



BOARD OF ZONING APPEALS MEETING MINUTES

September 20, 2022 at 6:00 PM in Council Chambers

CALL TO ORDER

Mr. Jaskiewicz called the meeting to order at 6:07pm.

ROLL CALL

Present – Tom Jaskiewicz (Chair), Diana McCoy, Nate Metzger

Absent – Jim Eudaily, Curtis Hundley

Also present – Taylor Brill (Village Planner), Justin Dreier (Zoning Inspector)

APPROVAL OF MINUTES

Mr. Jaskiewicz tabled the approval of the meeting minutes for May 17, 2022 and July 19, 2022 until a quorum of members present during the meeting were in attendance.

SWEARING OF SPEAKERS

No speakers to be sworn in.

COMMUNICATION

Ms. Brill thanked the board for their flexibility in regards to the time change for the meeting. She informed the board of her resignation and that this would be her last BZA meeting. Ms. Brill updated the board on the status of the zoning code update.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

CU-21-3: 0 US 42 (PARCEL 04-00815.098): EXTENSION OF TIME REQUEST FOR CONDITIONAL USE CERTIFICATE, MISCELLANEOUS BUSINESS SERVICES; APPLICANT: OPERATION RESTORATION (RYAN MOORE)

Mr. Jaskiewicz gave a brief summary of the extension request, stating that the applicant has formally requested for an extension of the previously approved conditional use certificate. The approved conditional use certificate is set to expire on November 23, 2022. He asked the board members if they had time to read over the included staff report and if anyone had any questions. The board responded that they had read the staff report and did not have any immediate questions.

Mr. Jaskiewicz asked Ms. Brill if the applicant had changed anything in regards to their original application and if they are seeking a specific timeframe for the extension. Ms. Brill responded that the original application remains intact in that there are no changes being proposed, only a time extension has been requested. She further stated that the applicant, in their letter, did not specify how long they would like the time extension to be.

Mr. Jaskiewicz noted that the proper proceedings, including public hearings, have already taken place and that nothing has changed with the application, and that the staff report indicates a recommendation of approval for the time extension. Additionally, he stated that the reason offered in the applicant's letter for the extension request is due to supply chain issues and material shortages.

Mr. Jaskiewicz noted that there has not been any precedent set for a time extension request such as this. He asked Ms. Brill for confirmation if that is true. Ms. Brill confirmed that to her knowledge, and from her time with the Village, she has not seen a time extension request like this and, as such, no precedent has been set. Mr. Jaskiewicz stated that the request seems reasonable given the staff report and reasons provided. He noted that he does not feel that it is necessary to grant an extension longer than a year or less than a year. He also stated that since the current conditional use certificate does not expire until November and that it is currently September, a year extension would give the applicant fourteen months from now to have the required work started or completed.

Mr. Jaskiewicz asked the other board members what their thoughts are on the matter. Ms. McCoy asked if, since there is no precedent set, granting the time request would open the doors for other similar requests. Mr. Jaskiewicz responded that he believes each request would be reviewed on its own merits and as an independent request. He does not believe that granting this request would set a firm precedent, rather a guide for potential future requests.

Mr. Metzger agreed that he believes that this board does not set precedents in its proceedings. He does agree that this would set a guide for future proceedings. He inquired if this board does have the authority to grant an extension and if so, are there any limitations to the extension of time they could authorize. Mr. Jaskiewicz asked Ms. Brill if Mr. Lafayette gave any indication to a time limit. Ms. Brill responded that she does not believe there are any limitations. She stated that the current code does not specify either way and that if the board has sufficient reasons and support in their decision-making that they would be able to set the time frame for the extension.

Ms. McCoy asked the board members if it is worth considering extending the certificate for eighteen months given the current market and understanding that a one-year extension may

not give the applicant enough time. Mr. Jaskiewicz responded that he does believe it is worth considering. He stated that he understands the reasoning for considering an eighteen-month extension however he also sees the value in having a deadline to prevent projects from progressing slowly due to inadequate reasons. Ms. McCoy said that she feels it is appropriate to consider an eighteen-month extension but not longer. Mr. Metzger also noted that it is worth keeping in the mind the time of year the extension deadline would be and that if an eighteen-month extension is granted that it would give a May deadline instead of a November deadline. The May deadline would give the applicant a longer timeframe of favorable weather to conduct construction. Mr. Jaskiewicz agreed.

Mr. Metzger asked if the zoning code update would change the impact of the board's decision or not since the property would be grandfathered in. Mr. Jaskiewicz confirmed that the property would be grandfathered in. He noted that, in the future, this request could potentially be handled administratively. He asked Ms. Brill for confirmation on this matter. She responded that he is correct in that the zoning code update makes certain processes clearer and allows for certain decisions to be made administratively. Mr. Jaskiewicz confirmed that while it can be concerning to allow for too much administrative decision-making, he believes that certain requests could be handled more efficiently administratively.

Mr. Jaskiewicz asked Ms. Brill if the board confirms the extension would it have to go through council. Ms. Brill answered that it would not.

Mr. Metzger asked what would happen if the board rejects the extension request. Mr. Jaskiewicz responded that the applicant would have to start the process over which would involve an application fee, a public hearing, and review from this board.

Mr. Metzger asked if the request is rejected, would the applicant still retain ownership of the property. Mr. Jaskiewicz confirmed that the applicant has closed on the property and would retain ownership if the request is rejected. Mr. Metzger said that comparing this proposed use to other potential uses for this property, he believes that the proposed use is reasonable and that the extension request is appropriate.

Mr. Jaskiewicz motioned for approval to grant an extension of eighteen months for the application with the previous conditions still applicable. Ms. McCoy seconded. All yeas.

DISCUSSION

None

ADJOURNMENT

The meeting was adjourned at 6:32pm.