

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
December 11, 2023 Regular Meeting – 5:30p.m.

Chairman Frank Kath called the regular meeting to order at 5:30 p.m. on Monday, December 11, 2023, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jim Shaffer, JoAnne Boston, and Scott Slocum. Members absent: Lisa Brady.

Also in attendance: Erik Engle, Planning Director, Jeff Fantozzi, Zoning Inspector, and Christine Gibboney, Administrative Assistant.

Mr. Kath explained the meeting format and protocol and swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda.

**Approval of Minutes (8-14-23 & 9-11-23)**

**Motion by Ms. Boston to approve the minutes of 8-14-23 and 9-11-23 as submitted. Motion seconded by Mr. Shaffer. All in favor, motion passes and minutes approved.**

**Verification of Noticing**

Mr. Kath asked if notices had mailed to properties within 100' for each case on the agenda. Mr. Engle confirmed that notices had been issued.

**New Business**

**209 Toledo Ave R-1                      PPN45-00319.000      Area Variance- Front yard Setback for Detached Accessory Structure**

***Project Description***

*The applicant is proposing to construct an accessory structure to be used as a pool/beach house. The parcel being surrounded by three (3) roadways (Toledo, Cleveland Road West, Cleveland Ave) creates front yard setbacks on three sides and the positioning of the home on the parcel creates unique issues as well. As proposed, the owner would like to demolish the existing shed on the northeast portion of the parcel and build a detached accessory structure in the location. The proposed placement of the structure would require a "front yard" setback of 12' from Cleveland Avenue.*

***Mr. Kath called the public hearing to order at 5:31p.m.***

Mr. Engle reviewed the application, zoning district, property size, and referred to the staff report noting the applicant is proposing a detached accessory structure to be used as a pool/beach house. He referenced the property is surrounded by three (3) streets, essentially making the parcel unique in that it has three (3) front yards relative to setbacks. He referenced the existing shed on the parcel which will be removed and the accessory structure placed in this location. Mr. Engle noted that as proposed, the structure will require a 12' front yard setback variance on Cleveland Ave, noting all other setbacks are compliant with the code. Mr. Engle also noted that the accessory structure will not be allowed to have a kitchen included in the design plans as this would create two residential structures on the parcel and would not be allowed. He noted this has been discussed with the applicant and the owner.

**Applicant/Owner Statements: Dan Frederick, Architect and Scott Richter, Owner was present.**

Mr. Frederick referenced the uniqueness of the parcel and noted the proposed renovations being part of the owner's long-term plans for this single-family property. He reiterated that the structure will be in the same location as the existing shed and confirmed that the structure is not intended to be an occupied dwelling, he add that it will be used for the storage of beach items and will have a living space and kitchenette but no bedrooms. He referenced the three (3) streets that abut the property which result in 3 front yard setbacks for these areas and explained the location of the structure is almost at the very end of Cleveland Avenue. Mr. Kath asked if any statements were received from neighbors. Mr. Engle replied that no statements had been received. Mr. Engle noted that the required front yard setback in an R-1 is 30', the structure would be at 18' just as the shed is now, therefore a 12' setback variance is needed. Mr. Shaffer referenced the construction plans pointing out the plans show a kitchen area. Mr. Engle noted the plans are reviewed at the time the zoning and building permit applications are submitted and will be vetted at that point, the building code allows kitchenettes, but again, this would be verified during review of the applications. Mr. Shaffer asked if a full kitchen were to be added at some point, would the structure be considered a separate residence? Mr. Engle replied it would, and would not be allowed.

**Audience Comments: None**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:38p.m.**

**Motion by Ms. Boston to approve the request for a 12' front yard setback variance from Cleveland Ave for a detached accessory structure at 209 Toledo Ave as submitted, citing the testimony presented in this hearing has shown that the granting of this variance is not significant, will not adversely affect the public health, safety, or welfare; will not alter the essential character of the neighborhood. Motion seconded by Mr. Slocum.**

**Yeas: Shaffer, Boston, Kath, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the variance request approved as submitted.**

---

**2455 Sawmill Parkway I-1 PPN 42-02043.002 Area Variance- Sign Code- to allow for off premises business to advertise on existing ground sign.**

***Project Description***

*Applicant is asking consideration for variances relative to Chapter 1129-Sign Regulations, to allow for external/off premises businesses to advertise on their existing digital ground sign along Route 2. As proposed, external/off-premises advertising signage is prohibited pursuant to Section 1129.10, 1129.06.*

***Mr. Kath called the public hearing to order at 5:39p.m.***

Mr. Engle advised the property, known as Stride Mobility is located within an I-1 Light Industrial Zoning District, existing land use is commercial/retail, parcel is approximately 3.19 acres, located within Sawmill Parkway and the Route 2 Corridor. He referenced the Route 2 overlay code that must be considered regarding this signage. Mr. Engle reviewed the application, noting the applicant is asking consideration for variances related to Chapter 1129- Sign Code, to allow for external/off-premises businesses to advertise on their existing digital ground sign along Route 2. Mr. Engle advised this would be considered an area variance and the seven-way test would be applicable.

Mr. Engle recapped that in 2021 the applicant received a few variances for this sign which were approved, and the sign has since been constructed and in use. He explained that at this time, the applicant is seeking to use the sign for external/off-premises businesses interested in advertising. He referenced the letters of support that were submitted from various surrounding businesses for this variance request which were included in the packet. Mr. Engle read from the staff report, noting the code is very strict in prohibiting this request from a health, safety, and welfare prospective, referencing the intent of the overlay code on that stretch of corridor. He continued reading from the report: If granted, the request would effectively deny the city's ability to apply, regulate, and enforce the signage code because, in addition to the prohibition of off-premises signage and billboards pursuant to Sections 1129.10 and 1129.06, both the Planning Commission and Planning & Zoning staff are required to follow the process required by Section 1129.11 which is the process of applicants submitting applications for proposed signage to Planning & Zoning to be reviewed for code compliance, and if found the proposed sign is not compliant, the applicant is advised to either revise the plan or provided information on the option of application to the BZA for consideration of a variance. If the application is compliant, the application is taken before the Planning Commission/DRB for design approval and upon design approval, the Planning & Zoning Department issues the corresponding Sign Permit. The city would no longer have oversight of design review, zoning compliance, or zoning permit issuance of advertising allowed on this private sign. He noted these are some considerations, and if the variances are granted, the city would need to look at editing sections of the code. He noted while the BZA does not necessarily set precedent, the decisions do influence how the city goes about shaping the code. Mr. Kath commented that this discussion has been held before, and it is not the BZA's responsibility to modify the code. Mr. Engle noted that is correct; stating that a review of the code would be something staff would do with the Planning Commission. He added that staff would entertain further discussion with the Planning Commission and City Council should the BZA feel that there is a true hardship relative to the off-premises advertising request.

**Applicant/Owner Statements: Mark Schnieders, Stride Mobility**

Mr. Schneiders expressed appreciation for the variances granted back in 2021, noting that he hopes he has honored the agreement and been respectful to the types of content on the sign, not only for his two business (Stride Mobility and Safe Harbor) on the parcel, but also in his commitment to give back to the community referencing various advertisements for Huron Chamber events, and a partnership with Huron City Schools to recognize students and art events.

He explained they are not seeking to change the size, scope, or location of the sign, they are just seeking to broaden the content on the sign to allow for other businesses to advertise on it. He referenced the great location of the sign and the continual requests from business who have inquired about advertising, adding that a few non-profits have also inquired and he has had to say no to all of these.

Mr. Kath asked Mr. Schnieders if these were local businesses. Mr. Schnieders confirmed the businesses reaching out have been local business; adding that many of the businesses do not have access to the highway or the ability to advertise in their locations. Mr. Schnieders express his interest in having an opportunity to serve the community in a different way with the request. He referenced the previous variance conditions relative to the time limit on the sign now which is limited to 30-second snapshots instead of every 8 seconds as traditional digital signs are. He referenced he understands this request can be a pandoras box and is a significant request, adding that he would allow only local businesses to advertise and would be selective with advertising and not allow ads for tobacco, alcohol, marijuana, etc. Mr. Kath asked Mr. Engle if the city could request a list of the business to verify, they are not anything other than local businesses? Mr. Kath commented does not understand the staff report statement that if the variance is granted (appearing under Section 1129.11 on the staff report) *the city would no longer have oversight of design review, zoning compliance, zoning permit issuance of advertising on this private sign.* Mr. Engle replied that it opens it up to subjectivity in a way and generally the city would want to steer away from. Mr. Kath stated he thinks the sign code needs to be looked in to. Mr. Engle noted this is already underway, and provided explanation on the various items in the current code that are being discussed, including the need to remove content-based identification of signs, adding the entire code is being reviewed. Mr. Engle advised that discussion about this request would be relative to the Route 2 overlay district and to the question about billboards and off premises signage altogether. Mr. Engle noted that there would be no way to regulate what goes on the sign if the variance is granted. Mr. Engle referenced he could advise the Planning Commission of this discussion during ongoing amendment reviews.

