

**ZONING BOARD OF APPEALS
MEETING MINUTES
April 23, 2014
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:06 p.m.

II. ROLL CALL

Present: J. Bailey, R. Johnson, E. Seymour, N. Sandberg

Absent: T. Roach, G. Udoji

Staff: T. Gillotti, Community Development Director
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – November 21, 2013

Commissioner Johnson moved to approve the minutes of November 21, 2013 as read (Support: E. Seymour) and the motion carried unanimously.

VI. PURPOSE OF MEETING

Commissioner Bailey stated that the purpose of the meeting is to appeal an administrative decision.

VII. OLD BUSINESS

None

VIII. NEW BUSINESS

1. Kingdom Grace Ministries, 624 S. Mansfield, Suite C

Ms. Gillotti, Community Development Director, stated this is an administrative appeal to a staff decision that was made on 15 January, 2014 that finds “churches, synagogues, and other religious buildings, facilities and services” are not an allowable use in the M1, Light Manufacturing Zoning District, under the provisions of Sec 122-233, with reference to Sec 122-422 and Sec 122-453 when it came to the attention of city staff that a church was located in the district. She stated that the process is based on a staff decision which can be appealed. It was related to a use in the M1 in the West Commerce Park. There is a provision that if a use is permitted in one district and not in

another, then it is considered to be prohibitive. In this case, churches or religious facilities are not allowed in industrial districts. The M1 light manufacturing district is designed to provide locations for wholesale activities, warehouses, and industrial operations, which produce minimal external impacts that are detrimental in any way to other uses in the district or to properties in adjoining districts. Permitted uses in the M1 light manufacturing district should be compatible with surrounding residential or commercial use, hence the reason for the decision.

It is staff's recommendation to uphold the original decision for the church use to not be allowed within that district. There was an allowable office related use that was supposed to be connected to manufacturing but part of that administrative decision was that the use of a church is not the same as the office use that was previously approved.

Some board members had questions on permitted uses, which Ms. Gillotti responded to in detail.

Commissioner Johnson moved to open the public portion of the hearing (Support: N. Sandberg) and the motion carried unanimously.

Brian Koepp, A. F. Smith Electric, 624 S. Mansfield – is the representative of the property, who was accompanied by the tenant. They were not appearing to argue the merits of the Zoning Ordinance or in defense of staff's decision; they would like a temporary variance to allow his tenant to finish out their two year lease, of which, there is only one year left. This would give his company time to re-market the space and also allow the tenant to find another location. While he does understand the need for zoning, in their case, every business in the industrial park is Monday thru Friday, 7:00 a.m. to 5:00 p.m. The church's time of operation is Wednesday evenings and Sunday. The previous tenant that occupied that space was a church.

Nikki Vick – explained they are a very small start-up church with the intent of moving on. They would just like to finish out their lease.

Commissioner Seymour moved to close the public portion of the hearing (Support: R. Johnson) and the motion carried unanimously.

After further discussion by board members, Commissioner Johnson moved that the Zoning Board of Appeals affirm the administrative decision, with the following findings:

- 1) Per the provisions of Sec 122-233, Sec 122-452 and Sec-453, "churches, synagogues, and other religious buildings, facilities and services" are not allowable uses in the M1, Light Manufacturing zoning district.
- 2) The City Planner acted within the scope of the authority provided under Sec 122-32 when issuing a notice of violation.

The motion was supported by Commissioner Sandberg and carried unanimously.

2. Nomination of Officers

Due to a vacancy of Vice Chair with the resignation of Mike Shecket, it was agreed that we should fill this position. Commissioner Johnson moved to nominate Commissioner Udoji (support: E. Seymour) and the motion carried unanimously.

3. Future Business

Ms. Gillotti stated that there will be a meeting in May – one for a dimensional use at 50 Ecorse and Use variance on N. Hamilton.

IX. ADJOURNMENT

Since there was no further business, Commissioner Sandberg moved to adjourn the meeting (Support: R. Johnson) and the motion carried unanimously. The meeting adjourned at 8:00 p.m.