

## **BOARD OF ZONING APPEALS MINUTES**

**JUNE 8, 2009**

The meeting was called to order by Vice Chairman Mickley at 7:00 p.m.

**MEMBERS PRESENT:** Alex Kessler, Barbara Timmons, Dick Mickley, Aaron Story, Harry McMannis, Kelly Thornton 1 Vacancy

**OTHERS PRESENT:** Zoning Inspector McCoy, Clerk Patterson, Chris Davis, Bill Franke, Minerva Minthorn

**APPROVAL OF MINUTES:** There being no additions or corrections, the minutes for the meeting on April 13, 2009 were approved as distributed.

### **ORGANIZATION:**

Elect a Chairman -- Mrs. Timmons moved to put this item at the end of the agenda, seconded by Mr. McMannis. Affirmative voice vote was unanimous.

### **AGENDA ITEMS:**

**OLD BUSINESS:** None

### **NEW BUSINESS:**

To hear a request for a conditional use to permit retail business use; 728 N. Main Street, M-1 zoning district. Filed by Minerva Minthorn, 232 N. Main St., Suite A, Marysville, OH 43040

**COMMENTS OF ZONING INSPECTOR AND/OR CITY PLANNER:** Ms. McCoy cited Codified Ordinance 1137.30, a retail use is not a permitted or conditional use in the M-1 zoning district. Codified Ordinance 1137.02 states: Any use not specifically listed as either permitted or conditionally permitted or prohibited in Section 1137.40 shall be a conditional use in the appropriate zoning district and shall only be permitted upon approval of the Board of Zoning Appeals, rezoning to the land in question or the amendment of this chapter as provided in Sections 1131.03 to 1131.12 or upon a finding by the Zoning Inspector that a use is substantially similar to a listed use.

Mr. Mickley asked if the City has a recommendation as to how to organize the traffic that would be in front of the building. Ms. McCoy didn't seem to think traffic would be a problem. She feels there is plenty of room for six or seven cars in front and the cars should be able to back up without it being a problem. Striping would help with the parking.

Mr. Thornton expressed concern that if the outdoor furniture were to be put out front, there may be a problem with the cars.

Mr. Story asked if the Board was to consider just this one building or all the buildings on the property. Ms. McCoy said Mr. Franke will be able to answer that, but she believes all the other buildings on the property are used as M-1. Mr. Franke agreed.

Mr. Mickley said it's not all M-1 because you can go down and buy lumber at the sawmill.

Mr. Franke said it's basically a wholesale outlet. The main purpose of the business is a sawmill.

**COMMENTS OF REQUESTER:** Ms. Minerva Minthorn addressed the Board. In this business, her main goal is to be able to provide a product of meats and cheeses in a country market that most of the community goes out of town to purchase. She has been selling bulk foods, but has found the main products people want are meats and cheeses, and she needs a building that she'll be able to comply with regards to the food services. She receives many requests for these products. She also wants to provide health foods. Her dream has always been to pass on the knowledge that she has gained from canning and freezing fruits and vegetables. She plans to hold educational classes on canning and freezing.

Mr. Mickley asked her how many people she felt she'd have in a day or at one time. Ms. Minthorn was uncertain. She hopes to have enough for her business to survive and sustain the business.

Mrs. Timmons asked what her business hours would be. Response was 7:00 a.m. to 5:00 p.m. daily and Saturday 7:00 a.m. to 3:00 p.m.

Mr. Story asked about signage in M-1. Ms. McCoy said M-1 allows only one identification sign, and it must be seen from the street. The sawmill sign needs to

be removed in order to accommodate Ms. Minthorn's business sign. Mr. Franke said the sawmill sign would be removed. The back buildings could have a sign on their buildings and would not be seen from the street.

Mr. Davis said as far as parking is concerned, Ms. Minthorn has complied with 1141. The building is less than 2,000 sq. ft. Code requires 16 parking spots and a handicap spot will be added. The building will be handicap accessible.

Mr. Thornton asked where the outdoor furniture would be located. Ms. Minthorn responded, on the backside of the building. She may put fresh foods out front at times.

#### **COMMENTS OF CITIZENS:**

Mr. Bill Franke addressed the Board as a citizen and proprietor. He has faith in what Ms. Minthorn is doing. He feels it will be a token to Marysville. She has seven years experience. Her business has been at the McAuliffe building for the past two years. He has no objections to what she is doing.

#### **DISCUSSION BY BZA MEMBERS:**

Mr. Thornton moved to grant the request for conditional use to permit retail business use at 728 N. Main Street, M-1 Zoning District, the building identified as Building #1, seconded by Mrs. Timmons and the question put, stood:

Mr. Kessler YES Mrs. Timmons YES Mr. Mickley YES Mr. Story YES Mr. McMannis YES Mr. Thornton YES

Conditional use was granted.

#### **ORGANIZATION:**

Elect a Chairman

Mr. McMannis nominated Mr. Mickley, seconded by Mrs. Timmons. Nominations closed. Voice vote was unanimous. Mr. Mickley is Chairman.

Elect a Vice Chairman

Mr. Mickley nominated Mr. Story, seconded by Mr. McMannis. Nominations closed. Voice vote was unanimous. Mr. Story is Vice Chairman.

**ADJOURNMENT:** There being no further business to come before the Board of Zoning Appeals, the meeting adjourned at 7:20 p.m.