

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
OCTOBER 17, 2013
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. David Stoffel Mr. Patrick Feeney Mr. Anthony Rettke
Members Absent:	Ms. Bonnie Armintrout
Others Present:	Justin Robbins

2. APPROVAL OF MINUTES OF SEPTEMBER 19, 2013

Chairman Rettke: Any changes or revisions to the minutes of September 19, 2013?

Mr. Robbins: None from staff.

Mr. Rettke: Having none, we'll approve those.

3. APPROVAL OF MINUTES OF OCTOBER 3, 2013 SPECIAL MEETING

Mr. Rettke: How about the minutes of our special meeting, October 3, 2013?

Mr. Robbins: None from staff.

Mr. Rettke: Hearing none, we'll approve those.

3. APPROVAL OF AGENDA

Mr. Rettke: Any changes or corrections to the agenda?

Mr. Robbins: None from staff.

Mr. Rettke: Having none, we'll swear in the speakers.

4. SWEARING IN OF SPEAKERS

Mr. Rettke: Anybody wishing to speak before the Board tonight, I need you to stand and we'll issue the oath.

(Mr. Rettke administers the oath.)

Mr. Rettke: Please make sure you sign in before you leave tonight.

5. PUBLIC COMMENT

Mr. Rettke: Any public comment? (No response.) Having no public comment, we'll move on to Item B1.

B NEW BUSINESS

1. VARIANCE APPLICATION, 6430 LEXLEIGH, REYNOLDSBURG, OHIO; PRESENT ZONING, R-3; OWNER'S NAME, MARK MENTSER; REQUESTING A VARIANCE FROM SECTION 1171.04(C) OF THE REYNOLDSBURG ZONING CODE TO INCREASE THE ALLOWABLE NUMBER OF DWELLINGS ON A SINGLE-FAMILY RESIDENTIAL LOT WITHIN THE R-3 DISTRICT FROM ONE TO TWO. CONTACT: TIMOTHY G. MADISON (#162416).

Mr. Rettke: Variance application, 6430 Lexleigh, Reynoldsburg, Ohio. Can you please present that and anybody wishing to testify, come up to the podium.

Mr. Robbins: If you guys can bear with me for a second. I'm having some technical difficulties on my part. Okay. I'll start on the presentation. It'll be up in a second. It's running pretty slow with my thumb drive.

Again, this is for 6430 Lexleigh Road. Request for a variance, Application #162416. The property is located on the south side of East Main Street, approximately half-way between Brice Road and Rose Hill Road, north of the intersection of Lexleigh Road and Lexdale. The existing zoning is R3, Single-Family Residential and the request is a variance from zoning code Section 1171.04(C) to increase the allowable number of dwellings on a single-family residential lot from one to two. Applicant is Tim Madison who is the property attorney that's representing the owner, I believe, of this property.

The existing property, again, is zoned R3, single-family residential. The property is approximately 2.84 acres in area. A little bit of history behind this. There's a second dwelling unit existing on the property. The Building Department records show a conversion which is about 1998, but records do not indicate a variance was ever granted for that. The property is being purchased and the lender is requiring that the property as it stands could be rebuilt in full in the event of complete destruction. Since the property is existing non-conforming, a variance will be necessary to rebuild in the event of complete destruction. The existing dwelling unit is located at approximately 134 feet from the south property line and approximately 40 feet from the east property

line. The view is blocked by a significant tree line on all sides. See if I can get our presentation up and running again. Oh, there we go. So this is the property and you can see it's pretty well-wooded. We've got single-family residential to the south. There's multi-family residential to the north and then commercial property to the north as well. There is one other property that's actually very similar to this one that's adjoining to the east. Again, there's a pretty significant tree line that blocks those. One thing I do want to be clear about is the setbacks on this. The existing secondary dwelling unit is 15 feet away from the primary structure. That secondary dwelling unit also conforms with all the setbacks you would need for a primary residence, so it's at least 8 feet away from the side yard, 30 feet away from the rear property line. The applicant does state that the second dwelling unit will be used for visitors and family members only and they do not intend this as a rental unit.

Staff recommends that the Board review the test for hardship as stated in Section 1147.05 and verify the compatibility of the test for this application. Staff does find that the property in question is large enough to allow such conversion without causing undue harm on neighboring property owners. The building has been in use as a mother-in-law suite for the past 15 years with no recorded issues. Staff does have concern over precedent and would like to reiterate that providing living quarters for immediate family members and guests is a special situation which is different than providing initial living quarters for financial gain.

And then this is the site that was submitted and you can see the building – see if I can zoom in on that. This is the primary structure and then the building just to the south is the secondary dwelling unit, 138 feet from the rear property line. I think you would count that as the rear, 37 from the side. Any questions?

Mr. Rettke: Go ahead and state your name for the record and address.

Mr. Timothy Madison: My name is Tim Madison with the Law Firm of Madison and Rosen, 39 East Whittier Street, Columbus, Ohio 43206.

Mr. Rettke: And any questions? I know – just for clarification and for the record, this is a land locked parcel. Correct?

Mr. Madison: Yes.

Mr. Rettke: And they have access?

Mr. Madison: Correct. Yes.

Mr. Rettke: Documented access?

Mr. Madison: Yes. Yes.

Mr. Robbins: I can bring a Google image up. I believe this is the driveway for the property in question; empties on Lexleigh Road and I believe there is a connection to the house to the east, I believe. I'm not certain. And then they have a driveway that actually empties out on East Main right here.

Mr. Madison: If I may show you some pictures?

Mr. Rettke: Yeah. If you've got them.

Mr. Madison: (speaking off mic) Shows the two existing homes and _____. To reiterate what Mr. Robbins said _____. My clients bought the home about 10 years ago. The two homes were in place. They had no idea that it was a non-conforming use. I don't think they really knew it was a non-conform use until they went to sell it. Their desire to sell the property and the buyer's lender says, "We're not going to lend you the money unless the property is properly zoned to allow for the two uses. But you can see, and as Mr. Robbins said, it's been this way for at least 15 years. There are two, sort of odd – I drove out there and took these pictures two similar homes. They are identical. Whoever built them built the second one after a conversion and wanted it to look like the first one. My clients are willing to stipulate and as well as the buyers that this will not be a rental property, it could be used only for – I get in trouble sometimes for using the term the mother-in-law suite, but for friends and family. We would ask for approval based on the existing two buildings that are there.

