

**MINUTES OF RECORD OF PROCEEDINGS
CITY OF CANAL FULTON BOARD OF ZONING APPEALS**

**Held at Council Chambers at City Hall
May 20, 2004 – 7:00 PM**

Calling of the Roll:

Present: Garnet Thomas, Dennis Mayberry, Joseph Charlton, Jeff Doak
Not Present: Sean McKiernan
Others Present: Richard Harbaugh, Mrs. Harbaugh, Bob Raper, Laurie Carroll,
Mr. Carroll, Dan Mayberry

Read: Notice of Public Hearing

Swearing In Witness: Richard Harbaugh, 616 Locust St., Canal Fulton

Statement of Richard Harbaugh:

Mr. Harbaugh states he has had earth-moving business at 616 Locust Street since 1956 and has now run out of inside storage space. He has one large permanent storage building but has to use three large old truck trailers for overflow. He would like to construct a second permanent storage building 34 x 48 and remove the old truck trailers. He needs a Variance to construct a second building on one lot, even though the lot is three acres plus.

Dennis Mayberry confirms the size of the lot and that the business has been at the location before the surrounding area became developed as residential; the business was grandfathered in.

Jeff Doak and Garnet Thomas confirm there is an overflow of material and equipment on the site.

Joe Charlton questions if the side setbacks are correct. Mrs. Thomas states since there are no roads beside the property all setbacks are in Code compliance. Joe Charlton made an on-site inspection and confirms the truck trailers are being used for storage at the current time.

Swearing in Witness: Bob Raper, 660 Prospect St., Canal Fulton (neighbor)

Mr. Raper states he wants to know how close the new building will be to the pond, which is shared with other neighbors. He does not want it contaminated by foundation materials.

Mr. Harbaugh states it will be a pole building with limited below-ground foundation materials. Mr. Raper states he is the "keeper of the pond" and wants to keep it clean and relates other problems related to the pond. Mrs. Thomas gavel Mr. Raper and tells him we are here to

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address only the issue of the storage building. He will need to discuss other issues relating to the pond with other boards/individuals.

Swearing in Witness: Laurie Carroll, 624 Circle Dr., Canal Fulton (neighbor)

Mrs. Carroll questions a business being allowed in a residential neighborhood. Mrs. Thomas explains the business is grandfathered in and is legal. Mrs. Carroll questions if the pine trees that screen the business will remain. Mr. Harbaugh states they will remain.

Swearing in Witness: Dan Mayberry, City of Canal Fulton (Director Utilities/Service)

Mr. Mayberry states Mr. Harbaugh is the one who created the pond and has taken care of it.

Laurie Carroll questions the location of the new building. Mr. Raper also questions the location in relationship to the pond. Mrs. Thomas states Mrs. Harbaugh can legally place his new building where he wants as long as he follows Code setbacks. Mrs. Thomas asks if Mr. Harbaugh is agreeable to a conditional Variance. He states he is. He is told the conditions. Mr. Harbaugh agrees.

Mrs. Thomas asks if there are any further questions. No one responds. She asks for a motion to vote on the Variance.

Motion is made by Dennis Mayberry; seconded by Jeff Doak.

Roll Call on Motion: Garnet Thomas – Yes
Dennis Mayberry – Yes
Joseph Charlton – Yes Aye: 4 Nay: 0

Request for Variance of Richard Harbaugh, 616 Locust St., Canal Fulton is granted as a Conditional Variance.

- A. Existing temporary structures to be removed
- B. Existing and future materials to be stored under roof, except where size/shape prohibit it
- C. Project to be completed in 18 months

Mrs. Thomas asks if there is any further business. There is no response.

Move to adjourn made and seconded. Meeting adjourned.

Garnet R. Thomas, Chair