

REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
September 20, 2007

A. CALL TO ORDER

1. ROLL CALL

Present: Mr. John Brandt
Mr. Duane White
Mr. Thomas Kucera
Mr. Norman Brusk
Mr. Patrick Feeney
Others Present: Mr. Lucas Haire,
Planning Administrator

2. APPROVAL OF MINUTES OF AUGUST 16, 2007 MEETING.

Mr. Kucera: Are there any changes to the minutes of the August 16, 2007? (No response.) Hearing none, we'll accept them as printed.

3. APPROVAL OF AGENDA

Mr. Kucera: Are there any changes to the agenda tonight?

Mr. Haire: There are none.

4. SWEARING IN OF SPEAKERS

Mr. Kucera: Anyone that wants to speak in front of the Board tonight, if you'll please stand and raise your right hand to be sworn in. (Mr. Kucera administered the oath.) Is there any other public comment on any issues not on the agenda tonight? (No response.) Hearing none, we'll continue on.

B. UNFINISHED BUSINESS

1. VARIANCE APPLICATION; 7620 FARMSBURY DRIVE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1175.05 OF THE REYNOLDSBURG PLANNING NAD ZONING CODE TO ALLOW THE CONSTRUCTION OF A STRUCTURE WITHIN THE REQUIRED THIRTY FEET (30') REAR YARD OF THE COMMUNITY COMMERCE DISTRICT. CONTACT PHIL BREAKY (21-ZV)

Mr. Kucera: Is there someone here to speak to this tonight?

Mr. Phil Breakey: Good evening, I'm Phil Breakey. I've been here before. We did talk about this before and we did have a situation where -- actually this is our fourth time here. The first time it was approved and then we didn't get our building going within a year's time, so we had to resubmit again. At that time the Donleys voiced some interest that we not build it and so, consequently, we delayed the meeting or continued it to the next time. Then we did meet before you and then, I think, we were voted down. I believe, Lucas, was it 4-1 or 3-2? I forget what it was.

Mr. Haire: Yes.

Mr. Breakey: So from that point, I would need to facilitate the use of my property. It's a financial situation for me and I'd already invested quite a bit of money in this project. I had plans drawn and everything. As you all know, that is an expensive process and was quite shocked when we found out that the Donleys weren't going to go along with it. But I decided that the best thing to do was to try and get them on board with us and I think that's what the Board would like to happen so that there would be mutual agreement on the best use of this property and something that would be beneficial not only to myself and the Donleys, but also to the City of Reynoldsburg. So we went through several plans. I met with my builder and we threw different kinds of things out that would try to incorporate less overhang into the back part of the property, the 30' setback to make a better looking building. The original building was going to be a separate building, the same size as the one I've got and immediately behind it, with like a 10 foot space in between. We talked about a trapezoid shaped building, we talked different shapes to try to meet that requirement. The main concern that I believe -- and the Donleys are here tonight and I'm sure they'll speak to this -- but one of the concerns that they had was sight lines from their lot. If you look back from the -- you can see my back yard there that's not being used behind my parking lot and the building, and they were concerned that they felt that the size of the building was most appropriate for the lot and that they liked being able to look back there seeing the grass and the evergreens and so forth, and that kind of thing. So I took that to heart and I wanted to get along with my neighbors, of course. So we presented a new plan to them and I believe you have a copy of that. Can you put that up there, Lucas?

Mr. Haire: I don't have it on there.

Mr. Breakey: You don't have it on there? What it is, it's the same size of an addition, but it would be all one building. And what this did was bring the back of the building closer to within the setback limits that are required by the City of Reynoldsburg. This also approved the sight line from looking back into the backyard that there was greater visibility from there. We put that all together, we got an elevation of the thing and I took it over to John Donley and it was my impression that he was liked it much better than what we had done before. We even talked about putting a cupola on top of the building to kind of mimic the building that they have. The roof would be higher, of course, because it's a combine, it would be a new roof going on to the combined building. It would have a cupola on top of it and it would look a lot like, in some ways like their building, although it's smaller. So I was all excited that they were

happy and if they're happy, I'm happy. So I took the next step and we had the major site plan drawn up and got everything ready to present to this Board.

Then something happened yesterday that just threw me off my chair and that was I had called John, I believe Monday, and asked him what he had done with the letter I had put together asking them to sign that they were in agreement with my plan. And he told me that no they were not agreeing with my plan that they felt that there wasn't sufficient parking and that our cars were going to go parking onto their lot and they felt that the roof line was not in line with what they wanted. They would have rather had a higher pitched roof than what we had planned and he had not mentioned that to me in our previous conversations, so I was kind of shocked at all that. I don't know that a higher pitched roof in out of my mind, that we couldn't do that. So now the Donley's are here tonight to fight me again on this. I again expended more money into this project and it just seems like there is no end to it. I thought I had done due diligence in trying to work with them to try to come up with a mutual plan that would be agreeable to both of us and also to this Board. So that's pretty much where I stand on it right now. I would be more than happy to answer questions and I would like time for rebuttle once the Donleys speak. Do you have any questions at this point?

Mr. Feeney: What's the size of your existing building? All I have is this plan right here, with what the final thing is going to look like. What's the size of the existing building that you're going to have.

Mr. Breakey: It's 1350 square feet approximately.

Mr. Feeney: Okay.

Mr. Haire: Yes, the proposed size is 2,750.

Mr. Brusk: What are we going to be asking for today? What are they asking for?

Mr. Haire: They're asking for a variance from the rear yard setback. The rear yard requirement is 30 feet and what they're proposing is 18 feet from the rear lot line.

Mr. Brusk: And is that the only thing that they need to ask for?

Mr. Haire: That is the only variance, correct.

Mr. Brusk: Okay.

Mr. Haire: And the other is the Major Site Plan approval, which is basically any project requires.

Mr. Brusk: Okay.

Mr. Breakey: That was one of my concerns that we were infringing upon that setback line and this did help that a lot because we moved it forward and now we're—

Mr. Brusk: Well the last two you were on two different sides of the building.

Mr. Breakey: Right.

Mr. Haire: They had two buildings with, I don't know how far was it between those buildings, 6, 8 feet?

Mr. Brusk: Ten feet.

Mr. Haire: Ten feet between, so it's moved up significantly from the former proposal.

Mr. White: My recall was the other building or proposal, you had two buildings and there's a sidewalk between the two?

Mr. Haire: Yes.

Mr. White: And that stretched it back towards the property line. With your new proposal how much modification is this from the previous proposal? I see it's 18 feet, but what was the previous proposal?

Mr. Breakey: How much modification have we made?

Mr. White: How much of the setback were you taking up before?

Mr. Breakey: Well, it would have been, if it's 10 feet off, I guess I don't have that figure exactly.

Mr. Haire: I think what the request was before was 12 feet, so the building is moved forward six feet on that back corner.

Mr. White: Okay.

Mr. Brusk: Right and that includes the overhang as part of that distance, doesn't it?

Mr. Haire: No, I don't believe so. Overhangs are not included as part of zoning regulations. You're permitted a two foot overhang.

Mr. Brusk: The other question I have is, is there enough parking spaces for them to meet the requirements?

Mr. Haire: Yes, they're right at 11 spaces and one for each 250 puts them right at 2,750, so they're right on what they need.

Mr. Breakey: And we will be increasing parking anyway. There'll be more parking spaces than the requirements. I know that was one of the Donley's concerns.

Mr. Brusk: Where will the other parking places be?

Mr. Breakey: We drew a map for that, I believe-- Do you have that?

Mr. Haire: I think what he's saying is he's increasing more than what he has now, so he'll be right at 11 which is what the requirement is.

Mr. Brusk: With this, is what you're planning?

Mr. Breakey: Yeah, right.

Mr. Haire: Correct.

Mr. White: I have a question with regard to the Donley building to your left, or towards the west. I was over there and I went to their parking lot and it seemed to me that their building stretched pretty much close to the point that you're proposing to meet. Is their building in compliance with the setback, the 30 foot setback?

Mr. Brusk: Yeah, probably.

Mr. Haire: To the best of my knowledge it is, yes. Their building may be different because it's considered a corner lot, so they don't really have a rear yard. They have two side yards. Therefore, they could be within 10 feet of the rear property line, or what you're considering the rear would actually be the side.

Mr. Brusk: But, again, to be fair, the setback is to the driveway and then there's a driveway right past the setback.

Mr. Breakey: That's correct.

