

**BOARD OF ZONING APPEALS**  
**Wednesday, August 16, 2017**  
**5:00 pm**  
**Council Meeting Room**  
**Variance Petition-Public Hearing**

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**Members Present:**

Mike Raper  
Kimberly Cuthbertson  
Tom Hurley ✓  
Jerry Hoffman ✓

**Members Absent:**

Cindy Spears ✓

**Others Present:**

Matt Ray  
Erin Hurley  
Todd Blevins  
Brian Townsend, Petitioner  
Tom & Jacque Chiudioni, Petitioners  
Michael & Carolyn Grieves  
Shonda Osborn  
Robert Flanagan

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Kimberly Cuthbertson called the meeting to order at 5:00 pm. Members present were Tom Hurley, Jerry Hoffman, Mike Raper, and Kimberly Cuthbertson. Cindy Spears was absent.

Mike Raper moved to approve the minutes from the July 27, 2017 meeting. Second by Tom Hurley. All members present voted aye.

Chiudioni

Matt Ray presented a use variance petition from Thomas and Jacqueline Chiudioni to allow special events to be held on their property located at 10510 W. Jackson Street and 10306 W. Jackson Street. Mr. and Mrs. Chiudioni gave a power point presentation of their plans for the event center to be named *Carriage House of Yorktown*. They plan to hold outdoor gazebo weddings and "under the oaks" ceremonies. Receptions will be held in multi-tier tents and the pool area. Their property is about a mile and a half from I69 so they don't feel that traffic will be a problem. They plan to hold events for 50-150 people and will expand the patio and move some fencing. The existing barn already has bathrooms so they will not need portable restrooms. A pantry is located in the garage which will be used for caterer preparation. There is a pasture behind the barn that will be converted to a parking area with crushed stone and lanes already exist for entrance and exit from the parking area to Jackson Street.

In answer to questions from the Board, Mr. Chiudioni stated that they do not intend to pursue a liquor license; the caterers would provide the liquor and the licensing. There are three septic systems on the property and one of those is oversized. There will be no cooking in the kitchen; it is for caterer set-up only. Rented tents will be used for events, even in inclement weather. Kimberly Cuthbertson noted that they will need to check with Delaware County Health Department regarding the food preparation, even though it is only a prep kitchen. There was a discussion about the drive entering and exiting off Jackson Street and the hours of operation.

There were no comments in favor or in opposition of the variance.

Tom Hurley made a motion to approve the use variance subject to the following conditions:

- Crushed stone to be installed in the parking area.
- Days of operation to be limited to Friday, Saturday, and Sunday only.
- Everyone must be off the property by 11:30 pm on Friday and Saturday and by 9:00 pm on Sunday.
- Contact and follow the recommendations of the Delaware County Highway Department and Health Department.
- Maximum occupancy of 150 people.
- Variance goes to applicants only and does not transfer with the property.

Mike Raper seconded the motion. All members present voted aye (4-0). **Variance approved.**

Townsend

Matt Ray presented a variance petition from Brian Townsend for the property located at 2411 S. Market Street, Yorktown. The request is to allow equipment storage for his business (Townsend Greens) in the parking area of his residence which is zoned R4. Mr. Townsend stated that he has lived at the property for 15 years. He stores his trucks at the house in the evenings, but they are all well maintained as is his home and yard. He keeps some of his hand equipment inside the trucks and so doesn't want to leave them off site. The vehicles are a 1 ton truck, a brush chipper, a bucket truck, and a dump truck with a trailer. He does not have any signage or advertising on the property and nothing is displayed on the vehicles. He has two employees who park on the street during the day.

In response to questions from the Board, Mr. Townsend stated that he is looking for another property to purchase to store his vehicles. He maintains regular business hours and has been in this line of work full time for two years and did it part time before that. The alley behind the house is used for maneuvering vehicles but nothing is parked in the alley. This is a mobile business; no one is coming to the house in the regular course of business.

Two letters were submitted to the Board, one in favor and one opposed. Mrs. Carolyn Grieves stated that she has been complaining for years and feels like three years is enough.


Tom Hurley moved to allow a temporary variance until September 1, 2018 with the following stipulations:

- No more than three commercial vehicles and two accessory pieces (trailers) are allowed on the property.
- Employees must immediately begin parking on Mr. Townsend's property instead of in the street.

Jerry Hoffman seconded the motion. All members present voted aye (4-0). **Variance approved until September 1, 2018.**

Kimberly Cuthbertson announced that this is her last meeting as she is moving to Florida next week.

Meeting adjourned at 5:40 pm.

  
(President)