



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, MARCH 16, 2017 6:30 PM

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

A. CALL TO ORDER

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

2. APPROVAL OF MINUTES

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

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: If you wish to speak before the BZBA this evening, please stand and we will issue the oath. Please raise your right hand. Do you swear or affirm that the testimony that you will give in front of the Board will be truthful? If so, say, "I do." Please sign in before you testify and state your name and address for the record.

B. PUBLIC COMMENT

No public comment.

C. UNFINISHED BUSINESS

1. **7578 E. Main St.; Application #176211; Applicant: Evans Capital Investments, Ltd.; Business: Reynoldsburg DG, LLC; Variance from Section 1193.12(C)(1,3) of the Zoning Code to Allow Signage that Exceeds the Area Requirements of that Section.**

Mr. Snowden: 7578 E. Main Street - Dollar General - Variance. Application: #176417 - Variance. Location: Property is located on the north side of E. Main Street, just west of Waggoner Road. Existing Zoning: CC Community Commerce District / HCO Historic Commercial Overlay Subarea. The request is for a variance from Section 1193.12(c) of the Zoning Code. Current Use: Vacant Land. Proposed Use: Retail Sales. Applicant: Alex Frazier. The applicant is requesting the Board review and approve a variance from Section 1193.12(c) of the Zoning Code, to allow ground and wall signs that are each 50SF in area. The site is a vacant lot which is within an existing shopping center. Other uses include various retail sales businesses, a bar and pizza shop (eating or drinking establishment), and small office uses. To the north, the property is screened from a multi-family housing

complex by a creek and natural vegetation. All properties that front E. Main Street are within the Historic Overlay District. This was an application that Staff originally received several weeks ago, but the application as submitted was originally incomplete so it was pushed back until the correct documents were received, before it could be distributed to the Board last week. A variance is requested from Section 1193.12(c) of the Zoning Code, which provides special regulations for signs and graphics in the Historic District of Olde Reynoldsburg. The permitted sign area and requested sign area are listed in the table that you see on page 3. The purpose of these regulations are to allow signage that is consistent with the size, shape, and colors of other signage found in the Historic District. The applicant claims hardship based on the underground utilities on the front portion of the property. The Board previously granted the applicant relief from the provisions of Chapter 1193 the required the building to be constructed close to E. Main Street and pushed parking to side or rear. This was based upon the location of existing underground utilities. The applicant now claims hardship based on the building setback and requests additional sign area in order to increase the visibility of their signage. Generally speaking, Staff's view is that wall signage should match the scale of the building façade and be proportional to the setback from the public street. Given the setback of the proposed building, the applicant's request for additional signage is not unreasonable. The proposed sign area is consistent with wall signage permitted in commercial zoning districts of the City outside of the Historic District. This much sign area is warranted in a suburban shopping center context, not on a site within the Historic District. The building is going to be two hundred plus feet from the street. In a normal commercial district that would be a type B wall sign that would permit 2SF of signage for each linear foot of the building facade. In this case, the 50SF that the applicant is requesting would be permitted in the other commercial zoning districts given the setbacks that are in place there, so that setback is not unreasonable. With regard to the ground sign, within the historic District, the permitted ground signs are 18SF and there are specific types and styles that are permitted. Staff's view on this is that the visibility of ground sign is not affected by the location of the proposed building, so Staff does not feel like the applicant may not be meeting the standards for approval of this portion of the variance. Fifty square feet would give them the biggest sign there since the Historic Regulations started getting put in place. There are some non-conforming signs down there that are larger, but again, within our historic regulations and procedures that have been going on for the last 20 years, that would be the biggest signage. S, Staff felt that this was not consistent with the Historic District. Additional Considerations - The applicant gave some sample designs that you see in your packet. Ultimately, the actual design of the sign is outside of the purview of the Board, but they will be require Design Review Board and Planning Commission. I will say that this are variance does not remove their requirements to meet the materials and design guidelines in all those procedures. It is a little bit of a weird situation because you are looking at something. But ultimately, the three of you are being asked whether they warrant additional sign area or not. The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. With that, I would be happy to answer any questions and I will turn things back over to our Chairman.

Chairman Rettke: Would the applicant or agent please state your name and address for the record?

Mr. Scalf: My name is Justin Scalf. I am with One Stop Signs, 2502 St. Rt. 131 Goshen, Ohio, 45122. I am actually presenting for Evans Capital Investments. In this case, Dollar General is building at 7578 E. Main St. In terms of the wall sign, a 5 x 10 standard cabinet. These are pre-fab built units that Dollar General provides. Anything smaller than a 5 x 10 is a custom build. In this case of course, everything is up for negotiation so Dollar General is going to go with whatever is necessary but I wanted to let you to know about the terms of construction costs for the cabinets. In addition, we are looking at a wall sign that sums up to about 50SF as well. It is 2.5FT x 20 FT. That is on a structure that has a frontage of 85FT, so it is significant frontage on an almost full service retailer. I think if you are outside of the Historic District, this sign would well fit within the norms.

Mr. Snowden: That is correct. So, based on what you are telling me, I did not measure the plans because some of the details of the building have still been in flex. So, that would put them at 160 - 170SF, if they were outside of the Historic District, and here they are proposing 50SF of sign area. Again, I am just trying to give you the logic that Staff is going through in their report.

Mr. Scalf: So, in terms of the wall sign and its size, I think we are well within the terms or expectations of Council. When it comes to whether or not this is a cabinet, whether or not they are using acrylic materials, again this would be determined at a later date with the Design review Board. How we build this, we will reckon with at a later date. But, in terms of square feet, I just do want to stress, 2.5 x 20FT in length. So really, I guess the point of contention is this free standing sign or monument. I realize this is larger than what is allowed. The 20SF that is allowed would represent a 4 x 5 post and panel sign. Is see there is new construction in that area. I think the nature of what Dollar General does, many products within the space, the size, the structure, the investment, and then the fact that it draws so far back from the street, I think in this case, our proposal for a monument sign is somewhere in between the expectations of the Historic District and the nature and the business of the structure, as if it were conducting business in any other part of the City. In terms of materials, again, we are going to deal with that. Right now we are looking at an acrylic sign with goose neck lights at the top. Eric Snowden has mentioned in the past that the goose neck looks a little goofy. So, in terms of construction, lighting methods, material, we will deal with that, and we will come to terms with the City.

Mr. Snowden: I'm sorry to interject, but acrylic is a prohibited material in this location. Again, I understand this is the first time you and I have had contact, and I am dealing with the people who specialize in signage. Gentlemen of the Board, what you are seeing is standard drawings that are sent from Dollar General as part of their sign package.

Mr. Scalf: But none the less, Dollar General in the past has upped its quality of materials and has met the standards of any district it works in. Also, considering landscaping requirements, any contingency or conditions we can place that goes and gives us an advance of 50SF, I am willing to do. You just have to let us know. Like I said, lighting methods, goose-necks, we can relocate these. Talking about lighting from the ground, which is not a problem as well. I just want to stress the location of the building again, and the conditions in the parking lot.

Take a look at that site map and keep it in mind. Let me know if you have any questions. Thank you.

Chairman Rettke: When was that legislation passed for 1193?

Mr. Snowden: The legislation was passed last year. That was a cleanup of the historic District Sections. The sign area was put in place in 2008 and the Design and Materials Guidelines were put in place in the late 90's. What I did, there was Chapter 93, which was Historic District. There was 1194, which was Historic Commercial. I synthesized those into one chapter, 1193, and that is what you see today. So, 2008, for a lot of the requirements for the size and that sort of thing. It basically assumes a building that is at the street.

Chairman Rettke: The bank just down the road asked for a larger sign, and that got canned.

Mr. Snowden: It did.

Chairman Rettke: I think they wanted three signs.

Mr. Snowden: Correct. The bank is a little bit of a different situation because they are in the corner. And the bank had a non conforming sign on Waggoner. So, for example, what happened here, this sign is non conforming and this sign that is located here where that is was struck by a vehicle a couple of years ago, which took out the non conforming sign, and the bank elected to go with a sign that met the requirements of the Code. In this case, they have a wall sign and a building that is much closer to the street. I am sorry I cannot provide any more detailed guidance here, but the Board has to decide what is reasonable.

Chairman Rettke: Where I stand with the Historical District, it is a 2008 ordinance, a pretty new ordinance. I hate to gut a new ordinance by creating variances. Since it is so new, I thought Council put time into that ordinance and that is how they want their signs. The ground sign is 18SF, if he could only come up with 20, that would not really be hurting, but he is asking for three times the amount. That is starting to gut it pretty good.

Mr. Snowden: Those requirements were enacted by Council. The Historic Overlay was worked on by the DRB at the time.

Mr. Donovan: They are consistent about wanting to keep signs to regulation size.

Mr. Snowden: They are. Again, most of those have been signs that have been taking down something that is existing and non conforming and has a building up to the street. So, that is where the question as to what is reasonable and ultimately that is the Board's job to decide. Are we being reasonable in what we are doing?

Mr. Scalf: I want to stress again, to the north of my property is an existing 20FT multi tenant sign. To the south of it is a Nationwide sign at 14FT. I understand that they have it and I want it too is not an argument. But, I do want to talk about the norms that are already established.

Chairman Rettke: That is where we get into this contest. Those all predate the 2008 legislation. As soon as they get wiped out by a vehicle, they are going to come to us and want the same sign back and we are going to ask what the Code says.

Mr. Snowden: The challenge here, and this particular shopping center, Evans Capital and there three lots here, have had a variety of issues with more signage over the years, between BZBA and DRB on size and materials. Basically what you have here is a suburban style shopping center that has been built immediately adjacent to our core historic area, and was included in all subsequent definitions of the Historic District, because it makes sense, given its location, but because of the site design, what is existing, the setbacks configuration. That is where we get into these challenges. The requirements of the Code that required the building to be built in this location are great, but how do you deal with that when you have a gigantic sewer underground. That simply wasn't reasonable to require the building to be built there.

Mr. Donovan: That sign is going to be perpendicular to the sidewalk.

Mr. Snowden: Correct, Mr. Donovan.

Mr. Donovan: People are going to be pulling out of there. My concern is blocking the visibility.

Mr. Snowden: The approximate location is right in this area.

Mr. Donovan: People are going to be pulling out of there.

Mr. Snowden: The answer to your question is, in the rest of the city the minimum setback is 10FT. In the Historic District, there is no specified minimum setback for the signs.

Mr. Scalf: If I could interject, 21FT is the total.

Mr. Snowden: That is what you're proposing. The Board can apply a setback that it feels is reasonable. But, the minimum in the rest of the City is 10SF. My interpretation of the special requirements for signage within the Historic District is that there is no minimum setback. It is determined based on the individual site characteristics when something is approved by Design Review Board, Planning Commission, or myself when reviewing sign permitting.

Mr. Armstead: Where is the entrance for this location?

Mr. Snowden: You should be able to see on the one site plan. They are proposing to keep this driveway in tact. The parking lot will be expanded into this area and the structure will be back here.

Chairman Rettke: Any other questions or discussions? I will move for approval.

(Vote.)

Chairman Rettke: I will say no because it does not meet the definition of hardship. There exists special circumstances and conditions but considering this is a Historical District. It is a 2008, fairly new ordinance by Council. We have had other issues with that overlay, and I will defer to Council by voting no.

Mr. Snowden: In that case, three votes against the motion so neither variance is approved. Sirs, I will provide you a written statement of the action of the Board, but you will have the right to appeal to City Council. You have 30 days to appeal in writing.

Mr. Scalf: I know you have cast a vote and I don't know the process, but is there a potential we could negotiate a reduced size? One that exceeds the limit of 20 but is below a 4 x 10? Maybe a 4 x 8? Is that possible.

Mr. Snowden: At this point, unless the Board chose to reconsider, you have to appeal to Council. What I would recommend, and you and I can set up a meeting, would be for you to appeal to City Council and provide a memo stating some items that would be acceptable to you. That is the best I can do for you. There is a limitation on reapplying on variances as well. I will provide that information to you in writing.

Chairman Rettke: That would be better. Have some options and what the minimum is you can go. We have that happen here before where we tried to arbitrate and come up with a specific size to only later have them say that the graphics will not fit. I was fine with the building sign. It is the front sign.

Mr. Snowden: Again, I don't want to have an extended discussion, you and I can set up a meeting. What you could do is reapply for the variances as two separate variances. You could apply for it in that way.

Mr. Scalf: I will not waste any more of your time. I appreciate it.

Mr. Snowden: My contact information is on the City website. I will provide this in writing.

NEXT STEPS

Following the meeting, Staff will mail a record of action notice to the applicant at the address provided. Provided the Board approves the application, the next steps are as follows:

1. The applicant should contact the Planning & Zoning Administrator at 614-322-6829 to submit an application for a zoning certificate. Staff will require two sets of plans to confirm compliance with the approved variance.
2. The applicant will need to contact the Building Division at 614-322-6802 to submit building plans for review, secure permits, and complete the required inspections for the proposed building addition.

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

D. NEW BUSINESS

1. **1914 Brice Rd.; Application #176412; Applicant: Darrel DeBerry; Business: God's Greater Moves Ministry; Special Exception Use Permit.**

Mr. Snowden: 1914 Brice Road - God's Greater Moves Ministry - Special Exception Use Permit. Application: #176211 - Special Exception Use Permit. The property is located on the east side of Brice Road, just south of Livingston Avenue. Existing Zoning: CC Community Commerce District / CCO Community Commercial Overlay. The request is for the Board to review and approve a special exception use permit for a new semi-public use in the CC Community Commerce District of the City. Current Use: Vacant Space. Proposed Use: Semi-public Use. Applicant: Darrel DeBerry. The applicant is requesting the Board to review and approve a special exception use permit for a new semi-public use within an existing multi-tenant commercial building in the CC Community Commerce District and CCO Community Commercial Overlay District of the City. The proposed semi-public use is the worship space for a church. The site is located on the east side of Brice Rd just south of Livingston Ave. Adjacent uses include commercial businesses in the CC - Community Commerce District. Along the west, the property abuts out-lots which front Brice Road. These contain a gasoline station and fast-food type businesses in the CC and CS Districts. Along the south, the property is adjacent to another commercial building the CC District, one of which contains a childcare center. Along the east side, the property abuts Truro Twp. Fire Station #162 and the City's Community Garden. I think we have all reviewed enough of these churches, or semi public uses to know that the main consideration for these is parking. They have adequate parking a the site to accommodate the number of people that can be on the site. The applicant stated that the church will be able to accommodate 50-100 worshippers. The parking requirement for a place of worship is 1 space for every 4 seats in the main worship space, which would mean the applicant would need to provide 25 parking spaces. Staff has calculated that the entire site provides over 336 spaces. If the entire structure was retail, only 210 parking spaces would be required. This site is over parked, assuming the entire site is retail. That gives the property owner some flexibility in that they can have other uses such as eating and drinking establishments which has higher parking requirements. In this case, assuming that the whole center is built out for retail with exception of this particular space, the property still has over 100 additional spaces assuming the inclusion of this use. The applicant's application does not indicate any additional outside activities that might conflict with the loading areas or waste disposal functions that take place at the rear of the shopping center. The applicant should clarify that this information is accurate. I recommend the Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special

exception complies with those standards. Staff finds the proposed special exception in compliance with those standards and recommends approval of the special exception use permit. With that, I will turn things back over to our chairman, and I would be happy to answer any questions.

Chairman Rettke: Would the applicant please come up and state your name and address for the record? While he is coming up, would you identify which unit it is again?

Mr. Snowden: It is in the area that was previously used as the Touchdown Club's Bingo facility. The applicant can clarify if they are using all or a portion of that.

Mr. DeBerry: Darrel DeBerry Forrest Dr., Columbus Ohio. This is my wife, Tina. It is 1914, the olds Touchdown Club. It is between the old Bid Lots building and a restaurant. We are right in there.

Mr. Snowden: It is an approximately 8000SF space. I have been inside the space. Are you using the entire space?

Mr. DeBerry: No, we are using 5000 of it.

Mr. Snowden: So, you are going to be walling off a portion of it?

Mr. DeBerry: It was already there when we looked at it. It was a 5000SF and a 3000SF.

Chairman Rettke: What was the Federal Statute that we have to uphold?

Mr. Snowden: RLUIPA, Institutionalized Person's Act, that flushes out a lot of religious freedom and says that communities can not restrict religious uses in a manner that is inconsistent with other similar types of uses. I am paraphrasing. I have talked to our City Attorney at length and the bottom line is, if they have the parking, and here is why, the purpose of the Zoning code is to help regulate and protect the health morals and welfare of the community. That is why we regulate through zoning. That is in every zoning code in every city in America. It is difficult to argue that any type of religious use, whose fundamental job is to help people and provide for the welfare of the community, violates those provisions of the Code. So, my recommendation is to say that if we have adequate parking on the site, we need to recommend approval. That is the clearest advise I can give the Board, based on my conversations with Attorney Hood.

Chairman Rettke: That is something we have discussed and we have had the RLUIPA in our packs before so we are all aware of it. Any other comments, questions, or discussions?

Mr. Snowden: Mr. DeBerry, was what I said about the exterior of the property accurate? There is no exterior play area, patio, etc..., that would be in conflict. When we look at this, we also want to make sure that there is not going to be a play area next to the dumpster, etc... This is all inside of the property, correct.

Mr. DeBerry: That is correct.

Mr. Snowden: And 100 worshipers is accurate?

Mr. DeBerry: Yes.

Mr. Snowden: I have no concerns Mr. Chairman and Members of the Board.

Chairman Rettke: As far as the building goes, this is pretty much move in ready?

Mr. DeBerry: Yes. We have to do a little painting and some carpeting.

Chairman Rettke: I was in it years ago and it was in pretty bad shape and I didn't know what the status was.

Mr. Snowden: There hasn't been any physical damage to the interior. The tile has since been removed. They will be required to get occupancy. It sounds they will be dividing a space and I think I know where the space is because there was an area here at one point that was connected to another space. That is all building code requirements that Mr. Paszke's team will review. The bottom line is there is not any physical damage.

Chairman Rettke: Do you have any plans for that 3000SF, or is that off limits to you.

Mr. DeBerry: I think somebody else is looking at that 3000SF.

Chairman Rettke: So, you are going to close that off and not have access?

Mr. DeBerry: That is all in the process.

Chairman Rettke: Have you had another ministry here in Reynoldsburg? Do you have a foundation to build on.

Ms. DeBerry: We have done ministry in various Ohio prisons and nursing home ministry as well. Nothing in Reynoldsburg until now. But, we have been in ministry for almost 20 years, so we are not new to ministry, but we are new to Reynoldsburg.

Chairman Rettke: Any other questions or concerns? Hearing none, I will move for approval.

(Vote.)

Mr. Snowden: Very well, this is recommended to City Council. Under the Staff Report you will see the items that are remaining for you to complete the process. I will provide that to you in a written letter after I process the information from the meeting, typically tomorrow. This will be forwarded to City Council and City Council will contact you if they elect to hold any additional hearings. Again, given what you are hearing, some of the religious freedoms considerations, I wouldn't expect that. But, it will be up to the discretion of our Council

members. From there you will need to secure the Zoning Certificate and apply for building occupancy or building plans to do any other work that you need to do in the space. If you have any other questions, contact me. You have my information.

Chairman Rettke: Good luck and hopefully you will be around for a long time.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Donovan, Armstead
ABSENT:	Linder, Darling

2. **1481 Lancaster Ave.; Application #176417; Applicant: Steven Hicks; Variance from Section 1171.06(A)(3) of the Zoning Code of the City of Reynoldsburg, to Allow an Accessory Building to be Constructed on a Side Lotline.**

Mr. Snowden: 1481 Lancaster Avenue - Single-family Dwelling - Variance. Application: #176417 - Variance Location: Property is located on the southwest corner of Lancaster Avenue and Rickly Street. Existing Zoning: R-3 Single-family Residence District. The request for a variance from Section 1171.06(a)(3) of the Zoning Code, to allow an accessory structure to be constructed directly on a lot line. Current Use: Single Family Dwelling. Applicant: Steven Hicks. The applicant is requesting the Board review and approve a variance from Section 1171.06(a)(3) of the Zoning Code, to allow an accessory structure to be constructed directly on a lot line. This is a 3FT reduction from the 3FT for accessory buildings required by Section 1171.06(a)(3). This will allow the applicant to construct a replacement accessory building on an existing foundations. The site is an existing single family dwelling with a detached garage/barn on a platted lot. All adjacent lots are also in the R-3 zoning district. The existing home and all accessory buildings were originally constructed prior to the enacted of the Zoning Code. The lot was platted prior to the enactment of the currently Subdivision Regulations. Variances are requested from the section of the Zoning Code that regulations the location of accessory structures. Section 1171.06 prescribes the setbacks requirements for accessory buildings and structures in all zoning districts. The purpose of these requirements is to maintain adequate separation between structures and to prevent construction of accessory buildings or structures that are unreasonably large given the size of the main structure or lot. Basically you have "x" amount of land to maintain adequate separation between structures and prevent construction of accessory buildings that are unreasonably large given the size of the main structure. The applicant claims hardship based on narrowness of the existing lot. The minimum lot width in the R-3 zoning district under the Subdivision Regulations is currently 70FT. The existing lot is only 60FT. The setback requirements for accessory structures of Section 1171.06(a)(3) assume that all lots meet the minimum size. The applicant previously had an accessory building in this location, but due to safety considerations, it had to be removed. Mr. Hicks and his wife purchased this site a couple of years ago and have taken it through to do some repairs. Since the site is in the Historic District, the DRB also has to approve any exchanges to the exterior. You can see the conditions as they are now, and prior to Mr. Hicks purchasing the home. What happened is Mr. Hicks determined that accessory structure was unsafe and that he needed to pull it down, so he went ahead and pulled it down, and in order

to reuse the same foundation, or roughly the same concrete pad, he was required to have the variance. If the structure was still there I would call this conforming.

Mr. Donovan: How did he build it in the first place?

Mr. Snowden: It was built years ago, probably prior to the Zoning Code going in place. He purchased the home. The Zoning Code went into place in 1955. Anything before that, you could have located structures pretty much wherever you want as long as it was not inside a public street. That is true of a lot of communities. In Columbus it is 1928. There were fire codes and things. Come talk to me if you want that history lesson. In this case, the structure was back there. Mr. Hicks made the determination that this thing is unsafe and he pulled it down. He is attempting to reconstruct the same structure on the same foundation. One of the main reasons that we have these setback requirements is to prevent neighbor conflicts. Although it is not a rationale to approve the variance, it is good that he is in communication with his neighbor. Staff has no concerns because accessory buildings of this type are typical of residential dwellings and the variance will not grant the applicant any special privileges regarding the overall lot coverage. He still has to meet the overall coverage of the lot and he is not in excess of that now and will not be with the proposed structure. Assuming approval of this variance, the applicant intends to reconstruct the accessory building, install a fence, and repair the existing barn. The applicant is aware that a certificate of appropriateness and a building permit will be required to complete the project, that is given the fact that it is the Historic District and the fact that his proposed accessory building is over 200SF. Mr. Hicks is in the construction industry. He is also on the DRB, so he will need to recuse himself from his own board. Mr. Hicks called me today to say that he had a family even and he is not here with us his evening. I recommend the Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff recommends approval of the application as submitted. I would be happy to answer any questions.

Chairman Rettke: Is there anyone here on his behalf?

Mr. Snowden: I do not believe so.

Mr. Armstead: So, the fence will butt up against that structure?

Mr. Snowden: Yes it will. The fence also will go down the property line there. Normally there is a setback from any public street. However, the way that alleys are defined in the Zoning Code, and I know this because I wrote the section to clarify it, that is going to be considered a side lot line. So the fence setback from like a front lot line is not going to apply. Again, one of the main things is we want to be context specific. This is very typical of how this type of property was originally developed back in the 1800's. This would probably look a little bit weird if it was on a platted lot in a suburban style neighborhood. But here, it works. He is also limited to 4FT for that fence, given the historic nature of the area. A 4FT split rail fence is a very typical fence type, split rail or picket.

Chairman Rettke: Any comments or concerns? As a surveyor, I will give my two cents. Hopefully he is aware that is on his property before he builds it. I will just ask Staff to pass that along that he is very confident in that location.

Mr. Snowden: Mr. Hicks is in the construction industry and I think he has a little more experience than your average homeowner.

Chairman Rettke: So, before he makes an investment and puts it 6/10's of an inch over the property line and has a bigger problem with his neighbor, that would be my only advice.

(Vote.)

Mr. Snowden: I will contact Mr. Hicks in writing and provide him the information. If memory serves me correctly, he is already scheduled for DRB next month, so if anyone has any interest in the case, just check out the DRB information and minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Donovan, Armstead
ABSENT:	Linder, Darling

3. **8301 E. Broad St.; Application #176438; Applicant: Kailen Akers; Business: Aldi, Inc.; Variance from Section 1175.05 of the Zoning Code of the City of Reynoldsburg, and Ordinance 45-06 of the City of Reynoldsburg, to Allow a Building Addition with a 10FT Rear Setback, and 13 Additional Parking Spaces Within a Parking Setback.**

Mr. Snowden: 8301 E. Broad Street - Aldi Grocery Store - Variance. Application: #176438- Variance. The property is located on the south side of E. Broad Street, east of Waggoner Road. Existing Zoning: CS Community Services District w/ Limited Overlay is the Zoning District. I think we are all pretty familiar with the Shoppes at East Broad at this point. This was a part of the previous phase of the Shoppes. The request is for a variance from Section 1175.05 of the Zoning Code and a provision of the limited overlay approved by Ordinance 45-06 of the City Council. Current Use: Retail Sales. Applicant: Kailen Akers. The applicant is requesting the Board review and approve a variance from Section 1175.05 of the Zoning Code and a provision of the limited overlay approved by Ordinance 45-06 of the City Council, to allow a building addition and expanded parking lot. The site is developed with an existing commercial building and related improvements. Neighboring uses include other commercial businesses in the CS Districts, including retail sales, an eating or drinking establishment and some auto service related uses. To the east, the property abuts a corporate headquarters and distribution center in the RI restricted industry district. To the south, the complex abuts agricultural property in Jefferson Township. To the north, the property is adjacent to a shopping center and multi-family housing complex across E. Broad Street in the City of Columbus. A variance is requested from Section 1175.05, and its referenced table, Table 1175.05, which prescribe the setbacks for non-dwelling uses in all zoning districts. The purpose of these requirements are to maintain adequate separation between structures so as to

allow adequate air and light, reduce hazards from fire, and maintain uniform aesthetic appeal of all structures in the district. The applicant is also requesting that Board approved a variance from their limited overlay, contained in Ordinance 45-06 as approved by the City Council. A limited overlay is placed over a property when it is rezoned, and it is basically an agreement between the City and the property owner. The property owner, at their discretion, places additional restrictions on their own property that are acceptable to the City in order to allow the property to develop in a logical way. A lot of times they are used in situations where you have multiple uses on the site and you need a tool. The Zoning Code Regulations done address enough of the uniqueness about the site and how it is configured and additional regulations are required. The property owners use it, for example, to say their will never be adult uses on this property. In this case, the limited overlay prescribed a 25FT setback along the east side of the property for parking. The applicant is asking to reduce that to 15FT, in this case. The Limited Overlay also specifically named the Board of Zoning and Building Appeals and empowered them to grant variances from the overlay as if it was part of the zoning code. It is a little weird because it is not part of our main code. Building Setback - The applicant proposes to extend the existing commercial building to the south, and reduce the setback to 11FT from the required 30FT. Staff's concerns are minimal, as the property is immediately adjacent to the stormwater detention basin for the entire complex. This area is not developed and is not developable, so there is no danger that the addition will impede the provision of air and light, or that the buildings are too close together to constitute a fire hazard. I look at it as there is a setback, but it is within the same complex, so it is really not affecting anybody. It is really a technicality. This out lot is an individual parcel. The requested variance would reduce the setback for parking along the east edge of the property from 25FT to 15FT. Staff's concerns are minimal; the neighboring property is zoned RI Restricted Industry, which means the parking will not be moved closer to any existing dwellings. There is no minimum setback for parking areas from side lot lines in commercial and industrial districts that do not abut residential districts. So, the 25FT setback is something that is unique to the Limited Overlay. This variance will not reduce any of the landscape regulations of Chapter 1180. So, the applicant is still going to have to provide a landscape buffer. There is some natural vegetation there but some of that may have been thinned out. The applicant is going to need to screen that parking lot after they construct it. I will review that as part of their Minor Site Plan. The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff recommends approval of the application as submitted. With that I will turn things back over to our chairman, and I would be happy to answer any questions.

Chairman Rettke: Anyone here to speak on this. Please state you name and address for the record.

Ms. Callos: Abby Callos. I work for MS Consultants, representing Aldi. We are located at 2221 Schrock Rd. Does everyone have the site plan that we had submitted?

Mr. Snowden: They receive it in their packets. So our proposal is to expand the building to the south about 22FT by 60 FT. This allows Aldi to get closer to their current standards for their store sizes. So, trying to meet the demand of the community for the product line. The

building will remain 10FT or more from all the property lines at all the points. Expansion is necessary to increase the sale floor area footage to their current prototype size. Aldi needs this larger sales floor due to the growing line of products that they carry. This store is approximately 3000SF smaller than their current stores they are building. The expansion to the south results in the least impact to the properties and community. Aldi also has in writing from Loews and the limited that they are in compliance with our proposal here for the expansion of the parking lot.

Mr. Snowden: Ma'am, could you email those to me so that I could have them for the file.

Ms. Callos: yes. Aldi has those but I can have them forward them.

Mr. Snowden: Again, Gentlemen and Members of the Board, I do not recommend that be our deciding factor, but it is something I would like to have on file in case the question is ever raised. Ultimately, the Board has to make a decision as to whether the variance is reasonable and required in order to compete it or not. That is the decision of the Board. When we have neighbors making comments, I like to maintain record of that in case it is ever raised again.

Ms. Callos: That is the main reason for the addition to the south side and then the addition of the parking and expanding into the existing parking setback, it goes in correlation with the addition of the building. The building gets a little bit bigger and we don't want to expand into the existing parking lot and reduce the parking count and we would prefer to expand the parking lot to bring our parking count closer to Aldi's national standards. For a new build prototype, they prefer 95 parking spots and 85 as a minimum. Our proposed project would go from 73 parking spots to 87 parking spots which is much closer to their national standards for parking. I know that this store is fairly busy and we want to make sure that we are accommodating to the community and have enough parking for everyone, especially since the product line will be growing with the expansion of the store. I think that is pretty much the general spiel, so if you guys have any questions,.

Chairman Rettke: I have a couple of issues. Your parking says you are going 73 to 87 but I see a net addition of 12. Where are the other two spaces?

Ms. Callo: Currently I believe to the east portion of the building near the loading dock there is currently some striping there that we are going to turn into parking. I am not exactly sure of their reasoning when they built the store originally why that striping was needed. I think, as you can see, people are already parking over it.

Mr. Donovan: The trucks getting in and out of there.

Ms. Callo: We have done a truck turn and that is why to the north portion there is that large striped area. The trucks use that to turn.

Chairman Rettke: We are requesting a, 11FT setback from 30FT to 11, but the one corner is at 10FT 2IN. Don't you think we out to change that?

Mr. Snowden: It would be amended to 10FT. I apologize if I caught the wrong number there. It is not a straight property line, correct?

Chairman Rettke: No, so I think we need to change that. That is not going to be storage, that is going to be retail floor?

Ms. Callo: That portion will be storage and the existing sales floor will push into the existing storage area. There will be a lot of interior upgrades so that the spaces inside are going to change.

Mr. Donovan: They have all those freezers and coolers back there. It is going to be a lot of work.

Ms. Callo: It is going to be a lot of work. We are relocating all of that within the store so the interior of the store will look closer to a new build store where they have the cooler and freezer in the same.

Mr. Snowden: Mr. Chairman, if you look on your Agenda under Item 3, the official request for the variance, I worked with the applicant to write west 10FT. I must have just saw the 11FT when I was looking at the site plan and somehow that got into my brain. There is no reason to make any amendments. It is on the Agenda properly, so that is what the Board will officially be approving.

Chairman Rettke: So is it 13 or 14 spaces we are gaining?

Ms. Callo: So we will be gaining 13 spaces but there will only be 12 in the portion that is being expanded.

Chairman Rettke: I struggled with the math. I couldn't figure out where the other two were going, now it seems like we are only gaining one. Not that it makes a big deal. I just want it to be right.

Ms. Callo: I'm sorry, I don't have the existing site plan here with me to. We are adding 14 spaces, but only 12 spaces are in the existing parking setup.

Mr. Snowden: I think you are taking two from here.

Ms. Callo: Correct.

Mr. Snowden: Ultimately, just to be clear, they are going to have to apply for a Certificate of Appropriateness from DRB for the building architecture. What they are proposing is consistent, so DRB is probably not going to have any concerns as long as it is properly landscaped and they are not modifying too heavily what is back there. Secondly, they are going to have to apply for a Minor Site Plan which I will calculate. It's the minimum number of parking for that area. Ultimately if they want to be overparked for that to meet their

national model, that is their choice, as long as they are not exceeding the overall paved surface requirements for the lot, which they are not going to be. Just so you know, if it is 89 or 87, the bottom line is does the Board think it is reasonable and necessary or not.

Chairman Rettke: I just want to make sure we are all in line.

Mr. Snowden: Absolutely. It was not a criticism of what you are doing, I just want to let you know what the other layer is.

Ms. Callo: It will remain open. There may be a few weeks of closed construction, but for the most part, Aldi likes to keep it open during construction as long as they possibly can. With this store, the interior layout is changing quite significantly. It might be closer to four to five weeks of closed construction. But, I would have to confirm that with the general contractor. He is still in negotiation.

Mr. Snowden: Get a hold of our Building Division as soon as you can. They can help coordinate.

Ms. Callo: We have, and as long as this gets approved here, we will be applying for a building permit and doing plan review as well.

Chairman Rettke: Any other discussions or comments?

(Vote.)

Mr. Snowden: Ma'am, the items are listed on page 14 of the Staff Report which will tell you what remains. To my knowledge, your team has already applied for a Certificate of Appropriateness and you now need to apply for a Minor Site Plan, which I can approve once the Certificate of Appropriateness for the architecture is approved, and then work with our Building Division. You can begin the building plan approval now, but you are not really going to be able to proceed until you have the DRB approval. Ok?

Ms. Callo: Ok. Great. Thank you.

Mr. Snowden: And, I will provide that to you in writing.

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

4. 6541 E. Main St.; Application # 176441; Applicant: Votem Ventures, Inc.; Special Exception Use Permit - Eating and Drinking Establishment.

Mr. Snowden: 6541 E. Main Street - Banquet Hall - Special Exception Use Permit. Application: #176441 - Special Exception Use Permit. The property is located on the south

side of E. Main Street between Beeler Drive and Crest Street. Existing Zoning: CC Community Commerce / CCO Community Commercial Overlay District. The request is for a special exception use permit for a new eating and drinking establishment. Current Use: Vacant. Applicant: Votem Ventures, Inc. The applicant is requesting that the Board review and recommend approval of a special exception use permit for a new commercial banquet hall in an existing commercial building. The site is developed with an existing commercial building which is currently vacant. This is known to locals as the Cattle Club. We have looked at a couple of different uses that were special exceptions. All neighboring properties are zoned CC and within the Community Commercial Overlay District. To the east, the property is adjacent to a mobile home park in the MH Manufactured Housing District. To the south, the property abuts a single family home in the R-3 District. The existing site is currently vacant, but has supported a variety of commercial uses over the years. The proposed use is consistent with the neighboring uses. This is not an inappropriate use for E. Main St. The hours of the proposed banquet hall could be evenings or weekends and I would like the applicant to clarify because you could have some negative impact on the adjacent single family dwelling use. I would like some clarification from the applicant. Table 1179 of the Zoning Code requires one parking space for every 100SF of building area for this use. This would require the applicant to have 126 parking spaces assuming that the entire building, which is over 12,000SF, was used for this use. As you can tell from the site plan in your packet, only has 55 existing parking spaces. This is less than half of the Code requirement for this use. The applicant should clarify the exact area of the building to be utilized for this use, and Staff will provide a new parking calculation. I have had conversations with this applicant in which they indicated to me that they are not intending to use the entire building for this use, but I could not find that and I would like the applicant to clarify. The Board does have the power to reduce the parking requirements per Chapter 1179, but due to the heavy parking demand for this use, Staff suggests the Board do so with extreme caution. We are talking about something that has less than half the code requirements where the length of stay can exceed that of your normal in and out restaurant, and we need to be sensitive in this case. That is my main concern is the parking. The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. With that, I am happy to turn things back over to our chair.

Chairman Rettke: Is the applicant here?

Mr. Snowden: I am not recognizing anyone associated with this applicant in the room. They were notified of the meeting.

Mr. Donovan: We should table it.

Mr. Snowden: That would probably be my recommendation in this case. Mr. Havener just pointed out that they did provide an interior drawing that showed some of what they called assembly space there. But my concerns has been that this has had a couple of different uses and the configuration has been changed a couple of times so I really would like to have a

definitive answer from the applicant. There was existing, there was an office use, there was a church use that tried to move in. They got approved for their Special Exception but they didn't complete the process with their building permits. They did some modifications to the space. My point is to say that this one has been in flux and I really want to speak with the applicant more in depth and have them clarify exactly what they are doing.

Chairman Rettke: I concur. Any time we have done these banquet halls we have had discussions with the applicant to determine the hours of use and extent, whether they are outside and the volume of people.

Mr. Snowden: Mr. Chairman, and other Members of the Board, the concern with this banquet hall use is that this can kind of turn into a private night club, and I am not saying this is the case with this applicant, but there have been cases where these things are approved as a private banquet hall but then they ended up getting rented out to the same person every weekend. At a certain point it is not a banquet hall anymore, it is a nightclub, and that is a different use and has different considerations and so forth. That is why I am being a little more cautious than I would be under normal circumstances.

Chairman Rettke: Based on the applicant not being here, I think it is wise to table that.

(Vote.)

Mr. Snowden: I will contact the applicant, provide them the feedback, and the information the Board requested, as well as staff, and see if we can get that clarified for our April meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 4/20/2017 6:30 PM
MOVER:	Anthony Rettke, Chairman	
SECONDER:	Richard Donovan, Vice Chairman	
AYES:	Rettke, Donovan, Armstead	
ABSENT:	Linder, Darling	

5. **955 Lancaster Ave.; Application #176520; Applicant: Chuck Kirk; Business: Summer Rays, Inc.; Variance from Section 1179.03 and Table 1179 of the Zoning Code of the City of Reynoldsburg, to Allow Removal of a Required Enclosed Parking Space.**

Mr. Snowden: 955 Lancaster Avenue - Single-family Dwelling - Variance. Application: #176520 - Variance. The property is located on the west side of Lancaster Avenue just north of Warwick Avenue. Existing Zoning: R-3 Single-family Residence District. The request for a variance from Sections 1179.03 and Table 1179 of the Zoning Code, to allow removal of a required enclosed parking space. Current Use: Single Family Dwelling. The applicant is requesting the Board review and approve a variance from Section 1179.03 and Table 1179 of the Zoning Code, to allow removal of a required enclosed parking space in an existing single family dwelling. This will allow this garage to be converted to living space. The site is an existing single family dwelling with an attached single car garage. All adjacent lots are also in the R-3 zoning district. The existing building and lot appear to meet all the requirements of the Zoning Code for that district. STAFF REVIEW - Regulation Intent - Variances are requested from two separate but related sections of the Zoning Code. Section

1179.03 and Table 1179 prescribe the required parking spaces for all uses, and outline procedures for the Board to make determinations about parking in unusual circumstances. The intent of the regulation is to ensure that property owners are responsible for providing adequate parking for uses on their property so as to insure that adjacent public streets are not overburdened. This case was referred to the Planning & Zoning Division from the Code Compliance Division. A Code Compliance Officer observed the modification of the existing garage and confirmed that a zoning certificate and building permit were required. The property owner was notified to apply for the variance in order to conform the property. In the event the variance is denied by the Board, Staff will continue enforcement of the provision of Chapter 1155 of the Zoning Code. The applicant would have the right to appeal the denial of the variance to City Council. Non-conformance - Table 1179 requires two enclosed spaces for new single family dwellings. This property has only one enclosed space, and is considered a non-conforming structure under the provisions of Chapter 1159. That chapter states that non-conformance cannot be increased. So basically, in layman's terms, if you have something that is non-conforming to the current code, it may continue to exist. I, as you Planning and Zoning Administrator, can not order it to comply with the new code, but it can not be reduced in its conformance. The non-conformance may not be increased. For example, in this case, I can not force the applicant to go to two parking spaces, but the applicant can not reduce by removing the one enclosed space because two are required. Therefore, a variance is required to proceed, in this case. The applicant has provided a statement of hardship, but the statement does not address the requirements of the Code. The applicant's claim of hardship is based on their desire to complete the project. The applicant has also made the claim that other homes in the area or in the same zoning district have converted enclosed garages to living spaces. That is accurate. Staff's review of the Zoning Code indicates that the requirement for parking for single family dwellings between approximately 1955 and 1999 was one space per dwelling. That was the Code requirement. Any conversions made prior to enactment of a Zoning Code revision in September of 1999 would not have required a variance. So, if you bought your Huber home in 1960 and converted the garage in 1970, based on all of my research, that did not require a variance. Staff has visited the site, and determined that the property has at least 3 unenclosed parking spaces in addition to the one enclosed space. This exceeds the current requirements of Table 1179. In the table in front of you, on page 20, I have provided the information. Unenclosed spaces - code requires two, existing at the site, approximately three. Enclosed spaces - current code requires two, existing at the site is one. We are looking at the variance and confirming that the work was done. Four spaces are present and a total of four were required. So basically, what I am getting at here is I can support the variance assuming that we still have a total of four parking spaces on the site, given the code requirement to have at least four, two enclosed and two unenclosed spaces. The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. If the Board determines that the applicant has met those standards, Staff recommends the following conditions: That the applicant shall provide at least 4 total parking spaces on the site, and shall provide a plot plan dimensioning the existing unenclosed parking spaces, so the Planning & Zoning Administrator can determine if additional unenclosed parking spaces are required. I need the parking spaces dimension. Right now, the conditions are that there was gravel at one point, which is not a permitted material for residential driveways. So, you can see here from the photo in front of

you that you sort of have two here, maybe two here. I am going to need those dimensions based on the size requirements that are contained in the Zoning Code. That the applicant shall be required to provide additional unenclosed spaces to meet the requirements of Item #1 if the Planning & Zoning Administrator determines that the existing unenclosed spaces are not adequate to meet those requirements. So for example, if the Zoning Code says based on the size requirements, if I measure this and this says we have three parking spaces here, the applicant is going to have to provide additional unenclosed parking spaces. That is my recommendation for the condition until we get to a total of four that are required under Item number 1. All paved areas utilized for parking, including any additional parking areas installed under Items #1 and #2, shall be installed and maintained in compliance with the requirements of Chapter 1179 and of the Property Maintenance Code, to the satisfaction of the Planning & Zoning Administrator. Clearly you can see this is not in great condition here. You have gravel that has been here, and gravel back here. If we are going to allow this variance, my recommendation is that we have got to get this cut up stuff and I need to be able to measure that out and view it. 4. The applicant shall apply exterior materials to the proposed converted garage that are consistent with the color and materials of the existing structure, to the satisfaction of the Planning & Zoning Administrator. I thought I had a photo of this property. Here you can see the garage. Basically what has happened is the garage door was removed, framed out, and a cedar shake siding system was placed that is different than the exterior of the rest of the home. As a condition of this, I would recommend if the Board chose to approve it that they require the applicant to utilize the same material so that we at least have some architectural consistency here. 5. That in addition to the requirements of Section 1147.07, which states that variances are good for a year, this variance shall be considered void if the applicant fails to secure a building permit or otherwise meet the requirements of the Building Code to the satisfaction of the Chief Building Official within the time period specified in that Section. Basically, as far as we can tell right now, a building permit is going to be required. Our Chief Building Official may make a determination that is not necessary, ultimately that is his decision based on the Code. What I am saying is the Chief Building Official requirements must be satisfied within the year that the variance is approved in order for this to be considered acceptable. That is also a condition I am recommending if the Board chooses to approve. With that, I am going to turn things back over to our Chairman, and I am here to answer any questions.

Chairman Rettke: I am sure there will be some. Does the applicant have a representative here? Please state your name and address for the record.

Mr. Kirk: I am Chuck Kirk, Tanya Terrace,

Chairman Rettke: So I am guessing you have already started construction of the garage enclosure?

Mr. Kirk: Yeah, I moved to Reynoldsburg in 1998. So, when I got here roughly almost 20 years ago, you know, meet neighbors, talk to people, I have got three high school graduates and three college graduates and two now at Wagonner Middle School now in 5th grade. At any rate, I have 25 houses in the City. So, whenever I go down Lancaster Ave., one of the things that I liked about that house when I bought it in, I think I bought that one in 2006

because I bought the little Rev Studio on Main Street which started the onset of all of this happening back in 2005. So, it was like one of the next houses that I bought next to the one on Main St. At any rate, the garage, when I bought the house, yes, the gravel, it had a nice gravel lot off to the side. It was in proportion from the garage start to the end of the house. There is additional parking for two on the left as well so it was a nice big kinda square, and then the driveway was just the driveway. That all was already there. It was an attractive look because there is a creek that sits on, and JFK Park which is behind there. It is a pretty lot. It is almost a half acre. The house next door is kinda, there is a big lot between us, and as you can see, there is plenty of open space which makes that property gorgeous. One of the things I bought it for over 11 years ago, I was going to finish that garage. It was not a garage at all. That was a little heated space. The guy that owned it, it was a foreclosure. Look at my drawing, it is only 15FT long inside. So they have already, from the back of the house, pulled that garage short, if that makes sense. I do not know what the original dimensions are. I could not go back that far. It is not a new house. It has been on Lancaster for a number of years. But it has already been cut short 10FT. It was kinda used for like bicycles or go carts, or something like that. It was clearly not a garage at all. You guys have been around for a long time. We have been through five or six building officials since '05. You know what I mean? And so, I have gotten different versions of how to take a garage door down and turn it into part of the house. That is what I put into my report. You can drive all over Reynoldsburg. There are millions of different designs on how they took that garage door down and exited the house. My goal, and I stopped so it is hard to see what the vision I really have for that house was, I want to take the iron railings off of the front. I want to go with two round columns. The new fiber glass columns for the front. I want to get a new front door on there. What I was doing was cedar shaking the front. So, leaving the sides and the rear, the T-111, the original siding, the historical look. I want to get a new front door on there. What I was doing was cedar shaking the front. So, leaving the sides and the rear the T-111. I wanted to maintain some of the look of the house. But, I wanted to accent the front with cedar shake, which is not an uncommon look with T-111 on the sides. I was going to accent with two columns and also we are going to match those two columns to the rear porch where it goes out to the creek. There is a patio out back there with a 10 x 10 sitting room and then a 10 x 10 porch. I assume older folks may have owned it because of the way that it looked. They could sit inside or outside because it is almost identical, 10 x 10 in and 10 x 10 out. So, that was my goal. I got a call that hey, you need to pull a permit for that. I have never heard that in my life. We are not changing the structure. I am not cutting into the house. I am not doing anything other than me taking a door down and turning it into a window. It is the thing I have seen down here for almost 20 years. He said, well I am the new building official and I want a permit. So I go in and basically, so when I get watched and followed around and talked about as you may know. So I go in and see Eric and Eric says this needs a variance as well. For what, it is a half acre lot, it is a 15FT by maybe 7 space. You know what I mean, it is not even usable as a garage and I have already been compensated before I even bought it. There is gravel off to the side. There is an abundance of parking. You can have two to the side of that garage and you can have two facing the neighbors house. So, there are at least 4 - 5 parking spots. I apologize. I was not trying to do anything that anybody would do. You know, busy with kids, busy with other residents talking to other people, and just being busy with life. Twenty-five houses, I thought I would cedar shake the front, accent it with some columns, put a brand new nice stainless steel door

on the front. Make driving down Lancaster look pretty. Accent the creek so the residents that I have in there could be comfortable, feel better. A little bigger ranch, a little more livable space. And make the ranch a little prettier than that little garage door. You know what I mean? That was my mindset. So, here I am. I hope you guys will stand behind me on my new look.

Chairman Rettke: Caught me off guard. I did not realize there was a requirement for a garage.

Mr. Kirk: I was totally flabbergasted myself.

Mr. Donovan: That has been in effect since the 80's.

Mr. Kirk: If you had told me that, I would have probably called you a liar.

Mr. Donovan: Back in where the apartments are, Bell Homes wanted to build a bunch of homes in there and they wanted to just put them up there with no garages and we said no. We said you have to have a garage or you are not building them. That was in the 80's.

Mr. Kirk: I was just trying to make a nice flowing ranch across there. It was not really ever a garage, like I said. If you look at the Auditor's Report, it will show you that the 10FT is already a part of the house.

Chairman Rettke: What is in the 10FT where the garage would extend into?

Mr. Kirk: It is a nice little carpeted desk area. Like a little office desk.

Mr. Donovan: How many people live in this building? Is there a family in there?

Mr. Kirk: No, I am a 501(c)3. I help people that have overcome a drug and alcohol and drug addiction. I call that my retirement ranch for a lack of a better word because I have about 5.

Mr. Donovan: How can you be in charity if you are renting places for profit?

Mr. Kirk: It is part of our residential program. It is an extension of treatment. I am a 501(c)3.

Mr. Donovan: That is a charity.

Mr. Kirk: Correct.

Mr. Donovan: I can understand being a non-profit, but not a charity.

Mr. Kirk: I have five guys that are in there that are leaving treatment centers and such. We call it our retirement ranch because they are older because we do not have them in some of the houses with steps and stuff like that. We started this project in roughly 2008. I felt a guy

that graduated law school, barber school, cosmetology. We are trying to defy the odds. Ohio is number 1 in the nation for overdoses. We are losing a 19 -27 year old every three hours. That is what keeps me busy the most, fighting that battle. We have a lot of young folks that we are helping overcome that. You know Reynoldsburg is the City of Respect. If you want to change then we will get the hell out. That is the bottom line. My kids graduated here. My daughter was valedictorian last year. She got her scholarship to Capital. I have another daughter who is graduating Kent this year as a senior in the fashion program. You guys may know my son Jeremy Kirk. He is at every high school game. He is the kid with Down Syndrome. I am just trying to improve the City and keep it beautiful. I love Reynoldsburg and I just take one house at a time when I can get to it and I try to make it as nice as I can. I started with a little house on Main St., 7480, a little butterscotch and maroon one and it at least triggered a lot of exposure. Today when you drive down through there you can feel a little more confident about how it looks. I don't know what he meant by the materials. Cedar is on the side so I picked cedar shake on purpose just to accent the front, and I want to take it all the way across. It looks a little hodge podge right now but I didn't want to do anything further against what I was allowed to do. You know what I mean?

Mr. Snowden: What I am saying is, if the Board chose to approve it, I am recommending that they put the condition on there that you have to complete that. I am not saying I do not like the material choice.

Mr. Kirk: I thought you wanted me to put T-111.

Mr. Snowden: No. You could choose to do that if you wanted to, but what I am saying is, whatever material you put across the front, be consistent, and you will have a year to review that if the Board chooses to approve it and put that condition on it. I am trying to give them conditions that are going to make them feel comfortable doing something that frankly they really shouldn't necessarily do based only on the regulations of the Code. Not based on any particular person, just based on what the regulations say.

Mr. Kirk: You guys will love it when it is done. It is like the studio. When I get done it comes out pretty nice. I think I am going to lighten up that green too.

Mr. Armstead: As far as the garage door, what do you have planned as a replacement?

Chairman Rettke: It is already done.

Mr. Kirk: I have a vinyl window in there with a nice little arched top.

Mr. Snowden: I apologize, I do not have a photo of it. Basically the door was removed, and the wall was framed there.

Mr. Armstead: How big of a window? Is it just one panel?

Mr. Snowden: It is like a picture window, isn't it?

Mr. Kirk: It would be like a picture with a little bit of an arched top. It is very appropriate. It is size proportionate. It is not huge. It is white framed.

Chairman Rettke: The in fill was cedar shakes, and then T-111 green.

Mr. Snowden: This window replacement is still present.

Chairman Rettke: Yeah, you still have a window there.

Mr. Kirk: Yeah, I left everything. I just took the door down and put that picture style window in.

Chairman Rettke: You learn something new every meeting. I did not know you had to have a minimum of two.

Mr. Snowden: Correct.

Chairman Rettke: I can see why.

Mr. Kirk: With the openness of that lawn, when there are a couple of cars you barely notice it. Doesn't the City actually have access right there?

Mr. Snowden: It does. There is a lot that is owned by the City. At one time it was thought, maybe in the 50's or 60's, that someday they would build a bridge and connect over to Lancaster Ave., but they never did. The City retains the land.

Mr. Kirk: That is why that space is so wide on the side, the city actually owns.

Mr. Snowden: It is about a 40FT lot.

Mr. Kirk: It is nice and open.

Mr. Armstead: My comment would be, make sure you have the appropriate space, as far as the four spots.

Chairman Rettke: Do you have any intention of paving that?

Mr. Snowden: I want to just clarify in layman's terms exactly what I am saying by those conditions. It looks to me that we have about three spots there but just because of the nature of gravel, and the materials and so forth, they tend to migrate and if they are not maintained, they tend to go away. So, what I am saying is that I think that if Chuck can go into his files, give me his plot plan, not an aerial photograph but the plot plan from when you bought the thing, it will show us the dimensions of that paved area, and I will be able to sit down, look at it, and say that Chuck has four unenclosed spaces there, so he is still meeting the overall number of spaces for single family and we are good.

Mr. Kirk: I think it would look better paved, I just don't know exactly when I can do it.

Mr. Snowden: What I am saying is I would make that determination because the Code gives a specific requirement for what a parking space is. The parking space is 18FT deep and 9FT wide. Now for residential, they can be stacked. For everyone else they can't be stacked. What I am saying to you is the driveway could be two spaces and this could be two spaces. I have to have that on the plot plan laid out with the dimensions. What I am saying is that in the event that those dimensions don't quite meet that, you are going to have to pave the remainder of it, is what I am saying. What I am saying is we are not going to use the gravel to meet the requirements of this. You are asking the City to bend a requirement of the Zoning Code for you, which is the unenclosed spaces need to be paved. That is all I am saying.

Mr. Kirk: Ok.

Mr. Snowden: Again, Chuck you have a year to do it. It is not like you have to do it in 30 days.

Mr. Kirk: That is doable if I have a year. I will get it done this summer.

Mr. Snowden: I really think if you get the mortgage survey, and you sit down and detail it out.

Mr. Kirk: I am almost certain, 9 x 18 is 36FT. That driveway I am pretty sure is over 36FT.

Mr. Snowden: Unfortunately, in my world, I can't simply take your word for it. I have to have the mortgage survey laid out. That is the point of going through all of that. The main reason that I am asking in that big of detail, in the event that someone were to make that request of the City, to show them why this was approved, I can provide your plot plan with the dimensions of the parking and say he is meeting four spaces for single family.

Mr. Kirk: It would actually look nice if I kinda cut that off to the left a little bit a brought more of a little curve to it and put the four and then use two in the driveway.

Mr. Snowden: There is more than one way that you could configure it, but what I am telling you is we have got to have four spaces here. I think that is reasonable given the fact that you are asking the City to waive this requirement for you to have it enclosed.

Mr. Kirk: I appreciate that, as long as I have the summer to do it.

Mr. Snowden: You have up to a year to complete the process.

Mr. Kirk: I can do that.

Chairman Rettke: So items one thru three basically deal with the driveway. Four he has already admitted he is going to cedar shake the whole front of the house. Five was...

Mr. Snowden: Mr. Rettke, the reason I am making that suggestion number five is because the Zoning Code says you would have a year to get the Zoning Certificate for the project. What I am saying is given the fact that work has already been done, and based on Mr. Pazke's cursory review of the situation, it does require a building permit. Now he may get into further discussions with Chuck and it is completely within the purview of the Building Codes that we are required to follow here. And, in addition to 1147.07 that says you must have a zoning certificate, I am saying he must have a building permit or completed the Building Department's requirements to the satisfaction of our CBO. I am just adding that to that same requirement. He would have a year to do it per that section.

Chairman Rettke: Do you understand all of that?

Mr. Kirk: Yeah, yes.

Mr. Snowden: If you come in and John says you are fine, then that is fine. If he says you have to get a building permit, you have a year to get a building permit. I understand that. You have been waiting on us to approve the variance, but that is part of the process.

Chairman Rettke: Any other discussion or comments?

Mr. Snowden: Mr. Rettke, in the event that you wanted to make a motion and you didn't want to read those items out, what you could do is say that the motion is based on the conditions 1 - 5 listed in the Staff Report.

Chairman Rettke: I move for approval of Item D, 5. With the conditions outlined in the Staff Report marked as 1 - 5 be adhered to.

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

6. 1024 Tiffany Dr.; Application #176558; Applicants: Dennis Cole and Kimberly Cole; Variance from Section 1175.03 of the Zoning Code of the City of Reynoldsburg to Allow a Building Addition with a 6FT Setback from a Side Lotline.

Mr. Snowden: 1024 Tiffany Drive - Single-family Dwelling - Variance. Application: #176558 - Variance. Location: Property is located on the northeast side of Tiffany Drive, just east of Matterhorn Drive. Existing Zoning: R-3 Single-family Residence District. The request is for a variance from Sections 1175.03 of the Zoning Code, to allow a building addition with a 6FT setback from a side lotline. Current Use: Single Family Dwelling. Applicant: Dennis & Kimberly Cole. The applicant is requesting the Board review and approve a variance from Section 1175.03 of the Zoning Code, to allow a building addition from a 6FT setback from a side lotline. This is a 2FT reduction from the 8FT required by Section 1175.03 and Table 1175.03. The site is an existing single family dwelling with an

attached two car garage on a platted lot. All adjacent lots are also in the R-3 zoning district. The existing building and lot appear to meet all the requirements of the Zoning Code for that district. Variances are requested from two separate but related sections of the Zoning Code. Section 1175.03 and its referenced table, Table 1175.03, prescribe the setbacks and lot coverage requirements for dwellings in various zoning districts. The purpose of these requirements is to maintain adequate separation between structures so as to allow adequate air and light, reduce hazards from fire, and maintain uniform aesthetic appeal of all structures in the district. The applicant claims hardship based on the physical disability of a family member. The applicant needs to add a 12FT building addition to accommodate an additional garage bay. The applicant has a two car enclosed garage here, and they are proposing to add an enclosed garage in this location on the property. The extra wide garage is required to accommodate an accessible van. Staff's concerns are minimal. The reduction of the setback by two feet does not significantly affect the provision of air and light nor increase the fire hazard in a significant way. Since garages are permitted in residential districts, the proposed variance would not provide any special privilege for this property. So, in this case, the person wants to add more enclosed garage space than they are required in their zoning code, unlike our last application. But basically, they are proposing to add on to the building here. They are not able to add on to the front because that would be encroaching on the front setback, and it would be disturbing the setbacks for all the properties down here. With that, I recommend the Board apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff recommends approval of the application as submitted. I would be happy to answer any questions of the Board.

Chairman Rettke: Would the applicant please come up and state your name and address for the record?

Ms. Cole: Kimberly Cole, Tiffany Dr.

Mr. Snowden: Ms. Cole, you can do a better job than I can. Why don't you tell the members of the Board specifically how you need to operate there and why it is 12FT wide and all that good stuff that you told me in our conversation.

Ms. Cole: Our current garage, as you stated, is considered a two car garage, however with having a mini van you have to have access for the doors to open up wide. We have a portable ramp to use for me transitioning, and outside of the house. Plus we have adaptive equipment that she uses, a bike and numerous other things. So, it really takes up and doesn't allow for a two car garage. Adding on to the existing part of the house, will give my husband some garage space. We are going to put two garage doors on. One in the front and one in the back, which will give us access to the back of the property if need be for anything. The front of the property will be the closest point as we are on a pie shaped lot. The further back we go, the further we get away from our neighbors. We were previously here in 2014 and was approved. However, once I contacted our builder, he declined that he could not commit, so that left us having to go back and re-interview builders to try to find a good contractor. He was out of the Mt. Vernon area. Actually, as a matter of fact, we have spoken to him trying to find other builders because we have seen his work and he actually took up truck driving to

make money. That is what he is doing. Our current builder that we are going to be working with is with Mr. Woodell, Woodell Builders. And, he would be the one doing the construction of the garage.

Mr. Donovan: How are you going to access this garage. Is it just from the outside?

Ms. Cole: Yeah, there will be no man door. Her bedroom is there. Her master bedroom is there. That would then be a fire wall. She has a window there and we are actually going to enclose that.

Mr. Donovan: If you have a wall there and it is a garage, I would think you could open it.

Ms. Cole: We have a closet there. The master bedroom and her bedroom, actually. So there is really no way. When you are talking about the appearance, making it look uniform, our goal, and actually I talked to the guy that put the brick on, so we are trying to match the brick so that the brick would match the front of the house. If not the other. We are going to put new siding on the other three walls. Anyhow, we have learned a lot about construction and matching brick and re-cosmetic. We really just want to match the brick on the front. It is hard when you have brick that is 15 years old and they don't manufacture that pattern anymore, get a lighter brick and then paint the pattern on. And that person does not do any of it.

Mr. Armstead: Will they have to get a building permit?

Mr. Snowden: There is going to be an accessory structure over 200SF that would be exempt from the Building Code, but then there is a setback for the accessory structure. A lot of folks on these, what we call pie shaped lots, have challenges with this because as you are going back the property is getting wider. This is a pretty typical request. And, as I tell the Board all the time, our question is are we being reasonable. This is something that comes up a lot because of the way these lots are configured. The overall frontage there on that curve is forty some odd feet.

Mr. Donovan: I think with your garage door, and stuff like that, your brick will be minimal on the front. Did you manage to match the other garage door with the new one?

Ms. Cole: Well, we are trying to match that. We didn't do that brick. The brick was already done. The woman that previously owned the house had one brick pattern up and did not like it and had them take it off, and then put that pattern up. We have heard the history of the house with the brick on the front. I talked to Larry Bucilla about a week and a half ago and asked him if he could recall where he got the brick from. I have been to all the masons.

Mr. Donovan: I know a guy that does brick work. I will give him a call.

Mr. Snowden: Gentlemen, the bottom line here is, is there a way to accommodate this size of garage being placed on here without the variance? And again, my position is sorta no. If the Board had any concerns about materials, the Board would be welcome to enact a condition as

we did on a similar. The reason we did, I just want to be clear on my reason, the reason I was being slightly more persnickety with our last applicant is because some of the work is already done. And, I need it to be consistent with what is there and follow the process and so forth, but in this case, approval of the variance as Ms. Cole has stated, and the last time they were not even able to move on because of other reasons. Just to be clear, you have up to a year from the approval to move forward. If you contacted me, if you weren't able to move forward, myself or the Board can grant some additional time, up to an additional six months. I have to look at the code specifically. Don't let that time run out this time if it gets approved.

Ms. Cole: It really was heartbreaking.

Mr. Snowden: My final comment would just be that I think that granting the variance and having this be something that is attached and integrated with the overall structure is going to be superior in its look and design. Trying to attach something that does not really work, or trying to put an accessory structure or detached garage at the back and have to get a variance for that because it is too close or too big, and that sort of thing.

Chairman Rettke: A 12FT door is not typical, right? That will be a nice size little garage there.

Mr. Snowden: Have you talked to your neighbor?

Ms. Cole: I haven't but they did not seem to mind.

Mr. Snowden: Ultimately that is not a consideration that the Board is allowed to make, but I just want to know whether my phone is going to blow up if it gets approved.

Ms. Cole: No, we approached them when they first moved in.

Mr. Snowden: As I tell people all the time, it is possible to be in compliance with all of our city regulations and still not be a nice person. So, I always encourage people if they haven't at least talked to their neighbor to do so.

Ms. Cole: Actually we have made them quite aware.

(Vote.)

Mr. Snowden: Ms. Cole, if you look on the very last page of the staff report, page 24, those are the remaining steps you will need to complete to complete the project. I will provide that to you in a letter that I will write and mail to you address. And, you will have up to a year to apply for the Building and Zoning Permits to move forward with the project. If you are getting close to your time, call me because there is a possibility to get additional time as long as you move forward and are making an effort to move forward. Thank you and have a great evening.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Donovan, Armstead
ABSENT:	Linder, Darling

E. OTHER BUSINESS

1. Proposed Updates to the Rules of the Board of Zoning and Building Appeals

Mr. Snowden: As you recall from the last meeting, there were some Rules updates that were mainly procedural and had to do with titles, and under Section 4.1 the Secretary is elected as well. That is per the City Charter. The Planning Commission was working on some Rules updates that reflect these so I went ahead and suggested these to the Board. You should have received and have these in front of you, and email copy, and a set where the changes are highlighted in yellow. If you have any questions about them, I would be happy to answer. If the Board approves them, they are eligible for approval tonight, because they were noticed to the Board at the last meeting. Mr. Rettke has a copy of page number four and if they are approved, Mr. Rettke please sign them before you exit the building, and Mr. Donovan you too as the Vice Chairman. I will be posting those to the City website. That is something we have not done before but it is good because we want to be as transparent in all of our processes as we can be. With that, I would be happy to answer any questions. Otherwise I would just request your approval of the changes as they were submitted to you.

Chairman Rettke: It is just clarifying Eric's title and one typo.

(Vote.)

Mr. Snowden: Very well if I can just get that from you I will scan and post to the website.

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

F. ADJOURNMENT

Chairman



Planning and Zoning Administrator