

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
OCTOBER 18, 2012
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. David Stoffel Mr. Norman Brusk Mr. Patrick Feeney Mr. Anthony Rettke
Others Present:	Mr. Aaron Domini, Acting Planning Adm.

2. APPROVAL OF MINUTES OF SEPTEMBER 20, 2012

Chairman Stoffel: Any changes to the minutes of August 16, 2012?

Mr. Domini: No changes to the minutes.

Mr. Rettke: Okay, no changes. Minutes are approved as submitted.

3. APPROVAL OF AGENDA

Mr. Rettke: Do we have any changes to the agenda?

Mr. Domini: Yes application 156771 has been withdrawn. I think they took the advice of the Board, did some research and found out how expensive it was to get the sewer and water line out to that building and I think they're going to come back in the spring with the addition. So that's where that went.

Mr. Rettke: With that being said, we'll go ahead and approve the agenda with that change being made.

4. SWEARING IN OF SPEAKERS

Mr. Rettke: Do we have any speakers present? Anybody wishing to speak?
(Mr. Rettke administers oath.)

5. PUBLIC COMMENT – None

B. UNFINISHED BUSINESS

2. SPECIAL EXCEPTION USE PERMIT, 6800 E. MAIN STREET, REYNOLDSBURG, OHIO; CURRENT ZONING, CC; REQUESTING A SPECIAL EXCEPTION FOR A CHILDCARE FACILITY. CONTACT: ANGELA MCCLENDON HILL (#156790)

Mr. Domini: Mr. Chairman, Board, the last time we reviewed this application was in September. Two items came up that you requested the applicant look at: the first was doing some due diligence on the parking situation. The Board had some concern about the number of parking spaces and the ingress/egress from the site. That was of most paramount concern, and the other was the issue relative to environmental conditions. I don't think the Board was as strong on that, but the applicant actually went and did some homework on that as well and has three pieces of information to present to you. I'll flip through them real quick and then I'll turn it over to you, Mr. Chairman, and the applicant.

If you recall, this was the site here on Main Street, the old graphic printery and, again, if you see my cursor, that was the structure there, the front of it, 6800. There was some discussion that the Board would like to see the applicant try to get some shared access and shared parking with the neighboring property to the east, which would be – I believe it's the doctor's office. The applicant – you've also requested potentially some – requested that they do some work on the environmental. This letter was submitted by Mr. Kevin Coates. It basically says that they never had any special license or inspection from the EPA during their business operation; don't have any records of significant environmental hazards being present on the site, and the EPA said they did not have anything on record for this business at this address either. So, again, that letter's been submitted for the record.

This drawing was also submitted showing the turning radius out front here. The last piece of information here is the rental parking agreement with the property adjoining to the east, which is significant, which allows them up to 10 spaces at that location. So I believe you have that rental parking agreement in your packet as well.

I guess one of the questions I would have-- I didn't scrub that agreement as well as I should have before the meeting. I'll read through it during the meeting here, but these parking blocks, obviously those will have to be removed for that ingress/egress, so I would ask the applicant about that. That's all I have.

Mr. Rettke: Make sure you sign in if you haven't done so already, and we'll need to state your name and address once again. First I'd like to thank you for following up on what we had asked you to do. That was very beneficial. I think it answers some of our questions. I'll open it up to anybody that might have any other questions for them.

Mr. Brusk: I'm going to ask Mr. Domini, has that submission of the turnaround and so on, does that satisfy staff on the ability to park the cars and not cause a traffic tie-up in the morning, etc.?

Mr. Domini: I don't think it's an ideal situation, but it is a function of that site. Unless that site's redeveloped, any user is going to have that challenge.

Mr. Brusk: If I may suggest that they put a right turn arrow type of thing as you enter, so people realize that's the place to go. I think that might get at least a number of the vehicles to actually use that and put less pressure on the parking in front.

Ms. Angela Hill: Since we will be leasing those parking spaces, we'll notify all the parents upon their applicant to park and drop off your kids, ideal parking is next door, so we'll let them know that.

Mr. Brusk: And it might be easier for them to make the turnaround from that lot. And the other statement, again it's not our purview, it's not what we're supposed to – is the environmental. I'm glad you looked into it, but you got an answer from the person who, if they were not following the rules, would say exactly what they said. So I'm hoping that you can find out if they had a list of chemicals that they used and just go through it.

Mr. Kendall Hill: I did personally call the – because after I got this letter I just figured that it probably wouldn't be enough, so I called the EPA myself and asked them if they could just come out and do a random test, but I guess you have to know what you want them to test for.

Mr. Brusk: Yeah. If you want to get them and they're willing to do it, that would be great. You could call also the City Health Department – well, I don't know if Columbus would come out to Reynoldsburg, maybe they would, maybe they wouldn't. But what you would want them check for are just really two things, well, actually three, but two that would be problematic. One would be lead specifically and other heavy metals and two would be solvents. Those would be – is there any residual solvent. They'll know that. They can use an instrument which looks like a little probe and if there's not anything showing, they'll tell you that, which is likely, because otherwise you'd probably notice it. Again, I'm off the subject and I apologize for that, because we really have no say one way or the other. This is just suggestion. And the heavy metals, they would just wipe surfaces with a little patch and then take it back to the lab and run a quick analysis. I think it would make you more comfortable and, also, I don't think they would have used paints that contained lead, but whoever – you know, if the EPA or OSHA or somebody might check it out for you. I really don't know. Otherwise you have to pay a consulting lab. At any rate, that's just suggestions.

Ms. Hill: I understand. We'll contact them.

Mr. Feeney: I don't have any other questions. I appreciate you looking into it as deep as you did for us. I think you answered my questions on the parking with the parking next door, and had the architect take a look at the turnaround, looks like it's possible; and then the environmental issue, appreciate that. So I don't have any other questions.

Mr. Rettke: Did that satisfy any staff concerns?

Mr. Domini: Yeah, I'm okay with it.

Mr. Stoffel: With that, I'd like to make a motion that we approve item B2, Special Exception #156790.

Mr. Feeney: I'll second.

(Mr. Domini called the roll. Mr. Rettke voted "aye." Mr. Feeney voted "yes." Mr. Brusk voted "yes." Mr. Stoffel voted "yes.")

Mr. Domini: There are two things you need to do moving forward. One is get a zoning certificate and the other is when you're ready to do signage, you're going to have to get the signage approved by the Design Review Board. So don't put that off, because that process can take a month or so and your sign company has to submit building permits which is going to take a little bit longer, so the sooner you can submit for signage the better.

C. NEW BUSINESS

1. SPECIAL EXCEPTION USE PERMIT APPLICATION, 7482 E. MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CC, REQUESTING A SPECIAL EXCEPTION FOR AN AUTO REPAIR BUSINESS. CONTACT: GREG BOLING (#157309).

Mr. Domini: I don't see anybody here for this item, but I would like to have a conversation about this with the Board. I think there are a number of things that need to be discussed on this application, so there may be an opportunity for us to talk through that and I can relay that information to the applicant. They may want to make some changes, they may want to just come back, but at least I can come back to them with some information, or you can vote. It's up to you.

The proposal is for a Special Exception Use Permit for an automotive repair shop in the CC District. This is also in the Historic Overlay District. The Historic Overlay – if you've read the staff report, is pretty specific in the types of uses that are allowed down there. There's also a clause that says also Special Exceptions with the Special Exception Use Permit. My interpretation was that that was put in there to kind of leave an open door if there was some use not mentioned that may be appropriate, to give somebody the opportunity to come to the Board, or, the other interpretation which you

would need to make a determination on, would be that it means a use that already has a Special Exception Use Permit and could continue on. But I don't know why the code would be specific on nonconforming uses or uses that already have a permit.

So upon our review we felt it was appropriate to allow them the opportunity to submit and see if they can obtain the Special Exception Use Permit. The property in question – well, the applicant also submitted a drawing. They have noted 7482 it says “photo studio” if you see that, which looks like it's the end cap here. I don't know if this is an old drawing from the previous landlord or something, but that was what was submitted.

Mr. Brusk: That's this building that's sort of right in front of that little brown area with the green box in front?

Mr. Rettke: Yeah, the play area for It Takes A Village.

Mr. Stoffel: I'm still not quite sure where it is.

Mr. Rettke: Do you see the teal roof? It's the first—

Mr. Brusk: That one where the arrow is.

Mr. Domini: Some of the other concerns of staff was the potential for outdoor storage, so that would be something we would want to discuss here; the floodway basically is adjacent to the property, so obviously automotive repair and things like that generate some hazardous materials; and the compatibility with the surrounding district which is one of the determinations you have to make when reviewing Special Exceptions.

Mr. Brusk: One thing, I'm concerned with the fact that it's that close to the play area, number one. Number two, it's a transmission shop and transmission fluids are fairly toxic. They're going to have the cars out in front and when you bring a car with transmission problems, it's not infrequent that the problem is that it's dripping transmission fluid all over the place. Three, the environmental – is it sloped down to the water? I would assume it does.

Mr. Stoffel: It kind of has to.

Mr. Brusk: In the past we have rejected allowing Reynoldsburg Car Care, if you recall – that's before your time, but Reynoldsburg Car Care on that corner lot at Graham and Main, because it was abutting the waterway and the concern there was that the car that's being repaired, oil leakage, etc., as soon as it rains that whole driveway gets washed into the waterway. It's the same thing.

Mr. Feeney: The creek runs right behind this property.

Mr. Brusk: And that's what the problem was with Reynoldsburg Car Care. So my feeling is I don't see that as being compatible with the area, both environmentally or from safety and health standpoint. I would be concerned if they were there and the childcare was going to move in there, you know, in reverse. I would not want the childcare to move into a place that would have that type of shop in there possibly. And the promise that they'll keep cars in there is one of those promises that I never see kept by auto repair places. So it would be my thought-- Oh, and the other thing, and it's major, if they're going to submit, this is unacceptable. I am so tired of getting a sheet of paper that doesn't tell me a damn thing about what they're doing, where it's at, what it's going to be, how it's going to do it, how they're going to protect, how they're going to do anything. If they submit this and leave it at that, I would refuse to hear it or I'd vote no, period.

Mr. Feeney: Well, there's definitely not enough information here to vote on for sure, even with the applicant not here.

Mr. Brusk: And I'm hardly in favor of giving-- Did they call you to tell you they weren't coming?

Mr. Domini: No, not to my knowledge. We've been in contact with the applicant. We've told them of the challenges associated with the project.

Mr. Brusk: I consider it rude that they didn't show and, over time, as I get older and more crotchety, I am not in favor of giving an extension to them to come back, to table it, if they're not going to cooperate with us. If they have a legitimate reason, fine, but tell us that legitimate reason, don't leave us guessing. So I'm not even going to vote on if you guys bring up that we'll table it, I'm not going to vote on that or I'll vote no.

Mr. Domini: Well, for the record, I will state that we did go back and request the applicant to turn in the site plan which we received. As you know, sometimes it's like pulling teeth to get the information, but that sets the tone for the application as well. You know when you get a great, complete application, that makes your job easier and you can make a decision. I don't see the Board attitude being very favorable on this.

Mr. Brusk: Not with what we have. They would have to show that they've done things or that that site is able to sustain that in a safe and healthful manner. What they gave us says there's a building there and we're going to be in there and that's it.

Mr. Stoffel: To me they would have to go above and beyond just because of the district, just because of the historical district. I don't think it even really belongs in the district. They would have to go above and beyond in all that stuff and prove to me that they're very conscientious about what they're doing. And, like you say, Norm, when you submit a 40-year-old hand sketch as part of your submission-- None of us are getting rich being here and it's just, like you said, you're not respectful of me.

Mr. Domini: I think that's a good point. I live in Worthington and we have Sprint Lube in Olde Worthington, but the building is above and beyond. You get the kind of service there that you'd expect in an old town where they take care of you and it's very clean; similarly Tilton's, they're in Worthington, they're in Gahanna, they run a clean business, but I'm sure they had to answer a lot of questions when they went in there and do a number of things to make the City comfortable.

Mr. Brusk: And they wouldn't have to go before Design Review, would they?

Mr. Domini: Not to go into this existing structure.

Mr. Brusk: What's the salon building on the right-hand side?

Mr. Stoffel: That's got Edward Jones, I think, in it.

Mr. Brusk: Oh, okay, that's what I thought. The bank is right over here then.

Mr. Rettke: The bank and then the old Touchdown Club is—

Mr. Brusk: Is this Waggoner Road over here? Yeah, they used to have a frame store in there or something. That part doesn't bother me as much because it is back where it's not – but the rest of it does bother me.

Mr. Feeney: Well, based on the information we have, I'm not happy with it and I can't ask any questions, so I'm not inclined to be in favor of it, but I'm willing to vote on it. I'll make a motion that we accept Item C1, Special Exception #157309.

Mr. Stoffel: I'll second.

Mr. Domini: I would just ask the Board, on page 4 of the staff report are the standards, so if you're going to vote one way or the other, please reference A-H; A would probably be most appropriate.

(Mr. Domini called the roll. Mr. Stoffel voted "No, based on Section 1145.09(a)." Mr. Brusk voted "Nay, based on 1145.09(a), (b), (c)." Mr. Feeney voted "No, based on Section 1145.09(a)." Mr. Rettke voted "No, based on I do not believe it satisfies the requirement of 1145.09(a) and it's not a similar use as outlined in the Commercial Overlay – Historical Overlay.") Motion does not pass unanimously.

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at 7:02 p.m.

Anthony Rettke, Chair

Aaron Domini, Acting Planning
Administrator

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