

Minutes - Goshen Board of Zoning Appeals  
Tuesday, July 26, 2016 4:00 p.m.  
Council Chambers, 111 E. Jefferson Street  
Goshen, Indiana

- I.** The meeting was called to order with the following members present: Tom Holtzinger, Aracelia Manriquez, Kelly Huffman, Felipe Merino, and Ardean Friesen. Also present was Assistant City Planner Abby Wiles and Assistant City Attorney Jim Kolbus.
- II.** Approval of Minutes from 6/28/16: Holtzinger/Manriquez 5-0
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Merino 5-0
- IV.** Postponements/Withdrawals: None
- V. Variances – public hearing items**  
**16-10UV & 16-16DV** – Leopoldo Mendoza requests a use variance to allow a two-family residential dwelling unit with a lot area of approximately 8,617 square feet where 10,000 square feet is required and a developmental variance to allow four open parking spaces in the front yard setback along Westfield Avenue. The subject property is generally located at 711 Chicago Avenue and is zoned Residential R-2 District.

*Staff Report:*

Ms. Wiles explained this property was previous a three-unit residential rental in a Residential R-2 zoning district, which was considered non-conforming. Building Department and Utility record indicate it has been vacant since at least 2009. Because the non-conforming use was discontinued for at least 18 consecutive months, per the Goshen Zoning Ordinance, it lost its non-conforming status.

The petitioner purchased the property earlier this year and was notified by the Planning Office that it had lost its non-conforming status. After speaking with our office, the petitioner now requests a use variance to permit a two-family residential unit, with a lot area of approximately 8,617 SF where 10,000 SF is required.

A developmental variance is also requested to allow four new open parking spaces in the front yard setback along Westfield. These spaces will meet Board of Works (BOW) standards.

Staff recommends approval of the requested variances.

*Petitioner Presentation:*

Leopoldo Mendoza, 64712 County Road 21, Goshen, was present as the petitioner.

Mr. Friesen asked if he is familiar with the Staff's recommendation.

Mr. Merino translated Mr. Friesen's comments and Staff's recommendations into Spanish, to make sure the petitioner understands the conditions of approval. He stated that the petitioner understands the five conditions of approval.

*Audience Comments:*

Claudia Anewalt, 411 N Indiana Avenue spoke to the petition. She stated her property is catty-corner across the parking lot from the subject property. She stated she has no strong objection to the petition and feels this property is in need of repair to improve the overall appearance of the neighborhood. She also pointed out that since there is no on-street parking permitted along Chicago Avenue or Westfield Avenue, she understands front yard parking

is necessary. She stated her concerns are what the long-term plans are for this property, noting the house is in bad shape and she would like to see significant improvements, not just additional parking spaces.

*Petitioner Rebuttal:*

Mr. Friesen asked if Mr. Mendoza understood the audience member's comments regarding the appearance of the property.

Mr. Merino translated Mr. Friesen's comments to Mr. Mendoza.

Mr. Mendoza stated they are awaiting approval of this variance request before beginning any work.

Mr. Friesen asked what his plans are for remodeling once approval is granted from the BZA.

Mr. Mendoza responded that he intends to rehab the outside of the home and remodel the inside. This house will be a rental once work has been completed.

Attorney Kolbus pointed out this property will be required to meet the City's minimum housing standards to ensure everything is safe. It cannot be rented until it has passed inspection by the City rental inspector.

Ms. Wiles noted for the record that once the Planning Office contacted Mr. Mendoza regarding the property's lost non-conforming status; he cooperated with Planning's requests to reduce this to a two-unit dwelling unit and to add onsite parking.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Board members.

*Action:*

A motion was made and seconded, Holtzinger/Merino, to find with the recommendations and conclusions of the Staff Analysis and approve 16-10UV & 16-16DV with the five conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**16-11UV** – Christopher Steinbrunner requests a developmental variance to allow development (swimming pool) on a lot without frontage or access. The subject property is generally located on the parcel immediately west of 117 N 21<sup>st</sup> Street (described as Lots 237, 244 & 245 in Wilden's E Goshen Subdivision) and is zoned Residential R-2 District.

*Staff Report:*

Ms. Wiles explained this property was purchased by the owners of 117 N 21<sup>st</sup> Street and is the vacant parcel located immediately west and across the non-vacated north/south right-of-way from 117 N 21<sup>st</sup> Street. The petitioners would like to install an above ground swimming pool on the vacant parcel that has no frontage or access. The Board of Works (BOW) gave permission on July 18<sup>th</sup> to run electrical service for the pool through the right-of-way.

