

**CITY OF CIRCLEVILLE
PLANNING AND ZONING COMMISSION
104 EAST FRANKLIN STREET
CIRCLEVILLE, OH 43113
(740) 477-8224**

WEDNESDAY, DECEMBER 2, 2015
CITY HALL COUNCIL CHAMBERS

MEETING MINUTES

MEMBERS PRESENT

Marsha Griebel Graham
Al Sedlak
Don McIlroy
Mike Combs
John Ankrom
Valerie Goeller, Clerk

VISITORS PRESENT

See Attached List

Chairman Al Sedlak called the meeting to order at 6:05 p.m.

The first item on the agenda was a public hearing. As requested by the City of Circleville, 104 East Franklin Street, Circleville to amend Article XXXII, Additional Residential District Standards, Section 32.01 - Accessory Buildings and Structures and Section 32.03 - Private Swimming Pools, of the City of Circleville Zoning Ordinance.

Al Sedlak explained the process for amending the Zoning Code and stated this is only addressing fencing around private swimming pools. Are there any people in the audience that wish to speak in regards to this amendment? Since there was no response, the public hearing is now closed.

The regular meeting convened at 6:08 p.m. The next item on the agenda was approval of the November meeting minutes.

Don McIlroy motioned to approve, seconded by Mike Combs. All in favor, motion carried.

The next item was to review and vote on a recommendation to forward to City Council the changes to the Zoning Code.

John Ankrom stated this is only filling in a gap where the County Building Department does not address fences around residential pools and neither do we in the new code. It needs to be in one or the other code.

Marsha Griebel Graham motioned to recommend to City Council the approval to changes in Section 32.01 and 32.03 of the Zoning Code, seconded by Mike Combs. VOTE ON MOTION: AL SEDLAK, YEA; DON MCILROY, YEA;

MIKE COMBS, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA. 5 YEAS, 0 NAYS, 2 ABSENT (LEASURE AND MCCRADY). MOTION CARRIED.

The next item on the agenda was Variance #12-15, as requested by Violetta Morrison, 2757 Scioto Parkway, Columbus, Ohio 43221 for Circleville Health Partners, to erect a 8' x 12' sign at 745 Northridge Road to advertise the Wyngate Senior Living Community and to vary the maximum square footage allowed for a sign indicating the development of land from 16 square feet to 96 square feet, in an area zoned SU, Special Use District.

Violetta Morrison, Morrison Sign Company, was sworn in and stated this sign is already up. We received a temporary permit with the condition we would apply for a variance for a longer term.

Al Sedlak stated what is the duration of the permit?

Valerie Goeller stated John approved the temporary permit on October 26th.

Don McIlroy stated I assume when the facility is up and running the sign will come down.

Ms. Morrison stated that is correct. This is a marketing sign advertising it is opening fall 2016. Then we will be back for the permanent signs. I brought a photo of it if anyone would like to see it.

John Ankrom stated temporary construction signs need to be removed upon completion of construction or commencement of occupancy, whichever occurs first.

Don McIlroy motioned to approve, seconded by Marsha Griebel Graham. VOTE ON MOTION: DON MCILROY, YEA; MIKE COMBS, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA. 5 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #13-15, as requested by Robert Caplinger, 314 South Pickaway Street, to construct a 36' x 26' garage with a 12' x 36' roof overhang to serve as a covered patio area, and to vary the maximum square footage allowed for an accessory structure from 1,000 square feet to 1,368 square feet, in an area zoned DB, Downtown Business District.

Robert Caplinger, 314 South Pickaway Street, was sworn in.

Al Sedlak stated Mr. Caplinger you were here several months ago and was granted approval to build a new garage in the Downtown Business District. What has changed since then that you need to come back for additional approval?

Mr. Caplinger stated the garage is still going to be the same size 26' x 36', but instead add a 12' overhang for a porch on the back side facing north. I need approval for that. We have a nice backyard to turn that into an area we can sit outside.

Al Sedlak stated so the only change is the 12' overhang.

Mr. Caplinger replied we aren't even going 12', it's only going to be 10'. The total square footage is 1,296 which is the garage and overhang. The old garage needs to come down and I would like to put a privacy fence all

away around the back lot. It faces two alleys and could present a blind spot. I understand that, but I'm trying to figure out the best way to maximize my backyard space and not obstruct that view at the cross alleys. Our garage now obstructs that view. Once it comes down it will open it, but I don't want to give 20' of my backyard. I'm thinking of putting the fence at an angle, maybe 16' off that corner.

John Ankrom stated so you would propose putting it at a 45 degree angle on the corner. Your garage is going to be setback 18' from the alley. I was going to suggest a 90 degree angle back into the garage 18' off the alley. You have garage doors facing south the whole length of your garage. If you angle the fence down to the alley you really haven't gained you any yard space.

Mr. Caplinger stated we would gain some yard space where the old garage is. The fence would come off the garage and go south toward the side alley 10' to 15', then straight across the back and then at a 45 degree angle within 20' from the back alley.

John Ankrom stated you would pick up some space there. We just want to make sure you get some good vision at that alley.

Mr. Caplinger replied we have an old telephone pole on that corner. I would like to get that removed.

John Ankrom stated as long as a car coming down the alley has good vision is what we want to accomplish. There is no regulation for a setback for alley intersections, but we do for streets. Something in the range of 12' to 15' would be good. I spoke to one of your neighbors. He had no concerns and commented that they are great neighbors.

Mike Combs motioned to approve Variance #13-15, seconded by Marsha Griebel Graham. VOTE ON MOTION: MIKE COMBS, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; DON MCILROY, YEA. 5 YEAS, 0 NAYS. MOTION CARRIED.

The next items heard were Variance #14-15 and Conditional Use Permit #5-15, as requested by Mark Rubcich of DaNite Sign Company, 1640 Harmon Avenue, Columbus, Ohio 43223 for the Pickaway County YMCA, 440 Nicholas Drive, to erect a 8' x 7' = 56 square foot wall sign and to vary the maximum square footage allowed for signs from 40 square feet to 114.13 square feet and the number of signs allowed from 1 to 2, in an area zoned SU, Special Use District.

Mark Rubcich of DaNite Sign Company and Jeff Philips of the Pickaway County YMCA were sworn in.

Mark Rubcich stated we are proposing a brand new LED internally lit sign for the north elevation part of the YMCA to provide for visibility when coming into their driveway. They currently have a monument sign that is at ground level. This sign will be approximately 18' above grade attached to the building, a one sided, illuminated face of their logo.

John Ankrom stated since the sign is illuminated and faces a residential district do you plan to put it on a timer to go off so it doesn't burn all night?

Mr. Philips replied we can set it for when the YMCA closes.

Al Sedlak stated in Mr. Rubcich's letter that accompanied the application it says that it would be illuminated during the hours of operation. I think he has addressed that and that is good.

Don McIlroy motioned to approve both Variance #14-15 and Conditional Use Permit #5-15, seconded by Marsha Griebel Graham. VOTE ON MOTION: JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; DON MCILROY, YEA; MIKE COMBS, YEA. 5 YEAS, 0 NAYS. MOTION CARRIED.

The next item on the agenda was Variance #15-15, as requested by Jeff Bache, JB's Charge-N-Start & Marine Parts, LLC., 678 East Ohio Street, to construct a 12' x 21' shed at 363 East Walnut Street and to vary the maximum square footage allowed for accessory structures from 1,000 square feet to 1,377 square feet, in an area zoned R-5, Two Family Residential District.

Jeff Bache, 678 East Ohio Street, was sworn in. Matt Tootle, Mr. Bache's attorney was present to represent Mr. Bache. Mr. Tootle asked Mr. Bache a series of questions. The questions and answers are as follows:

Matt Tootle to Mr. Bache, please state your name and address.

Mr. Bache response Jeffrey C. Bache, 678 East Ohio Street, Circleville.

Matt Tootle - how are you affiliated with JB's Charge and Start?

Mr. Bache - CEO and owner.

Matt Tootle - you have plans for a 12' x 21' shed down there at JB's, is that correct?

Mr. Bache - yes.

Matt Tootle - was there a building there previously?

Mr. Bache - yes a lean- to.

Matt Tootle - what is a lean-to?

Mr. Bache - a roof structure supported by poles.

Matt Tootle - was it used for storage?

Mr. Bache - correct. We used to wrap it with a tarp to block it from the wind and snow.

Matt Tootle - how long was it there?

Mr. Bache - I started there in 2007 and it was there before I came.

Matt Tootle - that's not there anymore, correct?

Mr. Bache - correct.

Matt Tootle - what happened to that lean-to?

Mr. Bache - it got old and rotted. With the heavy snow the last couple winters it started leaning toward the neighboring property. I didn't want it to fall on their property so early part of this year I took it down.

Matt Tootle - because of all the snow fall you took it down?

Mr. Bache - yes.

Matt Tootle - the wood was there long enough for the wood to actually rot so that takes decades. Does this change the character of the neighborhood?

Mr. Bache - no.

Matt Tootle - does it add any negative effect to any adjacent properties?

Mr. Bache - no.

Matt Tootle - why do you say no? Are there any other sheds in the neighborhood?

Mr. Bache - yes.

Matt Tootle - does it impair any of the property values by putting that shed up?

Mr. Bache - if anything it would increase their value. I took an eyesore out.

Matt Tootle - what do you store in there?

Mr. Bache - with parts, ladder, and an engine hoist.

Matt Tootle - but you don't store chemicals or anything like that, correct?

Mr. Bache - no.

Rhonda Grubb, 361 Walnut Street, was sworn in and stated I bought my home 20 years ago. I was there when the old shed was there and the new one. The old one was in bad shape and the new shed is an improvement. Jeff has put security lights and cameras up. I'm sure you are all familiar with the Walnut Street area and the drug problems. It is so bad I had AEP come in and put up a security light for me because of being broken in to. Since he put the shed and camera up the trafficking in the alley has gone down tremendously. He has done me a favor by putting the lights and cameras up. I am two doors down on the east side.

Don McIlroy stated where was the lean-to?

Jeff Bache stated close to the fence.

Marsha Griebel Graham stated is the shed already there?

Mr. Bache stated yes. I didn't know I needed a permit to replace something that is already there.

Don McIlroy stated what is it that you do there?

Mr. Bache replied I have two businesses. One is the charge and start. It is an electronic DC repair shop where I repair starters, alternators and any type of DC electric motor. Anything from ATV's to Semi-tractor starters. I do all of the farmers in the area. I did Michael's Pipeline when they came through. The big fire on Mill Street I repaired the pumper truck motor to keep it running. The boat side of the business, I am a state agent for boat registration. I cover all of Pickaway County and I have been doing that for eight years. I sell parts and provide service.

Don McIlroy stated do you know how that property is zoned?

Mr. Bache stated when I bought the property it was zoned residential/commercial. Per the paperwork when I obtained my commercial loan.

Don McIlroy stated the property is zoned R-5 and that does not recognize commercial business.

Mr. Bache stated sir, when I bought that property I had already been on that property for seven years.

Al Sedlak stated Matt, have you had the opportunity to research this to see if this is conceivably a non-conforming?

Matt Tootle stated that was going to be my argument. 11.25.02, any buildings existing at the time that this was enacted can stay. If you go to .06 of the same section, damage or destruction of a non-conforming building or use by an act of God, which this was snow that caused this thing to almost fall apart. Allows for it to be rebuilt. He started working on it in January to alleviate from causing more damage to neighbors within 6 months he was taking the concrete out to put new post in. It needed to be complete within one year. It's not bigger than what was there or expanding the use.

Don McIlroy stated I have no problem with the building that was put there. It's better than what was there. He is doing a good job keeping up his property. Hopefully that will create some enthusiasm with your neighbors. If you purchased it as a business then I am okay with that. That was my concern.

Al Sedlak asked Matt Tootle if he knew how long that parcel had been used as a commercial business.

Matt Tootle stated I do not.

