



MINUTES

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

PRESENT: Linder, Donovan, Enfinger
ABSENT: Rettke

2. APPROVAL OF MINUTES

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

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Enfinger: If you are going to be speaking, we will need you to sign in on the sign in sheet, and if you do address the microphone tonight, please state your name and address for the record. If you will be speaking, you need to be sworn in, so please stand and raise your right hand. Do you swear or affirm that the testimony that you will give in front of the Board will be truthful? If so, please answer, "I do". (Audible "I do's")

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

Mr. Snowden: Staff has been working with the property owners at the Shoppes at East Broad to address some of the landscape concerns, and I have a revised landscape plan on file in my office if anyone would like to check that out.

Mr. Donovan: What is the story about the car dealership?

Mr. Snowden: City Council granted them some additional time, because the applicant was making some progress. They were definitely engaged with what the Board was saying at our last meeting and more information was conveyed as we discussed.

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.**

Mr. Snowden: 9233 Ruston Lane - Single Family Dwelling - Variance. Application:

#173667 - Variance. Property is located on the south side of Ruston Lane between Smithers Drive and Truhart Road. Existing Zoning: R-3 - Single Family Residence District. The request is 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. 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. 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. 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 variance requirement has held up the applicant for thirty days and is preventing access to the structure for this family. This will reduce the burden to folks that have mobility requirements while still maintaining the aesthetics of our residential neighborhoods. 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, 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) With that, I will turn things back over to our Chairman.

Chairman Enfinger: I just have a few questions. Mr. Coats, if you could just step to the microphone and state your name and address.

Mr. Coats: Carl Coats, 3652 Mink St., Pataskala, OH 43062.

Chairman Enfinger: Thank you. So, the design that we currently see at the fall is one inch per foot, is that the requirement?

Mr. Coats: The Code is you can go up to an inch and a half, but I am trying to keep it at an inch.

Chairman Enfinger: So how many lineal feet when all said and done.

Mr. Coats: I think it will be twenty-four when all said and done.

Chairman Enfinger: So, at the end of the day, we are going to be twelve feet from the sidewalk.

Mr. Snowden: Not from the curb, from the sidewalk. Mr. Enfinger, and other Members of the

Board, we have seen these in the past where they are almost designed as a straight shot out, and those tend to go very close to the public right-of-way because they need that additional distance to get the correct rise. I think what Mr. Coats has designed is a little bit more sensitive to the fact that it is a residential neighborhood and that the front yard is suppose to be clear of accessory structures and decks.

Chairman Enfinger: Your drawing is to scale here?

Mr. Coats: Pretty much.

Chairman Enfinger: From the platform at the door, to your first landing, that first landing is going to be outside, past the side wall of the house?

Mr. Coats: It is basically what they call a switchback. It is going to come down as a 5 x 10 turnaround, and then back to the driveway. That is maintaining the distance from the sidewalk.

Chairman Enfinger: Since this is a project that is funded by the State, I am going to assume it is inspected by the State.

Mr. Snowden: Mr. Coats will be required to submit a plan review to building, which I think he has already done because he was in to see us some weeks ago to apply for the variance. Our Building Department will inspect it to make sure that it is safe and Mr. Coats, I assume someone from the State.

Mr. Coats: The State does all their own inspections, too.

Mr. Snowden: So this will be inspected doubly compared to most residential structures in the City.

Chairman Enfinger: On your material list, I don't see any 2 x 2's for your railing, for your ballasts.

Mr. Coats: It is going to have ballasts, but I don't put that down because sometimes the customer want wrought iron, and sometimes they want wood, so I do not want to design their ramp for them. I give them the opportunity to do that themselves.

Mr. Snowden: It would not have been something that we would have been concerned about from the siding and setback requirements, but it is something that building would take a look at to confirm the safety.

Mr. Coats: Everything I do has to be safe, it is ambulatory, and they make sure it is safe.

Mr. Donovan: It says here that the wood is treated?

Mr. Coats: At the bottom is going to be ground contact. It is something they just came out with. It is for termites and what not.

Mr. Donovan: I understand that, but is it going to be of any color.

Mr. Coats: You can not stain it for at least six months. It will be painted later. You have to wait for it to leach out. I can not do that until the recommended time.

Chairman Enfinger: Under the condition that the reduced front setbacks will 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 their required front setback.

Mr. Coates: I have one thing to add, I am sorry. It is not going to be attached to the house, we do not do that.

Mr. Snowden: Mr. Coates, from the standpoint of zoning, if it is up against that, with the house and all, we consider it attached. It is not going to be an issue in terms of your building permit, verses the zoning portion. The reason that I requested that the Board make it on that condition is that you could actually build a building up to this 12FT line, so every other house on the street would have a 30FT setback, and this front of the house, theoretically because the Board granted the variance, could have a 12FT setback.

Mr. Coats: I am going to make it look as sleek as I can.

Chairman Enfinger: Once we allow a variance to this point, this variance stays with this property forever.

Mr. Coats: I will not attach it, that way if somebody buys it, they can remove it and not have any damage to the exterior front of the house. That is why we do it that way.

Mr. Snowden: From the standpoint of zoning, if it is adjacent to it, it is considered part of the main structure.

(Vote)

Mr. Snowden: Following the meeting, Staff will mail a record of action notice to the applicant at the address provided. 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. 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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Aaron Enfinger, Chairman
SECONDER:	Robert Linder
AYES:	Linder, Donovan, Enfinger
ABSENT:	Rettke

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.**

Mr. Snowden: 2034 Ravine Way - Single Family Dwelling - Variance. Application: #173850. For the property located on the northeast corner of Slate Ridge Blvd. and Ravine Way. Existing Zoning: R-3 - Single Family Residence District. The 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. 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. Actually this is very similar to our last application, except this is a rear yard setback, instead of a front yard setback. 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. This is actually right on the edge of the City. You can see the front of the house in the image here. Here is a view looking north, to the rear of the house. If you look at the plot plan, you can see that the applicant is proposing to construct a deck onto the back of this property, and the deck is not significantly larger of any different than a residential deck that that is constructed on many other homes within the City, 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 build-able area and structure to the north and east. The main structure was able to meet the required rear setback, but there is no build-able area behind the main structure for a deck or building addition that might normally be associated with a residential dwelling. So the applicant has requested a variance form this rear yard setback in order to construct a deck. A deck is considered part of the main structure if it is attached or adjacent to a main structure. If it is not what we call attached from the standpoint of zoning, it must be at least 10FT away, that is accessory structures in general, sheds and so forth. So, it is part of the main structure, and what the Code says is that no part of the main structure, which now includes the deck, can go within that 30FT. 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, 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 rear setback. (Authority: Section 1147.05) With that, I would be happy to answer any questions. The idea is not to allow the actually main structure, the home, to go in front of that, just the deck. But I find that it is generally meeting the requirements of 1147.05.

Chairman Enfinger: So it is from 30 to 19, so we are talking 11FT.

Mr. Snowden: Correct.

Chairman Enfinger: The house was pushed back an additional forty?

Mr. Snowden: It has been pushed back an additional ten.

Chairman Enfinger: When was the house built.

Mr. Snowden: It was built in the early 2000's. It is built to code Mr. Enfinger.

Chairman Enfinger: So, now everything is a 30FT setback.

Mr. Snowden: No, if it is a major arterial, it is on 40. But, what I am saying is when this was platted, I was probably not clear that Slate Ridge Boulevard as going to be designated as a major arterial, so the lots were not platted with that additional 10FT in mind.

Mr. Donovan: What is behind that. I see all those trees and everything.

Mr. Snowden: It is undeveloped land in Etna Township. There are some single family lots that front Palmer. It is a nice lot there because it backs up to a woods, even though it is not their woods. The setback for Slate Ridge today, for everybody, is 40FT. What I am saying to you is that that was probably not realized when that was platted, and no additional size was given to the lots, given that consideration, so know you have a case where this structure has been pushed to the north and to the east and there is no other way to accommodate a deck, which is something that is normally associated with a residential.

Mr. Donovan: It is not going to bother anybody in the back.

Chairman Enfinger: Not right now.

Mr. Snowden: It will be developed at some point. They did not do themselves any favors with how these lots are configured.

Chairman Enfinger: Any questions from any Board Members. I make a motion that we move to adopt Item D.2., Application #173850, with one condition, that the rear setback shall only apply to an attached open deck, and shall not allow expansion of the main structure beyond the required setback.

Mr. Snowden: Following the meeting, Staff will mail a record of action notice to the applicant at the address provided. The next steps are as follows:

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. 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.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Aaron Enfinger, Chairman
SECONDER:	Robert Linder
AYES:	Linder, Donovan, Enfinger
ABSENT:	Rettke

E. OTHER BUSINESS

F. ADJOURNMENT

Chairman

Planning Administrator