



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JANUARY 19, 2017 6:30 PM

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

A. CALL TO ORDER

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

2. Approval of Minutes

1. Board of Zoning and Building Appeals – Regular Meeting – December 12, 2016

Minutes stand approved.

3. Approval of Agenda

Mr. Havener: Mr. Chair, Item number 3, the applicant has proposed tabling to the next meeting of the BZBA.

Chairman Rettke: With that change, we will approve the agenda.

4. Swearing in of Speakers

Chairman Rettke: Before we begin tonight's agenda items, would everyone addressing the Board please stand and raise their right hand? Do you swear or affirm that the testimony that you will give in front of the Board will be truthful? If so, say, "I do." (*Multiple I do's heard.*) I will remind you to sign in and state your name and address for the record.

B. PUBLIC COMMENT

No Public Comment.

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. **7578 E. Main St.; Application #175689; Applicant: Evans Capital Investments, Ltd.; Business: Reynoldsburg DG, LLC; to Grant a Variance from Section 1193.06(A), Section 1193.07(D), Section 1193.08(A), to Allow Construction of a New Commercial Building with Reduced Development Standards.**

Mr. Havener: 7578 E. Main Street - Dollar General - Variance. Application: #175689 - Variance. Location: Property is located on the north side of E. Main Street just west of Waggoner Road. Existing Zoning: CC - Community Commerce District / HD - Historic Overlay District. The request is for a variance from Sections 1193.06(a), 1193.07(d), and 1193.08(a) of the Zoning Code. Current Use: Vacant Land. Proposed Use: Retail Sales. Applicant: Evans Capital Investments, Ltd. Background Information - The applicant is

requesting the Board review and approve a variance from Sections 1193.06(a), 1193.07(d), and 1193.08(a) of the Zoning Code in order to construct a new commercial building with reduced development standards. Site Context - The site is a vacant lot which is within an existing shopping center. Other uses include various retail sales businesses, a bar and pizza shop (eating or drinking establishment), and small office uses. To the north, the property is screened from a multi-family housing complex by a creek and natural vegetation. All properties that front E. Main Street are within the Historic Overlay District. Staff Review - Regulation Intent;

The purpose of the various regulations contained with Chapter 1193, is for new development within Historic Olde Reynoldsburg to be consistent with the existing character of the area and to reduce the impact of certain suburban style uses such as parking lots and drive-thrus. In order to accomplish this, that chapter requires that buildings be generally built to the street and that parking be placed behind or beside the main structure. Site Context - This vacant parcel is integrated within the existing suburban style shopping center. When this shopping center was originally constructed, in the mid-1980s, it met the typical zoning regulations of the Community Commerce District that were in place at the time. The Historic District regulations were originally enacted in 1996 and expanded in 2008. The applicant is proposing to locate their building in the location that was intended for expansion of the existing shopping center when it was originally built. Utilities - The applicant's claim of hardship is based upon the location underground public utilities on the site. Section 1193.06(a) would require the building to be constructed over those utilities. This is fantastically expensive for the property owner and may not be in the public interest. The applicant's request for a variance Section 1193.08(a) is predicated upon Section 1193.06(a). If the building is relocated to the rear of the site, there is no other location on the site that can accommodate the required parking. Architecture & Building Materials - The applicant also claims that the clear glass requirement of Section 1193.07(d) presents a hardship. Although clear glass store fronts were a typical feature of historic districts such as Olde Reynoldsburg, most modern retailers attempt to monetize all interior walls and spaces by displaying products. Staff's position is that the applicant should be required to meet all the architecture and materials requirements of the Historic Overlay District, but if the Board and the Design Review Board feel that non-clear windows can meet the intent of this section, Staff can support the variance. Signage - The applicant is also requesting variances for signage size and materials, but has requested the Board table Application #176211 to the next regular meeting of the Board, in order to allow the applicant additional time to present sign plans for review by Staff and the Board. Given the proposed location of the building and hardship caused by the utilities, there may be some justification of additional sign area. However, Staff's position is that the materials requirements should not be varied. More information will be available once the applicant submits revised plans for that application. Going on to staff recommendations, the Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Mr. Chairman, you can take it from there.

Mr. Frazier: Alex Frazier of Kalamazoo, Michigan.

Chairman Rettke: Any questions, concerns, or comments from the Board?

Mr. Havener: The applicant does have a board in the front of the room showing the proposed site layout.

Mr. Frazier: Yes, this is the site layout. We have made sure that the utilities stick out that we are talking about. It is mainly the sanitary line. (*Inaudible.*) To relocate this would cause quite a bit of excavation. This line is a reinforced concrete storm line. In itself, that is a pretty large pipe and would be quite an expense to relocate those and we don't know if engineering wise, if it is even possible, cause this is a major carrier of stormwater into this creek. By relocating these pipes, we would have to reduce the slope, and it might reduce the capacity of those pipes. So, we are not even sure if it would even be feasible. I also have hard copies of this is anybody would like.

Mr. Havener: I have got the survey on the screen also, if the Board would like to see a little closer where those easements and utilities are.

Chairman Rettke: So we are looking at three variances from 1193.06, which is the reference to the location and orientation of the proposed building and parking areas. Which basically is going to be parking in front of the building instead of behind. 1193.07 says that 60% of the area between the height of two and ten feet above the nearest sidewalk grade shall be clear non-tinted windows. 1193.08, the parking and stacking and circulation aisles are not permitted between the right of way line and the principle building. So, that is with the orientation as well.

Mr. Havener: That is correct.

Chairman Rettke: I can kind of see where moving that building up and putting parking behind, you cant really do it in line with the regular strip mall. And, with the property you have left, I don't know that it works very well either that way. You cant get it up far enough to avoid those utilities. Those two are easily rectified. The 1193.07 with the windows, is the hard part. Any discussion on that?

Pastor Linder: Just stepping back a little bit for staff, we are going to be stuck with this plaza in the sense that in the sense that anything moving forward is always going to be this issue. We always try to do the best we can with where it is in terms of now looking forward.

Mr. Havener: That is correct.

Pastor Linder: The question is, just help us understand, I know why from a retail standpoint that you want the change in terms of the glass frontage, but let us know what you have considered in terms of trying to comply with what we wanted.

Mr. Frazier: What we have right now are paved windows, so they are basically fake windows to match the actual intent. We are matching the district's materials requirements, the style requirements. The only deviation is the see thru portion of the windows. So, if you look on the floor planner to the left, there are windows in front here, you would be looking at back side of coolers. Then you have break room, register areas here. This is Dollar Generals

plan for their urban prototype. It is very well set. There is no where else to put these coolers to sell these products that they wish to sell here. That definitely is the biggest hardship, having to relocate inside the store is really not an option, given this is already a reduced, urban type, from their normal prototypical building. There is not any space to relocate anything inside the store. What we are proposing will definitely meet the intent from an architectural standpoint. It will be very esthetically pleasing. Just below note 11 on the bottom, you will see that we do exceed the required square footage. Required is 416SF and we show 488. We are doing our best to maximize the appearance of windows on that wall. It is just the fact that they are not see thru.

Mr. Donovan: But they are not really windows.

Mr. Frazier: Yeah, they are fake windows. They are meant to look architecturally on the outside of the building like windows, but they are not.

Chairman Rettke: We used them in our office where the old windows were. It was almost like looking in a mirror. You didn't know they were not windows.

Mr. Frazier: Until you walk up to them, you will think they are just glazed windows and that you just cant see into the store. You won't really be able to tell.

Chairman Rettke: Maintain the balance and put it back to the way it was back when we first opened that building. I thought they did a bang up job on it.

Mr. Frazier: We have used these in other stores before and they look really nice.

