



AGENDA

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JULY 15, 2021 6:30 PM

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

A. CALL TO ORDER

1. ROLL CALL
2. APPROVAL OF MINUTES
 1. Board of Zoning and Building Appeals – Regular Meeting – May 20, 2021
3. APPROVAL OF AGENDA
4. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. Application #2021-5305; Parcel ID 067-000086; Applicant Kareem Am; Conditional Use Permit (Sheetz)
2. Application #2021-5285; 1922 Brice Road; Applicant Elena Saldana; Non-Residential Variance (Los Portales)
3. Appeal; 6301 East Main Street (AAMCO Body Shop); Code Violation Appeal

E. OTHER BUSINESS

F. ADJOURNMENT

Reynoldsburg

OHIO • 1839

MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MAY 20, 2021 6:30 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – April 15, 2021

Minutes Stand Approverd

3. APPROVAL OF AGENDA

The applicant has withdrawn item number four for this specific variance.

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

B. PUBLIC COMMENT

No Public Comment

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. Application #2021-5130; 8300 East Main Street; Applicant Cassandra Kurtz; Non-Residential Zoning Variance

Ms. Wheeler: The first application is for eighty three hundred Main Street application number 2021-5130. The property is located within the East Main Street district. The applicant is requesting a board of zoning and building appeals approval for a zoning variance to construct a detached single family home. The property is currently held by the King County Land Bank in the east main street district does not currently list dwelling, detached single family as a permitted or conditional use, which is the reason for the variance. And with that, I believe the applicant is here this evening, though I haven't actually verified. Yes, OK.

Mr. Furst: Yes, if you'd like to come to the podium and speak.

Mr. Bowsher Please, if you're willing, please take your mask off so you can speak clearly in the microphone. Thank you.

Minutes Acceptance: Minutes of May 20, 2021 6:30 PM (APPROVAL OF MINUTES)

Ms. Kurtz: Thank you. Please forgive any errors I make in procedure. This is a new thing for me, so I'm excited to be here.

Mr. Furst: If you give your name and address for the record, please.

Ms. Kurtz: My name is Cassandra Kurts. My address is 480 West Broad Street Apartment 219, Columbus, Ohio. As you know, I live in Columbus, Ohio. My name is Cassie Kurtz, I'm a small animal veterinarian that works in Pickerington. I'm originally from Ohio, but I lived in North Carolina for about 10 years. And I've just moved back to the Columbus area here about a year ago. While, I'm in Columbus. I'm living in an apartment right now, and I'm interested in settling to the greater central Ohio area near Pickerington, ideally near work. So I started looking for some land to build a house on. I was drawn to the Licking County Land Bank because I really relate to their idea of revitalizing, reusing, rehabilitating properties that are otherwise vacant or not usable. So I started looking through some of their listings and that's how I stumbled across this property here in Reynoldsburg. I know you guys have got the documents in front of you, but I submit that the current commercial zoning of the parcel presents practical difficulty. What you can't see on this, but I know you guys have these documents is that the back half of this is a floodplain. So it's not a buildable lot just beyond the house there you can see all the floodplain zone. In the front is actually a ravine that blocks access to the parcel, except for like there's probably a 10 foot driveway, gravel driveway that you can see right there. So the parcel has half the floodplain, the back, the ravine in front. There's a lack of access to city sewer, the city sewers, four hundred and thirty feet away on the parcel to the north. And there's no way to access it with the basically with the ravine depth in the back and across the floodplain. So it would require an onsite septic system. There is city water available, but not currently hooked up again due to the ravine. The estimate I got for city water just running the line was eight to ten thousand dollars. That doesn't include the tap fee of twenty four hundred. So I say all this because we've got a very limited area of point five nine acres to start with. And when you take out the back half of floodplain, the front quarter for the ravine and you add in the setbacks and the room for the septic system and the loading zone and the parking zone, all the things you would need if you needed a commercial enterprise building there, it brings it down to about a tenth of an acre, which is about forty three hundred square feet of usable buildable room. In the picture you can see there's a house. That house is no longer present, actually burned down in twenty eighteen and the zoning reverted to its commercial East Main Street zoning at that time. So I proposed putting a single family dwelling right there at the same spot because that's about the only spot you could put it and still have it, you know, be where it needs to be appropriate with residential zoning. So I submit that the allowed uses for this are things like hotel, hospital, shopping center, resort, among others. And it's not really practical or feasible to put any of those on this piece of property. So it would, however, be appropriate for the small, single family detached home, and it would be with the Licking land bank in reclaiming and utilizing and rehabilitating land that otherwise vacant and unused and a burden on the city. Thank you very much. Any

questions?

Mr. Furst: Board, does anyone have any questions for the applicant? Ms. Kurtz, I have some questions and comments. First of all, I'm kind of sympathetic to your use case here, and I think that rendering that you submitted for the home is very attractive. One of the items that we have to consider is whether this would confer special privilege. And we don't allow single family homes in this district. So can you tell me how allowing a single family home here and now I realize that there was one there, but we do not allow it under the current zoning? How that would not confer, you know, a special privilege to you.

Ms. Kurtz: Sure. So. I see the land being useful, being a benefit to the city. The special privileged part. Could this house be built elsewhere? Yes, it sure could. I don't see a way to put what is supposed to be there, so I think this is the second best solution. Is where I'm at, you know. Yes, it is a little bit special in the sense that there aren't any other houses there. And, you know, I'm not pretending that's not true. I just don't see another thing to do with it that would be practical and usable and, you know, make the city better.

Mr. Furst: Well, and also to one of the items that we have to consider is that the East Main district is meant to kind of facilitate a mix of uses, a lot of that commercial, some of that residential and things like that. Do you think that if we were to put a single family home here and you know, what is otherwise vacant parcels on either side, what impact do you think that would have if a commercial developer wanted to come along? For instance, wouldn't it be easier for them to buy the three parcels and put a commercial zone on their geography notwithstanding?

Ms. Kurtz: I don't think so, because the floodplain that takes out the back half of my parcel of the parcel we're looking at for usability also takes out the access to the road for the parcel to the north of it. It takes out that part of the flag lot and also takes up part of the parcel on the east side as well. So since Driveway's and thruways are not allowed to be built through floodplains, I don't think that commercial development would be possible on any of the surrounding parcels or that parcel.

Mr. Furst: So you don't think even something that frontage Main Street, that was a relatively shallow type of commercial development or really any other type of development would be suitable?

Ms. Kurtz: right now with the ravine it actually spans across that property and the one to the east, it's about a probably 15 feet deep or so. I mean, it's just I think a lot of places would look at that and say, you know what, there's easier places to be commercial there. You can see it kind of fall off in the picture.

Mr. Furst: Now, one of the other items that we have to consider is whether or not there's other remedies available to achieve this end here that you're seeking. You know, I know that you've given quite some consideration to other uses on this

property. Did you consider other mechanisms are available in this code, such as a rezoning application? Because this does kind of walk that line where you're asking us to allow a use that's not specifically granted in the code on one specific piece of property.

Ms. Kurtz: Right, right. And I can definitely appreciate that. I did consider a rezoning. By the time I found out that that was a possibility, I was actually already, you know, through this application process and paid. So I decided to go this direction first. I also understand that, generally speaking, the rezoning is not typically done in a spot fashion, so to take one little piece of a parcel that's .59 acres and to rezone just that and have everything else around it be the same, zoning was not typically something that was done. So I went ahead and proceeded with this application.

Mr. Furst: That is fair. You know, one of the items also to consider when the variances, are there particular characteristics about this parcel here that exist that make it unique? And some of the items that you've described seem like they exist on the neighboring parcels as well. So are you able to speak more about this specific parcel or what more makes it unique compared to the contiguous parcels?

Ms. Kurtz: This parcel has more flood plain than the other two parcels do, the other parcels you kind of knock off access because of the flood plain goes across them, but the other parcels are not covered 50 percent by flood plain like this parcel is.

Mr. Furst: Do you know off the top of your head, what percentage of the other parcel is?

Ms. Kurtz: I don't know if the map comes back up, we might be able to estimate it a little bit more. But I did not specifically look that up.

Mr. Furst: Other members of the board, I mean, certainly I've been monopolizing the floor here. Do you have any questions or comments? Are there any members of the public who would like to speak on this item that I'm not otherwise aware of? Take that as a no. Well, thank you, Miss Kurtz. You know, if there's the appetite for a motion certainly entertained that otherwise.

Mr. Shook: Really, the options would be that are available to you would be want a motion to approve, two a motion to approve with conditions, three a motion to deny or for a motion to table it until the next meeting. Just a point of clarification, because there are only three members present for this meeting, you do have a quorum, but our code requires three affirmative votes to approve any application.

Unknown: (Resident from audience was not at microphone talking).

Mr. Bowsher So this application is for the variance, for this specific use, this applicant would come back to gain an administrative approval for a minor side plan for the actual house and then would have to go through the building department

drawings and the approval process through that. Also all administrative through city hall. Ms. Kurtz, I did have one question, if I may, has any consideration been given to the potential of, you know, obviously living there is one thing pulling out into traffic. Certainly East Main Street is there. There's not a necessarily wide right away and approaches onto that. There's obviously a lot of shrubs and trees. Have you given any thought to the safety conditions of being able to pull out on such a busy street, especially if you were to try to make a left turn to go eastbound on the main street?

Ms. Kurtz: Mm hmm. Yeah, and I've been, you know, to the parcel several times. And visibility is not great, making a left turn for sure. You know, thankfully, my work in my direction would be right turning. And there actually is you can see the median there, the grass median. So if you're trying to come from the west and you're going to make that left turn into the driveway, you actually have that median there to stop and pause and wait and just cross across the street.

Pastor Linder: With that in mind. Have you already got in your in your plans with that landscaping will look like?

Ms. Kurtz: I do not, to be honest with you. This was once I am in a contingent contract with the Licking land bank for the property pending approval that. When I got into the contract, they said it was zoned residential and surprise. Here we are. I'm sorry.

Pastor Linder: The question is, would you expect the frontage of that area to look the same once you are living there? Or would you plan a lot of changes to either increase visibility or, you know, is there any plans you have as it relates to how that that landscaping and frontage along the road would look?

Ms. Kurtz: It would probably be very similar just because there's the ravine there and there are lots of big trees growing up inside the ravine that are blocking it. So short of really, you know, knocking out and just leveling it, I think it would be hard to change it in a big way.

Pastor Linder: Thank you. And then another question, if it's appropriate for staff, the applicant made some statements about her opinion regarding other uses and how viable they would be as appropriate for staff to make a statement. I was looking through the staff report and I'm honestly maybe I'm just not seeing it as clearly. I guess if it's appropriate to ask, can you concur with her assessment?

Mr. Bowsher So taking a look at the past of itself and obviously the floodplain and understanding that we're not even showing the elevation here on this one, she is correct in the assumption that the only area that you could build is pretty much where the house is. You know, I think there are some uses that you could potentially put on there. The problem would be that there would be probably a variety of variances that would need to be given for that to be able to be built based on setback requirements that you couldn't fit because of the ditch. You certainly

couldn't, you know, even if you were to put a small shop or something there, I don't know if you would have the land to be able to adequately park it. It certainly would require if somebody were to do something much different than this with this land, you would definitely need to combine it with the parcel to the east, which is drastically overpriced and very unusable land as well.

Pastor Linder: If Mr. Vice Chairman, if you would entertain at this point, I will make a motion that we approve the variance that she's requested

Mr. Furst: There's motion on the floor. Is there a second?

Ms. Barnhart: I Second.

Mr. Furst: OK, we have a first and second. Ms. Wheeler, would you please call the roll?

Ms. Wheeler: Ms. Barnhart. No. Mr. Furst. No. Pastor Linder. Yes.

Mr. Furst: I do regret that we had to, you know, come to this conclusion here, like I said, I am sympathetic to this and I wish you success in finding a property to build a home.

Ms. Kurtz: Thank you very much. Thank you for your time.

RESULT:	DEFEATED [1 TO 2]
AYES:	Linder
NAYS:	Furst, Barnhart
ABSENT:	Rettke, Bulls

2. Application #2021-5062; 7961 Oak Valley Road; Applicant Luke Blazek; Residential Variance

Ms. Wheeler: Thank you, Mr. Furst. The second application this evening, application 2021-5062 the property is located at 7961 Oak Valley Road. This is within the suburban residential zone. The lot is currently vacant. The applicant is requesting BZBA approval for a residential zoning variance to subdivide an existing one point six eight acre parcel into six lots. The intent is for the lots to be developed with detached single family homes. These suburban residential zone requires a minimum lot frontage of fifty feet. We don't permit flag lots in this zoning district, and the applicant has proposed three parcels with frontage less than fifty feet as well as one of the parcels proposes a lot width less than fifty feet. We do require a minimum width of 50 feet as well. I believe the applicant is here as well for this application.

Mr. Furst: If you could state your name and address for the record, please.

Mr. Blazek: My name is Luke Blazek, I live in Westerville. The property, as I understand it, is flex zoning. Either commercial or part of that. They call East Main

Street.

Mr. Furst: According to my understanding, that's not correct.

Mr. Blazek: No?

Mr. Furst: No, it is suburban residential.

Mr. Blazek: I didn't know, I thought it was part commercial and part residential.

Mr. Bowsher It actually splits the parcels.

Mr. Furst: Oh, is it OK?

Mr. Bowsher Yeah, it was on the last map as well and it kind of splits in half. Partial to East Main Street District and suburban residential.

Mr. Blazek: So my understanding what was drawn for this before was a group of what looked like business condos and things of that nature that was laid out for this property. The gentleman who owned it died. So at this point, I was looking at it from the standpoint of where it sits in regards to the rest of the residential land that's there, although commercial things can be done, there's several reasons to keep it residential. And do lot sizes that are, you know, larger but appropriate to that. Plenty of sewer there, plenty of water. That seems to be about the best use. So that's pretty much what I thought about it for the neighborhood.

Mr. Furst: Members of the board, do you have any comments or questions? For the applicants specifically, I should clarify, there will be a period of public comment for this application.

Mr. Blazek: What was said, I'm sorry?

Mr. Furst: I was clarifying that the questions are for you specifically, that there will be a period of public comment here.

Mr. Bowsher Sir, Mr. Blazek, is that correct?

Mr. Blazek: yes, close enough.

Mr. Bowsher I apologize for butchering that. Has there been any thought to lowering the amount of homes on this given parcel and has further thought been given to instead of having several different curb cuts onto Oak Valley, which can be extremely unsightly, especially given that there's curb and gutter there, that you would combine one curb cut with combined access off of Oak Valley with shared driveway space and easements?

Mr. Blazek: Oh, yeah, that would work just as well with a combined curb cut. That's not a problem at all. In fact, one of the reasons for the lots to be kind of like that is that they already; those lots that would share, that access already exceed the pretty much the average size of that, which is neighborhood. So the back side of the property would be very nice for the properties. But you're right, I guess the single access would be better than that. It seems appropriate, if that would work, that would be fine. I think the homeowners would be fine with it and I can create an agreement for that.

Mr. Furst: There's a number of estate style lots here on Oak Valley as well. Personally, if I was going to buy a home here, given that most of the property's front the road do not sit significantly far back and everything like that, I realize it would create a significantly larger lot, but I see that as a value add. You know, if you thought about maybe just building three or four homes that front Oak Valley and maybe one of the one of them having a larger property?

Mr. Blazek: Actually the property sitting back off the road become actually more attractive as they show there than having frontage. Frontages only because the cost to build so it costs more to run and drive and to take everything back into a bigger lot. If you had your choice, I'm sure you'd pick the one in the middle or the other two on the right based on this picture, then you would the three on the left. So, I mean, it's just pretty much what I would do. It sets back nice. I don't think, if anything, I think you know, they fit right into the neighborhood. And that's what I thought about because I believe I don't know what percentage or however it worked when I talked before, that this property as a whole had flex zoning. My personal feeling is it would be economically or beneficial to create certain commercial property on this, which, like I said, part of this is commercial, but for the neighborhood it would be better and that's why I felt we could do that instead of turning it into a higher amount of traffic and things of that nature that would come to this. So, you know, I don't remember how it worked, but somehow they called the whole partial flex zoning, does that make sense?

Ms. Wheeler: Well, I think what happened. I'll pull over the auditor's site, I believe what happened is that at some point there was a lot split. The green lines kind of show the old parcel's so there originally was no frontage on Oak Valley whatsoever for this entire parcel. I believe what happened is probably the lot was split and the zoning was not changed. So essentially, you have this parcel here being zoned East Main Street district and then this parcel here being zoned suburban residential.

Mr. Blazek: Yeah, I'm not sure and you say that's kind of the part to the West is the commercial and the part of the east was the residential? UI don't quite remember exactly where that line is.

Mr. Bowsher That was the green line that was shown on that.

Mr. Blazek: Yeah, because what I understand a family owned all of it and started

splitting things up.

Mr. Bowsher The last I knew the family we're talking about maybe two office buildings there, one story medical office buildings, I believe. The issue is, is when they brought that to, predates even me here. There were some issues with the sewer. Are you aware that there's a sewer easement that runs through the middle of the property, up to the north? Out to the east?

Mr. Blazek: Oh, yeah. I'm aware of the sewer main that runs right down the middle of that property.

Mr. Bowsher But that's not going to affect the parcels that you're creating or the homes?

Mr. Blazek: Not at all. They've been worked so that it benefits all of them, but it's not in any of the areas where they need to build. So there is one other issue that was left over from a long time ago, it's a lateral that comes from the sewer that runs across parallel to Main Street, and it comes down to that house, which obviously was done by family, which I basically have a written agreement to take that off there and give them a tap down by the street to take care of that. And I would even pay for that.

Mr. Bowsher Which property?

Mr. Blazek: The one that's right there to the south.

Mr. Bowsher 8935?

Mr. Blazek: Yeah. That was the house was moved years ago and became, I guess the funeral home of some kind.

Mr. Bowsher Well, there's a funeral home to the north, 8912.

Mr. Blazek: I'm sorry. Yeah, maybe I got my directions wrong the one that sits there that seems to have a garage that bleeds into the parcel below it, you see that?

Mr. Bowsher OK that is the property of the South. I'm not familiar with a commercial business being ran out of there, though.

Mr. Blazek: That's not a commercial. There was at a time, but been changed to residents, but there's still a sewer lateral that comes from the north. Then and basically I've written up something that says am I allowed to, but I can change it. And they want it anyway to take and go to a tap that's already available down there by at Oak Valley to get rid of that piece which is running across there. I'm giving them an easement.

Mr. Bowsher So you've coordinated with the property owner to your south that

would have six new residences that abut to its property.

Mr. Blazek: I coordinated with them. They would like me to buy that property from them. They were talking about selling it. I don't know, I haven't thought much further about that.

Mr. Bowsher And what were their thoughts on homes being built next to them in this current state.

Mr. Blazek: Yeah, they don't mind at all.

Mr. Furst: Mr. Blazek, one of the items that we have to consider is, is that does a strict application, and this is one of the requirements to grant your variance in a strict application of the code would provide a hardship to you. Can you speak to that about what hardship exists here?

Mr. Blazek: There's not a hardship to me. There'll be less of a hardship. If I do the commercial showing that I can do there. It'll be more economically feasible and things nature just I don't know that it fits with; would be as nice for the neighbors. To run traffic in and out of there. One of the things that's taking part of it and putting storage facilities on the commercial part or other types of product, which I just think, you know, I do different types of things land wise. And I see, you know, if I was my neighborhood, I wouldn't necessarily want that.

Mr. Bowsher I'll just be real quickly if it were to be taking a look at his commercial property. It's not a permitted or a conditional use for warehousing type in that district.

Mr. Blazek: Ok, but it could be other retail.

Mr. Bowsher Potentially.

Mr. Blazek: I mean, I was just talking about the kind of traffic and things of that nature that could come to Oak Valley there. I thought it was probably better.

Mr. Furst: Mr. Shook.

Mr. Shook: Yes, I think it would be helpful to hear to clarify the variance request, if we're looking at the application, it indicates that the applicant is seeking a variance for road frontage, for single family residential. If this is zoned East Main Street District, or at least the part that is fronting Oak Valley, there is no minimum road frontage for that district. However, obviously, as we've already discussed this evening, suburban residential is not a permitted use in that district. So what we're really looking at and just for clarification, is a use variance request, is that correct?

Mr. Blazek: Yeah, I guess you guys define it. But the thing is, so we're talking about something that is in a commercial district. But seeking to use it for residential, but

you tell me just looking at the lots and everything else. Whatever you want to call you, but whatever the point is, it just seems.

Mr. Shook: Mr. Blazek, you recognize that the application you submitted is seeking a variance related to road frontage, not an application seeking a use variance.

Mr. Blazek: The reason I did it as I asked for guidance for the city as to what it should have been asking for. OK, otherwise. Then the thing about there's something about a lot width and I guess I didn't understand whether that lot width is right. The road that would make a frontage, but as a lot opens up and is.

Mr. Bowsher It's not a lot width it's lot frontage.

Mr. Furst: Ms. Wheeler, could you bring up that plat map again, the proposed. So I think, Mr. Shook, the lot frontage concern for this single family or excuse me, suburban residential portion of it concerns those three parcels, the flag about parcels that at least one of them.

Mr. Shook: It would probably be helpful to see this laid over what the zoning map looks like. It's unusual that the zoning map would split a parcel into two districts.

Mr. Furst: Was this recently multiple parcels that were combined?

Mr. Blazek: No, a parcel that had, like you say, that line somewhere in there, in fact, there was a mistake, and so I had to pay for the zone. I had to pay for the whole survey because it wasn't even really didn't really have all the exact things surveyed. What was left over a family name, Bates or something like that?

Mr. Bowsher I think what had happened was, is that because of the two lots before it was zoned CC and R3, so when it got transitioned over into the new code, it stayed as commercial and suburban residential, the new versions of either of those within that confines of the district. The way that Emily and I took a look at it was that we were going to; and then we saw what this was and that we were going to take it by a case by case basis. Obviously, taking a look at this, it clearly only has frontage off of Oak Valley. It should have been all zoned suburban residential the way that it is. This application meets the intent of what we were looking for. Therefore, I think that's why Ms. Wheeler had asked for the frontage. Only two of those parcels meet the condition of that at 50 feet of the frontage. So but what Mr. Shook had brought up makes a good point. And so it's really almost it's really almost two. You've got a variance for the lot frontage for three parcels and a variance because really the western half of the parcel is East Main Street.

Mr. Furst: I don't see and all of these other considerations aside, I don't see a path forward for granting a variance where there is a lack of hardship.

Mr. Blazek: It's not about hardship.

Mr. Furst: That's required for us to grant a variance. So if you don't feel that there's evidence of a hardship, you can withdraw the application.

Mr. Blazek: No, I see it as a hardship for that parcel to be utilized with the zoning that it has in the way in which it is and the like you say, the actual rules, that's the hardship about it. It's a situation that basically kind of has a little bit of an impact unless we start drawing up and dividing property up according to its actual zoning.

Mr. Furst: Given that you also see value in having the flag lots, and even if you were to combine those into some sort of shared driveway, you are asking for pretty particular requirements as far as the frontage is concerned. Can you talk about how that would not confer a special privilege to you?

Mr. Blazek: Well, we're still going back to the point that is a special privilege of in that zoning requirement. We have no frontage requirement. But you're saying you'd rather see it something other than residential?

Mr. Furst: Well, there is in a portion of it. There is a frontage requirement.

Mr. Blazek: Not on the one zoning district.

Mr. Furst: Correct?

Mr. Blazek: OK, so if, in fact, you're saying that in my understanding, the commercial part is the part that really needs the help to stay residential, am I wrong?

Mr. Furst: I think that's a value judgment.

Mr. Shook: Just a point of clarification here and kind of cut through everything else, the application that's been presented here is incomplete. It does not ask for the variances that you would need in order to construct what you're proposing. You would need not only the frontage variance in the SR portion of your parcel, you would need a use variance in the EMD portion of your parcel. And so the cutting through everything else, the application is not sufficient to go forward. You could just presenting the option, withdraw your application and resubmit, requesting the variances that you are asking for.

Mr. Blazek: OK.

Mr. Bowsher: I would probably also add that when you do resubmit, probably fix the three parcels to the east is what we have talked about is sort of that shared drive. I feel like that's a much more useful space use of that land over there as well. So, you know, it doesn't necessarily need to be a denial. This evening, you could just requisition currently right now after I'm done speaking and you could resubmit to us and you could be on the next meeting next month.

Mr. Blazek: Oh sure and I just asked for help. And the thing is, someone else did the drawing for the split's Mr. Bowler from I think DKE.

Ms. Barnhart: I would like to add, you know, if we're looking at treating this all as suburban residential, that there would be the 50 foot frontage on each of those lots so that that one proposed lot, that's the most west where we only had thirty five feet. You know, it would be nice if

Mr. Blazek: No, the one that's not thirty five. It's more than 50. That's just part of the art. So you're only talking about the other three. The other question is, so I should basically combine the common access drive and I'm looking for conditional or change of use.

Mr. Shook: You'd be looking for a use variance, however, the preferred process and this came up with the last applicant is just to apply for a zoning change and have the entire parcel zoned suburban residential. And then you can come back at that point.

Mr. Blazek: Well I would only do it subject to your approval. Because I'm not going to get the zoning change and then you tell me no. So could that be done as a combined request?

Mr. Shook: if you get the zoning changed in suburban residential, single family, residential as a permitted use. So you don't need a variance.

Mr. Blazek: It has the frontage requirements.

Mr. Shook: Yeah. In the parcels where you still need the frontage variance, you would still need that there, but you wouldn't need it on the proposed parcels that have more than 50 feet of frontage.

Mr. Blazek: But I believe they're already zoned and already have that availability.

Mr. Shook: They don't though, because single family residential is not a permitted or a conditional use where those three parcels are located.

Mr. Blazek: The ones on the left?

Mr. Shook: Correct?

Mr. Blazek: None of them?

Mr. Shook: No.

Mr. Blazek: She told me that part of the land was suburban residents.

Mr. Bowsher Yes, the ones to the east, the three parcels to the east, the ones that need the variance.

Mr. Blazek: Oh, the ones to the east are the ones to the west are the commercial.

Mr. Bowsher Yes.

Mr. Blazek: OK, and I have another question for you. The access that goes to the funeral home on State Street is their private road or is that public?

Mr. Bowsher I'm not familiar with what you're talking about.

Mr. Blazek: And you go back to the. Yeah, that one there is at a private driveway. To the west, to the west.

Mr. Bowsher For the funeral home. Yeah, I mean, it's their property, it's private.

Mr. Blazek: So that's the commercial access.

Mr. Bowsher Since there was comments submitted. Vice Chairman Furst, would you mind reading us? I think there was two that had come in over this application to get those on the record while we still have the public meeting.

Mr. Furst: Oh, yes, certainly. Mr. Blazek, if you don't mind, I'll give you the floor again after the public speaks.

Mr. Blazek: Sure.

Mr. Furst: If you if you want to make any other comments. So we have Sergio Cardenas as you would. My apologies if I butchered your name.

Mr. Cardenas: Yeah, thank you. My name is Sergio Cardenas, I live at Oak Valley Road in 7921, so very close to the property. First of all, I wanted to express my satisfaction that there is intention to make it residential. Also, you know, the use is clearly there. The other commercial properties are all very close, but they have access directly to Main Street, including the funeral home that has that driveway there. They use it very rarely. And we understand this because sometimes there are large funerals and this is a good neighbor in a way. It's very quiet, very good. So I want to speak real quick that I feel like the council is doing the right thing about the concern about so many little portions of the parcel. If it is possible to reduce the number from six to, let's say, five or four, that would be I think the whole neighbors will have the same sentiment that I have I don't know, I can speak for others, but it would be more kind of; if you look at the size of the lot and how we different are instead of all crammed together in such a way. Other than that, I just wanted to have this chance to speak and I feel like everything is going the right way. Thank you very much.

Mr. Furst: Thank you. Kevin Hodnett.

Mr. Hodnett: Oh, first off, Mr. Blazek, I'm glad it's you and not Mr. Bates. I have been a resident of Reynoldsburg since 1993. I moved in to the Reynoldsburg area. Then the current house I have is at 7940 Oak Valley Road. I moved there in 2001. I have been at odds with Mr. Bates over the years. I've been involved with and put the petitions and everything together, went out and got all the work done, the legwork to try to put a stop to the development, the commercial development of those properties. The specific residential zone property Mr. Bates wanted to make it all commercial, at one time. City Council was gracious enough to put a stop to that zoning board, put a stop to it, and we have kept it the way it is. The commercial piece of property that sits on the west end of that. We tried to get Mr. Bates to donate that property, to make a park out of it for the families. He said it was worth too much money, completely and totally refused. He's a little money hungry. So my statement here tonight is that whatever council decides to do, this area, both commercial and residential, needs to stay in the residential neighborhood. The specific piece of property on the west side was connected to the funeral home property, had main street frontage. I hate to talk bad about people, but Mr. Bates was very stingy, wanted to get every dime that he could out of somebody. The funeral home bought only a portion of that. They had an easement, put the driveway into Oak Valley. I was accepting of that because the funeral home, all it is, is a little bit of overflow traffic and everything coming out of there. The second time we got together, Mr. Bates wanted to commercialize that whole piece of property and we fought him tooth and toenail on that one. And City Council agreed, zoning board agreed that we could not control if it went all commercial, we could not control what went in there. City council was very, very strong about what was going to go in there. He said some medical officers, some professional officers. Every bit of that traffic was going to fall back on Oak Valley. They did a traffic study, I work for the Department of Transportation, I took the traffic study, reviewed it, it was horrible. It was skewed for their benefit. We blew holes all in it. And that's, you know. It was just going to throw too much traffic onto Oak Valley. I am concerned at this point now, if this is rezoned to a commercial use, the office buildings and everything that's going there do not drop off on Main Street. Every bit of that traffic is going to come back on Oak Valley. So as far as the access point to the funeral home, that's going to be a hard no, because Mr. Bates tried to do that when he developed that at the funeral home, said no. So I am really, really concerned about what we're doing here. I mean, I live just around the corner. We have enough traffic flow through from Main Street to Palmer and down to 256, especially when things are blocked back up. If there's an accident or anything, we've got tractors and trailers that come through our neighborhood. I don't want to take your side of it, but I'm going to kind of back Mr. Blazek up on this thing. If you will build residential housing out there I'll kind of buyoff on it because it is a residential neighborhood in that area, it backs up the main street with no main street access to that piece of property. It needs to be changed to residential property and the whole thing be developed in single family housing. I said single family housing. Don't want an apartment complex going into that area. I thank

you for your time.

Mr. Furst: Mr. Blazek, if you want to come back and let us know how you'd like to proceed with this application, I'd appreciate it.

Mr. Blazek: Well, like I said, I won't go for rezoning of commercial unless I can do what I think is right there. Frankly, it's not my hardship to take a commercial piece of property right there that could be commercial. The other one is residential. I'd rather see it for the neighborhood, but at the same time, I did what I thought was best for the impact of everything, and I will change the access or whatever to it. But I don't think. There's a reason for someone to change for what will be probably the best permanent thing there is to. If I'm not misunderstanding, there's a lot of uses commercially that that west side of that property could be used for. I prefer not to see it that way, I want to know if I go and do what I'm going to do like that, that I know that I have an ability for it to be either all done or none. That's what I need to know and I need to know how. I don't know who I should talk to. I'm happy to do it.

Mr. Furst: Sure. So do I understand you'd like to withdraw this particular application and then resubmitted at a later date working with the city administration to find the proper path forward?

Mr. Blazek: Like you said, the application, I guess, as I understand it written doesn't work. It's inappropriate.

Mr. Bowsher Correct.

Mr. Blazek: For what I'm trying to do, it's inappropriate. It's just an attempt I will give you this much. I built over one hundred homes. And I do understand also, as he said, I saw this. I know what could be built on that piece of property as far as multifamily. And there isn't probably anything anybody could really stop for that part of it. I live in neighborhoods, I built neighborhoods, and no single families live there. That's what I think I'd want for my property. That's all I did. OK, but at the same time, I don't think that you guys should have a hardship or I should give you a special treatment by taking, you know, three properties that I bet anybody that neighborhood or even where I live in. If I could get back off the road and have something widens up like that, I'd take that lot first. The weakest lots are going to be the ones right there, but they're not going to add any more, this laying per square foot as a lot isn't going to add any more traffic to the other houses in the neighborhood just by their nature and that's what I thought. So. If I can find a clear pathway to doing that, then we'll take the soul out of the commercial altogether. OK, OK, so I'm going to need some help because I don't know how to do it.

Mr. Bowsher You can contact our offices, you know, next week. If you can make your formal request that you'll be withdrawing this on the record that would be appreciated.

Mr. Blazek: Sure, how do I do that?

Mr. Furst: Just say that to.

Mr. Blazek: I withdraw it.

Mr. Furst: Thank you. OK, thank.

RESULT:	WITHDRAWN
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3. Application #2021-5191; 0 East Main Street; Applicant Homewood Corporation - Jim Lipnos; Conditional Use (Main Street Apartments)

Ms. Wheeler: Thank you, Mr. Furst. This application is for a conditional use number 2021-5190. The property is located on two parcels. These are on East Main Street. There's no certified address at this point. These are within the east main Street district. The applicant is requesting board of zoning and building appeals approval of the conditional use for the construction of a multiunit apartment complex. One hundred eighty dwelling units on approximately 10.66 acres. The site is currently vacant. Then the site plan does also include a planned office building on the remaining four acres. Dwelling multiunit building complex is listed as a conditional use in the East Main Street district. The request is strictly for the multiunit residential component of the project. Office uses are permitted use in the East Main Street district, and with that I think the applicant is here.

Mr. Furst: If you could please state your name and address for the record, please.

Mr. Lipnos: Yes, thank you, James Lipnos, Homewood Corporation 2700 East Dublin Granville Road. If I have a PowerPoint presentation or some slides that I wanted to put up would I give you the slides?

Mr. Bowsher Yeah. Yeah. Just give us the thumb drive and well put it up.

Mr. Lipnos: OK, thank you. OK, as mentioned, the site is located on East Main Street in the East Main Street Insight district. It consists of two parcels, one in Licking County and one in Franklin County. They are currently zoned, as I said, in the Main Street district. The current zoning allows for a multiple uses, including cultural shopping plazas, commercial retail. It does permit multiuse residential as a conditional use permit. So tonight, we're here to talk about the conditional use permit for the multifamily. The site plan approval process will go through the planning commission at a later date if the conditional use permit is granted. The site plan, I just want to run through the site plan to kind of demonstrate that the site plan will comply with all the zoning. Site plan requirements for the zoning. We're not asking for any variances, when we first submitted, we did submit for a variance for a revised set back. We've withdrawn that part of the application. So we're just here strictly for conditional use permit to allow the multifamily residential. Fast forward three slides, I think. OK, so this slide right here, this is out of your code talking about building

typologies that are allowed in the East Main Street district, if you see on the right hand side, those are multifamily apartments pulled up along the front of the road, just as we're proposing on this property. And the next slide shows another example also from your code there in the top right. That is just directly from your code. So what we're proposing, I'm going to show it later on in our slide deck to show what we're proposing as the multifamily residential. The lot coverage and density required by the site plan. We meet those requirements. We have 30 percent open space. You can fast forward one slide. I'm sorry. I just kind of wanted to run through what the requirements were for the site plan and what we are meeting as far as the site plan requirements go. So we have the open space of 30 percent. The next slide, please. This is the overall site plan you'll see on the east side of the property. I'm sorry, the west side of the property is what is being retained as a commercial outparcel. That's about four acres of land. The remaining 10 acres is being proposed for the conditional use of the multifamily. Consistent with the typology that was shown in the previous sections. We've got the units pulled up along the road to keep the road frontage consistent kind of commercial corridor look. We've got the units also in the back try to leave as much buffer as we could between the properties to the north and obviously we've got road roads between us and the properties to the east and to the west. There would be cross access between both roads. There's no direct access onto East Main Street other than through those two side streets. Also on this page, you'll also see our public improvement kind of circulation. You'll see in the purple is highlighted our existing sidewalks, what's highlighted in, I guess, red and something dashed. Those are sidewalks that well do external to the site. And then the blue sidewalks are internal to the site. You can go to the next slide. Buffering and landscaping, street trees, the street tree frontage along East Main Street would continue that, as you see shown here, meet the street trees and then a buffer location along the rear lot line between that and the existing multifamily and single family to the north. We would also propose to put a fence along there, too, for buffering. So the permitted density, I believe, goes up to twenty four acres or I'm sorry, twenty four units per acre, we're proposing ten point six, six units per acre. Yeah, there it is 16.9, so we're below the required or the maximum density. Next slide just shows again, I kind of went through the public circulation, but also looking at public transportation, there are three bus stops located in the immediate vicinity, sidewalks connecting all of those. And then we also have a clubhouse and a pool that we'd be proposing with bike racks. The next slide is kind of where we're going to go into the architecture. So this is the architecture we were proposing. I know a different slide was kind of submitted with; the units are the same. They've got different skins on them, different color schemes and materials. The materials we're proposing here are brick boarding and baton siding, hardy plank and vinyl siding. And this is a color scheme that we have built before and we're proposing to build the same style of units here. I would think that these are substantially compliance with what was shown in the zoning code is as your typical typologies. The conditions for the conditional use permit are listed here. I believe that Andrew even answered these questions in the staff report, we have met every requirement to allow for the conditional use permit. I think we blend in with the neighborhood very well. I don't think it's a burden on the adjacent neighbors to the east, west or north and to the

south is the cemetery. So I can go through these one by one or I'm open for questions.

Mr. Furst: Any members of the board have questions or comments for the applicant?

Ms. Barnhart: Why wasn't more of this property considered for other uses other than the residential?

Mr. Lipnos: Why wasn't it? So we're trying to; what's called for is mixed use development and we're trying to find a good balance between commercial and residential. The four acres, we are currently talking with a medical use office building. However, the demand at this point is, you know, maybe not high enough to get the full use of commercial. As mentioned in your code, the residential is a conditional use. So it's allowed and actually encouraged by your code to do mixed use. So we're proposing mixed use is consistent with your code.

Ms. Barnhart: Also, with regards to the parking that you've laid out here. Why so much parking?

Mr. Lipnos: OK, so we were asked that question by staff as well. So historically we built single family and multifamily residential family across Central Ohio. It's been our experience that the parking requirements are. Even if it's required, it made a minimum of like one point six or one point eight per dwelling unit. We're finding that more people have cars and we try to get about two units per acre, just under or two parking spaces per unit, as far as parking. I understand the need for pedestrian movement. The problem with this site is you really are this is your home base. This is where people live. So we are proposing just about two parking spaces per unit. We also have a clubhouse. We expect people to be pedestrians internal to the site. But if you zoomed out and looked at the overall map, there's other than walking down the bike path to the park down to the west a little bit, the general amenities that you would need to easily walk to grocery stores and that kind of stuff are a little bit further away than you would be able to easily manage. So we understand that this is going to be a home base and then people can do public transportation and use the sidewalks to move elsewhere from it. But again, this is home base and we don't want people kind of parking outside of parking areas and taking up where they're not supposed to be parking. Just historically, we've generally found that your parking code of one spot per unit, plus one for every five is woefully under parked.

Ms. Barnhart: OK, thank you.

Mr. Furst: Pastor Linder?

Pastor Linder: Thank you. What would you project as a timeline from start to finish, including the commercial component?

Mr. Lipnos: So the construction process of the multifamily part would probably be from start to finish, probably just less than two years. Depending how quickly we got the permitting back. By that I mean the engineering permits, site plan development permits and the building permits. As far as the commercial park portion goes. We would like to have that under contract as soon as possible. We are already looking and working with people on that. So I couldn't actually list their timeline because I think the architecture of that kind of takes a little bit longer than what we would do on site plan development and architectural building permits for the multifamily. So I can't speak to their timeline, but I know the end user that we're speaking with now is anxious to move forward as soon as possible. There is a need for them to be in this section of town.

Mr. Bowsher Speaking of staff, I would echo that sentiment. We are in negotiation with a major medical provider that is looking at this space as its top space here in the city. It would be a very attractive use and a large income tax base to the city.

Mr. Lipnos: So to echo that as well, our original submittal in discussions did not include a commercial component of this of this magnitude. It was because that mutual connections that we've incorporated them into our site plan. I think just by running the numbers on this, I mean, we're looking at an additional the projects probably about 24 million dollars, just the multifamily residential portion, not including the commercial.

Pastor Linder: And then additionally, the commercial parking, all of that, is your projection related to that space? Do you anticipate overflow from, which there seems to be sufficient parking, to say the least?

Mr. Lipnos: There is sufficient parking on the multifamily side. The parcel with the commercial, that site plan is conceptual. So when that medical end user does come in, they would have their own site plan review, not through this board, but I think through the planning commission. But that demonstrates the 5.5 per one thousand square feet of office space. That's a typical building parking code. It may or may not align with the Reynoldsburg code, but again, it's conceptual. We just want to demonstrate for marketing purposes that we can meet the five point five for one thousand square feet of office space.

Pastor Linder: Thank you. If I could just two more really basic. Actually, everything I ask is pretty basic. I'm a basic person. But you referenced that look being a look you've used before, do you actually have pictures of that actual location?

Mr. Lipnos: I can actually I can provide them to Andrew. I don't have them with me this evening.

Pastor Linder: The other thing I was curious about in terms of your experience, had you ever in another location built and combined the residential commercial in the same building?

Mr. Lipnos: We have not. We've been talked to about it. It's just not realistic unless you are in a good example would be the Bridge Street corridor in Dublin. But even in areas like that, they have a there's an Oak Park place where they've had commercial slated to be, you know, what I would call local retail. The problem with it is after 15 years, they've rezoned that to residential because nothing has survived in that area. If you were driving down Main Street, you're not going to pull in and grab a cup of coffee at an apartment complex. So the mixed use doesn't work unless you're in a much higher density area. We're talking five, six stories tall. That's kind of not what was shown in your comprehensive plan or I'm sorry, in your zoning code. So we're not that type of developer. We wouldn't if that was what was required, we probably wouldn't have looked at it.

Pastor Linder: Thank you. Thank you very much.

Mr. Furst: I do have a question so that I think the horizontal mixed use, as you're shown here, is supported by the code and even the comprehensive plan. So I think that makes sense. But the city has the unfortunate experience of having phased developments happen in the past where some external event has occurred and everything has stopped. There was supposed to be, for instance, you know, very similar to this. There was a residential portion that was meant to be another portion for another use. And, you know, in 2008 that occurred and then nothing happened. So there is a significant concern here, I think, from the public that given you planned to outparcel the commercial portion of this property, what happens if that deal falls through or something like that? You know, would you be open to, you know, if we were to allow this this evening to have a condition there that that out parcel only be restricted to the allowable commercial uses in this district? Because I think this district really is trying to promote mixed use. And one of those considerations that we do have to consider for the conditional use application is the intent of the district. And combined mixed use is very much a part of that.

Mr. Lipnos: Correct. And I understand that, you know, we're asking for the conditional use and what we're trying to and we try and do this everywhere we developed is to promote a good mix of jobs and workforce. And if you put the jobs close to the workforce, your traffic goes away. So short answer. Yes.

Mr. Furst: OK, thank you. Staff, do you have any questions or comments?

Mr. Bowsher I do not think that I do. I do know that we've got two emails that I'll read.

Mr. Furst: Yeah, yeah. So what I was going to suggest is, Ms. Wheeler, if you wouldn't mind reading the emails and then I'll call the public comments here.

Mr. Bowsher Mr. Lipnos, when we're done reading and having residents come up and speak or have you come back up and you can have the final word.

Ms. Wheeler: OK, I have two emails to read. The first is from Mr. Keith Benner at 1200 Creekside Place in Reynoldsburg. In regards to the proposed Homewood development, I would urge the board to either table this or deny it outright. I have no issues with the proposed multiunit building plans or the proposed clubhouse in pool, and this is no reflection on the developer. The plans look to be very nice. However, I don't feel the traffic issues have been fully evaluated and the impact of turning north on Hanson from Main Street will be a real issue. In addition, turning east out of Hanson onto Main will also be hazardous and will probably require another traffic light. It is also my opinion that this is not what most of us envision when we thought of mixed use development. There is only a guarantee that there will be apartments on this site. The developer has no concrete plans for any office, retail, etc.. I would prefer to see the MIXED-USE incorporated into the residential development as envisioned in the comprehensive master plan. That plan and most of the discussion surrounding and envision ground floor, retail or office and living space above. I would prefer to see something along those lines for this property. Lastly, we currently have a significant amount of housing already approved throughout the city. The development department, the board and the Planning Commission should work hard to ensure the remaining land and the future developments are the absolute best the city can expect. I just feel like we can do better. Thank you.

Ms. Wheeler: I have a second email, this is from Mr. Deryl Happe on Goldsmith Drive. I don't have a specific address. I feel that an insight zoning district should have the desires of the neighborhood first and foremost and simultaneously grow the corridor in a manner as to promote our community and bring people into the city for revenue. Another apartment complex promotes more non-permanent residents not paying property taxes. That does not guarantee that they will even utilize Reynoldsburg local and corporate businesses. The other legislation, which I believe was recently passed for rentals, actually brings in less revenue because there's a cap on what the owner has to pay to five units total per building. These building types normally have twenty four to thirty six units, clearly not maximizing any revenue. Water control from the project is another item I don't believe has fully been taken into consideration. Once the property gets to an overflow capacity beyond the planned retention ponds, where is that water going? Towards downtown Reynoldsburg. New or increased floodplains need to be recognized as a possibility. I feel the construction is disrespectful to the generation of Reynoldsburg residents that rest in Glen Rest Cemetery, not to mention those who will wish to be peacefully laid to rest over the two to three year construction period and will not be able to do that. As a resident that backs up to this property, I look forward to lack of privacy and increased crime from the intent of design and possible property damage. I do not think this is the intent of the zoning, nor is it an appropriate use of a beautiful Ohio prairie. And I will have to consider moving and it will be out of Reynoldsburg if this is allowed. Thank you.

Mr. Furst: Thank you, Mrs. Wheeler, first up for public comment is Mr. Luzader.

Mr. Blazek: Thank you, folks, chairman Furst, members of the board. First, let me say that I am not against apartments. But with that being said, I am against this proposal. The lighting is not very good. I can't see my notes here. Conditional use. There we go. Not against this proposal for a conditional use. This is not what city council or the residents were told when this property was rezoned. According to the Comprehensive Master Plan, Future Development and medium density mixed use districts. The districts should incorporate a mixture of small commercial office uses and residential uses, along with retail, including shopping and dining. Development should integrate public spaces such as pocket parks, and the structure should help defined the character of the street. Section 1103.15 of the zoning code states, the Main Street Insight District, is intended to create compact, mixed use, walkable environments. In the district and zone section of the code under Insight zone, supplemental regulations and the design standards. It states that 60 percent of the ground floor is transparent. Clearly intending these areas to be commercial in nature. I don't think anyone wants 60 percent of a ground floor apartment to be glass. The vast majority of allowable uses in this district is commercial. There is no commercial element to this proposal. The purpose of this body is to ensure development happens in a responsible manner and to follow the code as intended. Your purpose is not to override the intent of City Council. If you approve this application, I believe you're setting a dangerous precedent for the future development in Reynoldsburg. I respectfully ask that you vote no on this application. Thank you.

Mr. Furst: Next up is, I believe, Pamela Pate.

Ms. Pate: Hello, everybody. I'm a 40 year resident of Green Tree, what I believe we call it, the neighborhood behind, I guess would be going north on Carlisle. We've been in that area for forever, obviously, in 40 years a lot has happened in Reynoldsburg and a lot of changes. And, you know, yeah, it's up and coming in new and good and property values are going up. However, for the longest time, that field is what we call it. It was a soccer field, a baseball practice, little league field for forever. And that brought a sense of community to that area. And between that and the facing cemetery where my dad is actually buried, gave a park feel to the neighborhood. You have a lot of homeowners, not renters, even though there are rental properties to the east of Carlisle and also a little strip behind where this new property would go. I just want to speak for the people on my street, which is Johnson and Johnson Court that we are really hoping as everything becomes so urbanized and to a Taylor Road, Kroger, there's so much housing that's gone up onto a family housing. Waggoner Road used to be a little country and this is when you've been there 40 years, you know, used to be a country road. And now we're going to have 400 single family homes or units. Just getting to Main Street now from Carlisle is almost an endeavor in and of itself, not even to mention all the people coming from the east who are using Main Street instead of 70 often. So when you talk about the plans that you're going to put on this space, when you have so much residential and residential and possibly commercial, all of a sudden we're in an urban type oasis. I'm all for having stores and people come to that area. But it's such a big, beautiful green

space. It's facing a cemetery that doesn't even have headstones. It's laid the headstones down flat, which kind of gives more of a park feel to Glen Rest. So I was just hoping that in the future, a lot of what will go there will be progressive family oriented, and in keeping with the kind of beautification, not urbanization of that space. I know a lot of people who own their homes, you know, people could have moved away from Reynoldsburg because they don't have mortgages that they're still working on. But it's a nice location. It's drivable. You can get out on Main Street relatively well and get to 270 or 70, you know, with a normal amount of ease. If we just build and build and build and build and don't have a park and don't have a place to sit or don't have a historic beautification where families can come and enjoy. It will definitely change the neighborhood to the north of Main Street, to what would be behind this property. So I just hope you keep in mind the people who do live there and have lived there for a long time and enjoy living there and want to be part of the upward swing of Reynoldsburg in a popular way. Take your mind that with a lot of urbanization, too much going on, you do have property, you do have crime, pedestrian crime, possibly that could be in there with people who are not as invested in the community. That's all I wanted to say. Thank you.

Mr. Furst: Mr. Cicak.

Mr. Cicak: Chairman Furst and members of the BZBA have particular concern for the long range consequences of tonight's decision to approve a conditional use permit for the nine, three story tall apartment buildings. I completed the MORPC Inside 2050 program in 2016, and I brought back the knowledge from this program to Reynoldsburg by writing and proposing the legislation for the first bipartisan, comprehensive master plan based on the needs of the city and the school district. Many of us here tonight spent hours and months and then years writing the comprehensive plan and rezoning that was based on that. This area was zoned medium density, mixed use. I just want to review some of the highlights of that comprehensive master plan. It called for the integration of mix of different kinds of housing, neighborhood orientated retail. Public space, all connected by a network of comfortable, pedestrian friendly streets. The mixed use district should connect gateways into Reynoldsburg and serve the commercial needs to accommodate the immediate neighborhood. This proposal does none of that, and the sidewalk cafes, awnings, landscaping there are all encouraged to help define the character of the neighborhood for this gateway into our city. This plan doesn't do that. I respectfully ask you that you deny this conditional use. Thank you.

Mr. Furst: Thank you. Ms. Whitney Raisley.

Ms. Raisley: I have lived my entire life. I actually live on Green Tree Court, and I'm here on behalf of all of my fellow residents that live on the street. We do not feel it is necessary to have apartments right there. We think that personally, if we would split it up and do a park, a dog park, and then this is a normal park. Yes, we have JFK, Civic Park and the other parks, but those parks don't cater towards more than just the basketball courts, the skate park, the diamonds for baseball. I mean, we have all

that there, but we need something personal to where I take my dog over there and we run and play. People will have their kites. Fly drones do everything already over there as a free space lane. Having apartments is going to bring more traffic. It's already enough traffic on Hanson and the Cota bus is basically put a stop on Green Tree going in, you can't drive. It's a hazard. I almost daily will hit someone because they're parking in front of our street. So if you have Cota there already, if we have more traffic of Cota, the bus is already running multiple times daily and it's excessive. The road is already messed up there from Cota. How are we going to if we're going to put apartments there, we're going to have more traffic? The roads are going to be crappy. We just started with the Main Street paving down on that side. That has taken an excessive amount and pardon my throat, have a little soreness going on, but there's too much. There's going to be too much traffic. We already have enough traffic going through people's speed through there. I can see and I know from having apartment complex and living in apartment complexes in the past with friends, the traffic people don't care. They literally already have littering going down the street in general. I'm just concerned that personally there will be crime, there's going to be just more people around and potentially causing issues. We don't need more issues to have to stir up trouble. The neighborhood is quiet and peaceful. I love it. I've actually lived on Glenview for a decent part of my life before I moved to Green Tree Court. So it's always been quiet bike riding, having fun, friends in that whole area. Personally, if we do apartments or even commercial. Yeah, he even said it's not realistic for commercial. So why would we put a commercial there when we don't need another building. Reynoldsburg is personally. It's just a waste of space to put a commercial building there to add more traffic on both sides. You're going to have congestion. You already have people that are already frustrated with certain things and with the traffic. The complaints that I have heard on our next door of just traffic and other things and vandalism that happens on our streets. Imagine it getting increasing with twofold, because if you're adding more apartments, that's at least one hundred and eighty units. So that's at least a minimum of one hundred and eighty people living. But if you add extra their families and the kids. People don't tell their kids to be respectful anymore of the land and people just throw things everywhere. I'm picking up trash constantly around the area. So I see it as an issue for we're going to have more traffic, more garbage laying around, people aren't caring, just the land's going to be used in a way it should be used. We need to preserve land. We don't need to keep building. There's no point adding more buildings. We have enough houses. We're building more houses on Waggoner. Pataskala is adding, we have enough space. There's enough land to add more apartments. Is waste a waste of space. In my opinion, we need to do something for the community and adding apartments. In my opinion, this is not a community thing. That's just adding more people, more traffic, and more potential problems in the area. It's been quiet my entire life. I want it to stay quiet. I want to have a nice little park area or somewhere that we can all just come and enjoy. I've enjoyed watching the little leagues with the RAF back in the days. Everything. If we did something, we could do so much more in that area other than apartments and commercial use. It's a waste of space to do that personally. Half of the neighbors are saying on my street, well, I'll move. Why would we? I mean, if you're going to build stuff, then

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you're going to make people move out of their area just because you're adding more to convenience, which we think would help populate Reynoldsburg. Reynoldsburg is already, it's growing and I get it, it's going to keep growing. We don't need to grow this way. We can grow a different way and we can make this beautiful by just keeping it with giving back to nature instead of destroying all the land we have. And like the other parcel that the lady was trying to buy for the house, that's literally right by my house. We need to keep the trees, we're killing the environment, if we add more houses, that's more carbon. You know, we're just we're just destroying the environment in my opinion. We need to give back to the environment, quit tearing down trees and tearing down things. Just make the land, give it back to the people. That's what I feel. And that's what the majority of my neighbors feel on my street. But thank you for hearing me and that's all I have.

Mr. Furst: If the applicant would like to come back.

Mr. Bowsher Mr. Furst, if I can say a few things. I want to be very clear that the city does not own this property. This is a private landowner that owns this property that is selling this private land to this private developer. So the city is not in control of the land to pick and choose. You know what we allow for that. I think it's always been owned by a private owner when it was allowed for public space. I believe the private landowner sort of looked the other way. It's obviously been vacant for a very, very long time. But I want to make sure that that's very clear. And on the record. To some of the other concerns about some of the traffic, we do a full engineer staff report moving forward. If this were to be approved and move to a major site plan, our city engineer will do a full staff report. If a traffic study is warranted, it would be located in there and it would be conducted as part of that process. I guess some of the other comments, I think, that were made about this district and sort of mixed use. I want to be very clear that in the Comp Plan, when speaking about various uses, that doesn't mean that every single parcel has to have every single one of those uses on that parcel. It's a mixture of said parcels throughout the district to make it walkable. So to hold one parcel to a standard that says that you must have a certain number. It doesn't actually meet the intent of the code either. So I just want to be very cognizant of some of that and make it very clear that regardless of owner occupied or renter occupied, property taxes are paid in full and those are typically paid by the renters paying their rent to the property owner, therefore, the Homewood company then paying their taxes that way. I think that's a misclomer that that gets thrown around, that only owner occupied residents pay their taxes. And that's just entirely not true.

Mr. Furst: Is there anything you'd like that?

Mr. Lipnos: Yeah, actually, I was actually going to hit on a number of those same points, the project is going to be valued in excess of twenty four million dollars. So the property taxes are going to be substantial on that. Not to mention the residents would be paying if they work in the city of Reynoldsburg, which predominantly people try and live close to where they work at. You would be able to retain that

income tax. The commercial component, that's a 50,000 square foot medical office building would certainly generate additional income tax revenue. As far as it being left is a park and open space again, the person we're buying it from is selling it at a substantial price that the city evidently passed on buying it as a park. But within walking distance and we are making the connections and pedestrian connections to I believe it's called Pine Quarry Park just to the north in the west. So, I mean, it's.... I'm sorry.

Unknown Inaudible member of the audience not at a microphone.

Mr. Furst: Pine Quarry Park is a public park in the City of Reynoldsburg.

Unknown I know it's a park, but (inaudible).

Mr. Furst: OK, thank you.

Mr. Lipnos: OK, moving on. I don't know where the impression that just because these are apartments that increases crime and vandalism. I probably lived in two or three apartments in my lifetime, and when I moved to Columbus 15 years ago, moved into another one until I found my single family home not far from where the apartment was, because it was near where I started working with Homewood. There are current rental properties to the north, there are current rental properties to the east. The rents in these apartments are going to be probably in excess of twelve hundred dollars a month. These are not cheap run of the mill apartments. They are for families and they are going to be very nice. We keep most of our apartments for, we've owned some of them for twenty seven years. When we manage our apartments, we manage them all out of our office. They are very well kept. We don't allow trash. We have a vested interest in the property and making it very nice, as evidenced by the materials that we use. Interior and exterior, we use granite countertops, hardwood floors, and easy maintenance. So I just kind of wanted it reiterate to, somebody mentioned the MORPC study. MORPC study also says the economic growth of the region is looking at growing, you know, by a million people or up to a million people, whatever the numbers are, and that we should be building a lot more housing than we are. I understand that there is a lot of housing, and it seems when you drive, you see housing. The fact of the matter is we're still under building. I've spent the last seven years on the BIA board of trustees last year as the president working closely with MORPC and with how the different housing studies. We are trying to accommodate jobs in housing in conjunction. You can't talk about one without talking about the other. Integral to all that is traffic. So we're trying to integrate as much as we can. This is a 14 acre site. I can't solve all the problems with it, but we can make the mix used as best we can, that is a win win situation for the developer, for the city and for the jobs.

Ms. Comac: Good evening. My name is Laura Comac, I'm counsel for Homewood Corporation. I wanted to point out just a couple of quick things, because as we're sitting here and listening to the folks and their points are very interesting and they

represent what is typical when a community decides to chart a new path and to make changes associated with growth and development. So I hear the comments and I appreciate the breadth of the comments. From rural and park to actual suggestion for density and additional retail. We are trying to fit into your existing code and the East Main Street district that is applied to this property. So to that end, I just wanted to ask Andrew a couple of quick questions. The first one is, in your professional opinion, do you believe that this application complies with your code and your standards?

Mr. Bowsher I do.

Ms. Comac: And let me ask it right. This development also complies with the spirit and intent of your EMD district, doesn't it?

Mr. Bowsher Of the Comprehensive Plan? Yes.

Ms. Comac: OK.

Mr. Shook: Can we clarify real quick that this is just the development director's opinion and this doesn't represent the opinion of the BZBA?

Ms. Comac: You may clarify that.

Mr. Shook: I want to make sure that's clear.

Ms. Comac: Andrew, are you a planning professional?

Mr. Bowsher I am.

Ms. Comac: OK, and is your official staff position that the plan complies with the code?

Mr. Bowsher It does.

Ms. Comac: OK, now let me ask you just a couple of other general questions. Within your code there's no requirement for that vertical mixed use component that we've heard a couple of people references it?

Mr. Bowsher That is true.

Ms. Comac: OK. I certainly understand the gentleman's comments about the idea of complying with the building typologies. Can you go back to the slide with those, please? Yes, and go to one right before it, if you would. Thank you. So in your opinion, does our development look like the illustrative components of your code?

Mr. Bowsher It's pretty close, yes.

Ms. Comac: OK. And if you hit the next slide, that's kind of more aerial view. Wouldn't you agree that from a typology standpoint, the units that we are proposing fit those typologies that the code calls for?

Mr. Bowsher I would agree.

Ms. Comac: OK, so one other point. Mr. First, you asked about the use of the corner. So Andrew, just to confirm the use is already set in the EMD district for that corner, is that correct?

Mr. Bowsher The western corner?

Ms. Comac: Yes.

Mr. Bowsher Yes.

Ms. Comac: The uses are set by code?

Ms. Comac: Correct.

Ms. Comac: So nobody can add apartments without coming back to this board for an approval, isn't that correct?

Mr. Bowsher Absolutely.

Ms. Comac: OK, and in your opinion, with regard to development patterns. Right. So rooftops come before the commercial. Is that a fair point?

Mr. Bowsher Most of the times, yes.

Ms. Comac: OK, so is the point of your code trying to achieve a maximum density so that there is more commercial growth?

Mr. Bowsher Yes.

Ms. Comac: Do you feel that this project contributes to that?

Mr. Bowsher I do.

Ms. Comac: OK, great. One other thing. Andrew or Emily, would you guys please read the conclusions in your staff report for the board about the items of compliance as relate to the conditional uses and your determinations?

Mr. Bowsher I'll let Emily take that.

Ms. Wheeler: Oh, sorry, which section specifically?

Ms. Comac: So 1109.15D.

Ms. Wheeler: You want the full reading of all this?

Ms. Comac: yes, please. I want to make sure that everyone here is your evaluation and assessment of the compliance items and then if there's any questions, we can talk through those.

Ms. Wheeler: Sure. Item one, the proposed use is consistent with the existing development pattern of the area and the essential character of the zone as it currently exists is unlikely to be changed. A reference to factor two the East Main Street district is intended to serve as a transportation corridor lined with compact, mixed use development. In this case, the proposal calls for the 14.66 acre site to have both a residential component as well as a future planned office component. The commercial component of the project is essential in achieving the goal of mixed use development, as laid out by both the comprehensive plan and the zoning code. The comprehensive plan suggests the ground floor residential be reviewed as a conditional use. The second factor the proposed use will not adversely affect the use of adjacent property. Adjacent parcels to the north and east or zoned suburban residential and existing uses are predominantly duplexes in a detached single family residential. Parcels to the east and west are zoned east main street district. There is an attached single family apartment community immediately to the west, to the south as Glen Rest Memorial. Factor three of the proposed use will not adversely affect the health, safety, morals or welfare of persons residing or working in the neighborhood. Four, the proposed uses adequately served by existing public facilities and services. A reference to the engineer's report. Item five, any new use will inevitably increase the traffic burden as the site is currently vacant. The proposed use will not impose a significant traffic burden greater than that of other permitted uses in East Main Street district, for example, food sales, large format, grocery or event center, public meetings and conventions. City engineer will review submitted plans to further understand any adverse traffic impacts and make appropriate recommendations, specifically along Hanson Street, which is being proposed as the primary ingress and egress for the site. Next factor. The Comprehensive Master Plan calls for the East Main Street corridor to incorporate a mixture of small commercial and office uses, residential units and retail uses, and calls for residential density of 10 to 30 dwelling units per acre. The plan further emphasizes attractive streetscapes and walkability in this area. The proposal is submitted calls for sixteen point nine dwelling units per acre and provides a multi-use trail along the quarter mile east main frontage. The office building included on the site, but only conceptual at this time, is crucial in achieving the intent for the corridor. The proposed site plan is submitted, does not comply with all applicable provisions and development standards of the zoning ordinance. The variance is being sought for front yard setback. This was obviously withdrawn. No variance is being sought for the front yard setback. And then last dwelling multiunit building

complex is listed as a conditional use and East Main Street district. The proposed proposes, as described, meets the definition of this use.

Ms. Comac: Thank you, Emily. So the reason I had to read those is both for the record, but also so that, you know, and so that the audience knows a significant amount of consideration went into not only her writing that report, but as working with your staff to develop the plan that we think meets your code. All right, do you have any other questions?

Mr. Furst: Mr. Shook, go ahead.

Mr. Shook: Yeah, I have a couple of questions for the development director and again, these are yes or no questions similar to what counsel just asked you. As we heard from the applicant earlier, the office portion of this proposal is something that they are not currently in contract on. Is that correct?

Mr. Bowsher That is correct.

Mr. Shook: That is not something that is guaranteed with this proposal. Is that correct?

Mr. Bowsher That is correct.

Mr. Shook: This proposal was only for multifamily residential. Is that correct?

Mr. Bowsher Yes.

Mr. Shook: There is no current commercial component to this proposal, correct?

Mr. Bowsher Correct.

Mr. Shook: All right.

Ms. Comac: I'm going to object for the record for any questions being asked that are adverse to this proposal. Your attorney represents you and it appears that he is asking questions that are not within his authority to do.

Mr. Shook: I am simply seeking to clarify the record counsel. May I proceed?

Ms. Comac: Yes. That just for the record.

Mr. Shook: Going to the comprehensive master plan, you're familiar with that plan, is that correct, Mr. Bowsher?

Mr. Bowsher Yes.

Mr. Shook: You worked on the Comprehensive Master Plan Committee. Is that correct?

Mr. Bowsher Correct.

Mr. Shook: As did Mr. Cicak, who spoke here earlier this evening. Is that right?

Mr. Bowsher That is correct.

Mr. Shook: OK, and with respect to medium density mixed use, which is what the current plan called out for this parcel. Is that correct?

Mr. Bowsher Correct.

Mr. Shook: With respect to medium density mixed use it indicates that the district should incorporate a mixture of small commercial and office uses, correct?

Mr. Bowsher Correct.

Mr. Shook: Does this incorporate any commercial laws or office uses?

Mr. Bowsher Not at this time.

Mr. Shook: Residential units, it does incorporate residential units, is that correct?

Mr. Bowsher Correct.

Mr. Shook: And retail uses, does it incorporate any retail uses?

Mr. Bowsher No.

Mr. Shook: Thank you. I have some questions for the Planning and Zoning Administrator. Ms. Wheeler, just to refer to your staff report. On factor number one, you indicate that the commercial component of the project is, quote, essential in achieving the goal of mixed use development as laid out by both the comprehensive master plan and the zoning code. Is that correct?

Ms. Wheeler: Correct.

Ms. Wheeler: And the commercial component of this particular project is not guaranteed, is that correct?

Ms. Comac: Objection. That is the existing zoning is commercial.

Mr. Shook: Anyways, can you answer the question Ms. Wheeler?

Ms. Wheeler: To my knowledge, it is a planned component, correct?

Mr. Shook: But it is not guaranteed at this time. Correct, as we already established?

Ms. Wheeler: As far as I know, correct.

Mr. Shook: And yet you called it essential to accomplishing the goal of the comp plan and of the zoning code, correct?

Ms. Wheeler: Yes, correct.

Mr. Shook: Thank you I have no further questions.

Ms. Comac: OK, we've got to come back on that. First, I'm objecting to the record for questions that seem like they are contrary to the expressed written report. It speaks for itself. Someone can come in tomorrow with an application. That piece of ground, the remainder is already zoned office, correct?

Mr. Bowsher Correct.

Ms. Comac: OK, so. Good enough. Law Director, is the code controlling here or is the comprehensive plan controlling here?

Mr. Shook: That the code is controlling.

Ms. Comac: Thank you.

Mr. Shook: And one of the factors under the under the code, under conditional use.

Ms. Comac: What is the controlling code? What is the law that applies to this property?

Mr. Shook: The law that applies to this particular property and your application or the conditional use factors, one of which is the intent of the proposed zoning district that includes the comp plan.

Ms. Comac: I object, that is not accurate. That's not accurate legal statement, but even so, we comply. Thank you.

Mr. Lipnos: I don't think I have anything to add.

Mr. Furst: I did want to clarify the question I had asked previously that of course, nothing in this world is guaranteed. Mr. Shook, a meteor could fall on us tomorrow. But beyond that, you did agree, sir, that to restrict the out parcel to the allowable uses under the current district.

Mr. Shook: I'm not entirely sure we can do that.

Mr. Furst: Why wouldn't we be able to do that?

Mr. Shook: Because this administrative body cannot put on a deed restriction on that parcel.

Mr. Furst: This is not a deed restriction.

Mr. Shook: They could transfer it to anybody else.

Mr. Furst: Correct? We did not ask them.

Mr. Shook: And we can't put any tail on that.

Mr. Furst: They would only be allowed to build what is allowed under the code even then.

Mr. Shook: That is correct. But you can't put that condition on an approval of this application.

Mr. Lipnos: This is a conditional use permit request. So that's just to allow the residential portion, the commercial is already allowed and that's what its zone for. We our next step, Andrew, is at Planning Commission, and that's I think in three weeks,

Mr. Bowsher June 3rd, I believe.

Mr. Lipnos: June 3rd, in which at which point we would ask for approval of that plan with the commercial use. And if that was approved, that satisfies the requirement.

Mr. Furst: Understood. Members of the board, do you have any further questions? Comments?

Pastor Linder: Now, I do have a question. Regarding the traffic, do you do any type of preliminary evaluation in your own preparation as to how things will be impacted? I know Hanson was mentioned, but also Carlisle.

Mr. Lipnos: We've not done a formal traffic study, but we've talked with the city about traffic and looking at the potential uses of the site. What we're proposing is less impactful than some of the allowable uses, but a formal traffic study and traffic evaluation doesn't happen at this point.

Pastor Linder: And I recognize that, thank you for answering, so the question for staff would be. I felt like the stress on Hanson is accurate because that's the main entrance, but I'm not in some ways I could easily see and this is just me without the

benefit of your experience and anyone's experience who study these things. I can easily see a lot of activity going out towards Carlisle. So from a safety standpoint. The study is going to come. At what point, and I know that the engineer can make recommendations, but at one point, if the engineer felt there was a true concern, what are the remedies available at that point?

Mr. Bowsher Yeah, so at that point, that recommendation would be made to us as staff as well as sort of the developer. I know that there has been talks just preliminarily, I'm not a traffic engineer, but I am a planner and taking a look at this. I know we've discussed traffic light at Carlisle and also a dedicated left turn lane on to Hanson as being potential remedies of some of those. Obviously, we would allow the city engineer who is by far more of an expert in that field than I to take a look at this further. That would be part of his purview and his job and come up with some recommendations. And if a full traffic study is warranted, we would conduct that at that time.

Pastor Linder: Thank you.

Mr. Furst: Mr. Bowsher, for the record, for those not familiar with that process, if changes were required, according to that traffic study, compared to the plan I submitted here. Those would be made at that time, is that correct?

Mr. Bowsher Correct. Yeah and even outside of the if it were to be approved tonight and then also be approved and planning commission, there's a whole other side civil process that has gone much more detailed engineering type drawings. If things were even found during that time, things could potentially shift based on requirements. It also allows for some leeway if for some reason infrastructure needed to be rearranged only would it need to come back to the board as if it was an increase in somehow density or a change of the major site plan altogether.

Mr. Furst: Thank you. I will certainly entertain a motion if anyone has one.

Ms. Barnhart: I'll try this, I make a motion to approve the Homewood Corporation's conditional use permit for this application,

Mr. Furst: A motion on the floor. Is their second? I'll second. Ms. Wheeler will you please call the role?

Ms. Wheeler: Ms. Barnhart. No. Mr. Furst. Yes. Pastor Linder. Yes.

Mr. Furst: Is there any further business before the board?

Mr. Shook: Just to just to clarify and again, I think that as we talked about before, we needed three votes in the affirmative to approve an application. So we've got a two to one vote. It is inconsistent for a member of the board to make a motion to approve and then to vote against. So, I think that it needs to be clarified what the

vote count is one more time. We have a no vote for Ms. Barnhart, is that correct? OK, and then two yeses, is that right, then the application is denied, correct?

Pastor Linder: Can I ask a question, Mr. Shook? And she withdraw all her motion?

Mr. Shook: She can withdraw her motion and then you can make a motion to approve a motion to approve his conditions or a motion to table.

Ms. Barnhart: OK, I'll withdraw the motion.

Ms. Comac: All due respect, but a vote has been taken, the next step would be you can't vacate the vote that they have taken. That would be a reconsideration.

Mr. Shook: Sure, that would be a reconsideration.

Pastor Linder: You need a motion to reconsider?

Mr. Shook: Yes, you would need a motion.

Ms. Comac: May I ask what your intent?

Pastor Linder: I make a motion to reconsider. I'm not sure I have to give you a reason.

Ms. Comac: Oh, no, I was just wondering

Mr. Furst: OK, so we have a motion to reconsider. Is there a second?

Ms. Barnhart: Second.

Mr. Furst: Second by Ms. Barnhart. Please call the roll on this motion, Ms. Wheeler?

Mr. Furst: Ms. Barnhart.

Mr. Shook: This is just to reconsider, this isn't a vote for or against.

Ms. Barnhart: Yes.

Ms. Wheeler: Mr. Furst. Yes. Pastor Linder. Yes.

Mr. Shook: Now we can entertain any one of the four motions we discussed earlier.

Ms. Barnhart: Does somebody else want to make a motion since I messed that up?

Pastor Linder: I do have a question for staff and excuse me for backpedaling, I

hope I can do this. If my concern is a safety concern that I just don't at this moment. If I table it, can I get that information advanced at some point in some way more formally? Not a full traffic study, but something a little more concrete than just the speculation that I feel I'm reading.

Mr. Furst: Traffic concerns, even if we ask for a study to be conducted, are within our purview.

Pastor Linder: Then I'm open to making a motion to table. Or making a request for the traffic study.

Mr. Shook: I think the best way to handle that would be to make a motion for either, depending on your preference. Tabling, would just table this until the next meeting. If you wanted to table this pending a traffic study, then I think that would be a separate motion.

Pastor Linder: Again, just for the sake, I'm not trying to create hardship for the applicant. Can a table to the next meeting provide them enough time to give any type of presentation that would maybe answer that particular concern?

Mr. Bowsher I would say that would come at the planning commission, and I guess my ask would be, is the applicant wishing to move forward with Planning Commission with the tabled application tonight?

Ms. Comac: Yeah, we're considering what you're considering. So we were just talking about, we don't know if we can do that, but we would certainly be willing to see if we could. And so the answer is, if we can, we will. And if you want to table it, that would be great for our opportunity to do that. So certainly we would try if we can't, then we would let you know that the next time this is brought up.

Mr. Bowsher So my question was, I'm sorry, would you be continuing with the Planning Commission application on June 3rd where there would be at least a study done or an analysis by our city engineer while this is tabled and then come back later for the BZBA conditional use in June?

Mr. Lipnos: Wouldn't it be part of the planning commission?

Mr. Bowsher It is part of the planning commission.

Ms. Comac: Pastor Linder said he has a question about it, and so he's looking for more information on that.

Pastor Linder: If I can interject. I would even be informed by what comes out of planning commission in that regard, so that's why I'm not hesitant to create a formal, rigorous hardship for the applicant. If it's understood that some information would become available in that process. We meet after them, then I'm probably going to be

able to reflect on that information. It doesn't have to be formal.

Mr. Lipnos: Good, because I just have got some contractual obligations that with my deadlines on whether to move forward with the contract in closing or not, that I need to answer on the conditional use permit.

Mr. Furst: Any approval, if that was granted by planning commission, would be subject to the conditional use approval here. So, I just want to make sure that was understood.

Mr. Lipnos: Yes.

Ms. Comac: And we understand because we would need that. We would come back when you have a full complement of your board members and all of that. So because I don't think it matters if we table.

Mr. Shook: If we table it and the full board is here, we have to reopen the public hearing so that they can vote on it.

Ms. Comac: I'm sorry we can't table just because of our contractual obligations on the timing. Thank you, though, for the opportunity.

Mr. Furst: Well, now that we have reconsidered, some form of motion is required this evening.

Mr. Shook: One of the one of the four options that was presented before.

Pastor Linder: I'll make a motion that we approve the conditional use application.

Mr. Furst: Thank you, Pastor Linder. There's been a motion on the floor is there a second?

Ms. Barnhart: Second.

Mr. Shook: Again, just for clarification, you can second, but your vote can't be inconsistent with your motion.

Ms. Barnhart: OK, so I'm not seconding.

Mr. Furst: I'll second.

Ms. Wheeler: Ms. Barnhart. No. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	DEFEATED [2 TO 1]
AYES:	Linder, Furst
NAYS:	Barnhart
ABSENT:	Rettke, Bulls

4. Application #2021-5190; 0 East Main Street; Applicant Homewood Corporation - Jim Lipnos; Non-Residential Zoning Variance (Main Street Apartments)

Withdrawn

E. OTHER BUSINESS

None

F. ADJOURNMENT

8:30 PM

Chairman

Planning and Zoning Administrator

Minutes Acceptance: Minutes of May 20, 2021 6:30 PM (APPROVAL OF MINUTES)



Department of Development
Planning & Zoning Division
7232 East Main Street
Reynoldsburg, Ohio

Received
JUN 24 2021
Reynoldsburg Building Division

App./Case#: 2021-5305
Date Submitted: 6/24/21
Fee Amount: \$350.00

Section 1109
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

☒ Paid: CK

I. PROPERTY INFORMATION

Property Address: TBD
Parcel ID#(s): 067-000086

II. PROPERTY OWNER OF RECORD

Property Owner Name(s): LRC Broad Investors LLC
Contact Email: ddaniluk@daniluklaw.com
Contact Phone Number: 330-609-9999 ext 100

III. BUSINESS/TENANT INFORMATION (IF APPLICABLE)

Business Name: Sheetz
Contact Name: Mike Casale
Contact Phone Number: 614.361.8783
Contact Email: mcasale@sheetz.com
Description of Use: Sheetz Gas, Convenience & Drive-through

IV. APPLICANT INFORMATION

Applicant Name: Kareem Amr
Applicant Address: 4270 Morse Road, Columbus, OH 43230
Applicant Phone Number: 614.344.9095
Applicant Email: amr@skilkengold.com
☐ Property Owner ☐ Business Owner/Tenant ☐ Contractor ☒ Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLICABLE:

Variance (☐ Non-Residential (\$450) / ☐ Residential (\$100)): _____

☒ Conditional Use Permit (\$350): Convenience with Gasoline in Community Commercial Zone (CC)

☐ Other: _____

Please review the attached checklist and note the items you are responsible for submitting with this application. All required items must be submitted to the Planning & Zoning Administrator.

Applicant Signature: Kareem Amr

Date: 6/24/2021

*By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is authorized with the full knowledge of the owner. *

****OFFICE USE ONLY****

Additional Notes:

Zoning Information

Zoning District: CC

☐ Historic District

☒ CC Overlay

Add'l Approvals Req'd

☒ Planning Commission

☐ Other: _____

BZBA Meeting

Date: 7/15/2021

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Tabled

☐ Denied

City Council Meeting

Date: _____

☐ No Action Taken

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Denied

P&Z Admin.: _____ Date: _____

Clerk of Council: _____ Date: _____

Attachment: App #2021-5305 (App #2021-5305, Parcel ID 067-000086, Kareem Amr)

SKILKEN | GOLD

Real Estate Development

**City of Reynoldsburg Conditional Use Application
Items 3, 5, & 6 of Section 1109.15 - Conditional Uses**

PID: 067-000086

2 +/- Acres of a 3.16 Acre Tract

CURRENT OWNER: LRC Broad Investors, LLC

APPLICANT: SkilkenGold Development, LLC

EXISTING ZONING: Community Commercial Zone (CC)

DATE OF TEXT: 6/23/2021

APPLICATION NUMBER:

Section 1109.15 – Conditional Uses

iii. Include a description of the activities proposed on the subject property, the goods and services sold or provided, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will assist the BZBA with understanding the nature of the proposed use and its potential impacts;

The applicant proposes to develop, construct upon, occupy, and use the proposed site for a prototypical Sheetz Convenience Store, operating twenty-four (24) hours per day, seven (7) days per week, with retail, self-service sale of gasoline, auto diesel, and other petroleum products, food and beverage sales, indoor and outdoor seating, red back-lit canopies, signage, a drive thru, adequate adjacent parking, and a license to sell beer and wine.

The proposed Sheetz typically employs a total 30-35 local employees with 2-10 employees working at the location at any given time. Food delivery trucks arrive daily either in the early morning or late afternoon while fuel trucks frequent the site roughly 4 times per week.

v. A narrative statement describing the compatibility of the proposed use with the existing uses of adjacent lots and with the Land Use Plan, including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and storm water, and any measures proposed to mitigate such effects;

The proposed site lies within the Community Commercial Zone (CC) which is intended to promote development patterns and businesses that are consistent with larger retail while also providing convenience of access on heavily-traveled corridors. Per section 1109.21 of the Reynoldsburg Zoning Code, future development patterns in the CC Zone should accommodate changes in retail and transportation, including smaller lots and smaller format retail uses.

The subject property, located on the vacant southwest corner of East Broad St and Cedar Cliff Drive, is situated on a heavily-traveled retail corridor with similar, nearby & adjacent uses (the "Site").

2 proposed access points on the Site are to be derived from Cedar Cliff Drive; the first access point is to be facing east of the site in-line with an access point provided to the current Aldi establishment while the second access point is to be facing south towards the current Lowe's establishment. Internal circulation of the site suggests a clockwise motion with ample turning

SKILKEN | GOLD

Real Estate Development

radii and driving lanes. In order to supplement an appropriate internal circulation, 5 double-sided fuel dispensers are provided as opposed to the prototypical 6 dispensers.

In terms of noise, glare, odor, fumes, and vibration, the site is strategically situated to not influence any adjacent uses, tenants, or occupants in those regards. Lighting will be provided onto and the site and comply with the RZC Section 1105.09. Stormwater quantity for this development is planned for via existing regional detention. Stormwater quality will be addressed with final engineering.

vi. A narrative addressing each of the applicable criteria set forth in the standards and requirements for all conditional uses set forth below and, as applicable, the supplementary requirements for special uses set forth under the applicable district or zone regulations.

The proposed use and site shall comply with the applicable criteria set forth in the standards and requirements for all conditional uses as well as any supplementary requirements for special uses. The desired use is a single-tenant retail user which is similar to adjacent uses as well as other tenants / occupants along the heavily-trafficked corridor. More specifically, the tenant aims to provide a vibrant use for the area which incorporates a made-to-order restaurant, convenience store with drive-thru, and fuel sales with minimal outdoor display.

The proposed use aims to provide a convenient service to on-going traffic along the corridor which shall compliment adjacent auto-oriented, convenience, and other retail-based services and ultimately contribute to the character of the area in a beneficial manner. Given the existing, nearby auto-oriented uses in the area, the proposed Sheetz development will not contribute adversely to the area, nor will it affect the health, safety, morals, or welfare of persons residing or working in the neighborhood. Additionally, the site shall be served adequately in regards to any public facilities / utilities.

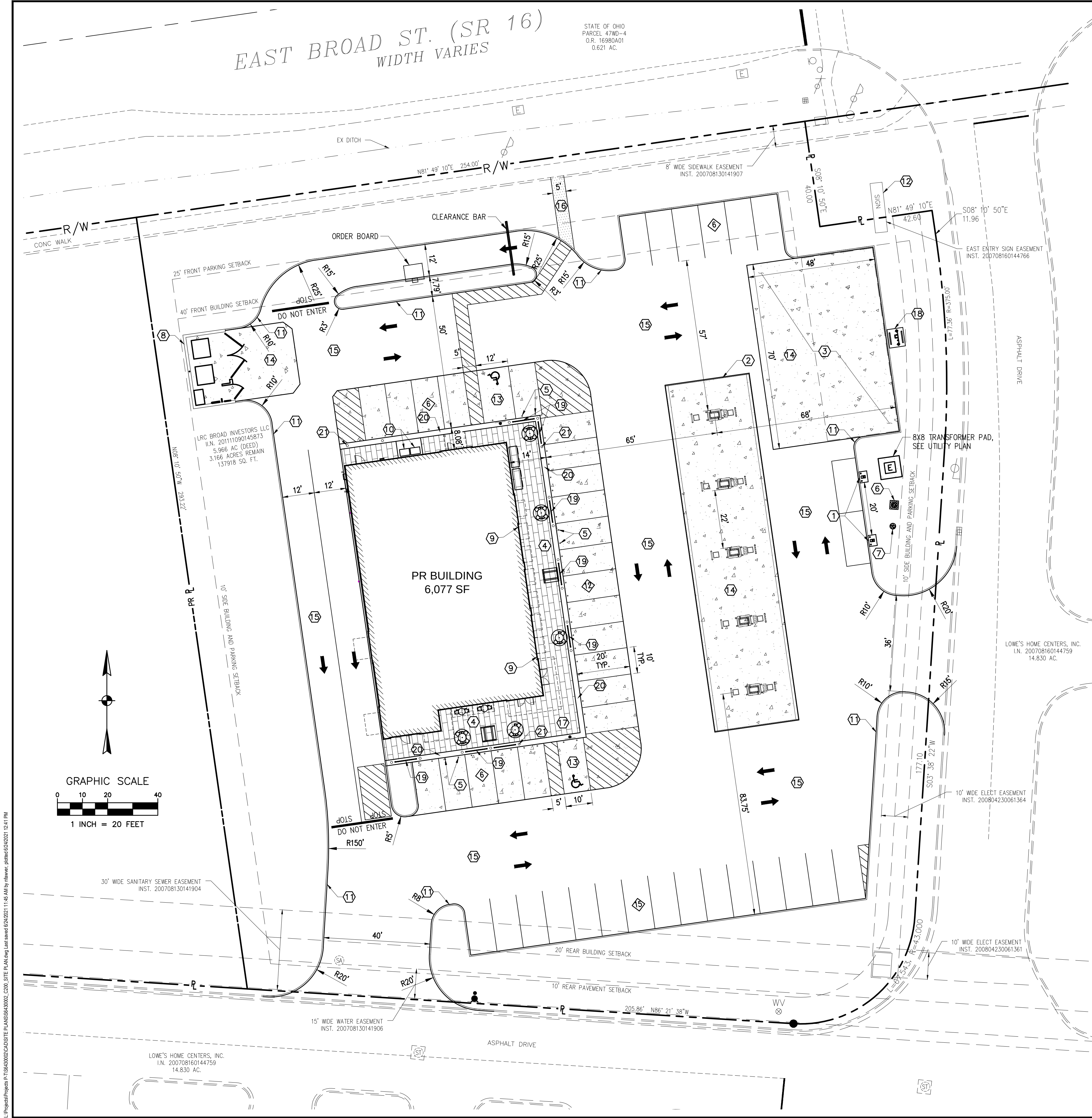
The proposed site does not suggest impacting the traffic of public right-of-ways and shall utilize private drives of the master development for its access and circulation. Furthermore, the proposed development aims to comply with all the standards set forth in the Reynoldsburg Zoning Code and Land Use Plan while also meeting the definition and intended use specifically listed as a conditional use in the CC Zone.

Respectfully submitted,

SkilkenGold Real Estate Development

Attachment: SkilkenGold Narrative Items (App #2021-5305, Parcel ID 067-000086, Kareem Amr)

L:\Projects\Projects P\158430002\CA\SITE PLANS\SS43002_C200 SITE PLAN.dwg Last saved 6/24/2021 11:45 AM by rrlawer: pdlcel 6/24/2021 12:41 PM



SITE DATA

PROPERTY ZONING:	CC (COMMUNITY COMMERCIAL)
PID:	067-000086-00
PARCEL SIZE:	1.997 AC
BUILDING:	C-STORE/RESTAURANT: 6,077 SF
PARKING:	C-STORE WITH GASOLINE - 1 PER 2 FUEL DISPENSING STATIONS + 1 PER 200 SF RETAIL AREA RESTAURANT - 1 PER 200 SF 6,077 SF/200 SF = 31 SPACES 5 FUEL DISPENSING STATIONS / 2 = 3 SPACES 34 SPACES REQUIRED 45 SPACES PROVIDED 2 ADA SPACES REQUIRED 2 ADA SPACES PROVIDED
MAXIMUM LOT COVERAGE:	70% - 67.6% PROVIDED
MAXIMUM BUILDING HEIGHT:	45' (28' PROPOSED)
LANDSCAPE SETBACK:	6' FROM PROPERTY LINES

CODED NOTES

- 1 AIR STATIONS PER SHEETZ STANDARD DETAIL E
- 2 FUEL STATIONS AND CANOPY
- 3 FUEL STORAGE TANKS
- 4 PATIO AREA
- 5 STOREFRONT BUMPER POST PER SHEETZ STANDARD DETAILS A AND H, TYP.
- 6 FLAG POLE PER SHEETZ STANDARD DETAILS K AND L
- 7 LAWN LIGHT PER SHEETZ STANDARD DETAILS M AND N
- 8 DUMPSTER SCREENING PER SHEETZ STANDARD DETAIL Y, SEE DETAIL ON SHEET C204
- 9 E-STOP LOCATION
- 10 PROPANE LOCKERS PER SHEETZ STANDARD DETAIL S
- 11 SITE PERIMETER CURBING PER SHEETZ STANDARD DETAIL C
- 12 EX MONUMENT SIGN, SHEETZ LOGO TO BE ADDED
- 13 ADA PARKING SPACE
- 14 CONCRETE LOT/DUMPSTER PAD PAVEMENT PER SHEETZ STANDARD DETAIL T
- 15 ASPHALT PAVEMENT PER SHEETZ STANDARD DETAIL T
- 16 CONCRETE SIDEWALK
- 17 BRICK PAVERS FOR WALK AROUND BUILDING, SEE ARCH PLANS FOR DETAIL
- 18 UNDERGROUND STORAGE TANK VENT PAD PER SHEETZ STANDARD DETAIL D
- 19 ALUMINUM FENCE AT SEATING AREA, SEE ARCH PLANS FOR DETAIL
- 20 WALK TO BE CONSTRUCTED FLUSH WITH PAVEMENT, TYP.
- 21 LIGHTED BOLLARDS, SEE ELEC PLANS FOR DETAILS, TYP.

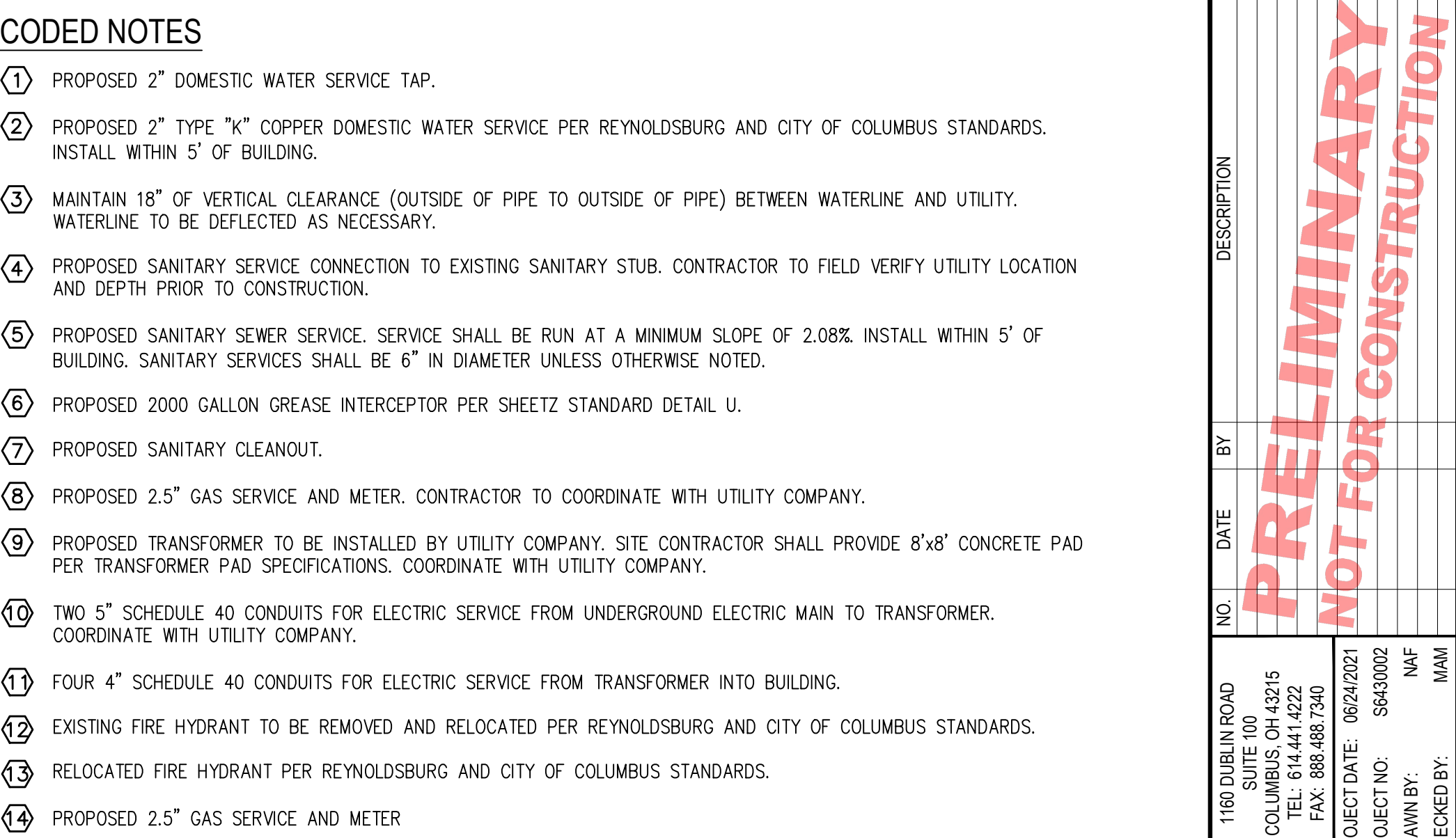
LEGEND

PROPOSED	EXISTING
PR CONCRETE PAVEMENT	EX FIRE HYDRANT
PR BRICK PAVERS	EX WATER VALVE
PARKING COUNT	EX SANITARY MANHOLE
PR ELECTRIC TRANSFORMER	EX CURB INLET
	EX STORM MANHOLE

SITE PLAN NOTES

1. CONTRACTOR SHALL REFER TO THE SHEETZ ARCHITECTURAL PLANS FOR THE EXACT LOCATION OF UTILITY ENTRANCES, BUILDING DIMENSIONS, ROOF LEADERS, EXIT DOORS, EXIT RAMPS AND PORCHES.
2. ALL DIMENSIONS ARE TO BUILDING FACE, FACE OF CURB OR EDGE OF SIDEWALK UNLESS NOTED OTHERWISE.
3. CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIALS FOR THE INSTALLATION OF TRAFFIC SIGNAGE AND PAVEMENT MARKINGS AS SHOWN ON THE CONSTRUCTION PLANS.
4. ALL NON-LANDSCAPED ISLANDS SHALL BE PAINTED WITH STRIPES 4" WIDE, AT 45' AND 2 FEET O.C.
5. ALL STRIPING SHALL BE 4" WIDE UNLESS NOTED OTHERWISE.
6. CONTRACTOR SHALL COORDINATE FINAL SIGNAGE LOCATIONS WITH SHEETZ.
7. CONTRACTOR SHALL REFER TO OTHER PLANS WITHIN THIS CONSTRUCTION SET FOR OTHER PERTINENT INFORMATION.
8. ALL CURB RADII ARE 4' UNLESS OTHERWISE NOTED.

1	2	PRELIMINARY SITE PLAN	SITE IMPROVEMENT PLAN FOR SHEETZ	SKILKEN/GOLD DEVELOPMENT 4270 MORSE ROAD COLUMBUS, OHIO 43230	 www.MannikSmithGroup.com	TECHNICAL SKILL: CREATIVE SPIRIT.	1160 DUBLIN ROAD SUITE 100 COLUMBUS, OH 43215 TEL: 614.441.4222 FAX: 888.688.7340 PROJECT DATE: 06/24/2021 PROJECT NO: S6430002 DRAWN BY: NAF CHECKED BY: MAM	NO.	DATE	BY	DESCRIPTION
							PRELIMINARY NOT FOR CONSTRUCTION				



PROPOSED		EXISTING	
W	PR WATER LINE	W	EX WATER LINE
SAN	PR SAN LINE	SA	EX SAN LINE
ST	PR STORM LINE	ST	EX STORM LINE
E	PR ELECTRIC LINE	E	EX ELECTRIC LINE
G	PR GAS LINE	G	EX GAS LINE
	PR MANHOLE	O-V-H-D	EX OVERHEAD LINE
	PR CATCH BASIN	T	EX COMM LINE
	PR STORM STRUCTURE NUMBER		EX FIRE HYDRANT
	PR ELECTRIC TRANSFORMER		EX WATER VALVE
		S	EX SANITARY MANHOLE

1. ALL SITE WORK SHALL BE DONE IN ACCORDANCE WITH THE PLANS PREPARED BY THE MANNIK & SMITH GROUP, INC., THE CURRENT REQUIREMENTS OF THE CITY OF REYNOLDSBURG, THE APPLICABLE SECTIONS OF THE ODOT STANDARD SPECIFICATIONS FOR ROADWAY CONSTRUCTION, AND ALL OTHER PERTINENT FEDERAL AND STATE LAWS.
2. THE CONTRACTOR SHALL COMPLY AT ALL TIMES WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS, PROVISIONS, AND POLICIES GOVERNING SAFETY AND HEALTH.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR EXAMINING THE AREAS AND CONDITIONS UNDER WHICH THE PROJECT IS TO BE CONSTRUCTED PRIOR TO THE SUBMISSION OF A BID. SUBMISSION OF A BID SHALL BE CONSTRUED TO MEAN THE CONTRACTOR HAS REVIEWED THE SITE AND IS FAMILIAR WITH CONDITIONS AND CONSTRAINTS OF THE SITE.
4. BEFORE EXCAVATION, ALL UNDERGROUND UTILITIES SHALL BE LOCATED IN THE FIELD BY THE PROPER AUTHORITIES. THE CONTRACTOR SHALL NOTIFY OUPS AT 800-362-2764. THE LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES ARE APPROXIMATE AND MAY NOT ALL BE SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXISTENCE AND EXACT LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BID AND PERFORM ALL UTILITY WORK IN COMPLIANCE TO ALL APPLICABLE LOCAL AND STATE CODES AND REGULATIONS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FEES ASSOCIATED WITH THE INSTALLATION, INSPECTING, TESTING AND FINAL ACCEPTANCE OF ALL PROPOSED UTILITIES CONSTRUCTION.
7. CONTRACTOR SHALL COORDINATE WITH THE APPROPRIATE UTILITY COMPANY ON THE ADDITION, REMOVAL AND/OR RELOCATION OF UTILITIES AND UTILITY POLES AND THE EXTENSION OF ALL PROPOSED UTILITIES TO SHEETZ STORE.
8. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS OF THE RESPECTIVE UTILITY COMPANY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE ALL UTILITIES ARE INSTALLED CORRECTLY TO MEET PROJECT REQUIREMENTS WHETHER PERFORMED BY THE CONTRACTOR OR NOT.
9. AN AS-BUILT DRAWING OF NEW UTILITY SERVICES SHALL BE PREPARED BY THE CONTRACTOR AND SUBMITTED TO THE OWNER UPON COMPLETION OF THE PROJECT.
10. UTILITY COMPANIES AND CONTACTS ARE LISTED ON TITLE SHEET C000.
11. CONDUIT LOCATIONS TO SIGNS AND SITE LIGHT POLES TO BE COORDINATED WITH SHEETZ SUPERINTENDENT.
12. CONTRACTOR SHALL COORDINATE WITH SHEETZ SUPERINTENDENT ON LOCATION AND SIZE OF THE GREASE TRAP. GREASE TRAP SHALL BE PROVIDED WITH "T" PIPE IN OUTFLOW CHAMBER. ALL SANITARY SEWER PIPE SHALL BE SDR-35 PVC UNLESS OTHERWISE NOTED.
13. CONTRACTOR SHALL COORDINATE WITH SHEETZ ON CONDUIT ROUTE TO STORE FROM THE TRANSFORMER AND/OR SERVICE UTILITY POLE FOR TELEPHONE AND ELECTRICAL SERVICE.
14. CONTRACTOR SHALL REFER TO OTHER PLANS WITHIN THIS CONSTRUCTION SET FOR OTHER PERTINENT INFORMATION.

2	PRELIMINARY UTILITY PLAN	SITE IMPROVEMENT PLAN FOR	SKILKEN/GOLD DEVELOPMENT	 Mannik Smith GROUP www.MannikSmithGroup.com	TECHNICAL SKILL CREATIVE SPIRIT.	1160 DUBLIN ROAD SUITE 100 COLUMBUS, OH 43215 TEL: 614.441.4222 FAX: 888.688.7340	NO. DATE BY DESCRIPTION
2		CEDAR CLIFF AND EAST BROAD ST REYNOLDSBURG, OHIO 43068	4270 MORSE ROAD COLUMBUS, OHIO 43230	PROJECT NO. 56430002 DRAWN BY: NAF CHECKED BY: MAM	PROJECT DATE: 06/24/2021	1160 DUBLIN ROAD SUITE 100 COLUMBUS, OH 43215 TEL: 614.441.4222 FAX: 888.688.7340	NO. DATE BY DESCRIPTION



July 7, 2021

Board of Zoning and Building Appeals
City of Reynoldsburg
7232 E. Main Street
Reynoldsburg, OH 43068

RE: PID #067-000086 – Conditional Use #2021-5305
Staff Report

Board of Zoning and Building Appeals:

Below is the staff review of the above referenced application.

1. Project Summary

- a. The property is located on an outparcel at the Shoppes at East Broad (parcel ID #067-000086) and is within the Community Commercial (CC) Zone.
- b. The applicant, SkilkenGold Development, LLC (Kareem Amr), is requesting Board of Zoning and Building Appeals approval of a conditional use for the construction of a 24/7 Sheetz Convenience Store on approximately 2 acres. The site is currently vacant.

2. Zoning Review (Section 1109.21)

- a. 'Retail - Convenience with gasoline' is listed as a Conditional Use in the CC Zone. BZBA approval is at the discretion of the Zoning Administrator.
- b. The proposed use requires 1 parking space per each 2 dispensing stations plus 1 per each 200sf of retail floor area. The preliminary site plan as presented meets the minimum off-street parking requirements established in Table 1105.01A.

3. Conditional Use Factors (Section 1109.15)

- a. The Board shall consider whether the proposed conditional use is consistent with the standards contained in Section 1109.15(D) of the Reynoldsburg zoning ordinance:
 - i. The proposed use is consistent with the existing development pattern of the area and the essential character of the zone as it currently exists is unlikely to be changed. The CC Zone 'is intended to promote development patterns and businesses that are consistent with larger retail while also providing convenience of access on heavily-traveled corridors.' This proposal is consistent with the intent for the district.
 - ii. The proposed use will not adversely affect the use of adjacent property. Adjacent parcels are also zoned Community Commercial.

iii. The proposed use will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood.

iv. The proposed use is adequately served by existing public facilities and services.

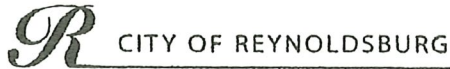
v. Any new use will inevitably increase the traffic burden, as the site is currently vacant, however the proposed use will not impose a significant traffic burden greater than that of other permitted uses in the CC Zone (for example, 'Food Sales - Large Format Grocery' or 'Event Center - Public Meetings and Conventions'). The proposed development will utilize private drives of the Shoppes at East Broad for its access and circulation.

vi. The proposed development is consistent with the intent of the zoning ordinance and Comprehensive Master Plan.

vii. The proposed site plan as submitted complies with all applicable provisions and development standards of the zoning ordinance and/or the CC Zone.

viii. 'Retail - Convenience with gasoline' is listed as a Conditional Use in CC. The proposed use as described meets the definition of this use.

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



Department of Development
Planning & Zoning Division
7232 East Main Street
Reynoldsburg, Ohio

RECEIVED

Received
JUN 16 21

REYNOLDSBURG
BUILDING DEPT

Reynoldsburg Building Division
Section 1109

BOARD OF ZONING & BUILDING APPEALS
APPLICATION

App./Case#: 2021-5285Date Submitted: 6/16/21Fee Amount: \$450

☒ Paid: check

I. PROPERTY INFORMATION

Property Address:

1922 Brice Road, Reynoldsburg, OH

Parcel ID#(s):

060-002811-00

II. PROPERTY OWNER OF RECORD

Property Owner Name(s):

1900 Brice Road, LLC

Contact Email:

dkuzman9@aatt.net

Contact Phone Number:

614-296-4027

III. BUSINESS/TENANT INFORMATION (IF APPLICABLE)

Business Name:

Los Portales Restaurant

Contact Name:

Elena Saldana

Contact Phone Number:

614-790-0842

Contact Email:

superlsportales@aol.com

Description of Use:

Restaurant

IV. APPLICANT INFORMATION

Applicant Name:

Elena Saldana

Applicant Address

1924 Brice Road, Reynoldsburg, OH

Applicant Phone Number:

614-790-0842

Applicant Email:

superlsportales@aol.com

Property Owner



Business Owner/Tenant



Contractor



Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLICABLE:

Variance ☒ Non-Residential (\$450) / ☐ Residential (\$100): Mexican Seafood Restaurant

adjacent to current Latin American Supermarket.Location was previously occupied some years ago by a restaurant called Mama Juana. See Attached☐ Conditional Use Permit (\$350):☐ Other:

Please review the attached checklist and note the items you are responsible for submitting with this application. All required items must be submitted to the Planning & Zoning Administrator.

Applicant Signature: XDate: 6/16/21

By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is authorized with the full knowledge of the owner.

OFFICE USE ONLY

Additional Notes:

Zoning Information

Zoning District: Innovation☐ Historic District☐ CC Overlay

Add'l Approvals Req'd

☐ Planning Commission☐ Other:

BZBA Meeting

Date: 7/15/2021☐ Approved as Submitted☐ Approved w/ Conditions☐ Tabled☐ Denied

City Council Meeting

Date:

☐ No Action Taken☐ Approved as Submitted☐ Approved w/ Conditions☐ Denied

P&Z Admin.:

Date:

Clerk of Council:

Date:

SUPPLEMENT TO BOARD OF ZONING APPEALS APPLICATION

LOS PORTALES RESTAURANT

DATE: JUNE 24, 2021

The applicant, Maria Elena Saldana, is a Mexican-American who is the primary stockholder and owner of Super Mercado Los Portales, Ltd. (hereinafter the "supermarket") which is one of the largest Latin American Grocery Stores in Central Ohio. The supermarket opened in October of 2008 at 1924 Brice Road, Reynoldsburg, Ohio 43068. The supermarket presently employs ten (10) full time employees and has a weekly foot traffic of approximately 2,450.00 customers. The supermarket carries food, cleaning, and beauty products from all over Latin America, as well as exotic fruits and vegetables, specialty meats, specialty beers, spices, and other popular cooking products from all around Latin America. For Hispanics and Latinos, the grocery store is a popular place to sit, shop, relax, and converse while listening to music and watching sports on big screen televisions from all over Latin America. On any one day, you will find half a dozen people congregated in the communal seating area in the rear of the store talking about one thing or another – and mostly in Spanish.

Mrs. Saldana is a proud first-generation Mexican-American immigrant. Her husband, Sergio Perez Garcia is also a first-generation Mexican-American immigrant who is the owner and operator of Active Roofing & Construction, LLC. The roofing company employs approximately 10-15 people full time and most recently was awarded contracts by Facebook and Google. Mrs. Saldana and Mr. Garcia four children, one of whom presently serves in the Armed Forces of the United States.

Mrs. Saldana and her husband both speak English moderately well but their comprehension of English is less than ideal when conversations become technical such as with a lawyer, engineer, or architect. If the experience of my law firm is any indication, Mrs. Saldana and Mr. Garcia have feigned understanding on many occasions when they did not completely understand the gist of what was said. Sometimes, they earnestly believe they have understood something and other times I believe they may indicate comprehension but only so as not to be embarrassed. With technical matters, I have taken the liberty of using a Spanish language interpreter just to be certain that they understand what I am saying. On other occasions, I will ask them to explain the concept of what I have just explained to them back to me in simple form to see if they really understood what I said. It is my solemn belief language difficulties played some part in the delays for the approval of the restaurant.

On December 8, 2014, Ms. Saldana filed an initial application for a special exception permit for a restaurant to be located at 1922 Brice Road, Reynoldsburg, Ohio 43068. At the time of the application, the property was zoned Community Commercial which listed a restaurant as a special exception. The architect hired to draw up the

Attachment: Supplemental Info (App #2021-5285, 1922 Brice Road, Elena Saldana)

building plans and site plans for the endeavor was Andrew J. Delzoppo, Sr. (Registered Ohio Architect 11100). Mr. Delzoppo was chosen because he did the plans which were ultimately approved for the prior restaurant owner, Momma Juana, which operated at 1922 Brice Road from approximately April 2011 – February 2013.

On January 9, 2015, a zoning certificate was issued for Los Portales Restaurant. Mrs. Saldana and her husband were unsure of the next step in the process and so they asked their architect to assist them. Unfortunately, Mr. Delzoppo, Sr. put together building and site plans that mostly contained items that were already done and approved for the opening of the Momma Juana Restaurant. The building plans had detailed electrical changes and room finish schedules for the dining room, bar, kitchen, restrooms, and liquor storage that were completed years earlier. The plans also detailed some plumbing changes and alterations to the venting system and hood in the kitchen area. The plans also contained detailed patio fencing plans which were not completed at the time of the Momma Juana application and were not requested or done by Mrs. Saldana or her husband. There was absolutely nothing in the building plans the referenced the changes and alterations done by Mrs. Saldana and her husband.

Since Mr. Delzoppo, Sr. prepared the building and site plans for Momma Juana, one can only conclude that he simply took the name Momma Juana off of his previous draft of building plans and put down the name Los Portales Restaurant without changing a single thing and without visiting the site and doing any due diligence. Mr. Delzoppo, Sr. had the prior use of the property as a retail sales outlet for car audio components. However, he most assuredly should have known that the previous use of the property was for a restaurant, his own client, Momma Juana. Perhaps most unfortunate of all, is the fact that Mr. Delzoppo, Sr. created the building and site plans as if they were for the property at 1924 Brice Road which was incorrect and filed a formal application on behalf of Mrs. Saldana and her husband asking the City of Reynoldsburg to approve a new restaurant on the property located at 1924 Brice Road where the current supermarket is located. However, there was never any intention to close or move the supermarket and so the filing was just simply wrong..

We were hired to assist Mrs. Saldana and her husband in April of 2021 and very quickly identified a disconnect between the building and site plans and what Mrs. Saldana and Mr. Garcia described to me in English and in Spanish as to the extent of their modifications to the existing Momma Juana restaurant layout which they inherited when they rented the property. They were adamant that they had not changed any electrical or plumbing systems or altered the ceiling or roof in any way. When asked about the fencing for a patio and potential patio seating, they looked completely and utterly confused. It was the type of look that you just know someone really has no idea about what you are speaking. When I explained to them what the building and site plans detailed, they were astonished to learn that the plans drawn by the architect contained no reference to the alterations they made to the site. Instead, the plans

contained information related to alterations which were done and approved many years ago before Momma Juan ever opened.

. One of the biggest mistakes made by Mrs. Saldana and her husband was a completely blind trust and faith in the professional architect which they had hired. The building and site plans went back and forth several times for alterations but there was never anything correct about the plans until very recently. In fact, the only modifications that Mrs. Saldana and her husband ever made to the property at 1922 Brice Road was the (1) the addition of a host/hostess stand near the front entrance of the restaurant (2) an extension of the bar without any changes to the existing electrical or plumbing system (3) an addition of a steel fire door between the supermarket (1924 Brice Road) and the proposed new restaurant (1922 Brice Road). When we wrote a friendly three-page lawyer letter to the architect on June 2, 2021 about the situation and the possible delays and problems his negligence had caused, the architect then refused to return our calls or respond in any fashion. However, when Mr. Garcia talked with him just a few weeks after he got our very cordial letter, he had already revised and corrected the building and site plans and had them ready for immediate pickup. This time the plans were correct and had the right information and address.

Unfortunately, no inspections were ordered and no certificate of occupancy was ever issued after the zoning certificate was issued on January 9, 2015 or after the building plans were filed on September 25, 2015. In November of 2015, Mr. Garcia was on a commercial roof top with his crew when he fell several stories into a pit of hot mix asphalt which burned nearly 50% of his body and left a very ugly pattern on what skin remained that has never healed. Mr. Garcia could not walk or move for many months and had to undergo painful skin grafts on certain areas of his body. The burns and the scarring were demonstrated to the Law Director and the Development Director a few weeks ago. Mr. Garcia and the roofing company were the main bread winners at the time for the entire family and so when he was hospitalized and could not work, it was both a human and financial tragedy. There was no way to pursue the restaurant matter given what had just happened to Mr. Garcia. Now, mind you, the couple continued to pay monthly rent for the 1922 Brice Avenue property from 2014 up until the present day without abatement and without any income from a restaurant. Mrs. Saldana and Mr. Garcia just could not give up on the dream of their restaurant.

On May 22, 2017, Mrs. Saldana filed a special exception use permit application for a restaurant at 1922 Brice Road which was ultimately issued on March 9, 2018. In the mean-time, the building and site plans of Mr. Delzoppo, Sr. were reissued on June 20, 2017 with the same incorrect information and address as before along with an application for approval of the plans which was ultimately granted on August 2, 2017. Ironically, Mrs. Saldana (as opposed to the professional which had been hired) put correct address on the documents which she filed which was for 1922 Brice Road. So as of March 9, 2018, there was an approved special exception zoning permit for 1922 Brice Road and approved building plans for 1924 Brice Road – the problem is that the

supermarket was and is at 1924 Brice Road and there was never any intention of doing any building modification or putting the restaurant at that location.

From the spring of 2018 until roughly the end of the year, Mrs. Saldana and Mr. Garcia made several visits to try and catch their architect at home and made many phone calls to their architect to ask if he could assist them because they simply had no idea why the restaurant was not approved. The architect, however, fell deftly silent after he was paid for revising incorrectly already incorrect plans. Not all of the blame can be laid at the feet of the architect. Some blame must be assigned to Mrs. Saldana and Mr. Garcia who honestly thought they understood the process and what was supposed to happen but really did not. Mrs. Saldana and Mr. Garcia claim they did make some calls to the City of Reynoldsburg but likely because of their lack of comprehension when it comes to technical matters and what was likely justifiable confusion on the part of the city as to their applications, everyone seems to have been lost and on a different page.

In the last few months of 2019, Mrs. Saldana and Mr. Garcia talked with officials from the City of Reynoldsburg who promised to sit down with them and go over what was a very confused application process for their restaurant. However, by the time both parties were in contact, the Covid-19 pandemic hit the United States and government offices were pretty much shut down. Face to face meetings became impossible until very recently and with employees working from home and sometimes with less than perfect access to all of the information that might be needed to answer questions or spot problems, nothing got accomplished to fix the application problems.

It was not until Mrs. Saldana and Mr. Garcia reached out for help to our office and we came with them to the Municipal Building in April of 2021 that we got to talk face to face with someone. Unfortunately, on that day no one diagnosed that the building plans were previously submitted for 1924 but should have been submitted for 1922. The only hint of a problem was when the front desk attendant said that we would have to get zoning approval for our occupancy. That struck me as odd because I could not imagine that anyone would have worked on this restaurant situation either from the city's side of things or from the architect's side of things without checking that basic requirement. After all, there had been approvals in the past for this restaurant and others at the 1922 Brice Road location.

After our initial visit to the City of Reynoldsburg, we met with our clients and filled out the paperwork that was handed to us by the front desk attendant in the building department on the day we visited. We worked on an application for approval of a minor site plan, an application for an occupancy permit, and a zoning approval for a sign permit. We also obtained new and nearly correct building plans and site plans from the derelict architect. It was brought to our attention that the Ohio Commercial Building Code had been amended prior to the architect's latest revisions and his citations to outdated code sections were therefore all wrong.

Nevertheless, in mid-May of 2021, we read and re-read the zoning code and carefully filled out and attempted to submit a minor site plan approval application, an application for certificate of occupancy, and an application for zoning approval for a sign application on June 4, 2021. However, we simply failed to realize that the zoning for the property, as a whole, had changed as of March 23, 2020, and we were informed for the first time that we would have to file for a hardship variance with the Board of Zoning Appeals. The City of Reynoldsburg very graciously agreed to a face-to-face meeting with our clients with various official on May 11, 2021. It was at this meeting when we figured out what had gone so very wrong. Perhaps stupidly, it never dawned on me that a restaurant would not be permitted at the 1922 location because that location had been approved for such at least three times since 2010 and especially given the investment in the infrastructure inside of the property with a commercial kitchen that would be the envy of any high end restaurant in Ohio.

STANDARDS FOR VARIANCE

- (a) the variance is in accord with the general purposes and intent of the regulations imposed by this Code in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

The new and current zoning designation for 1922 Brice Road is Innovative District which does not have restaurant as a permitted use, a conditional use or as a special exception. However, a restaurant has been at this site off and on since 2010 and approved for this site on three prior occasions with tens of thousands of dollars put into the infrastructure of the building designed and geared for a restaurant establishment. In this case, the restaurant would be adjacent to the Latin American supermarket that the applicant has owned and operated since October 2008. Both businesses compliment one another. The 2,450.00 mainly Latin American customers who frequent the supermarket each week create an important pocket of diversity for the City of Reynoldsburg. The addition of the restaurant is almost a natural extension for the unique fruits, vegetables, and spices already sold next door for home cooking. The restaurant makes the location a destination – a place where Latinos and Hispanics might go to eat and then to shop at the store or vice versa. Additionally, Mrs. Saldana and her husband are very active in the Latino and Hispanic community and have had several cultural and musical performances at the supermarket which have been well attended. They would like to do the same with live performances in the restaurant while people dine on seafood created and prepared according to several Latin American traditions. The location of the restaurant is surrounded by suburban residential zoning – folks who need a destination such as what is proposed here in which to walk and dine and shop.

The presence of the restaurant would pose no danger or threat to a district that is to be principally made up of light industrial uses and warehouses and/or professional offices.

- (b) The variance will not permit the establishment of any use which has not otherwise listed as a permitted use or a special exception in the district, or which is expressly or by implication prohibited by this Code.

There is no express prohibition against a restaurant in a district such as this. The comprehensive plan for the area was concerned about a continuation of big box vacancies and strip mall vacancies in the area. This is largely a retail sales related concern and does not appear to be directed toward the culinary arts. What makes Easton so interesting to people is the ability to live and work and dine and shop within such a close distance. Attracting innovators and technology companies and professionals is certainly made easier by the addition of upscale in-door dining with diversity in its atmosphere, people, and food served such as is proposed here.

- (c) There exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area and which are such that the strict application of the provisions of this Code would deprive the property owner of the reasonable use of the such land or structures.

The property at 1922 Brice Road has been outfitted over the years with plumbing and electrical work and with a commercial kitchen geared solely for occupancy by a restaurant. The electrical and plumbing and ventilation alone in the kitchen have been a major investment for the owner of the building. The applicant and her husband have purchased approximately \$180,000 worth of walk-in freezers and kitchen and cooking equipment to complement what was already in place in contemplation of being able to open their restaurant – their dream. The supermarket which is next door and which is grandfathered is already a destination for Latinos and Hispanics and will achieve what the comprehensive plan most desires – for the innovative district and others to become a destination whereby people can walk from their homes and dine out, shop, and perhaps hear some music or see something cultural. This most certainly would put some life into what is a lifeless area of vacant properties.

- (d) There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that great 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.

When the applicants first rented the property at 1922 Brice Road, the contemplated use as a restaurant was a special exception and had been approved at least three times before. There was every expectation that they could also have a restaurant at the same location. They purchased \$180,000 worth of kitchen and cooking equipment to compliment the already existing infrastructure which was already geared for a restaurant. But for a language barrier and a bad architect and Mr. Garcia's unfortunate accident and perhaps delays by Covid-19 – they might have already opened the restaurant. Certainly, different pieces of what is required have been approved over time – the building plans have been approved previously and a zoning certificate in 2015 before the zoning map and code changed in 2020.

- (e) 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.

Many of the building along the Brice Road corridor are vacant. The property values for these buildings seem to be very flat and do not seem to have benefited from the recent rash of frenzied buying and speculation in the real estate market. The occupancy of 1922 Brice Road by Los Portales Restaurant will insure income to the owner of the building for two businesses – the restaurant and the supermarket. It goes without saying that if the restaurant cannot be approved, the applicants may well want to look for another location so that they run both of their businesses side by side and save time and energy and have some economies of scale and perhaps some overlap in employees. There is currently a large amount of light industrial and warehouse space being built in other local communities and so it might take time to attract the types of businesses which the new Innovative District seeks to attract, but, in the mean-time the owners of those properties must have some income to be incentivized to reinvest back into the property and they must be convinced that such will pay off in the long run. Property owners who do not reinvest and improve their buildings when they sense a hopeless spiraling down of profits and values and no way to stop it.

- (f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the

danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

An upscale restaurant as this is planned to be will increase the values of adjacent properties and will bring folks into the area who have money to spend either on dining out or shopping at the supermarket or both. There would be no increase in congestion as this building is not immediately adjacent to Brice Road. There is not contemplated additional burdens on government services by the approval of this restaurant.

- (g) The variance will not confer on the property owner any special privilege that is unduly denied by this Code to other land, structures, or buildings in the same district.

What is unique about the situation here is that the applicant would have been able to achieve their dream of a restaurant long ago and would have been grandfathered in if they had better understood technical English, worked with a competent architect who could have prepared correct plans and guided them through the process which is what they thought they hired the architect to do, and if Mr. Garcia had not fallen and nearly died from his accident, and if they had not already in good faith and through no malicious intention invested so much money in in equipment and rent – all as tangible proof of their determination and tenacity to open Los Portales Restaurant.

- (h) No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures are considered as grounds for approval of the variance.

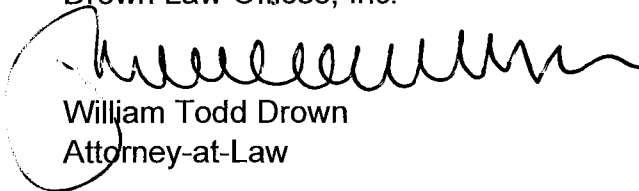
The applicant has pointed to no such non-conforming uses to justify their application for hardship.

- (i) The variance is not a matter of convenience when other remedies are available within the provisions of this Code.

There are no other remedies which will permit the applicants to open their restaurant except a hardship variance granted by this Honorable Board of Zoning Appeals.

In conclusion, I want to state emphatically that neither Mrs. Saldana nor her husband place any blame for the confusion or what happened to their application over time on the City of Reynoldsburg. It was simply an unfortunate series of mistakes – some of which were not the fault of our clients. On behalf of my clients, we appreciate your time and consideration and say thank you for the public service role that you play.

Very Respectfully Submitted,
Drown Law Offices, Inc.

A handwritten signature in black ink, appearing to read 'William Todd Drown', is written over a circular stamp. The signature is fluid and cursive.

William Todd Drown
Attorney-at-Law

1922/1924 Brice Road

1922 Brice Road

- | | |
|-----------|---|
| 1/4/2010 | - 32 SE, Special Exception Use Permit, Eating & Drinking, applicant was Carlos Almonte |
| 6/17/2010 | - 41 SE, Special Exception Use Permit, Restaurant, applicant Sopheap Keng |
| 7/30/2010 | - 7858 Z, Zoning Certificate for New Use/Restaurant, applicant Sopheap Keng |
| 8/2/2010 | - 27787 B, Building Permit for Mamajuana's issued, applicant was Andrew Delzoppo |
| 4/22/2011 | - Certificate of Occupancy for Mamajuana's issued |
| | |
| 6/20/2013 | - 77 SE, Special Exception Use Permit, All About Music Restaurant, applicant was Marcella Croft |
| | |
| 12/8/2014 | - 91 SE, Special Exception Use Permit, Restaurant, applicant was Maria Elena Saldana Lara |
| 1/9/2015 | - 8691 Z, Zoning Certificate for Los Portales Grill, applicant was Maria Elena Saldana Lara |
| | |
| 5/22/2017 | - 122 SE, Special Exception Use Permit, Eating & Drinking, applicant was Maria Elena Saldana Lara |
| 3/9/2018 | - 9591 Z, Zoning Certificate for new business restaurant, applicant was Maria Elena Saldana Lara |

1924 Brice Road

- | | |
|------------|---|
| 9/15/2008 | - 7492 Z, Zoning Certificate for Grocery Store, applicant was Maria Saldana |
| 10/09/2008 | - 27064 B, Change of Occupancy for Grocery Store, applicant was Maria Saldana |
| 10/30/2008 | - Certificate of Occupancy for grocery store issued |
| | |
| 9/25/2015 | - 30419 B, Building Permit for Los Portales Tenant Finish issued, applicant was Andrew Delzoppo
Certificate of Plan Approval
No inspections performed
No Certificate of Occupancy issued |
| | |
| 8/2/2017 | - Application submitted for Los Portales, application was Maria Elena Saldana Lara
Certificate of Plan Approval
No Contractor information
Permit never issued
No inspection performed
No Certificate of Occupancy issued |



SHOPPING PLAZA WHERE WE CURRENTLY OPERATE A LATIN SUPERMARKET. MAMAJUANA WHICH WAS A LATIN RESTAURANT WHICH PREVIOUSLY OPERATED AT 1922 WHERE WE PROPOSE TO OPEN OUR LATIN SEAFOOD RESTAURANT



THIS IS OUR NEIGHBOR LOOKING SOUTH WHICH IS LCOATED ACROSS FROM THE SHOPPING PLAZA. IT IS A DANCE STUDIO. IN THE FAR DISTANCE IS A DAY CARE FACILITY.



THIS IS OUR NEIGHBOR LOOKING TO THE WEST TOWARDS BRICE ROAD. THERE IS A POPEYES CHICKEN AND VARIOUS OTHER BUSINESSES.



THIS IS THE 1922 LOCATION FOR THE RESTAURANT. IT WAS PREVIOUSLY OCCUPIED BY A RESTAURANT CALLED MAMAJUANA. FOR OPENING PURPOSES, WE PROPOSE TO COVER THE EXISTING SIGN WITH TEMPORARY BANNER. THE SIGN IS NOT LIGHTED.



1924 – OUTSIDE VIEW OF OUR LATIN SUPERMARKET. THE RESTAURANT WILL BE TO THE LEFT OF THIS PHOTOGRAPH AND IMMEDIATELY NEXT DOOR AT 1922



RESTAURANT LOCATION AT 1922. OUR LATIN SUPERMARKET STORE IS JUST TO THE RIGHT OF THIS PHOTOGRAPH. OUR NEIGHBOR ON THE ONE SIDE IS THE MANDELA AFRICAN STORE.



WE PROPOSE TO USE A BANNER TO COVER THE EXISTING SIGN OF THE PRIOR OCCUPANT (MAMAJUANA) FOR A FEW WEEKS UNTIL WE CAN GET A PERMANENT SIGN APPROVED. PLEASE NOTE THAT THE SIGN IS NOT LIGHTED.



THIS IS THE TEMPORARY BANNER WHICH INTEND TO USE UNTIL WE CAN OBTAIN APPROVAL FOR A PERMANENT SIGN. IT WILL COVER THE EXISTING MAMAJUANA SIGN.

PORTALES

3.2'

24.3"

39.66'



D.2.c



**RESTAURANT SEATING AREA – FRONT RECEPTION
DESK/HOST/HOSTESS STAND. BEHIND THE LIGHT BLUE CURTAINS
IS THE FRONT ENTRANCE**





Service Department
Director William Dorman

7232 E. Main Street Reynoldsburg, Ohio (614) 322-6840

www.ci.reynoldsburg.oh.us

NOTICE OF CIVIL ASSESSMENT

February 23, 2021

ROBERT A. MILLER
354 CORNHILL CT.
REYNOLDSBURG, OH 43068

RE: 6301 E. Main S., Reynoldsburg, Ohio 43068
Parcel ID No. 060-007354-00

Dear Property Owner:

Pursuant to Section 1711.98(B) of the Codified Ordinances of the City of Reynoldsburg, this letter shall serve as Notice of Civil Assessment for failure to comply with the Notice of Violation served on April 13, 2021. The following property maintenance violations have not been corrected within the timeframe specified by the Notice of Violation:

1. Paving and Improvements, Rey. Ord. Section 1105.01(G)(viii)

Corrective Action Needed: Parking Lot need to be re-paved

2. Protective Treatment, IMPC Sec. 304.2

Corrective Action Needed: Powerwas sidewalks, curbs, and concrete areas of premises

3. Sidewalks and Driveways, IPMC Sec. 302.3

Corrective Action Needed: Sidewalks and Curbs need to be repaired and/or replaced.

Enclosed please find the most recent photographs that have been taken of the property, which document these violations. The City has attempted, in good faith, to confer with you regarding these violations in an attempt to establish a reasonable time to comply with recommended corrective actions. To date, the City has determined that you have not engaged in timely corrective action.

For each day such violations continue from the date of receipt of this Notice of Civil Assessment, you may incur a civil penalty of One Thousand Dollars (\$1,000.00) per day, for which the City may seek to obtain judgment in a court of competent jurisdiction. Enclosed please find a copy of Section 1711.98 for your review.

Attachment: Packet Materials (Appeal, 6301 East Main Street (AAMCO Body Shop))



7232 E. Main Street Reynoldsburg, Ohio (614) 322-6840

Service Department
Director William Dorman

www.ci.reynoldsburg.oh.us

You have the right to appeal this Notice within fourteen (14) days by filing a written request for hearing with the Clerk of Council located at 7232 E. Main Street, Reynoldsburg, Ohio 43068. Pursuant to Chapter 1711, the Board of Zoning and Building Appeals shall hear any appeals from this Notice.

Sincerely,

William Dorman, Service Director

Attachment: Packet Materials (Appeal, 6301 East Main Street (AAMCO Body Shop))

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
Total Postage and Fees

Sent To **Robert A. Miller**
Street and Apt. No., or PO Box No.
6301 E. MAIN ST
City, State, ZIP+4®
WESTERVILLE, OH 43081

PS Form 3800, April 2015 PSN 7530-02-000-9047

Boo
W
4/13
6301

United States
Postal Service

* Sender: Please print your name, address, and ZIP+4® in this box *

**CITY OF REYNOLDSBURG
BUILDING DEPARTMENT
7232 EAST MAIN STREET
REYNOLDSBURG, OHIO 43068**

AAMCO
Body Shop

6301 E. MAIN ST

☐ VACANT PROPERTY - City will not enforce code.

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Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
Total Postage and Fees

Sent To **Robert A. Miller**
Street and Apt. No., or PO Box No.
354 Corn Hill Ct
City, State, ZIP+4®
WESTERVILLE, OH 43081

PS Form 3800, April 2015 PSN 7530-02-000-9047

Postmark
Here

5/19/21

found to be in violation of Reynoldsburg City Code

AND IMPROVEMENTS

t growth in excess of 6 inches on property.
sh cans &/or recycle bins stored improperly.

PARKING AND LOADING FACILITIES SHALL BE

CE SUCH AS ASPHALT OR CONCRETE.

e 28 days to correct the violation by:

Other Corrective Action(s) PA

NOTICE: Failure to comply or a subsequent violation may result in any actions taken by the City of Reynoldsburg and if not reimbursed may be a lien against the property. Reynoldsburg Building Department on

Thank you for your immediate

Office Use Only: Initialed: WD

Re-Inspection Date 5 / 11 / 21

Citation Date / / Citation

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBERT A. MILLER
354 CORNHILL CT
WESTERVILLE, OH 43081



9590 9402 6014 0069 3805 42

2. Article Number (Transfer from service label)

7020 1290 0001 7337 4589

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

B. Received by (Printed Name)

[Signature]

C. Date of Delivery
Yes
If YES, enter delivery address below: No

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Mail Restricted Delivery (00)

- ☐ Priority Mail Express
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

Domestic Return F

Attachment: Packet Materials (Appeal, 6301 East Main Street (AAMCO Body Shop))



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Reynoldsburg Mayor's Court

Clerk of Court

State of Ohio

County of FRANKLIN

City of Reynoldsburg

SS:

ROBERT A. MILLER

DEFENDANT

TIME STAMP

COMPLAINT

Complainant, being duly sworn, states that the above named person, at FRANKLIN County/Reynoldsburg, Ohio, on or about the APRIL day of 13, 2021, did: VIOLATE SECTION 308.1

ACCUMULATION OF RUBBISH OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. EXTERIOR PROPERTY AND PREMISES SHALL BE FREE FROM ANY ACCUMULATION OF RUBBISH OF GARBAGE.

TO WIT; ON THE PROPERTY THERE ARE TIRES AND USED BODY PANNELS SETTING OUT SIDE THAT NEED TO BE REMOVED.

PROPERTY AT 6301 E. MAIN ST.

OWNER ROBERT A. MILLER

in violation of section 1711.99 City Code, a Misdemeanor of the M/M degree.

Complainant *[Signature]*

WILLIAM DELONG

PRINT FULL NAME

BADGE NUMBER

7232 E. MAIN ST.

REYNOLDSBURG

OH

43068

ADDRESS OR AGENCY & ASSIGNMENT

CITY

STATE

ZIP CODE

Sworn to and subscribed before me, this

18

day of

MAY

2021



Debra L. Siddell
Notary Public, State of Ohio
My Commission Expires 3/2/26

Notary Seal & Expiration Date

Clerk of the Reynoldsburg Mayor's Court

By *[Signature]*
NOTARY PUBLIC / PEACE OFFICER

☐ ARREST WARRANT

To any law enforcement officer of the State of Ohio:
You are hereby commanded to arrest the above named person and bring him/her before the Reynoldsburg Mayor's Court without unnecessary delay, to answer to the complaint hereon.

Reynoldsburg Mayor's Court

Slate # Report #

By MAYOR / MAGISTRATE DATE

Complaint Number

WD-61

Issuing Officer

Badge Number

Case No.

Charge: ACCUMULATION OF RUBBISH

308.1 IPMC

Report Number

Offense Date

Offense Time

AM PM

Property Tag Number

Name MILLER

ROBERT

A.

Street 354 CORNHILL CT.

City WESTERVILLE

State OH

Zip 43081

SEX RACE HGT WGT HAIR EYES

DOB S.S. # I.D. #

☒ **SUMMONS:** Read Notice #1 on reverse side. You MUST appear in court on the date and time indicated. I personally served the Defendant a copy of this Summons on Signature

Type of SUMMONS Service Requested:

☐ Personal ☒ Certified Mail

☐ **CITATION:** Read notice #2 on reverse side. Court appearance is OPTIONAL. You may contest this citation by appearing in court on the date and time indicated.

COURT DATE &

TIME

6

3

2021

AM

PM

X

This is not an admission of guilt. An ARREST WARRANT will be issued if you do not properly respond to this charge.

Attachment: Packet Materials (Appeal, 6301 East Main Street (AAMCO Body Shop))

Reynoldsburg Mayor's Court

Clerk of Court

State of Ohio
County of FRANKLIN
City of Reynoldsburg

SS: ROBERT A. MILLER

DEFENDANT

TIME STAMP

COMPLAINT

Complainant, being duly sworn, states that the above named person, at FRANKLIN County/Reynoldsburg, Ohio, on or about the 13 day of APRIL, 2021 did: VIOLATE SECTION 1105.07(K)(ii)

SCREENING FOR SERVICE STRUCTURE OF THE REYNOLDSBURG ZONING CODE

DUMPSTER NEEDS TO BE ENCLOSED ON THREE SIDES. THE SCREENING CAN BE WOOD OR OPAQUE CHAINLINK FENCE OR BLOCK

TO WIT: THE DUMPSTER NEEDS TO BE SCREENED ON THREE SIDES

PROPERTY AT 6301 E. MAIN ST.

OWNER ROBERT A. MILLER

in violation of section 1711.99 City Code, a Misdemeanor of the M/M degree.

Complainant [Signature]
SIGNATURE

WILLIAM DELONG
PRINT FULL NAME

BADGE NUMBER

7232 E. MAIN ST.

REYNOLDSBURG

OH

43068

ADDRESS OR AGENCY & ASSIGNMENT

CITY

STATE

ZIP CODE

Sworn to and subscribed before me, this

18 day of MAY, 2021



Debra L. Siddell
Notary Public, State of Ohio
My Commission Expires 3/2/26

Clerk of the Reynoldsburg Mayor's Court
By [Signature]
NOTARY PUBLIC / PEACE OFFICER

Notary Seal & Expiration Date

☐ ARREST WARRANT

To any law enforcement officer of the State of Ohio:
You are hereby commanded to arrest the above named person and bring him/her before the Reynoldsburg Mayor's Court without unnecessary delay, to answer to the complaint hereon.

Reynoldsburg Mayor's Court

Slate # _____ Report # _____

By _____ DATE _____

MAYOR / MAGISTRATE

DATE

Complaint Number

WD-63

Issuing
OfficerBadge
Number

Case No. _____

☐ WARRANT
☐ SUMMONS
☐ MISDEMEANOR CITATION

Charge: 1105.07 (K)(ii) SCREENING FOR SERVICE STRUCTURES ZONING CODE

Report Number _____ Offense Date _____ Offense Time _____ AM PM

Property Tag
Number

Name MILLER ROBERT A.
LAST FIRST MIDDLE

Street 354 CORNHILL CT.

City WESTERVILLE State OH Zip 43081

SEX _____ RACE _____ HGT _____ WGT _____ HAIR _____ EYES _____

DOB _____ S.S. # _____ I.D. # _____

☒ **SUMMONS:** Read Notice #1 on reverse side.
You MUST appear in court on the date and time indicated.
I personally served the Defendant a copy of this Summons on _____ Signature _____

Type of SUMMONS Service Requested:

☐ Personal ☒ Certified Mail

☐ **CITATION:** Read notice #2 on reverse side.
Court appearance is OPTIONAL. You may contest this citation by appearing in court on the date and time indicated.

COURT DATE &
TIME

6 | 3 | 2021 | 3 : 00 AM
MONTH DAY YEAR TIME

X

This is not an admission of guilt. An ARREST WARRANT will be issued if you do not properly respond to this charge.

Attachment: Packet Materials (Appeal, 6301 East Main Street (AAMCO Body Shop))

Reynoldsburg Mayor's Court

Clerk of Court

State of Ohio
County of FRANKLIN
City of Reynoldsburg

SS: ROBERT A. MILLER

DEFENDANT

TIME STAMP

COMPLAINT

Complainant, being duly sworn, states that the above named person, at FRANKLIN County/Reynoldsburg, Ohio, on or about the 13 day of APRIL, 2021 did: VIOLATE SECTION 302.3

SIDEWALKS AND DRIVEWAYS. OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. PARKING SPACES AND SIMILAR AREAS SHALL BE KEPT IN A PROPER STATE OF REPAIR AND MAINTAINED AND FREE FROM HAZARDOUS CONDITIONS.

TO WIT: THE PARKING LOT AND PARKING SPACES HAS OBSERVABLE HOLE AND CRACKS AND OTHER DEBRIS, THEREFORE, IT HAS NOT BEEN MAINTAINED AND PAVED.

PROPERTY AT 6301 E. MAIN ST.

OWNER ROBERT A. MILLER

in violation of section 1711.99 City Code, a Misdemeanor of the M/M degree.

Complainant

SIGNATURE

WILLIAM DELONG

PRINT FULL NAME

BADGE NUMBER

7232 E. MAIN ST.

ADDRESS OR AGENCY & ASSIGNMENT

REYNOLDSBURG

CITY

OH

STATE

43068

ZIP CODE

Sworn to and subscribed before me, this

18 day of

MAY

2021

Clerk of the Reynoldsburg Mayor's Court

By

NOTARY PUBLIC / PEACE OFFICER



Debra L. Siddell
Notary Public, State of Ohio
My Commission Expires 3/2/26

Notary Seal & Expiration Date

☐ ARREST WARRANT

To any law enforcement officer of the State of Ohio:
You are hereby commanded to arrest the above named person and bring him/her before the Reynoldsburg Mayor's Court without unnecessary delay, to answer to the complaint hereon.

Reynoldsburg Mayor's Court

Slate # Report #

By MAYOR / MAGISTRATE DATE

Complaint Number

WD-62

Issuing
Officer

Badge
Number

Case No.

Charge: 302.3 SIDEWALKS AND DRIVEWAYS IPMC

Report Number Offense Date Offense Time AM PM

Property Tag
Number

Name MILLER ROBERT A.
LAST FIRST MIDDLE

Street 354 CORNHILL CT.

City WESTERVILLE State OH Zip 43081

SEX RACE HGT WGT HAIR EYES

DOB S.S. # I.D. #

☒ **SUMMONS:** Read Notice #1 on reverse side.
You MUST appear in court on the date and time indicated.
I personally served the Defendant a copy of this Summons on Signature

Type of SUMMONS Service Requested:

☐ Personal ☒ Certified Mail

☐ **CITATION:** Read notice #2 on reverse side.
Court appearance is OPTIONAL. You may contest this citation by appearing in court on the date and time indicated.

COURT DATE &
TIME

6 3 2021 3 : 00 AM PM
MONTH DAY YEAR TIME

X

This is not an admission of guilt. An ARREST WARRANT will be issued if you do not properly respond to this charge.



Attachment: Packet Materials (Appeal, 6301 East Main Street (AAMCO Body Shop))



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