

MINUTES

**BOARD OF ZONING AND BUILDING APPEALS
THURSDAY, JUNE 16, 2022 6:00 PM**

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – May 19, 2022

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. 6050 E Livingston Ave; Application 2022-5203; Applicant Oasis; Conditional Use

Project Summary

- a. The property owner, MYM Property Management LLC, owns parcel 060-007296 which is approximately .42 of an acre in size and contains an existing approximately 3,600 SF single story structure with six (6) repair bays and approximately 11,500 SF of paved parking area that was previously operated as an auto repair shop. Staff understands that MYM Property Management LLC purchased the site earlier this year and that there is currently not a business operating out of the site.

The application asks for approval to sell eight (8) to ten (10) used car for sale during the hours of 10:00 am to 6:00 pm at the site. The anticipated number of employees is three. The owner does intend to re-open the auto repair shop in the future. As of today, the City has not received a zoning certificate application for the auto shop use or a building permit application (which is not always

required).

There are adjacent auto repair uses in operation to the west of the site and an existing auto sales facility located directly to the east of the site.

- b. The property is in the Innovation Zone District. The use "Vehicular Sales - Automobiles" is a conditional use in the Innovation Zone District.

2. Staff Recommendation

- a. The Board shall consider whether the proposed Conditional Use is consistent with the standards contained in the City's zoning ordinance and Comprehensive Master Plan.

Mr. Oasis: Sure. My name is Samuel Oasis. I'm the agent for the owner. The owner is planning to open this shop as an auto service as soon as possible. We bought our request to sell a few cars and at the front, like you mentioned, there's auto sales next door, auto repair to the right. Basically we're just asking for permission to be able to sell a few cars on the lot to support the operation of the business.

Mr. Furst: Is the intent with the car sales just to be temporary, to provide some capital in order to purchase equipment, maybe make some capital expenditures and things to get the auto repair portion of the business up and running? Or is the thought to add auto repair in addition to the car sales and continue to operate both businesses simultaneously at some point in the future?

Mr. Oasis: It would be in the basic business of an auto repair as they exist and he wish to add the car sales at the front on an ongoing basis, just not a full dealership, but just on a smaller scale to sell ten cars to just at the front basically.

Mr. Furst: One of the problems with that is our code does require that a business declare a use I don't believe we have a hybrid multipurpose use that would be both of those things. I think the board would be willing to consider an application for either use I mean, if it was an auto repair shop, I believe that's a permitted use in the zone so that there wouldn't necessarily need to be a conditional use application. The reason why it is here is because of the car sales portion. At some point both simultaneous businesses is not something that can go on indefinitely.

So the factors that were required to review here are contained in section 1109.15D. I contend that the most important factors are those concerning the intended use of the business which you've addressed here, but also the purpose and intent of the district. Your application has clearly stated that it is in harmony with the existing use pattern that's in the district. My only point of contention is that the intended use of the district is somewhat different. I'm going to read to you the intended use of the innovation

district here. It says to facilitate the creation of economic centers. I'd like to hear you talk a little bit about how this business perhaps provides economic growth for the area, the number of jobs that it employees and things like that. To see if it wouldn't meet this intent.

Mr. Oasis: Well, the intention is; it's an existing auto service. So that will provide about, I'd say, a minimum four people, 3 to 4 jobs as the auto service. With the sales of the car, it's going to create another probably couple more people to work at the location. So it will help. The intent is to keep a nice, clean operation. There are hours between ten - six, keep a nice operation with, you know, try to increase sales any way you can, whether the few are sales or increase the repair business. I believe that area, which I'm somewhat familiar with it, I think it could use some jobs in that to help support that, you know, corridor for Livingston area. So I believe would bring good things to that site. I mean, the owners has already paid a good price for the building and the intention is to make it better. I believe he's already spent a lot of money on this on this location. So if anything, it's going to improve the building, the appearance, the landscaping. But just like any other business, you want to be able to support the expense of the operation. So I believe we'll bring good things to this location. That answer your question?

Mr. Furst: Okay. I appreciate that. Thank you. I do want to stress that at some point a single use will have to be defined for the business and that it will have to meet the zoning certificate approval of the city.

Mr. Oasis: Well, I would like as a single use, you know, on auto sales on that location, because I believe a lot of dealerships also, they have the both sides, you see the car sales and then you have the repair because you have your existing customers. So it goes well together.

Mr. Furst: So then if that were the case and certainly I understand the value of having the repair bays, would then any additional repair services you do kind of be attendant to the cars that are sold there? It's kind of like a traditional auto dealership than if you were to just declare a single auto sales use.

Mr. Oasis: That's already an existing auto service. So I don't want to take that off the table. That is an already that was the intent of my client. He is in that business. Is in the business of car repairs. Like I said, he wants to add more sales, but his bread and butter is the auto service. There is room to sell cars. So he was able to keep the doors open as he opens the business.

Pastor Linder: What's been the delay in resuming the auto repair side of the business? What are the factors that have impacted that from being active right now?

Mr. Oasis: He's just bought the building not too long ago and he's going to actually run the business. He's got another location and west of the road and he's already in the business. He just wanted to see which way he can move forward to get the maximum benefit of the building. He will be ready to open actually as soon as; no more within 90

days. As far as the auto service.

Pastor Linder: If I can follow up, what is the nature of the business at his other location? Is it a mixed or dual operation or is it just sales or just repair?

Mr. Oasis: I believe its auto service at his other location.

Ms. Barnhart: So you mentioned that you would be creating jobs in the area. With the auto sales, I thought initially I heard that there were three jobs.

Mr. Meyer: That was in the application.

Ms. Barnhart: What would be the average salary of those jobs?

Mr. Oasis: Just I would say average salary on those on these kind of business. I would look, you're probably looking at \$50,000 to \$60,000 jobs.

Ms. Barnhart: Then you also mentioned that with the auto repair, I guess I'm not clear as to if this is for auto sales or auto repair. It seems like you're going more towards the auto sales part of it. So I don't know if it's three jobs or is it up to seven jobs if the auto repair gets going? Just I'm trying to get a more clear understanding.

Mr. Oasis: I believe there's a minimum of three bays in the building for auto service, and I believe there's another two bays on the other side. So you're looking at five bays on that. So that's a good sized building for auto service. As far as the average garages or shops that they work they do work on cars. So you're looking at five bays. That's I'd say that's a good size. That brings a lot of that would keep at least 3 to 4 people are employed and working on that. And the part of the property is big enough to make few car sales and that was his intention is to be able to sell a few cars while he's running his auto service.

Ms. Barnhart: And you mentioned having I think you said 8 to 10 cars for sale.

Mr. Oasis: Correct.

Ms. Barnhart: And just looking at this site plan that we have in front of us. If you had 8 to 10 cars and you had auto repair I think that we'd be overcapacity with what you're looking at. That's my fear, in that corridor, we there are other car sales in the area. I just feel like there's a lot of cars crammed into. And I'm not saying you would do that.

Mr. Oasis: Well, Livingston is a busy road. I'm very familiar with that. I, I live in the northwest area, so I'm not always on this side of town. When you have car repair, usually the car is in the building and when it's done it's out of the lot. So it's not going to increase any more traffic. As far as these are parked cars being repaired, it will not increase any, just parked cars. That doesn't really add to the traffic at the same time. Having a few cars in the front for sales, it's I don't see the traffic is going to be affected

on Livingston by a few other few cars.

Mr. Furst: I think what Ms. Barnhart was speaking to is more of an esthetic appearance factor. Let me be clear there. There was a prior application at this location probably prior to your client's purchase of this property for auto sales, strictly auto sales, and that was it. And this board was not supportive of that use. So you know, I think we could probably come to some compromise here that a limited amount of auto sales for a limited period of time to allow the business to get up and running with the understanding that it is going to eventually become an auto repair business and it will have that use. I, at least from my perspective, I would be supportive of that.

Mr. Oasis: That would be great. I would say, just to be fair, 70, 80% is going to be repair. I don't even see a 20% business. The way I see it, a few cars are going to be sold in the front just for sale. We just want to be legal on everything to be able to do the business right from day one, I would say the majority of this is an auto repair shop. But he wanted just to be up front and be able to sell a few cars. That's the whole intent of this whole picture. It's a business. You're going to be able to support your employees, support the business. It's like any anything else. The business has to carry itself to pay the expense of the building and everything else.

Mr. Furst: If the city was to inspect the property and the use in six months' time and evaluate it against this use, you know, would that be acceptable for your client?

Mr. Oasis: I would say so.

Mr. Furst: Okay.

Mr. Shook: Mr. Chair, is it okay if I ask a few questions?

Mr. Furst: Certainly.

Mr. Shook: You said that it used to be used as an auto repair shop and your client as a new owner? Correct.

Mr. Oasis: He a new owner of this building. As far as much as I know about him. I've only known him for six or seven months. But he's the norm.

Mr. Shook: Do you know when the last time it was used as an auto repair facility?

Mr. Oasis: No, I don't. I know. I've said I'm not familiar with this side of town.

Mr. Shook: I think as Chair Furst alluded to, we had an application similar in nature about a year ago. Do you know if this property has been vacant for the last year?

Mr. Oasis: I am not aware of that. I didn't do much research on the history of the property, but just looking at this project, I thought it being on a limited scale, I didn't

think it was going to be a major.

Mr. Shook: Now, your application is for vehicular sales automobiles.

Mr. Oasis: Correct.

Mr. Shook: Okay. Now, our code defines that as the use of any building or portion thereof or other premises or portion thereof for the display, sale, rental or lease of new motor vehicles or used motor vehicles as an ancillary use. So it defines it as new motor vehicles is the primary use. Do you plan to sell new motor vehicles?

Mr. Oasis: No.

Mr. Shook: Okay. Then it also indicates that other repair service is an accessory use. And you're saying that the repair service would be the primary use? Correct?

Mr. Oasis: Correct. Just looking at the building, it's a good sized building. So anybody would you know, I wasn't with him when he bought the building. I would do it backwards. I would have done the research of what I can use the building before you buy it. But looking at this building, it's a good sized building for repair. So it must have been given the permission to be a repair shop before they build it. Or that was the first use of the building.

Mr. Shook: In addition, in the rear of this lot. There's a kind of a yard with gravel, things of that nature. Is that correct?

Mr. Oasis: Correct.

Mr. Shook: Do you intend to use that portion of the property for vehicle staging or anything of that nature?

Mr. Oasis: I believe it's a storage for somebody else who does not own the property.

Mr. Meyer: So my understanding from the auditor is that this property was transferred on April 1st, 2022 for sale. And my understanding is the property line of the site is the back of the building, I believe attorney Shook that is not. I've got the auditors site up. So the gravel lot and I don't have it up here but the site is laid out here in front of you, the pavement area at the front up to the street followed by the rear of the building is the end. So that gravel lot, which if you go to the auditor's website, has cars or things parked in it that is a separate parcel from the 060007296 parcel.

Mr. Shook: Yeah. Just, I just wanted to get clarification on that. I think I recall the prior application did want to use the back lots. So I assume that being separate owners, there's no intention of using that?

Mr. Oasis: No, that's separate owners.

Mr. Shook: I think that's all the questions I have. I did have one point to make and at chair Furst suggestion. I don't think that we can grant a conditional use for a temporary period of time. So I don't think we could grant to say you can sell cars until you have the auto repair shop up. If you grant a conditional use, it's a conditional use. You've determined that they meet the factors. And I don't think we can set an expiration date on when those factors no longer apply.

Mr. Oasis: Got a question here. If we were to apply for this as a car sales? Would that passed through?

Mr. Furst: It would still be subject to the same analysis that we're doing here.

Mr. Furst: Did you mean for an auto shop or for. I'm sorry. So you're up for vehicular castles. Are you saying if you were to go for the auto use or.

Mr. Oasis: No, I was just trying to find out how to use the building. The building exists, and I believe it is zoned as an auto repair, correct?

Mr. Meyer: Yes. The application is not for the auto repair use, but my understanding is that is a permitted use in the innovation district. But it is not the applicant is not here for that, as that would be a permitted use and is not subject to a conditional use application.

Mr. Furst: If you did not want to pursue any auto sales on the site and you just wanted to pursue auto repair, you would not need to come before this board.

Mr. Oasis: But I still wanted to pursue the limited use of the auto sales in the innovation on Livingston Avenue. I believe that's some kind of innovation to build business. I don't know. I got to think outside the box, at least on a smaller scale. Or I can come back and ask and you can tell me what innovation means on this side of town.

Mr. Furst: Mr. Shook, based on the testimony given here this evening. Is it your opinion that the applicant meets the definition of auto sales as defined in our code?

Mr. Shook: Not as presented? No.

Mr. Furst: So what I heard from Mr. Shook, and to be frank, I was previously unaware of this factor. But auto sales is the primary use is for new vehicles not used vehicles. So I think that's maybe the stumbling block here. I suspect that this board could probably get to a conditional use approval if the intent was to primarily sell new vehicles with ancillary sales being of used vehicles.

Mr. Oasis: So if we sold new vehicles, this thing would have been ok?

Mr. Furst: It would still be subject to the same analysis we're doing here. We could

probably talk it through this evening and get to an answer.

Mr. Oasis: He never told me he's going to sell used cars or new cars, but given the area, if I was going to buy a new car. I'd probably go to a new dealership. But I'm just being frank here if I want to buy a new car from my place, I would keep going.

Mr. Furst: So I'm happy to table this. If you want to speak to your client and come back next month and maybe he can provide some more information on this.

Mr. Oasis: I mean, I would say, he wants to sell cars. If the new cars would work, I would say he would be very happy to sell new cars

Mr. Furst: We would hold you to that.

Mr. Oasis: That's fine. You can hold it to that.

Mr. Furst: If that was also part of the planning and zoning administrative review, would that be acceptable then?

Mr. Shook: I mean, that's it's really up to the board. I think the preference would be to give a detailed plan from the owner as to what he intends to sell. I think right now it's a little incomplete and what we'd be looking for.

Mr. Shook: Okay. Yeah, I agree with that. Well, what I would like to do then is just get a little more information about the detailed plan, about exactly his intent to sell and when we've had previous auto sale uses in the past, there's been discussion about where they're sourcing the vehicles from and if there's going to be brand specific things of that nature. So what I would like to do this evening is table this application. If you want to gather some additional information, you can speak to the development department. I think they'd be happy to let you know exactly what we're looking for. I mean, if there's anything else that they need, that's what I would like to see. Is there anything else the board would like to see in addition?

Ms. Barnhart: I would be interested in seeing just more about the business. You know, I don't want to say a business plan, but just with regards to the auto mechanic portion versus the sales portion and just try to get an understanding truly of how many jobs we're looking to bring to this city and how this works.

Mr. Furst: Do you have anything else to add before I make a motion here?

Mr. Oasis: As far as how many jobs, I've been in business myself for a long time. I've started a lot of businesses in Columbus. Any business you start, you're always probably looking at a minimum five jobs to start. I have hired more than a thousand people in Columbus area for the last 20 some years. So when you look at open a new business. We are looking at any small business. You're looking at probably a minimum five people. That's the jobs you're looking to create.

Mr. Furst: Consider it like this. If you were representing your client in front of a bank and going for a loan, you'd have to present a little bit more detailed business plan. I think that's what we're looking for here. It doesn't have to be a full-fledged presentation, but I think just a little more detail than what was included in your application.

Mr. Oasis: That's fine. I can get more details. I just was just seeing the picture of a building that's been sitting there. We're not building a new building. It's obviously were looking at a big garage, basically. So like we spelled it out, just the limited sells on the cars. And but, of course, I'm happy to be here. I'd be happy to come back again.

Mr. Furst: I understand and appreciate that. I move that we table this application until our next regular meeting.

Ms. Barnhart: I'll second.

Mr. Furst: Would you call the roll please, Ms. Rosenthal?

Ms. Rosenthal: Ms. Barnhart. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	TABLED [UNANIMOUS]	Next: 7/21/2022 6:00 PM
AYES:	Linder, Furst, Barnhart	
ABSENT:	Bulls, Davis	

2. 6144 E Main St; Application# 2022-5214; Applicant Bill Dargusch; Variance Requested

1. **Project Summary**

- a. The property owner, Metropolitan Reynoldsburg, LLC, owns parcels 060-008936 and 060-008937 which are approximately 2.35 acres in size and contains an existing approximately 11,000 SF single story structure.

The existing monument sign is made of brick and contains a sign cabinet that contains signs for three existing tenants: Delaney’s Diner, Domino’s, and Lendmark (a financial services company). The applicant wishes to replace the existing sign cabinet to include space for four (4) tenant signs in order to provide sign space for a new tenant. The overall height of the structure would be ten (10) feet and three and one-half (3.5) inches and the width of the sign cabinet would be seven (7) feet and would follow all of the additional dimensions provided in the application. It is staff’s understanding that the new sign cabinet would be attached to the existing monument sign base.

- b. The property is in the Brice and Main District. Per Section 1105.03 of the City’s zoning ordinance, the monument sign may be a maximum of six feet (6) in height with a maximum surface area of twenty-four (24) square feet. The existing sign does not comply with the current zoning code, but the sign was installed before the City’s existing signage regulations went into effect. This case is being

presented before the Board because the applicant proposes to replacing the existing sign cabinet.

2. Staff Recommendation

- a. The Board shall consider whether the proposed Variances to allow for additional sign height and sign square footage are consistent with the standards contained in the City's zoning ordinance and Comprehensive Master Plan.

Mr. Dargusch: Originally we had three tenants in this center and through the years we have divided it up and we have about 2200 square feet left. One inquiry from prospective tenants is they would like a sign panel on the existing box. The current tenants have been very successful, but we have not been successful in leasing this last space. By receiving this variance we are hoping this would be attractive to a tenant to go in this space.

Mr. Furst: If you are reusing the existing box, why does the height of the sign change?

Mr. Dargusch: We are going to have to add to that box, that's why it increases the height.

Mr. Furst: Could you use the existing box and decrease the size of each tenant's panel?

Mr. Dargusch: If we would do that it would make them so small and they would possibly be ineffective. The existing panels are memorialized in the existing leases so decreasing the size would create a problem.

Mr. Furst: The factors that we're considering here are codified in section 1109.13D. One of those is that there must be a deprivation of beneficial use of the land as opposed to mere loss in value as a justification for the variance. Could you speak to that a little bit, please?

Mr. Dargusch: The center is built and is very, very handsome. We'd like to get the final tenant in there. We went many, many years with the three, again, they're all very successful and it allows us to get that fourth tenant in there and therefore create value for everybody involved.

Mr. Furst: Do you suspect that if we were not to grant the variance and you could only have the three sign panels that currently exist, that you would not be able to lease out that space?

Mr. Dargusch: I can't speak to it in absolutes except that we've had trouble releasing it, and that's the inquiries made by the prospective tenants. It's again, I'm totally surprised that a fourth tenant has not been identified, because it Main Street. I don't have to tell you all how vibrant it is. Delaney's, Dominoes and Lendmark continue to operate very,

very successfully there. It is an inquiry made to us by prospects and I'm trying to do everything I can to get that property leased. And so preemptively coming to you is to help possibly accommodate that.

Mr. Furst: Did you explore any other remedies available in the code such that we wouldn't have to grant a variance but could accomplish your purpose?

Mr. Dargusch: I would have left that up to our sign company. I did think about it today that we wouldn't necessarily have to put Reynoldsburg Commons back on the top, but I kind of like that. If that was a compromise that helped you get to what you needed, that's be fine. I don't think anyone driving down Main Street is going to look at the sign and that it is at a scale with or without the Reynoldsburg Commons or with or without the new tenant.

Mr. Furst: We're also required to there needs to be proof of hardship or practical difficulty due to the strict application of the code. Could you speak to that a little bit?

Mr. Dargusch: Obviously would be financially more successful if we had a fourth tenant. It's a good question. It's appropriate one. I don't mean to make light of it, but obviously, if we have a tenant, I assume there would be jobs and that there'd be good things that would happen. And Delaney's, as you all know, has been stunningly successful. And I did speak to Jeff today when I was out visiting. I said, don't you need more space? And he said, no. But everybody wanted some of this French toast.

Mr. Furst: That was going to be my follow up question is, could they just expand and take their remaining space?

Mr. Dargusch: Yes. He just doesn't have the need.

Ms. Barnhart: So to go back to Mr. Furst's question about a hardship. Could it be that one of the reasons that you're having difficulty leasing this space is because the lack of signage possibilities which could be made make the argument that it is a hardship.

Mr. Dargusch: Is certainly it's been mentioned in every lease negotiation that we've had. So that's one of the reasons I'm preemptively here before we have a signature on the dotted line is sometimes, as we all do in whatever job we might have, you try to anticipate what your customers thinking and by the actions and comments that they've made. That's what made me think, why don't I go try to get this done here?

Mr. Furst: Would you say here that granting the variance is more or less necessary for the reasonable use of the building as you intend to use it?

Mr. Dargusch: I think so, yeah. It's going to be an equalization factor and it's not going to be so blatantly oversize, I think it's a good remedy.

Mr. Furst: Do you think it would be putting your proposed tenant at a disadvantage

compared to the other tenants if they didn't have a sign panel?

Mr. Dargusch: Well, certainly that but more importantly, what they think of us is to look at other space, not in our building here, obviously. But some other building, just to the west is Columbus. And they say, oh, great, I'll go into Columbus and I'll have a sign. Whatever their sign code would allow. You know, the customers anticipate our customers being tenants. They check off all their boxes and one of them is identification.

Mr. Furst: If we were to grant this variance, would this confer any special privilege that's otherwise not allowable under the code?

Mr. Dargusch: I don't think so.

Ms. Barnhart: I'd like to make a motion that we that we approve application 2022-5214 For 6144 East Main Street as submitted.

Mr. Furst: Having considered the factors in section 1109.13D, I second that motion.

Mr. Furst: Would you call the roll please, Ms. Rosenthal?

Ms. Rosenthal: Ms. Barnhart. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator