



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, OCTOBER 20, 2016 6:30 PM

PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Linder, Donovan, Enfinger
ABSENT: Rettke

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – September 15, 2016

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Vice Chairman Enfinger: A point of clarity for the individuals in the room this evening, if you do plan on speaking, I would like to remind you that you need to sign in, and this can be done before you leave this evening. Anyone that is planning to testify or speak, would you please stand and raise your right hand? Do you swear or affirm that the testimony you give in front of the Board tonight will be truthful? If so, please answer, "I do."

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. **6748 E. Main St.; Application #174723; Applicant: Augustin Munyemana; Business: IR&BA Coffee, LLC; Special Exception Use Permit - Auto Sales**

Mr. Snowden: 6748 E. Main Street -- GBS Reynoldsburg LLC - Special Exception Use Permit. Application: #174723 - Special Exception Use Permit. Location: Property is located on the north side of E. Main Street between Briarcliff Road and Rosehill Road. Existing Zoning: CC - Community Commerce District / CC - Community Commercial Overlay. The request is for a special exception use permit for an auto sales use to rent vehicles to the public. Current Use: Gasoline Station/Retail Sales. Applicant: Augustin Munyemana. The request of the applicant is for a special exception use permit for auto sales use, in order to rent vehicles to the public at an existing gasoline station. The site is developed with an existing commercial building, canopy covering fuel dispensers, and related improvements, including parking. Neighboring uses include other commercial businesses in the CC District, such as restaurants (eating or drinking establishment) and retail sales. To the north, the

property is abuts multi-family dwellings in the AR-2 District. All parcels that front E. Main Street are within the Community Commercial Overlay. The existing site is primarily auto-oriented in nature. The structure fronts to E. Main Street, which is designated as a major arterial street by the Thoroughfare Plan. The applicant proposes to store the rental trucks at the rear of the property, which is screened from neighboring multi-family dwellings by mature trees and a natural area. The drive aisle at the rear of the property is 28FT wide, which is 6FT wider than the minimum requirement of the Zoning Code. The existing parking spaces also meet the minimum 19FT depth required by the Code. This will allow storage of the 20-24FT trucks typical of this type of operation, without compromising access to the rear of the site for emergency vehicles. Parking - Staff has determined that the site as currently configured will meet the parking requirements, but the applicant is advised that if the car wash space is ever converted to retail or office space, updated parking calculations, including the possible addition of spaces, may be required. The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff recommends approval of the special expectation use permit on the following conditions: That the rental trucks or trailers shall be limited to parking spaces behind the main structure. And, that no more than 6 rental trucks or trailers shall be stored on the lot at any time. Again, this is consistent with what the applicant's proposal, but I think we should just enumerate it because of the issues that we have had with this type of use in the past, and just want to be 100% clear on what the expectations are. My view on this is that given some of the locations where this has been allowed in the past, this is probably one of the least intrusive locations where something like this can be located, given the configuration of the site, the existing screening, and so forth. So, with that, I will be happy to turn things back over to Mr. Enfinger, and I will take any questions.

Vice Chairman Enfinger: Would the applicant please come to the microphone? Would you give me a little run down on the business. You are renting trucks, are they U-Hauls? What type of trucks, what are the sizes and numbers?

Mr. George: Hi, I am from the U-Haul Company. How are you all doing today? We came up with this idea of a limited number so it would not be intrusive to the flow of the traffic on Main Street, and the idea that it wouldn't be seen. We thought that probably small and medium sized trucks, probably not exceeding 17, and we thought 6 would be an adequate number.

Mr. Snowden: Mr. George is the Regional Representative from the U-Haul Company, and he works with a lot of the property and business owners that have been looking for this use. Because of some of the challenges that the Board and previous and current staff have had with this in the past, Mr. George has recently been very proactive with reaching out to the City ahead. This type of relationship can help find more appropriate locations. In regard to the trailer issue, I don't have a problem just leaving it open in case he wanted to have trailers. If the Board feels the need to restrict it to no trailers, and Mr. George can speak more clearly. In discussions with him, Staff has found that these U-Hauls, at one time, were a very in-your-face type of use. They wanted to be out front so that they would know. And, what Mr. George has explained to me, and he can go into more depth if I miss anything, is that the way

that U-Haul is operating now is a web based finder location, so people don't necessarily need to know that U-Haul is there, out front, with tons of vehicles and signage in order for these U-Haul locations to be successful, because they are using U-Hauls app and finding the nearest address and then going to the site. These are kind of evolving, but just know that we have been proactively trying to work through the issues that have been raised by the Board, and others in the past.

Vice Chairman Enfinger: Thank you Mr. Snowden. So, can you add a little to that.

Mr. George: In the past he is right, we have had huge issues, and we have come to the point where they get too big. And you are right, nowadays everybody uses phones for everything. If you travel you Google and make plane, hotel, and restaurant reservations. Everything is done on line now. So, we found that we can now go into a light industrial, we don't have to be on the main thoroughfares anymore. And, we thought that smaller locations with limited inventory, reduces emissions, they travel less to pick up trucks, and burn less fuel. It is better for the economy. Nowadays, so many people store things in smaller trucks and we are trying to make it usable for the community and usable for the businesses that want to do business with us too. We thought it may bring in extra tax dollars to Reynoldsburg also.

Vice Chairman Enfinger: So, what kind of signage are you guys going to have out here. Is there going to be something temporary, or marquis type?

Mr. George: Something minimal, near the business, not out on the street.

Mr. Snowden: I have not discussed signage specifically with this applicant. They would be allowed some window signage. They would be allowed a sandwich board sign, if it were within 10 feet of the main building. It could not be out in the middle of the parking lot or in the public right-of-way. But, they would be allowed a small 10SF U-Haul sign up towards the front of the structure. I think the point here, to take away from what Mr. George is saying is that U-haul does not feel the need to be as much of an "in your face" type of use anymore. And, what I did when I worded with them, was tried to identify some locations, based on the site design and the existing use. Here you have a gasoline station, and it is already pretty auto oriented. That is a logical use. Same thing is the example with Ace Hardware. People are renting a truck to move equipment that they were buying at the hardware. Another example that I have discussed with Mr. George has been some existing storage places where there are places for vehicles to be stored on site, rather than have them right in the middle of a shopping center where there may be a variety of uses going on, or near something, like these issues we have had with day cares and other uses. So trying to find uses that are really compatible with them. Signage you would be allowed something at the front. There would be limitations on it. In order to reface any signage out front, he would need to get permits and have that reviewed.

Vice Chairman Enfinger: Any other questions from the Board?

Mr. Donovan: On this Special Exception Use Permit, it says it is for auto sales. Is that a mistake?

Mr. Snowden: Mr. Donovan, let me clarify. Under our use for auto sales in the Zoning Code, there is a definition. And that definition of auto sales is, vehicles for sales, lease, or rent. So it is a little bit confusing. Anybody who has gotten approval for U-Haul use, where their main use is something else, has gotten approval as auto sales. Now, if you had a car lot, that already had a Special Exception Use Permit, from the Board, for auto sales, renting trucks versus selling cars. That is not a difference in use. The reason that these rental truck companies are always getting these permits is because those folks primary use is something else.

Mr. Donovan: If you have six vehicles sitting there and they bring in three trucks that were rented as a one way elsewhere, what provisions have you made to extract those out, to keep the count at six.

Mr. George: We doing all of this electronically, and it is quite a feat. There are thousand of tucks in Ohio, coming and going. So we logistically do no drop offs, and limited drop offs per size, per locations. In his case, we would probably assign trucks, just six, at that location, and do no drop offs, and just have certain sizes. We can determine what sizes and uses the community needed, and have those available.

Vice Chairman Enfinger: Mr. Snowden, so if the rental falls under auto sales, you can't go the other way. If you are selling cars you can rent them, but if you are renting them, you can't sell them? I guess that is the open question, does it allow him to then use that Special Exception to then turn this into a car lot?

Mr. Snowden: That is a great question, Mr. Enfinger. The answer to that question is no because he is applying specifically with this site plan, and with the conditions that we put on it. For example, let's say hypothetically, if you wanted to put six cars at the back and say that those were for sale, maybe I would not pursue that as a zoning violation/ But, the fact is, look at the restrictions that we are putting on, the rental vehicles shall be limited to the parking spaces, and no ore than six at the location. I suppose, theoretically he could put six cars back there and try to sell them if he wanted to, but he fact of the matter is the use car business operates as we said, out front with a lot of inventory. So, the answer to your question is, one, he is restricted to a Site Plan, and two, he is restricted to the details that I am recommending should the Board support those conditions. I think we would be safe from "for sale" vehicles covering the spot.

Vice Chairman Enfinger: Do you understand what we were discussing?

Mr. Munyemana: I would like to make a comment. Our mission is not to park cars back there, we want vehicles to be moving from one location to another. If they sit idle there, we make no money. We want them to move. One come and another one go.

Mr. George: Typically, if we assign six, at any given time there are probably three there.

Vice Chairman Enfinger: So, you understand the situation with not being able to sell cars

although by the letter of the law you probably could.

Mr. Snowden: Mr. Enfinger, I think with the restrictions we are putting on, we will be prohibiting selling cars.

Pastor Linder: With the online tool, it could be same day as well as one ways out of state. Or is there a limit based on location, and the type of renting?

Mr. George: The moving business is pretty dynamic. Often, there are more reservations than there are trucks. So, typically we have reservations on the internet and we plan on trucks coming in to fill those reservations. We are really on it about calling those internet customers and tracking where the reservations is, so we have it down to a science and have been in business for 65 years. Logistically, it is sort of a nightmare, but we get it.

Pastor Linder: What are the hours of operation?

Mr. Munyemana: From 8:00 in the morning, until 8:00 in the evening.

Pastor Linder: Are Saturday and Sunday different?

Mr. Munyemana: No, no different, every day.

Pastor Linder: And then generally, someone returning a truck would park it in the front, you are going to take it around to the back, or will you instruct them to bring it to the back?

Mr. George: they will come right around to the back. They will have arrows directing them, and we will check it back there.

Vice Chairman Enfinger: The office is going to be in the convenient store there, or what is the space you will be using?

Mr. Munyemana: The office will be here.

Vice Chairman Enfinger: Any additional questions from the Board? Very well.

Mr. Snowden: Mr. Enfinger, before I call the roll, do you want to put the conditions on that Staff did?

Vice Chairman Enfinger: I would like to retract and amend my motion. I make a new motion that we move to adopt Application #174723 with the following conditions: 1. That the rental trucks or trailers will be limited to parking spaces behind the main structure, and 2. That no more than six rental trucks or trailers may be stored on the lot at any time.

(Vote)

Mr. Snowden: Very well, the Special Exception Use Permit is recommended for approval to

City Council. Mr. George, and Mr. Munyemana, beginning on page three of the Staff Report are the instructions. I am going to forward this to City Council. Once I get notification from City Council as to whether they approve, or that they will hold additional hearings. Under Item 2., the zoning certificate would be issued, which then you would be able to begin the use.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 11/14/2016 7:30 PM
MOVER:	Aaron Enfinger, Vice Chairman	
SECONDER:	Richard Donovan	
AYES:	Linder, Donovan, Enfinger	
ABSENT:	Rettke	

2. 8046 Summit Rd.; Application #175218; Applicant: William B. Sparks Jr.; Variance - from the Provisions of Section 1171.06

Mr. Snowden: 8046 Summit Road - Single Family Dwelling - Variance. Application: #175218 - Variance. For the property is located on the northwest corner of Firstgate Drive and Summit Road. Existing Zoning: R-1 - Single Family Residence District. The request is for a variance from Section 1171.06(C) of the Zoning Code, to conform a 4FT fence with a distance greater than 50LF and setback a distance of 0FT from the ROW line of a public street. Current Use: Single Family Dwelling. Applicant: William B. Sparks, Jr. The applicant is requesting the Board review and approve a variance from Section 1171.06(c), to conform an existing 4FT fence that exceeds the linear foot requirements of that section and is setback 0FT from the ROW line of a public street. The site is an existing single family dwelling on in the R-1 Single Family Residence District. Neighboring uses include single family homes in the R-1 and R-3 districts, as well as an assisted living facility in the AR-3 district. Administrative - This item was referred to the Planning & Zoning Division from the Code Compliance Division. The applicant met with Staff and decided to apply for a variance to address the zoning violation. Discussions with the applicant have indicated that they may not have been aware that they were located in the City of Reynoldsburg and therefore, subject to the Reynoldsburg Zoning Code. Site Context - This is a previously rural location that has changed in recent years as development has increased. The property is located at the intersection of a major arterial street (Summit Road) and a minor arterial street (Firstgate Drive). Staff has reviewed the MORPC traffic counts for the location, and found that the daily counts at this intersection significantly exceed those typically found in residential areas and are more-similar to other areas in the City within commercial zoning districts. The applicant has erected a split board style fence. This style of fence meets the requirements of the Zoning Code for materials and design, and is typical of fences common to rural areas. Staff notes that there are many residential properties in neighboring Etna Township and Pataskala that use similar materials and construction. Regulation Intent - Given that the majority of residential properties in Reynoldsburg consist of single family homes on platted lots, the intent of the front fence regulations are to prevent large and unsightly fences from blocking vehicular sight lines or otherwise becoming dangerous. In rural areas, fences also serve other purposes such as to enclose animals or crops. The applicants cite the semi-rural nature of the property and surrounding area as justification for relaxation of these regulations. The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards.

With that, I will turn things back over to our Chairman, and I will be happy to take any questions.

Vice Chairman Enfinger: Do we have any pictures?

Mr. Snowden: I don't have a current photograph of the fence. A split board style is similar to the fence you are seeing across the street here on this neighboring property. So, you have posts with rail. Gentlemen, If I could turn your attention to the second to the last page, you will see the marker there indicating the location of the fence and it is built directly on the right of way line, as the Staff has reviewed it. On this south side, and immediately along the right of way line of the street, along this east side of the property. It is a four foot fence.

Mr. Donovan: I would like to see what the clearance is on the corner. How far off the street would the fence be?

Mr. Snowden: It is approximately 8FT from the pavement. What kind of view would you get coming up to that intersection?

Vice Chairman Enfinger: When did you guys build the fence?

Ms. Sparks: When? It was 60 days ago.

Vice Chairman Enfinger: And you were unaware that you lived in Reynoldsburg?

Ms. Sparks: I got on Licking County zoning and I printed out, and thought I was diligent in doing. I was not aware that I needed to have a permit. It is kind of confusing, some of the wording and the paperwork.

Vice Chairman Enfinger: Mr. Snowden, so they are right at the setback. What is the setback off the right of way? What is code?

Mr. Snowden: The minimum setback would be 5FT

Vice Chairman Enfinger: So they would be in violation by 5FT?

Mr. Snowden: Correct. Here is specifically what we are varying from. Front fences are permitted in Reynoldsburg. Here is what is permitted. A 3FT fence, no closer to the right of way than 5FT, open design, meaning it can not be like a privacy fence, can not be chain link fence, and the overall regulation says 50 linear ft maximum. In this case, it is a 4FT fence, right on the right of way line, and it is several hundred feet covering the whole property. You can see the measurements on one of the scale drawings. If you look on the very last page, what you are looking at there is where fences would be permitted. The area with the stripe line is 6FT privacy, and the area with the cross hatch is 4FT open style. So, we are basically along the right of way line here.

Vice Chairman Enfinger: Are there any considerations for a gate?

Ms. Sparks: There is a gate on the Firstgate side, and there is also one on our driveway.

Mr. Snowden: There is no regulation for or against gating.

Vice Chairman Enfinger: Mr. Snowden: Is there any kind of precedence when it comes to

this? I know a precedence does not dictate what we do in each given situation.

Mr. Snowden: The thing about variances is that they are unique to the site, and that is what makes the job more challenging. In this case, I can certainly understand why a citizen may not understand everything about our Building and Zoning Codes. I accept that. That is why I am here to help. I do disagree with Ms. Sparks on this fact, on our Building Division page, there is a page that lists all the work from the standpoint of building that is exempt from a building permit. Any work that requires zoning, on that same page, and I know this because I created the page, it says to contact Planning and Zoning Division. This would be for sheds that only require a building permit, and so on. That information is at there. I understand Ms. Sparks does not understand everything about the whole code, but she informed me that she checked that page and it does say to contact Planning and Zoning.

Vice Chairman Enfinger: So, you had referenced the website and were unsure which jurisdiction you were in, were just confused generally?

Ms. Sparks: Just confused generally. I printed off pages of the zoning code. Some say we need a permit, some say you can not have a fence taller than 6FT. Basically, we pay Licking County property taxes. I was under the impression that we were Licking County.

Mr. Snowden: So does everyone that is within the Licking County portion of Reynoldsburg.

Vice Chairman Enfinger: Did you reach out at all to any of the jurisdictions, or any of the relevant offices. Cause you understand our position at this point.

Ms. Sparks: I do. I called, when I found out after I talked to Mr. Snowden, I called Licking County to speak with Steve Blake to find out when we were annexed into Reynoldsburg, and I never received a return call.

Mr. Snowden: I can provide that information. Here is what may have happened, and this is where I will stick up for Mr. And Mrs. Sparks a little bit. What could have happened, for example, if you picked up the phone and called me here at the City, the first question out of my mouth, before I even answer your questions is, what is the address of your property? What could have happened if you called Licking County Planning and said you were a resident and asked if you needed a permit to put up a fence, they are going to say no. But the fact is, they do not have zoning jurisdiction at this location because it is in our city. Sometimes the wording of a question can cause misinformation.

Mr. Donovan: Is there a reason that you wanted to put this fence up?

Ms. Sparks: There are several. The traffic has increased tremendously with the school. We have Pelatonia that comes through there every year. We have people that bring there lawn chairs, dogs, and families. We have had kids play in our yards, on our fences, and swing on our swing. We have had kids cutting through our yard all of the time, and we have two dogs hat we try to keep in our yard. That is really the basic reason, because of traffic. When I moved in there 7 years ago, it was not as bad as it is now. When they built the schools, it just

increased.

Mr. Donovan: They put a senior citizen assisted living there also.

Ms. Sparks: We built the fence before that was going in.

Mr. Snowden: You built the fence before they broke ground. They have been working with me since this time last year.

Ms. Sparks: That is true, tight, right, right.

Vice Chairman Enfinger: Mr. Snowden, when you were taking a look at the traffic flow for MORPC, as far as line of site, I know that is the whole point of the setbacks, to make sure we are not encroaching on those. Do to the fact that we have a school close by there, do to the fact that we have a senior citizen center going in, compliance here to me, seems important.

Mr. Snowden: Mr. Enfinger, I agree. If I could go back and answer your one question regarding precedence, like I said, it is very site specific. The thing that makes this particular [property different is that this property is not on a platted lot in a sub division. This is an existing farm lot that has been reduced in size over the years. It has been reduced by some takings by the County Engineer. You can see there is some stormwater infrastructure. It has been reduced by development through this area. It is sort of a home where the suburban style development has grown up around it, but it still has kind of a rural setting. That could be part of what contributed to the confusion about not having a permit in the first place. It does not mean we would not still be here. Obviously, it is always frustrating when something is constructed that way, it does not allow me to help address the issue on the front end. The thing that makes this different is that it has a rural setting versus a suburban setting. We also have a vision triangle requirement. We usually enforce the vision triangle on the corner. It has to do with the height of material. This is a 4FT fence, but you can not see through the fence. Our code says you cant have anything over 2FTthat is opaque. I think we could be in compliance. We could probably enforce that requirement if we are having issues actively. For example, there are places where they have planted what has started out at small foliage, and as it grows, it becomes a vision clearance problem and we have to address it at that time. It is not a fact that what the Sparks have constructed here is going to violate that requirement.

Vice Chairman Enfinger: I am especially sensitive to the line of site. The tree that I live on has a tree that has grown up and you are creeping out, creeping out, creeping out. I live by the school and you have to pull out to see traffic coming. I am especially sensitive to that. I experience that frequently and if there is anything we can do here, and that in particular is the point where I think if we have a little bit of room here to discuss anything, maybe we clip that corner on this fence. Maybe everything else we say you are on the right of way, you are pushed over too far, it is a small compromise to make sure that we protect that corner, in that area.

Ms. Sparks: The corner where the street light is at?

Vice Chairman Enfinger: Correct, the corner where right now you are virtually by the sidewalk as you approach the intersection. So, if someone is pulling up and they are trying to see, if they are sitting at the stop sign and looking left and right, and your fence is in their way to seeing what is coming across the other way. Is that a four way.

Ms. Sparks: The evergreen that sits at the end of our driveway is more encroaching then what the fence is. Because there's people that can't see the stop sign, and come flying up on it because of that big evergreen right there. It is the line of that stop sign and that is why we are getting ready to take the evergreen down.

Vice Chairman Enfinger: Is this a four way stop?

Mr. Snowden: Yes. Correct, Sir.

Vice Chairman Enfinger: Well that changes that dynamic a little bit.

Pastor Linder: Could I see the picture again?

Ms. Sparks: Sure. If I may, before we put the fence up, we had people walking up and down Summit all the time, almost on the road. Now that we have put the fence up, it gives them a little bit more room to stay off of the road, and walk in the grass.

Mr. Donovan: Has it worked?

Ms. Sparks: Actually, it has.

Pastor Linder: If you need to adjust a panel of that, you probably could, if that was the alternative to taking the whole fence down. If you needed to cut a corner, does that adjustment feel very challenging?

Ms. Sparks: We did concrete the fence in two feet.

Pastor Linder: Who issued the change in ordinance so that you could keep the animals?

Mr. Snowden: Let me clarify. I discussed this with Our City Attorney and he indicated to me that animals have been located on the site prior to annexation, and our Code Compliance could not enforce that ordinance since they were on the property prior. For example, there is another neighbor in this area that has horses, and they existed when the property was annexed. So, the horses are allowed at that location as long as they continue. As long as it is used for residential purposes. If they place a McDonalds there, the horses would no longer be permitted. That is what allows the chickens in this location, and that was per our City Attorney.

Pastor Linder: Ms. Sparks, when that came up, did you approach Reynoldsburg, did they contact you? Are you meeting the dynamic with the animals and realizing there needed to be an ordinance change? Was there some kind of conversation that took place at that point?

Ms. Sparks: As far as the chickens?

Pastor Linder: Yes.

Ms. Sparks: There was a complaint filed.

Pastor Linder: Oh, that's right. You did not initiate, someone else did, and then Reynoldsburg contacted you.

Ms. Sparks: Right. There was a complaint filed against us because of a rooster.

Pastor Linder: About when would that have been?

Ms. Sparks: About two years ago.

Pastor Linder: Ok, and Reynoldsburg contacted you at that point?

Ms. Sparks: Yes, at 5:00 in the morning, Reynoldsburg Police were knocking at my door.

Pastor Linder: the only thing that I would say, and I don't mean this to be insulting, but that would tied me into Reynoldsburg, as far as jurisdiction, but that is just me thinking that perhaps that would have been a connection. I see that your address has always been Pataskala?

Ms. Sparks: Right.

Vice Chairman Enfinger: Mr. Snowden, when did this annexation happen.

Mr. Snowden: Give me a moment, and I can look it up.

Vice Chairman Enfinger: But it was within the last seven years?

Mr. Snowden: I don't know about the 7 years thing. It appeared to be annexed approximately the same time the school property was. I am not sure what the specific cause of that was. Whether it was applicant initiated, or what. I would really have to look into it. If it was applicant initiated, then that means the property owner, which I understand prior to Mr. And Mr. Sparks owning it, Mr. Sparks father and mother owned it. I can look into that, if you give me a moment.

