

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS OCTOBER 15, 2009 6:30 PM

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. Duane White Mr. Chris Long Mr. Norman Brusk Mr. Patrick Feeney
Others Present:	Mr. Aaron Domini, Planning Administrator

2. APPROVAL OF MINUTES OF JULY 16, 2009 AND AUGUST 20, 2009 MEETINGS

Chairman Feeney: Are there any changes, deletions that anybody has? (No response.) Stand approved.

3. APPROVAL OF AGENDA

Mr. Feeney: Is there any changes to the agenda?

Mr. Domini: No changes.

Mr. Feeney: Okay. Good.

4. SWEARING IN OF SPEAKERS

(Mr. Feeney administers the oath.)

5. PUBLIC COMMENT

Mr. Feeney: Is there any public comment other than what's going to be brought up tonight? (No response.) Seeing none, we'll start with Unfinished Business.

B. UNFINISHED BUSINESS

1. ZONING CERTIFICATE APPEAL, 7841 PRIESTLY DR., REYNOLDSBURG, OHIO; PRESENT ZONING R-3; PRESENT USE SINGLE-FAMILY RESIDENTIAL; PRESENT OWNER, JOHN GREBB (292-ZF).

Mr. Feeney: Do you have anything to add?

Mr. Domini: One item I have to add is that I spoke with the City Engineer and he was of the opinion that the fence would not impede the function of the detention basin. However, he did not necessarily recommend approving it, because he didn't like the idea of us approving fences in detention basins as a common practice. And I don't think he knew for sure, without doing any detailed study, of what exactly was going to happen with the flow of water. I know the applicant had a conversation with him as well and Mr. Miller told me that's what he told the applicant and that is all I have to report on it. Mr. Miller did not turn in any report or memo or anything like that and so it's strictly conversation.

Mr. Feeney: Yeah. Good evening.

Mr. John Grebb: Good evening. I'm John Grebb. I'm the homeowner at 7841 Priestly Drive and I'd like to thank the Board for the opportunity to return and continue to discuss this matter with you. As Mr. Domini said, I did have a chance to speak with Mr. Miller. I contacted him the Friday after our meeting in September. We spoke at length on the phone on a Saturday, he called me and we spoke at length, and after that discussion he agreed to come out to the house to take a look at the area we were talking about so he could have an exact understanding of what was going on there. He did come out to my property, we discussed the drainage easement and why I was requesting to construct the fence within the easement. And he told me while we were at the property that there is no engineering reason why I could not construct the fence in the easement. It would not impede the flow of water. It would not cause any problems. However, he was opposed to it simply because it was an easement and he doesn't agree with a variance being allowed for someone to construct a property – a fence in an easement.

Building this fence on my property has become a priority for my family. I have small children and my dogs, I'd like to keep from running free. Priestly Drive has become a very busy street and for the safety of my children, I'd like to have this fence in my back yard. It is a bit of a hardship for me. My family considered moving due to this problem. On this current real estate market there's no opportunity to sell the house. In my neighborhood I think there's nine or ten houses that are actively for sale right now and only two have sold in the last 12 months. One of them was a foreclosure that sold back to the bank. So, obviously, my family wants to stay here and we want the – I want the fence in our back yard. The fence is a type of construction that's not going to impede the flow of water in the area and I'm willing to work with the Board to make any modifications to this fence that I might need to, to alleviate any of your concerns.

Again, I mentioned last time, and I continued to do more research on this type of drainage basin on the Internet and I found hundreds of entries on websites where people have approached Board of Appeals simply for this exact reason, to put a fence within drainage easements. Almost without exception, those variances have been

granted and the fence has been allowed to be built. Again, some of the municipalities require a gate access, some require that the fencing not come any closer than 4 inches to the ground to allow free flow of water in that area. Several others require actual signed addendums to the deed with the understanding that if the City needs to remove the fence, that the homeowner understands if that's going to happen and it will be at the homeowner's cost. I could not find anywhere in the Codified Ordinance of Reynoldsburg that prohibits building a fence in a drainage easement. On the fence application and the permit application it even says that if you build within an easement, it's the homeowner's responsibility to remove the fence. I have no problem with that. And, again, I just thank you for the opportunity to be here to request this variance.

Mr. White: I was just looking at the picture you have up on your screen. What's that green line going down through there? Can you—

Mr. Grebb: That's the – on the east side of the property, that's the actual conduit that carries the water. It's buried underneath.

Mr. White: I see. Okay. So if you were to build this fence – I understand you to say you would actually put some sleeves in so you could actually remove it for access.

Mr. Grebb: Correct.

Mr. White: And so where would that be?

Mr. Grebb: Wherever the City would want it. And actually, as Mr. Miller and I discussed standing at the property, he wasn't really sure where it needed to be, because there would be access from any number of points to it. Depending on what the City would decide they need – where they need to access it from, it can be anywhere. What I'm proposing is to put some sleeves in the ground where I can just simply lift the fence section by section out of the ground, and there would be clear access into the easement.

Mr. White: One final question I have, at least at this point. Looking at this area on that screen you're looking at there, the reservoir – the easement area – not the easement, it would be reservoir, is that area where it's kind of greenish, a light greenish-

Mr. Grebb: Yeah, that's the—

Mr. White: --part that's supposed to be retained?

Mr. Grebb: Yeah.

Mr. White: And if you were to put a fence there, the obstruction – if any obstruction were to occur would be right in the middle of that where your property line will occur?

Mr. Grebb: If you can see, there is a line between 7833 and my address at 7841. That's where I'm proposing, to construct this fence and then bring – the rest of the fence will be outside of the easement. There's only 120 feet of the fence that will actually be within the easement and that's the area between my property and the neighbors.

Mr. White: I thought about this over the weekend – after the last time you were here, and we were discussing flow as opposed to actually – what this is, is a kind of reservoir where actually it's not a matter of flowing water like a stream, it's a matter of water going into a reservoir and increasing in size as the reservoir fills, and then it subsequently will drain down.

Mr. Grebb: Correct. It's designed to – if there's a very large rain and there's a huge influx of water, it's designed to allow the water to flow into this large area and then there is a smaller outlet and it controls the amount of water that goes downstream from there, so that we don't have a huge runoff into the field behind our homes.

Mr. White: That's all I have.

Mr. Long: Is – Aaron, could you go back the – yeah. Across the street, is there another pond over there, too? If I remember—

Mr. Grebb: There is and it's an actual wet pond, it's a very large area that holds water all the time.

Mr. Long: So this is the second ponding area, is that right?

Mr. Grebb: It would be secondary to that now. This area existed first. The pond wasn't built until after I was in my home.

Mr. Feeney: And the access that the City Engineer wanted was for the access to the pipe – it's not so much to the—

Mr. Domini: Down the east side, over here.

Mr. Brusk: Right.

Mr. Grebb: When Mr. Miller was—

Mr. Domini: To get to this manhole and clean out the conduit.

Mr. Grebb: Mr. Miller's bigger concern when he came to my residence was the conduit on the east property line and where I propose to build the fence is to the west of that by a few feet, so that area is not even within the easement as – currently as it's drawn.

Mr. Long: So, how far inside your property line are you going to build your fence?

Mr. Grebb: It would actually—

Mr. Long: It looks like it's right down the middle of your property, but—

Mr. Grebb: If you can see where the conduit goes. If you can go back up to the east, rear corner of my house where the decking is, it would probably – the fence would probably come straight from that corner. There wouldn't be necessarily a gate that faces the road. It would come straight back from that corner of my house.

Mr. Feeney: So, would the fence be in the easement then or not?

Mr. Grebb: No, it would be without. There's a second utility easement that runs—

Mr. Feeney: Okay.

Mr. Grebb: --on the east property line. It will not be within that easement. It is outside of that easement. The area of fence that's within the easement would be simply the west property line and it is entirely in the easement for 120 feet.

Mr. Brusk: Yeah. Aaron, as I understand it – go back to the picture again. If, assume he had made the C-type of thing, just for hypothetical, he would not have had to have access to that pond would he, because he would not have used any of the area that he's not supposed to be in?

Mr. Domini: No.

Mr. Brusk: Would he still—

Mr. Domini: On these applications we always contact the Water/Waste Water Department and have them review – or Stormwater, Don Turley in Stormwater, have them review the applications and he always requests access.

Mr. Brusk: Even on a – outside the easement?

Mr. Domini: Yes.

Mr. Brusk: I was assuming—

Mr. Domini: I mean—

Mr. Brusk: I was assuming that he did a fence that was outside the easement totally. Would he have to have access?

Mr. Domini: There has to be access to it?

Mr. Brusk: There would?

Mr. Domini: That was the request of Don Turley.

Mr. Haire: There's a 10-foot easement that runs down the whole east side of the house – on the west side of the house, I'm sorry.

Mr. Brusk: Oh, there is an easement there?

Mr. Haire: Yeah. Can we get back to the other drawing?

Mr. Brusk: Oh, on top of the sewer. Oh, you're right.

Mr. Haire: --10-foot wide across the top of the pipe. There should be anyways.

Mr. Grebb: Yes, there is.

Mr. Domini: Yes, there is. I wasn't talking about this before.

Mr. Brusk: Now, the only question I guess I have that has me a little worried is, what happens when we have a huge rain and the reservoir fills and the piping just gushes a tremendous amount of water to enter into the retention pond? Is there any junk inside the conduit or anything that might cause—

Mr. Grebb: It's typical for some debris to come through there. We had a pretty good rain last weekend and I wasn't home or I would have taken pictures. It was pretty substantial rain for a long period of time. The basin did not fill at all. There was some standing water back there. A lot of that's just simply runoff from my yard. It gets down into the depression there. There is occasionally Kroger bags, plastic bags, garbage bags, stuff that – there's not anything that comes out of there that would build up and cause that water to be diverted somewhere else or impede the flow of the water in there.

Mr. Brusk: Right. If you had the fence splitting, you wouldn't get the build-up along that fence.

Mr. Grebb: No. There could be some build-up but, again, I maintain—

Mr. Brusk: Not total build-up.

Mr. Grebb: Yeah. I maintain that basin as it is now. I keep the grass cut, I keep the weeds out of the area between the two conduits that always has standing water.

Mr. Brusk: Then you wouldn't have any objection if we put a restriction to insure that you periodically clear the fence—

Mr. Grebb: Oh, absolutely not. This is an area of yard that my family is going to use, so certainly I will.

Mr. Feeney: So are you going to have a gate in there so that the Sewer Department can get in and clean up that if they have to?

