

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS APRIL 16, 2009

A. CALL TO ORDER

1. ROLL CALL

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

2. APPROVAL OF MINUTES OF MARCH 19TH MEETING

Chairman Feeney: We'll go on to Item A-2 which is approval of the minutes from the last meeting. Are there any changes? (No response.) Hearing none, we will stand approved.

3. APPROVAL OF AGENDA

Mr. Feeney: Go to Item A-3, approval of agenda and any change to the agenda, the right one.

Mr. Domini: Two changes. The first is Item C-2. It should read present zoning neighborhood commercial, not residential and the other change would be to move Item 7 which is for 610 North Lancaster Avenue, that Special Exception to be heard before both variances. So Item 7 will become 5 and then 5, 6 and 6, 7.

Mr. Haire: I'll move that we amend the agenda.

Mr. Long: I'll second.

Mr. White: Just one question. The first amendment, I didn't get that. What was that again, please?

Mr. Domini: The zoning is actual neighborhood commercial, not residential.

Mr. Haire: Item C-2.

Mr. Feeney: Yes.

Mr. Domini: Do we need a roll call on the amended agenda to stand approved?

Mr. Feeney: Will stand approved.

4. SWEARING IN OF SPEAKERS

(Mr. Feeney administers the oath.)

5. PUBLIC COMMENT

Mr. Feeney: Does anybody have any public comments other than what we're going to speak about tonight? (No response.) Hearing none we'll go ahead and start with Item B-1 which is Unfinished Business.

B. UNFINISHED BUSINESS

1. MAJOR SITE PLAN REVIEW: ADDRESS NOT DETERMINED ON PARCEL ID 115-026610-00 (ADDRESS TO BE ISSUED BY EMH&T AT A LATER DATE): PRESENT USE, AGRICULTURAL; PROPOSED USE, NEW HIGH SCHOOL & ELEMENTARY SCHOOL, PRESENT ZONING, S-1. CONTACT: MARK LARRIMER (MOODY NOLAN, INC.) (7547-Z).

Mr. Mitch Banchefsky: Members of the Board, Mitch Banchefsky with Schottenstein, Zox & Dunn on behalf of the Reynoldsburg City School District. As you recall, we were here last month. Ron Strussion, the business manager is here as is our team of consultants. What you should have at your place, I believe, would be revised sets of plans and what we're going to be showing is a Power Point, which I realize you can't – or can you see on your monitors?

Mr. Feeney: Yes.

Mr. Banchefsky: Good. Let me just update you before I turn it over to our team members in terms of what we have done since we were here last month. Again, I can't stress enough before I do that, that we have to have this school district, or this school open for fall of 2011. We are up against a very difficult timeframe. We've made commitments to the voters, we have a levy on next month and time is absolutely critical. We understand the issues raised by the City last month. Since then, we met with Jim Miller who I expect to be here. Have you guys heard?

Mr. Haire: I don't believe that he will be here, no.

Mr. Banchefsky: Okay.

Mr. Feeney: We do have a letter from him.

Mr. Banchefsky: And I realize that you do have a letter indicating his position. The bulk of our meeting that we had involved the City's traffic consultant with Mr. Miller talking to our consultants and, particularly, our traffic consultant to address issues. Most of those issues, I think, now fall into the category of these things can be worked out. I believe that Mr. Miller's report or letter to you indicates that he is in favor of conditional approval, at least from an engineering standpoint. Issues that the Board asked us to look into at the last meeting was the – I will address those now. The first one was the access or availability of water and sewer. We still don't have a final report back from EMH&T, but we have heard from two different sources, one from Jim Miller and the other from Glen Dugger, who actually commissioned the study, that it looks like there will be adequate capacity in the sewer which was the main issue. So we would anticipate getting all of our utilities from the City of Reynoldsburg. I also verified that the calculations at EMH&T, or the assumption that they're working on, is for a standard school and it does involve a LEED's certified school which would have less effluent, less demand on the system. So we're very hopeful when we get that final report, that will indicate that we can tie in to City utilities. We have shown on the plan how we would access Southwest Licking if we need to, but, at this point, it doesn't appear that we will.

We also – a question was raised is can we cross the Southwest Licking Water & Sewer District's lines. The answer is yes. They do not appear to be in easement, rather they appear to be in right-of-way, which would be the City's right-of-way and we're told that that's not an issue at all, providing it's properly engineered and obviously it would be. Your additional materials include a letter from the Reynoldsburg Police Department as well as the West Licking Joint Fire District, indicating that the revised plans are acceptable. That was one of the other things that was asked for at the last meeting. Landscaping was also an issue with zoning and I believe that you've been provided additional documentation and the bottom line is landscaping will be per code.

One of our drawings in this revised documentation still shows the Y.M.C.A., proposed Y.M.C.A. on the plan. At Jim Miller's suggestion, we have taken that off our official drawings and basically his rationale was your consultant should design the site so it can accommodate a Y.M.C.A. but right now you're not building one, so let's do the analysis based on what we know you're building. If and when the "Y" comes in we'll come back, present it to the Board and make sure that that works. So hopefully that will simplify the analysis also. Easements were granted to the City, or were provided to the City by the property owner that the district purchased the property from. Those were conveyed late last year or transmitted late last year. This is for the water and sewer. And I have not been able to verify with the City's Law Director that he has those. Staff has looked and has told me that they don't believe the City has them. I was provided with a transmittal letter where they were forwarded to the law director's attention. So if that hasn't happened or if those documents have to be re-created that's not a problem, but those easements will be available. And I'm also told that, based on the revised Mueller Drive alignment, that the applicant – or that the former property owner with some nudging would agree to re-align that so that the waterline tracks Mueller Drive.

As I said, Jim Miller is indicating that preliminary approval from his perspective from an engineering perspective is warranted. Storm water is an issue which I'll let our people talk about and, as I said, the major items were traffic related. We had that meeting a week or so ago and there was an agreement as to the additional issues that our traffic consultant was going to address. We all agreed that there wasn't enough time to get those addressed, but, as I said, we came to basically a concurrence in terms of how they would be addressed and hopefully what the information would provide. Based on that, Jim was comfortable enough to recommend a conditional approval. So, unless you have any questions of me, I'll turn this over to Brent and he'll just walk you through the documentation.

Mr. Brent Wilcox: Thank you, Board members. I'm Brent Wilcox with Moody Nolan. I will walk you through the documents on your screen. I don't necessarily want to re-create everything we did at the last meeting, but will hit some of the highlights and some of the things that you had asked for revision. You can go to the next slide, please. There was relatively no change on this slide. This is the overall site plan. On this document the Y.M.C.A. has been removed. You will see a couple other drawings that it wasn't but, like Mitch had said, that we are calculating without – we are showing it without the Y.M.C.A. So, advance, please. Again, this is the circulation throughout the site. In particular, concern was the orange areas which are for the drop-off for the bus loading and the purple which is the parent/student drop-off area zones. We've indicated circulation passes are all the same as the last meeting, but we wanted to highlight on the next slide the bus drop-off. This is the bus loop. In particular, we are indicating two scenarios. One of which is where we are indicating 25 buses around the entire perimeter. However, on the right graphic, we are showing 25 stacked busses. Those are two busses aligned and then a driveway to the non drop-off side where cars could actually pass. However, I think that's such a – it's a very short period of time which they are there, that that situation occurs very – I mean, once a day basically. Next slide. Parent drop-off on the north side at the high school is shown on the left graphic. That drop-off area will hold 24 cars, all dropping off to sidewalks. There will be no – I think the concern was backup onto Summit Road. We have no concern about that. And then we are showing on the elementary side 14 cars in the parent drop-off in that location. And, again, Jim Miller was pleased with what was happening there and is showing his conditional signoff.

At the last meeting you had asked for – this is the utility plan showing water, sanitary and storm – actually it's water and sanitary and storm, yeah. The blue indicates the water line connection details. You had asked for it to show both conditions. The heavier dark box at the top left of the screen is the Reynoldsburg connection to the water and the adjacent lighter blue is the Southwest Licking County connection. However we're obviously, as said, we're looking to connect to the Reynoldsburg water. And then the bottom, which is the orange, is a connector location for the sanitary. Again, the dark orange box in the bottom left is the connection to the Reynoldsburg sanitary system, and again, the Southwest Licking on the right. So we are showing all four conditions just to show you that it can be done. Next slide, please. We had provided – in our documents we provided you with nine copies. This is a

graphic showing the light distribution of the light poles on those plans. So they are – I believe the code states it's a 20 – 16 foot pole. I think there's a combination of 16 foot and 25 foot poles on the site to get the proper distribution of light on the site and not throw light into adjacent properties, so there are cutoff fixtures on all the perimeter lights. Next slide. At the last meeting you had asked for specifics on zoning requirements for plants, specifically trees and shrubs and I'm having a hard time reading that, even here. I think it was four shrubs for every 10 parking spots and I think it was one parking spot for every ten for the trees. Those trees are indicated on the site plan in purple. Shrubs were way too small to show you, but they're there. Next slide. And then we wanted – I don't know, Ron, did you want to speak to this a little bit? We wanted to give you a graphic representation. We keep showing you construction documents of the site. This is a 70 acre site. The construction documents actually make the site appear a little bit more crowded than it really is. With the high school on the north and the elementary on the south and the soccer-specific piece to the east, there is relatively a large degree of open space, open land, with just sidewalks and parking occupying the extra space. So, what we wanted to do was give you a three-dimensional view of what that is. So, the next slide. This would be the view from Summit looking southwest. You're looking over the parent drop-off. You're looking at the high school primarily in the foreground. The bus loop is beyond and you see the elementary beyond that to the south. And then off in the far distance you see the soccer-specific stadium. Again, it's just to show you that this is a large site and just to get some scales and see if you understand. That is to scale.

Mr. Ron Strussion: Ron Strussion, Reynoldsburg Schools. What we're trying to show you is that this is a large site and when you look at it on a schematic with the drawings, it looks like it's all bunched together. And when you see it in 3D, you can see that there's plenty of room and a lot of space, lot of green space on the site. The other thing I wanted to stress is that we chose to put the high school on the north end for particular reasons. These are – both of these buildings are going to be LEED Silver buildings. And we're looking at day-lighting. We're looking at water runoff and we're looking at the center loop. Where the bus loop is that's where the well fills are going in for the geothermal that will feed both buildings. So it's not just particularly that we chose to put the high school on the north side, but there's 90% of the classrooms will have natural day-lighting in it. There's light shelves as you can see, around the building that bounces the light into the rooms so that you can reduce the energy consumption. This will be at least a LEED Silver and, from the point that we have it, it may even be Gold. So – but that's why we chose it this way. I don't want you to think we put it there just because that was the way it was. And the drainage of that site drains from the north to the south. And it gives you a better perspective of how big that site really is. You got the next slide? That's looking from the stadium back out toward the front and you can see all the open space and green area out there.

Mr. Wilcox: We had met with the West Licking Fire Department. This is their letter of approval. We did add – it was a profitable meeting to go to. We did add a couple fire access lanes, so the visit was well worth it and a re-visitation showed us some additional things we could do, but we got their additional signoff. And then the

next slide is the police department review and generally, they were looking for security cameras, was their biggest issue on the site. And we had sent them copies, which is not in your packet but that can be provided to you, all the camera locations, the sweeps, what those coverages are, so the entire site is covered from a security standpoint. We intend to go back-- They did approve the building on the site. We actually do intend to go back to them for a second review just to review it with SWAT and additional elements of the police department. I do have copies for each of you on those, so we brought those.

