

**BOARD OF ZONING APPEALS  
MINUTES OF MEETING HELD APRIL 8, 2013.**

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The Board of Zoning Appeals met in regular session on April 8, 2013 at 7:00 p.m. in the Municipal Building Council Chambers.

**MEMBERS PRESENT:**

The following members were present: Jonathan Greene, Mark Heistand, Pete Hutchinson, and Jeff Jones.

**MEMBERS ABSENT:**

Scott Johnson was absent.

**ALSO PRESENT:**

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

**EXCUSE ABSENT MEMBERS:**

Mr. Jones moved to excuse Mr. Johnson.

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

**APPROVAL OF MINUTES:**

The Board reviewed the January 14, 2013 meeting minutes.

Mr. Hutchinson moved to approve the January 14, 2013 minutes as submitted.

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

**PUBLIC HEARINGS:**

Mr. Heistand stated the Board would begin with Conditional Use Application #13-01, made by P. Darlene Griffith to allow a home/internet based business to produce quilt patterns and quilts on the property located at 127 Hickory Pointe Drive.

**Applicants Presentation:**

Darlene Griffith, 127 Hickory Pointe Drive, stated the concept of the business is to produce heirloom quality Christmas tree skirts that would last a lifetime. This business would not change the neighborhood in any way, shape or form. She loves Christmas and enjoys making tree skirts. The sewing machines that would be used are household machines and a regular computer. She will also be using software to help produce and

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design patterns for new tree skirts. Her boyfriend that lives with her is a web developer and they are going to develop a website to sell the quilts and patterns.

Mr. Jones questioned if there are programs that people are using to make the quilts. Ms. Griffith replied that she would be using software called Electric Quilt 7. This is the designer's tool that she would be using. She will not be doing many custom quilts but if the money was right she would.

Mr. Jones questioned if customers would be coming to view quilt patterns at the home. Ms. Griffith replied that she would only have customers at the house when she is doing custom work. Custom work is very time consuming and really not what she is trying to pursue.

Mr. Jones questioned if she had a sewing room that she would be working out of. Ms. Griffith replied yes.

**Staff Summary:**

Mrs. Novak stated according to Ms. Griffith this would be a home based business and contained inside the home. The only assistance that she would have would be from family members that reside at the home, there would be no staff. The Home Occupation would be during 8:00 a.m. to 5:00 p.m. and all deliveries would be made by UPS, FedEx and USPS during those hours as well. She has stated that customers would be less than six (6) per year due to the time that is involved in the production of these items. The property has a driveway that is adequate to provide parking for customers. She would be required to pay taxes according to Section 1129.14(h).

The Public Hearing opened at 7:09 p.m.

**Proponents Recognized:**

Chuck Baker, 127 Hickory Pointe Drive, stated that Ms. Griffith does excellent work and he would hope the Board would approve this request.

**Opponents Recognized:**

None.

**Final Statement of Staff:**

None.

**Final Statement of Appellant:**

Ms. Griffith stated that she use to wait tables when she was younger at a restaurant in the downtown area. There are people that she knows from the 70's and they made such an

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impression she has come back to the area and built her home in Hickory Pointe. She looks forward to living in Germantown again and to be a positive part of the community.

**Close Public Hearing:**

Mr. Heistand closed the Public Hearing at 7:12 p.m.

**Deliberation and Decision:**

Mr. Heistand reminded the Board that they have approved numerous Conditional Use applications and there is a series of conditions to each of those approvals.

Mr. Hutchinson stated that this is similar to the other applications.

Mr. Jones questioned Ms. Griffith if her home was a detached home. Ms. Griffith replied yes.

Mr. Hutchinson questioned why applicants have to pay the \$50.00 charge and come before the Board. Mr. Jones replied that if a particular use is on the schedule they are required to come before the Board.

The Board briefly discussed why applicants come before the Board when wanting to have a Home Occupation.

Mr. Jones moved to approve Conditional Use Application #13-01 for a home/internet based business to produce quilt patterns and quilts located at 127 Hickory Pointe Drive with the Board's restrictions to include:

1. No one other than immediate family members residing at 127 Hickory Pointe Drive and one other employee shall be employed with the home/internet based business to produce quilt patterns and quilts.
2. The use shall be limited to the property; meaning the principal building, the accessory building as permitted per Ordinance No. 12-23, passed on April 16, 2012.
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, accessory building 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 home/internet based business to produce quilt patterns and quilts.
6. Any advertisement, including internet and Yellow Pages, may not include the address 127 Hickory Pointe Drive. Business cards may contain the address 127 Hickory Pointe Drive.

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Mr. Heistand asked to amend the motion by adding “No. 7. No more than three (3) customers per day.”

All members agreed to amend the motion with the addition as read.

Mr. Jones motioned to amend the original restrictions by adding “No. 7 No more than three (3) customers per day”.

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

**OTHER BUSINESS:**

Mr. Jones requested the Staff to provide any legislation that is passed by Council that pertains to the Zoning Code to be passed along to the Board. He would also like the Law Director to give a brief review of new legislation that would affect any hearings.

**ADJOURNMENT:**

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

The meeting adjourned at 7:24 p.m.

Respectfully Submitted,

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Kelli R. Sanders-Novak  
Clerk of Council