

**BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD APRIL 21, 2009.**

1

The Board of Zoning Appeals met in regular session on April 21, 2009 at 7:00 p.m. in the Municipal Building Council Chambers.

MEMBERS PRESENT:

The following members were present: Mark Heistand, Pete Hutchinson, Cyndie Janney, and Jeff Jones.

MEMBERS ABSENT:

Shirley Kuch was absent.

ALSO PRESENT:

Also present were Annie Sizemore, Acting Village Manager; and one visitor. Ed Schwaberow arrived at 7:02 p.m.

MEMBERS ABSENT:

Mr. Jones motioned to excuse Mrs. Kuch, second by Mrs. Janney.

ROLL CALL: Mr. Heistand, yes; Mr. Hutchinson, yes; Mrs. Janney, yes; Mr. Jones, yes. 4-yes, 0-no. MOTION CARRIED.

APPROVAL OF MINUTES:

Mr. Hutchinson moved to approve the January 12, 2009 minutes, second by Mr. Jones.

ROLL CALL: Mr. Hutchinson, yes; Mrs. Janney, yes; Mr. Jones, yes; Mr. Heistand, yes.. 4-yes, 0-no. MOTION CARRIED.

PUBLIC HEARINGS:

Mr. Heistand stated there is a Public Hearing on a variance requested for Variance No. 09-01 made by David Shortt to allow for a Veterans Memorial Museum and Educational Center on the property located at 123 South Main Street.

Mr. Jones went on by explaining the process to the public hearing.

Staff Summary:

Mrs. Sizemore stated she received a Conditional Use Permit, filed by Mr. Shortt for the property located at 123 South Main Street. He would like a Conditional Use Permit for a Veterans Memorial Museum and educational center. The weekends and holidays would be the primary days the museum would be open. The property is zoned R-1 which is

**BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD APRIL 21, 2009.**

2

single family residential and a museum is considered a conditional use, which is listed under 1127.53. The staff and the residents do not have any objections to the museum; those who have questioned it have said very positive comments regarding the idea.

Applicants Presentation:

David Shortt, 320 N. Main Street, stated he was retired United States Army. He is working on 123 South Main Street as a museum to honor our Veterans of Armed Forces. He does not plan to alter the exterior of the building but plans to make alterations to the interior of the building. The neighbors of 123 South Main Street are all very supportive, and this is a non-profit museum. In the future he would like to establish a education center, to provide lectures and classes to the community. Not only would this benefit the local residents, but also people from outside the community.

He stated he has looked into the parking issues, and it should not be a problem. The museum would only be open during military holidays and weekends. Previously the property was used as a Masonic Temple, and the Veterans Museum would not be as busy as they were with parking.

Mr. Jones stated the idea is honorable and sounds like a great idea. He questioned about the second floor residential area on the plans and if they are planning to rent these units.

David Shortt replied the second floor is 4,800 sf and the first floor is also 4,800 sf. On the east end of the building is going to be the educational area, and the west end will be used for living quarters.

Mr. Jones questioned what kind of displays will be in the museum, David Shortt replied they will be displaying letters, photographs, uniforms, equipment and personal effects. This will include the World War II first, due to the fact that we are loosing these Veterans quickly.

Mr. Jones questioned when was the last time the Mason's used the building, David Shortt replied approximately a 1½ years ago.

Mr. Schwaberow stated he is curious in regards to the buyer of the property, the Montgomery County Auditor web site states that Stephen Winters has the loan for the property.

David Shortt stated he went to a private party to purchase the property and obtain the loan for the building. He is hoping to have it transferred and close on it at the end of the week.

Mr. Schwaberow stated Chapter 1131.00 states submitting a conditional use permit that must be submitted to the City Managers Office at minimum it should contain a plan in great detail, but he only received a tax map with a picture of the building. We are also

**BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD APRIL 21, 2009.**

3

missing the mailing address list of the neighboring residents who were contacted about the proposed museum.

Mrs. Sizemore stated she did have the list of property address and she did her own notice to the residents within a 200-foot area of the museum.

Mr. Schwaberow stated he was unclear on what exactly we are allowing David Shortt do.

Opponents Recognized:

None.

Final Statement of Staff:

Mr. Jones stated it could be a condition of approval as long as the applicant submits a plot plan within 30 days. He asked if David Shortt would identify the square footage of the first floor that is being used and exactly the intent.

David Shortt stated the entire first floor will be used for the museum.

Mr. Schwaberow stated he would like to see the exact intent use is for the second floor also.

Final Statement of Appellant:

David Shortt welcomed everyone to come down to the museum to see exactly what is going on.

Close Public Hearing:

Mr. Jones closed the public hearing at 7:24 p.m.

Deliberation and Decision:

Mr. Heistand recommended the permit be approved on condition that the plot plan be included, and the description of both floors be submitted. He stated that the museum will meet all conditions.

Mr. Heistand moved to approve the plans with the above conditions included, second by Mr. Hutchinson.

ROLL CALL: Mr. Jones, yes; Mr. Heistand, yes; Mr. Hutchinson, yes; Mrs. Janney, yes. 4-yes, 0-no. MOTION CARRIED.

**BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD APRIL 21, 2009.**

4

Mr. Heistand added that the permit should not be issued until the plot plan is received by Mrs. Sizemore.

OTHER BUSINESS:

None.

ADJOURNMENT:

There being no further business to conduct, Mr. Jones motioned to adjourn the meeting.

VOICE VOTE ON MOTION. ALL IN FAVOR. MOTION CARRIED.

The meeting adjourned at 7:34 p.m.

Respectfully Submitted,

Kelli R. Sanders-Novak
Clerk of Council