

NEW BUSINESS:

Review Petition 18-31, Tax Parcel Number 1900-100-119

Code Officer Melissa Faedtke gave an overview of the petition, including the following sections of the site analysis: The Request, The Statement of Fact, The Issues and The Grant of the Petition.

John Faraone, representative for the property owner, explained that they are seeking approval to install a 500 square foot driveway. Chairman Lindell stated that the dimensions of the proposed driveway are not indicated on the plot plan and asked if they have a material in mind. Mr. Faraone replied that they do not.

Chairman Lindell stated that the material must pervious. Code Officer Faedtke stated that it is not required but it is recommended because the property is under the allowable lot coverage.

Chairman Lindell stated that they are going to ask for a pervious material that allows water to seep through due to the town's NPDES permit. Mr. Faraone stated that the material would be concrete or asphalt.

Town Manager John Giles stated that both materials are impervious surfaces and they would not acceptable unless it is part of a system that is considered pervious. The applicant that he did not realize it is a requirement. Mr. Giles stated that it is a requirement due to the town's NPDES permit and that they do not have a hardship.

A discussion followed about whether the applicant intends to add to the existing gravel drive. Mr. Faraone stated that they are just seeking to add a surface to the existing gravel drive without expanding the area. Code Officer Faedtke confirmed that there was a stop work order on the existing gravel drive.

Mr. Giles stated that there is no hardship and that there isn't anyone living in the house.

Mr. Faraone stated that the request is for the convenience of the homeowner so that they can sell the house.

In response to a question from the applicant, Mr. Giles stated that an acceptable surface is pervious material that allows the water to go through. Mr. Faraone stated that he is trying to proceed in the least complicated manner possible.

Commissioner Norkavage asked where the curb cut is located. Code Officer Faedtke replied that it is along the side where the gravel drive is located.

Councilwoman Joann I. Personti, 5th District, stated that she has not received any correspondence either for or against the petition.

ACTION: Commissioner Norkavage made a motion to recommend approval of Petition 18-31 that it meets the harmonious development intent of Section 225-9 but that a pervious surface must be used and that the dimensions must be added to the plot plan. The motion was seconded by Commissioner Wriston.

VOTE: 5 in favor, 1 opposed, and 1 absent Motion carried

Lindell – Yes, Anderson – Yes, Backer – Absent, Jensen – No, Matthews – Yes, Norkavage – Yes, Wriston - Yes

Commissioner Jensen stated that she voted against the motion due to lack of a hardship.

Chairman Lindell reminded the applicant that they must review the material used with Code before proceeding.

Review Petition 18-32, Tax Parcel Number 1900-500-093

Code Officer Melissa Faedtke gave an overview of the petition, including the following sections of the site analysis: The Request, The Statement of Fact, The Issues and The Grant of the Petition.

Mr. Giles clarified that the subject property is not a corner property, that it is interior and is located within the CC zoning district.

The applicant, Sydney Chance, stated that he currently operates only by appointment in the City of Wilmington and that he hopes to move his shop due to issues with parking at his current location.

Chairman Lindell asked Mr. Giles about the curb cut. Mr. Chance stated that there is already a curb cut and a driveway that runs the length of the property. Mr. Giles stated commercial properties must have an ingress and egress. Mr. Chance stated that a variance is being requested to the ingress/egress requirement due to the width of the property.

Mr. Chance explained that he is under contract to purchase the property and that he does not plan to live there. In response to a question about the buffer, Mr. Chance stated that the property is surrounded by an existing fence. Mr. Giles stated that there is a chain link fence and if approved, there must be more of a buffer, such as bushes, to separate the zoning districts.

Chairman Lindell inquired about signage. Mr. Chance replied that he doesn't have signage at his current location, that he does not intend on doing anything that makes anyone uncomfortable, and that he runs an operation with old-fashioned values.

Chairman Lindell asked about business hours. Mr. Chance stated that it can vary and on average, he operates between 8:00 a.m. and 5:00 p.m., with earlier hours on Saturday, which could be 6:00 a.m. He explained that his clientele are professionals and that he has been in business for 21 years without incident.

Chairman Lindell stated that the parking spots must be lined and asked about the applicant's intentions for grading. Mr. Chance replied that currently there is a pad of asphalt, that he would like the Planning Commission's recommendations, and that he is open to using pervious material.

Mr. Giles asked why he is asking for so many parking spots. Mr. Chance stated that he has three sons and may want to teach the business to an apprentice.

Code Office Faedtke stated that the code allows for mixed use in the CC zoning district. Commissioner Norkavage asked how the mixed use would impact the required parking. Mr. Giles stated that it would be calculated based on the shared use. Code Officer Faedtke read the parking requirement for the CC zoning district and it was determined the parking requirement would not change with a mixed use of the building.

A discussion followed regarding the parking and how much space is available on the property. Mr. Giles noted that the buffer will take up space and the Planning Commission may have to consider what is most important to the neighbors when deciding the different variances.

Real estate agent Zach Rempfer stated that the applicant is trying to comply with the code but he may not necessarily need all seven spots that the code requires.

Mr. Giles stated that there were some mistakes made in the petition packet and he needs to speak with the person and have him redo it so that the figures make more sense. For instance, the site analysis noted that it is a corner lot when it definitely is not.

Mr. Chance presented a photo of the inside of his existing shop, which was marked as Exhibit 18-32S.

Resident Sharon Burg noted that parking back to back may not work and that she does not understand how it is zoned CC but is residential. Mrs. Burg asked the applicant whether he will be living there or not and questioned whether he will need a business license. She also expressed concerns with runoff, traffic, and children in the neighborhood, stating that one of the children is autistic.

Resident Josefina Pastrana stated that she lives right next door and spoke in opposition to the application. Ms. Pastrana stated that her yard is adjacent and expressed concerns with her children playing in the backyard and losing her privacy. Mrs Pastrana further stated that she does not believe it is right, that a business is right next to her house in a residential area.

Resident Rene Barrera stated that he and his wife purchased their home three years ago due to safety and that they have concerns with having a business next door.

Mr. Rempfer stated that you would never know that a barber shop is operating at the applicant's current location and that he is very respectful to his current neighbors.

Chairman Lindell invited the applicant to address any of the concerns. Mr. Chance stated that one of the concerns expressed of safety is a big concern of his own as well, that he has children of his own that he has visit at his shop and he is very particular about who he accepts for a customer. Mr. Chance also stated that he will work with the neighborhood to install a buffer that everyone is happy with.

In response to a question from Chairman Lindell, Mr. Chance stated that he expects between 50 to 65 cars per week.

Chairman Lindell asked about plans for the rest of the building. Mr. Chance stated that he does not intend on renting it out, that he will use it for himself and that spends a great deal of time at his shop between appointments.

Commissioner Anderson asked if he would be willing to install a privacy fence between zones. Mr. Chance replied that he would be willing to work with everyone within reason as cost is a concern. Commissioner Anderson questioned the setback. Commissioner Lindell stated that the applicant is not requesting to expand on the existing setback.

ACTION: Commissioner Norkavage made a motion to recommend approval of Petition 18-32 to the Board of Adjustment that it meets the harmonious development intent of Section 225-9, further to recommend that the Board of Adjustment grant the variances requested with the conditions that parking should be a pervious material and a proper buffer should run the length of the property line. The motion was seconded by Commissioner Jensen.

VOTE: 4 in favor, 2 opposed, and 1 absent Motion carried

Lindell – Yes, Anderson – No, Backer – Absent, Jensen – Yes, Matthews – No, Norkavage – Yes, Wriston – Yes

Commissioner Anderson and Commissioner Matthews noted that they voted against the motion due to concerns with harmonious development.

At this time, Chairman Lindell announced a ten minute recess.

At 8:20 p.m., Chairman Lindell called the meeting back to order.

