

July 2023 Zoning Committee Special Meeting Minutes

North Linden Area Commission

Prepared by Ben Keith 2023-07-27

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Meeting Minutes

Linden Community Center, at 6:30 p.m.

This is a special session, replacing the regular July 13 session, which was canceled by the venue. Because of the rescheduling, we are able to add Rezoning Z23-034 / 727 E Weber to the agenda. Rezoning Z23-041 / 1425 Briarwood was withdrawn by the applicant for rework.

Meeting called to order at 6:30 p.m.

Initial committee attendance:

- Chair Ben Keith
- Co-Chair Michelle Dranichak
- NLAC Chair Carol Perkins

Later arrived Dr. Daniel and Ebony Fadis.

Agenda

Motion to approve agenda made by Perkins, seconded by Dranichak, unanimous approval with modification to move Tracey Robinson's application to the start of the agenda.

Approval of minutes

Minutes from meeting on May 11, 2023: <https://f.benlk.com/nlac-zoning/2023-05-minutes.pdf>

Minutes from meeting on June 08, 2023: <https://f.benlk.com/nlac-zoning/2023-06-minutes-draft.pdf>

Unanimously approved.

Tracy Robinson

Tracy Robinson submits his application for membership on the Zoning Committee. His résumé: <https://f.benlk.com/nlac-zoning/2023-07-tracy-robinson-resume.pdf>

The Committee must vote to approve his membership, and that vote is subject to approval of the North Linden Area Commission.

Tracey Robinson says:

- He brings himself
- He knows things that need to happen
- He wants to clean the neighborhood up; he's concerned about alleys and houses and home renovations.



Chair Keith notes that the described goals are more in line with the area commission's Code Enforcement Committee, not the Zoning Committee.

Perkins for, Dranichak second, Dr. Daniel for, Keith for, Fadis abstains as she arrived during Robinson's presentation.

NLAC Chair Perkins notes that with new members, we can ask for training for the zoning committee.

MailChimp Newsletter Proposal

Chair Keith presented a proposal for developing and running a Zoning Committee newsletter, as the Clintonville Area Commission Zoning & Variance Committee does: <https://us14.campaign-archive.com/home/?u=3d4bdc2e75c185cac799714d1&id=2af4434c35>



- The Zoning Committee Chair, or their designee, will maintain an email list of all people requesting notice of zoning matters called the "Zoning Email List."
- Within three business days of receiving an application, the Chair, or their designee, shall add the application to the draft agenda for the next meeting, including hyperlinks to the applications, any relevant material, and the relevant city code sections. The new draft agenda shall be distributed upon update.
- At least one week before the Zoning Committee's meeting, the Chair, or their designee, will distribute the draft agenda.
- Distribution of the agenda includes sending it to the Zoning Email List, Committee members, all Commissioners, the designated City Liaison, and to any person charged with communications for the North Linden Area Commission.
- The Chair, or their designee, will work with the relevant entities to make sure that a Zoning Email List subscription form, and a link to the archive of past mailings, are present on any North Linden Area Commission webpage.

This proposal was tabled in June due to a lack of a quorum. At the June meeting of the North Linden Area Commission, Commission Chair Perkins advised using August to set up the email service, first use it in September.

Carol Perkins notes that as long as there's no pushback from the city, she's okay with it. Question whether there's redundancy in case Chair Keith is unable to access. Dranichak offers second. Perkins wants to make sure whether there's anyone that we need to get approval from the city to do this.

Motion to:

- Check with Liaison Scales if there is need for approval from city
- Get approval iff necessary
- Create acct and put Co-Chair Dranichak as second
- Send draft before September

Motion by Keith, second Dranichak, all in favor

Variance CV23-038 / 2877 Cleveland Avenue

Application: <https://portal.columbus.gov/Permits/Cap/CapDetail.aspx?Module=Zoning&TabName=Zoning&capID1=23LAC&capID2=00000&capID3=00445&agencyCode=COLUMBUS&IsToShowInspection=>



- Parcels: 010-073065-00 and 010-073064-00
- Zoned: R - Residential
- Application submitted: May 2, 2022

Applicant The Hardy Center on behalf of property owner Rosemary Foster, and agent Brian Szuch of PH7 Architects, seek to build a large garage to hold the Hardy Center's transfer vans. This construction would join two small lots behind 2877 Cleveland Avenue, facing onto the alley. This construction requires the following variances:

1. 3332.035: in an R-3 Residential district, permit transfer bus parking for off-site use.
2. 3312.035: in an R-3 Residential district, permit parking of transfer buses on a residentially-zoned lot.

3. 3332.04 A 4: in an R-3 Residential district, permit construction of a principle building on a lot narrower than 50'. The lots in question are each 47' by 50'; the combined lot is 100' by 47'.
4. 3332.13: Permit a principle building to be constructed on a lot less than 5,000 square feet in area in an R-3 Residential district. The lot is 4700 square feet.
5. 3332.27: Permit a principle building to be constructed with a rear yard totaling less than 25% of the total lot area. The garage will mostly cover the lot; it's 30' wide and 65' long, with a driveway apron and setbacks on all sides. The property on the south and west sides is an empty lot; on the north are two houses.
6. 3332.19: Permit a principle building to be built facing an alley. The lot geometry is such that there is no alternative to opening onto an alley. Other garages on this stretch open onto that same alley.

City Staff marked disapproval on May 19, raising concerns about building profile and commercial use in an area recommended for residential uses in the 2014 North Linden Neighborhood Plan Amendment.

No attendants for or against.

Previous commentary: - owner in opposition from May 13 opposed on grounds of utility access, potential for future misuse of building.

One audience member is for the variance; the vans are needed.

Co-Chair Michelle Dranichak moves to **disapprove of the variance**. Concerned about building a garage structure in middle of residential area; believes that Hardy Center has other options. It appears that Hardy Center has other options to secure their vehicles.

- Perkins seconds. When the applicants have an opportunity, they can come to the meeting and speak on their behalf.
- Dr. Daniel for the motion, opposed to the garage. Safety issues, looking to future. Has ripple effect to tomorrow.
- Fadis for motion, opposed to garage.
- Keith abstain.

Motion passes. The Zoning Committee will recommend that the North Linden Area Commission disapprove of this variance application.

Variance BZA23-071 / 727 E. Weber Road

Application: <https://portal.columbus.gov/Permits/Cap/CapDetail.aspx?Module=Zoning&TabName=Zoning&capID1=23LAC&capID2=00000&capID3=00631&agencyCode=COLUMBUS&IsToShowInspection=>

- Parcel 010-050-293 <https://audr-apps.franklincountyohio.gov/redir/Link/Parcel/010-050293-00>
- Zoned: LC5 - Limited Commercial 5, prohibiting use as a car wash <https://columbus.legistar.com/LegislationDetail.aspx?ID=1559184&GUID=2010BF0C-E1C6-4D70-96BD-29CC4B8B5395>
- Application submitted: June 13, 2023

Applicant Khader D. Haj-Tamim on behalf of Jaber Al Khader LLC seek a special permit to allow a food trailer to remain parked on the site.

1. 3389.12: Permit the use of a portable building for any use on private property, except certain uses. The permit allows the use for food service.

Allowable uses in C-5 zoning are limited to retail fuel sales, filling stations, automobile service stations, carry-outs, car washes, drive-ins, establishments serving food or beverages to customers in automobiles, and fast-food businesses: https://library.municode.com/oh/columbus/codes/code_of_ordinances?nodeId=TIT33_ZOCO_CH3357HIORCODE_3357.01CODI

Owner Khader D. Haj-Tamim speaks: prior to 1990 the property was zoned C-4. It was bought by 7-11, rezoned to C-5 in 1990 to allow use as gas station. 7-11 rented the property out as Nicholas Bakery. He and his brothers bought the property. They run the store themselves. Back in '07, '08, lady approached them with food truck and set up shop there. Food truck has been there for last 10-12 years. People operating



it now are Hispanic, serving a growing Hispanic community in neighborhood. He says they haven't had problems with police or people on the property; they don't let people sit around or "do bad things".

A resident who lives across the street, goes to food truck frequently, says it's good for the community. Adds vibrance to community, don't have to run to city for food to eat.

Commission Chair Perkins: how many vans?

Applicant: Two trailers; they asked them to move the trailers. Tables and chairs they use if someone comes and gets lunch. Brother adds that having that food service improves security for the Weber Stop Shop, because it means that there are more people around. The bad people get scared when they see the parking lot full. It means that the Weber Stop Shop is not a sitting duck. You don't want people to come during slow times. The second trailer in the parking lot is because of something on Sundays, where a second trailer sometimes operates.

Remodeler on Weber Road, says he lived there for two years, never had issues with the neighbors or the food trailers or the Weber stop shop. Not congested, he says.

Dranichak: Food truck hours?

A: 11 a.m. to 7-8 p.m.

Neighbor four houses down: One trailer, then two, then the awning, can they keep adding more? Concerned about people who park on Homecroft to eat, blocking Homecroft traffic. Concerned about grease in the drains. Mentions the carnival food truck.

Applicant: Carnival food truck was also serving the Ohio State Fair; owners told him to leave when they found that he was a sexual offender. The current Hispanic operators have not had complaints about how they treat customers. He thinks that the number of Hispanic people in the area has grown; he says that the number of Hispanic customers has jumped. If the Weber Stop Shop owners see a problem with the food trucks, they won't let the food truck operate. The sexual offender left within a week.

First house on Homecroft says she's never seen grease in the drains. No concerns. Wants them there because it discourages prostitutes.

Renovator says that parking might be legal on Weber in front of the Weber Stop Shop; needs road markings to make it clear.

Fourth House objects to traffic pattern on grounds that the trucks turning out of the parking lot sometimes block drivers on Homecroft from getting to Weber.

Perkins suggests a Good Neighbor agreement to say: we'll work with the neighbors, maintain the property, ensure food truck operators comply.

Fourth house doesn't object to the second trailer operating on the weekends.

No objections in the room to covered seating.

Owner says that based on seating, the space of the parking lot is determined. But he doesn't let people use the sides of the parking lot, beside the building. He says that this is safer for customers.

The applicant's brother, a co-owner in the property and store, says that the awning was removed at the request of a neighbor. Owner says that without shade, people who pick up food leave, rather than eating in place.

Perkins moves for **approval of the variance, no stipulations.**

Dranichak: second, for

Fadis: for

Keith: for

Daniel: for

Motion passes. The Zoning Committee will recommend that the North Linden Area Commission approve of this variance application.

Rezoning Z23-034 / 727 E Weber

Application: <https://portal.columbus.gov/Permits/Cap/CapDetail.aspx?Module=Zoning&TabName=Zoning&capID1=23LAC&capID2=00000&capID3=00596&agencyCode=COLUMBUS&IsToShowInspection=>

- Parcel 010-050-293 <https://audr-apps.franklincountyohio.gov/redir/Link/Parcel/010-050293-00>
- Zoned: LC5 - Limited Commercial 5, prohibiting use as a car wash <https://columbus.legistar.com/LegislationDetail.aspx?ID=1559184&GUID=2010BF0C-E1C6-4D70-96BD-29CC4B8B5395>
- Application submitted: June 7, 2023

Applicant Khader D. Haj-Tamim on behalf of Jaber Al Khader LLC seek to rezone the Weber Market property from LC-5 (excluding use as a car wash) to C-4, to allow food and car sales.

Allowable uses in C-4 zoning include every use allowed in C-1, C-2, and C-3, plus these uses: https://library.municode.com/oh/columbus/codes/code_of_ordinances?nodeId=TIT33ZOCO_CH3356RESCC_ODI_3356.03PEUS

Applicant: the reason why we're rezoning is that the special permit for the food truck is contingent on rezoning. Not sure about ever doing car sales.

Keith: Could you operate the food truck with a C-3, C-2, or C-1 zoning?

Applicant: you want to think about the future, about having a good zoning makes it more valuable.

Dranichak: Car sales?

Applicant: We have an eviction against the car shop tenant on the corner. He has three months to remove his stuff. He's running a used car shop, salvage cars. But he was taking it to an extreme, where he had excess cars. We've been working with him, telling him if he doesn't want to be evicted, he needs to fix his stuff. He's a good car salesman, he will tell you what you want to hear. But the outcome is zero. His problem is the result. He has until October. he has already reduced the number of cars on the lot.

Perkins: If I understand you, the current occupant is leaving.

Applicant: here's the court agreement. Because he's created a lot of zoning issues for us, honestly. We try to run a clean operation, no violations. But he would not listen.

Perkins: What will you do with it moving forwards?

Applicant: I don't know. Maybe even keep it vacant, if we don't find a good use.

Dr. Daniel: Last year, we tried to bring car dealers in Linden together for a proposition to limit car dealers in the area. Allowing car sales is a major concern. What standard are you putting in place to make sure that this is not repeated? If you look at most auto dealers on Weber Road, down to Cleveland, sometimes I ask, "is this an automobile shop or a junkyard?" You are the owner of the property; you are bringing in someone to operate there. What limits?

Applicant's brother: We're limiting to small operations, no more than one year lease. What you mentions about food and car sales, just because we're doing the rezoning, doesn't mean we're going to do food and car sales on the same property. We're getting older. We want to keep options for the future.

Applicant: The short answer is: eviction. My lease with the guy is 15 pages. His lease is up in September; he thought that by him paying his rent, he's okay to continue operating. We can't predict the next guy; we have an incentive to make the next occupant good.

Daniel: For example, the room where we're meeting. The people who work here know how many chairs can fit in this room. Would you set a standard in place for the maximum number of cars that can be on the lot?

Applicant: I've learned that, going through this process, I'm not a property owner who has properties all over the place. 15 years ago, it went vacant, we bought the property because we were concerned that another carryout would operate. We discovered that there's a site plan that does limit the number of cars that can be held, and we'll evict him if he doesn't do that.

Perkins: This is an opportunity to help the community, improve the appearance as people are driving in.



Dranichak: The idea of changing zoning to allow more car sales is not exciting.

Keith: There is an option for Limited zoning, excluding car sales.

Neighbor: likes food and neighborhood; doesn't like uncleanness,

Four houses down: main concern is that she wants to be able to drive by something that looks nice. Doesn't want to see cars moved across all the back of the lot. Not bothered by awning and picnic table. Just doesn't want to see 16 trucks parked there all the time. Adds that the car lot is an eyesore.

Dr. Daniel: emphasizes Chair Perkins' opinion that this property is like the entrance to Linden. You can decisively raise the standard, make the entry point to Linden nice, make it oh-so-difficult for people to litter.

Applicant: Agree with you on the first part, but allow me to disagree on the second part: people will throw trash everywhere. Corona affected people; they have no impulse control. I used to ask people to pick up their trash; but now you have kids with machine guns on their pockets.

Fadis: Is the tenant on 703 E Weber a car dealer or a mechanic?

Applicant: He's a dealer, but he is allowed to do mechanical work on his own cars.

Fadis: Requests that owners ask the next tenant operate an apprenticeship program for mechanical training for young people. Gotta promote busy-ness among the young people.

Brother: We do that with the carryout already. There's a priest who comes to the store, who brings to us two kids to clean and sweep and mop, working for two to three hours per day.

Applicant: You wouldn't find many people who complain about us as a business operator.

Keith: Have you considered tearing it all down, 703 and 727, and building a new thing there? A 5-over-1?

Applicant: We have considered it, a few years ago, but it would take millions of dollars. We don't have the money for that. Every day, we put in at least eighteen hours of work. At some point we would like to retire. We don't want to be slumlords. But if you have a good buyer, let us know.

Four houses down: We've lived here forty-five, fifty years, we just want to come home to see something nice. Not necessarily mansions, just something you can take pride in. We just don't want this area to look like a carnival on Weber Road. Just today I passed four car lots on Weber.

Applicant is asked about something that was asked last time about lighting; he says that he's twisted the lights down to prevent light shining across the street.

Keith: moves to **recommend approval, so long as the use is limited to exclude use for car lots, or sales, as listed in the C-4 zoning code.**

Dranichak second. Unanimous for.

Motion passes. The Zoning Committee will recommend that the North Linden Area Commission approve of this rezoning application, conditional on the subsequent zoning being limited to prohibit use for car uses.

The listed uses are:

- Commercial uses allowing dwelling units above the primary use, including:
 - Automobile and Light Truck Dealers
 - Automotive Sales, Leasing and Rental
 - Motorcycle, Boat, and Other Motor Vehicle Dealers
 - Recreational Vehicle Dealers
 - Truck, Utility Trailer, and RV (Recreational Vehicle) Sales, Rental and Leasing
- Commercial uses not allowing dwelling units above the primary use, including:
 - Farm Equipment and Supply Stores

Announcements

As in the agenda.

Close of meeting

Motion for at 19:54: Keith moves, Dranichak second, unanimous for

Minutes and custody of recording

- Took minutes: Keith
- Has recording: Keith
- Has sign-in sheet: Dranichak