

**MINUTES  
BOARD OF BUILDING AND ZONING APPEALS**

**November 7, 2013**

**MEMBERS PRESENT:** Ken Suchan, Doug Mac Millan, Gregg, McIlvaine, Lukas Gaffey and Adrian Eriksen

**MEMBERS ABSENT:** Pat Zoller

**STAFF PRESENT:** Andrew Dutton

**I. MINUTES**

Doug MacMillan moved, Ken Suchan seconded, to approve the Minutes of October 3, 2013 as received. Motion carried by a 6-0 vote.

**II. PUBLIC HEARINGS**

**Appeal #2013-22.** Jon McGuire of Village Services Inc. is requesting a use variance from Planning and Zoning Code Section 1149.03(c)(2) to expand a nonconforming use outside of the existing building in a C-2 (Neighborhood Business) District at 611 West Liberty Street.

Adrian Eriksen moved, Lukas Gaffey seconded, to table the request until the Board's December 5, 2013 meeting. Motion carried by a 6-0 vote.

**Appeal #2013-24.** Thomas Palecek for Annette Palecek is requesting a substitution of a nonconforming use from a construction company to an auto detailing business in an R-T (Traditional Residential) District at 331 Lucca Street.

Thomas Palecek, attorney representing Costanzo Construction, Inc., stated at the Board's September meeting, a public hearing took place and there was discussion as to whether the property had been abandoned. The Board had asked for additional information to be provided, and Mr. Palecek indicated he had since submitted additional information which included an Affidavit from Jeff Arman, an employee of Costanzo Construction, who indicated that the Lucca Street property was in use by Costanzo Construction into April, 2004. Mr. Palecek indicated Tim Brubaker, who lived at 1006 Rebecca Street, whose property abutted the Lucca Street property to the rear, also signed an Affidavit which indicated that Costanzo Construction did operate its business from the property with no reduction in their operations until 2004. Mr. Palecek stated that also provided to the Board was an insurance policy which covered dates from 1/18/2004 to 2005 and insured not only the property, but the trucks and vehicles at the property. Mr. Palecek indicated documents outlining the activities by Costanzo Construction at the Lucca Street property in 2001, 2002, and 2003 in addition to an AEP bill dated March 25, 2004 and bill from Wooster City Services dated March 30, 2004 had also been provided. (See file for this documentation.)

Jeffrey Arman, 240 North Millborne Road, Orrville stated he was an employee of Costanzo Construction and indicated that in 2004, they would go to the Lucca Street property to check in each morning, get items out of the building and go to various job sites. Mr. Arman stated an F600 dump truck with a tri-axel trailer was at the property, a bulldozer, a backhoe, a Ford snowplow

truck, a van, and a semi with an aluminum dump bed. Mr. Arman stated they also made forms at the property on a concrete pad outside the front roll-up door of the building. Mr. Arman stated they cut rail at the property as well which was noisy because of the gasoline motor. Mr. Arman stated after the death of Albert Costanzo, they continued to work from the property performing the same work. Mr. Arman stated he also did maintenance work on the company vehicles at the site. Mr. Arman stated the building was also used for storage for other businesses (Crown Division housed dies there).

Mr. MacMillan questioned if the company vehicles were parked inside. Mr. Arman stated some were, but some were housed outside, in the property across the street (where the ties were currently located) or in the yard. Mr. Arman stated they kept rail, block and ties on "the other lot". Mr. Emerson questioned how many vehicles were stored outside of the building. Mr. Arman stated typically, the dump truck and semi were parked outside. Mr. Arman stated the vehicles were never driven home but were kept at the Lucca Street property. Mr. Emerson questioned when the vehicles were removed from the property. Mr. Arman indicated he believed the semi was removed from the Lucca Street property in May, 2003; the HD dozer was removed at the time the garage was rented to Mr. Reese.

Mr. Emerson questioned how many employees were typically at the facility. Mr. Arman stated 3-4 employees.

Mr. MacMillan questioned when Albert Costanzo died. Mr. Palecek stated he died in 2004. Mr. Arman noted that Costanzo Construction continued to operate from the Lucca Street property even after Mr. Costanzo passed away. Mr. Arman stated when Mr. Reese agreed to rent the property, it took him 1 ½ months to remove items from the building.

Mr. Gaffey noted that the electric and water bills supplied showed zero usage from the property. Mr. Palecek stated they used gasoline tools to cut rail; Mr. Arman noted that the welder had a plug in generator.

Mr. Gaffey questioned the work assignment notebooks as he noted the ones provided ended in October, 2003. Mr. Palecek stated those assignments were from Albert Costanzo's notebook; there was a notebook for 2004 as well.

Mr. Gaffey stated the two issues the Board needed clarification on were the business intensity from the construction company to the detailing business and establishing when Mr. Reese took over the business. Mr. Palecek stated an Affidavit from Annette Palecek was submitted to the Board previously which outlined the timeframe for the operation of the construction company and the detailing business.

Lukas Gaffey moved, Doug MacMillan seconded, to adjourn into Executive Session. Motion carried by a 6-0 vote.

Ken Suchan moved, Doug MacMillan seconded, to return to the regular portion of the meeting. Motion carried.

Mr. Emerson questioned if there was anyone present to speak with regard to the issue of abandonment.

Mindy Cavin, 324 Palmer Street, stated the rear of her property abutted 331 Lucca Street. Ms. Cavin stated if there was any business activity occurring in the building since she moved into her home in 1995, it was well hidden as she had not seen activity at the property at the very most more than a couple times a year. Ms. Cavin stated the building seemed abandoned from the time she moved into her home. Ms. Cavin stated she spoke with many neighbors in the area, and all indicated they had not seen any activity at the building. Ms. Cavin indicated that the intensity of the detailing business was not noticed by the residents until about 2007/2008, and the detailing business had become increasing more intense.

Carl Reese, 224 Old Columbus Avenue, stated he occupied the building with his detailing business in late 2004, so he did not understand why there was a problem with the business. Mr. Reese indicated the residents on Lucca Street knew him and was aware of his business, and they did not have a problem with him. Mr. Reese noted that no one had ever brought their concerns to his attention, and he had been at the property for almost 10 years. Mr. Reese stated if the property looked unsightly, he would "straighten it out". Mr. Reese stated since the Board's meeting in September, he removed a car and van from the property; the remaining vehicles on the property all had tags on them. Mr. Reese stated the wood that was stored outside was used for heat; the bricks would be moved.

Mr. Suchan questioned if he paid rent for the building to the Costanzo's. Mr. Reese stated yes. Mr. Suchan questioned if he had a rental agreement with the Costanzo's. Mrs. Reese stated yes. Mr. Suchan questioned why a copy of the rental agreement had not been provided. Mr. Reese indicated he was not aware the Board needed it. Mr. Suchan noted the rental agreement would be helpful because the utilities had not been transferred until 2008. Mr. Suchan stated documentation showing that he had rented the building since 2004 would have been helpful. Mr. Reese stated he had been paying electric, gas and water at the property since he had been there. Annette Palecek stated as part of the rental agreement, she was paying the utilities on the property, but that Mr. Reese would then turn around and pay her for those costs.

Mr. Emerson questioned what documents had been provided to the Board to show that Reese Detailing had operated from the building since 2004. Mr. Palecek stated an Affidavit from the owner, Annette Palecek, was provided to the Board that indicated Carl Reese rented the building beginning in October, 2004. Mrs. Palecek noted that there was a rental agreement with Carl Reese, and she could provide a copy to the Board.

(Inaudible), 224 Old Columbus Avenue, stated she had been detailing cars since 2004/2005 which could be verified with pay stubs from car dealerships.

Mr. Emerson stated there was a question as to when the construction company ceased, and the detailing business began. Mr. Emerson noted that the documents provided to the Board showed utility bills with zero usage and work assignments for Costanzo Construction with an ending date of October 6, 2003. Mr. Palecek noted again that the Board did have an Affidavit provided by the owner of the property and testimony and an Affidavit of a former employee of Costanzo Construction (Jeff Arman) and an Affidavit from a resident at 1006 Rebecca Street who spoke to the activity at the property. Mr. McIlvaine stated there was also testimony to indicate that those very statements were inaccurate, which was why the Board was looking for as much detail as possible to support the non-conforming status of the property. Mr. Palecek stated he did not feel the Board had any credible facts to indicate there wasn't any operation at the property. Mr. Palecek also noted that Tim Brubaker's Affidavit to the Board indicated that "from 1995 to 2004, he observed many business operations by Albert and his company almost on a daily basis" and

“there was no drop-off in daily business activity during the years 2003 through early 2004”. Mr. Emerson questioned why the utility bills did not support the building being used as a business. Mr. Palecek stated he was not certain other than his mother lived at 908 Rebecca Street, so if Albert needed to use water services, he could have walked to his mother’s home. Mr. Arman noted that whenever they needed electricity, they would use the generator as opposed to running an electrical cord to the equipment. Mr. Suchan noted that the narrative provided showed the construction company had 10 to 15 construction workers in the past, but that Mr. Arman had indicated there were 3-4 employees. Mr. Palecek stated there was activity and Costanzo Construction was functioning from the property, and that Mr. Reese’s operation was less intense than the construction business. Mr. Suchan noted the building existed prior to the Zoning Code.

Ms. Cavin questioned why Reese Detailing did not come before the Board in 2004 for the substitution of his use for the construction company. Mr. Dutton indicated that for non-conforming use substitutions, Board approval was required but had not occurred in this instance. Ms. Cavin stated had that been done, the neighbors would have been notified and obtaining the information would not have been so difficult as nearly 10 years had passed since the construction company moved from the property.

Mr. Emerson questioned how the City found out about the detailing business operating from the property. Mr. Dutton stated Ms. Cavin complained about the business, and after a review of the land use records on the property, it was found the owner/lessee had not gone through the proper channels in establishing the business at the property. Mr. Dutton stated he then notified the owner of the property who then, in turn, filed the application currently before the Board.

Jon Ulbright, 941 Buchholz, stated he saw a point of inconsistency in that other non-conforming businesses in the area had followed a procedure when substituting one business for the other. Mr. Ulbright questioned why that was not done as it appeared the uses changed and had “slipped through the cracks”. Mr. Emerson stated people were unaware of the regulations until after the fact, so the Board oftentimes had to deal with situations similar to the one now before them.

Adrian Eriksen moved, Ken Suchan seconded, to adjourn into Executive Session. Motion carried by a 6-0 vote.

The Board voted by a 6-0 vote to return to the regular portion of the meeting.

Mr. Palecek submitted a copy to the Board of the rental agreement between Reese Auto Detail and the owner of the property which (dated July, 2004—see file). Mr. Suchan noted that the lease agreement did note that the owner of the building would keep the utilities in her name, but that the tenant would pay those costs to the owner.

The Board began to address the intensity of the business.

Mr. Palecek stated there were no large, construction type vehicles or equipment with the auto detailing business like the ones that existed when the construction company operated from the property. Mr. Palecek stated there were two houses on Rebecca Street which backed up to the operation on Lucca Street (Brubaker, 1006 Rebecca Street, and Kelly, 1012 Rebecca Street), and both parties had indicated, in writing (see file), that they did not have any issues with the detailing business. Mr. Palecek stated the owner of property at 339 Lucca Street (Frances Ames) had also indicated, in writing (see file) that the business did not negatively impact the neighborhood and had no objection to the use continuing. Mr. Palecek indicated that the

Affidavits from Brubaker, Kelly and Ames in addition to Reynolds, 347 Lucca Street, and Bailey, 347 Lucca Street, indicated there were no complaints as to smoke, dust, odors, fumes, vibrations or glare from the detailing business.

Mr. MacMillan questioned if all of the detailing occurred on the property or if it was being done in the street/alley. Mr. Reese stated the work was done inside the building and in the driveway.

Mr. McIlvaine stated from the pictures submitted, it appeared as though there were some pretty serious “housekeeping issues” at the property. Mr. Reese stated no one in the neighborhood had ever complained to him. Mr. Reese stated the bricks would be moved; the wood was used to heat the building. With respect to the pallets, Mr. Reese stated the pallets had been stacked neatly on the property but that kids had knocked them over. Mr. Reese stated he did not have a problem cleaning up the property. Mr. Palecek stated since it was brought to Mr. Reese’s attention that there was an issue, Mr. Reese had made an effort to clean up the property to make it less offensive but that some of the residents in the area, through an Affidavit, had indicated they did not object to the operation.

Mr. McIlvaine questioned how many vehicles each day were detailed. Mr. Reese stated he did a maximum of three vehicles a day. Mr. Emerson questioned how many vehicles there were on the property at any given time. Mr. Reese stated he lost two accounts, so there were three vehicles at the most on the property at any given time. Mr. Reese stated prior to that, he had 6-8 vehicles on the property at any given time.

Mr. Suchan questioned if there were any other services he offered other than detailing. Mr. Reese stated no and indicated he did not do body work, unless on his own vehicle. Mr. Reese stated that, occasionally, he changed his own brakes or changed brakes for a friend. Mr. Emerson questioned if he sold vehicles. Mr. Reese stated he might sell one of his own vehicles to upgrade, but other than that, no. Mr. MacMillan stated the business, then, was strictly auto detailing. Mr. Reese stated that was correct. Mr. Suchan questioned if the detailing business involved washing of vehicles. Mr. Reese stated yes—wash, wax and polish. Mr. McIlvaine questioned if that occurred inside or outside the building. Mr. Reese stated in the summertime, it occurred in the driveway; in the wintertime, he did it inside the building. Mr. MacMillan questioned if there was a drain inside the building. Mr. Reese stated there was.

Ms. Cavin stated she had seen employees detailing vehicles in the street and provided a picture to the Board which showed that. Ms. Cavin stated because of the business, there was increased traffic in the alley. Ms. Cavin questioned vehicles parked in the street as part of the business, but was aware of other non-conforming uses which were told they were not permitted to use the street for parking. Ms. Cavin stated Lucca Street was narrow which created difficulty to begin with and sometimes was not passable because of the vehicles parked along the street. Ms. Cavin stated she had observed water running out of the garage and into the street. Ms. Cavin expressed concern with the pallets stacked outside and the unsightly condition of the property. Ms. Cavin stated the wood stack barely cleared the building and did not feel it complied with regulations. Ms. Cavin stated there was not enough parking on the site, so vehicles parked on the grass which was not permitted. Ms. Cavin noted that the property had only been mowed once since the Board’s September meeting, and there was a big pile of brush to the rear of the property. Mr. Palecek noted that the Board was provided Affidavits from residents on Lucca Street and Rebecca Street who had indicated they did not have problems with the business.

Mr. Ulbright stated the pictures provided to the Board showed seven vehicles associated with the business parked in the street. Mr. Ulbright stated parking in the street was not permitted (for the business), and it was a danger for the employees who worked on the vehicles as well. Mr. Palecek noted that the street was not posted as “no parking”. It was noted that not all of the vehicle parked along the street were from the business—some were owned by the residents. Resident at 224 Old Columbus Avenue stated the water ran down the driveway to the drain, and she was told by City workers that the water from the business could run into the drain. Mr. Emerson questioned if there was a drain inside the building. She indicated there were three drains inside the building. She indicated the wood pallets were now being stored inside the building. She indicated the van that was on the property without tags would be removed. She stated parts from the van were being used to repair the van that she drove.

Mr. Emerson stated the criteria the Board used was as follows: That the proposed use would not generate traffic that was more hazardous or dangerous than the normal traffic of the area; that the use would be operated and maintained so as to have a reduced negative influence on the surrounding neighborhood; that the operation of such use would not discourage the appropriate development of the surrounding area; that the extent and intensity of the proposed use would be such that its operation would not be objectionable to nearby properties by reason of noise, smoke, dust, odors, fumes, vibration or glare as permitted by the performance standards of the district. Mr. Emerson stated the Affidavits that had been submitted to the Board from the residents in the area did reference smoke, dust, odors, fumes, vibration or glare as not being objectionable, but not the other three criteria which he felt were questionable. Mr. Gaffey agreed. Mr. Gaffey stated there was conflicting testimony as to the traffic being generated from the business. Mr. Dutton noted that the Code required that the business provide all parking on the site on existing areas. Any parking areas needed to be hard surface; graveled areas existed on the property. Mr. Reese noted that many people used parking on the street—not just his business. Mr. McIlvaine noted that the residents were using the street parking for residential purposes—not for business. Mr. Reese noted that he had two personal vehicles that were parked along the street; everything else was parked in the driveway. Mr. Palecek stated, relating to traffic, that the construction company vehicular traffic included dump trucks, bulldozers, trailers, semi-trucks versus cars with the proposed business. Ms. Cavin stated the intensity of the business was enormous compared to what existed previously; people traveled fast through the alleyway to get to the business, oftentimes going the wrong way in the alley.

Mr. McIlvaine questioned if there was concern, should the variance not be granted, about the building being abandoned. Ms. Cavin stated there were other uses for the building as it could be used for storage. Mr. Dutton noted that should the variance not be granted, the only uses which would be permitted for the building were those noted in the R-T District regulations which included single family residential. Mr. Dutton stated that any use other than that would require a use variance from the Board. Mr. Reese stated 95% of his customers used Lucca Street to get to his property and stated he had no control on others who might use the alley.

Mr. Emerson noted that the City cited several violations on the property: That the commercial use did not currently have authorized waste removal service provided. Commercial waste removal must be obtained. Rubbish and garbage removal of all debris from the property. All unlicensed/inoperable vehicles must be removed from the premises. Mr. Palecek noted that the unlicensed vehicles had been removed from the property. Mr. Emerson stated that the items noted by the City spoke towards the “reduced negative impact on the surrounding neighborhood” that was outlined in the Code.

Mr. Ulbright stated he believed the City's regulations required water from washing a vehicle to discharge directly into a drain. Mr. Dutton stated he was not certain what the stormwater regulations were with regard to washing vehicles/runoff. Mr. Ulbright stated the building was not constructed to do this type of business and was inappropriate for the neighborhood. Mr. Ulbright stated to alter the building and bring it up to compliance might not be cost effective and felt Mr. Reese should look into other locations within the City that were more appropriate. Mr. Reese stated all of the chemicals he used met the EPA requirements.

Tate Emerson moved, Adrian Eriksen seconded, to adjourn into Executive Session. Motion carried by a 6-0 vote.

Lukas Gaffey moved, Gregg McIlvaine seconded, to return to the regular portion of the meeting. Motion carried by a 6-0 vote.

Tate Emerson moved, Ken Suchan seconded, to grant the request of Thomas Palecek for Annette Palecek of the substitution of a non-conforming use from a construction company to an auto detailing business in an R-T (Traditional Residential) District at 331 Lucca Street, contingent upon the business being brought into order to conform to the standards for a non-conforming business within 90 days.

Adrian Eriksen voted no. Mr. Eriksen stated he did not believe the property fit the use.

Lukas Gaffey voted no. Mr. Gaffey stated he based his vote on the Code as there were issues relating to intensity.

Gregg McIlvaine voted yes. Mr. McIlvaine stated he felt it was a less intensive use of the property but noted that Mr. Reese and the property owner had some work to do with regard to Code violations.

Ken Suchan voted yes. Mr. Suchan stated he would hope that the standards outlined by the City would be addressed within 90 days and any other City ordinances, such as employee/business parking being located on the premises. Mr. Suchan stated he felt it was basically a wash as far as intensity, and he believed the detailing business was not more intense than what was there.

Doug MacMillan voted yes. Mr. MacMillan stated he felt the question of abandonment was answered with the lease which had been established in August, 2004. Mr. MacMillan stated that with regard to intensity, he felt it could operate with less intensity by following the Code, i.e. not parking in the street. Mr. MacMillan stated if the business could meet the Code, he did not have a problem with it remaining.

Tate Emerson agreed with Mr. MacMillan with regard to abandonment of the property. Mr. Emerson stated with respect to intensity, he felt there was the potential for a construction company to be more intense than a detail business. Mr. Emerson stated he felt, however, the detailing business had proven to be more intense than the construction company. Mr. Emerson stated he believed the opportunity to bring the use/property within the Code regulations could make the detailing business less intensive than the construction company. Mr. Emerson voted yes, based on the criteria of bringing everything into compliance within 90 days.

Motion carried by a 4-2 vote.

Ms. Cavin questioned what would happen if the property could not be brought into compliance within 90 days. Mr. Emerson stated the City would determine whether the property was in compliance. Mr. Dutton stated if the applicant did not meet the condition of the Board by bringing the property into conformance, then the use would not be an approved use.

**Appeal #2013-26. Clear Picture Inc.** is requesting an area variance from Planning and Zoning Code Section 1169.15(b) and Section 1165.06 to construct a parking lot with a gravel surface and without the required landscaping in a C-1 (Office and Institutional) District at 444 West Milltown Road.

Kelly Rehm stated Clear Picture had deliveries and did not have enough room for semi's to turn around to the rear of the lot. Currently, semi's had to back out onto Milltown Road which was a traffic hazard. Mr. Rehm stated the existing graveled parking lot to the rear of the property had been extended 25' to the south, and another 42' to the west. Mr. Rehm stated the work was done in August, and they were notified by Mr. Dutton that a hard surface was required under the Zoning Code regulations. Mr. Rehm stated that the existing parking lot to the rear/south side of the building was 147' x 88' and was currently graveled. Mr. Rehm stated the extension of the 25' to the south was adjacent to the City's water tower and noted that the water tower also had a graveled driveway both off of Milltown Road and from the access from the property of Clear Picture. Mr. Rehm stated adding landscaping within the graveled surface would enhance the parking area, but by fulfilling that requirement, it would take away from the purpose of having semi's being able to turn around within the site without having to back out onto Milltown Road. Mr. Rehm stated the proper screening would be done to the south side of the lot and noted shade trees would be added; a hedge row would also be planted on the portion which abutted Commerce Parkway as well. Mr. Rehm stated employee parking had been moved towards the west to keep the area open for semi's during the daytime.

Mr. Rehm stated the Board had granted similar variances: Long Road (September, 2013); Buckeye Street (June, 2010).

Mr. McIlvaine questioned the graveled area which existed and how that occurred. Mr. Rehm stated the building was constructed in 1980, so he was not sure but indicated it may not have been a requirement of the Code. Mr. Suchan stated the property may not have been in the City when the building was constructed.

Mr. Rehm stated by adding a concrete surface on the east side of the building, he felt would create more difficulties in rolling from one surface to another than it would be if it were a continuous surface. Mr. Rehm stated he felt having a continuous flow of surfaces would be better visually as well. Mr. Emerson questioned if consideration was given to providing concrete for the entire area to the rear. Mr. Rehm stated cost would be a factor in providing concrete for that area.

Mr. Emerson noted that the landscaping regulations required 1 tree for every 10 parking spaces. Mr. Rehm stated it was his understanding 5 shade trees were required. Mr. Suchan stated the extension of the grandfathered parking lot was unusual. Mr. Rehm stated there was an existing fence line on the west side of the lot which was why the parking lot was extended as proposed.

Ken Suchan moved, Doug MacMillan seconded, to grant the request of Clear Picture as requested.

Ken Suchan voted yes. Mr. Suchan stated he was particularly interested in the safety aspect of allowing semi's to turn around on the property.

Doug MacMillan voted yes. Mr. MacMillan stated safety was extremely important along Milltown Road. Mr. MacMillan stated the area proposed to be enlarged was hidden from view and it was aesthetically better to be consistent between surfaces.

Gregg McIlvaine voted yes. Mr. McIlvaine stated the existing graveled parking lot was grandfathered and was merely being expanded for safety reasons.

Lukas Gaffey voted yes. Mr. Gaffey echoed the previous comments by Board members.

Adrian Eriksen voted yes. Mr. Eriksen cited aesthetics and safety issues.

Tate Emerson voted yes.

Motion carried by a 6-0 vote.

**Appeal #2013-29. Craig Sanders for Bauer Corporation** is requesting an area variance from Section 1165.08(c) & (d) to allow a loading area without the required screening in an M-1 (Office/Limited Manufacturing) District at the north end of Enterprise Parkway.

Craig Sanders, Freeman Building Systems, stated due to the topography and layout of the property and building, the loading docks faced Progress Drive. Mr. Sanders stated the building was 50,000-sq. ft., and with the elevation change on the property, the best location for the loading docks was as proposed. Mr. Sanders stated the Code required the loading docks to be screened from the right-of-way. Mr. Sanders stated the loading docks were perpendicular to the street, and by eliminating the screening, it would allow Bauer Corporation to have full access to the loading docks without restrictions. Mr. Sanders stated the area was more commercial or industrial, and he felt that by not providing the screening, it would not affect the overall character of the development. Mr. Sanders stated trees and shrubbery would be added to the east and west which would provide screening along Akron Road.

Mr. Emerson noted the Planning Commission approved the development plan. Mr. Sanders stated that was correct.

Mr. Emerson questioned if consideration was given to providing a different location for the loading area. Mr. Sanders stated the docks would primarily be used for shipping, and the flow of the product within the building was north/south. Mr. Sanders stated the roll-up door on the west end of the building was where materials would be delivered.

Mr. Suchan stated because of the topography, the docks would be below the grade and would be somewhat hidden, especially with trees on both sides. Mr. Sanders noted the retaining wall would be about 50'. Mr. Suchan stated once the trees matured, it would be difficult to see anything.

Adrian Eriksen moved, Doug MacMillan seconded, to grant the request of Bauer Corporation as requested.

Adrian Eriksen voted yes.

Lukas Gaffey voted yes.

Gregg McIlvaine voted yes.

Doug MacMillan voted yes.

Ken Suchan voted yes.

Tate Emerson voted yes.

Motion carried by a 6-0 vote.

Meeting adjourned at 9:00 p.m.

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**Tate Emerson, Chairman**

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**Laurie Hart, Administrative Assistant**