

Conditional Use Hearing
912 Amity Street
Council Chambers
Tuesday, May 7, 2013
5 p.m.

Ms. Goodman-Hinnershitz called the Conditional Use Hearing to order and explained the purpose of the hearing.

The City uses the Conditional Use Public Hearing to evaluate whether a proposed use is appropriate for a particular property and neighborhood. The property is located within an R3 high density, multi-use zoning district. The applicant is seeking the addition of one (1) rental unit on the first floor. Originally this was a single family dwelling, converted to a first floor donut shop with an owner occupied second floor dwelling. The owner would like to have a second rental unit in the first floor. The original application was denied due to the lack of Building Trades permits for some of the improvements to the property.

As per the attached email, the housing permit for two units was submitted in August 2012, a Property Maintenance inspection is scheduled for June 14, 2013 and as of April 12, 2013, Building and Plumbing Permits were pulled however, the required electrical and mechanical (HVAC) permits were not pulled.

Attending: City Councilors Goodman-Hinnershitz, Marmarou, Reed, Sterner, Corcoran, City Clerk Kelleher, City Solicitor Younger Esq., Zoning Administrator Peiffer and City Planner Miller

A copy of the agenda packet and copies of the recommendations from the Zoning Administrator were provided to the applicant before the start of the hearing.

I. Testimony from Applicant

Liz Albarran (Property Manager) for HM Investments LLC aka Petronila Herrera-Munoz, 1620 Mulberry St (Owner)

Ms. Goodman-Hinnershitz asked Ms. Albarran to step forward. The Solicitor administered the oath to Ms. Albarran.

Ms. Albarran stated that since the previous hearing the entryway to the garage has been expanded to provide off-street parking for two vehicles. She provided a photograph of the enlarged garage door. The photograph was entered as an exhibit.

Ms. Albarran stated that the City told her that electrical and mechanical permits were not required because she is using space heaters rather than a furnace.

Mr. Marmarou questioned the lack of an electrical permit as the electrical service would need to support space heaters as the sole source of heat for the property. Ms. Albarran replied that she was told she only needs a mechanical permit.

Mr. Marmarou inquired about the removal of the support beam to expand the opening of the garage. Ms. Albarran replied that a support beam was not removed from the garage. She also stated that she could not recall the name of the contractor who did the work to expand the garage entryway.

Testimony from City Staff

Ms. Goodman-Hinnershitz asked the Zoning Administrator to step forward. The Solicitor administered the oath to the Mr. Peiffer, Zoning Administrator. His report and recommendation is a part of the property packet. The report states that this property was originally a first floor commercial space with residential space on the second floor. The current owner plans to add a three bedroom unit in the first floor. The size of this unit is in compliance with the zoning ordinance. He recommended approving the application and issuing a permit after the garage door is widened to 18 feet.

Ms. Goodman-Hinnershitz asked the City Planner to step forward. The Solicitor administered the oath to Mr. Miller, City Planner. He stated that the Planning Commission reviewed the application at their April 23rd meeting and recommended the approval of the first floor residential unit provided the concerns they issued in November 2012 are resolved.

Public Comment

Ms. Goodman-Hinnershitz opened the floor for public comment. Mr. Ed Waltman stepped forward. The Solicitor administered the oath to Mr. Waltman.

Mr. Waltman stated that the previous owner used the alleyway for parking which was problematic for this neighborhood. He described the overall parking stress in this area. He stated that due to the configuration of the garage which opens onto the alley, it is difficult for cars to enter and exit. He stated that this garage was previously used as storage space for the pre-existing commercial space. He stated that the block building was never used for a garage. He described the heavy truck traffic in this neighborhood and other quality of life concerns.

Applicant's Rebuttal

Ms. Albarran expressed the belief that the improvements she has made to the property have benefitted the neighborhood.

The Solicitor stated that Ms. Albarran was provided with an agenda packet with attachments and the recommendations of the Zoning Administrator. The Solicitor asked Ms. Albarran if she has any objections to allowing these documents to be entered on the record. Ms. Albarran

stated that she has no objection.

Ms. Goodman-Hinnershitz stated that City Council is required to approve or deny the application within 45 days of the hearing. She stated that the decision will be made by resolution at Council's regular business meeting on either May 28th or June 10th.

The hearing adjourned at 5:20 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk