



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MAY 21, 2015 6:30 PM

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

A. CALL TO ORDER

1. Roll Call

PRESENT: Linder, Wallace, Enfinger, Donovan

ABSENT: Rettke

2. Approval of Minutes

Minutes Stand Approved as Submitted

3. Approval of Agenda

Agenda Stands Approved as Submitted

4. Swearing in of Speakers

Mr. Enfinger: If you are planning on speaking tonight, if you could stand and raise your right hand. Just as a note as you are getting prepared, we do ask that you sign in. So, tonight before you leave if you could sign in. And when you are at the mic, please state your name and address for the record as well. So, raise your right hand. Do you solemnly swear or affirm, that the testimony or information being presented here today, before the Reynoldsburg City Board of Building and Zoning Appeals, is true to the best of your ability? If so, say "I do." Thank you.

5. Public Comment

B. UNFINISHED BUSINESS

Mr. Efinger: I would like to ask staff about how we finished off last meeting, with the situation with the Dollar General Store. And we had left it up to the purview of the staff and could you update us on that?

Mr. Snowden: Thank you Mr. Efinger. Could I ask Mr. Havener to come up to the podium, because he has dealt with this directly? I know I'm punting on this one, but this has been the gentleman on the front lines of the problem.

Mr. Havener: Mr. Chair, Board, I talked to both the representatives from the Dollar General, and the contractors and engineers for that project. And through vigorous talks back and forth, and conversations, we finally met at the site. I met with the general contractors on site, and we walked the site and talked about the improvements to be made. And, it was finally decided that they would concede to the city's request, and are locating an additional pole at the southwest corner of the building pad. And are going to be removing the existing light on the building as we

requested. They are removing that double head fixture with the 2000 watt lamps. And they are going to be removing that pole on the west lot, and are going to reposition the pole on the north property line. So, everything is being done per the request of the city. It turned out to be a good situation.

Mr. Snowden: And Dan, we are waiting on the final photometric to come in. We have seen a shop drawing, but are waiting for the photometric to come back to make sure all the issues are resolved.

Mr. Havener: We should be receiving that, I would think, within the next week or so. And then, once we review that, and make any other final comments, we'll send it back to them for installation, for the revised fixtures and so forth.

Mr. Snowden: And provided that comes in, in an electronic format, I will try to get copies to the board, so that they can see we have had some success.

Mr. Efinger: Thank you. I appreciate that.

C. NEW BUSINESS

1. **MAJOR SITE PLAN REVIEW, 6140-6156 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, AR-2; PROPERTY OWNER, CREATIVE HOUSING, INC.; REQUESTING REVIEW OF MAJOR SITE PLAN FOR NEW MULTIFAMILY RESIDENTIAL STRUCTURES; APPLICANT/CONTACT: BRIAN PRENGER. (#169168).**

Mr. Snowden: The property is located on the north side of E. Main St., between Manor Dr. And Idlewile Dr. Existing zoning AR-1C, multi-family residential district. Request is for the review of a major site plan of two new multi-family commercial buildings, current use is vacant land. Applicant was Brian Prenger, he is the engineering representative for Creative Housing Inc. Proposal is for two, four unit, multi-family residential buildings for a total of eight multi-family dwellings on the site, and two buildings. Site was rezoned in 2012 to AR-1C, from CS Commercial District. Property is currently undeveloped. Abutting properties include commercial businesses in the CS Community Services. To the north, the property is abutting single family homes in the city of Columbus. Along the west side it is abutting some professional office use in the City of Columbus. The property was originally a 3.664 acre site. It was split, leaving a 2.3 acre site abutting Main St. Which has a commercial building and related parking. What remains is a 1.3 acre, currently wooded tract, and you can see that from the aerial view in front of you, how wooded it is. And, that is going to play into our landscaping review. The project previously received all prior zoning approvals, however, Section 1143.03 of the Zoning Code, as I have pulled out there in the consideration section, states that site plan approvals are only good for one year and can be extended by six months with the board's approval. So we have gone by the eighteen months that this site plan could be approved or could be valid. And some time has passed beyond that eighteen months as well. Given the scale of the project, staff wanted to request the board come back and represent their project so that they would know nothing had changed. The applicant submitted a 2012 traffic study, and an updated 2015 traffic study that staff reviewed and sent along to the Service Department for additional review. The findings of the traffic study did

not require any additional turn lanes on Main St., for these eight dwellings. Prior to the plot grade utility review, that plan will be reviewed formally by the City's engineering in conjunction with that detail. The applicant proposed twelve parking spaces, the staff required ten so staff was comfortable. Landscaping, you could see the details of the buffering. Given that this was an existing wooded lot, this was something the board addressed in their previous review of the lot, the code section 118.05 B2 and .06 state that trees that are on a lot that are removed, need to be replaced, and give a prescription as to how this is to be done. Staff's view, and of OHM advisors is that this is really geared to an open field or land that only has a few trees on it. Not a lot that is fully wooded and hasn't been developed in several decades. The applicant is already retaining trees standing and some of the existing trees. So, to require them to retain the entire wood lot or to replace it, staff felt was unreasonable, as did the previous staff review in 2012. Lot characteristics; you can see the various characteristics that they are meeting various requirements for lot areas. And generally speaking, the staff feels the structure fits on the site, and that's one key thing. The whole point of the lot characteristics section is to make sure that the structure is not overwhelming the lot. Staff felt comfortable with that, that it was within reason, and the whole structure was below .5 below what code would permit. Under the recommendation section, I was just pointing out that it may be unreasonable to require the applicant to replace all the trees the applicant is proposing 23 two caliber trees as replacement which is a pretty significant investment in landscaping. And so given that information, staff's recommendation is for approval. Mr. Chairman.

Mr. Enfinger: Would the representatives please come to the mic?

Mr. Prenger: Hi, Brian Prenger with EMH&T. I'm the engineer representing Creative Housing.

Mr. Enfinger: So from the previous submission, have there been any alterations?

Mr. Prenger: There have not. It's pretty much the same plan that was submitted in 2012.

Mr. Enfinger: Are there any buffer requirements? As listed here it talks about the side yard set backs, the rear yard set backs, at thirty.

Mr. Snowden: There was a buffer section and I called it out. Give me one moment Mr. Chairman, and I will find it. Most of our buffering requirements of the landscape and buffering section of the code are typically triggered when you are developing commercial that is adjacent to multi-family and here we are developing multi-family that is adjacent to commercial. Staff was comfortable for one reason, because they are keeping some of the existing tree stands there around that storm water detailing area, and you should see that detailed in front of you. In addition to that, the home owners on the North side already have some six foot privacy fences in place. So, given that the property was previously commercial and could have been developed commercial, staff was comfortable with this use and the buildings that were in place, and didn't find that there would be a lot of cross over between the uses there that would be problematic.

Mr. Enfinger: Do we have any other questions from the board. No? Hearing none, I make a motion that we approve item #169168.

Mr. Snowden: Mr. Prenger, before you walk away, let me hit these next steps. I'm sure you and I will talk within the next couple of days. Following this, you are going to want to submit for your zoning certificate. We just need two copies of plans. They do not need to be large in size. However I cannot issue the zoning certificate until we do our plot grade utility. This is written in the staff report in front of you and I'll also provide a letter to the address you gave stating these things. You should submit to the Service Dept. For your plot grade utility. And then you will want to contact the Building Dept to submit your building plans. In your case, since EMH&T is the city's engineer the alternative reviewer is typically CT Consultants, so there will need to be a little coordination. Its a strange situation where Mr. Prenger works for the city's engineer so he is going to do a pass through, thru the city, to another consultant. Only after the plot grade utility is done, then you can issue the zoning certificate, and pull your permits. Clear as mud I'm sure, but I will put it in a letter, and if you need anything else, feel free to give me a call. Thank you, Mr. Chairman.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Aaron Enfinger, Vice Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Linder, Wallace, Enfinger, Donovan

2. ADMINISTRATIVE APPEAL, 1600 BRICE ROAD #168954

ADMINISTRATIVE APPEAL, 1600 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING, NC; PROPERTY OWNER, GOLDBERGVARELY PARTNERSHIP LLC.; APPEAL OF A DENIED ZONING CERTIFICATE FOR SEMI-PUBLIC USE; APPLICANT/CONTACT: THE REDEEMED CHRISTIAN CHURCH OF GOD. (#168954)