Although the parcels are separated by non-vacated right-of-way, they function as one zoning lot. With the exception of the electric service, there will be no permanent encroachments in the right-of-way. The swimming pool is an accessory use to the primary residential use and Staff recommends approval of the request.

She noted one phone call was received regarding the request and the caller had no concerns, provided the pool was not installed on the hill.

*Petitioner Presentation:*

Chris Steinbrunner, 117 N 21<sup>st</sup> Street spoke on behalf of the petition. He stated he is familiar with Staff's conditions of approval.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Merino stated he understood this is the low-lying area.

Ms. Wiles noted the hill is basically the un-vacated right-of-way.

*Action:*

A motion was made and seconded, Merino/Huffman, to find with the recommendations and conclusions of the Staff Analysis and approve 16-11UV with the three conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**16-17DV** – Brian Kauffman requests a developmental variance to allow a 1’ side (west) setback where 8’ is required for the construction of a wooden deck. The subject property is generally located at 210 W Plymouth Avenue and is zoned Residential R-1 District.

*Staff Report:*

Ms. Wiles explained this request is for developmental variance to allow a one foot side (west) setback where eight feet is required for the construction of an approximate 220 SF deck. The proposed deck would match the setback of the existing home. The deck is proportionate to the home and consistent with developmental patterns of the area. All other developmental requirements will be met. Staff recommends approval of the request.

*Petitioner Presentation:*

Brian Kauffman, 210 W Plymouth Avenue, Goshen, spoke on behalf of the petitioner. He stated he is familiar with Staff’s recommendations and has nothing to add.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst Board members.

*Action:*

A motion was made and seconded, Holtzinger/Merino, to find with the recommendations and conclusions of the Staff Analysis and approve 16-17DV with the three conditions listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**16-18DV & 16-12UV** – Nathan Mateer Rempel & Sonya Mateer Rempel request use variances to allow a medical office (massage therapist) on the second story in a Residential R-1 zoning district where the use is conditional in the Commercial B-1 and PUD and permitted in the Commercial B-2, B-3 and B-4 zoning districts and to allow two wall signs (north and west elevations). The previously approved use variances permitted two residential dwelling units on the second floor and Commercial B-1 uses on the first floor. A developmental variance is also requested to allow nine onsite parking spaces where 22 spaces are required for a beauty salon, massage therapist office and a residential dwelling unit, not meeting the Zoning Ordinance requirements for parking stall depth and driving aisle width. The subject property is generally located at 701 S Main Street and is zoned Residential R-1 District.

*Staff Report:*

Ms. Wiles explained that historically, this property served as a meat market on the main floor, with residential use upstairs. Various approvals have been issued through the years, including approval for a second residential use on the second level of the building and to allow one unit with 476 SF in area. The most recent approval was for a retail resale clothing shop, or uses permitted in the Commercial B-1 zoning district. Hours of operation and the signage for the uses was limited by the BZA approval. The first floor currently serves as a beauty salon, which is a permitted B-1 use.

Today's request is for use and developmental variances for a massage therapist on the second floor, which is classified by the Goshen Zoning Ordinance as a medical office. The proposal is to convert the rear (west) residential unit into an office for the massage therapist. The owner would be the only employee. A second use variance is requested to permit two wall signs. One sign would be placed on the north side of the building facing Douglas Street and the second sign would be located on the west side of the building facing the parking lot. The 2003 variance granted one identification sign, which could be one of the following: a sign flush mounted on the Main Street side of the building, a projection sign or a window sign. The proposed wall sign on the north side of the property would be approximately six square feet in area and the wall sign on the west elevation would be no greater than eight square feet in area.

A developmental variance for onsite parking with stalls and aisle width that do not meet the Zoning Ordinance requirements is also requested. Twenty-two onsite parking spaces are required and nine spaces are provided. Additional parking spaces are available on Douglas Street.

She noted that an issue not addressed in her Staff report was for employee parking. She stated a phone call was received just prior to today's meeting from a neighboring property owner who stated that the salon employee's park in City right-of-way that was constructed for Fifth Street residents. This City parking lot is located to the north of the subject property, in the right-of-way along Fifth Street. She stated it's the Planning Office's understanding that when this parking was constructed it was to serve residents of Fifth Street, so this needs to be clarified by the petitioner.

Mr. Holtzinger questioned if the parking here is marked specifically for Fifth Street residents.

Ms. Wiles stated the parking is in the right-of-way so it is public parking, but it is her understanding that the intent was to serve the Fifth Street residents. She stated because of the late phone call, she was unable to speak with Goshen Engineering or Street Department to confirm this.

*Petitioner Presentation:*

Nathan Mateer Rempel, 410 Cross Street, Goshen spoke on behalf of the petition. He stated that he was aware some of the employees were parking in that area, but he did not know how many and was not aware it was specifically designed for Fifth Street residents.

Ms. Wiles stated based upon the phone call she received today there are approximately four or five cars that park there for ten to twelve hours per day.

Mr. Holtzinger asked if there is a reason they cannot park at the parking lot on his property.

Mr. Rempel stated there are six spaces at the building and he assumes they are trying to save those six spaces for customers.

Mr. Holtzinger questioned how many parking spaces are utilized by tenants.

Mr. Rempel stated there are a total of nine parking spaces and tenants use three parking spaces, leaving six spaces. He stated he can speak with the salon owners and ask them to look for other parking spaces.

Mr. Merino stated he feels this is something that the needs to be looked into.

Mr. Holtzinger asked if there is parking along Douglas Street.

Mr. Rempel stated there are two spots on the north side of the building, one spot across Douglas on the south side and across from the building. He stated that regardless of where this goes, they don't want to cause trouble with residents on Fifth Street. He stated they will try to find a solution with the salon employees to ease this burden.

*Audience Comments:*

Jessica Johnston, 628 S 5<sup>th</sup> Street, spoke in opposition to the petition. She stated originally Fifth Street ran off of Main Street and about six or seven years ago the City wanted to close it off so they approached her family to ask if that was ok. She stated the City told them in order to compensate for the loss of parking in front of their house, the parking lot would be placed in front of their street. She went on to say they have no driveway in front of their home and that her family has three drivers that come home from work and have trouble finding a place to park because there are usually four cars parked there. She stated that technically there are only five parking spots, but there are also two spots on the side and they have been using those spots.

Ms. Huffman asked if the parking lot has any sign indicating parking is for Fifth Street residents.

Ms. Johnston responded there is no sign and that the City had explained to her mother that the parking was for Fifth Street residents, but they were not putting up a sign because if people were visiting the park for a short period of time, it would be ok for them to park there.

Mr. Friesen asked if she has any access off the alley for her vehicles.

Ms. Johnston responded that she has a two car garage and there are five cars and drivers in her household.

Ms. Wiles replied that while she sympathizes with Ms. Johnston, the zoning ordinance only requires two onsite parking for a single family home. She stated per the Goshen Zoning Ordinance, onsite parking is sufficient.

Mr. Merino noted for the record that as a matter of disclosure, he owns 718 S Main Street.

Attorney Kolbus asked how close 718 S Main Street is to the property being discussed and asked if the outcome today would have any financial impact on Mr. Merino's property.

Mr. Merino stated there will be no financial impact on his property and described the property as being across Main Street and six houses to the south.

Attorney Kolbus stated in the past, they have had people step down if they received a notice because there could be an appearance of bias if being part of the decision. He went on to say there are four other Board members and felt it would be best if Mr. Merino recused himself. He also stated his advice to the Board is to table this item until they can obtain more information on the parking situation. He noted that if Mr. Merino steps down, an alternate can be appointed by the body that appointed him to the position.

Mr. Rempel stated the problem seems to be from the beauty shop parking. He pointed out that business is already in place and it was his understanding the parking variance was required because of the change of use upstairs.

Ms. Huffman stated the burden is on the petitioner to show that without a variance, he cannot use the building. She noted that Mr. Rempel's explanation is that the parking was already there and has nothing to do with this petition.

Mr. Merino explained that even though the beauty salon has already been approved, the other projects cannot be done until they have been approved, making them interconnected.

*The public hearing was closed.*

*Staff Discussion:*

Mr. Holtzinger stated that parking is a problem and even though the massage parlor is one client at a time, there could potentially be one client waiting, thereby using another parking space. He went on to say he is happy to see the downstairs being utilized, but feels they need a new plan of action. He pointed out that if four or five are currently parking across the street, there is already a problem.

