



AGENDA

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JANUARY 21, 2016 6:30 PM

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

A. CALL TO ORDER

1. ROLL CALL
2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – November 19, 2015

3. APPROVAL OF AGENDA
4. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. **7810 E. Main St.; Application #172454; Applicant: Chris Winkle/Gandee Heydinger Group; Variance from Section 1175.05 of the Reynoldsburg City Code to Allow a Building Expansion with a Reduced Rear Setback of 4.5'; Property Owner: Rodney Bigham**
2. **Annual Organization Meeting to Elect a Chairman, Vice-Chairman, and a Secretary**
3. **Board of Zoning and Building Appeals Rules Revision**

E. OTHER BUSINESS

F. ADJOURNMENT

MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, NOVEMBER 19, 2015 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Enfinger, Wallace
ABSENT: Donovan

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – September 17, 2015
Minutes stand approved.

2. Board of Zoning and Building Appeals – Special Meeting – October 8, 2015
Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Anyone wishing to testify before the Board needs to stand so we can swear you in. So, anybody speaking tonight, I need you to stand. Please rise and we will issue the oath. Do you swear or affirm that the testimony that you give in front of the Board will be truthful? If so, please say, "I do" Thank you.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

None

D. NEW BUSINESS

1. **8702 Firstgate Dr.; Application #171647; Applicant: Samuel Pignatelli**

Chairman Rettke: May we please have a presentation?

Mr. Snowden: Than you Mr. Chairman. 8702 Firstgate Drive - Residential - Variance. Application: #171647- Variance. Location: Property is located on the northeast corner of Firstgate Drive and Taylor Road. Existing Zoning: R-3 - Single Family Residence District. Request: Request for the Board to review and approve a variance from Section 1171.06(c)(1) of the Zoning Code to allow a fence with a setback of thirty-five feet (35')

Minutes Acceptance: Minutes of Nov 19, 2015 6:30 PM (APPROVAL OF MINUTES)

from a public street. Current Use: Residential Dwelling. Applicant: Samuel Pignatelli. Proposal - The applicant is requesting for the Board to review and approve a variance from Section 1171.06(c)(1) of the Zoning Code to allow a fence with a setback of thirty-five feet (35') from a public street in the R-3 Single Family Residence District. Existing Site & Context - The site contains an existing single family dwelling on a platted lot, which is lot number 1 of the Taylor Woods East Section 1 subdivision. This lot is a corner lot, which means the setbacks for fences apply to both lot frontages. Lot Size & Configuration - The lot meets the minimum size requirements for the R-3 district but since it fronts on two public streets, the regulations for corner lots apply. This has the effect of significantly reduce the area of the backyard that can be utilized for fences. Given that Taylor Road is a major arterial, and that it does not run directly north-south at this location, the requested variance is a reasonable accommodation for the fence. The requested variance would allow the applicant to utilize his yard in a manner consistent with other residential properties. The bottom line is, when this property was sub-divided in a trapezoidal shape. The west lot line is not directly north/south and that has the effect of giving Mr. Pignatelli an extremely small rear yard, and in order to reasonably accommodate his fence, he is requesting to move the fence out five feet from the building line. I do not believe it is going to change the visual clearance that you are seeing. I feel that it is reasonable given the lot configuration. The Board should apply the standards for review of variance contained Section 1147.05 of the Zoning Code and determine if the proposed variance complies with those standards. Staff finds the requested variance in compliance with those standards and recommends approval. With that, I will turn it back over to our chairman.

Chairman Rettke: Is Mr. Pignatelli present? Please come up and state your name and address for the record. We will see if there is any discussion or questions coming your way.

Mr. Pignatelli: Sam Pignatelli. 8702 Firstgate Drive, Reynoldsburg.

Chairman Rettke: Mr. Snowden, do you have the Auditor's GIS?

Mr. Snowden: I do. You should have the plot plan in your packet, but I can display that if you give me just a moment. Chairman, did you want to know what the distance is of that right-of-way?

Chairman Rettke: Yes I would.

Mr. Snowden: Let me see if I can get my instrument tool to cooperate with me. It is approximately 83 feet or so. It is about 80 feet.

Chairman Rettke: Do you know where in relationship that 35 foot strip is in relationship to the landscaping?

Mr. Snowden: It is outside of it, Mr. Chairman.

Chairman Rettke: Towards the road?

Mr. Snowden: No, Sir. It is between the landscaping material and the... Mr. Chairman, if I did not make it clear in my report, the normal setback would be 40 feet. So that would basically be a line running directly from this corner of the gentlemen's home, at an angle parallel to the road, back to this corner. As you can see, that is a very small percentage of his yard. If this was a directly north/south street, the line would go like this directly to the north and he could fence in that entire area. So, instead of the 40 feet at that angle, he is requesting to move in 5 feet, which would move him into this area here, and then take a parallel line. And, like I said, that is shown on the plot plan. It is just probably hard to visualize without the landscape material there. It is outside of his patio, and all that stuff is contained within the fenced in area.

Mr. Pignatelli: Right, probably at least ten feet from that landscaping still, maybe more.

Chairman Rettke: Are you going to have a surveyor mark that for you?

Mr. Pignatelli: I have a survey already, from when I bought the house, and I will have the normal utility companies come out to mark out everything.

Chairman Rettke: There was a gentlemen to the south of you ask for a variance about three years ago and he had misread that to be forty feet from the edge of the road, or something like that. So, just be careful where you are putting that without the benefit of the survey. I am a surveyor, so.

Chairman Rettke: Mr. Chairman, the property directly across from Mr. Pignatelli's property, that I am looking at right here. They have a fence. I could not find evidence, but they have a fence constructed at 25 feet from the right-of-way. So, what you are seeing there is even closer than Mr. Pignatelli's property. There is variable right-of-way in that area.

Chairman Rettke: Yes, so just be careful. If we say 35, and you put it at 34, you are in violation.

Mr. Pignatelli: Sure, I understand.

Chairman Rettke: I do not have any other discussion or comments, does anyone else? I will move that we approve item D.1., Application #171647.

Mr. Snowden: Mr. Chairman, with your permission, I want to read the remaining information to Mr. Pignatelli. I will provide a letter stating exactly what was discussed here this evening. The applicant should submit for a zoning certificate. Staff will require two copies of plans showing the location of the proposed fence in conformance with this variance. And then you can construct your fence.

Mr. Pignatelli: \$35?

Mr. Snowden: Correct, Sir. It is a \$35 permit.

Mr. Pignatelli: Thank you.

Mr. Snowden: You are welcome.

Chairman Rettke: Good luck and hopefully you get it in before it starts freezing out there.

Mr. Snowden: If you can get it in within the next week, the turn around time should be very short. Ok, have a great day. Thank you, Sir.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Aaron Enfinger
AYES:	Rettke, Linder, Enfinger, Wallace
ABSENT:	Donovan

2. 1743 Brice Rd.; Application #171741; Applicant: Sharon Smith; Business: Nazareth Temple

Mr. Snowden: Mr. Chairman, and other Members of the Board, Staff had a request immediately prior to this meeting from the applicant to table this to the January meeting of the Board. The likelihood is that this applicant is not going to be utilizing this space anymore in perpetuity for this use. But, I think there were some internal issues with the applicant, and their organization, and they have decided they are not going to be operating this use, at this location. With that, I would just ask that the Board table it to January, and if Staff is not contacted by the applicant, at that meeting, the Board could just table it indefinitely.

Chairman Rettke: I do have one question. I thought we had forty-five days to act?

Mr. Snowden: Let me check on that. It is sixty days for a variance. Let me check the code, one moment. Mr. Chairman, it does say sixty days from submittal, so it will definitely be beyond that. In that case, the applicant has already left, I would probably just recommend that the Board table it indefinitely and the applicant has verbalized that they are not going to be utilizing this. If they wanted to reapply, they would certainly have that option. Staff would assist them in reapplying, but ultimately it is their decision whether they are going to operate the use or not, and that is a decision they have made.

Chairman Rettke: So, if we table it, and the sixty days pass, there is no other action?

Mr. Snowden: No other action required.

Mr. Hvener: Their fee could be applied to their new application?

Mr. Snowden: No. They would have to reapply with a new fee, per code. The Board could always waive it in the future. If the applicant came back and it was determined to be a severe hardship, the Board could always direct Staff to refund the fee if the Board felt it was warranted or the Board had made an error in their judgment. In this case, it is my view, that

this is not going to happen, having had a discussion with the applicant immediately prior to the meeting.

Chairman Rettke: I move that we table Item D.2., Application #171741, indefinitely.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Aaron Enfinger
AYES:	Rettke, Linder, Enfinger, Wallace
ABSENT:	Donovan

3. 6324 E. Livingston Ave.; Application #171885; Applicant: Tonye Krukrubo; Business: Next Generation Child Care

Chairman Rettke: May we please have the presentation?

Mr. Snowden: Thank you, Mr. Chairman. 6324 E. Livingston Avenue - Next Generation Childcare Center - Special Exception Use Permit. Application: #171885 - Special Exception Use Permit. Location: Property is located on the north side Livingston Ave., just east of Brice Road. Existing Zoning: CC - Community Commerce District / CCO - Community Commercial Overlay. Request is for the Board to review and approve a special exception use permit for a childcare center in the CC - Community Commerce District of the City. Current Use: Vacant Space. Applicant: Tonye Krukrubo. Proposal - The applicant is requesting the Board review and approve a special exception use permit for a childcare center in the CC - Community Commerce District of the City. The applicant currently operates a childcare center located on Brice Road between Astor Ave. And Radekin Road. Existing Site & Context - The site is located on the north side Livingston Ave., just east of Brice Road, and consists of a multi-tenant commercial building and related improvements. Adjacent uses include commercial businesses in the CC - Community Commerce District. Along the north, the property abuts multi-family dwellings in the AR-3 district of the City. Along the east side, the property abuts a vacant lot, that is also zoned CC, but has been vacant for many years. Background - The applicant is proposing to relocate their existing childcare center located on Brice Road to a new location and expand their operation. Parking - Parking Requirements: Total Existing Parking Spaces: +/- 150 spaces. Proposed Childcare Center - Parking Study. Reynoldsburg Zoning Code does not contain parking standards for childcare centers. The ratios above are from the Franklin County Zoning Code, and should be used as a reference, not enforceable code. 1 space /employee (8 employees) = 8 spaces. 2 space /classroom (4 classrooms) = 16 spaces. APA Urban Design Standards recommends .35 spaces / licensed inhabitant. 0.35/20 licensed inhabitants = 58 spaces. Adjacent Tenant Spaces 1 space / 200 sf of store area (17,000 sf) = 85 spaces. Significant amounts of traffic are generated by potential retail businesses on site, particularly around peak hours in the mornings and evenings. Because childcare facilities have the same peak hours, the pick-up and drop-off of children could be a safety hazard when occurring near high volumes of traffic. Regardless, even a stand-alone facility will have some conflict points between

pedestrians and vehicles. Staff would just like the Board to consider if there is any drop-off configuration they would consider to be more desirable: ie., front or rear of the building, adjacent to building entrance, etc. Play Area - The State Dept. Of Job and Family Services, which oversees these types of facilities, requires that childcare establishments provide a suitable play area for children. The applicant submitted an addendum to their original application, showing where they are proposing to construct an outdoor play area. The proposed play-area is located behind the main structure and is partially screened by the larger building immediately to the west of the subject parcel. We have our usual concerns of trash, vehicle loading, and so forth at the rear of the property. Staff has concerns that heavy truck traffic will be a potential safety concern for the children and suggests that the Board require bollards be installed to protect the fence from damage by vehicles and increase visibility in the event the Board chooses to approve the permit. In addition, the noise and odor from the loading zone and trash area does not create a safe or comfortable environment for an outdoor play area. In order to reduce this conflict, Staff suggests that the property owner prohibit day-time loading/unloading and vehicle idling at the neighboring tenant spaces. Staff suggests the Board require that all trash-disposal containers be relocated at least 20 linear feet away from the proposed play area. Staff would also like to point out that the Board could require all dumpster or ground mounted service structures at the rear of the structure to be screened or relocated to one central area in order to be significantly removed from the play area. Generally speaking, conditions at the rear of this building not significantly different than the rear areas of many multi-tenant buildings. The only significant differences are that the applicant is proposing to place the area adjacent to the deeper building to the west, and that the rear of the structure is adjacent to multi-family dwellings. Character - Staff 's position is that childcare centers within multi-tenant commercial buildings generally do not maintain the character of the commercial zoning districts, sometimes have negative impacts on surrounding businesses and lots, and could present a potential safety hazard for the children attending the center. The Board should apply the standards for review of special exceptions contained Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards.

Chairman Rettke: Would the applicant come up and state your name and address for the record so we can ask you some questions?

Mrs. Krukrubo: My name is Tonye Krukrubo. And this is my husband Augustine Krukrubo.

Mr. Snowden: Mrs. Krukrubo, would you please speak directly into the microphone. It is adjustable if you need to pull it down toward your mouth. I want to make use we can hear you on the recording. Ok Ma'am?

Chairman Rettke: From the back door of the facility you are looking at, the second unit over, how far is that back door access from the playground.

Mr. Krukrubo: It would be about, maybe ten feet. Quite close.

Ms. Wallace: Is there a back door? Is that the Bingo between you and the large building? Is there a back exit door?

Mr. Krukrubo: The Bingo is east, we are west of the Bingo.

Mr. Snowden: Ms. Wallace, there is a double door on pretty much the back of every one of those tenant spaces. At least a single, and a double on most. If you look at the addendum that the applicant provided, the space to the childcare center is listed as about twenty feet back from the structure, if you look at that addendum, that Mr. Krukrubo provided. Did everyone receive the addendum. I have an extra copy. If you look at that, it is giving you the distance.

Ms. Wallace: Is there anything in that unit that the play area is sitting directly behind?

Mr. Snowden: There is a church in there, but the churches operations are very infrequent.

Mr. Krukrubo: The play area does not block the egress.

Chairman Rettke: Where are the dumpsters? Has the concern changed from the site assessment to what is showing?

Mr. Snowden: No, this is the exact same location. I visited the site.

Mr. Krukrubo: The dumpster is towards the Bingo.

Mr. Snowden: If folks are having trouble visualizing , the play area is being proposed for approximately this location.

Mrs. Krukrubo: Is the question on the dumpster around that area. I am proposing to use for the play area and there will not be any dumpster.

Mr. Krukrubo: That wall toward where the play area is, appears to be like the more protected side of the entire back space. The Planning Administrator said we are already in business on Brice Road since you guys approved us. There are two reasons why we want to move to this side and new location. The new location, the rent on the new location is 37% lower than the cost where we are right now. Secondly, in the childcare business, most of the money is made from infants and toddlers. Where we are now was already built and we moved in and we have capacity for only eight infants and toddlers. But, in the new area, we have the opportunity to expand our space to as many as twelve. What we are trying to do, is effect the financials of the company, the revenue and the expense side, will increase, and reduce expenses. These are the key objectives.

Mrs. Krukrubo: So many come in...

Mr. Krukrubo: They come in and we cant take them.

Chairman Rettke: So you are saying the old facility only housed eight kids?

Mr. Krukrubo: No the capacity for infants and toddlers was only eight, because it was already built up before we leased it. We couldn't do anything about it. It was existing vacant. Where here we have the opportunity to do it ourselves.

Ms. Krukrubo: We also feel it is accessible to... we have a back, and also for our parents who have gone shopping, we can be useful.

Mr. Krukrubo: Actually the apartment complex behind, those are separated by chain link fence, but they can actually walk across with their babies.

Mr. Enfinger: Mr. Snowden, is there any way you could give us, maybe the question is, is the drawing they provided us to scale?

Mr. Snowden: Mr. Enfinger, I cant quite see which... In the addendum? That appears to be a printout.

Mr. Enfinger: So, my question, once we started seeing it in this configuration, once you overlay the play area into this, it is really a tight space to be having trucks delivering things around that corner.

Mr. Snowden: Mr. Enfinger, looking at that, I don't believe that the aerial drawing is to scale. I think the smaller drawing is to scale, but I think that shows the area maybe slightly even bigger than it would be.

Mr. Krukrubo: With all the businesses on the side where we are, no trucks actually deliver stuff there. Bingo, then ours, then the church. But, on the other side of the building, that is where the big lots and all that, that is where the trucks come, on the side. I have never seen a car drive behind.

Mr. Snowden: Mr. Enfinger, Mr. Chairman, other Members of the Board, let me interject here. I think what Mr. Krukrubo is trying to point out is that semi trucks cannot actually navigate this private alley directly behind. The point of this area over here where you see these large maneuvering areas is because trucks are pulling forward and then backing into these various loading docks. This is the loading area for Save-A-Lot, and this is the loading area for Big Lots. This was originally the Big Bear Loading area, so the scale of trucks that were being brought in there was large and frequent. I think what the gentleman is trying to say is that this area, although it is accessible to regular vehicles, and there have been some back there, it is not accessible to delivery trucks. I think that is what he is saying.

Mrs. Krukrubo: Also, there is less traffic there.

Mr. Krukrubo: I have never seen a car drive behind there. No cars even park behind, because the front of the building has extensive space.

Mrs. Krukrubo: Like we said, the business, the Bingo, the church, we feel the location is safe for our children.

Mr. Snowden: Mr. Chairman, I pulled up my copy on that and I want to apologize to the Board. I think what I inadvertently did was ask Ms. Rochelle to copy a previous version of my Staff Report for me and place that out, so I want to sincerely apologize. Just looking at my report that went out to the public and is posted, I said the total existing spaces was 120, that is what is on site, and if the entire tenant space was utilized for retail, that would only require 85 spaces per code. I just wanted to make sure that I had those numbers correct.

Ms. Wallace: What kind of material are you proposing for the play area to be that is on the ground?

Mr. Krukrubo: It is chain link fence.

Ms. Wallace: I mean on the surface that the kids will be playing on, what will that be made of?

Mr. Krukrubo: It will be mulch, that will create a mulch.

Ms. Wallace: The whole entire 60x24 is going to be mulch?

Mr. Krukrubo: Yes, it is going to be mulch but we can expand our space, expand the mulch space.

Ms. Wallace: So, the entire area inside of the fence is going to be mulch?

Mr. Krukrubo: No, no, that area will be the pavement.

Ms. Wallace: The blacktop that is there now is going to be play area?

Mr. Krukrubo: But we create mulch space inside of the play area.

Mrs. Krukrubo: What is recommended that we use on that play area, now the daycare, we have sections, some for sand, and it is recommended mulch.

Ms. Wallace: I am not sure about what the guidelines for the ground surface for playgrounds for children is, but it does not seem like blacktop is...

Mrs. Krukrubo: We use to use tires, but we hear that it causes cancer so that is no longer being used. So, it would be more of mulch, grass...

Mr. Krukrubo: It usually is a mix of mulch and grass or whatever, because the kids ride, there needs to be space for them to ride tricycles and stuff. Also, there should be a mulch space where they can swing or whatever. So it is always a combination of the two.

Mr. Snowden: Ms. Wallace, I don't have the State's requirements, and I do not know what they are. But, I know that the State does have a specific formula that they require for hard surface and soft surface play area. It is something that they monitor. I certainly understand your concern, but it is something that they will look at as part of their evaluation as well.

Chairman Rettke: So, the unit itself, is it bare or are you proposing all these configurations of the wall?

Mr. Krukrubo: The unit is bare. We are going to be doing this wall, but these walls are mostly three feet from the floor. The classroom separation is just three feet from the floor. The reason we do that is, when you are standing in one location you can see all around. But, the office space will be a little higher. The office and the storage space will be higher, but the classroom will be just three feet from the floor.

Ms. Wallace: I know my concern is always with day cares and strip malls is the kids going outside to a place where traffic freely drives through. I, myself drove through there not too long ago, as did several other cars going behind the building. And, that is always a concern for me with it being a thoroughfare coming around from the west to the east around the tight curve there. And, then having the play area right there.

Mr. Krukrubo: That area is essentially an isolated area. If one knows the place, it is isolated. That is the way it is. No cars drive there. No cars park there. That is the way it is. It is a safe way, we have been doing it for two years.

Mrs. Krukrubo: We have never had an incident. The State always approves of the day care we have. I will show you ma'am, that that place is very much protected and we have efficient staff to take care of our children.

Mr. Krukrubo: Like we said, we are not going to start, we are just moving from one location to the other.

Ms. Wallace: I know, as a rule of thumb, this Board has major issues with day cares going in strip malls. And, that is a concern because it does not stay with the nature of what the center is for, usually. I know that has always been a concern of the people on the Board now.

Mrs. Krukrubo: Like I said, we have been very careful and we are very protective of our children. We do not have any incident. I feel better than where this business is right now, as far as the play area.

Mr. Enfinger: Like Ms. Wallace was saying, we have been fairly consistent in the way that we have judged these over the last several years. What it comes down to is, it is basically whether they fit. We have a lot of questions and issues about the safety of the kids and the safety of the parents bringing the kids in, walking across the traffic, and where the parking is, and where the play area is going to be, and the traffic flow. All these questions always arise because these types of buildings were not designed and built to house the type of business that you are wanting to put in there, and that creates a lot of issues, and creates a lot of problems. So, it is the opinion of the Board, or at least it has been recently, that it has impacts on the surrounding areas. Those are some of the things that have been the concern of the Board. That kind of explains a little bit. I am not sure how everyone else will vote but whenever it is my turn, I vote "no", because I do not think it holds with the character and the intent of the area. And, it will have consequences and impacts for a long time to come. So, that is my opinion and when I cast my vote that will be the reason why, so you guys know.

Mr. Krukrubo: All of the traffic is taking place in front of the building, and none is taking place in the back of the building where the play area is. So, that is why my wife was saying we feel better with this proposed site, than where we are right now. So, traffic, in my humble opinion, in this case. We have been in that building, that location, every day. That's no traffic, whatsoever, at the back of the building. It is isolated. And, the way the building is constructed, with that wall, we decided to put the play area towards the wall. So, the wall gives it additional protection, because it is from the west side, nothing can come through. So, it gives it additional protection.

Mr. Enfinger: I understand.

Mrs. Krukrubo: Your concern and your concern, I appreciate that. Where we at presently, use to have the same structure, but normally, the parents back right in front and drop of the kids and pick them up. If we have to take them anywhere, we be very very careful in doing that. I do understand your concern.

Ms. Wallace: I do not doubt that you care for the kids and they are safe. But, the character of that strip mall, which has been empty for a while, and is now filling again with retail establishments, and, that is what that building and strip has always been intended for, is retail and we are filling it back up with retail again, which is, what I think is, the purpose of a strip mall, in my opinion. And, I don't think a day care, in this strip mall which is once again filling up with retail businesses, would fit.

Chairman Rettke: I am one of those guys that has been on the Board for a while, and I know that in the past we have had some enter the strip malls, but I don't think we looked as hard at

the character of the area, as what we probably should have. And, I support a lot of the "no" votes we have done in the past. I think this is probably one of the better ones proposed in a strip mall. And, the reason I say that, is the location of the play area is more conducive, in my opinion, to some safety. There is still the concern with the traffic whizzing around there, cause you got blacktop. You can say there is not going to be traffic back there, but, as long as you have got blacktop, there is going to be some sort of traffic at some point. The trash receptacles, from some of the other ones, right next door. The trash receptacles right next door to the play area. We had a grease pit right next door to the one. One of my concerns is that even with this best laid plan, and I think this is one of the better ones we have seen, being twenty-three feet away from the back of the business. Yeah that is a church today. If it struggles, that first unit, and goes out, you would be upset with us if we put another day care right next to you.

Mr. Krukubo: No, we don't mind.

Chairman Rettke: It is probably going to be retail. Retail usually requires deliveries, trucks. And twenty-three feet like I said is a pretty good amount of space to get a retail truck in there. But, there is still the concern that cuts off your access. So, then again, it goes back to the safety issue. And, the more we struggle with all of these strip malls having day cares in them, I have to tend to agree with everybody here that, over time it may be not the best idea to put day cares with playgrounds on the back. I struggle with this. I see a nice building sitting there empty. Yeah, it would be nice to have a tenant in there, we have taken some heat from other applicants over being too strict with that. It is a hard battle. I do want to say this is probably one of the better proposals we have seen, and I think the site is conducive to it, somewhat. But again, I still have to look at the safety and the character, and I will be honest, I am kind of on the fence. I have negatives and positives in mind. Is there any other discussion?

Pastor Linder: It really would be great for you to keep looking in the town, and find something where your approach will just fit better because I am very thankful that you are running a great business and want it to grow. But the character of this area really would be impacted, I think, in an adverse way, if we went ahead and moved forward in this direction. But, I would love for you to continue looking in Reynoldsburg for some place that would work better, because you are obviously very thoughtful. And Mr. Chairman, that would be the only thing I would add at this point.

Mr. Rettke: Any other questions, concerns, or comments? I will move that we approve item 6324 E. Livingston Ave, Application 171885.

Mr. Enfinger: I will second.

Chairman Rettke: Can we have the roll call please?

Mr. Snowden: Mr. Enfinger.

Mr. Enfinger: No, because of the considerations of 1145.09. The applicant does not meet items A. or B., being in harmony with the existing area and the intended character, and shall not have an adverse affect on adjacent properties.

Mr. Snowden: Thank you Mr. Enfinger. Pastor Linder.

Pastor Linder: No, in addition, adding my voice, confirming items A. and B. of 1145.09.

Mr. Snowden: Thank you Pastor. Ms. Wallace.

Ms. Wallace: No, citing 1145.09 A. and B.

Mr. Snowden: Thank you Ma'am. Mr. Rettke.

Mr. Rettke: I will follow suite with a no vote and same, 1145.09 A. and B.

Mr. Snowden: Very well, it stands as denied. I see the applicants have stepped out but staff will contact them with a letter stating the Boards decision and provide the information if they wish to appeal to City Council. With that, I will turn it back over to our Chairman.

RESULT:	FAILED [0 TO 4]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Aaron Enfinger
NAYS:	Rettke, Linder, Enfinger, Wallace
ABSENT:	Donovan

4. 555 Lancaster Ave.; Application #171986; Applicant: Frank D. Carlo; Business: Dynalab, Inc.

Chairman Rettke: May we please have the presentation?

Mr. Snowden: Thank you Mr. Chairman, I am going to go to my electronic copy and make sure there are no more issues. This was 555 Lancaster Ave. - Dynalab - Major Site Plan Review. Application: #171986 - Major Site Plan Review. Location: Property is on the west side of Lancaster Ave between Rodebaugh Road and Wind River Drive. Existing Zoning: GI - General Industry District. Request is for review and approval of a major site plan for a parking lot expansion. Current Use: Manufacturing Facility. Applicant: Frank D. Carlo. Proposal - The applicant is requesting the Board review and approve a major site plan to expand the parking lot and make other site improvements to an existing industrial building. Existing Site & Context - The site abuts multi-family dwellings on the west side and single family dwellings along the south side. Significant natural vegetation screens the facility from these uses. To the north, a mostly vacant parcel is also zoned GI - Generally Industry and owned by the applicant. To the east, properties across Lancaster Ave are zoning CC - Community Commerce.

STAFF REVIEW: Zoning District Regulations/Lot Characteristics.

	<u>Required</u>	<u>Proposed</u>
Minimum Parking Setback	20'	55'
Required Aisle Width	22'	22'

Traffic & Parking - The applicant is proposing to add 54 parking spaces to the existing parking. The applicant is not proposing to add any new building square footage to the existing building which would increase the required parking. The current parking area is gravel, and the proposed improvement will remove the non-conforming gravel paving material. Landscaping & Buffering - The applicant has not provided any information showing compliance with requirements of Section 1180.11 of the Zoning Code. That is the section of the zoning code that deals with parking lot interior landscaping. Utilities - The applicant has shown the general location of utilities and will need to have a plot-grade-utility

plan approved by the City Engineer prior to issuance of a zoning certificate. The proposed site modification adds a stormwater improvement for a portion of the existing parking lot that currently has no stormwater controls. The Board should determine if the applicant has met all the criteria for major site plan review and approval as outlined in Section 1143.03(c) of the Zoning Code and if the site plan as proposed will have a negative impact on the public health, safety, morals, comfort and general welfare. Staff finds the proposed site plan in compliance with those standards and recommends approval of the site plan on the following condition: That the applicant be required to submit a landscape plan to Staff within six (6) months showing compliance with Section 1180.11 of the Zoning Code. Given that winter is coming, the applicant needs to be able to put down the paving material before winter comes. So, given that winter is coming, the applicant is not going to be able to plant any plant material of any substance at this time. So Staff would just ask that the Board be flexible on that consideration, and allow them time to accomplish their goal and deal with the landscape at a more appropriate time based on the season. It is a requirement of the code. With that, I will turn it back over to our chairman. I will be happy to answer any questions.

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

Mr. Carlo: Frank Carlo, the facilities manager for Dynalab, Incorporated, 555 Lancaster Ave., Reynoldsburg, Ohio. We are looking at possibly hiring thirty to fifty people in the next four months, and we need the additional parking specifically for those people. Anything as far as the landscaping goes, it is not anything we really looked at simply because we didn't want to put anything close to the parking area when it's paved. We want to be able to completely make sure we were able to plow the snow. So, we do not want to push the snow unto vegetation that might die in the spring or something like that. So, we really don't have any plans at this time. If it is a requirement of some type, we will definitely work with the City to see what we might have to do in the Spring.

Mr. Snowden: It is a requirement of that Zoning Code section number. And, I will provide that number to you.

Mr. Carlo: At this time, we do not feel we will be able to have the blacktop down this year. I am fully told that we will have it in the Spring. Our intentions right now are to increase the parking size, get the gravel done, and get it set up for proper marking. I have been assured by Mr. James, the President of Dynalab, that it will be paved in the spring, May, June at the latest.

Mr. Enfinger: Yeah, your plants are going to shut down pretty soon.

Mr. Carlo: That is correct. We have been told Thanksgiving is an iffy time. If we get some nice weather, we have been looking at this for a while, trying to get different quotes on things.

Mr. Enfinger: You don't want to rush it either.

Mr. Carol: No sir, but we want to get the gravel in this year.

Chairman Rettke: I know a little history on this. The gravel, of course, was approved. It was going to be a temporary, they were looking to expand. I think the same sort of deal happened where you had some more employees that needed space. I think that was only good for a year. I know they came back after a year. I think the Chairman at the time, Norm Brusk, was highly against leaving the gravel because it had already been a year. But, we felt they still were at that stage, they were not sure if they needed more, or were going to improve. I think the consensus was that if they expand, it would be a different configuration. They worked with us very well.

Mr. Snowden: Mr. Chairman, and other Members of the Board, to quote our Building Official here, "there is nothing more permanent than temporary." This is a situation where the Board tried to make accommodations that were reasonable. With this site plan approval, here is the good news, the applicant has one year to complete the approval before the site plan expires. So, if the applicant began the process of laying gravel, in order to construct that improvement, that would be fine, as long as the pavement was laid within one year. If the applicant chose not to complete the improvement, they would then need to remove any gravel that they had laid down, per the Code. Because, it is not approved material for parking. But, they have a year to get it done.

Chairman Rettke: So, my biggest concern, not having the landscaping, how does that affect the number of parking spaces you are going to gain? Because the way I read it, for every ten spots, you have to have not less than 200 sf of landscape parking lot areas. So, that is, 20x10, that is one spot. So, for every ten, you lose one. Are you at the liberty with adding fifty-four, to lose, let's say, five for the interior landscaping?

Mr. James: If I might answer that, I am Gary James, President of Dynalab, and I also represent GWJ Holdings, the actual land owner. Your reflection earlier on this property was accurate. If I might add a few comments to that, as to how we ended up with what we have now. Prior to coming here tonight, due to some of the demands from our customers, we needed very quick parking area to accommodate additional associates. We wanted to go the gravel route, as a temporary measure, because we were not sure how long that contract was going to be in existence. In addition to that, we own the property to the north of the 555 property, which I do not believe that parcel even has a street number, at this point.

Mr. Snowden: It may not.

Mr. James: But, immediately to the north of it, we do own all of that property. So, taking additional footage out of that area and doing something with it from a landscaping standpoint is not a problem. We have the property and plenty of room to do it. One of the reasons that we started out with this, even going back a few years ago with the temporary measure, again, it was demand that we had that we thought was going to be temporary for the associates. Also, we were looking at what would ultimately be the development of the additional twenty-seven acres that we have, that wraps around the building. Taking that parking lot up to that north area, possibly was not the best use of the frontage, of that area up on Lancaster Ave.

But again, in order to put the parking area in, it meant going to the rear with a lot of fill, and a lot more aggravation for what we thought would be a temporary measure. We have even considered doing something in replacement of what you are seeing here tonight, and propose the property that we have immediately south of 555 Lancaster, there is some frontage there, but again, probably not the best use of the land and the property. And it puts cars up closer to the street and we would like to get back and farther away. So again, our idea would have been, put this parking area behind the building, but it would take a lot to do and we don't feel we have the time to do it from a planning standpoint, and also from the fill and all the things that would be required. We were looking at this originally as a temporary measure. It has become certainly more permanent to our needs within the building and our workforce. And, even to the point now of expanding it. We are kind of stepping back and saying, what can we do to do the best thing out of a bad situation. That is, go ahead, expand it, blacktop it, live with it for a few years. And ultimately, as we have an opportunity to develop the additional twenty-seven acres, we will then relocate probably the parking area that is here, somewhere possibly back to the rear of the building that is already there. So, that is a little of the history and how we have gotten to be where we are, and I think that answers the question about any issues that we have from a future standpoint of doing any landscaping around the parking area.

Mr. Snowden: This is a great thing for the city. I think we are all in agreement, just working through the mechanics of it. And, I know Dan and Mayor McCloud have been out to the site and could not be more ecstatic about the possibilities here. And, Mr. Chairman and other Members of the Board, and to Mr. Carlo, doing the operations side, I think what really needs to happen here, when you come back with that landscape plan, someone just really needs to sit down and look at it and calculate it out. Because, that area that is already sort of the grass growing, that is going to count as part of that area as well. So, someone really just needs to review that 1180, and show me something that substantially complies with that. I am not going to go out with a ruler and find half an inch where you did not do landscaping. But, I believe, just looking at what you are proposing the area that you have, someone just needs to review that section and show us how they are going to comply with that. It would be very simple. And, as long as the Board finds it acceptable, I can review that administratively. That is not a return to the Board, and all that rigamarow.

Mr. James: We certainly have no problem doing that. And I think, as Mr. Carlo has been taking care of our building for years, you can see that we take a lot of pride in trying to take what was an older piece of property, upgrade it, and make it something nice and a good visual for the City. Obviously, for our own associates to be proud of when they come to work every day. So, certainly doing it on a basis that it would be presentable or be in contradiction to your own coding here for that certainly is nothing that we are out to do, by any means. I think I would be remiss if I didn't make a statement regarding some of the requirements that have been put on the City by the Ohio EPA, that has to do with our retention area on the back side of this. I look at it from a practical standpoint, that we would have been draining on that, we would have been naturally draining, for the most part, on a twenty-seven acre parcel that also has ultimate drainage into a sixty inch storm sewer. A little bit of economics that have come into play on this, to put this retention area in, is probably adding somewhere between about \$22,000 and \$35,000. I think we had one quote

at \$37,000, so just rounding it off, 22 to 37,000 to do that. Personally from my years of engineering, and certainly not hydraulic by any means, but just looking at it from a practical standpoint, it is not gaining us a whole lot for the cost. We would rather take that money and put it into a piece of equipment and hire some more people. So, we have don't the engineering, had the engineering work done on it, we are prepared to do it. Because, we need it obviously to support the rest of our operation there. But I think we have all become somewhat numb a little bit, to the mandates that are put down from the higher ups, whether it be out of the federal government or the state. And, I think certainly from a private standpoint, we need to be pushing back, and I would advocate that for the City of Reynoldsburg, and maintain the relationships that I know you have to maintain, certainly within state. Sometimes, as these codes are written, and put into place, in view of the overall acreage that we have to work with here, we are throwing money out for very little benefit, as I could see it, in terms of the retention area.

Mr. Snowden: Mr. James, what is the overall size of your property? Is it about 82,000 square feet.

Mr. James: The building itself is close to a hundred.

Mr. Snowden: Just doing a little bit of quick math, this is a situation, as you stated, it was a building that has been around, I think I looked on a map of the late '70's, and the building was there. At least a portion of the building was in place.

Mr. Carlo: The first part of the building was in '62, and I think they came back in '67 and put the balance on the rear.

Mr. Snowden: So, just looking at that building, this is informational for our Board members, but I think it will make sense why we are dealing with this now. This property was built at a time when there were no parking requirements, or the parking requirements were significantly different. There looks like you have about a hundred or so some odd parking spaces.

Mr. Carlo: Right now I believe there are 184 spots.

Mr. Snowden: If you built that building in Reynoldsburg today, as an industrial building, the code requirement from the zoning code for parking would be 412. Just to get approved. That is a lot of parking. That is almost too much. That is almost double what you have now, given your needs. But, as the Board knows, as we are doing redevelopment, redevelopment is more difficult. So, you deal with these issues like this. You are adapting a building that is twenty-five years older than I am. Not to make anyone feel old. Twenty five, close to thirty years older than I am, and adapting that to meet this gentleman and his company's needs. That is where the challenge lies and that is why I would just ask the Board to be flexible on the landscaping and just let that be approved in the springtime when you can actually plant material.

Mr. Carlo: I would like to bring up, we have a seven day a week operation. Part of the

reason we run seven days a week is because of parking. We have two day shifts, a day shift, a night shift, and a weekend shift. Obviously the day shift is our biggest one and this is where we need the parking for the most part. Some of it is the idea that we have so many people that we have to have a place for them to park. And, everybody drives one car, one person. No one is doing any kind of car pooling, which would be nice. Obviously, it just doesn't work that way.

Ms. Wallace: I have to say, I am surprised there are as many cars and how far back that goes. I can walk there in two minutes from where I live, and I drive by everyday, and it is so unobtrusive because it is front to back on the lot. I mean, I thought maybe your lot was ten cars deep, so it has never been an issue for me. I have never thought it looked like an industrial plaza, or there is too much of anything going on there. As your neighbor, I don't think there is any issue to expanding it by two lanes of parking there.

Mr. James: If I might add, it has been a pleasure being in Reynoldsburg all of these years. We have had a great relationship with the City and obviously look to continue that. We get together with Mr. Havener over there, from a development standpoint, and talk a lot about economics and the things happening in our country, and the pressure on manufacturing, and the things that we are faced with, that the average person has no idea what we are confronted with in trying to compete with offshore operations, Mexican operations, etc..., around the world, that don't have the taxes, or any of the regulation that we get faced with. But again, overall, from the years that we have been here, it was 1987 when we moved in, we have had a wonderful relationship with the City, and we are proud to be here. We see a lot of companies put Columbus on their address, but we put Reynoldsburg because we are proud of what is out here. Again, I thank all of you for your service, and certainly, being a neighbor, we would invite you to come down and take a tour sometime.

Ms. Wallace: Well, I have never been, so thank you.

Mr. James: And those of you that don't live close by, I will extend that invitation as well. Again, thank you for your support over all the years.

Mr. Havener: I would like to thank Mr. Carlo and Mr. James, also. As Eric has alluded to, and Mr. James, in the short time I have been here, just over two years, it has been a pleasure getting to know Mr. James and his crew at Dynalab. They have gone above and beyond in terms of maintaining their communications with the City, and we would like to continue that process due to the fact that they are such a great company within the City of Reynoldsburg, and provide such a service to the community and to its employees. And, they have been a pleasure to work with, and whatever we can do to accommodate their needs, I think we need to do it.

Mr. Snowden: One of the things that the Board members know about me, although it is not the 100% perfect solution, I always like to reduce the non-conformance of any particular thing that we have. As I see it, taking something that is gravel, and paving it, is inherently positive. And so, I think regardless of how this came to be, we should find a way to make it happen. And, from a standpoint of Staff, I am comfortable with where we are at.

Mr. Enfinger: The landscaping plan, that will be just an administrative approval at that point, right?

Mr. Snowden: It can be, as long as it complies with the code. If there was going to be something that would not meet the code, I would have to return it. But, as long as it met the code. Essentially, there is a landscape plan required to do this major site plan, and since this has been on a time frame of moving forward very quickly, Dan and I are suggesting the Board be flexible on that and allow staff to review it since it is just basically looking at the code.

Chairman Rettke: And, if he doesn't meet it, it comes back to us for a variance?

Mr. Snowden: Essentially, yes.

Mr. Carlo: Would the landscaping have to be within the parking area?

Mr. Havener: I think that is one of the things that Staff and the applicants can come to terms on.

Mr. Carlo: Would it be possible to maybe do something else with the property too?

Mr. James: Maybe along the perimeter?

Mr. Havener: Sure.

Mr. Carlo: Again, we would like to completely plow, pushing the snow off the blacktop, into the field. We would be pushing off to the north end because the retention pond will be to the west.

Mr. Snowden: Yes, there would be some flexibility about the exact location.

Mr. Carlo: Great.

Mr. Rettke: It's just for every ten spots...

Mr. Snowden: That is interior, and some of the area that they already have is showing that. What I would just point out is that if you look at how that code is written, it does say that the parking lot has to be screened on the exterior. It also said that the screening can include mounding. We are not talking about plant material that is going to be getting in the way of Mr. Carlo and his contractor that is going to be moving snow. It says ten feet but that is a lot of room there. We can discuss that. I think the option is, let's not get bogged down. It is not going to be a big deal. It is just a matter of somebody sitting down, looking at that section, and showing something that complies. With the amount of room you have got there, it is not going to be an issue. We just want you to be aware of it before you move on. And we just need the Board to give staff authority.

Mr. James: As you pointed out, we have moved very quickly and that is because we have actually held back on some of our expansion and shipping, and what have you, to get products out the door for our customers because we could not accommodate the people from a parking standpoint. So, that is one reason we are moving on this quickly.

Mr. Rettke: I would try to get with him Monday or Tuesday. I would not wait. You do not want to have to dig out more than what you have to. If there has to be a planting strip inside too.

Mr. Snowden: There is going to have to be something. But flexibility is going to be significant. And again, that adds to your cost. It says you have to have a tree and everything else.

Mr. Enfinger: I do have one additional question. Since you mentioned the square footage of the building and what the code requires, since their goal is a Major Site Plan, this acts as the variance for that, for not having to meet the code requirement? Now that we are doing something, code gets kicked in. But, if we approve this, that overrides any of the necessary...

Mr. Snowden: Mr. Enfinger, no. There is not any variance in play here. What we have here, this is probably more than you ever wanted to know, but I will explain it because Mr. Enfinger has asked. What we have here is a non-conforming structure. It does not conform to what the code says about parking because it was built at a time when that requirement did not exist. It conformed with the code at the time. So what the code says about non-conformance is that they can continue until the whole site is redeveloped. So, if we are talking about taking down the whole site and putting up new, everything would have to comply to the zoning code now. And, they may be modified in a way that reduces their non-conformance. Since we are adding parking, we are reducing the non-conformance with Mr. James' property. We are moving it closer to the code conformance, so that is allowed. If Mr. James came back and said, I want to take our fifty parking spaces, that would require the Board to grant him a variance from the non-conformance section, to allow that reduction.. Since we are moving in the quote, "positive direction", which is toward the direction which the code requires, we do not have to deal with any variances.

Mr. James: I can throw you another wrinkle in this. There may be a time when we come back to you and say we would like to take this parking lot out. But, when we do so, we will be adding it, most likely, to the rear of the building. It is kind of a net neutral, but at some point we will probably do that, as we look to develop the other twenty-seven acres.

Mr. Snowden: As long as we were not reducing it any further, we would be totally fine. This is great training for the Board. So, if Mr. James wanted to take these 200 parking spaces, and move this over here and build 201 parking spaces, he would be good, as long as he is increasing it by one space, he is good to go. Because he is moving towards conformance. And, if you are interested in that, I would be happy to talk to anyone more about this, and if anybody would like me to recommend a city planning school, I would be happy to do that.

Mr. Rettke: I move that we approve item D. 4., 555 Lancaster Ave., Application #171986, with the condition that the applicant be required to submit a landscape plan to Staff within six months, showing compliance with Section 1180.11 of the zoning code. And, that the applicant also submit general location of the utilities, and a Plot Grade Utility Plan to be reviewed by the City Engineer,

Mr. Snowden: Mr. Rettke, let me interject here. The Plot Grade Utility Plan is already required by code. The only thing you need to require is the landscape plan, because, it would have been required as part of this approval, so that is where the Board is being flexible on a requirement, rather than a code section. Ok, thank you very much. Dan and I will be in touch the first part of next week with the next steps.

Mr. James: Thank you very much.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Aaron Enfinger
AYES:	Rettke, Linder, Enfinger, Wallace
ABSENT:	Donovan

E. OTHER BUSINESS

1. Revision: Rules of the Board

Mr. Snowden: Mr. Chairman, and Members of the Board, deep in the archives of the Planning and Zoning Division, Staff, and actually it was due to Ms. Rochelle coming on and doing a large amount of organization, I discovered a copy, unknown date, of the Board of Zoning and Building Appeals Rules. The Charter and Code empower the Board to make their own rules about procedures. However, those of you that have been on the Board know that many of the things that we do are sort of done by tradition, this is the way that they have always been done. I did discover this rules document, and it actually outlines many of our procedures that have been done by tradition. So obviously, that was a good first step. I have modified that document, and that was sent to you in your packet, and if you did not receive a copy, I can provide a copy. Staff is requesting the Board reapprove an updated rules document, just stating all the procedures about when the agenda comes out. When Staff does certain things, basically all the things we have always done, it is just that they should be in a document, actually stating how they work. Staff has also done this with the Planning Commission and that was positive in reviving the Planning Commission and making it function properly. So, Staff would request that the Board review, if the Board is comfortable with it, Staff would request that the Board approve the new rules, or adopt the revised rules which is essentially what we do. And, if not, table it until such a time that they are comfortable with what is in there.

Chairman Rettke: Did the Board get the rules?

Mr. Snowden: They should have been in your packet.

Mr. Enfinger: Digitally

Mr. Snowden: They were digitally sent to you. If the Board members need the time to read that, I would almost advocate us take five minutes and everybody read.

Mr. Rettke: You didn't print off copies?

Mr. Snowden: No, I didn't print off copies because I thought folks had them.

Ms. Wallace: I think that is a good idea. We can close that out since this is our last meeting of the year.

Mr. Snowden: It is only a three and a half page document.

Pastor Linder: I have it here but the meeting time was actually changed. Was that the old or new rules? Regular meetings on the first Thursday instead.

Mr. Snowden: That is an error. Let's do this...

Mr. Rettke: Let's go over it.

Mr. Snowden: That should have read third. That is because I utilized the Planning Commission version. So, I will change that.

Ms. Wallace: Can you point out the things that do not align with what we are doing now.

Mr. Snowden: There is nothing in here that is not what we are doing now. Normally, looking at past minutes, the Board designated the Planning Administrator as the secretary. Another option would be to designate Rochelle as the secretary. She does the minutes. Here is essentially no difference in that. But, the charter allows the Board to designate a secretary. This was in the existing rule book. Section 5.1 needs to change to reflect the proper meeting time. But, everything else is essentially as we are doing it now. Or at least, it should be because those were the previously adopted rules. I think the Board needs more time with this to be honest with you. Why don't we do this, if the Board will allow Staff, why don't Staff make that correction and have it submitted for the first meeting of January, which will be the Board's reorganization meeting where the Board will want to designate a chairman, vice chairman, and a secretary for the year, and do this. It would be very simple. I thought I had that already corrected and apparently I was wrong.

Ms. Wallace: Is that the regular time in January?

Mr. Havener: Third Thursday at 6:30.

Ms. Wallace: Ok. I did not know if that was a special meeting. Usually at the end, we will nominate a chair and a vice chair.

Mr. Havener: I am hoping we still have the same Board in tact.

Mr. Snowden: I should check that and make sure no terms are expiring.

Chairman Rettke: That is the other thing, he is up.

Ms. Wallace: Do we still need another member?

Mr. Snowden: No, you are at full strength right now.

Mr. Havener: I did not think we had anyone up.

Chairman Rettke: Is that on the record?

Mr. Snowden: We are still recording.

Chairman Rettke: I took the three years.

Ms. Wallace: I guess it would be good at the January meeting to see when everybody's term expires.

Chairman Rettke: It is on the City's site too. That is how I found out my term expired. Libby is up 1/17/16.

Mr. Snowden: We need to get her reappointed then.

Chairman Rettke: Mr. Linder, for some reason, it is March of '16.

Mr. Snowden: That was probably the unexpired term.

Ms. Wallace: He was finishing someone's term.

Chairman Rettke: It is staggered.

Mr. Snowden: That is the goal.

Chairman Rettke: I am 2/28/18. Everybody else expires at the end of next year.

Mr. Snowden: Rochelle is going to come around and hand out a paper copy of that. I apologize for that I was trying to simultaneously revise the one for BZBA and used it as a template for Planning Commission, which didn't have rules established and that was a lengthy process. I will get that fixed.

Chairman Rettke: Under 6.3, 6.2 was an issue we had with prior administration. The deadline for application, getting the required materials to us in time and in a timely manner.

Mr. Snowden: They are getting them at the right time, it's just the deadline for application.

Chairman Rettke: They would come in with an application but they would not have any of the supporting documents or materials.

Mr. Snowden: That has been less of an issue since I have been here. I apologize for whatever happened in the past. It probably was because the previous Planning Administrator was so distracted dealing with me as an intern that they probably just didn't have time to deal with it.

Chairman Rettke: That was one of the points we had made...hey, you have to give us sufficient time. But, at least it is there in writing.

Mr. Snowden: The application deadlines are actually prescribed in code, and they actually are different for different types. In a code revision that I am sending to City Council, I actually am revising all application deadlines to thirty days before the meeting. They are twenty-five days for variances, no application deadline for Special Exception Use, three week deadline for DRB, thirty day application deadline for rezonings, twenty day application deadline for plats, so I am revising them all to thirty days. So, I will correct that as well. It actually is going to increase the amount of time the Board and Staff will have to get things to you.

Chairman Rettke: That was our main thing we didn't want to be proactive and turn people away and make them wait an amount of time. But, then again, it got to be more and more, you come to the meeting, you have a site plan, and Staff tears it apart. Then you the new one. Here, I made all the changes. Then you would have to go back through.

Mr. Snowden: Many communities also do what is called a staff review, which is, initially you make an application to Staff, for maybe ten days. Staff then makes all these comments back to the applicant. Then the applicant actually formally submits. That is definitely something we can work towards. I have been doing that informally. And, the other thing that I have been doing is actually meeting with all the applicants before they actually make a submission, and that has saved us a tremendous amount of time as a team. I know Dan has been real helpful with that.

Mr. Enfinger: Do you guys advise against folks that try to put a daycare in strip centers?

Mr. Snowden: Well, Mr. Enfinger, I cant ultimately do that, but I usually tell that it is not my decision and it is the Board's decision. And, depending on the proposal, and what they are showing, I will try to discourage it in some cases. It just depends on what they are showing. In the case this evening, the gentleman had made such a thorough application, as far as the drawings and the written response and so forth, that I was comfortable with at least sending it to the Board, rather than what we sometimes get is like a "back of the napkin" type of drawing.

Mr. Enfinger: I agree, but I hate seeing them blindsided, or at least not have the preparation to know that it is very sticky.

Mr. Snowden: I have been adequately preparing folks, but it is difficult because ultimately it is not my call. But, I have been preparing folks that it is an issue, and there have been several that have been proposed for locations and I just knew in my gut were not going to work, and so, as direct as them as I could have been given the situation.

Chairman Rettke: Is there any other business?

Mr. Snowden: I have an announcement for all of our Board Members. This will probably be my last meeting as your Planning Administrator. I have been offered a job at Franklin County, the Economic Development and Planning, which is a tremendous opportunity for me.

Chairman Rettke: I will see you more often.

Mr. Snowden: No you will not because I will not be working in your building. And, I promise not to invite you for lunch. I will be working as a planner with Franklin County Economic Development and Planning. The approximate start date is going to be two or three weeks out from now. Dan has known about it for a month, and we have been going along with our normal procedure. But, I think that given that you may not see me again, I wanted to announce it to the Board. In addition to that, please stay in touch.

Mr. Havener: Since we are still being recorded, I would be remiss if I didn't thank Eric for the duty that he has done since he has been here the past year. He is going to be an incredible vacancy within the City administration. It is going to be tough to fill his shoes, but we are going to miss him sincerely, and we wish him nothing but the best.

Ms. Wallace: I agree.

(Applause)

Mr. Snowden: It has been a pleasure to serve with everyone here.

Mr. Rettke: How long were you here.

Mr. Snowden: My start date was January 15th, of 2015.

Mr. Rettke: It seems longer than that.

Mr. Enfinger: We appreciate everything you have done Eric.

Mr. Havener: He is going to be greatly missed. No doubt about it.

Mr. Rettke: He has changed a lot of things. Not change changed, but organized.

Mr. Havener: Things have definitely improved since Eric has been on board, no doubt about it.

Mr. Snowden: Thank you.

Mr. Rettke: You have done a lot of hard work and I hate to see you leave it.

Mr. Havener: I know. Believe me, I have tried to sway him. I know he is doing the best thing for himself and that is what everyone would want him to do. But, like I said, it is going to be tough to fill his shoes. I know several of you are involved in different aspects of planning and if you know of anybody that is interested, and you have a good source and recommendation, please let me know. I am definitely in the search.

Chairman Rettke: Are you going to wear both hats for a while?

Mr. Snowden: He is coming up with a transition plan that will be shared.

Chairman Rettke: Rochelle is going to wear the hat?

Mr. Havener: Temporarily.

Chairman Rettke: Are you going to run the meetings Rochelle?

Mr. Havener: Until we get another person on board to fill Eric's position, we will probably revert back to a consultant to assist with the process. Hopefully that is going to be very short term. A month, two months, three months, whatever it takes. I just don't want to rush the process and get somebody in here that cant be an equal to what I have had the last year, or better. I don't want to sell ourselves short.

Mr. Enfinger: Hire slow.

Mr. Havener: Definitely.

Mr. Snowden: It has been a pleasure to serve with all of you.

Chairman Rettke: You are only two blocks away and nineteen floors different, so. I am sure you will be calling sometime. Any other concerns/ comments. Hearing none we will move for adjournment.

F. ADJOURNMENT

Chairman

Planning Administrator

Minutes Acceptance: Minutes of Nov 19, 2015 6:30 PM (APPROVAL OF MINUTES)

Application #: 172 454
Permit #:
Date Submitted: 12/28/15
Fee Amount: \$450.00
☒ Paid: 1233

Section 1139
BOARD OF ZONING & BUILDING APPEALS
APPLICATION

I. PROPERTY INFORMATION	
Property Address: 7810 E. <u>Main St</u> , Reynoldsburg, OH <u>-CWW</u>	
II. PROPERTY OWNER OF RECORD	
Property Owner Name(s): Rodney Bigham	
Contact Email: N/A	Contact Phone Number: 614-531-2083
III. BUSINESS INFORMATION (IF APPLICABLE)	
Business Name: N/A	Contact Name:
Contact Phone Number:	Contact Email:
Description of Use:	
IV. APPLICANT INFORMATION	
Applicant Name: Chris Winkle / Gandee Heydinger Group	Applicant Address: 642 Brooksedge Blvd., Westerville, OH 43081
Applicant Phone Number: 614-942-6042	Applicant Email: cwinkle@ghgcivil.com
☐ Property Owner ☐ Business Owner ☐ Contractor ☒ Architect	
PROJECT INFORMATION	
CHECK AND DESCRIBE IF APPLY:	
Variance (☒ Non-Residential (\$450) / ☐ Residential (\$100)): <u>2,400 s.f. building expansion to a existing building.</u>	
The plan is to align the rear of the expansion with the rear line of the existing building keeping the buildings together.	
In order to do this we are asking for a rear setback variance from 30' to 4.5' rear setback.	
☐ Special Exception Use (\$350):	
☐ Major Site Plan Review (\$500):	
☐ Other:	
Applicant shall submit nine (9) copies of application and materials to the Planning Administrator. Please review the attached sections of the Zoning Code and note the items you are responsible for submitting with this application.	

Applicant Signature: [Signature] Date: 12/28/15

Additional Notes:

1175.05

****OFFICE USE ONLY****

Zoning Information

Zoning District: CC

- ☐ Historic District
☐ CC Overlay

Other Board Approval

- ☐ DRB

BZBA Meeting

Date: 1/21/16

- ☐ Approved as Submitted
☐ Approved w/ Conditions
☐ Tabled
☐ Denied

City Council Meeting

Date:

- ☐ No Action Taken
☐ Approved as Submitted
☐ Approved w/ Conditions
☐ Denied

Planner Initials: _____ Date: _____

Clerk of Council

Initials: _____ Date: _____

January 4, 2016

Attn: Board of Zoning and Building Appeals
City of Reynoldsburg
7232 East Main St.
Reynoldsburg, OH

Re: Letter of Authorization for BZBA Application for 7810 E. Main St., Reynoldsburg, OH

Dear Board of Zoning and Building Appeals,

This letter is to authorization Chris Winkle with Gandee Heydinger Group, to represent the varlance application on my property located at 7810 E. Main Street on my behalf.

If you have any questions please contact me at 614-531-2083.

Sincerely,

Rodney Bigham

Attachment: BZBA App #172454 (1292 : 7810 E. Main St.; Application #172454; Applicant: Chris Winkle/Gandee Heydinger Group)



Transmittal

To: Eric Snowden
City of Reynoldsburg

Address: 7232 E. Main St.
Reynoldsburg, OH 43068

From: Chris Winkle

Date: 12/28/2015

Re: Rodney Bigham Variance
7810 E. Main St., Reynoldsburg, OH

cc: Greg Filbrun

DELIVERY METHOD:

☐ Fax ☐ Mail ☒ Hand-Deliver

Please find the variance application and supporting documents for the abovementioned project included for your consideration:

Original BZBA Application, BZBA Letter, Deed, Auditors Card, Variance Plan

Check for \$450.00 to the City of Reynoldsburg for variance fees

(9) copies of the BZBA Application, BZBA Letter, Deed, Auditors Card, Variance Plan

If you have any questions please contact me at 614-942-6042 or via email at cwinkle@ghgcivil.com.

MAIN OFFICE (CENTRAL OHIO)
642 BROOKSEDGE BLVD.
WESTERVILLE, OHIO 43081
PHONE: 614.942.6042

AKRON/CANTON OFFICE
ONE CANAL SQUARE PLAZA, SUITE L103
AKRON, OHIO 44308 NEW MA
PHONE: 330.376.9360 PHONE:

EASTERN OHIO OFFICE
530 EARLEY RIDGE ROAD
TAMORAS, OHIO 45767
740.538.3648

www.ghgcivil.com

Attachment: BZBA App #172454 (1292 : 7810 E. Main St.; Application #172454; Applicant: Chris Winkle/Gandee Heydinger Group)



Gandee Heydinger Group, LLC
Civil Engineering & Surveying
www.ghgcivil.com

December 28, 2015

Attn: Board of Zoning and Building Appeals
City of Reynoldsburg
7232 East Main St.
Reynoldsburg, OH

Re: Board of Zoning and Building Appeals Application for 7810 E. Main St., Reynoldsburg, OH

Dear Board of Zoning and Building Appeals,

We are submitting an application for a rear building setback variance for the property located at 7810 E. Main St. We are requesting **relief from the 30' building setback to a 4.5' rear setback.**

- A) The variance is in accord with the general purpose and intent of the regulations imposed by this Code in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - **Response: The variance request is in accord with the regulations in the Code and will not be injurious to the area and public welfare because it is a rear yard request next to the City's property which does not have any structures or improvements near the property line.**
- B) The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a special exception in the district, or which is expressly or by implication prohibited by this Code.
 - **Response: The use of the property will remain the same. The new addition is for the storage of materials and equipment used for the existing fence company use.**
- C) There exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area, and which are such that the strict application of the provisions of this Code would deprive the property owner of the reasonable use of such land or structures. There must be deprivation of beneficial use of land, as opposed to mere loss in value as justification for the variance.
 - **Response: The current circumstance that exist for this property is the existing structure is sitting 4.57' from the property line today. We are requesting to keep this setback with the new building addition and carry the same building line. What this allows us to do is not have wasted land in the rear of the building that cannot be used for the operations of site. This location also allows us to stay away from the previous concrete foundations that were from the previous owners operations.**
- D) There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self-created nor is it established on this basis by one who purchased with or without knowledge of the restrictions. The hardship results from the application of this Code and is suffered directly by the property in questions.
 - **Response: As mentioned above the wasted usable space behind the building and the costly removal of previous owners foundations are the main hardships for the building. Having the foundation in the middle of the expansion if we were to keep the building at the 30' setback**

will require us to have them removed and the removal cost will be at least a quarter of the cost that it will cost to construct the building. Also keeping the building up reduces our traffic circulations for traffic entering and exiting the site. We would like to keep traffic flow moving smoothly through the site without having to use the entrance drives for back area.

- E) The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
 - **Response: As mentioned above the wasted usable space behind the building means that we are shorting the property on traffic circulation and areas for us to enter the new addition with equipment without the hampering the rest of the site.**
- F) The variance will not impair an adequate supply of the light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
 - **Response: Since the variance request is in the rear of the property and the adjacent property is not improved this will not affect the neighbors or safety on the surrounding area.**
- G) The variance will not confer on the property owner any special privilege that is unduly denied by this Code to other land, structures, or buildings in the same district.
 - **Response: Again since the variance request is in the rear of the property and the adjacent property is not improved this will not affect the neighbors or safety on the surrounding area.**
- H) No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of the variance.
 - **Response: Since we will be on our property with this uses and the adjacent property is not improved and owned by the City the existing use is consistence with the area and will not affect the other uses.**
- I) The variance is not a matter of convenience when other remedies are available with the provisions of this Code.
 - **Response: The variance is a matter of being consistent with the existing building that is already in place and keeping uniformity to the property.**

Please consider our application for approval. If you have any questions please contact me at 614-942-6042 or via email at cwinkle@ghgcivil.com .

Sincerely,



Chris Winkle
Sr. Project Manager
Gandee Heydinger Group, LLC

Mandatory- 120.00
Permissive- 120.00 MWD
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR

TRANSFERRED Franklin County Recorder

OCT - 6 2015

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

D.1.a

GENERAL WARRANTY DEED

Know all men by these presents, that

Earhart Petroleum, Inc., an Ohio corporation

for valuable consideration received, hereby grants and assigns with general warranty covenants, to:

Rodney Bigham

whose tax-bill mailing address will
be: 913 Fresno St. Pickerington OH 43147, unless the
Mortgagee provides written instructions to the County Treasurer to the contrary, all interest in
the following real property:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Property Address: 7810 E Main Street, Reynoldsburg, OH 43068

Parcel No. 060-007099-00

Prior Deed Reference: Instrument No. 200311240375326 of the Franklin County, Ohio records.

The foregoing real property is granted by the Grantor and accepted by the Grantee subject to all
the recorded reservations, conditions, limitations, highways, public roads, rights-of-way, leases,
easements, restrictions, zoning ordinances, and any mineral rights severances, as well as real
estate taxes and assessments both general and special, which are a lien but not yet due and
payable.

The Grantor herein has read this Deed and hereby acknowledges the voluntary signing hereof.

Attachment: BZBA App #172454 (1292 : 7810 E. Main St.; Application #172454; Applicant: Chris Winkle/Gandee Heydinger Group)

Executed on this 28th day of September, 2015.

Earhart Petroleum, Inc., an Ohio corporation

By: [Signature]
Name: Scott W. Earhart, Secretary

State of Ohio)
County of Miami) ss.
28th

Be it remembered, that on this 28th day of September, 2015, before me, the subscriber, a Notary Public in and for said State, personally came Scott W. Earhart, Secretary of Earhart Petroleum, Inc., an Ohio corporation, the grantor(s) in the foregoing instrument, and acknowledged the signing thereof to be his voluntary act and deed.

In testimony thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]
Notary Public



TERESA M. DECASSERES, Notary Public
In and for the State of Ohio
My Commission Expires Nov. 27, 2015
Recorded in Miami County

This instrument prepared by: Jonathan Holfinger, Esq., The Holfinger Stevenson Law Firm Co, Ltd.

After recording, return to: Northwest Title Family of Companies, Inc., 4200 Regent Street, Suite 210, Columbus, OH 43219

File #7-8086

Attachment: BZBA App #172454 (1292 : 7810 E. Main St.; Applicant: Chris Winkle/Gandee Heydinger Group)

Situated in the State of Ohio, County of Franklin and in the City of Reynoldsburg and more particularly described as follows:

Being located in the Half Section 9, Section 8, Township 16, Range 20, Refugee Lands and being part of the 3.78 acre tract conveyed to Harold W. and Jeanne D. Doran by deed, of record in Deed Book 3553, Page 343, Recorder's Office, Franklin County, Ohio (all references to Deed Books and Official Records refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly described as follows:

Beginning at an iron pin found in the Northerly line of said Harold W. and Jeanne D. Doran 3.78 acre tract, the Southerly line of the 3.388 acre tract conveyed to Citizens Rentals, Inc. by deed, of record in Official Record 04164D09, said iron pin also being located South 88° 06' 00" East, a distance of 30.0 feet from the Northwesterly corner of said 3.78 acre tract, the Southwesterly corner of said 3.388 acre tract;

Thence South 88° 06' 00" East, along said Southerly line of the Citizens Rentals, Inc. 3.388 acre tract, a distance of 128.00 feet to an iron pin;

Thence South 2° 10' 42" West, a distance of 145.24 feet to an iron pin;

Thence South 70° 41' 34" West, a distance of 137.56 feet to an iron pin in the Easterly line of a 30 foot ingress-egress easement granted to the Village of Reynoldsburg, of record in Deed Book 1044, Page 123;

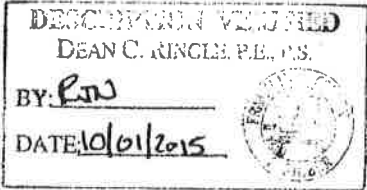
Thence North 2° 10' 42" East, along said Easterly line of the 30 foot easement and being 30 feet Easterly, as measured at right angles and parallel with the Westerly line of the Harold W. and Jeanne D. Doran 3.78 acre tract, a distance of 195.00 feet to the place of beginning, containing 0.500 acre, more or less.

0-106-F
ALL OF
(060)
007099

TOGETHER WITH a perpetual non-exclusive appurtenant easement for ingress and egress as granted in the Deed of Easement dated January 19, 1997 and recorded in Official Record 34159E17 and further described as follows:

Situated in the State of Ohio, County of Franklin and in the City of Reynoldsburg and more particularly described as follows:

Being within a strip of land, thirty (30) feet in width along the West boundary line of the premises described in Exhibit "C" hereof and being approximately 30 feet by 355.69 feet BUT SUBJECT TO easements for ingress and egress and water line reserved and granted in certain Warranty Deeds, of record in Deed Book 1138, Page 450 and Deed Book 1044, Page 123, Recorder's Office, Franklin



The above described easement is located along the West boundary line of the premises described as follows:

Situated in the State of Ohio, County of Franklin, in the Township of Truro and in the City of Reynoldsburg and being more particularly described as follows:

Being a part of One-Half Section 9 in Section 8, Township 16, Range 20, Refugee Lands:

Beginning at a point in the original centerline of the National Road (U.S. Route 40), said point being the Southeast corner of a 7.908 acre tract of land conveyed to James W. Malsby by deed dated December 4, 1948, and recorded in Deed Book 1472, Page 191, Recorder's Office, Franklin County, Ohio, and said point also being 1,447.67 feet, more or less, Westerly from the intersection of said centerline with the Licking County line; thence South 86° 34' West along and with the centerline of said National Road, a distance of 496.07 feet to a point, which point is 762.16 feet, more or less, Easterly from the intersection of said centerline with the West line of said One-Half Section 9; thence North 1° 58' East, a distance of 355.69 feet to a point; thence South 88° 12' East, a distance of 493.25 feet to a point; thence South 1° 50' West, a distance of 311.46 feet to the place of beginning, containing 3.78 acres, more or less.

EXCEPTING THEREFROM the following described real property conveyed by Harold W. Doran and Jeanne D. Doran to William L. Brubaker by a certain general warranty deed, of record in Official Record 07437106, Recorder's Office, Franklin County, Ohio and more particularly described as follows:

Being located in the Half Section 9, Section 8, Township 16, Range 20, Refugee Lands and being part of the 3.78 acre tract conveyed to Harold W. and Jeanne D. Doran by deed, of record in Deed Book 3553, Page 343, Recorder's Office, Franklin County, Ohio (all references to Deed Books and Official Records refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly described as follows:

Beginning at an iron pin found in the Northerly line of said Harold W. and Jeanne D. Doran 3.78 acre tract, the Southerly line of the 3.388 acre tract conveyed to Citizens Rentals, Inc. by deed, of record in Official Record 04164D09, said iron pin also being located South 88° 06' 00" East, a distance of 30.0 feet from the Northwesterly corner of said 3.78 acre tract, the Southwesterly corner of said 3.388 acre tract;

Thence South 88° 06' 00" East, along said Southerly line of the Citizens Rentals, Inc. 3.388 acre tract, a distance of 128.00 feet to an iron pin;

Thence South 2° 10' 42" West, a distance of 145.24 feet to an iron pin;

Thence South 70° 41' 34" West, a distance of 137.56 feet to an iron pin in the Easterly line of a 30 foot

ingress-egress easement granted to the Village of Reynoldsburg, of record in Deed Book 1044, Page 123;

Thence North 2° 10' 42" East, along said Easterly line of the 30 foot easement and being 30 feet Easterly, as measured at right angles and parallel with the Westerly line of the Harold W. and Jeanne D. Doran 3.78 acre tract, a distance of 195.00 feet to the place of beginning, containing 0.500 acre, more or less.

Parcel No. 060-007099-00

Prior Deed Reference: Instrument No. 200311240375326 of the Franklin County, Ohio records.

ParcelID: 060-007099-00
BIGHAM RODNEY

Map-Rt: 060-O106F -013-01
7810 E MAIN ST

Owner	
Owner	BIGHAM RODNEY
Owner Address	7810 E MAIN ST REYNOLDSBURG OH 43068
Legal Description	NATIONAL RD R20 T16 S8-9 .50 ACRES
Calculated Acres	.50
Legal Acres	0
Tax Bill Mailing	RODNEY BIGHAM 913 FRESNO ST PICKERINGTON OH 43147-7857 View Google Map

Most Recent Transfer

Transfer Date	OCT-06-2015
Transfer Price	\$120,000

2015 Tax Status

Property Class	C - Commercial
Land Use	499 - OTHER COMMERCIAL STRUCTURE
Tax District	060 - CITY OF REYNOLDSBURG
School District	2509 - REYNOLDSBURG CSD
City/Village	REYNOLDSBURG CITY
Township	TRURO TWP
Appraisal Neighborhood	X6204
Tax Lien	No
CAUV Property	No
Owner Occ. Credit	2015: No 2016: No
Homestead Credit	2015: No 2016: No
Board of Revision	No
Zip Code	43068

2015 Current Market Value

	Land	Improvements	Total
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Attachment: BZBA App #172454 (1292 : 7810 E. Main St.; Application #172454; Applicant: Chris Winkle/Gandee Heydinger Group)

Base	130,700	34,300	165,000
TIF			
Exempt			
Total	130,700	34,300	165,000
CAUV	0		

2015 Taxable Value

	Land	Improvements	Total
Base	45,750	12,010	57,760
TIF			
Exempt			
Total	45,750	12,010	57,760

2015 Taxes

Net Annual Tax	Taxes Paid	CDQ
5,537.56	.00	

Building Data

Yr Built	Eff Yr	Stry	Structure Type	Sq Ft	Grade
1987	2003	01	RETAIL SINGLE OCCUP	1,472	BELOW AVERAGE -
Total:				1,472	

Site Data

Frontage	Depth	Acres	Historic District
		.5	



GRAPHIC SCALE



1 inch = 30 feet

[illegible]

PLAN PREPARED FOR:

PLAN PREPARED BY:



642 Brooksedge Blvd
Westerville, OH 43081
P: 614.942.8042
F: 614.942.6041

CITY OF REYNOLDSBURG / FRANKLIN COUNTY, OHIO
VARIANCE PLAN
 FOR
RODNEY BIGHAM
 AT
7810 E. MAIN STREET



City of Reynoldsburg
Board of Zoning and Building Appeals
STAFF REPORT
January 21, 2016

New Business

1) 7810 E. Main Street – Cornerstone Fence – Variance

Application: #172454 – Variance

Location: Property is located on the northeast corner of E. Main Street and Oak Valley Drive.

Existing Zoning: CC – Community Commerce District

Request: Request for the Board to review and approve a variance from Section 1175.05 of the Zoning Code to allow a building expansion/modification with a rear setback of 4.5ft.

Current Use: Business Office/Storage

Applicant: Rodney Bigham/Chris Winkle

BACKGROUND INFORMATION

Proposal

The applicant is requesting for the Board to review and approve a variance from Section 1175.05 of the Zoning Code to allow a building expansion/modification with a rear setback of 4.5ft in the CC – Community Commerce District of the City.

Existing Site & Context

The site contains an existing commercial building with a gravel parking lot and surrounding fence. The property was used for many years as offices and secured storage for a petroleum

storage company. The site does not have direct access to a public street; access is accommodated through shared access agreements.

CONSIDERATIONS

1147.05 STANDARDS FOR VARIANCE.

No variance in the strict application of the provisions of this Code shall be granted unless the Board makes specific findings of fact, based on the evidence presented to it, which supports conclusions that the variance conforms to the following standards. Such findings shall be stated for the record and reported in the Board's minutes.

(a) The variance is in accord with the general purpose and intent of the regulations imposed by this Code in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.

(b) The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a special exception in the district, or which is expressly or by implication prohibited by this Code. (Note: See Chapter 1195 and Chapter 1145 for provisions regarding the replacement of non-conforming uses with other non-conforming uses.)

(c) There exist special circumstances or conditions, fully described in the findings, applicable to the land or structures for which the variance is sought, which are peculiar to such land or structures and which do not apply generally to land or structures in the area, and which are such that the strict application of the provisions of this Code would deprive the property owner of the reasonable use of such land or structures. There must be deprivation of beneficial use of land, as opposed to mere loss in value as justification for the variance.

(d) There is proof of hardship or practical difficulty created by the strict application of this Code, beyond simply a showing that greater profit will result if the variance is granted. Economic hardship is not grounds for the variance. Furthermore, the hardship complained of is not self-created nor is it established on this basis by one who purchased with or without knowledge of the restrictions. The hardship results from the application of this Code and is suffered directly by the property in question.

(e) The variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.

(f) The variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

(g) The variance will not confer on the property owner any special privilege that is unduly denied by this Code to other land, structures, or buildings in the same district.

(h) No nonconforming use of neighboring land or structures in the same district and no permitted or nonconforming use of land or structures in other districts are considered as grounds for approval of the variance.

(i) The variance is not a matter of convenience when other remedies are available within the provisions of this Code.

TABLE 1175.05
LOT, YARD AND HEIGHT REQUIREMENTS
FOR BUILDINGS OTHER THAN DWELLINGS

<u>DISTRICT</u>	<u>MINIMUM LOT REQUIREMENTS</u>		<u>MINIMUM YARD REQUIREMENTS</u>		<u>Maximum Lot Coverage by Buildings (% of lot)</u>	<u>Maximum Building Height*</u>	
	<u>Lot Width (ft.)</u>	<u>Lot Area (sq. ft.)</u>	<u>Rear Depth</u>	<u>Side Yard Width (ft.)</u>		<u>Stories</u>	<u>Feet</u>
CC	None	None	30	10	40	6	90

STAFF REVIEW

Lot Size & Configuration

The lot meets the minimum size requirements for the CC district but it does not front on any public streets and has a irregular shape. Research indicates that the existing structure was originally constructed in 1960, and that the setback requirement was in place at that time. This indicates to Staff that the property was either previously granted a variance or that a lot split was approved which placed a lot line closer to the structure than would be permitted by Code. Regardless of the cause, the requested variance is the only way for the applicant to reasonably expand his structure. Staff's position is that the intent of the Code is not to require existing buildings to be oddly offset to meet a setback requirement. The requested variance would allow the applicant to utilize his property in a manner consistent with other properties in the same zoning district.

STAFF RECOMMENDATION

The Board should apply the standards for review of a variance contained in Section 1147.05 of the Zoning Code and determine if the proposed variance complies with those standards. Staff finds the requested variance in compliance with those standards and recommends approval.

NEXT STEPS

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

1. The applicant has already submitted for a zoning certificate/minor site plan. Staff can issue this certificate when a plot-grade-utility is reviewed and approved.
2. The applicant should submit a plot-grade-utility plan for review by the City Engineer. Please consult the Development Handbook and contact the Building Division at 614-322-

6802 for addition details on this review. Staff cannot issue a zoning certificate until a plot-grade-utility plan is reviewed and approved.

3. The applicant has already submitted building plans. Once a zoning certificate is secured, the applicant will need to contact the Building Division at 614-322-6802 for additional information, secure permits and complete the required inspections.

Rules of the Reynoldsburg Board of Zoning and Building Appeals

The Reynoldsburg Board of Zoning and Building Appeals, in order to carry out the general powers conferred upon it by the Ohio Revised Code and the City of Reynoldsburg's Charter and Codified Ordinances, does hereby adopt the following rules to govern its proceedings:

ARTICLE I AUTHORIZATION

Section 1.1 - The authorization for the establishment of Reynoldsburg Board of Zoning and Building Appeals is set forth in Article VII, Section 7.02 of the City Charter.

ARTICLE II MEMBERSHIP

Section 2.1 - The entire membership shall be the same as that provided for in Article VII, Section 7.02 of the City Charter.

ARTICLE III OFFICERS AND THEIR DUTIES

Section 3.1 Officers – The officers of the Board of Zoning and Building Appeals shall consist of a Chairman, a Vice-Chairman, and a Secretary.

Section 3.2 Chairman – The Chairman, shall preside at all meetings of the Board. He shall call special meetings of the Board when required. The Chairman may appoint committees or sub-committees comprised of Board members and others whenever he feels that such committees can further the work of the Board. The Chairman shall act as spokesman for the Board, and shall have such other duties as are normally conferred on such officers by parliamentary procedure. Unless otherwise restricted by the Planning & Zoning Code or Charter, the chairman shall have a vote on all matters before the Board. The Chairman shall sign all documents of the Board and see that all actions are properly carried out.

Section 3.3 Vice-Chairman – The Vice Chairman shall serve as Chairman during the temporary absence or disability of the Chairman, and shall upon those occasions be vested with the full authority attendant to the position of the Chairman.

Section 3.3 Secretary – The Secretary shall be elected by the Board from within or without the membership. A Secretary elected from without the membership of the Board shall not have a vote. The Secretary shall keep the minutes of all meetings of the Board in an appropriate location. The Secretary shall also give or serve all notices required by law or by the rules of the Board and prepare the agenda for all meetings of the Board. He shall be custodian of Board records and shall inform the Board of correspondence relating to business of the Board. The Secretary shall attend to such correspondence as required by the Chairman and handle funds allocated to the Board in accordance with its directives, the law, and City regulations.

ARTICLE IV ELECTION OF OFFICERS

Section 4.1 - At an annual organization meeting, which shall be the first regular meeting in January, the Board shall elect a Chairman and Vice-Chairman. Nominations shall be made from the floor, and the candidate receiving a majority vote of the voting membership shall be declared elected and shall take office at the close of the meeting. The officers shall be elected for a period of one (1) year, shall be eligible for re-election, and shall serve until their successors take office. Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE V MEETINGS

Section 5.1 - Regular meetings shall be held at 6:30 P.M., on the third (3rd) Thursday of each month. Day and time may be changed by majority vote of Board members.

Section 5.2 - Special meetings may be called by the Chairman or Vice-Chairman at the request of three (3) members to discuss those matters necessary and germane to the duties of the Board, in accordance with the Ohio Revised Code.

Section 5.3 Quorum – A quorum shall be necessary at any regular or special meeting in order for the Board to take official action or carry on its business. A quorum shall consist of a majority of Board members. Each member of the Board of Zoning and Building Appeals who has knowledge of the fact that he will not be able to attend a scheduled meeting shall notify the Planning Administrator or Secretary at the Municipal Building at the earliest possible opportunity and, in any event, prior to 5:00 p.m. on the date of the meeting. The Planning Administrator or Secretary shall notify the Chairman in the event that the projected absences will produce a lack of quorum.

Section 5.4 - Action of the Board on any application properly brought before it shall be effective only when the matter being considered by the Board receives at least three (3) votes on the prevailing side. Questions on procedure shall be decided by a voice vote in the usual manner.

Section 5.5 Parliamentary Process – Unless otherwise specified herein, Robert’s “Rules of Order”, as filed in the Clerk of Council’s Office, shall govern the proceedings at the meetings of the Board.

Section 5.6 Designation of Voting Order – Votes of the Board will be by verbal vote and the order of voting will rotate in sequential alphabetical order. The Chairman shall always vote last.

Section 5.7 Reconsideration – Reconsideration of any decision of the Board may be had when the interested party for such reconsideration makes a satisfactory showing to the chairman that without fault on the part of such party, essential facts were not brought to the attention of the Board.

Section 5.8 Conflicts of Interest – Any member of the Board who feels that he has a conflict of interest on any matter that is on the Board’s agenda shall voluntarily excuse himself and refrain from discussing and voting on said items as a Board member.

ARTICLE VI AGENDAS & ADMINISTRATIVE PROCEDURES

Section 6.1 Open Meetings and Records – All proceedings and records of the Board shall be open to the public in accordance with the City Charter, Codified Ordinances and the Ohio Revised Code. All maps, plats, and other matters required by law to be filed with the Board shall be filed in the office of the Planning Administrator or Clerk of Council as required by the Planning & Zoning Code.

Section 6.2 – Deadline for Application – The deadline for filing applications for placement on the agenda shall be thirty (30) days prior to any given meeting of the Board unless otherwise stated by the Planning & Zoning Code. Requests for continuance of matters scheduled for a particular agenda shall be filed with the Planning Administrator or Secretary by noon on the Thursday prior to the Thursday of the meeting so the printed agenda will reflect the required continuance.

Section 6.3 – Agenda - The Secretary shall prepare the agenda for the regular and special meetings. Agendas for regular meetings shall be prepared at least seven (7) days in advance of each regular meeting. Board members shall be provided an agenda, a copy of each application and all related exhibits and materials, and a report from Staff at least seven (7) days in advance of each regular meeting.

ARTICLE VII ORDER OF BUSINESS

Section 7.1 Agenda Order – The order of business at the regular meetings of the Board shall be as follows:

- A. Call to Order
 - 1. Roll Call
 - 2. Approval of Minutes
 - 3. Approval of Agenda
 - 4. Public Comment
- B. Unfinished Business
- C. New Business
- D. Other Business
- E. Adjournment

Section 7.2 Presentation Order – The following procedure will normally be observed; however, it may be rearranged by the Chairman for individual items if necessary for the expeditious conduct of business:

- A. Staff presents report and makes recommendation.
- B. Applicants make presentation.
- C. Any opponents make presentations.
- D. Applicant makes rebuttal presentation of any points not previously covered.
- E. Board members ask any remaining questions they may have for the proponents, opponents, or staff, and then take a vote.

ARTICLE VIII AMENDING THE RULES OF THE BOARD

Section 8.1 These rules may be amended from time to time at regular meetings only, and after at least seven (7) days written notice to all voting members. These rules, when adopted, shall supersede any and all other rules of procedure and by-laws heretofore adopted by this Board, and shall take effect immediately upon adoption.

CHAIRMAN

VICE-CHAIRMAN

ADOPTED (Date)