

BOARD OF ZONING APPEALS

This meeting of the Board of Zoning Appeals was held November 4th at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

ROLL CALL OF MEMBERS

Present

President Shultz
Board Member Knapp
Board Member Perkins

Absent

Board Member Manchin
Board Member Majic

President Shultz asked for a motion to excuse Board Member Majic from the meeting. Board Member Knapp motioned to excuse Board Member Majic; Board Member Perkins seconded the motion.

City Staff Present

Director of Planning- Shae Strait
Staff Assistant, Kirstin Poluck

APPROVAL OF MINUTES OF October 7st, 2020

President Shultz asked for everyone to read of the previous months minutes and look for corrections or additions. With no corrections or additions indicated, a motion was made by Board Member Perkins to approve the minutes. Board Member Knapp seconded the motion. Motion passed unanimously.

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

PUBLIC HEARINGS FOR November 4th, 2021

Charles and Sylvia Barr are requesting a variance from section 5.4-D. which requires all parking areas and driveways to be paved with a permanent surface material or contain a similar type material approved by the Planning Department. The variance is to permit for the use of gravel, which is specifically prohibited, as the finish surface material. The property for the variance is located at 1096 Lake Ave, Fairmont, WV.

President Shultz asked if anyone was here to speak on behalf of the request. Mrs. Sylvia Barr was present to speak. She and her husband are the current owners of 1096 Lake Ave and they are requesting a variance due to the financial burden it would cause them to have to asphalt the entire driveway right now. The home was just purchased recently. The current estimate they've gotten to do both the blacktop and driveway was 19,000. They are asking that for now just to put down gravel for the driveway and later they will come back and asphalt everything.

President Shultz asked if they had considered doing part of the asphalt now and some later. Mrs. Barr stated that her husband would like to do it all at once, and if they did part now it would still be 7,000 dollars.

Board Member Knapp wanted to know what kind of slope the driveway had? Mrs. Barr stated that they would be digging out the ground and a small retaining wall will be put in. There will also be something would be put in to keep the gravel from going into the street and in between the two houses. Board Member Knapp just wanted to clarify that there would not be a slope toward the street. Mrs. Barr stated that the drive way would be behind the house and there would be a small spot to have a turnaround. President Shultz wanted to make sure that there were not gas or water lines running through where they were planning on putting the driveway. Mrs. Barr stated that there were no gas or water lines running through there.

Board Member Perkins wanted to know how much distance was between the back corner of the house and the neighbors chain link fence. Mrs. Barr stated that there was about 14- 15 feet. Board Member Knapp wanted to know if the driveways were exempt from the 5-foot property line rule, to which Director Strait stated that yes there were, but we advise to have at least a 5 feet buffer. Mrs. Barr stated that the neighbors were in support.

President Shultz wanted to know if the contractor had told them they couldn't go over the water meter or if they heard that somewhere else. Mrs. Barr stated that she was told that by the contractor, but that you could go around the meter.

President Shultz stated that there would be curbing and/or drainage needed. Board Member Perkins wanted to know they time line for putting in the permanent asphalt driveway. Mrs. Barr stated that she was thinking 2 years possibly sooner. President Shultz wanted to know if Mrs. Barr had gotten the set back requirements for a garage to be placed in the back. Mrs. Barr stated that yes, they do have the room for a garage and small turn around spot, but they had yet to submit anything to the city for construction as of now.

Board Member Perkins wanted to know if any of the current driveways in the city with gravel are the same size as what the Barr's are proposing. Director Strait stated that yes about half or more were full length. There was a previous rule that all gravel alleys could have a gravel driveway. Then the city paved all the alleys so that all but banned gravel driveways. The reason for paving was easier maintenance than the gravel, however it has increased cost and increased water runoff.

President Shultz asked if there were any other questions. There were none. President Shultz asked if there was anyone there to speak again the request. There were none. President Shultz asked for a motion to close the public hearing. Board Member Knapp made a request to close to public hearing, Board Member Perkins seconded the motion. Motion Passed.

Director Strait stated in his staff report that there were no issues with the agencies or departments. Gravel driveways and alleys used to be permitted, however that is no longer the case. Where the Barr's house is located, they are only able to construct a new driveway. The staff report listed

out the general percentages it will cost to create a driveway. Asphalt increases the cost by 200 percent. Concrete is 166 percent and pavers are 300 percent or more that the cost of just laying down gravel. This is a substantial financial request, the Barr's proposal to gravel, pave and contract a driveway will cost 15 percent the cost of their home, not including the land. However, City does place other financial burdens upon property owners such as, no one can contract housing in the city without a permanent foundation. Staff recommendation is neither for or against, but completely neutral. We emphasize with property owners; however, we do see both sides.

President Shultz agrees that yes, it is a financial burden, especially with the size of the driveway but that it could be done in smaller sections. Especially because one day they are wanting to add a garage anyway, so it is a multiphase project. Board Member Knapp states that while he has no reservations about this particular case, it can cause issues for motorcyclist as gravel causes runoff. An apron would be a good idea, and it should be a case-by-case hearing for people wishing to have a gravel driveway. President Shultz stated that she was leaning toward the side of caution. Board Member Perkins stated he agreed with both. Gravel will be going toward the yard so it wouldn't be as much of an issue for this location.

Board Member Knapp makes a motion considering the topography of the neighborhood, the fact that it is residential neighborhood, the street in question is not directly tied to a main throughfare, the cost involved with asphaltting the driveway, but potential safety issue that could arise from this project he motioned to conditionally approve the request with the apron and edge board.

Board Member Perkins had a question if the apron would cover the ROW? Director Strait states that yes it would. And whatever would be left over would be 10 feet? So, they would potentially only have to pave 10 feet and the edge board. He seconded the motion.

President Shultz stated that motion to conditionally approve the request with the apron and edgeway was approved and called for a roll call vote.

President Shultz- Yes
Board Member Knapp- Yes
Board Member Perkins- Yes
Motion Passed.

Disposition of Past Cases

NONE

New Business

None

Other Business

Director Strait states that we will be having a Jared Anderson come down to speak to the BZA and Planning Commission for class on land use.

Adjournment

President Shultz asked for a motion to adjourn. Board Member Knapp motions to adjourn, Board Member Perkins seconded the motion. Motion passed unanimously.