Mr. Banchevsky: Let me just correct one item. We're not going to share the security cameras with you, because those should not be public records for obvious reasons. Suffice it to say that that PD was happy with what we've shown them. So, with that, we still have some work to do and we're going to complete our work to address the primarily traffic issues that Jim has raised. But, as I've stated and as he states in his letter, he doesn't feel that that's an impediment to moving forward with his conditional approval. We'd be happy to take any questions and we're looking forward to an approval tonight.

Mr. Brusk: You had mentioned that you had talked with the West Licking Joint Fire District and that you found some actions that needed to be taken. I think that this is a good example of why we asked for that kind of -- why we asked did you talk with West Licking, just to make a point.

Mr. Banchevsky: Understood.

Mr. Brusk: We appreciate that you did that. That's the reason that that type of information is requested.

Mr. Long: You mentioned the fact the flow study hasn't been completed yet. I got two questions as to when do you feel that it is going to be completed?

Mr. Banchevsky: Well, we were told it would be completed about two months ago. And we reached an agreement with the property owner that sold us the property to share the cost of that. The district paid the money. There were some issues, I think, with the City in terms of the scope of that flow monitoring, but the monitors were put in. There was significant rain events which is a good thing to get a proper analysis. The monitors have now been pulled. EMH&T has the data. We were hoping that we'd have the data to share with you tonight. All I can tell you is that the preliminary -- as I said, the preliminary reports -- verbal reports from EMH&T to both the City Engineer and to Glen Dugger representing the former property owner, is that everything looks good. And that is for a non LEED certified school so we're very optimistic that there'll be sufficient capacity in the sewer, which is the only issue. The water is not an issue, but we feel that the sewer that's out there has enough capacity to handle our facility.

Mr. Long: What would be the process if it's not?

Mr. Banchefsky: Well, that's the beauty of it. We would just tie in to Southwest Licking.

Mr. Long: And that has been determined-- Mr. Haire, that can be legally done?

Mr. Haire: I don't know. I don't know the answer to that question.

Mr. Banchefsky: I addressed that issue with Jim Miller. Obviously he's not the City Attorney, but he provided me with the water and sewer contracts that the City has with Columbus. They are not exclusive. Most of Columbus' contracts with the suburbs are exclusive, you cannot provide -- you cannot obtain utilities from other entities. But because Reynoldsburg is master metered, the contract does not prohibit tying into another jurisdiction.

Mr. Long: Okay. But we haven't received any legal opinion from the City itself on that matter.

Mr. Banchefsky: That's correct.

Mr. Long: Okay.

Mr. Banchefsky: I'm absolutely confident that when that does come, it will concur with what the City engineer has said and my read of those contracts.

Mr. Feeney: I think we've got all the answers to the questions we proposed last month. I don't know if there's any additional questions with the new information that we have. Does anybody--

Mr. Haire: What's the schedule for the traffic study being complete? There's some revisions that need to be made, and I don't know what the schedule is to get those done and I imagine this can be done fairly quickly?

Mr. Banchefsky: Um-um.

Mr. Doug Bender: Doug Bender with MS Consultants. We are working on it currently. I think the goal would be middle to end of next week to have that turned back in. And, again, at the latest probably early the following week, so it's coming shortly. That's the plan.

Mr. White: I understand that the water flow study will be possibly be later in the day?

Mr. Banchefsky: I'm sorry, be available.

Mr. White: Water flow study will be available at a later date, is that why you're saying?

Mr. Banchefsky: The availability of water to the school or the storm water?

Mr. White: The storm.

Mr. Haire: The sewer--

Mr. Banchefsky: On the sewer?

Mr. Haire: --I think is what he's talking about.

Mr. Banchefsky: The sanitary sewer study is what we're waiting on and we should have had that already. All we can do is wait on it, for EMH&T to produce that. But, as I said, they've said that it looks very good.

Mr. White: Is there an alternative plan if the City comes out and shows the sewer flow would create a major backup?

Mr. Banchefsky: Yes. That's why we showed Southwest Licking. Southwest Licking has water and sewer lines right in front of our site on Summit Road. And we would prefer to obtain our utilities from the City because it is less costly, but as a backup we can go to Southwest Licking. We've already talked to them. They would love to have us as customers, so that shouldn't be an issue. It's actually easier for us to get utilities from Southwest Licking than it is to extend City services to our site.

Mr. Haire: On some of the drawings and some of the renderings, I noticed that there's parallel spots on the bus loop and on others those were gone. Are those being removed or are they staying in?

Mr. Banchefsky: An issue was raised about parking in the bus loops, so what our plan should reflect is that the parallel parking has been removed.

Mr. Haire: Well, thank you all for addressing the concerns that we had at the last meeting. I know you all worked very hard this past month with the City Engineer on trying to get those things done. I know the Board appreciates that. I think I'm comfortable with a conditional approval based on them meeting the concerns of the City Engineer over traffic and storm water and on the outcome of the final utility study. Regardless of how the final utility study comes out, they can go either way, with the City or Southwest Licking.

Mr. Feeney: They have a solution.

Mr. Haire: Right. And hopefully they'll have a solution, so with the condition that the traffic study be complete to the engineer's satisfaction prior to the plot grade utility and the condition that the storm water study be completed at engineer's satisfaction prior to the plot grade utility.

Mr. Brusk: I'll second.

Mr. Feeney: Can I hear the roll, please.

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

Mr. Feeney: It's approved. Thank you very much for coming back.

C. NEW BUSINESS

1. SPECIAL EXCEPTION APPLICATION, 6521 E. LIVINGSTON AVE., REYNOLDSBURG, OHIO, PRESENT ZONING, COMMERCIAL; PRESENT OWNER'S NAME, E.V.BISHOFF COMPANY/TAMMY COLLINS; EXISTING USE, VACANT; PROPOSED USE, CHILD DAY CARE CENTER. CONTACT: JEFFREY HECKMAN (19-SE).

Mr. Feeney: Please state your name and explain a little bit what you want to do.

Lysette Austin: My name is Lysette Austin and I am an associate of Tammy Collins. We want to open a second day care in that vicinity with E.V. Bishoff. We want to open up a second day care. We have a day care there now, but we want to open up a second one.

Mr. Domini: Mr. Feeney, the property is zoned CC, Community Commerce. The present day care did receive a Special Exception back in 2007 under 15SE and the business is run as TSC Child Care in the Blacklick Plaza now. I don't believe legislation was introduced by Council when that application was approved by the Board back in 2007. Currently TSC Child Care occupies two spaces in the retail center. The applicant has indicated that the hours of operation will remain relatively the same, 7:00 a.m. to 6:30 p.m. Monday through Friday, staffed with three employees, and care for children from 18 months through 12 years of age. This drawing shows generally right in this vicinity where the existing child care is. The proposed space is next to the end cap on the southwest side, is that correct?

Ms. Austin: Uh-huh.

Mr. Domini: There's an end cap unit right here. The outdoor play area that's currently being used is right here. That's a fenced-in area behind the buildings. Here's a picture taken of the TSC Child Care that's existing now, taking up those two tenant spaces. I believe the spaces that they're requesting to go into is this end cap. Is that correct, ma'am?

Ms. Austin: We're requesting to go into—

Mr. Domini: Oh, I'm sorry, this one right here.

Ms. Austin: --that one, uh-huh.

Mr. Haire: So will this be operated as a separate business, or will it be operated as the same business in just two locations?

Ms. Austin: It'll be a second business. It'll be separate.

Mr. Haire: The same operator, though?

Ms. Austin: Yes. Well, I'm her administrator. She'll be the owner and I'll still be the administrator there.

Mr. Domini: And you still intend to use the same outdoor play area? Will that be expanded or changed?

Ms. Austin: No, we wanted to put – have a fenced-in area. To the rear, or adjoining the day care that we're requesting.

Mr. Haire: Right next to the building?

Ms. Austin: Yeah.

Mr. Haire: Is there a walkway that goes between the buildings there?

Ms. Domini: Yeah, there's a walkway. In the corner there's a walkway that leads there that leads to the proposed play area—

Mr. Haire: And it won't block the walkway?

Ms. Austin: No. No, it'll be off the walkway.

Mr. Domini: I will note for the Board that the rear of this structure continuously has code violations, so I would have some concern that those don't continue. We did talk with the plaza manager this week regarding some of those issues that are occurring with the grocery mart there in terms of storage of rubbish and debris behind the plaza, graffiti, weeds, and maintenance of the gravel area. So I just want to make sure that the outdoor play area is not impacted by some of those violations.

Mr. Brusk: Where's the problem area?

Mr. Domini: Well, it's pretty much all the rear. There's a lot that occurs right in here. There's a dumpster here with a lot of debris, sometimes pallets are stacked out over here, which we correct and they inevitably come back. Maybe this actually might help police the center.

Mr. Haire: This should improve that, because the area that's fenced in will take up an area that would tend to get a lot of what takes place.

Mr. Brusk: Who's dumping there?

Mr. Domini: Various tenants put rubbish out to the rear of the plaza.

Mr. Haire: I think Code Enforcement's addressing that with the property owner, so I don't think that's something we need to take into our consideration here this evening.

Mr. Brusk: Is this going to be staffed by a separate group of people?

Ms. Austin: Yes. We're hiring a whole different staff.

Mr. Brusk: And that staff will be responsible just for that building or will the staff go back and forth?

Ms. Austin: No, sir, they'll just have that center.

Mr. Long: Does the state or the county regulate how many staff you have to have per number of children?

Ms. Austin: Yes, the state regulates how many. It's measured per square feet. The square feet of the building determines how many children that they have in that center.

Mr. Long: And then that dictates how many staff you have to have?

Ms. Austin: Right, because the ratio – you have to meet with the staff.

Mr. Haire: What is that square footage for this space? I don't see it noted in the application? I see three employees, but I don't see how many children you're going to have or how many square feet you have here.

Note: The exact square footage is 2,400 s.f., the existing space is 2,000 s.f. This information was obtained from E.V. Bischoff on 4/21/09.

Ms. Austin: I don't think she has that exact number. What she has to find out – she was given two different numbers. So until she has somebody come in and measure to find out the exact measurement, then we would be able to determine how many children we could have in that center.

Mr. Haire: Approximately how many do you think? It says you have a wait list of 15.

Ms. Austin: Yeah, it's getting higher. We want to have 45 and then, of course, the staff to meet that.

Mr. Haire: How many do you have in your current facility?

Ms. Austin: Right now we have 32 and that was okayed by the state, because when we were given our license, that's how many staff we had that would meet that 32.

Mr. Brusk: (speaking off mic – inaudible)

Ms. Austin: 45 additional kids to put in the center that we're requesting.

Mr. Haire: It's a bigger space.

Mr. Feeney: I was wondering why you're having two separate operations, two different facilities? Do you have the same age group in the first facility you have?

Ms. Austin: Our first facility, we had six weeks to 12 years old. The second facility we want 18 months to 12 years old. We'll have older children in the second center.

Mr. White: I see on your application here on the last page, it shows that you plan to have, based upon the square footage, of 14 toddlers, 24 pre-schoolers, 18 school agers. Is that accurate?

Ms. Austin: I believe so. I believe that's what Tammy had.

Mr. White: By my total that comes up to 56 children.

Ms. Austin: My number might be wrong, because she might have changed it since I talked to her.

Mr. White: And you have currently 36, you say?

Ms. Austin: We have 32 at our center.

Mr. White: Is there enough space there – enough parking spaces for the parents who drop off and pick up their kids?

Ms. Austin: Yes. There's a huge parking lot, the whole middle of the building, so there will be plenty of parking for the parents.

Ms. Austin: This center has ample parking.

Mr. White: I was curious myself as to why are the two facilities separated in terms of ownership? Well, they're not ownership. You apparently have some connection with the two.

Ms. Austin: They'll both be owned by Tammy Collins, so it will still be the same ownership. I'll be the administrator. So they'll still have the same owner and the same administrator.

