

**BOARD OF ZONING APPEALS  
AUGUST 22, 2007**

Vice Chairman Dave Robinson convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Bob Juve, Russ Hose, Paul Wilkerson, Bill Daniel and Lee Kleinbeck. Joe Weinstein was absent. Mr. Daniel sat in for a full Board. Kim Ferencz, Zoning Inspector, was present.

**OLD BUSINESS:**

CONTINUED PUBLIC HEARING – 6:00 PM

APPLICANT: **DOUGLAS JACKSON**

LANDOWNER: **WINDSONG AT CHAMBREL LLC**

LOCATION: **120 BROOKMONT ROAD**

ZONING DISTRICT: **C-3 COMMERCIAL**

VARIANCE: **ART. IV, SEC. 422-3 F. LIFE CARE FACILITY**

Mr. Robinson opened the continued public hearing.

Mr. Robinson swore in all persons who wished to speak that were not previously sworn in at the last hearing.

Mr. Robinson stated that the following information was received by the Board and is to be entered into the public record:

A letter was faxed to the Zoning Department from Mr. Mike Rankine from Design Construction. The letter in part states that there is an audit of the current parking situation. The log details the number of open parking spaces at certain times of the day. The letter also states that this may be a moot point due to not having outpatient physical therapy.

Mr. Bob Zimmer submitted a letter to the Zoning Department that was in response to the Board of Zoning Appeals meeting, which took place on July 24<sup>th</sup>. The letter in part stated that the addition is strictly an expansion of the existing facilities so that they can provide a more quality facility for the residents that reside at Windsong. At one point during the planning process it did come up about having the ability to do outpatient therapies. They have decided to not offer outpatient physical therapy at this facility. The logistics of transporting and tracking patients entering and leaving the facility was determined to be too cumbersome and not in their best interest. Therefore, there will be no new potential clients that would require additional parking. Ms. Ferencz stated that the applicant/landowner was requesting to update an existing Conditional Use Certificate to build an addition.

Mr. Bob Zimmer, Executive Director for Windsong Care Center addressed the Board. He stated that initially when this addition was proposed, they discussed opening it up to outpatients for physical therapy. There would be many issues that would need to be resolved or determined to be able to do that, with the biggest issue being billing for outpatients, so that will not be taking place at this time. Mr. Zimmer added that the facility might revisit it at a future date. Mr. Zimmer

concluded that this addition would be just an extension of the services provided for the residents of Windsong.

Mr. Robinson stated that if in the future Windsong would want to be able to offer physical therapy to outpatients it would need to go before this Board for approval.

Zoning Inspector Ferencz asked if the site plan before the Board is the same construction plans that were submitted to the Zoning Dept. and other various agencies? Mr. Rankine stated yes, there has been no modification to the plan that has been submitted.

Mr. Robinson went over Section 802 subsection 152 which listed the items that have to be addressed for the extension of Windsong's conditional use. He also thanked Mr. Rankine and Mr. Zimmer for providing the parking lot audit showing the breakdown of parking spaces for Windsong. This document verifies the number of parking spaces required and used at this facility.

Mr. Wilkerson asked if there could be verification that Windsong will not be offering this service to outpatients? Zoning Inspector Ferencz stated that usually the Zoning Dept. does not do such inspections unless there seems to be suspicious activity that is not permitted per the Zoning Resolution but suggested that stipulation should be added in the motion that if or when Windsong would ever consider opening the facility addition to outpatients for physical therapy, that they would need to come back before the Board.

Mr. Juve made a motion to close the public portion of the hearing. Mr. Hose second.

ROLL CALL-Juve-aye, Hose-aye, Daniel-aye, Wilkerson-aye, Robinson-aye.

The Board entered into discussion amongst themselves.

Mr. Hose made a motion to approve the extension of the conditional permit for Windsong Care Center at Chambrel to include an 800 sq. ft. addition for the residents of this facility only. This addition will include a physical therapy area and extension of the dining area. In the future if the addition is to be opened up to accommodate outpatient physical therapy, Windsong will need to come back before the Board of Zoning Appeals for this consideration. Mr. Juve second.

ROLL CALL-Hose-aye, Juve-aye, Wilkerson-aye, Daniel-aye, Robinson-aye.

### **Review of Minutes:**

Mr. Hose made a motion to approve the minutes from the July 25, 2007 hearing as written. Mr. Daniel second.

ROLL CALL-Hose-aye, Daniel-yes, Juve-aye, Wilkerson-abstain, Robinson-aye.

FUTURE MEETING DATES: September 26, 2007 at 6:00 p.m.

With no further business to come before the Board, the meeting was adjourned at 6:19 p.m.

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Dave Robinson, Vice Chairman

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Sue Schultz, Secretary