

**CITY OF WILMINGTON
BOARD OF ZONING APPEALS
REGULAR MEETING
JANUARY 8, 2018 7:00 PM**

ATTENDANCE

MEMBERS PRESENT: Scott Holmer, Greg Law, Holly Roush, Jennifer Williams and Carl Zaycosky

MEMBERS ABSENT: None

ALSO PRESENT: Jason & Michelle Vaughn 930 W. Truesdell Street; Mark McKay, 1186 Sylvan Drive; Jonathan McKay, City Council; Brian Shidaker, Director of Public Service; Taylor Stuckert, Clinton County Regional Planning Commission; Michelle Horner, Clerk

The meeting was called to order by Vice Chairperson Zaycosky.

Pledge of Allegiance

The Board welcomed new member, Jennifer Williams.

Law nominated Carl Zaycosky to serve as Chairperson for 2018. Roush seconded. All voted yea.

Roush nominated Scott Holmer to serve as Vice Chairperson for 2018. Law seconded. All voted yea.

Holmer made a motion to approve the December 18, 2017 meeting minutes. Roush seconded. All voted yea. The minutes were approved as presented.

Agenda Item #1-

Continued discussion regarding the request for additional parking for a home occupation activity at 930 W. Truesdell Street by Jason & Michelle Vaughn.

Zaycosky recused himself from the discussion as he is an adjacent neighbor. At this time, Holmer took over chairperson duties.

Holmer swears in those wishing to speak and then summarized the last meeting and explained that the Board concluded with asking for additional information regarding the parking request. He then opened the floor to the applicants, Jason and Michelle Vaughn.

Jason Vaughn explained the diagrams he provided to the members for the meeting showing his property with the requested parking area highlighted.

Law questioned if the gravel would remain after the business moves. Vaughn replied that it would, because it is there to provide access to the building which they utilize a lot. They were tearing up the yard prior to putting down the gravel.

Taylor stated that the main concern was regarding the number of cars that would be permitted. Some home occupation activities have a limit provided in the code, this particular activity does not. He mentioned the previous case of the Tea Room on South South Street, which also had a parking limit that was set by the Board.

Roush requested that Taylor review his recommendation (staff report prepared on December 4, 2017) with the Board again.

Holmer asked if the applicants had any other items to add.

Vaughn noted that his property was unique inside the City in regards to its size, distance from the road, and configuration on the lot.

Roush questioned if the applicant had a figure for the percentage of land that would be used for the parking. The exact figure wasn't available, but it is less than 1% of the total land area.

Williams questioned the impact of a paved parking area. Vaughn stated that if they were to pave it, it would not happen any time in the near future. Stuckert stated that a paved parking lot would make the activity look more permanent rather than a temporary. He also noted that the previous parking number was based partially on the area of the driveway and now that it has been expanded, that could be a basis for re-evaluating the limit set.

Jason Vaughn re-visited some items covered in the previous meeting with Williams, as she was not on the Board at that time.

Roush questioned if there was any agricultural exemption that applied. It was explained that in the City, there is no agricultural exemption applicable.

Holmer asked for any comments from opponents or proponents. There were none.

The Board had discussion regarding the temporary nature of the activity and the desire for the activity to grow into a business that can move on to a permanent place of business.

Roush stated that it was important to make note of the size of the property and that a typical lot in a residential neighborhood would not have the same opportunity to provide parking in a way similar to the Vaughns. She suggested rather than a number or spots, using a percentage of surface area. Taylor pointed out that there are other large

acre sites within the City and that using a percentage may set a precedent that would allow a much large site a much larger number of cars, if that number is based on a percentage of area.

Law questioned what consideration was given in the request of twenty. Vaughn stated that they had had twenty cars there before and that it was very manageable and not really noticeable at that level. At more than twenty, if multiple people came in the cars, they would start to get cramped on the interior seating capacity.

Williams brought up the previous discussion of how the Vaughn's will enforce the car limit on their customers. He stated that they could do a better job of going out and monitoring the number of cars so when it gets to that limit they would know and could make an announcement. He said they are encouraging people to park elsewhere using the sidewalks and to carpool.

Shidaker stated that if the parking number is increased and we get complaints about them exceeding that number, that we would share that information with the Board and the Vaughns.

Law made a motion to increase the maximum number of parking spaces allowed for receivers of service to (20) twenty spaces. Roush seconded adding a condition that the parking increase would be reviewed in six months (at the Board's June meeting). All voted yea. Motion passes.

There was no old business.

Law made a motion to adjourn. Holmer seconded.

Chairman

Clerk