Vice Chairman Enfinger: Could you? And again, kind of on this same thought process, the City has moved out to the farm, but the development has been there for more than seven years.

Ms. Sparks: Right, but the house has been there since 1978.

Vice Chairman Enfinger: I understand, but you took possession of it 7 years ago. So, you knew you were moving into an area that was urbanizing.

Ms. Sparks: His parents have owned that property.

Vice Chairman Enfinger: Right. You said earlier that you guys bought it 7 years ago. Ms. Sparks: My husband has lived at that property since his parents have owned it. I am new to that house. He and I just got married 7 years ago. He is not a new resident, I am. And unfortunately right now he is not here. He is at a praise and worship thing at our church. He can't answer any of these questions. Mr. Snowden, I guess it is not extremely relevant. I think we can all understand, especially since the property has been in the family's possession before that time. Personally, I find it difficult to believe that you did not know you live in Reynoldsburg. You pay Reynoldsburg income taxes.

Ms. Sparks: We pay Reynoldsburg school taxes and Licking County property taxes. If we have to call the police, we have had Pataskala come out, Reynoldsburg come out. It is a confusing area.

Vice Chairman Enfinger: So, all the more reason when you are doing something like this to look out and reach out to those areas to get clarity.

Ms. Sparks: I will know better next time.

Vice Chairman Enfinger: From our perspective, it seems like someone is just thumbing their nose at our policy.

Ms. Sparks: That is not what I did. I was very diligent and I can show you my phone as why it was so confusing to me.

Vice Chairman Enfinger: I get that and can accept that. So, Mr. Snowden, I do not think it has a lot of bearing, just additional information for data points.

Mr. Snowden: It is usually something not super relevant, which is why I did not include it in my report ahead of time.

Vice Chairman Enfinger: So, what are our options here? We just grant the variance and it stays as is, it's fine? If we don't grant the variance, they stay in violation of the Code?

Mr. Snowden: Correct, if the Board chose at this time to not approve the variance, then you would have a non-conforming fence, and our Code Compliance Division has already issued a violation. The violation has been stayed by this proceeding this evening. So, what would happen, we would go back and issue another notice, and give them time. It is concreted in the ground and it is very well built. He did a nice job. We could go back to them, give them a minimum of 30 days, work with them to see how he could remove it, see how long it will take. Give him that amount of time and follow up with him. Eventually, if he was not in compliance, there would be citation, Mayor's Court, fines, etc..., per our Zoning Code. So,

that is the potential if it were not approved.

Pastor Linder: can Staff tell us about that particular corner in terms of right-of-way?

Mr. Snowden: I have not had any specific complaints regarding the fence, other than probably people have written up or denied front fences to, etc.. I don't have any other information. When I check the traffic counts, all that is indicating to me is that we have a lot of traffic at this location. Maybe that is justification for the Board varying the regulation in this case given that the majority of residents in Reynoldsburg do not have front and side on streets with this much traffic. I do not have any other insight that I can provide about the corner. If we were getting vision concerns, if vegetation in addition to the fence were causing vision problems, we could step in at that point. Granted, we are not saying they can do whatever they want. It is not just an open ended statement. You have to comply with the Zoning Code. If there were additional vision restrictions, we could address those at that time. Invariably, long after the sparks are gone, somebody will plant a bush and the bush will be blocking. That is my point with the opacity requirement of that. I don't have any other insight to provide. This is a tough one. Folks, if you want to come up to the microphone and speak, just introduce yourselves. Give us your name and address so that we know who is speaking.

Ms. Trivet: I am Elizabeth Trivet. I am the property across the street with the black fence.

Ms. Kathy: I just want to ease your concern about the sight obstruction as far as stopping. There is no obstruction whatsoever, and I travel that every day. You come down Summit Road and you want to make a right, it is like the fence is not there.

Ms. Trivet: There is no problem seeing the sidewalk, or seeing a vehicle coming from Firstgate Drive, coming out to that stop sign on that side. It is not visibly impairing.

Ms. Kathy: There is no blocking, so if that is your only concern, don't worry about it.

Ms. Trivet: It really is not that big of an issue.

Pastor Linder: How long have you lived there?

Ms. Kathy: Twenty-nine years. It is such an enhancement.

Ms. Trivet: They did a very nice job. It does restrict people from walking through their property, and it happens with us too. People will cut through our property into the housing development behind our property. It is nice that they don't have to deal with that, and their dogs are not freaking out because someone is walking through their yard. It is a piece of mind for them not to think someone may get bit walking through my property. It has helped. And I have seen people walking along the fence line. I think that has helped to keep people off the road when they are walking. It is esthetically pleasing to have that on the corner and I have heard that from numerous people.

Ms. Sparks: I can honestly say, whether the fence is there or not, we have had people run that stop sign continuously, night and day, all day long.

Vice Chairman Enfinger: Which direction?

Ms. Sparks: All directions.

Mr. Snowden: Gentlemen, whenever you have a four way stop that is near a high school campus, you will have that exact same problem. This is probably a location Gentlemen, where sometime in the future, infrastructure and growth comes to the area and the city will probably have some sort of traffic signal. That entire intersection is within the City limits. I would bet my short career that some day a traffic signal will be installed. I would be happy to take that to our Service Director, and let him know.

Ms. Sparks: My daughter goes up to the Summit Campus for choir in the morning, and then she gets bused over to Livingston, and she has come home and told me two or three times that she has almost been hit by cars because they are flying through the stop signs. They do not pay attention.

Mr. Snowden: Zoning is only one of the tools, as a city develops. You can not regulate every behavior.

Ms. Sparks: I understand.

Vice Chairman Enfinger: Are there any other questions from the Board members. There are no conditions on this one and it is already very specific on what we are granting the variance on. Do we need to reiterate that?

Mr. Snowden: I don't think so because it is in the application and the attached site plan indicates where the fence is located.

Vice Chairman Enfinger: To go over it again, when we do grant variances, it is a permanent fixture of that piece of property. There is no time horizon on it, or anything like that?

Mr. Snowden: The only time horizon is when there is a time limit for not using a variance. Since they already have the thing built, literally what will happen in this case is, I will go back to my office tomorrow and I will grab the zoning certificate fence permit that Mr. Sparks has already applied for, that reflects this. I will issue it to him and he will be in compliance. The only time there is a time limit on variances is to move forward. For example, the Board granted some variances to folks and they never moved forward, they never got a site plan approval, they never did design review, they never got building permits. At that point, their variance expires after one year. This will basically be permanent as of mid day tomorrow, when I finish the paperwork.

Vice Chairman Enfinger: So the 4FT, and the existing linear footage, and the right of way setback?

Mr. Snowden: Correct. But understand what you are not approving there. Since the code already requires that the fence be of an open design, even if someone someday pulls down that fence, and tries to put up a fence to replace it, they are still going to be restricted to 4FT, the setback, the linear foot, no chain link, it has to be wood, and it has to be an open design. If you have a picket fence and you have a one inch picket, you have to have a one inch gap. That is what is defined as an open design. It is approving specifically what they did. You could change it to vinyl some day if you wanted to, it would still have to be 4FT and open. You could change it to wrought iron someday, it would still have to be 4FT and open. You can not have privacy or metal chain link.

(Vote)

Mr. Snowden: Very well, the Board has found that your variance has met the standard. So, the items that are remaining for you are listed on page 7 of the Staff Report. Basically, as I told you, I am going to issue the Zoning Certificate for the fence permit that Mr. Sparks already applied for, and return that to you by mail, and close out the standing violation.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Aaron Enfinger, Vice Chairman
SECONDER:	Robert Linder
AYES:	Linder, Donovan, Enfinger
ABSENT:	Rettke

3. 6960 E. Main St.; Application #175245; Applicant: Todd Sloan; Variance - from Section 1195.05(B), 1195.07(A), 1195.10(B), and Table 1179 of the Zoning Code

Mr. Snowden: 6960 E. Main Street - Proposed Stand-alone Emergency Room - Variance. Application: #175245 - Variance. The property is located on the northeast corner of E. Main Street and Briarcliff road. Existing Zoning: CC - Community Commerce District / CC - Community Commercial Overlay. The request for a variance from Section 1195.05(b), 1195.07(d), 1195.10(b) and Table 1179 of the Zoning Code. Current Use: Vacant Commercial Building. Applicant: Todd Sloan. The applicant is requesting the Board review and approve variances from variance from Section 1195.05(b), 1195.07(d), 1195.10(b) and Table 1179 of the Zoning Code, in order to construct a new commercial building with reduced development standards. The site is an existing commercial building the CC zoning district. Neighboring uses include other commercial businesses in the CC and CO zoning districts. To the northwest, the property is adjacent to senior housing. This site is a corner lot along E. Main Street that was originally developed for an auto-oriented restaurant. Most recently, the site was developed with a typical fast-food style restaurant with drive-thru service. That business closed earlier this year. Since those developments, City Council has enacted the requirements of the Community Commercial Overlay in order to protect and preserve the character of E. Main Street, as well as encourage compatible development. The overall intent of the Community Commercial Overlay was to encourage development compatible with the existing character of the Main Street Corridor. To that end, the overlay requires buildings to be built toward the public street with parking to the side and behind. Given that the primary uses along the corridor are commercial retail, the regulations are

tailored to that use, including regulations for glass coverage. Building Massing - Section 1195.05(b). This section would require the building to comply with a build-to-line on the frontage with Briarcliff Drive. There is a front requirement, which the applicant is meeting. There is also a side requirement for frontage, that the applicant is not meeting. They are proposing to set back approximately 40FT from that. Due to the requirements of the use for patient access as well as ambulances, the applicant requires a designated drop off area. Yes, Mr. Enfinger.

Vice Chairman Enfinger: I apologize ladies and gentlemen, we will take a 5 minute recess. *(At 7:37 meeting was called back to order.)*

Mr. Snowden: Staff's concerns are minimal: the intent of the regulation is to get new building up to the street and this has been accomplished by the proposed site plan. What the applicant is saying here, if you look at this line here, this indicates their front "build to" line, this indicates their side "build to" line that they would be required to comply with. The original site plan that Staff saw here included more of a traditional suburban style and the applicant worked with Staff to get the front of the building up to the street here. And basically, what they are saying is, because of the requirements that they have a drop off lane, they can't move the building over here. They have a drop off lane here and another access area over here, and a service area. They can't kick the whole building over just because this use requires ambulance access, is what the applicant is saying. Building Materials - Section 1195.07(d). This regulation for glass area was intended for retail businesses. There is a requirement in the code that says that at least 40% of the building facade must be of a glass material. It is basically designed retail sales business that are trying to merchandise their entire floor space, including the wall, up against the building, and have more of a traditional commercial style, where you can see into the space and have it interface with the street. And that makes perfect sense for retail. Given the need for privacy in a medical style use, this is placing a lot of hardship on this applicant. If you look at the plans that the applicant has provided for their proposed building, they are by far meeting the intended intent of this overlay, in terms of building materials, massing. It is a nice looking building, and Staff supports their elevations. But, they can not meet the opacity requirements for this glass because they need privacy in medical use. It does not make sense in a medical use to have that much glass. The applicant is requesting two variances for parking requirements. This development is part of a large shopping center complex with a mix of uses. The applicant is requesting a variance from the on-site parking space requirements to reduce their parking count by 6 spaces to 28 spaces, from the required 34. Given that the center has over 300 spaces on site, Staff has no concerns about this reduction. Currently, the land will remain in the same ownership. Staff will recommend that a written parking agreement between the properties be put in place as part of the major site plan approval process. This will insure that there is adequate parking in the event that the lots would change ownership. The applicant is also requesting to locate more parking to the side of the building than would be permitted by Code. The applicant is also requesting to locate more parking to the side. If you look at how our code is written for this overlay, it is designed for a long thin building, with parking mostly to the rear, because that is the way many of the lots on East Main Street are configured. In this case, the applicant has some parking here. They have 7 spaces here, and 8 spaces to the side, and are requesting a variance to locate a little more parking to the side

here. The thing I am happy about with this development is the building has a lot of nice looking materials, the main facade is up to the street and has a pedestrian connection to the public street, no vehicular area between the main building facade and the public street. It is all landscape area. Because this is medical office, and not retail, which can face to the side, this needs to have two accesses, and the fact that it is part of a larger development with a boatload of parking already, I am comfortable with what they are asking here. They will be going forward to our Planning Commission, and getting the Site Plan approved, they will be getting the Design Review Board to approve those elevations and signage that goes with the site. When we have a well written code, when we have a lot of variances, that is usually an indication that we are trying to put 10LBS of stuff in a 5LB bag. In this case, the applicant has tried very hard to meet the intent of our code, given us a nice building and located it mostly where we wanted it. There are a few minor regulations in terms of glass that they can not meet. I support the Board being flexible in this case and think the quality of this development, and the quality of the building warrant a little bit of flexibility here. I am going to turn things back over to our chairman. I know the applicant is here tonight, and I will be happy to answer any questions.

Vice Chairman Enfinger: Can you briefly recap the specific variances again?

Mr. Snowden: The four variances and what they are specifically allowing in this case are as follows: a variance from Section 1195.05(b), the section requires that the building be built to this "build to" line that you see on the drawing in front of you on the Briarcliff side. We are going to allow this setback here, instead of the 20FT build to line. The 1195.07(b) is a requirement for glass and the opacity of the glass, that says 40% of the building facade, at a 10FT high level, must be of a certain type of glass. Must be glass and must be glass with no opacity. Obviously, when you have a medical use, even if you do have glass, which they have a lot of, that glass has to have some sort of privacy element to it in order to allow the use. Honestly, I think that is a very retail specific requirement. I think if you had any type of medical office, whether it was a doctors' office, dental, business, I think you would be getting a request for this because it is on a south facade and will be getting a lot of sun. I think you would be getting requests to have more privacy. 1195.10(b) is a variance is that going to allow them to have more parking on the side, than they would have behind. Again, that regulation goes with the setback regulation. If they are moving the building to the side here, they can not have the parking where I am showing you. Secondly, there is a ton of parking back here. They are also requesting 6 less parking spaces than the code requires. We require one for 250. They are going to do one for 300. That is actually a standard that I would like to change our code to because that is a very common standard for medical office. I am going to recommend to Planning Commission that we have a parking agreement with these properties, in case they ever exchange hands, this site will still have some access back here to get the other 6 spaces if needed. There is just so much parking back here, you almost feel bad requiring parking up here. We need to have adequate parking, but when you have ample parking on essentially the same site, it seems like a waste. Those are the four specific variances.

Vice Chairman Enfinger: So, the third was more parking on the side and the variance for the total number?

Mr. Snowden: Correct. To be more specific, since the applicant applied for these as 4 variances, the Board can approve of all 4 with one motion because they applied as a package. If there is a specific variance that the Board is not comfortable with, the Board should amend the motion to not approve a specific item, from a procedural standpoint.

Vice Chairman Enfinger: Can you address in detail what the agreement would be with the land currently owned by the same guy?

Mr. Snowden: With your permission, I would like to call the applicant up to clarify the relationship. To my knowledge, this is what is called a ground lease. So the applicant will own their own building and maintain it, they will be long term leasing the ground from the existing owner. The existing owner is going to be splitting off the lot. Typically that is done for financing purposes. It helps with the different businesses and LLC's. They tend to organize their businesses in that way. It is something that should be done at the site planning phase, even if the Board grants the variances. They are not going to be able to move forward until they get the site plan approved anyway.

Mr. Tumblin: I work with the Daimler Group. Eric, thank you for that introduction. Eric has been very helpful through this process. The use specifically is in line with what a lot of medical providers in Central Ohio are trying to do, and that is bring medical services into the community, so that they can get the services they need. This facility will operate as an Emergency Room Department. It is on a much smaller scale than your big hospitals, and will treat a little different. The service will be a little bit more than what you have in an urgent care, where you might have more primary care type physician there. You might have a serious injury that goes there, but not if you break your arm. This service, if you have a child, or break your arm or leg, and you don't want to have to drive to Riverside, this is a close option where you can be treated. It is not as much to serve the really serious major conditions. In fact, you will not see ambulances go particularly to this facility, in most cases. It will be an ambulance coming from this facility and taking a patient to one of the larger hospitals where there is an intensive care requirement. There are no beds associated with this hospital. Patients are treated in the facility, and they do not stay overnight in a bed like a traditional hospital. There will be 6 full time employees. It will operate 24 hours a day. So, if overs a level of care late at night if anything happens. The actual trips per day are not expected to exceed 20-25 days, again, maximum patients seen in a given day. The actual traffic that will be in the facility parking is expected to be pretty limited. That is why we had asked for the variances, because there was not as much of a requirement needed. OhioHealth has facilities all over Central Ohio and they feel comfortable with the number of parking spaces that we have shown on the site plan.

Mr. Snowden: Can you show them specifically what they are looking at. I could use a clarification as well.

Mr. Tumblin: You see the entrance way here. First of all, there is a drive that is common for this facility, that runs along the north end right here. So, you enter in down through here. If you are a patient, you are coming in through this turnaround here. There is an overhead

canopy. There is a patient drop off, essentially. If you need to drive someone, you drop them off in that area. What we have tried to do is have the majority of the parking here, as convenient to this location. So, that is another important thing as we look to the build to line right here. We looked at moving the building all the way over to this side, but then your parking is all over here and is not convenient to where the entrance way is at, even if we rotated the entrance to this point. Second entrance, if you come in here and you have an ambulance, you are probably picking a patient up, you are going to back into this spot, open your doors and load your patient, and leave out of the facility. There is sidewalk that leads from the primary sidewalk along Main Street, travels up, around building. Lastly, this is a secondary access point. In our minds, this parking will largely be used for the employees. To park over here is probably the least convenient. Parking field for the patients, and you have to consider some of these patients are going to be coming in and will be in compromised states. One of our goals is to try to have that parking as close in proximity to the entrance as possible. That is what we will try to do. We have looked at multiple site plans and this is the best configuration we have come up with.

Mr. Snowden: The thing that I want to point out, any other configurations that they looked at required even more variances because you are talking about moving the building back up here. This is the configuration where we got the fewest variances and the thing that Staff wanted to see which was the building up to the "build to" line.

Mr. Tumblin: When we first came in to talk to Eric, our building was sitting back here towards the rear of the site. As we dove into things, we realized there is this build to line and that is the intent of the commercial corridor to have buildings on that build to line. We tried to comply with that as best as possible, and still allow for a workable site plan.

Mr. Snowden: It is tough with the two entrances. At least with retail, when touring the building, you still only have one entrance to the retail.

Mr. Donovan: Is there any trauma level categorization with this center?

Mr. Tumblin: There will be a resuscitation room. There will be a high level of service, but it will not serve people if you have had a heart attack. It is not going to be a place that they will bring you first unless they absolutely need to try to stabilize you first and then get you to the primary facility. I can not speak to the exact level of trauma that will be provided here. The employees who will be working there will be trained and certified as emergency room personnel, where you may not have that in an urgent care, and certainly not in a primary care office.

Pastor Linder: Are you able to compare it to the one on Refugee Road in Pickerington, as far as the way it will be operating?

Mr. Tumblin: To some extent. The one in Pickerington is quite a bit larger. You consider that more of a regional facility than a community facility. You have orthopedic type operations there. You have physicians there. You have, I believe, some rehab there. But again, the concept is, there is a facility in Pickerington. OhioHealth wants to be in

Reynoldsborg to be close to potential patients.

Pastor Linder: Do you think in this type of operation it is customary to have security, in the overnight hours especially, or all the time?

Mr. Tumblin: I think there is a level of security that will be present. Obviously there are pharmacy related items there and security is very important. As far as the number of staff, I do not have an answer to that, but they are very aware of security concerns and they do not want to expose themselves to potential risks.

Pastor Linder: Are they adding additional lighting beyond what is already present in that area?

Mr. Snowden: Pastor Linder, if you look at the screen in front of you, here is the existing site. They are really proposing to reuse very little of that existing site, if anything, including pavement. This will be all new.

Mr. Tumblin: We can flash between what is proposed and existing, but we reworked the photometric plan too. We worked the photometric plan to comply with Reynoldsborg's Code and what OhioHealth requirements are.

Mr. Snowden: There are wall packs on the outside of that, are there not?

Mr. Tumblin: Yes.

Mr. Snowden: In addition to the regular security lighting within a parking lot, you are adding wall packs to the individual building which is going to light that. If you look back at the Burger King site, there are definitely a couple of additional lights here. Planning Commission will review that as well, as part of the Site Plan.

Mr. Havener: In regards to the site lighting, I would say that OhioHealth is setting the precedent for any future development within this center. If new uses are going to be incorporated into the same development, we would want them to match the type of lighting that Ohio health is putting in there.

Vice Chairman Enfinger: So you said wall packs, are they different from this? Are we reviewing this?

Mr. Snowden: Specifically, what we are doing is approving the variances. But I would encourage the Board to ask any questions that are relevant. Specifically we are approving the variances, and whether they are warranted. We are not approving the whole development. We are just asking if the variances are warranted given the unique characteristics of the site, the unique characteristics of the use, and that those regulations should not apply. That is specifically what we are doing, but I would encourage the Board to ask any questions they are comfortable with.

Vice Chairman Enfinger: The wall packs, is that similar to the situation we had with the Dollar General store where they had too much lighting on top, a flood light scenario?

Mr. Snowden: Wall packs are mounted to the building facade, and they typically down light. But they are still lighting the area around them, and are increasing the foot candles in the immediate area of where they are. It is lighting both the building and the immediate area, which in the case of this applicant is the pedestrian zone that is along the north and west sides of the building.

Vice Chairman Enfinger: In contrast to the Dollar General store where they were trying to illuminate the parking lot.

Mr. Snowden: Correct. That was a directional light. And that was specifically a Dollar General situation that came before the Board on multiple occasions. The specific issue with that was there was an area that was under lit, there was an area that was over lit, and in order to meet the requirements of Dollar General, not the requirements of the City, the property owner elected to shoot the flood lights down towards the middle of the property there. The technical term was directed flood light.

Mr. Tumblin: So, as is the case with most municipalities now doing this site lighting, it is cut off lighting where you don't want to have overflow into other sites, you don't want to have it shooting straight up.

Vice Chairman Enfinger: I make a motion to approve Application #175245, including all four variances together.

(Vote)

Mr. Snowden: The items remaining for you to complete are listed on page 10 of the Staff report. You have already applied to Planning Commission and Design Review Board, so we will see you in November. At that point, we will review our Plot Grade Utility Plan internally, and you will be applying for building permits. Once the Plot Grade Utility Plan is reviewed, I will be able to issue the zoning certificate stating the zoning portion is complete.

Mr. Tumblin: Thank you very much.

Vice Chairman Enfinger: Thank you.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Aaron Enfinger, Vice Chairman
SECONDER:	Richard Donovan
AYES:	Linder, Donovan, Enfinger
ABSENT:	Rettke

E. OTHER BUSINESS

Mr. Donovan: What has happened with Auto Direct.

Mr. Snowden: City Council has continued to table the Board's recommendation. What ended up happening with that, myself, our Water/wastewater Superintendent, Mr. Root, and Mr. Sampson, our Public Service Director, all went out to the site on several occasions. Mr. Goss has capped off some of the items, he still has not capped off one of the final items. City Council has drawn the line in the sand and at the meeting in November he is either in compliance or he is not. There were some delays. Unlike our meeting where the applicant did not respond to Staff, show up, or return Staff's calls, the applicant or a representative has been at City Council and attempting to make some progress. It is unfortunate because it has been going on for the better part of a year.

F. ADJOURNMENT

Chairman



Planning Administrator