

BOARD OF ZONING APPEALS MEETING  
MARCH 18, 2014  
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, Dave Nienaber,  
Lawrence Hawkins III, Robert Weidlich, Carolyn Ghantous and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF FEBRUARY 18, 2014

Chairman Weidlich: Are there any additions or corrections to the Minutes of our last meeting from February 18, 2014?

Mr. Hawkins: I move to adopt.

(Mr. Knox seconded the motion and with a unanimous “aye” votes from the Board of Zoning Appeals Members, the Minutes of the February 18, 2014 meeting were approved.)

V CORRESPONDENCE

Chairman Weidlich: Everyone should have received correspondence, a copy of an email from Mr. Richard Lisi at 584 West Kemper Road, Ordinance 6-2014 and Ordinance 7-2014.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the February 19th, 2014 and the March 5th, 2014 City of Springdale Council Meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the February 11th and the March 11th, 2014 Planning Commission Meetings.)

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 first order of business is the owner of 1150 Century Circle North is requesting a variance to allow a 3,000 s.f. outdoor storage area on the

property. Variance is from Section 153.494(A)(1) "*Enclosures*. All permitted main and accessory uses and operations except off-street parking and loading shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, and other equipment shall be stored within enclosed buildings."

Mr. Tom McCormick: I am the applicant for the variance. I work for Cassidy Turley Commercial Real Estate Services. We are the real estate firm representing the property owner, Jay Antenen and we are working with John Deere Landscaping, a prospective tenant for the building at 1150 Century Circle North. As you indicated, we are requesting a variance to store a limited amount of product behind our building. As you can see in the application, currently the property has a fenced area that is behind the entire building. We are proposing to actually move the fence and reduce the fenced area and our hope, with your blessing, is to be permitted to store some new product that is critical to John Deere's operation, behind the building. The products are listed in your application and there should be a site plan in the application, as well.

(At this time Mr. Campion read the Staff comments.)

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

(At this time, no one came forward to speak and the public portion of the hearing was closed.)

Mr. Knox: Currently the section of the fence that is going to be removed has a gate in it. Are you going to have a gate in the new fence?

Mr. Tom McCormick: Yes. Currently the gate on the east side of the property is a swinging gate, we are going to relocate the fence and install a sliding gate.

Mr. Knox: It will also be the same height as the current fence?

Mr. Tom McCormick: We will be installing a new fence and removing part of the fence on the east side of the property. The new fence will have a gate, a rolling gate that will slide along the fence line and it will be the same height as the existing fence that we have out there right now.

Mr. Knox: You intend to put screening in the fence?

Mr. Tom McCormick: We did not intend to do that. Obviously, that is part of the Staff comments. I would think, if that is required, that between the parties involved we will get the screening done.

Mr. Knox: Thank you.

Mr. Hawkins: With regard to the area on the east side that is paved, where that fence is going to come in, are you going to keep the paving on that eastern part of that or is that going to be replacement grass; what are your thoughts on that?

Mr. Tom McCormick: The paving will stay there because that will give us access to the existing dock and the existing drive-in door. Basically, the deliveries that come and go from the building come out of that dock and that drive-in door; so that pavement area will stay.

Mr. Hawkins: Then in terms of what is going on inside, what will you be storing inside that makes it more difficult for you to need to store things outside.

Mr. Tom McCormick: I guess, the main reason we are requesting to store the product outside is its sheer size with the 20' lengths of the plastic piping, and then the weight of the pavers. It is just not practical to move it around the facility. I can't speak to exactly what would be stored in the facility. Mr. Benson from

John Deere could probably speak more about what would be in the facility. We just don't have enough room to get it inside and store the balance of their product in a manner that they want to store it.

Mr. Hawkins: Are you guys able to keep the size of the shelves or palettes outside at or below the fence line, the top of the fence? Is that feasible?

Mr. Tom McCormick: I will let John speak to that.

