

BOARD OF ZONING APPEALS MEETING
APRIL 17, 2012
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II ROLL CALL

Members Present: Joe Ramirez, Ed Knox, William Reichert,
Lawrence Hawkins III, Carolyn Ghantous, Robert Weidlich, Jane Huber

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MARCH 20, 2012

(Mr. Hawkins made a motion to adopt the March 20, 2012 Board of Zoning Appeals minutes; Mr. Knox seconded the motion and with a unanimous affirmative vote from the Board of Zoning Appeals Members the minutes were approved as written.)

V CORRESPONDENCE

Chairman Weidlich: We have no correspondence this month.

VI REPORT ON COUNCIL

(Mr. Hawkins presented a summary report of the March 21st, 2012 and the April 4th, 2012 Springdale City Council meetings.)

VII REPORT ON PLANNING COMMISSION

(No report presented for Planning Commission.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

A. Chairman Weidlich: The owner of 1140 Terrytown Court has applied for a variance to erect a utility building in his side yard. Said variance is from Section 153.097(B)(4) "All other structures... shall not project into or be located in a front or side yard."

Mr. Victor Evans: I live at 1140 Terrytown Court. If you look at the drawing that had already been approved to place it in the backyard, basically what I want to do is

rotate my storage shed 90° to the right and move it back so that the storage shed is following the back line of my house because I have a very steep hill in the back of my house that runs the whole width of my yard and I only have about 20' in the back of my house to the beginning of the hill. If I erect the storage shed where it was approved that is only going to give me less than 10' from the edge of the storage shed to the hill and it doesn't leave any place for the grandkids to play. The distance between where it would be in the approved site and where I would like to place it is only about 5'.

(At this time Mr. Campion read the Building Official's comments.)

Mr. Ken Johnson: I live at 1152 Terrytown Court; right next door to him. He does have a steep hill and no place to put the utility building, and the only person who can see it would be me; it will not bother me. Where he wants to put it is the most feasible place to put the shed.

(No one else from the audience came forward to speak on behalf of this request and this portion of the meeting was closed.)

Mr. Ramirez: I drove by your property earlier, is the location where you have it staked out where you plan on putting your shed?

Mr. Evans: Yes, sir.

Mr. Knox: Compared to the drawing that the City provided, you are actually asking to move it 8' forward toward the street?

Mr. Evans: The drawing is not correct. The side facing the front of the house would be right back to the corner of the back of the house. All I want to do is rotate it.

Mr. Knox: When I looked at your property, it appeared to me that where you want to put the shed is really one of the few, if not the only place that is level in the yard.

Mr. Evans: That is true. From the back of my house to the bottom of the hill is basically 20'. I do have a patio and I do have a sidewalk that runs around the back of the house, so technically yes I could put it there. I would really appreciate it if I could put it on the side yard.

Chairman Weidlich: Does your property slope off on that side down toward your neighbor, as well?

Mr. Evans: Yes, it does slope. It is not pronounced but there is a sidewalk that runs down the side of my house to the back of the house. On the right side it slopes to a degree but not a whole lot. Where I want to put it is basically level.

Chairman Weidlich: You have a rough piece of property, you can see that.

Mr. Reichert: The door on the shed will be toward the back?

Mr. Evans: Yes, not toward the street.

Mr. Hawkins: This question is for Staff; do you agree with the applicant's indication that we are talking the difference of 8' or 5'?

Mr. Campion: From the drawing, if you look at the two proposed locations, it looks like the proposed location on the right should face the building. He is talking about moving the shed forward from that location about 8'.

Mr. Reichert: I have a question for Staff, as well; rotating the shed I understand but is there a distance that it must be from the house?

Mr. Campion: No, I don't believe there is.

Mrs. Huber: I move to grant a variance from Section 153.097(B)(4), so as to allow the erection of an 8' X 10' utility building for placement in the east side yard of property located at 1140 Terrytown Court.

(Mr. Knox seconded the motion and with 6 "aye" votes and 1 "no" vote, the Board of Zoning Appeal Members approved the variance request.)

- B. Chairman Weidlich: The owner of 11976 Tavel Court has applied for a variance to allow a utility building to remain 0' from the side lot line. Section 153.097(B)(4) "All other structures... must not be less than 5' from the rear or side lot lines."

Mr. Daryl Schottmiller: I live at 5060 East Kemper Road. The variance request is to leave the shed where it is. I was here once before and have better answers for some of the questions. I have brought Tom, my next door neighbor, along. From the letter sent out, I guess you guys didn't have any evidence that there was a shed or a concrete slab there and that kind of made me feel like I poured concrete. But there was a shed there so I had Tom Vanover come along because he has been there for like 28 years, to say that there was one there. Last time that I was here I said that I went 5' from the fence line and I did not know that the fence line was not the property line. The question came up last time that if Tom did move out and somebody wanted to build their shed right next to the property line, right next to it, they wouldn't be able to. The answer is that they can't really because there is such a hill that runs down into the creek that they would have to run piers down 15 feet to have a shed there.

I did put it there because of the concrete slab, and there is a culvert that runs where the two property lines come together and with the rain that we had Saturday, you wouldn't be able to get to your shed for probably two to four days.

(At this time Mr. Campion read the Building Official's comments.)

Chairman Weidlich: Is there anyone in the audience that would like to speak on behalf of this request?

Mr. Thomas Vanover: I reside at 11982 Tavel Court. I have been the owner of that property since 1981 and that fence line has been there from that point. I know the history of the property when that fence was erected it had been surveyed and when we refinanced it was surveyed; at no point was that fence line ever questioned. That pad has been there from the beginning since I moved in there. I don't have any problem with the shed. I was glad when he purchased the property because he has improved it.

(No one else from the audience came forward to speak on behalf of this request and this portion of the meeting was closed.)

Mr. Hawkins: I understand that the property line goes along the edge of the shed and not out to where the fence is, but when you last refinanced are you saying that you did not count that space between the fence and the shed as being your property?

Mr. Thomas Vanover: No, sir. Nobody at any point has ever brought up that the fence was out of kilter as far as between the property lines. The only question that came up when we refinanced was that the tail end of my big shed, part of it is actually in the flood plain. But other than that there has never been any question or concern.

Mr. Hawkins: I am not going to go into law school property class, in terms of adverse taking but if it has been 28 years then I think that would count as an adverse taking. Mr. Schottmiller has been taking care of that property between the fence and the shed. Is there any thought of going to the auditor and clearing that up so that transition takes place officially?

Mr. Thomas Vanover: I guess coming from the legal world; yes. I don't have any problem with that. I find it amazing and unusual that just now this is coming up and there have been five property owners to that property before Mr. Schottmiller and I find it hard to imagine that at some point and time it didn't show up in title searches or any of that.

Mr. Hawkins: If the property line was where the fence is and you worked that out with the auditor, then I wouldn't have a problem with where the shed is. The problem becomes, even though you have a great neighbor in Mr. Vanover, but if fifty years from now there is somebody else there and they say this is our property then there is going to be a problem with it being right there on the line. I would compromise, even if you didn't change by going to the auditor, you could pour more of a slab to the side and move it 12" to the right, then I wouldn't have a problem compromising. But with it being right on the property line, as it stands today, I personally have an issue with it.

Mr. Thomas Vanover: I don't have any problem doing that; I haven't missed it thus far.

Mr. Reichert: My wife and I had a similar situation. Her parents were in their nineties and the neighbors were friends just like you guys are. They built their shed across the line and they tried to refinance their house and it was surveyed and they said the building was on the other property. I would suggest that you resolve this thing before you have to go and settle the estate.

Mr. Champion: You have had the property surveyed three times, do any of these surveys say in the lot description that it goes so many feet and then it turns or is it just a straight line like the auditor's website?

Mr. Thomas Vanover: It is a straight line like the auditor's website.

Mr. Champion: So, you are saying that in these surveys they have missed the jog in the fence?

Mr. Thomas Vanover: If that is the case, they have missed it and somebody ought to get a refund somewhere along the way. They are professionals and nobody is faultless.

Mr. Champion: So, you do not have any survey that shows a "dog leg", only a straight line?

Mr. Thomas Vanover: Yes, just a straight line. Exactly.

Mrs. Huber: Just to add further; we had a lady here in Springdale whose father owned many lots in Springdale. A vacant lot on Smiley and the neighbor had erected a fence 7' into the property and she did not realize it because she didn't pay attention to what she owned because she owned so many. She finally found out about it and she had been paying the taxes on that 7'. Finally she said I am not going to pay the taxes anymore. For some small amount of money the neighbor paid her. It is a problem if there is no definite property line determined.

Chairman Weidlich: The surveys did not show a bow in the property line and the cagis print out and the auditor show a straight line there. I think someone mentioned that a variance goes with the property forever, so chances are you gentlemen won't be owning your properties forever and some property owner on either side is going to possibly object sometime. I am thinking that we need to stick to the property line per the county auditor and the shed could probably be moved. Can't the shed go toward the house a little bit and out from the fence and still maintain a fairly dry area?

Mr. Schottmiller: It could come forward.

Chairman Weidlich: Would you be willing to compromise and do that and pull it away from the straight line property line and move it toward the house a little bit?

Mr. Schottmiller: It will be a chore.

Chairman Weidlich: To get even three feet away from the property line and then you would be able to erect a new fence, if need be, or repair the shed and the fence, then there wouldn't be any question about whose property the shed would be sitting on. Would that be agreeable to you?

Mr. Schottmiller: I would rather leave it where it is at.

Chairman Weidlich: I understand that but we are looking at two property owners down the road; you two gentlemen get along but property owners in the future may not.

Mr. Schottmiller: But it is still on my property where it is at.

Chairman Weidlich: But if the next owner wanted to erect a new fence they couldn't get a fence there without going on the adjacent property to do it.

Mr. Schottmiller: It would be right on the line and they could build right up to it.

Chairman Weidlich: I could not support it in the location that it is in. If it could be moved out from the fence and maybe forward a little bit just to give at least three feet clearance with the property line, as we are looking at it on our papers here, as a straight line like Mr. Vanover said that the survey showed a straight line. I will not be supporting it in the location that it is at.

Mr. Hawkins: I wouldn't have a problem if you asked to continue this or table this or ask to withdraw it to see if you guys can work out the property line. If you guys clear that up with the auditor so that there is no issue here; if that became the property line then your shed would be 4' from the fence, I personally wouldn't have a problem giving you a variance for that one foot difference of where you are supposed to be to allow you to keep your shed right where it is. I understand the Chairman's concerns and I have concerns right now.

Mr. Knox: I agree with Mr. Hawkins but I would like to see a time limit placed on that so that it would be done within a certain period of time so the City is protected; I would think maybe 18 months to 2 years would be an appropriate amount on time to get this done.

Mr. Champion: If you change the property line would Mr. Vanover's shed then be too close to the property line; is that another issue?

Mr. Thomas Vanover: There is at least 4' from the back of my shed to the fence.

Mr. Champion: From the Building Department standpoint we have a building permit for this shed and we wouldn't want it to drag it out 2 years.

Chairman Weidlich: Well, gentlemen, what is your decision. Should we continue or do you want to try what Mr. Hawkins suggested?

Mr. Schottmiller: Could we vote to see if it goes "no" or "yes"?

Chairman Weidlich: If we vote tonight, they can still investigate the lot line changes, isn't that right Mr. Champion?

Mr. Champion: If you vote and approve the variance then he doesn't have to move the shed and he can comply with his permit. If you vote and you deny the variance then he has to move the shed because it doesn't meet the permit.

Mr. Schottmiller: I guess I will try the vote and then we will go from there.

Mr. Champion: A reasonable amount of time to check to find out what it would be to move it would be about 2 months.

Mrs. Huber: How difficult would it be for you to move the shed to be in compliance?

Mr. Schottmiller: You are going to have to jack it up and unscrew it from the concrete slab, so it is going to be a project.

Chairman Weidlich: Would you like us to take a vote or would you want a continuance?

Mr. Schottmiller: Let's vote on it.

Mr. Hawkins: I move to grant a variance to the owner of 11976 Tavel Court to allow a utility building to remain 0' from the side lot line as referenced from Section 153.097(B)(4).

(Mr. Reichert seconded the motion and with 4 "aye" votes and 3 "no" votes the request for a variance was approved.)

- C. Chairman Weidlich: The owner of 688 Park Avenue has applied for a variance to allow a salon to be operated at the residence and to construct an addition 35'3" from the rear lot line. Said variance is from Section 153.486(G) "Home occupation shall not include barber shops, beauty shops..." and 153.087 "Single household dwellings...shall have a minimum rear yard setback of 40 feet" and 153.086(A) "Single household dwellings...shall have a minimum side yard setback of 8 feet each side with a minimum total of 18 feet" (option #2 only).

Mr. Reichert: I would like to excuse myself from this particular decision because I am a property owner there since 1974 on that street and one time I had three different pieces of property on the street. I know a lot of the people and people have come to me and discussed this at times. I feel I cannot be an unbiased opinion.

Mrs. Danielle Marki: I live at 688 Park Avenue. The main reason for the build-out is for our growing family. Essentially, we want to build out the house because my father-in-law loves Springdale along with my husband and they wanted to stay in Springdale. We just got married, we are sure to expand our family and we already have a daughter. The thought was that we needed another room because they wanted to stay in Springdale and they didn't want to move. With the economy the way it is right now maybe it is not the best time for us to pick up and move. That was the beginning of the talks about it. Also, as I said I have a 9 year old daughter and my father-in-law is getting up in age so the thought was well if I could also work from home that would be better because I would be there for my daughter and for a growing family and also to help out with my father-in-law. That is where the thought came from initially. From the response letter that I received from you I actually reconfigured the drawings that you received so I have new drawings that I would love to pass out to you guys, taking into consideration some of the points that were made in the document that I received.

(At this time Mrs. Danielle Marki distributed drawings to the Board of Zoning Appeals Members.)

I wrote responses to try to address the home occupation code; I went in the order of which it was received by me. I did write some responses and I am sure you guys will ask me questions but they are written and in front of you. Also I wrote responses regarding the rear and the side yard setbacks, as well. You also have that in front of you in writing. As the discussion continues you will see that in the drawings that I provided for you that I have taken into account some of the points made and we kind of reconfigured it so that it would possibly flow a little bit better.

(At this time Mr. Champion read the Building Official's comments.)

Chairman Weidlich: Since we are dealing with two variance requests we will start with the backyard setback. Is there anyone in the audience that would like to speak concerning this request for an addition to the home?

Mr. Doug Stahlgren: I live at 704 Park Avenue. Unfortunately my mother could not attend she had a knee replacement last Tuesday and she is in rehab. She is one of the signatures on the additional part of the petition regarding the salon. They had discussed this with her and as a representative, because she couldn't be here tonight, I can tell you that she objects to the size of that addition especially the 60'. If it is 60' wide that is the width of that house, so we are now talking about going 18' back and 62' wide.

Chairman Weidlich: Did you shorten up the addition to 13'-3"?

Mrs. Danielle Marki: Yes.

Chairman Weidlich: But it is still 62' wide?

Mrs. Danielle Marki: Yes; basically we wanted to expand the back of our house. Our kitchen is small and we wanted to expand the kitchen, we want to expand the master bedroom on the other side of the kitchen and we are adding a bedroom on the other side of that, therefore it would basically be like adding the 13' to the house. I did take into consideration what you said and I acknowledge that we don't have to build back that far. In the new design that I just gave you, we are not encroaching on the backyard setback.

Chairman Weidlich: I just wanted that to be clear to the Board that we still are dealing with a variance for the width of the addition.

Mrs. Danielle Marki: The sides; now we are looking at the sides because the back we did change so it won't be going back.

Mr. Howard Blevins: 713 Park Avenue; my question is what differentiates single-family dwelling from multi, when we get into room additions and extended families? I know there is a lot happening today, do we have a distinction?

Mr. Champion: Multi-family would be individuals who are not related to each other; that would be the biggest distinction between single-family and multi-family.

(At this time the Chairman did swear in Mr. Ronald Fischer.)

Mr. Ronald Fischer: 694 Park Avenue, which is immediately next door. I would have a great objection to having foot traffic going back and forth on the side.

Chairman Weidlich: This is about the addition on the residence right now.

Mr. Ronald Fischer: If that addition comes all the way over to the end of the house, then it is just 8' from my property and anybody entering and leaving has to be walking. So, you have got to shorten it to keep them away, or have them go through the house; use a different entrance than the side.

Chairman Weidlich: Now are you speaking because of the home occupation she would like to do or because of the addition?

Mr. Ronald Fischer: I don't want a whole lot of traffic and noise and problems 8' from my residence.

(No one else from the audience came forward to speak on behalf of this request and this portion of the meeting was closed.)

Mr. Knox: Thank you, Mr. President. You are going to expand or propose to expand 13' further into the backyard. Right now there is a shed back there, is that shed going to stay there?

Mrs. Danielle Marki: The shed can stay there; we hadn't discussed moving the shed. But we may be able to completely move the shed so that we have more room probably for storage. But, my father-in-law, at this moment hadn't planned to move the shed and that is another reason why we weren't going to build back as far. When we got the letter that stated enough room to not encroach on the backyard setback, then we said o.k. that is true and that is fine, so we just changed the design so that it won't even go into the rear yard setback at all.

Mr. Knox: When I looked at your property I noticed a substantial amount of trees in the backyard. If you extend 13' behind where you are at right now, how much backyard would you really have left?

Mrs. Danielle Marki: We wouldn't have a lot left but we don't have a lot now really. We don't use the backyard very much for a lot of things because it is not really big enough because of where it slopes down in the back and that is where mostly all of the trees are anyway, down into where that creek is. So, generally speaking we don't hardly do much with the backyard at all, which is one of the reasons why we thought it would be o.k. to build out back there because it is a small yard to begin with. So, it would take a little bit of the space away from the backyard but we are happy with the amount of space that would still be there especially since we wouldn't be going into the rear setback and it would still be 40' from the line.

Mr. Knox: As you are facing your house from the street, on the right-hand side in what is now the backyard, there is a very large either hedge or tree sitting back there, would that be removed?

Mrs. Danielle Marki: Yes. The tree would have to be removed because that room we wanted to make a bit bigger and that bush, it is like a bush, it is right in front of the window of that back room. So, we would have to remove that bush.

Mr. Hawkins: Mr. Chairman, before I ask the applicant I wanted to confirm with Staff, the variance on the side lot, we are talking a difference of a foot and a half? To be in compliance the maximum width would be 60'-6", and she is wanting to go 62'; so we are talking about a foot and a half?

Mr. Campion: That is correct.

Mr. Hawkins: To the applicant, it is a relatively small distance and I know you are paying for having plans done and redone; is a foot and a half that big of a difference for you in terms of side lot?

Mrs. Danielle Marki: My architect is here, but basically what we found was we are thinking that our house must have been built before they made those side setbacks, so the house already sits over. If we were to go with the setback, the way it currently is, the house would go like this which means it would be more of an eyesore actually because people would then see the addition coming down. Otherwise, if it was going straight back it wouldn't really stand out. What would happen if we follow the variance, here is our house and then the addition would have to come over a little bit in order to meet the side setbacks that are currently there. So, that is why we are basically asking, can we just stick with the setbacks that the house already currently has and just build straight back from there instead of shifting it over to accommodate the new setback.

