

Zoning Board of Appeals Meeting Minutes

Town of Chatsworth Zoning Committee Meeting
Monday September 12th, 2011 @ 8:00 P.M.

The Chatsworth Zoning Commission Board of Appeals met in the Council Room, Monday evening, of September 12th at 8:02 p.m. Luke Bartlett, Zoning Administrator, presided.

Call into session this special meeting for the review of Application V-2011-08-24 for a variance requested by Rodney Schlabowski pertaining to the property commonly known as 201 S. 4th St. Application # ZC-2011-07-12 for a zoning change requested by Muhammad Malik pertaining to the property 27-03-476-004 and application # SU-2011-07-12 Requested by Muhammad Malik allowing a special use permit pertaining to the same property as app ZC-2011-07-12.

The following members answered Roll Call: Luke Bartlett , Michael Kessinger, Francis Dohman, Jr., Randell Burke, Merlin Bates. Ron Sheppard and Mark Sutcliffe were absent. There were 7 public present.

New Business:

1. Review and discuss Application # V-2011-08-24 Requested by Rodney Schlabowski pertaining to the property 27-03-339-006 N 1/2 9&10 BLK 40 Town Of Chatsworth Lot size 100' x 75' commonly known as 201 S. 4th St. to allow to have a variance in order to build a (3) three car garage on a property that has no primary building.

A motion was made by Merlin Bates to allow the variance because there has been no complaints against the Schlabowskis' in time they have lived here and that it is believed the Schlabowskis' will continue to take care of this property with the same care.

Motion was second by Randell Burke. Approved 4-0

2. Review and discuss Application # ZC-2011-07-12 Requested by Muhammad Malik pertaining to the property 27-03-476-to have the zoning changed from C1 to I2 which will allow for the property to sell vehicles and allow the next application.

A letter of complaint was presented to the board from a residence that was unable to attend.

Mr. Malik had addressed the board explaining that he at this time has no intention to use the property for sales. And that he wants to have the change to allow the special use permit to store vehicles and parts.

The board discussed pros and cons of the change.

A Motion was made by Michael Kessinger to allow the zoning change from C1 to I2 for the entire property.

The motion was seconded by Randell Burke. Approved 4-0

3. Review and discuss Application # SU-2011-07-12 Requested by Muhammad Malik pertaining to the same property as in 2 the request is to allow a special use permit that would be allow the property storage of disabled vehicles for recycling (junk yard). This is only allowed in I2 zoned property. And is restrictive to ownership and is not transferable. A new owner would have to get a new special use permit if the property is sold... It can also be restrictive to a specific area of the property i.e. the fenced in area only or time period.

The letter from 2 pertained to this topic as well.

Town Board members Terry Miller and William Price commented on this topic pointing out that if the Special Use permit was more restrictive the Town Board would be more willing to consider it. They also reminded the zoning board to consider the impact on the surrounding area.

Mr. Malik said that a more restrictive SU permit would be acceptable.

A motion was made by Randell Burke to allow a 1 year Special Use permit that would allow for Mr. Malik time to move all vehicles to the small west lot confined to the newly fenced in area west of the building. And that the area would be from the west edge of the building to the west property line and from the southern fence line on the west side of the building to the north property line. But only where a proper fence is in place. This would allow for Mr. Malik the ability to expand the fence north to the northern property line increasing the area of the (junk yard) recycling lot. But if it is not kept in order that the SU permit may be revoked, and all vehicles and parts would have to be removed.

This was seconded by Francis Dohman, Jr. Approved 4-0

Michael Kessinger made a motion to adjourn the meeting. Francis Dohman, Jr. seconded the motion.

Meeting was adjourned at 9:05 PM

Zoning Commissioner,
Luke Bartlett