

**MINUTES OF THE
CITY OF PATASKALA BOARD OF ZONING APPEALS**

Tuesday, July 11, 2017

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, July 11, 2017.

Present were:

Catherine Baird

Kathleen Hasson

Robert Platte

TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:

Scott Fulton, Planning Director

Zack Cowan, City Planner

Lisa Paxton, Zoning Clerk

Chairwoman Baird opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Catherine Baird, Robert Platte, Kathleen Hasson and T.J. Rhodeback.

Not present: Bruce Ashcraft.

First on the Agenda, Remove from Table Variance Application VA-17-015.

Mr. Platte made the motion to move from the table Variance Application VA-17-015. Seconded by Ms. Rhodeback. Ms. Baird, Mr. Platte, Ms. Rhodeback and Ms. Hasson voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-17-015.

Mr. Cowan gave a review of the Staff Report, noting the applicants are seeking to construct a 1,600 square foot building and would exceed the maximum permitted size by 1,160 square feet, 141% over the required maximum size. 1211.07 of the Pataskala Code suggest areas not be increased by more than 25% of the requirement. Mr. Cowan noted a neighbor of the Deans appeared at the June 13 meeting, expressing concern the accessory building would be used for commercial use. Supplementary conditions were also reviewed.

Christopher and Velvet Dean, 10500 McIntosh Road, were placed under oath.

Mr. and Mrs. Dean noted the accessory building would be for personal use and not commercial use; a location in Etna is used for commercial use. Ms. Dean noted items needing to be securely stored in an accessory building.

Mr. and Mrs. Dean noted removal of trees and location of the accessory building.

Mr. Platte asked if some of the items listed were for commercial use.

Mr. and Mrs. Dean noted items used for commercial use that would be stored in the accessory building.

Mr. Platte noted the basis for an approval is based on practical difficulty; too much equipment and needing a structure bigger than what the lot allows is what is being requested.

Mr. Dean noted personal items would also be stored in the accessory building. Items stored in his father's barn was also noted.

Mr. Platte asked if business-related items were not going to be stored in the accessory building, could they meet the code requirement with a 40 x 40.

Mr. and Mrs. Dean indicated they could not meet the requirement, and listed personal items that would be stored.

Ms. Rhodeback inquired as to farming.

Mr. and Mrs. Dean noted farm equipment items to be stored.

Finding of Facts were discussed.

Ms. Rhodeback made a motion to approve Variance Application VA-17-015 with the five modifications noted in the Staff Report. Seconded by Ms. Hasson. Ms. Baird and Ms. Hasson voted yes. Mr. Platte and Ms. Rhodeback voted no. The motion was disapproved.

Next on the Agenda, Remove from Table Variance Application VA-17-016.

Mr. Platte made a motion to remove from table Variance Application VA-17-016. Seconded by Ms. Rhodeback. Ms. Rhodeback, Ms. Hasson, Ms. Baird and Mr. Platte voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-17-016.

Mr. Cowan gave an overview of the Staff Report, noting the applicants are seeking a variance to construct a 40 x 70 (2,800 square feet) accessory building that would be located in front of the principle structure and less than the required 10 feet from the side property line.

Christopher and Velvet Dean were previously placed under oath.

Mr. and Mrs. Dean noted removing trees and location of proposed accessory building.

A discussion was had regarding the driveway and grade.

Findings of facts were discussed.

Mr. Platte made a motion to approve from Section 1221.05(D)(1) and from Section 1221.05(E)(1) of the Pataskala Code for Variance Application VA-17-016 with the following supplementary conditions:

1. The applicant shall construct the accessory building as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala prior to constructing the accessory building.
3. The proposed accessory building shall not adversely affect neighboring properties pursuant to Section 1221.05(H).
4. No commercial activity shall be permitted from the accessory building pursuant to Section 1221.05(G).
5. The height of the accessory building shall not exceed 25 feet pursuant to Section 1221.05(C).
6. Side yard setback of the accessory building shall not be less than five (5) feet from the adjacent western property line.

Seconded by Ms. Hasson. Mr. Platte, Ms. Baird, Ms. Hasson voted yes. Ms. Rhodeback voted no. The motion was approved.

Next on the Agenda, Variance Application VA-17-017

Mr. Cowan reviewed the Staff Report, noting the applicant is proposing to construct a 140 square foot shed in the front yard due to the lot being situated on the corner of East Broad Street and International Drive. According to the applicant's narrative, the proposed location of the shed is the only suitable location due to existing landscaping and limited space to the rear of the house.

William Hayes, 320 International Drive, was placed under oath.

Mr. Hayes noted his request for an accessory building.

Landscaping and setbacks were discussed.

Findings of Facts were discussed.

Ms. Rhodeback made a motion to approve Variance Application VA-17-017 from Section 1221.05(D)(1) of the Pataskala Code with the following supplementary conditions:

1. The applicant shall construct the accessory building as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala prior to constructing the accessory building.
3. All other requirements of Section 1221.05 shall be met.

Seconded by Ms. Hasson. Mr. Platte, Ms. Baird, Ms. Hasson and Ms. Rhodeback voted yes. The motion was approved.

Ms. Baird noted the 30-day appeal process.

Next on the Agenda, Variance Application VA-17-018

Mr. Cowan gave an overview of the Staff Report, noting the applicant is seeking a variance to allow an already-constructed 16-foot wide driveway that exceeds the maximum slope of 10 percent by 2% at the highest slope. Mr. Cowan further noted the home was built in 2016 with a slope approved for 9.48%, noting measurements by the Zoning Inspector noted a range of 7.7% to 12%. Mr. Cowan also stated the owner is requesting a variance for documentation if the house is sold in the future. Mr. Cowan further noted having issues with Ryan Homes in the past, not meeting driveway requirements; currently, a driveway is being reconstructed due to not meeting the slope requirement.

The Board reviewed pictures showing the sections of the driveway in question.

A discussion was had regarding reconstructing the driveway.

Thomas Dragolich, 1831 Azalea Lane, was placed under oath.

Mr. Dragolich noted his concerns regarding the driveway. Mr. Dragolich further noted neighbors having issues with increased driveway slope.

Ms. Baird asked who is responsible for reconstructing the driveway.

Mr. Dragolich indicated Ryan Homes would be responsible for the repair. Mr. Dragolich noted other concerns regarding his home.

Mr. Platte asked if Mr. Dragolich is in support of the variance request.

Mr. Dragolich indicated in the affirmative.

Safety issues were discussed. Slope averages were discussed.

Mr. Platte noted issues the City has had with driveways and asked if Ryan Homes is aware of the requirement.

Mr. Fulton noted driveway slopes are indicated on site plans and are approved if in compliance. The zoning inspector inspects driveways and sidewalks prior to concrete being poured and there have been several occasions when the zoning inspector has re-inspected driveways and sidewalks multiple times until they are compliance with the code. Mr. Fulton further noted it isn't only Ryan Homes; however, throughout the Sugar Mill subdivision it has been an ongoing issue.

Mr. Baird noted not wanting to set a precedent and allowing builders to request variances, even though this is not a substantial slope.

Ms. Rhodeback asked if Ryan Homes could be contacted regarding not approving variances due to slope.

Mr. Fulton stated he could have a discussion with Ryan Homes. Mr. Fulton mentioned Ryan Homes repeated noncompliance and future development.

A discussion was had regarding a neighbor's driveway slope being un-walkable in the winter. Mr. Dragolich further noted issues if his driveway were to be reconstructed.

A discussion was had regarding inspection of forms and final inspection, along with measurement calibration.

Mr. Platte also noted not wanting to set a precedent.

Mr. Fulton noted steps Staff has been taking regarding Ryan Homes.

Mr. Platte inquired as to errors made on approved permit applications.

Mr. Fulton noted, per the code, any permit issued in error is void.

Findings of Fact were discussed.

Ms. Rhodeback made a motion to approve a variance from Section 1121.13 of the Pataskala Code for variance application VA-17-018 with the following supplementary conditions:

1. The applicant shall submit a revised site plan displaying the correct driveway slope.
2. The Utility Department shall approve the meter pit and curb box locations.

Seconded by Mr. Platte. Ms. Hasson, Mr. Platte, Ms. Rhodeback and Ms. Baird voted yes. The motion was approved.

Ms. Baird noted the 30-day appeal process.

Next on the Agenda. Variance Application VA-17-019.

Mr. Cowan reviewed the Staff Report, noting the applicant is seeking a variance to section off 1.366 acres from a 9.64-acre lot, creating two lots that would fail to meet the minimum lot area and lot frontage requirements. Mr. Cowan also noted per the applicant's narrative, the intent, after the lot split, is to sell the lot where an existing house and accessory buildings are located and to construct a primary residence and workshop in the rear of the flag lot.

Peter Pranger, 3542 National Road, Hebron, was placed under oath.

Mr. Pranger noted his intention was not to split the property when it was purchased, but to tear down the existing building and build a house and shop; however, the existing buildings still have some inherent value.

Utilities were discussed.

Mr. Pranger also noted similar properties in the area.

Ms. Rhodeback asked Mr. Pranger if he were aware of the code requiring minimum of 10 acres.

Mr. Pranger stated he did not, and noted the property is less than 10 acres.

Ms. Baird inquired as to the current use of the property.

Mr. Pranger noted the property is overgrown and has been cutting weeds and cleaning the property up.

Ms. Hasson asked if the variance is not approved, will a house still be built.

Mr. Pranger noted he would build a house and tear down the existing buildings.

Ms. Hasson asked if the existing buildings could be utilized.

Mr. Pranger indicated the existing buildings are not useable for his purposes.

A discussion was had regarding two homes on one property.

Mr. Platte noted issues with flag lots and existing non-conforming lots.

Mr. Pranger noted not wanting to change the neighborhood's look and taking non-usable property and making in to something that is usable.

A discussion was had regarding the existing house and garage.

Mr. Platte noted respecting what Mr. Pranger is trying to do by saving the buildings, but doesn't think creating a flag lot in a 10-acre district is the answer.

Ms. Baird inquired as to when the last time the existing house was habitable.

Mr. Cowan noted the only information he has is that it was built in 1948.

Mr. Pranger noted the house was in a state of remodel when he purchased the property.

Findings of Fact were discussed.

Mr. Platte made a motion to approve a variance from Section 1225.05(B) of the Pataskala Code for Variance Application VA-17-019 with the following supplementary conditions:

1. The applicant shall submit a lot-split application within one (1) year of the date of approval.

Seconded by Ms. Rhodeback. Ms. Baird, Mr. Platte, Ms. Rhodeback and Mr. Hasson voted no. The motion was disapproved.

Ms. Baird noted the 30-day appeal process.

Next on the Agenda, Conditional Use Application CU-17-009.

Mr. Cowan reviewed the Staff Report, noting the applicant is seeking a conditional use to allow the property to be used for an auto-repair facility. Mr. Cowan also noted the property was rezoned from Light Manufacturing to General Business in 2016. Parking spaces, right-of-way and proper disposal of pollutants were noted. Mr. Cowan listed applicable factors from Section 1215.05 along with supplementary conditions 1 through 8. The City Engineer and Public Services Director comments were also noted.

Mr. Platte stated his concerns regarding EPA having their own rules and regulations and being cautious if

stipulations are in place if we don't have the experience and ability to enforce.

Mr. Fulton noted, per the code, the Public Service Director may add additional supplementary conditions.

Ms. Baird asked if it could be noted they would comply with all rules and regulations of the EPA.

Mr. Fulton indicated in the affirmative.

A discussion was had regarding the previous business.

Ben Stansbury, 9787 Creek Road, and John Jones, 9776 Mink Street, were placed under oath.

Mr. Stansbury noted his plans for disposal of oil and discussed the parking lot.

Business hours were discussed, Monday through Friday, 9:00 to 5:00. Mr. Stansbury stated he hopes to do no work on Saturdays.

Ms. Baird inquired as to noise level.

Mr. Stansbury stated he respects the neighbors and the building is cooler when the doors are closed.

Parking spaces, shared driveway and site plan were reviewed.

Mr. Platte noted adding Saturday hours of operations, 9:00 a.m. to 12:00 p.m., to the supplementary conditions,

Findings of Facts were discussed.

Mr. Platte made the motion to approve a conditional use pursuant to Section 1249.04(5) of the Pataskala Code, with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to operating the facility.
2. No vehicles shall be permitted to occupy the right-of-way for parking at any time.
3. Liquid pollutants shall not enter or be allowed to enter any storm or sanitary facilities at any time.
4. The applicant shall comply with any and all regulations of the Ohio EPA for retention and disposal of possible pollutants.
5. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
6. No parking on other lots without a shared parking arrangement shall be permitted pursuant to Section 1291.08.
7. Parking shall be restricted to a maximum of 35 spaces.
8. Hours of operation shall be restricted to Monday through Friday, 9:00 a.m. to 5:00 p.m. and Saturday

9:00 a.m. to 12:00 p.m. noon.

9. All repairs are to be conducted indoors, and all materials and parts and pieces are to be stored indoors.

Seconded by Ms. Hasson. Ms. Rhodeback, Ms. Hasson and Mr. Platte voted yes. Ms. Baird Abstained. The motion was approved.

Ms. Baird noted the 30-day appeals process.

Next on the Agenda, Conditional Use Application CU-17-010.

Mr. Cowan reviewed the Staff Report, noting the applicant is seeking a conditional use to allow the property to be used for auto-body repair and is proposing to use the existing pole barn as an auto-body repair facility and parts painting. Mr. Cowan also noted the property was rezoned from Light Manufacturing to General Business in 2016.

Steve Draughon, 5765 Spruce Tree Drive, Columbus, was placed under oath.

A discussion was had regarding painting.

Mr. Draughon stated he uses a paint booth with a three-tier filter system.

A discussion was had regarding shared parking agreement.

Hours of operation were discussed.

Mr. Platte asked the Applicant if there were any objections to the supplementary conditions listed in the Staff Report.

Mr. Draughon indicated no objections.

Findings of Facts were discussed.

Mr. Platte made a motion to approve a conditional use pursuant to Section 1249.04(5) of the Pataskala Code for Application CU-17-010, with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to operating the facility.
2. No vehicles shall be permitted to occupy the right-of-way for parking at any time.
3. Liquid pollutants shall not enter or be allowed to enter any storm or sanitary facilities at any time.
4. The applicant shall comply with any and all regulations of the Ohio EPA for retention and disposal of possible pollutants.

5. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
6. No parking on other lots without a shared parking arrangement shall be permitted pursuant to Section 1291.08.
7. Parking shall be limited to a maximum of eight (8) parking spaces for the applicant's stated use.
8. Hours of operations shall be restricted to Monday through Friday, 9:00 a.m. to 5:00 p.m., and Saturday, 9:00 a.m. to 2:00 p.m.
9. All repairs shall be conducted indoors, and materials and parts and pieces shall be housed indoors.
10. All applicable permits shall be obtained to ensure that there is proper ventilation.

Seconded by Ms. Rhodeback. Ms. Hasson, Mr. Platte and Ms. Rhodeback voted yes. Ms. Baird abstained. The motion was approved.

Ms. Baird noted the 30-day appeals process.

Next on the Agenda, Findings of Fact.

Variance Application VA-17-015:

Mr. Platte made a motion to approve Findings of Facts for Variance Application VA-17-015. Seconded by Ms. Rhodeback. Ms. Baird, Mr. Platte, Ms. Rhodeback and Ms. Hasson voted yes. The motion was approved.

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,</i> |

- ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Variance Application VA-17-016:

Mr. Platte made a motion to approve Findings of Facts for Variance Application VA-17-016. Seconded by Ms. Hasson. Mr. Platte, Ms. Baird, Ms. Hasson and Ms. Rhodeback voted yes. The motion was approved.

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| | ✓ | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| | ✓ | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Variance Application VA-17-017:

Ms. Rhodeback made a motion to approve Findings of Fact for Variance Application VA-17-017. Seconded by Ms. Hasson. Ms. Rhodeback, Ms. Hasson, Ms. Baird and Mr. Platte voted yes. The motion was approved.

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a</i> |

- variance is necessary to enable the reasonable use of the property;*
- ✓ c) *Whether the variance requested is substantial;*
 - ✓ d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
 - ✓ e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
 - ✓ f) *Whether the variance, if granted, will be detrimental to the public welfare;*
 - ✓ g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
 - ✓ h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
 - ✓ i) *Whether the property owner's predicament can be obviated through some other method than variance;*
 - ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Variance Application VA-17-018:

Ms. Rhodeback made a motion to approve Findings of Fact for Variance Application VA-17-018. Seconded by Mr. Hasson. Ms. Hasson, Mr. Platte, Ms. Rhodeback and Ms. Baird voted yes. The motion was approved.

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | ✓ | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other</i> |

- method than variance;*
- ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Variance Application VA-17-019:

Ms. Hasson made a motion to approve Findings of Fact for Variance Application VA-17-019. Seconded by Ms. Rhodeback. Mr. Platte, Ms. Baird, Ms. Rhodeback and Ms. Hasson, voted yes. The motion was approved.

Yes No

- ✓ a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- ✓ b) *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- ✓ c) *Whether the variance requested is substantial;*
- ✓ d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- ✓ e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- ✓ f) *Whether the variance, if granted, will be detrimental to the public welfare;*
- ✓ g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- ✓ h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- ✓ i) *Whether the property owner's predicament can be obviated through some other method than variance;*
- ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Conditional Use Application CU-17-009:

Ms. Rhodeback made a motion to approve Findings of Fact for Conditional Use Application CU-17-009. Seconded by Ms. Hasson. Ms. Baird, Mr. Platte, Ms. Rhodeback and Ms. Hasson voted yes. The motion was approved.

Yes No

- ✓ 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*

- ✓ 2. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- ✓ 3. *Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- ✓ 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
- ✓ 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- ✓ 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
- ✓ 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
- ✓ 8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
- ✓ 9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Conditional Use CU-17-010:

Mr. Platte made a motion to approve Findings of Fact for Conditional Use Application CU-17-010. Seconded by Ms. Rhodeback. Mr. Platte, Ms. Baird Ms. Hasson and Ms. Rhodeback voted yes. The motion was approved.

Yes No

- ✓ 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
- ✓ 2. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- ✓ 3. *Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- ✓ 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
- ✓ 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- ✓ 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
- ✓ 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
- ✓ 8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*

- ✓ 9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Next on the Agenda, excuse of absence for TJ Rhodeback from the June 13, 2017 meeting.

Mr. Platte made a motion to approve the absence of TJ Rhodeback. Seconded by Ms. Hasson. Mr. Platte, Ms. Baird, Ms. Hasson voted yes. Ms. Rhodeback abstained. The motion was approved.

Next on the Agenda, Approval of the May 30, 2017 Special Meeting Minutes.

Ms. Rhodeback made a motion to approve the minutes of the May 30, 2017 meeting. Seconded by Mr. Platte. Ms. Hasson, Mr. Platte, Ms. Rhodeback and Ms. Baird voted yes. The motion was approved.

Next on the Agenda, Approval of the June 13 2017 Regular Meeting Minutes.

Mr. Platte made a motion to approve the minutes of the June 13, 2017 meeting. Seconded by Ms. Rhodeback. Ms. Rhodeback, Ms. Hasson, Ms. Baird and Mr. Platte voted yes. The motion was approved.

Next on the Agenda, Other Business.

Mr. Fulton updated the Board regarding Findings of Fact from the May 30, 2017 hearing.

Mr. Platte made a motion to approve the Findings of Fact and Conclusions of Law for Conditional Use Application Case CU-17-004, as prepared by City Council, Aaron Glasgow. Seconded by Ms. Rhodeback. Mr. Platte, Ms. Baird, Ms. Hasson voted yes. The motion was approved.

Next on the Agenda, adjournment to the August 8, 2017 meeting.

Mr. Platte made a motion to adjourn the meeting. Seconded by Ms. Hasson. Mr. Platte, Ms. Baird, Ms. Hasson and Ms. Rhodeback voted yes.

The meeting was adjourned at 9:42 p.m.

Minutes of the July 11, 2017 meeting were approved on

_____, 2017.

Chairperson Baird