Mr. Rettke: And, Justin, you found where we issued the permit for the conversion but no variance?

Mr. Robbins: I found – there's a portion of our records that show that a conversion was done and approved by the Building Department. Our records, and this is in 1998, our zoning records are not accessible. I don't even know what it takes to get those, however, I can tell you that according to our computer records there was no variance that was granted for the property and the same computer records do show a conversion that was allowable on the property in 1998.

Mr. Rettke: Any other questions?

Mr. Feeney: Now it appears that we gave the permit to build the building or modify it to create this situation.

Mr. Robbins: That would be my understanding.

Mr. Rettke: Yeah. My only concern is setting a precedent and I don't – I can see where this has already been done. We do have a conversion on file. Why they didn't follow-up with the other, I don't know, but I don't think it sets precedent. The location is very obscured, so I don't necessarily see the problem with this. It's not like the last few we've had.

Mr. Stoffel: Right.

Mr. Robbins: It's not going to be an issue with crowding. I mean, this site is large.

Mr. Rettke: Now as far as any additions to this, is that going to pose a problem?

Mr. Robbins: If the variance was passed the way the language states is that there are two buildings or two dwelling units allowable on the site. There are no limitations on how big those can be. So, technically speaking, they could build on to that additional unit if they wanted to.

Mr. Rettke: Now would that cover a rebuild, too?

Mr. Robbins: The variance would, yes. Yeah.

Mr. Stoffel: I thought I read, and I'm looking for it here, that it said that were to be destroyed that it would be rebuilt to comparable dimensions and size. Did I image that or—

Mr. Rettke: No. I think that's what to ensure, that it's not a complete loss.

Mr. Robbins: Right. Typically, with the lenders they want to make sure that if it's a use that non-conforming, in the event of a destruction or complete destruction they could rebuild the property as it stands. And the way – without a variance if that property were completely destroyed, we would not allow them to rebuild it as it is right now.

Mr. Rettke: Which would mean a loss of property.

Mr. Stoffel: Right. Do we care that if they destroy it to build a, you know, a 4,000 square foot building in that same location? You know what I'm saying? If they decide that they would like to have a bigger mother-in-law suite that this small one disappears and they build a bigger house. Do we have concerns over that?

Mr. Rettke: I'd say if they lose one they're going to lose them both, how close they are.

Mr. Madison: If your question is, if the property is destroyed by casualty, would we be building, or I should say my clients. Would the subsequent owner of the property be building a structure that's larger than what is existing. I think I'm comfortable in agreeing to a condition that the footprint won't be any – _____ footprints I suppose, for that matter, won't be larger than the footprints that are there unless it's permitted by code. And I suppose – it's a big lot. It's over 2½ acres, so I suppose if the primary residence was destroyed and code would allow for it to be a bigger structure be built there, I don't think that should be prohibited. But if your question is the second unit and it makes you more comfortable, I think I can agree, as a condition of approval, that

that structure not be larger than the structure that exists today without coming back to you for approval for a larger footprint.

Mr. Rettke: Well, we have an issue with – not an issue, but isn't there something on the books where the secondary structure has to be within tolerance of the primary structure?

Mr. Robbins: Yeah. There's – if you consider it an outbuilding, there are area requirements of it can't be more than 50% of the livable area of the primary structure. So if you had a primary structure that's 1,000 square feet, the accessory structure couldn't be larger than 500 square feet.

Mr. Stoffel: That makes sense then.

Mr. Madison: And I think what the lender and the buyer want to know is, if there's a fire they can build what's there today.

Mr. Rettke: There's no monetary loss because that's appraised at two houses on 2.38 acres. If you take away one of the structures, that takes away their insurability.

I make a motion that we approve variance application 162416.

Mr. Stoffel: I'll second.

Mr. Robbins: Who was the second on that?

Mr. Rettke: Stoffel.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

Mr. Madison: Thank you.

2. VARIANCE APPLICATION, 7349 VICTORIA COURT, REYNOLDSBURG, OHIO; PRESENT ZONING, R-3; OWNER'S NAME, CLYDE SHELIN; REQUESTING A VARIANCE FROM SECTION 1171.06(3) (C) OF THE REYNOLDSBURG ZONING CODE TO DECREASE THE MAXIMUM DISTANCE OF AN ACCESSORY BUILDING TO THE PRIMARY STRUCTURE FROM FIFTEEN FEET (15') TO A REQUESTED ELEVEN FEET (11'). CONTACT: CLYDE SHELIN (#162183).

Mr. Rettke: Moving on. Item B2, variance application, 7349 Victoria Court, Reynoldsburg, Ohio. Can you please present that and if the parties would come up to the microphone.

Mr. Robbins: Yes. Again, this is application for 7349 Victoria Court. Applicant is Clyde Shelin.

Mr. Sheline: Sheline.

Mr. Robbins: Sheline, excuse me. Application #162177 and instead of Certificate of Appropriateness that should read Variance Application on the staff report. The property is located on the east side of Lancaster Avenue between Warwick Avenue and Saber. The existing zoning is R3, Single-Family Residential. The applicant is requesting a variance from Section 1171.06(3) (C) of the Reynoldsburg Zoning Code to decrease the maximum distance – minimum distance of an accessory building to the primary structure from 15 feet to a requested 11 feet. The property, again, is single-family residential. There's an existing oak tree and telephone pole located in the back of the yard and this is preventing the applicant from placing the building further back in the yard. So you can see that the house sits – it's not parallel to the property line so the further you go back he could actually meet the setback requirements except for the placement of that telephone pole and the tree and that would be the hardship of his variance.

Again, the applicant is proposing the placement of a new accessory structure to the side of the existing house. Applicant states that access to the structure from the driveway is necessary. Location of the large oak tree prevents the applicant from placing the accessory building back into the lot which would meet setback requirements.

Staff finds that post-variance meets the test outlined in Section 1147.05. The applicant has proposed to place the structure as far back on the property that's allowable and has made an effort to minimize the amount of encroachment onto the 15 foot setback. It's the recommendation of staff that the variance be granted to allow a reduction in the required 15 foot setback as required in Section 1171.06 (3) (C) to a requested 11 foot setback from the primary structure. And this would be the particular building that he is looking to place on the lot.

Mr. Rettke: Any questions or concerns by the Board?

Mr. Stoffel: I'm just curious. Is it going to kind of look like the one that's far right, two photos up?

Mr. Sheline: The follow-up to that one, yeah.

Mr. Stoffel: Okay.

Mr. Rettke: Have you been in discussions with the neighbor? Oh, state your name and address for the record, please.

Mr. Clyde Sheline: Clyde Sheline, 7349 Victoria Court.

Mr. Rettke: Have you been in conversation with the adjoining owner?

Mr. Sheline: Yes.

Mr. Rettke: To that side and—

Mr. Sheline: She seemed like she was willing to sign whatever to—

Mr. Feeney: So is this going to be a shed, not a garage? You're not going to park your car in there?

Mr. Sheline: No. I have a street bikes and some dirt bikes and it's a Brookside Home so storage is very limited.

Mr. Robbins: And to be clear, this would be not any closer to the neighbor's house than would be allowed by code. It would be 4 feet closer to the primary structure as would be allowable.

Mr. Rettke: So he's meeting the side setback he's just too close to his primary?

Mr. Robbins: Right.

Mr. Sheline: To get _____ the 3 feet in.

Mr. Rettke: Can you go to Google Earth for us?

Mr. Robbins: Certainly.

Mr. Feeney: Read my mind.

Mr. Robbins: So there's their oak tree.

Mr. Sheline: In the back of the yard it actually slopes up, so the houses behind me actually sit higher than mine but you can see how they're higher than—

Mr. Rettke: So you're going to push the driveway further back or is that going to sit at the end of the driveway?

Mr. Sheline: No. We've actually had the driveway blacktop poured for the two sit on.

Mr. Rettke: Oh, so that's going to sit on the blacktop there in that picture?

Mr. Sheline: Correct. If you could see under the tree the blacktop is back—

Mr. Rettke: Oh, okay.

Mr. Sheline: --as far as we can to the tree. We'll just have to add gravel to the one side to -- since we're going to ____.

Mr. Rettke: Have you had the property line marked recently or is this going off a mow line where you're approximating it to be?

Mr. Sheline: I'm kind of going off -- all around me are privacy fences.

Mr. Rettke: I'm not saying that's the best, but you do want to make sure it's on your property. Any other questions?

Mr. Stoffel: I'll make a motion that we approve Item B2 Variance Application #162183.

Mr. Feeney: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

Mr. Robbins: Congratulations.

Mr. Sheline: Thank you.

Mr. Rettke: Enjoy.

Mr. Robbins: We do have your zoning certificate on file. Once I approve that, it goes to our staff. It has to be approved by a flood plan administrator and you'll get a call when it's ready to be picked up.

(speaking off mic)

Mr. Robbins: Call me. I'm on the record.

3. ZONING CERTIFICATE, 7366 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CC/HIST; OWNER'S NAME, RONGBI DUAN AND DIRK LINGREL; REQUESTING A ZONING CERTIFICATE APPLICATION FOR ORIENTAL RELAXING MASSAGE BUSINESS. CONTACT: RONGBI DUAN (#162171).

Mr. Rettke: Next item, Item B3, zoning certificate, 7366 East Main Street. Item #162171. Anybody wishing to testify come up to the microphone and Justin read the presentation, please.

Mr. Robbins: Yes. Again, 7366 East Main Street, Application #162171. The property is located on the north side of East Main Street approximately 40 feet of east of Lancaster. It is in the Historic Overlay District and the zoning is CC. Applicant is

requesting a zoning certificate for an Oriental Relaxing Massage business within the Historic Overlay District. Current use is vacant.

Staff is requesting that the Board of Zoning and Appeals make a determination on whether or not to approve the zoning certificate. Again, the property is the former location of the Avada Audiology & Hearing Center and Key City Mortgage. So there are a couple of things going on with how our code works. We do have a use called massage parlor within our zoning code and that zoning code relates back to the Reynoldsburg Code of Ordinances. Particularly, Section 795.02 which is Definitions. I'm going to go ahead and read this off. I'll probably read it again for the Board just to be on record twice and then we can kind of go from there. And it states, "For the purposes of this division certain terms and words are defined as follows:

12) Massage Parlor: means any place where for any form of consideration or gratuity, massage or use, any method on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical, electrical or magnetic apparatus or appliance with or without any such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice or any other treatment manipulation of human body which occurs as part of or in connection with unspecified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes his or her specified anatomical areas. Any person providing such treatment, manipulation or service related thereto must be licensed by the State of Ohio. The definition of massage parlor for purposes of adult entertainment and/or sexually oriented businesses or clubs shall not include the practice of massage in any licensed hospital nor by a licensed hospital nor by a licensed physician, surgeon, chiropractor, or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program."

So what this means is if the business as proposed does not meet this definition, then under our zoning code, as far as I understand, it is not considered a massage parlor and would then be, I would assume, a personal service. If it does meet this definition, then it would be considered a massage parlor. It would not be allowable in this district and would be relegated to the CS or the General Industry District and there are certain other qualifications that follow that as well. It has to be so far from other businesses of that type. So, really, the heart of what's going is whether or not the business – and I'm sure you'll want to ask the applicant – meets that definition. And part of that definition that staff keeps going over again and again is the very last sentence, or the very – excuse me, the very long first sentence, the last part of it where it says, "...or other similar preparations commonly used in this practice or any other treatment manipulation of the human body which occurs as part of in connection with unspecified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes his or her anatomical areas..."

So I guess there are two ways to read this sentence. It's either these conditions, if it meets any of these conditions then it's considered a massage parlor; or if it meets the conditions in the first part of the sentence, "...and relates to sexual activities..." And that's what we're asking the Board to determine, is whether or not that definition includes basically all massage parlors minus those that are basically exempted in the definition or is it massage parlors that have unspecified sexual activities along with those other criteria. Did that clarify anything?

Mr. Rettke: Anything else, Justin?

Mr. Robbins: I think I pretty much covered everything. I'd be happy to answer any questions that I can involving my knowledge of this definition. I've been going back and forth on the meaning of it, whether or not it's, you know, the part that says, "...unspecified sexual activities..." as meaning that any of those things with unspecified sexual activities, then that accounts for or classifies it as a massage parlor or that is one of those criteria that it's judging it by. You see what I'm saying? "...kneading, tapping..." and that includes sexual activities as one of the conditions of calling it a massage parlor.

Mr. Rettke: If we can have you both state your name and address for the record, we'll get on with this.

Mr. Dirk Lingrel: Okay. Dirk Lingrel from Marion, Ohio, 2919 Gooding Road, Marion, Ohio 43302.

Ms. Rongbi Duan: Rongbi Duan, 2919 Gooding Road, Marion, Ohio.

Mr. Lingrel: Wife.

Mr. Rettke: I guess I'll start. Were you aware of this definition?

Mr. Lingrel: Well, not until I read what you have here. That doesn't – I mean, since it's listed as massage parlor, I have to – that's not what we are. I always thought a massage parlor was just a space to get a massage, but you have it listed as what Robbins was saying, so I have to _____. In other words, that word doesn't exist in our vocabulary.

Mr. Rettke: So you would contend you're going to do all the first couple of sentences where we're talking, you're going to accept gratuity for a massage or any method on or friction against or stroking, kneading, rubbing, tapping, pounds, vibrating, stimulating of the external soft parts of the body with the hands or with aid of any mechanical, electrical, magnetic apparatus, or appliance. We contend you're doing that?

Mr. Lingrel: We – no. We don't _____.

Ms. Duan: _____.

Mr. Lingrel: Yeah. At least the way I understand it is—

Mr. Rettke: I haven't gotten to the other part yet. I just want to make sure because part of the definition is, is it an "and" or an "or" and that's what I'm struggling with but I've got to make sure that we're contending you're going to knead, stroke, rub, tap any external soft parts of the body.

Mr. Lingrel: As far as _____. Yes.

Mr. Rettke: Yeah. So we would contend that that condition of that definition is met. The other stuff, it comes down to that "and" or "or" and I'm not seeing an "and." I tried to break this down into sentences and correspond the relation to – I wish I would have brought it. It's in my briefcase. I spent about three hours analyzing this definition trying to figure it out.

Mr. Feeney: Ask them what they do.

Mr. Lingrel: Yeah. My wife thinks.

Mr. Robbins: That's why I tried to set that up—

Mr. Rettke: You do the first part. So, explain how you're going to conduct your business, what a massage in your definition entails, if you would.

Mr. Lingrel: Okay. She's the masseuse and you want her to explain what – every process?

Mr. Rettke: Not everything but if I walk in and say, "I want a massage," what am I going to get?

Mr. Feeney: What services do you have or offer?

Mr. Lingrel: Tell them what you do when somebody comes in and asks for a massage.

Ms. Duan: If somebody come what I do?

Mr. Lingrel: Yeah.

Ms. Duan: If somebody come in I do.

Mr. Lingrel: Yes. Okay—

Ms. Duan: Sorry. My English not very good.

Mr. Lingrel: That's okay. Um, first of all, they will have undergarments and they are draped with a towel.

Ms. Duan: And underwear.

Mr. Lingrel: And they do massage, either deep tissue which is where they use the knuckles and the hands and the _____ process maybe use the walk on the back as well.

Ms. Duan: No walk. Yeah, because of the bar, yes.

Mr. Lingrel: She describing the room and sometimes you can't walk, because you have to support yourself.

Ms. Duan: If you don't have the bar, no walking.

Mr. Lingrel: Okay. No walking.

Ms. Duan: No walking, yes.

Mr. Rettke: Oh, you said walk, like walk on their back?

Mr. Lingrel: Yeah. Walk on their back.

Ms. Duan: Yeah, back.

Mr. Lingrel: Yes, there are oils they use and of course a lot of times people who want to go back to work can't take the oil off, so we use--

Ms. Duan: There's a hot towel.

Mr. Lingrel: Yeah, hot towels.

Ms. Duan: Yeah, hot towels.

Mr. Lingrel: And they have the stones they place on the muscles.

Ms. Duan: Hot stone.

Mr. Lingrel: _____ explain.

Mr. Feeney: So the clients come in and then they – you say they strip down?

Mr. Lingrel: Yeah. It's either an hour, two hours, whatever they prefer and the gals will leave; he'll leave just the garments on, undergarments, and then drape with the

towel, waits, and we proceed the massage and find out what muscles are sore, which actually a lot of times they can tell by the feel of it.

Ms. Duan: Relaxation _____.

Mr. Lingrel: Yeah, relaxing massage. But as far as the other paragraph you're discussing, no. We're here to stay. I work at Honda so eventually I want out, so this is our family business and it's a family business so I think if anybody has issues with muscles or problems with the back, legs, we're here to work that out.

Mr. Rettke: How long ago was this written? Do you have any idea when it was enacted?

Mr. Robbins: No. 79503 was 1999.

Mr. Rettke: It's a fairly modern definition.

Mr. Stoffel: Yeah. I really struggle with the definition, too. But to me it's all inclusive when I read it because it goes through the kneading, the rubbing, all that and then it says "or any other treatment manipulating the human body which occurs as part of the connection, unspecified sexual activities or where..." So, to me, a massage parlor – it incorporates all that for this district. So, I'm really struggling with no matter how great the business may be and absolutely legitimate, it's a massage parlor and it's not to be in this district. That's where the rest of that verbiage doesn't really come into play for me unless I'm missing something, that's kind of how I'm reading that.

Mr. Lingrel: Each one says "or" in that certain group here or this and this instead of and. In other words, it's not combined?

Mr. Rettke: Yeah. My opinion is, is if it said, okay, you're going to knead, rub and for unspecified sexual activities, you're saying you're not, then I say, "Okay. It doesn't meet the definition of this personal service." But because it kept saying "or" if you do this, this or this, any one of those renderings are null and void to that district, is the way I'm reading it. So I don't see that "and" and I tried breaking it down. I struggle with it, because it is based on that language and it's specifically excluded.

Mr. Feeney: Yeah. I don't believe that – I mean, the way I look at this is this – you're business is a massage parlor. It's a deep tissue, relaxing, you know, and it meets a lot of these definitions—

Mr. Lingrel: It's almost like a spa.

Mr. Feeney: Stroking, healing – it says, "or stroking, healing, rubbing, tapping, pounding, vibrating, or..." It's just that – you're describing you're doing that, so it's – I'm sure it's a good business and I'm sure it's—

Mr. Lingrel: _____.

Mr. Feeney: Very good.

Mr. Lingrel: It's legit.

Mr. Feeney: Oh, absolutely. Yeah.

Mr. Lingrel: _____

Mr. Feeney: But I consider that it falls under that definition.

Mr. Stoffel: Yeah.

Mr. Feeney: And if it falls – in my opinion, it falls under that definition, it can't go into this district.

Mr. Robbins: Yeah. The way it reads, if it meets the definition of 795.02 of our code of ordinances, then that's not something that can go in that district. There are districts in the City that where – it's allowable, CS District and General Industry. So there are placed in Reynoldsburg where it is a permitted use, But the way our zoning works is that there's a list of uses that are allowable in certain areas and uses that are allowable in other areas and this is one of those uses that, you know, in this particular district it's not allowable. If it falls under that definition. If the Board finds that's the case.

Mr. Lingrel: Is this district the same as, say, you have this mall? They've got a spa in there. Is that district—

Mr. Feeney: You mean the one up here at Kroger's?

Mr. Lingrel: Yeah. It's up off of 270 there. Is that a spa?

Mr. Rettke: Oh, no. That's a different city.

Mr. Lingrel: Oh.

Mr. Rettke: That's even a different city. Right after you come off 270 right there, there's a wrap place or something where there – right by Lifetime Fitness and City Barbeque.

Mr. Lingrel: Okay.

Mr. Rettke: Yeah. That's Columbus.

Mr. Lingrel: _____.

Mr. Robbins: Some of the larger CS Districts are the 256 intersection with 270, so there's the Gander Mountain and specific businesses but that area around there is primarily zoned CS, which is Community Services.

Mr. Rettke: Yeah. I'm sure if you wanted to find another facility we have a Development Director that could sit down on his computer and let his fingers do the walking, if we find that that is the case.

Mr. Lingrel: We just realized the location was a traffic. It's good business right here and if people have problems after work, you stop by and we can work on it. But since the way it's worded it kind of eliminates anybody trying to come in.

Mr. Rettke: Yeah. For me, it's – for that type of business, I mean, I think we did narrow it down pretty tight as to what you can do.

Mr. Robbins: Yeah. If anybody would like to see, this is a zone map and the dark blue is the CS District so this is to give you some idea. This is 270 – or excuse me, 70, I'm sorry, I-70. This is 256.

Mr. Rettke: Is that the only CS District in Reynoldsburg?

Mr. Robbins: There are some scattered around the city.

Mr. Feeney: Well, that gets a lot of traffic.

Mr. Robbins: Yeah.

Mr. Feeney: At 256.

Mr. Robbins: So you can see scattered around the map there are some areas.

Mr. Lingrel: So that's I-70?

Mr. Feeney: Yeah.

Mr. Robbins: This is I-70 down here and this is probably the biggest concentration of CS but, again, our Development Director I think would be a really good person to contact for this.

Mr. Lingrel: Okay.

Mr. Feeney: Right.

Mr. Robbins: To find specific tenants – excuse me, areas and parcels that would be zoned for a use like that.

Mr. Feeney: To me, it sounds like it doesn't fit this district but there are places in Reynoldsburg that, you know—

Mr. Lingrel: _____.

Mr. Rettke: They're not saying "no" citywide, they're just saying no to this area.

Mr. Feeney: And you say our Development Director would be able to target you to those areas and put you in contact with what's available?

Mr. Rettke: Yeah. Because what he's ultimately – if you read the 1145.10, it has to be in CS but then there has to be 1,000 feet from any church, daycare, public or private school, private library, public park, or anybody that sells or distributes alcoholic beverages, so he's going to have to get creative in a search.

Mr. Robbins: This is what's interesting is if – you just read off 1145, correct?

Mr. Rettke: Yes.

Mr. Robbins: Okay. So that's supplementary requirements for Special Exceptions. If this falls under the definition of massage in the code or ordinances, it falls under the definition of a sexually oriented business and if you go to our list of uses, sexually oriented businesses is a permitted use under the CS District. It is a permitted use under GI, General Industry, so it wouldn't necessarily fall under that classification.

Mr. Rettke: Oh, that's right.

Mr. Robbins: Because it's not a Special Exception.

Mr. Rettke: It's a permitted use in those.

Mr. Robbins: Yeah. There are, within that chapter of the code of ordinances – let's see. Bear with me for a second. It says, "No person" – this is not in the zoning code but this is in the code or ordinances, 795.03(B). It says, "No person shall cause or permit the establishment of any adult bookstore, adult motion picture theatre or adult video stores within a 500 foot radius within a building or club measuring from the center line of the front door." It doesn't necessarily refer to massage parlors, so there are some parts of that that are in the code of ordinances that addresses sexually oriented businesses that are outside the zoning code. I haven't been able to find it, but I haven't read the entire 795 section.

Mr. Rettke: Can anybody say for sure there is a massage parlor in Reynoldsburg at the moment?

Mr. Robbins: As of right now?

Mr. Rettke: Yeah.

Mr. Robbins: There is a – if this is a service of typical chiropractors used, then, “yes.” To the best of my knowledge I don’t know of any that are just massage parlors, but that’s to the best of my knowledge.

Mr. Feeney: I don’t know of any.

Mr. Rettke: Yeah. But a chiropractor would be exempt.

Mr. Feeney: Um-um.

Mr. Robbins: It basically exempts anybody with a medical license or that does it for training or athletic reasons.

Mr. Rettke: So let’s ask this, you’re a licensed massage therapist? Is that correct _____?

Mr. Lingrel: _____.

Mr. Rettke: What would her term be if she’s licensed?

Mr. Lingrel: They use the term relaxing therapist, separate, different _____.

Mr. Stoffel: Is that licensed in Ohio?

Mr. Lingrel: Is that licensed, girls? _____ but relaxing – you’ve got a business relaxing, in the states you don’t need a license. They had schooling. For therapeutic you need a license but we’re not involved in doctors and insurances and all that kind of stuff.

Mr. Robbins: Okay. The one thing I do want to bring your attention to as well is if you guys do look for another area where it’s allowable, part of that code says that “Any person providing such treatment” and this is assuming that you would fit the definition of massage parlor, “Any person providing such treatment, manipulation or services related thereto must be licensed by the State of Ohio.” So that would be something in addition that if you do plan to seek out a district where this use would be allowable, the folks that would actually be doing the massaging would have to be licensed by the State of Ohio to do so. So I’m not—

Mr. Rettke: Now that complicates it a little bit more.

Mr. Robbins: Yeah. I’m not an expert on State licensing requirements for masseuses so that’s something I leave up to our attorney, I guess.

