



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, FEBRUARY 16, 2017 6:30 PM

PLACE: COUNCIL CHAMBERS
7232 E. MAIN ST, REYNOLDSBURG, OH 43068

A. CALL TO ORDER

PRESENT: Rettke (6:33 PM), Linder, Donovan, Darling, Armstead
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – January 19, 2017

Minutes stand approved.

3. APPROVAL OF AGENDA

Agenda stands approved.

Mr. Snowden: Under Unfinished Business, Item 1., the applicant failed to submit their information, so I will recommend the Board table that item.

4. SWEARING IN OF SPEAKERS

Chairman Rettke: Do we have any speakers wishing to speak before the Board, if so, please stand and raise your right hand. Do you swear or affirm that the testimony you will give in front of the Board will be truthful? If so, say "I do." (*Multiple "I do's heard."*) Please state your name and address for the record before speaking.

B. PUBLIC COMMENT

No public comment.

C. UNFINISHED BUSINESS

1. **7578 E. Main St.; Application #176211; Applicant: Evans Capital Investments, Ltd.; Business: Reynoldsburg DG, LLC; Variance from Section 1193.12(C)(1,3) of the Zoning Code to Allow Signage that Exceeds the Area Requirements of that Section.**

Mr. Snowden: Mr. Chairman and other Members of the Board, this application is for a variance to the allowable signage and size. The applicant has still failed to submit the required sign drawings in order for Staff to review and state that the signage is warranted. Those came in earlier this week after the packets and agendas had already gone out to the Board. I am going to recommend that the Board table this item to the next meeting, and the applications will be distributed as part of the normal process. With that, I recommend the

Board make a motion to table it, and if such a motion was made, voting in the affirmative would be a vote to table to the next regular meeting of the Board, which would be March the 16th.

Mr. Donovan: I make a motion that we table Application #176211 until the next meeting.

Pastor Linder: I second.

Chairman Rettke: I have a question, is there a statute?

Mr. Snowden: There is. It is 60 days from the original hearing. We are still within that time and, at the applicant's request, the application can be extended as long as is reasonable. That is a new addition that I put in the Code last year. So, the applicant is tabling, so either way, we are completely in the clear.

Chairman Rettke: Thank you.

RESULT:	TABLED [UNANIMOUS]	Next: 3/16/2017 6:30 PM
MOVER:	Richard Donovan, Vice Chairman	
SECONDER:	Robert Linder, Board Member	
AYES:	Rettke, Linder, Donovan, Darling, Armstead	

D. NEW BUSINESS

- 1051 S. Waggoner Rd.; Application #175748; Applicant John A. Eberts, Architect; Business: St. Pius X Catholic Parish; Variance from Section 1175.05 and Section 1180.10(B)(1) of the Reynoldsburg Zoning Code, to Allow a Building with a 6FT Side Setback and Site Development with Reduced Landscaping Standards.**

Mr. Snowden: 1051 Waggoner Road - St. Pius X Catholic Church and School - Variance. Application: #175748 - Variance. Location: Property is located on the west side of Waggoner Road north of E. Main Street. Existing Zoning: S-1 Special District. Request is for a variance from Sections 1175.05 and 1180.10(b)(1) of the Zoning Code. Current Use: Church and School Campus. It is a semi-public use per our code. Applicant: John A. Eberts. Proposal - The applicant is requesting the Board review and approve a variance from Sections 1175.05 and 1180.10(b)(1) of the Zoning Code, to allow a building with a 6FT side setback and site development with reduced development standards for landscaping. Site Context - The site is an existing church and school campus with associated parking and accessory buildings. To the south, the property abuts an apartment complex (multi-family dwellings) in the AR-2 zoning district. To the north and east, the property is adjacent to large-lot style single family dwellings in the R-1 and R-2 zoning districts. To the west, across French Run, the property abuts single family dwellings in the R-3 zoning district. You will see under *Considerations* the standards for a variance for which the Board will be reviewing. Let me state as a reminder, to our folks that are new to the Board that the standards for a variance are the items that the Board is ultimately allowed to consider when they approve or disapprove a variance. We don't review it and say no based on the something we dislike, we do it based on the Standards. This site is developed with an existing church campus that has been periodically expanded to accommodate a growing congregation. Various related structures include a separate office build, detached preschool building and play area, a baseball field, several small maintenance buildings, a fellowship hall, an a large surface parking field. The church is undergoing a significant capital

