

**BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JANUARY 20, 2011.**

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The Board of Zoning Appeals met in regular session on January 20, 2011 at 7:00 p.m. in the Municipal Building Council Chambers.

MEMBERS PRESENT:

The following members were present: Mark Heistand, Pete Hutchinson, Jeff Jones and Scott Johnson.

MEMBERS ABSENT:

Cyndie Janney was absent.

ALSO PRESENT:

Also present were Anna Sizemore, Village Manager; Brian Wafzig, Council Member; Kelli Novak, Zoning Officer and several visitors.

EXCUSE ABSENT MEMBERS:

Mr. Johnson moved to excuse Mrs. Janney.

ROLL CALL: Mr. Heistand, yes; Mr. Hutchinson, yes; Mr. Johnson, yes; Mr. Jones, yes.
4-yes, 0-no. MOTION CARRIED

ORGANIZATION:

Mr. Jones moved to appoint Mark Heistand as Chairperson.

ROLL CALL: Mr. Heistand, yes; Mr. Hutchinson, yes; Mr. Johnson, yes; Mr. Jones, yes.
4-yes, 0-no. MOTION CARRIED

Mr. Johnson moved to appoint Jeff Jones as the Vice Chairperson.

ROLL CALL: Mr. Heistand, yes; Mr. Hutchinson, yes; Mr. Johnson, yes; Mr. Jones, yes.
4-yes, 0-no. MOTION CARRIED

APPROVAL OF BY-LAWS:

Mr. Heistand stated that each year we have approval of the By-Laws, which is the instrument that is used to run the meeting and the internal rules and regulation for the Board.

Mr. Johnson motioned to approve the By-Laws.

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ROLL CALL: Mr. Heistand, yes; Mr. Hutchinson, yes; Mr. Johnson, yes; Mr. Jones, yes.
4-yes, 0-no. MOTION CARRIED

APPROVAL OF MINUTES:

Mr. Johnson moved to approve the March 1, 2010 minutes as presented.

ROLL CALL: Mr. Hutchinson, yes; Mr. Johnson, yes; Mr. Jones, yes; Mr. Heistand, yes.
4-yes, 0-no. MOTION CARRIED

PUBLIC HEARINGS:

Mr. Heistand stated the only order of business tonight is the Public Hearing on Conditional Use #11-01, made by William Heistand to allow a taxidermy business on the property located at 30 South Walnut Street.

He added that he is the executor of the property owner's estate at the listed address. He feels he cannot participate in this discussion or vote, he will abstain when it is time to vote and feels he should not chair this Public Hearing. He then turned the meeting over to Mr. Jones the Vice Chair.

Mr. Jones stated that the time was 7:05 p.m. and the Public Hearing was now open. He briefly reviewed the application.

Staff Summary:

Mrs. Novak stated that the proposed use would comply with a home occupation under Section 1129.14 (g). The home occupation will be contained to the basement of the dwelling. The only change to the exterior of the home would be a sign that must comply with Section 1129.14 (c) of the Code. According to the applicant there will be no harmful chemicals used for the home occupation. There should be minimal customer traffic and should not interrupt the public parking. Overall the proposed use will be in compliance with all others sections of the Zoning Code.

Applicants Presentation:

William Heistand, 364 East Market Street, stated he will be moving to 30 South Walnut Street this summer. He would like to start a taxidermy business in the basement as a second income. He has been doing taxidermy while attending college and he feels that something of this nature would be beneficial in the Germantown area. This would benefit the Village and the surrounding areas. There will be nothing visible from the exterior of the home except the sign that will comply with the regulations. There will be no harmful chemicals used. This business will have much less traffic than the church across the street.

Mr. Johnson questioned where will the remains be kept and how will they be disposed of.

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William Heistand responded by saying that the remains will be kept inside the building until they are disposed. He will be checking with Rumpke to see what regulations if any they have for disposing the remains. There are other ways of disposing of the remains. Either a chemical bath or a bone yard that would be off site.

Mr. Jones questioned what size and kind of animal he was planning on preserving.

William Heistand replied due to the nature of the area it would be mainly white tail deer, which is a shoulder mount, ducks, and small mammals such as, squirrels and chipmunks.

Mr. Jones questioned if the entire carcass would be preserved such as an entire deer or bear. He has concern on a large animal getting into the basement of the home.

William Heistand replied that the entire animal does not come to him after it is processed. He would only be receiving the skin and the skull and is usually delivered in a black trash bag or a box. The only thing that would be seen would be the antlers.

Mr. Jones questioned how you plan to advertise the business. He has concern with a sign drawing additional drive-by traffic.

William Heistand stated that he planned to mainly use business cards. This is not a drop by business. Each customer will have an appointment that should be 15-20 minutes long.

Mr. Jones questioned the need for a sign seeing that it is a taxidermy business and would be by appointment only.

William Heistand stated that he would like a sign so that it would make it easy to identify the house as the business location. Customers would know which house it is so there is no additional traffic on the street.

Mr. Jones stated that with today's technology it should be easy for people to locate the exact address.

Mr. Hutchinson questioned how likely it would be to do larger animals other than the heads.

William Heistand replied that there is a possibility but unlikely. If there was a large animal he would be able to do it elsewhere.

Opponents Recognized:

John Lewis, 103 South Walnut Street, stated he lives near the residents in question. He and his wife are against this request. Their concern is that William has not considered how he will be disposing the remains. If this business is done part-time will the processing be done in a timely manner.

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William Heistand replied that he would be doing the processing when he has time to do it.

John Lewis went on by saying that if the work is being done in the basement, how he will keep the carcasses preserved till you get time to work on them.

Mr. Jones stated that John Lewis needed to direct his questions to the Board and then William will be able to address each question.

John Lewis stated that his concerns were disposing of any remains, turnaround time of the processing especially in the warmer months and concern about the additional parking on the street.

William Heistand replied that the traffic concern should not be an issue. He would expect to only have about a 100 customers total in a year's time. This business is usually only busy during the hunting season. If he would have two customers at the same time he would be astonished. The remains would be minimal and disposed of by Rumpke or taken off sight.

Mr. Jones questioned if the process required chemicals.

William Heistand replied that it does not require any hazardous chemicals. He would be using borax, sawdust and salt. These items you could easily find in your own home.

Mr. Jones questioned where all the supplies including the animals will be kept.

William Heistand replied that they will all be kept in the basement. He will keep the carcasses in refrigerators or freezers until they are processed.

Mr. Jones questioned if there would be any blood involved and could any fluids go down the drain and affect the water system.

William Heistand replied that there will be blood but no more than if any normal household injuries.

Jane Lewis, 103 S. Walnut Street, stated that the homes in the area are older and you can smell when people are cooking or giving a permanent. She has concern that the remains will not be processed in a timely manner since he will be only working part-time with this business. It sounds like there are a lot of questions that have not been answered yet. Will Rumpke have biohazard bags for him to dispose the remains in.

Mr. Jones stated that the Board has the right to apply additional conditions that will cover any other concerns. If William does not comply with any of the conditions it will not implement the use.

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Jane Lewis questioned what would happen if there were smells or flies coming from the property.

Mr. Jones stated that the Combined Health District could be contacted.

William Heistand stated that the smell would not be any foul smells because he would not be able to stand living in the dwelling. All the carcasses are fresh meat which is no different than bring meat from the grocery store home. Any carcasses that would be brought in would be immediately put into a freezer or refrigerator. Any remains would be put in a sealed bag so no smells are escaping.

Mr. Jones questioned if William would need to obtain any license for this sort of business.

William Heistand stated that for certain animals he would have to get a license. He would be contacting them after this meeting tonight.

Final Statement of Staff:

None.

Close Public Hearing:

Mr. Jones closed the Public Hearing at 7:32 p.m.

Deliberation and Decision:

The Board discussed a list of recommended restrictions that Mr. Jones passed out to the Board.

Mr. Wafzig stated he had concern regarding the sign. He would not want to be a neighbor to this property that would want to sell it and a taxidermy sign is next door. The signage could affect the property value or the sale of a neighboring home.

Mr. Johnson stated that according to Section 1129.14(c) of the Code, he is allowed to have a sign. He does not feel that we can restrict him from having a sign when the Code specifically allows it.

A brief discussion took place regarding Section 1129.04(c) of the Code. It was determined that the Board would need to make a recommendation to Council to have this portion of the Code revised.

He added that any motions should be in the positive, and then vote yes or no based on that positive recommendation.

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Mr. Johnson moved to approve Conditional Use application #11-01 with the Boards restrictions to include:

1. No one other than the applicant, William Histan and family, shall be employed in the taxidermy business.
2. The use shall be limited to the basement of the dwelling.
3. No more than two (2) customers and/or potential taxidermy customers shall visit 30 South Walnut Street on any one (1) day of the week and no more than one (1) customer by appointment only.
4. Storage of equipment and inventory shall be in compliance with applicable Municipal Ordinances, including building and fire codes, with no outside storage of material, supplies, or equipment, including animal carcasses.
5. The applicant must dispose of any animal residual waste in a legal and sanitary manner.
6. The applicant must comply with all other County, State and Federal regulations that pertain to taxidermy.
7. Any advertisement, including internet and Yellow Pages, may not include the address 30 South Walnut Street.

ROLL CALL: Mr. Johnson, yes; Mr. Jones, yes; Mr. Heistand, abstain; Mr. Hutchinson, yes. 3-yes, 1-abstention. MOTION PASSED.

OTHER BUSINESS:

Mr. Johnson moved to recommend that Council remove Section 1129.14(c) from the Planning and Zoning Code.

ROLL CALL: Mr. Johnson, yes; Mr. Jones, yes; Mr. Heistand, abstain; Mr. Hutchinson, yes. 3-yes, 1-abstention. MOTION PASSED.

ADJOURNMENT:

There being no further business to conduct, Mr. Heistand motioned to adjourn the meeting.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

The meeting adjourned at 6:24 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council