

BOARD OF ZONING APPEALS

The regular meeting of the Board of Zoning Appeals was held on April 7, 2016 at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

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

ROLL CALL OF MEMBERS

Present

President Joe Manchin
Vice President John Six
Board Member Ray Friend
Board Member Aron Majic
Board Member Gia Deasy

Absent

City Staff Present

City Manager, Robin Gomez
Recording Secretary Maria Cipolla

APPROVAL OF MINUTES

President Manchin asked for a motion to approve the minutes from March 3, 2016.

Board Member Six motioned to approve the minutes.

Board Member Friend seconded the motion.

Motion carried 5-0.

PUBLIC HEARINGS FOR April 7, 2016

1. THE APPLICATION PURSUANT TO THE PROVISIONS OF ARTICLE 8.8.2.E OF THE CITY'S PLANNING AND ZONING CODE OF SLINGER, LLC, D/B/A BEN'S FOR THE SUBSTITUTION OF ONE NON-CONFORMING USE, BARS AND NIGHTCLUB, LIMITED VIDEO LOTTERY, AT 1122 FAIRMONT AVENUE, FAIRMONT, MARION COUNTY, WEST VIRGINIA, FORMERLY HARVEST MOON, BEING TAX MAP 03-06 PARCEL 12, FOR ANOTHER EQUAL OR LESS INTENSE NON-CONFORMING USE, BEING BARS AND NIGHTCLUB, LIMITED VIDEO LOTTERY SAID PROPERTY BEING ZONED MAIN CORRIDOR COMMERCIAL.

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

Shaun Linger, owner/operator, explained to the Board members that he would like to continue using his building for the same use as his last tenant, The Harvest Moon. He detailed all the upgrades they have made to the building, explained the parking situation, and how they have continued keeping the old employees on and working.

President Manchin asked if there was anyone here to speak against this request.

There were none

President Manchin asked if there is a motion to close the public hearing on this request.

Commissioner Majic motioned to close the meeting.

Commissioner Six seconded the motion.

Motion carried 5-0

Robin Gomez informed the Board that Benny's inspection is scheduled for 4-8-16.

The Board had a brief decision on this matter.

President Manchin asked if there was a motion for this request.

Board Member Six motioned to approve their request.

Board Member Deasy seconded the motion.

Motion carried 5-0

2. THE APPLICATION FROM SHEETZ, INC. FOR VARIANCES FROM THE PROVISIONS OF THE CITY OF FAIRMONT'S PLANNING AND ZONING CODE WHICH LIMITS THE HOURS OF OPERATION, ENFORCES SETBACK REQUIREMENTS AND THE CONDITION USE FOR A CONVENIENCE STORE/AUTOMOTIVE FUELING STATION IN THE MAIN CORRIDOR ZONING DISTRICT. THE APPLICANT IS REQUESTING TO HAVE THEIR BUILDING DEEPER THAN 45' FROM THE FRONT PROPERTY LINE, CONDITIONAL USE FOR A CONVENIENCE STORE/AUTOMOTIVE FUELING STATION, AND THE ABILITY TO BE HAVE EXTENDED HOURS OF OPERATION THAT ARE ALLOWED UNDER THE MAIN CORRIDOR ZONING. THIS PROPERTY IS LOCATED AT 1000 FAIRMONT AVENUE, TAX MAP 01-06 PARCELS 1, 2,3,4,4.1.

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

Aron Hensley, real estate site selector for Sheetz, Inc., explained the Board that Sheetz has been looking for a location here in Fairmont for a couple of years. The site they choose has to meet certain criteria and he believe this site meets them.

Terradon brought site plans with them to show how the building will be sitting on the lot, where the landscaping is being done. He said they are also doing improvement to our sewage system along the back of their property. He also said that they have spoken to the State's Department of Highways and they have signed off the project. They are also able to meet all of the required landscaping and capture all the water runoff that the City requires. They will also be putting in a 15' retaining wall along Gaston Avenue. There will be no traffic entrance or exit on Gaston Avenue. They will have one on Fairmont Avenue and another lined with McDonald's on Tenth Street.

President Manchin asked if anyone was here to speak against this request.

Aron Ashley, a local business owner, said he was not here to speak against the request, he just had concerns about addition traffic along Fairmont Avenue and asked how or what the City can do to improve the conditions should it get any worst.

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

Board Member Friend motioned to close.

Board Member Majic seconded the motion.

Motion carried 5-0

President Manchin asked for any comments or concerns from the other Board members.

The Board members had a brief discussion about the setbacks. The variance they are requesting is only for 2.8 feet. The extended hours already exist with other businesses and Sheetz stated that they are willing to have their deliveries done during hours that the City requests.

President Manchin asked **Maria Cipolla** for the staff report. She read it for the record.

President Manchin said he asked for a motion at this time.

Board Member Six moved to approve the conditional use.

Board Member Friend seconded the motion.

Motion carried 5-0

DISPOSITION OF PAST CASES

There were none.

OTHER BUSINESS

City Manager, Robin Gomez, did inform the Board the State has completed the bidding process for the Fourth Street Bridge and that the project should be starting soon. Once this project is done, it will help alleviate some of the traffic on Fairmont Avenue.

ADJOURNMENT

President Manchin asks for a motion to adjourn.

Board Member Six motioned to adjourn.

Board Member Majic seconded the motion.

Motion carried 5-0