

**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.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
FEBRUARY 5, 2018 7:00 PM**

ATTENDANCE

MEMBERS PRESENT: Scott Holmer, Greg Law, and Jennifer Williams MEMBERS

ABSENT: Holly Roush and Carl Zaycosky

ALSO PRESENT: Paul Fear, 527 Randolph Street; Brett Rudduck, City Law Director;  
Mark McKay, 1186 Sylvan Drive; Jonathan McKay, City Council; Michelle Horner, Clerk

**The meeting was called to order by Vice Chairperson Holmer.**

Pledge of Allegiance

**Law made a motion to excuse absent members Holly Roush and Carl Zaycosky. Williams seconded. All voted yea. Motion passes.**

**Law made a motion to approve the January 8, 2018 meeting minutes. Williams seconded. All voted yea. The minutes were approved as presented.**

**Agenda Item #1-**

***Chris Walls, applicant, has submitted a conditional use request to allow a single family dwelling within a B2 zone. The proposed dwelling would be located within the existing building at 47 S. South Street.***

Holmer read the Notes from the Clerk from Michelle Horner and the Staff Report from Taylor Stuckert regarding the agenda item.

Holmer swears in those wishing to speak and asked Chris Walls if he had any more information to provide.

Walls stated that the only changes they would be making to the building would be those required by the building code; changing one wall to a fire-rated assembly and adding windows for egress purposes in the rooms to be used as bedrooms.

Law asked about the access between the business and the residential areas. Walls explained that there would be two access points. One from his tattoo booth into the pantry of the residential area and one from the break room of the tattoo shop.

Walls commented that there were 36 parking spots at the property.

Williams wanted to confirm that Walls, himself, would be occupying the dwelling and that it was not going to be rented out. Walls confirmed that the space was for himself and his family.

Holmer asked for any public comments.

Paul Fear commented that the property was on a land contact with Walls and wanted to confirm that the property owner was aware of this application being made. Walls confirmed that he was. He also asked if the egress from the residence and business were separate. Walls stated that each space would have separate egress.

**Williams made a motion to approve the conditional use request as presented. Law seconded. All voted yea. Motion passes.**

**Agenda Item #2-**

***Dove Church, applicant, has submitted a request for a variance to Section 1167.04(c)(1) of the Codified Ordinances, which states that the total area for a wall sign shall not exceed five percent of the gross square footage of the wall space. The wall sign is located at 1499 Rombach Avenue.***

Holmer would have to recuse himself from this discussion as he has a business account with the applicants in regards to this property. This left the Board without a quorum to take any action of than to postpone until the next meeting.

**Law made a motion to postpone agenda item number 2. Williams seconded. All voted yea. Motion passes.**

**There was no old business.**

**Williams made a motion to adjourn. Law seconded.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
MARCH 5, 2018 7:00 PM**

ATTENDANCE

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

ALSO PRESENT: Steve Fricke, Dove Church; Nate Thirey, Dove Church; Taylor Stuckert, Clinton County Regional Planning Commission; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Zaycosky.**

Pledge of Allegiance

**Law made a motion to approve the February 5, 2018 meeting minutes. Holmer seconded. All voted yea. The minutes were approved as presented.**

**Agenda Item #1-**

***Dove Church, applicant, has submitted a request for a variance to Section 1167.04(c)(1) of the Codified Ordinances, which states that the total area for a wall sign shall not exceed five percent of the gross square footage of the wall space. The wall sign is located at 1499 Rombach Avenue.***

Stuckert read his staff report.

There was a discussion about the idea of allowing more square footage on one sign in exchange for forgoing other allowable signage on this site.

Zaycosky swears in those wishing to speak.

Holmer and Roush both recused themselves from discussion and voting in this manner as they both have conflicts of interest.

Nathan Thirey presented points to the Board on behalf of Dove Church. 1) they were only .8 above the allowed percentage and 2) that their building sets back 25' further than the other buildings in the strip mall. He also mentioned that if the letters were measured individually, they would be under the 5% maximum.

Law acknowledged that the additional setback is a valid point and that the offer to forgo additional signage in exchange for the size variance was appreciated. Law questioned if

variances for sign size were granted in the past. Staff acknowledged that they have been granted.

They spoke more about the measurement of the letters and how the spacing has a big effect on the sign size when not measuring the letters individually. He noted that the letters would be attached with tapcons to the building.

Zaycosky asked about any other artifacts that may be attached to the building, crosses, etc.

They responded that they have no plans to have any such items on the building. The desire of the church is for it to appear as more of a community building than as a church.

Williams felt that the sign was tasteful as asked if it would be lighted. The sign will not be lighted. There is electric there already, so it could be in the future.

Zaycosky asked for any public comments.

There was discussion on the framing of the motion.

**Law made a motion to approve the request for variance to Section 1167.04(c)(1) of the Codified Ordinances, allowing the wall sign as requested, whereas the property has a unique site condition with its additional front yard setback, given that the overage is only at 1% and the applicant agrees to relinquish any right to erect a ground sign at the property. Williams seconded. All voted yea. Motion passes.**

**There was no old business.**

**Law made a motion to adjourn. Williams seconded.**

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Chairman

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Clerk

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

ATTENDANCE

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

ALSO PRESENT: Ryan Jeter, DS2 Architects; Burt Sears, DS2 Architects; John Hamilton, Wilmington News Journal; Jonathan McKay, Wilmington City Council; Mark McKay, Wilmington City Council; Fred Haught, 541 Mitchell Road; Taylor Stuckert, Clinton County Regional Planning Commission; Brian Shidaker, Director of Public Service; John Stanforth, Mayor; Dennis Mattingly, WAHL Radio; Jerome Agean, WAHL Radio; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Carl Zaycosky.**

Pledge of Allegiance

**Greg Law made a motion to approve the March 5, 2018 meeting minutes as presented. Jennifer Williams seconded. All voted yea. The minutes were approved as presented.**

Zaycosky did a mass swear in for those wishing to speak on all of the agenda items.

**Agenda Item #1-**

- a. Darin Schweichart, applicant, has submitted a request for a variance to Sections 1165.02, 1165.05(f), and 1165.03(a)(4) of the Codified Ordinances, in regards to the number of spaces and setbacks for a proposed parking lot. The proposed lot will be located at 1604 Rombach Avenue.*

Horner and Stuckert read the staff reports.

Scott Holmer recused himself from the discussion as has a professional relationship with the applicant.

Ryan Jeter was present to speak on behalf of Darin Schweichart. He stated that it has been the restaurant's experience that most people ride together and that supports a lower number of parking spaces. He explained that the side is a corner lot, so the 20' buffer requirement affects two sides of the lot and thus, has more impact on the lot than if it were not a corner lot. He stated that understood the importance of the buffers but requested that the Board consider holding to the buffer on the major street while granting a little relief on the minor street side. This would allow for a better turning radius and movement within the parking lot. He stated that with those

buffers in place, they would be close to providing the same number of parking spaces that our proposed zoning code would require.

Zaycosky asked if they kept to the current setback regulations, how many parking spaces they would have. Jeter replied that it would be approximately 59 spaces. Zaycosky asked if it was adequate. Jeter replied that they would prefer more spaces, but 59 would be an adequate minimum.

Zaycosky asked for any public comments; there were none.

Zaycosky brought the discussion back to the Board.

Law noted that this was a business growth opportunity and that he wanted to support that. He clarified that the current code requires 91 spaces, the applicant had submitted plans showing 73 spaces, and that the proposed zoning code (not in effect) calls for 59 parking spaces.

Zaycosky commented that he was in favor of reducing the number of spaces due to the circumstances but would like to see the buffers maintained.

There was discussion regarding the location of the property line in relation to the existing edge of pavement and where the buffer would be located. It was determined that there is approximately 30' from edge of pavement to the property line, on the Rombach Avenue side.

