

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
APRIL 17, 2014
6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Dave Stoffel Ms. Libby Wallace Mr. Rick Donovan Mr. Aaron Enfinger Ms. Bonnie Armintrout
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Members Absent:	Mr. Anthony Rettke
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Others Presents:	Ms. Megan Moeller
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2. APPROVAL OF MINUTES OF MARCH 20, 2014

Vice-Chairman Stoffel: Are there any additions or corrections to the minutes of March 20th?

Ms. Moeller: None from staff.

3. APPROVAL OF AGENDA

Mr. Stoffel: Are there any additions or corrections to the agenda tonight?

Ms. Moeller: There is not.

4. SWEARING IN OF SPEAKERS

Mr. Stoffel: Okay. If you're planning on speaking tonight, will you do a couple things for us? Before you leave make sure that you sign in at the table and, if you would, if you plan on speaking if you would please stand, if anyone is planning on speaking.

(Mr. Stoffel administers the oath.)

5. PUBLIC COMMENT

Mr. Stoffel: Is there any Public Comment? (No response.) No Public Comment.

A. UNFINISHED BUSINESS

Mr. Stoffel: Do we have any Unfinished Business?

Ms. Moeller: No, we don't.

Mr. Stoffel: None? That being said, let's move on to New Business, Item B. Megan, if you would, please?

Ms. Moeller: Sure.

B. NEW BUSINESS

1. SECTION 1139.03; DETERMINATION OF THE MEANINGS OF THE PERMITTED USES AND SPECIAL EXCEPTIONS AS LISTED IN THE CO DISTRICTS.

Ms. Moeller: Staff was reviewing an application for 1401 Haft Drive. It was a zoning certificate, Application #164211 and the application was requesting an interpretation, basically – well, they want to put a residential care facility in a CO District and staff would like the Board to consider whether this use and what they're proposing is a residential care facility based on the code. So I'm going to basically kind of go through what they have submitted. So the services for the proposal, obviously it was for a zoning certificate that was applied and that's sort of where we're starting this from. For existing site, the properties are zoned CC, Community Commercial, to the north and multi-family to the west and single-family residence to the south, just for some background. So within their proposal, the services that they are providing are proposed: adult care facility services consist of out-of-home resident care and hourly respite services to assist families in need as well as individuals with developmental disabilities. They also have two programs that they are planning to, I guess, that are part of their service. There is a vocational and habilitation program which is for adults ages 18 and up. It's for Monday through Friday 9:00 am to 3:00 pm. The number of participants will be 12 and they'll be a ratio of one to seven for employees. And then there's also another one. It's called an after-school enrichment program and it's for youth with developmental disabilities and emotional behavioral concerns. It's going to be Monday through Friday 2:00 pm to 7:00 pm, Saturdays 10:00 am to 6:00 pm. The number of participants is 15 and there were three different ratios for the number of employees. It was either one to one, one to three or one to six.

So staff is requesting the Board to review the material submitted and make a determination if the proposed use meets the definition of a residential care facility as outlined in Section 1131.02. If the Board determines it meets the definition then the proposed use is permitted. So within the CO District, if it does not meet the definition of a residential care facility, then the use will likely fall into what we consider the

Institutions category, which is a Special Exception within the CO District. So if you decide that it isn't a permitted use then it would fall into a Special Exception Use Permit which would require obviously different circumstances and everything. I also handed out a packet which is a portion of the code. It's Chapter 1177 which is a residential care facility and I just wanted to, I guess, just mention the definition of what the code represents for a residential care facility. It says right under the definition on 1177.01; a residential care facility means a dwelling as defined by Section 1131.18 and there are several other ones – of the zoning code and is licensed by the State of Ohio or a political subdivision thereof which provides services and resident supervision to those who are aged or handicapped or those who have been diagnosed as developmental disabled or mentally retarded. So that's just sort of what the code says is a residential care facility, so I guess we're sort of asking you to determine then what you would consider this proposal to be.

Mr. Enfinger: Do we know whether or not if there are currently any other care facilities, residential care facilities within the guidelines stipulated? I noticed it was within a 3,000 – I saw under minimum requirements for issuance of permit, 1177.04 in Item H, no residential care facility as defined in this section shall be located within a 3,000 foot radius of another such facility. Do we know if there's another one in that area, within 3,000 feet?

Ms. Moeller: Not that I know of.

Mr. Enfinger: Okay.

Ms. Moeller: So, but that was something that would be probably looked at further if we were to make it like a Special Exception or something.

Mr. Enfinger: So, simply even if just because we maybe make a decision tonight, that doesn't necessarily grant it because it might fall within that radius of 3,000 feet.

Ms. Moeller: Sure. Yeah.

Mr. Enfinger: Is that correct?

Ms. Moeller: Yeah.

Mr. Enfinger: Okay.

Mr. Stoffel: Would someone like to come up and maybe discuss? I have a couple questions. Could you, excuse me, state your name and address, please?

Mr. Antonio Travis: Antonio Travis. You want personal address or—

Mr. Stoffel: Yeah, personal.

Mr. Travis: 1803 Bostick Road, Columbus OH 43227.

Mr. Stoffel: Are these, most of these things, do they occur on-site? I mean, I know that the summer camp doesn't, but does most of the programming happen right here or—

Mr. Travis: For which program?

Mr. Stoffel: Well, for instance, what was going on until 7:00 o'clock at night, I guess was the – I got to look here again. The inner-circle communities.

Mr. Travis: I guess I can start from the beginning of the day. I guess that'll probably help better.

Mr. Stoffel: Sure.

Mr. Travis: The Community Help Program is a community-based program. It has about 40% of the community-based activities which include community outings like Eastland Mall, Polaris Mall, they learn how to grocery shop, they learn how to go to the laundromat and wash clothes, they learn job readiness skills like learning how to fill out job applications and stuff like that, and then they'll do more like going out to eat and stuff like that, to swimming and stuff like that. So the frequency of time will be community-based. The other 60% will have to be vocational skills and educational training. And so, I did include a copy of the schedule so where it says Community Outing, that's where they go out into the community and do that particular activity. And actually the ratio is not 1 to 7. It's based upon the needs of the individual, so it may be one to one, one to three, or one to four. One to seven is the least. And then the after-school program, kids get picked up about 2:00 o'clock from school. They usually arrive at the center, I would say, between 3:30 and 4:00. They'll have an hour of enrichment activities to do and then they'll have one field trip in the afternoon for an hour which would either be bowling, Magic Mountain, out to eat or something and then after that they will go home.

So the building is more likely more as a host-hub site than anything. My summer camp is usually rented from churches and stuff like that and that's typically where I have done the majority of my programming and services.

Ms. Wallace: Are the adults gone by the time the kids get there so there's not an overlap of—

Mr. Travis: The hours are from 9:00 to 2:30. Usually everyone's gone by 3:00.

Ms. Armintrout: And then the after-school kids come?

Mr. Travis: Yes.

Ms. Wallace: So today we're just deciding if the proposal meets the qualifications for the definition of a residential care facility?

Ms. Moeller: So the meeting could go on one of two ways. If you were to decide the use is permitted, then the applicant would most likely withdrawal his application for a Special Exception Use and the meeting would be over. However, if you guys believe that it is not a permitted use and it is more geared to an institution, then it would be a Special Exception and then we would have a presentation on the Special Exception application that was submitted.

Mr. Stoffel: And that would be the following month, correct?

Ms. Moeller: No. It would be this meeting.

Mr. Stoffel: He's prepared to do it?

Ms. Moeller: Yeah.

Mr. Stoffel: Okay.

Mr. Travis: This is new to me so I apologize, this is all new.

Ms. Moeller: You submitted for a Special Exception application, didn't you?

Mr. Travis: Whatever they told me to fill out, that's what I filled out.

Ms. Moeller: Okay.

Mr. Travis: So this is new to me so I have no clue, like this is new territory so I have no clue. From my understanding, this is already approved by Justin and then when I went to apply to get the fire inspection, whatever I had to do, that's when they told me I had to fill out this other paperwork. So, from my understanding, it's approved as a residential day-hab program and somehow I ended up here, and so that's all I know. I mean, I had a couple of meetings with Justin and Mr. Fred and some other person about making sure what I wanted to do was permissible and they had told me from their definition it was considered a residential day-hab and that I would need a Special Permit and then when I went to go pay for the fire inspection and the occupancy thing, that's when I was told that I needed to fill out these additional forms.

