Reynoldsburg
OHIO · 1839

Alex Furst, Chair
Keith Benner, Vice-Chair
Teresa Alabi
Amy Barnhart
Norman Brusk
Toni Kleckley
Anita Ward

Planning & Zoning Board

7232 East Main Street
Reynoldsburg, OH 43068
www.reynoldsburg.gov

Eric Meyer, Development Director
Melissa Butler, Administrative Assistant

Thursday, March 6, 2025 | **6:00 PM** | **Council Chambers**

A. CALL TO ORDER

1. ROLL CALL
2. APPROVAL OF MINUTES
    1. Planning & Zoning Board - Regular Meeting - 02/06/2025
    2. Planning & Zoning Board - Regular Meeting - 02/20/2025
3. APPROVAL OF AGENDA
4. SWEARING IN OF SPEAKERS

B. PUBLIC COMMENT

C. UNFINISHED BUSINESS

D. NEW BUSINESS

1. App# 2025-0054; 1235 Briarcliff Road; Tori Moore for Kenneth Helton of Seton Square East

E. OTHER BUSINESS

F. ADJOURNMENT

****

ADJOURNMENT

Reynoldsburg
OHIO • 1839

MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
February 6, 2025

CALL TO ORDER

ROLL CALL

PRESENT: Furst, Barnhart, Kleckley, Ward, Brusk
ABSENT: Benner, Alabi

APPROVAL OF MINUTES

Planning & Zoning Board - Regular Meeting - 01/16/2025

Minutes stand approved.

APPROVAL OF AGENDA

Agenda stands approved.

SWEARING IN OF SPEAKERS

No speakers to swear in.

PUBLIC COMMENT

UNFINISHED BUSINESS

NEW BUSINESS

Zoning Code Workshop

Discussion about the upcoming potential zoning code changes were discussed.

Chapter 11 – Planning and Zoning Code Changes

•Permitted Encroachments into Setbacks
•Landscape Standards
•Electric Vehicle Parking Standards
•Signage
•Standards for developments that may parcel off, but are being built as a complex
•Townhome's in Residential Districts
•Innovation Zone Standards
•Parking
•Setbacks for Insight District
•Setbacks/frontage for parcels not along a road frontage
•Brice Road & East Livingston Ave Overlay
•Porches/Decks/Patios
•Accessory Structure Design Guidelines
•Commercial Design Standards – CC, BMD & EMD
•Storage Containers
•Lighting
•Non-Conforming Lots/Land Uses & Structures
•Dwelling – Assisted, Dwelling – Group & Dwelling – Developmental Disability
•Land Uses
•Zoning Certificate Application Review Periods
•Subdivision regulations regarding landscaping bonding
•Site Plan Major & Minor Requirements
•Definitions

Other Topics/Clarification

•Permitted Encroachments into Setbacks
•Non-Conforming Lots/Land Uses & Structures
•Dwelling – Assisted, Dwelling – Group & Dwelling – Developmental Disability
•Zoning Certificate Application Review Periods
•Subdivision regulations regarding landscaping bonding
•Site Plan Major & Minor Requirements
•Definitions
–Porch
–Deck
–Patio
–Front Porch
–Service Drive

Draft Time Table
Next Meeting Date:
Week of May 19th

OTHER BUSINESS

ADJOURNMENT

_____
Planning and Zoning Administrator

_____
Chairman

Reynoldsburg
OHIO · 1839

MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
February 20, 2025

CALL TO ORDER

ROLL CALL

PRESENT: Furst, Barnhart, Alabi, Kleckley, Brusk
ABSENT: Benner, Ward

APPROVAL OF AGENDA

Ms. Buathier asked for the unfinished business to be moved to after new business because the conditional use also needs a variance.

Mr. Furst: I move.
Ms. Kleckley: I second.

RESULT:	Approved
MOVER:	Furst
SECONDER:	Kleckley
AYES:	Furst, Barnhart, Alabi, Kleckley, Brusk

SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Furst.

