



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, OCTOBER 19, 2017 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Armstead

ABSENT: Darling

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – September 21, 2017

Minutes stand approved.

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

None.

D. NEW BUSINESS

1. 2060 Ravine Place; Application #180247; Applicant Elizabeth Boateng; Variance Request

Mr. Snowden:

2060 Ravine Place - Boateng Residence - Variance

Application:
#180247 - Variance

Location:
Property is located on the southeast corner of Slate Ridge Blvd and Ravine Place.

Existing Zoning:
R-3 Single Family Residence District

Request:

The applicant is requesting the Board review and approve a variance from Section 1171.06(c) of the Zoning Code.

Current Use:

Single-family Dwelling

Applicant:

Elizabeth Boateng

Proposal

The applicant is requesting the Board review and approve a variance from the rear fencing requirements of Section 1171.06(c) of the Zoning Code, to allow a rear fence in front of a front façade, with a setback of 20FT from a front lot line on a corner lot.

Site Context

The site is an existing single family dwelling in the R-3 Single Family Residence District. All neighboring properties are single family dwellings on platted lots in the same zoning district, except on the east side. To the east, the property abuts single family large-lot homes with the Etna Township zoning of rural. Slate Ridge Blvd is designated as a major arterial street by the Thoroughfare Plan, and the plan recommends that the street be extended to Palmer Road.

Staff has reviewed the standards for granting a variance and provides following observations:

Item B - Item B of Section 1147.05 does not apply to this application, because this application for a variance concerns a fence, which is an accessory structure, not a primary use.

Item C - Staff fails to see what special circumstance apply to this lot and not to other lots in the same zoning district that would warrant a relaxation of the regulations. Given that a single family dwelling already exists, and other options for rear fencing exist, the property owner is not deprived of beneficial use of the land.

Item D - There is no proof of hardship or practical difficulty with the construction of fencing as it was permitted by the Code. The needs of the applicant's child are not specific grounds for hardship given that nothing prohibits construction of fencing in compliance with the code.

Item E - Given the current dwelling, the variance is not required for reasonable use of the property as a residential property.

Item F - Staff's view is that granting the variance would not violate this item.

Item G - Staff's position is that the Board would, in granting this variance, confer a special privilege on the property owner that is prohibited in all residential zoning districts: the right to construct a 6FT privacy fence within a front yard.

Item H - The applicant has not used this argument within their application, but regardless, other non-conforming fences or granting of variances from these regulations by previous Boards is not grounds for granting a variance here.

Item J - Staff's position is that the variance is a matter of convenience for the applicant. Nothing prevents the applicant from constructing a 6FT privacy fence that complies with the 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. Staff finds that the application does not meet all of those standards, and recommends disapproval of the variance.

Mr. Rettke: Can we have the applicant please come up and speak to some of the questions or clarify any points they want to.

Elizabeth Boateng: 2060 Ravine Place, Reynoldsburg, Ohio 43068.

Mr. Rettke: Any questions, concerns, comments from the board?

Unknown: You recently purchased this home? Correct? This year?

Elizabeth Boateng: Yes.

Mr. Armstead: When you purchased the home, did you understand what was actually considered your backyard when purchasing the lot?

Elizabeth Boateng: Yes sir. We put down one to the consideration before we purchased the room and then we bought the home from the Maranda Homes and then they told us that when we purchased the home; explain it to them that I have the autistic son. They say that we can put in the fence. We can make a fence in the backyard. And even they gave us a credit of \$5,000 just to put in the fence for as to buy the home.

Mr. Snowden: Mr. Armstead, regardless of what Maranda Homes told them, the regulations have been in place for a number of years and we see this very often where folks get inaccurate information either just through sheer misunderstanding that's really unfortunate.

Brian with Lowes: We're the contractor who's going to be doing the fence. I went out and did the measurements today and there's 40 foot from the house to the sidewalk and then you have a 4 foot sidewalk and then you have another 18 foot of grass to the street. I understand that the 40 foot setback is for the sidewalk to the house, but you really have 62 feet from the house to the street. All we wanted to do is be able to put, whether it be 10 foot coming off the house, we would like 20, but anything that we'd get coming off the house where we'd have a gate on the side, which is traditional, where you would enter into the backyard. The way that they want it done, I mean I understand rules, because I sell fences for Lowes all the

time, but they want to go in straight back to the woods, so that would mean that you would have to walk around and then the gate would be on the side to get into the backyard and she literally loses half of her backyard. Her house is only 35 foot wide.

Mr. Snowden: Per the code it's a front yard and it's an arterial street that our thoroughfare plan says we'll be extended to Palmer Road as the city expands to the east. I'm not saying that to be argumentative. I approve hundreds of permits on behalf of Lowes and their various contractors and they're generally great to work with, but I'm just trying to explain the rationale. The reason that's such a large right of way is required, it's designated as a major arterial and there's a certain right of way with that as required when you plat out a major arterial street. That is the reason. It all has a reason behind it.

