



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, APRIL 15, 2021 6:30 PM

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

A. CALL TO ORDER

PRESENT: Linder (Remote), Furst (Remote), Bulls (Remote), Barnhart (Remote)
ABSENT: Rettke

2. APPROVAL OF MINUTES

Minutes Stand Approved

1. Board of Zoning and Building Appeals – Regular Meeting – February 18, 2021

3. APPROVAL OF AGENDA

Agenda Stand Approved

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

B. PUBLIC COMMENT

Mr. Fields: The comment, first of all, let me verify what we're talking about here. This is the rezoning of the property on Radekin Road. I don't know the exact address. I believe it's something like fifty nine eighty or something.

Mr. Furst: So this is the conditional use application, but it is for the property 5992 Radekin Road and 5976 Livingston, which is adjacent to it in the South.

Mr. Fields: East Livingston. That raises a question, well, let me let me verify this again, because as the residents, we do not understand what; all we were told or the comments that were made was that this was going to be a property that's going to be accessed from Radekin and Road. I do not understand the connection between Radekin Road and East Livingston. Is this of the same property owner?

Mr. Furst: The the application is for both properties, the properties do abut each other, such that it's my understanding, given the application, that the proposed use of which we're hearing and during this conditional use application will be accessed along Radekin. But I'm sure the applicant can provide more information.

Mr. Fields: Well, as the residents and like I said, I am representing the 10 residents that are on the north side of Radekin Road and our concern is. Out of the ten, nine or 10, there's five families with very small children. This is a low density travel, extremely low. And once again, all we're hearing is this is going to be a used car lot at the end of the

street with access only from Radekin Road and Road. And that's why I'm starting to question which I've just been aware of now, is what's the connection with Livingston Avenue if these are not of the same property owners? I do not see how this owner of Radekin Property can secure access to Livingston Avenue, that doesn't even stand under any kind of zoning or building codes or anything like this. So I'm going to go back to our original resistance that we do not really want to see this. I also understand a used car lot must have facilities, i.e. a garage, a place to make a point of sale facility, which also opens up the door to the building of this facility that I assume will be of the 2021 building code compliance, a A.D.A restroom, public restroom, this kind of thing, on and on and on. So once again, I'm leery about letting some kind of zoning open up to a used car lot. We certainly do not want to stand for an empty gravel lot with a bunch of cars parked on it and somebody sitting out in a lawn chair trying to make a deal. That's not business. Like I said, we are very, very resistant to this. And once again, I still have multiple questions, are these two lots bound by ownership?

Mr. Bowsher: Sir, if I could. It may be better just for the context of the conversation, if you would agree to hold off on your comments until the staff report is read and then that way, maybe some of those answers would just come out and the flow of the conversation and then we can open it back up the public comment so you can make comments based on some of the findings that you may find.

Mr. Fields: Yes, I totally agree. I'll be patient. Yes.

Mr. Bowsher: Thank you, sir. We'll certainly come back to you, but I'm going to hand it back over to Alex. And then we're going to read through the staff report and we'll get into this exact conditional use application. So it's a better explanation.

Mr. Fields: OK, fine. Fine.

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. Application #2021-5100; 5976 E. Livingston Avenue & 5995 Radekin Road; Applicant Connie J. Klema; Conditional Use - Vehicular Sales

Mr. Furst: On to new business, that is item one application number 2021-5100 the properties located at 5976 East Livingston Avenue and 5995 Radekin Road. Mrs. Wheeler, would you please read staff report?

Ms. Wheeler: I am going to try to screen here. This will hopefully clarify the gentleman's point. So we're actually talking about two separate parcels here, one of which, even though it has access along Radekin, actually has a Livingston Avenue address. So that is 5976 Livingston Avenue. And then the other parcels, 5995 Radekin Road to the property, as I said, is located on two parcels within the innovation zone. The applicant is requesting the approval of a conditional use to operate a car sales business. Vehicular sales automobiles is listed as a conditional

use in the innovation zone, hence the need for this request. And there are, of course, the list of conditional use factors that the board shall use to consider any variance which being any conditional this request. And with that, I know the applicant is here. If they want to further expand upon the proposed use of the parcel, I'll kind of scroll through some of what has been submitted. I know there was a proposed site plan submitted as well, so I will pull up that.

Mr. Furst: I do apologize for any confusion, I did say that the other property was adjacent to the south and meant the West. While Ms. Wheeler is scrolling through those there, the applicant, is there anything you'd like to add? I'm sure we'd like to hear more about your plans for the property, not only the business, but any improvements that you might be planning to make.

Ms. Klema: So I can kind of claim this, I'm representing the applicant who's also attending this meeting. What you're seeing right there is are the two lots that are adjacent, both owned by the same person, my client. My client also owns the third adjacent parcel to the east. That's not outlined. So all three parcels in a row are owned by the same owner. But these two particular parcels are all that is the subject of this application this evening. As you see, there is an existing building in what would be the south west corner of the left parcel, and that building will be used for the car sales business and there will be graveled areas made for the actual parking of cars. And as you know, in the innovation district, this is a conditional use. And it's also very interesting that the other permitted uses in this particular district, if you want to speak about traffic, include these uses that would not require conditional use, manufacturing, medical clinics, I'm sorry, the medical emergency service businesses, a food service, processing, and the list goes on. So as far as traffic and use of the access, while it can be obviously considered, I want you to consider also the fact that permitted uses have a higher, more intrusive traffic pattern than what my client would like to do here, which is sell some cars. The lot is not that large so there cannot be that many cars on the lot. And I'm available for questions if need be. I think the staff report, which was quite accurate. And I have put together my. My list of information that could be read if I need to, but I don't think I need to

Mr. Furst: respond if it looks like the existing building, if this is what I'm seeing on the screen in here, they may be in need of a little bit of a repair. I assume the there's an expectation to bring it up to our current code requirements and everything like that.

Ms. Klema: I believe everything will be brought to code. And I can allow my client to speak to that to that question.

Mr. Kremenchuker: This particular house that we're looking at has been torn down, and right now this is an empty lot. The tree is also down. The best the best way to see everything would be the side plan that's been drawn out. It's at the last page of the proposal.

Mr. Furst: Ms. Wheeler, do you have that available? Thank you. OK, I see there that makes more sense now. I believe, and Mr. Bowsher, Ms. Wheeler, please correct me if I'm wrong, but I don't believe we allow gravel parking lot. I believe they have to be paved with some sort of impervious surfaces. Is that correct?

Mr. Bowsher: That is correct, it he needs to be an asphalt, concrete or a paver type, it can be a pervious surface, but it cannot be gravel. It has to be intentionally placed there with bricks, stone or some sort of patio type paver. That is the allowable use. I guess the other question that comes up as well, and I think we can ask this is, is the lot coverage, Max, for the innovation area is 70 percent. I see there there's a strip of grass. Does that constitute the 30 percent or is this proposal over the 70 percent?

Mr. Furst: If I just had to eyeball it, it looks awful close.

Mr. Bowsher: I guess that question was for the attorney for the property owner.

Ms. Klema: Yet as far as, I was not the preparer of this application, as far as a site plan goes, I had asked the engineer architect to take all of those things into consideration. So I don't know that answer, but I can say that requirement will be adhered to if this is not accurate, that 30 percent will be adhered to.

Mr. Furst: Ms. Klema, you had you had mentioned that the plan was for gravel, is there an intention now knowing what's allowable under our code to pave that (inaudible) would be permitted?

Ms. Klema: Yes. Work with pavers or something of that sort. That is a permitted use, yes.

Mr. Furst: I want to open up the floor here. I didn't mean to monopolize the back and forth, but any other members of the board. If you have any questions or comments.

Ms. Barnhart: I do have a question. So the access to this business would be from Radekin Road and not from Livingston?

Ms. Klema: Correct, it's the only access to this property. We have no access from Livingston.

Ms. Barnhart: So basically, just to clarify, this is a residential road and this business would be at the end of this residential road.

Ms. Klema: It's not a totally residential area just adjacent to the property in this area you'll see several others that I included there that are industrial types is going on the same road. With access points. And believe some of the pictures that are in the packet, Emily, if you want to show those in addition to this one, I showed the actual access to the other adjacent properties.

Mr. Bowsher: Would you mind talking about the current use of the space as it stands today?

Ms. Barnhart: Igor, do want to express that?

Mr. Kremenchuker: Yes, this particular day (inaudible) address parcel was used for, I believe, for the last 50 years as a barbershop.

Ms. Klema: In that picture, you can see the actual access points, probably not as well as I'd like, but one of the buildings to the east. And then farther east, there's three different buildings there. Grade the brown look and then a street area, then another access area of businesses.

Mr. Bowsher: So my other concern with this parcel is; so the intent and maybe we should talk about sort of what the intent is and I can understand what you're seeing right here is clearly not up to current Reynoldsburg standards, this is obviously an older picture. Some of those car lots have been cleaned up. This is certainly an area of town that I know the mayor, the city attorney and various other parts of the administration are very critical of and wanting to rise up the tide here, this is certainly one of our hardest hit areas of town. So when we discussed bringing this in as an innovation district, the idea was being that we wanted it to be an innovative hub of jobs, community services, office, and we wanted to get away from the typical commercial retail type uses. One of the reasons of putting the car lot here as a conditional use, one, there's a lot that are already grandfathered in. One of the things that we need to consider when looking at this application tonight is, is when we did that, we wanted to get rid of the small lot uses that would basically. Is less than the scale that what we're looking for in the future, even if you include it in the third lot that's there to the east, you're at one hundred and fifty foot lot width. The minimum lot width for an innovation district is two hundred. So I posed the question, how can you meet to that lot width minimum? Even if you have the frontage met, which is 80, that doesn't seem to fit. And maybe that's another question for the architect that's not here this evening. And that's unfortunate, but I just don't see how we can get to that.

Ms. Klema: We can respond to that somewhat, I understand the innovation and the purpose, and I also understand the hoped for improvements of the neighborhood. I'm very active in that type of development myself. At the same time, I have to say that there are existing parcels, as you just said, these two in particular that exist and are the size and even if combined with the third would never satisfy the width or area that your innovation zone is. So one would say the only thing that my client could really do to progress this innovation area and not have a conditional use would be to sell it to another owner, adjacent owner or some other to be able to have a larger parcel. Unfortunately, my client owns two parcels that he would like to actually fix up in accordance with the code and have them be an active company and not just a dead lot that has a torn down house and a gravel dead end parking lot. So he's trying to in fact, the other thing that we actually discussed was that this type of a use

will not impede future development or joining with other additional properties if that should ever occur for future development. There will be a not any additional buildings on the property and a paved parking lot and some green space. So it's not going to be something it's going to impede future development under the innovation district.

Mr. Furst: Given that the innovation zone is intended to incorporate a mix of office and industrial uses, did your client consider perhaps some of those uses that might be permitted such that they would not require additional use?

Ms. Klema: Of he did, he didn't tell me. I guess I could say that this is the use that he is hopeful he has the license to be able to do this, sell cars, and he would like to use his property accordingly. And he's not shying away from the requirements of the code and the improvement requirements of the, um, the neighbors have asked about.

Mr. Furst: Certainly, I do appreciate that. Before I turn it back over to public questions or comments, are there any additional comments or questions from members of the board?

Ms. Klema: If I can just say one more thing, I do want to point out that this innovation district, if you go through the permitted uses, it would be very difficult for many of these things to be done on this property. And yet my client's property zoned innovation, air transportation services, I mean, the list goes on. There's a lot there that would be much more, I guess, much more would cause a lot more activity on the road and also would be many more people coming and going from this site than what he's proposing.

Mr. Furst: Thank you.

Ms. Wheeler: Just out of curiosity, was there an effort to reach out to the property owner to the south? And potentially do some kind of driveway easement or some kind of access agreement with them instead of having your primary access from Radekin?

Ms. Klema: Yes, I'll let my client talk to that.

Mr. Kremenchuker: I have reached out to the property owner and I was trying to arrange also I had a title searcher to look for the potential easements. As of right now, I don't have any access from Livingston Avenue.

Mr. Furst: I mean, I think that would mitigate a lot of the traffic concerns, although I do appreciate that this would be less of a traffic nightmare, if you will, than some of the other services that are permitted. Now, turn it back over to you Radekin Road residence.

Mr. Fields: Yes, and you were just speaking of the lot size, there's lots of 52 foot wide, 217 feet deep. That's the way all these lots are split up on both sides of Radekin. As far as the usage. Well, here, stop right there at that one picture. That one will do right there. This proposed squared out area, the one house that is left, there's two lots down there. They did tear down the one house, remove the large tree and then flatten it out and stoned it. There is another presently used as a residential home. This person rents and is living in that particular home. If you scroll down to the lot plan, plan lot, lot plan where they got one lot to the West as completely used and then they boxed in behind this residential home. What are they going to do with that guy? Is he going to be admits in the middle of a car lot? He's a rental, and I know they can throw him out, but I don't get it. But going back to the lot size 52foot wide, that's 104. 217 feet deep. I think your zoning guy was touching on something about the usage. Let's go back to the old barbershop. It's in the back of the furthest west lot. I assume this is going to be used as their office and public facilities. Where is the repair garage? Where the repair facility? What's going to be done with all the all the repairs, oil changes and mechanical repairs? Where you could dump this stuff?

Mr. Furst: I assume, Ms. Klema, or your client can answer, but I assume there are no plans to do repairs on site? This is for sales only.

Ms. Klema: That is my understanding. Is that correct?

Mr. Fields: Sales only. I didn't think there was any used car, lots or new car lots permitted in the state of Ohio that did not have a repair facility on site. You can correct me, but I thought there was a little glitch in there about this type of a used car sales lot. Public facilities and repair facilities. That's up to you guys to battle about the codes and zoning, that kind of thing. Going back to the access. The other businesses that are on Radekin Road. They are not point of sales businesses the glass place. Yeah, you call up, you make an offer, his driver leaves in the morning and his driver comes back in the evening. The electrician, those guys leave in the morning. They come back in the evening. The lawn mower service guys, they leave in the morning. They come back in the evening. It's not a constant flow of traffic. I cannot imagine how a used car lot is going to survive on onesie and twosie travelers. To sell cars you have to have people coming through there. You can't sell a car once a week. This is a dead end road. So what are they going to do? They go in and, oh, I want to drive the thing. So what's he going to be doing bleach burnouts down there at the turn out, turn around and come highball down Radekin Road? How many times am I going to have to call Reynoldsburg police? Which little footnote, half of Reynoldsburg police do not know that Radekin is Reynoldsburg. So we're going to be confronted with the high ballers and the test driver's back and forth on a dead end street. Whoa be if a child gets hurt, whoa be. And then as this plot plan that's shown here right now, where you got the full length of one plot, yes, the barbershop is all the way in the back. It does face Livingston. That one boxed out area, that's a resident. That guy rents, is the owner going to throw him out? They're going to tear that building down? I don't get it. A used car lot is not one of the things

that as the residents, we really, it's just I don't know. The one at Idlewild and Livingston that used car lot. Heavens, that guy doesn't even know where his right away is. He parks his cars in Idlewild's right away. He's got constant traffic in and out of there, but he's on the corner of Idlewild and Livingston. This guy will be down at a dead end street. One way out and one way in.

Mr. Furst: Sir, I'm sorry. I don't mean to interrupt.

Mr. Fields: I'm stopped. I'm done.

Mr. Furst: Thank you.

Mr. Bowsher: Thank you, Radekin residents, I appreciate that and appreciate your input and brought up some good concerns here. I guess one, I want to make it clear where the delineated line is between Columbus and Reynoldsburg. So Radekin Road is the line. This property, obviously in the city of Reynoldsburg, the properties to the north of Radekin, which is on the southern piece of this page, is basically turned upside down. That's the city of Columbus. Just to put that out in perspective, not that we shouldn't be caring about our residents in the City of Columbus. We certainly should. Second point that, I guess it got brought up while the discussion was happening was it's a really good point. It's obviously a dead end drive. If the point here is to sell cars and far be it me as a development director, to tell you what you can operate successfully. But there very little marketing to be done back here. Have you thought about where you would place your signage? I feel like it's almost destined to fail and it makes it almost feel like this is not much of a car lot, but more of just a car area to store things, which we certainly don't want more of in the city. So I guess I pose that question, what is sort of the strategy that's there? And obviously, does that include trying to push more traffic on the Radekin road? I guess if I could get that question answered and then I yield to Ms. Bulls I know she had a question as well.

