



MINUTES

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

PRESENT: Rettke, Linder, Donovan, Enfinger
ABSENT:

2. APPROVAL OF MINUTES

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

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Would anyone addressing the Board, please stand and raise their right hand? Do you swear or affirm that the testimony you give in front of the Board will be truthful? If so, say I do.

Audible "I do" in Council Chambers.

Chairman Rettke: Please sign in and state your name and address for the record when you speak.

B. PUBLIC COMMENT

None.

C. UNFINISHED BUSINESS

None.

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**

Mr. Snowden: Thank you Mr. Chairman. This application was #172454 for the property located on the corner of East Main St., and Oak Valley Dr. Existing Zoning: CC - Community Commerce District. And the request is 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, no less than. Current Use: Business Office/Storage. The applicant is Mr. Rodney Bigham, and his agent who is with us here this evening is Chris Winkle. 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. My understanding is one of those is the City, as the City's Service Garage is directly behind this property to the north. You can see that I gave you the table showing that the minimum yard requirements for rear yard depth is 30 feet. The lot meets the minimum size requirements for the CC district but it does not front on any public streets and has an irregular shape. It is trapezoidal and none of the sides are parallel. 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. It is one or the other that has caused this. 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 idea here is to prevent buildings from being so close to property lines that air, light, and people cannot pass through that area in the event of an emergency. That is the purpose of these types of zoning regulations, in general. In this case, the Service Garage is several hundred feet to the north of this. There is nothing else around it except for the commercial properties immediately to the east, and the school bus garage. You are talking structures that are several hundred feet away. In this case, the requested variance would allow the applicant to utilize his property in a manner consistent with other properties in the same zoning district. Again, by granting this variance, the Board is not giving the applicant any special privilege that no one else has in the entire district, they are just allowing them to construct a building, which generally you are allowed to do in commercial CC Districts anyway. Staff recommends that 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. With that, I will turn it back over to our Chairman, and I will be happy to answer any questions.

Chairman Rettke: If the applicant would please step forward and state their name and address.

Mr. Winkle: Good evening, my name is Chris Winkle. I am with Gandee Heydinger Group out of Westerville, 642 Brookesedge Blvd., Westerville. I am here representing Rodney Bigham and his property. We are his surveyor and civil engineer.

Chairman Rettke: Any questions from the Board?

Mr. Donovan: The proposed building, what kind of building is it?

Mr. Winkle: It is going to be a pole barn. It is a pole barn style construction. It will have garage doors and everything like that. Mr. Bigham has a fencing company and this will allow him to store him to store his equipment and that kind of stuff.

Mr. Donovan: So that will be equipment storage? It will not be bathrooms or anyone working in there.

Mr. Snowden: Mr. Winkle, you can clarify, I do not think there is even a heating system in the majority of this building, is there?

Mr. Winkle: I don't think it will be. It will be a basic pole barn style construction.

Mr. Donovan: I go by there all the time and I can' see how you would offend any of your neighbors by what I see is around it.

Mr. Winkle: He has worked with the City previously, with the other building that is existing, and getting it up to code, and doing upgrades to that building also, to make sure it is up to where it needs to be.

Mr. Snowden: Mr. Chairman, and other Members of the Board, I didn't go into depth in my report, but the applicant has cleaned the brush, the tanks were removed from the previous petroleum company. Which leaves the existing gravel parking lot. The brush was removed. The applicant did a fence repair to the majority of the site. This did go to DRB, before the variance was realized. DRB made a few minor changes, but generally they were comfortable that this is more than consistent with what is around there. If you look at this building, verses the City's garage that is directly behind it, this looks fantastic, in relation. So, that is definitely a positive step for everyone.

Mr. Winkle: I can give you more details. The site plan is highlighted so you can see a little bit more.

Mr. Donovan: The yellow part that you have here...

Mr. Snowden: I can jump in here. The yellow part would be where the proposed building would sit, if they had to comply with the rear yard setback requirement. And that's the point I'm making, the intent of this code is to make sure that there is adequate separation between buildings. But, the intent was not, in my opinion, to require these buildings to be disjointedly shaped in order to meet a code requirement, between and existing building and something new. Whenever we are dealing with a variance, one of the questions we have to ask ourselves is are we allowing the applicant to do something that makes sense, given the existing site.

Mr. Winkle: That is exactly it. The green line that you see cutting through the blue building there, that would be ten feet or less that we actually would be touching. We would barely be able to have a door to get between the two buildings, so, one of the reason for setting it back. The other reason we brought up, and I have given you some photos that I have taken, and

went to Google Earth and dropped a little guy there so you can actually see where the tanks and all that kind of stuff use to be. Now, they did remove the tanks out of there, but of course all they cared about was getting the hazardous stuff out. They did not remove all the foundation. I highlighted those on there in pink, for you so you can see. Those are the foundations. They would have to go in there and rip hem out, so they did not have those underneath their building. If we can slide it back, and make that work, it saves them from having to rip our stuff they really don't need to.

Mr. Snowden: Mr. Chairman, and other Members of the Board, this is the first time that I have seen this exhibit that is in front of you now. Seeing the existing gravel pads, if I had to guess, I would say that probably what happened here, those buildings were removed at some point, and Earnhart Petroleum, which was the previous owner, got a variance to construct a building at the rear of the lot, beyond that thirty foot setback, in order to give themselves room to park the trucks. Now that I have seen this, seeing that there use to be structures there, I think that seems more than likely. It is very consistent with how these types of industrial sites tend to develop over time. The smaller of the two, the existing concrete buried under gravel, that may have been an existing small house or something. Going back to before this use. It is very consistent with these types of industrial sites. Now that I am seeing this full exhibit, what is here is starting to make more sense than what we knew already.

Mr. Winkle: That is why I wanted to give this to you guys, so you could see a little bit more of what is going on there.

Mr. Rettke: So, is any of the development going to come before the Board further down the pike, or is the Design Review Board handling everything from here on out.

Mr. Snowden: The Design Review Board can conditionally approve this, because we figured this out at the meeting, it was actually one of the members that caught that there was a rear setback. Staff tries to review everything. I am the first one to admit I am certainly not perfect. It is something that I should have caught in the review for DRB, and said, "Hey, you need to go for a variance first." DRB basically approved it as is, as you are seeing here, on condition that they can still get the variance. Which is something that DRB can do, although they have not done it that often in the past, given the way the Code is set up. There really is nothing else that needs to happen after this, except for the items that I have listed under the "Next Steps"... Complete a plot grade utility to confirm with our stormwater, that they are taking care of the stormwater, given the site expansion. At this point, it would be from Staff, if the Board approves the variance.

Mr. Enfinger: Mr. Snowden, can you pull it up on Google Earth?

Mr. Snowden: It would be my pleasure Sir, one moment.

Mr. Enfinger: I would like to see how the interplay is with the other buildings in the back, and get a larger perspective.

Mr. Snowden: Sure, let's take an extent view here. So, Mr. Enfinger, just to give you an idea, the distance between the proposed structure as it exists, and the nearest property, is seventy-five feet. We move over to accommodate their new building, we are still talking fifty feet of clearance here.

Mr. Enfinger: Is that a special Google Map tool?

Mr. Snowden: This is on all Google maps if you right click, and click "measure distance". It looks like it is approximately two hundred feet between what would be the propsed rear set-back at four and a half feet from the lot line, to the City's facility. That is four hundred feet, excuse me.

Mr. Enfinger: Is that narrow patch of grass city? I guess that is all city property because it is the buses or it is the Street Department.

Mr. Snowden: Let me explain the property owner here. The school system owns this lot here, that I am outlining for you here now. This is a privately owned gas station here, and small commercial building. This is the applicant's property here. This lot here is owned by the city. So, there is a four and a half foot distance to a lot line. Behind it is property that is owned by the City. And then the City owns this entire property here. So, you have a garage, salt barn, some out buildings. This is a cell tower. So, we are talking about an area, and although it has an institutional zoning for public use, has a very industrial character to it. From the side of the building, to the trailer park structure, you are talking eighty-some feet.

Mr. Enfinger: My only apprehension is, we are adding another variance to correct another problem. Because somebody else did something a long time ago and let it through. Eventually all this is going to change. That is the thing about variances, you grant it and it is there 75, or possibly 100 years. That is why I was wanting to see it in detail. So, I understood everything.

Mr. Snowden: Mr. Enfinger, that is a good observation in general, for your Board. When the Board makes a land use decision, that is a land use decision that we have to be willing to live with for a long time. So, that certainly is a good general statement about anyone involved with land use decision making.

Chairman Rettke: Any other discussion?

Mr. Snowden: Mr. Winkle, I will provide a written notification stating what was discussed here tonight. The variance was not approved with any conditions, so you have the variance. You have already submitted for a zoning certificate Minor Site Plan. I can issue that once the Plot Grade Utility Plan is reviewed. You should submit that Plot Grade Utility as soon as possible, and the phone number is on the staff report in front of you.

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

2. Annual Organization Meeting to Elect a Chairman, Vice-Chairman, and a Secretary

Mr. Snowden: All the Charter says is that the first meeting in January, the Board has to select these offices. The Chairman and Vice Chairman have to be from within the Board, the Secretary does not. It has been tradition here to designate the Planning Administrator as the Secretary, even though we know that staffing the Board is a team effort between our Development Director, myself, and Rochelle providing a lot of behind the scenes support. But as far as taking care of the formalities, that has been the procedure. With that, I will turn it back over to our Chairman to open the floor.

Mr. Donovan: I nominate Tony for Chairman.

Pastor Linder: I second it.

Mr. Snowden: Mr. Rettke, if you would like, I am not hearing any other nominations, if you would like me to temporarily Chair this in order for you to not be involved with your own election, I can do that if the Board does not have any issues with that.

Mr. Rettke: I do not particularly care. I can do it. You know my situation, it might be sketchy. It just depends on a game. I am now the Varsity Softball Coach at Reynoldsburg High School. The season is no that long. But, if they are fine with it, I am fine with it I guess.

Mr. Snowden: I will temporarily have the Chair turned over to me, if that is the consent of our Chairman. Are there any other nominations for Chairman? Given that Mr. Rettke was nominated, it was seconded, and he accepted the nomination, we will vote by voice. All in favor of electing Mr. Rettke our Chairman for 2016, please signify by saying aye "Aye", any opposed " ". Very well, Mr. Rettke is our Chairman again. Congratulations and I will turn it back over to our Chairman.

Chairman Rettke: Do we have any nominations for Vice Chairman?

Mr. Donovan: I would like to nominate Mr. Enfinger.

Chairman Rettke: Second. Any other nominations? Hearing none, we will have a vote.

Mr. Snowden: Very well, given that Mr. Enfinger has been nominated, seconded, and has accepted his nomination, we can vote by voice. All those in favor of electing Mr. Enfinger our Vice Chairman, signify by saying aye, "Aye". Any opposed, " ".

Chairman Rettke: Moving on to Secretary. Any nominations for Secretary?

Mr. Donovan: I will nominate Eric Snowden.

Mr. Enfinger: Gentlemen, I accept. It is a pleasure to serve you.

Mr. Snowden: Very well, we will call this by voice. All in favor of retaining me as your secretary for 2016, please signify by saying aye, "Aye". Opposed, " ". Thank you Gentlemen, it is my pleasure to serve you.

3. Board of Zoning and Building Appeals Rules Revision

Mr. Snowden: Mr. Chairman, if I could have the floor please. And, I apologize, I am doing a lot of talking tonight, but we have to take care of this type of business. Gentlemen, I sent you this, and we reviewed this at one of our previous meetings. I am simply trying to get all of our "Rules" documents updated for all of our Boards, to make sure that they are up to date with how we are actually proceeding today. I believe I have caught any errors. I have reused the document from the Planning Commission. Last time there were a few things that did not get changed, that should have been changed. I spent a good amount of time reviewing this. All this document is doing is stating everything that we do now. The one item that could be considered a change, is that if you look under the section related to calling the role, 5.6, both City Council and Planning Commission are calling the role in sequential alphabetical order which means the first person we call, changes each time. Truthfully, this does not matter, but it is easy for me to have one way of doing it and Planning Commission seems to be very concerned that it be done this way. What it would mean, for example, our first meeting of this year, I called Mr. Donovan first, and in alphabetical order. The next time I would start with Mr. Enfinger, provided that he was not chairing the meeting. I still would call the Chairman last each time. It is only an issue of Staff keeping track of where to start. It is better for me to have one way. Which way it is really doesn't make a difference. I am just requesting you make that change so I can do it the same for both Boards. It helps me maintain my general sanity. I like doing it the way we were doing it, in alphabetical order each time. But. Planning Commission wanted to be consistent with what Council was doing. The idea behind that, the reason you would change each time, is the idea that the people who vote first have more power because they could theoretically influence the votes of those later. If that is something Council is obviously concerned about for various reasons, Planning Commission wanted to be like Council. BZBA would be like Planning Commission and Council, that would help me. It really won't make a difference given the good relationship between our Board Members and the overwhelming majority of things that are approved more or less unanimously, where the Board is in concurrence with one another.

Chairman Rettke: That method is preferred if it could take some pressure off, or equalizes pressure.

Mr. Snowden: Thank you.

Chairman Rettke: I did take the time and read through it. It does pretty much align with what we had done. The voting was an issue I had brought up and I think we have got that

squared away. We do have the agenda seven days in advance and that helps us out significantly. It gives us proper review time. It documents everything we need to document.

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

E. OTHER BUSINESS

Chairman Rettke: Any other business to come before the Board.

Mr. Snowden: I am still here, I am going to be here. I think that was my announcement last time, I will announce that I will be staying for the foreseeable future.

Mr. Donovan: Glad to hear that.

Chairman Rettke: Well, glad you are back, or didn't leave, one of the two.

Mr. Havener: We are all happy.

F. ADJOURNMENT

Chairman

Planning Administrator