



February 2008 Public Land Use Meeting

**Tuesday, February 12, 2008, 7 pm. Epworth United Methodist Church
6450 Allisonville Road**

MINUTES

Present: Lori Olivier, Bob Lehnen, Andy Seiwert, Mark Dollase, Rollin Rhea, Don Melloy, Keith Sims (arrived at 8:10 pm)

Lori Olivier, President, called the meeting to order at 7:03 pm.

7:05 pm Presentation/discussion with Mr. Michael Colter regarding Petition **2007-UV1-025: 6524 Dover Road**. Larry Rockafellow by Michael Kerschner. Variance of Use and Development Standards of the Dwelling Zoning Ordinance to legally establish a 1,526 square foot detached accessory building and accessory uses on a lot without primary use (not permitted), on a 0.689 acre lot (minimum one acre required), with a 120 foot lot width at the required front set back line (minimum 150 lot width required). No quorum--board could not take a position at the October, 2007 public meeting. The petition was approved by the Board of Zoning Appeals. Mr. Colter attended the meeting to express his disappointment in the GACC board. He was hoping for something more concrete from the GACC such as "the board realizing how unfair it is to continue a case (therefore becoming involved), then not showing up to place an educated response to the issue at hand." He understands that serving on the GACC board is voluntary and largely unappreciated, but in all fairness, if the GACC demands a say on an issue, then it should make an opinion. Mr. Colter requested a change to the GACC bylaws. He also asked why his case was not documented in the GACC newsletter. He stressed that the barn is used for commercial purposes and sets a poor precedent in a residential neighborhood. He hopes that "in 5 years we can just have the barn torn down. It will certainly be violating even more zoning statutes at that time."

He further stated, "Please remember that any variance is for a non-approved or non-conforming use (hence the term variance) and consider that any adverse effect upon any neighbor is grounds to recommend denial of that petition. Otherwise, I'd always vote to leave things as they are. Why can't we all play by the rules? If I were on the board I would adopt such a conservative approach, which is 'to do no harm!'"

7:30 pm **Petition 2008-DV3-003: 4801 East 70th Street**. T-Mobile Central, LLC, by Timothy Ochs. Variance of Development Standards to provide for a wireless communications facility affixed to a telephone pole, extending the height of the pole by 15 feet (not permitted), and with an approx. 25-square foot equipment cabinet located on the ground within the right of way of 70th Street (not permitted). **BZA hearing Tuesday, February 26th at 1 pm second floor of city-county building**. On February 12, 2008, the Board of Directors of the Greater Allisonville Community Council ("GACC") met in public session and heard a presentation by attorney Timothy Ochs and agent Stephen Carr representing petitioner, T-Mobile Central, LLC in regard to the above captioned petition. Following a discussion the Board of GACC voted to "NOT OPPOSE" this petition with the following commitment:

Petitioner will provide a landscape package of 20-- 6 foot tall coniferous trees to the Tanglewood Neighborhood Association.

Please note that there were questions regarding the effects of Electric and Magnetic Fields (EMF) on humans from a resident of the Tanglewood Neighborhood and she requested that this be entered into the record.

8:00 pm. **Petition 2008-DV3-003: 7001 Hawthorne Park Drive.** N3 Real Estate, LLC by Cameron Clark. Variance of Use of the Industrial Zoning Ordinance to legally establish stone and marble fabrication and to provide for the retail sale of boats, the assembly and repair of boats and custom boat, auto, and aircraft paint detailing (not permitted). **BZA hearing February 19 at 1pm second floor city-county building.** On February 12, 2008, the Board of Directors of the Greater Allisonville Community Council (“GACC”) met in public session and heard a presentation by attorney Cameron Clark representing petitioner, N3 Real Estate, LLC in regard to the captioned petition. Following a discussion the Board of GACC voted to “SUPPORT” this petition with the following commitments:

1. No Electronic Variable Message Sign (EVMS) at site
2. No Billboard on site
3. Downcast exterior lighting

Landscape plan as approved by Binford Redevelopment and Growth (BRAG)

8:20 pm. **Petition 2008-UV2-002: 5880 East 71st Street.** Acre Investments, LLC, by Stephen Mears. Variance of Use of Commercial Zoning Ordinance to provide for automobile sales (not permitted), and to provide for approx. 19,500 square feet of outdoor display and storage (maximum 200 feet of outdoor display and storage area permitted). **BZA hearing Tuesday, February 19 at 1 pm second floor of city-county building.** On February 12, 2008, the Board of Directors of the Greater Allisonville Community Council (“GACC”) met in public session and heard a presentation by Judy Weerts Hall, AICP, office of Stephen Mears, attorney, representing petitioner, Acre Investments, LLC in regard to the above captioned petition. Following a discussion the Board of GACC voted to “OPPOSE” this petition. Please note that the board was sympathetic to the plight of the petitioner and respects the existing long-established business however approval of this petition would set a precedent for other used car lots along Binford Boulevard.

9:00 pm Adjourn

The next Public Land Use meeting: Tuesday, March 11th at 7 pm.