



## **BOARD OF ZONING APPEALS FINDINGS OF FACT MINUTES**

**November 23, 2021 at 6:30 PM in Council Chambers**

The meeting was called to order by Mr. Jaskiewicz at 6:30pm.

### **ROLL CALL**

Members present – Tom Jaskiewicz (Chair), Michael Terry, Nate Metzger, and Diana McCoy  
Also present: Taylor Brill (Village Planner), Paul Michael La Fayette (Solicitor)

Mr. Jaskiewicz asked to amend the agenda to add approval of the minutes from September since Ms. McCoy was now in attendance.

### **APPROVAL OF MINUTES**

Mr. Terry moved to approve the September 21, 2021 minutes, Seconded by Mr. Jaskiewicz. 3 yeas, 1 abstain.

Mr. Jaskiewicz moved to approved the November 16<sup>th</sup> minutes, with the correction that the swearing in of Mr. Metzger be added. Seconded by Mr. Terry. 3 yeas, 1 abstain.

### **COMMUNICATION**

Ms. Brill stated that discussion of a potential merger of Planning Commission and the Board of Zoning Appeals has come up. Council will be discussing this item at the December 8<sup>th</sup> work session.

### **PUBLIC COMMENT**

None

### **OLD BUSINESS**

CU-21-3; 0 US 42: Conditional Use- Miscellaneous Business Services (Operation Restoration); Applicant: Ryan Moore

Mr. Jaskiewicz explained the board has previously heard the applicant's testimony and resident testimony. Looking at section b2 appropriate plot plans draw to scale. The sketches that were submitted are what they are proposing the structure to be. Mr. Jaskiewicz stated that his understanding is that the application was complete. If the board did not believe they had enough information, that could be requested or sent back to Ms. Brill. Mr. Lafayette explained that this function of this board was to review the use. The intention is if there is a concept of what is being proposed. A final presentation of

plans is beyond the scope of this board and more of a function of planning and zoning. Mr. Terry stated that he believed that there was enough application to review the conditional use, but this approval is just one step. Mr. Jaskiewicz stated that the overall idea of what the property will look like in the end is important. The ultimate details of landscaping and site

Mr. Lafayette stated that specific code requirements will be applied by Planning and Zoning. If they decided they did not want to follow those requirements, they would then need to come back in front of BZA with a variance.

Mr. Metzger asked if the zoning district for the plot was commercial. Mr. Lafayette confirmed that it was commercial and more specifically in the B2 district. Mr. Metzger asked a clarifying question about permitted use versus conditional uses. Mr. Lafayette stated that there are uses that are allowed, the permitted uses. Conditional uses are more like it depends on the application.

Mr. Jaskiewicz motioned to adopt the Findings of Fact, Seconded by Mr. Terry. 3 yeas, 1 abstain

Mr. Jaskiewicz motioned to approve CU-21-3, with the condition that all work is done inside the facility and operate in accordance with the public nuisance regulations. Seconded by Mr. Terry. 3 yeas, 1 abstain

CU-21-4; 122 W 2nd Ave: Conditional Use- Accessory Dwelling Unit; Applicant: Terry Miller

After hearing no comments or discussion from the board, Mr. Jaskiewicz motioned to adopt Findings of Fact, Mr. Terry seconded the motion. 3 yeas, 1 abstain

Mr. Jaskiewicz motioned to approve CU-21-4, Seconded by Mr. Terry. 3 yeas, 1 abstain

VAR-21-5; 122 W 2nd Ave: Variance- A deviation from Chapter 1183.05 which states, "...accessory use or structure shall be twenty-five percent (25%) or less of the gross floor area of the principal use or structure," to allow for 50% or less, A deviation from Chapter 1149.04(d-e) to allow for a minimum of 5' from the property line; and a deviation from Chapter 1149.04(f) to allow the accessory structure to be 25ft in height.

Mr. Jaskiewicz motioned to adopt with correction that the members present be amended and that the note of the applicant withdrawing the setback request be reflected in the findings, seconded by Mr. Terry. 3 yeas, 1 abstain

Mr. Jaskiewicz motioned to approve VAR-21-5, seconded by Mr. Terry. 3 yeas, 1 abstain.

\*The setback request was withdrawn.

## **NEW BUSINESS**

None

## **DISCUSSION**

None

Meeting adjourned at 7:00pm