

Board of Zoning Meeting

This meeting took place on January 2nd 2020 at 7:00 p.m. in the Public Safety Building located at 500 Quincy St.

Roll Call of Members

Present

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

Absent

City Staff Present

Planning Director, Mark Miller
Staff Assistant, Kirstin Poluck

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

Approval of Minutes

September 5, 2019

Board Member Majic motioned to approve minutes.
Board Member Deasy seconded the motion.

PUBLIC HEARING FOR January 2nd, 2020

1. **Travis Michael is requesting a variance from the required front yard setback requirements as specified in the Planning and Zoning Code, 3.1.1.F Development Standards. The applicant is requesting a ten (10) foot front yard variance for lots 4, 5, 12, and 13 of the Beverly Estates subdivision**

President Shultz asks if anyone present to speak on behalf of the request.

Travis Michael is present to speak on behalf of the variance. He stated that he is requesting to have a 10-foot front yard variance. A 2-car length driveway is what is currently required, all I am asking is to have a 1 car length driveway that was the house can set closer to the road. I would still be following all the other deed restrictions in place.

Kirk Naternicola is also present to speak on behalf of the request. He stated that the 10-foot variance will give a better and deeper foundation that will make for better homes.

President Shultz is there anyone present to speak against the request at this time.

Susan Ross resident of the community presented a slideshow. Ms. Ross states that Mr. Michael is requesting to build on fill dirt. She states that she is a Professor at the University and the first issue she is concerned that foundation will not be stable to build upon. The composition of the fill is brick and construction material. The second issue that she has is the soil itself. She measured from the road to the hillside and that was 44ft. The marker in the center to the hill is 39 feet. The fill is all on the backside and subsidence of the property. The trees that were used as fill were not cut down, they were just plowed over, which will cause air pockets in the fill and will ultimately jeopardize structural integrity of the property. The last concern stated is that currently the homes in this area are assessed for \$315,000. Will the new homes that are being built detract from the current value of their homes and will they be structurally sound for the person that would purchase them?

Shirley Morris comments that her property, on Mary Lou Retton Drive, is hooked on the subject property. Mrs. Ross stated that she was concerned about the creek bed that runs through the fill and the possibility that it will be covered up with no drain being put in. She stated that if that creek was covered it would then affect her property because the water runoff from her yard would then have nowhere to go and this would cause damage to her property, specifically her driveway and yard.

Judy Blankenship lives in the development on Lucinda Lane. Stated that she is concerned about the covenant that states that a 20-foot setback is necessary, and what the 10-foot variance would mean for the surrounding property owners. The first issue she addressed is the drop off and unsound property due to the fill dirt. The second issue raised was the safety concerns that would become an issue due to the houses and cars being closer to the road. She stated that if the cars started parking in the road to make up for the lack of parking in the driveway that emergency vehicle would not be able to pass properly. Sewage concerns were also brought up.

Joe Colasessano is concerned about his gutters/drain spout. Currently his stormwater is under the property being built on. He is concerned that once they start the build his pipe will be dug up and he will be without drainage, and would be hooked up to the City system by Mr. Michael if that was to happen?

Amanda Metcalf stated concern of a minimum front yard being 20ft and a minimum back yard being 25 feet. She also had concerns over the possibility of on street parking due to the lack of driveway. The second concern she stated was about the fill dirt and whether an engineer would be called in to make sure the property was going to be structurally sound for potential buyers.

JD Parks is currently the owner of vacant lots within the development, but is planning to downsize and build in the near future. Had questions about a required document that would be signed by members of the community in order to approve the variance within the community. He also made a statement regarding making sure that the fill dirt was properly done so that they did not have an issue like East Fairmont Middle was having now.

Dan Grigsby Mr. Grigsby stated that he is aware of the reasons for setbacks as he has been involved with development and on city councils himself over the years. He did state concern of the lack of parking there will be and how that could cause on street parking. He also stated there was no curb or gutter

storm system that was out in place by the previous developer and if there were to be more homes added, what kind of issues would arise from adding more properties but no storm system.

Chris Fazio Has property adjacent to the proposed development. Stated if the development was done it would essentially look like one of the homes would be in his front yard and with that he had concerns about his property value being decreased by this variance if it would pass.

President Shultz then stated that Travis Michael would be allowed to address the concerns of the community members.

Travis Michael Mr. Michael stated that he had added storm water to the development already and that he already built 2 houses in the neighborhood. He is requesting the variance be approved so that the houses he will be building are going to be on the settled dirt. He is fully aware of the deed conditions and will follow the inspections.

Kirk Naternicola states that Wolfe Associations were used to clear the property and the property had to be engineered in the past in order to build. He stated that the homes in that area were all build on sand and they themselves had to be engineered before they could build. He stated that Mr. Michael had in fact added storm water to the development already and they the value of the new homes would range in the \$200,000. He also stated that the issues of the storm water pipe and sewage pipe for Mr. Colasessano would be accommodated.

Motion to close-Commissioner Majic
Second of the motion – Commissioner Deasy

Mark Miller – informs the group that there were no negative agency complaints. He comments that the area is part of the original development and that a minor subdivision was approved to create the four legal lots. If approved for the variance, Mr. Michael still has to go through several more items before moving forward with the build.

President Shultz- In regards to the ambulance concerns it is illegal to block any street and if that was taking place you would call the police to have this taken care of. This was just a preliminary hearing to see if he could have the setback to build. There are numerous other steps that would have to take place before the actual build took place.

Commissioner Deasy There are lots of issues with other concerns that isn't directly related to this board tonight. Tonight's meeting was just regarding the 10-foot variance.

Motion on item

Motion to approve- Commissioner Majic
No second

Motion to deny- Commissioner Deasy
Commissioner Boylard

**Abstain from vote- Commissioner Manchin
President Shultz**

A two to one vote denies the variance request.

New Business

Review of BZA bylaws.

The City Planner comments that application fees were changed by council, but the bylaws were not updated to reflect the new cost. He recommends changing the language to read that fees would be “set by Fairmont City Council.”

In addition, Miller comments that the use of certified letters and signs for notifications to adjacent property owners is not required by State Code or City Code. It is suggested that staff begin sending letters via First Class Mail.

Motion to approve new Bylaws

Motion to Approve- Commissioner Majic

Second the motion- Commissioner Deasy

Election of new officers

Commissioner Majic nominated Commissioner Gia Deasy for president.

Commissioner Deasy declined.

Commissioner Bolyard nominated President Shultz for another term

President Shultz accepts.

All in favor

Commissioner Manchin nominates Bolyard for Vice President

Commissioner Bolyard accepts.

All in Favor

Commission Majic motions to adjourn.