

BOARD OF ZONING APPEALS

This meeting of the Board of Zoning Appeals was held January 5th, 2023 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

ROLL CALL OF MEMBERS

Present

Board Member Shultz
Board Member Knapp
President Manchin
Board Member Majic
Board Member Cunningham

Absent

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

City Staff Present

Director of Planning - Shae Strait
Staff Assistant - Kirstin Poluck
Assistant Planner - Carly O'Dell Jones

APPROVAL OF MINUTES OF October 6th, 2022

President Manchin asked for everyone to read over the previous months minutes and look for corrections or additions. **A motion was made** by Board Member Majic to approve the minutes. Board Member Knapp **seconded the motion**. The **motion passed** unanimously.

PUBLIC HEARINGS FOR January 5th, 2023

BZA 23-01 — - Sanjeev Sharma C/O Santosh LLC, is requesting a **CONDITIONAL USE PERMIT** for 1117 Fairmont Ave. for a **MOTEL**.

Sanjeev Sharma was present to speak on behalf of the request. He stated that he had recently purchased the Petty John in hopes of renovating it and it becoming franchised by Motel 6. He stated that he has 10 years' experience in running motels and it looking forward to the renovation and reopening of the facility.

Staff has reviewed this location; it currently has 47 units plus some additional amenities. The requirements are as follows:

1. Shall be oriented to the front of the lot facing the main street;
2. Lighting shall be shielded and subdued so as not to interfere with the quiet use and enjoyment of surrounding properties, as determined by the Planning Commission;
3. Noise shall be of such a nature so as not to interfere with the quiet use and enjoyment of surrounding properties. Additional information regarding projected noise levels and

mitigations measures such as a noise analysis prepared by a professional qualified to complete such a study may be required by the Board of Zoning Appeals;

4. Traffic flow shall be patterned in such a manner so as not to interfere with the quiet use and enjoyment of surrounding properties; and
5. Parking shall be underground or to the rear or the side of the main structure.

There are several of the requirements that do not apply to the structure due to it already existing. Staff recommended approval of the request.

President Manchin asked if there was anyone who was there to speak in favor of the request; there was no one. He then asked if there was anyone present to speak against the request.

Marshall Lupo, was there to speak in opposition to the request. He stated that he lives across the street and was concerned with where the storage of the garbage was going to go. Currently the location of the garbage is causing an eyesore for everyone, he asked that the owners consider a new location to place the garbage.

Board Member Majic asked if there was anything currently around the garage, there was not.

Jeff Van Volkenburg of Farms Dr. was there to speak. He stated that there are residents who about the back of this property and asked if there was something that the motel would put in place, such as a privacy fence or shrubbery to keep some type of privacy for those homes. Also, that there be signage that states Left Turn only, to keep people who are unfamiliar with the area and staying there from turning down into the residential neighborhood. Lastly, he requested that the motel be used appropriately and made sure to follow corporate guidelines. President Manchin again asked if there was any one else present to speak in opposition. Nancy Smaggie also of Farms Dr. was concerned with additional traffic that would be coming to the area, she suggested that speed bumps be added.

Forrest Deluca was also there to speak in opposition. He stated he was concerned about this would affect the community; he did not believe it would be a positive impact. He was also concerned with additional traffic and Farms Dr. being used as a short cut.

President Manchin asked if there was any one else to speak. There was no one.

Mr. Sharma addressed the concerns of the residents he stated they would move the garbage and had no problem with adding fencing/vegetation for the privacy concerns.

President Manchin asked for a motion to close the public hearing. Board Member Knapp made a motion to close the public hearing, Board Member Majic seconded the motion. Board Member Majic made a motion to approve the request with the following conditions: There would be signage for those entering/exiting the motel, there would be louvered windows, and the trash cans would be moved. Board Member Cunningham seconded the motion.

Roll Call vote was done.

Vote: Majic, yes. Shultz, yes; Knapp, yes; Cunningham, yes; Motion approved.

**BZA 23-02 - William Oliver on behalf of Merit Development, Inc, is requesting a
CONDITIONAL USE PERMIT for 1622 Glass Avenue in the Speedway Business Park for
OUTDOOR STORAGE AS A PRINCIPAL USE.**

William Oliver was present to speak on behalf of the request. The area in question is currently zoned for Industrial Use. The building and location in question are currently leased from Merit. The tenants are wanting to use the building and the area across the street for outdoor storage, for trailers and some other industrial items.

Staff reviewed the proposal, the intended area is between a set of tractor trailers that are already stored and the building located at 1622. The intended use is in between that area. The requirements for outdoor storage are that all outdoor storage will have a minimum of a twenty-foot setback from all property lines. Also, side or rear yards must be screened by Type B buffer yards or greater. This particular property does have a front yard that is difficult to determine. After reviewing the request, staff determined that the front yard would be anything that touches Glass Avenue. Staff recommends that the current vegetation stay in place as it is sufficient as a buffer yard between the outdoor storage. Staff believes the requirements are met under the zoning code.

Currently there are only two industrial zones left and those are Eldora and Speedway.

Board Member Shultz wanted to clarify that both sides of Glass Ave would be considered front yard? Planning Director Strait stated that yes, both sides are considered front yard until the parcel becomes subdivided, if ever.

Board Member Cunningham questioned if the fence would just be in the front yard? Planning Director Strait stated that yes.

Board Member Shultz questioned how this would affect the property located at parcel 1696 as it is labeled a residence?

Planning Director Strait stated that 1694, 1696 and 100 are residential uses, however this would not affect them.

Board Member Shultz asked how does the proposed location sit topographically in reference to the previously mentioned locations? Higher or lower?

Director Strait stated it was lower in elevation than all of those properties. This current property used to have storage at this location but did not reapply within a year, so they had to reapply to get approval.

Board Member Cunningham wanted clarification that 1622's back lot building was also the property of Merit Development.

Board Member Shultz got clarification that access to other parcels would not be impeded. To which Director Strait stated that it would not affect those and in fact Merit has been developing new roads.

President Manchin asked if there was anyone else to speak in favor of the request, there was no one. He then asked if there was anyone present who was opposed.

There were members of the community who did come to speak out against Merit, however it had nothing to do with the current petition that was brought before the board today.

President Manchin asked for motion regarding the request that was submitted. Board Member Majic made a motion to approve the request as submitted. Board Member Cunningham seconded the motion.

A roll call vote was done.

Majic, yes. Shultz, yes; Knapp, yes; Cunningham, yes; Motion approved

Disposition of Past Cases

None

New Business

None

Other Business

Election of the officers was completed. Board Member Shultz nominated Board Member Knapp to President. All members were in favor. President Manchin nominated Board Member Majic as Vice President. All were in favor.

Director Strait proposed doing Roberts Rule refresher that would be scheduled in February or March. All members were in favor.

Adjournment

President Manchin asked for a motion to adjourn. Board Member Knapp motioned to adjourn; Board Majic seconded the motion. Motion passed unanimously.