Mr. Rettke: It ought to be mandatory he attends. Any other questions, comments, discussion? (No response.)

Mr. Robbins: Anybody like to make a motion? And if and when you do, remember it has to be in the positive.

Mr. Rettke: I'll make a motion that we accept Item B3, zoning certificate #162171.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "no." Mr. Feeney voted "no." Mr. Rettke stated, "I will say "no" because I believe the business being conducted is in conformance with the definition of 795.02.")

Mr. Rettke: Sorry. The definition, I think, got you. I believe that's it appealable, correct?

Mr. Robbins: Yeah. Any action by the Board is appealable to City Council. The appeal has to be in writing, I believe, within 10 days of this meeting. So if you would like to appeal this decision, there is a Clerk of Council and she will be knowledgeable in how to go about the appeals process.

Mr. Lingrel: All right. I appreciate it.

Mr. Rettke: Like I said, I apologize but I think that definition is a sticky one.

Mr. Lingrel: Thank you.

Mr. Rettke: Having no other New Business, we'll move on to the dreaded term of Other Business.

1. DISCUSSION REGARDING FISHER'S GARDENS, 1537 TRURO AVENUE, REYNOLDSBURG, OH; PRESENT ZONING, AR-1; OWNER'S NAME, BRIAN KOCHER; REQUESTING A DISCUSSION REGARDING ALLOWABLE USES WITH AR-1 DISTRICT.

Mr. Rettke: Open the floor to Item C1, discussion regarding Fischer's Gardens. Is anybody here? I guess, come on up and Justin must have a presentation.

Mr. Robbins: I have a Google map and a zoning map.

Mr. Rettke: Oh, there's the building. Thank you.

Mr. Robbins: Sorry.

Mr. Rettke: I was trying to figure where Avada was in relation to Ohio Select.

(discussion off mic)

Mr. Robbins: You'll have to bear with me while I get this on. I apologize.

Mr. Rettke: That's fine.

Mr. Robbins: So this is just a discussion. Again, non-binding, but what's going on is – what's your name again?

Mr. Brian Kocher: Brian Kocher.

Mr. Robbins: Brian Kocher, excuse me.

Mr. Rettke: Go ahead and state your name and address for the record and we'll get that over with.

Mr. Kocher: Brian Kocher, 6977 Prior Place, Reynoldsburg.

Mr. Robbins: Okay. And this would be the property right here, correct?

Mr. Kocher: That's the cemetery.

Mr. Robbins: Excuse me.

Mr. Feeney: Is it?

Mr. Rettke: Yeah. See the drawings?

Mr. Feeney: Okay.

Mr. Robbins: That would be weird to operate a greenhouse.

Mr. Kocher: I was going to say that doesn't look like it.

Mr. Feeney: You can grow a lot of flowers.

Mr. Kocher: The other side of the street.

Mr. Robbins: Oh, excuse me. Okay. I'm all turned around here.

Mr. Rettke: Funky shape. 1540, right?

Mr. Kocher: 1540—

Mr. Robbins: There we go.

Mr. Kocher: To the west is the property in question.

Mr. Robbins: Okay. So what this discussion involves is we have a piece of property that is not currently within the City.

Mr. Stoffel: Then why are we here?

Mr. Kocher: It's 1537, is the property.

Mr. Robbins: Yes. Well, excuse me, I should be clear. The business right now is _____.

Mr. Kocher: The business—

Mr. Robbins: Okay. So 1540, where the greenhouse is?

Mr. Kocher: Right. We're in the township.

Mr. Robbins: What Mr. Kocher was looking at is this property across the street, which is zoned AR-2. And the use that you were looking potentially would be to—

Mr. Kocher: Potentially – yeah, we talked about this last year at one point and then economically—

Mr. Rettke: That's what I thought.

Mr. Kocher: --economic impact. Our year started out really good and then it went down really fast and, you know, I thought, "I'm just going to back off." But ideally, I'd like to have another greenhouse growing operation there to grow more plant material and possible a pole barn.

Mr. Robbins: It's within our code AR-2. Unfortunately, our zoning layer won't turn on.

Mr. Rettke: Is it AR-2 or AR-1?

Mr. Kocher: There was a duplex on that property previously.

Mr. Rettke: Discussion says AR-1.

Mr. Robbins: Well, AR-1. Let me try this.

Mr. Rettke: The link is broken.

Mr. Robbins: Yeah. It won't select. It won't turn the zoning on. That's fantastic. All right. Let's download PDF. I apologize to the Board for not having this ready.

Mr. Rettke: That cancels me being late, by the way.

Mr. Robbins: It just makes us all later. Okay. I'm disoriented.

Mr. Feeney: Go the other way. There you go.

Mr. Robbins: There we go. Again, my apologies, it is AR-1. So that would be the purple, in this area here.

Mr. Rettke: So what's AR-1 say?

Mr. Robbins: The permitted uses for AR-1 – single-family dwelling, two-family dwelling, multiple-family dwelling, semi-public uses, special family home, foster home, group home, residential care facilities and the special exceptions for the district are non-commercial, recreational and conversion of dwellings. In addition, I want to point out that permitted uses and special exceptions for all districts, the permitted uses are accessory use, simple services, public uses, charitable bingo games. Under special exception it is public service facility, similar uses, drive-thru services, outdoor storage, offsite parking facility and State licensed daycare. So I think the most applicable one would be a special exception that would fall under all districts and that would be outdoor storage. So part of the question is whether or not a pole barn will be outdoor storage. My initial response would likely be "not really" but if it were some sort of other plant material stored in an outdoor area, I think that would be something to discuss.

Mr. Stoffel: Did you also say accessory uses?

Mr. Robbins: Yes.

Mr. Stoffel: What's the definition of an accessory use?

Mr. Rettke: The use of accessorizing something.

Mr. Robbins: Okay. This is from Section 1171.06, Accessory Use General. An accessory use or an accessory structure shall be permitted in any district provided that it is incidental to and customarily found in connection with the main use or main building permitted in the district. It is subordinate to and serves the main use or building. It is subordinate to the main use or building and ground area for area extent and purpose. It is located on the same lot as the main building or main use which it serves. So that would nix it altogether.

Mr. Feeney: Is that lot in R-3 or is the lot in—

Mr. Kocher: The lot's in the white.

Mr. Feeney: The lot is the white?

