

MINUTES
REYNOLSBURG BOARD OF ZONING
AND BUILDING APPEALS
August 19, 2010
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Norman Brusk Mr. Lucas Haire Mr. David Stoffel Mr. Anthony Rettke
Members Absent:	Mr. Patrick Feeney
Others Present:	Mr. Matthew Hansen, Planning Administrator

2. APPROVAL OF MINUTES OF JULY 15, 2010 MEETING

Chairman Brusk: Is there anyone who has any changes or corrections or additions? No additions, corrections? Then they will stand approved as submitted.

3. APPROVAL OF AGENDA

Mr. Brusk: We received a revised agenda after the packets were delivered. Do we have any additional changes to the agenda?

Mr. Hansen: No.

Mr. Brusk: Then we will accept the agenda.

4. SWEARING IN OF SPEAKERS

Mr. Brusk: Those of you who plan to speak today, make sure you sign in and we will swear you in so that you may testify for the record.
(Mr. Brusk administers the oath.)

5. PUBLIC COMMENT

Mr. Brusk: Is there any public comment on issues not covered on the agenda today? (No response.) Not being any, we're going to move on to Item B.

B. UNFINISHED BUSINESS

Mr. Brusk: There is nothing listed under Item B so we will move on to new business.

C. NEW BUSINESS

1. VARIANCE APPLICATION, 1620 ROSEHILL ROAD, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM THE REYNOLDSBURG ZONING CODE SECTION 1171.06(b)(3)(B) TO PERMIT THE CONSTRUCTION OF A FISH POND AND EXPAND THE MAXIMUM ALLOWABLE AREA FROM 100 SQUARE FEET TO 144 SQUARE FEET. CONTACT: CHERI LEOPARD (74-ZV).

Mr. Brusk: Matt, could you please do the background on this case.

Mr. Hansen: Sure. This applicant wishes to construct a fish/koi pond in the rear yard of the lot. Now, fish ponds according to our code are classified as an accessory structure so they must meet the area and placement requirements on a lot. They cannot be placed in the front yard. They should not be located closer than six feet to any rear property line, no closer than three feet to any side lot line, and no closer than fifteen feet to the house. They shall not occupy more than twenty percent of the rear yard and be no more than fifty percent of the residential floor area of the house. And of course they shall not contain a dwelling unit. There are also supplementary regulations for fish ponds which state that they may not have a depth greater than twenty-four inches unless they are enclosed by a fence that is forty-eight inches in height and has a locking gate. There is a six foot fence around the property currently so the applicant just needs to confirm that there is a locking gate on the fence. Also, and this is where the variance is requested from, the water surface area of the pond shall not exceed one hundred square feet in area.

We took a look at the standards for granting this variance and the fish pond will meet all applicable zoning regulations for its location on the lot and will be less than the twenty percent of the rear yard maximum that is required. The fish pond will only take up five percent of the rear yard area. Like I mentioned before, there is a fence around the pond that meets the code requirements. And please let me correct this statement in the staff report – Staff believes that the increase in size will not be injurious to the area or detrimental to public welfare.

Mr. Brusk: That's what I thought you meant.

Mr. Hansen: Yes. The fish pond is not visible from the public right-of-way. The variance does not establish a use which is specifically prohibited by code. Fish ponds are permitted on this property and other adjacent properties would be allowed to establish a fish pond also. When we are looking at this, it does not seem that there is anything specific to the land or structures which would prevent the applicant from conforming to the regulations. However, upon a little research into koi ponds, larger

ponds are actually easier to maintain because the water quality can be better regulated and the koi will do better in a larger pond.

Mr. Brusk: And we want to make sure we want to have happy koi.

Mr. Hansen: Ah, yes of course. There is not economic hardship that needs to be considered here. The variance is for an additional 44 square feet which adds about five feet to the length of the pond. But all other standards for this variance should be met. The increase in size of the pond is not egregious – it does not take up the entire backyard. Staff finds no reason not to support this variance.

Mr. Brusk: Good description. If you would please step up to the podium. I see no reason not to the grant the variance. I have no issue with it. You may have to watch out for what is it, I think herons that may come down to eat the fish which have been reported around here.

Mr. Hansen: Yes, that can happen.

Mr. Brusk: Is there anyone in the public that would like to speak towards this matter? Seeing that there is no one else in the audience, are there any questions? Can I get a motion.

Mr. Stoffel: I'll make a motion to approve.

Mr. Brusk: Is there a second?

Mr. Rettke: I'll second.

(Mr. Hansen called the roll. Mr. Haire voted "yes." Mr. Stoffel voted "yes." Mr. Rettke voted "yes." Mr. Brusk voted "yes.") Motion passed.

2. SPECIAL EXCEPTION APPLICATION, 6006 E. LIVINGSTON AVE., REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER'S NAME, TERRY S. BROWNER; REQUESTING A SPECIAL EXCEPTION FOR AN EATING AND DRINKING ESTABLISHMENT. CONTACT: STEVE KHOURY (43-SE).

Mr. Brusk: Seeing that there is nobody left in the audience, when an applicant schedules a time with the Board and they do not show up it is rude.

Mr. Hansen: Especially when we rushed to get them on the agenda.

Mr. Brusk: I hate to dismiss the application. Should we table it until next month?

Mr. Hansen: We can do that.

Mr. Brusk: Then I will make a motion that we table this application until the next meeting. Do we need a second on this?

Mr. Haire: Yes.

Mr. Rettke: I'll second it.

(Mr. Hansen called the roll. Mr. Stoeffel voted "yes." Mr. Brusk voted "yes." Mr. Rettke voted "yes." Mr. Haire voted "yes.") Motion passed.

Mr. Brusk: Please inform the applicant that next time that the questions will be extra hard.

Mr. Hansen: Will do.

D. OTHER BUSINESS - None

E. ADJOURNMENT

The meeting was adjourned at 6:42 o'clock, p.m.

Norman Brusk, Chair

Matthew Hansen, Planning Administrator

(No recording. This meeting was transcribed from accurate notes.)