

BOARD OF ZONING APPEALS

The Special Session meeting of the Board of Zoning Appeals was held on March 14, 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

Board Member Manchin
Board Member Deasy
Board Member Majic
Board Member Bolyard
President Shultz

Absent

Board Member Ragen

City Staff Present

City Planner, Sandra Scaffidi
Program Manager, Alex Petry

PUBLIC HEARINGS FOR March 14, 2019

1. Nick Fantasia, on behalf of the Marion Regional Development Corporation is requesting a variance from Zoning Code Section 3.1.2.F: Development Standards for two proposed dwellings at the corner of Front and Ferry Streets. The applicant wishes to have a front yard setback of approximately 50 feet and a rear yard setback of 20 feet for both proposed properties. The zoning is Neighborhood Residential and the property is identified as 5-10-71.

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

Nick Fantasia, President of the Marlon Regional Development Corporation, stated they are asking for a variance for the front and rear setback. The overall project is a mixed use development in the Diamond/Front Street area. They have purchased a number of properties and are going to buy some additional properties. They feel this property is in an excellent location to build two model homes for what they want to do in the near future. They intend to put together a development that consists of both patio homes and townhomes. They are doing this project for three reasons: 1. It is an economically viable project. The market is very active. 2. The community feels you can't do a large project in town. We have had lot cooperation from the City and County. 3. The location is ideal for people who work at WVU Hospital and the FBI employees. The housing is here competitively priced. There are also many older residents that are looking for patio homes in a development where they will not have to maintain the outside of their property. Without a variance, the homes will need a foundation at 12 to 16 feet. The whole house and driveway will all be on one level. These two houses will face Front Street. These homes will sell between \$175,000 and \$200,000. Cook's Construction will be doing the dirt work; White Lighting will be doing the block work, the blocks and concrete will come from May Brothers, and the lumber will be coming 84 Lumber and O.C. Cluss. The whole goal is to use Fairmont suppliers and contractors to build this project.

Frank Sowers, owner of Sowers Auto, stated he is for development. He only has one question. Will this be rezoned?

Sandra Scaffidi: This is not a rezoning request. This is only a variance request.

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

President Shultz asked for a moved to close the public hearing

Board Member Majic motioned to close the public hearing.
Board Member Deasy seconded the motion.
Motion carried 5-0

President Shultz asked for the staff report.

Sandra Scaffidi presented her staff report: The applicant requested a minor subdivision to turn parcel 71 into two lots. While the lot size and shape conform to our zoning code, the placement of the proposed dwellings does not which is why the applicant is requesting a variance. The applicant would like to shift the house toward the rear of the lot (toward Diamond Street) to prevent the need to construct an expensive foundation for his proposed speculative houses. The Neighborhood Residential Zoning requires a front yard setback of 25 feet maximum and a rear yard setback of 25 feet minimum with 8 foot minimum side yard setbacks. The intent for the Neighborhood Residential Zoning District is to preserve the traditional building pattern of mixed residential development, which historically has been integrated to form a vibrant, attractive and cohesive unit. By shifting the buildings toward the rear of the lot (toward Diamond Street), the neighborhood appearance will be substantially be changed toward a more suburban style. It would give them a large front yard and small back yard. Because we have to answer these five questions in the Zoning Code in order to grant a variance it is my recommendation that this variance for the front and rear yard setbacks be denied. However, I am willing to consider other opinions, but I need you to prove in your decision that it will not adversely affect the public health, safety or welfare of the rights of adjacent property owners, residents or the neighborhood. I don't personally see that being an issue. Does it arises from special conditions or attributes which pertain to the property seeking the variance? I could not say there were special attributes to this property. Would eliminate an unnecessary hardship and permit a reasonable use of the land? My request is that you prove all five standards. I am all for new development, this development, and businesses in the City of Fairmont. It is my job to follow these rules and regulations. The lot size is within the code.

Board Member Bolyard, Sandra Scaffidi, and the other Board members had a discussion about this request.

President Shultz asked for a motion.
Board Member Manchin motioned to approve this request.
Board Member Majic seconded the motion.
Motion carried 5-0

DISPOSITION OF PAST CASES

None

NEW BUSINESS

None

OTHER BUSINESS

None

ADJOURNMENT

President Shultz asked for a motion to adjourn.
Board Member Bolyard moved to adjourn.
Board Member Manchin seconded the motion.
Motion carried 5-0.

39.39