Mr. Brusk: And then there's space. So it's not like that the property, actual property of the next facility building is going to be impacted that much.

Mr. Breakey: Yes.

Mr. Brusk: Secondly, you do have a lot of shrubbery and—

Mr. Breakey: That's also part of my agreement with the Donley's, is that I'll make sure that those trees are kept intact and that even though they are on their lot, I mean, I need to make sure that that screening is there.

Mr. Brusk: Yeah. Make that agreement with us, too.

Mr. Breakey: Yeah, I would be more than happy to sign to that.

Mr. Brusk: Because that's one of the better looking corners in Reynoldsburg.

Mr. White: Is that enforcing him to maintain the trees that are not his? I mean—

Mr. Haire: Yeah. As part of the Design Review process, a landscape plan is required. What you see on you, the proposed drawing they have of the building, I think a tree survey was done, it looks like. And that shows the location of all the current trees and then it shows the proposed landscaping that they're going to put in, so I imagine this is their landscaping plan. It doesn't show materials, but it doesn't appear that anything's going to be removed.

Mr. White: I have a question with regard to the corner lot that you indicate that because of it being located at the corner, Donley's is not necessarily required to meet the 30 feet setback. This particular lot also is adjacent to a driveway and a parking lot. Does that not come into the parameters of being a corner lot?

Mr. Haire: That's because – that's a private street. No.

Mr. White: Okay.

Mr. Haire: It's not considered public right-of-way, so it wouldn't apply to having a front setback.

Mr. Brusk: Right, but if that were public, it would be?

Mr. Haire: Yes.

Mr. Brusk: So it's a matter of definition as opposed to actuality.

Mr. Breakey: Yeah, the trees do offer a wonderful break. I mean, they were planted by the Donleys, but they are helping the whole situation. That is a driveway that's heavily traveled, because it's a fairly good sized parking area, or apartment area. And I'm sure if you were on the other side of those trees, they would never even know we've done anything unless they climb through them. So I don't see it as a real – you can see that you can't even see through those to the driveway that's on the other side of them.

Mr. White: Well, to add to that, I suppose that there apparently was an exception made for the 10 feet on the east side exception and that's been there for some time. And all you're proposing now is apparently an 18 feet from the property line

in the rear. It seems to me that the distance on the 10 feet has not created a problem and, apparently, would be no problem on the north side with 18 feet.

Mr. Kucera: Is there any additional Board comment or questions?

Mr. Brandt: I have one question. I was down to visit the site myself. Was there a zoning sign posted on the property?

Mr. Haire: I posted one last Thursday, yes.

Mr. Brandt: Because I noticed a lot of survey stakes, but I didn't see the—

Mr. Breakey: I was interested in who put those survey stakes in. I've seen them in there twice now.

Mr. Haire: Well, Farmsbury's part of the Street Program so I imagine that maybe as part of the paving project, survey stakes were put in. I don't know if the sign was taken down as a result of that, but I did post one last Thursday. I posted one last month, too, and it was still there and I picked it back up, so I don't know what happened to it.

Mr. Brandt: Okay. Just so it was posted.

Mr. Kucera: Any other questions? (No response.) Is there any public comment? Yes, sir.

Mr. Dick Donley: I'm Dick Donley. John is out of town, so he couldn't make it, but I believe he— Lucas, did you give the letter to everybody?

Mr. Haire: I didn't get a copy. No.

Mr. Donley: Well, I can read it if you'd like. This is – and I'll give you this. "I own a business on three sides of the property seeking the variance. I am opposed to the variance because it is not the best interest of the City or the surrounding landowners, who is us, who will have to deal with the condition created. The appearance of the building and the parking are major deterrents to the overall plan of the neighborhood. I feel that my property value is compromised if this variance is granted," and it's signed by John and I. I'll give you this. He couldn't be here.

But, bottom line is, we aren't fighting anybody. We have a major interest out there. We've done a lot of stuff in Reynoldsburg for a lot of years and I've always tried to do, we think, quality projects. We have the office park on Main Street which we keep up. We have the apartments, we did Slate Ridge. When John originally built his office there, he had that land and he built that office next door so it would look nice for the entrance of our apartments. Phil bought it as it was, so as far as financial problems, he bought a situation that he knew with a setback, so I don't think that has any bearing on

anything. We -- or John planned that out so it would look good at the entrance. And, like the analogy that John gave, it's like trying to put two gallons of ice cream into a one gallon container. It's just not fitting the way it should. And it really does look good. It is a high traffic corner. Reynoldsburg has done such a nice job on the Streetscapes and I can't say enough, like on Main Street where the offices are. I have a lot of nice comments from tenants and potential tenants, and it really has kept things up-to-date. That 256 corridor is nice and we think we've added our little bit in this and we'd like to keep it nice. I think to change now is a wrong move. I think you're just cramming too much into that corner. Green space is nice. You go up to New Albany, they have green space all over the place. That is what looks nice. And Phil brought that knowing what the situation was there. So we planned it out at the beginning and to change now-- And the problem is the original owner is no longer there. Phil's the owner now. Probably sometime down the road there'll be a new owner and the parking, it might meet requirements but-- And, Lucas, some of those, I don't know if Phil's changed some of that, but to turn around, some of those cars are pretty tight to get that around. So, if you get another business in there that has more of a high traffic situation, I guarantee you it's going to overflow onto John's property.

Now, again, we aren't here to fight anybody. We want to keep things nice. Phil's building looks very nice now. If you start changing things -- it's just, we don't think it's right and we have a major stake in that and I think we should have a say-so about that because we surround three sides of that thing and we are concerned as to how it's going to look. We like it the way it is. We planned it that way and now we're changing it's dream. That's why we are against it, so I appreciate it. Any questions? (No response.) Thank you.

Mr. Kucera: Is there any other public comment? (No response.)

Mr. Brandt: Mr. Donley, at one time or another, and this has been here numerous times for one reason or another, not all our fault, but be that as it may, we had all suggested that possibly you folks get together and work something out. Has that attempt been made or was there—

Mr. Donley: Well, Phil has—the only drawing we have from Phil, and I don't know what extensive work he's done, but there is a drawing that I think you guys have up there of the building. I don't believe it shows the site plan. I've never seen that. I guess, bottom line is, we're just against it. We don't want an additional building back there. It was set up and designed to have it look nice. We have 170 apartments back there. We have a major stake in Reynoldsburg and we keep it nice and spend a lot of money. And every person driving in there-- I know one thing those pine trees are beautiful today, but all of a sudden they come out and die, little trees are put in there. All of a sudden that building's going to be on top of our property back there. Those pine trees don't last forever. Take a point in time and they grow and they'll die and they'll be whacked out of there and it's my understanding we'll be responsible for that. But, with that in mind, you aren't going to put 20 foot pine trees in there. You start over again. You have your 6, 8 or 10 footers and that building is going to be open. So those

pine trees are already 20 or 25 years old. Twenty-five years old, I think, as a matter of fact.

Mr. Brandt: So you folks actually built the building to begin with?

Mr. Donley: Oh, yeah. John's office there and then the one next to it, too, so it would look nice. We had control of that thing and it would look nice and now we're changing midstream.

Mr. White: Mr. Donley, I have a question. Your building, it runs parallel with Farmsbury Road, the front of it, okay? The back of it to the northeast side, how far from that point is that building to the--

Mr. Donley: The property line?

Mr. White: Not the property line, the property line is apparently yours, but I'm talking about the pine trees.

Mr. Donley: You know, I can't tell you and that's John's building. I'm Dick and that's John's building and I don't own that. I own the apartments with John. I really can't tell you exactly what it is.

Mr. White: Would you say it's 30 feet away?

Mr. Donley: You know I really don't know. I'm sorry.

Mr. Kucera: If you look at the picture that's on the wall there. Right underneath the letter B there's some dark green there and it looks like there's a road going which would be sort of northeast at this point. Is that a road there?

Mr. Haire: That's a private drive that leads back to the apartment complex.

Mr. Kucera: Okay. That's a private drive.

Mr. Donley: The first building to the right of that is the first building of the apartments and then you go back in and the clubhouse is to the right and to the left there is a big one of the buildings directly behind the office buildings, Phil's and John's, and then that just goes into a circle with a lake in the middle.

Mr. Kucera: Let me walk over here and point to B here.

Mr. Donley: Okay.

Mr. Kucera: This is part of the apartment complex?

Mr. Donley: Yes.

Mr. Kucera: And this is the tree line?

Mr. Donley: That is correct.

Mr. Kucera: And behind here now is—

Mr. Donley: Parking lot, yes.

Mr. Kucera: --and then out there is going to be buildings?

Mr. Donley: There are buildings there. I don't know if any are open, but they're ready to go.

Mr. Brusk: Yes, a couple are open and then there's—

Mr. Donley: To the front at the point of that, just to the west of John's office, there is a little retention basin there, so there's plenty of greenspace there to keep it nice and open.

Mr. Kucera: Do you have an interest in the properties in front at all?

Mr. Donley: No, none at all.

Mr. Kucera: When that was brought up, did you object to those? Object to those being in that proximity to your apartments?

Mr. Donley: Once we found out what was going on, you know Rt. 256 is a main road and we didn't know what was happening at first, so once we got into it then we went along with it.

Mr. Kucera: But you didn't make any objection to the fact that that's being built in very close proximity to your existing apartments?

Mr. Donley: No, that's far enough way there. And you know there's a major tree line there, we have since put a fence in, sort of weaved it within – which we got approval from Reynoldsburg -- the pine trees and all just for debris and that sort of thing. So there wouldn't be—

Mr. Kucera: Okay, but when those pine trees die away, the people in that apartment are going to look right into the back of this other building.

Mr. Donley: Well, there's major trees along that. It's not all pine trees along there.

Mr. Kucera: Well, I'm still saying -- the point is that trees live and they die.

Mr. Donley: Absolutely and--

Mr. Kucera: And they're going to be, I mean it doesn't look to me like it's going to be more than, you know, I mean one street backs up to the other one, is that correct?

Mr. Donley: Uh, well—

Mr. Kucera: There's all of, as I see it, there's all of maybe ten foot of green space in between the two at this point.

Mr. Donley: I think there's, it varies. It's more than that.

Mr. Haire: The commercial space in the front was required to do a 15 feet mounded buffer along that property line.

Mr. Kucera: Okay, in the back.

Male: And there's a row of condos that goes down parallel to the pine trees.

Mr. Haire: I don't think it comes down that far but—

Mr. Donley: No, they're further north, the condos, yes.

Mr. White: I noticed that there was a structure in that location there. Actually it might have been for the trash cans, but it was a brick structure that was not too far from the property line.

Mr. Haire: That's a dumpster enclosure.

Mr. Donley: Which we have to have.

Mr. White: Do you know how far that is from the property line?

Mr. Donley: No, I couldn't tell you. I really don't know. I know about where it is, but it probably shows on that picture; but that's back in the corner of the apartment project.

Mr. Kucera: Are there any other Board questions?

Mr. Brusk: Does this meet the -- do we have all the information necessary to do a site plan?

Mr. Haire: Yes.

Mr. Brusk: We have been given all the necessary paperwork?

Mr. Haire: Yes, I believe so.

Mr. Brusk: Okay. We don't have that in front of us, but that's okay.

Mr. Haire: It would have been in last month's packet because it was tabled.

Mr. Brusk: Did we have this drawing last month?

Mr. Haire: No. That's why it was tabled, because they didn't have all the information necessary.

Mr. Brusk: But it was the same building last month?

Mr. Haire: The same site plan, yes. But we didn't have the architectural rendering or the landscape plan that's required. So that was what was submitted on a separate drawing. You have that drawing and this was the drawing for last month's if anyone wants to look over that if you don't have it with you tonight.

Mr. Kucera: Is there any additional comment?

Mr. Donley: Here's that letter from John.

Mr. Breakey: Could I make another point?

Mr. Kucera: Certainly.

Mr. Breakey: First of all, if I could walk over here.

Mr. Kucera: Talk loudly.

Mr. Breakey: This area that I'm trying to utilize is this very large gray area right here. Where we're impacting, which is causing the variance requirement, is right here in this little corner. And we're talking 18 feet from my lot line into where the corner of my building starts. So it's kind of an exaggeration that if those trees were dead, or gone, or something, that suddenly I'm going to be right on top of what's across here. It would be a bigger detriment to me for these trees to be gone, because I would have the unsightly appearance of a parking lot here and that's the last thing I want. I want a nice looking area here. We've got a tree blockage. We're talking about an area that's probably about right here. We've got a lot of space there that's still not -- it will still be green. We were concerned that, like I said before, that the Donley's did, at least John did, I don't know if Dick was concerned because he owns this here, but he was concerned about his sight line. And we tried to improve that, because the building comes over to about right here. And looking through here, you can still look back and see the pine trees, although not as much as you can now. The other thing that I'm kind of faced with a dilemma and I want to best utilize the land that I bought. I did pay a lot of money for that land and that property and I want to be able to use it to facilitate my

business and to grow my business. And I don't want to sell, I don't want to move on, and so we felt that this was the best way to go. I have, however, and maybe for the Donleys -- Dick said that I knew this going into this, that I was going to have to spend all this money. Well, that isn't true. We had this approved before and we put a lot of money into it and, to no fault of them, we had to come back at it again and that's when they voiced their concerns. But, at any rate, I do have a lot of my money that I would have invested in other things tied up in this project already and, so, it is a financial thing for me, too. And I don't know if that makes any difference to the Board, but it definitely makes a difference to me.

Just in summary, there was a question here, I think Mr. Kucera or Mr. Bruska asked, on whether we did get together with the Donleys in regards to this. I did put together several different plans. We came up with the one that looked the best and we did present it to John Donley. What really is puzzling to me is his reaction now as of yesterday, versus his reaction a few weeks ago when I presented it to him, because I did get his stamp of approval, so to speak. He hadn't talked to Dick yet, I grant that. That's when we went ahead and got the rest of the work done, had the major site plan done. We were trying to do this step-by-step and we wanted the Donleys on board so we wouldn't be in a situation like we are here tonight and, so, that's why I ran it by John. And said, "John, what do you think?" That's when we had the conversation about the cupola on top and everything.

One final thing, when this project is done we are going to have a far better looking building. This building looks like it's out of 60s. It has a real low roof line and it looks more like a house that's trying to act like a business, than a business building. When we get done with this, it will be a business building. It will have a nice higher roof. We'll have a cupola on there to match the thing up so it will look better with the Donley's building. And I think, when it's all said and done, they'll be very happy with it, because if they would see any other projects I've worked on, which I probably should have invited them to do, they would know that I don't do anything half way. I make sure things are very, very well done and that they are in good taste. And I would hope that I would be given this opportunity to prove that to the Donleys and also to this Board and this community. Do you have any further questions?

Mr. Kucera: Thank you.

Mr. Donley: May I say one more thing?

Mr. Kucera: Briefly. I think we've said everything, but go ahead.

Mr. Donley: I just thing that Phil has taken certain assumptions. Just because he presents something, it doesn't mean a stamp of approval. I mean, yes, we looked at things. We are against it. So I think Phil, and before at other meetings he has said we approved it, and we didn't even know what he was talking about. So I think that there are assumptions on his part that we were for this and he's shocked that we aren't; when

we look at it, we say we don't want it. We have a major investment over there and we're concerned about that and I think we should have say-so about that. Thank you.

Mr. Brusk: Dick, when did you first voice your objection to this specific project? Was there a somewhat saying "this looks good" type of thing, or did you say, "No, no, no"?

Mr. Donley: Well, I know I said no, no, no. And I can't speak for John exactly because I wasn't there for the meeting with Phil, but I know his opinion and my opinion that we have never been in favor of it. That doesn't mean we didn't look at things or he looked at things, but basically we aren't in favor of it. We think the corner is a nice way the way it is. I think the building does look nice. Phil wouldn't have bought it if he didn't think it looked nice, and I think it's a perfect use for what it is now. And that's why we planned it out a long time ago.

Mr. Kucera: All right.

Mr. Breakey: I wish that John was here, because I'm sure he would not perjure himself. John did agree that this was a feasible plan. The only thing that he said – he didn't even talk to Dick about it, "Where I made a mistake was that I didn't follow-up to make sure that Dick was on board, too. John did say he was agreeable, that this was a good plan and that's when we went on to the next step in the process."

Mr. Donley: I think in the letter it says what John said

Mr. Kucera: All right. Thank you.

Mr. White: When is the letter dated?

Mr. Brusk: It's not.

Mr. Brandt: It was faxed 9/19.

Mr. Kucera: Is there any additional Board comment?

Mr. Brusk: I'm conflicted.

Mr. Kucera: I'll entertain a motion.

Mr. Brusk: I'll move that we accept Variance B1 (21-ZV).

Mr. Brandt: I'll second.

Mr. Kucera: All right, if you would call the roll, please.

(Mr. Haire called the roll. Mr. White voted “yes.” Mr. Kucera voted “yes.” Mr. Brusk voted “I’m going to go along with it. I understand, Dick, what your feelings are on it. I think, though, that a great deal of effort was put in by Mr. Breakey to meet a lot of the requirements. The one thing you can’t do is size. But this does not -- there’s no problem with the size. And there will be no discussion on this, I’m just giving you my comment. Given the size, there’s enough green space that meets those requirements and we’re not voting on that. The only concern on the variance is, is it too close to the back and oftentimes we have granted this type of variance for the very reasons I feel we should grant it this time. So we’re going on this – the variance is the only thing we’re voting on right now, and that that would not be problematic.” Mr. Feeney voted “yes.” Mr. Brandt voted “no.” Motion carries.)

2. MAJOR SITE PLAN REVIEW APPLICATION; 7620 FARMSBURY DRIVE, REYNOLDSBURG, OHIO; PRESENT USE, OFFICE BUILDING; PROPOSED USE OF LAND STRUCTURE, OFFICE ADDITION; PRESENT ZONING, CC – COMMUNITY COMMERCE. CONTACT NAME: PHIL BREAKEY (09-MS).

Mr. Kucera: Is there any comment on this item? (No response.) Are there any Board questions?

Mr. Brusk: Again, the only thing that’s out of compliance has been taken care of. Is that correct?

Mr. Haire: Correct.

Mr. Brusk: On the site plan?

Mr. Haire: Yes.

Mr. Brusk: Okay.

Mr. Kucera: Is there any public comment on this issue? (No response.) Then, I’ll entertain a motion.

Mr. White: I move that Item B, Major Site Plan Review Application (09-MS) be approved by the Board.

Mr. Feeney: I’ll second.

Mr. Kucera: If you would call the roll, please.

(Mr. Haire called the roll. Mr. Kucera voted “yes.” Mr. Brusk voted “yes.” Mr. Feeney voted “yes.” Mr. Brandt voted “no.” Mr. White voted “yes.” Motion carries.)

C. NEW BUSINESS

1. VARIANCE APPLICATION; 7661 DALGLEN DRIVE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1175.06 OF THE REYNOLDSBURG PLANNING AND ZONING CODE TO ALLOW THE CONSTRUCTION OF A PORCH WITHIN THE REQUIRED THIRTY FEET (30') FRONT SETBACK ON A MINOR RESIDENTIAL STREET. CONTACT PERSON: ETHEL SUE HECKATHORN (23-ZV).

Mr. Kucera: Is there someone to speak to this tonight?

Ms. Ethel Sue Heckathorn: Yes. I want to build a front porch across the front of my house to the driveway and I wasn't aware until my contractor came down to get a permit and I'm not thirty feet from the curb. So I was informed that I had apply for a variance.

Mr. Haire: Could you state your name?

Ms. Heckathorn: Ethel Sue Heckathorn.

Mr. Kucera: The term porch and deck has been used—

Mr. Haire: It's actually a deck, I believe. There's no roof over top of it?

Ms. Heckathorn: There will be a roof.

Mr. Haire: There will be, okay. And the plans that were presented to me didn't show a roof, so—

Ms. Heckathorn: He won't be putting it on, but there's somebody else who will do that. I'm old-fashioned, I want a house with a front porch. A neighbor down the corner of Marabar did theirs and next door to theirs and 761 Burkey, they put a front porch on theirs. There's one at the corner of Ada Drive at the stop sign down there, people have added porches. Graham Road at 1741, he's got a variance on Graham Road. People are going back to old-fashioned things and I would just like to have a front porch. It's something I've dreamed of and I've been there 24 years taking care of my house and I have letters from all my neighbors here that they don't object to it.

Mr. Haire: What this proposal -- this neighborhood was built with a 25 foot building line, so most of the houses set at 25 feet instead of the required 30 feet. This house is 25 ½ feet currently on the one corner. The deck that's proposed, or I guess it's a porch, is 8 feet out, so that would bring it to 17 ½ feet from the road right-of-way. Currently on the home there's a small front porch area, concrete with a roof, so that would bring it out actually a little closer. I don't know how big that is maybe 3 or 4 feet.

Ms. Heckathorn: There was a sidewalk that came down and went to the driveway and I dug it up. I just didn't add it because I just want the porch to come up where

where the sidewalk would have been. So however wide the sidewalk, that's how much further I'm coming out.

Mr. Haire: Sure.

Ms. Heckathorn: And then the porch will come down with one step off to the driveway. And all my neighbors think it would improve the house a bit and I do too.

Mr. Kucera: Do you have any pictures? I know in the write-up here there were some other properties cited. I wasn't able to visit this property.

Mr. Haire: Let me see if there are any sites in here. I looked at these properties and it didn't appear that they required a variance when they built. Burkey, I'm just doing it from aerial photos because I looked at the properties and you can't tell from that distance, but on aerial and measuring it appeared that it was 25 feet. The property on Graham Road sets back well past the building line and no variance was required. They are building a front porch and they've got permits for that but—

Mr. Kucera: They're well behind the 30 foot?

Mr. Haire: Right.

Mr. Brusk: And you're saying that none of the homes on this block encroach within the 25 feet.

Mr. Haire: There is one at the corner of Marabar and Dalglen that does encroach within that 25 feet. It's probably 16 or 17 feet.

Ms. Heckathorn: The one next door put a porch on, too. And then the one next door put a porch on after he did. Yes, because the Vesters live on the corner. And then you've got--

Mr. Haire: That's the only one in the neighborhood I could tell from just driving through and doing quick check that looked like it was well past the setback line. But there's no variance been granted since 1997 for that, which is far back as I have access to records.

Mr. Kucera: Do you presently have a deck or a porch on the back of the house?

Ms. Heckathorn: No.

Mr. Kucera: What's your reasoning for wanting a front porch as opposed to putting something on the back of the house?

Ms. Heckathorn: Because I want an old-fashioned porch swing so I can sit out on the front porch. I don't want to be cooped up in the back. I have ten grandkids. I'd like to just come out and sit on the front porch and all the neighbors know each other. If someone's gone, we watch each others house and we all talk, everybody knows each other and they sit out on theirs across the street. Lisa sits out -- she's got the one right across from me. She was out last night. She sits in her chair and she reads, and the Winegardeners, and all of them.

Mr. Feeney: What kind of roof structure are you going to put on this? It looks like concrete slab and then you're going to put a roof on it?

Ms. Heckathorn: Like a roof for a porch, like Vestley's have and like the guy's putting on at Graham Road.

Mr. Feeney: What type of columns? Do you know what the columns are going to look like? Are they going to be square, are they going to be wrought iron, are they going to be round?

Ms. Heckathorn: Probably wood square, just—

Mr. Haire: Are you going to do a railing?

Ms. Heckathorn: Yes.

Mr. Haire: A railing around the porch, or is it going to be open?

Ms. Heckathorn: I don't know.

Mr. Haire: The plans that you have are the same that I have and they just so the foundation, they don't show anything other than that.

Mr. Kucera: And that's kind of my problem is what we have here and what you're saying you're going to build are two entirely different things and we have no way of -- you have something in your mind and we don't know what that is, so it makes it difficult for us to understand what you're doing here. I looked at this and what's presented to me is a ground level structure, there's no roof, so on and so forth. My comment would be you could do the same thing with patio pavers at grade level, which wouldn't require any kind of a variance. Okay and then you'd have a place out in front to sit. It just wouldn't be covered. But now you're telling us, as I understand it, that you want a covered space as opposed to an uncovered space.

Ms. Heckathorn: Well, when I applied for it, I said a front porch and to me a front porch is a roof comes down. It's not a patio, it's not a deck.

Mr. Kucera: Well, that's why I asked my question originally, a deck versus a front porch, because a porch means the same thing to me, it's got a roof on it.

Ms. Heckathorn: Well, yes and the person that's doing this belongs to my son's church and he does cement work, Allridge and Dentz. Zack across the street, he's out on Main Street, him and his family. He told me he would put the roof and the stuff on. So I have two different people, because I'm on a limit you know. So just like the one on Graham Road, they're fireman, firemen helped build his. One dug it out, and one laid the block, and then he's doing it himself. He's putting the roof on it himself. So it's just you know.

Mr. Haire: We can always make it conditional of certain things being met as well.

Ms. Heckathorn: I didn't know I needed a variance. I would have planned it a long time ago so I wouldn't have done it while you were on vacation. (TAPE CHANGE). This is all new to me, what I need to do to make my property look better.

Mr. Kucera: Normally, we don't like to do this, just because it, one, sets a precedent and then everybody else on the block has a reason to say, "Well, now I want a porch," and it defeats the whole concept of the building setback line, which is to create some green space on either side of the street. I will say that this is on a curve, so you're not looking right down a row of houses like we have in the past. It is somewhat on a curve, but I always have a concern in these situations of setting a precedent that we're -- now a couple of people a couple of doors down where the houses are in a line can say, "Well, I want a variance to put a porch on the front of my house," and, again, it defeats the whole purpose of a setback line. Those are my initial thoughts on it.

Mr. White: I have a question. Could I see that picture with the porch out there? I guess there's a concrete structure right there now that you walk up to your front door.

Ms. Heckathorn: Yes, there's a room under there.

Mr. White: How large is that?

Ms. Heckathorn: What, the porch?

Mr. White: Yes. 10 x 5 or--

Ms. Heckathorn: I don't know. It's whatever a porch is. I didn't measure it.

Mr. Haire: It's smaller than that. It's maybe 6 x 6, 4 x 6, something like that.

Mr. White: The porch you're planning to construct, how much larger would it be from that, compared to that?

Ms. Heckathorn: I'd like it to be clear across the front of the house and one step down to the driveway.

Mr. White: Excuse me?

Ms. Heckathorn: It would go clear across the front of the house and one step down to the driveway.

Mr. White: I see.

Ms. Heckathorn: Like the one on Graham Road. I've had this dream in my heart for years.

Mr. White: Would it go out any further than what you have right there?

Ms. Heckathorn: It's going like, there was a sidewalk in front where you could walk down to that and I was just going to bring it out to where the sidewalk is. I mean, okay, contractors are building houses now. Right? And I thought there was a Fire Code, but you can't even get a car between them like up on Baxter Avenue and then the front porches, the contractor's putting on, you can barely put a chair in and sit down. And I want one where you can have the porch swing and swing out, just usage, you know. What's the sense of having a porch, if you can't use it, you know?

Mr. Feeney: I think the question is the existing porch you have there now, that's probably about 4 to 5 feet out from your house now. It already sticks out that far at least or does it stick out 6 feet?

Mr. Haire: It will probably come out a couple feet further than what's there now.

Ms. Heckathorn: There was a sidewalk where the porch came over there.

Mr. Feeney: You really already have a porch there, you're just extending it across the house.

Mr. Brandt: Are there other porches in this vicinity?

Mr. Haire: Not really, no. There's a few that have them. There are a few other porches on the street, but the houses set back further.

Mr. Brusk: Now was that porch, did it meet code when it was put in?

Ms. Heckathorn: That porch was there when we bought the house.

Mr. Haire: No. It goes beyond the 25 feet building line. We don't require any type of permits for concrete, so they likely didn't get a permit when they put up the awning over the top of concrete. It's probably just a stoop but—

Mr. Feeney: Did you say there was a little room underneath there?

Ms. Heckathorn: Yes, that's the way we bought the house, the way you see it now, we bought it.

Mr. Feeney: I mean underneath your stoop that goes out underneath there the basement.

Ms. Heckathorn: All those two stories have rooms under them. Crystal's across the street and—

Mr Feeney: There's already a foundation there apparently.

Mr. Haire: It doesn't show on the survey that was provided from 1983 and it doesn't show on that survey, so who knows when it was put in.

Ms. Heckathorn: The houses were built in the 50s.

Mr. White: I guess I would have some questions with regard to the actual porch you have proposed to build in terms of the posts. Are they going to be huge, small, metal, wood? Are they going to be obtrusive to the area or are they going to be kind of proportional? And the roof, how would you actually construct the roof. Is it going to come straight out or is it going to be—

Ms. Heckathorn: Straight out, like the one on Graham Road. Some of them have them going this way.

Mr. Brusk: The one on Graham Road doesn't do me a bit of good because—

Ms. Heckathorn: I know, but I'm saying I don't have a picture. I should have taken it.

Mr. Haire: You'll probably have two different slopes on the roof. They'll probably tie it in to the existing. They aren't going to take it all the way to the top, it will probably come down and then it will tie in with a different angle.

Mr. White: I see.

Mr. Brandt: The aesthetics of it wouldn't be our issue, but the construction elements of it would be reviewed by the Building Department, would they not?

Mr. Haire: Correct.

Mr. Brandt: So the issue for us would be to build or not to build, but approval of the construction would be the Building Department's as to roof supports, railings and all that.

Mr. Haire: Sure.

Mr. Brandt: I believe there is a requirement for railing, isn't there?

Mr. Haire: I believe so, yes. It's got to be a certain distance and all that type of thing.

Mr. Brandt: Yes.

Mr. White: Then my thoughts on that is you've given us letters here from many neighbors. Are they close in proximity to your house?

Ms. Heckathorn: The neighbors?

Mr. White: Yes.

Ms. Heckathorn: Two doors down, Mary's there; and Lisa is across the street and they're all right—

Mr. Haire: The address we're looking at is 7661. This is 7637, 7666, 7647, 7681, 7650, 7669, 7676, 7636, so there's quite a few that are right there in that immediate vicinity.

Mr. White: So my point is apparently there are several people in that area that have no opposition to a porch and you're saying that there are other porches in the area. If that is the case, then the question would be whether it would be a hardship, in fact, if you were to go closer to 25 feet. I suppose comparable to your porch, but maybe I don't know how much further out you're going to go, but it seems to me that the neighbors are not concerned and there are other porches in the area, so I think that would be a consideration even though we're looking at the setback as opposed to the question of the building structure and its composition. I think it's still a matter that should be considered.

Mr. Kucera: I have a concern that the porches that I have seen are few and far between and basically none of the houses in the area, only one or two have any kind of a porch in front of them at this point, so it would have a much different look for the area.

Mr. White: One thing, I'm sorry I wasn't able to go to the neighborhood because I couldn't locate that particular site, so I wasn't able to actually see how it would fit into the area.

Mr. Brusk: My concern isn't the look, because I think it would probably improve the look of the house. The problem is, do we want to change the character of the neighborhood by variance as opposed to ordinance. There's a reason why there's a setback. If we allow this, the big problem is that we virtually have to, under similar circumstances, go ahead with any other homes in the neighborhood and we will, by

virtue of a variance on our part, change the whole neighborhood that was set and I don't think we should do that. I don't think we have the authority to really do that.

Mr. Feeney: I'll add my comments, too, then. I look at it as, one, she took the time to talk to all her neighbors; two, they took the time to write a letter approving it; and, three, the other thing I look at is there's an existing porch there with a basement wall and foundation that already protrudes out there, so she already has a porch structure. So I look at all that and I think those are all positive things for me.

Mr. Brandt: Can I ask one question? What's your estimated budget for this project?

Ms. Heckathorn: Pardon?

Mr. Brandt: Do you have an estimated budget, the cost for this project?

Ms. Heckathorn: Yes.

Mr. Haire: What is it?

Mr. Brandt: It will be on the building permits, anyhow. My point is you're attempting to increase the--

Ms. Heckathorn: Do you want to know what my contractor is charging? Is that what you want?

Mr. Brandt: Yes. Well, what you're going to approximately spend? It will come out on the permits anyhow, the approximate valuation. My point is that you're trying to improve the value of the property.

Ms. Heckathorn: Well, starting with \$5,000. I've got his—

Mr. Brandt: We don't need all the, you're going to give him, whatever, but just an estimate.

Ms. Heckathorn: Probably \$5,000, and then by the time I do the roof, I'd probably say \$8,000.

Mr. Brandt: Okay, thank you.

Mr. White: Is there any way of you considering-- I don't know, I'm at a loss here. I feel that because your neighbors are basically in agreement that you could build the structure, but we're also concerned with the Code that requires a 25 foot setback and that is to allow green space. I'm not sure how that would fit in, because I have not gone to the area and I was trying to look for it and couldn't find it. But I'm not sure how the other porches are in that area and how your porch would affect that area and then

some consistency with the other porches. I don't know if there's any way of you actually coming back with some sort of model and basically give a better picture of what you're proposing to do as opposed to looking at it from the abstract and saying you're going to put a porch out there and asking for a certain amount of feet from the setback line.

Ms. Heckathorn: Do you want me to come back with a drawing, is that what you want?

Mr. White: Something that gives a better picture of what you're proposing to do.

Ms. Heckathorn: If that's what you want.

Mr. White: Well, it's not me. I just wondered -- that's my thoughts on it any way at this point.

Mr. Kucera: I also feel that in terms of the use, with the exception of it being covered, I think the same thing could be achieved with ground level improvements that would give a space to sit and landscape, and so on, that would be equally attractive and would serve the same function, short of having a roof on it in terms of being able to be in the front of the house and sit in the front of the house. Again, I believe there are some options available and I have a continuing concern about—

Ms. Heckathorn: What are you talking about ground level?

Mr. Haire: Like a concrete patio.

Ms. Heckathorn: Which is high up, I mean we have a big step down. Right now when you come out the front door you have to step down to the ground because we had that sidewalk taken out because it was crunched up. When the City said you had to replace the sidewalk and they marked "X's" on part of it. We went and did the whole the sidewalk and then we took the blacktop driveway out. We enlarged it, but the sidewalk from the driveway going to the porch was all done up, so we just tore it up and I never replaced it because I was going to get a front porch. The porch is high up. So you want to come out and then just put cement on the bottom? How that's going to landscape it and look better? And who wants to sit on a front porch when it's raining with no roof?

Mr. Kucera: I appreciate that and this is always a real dilemma. As I understand, there is the option that if this is rejected that you can appeal to the City Council. Is that correct?

Mr. Haire: Yes.

Mr. Kucera: Are there any other Board questions?

Mr. Brandt: Or maybe she would prefer to request a tabling and bring in—

Mr. Kucera: That would be an option that might help us would be—

Mr. Brandt: --bring in a set of plans, because it is kind of difficult for the Board to vote on, as Mr. Kucera has already pointed out, on somebody's idea, because we're more used to—

Ms. Heckathorn: Well, this is my first experience, I mean.

Mr. Brandt: I understand.

Ms. Heckathorn: I would have it built a long time ago probably, but I didn't know there was a variance, you know, and—

Mr. Brandt: And that's what I said, we're trying to help you out, too, whichever way you prefer. If you'd prefer to bring something in the Board could actually look at as opposed to dealing in the abstract, it might be better. But then again the option is, as Mr. Haire pointed out, if it's turned down you do have the right to appeal to the City Council.

Ms. Heckathorn: I can bring something in.

Mr. Brandt: Would that make the Board feel better if they saw-- Just a thought.

Mr. Kucera: I agree it's a good thought. It certainly would help.

Mr. Feeney: I think that would also help you. Now you have something you know what you want and you have the drawings done because you're going to need them anyway to get the building permit, so you're going to have to have them done one way or the other. And that tells us, okay, it's a roof, columns, railings, you know; show the existing porch, how far that comes out, and how much you're going to add to that. I think that will help us get a better idea it sounds like.

Mr. White: And in addition from me, I think that would be on top of that, and I agreed with all of that, is that it might even be helpful to get some pictures of the other porches in the area. If you were to table this, I will personally try to find this location and look at the—

Ms. Heckathorn: It's off of Graham Road.

Mr. White: I know where Graham Road is. Apparently I went to the right instead of going to the left and didn't find it. But I would take a look at the area and try to get some idea of how this porch would be in proportion to other porches. So when you came back with a plan, I could take a look at that and make a better judgment as to what—

Ms. Heckathorn: Just go to Graham Road, make a left onto Burkey, right onto Dalglen and right up there and it's right there.

Mr. White: As opposed of going forth today, as opposed to maybe coming back later and tabling this and then coming back with a plan or some sort of proposal that we can see.

Mr. Feeney: It would probably also help you to have some drawings and then when you hire a contractor or whoever, that can help them put together a good solid price for you too.

Ms. Heckathorn: If that's what you want, I'll do it.

Mr. Feeney: Well, it's your decision I think is where we're at. It's if you want to table it or if you want us to vote on it.

Ms. Heckathorn: I'll table it. I was just hoping to get it done. I've been waiting for a year. I was going to have it done last year and then he went to do it and then I'm putting a roof on the house, it needs a new roof and they're doing that this week, so is there anything else I need permission for so I can get it done?

Mr. Haire: They're going to do the new roof now, you said?

Ms. Heckathorn: Yes, I had a contractor.

Mr. Haire: Rather than wait.

Ms. Heckathorn: Do I need—

Mr. Brandt: Are you talking about a roof on the house? Or a roof for the porch?

Ms. Heckathorn: No, on the house.

Mr. Haire: Well, it just seems that you'd wait to do the roof on the house rather than tear up the shingles and tie in the other roof.

Ms. Heckathorn: That's okay, because I need the roof. They already delivered the shingles.

Mr. Haire: They aren't going to have a permit anyways. If we approved it tonight, they wouldn't get the permit for another two or three weeks.

Ms. Heckathorn: I guess we'll table it.

Mr. Kucera: All right. I'll entertain a motion to table it.

Mr. White: I move that we table Item C1, variance application (23-ZV).

Mr. Feeney: I'll second that motion.

Mr. Kucera: If you'd call the roll please.

(Mr. Haire called the roll. Mr. Brusk voted "yes." Mr. Feeney voted "yes." Mr. Brandt voted "yes." Mr. White voted "yes." Mr. Kucera voted "yes." Motion is tabled.)

Mr. Brandt: Thank you for the contact you made with your neighbors and the information you brought from them. That was helpful as well.

Ms. Heckathorn: So you'll let me know when to come back?

Mr. Haire: Just give me a call or stop in and basically what they want to see is drawings of what the porch is going to look like, where the columns are going to be, the roofline, the posts, all those types of things. So if you have a contractor, just have them draw up drawings.

Ms. Heckathorn: Thank you.

2. SPECIAL EXCEPTION USE PERMIT APPLICATION; 1721-1723 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT OWNER, MASON ASTOR CENTER, LLC; PRESENT ZONING, CC-COMMUNITY COMMERCE; EXISTING USE, VACANT/RETAIL; PROPOSED USE, BAR/LOUNGE (EATING AND DRINKING ESTABLISHMENT). CONTACT PERSON: LYNDSLEY NADOLSON (09-SE)

Mr. David Keister: Good evening, gentlemen. My name is David Keister. I'm an attorney. My address, for the record, is 5248 Bethel-Reed Park, Columbus, OH 43220. I'm here with the contact person, Lyndsey Nadolson. It is my understanding that the representative from the owner ran into a conflict at the last moment and was not able to be here and I was called in to attend to try to speak to this matter. Lyndsey would like to open a neighborhood tavern in a portion of this center which extends -- the addresses of the center are 1719 through 1751 Brice Road. If you look at the center of the picture up here and the red dot is on that long strip of a building which contains a number of retail businesses. At the present time, one of those units is vacant. The other is currently used for a sign sales, but that individual apparently is willing to relocate. The lease would cover approximately 3,000 square feet and, again, we're here to request the special exception use permit. It's currently zoned commercial and the proposed use would be an eating and drinking establishment. That's what the application is for. Lyndsey is here and would be able to answer any questions if you would like to ask them of her or of me. I would just add one comment that everyone is concerned with creating jobs and business and tax revenues and all those sorts of things. You've got vacant space here. The landlords would like to rent it out to maximize their property value and I would guess that it would create the equivalent of four full time jobs, although not everyone is a full time employee. And we're not here

asking for a tax abatement or any incentives to start a new business here, but Lindsey is willing to undertake that. Any questions from the Board?

Mr. Brusk: We do have quite a few liquor establishments, not only bars but carry-outs; not only here but within a half mile radius of that, part of it in Columbus, KJ's is one example of that.

Mr. Haire: With the map that's shown, this is a quarter mile buffer around this property. Within a quarter mile there are five bar locations and state liquor agency or a beer drive-thru across the street. There's also a bar that was recently closed as a result of efforts of the City Police Department and the City Attorney because of certain crime problems that had occurred there over the last few years. The City of Columbus has had a number of issues with a bar known as KJ's, that's shown on Livingston Avenue as the second dot, I guess, in from the left side or kind of towards the middle there. There was a shooting there last Saturday night. There was a murder there in June. There's been a number of problems with bars in this general vicinity.

Mr. Brusk: So I guess question number one we have is, what kind of protection are we going to see on this? Will this add to the problem that we have at this point? It gets us a little nervous about having another establishment like that. Also, I guess is the same thing, is there a liquor license available for this?

Mr. Keister: As a matter of fact, yes, there is a license available within the City of Reynoldsburg. I understand there may have been some shootings somewhere in some other bar that there were problems. Your definition of what the neighborhood is, you can expand that or contract it. I don't see that a new use, a new bar at a new location, ought to necessarily be painted with the brush of another place removed from this particular location. I understand KJ's and I'm not minimizing the crime problems that may have gone on there.

Mr. Brusk: That's our highest crime rate area in the city other than – unless you count shoplifting, which is our biggest crime area in Walmart's area. But other than that, this is our serious crime – is concentrated in this area and most of the serious crime is associated with activities inside or immediately outside these establishments due to the use of liquor. And, be that as it may, that's why we're concerned.

Mr. Keister: Okay. It's possible that the number of establishments are aggregated in that area because there aren't that many other areas where you've permitted the establishments. I don't know that historically.

Mr. Brusk: The City of Reynoldsburg, as far as I understand it, has a number of either bars or restaurants with liquor licenses scattered throughout the area, from the far east side of the City to the far west side of the City, and this is the only area that I know of that we have consistent problems.

Mr. Haire: That's correct. We have bars on Main Street, we have bars along Rt. 256. With the Special Exception requirements, Section 1145-09 standard requirements for all special exceptions, letter B is "the proposed use shall not adversely affect the use of adjacent property"; and letter C is "the proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood." I would like for the applicant to explain how they plan to meet those requirements, I guess, and how this will not adversely affect anyone around.

Mr. Kucera: And in that vane, I'm not particularly happy with the application. The application says "services and goods provided: beer, liquor, food, games." It doesn't tell us what kind of games, doesn't tell us how many games, and I don't want to go through this on a verbal basis. I don't want to stand up here and have all this verbal stuff go through. I think the application should be improved to talk about things like security and it needs to be in writing so it's documented and traceable; so that if people are not meeting what they agreed to meet in writing, that's it's documented and someone can take action against it. So I have problems with this on a couple of levels. Number one, it doesn't seem as if the application has been given much thought. It's just kind of been put in here with a few things handwritten in; doesn't address security; doesn't address a lot of the issues and given-- That being one item and that's, to me, particularly important given the situation in the area.

Mr. Kiester: If I may comment, just a couple of things. As I said, I was called in later. I didn't submit or wasn't involved in preparing the application, so I don't know what all materials were submitted with it. Some of the things that all of you are talking about are getting involved with code enforcement issues, in my opinion, more than Zoning and Special Use Permit issues in that--

Mr. Brusk: No.

Mr. Kiester: Let me finish and then I'll be happy to listen. In that if you have a liquor permit that the State of Ohio issues and they issue it based upon population within a given municipality, Reynoldsburg is one of the few that actually has a permit available. In Franklin County there aren't that many of this nature. But if you violate the terms of the liquor license, you get closed down. If you violate rule of law, there is police enforcement. So some of those things that have been mentioned, I understand the concern and I agree with it. What I would suggest that we do then, is if you'll table this and that would give me a chance to look at the application and the materials that were submitted, try to address some of your concerns about security, use, hours, operation, type of things that are served there, and perhaps we could do that. Did you have anything you wanted to add tonight or should we work on this.

Ms. Lindsey Nadolson: My name is Lindsey Nadolson. I wanted to make sure that you understood that when we say food, it's not a restaurant establishment. It will be like cold sandwiches, chips, along those lines. I just wanted to make sure, because everybody kept saying food and restaurant and I wanted to make sure it wasn't a restaurant type of establishment. I wanted to make sure that that was clear.

Mr. Kucera: Okay.

Mr. White: I have a question to Luke. You said that one establishment was closed. Is that among the six stars you have up here?

Mr. Haire: No, it's not. It's the structure that's if you look to the far right side if you're looking at this. It's on Livingston Avenue across from the Fire Station. It was a bar called Wasabi and it was recently closed as a result of a shooting that happened there and the agreement between the City Attorney, the bar owner, the establishment, the leasee, I guess, and the Police Chief.

Mr. White: In following up on that question, I guess the reason I was asking is that the liquor license you have, did you acquire that as a result of the closing of that particular establishment, or did it come into existence before?

Mr. Kiester: I don't know the history of where that license was located before. I just know that there is a license available.

Mr. Brusk: I assume you haven't gotten it until you get—

Mr. Kiester: Correct. I mean we wouldn't pay the fee and go through the application process until -- and the lease is contingent upon obtaining approval. There's no point in signing.

Mr. Brusk: Can I assume it will be the full license? There's different levels of licenses.

Mr. Kiester: Yes, I believe it's a D5.

Mr. Brusk: D-5.

Mr. Kiester: D-5 is what I believe is available. We can try to address some of the issues but, again, it's an area where there are existing bars. I don't know that the establishment of another one particularly is worse than any other existing one there, but I'll attempt to address your concerns.

Mr. Kucera: I would turn that back around and I would say there are a lot of other areas in town that possibly you could consider to create your establishment in another area of town, where there isn't quite the same density and have the same problem. So I would kind of turn that around, too, and say you might want to consider—

Mr. Kiester: Many facets to the stone, yes, that's true.

Mr. Brusk: I'm just curious, you had mentioned that the Police enforcement is one of the issues and so on, and that's one of things that we don't want to have to increase. So what we're looking for, if you do follow through with tabling this and then bringing this back, which I think is an excellent idea, I think the emphasis needs to be placed, at least to a great degree, on security; what will you do to make it so that the City of Reynoldsburg will not have to concern itself with adding two or three officers just to patrol this area, because, again, this area is one that I think has high priority to reduce the potential for crime.

Mr. White: Again, I'm just curious as to the license itself, it's available. It apparently was lost by somewhere and simply made available for the area and I just wondered where it actually came from?

Mr. Kiester: I know you can check on the Division of Liquor Control's website for availability of permit by quota per municipality within the county, but I'm not aware that there's any public database of where that permit -- I'm not aware that I can find out where that permit came from.

Mr. Haire: I believe there's actually more than one permit available.

Ms. Nadolson: There's more than one permit available.

Mr. Haire: We've had a number of people apply for permits and when they're notified that they need to undergo the Special Exception process they kind of drop off.

Mr. White: Okay.

Ms. Nadolson: There's more than one available at the current time.

Mr. Kiester: I think -- didn't you look at some other areas? Weren't your parents helping you look for some other spots within Reynoldsburg?

Ms. Nadolson: We've looked at other spots but for the size -- it's a nice sized building, it's got adequate parking, there's a lot of people around. I'm not looking to put a young bar in there to cause more problems. I'm looking for a 30 and older crowd. I'm looking for basically a family type of pub, older gentlemen after work. I'm not looking to put a young, aggressive club party bar in there. That's not what I'm looking to do. And I understand your concerns and I'm not looking to increase the crime rate. I just wanted to make that clear.

Mr. White: If that were the case and you're saying that you're looking for the 30 and above crowd, how would you do that? What kind of approach would you have to draw them to your business.

Ms. Nadolson: I'm not putting the DJ mix type of thing in there. I might have a small juke box. In regards to the games, as you asked, maybe a pool table or two. I'm

not looking to make it a club atmosphere. I'm looking to make it a sit-down-and-have-a-drink atmosphere.

Mr. Brusk: Sort of an aside here. I don't know if you know the City of Reynoldsburg has a restriction currently of one pool table. That's being looked at right now and that may be changed, but you need to take that into consideration that if that doesn't change, that you would be required to limit it to one pool table.

Ms. Nadolson: We'll do one if that's the case. It would be the one. We were looking at one, we said, maybe two—

Mr. Brusk: It's quite possible that the ordinance will be changed. They had quite an interesting discussion this last week and that looks like the direction it will go.

Ms. Nadolson: And I just wanted to – the only reason I said two is I just want to make sure, in case of, that you were aware, but I'm not looking for the dance, any of that kind of stuff. I'm just looking for an older establishment.

Mr. Kucera: All right.

Mr. Keister: If there aren't any other questions at this point, I guess we would ask that the Board table the application so that we can submit some additional information.