Mr. Enfinger: (speaking off mic) Dan Hughes, the owner of the facility that they're looking at, he's the one that filled out the Special Exception. He, as the owner of the facility, had to fill out the Special Exception, so it has been submitted and you should have a copy of that in your packet.

Mr. Donovan: I've got a question about – what are people going to be doing in this building between these trips that you keep talking about, the enrichment time?

Mr. Travis: They'll do activities that help them maintain – they may do – learn how to write their name, arts and crafts. They do have some – each client will have their own vocational skill goals that are set up through the service plan and some will work on skills that make them more independent on their training skills.

Mr. Donovan: How many folks at a time are going to be in that building?

Mr. Travis: I do not know because I don't know what the occupancy is.

Mr. Donovan: Because that's a small building and I'm—

Mr. Travis: No. It's pretty large. It has – well, everything's – it's not a standard house. There should be a diagram of the building.

Mr. Donovan: I've seen it. I've been by it.

Mr. Travis: The inside of the building – okay. There's no wall. All the _____ have been taken out so when you walk into the front door there – no, the front door is down at the bottom – there's a receptionist's desk there and then there's open space there and then when you walk there, there's three round tables there and then when you walk into the next room, that is more of an arts and crafts room, so there's a large table and chairs going around that way and the next room beside that at the end is a – I have it as a library and a reading room, like a quiet area of chairs and beanbags so they can watch TV. And then the room next to that I have three round tables, a refrigerator so when they bring their packed lunch and they eat lunch there. And then the other room is my office and then the room in front of that, I have just a regular style kitchen table there and then I have a sofa, loveseat and four chairs in front, in the area like a little sitting area with a TV so they can watch TV.

Ms. Wallace: So, if for some reason, you can't take your fieldtrip due to an emergency change of plans, there's plenty of space there for your 12, because I think you said there would be 12—

Mr. Travis: I put 12 because I don't know what the – it would depend on occupancy level and then it's also the way the clients come in, there's an intake process and so they have to meet certain criteria to be a part of the program so they can't have any severe behavior concerns, they can't be a runner, they can't have any high medical needs. So they have to be independent and function enough to be within a certain environment. And so that list there is the staff requirement for them to be employed. And so the space is functioned to, like I said, I don't know the occupancy and that would become occupancy. Like I said, what I'm saying for my agency, we're not going to take anymore than 12 clients and they have the option to coming all five days or all three days.

Mr. Donovan: When you say 12 clients is that total for the whole day or—

Mr. Travis: That's the total for the whole day.

Mr. Donovan: So the morning shift and the afternoon shift—

Mr. Travis: For a day-hab, no. It'll be 12 clients from 9 to 3 and with 12 clients that means I would have four to staff unless their deemed 1 to 1.

Mr. Donovan: Now what about these adults? These are older?

Mr. Travis: That's what I'm talking about. We're talking about adults.

Mr. Donovan: Now, what about – are they going to be driving themselves there?

Mr. Travis: No. They have transportation that will – they either have COTA Mainstream that will drop them off or we have agency vans that will pick them up and drop them off.

Mr. Donovan: So there won't be a need for parking there?

Mr. Travis: No. There's nine parking spots in the back of the lot. There's four right behind the building and then there's another – there's another, I'm sorry, five—

Mr. Donovan: Is that those apartment complex things or whatever that thing is there behind there? Lynn Village?

Mr. Travis: Yeah, I guess.

Mr. Donovan: So, your driveway or your front yard are more or less a side yard of the driveway?

Mr. Travis: Yeah. It is a driveway. The driveway is combined with the apartment complex and in the back of the building there's five parking spots in the first lot and then there's four in the second.

Mr. Donovan: So you think you'll have 12 during the day and how many kids in the afternoon and what are you going to do if they want to go outside and run and play?

Mr. Travis: No. We do field trips. Right now I'm renting a church and so they'll do more physical activities there because they have a big gym. They have a real big gym that we use so that's mainly what will be. Originally, my thought was to only use the building as my office space in day-hab. I really was not looking to put the center

there but, like I said, I don't have that many kids right now because right now we only have nine kids enrolled.

Mr. Donovan: Now, the children that are going to school, are they all mainstream?

Mr. Travis: No. They either have an IEP or they go to a charter school.

Mr. Stoffel: Well, just for conversation, it's hard for me to see how it really fits under Residential Care Facility because as strictly residential care it doesn't talk about anything as far as rehabilitation or training or anything like that. To me, it reads more of residential care. I don't know what you guys think. When I look at it, it looks to me like it probably falls more under Special Exception Use.

Mr. Donovan: _____ says it can't be occupied by more than five people and I would assume that's considered being staying there overnight or for extended periods of time.

Ms. Wallace: They're not going to be staying all night. It's a day program.

Mr. Donovan: Right. But it says here that there can't be more than five in declaring it a residential—

Ms. Wallace: Where's that at?

Mr. Donovan: Oh, let's see, by E.

Mr. Travis: See I don't know _____. I mean, if you tell me it's five, then that's what I have to take. Like I said--

Mr. Donovan: That's why you were talking about it being a residential community, meaning that you would assume that people would be staying there as part of a program.

Mr. Travis: No, they wouldn't. No, it's only a six-hour program.

Ms. Wallace: I think that's the confusion, because when you think residential, you think that means you're going to spend the night there but the day programs, there are different ratios.

Mr. Donovan: That's what I know. That's why they call it a residential.

Ms. Wallace: Yeah. So I think the words residential care facility is kind of deceiving in this instance, because I think we're looking more towards a day program as opposed to an overnight program where you'd have to have sleeping facilities for people. I mean, a day program requires a lot less space per person than an overnight

program or a live-in program. I'm taking E under 1177.04. I'm taking that as in a sleeping environment, because the next thing is kind of talking about sleeping, too. So I'm taking E as if it is an overnight environment as opposed to a day program environment.

Mr. Enfinger: So then, if that's the case, then that would almost mean by default that this couldn't be considered as a residential care facility. Is that what I'm gathering?

Ms. Wallace: No. But it could be because if you have a facility that says if you're sleeping over, then you can't have anymore than five plus your two staff members; but if it's a day program, then you can have more than five. Because with a sleeping you require more space and like care facilities for bathing and things like that, but for a day program the space requirements are different because you're not requiring beds or cots and things like that. You require tables and chairs, bean bags on the floor, as he said. So I'm taking it as that it would-- The word residential, I think, is throwing all of us because for at least myself, residential means you sleep there. I think that's just because that's -- I think it's just the wording. I think everything else is fitting in, in my opinion, into the definition that says it's a dwelling that provides -- I'm on page one here under 1177.01 definition. It's a dwelling that provides services and resident supervision, which resident is the person themselves. It's not like a residence, it's a person -- supervision to whom or to those who are aged or handicapped or diagnosed, etc., according to those things. So this is -- does this building -- will it provide services and supervision and education or training to those who are developmentally disabled?

Ms. Moeller: I just wanted to mention that a residential care facility, according to the code, means a dwelling and this use used to be an office before this proposed use, so I just wanted to mention that was part of the code as well.

Mr. Stoffel: This is why I think it's Institutional because on the residential care facility it doesn't mention -- the Institutional covers most of what he's talking about when it talks about Section 1131.02. It'd be on page 5, Institution for profit, non-profit or not for profit activity, but not including public uses providing social, cultural, educational, or health services to member agencies, organizations or individuals or to the general public which may include the following: hospital, nursing home or assisted living establishment, elementary, secondary school, daycare. I don't know. I think it dabbles in each of it and I don't know which is more correct.

Ms. Wallace: I think we also could look at which -- would that really affect the use of the building. Is it the same? Are we going to provide the programming? I'm not sure, in my opinion, if we would need the Special Exception because the definition of the care facility, it's a dwelling which is the building and it's providing services and supervision and so that fits that exactly. I mean, that's exactly what it is. It's a building that's -- their having some attendance or whatever the qualifications are, teachers to assist to teach activities of daily living, how do you survive in this environment with your disability. So, for me, it fits the definition of the care facility exactly on that Section 1177.01.

Mr. Enfinger: In 1177.02 and under Purpose, it says to avoid – one of the reasons to do this, to go through this process is to avoid a high concentration of residential care facilities and so I think that, you know, we really have to kind of be cautious, because we want to make sure we designate it correctly. That was the question I had before about the 3,000 foot radius because then this does trigger, if we do list it as a residential care facility, then that does trigger a 3,000 square foot radius – or 3,000 square foot, is that it, or 3,000 foot radius. It wouldn't be a square foot, it would be a radius, so I think that when we do decide we need to keep that in mind that we have that triggering effect with the 3,000 foot radius. To me, if we're looking possibly, and I'm just thinking out loud for now, but as we proceed it might be beneficial to, like Dave what you had mentioned, it looks like we're seeing some of the similar language under both, like what you had mentioned under – on the staff report, so that was – I've got some of my papers backwards here. But under the Business Uses for Institution, the definition that you mentioned under 1 Assisted Living Establishment or under Number 2 a daycare, if in fact we do identify it as a residential care facility that does help us to avoid the concentration in the area if we were to decide to go ahead and to grant this or classify the inner-circle communities or inner-circle communities as a – I think you understand. So you follow? Because if we didn't and we just classified as it as an Institution then that leaves that window open in that 3,000 foot radius for another residential care facility and, again, we might not be able to kind of put the brakes on some of the concentration issues that we might be concerned with.

Ms. Wallace: Because under the care facility the original thing, we do have the 3,000 square foot and under the other one we don't, so—

Mr. Enfinger: Correct.

Ms. Wallace: --there would be one next door and next door—

Mr. Enfinger: As far as I know there's not. I mean, I haven't seen it in any of the paperwork that there is a limit on the number of "Institutions" that can be in that area. So it could possibly benefit us. I mean, long term for something like that.

Ms. Armintrout: Do we have any other establishments like this in Reynoldsburg?

Mr. Enfinger: I do know that there are some. My daughters go to the school and I did receive an email from one of the principals, one of the administrators, talking about an individual who was living in a residential care facility, just a couple of blocks away from the high school that had approached a 10-year-old girl and there's actually a couple of weeks back-to-back where we kind of had a couple of events,. So it might benefit us, since we do – we know we have some of them in the area, you know, and they provide a good service to the community but we don't want the concentration, but it is nice to have them because there is the need. But I don't know. That might be

something that someone else might be able to answer. I don't know how many and I don't know if it's in the radius. Maybe you might know, sir?

Mr. Travis: I've got MS. I'm sorry. I can't stand for long periods of times. Right now, we currently service six families that live off of _____ and those six will be coming to the center in the afternoons and then we have 10 families that go to our summer camp program in Reynoldsburg.

Ms. Armintrout: Can you tell me the definition of – because when I hear things about this type of establishment I also hear the word or the term “group home.” Is it the same thing or is that something different?

Mr. Travis: No. Group home defines when you have more than one individual living in a shared home environment.

Ms. Armintrout: They're actually living there?

Mr. Travis: Yes. They sleep, eat, drink, shower, bathe. I don't know if you know Columbus, but do you know Kimberly Parkway, Hamilton Road?

Ms. Armintrout: Um-um.

Mr. Travis: And then you go about a mile east of that, there's a big building on the left hand side. Those are considered group homes and basically you either have three to five individuals living in that one home setting.

Ms. Wallace: According to my experience with group homes as opposed to things like this, a group home you usually have one attendant that lives in the home and you can have numerous people with a variety of different disabilities or handicaps living in there and it's more of a home environment as opposed to an instructional environment. I've read this cover to cover and the things that they offer here it's more a training – not training, but it's teaching them. They're going to learn how to balance checkbooks, they're going to learn how to go to Kroger's by themselves.

Mr. Stoffel: Life skills.

Ms. Wallace: Yeah, life – it's life skills and so it's not a living environment, it's more of an educational environment without being a school and the ratios are really good ratios with one-to-one especially if you have somebody with a higher level of need and if they have the staffing, which I'm sure if you have four one-to-ones you're not going to have four teachers and then have five other clients there with you, so the ratios according to the need of disability, which there are guidelines for that all over the place.

Mr. Travis: Yeah.

Ms. Wallace: I think it's more of a life skills training and a respite care for people that need their kid to go somewhere after school because they can't go to latchkey, send the kid to latchkey and they're in the gym of an elementary school with 60 other kids with two teenagers and how would a kid with autism survive in that environment? They wouldn't, so they need somewhere to go for their individualized care to continue after school until their parents get out of work, so it's more – it's definitely not a – I don't feel it's a group home environment.

Mr. Travis: Yeah. What I have found in the last three years, latchkey or any toddler – what's it called, Kiddie _____ on Morse Road. They won't take any kids that have a DD diagnosis because of the behaviors and so I have two clients that go to Reynoldsburg City Schools that Mom had to pay out-of-pocket because Title 20 had cut her off because of the behaviors her child was having. So that was one of the reasons why we had the after school program, to kind of help her and it's actually a little better for her son because we're more able to deal with the behaviors and we can deal with the outbursts and stuff like that.

Ms. Wallace: Thank you.

Mr. Stoffel: Does anyone have any other questions? (No response.) So I think then, Megan, all you're going to do is take a roll call and we're going to vote whether or not we agree that it fits under the residential care facility, correct?

Ms. Moeller: Yes. That is correct.

Mr. Travis: What does that mean? Does that mean I have to go to the next step or does that mean I don't? I'm still confused. With was just said just kind of went over my head and I'm still confused.

Mr. Stoffel: It means if we approve it, Megan will tell you what to do next. And if we don't, we'll move on to the Special Exception for it, but this probably won't take too long.

Ms. Moeller: No. It's relatively simple once we figure out what we're going to do.

Mr. Stoffel: Do we need a motion?

Mr. : Yes.

Mr. Enfinger: I make a motion that we move to adopt Item B1, Section 1139.01. The determination of the meaning of the Permitted Use and Special Exemptions listed in the CO District.

Ms. Wallace: I'll second.

Mr. Stoffel: Take the roll call?

(Ms. Moeller called the roll. Mr. Stoffel voted “yes.” Mr. Donovan voted “yes.” Ms. Wallace voted “yes.” Mr. Enfinger voted “yes.” Ms. Armintrout voted “yes.”)

Ms. Moeller: Okay. So this basically means that Special Exception, that whole application, that whole process won’t be necessary. So I believe you’ve already submitted a zoning certificate with us, so we will approve it because it is a permitted use within the area. And then you will pick up a zoning certificate for that and then you will also – I don’t know if you’ve contacted the Building Department yet, but I would recommend contacting them. And then in case you want any signage or anything like that, that will also come into play and you’ll need sign permits and building permits for that. But just for now, a zoning certificate.

Mr. Enfinger: I do need to interject. Since we have decided that it is a residential care facility, under Item G, the minimum requirement for issue of permit, there shall be no signage identifying the dwelling as a residential care facility erected in the yard, posted in a window or mounted on the building.

Ms. Moeller: Yeah. Right. This is true.

Mr. Enfinger: So just you can be aware of that, too.

Mr. Travis: (speaking off mic)

Mr. Donovan: No.

Mr. Enfinger: No. There’s no signage. Now, I mean, if that was unsatisfactory to you we could proceed with the next and – or I don’t know. Actually not at this point.

Ms. Wallace: Come back for another request.

Mr. Enfinger: Yeah. You just have to maybe make it a – they’ll let you know.

Ms. Moeller: We’ll be in contact, but basically for just right now you have a zoning certificate with us and contact the Building Department for a building permit.

Mr. Travis: (speaking off mic)

C. OTHER BUSINESS

Mr. Stoffel: is there any Other Business?

Ms. Moeller: Well, there was the Special Exception but obviously we won’t need to talk about that at all.

Mr. Stoffel: If no Other Business, we'll adjourn at 7:07 p.m. o'clock.

David Stoffel, Vice-Chair

Megan Moeller

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