Mr. Grebb: Absolutely. Yeah. And my thought was the southwest corner, in that area, will probably be the most logical place for a gate but, again, that can be the Board's discretion where they want to decide they need it. I do know that if this approved my neighbor at 7833, she's talked to me about continuing the fence on her property. Now, obviously, our property line would already be fenced. She wants to continue to the east and then back north to her house and open up her fenced yard.

Mr. Domini: She already has a fence.

Mr. Grebb: She already currently has a fence.

Mr. Domini: She kept out of the easement.

Mr. Grebb: Right. She just – at the time she built the fence she didn't want to go all the way back.

Mr. White: I have a question. The fence that you're proposing to erect, is it – it says here a stockade fence, but is this the kind of fence that you're—

Mr. Grebb: Yeah. That's – it's—

Mr. White: So it's actually kind of rails and posts?

Mr. Grebb: It's similar to the New Albany, right.

Mr. White: And then separated by 6 foot posts?

Mr. Grebb: Correct.

Mr. Brusk: And, as I understand, you said there would be like a mesh in there to—

Mr. Grebb: --keep the dogs.

Mr. Brusk: --keep the critters from getting out of the yard?

Mr. Grebb: Yes.

Mr. Feeney: Well, if Jim didn't have a drastic disapproval – I think I was kind of looking for him to say, "No."

Mr. Domini: Well, he did, but it wasn't because of the flow of water.

Mr. Feeney: Well, he didn't want it on the sewer easement. He was agreeing to--

Mr. Domini: No, he didn't want it in any of the easement.

Mr. Feeney: In the retention base area

Mr. Domini: Drainage, easement, which is this area – the whole area here as it's shown on the plat.

Mr. Feeney: Okay.

Mr. Haire: Yeah. I spoke to him as well. He just – his comment to me was it's not good practice to build fences in drainage easements. He's not necessarily concerned in this case with the flow of water because this isn't – there's not actually flowing water. It would just be the back-up where it would actually hit the fence. He just doesn't approve of the practice of building fences in drainage easements.

Mr. Grebb: And, further, while we were talking his suggestion was to fence around the entire top of the pond, encasing both mine and my neighbors' properties, which completely restricts access to that area anyway. I can build the fence and it crosses the easement for just about 1½ feet, when it goes over the exit flow pipe. But the fence can be constructed around both our properties without being in the easement whatsoever. And, again, that's not really something that I would want to consider. I don't mind sharing the yard with my neighbor, but if we have our dogs out and my kids are out, I don't want her dog around my kids, I don't want to watch and my dog around her dog, or those type of things. We also talked about an electric fence, underground fence, but that's actually outside of the possibility as well because that fence would be installed within the easement, too, so we're kind of at a Catch 22 situation here.

Mr. Domini: I don't think when the Code was written that the intent was to restrict electric fences. I'm not even sure we had electric fences when the inception of the Code was written, so I wouldn't restrict that.

Mr. Grebb: Well, again, any maintenance that would have to be done would involve the digging of dirt, which would remove that fence, because it's installed basically at the surface, just underneath the sod so—

Mr. Domini: That would just be my opinion.

Mr. Feeney: I would say an electric fence would solve the problem, because you would have that – you wouldn't – I don't know that that's a fence, is what they're—

Mr. Grebb: And I understand that, but that's – and secondly, it's not really a consideration for my family to – an electric fence doesn't keep other animals out of my yard and if my dog wants to leave the yard bad enough, he's going to leave.

Mr. Feeney: So we're looking at just installing a fence in the retention basin area—

Mr. Grebb: Across it.

Mr. Feeney: --across that. Is the fence on your west side, is going to be outside the easement area?

Mr. Grebb: Correct.

Mr. Feeney: Is that right?

Mr. Domini: East side.

Mr. Feeney: East side.

Mr. Domini: It comes flush off of the house on the east side. It should be out of the easement which to access that manhole and come down this side.

Mr. Feeney: And then come all the way back to the red line and then west to the west property line, then north.

Mr. Domini: The north at the top.

Mr. Long: Then actually the exit for the water into the pond and then the exit for the water out of the pond is within the fenced area. It doesn't actually go through the fence.

Mr. Grebb: And they're only about 10 feet apart.

Mr. Feeney: That is true.

Mr. White: You mentioned before that you would not go for an electric fence. I think there was a couple reasons. One, that it would – the dogs could go through in and out and any deer come in. What about a combination of fence and maybe electric fence across the easement area?

Mr. Grebb: That's a possibility we could consider. Ultimately, I'd like to have the fence there but given no other options, I have to do something.

Mr. Long: That would give you about 75% of the fencing that you're looking for.

Mr. Grebb: Absolutely.

Mr. Long: And then just the area going down into and then back out of the retention pond.

Mr. Grebb: Yeah. The distance we're talking about is about 120 feet from south to north there and I haven't priced an electric fence, but I'm not real sure it matters how far you go with the fence. I think the system costs what it costs and if you go 10 feet or if you go 1,000 feet, I think you're just buying wire at that point.

Mr. Brusk: Yeah. And if your neighbor has a dog, it's not going to keep him from coming in.

Mr. Grebb: Correct.

Mr. Long: Yeah. Essentially, there what we've done is we have been able to meet halfway. You're allowing access to the sewer pipes.

Mr. Grebb: And again, though, if that were the case and we did that, what I would also propose to my neighbor is that we fence the entire circumference of the top of the pond that's outside the easement, which takes away access to that anyway. As it stands now, without needing any access I could simply build that fence. It's outside the easement so, again, I think it's really just a Catch 22. If I use the electric fence there and we fence the entire circumference of the pond, then the access problem is back.

Mr. Haire: You're still within the drainage easement around the circumference of the pond. The drainage then covers the whole rear of your lot, I believe. Can you go back to the drawing, Aaron?

Mr. Grebb: It actually ends approximately 10 feet or so from the rear property line and that's – when Mr. Miller stood on the property with me, he described exactly where I could go with that fence and it crosses the easement at one point just simply because it has to.

Mr. Haire: Right.

Mr. Grebb: But it would be – we could go the entire circumference of the pond and be outside of any easements.

Mr. Domini: I don't think I understand that, because the pond in itself is in the easement.

Mr. Haire: Yeah. I don't understand that either—

Mr. Domini: See this area here as indicated on the plat where it says “drainage easement?”

Mr. Grebb: Absolutely.

Mr. Domini: Okay. From here to here—

Mr. Grebb: And at the bottom spot right – well—

Mr. Domini: So that whole area is an easement, all the way to the rear.

Mr. Grebb: Okay. What Mr. Miller described to me was that that’d be very possible. And, again, that goes to my rear property line, so at the rear property line, on that line I could – the fence could be constructed there but—

Mr. Feeney: I like the idea of the combination. I think that – I have a concern about the flow, especially with the wire mesh—

Mr. Grebb: And, again, it’s very hard to depict for you guys exactly. If you haven’t seen this particular pond work, it’s 240 feet by 140 feet, it’s a huge area. The conduit that feeds it is, I think, it’s a 34 – 36-inch pipe and the one that’s on the exit is a 30-inch pipe. As I described last time, one time I’ve seen water gush into this area and it was when the pond across the street failed. That’s been repaired. That was eight years or so ago that that happened. We’ve had numerous heavy rains since then and I understand that these are constructed 100-year flood plains and this type of thing, but water doesn’t necessarily gush in there. Water flows in there and it just gradually catches. It’s not such a rush of water like there would be in a stream or river. It just flows in, it settles and it takes its time and it goes out when that’s ended.

Mr. Brusk: I would say that most of the time that’s true, in fact, a good percentage of the time and we may never see 100 or a 500-year rain. But, of course, if you went down to Atlanta, they had one.

Mr. Grebb: Sure. Absolutely. And, again, if the fence is in that area, the way that the pond is constructed – this is a 4-foot fence, the highest point being the southeast corner there of that berm. It’s 5 feet down to the bottom of that I think, so the fence is actually lower than the top of the drainage basin.

Mr. Feeney: You know I-- What I’m looking at is if we allow this fence in here and it does collect trash, you move out, Mr. XYZ moves in and he doesn’t take care of it and then there’s backup, get the 100 year or 500 year flood, this thing is designed to hold it, it doesn’t hold it all, holds some of it, not all of it, we get backup into peoples’ basements, the City’s out there fixing it.

Mr. Grebb: The way it's constructed now, at 100-year flood plane, it will be in my basement before it reaches the top of that berm, just because of the slope of my yard.

Mr. Feeney: And if we allow the fence in there then we're—

Mr. Grebb: I just – knowing how that works, and I wish I had a better way to convey to the Board here. It would take so much trash and so much debris to clog 120 feet by 4 feet, 480 square feet of fence, and even then I don't think any debris would keep the water from flowing to the other half. So it's not like this fence will cut the capacity of the pond in half.

Mr. Feeney: Well, I'm afraid it may.

Mr. Grebb: And, again, I would venture to guess and I didn't go out and do any research because I don't want to bore you with things that you've already granted variances to, but I guarantee that there's been variances granted for fences within drainage easements all over this city, for different reasons because people built a pool or they just simply have a fence that encroaches on the drainage easement and after the fact, they came back here. So I don't think I'm requesting anything new from the Board.

Mr. Feeney: Well, sir, do you have--

Mr. Craig Murdick: May I make a comment?

Mr. Feeney: Please, if you'll come up and give your name and—

Mr. Murdick: My name is Craig Murdick. I'm an architect. I'm not here for this, but in listening to it, I just thought it might help to make a couple points. If I'm correct, the inlet and the outlet are on his property.

Mr. Feeney: Correct.

Mr. Murdick: It's those two pipes.

Mr. Grebb: Yes.

Mr. Murdick: So, in terms of flow – again, this is just my opinion, that water flowing into that basin will migrate to the next property through that fence potentially. But as the pond goes down, it's going to come back through and make it's way to that pond, so it wants to go that way and then come back to that outlet, is that correct?

Mr. Grebb: Correct.

Mr. Murdick: So in terms of debris, it's almost a kind of self-cleaning situation. If there was a lot of flow and it worked the pile up so much as to back it up, any water that comes through is still going to come back through and it has to come back through. I can understand if it were a waterway that was continuing on past that next property. So that's just one point. Those two outlets, I know, are so close together. Just again, my opinion, it wouldn't make as much a difference, some of those concerns.

Mr. Feeney: Thank you. Does the Board have any other questions or comments?

Mr. White: Just one further question with regard to the combination. What was your concern with that possibility?

Mr. Grebb: Well, what my biggest concern is the liability of my dog getting out and chasing somebody or attacking another dog. Just this summer—

Mr. White: Just hold for that one point. If I had – my impression was that your neighbor's yard is fenced in?