Al Sedlak stated what I am wrestling with is the 10.02.01 any use of land effective of the date of this ordinance may continue even though such use does not conform with the revisions herein so long the building or use was legally existing prior to the establishment of this ordinance. This would be consistent with case law here in Ohio. As far as I am aware this parcel has always been a residential zoning classification. When did the business start? Did it start prior to any zoning classification as residential? Did it start when the zoning was already residential and converted the house to a business? In the provision to authorize a variance is 7.02 the last paragraph says under no circumstance shall the Planning and Zoning Commission grant a variance that would allow a use not permissible under this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district. If you have a non-conforming use I think a variance is

something in our power. If not, then we aren't empowered to grant a variance when there is already a variance. That is what I'm struggling with.

John Ankrom stated I had Val go through old records to see what we had on a zoning perspective and the only thing we could find is a zoning permit issued in 2000 for the 24' x 24' garage along the alley. The zoning listed was R-5, residential. It was presented as a residential garage. I don't know if it was a business before that or not. Mr. Sawyer, which I think was your former partner and property owner built this garage and conducted business there. Jeff became his partner and then Mr. Sawyer lost the house. Then Mr. Bache comes in and purchases it.

Mr. Bache stated I paid all of the \$8,000.00 in back taxes.

Don McIlroy stated do you have knowledge it was a business in 2000?

Rhonda Grubb stated I do. It's been there as long as I can remember and I've been there for 20 years. Since I have been there someone has been working out of that garage. I can't swear to it, but there has always been someone in that garage working.

Mr. Bache stated it can be verified with the State of Ohio. I am an agent for Pickaway County.

Al Sedlak stated the whole thing is unclear, but we have some evidence before us that there is a non-conforming use. If each of us feel it's sufficient that is an individual decision to make. The problem is all legalities, what you are doing is positive. Driving by, it's not unsightly and well fenced.

Valerie Goeller stated I received no complaints.

Mr. Bache stated the back alley is extremely dark. Tom Sawyer put up a light pole on the back of that property to illuminate the yard. I didn't like the light so I had AEP and their engineers come out and have the light changed. I went with a light that illuminated east to west and also forward into the yard.

Al Sedlak stated where does that alley go out onto a street?

Mr. Bache stated it doesn't come out onto a street. There is an alley that runs north and south that connects Logan Street to Walnut Street. The alley going to the west is a dead end. The gentlemen here blocked the alley. Traveling eastward is a dead end. My lot was setup as a drive-thru.

Don McIlroy motioned to approve Variance #15-15, seconded by Mike Combs. VOTE ON MOTION: MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; DON MCILROY, YEA; MIKE COMBS, YEA; JOHN ANKROM, YEA. 5 YEAS, 0 NAYS, MOTION CARRIED.

The next item on the agenda was Variance #16-15, as requested by Craig Stevenson, 120 East Main Street, Suite A, Circleville, for Lori Clagg, 1607 Stoutsville Pike, to vary the allowed use of a one-family detached dwelling on one single lot to two, one-family dwellings on one lot, in an area currently zoned R-1, Single Family Residential District and currently being proposed to be rezoned to an AG, Agricultural Estate District.

Lori Alexander Clagg, 1607 Stoutsville Pike, was sworn in and stated I want to build a shop to put my RV in. The problem came when I decided to put a little office in there and there was talk of making a living quarters in it,

something like a mother-in-law suite. If we can't do it, we can't do it. I still would like the agricultural building to put my RV in with a bathroom and sink.

John Ankrom stated if you were only building the barn with shop that is no big deal, but putting the second living quarter is what changes it. We do have a pending zoning request on this property to change it from R-1 to AG. The only way we would consider it by adding a second dwelling lot on a single family lot would be in the AG District. We don't want to set a precedence in the R-1 District.

Al Sedlak stated any action we take tonight will be contingent upon that property being rezoned.

Don McIlroy stated how big is this lot?

Lori Alexander Clagg replied 20 acres.

Don McIlroy motioned to approve Variance #16-15 as requested, seconded by Marsha Griebel Graham. VOTE ON MOTION: AL SEDLAK, YEA; DON MCILROY, YEA; MIKE COMBS, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA. 5 YEAS, 0 NAYS, MOTION CARRIED.