Ms. Klema: Can you please address that?

Mr. Kremenchuker: Yes, hi. I've been in the automotive business for a while, and today in the twenty first century, as far as the sales in a lot that is a dead end, it shouldn't be a problem due to the Internet advertising. There is a very little of business of cars being sold from walk ins. I can tell, most of them are being sold via Internet. As far as the repairs, they are not going to be conducted on the lot. They are not going to be conducted on this particular lot. I have three additional shops that are going to be doing the repairs. They're located in the City of Columbus.

Mr. Furst: And that would be compliance to state law, according to your understanding.

Mr. Kremenchuker: As far as the licensing, as far as the automotive dealer's license, it does not require any repair facility to be in or on the lot.

Mr. Furst: Thank you. Ms. Bulls, did you have a question?

Ms. Bulls: Mr. Bowsher ask the question for me, but I was I was going to ask a question with regards to marketing.

Ms. Klema: I may emphasize what my client was just talking about. And we all know and we probably have experience shopping online, especially during Covid. But obviously, if this was a car lot where he was going to rely on not only visual, but access, he would not be doing this. As he said, it's going to be a very small amount of traffic involved. In regard to the other businesses and the Radekin residents comment about coming and going, I'm a contractor and developer myself, and I know that people coming and going from electricians and all other people, there are numerous people that come and go from those sites and any one of them can be a bad driver. So to start basically saying that people coming and going from this site are going to be worse drivers than those that are actively using it now, it can be said as a fearful type thing, but there will probably be little traffic there as opposed to those particular businesses that have numerous employees coming and going and loading up and trucking in and out different materials. So when you start looking at the proposal and whatever conditions you would want on it, which would be acceptable. The idea here is not to have a high end type location where you have flashing lights and people coming and going. The idea here is to have an area that's developed in accordance with your code, with both the building and the site and the surface to be able to locate cars for sale and then be able to actively, obviously take them in and off the lot for those sales and that's it.

Mr. Furst: I think at least as far as I'm concerned, you know, what I would like to see is some additional site plan drawings of what the improved pavement surface would look like. If you have any improvements planned for the buildings that may be still existing on the lot, such as to be used for the best sales office. Maybe a little more narrative around that. But definitely I think I would like to look at exactly the material that you're going to be planning on paving the service with and how many parking spots will be available. And we like definite measurements from an architect regarding the amount of surface coverage.

Mr. Bowsher: I do have one comment. Are you are you going into that existing building, are there going to be upgrades or updates that existing building or is it going to sit as is?

Mr. Kremenchuker: That building is in decent shape right now, it's a block building and it looks pretty good.

Mr. Bowsher: So because it was already a barbershop, do you then hope to also submit building plans to do a renovation to the interior to make it a car dealership type point of sale location?

Mr. Kremenchuker: Well, it's a square building, they tend to share the same interior, whether it's a barber shop, it just has a sinks on it and the sinks have been removed. We basically are turning it into an office. But as far as the building itself, it's a solid building. It's not the house that was sold from Radekin Road, that house has been demolished. Building is located deeper, deeper down the lot. It's not visible, it's barely visible from Radekin Road on these images.

Pastor Linder: I had a couple of questions. Again, for the applicant, since you have a couple of other experiences. What do you expect in terms of volume? How many vehicles would sit on that property in an average week? And when you take delivery, are those brought in from auction by a single driver or do they come in on a on a flatbed truck? How often does that kind of delivery take place? If you wouldn't mind answering?

Mr. Kremenchuker: We plan on keeping an inventory of about forty, forty five cars on that particular lot. Vehicles are going to be brought from the auction. They actually do have a delivery service that most of them are going to be even driven in just a single vehicle at a time.

Pastor Linder: Thank you, and I would just say Mr. Furst, I agree with you, I'm not as concerned with his ability to have a thriving business because I do believe the Internet situation is really high volume sales. But I am thinking that the resident raised some very important concerns about it and out even the test-Drive thought, and then even seeing how those 45 vehicles would be situated, is a concern. Is that going to overwhelm that location? Then I think even though it was said that right now there is no option for access from Livingston, I would be curious if given a little more time, if this application were tabled or something, could a little more work be done to get maybe some Livingston Avenue access? That's just the curiosity. Maybe it's an impossibility, but those are things that I'm thinking about while we've been sitting here.

Ms. Bulls: I have another question. Forty five vehicles will be on that particular lot. We also have room for vehicles that are coming to take a look at cars or would they park on the actual street because based off the lot, it doesn't seem like you would have any space for people that are coming in to take a look at cars.

Mr. Kremenchuker: They are going to be parked on the lot also. I'm sorry, just say forty five, I said thirty five.

Mr. Furst: That does make a difference.

Ms. Klema: If I may, and I hear the concerns that I hear the questions and I believe that I know that he has done work at trying to find alternative access. I think that that would have been his choice also. But it's not been received. So the question is about the actual site and having a site plan that better shows what you've asked about most often I think that that's something we could provide. And I think that that's a

good idea, especially if it's going to help us understand and see if you think or find this is an acceptable way of improving this site for this conditional use. So if we had a tabling of this tonight, when would be the next meeting and by when we would we have to have that site plan in?

Mr. Bowsher: The next available meeting for this would be May 20th, and we would need that two weeks ahead of time. We would need something on Ms. Wheeler's desk by May 6th. I do have a couple of follow up questions, though, that I'd like to add, and I think they should be included if we were to table this tonight in a resubmission. Number one, there's been no talk of lighting plan. Typically we would see that as a major site plan I understand that that's not what this is conditional use. But I feel like that's really important. Obviously, you're abutting a residential use. What is the type of lighting that you're going to put on this site? Is there going to be overhead cover? I'd like to see the foot candles? Is there going to be light pollution that is going to seep over into the residential area? I've got some concerns about that. Additionally, I guess I'd like to understand sort of the security, seeing that it is sort of on a residential area that doesn't happen to be heavily traveled now and it's not on a main drag, what is sort of the security plans. On top of that, I'd like to know kind of the operating hours of the establishment.

Ms. Klema: I think we included that on this and application.

Mr. Bowsher: All three of those questions are just the last.

Ms. Klema: Just the last. I wish I would have, but just the last one.

Mr. Bowsher: Thank you.

Ms. Klema: Then I would like I would like to say that we requested tabling until your May 20th meeting. With the obligation of submitting a site plan that includes the items that you have been discussing.

Mr. Furst: I'm more than happy to grant that. I just want to clarify that if you're going to be submitting a site plan that that shows the pavement surface and paving and everything, I just asked you to include any sort of stripping there so we can understand how the cars are going to be placed as well. So it's my understanding that if the applicant withdrawing the application until the next meeting, there's really no need to table it here. I understand that you're going to amend it. So if you're fine with that procedure, then we're fine with that as well.

Ms. Klema: Yes, we're fine with amending the site plan and submitting that for the next meeting.

Mr. Furst: Great. So this being the only item of new business before the board, is there any unfinished business or any other business that may have escaped my notice before we go into adjournment?

Pastor Linder: It's just a slight point of order, and I don't mean any disrespect to the resident, but I do not hear the name and the address of the person that was speaking in public comment

Mr. Furst: Yes, please, if you wouldn't mind, Radekin Road representative here still available are rules to require your name and address stated for the record, please.

Mr. Fields: My name is William Fields and I am the resident of 6004 Radekin Road, Columbus, Ohio.

Mr. Furst: Thank you very much. And thank you, Pastor Linden, for jogging my memory. If there's of the business before the board, then we are adjourned at 7:20 p.m. Thank you, everyone.

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator