

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
MONDAY, JANUARY 10, 2022**

The City of Whitehall Board of Zoning and Building Appeals meeting of **January 10, 2022**, was called to order by Mayor, Kim Maggard, at 6:30 p.m.

Mayor Maggard asked for a roll call and validation of the terms of office. All members were present.

Bailey – Present	2018 - 2022
Robert Weatherby – Present	2019 - 2023
Arends – Present	2020 - 2024

The two new BZBA members will be determined at a future date.

Mayor Maggard asked for a nomination for 2022 Chairperson. Mr. Arends nominated Aubrey Bailey. Mr. Weatherby seconded the motion. Voting was unanimous. Aubrey Bailey was chosen as the 2022 Chairperson. Mayor Maggard turned over the BZBA meeting to Chairperson Bailey for further nominations and voting.

Chairperson Bailey asked for a nomination for 2022 Vice-Chairperson. Mr. Weatherby nominated Mr. Arends. Chairperson Bailey seconded the motion.

Chairperson Bailey asked for roll call. Bailey – Yes, Weatherby – Yes, Arends - Abstained. Voting was unanimous and Mr. Arends was elected 2022 Vice-Chairman.

Chairperson Bailey asked for a nomination for 2022 Secretary. Mr. Arends nominated Mr. Weatherby. Chairperson Bailey seconded the motion.

Chairperson Bailey asked for a roll call. Bailey – Yes, Weatherby – Abstained, Arends - Yes. Voting was unanimous and Mr. Weatherby was elected 2022 BZBA Secretary.

Chairperson Bailey asked for a motion for the acceptance of the 2022 Clerk, Lori Morton. Mr. Weatherby motioned. Mr. Arends seconded the motion.

Chairperson Bailey asked for a roll call. Bailey – Yes, Weatherby – Yes, Arends - Yes. Voting was unanimous and Ms. Morton was elected 2022 BZBA Clerk.

Chairperson Bailey asked for a motion to approve the November 8, 2021, minutes as written and presented. Mr. Arends motioned and Mr. Weatherby seconded.

Chairperson Bailey asked for a roll call. Bailey – Yes, Weatherby – Yes, Arends - Yes. Voting was unanimous to approve the November 8, 2021, minutes.

Chairperson Bailey asked for a motion to adopt the 2022 Rules and Regulations. Mr. Weatherby motioned. Mr. Arends seconded the motion.

Chairperson Bailey asked for a roll call. Bailey – Yes, Weatherby – Yes, Arends - Yes. Voting was unanimous to approve the 2022 Rules and Regulations. The 2022 Rules and Regulations were adopted.

Chairperson Bailey announced Cases BA-22-02, Building Area and Height Variance, and BA-22-03, Parking Space Variance, Woda Cooper, Cos., Inc., 3540 East Main Street (parcels 090-002122, 090-001890, 090-003640, 090-001900, 090-002485, 090-003638, and 090-008240). Mr. Mike Shannon, attorney on behalf of the applicant (with Mr. Frank Fugate in attendance), presented the cases. Mr. Shannon stated that the legal nuance is that there were four companion variances to the rezoning application in 2021 and that these cases were heard in their entirety in 2021 and were approved. Mr. Shannon stated the third reading regarding the rezoning was to be heard January 4, 2022, at city council but has been rescheduled to January 18, 2022. Mr. Shannon stated that under the new code, Main Street Business Corridor, only two of the previously-requested variances are now requested – building area and height variance and the parking space variance. Mr. Shannon stated that from a legal standpoint a strong argument could be made that the variances are already approved but because of the commitments made by the administration to the neighbors, it is necessary to bring these cases back to BZBA. Mr. Shannon stated it was necessary to bring these cases back to the BZBA to reaffirm the previous decision. The legal standard for granting these variances is the so-called the Duncan factors – the delivery of governmental services are not affected and the adjacent property owners are not adversely affected. Generally, it is whether the general good of the City of Whitehall will be advanced with these variances and the attempted development. Mr. Shannon respectfully submits that is the case and requested questions from the BZBA Board.

Chairperson Bailey confirmed with Mr. Shannon that these cases appear to be the identical cases, with no changes being made, as presented in June 2021.

Chairperson Bailey asked Kelsey Miller to review the staff report. The city recommended approval of Cases BA-22-02 and BA-22-03. Ms. Miller stated these variances align with the Whitehall Development Blueprint – the height, density, and parking requirements. The parking requirement is short according to the 1970s code. The target tenant would be workforce housing. With residents working different shifts, staff is very confident there will not be an issue accommodating the tenants with parking. Ms. Miller also stated the trend is to one-car households and the use of public transportation.

Chairperson Bailey asked for a motion to approve Cases BA-22-02 and BA-22-03. **Mr. Weatherby motioned as motioned.** Mr. Arends seconded the motion. Chairperson Bailey asked for a vote. Bailey – Yes, Weatherby – Yes, Arends - Yes. **BA-22-02 was APPROVED. BA-22-03 was APPROVED.**

Chairperson Bailey asked if there was any other business to consider. There being no further business, Chairperson Bailey asked for a motion to adjourn. Mr. Weatherby motioned. Mr. Arends seconded. Roll was called and meeting was adjourned at 6:50 p.m. Bailey – Yes, Weatherby – Yes, Arends –Yes.

APPROVED: _____, 2021

Respectfully submitted,

AUBREY BAILEY, CHAIRPERSON

Lori Morton, Clerk