The next two items were on the agenda were Continuation of a Non-Conforming Use #3-15, as requested by Todd Caudill, 27346 State Route 159, Circleville, to replace a mobile home with a manufactured home on a lot that currently has two existing mobile homes, located at 341 Ray Avenue, in an area zoned R-4, Historic Neighborhood Single Family Residential District.

Variance #17-15, as requested by Todd Caudill, 27346 State Route 159, Circleville, to replace an existing mobile home with a manufactured home at 341 Ray Avenue and to vary the rear yard setback from 30' to 6.16', in an area zoned, R-4 Historic Neighborhood Single Family Residential District.

Todd Caudill, 27346 State Route 159, was sworn in and stated I have two rental trailers that are getting older and I think I can get a better class of renters if I replace it. In a couple years I would like to replace the other one.

Don McIlroy stated what if we say no? Will you leave those two structures there?

Mr. Caudill replied yes. I want to improve the lot. It will cost \$25,000.00 to replace it.

Don McIlroy stated we should be thanking you.

John Ankrom stated the code does not allow a mobile home to be replaced with another mobile home.

Al Sedlak stated the one you want to replace appears to be vacant. Is that correct?

Mr. Caudill replied yes.

Marsha Griebel Graham stated when you put a manufactured home in, you surrender the title to it. Are you putting it on a permanent foundation?

Todd Caudill stated yes, a 14' x 60' trailer that has a certificate and I was told I had to put it on a foundation. What do you mean surrender the title?

Marsha Griebel Graham stated if it's going on a foundation you will have to surrender the title because then it is taxed as real estate.

Todd Caudill stated it is taxed as two parcels on one lot.

Marsha Griebel Graham asked if it's a mobile home tax parcel. A mobile home that is paid in the current year and you get a land tax that is paid a year behind. Is that what you are getting now?

Mr. Caudill replied I get two separate. Two on the mobile homes and one lot tax.

Marsha Griebel Graham stated then those homes have titles.

Mr. Caudill stated yes. I want to replace the other one down the road. If I'm approved tonight can I get it on the records that when that time comes to replace the other mobile home that I can. It might be a different group in here next time I come in and they may feel differently.

Marsha Griebel Graham stated once you surrender the title. It becomes attached to the real estate. If he does it with the other one you are having two permanent residences on one parcel.

Al Sedlak stated do you believe it to be one parcel? There is a copy of the deed attached and it has two parcels.

Todd Caudill replied they have two different addresses. 331 and 341 Ray Ave.

John Ankrom stated do you own any other properties besides this one down there?

Todd Caudill stated yes, the modular. There was an empty lot and I put a modular on it. There are two lots. That has its own parcel and on the other I get taxed for two.

Marsha Griebel Graham stated the modular behind the mobile home is on one lot and then two mobile homes on one.

Mr. Caudill replied that is correct.

Al Sedlak stated on the deed someone wrote 331 to lot M4 and 341 to lot M3. We are dealing with 341.

Mr. Caudill stated the manufactured home is 351.

Al Sedlak stated did you acquire that property at another time?

Mr. Caudill replied no, I bought them together.

Al Sedlak stated whoever wrote that was wrong.

John Ankrom stated this is a non-conforming use. He wants to upgrade the quality of the units on the property. To Marsha's point, is that a problem in a few years when he comes back in to replace the other mobile home with another manufactured home?

Marsha Griebel Graham replied it is if he puts it on a foundation because then you have two residences.

Al Sedlak replied it continues as a non-conforming use.

Marsha Griebel Graham stated you do, but down the road I don't want him having a problem with another board because he comes back in to replace the other one putting it on a permanent foundation. The ones now are not on permanent foundations. They have titles to them, you can pull them out.

John Ankrom stated a similar example is on South Pickaway Street, there is a lot, the last lot on the left as you leave the city that has six or seven homes. They are all empty. If someone wants to go in there would we allow them to replace them with six or seven houses?

Todd Caudill stated can I put a newer one on and put a concrete pad with nice skirting? Then it wouldn't be permanent. Can you let me do that?

John Ankrom stated my feeling is no.

Marsha Griebel Graham stated do you have separate water meters?

Mr. Caudill replied yes. I would rather put it on a concrete pad where I can get under it to work on it.

Marsha Griebel Graham stated does the code allow that?

Al Sedlak stated there is a provision in the code.

John Ankrom stated any structure that got damaged by an Act of God.

Mr. Caudill stated if I don't move it from the location on the lot put it in the same place do I need a variance.

John Ankrom stated on this one you are changing it. You are shifting it to the south and the rear. That is what your drawing shows.

Todd Caudill stated I think the drawing is off. I think it sits closer to that line than it appears. I plan on staying at the same distance off the back by Ohio Heights as it is now. That is still 20' from the road.

John Ankrom stated if the structure burns to the ground and has an existing setback violation. It needs put back in without the violation. We don't want to continue a violation so the placement of your structure we want it 3' off the property line and we want it on the 20' front yard setback instead of violating that. The variance you are suggesting is just for the rear yard setback. Given what is in your back yard that is the best setback for a variance.

Todd Caudill stated it might be a little closer in the back.

John Ankrom stated that is all parking lot and grass. That's not an issue, it's more of an issue if it sticks out closer to Ray Avenue.

Todd Caudill replied it won't be sticking out any closer on Ray Ave.

John Ankrom stated if you are telling me the drawing is inaccurate I want to emphasize that we want you to know where your property lines are and we want you to be 3' off of it on the north side.

Todd Caudill replied even though I own the lot on the north side?

John Ankrom stated that is correct. You could sell that lot tomorrow.

Todd Caudill stated is it possible to just put it on a pad and place skirting around it? Like they do at Elsea's Mobile Home Park.

John Ankrom replied not in my estimation. It needs to be on a permanent foundation. Elsea's Mobile Home Park is located in a Manufactured Home Zoning Classification.

Don McIlroy stated you may have concerns when you are ready to do the second unit.

John Ankrom replied he is concerned. That is why he wants something read into the minutes that protects him down the road when he gets ready to replace it.

Marsha Griebel Graham stated what happens if he wants to split the lot? Then he would only have one residence per lot. Vary the lot split the width of the lots.

John Ankrom stated that is how we handled Wendell Beachy.

Marsha Griebel Graham replied exactly. If he wants to replace the other one down the road have him split the lots.

John Ankrom replied that is a good solution.

Todd Caudill stated can you do that now? Or put it in the minutes.

John Ankrom stated we can make a recommendation that when he replaces the next mobile home with a manufactured home that he obtains a lot split. They can be processed simultaneously. We can vary the lot width and size.

Don McIlroy motioned to approve Continuation of a Non-Conforming Use #3-15, seconded by Marsha Griebel Graham. VOTE ON MOTION: DON MCILROY, YEA; MIKE COMBS, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA. 5 YEAS, 0 NAYS, MOTION CARRIED.

Mike Combs motioned to approve Variance #17-15, seconded by Don McIlroy. VOTE ON MOTION: MIKE COMBS, YEA; JOHN ANKROM, YEA; MARSHA GRIEBEL GRAHAM, YEA; AL SEDLAK, YEA; DON MCILROY, YEA. 5 YEAS, 0 NAYS, MOTION CARRIED.

The next item heard was an informal discussion. As requested by Rhonda Thurston, 17509 Crawford Road, Laurelville, Ohio 43135 to utilize 209 North Scioto Street for a home occupation for a senior/adult residential home, Class One Type B Group Facility, in an area zoned DB, Downtown Business District.

Rhonda Thurston stated I am getting ready to purchase the property at 209 North Scioto Street. I want to be able to open up an adult senior living care facility in my residence. I believe it to be considered family care. Before I purchase the home I would love to know what your opinions are. Am I in my right to run it? I need your advice as to how to handle this. Down the road if permitted I am looking to putting in a curb cut on Western Avenue to open up some parking in the back for staff members who would be assisting me with this business. As well as parking for family members to get the parking off the streets.

Don McIlroy stated from reading your letter you want to operate a Bed and Breakfast.

Ms. Thurston replied it's going to be a residence for seniors and adults who need the assisted living. It will be ran similar to a bed and breakfast, instead of just breakfast they will get all three meals.

Don McIlroy stated do you have a nursing degree?

Ms. Thurston replied I don't need it. I am required a license through the state of Ohio. I have already been in contact with them as well as the county. With the State in my residence it is similar to having a daycare center. This will be there residence as well not just a daycare. I don't plan to open this business for another 12 to 24 months. Depending on how things work out for me. The house is for sale now and I don't want to lose it because it is perfect.

Don McIlroy stated will this be daily rental?

Ms. Thurston stated monthly. You will be living with me. You will have your own private bedroom shared bathroom facilities. One room downstairs and two residents sharing one room with an en suite. Upstairs I have four bedrooms, two for my private use and two other open for residents. I can have up to five residents in my home.

John Ankrom stated that is called a Class One Group Residential Facility. That is under definitions. Under Purposes of the Downtown District. C. is for housing, particularly owner occupied housing should be integral to the physical fabric to areas adjacent to and around the downtown area. Residential is good. Under Conditional Uses it says two or more family residences, but that is more dwelling units I would think. That is the only two things that refer to residential in the downtown area. Her use doesn't necessarily fit either category. In our Downtown Business District we calculated more than half were dwelling units.

Don McIlroy stated it allows for bed and breakfast establishments.

John Ankrom stated but that is not what we are talking about. We're talking about a Type One Group Residential Facility.

Al Sedlak stated it isn't always clear but we could hang our hat on 23.02 F. Similar Uses. It is similar to a Bed and Breakfast. That stretch of Scioto Street is unusual because you have a mix of commercial structures and residences.

Rhonda Thurston stated it's a perfect mix for a downtown. I also like that it is located directly off Route 23.

Don McIlroy stated tell me again who your clientele will be.

Ms. Thurston stated adults or seniors who need living assistance. They are not sick, but their kids live in other states. The adult doesn't want to relocate so they move in with me. I will care for all of their needs such as laundry, food, transportation, working with other agencies who provide transportation. Getting them to the doctors. I would basically step in for their kids that live in other states.

Don McIlroy stated how do you market that?

Ms. Thurston stated I already have three people who want me to open the place. I have been working with SCORE. They provide me with marketing techniques. More than anything it will be word of mouth. Currently I am a welding inspector on a cross country pipeline. I am all over the country in one year. I am so sick and tired of traveling, I want to move home, this is where I grew up. I want to provide a service that I can get pleasure out of. Taking care of welders on the pipeline is not pleasurable. One thing about it, my job has allowed me to have the money in order to do this venture.

Don McIlroy stated she is wanting to know if she can do this and we haven't answered that for her.

Valerie Goeller stated I feel that it is a Conditional Use. Because she has under five residents they are allowed by right in any residential district. The Downtown Business District allows for Residential use as a Conditional Use. That is the best fit that I could come up with.

John Ankrom stated a Conditional Use is a good fit for it because it allows us to set some conditions in terms of employee parking, the number of parking, signage and things like that.

Don McIlroy stated have you received any feedback from the neighbors?

Ms. Thurston stated I have not discussed it with any of the neighbors. I did inquire about the neighbors and heard they are great neighbors.

Marsha Griebel Graham stated I don't know that it is that different then having five people living in your house.

Ms. Thurston replied correct in a five bedroom home. This house is perfect.

Mike Combs stated we have so many big homes around the downtown and no one wants to buy them because the upkeep.

Don McIlroy stated what you are hearing is that probably under a Conditional Use Permit you might be able to do this.

John Ankrom stated if you are buying real estate without an assurance of zoning approval you are taking a risk. If I were you if you were placing a purchase contract on the property you might consider making it conditional upon zoning approval.

Ms. Thurston stated do I have your blessing? I did put that in the contract.

John Ankrom stated you are getting positive comments from here.

Mike Combs motioned to adjourn, seconded by Marsha Griebel Graham. All in favor, motion carried.