Ms. Boston stated she does not believe the BZA is in the position to be the regulator of who is on the sign nor does she believe it is the BZA the board to be the ones to change the code. She said that it is the city and the Planning Commission's responsibility to put before the BZA a sign code that the board can work with. Ms. Boston noted that she does not have a problem personally with what is being proposed, and acknowledged the support letters that were provided, but at the same time does not feel it the responsibility of this board to decide. She stated she believed it contrary to public interest, because according to the testimony, it effectively denies the city ability to regulate the code. Ms. Boston reiterated that the Planning Commission and City Officials, not the BZA, are responsible to make changes the code. Mr. Kath referenced the previous variances granted for the sign, noting these were relative to size, setbacks, height, things that were all concrete variance requests to consider. He noted he agrees with Ms. Boston that this may not be the right time to consider this request. Mr. Engle responded stating that the BZA board needs to consider the intent of the code as it reads right now, the health, safety, and welfare, adding that clearly there was a reason this was put in the code. He advised he was not making a

recommendation one way or another, however, as the code is written right now, it is up to the BZA to consider these variances.

Mr. Schnieders commented on the discussion about oversight, referencing the signage currently and pointing out that he is not submitting any artwork for approval, so there is a lot of flexibility and guesses that it is up to him to donate to the city or not. He summarized the request, noting that this is his sign, in his front yard, advertising his businesses, and other businesses would like to pay to advertise their businesses on this sign. He added he is not sure how much control the city is looking to have, number or type of businesses to be allowed on the sign? Ms. Boston stated personally, she does not believe he should have any control, but believes this is the wrong board and the wrong time and if she is forced to vote, rather than having the opportunity to table the case, she would have to be no vote. She stated this is unfortunate because she supports the concept but she feels the request is bigger than this board should consider. Mr. Schneiders replied he respected that, and asked for direction on where they would need to go next. Mr. Kath commented about the maximum time a case can be tabled. Mr. Engle responded asking Mr. Kath if he was referencing to when the signage update may be completed? Mr. Engle noted he continues to work with the Planning Commission on the signage code, but it could be 3-6 months or more to get to the final code amendments, adding that even then, the Planning Commission and City Council may not wish to change anything to allow for billboards or off premises advertising, stating that then we would be back in the same position.

**Audience Comments: N/A**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:54p.m.**

**Motion by Ms. Boston to deny the request for variances to Sections 1129.10, 1129.06 and 1129.11 to allow for external/off-premises advertising on a digital ground sign owned and operated by Stride Mobility located at 2455 Sawmill Parkway as submitted, citing testimony had not been presented in the public hearing that the requested variance meets the criteria; specifically will be contrary to the public interest, in that, by granting the variance would effectively deny the city the ability to apply, regulate and enforce the signage code. Motion seconded by Mr. Slocum. Roll call on the motion:**

**Yeas: Shaffer, Boston, Kath, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and variance request denied.**

The applicant inquired about next steps. Mr. Engle noted that the applicant has the right to appeal and that staff would get that information to him. Mr. Engle added that he would discuss the topic with the Planning Commission.

---

**909 University Drive I-1 PPN42-01972.007 Use & Area Variance- to allow a school within the I-1 Zoning District and to grant an area variance to the distance requirement between a school and marijuana dispensary.**

***Project Description***

*The parcel, located in Huron Corporate Park, was formerly the educational/commercial business known as N2Y. The property was recently purchased by Tiburon 909 University Park B Corp. Holdings, LLC (James W. Murray). Mr. Murray met with staff to discuss his proposed use for the parcel as a local non-profit education organization, Firelands Montessori Academy (FMA).*

*Proposing a school in this location was found non-compliant relative to allowable uses within an I-1 Light Industrial Zoning District. In addition, having a school in this location would be non-compliant with Section 1126.16 of the city ordinances relative to the distance requirement (1000 feet) mandated between parcels with schools and marijuana dispensaries*

***Mr. Kath called the public hearing to order at 5:56p.m.***

Mr. Engle referenced the staff report reading from same: Current Zoning District: I-1 Light Industrial, Existing Land Use: Commercial/Office (Formerly N2Y), Proposed Land Use: Institutional/School (Montessori School), Property Size: 2.0 acres. He reviewed the variances being requested: 1. Use variance to allow for a school in an I-1 Light Industrial Zone, and 2. Area variance to allow for a school to locate within 1000 of a marijuana dispensary.

The parcel, located in Huron Corporate Park, was formerly the educational/commercial business known as N2Y. The property was recently purchased by Tiburon 909 University Park B Corp. Holdings, LLC (James W. Murray). Mr. Murray met with staff to discuss his proposed use for the parcel as a local non-profit education organization, Firelands Montessori Academy (FMA).

Proposing a school in this location was found non-compliant relative to allowable uses within an I-1 Light Industrial Zoning District. In addition, having a school in this location would be non-compliant with Section 1126.16 of the city ordinances relative to the distance requirement (1000 feet) mandated between parcels with schools and marijuana dispensaries.

Mr. Engle referenced the board would be applying criteria for both a Use Variance (seven-way test and unnecessary hardship test, and the seven-way test for the Area Variance.

Mr. Engle referenced the applicable code sections:

1125.04 I-1 LIGHT INDUSTRIAL DISTRICT. (e) Prohibited Uses. Schools listed as a specific prohibited use.

1126.16 MEDICAL MARIJUANA RETAIL DISPENSARIES. (c) Location. Code specifies: no medical marijuana retail dispensary may be within 1000 ft. from any parcel on which sits a school, church, public library, public playground, or public park.

The prohibited uses for an I-1 Zoning District are clear. The impetus for most zoning regulations and subsequent case law revolve around sequestering industrial type uses with other less intense neighborhood type uses, given the potential for noxious odors, excessive noise, and land value factors. He noted the entire area is zoned I-1, so in looking out for the best interest of a school being there, there is the potential for allowable uses to be located adjacent such as manufacturing. He noted that if the variances were to be approved, this may then the code being updated. It is

unclear what the ultimate intent is for University Drive was; there is no future land use map to refer to, but this stretch of properties is more commercial-business oriented currently than industrial, leaning more into the office park typology based on existing uses. Since all parcels adjacent to University Drive are zoned I-1, any future uses could intensify and potentially become a nuisance to the school if located on this stretch. If approved, a more detailed look at the zoning will need to take place in consideration of a more appropriate zoning classification for the entire stretch.

Even though the regulations set in 1126.16 only speak to medical marijuana retail dispensaries, staff finds the intent of the code to be a hard buffer line between any of the incongruent uses listed in 1126.16 regardless of any of the said other uses wanting to locate near a dispensary, especially given the incompatible nature of the current zoning and proposed institutional use. Further, staff finds this would throw the dispensary (and any future dispensary expansions) out of compliance with the city's code if approved and would warrant revisions to these regulations accordingly.

Mr. Engle referenced ORC 3796.13 (Activities prohibited near schools, churches, libraries, playgrounds, or parks), a dispensary cannot locate within 500 feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. Because this is a unique case where a school wants to locate within the 500 feet buffer, the rules do not apply since it only speaks to new dispensaries and where they can locate according to the Department of Commerce. Since the dispensary is already in operation, nothing can or will be done to hinder state-regulated operations of the facility or curtail any future expansion of the facility, which is currently in the works.

At staff's request, the city's legal representatives reached out to the Department of Commerce, reporting that they are taking a hands-off approach; adding that they are more concerned for the school locating within the 500' radius, they believe the existing dispensary should not be threatened. It was noted that, under the new recreational marijuana law, the existing dispensary likely has an absolute right to also operate a recreational dispensary on the same or contiguous properties, pursuant to any type of code modifications that the city may need to make for that. From the City's perspective, land use and zoning are appropriate for the proposed use, the DOC believes there is no further action.

Mr. Engle referenced at the time the staff report was written, the city had received several letters of support from the following: Firelands Montessori Academy Director, a BGSU representative, Superintendent for Huron City Schools, Dave & Jacquie Clark Co-Founders of N2Y, and John Horvath of Horvath Roofing Inc.

It is unclear whether the parents of the school have been actively involved in the relocation decision-making process or if there is a majority in support for the relocation of the school into an industrial/business near a marijuana dispensary. It should be noted that other offices type uses were discussed with the applicant including incubator space for burgeoning non-profit organizations.

Mr. Engle noted the two variances that would be required as proposed:

1. Use Variance to allow for a school in an I-1 Light Industrial Zone, and

2. 800' Area Variance to allow for a school to locate within 1000' of a marijuana dispensary (200' from dispensary to parcel)

Mr. Kath referenced the details of the case – a school requesting to locate near a dispensary vs a dispensary seeking to locate near a school, noting he is not sure how this affects this. He referenced the staff report relative to the parents and asked if this was brought up, questioning if there any parents against this?

**Applicant/Owner Statements:**

Johnathan Merckens, 2003 Huron Avery Road, Board President of Firelands Montessori Academy (FMA). Mr. Merckens replied to Mr. Kath's question, noting their plan was to seek variance approval as the first step, and then talk to their stakeholders. He noted the board met/toured the location in October and the plan, if the variance is approved, is to bring staff and parents to the facility and they will ultimately decide.

Ms. Boston asked if there is a difference between public vs private schools? Mr. Engle replied, there is no difference per the State.

Mr. Merckens commented that as far as the concerns of what businesses can locate in the I-1 District, should an issue arise, the school could relocate as they would just be a tenant. He noted the true closest neighbors are Horvath Roofing and Vacationland Credit Union, the Dispensary is across the street. He noted the hardship for the school is that they need a home. He added that FMA is not in Huron City Schools future, they currently rent from the schools but the schools do not wish to continue to be landlord. He added the building is old, they have outgrown the facility, and have a waiting list 18 month- 5yr olds. He referenced having housing issues now and if they were to be able move into a new facility they could expand. He noted that if they make ends meet each year it is a plus, they are not flush with cash, and they have looked at other facilities and considered moving out of Huron, adding that students are from Sandusky, Norwalk, Vermilion, and Amherst and so the Huron location is ideal. He referenced the advantage of the Corporate Park location being close to BGSU Firelands. Mr. Kath asked what the max number of students would be at the Corporate Park location. Mr. Merckens replied the max would be 150, noting that they have 120 now. Mr. Kath referenced the traffic issues at Woodlands Elementary and asked about traffic in Corporate Park. Mr. Merckens referenced the large parking lot and noted he does not believe traffic flow would be an issue.

**Audience Comments:**

Peter & Roseann Larrow, 2950 Ridge Road, Norwalk Ohio. Mr. Larrow noted they were the Founders of Firelands Montessori School. They provided the history of the school, noting the school was founded in 1979 in Norwalk. They referenced the interest and growth of the school over the years, the ultimate move to Huron, and long association with Huron City Schools. They noted Huron is one of the smaller communities that offers a Montessori School, noting the unique form of education that Montessori provides and the interest and attendance at the school. They referenced their support of the proposed location in Corporate Park.



Kaydie Hayden 6005 Pontiac (inaudible) She noted she is the current head of the school, has been there 8 years working with the Huron City Schools. She referenced that they have been seeking opportunities for expansion and growth with no success and with this scenario, they wanted to proceed cautiously and get the answers before talking to stakeholders about this opportunity.

Jim Murray, Property Owner. Mr. Murray referenced being one of the first students at FMA. He explained that FMA did try to purchase the Shawnee building, but were unsuccessful in their bid. He noted that this request is different, in that, they are a school asking to be allowed within Corporate Park. He referenced the former use, N2Y, the owners Dave & Jacquie Clark who are very supportive of this request, and the legacy of that educational business. He noted that the legacy will continue in a nonprofit educational sense by allowing FMA to locate there. He acknowledged that Corporate Park is zoned I-1, but stated it is more of a commercial space and noted the support of the surrounding business in the park, referencing the letters of support submitted and adding that they spoke to all business in the area. He noted that since FMA takes young children from 18 months, it will provide childcare assistance for all the surrounding businesses. He spoke to the uniqueness of the building itself, the large parking lot, the interior layout, and size of the building itself, noting that these were all assets for FMA. Mr. Murray stated he cannot see any issues regarding health, safety, and welfare and the matter would be broached with the parents. He also noted the State of Ohio did not see issues regarding the requirements, and does not believe their request will alter the essential character of the neighborhood. Mr. Kath asked if any additions are planned? Mr. Murray replied no. Mr. Murray commented on the many positives of the proposed request to the community and stating that FMA would be a good neighbor in this location. He thanked the board for the consideration of the request.

Jim Shaffer inquired about the zoning and what businesses are allowed in Corporate Park/I-1 Zoning. Mr. Engle reiterated that if granted, the Use Variance will stay with the property. He noted that I-1 zoning builds off the B Districts, so any uses allowed within B Districts, plus the I-1 uses; essentially any commercial uses, manufacturing, and conditional uses for specific types of processing, there is a lengthy list of what uses could locate in the park. Ms. Boston questioned Mr. Engle, asking if she understood correctly, that if the board were to grant these variances, he would need to review the Corporate Park in terms of the zoning. She added that it looks like there has been no planning by the city for this area, referencing her experience with other Industrial Parks, pointing out that it looks to be industrial uses in the rear portion of the park and professional uses in the front, and now a proposed school. She noted she can appreciate the concern of what types of businesses can move into the park based on the current code. Mr. Engle stated yes, he would want to review. She commented it would be a comfort to know that this would be considered. Ms. Boston noted it is very difficult to get property zoned Industrial and to alter or give that up affects jobs and tax dollars. Mr. Kath noted even if the BZA granted this, he did not believe that would hinder an Industrial customer coming in. Mr. Slocum referenced the clarity of the code, the current purpose of the Industrial Park, and the current zoning. Mr. Kath referenced 1125.04 and all the prohibited uses that are specified in this section.

Mr. Murray commented that the building is already there, it can be an office use, but notes the difference between the type of businesses located in the front vs the back of the park. He referenced the doctor's office/podiatry office in the park, questioning whether this is considered a clinic, as clinics are prohibited. He referenced the support of the surrounding businesses, it is a compatible use, FMA would be tenant and could relocate if there were issues with a business that may move in in the future. He noted the great opportunity for a fit for this school, a great community need, many positives, and a good match. Mr. Kath agreed, but noted it is the fact that it

is a school, and prohibited use by the code. Mr. Engle noted that Use Variances, if approved, would be tied to the land into perpetuity and something to consider.

Johnathan Merckens, noted that if they do not find a location, he is not sure where Montessori will be in the future. He stated that Huron City Schools have made it clear to them, and noted they appreciate their help over the years. He noted that they looked for other locations, nothing found that would be suitable. He reiterated that they will only be a tenant in this location and could move if there are issues in the future. He referenced their financial situation, noting that they cannot build a facility and expressed that this is their hardship.

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 6:31p.m.**

**Motion by Mr. Slocum to deny the request for a Use Variance to allow 909 University Drive, located within an I-1 District, to be used as a school and an Area Variance of 800' to allow a reduction to the 1000' requirement as submitted, as sufficient testimony has not been presented in this public hearing that the requested variance meets the criteria set forth in the seven-way test; in particular is contrary to public interest, in that, it is not the way the zoning has been established, it is not zoned to accommodate a school, and the BZA is not in a position to change the zoning. Mr. Kath commented that there are two variances in the motion. Mr. Slocum added that the request will alter the essential character of the neighborhood. Motion seconded by Mr. Shaffer.**

**Yeas: Shaffer, Boston, Slocum (3)**

**Nays: Kath (1)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and Use and Area variances denied as submitted.**

Ms. Boston asked if there has been any discussion about the ongoing amendments to the code for any changes relative to this area. Mr. Engle replied that the city needs a comprehensive Land Use Plan in place and noted he is working with Administration now on this with anticipation of an RFQ going out in 2024-2025. Mr. Engle referenced continued code reviews and provided update on the amendments currently at the City Council level: allowing for Chickens and Bees and creating a permit process, updates to the Zoning Administration Code proposing a 1-year expiration of any Finding of Fact on decisions from the BZA, signage code, and downtown zoning code.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Shaffer. All in favor, meeting adjourned at 6:38 p.m.

  
\_\_\_\_\_  
Jim Shaffer  
Board of Building and Zoning Appeals Secretary

ADOPTED: FEB. 12, 2024  
JS/cmg