Mr. Haire: The adjacent spaces are occupied, so there was no room to expand on either side of her current space. There's no space that's big enough to accommodate it all at one spot, so I think that's what's necessitating them to have two separate locations within the same facility.

Mr. Feeney: I thought it was going to be two completely separately run operations.

Ms. Austin: No. I don't know if she's going to name it – if it's going to be TSC, or be the same, but I know it's going to be owned by the same owner and run by the same administrator.

Mr. Long: How many staff do you have at your location now?

Ms. Austin: We have 9 on staff, which is more than what we had when we were licensed. When we were licensed, I think we had 6 but now, since we've been licensed, we've hired new teachers, then we have people who volunteer. We count them as staff, too.

Mr. Long: Okay, so you say when you were licensed you had 6 staff for 32 children.

Ms. Austin: Right.

Mr. Long: Is that the state's standards?

Ms. Austin: Yes. We have to keep it like that until we have the state come out and they make sure that the staff has the proper paperwork and go through the things that they have to do in order to be able to increase that number. We can change it from when we're licensed. We can hire new teachers, but as long as we stay at that number we were given.

Mr. Long: What concerns me, though, as we've noticed here, your total numbers are 56, but your application states that you only plan on having 3 staff.

Ms. Austin: I didn't fill that out. That won't be okay.

Mr. Haire: I think what she's saying is they have 9 staff currently and they only need 6, so maybe they're going to move the other 3 they have and go 6 and 6.

Mr. Long: But state requires 6 staff for 32, and even if they did split it 6 and 6, they're still planning on 56 over in the second location.

Mr. Haire: My understanding is that children of a certain age need a certain number of staff members, and children of other ages need less, depending on – the younger obviously needs more, so maybe that's the discrepancy.

Mr. Long: Unfortunately we don't have those to refer to.

Mr. White: Wouldn't that be a state requirement and they would actually check that and make sure it's in compliance with their requirements?

Mr. Haire: Right. I personally don't have any concerns whether it's 32 or 54 children, as long as it meets the state's requirements. In terms of access and parking and all the things that I would be concerned with in zoning, I don't have any issues with this site being a child care facility.

Mr. White: I have one concern though. Regarding the play area, you've indicated you're going to use the same play area that's currently being used?

Ms. Austin: No. We want to put a play area in that corner next to the building that we're requesting. It'll be fenced in. And before we even get the doors open to have any children in, we'll have to be licensed by the state and they will come out and make sure that we have enough staff and the playground was safe. They do all that before we can even open, you know, let any children in.

Mr. Domini: I know you're going to create the additional play area. Is the old one going to continue to be used as well or are you just going to use the new one for both operations?

Ms. Austin: We'll still use the other play area for that center and the new play area will just be for the new center.

Mr. White: One more question regarding the additional play area. I think one of the concerns we had before was the traffic that goes behind there. Is there going to be some kind of barrier to prevent traffic to flow into that area?

Ms. Austin: The fence. The way our kids are brought out, there's a teacher in the front and a teacher in the back and they walk to the playground down the sidewalk and then go into the fenced-in area where the play area is fenced-in.

Mr. White: How is the fence going to be stabilized? Is it bricks of some sort or is it going to be planted into the ground?

Ms. Austin: Yeah, in the ground like the fence that we have now. It's a fence into the ground.

Mr. Haire: Actually there's not a driveway there. I know it looks like it on this drawing, but there's actually no driveway. People drive through it, but it's grass. It's supposed to be grass. It's mud and puddles right now, but there's not actually a driveway. So traffic is not supposed to circulate around that site.

Mr. Domini: I spoke with the property manager this week about regrading that area, and controlling weeds and debris.

Mr. Haire: I don't know if there's a curb there or not. I don't recall. I drove down and looked at it, but I don't remember if there was a curb, but it's not paved and it's not gravel. It's just mud.

Mr. Brusk: Can we request that they block that off?

Mr. Domini: Parking blocks or something?

Mr. Haire: You said you did request that from the property owners. I know that's one of the things that Code Enforcement's been on them about is that area, getting that fixed up and reseeded, keeping people out of there.

Mr. Domini: That's something I can work on with the property manager in addition to cleaning it up and grading it is to put some type of blocks down to prevent thru-traffic.

Mr. Brusk: We would probably request that they put some kind of a barrier along the fence. So do we have some assurance in terms of what is being blocked off?

Mr. Feeney: Let me ask this. How well are you working with the owner, the property manager of the whole site? Are they working with you?

Mr. Domini: Well, it's a new manager. If history repeats itself, it's going to be a difficult road. I would like to have some faith that this may be different with the new manager, but I can't say for sure that all the issues we brought up to them are going to be corrected, this being one of them. Time will tell.

Mr. Feeney: Well, can we approve this so he can rent to the new tenant and fill more space if he puts parking blocks out there? And, of course, clean up the trash and things like that, but if he manages the site and he's going to rent the site, and he's going to have an additional tenant. And for the safety of the kids at both sites—

Mr. Domini: I would be in favor of that.

Mr. Feeney: I think that's pretty much what we're looking for. That we're dealing with a situation here to where people are driving through the mud and probably ignoring the fact that there's no through traffic to begin with, and they're not going to care if you put a group of little kids out there and just go flying through there around the corner and through the mud.

Mr. Haire: I worry about us putting something up that's going to block access if they needed it for emergency services.

Mr. Long: Well, it's not a through street to begin with, right?

Mr. Feeney: You can take a fire truck over the parking blocks. I'd feel safer doing that and having a full time protection except for a one-time use clause. I'll make a motion that we accept item C1 with the stipulation that they put parking blocks so that there is no through drive in the rear of the building at 6521.

Mr. Brusk: I'd like to amend that, because I don't think we have a right to block her from doing the day care if the owner's not going to cooperate. I would like to amend it that if the owner does not cooperate, that she have barrier to prevent errant cars from running in.

Mr. Feeney: That the applicant put the barrier up?

Mr. Brusk: Yeah, around her area that she's got blocked off. The fenced off area should have barriers if there's a drive through there.

Mr. White: What type of barriers are you referring to?

Mr. Brusk: Something that will stop a car, a high barrier. I think we did that on the fence over here if I'm not mistaken.

Mr. Feeney: We did that at the one up on Brice and Livingston. Well, I think we just have to stop the traffic driving through there.

Mr. Brusk: Yeah, but I don't know how we can do that on this. She has no capacity—

Mr. Feeney: No, but the owner does.

Mr. Brusk: Yeah, but he's not the one who's requesting this. That's where the problem comes in.

Mr. Haire: Sure he is. That's who the applicant is. E.V. Bishoff, Jeffrey Heckman.

Mr. Brusk: Then that's fine. I'm sorry, I misunderstood that.

Mr. Feeney: So the motion is that we accept Item C1 with the stipulation that they put parking barriers so that they cannot drive through.

Mr. Domini: The applicant's actually Ms. Collins. E.V. Bishoff is listed as the owner and contact person.

Mr. Brusk: Then I was correct, unfortunately. So I still go back to my statement, if Bishoff agrees, that's great. But if they don't agree, my recommendation is that she put up a barrier of the type we had on Brice Road.

Mr. Long: So you're talking to avenues of relief for her. If the landlord won't help her out with it, she's still going to be responsible for putting up a protective barrier to keep the kids safe.

Mr. White: I have one question. Currently there's a playground right next to that. Is there a barrier other than the fence there?

Mr. Haire: No.

Mr. White: Then what utility would we have, an extra barrier other than the fence at this one that's right adjacent to it?

Mr. Feeney: Are you talking about Norm's suggestion?

Mr. White: Yes. I'm just wondering, we're saying she has to get some kind of barrier in addition to the fence at this location, when right adjacent to that is a play area that has no particular barrier. So why are we making that kind of criteria for the second area?

Mr. Domini: I might make a recommendation that there be a sign "Slow Children At Play" would be much more easily implementable solution for the applicant. You talk about a barrier, you talk about engineering. If you really want something to stop a car, that would be a significant investment and I would want that to be reviewed by the building officials. Just a parking block or bollard is not going to stop a car.

Mr. Haire: I agree with Mr. White. I think we're blowing it out of proportion. There's no problems down there now with the play area. Have you had problems with people running next to kids?

Ms. Austin: No.

Mr. Haire: We're not down there every day and this location actually seems to be a much safer location. It's in the grass. You don't have to cross a parking lot. You come right out of the side of the building into the play area. To me it seems much safer than the other location even.

Mr. Long: Well, the other location is an active delivery area as well.

Mr. Haire: I move that we-- Well, actually I guess there's a motion already on the table, so I won't move anything.

Mr. Brusk: I'll withdraw the amendment.

Mr. Feeney: I make my original motion. C1 is moved for approval as stands.

Mr. Haire: I second.

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

Mr. Domini: Ma'am, just so you know and the next applicant knows, on Special Exceptions, Council can still choose to introduce these items if they choose so within the next 10 days. If they choose to do that, then the application will be continued on at Council; if not, will be approved. I will let you know whether or not it's introduced.

2. SPECIAL EXCEPTION APPLICATION, 1468 BRICE ROAD, REYNOLDSBURG, OHIO, PRESENT ZONING, NEIGHBORHOOD COMMERCIAL; PRESENT OWNER'S NAME, WILL H. & EVELYN E. PERRY; EXISTING USE, OFFICE SPACE – VACANT; PROPOSED USE, CHILD DAY CARE CENTER. CONTACT: SHAWN COLES (20-SE).

Mr. Domini: This parcel is zoned Neighborhood Commercial. Like the other parcel, state licensed day care is permitted as a Special Exception. It's near the intersection of Rygate – I believe it's an old State Farm Agency one-story dwelling. It is currently vacant. The building is approximately 1500 square feet. I counted approximately 10 parking spaces when I was on the site just the other day. There's a small front yard and small side yard which I'll show you in a second. The east and west sides of the property are asphalt. Child care is planned from 7:00 a.m. to 6:30 p.m. The applicant has indicated they will employ 4 staff members and care for children ages – 36 school age children from 6 to 12 years of age. This applicant has indicated that this center is designed more to be a before and after school program with academics being a big part of the child care program. This picture here is an actual aerial, so you can see access off Rygate here. It goes around the property out to Brice Road. This is the zoning in the area. To our south and west are commercially zoned and to the rear, which would be the east, is zoned R-3. Here are some images that I took the other day of the property. This is looking north toward Main Street. To the north is Excel, which is a temporary staffing agency. This is looking south toward Livingston and over here you can see the sign of the next business down is Dolphin. I believe it's some type of massage or spa facility. So you would want to consider whether or not this business is compatible with those businesses. And there's this existing pole sign that remains from the previous tenant.

Mr. Haire: Can you go back to the aerial of the parking lot real quick? Is this a shared parking lot with the property to the north or is it separate?

Mr. Domini: I don't know the agreement. Looking at the parcel boundary, I believe there's 10 spaces here, but there must be a shared access agreement between the two. Here's more pictures of the building and this is the rear, showing the R-3 residential to the rear. This would be going out towards Brice Road over here. That's all I have.

Ms. Sabrina Wolford: I'm Sabrina Wolford. The address that we're discussing is 1468 Brice road and what I want to put in the area is a before and after school program that starts at 7-6:30 p.m. I wanted to put it there because I see it as a big need for children between the ages of 6 and 12 years old, especially the 12-year-old children after school hours. I will have enough space for 40 children, but I only want to be licensed for 36. The center is going to be what we call a 21st Century Center and that center is more geared toward the community of Reynoldsburg. We'll be offering programs for the parents also, like Doughnuts and Dads, Muffins for Mom, workshops for the parents talking about credit, home buying and finances.

Mr. Haire: So will those be offered in the evening after the 6:00?

Ms. Wolford: Yes.

Mr. Brusk: Where would the outside play area be?

Ms. Wolford: If you look at the indentation right there from the northeast side of the building, I measured out 600 square feet. I'll only have between 8-10 children out there at one time. The state requires that you have 60 square feet per child for outside play, so I will have anywhere from 8-10 children, which I measured off 600 square feet.

Mr. Haire: You're talking just north of the building itself? Is that what you're talking about?

Ms. Wolford: Over a little bit, over a little bit more. Right there in that square area right there.

Mr. Domini: The asphalt area?

Ms. Wolford: Yes.

Mr. Brusk: Will it be fenced?

Ms. Wolford: Yes. There'll be a private fence with the signs up saying that the children are outside playing.

Mr. White: If that were the case, how would you manage the cars that park there if that area is to be utilized as it currently is marked off for parking area?

Ms. Wolford: There's enough parking space right there.

Mr. White: You're saying it's going to be in the asphalt area, right, for the play area?

Ms. Wolford: I'm sorry, I can't see right there.

Mr. Haire: Will it be in the paved area or the grass area?

Ms. Wolford: In the paved area.

Mr. Feeney: You'll be taking up two of the parking spots that are there now?

Ms. Wolford: Yes.

Mr. White: Where will the cars park?

Ms. Wolford: There's two parking spaces in the front of the building and there's 6-8 on the side.

Mr. Feeney: Do you know what type of agreement you have for ingress and egress using that parking – or the driveway on the north?

Ms. Wolford: No, I don't.

Mr. Feeney: So you don't know if there's an actual shared agreement there allowing you to use that?

Ms. Wolford: Are you talking about that parking space right there?

Mr. Feeney: I'm talking about the driveway that comes in off of Brice Road.

Ms. Wolford: I don't know. I can ask.

Mr. Long: Your application states before school and after school. Where will the bus drop-off be?

Ms. Wolford: It's two parking spaces right in the front. We'll use the one closest to the building for the bus drop-off.

Mr. Long: You will own your own bus and transport the kids back and forth?

Ms. Wolford: Yes. The bus will hold anywhere between 16 and 24 children at one time. It's a small school bus.

Mr. Haire: Where do you intend to park that?

Ms. Wolford: In front of the building.

Mr. Haire: It will fit in one of the parking spaces?

Ms. Wolford: Yes. It's very small.

Mr. Haire: It's more like a van?

Ms. Wolford: It is actually a school bus, though.

Mr. Domini: How many students does the bus hold?

Ms. Wolford: Anywhere from 16 to 24 kids.

Mr. Long: Aaron, what are the minimum number of parking spaces that are required?

Mr. Domini: The code doesn't explicitly define the number of spaces for child care, so it can be interpreted different ways, whether it's personal service, adult day care. Quite frankly our code in terms of parking ordinance is a little bit outdated. If you look at schools, it defines it by the number of seats in the auditorium, not by the number of students. So I'm trying to make a determination. I would say 1 to 200 is probably appropriate. That would make the requirement 7.5 spaces, there are 10 there now, take away 2 for the play area that leaves 8, plus on-street parking.

Mr. Haire: That's our typical standard for most uses is 1 to 200, which would mean 8 spaces in this case.

Mr. White: I guess I'm having trouble. If you have 36 possible kids at your school and you're going to take up 2 of the parking spaces, if, in fact, all of the parents came – you say you're going to use a bus, but if you – do you have enough parking spaces to accommodate on that premise itself, as opposed to using street parking?

Ms. Wolford: Do I believe I have enough? Yes, I do. With my experience – I've been in this field since 1992. There's usually no more than 5-6 parents picking up their kids at one time.

Mr. White: The school bus comes in, takes up one of the parking spaces. You said the school bus could handle between 14-24 students, so it's a large bus. It's not a van. It probably would take up a couple of those parking spaces.

Ms. Wolford: I would only take up one.

Mr. White: It would take one. Then you have parents coming in, possibly 6 using your numbers. Where would they park?

Ms. Wolford: There's extra parking spaces on the side.

Mr. Haire: Even if she loses two, there's still 8.

Mr. Feeney: How many staff do you have?

Ms. Wolford: There's 4 staff total, 3 teachers and 1 administrator.

Mr. Brusk: Are they full time?

Ms. Wolford: Yes. Well, during the summer months it would be full time; during the school season it would be part-time. No more than 6 hours a day, because it would be before and after.

Mr. Domini: The way the Board's going, if you have 1 space for the bus, 4 spaces for staff, that's 5. So you take up another 2 for the play area, that only leaves 3 spaces.

Mr. Haire: You're permitted on-street parking on Rygate, I believe. You wouldn't be where the yellow line is, as you can see in the photo, but beyond that there's on-street parking.

Mr. Long: There's parking back into the residential area, right?

Mr. Haire: We have that on Rosehill Road. We have that on Haft.

Mr. Brusk: Rosehill has restrictions, though. You have to have a pass to park on Rosehill, if you recall.

Mr. Haire: Well, everyone parks on that cul-de-sac that's right behind Jolly Pirate and the dentist office.

Mr. White: The entrance off of, I guess Brice, that area apparently is not under the manager's control? It's not part of the premise?

Ms. Wolford: The only thing I know about it is you can get in from Brice Road. It's another commercial property next door to us.

Mr. White: So I'm wondering if you have some kind of agreement to allow traffic to flow through there?

Ms. Wolford: I've seen traffic flow through there, I mean just by going over to the site every day just looking around. There's no one – that particular building that I'm talking about, the 1468 is vacant. So the only person I have talked with was the realtor.

Mr. White: So I'm just wondering, what happens if the traffic becomes such a volume that the owner of that premise says they don't want you to drive across there any longer? What would you do then?

Ms. Wolford: The only thing I can do is talk to that particular owner. To me, it's enough space to get in from the Rygate side of the street.

Mr. White: I guess what I'm trying to get to is maybe – if this is approved and everything – you might get some understanding with the owner to agree that they will allow that kind of easement across their property.

Ms. Wolford: Yes, I would.

Mr. Haire: I'd imagine they would have to just looking at it. It wouldn't function for them either. So they need each other. Mr. Perry, the building owner, is unfortunately passed away, so I don't think he's going to provide any answers. I don't know if there was some agreement in the past, if it's written, if it's a formal document.

Mr. Long: Judging by the space and the way the lines are painted, it looks like it's definitely one way in. You can't be coming back out the other direction, so that means you would have constant traffic going through there if somebody's coming in from that direction.

Mr. Feeney: But there's still the option that if you have a lot of traffic, a lot of parents coming in and out and parking over on the other person's lot, he may get pretty upset and put some parking spots out there. He could still function on his. They could back in and out, but it would be awful hard for you. Especially with taking up the two spaces with the outside play area and having a parent park at that very last spot and try to back all the way out maneuvering. That's going to be pretty tough. It's a pretty tight lot.

Mr. Haire: Is there a chance you could move the play area outside of the parking lot to the grassed area? I think that would help considerably in providing additional play and parking space there, or a turnaround if they were to block it off. It would give them a chance to turn around in there. I don't know how much space is to the north of the building itself, that little grassed area.

Ms. Wolford: I think that's 26 x 22, so that's enough. I measured off 600 for 10 kids and I said anywhere between 8 and 10 children.

Mr. Haire: So if you had 8 children, it would work for 8 out there at a time. I would be more comfortable with leaving those two spaces.

Mr. Brusk: I would also.

Mr. Feeney: I would, too.

Mr. Domini: This play area isn't even really a parking space. It's actually the access to the door.

Mr. Haire: So you're amenable to that, to changing your application so that your fenced-in area will be within the grass and you'll leave those two parking spaces?

Ms. Wolford: Yes, uh-huh.

Mr. Domini: The utilities were also in the proposed play area which would create a serious safety concern for the children and I am not comfortable with it there.

Mr. White: That was kind of dangerous.

Mr. Feeney: She can't extend out to Brice Road any farther than the house is built, right?

Mr. Domini: Correct.

Ms. Wolford: I'm sorry, what was that?

Mr. Feeney: You can't extend the play area out in front of the building because you have a setback. You can't build out there on the side yard.

Mr. Long: Can you go back to the other slide, Aaron? What the Chairman's talking about is the small grassy area to the north of the building or side yard is one of the only places that you can put the play area. You cannot extend any further than the corner of the building out towards Brice Road without applying for a variance.

Mr. Brusk: How many feet is that?

Mr. Haire: It's probably about 15. Parking spaces are typically 10. It's a little bigger than a parking space, 15' wide by – I don't know what the dimensions of the building are. 15 by 25 or so.

Mr. Brusk: I guess what I was saying was that the distance from Brice Road to the building may be greater than 30 feet. Therefore, you can extend further out.

Mr. Domini: I don't think it is.

Mr. Haire: I don't think it is either.

Mr. Domini: No, that parking space is typically 18'. If you took that distance and tacked on another 12', you'd be to the right-of-way.

Mr. White: Will that grass area meet the state requirements?

Ms. Wolford: Yes. The state requires – it just depends on a soft area or a hard area. They have different type of commercial materials now that you can put down for a hard area.

Mr. Long: How large did you say the area was?

Ms. Wolford: The one I measured off was 600 square feet, but that's the area I was supposed to leave the two parking spaces and go a little bit farther to the west/north of the building. And that particular area you said was 15 x 24 or 25.

Mr. Haire: You've got it on here as 25. So, yeah it would probably be around 15 x 25.

Mr. Long: So you've only got 375 square feet.

Ms. Wolford: So that means I can only have 5 kids out at the same time.

Mr. Long: So what would you do with 32 kids? You'd work them in shifts in and out of the play area?

Ms. Wolford: Yes. I've done that before, yes.

Mr. White: Just one additional question regarding the grass area. I noticed that the yellow line apparently is the mark off on the property. Apparently part of that area is asphalt up to the yellow area there. From the building going north you see grass area and then you see the yellow line. There's asphalt between that? I'm wondering if that would actually give you some additional yardage for the play area? Do you see what I'm saying?

Mr. Haire: We're just guessing where the lines are. She might have more than 15. We're just all taking a guess at how wide it looks. It might be more than that, it might be less. It's going to take her to go out and actually measure it to figure out how much space is there. I just know from her drawing it shows the house as 25'.

Mr. Feeney: Are there any other questions from the Board? (No response.) I'll accept a motion.

Mr. Haire: I'll move approval of Item C-2, Special Exception 20-SE.

Mr. Brusk: And we have reviewed the requirements for the Special Exception and we do not find that we are in disagreement with the requirements. We should say that on each one.

Mr. Domini: Those requirements are in the staff report for your record.

Mr. Brusk: I feel that there are no objections to any single one, Items A through H, I guess it is.

Mr. Haire: Mr. Brusk, in my motion I agree that this meets – in my opinion this proposed Special Exception meets all the requirements as set forth in Section 1145.09. I move that we approve.

Mr. Long: I'll second.

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

3. VARIANCE APPLICATION, 1451 HAMMOND ROAD, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1175.03 OF THE REYNOLDSBURG PLANNING AND ZONING CODE FOR SIDEYARD SETBACK IN ORDER TO ALLOW THE CONSTRUCTION OF A CARPORT. CONTACT: ANTHONY VENTRESCA (43-ZV).

Mr. Domini: This property is located in Huber. It's approximately .2 acres. The home currently has a one-car garage located on the south side of the home. I will show you those pictures in a moment. The majority of the homes in this neighborhood do have one car attached garages. The applicant's proposing to construct a 9 foot by 27 foot carport on the south side of the home. From my best guess, it's not dimensioned on the application. It's about one foot from the property line where the carport would sit. The requirement on this district is eight feet from the side yard. I will note that the applicant currently has a frame up for the carport, which I'll show you again in a moment as well. This is the street. This is the applicant's house right here, 1451. I'm just pointing out that most houses do have one-car garages. I did not see any other carports within this snapshot. Here's a closer view of the applicant's house. This is the driveway which actually would be the foundation for the carport. It goes up to the property line. There is a fence here as well. Here's a drawing showing the 9 by 27 foot carport, again, showing the property line as well.

Mr. Haire: What is that approved stamp on there?

Mr. Domini: What's that?

Mr. Haire: What is your approval on that part? What's the zoning be approved for?

Mr. Domini: It's not my signature. It must have been a drawing that was previously approved for something else, like other applications they're-use the surveys that they've been approved for.

Mr. Haire: Now it's a 12 by 18 sunroom?

Mr. : Yeah, sunroom

Mr. Haire: Sunroom? Okay.

Mr. Domini: Here's the house showing the driveway and where the carport would be erected where, I guess, that frame is already up. It's important to note that if the carport's not attached to the dwelling, technically it needs – like an accessory structure, it needs to be 15 feet from the primary dwelling. So this would have to be attached to the primary structure to meet code.

Mr. Anthony Ventresca: Hello. I'm Anthony Ventresca with Improvement Home Remodeling. To start off, the existing framework that's there was there. It has nothing to do with the applicant which is Improvement Home Remodeling. It looks like maybe at one time the homeowner had used as a -- to throw like a tarp or something over top of it, but that's definitely not the structure that is being proposed for erection. The house does have a one-car garage. With the layout of the home and the configuration of the home on that lot and where the home is put on the lot, it doesn't allow any other practical location to put an additional parking area or a carport. It is a one-car garage. There is no intent to extend or add on to the garage, just to put the carport on the left-hand side. It will be attached to the structure of the home. It's a three-inch compressed polystyrene with aluminum skin, gutter system, downspouts, aluminum posts, aluminum I-beam or header to hold the roof up. But because there is only one garage, to try to keep the vehicle covered during the inclement weather. The homeowner is elderly, this just gives them a little better access, a little cleaner vehicle to get to.

Mr. Haire: Mr. Ventresca, did you represent them the last time they requested this variance? I think it was 2006, 2007?

Mr. Ventresca: No, it was a competitor.

Mr. Haire: We did consider this same variance in the last 2½, three years, the exact same request. I don't believe, from my recollection, that anything's changed.

Mr. Ventresca: The one thing that I was told and I have witnessed that has changed is that that area now is a concrete area. I think at the time of the first application for a variance it was gravel, from what I've heard. So, yeah, it has changed but only – it is concreted now.

Mr. Long: I live in the same type of home over in the Huber area. Why don't they park in the garage?

Mr. Ventresca: They do.

Mr. Long: Okay. So they have two vehicles?

Mr. Ventresca: Correct.

Mr. Long: Okay.

Mr. Feeney: Could you explain what it's going to look like? The roof, you say, is going to be aluminum with gutters and is open on sides?

Mr. Ventresca: Yeah. It's the same material that we build our sunroom roofs out of. That's a three-inch thick compressed polystyrene, a foam, with aluminum skin, top and bottom. The sides have aluminum fascia that are pre-made just for the roof system. The front has a pre-made fascia with a built-in gutter system. It's not a W-pan. It's a sunroom roof. The engineering on it meets all the snow loads. It has aluminum posts, aluminum header, load beam, whatever you want to call it, that supports the roof.

Mr. Feeney: So it will be open on all the other sides?

Mr. Ventresca: Correct. It won't interfere with any views or traffic or anything. It'll be right at the site of the home.

Mr. Feeney: Do you know if there's any other carports like this in the neighborhood that you know of?

Mr. Ventresca: Of this particular type, no. I don't know if we found any W-pans or anything like that.

Mr. White: When you say open up, do you mean you can see from the street, you can see through it?

Mr. Ventresca: Right. It's not enclosed. The enclosed side would be the attachment to the home side. And I guess you would call that a shed roof.

Mr. Haire: I just look at this aerial and I'm concerned when I look at the aerial, because I look at the two houses to the south of this and they are the exact same set-up. So when we approve this one, are we going to get two more requests where people that come in for carports? And, you know, do we get 20, 30 more because, as Chris mentioned, he lives in a home that's very similar as there are hundreds of them there that are very similar that have one-car attached garages. So I worry about the precedent this would set and I think that's, in the last case, why it was denied. You're going within one foot of the property line and it sets a precedent for every other property

owner on this street and in this neighborhood to come in and request the same thing. I don't believe that it does meet the intent of the code, because the intent is that we'd have eight feet side yards and this takes up the entire side yard.

Mr. White: Could you describe – and you probably did and I just didn't hear you – the side wall that will be parallel with the property line? Is it open or is it—

Mr. Ventresca: Yeah. It's all open on the three sides. The only enclosed area would be the home, where it's attached to the home. So the three sides are open, the front and the two sides.

Mr. White: So what we have is a structure that has possible holes that—

Mr. Ventresca: Correct. And they're rectangular aluminum posts. It's all engineered by the manufacturer that designs our sunrooms.

Mr. Long: The owner is not here? The property owner's not here?

Mr. Ventresca: I don't think so, no.

Mr. Long: And did you look up the notes on what why we turned it down, or is there any particulars about that?

Mr. Brusk: I believe, if I'm not mistaken, it was on Item G, the variance will not confer on the property owner any special privilege that is unduly denied by this code to other land and structures the same distance.

Mr. Haire: Which is basically – that's a lot of what the last time we heard this, is just the precedent that it would set based on -- this is not a special circumstance. Every property owner down there has a one-car, attached garage. They were all built that way. Some of them have built a garage in the back, but most of them are still a one-car garage or no garage because they've enclosed it.

Mr. Brusk: Many of them have made rooms out of them.

Mr. Haire: Right.

Mr. Long: Mine's just full of stuff.

Mr. Ventresca: Can I ask what the Board's concerns are with maybe setting a precedence?

Mr. Brusk: It's just that this particular neighborhood is houses next to houses next to houses, very, very close and this makes it even closer. It just cuts out side yards virtually on one side and that's a lot of yardage. If they're not far enough a part,

that that would be -- I mean you can see from the picture how close it's going to be to the house next to it. I think that's what our problem is, that it just—

Mr. Ventresca: Do you still allow parking there at that area next to the house, would you allow parking?

Mr. Haire: We don't—

Mr. Ventresca: --don't want anything enclosed.

Mr. Haire: We don't have anything within our code that restricts putting asphalt right up to a property line or concrete right up to the property lines. So, yes, we allow parking there as long as it's on a hard surface.

Mr. White: I think the issue is open space and when you start putting structures that close up that space, I think we have a concern with that.

Mr. Ventresca: Yeah. I think that's why he went with this type of design because nothing's enclosed so when everything is still open.

Mr. Haire: You say it's not enclosed, but it's got a fence on one side and a wall on another, so it's almost enclosed.

Mr. Ventresca: Yeah—

Mr. Haire: To me, from the street, unless you're looking straight at it, it looks like it's enclosed space. It's got a roof and it's got two walls.

Mr. Ventresca: Right. The fence is existing, correct?

Mr. Haire: Yeah.

Mr. Long: I think also the fact that you don't see very many of these, if any at all – we haven't seen anything at all, there's obviously – the Board has spoken before on these issues. We haven't allowed any in that neighborhood before and I think we'd like to keep it, the way it's a planned community. The lots are tight now and, yeah, I think we'd like to keep it that way.

Mr. Feeney: Does the Board have any other questions, comments on this item?

Mr. Long: No.

Mr. Feeney: If not, I'll entertain a motion.

Mr. White: I move that Item C-3, variance application 43-ZV be approved.

Mr. Feeney: Can I hear the roll, please? Oh, I'll second.

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

Mr. Feeney: Sorry.

Mr. Ventresca: Thank you.

4. VARIANCE APPLICATION, 7258 SABRE AVE., REYNOLDSBURG, OHIO:
REQUESTION A VARIANCE FROM SECTION 1175.06 FOR FRONT YARD SETBACK
IN ORDER TO ALLOW THE CONSTRUCTION OF AN ACCESS RAMP. CONTACT:
NORMA SCHWEIKERT (44-ZV).

Mr. Domini: I'm not sure if the applicant will be here. I spoke with their agent and I told them that the application is pretty straightforward and the agent's from out of town. Basically, what they're building is an access ramp on the front of the structure. This is the general schematic. I believe it would encroach approximately seven feet into the front yard. It's a – some type of an access ramp for wheelchair or—

Mr. Brusk: Where's the access ramp going to be?

Mr. Haire: I think it's going to be over top of the existing sidewalk, is what it looks like.

Mr. Domini: Yes. It will extend out a little bit farther than the sidewalk, I believe.

Mr. Haire: Wider?

Mr. Brusk: Out by – meaning wider than the sidewalk?

Mr. Haire: Yeah. It's probably a four foot sidewalk and they're showing an eight foot wide ramp.

Mr. Brusk: What kind of a ramp are they doing, wooden or metal?

Mr. Domini: It's wood.

Mr. Brusk: Yeah, I wonder if we even have the right to say anything on this one. I obviously have no problem whatsoever.

Mr. Domini: I don't have anything in the code that tells me I can give them a variance—

Mr. Brusk: Just from ADA and accessibility and—

Mr. Domini: I don't know. I just thought the application should come before you.

Mr. Brusk: Can we vote on it without them being here?

Mr. Domini: Yes. I will note that there is a lot of – this neighborhood has a lot of front porches and there is a lot of encroachments.

Mr. Brusk: Yeah. But my feeling is that even if there were – if it was the same, I wouldn't have any objection to these kind of ramps. Obviously, people have to be able to get in and out of their houses.

Mr. Haire: I look at this as a temporary issue, because the next property owner that moves into that property is likely going to remove that ramp.

Mr. Brusk: That's why he did a metal one under it.

Mr. Haire: There's special circumstances here and the fact that the person is handicapped and needs to be able to access the residence, so I don't have any issues.

Mr. Brusk: You know, ranch houses, a lot of elderly people buy them and that's one of the things they'll buy.

Mr. Feeney: Right.

Mr. Feeney: Does any of the Board have any other questions, concerns about this item?

Mr. Brusk: I move then, therefore, that we accept Item C-4 (44-ZV) the variance for a ramp.

Mr. Long: I'll second.

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

5. SPECIAL EXCEPTION APPLICATION, 610 N. LANCASTER AVE., REYNOLDSBURG, OHIO; PRESENT ZONING, COMMUNITY COMMERCE (CC); PRESENT OWNER'S NAME, LOCAL 1466 IBEW; EXISTING USE, OFFICE; PROPOSED USE, COMMUNICATION TOWER. CONTACT: LJS DEVELOPMENT (21-SE).

Mr. Domini: I'll go quickly through this and then I'll turn it over to the applicant because I'm sure they would like to present to you. The application is for 120-foot tower in the front yard of the existing Union Hall. The property is zoned CC in which a wireless telecommunication facility requires Special Exception. The applicant has indicated the tower is necessary to fill gaps and provide in-building coverage and

reasonably uninterrupted wireless communications, which I believe they're going to give expert testimony on today. This does require two variances as well as a Special Exception. We are going to hear the Special Exception first, but I will brief you on what those variances are.

The first is to allow a telecommunication facility to be constructed on a property with an existing use in the CC district. Our code states that the telecommunication facility can only be constructed on lots with existing structures in the RI and GI district. This does have an existing structure and that interpretation of the code was also run by the City Attorney who concurred with that interpretation. The second variance is from 1145.10(G)(2)(A) due to the encroachment into the 250-foot setback adjoining a residential zoning district.

