



## MINUTES

### BOARD OF ZONING AND BUILDING APPEALS THURSDAY, APRIL 20, 2017 6:30 PM

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

#### A. CALL TO ORDER

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

#### 2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – March 16, 2017

Minutes stand approved.

#### 3. APPROVAL OF AGENDA

Agenda stands approved.

#### 4. SWEARING IN OF SPEAKERS

Speakers sworn in.

#### B. PUBLIC COMMENT

None.

#### C. UNFINISHED BUSINESS

##### 1. **6541 E. Main St.; Application # 176441; Applicant: Votem Ventures, Inc.; Special Exception Use Permit - Eating and Drinking Establishment.**

6541 E. Main Street - Banquet Hall - Special Exception Use Permit

Application: #176441 - Special Exception Use Permit

Location: Property is located on the south side of E. Main Street between Beeler Drive and Crest Street.

Existing Zoning: CC Community Commerce / CCO Community Commercial Overlay District

Request: Request for a special exception use permit for a new eating and drinking establishment.

Current Use: Vacant

Applicant: Votem Ventures, Inc.

Application Tabled at the last regular meeting. Staff contacted applicant to receive revised plans (in packets). Applicant has answered a majority of questions raised by staff including the number of parking spaces- required 45 out of their 60. In this case, they have their required parking for this use but should be advised that in the future there could be

challenges for bringing other uses in there given the current amount of parking. Combined total of spaces would be 77 spaces which would exceed 60. Their revised site plan also included a designated smoking area which was a question that staff raised previously. It is partially screened but is adjacent to the single family residence behind so the Board will have to evaluate if that is appropriate

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.

No applicant representative from Votem was present.

Mr. Snowden advised the Board that they were advised to attend the meeting and it was up to the Board to recommend approval or denial.

The Board voted to table the application due to lack of applicant. Mr. Snowden advised the Board that at the next meeting the Board will have to vote to approve or deny as it will have been 60 days since application unless the applicant agrees upon further tabling.

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| <b>RESULT:</b>   | <b>TABLED [UNANIMOUS]</b>          | <b>Next: 5/18/2017 6:30 PM</b> |
| <b>MOVER:</b>    | Richard Donovan, Vice Chairman     |                                |
| <b>SECONDER:</b> | Robert Linder, Board Member        |                                |
| <b>AYES:</b>     | Linder, Donovan, Darling, Armstead |                                |
| <b>ABSENT:</b>   | Rettke                             |                                |

#### D. NEW BUSINESS

1. **550 Shoal Ct.; Application #177051; Applicant Mary Coy; Variance from Section 1171.06 of the Zoning Code of the City of Reynoldsburg, to Allow Accessory Structures Within the Front Setback on a Double Frontage Lot.**

550 Shoal Court - Single-family Dwelling - Variance

Application: #177051 - Variance

Location: Property is located on Shoal Court, east of Daugherty Drive.

Existing Zoning: R-3 Single-family Residence District

Request: Request for a variance from Section 1171.06 of the Zoning Code, to allow accessory structures within the front setback on a double frontage lot.

Current Use: Single Family Dwelling

Applicant: Mary Coy

The applicant is requesting the Board review and approve a variance from Section 1171.06(a)(3) of the Zoning Code, to allow an accessory structure to be constructed directly on a lot line. This is a 3FT reduction from the 3FT for accessory buildings required by Section 1171.06(a)(3). This will allow the applicant to construct a replacement accessory building on an existing foundations.

Variances are requested from the section of the Zoning Code that regulations the location of accessory structures. Section 1171.06 prohibits accessory structures from being located in front of a main structure and within a front setback. The intent of the regulation is to site

accessory structures in a consistent and attractive way citywide. The regulation assumes the each lot only has one frontage, but double frontage lots do sometimes occur. This can be due to a parcel being platted prior to the adopt of the Subdivision Regulations, or from deviations from those regulations.

The applicant claims hardship based on a double frontage lot. The applicant's lot fronts on both Shoal Court and Rodebaugh Road. Staff finds that enforcement of the 30FT front setback on both frontages effectively prohibits the applicant from constructing accessory structures at the rear of the existing main structure.

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 the variance shall only apply to the front setback for Rodebaugh Road. This setback shall be interpreted as a rear setback for the purposes of accessory structures.
2. That the variance shall only apply to accessory structures and all other zoning regulations for accessory structures shall apply.
3. That no fence shall be erected closer than 5FT to the north ROW line of Rodebaugh Road.

Mr. Donovan asked where the pump and filter are going to be?

Ms. Coy stated she hasn't had anyone come out and look at the property to install the pool. There is a small brown section on the plot plan that is landscaped. That represents where the air conditioning and electrical box to the basement. This is the proposed location, behind the fence, on that side of the wall, not visible to the street or neighbors on Shoal Court.

Question asked: What accessory structure are you looking to...

Ms. Coy responded that currently right now she was looking at putting up a 6 foot privacy fence to allow room for her dog to run.

Unkown statement: And that is what is indicated with the brown lines.

Ms. Coy responded that the light brown line was an estimate of where she would like to put the fence on the back of the property.

Unknown asked the yellow and red lines are the utilities?

Ms. Coy: Yes.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Richard Donovan, Vice Chairman     |
| <b>SECONDER:</b> | Robert Linder, Board Member        |
| <b>AYES:</b>     | Linder, Donovan, Darling, Armstead |
| <b>ABSENT:</b>   | Rettke                             |

**2. 1922 Brice Rd.; Application #176945; Applicant Maira Eiena Saldana Lara; Special Exception Use Permit - Eating and Drinking Establishment.**

**1922 Brice Road - Restaurant - Special Exception Use Permit**

Application: #176945 - Special Exception Use Permit

Location: Property is located on the east side of Brice Road, just south of E. Livingston Avenue.

Existing Zoning: CC Community Commerce District / CCO Community Commercial Overlay District

Request: Request for a special exception use permit for a new eating and drinking establishment.

Current Use: Vacant

Applicant: Maria Elena Saldana Lana

The applicant is requesting that the Board review and recommend approval of a special exception use permit for a new restaurant (eating & drinking establishment) within and existing multi-tenant commercial building. The site is developed with an existing commercial building which is currently vacant. All neighboring properties are zoned CC and within the Community Commercial Overlay District. To the east, the property is adjacent to other commercial business across Brice Road in the City of Columbus.

Mr. Donovan asked Mr. Snowden if this applicant has come before the Board before.

Mr. Snowden responded that in 2014 the Board reviewed and approved a Special Exception Use Permit for the same use. The applicant never moved forward with the project. Mr. Snowden pointed out that a Special Exception Use Permit expires after 6 months.

Mr. Donovan swore in the applicant.

Mr. Snowden continued with the staff report.

The existing site is currently vacant, but has supported a variety of commercial uses over the years. The proposed use is consistent with the neighboring uses, which include other eating and drinking establishments. The applicant has not indicated that any activity will take place on the exterior of the building. The hours of the proposed used are consistent with similar uses.

Table 1179 of the Zoning Code requires one parking space for every 100SF of building area for this use. The applicant did not provide a specific space calculation for their tenant space, but previous applications indicate the space is approximately 3000SF. This would require the applicant to provide 30 parking spaces. The site is developed with over 300 parking spaces, and Staff has previously calculated the change from a retail sales use to a use with a higher parking requirement can easily be accommodated. Staff has no concerns.

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. Armisted asked if this establishment will be serving alcohol.

The applicant responded Yes.

Mr. Armisted asked the applicant if they had their liquor license.

The applicant responded that they had the liquor license for the store, and that they will expand the liquor license.

Mr. Snowden asked the applicant what the square footage of the space is.

The applicant responded 2,700.

Mr. Donovan asked the applicant if it was going to be a sit down restaurant.

The applicant responded it will be a sit down restaurant of mexican and other south american foods.

Ms. Darling asked the applicant the hours.

The applicant responded Sunday-Thursday 11 a.m.-10 p.m. and Friday - Saturday 11 a.m. - 11 p.m.

Ms. Darling asked if there will be an outside patio where patrons could take alcohol to drink.

The applicant responded no.

Mr. Donovan asked the applicant if they have gotten all of their permits for doing the interior permits.

The applicant responded that he did and that the reason it has sat so long was that he had an accident at work last year and was off most of the year. But they do have the permits.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | Robert Linder, Board Member        |
| <b>SECONDER:</b> | D'Juan Armstead, Board Member      |
| <b>AYES:</b>     | Linder, Donovan, Darling, Armstead |
| <b>ABSENT:</b>   | Rettke                             |

3. **6415 E. Livingston Ave.; Application #177163; Applicant Jeanne Cabral, Architect; Special Exception Use Permit - Child Care Center.**

6415 E. Livingston Avenue - Restaurant - Special Exception Use Permit

Application: #177163 - Special Exception Use Permit

Location: Property is located on the south side of E. Livingston Avenue, just east of Briceton Drive.

Existing Zoning: CO Offices and Institutions District / CCO Community Commercial Overlay District

Request: Request for a special exception use permit for a childcare center.

Current Use: Vacant

Applicant: Jeanne Cabral, agent for the property owner.

Ms. Cabral is requesting that the Board review and recommend approval of a special exception use permit for a new childcare center within an existing commercial office building.

The site is developed with an existing commercial building which is currently vacant. To the north, the property is adjacent to single family homes in the R-3 zoning district. To the south, the property is adjacent to single family homes in the AR-2 district. To the east, the property abuts other commercial office buildings also in the CO zoning district.

The existing site is currently vacant, but has supported a variety of commercial office uses over the years.

Mr. Snowden states that the current property owner has recently purchased the property and is trying to attract some tenants. Concerns typically with daycares are loading area, play area and immediately adjacent uses. The applicant in this case is proposing it in one half of this building space. The entire building is currently vacant. There was a previously denied Special Exception Use Permit for this use under a previous property owner and previous applicant and the concern was the play area was being placed in the yard that is immediately adjacent to Briceton Drive and Livingston. This is a better configuration. He continued, that the adjacent uses, office building, there is residential around, I don't see that impacting this use.