PUBLIC COMMENT

No public comment.

UNFINISHED BUSINESS

App# 2024-0565; 6014 E. Livingston Ave; John Gleason for Caribbean Grocery Store LLC; Conditional Use

Mr. Furst: Understanding that the applicant is requesting that we also table this

application, I move to table this application to the April 3rd, 2025 meeting.

Mr. Brusk: Second.

RESULT:	Tabled until April 3rd, 2025
MOVER:	Furst
SECONDER:	Brusk
AYES:	Kleckley, Brusk, Barnhart, Alabi, Furst

NEW BUSINESS

App# 2025-0033; 6675 Woodsedge Dr; Kevin Farrell of Great Day Improvement for Toyia Hall; Variance

Ms. Buathier read the staff report into the record.

The applicant did speak, but it was inaudible.

Mr. Furst explained that there are a number of factors to consider for a variance, and he shares staff's concerns. Mr. Furst addressed the factors and asked the applicant to speak about the factors.

The applicant spoke again, but it was still inaudible.

Mr. Furst asked about the proof of hardship or practical difficulty.

Staff talked about the requirements for legal nonconforming and how, either way, the applicant would need a variance for the 30-foot rear setback. Mr. Furst mentioned the accessory structure being placed at the side of the house and whether that would encroach on the side yard.
The applicant replied, but it was inaudible.
Ms. Kleckley offered some alternative options for the applicant to explore.

Mr. Furst offered to table the application if the applicant would like to explore further options.
Ms. Buathier explained to the applicant they can review the nine factors in the staff report to address the variance issues at the next meeting.

Mr. Furst: Based on the applicant's request, I so move that we table this application until the April 3rd regular meeting.

Ms. Alabi: I second.

RESULT:	Tabled until April 3rd, 2025
MOVER:	Furst
SECONDER:	Alabi
AYES:	Kleckley, Brusk, Barnhart, Alabi, Furst

App# 2024-0770; 6008-6014 E. Livingston Ave; John Gleason for One Souss LLC; Variance

Ms. Buathier read the staff report into the record.

Mr. Gleason, on behalf of the applicant, asked the board if they should continue the variance for the parking spaces or ask for a variance for the drive aisle. They need 24 spaces versus the 17 that's there, so they filed a variance for the 7 short. They can fit 7 spaces in the back, and ask for a variance for the drive aisle.

Mr. Furst explained that the board couldn't give them a sure answer, but that variances for drive aisles have been done in the past.

Ms. Bauthier explained that the applicant will need to ask for the drive aisle variance and address all the variance factors. If they are able to address all the factors, generally staff would write a recommendation for approval.

Mr. Furst: Based on the applicant's request, I move that we table this application until no later than April 3rd, 2025 regular meeting.

Ms. Kleckley: I second.

RESULT:	Tabled until April 3rd, 2025
MOVER:	Furst
SECONDER:	Kleckley
AYES:	Alabi, Barnhart, Brusk, Kleckley, Furst

OTHER BUSINESS

ADJOURNMENT

Reynoldsburg
OHIO • 1839

_____
Planning and Zoning Administrator

_____
Chairman

February 25, 2025

Planning and Zoning Board5
City of Reynoldsburg
7232 E. Main Street
Reynoldsburg, OH 43068

RE: Tori Moore for Kenneth Helton for Seton Square East, 1235 Briarcliff Road: Variance

Planning and Zoning Board:

Below is the staff review of the above referenced Variance Application.

1. **Project Summary**
    a. **Site Summary:** The subject site is located at 1235 Briarcliff Road. The subject parcel is 4.08 acres that is a Dwelling – Mulit-Unit Building Complex of apartments. The subject site is zoned EMD, East Main Street Insight District.
    b. **Surrounding Zoning:** The surrounding zoning of the subject site consists of EMD, East Main Street Insight District to the west, north, east and south of the subject site. The surrounding land uses consist of a Dwelling – Multi- Unit Building to the west, north and east of the site. Financial Service and Banking – with Drive-Thru, Fire Station, and Food Service –Quick Service/Fast Food with Drive-Thru to the south of the site.
    c. **Applicant's Request:** The applicant is requesting a variance to Section 1105.11.A.iii.7, to allow the fence material to be made of steel. The applicant is also requesting a variance from Section 1105.11.F.vi, to allow a fence that is spear-topped/spiked.
    d. **Statement of Hardship:** The applicant stated that the previous fencing on site has been cut in, and that the people accessing the site have endangered residence within the community. That no other fencing material or style permitted in the code has provided the safety this site needs.
    e. **Comprehensive Plan:** The 2018 Comprehensive Plan, upon which the current zoning code is based, states that the intent of this area is to "…connect gateways into Reynoldsburg with the downtown, as well as serve commercial needs scaled to accommodate the immediate neighborhoods. The districts should incorporate a mixture of small commercial and office uses, residential units, and retail uses, including shopping and dining."

2. **Project Review**
    a. **Section 1105.11.A.iii.7:** "Fence Materials. Fences in the Commercial and Mixed-Use Zone Districts shall be constructed of materials that match or compliment any existing structures on a lot. This includes but is not limited to, painted or treated lumber, vinyl, wrought iron, painted aluminum, brick, and stone. All lumber fences shall be constructed so that the finished boards hide the vertical and horizontal posts when viewed from adjacent lots unless the fence is constructed in such a manner that the finished look of both sides of the fence is the same."

b. **Section 1105.11.F.vi:** "No fence shall be constructed which is electrically charged, includes any material which is potentially hazardous such as spikes or barbed wire, or is otherwise designed to injure except as provided for in this chapter."
c. The following variance factors are considered below:
    i. 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.
        1. The applicant states that the requested variance will provide safety and not be detrimental to the public welfare. That it will in no way injure the area or the public.
            i. In the email correspondence with staff, the applicant states the heights point of the fence will not exceed 6 feet in height. Meaning that the spike area of the fence will be curved outward at 6 feet. While not all public members of the community are 6 feet tall or taller, there are members of the public that are. If that public member tripped or had an accident next to the fence, it could seriously injure the citizen. Staff has concerns that the spiked portion of the fence could be detrimental to the public welfare.
    ii. The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a conditional use in the zone or district in which the subject property is situated.
        1. The land use of Dwelling – Multi-Unit Building Complex is a conditional land use in the zoning code. The land use however has been around for years and is currently permitted. The proposed variance would not establish any use which is not otherwise listed as a permitted or a conditional use in the zone or district that it is located.
    iii. 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 a deprivation of the beneficial use of land, as opposed to mere loss in value as justification for the variance.
        1. The applicant states that the previously installed fences on the property have been vandalized and cut into, in an effort to gain access and endanger the residents of the community.
            i. The existing fence on the subject site, based on google street view, appears to be a wooden picket fence. The zoning code allows for fence materials such as aluminum, wrought iron, brick and stone. All four materials that are permitted in the zoning code, could potentially allow this

property reasonable use of land and fencing materials, without seeking a variance for a fence material that is not permitted in the EMD, East Main Street Insight District. The applicant has not address the other types of "fences previously installed on the property". Staff is of the opinion that the applicant has not justified why the land or structures is peculiar in this area, along with how they would experience a deprivation of the beneficial use of land if a steel fence was not permitted.

iv. 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.
    1. The applicant states that no approved fence style or material that will provide the security that the facilities residents rely on for their safety and well-being.
        i. Staff is of the opinion that the applicant could achieve the safety that they are looking for with the material of wrought iron, painted aluminum, brick or stone. That since the site is located in the EMD, East Main Street District, a maximum height of 8 feet is permitted. That one of the fence materials listed by staff at 8 feet could achieve the security the applicant is looking for, for the site, without using the material of steel and spiked fencing.

v. 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.
    1. The applicant states they need a fence that cannot be climbed or cut, and that is not possible through the current zoning code provisions.
        i. Staff is of the opinion that the applicant has not addressed the fence materials of aluminum, wrought iron, brick and stone as fence materials, and how they are easy to climb and cut. The applicant has also not addressed how these fences at 8 feet would not meet their needs. The applicant has not addressed how steel is unique and would be different than the permitted fence materials listed in the zoning code.

vi. 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.
    1. The variance, if granted, will not impair the supply of light and air,

substantially increase congestion, or significantly impact nearby property values.

i. Staff is not certain that a spiked fence would not endanger public safety due to it being 6 feet in height, curved and spiked, which could potentially cause harm to persons, which is addressed in item i.

vii. 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.

1. The applicant states granting the variance will not confer the property owner special privileges.
    i. The applicant has not stated any unique reasons, or specific circumstances for needing a steel curved spiked fence. If this variance is granted, staff is of the opinion that this would set a precedence for all fences in the city, to request a similar variance, since there are no unique factors. That granting the variance would give the applicant special privileges.

viii. 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.

1. The applicant states the variance is not sought because of other nonconforming uses in the area.
    i. Staff would agree that the applicant has not stated that their variance should be granted due to other similar structures of land in the area that are nonconforming.

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

1. The applicant states that the variance is not a matter of convenience.
    i. Staff is of the opinion that the variance is sought due to convince, and that other remedies such as other permitted fencing materials of aluminum, wrought iron, brick and stone have not been considered, and that an increasing the height of the fence also has not been considered. That the applicant is requesting the variance out of convenience without addressing other remedies that are available within the provisions of the zoning code.

3. Recommendation

a. The applicant is requesting a variance from the permitted materials, to allow steel fencing (Section 1105.11.A.iii.7). Along with requesting a variance to allow spiked fencing, which is not permitted per Section 1105.11.F.vi. The applicant has not addressed why this site is unique, or how they have tried other approved fencing materials other than wood to address their concerns. The applicant also has not identified why spiked fencing is necessary and unique to this site. The

applicant has cited safety; however, staff is concerned for the public safety of allowing a curved spiked fence at 6 feet, due to members of the public being over 6 feet and the potential for an injury. Staff is of the opinion that an approved fence material in the zoning code at a height of 8 feet, could achieve and address the applicants safety concerns without needing a variance. That the variance requested is one of convenience since there are no unique or peculiar circumstance of the site cited in the applicant's application. That granting either variance request would set a precedent for all properties in the City of Reynoldsburg. Based on these reasons, staff recommends denial of the requested variances.

Reynoldsburg
Department of Development
Planning and Zoning Division
7232 East Main Street
Reynoldsburg, Ohio

*All Applications are submitted in person, through mail or to the Building Department by email at permit@reynoldsburg.gov.

*Please know that an application will not be processed until payment has been received.

App./Case#: 2025-54
Date Submitted: 2/4/25
Fee Amount: 450-
☒ Paid: CK 2412

PLANNING AND ZONING BOARD
VARIANCE AND CONDITIONAL USE APPLICATION

RECEIVED
FEB - 4 2025
REYNOLDSBURG BUILDING DEPT

Property Address:	Parcel ID#(s):
1235 Briarcliff Rd. Reynoldsburg, OH 43068	060-002392-00

I. PROPERTY OWNER OF RECORD

Property Owner Name(s):	
Kenneth Helton	
Contact Email:	Contact Phone Number:
khelton@boorror.com	614-813-6244

II. BUSINESS/TENANT INFORMATION (IF APPLICABLE)

Business Name:	Contact Name:
Seton Square East	Kenneth Helton
Contact Email:	Contact Phone Number:
khelton@boorror.com	614-813-6244
Description of Use	
Independent Living Facility	

III. APPLICANT INFORMATION

Applicant Name:	Applicant Address:
Tori Moore	1156 Alum Creek Dr. Columbus, OH 43209
Applicant Phone Number:	Applicant Email:
614-362-8471	Columbus@superiorfenceandrail.com

☐ Property Owner ☐ Business Owner/Tenant ☒ Contractor ☐ Architect/Engineer ☒ Owner's Consent Attached.

PROJECT INFORMATION

CHECK AND DESCRIBE IF APPLICABLE: ☒ Variance ☐ Conditional Use ☐ Variance or Conditional Use Extension ($50)

☐ Residential (single-family residential only)($200) ☐ Non-Residential (all residential except single-family residential)($450) ☐ Engineering Report ($750 [min.)

Requesting to build 6'H steel fence along community border. Request is due to zoning code section 1105.11. The proposed style and material is due to safety and security concerns for the residents. Other approved materials would not adequately meet the needs of the facility and it's residents.

Please review the attached checklist and note the items you are responsible for submitting with this application. All required items must be submitted to the Planning & Zoning Administrator.

Applicant Signature: Kenneth Helton Date: 01/30/2025

By signing this application, I certify that I am the owner of the property or the owner's agent, and that the work is authorized with the full knowledge of the owner.

OFFICE USE ONLY

Additional Notes:

Zoning Information
Zoning District: EMD
☐ Olde Reynoldsburg District

Additional Approval Required
☐ Major/Minor Site Plan
☐ Other: _____

PZB Meeting
Date: _____
☐ Approved as Submitted
☐ Approved w/ Conditions
☐ Tabled
☐ Denied

P&Z Administrator: _____ Date: _____

Section 1109.11
VARIANCES

Initiating a Variance Request
A variance application shall be submitted to the Planning & Zoning Administrator at least twenty-one (21) days prior to the regularly scheduled meeting of the Planning and Zoning Board. The Board meets on the first and third Thursday of each month (except December).

What information must be provided for a Variance?
A property owner seeking a Variance shall submit a written request for Variance on forms provided by the Planning & Zoning Administrator. Such request shall include the following:

- ☐ Name, address, and telephone number of the property owner(s) and owner's agent(s);
- ☐ Legal description, address, tax district and parcel number of the property;
- ☐ Description of the nature of the variance requested and a statement address each of the standards for variance in the Code (see section 1109.13);
- ☐ Statement of the hardship;
- ☐ Such other information and exhibits as may be appropriate to establish the facts of the appeal and the grounds for relief.

***Note: The application must be signed by the property owner for the property which pertains to the variance.*

☐ Along with a completed application form, please submit ten (10) hardcopy packets of all required items. Please also submit a PDF or similar scan of the completed application and packet.

What is the time frame for a variance request?
In general the application process takes 30-45 days. Once a variance application is submitted, it will be placed on the next PZB agenda. The PZB can hold the application but a decision must be reached by the Board within sixty (60) days.

Why might you request a Variance?
To allow development of property prohibited by current zoning if such development will not adversely affect the surrounding property or neighborhood and if the PZB is satisfied that it will alleviate some hardship or difficulty.

How much will a Variance cost?
The fee for a variance is two hundred dollars ($200) for a residential variance, and four hundred and fifty dollars ($450) for all other variance requests.

What are the next steps after a Variance approval?
The approved variance will need to be officially documented through the issuance of a zoning certificate or a zoning sign permit depending on the type of variance. Any action of the PZB granted a variance shall be valid for a period of 12 months.

Who may I call if I have questions?
Contact the Planning & Zoning Administrator at

614-322-6829.
OR Visit our website at:
http://www.reynoldsburg.gov

Section 1109.11.D
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.

☐ 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.

☐ 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: Section 1107 for provisions regarding the replacement of non-conforming uses with other non-conforming uses.)

☐ 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.

☐ 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. he hardship results from the application of this Code and is suffered directly by the property in question.

☐ 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.

☐ 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.

☐ 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.

☐ 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.

