

MINUTES

**BOARD OF ZONING AND BUILDING APPEALS
THURSDAY, MAY 19, 2022 6:00 PM**

**PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068**

A. CALL TO ORDER

PRESENT: Linder (6:26 PM), Furst, Bulls, Barnhart, Davis (6:07 PM)

ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – March 17, 2022

Minutes Stand Approved

3. APPROVAL OF AGENDA

Agenda Stands Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. Application 2022-5136; 1725 Brice Road; Conditional Use Permit Application for a Child Daycare Center ; Applicant: Monica Peeks

Mr. Meyer: This is this is a conditional use application for Heavenly Hands Children LLC. They're currently located at 1733 Brice Road. The applicant would like to expand their business to 1725 Brice Road. It's in the same plaza as 1733 Brice Road, as you can see on your screens. For the audience, it's in the same center, but it is not directly adjacent to the current space. My understanding is the applicant is looking to maintain their existing location as well as continue their child care activities at this additional location. This is a conditional use in Community Commercial, and therefore they are here asking for this. The applicant is here to speak, and I would invite you to speak in front of the board if you if you would like to.

Ms. Peeks: Monice Peeks. 1733 Brice Road.

Ms. Wallace: Tanisha Wallace. 1733 Brice Rd.

Mr. McElroy: Virgil McElroy. Same Address. We are trying to expand because we need more room to care for the kids. As of right now we have a waiting list.

Mr. Furst: You will still be operating the 1733 unit and also the one at 1725?

Mr. McElroy: That's correct.

Mr. Furst: Can you talk about how you plan to make any interior modifications or any changes to your building? This is a strip mall so if you could remind the board of your recreation plan, that's always an interest when it's a child care facility.

Ms. Peeks: You mean inside?

Mr. Furst: Yes. If this is configured as an optometrist, it doesn't seem immediately useful as a child care facility.

Mr. McElroy: We don't know what's going to be done until we occupy the space.

Ms. Peeks: We're able to use it as a childcare center as it is now.

Mr. Furst: If we were to grant this conditional use, what are the steps?

Mr. McElroy: We would let them know we were approved and go from there.

Mr. Furst: Do you have to take children outdoor for recreation?

Ms. Peeks: There's a park not far from where we already occupy.

Mr. Furst: I assume you haven't had any safety violations, calls for public service, or anything since you have occupied the space?

Mr. Mc Elroy: No.

Mr. Meyer: I just want to confirm you don't maintain any outdoor equipment as part of your lease?

Ms. Peeks: No.

Ms. Barnhart: Do you need to increase the size of the outdoor space or is the current space adequate?

Ms. Peeks: We do not need to increase the outdoor space because we take the kids out at different times.

Ms. Barnhart: I'd like to make a motion that we approve application 2022-5136 for a

conditional use permit application as it was submitted.

Ms. Bulls: Second.

Mr. Furst: We have a first and a second, having considered the conditional use factors outlined in section 1109.15 staff, would you please call the roll?

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. ABSENT

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Furst, Bulls, Barnhart, Davis |
| ABSENT: | Linder |

2. Application 2022-5171; Parcel # 067-000086; Conditional Use Permit Application for a "Vehicle Care Services - Washes" ; Applicant: Scott Messing

Mr. Meyer: This is a conditional use application on Broad Street. It is adjacent to 1817 East Broad Street and 1871 East Broad Street. You'll recognize those locations as a Valvoline Instant Oil as well as the Sheetz that was previously approved and is under construction. This is right there in between them. The properties is in Community Commercial and requires a conditional use for CC. Staff in support of the conditional use based on the adjoining facilities. These are auto oriented uses, and having a car wash seems to fit in with what is already there. It doesn't look like the applicant is here so I can answer any questions from the board.

Mr. Furst: I did have a number of questions to ask of them so if they are not here I move that we table this application.

Ms. Barnhart: I will second to table.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. ABSENT

Applicant showed up late due to the start time moving from 6:30 to 6:00. Mr. Furst motioned to revisit the application, seconded by Mr. Davis.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

Mr. Meyer: Just to refresh, this is application for a conditional use permit. This is for the property located between the Valvoline Instant Oil at 8217 East Broad in the Sheetz gas station that is currently in progress at 8271 East Broad Street. The proposed here for vehicle a car services washer, car washes a conditional use and the district staff is supportive of the conditional use. For the reasons I just mentioned, there is a under construction Sheetz, which is primarily an auto oriented use as well as a Valvoline Instant Oil change there, which is also an auto oriented use on Broad Street. It seems to at least from staff opinion that it fits in with

the surrounding area, which is why it seems reasonable from a staff perspective for the conditional. I invite the applicants to come up and speak with you at the microphone if you so wish.

Mr. Hermiller: I'm an engineer with Mannik and Smith group. Addresses 1160 Suite 100 Dublin Road, Columbus, Ohio. Thank you for re accepting our application. I apologize for being a half hour late as I looked at all the previous agendas in the month they were all at 630 and I think this is the first one at 6:00. So sorry for that. We didn't actually see I noticed that the staff recommendations were published today and I wasn't aware of all that. But if you would like me to go through all of the reasons for, you know, based on the A,B,C,D,E,F,G,H reasons for our support of the condition, I think, you know, some of that is stated in our narrative already, which I think you have in your packet. The site plans are pretty simple and clean. I think there's plenty of buffer room on the project. It is certainly within you know the harmony of the district that as it currently is in. I was the engineer on some of the other retailers who were within that shopping center as well, including the Sheetz. We don't think that any of the items that are listed in alphabetical bullet list are subject to issues within the City of Reynoldsburg and as well as some of the subsequent letters of what would be the standards for a conditional use. Maybe you have questions for me as the engineer. The owner is also here, Mr. Messing, and I'll leave it at that and ask questions if you have any questions, but we appreciate your support. Express wash concepts and the Moo Car Wash has been a fantastic growing brand in the community and state and beyond. Right now I think there are upwards of 65 facilities now and run a really clean, nice business.

Mr. Furst: I just had a few minor comments. Is it your intention to request any variances or anything that or you think that meets the code? And there's no problem with that.

Mr. Hermiller: It's my understanding that there's not any variances at all as far as I can tell from the staff report.

Mr. Furst: That's what I like to hear.

Mr. Hermiller: Yeah, exactly.

Mr. Furst: That's good. And then also and maybe this just was a typo and some of the documentation was submitted, there was a claim made that this is a prototypical Moo. Did you mean a typical or is there something different about this location compared to maybe some of the other ones that might be in the area

Mr. Messing: I'm sorry. Scott missing 9881 Haverford place Pickerington, Ohio, 43147. A prototypical building for Moo. It's a standard 120 by 130 car wash tunnel with approximately 20 vacuums and heavily landscaped in most areas. John was a former landscaper, the owner of the founder of Moo, so our landscaping packages are immaculate. The lots are maintained immaculately, the trash is picked up every day. I just started with the company at John's request to help with some of the development. As I drive around, look at Moo Moo's. I've always been a fan, but as I drive around and look through the cleanest retail operations out there, even though they deal with all of our trash, somebody cleans out their car, they dump

out their cigarettes. You just don't see any trash on the lots other than if somebody threw it out before one of the employees picks it up.

There was talk asking if it is similar to other Moo Moo's around and Mr. Messing commented that they are all very similar with potential different access points based on the site. Mr. Messing stated they did a financial study to ensure this would be a profitable site based on Mr. Furst's concern about the other facilities in close proximity.

Mr. Leist: Does this fill up the whole lot between the Valvoline and the Sheetz?

Mr. Messing: It does with quite a few extra. We've got 32 feet on one side of the building and then another 15 excessive. So we've got a lot of green space. We don't actually need as much space.

Ms. Bulls: As indicated, there is no traffic study. I've driven by other Moo facilities and the traffic is out to the street. This particular area is already congested trying to leave from Burger King side or Aldi. Have you considered how to help with traffic?

Mr. Messing: This is why we did the third lane of stacking. The tunnel will allow 100 people per hour, we're putting you bumper to bumper and the chain runs people through at a certain speed. The third lane was added for the anticipated increase in traffic. Five times a year we end up in those days where everyone is rushing to wash their car. On those days we come out with extra staff, put more people on the lot and getting people as close together as possible. The rest of the year, we are over built. We haven't counted the number of stacked cars but I'm going to guess there's 70-80 cars can stack in the three lanes plus another 12 that are in line to go through the wash.

Ms. Bulls: That gives me more pause because you are saying 70-100 cars and there's not a lot of ways to get out. I'm more concerned how you are getting them all out because there's only two exits from the Lowe's area.

Mr. Messing: It's typically a fairly slow exit. It's a car every 15 or 20 seconds that comes out of the wash. And about 60% of those people go in and do a vacuum and take ten or 15 minutes of the vacuum. And it's also why we did the single exit coming out of the wash on the left hand side or the west side of the property. We added that for so that people could actually come out if they didn't want to use the vacuum, which about 30% of the customers don't use the vacuum and kind of alleviate any stack there and then split it up a little bit. It's also why we did the three entrances, we had the room and we thought since a private drive, let's show what we would do if we had the choice to do it. Everywhere we go in a lot of municipalities, we have one curb cut or maybe there's two, or maybe it's a crossing flow. It just depends on what we're allowed to do it every city. We'd probably do this every time and it help that circulation.

Mr. Hermiller: The land use of the shopping center accommodates this. There's also items we can't control. Whoever did these traffic studies originally had the timing changed so Broad Street flows in a certain capacity. Those original traffic studies were done with the

consciousness that this was a retail build out for the entire shopping center.

Mr. Meyer: These plans were submitted to our city engineer and they are reviewing this now. I don't have their comments back, but we will obviously require the applicant to follow the rules and conditions set forth by EMH&T.

Pastor Linder: Do you have an example of where you added the third lane and it did alleviate the pouring out onto the street?

Mr. Messing: I don't have specific site, but I can bring that back for sure.

Pastor Linder: Our engineer is going to compare it to optimum guidelines, but we know optimum has not worked out in a lot of cases. Is there a strong confidence, based on past experiences, that this additional lane does decrease traffic?

Mr. Messing: I don't have an example I can give you tonight but I will at the next round of approvals. I will say that they did add an additional lane in Pickerington and it has eliminated most of the problems.

Mr. Hermiller: Nationally, retailers have been expanding their lane capacity to ensure flow is better.

Ms. Barnhart: I would like to make a motion that we approve application 2022-2171 for the conditional use permit as submitted.

Pastor Linder: I will second.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

3. Application 2022-5167; 1220-1222 Waggoner Road; Conditional Use Permit Application for Single Family Attached Homes ; Applicant: Waggoner Road Development LLC

Mr. Sperdute: Good evening. Before Mr. Meyer gets into this. I'm Jimmy Sperdute, I'm one of the developers of the property. It might be beneficial if you would also consider to suspend any action on this until after we have the Rosehill discussions, because they're very, very tied closely together. And I think I can make a better point as to why we're at the position we are with the Waggoner Road Project after we make our presentation for the Rosehill project. So if it's okay with you, I'd like to maybe move this to the end of the meeting or after we have the Rosehill discussions, if possible.

Mr. Furst: I move that we move this item to be the last agenda item this evening.

Mr. Davis: I second.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. ABSENT

Mr. Sperdute: The application that we're here for you tonight with the Waggoner Road property is for re granting of a conditional use. The reason I asked you to juggle the projects around in your agenda tonight was when this came to light with our Wilson Ridge project. The last thing I wanted to do was come back in here and ask for the same thing because we use that same information that we provided when we started this project, went down that path to having it designed. But the hardship here is I haven't built anything yet. Now I do own the property. It'd be pretty tough for you to for me to beg for you to say, hey, give me something, a variance for something I haven't built yet because I wasn't quite that far along. So what we did, the reason we're asking for the conditional use to be re granted and not extended. I'm talking with Ryan Andrews at EMH&T, our Rosehill project had a 30 foot wide right of way. Let me back up one step. Prior to the discovery of the Rosehill project issues, we had exactly the same issues here. Front yard setback, rear yard setback and side yard setback. So what we did was we went back to the drawing board, literally. I talked to Ryan Andrews at EMH&T talked to Ms. Ledbetter when she was here. For some reason our engineer did both plans, but different engineer on staff set this road up with a 40 foot wide right of way. Again, it's a private right of way, same as Rosehill, except for whatever reason, he made it ten feet wider. It doesn't do anything for us. So talking to Aerin and talking to Ryan, we agreed that, hey, we did it at Rosehill with 30 foot right of way, it still meets the code. We're going to decrease the width of the right of way on this project as well. Bingo. That eliminates all my setback requirements, my front yard setback issues. I went and looked at a couple, adjusting a few lot lines, which we'll have to go through, too. And for anybody that's in the audience and the board, this has not been approved yet and construction has not started here on this project yet. Same basic setup fee simple units, private streets. So what we did was we went back and looked at how we can eliminate the need to ask you for relief. And that was what we did. We went back to the drawing. This drawing that you have in front of you right here does not represent that. But looking at it, you wouldn't know when I put the one up here, it is still in progress. You wouldn't know the difference between the two unless you really examined it. So the density is the same. The number of units has not changed. The issues in the front yard setback have been alleviated because we moved the right of way closer to the street by five feet, took care of my front yard setback, took care of my rear guard setback as I was able to move the building up about two feet. That took care of the rear yard. And then what we did, we went back to the builder and we asked the builder to look at their product. Being the developer and knowing that only a mile and a half away, I have 76, 24 foot wide units. I didn't want to be able to cannibalize myself and say, I'm going to put another project out there and now I'm not selling lots in this project. I'm selling a few in this project and a few in this project. They change the product width to 22 feet, two car for an entry garage. Basically the same thing. A little bit of a different price point, but narrower. So what that did for me was it eliminated me to have the need for any of the side yard setbacks. So when we redistribute all the units through this plan, what it does is it actually from the street. It would look the same as Rosehill, but when we look at buildings that are adjacent to one another now, in some cases I have 20 feet between buildings. So we were able to literally go back to

the drawing board and rework this plan. So I need zero variances. And that's the point we're at right now. So what we're asking for is a re-issue of the conditional use, that gets us one year to be able to start construction of that structure, provided that the meeting goes well, we're going to have to go back through engineering and move a few manholes and do a few things. One thing I am a big stickler about, I don't want manholes in my driveway. I don't want to have to pull into my driveway and run over a manhole or an inlet. So I have to tweak a few things as far as an engineering standpoint goes, but it looks the same other than modifying a few of those structures. Then we'll come back in to planning commission and go through the planning process. So provided that this is a favorable outcome, that would be the next step and that clock would start running on my one year. We would start site work probably in August, if everything goes well. Build that ready to pave it and pull a building permit in January, which would get us under that one year. Our original conditional use was granted February of 2021.

Mr. Meyer: February 18th of 2022.

Mr. Sperdute: So that expired here this past February. So we're actually in the extension period that we didn't ask for. So we're basically out of compliance, but that's why we're here tonight.

Mr. Furst: So just to sum up, if I understand correctly, you've shuffled some things around, but the intent is that the major site plan on the large part hasn't really changed.

Mr. Sperdute: Has not.

Mr. Furst: Okay, great. And so you just need the conditional use here to give you some more time to work out the engineering. Is that correct?

Mr. Sperdute: Yeah. We just need the engineering, number of units to stay the same. Infrastructure looks exactly the same. It's just we shuffle some things around internally to eliminate the need for the variances.

There was concern brought up regarding some potential ecological concerns. Mr. Sperdute's team has submitted an application with the U.S. Fish and Wildlife for them to complete their study and give them the clear the site.

Ms. Bulls: You indicated the price point has changed. What did the price point change to when you made these adjustments?

Mr. Sperdute: It will probably be a reduction between 10 to 12% between the two products now. This will be a first time home buyer, single person home. That is who they tend to gravitate towards.

Ms. Barnhart: You decided to go narrower. Did you ever consider reducing the number of units and going a bit larger?

Mr. Spurdute: We only have so much we can work with in each block length. To do that we would have had to re-engineer the entire plan. We were trying to utilize what we already had approved.

Ms. Barnhart: To me, it would seem that a larger, nicer, product would fit the bill more.

Mr. Spurdute: It's possible that Ryan Homes could mix and match those, but ultimately I need to make sure that total length of that building, as we proposed in our new plan, doesn't exceed those.

Ms. Barnhart: My question is density wide, it could be less?

Mr. Spurdute: It could be, yes.

Mr. Meyer: I just want to add that the applicant has submitted to the city staff a proposed updated plan. Obviously, based on the discussion, it's still moving. It hasn't been present in for any of the approvals, but I do just want to confirm that he has submitted at least a starting point. I think it was about a week and a half ago or so. So we are in receipt of it. Obviously, it would still need to go through whatever approval process. I just wanted to confirm.

Mr. Spurdute: We have provided a concept plan on how we can achieve these things.

Mr. Furst: Having otherwise considered the conditions and factors outlined in section 1109.15 for conditional use and given that there have been no significant changes to the site plan since it was previously approved, other than some minor items that you indicated, I do move that we accept this application for conditional use as submitted.

Ms. Barnhart: I'll second.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

- 4. Application 2022-5138; 7332 E Main St; Parcel #S 060-000134, 060-000090, 060-000218, 060-000200, 060-000183, 060-000215, 060-000065; Variance Request for Signage Package; Applicant: Carter Bean / J. Carter Bean Architect, LLC

Mr. Meyer: So this application is for 7332 E Main St. It's a variance request for signage. So a little background on the project. The major site plan was approved for 7332 E Main St. on April 7th, 2022. This is also known as the former Happy Dragon site. The property is an old Reynoldsburg commercial zoning district. The applicant, Carter Bean, is requesting four different types of variances for the development signage package. So this lays out just before we get into the variances, it might be helpful just you go through the color coding here so the reddish pink as well signs and then the blue is the projecting signs and this is the site plan. So you can kind of see how this is laid out. There's four individual variances. The first one is to

deviate from section 110503C5 to allow for more than two signs for voting. Obviously, there are more than two signs on this building as depicted. Two, variant quest here to deviate from section 110503c51 to allow for signs on a facade that does not face the public right of way. So that would be the rear of the building. As you can see, there's parking at the rear of the site. So that is the signage back there. Variance requests three, to deviate from section 110503c52 to allow for more square footage of signage than allowed. And you can see the sign area as depicted for each sign in that pictorial. Variance request four, to deviate from section 110503c52 to allow for the projecting signs exceed the maximum allowed area of six square feet. These are just some elevations of the signage. You can kind of see again, the pinkish red is the wall signs then the blue is the projecting signs. So staff believes these various requests are reasonable given the size of the building which is about 11,500 square feet, I think, off the top of my head and the amount of tenants that will occupy the space. The intent of the district is to create density and the signage code doesn't really allow for an adequate amount of signage for this dense development, at least per staff opinion. Carter Bean architects is here to speak on behalf of the project.

Mr. Wendling: We are dealing with a high density mixed use project. We currently have seven tenants in this building and as a visibility standpoint for pedestrian vehicular traffic this is why we are looking at these variances for individual signs for each tenant.

Mr. Furst: As far as traffic, if we were not to allow the signage variance, is there a safety concern there? I think if there was an emergency call , they would need to know what business to enter. Having some additional business ID would aid in that, do you agree?

Mr. Wendling: Yes.

Mr. Furst: I believe your building very clearly meets the intent of the district and we may have overlooked this signage code in this area when reviewing the zoning code. The density is something we desire, but not something we considered. Would you contend that if we were to not grant the variance and strictly applied the code that we would be depriving you of the beneficial use of the building?

Mr. Wendling: Absolutely, yes.

Mr. Furst: Just to be clear, the hardship that the strict application of the code here is not a matter of convenience. You aren't wanting more signs just to have it, it's because our code doesn't allow it and for you to properly use the building you need this variance.

Mr. Wendling: Right. Yes.

Once the tenants are locked in they will bring back a sign package while working with a designated sign company.

Mr. Furst: Your intent is to not ask for additional variances related to the signs at that point? They would be in compliance.

Mr. Wendling: Correct.

Mr. Furst: It's my personal opinion that the variances is necessary for you to have the reasonable use of the building and to accomplish the intent of the district in which it occupies. As I mentioned, it is certainly a fault of the code that you're here before us, and hopefully it's something that we can remedy in the future. Well, having considered the factors in section 1109.13 for variances, I do move that we grant each of these signage variances as described by Mr. Meyer.

Ms. Barnhart: I'll second.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. ABSENT

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Furst, Bulls, Barnhart, Davis |
| ABSENT: | Linder |

5. Application 2022-5145; Building a - 6792, 6796, 6800, 6804, 6808 & 6812 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Mr. Meyer: This is Rosehill Development, which is 750 of Rosehill Road. So how we broken this off and I will leave it to the discretion of the board how they like to handle this. But there are pictorial and distances for each of the variances provided in this packet. So we can go through each one if you'd like, but in general, the property is zoned residential medium and section 1103.19 requires front yard setback to be a minimum of 20 feet. The side yard to be eight feet and rear yard to be a minimum of 30 feet. So there are a variety of buildings here we've kind of labeled them ass a, b, c, d, e, f, g, h, j, k, l, m, n, o and q. All needs variances of some type. To give you an idea for building A, you can see each one is listed out in the in the packet in front of the board members depicting the address, what variance should be required for each specific building and as part of that package and then the how it deviates. So it's set up in these different variances because it does not the site is not uniform and what variances are required for each chunk. The units are fee simple units. The variance is required for the development to meet the code. Staff is supportive of the variances and is also our understanding and please correct me if I'm wrong, but the construction of the development has already started. So with that I will hand it over to the applicant. And then just so everyone is aware, this is how this packet is set up. If you wanted to go through them, I'm happy to do that at the board's discretion.

Mr. Sperdute: 326 Dobson Road, Mars, Pennsylvania. Also with me, John Spagnola is my partner. We're the developers of the Rosehill property. This project started about two years ago, maybe a little bit longer than that. When the project began, we came into the township, we met with staff, met with the engineers and the streets and so forth in this plan were slated to be private. At that time, former staff members who had assured us that because our streets were private and because we were doing a development of this nature that setbacks that were in the code were not applicable to our project. I think you had another project where this just occurred maybe a month or two ago, where you had to kind of go through the same thing to

clean some things up. That's why we're here. Nothing with the project itself has changed. The layout of the buildings is the same, the layout of the infrastructure's the same, storm water, utilities, everything is the same. The reason that we're here tonight is to clean up the; I want to use this the right way and be sensitive; kind of misguided direction that we were set down to get this started. This actually came up when we went to apply for the building permit for the first building. And that's what we're calling Building A that building is under construction right now and it's coming up out of the ground. So when we went to do that, Ms. Ledbetter, said, hey, wait a second, you guys have a problem. When we go to issue your zoning certificate, when you're going to get occupancy, we're not going to be able to do that. So we kind of backpedal a little bit, went through all our records and realized that where we were and how we got there really wasn't important. We just had to figure out a way to fix it. So the best way to do that was to come in and ask for a variance. Because each one of these buildings is on its own fee simple lot doing a blanket variance for this project wasn't the same. For those who may be in the audience or on the board who understand that the fee simple lot means that you are going to purchase that lot. You're going to own it from the right of way in the front, through the building to the back yard. Whereas a condominium you would only own inside the walls, or if it was a rental property, there would be no ownership. So it's a little bit different and maybe that kind of threw things off the tracks in the beginning, because from what I'm being told, not only in Reynoldsburg and surrounding communities, that fee simple townhouses aren't the norm. They're usually a rental or at lease type situation or a condominium. So in order to be able to do that, working with Ms. Ledbetter, we broke each one of the variance requests down by building. That seemed to be the cleanest way. And again, if we want to act on all of them or if there's one in particular, you want to pull out of that package and look at it in more detail. I did provide a copy of a drawing and I don't know if it's in your packet, it's got some color on it, and I don't think that's going to show up real well on the drawing. To give you an idea of what that represents, the blue line that's on there is the building envelope. That represents the 30 foot rear, eight foot side and 20 foot front. The red areas are the areas that we're asking for relief from. And just adjacent to that red area is a dimension that says how much we violate that building envelope. So we're here tonight to be able to ask for relief of these items. Again, the plan is exactly how it was approved originally. The landscaping will still be installed per the plan that was approved, the streets are substantially complete. We're going to be finishing the southern entrance that's closest to the school probably this week or next. Weather has been nothing short of a challenge. And from there, the model home for the first building, building A should completed in sometime in July and then sales will start in September and then these buildings start coming up out of the ground. So we're trying to get ahead of this and not do this on a one by one building every time we need one. I'd like to do them all at one time. However you act on them, it's entirely up to you. But we're here kind of seeking relief for some issues that were brought up at the last minute that we were made aware of with the building permit. We own this property, we've built it and we've actually already sold Building A to the builder and they've started that. So to give you an idea, you won't see all these buildings coming up out of the ground at one time. Since these are very simple buildings the builder will go through and once they've pre-sold a certain percentage of the number of units in that building, then that building will start. So rather than going into a rental community or a condominium community where you see 17 buildings coming up at one time, one at a time is probably not correct. But two or three at a time is what you will most likely see in different stages of

construction. That's really all I have to add.

Mr. Furst: Can you describe the greatest variance you have?

Mr. Sperdute: Greatest variance that we need would be building F or building K in terms of just mere square footage. Building K is on the South Side against the school. Again, that building is the same size dimensionally and position ally than what it was approved. And when the original approval was done for this, we were asked by staff and the Board to be able to enhance the landscaping along that. Well, I did provide you a landscaping plan. Unfortunately, it's in your packet, but it's not in color. There was some substantially increased landscaping behind the buildings that were along the school. We have to do that in coordination with AEP because that's where their electric facilities are going to be. So there was some landscaping with that. On building number F, that's the one that's kind of in the peninsula right in the middle of the property and that is created by the fact that we've got a front here. Let me back up on half a step. I was told that even though that this property has frontage on two streets, a double frontage lot, which is what it is, still has a rear yard setback. So if you look at that property from the street, as you would from the front to the back, 20 feet is what you need the front, you do need 30 feet in the back, but we're over that by 18 feet. So we've actually went back to the builder, although this is not standard, that building, which would be the two units to the upper side of the sheet there would have the most need for a variance or calling that building 28 and 29. I've gone back to the builder, which is Ryan Homes, and told them you need to decrease the size of that building. So those two units and building F have been shortened by four feet. So we didn't come back and ask for something that would be 22 feet. So we tried to minimize that where we could, and they were very reluctant to be able to do that because it messes up all kinds of things as sales and construction and all that. But we were able to be able to do that on those two just too kind of alleviate some of the pain.

Mr. Furst: Building C and D, it looks like you're barely asking for a variance.

Mr. Sperdute: Yes, very minimal. One of the things that you'll note on the application, each one we went through and we itemized each unit, what the variance was, what street address was, and we had a comment section in there, too. You'll also notice that some of these were adjacent to open space or backed up to open space. That open space is something that will be maintained by the developer and then turned over to the HOA. So the potential for development adjacent to those few that were noted is zero.

Mr. Furst: I understand some items are subject to interpretation and it sounds like perhaps there was a difference in interpretation previously.

Mr. Sperdute: Yes. Again, the plan has not changed as far as the original intent of the work. We are just cleaning up some clerical items.

Ms. Barnhart: Is this still a private drive?

Mr. Sperdute: Yes, it is.

Ms. Barnhart: If this were not fee simple condominiums, would this be an issue?

Mr. Spurdute: It wouldn't be an issue on the edges or on the ends of the building. It would still be an issue for the rears in the fronts. If all of these buildings were on one lot. We would take these setbacks, if you will, and push them out to the limits of that lot. And the only ones in here that I could see that would apply would be the ones along the school and the ones inside the island. Everything else would go away because they are individually on a lot. Now, my lot, your lot and everybody else's lot, we're all in the same building. Setbacks apply to those lines. Had it applied to the entire tract, then the setbacks will only apply to the entire tract.

Ms. Barnhart: I read our code says eight feet and this is going to five feet between buildings A and B.

Mr. Spurdute: Yes, five foot two. Ten foot four would be the building separation.

Ms. Barnhart: Are these going to be affected by code in other ways? Are you going to need fire rated?

Mr. Spurdute: They are. The buildings themselves have been approved and are fire rated regardless.

Ms. Barnhart: Even between the buildings and regards to openings?

Mr. Spurdute: There are no openings on the ends of the buildings. When you look out your window and see a wall ten feet away, in that instance, there won't be a window if that helps. Any other places in the plan they have an opportunity for a window.

Mr. Leist: Is there fencing that runs between your property and the school?

Mr. Spurdute: No fence, but intense plant materials along the parking lot and not so intense back by the playground.

PUBLIC COMMENT

Ms. Ward: My name's Anita Ward. I live at 6944 Pryor Place. My kids went to Rosehill Elementary School. That project was pushed through pretty fast without people knowing about it in a flood zone. If there's any place that doesn't meet the zoning variance, it's along the elementary school especially. There's no fence there. They should have looked at their plans and did their plans accordingly to what they had to work with, with the setbacks. So also, I'd like to know if there's any homeowners association set up to maintain those streets. Because if they're privately owned, there's going to have to be funds for street repairs or it turns into what looks like, you know, just a nasty place. I've been in a lot of condominium associations where they dropped the homeowner's association and the streets are destroyed and nobody fixes them. So that has to be addressed. I don't know if you're going to take what I say, but

the fact that they're fee simple doesn't mean anything, except for they can ask for a blanket variance per group of six units. They're going to have to ask for one individually, but they're sold to individual owners on their lot. So they have to figure the lot size and the setbacks. People are going to have smaller lots. Maybe they'll get less money for them. But that's their issue, not Reynoldsburg. So anyway, I'm a real estate appraiser, so I know what I'm talking about. Thank you.

Mr. Furst: Would you like to address the HOA funding?

Mr. Sperdute: Nothing is funded yet, because there are no homes. Every time a lot closes there's an initial amount contributed to the fund, I believe around \$350. We'll maintain the HOA until about 75 or 80% occupied and then they will elect their own officers and maintain it. They will also be responsible for yards, street lights, trail across the front, etc. All this is recorded at the county. You'll also have monthly dues, but some seeded money until everyone is actually moved in and then a management company will divide the funds up as they see fit.

Mr. Furst: Did you consider any other remedies to this? Are we past the point of return?

Mr. Sperdute: We're at the point of no return. The streets are in, all the utilities are. The plans platted. We can go back through the re-plating process to eliminate maybe a handful of these variances by expanding lots that are up against open space that I can take away from. But all it does is it move a line on a piece of paper. The building still going to be built in the same place, and that violation is going to go away. We're in a pickle is really what we are.

Mr. Furst: I personally contend that based on the guidance you were given, that you did comply with the code previously and now the interpretation of the code has changed. And that is what creates the hardship that you're describing here this evening, is that correct?

Mr. Sperdute: Yes.

Mr. Davis: Is it fee simple absolute or conditional?

Mr. Sperdute: No, if you buy the lot, you can sell off. If I own one and want to rent it back out, you can.

Mr. Davis: Just asking if there were any deed restrictions or mandatory memberships.

Mr. Sperdute: Whoever is listed as the property owner with the county is required to pay and meet the obligations of the HOA. As far as an investor possibly buying and renting out, I don't know how we have that setup.

There was questions regarding the drainage of the site and the drainage hasn't changed from the original submittal. No infrastructure was changed. The drainage with eventually improve due to the site work. It is not currently working at its full capacity because it is designed for the rooftops to drain into the basin and without roofs, it is running into the ground.

Ms. Lambert: 700 Rosehill Rd, that is beside this development. We've seen an increase of flooding on our property so drainage is a concern for us. Is there any fencing they are planning to put between my property and theirs? At this point, whoever's living could look into our house. Are they planning on putting any more trees? I think those buildings are pretty tall, especially because our property is low and theirs is high. We have noticed an increase in the flooding, but I think that has been addressed. I know they are planning on doing trees along the school, but if those are only six feet tall and those buildings are obviously taller, I just wonder if that's a concern.

Mr. Spurdute: The landscaping plan that was provided as part of the packet did share landscaping along their property. For the record, their property, their house and their garage is two foot eight inches from the property line. So it is pretty close to our property. Unfortunately, that just happens to be where it is. As far as the drainage goes, again, that will solve itself. We did with meet without contractor and he has a few items on his punch list that he wanted address. We met him out there this morning, and came up with a plan of action to kind of clean up a few things. So that is going to be underway. But there was landscaping planned for that area behind buildings A and B, which would be the first 12 units.

Mr. Furst: I do think that given the applicants prior guidance that they were given from the city that this creates a special circumstance. I have a feeling they wouldn't be here this evening if there wasn't a change in the city's interpretation of its own ordinances. So this clearly seems to create a special circumstance. It's not a matter of convenience. Certainly, if I was the owner or developer, I would consider that a hardship. Nobody wants to get locked into a very expensive project and suddenly the governing, regulating body changes their mind. I'm certain this won't happen again in the future. I appreciate the attention to detail here and you complying with the letter of the law.

Mr. Leist: It helps with there's more than one set of eyes on it. So I don't know the responsibilities entirely born here by the governing body.

Mr. Furst: Given the amount of construction that has occurred, would you contend that is would be functionally catastrophic if we weren't to grant this?

Mr. Spurdute: Foundations are in on building A, which kind of sets the tone for the rest of the buildings. I have no ability to change the product at this point. So, yes, it would be catastrophic.

Mr. Furst: I still think the property still meets the purpose and intent of the code. Given that nothing else has changed on the property and it did meet regulatory approval previously, I see no reason to object to it.

Ms. Barnhart: This has prior approvals by the Planning Commission, correct?

Mr. Furst: Yes.

Mr. Meyer: That occurred on November 20th, 2020.

Mr. Furst: I contend that if there was grounds for a variance previously that the change in interpretation of the code, however that arose is grounds for additional hardship. Well, it's actually my contention that there would be grounds for a variance for this particular application as well.

Mr. Davis: Is there any wiggle room in the plan if there were additional concerns about flooding, water retention, or privacy concerns along adjoining properties?

Mr. Sperdute: The only privacy concerns to an individual unit would be the neighbor who spoke here. The school operates at times when people aren't going to be here or when school is not in session. The landscaping plan that we provided was in excess of what the requirements were to deal with some of those issues. So, I don't know if any additional landscaping is necessary above and beyond what we've provided.

Mr. Furst: Having considered the factors here in section 1109.134 variances. It is my contention that the applicant meets the conditions required under our code for a variance and I do so move that items five through nineteen be granted the variance as listed in the application.

Ms. Barnhart: I'll second.

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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|----------------|---------------------------------------|
| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

6. Application 2022-5146; Building B - 6816, 6820, 6824, 6828, 6832 & 6836 Frey Lane; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

7. Application 2022-5147; Building C - 6840, 6844, 6848, 6852 & 6856 Frey Lane; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

8. Application 2022-5148; Building D - 6860, 6864, 6868, 6872 & 6876 Frey Lane; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

9. Application 2022-5149; Building E - 6880, 6884, 6888, 6892 & 6896 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

10. Application 2022-5150; Building F - 6841, 6837 & 6833 Frey Lane; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

11. Application 2022-5151; Building G - 6829, 6825, 6821, 6817, 6813, 6809 & 6805 Frey Lane; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

12. Application 2022-5159; Building H - 6801, 6797, 6793 & 6789 Frey Lane; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT: APPROVED [UNANIMOUS]
AYES: Linder, Furst, Bulls, Barnhart, Davis

13. Application 2022-5152; Building J - 6791, 6795, 6799 & 6803 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT: APPROVED [UNANIMOUS]
AYES: Linder, Furst, Bulls, Barnhart, Davis

14. Application 2022-5153; Building K - 6807, 6811, 6815, 6819, 6823 & 6827 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT: APPROVED [UNANIMOUS]
AYES: Linder, Furst, Bulls, Barnhart, Davis

15. Application 2022-5154; Building L - 6831, 6835, 6839, 6843, 6847 & 6851 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT: APPROVED [UNANIMOUS]
AYES: Linder, Furst, Bulls, Barnhart, Davis

16. Application 2022-5155; Building M - 6855, 6859, 6863, 6867 & 6871 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT: APPROVED [UNANIMOUS]
AYES: Linder, Furst, Bulls, Barnhart, Davis

17. Application 2022-5156; Building N - 6879, 6883, 6887, 6891, 6895 & 6899 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

18. Application 2022-5157; Building O - 6903, 6907, 6911, 6915 & 6919 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

19. Application 2022-5158; Building Q - 6935 & 6931 Henley Drive; Variance Request for Setbacks; Applicant: Rose Hill Ohio LLC

Ms. Butler: Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Davis. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

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| RESULT: | APPROVED [UNANIMOUS] |
| AYES: | Linder, Furst, Bulls, Barnhart, Davis |

E. OTHER BUSINESS

None

F. ADJOURNMENT

19:35

Chairman

Planning and Zoning Administrator