

BOARD OF ZONING APPEALS

The regular meeting of the Board of Zoning Appeals was held on August 2, 2018, at 7:00 p.m. in the Public Safety Building located at 500 Quincy Street.

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

ROLL CALL OF MEMBERS

Present

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

Absent

City Staff Present

City Planner, Sandra Scaffidi
Senior Staff Assistant, Maria Cipolla

APPROVAL OF MINUTES

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

PUBLIC HEARINGS FOR August 2, 2018

1. Tri-State Surplus Sales and Auctions is requesting a conditional use permit under 3.1.5.D.ix to operate a retail establishment over 15,000 square feet in size but less than 30,000 square feet of total floor area. The property is located at 1228 Country Club Road, is identified as tax parcel 3-10-3 and it is located in the Main Corridor Commercial Zoning District.

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

Gary Leneskje, from Mid Atlantic Liquidators, spoke in favor of this request. He stated they buy up discontinued, damaged, and bankrupt liquidation items sell them 30% below retail price.

President Majic asked if any of the Commissioners had any questions.

President Majic: Is there anyone against this request?

Mekell DeMary: I am not against this request. I just have some questions. We live on Linmar Drive which is behind the shopping center. We have been there six years. It's been a good place to start a family. There has been some illegal activity, but we feel that having them there will help stop it because of all the activity going on. The issue stems from not having any protective barrier between our property and theirs. I believe there used to be a fence around the entire property, but it has been forty or fifty years; now there are just bushes with a small portion of fencing from the car wash. I was wondering if there would be a way to work together to continue the fencing. Also, because there is no fencing, there is an issue of waste from their property coming onto our property and the water run-off area. Is there going to be an increase in noise and what time will deliveries are coming in? That is all I have.

President Majic asked Gary Leneskje to come back up and address her concerns.

President Majic asked what their hours of operation will be.

Gary Leneskje: We will be open from 9:00 am until 5 or 6 at night.

President Majic: Great. That should clear up any concerns as far as noise. Do you have any plans to do anything back behind the building?

Gary Leneskje: We will be hosting our auctions online.

Sandra Scaffidi: The dumpsters will need to be enclosed. I am not sure if that is your responsibility or the landlords [the City will ensure businesses and property owners follow the code.]

Gary Leneskje: We have one dumpster, but there are four or five of them there.

President Majic: Are the dumpsters that are currently enclosed?

Gary Leneskje: No.

Commissioner Bolyard: What time of the day will you be expecting deliveries?

Gary Leneskje: They will be coming during business hours. I am willing to work with our neighbors.

President Majic: Do I have a motion to close the public hearing?

Board Member Manchin motioned to close the public hearing.

Board Member Shultz seconded the motion.

Motion carried 5-0

President Majic asked **City Planner, Sandra Scaffidi** for her staff report.

Sandra Scaffidi: The proposed request to utilize a building to provide retail sales would not be in conflict with other uses in the area. Staff understands that the applicant is utilizing the area to sell building supplies. Due to the fact that the site had previously been an active business for many years and that no significant changes have been proposed by the applicant, staff supports the Conditional Use request to allow the property to be used for retail sales as long as the applicant meets the requirements as identified in Section 4.16.

Board Member Manchin: If there are no questions, if not, I will accept a motion.

Board Member Ragen motioned to approve the proposed use for this property as submitted.

Board Member Shultz seconded the motion.

Motion carried 5-0

Commissioner Manchin recused himself from voting since **Rock Manchin** is his uncle and a former business partner in this business.

DISPOSITION OF PAST CASES

None

NEW BUSINESS

None

OTHER BUSINESS

Election of Officers:

President Majic opened the floor for nominations.

Board Member Bolyard nominated **Board Member Shultz** as president.

Board Member Deasy seconded the motion.

Board Member Manchin: I would like to nominate **Board Member Ragen** to be president.

Board Member Ragen: With my schedule, I am not sure how many meetings I would be able to make. I will make as many as I can, but my schedule is up in the air right now.

President Majic asked for a roll call vote for the **President** seat.

Board Member Deasy voted for **Board Member Shultz**.

Board Member Shultz voted for herself.

Board Member Ragen voted for **Board Member Shultz**.

Board Member Manchin voted for **Board Member Shultz**.

President Majic voted for **Board Member Shultz**.

Board Member Shultz voted **President 5-0**

President Majic asked for a roll call vote for the **Vice President** seat.

President Majic nominated **Board Member Deasy** for the **Vice President** seat.

Board Member Shultz seconded the motion.

Board Member Manchin nominated **Board Member Ragen** for the **Vice President** seat.

Board Member Deasy voted for herself.

Board Member Ragen voted for **Board Member Deasy**.

Board Member Manchin voted for **Board Member Deasy**.

Board Member Majic voted for **Board Member Deasy**

President Shultz voted for **Board Member Deasy**.

Motion carried 5-0 for Board Member Deasy to be Vice President.

ADJOURNMENT

President Majic asked for a motion to adjourn.

Board Member Ragen motioned to adjourn.

President Shultz seconded the motion.

Motion carried 5-0.