campaign to refurbish and expand their facilities and as part of that process, have designed a conceptual master plan. Upon review of that plan, Staff and the applicant determined that these two variances would be required before the applicant could submit a major site plan application for review by the Planning Commission. Regulation Intent - Variances are requested from two separate but related sections of the Zoning Code. Section 1175.05 and its referenced table, Table 1175.05, prescribe the setbacks and lot coverage requirements for the various zoning districts. These are commonly referred to as bulk controls, because they limit the size and massing of a building on its respective lot. The intent of these regulations is to maintain adequate separation between buildings to prevent dangerous or unattractive conditions. Section 1180.10(b)(1-10) prescribes specific buffering requirements between residential districts and various uses that could abut residential uses. The intent is that such uses will be screened in order to prevent a degradation of the character of the adjacent residential use and improve the aesthetics of the City. The applicant proposes to extend the existing fellowship building along the existing plane of the façade that is closest to the property line. Staff's concerns are minimal. The existing structure does not conform to the zoning regulations and may have been termed an accessory structure when it was constructed, which would probably be the reason the setback was allowed. At one time there were different regulations for accessory structures and they were inconsistent based on the type of accessory structure. You have a very short setback here. One portion the setback is only four feet from the property line. Staff is satisfied that the applicant will not reasonably be able to expand the existing building without relief from this section, because they are proposing to extend the Fellowship Building along what we would call the same facade plane as what is existing. Some zoning codes have language which allow applicants which have an existing non-conforming building to extend that building on the same plane. Our Zoning Code has no such language and therefore a variance is required. The entire property will still need to conform to the lot coverage requirements for the Zoning Code for buildings and impervious surface. Simply because we are granting this variance to extend the building, does not allow them to build a massive structure. They are still under the overall lot coverage regulation, 70% for structure and impervious surface. Given the ball field and the flood plain, there is no way they are going to exceed that regulation. The applicant's claim of hardship with regard to 1180.10, is based upon the terrain of the property. 1180.10(1) and subsection 3, require a 15FT buffer between this property and the adjacent single family property. Basically, their claim is, and based on Staff's visits to the site this is accurate, is that the slope in this location limits their ability to install the landscaping that is required by the Code. The reality of the situation is that with this creek here, the slopes, and conditions you have back here, you are never going to have a condition where you are going to have structures too close to one another. You have some flood plain considerations as well. As I stated in the report, the existing mature trees, the wooded creek bed, and everything that is existing along the property line and on the property to the north, exceed the requirements of the code for screening. In order to meet the intent of the Code, the applicant has offered to enter into an agreement with the adjacent property owner, to install some additional landscaping on their property, and have a permanent agreement in place. Due to those circumstances, I believe they are meeting the standards for a hardship, and that the Board should consider granting the variance from those regulations. I agree with their statement, that it is not possible for them to meet that regulation. With that, I recommend the Board apply the standards for review of variances contained in Section 1147.05 of the Zoning Code

and determine if the requested variance comply with those standards. Staff recommends approval of the application on the following condition: 1. That the applicant provide staff with copies of their plan and any recorded agreements for plantings on adjacent properties, and install the plantings to the satisfaction of the Planning & Zoning Administrator, and that is based upon the Board's power to require specific maintenance in order to grant a variance. I would be happy to answer any questions, and I will turn things back over to our Chairman.

Chairman Rettke: Please introduce yourself.

Mr Eberts: John Eberts, Architect, on behalf of St. Pius Catholic Church. One item I might add to Eric's comments is that this ravine and creek are such a beautiful and natural setting that if we put in and mounded dirt, or put shrubbery, or even a fence, it would be very out of character for what is there naturally. Our thought was to plant some Canadian hemlocks that would be indigenous to that area and survive under the canopy properly. That would lend itself to a year around screen. In the summer and spring it is heavily wooded. In the winter you can see glimpses here and there depending on where you are standing. The hemlocks, over time, would grow up anywhere from 30-50FT tall and be a nice screen all the way across there. We do have an agreement with the property owner here that we can actually plant some of those plants over the property line and we will maintain and take care of, for I believe five years, to make sure they have rooted well and are surviving.

Mr. Snowden: If you look on the screen in front of you to our new Reynoldsburg GIS, you can see the contour lines there are at two foot intervals. So, that gives you an idea of the terrain that is back there.

Mr. Eberts: Along with planting the trees, the project would progress. Any overhead lines with trees, those poles would come down and the lines would be out of the way also.

Chairman Rettke: We are not seeing this as a Major Site Plan.

Mr. Snowden: Per the Code, the Planning Commission reviews the Major Site Plan. But, the process has really not changed from when you were reviewing it. A landscape plan would still be reviewed by Planning Commission. If you recall back to the conversations and what I was discussing when those modifications to the Code were made, that typically in most cities, the Planning Commission is what reviews the Major Site Plans, and that is why I advocated for that code change.

Mr. Armstead: So there are two power poles?

Mr. Eberts: Correct. One actually feeds the hall and the other to the office building.

Mr. Snowden: Mr Eberts, it may be of interest to the Board if you briefly explained what those various were used for, since that is truly not the content of my report.

Mr. Eberts: In a nutshell, we have studied this probably at least three years, and on my part,

even longer. The parish growth is not the key here, but the activity of some 60 committees that are very active in the community and the parish. They have been tripping over each other from using the PAC room. I think the last improvement was in the early 80's when they put the gymnasium on the front, along with their PAC room. Basically for lack of space. This is a thriving community here that we feel that #1, a parish center where after mass people can gather for different events. That is #1 on the site plan, accompanied by some accessory restrooms, a kitchen, a small meeting room, dry food and frozen food storage. The parish center is a community center that will hold 299 people. It can be divided into three sections for smaller groups and meetings, ranging from the Knights of Columbus to ministry groups that are growing rapidly. Second, we have a 1400SF addition to the existing parish offices. The reason is to recover the residential aspect for the priests that are there so that the office can be independent from the residential structure. Third, is a 1300SF addition to the narthex of the church, which is very small with people after mass setting up different sign ups and things like that, they do have a lot of room for gathering after mass. That will give us ADA compliant restrooms, a room for the choir and their gowns, a mechanical systems area, and a bride room for getting ready for weddings. Finally, there is a one or two story addition that would be brand new kindergartens and would relocate the main office area of the school to a new main entry. This would provide better logistics for the staff with one entrance that could be controlled from the main office. By doing this, space upstairs would be freed up for a remodeled science lab, art labs, and things of that nature. None of these have been instituted because of more students or parishioners, it is basically to accommodate the existing parish members.

Mr. Snowden: If, in my report, I stated specifically that it was because of growth, I apologize. What I was trying to convey to the Board was how it has grown over the years with the various additions and in the 1950's, when the site was originally set up, the congregation was smaller. If I have one overarching thing that I wanted to convey to the Board is that what they have done here is embarked on a campaign to master plan the entire site and have it all make sense with parking to accommodate their uses. And, to get that approved in one swoop with the variances from BZBA and the Site Plan approval.

Mr. Eberts: We went through the most recent calculations for parking and we are required to have 229 spaces and we currently have with our parking lot expansion two years ago, we have 375 spaces to accommodate school and church. A big part of that is that as we studied and planned for this site, we worked with your predecessor, Luke Hair. At that time, we thought about having a parish center off Waggoner Road that you could see north of the church. But, as we studied this, the void there, and not to infringe on the street frontage, we put in behind the church so it would be a better overall feel for the campus.

Mr. Donovan: What is your guesstimate for a completion date?

Mr. Eberts: We would like to start the renovation and addition in early Spring, pending approvals and submittal of building permits.

Mr. Armstead: With the addition to Homer Hall, what type of lighting would you plan to add to the rear of the building, and would that be illuminating.

Mr. Eberts: I think in your packet, you have the lighting. My engineers first comment was that it was really not adequate enough. But it does a good job and for our neighbors, it does not push any glare into their areas. We have the existing light poles in the parking lot. Everything else are wall packs or floods off of the existing buildings. There are very few lights in front of the buildings.

Mr. Armstead: My biggest concern would be at the rear of the building, onto their property line.

Mr. Eberts: The only openings along the back are in the center, right where the angle is, and that is basically an exit door out of both of those so they would have small wall mount that would shoot down right at the exit. We are not planning to use flood lights onto the property because it will not be an in or out, it will be strictly emergency.

Mr. Snowden: The Code has a requirement in Chapter 1182 for site lighting, which the applicant is still going to have to comply with. Off the top of my head, I seem to remember .05FT candles at the edge of the property and I do not have their photometric in front of me because it was not in the BZBA packet, but it is in the packet that is going to Planning Commission and that will be something we will review for compliance. Just because we are granting the variance to allow the building to be closer to the lotline than it would permit, does not grant him the ability to have outdoor lighting that would exceed the requirement. That is a very astute observation.

Ms Darling: Mr. Eberts, besides the landscaping agreement, was the property owner fully on board with this.

Mr. Eberts: Yes, we have letters in the packet there. Steven and Mary are sitting here. Terry and Karen have included a letter that they are on board. We actually brought them over to campus and walked them through our plans.

Mr. Armstead: Both agreed to a five year landscaping.

Mr. Snowden: If that did not make it into the packet, I have that agreement in my office. It is a copy. It is not a recorded agreement. My understanding is that the applicant was intending to record that.

Mr. Eberts: I have a notarized document to be recorded.

Mr. Snowden: Great. So they will provide me with a copy, which I will retain in the file in case we need to follow up on those requirements in the future.

Pastor Linder: Is there expectation that they will make the meeting space open to outside groups, either for rental or for use?

Mr. Eberts: I think there are guidelines in the Columbus Diocese that that is very limited.

Pastor Linder: Will there be wedding receptions held in the hall pretty regularly?

Mr. Eberts: For parishioners, yes.

Pastor Linder: Is there a noise abatement for the neighbors? It looks like it would not be a problem but was there any discussion?

Mr. Eberts: I think the placement of our structure will lessen any noise transfer. I would say not.

Pastor Linder: Thank you.

Mr. Snowden: There is a small entry feature, but I did not see an outdoor living type of attachment.

Mr. Eberts: It is all inside. All three structures have to be concrete blocks so sound escaping the structure would be minimal if any at all.

Chairman Rettke: Any other discussion? So, to summarize 1175.05, given the characteristics of the creek and since the adjoining owners are in agreement with 1180.10, landscaping, I'm glad you did work with them on hemlocks, I think that satisfies that requirement, they have done a pretty good job in conforming to the rules. There is no plausible development between them and the creek, so we have rules but this is one that is not necessary. As a Board, we do not want to set a precedent, and we look at each characteristic of each property, and I think we have done a good job, so I would move for approval with the condition that the applicant provide Staff with copies of the plan and any recorded agreements for the plantings on any adjacent properties, and install the plantings to the satisfaction of the Planning and Zoning Administrator, as well as the adjoining property owners.

(VOTE)

Mr. Snowden: Mr. Eberts, I know you and I have talked at length, but I will provide the "Next Steps" to you in writing, as well as a written document of the variances and a Certificate of Variance approval. I look forward to working with you and seeing you at the Planning Commission march meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Richard Donovan, Vice Chairman
AYES:	Rettke, Linder, Donovan, Darling, Armstead

2. **6475 E. Main St.; Application # 176265; Applicant: Jason Daniel; Business: Capital City Strength, LLC; Special Exception Use Permit - Commercial Recreation Facility**

Mr. Snowden: 6475 E. Main Street - Capital City Strength, LLC - Special Exception Use Permit. Application: #176265 - Special Exception Use Permit. The property is located on the south side of E. Main Street between Beeler Drive and Crest Street. Existing Zoning: RI Restricted Industry District / CCO Community Commercial Overlay District. The request is for a special exception use permit for a new commercial recreation facility. Current Use: Vacant. Applicant: Jason Daniel. The request of the applicant is for a special exception use permit for a new commercial recreation facility within an existing flex warehouse-office building. This proposed recreation facility will be operated as an exercise gym. Site Context - The site is developed with an existing flex office-warehouse style commercial building which with a variety of tenants. All neighboring properties are zoned CC and within the Community Commercial Overlay District. To the north, the property is abuts single story office buildings across E. Main Street. You can see that there are some R-3 and AR-2 that are adjacent, but this is at the rear of the site and is screened by the terrain. Under considerations, you will see the standards and requirements for all Special Exceptions. This is the exact same concept as with the variances, only these standards are different. The conditions of approval are conditions that the Board can require as a condition of any particular approval. The existing site hosts a variety of commercial uses, include small offices, workshop space, and contractors offices and storage (business services). A church also occupies one of the tenant spaces. Buildings like this are commonly known as flex-office-warehouse space, and are configured to provide as much flexibility of use as possible. In this building, you have entrances from the front. Around the outside is used for deliveries. Many of the tenant spaces have roll-able garage doors that vehicles can enter or items can be brought in and out depending on the exact configuration and how the interior is constructed. I have reviewed this site extensively. As I have noted in the past, I can not find the written evidence, but the manner in which this site is constructed, indicates to me that a parking variance was granted. Even if the entire site was configured for the lowest use within the RI, it would be under parked. So, that indicates a parking variance. Flex space like this, where you have a lot of different users, is not necessarily a terrible thing because the different users have very different requirements. The parking requirements for business services and contractor storage are different than requirements for a church use of even this applicant's use. I just want to note on the record that I can not find the written evidence, but the site is under parked and indicates a parking variance. The information required by the applicant, indicates that their hours of operation will not conflict with normal daytime business hours for the other tenants. These hours are typical of gym facilities of this type. The majority of the businesses are not open at the time that the applicant is proposing to be open. The applicant should clarify what hours they will operate on Sunday, if any, to avoid any conflicts with the church tenant, which is the only other tenant that whose use involves patrons assembling at the site. If you recall, and I reviewed the minutes from the Board's meeting several years ago where the church use Special Excpetion permit was approved. In that case, the Board's position, and Staff's position was that these business are closed on Sunday, so essentially the entire site is available for parking for Sunday services. We just want to make sure that we have not created a conflict between those two particular uses because those are the only uses where you are involving an assembly of people at the site. The Board should apply the standards for review of special exceptions contained in Section 1145.09 of the Zoning Code and determine if the proposed special exception complies with those standards. Staff recommends approval of the special exception use permit application

as submitted. With that, I will turn things back over to our Chairman and I am here to answer any of your questions.

Chairman Rettke: First, we will start with your name and address for the record please.

Mr. Morgan: David Morgan with Kirschman and Wakefield Commercial Real Estate, 1407 Doten Ave. So, just to clarify, this would be a cross fit gym, so it is on a class basis. So, members of the gym come to a class that is scheduled. It is not a 24 hour fitness club where you come and go as you please. There are only scheduled classes and they are taught by instructors, so it is very different than a place with 24 hour access of 6am to 10pm sort of thing. There are no classes scheduled for Sundays, that is a rest day typically amongst most gyms. And on the weekends, I do not know if hours have been determined, but typically it is an 8 to noon situation where there may be two classes on Saturday morning.

Chairman Rettke: Can you clarify where in the structure you are located?

Mr. Morgan: If you look at the overhead, or on your screen, it is near the closed end of the building where the parked car is that would be on the west side of the structure. We met with the owner to discuss hours of operation, parking, and noise, and since this is a class based system where you are instructed through the work out, if there is music played, it is at a level where the attendees can still hear the instruction, so it is not a loud cycle studio where we are pulsing music through the space.

Chairman Rettke: What size of classes are you anticipating?

Mr. Morgan: Roughly 8 to 10.

Chairman Rettke: Is there a cap?

Mr. Morgan: I don't believe at his time there is a cap.

Ms. Darling: How many classes will you have at a time?

Mr. Morgan: One.

Mr. Armstead: I am pretty familiar with Cross Fit and this type of gym, you could possible have that garage door raised. Is that correct?

Mr. Morgan: That is fair to say.

Mr. Armstead: And you will possible have a tire out there. Is that correct? No tires? Ok. With that garage raised and music being played...

Mr. Morgan: I certainly understand the point. My only comment would be again that the music being played, if it is being played is at a level that the folks that are in the class can still hear the instructor who is not mic'd. The whole point of the class based system is that it

is almost one on instruction. It is not come in and throw weights around and leave kind of thing. It is a very regimented process.

Mr. Snowden: Unfortunately, I had a camera malfunction for my site visit so I do not have a proper picture to show you. This is immediately to the west where you have an existing single story apartment complex. This is the screening with evergreens and some mature trees. There is also some fencing further down along the apartment complexes property. There is some screening between the residential and this industrial. If you really want my opinion, this is a case where I support what the applicant is saying here. This is a case where I feel there is a poor mix of uses in general. This is multi-family, and this is industrial. If you built this today, whomever built second would be required to build at least a 15FT landscape buffer with a 6FT fence, or permanent hedging. When this was built, that was probably not required by the Zoning Code. Unfortunately, one of our challenges is to deal with existing buildings and how you mitigate the concerns. All Special Exceptions are reviewed by Staff at 6 months from when the permit is issued. That is a time where I can look to see if we have had any complaints to Planning and Zoning or Code Compliance. There have been times when noise is a consideration where I will check with the police and make sure there have not been any complaints. If folks are not in compliance, or there have been a lot of complaints, at a 6 month review the Board can elect to revoke the permit. Again, I am not suggesting you do that hear, I am simply explaining the process. So, simply because we are granting the permit does not mean the applicant has carte blanche to make as much noise as they would like. Just letting you know we still have some controls in place.

Mr. Eberts: If I may add, there is an existing mixed use. The owner has spoken with them already and it is not a competing use. It is a similar use as far as noise that could be generated, and to my knowledge there is no issue with their use.

Mr. Donovan: Do any of the other businesses have signs placed stating that the parking is only for their business?

Mr. Eberts. No. It is open parking. The only designated spots are handicap accessible.

Mr. Snowden: This is a case where the property owner would be hurting themselves if they were attempting to do that because they have so little overall parking here, given the use. The code prescribes the parking. I have never seen a property owner give themselves too little parking. It is pretty rare. In this case, the only reason that the property owner is not having a parking problem already, is the variety of uses.

Mr. Eberts: We have done our due diligence in terms of parking in the morning and evening. It is not a competing use in terms of parking spaces.

Ms. Darling: Is 8:00 the latest you will be open?

Mr. Eberts: I believe so.

Mr. Daniel: Jason Daniel, Dennison Ave., Columbus, OH. I do not see 8:00 as the latest. I

am thinking earlier, 7:00 or 7:15. It is a cross fit. Not too many people want to get home from the gym at 9:00 at night.

Chairman Rettke: It is not an ideal design facility, as Eric has pointed out. I do see a significant difference between Ohio Combat Sports Academy and its proximity to the apartments. I once lived close to a studio where we were often awakened by noise, so I do think that is a valid concern. I would not open that door if it can be avoided. I think it will draw problems. If we hear about it, I would have to consider shutting you down. There has to be some sort of screening and this site does not really have that. I think you have to be diligent in watching that. Like I said, the karate place did get out of hand and I was a lot away and at the time it was tree covered and you could hear it clearly in our living room. That would be my only concern. There are a lot of residents near. I am fine with it because of the use. But, they have to take that upon themselves to police and we do have recourses.

Mr. Snowden: You do not intend to have any speakers or artificial noise maker outside on the building, do you?

Mr. Daniel: Certainly not.

Mr. Snowden: This is my opinion, I think from a true use and site configuration and compatible use, the only concern I really have here is noise. That is one of the beauties of having these meetings is that we get to talk about it. And, we get to meet the applicant and their team. At the end of the day, this is a case where the applicant just has to be a good neighbor. No Zoning Code or regulations can ever prevent every detail, and as I tell folks all the time, it is possible to be in compliance with all of our city regulations, and still not be a nice person. I think in this case, Mr. Daniels just has to be sensitive to exactly where he is in the site. If my office starts to get inundated with complaints, the first thing I am going to do is make contact with you to attempt to work it out. The only other recommendation I can make is that I do not think we should make this a condition of the approval, but talk to the management at the apartment complex because what could happen is you could have people complain to the management. So, let them know you are there so that you can be sensitive to any complaints. With that, I would support it and we can re-visit in 6 months and make sure we do not have any outstanding complaints. I think the Board has done their due diligence in this review.

Chairman Rettke: If you were four units up, there would be very little concern. So, just be conscientious if you would. Any other discussion or comments? Hearing none, I will move for approval.

(Vote)

Mr. Snowden: This will be forwarded to City Council and a record of the "Next Steps" will be mailed to the address on the application. If City Council elects to hold a hearing, that hearing will probably be March 13th. If they elect to not hold a hearing on march the 13th, I will be able to sign off and issue a permit to you. Then you can apply for building occupancy and do the rest of what you need to do.

Mr. Eberts: And my understanding is that if they do hold a hearing, I will be given advanced notice of the hearing?

Mr. Snowden: The Clerk's office should contact you a minimum of 7 days prior to. You are welcome to give me a call if you have any questions between now and then.

Chairman Rettke: Something I would like to clarify with the newer members, usually Special Exceptions are a one time deal. They stay with the owner and they run with the property. The owner can't take that exception to another property and another owner can not take over that business without coming back to us. There are a lot of Special Exceptions that come through, and a lot of times they are repeated, they are transferring owners, or an LLC gets changed, it can not transfer without coming back to us.

Mr. Snowden: One thing I would like to do with the Board is more training. When you are comfortable on the Board, you feel like you are doing more for the Community.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	Robert Linder, Board Member
AYES:	Rettke, Linder, Donovan, Darling, Armstead

E. OTHER BUSINESS

1. Proposed Updates to the Rules of the Board of Zoning and Building Appeals

Mr. Snowden: As you recall, neither our Planning Commission or BZBA had functioning rules for a long time. In my clean out of the archives in my office, I did locate a copy of the BZBA Rules which we used as a basis to get the PC and BZBA Rules updated and in order. Two items from the Rules need to be updated. One is, as of last November, my title here is officially Planning and Zoning Administrator, so references to that were updated within the Rules. Secondly, Dr. McKenzie, the Chairman of the Planning Commission, brought to my attention, an omission in the election section which said that elections would be held for Chairman and Vice Chairman, when it should have said Chairman, Vice Chairman, and Secretary because the Charter requires that we elect those three, and we do not have the power to override the Charter. The Charter is like the City's Constitution. So, I updated the language and if you need an additional copy, let me know. I will get it emailed out tomorrow folks, and if you approve of it, you can vote on it at the next meeting. Also, we will post these on the website so they can be viewed there.

Chairman Rettke: Any other business? I would like to welcome the new members. I will be out some the next couple of months. As some of you know, I coach high school baseball.

Mr. Snowden: Mr. Donovan is our Vice Chairman and he is ready to go if we need him.

RESULT:**TABLED [UNANIMOUS]****Next: 3/16/2017 6:30 PM****AYES:**

Rettke, Linder, Donovan, Darling, Armstead

F. ADJOURNMENT

Chairman

Planning and Zoning Administrator