



## MINUTES

### BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JULY 18, 2019 6:30 PM

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

#### A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Darling  
ABSENT: Furst

##### 2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – June 20, 2019

Minutes stand as approved.

##### 3. APPROVAL OF AGENDA

Agenda stands as approved.

##### 4. SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Donovan.

#### B. PUBLIC COMMENT

None

#### C. UNFINISHED BUSINESS

414 Jonell Lane; Application #2019-5204; Applicants Justine and Keshia Oliver; Special Exception Use Permit - Type A Home Child Care (Overnight)

Ms. Wheeler: This application was tabled during last month's BZBA meeting. The request is for an approval for a Type A overnight home child care business. Since last month, the applicant has submitted additional information including a Q & A responding to Board member's questions, a handout that would be provided to parents describing services provided, and the actual building plans submitted for the addition to the home completed last year. The applicants are here if the Board has any questions for them or staff.

Pastor Linder: I appreciate the effort made by the applicant to provide responses to questions from last meeting.

Ms. Darling: Per child care center rules from Job and Family Services, it states that a staff member shall remain awake and supervise children at all times. Do you have a plan as the center staff is just the two of you? If so, what is that plan?

Ms. Oliver: Keisha Oliver, 414 Jonell Lane, Reynoldsburg. Our plan is to rotate shifts. We will be open from 6:00pm until 7:00pm and rotate shifts - 6:00pm to 2:00am and 2:00am to 7:00am.

Ms. Darling: How many children will you permit?

Ms. Oliver: The approved ratio is 1 to 6 per person with a total of 12 children. But based on the square footage from ODJFS for the evening, it will be 6 children - 35 square feet per child.

Ms. Darling: Does that include infants as well?

Ms. Oliver: Yes, it does.

Mr. Donovan: I am assuming that this business is your first business. Do you expect traffic coming and going at all hours?

Mr. Oliver: I do not anticipate any problems. We are friendly with our neighbors and do not expect any issues. I would be concerned about a number of parents picking up children during the middle of the night that could disrupt the normal sleep patterns of the neighbors.

Ms. Oliver: We currently do not have a lot of visitors that come over now. We will know when the parent's shift ends and have the child prepared for pick-up.

Ms. Darling: You have spoken with all of your neighbors? Are they aware that you will be running a child care center out of your home?

Ms. Oliver: No, they are not.

Pastor Linder: Staff question. I am interested in the success of this business. Is there a way to approve this application with a six month review to determine if there have been complaints or concerns? It would give them a chance to get going.

Mr. Bowsher: You absolutely have that ability to place restrictions on an application. Council placed restrictions on a project last year allowing for a six month review of the use and any complaints. You could set incremental review periods six months, one year.

Ms. Darling: Can it be something other than six months?

Mr. Bowsher: Yes, it cannot disrupt their business like a daily check.

Mr. Furst: Did everyone receive a copy of the Section 1145.09. I wanted to make sure everyone received it for review.

1. 414 Jonell Lane; Application #2019-5204; Applicants Justin and Keshia Oliver; Special Exception Use Permit - Type a Home Child Care (Overnight)

414 Jonell Lane; Application #2019-5204; Applicants Justine and Keshia Oliver; Special Exception Use Permit - Type A Home Child Care (Overnight)

Ms. Wheeler: This application was tabled during last month's BZBA meeting. The request

is for an approval for a Type A overnight home child care business. Since last month, the applicant has submitted additional information including a Q & A responding to Board member's questions, a handout that would be provided to parents describing services provided, and the actual building plans submitted for the addition to the home completed last year. The applicants are here if the Board has any questions for them or staff.

Pastor Linder: I appreciate the effort made by the applicant to provide responses to questions from last meeting.

Ms. Darling: Per child care center rules from Job and Family Services, it states that a staff member shall remain awake and supervise children at all times. Do you have a plan as the center staff is just the two of you? If so, what is that plan?

Ms. Oliver: Keisha Oliver, 414 Jonell Lane, Reynoldsburg. Our plan is to rotate shifts. We will be open from 6:00pm until 7:00pm and rotate shifts - 6:00pm to 2:00am and 2:00am to 7:00am.

Ms. Darling: How many children will you permit?

Ms. Oliver: The approved ratio is 1 to 6 per person with a total of 12 children. But based on the square footage from ODJFS for the evening, it will be 6 children - 35 square feet per child.

Ms. Darling: Does that include infants as well?

Ms. Oliver: Yes, it does.

Mr. Donovan: I am assuming that this business is your first business. Do you expect traffic coming and going at all hours?

Mr. Oliver: I do not anticipate any problems. We are friendly with our neighbors and do not expect any issues. I would be concerned about a number of parents picking up children during the middle of the night that could disrupt the normal sleep patterns of the neighbors.

Ms. Oliver: We currently do not have a lot of visitors that come over now. We will know when the parent's shift ends and have the child prepared for pick-up.

Ms. Darling: You have spoken with all of your neighbors? Are they aware that you will be running a child care center out of your home?

Ms. Oliver: No, they are not.

Pastor Linder: Staff question. I am interested in the success of this business. Is there a way to approve this application with a six month review to determine if there have been complaints or concerns? It would give them a chance to get going.

Mr. Bowsher: You absolutely have that ability to place restrictions on an application. Council placed restrictions on a project last year allowing for a six month review of the use and any complaints. You could set incremental review periods six months, one year.

Ms. Darling: Can it be something other than six months?

Mr. Bowsher: Yes, it cannot disrupt their business like a daily check.

Mr. Donovan: Did everyone receive a copy of the Section 1145.09. I wanted to make sure everyone received it for review.

Ms. Darling: I did not get a copy in my packet.

Pastor Linder: Is it still your plan to seek another location if your business is a success and grows?

Ms. Oliver: Yes, it is.

Pastor Linder: I would like to make a motion to put a six month review on this application in order to ensure their success and deal with any issues that might arise with neighbors. It could be an issue. You would also have a better understanding of the flow of parents coming to your home, which could be an issue. There will also potentially have Saturday and Sunday pick-ups, when neighbors are anticipating the least amount of activity in the street. I am not anticipating that this will come up, but I would offer this as a stipulation.

Mr. Donovan: I thought all special exception uses had a six month review.

Ms. Wheeler: They do, but it is not a six month review of the special exception. It is more a review to determine they are operating as intended.

Mr. Bowsher: This application will go to City Council, so a review period could be set for February, 2020. Staff could write a recommendation as to how the operation should be functioning.

Pastor Linder: I make that motion and include all of the other staff recommendations including the signage.

Mr. Donovan: Second. Any other questions.

Ms. Oliver: In order to submit all of our documentation to ODJFS including fire permits, building inspections, certifications, which could take two to three months, does that impact the six month review.

Mr. Donovan: Are you thinking that will cut into your six month period?

Ms. Oliver: Yes, sir.

Mr. Bowsher: We could make that six month period begin once an occupancy permit was granted.

Mr. Donovan: Will that work for you?

Ms. Oliver: Yes, sir. Thank you.

Mr. Donovan: Make a motion that we accept Application #2019-5204 with conditions.

Pastor Linder: Second. The applicant should know that this approval is based on your neighbor's acceptance of this business. I do not anticipate any problems. If it becomes an issue, that would make a difference to me.

Mr. Donovan: I am surprised that you have not spoken to your neighbors.

Ms. Darling: That is one of my concerns also.

Mr. Oliver: The neighbor across from us just moved in a month ago. We speak with both adjacent neighbors frequently.

Mr. Donovan: You should make a point to speak to your neighbors.

Ms. Darling: People expect to be able to sleep in on the weekends and might not appreciate their children being woke up and not being able to get back to sleep.

Mr. Donovan: I have a motion and a second.

Ms. Oliver: I would like to know what concerns the Board is having. It feels like there are underlying concerns.

Mr. Rettke: The standards for approving a special exception state "the proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts." As a resident, I need to weigh the needs of the resident, who did not sign up for living next to a business including the flow of traffic becoming a burden. A locksmith business versus a landscaping business as neighbor would have two different affects. That could be a concern. I also have to look to if the use adversely affects the use of adjacent property. I think the six month review would allow for complaints from neighbors to be made know. I also appreciate your efforts to do the right thing. There are many home child care locations in Reynoldsburg, but you are asking for nights and weekends. I am concerned about the Board approving something that the neighbors would not approve. It should not be intrusive, but the concern would be a lot of drop offs at 3:00am disturbing the neighbors. We do not want to put an undue burden on a residential neighborhood. The other criteria are not as much of a concern. My concerns would be with Section 1145.09 (a) and (b) as it probably could have an adverse effect. That would be my only concern. There are many other in-home child care locations that may also

be having an impact on a residential neighborhood.

Ms. Oliver: There is one other overnight day care facility in Reynoldsburg.

Mr. Bowsher: There are a lot of different businesses and services in Home Occupation, not just child care service that do not come in and receive approvals.

Ms. Darling: I commend you for coming in the right way. I agree with Mr. Rettke that I am having concerns with sections (a) and (b).

Ms. Oliver: Would it help if we went to our neighbors and had them sign-off our child care center?

Mr. Bowsher: That is the purpose of the six month review. I would suggest, as you will have to go before City Council, that you could do that for Council. The six-month condition will also be a help with Council. The City has been burned in the past with child care facilities that has left a little "heartburn." Staff recommended approval of this application.

Mr. Rettke: Roll call please.

Ms. Wheeler: Mr. Rettke - Yes; Pastor Linder - Yes; Mr. Donovan - Yes; Ms. Darling - Abstention.

Mr. Bowsher: Three yeses and one abstention. The motion carries. We will see you September 9th at the City Council meeting. City Council is off the month of August.

Mr. Rettke: I would have responses from your neighbors regarding this business for Council.

Mr. Donovan: It would smooth a lot of feathers.

Mr. Bowsher: There are legal businesses that receive approvals that receive complaints. It is an unfair burden sometimes for people who are trying to follow the reviews.

Mr. Rettke: Council will receive a copy of these minutes. We wish you luck and not impactful of the neighborhood.

|                 |                                                 |
|-----------------|-------------------------------------------------|
| <b>RESULT:</b>  | <b>APPROVED PENDING COUNCIL REVIEW [3 TO 0]</b> |
| <b>AYES:</b>    | Rettke, Linder, Donovan                         |
| <b>ABSTAIN:</b> | Darling                                         |
| <b>ABSENT:</b>  | Furst                                           |

#### D. NEW BUSINESS

None

#### E. OTHER BUSINESS

None

F. ADJOURNMENT

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Planning and Zoning Administrator