

MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
FEBRUARY 21, 2013
6:30 P.M.

A. CALL TO ORDER

Chairman Rettke: We'll go ahead and call this meeting to order at 6:31 p.m., February 21, 2013. Can we have the roll call, please?

1. ROLL CALL

Members Present:	Mr. David Stoffel Mr. Patrick Feeney Mr. Anthony Rettke
Others Present:	Mr. Aaron Domini Mr. Justin Robbins

2. APPROVAL OF MINUTES OF JANUARY 17, 2013

Mr. Rettke: Do we have any additions or corrections to the minutes of January 17, 2013?

Mr. Robbins: No.

Mr. Rettke: With that said, they're approved as submitted.

3. APPROVAL OF AGENDA

Mr. Rettke: Do you have any corrections to the agenda as presented?

Mr. Robbins: No.

Mr. Rettke: Okay, the agenda is approved.

4. SWEARING IN OF SPEAKERS

Mr. Rettke: We ask that all speakers stand, please, and take the oath. So anybody testifying before us today, if they'd please stand. (Mr. Rettke administers the oath.)

B. UNFINISHED BUSINESS

1. VARIANCE APPLICATION, 1819 CHIMNEY HILL COURT, REYNOLDSBURG, OHIO; PRESENT ZONING, R-1; OWNER'S NAME, MICHAEL C. MOTZ; REQUESTING APPROVAL FROM SECTION 1175.03 TO REDUCE THE REQUIRED 25'0" SIDE YARD SETBACK TO A REQUESTED 8'0" SIDE YARD SETBACK. CONTACT: MICHAEL C. MOTZ (#158072).

Mr. Robbins: Previously the Board had questions for the applicant during the January BZBA meeting, including what type of generator, what type of noise levels that are going to come from it, what easements are on the property, and is the placement acceptable to the neighbors. The applicant has provided a letter from the neighbor that's adjacent to the property stating their acceptance with the placement of the generator. Staff did feel that, as the Board mentioned, a little bit more screening would be appropriate in between the generator and the neighbor's house. As far as easements go, there's an easement to the rear of the property, but that is away from the proposed site of the generator and, as mentioned, the applicant has provided a cut sheet of the generator including the noise levels and the hours of operation. The applicant has stated that the generator will run for, I believe, 15 minutes. Is that correct?

Mr. Michael C. Motz: Yes, that's correct, 15 minutes per week.

Mr. Robbins: As a way to keep it running, I guess.

Mr. Rettke: If you could come on up to the microphone.

Mr. Robbins: It's the finding of Staff that the applicant has addressed the issues raised by the Board at the January meeting and it's the recommendation of Staff that the Board grant the variance as it satisfies the standards for a variance as stated in Section 1147.05.

Mr. Rettke: Go ahead and state your name and address, please, for the record.

Mr. Motz: My name is Michael Motz. I reside at 1819 Chimney Hill Court, Reynoldsburg, Ohio.

Mr. Rettke: Do we have any questions we'd like to ask of him?

Mr. Feeney: I guess you're going to provide additional screening for some of the items that we talked about last month. So what were you going to do on the screening?

Mr. Motz: Well, what I'd do is the same thing I have out back to hide my trash cans. It's a plastic colored – like a mesh thing – and then rigidly fasten it down so it'll stay in place. They come in like 4' sections and it would take two sections. It's taller than the generator and longer than the generator.

Mr. Robbins: This generator is placed behind existing—

Mr. Motz: It's already behind two big pine trees that hide it from the side yard as well.

Mr. Rettke: I see you've got the letter from your neighbor.

Mr. Motz: Yes. That's the neighbor on that side of the yard.

Mr. Feeney: And you say it's cycled twice a week?

Mr. Motz: No, once a week, Saturday morning at 11:45 for 15 minutes and we can vary that. We can make it whatever time anybody wants, but I figured most people are awake by then.

Mr. Feeney: What was the determining factor in the location of it being there?

Mr. Motz: To hide it under the pine trees and dissipate some of the noise.

Mr. Rettke: Any other questions? (No response.) I'll move that we approve item A1, Variance application number 158072.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

2. SPECIAL EXCEPTION USE PERMIT (TRANSFER), 6161 RADEKIN ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING CC; PROPOSED USE, CHILD CARE FACILITY. CONTACT: MELINDA WILLIAMS (#158336).

Mr. Robbins: To give a bit of background, the meeting in January, both staff and the Board had concerns regarding the amount of available parking spaces and the safety issues involved with an influx of traffic into the daycare at peak hours. The applicant had previously stated that the application was to increase the capacity of the daycare from 50 inhabitants to 98, which would require 34 additional parking spaces according to APA standards, whereas only 18 were provided. The Board recommended that the applicant get a signed parking agreement with the adjacent landowner, which in this case is Donato's, for extra overflow parking. Since the last meeting the applicant has provided the Board with a notarized agreement with the adjacent property owner for the use of the shared parking. Staff has concerns regarding the impact on adjacent public streets, the property in adjoining neighborhood. While the shared parking agreement has been presented, I think controlling the user to the shared parking

is never a guarantee. The expansion of the business may still generate adverse impacts in the area due to traffic and overflow issues.

Mr. Domini: I co-authored the Staff Report with Justin and the other concern I had – and this has come up before – if we do have a shared parking agreement for this type of use, the ability to correctly sign and stripe the pavement to ensure that there is clear demarcation for the pedestrian and the automobile so as to minimize the points of conflict. I think we had this issue recently on Main Street, a similar situation, and while, in theory, these types of agreements can be executed typically, let's say, for two non-competing uses such as a bank and a restaurant, you know, looking back historically how we've looked at this, because there's children involved, unless there's a very clear way we can minimize those points of conflict, we feel there is some concern for the safety and welfare of the user and you'll see that was written in the Staff Report. So I think that's still, even with the parking agreement item, that needs to be addressed on the application.

Chair: Any questions?

Mr. Rettke: Yeah, I had a question – not so much as a question as much as Donato's letter where they say they have the right to revoke the license at any time. That kind of concerns me with Aaron's statement that tomorrow they could say – you know, there's no definite – there's no solid agreement as to when and for how long they can use this parking and that's a concern for me, especially if this – if they get up to the 90-some kids, then what? And I really hadn't thought too much about it too much before, Aaron, until you mentioned the pedestrians – the kids access to get from the parking across, what the safety issues that might be with that, so that's a little concern with me.

Mr. Feeney: I'd like to ask on the Donato's agreement how many parking spots – was it any parking spots?

Ms. Williams: I have pictures.

Mr. Robbins: The image shows 18 parking spaces in the adjacent lot.

Mr. Feeney: I know Donato's goes all the way around. I didn't know if it was every parking spot, or if it's just that one lot.

Mr. Randy Burchfield: If you look at the picture up on the screen, Donato's owns the entire lot to the east of this location and it's all parking. It's all just blacktop.

Mr. Robbins: Can we have you state your name, please?

Mr. Burchfield: My name is Randy Burchfield. I'm an attorney on behalf of Melinda Williams, who's the applicant here. And she also has – she brought

with her a letter from the owner of the property on the west side, which allows her to use parking places and there's no restriction on this. If the Board please, I'd like to do a preliminary item first and that is when Melinda made this application, she did so on her own without any help. And what she did when she was filling out this application, when she was putting down what she's planning to do now, but she also talked about what she hopes to do in the future. What she hopes to do in the future is not what she's doing now. And what I would like to do, if we can, would be to amend her application by striking her portion which is talking about when she's going to expand in the future. I looked at the code and there's no provision for amending such an application, so I'm doing it verbally here. If you look at her application on number six, where she put down, "The Special Use Exception Permit is requested for operating a childcare center of 3900 square foot. The childcare center is to provide care and education for approximately 43 children from six weeks to 12 years of age and six employees." And then she goes on to talk about what's going to happen in the future and the rest of that sentence, I would ask that we strike that and then just go on with, "The hours of operation will be Monday through Saturday 6 a.m. to 11 p.m. The daycare center will not rent out any space in the building to another tenant when not in operation." And the reason for that is she has an operating permit or a license issued by the state for a childcare center which allows her to have 43 students. It doesn't allow her to have any more. She would have to go through an entire new process and a new evaluation if she were going to have any more children. That's not what she's doing right now. I don't know-- Do you have a copy of this in your file?

Mr. Rettke: She gave us the original.

Mr. Burchfield: So her intent here is not to double the size of this now. Her intent is just to move into this space. She was in another childcare center not far away when she moved to this space and we can have her talk about that. She'll talk about why she moved. I also have the architect here who prepared the plans that you see, who will testify about the fact that this is a center for those 43 kids, it's not for more. We also have the former owner of the daycare center that she moved into this space, who will testify about the use that she had and the parking that she had and the issues about whether there was any problems with traffic. Melinda, my client, will also speak to that. She's also brought with her a number of letters from parents which I'll give you. These are just letters in support of her – of the service that she provides.

Jeanne Cabral: Hello there. My name is Jeanne Cabral. I'm the architect that did the original plan for Ms. Dowdy who opened the daycare center not too long ago. The reason it's 49 people is because there's limitations on the building size, number of exits, fire separation, bathrooms, heating and cooling and a bunch of other factors. Unless major changes would have been made, she couldn't go above the 49 and they would have been prohibitively expensive when she first opened the center and they still are prohibitively expensive. So she'd

have to go – if Melinda wanted to expand, and I think after talking with her on the phone and talking with Justin on the phone, I don't think she understood that it was limited to 49 and without a lot of changes couldn't go above that. So I explained to her some of the things that would have to happen: a whole new heating and cooling system, fire rated corridors, more exits, more bathrooms, a lot more things that aren't in the budget frankly. So if she does – if she makes a go of it and has more money, she still has to go through you all to get a zoning clearance if she increased it and, if you said no, she couldn't get her building permit. But she'd still have to get a full building permit and spend probably easily \$150,000 or more to make these changes. So when she heard those numbers, she went "Oh, I don't want to do that. I didn't understand." So it's really-- I wrote a letter and I made some copies for you for your files about why it is 49 and it's a magic number in the Ohio Building Code. It would have to go through a pretty major changeover. Now one of the things, though, that I've noticed, and I've done a lot of daycare centers around Central Ohio, is that it does have two entrances and exits, one that would be the primary and the other would be a secondary. So there's 19 parking places. I do a lot with zoning, too, and with six teachers – there can only be six teachers for the number of children. There only needs to be six teachers, so there's only six, possibly seven parking spaces being used during the day and, with her extended hours, she's not going to have a lot of people coming and going at the same time. That leaves about 12-13 spaces for the parents to park and bring their child in, because they have to take them in. They can't just drop them off and let them walk in alone. So when they come out, you know, they have to take them in and out, but 6 a.m. to 11 p.m. means there's going to be a big overlap – there's not going to be a lot of overlap of people, and that's based on doing daycare centers of upwards of even 100 children that I've done over the past 4-5 years or more. The building itself is not changing. She's not making any alterations to it and it's already certified as a daycare. And also, too, the Ohio Department of Jobs and Family Services, they require an Occupancy Permit issued by the Building Department in order to give her her license, so unless she does all the steps, the zoning, the building, the build-out, she wouldn't be allowed to have the kids in there unless she went through all that stuff. Do you have any questions?

Mr. Rettke: Personally I think a lot of questions I had last month are getting answered. We were looking at these huge numbers and it didn't look like that big of building.

Ms. Cabral: I made a couple sets of the construction drawings that I'll give you to, from before. It tells where the classrooms are, the number of kids in each one and each classroom will have a teacher.

Mr. Rettke: So this is the existing layout now?

Ms. Cabral: Right. And they require only – they have ratios of child per student, which I have to factor in, so you can only have five babies in a room

under six months and one teacher. If you have six, you have to have two teachers, so you kind of set your classroom size and give that information to Jobs and Family Services. So then they say, "Okay, that room can have five babies, this room can have seven kids of a certain age group maximum." So they set maximum limits for rooms and then there's ratios of teachers per children and those ratios on the plan are all for one child for each room, so she could get the maximum number of kids for the right amount of teachers. It's kind of a roundabout kind of thing, but you actually – the zoning people – if you don't approve it, she couldn't even get her building permit to expand. So down the road you never know, but honestly, personally, I really, professionally, I don't think she needs the extra parking even from Donato's and, if she did, she could have the teachers park there, let the parents use the lot. Thank you very much.

Mr. Burchfield: So did Staff's consideration remove the extra burden of the proposed students? Can the application be amended?

Mr. Domini: As stated by the Applicant's attorney, we don't have a provision to amend the application, but you do have the ability to approve with a condition; but note if you approve with a condition, that it automatically has to go to City Council, so that would be an extra step that they would have to go through to get the final approval unless the can Board— You know, part of your job is to interpret this code. So if you interpret it differently from Staff that they can amend it here, then that's in your purview to say that, because that's one of your roles of responsibilities on the Board.

Mr. Burchfield: Another way to say that is there's nothing in the code that says you can't amend it. We have additional testimony, if you want to hear it, from Connie, the previous owner, about the fact that she had no problems with parking and there was no complaints about traffic. My client will testify that she has a bus she operates – she runs to get students from school. The bus, I think, holds 21 people, so a lot of these kids coming to this daycare center after school, their parents aren't driving them anyway. She'll also testify that a lot of the users of this facility are local and they come on foot and they bring strollers, because they're in the apartments and the residences around there. And, like I said, if you want to hear that testimony, I'll put it on now.

Mr. Rettke: First of all, I appreciate you bringing back what we asked. This is one thing we did ask – not this letter, but the other letter about the parking, so we appreciate that. I mean I appreciate that. I don't have a problem with amending the application to – I mean we have copies of the State allowing so many people and it's obviously not going to change. The State has approved just so many and if she wants more students and more faculty, they have to amend the building and they have to reapply and they'll be back into City Hall to get additional applications for building modifications or whatever, so I don't have a problem with amending the application.

Mr. Stoffel: I agree, Patrick. I really appreciate the work that Melinda did to get all this information here tonight and bringing the people here. I commend her for that and I agree with Patrick. If we can amend this, because, like you say, it maxes at what it maxes at and anything beyond that, you've got to go through the process. So however we can do that, I think I'd be for that.

Mr. Rettke: Do you think the decrease in numbers being a burden to the Item C and E still?

Mr. Domini: I think that's the determination that you have to make. If there is a shared parking—

Mr. Rettke: I mean your Staff Report says up to 80 people, which required 34 and that it was a burden. So 43, that's half as much, is that a burden to the—

Mr. Domini: I think Staff's concern was more for the children and the kind of cross-access to the shared parking and how that would be handled. That was our primary concern.

Mr. Rettke: At 43, I don't think the shared parking's going to be an issue now.

Mr. Burchfield: Well, and I would hope, too, that Melinda, in good faith, would have her teachers, if that becomes any issue, to park them in the Donato's lot.

Mr. Rettke: I think the 80 to 90 people were the big red flag and now that that's back down, I don't think the additional shared use would be used as much. Once again, Melinda, thank you for going through those extra hoops for us.

Ms. Williams: I just want to say had I know – again – I know I said it last month, but had I known in October when I did contact the City, that I would have done everything that they told me to do and I did do, they didn't tell me I needed to go through Zoning. And I remember when I first got my first daycare building, Aaron and Matthew, everybody at the City of Reynoldsburg really helped me -- what I didn't know, you all helped me out so much, and I never had a problem with you all. You've always been there. What I didn't know, you all gave me information, you always pointed me in the right direction. So, for me, I didn't think that there was anything else that I needed to do when I talked to Mr. Stover. I know he wasn't the chief building inspector when I went through it the first time, but he told me what to do and I did what he told me to do. Had I known I had to go through zoning, I would have done everything before I moved out. I would have never moved into this building, put my family at risk and my business, because this took me 10 years to try to do. This didn't come overnight and this is my career, my goal, my education. Basically I'm not here to break laws, I try to

comply with the laws and I'm not here to do anything but to treat my family swell. I'm sorry for anything that I've done that I shouldn't have done.

Mr. Rettke: No, I think you've done everything. We have responsibilities, too, and we have to make sure everything's safe, correct, done right and I'm satisfied. I appreciate your efforts.

Ms. Williams: Thank you.

Mr. Rettke: Is there a motion?

Mr. Feeney: I'll make a motion that we accept Item B2, Special Exception, modifying it that the applicant has changed the number to 49 occupants as stated in her license with the State of Ohio and that we accept Special Exception No. 158336.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "Yes." Mr. Feeney voted "Yes." Mr. Rettke voted "Yes.")

Ms. Williams: So I go to the City and get my permit?

Mr. Robbins: Staff would like to explain the process a little bit. Once a Special Exception gets approved by the Board, it does have to go through City Council. Council has the ability to take up the application if they have concerns over it, or they can refuse to take it up and, at that point, it would just be passed.

Mr. Domini: As soon as we get the meeting minutes back and we get them to the Clerk of Council, they need to introduce the application by the next regularly scheduled meeting. If they do not introduce the application, then it stands approved.

3. SPECIAL EXCEPTION USE PERMIT (TRANSFER), 7616 E. MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CC; PROPOSED USE, FUELING STATION. CONTACT: Z. BALL, TRIUMPH SIGNS (#158214).

Mr. Robbins: The zoning is CC, Community Commercial. The building is what used to be the Buckeye Gas-N-Go and, previously before that, a BP station. The proposal is requesting the application to operate a fueling station within the Community Commercial and Historic Overlay District, on the site of a previous fueling station. Neighboring businesses include a pizza shop to the south, a bank to the west, a chiropractor to the east and a VFW banquet hall to the north. You can see it's right in the corner of South Waggoner and Main Street. The application mentions that they wanted to run a convenience store in the building. It does have a car wash to the rear. One of the things that came up for Staff was

parking. According to the images that we see, parking isn't really striped. To our calculations, we have about 16 required spaces. The Code requires one space per two gas pumps and then one space per 200 square feet of convenience store. So when you add those two up, you're at about 16. The applicant has provided – I don't know if you brought copies of the amended site plan. If you wanted to pass those to the Board members. He did make provisions for parking striping along the front of the building. There is some that exists to the west of the building and then there is head-in spots along East Main. One of the things that Staff, I guess, had a little bit of concern with is headlights going into East Main from those parking spots. If the Board does approve the application, Staff would recommend that they be required to provide some type of screening at least 3' high in order to block those headlights from the street and we recommend some type of natural plantings. If the Board finds that the parking and maneuverability situation on the site is acceptable, Staff recommends the permit be granted. Following the resolution of the parking and maneuverability, Staff finds proposed use is in keeping with the requirements of Section 1145.09 and will not affect the health, safety, morals and welfare of the surrounding community.

Mr. Domini: I'll also note that this application's been through Design Review.

Mr. Rettke: Any comments?

Mr. Feeney: So there is maneuverability with the head-in parking? Has there been—

Mr. Joe Smallwood: My name's Joe Smallwood with Triumph Signs, 480 Milford Parkway, Milford, Ohio. There's plenty of maneuverability, especially with the canopy, because what you're seeing is the canopy overhang and it makes it look as if there's less room, but when you're in person up there, there's actually quite a bit of room. We were just up there this evening and it's a very large lot actually.

Mr. Stoffel: Do you happen to know the distance between the back end of the parking and the fuel island? What's the drive aisle width there?

Mr. Robbins: We looked it up on the Reynoldsburg GIS system and from the edge of the canopy, according to their drawing, to the front you're at about 35'. So if you take into account that the canopy's going to overhang any kind of parking that's going to occur at the gas island, you're pretty close to the 20' that would be required for the drive aisle. In this image you can see there's a car that's parked in front of the building and there seems to be a fair amount of space clear behind it, so that will give you an idea of scale.

Mr. Stoffel: What about the screening out on Main Street?

Mr. Smallwood: Personally I don't think it needs it, but if the Board wants that, then we'll have to do it.

Mr. Stoffel: I know that property sits up a little higher than Main Street, so the headlights would be right there at the people driving down—

Mr. Smallwood: One thing we'd like to point out, too, is this is the same type of business that's been here for I don't know how long. We're not changing anything, the same layout. So however it worked before, if there was no problems with light shining, it's going to be the same as it is now.

Mr. Stoffel: I don't know if there was a problem.

Mr. Smallwood: I don't either, but I'm just saying we're not changing anything. This is the third, BP, Buckeye and now Valero.

Mr. Rettke: I don't really know if there was head-in parking before. I don't recall. So the screening is more for the proposed head-in parking that you need to meet Code. So, that being said, we'll need some kind of screening out there for headlight screening.

Mr. Smallwood: That's fine. I have no problem.

Mr. Rettke: And this will be striped, correct?

Mr. Smallwood: Yes.

Mr. Robbins: I also want to double check the area of the convenience store.

Mr. Smallwood: Well, I don't know how you'd calculate it. Would you include the car wash part of it?

Mr. Robbins: No.

Mr. Smallwood: The other part-- Do you have to count the backroom, storeroom, things like that?

Mr. Robbins: Typically we wouldn't.

Mr. Smallwood: I'd say we'd probably need less parking spaces if we did it that way.

Mr. Stoffel: Well, maybe that's why there wasn't any parking out front to begin with, they didn't need it. I don't know.

Mr. Domini: One idea might be to just make that parallel parking out front to avoid the headlight going onto Main Street. I'm not sure they need all the parking either. We're just following our Code. So if we have some flexibility in how we're interpreting the square footage of that structure—

Mr. Robbins: Well, I can say that on the – I guess that's the west corner. You see where it says 177.26 on the front corner of the lot?

Mr. Rettke: Yeah, you could add another one there.

Mr. Robbins: There's actually room for two spots there and then if you make that corner going towards those straight-in spots, you could have another spot there. Then if you had parallel parking there, that would take you right back to your 16.

Mr. Smallwood: That's what I was drawing in just as you were saying that, those parallel where those other two are.

Mr. Robbins: Well, we walked it this evening and there's a lot of room right there.

Mr. Rettke: I'd probably rather see that striped that way instead of worrying about the screening.

Mr. Domini: The landscaping there is already relatively mature.

Mr. Rettke: So are you acceptable to eliminating the parking on the front and then add the—

Mr. Smallwood: I'd rather do it that way to be honest. I'd rather do the parallel parking along the front and that way it would eliminate the need for the screening.

Mr. Rettke: I'll go ahead and make a motion then that we accept Item B3, Special Exception Use Permit No. 158214.

Mr. Stoffel: Second.

(Mr. Robbins called the roll. Mr. Stoffel voted "Yes." Mr. Fenney voted "Yes." Mr. Rettke voted "Yes.")

Mr. Robbins: As we did tell the previous applicant, this does have the ability to go before Council. So it's not going to be approved until Council reviews it.

Mr. Smallwood: Do you want me to resend you the drawing changed per this meeting?

Mr. Robbins: Yes, please.

C. NEW BUSINESS

1. VARIANCE APPLICATION, 8665 & 8655 EAST MAIN STREET, REYNOLDSBURG, OHIO; PRESENT ZONING, CO; OWNER'S NAME, MARIE K. GOODROE; REQUESTING VARIANCE FROM SECTION 1127.06(A) OF THE ZONING CODE TO ALLOW THE CREATION OF A LOT WHICH DOES NOT ABUT A DEDICATED STREET. CONTACT: TRAVERS HUGHES (#158627)

Mr. Robbins: The background of the project is there's – this mass of trees is two lots, stretching from East Main Street all the way down to the edge of the city to the south. The property owner on the other side of the city limits has encroached onto the property with several buildings. The State of Ohio is planning to purchase these properties and wants to break off those two properties to the south, sell them to the landowner on the other side of the city limits and to allow—

(Discussion among members of correct agenda.)

Mr. Domini: It's our understanding that the applicant, as opposed to trying to negotiate the removal of the encroachment or whatever necessary action they needed to take, they found it easier just to break off that piece, give it to the individual who's encroaching and then kind of move on with their plans for the parcel. So it's pretty simple when you kind of boil it down to the basics there. That's the property there.

Mr. Feeney: So Goodroe's going to sell the .927 acres to Lot 12A. Is that what we're talking?

Mr. Travers Hughes: That's correct.

Mr. Feeney: Is there a taxing district issue?

Mr. Hughes: We have addressed that and we don't believe there's any taxing district issue.

Mr. Feeney: They're all the same taxing district on the Auditor's website?

Mr. Hughes: They are. We anticipate we'll have to address with Licking County assignment of a new parcel number from the two existing parcel numbers that are there.

Mr. Rettke: In Licking County can they combine the parcels into one?

Mr. Hughes: They should be able to. They wanted us to meet with you gentlemen first and determine the variance and then they will work with us.

Mr. Rettke: Normally that would be a condition on the split approval that the 0.927 acres must be combined with—in Franklin County. I'm not sure about Licking County's operating procedure.

Mr. Robbins: This is a unique situation, because you would have basically city limits cutting through a lot at that point.

Mr. Feeney: Then it's two different taxing districts in that case.

Mr. Domini: If they were combined.

Mr. Feeney: Well, they can't be combined. If they're in two different taxing districts they cannot be combined. So then you'd have a separate landlocked parcel. I've seen on rare occasions where they would put that this has to be always conveyed with Lot 12A and the actual parcel number.

Mr. Rettke: As a condition. Now does that guarantee it? No, but that's a focus so they can never be separately owned, in Franklin.

Mr. Patrick Mangan: For the record my name is Patrick Mangan and I represent Marie Goodroe and Paul Diana the owners who are the sellers who want to sell to the state and to Mr. Cunningham, who owns Lot 12A that you've indicated. He is the owner of that and there is an issue, as has been pointed out, some encroachment issues. He's got some outbuildings that he had built on there – I'm not sure whether knowingly, but what brought this forward is he's having problems with trespassers and so he erected a fence that does actually encroach on the Goodroe property and, therefore, when the state – when we got with the state as a proposal to sell to the State Fire Marshall the current parcel, the state has indicated rather than have to get into dealing with that, they just would prefer, and Mr. Cunningham the owner, is very desirous of buying that to keep what he considers to be a buffer from activities with the State Fire Marshall. So it seems like – they're all neighbors. The buyers and sellers are all neighbors and this is something that they all mutually are in agreement to. There's no intention to change the use of the property in any way at this point. Mr. Cunningham, the owner of Lot 12A, is simply – it's somewhat to his convenience, but his desire is to have a little bit more of a buffer. His children and grandchildren reside in that lot and he has expressed some concerns over the years to some testing that goes on at the State Fire Marshall's Office and he's got some safety concerns. He said because this lot is so deep and the Goodroes are at the front of the lot on East Main Street, they're not really able to monitor

what's going on way back in the back of the lot and that's where he says he's run into problems with kids on bikes and things like that and that's why he actually went ahead and put the fence up. I don't think there was any discussion with Ms. Goodroe about that but she's aware of it and her situation is such that she's fine with it, of course, if we were able to obtain the variance.

Mr. Rettke: So the state's going to buy the big piece and the gentleman is going to buy the .92 acres?

Mr. Mangan: That's correct, the .927 acres would be adjoining his lot 12A, which already does have road access as far as that's concerned.

Mr. Feeney: Yeah, but mainly because it'll be – it'll have to have its own parcel, because it's in a different taxing district, so it'll be a landlocked parcel. Not desirable, but—

Mr. Stoffel: Well, what if the state extends that lane and gives a chunk of that road off of their big piece, so that now there's an access to that?

Mr. Feeney: Well, that would require, most likely, a Governor's Deed and it would have to go through legislation and it's not easy to get land back from the state. Well, that's buildable, too, isn't it? That's the other bad part. That's buildable. So are you going to treat that as a buildable review?

Mr. Domini: If the property's built on, it would have to come through the City of Reynoldsburg. Is that what you're asking?

Mr. Feeney: But for the split approval, usually isn't that – don't you guys – are you one of the jurisdictions?

Mr. Domini: Yes, we will execute the lot split. That's an administrative function in Reynoldsburg. So we've been talking with the applicant, told him this was the first step. I think they're prepared for the lot split for us to execute that if the variance is granted.

Mr. Feeney: Well, normally on some of them that I would see, they would not be a buildable lot. This happens to be a buildable lot without access, so that's another sticky point.

Mr. Rettke: Too bad they just can't give a little bit of land, because that would solve the problem, dedicate a strip of land if they could transfer a strip of land to extend Goings Lane so that that lot would be accessible, it wouldn't be landlocked.

Mr. Stoffel: --think that the state willing to give up almost an acre for this would be willing to give up—

Mr. Feeney: But the state hasn't acquired it yet, that's the key. This is going to be a post-transfer prior to the state acquiring it.

Mr. Mangan: That's the condition precedent to the state's completing the purchase of the remaining 29 acres would be for Mr. Cunningham to complete the purchase of the .927 acres.

Mr. Feeney: Then they would transfer the balance to the state.

Mr. Mangan: Do you condition your approvals ever at Reynoldsburg?

Mr. Rettke: On lot splits?

Mr. Domini: No, we've not typically done that. What's your concern about the property being built on?

Mr. Feeney: Well normally when we see it, it would say it's a non-buildable lot or did not go through that review as to clear up an encroachment and it shall run with the – always be transferred with the lot 12A to the south instead of parcel number. So that would alert title companies and any future prospective buyer that this is not a separate marketable lot in the eyes of the city. If you just basically put a lot split approval on it, then somebody may consider that potentially a buildable lot.

Mr. Domini: I don't see why we couldn't put that condition on the lot split. I mean you have much more expertise on that subject than I do.

Mr. Mangan: Well, if that's a concern, I mean that could be put in the deed of conveyance, too. If we put that in the deed that it would—

Mr. Feeney: Cause normally, like I said, if this was all in the same taxing district, it would just be combined and treated as one property.

Mr. Mangan: We're addressing different taxing districts because it's the City of Reynoldsburg?

Mr. Feeney: One's city and one's Township of Etna, now it has to have that separate tax parcel. So, therefore, it could honestly be conveyed by itself and not run with 12A to the south, which would cause some issues in the future.

Mr. Domini: Except you wouldn't have access to the property.

Mr. Feeney: Yeah, then you've got access issues.

Mr. Domini: I guess my assumption was that it was non-buildable by default because there's no existing easement to get to the property. But, you know, we certainly can put that condition on the lot split.

Mr. Feeney: I don't want to tell you how to do it. That's how we would see it in Franklin County, cause there are a lot of parcels-- Like New Albany has, the way their taxes are set up, they don't combine properties, so you have all these little landlocked pieces all over the place and it makes no rhyme or reason, but it happens because that's the way they're structured. Franklin County development would look at it and say, "Oh, okay, it has to—" and they would put a lot of conditions on there, but the key would be that it hasn't gone through a buildable – it hasn't gone through sanitary, it hasn't gone through the engineer or anything like that. It's basically like a boundary line adjustment is what they'd flag it.

Mr. Mangan: I believe buildable or not, the 12A owner is the only person that really could purchase that particular parcel because of the access issue.

Mr. Feeney: And that's just to prevent somebody in the future from purchasing it and then realizing they don't have access. That's kind of a guarantee you should make when you do a split that there is proper access. Are there structures on that .927 or is it just a fence?

Mr. Mangan: This is Maurice Madray. He's from the Ohio Department of Development and he can address the state's position on this, but basically we're all here for the same thing, to seek the split or variance to do the split.

Mr. Stoffel: I guess my first question, would there be a chance that the state would convey a certain portion of their property so they could extend the road?

Mr. Maurice Madray: At this time I have no direction from the State Fire Marshall's Office that they would be interested in that because (inaudible – off mic) as a buffer zone between residential. That's why they're doing it, so at this time I don't think that would get support. And also, too, the time it would take to do this, to do the legislation process to do everything, it would take – it would be prohibitive, I think, to this transaction.

Male: --cul-de-sac bubble back there or a T.

Mr. Rettke: Something, yeah.

Mr. Stoffel: Is there a way to have an easement – since there's two different parcels, the large piece would grant an access easement in the deed or something like that to this parcel at all times?

Mr. Feeney: The large piece meaning the 29 acres?

Mr. Stoffel: No, Lot 12.

Mr. Feeney: He can't grant an easement to himself.

Mr. Domini: And it kind of defeats the purpose of what their objective is, which is to—

Mr. Feeney: If he were to own the property, he would own the easement. So if he would sell it separately that would be a guarantee that he would have to reissue the easement to a new prospective buyer.

Mr. Mangan: He would be able, without doing something like that, there's no way he could sell it. That's why this is so unique.

Mr. Feeney: I think this is one of those special circumstances. Does Staff have any objection to it?

Mr. Domini: No. I mean I think it's an interesting application. We don't anticipate this creating any problems for us.

Mr. Feeney: I would just recommend a condition in the approval that it's a non-buildable lot and that it always has to be conveyed with Lot 12A.

Mr. Domini: When we seal that split, we can protect it.

Mr. Feeney: Where you sign the application, just below it put a star right next to your signature or "See Conditions Below."

Mr. Robbins: Would the applicant be willing to put that on the deed as well?

Mr. Feeney: It's a condition on the split.

Mr. Mangan: The condition would be that that .927 acres could not be conveyed without – separately from Lot 12A and that, I believe, could be added to the deed of conveyance.

Mr. Feeney: As long as you condition it, I think that would match the intent, that we don't want this as a separate – it's one tract of land basically, indivisible. Normally when you have two different taxing districts, that's how they'll do it. We did some over there at the North Market – or Sawmill and 270 when they were carving out – Perry Township and the other ones right there. There's these real small sliver pieces and they're carving out these island restaurants and they had that same condition, that they had to run with the other

acreage tract and could never be conveyed separately. Normally what you would do is you create one boundary description to transfer it because of the two different zoning that they had in Perry and whatever that is to the north, they couldn't – they didn't want them separate. They had to create little separate descriptions for each of them.

Mr. Rettke: I move that we approve Item C1, Variance Application 158627.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

2. SPECIAL EXCEPTION USE PERMIT, 8315 TAYLOR ROAD SW, REYNOLDSBURG, OHIO; PRESENT ZONING NC; PROPOSED USE, CHILD CARE FACILITY, CONTACT: R. BLIGHT, RAINBOW CHILDCARE CENTER (#158522).

Mr. Robbins: This property is located on Taylor Road across the street from the Taylor Road Elementary School. The location is approximately midway between East Broad and East Main Street. The applicant is requesting a Special Exception Use Permit to operate a childcare facility within the Neighborhood Commercial District. This building is operating, or perhaps was operating as a daycare. Staff does not, however, have a Special Exception Permit on record, so it does not say transfer on there. The existing site's neighboring businesses include a dental office to the north, an elementary school to the west, residential neighborhood to the south and east.

The existing facility contains 20 parking spaces, two of which are handicap spaces. Hours of operation propose to begin at 6 a.m. and, at the current state, the daycare has a capacity of 113 children and 11 staff. The thing that jumped out to Staff immediately was the parking capacity and this is what we've been going over with other applicants as well. Going by the APA Urban Design Standards at .35 spaces per inhabitant, that would require 44 spaces. That's above the 20. Staff has concern that this would basically be an overflow parking situation for neighboring businesses and residential areas during the peak hours of operation. And given the size of the residential area to the east, traffic and safety issues could arise if the lack of parking within the site leads to stacking within the lot and spillover onto neighboring properties, or stacking on public street. As it stands, Staff is not in favor of the proposed Special Exception as it does not satisfy the standards as outlined in 1145.09 of the Code. Again, as mentioned, the concern is that these businesses operate with peak hours, the influx of traffic, and then there's the potential for that to back up onto public streets, especially in a rush hour situation with people coming in and out of the neighborhood.

Mr. Rodney Blight: My name's Rod Blight. I'm with Rainbow Childcare Center, 1732 Crooks Road, Troy, Michigan. The daycare that is currently there was previously a Rainbow Station Daycare. It was operated there for, I believe, almost 15 years and that's part of the reason, I believe, that they couldn't find the original Special Exception Use. We purchased the business about six months ago. We have had no indication that there's been any problem with stacking up on the roads or problems with the parking lot. I did talk to our Program Director, who has been there two and a half years. She did submit a letter to me stating that they haven't had any problems with traffic backing up onto the roads or the parking lot even being full for that matter. We really don't have peak times, as was mentioned, because our drop-off times are from 6 a.m. until 9:30 a.m. and our pickup times range from 3:00 in the afternoon until 6:30 p.m. when we pickup. We're not like an elementary school where your class starts at 8:00, so we do have varied times based on people's work schedules. We also bus a number of the children that are there from the elementary school and from other locations, so a number of the children we have are bused in and then we service the community that is adjoining our property and a number of the parents either walk or bring their kids in, drop off and then head back home from there. But it has successfully operated for a number of years without any known problems.

Mr. Rettke: So it's been a daycare for 15 years? Did it ever cease to be a daycare?

Mr. Blight: Not that I'm aware of, no.

Mr. Rettke: You're just changing owners then?

Mr. Blight: Exactly. No increase in enrollment or license capacity.

Mr. Rettke: I guess my concern is that, again getting back to the parking and I know you're saying what hasn't been an issue, but where you have less than half of what's required. That's the item we had earlier. She got letters from adjacent properties to get her up to the number of parking required.

Mr. Blight: From my understanding the business to the side of us has allowed us for a number of years, as long as this Director's been there for 2-1/2 years, to park his staff over on that side to allow more room for the parents.

Mr. Rettke: I don't know how you'd get more parking out of that site. That's why I was wondering about the neighboring property has that big parking lot there and I was thinking the same situation we had earlier.

Mr. Blight: I think part of the thing that relieves a little bit too is we do have access on Taylor Road and Taylor Woods Drive.

Mr. Rettke: Exactly. It's not a one way in, one way out. Those get very backed up and that's speaking from experience.

Mr. Blight: I think a number of our clients come from the subdivision behind, so they never go out onto Taylor Road. They just come in the entrance off Taylor Woods Drive. Our typical drop-off time is between 5 and 10 minutes is all that a parent is there. They pull in, they walk their child to the classroom, punch in, punch out and then leave.

Mr. Rettke: Yeah, there's not much room there.

Mr. Domini: We just approved a church for the facility next door, so the majority of that time – that would be the center just to the north – that lot will not be fully occupied.

Mr. Rettke: I have a hard time taking something that was approved 15 years ago and saying, "Well, now it doesn't meet," especially when that was designed as a daycare from day one. That building was not built for anything else but a daycare.

Mr. Blight: The lot has been striped since the photograph there. We have had it striped and we do have parking lot repairs scheduled for the springtime and we've got an estimated between \$60,000 and \$70,000 worth of improvement budgeted this year for the building and facility, landscape and things like that too.

Mr. Rettke: That was about 11 years ago I went out there. It seemed pretty new back then.

Mr. Stoffel: I live maybe about a tenth of a mile from this and it's been a daycare for the past 15 years.

Mr. Rettke: And you've never noticed any problems or stacking?

Mr. Stoffel: No.

Mr. Feeney: I think the big advantage is in and out on two different streets. Well, it would be great if we knew that there was an agreement that you could park to the north.

Mr. Blight: Like I said, I don't know if there's any written agreement, but they have been doing that for two-and-a-half years that this director has been there and she is still currently employed with us.

Mr. Feeney: I think just for consistency – we've asked, there's been several places. We had a facility on Main Street and we asked them to provide

letters and this lady here earlier today. I don't know if you were hear earlier, but she also provided a letter. Is there a way you could provide us a letter? I mean that would help. Right now your parking is-- I live out that way, too and I've never seen backed up parking, but I think we need to be consistent with some of the things we're asking for. I mean I don't mind, myself, approving it based on providing a letter – approving with the contingency that if you provide a letter that your staff's allowed to park in the adjacent parking lot, that would satisfy me.

Mr. Blight: We typically would only have probably 6-7 staff at any given time at the center based on the ratio that the state provides.

Mr. Feeney: We could add that as a stipulation to pass this that he provides a letter, right? That's not an uncommon thing to ask for.

Mr. Domini: If you approve a Special Exception with a condition, Council will introduce the application. They don't have an option. That's been my understanding. That was the practice as of recent from Council. If we approve a Special Exception with a condition, the last time we did that, Council introduced the item because their interpretation was that if we passed something with a condition, they must introduce the item.

Mr. Rettke: When was that, do you recall?

Mr. Domini: Not off the top of my head.

Mr. Rettke: Well, we've done them. That's how I knew we have done them, but—

Mr. Domini: I think it was actually a childcare facility.

Mr. Rettke: So I think the two options we're looking at is to approve it with a condition and then Council would review it, or ask you to come back again with a letter and then we would approve it based on the letter and then there wouldn't be a condition for the Special Exception.

Mr. Blight: I'm of the opinion that it's operated for 15 years and we haven't had a complaint.

Mr. Stoffel: Yeah, I agree with you and I also agree with Patrick that for the sake of consistency, I feel compelled to – probably the easiest thing for him would be to come back in a month with a letter.

Mr. Rettke: We're not stopping him from operating, right?

Mr. Domini: You can't operate without approval.

Mr. Blight: We purchased an open, operating business. We weren't aware that the zoning was assigned to the tenant and not to the property. It's a little bit different than a number of other centers that we operate.

Mr. Rettke: I think my biggest drawback on these is it's not in the code, right? You're following a national model on parking spaces. No where in the Reynoldsburg Code does it say here's the numbers, so we're not violating anything by approving it.

Mr. Domini: That's correct.

Mr. Rettke: On the other ones, it's been a building that was not designed with the original intent of a childcare. This one went through a major site review as a childcare facility. They were allowed to build it and they built it as a childcare facility, operated it for 15 years, so I think there's a different consideration as far as consistency were to go.

Mr. Feeney: I think you're right too, Tony, because the other one-- A couple things. It only had one access point, this has two and this one—

Mr. Rettke: I'm all for consistency, believe me, but, like I said, 15 years ago it was designed, laid out, built, went through this same process. We have no standards in place really saying it's a consideration we have to place on, I think, more so a conversion, but our Founding Fathers who sat here before us – maybe you were here and Norm was here, but I think we have to rely on their judgment too on that one.

Mr. Domini: What we're doing as of recent is providing you with kind of that measurement, that measuring stick, by giving that parking calculation based on industry standards. It's your job to interpret our assessment.

Mr. Feeney: Well, I think it is an applicable assessment and I would move – or strongly recommend that we kind of put some language in there. That way we have some more teeth to bring that consistency to; but in the case of an existing site that designed and done just for that purpose-- You know, if it sat vacant for 10 years, I think you've got a different argument, had different uses, but it's always been the same use from day one. So I don't think a condition would be necessary.

Mr. Rettke: Well there very well could have been an approval back when it was – original approval and we can't find the application, so it very well could have been addressed back then and approved. Well, obviously it was, so I'm good.

Mr. Stoffel: Well, then I'll make a motion that we accept Item C2, Special Exception Use Permit No. 158522.

Mr. Rettke: Second.

(Mr. Robbins called the roll. Mr. Stoffel voted "Yes." Mr. Feeney voted "Yes." Mr. Rettke voted "Yes.")

Mr. Blight: Would you like a copy of that letter from our Program Director for your file?

Mr. Domini: We'd like a copy for the file.

3. SPECIAL EXCEPTION USE PERMIT, 1010 OFFICEVIEW PLACE, REYNOLDSBURG, OHIO; PRESENT ZONING CC; PROPOSED USE, CHILD CARE FACILITY, CONTACT: R. BLIGHT, RAINBOW CHILDCARE CENTER (#158524).

Mr. Robbins: The proposed childcare facility is proposed to operate in the same capacity as the existing facility and this is the same situation again where the company Rainbow Childcare purchased another company and is wanting to transfer into the building. Again, we have no record of the Special Exception transfer – the original Special Exception I should say. The neighboring properties include a dance studio to the north, office buildings to the south and west and residential to the east. Again, we have an issue with the same – involving parking. The existing facility contains 35 parking spaces, two of which are handicapped. At current state the daycare has a capacity for 140 children and 10 staff. Again, Staff has concerns about the amount of parking available during peak hours of operation, particularly during rush hour. Again, looking at the APA as a standard, at .35 spaces per each license inhabitant, with 115 habitants, we would have a parking requirement of 53 spaces. Again, that's the recommendation from the APA. Staff believes overflow parking could be a major concern could be a major concern for the neighboring businesses and properties during peak hours of daycare operation. Traffic and safety issues could arise if the lack of parking within the site, leads to parents parking in the offices across the street and having to walk across traffic in a busy parking lot to get kids to the building. Staff is not in favor of the proposed Special Exception Transfer as proposed, as it does not satisfy the standards outlined in Section 1145.09 of the zoning code. Here's a better image of the parking lot as it stands.

Mr. Rettke: Okay, so the parking lot back here is not part of this?

Mr. Robbins: That's COTA. That's a Park-N-Ride lot.

Mr. Blight: We do have a few spaces in the back of the building. I think there's three. (Inaudible)

Mr. Rettke: There's two other businesses in that, isn't there?

Mr. Blight: No. This part would be all allocated for us. There are actually three suites in there. Two of them were occupied by the daycare. The third, very small end suite, was their corporate offices for Rainbow Station. They have vacated that and we basically are leasing the whole building. We don't have any plans to expand into that at this time. We're using that just for storage of equipment and things like that. So we have the same situation we had before except, fortunately, here we have more spaces and we do also have the two means of entrance and egress.

Mr. Feeney: And a less traveled road.

Mr. Blight: And I did not get a letter from this one. Our director was at a state food license seminar, so I could not get that from her this week for you, but I could forward that to you if you need it. I have talked with her and there's no known issues with that.

Mr. Stoffel: Fifty-three spaces is quite a bit. What's the count, 40? Thirty-five?

Mr. Blight: Is that counting the ones in the back?

Mr. Domini: I don't think we counted those. There are two.

Mr. Blight: Actually it's 36, I think, if you count the two in the back. I was there earlier today. That has been restriped also since the picture was taken.

Mr. Robbins: Yeah, just going off the images, the ones in the back were not counted, so that would be 37. We can meet in the middle and say 36. And on this site they did say that they have never had to park in the adjoining property, but they've never had an issue with the staff parking. They park along the farthest extreme of the building and let the parents have the closer parking.

Mr. Feeney: Is that the play area in the back?

Mr. Blight: Yes, it is.

Mr. Feeney: Is there – how close is that to the parking for the COTA facility? Is there an issue there with, you know, right next to these cars headed in? It looks like there's a buffer in there.

Mr. Blight: There are some very large arborvitae and then we have a fence as well, chain link. I believe that's curbed as well.

Mr. _____: I've been in this one a few times and it's been fine. I haven't seen any issues.

Mr. Stoffel: I'll make a motion that we approve Item C3, Special Exception Use Permit No. 158524.

Mr. Feeney: Second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

4. SPECIAL EXCEPTION USE PERMIT, 1733 BRICE ROAD, REYNOLDSBURG, OHIO; PRESENT ZONING CC; PROPOSED USE, CHILD CARE FACILITY. CONTACT: NEW GENERATION CHILDCARE (#158579).

Mr. Robbins: This would be for 1733 Brice Road, Special Exception Transfer. We do have records of the existing daycare in the area. It was Michael's Little Angels that was previously there. This is application number 158579. The property is located in the strip commercial development approximately one block to the north of the East Livingston and Brice Road intersections.

The applicant is requesting to transfer Special Exception to operate the childcare facility within the CC Community Commercial district. The properties to the north, east and south are zoned CC Community Commercial. The properties to the northeast are zoned AR3, Multi-Family. The previous use of the space was Michael's Little Angels Daycare. The neighboring businesses include a church, a pharmacy and apparently a beauty salon. The facility has a maximum occupancy of 50 persons. The age of the children of the proposed business are from infants to school age children and the proposed childcare will occupy, I believe, two tenant spaces. Is that correct? (Yes.) With a small play area in the alley. Staff had serious concerns regarding the play area, the placement of the play area with the proposed daycare. It seems to be a 20 x 20 wood fenced area in the rear alley and it offers little protection to children from passing cars. According to the images, there's no wall, or bollards, or anything that would keep a vehicle from basically breaking through the fence and causing some injuries there. Staff believes that this represents a serious safety issue. There's also some concern with the parking in the parking lot as well. There's really not a whole lot of space for stacking of cars and could be problematic during peak hours of operation. Because of this, Staff is not in favor of the proposed Special Exception as it does not satisfy the standards outlined in Section 1145.09 of the zoning code. Sections C and E are of particular concern to Staff as the proposed use would significantly affect the safety and welfare of the people in the areas in addition to causing a traffic impact significantly different than that anticipated for the permitted uses.

Mr. Domini: To be clear, I think-- We were trying to stay consistent with our evaluation of parking, but I think our major concern is that's an active alley. I

was not here when that – I don't believe I was here when that was originally approved. I know if Norm was on this Board when that was approved—

Mr. Feeney: When was it approved, do you recall?

Mr. Robbins: I believe that was the previous applicant, Melinda Williams. I believe 2010, but don't hold me to that.

Mr. Domini: It could be that that was a condition and they were either installed and removed or they were not installed. But I think our recommendation moving forward is that this applicant should come back with some documentation showing how the area would be protected, what is the crash load of the bollards, because people do go down that alley and sometimes at a higher rate of speed than you might think and it's our job to make sure that when we approve a use that it's a safe condition. So, again, our concern is much less about parking here, because I think there's adequate parking in the strip center, but about that play area.

Mr. Stoffel: Yeah, 10 years ago that alley was in disrepair.

Mr. Feeney: I remember the daycare going into the site. There was a church there, too. It may have been associated with that. I remember there was a daycare center up by the K-Mart in that same strip center and we had serious issues with the child area in that location too and required bollards and larger parking blocks be put around that area. I can't imagine this would have been just "Hey, put a fence up." Cause this is an alley, public right-of-way. That was a – we were concerned about delivery of trucks and that type of stuff.

Mr. Rettke: Maybe that was put in after.

Mr. Domini: Yeah, that could have not been part of the original proposal even and they put it in after, which is also likely because sometimes we hear that they're going to take the children off site for outdoor play.

Mr. Stoffel: Yeah, I was involved with the church and them setting up what they're doing there and we were in the back alley fairly often putting stuff in the dumpster and we were doing remodeling and there is traffic back there. I mean it's just not – you know, people use that.

Mr. Domini: And it's not well lit.

Mr. Stoffel: It's not lit. Well, let me say that if it is, it's very poorly lit if it's lit at all.

Mr. Feeney: No, it's not lit. I live right there at Astor in that first house there. People do go flying through there. They hit the bumps, they hit – there

used to be a dumpster out there by the old karate place when that was still there. I was all the time running people out of there.

Male: For the record, we are Mr. and Mrs. _____. Before I start, I want to let you know I have a little bit of hearing problem, so I could hardly hear what you are saying. If you can help me out, just speak up a little bit. My wife and I are trying to run this childcare center in a property that you have already previously approved for childcare. The certificate of plan approval was issued and approved in 2010 and the final certificate of use and occupancy was issued July 2010 and the tenant who occupied it used it as a childcare and then they finally left, we believe, sometime late last year. So we want to reoccupy the same space without doing anything, just reoccupy the same way you approved it.

Female: That's why we're here. We actually _____ here _____, they left. I mean _____ it's okay because we are approved. So that's why we started looking at it and we had to come to you since it's been approved previously.

Mr. Rettke: I think you can hear what our concerns are, the safety of the children and I know you probably can – you, too, are concerned about that. I don't think your play area is something I can agree to as part of this agreement. I mean I just don't think it's safe myself to have children out there just behind a fence inches away from traffic like that.

Female: Would that be the reason why _____ discontinued? The lady that was here previously?

Mr. Domini: We don't have any record of why she's not there at that space anymore and it didn't come from our office, I can say that.

Female: So our question is is that a new regulation now? Because they said she always had that back play space.

Mr. Feeney: I don't remember that when I lived over there 10 years – well actually it was longer than that.

Male: Well, we can also put a caution sign on both sides of the fence.

Mr. Stoffel: Well, I think more than a caution sign. You're going to need some kind of – probably some kind of steel post set in concrete about 3-1/2 feet in.

Male: That's fine.

Mr. Feeney: Go back to one of the earlier photos. I mean they've got a conditioner with bollards around it, so you can replace an air conditioner for

about five grand. See up there how they've got the six posts around the air conditioner or whatever that is? That's something like what we would want around that, with assurances that it would stop a 20-mile-an-hour vehicle, whatever, some kind of standard post, because anybody can put in a post. We just don't want any post put in there. Is there a building set-back on this? I mean is this area considered – I mean are they even allowed to put that that close to the property – I mean to the right-of-way?

Mr. Robbins: That's a very good question.

Mr. Domini: Yeah, that's a very good point. I don't remember-- Well, I wasn't here when this application came through.

Mr. Rettke: I wouldn't be the least bit surprised that that just got put in, they just threw a fence around there.

Mr. Stoffel: Isn't it a requirement that you have to have an outside play area?

Mr. Domini: To answer your question, we don't require setbacks for fencing and there's no permanent structure there.

Mr. Feeney: You know, I thought you did, because we got overturned on that one with the two front streets, remember? On Palmer? Because he went to what he thought was—

Mr. Domini: That was in the front yard. Yeah, that would be a problem. This is the rear.

Mr. Feeney: Yeah, but it was adjoining two streets, though.

Mr. Domini: That's true.

Mr. Feeney: And this is adjoining two streets, so you'd have to have—

Mr. Domini: You'd have a double frontage condition here, too.

Mr. Feeney: There would have to be some setback.

Male: The fence in the back is locked. It has a lock with it and the kids would never be allowed to go to the back without their teacher.

Mr. Rettke: It's not as much us worrying about the kids getting out, it's about the cars that could be speeding and not paying attention, you know, run into that fence.

Female: (speaking off mic – inaudible)

Mr. Feeney: I just can't see any good about that play area. Do you have to have an outside play area?

Female: Not necessarily.

Mr. Feeney: I mean for your license? Do you have to have an outside play area?

Female: You can build a gym-like play space within the house and—

Male: We don't have that much space.

Female: But if you do want, we can take them out to the park to play, but, again, that all depends on what happens here. (Inaudible)

Male: (Inaudible)

Mr. Stoffel: That's probably what happened here. You could probably put it in later.

Mr. Feeney: I'm almost willing to bet, because I can't imagine, as sticky as we've been with playgrounds since I've been here, this getting by anybody.

Mr. Domini: Do you have the original application with you?

Mr. Rettke: She gave us this. Is this it?

Mr. Stoffel: Was it you that mentioned, Justin, there might even be a – on top of everything, a setback issue.

Mr. Feeney: That's what I'm thinking, because it is a dedicated thoroughfare subject to-- I just can't see that ever getting through here.

Mr. Rettke: Can you go back to the aerial? I mean I could – I guess I could almost imagine that it somehow got past if it was within the confines of a legal parking space, but it's sticking out even beyond that. I think that was just an afterthought.

Mr. Stoffel: Is there just mulch placed on top of the blacktop back there?

Mr. Rettke: What's the surface of the play area? Is it—

Male: Some kind of foam—

Mr. Feeney: Oh, they spent some money on it then. Call that lady back in. Well, I can't say what got approved back – what was told to us back then. I don't remember. Several of them I do remember, this one I don't. I don't remember a play area like that. I can't imagine I approved it. If I did I was mistaken. I should not have done that. I don't feel good saying, "Well, I did it before, I can do it again." I just think it's a dangerous situation. If it's our duty to approve it, I can't. They'd have to talk to someone and come back to us with a secured playground area, something that you're going to – with a plan – I don't know what, putting a concrete block wall up, I don't know. You'd have to talk to someone – something that could handle a car, a truck, a delivery truck driving down an alley at 20 miles an hour.

Male: If we put steel _____ around the edges?

Mr. Feeney: If that's what they say will stop a truck at 20 miles an hour. I mean that's almost saying, "Go out and play on Brice Road."

Male: (inaudible) it wasn't going to be an issue, but now we have this issue, so what would be your advice? What could we do to satisfy you?

Mr. Rettke: Well, I think what we're saying is it probably wasn't approved before; that to use the space – it was approved to use the interior space for daycare and it's kind of our assumption, I think, that they may have just built that on their own without telling anyone. And our job now is to look at what's there and what you intend to use it for and see if that meets code and, more importantly than anything, the safety of those kids. So that structure, whether it was approved or not before, in our opinion that's an unsafe condition, a very unsafe condition. The playground's unsafe.

Mr. Stoffel: We're not talking about the unit itself. We're not talking about the parking. The playground.

Male: Assuming we occupy them within the building, would that—

Mr. Rettke: That's fine.

Male: Can I see the original application? Because it looks like I saw that (inaudible).

Mr. Robbins: Yeah, let me bring that up real quick.

Male: No, the copy that I give. The copy I just gave to you.

Mr. Robbins: That's from 2013.

Male: This was a drawing to you guys for approval. That spot for the fence (inaudible).

Mr. Domini: Yeah, but this is not the previous application from 2010.

Mr. Feeney: Well, I think regardless on that one, I think they erred if they did approve it. Two wrongs don't make a right, and that's why every time it changes owners, we probably have to review.

Female: (Speaking off-mic. Inaudible) The parents always take them in and bring them out of my house.

Mr. Feeney: Oh, yeah, we're not concerned with that as much that playground.

Female: Okay, if we don't use the playground, my question to you is can we use the inside of the building and just take them out to play or something without using the playground? I do understand the safety on the playground, but what about the _____? We're approved for a daycare?

Mr. Rettke: I think I'd have to put a Special Exception on this approval that the playground would have to be dismantled, not just not used, but it has to be dismantled.

Mr. Feeney: I would say dismantled and restored to additional parking.

Mr. Rettke: Yes, just so it can't be used. And, again, if that's – we put a Special Exception, then it will probably go to Council, which is only a recommendation. They can still say no. That's one option. The other option is you could go to an engineer and ask them what it would take to secure that area and reapply to us with drawings and certificates saying that the engineer took a look at it, he suggests so many concrete blocks, steel pillars, whatever he designs. And then if we felt secure with that, you know, here you have an engineer that's saying this is safe. So you have options.

Mr. Feeney: But I think we may find – Justin may find that that is actually – it's in a setback. It's in an area that it's not even allowed to be possibly.

Mr. Robbins: We checked the map and the alley is actually outside of the City of Reynoldsburg. And there is a 30' setback on the CC district and it looks – according to our GIS – like the building does meet that setback. And then we get into the kind of fuzzy area where you have a space like that that's, you know, within that setback. And although fences are allowed, I think it brings up the question when it's an actual playground with a different pavement, different structures out there and something the code doesn't necessarily address, but I

think we have to take our best shot at interpreting it and I think this would be a good situation to interpret it kind of cautiously.

Mr. Feeney: So that kind of rules out the fact that if you would hire an engineer to come up with some type of structure out there, that wouldn't be permitted anyway.

Mr. Rettke: Unless they had a variance for the setback, and I don't see that happening either.

Mr. Feeney: The other option is – I mean my thought is you have cars driving up and down the street and then we put up steel posts right there on the property line and they smack those things.

Mr. Robbins: Yeah, no matter what you do, there's still a danger and one of the jobs of the Board is to make sure that childcare facilities maintain a safe distance from those dangers. I mean if a situation where anything would happen, I know everybody up here would—

Female: (inaudible) – they are saying the playground doesn't necessarily have to be there (inaudible). –wouldn't be a problem because we would specify in the handbook that the parents must bring their kids in, so that would be taken care of.

Mr. Rettke: Yeah, you're not going to go to the car and bring the student into the classroom.

Female: If we need to, we will. It's our responsibility to make sure they're safe. (Inaudible) – eventually if anything happened to them, we'd be held liable anyway and I don't want that.

Mr. Rettke: I don't think that's necessarily the issue we have. I think it's mainly that playground out there. A) it may be within the public right-of-way setback area and, B) it's just right on the edge of that alley with no protection whatsoever. You know, one of your teachers is out there with six kids, turns her head and a car comes flying, there's no reaction time to protect them. There's no buffer. That 6' fence won't protect anybody. It'll hide them, but—

Female: So we have to dismantle the playground?

Mr. Rettke: It would definitely have to be dismantled. That way there's no option for you to use it. If we said, "You can't use the playground," you could use it. If we say, "No, you have to dismantle it and restore it back to additional parking," that pretty much makes you not be able to use it, but I'd like to wait on Aaron to see if he finds it and to make sure that we're conditioning this in such a way—

Male: Could we have the other option to, in the alternative, if we settle the structure to—

Mr. Rettke: Well, you may not be allowed. That's the thing. We've got to determine if it is a public right-of-way. The corp line runs along the east right-of-way line of that alley or the back of your fence. Now normally you cannot build right to the edge of the road, so that's what we're thinking, that there is a 30' foot setback which the building conforms to, but your playground wouldn't. So even if we did condition that, you still might have to come back before us to actually do it, so I think that's what he's checking on as well. If it was just a street supplied by the strip mall, it may not be as big of an issue, but since it is a public right-of-way that Columbus should be maintaining, plowing, it's open, it can't be restricted at this time, then it is a big issue.

Mr. Domini: Well, I have the application, but I don't have the minutes which aren't readily available unless I get into the system. This has notes that that area was acknowledged by the Board and it did have to be fenced. My question is what other conditions the Board put on it and I don't know until I pull the minutes. Either way, I'm not comfortable about—

Mr. Rettke: Number two is would there be a setback?

Mr. Domini: The adjoining property is not in the City of Reynoldsburg.

Mr. Rettke: So does that negate that being a public right-of-way?

Mr. Domini: I don't know. I'd have to think about how we interpret the code. I mean it's an existing condition, so either way, we're not going to approve the fence, but it's an existing non-conformity to the rules.

Mr. Robbins: There is still a rear yard setback of 30' by district, so they'd have that on the rear.

Mr. Domini: (inaudible)

Mr. Rettke: But that's a variance, right?

Mr. Domini: No. You could put the fence in the rear of your setback. You're not supposed to encroach any closer to the public right-of-way than the rear setback _____. So in this case it would not permit the fence if we acknowledged the alley is a public right-of-way.

Mr. Feeney: But it's not in Reynoldsburg.

Mr. Rettke: It doesn't matter, it's still a public right-of-way.

Mr. Feeney: Yeah and that's what I think. You've still got to acknowledge it's a public road.

Mr. Domini: To me the fence is a moot point because it's existing.

Mr. Rettke: Our problem was – we had kicked around do we condition it where it cannot be used and it has to be removed and restored to additional parking, or do we say come back to us with a structural engineer report?

Mr. Domini: I don't think that any other governing body in this City would look favorable on an outdoor play area there without some safety restraints. So even if you condition it and it goes to Council, I think you're going to have the same conflicts. So I don't see any reason—and, again, I need to pull the minutes, but I don't see any reason to approve that without some safety restraints or there's no outdoor play area.

Mr. Rettke: That's what we're getting to is do we say he has to have some safety restraints or, if it was viewed a right-of-way, do we just say no playground whatsoever?

Mr. Domini: That's up to you. If she wants to pull the playground out of the application, she can do that. If you want to approve it that way, that's okay.

Mr. Stoffel: If we approve it, I'd only vote for it if there's a condition that the playground area is totally removed.

Mr. Rettke: So she can pull it and then it's not conditioned.

Mr. Domini: You allowed the other applicant to amend their application at the Board tonight and I think you have to offer this applicant the—

Mr. Rettke: But it's still a Special Exception, so it would go to Council.

Mr. Domini: If they choose-- Well, you're not putting a condition on it.

Mr. Rettke: So she can pull her application and reapply with the statement that she'll remove the playground area.

Mr. Domini: Or she can do that tonight. That's what the other applicant did.

Mr. Rettke: Yeah, she can amend it to remove the playground and then we could vote, Council could pick it up, or we could just say no playground as a condition and then Council has to hear it, or she could submit it as is and it probably would not be favorable.

So there's three scenarios here. It appears we're against the playground. Now there could be two options. You could remove the playground or you could potentially come back to us with more information saying we're going to put in these safety features to protect the playground. Right now I don't think you – you have to have a majority. There's five seats on the Board and two are not present, so you'd have to have all three of us agree to that. Right now I think we're against that. So there are two options. One, you amend your application to not include the playground, which would probably be favorable. Two, you'd ask for us to recess so you could analyze or look into putting safety devices up around that playground so you could consider having it or not having it, or amend it and come back later for the playground. What was the other option? Three, just ask us to proceed as submitted-- I lost my train of thought. That's about it. So it's up to you at this point, but you've heard our discussions. We're not in favor of that playground. Whether it was there in the past and got overlooked, somebody may not have realized since that alley is in Columbus that it really was an alley, it may have been just an access drive through that.

Female: This is our first time trying to do this (off mic – inaudible), so I want you to help us see (inaudible). So where do we go from here?

Mr. Rettke: Well, you would have two options basically. You can amend it, remove it; or you can ask us to table it so you could look at other safety devices that could be placed around there to maintain it.

Female: (off mic – inaudible)

Mr. Rettke: So you can amend it and just remove the area of the playground from consideration.

Mr. Feeney: Not just from consideration, it's got to be removed. The structure's got to be removed before it's approved. I mean it's part of the approval that it's got to be removed. So if you don't remove it, then you don't have a variance.

Female: We're agreed for the playground to be removed.

Mr. Rettke: Where did Aaron go?

Mr. Robbins: He's trying to find the minutes from the previous meeting. As you mentioned, though, one of the other options would be to approve with conditions of the removal of it. Now this would automatically go to Council, but it would be, I think, a quicker timeline as far as I know. We might be talking about a week between the two until the next BZBA meeting.

Mr. Rettke: Well, we're not asking for the removal prior to our approval. We're asking that it stipulate in the application that it be removed.

Mr. Robbins: I understand.

Mr. Rettke: Is that correct, Aaron? There are three options the way we see it. They can remove the playground from the application saying that it will be removed – or amend the application removing the playground. We could vote with the condition that it be removed. They could ask for it to be tabled to look into other options to accommodate the safety concerns of the playground. So if they amend it, they would just have to say that we are removing the playground and it will not be used and that should suffice?

Mr. Domini: Yes.

Mr. Rettke: Okay, so that's your three options. You amend your application to say you're removing the playground and we will not use it. Item two is we would vote to approve it with the condition that the playground not be used and be removed. That would immediately go to Council.

Male: We would prefer the option two.

Mr. Rettke: Okay, and then the third option is that I'll just table it so you can look at other alternatives. Option one would require you to amend your application and specifically state that the playground will be removed and not be used.

Mr. Stoffel: So we're approving Special Exception Permit with the stipulation – with it amended that the playground has to be dismantled before it's—

Mr. Rettke: Is there anything that they have to physically do on your copy?

Mr. Domini: That's what I'm looking for. I'm looking to see if in their application they talk about using the outdoor play area. I don't see that, so you're not really amending the application.

Mr. Rettke: The drawing on the back does have the play area. Maybe they'd mark on there that the play area is going to be removed and not used since it does show it.

Mr. Domini: I don't think you're asking them to remove it. You're just telling them that it cannot be used.

Mr. Rettke: No, I think we're of the opinion that if it is there, it will be used. It has to be removed and restored to additional parking. Do you see a problem with that?

Mr. Domini: You must really want this location if you're going to go to the trouble to remove that facility. Have you looked at other locations in this area?

Female: We have been looking, but we haven't found anything.

Male: The reason we prefer this one is because everything is there so we don't have to start all over partitioning and all that.

Mr. Domini: My opinion is that removing it is probably more expensive than securing (inaudible)

Mr. Rettke: I wouldn't approve it unless it's a stipulation that it is removed, because I think it's one of those things—

Mr. Domini: Even with the bollards, you're not comfortable—

Mr. Rettke: Nope. I think the bollards are going to be more costly than taking a sawzall and cutting down a wooden fence.

Female: (Inaudible)

Mr. Rettke: Are you in contract with this or is it subject to our approval?

Female: Subject, yeah.

Mr. Rettke: Well, then you have a lot more leverage. If you're not in contract with this thing, you might want to look at other facilities. Do you want us just to table this and then you decide. If you say you're going to talk to your realtor, I mean there's an expense there as part of the negotiations of renting the facilities. I don't know, you may decide that you don't want this place.

Mr. Domini: Let me put it to you this way. A bollard's going to cost you about \$1,500 per bollard to install correctly. A parking space to put back is going to be about \$5-10,000 and you have a couple parking spaces there. You have the removal costs. Either way, you're looking at quite an expense.

Mr. Rettke: Yeah, but I really don't think — I think the blacktop's under there. I think they just put the rubberized coating on top of it. I would look at it to see what your options are.

Mr. Domini: Either way there's some due diligence that needs to be done.

Mr. Rettke: Yes, correct. I mean you're going to have an expense that you may not want.

Female: And you will not trust us to say we're not going to use it?

Mr. Rettke: No.

Mr. Stoffel: We wouldn't trust anyone.

Mr. Feeney: The problem is there's no way of enforcing it. You say you're not going to use it, five years down the road you're using it, nobody's going to stop you from using it.

Female: (Inaudible)

Mr. Stoffel: Well, if you're not in contract, maybe you can negotiate that as part of the condition of you accepting the contract is that they pay for the removal of that play area.

Mr. Rettke: Yeah, cause it's something you need to go back and rethink and talk to the potential landlord and think yourself and take a look at your budget and then you can come back to us.

Mr. Feeney: And if they really want it, they can come back with some sort of structural analysis report and say we're going to put, you know, these steel posts up around it and it'll protect it from whatever.

Mr. Domini: This does two things: One, it allows you to pass that burden on to the owner and the realtor; and 2) it allows us to do a little bit more research to ensure that that fence was installed with permits and that they did follow the conditions of the original approval. So for both parties, I think if you give us 30 days, or you ask for tabling and you come back in 30 days and you say either that agent or the owner's not willing to abide by your request to remove it and we can say, "Hey, as a matter of fact, they didn't even have permits," and then we have another problem. So I think with this situation I think it's better to give both parties some time. And I can tell you the condition here has changed even since 2010 with the amount of traffic that we have in and around that area, specifically that alley. So what may have been – and I don't remember – acceptable three years ago, you know, things changed down in that area. They've changed pretty quickly and so the condition's different. So I think that everybody just needs to do a little bit more digging.

Mr. Rettke: Probably I would make contact with Aaron about Wednesday of next week. Speak with the owner or the landlord and call Aaron and let him pull those minutes, let him pull the permits, make sure everything was done accordingly and then put your thinking caps together. He knows what we're thinking. So put your thinking caps together, come back with a better approach to this, whether it be keeping it, putting steel around it, removing it totally, you

know, who's going to pay for that, so on and so forth and then I think the issue will disappear.

Female: How long Aaron until we get with you?

Aaron: You're going to meet the third Thursday of March, we'll be back here with this Board, 30 days.

Mr. Rettke: The third Thursday of March, which would be March 21st. It puts you off, but, like I said, I don't think any one of us would feel comfortable with that playground there right now.

Female: (off mic – inaudible)

Mr. Domini: You don't want to do that.

Mr. Rettke: Any condition then Council would have to get involved.

Mr. Domini: You would have a bigger problem on your hands if you had children back there and they got struck at night, because the alley was not lit, by a car that plowed through that. Let me tell you this: People drive through the brick walls on Main Street and there's all kinds of lighting and it's the right condition for automobiles and this is just the wrong condition.

Mr. Rettke: Like I said, I would speak with the landlord as soon as you can, try to get their input on what leverage you may have to have that removed or install safety features; talk to him Wednesday, give him some time to pull the minutes, pull the permits and think about what the options you could have are on maybe saving that or removing it. Our opinion is it needs to be gone and made parking. There's no temptation that there will be a playground there, no temptation to use it even though you say you might not. You're running it, you're in poor health, whoever's in charge runs out there and says, "You know what kids? We're going to use this playground today." So we have your recommendation to go ahead and table this, right? Okay, I move that we table Item C4, Special Exception Use 158579.

Mr. Feeney: Second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

Mr. Rettke: And then we'll probably see you back here in 30 days unless you find another site, and you might keep that option open. We've approved so many daycares all over Reynoldsburg, there may be another one open.

5. VARIANCE APPLICATION, 6699 EAST LIVINGSTON AVENUE, REYNOLDSBURG, OHIO; PRESENT ZONING, S-1; OWNER'S NAME,

REYNOLDSBURG BOARD OF EDUCATION; REQUESTING A VARIANCE FROM SECTION 1181.03(C)2 AND TABLE 1181 OF THE ZONING CODE TO ALLOW TWO (2) MONUMENT SIGNS WITHIN A SINGLE BUILDING FRONTAGE. CONTACT: STANLEY W. YOUNG (#158597).

Mr. Robbins: The location is Reynoldsburg High School. The existing property is zoned S-1, Special District. The existing monument sign for the high school is present at roughly the midpoint of the property at the Rosehill and Livingston intersection. The background of the project is Columbus State Community College is proposing to share space, I believe, with Reynoldsburg High School and offer some sort of post-secondary or another education option for students in the area. Columbus State wants to put up a second monument sign to advertise the fact that they will be there. The proposed sign is to be located at the secondary entrance to the high school, to the west of the main entrance. It will have to conform to all other provisions of the zoning code, including review from the Design Review Board. Given that the property has a frontage of around 900', Staff believes that the full enforcement of this section of the zoning code would cause an undue hardship on the applicant. Part of this is the fact that the parcel is so large, a lot split or anything like that would be kind of out of the question for something like this and we feel that it's a reasonable request to have another operation within the building that is allowed to have signage out front.

Mr. Domini: Another point in the Staff Report, just a final comment, is that things are changing in the education system and it's not uncommon for these users to share the same space now. So I think we felt there is a hardship in this case because of that condition. What typically was a single user, nowadays you have multiple users at schools, and the same condition in Gahanna.

Mr. Stoffel: I'm sure this was looked into, but is that concurrent with the location of the current Reynoldsburg sign and outside of the right-of-way?

Mr. Stanley W. Young: My name's Stan Young and I'm representing Columbus State and also working with Columbus Sign. Yeah, it would enjoy a 10' setback from the right-of-way, which is code, and it would probably be a good 20' to the east of that entrance there and it would be out of that clear vision triangle so there wouldn't be any traffic issues with visibility.

Mr. Stoffel: The Design Review Board will look at this, but do we know right off hand -- I'm just curious -- size relationship from this sign and the Reynoldsburg sign? Are they pretty much the same size?

Mr. Domini: I don't know. We haven't dug into it, because that's not our purview to review here. We'll give you a heads up that they're going to want you to put some kind of brick feature into the sign.

Mr. Young: Okay, so my guess will be a 6' maximum as well. I believe the signage at the high school right now can't exceed 6'. I mean it's not a terribly large.

Mr. Feeney: The only issue I would have, is there's also a Mount Carmel there. Is Mount Carmel going to come back and ask for the same consideration for a sign with their health clinic and what problem would that cause? Move your cursor all the way over the east corner and I think that's where Mount Carmel is.

Mr. Domini: You know, I think if that's the case, because this is such a unique property, that one per curb cut, so one per basically section of curb cut would be keeping with the character, because that's a typical pattern you have in a commercial street, and there's pretty big distance between the curb cuts, so if that happened, we just would want to make sure they're spaced evenly so it doesn't seem cluttered. You know, going backward, ideally would we want everybody to take the sign out and do a multi-tenant sign? Yeah, but that's not the situation we have.

Mr. Feeney: I'll make a motion that we accept item C5, Variance Application 158597, requesting a variance from 1181.03(C)2 and Table 1181.

Mr. Stoffel: I'll second.

(Mr. Robbins called the roll. Mr. Stoffel voted "yes." Mr. Feeney voted "yes." Mr. Rettke voted "yes.")

D. OTHER BUSINESS

1. ROLES AND RESPONSIBILITIES

Mr. Domini: This is a pretty big discussion item, so I'd like to ask that we just continue this until the next meeting. But under this headline, I will note that I talked with the Administration and I believe we're going to get a new member shortly. There's some other roles and responsibility items I think we want to discuss, but probably not tonight. I think we'll wait for the full Board, but I think it's just how we interpret the code, you know our consistency in reviews, just general operating procedures for Board of Zoning. There are actually firms similar to ours that specialize in training boards. We don't necessarily do that, but they do a good job of it and every now and again it's good to kind of have that refresher, kind of the 101 of the Board of Zonings. So that's what that was about.

Mr. Rettke: So we'll go ahead and table that and discuss it next time.

E. ADJOURNMENT.

The meeting was adjourned at 8:50 p.m.

Anthony Rettke, Chair

Justin Robbins, Planning Adm.

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