



**BOARD OF ZONING APPEALS**

**PUBLIC MEETING MINUTES**

**MAY 2, 2016**

**Meeting was called to order at 6:15 p.m.**

**Members Present:** Bruce Smith, Scott Clinger, Patrick Pickett, Jan Stoots

**Members Absent:** Greg Keller

**Staff Present:** Stephen Moore, Building Official  
Teresa Veit, Building Clerk

**ATTENDANCE ROLL CALL:**

Bruce Smith	present
Scott Clinger	present
Patrick Pickett	present
Jan Stoots	present
Greg Keller	absent

**Approval of the meeting minutes from the March 7, 2016 meeting.**

**Motion made by Scott Clinger, seconded by Patrick Pickett to approve the minutes of the March 7, 2016 Board of Zoning Appeals meeting.**

**ROLL CALL:**

Scott Clinger	yes
Patrick Pickett	yes
Jan Stoots	yes
Bruce Smith	yes

**Minutes were approved as submitted.**

**Declaration of bias or conflict of interest:** None

Bruce Smith swore in the speakers.



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Bruce Smith asked the Building Clerk to read the request #2016-003.

Building Clerk read the request.

**CASE NUMBER:** #2016-003

**APPLICANT:** Michael Oliver

**REQUEST:** A variance request by Michael Oliver for a variance at 3268 Erdem Court, Parcel #185-002132.

Bruce Smith asked Stephen Moore to read the staff report.

Stephen Moore read the staff report.

The applicant is requesting a variance to install an elevated deck with a playhouse with a zero (0) foot rear yard setback. The minimum rear yard setback for an accessory structure allowed in section 1171.02(c) is six (6) feet. Also, there is a ten (10) foot building line along the rear of this property. After researching the minutes of the Planning and Zoning and Council meeting about this subdivision plat, it was found that this building line was required to be provided as a buffer for the property to the east of this lot. A copy of the minutes have been provided for your use. With this additional building line, the minimum rear yard setback is ten (10) feet. The applicant states that he would like to build this play structure for his grandchildren.

Variations required:

To section 1171.02(c) to allow from a minimum six (6) foot rear yard setback to a zero (0) rear yard setback to allow construction of a deck with playhouse.

To allow from the platted ten (10) foot rear building setback line to a zero (0) building setback line to allow construction of a deck with playhouse.



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#### **STAFF RECOMMENDATION:**

Staff does not recommend granting this variance as proposed, however staff recommends the Board consider the following items in making its determination to grant or deny this variance;

1. The Board shall only approve a variance or modification thereof if extraordinary circumstances exist. The Board shall consider the following to determine if extraordinary circumstances exist;
  - A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use without the variance;
  - B. Whether the variance is substantial;
  - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
  - D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
  - E. Whether the property owner purchased the property with knowledge of the zoning restriction;
  - F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
  - G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
2. Rear building setback line was required to be provided by the Planning and Zoning Commission and Council to provide a buffer to the property to the east.

The survey that was submitted, shows the ten (10) foot building line along the back of the property. Also included are the minutes from the meetings. During the Planning Commission meeting, the owner of the property at that time asked since his house was so close to the property line that they put an additional buffer in. The plat on that side and along the top part where the subdivision touches that property, there is that ten (10) foot building setback line that is along that whole property.



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That is what it was put in place for. It is unusual to see that. That is why we did research on what it was. Council wanted to make sure that was there before they approved the Final Plat.

Bruce Smith asked the Board if there were any questions.

Scott Clinger asked in the minutes there is a stipulation that they also discussed on taking the ten (10) foot buffer to a fifteen (15) foot buffer?

Stephen Moore responded if you look at the minutes from the Council meeting, they didn't revise that.

Bruce Smith invited Michael Oliver to the podium.

Michael Oliver, 3268 Erdem Court, Groveport, OH 43125

The playhouse is a tree house. They have a lot of nice trees on the back of their lot. That is one of the reasons they purchased that property. His granddaughter has requested that her grandpa build her a treehouse. It is a treehouse that has a deck. He knew Bob when he lived in that house before he died. He was a good neighbor to him but Bob was grumpy. That's not a problem. He did his best and tried to be a good neighbor to him. He found out that they had something in common with having those trees back there, which was poison ivy. He doesn't get poison ivy so he went back to clean the trees up and he noticed some on Bob's property. He went over and started to take Bob's poison ivy out. Ever since then, they were great friends. Bob has since passed away.

He checked with the neighbor that is in there now and told him what they were planning on doing. He told him he was welcomed to come to this hearing. He said that he didn't have a problem with building a tree house back there. He informed the neighbor that it is going to be a nice size tree house with a deck on it. The neighbor said he didn't care and that they always keep the yard up really nice. There are trees back there that he clears out so he can see the chipmunks, squirrels, and birds that are back there.



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He has talked to all the neighbors to see if they would have a problem with building the tree house. He doesn't see anyone that has a problem with it. Since his granddaughter wants a tree house, it would be nice to put it in the trees that he has back there. It is not going to be up in the trees. It will have one tree that comes up in the middle of the deck. He needs the variance to be granted so they can get started with that. He has people coming in this weekend to dig holes for it. He has gone to Home Depot and got a copy of the plans for the deck. He will need to take up a fund tonight to help him pay for this. They are ready to start on this as soon as he gets this approved.

Scott Clinger asked if the neighbor's name is Donald Foulks?

Michael Oliver responded yes.

Scott Clinger asked if he supplied them with a written statement that he signed?

Michael Oliver responded no, he didn't know he needed that from him. Did he get a notice in the mail about this meeting?

Scott Clinger responded yes. What we are dealing with here is an easement for him. A building restriction so you don't encroach on his property. We would need to hear something from him in order to even consider that.

Michael Oliver responded he thought that is why the letter was sent out to him so if he had a problem or wanted to voice concerns he would be here. He did talk to him and you can take his word for it. He is a minister of the gospel and he doesn't lie. This is what he told him. He asked him a number of times even after he told him how big it was going to be. He said he doesn't have a problem with that at all. Since he isn't here to voice his concerns or if he hadn't written a letter ahead of time that it is obviously ok with him. Do you have his phone number that you can call him?

Patrick Pickett stated that his concerns go further than that. When Planning Commission and Council looked at this back in 1998 or whenever it was, their thought wasn't just about the current owner that was there. Their thought was about future owners, the character of the neighborhood, and the nature of the development.



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When he thinks about this being within a specific No Build Zone that they have established in the plat, that bothers him. He recognizes that Mr. Foulks could have shown up to voice any concerns that he had, but part of what he is thinking is, it's not just Mr. Foulks that is an issue here. We are talking about a variance not during just his period of ownership but a variance for all time. This is going to be something lasting that goes long beyond the current owner. He is torn between his failure to show up and voice any concerns which he agrees that it seems to say he doesn't have any. He is also torn by the fact that there is more than just him to be concerned with here.

If they look at the criteria that the Board has to look at, he finds that this is a substantial variance. You have a situation that you are basically going to a zero (0) foot setback. There is nothing there. You are on the property line at that point. There is no barrier there at all. For Duncan Criteria B, it seems like a substantial variance. If you look at Duncan Criteria C, part of which says, whether the adjoining properties would suffer a substantial detriment as a result of the variance. His reaction to that is yes, when you are building right on the property line that is a substantial detriment. If you move to Duncan Criteria E, that is whether you purchased your property with knowledge of the zoning restriction. Did you know that this was there?

Michael Oliver responded that he is sure that he saw the plan but he doesn't think he understood what that meant. The trees were on his property. He knows that they have zoning restrictions where you can't build on the side of your property because of utilities and things like that. He assumed that had something to do with that. From what he understands there aren't any utilities that run back there.

Patrick Pickett responded when we look at the land owner's knowledge of this kind of thing, when they buy their property, you might have not actually known that you are subject to this restriction but the fact of the matter is it is in the public record. You are charged with knowing that under the public record. When you look at the Duncan Criteria that says did you buy this property with knowledge that the restriction was there. He has to conclude that you did. It may not have been actual knowledge but you certainly had constructive knowledge due to the public filings.



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If you look at Duncan Criteria G, that says whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance, he doesn't think it is within the spirit and intent of the zoning ordinance. That goes against you too.

There is nothing better than wanting to build a tree house for your granddaughter, but when he looks at it, the law doesn't allow him to do what his heart wants him to do in this situation. That is his feeling on it.

Michael Oliver responded he doesn't understand why? Why can't you grant this?

