****

**RECORD OF PROCEEDINGS**

Minutes of the Silverton Board of Zoning Appeals

Held Monday, February 19, 2018

The Silverton Board of Zoning Appeals met in Council Chambers at 5:30 pm on Monday, February 19, 2018. The meeting was called to order, followed by the Pledge of Allegiance.

**ROLL CALL:**

* Shirley Hackett-Austin Present
* Greg Hoekzema Present
* Dan Wanstrath Present
* Eloise West Present
* Josh Heinz Present

**Also Present:**

* Tom Carroll, Village Manager
* Bryan Pacheco, Village Solicitor
* Jay Stewart, Village Planner
* Meredith George, Clerk of Council

**APPROVAL OF MINUTES:**

Mr. Wanstrath moved to approve the minutes from October 19, 2017. Mrs. Hackett-Austin seconded the motion. Motion carried by a unanimous voice vote.

**VARIANCE REQUEST PUBLIC HEARING:**

Mr. Wanstrath moved to open the public hearing and was seconded by Mr. Heinz. Motion carried by a unanimous voice vote.

Mr. Carroll explained that the Silverton Brewing Company was seeking a variance for an outside seating area for the business to be located at 6860 Plainfield Road. Mr. Carroll explained that the building is located in the Silverton Renaissance District, which limits outdoor seating to 25% of the indoor capacity. The applicant is seeking a variance of 21%, to allow for the outdoor seating capacity to equal 46% of the indoor capacity. The indoor seating capacity is 200, and the applicant would like 94 outdoor seats. Mr. Pacheco administered the oath to Mr. Carroll and Mr. Carroll affirmed what he had stated was the truth.

Mr. Pacheco administered the oath to Mr. Josh Jansen, of the Silverton Brewing Company. Mr. Jansen addressed the board, explaining that they are a requesting a variance to allow for 94 outdoor seats, which is equal to 46% of the indoor seating. The zoning code only allows for outdoor seating to equal 25% of the indoor seating. Mr. Jansen stated the variance is important to the goals of the business and also the surrounding neighborhood.

Mr. Heinz stated he noticed on the site plan that the current Plainfield Road access will be changing to an entrance only and is concerned about safety. Mr. Jansen explained that this was done because the drive is very tight and does not properly accommodate a car entering and a car exiting at the same time. Mr. Carroll explained that the Village has a joint easement to the parking lot with CVS Pharmacy. The three points of access are: Sampson Lane, Plainfield Road and Montgomery Road. Only the Plainfield Road access point will be affected, and there are no zoning code issues with making that access point an entrance only.

Mr. Jansen explained that about 50% of the 94 outdoor seats will be in the front of the building, while the remaining seats will be on the Montgomery Road side to serve as a waiting space. Three parking spaces will be eliminated to allow for the outdoor seating.

Mr. Wanstrath voiced concerns about the safety of the outdoor diners along Plainfield Road. Mr. Pacheco administered the oath to Mr. Jeff Pearson of Platte Architects, and Mr. Jay Stewart of Kleingers. Mr. Pearson explained the seating on the Plainfield Road side of the building will be on a raised deck, and there will be fencing, bollards and landscaping buffers in place.

Mr. Stewart added that the zoning code was written with smaller areas in mind where it would be important to control the sidewalk area. This site is unique in it’s large size, and encroachment of the outdoor seating area into the public walkway is not an issue. All the outdoor dining will be on private property.

Mr. Heinz asked if the tables in the front of the building will be shaded. Mr. Jansen answered they will be shaded with some natural planted cover and umbrellas may also be used.

**PUBLIC COMMENT:**

*Walt Haglage – Silverton Property Owner*

Mr. Haglage addressed the commission stating he thinks the project is great for the area, and is excited about the growth in Silverton.

**DELIBERATION:**

Mr. Pacheco explained the Board has three options: to affirm, deny or modify the request. The Board will then need to reconvene on Monday, February 26 at 5:30 p.m. to approve the findings of fact and conclusions of law.

Mrs. Hackett-Austin asked how many tables there will be in the seating area. The west side of the building will have approximately 12 tables. The north side of the building will not have tables, as it is designed as a waiting area.

Mr. Heinz motion to affirm the variance, as submitted. Mrs. West seconded the motion. Motion carried by a unanimous voice vote. Motion carried.

**ADJOURNMENT:**

Mr. Wanstrath motioned for adjournment and was seconded by Mr. Heinz. All members present voted aye. Motion carried.

The meeting was adjourned at 5:56 p.m.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Meredith L. George
Secretary