

CITY OF WAYNE
ZONING BOARD OF APPEALS
REGULAR MEETING
MARCH 12, 2009

A regular meeting of the Zoning Board of Appeals was held at 7:30 p.m., Thursday, March 12, 2009, at Wayne City Hall, 3355 South Wayne Road.

The meeting was called to order by Vice Chairman Bruce Foulk at 7:30 p.m.

Members Present: Jay Armstrong, Margaret Harlow, Dennis Hermatz, Alternate Michael Hurley, Alternate Terry Shenk, Quentin York, Vice Chairman Bruce Foulk,

Members Absent: Stephen Becher, James Henley, Tricia Nault, Chairman Robert Boyles, all excused (personal business),

Also Present: Building Official Patrick Ostrosky; City Clerk Mary E. Carney

ITEM I

Motion by Armstrong, seconded by York and unanimously carried, to approve the minutes of the meeting of February 12, 2009, as printed.

ITEM II

The minutes of the Planning Commission Meeting of February 10, 2009, were received and filed.

ITEM III #55-013-03-0003-001

Paul Evans had applied for permission to establish a regulated use, a tattoo and body piercing parlor, at 4330 S. Wayne Road.

The property is located in a B-3, Business Neighborhood District Zone. The approval of this request for this location requires two waivers, one due to the proximity of other regulated uses and a second waiver due to the proximity of residential districts which is dependent upon the presentation to the Board of a validated petition with signatures as specified in Chapter 1234 of the Codified Ordinances of the City of Wayne. This appeal had been tabled from the meeting of January 8, 2009 and February 12, 2009, for the receipt of the petitions.

As no representative was present, the item was removed from the agenda until the petitioner contacts the City regarding the appeal.

ITEM IV #55-002-03-0140-000

Brent Mohlman, 3445 Mildred Street, had applied for permission for the temporary storage of a truck on the property. The property is located on Mildred Street, south of Michigan Avenue East, in an IND-B, Industrial Business District Zone. Section 1262 of the Planning and Zoning Ordinance does not allow the storage of a truck in this area in this zoning district. A variance is required for outdoor storage.

Notice of Public Hearing had been sent to owners of property within three hundred feet (300') of the subject premises prior to the meeting. There were no opinions expressed by mail prior to the meeting. There were no opinions expressed at the meeting.

Building Official Patrick informed that Board that after speaking with Mr. Mohlman in regards to the truck, he stated that the vehicle would be removed without appealing to the Board. Vice Chairman Foulk stated that there was another truck at an adjacent business in violation of the ordinance. Building Official Ostrosky stated that the owner has been informed of the violation and will apply to the Board for a variance.

APPEAL DISMISSED

Vice Chairman Foulk stated that he had received a notice in the mail regarding a change in the ordinance language regarding Regulated Uses, as had the entire Board. Building Official Ostrosky stated that in the future, if a person is petitioning for a Regulated Use, either Community Development Director Peter McInerney or City Planner Matthew Miller will attend the Zoning Board meeting and inform the petitioner of the process.

Building Official Ostrosky further informed the Board that if the petitioner obtains the required amount of petition signatures and they are validated, it is not the decision of the Board to approve or deny, but the Board may put stipulations on the use. The applicant must then go through the Planning Commission and Site Plan Review and they may place stipulations if they desire. The appeal will then go before the City Council and they are able to place stipulations of the use if they so desire.

Vice Chairman Foulk stated that petitions that are more specific in nature are needed and that the Board needs to better define the basis of the petitions. He further stated that he is in favor of adding stipulations to the Regulated Use if the Board so desires. After much discussion, it was decided to have the Clerk send a copy of the petition with the next Board packet with language that was given to the applicant for the tattoo parlor.

Motion by York, seconded by Hurley and unanimously carried, to adjourn the meeting at 8:35 p.m.

Mary E. Carney
City Clerk