Patrick Pickett responded because of the factors that he mentioned which are the Duncan Criteria that the Board is bound to observe when they hear a variance like this. The Board has to follow those factors. There are additional factors that he feels don't apply here, one way or the other, which is why he didn't mention those. He doesn't feel the factors fall in favor with this variance.

Michael Oliver asked is the main concern that he is building it right on the property line?

Patrick Pickett responded that the main concern that there is so little buffer to start with. The buffer was identified early on that it was going to be a problem between the new development and the existing land owner. Now you are going to build it right on the property line. There was a question whether the ten (10) foot buffer was sufficient at the time. They felt it should be extended out to fifteen (15) feet. Now, for the Board to say not ten (10) but zero (0). He has a hard time getting there.

Michael Oliver asked is there a buffer that we can agree on? Would a one (1) foot buffer be ok so it is not right on the property line?

Patrick Pickett responded that the Board can only look at what is in the application before them. Either approve or deny on the request that is in front of them at the moment. Rather than give you an advisory opinion, which he doesn't feel like he has to do or wise for him to do, he can only look at what is in front of him. That having been said, there are four (4) Board members here tonight. You are hearing one man's opinion.



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Jan Stoots stated that she tends to agree with Pat. The only other thing that she would like to mention is that it looks like they have enough property that they could build the deck without being in that zone. They had mentioned that they weren't going to use any of the existing trees.

Michael Oliver responded that he said that he is going to have one (1) tree.

Jan Stoots responded if you build the deck closer to the home, you could possibly have that opening and build it.

Michael Oliver responded then it is not a tree house.

Jan Stoots responded but you weren't going to put it in any tree. You were going to have a tree within the deck area, correct?

Michael Oliver responded that is what makes it a tree house. It is built in or around a tree.

Jan Stoots responded you could still plant a tree within a section of your decking.

Michael Oliver responded he could build it right next to his other deck but that is not what my granddaughter wants. She wants a tree house. They have beautiful trees. They are on their property. He doesn't see any reason why he can't use the trees that are on his property especially when his rear neighbor's property abuts to his and he is ok with him doing it.

Patrick Pickett responded that what Mrs. Stoots is getting at is another of the factors that the Board is required to look at, which is whether the problem you're facing can be taken care of through some other means than granting the variance. She is saying that appears to her that you have other options.

Michael Oliver responded oh yea he could build it up on top of his house.

Patrick Pickett responded that they could build this exact same structure in another location on their property. Granted there wouldn't be the same tree coming up through it and they might have a wait time for the tree to grow big enough. They could build the same thing somewhere else and not have to have a variance to do it.





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Michael Oliver responded that is why they thought they were here so they could talk about getting a variance done.

Patrick Pickett responded you are correct. That is why we are here. The factors that the Board has to look at and that is one of them.

Michael Oliver responded ok. He has a little problem with that. He said he could set it back one (1) foot and the Board said they couldn't talk about that. And now, the Board is talking about doing something completely different.

Patrick Pickett responded that the thing that they are talking about is completely different. It is whether you have another method to do it without a variance. If you set it back one (1) foot, you still need a variance.

Jan Stoots responded the way this reads is whether the property owner's predicament feasibly can be obviated through some method other than a variance. That is where she was coming from in offering another alternative for the deck and tree house.

Michael Oliver responded all the terminology that you put in that, he didn't have someone sit down with him and explain to him all that terminology. The only thing he understood was that he was here to see whether or not they could put that tree house where they have it located on the description that he had handed in to people. He is not looking forward to building it some place else other than where they are building it. If Groveport can't approve building a tree house for someone's granddaughter that is a sad place to be living.

Patrick Pickett responded tree houses can be built for your granddaughter just not on a zero (0) setback.

Michael Oliver responded that he could move it in a foot, two (2) foot, or whatever that tree would still be in there. But if he moves it in ten (10) feet, there is not going to be a tree there, because all the trees are behind the ten (10) foot line. Obviously, he isn't the one to make the decision because if he did, he would say ok that's fine. The neighbors are saying its ok. No one is here to argue it. He thinks the original owner didn't want a house built right on that property line. He put a shed up about ten (10) feet from the fence and Bob didn't say a word about that.



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Bruce Smith invited Vickie Oliver to the podium.

Vickie Oliver, 3268 Erdem Court, Groveport, OH 43125

Vickie Oliver asked if a variance can be changed?

Jan Stoots responded they would have to submit a new variance request.

Stephen Moore responded that the Board can grant a variance with conditions. That would be if you had set it at zero (0) or one (1) foot and the Board said ok you can do that but it can only be five (5) feet tall. It's not like they can go from zero (0) request to something different than what you asked for.

Vickie Oliver responded so her husband's question earlier about a foot, two (2), or three (3) feet could possibly be granted if they went through the procedure again to have another meeting to talk about that again.

Stephen Moore responded that would be a change in the request of the variance. You have heard the Boards thoughts. You would have to make a decision if you wanted to come back through with a different request.

Vickie Oliver responded that the reason she wanted to speak was that you are looking at things on paper and you are very use to doing that. She isn't. She couldn't tell anything from a piece of paper. She had her plans before she moved in. They were the first house in Bixby Ridge. They bought the first piece of property for all those trees, that tree line. Mature trees. If they plant one now and it grows up in the tree house, their grandkids will be married by the time it is big enough. If you look at the actual property, their house goes to the tree line. There is a little fence that was probably put in there fifty (50) years ago. Then this historical house. It is lovely. That is the side of the house there. It is not the front and it is not the back. You never see a living soul. There's nobody looking out the windows. There's nobody playing. There's nobody out there at all. Their house is here, the tree house is over here, catty-corner from our house, catty-corner from their house, it is more towards their back and side. Nestled up in the trees.



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They have seven (7) grandchildren under ten (10). The oldest is ten (10). Only three (3) of them live near by. The others live out of state. This tree house is going to sit empty most of time. They don't live with them. This was just a request. Her husband is in poor health. They aren't going to pass this way again to be grandparents. She thinks this stinks. This absolutely stinks to pay another \$75 to fill out more paperwork to come back to beg you to build a tree house. Their kids are all coming home for Mother's Day this weekend. Her boys were coming prepared to help her husband build a tree house. You can talk about the emotional lady later on. Because she is a Christian, she isn't going to the news. She would really like to go to the news and say this is what Groveport has done to their family. When they have paid their taxes, lived in Groveport, loved it, and put all their kids through school here and they can't build a stinking tree house. This is ridiculous.

Bruce Smith asked the Board if there were any questions.

There were no questions.

**Motion made by Patrick Pickett to approve variance #2016-003, seconded by Scott Clinger.**

**ROLL CALL:**

Patrick Pickett	no
Jan Stoots	no
Bruce Smith	no
Scott Clinger	no

**Motion denied.**



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Bruce Smith asked the Building Clerk to read the request #2016-004.

Building Clerk read the request.

**CASE NUMBER:** #2016-004

**APPLICANT:** Richard Hanson

**REQUEST:** A Conditional Use request by Richard Hanson at 549 Main Street, Parcel #185-000352.

Bruce Smith asked Stephen Moore to read the staff report.

Stephen Moore read the staff report.

The applicant is requesting a Conditional Use approval to have a mobile food vendor service in the parking lot at 549 Main Street. This property is currently zoned Community Commercial (CC). Mobile vendors are shown to be a Conditional Use in the CC zoning district per section 1153.03 (c). As a Conditional Use, this requires approval by the Board of Zoning Appeals. The applicant states that he is doing this to help generate business for the Hanson House, which is his parents business, at 549 Main Street and other businesses in the area.

Staff recommends the Board consider the following items in making its determination to grant or deny the Conditional Use;

Section 1134.03 (c) states that the Board of Zoning Appeals shall approve an application for a Conditional Use if the following conditions are met:



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Decision Options: The Board shall make findings of fact and act on the application in one of the following ways:

Approval: Upon a favorable finding, the Board of Zoning Appeals shall approve a Conditional Use application;

Approval with Modification:

- A. The Board of Zoning Appeals may approve with modification an application for a Conditional Use, if the proposed use is a Conditional Use of the Zoning District and the applicable Development Standards are met, but plot plan modification is required:
  - 1. To be in accord with appropriate plans for the area; and
  - 2. To prevent undesirable effects on adjacent property and the surrounding area.
- B. Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, control of access, or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

Disapproval: The Board of Zoning Appeals shall only disapprove an application for a Conditional Use for any of the following reasons:

- C. The proposed use is not a Conditional Use of the Zoning District or the applicable Development Standards are not and cannot be met.
- D. The proposed development is not in accord with appropriate plans of the area.
- E. The proposed development will have undesirable effects on the surrounding area and is not in keeping with the existing land use character and physical development potential of the area.



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This is a ten (10) x twenty (20) canopy with a sink to meet the Franklin County Health Department requirements. The County has within their mobile food vendors licensing, which is typically the food carts, what they call a knock down unit. This unit is approvable. It is fully self-contained. The water has a special hose with a backflow preventer that hooks to a spigot on the building. It has a holding tank for the drains. He has to have a three (3) compartment sink which he has. He has met all of their requirements and is approved. They just weren't aware they had to come to us for zoning approval. There is no building code requirements because it doesn't fall under the size and it is regulated by Franklin County Public Health.

They have a little parking lot where people can get in there to park to get their food. No one stays there and eats. They take their food and go. That way he isn't blocking the alley. Also, there will be walk up traffic. We want to make sure he doesn't block the alley. This falls within the mobile licensing with Franklin County, so we are calling it a mobile food vendor. It is listed as a Conditional Use in that zoning district. It seems to meet the other criteria there as far as parking issues.

Bruce Smith invited Richard Hanson to the podium.

Richard Hanson Jr., 1309 Crestview Street, Reynoldsburg, OH 43068

Richard Hanson stated that the property is at 549 Main Street. His parents bought this property back in 1987. They have been there almost thirty (30) years. They have supported this community and have given so much support to town functions. Unfortunately, times have changed. Computers are the way of doing advertising. They are not savvy. His dad still has a flip phone and really doesn't know how to dial with it. He doesn't say this to be funny or make him feel bad.

TV ads don't work. Radio ads don't work. They are going to work for lawyers, car dealerships, or fast food restaurants. It doesn't work for an arts & craft type of business. In fact, it isn't an arts & craft type of business, it is fine art. She makes very beautiful antique looking products. But nobody is coming in. That is the purpose of this here. She has tried to do mailers. She has done shows. She has done everything to get people back in this town.



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*Richard Hanson went on to explain the last 26 years from childhood until present learning the process and business of becoming a barbecue pit master.*

People aren't coming into his Moms store so he wants to build something for her that he can work at twice a week to bring business to her. He is a home improvement contractor and doesn't have time to do it more than that. He has a daughter that wants to go to culinary school. This is her business.

Patrick Pickett asked what do you mean twice a week? Tell us what you are thinking on business hours and days. He understands that these things can change.

Richard Hanson responded lunch to close. Close is when they run out of food.

Patrick Pickett asked Saturday and Sunday?

Richard Hanson responded Friday and Saturday is typical. He didn't put a day on the application, because there are all kinds of events, Apple Butter Day, Fourth of July, etc. During these events, even though his parents business is open that day, only two (2) to five (5) people will come in the store, and not one will buy anything. For the past six (6) years, he has been cooking in the parking lot for his family. People would walk up to him with money in hand to buy some food and he would say no. He got so good at cooking and enjoyed it that everybody wanted him to start a business out of it. At first he said no but then his daughter said she wanted to be a chef so he decided to do this. People have come in his Moms store due to him cooking. If they could do this on Friday or Saturday, people will shop in her store. If they don't do this, his parents will have to go out of business. They can't pay the bills anymore and they are elderly. They need something to supplement that income. If someone comes to buy food from them, they are making some money. If they come in the store and buy something, they are making some money.

The pop up tent is not his first choice, it is temporary. Eastland Career Center is working on a grill for him. That grill will be put on a trailer. The trailer will leave to go to other functions. He might make \$1000 to \$2000 on a weekend here in Groveport but he can go to other functions and make more money. He is going to build a tiny house as a concession. All those components you see there now are all on wheels. They can all go into his trailer for the next function.



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They have the approval from the Franklin County Board of Health and Columbus Board of Health on their designs. He can't do anything with the trailer until he gets the cooker that he is waiting on. It goes on the back of the trailer and he can't build anything until it goes on there because it is so big. It dictates how the walls are going to go up. Once it is built, it will be on a twenty-eight (28) foot trailer and it will come and go on the weekend, Friday and Saturday, or whenever one of those functions are. As soon as they are out of food, it will be shut down and it will be out of there.

He has a facility in Reynoldsburg. His parking lot in Reynoldsburg is ten (10) times the size of this parking lot. With approval of this variance, inside of the building, he can lift the garage and roll the stuff inside there until he gets the other one built. If they can't do this, they will sell everything off by January. They are asking to sell this to their customers. He wants to bring something to this town. They are going to give fifteen (15) % discount to law enforcement, whether it is military or police, when they show their badge.

For the first couple of months, they would like to extend a five (5) % discount to all Groveport residents. They would just need to show their driver's license that they have a Groveport address. They want Groveport to support this and also bring people in from out of the area.

Patrick Pickett asked what about parking? Is there adequate parking there to cover the traffic flow? Stephen seems to think there is.

Richard Hanson responded you can park uncomfortably six (6) cars. Comfortably three (3) cars.

Patrick Pickett asked do people come there, buy the food and eat there or do they eat elsewhere?

Richard Hanson responded he can't say that he might not have a couple of elderly people that stroll in, that want to sit on the bench at the front of the store, sit down and eat. He won't stop them from doing that.

Patrick Pickett asked by and large, people will come in and buy their food and go?

Richard Hanson responded yes. This is not a restaurant.





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Patrick Pickett asked so you have been doing this for five (5) or six (6) years and have had no trouble with rodents, waste, no pest problems or anything like that?

Richard Hanson responded no and he doesn't want any problems with that. Servsafe is a food hazard program. They have to learn food hazard, safety, and how they store their food. They don't buy food to store in a big refrigerator on site. Dry goods are dry goods. They buy it as they need it. Their whole mantra as a company is from farm to table. They are working as close as possible with local farmers. The food is prepared and straight into the cooker. Food comes out and goes straight home to the buyer. He is not doing leftovers.

Patrick Pickett stated there is a different set of restrictions than the prior case. Completely different analysis for the Board. Basically, the Board has three (3) factors. If the Board doesn't find one of these factors to exist in this kind of case, they can't disapprove what you are asking for. The three (3) factors that they have to look at, is whether the use that you want is in fact a Conditional Use. It is a permitted Conditional Use, so that is not something that is really going to go against you. The second factor is whether the development is in accord and appropriate with the area. In his opinion, it seems to be. They need to focus on the 3<sup>rd</sup> factor and see if that is a problem. That is why he is asking things like parking, pests, and whether the proposed use is going to be detrimental to the area. That is what he is trying to get at, what is the downside. So far, he hasn't heard anything detrimental.

Richard Hanson responded that he is very conscious about their cleaning. The sink is so huge because the Board of Health's code is you have to be able to fit half of the container that you are going to clean in the sink. His license is tied to him being conscious of cleaning. He has to be very conscious for his customer's health.

Patrick Pickett asked about lunch and dinner hours?

Richard Hanson responded no, it won't make it to dinner. This is barbeque. When it is gone, it is gone.

Patrick Pickett asked so we are not talking about late night service or anything like that?



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Richard Hanson responded no. Legally, he has to have lights to work under. Lights are on while they are prepping all night long and getting things ready. When they start going with this, if it all goes well, it will be from noon to about 2:00 p.m. or 3:00 p.m. As for parking, Huntington Bank across the street has quite a bit of parking also.

Patrick Pickett responded that Service Master seems to be the most affected next door.

Richard Hanson responded yes, they keep knocking on the door asking for barbeque. He doesn't think they will have too much of a problem with it.

Scott Clinger asked are there any restrictions on the mobile signs like the A frame signs?

Stephen Moore responded that they will have to comply with the sign code.

Richard Hanson stated that they won't have any signs up that flash open or anything like that. It is the smoke that does it.

Bruce Smith asked the Board if there were any questions.

There were no questions.

**Motion made by Patrick Pickett to approve variance #2016-004 without conditions, seconded by Scott Clinger.**

**ROLL CALL:**

Jan Stoots	yes
Bruce Smith	yes
Scott Clinger	yes
Patrick Pickett	yes

**Motion approved.**



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**Other Business:** None

**Motion to adjourn was made by Patrick Pickett, seconded by Jan Stoots.**

**ROLL CALL:**

Bruce Smith	yes
Scott Clinger	yes
Patrick Pickett	yes
Jan Stoots	yes

Meeting adjourned at 7:17 pm.

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Bruce Smith, Chairperson