

Unapproved as of January 12, 2009

CITY OF WAYNE
ZONING BOARD OF APPEALS
REGULAR MEETING
JANUARY 8, 2009

A regular meeting of the Zoning Board of Appeals was held at 7:30 p.m., Thursday, January 8, 2009, at Wayne City Hall, 3355 South Wayne Road.

The meeting was called to order by Member Stephen Becher at 7:30 p.m.

Members Present: Stephen Becher, Margaret Harlow James Henley, Tricia Nault, Alternate Terry Shenk, Quentin York

Members Absent: Jay Armstrong, Dennis Hermatz, Alternate Michael Hurley, Vice Chairman Bruce Foulk, Chairman Robert Boyles, all excused (personal business)

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

ITEM I

Motion by Harlow, seconded by York and unanimously carried, to approve the minutes of the meeting of November 13, 2008, with one minor correction.

ITEM II

The minutes of the Planning Commission Meeting of December 9, 2008, were received and filed.

Mr. Becher informed the applicants that with only six members of the Board present, six positive votes would be needed to approve a request. He stated that if either applicant would like to defer their request until the next meeting it was their decision. Both applicants chose to continue with the process at the meeting.

ITEM III #55-019-99-0002-000

David Bourque, on behalf of Services to Enhance Potential, a part of The ARC of Western Wayne County, 35000 Van Born Road, had applied for permission for the use of a temporary storage trailer. The property is located on Van Born Road, west of Chamberlain Street, in a B-3, Business Extensive District Zone. Neither section 1258.02, Permitted Principal Uses, nor 1258.03, Permitted Accessory Uses, of the Planning and Zoning Ordinance allows temporary trailer storage in this area in this zoning district.

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 by the public at the meeting.

David Bourque presented an overview of the programs conducted at the location. He stated that sometimes they are presented with large jobs and have do not have a place for storage as the building when originally designed did not need a large storage area as the jobs were usually sent immediately back to the manufacturer. He further stated that the use of the storage trailer would probably not be needed for longer than a week at a time and they would never have any type of hazardous materials.

Questions from the Board included how long the trailer storage would be needed, what type of jobs are sent to the location and if there was a loading dock at the location.

Motion by York, seconded by Henley and unanimously carried, to grant a variance to Mr. Bourque on behalf of Services to Enhance Potential, for the use of a temporary storage trailer for a one year period of time at the discretion of the owner and for site approval to be given by the Fire and Building Departments.

APPEAL GRANTED

ITEM IV #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.

Community Development Director Peter McInerney presented a review of the Regulated Use provisions. Mr. Sherk inquired as to who licenses this type of business and was informed that it is the Health Department.

Paul Evans informed the Board that he has rented the building, paid the fee for the meeting and has obtained some of the required signatures but not the 51% required for approval. He asked for a decision on the matter be made at this evening's meeting.

Community Development Director McInerney stated that the Board would need to have a report before a decision is made.

Building Official Patrick Ostrosky stated that Mr. Evans needs to know if any additional information would be needed.

Mr. York questioned if the applicant needed accountability for the number of parking spaces.

Building Official Ostrosky informed him that the building is existing and does not have the space to add parking spaces.

Mr. Henley stated he was under the impression that when the previous regulated use was approved, the City Council was considering changing the ordinance language. He also asked about a business plan, such as how many tattoo artists would be employed and the hours of operation.

Mr. Shenk asked if the Board could tentatively approve the request. Building Official Ostrosky stated that the Board would be unable to determine if Mr. Evans is able to meet all requirements.

Motion by York, seconded by Henley and unanimously carried, to table the request from Paul Evans to establish a regulated use at 4330 South Wayne Road, until the meeting of February 12, 2009, and for Mr. Evans to provide the Board with the signed petitions and an operating plan.

APPEAL TABLED

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

Motion by York, seconded by Nault and unanimously carried, to adjourn the meeting at 8:12 p.m.

Mary E. Carney
City Clerk