

BOARD of ZONING APPEAL MEETING

April 27, 2016 7:00 p.m.

Meeting called to order. Roll call taken. Members present: Dorothy Kerr, Jim Spurrier, Phil Gardner, Bruce Denton, and Sandy DiSantis.

Motion made by Bruce to approve April 13, 2016 meeting minutes, second by Phil. Vote was unanimous to approve. Motion passes.

Business for the meeting:

Application 16-027, 2711 Blayney Rd., Sunbury, OH 43074, by applicants Ned Shyroch and Brian Davis, requesting zoning for the property to be changed from A-1 Residential to A-1 Expanded Use Residential. This is a continuation from the April 13, 2016 meeting.

Applicant Ned Shyroch spoke and reviewed with the Board a letter sent by the applicants detailing concerns addressed in the April 13th meeting and how those specific concerns would be addressed.

Items addressed included:

- Agritourism and its expansion across the country
- Presented example of type of contract that users would have to sign before “renting” the property, which included noise levels, alcohol use, potential for security to handle traffic for larger events, etc.
- Answered questions about number of bedrooms and total capacity

At this point, Board informed applicant that the zoning appeals question would be dealt with as two separate items

1. Use of property and Bed and Breakfast
2. Use of property and outbuildings as party rental venue/business

For use as a Bed and Breakfast, the current code contains specific requirements in Section 7.03. There are 6 specific items listed, and item #2 concerns the owner or manager actually living at the premise, and would that condition be met? The applicants requested a five-minute recess to confer. Motion to grant the recess was made by Bruce, seconded by Sandy. Vote was unanimous to approve. Motion passes. Recess occurred. Motion to resume meeting was made by Bruce, seconded by Sandy. Vote was unanimous to approve. Motion passes.

The applicants stated that they would have a family member or manager reside in the home and be present when people were in residence.

Motion was made by Sandy to approve Application 16-027, 2711 Blayney Rd., Sunbury, OH 43074, by applicants Ned Shyroch and Brian Davis, and to include current owner Linda Mayo for the conditional use of the property as a Bed and Breakfast provided the applicants comply explicitly with items 1-6, Section 7.03.5 of the Berkshire Zoning Code. Motion stipulates that applicants are not owners at this time and if the sale does not go through the conditional use approval does not carry through. Also, all additional conditions set forth in section 28.07 of the code must be met. Bruce seconded the motion. The vote was unanimous to approve. Motion passes.

Next being considered, is the question of permitting the use of the barn on the property for use as a rental space for weddings, parties, graduations, etc. This issue falls under Section 21.11 and 21.12 of the zoning code. Prefacing this discussion is the question of whether under the current code the home actually qualifies as it will not technically be anyone’s residence. Discussion regarding this question resulted in the board agreeing to move forward.

Motion was made by Jim to approve the request for expanded home occupation conditional use request under section 21.12 of the zoning code under the condition that all applicable requirements in section 28.07 are met. Failure to comply with any requirements of sections 21.12 or 28.07 or other applicable sections of the Berkshire Zoning Code will invalidate and terminate the approval by the BZA of case #16-027. In addition, all approvals are conditional on approval from the county health department, county engineer and public safety officials e.g fire and safety. Bruce seconded the motion. Vote: Jim – yes; Bruce – yes; Dorothy – no; Phil – no; and Sandy – no. The motion failed.

Phil moved to adjourn the meeting, Dorothy seconded. Meeting adjourned.

Shawna Burkham

Secretary