



AGENDA

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JUNE 15, 2017 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 18, 2017
3. APPROVAL OF AGENDA
4. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. NEW BUSINESS

1. 1421 Rosehill Road; Application #178097; Applicant Kimberly Farley; Variance Request.
2. 1721 Brice Rd; Application #178161; Applicant Believers; Special Exception Use Permit-Semi-Public Use -Church
3. 1381 Brice Rd; Application #177987; Applicant Arned Robinson; Special Exception Use Permit- Semi-Public Use - Church.
4. 6899 E Main St; Application #178154; Applicant Chea Romine; Administrative Appeal

D. OTHER BUSINESS

E. ADJOURNMENT

CITY OF REYNOLDSBURG

MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MAY 18, 2017 6:30 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – April 20, 2017

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Speakers sworn in by the Chairman.

B. PUBLIC COMMENT

None.

C. UNFINISHED BUSINESS

1. **MOTION TO APPROVE APPLICATION 176441 6541 E. MAIN STREET**

6541 E. Main Street Application #176441 Special Exception Use Permit- Votem Ventures, Inc.

Mr. Snowden stated that this item was tabled at the 2 previous board meetings due to unanswered questions. He said he has contacted the applicant who's response was that they are unable to attend the meetings. It is within the power of the Board to approve an item if the applicant does not appear at a meeting. The City Attorney advised that the purpose of holding a public hearing in this case is for the Board to make a determination. Therefore it is within the Board's power to simply deny the application because the applicant has not provided the information that the Board is requesting. Mr. Snowden concluded that it has been 60 days since the initial hearing and the applicant has addressed some of the questions that the Board raised but questions remain including the adequate parking for existing use but if office uses are added, they would be over their parking count and there is no way to accomodate. Staff reccomends the Board denies the permit at this time.

Minutes Acceptance: Minutes of May 18, 2017 6:30 PM (APPROVAL OF MINUTES)

Mr. Rettke stated his vote no was based upon the parking issue not being addressed and the proposed use of the building wasn't disclosed as far as the use under 1145.09 (d)(b) and (c).

RESULT:	FAILED [2 TO 1]
MOVER:	Anthony Rettke, Chairman
SECONDER:	D'Juan Armstead, Board Member
AYES:	Rettke, Armstead
NAYS:	Linder
ABSENT:	Donovan, Darling

D. NEW BUSINESS

1. MOTION TO APPROVE APPLICATION 177596 1933 BALTIMORE REYNOLDSBURG ROAD

1933 Baltimore - Reynoldsburg Road - Carwash - Variance

Application: #177596 - Variance

Location: Property is located on the northwest corner of Baltimore-Reynoldsburg Road and the south leg of Stonetrail Way.

Existing Zoning: CS Community Services District

Request: Request for a variance from Section 1175.08(a) of the Zoning Code, to conform an existing setback for a commercial parking lot.

Current Use: Carwash (Auto Services)

Applicant: Frank Mascari

The applicant is requesting the Board review and approve a variance from Section 1175.08(a) of the Zoning Code, to conform the existing setback of a commercial parking lot from the lot line of a residential district. The existing setback is 12FT, which is 13FT less than the required 25FT.

The site is an existing carwash developed with a building for self-service and automatic car washes, as well as related improvements. To the south and east, the property abuts commercial shopping centers in the CS district. To the north and west, the property abuts other multi-family dwellings in the AR-1 zoning district.

The intent of the regulation is to prevent commercial parking lots and structures from being constructed too close to existing or planned residential structures. The regulation requires a 50 foot (50FT) setback, but this may be reduced to twenty-five foot (25FT) with the appropriate landscape buffer. This variance will simply conform the existing parking lot.

This variance should have been required when the carwash facility was originally constructed back in 1988. An exhaustive search by Staff could not find record of that variance being granted. Staff's concerns are minimal as the multi-family dwellings have a significant setback from the property line. The applicant needs to confirm the existing site in order to submit plans for review of a new development.

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 recommends approval of the application as submitted. Staff recommends approval of the variance on following conditions:

1. That applicant shall preserve and maintain the existing landscape buffer long the property line and show that landscape buffer on any subsequent site plan application.
2. That in the event a portion of the existing landscape buffer needs to be removed due to the condition of the plant material, the applicant shall be required to restore it with like material to the satisfaction of the Planning & Zoning Administrator.

Todd Cunningham, EMH&T 5500 New Albany Road representing the applicant. He stated that the triangle parcel to the west of the property is zoned AR category but if you apply similar set backs to that property there isn't any space to build on that site either. Even with the variance granted, the roadway would have to be relocated in order to create enough room for a building. With Mr. Snowden's recommendations they understand the landscaping buffer and want to maintain the integrity of that buffer.

Mr. Rettke asked for other questions.

Mr. Armstead asked what were you looking to redevelop it as?

Brad Williams, Thomas English Retail Real Estate 725 E. 65th St. Suite 300 Indianapolis, IN said they were proposing 2 commercial buildings on the property one is a single tenant occupancy another is a 2 tenant and all of it fits in there fairly well in the ordinance restrictions and they aren't going to over-utilize this site.

Mr. Snowden stated to Mr. Armstead that what they're ghosting over is what they're proposing. The detached building to the south is single user retail, the northern user, building b on their site is going to be a 2 or 3 tenant small retail building they're targeting restaurant users small shop space type situations. No auto uses which have a high level of traffic and that sort of thing. That all has to be approved by Planning Commission and Design Review Board, the variance does not approve their development, it just conforms what exists.

Mr. Armstead asked if on the Northwest corner there planned to be a dumpster...

Mr. Williams said that on the southwest corner they have a single dumpster for the single building and on the northwest corner they have a dumpster for each tenant.

Mr. Armstead asked if they are going to replace the landscaping for that single dumpster.

Mr. Snowden responded that both of those dumpsters would have to be screened either with fencing or masonry.

Mr. Rettke asked if it was the applicants' intent to keep all of the screening and if you notice on the dumpster, both dumpsters are located within the footprint of the existing paved area so in terms construction and disturbance of that buffer we don't anticipate impact to that buffer in order to construct it?

Mr. Snowden responded that if you look on the site where it says variance 5429Z, there was a variance granted for the north side, the setback requirement of this section would apply to

both sides, when Mr. Mascari added automatic car washes in 2003 he got it for the northern side of the property but it didn't apply to the southern part of the property.

Mr. Armstead said so you're planning on Maples on the roadway of Stone Trail?

Mr. ** replied it's a preliminary landscape plan but we're going to make sure we comply with the ordinance.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	D'Juan Armstead, Board Member
AYES:	Rettke, Linder, Armstead
ABSENT:	Donovan, Darling

2. MOTION TO APPROVE APPLICATION 176969 6480-6492 E MAIN STREET

6480-6492 E. Main Street - Stonegate Business Center - Variance

Application: #176959 - Variance

Location: Property is located on the north side of E. Main Street between Rosehill Road and Brice Road

Existing Zoning: CC Community Commerce District

Request: Request for a variance from Section 1181.03(c)(2) and Table 1181 of the Zoning Code.

Current Use: Office Center (Administrative/Business Office & Professional Office

Applicant: Robert Wolf, MD

The applicant is requesting the Board review and approve a variance from Section 1181.03(c)(2) and Table 1181 of the Zoning Code, to conform an existing ground sign placed straddling a property line, and clarify the Board's interpretation of the Zoning Code regarding ground signage at the site.

The site is an existing multi-building office complex with a shared entrance. To the east and west, the site is adjacent to other commercial office buildings also in the CC district. To the north, the property abuts single family homes in the City of Columbus. All adjacent parcels that front E. Main Street are within the Community Commercial Overlay District.

Sign regulations generally regulate the size, color and design of signage. The Zoning Code restricts each property to one ground sign per frontage, in order to prevent excessive amounts of distracting signage. The Chapter 1196 places additional design requirements for signage on these properties, including further height and size restrictions above those of Chapter 1181. The purpose of the regulations is that each lot shall be entitled to a reasonable amount of signage based on its location, use, and other factors.

Section 1139.03 grants the Board significant power to interpret the Zoning Code. Given the unique characteristics of the site, and the need to provide clear documentation to all parties involved within this application, Staff has drafted an approval statement for the Board, consistent with its powers under this section. This will prevent confusion about the Board's

position from perpetuating the challenges further. The statement specifically references the powers delegated to the Board under the Zoning Code, the Board's process for review, and the Board's proposed findings. The statement also lists the conditions which the approval shall be contingent upon, so that the applicant understands the additional approvals required in order to construct any additional signage.

The sign regulations of Chapter 1181 assume that signage would never be installed in the manner present at the site. The regulations also assume that comprehensive sign plans are approved for similar developments at the time of the construction. Since the existing ground sign was installed straddling the property line, there is no reasonable way for the two existing parcels to erect additional ground signage. Since a comprehensive sign plan was not approved at the time of construction, there is now no other reasonable means for the properties at the rear of the site to have identifying ground signage that is visible from Main Street. Staff's position is that additional ground signage is a preferred alternative to wall signage at this location given the number of the tenants at the office center and the architecture of the office buildings.

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 recommends approval of the application as submitted. Staff recommends approval of the variance as submitted.

Mr. Snowden states that the applicant is requesting the Board to say the variance grants one additional sign to the two they are entitled to by code for a total of 3 signs on 2 parcels. Then if the lot lines are moved, they will not lose rights to additional signs. The applicants will enter a side agreement where they would agree how this middle sign will be used with the folks in the back and the front. They would then apply to the DRB for any additional signage. These signs will have to be similar architecturally. He concluded that the Board will be approving a total of 3 signs here and that he would rather see ground signs than wall signs given the design of the building.

Mr. Rettke asked how many tenants are in the back.

Dr. Wolf replied that there are 2 in their building. The other building is a radiology group. He continued that the tenants have all approached him asking for signage especially the radiologist group. The problem is that the sign straddles the property line and the other owner would like signage for his building as well (building to the west) where the temporary sign is now. He said they were before the board in October and got approval for design on the middle sign.

Mr. Snowden said the point of the variance is to have it in writing and documented and to clarify for commercial one what they would be entitled to so that they would be comfortable. Mr. Havener pointed out stone bases- those flank the sign. Those are not signage approved and are not support structures for signage.

Mr. Rettke said that was going to be my next question. So what did Rent to Own when they remodeled that, I know they had the only on the front did they have one out front?

Mr. Snowden replied that they didn't have any ground signage that I'm aware of.

Mr. Linder said I would just like to say great job on the document because I think the conditions make sense and they will work for both us and them and this will finally get corrected.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Robert Linder, Board Member
AYES:	Rettke, Linder, Armstead
ABSENT:	Donovan, Darling

3. **MOTION TO APPROVE APPLICATION 177453 7458 E. MAIN STREET SPECIAL EXCEPTION USE PERMIT**

7458 E. Main Street - Commercial Recreation Facility - Special Exception Use Permit

Application: #177453 - Special Exception Use Permit

Location: Property is located on the north side of E. Main Street between Waggoner Road and Jackson Ave.

Existing Zoning: CC Community Commerce District / HCO Historic Commercial Overlay Subarea

Request: Request for a special exception use permit for a new commercial recreation facility.

Current Use: Vacant

Applicant: TWDW, LLC.

The applicant is requesting that the Board review and recommend approval of a special exception use permit for a new commercial recreation facility within an existing building. The proposed recreation facility will be a mystery/puzzle game business.

The site is developed with an existing commercial building which is currently vacant. The property is surrounded on all sides by commercially zoned parcels in the CC district. All adjacent properties are within the Historic Overlay District. The single family dwellings to the west and east of the site appear to be non-conforming uses.

The existing site is currently vacant, but has supported a variety of commercial office uses over the years. The most recently use of the site was a childcare center. The proposed use will involve less disruption to the non-conforming single family dwellings on either side of the site than the previous special exception or other special exception uses such a restaurant or auto use. The applicant is proposing very late hours on weekends, however, the activity is confined to within the building, unlike many other entertainment/recreation uses that have outdoor activity areas.

Table 1179 of the Zoning Code requires one parking space for every 200SF of building area for this use. This would require the applicant to have 16 parking spaces, as well as one loading space, assuming that only the main floor of the building is utilized for the proposed

use. Staff has calculated 18 spaces on the site, when not including the playground area. Staff supports removal of the unused playground area to provide additional parking. Section 1193.08 of the Zoning Code also allows parking requirements to be reduced by up to 50% within the Historic Overlay District when on-street parking is available. In this case, the area directly in front of the site is available for parking. Staff is not concerned that vehicles will stack into East Main Street in the manner that occurred with the childcare center use. Staff is satisfied that the site has adequate parking.

The applicant has indicated that they would like to make some minor modifications to the buildings and add signage. The modifications are appropriate, but they will need to be approved by the Design Review Board.

The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff recommends approval of the special exception use permit.

Mr. Snowden added that you can see that the condition of the site is not good. It is my view that you look at the site and ask can the site support the use and say yes or no based upon that. The applicant is going to have to do some work here in order to get the site to where it is going to be safe but I don't think that should be an excuse to just say oh nothing can go there.

Mr. Linder asked the applicant when operating at capacity, how many people would you expect to be in the building?

The applicant responded at a given time 40 and the way that the building is set up now, there are 4 rooms 2 up and 2 down and the intention was to remove the playground since the parking lot has to be paved anyway. She added that not everyone is going to be driving their own car, the games are run as teams.

Mr. Linder asked if there were any food or beverage.

The applicant responded no.

Mr. Linder asked if they are allowed to bring their own and if alcohol would be prohibited.

The applicant responded yes they can bring their own but no alcohol.

Mr. Snowden said he would need to check with Liquor Control but that would be something that would be under their purview.

The applicant responded that she didn't think they would be open as late as on the application but she was nervous and didn't want to limit time frame. She added that perhaps once a month they would do a special event that would run later but she felt if she said 10pm every night she would be limited to that time.

Mr. Rettke asked for the applicant's name for the record.

Autumn Chandler, 7458 E. Main Street.

Mr. Rettke asked if she would be using both floors.

Ms. Chandler responded yes.

Mr. Snowden asked how many square feet were in the lower level?

Ms. Chandler replied about 2500 which is why she wanted to remove the playground.

Mr. Snowden said it's a matter of making sure there are enough parking spots. He added if there were a total of 5500 square feet they'd have to have 28 spaces, so they're 4 spaces short and the code says they can reduce it by 50% for on street parking which is reasonable.

Mr. Rettke stated that there are entrances on both sides.

Ms. Chandler said it will be an enter and an exit.

Mr. Rettke asked how it fit as far as the historic overlay.

Mr. Snowden responded that he doesn't feel it is an inappropriate use and would be a permitted use within the overlay.

Mr. Rettke asked about the front decking.

Ms. Chandler responded that some of the front deck boards are rotting and those will be repaired and the top of the building where the block was they want to see what the purpose is and then paint it as needed. They also thought about lettering on the awning.

Mr. Rettke asked if anyone felt they needed to add conditions.

Mr. Armstead responded that no she owns it and has that pressure of ownership.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Robert Linder, Board Member
AYES:	Rettke, Linder, Armstead
ABSENT:	Donovan, Darling

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator

Board of Zoning and Building Appeals**Eric Snowden****7232 E. Main Street****Reynoldsburg OHIO 43068****614-322-6829 Phone****MOTION REQUEST**

DATE: June 15, 2017**TO: Board of Zoning and Building Appeals****RE: 1421 Rosehill Road; Application #178097; Applicant Kimberly
Farley; Variance Request.**

See Attached.



CITY OF REYNOLDSBURG

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

Section 1139

BOARD OF ZONING & BUILDING APPEALS
APPLICATION

Application #: 178097
Permit #:
Date Submitted: 5/15/17
Fee Amount: \$100.00
☒ Paid: 1524

I. PROPERTY INFORMATION

Property Address: 1421 Rosehill Rd Reynoldsburg Oh 43068

II. PROPERTY OWNER OF RECORD

Property Owner Name(s): Kimberly Farley
Contact Email: kimberlyfarley4@yahoo.com Contact Phone Number: 614-815-4166

III. BUSINESS INFORMATION (IF APPLICABLE)

Business Name: _____ Contact Name: _____
Contact Phone Number: _____ Contact Email: _____
Description of Use: _____

IV. APPLICANT INFORMATION

Applicant Name: Kimberly Farley Applicant Address: 1421 Rosehill Rd Reynoldsburg Ohio 43068
Applicant Phone Number: 614-815-4166 Applicant Email: kimberlyfarley4@yahoo.com
☒ Property Owner ☐ Business Owner/Tenant ☐ Contractor ☐ Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLY:

Variance ☒ Non-Residential (\$450) / ☒ Residential (\$100): Section 1179.02 + Table 1179
To reduce the number of ~~enclosed~~ enclosed parking spaces to
two (2) from the required four (4)

☐ 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: Kimberly FarleyDate: 5-15-17

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

OFFICE USE ONLY

Additional Notes:

Zoning Information

Zoning District: R-3

- ☐ Historic District
☐ CC Overlay

Add'l Approvals Req'd

- ☐ Planning Commission
☐ DRB

BZBA Meeting

Date: 6/15/17

- ☐ 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: _____

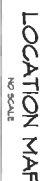
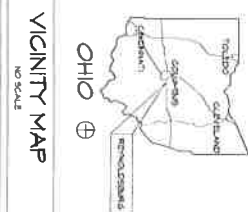
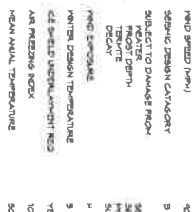
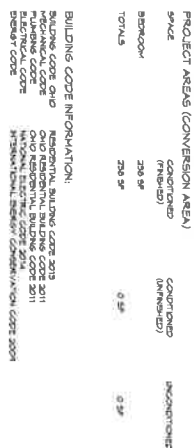
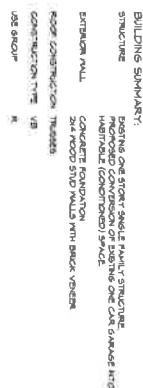
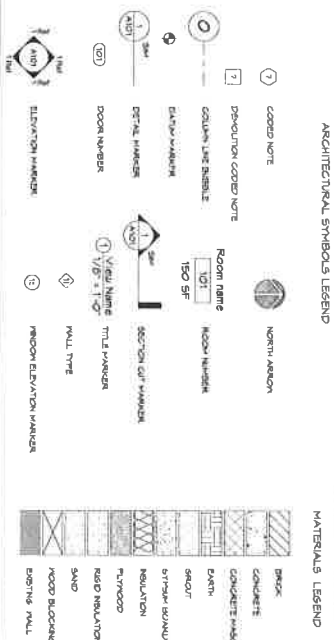
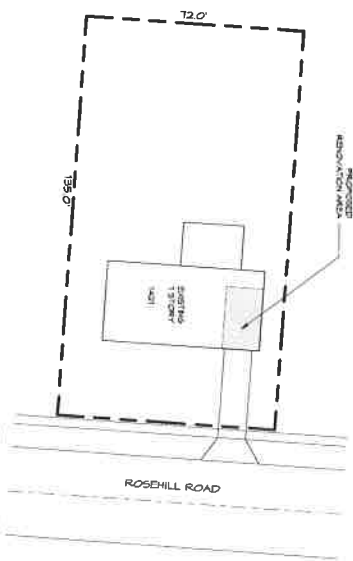
Clerk of Council: _____ Date: _____

1. Kimberly Farley
1421 Rosehill Rd
Reynoldsburg, Ohio, 43068
2. 3 bedroom, 2 bath, 1 car garage, ranch on a slab
Reynoldsburg city tax district
Parcel number of property is 060-002021-00
3. Requesting to turn my garage into a room. Will create an extension to driveway for more parking.
4. I currently have 6 children and 3 adults residing in my residence. I recently gained custody of 3 children on top of the 3 children I already had upon moving into this dwelling. I have 2 boys and 4 girls. The 4 girls currently sharing a room that is not adequately big enough for them. In creating this room for the girls would allow my mother to have a room as she currently does not and is sleeping in the living room. My father in law is generously helping out with funding for this renovation as I am currently unable to afford it and unable to move into a different dwelling due to lack of funds and unsatisfactory credit. I am willing to extend my driveway to permit more parking off the street upon approval of the renovation. I currently cannot afford to move into a bigger home.
5. I hope that you consider my request as it would make a world of difference for me and my family.

Signature Kimberly Farley Date 5/15/17

ARCHITECT
ARCHITECTURA
7404 EAST MAIN STREET
RENNOLDSBURG, OHIO 43068

CONTRACTOR
KTM Construction, LLC
5824 Fullerton Drive
Columbus, OH 43232
614-346-9046



Board of Zoning and Building Appeals**Eric Snowden****7232 E. Main Street****Reynoldsburg OHIO 43068****614-322-6829 Phone****MOTION REQUEST**

DATE: June 15, 2017**TO: Board of Zoning and Building Appeals****RE: 1721 Brice Rd; Application #178161; Applicant Believers; Special
Exception Use Permit-Semi-Public Use -Church**

See Attached.



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

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

Application #: 178161
Permit #:
Date Submitted: 5/17/17
Fee Amount: \$350.00
☒ Paid: 104

I. PROPERTY INFORMATION

Property Address:

1721 Brice Rd, Reynoldsburg, OH 43068

II. PROPERTY OWNER OF RECORD

Property Owner Name(s):

Mason Equity Group

Contact Email:

Kosborne@masequitygroup.com

Contact Phone Number:

614-781-1100

III. BUSINESS INFORMATION (IF APPLICABLE)

Business Name:

Believers

Contact Phone Number:

740-803-0016

Contact Name:

Euel Kasaye

Contact Email:

Euel Kasaye@yahoo.com

Description of Use:

for Church

IV. APPLICANT INFORMATION

Applicant Name:

Believers

Applicant Phone Number:

740-803-0016

Applicant Address

1721 Brice Rd Reynoldsburg, OH 43068

Applicant Email:

believers2014@yahoo.com

☐ Property Owner

☒ Business Owner/Tenant

☐ Contractor

☐ Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLY:

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

☒ Special Exception Use Permit (\$350): Semipublic Use Church

☐ 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: Euel Kasaye

Date: 4/30/2017

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

OFFICE USE ONLY

Additional Notes:

Zoning Information

Zoning District: CC

☐ Historic District

☒ CC Overlay

Add'l Approvals Req'd

☐ Planning Commission

☐ DRB

BZBA Meeting

Date: 6/15/17

☐ 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: _____



- 1) This lot will be used for conducting church services. This includes, Sunday worship services, special conferences, prayer meetings, bible studies for youth and adults.
- 2) All activities mentioned above will be held in this property and our regular church service times are as follow:

Sunday 8am-1pm and 4pm-7pm

Wednesday 5pm-8pm

Friday 5pm-8pm

Saturday 4pm-7pm

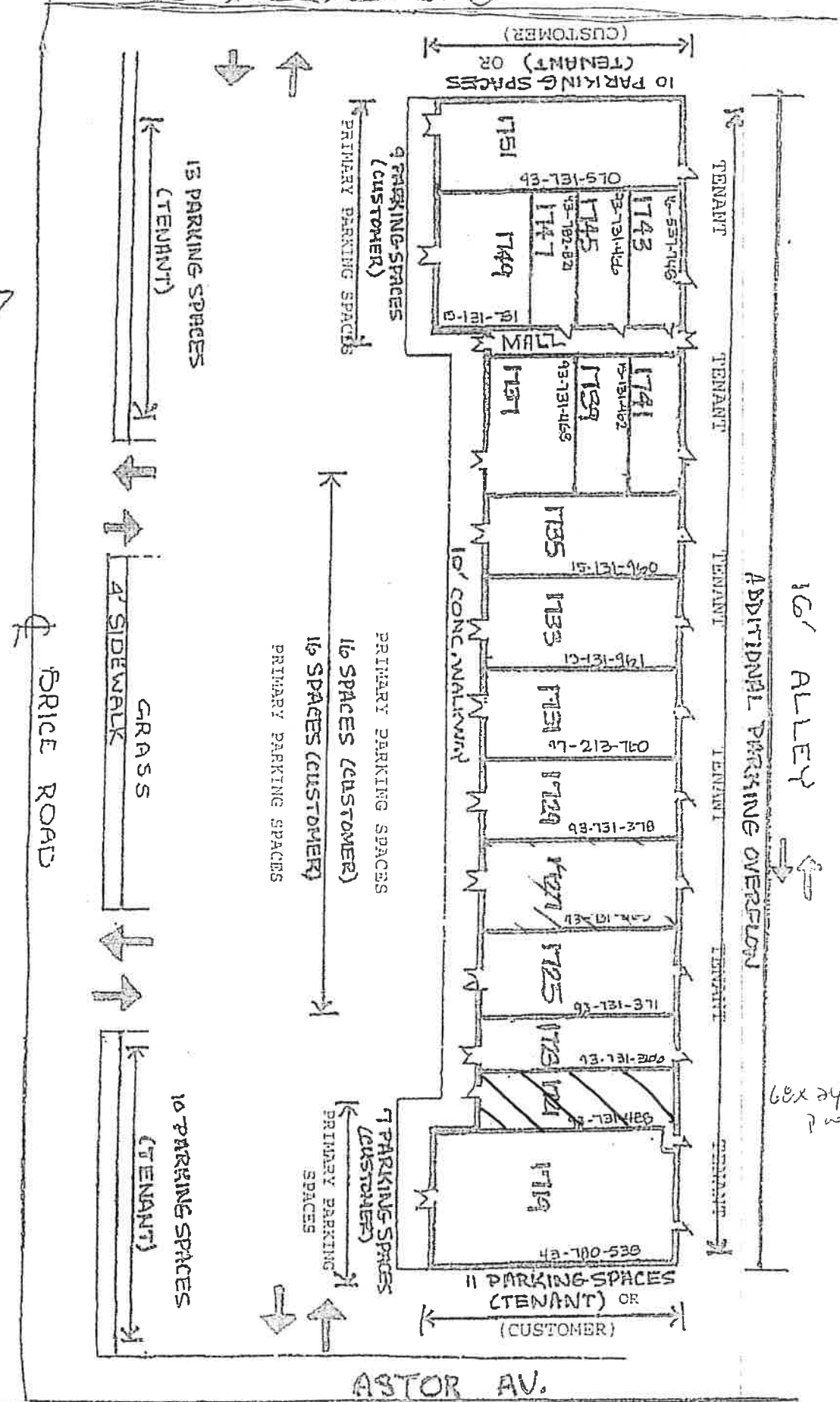
In addition to the above hours that we are open to the public, church members and volunteers will be in the building to prep and clean the property for these events several hours in advance. We would like to notify you that, we would be adding events and service as deemed necessary by board members in the future.

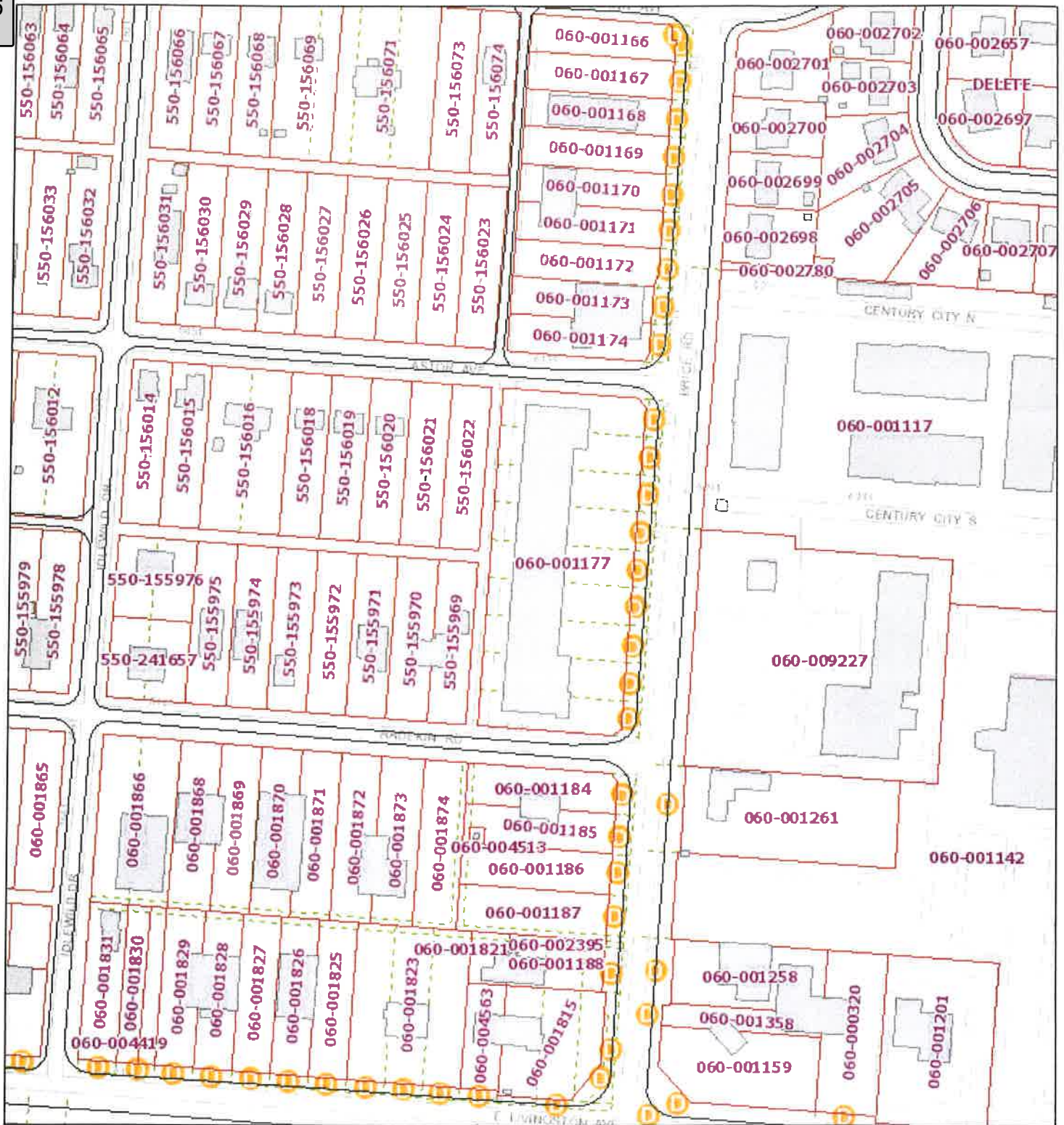
- 3) We contacted the property owner and they couldn't provide us with any plan but they said they don't have any plan to change anything. Everything should remain the same. We also don't have any construction plan to change anything other than decorating the inside. If you have further question, please contact Kelly Osborne property manager via email: kosborne@masonequitygroup.com, Tel: 614-781-1100
- 4) Concerning parking and traffic circulation we have set our service hours to work with other tenants. Almost on all of the business hours we are open for the public other tenants are either closed for the day or don't operate on the specific days.
- 5) We agree to follow all of the requirements listed under code 1145.09 for the safety of the public we serve and also the community that we are a part of.

(7)

62x24 BAY 16 32
502-1111 2nd
2nd 81711-205

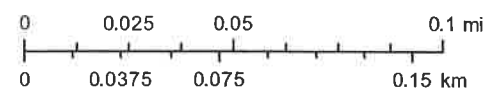
Attachment: App. #178161 - SEUP - 1721 Brice Road (1804 : #178161 1721 Brice Rd SEUP)





May 17, 2017

1:2,931



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Board of Zoning and Building Appeals**Eric Snowden****7232 E. Main Street****Reynoldsburg OHIO 43068****614-322-6829 Phone****MOTION REQUEST**

DATE: June 15, 2017**TO: Board of Zoning and Building Appeals****RE: 1381 Brice Rd; Application #177987; Applicant Arned Robinson;
Special Exception Use Permit- Semi-Public Use - Church.**

See Attached.



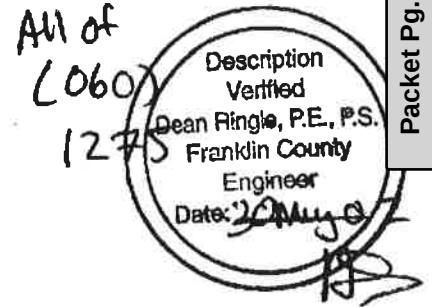
Department of Development
Planning & Zoning Division
7232 East Main Street
Reynoldsburg, Ohio

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

Application #: 117781
Permit #:
Date Submitted: 5/9/17
Fee Amount: \$350.00
☒ Paid: M/C

I. PROPERTY INFORMATION	
Property Address: <u>1381 Brice Rd Reynoldsburg Ohio 43068</u>	
II. PROPERTY OWNER OF RECORD	
Property Owner Name(s): <u>Cesido (Joe) Cugini</u>	
Contact Email: <u>Cesidocugini@gmail.com</u>	Contact Phone Number: <u>625-863-2962</u>
III. BUSINESS INFORMATION (IF APPLICABLE)	
Business Name: <u>The House of Prayer ministries</u>	Contact Name: <u>Armeda Robinson</u>
Contact Phone Number: <u>614-207-4534</u>	Contact Email: <u>arnedarob@gmail.com</u>
Description of Use:	
IV. APPLICANT INFORMATION	
Applicant Name: <u>Armeda Robinson</u>	Applicant Address: <u>10 E. Schrock Rd #101 Westerville OH 43081</u>
Applicant Phone Number: <u>614-207-4534</u>	Applicant Email: <u>arnedarob@gmail.com</u>
☐ Property Owner	☒ Business Owner/Tenant
☐ Contractor	☐ Architect/Engineer
PROJECT INFORMATION	
CHECK AND DESCRIBE IF APPLY:	
Variance (☐ Non-Residential (\$450) / ☐ Residential (\$100)):	
☒ Special Exception Use Permit (\$350): <u>Seeking Special exception for Church in CC Zoning District</u>	
☐ Other: <u>Semi-public Use</u>	
Applicant shall submit <u>ten (10)</u> copies of application and materials to the Planning & Zoning Administrator. Please review the attached sections of the Zoning Code and note the items you are responsible for submitting with this application.	
Applicant Signature: <u>Armeda Robinson</u>	Date: <u>5-5-17</u>
By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is authorized with the full knowledge of the owner.	
OFFICE USE ONLY	
Additional Notes:	Zoning Information
	Zoning District: <u>CC</u>
	☐ Historic District
	☒ CC Overlay
	Add'l Approvals Req'd
☐ Planning Commission	
☐ DRB	
BZBA Meeting	
Date: <u>6/15/17</u>	
☐ Approved as Submitted	☐ No Action Taken
☐ Approved w/ Conditions	☐ Approved as Submitted
☐ Tabled	☐ Approved w/ Conditions
☐ Denied	☐ Denied
P&Z Admin.: _____ Date: _____	
Clerk of Council: _____ Date: _____	

Exhibit "A"
Legal Description
For File: 52100355



State of Ohio, County of Franklin and in the City of Reynoldsburg;

Being a part of Section No. 14, Township 12, Range 21, Refugee Land, Franklin County and also known as part of half Section No. 21, and a part of Lot 1, and bounded and described as follows:

Beginning at a point in the center of Brice Road 1011.93 feet north of the northeast corner of a 10 acre tract of land conveyed by Frank G. Taylor and wife to Martin Sisk, of record in Deed Book 415, page 221, in the Recorder's Office, Franklin County, Ohio, said point being 1860.68 feet north 3° 45' east from the southeast corner of Lot 1 (the southeast corner of Lot 1 is 1744 feet north with center of Brice Road from the South line of Section 14); thence north 3° 45' east with the center of Brice Road, 84.70 feet to a point; thence north 86° 15' west 514.32 feet to an iron pin (passing an iron pin at 30 feet); thence south 3° 45' west 84.70 feet to the northwest corner of an 11.948 acre tract; thence south 86° 15' east along the north line of said 11.948 acre tract 514.32 feet (passing an iron pin at 484.32 feet) to the place of beginning and containing 1 acre, more or less.

Excepting therefrom the following:

Situated in the County of Franklin, State of Ohio, City of Reynoldsburg, and being a part of Half Section 21, Section 14, Township 12, Range 21, Refugee Lands, and being part of the John D. and Sara E. Arnold 1 acre tract of record in Deed Book 2587, Page 598, all references being to records of the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

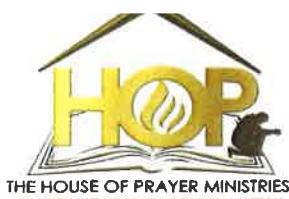
Beginning at a point in the centerline of Brice Road at the Northeasterly corner of the Grantor's 1 acre tract, being also the Southeasterly corner of the Byron L. Kielmeyer et al. (4) 1 acre tract of record in Deed Book 2917, page 29;

thence along the said centerline, South 3° 45' west, 84.7 feet to the southeasterly corner of the said Grantor's 1 acre tract;

thence along the southerly line of the said Grantor's 1 acre tract, north 86° 15' west, 40.0 feet to a point;

thence North 3° 45' east (being 40 feet westerly at right angles from the centerline of the said Brice Road), 84.7 feet to a point in the northerly line of the said Grantor's 1 acre tract;

thence along the said northerly line, south 86° 15' east, 40.0 feet to the place of beginning, containing 0.078 acres more or less, of which 0.039 acre lies within the existing right-of-way of Brice Road.



The House of Prayer Ministries

And said unto them, It is written, My house shall be called the house of prayer; (Matt 21:13)

Reynoldsburg City Council Planning & Zoning Administrator
May 2, 2017

CEO/ Senior Pastor Robert A. Johnson
COO/ Assistant Pastor Armeda Robinson

Eric Snowden

The House of Prayer Ministries is currently worshipping at The Days Inn & Suites at 2100 Brice Rd, and we are earnestly anticipating to move our ministry to 1381 Brice Rd so that we can more effectively serve our members, and the community of Reynoldsburg. The city of Reynoldsburg is special to the HOP because more than half of our members are residents of the city. We believe that as we continue to pray for the city and outreach, we will continue to transform lives that will make productive and contributing citizens for the city.

The mission of the House of Prayer is Evangelism. Discipleship. Leadership. This mission drives us to reach those who are hopeless and transform their lives through the power of the Holy Spirit and the word of God. In turn, these new disciples will become dynamic leaders for their families and their community. Currently, The House of Prayer hosts its weekly meetings at the Days Inn on Sunday with Sunday school at 10:00am, and morning worship at 11:00am which also includes a special service for the children. Our second weekly service is our Discipleship training service (bible study) where we engage in a more in depth study of the Word of God.

The House of Prayer is a relationship driven church, that is highly focused on outreach. The House of Prayer has also completed the initial phases of our plan for a weekly Saturday outreach, where we provide food to the community and games for the children every Saturday. The first launch of our plan was extremely successful, and we intend to fully launch the program at the end of May. Finally, the HOP is partnering with the Days Inn & Suites this summer by conducting The Summer Feeding Service Program, which will be an initiative where children will be fed & taught every day. This program will be ran at the Days Inn Monday-Friday from 9:30-12noon, from June 12 - August.

Our desire is to do all that we can, and to utilize every resource possible to make a positive, life changing impact in our community. Whether that is through our weekly church services or our outreach, we realize that city officials and law enforcement cannot do it alone. It is understood, that everyone will not necessarily come to a church building, so we are committed to doing exactly what Jesus did, to go and to serve and bless them. It is our hope and prayer that the building on 1381 Brice Road will be a place where the House of Prayer can expand its efforts so that we can make an even greater impact in the city of Reynoldsburg.

The House of Prayer Ministries – Evangelism. Discipleship. Leadership.
Evangelizing the World. Making Disciples. Building leaders for the kingdom of God.

**1381 BRICE ROAD
SPECIAL EXCEPTION APPLICATION**

Legal Description: 1381 Brice Rd
R21T12S14 1/4S21
.922 Acres
Parcel #: 060-001275-00

Zoning District: CC— Community Commerce

5. Description of the existing use of the lot and of adjacent lots:

- a. The existing use of the complex located at 1381 Brice Rd is a two story building with the upstairs being a beauty salon and the down stairs empty. To the north of 1381 Brice Rd is a daycare to the south is a vacant building. To the west is a residential development and to the east is retail center.

6. Description of the activities proposed on the site, including the goods and services, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will enable the Board to understand the nature of the proposed use and its potential impacts:

- a. The activities proposed for the suite under consideration at 1381 Brice Rd will be for a Church. In a church we worship, pray, teach, preach and fellowship.
- b. The hours of service will be Sunday 10:00 am Sunday school and 11:00 am morning worship. Wednesday 7:00 pm Discipleship training (Bible study). Our times are outside the normal business hours or neighboring tenants. We anticipate the number of employees will be 1-2. Our delivery activity will be minimal, and largely non-existent outside of standard mail delivery. Since the primary hours of operation are either before or after normal business hours, I do not anticipate traffic volume to be an issue during the normal business hours of 9:00am – 5:00pm.

7. A plan of proposed site and improvements showing the proposed location of all structures, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping and relevant features:

- a. Please see attached for an aerial photo of the existing property at 1381 Brice Rd. Our occupancy would not impact the existing parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping and relevant features. The interior of the space we are considering is completely open, first generation space. The owner has agreed to drywall the perimeter walls, finish the bathrooms, install the HVAC and ceiling, install the lights, add the sink in the community room build out the community room, add the wall and doors in the front of the sanctuary, and add the wall with a wood door in the back and install the flooring.

8. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent lots including evaluation of the effects on adjoining lots of such elements



0600102J 01900

Attachment: App. #177987 - SEUP - 1381 Brice Road (1805 : #177987 1381 Brice Rd SEUP)



ay 9, 2017

36 total parking spaces



Sources: Esri, HERE, DeLorme, Intermap, Incorp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey,

Board of Zoning and Building Appeals**Eric Snowden****7232 E. Main Street****Reynoldsburg OHIO 43068****614-322-6829 Phone****MOTION REQUEST**

DATE: June 15, 2017**TO: Board of Zoning and Building Appeals****RE: 6899 E Main St; Application #178154; Applicant Chea Romine;
Administrative Appeal**



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

Application #: 178154
Permit #:
Date Submitted: 5/22/17
Fee Amount: N/A

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

☐ Paid: —

I. PROPERTY INFORMATION

Property Address:

6899 E. Main St

II. PROPERTY OWNER OF RECORD

Property Owner Name(s):

Gene Johnson Realty

Contact Email:

Contact Phone Number:

III. BUSINESS INFORMATION (IF APPLICABLE)

Business Name:

Gene Johnson Realty

Contact Name:

Gene Johnson

Contact Phone Number:

614-864-4363

Contact Email:

Description of Use:

IV. APPLICANT INFORMATION

Applicant Name:

Chea Romine

Applicant Address

6895 E Main St

Applicant Phone Number:

614-755-2727

Applicant Email:

cromine@rominecpas.com

☐ Property Owner

☒ Business Owner/Tenant

☐ Contractor

☐ Architect/Engineer

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLY:

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

☐ Special Exception Use Permit (\$350):

☒ Other: Administrative appeal

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

Applicant Signature:

Date: 5/22/17

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

****OFFICE USE ONLY****

Additional Notes:

Zoning Information

Zoning District: CC

☐ Historic District

☒ CC Overlay

Add'l Approvals Req'd

☐ Planning Commission

☐ DRB

BZBA Meeting

Date: 6/15/17

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Tabled

☐ Denied

City Council Meeting

Date:

☐ No Action Taken

☐ Approved as Submitted

☐ Approved w/ Conditions

☐ Denied

P&Z Admin.: _____ Date: _____

Clerk of Council: _____ Date: _____

CITY OF REYNOLDSBURG *Mayor Brad McCloud***TO: Chea Romine****FROM: Eric Snowden, Planning & Zoning Administrator****RE: Zoning Code Violation Complaint****DATE: May 2, 2017**

Mr. Romine:

I received your complaint about a potential violation of the Section 1181.05(e) of the Zoning Code of the City of Reynoldsburg on Friday, April 14th. The complaint was regarding a trailer parked in the parking lot located at 6899 E. Main Street, which is adjacent to your business located in the office building at 6895 E. Main Street. Upon investigation of the complaint and by the power conferred upon me by Section 1155.02 of the Zoning Code, I made the determination that no violation of Section 1181.05(e) is currently occurring at the site. In addition, the vehicle causing the complaint is no longer parked on the site. Therefore, I will not be pursuing any enforcement actions at this time.

The intent of Section 1181.05(e) is to prevent vehicles from being placed throughout the City specifically to display signage. Enforcement of the section would require the Planning & Zoning Administrator to specifically determine that a vehicle had no legitimate business at a location. In addition, the Planning & Zoning Administrator would have to review the content of the alleged sign displayed on the vehicle in order to determine if a violation occurred. Recent case law, including a US Supreme Court decision in the case *Reed v. Town of Gilbert, AZ*, courts found that if the city official had to review the content of signage in order to determine which regulations applied or if a violation occurred, it would constitute an unconstitutional restriction of free speech.

Therefore, given that the vehicle is otherwise parked in a legal manner, is operable, registered, and not otherwise in violation of the Codified Ordinances of the City of Reynoldsburg, no violation of Section 1181.05(e) has occurred. Per the provisions of Section 1155.06 of the Zoning Code, you have the right to appeal my decision to the Board of Zoning and Building Appeals. Such an appeal must be made in writing and be filed with me within fourteen (14) of receipt of this decision. Once reviewed by our City Attorney, the appeal will then appear on the agenda at the next regularly scheduled meeting of the Board.

Respectfully,

Eric Snowden
Planning & Zoning Administrator

cc: Dan Havener, Director of Development
Bill Sampson, Director of Public Service
John Paszke, Chief Building Official
Jed Hood, City Attorney



To: Eric Snowden

From: Chea Romine, 6895 E Main St, Reynoldsburg, OH 43068 614-582-7195 cromine@rominecpas.com

RE: Appeal of Zoning Code Complaint

Mr. Snowden,

I would like to appeal your determination in the letter dated May 2, 2017. I appeal on the information provided below both collectively and independently of each argument. I am listing codes below for easy reference.

1131.02 (b) Definitions - Sign: A name, identification, emblem, symbol, trademark, flag, banner, pennant, description, display, or illustration which is directly or indirectly affixed to, painted upon, represented upon, or made visible in any manner whatsoever upon a building, manmade object, natural object, ground, structure, parcel, or lot, and which is designed, intended, or used to convey a message, announce, identify, make known, give direction, or direct attention to an object, product, place, activity, person, institution, organization, idea, concept, or business, and which is visible from an adjacent lot or street. Signs are further defined by the provisions of [Chapter 1181](#) of this Code.

1181.02 (a) - Every sign, except those specifically exempted by the provisions of this chapter, shall only be erected or installed subsequent to and in conformance with the provisions of a zoning sign permit issued by the Planning Administrator. The Planning Administrator shall not be required to issue a zoning sign permit to any use or business that does not have a valid zoning certificate or that is otherwise not in compliance with the Zoning Code, Building Code or Property Maintenance Code. For the purposes of approving a sign in conformance with this code, a zoning sign permit shall have the same effect as a zoning certificate.

1181.05 (e) - Prohibited Signs - A sign attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance, self-propelled or otherwise, parked or used upon any lot, and which is visible from a public right-of-way, excepting an identification sign which is permanently affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise;

1155.02 - It shall be the duty of the Planning Administrator to enforce the provisions of this Zoning Code.

First appeal - In your letter you stated the intent of section 1181.05(e) is prevent vehicles to be placed specifically to display signage. In reference to section 1131.02 (b) the city defines a sign above; as the attached picture shows the trailer had the business name, address and phone number. So it clearly has a name and identification on it, is conveying a message, announcing and giving direction. Lastly was visible from an adjacent lot and street. So as such I think the city defines that vehicle as a sign in section 1131.02(b). As such your stated intent of the section 1181.05(e) is to prevent these exact things.

Second appeal - You state the enforcement of the section 1181.05(e) requires Planning & Zoning to specifically determine that a vehicle had no legitimate business at a location. So I am inferring that because you deemed no violation you deemed it to have a legitimate business purpose. This is a trailer parked in a Real Estate agents lot with a sign for a CPA in Whitehall. A real estate agent or CPA firm does not need a trailer for a legitimate business purpose. Additionally I provided an email between the parties to you which proved there was no legitimate business purposes and that the only reason it was parked there was harass my business, employees and clients. So I appeal that this trailer had no legitimate business purpose and was merely placed as a sign. Please provide what information you used to determine it had a legitimate business purpose and that it was used in pursuance of day-to-day business as it did not move for over a month.

Third Appeal - Section 1155.02 gives you the authority to enforce the provisions of the code. I do not see where that section gives you the ability to interpret, change or add verbiage to the code section. I believe that authority is given to the council. I quote Supreme Court justice Gorsuch in his first hearing "Wouldn't it be a lot easier if we followed the plain text of the statute? What am I missing?" I have now been given 3 separate interpretations of the section 1181.05(e) by you and Mr. Sampson. None of those interpretations mirror the code as it is written. Here are the 3 interpretations I have been given and I am paraphrasing.

- The vehicle must have no legitimate business purpose. (Your memo)
- The signage must prevent the vehicle from being legally operable; an example is something attached to the wheels. (Email form Mr. Sampson you were included on)
- The intent of this section is preventing folks from parking vehicles in inappropriate or dangerous locations. (Email form Mr. Sampson you were included on)

I have read section 1181.05(e) above many times and it clearly says "in the pursuance of day-to-day operations" not just a legitimate business purpose. I am still unclear as to why your interpretation does not mirror the code when it is very clearly written. I am also unclear as to how you determined it was used in day to day operations when it did not move in over a month. It also does not even attempt to address situations of making the vehicle inoperable or parking in a dangerous location. So I appeal on the grounds that you and Mr. Sampson overstepped section

1155.02 and attempted to add language that clearly is not there. If that language is needed to clarify these sections it is council that should be adding those. 1155.02 gives you the authority to enforce the codes written by council.

Fourth Appeal – Such a ruling is contradictory of what the intent of the code for signage is meant. Taking your ruling as is “I state I could park a semi –trailer on my lot on Main St with my name, address and phone number painted on the side and need no permit and with no violation occurring”. This undermines the entire BZBA and everything we go through when putting up legitimate signs on our businesses. There has been nothing provided to me to show that this vehicle had a legitimate business purpose in the pursuance of day-to-day operations and conversely I provided evidence of the contrary. Instead of following section 1155.02 and enforcing the code, I have been given 3 very different and distinct reasons of why the section was not being enforced and not one reason mirrors the code. The appeal is that the intent of the code is either being missed or distorted and not for the good of the city.

So for the reasons stated above I appeal the determination that no violation occurred due to the misinterpretation of the code section 1181.05(e). I am asking for this determination even though the vehicle has been moved so that if it is returned we have the determination already made.

Thank you for your time and hearing my appeal.

Sincerely,

Chea Romine