



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, AUGUST 18, 2016 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Enfinger
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – July 21, 2016

Minutes stand approved.

3. APPROVAL OF AGENDA

Chairman Rettke: Any changes to the Agenda?

Mr. Snowden: Mr. Chairman, for the sake of being efficient with our applicants time, could we move Unfinished Business, Proposed Revisions to the Rules of the Board of Zoning and Building Appeals to after New Business?

Chairman Rettke: We will approve the Agenda with the change and move C to after D.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Would everyone who will be speaking before us tonight please stand to be sworn in? Do you affirm that the testimony you will be giving in front of the Board will be truthful? If so, please say, "I do." (*Audible "I do's."*) I will remind you to sign in, if you have not already.

B. PUBLIC COMMENT

C. NEW BUSINESS

1. **1806 Brice Rd.; Application #174233; Applicant: Khalid Al-Ghazawi; A&A Speedway Tires, LLC; Special Exception Use Permit - Auto Services**

Chairman Rettke: May we please have the presentation?

Mr. Snowden: 1806 Brice Road - A&A Speedway Tires - Special Exception Use Permit. Application #174233. The property is located on the east side of Brice Road, just north of Livingston Ave. Existing Zoning: CC - Community Commerce District. The request for a special exception use permit for an auto services use to operate a tire shop. Current Use: Vacant. Applicant: Khalid Al-Ghazawi. The request of the applicant is for a

special exception use permit for auto service use, in order to convert an existing commercial building into a tire shop and operate it at such. The site is developed with an existing commercial building and related improvements, including parking. Neighboring uses include other commercial businesses in the CC District, such as a car wash, retail sales, business offices, and a pawn shop. The request of the applicant is for a special exception use permit for auto service use, in order to convert an existing commercial building into a tire shop and operate it at such. The site is developed with an existing commercial building and related improvements, including parking. Neighboring uses include other commercial businesses in the CC District, such as a car wash, retail sales, business offices, and a pawn shop. The area is primarily auto-oriented in nature. The structure fronts to Brice Road which is designated as a major arterial street by the Thoroughfare Plan. To the north, an SEUP for a car wash was issued by the Board in 2014. The applicant proposes to perform work on vehicles at the rear of the property, which is partially screened from the public street by the Board. Under Outdoor Storage, I made a note, and assuming the SEUP is approved, Staff advised the applicant that outdoor storage of tires for display purposes is not permitted unless and no work may be performed on vehicles within 25FT of the public ROW per Section 1196.05(c) of the Zoning Code. Staff would like the applicant to clarify where they will perform the installation of tires on vehicles. Again, they have told me verbally that their goal is to go to the rear of the property, but obviously I prefer to have that indicated on the plans. That is the type of thing that is hard to determine when the applicant does not attend the meeting of the Board. You can see from the aerial that there is an extension of the building in the back, and this is where they would like to install garage doors to perform limited work there. Like I said, this was an existing home that has been along Brice Road for many years. It has had a variety of retail sales uses. It was a Christmas shop, a gift shop, a shop that sold fireplaces, and other commercial businesses. Over the last two years, Staff has been contacted a dozen times, if not more, looking to do one of the following uses, either child care or auto sales. The auto sales folks are running into the outdoor use limitation of 1196.05(c). Once they find out about that limitation, they are not particularly keen on the site. This is the only person who has elected to make the application to the Board, to get a permit for one of those uses. With that, I recommend the Board apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. I am recommending approval although I would like some clarifications from the applicant, at least on the location of where the vehicles will be worked on. My parting statement would be that a tire shop, day care, and sales have been the only folks he last several years that have taken an interest in this location. If the Board is not willing to accept this use, are they willing to accept one of those two uses? I would be happy to answer any questions and will turn things back over to our Chairman.

Chairman Rettke: Any discussion?

Mr. Enfinger: What are they recommending, or what have they talked about as far as enclosures for storage area and tires that they have removed? How will they dispose of it all?

Mr. Snowden: They did not indicate any of that in their narrative statement. You have the original house and the additions that have been made over the years. My understanding, based on verbal conversations is that the applicant plans to install one or two garage door

type systems to allow access to the building, and then utilize this area as storage space. As I indicated in my Staff Report, those things require Design Review Board approval because we are changing the building architecture, but they are certainly feasible if the applicant completed the process and added appropriate materials and colors to the building.

Mr. Enfinger: The standards of 1145.09 ask about the character and speaks to that. It makes a big impact on the character of the area. I realize it has to go through DRB, but before we can even make a decision on that, I think we need some types of elevation, plans, plots, and showing what they are anticipating to do. Where they are going to house their merchandise, where they are going to put the old tires...

Mr. Snowden: Mr. Enfinger, and other Members of the Board, my question to you gentlemen would be, hypothetically speaking, if the applicant were to do all of the work in terms of installation, storage of tires within the building, would that make the Board feel that it was within the character of the district? Verses if the applicant was proposing to have an outdoor installation area and they might be looking to leave items out at the rear of the structure. My feeling is that if it happens in the interior, that is superior to having those materials outside.

Mr. Enfinger: All the equipment, everything would need to be inside. As far as machinery that he spoke about in his narrative, all of that machinery needs to be inside. That will help with the noise level, they are pretty loud pieces of equipment. They just look so cluttered because of all the different tires and things laying about. If they had an enclosure in the back, maybe just during the day they had it on a nice rack in front. And the old tires they are getting rid of, go into some type of dumpster enclosure, or something along those lines in the back, I would be ok with that. Knowing that they are willing to do that would certainly be part of the approval

Mr. Snowden: The only direction that I could give the Board is that if there are a list of things that the Board is willing to approve, based upon knowing those things, the Board could elect to approve based on those condition, which means Staff is not going to issue a zoning certificate until those things are completed, and those will be part of their zoning approval. The Board can restrict those, if they so choose.

Mr. Hudson: They are not allowed to put anything in front of that building?

Mr. Snowden: They are not allowed to do any outdoor storage of anything, whether it is cars, storage, or any operations, within 25FT. Throughout the city there are tire shops who have elected to do that. Some of them have been issued zoning notices. It is a little bit of a mixed bag. My few is that if they are all confined to a rack that it is appropriate. When they are all lying around, that is not appropriate, but there are some enforcement issues with that. You could interpret from the code that they are not allowed to do any outdoor storage unless the Board specifically allows it.

Mr. Enfinger: I am fine with limiting that, and that will keep them in the right frame of mine to keep the area looking nice and neat. They have windows across the front, and they could

certainly put their displays in the windows like you see at an NTB. That is completely non offensive. I think they do a really nice job and I do not have a problem with that.

Pastor Linder: I am comfortable with what we are describing as long as we make some conditions, but the thing that does stand out to me is that they indicate that they would like to work closely with the city. They are not here tonight, so do you find that they are working closely with the City, and is this just an exception to their normal routine.

Mr. Snowden: The gentleman that made the application is from another country and he may have had a travel commitment to that country. He informed me that he was not going to be able to be here due to that trip being scheduled. He did reach out to Staff to have a several pre application meetings. He brought in a real estate agent to help aid both in the drawings in front of you and for communication before Staff and myself. I think that the potential is there. Again, applicants are advised that they should attend the meeting, and ultimately I do not have control over that. These are the challenges that are presented by that. What I am hearing from the Board is if the Board wanted to approve this with conditions, I'm hearing that one of the conditions will be that there is no outdoor storage. And, the Board would prefer that there is no work performed outside the structure. It is the responsibility of the tenant to construct, following the process with DRB and the Building Department, an area in which to perform this work inside the structure.

Mr. Enfinger: So, the work not only are the wheels removed, not like some pump jacks on the outside where they remove the tires and take the tires inside and do the work there, the vehicles and everything need to be inside while that is being worked on.

Mr. Snowden: Correct.

Mr. Enfinger: I think that is an important distinction to make too. Is there any way we could table this. Will he be back next month? Is that advisable? I do not want to turn him down if he could maybe speak to us.

Mr. Snowden: What the Code says is that the Board needs to make a decision within sixty days of the original hearing. So, the point of that is to, unless the applicant requests additional information. So, we could push it back to another meeting if we needed to.

Mr. Donovan: That is my preference.

Mr. Rettke: That would be my preference.

Mr. Enfinger: And you can take our discussions back to him and say that he should come with a good plan because we are leaning his direction.

Mr. Snowden: If it is acceptable, I will share those two items that the Board has given consensus that they are willing to approve based on these conditions and getting the remaining questions answered. I will share these two items with the applicant, and I will inform them of the new meeting date. That will push them back to September the 21st. And,

I can reach out to them. I know this week Rochelle tried to contact them several times, via both email and phone, and there were issues with getting a hold of them. I am saying that just simply to say that the City is doing their due diligence in communication. I think the applicant wants to do the right thing. I think they are not totally familiar with this process. I know that the applicant owns two to three other stores. Some of them in other states, so they do have experience in this one off tire industry. They may just not have experience in securing permits.

Mr. Rettke: I agree and of course I would like some sort of map showing how he plans on staging that. There is no way he is going to get a lift in there. There are other concerns, tire storage, a lot of these one off shops have assemblies sitting there and they just toss them back in the semi. The semi comes in once a week, hooks up to that trailer and takes it out. I don't want a trailer sitting back there. We definitely don't want tires outside, there will be mosquitoes. There are a lot of things he needs to clarify before I would consider it. So, that is where I stand.

Mr. Havener: I think one of the items I heard mentioned was the fact that they need to address the waste issue. Whether there is going to be a dumpster in the back, if so, it will have to be screened, of course. We just need to clarify that issue.

Mr. Rettke: There are a lot of little things. I think he needs to come with a good plan on what exactly he is going to do. Where the office is going to be is kind of important too.

Mr. Snowden: One of the challenges of the Special Exception Use permitting process is that each one of the uses has unique challenges, and learning that is a challenge for Staff, the applicant, and the Board. So, what I am hearing from the Board is that Staff is that you would like to table this. Staff will return to the applicant, provide him with the information and concerns the Board has relayed, and that those things will need to be clarified before the permit can be approved.

RESULT:	TABLED [UNANIMOUS]	Next: 9/15/2016 6:30 PM
MOVER:	Aaron Enfinger, Vice Chairman	
SECONDER:	Anthony Rettke, Chairman	
AYES:	Rettke, Linder, Donovan, Enfinger	

2. 2225 Taylor Park Dr.; Application #174471; Applicant Stanley W. Young, III; Business: Wesley Ridge Retirement Center; Comprehensive Sign Plan

Mr. Snowden: Thank you Mr. Chairman, and other Members of the Board. This is an application for a Comprehensive Sign Plan. 2225 Taylor Park Drive - Wesley Ridge Retirement Community - Comprehensive Sign Plan. Application: #174471 - Comprehensive Sign Plan. Location: Property is located on north side of Taylor Park Drive, just west of Baltimore-Reynoldsburg Road. Existing Zoning: AR-3 Multi-family Residence District. The request for approval of a comprehensive sign plan. Current Use: Residential Care Facility. Applicant: Stanley W. Young, III, Trinity Signs. The applicant is requesting the Board review and approve a comprehensive sign plan for a new ground mounted sign.

The site is developed with an existing residential care facility and various related structures. They have their main building and several service structures, they have patio homes, all on the same site within the AR-3 District. To the south, north, and east, the property abuts various commercial businesses in the CS Community Services District, including retail sales, eating or drinking establishments, and a gasoline station. It is a pretty intense commercial use. To the west, the property abuts Blacklick Metro Park, and the property is screened along the west side from when it was originally constructed. So basically, the applicant has to come for a Comp Sign Plan because this is a family residence district rather than a commercial residence district, and the code says they have to get a comprehensive sign plan approved. This is what they are doing. You can see here the existing sign. The applicant proposed to replace their existing wooden post and panel style sign, which an externally illuminated panel sign suspended between two brick columns. The total area of the sign cabinet is about 40SF. The overall sign size is 68SF, that includes the entire sign apparatus. The comprehensive sign plan process allows the Board to approve any size signage deemed appropriate to the site. I have gone into what these Comp Sign Plans are, they are a little weird given how we normally operate. But basically it says the Board can approve what it wants in terms of signage, given the context at the site. The neighboring commercial businesses are restricted to 50SF of signage given the same setback from the public street. The sign panel contains three (3) colors, which match the existing onsite directional signage. The brick supports are consistent with the materials used on building structure. The history of this site is there was another sort of facility back here. There was some sort of private facility, so this was a private drive. There is a long sliver of land here that allows Wesley Ridge access to State Route 256 for the signage that they own. And, that is in the same zoning district that they are. Normally in this case, the signage would be directly in front of your building. So, that is what makes it unique. Years later, as the area developed, Taylor Park Drive was constructed as a public street here, and it has left a small sliver of land that is owned by Wesley Ridge, in order to give them access.

Mr. Donovan: On the columns, this looks like it is awfully close to the right-of-way.

Mr. Snowden: I believe this is the City traffic controls. The setback here was 22FT from the public right-of-way as indicated on the one drawing. Mr. Young can clarify. I think the overall footprint of the new proposed signage is a little bit wider than the existing proposed signage. He is not going to be allowed to construct in a public right-of-way.

Mr. Donovan: That is what I am concerned about, that they are getting too close to that.

Mr. Snowden: It looks like there is 10FT here, 10FT would be the minimum. Again, remember, this sign was here before this public street was constructed. That is what makes it such a challenge. You can even see the public sidewalk is going around it. Normally you would have sidewalk in this area, and signage back here. It is definitely a mixed bag, given the history of the location. You can see they have some flags and things displayed there. Their directional signage is the same color scheme. They have done some master planning for their whole site. They are utilizing some of the same materials throughout the whole site.

and that is positive. With that, I recommend the Board apply the standards for design review and determine if the proposed signage enhances the characteristics of this commercial corridor and that the request is reasonable. Staff's recommendation is it that the Board approve the application for comprehensive sign plan review as submitted. I will turn things back over to our Chairman.

Chairman Rettke: Any concerns, questions, comments? Please come on up and give your name and address for the record.

Mr. Young: Stanley W. Young, III., Hardestry Drive.

Chairman Rettke: The only question I have, is there anything wrong with that sign, or are you just looking to get something illuminated?

Mr. Young: Well, I do have a pass out if I may.

Mr. Snowden: Just to clarify, that proposed signage there, where it says indirect illumination, that means lights will be directed up. You have like a halogen lighting system.

Mr. Young: Correct, Mr. Snowden. On your very first page you will actually see the fixture. I will say in the neighborhood of about 150 watts. The reason I passed this out is I wanted you to see up close the existing sign which is a sand blasted either redwood or cedar, supported by a couple of six-by-six pressure treated pine posts. This kind of sign is nice to look at when it is new, but it is very labor intensive to maintain. As you know, paint and things wear, they chip, they dull. What we would like to do is completely remove that, in favor of a all new aluminum sign, supported by a couple of brick bases, as Mr. Snowden has indicated. The graphics on this sign would be a half inch thick pvc, computer cut letters that would be attached directly to the face of the sign. That would be the logo and address. In that area down below will be green board.

Mr. Snowden: Pardon me got the interruption, are those pvc letters raised at all from the sign face?

Mr. Young: Yes, they are half inch.

Mr. Snowden: So, very minimal.

Mr. Young: yeah, very minimal, but they do give the sign a little dimension, and a little character.

Mr. Snowden: Just out of curiosity, I assume that is a cost upgrade for you, and the property owner, rather than just a standard vinyl sign.

Mr. Young: It is a little bit more, not a whole lot when you consider the whole project. But really, from a visual perspective does give it a little more dimension and makes it more pleasing to look at. It is not as inexpensive as vinyl letters on a piece of aluminum. You are right, the setbacks can be maintained, and will be about the same. I do not see it going any closer. And of course, when the old sign comes out, prior to the new sign going in, we always call the utilities to make sure we are clear to dig.

Mr. Snowden: Looking at your plan, I didn't see indicated on that site plan, which was an engineered drawing, that there were any easements over where that signage was.

Mr. Young: I did not see any easements. I got on a couple of different websites to look for

that very thing.

Mr. Snowden: Members of the Board, just for context, on the screen in front of you is the main entrance sign that is at the drive as you enter the complex. As you can see, they are being consistent with materials. It is nice to see the consistency throughout the whole site. That is the main thing Staff is looking for when they review signage.

Mr. Enfinger: So the new sign is going to be 13FT across. What are the dimensions of the existing sign? Do we have that number?

Mr. Young: Mr. Enfinger, I actually do not. My guess is that it is 8-9FT wide, opposed to this new sign.

Mr. Snowden: I can attempt to measure it. It will be somewhat imprecise, but I will use the feature to measure to give us an idea.

Mr. Enfinger: If we are keeping the same setback, we are going to get really close to that sidewalk. It is a little bit bigger, so it is good to know what the size is.

Mr. Young: We would maintain the same setback. We would not go any closer.

Mr. Snowden: The point is, you would be going back towards the sidewalk, with possibility to expand or reduce the bed, if needed.

Mr. Young: I am glad you brought that up because landscaping is not part of this proposal. Landscaping will be instituted and maintained by the client, which is Wesley Ridge.

Mr. Snowden: It is telling me about 9.5, given the imprecision of this sort of thing, I would say about 9FT is probably the width of this thing.

Mr. Enfinger: So we are going an additional 4FT. It is going to be pretty close to the sidewalk.

Chairman Rettke: Did you check that out then? Will the 13FT fit?

Mr. Young: It should fit, yes.

Mr. Snowden: If Mr. Young placed it directly on top of this, let's say you center this 9FT, with the 13FT, and so you are only adding a couple of feet on each side. He indicated the setback at 22FT on that engineered drawing. The minimum setback on the signage is 10FT. So he is still meeting his minimum setback. I do not think we are going to be butting up against any city regulations that would prevent it from being installed if he did center to center.

Chairman Rettke: Do you have the Fairfield County GIS?

Mr. Snowden: I can get it, or I can get our GIS.

Chairman Rettke: It concerns me that there could be utilities there. And, let's see what that right-of-way looks like.

Mr. Young: As a matter of discussion, if we need to move the sign one way or the other, even to the south a little bit, if we see there is a utility, and you should maintain at least 18IN away from a utility to be on the safe side. That is not an exact science. You can be assured we would meet any minimum setback.

Chairman Rettke: I just wondered, when they plotted or dedicated Taylor, what does that look like? What restrictions?

Mr. Snowden: The minimum from the standpoint of the City for signage, is 10 FT, without a variance. I do not have anything that indicates this has had a variance when it was installed. And that is mainly for visual clearance. That is the point of that.

Chairman Rettke: I would be hard pressed to go any more than 10, on an intersection like that. So they did not do a flare out, or anything funky with the intersection.

Mr. Snowden: Mr. Rettke, if you look here, I am going to walk this back, and because it is a relatively new street, watch what happens. At one point, this was a private drive, and here is their sign for their private drive to enter their property. And fast forward to today, and you have a public street. It is definitely unique. I would not call it bizarre. They did not do any sort of corner bump out here. It looks like it goes straight in. In fact, this right-of-way does not even look like the sidewalk is in the right-of-way.

Chairman Rettke: What would the setback from Taylor be?

Mr. Snowden: it is 10 for both. So here is the thing, if you look back to where that was their private drive, it was a street and then we built the public street, so we would call that existing non-conforming. As long as he is not moving that closer to Taylor Park, he is fine, even though that may not meet 10. If you look here, that distance is probably more like 8, but given the fact that it was existing at the time that the road was installed, he does not have to meet the ten unless he just can't go any less.

Chairman Rettke: Yes, but that is the face of the brick being at ten.

Mr. Snowden: Correct.

Chairman Rettke: You got that, Mr. Young?

Mr. Young: Yes, sir.

Mr. Snowden: You are absolutely correct. In this case, whatever this distance is. No part of the sign can go any closer to Taylor than it is.

Chairman Rettke: I am not super worried about the utilities. I thought they might have cut that corner off, and then that 10 would be from a diagonal standpoint and you could get into some trouble if you tried putting it in there and had to conform. That answers most of my questions.

Mr. Snowden: We always get the interesting ones here, don't we? Go back to 2007 and it is a private drive so it does not matter what the setback is here, cause it is a private drive and it is all their land.

Mr. Donovan: It is almost like a dead end.

Chairman Rettke: I am glad they did it. It is a lot easier getting out of there because you do not have that quick turn there at Taylor Sq.

Mr. Donovan: Speaking of Taylor, when are they going to open up that again.

Mr. Snowden: I will ask our Service Director and let you know.

(Vote)

Mr. Snowden: Very well. Mr. Young, I will provide you the written statement. You will be going for a zoning sign permit and building sign permit for the actual structure. My goal will be to have that go out to you tomorrow.

Chairman Rettke: How long does that take for you to install.

Mr. Young: I would say about eight weeks. We do not do anything until we have approved permits for Mr. Snowden. That protects us and the customer, so once we have that in hand, we order the material and fabricate and install it.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Aaron Enfinger, Vice Chairman
AYES:	Rettke, Linder, Donovan, Enfinger

D. UNFINISHED BUSINESS

1. Proposed Revisions to the Rules of the Board of Zoning and Building Appeals

Mr. Snowden: Did everyone receive the copies of this that I sent out? Did anyone have any additional questions? We talked about this at the last meeting. As I said, I have been trying to standardize all of our procedures as much as I can. The main change that was recommended by Planning Commission is that you have a 30 day period for any Rules changes. The idea being that you don't want to go into any meeting and apply the Rules changes in that meeting. So, if any changes came from Staff, or any of the Board Members for Rules, at the next meeting of the Board, those would be eligible for adoption and take effect. With that, there were a couple of minor language changes, just to be consistent with Planning changes. I do not want it to seem like I am letting Planning Commission dictate what BZBA Rules are going to be, but these are very minor language changes that don't really change our operations. As I have told both the Planning Commission and the Board, I need them to be as similar as possible, unless there is a Charter or Code reason that they need to be different. And there are a couple of places where that is true for Planning Commission. I need them to be the same so that I can remember the procedures, get people the right information, and make sure that we are operating properly. With that I would just request your adoption of the changes as proposed, and if you so chose to adopt those, I will forward a copy to our chairman and vice chairman at the next meeting to sign off on.

Chairman Rettke: Are you done with all the other rules then?

Mr. Snowden: With regard to Planning Commission?

Chairman Rettke: Planning Commission and the other committees.

Mr. Snowden: The history of this is, I did not have copies of any Commission, Board, op rules, I had nothing. In the course of some reorganization in the office, and going through the archives, I found BZBA Rules from the early 2000's. I used those as the basis for Planning Commission Rules, because Planning Commission had none and I have been trying to reorganize Planning Commission to be functional. So, I used that as a basis for Planning Commission, and I had BZBA readopt the Rules at an earlier meeting. Planning Commission operated from those, they looked at them, and then they said that in a special meeting that they may need to discuss items to the Board. It is not just discuss, they may act. Our City Attorney says they may do any of their normal business in a special meeting. So, to make

sure there is no confusion, we changed to "act upon any normal business of the Commission, and or Board." I recently discovered Design Review Board Rules are the same, but I have been holding off with DRB because there has been discussion about rolling DRB's role into that of the Planning Commission. I have not taken a lot of time with that, just given that that thought is still out there. If you have an opinion on that or would like to know more, feel free to stop by and I can discuss the whole philosophical reason as to why that is. And, it is not because DRB is doing a bad job, it is just that there are some efficiencies that can be achieved by those two bodies being one.

Chairman Rettke: Any other discussion?

Mr. Snowden: Very well, those Rules have been adopted and I will send them out shortly to be signed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Aaron Enfinger, Vice Chairman
AYES:	Rettke, Linder, Donovan, Enfinger

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman



Planning Administrator