



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JANUARY 21, 2021 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke (Remote), Linder (Remote), Furst (Remote), Bulls (Remote), Barnhart (Remote)
ABSENT:

2. APPROVAL OF MINUTES

1. Board of Zoning and Building Appeals – Regular Meeting – December 17, 2020

3. APPROVAL OF AGENDA

Mr. Furst: Add the election of officers between Public Comment and Unfinished business.

Ms. Barnhart: Seconded.

Motion passes unanimously

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Mr. Rettke.

B. PUBLIC COMMENT

None

C. ELECTION OF OFFICERS

Pastor Linder: I would nominate Mr. Rettke to continue to serve as chairman.

Ms. Barnhart: And I second.

Mr. Rettke: Any other nominations? Do we want to handle these individually or do we want to just collectively?

Mr. Bowsher: Let's handle them individually. We'll take a roll call on this and then we'll move on to vice chair.

Mr. Rettke: Any other nominations? Hearing none, can we have the vote?

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

Mr. Rettke: Any other nominations for vice chair?

Pastor Linder: I would like to nominate Mr. Furst to continue to serve as vice chair, if he's willing.

Mr. Furst: I am. Thank you, Pastor.

Ms. Barnhart: I'll second that.

Mr. Rettke: Moved and seconded any other nominations? Hearing none, can we have the vote, please?

Ms. Wheeler: Ms. Barnhart. Yes, Ms. Bulls. Yes. Mr. Furst. Yes. Pastor Linder. Yes. Mr. Rettke. Yes.

Mr. Rettke: OK, so normally I think we produce a motion nominating staff to be the secretary of the board through the transcription services.

Mr. Bowsher: Yes, we would typically do that, but with the zoning change that's now written in ordinance so we no longer need to do that.

D. UNFINISHED BUSINESS

1. Application #2020-5499; 1792 Brice Road; Applicant Brian Carter/Bright Futures Learning Center; Conditional Use - Child Daycare Center

Ms. Wheeler: Thank you, Mr. Chairman. As you'll recall at our last meeting, this was a request before the board for a conditional use to operate a child daycare center at 1792 Brice Road, the daycare center, if you recall the proposal was to service forty to forty five children and the board had wanted some additional information regarding the outdoor play area. I will share my screen with what was submitted subsequently. I know the applicants on this evening to Mr. Carter if wanted to provide an update.

Mr. Carter: Hi, my name is Brian Carter and I'm following up on the conditional use application from December. I spoke with the owner of the location and we looked at some different areas that we could possibly use the child care center and the area that we were looking at, because as you can see here at the front, this is all parking lot. But here, this grass area, this is about an acre of land here. I spoke with the Ohio Job and Family Services. For the amount of children that were servicing, we would only need about a hundred to a thousand square feet. So this land here is a little under an acre of land, this grass area, which is directly to the left of the building. I spoke with Job and Family Services. I had somebody come out and walk and look at the property. They said that that's fine. They have other daycares. There's actually a daycare across the street that is located in the plaza, directly across the street. And their playground is actually right here on the end here in the middle and they walk their children down to the end. Their playground is at the end of the building on the opposite side here, not on Astor Avenue, but this area, their playground is located right here at the end of that building with a lot less land. So we were proposing the

only other proposal place that we would be able to put a playground area would be in this grassy area and we would have the children walk with, of course, with a child care provider over. They would just be using the sidewalk in front of the building to the grassy area here, and it would be protected with two levels of concrete barriers to protect. Then I also provided a drawing of the indoor space of the daycare. It's a drawing that I did. It's not professional, but it kind of shows where we would have the preschoolers, the toddlers and the infants. We would not be servicing any school agers in that particular location.

Mr. Rettke: Very helpful, Mr. Carter. There are any other comments?

Mr. Furst: Yes, Mr. Chair, Mr. Carter, just for the record, so that I understand correctly, the grassy area you're referencing, too, is the area adjacent to that convenience store at 1750 Brice, is that correct? Not the area behind the A&A speedway?

Mr. Carter: It would be the area by the speedway because this area there's a fencing here and we would put two levels of concrete barriers. This is about an acre of land here. So per Ohio Job and Family Services. They only need eight hundred to a thousand square feet for the amount of kids that we're going to service and we would protect it with; we would have more than enough space to protect the child, the playground area with two levels of concrete barriers. So if, God forbid, anything were to happen, the concrete barriers that were proposed and the first level to withstand about three thousand pounds and then the next level can withstand about a thousand pounds, and then that's at a speed of 70 miles per hour.

Mr. Furst: I would certainly hope that we don't encounter that in a parking lot.

Mr. Carter: No, I just want to be safe. And then again, across the street, we're kind of modeling it kind of off of daycares in the area because there's a daycare directly across the street that their playground is further from their location. It's at the end here. Their playground here is not behind it, but it's at the opposite the opposite end.

Mr. Furst: Now, I believe that that property there is a separate property. Do you have permission from the property owner to utilize it in that manner?

Mr. Carter: Yes, I do have permission. So this is where their playground is and I don't see any protection there like on the street. But I mean.

Mr. Rettke: Yeah, we've revisited, they had a playground in the back that we weren't aware of. Andrew, can you look into that? Because I don't remember that ever coming up. I just don't see us approving that.

Mr. Carter: I'm not trying to tell anybody. We just model cars off where they're at. We went over there and talk to those owners and they don't have a playground in the back.

Mr. Rettke: Yeah, I remember denying that because they went for a vote, of course, with the zoning board. And I don't know if that's been approved, by the board.

Mr. Bowsher: Will look into that.

Mr. Carter: So you can see our location is right there. They will be using the sidewalk and walking right here. And then we're not going to be utilizing all of this land for playground area. But the entire land would be protected with a concrete barriers.

Mr. Furst: Sure. Sure. Mr. Shook, I do think that this is a vast improvement over the previous area, directly behind the unit they are going to occupy. But are you otherwise satisfied that this meets the requirement in our code that the play should not be adjacent to a loading and unloading area?

Mr. Shook: I mean, I do think that there's still some concern here as it relates to the conditions that need to be met for a conditional use permit for a child care center. So going back again on page one hundred and sixty seven of the zoning code that deals with the regulations for child care centers, it says no play area shall be located adjacent to a loading space, loading dock or other area we're likely to idle. Now, the purpose of that particular provision isn't necessarily to prevent vehicles from being able to access the children's, though the barriers while they address some safety concerns. They don't address the concern about fumes and adjacent lots. So if we look at the big lots there that just east of the grassy area where the playground will be located, you have a loading dock there where they have those 18 wheelers who will pull up and unload and Big Lots purposes. If you pull up the aerial photo, actually, it shows a little bit more clearly what the dock looks like. Yes, so you can see, for example, in the aerial photo, you'll have one truck that is parked right behind that grassy area there in the Big Lot parking lot, and then you have the loading area that is just to the southeast of that other 18 wheeler. So the concern here, of course, is that if they're idling and perfumes and children are playing in that grass area, and that's the purpose of that requirement that we have in our code, is prevent children from being affected by this.

Mr. Carter: OK, well, again, we wouldn't be using that area. That would be the only area that we could because there's no way for us to put a playground in the parking lot. So I guess if there's no other way that we can go with that area, we have to withdraw the application.

Mr. Shook: And to be fair with that. I'd hate to see that because I do think this is a significant improvement use for that area.

Mr. Carter: At this point we wouldn't be able to use it as a daycare. We would come back and maybe try to do it as a bar, but we would not be coming back as a daycare because we're already upside down at this point, because we have another location

that we can use in Columbus, because there's just there's no other area in the parking lot. It honestly wouldn't make sense to have a playground in the parking lot. There's a dumpster area there, but that would be more of a walk to have, you know, a playground there. And we again, we wouldn't be utilized. The owner of that land, it's over. It's a little under an acre of land. So we don't even, per Ohio Job and Family Services. We only need max eight hundred square feet. So a lot of that area wouldn't even be used.

Mr. Bowsher: Mr. Carter, just for argument's sake, if you were to put the playground, the eight hundred thousand feet you just mentioned further to the west of that, would you put up a measurement and just show visually how far away generally and not necessarily the western edge, but the western area of that green spaces is from the loading dock?

Mr. Carter: We would be looking to be primarily to use the middle of that land because we have the whole land. You can't rent the whole thing. We'll use the middle because I don't want to be too close to the entire place either, because it's a business, even though we would have use of the land, but it would be more in the middle and I don't want them on the edges. All of that, again, would be fenced in and protected with the barriers. So I'm more I guess if you can move the pointer to the middle there, I guess come down a little bit.

Mr. Bowsher: In the middle of the green space and then move the other one over to the loading dock, that truck that is there, and it could be potentially illegally parked. Just put it right on the loading dock itself right there, right where the semi-trailer is. Five hundred and thirty feet, give or take, maybe a little more of you centered up the greenspace.

Mr. Carter: So that's where we were proposing to put the playground because there's so much land there.

Mr. Bowsher: Makes sense. I think we actually talked about this in the last meeting about the potential of utilizing that space.

Mr. Shook: And if I could just elaborating a little bit further, and this is probably in the applicants favor in subsection G1, which is a different but similar requirement when it comes to conditional use permits for child care centers. It states that no conditional use permit for a child care center shall be issued for a lot that is within 100 feet of any law or person with an approved gasoline station use or which is likely to generate noxious fumes. So we're talking about a distance of more than five hundred feet between the areas where the playground would be and where the loading dock is. I certainly think that is a significant distance compared with the other subsection requires. So I do think that that would potentially put it within the purview of the board here to determine whether to go ahead and Grant. It's not necessarily on a legal basis, but just to use your judgment.

Mr. Rettke: So once we put the ballots in and you're going to mulch and put some play equipment in there?

Mr. Carter: Yes, I mean, that will be the last thing, but the first thing we would do would be to start to put we want to put the protective barriers up first because we don't require that much space. We're going to have two levels of protection, you know, so that's the main thing. But of course, we want to go in and do the work and the work inside the center. But, yeah, the playground would be probably the middle of the development of the childcare center.

Mr. Rettke: And that's all that's all monitored by the Jobs and Family Services?

Mr. Carter: Yes. I mean, as far as the amount of space that we need. Yes. They have their regulations as far as how far childcare center can be and also where it can be located as well. So that's why I went and actually had somebody come and look at the space and see if they would be OK with that as well.

Mr. Rettke: Any other questions or concerns discussion?

Ms. Barnhart: Mr. Chairman, I do have a question. Mr. Carter, I know that last month we had spoken, you know, wondering if there were any other properties that might be more suitable for a child care center. And just wondering if you had looked at anything else.

Mr. Carter: The other child looked at were on the west side of Columbus.

Ms. Barnhart: OK.

Mr. Rettke: And the other discussion, questions, concerns?

Mr. Furst: I think this is a significant improvement as far as the play area is concerned, I do agree with Mr. Shook that this is a vastly improved use for this space than its prior occupant.

Mr. Rettke: It's a better proposal, I think, overall than what we saw with the playground in the back.

Mr. Bowsher: Out of curiosity, once you if this were to be approved tonight, how fast do you think that you'd be certified? And you have children inside the center and I'm sure you've got some renovations to do on the inside, but you have a general timeline of what you're looking at?

Mr. Carter: Uh, probably we could be able to get the space since it was already a bar. It already has bathrooms and stuff like that. So we believe that we would be up and running in 120 days. We already have an architect ready to go in and do the design. The architect, applies for the license with the Ohio Job and Family Services.

And then you go by that floor plan and once everything is in there, Ohio Job and Family Services comes out and approves. Generally. I've done this in Columbus before, so I've done it in 90 days. But I always say 120 days.

Mr. Rettke: Mr. Shook, would you have any other questions or concerns for any other discussion on these? Would anybody like to make a motion?

Ms. Bulls: Hi, this Olivia. I moved to approve as is but ensuring that the child care center is within that one hundred fifty feet away from away from the parking lot of the Big Lots.

Mr. Furst: I second.

Mr. Shook: I'm sorry, I'm sorry, I just want to clarify the motion. Are we saying within or outside?

Ms. Bulls: I apology, outside.

Mr. Rettke: Moved and seconded. Any other discussion? Can we have a vote, please?

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

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

2. Appeal; 6669 Rocky Den Road; Applicant Barbara Giannopoulos

Mr. Rettke: Item D2, we have the appeal for 6669 Rocky Den Road. Is there an update on that?

Mr. Shook: Yes, Chairman, the appellants on this agenda item has now registered that property as a vacant property with our service department, so that appeal is withdrawn.

Mr. Rettke: I'm glad they were able to work it out.

RESULT:	WITHDRAWN
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E. NEW BUSINESS

1. Appeal; 6550 Rugosa Avenue; Applicant William Dorsey

Mr. Rettke: I guess moving on to item E1 under new business, we have the appeal for 6550 Rugosa Avenue for Mr. William Dorsey. Can we please have a presentation?

Mr. Shook: I'm going to give just a brief background here, because this is going to be the first appeal that the board has heard under the new Chapter 1399 of the codified ordinances of Reynoldsburg as the board, as I'm sure now aware, the city has implemented an ordinance that would require vacant properties to register with the city so that we can identify where these vacant properties are located and perhaps more importantly, ensure that as they are registered, there is a security plan in place for each particular building to ensure that it is protected from trespassers and to ensure that it's being properly maintained. There are three appeals up this evening under this ordinance. Each of those appeals timely file, and the city will go ahead and stipulate that each of these properties is well maintained. There are no current code violations on any of these properties, but that I believe each of the property owners have now submitted their appeal and would like to make their presentation as to why their properties are not vacant. And so with that, I would just ask Mr. Dorsey to go ahead and make a brief statement as to this particular property and why it is that he believes we should find that it is not vacant.

Mr. Rettke: Welcome, Mr. Dorsey, if you could just state your name and address for the record, please.

Mr. Dorsey Yeah, my name is William Dorsey, I live at 6550 Rugosa Avenue in Reynoldsburg been there over 10 years. I'm a retired policeman from the City of Columbus Division of Police. But that is my residence, I live there.

Mr. Shook: Mr. Dorsey, you mind if I ask you a few questions? I'm city attorney, Chris Shook.

Mr. Dorsey Yes, sir.

Mr. Shook: You know, the primary reason why the city identified this particular property as potentially vacant is that this particular property has had very little water use and that dates back all the way at least to 2016. Can you explain why there's so little water used at a residential property?

Mr. Dorsey OK, in the summertime, from April to about October, I'm in and out. I run a charter up on Lake Erie. I'm a charter captain on Lake Erie. So I'm gone like four day, but I come home, spend a few couple of days, do my laundry, cut my grass, make sure it's cut and I leave again. But I run charter on Lake Erie from end April to October.

Mr. Shook: OK, there's a notation in the Water Department's records indicates that in April of twenty eighteen, you were contacted by an employee of the water department because there had been zero water use of the property, at which time the note indicates that you had stated that you do not live at the property anymore and that you only (inaudible) property.

Mr. Dorsey I didn't say that. I never told them that.

Mr. Shook: So that's an incorrect statement in their notes?

Mr. Dorsey That's an incorrect statement sir.

Mr. Shook: On November 15th of 2019, another employee of the water department had contacted you again about the water use, at which time you had indicated, at least according to their notes that you did not live there.

Mr. Dorsey I never said that.

Mr. Shook: So at this time, is the property your primary residence?

Mr. Dorsey Yes, sir.

Mr. Furst: Mr. Dorsey, forgive my skepticism, but I am looking at your water usage here. I obviously have a home in the city of Reynoldsburg. I'm there more often than you are, but it looks like typically you only use one unit of water per quarter. I'm just struggling to see how even washing one load of laundry would account for that.

Mr. Dorsey In a couple of years ago, I used a lot of water because I got a hot tub in the back and I had to refill it three times. So you probably saw that big usage.

Mr. Furst: I do see that, yes.

Mr. Dorsey That was the main problem I have with the water. Well as far as doing a lot of water back then.

Mr. Furst: Well, but I'm saying you're using basically none now.

Mr. Dorsey I'm using water, I use as much as I am supposed to sir. That I need to use.

Mr. Rettke: So. Fortunately, Mr. Dorsey just lives a couple streets down for me. I do notice because you do have like a truck with a charter sticker.

Mr. Dorsey Yes, Sir.

Mr. Rettke: I see that there frequently. So I thought it was kind of strange. I don't pay direct attention to day in and day out activities, but I do see he used to be a Columbus canine, correct?

Mr. Dorsey Yes, sir. I'm retired.

Mr. Rettke: So I you know, I don't know if the days are blended together, but I have seen the vehicle there and there on occasion. So I know he runs a charter service

because I've seen those advertisements, so. I'm not skeptical necessarily, but the water is the only way we're triggering these, I don't you know. Do you live alone, Mr. Dorsey? I don't want to get to private.

Mr. Dorsey Yes, sir. I live alone. I have me and my retired, my dogs with me.

Mr. Rettke: Yeah. So, you know, I don't know what one man or one person would typically use, but, you know, I can't say on a specific date I've seen him, but he has been there, so.

Mr. Shook: Yeah. And just to be clear, Mr. Chairman, it's not the lack of water use. That's the only trigger. We went back and of course, we took a look at these notes and what members of the water department have indicated based on what they say or their conversations with the owner, and that coupled with the lack of water use. But, you know, one of the good things about these appeal process is that it gives us an opportunity to talk with the property owner here on video and get an opportunity to observe him. And, you know, at this point in time, I am prepared to say that although I am a little bit skeptical, like Mr. Furst, I think there is at least a fair question about whether this property is vacant. And I don't think that based upon the information that we can provide to the board, that the city has enough evidence of vacancy to uphold the vacant finding. So I would concede the issue on this particular appeal.

Mr. Rettke: So one thing that I'd like to establish if we could, what's the definition of either a resident or resident definition of vacancy? I think this will set the tone for all future presentations we may have or rebuttals may also set the tone for later on the discussions of other cases. So, I know I've read what the ordinance is, but, you know, if you could just briefly state, you know, what the definition was used and, you know, elaborate on that a little bit.

Mr. Shook: Sure, sure. So under Section 1399.02, subsection U that provides the general definition for vacancy. Then it goes into a little bit more detail in the subsection, most commonly used here administratively to make a determination about whether our property is vacant is subsection one D So it's easier for the city to be able to identify potential vacant properties based on a lack of water usage, let's say, in a residential district where you would certainly not expect to see that in a home that is occupied so that triggers the city's interest. Earlier in the summer, after this ordinance went into effect, we had identified over one hundred and fifty properties that we wanted to take a closer look at to see if they were, in fact, vacant. We were able to remove over 50 of those properties from the list, either because they were resold or because we were able to determine that they weren't vacant. To do that, we did some visual observation with our code officers. And in addition, we would go back and take a look at the water notes or talk to neighbors in the area if they were home and available to present a statement. In this particular case, the reason why the city went ahead and pursued and sent out a notice to register was based both on the lack of water usage, that no one had been observed at the home

and that the notes that indicated that the homeowner had stated that the property was in fact, vacant. If those notes are inaccurate. All I can say is those notes that we rely upon.

Mr. Furst: Mr. Chairman, given that the city seems to be withdrawing to the notice of violation in this case, would you like a motion in any particular manner or are you satisfied to let this let this die on the vine, so to speak?

Mr. Shook: I would recommend at this point a motion to grant the appeal. To find that the property is based upon the evidence provided, not vacant.

Mr. Furst: Well, that being the case, Mr. Shook, I am more than happy to so move.

Ms. Barnhart: I'll second that.

Mr. Rettke: Moved and seconded it, is there any more discussion? Hearing none, can we have the roll call, please?

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

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

2. Appeal; 6860 Tanya Terrace; Applicant Beverly Cook-Finley

Mr. Rettke: Moving on, Item E2 an appeal for 6860 Tanya Terrace, please have an overview of that?

Mr. Shook: Yeah, I'll just give a brief rundown if I could. Is it Mrs. Finley? Then I'll turn it over to you in just a minute. OK, on this property, this is another property that we had identified based on a lack of water use, this is located in a suburban residential district. We went back and we had code officers observe the property and take photos. There was no one home at the house that doesn't necessarily make it a vacant. But that's the field work that they're able to do. The photographs of the property demonstrate that it is well maintained. There's no indication of dilapidation either on the exterior or in the main grounds of the property. The notes from the water department over the years in attempting to determine what the use of the property has been indicate that most recently and this was in November of 2015, a an employee of the water department talked to Mrs. Cook-Finley and reported that she had indicated that the house has been vacant for over 20 years. She'd indicated that she routinely checks on the home and may use a small amount of water. But that is all. I think that's probably consistent with our visual observations, which is that she does, in fact, maintain the home, but perhaps does not live in the home. But with that, I'm going to turn it over to Mrs. Cook-Finley to maybe give us a little bit more

background on this particular property.

Mrs. Cook-Finley: Yes. And I'm sure I never use the word vacant to the water department, but it is my second residence. I've owned the house for forty five years. After I married my husband later in life, my other husband died in that house. I maintain the house. It's my retreat. I'm there at least every other day. People probably wouldn't think I was there because I was always pulled the car into the garage when I'm there because I just feel safer that way. I do maintain the house. I do all of the bush trimming. I do pay for the lawn. I do pay for the snow. I still have a landline there because my cell phone, AT&T doesn't seem to work very well there. So I like that for the safety benefit. But it's my retreat. And when I go out of town, I pay a young man to watch out for the house. My biggest concern now is that you have me on this list that I'm going to be set up for vandals, even though I'm still use to house. My possessions are in that house. I was just thinking last night when I was in my garage putting in washer fluid in my car where I live from my main residence in Bexley. I don't have a garage do that in a warm spot. There's a lot of things that I use that house for. It's still my house. And yes, it is the second residence. So I know that sounds odd. I don't owe any money, any money on it. I've owned that house since 1975, so I don't know how I'm harming anybody. But if it's all about water usage I can bring more laundry there to do. I could run my dishwasher there. I have all the appliances if that's what it takes to not be considered a vacant house. I really don't want the concern of vandals coming because they think it's a vacant house. Like I said, unless I'm out of town and have somebody watching it. I'm there every other day. Or if I'm sick, then I might not be. I put this in the letter that if you see it, I mean, you know, things bother me like the rust on the back fence, I had the rails painted silver. My husband thought I was nuts. But I you know, I really done a good job of maintaining the house because it's mine. It's my house is my retreat. My things are in it. I spend a lot of time in Reynoldsburg, I've never quit shopping at Kroger's in Reynoldsburg, and I shop on 256. And so in between things, I stop there. My Periodontist is there you know, I do spend time there. So, yes, there'd be times that if somebody ever knocked on the door, I might not even answer because I don't do that in Bexley either, you can ask my husband and I don't answer because if I don't know somebody's coming. So I'm glad to answer any questions that you might have.

Mr. Bowsher: Thank you, Mrs. Finley. We appreciate that. And we appreciate you keeping up with the property. Certainly. I think I'm going to speak first for Mr. Shook, but I think the clear intent of doing this vacant property registry and some of the other code enforcement things under the new administration is really to clean up potential dilapidated areas, blighted areas within the community.

This is clearly not a home that's blighted. And, yes, I mean, we can certainly get technical on those terms. I do I do find that Miss Finlay's question about the potential of vandals, Mr. Shook maybe you can tell me and I know we haven't completely had the list completely updated and we're still compiling things, but is this going to be something that is going to be to the public where somebody could look online and find out where the vacant properties are in the house? I mean, I understand the

whole goal is to ensure that we're getting other individuals to come in, buy up properties, live within our community, be a part of our community. But that is a decent point that maybe we should discuss.

Mr. Shook: Yeah, in fact, this is a discussion that I had with the mayor a while back, we are not making any list available online. They are.

Mrs. Cook-Finley: You're public tonight on Facebook.

Mr. Shook: Correct. Typically, these meetings in a non-pandemic area would be held in city hall and would not be broadcast on Facebook. So I understand and appreciate that, given the current circumstances that this is something that is published online. As far as the list itself, we do not intend to make that available online. It is a public record. Certainly someone could request it if they so choose. These are; to Andrew's point about the maintenance of the property. The purpose of the vacant property registration ordinance from a policy perspective, wasn't just to register properties that are not taken care of, it was to ensure that those properties that are vacant are taken care of and this is one that's taken care of, whether it's vacant or not that's, I think, up to the board to make that determination. But when we have these properties registered with the city, they are required to provide to us a contact person in case we notice issues with the property and prepare a security plan. Let the city know how the property is being maintained and secure. So it's not just about the properties that are dilapidated or about any property that is vacant.

Mr. Rettke: I'll follow up on it. I think that was kind of the intent of the original registration as well. The state passed was having some sort of immediate contact on these properties for incidental things on absentee owners. You know, we would have the same thing when we go in to do it right away project. We could contact the owner, which may go to a mortgage company somewhere in Texas. And that word would never get to there's a public engagement or some sort of meeting that they might be interested in. So I couldn't see the need on a vacant property. But I do caution heavily as to her argument about intrusion of privacy and some of the questioning that I would caution members not to push too hard to violate any sort of confidences, because there's a lot of issues out there. And that kind of goes to why I wanted a definition of vacant, you know. Of course, miss. Forgive me, I don't I don't recall your name right this time, but certainly doesn't have, you know, maybe what some would consider a true definition of occupancy, but. You know, to me, it's not vacant. She's there, she's using that, so I struggle with this because we had another similar situation presented last month where if you read through it and it's kind of kind of the same ordeal, is that vacant? Or if she stops by once a week, is it not vacant? If she stops by twice, you know, where is the fine line on the definition of a vacancy or are we just considering you're hanging your head there, then you've got the six month people that go on vacation. How does that apply? So there's a lot of issues with this that I'm having trouble with. I've quit my rant, but anybody else have any concerns, comments, discussion, memos?

Mr. Shook: Yes, Mr. Chairman, I think given Mrs., Cook-Finley's testimony here this evening, I am satisfied that the building is not unoccupied. As I read through the section 1399 here and the code is relatively clear, the meaning of vacancy and unoccupied. I certainly don't think it was the intent of the law. And I have no interest here this evening trying to define very stringently how someone should use their property. In fact, when I look here on Google Maps of the property, the street view image there, there's a gentleman in the driveway, I think kind of given the totality of the circumstances here and everything, and because water usage alone is not sufficient in order to define a property is vacant. I am satisfied that this property is not vacant.

Mr. Rettke: Any other discussion, concerns or comments?

Pastor Linder: This is Pastor Linder, not to just overstate. I agree completely with what's been shared, and I think the presentation by Mrs. Cook-Finley has been fantastic to understand her use and her presence there. I do think we have to think about the safety of this information being shared. I know you're in the process of doing that. And I appreciate Attorney Shook and the mayor and others that try to put these things in process, but they also will tweak them as we move along so that it is the most positive set up. But I'm in agreement, which means this is not a vacant property.

Mr. Rettke: Any other questions, concerns, comments? Everybody wish to entertain a motion.

Mr. Furst: Yes, I move that we grant this appeal for the property at 6860 Tanya Terrace.

Pastor Linder: I second.

Mr. Rettke: Moved and seconded any further discussion? Hearing none. Can we please have the roll call on the vote?

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

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

3. Appeal; 7551-7559 East Main Street; Applicant Donald Iles

Mr. Rettke: Moving on, I think we're at item E3 for an appeal for 7551-7559 East Main Street, Donald Iles. Can we please have a presentation on this one?

Mr. Shook: Yes, thank you, Chairman. This is a so this is a commercial district on East Main Street. These are two buildings that are side by side. We have these is the same agenda. De have these two separate items?

Ms. Barnhart: Same.

Mr. Shook: They these are two commercial buildings that are side by side. This is something, again, that was noticed through a lack of water usage. We have had communication here with the applicant. My understanding is that he used to operate a business out of the building that is on the west side and that he still uses that as an office and then another building on the east side that is used as storage. I think, you know, I don't want to go into any further detail on it. I think that. I will say personally, I think that having had an opportunity now to observe how we are doing this process with vacant properties and the appeal process and with this being Facebook meetings in the middle of Covid, I think that. I can say we need to do a better job administratively of deciding whether a property is vacant and ensure that properties that could go either way that are questionable. Should be found to be not vacant in an administrative standpoint, rather than coming before the board and on that basis, and that basis alone and based on my conversations with the property owner, I'm going to go ahead and ask the board to grant this appeal without going into any further detail.

Mr. Furst: I so move.

Ms. Barnhart: I'll second.

Mr. Rettke: We've been seconded that well said, Mr. Shook, I appreciate it, I wish we would have been able to get to that a little sooner before the last one. I think it is difficult to understand their intent, but. You know, is there any further discussion? Hearing none. Can I please have the vote?

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

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

F. OTHER BUSINESS

None

G. ADJOURNMENT

Chairman

Planning and Zoning Administrator