

Board of Zoning Appeals

Minutes of Special Meeting

July 13, 2021

Members present: Lisa Carson (Acting Chairperson), Joe Krause, Aaron Thomas (alternate voting member).

City officials present: David Riggs (Zoning Administrator) and The Government Channel

The meeting was called to order at 7:05. The Acting Chairperson read a statement about the policies and procedures of the Board and explained with only three (3) voting members, the decision had to be unanimous. She then swore in, under oath, those intending to give testimony.

Case #21-07I 333 E. State Street Zone: B-3 Nathan and May Rath

Appellant is requesting an interpretation on the definition of an eating and drinking establishment and to determine if proposed use by Dr. May's Thai Kitchen located on the commercial property would fit within the City's definition of eating and drinking establishments. Requesting a clarification regarding the proposed use of Dr. May's Thai Kitchen, if said use would be any different than other existing businesses that operate in the same manner and zone.

The Acting Chairperson called upon the Zoning Administrator regarding the judgement of the Code Office and if he had any comments.

Mr. Riggs asked the Board if they agreed with his interpretation of the code regarding B-3 Zones. He wanted the Board to clarify if they thought the commercial kitchen would be considered as an eating and drinking establishment.

Ms. Carson explained the board would decide if the carryout qualifies as an eating and drinking establishment according to the code.

The Acting Chairperson called upon the appellants to testify.

Appellant explained the commissary would be used to prepare food for their food truck and prepared food would also be placed in grab-n-go inside commissary.

Mr. Riggs explained that an eating and drinking establishment is not clear in the code.

Acting Chairperson asked if City Council would be able to revisit code and add clarification(s).

Mr. Riggs mentioned he would like City Council to review and define the code.

Ms. Carson called upon the appellants for further testimony.

Mr. Rath pointed out that the Ohio Revised Code states there is no eating, drinking, or tobacco use in a Commercial Kitchen except in designated areas or capped containers. He mentioned that if the Board would interpret their use as an eating and drinking establishment, it would go against the Ohio Revised Code.

On a motion by Aaron Thomas, seconded by Joe Krause, the Board has denied the interpretation of the Code Enforcement Office for the property at 333 E. State Street that the commercial kitchen would fit within the City’s definition of eating and drinking establishments.

The Acting Chairperson called for a vote: No – Krause, No – Thomas, and No – Carson.
Motion for interpretation denied 3 - 0.

OTHER BUSINESS:

The meeting was adjourned at 8:01.

Lisa Carson, Acting Chairperson Date

Kerri Yake, Secretary Date