

Board of Zoning Appeals

Minutes

June 10, 2014

Members present: John Golzy (Chairperson), Lisa Carson, Joan Kraynanski, Edward Baum (alternate), Ellen Soltow (alternate).

City officials present: John Paszke (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:02pm in Council Chambers, third floor of City Hall. The Chairperson introduced the Board, noting that with the absence of two Board members, the two alternates would be full members for this meeting. A video about the policies and procedures of the Board of Zoning Appeals was to be shown, but at this point there were technical difficulties with audio from 7:04pm to 7:38pm. The Chairperson read aloud the policies and procedures of the Board, and then swore in, under oath, those intending to give testimony.

Case #14-07V	97 Columbus Road	Zone B-3	Devil's Kettle Brewing, Appellant
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Appellant is requesting a variance from ACC 23.04.07(A)(8) to allow a brewery less than one hundred feet (100') from an R-1 zone, where a minimum distance of one hundred feet (100') is the requirement.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator said that he has interpreted a brewery as fitting under the definition of "bottling works," as listed in City Code, and has done so twice before this year. He also said that he estimates the building to be used as the brewery to be approximately 67 feet to 70 feet from the R-1 zone line. The Zoning Administrator indicated that the appellant is also the owner of the R-1 lots east of and abutting this property.

The Chairperson called on the appellant to testify.

Cameron Fuller noted that the distance-to-R-zones regulation in City Code is meant to create a buffer between residential and business areas. Mr. Fuller also noted that the distance to the rest of the R zone beyond his lots is greater than 100 feet. He said the use he proposes is allowed in a B-3 zone, and would be a great addition to the Columbus Road corridor. Mr. Fuller said that there would be odors from his site, but that ACENet across the street (94 Columbus Rd.) produces stronger odors.

Ms. Kraynanski asked if the appellant had bought all of the lots that made up the previous business there. Mr. Fuller said that he had done so.

Ms. Soltow asked about the odors. Mr. Fuller said that ACENet houses a bakery, and the Frog Ranch company, and that they produce odors. Mr. Fuller also said that he would be

brewing once or twice a week, that the odor would be similar to bread making, and that he would be using a 20-barrel system to start out.

The Chairperson asked if the appellant intended to have the public purchase product there, or have tours. Mr. Fuller said that he may pursue that down the road, but not now.

Ms. Soltow asked about employees on site. Mr. Fuller said there would be three to five employees there.

The Chairperson called on anyone wanting to speak in favor of the variance. The secretary read aloud two letters received from neighbors indicating their support for the variance and business. One letter, from Raymond J. Abraham of 10 Terrace Drive, expressed concern for bright lights on the appellant's site shining towards his property. Mr. Fuller said that he would gladly take down any lights that are a problem.

The Chairperson called on anyone wanting to speak in general, or to speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

On a motion by Ms. Carson, seconded by Ms. Kraynanski, the Board considered, in Case #14-07V, 97 Columbus Road, to grant a variance from ACC 23.04.07(A)(8) to allow a brewery less than one hundred feet (100') from an R-1 zone, where a minimum distance of one hundred feet (100') is the requirement.

FINDINGS:

- 1.) **HARDSHIP AND DIFFICULTY:** Yes, interpreting the Code would cause undue difficulty for the appellant.
- 2.) **EXCEPTIONAL CIRCUMSTANCES:** This business lot is close to the R-1 zone; the map excludes lots immediately behind this lot, and they are not buildable.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** There are other businesses along this route, and this business would fit in.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Two neighbors indicated support.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Baum – yes, Carson – yes, Kraynanski – yes, Soltow – yes, Golzy – yes. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--*Disposition of minutes from May 13, 2014 meeting.* On a motion by Mr. Baum, seconded by Ms. Kraynanski, the Board voted 5-0 to accept the minutes as presented.

The meeting was adjourned a 7:56pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary