

**City of Bellefontaine Neighbors
Planning and Zoning Minutes
September 10, 2012**

The meeting was called to order by Chairman Stolte at 7:00 p.m.

Present: Chairman Stolte; members Jennings, Borzymowski, Van Deven, Baker, Dillworth; City Engineer Lum, City Inspector Stocker; Alderman Migliazzo and Mayor Doerr

The minutes of the August 13, 2012 meeting were reviewed. A motion to approve the minutes was made by Van Deven and seconded by Jennings. Motion passed unanimously.

Agenda:

Mr. Dharmendra Patel representing K.D. Petrol was present. The BP gas station and convenience store at 10844 Bellefontaine Rd. will have a change of ownership. The inside of the building will be remodeled and the configuration of cashier, food stations, etc. will be moved to be more efficient. Since this is an existing business and no additions will be made to the outside of the existing structure, a motion was made to request that the Board of Aldermen grant a waiver under city code 29-60 (b) to bypass the requirement of a site plan. The motion was made by Borzymowski and seconded by Dillworth. The motion passed unanimously.

A motion was made for Chairman Stolte to request that the Board of Aldermen schedule a public hearing on October 18, 2012 to issue a Conditional Use Permit. The motion was made by Dillwoth and seconded by VanDeven. The motion passed unanimously. Chairman Stolte will ask the Board of Aldermen to schedule the public hearing at the September 20th meeting.

Mr. Michael Shaw of 1300 Odessa came before the P&Z to complain about building codes being enforced which he feels are unjustified. Mr. Shaw is adding a wooden porch on the front of his house.

City Engineer Lum supplied the following timeline:

On August 16, 2012 the contractor for 1300 Odessa came to City Hall to apply for a permit to replace an existing concrete porch with a wooden front porch. The contractor was given deck specifications as a general guideline with the explanation that a deck usually implied a structure on the back of a house and not a concrete front porch replacement with wood.

The permit application was e-mailed to City Engineer Lum. City Engineer Lum and City Inspector Stocker discussed the situation and approved the permit "as noted."

On August 21, 2012, City Inspector Stocker discovered that construction was continuing without a permit. The work was stopped. Later that day the permit was picked up and the fee paid. The work continued, but not "as noted" on the permit.

On August 27, 2012 a letter was sent to the owner explaining in detail what would be needed to approve the permit. The letter noted the specific building codes which applied.

City Inspector Stocker identified the violations which needed to be addressed for the project to be “up to code,” as follows:

- Guard rail is needed on each side of stairs.
- Close up open stairs over 4 inches.
- A round handrail (1 ¼” to 2” diameter) on either side of the stairs.
- Caps are needed on top of 6”x6” posts.
- There is a 2” trip hazard at the bottom of the stairs.
- Stain structure with a complementary color stain.

Mr. Shaw said that the trip hazard will be remedied when a new concrete front walkway is poured.

Mr. Shaw stated that some of the homes in the area do not conform to the codes that he is being subjected to. City Engineer Lum stated that other homes may have predated the current codes.

City Engineer Lum also explained the difference between guard rails and hand rails. Guard rails prevent falling off the side of the stairs, whereas hand rails are an aid to going up or down stairs.

City Engineer Lum said that two of the violations were subjective, the post caps and the staining of the porch. These two items could be contested and could be overturned by the Planning and Zoning Commission under City Code Article III, Sec. 5-36. A motion was made by VanDeven to go with City Engineer Lum’s recommendations. Motion seconded by Baker. The motion passed four to one.

There being no further business, a motion to adjourn was made by Dillworth and seconded by Van Deven. Motion passed unanimously.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Bob Stolte

The next meeting of the Planning and Zoning Commission will be held on October 8, 2012 at 7:00 p.m.