BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JUNE 11, 2012.

The Board of Zoning Appeals met in regular session on June 11, 2012 at 7:00 p.m. in the Municipal Building Council Chambers.

MEMBERS PRESENT:

The following members were present: Jonathan Greene, Pete Hutchinson, Jeff Jones and Scott Johnson.

MEMBERS ABSENT:

Mark Heistand was absent.

ALSO PRESENT:

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

EXCUSE ABSENT MEMBERS:

Mr. Johnson moved to excuse Mr. Heistand.

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

APPROVAL OF MINUTES:

The Board reviewed the January 23, 2012 meeting minutes.

Mr. Hutchinson moved to approve the January 23, 2012 minutes as presented.

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

PUBLIC HEARINGS:

Mr. Jones stated the Board would begin with Conditional Use Application #12-01, made by Jeremy Trapp to allow a tree trimming/removal business on the property located at 113 Paula Drive.

Applicants Presentation:

Jeremy Trapp, 113 Paul Drive, stated that he owns a tree business and wants to park his work trucks in on his property. He does not run the business out of the home. He spoke with the neighbor next door and he does not have a problem with the equipment

Staff Summary:

Mrs. Novak stated according to applicant the equipment is kept in the driveway/garage. Not on the street. Mr. Trapp spoke with the Chief of Police regarding the larger trucks and equipment and he is aware of the restrictions regarding these vehicles. His work is done off site not at the residence. He does not have any advertising on the property and does not intend on having a sign. He states that he does not bring any debris to the home and works on the equipment during normal hours. He is required to pay taxes for his business.

She stated that she received a call from a neighbor. This neighbor is the one who sent the letter to the Board that was given to the Board tonight.

The Public Hearing opened at 7:05 p.m.

Proponents Recognized:

None.

Opponents Recognized:

None.

Final Statement of Staff:

None.

Final Statement of Appellant:

None.

Close Public Hearing:

Mr. Jones closed the Public Hearing at 7:06 p.m.

Deliberation and Decision:

Mr. Hutchinson questioned where Mr. Trapp disposes of his debris, the letter from the neighbor states that the debris is being burnt on the property. Mr. Trapp replied that he has personal bonfires but he disposes of his debris off site. He either chips the brush or he delivers it to a dump site.

Mr. Greene questioned what the typical hours of business. Mr. Trapp replied that he normally stops working at dark. He would only be coming home late at night, but no work would be done at the house after dark.

A brief discussion took place regarding the issues that were mentioned in the letter from the concerned neighbors.

Mr. Jones moved to approve Conditional Use Application #12-01 for a tree trimming/removal business located at 113 Paula Drive with the Board's restrictions to include:

1. No one other than the applicant, Jeremy Trapp and immediate family, shall be employed in the tree trimming/removal business.
2. The use shall be limited to the dwelling and/or the vehicles.
3. Storage of equipment and inventory shall be in compliance with applicable Municipal Ordinances, including building, fire and property maintenance codes, with no outside storage of material, supplies, or equipment, including waste. Supplies must be contained inside the dwelling, garage or the vehicles.
4. The applicant must dispose of any waste in a legal and sanitary manner.
5. The applicant must comply with all other County, State and Federal regulations that pertain to tree trimming/removal businesses.
6. Any advertisement, including internet and Yellow Pages, may not include the address 113 Paula Drive. The only permitted advertising is the P.O. Box number.

Mr. Wafzig stated that we do not want to discourage this type of business in the City but this does not fit into the definition of what we have for Home Occupation; that is conducted entirely within a residence.

Mr. Jones read the Home Occupation definition from the Codified Ordinances. He went on by saying that you can conduct business in the dwelling, leave then come back.

A brief discussion took place regarding the definition of Home Occupation. The Manager stated that Council will be reviewing a new information regarding Home Occupations at the next Council meeting.

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

PUBLIC HEARINGS:

Mr. Jones stated the Board would hear Conditional Use Application #12-02, made by Edwin Shock to allow a heating and air conditioning business on the property located at 101 Megan Lane.

Applicants Presentation:

Edwin Shock, 101 Megan Lane, stated that he runs a home office at his residence. He runs a HVAC business.

Staff Summary:

Mrs. Novak stated according to applicant the equipment is kept in the garage. Not on the street. He does not have any customers coming to the home or employees and does not have any deliveries. He does not advertise. He would not be putting up any signage on the property. His work is done off site, not at the residence. According to the applicant there is no evidence that there is a business. He is required to pay taxes for his business.

The Public Hearing opened at 7:25 p.m.

Proponents Recognized:

Mike Brem, 71 Megan Lane, stated that he has lived in his home for about a year and he did not even know what Ed did for a living. He would not have know what he did if he did not ask him. He has three small children and Ed does not have anything on the property that would make you think he has a company. We never hear him work on anything and he keeps his vehicles in the garage. He is a really great neighbor.

Keith Taylor, 110 Megan Lane, stated that everything Mr. Brem stated was accurate. He has no objections to this application.

Joe Walters, 111 Megan Lane, stated that you would not know that Ed has a business in his home. There are no signs on his truck and everything is kept in the garage. If all the houses in the City were as neat as Ed's, the City would be in really good shape.

Opponents Recognized:

None.

Final Statement of Staff:

Mrs. Novak stated that she did not receive any feedback from any neighbors regarding this Home Occupation.

Final Statement of Appellant:

None.

Close Public Hearing:

Mr. Jones closed the Public Hearing at 7:27 p.m.

Deliberation and Decision:

Mr. Hutchinson questioned if Mr. Shock stored any chemicals on the property. Mr. Shock replied that he does have Freon on his truck.

Mr. Johnson stated that Mr. Shock should know how to handle the Freon.

Mr. Jones moved to approve Conditional Use Application #12-02 for a heating and air conditioning business located at 101 Megan Lane with the Board's restrictions to include:

1. No one other than the applicant, Edwin Shock and immediate family, shall be employed in the heating and air conditioning business.
2. The use shall be limited to the dwelling and/or the vehicles.
3. Storage of equipment and inventory shall be in compliance with applicable Municipal Ordinances, including building, fire and property maintenance codes, with no outside storage of material, supplies, or equipment, including waste.
4. The applicant must dispose of any waste in a legal and sanitary manner.
5. The applicant must comply with all other County, State, Federal and OSHA regulations that pertain to heating and air conditioning businesses.
6. Any advertisement, including internet and Yellow Pages, may not include the address 101 Megan Lane.

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

OTHER BUSINESS:

Mr. Jones questioned if Council would be looking at just Home Occupation information or all Conditional Uses. Mrs. Sizemore replied that at this time they would be looking at Home Occupation. This should answer the question if all Avon, Mary Kay and all small home businesses must have a permit.

ADJOURNMENT:

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

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

The meeting adjourned at 7:32 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak
Clerk of Council