Mr. John Benson: The product would be stored below the fence line on top of the palettes. So, you would have 20' sections of pipe on palettes and then we would stack them probably two to three high depending on which size pipe we have. It would be a hazard for us to get too high.

Mr. Hawkins: Thank you.

Chairman Weidlich: You mentioned that you are willing to do the screening, if the Board requests that of you?

Mr. Tom McCormick: Yes, I guess I would get back to Staff and finish the final details.

Chairman Weidlich: That would be on the property line, like Staff said; probably the north and west property lines?

Mr. Tom McCormick: On the north property line it is against the hillside, where there is a lot of brush and I don't know if there would be value in screening right there. Really we are talking about 45' of screening.

Chairman Weidlich: Would that be a vegetation type screening or something in the fencing?

Mr. Tom McCormick: The plan for the screening would be to put the slats that go vertically down through there so we don't have sheets blowing around and things like that; if that meets to your satisfaction.

Chairman Weidlich: Mr. Campion, are we permitted to put in the variance what materials are to be stored out there? That way no future tenant could come in and put other type product out there that would be undesirable?

Mr. Campion: Yes, you could be specific; you could put as applied for. I would ask the applicant if there is anything else that they think they might need in their business.

Mr. Tom McCormick: Could we make the variance specific to the tenant?

Mr. Campion: No. The variance goes with the property. If the tenant moves out then a new one moves in and they would be able to store the same items in the same manner.

Chairman Weidlich: Like Mr. Campion said, would there be any other material that you would want to add to the four items on the list here this evening?

Mr. John Benson: The only thing I can think of would maybe be hydro-mulch just because of its size, I think it is 6' high. It is a very bulky material.

Chairman Weidlich: Is it in bundles?

Mr. John Benson: Yes; it is a palette of material, fifty pound bails. That is the only thing I can think of.

Chairman Weidlich: That is all I have. If no one else has any further questions we will move on to deliberation and discussion based on the evidence presented.

Mr. Hawkins: I just note for the record that if this variance is granted, the essential character of the neighborhood will not be substantially altered and the adjoining properties will not suffer a detriment as a result of the variance. I will note that the topography of where the applicant's property is located particularly on the west side of their neighbor, is at a lower elevation and so therefore that neighbor to the west, their sightline in terms of what they can see with regard to what is stored, is going to be limited therefore it decreases the likelihood of any kind of detriment to them. I will also note that the area in general, has some industrial feel to it. The property line to the north of the property has some significant vegetation which also decreases any issue with regard to things being stored out there being disruptive to another neighbor.

Mr. Nienaber: My observation is that we would want the City to be welcoming new businesses and this type of a business can't operate without some outside storage and as long as we put requirements that it be kept good looking, then I am inclined to vote in favor.

Chairman Weidlich: Since you gentlemen are agreeable to screening on the north and west side and keeping the materials down below the eight foot fence; I drove into the empty parking lot this afternoon, up above, and you can see in from up there and that is why I am pro-screening on that, from that parking area. I will be voting in favor of your request. If there are no further comments, can we have a motion please?

Mr. Knox: I move to grant a variance to the owner of 1150 Century Circle North to allow outdoor storage behind the building at the subject address, that the items to be stored there should not exceed the height of the fence. Screening material should be used in the fence and only new material will be stored, all waste material kept to a minimum in suitable containers and disposed of regularly. This is as referenced from 153.494(A)(1).

Chairman Weidlich: Don't we want to put in there the type of materials?

Mr. Knox: The types of materials to be allowed are hydro-mulch; PVC pipe in 20' lengths; poly-pipe in rolls; drainage pipe in rolls and yard pavers palletized. (The motion was seconded by Mrs. Ghantous.)

Chairman Weidlich: Do we have any further deliberation?

Mr. Hawkins: I want to make sure and I don't know if it needs to be amended but I want to make sure that we are clear that storage is including the shelving of the racks not going up above the fence; I know you guys are not going to stack those other things up high, but to just make sure there is not an issue of there being racks that are going up 15' in the air, even if they are empty. I am just talking about from what is in the photographs, those look like they are going up above.

Mr. John Benson: The one pipe rack will not be used when we make our move. That is an old pipe rack and we don't have room where we currently are. That one is actually going to be disposed of and we won't use those racks.

Mr. Hawkins: Mr. Champion, are you comfortable with the way the motion has been made by Mr. Knox, in terms of storage not being above the fence line; that that is sufficient with regard to protecting against, not you, but someone who comes after you, years and years later after you are gone, protecting against racks being up higher than the fence line?

Mr. Champion: After they get a bigger place in the City. Yes, I am comfortable with that.

Mr. Hawkins: Thank you, Mr. Chairman.

Chairman Weidlich: So, this is a relocation for your business?  
Mr. John Benson: Yes.

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Chairman Weidlich: Anyone have any amendments to the motion or discussion?  
(No further amendments or discussion brought forward at this time.)  
Mrs. Huber, if you will call the vote, please.

(With a unanimous "aye" vote from the Board of Zoning Appeals Members the request was approved.)

Chairman Weidlich: Welcome to the City.

XI DISCUSSION

Chairman Weidlich: I am going to rely on Mr. Campion to tell us what the discussion is about.

(Mr. Campion referred to Mrs. Ghantous for clarification.)

Mrs. Ghantous: When the Council approved the McBride firm to take a look at our zoning, Planning Commission asked for a volunteer for the committee. Well, I volunteered because I sat on both commissions. I thought I was probably the likely candidate and there were no other volunteers. I am perfectly willing to serve on that committee and communicate with both groups. I think that Mr. McErlane was suggesting maybe there should be two people, so I guess that is what we need to discuss.

Mr. Hawkins: Mrs. Ghantous covered it, but basically the discussion was to have one person from Planning and one person from BZA and I think there are going to be two people from Council. They will go through and check the updating for zoning. So, if there is anyone who is interested in volunteering, we can entertain that and if there is more than one then we can make a decision.

Chairman Weidlich: Does anyone want to volunteer to be on that committee?

Mr. Knox: I would like to volunteer. They can always find two other Council Members.

Mr. Hawkins: I think that is fine that Mr. Knox wants to do that. I think they were trying to get, because we are going to have Council Members on it, I think they were trying to get folks beside Council Members on there.

Mrs. Ghantous: The numbers are dwindling, the possibilities are dwindling here.

Mr. Hawkins: Mr. Knox, I will support your volunteering as a Council Member tomorrow night, if you would want to do that.

Mr. Campion: I think because it is an update to the Zoning Code, they are asking for participation from the Zoning Board.

Mr. Hawkins: Mr. Knox, if you want to do that then we could have an alternate if the powers that be say that we were really shooting for just two Council Members, one person from Planning and one person from BZA. Whatever you want to do, you have my full support.

Chairman Weidlich: Does anyone else care to volunteer for this position?

Mr. Nienaber: I would like to hear if we know what the time limits are and when the meetings would be.

Mrs. Ghantous: When the representative from the McBride firm presented it to us, he didn't have any dates but he said that there would be eight meetings total over a year. Lawrence, was it a year?

Mr. Hawkins: Yes, I believe it was something like that. It was going to be a

significant period of time to go through and I would have to imagine that they would have to work with everybody's schedule to try to make that work.

Mrs. Ghantous: So the time commitments are eight meetings in a year, so that is not a lot.

Mr. Nienaber: Yes. If we need somebody to volunteer, then I will volunteer. My only concern is that it fits the rest of my schedule but we will hammer that out.

Chairman Weidlich: So, I guess we have our one person. Thank you, Mr. Nienaber.

## XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Nienaber seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:33 p.m.

Respectfully submitted,

\_\_\_\_\_,2014\_\_\_\_\_  
Chairman Robert Weidlich

\_\_\_\_\_,2014\_\_\_\_\_  
Secretary Jane Huber