



AGENDA

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JUNE 16, 2016 6:30 PM

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

A. CALL TO ORDER

1. ROLL CALL
2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – May 19, 2016

3. APPROVAL OF AGENDA
4. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. **9233 Ruston Ln.; Application #173667; Applicant Carl Coates; Variance, Residential - to Vary from Section 1175.06 of the Zoning Code, to Allow a Front Setback of 12FT, to Allow Construction of an Ambulatory Ramp.**
2. **2034 Ravine Way; Application #173850; Applicant: Julie Racine; Business: Creative Earthscapes; Business Contact: Kelli Morris; Variance from Table 1175.03 of the Zoning Code, to Allow Construction of a Deck Addition with a Rear Setback of 19 Ft.**

E. OTHER BUSINESS

F. ADJOURNMENT

MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MAY 19, 2016 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Enfinger
ABSENT:

2. APPROVAL OF MINUTES

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

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Since there is no one in the audience, there will be no swearing in of speakers.

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

1. **6366 E. Main St.; Sixth Month Review of Application #170493; Applicant Jason P. Goss; Business Auto Direct Columbus; Permit #102-SE; Ord. #81-15**

Chairman Rettke: May we please have the presentation.

Mr. Snowden: thank you Mr. Chairman, and other members of the Board. This is a six month review of a Special Exception Use Permit, 102-Special Exception which was reviewed by the Board and approved by City Council as Ordinance #81-15. The application was made to the Planning and Zoning Division on July 8, 2015. This was referred to the Planning and Zoning Division by our Code Compliance Division, that the auto sales business was operating without a Special Exception Use permit, and the Board heard this last year at the August meeting of the Board. It was forwarded to City Council on August 20, and the Ordinance was passed by City Council on October 12, 2015, and took effect on November 13, 2015. Here we are six months later and I will be making a few comments on what the status is and that the role of the Board tonight is to determine if the applicant is in compliance with their conditions that were placed by the Board, and/or City Council, at the time it was approved. I will make a recommendation to City Council as to whether the Board thinks the permit should be revoked, which would stop the use, or whether the Board thinks the

Minutes Acceptance: Minutes of May 19, 2016 6:30 PM (APPROVAL OF MINUTES)

condition of the Code have been satisfied. Our goal in this type of case is always voluntary compliance. If you turn to the minutes from City Council, page 3, you will see that the conditions that were put on by City Council was that the building would be removed, black-topping of the parking lot, this was because the applicant originally proposed gravel, or some other material to take up where the car wash was being removed, and that they would stripe the parking lot for safety, I am assuming this means arrowing in and out. One of the concerns that was raised by the Board and City Council was the entry/exit into this narrow lot of this use. In addition to that, the applicant refaced the sign without a Certificate of Appropriateness. Following approval of the Ordinance, the applicant was contacted, and had to be contacted multiple times to pick up their zoning certificate. The applicant, upon notification of the possibility of this meeting and additional notices issued by our Code Compliance Division, finally secured their Minor Site Plan Review yesterday, which was the 18th of May, and their demolition permit to begin work. Staff was notified that the applicant actually begun demoing the building sometime last week. I believe Thursday of last week, the applicant finally made their application to the Design Review Board, which will place them at the July 7th meeting of the DRB for their signage approval. Upon last contact with the Building Division, the applicant still did not have their Certificate of Occupancy to the main structure that they are utilizing for the auto sales business at the rear, and several safety inspections were cancelled, as of earlier today, notified by our Building Division. So, with that, I would like to get feedback from the Board. I would be happy to answer any questions. I would like the Board to make recommendation to City Council. This is a difficult situation to be in because both the Board and City Council were flexible in giving this applicant six months to do a number of things that probably should have been done prior to opening the business. The applicant made a lot of verbal promises, you can see in the minutes from the Service Committee meeting on September 21st, saying that the building was going to be down in thirty days, and I am in a hurry, etc... With that, the goal of our process is to get people into compliance. The applicant is not in compliance now. They are much closer to being in compliance today than they were when this was approved back in October, but it also had to sort of take the threat of this meeting to get them motivated to take care of the things they were told and received in writing. The applicant was notified of tonight's meeting, and they were informed this could be referred to City Council from here, and the applicant chose not to attend this evening. I would be happy to answer questions. We need the Board to make some sort of recommendation, if any, to City Council, and I will pass that information along. The last I was informed, the contractor doing the demolition was not registered, but they may have received a waiver from the Service Department. I do not know exactly what the details were there. I think Mr. McBride, when he was our Building Official, told the property owner that the contractor did not need to be registered, so they may have received some conflicting information from the City on that. With that, I will turn it back over to our Chairman.

Mr. Donovan: Is there a way you can hold their permit to do business in advance, until they do complete all of these requirements that they said they would do quickly? If we can't, what is the sense of even talking about this?

Mr. Snowden: Mr. Donovan, ultimately City Council has to make the decision because they approved the Ordinance, and that is what the Code section 145.08 says. If this Special

Exception Use Permit is revoked, recommended from here to City Council for revocation, and then revoked by City Council, that would not allow that use to be operated at that location, and I would work with the City Attorney to get an injunction to stop the business from operating, for a violation of the Zoning Code. We would probably have to do that in either Mayor's Court, or the Environmental Court of Franklin County. We would have to discuss that with the City Attorney. The Code does not appear to allow us to revoke and then reinstate the permit. If we revoke the permit, we are basically saying the use can not operate there for at least six months because that is how long the time is before reapplication is possible for the same use at the same location. It is a pretty powerful tool we have, but it is not overly flexible. The nice thing might be to say, "You are not allowed to operate until you complete these things that you said you were going to complete." Based on my reading of the Code, I do not see that we are able to do that. It just states that the Board can revoke. I could check to see if there is anything about re-issuance, but I am not aware of anything.

Mr. Enfinger: Has the Minor Site Plan been approved?

Mr. Snowden: The Minor Site Plan was approved by myself in conjunction with feedback from the City, including our Waste Water City Engineer. The Demolition Permit that is issued by our Building Division, does come with a \$1000 bond that has to be submitted to the City. And that bond is not released until the applicant has completed all of the requirements, including cutting off/abandoning water, waste water, and sanitary sewer pipes, to the satisfaction of our Water/Wastewater Division. Our Building Division does still have that tool in play in terms of making sure that the end result of the demolition is not going to continue being a problem. Water/Wastewater does not want material seeping back into the water system, that could cause problems.

Mr. Enfinger: Did the Minor Site Plan look appropriate as far as the concerns we had regarding the parking, turn arounds, and all those things?

Mr. Snowden: I have a copy in my office. It had an adequate aisle with, based on the Code. It had an adequate number of spaces. Given our minimum requirements for parking spaces, he was able to display approximately thirty-two cars on one side, and approximately thirty cars on the other side, while still allowing eight spaces for customer parking, which was discussed in the initial meeting. There is not a specific parking requirement for auto sales, but the Board and City Council felt that eight spaces was appropriate. He has cleaned up the very back of the property. There were some concerns raised about the existing gravel parking area at the rear.

Mr. Enfinger: So, are there any stipulations?

Mr. Snowden: Let me clarify. The Board could also refine the conditions and give a recommendation to City Council of additional conditions to correct any problems that the Board feels has arisen.

Mr. Enfinger: The next question was going to be, he has shown he is willing to just shoehorn as many vehicles on there as he possibly can. I know we can put a condition of approval in

that he has a certain limit and that every vehicle has to be parked in a specific parking spot. And, if he is limited by thirty-two on one side, and however many on the other, that is the total number of vehicles he can have on display. Maybe it will not be as big of a deal once the actual structure is down, it might look a little more organized, but up to this point it has been a hodge podge and a big mess.

Mr. Snowden: Mr. Chairman, and other Members of the Board, just looking at section 1145.08, where it talks about revocation, the Code talks about revocation in terms that are very definitive and that the permit is revoked. It does not talk in any way about re-issuance of the permit based on condition compliance. It talks about revocation and reapplication. It simply says that at least one year shall lapse before another application for the same Special Exception on the same site can be considered by the Board. I do not see that we are able to say that he is not allowed to operate until you do "this". I think we can say that you can continue to operate with some additional conditions, or you can not operate.

Mr. Donovan: What is your feeling about the sincerity of the applicant wanting to complete these instead of giving us the run around like they did before?

Mr. Snowden: I do not know if I have a good feeling for that, to be completely honest with you.

Mr. Donovan: He seemed sincere before when he talked to City Council.

Mr. Snowden: It seems that the individual perhaps does not understand the seriousness of what is going on. Maybe that comes from the approvals with the six month review while we are trying to be flexible for a business owner on a site that does not have many other uses other than auto related uses. So, maybe the gentleman is just not understanding that Use Permits, if evoked, prevent him from operating. He may not understand how serious it could be for him, if the Board and Council were to evocate the permit. That is why I feel we need to tread carefully.

Pastor Linder: Would a one or two month extension, in your opinion, give them the ability to demonstrate exceptional good faith in finalizing the work that has just begun? Is there a precedent for that, or would we just be building more work for us, and they are not really going to be motivated by that?

Mr. Snowden: pastor, it is hard to know. The revocation section, 1145.08(b), allows the Board to revoke a permit anytime, for non-compliance with the conditions. So, we are doing a review now. If we were to go ten years with this same use, and the same operation, and then someone violated a condition, it could be referred back to the Board for revocation. The thing that is good now, is that all the permit applications are in. Now, basically, we are waiting to get approval from DRB. The goal is not to punish people. The goal is to get them into compliance. The Code is here for a reason, to protect the public. I almost think of this somewhat like a test in school. Maybe this gentleman has not done well here at the six month review, but we have motivated him, and we have gotten some improvement. It is unfortunate that it took having to have the six month review in order to motivate him to do

some of the things that he needed to do, but it has helped, so if that means the Board feels comfortable giving another two months. Design Review Board will be completed July 7, so he should theoretically have all remaining permits at that time, from the zoning side. If the Board wanted to do a review in July and say that he is either good or not, I do not see where that would be unreasonable. There is not specific precedence, because we just have not had this type of issue since I have been here.

Mr. Enfinger: So once the application makes its way through Design Review, he still has the official paperwork, but do we know at that point in time he still has work to do. So two months is not really going to get us to that point yet, because he will still have work to do, for whatever he is doing that he is getting approval through DRB.

Mr. Snowden: he is getting approval from DRB from the sign, which he refaced before he opened. I already have the zoning sign permit, I have all the fees in, so once DRB approves it, if they approve it, assuming that they approve it, I could issue the zoning sign permit immediately and then he would be in compliance in terms of the Zoning Code. It is frustrating on one hand, but on the other hand, we have motivated him, we have got him a heck of a lot closer than when he started in August of last year with this being referred to me from our Code Compliance. We are closer. We still are not there yet, but we are closer.

Mr. Enfinger: Is he doing anything to the existing structure in the back?

Mr. Snowden: He is not doing any other modifications. Last time I was at the site, he had already repaired the awning at the back of the property, which was a condition that BZBA put on his original approval.

Mr. Enfinger: How long is the process for the inspections on the blacktop and all of that? When will he have the final inspection for the demo process to make sure he has restored the property to what he said he was going to do?

Mr. Snowden: For building, it is when he is done with removing the building. He has as long as six months from when he got the building demolition permit, which was yesterday, to do it. So, I do not see a reason that he would be able to leave the site like that without restoring the pavement. I believe he is actually going to use concrete on that area, rather than blacktop, which does not make a difference from the standpoint of the Code, as long as it is not gravel, which was originally proposed in a demolition plan that was submitted to building. I had to step in to say that we could not have gravel. My gut feeling is that it is going to move along quicker than that, and that two months is not unreasonable.

Mr. Havener: I think maybe a way to approach this, rather than giving him an extension, would be to approach him and ask him for a definitive timeline for a completion date, that was within reason for them to meet. If they don't meet that date, we could let them know at that point that they have to have it done by a date of we could take action.

Mr. Snowden: So, what you are saying is, assuming that the Board and City Council approved, we contact the applicant, have the applicant supply their end date? Either way, we are granting some sort of extension, regardless.

Mr. Enfinger: It is not an extension. At this point it is good to go until we bring it up, and we are able to bring it up at anytime. As soon as the drop dead date is that we are giving him the opportunity to tell us, if it is October, that is fine. November comes around, we are shutting you down. We are going to revoke the permit. Is that where you were heading with it, Dan.

Mr. Havener: Yes, more or less.

Mr. Donovan: Be very assertive about the fact that it will be revoked and he will have to go through the whole process again.

Mr. Snowden: he will not be able to operate at the site for a year. This is the type of situation where the applicant not attending the meeting tonight hurts us because we do not have the ability to get the information from the applicant. They were notified. It is frustrating to Staff because this is information that the Board needs to make an informed decision, and make sure that we are doing our due diligence. So, it is frustrating. It is a difficult situation. I agree with what you are saying. I just wish we had an applicant here to say how much more time he needs, so we could say that we are being reasonable, that we gave him an extension, that he still didn't do it, so now we are done.

Mr. Havener: His deadline was in May, correct?

Mr. Snowden: It was the 13th. If you look in one of the meetings, he said, "I'll have it done in thirty days." Which I think is a good lesson to not over promise on things you can't deliver on.

Mr. Havener: That was a bad way to approach it, going into the winter months.

Mr. Donovan: I have never seen cold weather stop a demolition.

Mr. Havener: yes, but to get the parking lot back into the condition it needed to be to operate.

Mr. Snowden: The only other thing the Board could do if it is not comfortable making a decision given we do not have the applicant here, we could recommend to City Council that the permit be revoked, unless the applicant can present a definitive timeline for what they need to complete the project, and let City Council handle it. There are so many what ifs here, and that is unfortunate. The Board could recommend revocation, say they are sticking to what they said, and say to clean this up within the six month review, or else. But, if the applicant can present additional material to City Council that is reasonable, that City Council can modify that. Ultimately, City Council can do anything. All we are doing is providing a

recommendation. But, my goal is for City Council to take the things that BZBA recommends to them, very seriously, as the subject matter experts.

Chairman Rettke: When would this go before Council?

Mr. Snowden: I believe that Councilman Clemens, as Chairman of the Committee, would be the first Committee Meeting June the 6th. There are three weeks before now and that meeting.

Chairman Rettke: I say refer it to Council for revocation. He can grovel with them.

Mr. Snowden: He still has three weeks to get into compliance with the remaining items, with the understanding that DRB will not be resolved until July. That is just the nature of the beast. The sign reface is not going to hurt anybody.

Chairman Rettke: My point is, you have him in here numerous times, six months not a problem, six months not a problem, I can guarantee thirty days, I am not a procrastinator. He knew he had to have a permit. I read where he said, "Obviously I have to have a permit."

Mr. Snowden: I said Minor Site Plan in one of those.

Chairman Rettke: You gave him a good course of direction.

Mr. Snowden: And all of that was received in writing, just for the record.

Chairman Rettke: I don't want to consider it a penalty, but you can't drag this on. You can't say six months, well then nine months...

Mr. Snowden: If the applicant was here to provide mitigating circumstances, and to give us a completion date, then maybe. I think the fact that they have chosen not to be here...

Mr. Donovan: I think we should vote revocation of the permit unless City Council determines that the applicant is sincere about getting it fixed in a timely manner, and leave it up to them as to whether they enforce it or not.

Mr. Snowden: Gentlemen, if you choose to make that motion, let me check the Code, to help with the language, I would make the motion that you move to recommend revocation of the permit, read the permit number, 102-Special Exception, to City Council, based on non-compliance with the conditions placed on the original approval. That is the language that we want to use. We do not need to site any of the specific items because it talks about revocation of the permit extensively. So, as long as we are basing on our decision on that power that is granted to the Board, I think we are in the clear. They still would have three weeks to take care of everything else, except for the sign. If Council felt comfortable that he had taken care of things, then they can make that decision. I will pass that information along to Council stating that you are recommending the revocation, but the understanding is he still has some additional time, and he did not attend the meeting.

Mr. Enfinger: Council will get these minutes, so they will be able to read this whole conversation, and understand our intent? So it will not just be we are revoking it, but they will understand the conversation.

Mr. Snowden: You are correct, Mr. Enfinger. That is a great point.

Chairman Rettke: Any more questions or comments? I will move for recommending revocation of Permit #102-SE to City Council for their consideration, based on the non-compliance of the conditions set forth.

(Vote)

Mr. Snowden: Very well, this will go to City Council for their consideration, and I will discuss the Board's decision with the Chairman so that he is totally clear as to why the Board did what they did.

RESULT:	REFERRED TO COMMITTEE [UNANIMOUS]	Next: 6/6/2016 7:30 PM
MOVER:	Anthony Rettke, Chairman	
SECONDER:	Aaron Enfinger	
AYES:	Rettke, Linder, Donovan, Enfinger	

D. NEW BUSINESS

E. OTHER BUSINESS

Mr. Snowden: No other business other than you may have noticed there were some trees cut down contrary to one of the Site Plan approvals for the Shoppes at East Broad, and we are working with the applicant and property owner to mitigate some of that, and we will present the final landscape plan. It was a situation where the property owner did not properly monitor what their engineer was actually submitting to get approval, so we will discuss what the final mitigation of that is going to be.

Mr. Donovan: I wondered why they took all the trees out. I thought they were just going to clean it up.

Chairman Rettke: We even talked about that with the new phase two...

Mr. Snowden: Dan and I just met with the property owner and applicant there. I believe it was their intent to clear out the area that was not covered by the EPA, or conservation easement. They just didn't communicate on that Site Plan properly. They said tree preservation on a portion of that site plan. They said some things verbally to us that in hind site I can see what they were thinking, but they also submitted a Site Plan that said something different. Obviously, we can not re-grow the trees, but we are going to be requiring them to do some very landscaping things, do some re-plantings, and we will share that with this body and DRB. I did not want anybody to think that we were not aware of it.

Chairman Rettke: I asked that question and a week later you see the grubbing guy there.

Mr. Snowden: There is no other buildable pad there. The area is too small. The ingress/egress is too close to the intersection of Wagram Road and East Broad. There is absolutely no other building plan there.

Mr. Donovan: I was over there last Tuesday, drove up the access road, and there was somebody heading the other way, even with all the signs.

Mr. Snowden: I have almost done it a couple of times because it just feels so natural. Creeks are difficult to develop around. Back in the day, you just put a culvert around it and drive right over it. But the way things are now, you have to leave that as conservation area. It is challenging. Anyway, just be aware that we are working with them and will share the results with the Board.

Mr. Enfinger: What is the story on Jackson Street, just north of Livingston? Or is that Lancaster there? The big development, are they doing more clearing now?

Mr. Snowden: Were you at the final approval for that where they replaced the tree area with a ponds because of the EPA? That might have been the one where you were out of town. I will just give everyone an update on that. Everyone who was at that meeting remembers, they had to remove some of the soil because EPA ordered the arsenic to be removed. Most of the trees were Ash anyways, so they were dead, and I have the documentation from the applicant's civil engineer, and environmental engineer. They have replaced that with a pond area. They did some additional tree plantings, which I think the Board had some concerns about. I have the final landscape plan for that in my office. They got a little carried away with some of the abatement of the site. They should have waited until they had the final engineering approval from the City. Dan, myself, and Mr. Sampson our Service Director, met with that property owner last week to basically say they need to wait until they get their final engineering approval. I would expect that we will be doing a pre-construction meeting with them in the next couple of weeks, and their building plans just came back. It is moving along. They got a little ahead of themselves. They are not working as of now, is my understanding.

Mr. Havener: Their understanding originally was that they had the clearance to do the remediation prior to the start of construction.

Mr. Snowden: And really they should have waited until they had the pre-construction meeting and all of the permits before they started disturbing the ground and so forth. It just makes the whole process work a lot better.

Mr. Rettke: Did Ace go out of business?

Mr. Snowden: Yes, a traampoline park is moving forward to City Council for approval next week.

Mr. Rettke: Did he move the U-Haul.

Mr. Snowden: He will not be utilizing that use. If he doesn't use that use for six months, the permit expires. The tenant is changing to the different use. It is the same operator. He is not going to be combining the U-Haul use with that use. It just does not work. We have a good relationship with the regional manager for U-Haul, and he understands what the regulations are within the City, and we have also tried to identify some locations that could be appropriate for him, and we have actually been looking at re-purposing some of our vacant retail as storage, or having some additional storage new build, depending on what is possible. I think it would be great to take some of our unused retail off the market, even though storage is not the world's greatest use, but it is better than vacant retail in some cases.

Mr. Donovan: Has anybody noticed how the housing market has been heating up around here? In my neighborhood, they go on the market and in two weeks they have sale pending/in contract.

Mr. Havener: That is the way it is everywhere.

Mr. Snowden: It is starting to pick up, definitely. We are getting some new construction for condos and different things.

Mr. Rettke:

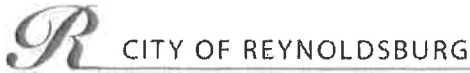
F. ADJOURNMENT

Chairman



Planning Administrator

Minutes Acceptance: Minutes of May 19, 2016 6:30 PM (APPROVAL OF MINUTES)



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

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

Application #: 173667
Permit #:
Date Submitted: 5/16/16
Fee Amount: \$100.00
☒ Paid: 237

I. PROPERTY INFORMATION

Property Address:

9233 Ruston Ln, Rey, OH. 43068

II. PROPERTY OWNER OF RECORD

Property Owner Name(s):

Dhana Bhattarai

Contact Email:

Contact Phone Number:

614-516-6565

III. BUSINESS INFORMATION (IF APPLICABLE)

Business Name:

Contact Name:

Contact Phone Number:

Contact Email:

Description of Use:

IV. APPLICANT INFORMATION

Applicant Name:

Carl Coates

Applicant Address

3652 Mink St Pat. OH 43062

Applicant Phone Number:

740-644-6500

Applicant Email:

coates.enterprises@yahoo.com

☐ Property Owner

☐ Business Owner/Tenant

☒ Contractor

☐ Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLY:

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

to vary from Sec. 1175.06 ✓
of the Zoning Code, to a front setback of
12 FT, to allow construction of a ambulatory ramp.

☐ Special Exception Use (\$350):

☐ Major Site Plan Review (\$500):

☐ Other:

Applicant shall submit nine (9) copies of application and materials to the Planning Administrator. Please review the attached sections of the Zoning Code and note the items you are responsible for submitting with this application.

Applicant Signature: Carl Coates

Date: May 16, 2016

Additional Notes:

****OFFICE USE ONLY****

Zoning Information

Zoning District: R-3

☐ Historic District

☐ CC Overlay

Other Board Approval

☐ DRB

BZBA Meeting

Date: 6/16/16

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Tabled

☐ Denied

City Council Meeting

Date:

☐ No Action Taken

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Denied

Planner Initials:

Date:

Clerk of Council

Initials:

Date:

Carl Coates
3652 Mink St SW
Pataskala, OH 43062
740-927-8450 740-644-6500
coates.enterprises@yahoo.com

Dahana Bhattarai

Project: Installation of ambulatory ramp from the house to driveway.

Hardship: Dhana is unable to walk, and needs an ambulatory ramp to exit and enter her home.

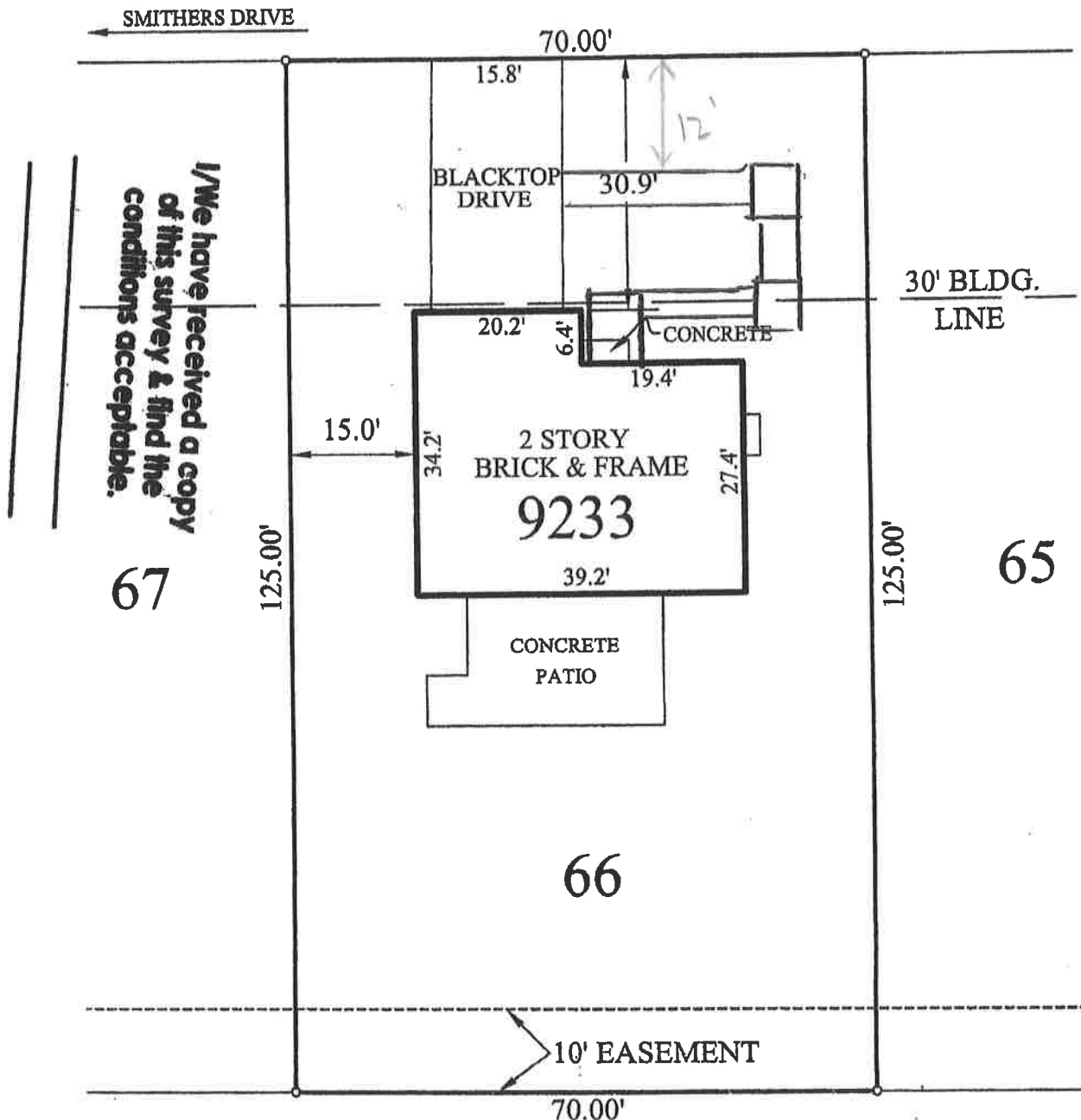
Attachment: Application #173667 (1450 : 9233 Ruston Ln.; Application #173667; Applicant Carl Coates)

LENDER WELLS FARGO BANK P.B. 16 PG. 19 OR./D.B. PG. D.1.a
BUYER BHATTARAI/
BASTOLA SCALE 1" = 20' DATE 7-7-14 DRN KB CH SJH

LOT NO. 66
SUMMIT RIDGE SEC. 2
REYNOLDSBURG, OHIO



RUSTON LANE 50'

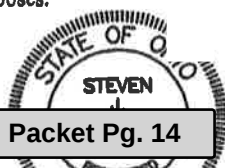


We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and is not to be construed as having been prepared for the owner or for the use of the owner for any purposes.

THIS PROPERTY IS LOCATED IN

FLOOD ZONE X

COMMUNITY PANEL 39089C



Attachment: Application #173667 (1450 : 9233 Ruston Ln.; Application #173667; Applicant Carl Coates)

OnTrac Summary Information For The 2015 Tax Year



Parcel Number: 090-141180-00.032

Owner: BHATTARAI DAMBER B & BASTOLA DEVI M

Address: 9233 RUSTON LN REYNOLDSBURG 43068

Tax District: 090 REYNOLDS.CTY & CSD-WLJFD

2015 Rates: 95.50000 (Full) / 69.90550 (Effective)

Land Use: 510 Single family platted lot

Class: Residential

Legal Description: LOT 66 SEC 2 SUMMIT RIDGE

Owner Mailing Address: BHATTARAI DAMBER B & BASTOLA DEVI M

9233 RUSTON LN

REYNOLDSBURG OH 43068

Tax Mailing Address: WELLS FARGO REAL ESTATE TAX SERVICES

MAC X2302-04D

1 HOME CAMPUS

DES MOINES IA 50328

Market Land Value: \$32,200

Market Improvement Value: \$100,400

Total Market Value: \$132,600

Sale Date: 8/11/2014

Sale Amount: \$163,000.00

Deed Type: JS - JOINT SURVIVORSHIP

Conveyance Number: 2019

Valid Sale: Yes

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: Yes

On Contract: No

Tax Lien Sold: No

Attachment: Application #173667 (1450 : 9233 Ruston Ln.; Application #173667; Applicant Carl Coates)

Materials:

15 – 2x6x10 treated
5 – 2x6x16 treated
10 – 2x6x12 treated
70 – 5/4x6x8 treated
20 – 5/4x6x10 treated
4 – 16' 2x4 treated
4 – 12' 2x4 treated
16 – 4x4x8 treated
20 – 80# bags concrete



City of Reynoldsburg
Board of Zoning and Building Appeals
STAFF REPORT
June 16, 2016

New Business

1) 9233 Ruston Lane – Single Family Dwelling - Variance

Application: #173667 – Variance

Location: Property is located on the south side of Ruston Lane between Smithers Drive and Truhart Road.

Existing Zoning: R-3 – Single Family Residence District

Request: Request for a variance from Section 1175.06 of the Zoning Code, to permit a front setback of 12FT and allow construction of an ambulatory ramp.

Current Use: Single Family Dwelling

Applicant: Carl Coats – Agent for Dhana Bhattarai

BACKGROUND INFORMATION

Proposal

The applicant is requesting the Board review and approve a variance from Section 1175.06 of the Zoning Code, to permit a front setback of 12FT and allow construction of an ambulatory ramp on an existing single family dwelling.

Site Context

The site is an existing single family dwelling on a platted lot in the R-3 Single Family Residence District. Neighboring uses are all single family dwellings in the same zoning district. The applicant has received funding for access ramp construction from a State agency.

CONSIDERATIONS

1147.05 STANDARDS FOR VARIANCE.

No variance in the strict application of the provisions of this Code shall be granted unless the Board makes specific findings of fact, based on the evidence presented to it, which supports conclusions that the variance conforms to the following standards. Such findings shall be stated for the record and reported in the Board's minutes.

(a) The variance is in accord with the general purpose 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.

(b) The variance will not permit the establishment of any use which is 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. (Note: See Chapter 1195 and Chapter 1145 for provisions regarding the replacement of non-conforming uses with other non-conforming uses.)

(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 such land or structures. There must be deprivation of beneficial use of land, as opposed to mere loss in value as justification for the variance.

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

(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.

(f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the 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.

(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.

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

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

STAFF REVIEW

Variance Request

Given the limitations of the current Zoning Code, the requested variance is the only reasonable means of relief for the property owner to construct a ramp for ADA access. The requested variance will not allow any use or structure that is prohibited in residential districts.

Staff has reviewed the requested variance for compliance with the standards of Section 1147.05 and finds that it meets those standards.

Administrative

Staff has reviewed the Reynoldsburg Zoning Code and the zoning codes of several peer cities. The current zoning code does not allow any type of front porch in front on a building setback. Many communities do allow some limited exemptions to a front setback for ADA ramps and other similar minor porch structures. Staff will research model regulations, and look to draft revisions of the Zoning Code that would allow ADA ramps to be added existing homes without a variance. This will reduce the burden to folks that have mobility requirements while still maintaining the aesthetics of our residential neighborhoods.

STAFF RECOMMENDATION

The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff finds the requested variance in compliance with those standards, and recommends approval on the following condition.

1. That the reduced front setback shall only apply to an attached ramp or similar open structure for accessibility to the existing building and shall not allow expansion of the main structure beyond the required front setback. (Authority: Section 1147.06)

NEXT STEPS

Following the meeting, Staff will mail a record of action notice to the applicant at the address provided. Provided the Board approves the application, the next steps are as follows:

1. The applicant has already submitted an application for a zoning certificate. Staff will contact the applicant as soon as that certificate is ready for pickup.
2. Once a zoning certificate is secured, the applicant will need to contact the Building Division at 614-322-6802 to submit plans for building plans for review, secure a building permit, and complete the required inspections.

2) 2034 Ravine Way – Single Family Dwelling - Variance

Application: #173850 – Variance

Location: Property is located on the northeast corner of Slate Ridge Blvd. and Ravine Way

Existing Zoning: R-3 – Single Family Residence District

Request: Request for a variance from Section 1175.03 of the Zoning Code, to allow construction of a deck addition with a rear setback of 19FT.

Current Use: Single Family Dwelling

Applicant: Julie Racine

BACKGROUND INFORMATION

Proposal

The applicant is requesting the Board review and approve a variance from Section 1175.03 of the Zoning Code, in order to allow construction of a deck addition with a rear setback of 19FT instead of the required 30FT.

Site Context

The site is an existing single family dwelling on a platted lot in the R-3 Single Family Residence District. Neighboring uses are all single family dwellings in the same zoning district. To the east the abuts rural/residential land located in Etna Township.

CONSIDERATIONS

1147.05 STANDARDS FOR VARIANCE.

No variance in the strict application of the provisions of this Code shall be granted unless the Board makes specific findings of fact, based on the evidence presented to it, which supports conclusions that the variance conforms to the following standards. Such findings shall be stated for the record and reported in the Board's minutes.

(a) The variance is in accord with the general purpose 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.

(b) The variance will not permit the establishment of any use which is 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. (Note: See Chapter 1195 and Chapter 1145 for provisions regarding the replacement of non-conforming uses with other non-conforming uses.)

(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 such land or structures. There must be deprivation of beneficial use of land, as opposed to mere loss in value as justification for the variance.

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

(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.

(f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the 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.

(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.

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

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

STAFF REVIEW

Front Setback & Lot Configuration

The normal front setback for a residential structure within the City is 30FT. For corner lots, the front setback approve to both frontages that abut public streets. In this case, the Thoroughfare Plan designates Slate Ridge Blvd as an arterial street, means the setback for both frontages at the time it was constructed was 40FT. This had the effect of pushing the buildable area and structure to the north and east. The main structure was able to meet the required rear setback, but there is no buildable area behind the main structure for a deck or building addition that might normally be associated with a residential dwelling.

STAFF RECOMMENDATION

The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff finds the requested variance in compliance with those standards, and recommends approval on the following condition:

2. That the reduced rear setback shall only apply to an attached open deck, and shall not allow expansion of the main structure beyond the required main setback. (Authority: Section 1147.06)

NEXT STEPS

Following the meeting, Staff will mail a record of action notice to the applicant at the address provided. Provided the Board approves the application, the next steps are as follows:

1. The applicant has already submitted an application for a zoning certificate. Staff will contact the applicant as soon as that certificate is ready for pickup.
2. Once a zoning certificate is secured, the applicant will need to contact the Building Division at 614-322-6802 to submit plans for building plans for review, secure a building permit, and complete the required inspections.

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

Received

MAY 31 2016

Reynoldsburg Building Division

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

Application #: 173850
Permit #:
Date Submitted: 5/31/16
Fee Amount: \$100.00
☒ Paid: 1101

I. PROPERTY INFORMATION

Property Address:

2034 Ravine Way

II. PROPERTY OWNER OF RECORD

Property Owner Name(s):

Julie Racine and Daniel Robert

Contact Email:

pluton77@hotmail.com

Contact Phone Number:

614-282-1144

III. BUSINESS INFORMATION (IF APPLICABLE)

Business Name:

Creative Earthscapes

Contact Name:

Kelli Morris

Contact Phone Number:

614-322-3333 (office). 614-572-5374 (cell)

Contact Email:

kelli@creative-earthscapes.com

Description of Use:

IV. APPLICANT INFORMATION

Applicant Name:

Julie Racine

Applicant Address

2034 Ravine Way, Reynoldsburg, Ohio, 43068

Applicant Phone Number:

614-282-1144

Applicant Email:

pluton77@hotmail.com

☒ Property Owner

☐ Business Owner/Tenant

☐ Contractor

☐ Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLY:

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

to grant a variance from Table
1175.03 of the Zoning Code, to allow construction of
a deck addition with a rear setback of 19FT.

☐ Special Exception Use Permit (\$350):

☐ Other:

Applicant shall submit **ten (10) copies** of application and materials to the Planning Administrator. Please review the attached sections of the Zoning Code and note the items you are responsible for submitting with this application.

Applicant Signature: Daniel Robert

Date: 5-27-2016

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.

Additional Notes:

****OFFICE USE ONLY****

Zoning Information

Zoning District: R-3

☐ Historic District

☐ CC Overlay

Add'l Approvals Req'd

☐ Planning Commission

☐ DRB

BZBA Meeting

Date: 7/21/16

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Tabled

☐ Denied

City Council Meeting

Date:

☐ No Action Taken

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Denied

Planning Admin.: _____ Date: _____

Clerk of Council: _____ Date: _____

May 27, 2016

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

Attn: Board of Zoning & Building Appeals

RE: Residential Dimensional Variance Request

To Whom It May Concern,

This residential dimensional variance request is for the construction of a composite deck on parcel number 013-027342-00.038 located at 2034 Ravine Way, Reynoldsburg, Ohio, 43068 (Lot: 65A; Tax district: 013). The reason for this request is that the proposed structure (i.e.: deck) currently impacts the 30 feet setback rule for this property. Therefore, I would kindly ask amending the setback to 20 feet to allow the construction of a composite deck.

The Variance requested is relatively minor, and as shown below clearly meets all of the parameters set forth in section 1147.05 of the Standards for variance.

- (a) The variance is in accord with the general purpose 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.
 - a. This variance is in accordance with the general purpose of a variance and does not impact the regulations imposed by this code. The construction of a backyard deck is, to my knowledge, not detrimental to the public welfare or injurious to the area. It will be used for personal purposes and therefore, would not impact general public in this neighborhood.
- (b) The variance will not permit the establishment of any use which is 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. (Note: See Chapter 1195 and Chapter 1145 for provisions regarding the replacement of non-conforming uses with other non-conforming uses.)
 - a. Building of backyard decks is permitted by the City of Reynoldsburg. Therefore, this variance is not asking for the establishment of any use which is not otherwise listed as a permitted use or a special exception in the district. The backyard deck would be a new build and therefore does not replace any non-conforming use.
- (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 such land or structures. There must be deprivation of beneficial use of land, as opposed to mere loss in value as justification for the variance.

- a. Topography of the backyard is unusual and oddly-shaped which makes it onerous to comply with the standard building setbacks specified in the code for our property. The topography of the yard deprives us of the reasonable use of our yard.
- (d) There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater 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.
- a. We require a relaxation of the applicable regulations to avoid denying us the same rights and use of the property enjoyed by owners of neighboring properties.
 - b. Application of the code creates a burden on our quality of life, as we currently have to grill, take our morning coffee and enjoy relaxing time outside in our driveway.
 - c. Application of the code does not enable us to fully enjoy the full benefits that the house can provide.
 - d. Application of the code also significantly restricts the use of our yard and significantly impairs the benefits of having such a beautiful lot.
- (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.
- a. There will be no viable use of the property backyard if this variance is not accepted. No other options are possible (see section i).
- (f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the 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.
- a. Building a deck behind our property will not impair supply of light and air to adjacent properties. In fact, there are no adjacent properties. The only direct neighbor is located approximately 950 feet behind the house. Most of the land that separates our houses is densely wooded.
 - b. Building a deck will not substantially increase the congestion in the public streets, increase the danger of fire, and endanger the public safety as it will be located in the back of the house.
 - c. Building a deck will not substantially diminish or impair property values of the adjacent area. In the contrary, building a deck will add property value to the house and neighborhood.

- d. Building of a deck will not adversely affect the surrounding properties or neighborhood.
 - e. Building of a deck will not change the spirit of the neighborhood nor infringed on the neighboring properties.
- (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.
- a. Building a deck does not offer any special privileges that are denied by code. The City of Reynoldsburg allows the build of decks. Furthermore, note multiples houses in the neighborhood already have decks.
- (h) No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of the variance.
- a. Building a deck will not impact neighboring land or structure.
- (i) The variance is not a matter of convenience when other remedies are available within the provisions of this Code.
- a. The house was build with an additional 10 feet setback compared to all the other houses in the neighborhood leaving only minimal space in the backyard to build any structure. With the current code the allowed deck could not be deeper than 5 feet, which would be impractical. Given the above, other options (i.e.: paver patio, concrete slab) were examined. However, with the oddly shaped backyard a paver patio or concrete slab would significantly affect the drainage of water on the property. There would be a great risk of flooding which in the future could cause major structural damage to the house foundation. The above, leaving the deck the only option for the house.
 - b. To the best of our knowledge, there are no other remedies available.

Statement of the hardship

My husband and I were looking forward on spending quality time outside, this summer, on our beautiful new deck. Therefore, you can understand our disappointment when we learned the deck building proposal was denied by the City.

My husband and I enjoy spending time outside on our property, but at the current time, we have to use the driveway as our 'relaxing' and grilling area. We knew when we bought the house we wanted to build a deck so we could enjoy private time outside without being 'visible burden' to other neighbors.

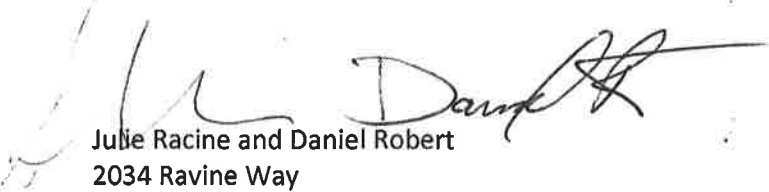
However, to our great surprise, with current city codes, deck building (i.e.: appropriate size) is impossible on our property. It was impossible for us to know the above, when we bought the house, as many other houses in the neighborhood had decks on their properties.

The above denial for the construction of a deck significantly impacted our lives. We are now contemplating moving and leaving behind our dream house. We do hope the Board of Zoning

and Building will accept this variance and allow us to fully enjoy our peace of heaven in Reynoldsburg.

In closing, it is important to remember the denial of this dimensional variance would deny us the reasonable use of our backyard due to the unique physical characteristic of the property as well as the full enjoyment of our property.

Thank you for your consideration of this request.



Julie Racine and Daniel Robert
2034 Ravine Way
Reynoldsburg, Ohio, 43068
E-mail: pluton77@hotmail.com
Phone: 614-282-1144

WOODS AT SLATE RIDGE HOMEOWNERS' ASSOCIATION

c/o SBS Management, LLC
 4631 Northwest Parkway
 Hilliard, Ohio 43026-1126
 614.527.7909
 mike@sbsmanagementgroup.com

BY ELECTRONIC & U.S. MAIL

April 29, 2016

Robert & Julie Racine
 2034 Ravine Way
 Reynoldsburg, Ohio 43068

Dear Mr. & Mrs. Racine:

We have received your *Application for Exterior Improvements* dated April 18, 2016 and accompanying documentation in which you desire to install a tiered deck onto the rear of your home.

The board of directors approves your project as presented.

As you know, the city and/or state may have ordinances/laws, building codes, or other regulations concerning exterior structures that need to be observed. Our approval is not a substitute for any governmentally required approvals and/or permits (if any). It is your responsibility to verify that the proposed improvements are permitted under applicable zoning regulations, and if applicable, to obtain a building or other permit if required, and to comply with any conditions imposed on any such governmental approvals.

Additionally, if the deck is placed within or above an easement you are fully aware of the potential implications of such placement. If your improvements extend into or over easement areas (whether or not shown on your submittal), our approval does not relieve you of any obligations you have regarding such easements, and the decision to locate improvements in an easement area, if made, is made at your own risk.

Your improvements may not impede the natural flow of surface water across your property and to or from adjacent lots.

All approved improvements must commence with one (1) year of the date of this letter and be completed within twenty (20) days of the date on which materials therefor arrive on site, with noise-generating activities to be performed only after 8:00 a.m. and before sunset and in compliance to local and/or state law.

You are encouraged to contact the Ohio Utilities Protection Service (OUPS #811) prior to any digging to minimize the risk of utility line conflicts.

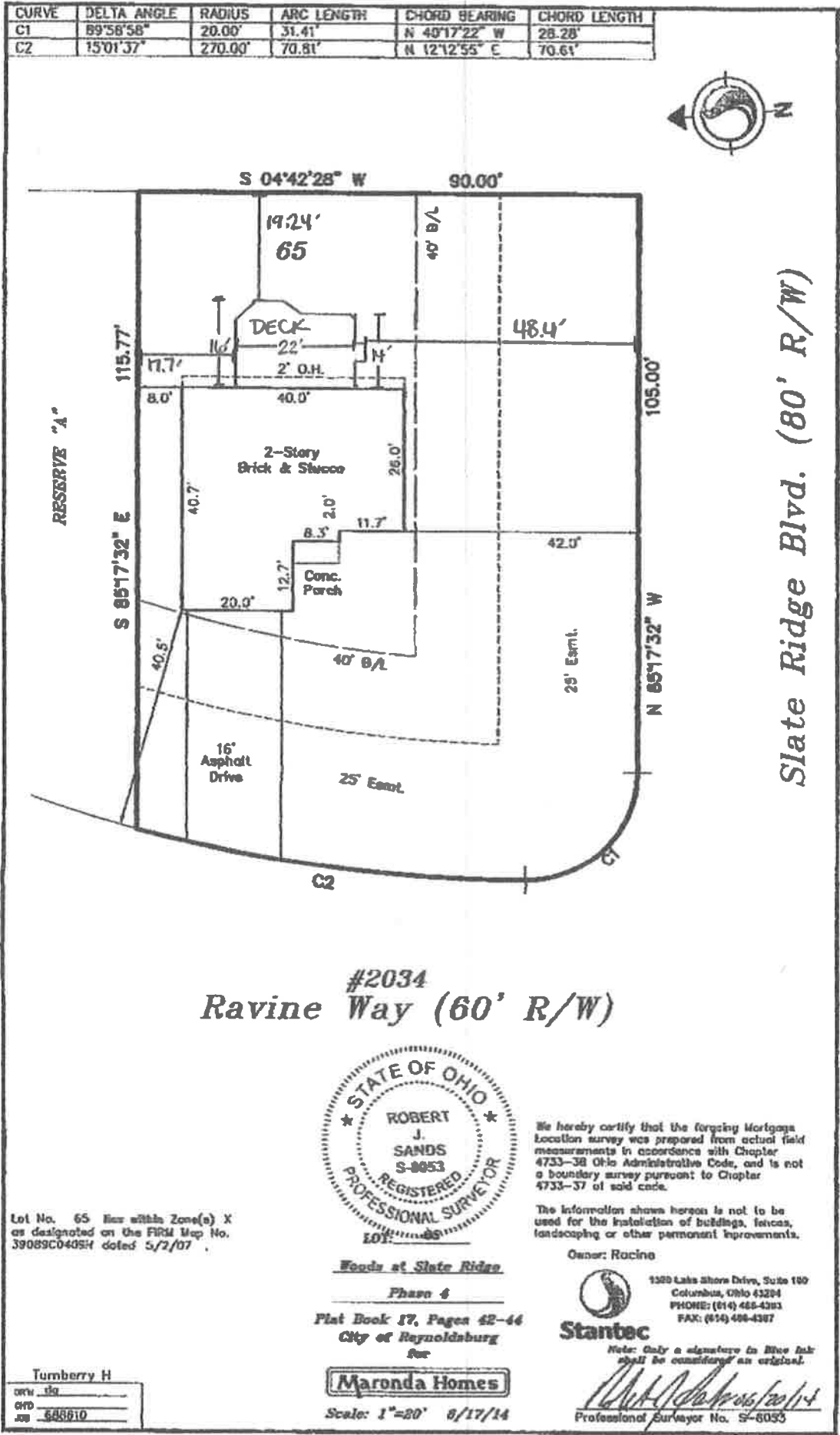
Please maintain this approval letter with your other documents concerning your home.

The association also sends its appreciation of you for submitting the proper forms to assure your improvements are within the guidelines of the association.

Sincerely,

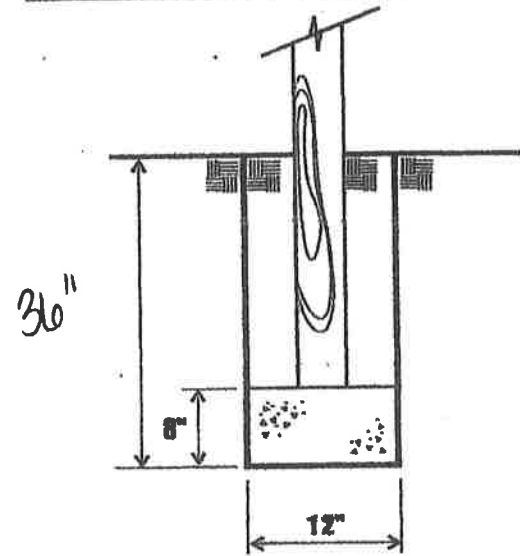
Woods at Slate Ridge Homeowners Association, Inc.

By: 
Mike Mullen,
Managing Agent



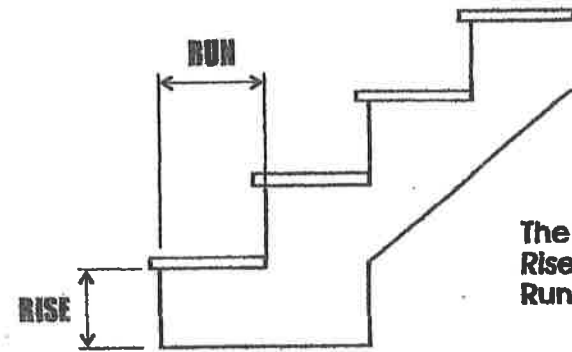
SCALE
10.4'
1CM

FIGURE 3: FOOTERS - BELOW 72"



2034 Ravine Way
43068

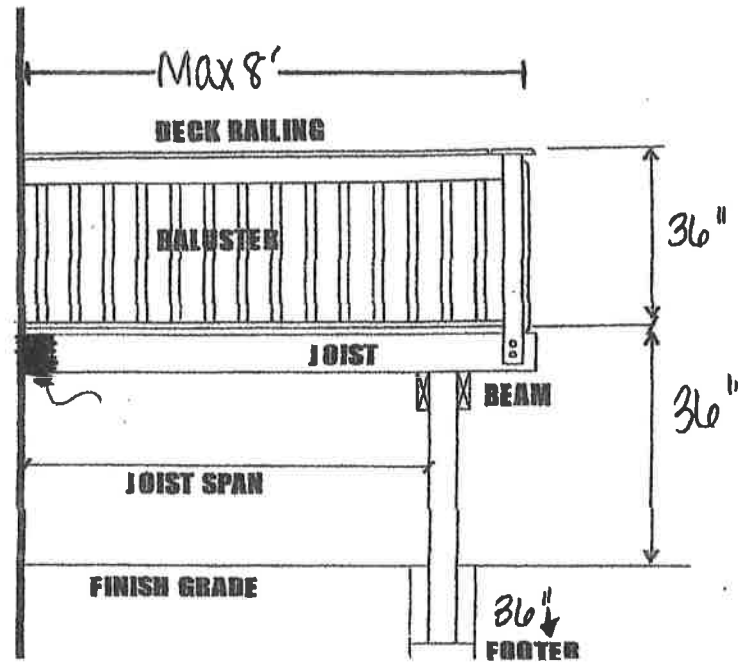
FIGURE 11: STAIR DETAILS

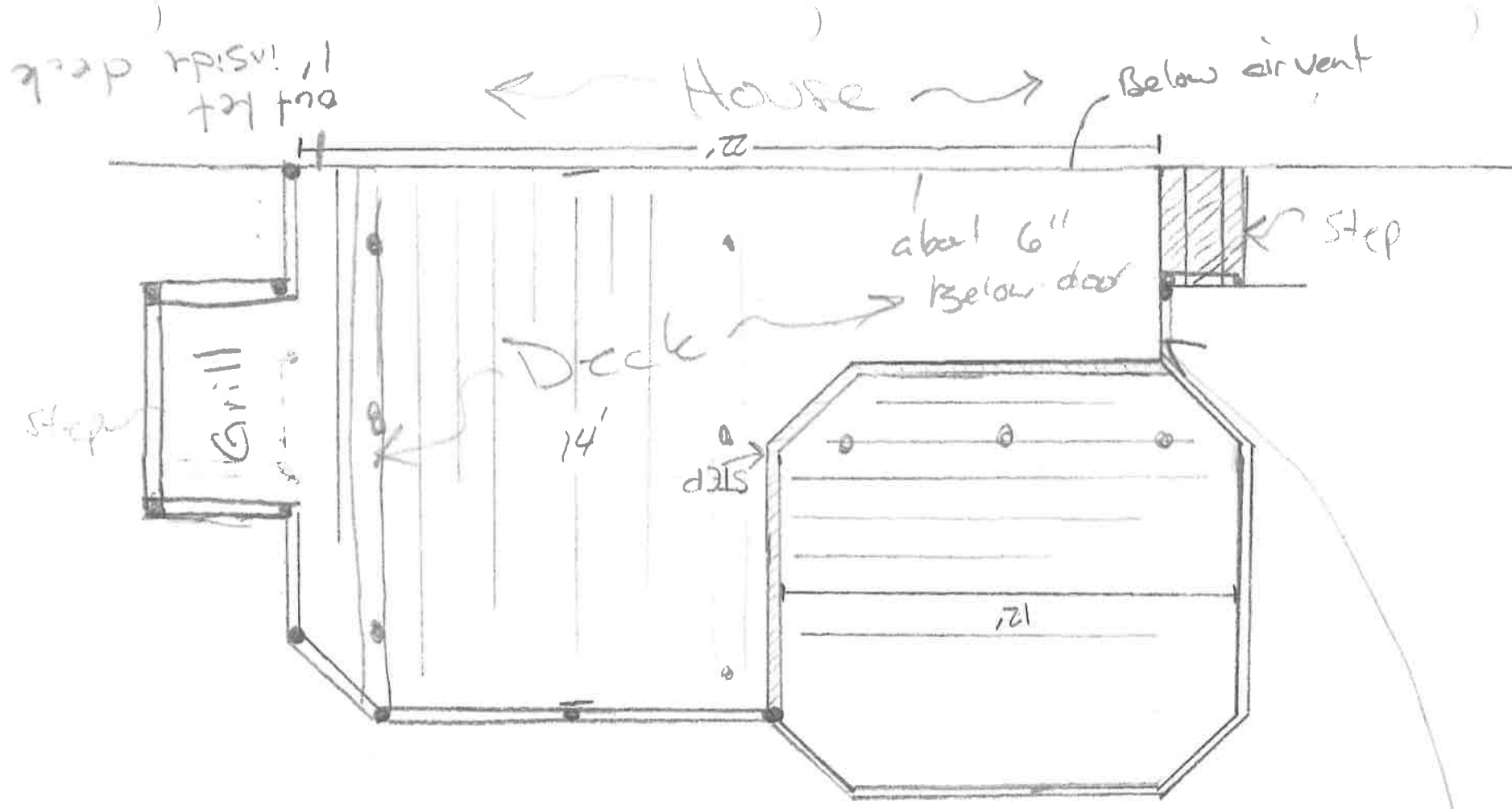


The allowable Rise and Run are:
Rise 8.25 inches maximum
Run 9 inches minimum

FIGURE 6: FRAMING ELEVATION RESIDENCE

*stair rail will
have grippable
railing.





Buy 20' Boards and use cut offs here

R D2

