

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

Tuesday, February 9, 2021

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, February 9, 2021.

Present were:

Alan Howe, Chairman

William Cook

Jenna Kennedy, Vice Chairwoman

Christine Lawyer

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

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

Present were: Alan Howe, William Cook, Jenna Kennedy, Christine Lawyer and TJ Rhodeback.

First on the Agenda, remove from table Conditional Use Application CU-20-010.

Mr. Howe made a motion to remove from table Conditional Use Application CU-20-010. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-20-010, Parcel No. 064-310878-00.000.

Mr. Kuntzman noted 50 Vine Street has two parcels, Lots 18 and 19. An overview of the Staff Report for Parcel No. 064-310878-00.000 was given, noting the request of a Conditional Use, pursuant to Section 1233.04(7) of the Pataskala Code, to allow for the construction of a two-family attached residential dwelling to be located at 50 Vine Street, Lot 29 of the Beeson Subdivision. The property owner has constructed three similar duplexes on lots behind the subject property. A map was reviewed. Pataskala Utilities comments were noted.

Connie Klema, PO Box 991, Pataskala was placed under oath.

Ms. Klema noted similar to previous approvals for the three duplexes on Beeson Avenue.

Findings of Facts were reviewed.

Ms. Kennedy made a motion to approve a conditional use pursuant to Section 1215.08 of the Pataskala Code for application CU-20-010 with the following modifications:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. Applicant will address all comments from Planning and Zoning Staff, Pataskala Utilities.

Seconded by Mr. Cook. Mr. Howe, Ms. Rhodeback, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, remove from table Variance Applications VA-20-018.

Ms. Rhodeback made a motion to remove from table Variance Application VA-20-018. Seconded by Mr. Cook. Mr. Howe, Ms. Lawyer, Mr. Cook, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-20-018, 50 Vine Street, Parcel No. 064-310878-00.000, Lot 29.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request of two variances; one from Section 1233.05(C)(1) for reduced front yard setback, and one from Section 1233.05(C)(2) to allow for reduced side yard setbacks. The lots are non-conforming under the current R-15 zoning. The required front yard setback of the R-15 zoning district is 35-feet. As proposed, the building setback is 30-feet; therefore, the Applicant is requesting a variance of 5-feet from the required 35, or a 14.29% decrease from the requirement. The required side yard setback of the R-15 zoning district is 20-feet. The north side yard setback is 16'-10 ½"; therefore, the Applicant is requesting a variance of 3.125-feet from the requirement, or a 15.63% decrease. On the south side, the proposed setback is at 16'-11 ¼". The Applicant is requesting a variance of 3.063-feet, or a 15.32% decrease in the side yard setback on the south side. Pataskala Utilities comments were noted.

No other comments or discussions were had.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve variances from Sections 1233.05(C)(1) and 1233.05(C)(2) of the Pataskala Code with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. Applicant will address all comments from Planning and Zoning Staff, Pataskala Utilities.

Seconded by Mr. Cook. Ms. Lawyer, Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

Next on the Agenda, remove from table Conditional Use Application CU-20-011.

Mr. Howe made a motion to remove from table Conditional Use Application CU-20-011. Seconded by Mr. Cook. Mr. Cook, Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-20-011, 50 Vine Street, Parcel No. 064-310872-00.000, Lot 18.

Mr. Kuntzman gave an overview of the Staff Report, noting the request of a Conditional Use, pursuant to Section 1233.04(7) of the Pataskala Code, to allow for the construction of a two-family attached residential dwelling to

be located at 50 Vine Street, Lot 29 of the Beeson Subdivision. The Applicant is proposing to demolish the existing structure and replace it with a duplex. Pataskala Utilities comments were noted.

No other comments or discussions were had.

Findings of Facts were reviewed.

A discussion was had regarding the current unoccupied home's condition. It was also noted there were no neighbor comments.

Ms. Lawyer made a motion to approve a conditional use pursuant to Section 1215.08 of the Pataskala Code for application CU-20-011, with the following modifications:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. Applicant will address all comments from Planning and Zoning Staff, Pataskala Utilities

Seconded by Mr. Cook. Mr. Cook, Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, remove from table Variance Application VA-20-019.

Mr. Howe made a motion to remove from table Variance Application VA-20-019. Seconded by Ms. Lawyer. Mr. Howe, Ms. Rhodeback, Mr. Cook, Ms. Lawyer and Ms. Kennedy voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-20-019, 50 Vine Street, Parcel No. 064-310872-00.000, Lot 18.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request for approval of two variances; one from Section 1233.05(C)(1) for reduced front yard setback, and one from Section 1233.05(C)(2) to allow for reduced side yard setbacks. The required front yard setback of the R-15 zoning district is 35-feet, as proposed, the building setback is 30-feet; therefore, the Applicant is requesting a variance of 5-feet from the required 35, or a 14.29% decrease from the requirement. It was also noted the existing home will be demolished.

Pataskala Utilities comments were noted.

No other comments or discussions were had.

Findings of Facts were reviewed.

Mr. Cook made a motion to approve variances from Sections 1233.05(C)(1) and 1233.05(C)(2) of the Pataskala Code for application VA-20-019, with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. Applicant will address all comments from Planning and Zoning Staff, Pataskala Utilities, and the City Engineer.

Seconded by Ms. Lawyer. Ms. Kennedy, Ms. Rhodeback, Mr. Cook, Ms. Lawyer and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-20-06, 13524 East Broad Street.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request of approval of variance from Section 1291.02(A)(4) of the Pataskala Code to allow for the expansion of a gravel surface parking lot on the property with a home that has been converted into an office. There are also several accessory buildings on the property. It was noted a portion of the area between the existing home and accessory buildings has been paved with gravel over the years and slowly degrading. The Applicant constructed an additional 7,500-square feet of gravel surface parking over the existing lot. The Applicant stated being unaware of any zoning restrictions when purchasing the property. Aerial view, landscaping was reviewed. Departmental and Agency comments were noted.

Jeff Cramblitt, 13524 Broad Street, was placed under oath.

Mr. Cramblitt noted being open to any suggestions.

Mr. Howe stated to contact Staff regarding landscaping.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1291.02(A)(4) of the Pataskala Code for application VA-20-026 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from the City Engineer.
3. The Applicant shall provide stormwater controls, to be reviewed by the Public Service Director, should any further expansion be done.
4. The Applicant shall provide L2 type landscaping along the frontage of the property.

Seconded by Ms. Lawyer. Ms. Rhodeback, Ms. Lawyer, Ms. Kennedy, Mr. Howe and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Conditional Use Applications CU-20-0102, 6359 Summit Road SW.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request of approval of conditional use pursuant to Section 1215.08 of the Pataskala Code to allow for the property to be used as a self-storage facility. The property operated as a truss factory, however, it is currently not being used. There is an 11,470-square foot commercial building and a 2,160-square foot office building. The property has two frontages and a railroad right-of-way. The Applicant will be using 10-foot by 20-foot shipping containers as self-storage units, with 48 units overall. It was also noted the Applicant proposes to replace the fencing and add landscaping. Area map, existing conditions were reviewed. Licking Heights School District comments were noted. A discussion was had regarding shipping containers and the number that can be stacked.

Mr. Fulton stated the Applicant would have to comply with the site plan as shown.

John Fisher, 504 Cherry Bottom Road, Columbus, was placed under oath.

Mr. Fisher stated they would not be stacking containers. Mr. Fisher also noted cleaning the property, adding new fencing and landscaping.

A discussion was had regarding commercial busses parked on the property.

Mr. Fisher stated they will be moved if not allowed.

Ms. Lawyer inquired as to anchoring of the containers.

Mr. Fisher stated he will need to meet with the Licking County Building Department engineers.

Jerika Zuckerman, 6368 Summit Road, was placed under oath.

Ms. Zuckerman noted concerns regarding containers sinking, anchoring, rust, deterioration of the containers. Fencing and visibility concerns were also noted.

John Jones, 9480 Mink Street, Etna, was placed under oath.

Mr. Jones noted concerns with the fencing, and that the office building is currently being used for residential.

Mr. Howe noted if the application is approved, the office could not be used for residential.

Fencing, landscaping and access were discussed.

A discussion was had regarding container maintenance and container color uniformity.

Licking Heights Local School District comments were noted.

Findings of Facts were reviewed.

Mr. Cook made a motion to approve a conditional use pursuant to Section 1215.08 of the Pataskala Code for application CU-20-012 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within six (6) months of the date of approval unless an extension Pursuant to Section 1215.09 of the Pataskala Code is granted.
2. The Applicant shall address all comments from Planning and Zoning Staff and the Public Service Director.
3. Units to be maintained/painted in uniform color.

Seconded by Ms. Lawyer. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Cook, and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-20-022, 6359 Summit Road SW.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request of approval of three variances to allow for reduced front, size, and rear yard setbacks within the M-1 – Light Manufacturing district, and one

variance to allow for a fence to exceed the maximum height limit within the front yard setback. The Applicant will also be replacing the existing damaged six-foot tall wood privacy fence with a new six-foot privacy fence around the entire property. Landscaping was also noted.

Mr. Fisher had no comments.

Height fencing was discussed.

Findings of Facts were reviewed.

Ms. Lawyer made motion to approve variances from Section 1251.05(C)(1), 1251.05(C)(2), 1251.05(C)(3), 1251.05(H), and 1279.03(A)(1) of the Pataskala Code with the following conditions:

1. The Board of Zoning Appeals shall approve a Variance from Section 1251.05(H) of the Pataskala Code.
2. The Applicant shall address all comments from Planning and Zoning Staff and the Public Service Director.
3. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within six (6) months of the date of approval, unless an extension Pursuant to Section 1215.09 of the Pataskala Code is granted.

Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-21-001, 25 Depot Street.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request of approval of a variance from Section 1291.05(A)(3) of the Pataskala Code to allow for the construction of an off-street parking lot that will fail to meet the required setback from the street right-of-way. The lot is currently vacant. The Applicant is proposing a 14-space parking lot, including one handicap accessible space. Sidewalks will be installed around the north and west perimeters of the proposed parking lot. There will be single access from Depot Street. The Applicant is also proposing a six foot tall fence between the parking lot and the property directly to the south, and a small landscape island in the northwest corner of the parking lot. The proposed parking lot would remove two on-street public parking space directly in front of the proposed entrance. The Applicant's Narrative Statement noted variance is to allow for parking lot to provide space for the apartments above 351-355 Main Street as well as guests for 21 Depot Street. Departmental and Agency comments were noted. Neighboring property owner email was noted.

A discussion was had regarding parking and access.

Joshua Wise, 353A South Main Street, Pataskala, was placed under oath.

Mr. Wise noted the purpose of the variance is to allow for the construction of a parking lot to provide space for the apartments above 351-355 Main Street, as well as guests for 21 Depot Street. Mr. Wise further stated his plans are for a small restaurant at 21 Depot Street, envisions on rebuilding downtown Pataskala, including purchasing 16 Depot Street for residential and commercial use.

No other comments or discussions were had.

Findings of Facts were reviewed.

Ms. Kennedy made a motion to approve a variance from Section 1291.05(A)(3) of the Pataskala Code with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from the Public Service Director, Pataskala Utilities Director, and City Engineer.

Seconded by Ms. Lawyer. Mr. Howe, Ms. Kennedy, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-21-002, 25 Depot Street.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request of approval of a variance from Section 1291.03 of the Pataskala Code to allow for the construction of an off-street parking lot without lighting. The Applicant is proposing 14 parking spots, which would be subject to this provision, however no lighting is provided on the same lot in which the parking lot is located. The Applicant's narrative statement notes adding lighting after the parking lot is completed. Departmental and Agency comments were noted.

Existing and adding streetlights were discussed. Along with safety concerns.

A discussion was had regarding adding a third condition.

Findings of Facts were noted.

Mr. Howe made a motion to approve a variance Section 1291.03 of the Pataskala Code for Variance Application VA-21-002 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from the Public Service Director, Pataskala Utilities Director, and City Engineer.
3. The Applicant will bring the parking lot lighting up to code within one year when the 21 Depot Street is renovated.

Seconded by Ms. Rhodeback. Mr. Howe, Ms. Rhodeback, Mr. Howe, Mr. Cook and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-21-003, 25 Depot Street.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request for an approval of a variance from Section 1291.13 of the Pataskala Code to allow for the construction of an off-street parking lot with reduced interior landscaping. It was noted all surface parking areas with more than 10 spaces shall provide curbed interior landscaping complying with one or a mix of the standards set forth in 1291.13(B)(1)(a) and

1291.13(B)(1)(b). Departmental and Agency comments were noted. Neighboring property owner email was noted.

A discussion was had regarding landscaping requirements.

No other comments or discussions were had.

Ms. Lawyer made a motion to approve a variance from Section 1291.13 of the Pataskala Code for with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from the Public Service Director, Pataskala Utilities Director, and City Engineer.

Seconded by Mr. Cook. Ms. Kennedy, Ms. Rhodeback, Mr. Howe, Mr. Cook and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-21-004, 25 Depot Street.

Mr. Kuntzman gave an overview of the Staff Reporting, noting the request for an approval of a variance from Section 1283.07 of the Pataskala Code to allow for an off-street parking lot with reduced perimeter screening. It was noted section 1283.07 of the Pataskala Code, uses within the DB – Downtown Business District, shall provide L2 type landscape screening on side yard property lines, and L3 or L4 type landscaping along rear property lines when abutting a residential use. The Applicant is proposing to install a six foot high privacy fence along the rear (south) property line, going across the side (east) property line across the entire rear of the adjacent 21 Depot Street, which the Applicant also owns. The Applicant stated in their Narrative Statement that they will provide perimeter landscape screening between the parking lot and the building directly adjacent to the east as part of the renovation of that building. Departmental and Agency comments were noted. Neighboring property owner email was noted.

Ms. Kennedy made a motion to approve a variance from Section 1283.07 of the Pataskala Code for Variance Application VA-21-004 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from the Public Service Director, Pataskala Utilities Director, and City Engineer.

Seconded by Mr. Cook. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Cook and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Applications VA-21-005, Parcel Nos. 255-0697746-00.000, 255-069066-00.005, 255-069072-00.000

Mr. Kuntzman gave an overview of the Staff Reporting, noting the requesting approval of a variance from

Section 1113.06(s) of the Pataskala Code in order to submit a Preliminary Plan without a Tree Replacement Survey, and delay the Tree Replacement Survey to the Construction Plans phase of development. It was noted the three parcels were annexed into the City of Pataskala from Harrison Township in 2015. Pursuant to the Code, a developer undergoing the subdivision process must submit a Tree Replacement Survey and Landscaping Plan; however, the Applicant is proposing to delay the Tree Replacement Survey and Landscaping Plan until after the Construction Plans phase of development, and use a “phased” approach by doing a Tree Preservation and Replacement Plan at each phase of development for the subdivision. Area view was noted. Southwest Licking School District and Neighbor comments were noted.

A discussion was had regarding wetland, tree surveys, tree removal and tree replacement.

Mr. Fulton gave an overview of the development process regarding Preliminary Plans, Construction Plans, Final Plans and Final Plat development plans.

A discussion was had regarding neighbor concerns.

James Watkins, 83 Shull Avenue, Gahanna, was placed under oath.

Mr. Watkins noted the uniqueness of the properties. A review of the original concept plan was noted. Mr. Watkins noted Ohio EPA requirements and wanting to do a good job in developing the property.

Findings of Fact were reviewed.

Mr. Cook made a motion to approve a variance from Section 1113.06(s) of the Pataskala Code for Variance Application VA-21-005 with the following conditions:

1. The Applicant shall submit a Tree Replacement Survey and Landscape Plan Pursuant to Section 1283 with the Final Plan Application per phase of development.

Seconded by Ms. Lawyer. Mr. Howe, Ms. Kennedy, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Conditional Use CU-20-010

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
- ✓ 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,
- ✓ 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.

Mr. Howe made a motion to approve Findings of Fact for CU-20-010. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Variance VA-20-018

- | <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> |

Mr. Howe made a motion to approve Findings of Fact for VA-20-008. Seconded by Mr. Cook. Mr. Howe, Ms.

Lawyer, Mr. cook, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

Conditional Use CU-20-011

<u>Yes</u>	<u>No</u>	
✓		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
✓		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,
✓		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.

Mr. Howe made a motion to approve Findings of Fact for CU-20-011. Seconded by Ms. Lawyer. Mr. Cook, Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Ms. Lawyer voted yes. The motion was approved.

Variance VA-20-019

<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) *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.*

Mr. Howe made a motion to approve Findings of Fact for CU-20-019. Seconded by Ms. Lawyer. Ms. Kennedy, Mr. Howe, Ms. Rhodeback, Mr. Cook and Ms. Lawyer voted yes. The motion was approved

Variance VA-20-026

- | <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> |

Mr. Howe made a motion to approve Findings of Fact VA-20-026. Seconded by Ms. Rhodeback. Ms. Rhodeback, Ms. Lawyer, Ms. Kennedy, Mr. Howe and Mr. Cook voted yes. The motion was approved

Conditional Use CU-20-012

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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 |
| ✓ | | 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, |
| ✓ | | 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. |

Mr. Howe made a motion to approve Findings of Fact CU-20-012. Seconded by Mr. Cook. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Cook and Mr. Howe voted yes. The motion was approved

Variance VA-20-022

- | <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) *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.*

Mr. Howe made a motion to approve Findings of Fact VA-20-022. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Variance Application VA-21-001

- | <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> |

Mr. Howe made a motion to approve Findings of Fact VA-21-001. Seconded by Ms. Lawyer. Mr. Howe, Ms. Kennedy, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Variance Application VA-21-002

- | <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> |

Mr. Howe made a motion to approve Findings of Fact VA-21-002. Seconded by Ms. Lawyer. Ms. Kennedy, Ms. Rhodeback, Mr. Howe, Mr. Cook and Ms. Lawyer voted yes. The motion was approved.

Variance Application VA-21-003

- | <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</i> |

- 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.*

Mr. Howe made a motion to approve Findings of Fact VA-21-003 Seconded by Ms. Lawyer. Mr. Cook, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-21-004

- | <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> |

Mr. Howe made a motion to approve Findings of Fact VA-21-004. Seconded by Mr. Cook. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Cook and Mr. Howe voted yes. The motion was approved.

Variance Application VA-21-005

- | <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> |

Mr. Howe made a motion to approve Findings of Fact VA-21-005. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence of Christine Lawyer form the January 12, 2021 Organizational Meeting.

Mr. Howe made a motion to excuse Ms. Lawyer from the January 12, 2021 Organizational meeting. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Mr. Cook voted yes. Ms. Lawyer abstained. The motion was approved

Next on the Agenda, Excuse of Absence of Christine Lawyer form the January 12, 2021 Regular Meeting.

Mr. Howe made a motion to excuse Ms. Lawyer from the January 12, 2021 Regular meeting. Seconded by Ms. Kennedy. Mr. Cook, Mr. Howe, Ms. Kennedy and Ms. Rhodeback voted yes. Ms. Lawyer abstained. The motion was approved

Next on the Agenda, Approval of Minutes from the January 12, 2021 Organizational Meeting.

Mr. Howe made a motion to approve the Minutes of the January 12, 2021 Organizational Meeting. Seconded by Ms. Lawyer. Ms. Kennedy, Ms. Rhodeback Mr. Howe, Mr. Cook and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the January 12, 2021 Regular Meeting.

Mr. Howe made a motion to approve the Minutes of the January 12, 2021 Regular Meeting. Seconded by Mr. Cook. Ms. Lawyer, Ms. Rhodeback Ms. Kennedy, Mr. Cook and Mr. Howe voted yes. The motion was approved

Next on the Agenda, Approval of Appeal Decision AP-20-002.

Mr. Howe made a motion to approve the Board of Zoning Appeal's decision for Appeal AP-20-002. Seconded by Ms. Kennedy. Ms. Rhodeback, Mr. Howe, Mr. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Other Business.

No other business was given.

Mr. Cook made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Howe, Ms. Kennedy, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The meeting was adjourned at 9:38 p.m.

Minutes of the February 9, 2021 regular meeting were approved on

_____, 2021.
