

**Red Lion Planning Commission
Meeting Minutes
Monday, May 15th, 2017**

Members

Melanie Thompson
Cindy Barley
Joyce Seabolt
Felix Milner
Nevin Horne
Wade Elfner

Others

Dan Shaw, Codes/Zoning
Mike Craley, Solicitor
Stacy Myers, Recording Sec'y

Visitors

Tony Musso
Brent Williams
Dennis Klinedinst

1. The meeting was called to order @ 7:00p.m. Everyone present participated in the pledge to the flag.
2. Mr. Horne made a motion to approve the March 20th, 2017 Meeting Minutes; Ms. Seabolt seconded. All were in favor; motion carried.
3. **A Special Exception application was submitted by Brent Williams** to allow a two-family conversion at 426 South Main Street. Mr. Williams owns the property at 426 South Main Street, located in the Residential Town Zone. The upstairs of the building serves as a residential rental and until March 2016, the downstairs was home to Beechtree Podiatry for approx. 8 years. Since the podiatry business has moved, Mr. Williams has been unsuccessful at renting the downstairs for a Commercial use, mainly due to the size of the unit. It is approx. 850 sq. ft., which is too small for most commercial uses. He believes it would better serve as a residential unit. Mr. Williams presented plans of the unit, which showed a full-size bathroom, two bedrooms, a living room and a small kitchen. There is a stairway connecting the upstairs & downstairs units; however, there is a locked door separating the two. This doorway (coming off the parking lot), along with the front door coming off the street, provide two points of egress for the downstairs unit.

Dan Shaw had paperwork showing a Variance granted in 1977 to allow this Commercial use in the Residential Town Zone. (1977 was when the property was built & vacant). He explained to Mr. Williams that, once the downstairs unit is rented & he is granted this Special Exception to allow a residence, he will not be able to return it to a Commercial use. Mr. Williams is amenable to that.

Mrs. Barley made a motion to recommend approval of the Special Exception to allow the two-family conversion at 426 South Main Street. Before there was a second to the motion, Dan Shaw mentioned, per the original Variance application, the lot size at 426 South Main is smaller than the required 8,000 square feet (4,000 sq. ft. per unit). The old application, when this building was built, shows the lot area for this property at 7,680 sq. ft. (48' x 160'); Mr. Williams' plans show the lot area is 9,288 sq. ft. Dan said the County website was showing something different than both of those. In order for the Zoning Hearing Board to make a decision, Dan said the area will have to have a precise measurement.

Mr. Craley and the Board urged Mr. Williams to check the deed for the property to obtain an accurate lot area. If the area is 7,680 sq. ft., Mr. Williams will need a Variance to make this a Residential use (and will have to withdraw his application for a Special Exception).

Other than the lot size, he meets the parking requirements & minimum habitable floor area (Ordinance Section 634).

Mr. Williams asked if the property line stops at the corner of the sidewalk. Mr. Craley stated the definition of lot area is *“the area contained within the property excluding an area within a street right-of-way but including the area of any easement”*. So, it’s basically wherever the right-of-way line is located. In this case, back from the right-of-way line of South Main Street & back from the right-of-way line from Horace Mann Avenue is Mr. Williams’ lot area. Right-of-way would not be defined by the sidewalk. Mr. Craley suggested that Mr. Williams download the aerial view of this property, but double-check the deed as well.

Mrs. Barley made another motion to recommend approval of the Special Exception contingent on the lot size meeting the minimum Ordinance requirement of 8,000 sq. ft.; Mr. Milner seconded. All were in favor; motion carried.

4. **Other Business**—Dan had Zoning Ordinance updates; he will get copies to all Board members.
5. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 7:20p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary