

BOARD OF ZONING APPEALS

The regular meeting of the Board of Zoning Appeals was held on June 6, 2019, at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

President Shultz called the meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

Present

Absent

Board Member Deasy
Board Member Bolyard
President Shultz

Board Member Ragan
Board Member Manchin
Board Member Majic

Board Member Deasy motioned to excuse Board Members Manchin and Ragan from tonight's meeting. Board Member Bolyard seconded the motion.
Motion carried 3-0

City Staff Present

Interim City Planner, Ken Fletcher
Senior Staff Assistant, Maria Cipolla

APPROVAL OF MINUTES

May 2, 2019 & May 20, 2019

Board member Bolyard motioned to accept both sets of minutes.
Board Member Deasy seconded the motion.
Motion carried 3-0

PUBLIC HEARINGS FOR JUNE 6, 2019

1. Tabled: Christina Mickey, President of the Marion County Humane Society requests a conditional use permit to allow for the establishment of an outdoor kennel in the Industrial Zoning District. The proposed action is located off Business Park Drive and is identified as tax parcel 4-19A-105. The request has been withdrawn.

Maria Cipolla informed the Commissioners that the City is currently trying to find a new location for the Humane Society that is more welcoming.

This item died on the table.

2. Rebecca Moran requests to replace one non-conforming use (retail) with another equal or less intense non-conforming use (office/studio) as stated under City of Fairmont Zoning Code 8.3.E. The proposed action is located at 700 Morgantown Avenue and is identified as 5-4-34.

President Shultz asked if there was anyone to speak in favor of this request.

Rebecca Moran stated she has been running a video production company for the past eight years. They are currently located on Adams Street. They share a space with a photographer and hope to do the same at this location as well. This is the former Kitchen & Bath Rx building.

Maria Cipolla read two letters sent to the Planning Department from **Rebecca Moran** and **Courtney LaFollette**. Both letters are in favor of this business relocating to this building.

President Shultz asked if there was anyone to speak against this request.
There were none.

President Shultz asked for a motion to close the public hearing.
Board Member Deasy motioned to close the public hearing.
Board Member Bolyard seconded the motion.
Motion carried 3-0

President Shultz asked if there are any comments from any of the agencies (police, water, sewer, fire department, Gas Company, etc.)

Maria Cipolla informed them that there are no negative comments on this request.

President Shultz asked for the staff report from the Interim City Planner.

Ken Fletcher, Interim City Planner stated he thinks this is a perfect business for this location. This business will not generate much traffic. The business license form the location is current.

The Board Members and the **Ken Fletcher** had a detailed discussion about this request.

President Shultz asked for a motion on this request.
Commissioner Deasy motioned to approve this request.
Commissioner Bolyard seconded the motion.
Motion carried 3-0

3. Cole Dick of Dream Makers, requests a variance from City of Fairmont Zoning Code Section 5.9.2 Refuse Containment: Non-Residential District. The applicant requests to place a dumpster in the front yard due to topographical challenges. The proposed action is located at 1367/1365 Locust Avenue and is identified as 3-18-184 and 3-18-183.

President Shultz asked if there was anyone to speak in favor of this request.

Kenny Cook informed the Board that he is one of the owners of this business. When they purchased the building, it had multiple trash cans. There is no room in the back of the building for a dumpster. They currently have a dumpster there for the remodeling project they are doing in the front of the property. They want to keep the dumpster that they currently in the front but place it on a concrete pad with an enclosure that is made up of a chain-linked fence with vinyl inserts. There are 17 apartments in this building.

Ken Fletcher suggested a vinyl fence since it is location in the front yard and have already received complaints. He would like to see it as nice as possible.

President Shultz asked if there was anyone to speak against this request.
There were none

President Shultz asked for a motion to close the public hearing.

Board Member Bolyard motioned to close the public hearing.

Board Member Deasy seconded the motion.

Motion carried 3-0

President Shultz asked if there are any comments from any of the agencies (police, water, sewer, fire department, Gas Company, etc.)

Maria Cipolla informed them that there is only one concern from the fire department. Dave Perkins, with the Fire Department, stated that the dumpster has to be at least 10 feet from the building according to State and City regulations.

President Shultz asked for the staff report from the **Ken Fletcher**.

Ken Fletcher added the City does require a building with this many apartments should require a dumpster. All rentals are registered and up to Code. The health Department does not require them to have a sanitary line since it is not a restaurant.

The Commissioner and the City Planner had a detailed and lengthy discussion on this item.

President Shultz asked for a motion on this request.

Commissioner Deasy motioned to approve this request.

Commissioner Bolyard seconded the motion.

Motion carried 3-0

President Shultz told them they have 30 days to get at least a temporary enclosure around the dumpster that states it needs to be six feet high with landscaping.

Ken Fletcher will work with Dream Makers on the exact location of where the dumpster should be and how it should be enclosed when they come in for their permit.

DISPOSITION OF PAST CASES

None

NEW BUSINESS

None

OTHER BUSINESS

Maria Cipolla informed the Board that the July meeting will be held on July 11th due to the Fourth of July holiday.

ADJOURNMENT

President Shultz asked for a motion to adjourn.

Board Member Bolyard motioned to adjourn.

Board Member Deasy seconded the motion.

Motion carried 3-0