

CITY OF WAYNE  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
MAY 13, 2010

A regular meeting of the Zoning Board of Appeals was held at 7:30 p.m., Thursday, May 13, 2010 at Wayne City Hall, 3355 South Wayne Road.

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

Member Present: Stephen Becher, Dennis Hermatz, Michael Hurley, Alternate Don Quarles, Vice Chairman Bruce Foulk, Chairman Robert Boyles

Members Absent: Jay Armstrong, Margaret Harlow, Tricia Nault, Alternate Terry Shenk, Quentin York, all excused (personal business)

Also Present: Building Official Edwin Rowe, City Clerk Mary E. Carney

As only six members of the Board were present, Chairman Boyles explained to the applicants that six positive votes were needed for approval of their respective appeals and that if denied, they would have to wait one year before their appeal could be heard again. All applicants chose to continue.

ITEM I

Motion by Becher, seconded by Quarles and unanimously carried, the minutes of the regular meeting of April 8, 2010, were approved as submitted.

ITEM II

The minutes of the regular meeting of the Planning Commission of April 13, 2010, were received and filed.

ITEM III #55-003-10-0016-304

Mr. Mo Makky, Avenue Sports Grill, 3632 Elizabeth Street, had applied for permission to conduct outdoor sales at the business location. The property is located in a B-4, Business Intensive District Zone. Section 1260.04(a) of the Planning and Zoning Code lists as one of the uses requiring a Special Exception Permit:

"Outdoor sales by temporary permit for a six-month period or less. When after a consecutive two-year period of operation has occurred, without any violation of the original conditions of approval, the temporary permit may be extended to an eight-month period."

Notice of Public Hearing was sent to owners of property within three hundred feet (300') of the subject premise prior to the meeting. Notice was also placed in the Wayne Eagle Newspaper. There were no comments expressed by mail. There were no comments expressed at the meeting. This item had been tabled from the April meeting.

Discussion was held regarding the new "No-Smoking" law that was recently enacted.

Motion by Becher, seconded by Hurley and unanimously carried, to grant a Special Exception Permit to conduct outdoor sales to Mr. Makky for the Avenue Sports Grill, 3632 Elizabeth Street, for a 6-month period of time due to new ownership.

#### APPEAL GRANTED

Chairman Boyles relinquished the chair to Vice Chairman Foulk.

#### ITEM IV #55-005-01-0601-000

Scott and Ronda Shantz, 36981 Greenbush Road had applied for permission to locate the entry door of the home on the side of the home instead of the front. The property is located in a R-1B, Residential District Zone. Section 1288.03(h) of the Planning and Zoning Code states that if the entry door is not located on the front of the property, the side entry door opening must maintain the same setback from the property line as would a front entry door. The required setback is 25 feet. The plans submitted to the Building Department indicated a setback of 14 feet, thereby requiring a variance of 11 feet.

Notice of Public Hearing was sent to owners of property within three hundred feet (300') of the subject premise prior to the meeting. Notice was also placed in the Wayne Eagle Newspaper. There were no comments expressed by mail. There were no comments expressed at the meeting.

Vice Chairman Foulk asked if the side porch would meet all requirements. Building Official Rowe stated that it was not a problem.

Motion by Boyles, seconded by Hurley and unanimously carried, to grant a variance of 11 feet to Scott and Ronda Shantz, 36981 Greenbush Road, for a side entry door instead of a front entry door.

#### APPEAL GRANTED

#### ITEM V #55-021-01-0414-000

Dennis Wangler, 3852 Mildred Street, had applied for permission to construct a garage. The property is located in an R-1C, Single-Family Residential District Zone. Section 1288.02(g)(3) of the Planning and Zoning Code requires a setback of 5 feet from the property lines for accessory structures.

The plans submitted to the Building Department indicated a garage with a 3 feet setback from the property line, thereby requiring a 2 feet variance.

Notice of Public Hearing was sent to owners of property within three hundred feet (300') of the subject premise prior to the meeting. Notice was also placed in the Wayne Eagle Newspaper. There were no comments expressed by mail. There were no comments expressed at the meeting.

Vice Chairman Foulk stated that the requested setback is typical for the area and the city in general.

Motion by Quarles, seconded by Hurley and unanimously carried, it was resolved to approve a 2 feet setback for an accessory structure for Dennis Wangler, 3852 Mildred Street.

#### APPEAL GRANTED

Upon the request of Chairman Boyles for comments from members of the Zoning Board on matters not covered by the agenda, Don Quarles asked that everyone keep Councilman Henley's father in our thoughts and prayers as he had a medical emergency the previous day.

Motion by Quarles, seconded by Foulk and unanimously carried, to adjourn the meeting at 7:45 p.m.

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Mary E. Carney  
City Clerk