



MINUTES

BOARD OF ZONING AND BUILDING APPEALS THURSDAY, JANUARY 18, 2018 6:30 PM

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

A. CALL TO ORDER

PRESENT: Rettke, Linder, Donovan, Darling, Armstead
ABSENT:

2. APPROVAL OF MINUTES

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

RESULT:	ACCEPTED
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3. APPROVAL OF AGENDA

Agenda stands approved.

4. SWEARING IN OF SPEAKERS

Speakers for the evening sworn in by Eric Snowden.

B. PUBLIC COMMENT

None.

C. OTHER BUSINESS

1. Motion to Elect Chairman for 2018

Pastor Linder: I'd like to nominate Mr. Rettke.

Ms. Darling: Second.

Mr. Snowden: Mr. Rettke are you willing to serve as our Chairman?

Mr. Rettke: It will be the same situation again. I'm out the month of July. April is probably pretty thin.

Mr. Snowden: That's why we have a Vice-Chairman and you let me know ahead of time. Any other nominations for position of Chairman? With that I'll close the floor for nominations. We have one nomination, Mr. Rettke, for the position of Chairman. Any additional discussion before I call the roll? Vote of yes will elect Mr. Rettke as our Chairman for 2018.

RESULT:	APPROVED [4 TO 0]
MOVER:	Robert Linder, Board Member
SECONDER:	April Darling, Board Member
AYES:	Linder, Donovan, Darling, Armstead
ABSTAIN:	Rettke

2. Motion to Elect Vice Chairman for 2018

Pastor Linder: I'd like to nominate Mr. Donovan.

Mr. Rettke: Second.

Mr. Rettke: Are there any other nominations? Hearing none we'll close it and move on to roll call please.

RESULT:	APPROVED [4 TO 0]
MOVER:	Robert Linder, Board Member
SECONDER:	Anthony Rettke, Chairman
AYES:	Rettke, Linder, Darling, Armstead
ABSTAIN:	Donovan

3. Motion to Elect Secretary for 2018

Pastor Linder: I'd like to nominate Mr. Snowden.

Mr. Donovan: Second.

Mr. Rettke: Moved and seconded. Any other nominations? Hearing none we'll close the floor and we'll move on to the roll call please.

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

4. Rules of the Reynoldsburg BZBA

Mr. Snowden: There is an item in our rules. I have worked to get rules documents in place for both Planning Commission and BZBA and those are both in place and they're working out very well; however, there is a provision in our rules that is not conflicting, but it is redundant given what's in the code. The zoning code states that three members of the board must vote in order for any motion to be positive, so do our rules. I'll go ahead and take that out of both the Planning Commission and the BZBA since its rules because it's in the code. The code states as such. That's the edit.

Mr. Rettke: Any discussion, comments, concerns?

Mr. Snowden: And the way it was written was causing confusion. The way that it's worded in the code is very clear. Three votes in favor. So, for example, if you only had three folks, Mr. Rettke's gone and somebody else gets sick, you need to have all three members that are present vote yes. It's not two to one majority rule. It's three total. It's a good rule to have. How this works is I present it tonight. This will appear again under "Other Business" at our February meeting, in which you will be able to vote. The rules require a 30-day notification for rules changes rather than vote on it tonight.

Unknown: What you're saying is that at any given time, regardless, we have to have three votes?

Mr. Snowden: To do anything, including motions, and that's per the code. The way the rules were written indicated you needed three for an application, but not necessarily for a motion or other action. That was causing some confusion on Planning Commission. Mr. Hood and I chatted and we basically said if it's in the code, the code says three votes to do anything. If you guys want to order lunch in a meeting, three votes. We're just taking out something that's conflicting in the rules and leaving in the code. The code is clear. Three votes to do anything.

Unknown: What section did you remove that from?

Mr. Snowden: It's 5.4 of the rules. The language that we're going to be working on is in 1139 of the zoning code. The copy of the rules you received might not have been the edited version. I can send that out if the edited version didn't make it out. It's literally just cutting out that section. If anyone's curious and has a lot of time and is bored 1139.02 of the zoning code states three affirmative votes should be required for the passage of any motion.

Mr. Rettke: Any other comments, concerns, discussions? Hearing none we'll go ahead and close that and put it up for vote next meeting.

RESULT: HELD

Next: 2/15/2018 6:30 PM

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. 7148 E Main St; Application #180895; Applicant: Nishal Sharma; Special Exception Use Permit - Dwelling Associated with a Permitted Use

Mr. Snowden:

7148 E. Main Street - Dwelling Unit - Special Exception Use Permit

Application: #181244 - Special Exception Use Permit

Location: Property is located on north side of E. Main Street at Haft Drive.

Existing Zoning: CC Community Commerce District / CCO Community
Commercial Overlay District

Request: Request for approval of a special exception use permit for a dwelling associated with an approved retail sales use.

Current Use: Vacant
Proposed Use: Dwelling associated with an approved retail sales use.
Applicant: Nishal Sharma

The applicant is requesting the Board review and approve a special exception use permit for a new dwelling associated with a permitted use. The proposed second story dwelling will be for the owner of a retail business on the first floor.

The site consists of a single building that was originally used as a residence. The site was used as an office for many years. Other lots that front E. Main Street include various commercial businesses such as offices and retail sales. To the north, the property abuts a senior residential complex in the AR-3 district.

The existing building was originally constructed as a residence, and has an existing second-floor dwelling unit that has not been occupied for several years.

The CC zoning district permits a variety of commercial businesses. The uses in that district that are adjacent to this property are permitted uses rather than special exceptions. There are no auto uses in the immediate of the subject lot. None of the adjacent uses employ any objectionable processes that would cause conflict with a residential dwelling.

The site has 6 existing parking spaces which are adequate to accommodate the retail sales use. A single dwelling unit typically requires two parking spaces. Staff's position is that given the likely differential in the times of the uses, and the fact that the dwelling will be occupied by the operator of the commercial use; the two required spaces can easily be accommodated by the existing parking lot.

Staff has no concerns that the addition of the dwelling use in the existing space will impact the provisions of the utilities to the site or neighboring lots.

Staff has no reason to believe that the addition of the use would significantly increase the amount of waste generated at the site to a level that would warrant additional dumpsters. The applicant will be required to continue to use residential style dumpsters unless they wish to add a screened dumpster enclosure.

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 finds that the application meets those standards, and recommends approval of the special exception use permit.

Gene Shivener: 91 Sandrala Drive, Reynoldsburg, Ohio. I've been a resident since 1964. This property, in the past, Mr. Curtis occupied it with the Law Office and also had Realty in there and since the mid 60's off and on it has been used as a residence. It does have a full bath up. Has access from the outside with the stairway. Has inside access with inside stairway. I think it's fitting for Mr. Sharma, who's sitting back here, to be able to occupy it as a business and use the upstairs as a residence. Any questions?

Mr. Rettke: The bottom is going to be a jewelry store/gift shop?

Gene Shivener: Yes sir.

Mr. Rettke: Eric, I've got a question about the special exception runs with the owner, right?

Mr. Snowden: Typically yes.

Mr. Rettke: *inaudible transfers is?

Mr. Snowden: A special exception use permit can be transferred. Recall that I worked with Planning Commission and City Council to add a process for staff to be able to transfer, but the only time it can be transferred is if the uses are the same and the conditions are the same. For example, in this case, if it were to go to a new retail user that wanted to reside on site and it was transferred within 6-months. For example, if the Board grants this permit to Mr. Sharma and he then closes his business and unfortunately Mr. Shivener or his property owner cannot find a tenant for 2-years, they would have to come back and get a new special exception use permit. If it's been less than 6-months, so, really it's supposed to be if it's a quick transfer, one closed on Friday and the next one's trying to open on Monday. It's a quick transfer like that I can transfer administratively to the next user as long as everything's the same. It would have to be a retail to a dwelling to a resident that was going to be on site. The proprietor of which was going to reside on site. It could not be a restaurant; hypothetically a restaurant use goes in there. They couldn't all, so all of the sudden, still have the dwelling unit. Does that make sense what I'm saying? It has to be the same.

Mr. Rettke: I just wanted that to be clear.

Mr. Snowden: So, if Mr. Sharma closes and you get a new tenant within 6-months, I can handle it. If it goes on for several years then they'll have to come back and go through the process again. That's just how the code is written.

Mr. Armstead: As far as the trash. I know you mentioned that they can use there residential garbage can. With it being a commercial space, with boxes and things like that, that's what I have to be concerned with, piling up.

Gene Shivener: I will make sure Mr. Sharma takes care of that sir.

Mr. Snowden: Mr. Armstead, your concern is that, how are they going to address that. From the standpoint of the code and standpoint of staff, as long as they're using residential size containers and they're stored properly, which means they have to be stored at the back in the little trash enclosure area that he already has back there. He can't bring in ten of them and think he's just going to stack them all up there just because they're residential size. If that means he has to do some a small amount of storage inside or come up with another way then he's going to have to do that and Mr. Shivener could add a dumpster enclosure there if they wanted to. They would just actually have to go through a permitting process and I'd have to

look at that Gene, but I think it would be easier than what you've had to deal with, with the parking lot expansion. I'd have to map it out in my mind. Let's not go into that tonight with the board because I don't want to confuse anybody. I believe if that if they needed to add a dumpster enclosure they could. They cannot just drop a dumpster behind it. Does that answer your concern?

Mr. Rettke: So he just sets his trash out to the curb then at that location?

Mr. Snowden: This is not a residential property. It wouldn't receive city trash service. It would have to be a commercial hauler. He would just have to deal with his commercial trash pick-up service and roll the cans out.

Ms. Darling: Wherever they're supposed to go.

Mr. Snowden: Exactly. I'd have to talk to our service department to see how it affected because it's a dwelling, but if he's doing a shared trash and he's having somebody pick it up and the same property owner owns this building here, so they're obviously doing something to accommodate the trash. I don't know what it is. They just have to put them out, get service, and put them back. If they're leaving them out at the curb, our code compliance guys will write them up. I feel like they're going to see it because they come out through this driveway. I do not expect Mr. Shivener and Mr. Sharma or their property owner to be out of compliance with the code just given how frequently we're at this area. I hope that answers your question. There would be a designated pick up point with this commercial hauler.

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

2. 6433 - 6435 Birchview Dr; Application #181041 Applicant Roxanne Thallman, Out Pouring Investments, LLC; Variance - Section 1171.06

Mr. Snowden:

6433-6435 Birchview Drive S. - Residence - Variance

Application: #181041 - Variance

Location: Property is located on the southwest corner of Birchview Drive S. and Belltree Drive.

Existing Zoning: AR-2 Multiple Family Residence District

Request: The applicant is requesting the Board review and approve a variance from Section 1175.06.

Current Use: Two-family Dwelling

Applicant: Out Pouring Investments, LLC

The applicant is requesting the Board review and approve a variance from Section 1175.06 of the Zoning Code, to conform an existing dwelling that encroaches into a required front yard setback.

The site is an existing two family dwelling in the AR-2 district. The home was originally constructed in 1979. Neighboring uses include other single and two family dwellings also in the AR-2 district. To the south, the property abuts the campus of Baldwin Road Junior High School, which is zoned S-1 Special District.

Staff has reviewed the standards for granting a variance and provides following observations:

Item B - Item B of Section 1147.05 does not apply to this application, because this application for a variance concerns an existing structure, not a primary use.

Item C - The incorrect location of the building at the time of its construction is a special circumstance that only applies to this lot and structure. The special circumstance was created by the builder/original owner, not the applicant, who purchased with property without knowledge of the non-conformance.

Item D - The applicant's claim of hardship is based upon their inability to move the entire structure. Staff agrees that this is a massive burden.

Item E - The variance is required in order to allow the existing structure. Without the variance, the property would continue to be in violation of the Zoning Code.

Item F - Staff's view is that granting the variance would not violate this item.

Item G - Staff's position is that the Board would not be conferring a special right on the property, because there are many existing, non-conforming buildings with different front setbacks. Setbacks can also vary for conforming structures based on a variety of factors.

Item H - The applicant has not used this argument within their application.

Item I - Staff's position is that the variance is not a matter of convenience. There is no other avenue for the applicant to receive relief from this regulation.

The Board should apply the standards for review of variances contained in Section 1147.05 of the Zoning Code and determine if the requested variance complies with those standards. Staff finds that the application has met those standards and recommends approval of the variance on the following condition:

1. That the variance, as approved, shall only apply to the existing structure, and that the existing structure may not be extended in any other manner toward the front lot line.

Mr. Rettke: Is the applicant, agent, owner here?

Mr. Snowden: Mr. Chairman, the applicant was an out of town investment company located somewhere else in Ohio. So, it wouldn't surprise me if they didn't attend, although they did receive notification of the meeting and they were instructed that it was in their best interest to attend.

Mr. Rettke: Well, having no one here is there any discussion, questions, concerns regarding this?

Mr. Donovan: My only concern is, what Eric had said, to make sure that its put in there that this is the only variance that's going to be granted towards the front property line, regardless, because they might want to put an awning out in front or a porch or something like that. You never know.

Mr. Snowden: I mean, not for one-foot. I don't know why you would want to, but I think it's a good standard practice for this type of situation. You might ask the question, Mr. Rettke and other members of the board, how did this happen? And the answer is, that's hard to tell. It could be for a couple reasons. Could have been that the builder or surveyor just estimated it poorly when they constructed it. It could have been that the improvements in the street were not put in at the time they were trying to lay out parts of the lots then they didn't have there pins and things properly set to measure off. It could have been a whole variety of issues. Many of our construction residential builders tend to put their structures one-foot behind the setback. Typically, if it requires a 30-foot setback per the code most of the builders will put the structure at 31. It just seems to save this type of issue, but unfortunately it happened here.

Mr. Donovan: That's a long way.

Mr. Snowden: Correct. About one-foot inside.

Ms. Darling: Has this residence had this variance before?

Mr. Snowden: They've never had this variance based on my information; however, I don't have a searchable index of the variances. I did not find a record of it in 1979 or the couple years after that. Like if it would have been discovered when it was first sold to the original owner, but unless somebody can give me a date I can't necessarily find a variance because the records are all paper and the books are very voluminous. That's something we're working on. Its information we need to have. Typically, when I need to find an old variance I have to know approximately when the property was constructed. If I know a variance was granted at the time construction that's how I find it. If the property was sold in 1993 and the variance was granted at that time I wouldn't necessarily have a way to even know that without going through my entire record set. The good news is that everything we do now is fully searchable.

Mr. Rettke: Any other comments, concerns, discussions? I'll go ahead and move for approval of Item E2 for 6433 through 6435 Birchview Drive, Application 181041 requesting the setback from 30-feet to 29.2 feet it shall only apply to the existing structure and that the existing structure may not be extended in any other manner towards the front of the lot line.

Mr. Armstead: Second.

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

3. 6575 & 6577 E Livingston Ave; Application #181244; Applicant: Nathan Royal; Special Exception Use Permit - Auto Services

Mr. Snowden:

6575-6577 E. Livingston Ave. - Blacklick Auto Spa - Special Exception Use Permit

Application: #181244 - Special Exception Use Permit

Location: Property is located on the southwest corner of Baldwin Road and E. Livingston Ave.

Existing Zoning: CC Community Commerce District / CCO Community Commercial Overlay District

Request: Request for approval of a special exception use permit for a new auto services use.

Current Use: Vacant

Proposed Use: Auto Services

Applicant: Nathan Royal

The applicant is requesting the Board review and approve a special exception use permit for a new auto services use.

The entire site consists of a multi-tenant commercial building in the CC Community Commerce District. The properties to the south and east are single-family and multi-family homes in the AR-2 district. Adjacent uses to the west consist of small office buildings in the CO district. The property directly to the north, across Livingston Ave. is a church in the S-1 district of the City. Adjacent tenants include eating and drinking establishments, personal services, retail sales, an additional retail center and vacant space.

The tenant space was previously a carwash and drive-thru retail establishment, and the portion of the building proposed for auto services use under this permit was built to accommodate this type of use. Since that use was discontinued for a period of longer than 6 months, a new special exception use permit is required.

The CC zoning districts permits a variety of commercial businesses. Generally, automotive uses, such as sales and repairs are special exceptions in this district due to the additional considerations required to site them. The existing already supports some intense commercial uses. Staff has no reason to believe that the addition of this use on the existing site will change the site characteristics in any meaningful way.

The Zoning Code does not provide specific parking requirements for auto service uses. Staff's experience with similar hand-wash car detailing operations is that adequate parking should be provided for the proposed employees, but that since customers generally come in by appointment, it is not necessary to provide a large parking field for customers. Vehicles

should never be allowed to stack up in a manner that would block a public street, but the advantage with similar uses in the past has been the ability for the employees to direct customers to parking in waiting areas. Staff's position is that the parking requirements for this type of use are more similar to an office use than to a retail use, gasoline station, self-service carwash, or auto-mated carwash. Staff would like the applicant to clarify the intend path for customer vehicles.

Staff visits to the site in the past have found evidence of dumping and other site maintenance issues along the south side of the property. This has generally been addressed by property owner or tenants when requested by City officials, but all tenants and the property owner need to continue to monitor and address this as needed. Staff's position is that more activity in this tenant space will help deter some of the dumping that has gone on in the past. The applicant may not store any supplies outside of their tenant space while not actively working, nor may they store any junk vehicles, etc.

Staff would like the applicant to clarify if there are floor drains in the tenant space or otherwise indicate how they propose to conduct their wash operations.

Staff has no reason to believe that the addition of the use would significantly increase the amount of waste generated at the site to a level that would warrant additional dumpsters. The applicant has an existing dumpster area that is not screened. Any additional dumpsters or trash receptacles placed in the rear service area will need to be screened.

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 finds that the application meets those standards, and recommends approval of the special exception use permit.

Nathan Royal: 190 South High Street, Columbus, Ohio.

Mr. Rettke: Are there any questions, concerns, comments?

Mr. Donovan: How many vehicles do you plan on having there at any given time? Will they always be inside while you're working on them?

Nathan Royal: No sir. We'll be doing hand car washing drive-thru and they will be doing small detailing, which is probably 3 to 4 hours tops, as far as how long a car will be there. It won't be no overnight customer cars there.

Ms. Darling: Where do they come in at? Where's your flow of traffic at?

Nathan Royal: It will be coming around the back side of the building. The space is on the very end of the facility. They'll be driving around the back and circling around.

Ms. Darling: So, they'll be coming off Baldwin then to come through the back?

Nathan Royal: They'll be coming off Baldwin, exactly, and then they'll be driving around the back side of the premises and then exiting out of the front.

Ms. Darling: What are your hours?

Nathan Royal: The hours will be from 9 to 6.

Ms. Darling: Every day?

Nathan Royal: Yes mam. Not Sundays.

Mr. Rettke: Approximately how many vehicles are you going to have inside there? I can't get a good grasp for how large this is.

Nathan Royal: It's a pull-thru operation. It's not a very big facility in size. We're talking 3 to 4 cars max at any given time.

Mr. Rettke: Can you address how you're going to drain the water and stuff that staff had concerns over.

Nathan Royal: It's actually two spaces. One space is already a two-bay door drive-thru facility and the other space is reception, office type, where you would be waiting at. The one space that has the two drive-thru doors it has 3 or 4 drains in it already.

Mr. Snowden: This has been a couple different things. There was a car wash previously to Mr. Royal's application. One of the car washes started, it might have even been operating without a permit at one point. I'd have to go back and look through my files. I believe that was correct. Some of that was going on right when I started. Other than the amount of time that's passed that's the reason why we're having Mr. Royal go through the process to get properly approved and why he and his real estate agent met with me and we tried to address all those concerns that the previous tenant had. I believe if I go back on my files it was originally constructed what they would call a brew-thru drive-thru type of operation. It wasn't specifically originally set up as a car wash. The reason why I'm asking the questions about the floor drains and the floor drains is something you would want to have in either one of the uses, but the automated car washes use a lot more water typically than the hand car wash operations. The board approved a special exception use permit for the Exquisite Auto Spa on Brice Road and that only had a handful of floor drains and there was never an issue there because there doing the majority of the work by hand rather than having a constant flow of water. That's really why I'm asking that question, but I believe it was originally constructed for drive-thru retail. Just to clarify with what Mr. Royal is saying, here's the drive-thru portion. It's this portion. You could stack several vehicles in here and then there's an office space in this area and that should be in your packet on the subsequent pages. I have a question for Mr. Royal. Is this a drop off type of operation? The questions I was asking about traffic really have to deal with a car wash where you have vehicles waiting that could back up. For example, let's say you're running an automated car wash and you're going in the back here, you might have one, two, three, four, five, you can count them, if enough vehicles

stand there, and it's a lot, if enough vehicles stand there they would back out in the public street. So, is this like I make an appointment with you and then it's Mr. Snowden at 8:00 and Mr. Smith at 8:30 or is it like I come in and I drop it off and then you all drive it through and handle it and call me when it's complete?

Nathan Royal: It's definitely appointment based. We'll take on drive ups if we're slow or as needed.

Mr. Snowden: But your primary is appointment?

Nathan Royal: Yes.

Mr. Snowden: If you're saying it's a 3 or 4 hour process are a lot of folks dropping a car off in the morning and picking it up from you in the afternoon?

Nathan Royal: Yes. We have parking spaces for those cars until they are being serviced.

Mr. Donovan: But there won't be any overnight?

Nathan Royal: No sir.

Pastor Linder: Are you and your staff driving the cars actually through or do they come around, operate the vehicle around there and go in themselves?

Nathan Royal: We'll be driving them ourselves.

Ms. Darling: Where they enter off Baldwin.

Mr. Snowden: I believe based on Mr. Royal's saying this is the exit. Correct?

Nathan Royal: If you're talking about the front side of the building?

Ms. Darling: Correct, but you're saying cars are going to pull in off Baldwin down this path and go through the back of the building. Is that correct?

Nathan Royal: That's one of the entry ways into the plaza there, so that would be one way that they could come in or they could come straight up through the parking lot and come around the back side.

Ms. Darling: My only concern is that is a high area of a bus drop off for a couple different schools between the hours of 2 and 4pm and you have a lot of parents who sit right there to get their kids from the bus stop, like vehicles. That would be my concern is all those cars trying to pull in there because I see that on a daily basis because I literally live right around the corner. So I see all these cars lined up in the parking lot where your vehicles could possibly go in there, so how are you going to be able to do that. Are you going to tell the customers to come from the other way from the main part off Livingston?

Nathan Royal: Yeah, there's another.

Ms. Darling: There's plenty of different ways in, yeah.

Nathan Royal: Like you said, if that becomes an issue then we'll have staff direct it. We'll have 5 to 6 staff members in there at all times.

Mr. Rettke: I've got to disagree with that. That's not his concern. That's the parents. That's a commercial retail facility. We can't keep him from operating a business because a bunch of parents want to pick kids up off the bus. If it's a safety issue the school needs to move that pick up location further down. You can't prohibit business because a bunch of parents want to pick up there. They don't have an easement for that necessarily. There's nothing documented that that land owner or that applicant has given them that right to do that.

Mr. Snowden: It's good to be sensitive to the fact that it's going on, but I agree with Mr. Rettke from the standpoint of the property owner could ask those folks to move somewhere else. They don't specifically have the right to be there just because the school bus is dropping off. Now one of the reasons why they've been sitting there is because that's got a huge parking lot and there's been nobody back there.

Ms. Darling: That's just the way it's been. I wasn't saying I was going to deny that by any means. I was just saying that that's what happens on a daily basis between those hours.

Mr. Snowden: I think we should be sensitive to it, but with the understanding that the property owner, E.V. Bishoff, and/or his tenant, if the folks, you see the posting right here, that it's private, if they want to ask those folks to move somewhere else they absolutely can. Just be aware of that. Ms. Darling, if I understand what you're saying, you're just simply saying, hey, be aware that this is going on.

Ms. Darling: Correct. Just be aware.

Mr. Rettke: Normally, in the course of business, people are going to MapQuest that address. It's probably going to take them off of Livingston most likely.

Ms. Darling: Most likely, yes.

Mr. Rettke: They're going to come through that way. They're probably going to have a harder time locating it, to be honest with you. What address does that have?

Ms. Darling: It has a Livingston address.

Mr. Snowden: The entire center is addressed off Livingston.

Mr. Rettke: That's probably going to be a concern for that developer. He might want to address that off Birchview, but then that encourages traffic off of Birchview.

Mr. Snowden: If the property owner wanted to readdress the properties off of Baldwin they would have that option. They could contact me and I would have to discuss it with our city engineer, but that option exists. I don't foresee it's going to be a huge problem. It's been this way for a number of years, but if they were to want to do that then Mr. Royal would need to contact me. That would not affect his special exception use permit, but if that's something that is determined to be preferable by the property owner, which is Mr. Royal or Mr. Howard or Mr. Bishoff or the property owner could just contact me and we can address it with our engineer.

Mr. Rettke: Any other questions, concerns, discussion? One thing I noticed, can you just restate your hours. Your application said 7:30 to 7:00, but you stated on record it was something different.

Nathan Royal: Since I've started the process I've gotten a business consultant as far as that kind of business is concerned. He just told me the hours would be a little better later at starting up.

Mr. Rettke: Ok. What was that again so I can make note of that?

Nathan Royal: 9 to 5.

Mr. Snowden: You said 9 to 6 initially.

Nathan Royal: I mean 9 to 6.

Mr. Snowden: With regard to the business hours how I normally look at that is if the applicant wants to change them they don't necessarily have to change their exception use permit unless they're going from an operation like this, if Mr. Royal comes to me and says well, I want to be open 24 hours now. We're going to treat that as something else. Now, where the line is there, I have to look at it on a case by case basis. What I would have to do is make a determination that he had changed the hours in a way that materially changed what he got approved for. He's not locked into those hours.

Mr. Rettke: Any other questions, concerns, comments? Just to clarify, this is just wash, detail, this isn't transmission service, fire repair, body work. We've had it happen before where they come in with one thing and it ends up being another. Not that I'm saying that neighborhoods not equipped for it, but I just don't know that that site, that structure, the way it's set up would be good for that.

Mr. Snowden: The only other auto use there that I might support in the future and I'm not saying that this is what Mr. Royal is doing because I don't believe that, but I might support tire sales there. I would not support oil, because the process is objectionable. It's too close to the residential and I definitely wouldn't support repairs or anything additional with that. The sales even, I would not support at this location. This is really kind of like the only thing I would really support. If somebody came with an application for that I'd certainly walk it

through the process, but don't expect me to be smiling. I don't think this applicant's intent is. I'm just telling you what my thought process is. We are close to residential and we want to be sensitive to that. On the other hand we've got a property that's got a drive-thru basically already built in to it. It's the job of the board to balance those two competing interests.

Mr. Rettke: Any other questions, concerns, comments?

RESULT:	APPROVED PENDING COUNCIL REVIEW [UNANIMOUS]
MOVER:	Anthony Rettke, Chairman
SECONDER:	April Darling, Board Member
AYES:	Rettke, Linder, Donovan, Darling, Armstead

F. ADJOURNMENT

Mr. Rettke adjourned at 7:22 pm.

Chairman

Planning and Zoning Administrator