



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, SEPTEMBER 21, 2017 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan
ABSENT: Darling, Armstead

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – August 17, 2017

RESULT:	ACCEPTED
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3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Rettke.

B. PUBLIC COMMENT

None.

C. UNFINISHED BUSINESS

1. 2051 Birchview Drive South; Application #179440; Applicant; Stephanie McCoy;
Special Exception Use Permit

Mr. Snowden:

2051 Birchview Drive South - Elite Learning Center, LLC. - Special Exception Use Permit

Application: #179440 - Special Exception Use Permit

Location: Property is located on west side of Birchview Drive South, just south of Eastgreen Blvd.

Existing Zoning: AR-2 Multi-family Residence District

Request: Request for approval of a special exception use permit for a new childcare center.

Current Use: Vacant

Proposed Use: Childcare Center

Applicant: Stephanie McCoy

The applicant is requesting the Board review and approve a special exception use permit for

a new childcare center.

The site is developed with an existing single-tenant commercial building that was designed as a childcare center from the ground up. To the south and east, the property borders multi-family dwellings also in the AR-2 district. To the west, the property abuts commercial properties that front onto Brice Road, including a hardware store (retail sales) and a hotel.

A special exception use permit for a childcare center was approved by the Board in 2016. Subsequently, the center never formally opened and cared for children. Since the use was not in operation for 6 months and the site has since been sold to a new owner/operator, a new special exception use permit is required.

I had a lengthy conversation with our Attorney, Mr. Roth, as well the seller. The previous application, special exception use permit, was not eligible for a transfer because the use was not in operation. Although the previous tenant did assign a site manager who was physically onsite. Mr. Roth, our Assistant City Attorney, were both in agreement that if the primary use was caring for children the use never formerly operated if the children were never cared for and enrolled in the childcare center; therefore, the permits not eligible for a transfer and we get to get a new permit.

The applicant resubmitted the site plan from the 2016 application. The site has an existing parking lot with approximately 6-7 spaces, as well as a drive-aisle that allows off-street drop-off. The existing configuration allows vehicles to enter and exit without changing direction. The parking lot was operated in this manner from 2011-2014 for a childcare center, and Staff is not aware of any issues generated during that period.

The site has an existing play area that is fenced with a 4FT chain-link fence. A previous applicant refurbished the play area in 2011. The interior classroom spaces have direct access to the play area through an exterior door. The occupants of the structure are not required to walk adjacent to vehicles or across any active drive-aisles to access the play area. No loading spaces where vehicles might idle are immediately adjacent to the play area. No transformers or other utility cabinets are located within the play area.

The applicant has an existing dumpster that is screened per the requirements of Chapter 1180. The dumpster is not in an area that is accessible to children within the structure or play area.

The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff finds that the application meets those standards, and recommends approval of the special exception use permit as submitted.

Stephanie McCoy: 6956 Bennel Dr, Reynoldsburg, Ohio.

Mr. Rettke: Any questions, concerns, comments?

Unknown: I think one of our concerns was what are your hours going to be? Will it be overnight? Are you going to have 24 hour type operation or anything like that?

Stephanie McCoy: No sir. 5 am to 7 pm will be the hours of operation. Just Monday through Friday.

Mr. Snowden: With this type of approval in the past has allowed change. For example, if the applicant had changed to a 6 am opening vs a 5 am, we have not locked that in stone; however, the board has taken the view in the past that a 24 hour childcare center is kind of like a different use because of the characteristics and the board took into consideration lighting and other site characteristics, but I wouldn't hold her to the 5 to 7. If she comes back and says her hours are 6 to 6 or 6 to 8 or something I don't view that as different. If she comes back and says it's a 24 hour, then we'll have to reevaluate it.

Stephanie McCoy: I understand.

Mr. Snowden: Because of the lighting mainly. Mr. Chairman, I see you looking through our minutes there and probably I assumed trying to recall Ms. Darling's questions or any other issues that were raised. The one issue that Ms. Darling raised to me, either in private or in the meeting, what the condition of the playground equipment was. I know it was refurbished in 2011. I know that in the last couple years since it wasn't in operation I'm sure that some of the local neighborhood children have been using that as their own play area, so I think there was a question about what the condition of the equipment is at this time.