Mr. Hawkins: There is whole bunch of different ways, but I am not an architect, if you were going to shave off a foot and a half where you wouldn't even see it if you went back in a foot and a half and then went back, you are not going to notice that from the front.

Mrs. Danielle Marki: Maybe I was confused about the drawing, when you sent the drawing out, the one that I got back from you guys where you were showing me, the way it looks is you were saying I should build the house and then put the addition a foot and a half over to the right which would actually be toward Mr. Fischer's house. So, it would actually come out, based on what Staff sent.

Mr. Hawkins: You couldn't go any further to the left or the right because that is further into the side setback. It would bring it back further behind opposed to shifting either way because you have to be so far away from each side. You would be coming off of the edges going behind opposed to setting off to the side. I am just asking if that is something that could be considered?

Mrs. Danielle Marki: I defer to my architect that helps me to figure out financially, I guess, if that is feasible.

Ms. Brenda Thomas: I live at 1321 Eight Mile in Anderson Township. The concept between going straight back as opposed to jogging it, with the way that the roofline is because it is a hip-roof, the cost of revising the trusses so that the bearing point comes down right over where the existing wall is, there is a little bit more expense. If we just squared it out we could sister off of the trusses over there and so the building cost could be a little bit less expensive is the goal on this project. So, that is why we were trying to keep it square. It is not impossible to bring it in a foot and a half on the right-hand side of the house. Aesthetically, from the street it wouldn't look any different if we do the 1'-6" as opposed to not doing the 1'-6".

Mr. Knox: As I see the elevations that you have here, you are going to entirely redo the roof of the house because the slope from the front is going to have to change because the slope in the back is going to be shifted because it is going to be centered with the new addition in mind.

Ms. Brenda Thomas: If you will note, in the revised floor plan that she provided there are columns located in various places where we are going to be providing structural support where that existing rear bearing wall is maintaining those current trusses with those bearing points and adding on additional slope to follow the current roof line that is there. It will get slightly taller in the top where the ridge comes up in order to meet, if you look at the site elevation, but it doesn't require completely removing the existing roof.

Mr. Knox: You are certainly going to be removing the back half of it.

Ms. Brenda Thomas: You will be opening up the shingles and the sheeting that is there to expose the trusses, but the house was truss built at the time, it is not rafter frames so we can go in and add to with those bearing points.

Mr. Hawkins: This question is for Staff, does it say when they passed Section 153.086 regarding the side setback?

Mr. Champion: Well, there was a reference in the Code saying that the "L" shaped ranches that were farther back in the Code were built before 1961, so I am assuming that the Code has been in place, unless I just imagined that, I think there was a reference to that. The Code must have changed in 1961.

Mr. Hawkins: After the house was built?

Mr. Champion: Yes.

Chairman Weidlich: I want to elaborate just a little bit on Mr. Knox's question about the roofline; the front portion of the roof will stay there, so you will have a double roof on the house then? You will have the existing roof and then you are going to go up higher with the new roof?

Ms. Brenda Thomas: In order to maintain the current pitch the addition to the back will increase the back.

Chairman Weidlich: So, you are going to put a new portion over the front roof then to meet that center pitch on the backside?

Ms. Brenda Thomas: It is going to extend up vertically. We are not going to re-roof the front of it necessarily, we might replace the shingles. The peak of it is going to be higher.

Chairman Weidlich: So, you are extending the front slope back to meet the new backside?

Ms. Brenda Thomas: Yes.

Chairman Weidlich: Getting back to what Mr. Hawkins was bringing up; is there a possibility of altering your plan to get that one and a half feet to be in compliance with the Code?

Ms. Brenda Thomas: Yes. We would have to pull a foot and a half out of the master bedroom and bathroom, moving all of that to the west in order to accommodate that 1'-6". The roofline is not going to change, with this addition whether we do the 1'-6" or not.

Chairman Weidlich: The way I see it, if you do that then this variance wouldn't be needed since you shortened up the distance that it was extending back from the current residence; is that correct?

Ms. Brenda Thomas: Yes.

Chairman Weidlich: If they shortened up the width of the residence, like Mr. Hawkins was talking, by a foot and a half then this variance wouldn't be needed; correct?

Mr. Champion: Well, they changed their plans so they wouldn't need a variance for a rear yard setback. If they jog in that right side they would not need a side yard variance. They will still need a variance for an occupation in the home.

Chairman Weidlich: If they agree to the foot and a half reduction then this variance will go away?

Mr. Champion: That is correct.

Mrs. Danielle Marki: We will agree to that.

Chairman Weidlich: You do agree to that?

Mrs. Danielle Marki: Yes.

Chairman Weidlich: O.K. Thank you, we appreciate you working with us.

- D. Chairman Weidlich: We will move on to the home occupation. The owner of 688 Park Avenue has applied for a variance to allow a salon to be operated at the residence and to construct an addition 35'-3" from the rear lot line. Said variance is from Section 153.486(G) "Home occupation shall not include barber shops, beauty shops..."

Mrs. Danielle Marki: A couple of reasons, as I said earlier, mainly I have a 9 year old daughter and I have a father-in-law that I need to help, they are calling me and I need to do stuff to help them and I work in West Chester so it is a ways and it has been a little bit difficult since I moved in there and my husband and I have gotten

married. So, that was the initial reason that I wanted to build a salon. I want to note that in the new layout I proposed to put the salon in an existing room that we already have so it would not be in the addition. It is just a room in the existing space and it would add maybe a foot or two to that room, with it being built out. But, other than that it would be in an existing space and I just wanted to point that out because I think that was something that was noted when I got the information. Those are my main reasons, family and family oriented reasons but also just because working in West Chester, it would be great to be here so I won't have to worry about splitting taxes and paying them taxes and bring the paperwork here and I pay taxes in both places. So, that way 100% of my income tax would go to the City of Springdale. Those are my main reasons for wanting to have the home-based salon.

Chairman Weidlich: We have already had the Staff comments, so we won't ask Mr. Campion to read those again. We will move on to communications from the public. Can I see a show of hands who would like to speak? (Five individuals raised their hand to speak.) What we are going to do because there are a number of you, we are going to limit you to a maximum of five minutes apiece, so that we can get through this without a lot of duplication of concerns. First, let me read a couple documents we have from the public (at this time Mr. Weidlich read two letters submitted concerning the variance request.) These documents will be added into the record.