I believe the tower as proposed – I measured it approximately 100 feet from an R3 zoning district. Here are a couple images showing the property. This top one is taken from Dynalab, shooting back at the property. I believe this is the location of the tower. And here, again, the location of the tower on this image, I believe would be in here. This is a car wash back here which is the adjoining property to the north. To the south is the watershed and then a driveway going to a single family residence, which you can see the watershed here -- watershed here and then the driveway is on the other side of that watershed. Again, in this bottom right hand corner, the tower would be somewhere in this area. The bridge, watershed and then the driveway to the residence to the south. Here is the schematic submitted by the applicant showing the tower. This does not show the zoning district on it, but on another drawing it is shown and it falls generally right in here. A detail of the tower itself and the pad and the landscaping I will note that 75% opacity with the landscaping does meet code. If the And then this is a drawing, I guess I'm going to – I'll have this for reference, but I'm going to let the applicant talk about the surface area and the other towers in the area. So with that, I'll turn it to the applicant.

Mr. Siyufy: Before we begin, can we swear in Dave Nielson?

Mr. Feeney: Yes. (Mr. Feeney administers the oath.)

Mr. Louis Siyufy: Good evening. My name is Louis Siyufy. I'm the president of LJS Development. But before I begin, I'd like to introduce the cast that's here in support. We have Mr. Chuck Tippie who is the landowner, the signatory of the application and the acting president of the T-Mobile Fan Club tonight. We've got John Kopf who is with Thompson-Hines. He's a lawyer who represents T-Mobile. He can speak to any hardship related issues. We have Nadir who is an expert in RF engineering and is an employee of T-Mobile, and we have Dave Nielsen who's an expert in cell tower construction who's employed by T-Mobile.

T-Mobile has entered into a long-term lease with IBEW at 610 N. Lancaster Road for the construction of a 120-foot monopole on a 3-acre parcel which is your – Aaron was correct – that had a barbed wire fence. The leased area is 50 by 50, but we're only

proposing to fence in 38 by 50 and that in the event there's co-locations in the future, we can accommodate co-locators. The 120-monopole is designed to hold two additional carriers. I'd like to point in your packet to a map that Aaron, I think, had up on the screen. And it has the T-Mobile logo on it. It has a circle on it with a line through the top. It was – it'll probably be the last exhibit. This is the very last one. I don't think it's listed on the exhibit list, however it should be the last one. Perfect.

There were three candidates submitted to Nadir as potential cell tower locations to accommodate the needs of this search ring. One was Dynalab, and that was chosen for the size – it was chosen by me personally because of the size of the parcel and the zoning district it was located in. We submitted the park -- is that Civic Park to the west?

Mr. Domini: It's Rodebaugh.

Mr. Siyufy: Pardon me?

Mr. Domini: Rodebaugh – oh, Civic Park, yes, to the west.

Mr. Siyufy: Yes. Civic Park to the west, in an effort to see if we could try to put some money back into the City of Reynoldsburg, and the third candidate was IBEW. Now the reason – and I'm going to give you 10,000-foot level of this and then Nadir can speak specifically to why. But this map, and I apologize for it being so small, shows a one mile diameter circle. It shows IBEW, the subject site in the center, and it shows the power tower line which is about 500 yards north of the proposed site, which it's my understanding that Sprint has antennas on one of those power towers. I think it's Sprint. It looked like Sprint's antennas. But what also this map shows you is all the nearest T-Mobile sites. We are on the Verizon site to the north, at the very top of the circle. We have a site just outside a mile to the east-northeast, and then we have one south-southwest and south-southeast. So what made IBEW the choice from the radio perspective was how it split the difference of all the adjacent cell sites. The design philosophy behind the cell site, which Nadir can speak to, is both coverage and capacity. And in our industry we put cell sites in center of other cell sites to offload capacity, but, in this case, also to provide increased in-building residential coverage in the immediate surrounding area. With a lot of the residents, like a lot of the home sales in the United States, a surprising number of the new homebuyers aren't subscribing to basic landline service, so they're relying on their mobiles, which has put the burden on our industry to try to build facilities as close to residential as possible to provide in-building coverage.

I'd like you to take a look at that site plan if you wouldn't mind, Aaron. That's it. The subject parcel, the 120-foot tower requires a 40% setback and we situated it on the property in a location that the closest property line is 97 feet away, so we just about doubled it. The – I'm trying to see if that line there – that zoning district line is roughly the creek. Is that accurate?

Mr. Domini: Do you know what sheet that's on, the tower?

Mr. Siyufy: Okay. That's on SS2. Our challenge was to try to – there was no way that we could be 250 feet setback from residential. We're only 97 feet; however, we are 280 feet from the closest residence. We are proposing landscaping on the south and the side that fronts Lancaster and the south side. And the reason why we're not on the north and the east is because it borders parking lot on both sides. We will – I missed the fact that we had barbed wire on the drawings. We would be happy to remove that if that was a condition of the Board.

Mr. Haire: Our code actually requires the barbed wire.

Mr. Siyufy: Oh, it requires it?

Mr. Haire: Um-huh. That's probably why you put it on there.

Mr. Domini: My mistake.

Mr. Haire: It's letter F of 1145.10(2).

Mr. Brusk: So they've got to keep it on?

Mr. Haire: Yes.

Mr. Siyufy: We would be happy to answer any specific questions, but the strategic location of IBEW's parcel in relationship to the network is the controlling factor of why it was chosen.

Mr. Long: Now, granted I'm not an engineer and I don't know that you're drawings are to scale, but in comparing the two maps that we have, one that shows the location of the power towers and then the other one that shows the location of your current T-Mobile sites, it appears that if you were to locate your antenna on the one that would be the second spot to the east off of Lancaster right next to the tower which right – is where the Sprint tower, or Sprint antenna is, that you would basically not only cover the area that you're looking at now, but also be able to cover the area north of Broad Street.

Mr. Siyufy: Well, the challenge with that solution is, we are on the Verizon tower that is only 500 yards away from that Sprint site and we have coverage north of Broad. That is detailed on the very first map with the line going across, east to west, across the circle.

Mr. Long: Okay, now you show it here, the T-Mobile – okay, yes, you are. Your T-Mobile on the Verizon does give you coverage to the north, but coming further south to that right hand, as I mentioned, the second power tower to the east of Lancaster Avenue would give you coverage south enough into the area to where your A6C0041

and A6C139 locations should intersect as far as the direction when I cross over in the middle.

Mr. Elfadli: May I approach?

Mr. Long: Now, like I said, this is – that's what I'm saying here.

Mr. Elfadli: (speaking off mic) That's where Sprint is.

Mr. Haire: I have no idea.

Mr. Long: No. Sprint's on that first one.

Mr. Elfadli: Right. We're right here.

Mr. Long: But I'm talking – I understand that.

Mr. Elfadli: Okay.

Mr. Long: But moving you further south like that -- get my scientific tool here. You know it brings you into an area down here that if you swing, you get an intersection with here and you get an intersection with this one over here. You do have overlap through that entire area and you're not having to build a brand new tower here. All you're doing is hooking your antenna up to a power tower.

Mr. Siyufy: Oh, so you're saying we move, that we relocate that tower?

Mr. Long: That would be up to you, or put another one so that you would wind up with adequate coverage to the south into Reynoldsburg.

Mr. Siyufy: The objective was not only to improve in building coverage, but it was to offload capacity to that same – that very same tower. That Verizon tower is one of the reasons why this new one's being added.

Mr. Long: You could leave the Verizon tower where it is, locate an additional antenna off of that second power tower to the east of Lancaster, not have to build a brand new facility and gain the coverage that you want.

Mr. Siyufy: Here's where Sprint is, okay? And if this power tower runs east to west, however, some of them – they differ in heights, okay? But this one, I'll bet you they're on, it's got to be over 90 feet.

Mr. Long: Oh, it's huge. That's one of the high tension towers, yeah.

Mr. Siyufy: And there's a couple of them that are on the east of that Sprint that are shorter, because I was out trying to check all that out.

Mr. Long: Yeah. I drove down through there myself.

Mr. Siyufy: And then a couple of them are real short and then they get tall again, east. But I don't know how – I don't know, they're probably what, 1,000 feet apart.

Mr. Nadir Elfadli: Good evening. My name is Nadir. I think if you see the propagation of the signal, it can give you a better view, like how we design the cells or those towers. They don't have like a uniform range like a circle. It is like -- what is called -- like sector antennas on top of the antennas like pointing to one direction. So, you see like the shape is not a circle. This is one point. The second point is like where is the area that there is homes you want to have covered and have more in-building coverage. This is all dictate the -- where to put the site. Plus, also, the trees, the ground elevation is up and down and the height. This will all dictate the right location. I want to show you this—

Mr. Siyufy: Well, it's actually Applicant's Exhibit H that Nadir is referring to, the coverage part.

Mr. Elfadli: Yeah, the coverage part.

Mr. Long: I have two H's. Anybody short one?

Mr. Siyufy: No. You should have two.

Mr. Long: Oh, should have two?

Mr. Siyufy: Before and after.

Mr. Elfadli: Yeah. Simply the dark green, this is the good signal that we wish to have everywhere and the light green is the area where like in car it is good, for in-building, become subjective and it will go from fair to poor, but mainly we consider it on car. The red dot is what we are today proposing to our plan approved. If you see, the south area is the area that we need coverage. Mainly we need to help the network in the middle between Broad Street to the north and to Main Street to the south. So this area is where we need the coverage.

If you see before and you see after, after – it will show you, after we propagate this proposed site, you will see a strong signal which is green and even when you see this, really doesn't will tell you this is where it is residential and this is where the main objective we need to enhance. This side – talking about the other side, I hear Mr. Long talking about. To the east it is further north and a little bit to the east which is – already now we have a weak area in coverage and simply we have two sides. You have side named 153 which is Verizon and you have another side to the east, it's 231 which is at the school there. So, mainly, well the medium – here we need the coverage. Also, this

is the other thing is this side of that location, when we make it strong to the south at the homes, this is what our objective for two things now. We have enhanced 9-1-1 which is mandated by FCC, the Federal Communication Commission, so that we can help us, our system if our customer, the subscriber of T-Mobile needs help for any reason, dial 9-1-1, our system could trace – I think you know about – without even talking, without telling anything, he can say lot longer and his – or her – the immediate street address. This is one reason. The other reason now we are going for the new technology because mainly now our customers are wishing to have coverage on their basement and they are wishing to not just to use as a voice, also to use like high speed data. So we need to enhance this area with a strong signal so that it would be good for high speed data, which is coming, or allowing our new system for City G in next June. For all those reasons, this site at that location, it is the best available we can go for.

Mr. White: I have a question. Why that location as opposed to the other two alternatives, mainly the Reynoldsburg City area or the City park, or DynaLab?

Mr. Siyufy: I can speak of DynaLab. They—

Mr. Haire: Speak into the microphone, please.

Mr. Long: You have to come over to the microphone, please.

Mr. Siyufy: Oh, I'm sorry. I met with Frank Harlow at DynaLab and I sent him a proposal and he gave it consideration and then ultimately declined, said they weren't interested.

Mr. Haire: To me, that's a much superior site and just in the fact that you don't have to ask for two variances on that site.

Mr. Siyufy: I mean, you know, I was driving the area. I'm the one that drove the area, gave the candidates to Nadir. When I drive it with your zoning ordinance and I take into account the least path of resistance to build a tower and, unfortunately, the best parcel that made the most sense, they weren't interested.

Mr. Haire: On this—

Mr. White: What about Civic Center – Civic Park?

Mr. Siyufy: Well, I mean, it was – Nadir could speak to this more specifically, but it was too far to the west and Nadir will offer some testimony to that. But we would still require variances there, if I wasn't mistaken.

Mr. White: Well, you wouldn't—

Mr. Siyufy: It's been awhile since I looked at it.

Mr. White: My understanding is we're asking – you're asking for three things. You're asking for two variances and you're also asking for a Special Exception. The problem, if I understand it correctly, the variance would be requested for being located within a residential zone. Is that the variance we'd be asking to approve?

Mr. Siyufy: Well, yeah, when it came down to the two parts, to the two remaining parcels that we're interested in leasing, the park and IBEW, the reason -- they both needed variances so we ultimately chose the one that Nadir liked the best, the one that fit the network the best.

Mr. Haire: On this particular site, why did you choose the location on the south side of the building rather than to the northeast corner, where you potentially could get further away from residential properties?

Mr. Siyufy: Good question. Mr. Tippie and I walked the property and came up with that location. I don't think we would be opposed to moving it.

Mr. Haire: And I don't have a scale to measure this off, but it looks to me like you could be further than 250 feet away if you located to the rear corner.

Mr. Chuck Tippie: Just real quick I can answer that. I'm Chuck Tippie, president of the local union up there and that area that we picked is a grassy area where, if we do move to the northeast, it's going to take some of my parking lot. So, in turn, destroy the parking lot or just put it there where it's nice and grassy and it wasn't going to hurt anything. I personally don't have a problem which side of the building he puts it on.

Mr. Siyufy: Do you mind if they have some of your parking?

Mr. Tippie: No. I'll just have to take some of the parking over on the other side. You guys will be seeing me again when I want to increase my parking area, but that's really why. They asked me where it'd be best suited and that area being just open land, that's just less land I had to mow and I was just making it easy. But I truly don't care if it goes to the north side or northeast corner.

Mr. Long: Do you have an aerial, Aaron, that shows the property lines between the zoning?

Mr. Domini: I'll pull it up here on the screen.

Mr. Haire: I think the area I'm talking about, if you look at the drawing overall site plan, C1, talking about the area that's north of the parking lot, kind of east to where the carwash is.

Mr. Siyufy: You said C-1?

Mr. Haire: Right, so – on the plan it shows maybe four shrubs or something in that area. And I don't know if that would meet the requirements in terms of – would that be 250 feet from a residence? It's obviously not going to meet the other requirement, because it's still the same zoning district.

Mr. Siyufy: He's talking about in here.

Mr. Haire: You have to pull up the ruler.

Mr. Siyufy: Yeah, you know, as far as we're concerned, I don't think it matters. The only thing that we care about is making sure that we're 48 feet from the property line at that location. Page SS1 is the survey that shows our lot line to the north.

Mr. Long: So all those properties to the north are all commercial and also to your east, that's a commercial property also?

Mr. Tippie: Yeah. The property to the east of our Union Hall is a church property and then, of course, you've got the carwash and everything going up to the north, that's all commercial.

Mr. Long: So you're saying if it gets in that grassy area that's going to be far enough away from all residential to meet the code?

Mr. Haire: It'll take care of one of the variances. There's still another variance and a Special Exception that we need to consider.

Mr. Long: Right.

Mr. Siyufy: Take a look at SS1. We're showing that the property to the north is zoned R-1 as well.

Mr. Haire: The church property?

Mr. Siyufy: You mean the rear of the church. Right here?

Mr. Tippie: Yeah.

Mr. Siyufy: Is that the church?

Mr. Tippie: Yeah, well, the church actually sits like here. This is just land right behind the carwash and I don't know how that's zoned right there. I really don't know how that is zoned.

Mr. Siyufy: Well, we're culling that out.

Mr. Long: While we're trying to look that up, I had a question about the -- on the map and you had the line for the power lines, does that cause a problem with the signal? Is that why it's on there or is that just kind of for reference?

Mr. Siyufy: No, because I knew that Sprint was on it and it's a structure over 50 feet.

Mr. Long: And then you also noted the fire department is inside your circle. Is that just for reference also? Is that a special—

Mr. Siyufy: Well, one of the requirements was for me to go into the field and verify every structure over 50 feet.

Mr. Haire: Okay.

Mr. Siyufy: And it was kind of on the line, so I added it.

Mr. Long: Okay.

Mr. Haire: It looks like it's all CC.

Mr. Domini: CS, S1.

Mr. Haire: S1 is Rodebaugh Park.

Mr. Tippie: Then also, as far as where this is proposed to be, our power runs into that site from the building, so there wouldn't be a lot of difference, just move the power lines coming across over to this area here, where if you go to that north end, now you're going to be running new power lines. I'm not sure where the carwash is coming up through there, but it was really the best location as far as what I was looking at, at least from the power side of it.

Mr. Haire: Have you spoke to any of your adjacent property owners about the cell tower going in?

Mr. Tippie: No.

Mr. Siyufy: I'm estimating it's a 180 feet from the corner of your building to that R-1 if the scale -- if I'm figuring out the scale right.

Mr. Brusk: What's been the history of the safety of these towers? Have you had any come down, tornadoes or strong winds taking them down, or errant trucks going across and hitting them, or anything like that?

Mr. Siyufy: I saw one hit. I own towers personally and I've been in the business for 19 years and I've only ever heard, from my experience, and I know Dave can testify

to this too, but I've only ever heard of one tower coming down and it was in hurricane Andrew and they never found it. They never recovered it. It was gone. That was the only experience I have. Towers meet the Ohio building code for the wind-loading required.

Mr. Brusk: Right, which is a 100 mile-an-hour wind which, you know, we get tornadoes here. I was just curious as to what the record was, that's all. There's lots of tornadoes, but there's also lots and lots of various chance of hitting one I know is slim, but I didn't know what the statistics were.

Mr. Siyufy: I couldn't quote you the statistics, but the monopole type tower that we'll be putting in here is extremely safe. They're usually safer than other types of towers.

Mr. Brusk: Besides the one, have you ever heard of other towers coming down?

Mr. Siyufy: I was at a hearing – not any of T-Mobile's towers.

Mr. Brusk: I'm not asking T-Mobile. I'm talking about these type of towers.

Mr. : I don't know, industry-wise. I mean, there's accidents that happen in the industry, but the monopole towers are extremely safe and they meet all state requirements.

Mr. Domini: Mr. Siyufy, if you could, please speak into the mic, please.

Mr. Siyufy: --took out a tower. No, but I was at a hearing a couple of months ago where an engineer, a structural engineer testified to say that, yeah, the tower would probably, if it was directly hit by a tornado would come down, but only after every house in there nearby would be gone before it. So, I mean, catastrophic events happen.

Mr. Brusk: No, I understand that. I was just curious as to what the statistics were on it.

Mr. Siyufy: Yeah, these things – they're built to withstand it.

Mr. White: I'll tell you, one of the main concerns I have is that you, in your literature here, the application statement of hardship, necessity and variances on paragraph six it indicates that the zoning district to the north of the property is zoned CS. It's Community Services. The zoning district to the west of the property is on GI, General Industry, and the zoning district to the east is zoned Special. What you're proposing is to put it into a zoning district that's close to a residential area. And I see one of the things we need to consider is whether this would adversely affect the health, safety or morals of that particular area. It would be out of character with the area that you're going to be locating in. And I'm just questioning whether or not this is a good location as opposed to the other options you have.

Mr. Haire: That's the same thing I'm struggling with, Mr. White, is that the prose, "You should not adversely affect the use of an adjacent property." It's awfully close to the homes to the east and to the south.

Mr. Brusk: To the residential area, but how close is it to the house itself?

Mr. Haire: 280 feet?

Mr. Brusk: Yeah.

Mr. Domini: I can measure that.

Mr. Haire: Well, they show it on the graphics. The closest house is 280 feet.

Mr. Brusk: 280 would seem to me to be reasonably distant, unless you know something I don't.

Mr. Haire: Unless it's casting a shadow over your house.

Mr. Siyufy: Would it be less of an impact if we would – the location of the site, the distance between the cells is critical. We like how it's evenly spaced within our existing network. If it would be less of an impact, we would be willing to reduce the height to 100 feet.

Mr. Haire: I guess I'm still struggling with the need for the tower. I mean, I understand that the expert testimony that was given that you're saying that you want to have a 3G network and I'm sure everyone does, but are we going to see these things popping up everywhere? I mean, it's – we've got – Verizon, I know, is looking for another tower location in the area and I'm just afraid we're going to get a significant number of towers and these regulations are written, not only based on the location, but also the number of these facilities. And it looks to me like you own a number of facilities in the general area. Why couldn't you increase the height of those or increase the capacity of those to handle the increased need?

Mr. Siyufy: We are, but what happens is that we're at such a high frequency and such low power, the antennas need to be close to their targeted coverage objective. The other limiting factor is the fact that maybe we're transmitting at 50 watts at the top of that tower, but you're still only talking back to the tower on a six-tenths of a watt cell phone. So when you're on your phone and you're driving down the road, you can hear them fine and they can't hear you. That's the majority of the problem. It's the talk back from that six-tenths of a watt to the tower. It's not the tower's ability to transmit, it's the talk back.

Mr. Haire: So people need better handsets and you don't need the more towers, is what you're telling me.

Mr. Siyufy: The thing is you can't – the FCC says that you can't have more than six-tenths of a watt next to your head, so what they do is they turn the power down.

Mr. Elfadli: Also, there's a point of—

Mr. Domini: Please state your name for the record.

Mr. Elfadli: Nadir. My name is Nadir Elfadli. Verizon and T-Mobile – Verizon, they work in different frequency bands. They call them 850 amp, 1960 MHz and T-Mobile will have a license just for 1900 MHz. The higher the frequency is the shorter the range of, or the coverage of the tower and we are on high frequency. Simply you find like any network that has different setting of their cells or their towers across the city. So it works like – for them and for us, here and there. I feel here like when you are – we talk like about north of what we proposed there is a line of electricity, power lines, going across most of it. Comparing that view with having this monopole at that location, from my experience in this industry for a while, maybe people, they get – they see it initially, but on the real life it will not be seen. Usually me and people in the industry for a while, we are sensitive to look for the towers, but normal people they don't have good eyes to look for those towers, especially this monopole, which is streamlined. It's a big difference. Having this tower as 120, it will help you not to have extra towers in the area, because you have a good height for the location of other carriers if they need to enhance their service in the area.

Mr. Long: Part of our charge, if you want to call it up here, under the element of 1147.05, Item D, is that there is proof of hardship or practical difficulty created by the strict application of this code, beyond simply showing the greater profit result if the variance is granted. I, in my mind, see this as T-Mobile wanting to increase their market share.

Mr. Haire: And along those same lines, Mr. Long, I see that you made an offer to DynaLab and they declined.

Mr. Siyufy: I'm sorry?

Mr. Haire: You said you made an offer to DynaLab and they declined, which is a much superior site that required no variances. Maybe it's not the right appropriate amount of an offer. Just because you make a low offer and one neighbor accepts it, doesn't mean that the other site's not the appropriate site for the tower.

Mr. Siyufy: They wouldn't even discuss money. I dealt with Mr. Carlo personally. He did not – they weren't even – it just didn't fit into their plans. We never even talked dollars. The challenge here is T-Mobile's need to cover residential, but however, it's consumer demand increases and-- I'll give you an example. Ten years ago only professionals had phones. Today my 13-year-old niece is carrying a cell phone. To Mr. Haire's point, as long as consumer demand increases, so will the need

for towers. So your ordinance is correct when it says to build towers that support co-locations, because if T-Mobile's there, everybody's going to want to cover it eventually. It's because as long as people want wireless service, we're going to give it to them. The other strategic part about this location is the fact that it is surrounded by residential and it's not residential.

Mr. White: That's my concern, is that this location is right there along the thoroughfare, it's close to the sidewalks, and you're proposing to put a fence there. It's going to be a barbed wire fence apparently. Kids can – it can attract kids to that location just to be climbing the fence and everything, and there could be some injuries there. So I have concerns with that.

Mr. David Nielson: I would just call your attention to the site that's located in Reynoldsburg at the Reynoldsburg Junior High School, right next to school where you have kids every day and we don't have issues there. So these locations are safe. They're enclosed. You know, you have equipment there, but the equipment is in a cabinet that's enclosed, so there's relatively minimal safety hazards.

Mr. White: We considered that one at Reynoldsburg Junior High and I don't know if the structure is the same in terms of the barbed wire. Do you have barbed wire there?

Mr. Nielson: That location is a wood fence. So we wouldn't be opposed to putting a wood fence here if the Board would prefer that, but the code didn't specify the fencing other than height, I believe. We have towers that are close to kids and it's never been an issue. You probably have more of an issue where a site is out away from people by itself, where vandalism occurs. In a location where there's lots of people, lots of cars going by, you have less problems.

Mr. Feeney: If someone's on T-Mobile and they're coming from Broad Street driving down Lancaster and they hit this light green area, what happens now?

Mr. Siyufy: Your before and after, Nadir. Since this is before, if somebody's coming south on Lancaster and they hit this light green area, what happens?

Mr. Elfadil: It depends. Like if somebody in a car – it would be like good communication. But when you go on this light green going to homes, the signal once it gets into the homes, it will become weak. So for 9-1-1, they may not be available?

Mr. Feeney: Are you saying you'll drop a call?

Mr. Elfadil: Yeah, it will drop the calls, for in building it will drop the calls. Or you cannot initiate calls also sometimes. Because here in this light green, it's like in a specific point it is the same signal, same range. But when you are far from those stores it means it is weaker and weaker.

Mr. Feeney: So you have – this drawing shows all the other towers. Is that – do they have the same problems?

Mr. Elfadil: The other companies?

Mr. Feeney: Yeah.

Mr. Elfadil: I'm not sure about the others, but like I said before, for the frequency band we work on, 1900, the signal die quickly. Those working on 800 MHz, like Verizon, also AT&T, they have better propagation with their range.

Mr. Feeney: So they may not have the same issues?

Mr. Elfadil: Yeah.

Mr. Feeney: So there's a chance they won't even want to be on your tower.

Mr. Siyufy: Mr. Tippie would like to speak to the security question.

Mr. Tippie: Yeah, Mr. White, I represent the employees of American Electric Power and we also got merged with the 610 Local, that was at time _____ Lucent. Right now in Columbus, Ohio alone I have 400 members and me and an assistant do work full time as business managers. That will be our primary location, hopefully by the first of June, probably realistically by the first of July. We have another location down on South Hamilton Road, the City of Columbus has made us an offer on that. We'll be moving our operations up here to this location. I spend anywhere from 7:00 in the morning till 6:00 in the evening usually at the Union Hall, unless I'm away at a grievance meeting. Once again, I've got another full time assistant. Also, once again, we have 400 members that run around in line trucks, meter reader trucks, whatever, and those employees all stop in. They always watch our property and I really do believe that as far as children playing in the area and stuff, I don't see it happening. I mean people just normally do respect what we're doing there and our membership does watch the properties that we own. So, hopefully, that will help ease your mind as far as if there's somebody there playing around, we know it. Plus there's usually a couple rentals there, like bingos and auctions. Those people are always there and I know the Reynoldsburg Police always runs up through and stops in. So I'm not overly concerned about somebody playing around and getting hurt on our property.

Mr. White: I guess one of the concerns I have is just the close proximity to the sidewalk. Possibly you suggested you might be amenable to it being put in the rear in the parking area and that would be a little further from the sidewalk.

Mr. Tippie: And once again, I don't have an issue with moving it back to the back corner except that there is an access way back there where the church uses our lot for an overflow, and that is going to take away from the church parking if that's where this thing does end up. And that's really why I hold just a little bit of reservation,

because I do work in concert with that church up there as far as when they have parking needs for Sunday, they overflow into our parking lot. When I have Union meetings, I normally don't ever flow into theirs.

Mr. Haire: Mr. Tippie, I appreciate the fact that you're there quite often and the building is well maintained, and I'm sure your neighbors don't mind having you as a neighbor currently. When you put a cell tower in, they may mind. That's what we're considering is the effects that this is going to have on the surrounding neighbors.

Mr. Tippie: And I understand that. I just really wanted to speak to the safety issue as far as to assure that, you know, it's just not, hey, there's the union hall and we're never around; that there is somebody there a great deal of the time to guard over those situations.

Mr. Siyufy: Just to Mr. White's point, just to the northwest of this site there's an existing American Electric Power substation, which is right up against the sidewalk with fencing. So you have a similar – you know, there's no landscaping around that or anything, so you have something similar in nature very close to this location as well. I thought I'd just point that out. As far as the residences, I believe this was advertised as a public meeting, so any residents that would prefer to complain or not see this would have an opportunity tonight to speak against it.

Mr. White: When you say advertised, how was it advertised?

Mr. Siyufy: I believe, isn't this public meeting—

Mr. Domini: We posted the property with the agenda.

Mr. Haire: It was in the newspaper also.

Mr. White: Did you have a sign out there of some sort?

Mr. Domini: Yes.

Mr. Siyufy: We would not be opposed to any requirements, although I'd hate to see it hurt the church. But if we were to move it in the rear maybe T-Mobile would be willing to maybe gravel or asphalt where the tower is currently to kind of make up some parking. So maybe the parking that we take away, we'd give you back and then we take away your parking somewhere else.

Mr. Domini: Does the Union do business on Sundays? Does the Union Hall have activities on Sundays?

Mr. Tippie: We do have a bingo that operates up there on Sundays. But Sunday morning, like I said, what normally happens is the church fills up and they overflow into ours. But then the bingo, they come in and, once again, we do not

overflow into theirs hardly ever. The bingo and the church don't happen at the same time. The bingo starts up at 3:00 in the afternoon.

Mr. White: I don't think the loss of parking is necessarily going to be an issue. Maybe the access, but not necessarily the loss—

Mr. Tippie: The loss of parking will effect when I do hold rentals for bingos and stuff, because I mean sometimes they set up for about 250 people. So the loss of parking is going to be an issue and I will need parking to come back around on that other side if that's what we're going to do, or I would prefer to have it anyhow.

Mr. Long: Is that grassy area on your property right there?

Mr. Siyufy: Well, we will agree that for every square foot of asphalt – of parking that we take, we'll give back by paving any grassy area.

Mr. Tippie: And looking at that grassy area up there, I'm not real familiar with the property line. If you're telling me that's mine, that's news to me, because I didn't know that and I just got merged with that Local last year, so I really do not know right where the property lines are.

Mr. Long: I don't think any of these drawings show your entire property anyway.

Mr. : If you look at the SS-1 page, that's the survey, so that will show your exact property lines. It doesn't show the parking.

Mr. Tippie: So you're suggesting he goes to the grassy area to the north side of the building.

Mr. Long: I believe that's what we were talking about, right?

Mr. Tippie: Which is going to actually put you closer to the R-1 restriction on the north side. I don't have an issue with going to the north side up there.

Mr. Siyufy: If you look at SS-1 and you scale it off, it is possible that that location right behind your building, we could be 250 feet from residential.

Mr. Tippie: They're showing no to put it here into this area.

Mr. : Showing 300.

Mr. Siyufy: If that's the case, that's fine.

Mr. Haire: I'm not comfortable with the current application the way it's proposed now. I don't know how the rest of the Board feels, but I wouldn't be in favor of voting for

a Special Exception how it's currently proposed. Possibly if we look at locating on the north side of that site, I may be more amenable to that.

Mr. Brusk: That's what we were just measuring.

Mr. Haire: Right. But based on that, we do have 60 days – keep that in mind, we have 60 days from the time we received this to take a vote on that, so it would be within our purview to table these applications until next month until we get a revision from the property owner based on the discussions we've had this evening.

Mr. Brusk: With that being said, if we do something like that, what I would like to see would be you getting your neighbors – neighboring properties, their blessing.

Mr. Tippie: Yeah, I have a question. When you say that you're going to defer to next month, do you always meet on the third Thursday?

Mr. Haire: Yes.

Mr. Tippie: And the third Thursday of next month I am actually in Maryland. I will not be able to attend this meeting, but I can see about getting written letters from – and when you say you want them, you want them from like the guy that owns the car wash? Do you want them from the church? What are you really looking for here on this? Because nobody's really within the 250 feet. Tell me where you kind of want me to go. I mean just give me a clue.

Mr. Brusk: Each of these buildings, 590, 588, 596, 725—

Mr. Tippie: From the other commercial businesses?

Mr. Brusk: Yeah, cause they're the only ones—

Mr. Tippie: So I need the church, the car wash and whatever at 588 is.

Mr. Brusk: All the abutting properties. If we could get that, I think we would be a lot more comfortable.

Mr. Siyufy: Maybe what we can do, Chuck, is when we get the drawing done, if you can't make it, I'll get with you and you can bless the location prior to the meeting.

Mr. Brusk: I don't see an advantage to cutting your tower down as being an option. I think you have the right height. But, again, I think in that grassy area, if you relocate to that—

Mr. Tippie: Had I realized that was mine, I would have suggested he even go there. I wouldn't have a problem with up there, either. I did not realize that that belonged to the 610 Local.

Mr. Feeney: I don't have a problem with either site, personally.

Mr. Long: I don't have a problem with the site right now, simply because it's closer to the trees and it's hidden a little bit more.

Mr. Brusk: But this would eliminate one variance.

Mr. Feeney: Do you want to come back with it to the north and one less variance? Is the general consensus that that's what we're looking for?

Mr. White: Well, you're saying if you didn't have any problems with its current location, the we are – we're dealing with one variance in regards to the R-1, are we not?

Mr. Brusk: And this would eliminate that.

Mr. White: If he would relocate it.

Mr. Brusk: Yeah, that's what we're talking about.

Mr. Siyufy: Well, if we moved it, just for a point of clarification so I understand, are you saying that by moving it to the north side of that property we're going to eliminate the 250 foot setback from residential?

Mr. Haire: Correct.

Mr. Siyufy: Is that what you're saying?

Mr. Long: Yeah, you're outside of that. You're 301 feet from the nearest residential.

Mr. Brusk: Can you show him again where that spot was on the map there?

Mr. Long: In that grassy area, in that little notch.

Mr. Siyufy: Okay, so our drawing's wrong, cause we're showing that parcel right above it, right to the north of it, as residential.

Mr. Brusk: Which area?

Mr. Siyufy: The big zero, the white area.

Mr. Haire: That's commercial. That's the church's property. It's zoned the same as yours.

Mr. Siyufy: Our SS-1 drawing is wrong. Good. Yeah, we would be amenable to coming back and proposing a change for the north side of the property.

Mr. Haire: Would you be amenable to the 100' tower that you suggested earlier?

Mr. Siyufy: He's gone back to 120 now. He agrees with Mr. Brusk. How about this? We will take a hard look at it.

Mr. Haire: Thank you. That would be great.

Mr. Feeney: Okay, so we'll make a motion to table all three items until next month?

Mr. Nielsen: Before you move, is there any other conditions? Anything else just so the next time we come we're ready?

Mr. White: I have one question, Aaron. Did you say in regard to the barbed wire, that's not within code?

Mr. Domini: I was wrong. That actually is a special provision for wireless facilities. Typically barbed wire is not required or permitted. In that actual section of the code, it states barbed wire is required. So they do meet the standard of the code for a wireless telecommunication facility.

Mr. Feeney: Are there any other Board comments that we can clear up before they come back? Any other items? (No response.)

Mr. Haire: I'll move to table it.

Mr. Long: I'll second.

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

D. OTHER BUSINESS – None

E. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Patrick Feeney, Chair

Aaron Domini, Planning Administrator

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