

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

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

The meeting was called to order by Chairman Robert Boyles at 7:30 p.m.

Members Present: Stephen Becher, Alternate Michael Hurley, Tricia Nault, Alternate Terry Shenk, Vice Chairman Bruce Foulk, Chairman Robert Boyles

Members Absent: Jay Armstrong, Margaret Harlow, James Henley, excused (personal business), Dennis Hermatz, excused (personal business), Quentin York,

Also Present: Community Development Director Peter J. McNerney; Building Official Patrick Ostrosky; City Clerk Mary E. Carney

ITEM I

Motion by Hurley, seconded by Nault and unanimously carried, to approve the minutes of the meeting of January 8, 2009, as printed.

ITEM II

The minutes of the Planning Commission Meeting of January 13, 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 ZBA 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, for the receipt of the petitions.

Community Development Director Peter McNerney presented a review of the Regulated Use provisions and presented the Board with a list of previous applicants. He further

informed the Board that Mr. Evans had not submitted petitions for review, nor has he contacted the City since the meeting in January.

Vice Chairman Foulk stated that he has three problems with the Regulated Use ordinance and procedures. He stated the three problems are that in the language the word "shall" should be "may", the 51% amount of signatures required should be higher and that there should be a method to determine the validity of the petition signatures.

Building Official Patrick Ostrosky reminded the Board that when the Regulated Use process was discussed with the City Attorney, he indicated that the process can not be made too difficult for the applicant.

As not representative was present, the item was tabled until the meeting of March 12, 2009.

APPEAL TABLED

Upon the request of Mr. Boyles for comments from members of the Zoning Board on matters not covered by the Agenda, none were expressed.

Motion by Foulk, seconded by Becher and unanimously carried, to adjourn the meeting at 7:55 p.m.

Mary E. Carney
City Clerk