



BOARD OF ZONING APPEALS REGULAR MEETING MINUTES

September 21, 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), Diana McCoy, Michael Terry, Randa Prendergast

Members absent –

Also present: Taylor Brill (Village Planner), Paul LaFayette (Solicitor)

APPROVAL OF MINUTES

Board of Zoning Appeals-Findings of Fact- July 27, 2021

Mr. Jaskiewicz motioned to approve the July 27, 2021 meeting minutes, seconded by Ms. McCoy. All in favor, Ms. Prendergast abstained.

COMMUNICATION

1. Zoning (Ms. Brill)

The Planning and Zoning Commission reviewed a final development plan for a residential development called the Hamlet on the Darby.

The Design Review Board is reviewing two applications next week.

The Zoning code update first draft should be in front of the Steering Committee in October.

NEW BUSINESS

SU-21-1; 411 Madison Way: Special Use for Model Home (Madison Meadows); Applicant- DR Horton

The property is lot 3 within the Madison Meadows subdivision with is zoned a Planned Residential District. The applicant is requesting the Board of Zoning Appeals' approval for a special use permit to construct a model home. The new building will be accessed from the newly constructed Madison Way, which will abut Perry Pike. Parking will be constructed on the next lot. The development will be subject to obtaining a zoning and building permit for the new construction, upon approval of the Special Use permit. Based on the review of the standards contained in the planning and zoning code, staff recommends approval of the special use, as submitted.

SWEARING IN OF SPEAKERS

Rob Little (DR Horton) was sworn in by Mr. Lafayette. He did not have further comment but was available for questions.

PUBLIC COMMENT

None.

DISCUSSION

Mr. Jaskiewicz explained that this is a standard application, and this is for a special permit.

Ms. Brill will communicate the building requirements to the builders. Per Mr. Jaskiewicz, there are some special standards that must be followed such as hours of building, lighting requirements, etc. The builder should contact Ms. Brill for further clarification.

The Board considered whether the proposed conditional use is consistent with the standards contained in Section 1183.07. The standards for approval are as follows:

- i. The proposed use is a Special Permit Use listed in Chapter 1184.06;
 1. A model home is a proposed use.
- ii. The proposed development is in accordance with appropriate plans for the area;
 1. The model home as proposed meets all of the approved zoning and architectural standards for the Planned District. The development plan has already been approved by Council.
- iii. The proposed development will be in keeping with the existing land use character and physical development potential of the area.
 1. The area is proposed subarea of the overall development will be of single-family homes. The model home meets the standards and will be in character architecturally and structurally to the neighboring residential homes. Again, the area has already been approved and this model home fits within the character of the area.

Public notice was completed to about ten neighbors and to the Marysville Journal Tribune, on the required timeline.

Mr. Terry asked what happens with the parking lot on Lot 2 long-term. Mr. Little responded that it would be used as space, as needed, then torn out to build a home. Ms. McCoy asked if the board needed to be concerned about hours of staff in the model home. The model hours are within the range of normal business hours. Mr. Little added that some hours beyond retail hours may be needed if a customer specifically requests it.

Mr. Terry asked if the parking lot needs to follow code. Ms. Brill responded that it would require normal buffering and setbacks. The parking lot was confirmed to fall within the section of the model hours and fits well within the model home requirements. The parking lot is time bound. If more time is needed, the parking lot would have to come to the Board of Zoning Appeals to be approved as a special use.

Mr. Jaskiewicz added that the requirements of the code are exceeded by the parking lot plans as presented. The code requires at least six spaces, and the plans show nine parking spaces. The code language is unclear and can be considered in the zoning code rewrite.

Ms. Prendergast asked how many employees would be on site at each time. Mr. Little responded that typically only two employees are working at a time. During extremely busy times, there may be one additional staff member.

Ms. McCoy asked if every model home on this building site would need an application. Mr. Jaskiewicz confirmed this would be required. The builder is leaving one lot available for a model home, if necessary. If the model is working, and the time needs extended for one more year, it will also require a new application.

Mr. Jaskiewicz clarified that, if the application is approved, and the application says nine parking spots, does the approval need to consider this. Ms. Brill believes that six is the requirement and the additional three spaces can be approved. Mr. Lafayette agreed because the code states that the required number of parking spots is six.

The Board would like to develop the Findings of Fact tonight. The code was walked through again to confirm the board's position on each item.

Mr. Lafayette received confirmation that all board members agreed with Mr. Jaskiewicz's walk through of the code.

The public hearing was closed.

FINDINGS OF FACT

Mr. Lafayette presented the Findings of Fact and the Board reviewed and concurred with the findings.

Mr. Terry motioned to adopt the Findings of Fact as presented, seconded by Mr. Jaskiewicz. All in favor.

Mr. Terry motioned to approve application SU-21-1, seconded by Mr. Jaskiewicz. All in favor.

DISCUSSION

Mr. Terry asked Ms. Brill to provide the board with the applicable code sections for easier reference for future cases.

ADJOURNMENT

Meeting adjourned at 7:01pm.