

BOARD OF ZONING APPEALS

Minutes

6:30 PM

December 15, 2010

City Council Chambers

MEMBERS PRESENT: Bernie Bossio, Leanne Cardoso, Jim Shaffer, Tom Shamberger, George Papandreas

MEMBERS ABSENT: None

STAFF: Christopher Fletcher, AICP

I. CALL TO ORDER and ROLL CALL: Bossio called the meeting to order at 6:30 PM

II. MATTERS OF BUSINESS

- A. Minutes for the August 18, 2010 hearing – Cardoso moved to accept the minutes as presented; seconded by Shamberger. The motion passed unanimously with Bossio and Papandreas abstaining due to their absence.
- B. Minutes for the November 17, 2010 hearing – Papandreas moved to accept the minutes as presented; seconded by Shamberger. The motion passed unanimously with Cardoso abstaining due to her absence.

III. OLD BUSINESS

- A. **BA10-02 / Traugh / Administrative Appeal:** A petition by Zachary Traugh, Big Zach Productions L.L.C., for an administrative appeal of the Planning Department's interpretation of Article 1331.06 (27) of the City's Planning and Zoning Code as it relates to the proposed land use at 344 High Street. Tax Map #26A, Parcel #109; B-4, General Business District.

Bossio noted that the petitioner or a representative was not present and that the matter will remain tabled.

- B. **CU10-15 / Byers / 160 Fayette Street:** Request by Justin Byers for conditional "Restaurant, private club" use approval at 160 Fayette Street. Tax Map #26A, Parcel #93; B-4, General Business District.

Shamberger moved to take the matter off the table; seconded by Papandreas. The motion passed unanimously.

Fletcher read the Staff Report stating that the petitioner seeks conditional use approval for the establishment of a "Restaurant, Private Club" use in the former "Café of India" location at 160 Fayette Street. The business name for the proposed establishment is "Thaijuan." The applicant was previously approved for a conditional "Restaurant, Private Club" use by the Board of Zoning Appeals on July 15, 2009 (CU09-06).

Article 1379.05 of the Planning and Zoning Code provides that:

“In the case where a Conditional Use Permit has not been used within twelve (12) months after the granting thereof, then without further action is shall be null and void.”

As such, the conditional use approval granted for CU09-06 is now void. Addendum A of this report illustrates the location of the proposed conditional use.

Mr. Byers has stated that he is the current owner of the subject building and that he also owns the existing commercial equipment of the former Café of India restaurant. The petitioner has submitted the following exhibits, which are attached hereto business description, owner’s resume, manager’s resume, chef’s resume, proposed menu, and floor plan.

According to said exhibits, Mr. Byers has owned the following enterprises:

- De Lazy Lizard / High Street Banquet Center; Morgantown, WV
- Coins Restaurant and Pub; Ocean City, MD
Staff previously spoke with John Horner, Sanitarian with the Worcester County Health Department and learned the “Coins Restaurant and Pub” has been in operation for many years; Justin Byers has been registered as one of the establishment’s owners since 2005; he characterized the establishment as a bar with a light bar fare; inspections generally result in code findings that are customary for similarly establishments.
- Owner of www.thebestcrabcake.com
- Past owner of Mutt’s Place; Morgantown, WV
- Owner of several residential and commercial rental companies; Morgantown, WV

According to said exhibits, Floyd Cramer, III eatery experience includes:

- General Manager, *Dragonfly*, Morgantown, WV (2008-2010)
- General Manager, *The Vintage Room*, Morgantown, WV (2004-2008)
- General Manager, *Dr. John’s Lounge* (1998-2003)
- Operator of the Pines Country Club Dining Room; (1987-1989)

The proposed business description highlights include:

- 3,500 square feet of restaurant, including a main dining area; two future dining areas, and a banquet room
 - Main dining area: two levels; seats at least ninety-eight (98) people; twenty-seven (27) seats are also available at the bar
 - Two additional private dining areas: seats between sixty (60) – seventy (70) seats
 - Large banquet room in the basement: for large banquets, events, or meetings; approximately 6,000 square feet
- A full menu will served until 10 PM and a smaller tapas menu will be served from 10 PM to close. Take-out and catering on and off premises will be offered as well.

- Hours: Monday-Saturday 3 PM – 1 AM; business might close earlier on some days during the first weeks of operation to cut payroll costs.
- Smoke-free

Addendum B of this report contains related excerpts from the Planning & Zoning Code [Article 1331.06 (27)].

Bossio recognized Justin Byers, 2722 Lakeside Drive, who stated that the Staff Report covered everything and it will be a full service restaurant.

Papandreas stated he is aware Byers owns the equipment and the building but questioned who actually the restaurant's owner is. Byers replied there are several people involved but he is the primary owner. Bossio interjected that Byer's is listed as the property owner and his name appears on the liquor license.

Shamberger noted that on the 2009 application, the kitchen space was quite small. The kitchen size submitted is now almost twice that size. Byers stated that on the previous application, the kitchen was an event kitchen. It will now be a full service kitchen and exposed to patrons. The cooler space is built in. He will also be using the present upper balcony.

Bossio asked when it was anticipated the restaurant would be opened. Byers stated within the next three to four months. He also assured the BZA the kitchen would be the size as stated on the application.

There being no further questions by Board, Bossio opened the public hearing asking for comments in favor of or in opposition to the Petition CU10-15. There being none, Bossio closed the public hearing and asked for Staff recommendations.

Fletcher stated that the Board of Zoning Appeals must first determine whether or not it will waive the one-year "bona fide restaurant" requirement [Article 1331.06 (27)(c)] prior to the petitioner obtaining a liquor license from the West Virginia Alcohol Beverage Control Commission.

Should the Board decide to waive said one-year "bona fide restaurant" requirement, it must determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for *each* of the "Findings of Fact" submitted by the applicant. It is the opinion of the Planning Department that the petitioner's responses appear to sufficiently address each conditional use Finding of Fact.

Should the Board waive the one-year "bona fide restaurant" requirement and grant approval of the subject conditional use petition, Staff recommends that the following conditions be included:

1. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) of the Planning and Zoning Code. That the establishment shall not serve liquor, including wine, later than 1:00 a.m., except on New Year's Eve;
2. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*;

3. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same;
4. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Director prior to building permit issuance for same; and,
5. That the conditional use approval granted herein may not be transferred.

Shamberger moved to waive the one year requirement; seconded by Shaffer.

Papandreas questioned the resume of Floyd Sonny Cramer, which was presented with the petition. Papandreas stated that he had checked with two of Cramer's references and found some discrepancies with his resume. Papandreas checked with Sean Owen of the *Vintage Room* who stated Cramer had worked there from 2005 through 2008; he was a bartender and responsible for bar backs, stocking and cleaning the bar. He had no keys to the Vintage Room and was not a business manager. During his employment period, there was no inventory program in place. Papandreas was concerned about approving the application based on Cramer's resume and felt Cramer's position needed to be considered. Papandreas also spoke with the owner of *Dragonfly* and was told that most of what was on Cramer's resume was the truth, but he did not come up with the original concept for *Dragonfly*.

Bossio stated that if the application was based only on Byer's ability and previous business ventures, there would be no problem voting for the one year waiver. However, if there is something on the application that is not true, more exploration needs to be done. In the past, applications that contain anything which is not true are thrown out.

Papandreas stated that he feels it is troublesome that Cramer's resume was included in the application but the facts may be untrue.

Shaffer stated that he feels the problem, if there are untruths in the resume, is between Cramer and Byer.

Bossio agreed with Shaffer, but felt if they chose to include the resume for Cramer the BZA would have to deal with it. Bossio asked Mr. Cramer to speak to the questions of the BZA members.

Mr. Floyd Sonny Cramer, 105 Stanley Street, stated that he would stand by his resume. He was an assistant manager, not general manager, at the *Vintage Room*. He stated he did come up with the idea and business plan for *Dragonfly*. He approached three other investors with the concept before speaking with Eddie Babilonia. The business plan was written a year and a half before *Dragonfly* was built. He would provide that plan for the BZA if they requested him to do so.

Papandreas asked if there was a reason Babilonia would say what he did. Cramer advised he did take out a loan to buy *Dragonfly* when Babilonia was selling it, but that Babilonia sold it to someone else. Cramer went on to say it was true he did not have keys to the *Vintage Room* but he oversaw bartenders and bar backs, handled inventory and ordered liquor and was responsible for naming some martinis on the menu. Cramer stated the business plan for the new restaurant was similar to the one for *Dragonfly*.

Shaffer stated that the conditional use would be granted to Byers and if Cramer was fired, or quit, the conditional use would still be Byers. Cramer signed the application on behalf of Byers as an agent.

