



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, AUGUST 20, 2020 6:00 PM

PLACE: COUNCIL CHAMBERS
7232 EAST MAIN STREET, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Linder, Furst, Bulls, Barnhart
ABSENT: Rettke

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – July 23, 2020

Approved

3. APPROVAL OF AGENDA

Approved - Motioned to remove item number 4.

Mr. Furst: I understand there needs to be a change of the agenda this evening, correct?

Mr. Bowsher: Yes. New business, number four, the application, 2020- 5332 will need to be withdrawn and crossed off for the agenda, please.

Mr. Furst: I would appreciate if someone would make a motion to.

Ms. Barnhart: Motion to approve the taking off of number for their motion.

Ms. Bulls: Second

Mr. Furst: That item has been removed.

4. SWEARING IN OF SPEAKERS

Speakers sworn in by Mr. Furst.

B. PUBLIC COMMENT

None

C. UNFINISHED BUSINESS

1. Application #2020-5270; 9141 Firstgate Drive; Applicant Benjamin Pacheco Robles; Residential Variance

Ms. Wheeler We actually may need our city attorney for this one. This was the variance request from the previous meeting. In your packets you do have the findings of fact and conclusions from that variance request. I don't know.

Procedurally, I believe we would need to take a vote at this point.

Mr. Bowsher I think it also needs to be read into the record. The findings that was mentioned, that was what was holding us up from last time for making that recommendation for denial. That looked like it was the consensus. So if we could get the acting chairman to read those in and to make that motion, I think that's what is required at this stage.

Mr. Furst Mr. Shook, is that your understanding of how you'd like the procedure done to move forward for the unfinished business this evening?

Mr. Shook Well, let me get caught up here real quick. So we're on unfinished business item, agenda one. I went ahead and prepared a findings of fact and conclusions for the board based upon the discussions at the last BZBA meeting. We do not need to read that into the record as it is part of the record as a part of the agenda packet. The board at this time would need to entertain a motion as to whether to accept those findings of fact and conclusions and then hold a vote.

Mr. Furst OK. I'll certainly entertain a motion.

Pastor Linder Inaudible - (Pastor Linder moved the motion to approve those finding of facts.)

Mr. Furst Thank you, Pastor. Do I have a second?

Ms. Bulls I Second.

Mr. Furst Thank you, Ms. Bulls. Would you call the roll?

Ms. Wheeler Ms. Barnhart. Abstain. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder.

RESULT:	FAILED [3 TO 0]
AYES:	Linder, Furst, Bulls
ABSTAIN:	Barnhart
ABSENT:	Rettke

D. NEW BUSINESS

1. Application #2020-5325; 1371 Brice Road; Applicant Rosana Martinez; Non-Residential Variance

Mr. Furst Item number one, application 2020-5325 for 1371 Brice Road. Is the applicant here? Would you like to come up and give a statement?

Ms. Martinez Good evening. My name is Rosanna Martinez. I am the owner of Romaine Bilingual Preschool that is at 1371 Brice Road. Requesting a variance due to different circumstances. We let the license expire because we couldn't use it as a day care due to a problem we had at 1357, which is the other day care. Now due to

the situation that we have with all the school age, we need that back to be the day care again so we can have them there and be able to attend all their needs that they have this year.

Mr. Furst Thank you, any questions for the applicant?

Ms. Wheeler If I may. So it's on the record. Just so we can have the application number this is for property address is 1371 Brice Rd. This is a non-residential zoning variance request number 2020-5325. Just to give you the appropriate background, a child daycare center is not listed as a permitted or conditional use in the Brice and Main district and hence the request for a variance is required. And she stayed in the property, was previously used as a daycare center.

Ms. Martinez It has been daycare since 2012. We had to do some arrangements and stuff. My specialists from Job and Family Services said to get that done before I get it open again.

Mr. Shook Mr. Chairman, if I may ask a few questions of the applicant. Ms. Martinez, I just have a few questions. You opened up a daycare at this same location back in 2012, is that correct?

Ms. Martinez Correct.

Mr. Shook OK. And that was open up until 2019, at which time you had to vacate the premises because at which time you had to vacate the premises because of a flood in an adjacent building. Is that correct?

Ms. Martinez At 1357 we have a problem in 2018 and it took a long time for us to get back to where we needed to be. We used 1371 as storage and everything.

Mr. Shook OK, so the only reason that you haven't been operating it as a daycare is because of the flood and the reclamation that needed to be done to the property, is that correct?

Ms. Martinez Correct.

Mr. Shook And you're only seeking to continue to use that same property that you had used before for about six or seven years.

Ms. Martinez Correct

Mr. Shook I think that's sufficient for the board to make a finding that the applicant has established a genuine hardship for a use variance at this premises.

Mr. Furst That being said, certainly entertain a motion if anyone would like to make one.

Ms. Barnhart I move to approve.

Mr. Furst Thank you, Ms. Barnhart, is there a second?

Pastor Linder I'll second.

Mr. Furst Thank you, Pastor. Would you call the roll, please, Ms. Wheeler?

Ms. Wheeler Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Rettke

2. Application #2020-5331; 6995 East Main Street; Applicant Chris Crabtree; Non-Residential Variance

Mr. Furst Next item is number two, application 2020-5331 6995 East Main Street. It's a nonresidential variance.

Ms. Wheeler Yes, just to add on to that. This is a request for a non-residential variance to operate a tattoo establishment. This is not listed as a permitted or conditional use in the East Main Street district. Therefore, the variance request. Previously, the tenant space was used as an insurance office. With that, I believe the applicant has some additional comments.

Mr. Crabtree Good evening, everybody. My name is Chris Crabtree. As you said, I've had an Allstate agency and the location since November of 2017 when Covid 19 hit, it had a major impact on my income. In March, I was advised not to have any interactions with the public, which severely reduced the amount of business that I was able to generate. Then in June, Allstate forced me to close my doors permanently. Due to a non-compete. I can't operate another insurance agency inside of the location. That being said, I'm two and a half years into a five year lease. I have explained the situation to my landlord, even spoke to him about this meeting. The only way that he'll let me out of the lease is if I pay 12 months in full, which equals fifteen thousand ninety six dollars. With my income and savings taken a major hit, ever since the start of this pandemic, if I'm forced to pay the fifteen thousand to get out of the lease, it's going to force me to make incredibly hard decisions in the future that will affect any future businesses and my family. That being said, I know that tattooing is not an approved thing for the zone. But that being said, there are at least two salons that do micro blading, which is a form of tattooing. One of them is on Bryce Road within two miles inside a Reynoldsburg that Swade Beauty. Then also directly next to the location is Pearl Nails, they also do micro blading, which, like I said, is a form of tattooing. One of my foundational artists actually lives in Reynoldsburg. A lot of his clients are based in Reynoldsburg, but they're actually traveling and traveling to the shop that he works at in Hilliard just because of the

service that he provides. The other artist is actually a childhood friend that I've had, between all the artists that I have, they have 35 years of experience in the industry. In which we're actually planning to do a lot of fundraisers that will help the community as well.

Mr. Furst Are there any questions for the applicant?

Mr. Shook If I may, or if anybody in the board has questions first.

Pastor Linder Pastor Linder, I didn't hear how long had you been there operating the insurance agency?

Mr. Crabtree Since November of 2017.

Pastor Linder OK. And was that before the nail salon came in?

Mr. Crabtree The nail salon has been there for I think at least 10 years.

Pastor Linder And they're operating as well right now.

Mr. Crabtree Yes.

Pastor Linder Thank you.

Mr. Shook Mr. Crabtree, Chris Shook, city attorney for the City of Reynoldsburg. Have you, I understand that your landlord is indicating that you need to serve out the term of your lease and you can't continue to operate an insurance business at this location. Have you looked at any of the other permitted or conditional uses that are available for an appropriate business at this location?

Mr. Crabtree I have. The only thing is with my experience, I'm kind of limited on what I think would be a successful business.

Mr. Shook So you believe that with your experience in insurance that the only other thing that you'd be qualified to do is tattoo.

Mr. Crabtree Not necessarily just my experience in insurance as far as the other businesses that could go in there. I mean, I would love to put another business in there, but the only thing that I could think of was the tattoo shop based on the experience that I've had. And also with the artists that I have that will be committed to coming in there on a daily basis.

Mr. Shook OK. What other permitted or conditional uses did you consider or look at for this particular property?

Mr. Crabtree We've actually considered doing like a supply shop for the tattoo

industry as far as the materials. Quite honestly, it just doesn't seem like it's as advantageous as a tattoo shop would be.

Mr. Shook Okay. You understand that our standards for variance do not depend on the economic impact necessarily to the applicant.

Mr. Crabtree Correct

Mr. Shook Are you aware of the other areas of the city in which a tattoo parlor is permitted?

Mr. Crabtree From my understanding, it was not allowed anywhere inside of Reynoldsburg.

Mr. Shook It's actually, did you know, that it was permitted use in the innovation district?

Mr. Crabtree No, it was not made aware.

Mr. Shook Do you know what the innovation district is?

Mr. Crabtree No. But if I could when I first was considering this, I call I contacted the zoning department and the first person that I spoke with said that it was a permitted youth and that I just had to get everything on board with the health department. So I actually started that process. Once I got to a point where I was ready to actually move forward as far as getting like the handwashing stations in place. When I reached out to get the permit, I was told that the first person I looked at the zoning, looked at it incorrectly because they were looking at it under a personal and beauty and that tattooing was not permitted. Which is why I'm here today.

Mr. Shook Now, the owner of this property is Huntington Park, is that right?

Mr. Crabtree Yes.

Mr. Shook And I assume that you're here as an agent on behalf of the owner. Is that correct?

Mr. Crabtree No. I've spoken with the representative at Huntington that I've been working with. And they said that if I can get it approved with the city, they're OK with me, put in a tattoo shop in there and basically just changing the usage of my lease.

Mr. Shook OK. Did they authorize you as an agent to file this application on their behalf?

Mr. Crabtree I'm not sure.

Mr. Shook For a variance under our code, the application has to be filed either by the owner of a property or a designated agent of the owner of the property. And the owner of this property is Huntington Bank.

Mr. Crabtree No, I was not authorized as an agent. I was not made aware that I needed to be that or I would have had that communicated.

Mr. Shook It might be best at this point to ask if the applicant wants to withdraw his application. So go back to Huntington Bank and see if they will make him an authorized agent. And then he can resubmit his application, because if the board were to vote on it tonight with him not being an authorized agent and denied, he wouldn't be able to apply again for another 12 months. So that would be my recommendation at this point would just be to have the applicant withdraw the application and resubmit it as an authorization agent of Huntington Bank.

Mr. Furst Understood. Mr. Crabtree, is that something that you'd be acceptable?

Mr. Crabtree I mean, am I going to have to resubmit that payment and everything else to do this again? Or since I've already submitted it, would that be waived the second time?

Mr. Shook I think that's up to the development department, I think they could wave that.

Mr. Bowsher We absolutely wave if there hasn't been a recommendation that was made a denial or approval and it's sticking with the same jurisdiction within the same year, we allow that to be a pass through onto the next application.

Mr. Crabtree OK. Then, yeah, if that's what you're advising, then yes, I would withdraw and then. Just reapply once they have permission.

Mr. Furst Thank you, Mr. Crabtree.

RESULT:	HELD
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Next: 12/17/2020 6:30 PM

3. Application #2020-5338; 2364 Taylor Park Drive; Allan Wiley (GBC Design, Inc.); Non-Residential Variance

Mr. Furst Moving on to item number three, this is application 2020-5338 for 2367 Taylor Park Drive. This is a non-residential variance for the Chick fil A.

Ms. Wheeler Thank you. Thank you, Mr. Chair. As you've mentioned, the property at two, three six four Trailer Park Drive is within the community commercial zone. This project, which is for a new approximately 5000 square foot Chick Fil A restaurant with a dual drive thru lane was approved. I received major site plan approval at the Planning Commission meeting held on August 6th, conditional on receiving

variances for some of their setbacks. So this would include their front and side yard setbacks, which are required to be 10 to 20 feet Max. They have, actually up on your screen, you see what their proposed setbacks are and the red lines there. But generally speaking, they're requesting about 80 feet from Route 256, about 45 feet from Taylor Road and approximately forty eight feet from Taylor Park Drive. There are as well some existing sanitary sewer utility and water main easements that do run along the perimeter of the property, which would make strict conformance with the zoning code somewhat challenging. That is shown in this slide here. I don't know if the applicant is here. Yes. And may be able to answer any questions you may have as well.

Mr. Rousse Name is Gary Rousse. I'm with JBC design. We're the site engineers for this project. Chick fil A purchased the site in April of 2018. And somewhere between then and now, the code was changed to have these 10 to 20 foot building setbacks. They don't have a building that would be we have frontage on three different sides. So we would have to have a building that's about, I don't know, two hundred and twenty foot long. They just don't have one that big. They do have a drive through business. They're really big on safety at Chick fil A and they like to have an isolated drive through, which means you wrap it around so people can park, walk into the building if you choose to dine in, keeps the drive through traffic all on the outside. And to not get the variances that 80, 45 and 48 or whatever they are would be extremely problematic.

Mr. Bowsher I'd also just like to add that this has been approved by planning commission earlier this month for the major site plan. In addition, BZBA, this board two years ago actually approved of this for the one lane drive. As the gentleman for the representative of Chick fil A had mentioned. They've had it for about two years where the Logan is currently. The idea is to demolish the Logan's and build the Chick fil A to the north of that location. They've added that second lane there for stacking reasons, especially during Covid 19 and the need for additional traffic. So this was to alleviate any sort of excess traffic on Taylor Park Drive. They also had a traffic study that was previously done that proved that it didn't need to do that. But they decided to step up and add the additional lane anyhow because they know their customers best. So just with that being said, the city's recommendation from staff's perspective is approval of this application. Thank you.

Mr. Shook As the board knows, I typically ask questions about hardship on variance requests, however, I would note that the application in this matter went into great detail as to each of the factors that are indicated in our code section 1109.33, including the statement of hardship. The statement that's indicated in that application is sufficient to address each of those factors and to establish a hardship in this case.

Mr. Furst Excellent. Thank you, Mr. Shook. Does anyone have a motion?

Ms. Barnhart I have a motion to approve the variance request.

Mr. Furst Thank you. Do I have a second?

Ms. Bulls Second.

Mr. Furst Thank you, Ms. Bulls. Ms. Wheeler please call the role.

Ms. Wheeler Ms. Barnhart. Yes. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Rettke

4. Application #2020-5332; 8617 Taylor Road SW; Applicant Chris Bruzzese (Berardi + Partners, Inc.); Residential Zoning Variance

Withdrawn/ Removed

RESULT:	TABLED [UNANIMOUS]
AYES:	Linder, Furst, Bulls, Barnhart
ABSENT:	Rettke

5. 2080 Birchview Drive South; Applicant Dimitri Hatzifotinos; Appeal

Mr. Furst Remaining item this evening is regarding 2080 Birchview Drive South. This is an appeal. Ms. Wheeler, did you want any context?

Ms. Wheeler I don't. I have included in your packets the request for the appeal, as well as the original code violation notice, as well as the original photographs that were included. And I'll put it on the screen as well.

Mr. Shook I can actually go into a little bit of background. Chairman, first.

Mr. Furst Yeah, please. Thank you.

Mr. Shook This is an appeal of a notice of violation of the new zoning code, 1105.07K2, which requires dumpster enclosures in the city of Reynoldsburg on three sides for any service structure that is accessed frequently, such as a dumpster. This is the same language under our new code that was under our old code. The notice of violation was sent out to a certified mail to the owner of the premises at the location of 2080 Birchview Drive South I was sent out on June 4th to the statutory agent of the owner and the appeal was filed timely by the applicant. I believe that the notice, the violation, the photos and the notice of appeal are all included in the agenda packet.

Mr. Hatzifotinos Thank you. Good evening. My name is Dimitri Hatzifotinos and I'm an attorney. I work at Willis Law Firm in Columbus and I also represent Eden of Caleb's Crossing Apartments and the owner of the property. This property is

managed by a company called Fifty Eight Twelve Investment Group, which also manages Eden of Reynoldsburg, which actually has a number of dumpsters that are screened. This particular property, Eden at Caleb's Crossing, has three hundred and sixty apartment homes. His property was purchased by the owner in 2013 and prior to 2013, this property was very, very dilapidated with extreme deferred maintenance and it was in receivership, which means that the bank took it back because the owner of the property at that time wasn't paying their mortgage. I believe that that was probably somewhat because of the bust in 2008. So from 2008 forward, this property suffered a lot. And then in 2013, when it was purchased by my client, we've invested hundreds of thousands of dollars in all sorts of capital improvements in this property. Ultimately, in this particular property, there are 27 dumpsters. Since this property was built in 1984. I can't figure out any time when the dumpsters have been screened, but I can specifically tell you that since 2011, when the bank took it, they absolutely have not been screened. There has been a change in the company that services the dumpsters. So the dumpsters are newer because the old company left and the new company came in and they bring their own dumpsters. But your order, the order that was issued was issued and gave my client 28 days to screen 27 dumpsters. Each dumpster costs seven thousand five hundred dollars to screen or thereabouts to build the structure to code to be able to do that. Seven of the dumpsters are visible to the outside world, and the rest of the 20 dumpsters on site are only visible to the community at Eden of Caleb's crossing. And so the general gist of why we've appealed is because we believe that is within your purview to determine if the intention of your code is met by a particular code order. And in fact, that's what your code says. The old code, 1155.06. I'm sure the new code says the same thing. The purpose of the procedure here is for you as a body, as quasi-judicial, to decide whether or not the intention of the code is met. When your code officer or your administration decides that they're going to issue an order requiring that 27 dumpsters. And by the way, the total cost for the screening of those 27 dumpsters is two hundred and two thousand five hundred dollars, to be done in 28 days. Ultimately, I've been in contact with your city attorney and I've made efforts to try to do what I'm asking you to do tonight, but I have not gotten that accomplished. What I'm asking you to do tonight is allow us approximately two months to screen the seven dumpsters that are visible to the outside world. That will cost us fifty thousand dollars, which we're happy to do. And then allow us to do 10 dumpsters a year thereafter in 2021 and 2022. When a property is purchased under a code that exists and as indicated by your city attorney. 1180 of your code has been in existence for a long time prior to the new code being established. And you don't enforce your code for years and years and years. Then a new administration shows up and makes some campaign promises and wants to change the picture. There's nothing wrong with that. Really, there isn't. However, there are people in this city that want to make a safe place to live for your residents. It costs money to do that. We have capital budgets. We spend thousands and thousands of dollars trying to make sure that it's a nice place to live. Even in light of the deferred maintenance. I don't appreciate the interruption, but I guess that's not up to me to say necessarily. In any event, because I was on a roll. In any event, you know, what I will tell you tonight is that for us to not have a certain set of circumstances for more than 10 years, for

sure, and probably 30 years in a code that exists. And then for the city to come to us and say, you have 28 days to have to spend two hundred and two thousand dollars that you had no idea that you were going to have to spend. Or we're going to violate you, and by the way, your code says that we have to pay 250 dollars a day per violation, times twenty seven, if we don't comply, is just patently unfair. In addition, it does not meet, in my opinion, the intention of your code, because if you don't enforce something forever, whether that's a contract or a rule in the city and then you switch to enforcing it, that's fine. That makes your city better. There's nothing wrong with that. But if a problem has existed for 30 years, clearly it's not an imminent problem. And you're now telling me that I have to imminently fix it under penalty of spending a whole bunch of money. That money that we're spending, that two hundred and two thousand dollars, if not done over time, does a number of things for us, which is a hardship on our tenants. So, number one, we have a capital expenditure that we have every year based on our income. So whatever we're doing this year in that capital expenditure isn't going to get done to some extent if we have to do this, or we have to raise the rent in order to be able to spend two hundred and two thousand dollars in 28 days. If we raise the rent and since our property is extremely disproportionately occupied by minorities and individuals who are a protected class under the Ohio Fair Housing Act and the Federal Fair Housing Act, the city is then subject to suit for discrimination. Because the policy of the city, this nondiscriminatory policy, which is to try to get these dumpsters screened. Is arbitrary because they've given us 28 days to spend two hundred and two thousand dollars. And it has a disproportionate impact on minorities at this apartment complex whose rent would have to go up. And we can prove it. If we're going to spend two hundred and two thousand dollars in 28 days. So a better idea for everyone is not to have to go to court and litigate that issue, because that's the last thing this apartment owner wants to do. They would much rather be able to do something commercially reasonable and screen the seven dumpsters that are visible to the outside. So to the extent that your code requires you to determine what the impact is on the community, we can say in this venue tonight that we're addressing that. We've got a couple of months. We will get these seven dumpsters, we'll pay fifty thousand dollars and we'll get that done. Subsequently, the internal dumpsters can then float in to our regular course of operations. And since the wintertime is not a time to build fencing and dig holes in concrete, we would do that as the spring opens both next year and the following year. And that would allow us reasonable opportunity to budget appropriately to be able to do this in the ordinary course of our business. Now, in addition to all of that we've brought for you and by the way, I live in Grandview. My wife's on city council in Grandview. So I drove from the west side of Columbus. On my way in, I noticed that there were seven dumpsters on Main Street, without driving off the street. I literally just drove in and went like this. There were seven dumpsters that were not screened. Most of those dumpsters are from properties that are older in age. The newer stuff like the Wendy's that's been remodel and stuff like that. There's a screen that CVS is screened, but a lot of the older properties don't have screened dumpsters. So now one of the other arguments that we have is, hey, you know, you're calling us out to screen with 27 screen dumpsters at a cost of two hundred thousand dollars. And when I drive down the street, there were seven that I

saw. But these are all pictures for the record of unscreened dumpsters. And I would like to submit these all as an exhibit after I show them to you. I think there's more than 20 here. So one of the other problems that your city attorney and your administration have is that they're arbitrarily enforcing this to our economic detriment. While all these other dumpsters exist that are unscreened.

Mr. Bowsher Let the record show. The attorney for the defendant has put in pictures for his defense.

Mr. Hatzifotinos So as we stand here today. I really am here to ask you to make a choice between; approving this violation and denying our appeal, which would then lead to litigation and to be honest with you, if we went to court on this, it was still a take probably two years to get a result. But it will cost everybody a bunch of money that we don't want to spend. Or alternatively, what I'm asking for is for you to approve our appeal and modify this order to allow us to screen seven dumpsters in the next two months that are visible. 10 dumpster's next year and 10 dumpster's the year after. And we will agree to that. And then under penalty of the penalties in your code, if that order as modified isn't performed? You know, I think you've been reasonable and I really appreciate the opportunity to appear before you. And I'm happy to answer any questions.

Mr. Shook I had an opportunity to discuss with the mayor your proposal, which we are hearing for the first time this evening. And I just want to make sure that I understand it correctly. So your suggestion, your proposal is to build these screens for these seven visible dumpsters in the next two months? Is that correct?

Mr. Hatzifotinos Yeah. I mean, in the fall before the weather breaks, as the contractors can do it. But I think it's going to be two months.

Mr. Shook Ok, and 10 dumpsters in fiscal year 2021. Is that correct? And 10 dumpster's in fiscal year 2022.

Mr. Hatzifotinos Also correct.

Mr. Shook The city accepts your proposal.

Mr. Hatzifotinos OK. I'm in an administrative hearing right now, so I'd like a decision from this board that would reaffirm that.

Mr. Shook I would ask the board if the board is willing to do so to make a motion to sustain the appeal, in part with a modification as specified by the appellant.

Mr. Furst Would anyone like to make a motion?

Pastor Linder I do appreciate the city's immediate reaction when you made the statement. I thought maybe you had already made a proposal in writing or in some

other way for them to consider, and that it became clear to me my first question was going to be, when did you make that proposal that you made tonight to the city? I'm finding out that that happened just now. Which is fine. Would you also consider or the owner any updated maintenance practices? Because some of the pictures really look like without screening, there's issues with debris. I'm not I'm not in a position to demand that. I'm just asking, is the owner inclined to be a little more aggressive about how they maintain in lieu of these enclosures in the in the time? Not even asking for that to be official. I'm just curious about your sense of that perspective.

Mr. Hatzifotinos Yeah. First of all, to answer your first question, we had asked for three years. That's what we had been discussing. And we were told no longer than six months. And that wasn't going to work for us because it wasn't going to get to our capital budget. So city attorney and I had a conversation outside and I had indicated that we can stagger it. So to the extent that my proposal was to stagger it, that was the first time that I said that. But I'd always been talking about three years. So just to clarify that, as far as the debris, you know, there is a great deal of illegal dumping that goes on. I mean, there's really it just does. We absolutely can try to change our policies to enforce our no dumping policies. We do employee special duty police officers that can be out there that can regulate that. I don't know off the top of my head what the routine pickups are. I don't know if those could increase or not. That's not my job. But I'm happy to inquire and follow up with you about that.

Pastor Linder Thank you for answering the question.

Mr. Bowsher I do have some additional questions. You had mentioned early on that you had spent or the owner had spent hundreds of thousands of dollars on investments. Can you enlighten in the board on exactly where that money got spent?

Mr. Hatzifotinos I'm going to defer to president of construction of this company and ask him to come up for a second and talk about some of the improvements that have been made.

Mr. Porter My name's Jeff Porter. So when we first took over the property. It was dilapidated exterior trim, siding, stucco, fences. Each unit has patio fences, they were dilapidated, missing. So we went through replaced window trim, patched stucco, painted the exterior, fixed any of the vinyl siding. Unit turns upgrades as people move in and out. We use better quality products as far as carpets, painting and updating and taking care of basic maintenance. I don't remember the gentlemen's name, who is in charge of the building department at the time we purchase the property. But there were, I believe, 58 code violations. We walked the property with him and his team, as well as the fire department, unit by unit, and cleared everything out to make sure everybody was working together in the community to bring everything back up to speed. I believe when we acquired the property, it was 58 percent occupied and it's now 97 percent occupied. We've seal coated the parking lot, re-stripped then, brought in new dumpsters. So it's been pretty extensive.

Mr. Bowsher Can I ask, you had mentioned a capital improvement budget and most businesses such as yours have those. May this board, my department and the city attorney have a copy of that capital and Perun budget for the for the fiscal futures to understand what's getting spent on this property, in addition to have those added for those additional dumpster's to just make sure that we're tracking that this does indeed get done throughout its completion.

Mr. Hatzifotinos Short answer of that is my answer, which is no. You may not. We're not going to share our internal budgets with you. We're not interested in being regulated in that way. We will absolutely agree to do the dumpster's the way that the dumpster's need to be done. If there's any other issues that you'd like to address with us. And as I told your city attorney, if you'd like to come out to the property and walk it or address issues that you perceive, we're happy to, collaborate. But we're not going to have somebody look over our shoulder and question what line items we put on our own internal budgets. There is a right to property by the Constitution of The United States.

Mr. Shook Director Bowsher, he's correct. We can we can't make that ask.

Mr. Furst Are there any additional questions for the defendant? Given the defendant's requests that we make a motion in our official capacity, would anyone like to make one this evening?

Mr. Shook Just to clarify the phrasing of the motion. It would be a motion to sustain the appeal, in part to overrule it, in part with the condition that the applicants complete the screening on the seven dumpster enclosures that are visible from the contiguous properties, and that the applicant screened the additional 10 dumpsters in the year 2021 and an additional 10 dumpster's in the year 2022. And you can incorporate my statement in your motion.

Pastor Linder Pardon me, Pastor Linder makes a motion as described by attorney Shook.

Mr. Furst Thank you, Pastor, is there a second?

Ms. Bulls Second.

Ms. Bulls Thank you, Ms. Bulls. Ms. Wheeler would you call the role?

Ms. Wheeler Ms. Barnhart. Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes.

Mr. Hatzifotinos Thank you very much, everyone. It's been a pleasure. Take care.

Mr. Furst Is there any other business before the board this evening? If not, adjourn at 6:51 p.m. Thank you.

RESULT: READ INTO THE MINUTES

E. OTHER BUSINESS

None

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator