



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JULY 23, 2020 6:00 PM

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

A. CALL TO ORDER

PRESENT: Linder (Remote), Furst, Bulls (Remote), Barnhart (Remote)
ABSENT: Rettke

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – May 21, 2020

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speaker Sworn in by Mr. Furst

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. Application #2020-5254; 13985 Taylor Road SW; Applicant Cross Development (Caliber Collision); Non-Residential Variance

Ms. Wheeler:

Below is the staff review of the above referenced application.

1. Project Summary

1. The property is located at 13985 Taylor Road SW and is within the Community Commercial (CC) Zone.
2. The applicant is requesting Board of Zoning and Building Appeals approval for a non-residential zoning variance to construct a new 16,000 sf auto body repair/collision shop (Caliber Collision). The development received Major Site Plan approval at the July 9th Planning Commission meeting.

2. Zoning Review (Section 1109.21)

1. The zoning code requires that structures within the CC Zone have a front yard setback of 10-20 feet. The proposed structure will have a front yard setback of approximately 141 feet. A 20 foot

- sewer easement runs along the front of the parcel.
2. The zoning code requires that structures within the CC Zone have a side yard setback of 10-20 feet and aggregate side setback of 20-40 feet. The proposed structure will have side yard setbacks of approximately 22 feet (Northeast) and 73 feet (Southwest).
 3. The zoning code requires side or rear yard parking within the CC Zone. The applicant is requesting parking in the front of the building.
 4. 'Vehicular Repair - Heavy' is not listed as a permitted use in the CC Zone. A variance is required for this use type.

3. Staff Recommendation

1. The Board shall consider whether the proposed variances are consistent with the standards contained in Section 1109.13(D) of the Reynoldsburg zoning ordinance, as well as the variance factors set forth by the Ohio Supreme Court.
2. Staff recommends APPROVAL of the requested variances. The proposed project is consistent with surrounding development and the variances are in accord with the intent of the zoning code.

Mr. Furst: Would the applicant like to add anything?

Mr. Allen: I'm with Cross Development and we are the developer for this project. This is not the typical you that you think of when you think of an auto body shop. A lot of this work will be done inside the building without a lot of garage doors open. You won't have air guns and stuff going off with that type of view of a typical auto body repair. These are very clean and tidy and do a good job at maintaining a very professional brand. They are very user friendly from a customer perspective, that's why they like to go in a more commercial setting. We feel as this is a great location for this as it sits on the edge of the commercial area. With everything being contained and a good look to the building and site we feel as if this is a good use adjacent to this facility. This will employ about 20-25 people and they all have a pretty high average salary, about \$75,000 average on a facility like this. Depending on how many painters or mechanics they have, it can vary by location. This business will generate about \$300,000 per month in sales, so it's a pretty heavy sales business, again why they like to be in a commercial setting. So we tried to dress up this building to be similar in esthetics to adjacent commercial structures. It's not the typical Caliber branded colors, and we have done that by design to fit in with the surrounding areas. Some of the reasons for the variances is to kind of match the existing buildings in the area. I know it doesn't exactly follow the code that's newly adopted but we tried to take some context into consideration when we were laying this property out. That's a quick overview and I would be happy to answer any questions.

Mr. Furst: Any questions from the board?

Mr. Bowsher: I want to give context to the site. This property has been vacant for over 20 years since the development of the Taylor Plaza, this was left vacant, a lot of it is because of the unique parcel, and it's kind of like a bowling alley. If you're looking for context of where this is; it's just East of where the Gander Mountain use to be and Big Sandy is currently. So it's been vacant for quite a while, it is in line for the character for the big box retail center that surrounds it. Our code is not perfect, there's clearly some changes we need to make to make it more uniform across the board and there's no way to do that without trying different cases

like the one before you. It does fit within the existing community and the built environment around it. We feel as if it's a good development.

Mr. Shook: I have a question for the applicant. Could you articulate the hardship or difficulty you would have with being able to comply with the front setback requirement?

Mr. Allen: Yes, there's actually a couple here, which we didn't take into context when looking at neighboring buildings. There's also a 20ft sewer easement that runs diagonally on the front of the property that you can see on this plan. There's also existing topography out there that makes this a little bit more difficult to push everything up on the road. We would be way higher in elevation than the existing center would be, and in our opinion would look even more awkward than if it was setback like it is now. I believe it does also allow better landscaping in the front of the property with this kind of setback. That's the hardships we saw and that's why we feel as if this is the best for this location. Again, there was a little discrepancy between the two codes at the time from when we applied and what was adopted.

Mr. Shook: With respect to the proposed site plan. It looks like you have a proposed parking lot that would be in the front of the building between the sewer easement and the building itself. Is that correct?

Mr. Allen: That's correct. Those 19 or so parking spaces are for customers only. Those spots would be for people dropping off a car to be fixed, checking on a car, or filling out insurance forms. All of the vehicles that are in the process of being repaired will be behind the fence on the side of the building and in the rear.

Mr. Shook: Would it be possible, in your opinion, to move the building closer in that area where the parking lot is proposed and move those parking spots into the rear and side of the building?

Mr. Allen: That would be difficult and the only reason I say that is because once you get beside or behind the building you're in the designated fenced in storage area. So to have customer parking spaces behind the fence would make it very difficult to access because of the fencing and gate that's required. We would have to really look at the accessibility of those spaces would be in that situation.

Mr. Shook: Did you consider that as part of the site plan? Was that looked at and determined to be practically impossible for this project?

Mr. Allen: That's correct. We did look at a couple of scenarios. You can also look at this property and tell it has a unique angle to it that runs along the south side of that drawing that really pinches the property as you get closer to the road. Once you move it closer to the road it gets very hard and very condensed on how to get around the building. We took all that into consideration when we were laying this property out.

Mr. Shook: Thank you I appreciate you addressing all of those questions.

Mr. Furst: Thank you Mr. Shook. Any other questions or discussion?

Pastor Linder: If the developer know, what would be the normal hours of operation? Seven days a week? If you could answer that generally I would appreciate it.

Mr. Allen: Generally speaking, and I can't speak for every location, but the company is a five day a week business. Saturday's and Sunday's are not typical business days for them. As far as hours it's fairly similar t any commercial use, 8am-6pm. Not long hours, they aren't going until 9 or 10 in the evening.

Pastor Linder: Thank you

Mr. Shook: I want to address the substance of my questions. I think it's important for any variance request, not just this one, that the applicant addresses that hardship and practicality issue. The board should not grant a variance based on just convenience alone otherwise we could run into a situation where we are forced to grant variances in the same area for the same reason in the future if we create that precedent. The applicant has articulated, at this point, the unique nature of this property and the basis for that hardship or practical difficulty based upon the fence and the sewer easement.

Mr. Furst: Thank you Mr. Shook. The education is always appreciated. Anything anybody would like to add? If no, I would entertain a motion.

Pastor Linder: I would be happy to make a motion but I'm unsure how to phrase it based on the different variances involved. If someone would like to walk me through it I would be happy to make a motion for approval.

Mr. Shook: If you would be intending to approve the variance application in its entirety, you would only need to make the motion in that language. If you are intending to approve the application in part and deny it in part, you would need to specify the variances you would be granting and the ones you would deny.

Pastor Linder: Thank you. I do make a motion that we approve the variances as submitted in their entirety.

Ms. Barnhart: I'll second.

Ms. Wheeler: Ms. Barnhart, Yes. Ms. Bulls, Yes. Mr. Furst, Yes. Pastor Linder, Yes. Mr. Rettke, Absent.

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

2. Application #2020-5270; 9141 Firstgate Drive; Applicant Benjamin Pacheco Robles; Residential Variance

Mr. Shook: For purposes of this agenda item and this application. I had a conversation with Ms. Barnhart and based on my conversation with her she is going to recuse herself from discussion, voting, and deliberation on this item.

Ms. Wheeler:

1. Project Summary

1. The property is located at 9141 Firstgate Drive and is within the Suburban Residential (SR) Zone.
2. The applicant is requesting Board of Zoning and Building Appeals approval for a residential zoning variance to construct a new approx. 930 sf attached carport/garage.

2. Zoning Review (Section 1103.17)

1. The zoning code requires that structures within the SR Zone have a minimum side yard setback of 8 feet and minimum aggregate side setback of 20 feet. The proposed addition will result in a side yard setback of less than 1 foot on the Northeast side and aggregate setback of approx. 16 feet.
2. The zoning code requires that garage doors be located 3 feet behind the front building line.
3. The zoning ordinance encourages stored recreational vehicles to be located within an enclosed structure (Section 1105.01(C)) or otherwise screened from view.

3. Staff Recommendation

1. The Board shall consider whether the proposed variances are consistent with the standards contained in Section 1109.13(D) of the Reynoldsburg zoning ordinance, as well as the variance factors set forth by the Ohio Supreme Court.

If you have any questions or comments, please feel free to contact us.

Mr. Pacheco: I'm the designer. A couple of things to mention as the background for this. The owner has a car trailer as you can see in this image. He would like to give some cover to this as he has been parking it for many years on the side of the house. The goal is to first create a car port and then enclosed for a garage. Not only for privacy but for the visual aspect for the neighbors. The goal of the addition is to harmonize with the existing house and have the same materials. It's not going to negatively affect the adjacent neighbor and granting the variance will also not affect the utilities. The hardship here is that there's no other place to park the trailer other than here on the side. Parking it on the street is not an option so the owner would like to request this variance for a zero foot setback so he can enclose this and have more privacy.

Mr. Furst: Mr. Bowsher and Ms. Wheeler, as the trailer is parked now, is it in compliance with our current codes?

Ms. Wheeler: With the new zoning ordinance it encourages stored recreational vehicles to be located within an enclosed structure or otherwise screened from view. So if it is not within an enclosed structure it does need to be on a hard surface and screened from view. Typically we interpreted that to be a privacy fence or hedges.

Mr. Furst: Any questions from members of the board?

Mr. Shook: Benjamin, can you tell me what the purpose of the car trailer is?

Mr. Pacheco: He uses it for cars. He goes to races every now and then so he has some cars that he owns. That's the main purpose for the trailer.

Mr. Shook: He uses the car trailer to transport cars to the automobile races?

Mr. Pacheco: Right.

Mr. Shook: Does he have the ability to store that vehicle or trailer on another property where is wouldn't require a variance?

Mr. Pacheco: I don't believe he has other properties, that's why he's looking at building this. He did mention that if he is not able to do this here that he may have to move elsewhere, but he would like to stay here because he has been here 20 years. He's had it many years like this and ideally he would like to stay and do this.

Mr. Shook: I'm a little confused about the statement of hardship. I understand that the new zoning code would not permit the trailer to be there in its current state. The hardship here being that he has to have the trailer and the car on his property, even if it's not permitted by the zoning code because he has no other place to put it. Is that correct?

Mr. Pacheco: Correct.

Mr. Shook: I guess, let me take a legal position for members of the board. That is not an adequate statement of hardship, that's more of a statement of convenience. What we were trying to differentiate between in the last application and this one; I think that's where we run into that type of distinction.

Mr. Furst: Thank you Mr. Shook, I was going to ask. I'm well aware that storage facilities do exist for trailers such as this where they're not allowed on residential property. It seems like that might be an applicable scenario for the applicant.

Mr. Shook: That's the only question I had and the only issue I wanted to address.

Mr. Furst: Thank you. Benjamin, I guess I don't understand. Two questions; the first one is, wouldn't a fence be cheaper? That would bring it into compliance from view or even a fence with a gate. Second, one of the things that weren't clear to me in the application was, what's the timeline for converting the carport into a garage? One of the requirements in the code is for it to be screened from view. I'm not certain a carport with no side or door really satisfies the requirement of the code that is be screened from view. I don't consider that enclosed.

Mr. Pacheco: To your comment, I agree that a fence would be cheaper. The carport would likely only be there for a couple of months, maybe 6 months to a year. Then it would be converted to a garage so it would be enclosed. The only thing about the fence is that it would have to be a pretty tall fence to cover the height of the trailer. Does the code say that is has to be completely cover, or just partially?

Ms. Wheeler: I believe its section 1105.01 Section C.

Mr. Shook: Looks like section C, subsection II. This is something we were looking at potentially amending with some zoning code cleanup in the fall. It indicates, recreational equipment is permitted within a residential district if they follow certain requirements. Such as; the vehicle shall not be stored in the front facade or within 6 feet of the rear property line, it has to be screened from view from all contiguous parcels of land. For example let's say he had a privacy fence, which he would need a permit for. Would that privacy fence be tall enough to screen that view from the contiguous properties? I don't know that and I'm not sure the applicant knows that either.

Mr. Furst: I suspect it would not.

Mr. Pacheco: I don't think that would work. I think its 9 feet to the top of the trailer. So you would see a good 3 feet of the top.

Mr. Shook: I think another factor the board need to consider is whether it is consistent with the character of the surrounding properties. If you look at the rendering and the photos, in that area of Firstgate, this is a significant departure from the standard house in that area. That's probably something that's not consistent to the area.

Mr. Bowsher: Benjamin, I have a question. I'm looking at it from Google. If you were going to add another garage, it's not uncommon, clearly this is encroaching on the side yard setback, which is why one of the variances is here. Why the excessive length towards the back that makes it out of character? As you can see here the trailer is not past the back end of the home, yet it is significantly farther that the garage and what the schematics of what the garage would be. If you could walk me through why that is and why it's so out of character, maybe it's something the board could take a look at.

Mr. Pacheco: The idea of the length is to have extra room to unload one of the vehicles. That's the main reason, but it could certainly be shortened to limit the length of it.

Mr. Furst: One of my concerns with the application is that our zoning code is not in favor of creating what's called a snout house. That's the reason for the garage door setback. I am concerned that the majority of the facade of this house would be garage. That's certainly not keeping in character of the surrounding properties. Any other questions or discussions? If not I would entertain a motion if there is not.

Mr. Bowsher: Emily, would you pull up the top down again? Benjamin, I may not have caught it but are you he general contractor that would be building this?

Mr. Pacheco: No, I'm the designer.

Mr. Bowsher: OK. Would it not be easier to the applicant to leave some space elsewhere? It would potentially be less of a hardship to build a structure as massive as this requires on a space that is, in our opinion, too massive for this space and doesn't meet the existing confines of the area.

Mr. Pacheco: That could potentially be a conversation with the owner. I don't know his desire to have a rental for his trailer. Would it make it any better if it was shorter in length, maybe

with the rear of the house?

Mr. Shook: I think it would still be very difficult to make the case of hardship and practical difficulty. The concern being that in a residential district, if you bring in a variance of this nature with a loose hardship then it becomes a bit of "open season" for residential districts.

Mr. Furst: Benjamin, why the standing seam metal roof when the rest of the house has shingles?

Mr. Pacheco: That's due to the pitch of the roof. It's a minimal pitch. It's not recommended to do singles with a 3-12 pitch. It's just a matter of flashing and stuff so it drains properly.

Mr. Furst: That makes sense. Also, keep in mind that the pitch of the roof, it's very clear from your elevations, the pitch of the roof is not keeping with the character of the house either. So that is something that stands out to me.

Mr. Shook: I would mention one thing and Mr. Bowsher did bring this up to me. We are looking at fixing some things in the zoning code since its passage. Things that could be drafted better or clearer or standards we might want to change. One of those standards deals with recreational equipment, such as this one. I think what we are potentially looking at is allowing recreational equipment on a residential property if it is setback so far from the right of way. We wouldn't want one parked so close up on the driveway that it potentially affects the view of traffic. One such as this that's setback as far as this may, at some point be in compliance. So that would be another way that the applicant would be able to maintain the trailer without having to ask for a variance.

Mr. Bowsher: Emily, would you mind doing the top down on the Google view? I'm just thinking that we see a lot of homeowners that have garages. Typically they don't attach it if they build another garage, they may build behind the house. Was there room if it was a much smaller garage that just holds the garage? May it could be offset back behind and just extending the driveway. Therefore, allowing that building to be on the property without needing a variance for side yard setbacks and obviously it would be behind the home itself and be putting it into compliance.

Mr. Furst: Given the trailer side, I'm skeptical that an even narrower garage wouldn't need a side yard setback. That side yard is very narrow on that side and that trailer is pretty wide.

Mr. Bowsher: I'm sorry, I must have misspoke. I didn't mean narrow but shorter length than what was proposed. Then if you're pushing that towards the rear of the property and off of the side yard, potentially it could come into compliance. I'm not saying that it would or that's something the applicant would want, I'm just giving other options. However, if I was the applicant I would hold true to what Mr. Shook said and work with the city on potentially passing some amendments to the zoning code making it easier for individuals such as himself.

Mr. Furst: Would anyone like to make a motion?

Mr. Bowsher: I guess that's what I'm getting at. Do you see how deep the lot is? He could build a garage towards the back of the property almost in the center of the property a little

shorter than he has, putting it into the back, it would be very well screened. As long as he is staying out of the flood plain. If he did that and brought the driveway back, he could really have a garage that's well screened, it wouldn't be on his side yard. It would be detached. I think one of the things we require when he went to a minor site plan is that we would look at the garage and see that it's the standards of that community. It needs to be more craftsman/Americana style, but that could be a potential solution as well.

Mr. Pacheco: The challenging part of doing it in the back is the site has a nice drop down towards the creek. He would have to do a good amount of infill to level that for the placement of the garage. That would be the only level of difficulty but it is a good option. Maybe if it wasn't so much to the front like you were saying, maybe the setback from the house would be enough.

Mr. Bowsher: Certainly as staff we would be willing to work with you to come up with something that is maybe more applicable. That's something we can do outside of this meeting.

Mr. Shook: Just to clarify procedurally. I know members of the board received my memorandum that my office sent out on May 20th. Procedurally, if the board is inclined to deny the application in its entirety the recommendation would be to reach a consensus opinion based on your discussion this evening. Then, adjourn the application for now until a written decision can be filed with the board and the board can vote on that written decision at the next meeting. That's the clearest way to do it because if there's an appeal from a variance denial to the court, the court will send it back to the board without a written decision.

Pastor Linder: Thank you for the clarification. I've been sitting here listening and I'm fairly convinced that this is not keeping with the character of that neighborhood. I would be inclined to decline this request.

Ms. Bulls: I'm in favor with Pastor Linder as well.

Mr. Furst: As far as my opinion, I'm not convinced of the hardship requirement is met here and I agree that is not keeping with the character of the surrounding development.

Mr. Shook: We shouldn't make a motion now. Based on the consensus of the members I will draft a written decision that's consistent with that consensus opinion, submit it with the agenda for the next meeting and then you can make a motion and vote on it there. Only those members who are present for discussion and deliberation are able to vote on it at the next meeting. So it can't be voted on unless Mr. Furst, Ms. Bulls, and Mr. Linder are present.

Mr. Furst: Thank you. 6:53 pm Adjourned

RESULT:

HELD

Next: 8/20/2020 6:00 PM

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator