



**MINUTES REGULAR MEETING
REYNOLDSBURG PLANNING & ZONING BOARD
October 19, 2023**

CALL TO ORDER

ROLL CALL

PRESENT: Alabi, Benner, Bivens, Furst, Kleckley, Zollars

ABSENT: Barnhart

APPROVAL OF MINUTES

Planning & Zoning Board - Regular Meeting - 10-5-2023

Minutes Stand Approved

APPROVAL OF AGENDA

Agenda Stands Approved

SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Zollars.

PUBLIC COMMENT

Ms. Jones from 811 Maronda Place is in support of the city's recommendation of denial of application 2023-5546. Ms. Jones expressed flooding concerns on her property that the concrete structure has caused and the square footage concerns regarding the accessory structure. Ms. Jones presented pictures to the board. The concrete is installed from the property line to the home on the property and it has changed the natural grade of the property. Ms. Jones stated that by, them changing the natural grade of the property that the rainwater and sump pump overflow from their property has no choice, but to drain down the slope of the concrete pad and over the property line onto her property. Due to the standing water, Ms. Jones is worried about the health hazard to the community from the mosquito larva that has been found.

Ms. Jones interpretation of the code regarding the accessory structure is that the structure shall not be more than 50% of the finished floor area of the main structure. From Ms. Jones research the main structure is 2576 square feet, which would limit them to 1273 square feet. Currently, they have over 3300 square feet of accessory

structures, including a deck, a gazebo, a shed, and the concrete structure that is in question. Ms. Jones stated that the concrete structure alone is 1679 square feet, so even if they remove the three feet to make them compliant for the variance, they do still exceed the zoning code for the accessory structure.

UNFINISHED BUSINESS

None

NEW BUSINESS

App# 2023-5546; 806 Monarda Place; Michael Ramos for Rebecca Garcia; Variance

Ms. Buathier read the staff report into the record.

David Hodge, a land use attorney, is representing the applicant.

Mr. Furst noted that a hardscape patio is not an accessory structure under our code.

Ms. Buathier explained that it does count toward the overall lot coverage, but this lot is .64 acres and it doesn't come close to that.

Ms. Kleckley asked about the patio permit. Ms. Buathier stated they found applications for a fence and one for the gazebo and shed in the backyard. Nothing was filed for a concrete patio in the rear yard.

Mr. Hodge explained how they got to this process with the citation, prompting them to submit a variance. He stated that the patio has some esthetic merits and a privacy fence installed along the perimeter, making the patio not as intrusive and mitigates any unnecessary annoyance to the adjacent property owner. He explained that due to the fence nobody knows what's on the other side, so he feels this is a reasonable request. He feels as if this does not cause any nuisance or harm to the adjacent property owners and asked the board to take that into consideration.

Mr. Bivens confirmed that the patio was put in and then the applicant filed for the variance.

Mr. Hodge explained that was not intentional, but a misunderstanding of what was allowed. They were not trying to beg for forgiveness instead of initially asking for permission.

Mr. Zollars asked if this could still be accomplished with some modifications to the fence and the concrete. Ms. Buathier said the fence is permitted to be on the property line. The patio itself would, if you don't grant the variance, need to be moved 2.9 feet off the property line.

Mr. Furst asked the applicant to describe what makes this property unique and how there are special conditions that make this different. Mr. Furst is concerned that by approving this it would set a precedent in which other applicants could come and beg for forgiveness afterwards. Mr. Hodge explained that this is a reasonable request and that privacy is a concern. Mr. Hodge did see the photographs of the drainage issue and if there's stormwater runoff, that's something that needs to be addressed. He understands that some drains have been installed to address the drainage issue. Mr. Hodge says this is an esthetically appropriate patio, a brand new fence, and there's no detrimental impact with the installation of the drains on any adjacent property owner.

Ms. Alabi asked if the patio application was installed before the violation by code enforcement or after. Mr. Meyer explained that code enforcement made the applicant aware that there was not an application submitted. Then, the applicant submitted the application that required a variance.

Mr. Furst: The variance factors are listed in the city code in 1109.13D.

In Section three here, there exist special circumstances or conditions fully described in the findings applicable to the land or structures for which the variance aside, which are peculiar to the land or structures and which do not apply generally to land or structures in the area, and which are such that strict application of the provisions of the code would deprive the property owner of the reasonable use of the land or structures. There must be a deprivation of the beneficial use of the land as opposed to mere loss in value as a justification for the variance. Based upon the staff's report here and the testimony given by the applicant. I am not convinced that there exists special circumstances or conditions here. This seems to be frankly interchangeable with virtually any other property in the suburban residential zone. Perhaps if there were those factors, those special circumstances, the conditions, we might be able to find a way to consider a variance to be reasonable. However, it seems virtually interchangeable with every other property in the zone. Given that my personal concerns are the exact same as staff has listed in their staff report, I do move that we deny this request.

Ms. Alabi: I second.

RESULT:	DENIED
MOVER:	FURST
SECONDER:	ALABI
AYES:	Alabi, Benner, Bivins, Furst, Kleckley, Zollars



App# 2023-5560; 7512 E. Main Street; Branham Sign for Serenity Home Health Agency; Certificate of Appropriateness

Ms. Buathier read the staff report into the record.

Mr. Furst: I'm glad to see that this unit is occupied. This seems fully appropriate to me based on the application. I therefore move that we accept this application as submitted.

Mr. Benner: I second.

RESULT:	APPROVED
MOVER:	FURST
SECONDER:	BENNER
AYES:	Alabi, Benner, Bivins, Furst, Kleckley, Zollars

OTHER BUSINESS

2024 Calendar

No discussion on the 2024 calendar.

ADJOURNMENT

Planning and Zoning Administrator

Chairman