Mr. Donovan: The only problem I have is that you are building this in a historic district and you are trying to use new gimmicks to make it look like you are complying with what the rest of the people are doing.

Mr. Frazier: Yeah, we are trying to make it look like they are real windows. But, from the naked eye, from the street, you shouldn't be able to tell the difference. It is just that the interior floor plan of the Dollar General doesn't...

Mr. Donovan: I have seen how you have them laid out. I can't even walk down the aisles in them places.

Chairman Rettke: The rest of the building is going to conform with all the other characteristics they have down there? I thought it was suppose to be close to man made material.

Mr. Havener: I guess that is still up for discussion. If this Board would like to see some additional natural materials, in place of what is showing here this evening, this is your opportunity to speak to that.

Mr. Frazier: It is our intent, when we meet with the DRB as well, to bring in samples of the

roofing, and the brick, we propose to use, so they can see in person.

Chairman Rettke: I know we have looked at some sign packages down through there and I can not remember all of the sections of code that are involved, but it is pretty lengthy to try to meet those requirements in a historical district. I did not know if that was our jog, or Design Review Boards, to make sure that that was adhered to.

Mr. Havener: Design Review Board will go over those items, but if the Board has comments that they would like to relay onto the DRB, I am sure they would be happy to consider any suggestions you have. I have a question for Alex, in terms of the proposed brick that you are seeing above the entry there, one thing I just looked at was the fact that you have this massive brick hovering over the entrance with no substantial side elements. To me, it would make sense to have the brick continue down along the sides of the entry doors, at the same time, to give it a little more of a look of support, a natural way of handling the material. I am not sure about the columns that you have spaced along the exterior, but I think what we did on the one on Broad Street, did we not make those brick?

Mr. Frazier: I think you are right. I was not directly involved in those.

Mr. Havener: I am thinking, just to break up the facade.

Chairman Rettke: I know in our district, every 25FT it had to have a deflection or something to break up the facade. I did not know if those columns would satisfy that requirement.

Mr. Havener: I'm thinking that might help the situation also. Again, these are just recommendations.

Chairman Rettke: I do not want to step on the Design Review Board. It that is not our expertise, then I will let them have at it, but I am in support of 1193.06 and 1193.08. 1193.07, I can see what you are trying to do. With that being such a fairly new revision to the Code, I hate to step over it. I can see the utilities and that you are trying to fit in the existing site and move that building up to where you possibly could get it. Your back wall is in direct line with the front wall of the shopping center, that does not make any sense to try and do. I can live with, you are trying to do your best with 1193.06 and 1193.08, 1193.07 is the tougher one for me. Any comments from you guys?

Mr. Donovan: It says right here, plain and clear glass storefront.

Mr. Frazier: One thing I noticed with that clear glass, in my opinion, it kind of goes hand in hand with the building being up next to the sidewalk. Being that is it is within the zero to ten foot. Dan, correct me if you think different. But, I think the intent of that is to create an atmosphere where if you walk along the sidewalk, you can window shop. But now if the building is pushed back, you have to walk back to window shop. In my opinion, you will see the Dollar General sign and think you have to grab whatever, you will have a list, and walk directly to and in.

Chairman Rettke: That is a good point. If that was along the frontage of Main Street I could see that being.

Mr. Frazier: It is set back. I don't know if I have a dimension on here, but it is set back to match the other. The tanning salon immediately to the east, I just walked by it about a half hour, 45 minutes ago and I could hardly see inside of the windows because they are so tinted. It is kinda hard to see in some of the existing businesses that are there.

Mr. Havener: There are a good probably 250FT back from the right of way of E. Main St. It is quite a distance.

Chairman Rettke: Can you go back to the Google Earth version? So, are they going to come back to us with a sight plan?

Mr. Havener: This is the site plan they are proposing. They will go through major site plan review, plot grade. As you see the plan here, this is how they will move forward, unless the Board has some changes to...