Brian with Lowes: With that also being said, so, typically I've sold fences in the Slate Ridge neighborhood and they've had a 30 foot setback, but because this is considered major, which to me, it doesn't matter because when I looked I don't see that thing being cleared anytime soon, but I know it could be, so I'm not going to argue that, but the 40 foot seemed like a bit much. Another contractor, a big fence company, they went in with no permit at all and installed a fence on this property 20 foot off with a gate just like we wanted to do and they thought it would be perfectly fine. Well, that things gone now.

Mr. Snowden: Did I write a violation?

Brian with Lowes: Right, yes. But it looked fine and to me it's nowhere near blocking any view. I mean, I get the corner lot. I deal with them. They're always an inconvenience. To me I don't see why letting us have 10 or 20 feet. Even if it was 20, you would still have 20 feet to the sidewalks with 4 foot of sidewalk and 18 foot to the street. That's still 42 feet. I don't know. I mean obviously a 35 foot x 40 foot is not going to be very much area at all. To me, I think it would increase their property value by putting the fence up and it's for her son. Not for a dog.

Mr. Rettke: I'm having trouble with the drawing. We're going to come off to the back corner. Right there by the AC unit. We're going to run 20 feet approximately towards the sidewalk. Where's the sidewalk coming 20 feet?

Brian with Lowes: Maybe half way.

Mr. Snowden: It would be half way. It's not a great image here, but I'll go to an aerial image if that would help you Mr. Rettke.

Brian with Lowes: I did a drawing. I can show you.

Mr. Snowden: They have the plot plan that was drawn up. That was received in their application packet. He's just trying to visualize that while looking at this photograph that I provided. I can provide an aerial if you give me a moment.

Elizabeth Boateng: And without the fence, it's going to be hard for my son to get in the

backyard because of the disability. The fence then will move in and he get outside and by the time we know it he was in the woods and that's a very concern for us.

Unknown in Audience: (inaudible - too far from microphone)

Unknown BZBA Member: No, I know where you're coming from. My lot is the same, pretty much at my residence. I've got a cul-de-sac on one side and that setback line has some good significance to it.

Mr. Snowden: If it had been a 30 foot they could have done 10 foot and they probably wouldn't even be here. And the way the regulations were written when this was platted you had to go 40 foot on each side, so you had 40 foot on this side and 40 foot on this side, which means the homes on the corner had a further setback. Since then we've refined the zoning code so that the setback is based on the characteristic of that street, so it would be 30 on this side and 40 on that side for front setback.

Brian with Lowes: And on the right side she only has 5 feet and it is sloped.

Mr. Snowden: No, she has 8 feet.

Brian with Lowes: Oh, ok, but it still, there's no way you're getting 8 on that side. I mean, a fence I can rack it, but a gate you can't rack. It's a swing. There's no possible way on that side.

Mr. Boateng: What I would like to add, right next to us is a creek also that is also not safe, especially when he's back there playing. That's also a concern that we would like to add.

Mr. Snowden: It's a drainage easement. It was there when the neighborhood was laid out.

Mr. Rettke: Any other discussion, comments?

Mr. Armstead: I'm just curious how the neighborhood actually was laid out. They put an easement and it's a main artery going through. They plan on doing a main artery street and then an easement right there.

Mr. Snowden: Yes, you've got a drainage easement back here.

Mr. Rettke: Usually from a developmental standpoint you'll have easements across the back of the lots that run all your utilities, your electric, your cable.

Mr. Armstead: I understand that. I'm just saying just as far as future planning if they plan that out to keep going to Palmer?

Mr. Rettke: Yes, usually you have a conceptual idea when you go to council or when you go to development departments.

Mr. Snowden: Mr. Armstead, what you have here is the creek going through here, then you have a drainage easement into this culvert and then that goes into the city storm water system. So, you have a culvert drain kind of under that court.

Pastor Linder: Did staff say that there is a way in your opinion to put something up there? It's just a little bit more challenging to do that. Is that what you said in your presentation?

Mr. Snowden: Pastor Linder, if I could just summarize, I would say no. The answer is, in my view, the fence can be constructed as the code requires. The applicant would just like more space. That's really the bottom line. Whether or not the board finds that acceptable is not my decision to make, but that's really the bottom line and that's why my report is what it is. The way that variances should be granted based on the requirements and the code are: Are we restricting an activity that would otherwise be prohibited? Just to give you an example of a variance that I would very obviously support. Let's say you have a lot and that lot had an easement directly through the middle of it. Well you definitely would need a variance to setback requirements because otherwise there would be no way to build a house at all. My position here is there is a way to build a fence. It's just not satisfactory to the applicant.

Elizabeth Boateng: Because the back of the house is close to the woods, that's not enough space and my son; because of his disability he spends a lot of time outside playing ball in the backyard. Because of the woods, there won't be enough space for him to play or do anything. The backyard is very close to the woods.

Mr. Rettke: How much space would you need for a gate to face the front of the house?

Brian with Lowes: There's an initial slope, so we can rack the first section, but we need a minimum of 10 feet. So, 6 foot section and it would be flat and put a 4 foot. If it was 10 then it would be at least look like a traditional fence and then in my opinion it would actually help her property value, but if you do make it go straight back, yes it is a fence and it would work as a fence, but then the gates on the opposite side and that's not traditional.

Mr. Rettke: I've got two questions. Eric, what's the frontage on that lot? The one that's right next to it to the south.

Mr. Snowden: The frontage here? The distance of the lot? Minimum should be 70 in this zoning district. It is 71 feet. So, probably 70 feet. In her case you should be able to see that on your plot in front of you.

Mr. Rettke: Yes, she's got roughly 90 with 40, so she's short 20.

Mr. Snowden: Right.

Mr. Rettke: Why can't the gate go on the south side of the home? You have 12 1/2 feet there.

Brian with Lowes: (inaudible - too far from microphone)

Mr. Snowden: That would have been the minimum. That's why I said that. Let me look at the plot. 12 1/2 feet according to this plot sir. The minimum in the zoning district would have been 8. You said 5 and I said it has to be at least 8 is what I meant.

Brian with Lowes: So, her right side of the property line, the way that thing is sloped off to the side, no way you're putting a gate on that side, no way. I mean the gate has to be level and be able to swing.

Mr. Rettke: So it slopes from the south of the house to the adjoining owner?

Brian with Lowes: Yes.

Mr. Snowden: I don't know if I noticed that when I was out at the site, but that doesn't mean it's inaccurate. You could see this home site is higher. There's a drainage easement here. There's the utilities. Mr. Chairman and other members of the board the only other guidance that I could give is that in the event that the board wants to support some variance here whether its 10 foot or 20 foot I have no opinion because you could see what my position is from the report, but in the event it would be my position that if the board approved it the right thing to do would be to require that the fence within the front setback be an open style fence because that's the normal type of fence that's provided. I don't know how the applicant feels about that, but that would be the normal front fence regulation.

Mr. Rettke: Did you pull the subdivision regulations and the restrictive covenants, see what some say? Like my subdivision it's only that 42 inch 3 rail fence that was ever allowed.

Mr. Snowden: Typically, I can't enforce those. I have to go by what the zoning code says. In the front part of Slate Ridge, I know off the top of my head, that some fences are totally prohibited. In this section that was ultimately kind of became Maronda's. My understanding is that there are no specific requirements for fences, so the city's requirement are... I've never heard anybody say it. Ultimately, it wouldn't matter to me. I would still have to approve the permit if it met the code, but I know about it because sometimes people (inaudible - coughing) approval and when they circle back with their homeowners association they kind of have to go to the mat with them. I'm not aware that there's any restrictive covenants that would prescribe the material, but my suggestion would be in the event you chose to approve a variance in this case, approve it with on condition that it would be a 4 foot open style fence, if the applicant is open to that. If they say they're not then you all have to decide.

Mr. Rettke: Here's my position. My house sits at the corner of a major artery in the cul-de-sac. I'm the only house that kind of faces that cul-de-sac. For some ungodly reason everybody else faces the cul-de-sac. The house next to me in the next cul-de-sac (inaudible), so I never understood that, but I've got that huge burden on that side yard and I'll bet I've got even less of a backyard than you guys do. I bought that 20 years ago and I knew that would be a problem when I looked at it. I knew there wasn't much I could do with it, so that's something we had to balance when we bought our house. If I do that for you I don't think it's

any easier to tell the next person and the next person and the next person, it just keeps snow balling. When these are laid out and designed they are designed that way for a reason. We can argue what was the requirement over 30 feet or 40 feet or 20 feet, but that was the standard that applied. That's what the majority of those homes had entertained when they did it. I think you almost have to do your due diligence, you have to do your research and that's where I stand. Any other discussion, comments, questions?

Mr. Snowden: Gentlemen, I just want to say, please don't let anything I said in my report in any way indicate that I'm not sympathetic to the personal situation of the applicant. I just simply cannot use that as justification because the code will not allow me. I just wanted that to be said on the record because it makes it seem as if I truly am not a human being at times.

Mr. Armstead: The only issue I have is another home that is basically identical to their home right across the street at that lot.

Mr. Snowden: This lot here Mr. Armstead?

Mr. Armstead: And it would be the same situation.

Mr. Snowden: Correct.

Mr. Rettke: And the next guy, when he sees it go up, he says well I can do that and the next guy says, well crap, I'm losing 20 more feet. I'm going to do that. I think it just snowballs, personally.

Mr. Armstead: I think that house on the north side of the street; they tried to get a variance at one point?

Mr. Snowden: This lot here?

Mr. Armstead: Yes.

Mr. Snowden: Yes.

Mr. Armstead: And they actually have no backyard.

Mr. Snowden: And I can't recall. I think the variance for that I believe was for a deck. I think that they ultimately decided to go with a patio there. I can't remember if we granted it or not. I'd have to look. The way that lot was laid out that probably needed a variance to actually site the home. Because the 30 foot setback and that's a good example of why a variance is necessary. To have a 40 foot setback here and a 30 foot setback here, you literally could not build a home because you're here and you would have been here. In that case it would be justified.

Mr. Armstead: We did that over in Daugherty with one of those pie shaped lots. You just couldn't put a home there.

Mr. Snowden: Even since then our subdivision procedures have been refined. How we do things today vs some of these homes have been built recently, but some of this was originally preliminarily platted back in the late 1980's proportioned closer to State Route 256. We've refined our procedures a lot even since then. There's a couple that are very weirdly configured.

Mr. Rettke: Any other questions, concerns, comments? I move for approval of Item D1, 2060 Ravine Place, Application 180247.

Mr. Armstead: Seconded.

Mr. Rettke: Moved and seconded. Could we please have the vote?

Mr. Snowden: I'll call the roll. Mr. Armstead "No", Mr. Donovan "No", Pastor Linder "No", Mr. Rettke "No".

Mr. Rettke: I support staffs conclusions of all the bullet points. I'm not going to list them, but I don't think it meets the intent of the variance. I apologize. I wish we could have done something different, but I just don't see it.

Mr. Snowden: Mr. and Mrs. Boateng your variance was not approved by the board, but here's what will happen now. I'm going to provide you this information in writing and you have a right to appeal the decision of the board to the city council. I'll walk you through what you need to do. You'll need to appeal it in writing and then ultimately it can be scheduled for a hearing with the city council. If you decide to move forward with a fence that would meet the code requirements I simply need a plot drawn up with that showing the fence that can meet the code requirements and I can approve the permit application that they already submitted. I can't recall who submitted that, whether it was AZ Contracting. Ok. So, I already have that on file. If they could either choose to appeal or they could choose to file the application. I'm going to provide that information in writing.

Mr. Boateng: So, you're saying we have 12.5 feet on the right side of the house to work with?

Mr. Snowden: On the south side, per the plot plan. Your plot plan says there's 12.5 feet. That doesn't mean, especially since this homeowner has been living here for a long time with nobody next to them, that that homeowner wasn't maintaining a larger portion of that than was actually their yard.

Mr. Boateng: Do you have any idea of how many feet on their plot plan that they show they have?

Mr. Snowden: I doubt I have it on file because that home has been there for a while, but the minimum in the zoning district would be 8. That would be the minimum. It's probably, just based on my experience, it's probably 10. So, it's probably 12 and then 10.

Mr. Rettke: As a surveyor, if there's any doubt, hire one.

Mr. Snowden: Or you could ask the property next to you to see a copy of their plot if they have one. So, I'm going to provide the information in writing, but Mr. and Mrs. Boateng may appeal to the city council or submit a revised drawing to me and I'll approve the permit as was already submitted with the revised drawing.

RESULT:	DEFEATED [0 TO 4]
MOVER:	Anthony Rettke, Chairman
SECONDER:	D'Juan Armstead, Board Member
NAYS:	Rettke, Linder, Donovan, Armstead
ABSENT:	Darling

2. 6740 E Main St; Application #180388; Applicant Mark Denny; Special Exception Use Permit

Mr. Snowden:

6740 E. Main Street - Genuine Auto - Special Exception Use Permit

Application:
#180388 - 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 / CCO Community Commercial Overlay District

Request:
Request for approval of a special exception use permit for a new auto services use.

Current Use:
Vacant

Proposed Use:
Auto Services

Applicant:
Mark Denny

Proposal
The applicant is requesting the Board review and approve a special exception use permit for a new auto services use.

Existing Site & Context

The site is developed with an existing multi-tenant commercial building with a gasoline station, a staffing agency (administrative/business office) and retail shop. To the north, the property borders multi-family dwellings in the AR-2 district. To the east, west, and south, the property abuts various commercial businesses and restaurants in the CC and CS zoning districts. E. Main Street is designated as a major arterial street by the Thoroughfare Plan and all properties that front E. Main Street are within the Community Commercial Overlay District.

Background

The site was previously a self-service carwash, and the portion of the building proposed for auto services use under this permit was built from the ground up as such. Since that use was discontinued for a period of longer than 6 months, a new special exception use permit is required.

Use

Compatibility

The CC zoning districts permits a variety of commercial businesses. Generally, automotive uses, such as sales and repairs are special exceptions in this district due to the additional considerations required to site them. The existing site is already a gasoline station and there are other auto-oriented uses in the immediate area. Staff has no reason to believe that the addition of this use on the existing site will change the site characters in any meaningful way.

Traffic & Parking

The applicant has submitted a revised site plan indicating the parking and circulation at the site. The current site has adequate parking when the entire site assumed to be retail. The 3257SF space with an office tenant reduces that requirement further. The applicant has provided a waiting area for cars stacking into the proposed carwash. Staff's concerns are minimal. Since the applicant is proposing a staffed, hand-wash detail shop, personnel will be on site to direct customers to the correct area for service. Accompanied with the large stacking area along the rear of the property, there is no possibility of vehicles stacking into the public ROW while waiting for the carwash.