Ms. Amy Thompson: I live at 811 Crescentville Road. Last year I was approved a variance for a home salon and it has been a huge help for me, personally, and for the neighborhood. The neighbors have actually started coming to the salon. Elderly clients, that can't necessarily go as far out for a salon, have really benefited by it. Personally, I haven't had any problems and there hasn't been a huge increase of parking or anything like that because you can really only do one person at a time. There was one thing that he commented about, the letter size for the signage needed to be 3' and it is actually 3". For me, I can attest to how it hasn't really impacted any of my neighbors to have a salon in the home. My clients have started shopping in the area and really increasing business stimulus in the area because before they were coming out to West Chester and Kenwood; I think it can't hurt but help the area to have businesses stimulate the economy in Springdale versus in adjoining neighborhoods.

Chairman Weidlich: Thank you for your comments.

Mrs. Julie Matheny: I reside at 669 Park Avenue. I am here to strongly encourage this Board to not allow this variance for this business. I didn't move on Park Avenue twelve years ago to have a business in my neighborhood, I moved there because it was a neighborhood, it was a side-street and it was a quiet street with little traffic. We have small children on the street as mentioned in the letter. I think a key question here on this whole issue is who is actually the property owner? I understand the property owner is out of New York and if that is the case, the property owner themselves aren't going to even be around to supervise this. The last thing that I would like to bring up, I would also ask Board of Zoning, you guys to recommend to Planning Commission to take a look at what the footage on who receives the notices and who doesn't. I live on Park Avenue, I didn't get a notice in the mail. I understand that there were about 15 mailed.

Mr. Campion: It's 200 feet.

Mrs. Julie Matheny: That is what I am asking you, as a Board, to have Planning Commission possibly look at this, to extend that, because I live on this street and Mr. Emerson lives on the other street, opposite street but the traffic flow is going to effect mine but he gets the letter and I don't because of the way the crow flies 200 feet. I am just saying that I think it is very important that be looked at because when issues like this come up, everyone on the street should be aware of it. Thank you to Mr. Stahlgren for circulating the petition and otherwise I never would have been aware of this. I am all pro business, you know I run the Chamber of

Commerce and I have plenty of places that I would love to find her a spot to run a business in Springdale but keep it in the business district please.

Mr. Howard Blevins: 713 Park Avenue. Not to reiterate a bunch of this stuff but I have lived there on Park Avenue 40 years, I love the street and I love the small community, I love Springdale, I like walking my dogs and the kids up and down the street; don't have to worry about traffic volume backing in and out of the driveways, parking on the street, etcetera. I know everybody; part of the neighborhood watch for 100 years and recognize most cars and people that come and go. (Referring to the applicant) I have not ever seen you before. I have been there on the street for like a bunch and wherever you came I would recognize you; but anyway. Lots of auto parts, Scotty's Deli, Hafferkamp Plant Farm, even had horses up there on Cloverdale and Greenlawn. Some of the things have come and gone and I believe this residential community that I like about Springdale where I know the folks the live in my neighborhood, I see people coming and going that I know that I recognize them, their grandkids, their dogs, their car and that is what I like and I believe if we start opening up to businesses, whatever kind of business it is, especially customer traffic business. If you are a lawn care business and you got a tractor parked and that is your business then that is different; but when we have people coming and going then all of a sudden my world and my kids world and my grandkids world has now expanded to something that I am not comfortable with. If we object, you got to reject.

Mr. Ron Fischer: 694 Park Avenue. I have a question about some of the words in this document. It says a salon, so this is like a combination beauty shop and barber shop?

Mrs. Danielle Marki: No, it is a beauty shop only operated by one person, me.

Mr. Ron Fischer: It also says the owner of 688 Park Avenue applied, when I see 688 Park Avenue listed in the Hamilton County delinquent tax records the owner's always listed as Erin Marki.

Mrs. Danielle Marki: That is my sister-in-law.

Mr. Ron Fischer: A lady that lives in Florida. Did she apply?

Mrs. Danielle Marki: Yes, she did. She signed an owner's affidavit.

Mr. Ron Fischer: Of course, she doesn't live here and she doesn't care what happens on Park Avenue. She never, never one day lived on Park Avenue. She used to live on Glensprings; for years she has been out of town and I strongly object to making any change.

(At this time the Chairman did swear in Mr. Dave Kamerer.)

Mr. Dave Kamerer: 691 Park Avenue; which is right across the street from 688 Park Avenue. Twenty eight years ago when my wife and I were looking for a place to live in Springdale, we were driving on Greenlawn and we came across a teacher friend of mine and she asked us what we were doing and we told her we were looking for a house in Springdale. She told us that if she could live in Springdale in another place she would live on Park Avenue. We asked her where it was and went to Park Avenue and found what we felt was just heaven; a nice house, a quiet street, neighbors who had been there for years and we now have been there for 28 years and our neighbors next to us have been there more than 28 years. As Mr. Blevins said, you know everybody, you now traffic and all that may change and I think back to 28 years ago and if I saw a sign that said beauty salon, I don't know if I would have bought that house because the neighborhood would have been different, traffic flow and people coming in that I wouldn't know, a place to raise kids and I don't know if I would feel safe about that. My concern is that it is a residential area, it is a beautiful street and everybody knows everybody and that world could change very quickly. I would appreciate if you vote "no".

Mr. Doug Stahlgren: 704 Park Avenue. I have actually probably lived on this street, well, I started moving on this street before anyone here did; I moved there when I was five. We moved away when I was twelve and moved to Glensprings, where my mom lives now, right directly behind the house. My parents actually sold the house that Howard lives in. When my wife and I got married, we have been there now for 28 years or probably pushing 30, this was going to be a starter home. Well, it is not. I don't want to reiterate everything that everyone else has said with regard to all of the reasons we are against you allowing the variance. I do want to stress that all of you were not on the Board in March of 2010 when you allowed the variance for this property, however if you look and you go back and look at that and you understand where this variance was allowed, directly across the street and again this is Crescentville Road, I believe directly in front of this property it is three lanes so there is a turn lane. I am not 100% sure but I think the speed limit is 35; we are not talking residential here. When you stand on her front driveway and you look across the street, I believe it is West Chester Township industrial as far as you can see to the left and as far as you can see to the right until maybe some apartments down the way. I guess I was disappointed even when I heard that variance was allowed because if you allow it in one place what is going to stop anyone else from coming here with this kind of documentation and saying that you allowed it one time and the next thing we know we have an automotive repair right down the street. I guess my other question would be, if a variance like this was allowed, who would be monitoring the fact that yes, there is only allowed to be two cars there at anyone time. How often are you going to be there when this business could be potentially running at 9:00 p.m. or 10:00 p.m. I know there are times I would love to get a haircut at 9:00 p.m. before I head out of town on business; it is not going to happen but in instances like this maybe it could. I don't want to be out walking like Dave said and have cars coming up and down my street at 9:00 p.m. and I have no idea who it is and it is dark.

Ms. Brenda Thomas: 1321 Eight Mile in Cincinnati, Ohio. I just wanted to speak to the fact that this variance is requested specifically because it is a salon. Had this been an architect, had it been any other, most home-based businesses she would not need a variance. The concerns for this particular type of zoning issue is for fumes, toxic chemicals, those types of things would be in the realm of those types of businesses being excluded as an o.k. version of business. Because it is a single salon she is only providing hair care. All of the fumes would be exhausted within her residence or through the roof, as a single story building. The traffic flow would be the same as if it was anybody else, in that she is providing parking on site. No other access parking on the street would be required so to some extent in my opinion it is not going to be any different than if it were another business that did not require that zoning variance. Just something for the Board to consider.

Mr. Ron Fischer: 694 Park. In regard to her comments about parking, their garage is full of tools and personal kinds of stuff; as are many garages on the street, so their three motor vehicles are parked in their drive. At best they have got one space left so if any more than one car arrives for any reason, they have to park on the street. My only comment is they don't have sufficient parking unless they are going to totally redo the garage and driveway area.

(No one else from the audience came forward to speak on behalf of this request and the public portion of the meeting was closed.)

Mr. Ramirez: I drove by your house and I did notice three cars in the driveway and I also noticed, I don't think on your side, where your house is you can park on that side of the street either?

Mrs. Danielle Marki: That is correct.

Mr. Ramirez: That is a fire lane over there?

Mrs. Danielle Marki: That is correct.

Mr. Ramirez: I did notice on a Sunday there were a number of cars on the opposite side of the street. I have somewhat of concern with the parking, as well. I was wondering in your plans are you planning on using your garage?

Mrs. Danielle Marki: Of course. Actually, if you look in the response that was one of the things that was brought up in that letter that I received, there is no need for concern about having more than one or two cars. Number one, it is just me, it is one person. I think maybe the word "salon" kind of blew it up in people's minds. I love Springdale and I love Park Avenue because it is a quiet street. I have a nine year old daughter so I am not trying to bring any type of excess traffic that would affect anyone's kids or anyone's family. I have a family too and I like that street being there and being quiet; that said, yes right now my father-in-law has some tools and things in the garage and we prefer to park outside the garage because that is our prerogative. When we get this salon, if this is approved, then yes we are going to clean out that whole garage and we are going to put some of his stuff either in the shed or we were also planning on building some utility closets within the house. And then he said he is going to Ebay some of them and sell some of them and what have you. So, we are going to utilize the garage. Our plan is, we have a two car garage so we are going to put the two cars in the garage, one car would be outside of the garage and we are planning to keep one side open for my clients. Generally it would only be one person there at a time; that is the way I do business right now so I wouldn't be changing anything and I actually foresee me not having clients back to back. I don't already have them back to back and I wouldn't then. That is part of the reason why I wanting to work from home so that I can be able to pick up my daughter, be able to make dinner and do different things like that, helping my father-in-law when he needs a break from watching my daughter and things like that. It won't be like this constant traffic that everyone seems to think is going to be there. I am just one person, I cannot do a ton of people at a time. Actually somebody mentioned who would regulate, I am regulated by the State Board of Cosmetology and they also have rules and regulations as it relates to home-based salons. I cannot have more than two people there at a time anyway, nor would I want to plan to have that. Theoretically, what I plan to do is just what I do if I have an appointment that will take me two hours then I am setting it for two hours. The next person is going to come maybe ten minutes after that, so that I wouldn't have an issue but if there was a case where there was an overlap it would be about ten minutes between two cars because there would be the person leaving and the person coming; and that would be about it. I don't think it would cause anymore traffic than if I had some friends come and visit me. They could come at anytime of night and pull in and park in my driveway and stay there and leave. They could come everyday in they wanted to. So, I don't think it is going to be as much traffic or as much of a parking issue as people think it is. I think it is just the thought of using the word "salon" and you're thinking operators and different people. Also, when I was thinking about why this was included in the variance as jobs that could not be done in the home; my first thought beside the parking was about what does this have in common with these other businesses and the main thing I was thinking were fumes and dust and things like that. Well, I don't do any services that create any fumes. I don't do perms, I don't do bleaching those are two services that cause a lot of fumes. The other one that causes a lot of fumes in salons is manicures and pedicures, which I also do not do. So, the things that I do are basic hair color and maybe flat iron. When you hit the hair with a flat iron sometimes it has a little product residue that comes off and all of that is contained within the salon, within the room that it is in. If somebody walked by they wouldn't smell anything.

Mr. Ramirez: You have to understand that if we approve a variance we have no control once that variance is approved, what you do, whether it is perms or anything else that might cause odors in there. Also, we don't have control what hours you are open. People coming by ten o'clock at night because they are working during the day, we don't have the staff to track that either. That, in my mind, I don't live far from you so that is in my mind as well.

Mrs. Danielle Marki: I totally understand that but I do work regular business hours. I guess I usually work 9:00 a.m. in the morning until 7:00 p.m. or 7:30 p.m. at night; that is a general time. Would somebody maybe come over one day at 10:00 p.m.; I guess it is possible, but then again my best friend could come over at 10:00 p.m. and park her car in my driveway too. It wouldn't, from the outside, be any different if that were to happen. I understand that there is no one to police me in that regard, however like I said I do have to adhere, there is someone that polices me and it is the State Board. So, there are certain things that I cannot do. Of course they don't police my hours. But as far as certain services are concerned I am only allowed to do the things that I do and this is just a sidebar to help you understand that the business I am in, hair care is kind of a segregated industry in the sense that a lot of the perms and bleaching and those types of things generally are done in Caucasian salons, in ethnic salons we don't do those types of things because we use relaxers and they don't mix well with the high-end colors. We don't use perms because we already have curly hair so we don't need the curl. I know you said that you can't police me whether or not I do it but I wanted to give you a little bit of hair history because those are things that I would not be doing; there are things that I don't do and I haven't done in the career that I have been doing hair and I don't think that I would start.

Mr. Knox: When customers come to your driveway, how will they enter the salon?

Mrs. Danielle Marki: If you look at the proposal that I sent you, you would see that the salon space is located in a room that is directly behind our garage, so basically the plan is to have the sign that I am supposed to have by code, the sign would be affixed right to the garage with an arrow telling them to go right down to the side door. There would be a door that they would enter in from the side.

Mr. Knox: Right now, if they traverse that area they will be walking on grass in most cases.

Mrs. Danielle Marki: Yes, we would either have to put the rocks down and kind of build a walkway. So, I would build a small walkway just basically big enough for a person to walk back there and not have to travel on grass.

Mr. Knox: The Ohio Administrative Code says that a salon must have a separate entrance and may not be directly connected to the living quarters. In looking at the plan I see all sorts of doors opening onto this salon.

Mrs. Danielle Marki: That is a misstep. The only door that goes to the salon, there is one that would get from the salon into the house and that door I would remove that door. And the only other door is the door that goes in and out of the house and the door that goes into the bathroom.

Mr. Knox: If you were to remove that door there would be only one entrance and exit to that room.

Mrs. Danielle Marki: If that is the code.

Mr. Knox: It looks to me that it is a safety hazard.

Mr. Champion: That would meet the building code.

Mr. Knox: That would meet the building code?

Mr. Champion: As long as you have an occupant load of less than 50, which she would, she only needs one exit.

Mr. Hawkins: You indicated that you would want to put a sign on the garage, would there be anything else that you would want to place on the door on the side of the house that would be the actual entry point into the salon?

Mrs. Danielle Marki: I wouldn't have to. I am not required to do that. Again, I don't want this to be where someone walking down the street sees the salon and wants to go; if you look at the sign I sent it will say "by appointment only". It is not for just walk in, it is not for people to just stop in or hang out and I am not trying to flash that there is a salon here. This is for people who know, who I have talked to through word of mouth that are going to be coming there so actually I would stick to only putting the signs that I am required to put up. Please note that the sign is unlit so you won't even see the sign at night and actually when you think about the size of the sign from off the street, it will be seen but I don't think that it will be a big notice. Of course, at night you would probably barely see it because it is unlit.

Mr. Hawkins: Have you heard from our Chamber Leader, Ms. Matheny, have you looked around and I understand your desire to be close to your home; have you looked around Springdale at some potential storefronts that would be close by?

Mrs. Danielle Marki: I have looked around but the cost, first of all, a storefront is one thing but then you still have to go in and you got to get the plumbing correct and everything for a salon. Also, most likely if I were to get a storefront I would have to have more people working with me which becomes a much bigger business than I want to undertake; I just want to be one person dealing with just one person at a time. So, that is the main reason why I didn't want to get a storefront because I don't want the hassle of having to manage other people or having to deal with the salon business. It is very transient in terms, people are independent contractors and most cases there is no contract. I could go to work one day and they say I am gone I found some other place. Just like what I am trying to do right now to the person I work for; I will leave and he will be stuck; so that is the way this business works. So, me personally with no disrespect that just is not as a business owner the way that I am trying to go. I don't want to manage people and I don't want to be caught in a contract where I have to continually pay money. This way I feel like I would be putting money back into my own property instead of paying these other people to continue their property and not having ownership. I would like to say that the owner of this house is my sister-in-law. She bought the house for the family. She doesn't live there because she bought it for us, she is gifting that house to my father-in-law. They are working on that now and eventually the house will be passed to us. It is something that we want to keep in the family. That is the reason that we have it. That is the whole reason that all of this is even going on. I understand that everyone says that they know everyone but I don't understand why they don't know me because I have been living on that street for two and a half years and specifically the gentleman here that said he didn't know me, he gave my daughter a ten dollar donation for her school just about a month and a half ago when I came to his door. I understand that I am new and maybe that is the reason why I don't know all of these people and they obviously have a tight-knit community that I have not become a part of as of yet. But, that said, I have been living there for over two years and my father-in-law and my husband have been living, not on Park Avenue, but they lived on Glensprings for quite a while and my husband grew up in Springdale and my father-in-law has lived here since he moved here from Pennsylvania many years ago.

Mr. Hawkins: Ms. Marki, in closing I just want you to understand that one I am excited that you are in Springdale and I am excited that you want to have a business in Springdale. I have some big concerns with your business being in your home and us granting a variance for it because you have to understand that when we grant a variance it runs with the land forever so you may live in Springdale for the next fifty years and you may end up moving along and someone else comes in and they have got the right to run a salon there and they may not be as conscientious as you are. Even if they are conscientious there is some concerns and I wasn't on City Council when they passed this legislation back when they did, but they specified certain businesses and they had some concerns. You have to go back and read the minutes, maybe it was fumes, maybe it was noise or maybe it was some other things but they specified a salon being one of them and so there are some concerns there. I understand Ms. Thompson's viewpoint and I understand Ms. Thompson living on Crescentville and that she was granted a variance but again each time this Board

looks at a situation, looks at an applicant, it is going to be unique to that piece of land and that request and the big thing, and I thought about this before when I had seen her letter in your packet, as was discussed before, the unique thing with that variance was it was on the border of the residential area. And it was right across the street you had industrial stuff all over the place and so it is a different scenario than when you are smack-dab in the middle of a residential area and you have houses all around you; it is a different feel than Ms. Thompson's situation. So, I want to proffer that for the record, too but I want you to understand I would love for you to have a business in Springdale; I just don't want it to be this business in your home. I can't support it because I have those concerns about a residential area, maintaining a residential area and that residential feel. So, I am speaking for myself and I can't speak for the Board, I hope that you are able to do a business in Springdale. I hope you are able to find a location to do it but running it out of your home has some grave concerns and I understand there are a lot of things that you can address and take care of in terms of parking, in terms of noise, in terms of fumes and what have you but when you go back to when City Council put this in it wasn't serendipity or by mistake they specifically looked at making sure that barber shops and hair salons were included in not being able to do that in that residential area and so to go against that specific edict that was put in there has to be a really strong basis and really unique situation; Ms. Thompson, the Board felt back in 2010 when they passed that that there was one. In this situation, in my opinion, I don't see that and so that is why I would not support it tonight.

Chairman Weidlich: Mrs. Marki, I have a couple concerns, as well. I assume that some of your clients bring their children to their appointment with them; or a friend?

Mrs. Danielle Marki: No. Generally they come by themselves. Usually, and this may be just ethnic salons but generally if you are not getting your hair done, if you are not getting a service then you don't come.

Chairman Weidlich: There is a good possibility that you are going to have at least two clients at your home at one time?

Mrs. Danielle Marki: No. If somebody came early; let's say their appointment is at 2:00 p.m. and they came at 1:45 p.m. and I am just finishing up the other person then that is where there could be an overlap. But generally there would be one person at a time.

Chairman Weidlich: I have some of the same concerns as Mr. Hawkins, as far as operating a salon as a home business and that it stays with the land forever. One hundred years from now somebody can still operate one there. What Ms. Thompson has there is pretty different from your situation in that she was on the edge of the residential area with the industrial area across the street and a pretty major road going in front of her home. I, too, don't think I will be supporting a home salon in your area. I would like to see you stay in Springdale, find a place and that would be great. Springdale is always happy to get new business moving in but I cannot support it in a home at this time.

Mr. Knox: I agree with what Mr. Hawkins and Mr. Weidlich said also. I cannot in good conscience vote in favor of a business in a residential area. You don't know the history of some of the things that have occurred in this city where people have tried to put businesses in residential areas and it has caused problems that last until today. So, as I said I will not be voting in favor.

Chairman Weidlich: It looks like we have no more questions for the applicant. Do we have any deliberation or discussion from the Board Members? (No further discussion was presented from any of the Board Members.)
Can we have a motion please?

Mr. Hawkins: I move to grant a variance to the owner of 688 Park Avenue to allow a salon to be operated at the residence. Said variance is from Section 153.486(G) regarding home occupation shall not include barber shops, beauty shops and so on. (Mr. Knox seconded the motion and with six "no" votes and one Member abstaining the request for variance was denied.)

Chairman Weidlich: Your variance did not go through by a vote of 0-6. Thank you for your time.

Mrs. Danielle Marki: Thank you.

XI DISCUSSION

Chairman Weidlich: We have one item for discussion. Mr. Champion, would you explain this?

Mr. Champion: We granted a variance in August of 2011 for a shed that was 12' X 36'. The Board, in the variance had discussed protecting the vegetation around the shed or garage so that none of the neighbors could see the shed. The wording of the variance was to construct a 12' X 36' structure on the property located at 12134 Kenn Road and that the long direction of the building would be east to west and that the 12' or the short side would be north to south. In addition vegetation on the north, east and west shall remain screening the building from adjacent property owners. He has removed the vegetation on his side of the building; the front of the building. I wanted clarification from the Board because I think it might have been a mistake to say north, east and west side and I think it probably should have said north, south and west side. The east side of the building faces his house, and he removed the vegetation between the shed and his house. The only way you can see that vegetation is from his house. (At this time Mr. Champion demonstrated to the Board of Zoning Appeals Members on a photograph where the vegetation was removed.) There is only one neighbor that could actually see those trees from their driveway but the trees don't block the shed because it is off to the right. We need some clarification from the Board if it is o.k. to allow him to remove those trees and leave it the way it is or if we need to have him replant that. I believe Mr. Reichert was the one that put that motion in there.

Mr. Reichert: I think I did but I don't have it in front of me.

Mr. Champion: I am just saying that, as I recall, the discussion was concerning the lady that was behind him and the people behind that were concerned about the shed. The clump of trees removed isn't in the line sight of anybody.

Mr. Reichert: Even the roadway?

Mr. Champion: No, because his house blocks the roadway. If you look at the photograph the only site that is even close is his neighbor to the right and up the driveway and you can see the shed with or without the trees. I believe that the variance probably should have said protect the vegetation on the north, south and east. It is the west side where he removed the trees.

Mr. Hawkins: On the side of Kenn Road?

Mr. Champion: Yes.

Mr. Reichert: Do you want us to say it is o.k. to have removed the vegetation on the west side?

Mr. Champion: Yes.

Mr. Reichert: And that is the side that is between the shed and his house?

Mr. Champion: Yes.

Mr. Reichert: I am in agreement with that. My initial reason for that was to protect the people on the opposite sides, the north, the east and the south.

Mr. Champion: So I think that is where the discrepancy is, we left out the south and we put in the west, east and north.

Mrs. Huber: So what he removed has nothing to do with it?

Mr. Champion: It doesn't but what we should have been protecting was the lady to the south.

Mr. Reichert: So can we switch west to south?

Mr. Champion: That is what I suggest.

Mr. Reichert: That circled area that is designated on the photograph, he took all of that out?

Mr. Champion: Not all of it but he took quite a bit; he thinned it out. I can check with Mr. McErlane to see if we need to change it or if we just do not enforce it, as long as I know what this Board's feelings are.

Mr. Reichert: I am o.k. with west being eliminated out of it but not necessarily south. I thought it was the three sides.

Mr. Champion: It doesn't mention south in the variance, it mentions north, east and west.

Mr. Reichert: Do they need a decision on that tonight; or can you review it and bring it back next month?

Mr. Champion: Yes. My question is to clarify if the Board doesn't have objection with the vegetation being removed between the shed and the house on the west side of the shed.

Mr. Reichert: I think we need to vote on that.

Mr. Knox: I wasn't a Member of the Board at that time, can I vote on it?

Mr. Champion: I don't know.

Mr. Hawkins: I would ask if we can wait until the next meeting.

Mr. Champion: If we have a feeling of what the Board wants, we can choose not to make him replace those plants and that would take care of it. But, I don't know if the Board needs more language in there that protects the south side which we didn't mention in the variance.

Mr. Hawkins: I don't know if we need a motion or not, but if we did I would ask to table until next month.

(Mr. Reichert seconded the request to table.)

Chairman Weidlich: The only thing is, like Mr. Knox is saying, what about the Members that weren't on the Board at the time this was granted?

Mr. Champion: I don't know.

Chairman Weidlich: Should we have them vote or abstain?

Mr. Reichert: We can let the law office decide that but I would think the current Board should be able to vote.

Mr. Hawkins: On another note, Mrs. Matheny was talking about Planning Commission looking at the radius that we do mailing notices, is it Planning Commission's prerogative or is that Council?

Mr. Campion: I think it would be Council.

Mr. Reichert: I think that it needs to be reviewed by whichever, whether it is Council or Planning or the Building Department. I am very much in favor of the 200 feet east, north, west and south but then the street itself, I think, needs a little more notification than just 200 feet. We had people down further than 200 feet away that were here tonight and really wanted to know and have a bearing and have a right to know. I would say that we would want to keep the 200 feet east, west, north and south but on the street itself maybe enlarge it.

Mr. Campion: We will do whatever we are directed to do. It used to be they just put a notice in the paper.

Chairman Weidlich: And they used to have signs they gave the homeowner to put in the yard.

XII ADJOURNMENT

Mr. Reichert moved to adjourn, Mrs. Huber seconded the motion and the Board of Zoning Appeals meeting adjourned at 9:15 p.m.

Respectfully submitted,

_____, 2012 _____
Chairman Robert Weidlich

_____, 2012 _____
Secretary Jane Huber