

ZONING BOARD OF APPEALS

NOVEMBER 15, 2021 MEETING OF ZONING BOARD OF APPEALS

MINUTES

Present: Chairman Scott DeMane, Elizabeth Jent, P.J. Whitbeck
Joseph McMahon, Building Inspector
Kyle Burdo, Housing Code Inspector

Absent: Kellie Porter, Meghan Weeden, Justin Stearns

Also present: Andrew Golt
Daniel Anhalt, MD
Mauricia Gilbert
David Yokum

Mr. DeMane called the meeting to order at 7:01 PM. The following items were on the agenda.

<u>APPEAL</u>	<u>APPLICANT</u>	<u>REQUEST</u>
2297	8 SOUTH PLATT ST ENTERPRISES LLC/ ANDREW GOLT 8 SOUTH PLATT STREET	CLASS A USE VARIANCE REQUEST TO CONVERT STORAGE AREA TO RETAIL SPACE
2299	DANIEL ANHALT, MD 21 MEADOWVALE ROAD	SPECIAL USE PERMIT REQUEST TO ADD A 2-1/2 FOOT EXTENSION TO EXISTING 6 FOOT CEDAR FENCE IN REAR YARD
2300	MUSSEN-EARLE HOLDINGS LLC 27 CLINTON STREET	SPECIAL USE PERMIT REQUEST TO OPERATE AN OWNER-OCCUPIED LIQUOR STORE IN CENTRAL BUSINESS DISTRICT

The agenda will be heard in the following order:

Appeal 2297
Appeal 2299
Appeal 2300

Chairman S. DeMane explained there are only 3 board members present at tonight's meeting, a full board is comprised of 5 board members. Each applicant is entitled to be heard by a 5 member board. Any motion to be carried requires 3 positive votes. Mr. DeMane offered each applicant the option to postpone on their behalf at any point during discussion due to lack of a full board present.

The **first** item heard is appeal #2297, 8 South Platt Street Enterprises LLC/Andrew Golt, 8 South Platt Street, Class A Variance request to convert storage area to retail space.

Discussion:

- Applicant spoke to board and decided to proceed with his appeal, contingent that he may postpone to next month's meeting at any point on his behalf due to lack of a full board present at this meeting with only 3 voting members present and 3 positive votes necessary to approve his appeal.
- Board and applicant discussion of proposed use for building at 8 South Platt Street.
 - Discussion of history of property and surrounding area.
 - Intention on purchase was to have hobby repair business in back of building and rent office space in front of building. History of difficulty renting office space via social media and word of mouth.
 - Proposed plan is to rent to Mr. David Yokum to run a charitable business.
 - Parking map prepared by applicant as per recommendation of Clinton County Planning Board.
 - Board discussion/review of use variance criteria to include:
 - Lack of reasonable return.
 - Hardship unique to property and does not apply to a substantial portion of the neighborhood.
 - Use will not change the essential character of the neighborhood.
 - Hardship has not been self-created

Public Comment:

Mauricia Gilbert, Former zoning and planning board member: In looking at the property card, it appears the building was given a variance to establish a first floor sales and services and re-establish office space granted in 1983. Code states if use is discontinued then it expires. This board in the past has interpreted that discontinuance to mean an action to change the use. Wondering what the interpretation of this board is in this case.

David Yokum, Proposed tenant to rent office space at 8 So. Platt Street: David describes his not-for-profit business he wishes to run out of this rented area at 8 So. Platt Street. David discusses parking for his business; most of his clientele would comprise of foot traffic or public transport/DSS drop off/pick up.

MOTION:

By: E. Jent, seconded by: P.J. Whitbeck

*IN REGARD TO APPEAL #2297, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE
FIND NO OR SMALL IMPACT MAY OCCUR*

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: E. Jent seconded by: P. J. Whitbeck

*IN REGARD TO APPEAL #2297, MOTION TO APPROVE A CLASS A USE VARIANCE REQUEST TO RE-
ESTABLISH RETAIL USE*

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **second** item heard is appeal #2299, 21 Meadowvale Road, Daniel Anhalt, MD, Special Use Permit request to add a 2-1/2 foot extension to existing 6 foot cedar fence in rear yard.

Discussion:

- Board and applicant discussion of fence extension.
- Applicant was unaware that a special use permit was required for this 2-1/2 foot extension to his existing 6 foot cedar fence.

Public Comment: None.

MOTION:

By: E. Jent, seconded by: P. J. Whitbeck

*IN REGARD TO APPEAL #2299, AFTER REVIEW OF THE FULL ENVIRONMENTAL ASSESSMENT FORM, WE
FIND NO OR SMALL IMPACT MAY OCCUR*

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

MOTION:

By: E. Jent seconded by: P. J. Whitbeck

*IN REGARD TO APPEAL #2299, MOTION TO APPROVE SPECIAL USE PERMIT REQUEST TO MAINTAIN THE
EXISTING 2-1/2 FOOT EXTENSION TO 6 FOOT CEDAR FENCE IN REAR YARD*

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

The **third** item, appeal #2300, Mussen-Earle Holdings LLC, Special Use Permit request to operate an owner-occupied liquor store in central business district was not heard as applicant was not available to attend tonight's meeting. Appeal postponed on the applicant's behalf to next month's meeting.

Motion to Adjourn:

By: E. Jent, seconded by P. J. Whitbeck

Adjourned at 7:51 PM

For the purpose of this meeting, this meeting was audio and video recorded. This is a true and accurate copy and transcription of the discussion. For a more detailed discussion, please see the recording.

Lisa Beebie
Secretary
Zoning Board of Appeals