Mr. Snowden: Thank you Mr. Chairman. 1600 Brice Rd. The applicant was Redeemed Christian Church of God. This is an administrative appeal of a zoning certificate that was administratively denied by staff. The property is located on the east side of Brice Rd. Just south of Retton Rd. Existing zoning is NC, Neighborhood Commerce. The request is for the Board to review a denied zoning certificate for a semi-public use. Current use of the rest of the building is professional office. The applicant, as stated, is the Redeemed Christian Church of God. The applicant is appealing to the board to review an application that was denied. The applicant proposes to locate a semi-public use in a existing commercial building with approved professional office/ professional services uses. Adjacent uses include other NC and CC uses, in those districts, of the cities to the east, properties abutting single family dwellings in the R-3 single family residential district of the city. Just so the board understands the actions of staff, as the board knows, we have two types of uses. We have permitted uses and special exception uses. Permitted uses, staff can issue a zoning certificate for. Special exception uses, the applicants has to visit you to get a Special Exception Use Permit, and you are all aware of that process. Any use that is not specifically listed in those columns under a particular zoning district are considered prohibited use, and staff can not issue a zoning certificate, nor can the board issue a special exception use permit for that,

without a number of things having to happen. So essentially staff could not issue a certificate for this use, and applicant was denied for the same certificate back in October. Staff consulted with the city attorney's office on these issues because there could be some constitutional issues because you are dealing with a religious entity. The city attorney's position was that although the staff was correct in their decision based on code, the city is not able to regulate the location of these types of places of worship through this process. And so, the city attorney recommended, and staff seconds the recommendation, that the board orders staff, me and myself, to issue the zoning certificate in question. And I made a note there, further action of staff, clearly this is a case clearly where the code is not in compliance with current case law. As happens, with any zoning ordinance over time, it gets out of date. On this particular issue, our ordinance is out of date. And staff has already looked into some proposed legislation that could correct some of the issues with this. And with that being said, staff will share that information with the board in the same way it has been sharing the information about the food truck issue and some other zoning and development challenges. So to reiterate, staff will keep the board informed as it develops, and the city attorney. Mr. Chairman.

Mr. Enfinger: Well with that said, I think there is little action for which we need to concern ourselves, other than to just move this along. So, do I need to word the motion any particular way to give you authority to do that? Or, can we just move to approve the certificate?

Mr. Snowden: Mr. Chairman, I thought I put that in the report, but perhaps I didn't. I would just use the language that you order or compel me in my role as Planning Administrator to issue this certificate and read the application number, number 168954. Mr. Chairman, if the board would indulge me for a moment, I think the applicants are in attendance and we would like to see if they have any comments.

Mr. Enfinger: Absolutely. Would anyone like to speak? Ok. I move that we compel staff to grant the zoning certificate for 168954, 1600 Brice Rd.

Mr. Snowden: With that, Mr. Chairman, If I could quickly go over the next steps. Staff, as always, will provide a record of what happened here tonight, in writing, to the address that was provided, which was 1600 Brice Rd. Staff will notify the applicant when the certificate is ready to be picked up, which should be sometime tomorrow, provided nothing unexpected happens. We will contact the applicant once it is prepared. Then the applicant needs to contact the building department, at the number which is listed in the staff report, and tell them that you are ready to submit plans for building occupancy. And what they need to see generally, is that outline that you already provided, but it also needs to show where the furniture will be. Then they can call for their inspection. Then they can occupy the space. Does that make sense to everyone? Thank you Mr. Chairman.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Aaron Enfinger, Vice Chairman
SECONDER:	Robert Linder, Board Member
AYES:	Linder, Wallace, Enfinger, Donovan

3. VARIANCE EXTENTION, 7522 BROADWYN DRIVE #164545

VARIANCE EXTENTION, 7522 BROADWYN DRIVE; PRESENT ZONING, R-3; PROPERTY OWNER, FRANK WELSHON; REQUEST FOR AN EXTENTION FOR A PREVIOUSLY APPROVED VARIANCE.; APPLICANT/CONTACT: FRANK WELSHON. (#164545)

Mr. Snowden: Thank you Mr. Chairman, I will begin my staff report. 7522 Broadwyn Dr., is a residential dwelling, and the request is for a variance extension. It was application # 164545, for a variance. And, for the property located on the north side of Broadwyn Dr., Between Graham Rd. And Maple Alley. Existing zoning is R-3, single family Residential district. And, it is within the historic district overlay. The request is for the board to grant an emergency extension to a previously approved variance. It was for a single family dwelling, which was the current use, and Mr. Frank Welshon is the applicant. The applicant is requesting the board to grant an extension to a previously approved variance from Section 1175.03 of the zoning code, to reduce the minimum side setback from 8 ft to 4 ft. That was the original variance from May of last year. The site's existing single family in the R-3 district adjacent uses include other single family homes, also in the R-3 district. The property abuts commercial uses along its north side. All of these properties are in our various historic overlays. If the board will just indulge me, I will tell the story. Staff was contacted by Mr. Welshon very recently, I believe it was last week. Mr. Welshon was attempting to pull building permits to begin his project. The building department informed him he was going to need to resubmit his plans because their permits expire after six months. They also looked at the zoning approvals and found that although he has his zoning certificate and his variance, his variance was about to expire because section 1147.07, of the zoning code, states you have one year to begin construction. Staff reviewed that, along with section 1139 of the zoning code, which essentially grants the board some pretty wide latitude to relieve hardships of some strict applications of the zoning code. It was staffs opinion that a 30 day extension of this case was reasonable, given the personal situation of Mr. Welshon, which I'm sure he would be happy to share. Staff felt that although technically Mr. Welshon could have been required to resubmit for the same variance, staff did visit the site and saw that it had not changed. Staff felt it was not the intent of the code to require a residential homeowner resubmit a variance in this matter. So staff would just recommend the board give Mr Welshon 30 days to do his plan reviews and pull permits. In discussion with the building department, they felt that was enough time to get what he needs. Mr. Welshon, now is your chance, is that enough time.

Mr. Welshon: Thirty days is fine. In fact, everything is lined up and as soon as I receive the permit, I'm ready to go.

Mr. Enfinger: Again, it looks like everything is identical as before. I have no questions, does anyone else from the Board?

Mr. Snowden: Mr. Chairman, could I just interject for one second, so the Board members know the difference between Mr. Welshon and the first applicant? One, the amount of time that has passed since the permit became invalid. Mr. Welshon's was five days, versus the other which was over two years. And, the scale of the project. One variance to a setback to a building versus an entire project with plan approval, all the engineering, etc... I just want to be totally clear and have it on the record. The take away statement would be to get the permits as quickly as possible, so we don't have to do this again. Thank you Mr. Chairman.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Aaron Enfinger, Vice Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Linder, Wallace, Enfinger, Donovan

D. OTHER BUSINESS

Mr. Enfinger: Is there any other business. Has there been any progress on the food truck situation?

Mr. Snowden: There has not been a lot of progress, but there has been some. The fire prevention officers have been meeting with their counterparts in some other cities to discuss some issues with the permitting of the actual truck and some safety inspections. The good news is that the citizen that has been contacting staff most frequently now has a permanent spot at the Reynoldsburg Recreation League Saturday morning baseball league, so she is actually in business. We were dealing with this more from the zoning side rather than the special events side, which would be more parks and recreation. Nothing to report other than the safety forces are concerned with the size of lots that these things would be permitted to park on. They want to see them parked where there is excess parking or space. Everyone I have talked to has talked about the mobile portion. They don't want to see tables stored on site. That is something we could work through in a special exception use hearing in the future. Would the board like me to include this on the "Other Business", so we remind ourselves to discuss it?

Mr. Enfinger: That would be good. We could do it real brief and that would keep it in the forefront of our minds.

Mr. Snowden: I think its a slow process because there is a lot of learning, but there has been some.

E. ADJOURNMENT

Chairman



Planning and Zoning Administrator