Law offered that the proposed code is reducing parking requirements for a particular reason and would like the Board to consider how that may affect this applicant.

There was discussion about the utility easements at the sides of the lot. It was pointed out that encroaching into that easement could cause future problems. Stuckert recommended to the Board that any variance granted should not allow the applicant to extend into the utility easement (which is 10').

Holly Roush questioned the layout of the parking lot with the different setback requirements. Jeter explained a couple scenarios. Roush questioned the landscape buffer. Jeter responded that if they could have a 10' space, there would be adequate room to provide an attractive landscape buffer.

Williams questioned which size buffer was required on which sides. Stuckert clarified that a 20' buffer is required on any side adjacent to a public street and that a 10' buffer was required on the other sides.

There was discussion regarding the forming of the motions.

**Roush made a motion to approve the request for variance to Sections 1165.02, 1165.05(f), and 1165.03(a)(4) of the Codified Ordinances due to the corner lot condition and in consideration of the new, proposed zoning code to allow a reduction of the setback from the parking lot to the property line to 10' on the Lynn Lane side and 9' on south side of lot.**

**The required setback on the Rombach Avenue side of the lot will remain at 20'. The number of parking spaces shall not be less than 60. Law seconded. Upon roll call, all voted yea.**

**Agenda Item #2-**

- a. WALH Radio, LLC, applicant has submitted a request for variance to Section 1167.01(c) of the Codified Ordinances, which states that no sign maintained in the window of a building shall occupy more than 25% of the window surface. Sign is located at 12 W. Main Street.*

Horner and Stuckert read the staff reports.

Dennis Mattingly presented his argument to the Board. He stated that with a sign in place that only takes 25% of the window area and a car parked on the street, you would not be able to see the sign. He explained that there were actually (2) signs. The one at the top "Hendee Studios" and the large one in the bottom window pane. He explained that the tie-dyed theme was important. It identifies the type of music, rock n roll, that they station plays. He explained that the rock n roll spirit is to be outside the norm and that the signage is a symbol itself. He also stated that historically, that building has had a large sign. It was formally a savings and loan and the newspapers show that they had a sign that took up 75% of the window. He stated that while the building is in the Historic District, it is not historic itself as it was built in 1958. He admitted that he created the problem himself, but that he is trying to convey more than the lettering on the sign, it's the tie-dyed theme that is important to him. He doesn't believe it is distracting and doesn't know where the 25% regulation was originated from.

Roush questioned Mattingly about what was behind the sign, inside the store front. Mattingly stated there are a lot of album covers on the walls.

Zaycosky asked for any public comments. There were none.

Stuckert mentioned that the 25% guideline is city-wide. It is not applicable to only the Historic District.

Zaycosky took the discussion back to the Board.

Roush discussed the unique conditions of the building. She commented that the sign is a clean presentation and blocks the view of what is inside the building.

Mattingly stated that just 4' inside the window, there is a wall.

Williams commented that she didn't believe they could separate out the front top window from the bottom window. She also stated that any business owner on the street could present the same argument about cars being parked on the street and blocking their signage.

Holmer commented that the Design Review Board is generally pretty hard in their review. He and has no issue with the signage or the brand in respect to the tie-dye. He also commented that the nature of his business isn't one that depends on there being walk in traffic like the deli and jewelry store. He doesn't believe the Board would be hearing this issue if it were not for the complaint filed.

Law stated that the variance request does not meet the least needed variance for relief. He believes that since the lower section of the window isn't visible, it should not be considered as needed area for the signage.

Roush questioned what percentage just the tie dye occupies. Mattingly stated that with the glass area of the door included, they still took up about 75% of the total glass space.

There was discussion amongst the Board regarding the forming of the motion.

**Holmer made a motion to approve the variance to Section 1167.01(c) of the Codified Ordinances to allow the signage to be in excess of 25% of the window area on the basis of the nature of the business itself and physical circumstances. Williams seconded. Upon roll call, all voted yea except Zaycosky. Motion carried.**

**Law made a motion to allow the sign to not exceed 50% of the available window space. Roush seconded. Upon roll call, all voted yea. Motion carried.**

It was clarified that Mattingly would not have to appear before the Design Review Board again as only the size of the sign would be changing.

### **Agenda Item #3-**

- a. Fred Haught, applicant, has submitted an appeal to a Code Enforcement order in regards to making repairs to his building located at 969 Fife Avenue.*

Horner and Stuckert read the staff reports.

Fred Haught presented his application to the Board. Haught stated that he didn't want to appeal anything, all he needed was time. He stated that the insurance company has refused payment but since the City wants the repair to be made, he will get it done. He stated that he was before the Board only to challenge the 45-day time period stated in the letter to make the repairs. He stated that as soon as he received the notice, he hired a contractor and some work has been done. He passed out photos showing the work that has been completed so far. He brought up that when he purchased the building, he requested that some type of barriers be installed, but they were not. They would not allow him to put up a barrier himself either and cars coming up over the curb have been a problem. He explained how the accidents that caused the current damage occurred. He said that the previous administration told him to go ahead and wait on the insurance. He just wants some more time to work on it.

Law stated that the case goes back to 2016 and he wondered what Fred meant when he asked that the City 'work with him'. Law stated that he knew what was structurally wrong with the

building since 2016. Haught stated that no one from the City said that things needed to be repaired and he didn't have the money.

Roush questioned what the estimate time frame was to make the repairs, if Haught had a timeline from the contractor. Haught stated that he hadn't been asked for a timeline and restated that a lot of progress has been made in a short period of time.

Roush asked if there was any other information from the contractor such as a scope of work, how many repairs were left to be made, etc. Haught stated that he could get that information; he requested that the contractor complete it as quick as he can.

Zaycosky asked for any comments from the public. There were none.

Zaycosky asked if there was any documentation from the dealings with the insurance company. Haught stated that he did but he did not have anything with him. Roush asked when he last spoke to the insurance company. Haught stated about 3 weeks ago. He also added that the insurance company stated that they did not have a division for car crashes into buildings, they were still investigating and could probably start talking to him soon. Zaycosky asked if it was the same insurance company dealing with both crashes. Haught explained that the insurance company was only involved in the one accident, the other was the State of Ohio because the driver was a ward of the State.

Roush asked if the building permits have been obtained. Haught stated what work has been completed. Horner advised that a building permit has not been applied for yet. Haught stated the contractor was up to get one, but no one was there at that time.

Williams asked how much time was needed to complete the work. Haught replied that it would probably be a couple months. Horner stated that he would need engineered drawings detailing how the balcony would be put back together and getting those drawings would take a little time.

Roush questioned if 30 days is reasonable to complete the work that needs to be done. Haught explained that getting contractors that want to work with a specific time frame has been very difficult.

Holmer discussed what happens when the repairs are not made in time and would like to give Haught more time to make the repairs.

Stuckert commented that as this is an appeal to the Code Enforcement Officer's order it is the Board's place only to either grant or deny, not to monitor.

Roush asked again for any other information, such as quotes obtained, or if there was anything else they should consider with regards to the work that has been done. Haught stated that at least 3 of the things on the list had been completed and that the balcony was the last big part. Roush asked when those things had been completed and Haught replied that the work all took place within the last week or two.

There was discussion regarding the framing of the motion for the decision on the appeal.

**Law made a motion to deny Haught's appeal. Williams seconded. Upon roll call, all voted yea, except Holmer. Motion carried.**

**There was no old business.**

**Roush made a motion to adjourn. Holmer seconded.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
JUNE 4, 2018 7:00 PM**

ATTENDANCE

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

MEMBERS ABSENT: Holly Roush

ALSO PRESENT: Jason and Michelle Vaughn, TinCap Cider; Bill Peelle, Peelle Law; Mike McCarty, McCarty & Associates; Amanda Gordley, 1360 Westmoor Drive; Jonathan McKay, Wilmington City Council; Mark McKay, Wilmington City Council; Brian Shidaker, Director of Public Service; John Stanforth, Mayor; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Carl Zaycosky.**

Pledge of Allegiance

**Greg Law made a motion to approve the March 5, 2018 meeting minutes as presented. Scott Holmer seconded. All voted yea. The minutes were approved as presented.**

Zaycosky did a mass swear in for those wishing to speak on all of the agenda items.

**Agenda Item #1-**

- a. Jason & Michelle Vaughn, applicants, to present an update to the Board on their progress in securing a business property for TinCap Cider. Their property is located at 930 W. Truesdell Street.*

Zaycosky recused himself from the discussion, leaving Holmer to lead the Board as Vice Chairperson.

Holmer introduced the agenda item, summarized our past meetings on this issue and then turned it over to the Vaughns to present their update.

Jason Vaughn gave the Board members a copy of a proposal for a property located on Sugartree Street that they will be signing a contract on later this year. He stated that he believed they would be ready to make the move in twelve weeks.

Law asked for clarification regarding when the twelve weeks starts. Jason explained that the twelve weeks was for the alcohol license to transfer. He is going to submit the application asap as soon as they sign the contract on the property. Greg asked if Jason felt confident that they would be able to move to the new space before the end of the year, and Jason does.

There was no further discussion.

**Law made a motion to accept the update and documents presented as a part of the record. Williams seconded. Upon roll call, all voted yea.**

Chairperson Zaycosky resumed his duties.

Zaycosky informed the remaining applicants that because the full Board is not present, they have the right to postpone if they so choose. They both agreed to move forward this evening.

**Agenda Item #2-**

- a. COP Wilmington, LLC, applicant, has submitted a request for a variance to Section 1165.05 (f) of the Codified Ordinances, in regard to the required minimum setback between the street right of way and a parking area. The proposed project will be located at 164 Holiday Drive.*

Horner read the staff reports.

Horner explained that the right-of-way line referenced in Stuckert's recommendation is not a right-of-way line. This line is actually marking the minimum 15' front yard setback location.

Bill Peelle interviewed Michael McCarty, the site engineer for the project, to provide a professional background of himself, the project, and the variance being requested.

McCarty stated that there was a unique physical site condition due to the back of the property probably being a jurisdictional wetland. Any disturbance to the wetland area would involve approvals from the Army Corp of Engineers. The current plan has the building right at the edge of this wetland so that it is not disturbed. This building placement puts the parking lot that is in front of the building, within the required 20' buffer space.

McCarty explained that the situation was not self-created. The wetland was in existence prior to the current owner's interest in the property. He stated that the wetland was probably created accidentally by the developers of the factory to the northwest of the property.

McCarty explained that the 10' encroachment into the minimum buffer space is the least variance needed for relief. Taking any space out of the drive aisle area would make it the aisle too small and having the buffer reduced to 10' would allow this parking area to line up with the parking lot area existing next door at the Dollar General store.

McCarty supplied information regarding the operating plans, number of jobs that will be provided by this company, and some of the other meetings that were held during the preliminary design phase for this project.

Williams questioned the possibility of a reduction of the drive aisle width (currently at 27') and asked McCarty to justify keeping the drive aisle at 27'.

McCarty explained that the large service vehicles (ambulances) that this facility will utilize require a minimum 27' drive aisle.

Law requested more information regarding how the site could not be developed according to the code; what impact will the loss of 10' from the parking area have? He also commented that he liked that the lot would like up with the Dollar General parking area.

McCarty explained that there are general engineering practices that govern parking lot access lane design. He stated that 25' was a typical drive aisle width for standard vehicles. Larger service vehicles require 27' minimum, per standard engineering practices for safety purposes.

Zaycosky asked for any other comments or questions from the public. There were none.

**Law made a motion to approve the variance to Section 1165.05 (f) of the Codified Ordinances to approve the reduction of the required greenspace buffer between the parking lot and Holiday Drive from 20' to 10', Holmer seconded. Upon roll call, all voted yea. Motion carried.**

**Agenda Item #3-**

- a. Joshua Gordley, applicant, has submitted a request for a conditional use permit for a home occupation activity (auto detailing) that will use areas outside the home. The proposed conditional use would be located at 1360 Westmoor Drive.*

Amanda Gordley presented her application to the Board. She explained that all car details would be scheduled, no disruptive equipment would be used, business hours would be Monday-Friday 9-5 only, and that they have ample room to provide this service. Gordley presented pictures of the property.

They intend for this business use to be temporary at their home and are looking for a business property.

She has made her neighbors aware and has not received any negative feedback.

Law brought up a question in the staff report regarding the chemicals that would be used and any negative impacts they may have on the storm water system.

Gordley replied they would be using Windex, Simply Green, and another type of soap that she did not have a brand name for.

Zaycosky asked how many cars would be getting serviced a day. Gordley replied that they anticipate no more than 2 a day. This is a hobby that he is trying to turn into a profession.

Zaycosky questioned where cars would be parked and pointed out that the cul-de-sac doesn't provide of a lot of on street parking. Gordley stated that the cars would remain in the driveway after they were completed awaiting pickup. There will be no use of the street for parking these vehicles.

There was discussion regarding the framing of the motion for the decision on the appeal.

Zaycosky asked for any other comments or questions from the public. There were none. There was some discussion amongst the Board. There would be two motions, one for allowing or disallowing the conditional use and one for the conditions that will be imposed on that use should it be approved.

**Holmer made a motion to approve the conditional use permit as presented. Williams seconded. Upon roll call, all voted yea. Motion carried.**

**Williams made a motion to impose the following conditions: no more than 2 cars being serviced in the driveway at a time, hours Mon-Fri 9-5, and the applicant shall come back before the Board in one year. This approval is contingent upon on a review and approval by the Wastewater Department.**

There was no old business.

**Holmer made a motion to adjourn. Law seconded.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
AUGUST 6, 2018 7:00 PM**

ATTENDANCE

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

MEMBERS ABSENT: Holly Roush

ALSO PRESENT: Marty & Dianne Beaugard, Macedonia Primitive Baptist Church; David VanHoose, Macedonia Primitive Baptist Church; Ed Wagstaff, 150 N South Street ; Jonathan McKay, Wilmington City Council; Mark McKay, Wilmington City Council; Brian Shidaker, Director of Public Service; John Stanforth, Mayor; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Carl Zaycosky.**

Pledge of Allegiance

**Greg Law made a motion to approve the June 4, 2018 meeting minutes as presented. Jennifer Williams seconded. All voted yea. The minutes were approved as presented.**

**Agenda Item #1-**

*Macedonia Primitive Baptist Church, applicant, has submitted a request for a variance to Section 1160.07 (c) the Codified Ordinances, in regards to sight distance on a corner lot. The applicant wishes to erect a ground sign. This sign will be located at 160 N South Street.*

The clerk read the staff report from the Clinton County Regional Planning Commission.

Zaycosky did a mass swear in for those wishing to speak on all of the agenda items.

Holmer recused himself from the discussion due to a conflict of interest.

David VanHoose spoke on behalf of the church on reasons to approve a variance to allow them to place a ground sign within the required corner vision clearance triangle. He stated that a wall sign was not desirable because it would have a negative impact on the historical significance of the building; he spoke to the Historical Society regarding this. He pointed out that Columbus Street is a one-way street. There would be no vehicle traffic coming down Columbus Street to South Street, and thus the typical safety concerns regarding vision clearance at a corner lot are not applicable. He presented the proposed sign. He believes that he needs a sign so people can find him.

Zaycosky asked if there were any opponents or proponents for the variance that would like to speak.

Marty Beaugard stated that they gave away school supplies at the church last week and there were a lot of people that had a hard time finding them. He stated that he also believed that since Columbus Street was a one-way, that there were no safety concerns.

Ed Wagstaff stated his support for the variance.

Law questioned the requirement of this hardship not being self-created. It was clarified that the requested sign is going in the same location as the previous sign. The applicant is not requesting a new location. The post holes from the previous sign were still there, but because they are replacing the sign structure, a new permit was required and there was no variance on record for the previous sign. Law also stated he believed the one-way street did create a unique circumstance.

Williams commented that she agreed with the discussion thus far and that she would not want to see a sign put on the side of the building itself.

There was no further discussion.

**Roush made a motion to grant the variance to Section 1160.07 (c), noting the unique condition of the one-way street (Columbus) and the lot size being such that it cannot be developed in strict conformance to the regulations. Law seconded. Upon roll call, all voted yea.**

**There was no old business.**

**Law made a motion to adjourn. Roush seconded.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
SEPTEMBER 10, 2018 7:00 PM**

ATTENDANCE

MEMBERS PRESENT:, Holly Roush, Jennifer Williams, and Carl Zaycosky

MEMBERS ABSENT: Scott Holmer and Greg Law

ALSO PRESENT: Larry Britain, Britain Enterprises; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Carl Zaycosky.**

Pledge of Allegiance

**Jennifer Williams made a motion to approve the August 6, 2018 meeting minutes with a correction noted that there were no absent members. Holly Roush seconded. All voted yea. The minutes were approved as presented.**

**Agenda Item #1-**

**Britain Enterprises, applicant, has submitted a request for a variance to Sections 1167.04 (c)(1) the Codified Ordinances, in regards to signage. The applicant wishes to erect a second wall sign on the front of the building. This sign will be located at the laundry mat located at 622 S South Street.**

Zaycosky swore in those wishing to speak.

The clerk read the staff report from the Clinton County Regional Planning Commission.

Larry Britain began his presentation stating that he believed the case was unique because the building was built in the 1960's and the metal they used then is harder to find now. (He is requesting a second sign to cover an area of the wall that was damaged when a car crashed into it.) He also stated he could find no contractors to do the work.

Williams questions if he looked into other alternatives to repair the damage and stated that she does not believe that the damage qualifies as a unique condition.

Britain stated that one of the contractors told him he could cut out the damaged area, install glass, and then put the sign behind the glass and it wouldn't be considered a sign outside the building and then I could have the (2) signs.

Britain stated that the sign not only covers the damage but also relays more information about what is inside the building.

There was discussion about what is a sign and the regulations for window signage.

**Roush made a motion to deny the variance request as presented. Williams seconded. Upon roll call, all voted yea. Variance is denied.**

**There was no old business.**

**Roush made a motion to adjourn. Williams seconded.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
OCTOBER 1, 2018 7:00 PM**

ATTENDANCE

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

MEMBERS ABSENT: Holly Roush

ALSO PRESENT: Betty Carmen, 7463 Fairground Rd.; Darius Bloom, 7436 Fairview Drive; Taylor Stucker, Clinton County Regional Planning Commission; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Carl Zaycosky.**

Pledge of Allegiance

**Jennifer Williams made a motion to approve the September 10, 2018 meeting minutes. Holmer seconded. All voted yea. The minutes were approved as presented.**

**Agenda Item #1-**

**Darius Bloom, applicant, has submitted a request for a variance to Sections 1153.028(b) the Codified Ordinances, in regards to the placement of an accessory building. The applicant wishes to place a storage shed less than 75' from the front line of the lot. Subject property is located at 189 & 189 ½ N. Mulberry Street.**

The clerk read the notes from the clerk. Taylor Stuckert read the report from the Clinton County Regional Planning Commission.

Zaycosky swore in those wishing to speak.

Darius explained the tenant's need for storage space.

Holmer stated that he visited the site and agrees that it cannot be developed in conformance to the regulations.

Zaycosky commented that the new zoning regulations (currently being drafted) would allow for this building to be built without needing a variance.

**Holmer made a motion to approve the variance request as presented. Law seconded. Upon roll call, all voted yea. Variance is approved.**

Zaycosky asked if there was any old business. Law started a discussion regarding WAHL Radio and their window signage.

**Holmer made a motion requesting that the clerk contact the Law Director requesting action on the removal of the window signage. Law seconded. Upon roll call, all voted yea.**

**Law made a motion to adjourn. Williams seconded.**

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Chairman

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Clerk

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
DECEMBER 3, 2018 7:00 PM**

ATTENDANCE

MEMBERS PRESENT:, Scott Holmer, Greg Law, and Carl Zaycosky

MEMBERS ABSENT: Holly Roush and Jennifer Williams

ALSO PRESENT: Jeffrey & Marsha Bennett, 930 Prairie Avenue; Greg Abbott, 185 Park Drive; Brian Shidaker, Director of Public Service; Taylor Stuckert, Clinton County Regional Planning Commission; Michelle Horner, Clerk

**The meeting was called to order by Chairperson Carl Zaycosky.**

Pledge of Allegiance

**Greg Law made a motion to approve the October 1, 2018 meeting minutes. Holmer seconded. All voted yea. The minutes were approved as presented.**

**Agenda Item #1-**

**Jeffrey Bennett, applicant, has submitted a request for a variance to Section 1167.07(c) the Codified Ordinances, in regards to a sign. The applicant requests that a specific sign be allowed as a temporary sign. The sign would be located at 2333 Rombach Avenue.**

The clerk read the notes from the clerk. Taylor Stuckert read the report from the Clinton County Regional Planning Commission.

Zaycosky swore in those wishing to speak.

Jeffrey Bennett presented his application. His request is to allow the sign currently located at 1216 W Locust Street to be relocated to 2333 Rombach Avenue until he gets a new building constructed at a location not yet finalized. His building at 1216 W Locust caught fire a few months ago and is not salvageable. His office is currently located at 930 Prairie Avenue, but they will be moving into the Smith Ficke building as it can better accommodate their needs. The sign would be located behind the existing ground sign at 2333 Rombach. He states that the sign is a big part of their advertising and they usually get 8-10 walk ins a month from the sign.

Greg Abbott spoke in favor of the application. He is the installer. He restated that the sign would be temporary. The sign will be reused at his new location as well as signage is a big investment. He explained how the sign would be installed.

Marsha Bennett stated that this was a hardship (the fire) and that is why they are here asking for the variance. She stated that the small sign they are using currently on Prairie Avenue has been mistaken as a sign stating the business is for sale.

Jeffrey Bennett added that the reader board would be removed from the sign before being moved to this location.

Holmer expressed his opinions that this was a hardship, the sign is an asset, and that he has no issues with the request. He did suggest maybe an extension of the standard 12 month term for a temporary sign to 15 months.

Law asked for clarification on the placement and installation of the sign. Greg explained both.

Zaycosky asked if Smith Ficke was okay with the placement. Bennett replied that they were.

There was discussion regarding the extension from 12 months to 15 months and it was determined that the variance motion should not address the timeframe, only whether to allow it as a temporary sign.

**Law made a motion to approve the variance request as presented due to the unique circumstance of the fire destroying their building and the fact that this is not a self-created hardship. Holmer seconded. Upon roll call, all voted yea. Variance is approved.**

In regards to old business, the WAHL radio station wall sign has still not been brought into compliance. The clerk updated the board that the Law Director had been informed and asked to take action. The Law Director has spoken with the parties involved and is moving forward. This item will remain on the agenda until it is resolved.

There was discussion regarding the expiration of the conditional use approval for Tin Cap coming up at the end of the year. The Board would like to remind them of this deadline.

**Holmer made a motion to adjourn. Law seconded.**

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Chairman

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Clerk