Site Maintenance

Staff found an inoperable vehicle, equipment as well as other material stored with proposed wash bays. The applicant is advised that this is not permitted and must be removed. The applicant should also be required to remove unsightly materials from the previous carwash use, such as its sign and pay kiosk. There is an abandoned neon lighting system on the front of the building that is in extreme disrepair. Staff also found the screening fence adjacent to the tenant space to be in disrepair.

Waste Removal

Staff has no reason to believe that the addition of the use would significantly increase the amount of waste generated at the site to a level that would warrant additional dumpsters. The applicant has an existing dumpster that is screened per the requirements of Chapter 1180. Staff found the current enclosure filled with furniture, the dumpster placed outside of the enclosure, and an additional unenclosed dumpster.

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 finds that the application meets those standards, and recommends approval of the special exception use permit on the following conditions:

1. That all inoperable vehicles, trash, construction debris, furniture, and similar rubbish shall be removed from the site. (Section 1145.06(g))
2. That the existing dumpster shall be placed in the approved enclosure and that the dumpster that does not have an approved enclosure shall be removed. (Section 1145.06(g))
3. That the existing screening fence shall be repaired and/or removed at the discretion of the Planning & Zoning Administrator. (Section 1145.06(g))
4. That the abandoned car wash entrance sign and pay kiosk shall be removed. (Section 1145.06(g))
5. That the abandoned neon lighting system shall be removed and soffits repaired. (Section 1145.06(g))
6. That upon completion of these items, the applicant shall notify the Planning & Zoning Administrator, who shall inspect the site. (Section 1145.06(g))
7. That the Planning & Zoning Administrator shall not issue the zoning certificate for the proposed use until these items are completed

Mr. Rettke: If we could have the applicant or the agent or whoever's representing this please come up.

Mark Denny with Mark Denny Architect: 1675 Gateway Circle, Grove City, Ohio.

Mr. Rettke: What modifications to the building are you going to do?

Mark Denny: The existing building, I believe, does not have 2 doors on the front, so we'd want to make sure that all the overhead doors are back on the building and then on the inside there would be some ventilation and things as it relates to the center core because that's going to be some touch up areas for painting. Then on the 2 outside bays would be used for the detail shop. Those would require probably some additional lighting. Beyond that we don't anticipate anything more than what's there for the existing car wash walls. Not a whole lot. I understand the importance of the outside. We will obviously work with the owners to make sure the proper people are doing the proper things. We didn't anticipate a lot of work on the outside either other than there are some existing signs that had been taken down. That those things in the outside pane needs touched up that so that they are back to looking continuous and then obviously Genuine Auto would like to get a sign put up as well. I've indicated that would be done as a separate application. That's what we see.

Mr. Snowden: That is accurate, what Mr. Denny said, regarding the two front garage doors are missing. With regard to the paint detail and some of the ventilation, a lot of that's going to be dictated by the building code for that type of use. I'm not overly concerned about that. I think Mr. Paszke's team will be handling that. They will be doing the plan review for all that, but I'm aware that those regulations exist in the building code. I think what you have here is a location that works well. A site that works well. It's just a messy site. Ultimately, it might not be this tenant's specific responsibility, but there's a shared responsibility with the property owner and my view would be we'll provide this to the applicant in writing and the applicant can take that back to their property owner and say look you've got to do your part so I can get in here and rent from you and take care of business. I've got it structured in a way that's not going to allow them to operate until this is done because it's all stuff ultimately that I can probably get with code compliance and go out and write, I was not aware that some of the stuff going on at the back was quite as bad as it was in terms of the condition of the fence. I'm sure since the property's been vacant or there's been vacant tenant space there's probably been some folks hanging out back behind it that were not supposed to be. Rather than coming here and say let's approve the permit and then have our code compliance and building official go out and write a bunch of violations, I'd like to tie them together so it all works and that's why I'm recommending the conditions and I'll work with our team here to get compliance prior to the use going in. That's my thought process here although many of these probably could be written out.

Mr. Armstead: Have you started looking at signage yet?

Mark Denny: No.

Mr. Armstead: Because you'll probably end up right back here.

Mr. Snowden: Possibly. It depends on how much signage he wants to do.

Kevin Spears: 7112 Briarcliff Rd. The majority of his work is going to be by appointment. It's going to be a destination site more so than just somebody driving by and saying lets run in and get our car detailed which takes several hours. His client build up will be word of mouth more so than advertising to the front street. Obviously, he'll need some identification, so when you get there you'll know hey, that's where we need to go, but we don't anticipate having multiple cars sitting in back with drivers in them waiting to get in. That's probably not how it's going to happen. They're going to find out where it's at and come to that space.

Mr. Rettke: A little bit about the business: there's 3 bays. All 3 drive thru?

Kevin Spears: The middle bay has a glass enclosure existing with storefront material on the north side and that's why in the narrative I indicated that we would enter from the south side only and the middle bay.

Mr. Snowden: Let me see if I can find you a picture of that Mr. Rettke. Right there you can see a portion. There was an idea from the property owner. It might have only gone to

Design Review Board. That they would take out all the doors and try to convert this to retail space. What they found, Mr. Denny and I have discussed this, due to some of the site plans that he got provided when he initially got involved was that it's really a challenge for parking given the parking requirements. It was doable, but there was more than needed to be done. My concerns with this type of use would just be the amount of stacking and the current characteristics. This type of use is not going to interfere at the gas station. It's not going to interfere with the restaurants and stuff that are next to it. It's screened from the multi-family at the back. It's not going to interfere with the office use that's there. It's not going to interfere with the retail material. It's just a site that's kind of messy and we've got to get it cleaned up so it works.

Mark Denny: The north driveway is unusually wide for a turnaround behind the building.

Mr. Snowden: I don't know the history of that Mr. Denny, but I do know that it was originally set up for two way traffic and that maybe the reason. Ultimately, it seems like the one way back there works a lot better and the site has been painted as a condition of several permits. The ground is painted for one way operation. It really shouldn't be two way back in the back.

Mark Denny: That was because that daycare went back there and that was their primary entrance. We didn't want them entering in the front with the Domino's Pizza.

Mr. Snowden: My position about the use might be different if you still had the daycare operating there. It might be more of a conflict, but given the uses that are there it's not going to conflict in my view.

Mr. Donovan: Are you going to do this during the winter also?

Kevin Spears: Yes.

Mr. Donovan: What about heat? Are you going to have heat in there somehow? I didn't know if a carwash would have heat in it.

Kevin Spears: Yes, there would be some heating. He's going to install heating in the bays. I'm not sure if that's going to be gas heat or not.

Mr. Donovan: Because in the winter time you can't be washing cars outside.

Kevin Spears: Yes sir. He said that he would be putting heaters in there, the owner of the property.

Mr. Rettke: So, are you catering to the general public or are you going to hook up with a couple car lots?

Kevin Spears: Both.

Mr. Rettke: Are you planning on doing anything outside the bays themselves?

Kevin Spears: No.

Mr. Rettke: That would be one of my concerns. Nothing outside the bays.

Mr. Snowden: If Mr. Spears was outside maybe towel drying a car I wouldn't be that worried about it. When cars are being disassembled and doing other things, I understand that's not his business, but we've seen creep used before that would be my only concern. I don't think that's the intent and the nice part about this is that this has 3 bays. Where we've had a problem with that is when there's only 1 bay because there's blockage, but if you have 3 bays I think it's really the ideal set up for this type of use. It really couldn't be a better set up if you designed it from the ground up for this type of thing. That's what this small little building is for. My only question would be to Mr. Spears or Mr. Denny based on the conditions that I've approved and again I understand you're going to have to go back to the property owner and discuss with them, but the fact is that any of that given you a lot of heartburn that it's something that you're not going to be able to comply with or does that make sense with what I'm saying.

Mr. Spears: It definitely makes sense.

Mr. Snowden: I just don't want to put a condition on you that you're saying you can't meet.

Mr. Denny: I think in the dumpster back where it should, helps him out with traffic flow.

Mr. Snowden: Absolutely.

Mr. Rettke: Any other questions, concerns, comments? Hearing none, I'll move for approval of Item D2 6740 E Main St, Application # 180388.

Mr. Donovan: Seconded.

Mr. Rettke: Moved and seconded. Can we please have the vote?

Mr. Snowden: Thank you Mr. Chairman. Mr. Armstead "Aye", Mr. Donovan "Yes", Pastor Linder "Yes", Mr. Rettke "Yes". Four votes in favor. Gentlemen your special exception use has been approved. If you grab one of my staff reports on page 7 is what's going to remain for you to complete the process and I'm going to provide that to you in writing within the next couple of days. What's going to happen is I'm going to forward your application to City Council who may or may not take any action. Once that's done you can apply for zoning and Mr. Denny can submit a plat for a zoning certificate and then Mr. Denny can submit any building plans and get those reviewed and any changes to the outside, other than just repair of what's there with the same colors and so forth, new signage may have to be approved by the Design Review Board. Contact me and we can set up an appointment to discuss or have your signed contractor contact me at the appropriate time. That will all be in writing and then you can give that to the property owner.

RESULT:	APPROVED PENDING COUNCIL REVIEW [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Linder, Donovan, Armstead
ABSENT:	Darling

3. 6900 E Main St; Application #180430; Applicant: Jason Nicodemus; Variance

Mr. Snowden:

6900 E. Main Street - Truro Township Fire Station #161- Variance

Application:

#180430 - Variance

Location:

Property is located on the north side of E. Main Street between Briarcliff Road and Rosehill Road.

Existing Zoning:

S-1 Special District

Request:

The applicant is requesting the Board review and approve a variance from various sections of the Zoning Code.

Current Use:

Fire Station (Public Use)

Applicant:

Jason Nicodemus

Proposal

The applicant is requesting the Board review and approve variances from Sections 1175.05, 1175.08, 1180.08, and 1180.11 of the Zoning Code, in order to allow construction of a new fire station on an existing parcel.

Site Context

The site is developed with an existing fire station that was previously a commercial building. To the north, the property borders multi-family dwellings in the AR-2 district. To the east, west, and south, the property abuts various commercial businesses and restaurants in the CC and CS zoning districts. E. Main Street is designated as a major arterial street by the Thoroughfare Plan and all commercial properties that front E. Main Street are within the Community Commercial Overlay District.

Administrative

The existing fire station on E. Main Street has reached the end of its lifespan and needs to be replaced from the ground up. Until September of this year, the site had a legacy commercial zoning district. In order to simplify the site plan approval process, Staff worked with the Township's Administration to rezone the property to S-1 Special District. This removed many of the design requirements for commercial structures, specifically those of the Community Commercial Overlay District, which streamlines the approval process. The negative effect is that the existing building now has non-conforming rear setbacks. The Township's Administration and their design team worked with Staff to provide as much compliance with the Zoning Code as was possible, but relief from some zoning regulations is required to fit the building on the existing site, and provide proper and reasonable sight lines for fire vehicles.

Rear Setbacks

The current building does not comply with the requirements of Section 1175.08. This regulation should have been in place when the site was originally developed. Staff would need more information to locate an approved variance. Although the applicant requests relief from the setback requirement, the applicant is proposing to maintain an existing 6FT privacy fence to screen the use from the adjacent multi-family dwellings.

Landscape Requirements Generally

The current site has almost no landscaping, since it was constructed prior to the adoption of the landscape regulations in 2003. Chapter 1180 prescribes the landscape requirements for the entire City, but it is primarily geared towards commercial uses. Public safety facilities have significantly different needs and requirements, and given that there are no specific landscape regulations in the Code for public uses, it is reasonable to assume that the commercial landscaping requirements for the site might need to be reduced.

Section 1180.08

The need for fire vehicles to exit and enter the site at high speed creates unique challenges for site development. In order to protect the public during this activity, the applicant requests relief from the street tree requirements of this section. This is consistent with existing conditions, because the site was exempt from street tree installation during the City's Main Street Corridor Streetscape Project.

Item A - The general purpose of the Zoning Code is promote the public health, safety, and general welfare of the City. Adequate fire protect services are critical to the public safety.

Item B - Staff finds that Item B does not apply, because the variances concern development standards of the Zoning Code, not uses. The proposed use is a permitted use in the S-1 Special District.

Item C - Staff agrees with the applicant's position that without relief from these sections, it would be nearly impossible for construct any building on the 220FT deep site. Much of the site configuration is dictated by the size and turning radii of the fire vehicles, which are generally standardized.

Item D - There are no economic or personal considerations to the variance request. The applicant requests the variances based on their duty under law to protect the safety of the public. The requested variances only affect this parcel. Other parcels owned or utilized by Truro Township are not affected.

Item E - Given the need for a new facility, the variances are required to reasonably use the land for a fire station which is a permitted use in the district.

Item F - Staff's view is that granting the variance would not violate this item.

Item G - Since construction of a fire station is not a privilege that is specifically denied to other parcels in the same zoning district, the request meets this standard.

Item H - The applicant has not used this argument within their application, but regardless, other non-conforming sites or granting of variances from these regulations by previous Boards is not grounds for granting a variance here. Staff's position is that this item does not apply.

Item J - Staff's position is that the variance is not a matter convenience for the applicant. The site would be too small to accommodate the permitted use with these variances, and the sight clearance requirements must be met to prevent danger to the public.

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. Staff finds that the application meets all of the standards and recommends approval of the variances as submitted.

Mark Larrimer with Moody Engineering: 300 Spruce Street

Jay Boone with Moody Nolan Architects: 300 Spruce Street

Mr. Rettke: Any questions, concerns, comments? I think it's fairly straight forward. You've got the ground. It's been a fire station. I think you're making it way nicer than what we had. I don't really have much comments on it.

Mr. Donovan: What are you going to do with the fire engines when you tear this building down?

Dennis Nicodemus / Truro Township Trustee: We're going to move it to 162 temporarily on Brice Road.

Mr. Donovan: You know there's pocket facilities in that building right over there that's supposed to be for fire engines? Just in case you ever thought about that. That building over here was built with garages underneath to accommodate the fire engine. Right here, the Police Department. They have parking garages underneath that will accommodate a fire engine, supposedly. In case you ever run out of places to park.

Dennis Nicodemus: That fire house has been around a long time. I grew up in Reynoldsburg, so I certainly know the fire service. My dad and uncle and grandfather, my grandfather retired from the city, so it's certainly been around a long time. We decided and they got a levy passed. I just got appointed in January. They got a levy passed last year to remove that building. When I was growing up that was a store in there. It was called J-Mart.

Mr. Donovan: Wasn't it the firefighters the one that rebuilt this and made it a fire house?

Dennis Nicodemus: Yes. Somewhere around in '75 they converted that over to a fire house. Over the years, plumbing problems and everything surfaced. It's time to get rid of it and put a new one on there. We're really looking forward to it.

Mr. Rettke: What's your timeline?

Mark Larrimer? or Jay Boone?: Timeline is we're looking for abatement and demolition in January/February and start construction in late February when the weather breaks. Nine months roughly for a construction.

Mr. Snowden: Mr. Rettke, this is Mr. Snowden speaking, Mr. Larrimer, the gentleman in blue is the civil engineer and he's already applied for major site plan approval from the Planning Commission coming up in the November meeting in which we would review the whole thing, everything that BZBA used to do. They've already met with me three or four times to not only go over the process, but to massage some of the plans, reduce the number of variances. I think initially there were ten or twelve and I think Mark got it down to 8 or whatever it is the four we have here. There was definitely some working with us and it's a lot closer and I think everyone's going to be satisfied at the end.

Mr. Rettke: So, the current building met really none of the requirements.

Mr. Snowden: It doesn't appear to meet the requirements that would have been in place when it was built. Appears to. The question is, could I find variances, and the answer is, I'd have to know the specific dates. That's what I was getting at. It's not even worth really looking at, but it doesn't meet the requirements now. It looks like it doesn't meet the requirements from when it was built for how close it is to the multi-family behind it. What the code says is that if the building is damaged or changed more than 60% of its value that it needs to comply with the code. For example, no variances would be required if they were tearing down 40% of the building and then keeping the other 60%, as long as they weren't increasing the non-conformance, but in here it's technically a new building because it's going back to 0 with a site scraped down to the end. The variances they are requesting are really only conforming the situation that's kind of already there with regards to the rear setbacks. The street tree issue and the landscape issue, we don't have a specific regulations for public uses and we probably should, but in this case when you've got something that's only designed to apply to commercial these guys can't meet that just because of the amount of space that's required for the vehicles, the turning radius, and so forth. That's the issue they are having and that's why they're requesting these variances. What will happen is they'll go to Planning

Commission where Planning Commission will review the site plan, the landscaping and their building will also be inspected by our Building Division just like a commercial building would.

Mr. Rettke: What I was getting at is that we are actually trying to bring it more in conformance.

Mr. Snowden: Absolutely, even though the requesting variances you're increasing the conformance here because they've met the parking lot requirements, they've met some of the interior lot landscaping requirements with their preliminary site plan that I've looked at, they've met some of the architectural materials requirements that would have been in place had it remained commercial, so they're actually moving strongly in the right direction. It's just technically they're in violation of the setbacks because that's residential behind it for the multi-family.

Mr. Rettke: Can you guys address the 6 foot privacy fence he mentioned? Were you guys going to fix that or leave it?

Unknown: The existing fence at this point is to remain as is.

Mr. Rettke: Is it in that bad of disrepair?

(inaudible - too far from microphone & more than one person talking)

Unknown: I just know he mentioned it. I can bring it up to you.

Unknown: I thought it looked decent from what I could see from this picture.

Unknown: Last time I looked at it, it looked in pretty decent shape. (inaudible - more than one person talking)

Mr. Donovan: What's going to happen to it when (inaudible - more than one person talking) building.

Mr. Rettke: Do you know who's (inaudible) it is?

Unknown: (inaudible) property line to the...

Mr. Rettke: So, is the apartments and... That's what I think we found further on down was back behind the Kroger's. That wasn't Kroger's. It was individual home owners.

Mr. Snowden: Mr. Rettke and other members of the board, regarding the setback requirements and some of the planning requirements with the overhead wires, they can't even do that. They couldn't plant trees that would meet the requirements. Our landscape code basically assumes that you have all underground utilities because that's what a new site would have. This is a perfect example of redevelopment is harder because there's stuff

already there. Redevelopment is much harder. Even here you can see the condition of the pavement. Inside the building, I was there earlier today, it's rough.

Mr. Rettke: I don't have anything else. Do you guys have anything? Hearing none I'll move for approval of Item D3, 6900 E Main Street, Application # 180430.

Mr. Donovan: Seconded.

Mr. Rettke: Moved and seconded. Could we have the roll call please?

Mr. Snowden: Thank you very much Mr. Chairman I'll call the roll. Mr. Armstead "Yes", Mr. Donovan "Yes", Pastor Linder "Yes", Mr. Rettke "Yes". Four votes in favor. The variance is approved. Mr. Larrimer I'll provide you in writing the remainder, I think you know the process at this point, it's on page 11 in the staff report, but I'll provide it to you in writing and we'll see you at November in Planning Commission and I think Dan and I have a few thoughts about your site plan, so if you've got 2 minutes to hang around we can chat with you real quick.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Linder, Donovan, Armstead
ABSENT:	Darling

E. OTHER BUSINESS

None.

F. ADJOURNMENT

Adjourned at 7:37 pm.

Chairman



Planning and Zoning Administrator