Mr. Kucera: All right. I'll entertain a motion to table this.

Mr. Brusk: I move that we table Item C2, 09-SE.

Mr. Feeney: I second it.

Mr. Kucera: All right. Who seconds?

Mr. Haire: Mr. Feeney seconds.

Mr. Kucera: Mr. Feeney seconds. All right. Would you call the roll, please?

(Mr. Haire called the roll. Mr. Feeney voted "yes." Mr. Brandt voted "yes." Mr. White voted "yes." Mr. Kucera voted "yes." Mr. Brusk voted "yes." Motion's tabled.)

Mr. Kucera: Thank you for your cooperation. Appreciate it.

3. SPECIAL EXCEPTION USE PERMIT APPLICATION; 6537-6539 EAST LIVINGSTONE AVENUE, REYNOLDSBURG, OHIO; PRESENT OWNER, E.V. BISHOFF COMPANY; PRESENT ZONING, CC-COMMUNITY COMMERCE; EXISTING USE, VACANT/RETAIL; PROPOSED USE, STATE-LICENSED DAY CARE FACILITY. CONTACT PERSON: JEFFERY C. HECKMAN (10SE).

Mr. Kucera: Yes, ma'am.

Ms. Tammy Collins: First, I'd like to apologize. I didn't swear in. I didn't realize I was supposed to. I apologize. Sorry about that.

Mr. Kucera; If you'd raise your right hand. (Mr. Kucera administered the oath.)

Ms. Collins: My name is Tammy Collins and our proposal is to open a daycare center at 6537 and 6539 East Livingston Ave., serving children ages 6 weeks to 12 years old.

Mr. Kucera: It's my understanding that this was a day care center for a while prior to this. Is that correct? Or was this just—

Mr. Haire: There's another day care center within the plaza. I don't know this particular location was, but there is one there already.

Mr. Kucera: I know this was the Board office.

Mr. Brandt: Yes, the Board office was there.

Mr. Kucera: Yes. I thought maybe something moved in in between.

Mr. Brusk: I don't think anything has.

Mr. Kucera: All right.

Mr. Brusk: Oh, this is actually the Board office itself?

Mr. Haire: And then the proposed layout that she has in there is likely to be altered due to building code requirements, so you can probably disregard most of that. Probably the same type of layout, but it will be in a different configuration due to certain exit requirements and things along those lines.

Mr. Kucera; I know there's a whole host of things you have to meet for the State.

Ms. Collins: Right, there's a lot of licenses, and so forth which I've checked into.

Mr. Kucera: Where are you in that process at this point?

Ms. Collins: This is my first step, but I've already contacted licenses. I can't really do anything until I get, this is the first step of the process.

Mr. Kucera: All right.

Mr. Brandt: Have you been in this business previously?

Ms. Collins: I've worked in child care for 12 years in Chillicothe and then I've been doing child care since then, so I have a lot of experience and all my certifications. And I will serve as the Administrator. I just have a couple of college classes that I have to complete.

Mr. Kucera: You have a proposed fenced and gated area. I'm just not quite -- is that out the back?

Ms. Collins: Yes. Currently the other center has a fenced in area that they don't use; but Mr. Heckman said we could work on putting a fence there.

Mr. Kucera: I see.

Ms. Collins: You have to have so many square feet per child, and so forth, but there isn't a fenced-in area right now.

Mr. Brusk: What's behind that fenced-in area? Is that a driveway?

Ms. Collins: There's a concrete area and then there's a grassy area behind that.

Mr. Brusk: And what's behind that?

Mr. Haire: It's condominiums.

Mr. Feeney: There's no driveway then behind them?

Mr. Haire: There's an access drive for service drive on the back, to get to the trash and all that, so I'm guessing the fenced area would be right out the back door.

Ms. Collins: Right, you have to go across the access road and then there's a grassy area over there.

Mr. Brusk: Oh.

Mr. Haire: So it would be across the access drive. I assume that it would be in this grassy area.

Ms. Collins: Right. There's currently a fenced-in area, like I said, for the other day care center back there.

Mr. Kucera: Okay.

Mr. White: How many children do you plan to have here?

Ms. Collins: It will be zoned, with the square footage and so forth., I'll be able to have up to 50 children.

Mr. White: Do you have enough parking space area?

Ms. Collins: Yes, there's quite a bit of parking space in the strip mall.

Mr. Brusk: Oh, yes, that mall is huge, lots of empty spaces.

Mr. Brandt: What's your ratio for staff to—

Ms. Collins: For infants, it's 1 to 6; for 18 months to 36 months, it is 2.

Mr. Brandt: Two to six?

Ms. Collins: Two to 12 for 18 months to 36 months. And I believe the school agers are 1 to 12.

Mr. Brandt: Is that the state code?

Ms. Collins: Yes.

Mr. Haire: So you're saying that your initial staff will be six employees and how many children are you proposing to serve with those?

Ms. Collins: Well, my maximum will be 50. And I've got a couple of volunteers, retired friends that would like to come, so I included them as employees also even though they won't be paid.

Mr. White: Just for the infants themselves, what would be the age limitation, the beginning age for infants?

Ms. Collins: Six weeks is the youngest.

Mr. White: And you would have a staffer for that?

Ms. Collins: Absolutely.

Mr. White: How many infants are you planning to have in that age group, from 6 months to how old?

Ms. Collins: I hope to have the maximum of six.

Mr. White: Excuse me.

Ms. Collins: I hope to have the maximum of six.

Mr. White: Six infants?

Ms. Collins: Right. Six weeks to 12 months.

Mr. Haire: All that is regulated by your state license.

Mr. White; I understand that but I just wanted to know what she's planning to do.

Ms. Collins: Right.

Mr. Kucera: And the hours of operation are 6 a.m. – 6 p.m.?

Ms. Collins: It's supposed to be 7 a.m.

Mr. Kucera: Okay.

Ms. Collins: I'm sorry, that's 7 a.m. to 6:30 p.m.

Mr. Kucera: All right.

Mr. Feeney: I tried to get down there, but it was one of the ones I didn't get past because I knew the shopping center. But are there any bars in that shopping center? What are some of the other tenants? Do you have an idea?

Mr. Haire: I don't believe there's any bars in there. There's a couple of convenience mart type places, there's a couple of restaurants, there's a few offices, there's actually a basement area in this building which most of you don't know about. But there's a corridor you walk down and you can go into the basement and there's offices in the basement, as well.

Mr. Kucera: I never knew that.

Mr. Haire: It's a wide variety, but I don't believe there's any bars; another day care obviously.

Ms. Collins: Weight Watchers is there, I know firsthand.

Male: I think there's an exercise place there.

Ms. Collins: There's a Jazzercise.

Mr. Haire: There's a variety of uses.

Mr. Brusk: Pretty mixed use. My biggest concern would be insuring that there's safety for the kids as far as getting from the building to the play area and back, having to cross that road and also the drop off and pick up.

Ms. Collins: By state law, the parents have to physically bring them in and sign them in and same in the evening, they have to physically come in and sign them out. And we'll have a security system also.

Mr. Brusk: Good.

Mr. Brandt: As far as the travel, I had the opportunity, my one granddaughter goes to a daycare downtown and they took all the kids from the Riffe Center to the North Market today. So they all came back in one piece, no problems. And then yesterday they took them to -- the Columbus Symphony performed on the Statehouse lawn, so they traversed High Street twice. So I think she's competent enough to get them from the building to the—

Ms. Collins: There's not much traffic back there at all. There's really no need for anybody to be back there unless deliveries, etc.

Mr. Kucera: Is there any other Board comment? (No response.) Is there any public comment? (No response.) I'll entertain a motion.

Mr. Brusk: I'll move that we accept Special Exception Use Permit Application C3 (10-SE).

Mr. White: I second.

Mr. Kucera: All right, if you would call the roll, please?

(Mr. Haire called the roll. Mr. Brandt voted "yes." Mr. White voted "yes." Mr. Kucera voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Motion carries.)

Mr. Haire: Just to explain the rest of this process. This will be forwarded to City Council where they will have a chance to introduce legislation or to confirm this approval. That will take approximately ten days from now.

Ms. Collins: Okay, very good. Thank you.

D. OTHER BUSINESS - None

E. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

Thomas Kucera, Chair

Lucas Haire, Planning Administrator

This document was transcribed by:
Area East Secretarial Service
7668 Slate Ridge Blvd.
Reynoldsburg OH 43068