1st Half | 2nd Half | Total |
|------------------|-------|----------|----------|----------|
| Taxes/Reductions | 0.00 | 5005.31 | 5005.31 | 10010.62 |
| Pen/Int/Adj | 0.00 | 0.00 | 0.00 | 0.00 |
| Recoupment | 0.00 | 0.00 | 0.00 | 0.00 |
| Specials | 0.00 | 0.00 | 0.00 | 0.00 |
| Gross Due | 0.00 | 5005.31 | 5005.31 | 10010.62 |
| Payments | 0.00 | 0.00 | 0.00 | 0.00 |
| Net Due | 0.00 | 5005.31 | 5005.31 | 10010.62 |

Attachment: BZBA Application Wilcox Lot 5 (Eastwood Lot 5 Rear Yard Variance App #2022-5041)

OnTrac Property Map



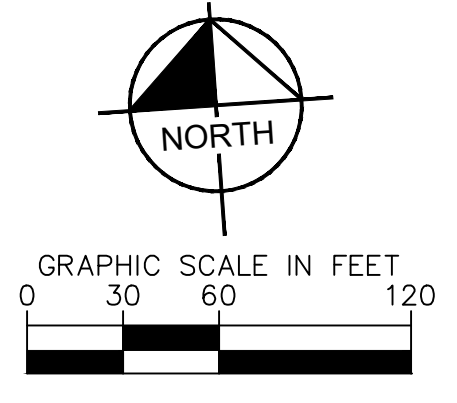
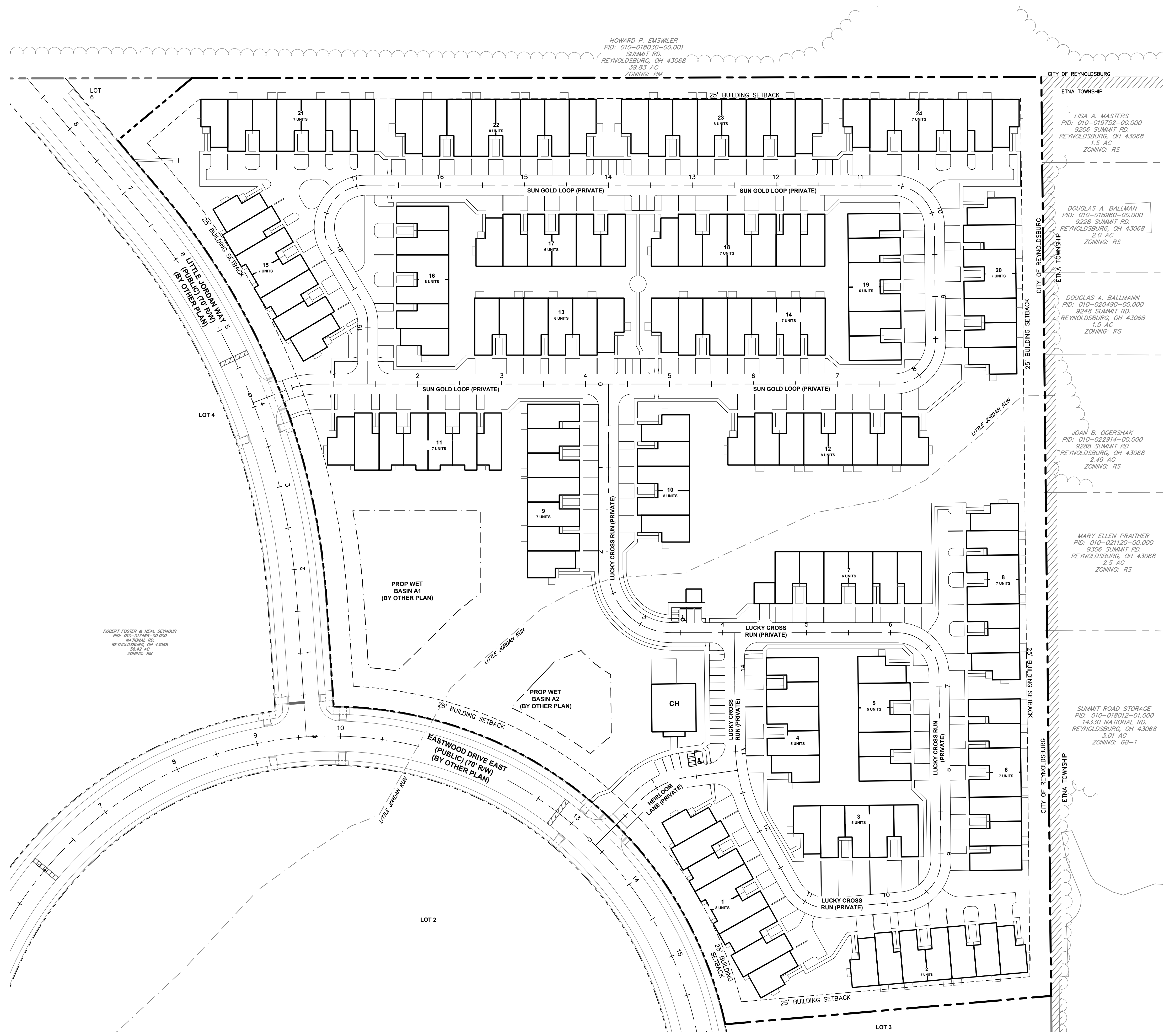
February 1, 2022