Mr. Grebb: Hers is fenced up to the point where it would enter the drainage easement.

Mr. White: Well, looking at this picture, then I'm trying to figure out where the easement stops and begins but this pond area right here—

Mr. Grebb: The pond area basically is the easement.

Mr. White: Okay. So her line to the east portion of her property, the easement comes up to but does not extend beyond that to that line, is that correct?

Mr. Long: Her fence follows the easement line it looks like.

Mr. Domini: No, her – there's like--

Mr. White: It looks like there's a little edge there that's open—

Mr. Domini: --dashed line at the top of the drainage easement.

Mr. White: Okay. I can't really understand that picture, but let me go on with my question though, is that is there – was there consideration of fencing in the entire portion of her lot?

Mr. Grebb: We discussed it. Again, I don't know if she's ready to move forward with that. I know the discussion that I've had with her, if I am allowed to construct the fence in the easement, I know she would like to hook onto it on the southern edge and continue to her west property line and then back north, and open up her fence.

Mr. White: So you have never discussed the possibility of maybe not putting a fence in that easement, but maybe putting the wireless fence there and possibly still extending her fence onto it.

Mr. Grebb: And, again, if that would be the case, that may be a possibility and the solution, but then her dog has to be trained to be on the fence. And if the dogs are out at the same time and something happens, I just – I am personally more comfortable with the fence and, again, this summer my dog was attacked by a dog that's contained within an electric fence. The dog came out of the fence and attacked our dog while we were walking and ran back in his fenced area. I don't personally want to accept that liability.

Mr. White: Maybe I don't understand everything completely, but if you were to have – you and your neighbor were to have a fence on portions of your yard, but not in the actual easement, then the only threat, if you had that fence there, to your dog and her dog would be your dogs hurting each other.

Mr. Grebb: Each other's dogs, correct.

Mr. White: And if you were to put in electric fence between the two of you, would that not prohibit the two of you – the two dogs actually coming together?

Mr. Grebb: Well, if her dog was trained and was wearing the collar and my dog wore his collar and, again, it's not something I discussed with her. I'm not sure she wants to go to the cost of training her dog to be contained within the electric fence there.

Mr. White: Okay.

Mr. Long: So, if I understand you correctly, if we grant the variance and you build your fence down the middle there, she's then going to want to go ahead and continue the fence on her far west side down to the southern fence, so she'll be coming to us for a variance in order to be able to get the variance—

Mr. Grebb: Well, I'm not sure that she'll need it.

Mr. Domini: She doesn't need the variance.

Mr. Grebb: She won't need the variance.

Mr. Long: Not for access?

Mr. Grebb: I think she'd have the same access that I have. There might be a—

Mr. Domini: I don't have her lot here, but—

Mr. Long: Well, I was just looking at your photo there, Aaron.

Mr. Domini: Yeah. She would need it. She should have access to the easement, but with the fence going down the middle, when he puts the fence in, his fence is going to probably be the only one in the easement.

Mr. Long: Correct. But my idea is—

Mr. Domini: She'll be all the way around it.

Mr. Long: --that if she continues her fence from the north to the south on the west side essentially completely fencing her area in, using his—

Mr. Grebb: That's outside of the easement.

Mr. Long: --to the east, you now have limited access to the second half of that retention pond. You wouldn't be able to get to it.

Mr. Domini: It would be accessed but she, technically, I don't think she'd be in the easement—

Mr. Long: Right.

Mr. Domini: --but there'd be an access issue.

Mr. Grebb: And, like I said, whatever the Board decides or Storm Water Department decides what type of access they need, I'm absolutely willing to construct the fence so that they can have access to it and the ten years I've been there they've not needed access to it.

Mr. Brusk: What Mr. Long said is very interesting because – go back to the picture of the – please, Aaron. If along that yellow line there's a fence built there and if the neighbor at 7833 fences in, there is no access to the second half.

Mr. Grebb: Again, Mr. Miller proposed that I construct exactly what I'm describing without the fence in the middle. He said come along the berm at the top of the retention pond which is outside the easement and at that point, there's no need or want for drainage – or for access to it.

Mr. Feeney: --in the retention area for maintenance.

Mr. Brusk: Yeah. But doesn't the retention area need maintenance on occasion potentially like digging it out or—

Mr. Domini: I would think they would.

Mr. Brusk: At some points but not today, not tomorrow, but in the future.

Mr. Haire: With every storm it silts in a little more and loses—

Mr. Grebb: Well, and to that end, my reading on the Internet and in dealing with some of the EPA guidelines and they have all kinds of stuff about these dry ponds and drainage basins out there. Best Maintenance Practices as described by the EPA is every five to 10 years the City needs to come in and do something with this. It's ten years, the City has not done anything with this yet, so do we get into a point where now we're haggling over nobody's maintained this thing and now it needs to be done.

Mr. Long: Of course not. They're going to wait for you construct your fence.

Mr. Grebb: Exactly. And if next year they need access to it then next year they need access to it, but I'm willing to accept that risk for – to further my family's enjoyment of the property that I own. Like I said, I've maintained this property—

Mr. Brusk: Would there be access if you built the fence across the drainage pond? Would there be access from that half of the fence to the other side or not?

Mr. Grebb: Most likely there will be, at least a small gate or a gate big enough-- Right now I maintain that entire drainage basin for the neighbor. I cut the grass back there and pick up the trash and that type of stuff. I plan to continue to do that but – and, again, if the concern is if I build this fence and then she fences in there won't be any access, I can put an 18-foot gate right in the middle of our retention pond.

Mr. Feeney: --the wire mesh is – you can get really small or big and I don't know what size dog you're trying to keep in or out, but—

Mr. Grebb: They're not small dogs, so—

Mr. Long: I think he described almost like a heavy gauge chicken wire.

Mr. Grebb: It is. It's called welded wire fence, it's a 1½ by 3 rectangle and they sell galvanized steel or coated with rubber so it doesn't rust. And, at this point, that's what I propose on the application to use. I just haven't managed to find something bigger.

Mr. Feeney: I was going to ask if they have different sizes.

Mr. Grebb: I'm sure that something out there is available. I don't need something tiny. I'm not containing small dogs, but if debris is a concern I can certainly go out there and see what there is available.

Mr. Feeney: I guess I'm getting to the point where if the wire mesh is big enough – there's that little, tiny chicken wire stuff, that's what—

Mr. Grebb: No, that's absolutely not what I want.

Mr. Feeney: But the 3-inch by 3-inch or something like that I would think that would allow probably 90% of the debris go through and then come back through again. Does the Board have any other questions, comments? Again, I think if we look at a bigger opening for the wire mesh and stay with the split rail – well, not really a split rail but a stockade fence?

Mr. Grebb: It's similar to the New Albany style construction.

Mr. Feeney: Similar to New Albany. And I don't know what size to say about the wire mesh, but what size were you proposing?

Mr. Grebb: What I propose right now is a 1½ by 3. That's what I've seen available. It's readily available at Lowe's and Home Depot. That's – I have not researched what else is available, but I'm sure that there are other products available on the market.

Mr. Feeney: Well, I would like that. Personally, I think I would go for it if it was a bigger wire mesh than that, but not knowing what the options are, I'd hate to say a figure and then not be able to hit it.

Mr. Long: Excuse me, you didn't detail in your plan that you submitted the wire mesh. I hate to continue this an additional month, but we do have a special meeting—

Mr. Grebb: I don't believe that I actually drew it on the scale drawing.

Mr. Long: No, it's not in there.

Mr. Grebb: However, I did note on the drawing that it would be—

Mr. Feeney: That it would be a wire mesh, which could be 1 inch, 2 inch, 4 inch, 5 inch. Aaron, do you have—

(several people talking)

Mr. Feeney: What's the date on that?

Mr. Domini: November 5th.

Mr. Long: Would you be willing to come back with specifications on that wire mesh?

Mr. Grebb: Absolutely. However, this something is that I would like to construct before winter hits. Certainly, I'd like to get started sooner than later.

Mr. Long: We understand that.

Mr. Grebb: And waiting until November really puts a crunch on being able to actually construct it due to the weather.

Mr. Feeney: I think the Board has a lot of questions, but I think we're trying to work with you.

Mr. Grebb: Absolutely.

Mr. Long: I honestly don't think you've got the votes to get it through now.

Mr. Grebb: And I don't want to—

Mr. Long: We want to be able to work with you on this and this seems to be one of the biggest areas that we have questions on. Postponing it a week-and-a-half, two weeks, I don't think that would be — would you be willing to come back?

Mr. Grebb: Absolutely. If it's a week-and-a-half, two weeks. I assumed you were talking about your regular meeting in November.

Mr. Long: November—

Mr. Feeney: We're having a special meeting.

Mr. Grebb: On November 5th? Absolutely. And I can bring any material I find, I'll bring a sample with me if that's what's necessary.

Mr. Feeney: Yeah. That'd be good.

Mr. Long: I think that would put at ease a lot of questions that we have in our minds as far as the gentlemen mentioned, water in, water out. Is that going to be an issue and things of that sort.

Mr. Grebb: Okay. I will be here on November 5th then.

Mr. Feeney: Okay. Great. Item B-1 is tabled again. Do we vote on that?

Mr. Haire: Yes.

Mr. Brusk: I move that we table it.

Mr. Feeney: I'll second that.

(Mr. Domini called the roll. Mr. Haire voted “yes.” Mr. White voted “yes.” Mr. Long voted “yes.” Mr. Brusk voted “yes.” Mr. Feeney voted “yes.”)

C. NEW BUSINESS

1. COMPREHENSIVE SIGN PLAN, 8263 MARY KAITLIN WAY, REYNOLDSBURG, OH; PRESENT ZONING AR-2; PRESENT USE MULTI-FAMILY RESIDENTIAL; PRESENT OWNER, CRAIG MURDICK (388-ZS).

Mr. Domini: And the Board – to catch you up to speed on this, when this project at Taylor Square was approved, in the minutes of the meeting the applicant indicated at that time they didn’t have drawings for the sign and a comprehensive sign plan was required and they indicated they were going to come back to present the comprehensive sign plan and that was never done. It was brought to my attention. I wasn’t here when that project was approved but it was brought to my attention that that was a condition. And they have, in fact, erected a sign down there. I contacted the applicant and asked them to submit the comprehensive sign plan and follow through and what was said in the minutes of that meeting. And so that’s where we are today.

Here before you is language from the Code as it relates to subdivision signs and comprehensive sign plans. I believe I have the language here for that comprehensive sign plan, which is what the Code dictates you are to review. The bottom there, Table 1181 has the Standards which is 5 feet in height, setback 10 feet and the sign area states CSP which I interpret that as Comprehensive Sign Plan and as determined by this Board as appropriate. Unless the Board thinks otherwise, that’s how I’ve interpreted that. Here’s a picture of the sign as it sits now on the site and I believe it’s 7 feet 3 inches, which doesn’t meet Code. I think simply the applicant is showing to lower the sign to 5 feet to meet the Code. And on the plans that you have before you, the sign is setback 12 feet, I believe. Is that correct?

Mr. Murdick: Approximately, yes.

Mr. Domini: Approximately 12 feet so it meets the setback and it meets the height requirements, so that’s pretty much all I have to catch you up to speed on, on what we’re reviewing here.

Mr. Craig Murdick: Good evening. I’m Craig Murdick. I am the architect for the developer on this project. I want to apologize for the miscommunication between myself and the developer. I don’t ordinarily handle their signage, so the ball got dropped from the previous zoning meeting to this situation we’re in. I was quite surprised that the sign that was installed myself. That being said, I wanted to comment. My understanding from the regulations for residential district ground sign is that it would be 40 square feet, so I may need to stand corrected on that. So my understanding, with the lowering of the sign to make it comply with height, that with the total area at 28.7 square feet, that the sign essentially complies. The stipulation, I believe, back in the

previous meeting was to come back in for color. Obviously, we're into other issues having that it's not even the sign that I had designed, so I'll take any questions.

Mr. Feeney: Is there any other signs, stop signs, any other signs on this property?

Mr. Murdock: They have some street demarcation signs. I honestly don't know about the stop signs.

Mr. Feeney: Usually when we see a comprehensive, we see all the signs that are going to be—

Mr. Murdock: Well, I understood it in the regulations that street signs less than certain square footage were not part of the Comprehensive Sign Plan.

Mr. Domini: Directional signage, we don't approve, or Design Review doesn't review those.

Mr. Feeney: So this is the only sign for—

Mr. Murdock: Correct. And I understand that there are other issues with banner signs and things like that and that falls under the purview of the management company.

Mr. Haire: Are there signs indicating the leasing office or—

Mr. Murdock: Again, the management company puts out things that I know are part of the objection, banners and balloons and like a real estate metal sign for that sort of thing.

Mr. Haire: But nothing permanent like on a building, affixed to a building, that's a leasing office or – do they have a leasing office in those condominiums?

Mr. Murdock: I can't say. I honestly don't know for sure. They usually do temporary type signage, in-ground type signs and, like I said, a banner on a wall, which I don't care for myself.

Mr. White: This sign is located on the, what is it, the median strip there?

Mr. Murdock: Yes. There's a little entry median.

Mr. White: And I just wonder if traffic going out and trying to turn to the right going east, is that sign in any way obstructing?

Mr. Murdock: It's very far back from the edge of pavement.

Mr. White: So they can see traffic coming in that direction?

Mr. Murdock: I believe so. I've pulled in and out myself and from my perspective, sometimes when we place these signs – and I understand the regulations. They seem actually almost too far back for visibility of the sign but obviously, more importantly, is traffic safety.

Mr. Feeney: So we're just going to lower the sign to make it conform to the height standard and it meets all the other square footage codes and such.

Mr. Domini: Yes.

Mr. Brusk: So their options were getting a variance or lowering the sign, I understand.

Mr. Domini: Well, and following through on the Comprehensive Sign Plan.

Mr. Brusk: Sure. I don't see any problem with it being lowered. I didn't see any problem with it where it is. I've seen it and it doesn't look bad, but in order to meet it I have no problems with it.

Mr. Haire: I just had one further question. What's the material of the sign?

Mr. Murdock: It's wood posts and the sign itself is – I think it's a sign grade, wood product. I don't know if it's an MDO or a plywood. I'm not sure.

Mr. Haire: And the letters are vinyl?

Mr. Murdock: I honestly don't know. Again, I'm not the erector of the sign. I wasn't involved in its creation.

Mr. Haire: Can you go back to the Code section, Aaron? The first one.

Mr. Brusk: Do we have a perpetual maintenance agreement approved by the City Attorney?

Mr. Domini: Well, I believe that the intention of that is that it's a right-of-way or something like that. It's on private property.

Mr. Long: So we don't know the material exactly?

Mr. Brusk: How long has that sign been there, do you know?

Mr. Murdock: I can't speak to that. I honestly don't know.

Mr. Haire: A few months at least.

Mr. Brusk: All I know it's been a few months, but it might have been longer.

Mr. Long: Wouldn't that be part of the Comprehensive Sign Plan, that they were required to submit?

Mr. Domini: What's that?

Mr. Haire: The materials.

Mr. Long: The materials and everything else and all this?

Mr. Feeney: Yeah. It should have been with this packet.

Mr. Murdock: Was it on the application and I missed it?

Mr. Haire: I don't see it on there. I see that it says wood posts, 6 by 6, painted wood posts, but I don't see anything that describes the material of the sign. I'm just wondering how durable—

Mr. Murdock: I didn't see it in the application, so my apologies if I missed that as a requirement to list on that.

Mr. Domini: It's not on the application.

Mr. Haire: Well, it needs to be of durable materials and if we don't know what the materials are it's hard for us to tell how durable they will be.

Mr. Murdock: Sure.

Mr. Feeney: Well, we're having a meeting on November 5th.

Mr. Brusk: It's going to be a busy meeting.

Mr. Murdock: I understand.

Mr. Feeney: I think that's an item we need to—

Mr. Murdock: Pardon?

Mr. Feeney: That's an item we need to cover, what type of materials--

Mr. Murdock: To be honest, I will not be able to make it. That's my daughter's birthday on November 5th, so I'll have to—

Mr. Domini: Can you be here on the 19th?

Mr. Murdock: I'm sorry?

Mr. Domini: November 19th?

Mr. Feeney: Yeah, November 19th is the next one after that.

Mr. Long: That's our normally scheduled meeting.

Mr. Brusk: Are you willing, therefore, to—

Mr. Murdock: I can make the 19th, yeah.

Mr. Feeney: Okay. So does someone want to make a motion to table Item C-1?

Mr. Long: I move that Item C-1, Comprehensive Sign Plan 388-ZS be tabled until November 19th.

Mr. White: I second.

(Mr. Domini called the roll. Mr. White voted "yes." Mr. Long voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Mr. Haire voted "no.")

Mr. Feeney: So next month you'll bring the—

Mr. Murdock: Sure.

Mr. Feeney: --all the information and that'd be great.

Mr. Murdock: Is there anything else besides the material that you can think of?

Mr. Brusk: Please review the requirements and make sure that they have been covered.

Mr. Murdock: Well, and I addressed – it's the question and where it says "Important Information" and that – so I neglected to put the material in, but I had everything else.

Mr. Feeney: Yeah. And if there's any other signs on the buildings, that'd be good to know.

Mr. Murdock: I'll double-check.

Mr. Feeney: Okay.

Mr. Murdock: Thank you.

2. VARIANCE APPLICATION, 555 N. LANCASTER AVE., REYNOLDSBURG, OHIO; REQUESTION A VARIANCE FROM SECTION 1179.04 (G) (1) TO ALLOW A PARKIGN AREA THAT IS NOT CONCRETE OR ASPHALT; CONTACT: GARY JAMES (60-ZV).

Mr. Domini: Giving overview of this application, the applicant has installed a gravel parking area at this site and our Code prohibits gravel substrate for being used a parking material. 1179.04 states, "All required parking and loading facilities shall be paved with a durable, dust-free surface such as asphalt or a concrete." This image here shows where that gravel parking area is on the site. This is the north end. And the applicant has submitted a number of photos showing different angles of that parking area. It empties out onto the blacktop or the asphalt before it enters the road. Another angle – this is looking north in the final perspective as submitted by the applicant.

Mr. Chuck Arbuckle: Good evening.

Mr. Feeney: Good evening.

Mr. Arbuckle: My name is Chuck Arbuckle. I am here on behalf of Dynalab, Inc. Dynalab has been on Lancaster Avenue since 1987. We are an electronics manufacturer. What we do is we actually populate printed circuit boards. We populate those boards primarily for OEM's, Original Equipment Manufacturers, and the majority of our business is for OEM's here in the United States. I am a product of the Reynoldsburg School System, also The Ohio State University and Capital University Law School. I act as CFO and House Legal Counsel, Secretary and Treasurer of Dynalab. I've been with Dynalab since 1985.

We are here today requesting a variance on our compacted stone lot. As was noted, the lot itself holds 30 parking spaces. We primarily need those parking spaces. We have experienced some rapid growth over the last couple of years. We have gone from approximately 114 employees in 2005. We're currently just over 300. We've made some substantial capital improvements. We've spent over \$7 million on product and building and equipment, and we found that late last year, summer of 2008, when we had a substantial ramp-up in the number of associates that with some shifts -- we run three shifts out at Dynalab -- there are a crossover between the 1st and 2nd shift from about 2:30 in the afternoon until about 3:15. On the 1st shift -- first off, we have about 151 paved parking spots on the blacktop area. Of those we use about 6 of them for visitors, which leaves us about 145 spots on the paved area. We have 134 currently on 1st shift. Our problem occurs between 2:30 in the afternoon and 3:15 when the 1st shift is still there and we have 45 associates coming in for 2nd shift. If you add 45 to the 134, I think you're going to see that we are in excess of the 151 spaces that we have that are paved. What we did as a temporary, what we intended to be as a temporary measure, was to handle this overflow so that 2nd shift could get in, get parked, get clocked in and then allow the changeover, communication between 1st and 2nd shifts, then the 1st shift goes and they leave, which frees up the spaces on the paved area. Generally, what we are finding is at 7:00 when the 2nd shift breaks for their dinner or

lunch, that they are going out and moving their vehicles from the compacted stone area into the paved area. We were careful to make sure that with the compacted stone area that there is no ingress or egress directly onto Lancaster Avenue. We didn't want any stone or any dirt or dust going out onto Lancaster Avenue. What we also did, and if I can get Mr. Domini to put one of the – thank you. I think if you can see there is a concrete apron that goes from the compressed stone area onto the paved area. We used that so that there won't be any -- to protect the apron of the paved area. Also, along the back of the cars that are on the paved area that are backed up to the compacted stone area, we have placed cement blocks to keep those cars from moving within or traveling from the compressed stone area onto the blacktop area except where the apron is. And we have an apron at the other end as well. I think Mr. Domini could show that. You can't see the apron very well, it's covered by the building, but there's an apron down there as well.