Stephanie McCoy: I haven't had it assessed as of yet. I'm waiting for the State to come out and take a look at that and then they will determine whether or not it needs to be replaced if it's not up to their standards.

Mr. Snowden: That's part of your State inspection?

Stephanie McCoy: Yes.

Mr. Snowden: Ok. Very good.

Stephanie McCoy: And she had questions about lighting. I went through and read the board minutes. She had questions about lighting and the hours of operation. That doesn't pose a problem. I know she stated that she would be concerned as a parent letting her kid out to go in. According to Ohio Department of Job and Family Services they have to actually be walked in by a parent, so it's not like they can just drop a kid off when it's still dark out and expect them to get in safely. A parent has to drop them into the center.

Mr. Snowden: That's something I didn't know. That's good information for the board as we consider.

Unknown: Especially with the time changing back and forth.

Mr. Snowden: Ms. McCoy, is there any exterior lighting on the site?

Stephanie McCoy: On the building?

Mr. Snowden: Yes mam.

Stephanie McCoy: There is some. It's not, what do I want to say...

Mr. Snowden: It's more decorative in nature?

Stephanie McCoy: Right.

Mr. Snowden: So there's not any direct site lighting, which I think... The thing to bear in mind gentlemen is that there were no lighting standards. If you build this building today you have to meet Chapter 1182, which there would be a minimum lighting amount and a maximum lighting amount for the whole site. Maximum height of the pole and so forth and that would all be evaluated. We cannot go back and apply 1182 with retro-actively to her site as a whole, so I'm ok with it. If it was a 24 hour, I think the board would have more leeway to make some requirements, but I wouldn't recommend making any specific requirements.

Unknown: In 2011, I think that was a major concern with the 24 hours, but I think the street lighting along through there promoted more than what you might think. That was a heavily content discussion, but one of the board members worked for AEP and so it's unrealistic to even attempt and put lighting in there because the cost. You'll never recoup it. You're looking at \$50,000 - \$60,000.

Mr. Rettke: So, like I said, I have no objections with it. Staff report basically said it was built as a daycare. It wasn't like we converted something and made it a daycare. It was built as a daycare and it's operated as a daycare. I'm fine with it. Any other discussion, comments? I'll move for approval of Item C1, 2051 Birchview Drive South, Application 179440.

Mr. Donovan: I'll second it.

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

Mr. Snowden: Thank you Mr. Chairman. Mr. Donovan, "Yes", Pastor Linder "Yes", Mr. Rettke "Yes". Thank you very much. The special exception use permit is approved. Ms. McCoy if you look on the staff report, which is right in front of you, on the very back page. I'll provide this information to you in writing and the same way you got the notice from last time. What's going to happen at this point is, I'll forward this to City Council. One of two things will happen, either City Council will notify me saying we have no other concerns and the board's decision will stand or City Council will elect another additional hearing, in which case, the room right next door, we'll have the exact same thing we just did here in front of the City Council for you. Given the use I would expect City Council to hear it, but it's been a mixed bag with this particular location and this particular use. I will touch base with the

clerk and probably be looking around the first week of October to get the final word. At that point, any other changes to the exterior, come talk to me in terms of signage, whatever you need for the outside because there may be some approvals and/or permitting. I believe you submitted for a zoning certificate. If you didn't, we'll just need to submit for that permit and contact our building division. To my knowledge, there was a certificate of occupancy through the building division that was already good. If you need another one for your state licensing they have a procedure to get that, so just contact Shelley at the front desk over there. I review all these permits per the code after 6 months to see what the status is. You have no condition. All I'll be looking for is that the use is in operation. There's no other violations of the city code. Knowing what I know about the site and the number of times that I've been out there I wouldn't expect any problems. With that, I'll turn things back over to our Chairman.

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

D. NEW BUSINESS

None.

E. OTHER BUSINESS

Mr. Snowden: The reason why we're in this room is due to the power outage and the relocation of the Civil Service Test in the City Council Chambers. Just in case anyone's trying to figure that out in the future. We are in the City Council Conference Room off the of the Chamber's, next to the Clerk's office.

F. ADJOURNMENT

Mr. Rettke: Adjourned at 6:47 pm.

Chairman

Planning and Zoning Administrator