

## MINUTES OF ZONING AND PLANNING COMMISSION / ZONING BOARD OF APPEALS MEETING

February 26, 2009

7:30 P.M.

1. Roll Call/Call to Order
2. Approval of minutes of Zoning and Planning Commission / Zoning Board of Appeals Meeting held on 02/12/2009
3. Case Number 09P-02 / Delphi Academy Conditional Use  
Request for approval of a Conditional Use for the purpose of establishing an Educational Institution on property commonly known as 905 S. Kent Avenue (PIN 06-13-114-001), said property being wholly located in the R1 Single-Family Residence District.  
**Continued Public Hearing from January 22, 2009.**  
*Note: The Applicant is requesting that this Public Hearing be continued to March 26, 2009*
4. Case Number 09ZBA-01/ Brown Variation – 482 Holly Avenue  
Request for front yard setback variation for the purpose of constructing a new house on property commonly known as 482 S. Holly Avenue (PIN 06-12-209-009), said property being wholly located in the R1 Single-Family Residence District.  
**Public Hearing – All properties within 500 feet have been notified.**
5. Other Business

Commission Members Present: Brinkmeier, Corrado, DeWitt, Frolik, Mushow, Slone, Whistler

Commissioner Members Absent: Ernst, McCoyd

City Staff Present: Werner

Chairman Whistler opened the meeting at 7:30 P.M. and requested a roll call. After the roll call determined that there was a quorum, Chairman Whistler requested a motion to approve the February 12, 2009 minutes of the Zoning and Planning Commission meeting. Commissioner Corrado moved to table the approval of the February 12, 2009 Zoning & Planning Commission/Zoning Board of Appeals meeting minutes until the next meeting of the Plan Commission/Zoning Board of Appeals. Commissioner Corrado stated that the minutes did not reflect the concerns expressed by some

Commissioners relative to the processing of the Hahn Street Planned Development. Commissioner Corrado requested the delay in approving the minutes until the Commission has had time to review and comment upon the Commission Report regarding the Hahn Street Planned Development. Commissioner Frolik seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the continued Public hearing for Case # 09P-02/Delphi Academy Conditional Use noting that the Applicant has requested that the Public Hearing be continued to March 26, 2009. Commissioner Brinkmeier moved to continue the Public Hearing for Case # 09P-02/Delphi Academy Conditional Use to March 26, 2009. Commissioner Mushow seconded and, with a voice vote being all ayes, the motion passed.

Chairman Whistler then opened the Public Hearing for Case # 09ZBA-01/Brown Variation 482 Holly Avenue. This request was heard by the Commission in 2006 and was subsequently approved by the Commission and City Council as Ordinance ZO-06-2007. The Applicant did not begin construction within the 6 month time allowed by the Zoning Ordinance and, as a result, has reapplied for the exact same request that was previously approved. After all testimony was received, and there being no-one in the audience concerned with this request, Chairman Whistler closed the Public Hearing portion of this case. Commissioner Brinkmeier moved to recommend that the City Council approve the request as presented. Commissioner Slone seconded the motion and, with all votes being affirmative, the motion passes unanimously.

Other Business: The Commission discussed upcoming cases and scheduling.

The meeting was adjourned at 8:05 PM.

Submitted by: Nathaniel J. Werner AICP, Planning and Zoning Administrator