*Action:*

A motion was made and seconded, Huffman/Holtzinger, to table 16-18DV & 16-12UV to the August, 2016 meeting. The motion passed by a vote of 4-0, with Mr. Merino abstaining.

**16-13UV** – David T & Sara Stump request use variances to allow a barbershop in a Residential R-1 zoning district where the use is permitted in the Commercial B-1, B-2, B-3, B-4 and PUD zoning districts and to allow a wall sign on the south elevation. The subject property is generally located at 211 E Madison Street and is zoned Residential R-1 District.

*Staff Report:*

Ms. Wiles explained this property was developed as a dental office in the early 1960's with a variance for a building addition approved in 1970 with a reduced side yard setback. Parking was located across the alley to the west.

The City purchased the property in 2005 and in 2011, a use variance was granted to allow professional offices and screen printing. A variance for onsite parking was also approved. In 2015, a purchase agreement with the Redevelopment Commission was executed with the petitioner. Per the agreement, the petitioner will demolish the structure and combine it with the adjacent Real Estate on 6<sup>th</sup> Street for a single-family use within eight years from the date of closing.

In the interim, a use variance is requested to allow a barbershop in a Residential R-1 zoning district where the use is not permitted. The barbershop will have two employees and proposed hours of operation are Monday through Saturday, 8:00 am to 6:00 pm. No Sunday hours are proposed. As part of the request, a variance is also requested to permit a wall sign, 12 square foot in area and flush-mounted on the south side of the property. The sign will not be illuminated.

Approximately five onsite parking spaces are required, with one parking space provided. Offsite parking spaces are permitted and the petitioner has submitted an agreement with Faith Lutheran Church to use their parking during business hours.

Staff recommends approval of the requested variances with conditions and commitments, through June, 2024.

*Petitioner Presentation:*

David Stump, 319 S 6<sup>th</sup> Street, Goshen spoke on behalf of the petitioner. He stated he is familiar with the Staff report and has nothing to add, but he asked how to obtain the Results/Commitment Form.

Ms. Wiles explained the form would be prepared by the Planning Office and mailed to him. He would need to have his signature on the form notarized, record the form at the Elkhart County Recorder's Office, and then return a copy to the Planning Office.

Mr. Holtzinger asked for clarification on the parking.

Mr. Stump replied there is currently a handicap ramp on the property and if it were removed, it appears there is room for three spaces, but he doesn't know if that is permitted. He pointed out that regardless, there is substantial parking at the church across the street and it is his understanding that there was an agreement between the church and previous owners. He pointed out that Madison is a busy street, but there is a light at 5<sup>th</sup> Street where pedestrians can cross.

Mr. Holtzinger questioned if customers might get impatient and park in the alley.

Mr. Stump replied he does not believe that will be a problem, noting the art school will be across the alley and there will be people coming and going from there as well.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst the Board members.

*Action:*

A motion was made and seconded, Holtzinger/Merino, to find with the recommendations and conclusions of the Staff Analysis and approve 16-13 UV with the four conditions and four commitments listed in the Staff Report. The motion passed unanimously by a vote of 5-0.

**16-19DV** – Sonny Richardson, Charlotte Hurley and Progressive Engineering, Inc. request developmental variances to allow total accessory area of 816 square feet where 644 square feet is permitted and to allow development (approximate 576 square foot garage) in the floodway fringe. The subject property is generally located at 801 W Wilden Avenue and is zoned Residential R-2 District.

*Staff Report:*

Ms. Wiles explained today's request is for two developmental variances for the construction of an attached garage. The first is to permit total accessory area of approximately 816 square feet where 644 square feet is permitted. The Zoning Ordinance requires the total of all accessory use to be subordinate in area to the principal use. The home is approximately 645 square feet and the total accessory area, consisting of a 120 square foot wood shed, a 120 square foot aluminum shed, and the proposed garage of 576 square feet, makes the total accessory area approximately 816 square feet. To bring the property closer into compliance, Staff recommends removal of one of the existing sheds, specifically the aluminum shed located in the floodway. Removal of this shed would bring the accessory area to approximately 696 square feet where 644 square feet is permitted. Both sheds were installed by the previous owner and without approval from the City or DNR. If the shed in the floodway is not removed, the owner must obtain approval from the Indiana DNR and a copy of the DNR response must be submitted to the Planning Office.

The second variance is to allow development of the attached garage in the floodway fringe, which requires approval from the BZA per the Flood Control District regulations. The garage will be elevated two feet above the base flood elevation which will meet the flood protection grade requirements.

Staff recommends approval of the variances with conditions, including that the aluminum shed in the floodway be removed.

*Petitioner Presentation:*

Charlotte Hurley, 801 W Wilden Avenue spoke to the petition. She stated she received a copy of the Staff Report and asked if she has to remove the shed in the floodway if she receives a permit from DNR.

Mr. Friesen stated if she receives a permit from DNR, she can keep the shed, but she must provide a copy to the Planning Office.

Ms. Wiles stated the shed cannot remain without a permit from DNR.

Mr. Holtzinger asked if the shed is on a permanent foundation.

Ms. Hurley stated no, it is not on a foundation.

Brad Cramer, Progressive Engineering, 58640 State Road 15 also spoke to the petition. He stated he has spoken to the builder and he understands what is required. Progressive Engineering will provide the flood elevation certificate.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst the Board members.

*Action:*

A motion was made and seconded, Merino/Holtzinger, to find with the recommendations and conclusions of the Staff Analysis and approve 16-19DV with the six conditions listed in the Staff Report.

Ms. Wiles asked for clarification of the motion, specifically if the Board requires the petitioner to remove the shed mentioned in condition number one or if they are requiring it to be submitted to the Indiana DNR for approval.

Mr. Merino stated as the recommendation is written, it says she will obtain approval from DNR or will remove the shed from the floodway.

Ms. Huffman recommended the condition be rewritten and clarified.

An amended motion was made and seconded Merino/Holtzinger to find with the recommendations and conclusions of the Staff Analysis and approve 16-19DV, amending condition number one to read that the 80 square foot aluminum shed located in the floodway must be removed or if the 80 square foot aluminum shed located in the floodway is not removed, it must be submitted to the Indiana DNR for approval, with a copy of the DNR response submitted to the Planning Office. The motion passed unanimously by a vote of 5-0.

**16-14UV** – William J & Isabell Fiedeke and Jeff Thomas request a use variance to allow a non-permanent food vendor in a Commercial B-2 zoning district where the use is conditional in the Commercial B-3 and B-4 zoning districts and to amend the commitments of 15-01 UV to allow commercial vehicles (non-permanent food vendors only) and to allow retail sales (food vendors) and patio use not related to an active onsite use. The subject property is generally located at 211 S 5<sup>th</sup> Street and is zoned Commercial B-2 District.

*Staff Report:*

Ms. Wiles explained this property is located on S 5<sup>th</sup> Street, directly north of the Goshen Police and Courts building. Today's request is for a use variance to permit a non-permanent food vendor in the B-2 zoning district, where the use is not permitted. The petitioners operate a production brewery and taproom and request permission to allow food trucks on their property to sell food to their customers. The request is for multiple non-permanent food vendors, with only one vendor on the property at a time.

The petitioners also request a developmental variance to amend the commitments of the approval granted in 2015 to allow commercial vehicles, and to allow retail sales and patio use, not related to an active onsite use.

This property contains a separate building on its own parcel and because the non-permanent food vendor can be parked on private property, Staff recommends approval of the requested variances with conditions and commitments. She explained that because of the proximity to residential use, one of the commitments is that power for the non-permanent food vendor shall be run from the building and not from a generator. She would also like to include a condition that states the petitioner and/or property owner shall contact the Goshen Building Department to discuss the condition of any and all vaults under the property.



*Petitioner Presentation:*

Jeff Thomas, 2404 S Main Street spoke on behalf of the petitioner. He stated they are attempting to bring something new to downtown, but they are finding there are not many food trucks available. He stated he does not think the vault is located in the area where the truck will be parked, but will have the building inspector check it out.

Mr. Friesen asked if the hours of operation will remain the same.

Mr. Thomas stated the trucks will not be there that long. He anticipates they will only be there for three or four hours on a Friday and Saturday.

Mr. Friesen asked if there would be any problem running power from the building to the food truck so a generator is not required.

Mr. Thomas stated that will not be a problem.

Ms. Manriquez pointed out that food trucks are large and questioned if there is enough parking for customers.

Mr. Thomas stated there is public parking to the south of the building, as well as a large public parking lot across 5<sup>th</sup> Street.

Ms. Wiles asked for clarification from the petitioner regarding what days the food truck might be on the property.

Mr. Thomas replied that they would like permission to have a truck anytime they are open.

*Audience Comments:*

There was no one to speak to the petition.

*The public hearing was closed.*

*Staff Discussion:*

There was no discussion amongst the Board members.

*Action:*

A motion was made and seconded, Huffman/Holtzinger, to find with the recommendations and conclusions of the Staff Analysis and approve 16-14UV with the following amended conditions and commitments:

*Conditions:*

1. Deviation from the requirements and conditions of the variance may result in the cancellation or termination of the approval or permit.
2. The BZA approval shall be effective when the executed and recorded Result Letter/Commitment has been returned to the City of Goshen BZA staff and when all conditions of approval have been met.
3. No zoning clearance form will be issued until the executed and recorded Result Letter/Commitment has been returned to the City of Goshen BZA staff and until all conditions of approval have been met.
4. The Grantor and/or his tenant shall contact the Goshen Building Department to discuss the condition of and any associated requirements related to the vault underneath the Real Estate.

*Commitments:*

1. There shall be a maximum of one (1) non-permanent food vendor permitted at any one time.
2. The non-permanent food vendor shall be parked at the southeast corner of the Real Estate, shown as “Option 1” on the submitted site plan.
3. The non-permanent food vendor and customers shall not park in or block the alley located immediately south of the Real Estate.
4. The hours of operation for the non-permanent food vendor shall be limited to the hours of operation of the brewery/taproom.
5. Power for the non-permanent food vendor shall be run from the building on the Real Estate, not from generators.

The motion passed unanimously by a vote of 5-0.

**VI.** Audience Items:  
None

**VII.** Staff Board Items:

- *Six-month extension request for 100 N 8<sup>th</sup> Street (16-03UV & 16-03DV)*

Ms. Wiles explained that a use variance was granted in February, 2016 for a restaurant and a developmental variance for deficient onsite parking at 100 N 8<sup>th</sup> Street. The extension is requested because the petitioner is working with an architect to obtain approval from the State and the Goshen Building Department. Staff recommends approval of the six-month extension.

Ms. Manriquez asked if this location is a carry-out only because she knows they have applied for a liquor license. Ms. Huffman stated she missed the February meeting, but thought the meeting minutes explained the reason for the parking variance was because this will be a carryout location only.

Ms. Wiles stated their site plan indicated limited seating inside.

Mr. Friesen recalled them saying that primarily their business would be to-go orders and that they would have very limited hours.

Ms. Huffman asked if this extension request can be tabled.

Ms. Wiles stated the variance will expire on August 23<sup>rd</sup>, which is the date of the next meeting.

*Action:*

Ms. Huffman made a motion that the extension for 16-03UV and 16-03DV be denied.

Mr. Friesen asked if the Board wants to deny the extension because they have applied for a liquor license.

Ms. Huffman stated she feels they misrepresented their request to the Board.

Mr. Merino stated he made the motion and had gone to the site the day before the meeting to watch the traffic pattern. He also remembers hearing from audience members that supported the request. Hours of operation were limited and there would be no delivery trucks. The intent here was for a family oriented restaurant and not someplace to hang out and purchase alcohol. We wanted to benefit the neighborhood with a place to buy food, but do not want an adverse impact on the neighborhood.

Ms. Huffman asked if the Planning Office gave a favorable recommendation for the original approval.

Ms. Wiles stated that she did not support the request, but pointed out that this property is zoned Residential R-2 and contains a commercial building, explaining that any commercial use would have to come before the Board for approval.

*Ms. Huffman withdrew her motion and left the meeting at 5:20 p.m.*

Attorney Kolbus stated the discussion seems to be that this petition was not clearly represented at the previous meeting.

Mr. Merino asked if the Board can table this request to the next meeting and have the petitioner come to the meeting to explain what's going on.

*Action:*

A motion was made and seconded, Merino/Holtzinger, to table the six-month extension for 16-03UV and 16-03DV to the next meeting and to request that the petitioner be present to answer questions from the Board. The motion passed unanimously by a vote of 4-0.

**VIII.** Adjournment: 5:25 pm Friesen/Merino

Respectfully Submitted:

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Lori Lipscomb, Recording Secretary

Approved By:

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Ardean Friesen, Chair

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Kelly Huffman, Secretary