While this isn't really the best use for this property, this is frontage and really it has a better use than for an overflow to handle some vehicles during shift change. If we are to continue at the current level, we are hoping to grow. What we would do is we would prefer to put the paved area back out where the trees are which would be to the, let me get my directions straight--

Mr. Haire: West.

Mr. Arbuckle: --to the west of the building and that would make more sense and to us that would be a better use. So what we're really looking for is a variance so that we can use this compressed area, compressed stone area, again, for the overflow and until we build the paved area behind the building.

Mr. Brusk: What's the timeframe for using this as a temporary area?

Mr. Arbuckle: We had hoped to actually tear that up this summer and do something in the back, but we had some other requirements for capital. We had set aside almost – about \$150,000 which is – we figure what it was going to take to put the additional parking spaces in the back. Somewhere between \$150,000 and \$200,000. What we did with that money instead is we went out and we have purchased two more pieces of surface mount equipment. Those will be coming in here later this year. We expected them by this time, which will increase our thru-put. Currently the capacity on our machines for all three shifts, we need additional capacity, so we chose to take the capital and invest it in the equipment. By the way, we will probably be coming before the City Development asking for possible – another extension on our job creation tax credit, to add still additional associates. Initially we had a job creation tax credit offered by the State of Ohio and offered by the City of Reynoldsburg, which we thank you. Initially it was for 78 associates. With the increase we've had here back in 2008, we can back and asked for an additional, what was it, Luke? I think it was an additional 100?

Mr. Haire: 14—

Mr. Arbuckle: 100 – 110. And if that continues, which we are expecting that it will into 2010, that we will probably be back asking for some additional.

Mr. Brusk: Right. But that kind of did not answer the question. You explained why you haven't done it yet. The question I really have is, what's the drop-dead date that you will have it and will it be enough?

Mr. Arbuckle: The drop-dead date – I wish I could give you a drop-dead date. It depends on, do we get the additional contracts, do we need to hire the additional 100 associates. If the answers to those are “yes” and if I have a date for those, then I can give you a date certain as to when we would build the paved area behind the building. If we do not get the contract, if the current contracts that we have, for some reason the sales go south, we will have to cut back on production. We will reduce the associates that we have, and we won't need the overflow from 1st and 2nd shift.

Mr. Brusk: All right. You still could come up with – you've got two scenarios. Both of them say – one says, “We will build an additional road if we get the money” and the other says, “We won't need this, so we won't be wanting it.”

Mr. Arbuckle: And we'll tear it up.

Mr. Brusk: What date can you say that that is the date we're either going to put that it in or let's not say when we're going to put in the blacktop. When can you say the drop-dead date on when you're going to stop using the gravel as a parking area? Really, that's the question. Can you give us a date like that?

Mr. Brusk: This could go on for 27 years. It could go on – you know what I'm saying?

Mr. Feeney: Let me ask a quick question here while we're waiting for that answer. How much property do you own in the rear? It looks like a tree line there. Is that your property line?

Mr. Arbuckle: No. The property line is – the property is approximately 30 acres. What you are looking at here, the building sits on about 5½ acres. The compacted stone area actually encroaches upon the other – another parcel. Now, it is the same landlord, the same owner, so we own about 30 acres.

Mr. Haire: And the entire—

Mr. Arbuckle: Now, we've had some—

Mr. Haire: --just over 27 acres, I think is what the whole thing is.

Mr. Arbuckle: Yeah.

Mr. Feeney: So you have room to do—

Mr. Arbuckle: Yeah. We've had some challenges in developing the area, the acreage to the north and to the west and to the south. The challenge has been that there's been some zoning changes that occurred after we acquired the property that actually made it impossible for us to build onto the property because of the 1,000 foot setbacks. But those have been issues that we have been working with through the Board and through Council and with the Development Director. I think we've been working on that for just about six years now.

Mr. Haire: It's been corrected as of this spring.

Mr. Arbuckle: Corrected as of this spring. Thank you very much. So hopefully we can start developing the property now.

Mr. Feeney: Let me ask another question then. If you are going to add another 100 employees, potential of addition another 100 employees, is the building big enough for – are you going to be adding onto the building?

Mr. Arbuckle: No. What we would actually do, which I hope Mr. Brusk, goes to your question, is – if I could have the – Mr. Domini, the picture there. One more.

Mr. Domini: That's it.

Mr. Arbuckle: One more back. Trying to find Lancaster Avenue -- and one more, or is that the best one. There we go. The driveway, the northern most access drive there, we would actually turn into a drive and that would go straight back so that we'd have access then to the back part of the property. The property directly to the north where between – thank you – which is between the substation. We understand that AEP has plans to phase out that substation. We have been in negotiation with AEP to acquire that property so that we would have all frontage. The frontage then would be conducive for retail, but we would like to hold the back of the property for additional light industrial, similar to ourselves. We have plans, if we get the additional contracts which we are planning in 2010 and 2011, that we'd have to build another building at least size of the current building which is almost 100,000 square feet. And, at that time, when we were building the property or building the additional building is when we would also put in the additional paved parking, which would be to the west of the current building.

Mr. Brusk: Okay. Assume that you don't get it, then would you eliminate the unpaved parking?

Mr. Arbuckle: Assuming that we did not get the contract that we are anticipating getting in 2010 or 2011—

Mr. Brusk: Which is not –which is what I'd like to see you get it.

Mr. Arbuckle: And assuming that our business stays the same and we need 300 associates and assuming then that we would also continue to need to have that overflow because we don't change the shift times between 1st and 2nd so that they don't have the overlap anymore; taking consideration of all those assumptions, I would say to you that by the end of 2011, 12-31-2011, that we would either have removed that compressed stone area and replaced it in the back of the current building, which is to the west of the current building. I cannot see that we would ever pave that area. It's not the best use of that property.

Mr. Brusk: The problem is, that's two years down the road.

Mr. Feeney: It's a long time.

Mr. Brusk: That we could be seeing that. There's two problems. One is the problems with stones and getting around it. I know you've done the best you can to minimize it, but you don't eliminate it by doing that. But, two, it sets a terrible precedent that we don't like to do on temporary parking like that. And that's probably the biggest bug-a-boo we have. If we could get something that would be – I hate to use the word "reasonable," but I'm going to use it in a broad sense instead of a narrow sense. If we could get a reasonable timeframe, one that we could live with that we would know that that is either going to be done away with or something replacing it, we would be a whole lot happier.

Mr. Arbuckle: May I ask the Board what it would consider reasonable?

Mr. Long: In the spring.

Mr. Arbuckle: Spring of 2010?

Mr. Long: Yes.

Mr. Arbuckle: Would the Board consider the Labor Day of 2010, give us the summer?

Mr. Brusk: I would.

Mr. Feeney: Mr. White, did you have a question? I know you started asking before we—

Mr. White: I had a comment I wanted to make. I think -- what I understand you to say is that you made a business decision to place gravel as opposed to asphalt in a place that you've actually put the gravel and used the money you had set aside to expand your business. And what I hear now from you is still that you're thinking that this temporary spot could be dependent on the progress of your business. And I think what I'm not hearing is any discussion about complying with the Code of having asphalt

placed on the premises. And I think, now you've actually given us a more concrete date but that was my concern, is that all we are hearing is your business and the promotion of your business as opposed to complying with the Code.

Mr. Arbuckle: I certainly understand what the Code is and that it calls for paved for parking. I would present to the Board that, in fact, compressed stone is a better economical or ecological way of handling. It's compressed, the stone creates minimal dust, if any. There is minimal or zero gravel that gets onto our blacktop area. There is no dust or gravel that goes out onto Lancaster. We are controlling that. We clean the parking lot.

Mr. Brusk: Yeah. This is the wrong forum for that. That particular argument would go very well with Council. They're the ones who would have to, because we're enforcing ordinances that are on the books. I do understand what you're saying. I agree with it to some degree, but I know that its durability is not equal to a paved parking lot. I know that for a fact, but you've made good points and if that were the case, if you wanted that, the argument would not hold water with us but would be, I believe, a subject for Council to revise the Ordinance to allow it under certain conditions that they met this requirement, but we don't do that.

Mr. Arbuckle: Okay.

Mr. Feeney: So I think we're to the point where, if we can get a comfortable date that the Board – and I don't think, in words, we like to see the progress and the business is a great business and hearing there's potential more employees and that kind of stuff, especially in this economic times is great. But, at the same time, we also have to follow the rules, too, so-- And I know we're getting into winter and you can't get it paved even if we said to pave it at this point, but I think a comfortable date – you said—

Mr. Brusk: I feel comfortable—

Mr. Long: Six months is what I said.

Mr. Feeney: Six months?

Mr. Long: That would put it at May.

Mr. Brusk: But Labor Day would probably be reasonable to my way of thinking.

Mr. Haire: I think just the end of next year would be reasonable. Obviously between Labor Day and the end of the year, you can't do much paving, but at least that gives them the option to get their plans drawn and get things put together.

Mr. Feeney: So before the close of the asphalt plants of 2000—

Mr. Brusk: November of 2010, is what you're saying?

Mr. Long: Well, it's 12 months.

Mr. Brusk: Yeah.

Mr. Haire: Can we go back to another photo on there, Aaron? This area that's striped on here, is that for a loading dock? Is that why there's no parking in there between the red car and the white truck?

Mr. Arbuckle: Actually that's marked off so that there's no parking there so that there is access to the dumpster and if you'll notice, that there is a concrete pad there because of the weight of the dumpster.

Mr. Haire: I didn't know if that was where the loading docks were or that's just the dumpster--

Mr. Arbuckle: No, actually, the loading dock's around to the east side of the building.

Mr. Brusk: That's right.

Mr. Haire: And when do you have -- when's your dumpster usually picked up? That's typically -- it would be in the morning?

Mr. Arbuckle: Our dumpsters get picked up at 5:00 A.M. and it's picked up five days a week.

Mr. Haire: Okay. I wonder how many spaces you could gain and utilize since--

Mr. Arbuckle: Actually, we thought about that. We've also worked with an architect to try and lay out the paved area so that we might get some additional spaces. Don't think we didn't think about that.

Mr. Haire: That's what I'm thinking, 9 foot wide. I don't know how wide your spaces are.

Mr. Arbuckle: But then there was some restrictions with the Code with how many feet you have to have between the two parking and we just couldn't pick up any additional spaces. We even thought about just telling the associates to wait over in the lot across the street from ours and wait until the 1st shift left and then come in. We've also considered changing the shift times so that there isn't an overlap.

Mr. Long: And what was the result of that?

Mr. Arbuckle: We came back to this from, I think it's just from a production standpoint and efficiency standpoint for us. The overlap makes the most sense. Though we would not leave – I do not believe we would leave the compressed stone area where it is now. We would put it behind the building or to the west side of the building. It's just not the best use of that property and to pave it and spend that kind of money on it, just—

Mr. Haire: I'm comfortable with the variance for a one-year period and, at least at that point, they can explore other options. It's not necessarily more parking if it's not needed at that time, but I know there's a large church in the area that has parking. There's a Union Hall that's rarely used that has parking. There are other options they could explore to have people parked on a paved surface at certain hours during the day. At least that year will give them time to explore those other options and if they are – hopefully, they are ramped up and growing again, then they can pave additional spaces.

Mr. Brusk: Hopefully then you come back and say you need 400 more spaces.

Mr. Arbuckle: We would love to say that.

Mr. Feeney: I think we're ready for a motion.

Mr. Brusk: I move that we accept the variance with a one-year limit on it. And do we need to have them come back or is that just—

Mr. Haire: I think it's just a condition that can be monitored by Aaron.

Mr. Domini: Is there a stipulation on the applicant returning at that one-year time if they don't submit plans to return the gravel the—

Mr. Brusk: Well, then we're going to—

Mr. Domini: --into original state?

Mr. Feeney: Well, at that point they'll have to come back. This variance is only good for 12 months and they'll either have to come back and—

Mr. Brusk: Yeah. We're going to look – we're going to just stipulate the variance is for a one-year period. And don't go telling other businesses that you got temporary parking on gravel.

Mr. Long: I would ask for an additional stipulation on that. I did go out Friday afternoon and I did speak to Mr. James about the lot.

Mr. Arbuckle: Great.

Mr. Long: It is manufactured with No. 2 gravel which is usually 1½ inches to 2 inches wide. It's not trackable, but it does need to be maintained. It will need to, probably every three to four months, be re-compacted to keep it from being -- start to be tracked out. Have you been maintaining it and will you?

Mr. Arbuckle: The answer is, "Yes, we have." We have been maintaining it with the original contractor who is Bob Ertz Excavating.

Mr. Long: Okay. How often is he coming out?

Mr. Arbuckle: He came out this summer. He was out in August and re-compacted it at that time.

Mr. Long: Okay. So you are staying after it then?

Mr. Arbuckle: So, yeah, he will be back out again in the spring after the major rains.

Mr. Long: Right. Okay.

Mr. Arbuckle: That's why I was hesitant to the spring.

Mr. Feeney: Okay. Was that a second with the—

Mr. Long: Yeah. I'll make it a second to Mr. Brusk's motion, yes.

Mr. Feeney: Then we'll hear the roll, please.

(Mr. Domini called the roll. Mr. Feeney voted "yes." Mr. White voted "yes." (He stated "With the stipulations, yes.") Mr. Brusk voted "yes." (He stated, "With my stipulation, yes.") Mr. Long voted "yes." (He stated, "And with my stipulation, yes, as well.") Mr. Haire voted "yes.")

Mr. Arbuckle: Thank you.

Mr. Feeney: Thank you very much.

Mr. Arbuckle: --each and every one of you to come out. We would enjoy having you come out and show you through the facility and what we do out there.

3. SPECIAL EXCEPTION APPLICATION, 6748 E. MAIN ST., REYNOLDSBURG, OHIO; PRESENT ZONING, COMMUNITY COMMERCE (CC); PRESENT OWNER'S NAME, IRIBA COFFEE LLC; EXISTING USE, GAS STATION; PROPOSED USE, AUTOMOTIVE SALES/OUTDOOR STORAGE; CONTACT: AUGUSTIN MUNYEMANE (25-SE).

Mr. Domini: This application is for automotive sales. I did have outdoor storage on here and I talked this over with Lucas today and, after our discussion, I think we agreed that this was for automotive sales and not outdoor storage. I'm not sure it meets the strict test for outdoor storage. Both are Special Exceptions in this District, however, so I might ask the Board to consider that. The outdoor storage definition is the keeping of property in an open area of the lot for the purpose of storage. I don't necessarily think that the applicant's main purpose is to store items but, rather, to lease automotive products. The applicant indicated that they would be leasing/renting two to three trucks and two trailers at this location. There are – if outdoor storage is considered – I supplementary requirements. It talks about certain types of discarded material or vehicle parts.

Mr. Haire: I'm getting confused here. We're talking about – are we talking about renting U-Hauls or are we talking about—

Mr. Domini: Well, I'm referencing this as perhaps something you may want to consider. There are other standards that relate to certain activities at gasoline stations and, specifically, they talk about screening. So, I was trying to create some type of nexus here for you to reference if you do consider the U-Hauls at this location, that for similar uses we require screening. And then these are the supplementary requirements which I can flip back to if you want for outdoor storage. We did ask the applicant to bring in a better drawing for us and he's indicated that he would. This is what was turned in. Did you bring another drawing for us today to distribute?

Mr. Augustin Munyemana: Yeah. I still have the original copy right here. Do you want me to put it on—

Mr. Haire: We can just pass it around.

Mr. Domini: Well, basically, I took what the applicant turned in which was the four pieces and did the same thing here. I taped them together and then took a photo of it and that's what you're looking at here on the PowerPoint.

Mr. Brusk: It is the same as what you've got there?

Mr. Munyemana: I tried to make it exactly—

Mr. Domini: On here, on the screen is where – behind the fueling station is where the applicant's proposing to have the trailers and the trucks. They would consume approximately five parking spaces.

Mr. Brusk: That would not put them below the parking spaces required obviously.

Mr. Domini: This site has ample parking. Here in the front, these are all striped for parking. You have one, two, three, four, five, six, seven, eight spaces here and then ten spaces over here, with the additional spaces in the back.

Mr. Brusk: So there's no real problem with parking places.

Mr. Domini: Here is another shot showing this parcel and the surrounding parcels which, I believe, we have a Pizza Hut here—

Mr. Brusk: Or Dominoes? Oh, your Pizza Hut—

Mr. Domini: Over on this side is Pizza Hut. This is multi-family to the rear and another, I believe, eating/drinking establishment on that side.

Mr. Haire: Tim Horton's.

Mr. Domini: Tim Horton's. Thank you. That's all I have, Mr. Feeney.

Mr. Feeney: Thank you. Want to explain what you want to do just so we hear it on your terms.

Mr. Brian Brody: My name is Brian Brody with U-Haul. I'm actually here on behalf of East Main Street, also known as Hiberia Coffee, LCC. Pretty much what we want to do is just rent U-Hauls and trailers out to the residents in Reynoldsburg. The reason why we want to rent our trucks and our equipment out to your residents is because we know that Reynoldsburg is a very growing community. I mean, it has grown big in the past two years. You have a lot of customers that are coming to a lot of our U-Haul centers and to our other U-Haul dealers that are farther away than where it should be. We would just like to have one dealership. We're not asking for a center. We're not even trying to put too much equipment out here in your community. We know that you spent a lot of money on your community to make it look beautiful. We're not trying to come and disrupt it at all with any of our equipment. We just pretty much want to make it as convenient as possible to all movers, or neighbors, or the residents. We're not trying to do anything to _____ there and we're just trying to meet all your requirements that you want. I know that this here gas station has been a dealer two times. Some twenty years ago it was a Texaco gas station; they were a U-Haul dealer. They did business with U-Haul for twenty years and then also it was an East Main Street gas station before it was also a U-Haul dealer and they did business tremendously before and then we had another dealership, I think it was _____ that was not too farther down the street from where we are now. They were also a U-Haul dealer. They actually closed just because of the building wasn't theirs.

Mr. Brusk: As I recall, we did have a problem with one of the U-Haul places parking the trucks where they weren't supposed to be parked and visible to the street.

Mr. Brody: Well, now if that's the case that probably was a drop-off and a lot of times you will get a customer that can drop off after hours and somebody's not there, but with the dealers that's why we're saying with the minimum of trucks, we're able to park it back into the back. There will be two to three employees inside the gas station, one will still being a gas station, able to do the business. You'll have another employee outside able to direct traffic flow of the U-Haul trucks in the back of the building are trailers. Also that way we're not interfering with the traffic flow coming inside the gas station with your Dominos, your tanning bay or car wash, even though I haven't really seen anybody going in there washing their cars. In the wintertime, I don't think anybody's going to stay out too late to wash any cars. But as far as any coming outgoing traffic flows, we're trying to keep it the same way.

Mr. White: What are your current hours?

Mr. Brody: Our current hours?

Mr. Munyemana: My name is Augustin. _____ from 5:00 AM to 1:00 AM.

Mr. Brody: So, therefore, you just have like a 4-hour gap to where somebody's there all the time. We're – it's not in the way.

Mr. Brusk: Well, I would have no problem as long as the vehicles were not parked on the side of the building, they had to be in the back and remain there when they're parked. That was – I believe this was the location where we had the problem and they didn't have the Special Exception Use Permit at that time and those vehicles were always visible from the street and that is what we did not want and once we pointed it out, it was stopped.

Mr. Brody: Okay. Two things – one, if we do have more than three trucks, just giving us enough time, we can move the equipment. That's a part of our distribution. That's one of our eight factors in our marking company. If we have a problem where there's so much equipment there, give us about four to five days, we can get the equipment moved to another location.

Mr. Brusk: Four or five days would not be acceptable.

Mr. Long: No.

Mr. Brusk: What would be acceptable is if you had a vehicle that you had – you were working with the people and so on and they were picking it up, that would be one thing. But to have vehicles overflow and be on the side of the building where it's there, we would not be finding that to be acceptable.

Mr. Brody: Okay. Well, how many days would it be acceptable for us to get the equipment moved? Because we could get the equipment moved if there is just an

overflow. The only reason why I'm saying that is because customers are customers, people are people. They're going to drop off wherever they see a U-Haul.

Mr. White: What do you have to do to get your vehicle, once it's dropped off, where does it go from there and how long does it take you – what do you have to do to get it taken out off the premise?

Mr. Brody: All it is is just a phone call from a dealer. He can contact me, I'm one of the AFMs, or another AFM, or one of our transfer drivers and we'll come there and get the equipment moved.

Mr. White: So, as a matter of fact, you can just call; within 24 hours you can have somebody take that vehicle off the premise?

Mr. Munyemana: My experience is that even if we get more trucks, we can move the equipment from here to Whitehall. So it's not even a question of 24 hours.

Mr. Brusk: I personally do not want to see vehicles on the side of the building overnight.

Mr. Brody: Okay.

Mr. Brusk: They need to be in the back except when they're being prepped and being returned, but not left once they're returned.

Mr. Brody: Okay. I understand.

Mr. Brusk: They have to be moved, as soon as possible, preferably—

Mr. Long: How many vehicles are you planning on keeping at this location at any given time?

Mr. Brody: Right there, as you see on the map, two to three. We're trying to do two trailers.

Mr. Haire: There's a total of five, three – three trucks and two trailers?

Mr. Brody: So five parking spaces.

Mr. Feeney: So, at anytime, you're going to try to have at least five units there?

Mr. Brody: Five parking spaces, yeah. These are five parking spaces.

Mr. Brusk: Who uses the parking places, the other parking places back there?

Mr. Brody: Well, the other parking places, as you can see on the screen – I don't know – am I allowed to use the aerial or do I have to go to Mr. Domini? You see where it says 7654, see that little car right there?

Mr. Brusk: Yeah.

Mr. Brody: Okay. From there all the way to the left is all the gas station's parking spaces. From there to the right, I believe that's the Tanning Bay and I believe Domino's, their parking spaces or that little middle section that is not a business there at all. But those little spaces from all the way to the left, all the way over, is our own barn.

Mr. Brusk: That's where the five spaces are?

Mr. Brody: Um-um.

Mr. Munyemana: We have more down there, that's probably more than eight or ten spaces.

Mr. Brusk: Where's the others?

Mr. Munyemana: In the back.

Mr. Feeney: You have eight parking spaces in the back?

Mr. Munyemana: Other spaces, yeah.

Mr. Long: Aaron, I've got a quick question. If we bring five trucks, trailers, whatever vehicles in, those parking spaces are technically not available for public parking. Are we within the minimum number of parking spaces for a business?

Mr. Domini: My understanding is that's staff parking. The public doesn't use that as parking. I counted 35 spaces at this location approximately and that will leave you with 30, to require one per two dispensing stations and one per 200 square feet of retail space. So I'm guessing five – how many—

Mr. Long: I just counted 26 spaces.

Mr. Domini: How many fueling stations do you have?

Mr. Munyemana: How many?

Mr. Domini: Yeah.

Mr. Munyemana: How many bays?

Mr. Domini: Pumps. I believe they need eight to ten spaces.

Mr. Feeney: They need additional eight to ten?

Mr. Haire: It's 2,500 square feet of the – is the retail area.

Mr. Domini: Is that on the drawing?

Mr. Haire: No. It's in the lease.

Mr. Domini: Oh, thank you.

Mr. Brusk: Does that include the Domino's?

Mr. Haire: No.

Mr. Long: Or the tanning salon?

Mr. Haire: The tanning's 2,500 square feet, the Domino's is probably – I don't know the exact square footage of that because it's not—

Mr. Long: It looks like it's just about the same.

Mr. Haire: Maybe 1,600 square feet for the Domino's. We have different parking ratios for each of those. You need different amount of spaces for each one. The tanning was one for each 250, so you need ten spaces for the tanning and 16 for the Domino's; 26 and 8.

Mr. Long: Thirty-four, so we're not even at the minimum now in the number of spaces I was able to count in the photograph.

Mr. Haire: I don't know how large the Domino's is, so I can't tell you for sure if it's 1,600 or 1,200 or – I don't know.

Mr. Long: Okay.

Mr. Domini: I'm guessing about they need about 38 spaces.

Mr. Brusk: So we can get it?

Mr. Long: Thirty-eight spaces and right now there's how many spaces? There's not enough spaces – t

Mr. White: So they're under—

Mr. Long: I counted 26 in the front in the photograph.

Mr. Domini: Well, but—

Mr. Domini: I counted 35.

Mr. Brusk: Thirty-five is what I counted including the back.

Mr. Haire: Yeah.

Mr. Brusk: And then there are five spaces.

Mr. Domini: So they're probably right at what they needed is what – when the site plan was proposed, they always come in right at the minimum amount, so—

Mr. Long: So – and then the trucks are considered vehicles and they're in parking spots so they aren't -- I mean—

Mr. Domini: They're changing the purpose of the parking spaces.

Mr. Long: Right. That was my point, is we're taking what is intended to be a parking spot and turning it, basically, into a display case or whatever. It's no longer a parking spot.

Mr. Haire: But do we count – I mean for gas station, is a parking spot where you fuel up? They're asking for one for each dispensing station. I would imagine that'd be where you park to fuel your vehicle.

Mr. Long: Right.

Mr. Brusk: Exactly.

Mr. Haire: That would – then there is an additional four so they would have enough.

Mr. Domini: Yes.

Mr. Long: Okay.

Mr. Feeney: Actually it is an additional eight, because there's one on each side.

Mr. Haire: Yes eight.

Mr. Domini: The real issue I see is the policing of it and I'll be the policing agent and I have a lot to police in the City, because I'm the only zoning officer. I'm the one who's going to get the call that the U-Haul's parked out in front of Marathon.

Mr. Brusk: Yes, you will.

Mr. Long: Well, let me ask this about parking out front, about parking in the back, is there – I know those are parking garages. Is there screening on this lot? Is there fencing or—

Mr. Haire: To the north?

Mr. Long: To the north for the residents.

Mr. Haire: I think there's fences between the garages, I think. I think that there is because the garage acts as a wall and then they have, I think, each one has a little fence between it just for access.

Mr. Long: So the residents aren't necessarily seeing the trucks park there.

Mr. Haire: Right.

Mr. Long: Unless they're up on the second story or something like that.

Mr. Haire: I think it's a one floor.

Mr. White: I have a question. When you have the customer drop off the keys, where will they drop it off? Where will they – where will the keys be dropped off? Because that's probably where they'll park the truck.

Mr. Munyemana: The customers drop the keys to the gas station, into the counter and then one of the employees take the truck to the back.

Mr. Long: What if you're closed?

Mr. Brody: If they're closed, that's the four—

Mr. Haire: Four hours.

Mr. Brody: That's the four hours and then we open up at 5:00 so that—

Mr. White: Where would they drop off the key if came in at like 2:00 o'clock in the morning?

Mr. Brody: Okay. Well, the key – they can put it in the visor. I mean, with your permission, we can put a drop box key in. We do have it where there is a little box where they could drop off the keys.

(several people talking)

Mr. Brody: I mean, we could put that in the back. That's what we have just to drop off the keys. If they have it in front we don't have a drop-box key, a lot of customers will leave the keys in the truck, so—

Mr. Haire: Where's your closest location?

Mr. Brody: The closest location is – actually what I'm going to do is if you go all the way down on Hamilton Road and Main Street, you look around – you know where Don Cars Care is, right after 270, about two to three miles down that way?

Mr. Long: What about the mini-storage over on Rosehill and Broad Street? They rent U-Haul as well.

Mr. Brody: You talking about Uncle Bob's Self-Storage?

Mr. Long: Yes.

Mr. Brody: Yes. They are also my dealer as well.

Mr. Long: Okay. So that's the closest one to us?

Mr. Brody: Yes.

Mr. White: Is there one up there at Graham Road, just past Graham Road on Main Street? I know at one time—

Mr. Haire: Waggoner and Graham.

Mr. White: I know at one time—

Mr. Haire: Was a service station at one – or like an automotive service.

(several people talking)

Mr. Brody: Is it on the left hand side? Say, if you were going west towards downtown, it's on the left hand side?

Mr. Haire: It'd be on the right hand side if you're going towards downtown near the mobile home park, gravel lot. I don't know what it was called. It's not actually in the City of Reynoldsburg. It's outside the City.

Mr. Long: It's Truro Township, yeah.

Mr. Brody: I'm not sure. Obviously that's not my area. My area is from Broad Street on south. I think the only dealer that we have out that way is all the way in Pataskala.

Mr. Haire: I don't know if they have trucks there anymore, because they just changed ownership, so I don't know if they're still renting U-Hauls there or not.

Mr. Munyemana: They moved to the east but they've actually given up the U-Haul—

Mr. Brody: They moved to New Albany. If that's the one we're talking about it, they moved to New Albany. The one out in Pataskala they moved, so those are the only closest locations around.

Mr. Domini: How would you let the customers know that U-Haul is operating at the Marathon?

Mr. Brody: How? Well, like you said, we have the sign up there. You're talking about as far as the customers who drive by, they'd know if they were doing a U-Haul. There is a sign right there in front. I actually have it down on the map on -- I don't know if you still have the map open or not, but it does have the businesses there. It has the gas station, it has the Domino's sign, it's all right there. Now, there is an extra space in there that we could use just to put a little U-Haul sign. Now, I know we're not allowed to have -- create another curb sign. I was informed that that space was available to use because it was open.

Mr. Domini: No additional ground signs would be permitted and there's a multi-tenant sign there now they could use. They wouldn't be permitted any additional wall signage and no temporary signage, so it pretty much limits you to that ground sign. And your windows are pretty full. They are not supposed to exceed 25% coverage of the window. That's one of the standards, so I doubt with what you have going on there now you could put a window sign in there.

Mr. Brody: So we could do a window sign and a curb sign or just a—

Mr. Domini: Well, the windows, there's already excess there. It needs to be cleaned up and take that down to only a quarter of the window should be covered.

Mr. Brody: Okay.

Mr. Domini: If that was all cleaned up, you could do one in the window, but that's not going to catch the attention of anybody driving by.

Mr. Brody: Okay. So, and then as far as the sign in that little open space, is that a yes or a no?

Mr. Feeney: On the monument sign out front?

Mr. Haire: Yeah. If the landlord agrees to that, that's fine.

Mr. Long: And I would like to see the drop box in the rear, because they'd have to drive around to drop it there. I think that makes sense.

Mr. Brody: Not a problem.

Mr. White: Can you make a commitment that any vehicles that come to the lot will be out – removed within a 24-hour period or even less?

Mr. Brody: Yes. The only time I would say will be hard is on Sundays. That's the only day that I know that I have off and I would like to spend it with my family. I just married, got a baby. That's the only day I really have to spend with them. If it was on a weekend, if you could give me till Monday to get them moved.

Mr. Feeney: Well, that be – if the service station is open, they could move it to the rear.

Mr. Brody: And that's all in the four-hour period as well?

Mr. Brusk: It's overflow that we're concerned with.

Mr. Munyemana: (inaudible) – so if the customer dropped off in the night, and leave it in the front of the gas station, the morning before I leave and opening the gas station, they have to move it back.

Mr. Brody: If your guys main concern is that you have trucks in front and you want them moved, we can get them moved and I can commit to that.

Mr. Domini: I've heard from members of Council that's a concern.

Mr. Long: That's my biggest concern, is not only that, but Aaron's ability to adequately enforce it because he is one individual to cover this entire City.

Mr. Brody: (inaudible)

Mr. Long: So I understand what you're talking about as far as the service that you're wanting to provide but, once again, there is another U-Haul place right up the street, there at Broad Street and Rosehill.

Mr. Brody: That's not technically Reynoldsburg. That's Columbus.

Mr. Long: You state in your application that one of the reasons is the distance that needs to be driven from Reynoldsburg to get a U-Haul truck.

Mr. Brody: Right.

Mr. Long: That's not true, because there is a U-Haul service center just up the street on Broad Street.

Mr. Brody: But it's still true, because that's about the same amount of distance from there to the one that's on Main Street, over there by Hamilton Road.

Mr. Long: No, sir. No, it's not.

Mr. Haire: Do you have any on Brice Road or Tussing, or anywhere down in that area?

Mr. Brody: We have one as far as in on Brice going towards Canal Winchester. We do have one on Tussing, so I mean those are one off the freeway. That's a long ways away from right here in the center.

Mr. Feeney: So are you filling up all your spots in the back that you have for your business with U-Haul trucks, the spots that you have in the back for your employees? You have eight spots that are yours.

Mr. Munyemana: My employees have parking space close to Pizza Hut. That's where my employees park. The parking in the back is always empty. There's nobody parking there, because we have more than five parking spaces close to Pizza Hut, that is where my employees are parking their car.

Mr. Long: So you _____.

Mr. Munyemana: Yeah those parking space in the back are always empty. There's nothing there.

Mr. Feeney: So, is there – out of those parking spaces in the back, you have control over so many of them or—

Mr. Munyemana: Yeah. They all belong to me but—

Mr. Brusk: How many? How many spaces do you have in the back total?

Mr. Munyemana: How many spaces? Eight – eight open spaces there.

Mr. Long: So, and you're going to store five in that—

Mr. Munyemana: Yeah.

Mr. Long: So, it's going to give you three open spaces at any given time?

Mr. Haire: Then you'd have five in the front as well, so he'd have eight open spaces at all times for customers, employees.

Mr. Feeney: Yeah. Well, I was just thinking about the trucks. If he has a drop-off there, they'll have three open spaces temporary for overflow to put the trucks in; then you have 24 hours to get them moved to the—

Mr. Brody: We also have a program where we could put no drop-off -- we'd be happy to even tell them that they can't drop it off here in unopened hours. Our drop-off program puts a little red bar -- somebody calls in saying, "Where's the closest U-Haul? Can I drop it off?" They will not tell them East Main Street.

Mr. White: That's one of the questions I had. Is there some way that you can actually restrict the inflow of drop-offs?

Mr. Brody: Yes, sir.

Mr. White: And how would you do that?

Mr. Brody: As mainly in our traffic office, we will call-in and say put them on no drop-offs for trailers or trucks. It stops all the drop-offs for customers going there. because our tracker will call them with expected ends -- we call them expected ends, where customers are coming in from one way, from different cities or different locations and we will tell them that you can't drop it off at this location. This here's the next closest location where you can drop off the equipment. And then we'll also inform the dealer, "Hey, you can't have any drop-offs here. You need to tell them to go to the next location. We will not accept the truck in. We will not check it in." So they will have to really force to move to another location.

Mr. Domini: So that's what you would do if you had two trailers and three trucks here?

Mr. Brody: Yes.

Mr. Domini: Then you would call in headquarters or whatever and say—

Mr. Brody: I'll say, "No drop-offs."

Mr. Domini: No drop-offs.

Mr. Brody: And we do honor that.

Mr. White: What about the trucks that he would be renting? Would he have -- once they go out, would he ever have access to them coming back or would they be -- how will you get them back—

Mr. Brody: Come back in?

Mr. White: Yes.

Mr. Brody: Either I, myself, can bring them or another transfer driver or the announcement will open up the little drop-off, we'll take them off the drop-off. We'll get them back to where they need to be and then, whoosh, we take them right off.

Mr. Feeney: So if he rents out his trucks then you'll allow a drop-off there until he fills it up – the three trucks, and then he'll be off the list again.

Mr. Brody: Right.

Mr. Haire: And one of the conditions that are typically done on Special Exceptions are a six month and one year review.

Mr. Brusk: I think this would be one that would require that.

Mr. Haire: It'd be appropriate.

Mr. Brusk: Sure.

Mr. Domini: Just so you know, if this Board approves this application, Council can still introduce it. So if you get approval from this Board, City Council can still choose to introduce it.

Mr. Brody: What do you mean by that?

Mr. Domini: They can choose hear the application as well. And I would imagine they would want a six month review. If it didn't – it may have passed—

Mr. Long: They would want something like a—

Mr. Haire: Review.

Mr. Long: --about six or eight months or a year.

Mr. Brody: Now, what do you mean by introduce – you mean coming back here talking or—

Mr. Domini: They would hold a hearing on the application just like this Board.

Mr. Brody: Okay.

Mr. Domini: It would be a one step or two step—

Mr. Brusk: They have the power to override – they take ours as a recommendation and if they, Council, feels there's a problem, they'll take that up as an issue with them instead of just passing it through.

Mr. Brody: Okay. So it's like the next step above you guys?

Mr. Brusk: Um-um.

Mr. Brody: I understand, okay.

Mr. Brusk: Both ways – they can appeal us. You could appeal what we come up with if you're unhappy with what we came up with.

Mr. Brody: Okay.

Mr. Feeney: Are there any other questions from the Board? (No response.) If not, I'll entertain a motion.

Mr. Brusk: I'll move that we accept this Special Use Exception with stipulations. One is that no vehicles other than for short periods only, less than 24 hours, be allowed anywhere other than in the back.

Mr. Brody: Okay. Do you mind if I write this down?

Mr. Brusk: Go ahead.

Mr. Haire: Did we say only during drop-off and pickup?

Mr. Long: Yeah.

Mr. Haire: If he waits 24 hours, there can always be a vehicle out there.

Mr. Long: Yeah, right. We all just rotate the vehicles.

Mr. Brusk: Yeah. The stipulation number one is that no vehicles be allowed on this except in the back with the – unless it's either being prepared or it's being dropped off or picked up. And the second stipulation is that this be reviewed again in six months. Now, that doesn't mean they have to do anything, does it? Does it mean they have to come in?

Mr. Haire: No.

Mr. Brusk: No.

Mr. White: I have a question and maybe an addition to the stipulation. Is it my understanding that you can actually prohibit all drop-offs at this location?

Mr. Brody: Yeah. We can stop them and the dealer can enforce it.

Mr. White: I would propose that we make the stipulation that there be no drop-offs. I think that would eliminate some of the Council is concerned about the _____ vehicles _____ periods of time.

Mr. Brusk: That kind of defeats the purpose, doesn't it?

Mr. Long: They could rent from this facility--

Mr. Brusk: Yeah. But—

Mr. Feeney: --as much as they want and then he would bring the trucks back once they – he would constantly keep him with three trucks and two trailers.

Mr. Brusk: Right. But if I was to rent a truck, the convenience of renting the truck at this location is that I can drop it back at that location.

Mr. Feeney: Well, that's true, if you bring your car in and park your car there and then rent a truck—

Mr. Haire: Yeah.

Mr. White: Well, if that were the case, if you only had six – five vehicles, okay, and you were to rent at that location, you want to bring it back, that vehicle would be one vehicle coming back into the slot of five vehicles.

Mr. Brusk: Yeah. But you just said that—

Mr. White: What I'm saying is that there will be no drop-offs from maybe vehicles that don't originate from this location, where the vehicles are coming from Chicago, California.

Mr. Brusk: Now I'm confused.

Mr. Feeney: Well, I think they have a mechanism in place that they can – they keep track of how many cars and trucks that you have and then when one goes out, you open it up and they can drop one off but, at the same time, if you're full you can't drop off there.

Mr. Brody: Right. It's the limit.

Mr. Feeney: Yeah. And that's for call-in people saying, "Hey, I got a U-Haul truck and I came from out of town. I need to drop it off. Where can I go?" And they say, "Don't go there." So they direct them to another facility.

Mr. White: Right.

Mr. Feeney: If he has his three trucks and two trailers.

Mr. White: Right. So, I mean, it's that kind of stipulation I wanted to put in there, some kind of terms like that.

Mr. Long: So that that would—

Mr. White: Drop-offs would be restricted to the number of vehicles they're allotted for having at the location.

Mr. Brody: So, as soon as I hit that mark, it's a phone call away or say, "Don't drop off" and everything will go to another location. And I'm also able to see what's coming in and what's going out. We have a little scheduling log that says, "Expected In." I see what's coming in to that location. It's a phone call away from the office or to the customer.

Mr. Feeney: And I also would like to put a stipulation that the drop box for the keys be placed in the rear and not in the front.

Mr. Brusk: Or a slot in the door.

Mr. Haire: I'm getting lost on this.

Mr. Domini: The conditions as stated are that there will be no more than two trailers and three trucks at this location at one time.

Mr. Haire: Yes.

Mr. Domini: Vehicles and trailers are only allowed in the front during pick-up and drop-off – or pick-up. Is that correct?

Mr. Haire: Yes.

Mr. Domini: Application is to be reviewed by this Board in six months.

Mr. Haire: Yes.

Mr. Domini: And drop box must be placed in the rear.

Mr. Feeney: Yes. Is everybody happy with those stipulations?

Mr. White: Does that include the stipulation that there will be no more drop-offs than the amount of vehicles allotted for this particular lot, or five.

Mr. Haire: Limited to five vehicles, right.

Mr. Feeney: Can I hear the roll, please.

(Mr. Domini called the roll. Mr. Feeney voted "yes." Mr. Brusk voted "yes." Mr. White voted "yes." Mr. Haire voted "No." Mr. Long stated, "I don't feel it's enforceable. I'm going to say no." Motion passes.)

Mr. Feeney: Motion passes three to two.

Mr. Domini: So what will happen now is Council can choose to introduce this. If they do choose to introduce it at their next meeting, we'll let you know and then you'll have to come back to City Council and make a similar presentation. If they don't choose to introduce the recommendation, it will stand approved with these conditions. So I'll be in touch with you.

D. OTHER BUSINESS

Mr. Feeney: I see there's no Other Business and is there any Other Business we need to bring up? (No response.) Hearing none, we'll be adjourned.

E. ADJOURNMENT

The meeting adjourned at _____ o'clock. p.m.

Patrick Feeney, Chair

Aaron Domini, Planning Administrator

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