Mr. Donovan asked which part of the building they were planning on using.

Mr. Snowden responded it is the northern portion, the part parallel to Livingston.

Mr. Snowden said loading spaces there were concerns in the past, there shouldn't be problems here.

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. Donovan asked Ms. Cabral how the children will get to and from the play area if the play area on the edge of the building is not going to be used.

Ms. Cabral responded that the application was for the entire building to be daycare. The whole building will be day care.

Mr. Snowden said that he misunderstood the application.

Ms. Cabral said that it may be 2 operators however, one on one side, one on the other. She said he owns some day care centers himself.

Mr. Donovan asked if we're talking two separate businesses here.

Ms. Cabral responded that there could be and it depends on the tenant. She said that she advised that they had the square footage, it is sometimes easier to have 2 tenants, if one doesn't do too well, they can move out and they can bring in a new tenant with the same type of use. She said the hardest part as an architect is to tell clients that she's never met to not buy or rent a building because it's not suitable for a day care but at least this guy she's worked with on a number of project on 8 years now and she felt it was a good choice as long as it went through the zoning process, and he went ahead and bought it anyway because he felt it was a good investment regardless.

Ms. Darling stated, but if there are 2 different owners, businesses and daycares, again, how will the front daycare get to the playground area?

Ms. Cabral responded that there is an angled sidewalk along the front, and a sidewalk can be created to go along the side of the building and into the playground.

Ms. Darling asked where the drop off and pickup is.

Ms. Cabral responded right in the front.

Ms. Darling asked in the front and not in the rear by the playground?

Ms. Cabral responded no, because they would come in the front doors which are in the center of the wings and there is a shared lobby. There was a large possibility that there was going to be one operator, but there is a lobby that separates the 2 sides and both sides have plenty of bathrooms and plenty of water and heating and cooling.

Ms. Darling asked if there were kitchen areas to fix food for the children.

Ms. Cabral responded that there are kitchenettes in there, that this was medical offices before so there were ways to easily convert areas.

Ms. Darling said but you would need to put those in there right?

Ms. Cabral said yes but most of the daycares do one of two things, have food catered in or do heat and eat with convection ovens.

Ms. Darling responded right but you would still need handwashing and dish sinks and kitchens for infants for formulas for safe storage...

Ms. Cabral replied absolutely it is required by the Health Department. She continued that they would get the required permits and there are walls that need taken out and the building will be rehabbed.

Mr. Donovan asked that the new owner knows this is going in?

Ms. Cabral responded yes.

Mr. Armstead asked if the playground will be new asphalt, mulch...

Ms. Cabral responded that what she has done in the past when there has been asphalt, rather than dig it up, there is a playground grade shredded rubber and it is brought in for a pretty good depth and they can play on that. She added that there is a dumpster back there currently that will be moved to a new location.

Ms. Darling asked about a fence.

Ms. Cabral stated that there is a fence along the perimeter of the property and the fence in those small 2 spots will be a small opaque wooden fence so people couldn't see inside. She added that people would be able to go outside from the building and there would also be a gate on the outside.

Ms. Darling asked if that would be something that the children can get through.

Ms. Cabral said it would be a minimum of 6 feet tall.

Ms. Darling asked what the hours would be.

Ms. Cabral said 6a.m. to 6 p.m. Monday through Friday.

Ms. Darling added because you have residential properties that probably don't want to be bothered all evening as well.

Ms. Cabral added it wouldn't be on weekends or holidays. She said it's a nice building that needs spruced up, the roof needs replaced but they plan to get a full building permit for change of use if it is approved because there is a square footage per child per classroom requirement and they want to make the classrooms work so they don't need to hire an excess of teachers. She said there is more than enough parking and that parking spaces right in front would be dedicated for loading and unloading only. It's away from Livingston Avenue. There are storefront glass windows on the inside which go down to the concrete slab, those will be changed out to make exit doors for some of the classrooms because that is required for certain age of children. But the headers are there and they won't have to fuss with the structure.

Mr. Donovan said but the fire department will make sure you do all of that.

Ms. Cabral responded that all of the exit signs will be upgraded and there will be a fully monitored smoke and fire detection system that goes back to the fire department, that would go in completely, grab bars, things for handicapped.

Mr. Armstead made a motion to recommend approval of the application on condition that a 6 foot privacy fence be maintained on the area as indicated on the plan.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>        |
| <b>MOVER:</b>    | D'Juan Armstead, Board Member      |
| <b>SECONDER:</b> | Richard Donovan, Vice Chairman     |
| <b>AYES:</b>     | Linder, Donovan, Darling, Armstead |
| <b>ABSENT:</b>   | Rettke                             |

## E. OTHER BUSINESS

None

## F. ADJOURNMENT

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Chairman

  
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Planning and Zoning Administrator