

Minutes of the Zoning Board of Appeals Meeting of January 19, 2012 - 7:00 P.M.

MEMBERS PRESENT:           Regis Barrett, Chairman  
                                  Jeanne Hartman  
                                  Wally Parker  
                                  Dean Bredenbeck  
                                  Earl Bloam

ABSENT:

ALSO PRESENT:           Barbara Stanton, Secretary  
                                  Tom Ockington, Building Commissioner

Chairman Barrett – I would like to call the Zoning Board of Appeals meeting to order. Roll call was taken and the following members were present, Regis Barrett, Jeanne Hartman, Wally Parker, Dean Bredenbeck, Earl Bloam.

Chairman Barrett: We have a situation with the October 20, 2011 minutes. I was present at the meeting along with Dean Bredenbeck. Bob Kinney is no longer on the board. We will approve the minutes with the two board members that were present at the October meeting. A motion was made by Regis Barrett, second by Dean Bredenbeck to approve the minutes of October 20, 2011. **Vote Resulted: - Yes – Regis Barrett, Dean Bredenbeck. Abstain: Jeanne Hartman, Wally Parker, Earl Bloam.** A motion was made by Jeanne Hartman, second by Dean Bredenbeck to approve the minutes of December 15, 2011 as amended. **Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Wally Parker, Dean Bredenbeck. Abstain: Earl Bloam.**

Chairman Barrett: Item #1 – Appeal of the denial by the Planning Commission meeting dated December 1, 2011 from Thelma Lampkins-Freeman for conditional use approval to locate a child care center at 4674 Ridge Road. P.P. # 433-07-004 deferred from the Board of Zoning Appeals meeting from December 15, 2011.

Chairman Barrett: At the December meeting we covered everything we could possibly think of. Serena Billings along with Thelma Lampkins-Freeman were present. Chairman Barrett: You were going to bring a letter from the license specialist Ms. Payne; do you have it with you? Serena Billings: I spoke to Ms. Payne and it is company policy that letters cannot be obtained. They cannot put anything in writing. Chairman Barrett: The majority of the items that were discussed at the last meeting are under the control of the Department of Jobs and Family Services. Dean Bredenbeck: What was the number of children at the previous child care center? Commissioner Ockington: I do not know at this time. I could look in the files although that information may not be in the file. I do not think it would be mentioned on the occupancy permit. That would be determined by the licensing of the state. Serena Billings: We would like to have 50 to 55 children. Wally Parker: Does the City have any requirements regarding how many children can occupy the center? Commissioner Ockington: It would be by the size of the space. Earl Bloam: Isn't this governed by Jobs and Family Services as far as how many teachers and students? Serena Billings: Yes. Earl Bloam: Than this is not a zoning issue. Chairman Barrett: This is an appeals issue. Jeanne Hartman: Since opening another child care center in another location, what were the requirements regarding square footage per child? Serena Billings: Staff requirements are dependent on the number of children. The requirement is 34 square feet per child and it also depends on the age of the child. There was further discussion regarding the play area and vehicles in the area. Earl Bloam: I have taken the time to look at the documents thoroughly and it is an appeal issue and not a zoning issue. The final judgment is with the Department of Job and Family Services. They look at all areas of the day care facility including safety.

If they grant a license for the operation of the facility and the safety issues are addressed I see no reason why they should be denied. There was further discussion regarding play area, safety concerns, and traffic issues. Jeanne Hartman: If this request is approved when do you plan on opening the day care? Serena Billings: It will take at least 90 days for licensing. Every employee file needs to be complete before the state comes out. Commissioner Ockington: Whatever the vote may be, I just want to mention the law director has not given me a ruling on whether your ruling is final or will it need a confirming vote by Council. I will ask the law director for a ruling. There was further discussion. **A motion was made by Earl Bloam, second by Wally Parker to grant the appeal of the denial by the Planning Commission meeting dated December 1, 2011 from Thelma Lampkins-Freeman for conditional use approval to locate a child care center at 4674 Ridge Road, deferred from the Board of Zoning Appeals meeting from December 15, 2011. Vote Resulted: - Yes – Regis Barrett, Earl Bloam, Wally Parker, No – Jeanne Hartman, Dean Bredenbeck.**

A motion to adjourn the meeting was made by Dean Bredenbeck, second by Regis Barrett. **Vote Resulted: Yes – Regis Barrett, Jeanne Hartman, Earl Bloam, Wally Parker, Dean Bredenbeck.**

  
Barbara Stanton, Secretary

  
Regis Barrett, Chairman