



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, OCTOBER 20, 2022 6:00 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – September 15, 2022

Minutes Stand Approved

3. APPROVAL OF AGENDA

Items 4 and 6 were tabled per the applicant. Item 8 was withdrawn per the applicant.

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. 7833 Country Brook Lane; Application #2022-5366; Applicant Lynn and Michael Martin; Request for a Variance

Applicant wasn't present to review application. Mr. Furst motioned to table the application, seconded by Ms. Barnhart. All votes in favor.

Mr. Furst motioned to revisit the application since the applicant was able to attend. Seconded by Ms. Barnhart.

Mr. Meyer read the staff report into the record.

Mr. Martin explained that is property is very wooded and he wants to place the fence well within their boundary without disturbing the trees. His wife has health issues and needs an easier way to let the animals outside. Mr. Martin doesn't feel as if this will have an impact on the neighbors due to the height of the fence.

Mr. Furst indicated that the highlighted section of the drawing is not the actual fence being proposed on the application. The fence is the black dotted line and blue dotted lines.

Mr. Furst asked the applicant to provide hardship or practical difficulty that prevents the applicant to erect the fence the way the code describes. Mr. Martin explained this is to help his wife and keep Reynoldsburg beautiful by erecting a nice clean fence out of the view of neighbors. Mr. Martin was asked if placing the fence on the property line would intersect a number of trees on the property and he said yes. Mr. Furst asked the applicant if this variance was necessary for the reasonable use of his land. Mr. Martin said yes.

Ms. Barnhart: I'd like to make a motion to accept the application as submitted.

Pastor Linder: Second.

Ms. Barnahrt. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amy Barnhart, Vice Chairman
SECONDER:	Robert Linder, Vice Chairman
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Davis

2. 373 Doverwood Dr; Application #2022-5381; Request for a Variance

Mr. Meyer read the staff report into the record.

The applicants, Paula and James Wells, explained how they had a surveyor come out and how the tree on the back left of their property was probably intended to be a property marker, but it's grown so much that it encroaches both properties. They said it is a very large tree and have no interest in taking it down. They are aware that placing the fence into the neighbor's yard would be unacceptable, so they are willing to place the fence on their property to avoid taking down the tree. They have invested \$30,000 into upgrading the yard and they would like to protect it from animals. On the opposite side the property marker is in the middle of the utility box. The applicant is willing to do what the city wanted and have proposed gates for full access, that way they could be removed if need to.

Mr. Furst asked if they planned to maintain the fenced off area. The applicant said they have been maintaining it and will continue to do so. Mr. Furst stated that the code is intended to prevent areas of ambiguous owners, but as long as you are maintaining it and, if you go to sell the property that you inform the buyer that it is their property to maintain.

Mr. Furst believes there's a clear proof of hardship and practical difficulty. The tree looks fairly large and there's nothing that can be done about the utilities.

Ms. Barnhart asked about the easement. Mr. Meyer said as long as the easement is not held by the city, which in this case, it's not, we are not able to interpret the easement. That is up to the property owner to follow the rules. The applicant agreed to work with the utility company

to determine the best gate to ensure accessibility to the utility boxes.

Ms. Barnhart: I move to approve the application as presented.

Ms. Bulls: I'll second.

Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amy Barnhart, Vice Chairman
SECONDER:	Olivia Bulls
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Davis

3. 3594 : App# 2022-5344, 6580 Santa Cruz Pl, Benner

Mr. Furst recused himself from the application.

Mr. Meyer read the staff report into the record.

Mr. Benner representing the condominium association at Barcelona identified the pin on the pictures in the packet identifying property lines. From the pin north, all the single family homes have fences to separate them from the condominium association. From that pin where we want to put the fence that neighbor only has a chain link fence. They just want to run along the property line like it supposed to be. The property to the south is a vacant lot. Mr. Benner and the association has attempted to connect with the property owner, Ms. Owen, with no success. The chain link along the vacant property needs repaired. This area has become a traffic area for kids cutting through. Members of the association have been verbally assaulted from people coming through this area, so they are looking to put this six foot fence up for security and privacy. They are willing to put up gates and take care of the property behind the fence.

Ms. Barnhart asked about the hardship and Mr. Benner explained that the telephone poles, electric box and ability to put the finished side facing out are all hardships.

The board further asked about the staff report and Mr. Benner elaborated on how difficult it has been to contact the vacant property owner after multiple attempts.

Ms. Bulls: I motion to approve the application with the conditions that gates be place on both sections to allow access for maintenance.

Pastor Linder: I'll second.

Ms. Barnhart. Yes. Ms. Bulls. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [3 TO 0]
MOVER:	Olivia Bulls
SECONDER:	Robert Linder, Vice Chairman
AYES:	Linder, Bulls, Barnhart
ABSENT:	Davis
RECUSED:	Furst

4. 1551 Truro Ave; Application #2022-5397; Request for a Variance

Applicant asked to table the application.

RESULT:	TABLED [UNANIMOUS]	Next: 11/17/2022 6:00 PM
AYES:	Linder, Furst, Bulls, Barnhart	
ABSENT:	Davis	

5. 2437 Taylor Park Dr; Application #2022-5399; Applicant Jeffrey Immel; Variance Requested for Signage

Mr. Meyer read the staff report into the record.

Jeffrey Immel from Kimley- Horn spoke about the Target business model and that this application it to improve their online ordering services. The drive up location is intentionally placed on the opposite side of the main entrance to not interfere with traffic between people entering the store and the drive up service. This sign is to properly direct customers to the correct location in the lot.

Mr. Furst asked for clarification on the code. Mr. Meyer confirmed the code says no more than one wall sign per tenant on the elevation. Mr. Furst pointed out that there's already a CVS sign so they aren't really seeking to add additional signs because there's already more signs than the code allows.

Mr. Furst asked if the applicant contends that this variance is necessary for the reasonable use of the building. Mr. Immel said yes, due to the size of the lot the wall signs are the best way to direct customers to the correct area and avoid unnecessary congestion. A customer would be using the unused drive aisles that those signs would aid it and create positive traffic flow. Mr. Furst clarified that Mr. Immel was indicating that it might create a traffic hazard in the front of the store trying to find the location of the drive up by using surface signage. Mr. Immel confirmed that was his thought. Mr. Immel's main argument is for traffic flow and safety of the drivers.

Ms. Barnhart: I motion that we accept the application with the condition that the drawings be submitted to show the new sign on the front doesn't exceed outward from the wall more than 14 inches.

Pastor Linder: Second.

Ms. Barnhart. Yes. Ms. Bulls. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amy Barnhart, Vice Chairman
SECONDER:	Robert Linder, Vice Chairman
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Davis

6. 7704 E. Main St; Application #2022-5413; Applicant Cliff Spruill; Request for Signage Variance

Applicant requested the application be tabled.

RESULT:	TABLED [UNANIMOUS]	Next: 11/17/2022 6:00 PM
AYES:	Linder, Furst, Bulls, Barnhart	
ABSENT:	Davis	

7. 1220 Waggoner Rd; Application #2022-5395; Request for a Variance

Mr. Meyer read the staff report into the record.

Mr. Spurdute explained that this was brought before this board before and they tried to rework the plan to avoid coming back to ask for variances. After multiple reviews the team decided to come back before the board to clean up what was already approved previously to avoid issues later down the road when somebody buys this house. The variances are included in the packet for each building and what variance is needed or not. Mr. Spurdute said this isn't just an economic hardship this is death to him. He owns the property, has cut down trees and starting site work and would like to continue the project as planned.

Mr. Furst asked if this is the minimum variance necessary to accomplish a reasonable use of this property. Mr. Spurdute said they have exhausted all efforts by using a consulting firm. They have another project on Rosehill and thought all the issues were resolved with this site, but additional issue kept arising. Additionally, there could be potential title issues when they transfer the property in the future that the code would prevent the transfer making it difficult or costly to obtain title insurance.

Mr. Furst said it is very clear that the code does present proof of hardship and practical difficulty to you and future property owners.

Mr. Furst: I do move that we accept this application as submitted for all the variances as described in the application.

Ms. Barnhart: I'll second.

Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Alex Furst, Commissioner
SECONDER:	Amy Barnhart, Vice Chairman
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Davis

8. 7322 Marlan Ave; Application 2022-5305; Applicant Michelle Buck; Appeal - Home Occupancy

Applicant withdrew application

RESULT:	WITHDRAWN
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E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator