



MINUTES

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

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

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

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Speakers sworn in by the Chairman.

B. PUBLIC COMMENT

None.

C. UNFINISHED BUSINESS

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

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

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

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

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

D. NEW BUSINESS

1. MOTION TO APPROVE APPLICATION 177596 1933 BALTIMORE REYNOLDSBURG ROAD

1933 Baltimore - Reynoldsburg Road - Carwash - Variance

Application: #177596 - Variance

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

Existing Zoning: CS Community Services District

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

Current Use: Carwash (Auto Services)

Applicant: Frank Mascari

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

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

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

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

The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff recommends approval of the application as submitted. Staff recommends approval of the variance on following conditions:

1. That applicant shall preserve and maintain the existing landscape buffer long the property line and show that landscape buffer on any subsequent site plan application.
2. That in the event a portion of the existing landscape buffer needs to be removed due

to the condition of the plant material, the applicant shall be required to restore it with like material to the satisfaction of the Planning & Zoning Administrator.

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

Mr. Rettke asked for other questions.

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

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

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

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

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

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

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

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

Mr. Snowden responded that if you look on the site where it says variance 5429Z, there was a variance granted for the north side, the setback requirement of this section would apply to both sides, when Mr. Mascari added automatic car washes in 2003 he got it for the northern side of the property but it didn't apply to the southern part of the property.

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

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

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

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

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

Application: #176959 - Variance

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

Existing Zoning: CC Community Commerce District

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

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

Applicant: Robert Wolf, MD

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

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

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

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

the Board's proposed findings. The statement also lists the conditions which the approval shall be contingent upon, so that the applicant understands the additional approvals required in order to construct any additional signage.

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

The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff recommends approval of the application as submitted. Staff recommends approval of the variance as submitted.

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

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

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

Mr. Snowden said the point of the variance is to have it in writing and documented and to clarify for commercial one what they would be entitled to so that they would be comfortable.

Mr. Havener pointed out stone bases- those flank the sign. Those are not signage approved and are not support structures for signage.

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

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

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

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

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

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

Application: #177453 - Special Exception Use Permit

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

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

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

Current Use: Vacant

Applicant: TWDW, LLC.

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

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

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

Table 1179 of the Zoning Code requires one parking space for every 200SF of building area for this use. This would require the applicant to have 16 parking spaces, as well as one loading space, assuming that only the main floor of the building is utilized for the proposed use. Staff has calculated 18 spaces on the site, when not including the playground area.

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

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

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

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

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

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

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

The applicant responded no.

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

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

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

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

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

Autumn Chandler, 7458 E. Main Street.

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

Ms. Chandler responded yes.

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

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

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

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

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

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

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

Mr. Rettke asked about the front decking.

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

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

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

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

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman



Planning and Zoning Administrator