| | | | | | | | | | |
|--------------------------|---------------------------|--|-----------------|--|------------------------|--|-----------------|--|---------------------------|
| Owner Name & Acres | | | County Road | | Driveway | | 376 Feet | | Jurisdictional Townships |
| Centerline Labels | | | Township Road | | Interstates | | 0.07 Miles | | Historical Townships Line |
| | Interstate/US/State Route | | Other Road Type | | Municipal Corporations | | County Boundary | | |

LICKING COUNTY TAX MAP

Licking County Auditor GIS

Drawing name: K:\CIBL\190010007_Wilcox_Eastwood\2 Design\CAD\PlanSheets\Plot-Cross-UBR\Site PLAN.dwg one sheet site plan for Wilcox Jan 31, 2022, 5:48pm by Tyler Jackson
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



- LEGEND**
- EXISTING SITE BOUNDARY
 - EXISTING PROPERTY LINE
 - EXISTING STREAM
 - PROPOSED BUILDING SETBACK
 - PROPOSED DRIVEWAY
 - PROPOSED BUILDING
 - PROPOSED FACE OF CURB
 - PROPOSED RIGHT OF WAY
 - PROPOSED SIDEWALK
 - PROPOSED CENTERLINE
 - PROPOSED WET BASIN
 - PROPOSED PHASE LINE
 - MUNICIPALITY BOUNDARY
 - PROPOSED WET BASIN (BY OTHER PLAN)
 - PROPOSED FACE OF CURB (BY OTHER PLAN)
 - PROPOSED SIDEWALK (BY OTHER PLAN)
 - PROPOSED CONCRETE WALK (BY OTHER PLAN)
 - PROPOSED ASPHALT LEISURE PATH (BY OTHER PLAN)
 - PROPOSED CONCRETE CURB RAMP (BY OTHER PLAN)
 - PROPOSED CONCRETE DRIVE APRON (BY OTHER PLAN)
 - NO PARKING SIGN
 - STREET SIGN

HOWARD P. EMSWILER
PID: 010-018030-00.001
SUMMIT RD.
REYNOLDSBURG, OH 43068
39.83 AC
ZONING: RM

LISA A. MASTERS
PID: 010-019732-00.000
9206 SUMMIT RD.
REYNOLDSBURG, OH 43068
1.5 AC
ZONING: RS

DOUGLAS A. BALLMAN
PID: 010-018960-00.000
9228 SUMMIT RD.
REYNOLDSBURG, OH 43068
2.0 AC
ZONING: RS

DOUGLAS A. BALLMANN
PID: 010-020490-00.000
9248 SUMMIT RD.
REYNOLDSBURG, OH 43068
1.5 AC
ZONING: RS

JOAN B. OGERSHAK
PID: 010-022314-00.000
9288 SUMMIT RD.
REYNOLDSBURG, OH 43068
2.49 AC
ZONING: RS

MARY ELLEN PRAITHER
PID: 010-021120-00.000
9306 SUMMIT RD.
REYNOLDSBURG, OH 43068
2.5 AC
ZONING: RS

SUMMIT ROAD STORAGE
PID: 010-018012-01.000
14330 NATIONAL RD.
REYNOLDSBURG, OH 43068
3.01 AC
ZONING: GB-1

ROBERT FOSTER & NEAL SEYMOUR
PID: 010-017468-00.000
NATIONAL RD.
REYNOLDSBURG, OH 43068
58.42 AC
ZONING: RM

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|---|--|---|
| DESIGNED BY: TJC | | <p>Kimley-Horn</p> <p>© 2021 KIMLEY-HORN AND ASSOCIATES, INC. 7962 KIMLEY-HORN DRIVE, SUITE 200 COLUMBUS, OH 43235 PHONE: 614-454-6699 WWW.KIMLEY-HORN.COM</p> |
| DRAWN BY: JDI | | |
| CHECKED BY: MCR | | |
| SCALE: 1"=50' | | <p>SITE PLAN</p> |
| <p>EASTWOOD LOT 5 E MAIN STREET (U.S. 40) REYNOLDSBURG, OH 43068</p> | | |
| ORIGINAL ISSUE: 11/15/2021 | | <p>APR 2022</p> |
| KHA PROJECT NO. 190010008 | | |
| SHEET NUMBER | | |
| <p>4</p> <p>OF 24</p> | | <p>APR 2022</p> |

Attachment: BZBA Application Wilcox Lot 5 (Eastwood Lot 5 Rear Yard Variance App #2022-5041)

BOARD OF ZONING & BUILDING APPEALS APPLICATION

APPLICATION: _____
ADDRESS: 0 National Road SW
PARCEL: 107-017466-00.000
DISTRICT: Residential Medium
OWNER/APPLICANT: Wilcox Communities c/o Chris Moore
ATTORNEY: David Hodge, Underhill and Hodge, LLC
DATE: February 3, 2022

I. REQUEST.

The Applicant requests a variance from Section 1103.19(III) – Residential District Rear Yard Setback, to reduce the minimum rear setback from 30 feet to 25 feet.

II. STATEMENT IN SUPPORT.

This property was part of the 137-acre annexation from Etna Township to the City of Reynoldsburg which occurred in early 2021. The subsequent development plan for this property established two multifamily residential subareas behind a commercial subarea along East Main Street. This application concerns one of those residential subareas, as shown of the submitted site plan.

An oversight occurred during the development plan approval process and this application seeks to correct that issue. Specifically, the development plan proposed a 25-foot perimeter buffer around the multifamily residential portion of this property. This perimeter also constitutes the development's rear yard under the zoning code and this was not caught during the development plan approval process. This application seeks to correct that oversight and requests a variance to reduce the minimum rear yard from 30 feet to 25 feet to allow the development as previously approved.

The requested variance is in accordance with the general purpose and intent of the regulations by this zoning district and will not be injurious to the area or otherwise detrimental to the public welfare. The requested variance for a 5-foot reduction is not substantial and it is only requested to the smallest extent necessary. The overwhelming majority of the property's east rear yard is compliant with the code required 30-foot rear yard. However, there are a few points on structures which extend 25-feet from the east rear property line. Given the insubstantial degree of the requested variance, the requested reduction will not be injurious to the area nor detrimental to the public welfare.

The requested variance will not permit the establishment of any use which is not otherwise permitted. The requested variance is an area variance and not a use variance. The proposed multifamily residential use is permitted under the established zoning district.

The previous approval of a development plan with a 25-foot rear yard is a special circumstance which warrants granting of the requested variance. The plan was developed and approved to make the best use of the oddly shaped property while providing a high quality residential development

to the standards of the City of Reynoldsburg. Strict application of the rear yard standard at this point following development plan approval would deprive the property owner of the reasonable use of land and structures.

The Applicant suffers from a practical difficulty which warrants granting of the requested variance. The Application designed a development and the development plan was subsequently approved. Enforcement of the code required rear yard after the fact would cause a practical difficulty. The requested variance is not substantial nor detrimental to the surrounding property owners. However, this minor variance will completely alleviate the Applicant's practical difficulty.

The variance is requested to the smallest extent possible. The overwhelming majority of the property's east rear yard is compliant with the code required 30-foot rear yard. However, there are a few points on structures which extend 25-feet from the east rear property line. Under the circumstances, this minimal variance is necessary for the Applicant to enjoy reasonable use of the land.

The requested variance will not impair and adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

The variance will not confer on the property owner any special privilege that is unduly denied by the zoning code to other land in the same district. The requested variance is not substantial and is only requested to correct an oversight.

No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of this variance. This is a practical difficulty which is unique to this property and under these circumstances.

The variance is not a matter of convenience. It is the only manner to remedy the Applicant's practical difficulty.

EXHIBIT A

Situated in the County of Licking, Township of Etna and State of Ohio, bounded and described as follows:

Being a part of the southeast quarter of Section 9, Township 16, Range 20, Refugee Lands, and being all of the 58.379 Acre tract (58.417 Acres by Survey) conveyed to Nancy A. Brown by deed of record in Instrument Number 2004033000110693, Recorder's Office, Licking County, Ohio (all references to recorded documents are on file in said Recorder's Office, unless otherwise noted) and being more particularly described as follows:

Commencing at a mag nail in the centerline intersection of old U.S. Route 40 (National Road) and Summit Road (Twp. Road #26) said mag nail also being 21 feet right of centerline 1951 survey station 79+54.51 per State of Ohio Right-of-Way Plans FRA. -40- 24.90 LiC. -40-(0.00)-(6.13), Sheet 168 of 174;

thence, along the old centerline of said U.S. Route 40 (National Road), South 85° 26' 30" West, 652.95 feet to a set mag nail 21 feet right of centerline survey station 73+01.56 at the southwest corner of the Schwan's Sales Enterprises, Inc. 3.01 Acre tract (Deed Book 112, Page 841), the southeast corner of said 58.417 Acre tract, and THE TRUE POINT OF BEGINNING of this description;

thence, continuing along the older centerline of U.S. Route 40 and part of the south line of said 58.417 Acre tract, South 85° 26' 30" West, 96.50 feet to a set mag nail at an angle point in said centerline;

thence, continuing along the old centerline of said U.S. Route 40 and part of the south line of said 58.417 acre tract, South 85° 33' 00" West, 1,593.90 feet to a set mag nail at the southeast corner of the CVETA NASTEV, Trustee 10.64 acre tract (Instrument Number 20000322008898).

thence, along the east line of said 10.64 acre tract and the west line of said 58.417 acre tract, North 00° 58' 29" East, 1,596.05 feet to a found 5/8/ inch rebar in the north line of said southeast quarter section No. 9, and the south line of the Ruth E. Schmitt 39.828 acre tract (Official Record Volume 621, Page 485) passing a set iron pipe in the Right-of- Way at 101.45 feet;

thence, along part of the south line of said 39.828 acre tract, the north line of said 58.417 acre tract, and part of the north line of said southeast quarter section No. 9, South 89° 31' 27" East, 1,656.59 feet to a set iron pipe at the northwest corner of the Lisa A. Master 1.5 acre tract (Official Record Volume 489, Page 405);

thence, along the east line of said 58.417 acre tract, the west line of said 1.5 acre tract, the west line of the Evelyn M. Ballman 2.0 acre tract (Official Record Volume 339, Page 330), the west line of the Evelyn M. Ballman 1.5 acre tract (Instrument Number 200006050017953), the west line of the Joan B. Ogenschak 2.496 acre tract (Official Record Volume 844, Page 619), the west line of the Mary Ellen Praither 2.5 acre tract (Instrument Number 200503170007854), and the west line of said 3.009 acre tract, South 00° 03' 36", East, 1,450.73 feet to the place of beginning passing a found 1 inch iron pipe in the Right-of-Way at 1,349.42 feet Containing 58.417 acres, subject however to all legal highways, easements, leases and restrictions of record and of records in the respective utility offices. The foregoing description was prepared from an actual field survey made by Myers Surveying Company, Inc. in December 2006. Iron pipes set are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". Basis of bearings in the centerline of U.S. Route #40 as South 85° 33' 00" North per The State of Ohio Right-of-Way Plans FRA. -40-24 90 LiC. -40-(0.00)-(6.13), Sheet 168 of 174.

Parcel No.: 107-017466-00.000
 Property Address: National Road SW
 Etna, OH 43068
 Prior Instrument References: 201909100019058

4836-3085-5412.1

March 17th, 2022

Board of Zoning and Building Appeals
City of Reynoldsburg
7232 E. Main Street
Reynoldsburg, OH 43068

RE: Eastwood Lot 5 – Residential Variance Request for Rear Yard Setback

Board of Zoning and Building Appeals

Below is the staff review of the above referenced application.

1. **Project Summary**

- a. The property is located at 0 National Rd SW in Reynoldsburg, OH. Lot 5 includes 24 buildings of multifamily townhomes on 20.385 acres. The property was annexed into the city in 2021 and zoned Residential Medium.
- b. The applicant, Wilcox Communities, is requesting the Board of Zoning and Building Appeals approval for a residential zoning variance to allow the rear yard setback on lot 5 to deviate from the required minimum of 30 feet and allow the already approved 25 foot rear yard setback.

3. **Staff Recommendation**

- a. Staff has no issues with the rear yard setback of 25 feet that has already been approved. Staff does not believe that this deviation from the code will have any effect on surrounding property owners.

Please contact the Development Department with any questions or comments.