Mr. Stoffel: The main—

Mr. Feeney: The main – the lot that you want to develop is—

Mr. Kocher: It's in the township.

Mr. Feeney: It's in – no, he's in the township. He wants to—

Mr. Kocher: Current business in the township. The lot they were looking at is in Reynoldsburg.

Mr. Feeney: Reynoldsburg, across the street. So that would be the main building? It wouldn't be a – it's outside the Historical District.

Mr. Robbins: Okay. Let's see if it works. Fingers crossed, gentlemen. I'd like to make a request to our Development Director.

Mr. Rettke: It works for him.

Mr. Robbins: I just had this working. That's the worst part.

Mr. Kocher: Welcome to the world of GIS.

Mr. Feeney: _____.

Mr. Kocher: Yeah. I like how you think.

Mr. Feeney: I mean, you're confident it's in the AR?

Mr. Rettke: AR-1, yes.

Mr. Robbins: Pretty confident. I've already been corrected once on that so I'm holding my tongue for 100%.

Mr. Kocher: There's no way of rezoning that lot?

Mr. Robbins: I think that would be considered spot zoning in that case.

Mr. Feeney: So a year ago – what was the plan a year ago?

Mr. Kocher: The same. It hasn't changed any and Aaron, at that point, talked about outdoor storage as well.

Mr. Feeney: Okay.

Mr. Kocher: I don't know how – does a greenhouse fit?

Mr. Feeney: So we didn't make a motion or you didn't have a plan?

Mr. Kocher: No. Just _____ thing.

Mr. Stoffel: I remember the conversation being very positive.

Mr. Feeney: Yeah.

Mr. Stoffel: I just don't recall—

Mr. Feeney: I was just trying to remember what direction we were headed.

Mr. Kocher: I don't really think we went that in-depth with reading the definition.

Mr. Stoffel: No, we didn't.

Mr. Robbins: Oh, here we go. I am now confident it is in the AR-1 district.

Mr. Rettke: How'd you do that?

Mr. Robbins: I don't know. I just kept clicking it until it worked.

Mr. Rettke: Okay. So AR-1 restricts it to residential, two-family—

Mr. Feeney: multi-family—

Mr. Rettke: --so we know we can't put it there without an exception – exemption – a special exception.

Mr. Robbins: Unless you built a house there and have the greenhouse as an accessory structure in the back.

Mr. Rettke: So he wants to build a pole barn and a greenhouse under the outside storage aspect?

Mr. Feeney: Do we allow garages? I mean, you say they won't allow any storage or it has to be—

Mr. Robbins: Yeah. We've had this before. I've dealt with people that just wanted to build garages without a house and I've told them that that's not something that we can do because it has to have a primary function first before you can build an

accessory structure. You can classify it as an off-site parking facility where you park your pole barn. I'm on the record. I shouldn't say that.

Mr. Feeney: Do we allow temporary buildings?

Mr. Robbins: We allow temporary special land use permits typically that are found in connection with certain activities, you know, fairs, community events, construction job trailers, things like that and it is on a limited basis. So I would feel uncomfortable with classifying a pole barn under a temporary structure. I think as reasonable as we might feel the request is, the problem that we would have with some of these ideas is that it would kind of lead the way for things that are less reasonable that we would then have to defend our decisions against.

Mr. Feeney: But I didn't know if like the greenhouse is a temporary greenhouse or is that, you know – I've seen those where they have the plastic on them and I didn't know what—

Mr. Kocher: Or like Strader's but they're at the old BP Station at Lancaster and Main, seasonal. Right there by the creek they had a temporary greenhouse.

Mr. Feeney: I didn't know that's—

Mr. Robbins: Yeah. I mean, we do. There are certain instances in which – in parking lots you have that. Now, I'm assuming when you say pole barn you mean something that's a permanent structure. I mean, that would be the point of having greenhouses, cultivation throughout.

Mr. Kocher: Yeah. I do. And the greenhouse, to make it worthwhile it would need to be a 30 by 96 greenhouse and what I call a hoop greenhouse. It goes ground to ground with a cover of plastic, that kind of structure, typically, not footings. You know, you get into the building code about what is a permanent structure and what isn't and I'm not well-versed on that right now. But, typically, you know, it's a – you pound a piece of one-inch pipe in the ground and build a board to it and then your hoops go across like that. That's how that works, so.

Mr. Rettke: How deep is that lot, do we know?

Mr. Kocher: Two hundred and thirty feet (230 feet) or something like that, I think.

Mr. Stoffel: Well, you want a temporary greenhouse and a pole barn, correct?

Mr. Kocher: Yes. So, yeah. I mean, I—

Mr. Rettke: You're talking about every inch of that lot.

Mr. Stoffel: Yeah.

Mr. Rettke: What's the length on that roughly?

Mr. Kocher: Sixty (60).

Mr. Rettke: Sixty (60)?

Mr. Stoffel: Yeah, pretty narrow.

Mr. Kocher: So 15 feet on each side and half the lot's the greenhouse.

Mr. Rettke: What kind of – what size of pole barn are you looking at?

Mr. Kocher: As big as would be allowable.

Mr. Feeney: So if he had a house there that he rented, then he would be able to put a pole barn and a greenhouse in the back of that?

Mr. Robbins: Likely not the size that he's talking about.

(discussion)

Mr. Robbins: --accessory structure locations

Mr. : The half _____.

Mr. Robbins: Yeah. And then it can only take up, I think, 20% of the required rear yard of the business or, excuse me, of the property. There's been some back and forth about what that actually means, but—

Mr. Rettke: Would it free him up at an R3 any?

Mr. Robbins: Let me check.

Mr. Rettke: Since he adjoins R3.

Mr. Robbins: No. The ones that do allow agriculture would be R1 as a Special Exception, R2 Single-Family District is plant cultivation as a Special Exception. I would classify plant cultivation as what he's speaking of. The rest is pretty much non-commercial recreation facilities. So, if any kind of _____.

Mr. Stoffel: I know we talked about the R1 last time because it's right across the street. I remember that was part of our discussion.

Mr. Robbins: Well, that's RI. That's Restricted Industry. That yellow area right there?

Mr. _____: Yeah.

Mr. Stoffel: But under R1 he could have _____. What's RI?

Mr. Robbins: Restricted Industry.

Mr. Stoffel: Or not R1, RI. Under RI he could have—

Mr. Kocher: Excuse me. I think our conversation went there.

Mr. Robbins: It has agriculture and plant cultivation as a Special Exception.

Mr. Stoffel: But does it say anything about structure?

Mr. Robbins: I would assume that agriculture and plant cultivation would fall under the structures that would be associated with that use.

Mr. Feeney: But, again, you're going to fill that whole lot up with a structure which is not going to—

Mr. Robbins: Right.

Mr. Rettke: That's a tough one.

Mr. Robbins: It's a tough one.

Mr. Feeney: So, it adjacent to the RI zoning?

Mr. Stoffel: Yeah. Too bad you don't have Lot 153.

Mr. Feeney: So if we change it to RI, would he still be able to build the size buildings that he wants to build to make it profitable for him?

Mr. Robbins: It would be a Special Exception in that case. And I'll have to look at the setback requirements for the RI district, see what those—

Mr. Stoffel: Yeah. Setback and lot coverage.

Mr. Robbins: Yeah. All right, so in the RI, the first problem you're going to have is there's a minimum lot requirement of 150 feet. The lot area minimum of 40,000 square feet. The rear yard is going to be a minimum of 50 feet and the side yard is 25, so that would be—

Mr. Feeney: Tough.

Mr. Robbins: Yeah. That'd be a 10-foot wide building.

Mr. Feeney: So, even if we rezoned it to RI you still couldn't build a building.

Mr. Kocher: Right. Yeah.

Mr. Feeney: And R3 doesn't apply and, of course, the AR1 doesn't apply, so.

Mr. Robbins: In all honesty, I think the only course of action that you're likely going to have, the way I'm reading the code, is that outdoor storage of some form or another, and that's not going to be a building. So, if you have—

Mr. Kocher: Of any type of building, would the greenhouse follow that definition of building?

Mr. Robbins: My reading is it would not. You know, if you have – like I've seen with Oakland Park and places like that they'll have trees and whatnot—

Mr. Kocher: Right. Yeah.

Mr. Robbins: --in an area in balls. I mean, I think a use like that I would classify as outdoor storage. It would go through Special Exception process but I think there'd be a fighting chance of getting that.

Mr. Rettke: Yeah. When you come to balled trees and—

Mr. Stoffel: Yeah.

Mr. Robbins: I'm sure the neighbors would probably like that better as well than—

Mr. _____: Maybe a mulched bed or something like that. I don't see—

Mr. Robbins: Yeah. I mean, it would provide proper screening around it, that type of thing. But I think at this point, with that particular property, that's the highest and best that you're going to get out of it.

Mr. Kocher: Okay. That's fine.

Mr. Robbins: Unless the Board disagrees.

Mr. Rettke: You know, I think that AR1 really hurts you.

Mr. Feeney: Well, the three, AR1, R3 and that RI aren't helping you at all.

Mr. Kocher: Right.

Mr. Feeney: And those are all the ones that are adjacent. If we, you know, without a spot lotting but for that one piece of property, rezone it for – you know, right in the middle of residential, that probably wouldn't sit real good.

Mr. Robbins: Yeah. There's a term that planners throw around called spot zoning. It's in the constitutional questions and basically says that a city can't spot zone and I think this would come real close to that.

Mr. Rettke: If you had it contiguous to you it wouldn't be considered but since you don't have anything permitted contiguous, we can't extend that zone.

Mr. Feeney: Unless you take it out of Reynoldsburg and put it back in the township.

Mr. Rettke: It may get even scarier though.

Mr. Robbins: Unincorporate it?

Mr. Feeney: Unincorporate it.

Mr. Robbins: We'll cut off water and sanitary service.

Mr. Kocher: Okay. That's why I was here. I wanted to find out before I spent any money.

Mr. Rettke: Absolutely.

Mr. Robbins: I want to point you to that gentleman in the back. This is our Development Director, Dan Havner.

Mr. Kocher: Hi, Dan, nice to know you.

Mr. Robbins: Part of his job is finding those areas that are appropriate for particular businesses.

Mr. Kocher: Right.

Mr. Robbins: You've been a fixture of this community even though you're technically not part of it for quite awhile.

Mr. Kocher: Yeah. That parcel was pretty convenience, too, so.

Mr. Feeney: _____, yeah.

Mr. Robbins: Yeah.

Mr. Rettke: Did you purchase it or you're looking?

Mr. Kocher: No.

Mr. Rettke: So you're not out anything at this point though.

Mr. Kocher: No, just an hour.

Mr. Rettke: And the 10 minutes I was late. Sorry we couldn't help you.

Mr. Kocher: No, it's okay. Don't worry.

Mr. Rettke: Like he said, you're a fixture, so we'd like to keep you there. I know we shop there.

Mr. Robbins: What's this triangular parcel to the north?

Mr. Rettke: Isn't that like a historical—

Mr. Kocher: That's a cemetery.

Mr. Robbins: Oh, it is?

Mr. Feeney: Yeah. That's an old cemetery.

Mr. Robbins: Never mind. Because it's allowable there.

Mr. Rettke: S1 is?

Mr. Robbins: S1, Special District, plant cultivation is allowable.

Mr. Rettke: That's right. That is an old, old cemetery.

Mr. Robbins: With RI, I don't know what's—

Mr. Rettke: That's City property, isn't it?

Mr. Robbins: This is City?

Mr. Stoffel: It'd have to be.

Mr. : Yeah. I think it's—

Mr. Robbins: I don't know. I can't tell.

Mr. Kocher: And you said the R3 is the same thing?

Mr. Robbins: Yeah. The only places – and these are Special Exceptions for both of them so you'd still have to come in front of the Board and we'd likely make you provide buffering requirements and things like that to lessen the impact.

Mr. Kocher: _____ impact.

Mr. Robbins: Yeah. You're looking at R1 where agriculture is a Special Exception and then R2, plant cultivation is a Special Exception. Pretty much any other residential district is not going to be allowable, like I say, unless you're a non-commercial recreation facility.

Mr. Kocher: Okay.

Mr. Robbins: Some kind of greenhouse yoga could count.

Mr. Kocher: All right. Well, thank you very much, appreciate it.

Mr. Rettke: Thank you. With that being discussed, we'll move on to Item D, Adjournment.

D. ADJOURNMENT

Mr. Rettke: So we'll adjourn the meeting at 7:40 p.m.

Anthony Rettke, Chair

Justin Robbins

This document was transcribed by:
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