

MINUTES

**BOARD OF ZONING AND BUILDING APPEALS
THURSDAY, AUGUST 18, 2022 6:00 PM**

**PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068**

A. CALL TO ORDER

PRESENT: Linder, Furst, Davis
ABSENT: Bulls, Barnhart

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – July 21, 2022

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

1. Briarcliff and Main; Application 2022-5271 (Setbacks); Applicant Charles Schatz;
Variance

Mr. Meyer read the staff report into the record.

Mr. Furst asked why the front setback couldn't be much closer, in fact, in line with the OhioHealth building.

Mr. Meyer explained this location has water piping underground, sprinkler heads, and the walls along Main Street go further back in this area. This was put together by the city engineer and consulted with legal and our service director and this is what they felt was appropriate. As far as why it is different from OhioHealth, I don't have an answer. This was staff's best effort and understanding of what could go here. Mr. Meyer pointed out the changes from the last meeting with the sidewalk and pedestrian access. They also increased the roof overhang to cover some of the drive aisle, which was not there previously.

Reese Moore from Crawford Hoying described the changes to the plan regarding the very strong pedestrian walkway that will enable pedestrians to get from the sidewalk to their patio and pickup window. He explained to the board that the reason the building is not closer to the

easement is because they want to make sure the drive thru is in front of the building and every drive thru they want to have an escape lane. He pointed out there is six more inches on the overhang to get closer to the street.

Mr. Davis asked a question, but it was inaudible.

Mr. Moore explained the difference in the two plans and how they feel the current plan is safer because the patrons won't be walking through the drive thru from their vehicles to get to the patio. With this layout they feel this is the safer option. With the stacking and configuration they believe that the setback they are asking for will help this be the best site plan.

Mr. Furst appreciates the effort put into the attempt to connect mass transit, but feels that having the pedestrians cross over the drive thru lane from Main Street creates a safety issue.

There was discussion about the drawing that OHM drew up and how their plan would adhere strictly to the code, but that was before they were aware of the easement. The OHM report says there is definitely a case for a variance for setback.

Mr. Furst asked the applicant to explain the volume of traffic and what type of stacking might be expected.

Mr. Moore said they are expecting a decent amount of stacking. Most cities require an 8-10 stack and this site will allow for an additional 4-6 cars before the customers would even be off the parcel.

Mr. Furst ask them to describe their hardship in more detail.

Mr. Moore: They need to build away from that easement.

Mr. Furst: Why? That seems like a matter of preference.

Mr. Moore explained that with putting the drive thru in the front it created a better stacking arrangement for the community for people coming in and out and less of a chance for overflow onto the access road. They feel as if this is the safest way to come into the business.

Mr. Davis feels as if the current layout is safer and does provide a lot more overflow in terms of stacking.

Mr. Furst: Do you contend that there is a deprivation of beneficial use of the site if we weren't to grant this variance?

Mr. Moore: I do, yes.

Mr. Furst: I realize the city wasn't aware of all these issues with the site until the easements and right of way was explored. If you knew about those restrictions, would you have

considered another site? If we weren't to grant you this variance this evening, would this project be more or less dead?

Mr. Moore: Yes.

Pastor Linder asked the applicant to explain how a normal morning with the stacking would look like.

Mr. Moore: Peak hours are 6:30 am to 8:30am. Average time in the drive thru is a minute and 15 seconds between ordering and pickup. Currently on the site plan there's nine stacked cars, if there ends up being 13 or 14 cars there, we believe that's never going to overflow. If something is happening in the restaurant and there's a delay, this would allow stacking for mishaps.

Pastor Linder: How many customers will benefit from this opportunity?

Mr. Moore: I think a great amount of people will be able to benefit from this. With the layout of this site we'll get their drink in their hand way quicker and way more efficient.

Pastor Linder: I'm more comfortable with this layout, but it wouldn't hurt to have some type of marking on the back side as people cross through that lot. Additionally, I believe you weren't aware of the full concern before purchasing this site. It's been a long time since something was added in this general vicinity and a good number of people will benefit from this opportunity.

Mr. Furst: I believe you have an agreement on this, but you haven't purchased the property, correct?

Mr. Moore: That is correct.

Mr. Meyer: You have contractual right, but you haven't closed on it, right?

Mr. Moore: That is correct. When we tabled last session we put more money down on the contract to be able to come back before you today. We will be closing as soon as we get approval. We were also waiting on the lot split, which was approved last week.

Mr. Meyer: We did indeed get an application for a lot split and the city has approved.

Mr. Davis asked if they knew where the setback would be in relation to the Massey's Pizza.

Mr. Meyer didn't have the exact measurements, but showed it on the screen so they could eyeball it.

Mr. Davis stated that it looks to have a similar setback Massey's and be in line with them.

Mr. Furst asked if this was the minimum amount of variance that would accomplish their purpose and allow them to benefit from the use of the property.

Mr. Moore: I do.

MEMORANDUM

The City of Reynoldsburg Board of Zoning & Building Appeals (BZBA) met on August 18, 2022. Present were members Pastor Linder, Mr. Alex Furst, and Mr. Franklin Davis, and as such constituted a quorum sufficient to proceed with its regular meeting.

A general motion was made by Pastor Linder to approve application 2022-5271 requesting a Variance for Setbacks by Caribou Coffee. The motion was seconded by Mr. Davis. Roll was taken and the motion approved by Pastor Linder and Mr. Davis; however, Mr. Furst voted against the motion. The motion failed for reasons it was not unanimously approved by the three members present, and as such was insufficient to constitute majority approval by the Board. However, contrary to the section 1109.13 of the Reynoldsburg Zoning Code, the foregoing going motion failed to identify the specific factors upon which the variance application would conform to applicable standards set forth in Reynoldsburg Zoning Code. *See generally*, Reynoldsburg Zoning Code § 1109.13(D) i-ix.

Subsequently, Pastor Linder moved to amend his previous motion to approve application 2022-5271 requesting a Variance for Setbacks by Caribou Coffee. Pastor Linder's Amended Motion did include the specificity and findings of fact set forth in section 1109.13(D). The Amended Motion to approve application 2022-5271 cited the following factors for allowing the setback variance requested:

ii. The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a conditional use in the zone or district in which the subject property is situated.

iv. There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self-created nor is it established on this basis by one who purchased with or without knowledge of the restrictions. The hardship results from the application of this Code and is suffered directly by the property in question.

v. The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

Reynoldsburg Zoning Code § 1109.13(D)ii, iv, & v. The Amended Motion was seconded by Mr. Furst. Roll was taken and the Amended Motion for Variance for Setbacks by Caribou Coffee was unanimously passed by a vote of 3-0 by all members present.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Linder, Furst, Davis
ABSENT:	Bulls, Barnhart

2. Briarcliff and Main; Application 2022-5271 (Signs); Applicant Charles Schatz; Variance
 Mr. Meyer read the staff report into the record.

The applicant is requesting the additional wall sign due to the additional setback of five foot minimum required due to the landscape buffer on this specific site. Due to the site being so unique they feel as if this is the only remedy to show patrons where they are.

Mr. Furst asked why the monument sign wouldn't serve the patrons of the business.

Mr. Moore said the patrons heading East on Main during the busiest hours in the morning would be able to identify the signage up above.

Mr. Furst: Is that also an argument for the increased sign height on the monument sign as well?

Mr. Moore: Yes. We feel that the additional height would give us additional help in identifying our property.

The applicant and Mr. Furst discussed the neighboring properties and how they differ or not to this proposed site.

Mr. Furst asked that the monument base be constructed of brick and not the proposed stone and the applicant agreed to the changes.

Mr. Furst asked if the board was to NOT grant the variance, could they have just a six foot tall monument sign, would this be setting the business up for failure?

Mr. Moore said while signage is a big part of the Caribou brand, they don't think they will be going out of business on an item such as this. While it wouldn't be detrimental to the business it would be great to have the presence with the monument sign.

Mr. Furst asked about any existing monument signs and the question of whether the Caribou monument sign could be seen with the existing tenant signage for the center.

The board has discussions regarding the Massey's non-conforming wall sign.

Pastor Linder asked if they were getting signage on the existing center sign and the applicant said they have not spoken to the owner about that, but the center could be up for sell soon so that signage is not guaranteed.

Mr. Leist: Is this monument sign outside your lot split?

Mr. Moore: Yes.

Mr. Leist: So it is not subject to your ownership at all?

Mr. Moore: No. It's Schottensteins's property.

Mr. Furst asked if the applicant had investigated any other remedies available in the code to properly identify and access the building.

Mr. Moore explained that he personally didn't do the investigation, but the consultant certainly did the research on where the signs could be placed.

Mr. Furst isn't able to see the hardship or practical difficulty for this variance, outside of preference or convenience.

Mr. Moore explained that the center has a five foot setback requirement and feels as if that's a hardship for the eastern sign and a bit taller of a monument sign. Being farther back from the street would create a longer distance for people to see. Mr. Moore feels that if the logo has more presence and height that is would allow for more of a jump for people driving in their cars.

Mr. Davis: I don't see this as a hardship, but more of a benefit to allow patrons to see the business and allow more time to make the decision to stop.

Pastor Linder: It's hard for me to have conviction about the hardship or finding another way to state why this variance would be required.

Mr. Davis asked Mr. Leist to help clarify 1109.13 paragraph 8 in the zoning code. Mr. Leist left it up for the board to make the decision.

Mr. Furst: Having considered the factors in 1109.13D, I do not find hardship of practical difficulty as identified in subsection four of the code, and therefore move that we deny this variance application as submitted.

Pastor Linder: Second.

Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	DEFEATED [UNANIMOUS]
AYES:	Linder, Furst, Davis
ABSENT:	Bulls, Barnhart

D. NEW BUSINESS

1. Brice Rd; Application # 2022-5263; Applicant Christopher Jolley; Conditional Use Permit

Email from the applicant is below.

Good morning,

After careful consideration, Daniel has determined that he will no longer be pursuing a Conditional Use for the site on Brice Road. He is hopeful that he will be able to find a more suitable site in the near future.

Thank you,

Christopher Jolley, NCARB

Mr. Furst: I move to accept the withdrawal of application 2022-5263.

Mr. Davis: Second.

Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	WITHDRAWN
----------------	------------------

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator