

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS

MAY 21, 2009

6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. Duane White Mr. Chris Long Mr. Norman Brusk Mr. Patrick Feeney
Others Present:	Mr. Aaron Domini, Planning Administrator

2. APPROVAL OF MINUTES OF APRIL 16TH MEETING

Chairman Feeney: Is there any changes, deletions, additions to the minutes?
(No response.) Hearing none, will stand approved.

3. APPROVAL OF AGENDA

Mr. Feeney: I understand there's a change to the agenda tonight?

Mr. Domini: Yes. Items B-1, B-2 and B-3 will be removed from the agenda. The applicant – the representative for the applicant with LJS Development gave written notification on May 18th via e-mail to myself, Mr. Domini, and in his e-mail he stated, "This e-mail is written notification that T-Mobile would like to withdraw any and all pending applications before the City of Reynoldsburg." So we would need to remove—

Mr. Feeney: Items—

Mr. Domini: B-1, B-2 and B-3.

Mr. Feeney: B-1, 2 and 3. All right. Very good.

4. SWEARING IN OF SPEAKERS

(Mr. Feeney administers the oath.)

5. PUBLIC COMMENT

Mr. Feeney: If anybody has any public comment other than what's going to be talked about tonight? (No response.) Seeing none, we'll move on to Item C-1 under New Business.

C. NEW BUSINESS

1. VARIANCE APPLICATION, 6060 E. LIVINGSTON AVENUE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1171.08 OF THE REYNOLDSBURG ZONING CODE TO ALLOW FOR OUTDOOR ITEMS FOR SALE WITHIN TWENTY-FIVE FEET (25') OF THE PUBLIC RIGHT-OF-WAY LINE OF THE STREET. CONTACT: GARY E. RHOADES (47-ZV).

Mr. Feeney: Is there someone here to talk on that? All right. Yeah. Please come up.

Mr. Domini: This item was brought to my attention due to complaints that there were cars in the right-of-way on Idlewild Dr. and following-up on the complaint. There was another complaint that came in regarding this not being compliant with 1171.08. In a response to the complaint, I contacted the owner and indicated to him what the zoning code was for outdoor items for sale and I've worked with him to get an understanding of what that section of the code means and how it's interpreted. This parcel is zoned CC and there are current auto sales at this location. I have a drawing the cars onsite, which I believe is pretty accurate and I show a 25' line from the right-of-way. I will note that there are some items in this application that I noted here in the last bullet that I thought it'd be appropriate the applicant give some type of verbal statement of what their hardship is and demonstrate to the Board how the variance conforms to the standards for a variance. This is the location here at the corner of Idlewild and Livingston. This dotted line is one that I measured myself which shows 25' back from the right-of-way which is this orange-brown line here and the red line in front. The applicant – this was sent to him in the mail, the certified letter, and when he turned in his application he noted that he believed the actual 25' setback was what he's showing here, which is this faint dotted line here, which would be the edge of the pavement. That is, in fact, the black dotted line. There might have been a confusion on his part where the right-of-way starts, although from this point back to that dotted line is 25'. This image here is looking east towards the property. These cars are in the right-of-way. I don't believe these cars are for sale. But looking back at this image you can see here that this is actually part of the street right-of-way and these cars are for sale here, facing Idlewild and this is a view looking down Livingston, this bottom right, and this is the corner of Livingston and Idlewild. That's all I have on this application.

Mr. Feeney: Thanks.

Mr. Gary Rhoades: Okay. The picture tells pretty much what I'm looking at. When I did the setback I actually went from the road. I didn't go from the right-of-way, so that's why that's a little different. The cars on the side of the building there aren't for sale. Everything inside the gates is for sale but if I put everything back – I mean, I'm

losing a third of my lot right there. I've been there 12 years. There was car lots probably another 10 or 15 years before me was there and this is the first we've ever heard of anything like this. When I purchased the property I had no idea that this was going to become an issue.

Mr. Haire: What was your name again, sir, for the record?

Mr. Rhoades: Gary Rhoades.

Mr. Haire: Gary Rhoades. And you've been there 12 years, Mr. Rhoades?

Mr. Rhoades: Yes.

Mr. Rhoades: And, Mr. Domini, when was this section of the code 1171.08 adopted?

Mr. Domini: On this section of the code was in the Chapter 9 before it was moved to Chapter 11 which, I believe, was at the beginning of the year.

Mr. Haire: Beginning of this year?

Mr. Domini: Yes.

Mr. Haire: So why wouldn't this be a legally non-conforming use, then?

Mr. Domini: Well—

Mr. Haire: Because if it's continued to be operated as a car lot for 12 years, why are we requesting a variance from a legally non-conforming use?

Mr. Domini: There was readily available for how long this has been in operation. There's no record of a special exception or zoning being issued for car sales, and the applicant did not have record of these documents, no determination on how long those cars have been there, how long they've been for sale in the right-of-way, how the lot was arranged. So I thought it best for the Board to make a determination on whether or not this should be granted. I

Mr. Long: Are you a licensed dealer in the State of Ohio?

Mr. Rhoades: Yes, I am, yes.

Mr. Long: How long have you held your license?

Mr. Rhoades: 15 years.

Mr. Long: So, theoretically, the date of ownership of the property along with the current license could establish the period of time that that auto dealership has existed.

Mr. Haire: I mean, that's my main concern, is that we're only considering what's in this zoning code which is 1171.08, which Mr. Domini says was adopted earlier this year, late last year, whenever it was actually adopted. If there's been a car lot there for 27 years, I would assume they would fall under Chapter 1195, which is the Continuance of Non-Conforming Uses of Land.

Mr. Long: So he's grandfathered in?

Mr. Haire: I would think so.

Mr. Feeney: I would think so, too.

Mr. Long: Same here.

Mr. Haire: I mean, he may have issues with parking cars in the right-of-way but that's up to the police department to enforce. It's not up to this Board to enforce—

Mr. Rhoades: Well, actually I did call the police department and they came out and they said since that's not a marked road on Idlewild there, that I am actually allowed to park on half of that road like you would in a regular neighborhood.

Mr. Haire: No issues—

Mr. Rhoades: I don't do that but that's what they told me.

Mr. Feeney: Mr. White, do you have any questions for him?

Mr. White: No, I haven't.

Mr. Feeney: Do we need to even vote on this, to make it an issue or is it an automatic grandfather?

Mr. Haire: I mean, it's not – we're not – I don't know. I mean—

Mr. White: Why can't we put it up for vote and disapprove it?

Mr. Feeney: Well, we can, yeah, if we want to—

Mr. Domini: I don't think you want to approve the variance if you don't have to.

Mr. White: We can deny it.

Mr. Domini: If approved the Variance would stay with the land.

Mr. Long: We can't deny something we don't have a right to.

Mr. White: No, I wouldn't think we'd grant it. I mean, my vote would be on denial if it doesn't fit the requirements of a – anyway, if it does actually fit within the exception I would probably deny the motion.

Mr. Feeney: Well, my thought is, if we vote on it then – Aaron, didn't you say that it would stay with the property, so we would – it'd be pretty much grandfathered in anyway, right?

Mr. Haire: As long as it continues to be operated as a car lot.

Mr. Feeney: He has a car lot.

Mr. Haire: If it ceases to be operated, then it would lose the right to have that.

Mr. Feeney: And then they would have to come back for a variance if that's the case and they change it into something else.

Mr. Haire: Right.

Mr. Feeney. Yeah. And I think that'd be the best way to go. So, how do we handle this? Do we – well, if we vote on it, then—

Mr. Haire: Is everyone in agreement, that this is a legally non-conforming use? I guess that would be the first thing. That's our Board's interpretation that—

Mr. White: Well, may I ask? You've indicated orally that you've been there since – well, now 19 years. Do you have any proof or anything other than—

Mr. Rhoades: Yeah. I brought that in. Here's the—

Mr. Haire: Well, I can—

Mr. Rhoades: Here's the papers when I bought it.

Mr. Haire: We can verify that you've been there three years and it's prior to—

Mr. Rhoades: Yeah, I was on Main Street for three years and I moved over there. I rented for two years and then I purchased it in 1999.

Mr. White: Okay. I'm satisfied.

Mr. Feeney: Okay. So, how do we handle it? Just, we don't vote on it, we just—

Mr. Haire: I think we can vote on it. I think we need to vote on it.

Mr. Feeney: And I'll entertain a motion.

Mr. White: I move that Item C-1, variance on application 47-ZV be approved.

Mr. Long: I'll second.

(Mr. Domini called the roll. Mr. Feeney voted "yes.")

Mr. White: Yes?

Mr. Feeney: Is that a "yes?"

Mr. Domini: He's making a motion to approve. It's in the positive, so if you don't want them to grant the variance you would vote "no." If you want them to vote "yes."

(Mr. Domini called the roll. Mr. Haire voted "no." Mr. White voted "no." Mr. Long voted "no.")

Mr. Feeney: So you're okay what you're doing?

Mr. Rhoades: But the next person may not be?

Mr. Feeney: Right.

Mr. Rhoades: Okay. Thank you.

Mr. Feeney: Okay. I think we started off with a tough one tonight. Okay. We'll move on to Item C-2.

2, VARIANCE APPLICATION, 7912 BATH COURT, REYNOLDSBURG, OHIO;
REQUESTING A VARIANCE FROM TABLE 1175.03 OF THE REYNOLDSBURG
ZONING COCE TO ALLOW A DECK TO BE CONSTRUCTED WITHIN THE
REQUIRED THIRTY FOOT (30') REAR YARD SETBACK. CONTACT: RUSSELL C.
JONES (48-ZV).

Mr. Domini: This application, in terms of what you see in the drawing is pretty straightforward. The property is zoned R3, setback would be 30' from the rear property line. I have visited the site and noted there are a number of other decks within this area that are encroaching into the 30' rear setback, which I'll show you pictures of. And in the rear of this property there are no drainage issues, utilities or environmental features that are present. Similar to the last application, I think it's appropriate this applicant gives a verbal statement of the hardship which is not in the application and demonstrate how the variance conforms to the standards for a variance. This drawing shows the

deck as proposed. It's approximately 16. It would encroach approximately 5' into the required setback. This is a picture of the property, an aerial picture, and then this is a picture showing the property with the adjoining property owners' properties as well. Each of those three decks that you see here, this one, this one, and this one, none of those meet the 30' required setback. I'd say each one's approximately 5-10' within that required 30' setback. But I thought that would be appropriate for the Board to see what other types of uses exist in the neighborhood surrounding the property.

Mr. Feeney: Is the applicant here?

Mr. Russell Jones: Yes.

Mr. Feeney: If you'll state your name first.

Mr. Jones: My name is Russell Jones.

Mr. Feeney: Okay.

Mr. Jones: Yes, all the information that was presented was true. I didn't know that there was a 30' setback before I submitted my application. There are a lot of decks that are in our neighborhood. We've been there for about nine years now and we're probably one of the few that don't have a deck and we would like to build a deck this year. Many of our neighbors, it is correct, they do encroach within that 30' setback. The one that's directly to the right here, it's about 24½'. The one on top of it is about 24½' up over, down, that's about 24½'. Just on down that line right there, because there's not an awful lot of room in the subdivision in the area. There is one person – if you go over to the left of your – right there, his deck is about 10' from the property line. So we just want to build a deck so we can bring our property up to par with the rest of the neighborhood.

Mr. Feeney: I was wondering what that square is? Is there another—

Mr. Jones: Yes. That's a shed that I built last year and that has the existing permit number, that's on there.

Mr. Feeney: Okay.

Mr. Domini: Mr. Jones, on the application that you filled out, one of the requirements is that you have some statement of hardship and since you didn't submit in a written statement it is important that for you to give a verbal statement for the record, which would make your application more complete than it stands.

Mr. Jones: Well, the statement of hardship is, is that we have a property that does not have a deck. A deck is a valuable piece of asset to a property and it's value and we definitely want to, with the property values and how they've been fluctuating

lately, we definitely want to add a deck onto house to make our deck up to par with the rest of the neighborhood.

Mr. Feeney: What would happen if you made it 30'—

Mr. Jones: It wouldn't be an adequate enough room, because we have a bay window that juts out from that area that is we're requesting that 16', so that bay window comes out about this much. So if you take that away, you're talking about maybe 10' or so, which is not – which is very small in comparison to the rest of the decks in the neighborhood.

Mr. White: Could you describe the deck? What kind of deck are you proposing to build?

Mr. Jones: Well, the deck is – it's going to be about 24" off the ground. We wanted a ground level deck – actually originally we wanted a patio, but we have four big maple trees back there and their roots are coming up, so we were told that we couldn't build a patio so we decided to go with the deck. We're just going to build a deck, an area there for outside seating and a barbeque grill and just a place to relax in the summertime.

Mr. White: Will you have rails around it?

Mr. Jones: Yes. Yes. All that information was submitted. It will have a railing all the way around it. I believe that the permit was actually signed off.

Mr. White: I'm just trying to get an understanding of how your deck compares to the other decks in the area. Is it going to be similar to those or is it going to be—

Mr. Jones: It's going to be similar, yes, sir. As a matter of fact, the deck that I pointed out to you – there are decks in the neighborhood that are much larger than this one.

Mr. White: Okay. And the railing, would it prohibit view through or can you see through the railing?

Mr. Jones: The railing, there is – yeah, the railing is proposed to be about 36-48" high. You will be able to see through it. There will be a section on the side right about here where we want a little bit more privacy from the neighbors that are on this side, that property is foreclosed and they have dogs that bark quite often, so we're going to build it up just a little bit higher, probably about 6-7' or so and that will be kind of closed in a little bit, but that will be the only section there and that will be about a 4' x 4' area.

Mr. White: One final question: Have any neighbors expressed concern about—

Mr. Jones: Absolutely not. As a matter of fact, me and the – I was talking to the neighbor behind us today and she said that she didn't have a problem with it and I told her what the requirements were and she just noted that, "Well, none of us meet the requirements," and I said, "Yeah, I know." I think they've all gotten variances in the past.

Mr. Domini: I'll note that the building official's reviewed the plans.

Mr. Long: I live over in the Huber area, very similar makeup as far as the neighborhood and the construction of the homes. To be perfectly honest with you, this is one of the pleasant aspects of this job is when we see a homeowner, especially in these economic times, come before this Board and basically plead with the Board to be able to go ahead and invest in their property and increase the value of it, and also increase the overall value and appearance of the neighborhood. I just wanted to make that as a public statement. Thank you.

Mr. Feeney: I would like to welcome Norm Brusk to the Board.

Mr. Brusk: Thank you. I apologize, I had a medical appointment that I had to prioritize.

Mr. Feeney: Norm, we're talking about Item C-2. Does the Board have any other questions on this issue? (No response.) If not, I'll entertain a motion.

Mr. Long: I'll make a motion for Item C-2, variance application 48-ZV for adoption.

Mr. Feeney: I'll second.

Mr. Domini: May I just ask that in the motion that you refer to the standards. That's something that I think we need to do.

Mr. Long: That's an awful lot to read.

Mr. Domini: Well, it's important.

Mr. Long: How much of this do you want me to read? Referring to Section 1147.05, Standards for Variance. We feel that the standards have been met, the hardship has been shown and I move passage of Item C-2 at Variance application 48-ZV.

Mr. Feeney: I'll still second that.

(Mr. Domini called the roll. Mr. Haire voted "yes." Mr. White voted "yes." Mr. Long voted "yes." Mr. Brusk abstained. Mr. Feeney voted "yes.")

3. VARIANCE APPLICATION, 8351 GLENCREST DRIVE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM TABLE 1175.03 OF THE REYNOLDSBURG ZONING CODE TO ALLOW A DECK TO BE CONSTRUCTED WITHIN THE REQUIRED THIRTY FOOT (30') REAR YARD SETBACK. CONTACT: SHANNON BARR (49-ZV).

Mr. Domini: The application is quite similar to the last one. I'll note there is one difference and that is the character of the neighborhood is slightly different than what we just saw with that deck and I'll show you that in a moment. The property is zoned R-3. This deck would extend approximately 8' into the rear setback. Here I noted the other decks in the area have not encroached in the 30' rear yard setback, at least immediately adjoining. I note there are no drainage issues, utilities or environmental features that were present. This image is not as good because it's coming from Licking County, but that's showing the property there. I believe this is the property in question, is that correct, sir?

Male: Yes, it is.

Mr. Domini: And I'll note that I didn't see any other decks in the immediate vicinity, and that the character of this neighborhood is slightly different.

Mr. Jeff Borovetz: Good evening. I'm Jeff Borovetz from Suncraft. We're the applicant for the homeowner. As stated, we propose to build a deck. It's a connector deck to connect the house to the patio. It's 14' out, 8' wide. It encroaches into the 30' rear yard setback 8'. If you'd go back to the other photograph of the neighborhood, that one, you can see this house sets much deeper into the property than all the others. Although none of the other homes have decks yet, this house, because of the situation of it – the house on the lot, the depth of the house, it creates a hardship because it doesn't leave as much rear yard to add the deck.

Mr. Haire: You mentioned this was a connector deck to the patio. Where's the patio located in relation to where the deck is proposed?

Mr. Borovetz: It's a proposed patio. It's on the plan that we submitted. It's like a landing so that they can get from their back door down to the patio. Do you see the drawings for the patio?

Mr. Long: Our drawings don't show it, sir.

Mr. Haire: The drawing we have is the one that's displayed on the screen.

Mr. Borovetz: I'm sorry, say that again?

Mr. Haire: It's the one that's displayed on the screen is the only drawing that we have.

Mr. Borovetz: Would you like to see the plans?

Mr. Haire: Yes.

Mr. Domini: Mr. Feeney, I'll note on this application that the application you have in your packet does not have Mrs. Barr's signature, the owner, but the file that's on file in my office, I does have the owner's signature. Also, the detailed plans the applicant is referring to is in his building permit application, and were not submitted with the variance application.

Mr. Feeney: I haven't seen your plan yet, but the obvious question is, is there a way to move the deck around and the patio around so that – I know you only have about 6' it appears to play with there, but—

Mr. Borovetz: If we back it up to maintain 30', that only leaves 6'. Not really. I think if you see the plan, you'll see the whole picture.

Mr. Haire: What if you rotated the deck so that you have – still 8 x 14, but instead of coming out 14' from the house you're only coming 8' out from the house?

Mr. Borovetz: I think once you see that, you'll see the intent.

Mr. White: That is my – I looked at it and I'm not quite sure how that actually explains why you could not reverse the angle and actually make it go parallel to the house, the longer part of it.

Mr. Borovetz: The homeowner, Shannon Barr, prefers this layout and she requested that we seek a variance.

Mr. White: I think one of the concerns I have is that you're encroaching on a large part of the setback and to minimize that, a new configuration of the deck would actually minimize that encroachment.

Mr. Borovetz: Let me ask you this question: What makes this variance different than the previous variance application?

Mr. Haire: I would say the difference in this variance is that you're encroaching more in the setback, plus you have a 12' drainage on the rear. I have not seen the rear yard, but I would imagine that that's a drainage swale, or is it some type of basin, Aaron? Can you go back to the picture?

Mr. Borovetz: That whole back yard is as flat as a pancake. But we're not into the 12' drainage easement. We're well in front of that.

Mr. Haire: And the other issue I would have with this variance is that we're setting a precedent for a neighborhood that's wide open and doesn't have decks, versus

a neighborhood that already had four variances granted in previous years. So we're setting a precedent to grant future variances, where in the other area the precedent has already been set.

Mr. Borovetz: Wouldn't this house have a hardship, though, because it sets so much deeper into the property, a special circumstance? See how the other houses set? It looks like a good 16' back.

Mr. Long: But with a change in the design, that hardship would go away, because the variance wouldn't be needed. If the longer part of the deck were rotated so it sets perhaps not as deep from the house. The entrance into the circular seating area, the patio area, could still be obtained.

Mr. Feeney: I was just wondering – not that I'm a designer like you are, but I was wondering if this area can be lowered and brick also so it's—

Mr. Borovetz: It was the homeowner's preference, because we proposed that to them and they said, "You know, we'd really rather (speaking off mic – inaudible).

Mr. Feeney: Thank you.

Mr. White: Again, my concern is that, first of all, you pointed out the house is closer to the setback or the lot line than the other houses in the area. Secondly, there are no other houses in the area that have a deck at this point in time, and the deck you're proposing is actually going to – it's a larger encroachment upon the setback area than the previous homeowner. And I think you have an option to actually minimize that by just changing the dynamics of the deck.

Mr. Brusk: You would still need a variance if it were turned, because you would be into it 2-3' into the—

Mr. Borovetz: I don't think so.

Mr. Haire: Well, 36' is what you're showing.

Mr. Borovetz: Allow 6', right now the rear setback's 30, right? And we're encroaching 8 and the deck is proposed to be 14' long. So if we back up 8, that leaves 6.

Mr. Long: Norm was saying if you turned it.

Mr. Brusk: If you turned it sideways—

Mr. Borovetz: Oh, oh, because of the—

Mr. Brusk: It would still require it, but we would be much more amenable.

Mr. Borovetz: Would it have to come back through this process or could it be approved at—

Mr. Haire: We could approve it tonight by rotating it.

Mr. Borovetz: You would approve the 2' if we rotate it.

Mr. Feeney: Looking at the neighborhood, this house appears to have the only problem because it does set so far back.

Mr. Long: The other ones would be able to build a deck like this without a problem it appears. Aaron, could you show that neighborhood again, please? The neighbors almost all the way around could build this exact deck without a variance.

Mr. Haire: Yeah.

Mr. Long: So this house is the exception to the rule.

Mr. Borovetz: I have a question. Do steps – like wood steps on a deck, do they also have to be in that same setback or is that different?

Mr. Long: I think it's part of the deck.

Mr. Borovetz: Is that considered part of it?

Mr. Haire: It's considered part of it, yeah.

Mr. Borovetz: I think that as a compromise if we could turn it and pick up a 2' – a variance for approval for 2', I think I could certainly try to convince the homeowner that that would be a good idea. I would be amenable to that.

Mr. White: So are you amending the application?

Mr. Haire: I move that we approve the variance with the condition that the deck be rotated and that it encroach no more – I won't say more than necessary, because if you need to put the steps on that side, I think that's fine, but just that the deck be rotated and encroach no more than, say, 5'.

Mr. Brusk: That doesn't give you carte blanche to 5' out.

Mr. Borovetz: Right, I understand.

Mr. Haire: Just rotate it – 8 x 14 deck with the steps.

Mr. Long: I'll second.

Mr. Borovetz: I think it's fine. I'll propose it to them.

Mr. Domini: Do you want to create the _____ to the standards on this motion?

Mr. Haire: No.

(Mr. Domini called the roll. Mr. Haire voted "yes." Mr. White voted "yes." Mr. Long voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes.")

4. VARIANCE APPLICATION, 6566 CREON, REYNOLDSBURG, OHIO;
REQUESTING A VARIANCE FROM SECTION 1179 OF THE REYNOLDSBURG
ZONING CODE TO ALLOW FOR A REDUCTION IN THE NUMBER OF ENCLOSED
PARKING SPACES. CONTACT: COURTEZ STOWERS (50-ZV).

Mr. Domini: I'm just going to go to the pictures on this. Basically, our code requires two enclosed parking spaces. This has one. The limited parking space we're increasing the level of non-conformity with this. I'll note that in this neighborhood, on this street I've counted at least two or three other houses where this has been done. I also note that this applicant's driveway is approximately 25' long. I guess the one issue I have with these garages being enclosed is that if you stack two cars you're kind of extending out over the sidewalk, so that's just one issue I bring up as you consider these types of applications. I would like the applicant to give a statement of their hardship on this application and try to conform to the standards for a variance.

Mr. Feeney: Is someone – if you just state your name and then—

Mr. Cortez Stowers: Cortez Stowers.

Mr. Domini: Please say your name one more time.

Mr. Stowers: Cortez Stowers.

Mr. Feeney: So, you want to enclose your garage?

Mr. Stowers: Right, for extra living space.

Mr. Feeney: Okay. Can you give us a verbal statement of hardship?

Mr. Stowers: We don't currently use our driveway for a garage for any of our vehicles – is basically just a storage room right now so we wanted to get use out of it, more living space, actual living room for our kids to have somewhere else to maintain in the winter to play.

Mr. Haire: Mr. -- do you have two sheds? Is there one shed?

Mr. Stowers: It's two sheds.

Mr. Haire: Two sheds?

Mr. Stowers: Those were there when I purchased the home in 2002.

Mr. Haire: So the storage that you currently have in your garage would just relocate to the sheds?

Mr. Stowers: Yes. There's nothing in the garage far as storage in there now. It's open space in there.

Mr. Haire: Where is – I didn't get a chance to visit this property, but where is this property? Huber?

Mr. Domini: It's Huber. I can bring it up on the screen.

Mr. Stowers: In the house directly across from us they have already done theirs and several houses down, last year they turned their garage into a room.

Mr. Feeney: Bringing that up, so you're going to change it into a living room, could you say is that a family room type of a function?

Mr. Stowers: Yes.

Mr. Brusk: That doesn't really state the hardship. Can you restate it as why it's needed, why it would be necessary? Not that it's available, that's not really a hardship obviously. What you need to do is state why this would be something that you would need.

Mr. Stowers: Well, with my family size that I have in that household, I would need the extra living space. I have five kids along with my wife, so—

Mr. Brusk: See, you should have said that first. That's the – that explains the hardship.

Mr. Stowers: Okay.

Mr. Domini: You know we've talked about this on other Huber homes. Last time it was a front porch. How these homes are being adapted, to be used and the areas differently, I think, when they're constructed than the needs of certain families today.

Mr. Brusk: Right, yes. Although it's not part of this variance, in the event that either of your two storage sheds would need replacement, you can't replace them.

Mr. Stowers: Right.

Mr. Brusk: But you can only have, I think, one. Is that all we're allowing?

Mr. Haire: As long as they meet the square footage.

Mr. Brusk: Okay. Could you put two up?

Mr. Domini: Yeah.

Mr. Brusk: Oh, I'm sorry, that's—

Mr. Feeney: --square footage.

Mr. Brusk: Never mind, as they say.

Mr. White: I wonder two things. One, are there similar type conversions in the Huber area?

Mr. Stowers: Yes.

Mr. Domini: I think on this street I counted two, if not three.

Mr. White: And I wonder also, the other question is, is there an option of maybe building a room to the back?

Mr. Stowers: That would be an option but I don't have the funds right now to do that option.

Mr. White: It'd be more expensive to do that?

Mr. Stowers: Yes.

Mr. Haire: What are you proposing as far as enclosing, what materials? Are there going to be windows in the front?

Mr. Stowers: There's going to be a window replacing the garage door.

Mr. Haire: Okay. I know a lot of people on Huber have done like bay windows or, you know, just—

Mr. Stowers: No, not bay windows.

Mr. Haire: There won't be a door there? There'll just be a window in the front? What material are you going to use? Is it going to be siding? Is it going to be—

Mr. Stowers: It's going to be siding just for that little opening.

Mr. Feeney: Does the Board have any other questions or comments? (No response.) If not, I'll entertain a motion.

Mr. Brusk: I move that we accept (which one is this, 5) –

Mr. Feeney: 4.

Mr. Brusk: Oh, 4. C-4 (50-ZV).

Mr. White: I second it. I second the motion.

Mr. Feeney: Could I hear the roll, please?

Mr. Domini: Do you want to refer to the standards -

Mr. Brusk: I do want to state for the record that, again, that we have reviewed the requirements for a variance and we feel that you have met each and all of the requirements.

Mr. Stowers: Thank you.

Mr. White: I would articulate one that you indicated the family need, the growth of your family, for accommodation of them and that room is needed and it would be a hardship if you did not that. Is that correct?

Mr. Stowers: Yes.

Mr. Domini: Mr. Long?

Mr. Feeney: Now, can we have the roll?

(Mr. Domini called the roll. Mr. Long voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes." Mr. Haire voted "no." Mr. White voted "yes.")

Mr. Feeney: It is passed.

Mr. Stowers: Thank you.

5. VARIANCE APPLICATION, 8565 FIRSTGATE DRIVE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1171.06 OF THE REYNOLDSBURG ZONING CODE TO ALLOW A FENCE TO BE CONSTRUCTED CLOSER TO A RIGHT-OF-WAY LINE OF ANY STREET THAN THE SETBACK FOR THE BUILDING AND ACCESSORY BUILDING. CONTACT: ACE FENCE & DECK, LLC (51-ZV).

Mr. Domini: This applicant is proposing to construct a 4' picket fence. On their application, they give a description of why they wanted to encroach into the front yard and how they've met the standards for the variance. I'll just jump to the picture. They're proposing to encroach 10'. The applicant's indicated it's because they have a patio here, or deck. I can't recall which one it is. And that this, if it was constructed at the 30' line, would inhibit the use of that outdoor space. This is the deck showing the fence, 4' picket dog-eared fence, and here, showing extension into the front yard which is on Blazon, approximately 10'.

Mr. Brusk: You have a picture showing the houses along Blazon? Do the houses face Blazon?

Mr. Feeney: Yes.

Mr. Domini: There's the house.

Mr. Brusk: And that would extend out further than the fronts of each of the houses along Blazon?

Mr. Domini: You can see the fence here. If they are corner lots, so they have two front yards?

Mr. Brusk: Yeah. And then one put on the side. They want to move that out further, is that what they're doing?

Mr. Domini: Yes.

Mr. : (speaking off mic)

Mr. Feeney: Okay.

Mr. Domini: Can you state your name for the record?

Mr. Grant Myers: Grant Myers. So, what we're proposing is just to push it out into our side yard, just the 10'.

Mr. Haire: What's the purpose of moving it out, just to increase your yard?

Mr. Myers: Yeah. We want to increase the backyard space. We have three small children that are pretty active. And when we bought the home, when we moved here, was because it had the larger lot size, so we wanted to have more of a backyard space. Right now, since we can only go off the side of our house, for the 30' easement, we're losing that 30' of kind of a side yard that we'd be able to kind of enclose in some of that, keep a larger backyard space. And we have spoken with our neighbors directly behind us and they are fine with us going out that way.

Mr. Feeney: I can't tell it's your neighbor's house right behind you -- that sticks out. It almost looks like it sticks out past 30'.

Mr. Haire: It's probably built right to the line. They always are.

Mr. Feeney: Yeah. I would think so.

Mr. Long: When the initial reading, there was talk of a concrete patio. That if we don't grant this variance you're going to lose _____.

Mr. Myers: So there's like a concrete pad there that bumps right out next to the home?

Mr. Long: It is built within—

Mr. Myers: Within the 30—

Mr. Long: --the proper distance, yes.

Mr. Myers: Yeah. So, with the fence sitting right on that we wouldn't be able to use a portion of that on the outside just because of where the air conditioner sits, right next to it too, so we kind of lose a chunk of that.

Mr. Long: You wouldn't be able to use it now with the air conditioner sitting on it.

Mr. Myers: If it was bumped out, though -- there's a portion of it next to the fence, like right next to the 30' easement.

Mr. White: I understand from the application that the concern was that the post would damage the concrete.

Mr. Brusk: It's a patio as opposed to prohibiting your use of an air conditioner. Is that what the situation is?

Mr. Myers: So, hoping that Ace Fence was supposed to be here to help with this since they are the ones that were kind of helping us go through this. They wrote up the damage of the concrete so they would know more about that than I would, to be honest with you.

Mr. White: Well, anyway, the pictures that I am seeing here is that you currently have a fence that runs right along the patio. Is that correct?

Mr. Myers: Yeah. It's butted up right against it.

Mr. White: And so, by moving that fence out, you would have full access to the patio and additional yard. Is that the idea?

Mr. Myers: Essentially, yeah. That's what we really want, is to get that additional yardage. Like I said, we have three small kids, a dog. We'd really like to get that space a little bit larger out there to help improve the property.

Mr. White: One of the concerns I have is that the fence, by going out that way would actually kind of obstruct the view of the other neighbors along that street. If you were to drive along there, you'd see the fence sticking out as opposed to it being flush against your building at this point.

Mr. Myers: I can understand that. Our neighbor, if you look directly behind us, they have a couple of different trees that would actually be – our fence would fall, essentially like right in the middle of where they have the two trees. So, if you're coming down you wouldn't really see the fence from that side.

Mr. Haire: Mr. Myers, the fence you're proposing is a 4' picket fence? It'll be an open design fence?

Mr. Myers: Yes. It has like a 1" gap in between each of the pickets.

Mr. Haire: 2"—

Mr. Myers: Or 1 or 2", yeah.

Mr. Haire: So it'll be a – I mean, it won't be necessarily obstructing the view because it'll be an open design picket fence?

Mr. Feeney: 4' pole.

Mr. Brusk: I believe that we have had this situation come up several times recently and each time we have steadfastly said we don't want to change the precedent on this. We don't want to have the front yard of other houses that are along that line. If you were at the corner and the house behind you was a corner house too, then that would make a difference. But when there's houses running along that street, we have steadfastly denied – and I think in this case we would probably do that. At least that's my opinion, but I do not see moving that fence out as being a hardship reliever of any major consequence. More space, fine, but there's other ways of doing it. But I don't like the idea of changing the frontage of that street and that's what that would do.

Mr. White: Although, just finding a little compromise here is that you pointed out that if that fence were to go out to a certain extent, it would actually parallel with the _____?

Mr. Myers: I mean, I'm willing to make a compromise and do even just 5' or bump it out to where they have – because they built, our neighbor right directly behind

us has built out kind of a little green area with a big spruce tree and everything, and I'm willing to go out to that point and you wouldn't be able to see any—

Mr. White: Would you compliment that with another kind of – some kind of plant so that it wouldn't be, you know, just you seeing a fence, maybe see some plants or some trees?

Mr. Myers: Yeah. My wife has all sorts of ideas of how she'd like to put some trees back there and kind of make the area a little bit prettier from where it's at. As you can tell, it's just kind of open yard right now.

Mr. Feeney: I also am real hesitant here because of setting a precedent issue. _____ you to build it out into that 30' setback and maybe wants to add a porch and then a porch or gazebo or something and then it keeps going out. Once we set that line out there then it's going to go right down the street.

Mr. Haire: Just to add on to that. Two or three years ago we had a case that was on Blazon and Wildowar, which is the street – I believe it's directly south of here on the northeast corner, the same variance request. I don't remember how far they wanted to go out towards Wildowar, but we denied that variance as well.

Mr. Myers: This one on Wildowar and Blazon that's – or Wildowar and Firstgate that is pushed out. They're on a corner lot. I don't know if they have like the proper permit or anything, but there's a couple of them that push out past their home, so that's why we thought we'd—

Mr. Feeney: There's a good chance they probably didn't get the permit. Again, it's a precedent that we set and you got a nice house, nice yard, but if we bump you out, then we have to let your neighbors bump out, too.

Mr. Brusk: If we bump into -- go right into the easement.

Mr. Haire: I know it probably won't seem the same to you but you really get the same amount of space by fencing in your side yard, the opposite side. You still – you have 10' to the property line. It's 41.6', your house is in-depth. You could do that within the confines of our code. I don't know how close the next house is over but that would serve your purpose, but it's a long narrow strip rather than increasing the wide yard that you have.

Mr. Domini: It seems like the applicant is asking two things. One is a hardship due to the porch and the other is increased space in the backyard, which to me, seem like two separate request—

Mr. Brusk: Also, I don't quite understand why it's a hardship as far as the cement patio there because they've got the fence already. If it wasn't there—

Mr. Myers: Can I say something real quick? To be honest with you, I didn't write the hardship so I don't know what they said, so I can tell you from our perspective, from my wife and I's perspective, it's really about increasing the backyard footage because we have, like I said, the three small kids – really wanted to make good use of our yard because that side yard goes pretty much untouched because, I mean, we have three kids under the age of 3½ and under, so we really want to just kind of maximize the space. And, you know, even if we could go out even just to the 5' where their tree hits, so that looking down it you wouldn't see much.

Mr. Feeney: I'm sure we'd like to give you whatever we can but, you know, setting that precedent is – we wouldn't push the corner on several different situations where right down the street we gave a variance of, it was just kind of like a no-brainer. You know, we have to give variances on things, so if anybody – comments or questions from the Board, anyone else's thoughts?

Mr. Brusk: You know, you've got pretty good square footage as it is. You've got over 2,000 square feet back here in the backyard as it stands now. There'd be a roughly 500 more, is what you're trying to do which is although substantial, not a huge major difference in the play area. I know you would like to use that but that's all it is, is that it would be nice to have this extra space but it doesn't look like it would – you're not cramped back there, is what I guess I'm saying. You may not have as much as you'd like but you're not cramped by any means.

Mr. White: How old are your kids?

Mr. Myers: My oldest is 3½ and I have 1-year-old twins.

Mr. White: Okay, so you'd have—

Mr. Long: The amount of space off to the right hand side of the property, the opposite direction which he's talking about extending, is that where you were talking, Luke, that he has—

Mr. Haire: Yeah, 10 by 42.

Mr. Long: --_____space alongside the house?

Mr. Brusk: Which would be just about the same square footage.

Mr. Myers: I'm not arguing with you or anything. It's sloped on that side so we can't do a lot of stuff on that side, so the other side is like the flat side of our house.

Mr. Haire: The other option that is allowed within our code is you're allowed to build a 3' decorative picket fence within closer than 30'. I don't know if 3' will serve the purpose you need, but you're permitted to do that under our code.

Mr. Myers: So as long as it's under 4' we could—

Mr. Haire: As long as it's 3' or under.

Mr. Myers: Three foot or under. How far to the line could you go?

Mr. Haire: You can go up to 5' from the road right-of-way but it can't be any more than 36' in length, is what it says, so you wouldn't—

Mr. Myers: 3' x 3'?

Mr. Domini: 36' in length, so—

Mr. Myers: Oh, 36' in length?

Mr. Haire: Within the code it would look rather strange but it'd be allowed.

Mr. Brusk: We couldn't reject it is what he's saying.

Mr. Domini: Your patio to your property line is about 30'.

Mr. Feeney: You know, I look at the situation and personally, it's such a nice size yard and a 4' fence isn't as tall as a nice looking privacy fence.

Mr. Haire: I'm tempted to—

Mr. Feeney: It does face Firstgate versus everybody else faces the other way.

Mr. Haire: Yeah, I mean, I—

Mr. Feeney: _____ versus a front yard.

Mr. Haire: I'd rather see an attractive fence than a 3' fence that juts in and out, is why I'm thinking this way but I would be okay with him going out and 6 or 7', that he doesn't go past his neighbor's trees so he's not obstructing their view of their back and out of their driveway or anything like that.

Mr. White: I would agree to extending it but not 7'. I think that 5' or, you know, can parallel the _____ would probably be appropriate but—

Mr. Feeney: It looks like there's a big easement there, too. I don't know that this is dimensioned right because it says 20' and then 10'.

Mr. Domini: It's a sanitary—

Mr. Feeney: Pardon me?

Mr. Domini: Sanitary line.

Mr. Feeney: Yeah. So he definitely couldn't be built—

Mr. Myers: Yeah. We knew that we couldn't go – we had to stay within, I think, what, 10 feet of that or—

Mr. Domini: Well, you're actually in the easement but—

Mr. Feeney: Well, it shows but it says 20', then 10', so that's 30', so the drawing is not right.

Mr. Domini: Well, that easement extends across the back of the property. See, it's in the 5' right here, which is we don't prohibit from going in the easements unless it's a storm or drainage easement and each fence application states that the property's owner is responsible to remove the fence in all easements.

Mr. Brusk: But I see where you are coming from on that. If you show where 20' is on the easement, it's on the inside of the proposed fence and if you look at the other side of the fence, it says that they have 30.9'. So, either where the easement is drawn is wrong or the dimensions are wrong somewhere.

Mr. Domini: The dimension of the fence is probably off. It should be right here. The 10' should be right here.

Mr. Feeney: Yeah, 10' would be at that dotted line. It's not as drastic as it looks. The 10' is—

Mr. Brusk: Yeah. In fact, it would be a little bit longer, right. But I still have my problem.

Mr. Feeney: Well, I'll accept a motion if someone wants to amend that the applicant will accept up to 5'.

Mr. Myers: Yeah. I can cut that to 5'.

Mr. White: I would – I mean, would you actually be amenable to a condition that you put some kind of plants, you know, comparable to your neighbors so that—

Mr. Myers: Oh, yeah, definitely.

Mr. White: --the fence wouldn't stick out more than the other area, be consistent with the area.

Mr. Myers: Yes.

Mr. Haire: Which just to be clear, Mr. White, which area are you talking about?

Mr. White: I'm referring to the tree that's down there, that's on the picture there. It shows a tree there. If there were another tree next to his fence you wouldn't even notice the fence at all. It would be actually kind of parallel—

Mr. Feeney: That side of the house?

Mr. White: Yes.

Mr. Myers: Are you saying on the outside of the fence or on the inside?

Mr. White: On the outside.

Mr. Myers: Okay. I just want to make sure of that.

Mr. White: When you look down the street you would see trees.

Mr. Myers: Yeah. And I know that if we could bump it out we were planning on putting some shrubs on the front side of the fence so that if you're looking at our house, you wouldn't be able to see the fence from the front side. It would be covered up with just a shrub.

Mr. Feeney: And I think that was what you're looking for there.

Mr. Myers: They cover that up, too.

Mr. Haire: Is there a motion?

Mr. White: I'll make a motion. Okay, I move that we approve item number C-5 variance application 51-ZV indicating that there is a hardship that the applicant has articulated basically he has kids that need the space, they're young and the fence is needed to keep them within the yard area, but yet he still needs a little bit more space to accommodate their needs. And we actually add as an addition that this homeowner will actually plant some trees or plants to hide areas of the fence— to make the area consistent with actual tree that's next to his neighbor's lot so that the fence doesn't stick out too profusely.

Mr. Haire: You want to add that no more than 5'?

Mr. White: No more than 5'.

Mr. Haire: Encroachment. That's the longest motion in history and I will second it.

Mr. Feeney: May I have a second?

Mr. Domini: Lucas seconded it.

Mr. Haire: And I second.

(Mr. Domini called the roll. Mr. Feeney voted “yes.” Mr. Haire voted “yes.” Mr. White voted “yes.” Mr. Long voted “no.” Mr. Brusk states, “I’m going to play Grinch also for two reasons. One is I don’t believe a hardship truly exists and two, I don’t believe that we want to set a precedent where we’re extending the area where building out on that side along a street line, so “no.”) That’s the longest “no” in history, yes.

Mr. Feeney: So we have three “yeses” and two “nos,” correct?

Mr. Long: Yes.

Mr. Feeney: So it passes.

Mr. Myers: Okay. Thank you.

6. SPECIAL EXCEPTION APPLICATION 1762 BRICE ROAD,
REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PRESENT OWNER’S NAME,
CASTO; EXISTING USE, VACANT – FORMER TENANT WAS A POOL HALL;
PROPOSED USE, PLACE OF WORSHIP/SEMI-PUBLIC USE. CONTACT: JOHN
MOKAS (22-SE).

Mr. Domini: I’ll be short and brief and let the applicant give most of the presentation here but, in general, this property is zoned CC which a semi-public use is permitted as a Special Exception. A place of worship is considered a semi-public use according to the definition of a semi-public use in our Code. The applicant is proposing to operate a semi-public use at 1762 Brice Rd. This space is in the Century City Shopping Center. The applicant has indicated that they’ll take 4,800 square feet in the Center, and seat approximately 299 people. I did look at the parking and we require one space for each four seats for a church, this would equal 74 spaces for the proposed use, and there’s approximately 95 parking spaces in this center. The other uses that are there are a cleaner and a drive-thru carryout. Here’s the Century City parking area. This is one of the drawings the applicant turned in showing some of the adjoining uses, Big Bear, Century City Apartments, and Verizon in front. And here are the requirements that we’re going to consider with the Special Exception.

Mr. James Strausbaugh: Good evening. My name is James Strausbaugh. I’m an architect and I’m representing the owner, Empowerment Worship Center.

Mr. Feeney: Okay. If you just want to talk about what it’s going to be like and what it’s going to look like, what’s its functions.

Mr. Strausbaugh: Okay. From the exterior the only change will be a signage which would be applied for provided approval and so from the exterior there'd be no change. The interior would be renovated from it's vacant use previously a pool hall to be – the bulk of the space would be a worship center – sanctuary, if you will, and then there would just be some ancillary spaces, a foyer and there are existing restrooms in the space that would be used. And the pastor of Empowerment Worship Center did include a letter stating some of their intended uses and their hours of operation.

Mr. Feeney: Does the Board have any questions, comments?

Mr. Haire: I have one the – requirement number nine says that you need to state how it meets 1145.09 in which one of the uses that Aaron has up on our screen here, so I would just like to go over those because in the application you state that it's not applicable, but it is applicable. So if we could just go over those with you and as a Board for the record to make sure we address these and the application is complete—

Mr. Strausbaugh: Yes.

Mr. Haire: --in terms of, shall be in harmony with the existing or intended character of the district, I think a church is in harmony with the intended character of that district. I don't think it'll adversely affect the use of adjacent properties and a church typically is not an offensive use, health, safety, and morals welfare of the people representing the neighborhood. I don't think people find churches too offensive so I don't think that would be applicable. I think there are probably adequate public services here. It's designed to be a commercial building. It says that the maximum seating will be 299, the maximum occupancy?

Mr. Stausbaugh: Yes. That would be the maximum.

Mr. Haire: Okay. And our code requires one parking space for each four seats in the main worship area and I don't know what that is. Do you know how much seating they'll be able to accommodate? Is that the 299 or is that the total occupancy?

Mr. Strausbaugh: No. That would be the seating of the sanctuary.

Mr. Haire: Okay. So we're talking—

Mr. Strausbaugh: So there'd be some additional. And that number is actually driven by the building code. If you exceed that number would require a sprinkler system and plus the space, 4,800 square feet is not that large.

Mr. Haire: Right. I think there's adequate parking in that area. The traffic impact – looking over the hours that they're proposing, you know the hours in here state ten to five everyday? Is that – I mean, are services going to be held everyday or is that just your typical office type environment? Will there be classes? I guess what my question is what goes on there everyday because typically when people think of church

is they think you have an event one or two nights a week and then you're there on, you know, the weekends are typically busier, but—

Mr. Strausbaugh: Pastor Charles Robinson is here. May I defer to him to answer that question?

Mr. Haire: Sure.

Mr. Feeney: Would you just state your name for the record?

Pastor Charles Robinson: Thank you. Charles Robinson. With the ten to five we have our administrative duties going on, our receptionist. But in the fall we would like to start G.E.D. classes for that area. There is a need and also after-school programs for three hours after school starting and starting with the Reynoldsburg School District schedule.

Mr. Brusk: What was it? G.E.D., did you say?

Mr. Robinson: G.E.D., yes. There are a lot of adults that are there in the community that have not finished high school and would like to get their G.E.D.

Mr. Haire: But typically for the larger crowds for the services you'd have would be on Sunday and then on Thursday – I see you have some extended hours on Thursday.

Mr. Robinson: Yes. Tuesday and Thursday and Sundays.

Mr. Haire: Okay. I don't see that it would impose any major traffic issues. I mean, Brice Road's a heavily traveled road and I don't think that a potentially 50 more cars is going to affect that.

Mr. Brusk: And it's allowed for any business.

Mr. Haire: Yeah. For a commercial district I think it meets the intent of the code. It's presented as a Special Exception. That's why we're here, just to make sure it's appropriate. So I think that would meet all the requirements of 1145.09 as stated here.

Mr. Brusk: As opposed to saying not applicable or you could say that it meets the general requirements.

Mr. Feeney: Pastor, you mentioned after-school programs? Is it a daycare or is it—

Mr. Robinson: No. It's just tutoring.

Mr. Feeney: Tutoring?

Mr. Robinson: Yeah, just tutoring. Again, with the community that we're right next to, I guess right now there's some of the kids with the information that we received that there's no tutoring available, so which is basically be on a volunteer basis where the kids can come and be able to reach the educational achievements that they need to make.

Mr. Brusk: Have you worked with the schools before on this or are you intending to work on them with the schools?

Mr. Robinson: Yes. We plan to partner with the City of Reynoldsburg schools to be able to offer that assistance and also get high schoolers and college students to participate as well.

Mr. Brusk: I think it would be a very good use.

Mr. Robinson: Thank you.

Mr. Long: You state in that drug and alcohol meetings, raising social awareness and consciousness will be held there.

Mr. Robinson: Yes.

Mr. Long: There is no intent for this to be any type of, for lack of a better term, a treatment or halfway house?

Mr. Robinson: No. We will not be housing anyone.

Mr. Long: There will be no overnight staying, nothing of that sort?

Mr. Robinson: No overnight stay. No. It would just – they would have a place to come to be able to help with their addictions.

Mr. Feeney: Any other Board comments or questions? (No response.) If not, I'll entertain a motion.

Mr. Brusk: I move that we adopt Special Exception application 22-SE.

Mr. Long: I'll second.

(Mr. Domini called the roll. Mr. Haire voted "yes." Mr. White voted "yes." Mr. Long voted "yes." Mr. Brusk voted "yes." Mr. Feeney voted "yes.")

Mr. Feeney: Thank you very much.

Mr. Robinson: Thank you.

Mr. Domini: Council has an opportunity to introduce this, to have a hearing at Council. If they do not introduce it then it will stand approved

Mr. Haire: So it's typically within the next weeks you'll—

Mr. Domini: So basically what I'll do is I'll be in communication with you about if, in fact, that happens. Okay. So each Special Exception, Council can introduce it and hold a hearing on the application after the Board makes a ruling.

Mr. Robinson: So this would be considered a tentative approval?

Mr. Haire: Yes.

Mr. Feeney: Yes, at this point.

Mr. Robinson: Thank you.

Mr. Feeney: Thank you.

D. OTHER BUSINESS

Mr. Feeney: Okay, move on to Item D, Other Business. Is there any Other Business? (No response.) Hearing none, I'll go to Item E which is Adjournment.

E. ADJOURNMENT

The meeting was adjourned at 7:47 o'clock, p.m.

Patrick Feeney, Chair

Aaron Domini, Planning Administrator

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