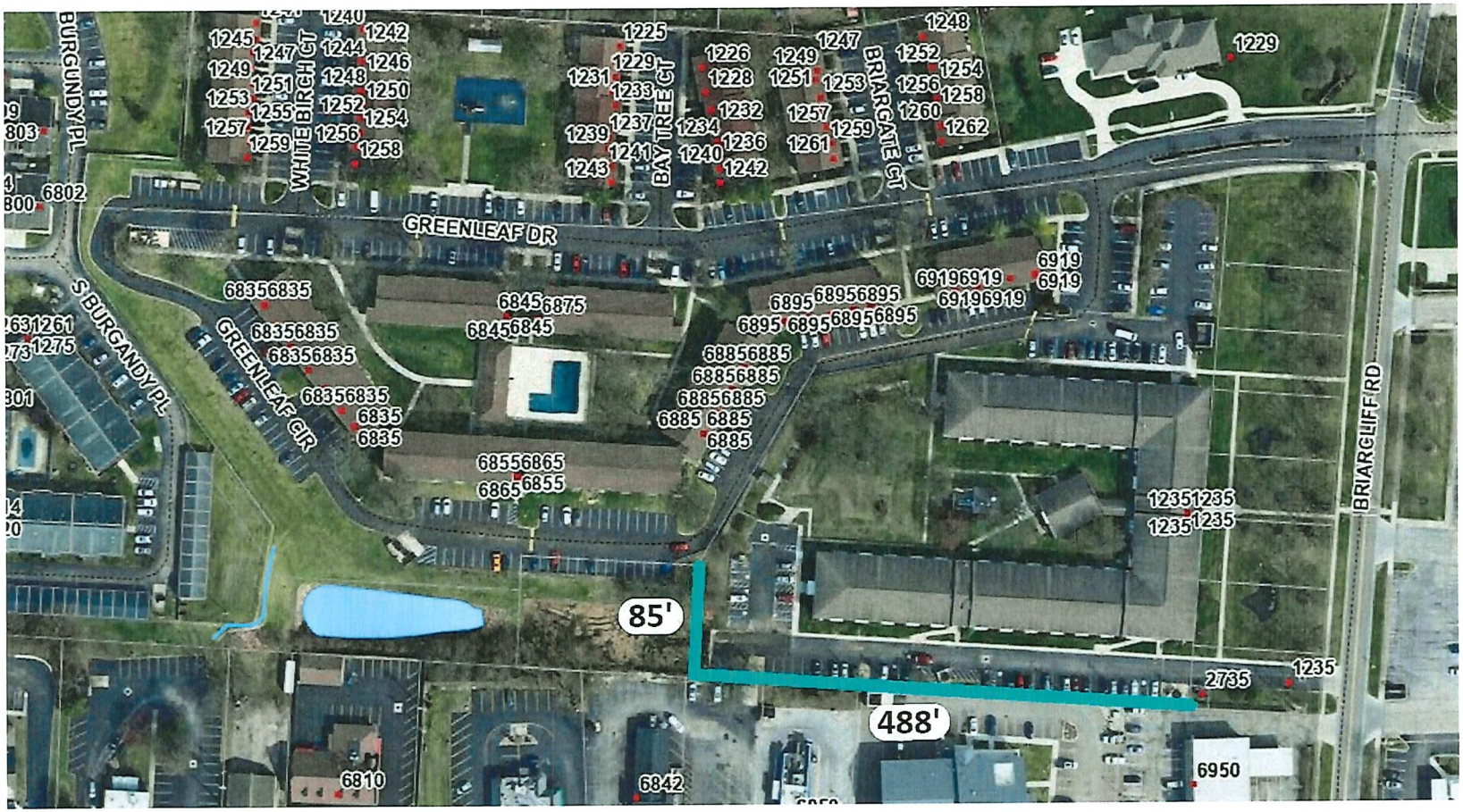
☐ The variance is not a matter of convenience when other remedies are available within the provisions of this Code.

SFR Map Plot

1/3/25

Kenneth Helton
1235 Briarcliff Rd
Reynoldsburg, OH 43068

SUPERIOR FENCE & RAIL
Where Quality Matters!



Installing 6'H Curved Spear Top Steel Security Fence: 573 LF

From: Tori Moore
To: Phoenikx Buathier
Cc: columbus@superiorfenceandrail.com; khelton@borror.com; Nik Obednikovski
Subject: Re: Variance Application for 1235 Briarcliff Road
Date: Monday, February 10, 2025 11:13:57 AM
Attachments: Kenneth Helton Signed Variance Application.pdf

[NOTICE: This email originated outside of the City of Reynoldsburg.]

Hi Phoenikx,

Please see requested information below, and please let me know if anything else is needed.

1. Since the Variance Application is its own separate application, you will need to clearly identify what specific variances from Section 1105.11 you are requesting.
    a. You mention the proposed style, however the style is not specifically identified in the application. I do not know what you are requesting a variance for/from.
        i. Please clearly identify the code section you are requesting the material and style variance from.

I am requesting this variance from section 1105.a.3.7 to install a fence made of steel. I am also requesting a variance from section 1105.11.F.vi to install a fence which is a spear-top (or spiked) style.

2. The application states the fence is 6 feet in height. Is that to the top of the proposed fencing image, where it curves over? Or is that to the top of the post?
    a. Please know that the fence is measured to the top of the fence material at its highest point, not the post.
        \ i. If the height is different than 6 feet, the proposed height of the fence in the variance application will need to be amended.

The highest point of the proposed fence will not exceed 6' in height.

3. Based on the image of the fence provided, there appears to be a spike/point at the end of it. Is this correct?
    a. If you are intended to spike your fence, you will need a variance from Section 1105.11.F.vi

I am requesting a variance from section 1105.11.F.vi to install a fence which is a spear-top (or spiked) style.

4. The application provided did not have documentation addressing the Variance's hardship factors found in Section 1109.11.D.i-ix. You will need to address each of the 9 hardship factors in your application for the application to be a complete application.

a. Please provide a statement of hardship that addressed all 9 Variance findings of fact.

i. 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.

This variance will provide safety and not be detrimental to the public welfare. This will in no way injure the area or the public.

ii. The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a conditional use in the zone or district in which the subject property is situated.

This variance request will not be used to change the purpose of the property or to allow something that isn't already permitted in that zoning district.

iii. 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 a deprivation of the beneficial use of land, as opposed to mere loss in value as justification for the variance.

The fences previously installed on the property have been vandalized and cut in previous efforts to gain access to the assisted living facility, endangering those who reside within the

community.

iv. 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 selfcreated 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.

No currently approved fence style or material will be able to provide the security that the facility's residents rely on for their safety and well being. This is not a self-created need.

v. 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.

This variance will meet the minimum needs of the community. This facility needs a fence that cannot be easily climbed or cut, which is not possible through the current code provisions.

vi. 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.

The proposed fence will not in any way hinder light or air to adjacent properties and will not endanger the public safety. It will not impair property value of the property it is on, nor any adjacent properties.

vii. 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.

The requested variance will not give the property owner any benefits that others in the area or zoning district wouldn't be able to get under similar circumstances.

viii. 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.

No argument is being made that any existing nonconforming use should be reason for approval of this variance. The variance requested is solely based on the unique conditions specific to the property.

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

No other remedies are available in order for this variance to not be needed. Previous fence styles and materials have been used on this property and have not provided the security needed.

On Mon, Feb 10, 2025 at 10:17 AM Phoenikx Buathier <pbuathier@reynoldsburg.gov> wrote:

> M. Moore,
>
> I am contacting you regarding your Variance Application for 1235 Briarcliff Road and the missing information needed regarding the variance application.
>
> 1. Since the Variance Application is its own separate application, you will need to clearly identify what specific variances from Section 1105.11 you are requesting.
>
> a. You mention the proposed style, however the style is not specifically identified in the application. I do not know what you are requesting a variance for/from.
>
> i. Please clearly identify the code section you

are requesting the material and style variance from.

2. The application states the fence is 6 feet in height. Is that to the top of the proposed fencing image, where it curves over? Or is that to the top of the post?

a. Please know that the fence is measured to the top of the fence material at its highest point, not the post.

i. If the height is different than 6 feet, the proposed height of the fence in the variance application will need to be amended.

3. Based on the image of the fence provided, there appears to be a spike/point at the end of it. Is this correct?

a. If you are intended to spike your fence, you will need a variance from Section 1105.11.F.vi

4. The application provided did not have documentation addressing the Variance's hardship factors found in Section 1109.11.D.i-ix. You will need to address each of the 9 hardship factors in your application for the application to be a complete application.

a. Please provide a statement of hardship that addressed all 9 Variance findings of fact.

i. 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.

ii. The variance will not permit the establishment of any use which is not otherwise listed as a permitted use or a conditional use in the zone or district in which the subject property is situated.

iii. 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 a deprivation of the beneficial use of land, as opposed to mere loss in value as justification for the variance.

iv. 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 selfcreated 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.

v. 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.

vi. 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.

vii. 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.

viii. 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.

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

5. Please know that since this application is not a complete application, due to the following comments above, per Section 1109.07.C you will have 30 days from today's date (February 10, 2025) to provide all other required information to make a complete application or the application will be deemed null and void.

a. The deadline will be Thursday March 13, 2025.

i. Once a complete application is received, I will let you know when your intended meeting date before the Planning and Zoning Board will be.

6. Provide an electronic version of the Variance Application.

a. Please know that if any changes are made to the existing physical documents or new documents are added, then 11 copies of that material must also be submitted physically.

If you have any questions, please feel free to email or call.

Sincerely,

Phoenikx Buathier

PLANNING AND ZONING ADMINISTRATOR

–

City of Reynoldsburg

7232 East Main Street | Reynoldsburg, OH 43068

T 614-322-6829 | F 614-322-6830

www.reynoldsburg.gov

From: Lieutenant Schmidt
To: Phoenikx Buathier
Subject: Re: 1235 Briarcliff Road - Variance Application - Fencing
Date: Friday, February 21, 2025 8:34:49 AM
Attachments: Outlook-vx00syxc.png

[NOTICE: This email originated outside of the City of Reynoldsburg.]

Phoenikx,

Good morning.

We currently do not have any concerns regarding this project.

Thanks,

Lieutenant Theo Schmidt, BS
Fire Prevention
Truro Township Fire Department
6305 E. Livingston Ave.
Reynoldsburg, Oh 43068
614-729-1921 (Office)
614-419-0188 (Cell)

"Our Community, Our Commitment"

From: Phoenikx Buathier <pbuathier@reynoldsburg.gov>
Sent: Friday, February 21, 2025 8:29 AM
To: Lieutenant Schmidt <LTSchmidt@trurotwp.org>
Subject: 1235 Briarcliff Road - Variance Application - Fencing

Lt. Schmidt,

I am sending you 1235 Briarcliff Road, Variance Application to allow a steel curved spear top fence on the site. Steel is not a permitted material in the zoning code, nor does the code permit

th

spiked/speared fences. The Application and related items that are scheduled for the March 6 Planning and Zoning Board meeting. Our code requires us to send out a staff report at least a week in advance of the meeting. Therefore, I am asking for any comments the Fire Department may have by February 26th so that we can incorporate them in the staff report that goes out first thing on February 27th.

If you have any questions please feel free to call or email. Thank you for your help.

Sincerely,

Phoenikx Buathier
PLANNING AND ZONING ADMINISTRATOR
–
City of Reynoldsburg
7232 East Main Street | Reynoldsburg, OH 43068
T 614-322-6829 | F 614-322-6830

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