



**MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
March 21, 2024**

CALL TO ORDER

ROLL CALL

PRESENT: Alabi, Brusk, Ward, Kleckley, Furst

ABSENT: Barnhart, Benner

APPROVAL OF MINUTES

Planning & Zoning Board - Regular Meeting - 03/07/2024

Minutes stand approved.

APPROVAL OF AGENDA

Agenda stands approved

SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Furst.

PUBLIC COMMENT

None

UNFINISHED BUSINESS

**App# 2024-0052; 2220 Baltimore- Reynoldsburg Road; Kessler Sign Co.;
Variance**

Ms. Buathier read the staff report into the record.

Mr. Kessler explained that they went back to the drawing board after the last meeting and made it all one continuous sign, which in their opinion, doesn't look good. Mr. Kessler explained that their undue hardship is the way the building is built. They attempted to make the sign contiguous, but the building wouldn't allow

it. They want the sign to look nice while keeping with the branding and the only way to do this is by asking for the variance.

Mr. Brusk is worried about setting a precedent for the area and other tenants that have awnings. Mr. Brusk personally likes the way it is presented now as opposed to before.

Mr. Furst thanked the applicant for making a good faith effort to comply with the law. Mr. Furst shares the concern of the precedent. They have denied applications previously based on branding, so they don't want to make this decision based on branding. However, in his opinion, they have been sympathetic to unique structures. Mr. Furst asked the applicant to describe in a little more detail the buildings' uniqueness.

Mr. Kessler explained that when this was built, the awning was placed there as one piece to protect customers from slipping on the snow, ice and rain. They built it for safety reasons. As the sign company, they have made their best effort to make this one piece aesthetically pleasing.

Mr. Brusk asked if the awning was solid. Mr. Kessler said it was solid.

Mr. Brusk asked staff that since the overhang is solid could you count it as the wall, therefore one wall sign? Ms. Buathier explained that you can't consider a wall sign as the same square footage as the canopy sign. These are individual signs. Mr. Meyer expressed that staff's interpretation is this is two signs.

Mr. Furst reminded the applicant that they will need four votes for an affirmative and we have two board members missing. He did give the applicant the opportunity to table the application if they would prefer to have more votes.

Mr. Furst: I certainly understand that you're trying to make it look as nice as possible. And frankly, I do think that what you propose does look esthetically pleasing. You know, I still have the same objections that I voiced previously that, I'm just not certain how there's deprivation of beneficial use just by not having the canopy signage. I think certainly, if we were depriving of the use to put the Duchess signage there. But, just speaking for myself, I'm quite aware of the products that are sold in convenience stores, and I would venture to guess that most of the patrons would be familiar with them. So, you know, I'm not sure how that would have any impact on the convenience stores business.

Mr. Kessler explained that this is from a marketing and branding standpoint. They are trying to keep up with the times and keep the brand fresh for existing and new customers.

Mr. Furst: Thank you. Unfortunately, there is no room in the code for us to consider those factors, in that manner. There's no weight given to esthetics as far as variances are concerned. At least from my perspective. I am not satisfied that multiple factors have been met. Namely that, 1109.13D, subsection three, the special circumstances or conditions. I'm not convinced that those fully exist on this site. I am also not particularly convinced, subsection four, that there's proof of hardship, nor subsection five that the variance is necessary for the reasonable use of the land or building. At least in my view, the structure and the site is virtually identical to any other gas station in the current district. I do also have the concern of establishing precedent. Especially understand this in a busy commercial district that that may be detrimental. Any other questions? Comments from the board? Well, seeing as how we have duly considered the variance factors listed in section 1109.13D, of our code. I do move that we deny this variance application.

Ms. Kleckley: Second.

RESULT:	Denied
MOVER:	Furst
SECONDER:	Kleckley
AYES:	Alabi, Brusk, Kleckley, Ward, Furst

App# 2023-5486; 7305 E. Main Street; Richard Holmes; Variance

Ms. Buathier read the staff report into the record.

Mr. Furst asked Ms. Buathier to state the four variances they are requesting.
Ms. Buathier: They are requesting additional signage, so it's to have three signs instead of the permitted two signs. They are requesting internal illumination for one of the north signs, and one of the signs in the rear. They are requesting to allow one of the materials of the projecting sign to be glass, which is not listed, and then they are requesting a specific type of front lit external lighting, which is not listed as the type of external lighting permitted in the code. It recommends external lighting, but it does not specifically call out that type.

Mr. McCash asked that, due to not having a full board, that the application be tabled as they prefer to have a full board present. He did want to clarify that they are not asking for internal illumination on any Main Street signs. The only internal illumination is the barber pole.

Ms Buathier explained that internal illumination is not permitted in the ORDC district, so it is still a big request.

Mr. Meyer asked Mr. Shook to verify that as staff we can't commit to a full quorum at any meeting. Mr. Shook agreed and asked if we have any indication as to any board members absent at the next scheduled meeting. Ms. Buathier said, not that they are aware of.

Mr. Furst: At the applicants' request, I am moving that we table the application until out next regularly scheduled meeting.

Mr. Brusk talked with local barbershops about external barber poles and expressed his concern for poles getting damaged, destroyed or stolen at a tremendous rate. He explained a lot of shops put their poles inside to prevent damage and explained that they may want to talk to their client regarding this. Mr. McCash explained they can address that as part of their presentation.

Ms. Alabi: I second.

RESULT:	Tabled
MOVER:	Furst
SECONDER:	Alabi
AYES:	Alabi, Brusk, Kleckley, Ward, Furst

App# 2023-5487; 7305 E. Main Street; Richard Holmes; Certificate of Appropriateness

Mr. Furst asked if the applicant would also like to table the conditional use. Mr. McCash said, yes.

Mr. Furst: I understand the applicant would like to table this item. I do so move.

Mr. Brusk: I'll second.

RESULT:	Tabled
MOVER:	Furst
SECONDER:	Brusk
AYES:	Alabi, Brusk, Kleckley, Ward, Furst

NEW BUSINESS

App# 2024-0116; 7372 E. Main Street; Dino Herbert; Variance

Ms. Buathier read the staff report into the record.

Mr. Herbert is the architect for the applicant. He explained that they are requesting quite a few variances, but they are all due to where this particular parcel is located and the situation that arose in 1907 when the property was sold.

The building placement is the first. Then off street parking and loading are the next five. The last two are interior lot landscaping. The owner wanted to utilize the existing office building, but the building was not structurally sound. They would also have to rebuild the whole building to meet the Ohio building code. Based on these factors, the decision was made to demolish the existing building and attempt to use this parcel.

Mr. Brusk asked if the board should look at these as a whole or individually. Mr. Furst explained they could do it either way, but asked the board to speak about them individually, if that is the path the board chooses to go.

Mr. Herbert explained that this is one of several steps that need to be taken due to the vicinity of the flood plain and the tiny parcel. After this, a major site plan will be submitted that will show the first floor elevation in relation to the base flood elevation, as well as, as part of that process, they will go through the Certificate of Appropriateness to address the exterior, materials and percentage of fenestration, the slopes, etc. That will be a separate process that will come back to the board.

Mr. Meyer wanted to address the hydrology report because it is not something that typically comes up. Our Chief Building Official, who is also our Floodplain Administrator, will review these documents as part of the building permit process.

Mr. Brusk asked for clarification of the parcel in question. Mr. Furst pointed out there is no Main Street frontage for this structure.

Mr. Brusk asked about the parking and Mr. Herbert explained the three spaces would be in the striped area on the plans. The building will be south of the orange piece. The southern part of the building is actually right about, elevation 864. If you look at the site plan on the right-hand side, just north of where the three trash receptacles are shown, you see the number 864. That is kind of where the existing contour line is. As I understand from the FEMA format, I believe base flood elevation is at 863, which is where I think the finished floor elevation will be, but that will be determined further down the road. So, those three parking spaces are, indeed, within that floodway. It is not part of this variance, but I know there are several other buildings that are on that floodway and the flood administrators typically will allow parking on a floodway where there is more of a hesitancy to allow buildings to be within that jurisdiction.

Mr. Brusk asked if the city had planned to put parking back behind the building. Mr. Meyer explained that these parcels extend into the creek and the parcels are privately owned. The city has been meeting with property owners to have them sign over areas back there, but right now the city is not planning on getting to that until 2025. There is a lot to that project with multiple owners, design work and budgeting. The city would like to do that in the future, but we cannot say for sure that this will happen. Mr. Herbert explained that currently the alleyway is an informal access for all those parcel owners between the Trivium development and the public alleyway, which lines up with Jackson.

Mr. Furst understands that when the property was purchased, there was a structure that had to

be demolished for safety reasons. He asked the applicant what other avenues the property owner consider when rebuilding, as the proposed structure seems to be about the same size. Mr. Herbert explained it is about the same footprint as the existing building.

Mr. Furst asked if the property would still be developed if the board were not able to grant the variance, or would there essentially not be much use.

Mr. Herbert says they have complied with everything else in the zoning code and, because of the location, it is boxed in on the Main Street side. He does not think they could develop anything else here because of a lot of challenges.

Mr. Furst is not aware of any other parcel in this district that has even a few of these challenges. Certainly the lack of Main Street Frontage and the proximity to other parcels.

Mr. Brusk asked if the area to the north could be used for parking. Mr. Herbert explained that the parking shown butts up to the private roadway, and then it drops into the creek, so they cannot go any further back.

Ms. Alabi asked if the only access was through the private road. They confirm that is correct.

She then asked if cars would be required to drive forward and reverse on the private drive.

Mr. Herbert: Because we are 30ft wide. In order to have two-way traffic onto the parcel, we would have to, at least be 38ft. That is tight with an 18-foot-long space with a 20-foot aisle. That is two way. That is all we could do in order to have two way traffic, to be able to park and then back out, to go back out in a forward motion. That is the reason for that particular request.

Ms. Alabi asked if the intent of this build was to be both residential and commercial. Mr. Herbert confirmed, yes, it is a mixed-use building. Ms. Alabi asked if many people will be visiting this commercial space or if it is intended for only a few people. Mr. Herbert said they originally planned for it to be an office space for a single company. The zoning code does allow it to be retail space, but the parking will only be for the people that work there.

Ms. Buathier explained the drivers would back out onto the drive and then continue forward.

Ms. Alabi confirmed that the requested setbacks are from the lot line.

Mr. Furst: I don't have any concerns. This clearly means that the variance factors according to how I read them. Based on the materials that you presented here, in addition, I cannot think of any parcel that even comes close in the historical district that presents a number of these challenges like this.

Mr. Brusk: It looks like you have covered everything that you can. I haven't seen anything that I would say you could do better, or you could find an alternative to, or that it's better not to do this. I think this is a good use of this particular property. I think, though, that whoever moves in both into residential and the commercial needs to know what their limitations will be. Parking is the thing that is a killer for this particular lot. Is there walking distance to a parking lot?

Mr. Herbert thanked Mr. Brusk for bringing that up. There is a parking lot at Lancaster and Main with about 40 spots. Also, the Trivium development is also required to have some public parking as part of its development. Both of these are in walking distance.

Ms. Kleckley asked why they took out the ADA options. Mr. Herbert said they didn't meet the width. It would have to be 13ft as opposed to 12ft. In addition, the owner is currently not ADA required person and asked for the ADA space to be removed. Even if they labeled it as ADA, it



is not quite compliant with what the code says.

Ms. Ward asked if the tenants of the building would be using the alleyway to Main Street to access that property. That is part of the parcel that fronts Main Street, and currently they park a vehicle there to keep people from coming and going. There is no easement and the owner of our parcel has no rights to cross that parcel at that location.

Ms. Ward asked if there is anything about trash or emergency vehicles as part of the Major Site Plan. Ms. Bauthier said the fire department will be notified and have the chance to review. Mr. Herbert said fire did review, and he did not have any issues with this particular situation.

Anne Rouault is the property owner of 7370 East Main that sits directly in front of this parcel. She has concern with the 15-foot easement in place with access to her property. She is concerned with a 1000 sq ft commercial and two residential units with only three parking spaces. She is also concerned with the dumpsters because it is commercial, not bins, so her concern is with who will pick these up.

Mr. Shook explained that the city doesn't have the authority to enforce a private deed restriction, and he can't give them legal advice regarding enforcement of that deed restriction. Last year, sometimes, the trash receptacle code was amended, and he believes that this square footage may require a dumpster, but that will come up in the building review.

Ms. Ward asked the applicant if they has considered a smaller project than the one they proposed.

Mr. Herbert said they couldn't access the upper floor if they were to put that building in the middle. They believe they are meeting the intent of the zoning code by adding mixed-use properties. They believe they are doing the best they can regarding this parcel. Ms. Ward suggested a smaller retail space and maybe one unit on top, and then they would have the parking. Mr. Herbert said they could not get any more parking. He is not aware of the 15-foot easement the neighbor was talking about, but this building's footprint is no larger than what was previously there.

Mr. Herbert is not sure how trash is picked up currently, but they will address that through the building process.

Mr. Herbert: Once upon a time, when this parcel was first sold to Reynoldsburg, they had written in there to actually leave a ten-foot driveway, but that kind of fell away over the years, and it no longer got recorded. I think they intended for it to have access to Main Street, but it just fell away. The person that bought it from the Kennedys bought it in 1915. By the time he passed away in 37, it was no longer being recorded with this parcel. That I think stopped in the early 70s for the southern parcel.

Mr. Furst noted that this lot split predates the existence of any zoning code, let alone zoning in this city.

Mr. Furst: Having considered the variance factors laid out in section 1109.13D of our code. I do move that we accept the application and grant all the variances based on staff's recommendation with all of the attendant conditions they identified. Do I have a second?

Mr. Brusk: I second.

Ms. Buathier told the applicant that they will need four out of five votes and if it is denied, there is a-year waiting period.

Mr. Furst offered to withdraw the motion if the applicant wished to table the application until there are more board members.

Mr. Herbert thinks they have done all they can do given the constraints of this parcel and wishes to proceed.

Mr. Furst: My motion is acceptance of the application granting the variances with any conditions listed in the staff report.

RESULT:	Application was denied
MOVER:	Furst
SECONDER:	Brusk
AYES:	Brusk, Furst
NAYS:	Alabi, Klackley, Ward

OTHER BUSINESS

Future Training Dates

Staff asked the board members to coordinate with staff to identify what meetings they would be available to stay after for training.

ADJOURNMENT

Planning and Zoning Administrator

Chairman