

**MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
SEPTEMBER 18, 2008
6:30 P.M.**

A. CALL TO ORDER

1. ROLL CALL

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

2. APPROVAL OF MINUTES

Chairman White: The next item on the agenda is approval of the minutes. Is there any objection to minutes as they have been presented today? (No response.) Hearing no objections, we'll approve the minutes from the August 21st meeting.

3. APPROVAL OF AGENDA

Mr. White: Is there any additions to the agenda today?

Mr. Domini: No additions.

Mr. White: Okay. At this time we'll approve the agenda.

4. SWEARING IN OF SPEAKERS (Mr. White administers oath.)

5. PUBLIC COMMENT

Mr. White: Are there any public comments? (No response.) There being no public comments we'll proceed to agenda Item number B, Unfinished Business.

B. UNFINISHED BUSINESS

Mr. White: Is there any Unfinished Business from the previous meetings? (No response.) Okay. Then we'll go to Item number C, New Business, Item number C1. Could you please state the item, please?

C. NEW BUSINESS

1. SPECIAL EXCEPTION USE PERMIT: 1737 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, CC-COMMUNITY COMMERCE; PRESENT OWNER, RYLEE PROPERTIES dba MASON EQUITY; EXISTING USE, FINANCIAL CO. - BENEFICIAL (NOW VACANT); PROPOSED USE, CHILDCARE CENTER. CONTACT PERSON: SHANA JACKSON (17-SE).

Chairman White: Is anyone here to speak for Item C1, Special Exception? Would you please step forward and identify yourself?

Ms. Shana Jackson: Hello, I'm Shana Jackson. I'm the applicant for the proposed use of a childcare center at that location.

Mr. White: Would you please explain the application and give us some background?

Ms. Jackson: I currently own a childcare center in downtown Columbus on Gay Street. This would be a second location. We would offer non-traditional hours which are not offered by the other centers and locations. We also propose to open the location -- I'm a registered nurse so we do offer that service, being with children with medical conditions. It won't be specified to those children, but we do offer that we have registered nurse on the staff. And I'm proposing to make that location a childcare center with the hours of 5:30 A.M. until 11:00 P.M., Monday through Friday.

Mr. Domini: Mr. White, I have a couple of bullets here which I might present to you, it might be some information you're looking for. Then if there's any unanswered questions, maybe we can turn it back to the applicant.

Mr. White: Okay.

Mr. Domini: The proposed childcare/daycare is in the existing Aster Center. It's in a corner unit which I'll show you here in a moment. The current zoning is CC which a state-licensed daycare facility is permitted special exception use in that district. Currently that space is vacant in the Aster Center. The proposed space is for 3,240 square feet for that use. The neighboring businesses at this location are Wonder Bread Bakery, A&R Tax Services; there's a hair studio and barbershop, the Pop-A-Top Carryout, and Brice Meats. The applicant has indicated that the anticipated number of employees is 8 to 10. The daycare will accommodate up to 40 children at variable times according to the applicant. The applicant has done a nice job of submitting a complete application. As the applicant indicated, the hours would be from 5:30 to 11:00, that is 5:30 a.m. to 11:00 p.m., Monday through Friday and the applicant has indicated the possibility of operating on Saturdays. At this time, no structural changes are proposed other than signage. The applicant is proposing to use parking at the rear of the center as a play area. The number of spaces that would be removed from the rear has not been determined, however, I don't think parking back there is used at this

point in time other than for loading purposes for some of those other businesses, and the primary access will be from the existing front doors of the front of the Aster Center.

The proposed unit is a corner unit. You can see it coming off of the blue roof and then, again, it's 3,204 square feet. You can see a couple spaces in the back there where there are cars parked and I believe that's where the applicant is proposing to put the outdoor play area. I will note that there is residential abutting this property as you can see there. You can see an existing single-family home with the driveway going to the garage. These are some notes from the application showing the front of the building. Faithfully Yours is the proposed sign in the top right-hand corner there where she's drawn in where that signage would go. Of course that's something else we'd have to review separately from this application when the applicant does propose signage. Nothing currently; the front of that space does not have signage and, again, there's a front view of the retail space at that location.

These are some of my notes. I think in the staff report I noted maybe some issues with the outdoor play area. I have spoken with Mr. Haire about that and he's indicated that it's a requirement by the State to have an outdoor play area, but my only concern was how that would fit into the surrounding area back there. I have seen in some cases in the city where those outdoor play areas have been quote, shall we say, not planned well. In other words, they're not landscaped or they turn into areas which are an afterthought. So I want to make sure the Board gives some attention to that issue.

Ms. Jackson, do you have anything in addition you want to add to the description that's been given?

Ms. Jackson: In regards to the play area in the back, it will be maintained on a daily basis. The employees are assigned daily duties and that would be one of their assignments and that would also be required by the State for that to be maintained, in order to maintain State regulations.

Mr. Haire: I have a few questions in regards to the play area. Where, on this facility will the entrance, be from the then closed hallway?

Ms. Jackson: The entrance will be from the front of the building.

Mr. Haire: From the front of the building. But you'll have a separate, I guess, emergency exit onto that hall or no?

Mr. Jackson: There'll be an emergency exit that goes into the enclosed hallway.

Mr. Haire: Okay.

Ms. Jackson: When we do go out to the play area we will use the back door as an exit.

Mr. Haire: Okay. So you won't enclose -- I guess I'm trying to figure out where you're going to enclose and if utilities are located there. Is the gas service for the building going into that area that you're proposing to enclose?

Ms. Jackson: The area we propose to enclose with a fence doesn't have any utilities in the area. I spoke with the manager of Broadleigh Properties and they've already approved the area pending approval from the City of Reynoldsburg.

Mr. Haire: And what will the area be enclosed with, as far as fencing or--

Ms. Jackson: It will be like aluminum fencing, I believe that's the name of it.

Mr. Haire: Okay. And do you know the approximate size of the area?

Ms. Jackson: That will vary. There'll be no more than 10 children that will fit in there and that square footage is based upon 35 children per square foot, so it'd be 10 back there.

Mr. Haire: Okay. Thank you.

Mr. Brusk: My concern is what will separate the play area from an errant driver coming down the driveway in the back?

Ms. Jackson: The play area will be up against the building and that will be out of the way of traffic. It'll be enclosed in two parking spaces.

Mr. Brusk: How much space will the driveway lose? How wide will that now be?

Mr. Haire: 22'.

Ms. Jackson: It wouldn't affect the traffic that comes behind the building.

Mr. Haire: So the driveway will be maintained at 22'. We won't allow it to go less than that. The parking spaces are 18' deep.

Mr. Brusk: I would-- They're 18'—

Mr. Haire: Yes.

Mr. Brusk: --the parking place? That's pretty good. I would hope that you would have bumpers to at least prevent them -- an errant driver from going through a relatively fragile fence.

Mr. Domini: You're talking about parking blocks?

Mr. Brusk: No. Something larger like, you know, the posts that you have—

Mr. Domini: A bollard?

Mr. Brusk: Yes.

Mr. Domini: Okay.

Mr. Brusk: Yes. Something of that nature, posts that are fairly heavy. It would seem to me that you would want to be able to stop a car from bouncing against the fence.

Mr. White: Right. That's my concern too, is that -- I visited that area and it seems that the width of that area that's beyond the parking markings is probably only enough for one vehicle to travel through at a time. I just wonder what would happen if you have two vehicles, one going north and one going south, that were to come through that area. Would they have to wait till the other car passed through? They're so close there. And then again, I'm thinking of the hours you maintain, even into the evening, is there a possibility that some errant driver, as Mr. Brusk has referred to, could come through there and not have any notice of the fence or the structure you have there and it seems like it's almost an accident waiting to happen.

Ms. Jackson: In regards to the play area, we'll only go out there during daylight hours and we will put some type of security around it. And also if the occurrence of two vehicles, it wouldn't cause any type of occlusion being if a vehicle was parked there, another vehicle would still have to wait to pass.

Mr. Haire: There's ample width there for the two vehicles can pass. It's 22'; they're two 11' lanes so it's not an issue that -- If they stay within the parking area, which they'll be required to do, then it shouldn't be an issue.

Mr. White: Okay. Then, again, the structure that you plan to make there, I guess I'd have to have some kind of understanding what it would actually be, it would be strong enough to resist the impact of a vehicle.

Ms. Jackson: We will provide a barrier around that area, but as far as a fence that would be crash resistant, that I'd have to research.

Mr. Long: But you're talking about putting a play area for children into an area that is designed for vehicle traffic.

Ms. Jackson: In the event that it's not approved with that, I do have a center downtown that we don't have an onsite playground. We are able to go off-site to one of the parks for recreation and that would be an option. That's what we utilize now.

Mr. Long: I have a quick question also. You were talking about the play area being put directly against the building. Gentlemen, is there any problem with blocking an emergency exit in back of the building?

Mr. Haire: No. They'll be required to do a fire gate from the outside so that—

Mr. Long: of play area?

Mr. Haire: Yes.

Mr. Long: Okay.

Mr. Haire: So the exit, they'll be required to maintain a gate in there that's an emergency gate that'll basically break down if anyone tries to get out of it. I'm not so much concerned about the play area being back there. It's just it needs to be well-planned and without seeing where it's going to be, that's what concerns me. But I think that working with Mr. Domini that that can be resolved and we can all come to a plan that'll work for that area.

Mr. White: Are there any other discussions?

Mr. Brusk: Yeah. Mr. Haire, you mentioned the use of an emergency gate. Would that be a problem with the children playing and bouncing against the gate and opening that, or can't they?

Mr. Haire: I don't know if they can or not but all of them have it, so it's never a problem with any other. It's typically a requirement of all-- I mean, every patio, even every bar that we approve has the—

Mr. Brusk: Yeah, but they don't have little children.

Mr. Haire: No, but it's even on all the daycare centers, is the same thing.

Mr. Brusk: All daycare centers have that?

Mr. Haire: Yeah. They'll have an emergency gate to get out.

Mr. Brusk: Okay.

Mr. White: I just have a question with regard to whatever modifications you decide upon in terms of building that recreational area. Is there some way we can actually be assured that would be safe, I mean, it will provide safety for the children in the area in some way? Can we have some understanding for that before we leave, we vote upon this?

Mr. Haire: I don't think it's anyone's intention not to make it safe. I'm sure she wants to operate a safe business as well.

Mr. White: Sure.

Mr. Haire: So, I think that's all our understanding. If you want to make that a condition then you're welcome to do that—

Mr. White: Well, I guess—

Mr. Haire: But we all have an understanding and the applicant has an understanding that we'd like to see some type of bollards or something, some protection on there to keep a vehicle from hitting the corner of the fence or any of those issues.

Mr. White: Okay. I guess I'm looking for some kind of just minimum standard. I'm sure that we're all looking for safety, but just some idea that there's going to be some large concrete structure, or there's going to be a fence, or it's going to be some variation between those two that I'm just wondering, you know, can we have some kind of understanding before we vote on this?

Mr. Long: If I'm not mistaken, the request is for the special use permit to utilize the building as a daycare facility.

Mr. White: Correct.

Mr. Long: So we could theoretically approve that and then require Mrs. Jackson to come back for the approval of the play area prior to it being put in.

Mr. Domini: Mr. Haire, I guess I would just have a question for you. Typically, fencing's not a BZBA issue but this is a different type. With an alteration in commercial property, would it not come back to BZBA once the play area came in as an application?

Mr. Haire: No, it would typically go the Design Review Board for the fence alteration, so it's something we can--

Mr. Domini: Right I am sorry I misspoke, the Design Review Board will be reviewing it. My recommendation might be to have a condition for the bollards and that they're review by the Building Department for structural safety.

Mr. Brusk: Rather than the Building Department, I propose maybe we would have our City engineer look at it or, maybe, and/or, and let the City make the decision.

Mr. Haire: Ms. Jackson, do you agree that you'll put some type of safety mechanism around the fence?

Ms. Jackson: I totally agree. My daycare license rides upon that and I also have a nursing license that rides within that. Without that, I have no life.

Mr. Haire: Well, I think that moving it forward as is and then having the Design Review Board consider it, working with Aaron, that we can – that he can put that conditionally on the Design Review Board approval, that they make something that's safe and also fits in with the area. I think that'll be good. I don't want to tie her down to one particular use at this point, but working with the staff and the Design Review Board, I think that she can come up with a good option.

Mr. White: Well, can we put that in basically on the condition that she work with the Design Review Board and the engineer to make modifications?

Mr. Domini: The applicant will have to work with the Design Review Board regardless.

Mr. Long: Right.

Mr. Haire: It makes it very time consuming to put conditions on Special Exceptions.

Mr. Long: Right.

Mr. White: Okay. I'd like to have a motion for Item C1.

Mr. Brusk: I move that we approve the Special Exception Use Permit on Item C1 (17-SE).

Mr. White: Is there a second?

Mr. Long: I'll second.

Mr. White: May we have the roll call, please?

(Mr. Domini called the roll. Mr. White voted "yes." Mr. Long voted "yes." Mr. Brusk voted "yes." Mr. Haire voted "yes.")

Ms. Jackson: Thank you.

Mr. White: Approved. Thank you. Good luck.

2. VARIANCE APPLICATION, 1726 FOXCHASE ROAD, REYNOLDSBURG, OHIO: REQUESTING A VARIANCE FROM SECTION 1175.06(a) OF THE REYNOLDSBURG ZONING CODE FOR A REDUCTION IN FRONT YARD SETBACK. CONTACT: KEITH HURT (37-ZV).

Mr. White: Is there anyone present here for Item number C2 who wants to speak? (No response.) Apparently that's the applicant.

Mr. Suttle: Just asking the City for-- he's enjoying himself down in Florida. Got a free ride down there, so he asked me just to sit in for him.

Mr. White: Well, is he going to come – is he planning to come before the Board to—

Mr. Domini: I contacted the applicant via phone last week and was told they were going to be in attendance, so I don't know what's changed between now and then. Just like I called Ms. Jackson, so -- this is a surprise to me.

Mr. White: Do you want to entertain a possible table on this until—

Mr. Brusk: Yes. That's what I was going to propose. I don't believe you have all the facts or anything on what he wants to do on anything, right? Other than he wants to do something.

Mr. Suttle: I have the drawings probably just like you do. I thought it was cut and dry.

Mr. Domini: No.

Mr. White: I think it would be better to have the owner here given the fact that you just asked him for the variance and he probably has more information as to exactly what he wants to do with the actual application.

Mr. Suttle: His father-in-law can do it now. He's a contractor and he's not busy, which is why he just thought that you could approve it or disapprove it. The contractor is not busy at this time. He can do it. He would have to wait a month--

Mr. White: Well, to be honest with you, I'm having some very strong reservations about the application. I don't know if the other members are, but if the owner wishes to have this heard and have at least an opportunity to give his thoughts on it and not have it denied, then I think it would be best to have it tabled so he can be here to actually give thoughts as to the application.

Mr. Domini: Mr. White, may I make a suggestion before we table it? And that is just let me kind of go through some slides I have put together, see what the general discussion is and discuss it among the Board before we table it.

Mr. White: Sure.

Mr. Suttle: Could you give me some reason why?

Mr. Haire: We typically only table if the applicant requests it and the applicant's requested this gentleman represent him, so I think we hear the case.

Mr. White: Okay. He's representing him. I understood he didn't know anything about it.

Mr. Domini: If you're uncomfortable after we have a discussion, then certainly I'm sure we can table it.

Mr. White: The only thing is that this gentleman has been sworn in and if you wish to proceed—

Mr. Haire: Sure. We can get him sworn in and have him introduce himself and we'll be set to go.

Mr. White: Okay. He wants to stand and be sworn in?

Mr. Suttle: Yes.

(Mr. White administers the oath.)

Mr. White: Can you please come to the microphone?

Mr. Haire: If you want to go ahead.

Mr. Bill Suttle: Okay, yeah. My name's Bill Suttle and I live at 1712 Foxchase, just a couple houses down from him and he just asked me if I would sit in. Like I said, he got a free trip to Disneyworld there.

Mr. Domini: Mr. White, if I may proceed just going through the slides real quick.

Mr. White: Sure.

Mr. Domini: This is a variance that came across my desk. I hadn't hear anything about this project. Typically if there's a variance the applicant calls me or I've been working with them and that's kind of how they evolve. But this one just came across my desk, so I was unaware of it. It is zoned R3 single family residential. In this zoning district the required front yard setback is 30' and the existing dwelling is set back 25'. The applicant's proposing to build a front porch. It will extend 4' 6" into the setback which will make the primary structure 21' 6" from the right-of-way, encroaching 9'6" into the front setback. Mr. Haire and I drove by this property today while we were out on other business. This is a photo taken from Google Earth of the existing house and I believe what is proposed, and I'll show you those drawings in a minute, which you have in your packet. It appears as though the front porch as proposed will – they will enclose that small fenced in area that we see in front of the house. I haven't compared this to the drawings to be exact, but just to give you an idea of the scale of that front porch with

the house and the front yard and the tree, that's what I can envision for this project. Existing survey on the left, the sketch from the applicant is on the right of the proposed porch and we have better rendering from this next photo which is – these were scanned in by myself. You can see the cross section there, the side elevation rather, on the left of that front porch and then the front elevation on the right. If I switch back from this photo back to that photo quickly you can kind of see how that front porch, as proposed, may enclose that area, make an area. Maybe the applicant or who's representing the applicant, maybe he'll speak on that in terms of what the applicant's plans are.

From my review of this-- I've changed tone on this application. One of my great concerns as planning administrator here is what's going to happen to our aging neighborhoods, Huber being one of them. And without significant upgrades, both in terms of the infrastructure and the individual properties, I fear what may become of these neighborhoods. To me, it appears as what's proposed here for the variance is positive. It's almost taking this structure more to a traditional form for a neighborhood, bringing it closer to the street, putting a front porch on, which I think is ideal for how we'd like to see these neighborhoods evolve, to be more aesthetically pleasing and to stay upgraded. So I believe in my staff report I recommended denial and I've come 180 on that and I think this is the type – these are the types of projects we need to see happen in our older neighborhoods if we want to see them maintained, property values maintained and it-- Just to go on the record, I would think that it may be appropriate somewhere down the road to actually change the setback for some of these residential zoning districts. I think that certainly if we came up with a zoning district today based on TND zoning district, Traditional Neighborhood Design, we wouldn't have 30' setbacks for single family houses. We would have 10 to 15 front yard setbacks and we would mandate porches be put on houses, which is almost what's happening here. So I guess I would recommend approval and I understand this may set a precedent, but I think it's a positive change.

Mr. Brusk: In the neighborhood there I've noticed there are several other houses with porches.

Mr. Domini: We drove around the block. We didn't see any.

Mr. Brusk: I didn't see any there, no.

Mr. White: I drove the area as well. I didn't see any.

Mr. Long: There's one that is up on Rosehill just north of Retton.

Mr. Suttle: And there's another one also when you come up Haft—

Mr. Long: Yeah.

Mr. Suttle: When you're coming out of Haft here and you make a right. Same kind of porch, one is going on out there too, so yeah, there's a couple of them. And the people who live around—

Mr. White: I notice that you're saying that the fence that's shown in this picture is pretty much as far as it will go out.

Mr. Domini: I didn't measure that fence physically, but eyeballing it as we drove by, we stopped in front of the house. It's reasonable to think that that porch as is would extend 4' 6" would it be very close to that existing fence line.

Mr. White: I did see several fences like that throughout the neighborhood. I mean, out in the front of the houses like that.

Mr. Brusk: I'm not we don't have to do an ordinance change.

Mr. Domini: No—

Mr. Brusk: But that's, you know, I tend to agree with you on this issue, that it is time to look at our older neighborhoods. We have, in the past, in other similar neighborhoods that we have, have been allowing porches in front yard projections and at an aesthetic benefit to the neighborhood and more usage to the person who owns the house, improves the value of the neighborhood by my reckoning and I realize we probably are setting a precedent. I hate like heck, you know, doing changes in the neighborhood by precedent, but I would hope that maybe we would look at getting some changes in the zoning eventually. But, in the meantime, I would vote for this based on what we've discussed and what I see.

Mr. Haire: I know since I've been with the City we've approved another variance very similar to this in Huber over towards Brice Road and we approved another one off Rosehill in the northern part of the city last year as well, so I don't think it's out of the ordinary for something we've done in the past.

Mr. White: I guess I initially had some reservations of it given the fact that looking at this picture and seeing the fencing. It's pretty much where it will actually be constructed to. It seems to me, again, given the older neighborhoods in the Huber neighborhood area, there will probably need to be some accommodation for a structure like this. I, in looking at the neighborhood there, I didn't see any other porches in the area, but this seems to be a positive addition to the area, so I think I would probably agree to it.

Mr. Domini: My only reservation is that tree is maintained and I don't think-- I don't see any reason why it wouldn't be maintained in it's current condition, unless there's some equipment that comes in of the applicant decides to take the tree down, but I don't think that's the case. But I just would want to make sure that tree stays there. And I'm sure the applicant would want that tree there as well.

Mr. Brusk: Tell Mother Nature about that, too.

Mr. White: Sir, is there anything that you have that you wish to add to what's been discussed here?

Mr. Suttle: No. You're exactly on target here. That fence, what you see on the fence is approximately about where the porch will be. It's about right there. I didn't need your tape measure there, that's about right.

Mr. White: Any other Board decisions, questions?

Mr. Haire: No.

Mr. White: May I have a motion, please on Item number C2?

Mr. Long: I'd like to make a motion that we accept Item number C2, 37-ZV.

Mr. Haire: I'll second.

Mr. White: May we have a vote, please? I mean, excuse me, roll call.

(Mr. Domini called the roll. Mr. Brusk voted "yes." Mr. Haire voted "yes." Mr. White voted "yes." Mr. Long voted "yes.")

Mr. Suttle: Thank you, gentlemen.

Mr. Long: Thank you. I live right around the corner from you. I like what's going to happen.

Mr. Suttle: Yeah. All the neighbors around there are for it, too.

Mr. Long: Yeah.

D. OTHER BUSINESS

Mr. White: Next item on the agenda is Item any Other Business? Is there any Other Business? (No response.) At this point, the next item is to adjourn.

E. ADJOURNMENT

Meeting adjourned at 7:30 p.m.

Mr. Duane White, Chair

Aaron Domini, Planning Administrator

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