Papandreas stated he had no problem with Byers but the BZA needed to be sure the application was given to the right person.

Shamberger stated that he believes the information may need to be verified.

Papandreas noted he provided the reference information he received to the Planning Office but it was not included in the packet.

Bossio stated the application could be turned up, turned down or tabled.

Cardoso felt it would be safe to table the issue to further look into it.

Shaffer noted that if Cramer's credentials were being questioned, to be fair, shouldn't those of the chef be questioned. He didn't believe that was the BZA's call.

Bossio, again, stated it could be turned down or turned up with conditions.

Fletcher then read the section of the Planning and Zoning Code pertaining to "Restaurant, Private Club" uses in the B-4 District. He stated the petitioner is required to provide as much information so that the BZA is comfortable with their decision. He suggested including additional conditions based on the Board's discussion if the BZA approves the application, including.

- That Justin Byers must be a majority owner of the subject "Restaurant, Private Club" establishment;
- That the construction and improvement of the kitchen facilities must reflect the size, design, and layout illustrated on the plans submitted and reviewed by the Board of Zoning Appeals;
- That the conditional use approval granted herein is specific to Justin Byers and may not be transferred.

Cardoso noted that what was said regarding Cramer's resume were merely allegations and that he should have an opportunity to defend himself no matter what is done.

Shamberger withdrew his motion to grant the one-year bona fide restaurant waiver.

Papandreas moved to table the matter so that an onsite workshop could be held to tour the building prior to the Board's January hearing; seconded by Cardoso.

Cardoso stated that the Board would need to discuss what type of evidence it wants to see relative to its concerns with the resumes; either by written statements or by people coming in to speak.

Fletcher advised the Board that he believed the discussion was going beyond what needs to be said and that he agrees with Cardoso. The information provided by Papandreas is hearsay. Fletcher stated no member of the BZA should vouch for someone or convey someone else's

opinion. Fletcher suggested that the Board allow Staff to work with the petitioner and that the Board should move forward on the motion without further discussion.

The motion passed 4-1 with Shaffer voting nay.

IV. NEW BUSINESS

- A. **V10-33 / Panico – 500 Block, LLC / 507 Beechurst Avenue and 500 Block, LLC**: Request by Joe Panico and 500 Block, LLC for variance approval from the Planning and Zoning Code, Article 1347.04 Setbacks and Encroachments and 1373.02 Non-Conforming Structures as it relates to extending a non-conforming setback for property located at 507 Beechurst Avenue. Tax Map #19 Parcel #46; B-2, Service Business District.

Fletcher read the Staff Report stating that the petitioner seeks to construct a 32' X 20' addition onto the rear of the commercial building at 507 Beechurst Avenue to expand existing office space.

The minimum side yard setback in the B-2 District is five (5) feet. Article 1373.02 (A) *Nonconforming Structures* of the Planning and Zoning Code provides that:

“No legal, pre-existing structure may be enlarged, moved or otherwise changed in such a manner that increases the extent of its non-conformity, unless a variance from the terms of the ordinance is obtained from the Board of Zoning Appeals.”

Although the submitted site plan includes a scale, it appears that the drawing has been enlarged from its original thereby leaving the noted scale unusable. The petitioner advised the Planning Department that northwestern side setback is three feet (3'). It suffices to say that said side setback is less than the minimum five-foot (5') standard. Therefore, the proposed addition requires variance relief from Article 1373.02 (A) to extend the nonconforming setback an additional twenty (20) feet toward the rear property line.

Article 1347.04 provides that the minimum rear setback in the B-2 District is forty (40) feet. The proposed addition will have a twenty-foot (20') rear setback, which requires a twenty-foot (20') rear setback variance.

Article 1347.03 *Lot Provisions* provides that the maximum lot coverage in the B-2 District is 60%. The proposed addition will result in a lot coverage of 68%, which requires an 8% variance.

Addendum A of this Report illustrates the location of the site and photographs of the existing structure.

There being no questions or comments by the Board, Bossio recognized Mr. Joe Panico.

Panico stated that his building is 32 feet wide; the lot size is 37 ½ feet wide with another lot the same size. There were three lots made into two lots. He plans to build a new office and put maintenance equipment under the building. There will still be plenty of parking for the building. He noted the building on the other side (which is not his) extends back 12 feet.

There being no further questions by Board, Bossio opened the public hearing asking for comments in favor of or in opposition to Petition V10-33. There being none, Bossio closed the public hearing and asked for Staff recommendations.

Fletcher stated that the Board must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for each of the "Findings of Fact" submitted by the applicant. Staff recommends the revisions to the petitioner's Findings of Fact (deleted matter struck through; new matter underlined) and that variance relief be granted as requested.

Papandreas moved to accept the Findings of Fact for Petition V10-33 as revised by Staff; seconded by Shaffer. The motion passed unanimously.

NOTE: The following findings of fact were included in the motion.

Finding of Fact #1 Almost all of the nearby properties do not meet current zoning standards and are considered existing non-conforming. The existing and surrounding properties appear to have non-conforming lot areas, setbacks, and building coverage. It appears that the existing commercial structure was built approximately three feet to the northwestern side property line.

Finding of Fact #2 The proposed setbacks and lot coverage appear to be consistent with existing neighboring buildings in the B-2 District (e.g. 517 Beechurst Avenue).

Finding of Fact #3 The proposed addition does not appear to reduce existing parking as internal parking will be provided. The proposed addition does not appear to encroach into the alley right-of-way nor hinder future development of same.

Finding of Fact #4 The existing uses within the building will remain; the proposed addition should increase the value of the structure and property and thereby enhance the values of adjoining properties; the requested variance relief should not contribute to nor mitigate traffic that is already present within the area and generated by the existing uses with the building and proposed addition.

Papandreas moved to approve variance petition V10-33 as requested; seconded by Shaffer. The motion passed unanimously.

Bossio advised the petitioner that the decision of the Board could be appealed to Monongalia County Circuit Court within thirty days and that any work done relating to the Board's decision would be at the petitioner's sole financial risk.

- B. CU10-18 / Schaupp / 502 White Avenue:** Request by Adelheid Schaupp for conditional "Re-use of Closed/Vacant School or Church" use for property located at 502 White Avenue. Tax Map #36, Parcels #712.1 & 712.2; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to convert the former Second Ward Elementary School Annex located at 502 White Avenue into seven (7) multi-family residential apartments.

Table 1131.05.01 "Permitted Land Use Table" of the Planning and Zoning Code provides that the "Re-use of a Closed/Vacant School or Church" requires conditional use approval in the R-1A District. It is the opinion of the Planning Department that the subject structure is a "closed/vacant school" because its use has remained educational and public service in nature under the Monongalia County Board of Education and private, non-profit ownership.

The petitioner originally proposed an eight (8) unit development program that included the addition of a second story. The Planning Department encouraged the petitioner to seek technical design assistance from local historical preservationists and state historical architects to study the most practical means of preserving the integrity of the building.

The petitioner agreed and has since modified the original development program and is now pursuing a renovation project within the scale and scope of the existing building. The existing high ceilings would permit the petitioner to create a unique loft sleeping area for each unit. The proposed reuse will not include a non-residential or commercial component and the units will be leased or sold as the market permits.

The petitioner will utilize the existing water and sewage hookups. The building will be accessible to emergency vehicles. Each dwelling unit will include sprinkler systems to meet current life safety and fire codes. The petitioner proposes eight (8) onsite parking spaces.

Addendum A of this report illustrates the location of the subject site and photos.

History of the Structure

According to the Greenmont Historic District Registry, the former Second Ward Elementary School Annex was built in 1939 and characterized as a:

"one (1) story, Art Deco style, rear facing 'T,' school building with a flat roof, central brick chimney, red brick facade, central double entrance doors with a divided light transom above flanked by narrow casement windows with stone sills on a sandstone foundation."

It states that the structure is a contributing building on the National Register of Historic Places with a "period of significance" from 1925-1974.

According to the Monongalia County Assessor's website, the Monongalia County Board of Education acquired the property in September 1909. The property was transferred in November 1998 to John and Karlyn Turak and then transferred to "The '17' Club, Inc." in December of that year. The City Finance Department records show that "The '17' Club, Inc." has paid Fire Service fees since 2002.

Parking

The Planning and Zoning Code does not provide clear guidance for determining the minimum number of parking spaces for the reuse of closed schools and places of worship. As such, determining sufficient parking appears to be left to the discretion of the Board.

In April 2007, the Board approved the reuse of the old Jerome School using the parking standard for multi-family dwellings. Using this same standard, the parking requirement should be at least seven (7) parking spaces. The applicant is proposing eight (8) spaces.

Open / Park Space

The petitioner is currently discussing opportunities of providing public park space on the site with BOPARC. Staff has confirmed that BOPARC is interested in developing pocket park opportunities within the currently underserved Greenmont neighborhood and is studying the feasibility of the petitioner's proposal. To date, no final decisions have been made. The currently contemplated area for the park would be the lower portion of the property along White Avenue.

Staff Observations

Planning and reviewing the reuse of a closed school or place of worship often presents conflicting opportunities and challenges. Often, neighborhoods closely identify themselves with these landmarks and share the same community name.

Opportunities can generally include:

- Breathing new life into a structure that has contributed to neighborhood blight.
- Preserving an often architecturally unique or significant building.
- Providing affordable housing, lower market rate commercial lease space, or facilities for community, social, and/or recreational services.

Challenges can generally include:

- The significant amount of initial capital required to reprogram a closed school or place of worship often results in low cash-flowing and/or low return on investment reuses that are often preferred within the neighborhood, i.e. lower density residential, community centers, social services, etc. Increased development costs often relate to environmental mitigation (e.g., lead, asbestos, etc.); retrofitting an older or historical structure with modern electrical, plumbing, mechanical, and fire suppression systems; and, weatherization needed to increase energy efficiency of larger-scaled structures.
- Sometimes the economic viability of a reuse strategy requires higher density and/or higher intensity uses that will shift traffic volumes and patterns within a neighborhood.
- Neighborhood residents can become impassioned to save the structure and/or protect the neighborhood from reuse strategies that will or may be perceived to change the character of the community.

The policy intent of requiring conditional use approval for the reuse of a school or place of worship is to ensure careful and deliberate public consideration by decision makers and provide meaningful opportunities of citizen input from affected neighborhood residents and stakeholders.

It is the opinion of the Planning Department that the petitioner has carefully weighed these opportunities and challenges as evidenced by eliminating the originally planned second story addition, the reduction in the number of dwelling units, and a commitment to work with BOPARC.

Bossio recognized Adelheid Schaupp who stated that she was a co-founder of the Greenmont Neighborhood Association as well as a contractor whose company buys dilapidated houses in Greenmont and fixes them to either rent or sell as a single family house. Schaupp noted the Morgantown Board of Zoning Appeals

building, which was a school until the 1990's, was used as a community center, but it became too difficult to maintain. It is now just used for Club 17, (AA meetings and Al-Anon) but they are having trouble maintaining the building as well. There is need of a new roof. The original gravel and tar roof is leaking badly, causing the plaster to fall. She stated that her architect came up with a creative idea for lofts that can work within the existing structure. The original two classrooms in the back will be made in 5 lofts (450 square feet each). The double doors presently on the building will be used. The look of the outside of the building will remain the same. Most of the alterations will take place in the back of the building. The windows will be extended to ground level. It is her intention to attempt to accomplish what was done with the Second Ward School by Gene Perelli. It is her hope to revitalize the White Avenue area.

There being no further questions by the Board, Bossio opened the public hearing portion of the meeting asking if anyone wished to speak in favor of or in opposition to Petition CU10-18.

Bossio recognized Nan Shaffer, who stated that she is a Greenmont resident and member of Club 17. She stated the building now only exists for AA and Al-Anon meetings as well as court mandated DUI's, but they cannot sustain the building for that alone. She stated if the building can be sold Club 17 can relocate.

Shaffer stated that he is pleased with the work Schaupp has done with her other properties and believes it would benefit the community and would be a worthwhile project.

There being no further public comments, Bossio declared the public hearing closed and asked for Staff's recommendations.

Fletcher stated that the Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a conditional use by reaching a positive determination for *each* of the "Findings of Fact". Staff recommends the revisions to the petitioner's Findings of Fact (deleted matter struck through; new matter underlined).

It is the opinion of the Planning Department that the petitioner's planned reuse of the historically and culturally significant school respects the architectural character and quality of the building. The proposed interior plan demonstrates an innovative approach to provide unique quality living space without adversely impacting the significance of the structure. The opportunity of working with BOPARC to develop much needed public active open space in the Greenmont Neighborhood should be celebrated. The renovations and reprogramming of the site and building as proposed should significantly enrich the livability and desirability of the area and mitigate an otherwise blighting condition.

As such, Staff recommends approval with the following conditions:

1. That a scaled site plan, to the satisfaction of the Planning Director, be submitted with the building permit application that, among other elements, illustrates the location, design, and grade of parking areas and all existing and proposed facilities and amenities serving the site.
2. That no less than eight (8) onsite parking spaces be designed and developed to the satisfaction of the Planning Director and the City Engineer and that each dwelling unit have a signed and designed parking space.

3. That the Board reserves the right to require the development of additional onsite and/or offsite parking if it later finds that the development contributes to traffic and/or parking congestion and/or adversely impacts the preservation and enjoyment of property within the immediate area.
4. That the number of dwelling units, bedroom configuration, and the gross floor area for each of the dwelling units may not be increased beyond that illustrated on the plans submitted to and approved by the Board of Zoning Appeals without prior approval of the Board.
5. That the development meets all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
6. That the applicant must submit, to the satisfaction of the Planning Director and City Engineer, a solid waste storage and removal plan prior to building permit issuance.
7. That the petitioner must obtain subdivision approval from the Planning Commission to combine the two (2) existing parcels onto one parcel prior to the issuance of any occupancy permit.

Papandreas asked Fletcher if the 450 square feet meets the City's size for an apartment. Fletcher stated that compliance with the City's Building and Fire Codes were to be determined during building permit application review.

Shamberger moved to accept the Findings of Fact for Petition CU10-18 as revised by Staff; seconded by Papandreas. The motion passed unanimously.

NOTE: The following findings of fact were included in the motion.

Finding of Fact #1 The building is already currently being utilized as a public meeting place. The conversion of building into seven (7) units should decrease the daily traffic in and around the building.

Finding of Fact #2 The building is easily accessible to emergency vehicles and all dwelling units will be sprinkled and built to current safety and fire codes.

Finding of Fact #3 The building is located on half an acre on the corner lot with few surrounding buildings. The structure is also located on the top of a hill which allows for both light and air without disturbing neighboring houses. The proposed redevelopment of building will be contained within the structure's existing footprint and building height thereby not disturbing current light and air characteristics.

Finding of Fact #4 The petitioner will be using the existing footprint of the building and existing parking spaces when feasible. Additional parking will be provided on a now vacant lot. The former school's existing scale and scope will be preserved and not increased.

Finding of Fact #5 Seven (7) one-bedroom units will only allow for seven (7) occupants. This should be less people than who currently use the building for meetings daily. The building was originally a school and was built to accommodate larger groups. The gross floor area of the structure will not be increased.

Finding of Fact #6 The petitioner will be able to use existing water and sewage hook-ups with the addition of sprinkler requirements. Other public requirements should not be adversely impacted. The surrounding neighborhood appears to enjoy an eclectic mix of residential units including the conversion of the former Second Ward School on Wilson Avenue into multi-family apartments. The proposed project will convert an underutilized and blighting structure into a neighborhood contributing property while respecting the architectural significance of the structure as well as the quality and character of the community. It is not anticipated that the proposed reuse to seven one-bedroom loft apartments will result in increased in vehicular and pedestrian traffic within the neighborhood.

Finding of Fact #7 The building is currently in a state of disrepair. Renovation of the building and proposed park should considerably add value to the property and surrounding area.

Finding of Fact #8 The upper half of the lot will be most efficiently used as apartments and parking as adequate space appears to be available. The bottom half of the lot does not need to be incorporated into the apartment building but rather could be used more effectively as a neighborhood park.

Papandreas moved to approve conditional use Petition V10-18 as requested with Staff's recommended conditions; seconded by Cardoso. The motion passed unanimously.

Bossio advised the petitioner that the decision of the Board could be appealed to Monongalia County Circuit Court within thirty days and that any work done relating to the Board's decision would be at the petitioner's sole financial risk.

V. OTHER BUSINESS

A. Public Comments

Bossio recognized Joe Panico who stated there may be a conflict of interest on anyone's petitions but members should recuse themselves...(inaudible).

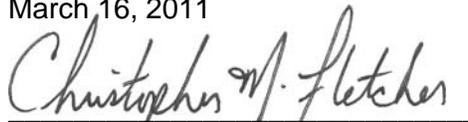
B. Staff Comments – None.

VI. ADJOURNMENT – The meeting was adjourned at 7:50 PM.

MINUTES APPROVED:

March 16, 2011

BOARD SECRETARY:


Christopher M. Fletcher, AICP