

# Board of Zoning Appeals

## Minutes

### November 8, 2016

Members present: John Golzy (Chairperson), Lisa Carson, Betty Hollow, Joan Kraynanski, Kay Tousley, Aaron Thomas (alternate).

City officials present: Rick Sirois (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:00pm in City Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

**Case #16-11V                      237 West State Street                      Zone M                      Zymo Enterprise LLC, appellant**

**Appellant is requesting variances from ACC 23.04.08(A) [referencing ACC 23.04.07(A)(3)] to allow an eating and drinking establishment one hundred five feet (105') from an R-1 zone, where two hundred feet (200') distance is the minimum requirement, and from ACC 23.04.07(A)(8) to allow a bottling works thirty-five feet (35') from an R zone, where one hundred feet (100') distance is the minimum requirement.**

Ms. Tousley asked the Zoning Administrator about the map showing this lot as being in an R-3 zone. The Zoning Administrator said that the map was in error, and after research by the appellant, it was discovered that this specific area is zoned M.

The Chairperson called on the appellant to speak.

Kelly Sauber (Zymo Enterprises LLC) addressed the Board. Mr. Sauber said that the building has previously been used for Athens Messenger paper roll storage and an electric motor shop, so the building had been used for mid- to heavy-level industry. He noted that his distillery is currently located in Meigs County, but wants to move it here. Mr. Sauber stated that this location in question should be used for industry.

Mr. Sauber noted the other breweries in town, Ohio Brew Week, and area wineries. He indicated that he wanted to move his primary production for cider here as well. Mr. Sauber stated that his company buys apples and other produce locally. He also noted that City taxes would benefit from moving his business into the City.

Mr. Sauber referenced his plans to be in line with the City Comprehensive Plan. He stated that it fits with the Plan statement that older buildings be reused, and that it is in an industrial development area, except for University Commons. Mr. Sauber said that the City Plan calls for development of micro-businesses, and that craft distilleries are on the rise. He also said it would increase tourism.

Ms. Hollow asked about traffic caused by the business. Mr. Sauber said this would be a small craft brewery, with spirits and wine manufactured as well. He said the aroma

characteristics would be typical of a small brewery. Mr. Sauber stated that there would be practically no traffic increase in the first year. He said he has a license to sell liquor, but not on the premise. Mr. Sauber said that, in the future, there could possibly be a small restaurant, and that would increase traffic. Ms. Hollow asked about employee numbers and noise. Mr. Sauber answered that there will be two employees starting out. He said that there really is no noise, other than pumps running that are not loud. Mr. Sauber said that for bottling there is hand-processing and no bottles clanking down an assembly line.

Ms. Kraynanski asked about the aroma. Mr. Sauber asked if she was offended by the odor of Jackie O's brewery on West Union Street, as the smell would be similar. Ms. Kraynanski asked how much of the building is to be used. Mr. Sauber said it would be 3000 square feet, including storage. Ms. Kraynanski said she is concerned about possible odors hitting the apartment complex next door. Mr. Sauber said that brewing is the largest aromatic source. He also said that if odors could be detected from the distilling process, it is being done inefficiently. Mr. Sauber said the venting would go up through the roof. He added that the cider-making process produces a light aroma of fruit.

Ms. Kraynanski asked about parking. Mr. Sauber said there are 16 to 18 parking spaces. The Zoning Administrator said that he has estimated that the business will need 12 parking spaces, and that there are 20 spaces there. Ms. Kraynanski asked about the distance to West Side Elementary School. Mr. Sauber said it over 500 feet away, which meets state standards.

Ms. Hollow asked about the possible restaurant. Mr. Sauber said it was 50-50 if a restaurant would go in there.

The Chairperson asked what could be done if anyone had a complaint about odors from the site. The secretary said that that person may file a complaint with the Zoning Board, asking to review the variance.

Mr. Thomas noted that uptown restaurants produce odors, and on the east side of the City there is a bakery next to a residential neighborhood. He noted that there are worse odors than what would come from the appellant's business. Ms. Carson added that the neighboring chicken store produces odors as well.

Ms., Kraynanski said that the variance would go with the property, and others after could use this for their business. The secretary noted that those using the property could only use it for what is approved in the variance.

The Chairperson noted that there was no one to speak in favor of, make general comment about, or speak against the variance, then he closed the floor for discussion.

**On a motion by Ms. Kraynanski, seconded by Ms. Hollow, the Board moved to grant, in case #16-11V, 237 West State Street, Zymo Enterprise LLC, appellant, variances from ACC 23.04.08(A) [referencing ACC 23.04.07(A)(3)] to allow an eating and drinking establishment one hundred five feet (105') from an R-1 zone, where two hundred feet (200') distance is the minimum requirement, and from ACC 23.04.07(A)(8) to allow a bottling works thirty-five feet (35') from an R zone, where one hundred feet (100') distance is the minimum requirement.**

**FINDINGS:**

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** It is a tiny strip in the wrong place. The property is tucked away.
- 2.) **HARDSHIP AND DIFFICULTY:** It would be difficult to put other things in that zone on that lot.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** There is no manufacturing in this neighborhood anymore.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Aside from possible odor.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes—Carson, Golzy, Hollow, Kraynanski, Tousley. No—no one. Motion approved 5-0; variance granted.

**OTHER BUSINESS:**

--Disposition of minutes from September 13, 2016 meeting. On a motion by Ms. Tousley, seconded by Ms. Kraynanski, the Board moved to approve the minutes as presented 5-0.

The Board moved to adjourn the meeting. The meeting was adjourned at 7:57pm.

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John Golzy (Chairperson)

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Paul Eschenbacher (secretary)