Chairman Rettke: I do not see anything about lighting.

Mr. Havener: I do not know if lighting was addressed in these drawings.

Mr. Frazier: Lighting was not a required item for this submittal, but we intend to comply with the city's lighting requirements.

Mr. Havener: That will definitely be something that again the Major Site Plan review will be addressing.

Chairman Rettke: Are we going to see it again then?

Mr. Havener: Probably not.

Chairman Rettke: It's a minor site plan?

Mr. Havener: Yes.

Mr. Donovan: What about deliveries? How are you going to handle that? I do not see a dock or anything like that.

Mr. Frazier: The delivery truck will come in, we are going to get a mutual access easement and will come in here through this drive. This path here, that is the truck pass thru. The truck will pull through, back up to here, and that's a delivery door. It will be tucked in next to the building and make it (*inaudible*) and then it will pull out onto E. Main St.

Mr. Havener: You can see the path of the truck here as I pointed out on the screen.

Mr. Frazier: This colored plan is a little difficult to see. We have a truck template that we use that models the full size semi, and we draw it on there to see. That is one of the most important aspects of site design is to make sure we are not going into landscaping and hitting the curb here and there.

Mr. Donovan: Where are you going to be turning and backing those trucks? Is there like a drive thru awning or whatever there? We gave those people all kinds of grief about a drive thru and the mobility of vehicles going through there. We might be in contention with that.

Mr. Frazier: We only expect one, maybe two, of these deliveries a week. I am not exactly sure what time, but I think it is probably up to the drive to make sure if he sees a vehicle, to start his turning movement once he sees that everything is clear and he is not going to interfere with any pedestrians or any other vehicular traffic going through there. One, and I think busy stores may get two deliveries a week. I think some are even at off hours. It all is going to depend on how it factors into their delivery schedule.

Pastor Linder: Maybe Staff, or even the Chairman, can we speak to, I appreciate what you have speculated as the reason for the glass being the way that it is, but do we have a real reading from our own records as to why we want that particular requirement.

Mr. Havener: I really feel it is to maintain the consistency in the Historic District. I think the applicant is trying to do that. He trying to achieve that appearance even though they are not going to be functional windows in terms of being able to see through them, if you look at them from the street view, it is going to give you that consistent look down through there. They are trying to achieve what was proposed by code. I think that is the main thing, just maintaining that consistent look, even though they aren't functional, they are maintaining that look and that consistency.

Pastor Linder: My follow up, not to grill you Mr. Havener, but would we then be locked in with every succeeding opportunity in that plaza for change to try to match this particular...

Mr. Havener: Anything that would come in there would want to maintain that same consistency throughout the center, correct.

Pastor Linder: Ok.

Mr. Havener: We would want to see that glazing maintained between that two to ten foot range of the facade.

Chairman Rettke: Any other discussions, comments?

(Vote)

Mr. Havener: Alex, if you look at the "Next Steps", it gives you the outline of what you need to focus on from tonight, moving forward. You have a copy, if you have any questions, feel free to contact us and I am sure Eric will be in touch to guide you through that process.

Mr. Frazier: Thank you all for your time.

Chairman Rettke: Thank you.

Mr. Havener: Thank you very much.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Robert Linder, Board Member
AYES:	Rettke, Linder, Donovan

2. **1391 Brice Rd.; Application #175691; Applicant: Brandon Ivery; Business: Capital City Car Sales, LLC; Special Exception Use Permit - Auto Sales**

Mr. Havener: 1391 Brice Road - Capital City Car Sales, LLC - Special Exception Use Permit. Application: #175691 - Special Exception Use Permit. Location: Property is located on the west side of Brice Road, south of E. Main Street. Existing Zoning: CC - Community Commerce District / CCO - Community Commercial Overlay District. The request is for a special exception use permit for a new auto sales use. Current Use: Vacant. Applicant: Brandon Ivery. Background Information - Proposal - The request of the applicant is for a special exception use permit for a new auto sales use at an existing commercial building. Site Context - The site is developed with an existing commercial building which was previously used as offices and storage for a building contractor (business services.) All neighboring properties are zoned CC and within the Community Commercial Overlay District. To the north, the property abuts a nail salon (personal services.) To the west and south, the property abuts a storm water control facility maintained by the City of Columbus Department of Public Utilities as open space. To the east, the property is adjacent to the Reynoldsburg Branch of the Columbus Metropolitan Library, a commercial office building and a shopping center with various retail uses. Staff Review - Compatibility - The existing site is primarily auto-oriented in nature. The structure fronts to Brice Road, which is designated as a major arterial street by the Thoroughfare Plan. Although no other auto related uses directly abut this property, there are auto repair and auto services uses in the immediate vicinity. The proposed use is not inconsistent with the land use pattern of the area. Given the number of employees employed by the previous use, Staff's position is that this use may decrease traffic to the site. Site Layout - The applicant proposes to utilize the main building, a former residence, as offices, and utilize the existing garage for storage. The applicant does not intend to perform any maintenance work on automobiles on the site, which is not allowed under this special exception use. The applicant has provided an aerial photograph indicating the proposed location of the 10-14 cars they intend to store on the site. Let me pull that up. Here you can see the aerial view and where they are proposing to park the cars on the site. The applicant is aware of the regulation of Section 1196.05(c) that prohibits storage of vehicles or other outdoor goods within 25FT of the public ROW, and has indicated compliance with that regulation on their drawing. The applicant is not proposing any additional curb cuts or driveways that would lead to a review of a site plan by our City Engineer or other Staff. The applicant should be advised that the gravel driveway at the extreme southern end of the property appears to be on the neighboring parcel owned by the

City of Columbus. Staff cannot require removal of the drive based on this, but recommends the applicant work with their legal team and contact Staff if there are any proposed changes. Staff Recommendation - The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff recommends approval of the special expectation use permit application as submitted. Back to you Mr. Chairman.

Chairman Rettke: Before we get busy with this one, I think you gentlemen had stepped out so I need you to raise your right hand. Do you swear or affirm that the testimony that you give in front of the Board will be truthful? If so, say "I do." (*Two I do's heard.*) State your name and address for the record please.

Mr. Stevens: Good evening Mr. Chair. My name is Drew Stevens, 303 N. Front St. I am counsel for Brandon Ivery from Capital City Car Sales.

Mr. Ivery: Brandon Ivery, Poppy Hills Dr.

Chairman Rettke: Looking at this before, I really did not see a problem, but looking at the map and the ortho, the 25FT kinda puts you at a disadvantage, it looks like. Did you guys step that off when you made that diagram where you are going to park cars?

Mr. Stevens: He has been on the site. I should add that the diagram is not to scale.

Chairman Rettke: It looked tight. When I pull it up on Google Earth, I see the old Starter's vans and I am thinking I don't know if we can get that many cars in there or not. If you guys have looked at it and kind of laid that off, I would think the building face is probably what, 25FT? I don't think anybody is going to give you too much grief if you keep them in line with the front of that old house. Do you have access to the house and the garage behind it? What are you going to do with the house and the garage?

Mr. Ivery: The house will be our office space. The garage storage.

Mr. Donovan: Detailing, is that all you are going to do?

Mr. Ivery: Basically, I have a (*inaudible*) utilize him (*inaudible*).

Chairman Rettke: Where is your other location?

Mr. Ivery: 14 N. Wilson Rd.

Chairman Rettke: West side. That one is going to remain open?

Mr. Ivery: Yes and no. Small children, so I am going to come closer to home to spend more time with the children. So, I am trying to ease out of that location to where I can be here.

Chairman Rettke: Not very often we steal business from Columbus. Any other questions,

comments. The only question I had was to make sure you could get the amount of cars in there you can. Any signage?

Mr. Ivery: The existing sign, we are going to put our name there.

Mr. Havener: Just re-facing the existing sign.

Mr. Ivery: Yes.

Mr. Havener: You will have to submit the sign design and the Design Review Board will approve that.

Chairman Rettke: Where is that sign located? It is on the building, right?

Mr. Ivery: Actually, If you are heading north on Brice and make a left, the sign is kind of right by the light pole, on the other side of the light pole.

Mr. Havener: Let me correct my statement, I said Design Review Board would review and approve for a sign reface, I think that can be done by Staff. So, Eric would review that and approve it, as needed.

Mr. Donovan: Just a reface, right?

Mr. Havener: Yes.

Chairman Rettke: So, it is back by the barn? Or is there one out by the road?

Mr. Ivery: There's two.

Chairman Rettke: It has been a while since I have been down there and I can't remember.

Pastor Linder: Similar number of vehicles in your present business as what you will do here?

Mr. Ivery: My present business we actually had forty to sixty. It was a lot bigger, more stress and time. Just slipping it down a size.

Chairman Rettke: You just have to get the right 14, right?

Mr. Donovan: What vintage of vehicles are you going to be having over there?

Mr. Ivery: 2010 to 2016. Special finance. Focus more on second chance financing. *(Inaudible.)*

Mr. Stevens: This is like a satellite operation and 14 cars is a worse case scenario.

Mr. Ivery: No major deliveries. No major car carriers.

Chairman Rettke: Go to the auction and bring one back.

Mr. Ivery: That is exactly what we intend on doing.

Chairman Rettke: Somebody comes in and wants a particular one, you can watch the auctions for it?

Mr. Ivery: Yes, if they want something specific, they come in and tell me what they are looking for and I find it in three to five businesses days typically. We get them fast.

Mr. Donovan: That is a wonderful thing.

Chairman Rettke: Any other questions, concerns? I do not see anything major with it.

(Vote)

Mr. Havener: The next steps are listed in the Staff Report.

Mr. Ivery: I talk to Eric a lot.

Mr. Havener: Feel free to contact Eric. He will lead you down the right paths.

RESULT:	REFERRED TO COUNCIL	Next: 2/13/2017 8:00 PM
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3. **7578 E. Main St.; Application #176211; Applicant: Evans Capital Investments, Ltd.; Business: Reynoldsburg DG, LLC; Variance from Section 1193.12(C)(1,3) of the Zoning Code to Allow Signage that Exceeds the Area Requirements of that Section.**

RESULT:	TABLED [UNANIMOUS]	Next: 2/16/2017 6:30 PM
MOVER:	Anthony Rettke, Chairman	
SECONDER:	Richard Donovan, Vice Chairman	
AYES:	Rettke, Linder, Donovan	

4. Annual Organizational Meeting to Elect a Chairman, Vice Chairman, and a Secretary

Mr. Havener: Mr. Chair, I think in order to move ahead with these elections, I will chair the meeting temporarily. Are there any recommendations for election for Chairman of the Board?

Pastor Linder: I nominate Mr. Rettke.

Mr. Rettke: I accept the nomination.

Mr. Havener: I will call the vote. Mr. Donovan. "Yes." Pastor Linder. "Yes." Mr. Rettke. "Yes." Moving on to election of Vice Chairman.

Pastor Linder: I nominate Mr. Donovan.

Mr. Donovan: I accept the nomination.

Mr. Havener: With no other nominations, I will call the vote again. Mr. Donovan. "Yes."
Pastor Linder. "Yes." Mr. Rettke. "Yes." At the recommendation of Eric Snowden, he
would like to remain as Secretary. I will call the official vote. Mr. Donovan: "Yes." Pastor
Linder. "Yes." Mr. Rettke. "Yes." With that, I will turn the meeting back over to the
Chairman.

E. OTHER BUSINESS

No other business.

F. ADJOURNMENT

Chairman



Planning and Zoning Administrator