

**CITY OF PETERSBURG
ZONING BOARD HEARING
November 1, 2022**

Jenny Rexrode, Chairman of the Zoning Board called the meeting to order.
Present were members, Jason Kaposy, Bob McCalley and McKenzie Henritz (by phone).

The City of Petersburg Zoning Board met to hear comments regarding a request by KBR Properties for a Special Exception use for property located at 101 Alt Avenue in Petersburg, WV. The property is zoned C-2 - Community Commercial District. Their desire is to section off the back portion of the building to provide a few 2-bedroom apartments and leave the store front untouched to provide another small business location for the downtown area. The newspaper article noted that any objection to this request, must be submitted in writing to the City of Petersburg, 21 Mountain View St., Petersburg, WV 26847, by 4:30 pm on November 1, 2022. The notice appeared in both the October 18 and October 25, 2022, edition of the Grant County Press.

The following written letters associated with this posting were as follows:

The Spectacle Family Eye Care

To Whom It May Concern:

I am writing to express my concern about the special exception request regarding the property located at 101 Alt Avenue in downtown Petersburg. The request is to introduce residential units to a commercial zoned property.

Prove successful community development has shown that affordable housing in downtown areas diminishes the strength of favorable commercial development. Most successful West Virginia downtown rejuvenation projects have started with the relocation of housing that was provided in the downtown area and only then was commercial development growth noticeably enhanced.

Our goal is to attract entrepreneurs that will invest in community growth and enhancement to our growing recreational economy and continue the path to create a destination downtown. We have an enormous investment by the owners of the Hermitage Inn and Taphouse to provide a downtown anchor for tourism and business. I have also made a contribution and investment in downtown Petersburg with The Spectacle Family Eye Care and The Grove Bakery and Café; I am serving to protect my current investment and possible expansion into other ventures in downtown Petersburg.

Petersburg has made great strides toward growth in very positive direction, we have so many groups that have given endless hours toward productive networking, for instance the West Virginia Hub Community of Achievement program, DARRE program, and the Mon Forest Town Partnership with WVU, to name a few. I feel to allow this project to proceed will stop all progress we have achieved.

*Most Sincerely,
Dr. Cheryl Bennet*

David E. Harman, MA, DDS

Referring to the recent notice in the Grant County Press that describes a Special Exemption use Request for the property located at 101 Alt Avenue or the former Alt's Furniture building and lot(s), I would like to express opposition to a zoning change from C-2 Commercial for the following reasons. But first, I would like to applaud the people behind KBR Properties for their entrepreneurial spirit and willingness to invest in the community.

As a very close neighbor to the Alt property and a local business owner in downtown Petersburg, I feel the line must be drawn to prevent commercial property – buildings, lots and parking areas from being turned in to residential rentals and forever changing the face of what used to be a thriving business district. There are already enough or even too many apartments and churches in the downtown area in my opinion. I understand and respect the intentions but disagree with the logistics.

The line was already drawn years ago by this council when the area in question was designated as a C2 Community Commercial Zone. I suggest this zoning category may also have been the intention of Mr. Alt, the elder, when he built the current building and donated land to the City of Alt Street. I don't know if his intentions were documented. My suggestion is from information conveyed by my father and grandfather, business neighbors to Mr. Alt.

I fear that a change in zoning to allow more residential situations will balloon. A "few" apartments could turn into many and there is room on that property to build another apartment building. Low-income housing or not, it could change the face of our downtown area forever and may discourage legitimate businesses from adopting the downtown area as a home. I don't like empty business buildings, but I think we need to preserve the business heritage and maintain the potential for business growth in our downtown area by honoring the C2 Zoning assignment currently in force.

Thank you for your consideration of my humble opinions as I remain

*Respectfully yours,
David E. Harman*

Gary A Michael

To Whom It May Concern:

I have lived in Petersburg all my life and I have been a developer most of that time. I have built apartments in Petersburg, Moorefield, Wardensville, Franklin, Keyser, Baker, and Martinsburg. I have worked with other developers and development teams, and they all have made comments confirming that adding affordable housing in downtown areas strongly damages the thriving downtown commercial appeal.

We are finally making progress in a positive direction, and we don't need to turn backwards.

Gary A. Michael

To Whom It May Concern:

I oppose the special exception for the property located on 101 Alt Avenue in Petersburg. I believe it should be kept as Zoned for Commercial property.

First, children living in the downtown area would be at risk of injury due to the frequency of traffic.

Second, we need more commercial property in our town and our town needs the space to expand businesses.

Large businesses are operating in a 50-mile radius, and do not want to deliver items to our outlying area. Many senior citizens have limited transportation and cannot access outside businesses. The cost of gas could prevent younger persons with limited income from traveling.

Thank you for consideration of these concerns.

**This letter was submitted three times with these different signatures*

1 Fay Miller

2 Peggy Lambert

3 & 4 Debra K Dove and James E Dove

Mark Geary

*City of Petersburg Notice of KBR Properties
Special Exemption, 101 Alt Ave*

And other issues that are relevant

Several items and concerns follow below that will be expanded on at the meeting when discussed, other items will be presented as well. This is not all inclusive, but provides an idea of what the issues are.

1-The subject property is currently Zoned C-2.

2-The Zoning Ordinance does allow Special Exceptions for the request made.

3-The property must go through a re-zoning change.

4-Proper and adequate information, procedures followed and documents must be submitted to demonstrate the property can support the desired use and satisfy the Board for rezoning.

5-Such things as detailed drawings of the building and planned work, off street parking, site plans, setbacks, related area dimensions, accurate demonstration of acreage, conformity to other zoned properties, etc.

6-Other similar type concerns and items.

Special Note:

Recently, the City of Petersburg and Zoning Hearing Board appears to have not been following their own rules and ordinances, and it is requested that if I am wrong, to demonstrate that proper protocols have been adhered to. I will cite a couple examples during the meeting. Further, that if such ordinances have not been properly followed, current activities effected need stopped or terminated, until such time that the Ordinances and rules are followed as required by the municipal laws and regulations. It is possible that when I requested supporting information, it was available but just did not get provided, if that is the case, I apologize.

Mark Geary

Tyler Kuhn presented his plan of purchasing the property at 101 Alt Avenue for the purpose of retaining a commercial space in the front of the building and eight 2-bedroom apartments and five one-bedroom apartments. This would create additional housing in the downtown area. He will not change the dynamic of the building. He is asking for a Special Exception to add the housing. The building is 11,000 square feet, he will leave the front of the store front as it is either leaving it as one commercial area or dividing it into two rentable spaces. He wants to create thirteen apartments; he will retain 1,800 square feet in the front and the remainder into residential. Each unit would be roughly 900 square feet.

Gary Michael stated he would have to get this plan approved by the Health Department and the State Fire Marshall. Tyler Kuhn stated he has already spoken to city's sewer guys, State Fire Marshall and identified the need for sprinkler systems and all of that. He said he was crossing the first hurdle with the zoning board. He wanted to first secure the Special Exception. He included the zoning ordinance that pertains to this property and stated that the only thing he saw that could be an issue is parking. He stated that parking is an issue in downtown and included an aerial that shows for his projection of 25 needed parking spots with another possible 10 spots, the parking is ample. He also included in his presentation other buildings in that area that have mixed usage which is 95 percent. Mayor Michael stated those have apartments in the upper floors. Tyler Kuhn

agreed that yes most do. Mayor Michael stated that other than Virginia Avenue all the residential are upstairs in the buildings. Tyler Kuhn stated yes, and they still have their store frontage. Mayor Michael repeated the apartments are upstairs. Tyler Kuhn stated yes, but he hasn't been through all of them, he didn't see anything in the zoning that stated it has to be on the second floor. Mayor Michael said it is stipulated somewhere.

Mark Geary asked how he is seeing this Special Exception as possible, he said he doesn't read this. Tyler Kuhn stated that currently the building is zoned C-2, section 11.02, section A, any principle or exception use permitted in C-1 is a permitted use. Tyler Kuhn stated that if you can get a C-1 Special Exception, that is valid for a C-2 property. Tyler Kuhn then referred to the C-1 Special Exceptions, Section E #5 Residential use – it could be all residential use or a mix usage with permitted non-residential usage. All adequate conditions exist, lot size, parking, etc. this is the Special Exception that he is requesting.

Councilman Alvin Rumer asked if Tyler Kuhn has read the top part of C-3. Tyler Kuhn stated that he only looked at the permitted uses. He continued to say that under C-2 under permitted usage is anything that is a permitted usage under C-1. Councilman Alvin Rumer said he was talking about the Intended Purposes. Tyler Kuhn stated he was talking about the permitted usages, that is elaborating on that. That anything that is a Special Exception in C-1 will be valid in C-2. Councilman Alvin Rumer stated that he thinks when they wrote that they put it in because of what was already in there. Tyler Kuhn stated he didn't know how they wrote it; he is just reading what is there, he wasn't here in 1989. Councilman Alvin Rumer stated it was intended to keep as much of the industrial part or business part in town and not housing. Tyler Kuhn agreed and said he is just reading permitted usage C-2 Special Exception C-1, I am looking at exactly what the code says here, the intended purposes and showing the permitted usage as well.

Zoning Board Member, Jason Kaposy asked what is the planned use for the residential portion? Tyler Kuhn responded, who ever wants to rent them, just like the rest of his rentals or anyone else in town.

Mark Geary stated that some things on the zoning board are not perfect. When this meeting was advertised, it was not advertised as it should be, he stated that Tyler Kuhn is stating he will have a "few" apartments and that is deceiving. Tyler Kuhn stated that he is planning to have 13.

Mayor Gary Michael then stated that it didn't matter if it's one or twenty-one, it is whether or not Petersburg is going to allow apartments in our downtown area. Tyler Kuhn stated that the more housing to add to Petersburg is better, there is a lack of housing within the city limits. Mayor Gary Michael asked if there is a lack of housing or a lack of good tenants? Tyler Kuhn stated it is still housing, people have to have a place to live. Mayor Michael stated that he understands.

Zoning Board Member, Bob McCalley stated that he has tremendous respect for what Tyler Kuhn has done for Petersburg, a lot of businesses, expanding existing businesses and jobs. Mr. McCalley asked how does Tyler Kuhn think this project will help the revitalization of downtown Petersburg? Tyler Kuhn answered that currently this building is one big commercial building, it has been sitting there empty for two years now, this project will attract an area for several small

businesses or several small businesses. He said he doesn't know what the back half of the building will have to do with revitalization, but it will bring more people to the rest of the businesses. He doesn't know where the renters will come from, but they will spend their money downtown. Mr. McCalley asked what his target market will be? Tyler Kuhn stated that the one-bedroom studio apartments which are the size of the apartments he has now. Mayor Michael asked again, it is a matter of are we going to allow apartments downtown. Mr. McCalley stated that he is just trying to understand. Tyler Kuhn stated that he sees this as a business venture downtown which he has taken on multiple projects in town. He stated that he took on one of the biggest eyesores in town where 3rd Base is located now and turned it into several thriving businesses. He sees this project as much the same. Zoning Board Chairman Jenny Rexrode asked if he plans on adding onto the building. He stated "no" he does not. Tyler Kuhn stated he would lose his parking.

Mark Geary asked about parking and Tyler Kuhn stated there is ample parking and the city parking in front of the store will accommodate the commercial part of the parking needs. Tyler Kuhn has figured the need for twenty parking places to accommodate the 13 apartments and the public parking provided in the front of the commercial space for the businesses. Tyler Kuhn stated retail space needs one space per 400 square feet. Mark Geary stated he doesn't know how he was able to do the apartments at his sports bar location, did you get a special variance for that? Tyler Kuhn replied, "no" he just applied for a building permit. Mark Geary commented that was wrong, it should have been considered with the same format, Mr. Geary is asking the Petersburg Zoning Board to rescind the permit until it can correct the problem, it is zoned as a C-3 and it needs to be looked at again, it doesn't provide enough parking. Zoning Board Chairman Jenny Rexrode stated that application did not come to the zoning board. Mark Geary stated that it needs to be brought up. Mark Geary stated that he has been beat up several times by the zoning board and the city has ordinances for a reason and they need to be followed or there is no reason to have them, we need to start following them correctly..... he continued to speak of sewer capacity, etc. He referred to Boyd Sites building in the Bryan Field and the glamp ground application that was turned down by Jeff Rum, his client, and they zoning board allowed Matt Dolly to do something very similar. Mark Geary commented that things need to be done equably. Zoning Board Chairman Jenny Rexrode stated that he can object to that, but it has nothing to do with tonight's discussion. Tyler Kuhn stated that he is bringing up his personal car garage as he needs to have ample parking for the community for that which that 3,600 square foot has nothing to do with parking. Tyler Kuhn stated that he went through all the appropriate avenues to build the apartments at the 3rd Base location. He stated he did everything he was supposed to, he got a building permit. Mark Geary stated that the city needs to get ahead of these things and going forward cannot slip in things. Tyler Kuhn state he has mixed usage already on the 3rd Base property. Mark Geary stated that is "bull". Tyler Kuhn stated he did what anyone else would have done. Tyler Kuhn stated that he was not going to invest in engineered plans for something that needs to come before the zoning board first, the plans are not what needs to be approved as long as the plan is in accordance with the ordinance to put residential and commercial on the property being discussed. He stated that he has checked all the marks to do that, the next step will be to get plans and move forward.

Zoning Board Chairman Jenny Rexrode asked if anyone that wrote a letter of objection would like to speak. Zoning Board Member Jason Kaposy offered to read the letters if wanted.

Bob Mohr, resident of Point Drive in Petersburg, asked to speak. He asked if Tyler Kuhn was planning to put a business in the front part of the building. Tyler Kuhn stated that no he was not. Bob Mohr asked if the front part would then be offered as two businesses? Tyler Kuhn stated that there is just one business area now. Bob Mohr said just one now, but the opportunity for two is there and asked if there were any bits for business. Tyler Kuhn stated that he hasn't advertised the commercial venues yet so no he doesn't have anything in mind. Bob stated that the opportunity has been there for two years. Tyler Kuhn stated that it is different to rent the space versus someone having to spend \$440,000 for 11,000 square feet space for a flower shop or such. Bob Mohr stated because they would have to put apartments in to pay for it. Tyler Kuhn stated however they want to pay for it but a small business isn't going to make it, so now he's turning the commercial space into two 900 square foot spaces rent them for \$500 or \$600 dollars and a small business can get started in it. Bob Mohr then asked if he already has the clientele lined up for his apartments, like Pilgrims Pride, does he already have a deal with them? Tyler Kuhn stated yes he has some in his current rentals. Bob Mohr stated his point to the zoning board would be do we want Petersburg to be Moorefield, do we want to be a bedroom community for low skilled jobs from Moorefield that Moorefield did and that was part of their mistake. Bob Mohr asked how many jobs were in Moorefield, he asked if anyone had any idea, maybe 1,500, is it 2,000 and how many more will they get there if they can get more production in this area and where will those people live? Bob Mohr stated that we should drive through Moorefield and look at the changes in Moorefield in the last 25 to 30 years. The old Moose building, downtown Moorefield, he stated he has close friends that love the area come in to visit and have commented on the bad changes that have taken place, Bob Mohr continued to say he doesn't have a problem with someone making a living, do we want particularly our downtown area where efforts are being made to build tourism do we want downtown area to be a housing marketplace for Pilgrim's Pride and let's look at their workforce. Bob Mohr stated that he is not saying anything against refugees, nothing against immigrants, but at the risk of sounding like a xenophobe which someone would call him, how many times has that business been raided because of illegal immigrants, how many have been pulled out of there and how many have run away and didn't get caught? Bob Mohr continued to say it is a mirror of a larger problem in our country, we have an opportunity to zone more but just say we don't want to do that. Bob Mohr asked if it is legal for us to do that, he didn't know, he doesn't have all the relative paperwork. Mr. Mohr continued to say he doesn't have anything against Tyler Kuhn making a living, he said he is a good businessman, he work hard at it and he has done a lot of good things in Petersburg, but he doesn't think this is one of them.

Tyler Kuhn asked Bob Mohr if he was renting to American Woodmark would he care? Bob Mohr stated that it is the same dynamic. Tyler Kuhn responded so he would care, he wouldn't want him renting to American Woodmark employees. Bob Mohr responded that he didn't want Petersburg to become the bedroom community to Moorefield's over excessive amount of employment. Bob Mohr continued to say he fought against this as a member of the Hardy County Development Authority, thirty years ago. He stated he didn't understand why they wanted to increase the job base for low skill labor instead of trying to find manufacturers or other professional things that would come in stratify your economic situation sight. Bob Mohr stated they seem to be reaching out for housing everywhere. Bob Mohr stated that the town can do what

it wants to do, and he can do what he wants to do but ultimately is that what we want? Tyler Kuhn stated that it seems that \$18 - \$19 an hour jobs that Moorefield has grown, how many \$20.00 per hour jobs has Petersburg created in the past thirty years? Bob Mohr stated that not many. Tyler Kuhn stated that there isn't any growth for us today, he doesn't think we will ever get back to that, but he said we are getting back to if he rents to Pilgrims, McDonalds, or Joe off the street we are here to determine if he can put residential in that building. Bob Mohr asked Tyler Kuhn how it works with Pilgrims, they pay Tyler then they dock the worker's pay? Tyler Kuhn stated it has no bearing on this meeting. Bob Mohr stated that it does in his mind. Tyler Kuhn stated that he is on the ordinance not who might rent this thing. Bob Mohr asked if it was in fact subsidized housing? Tyler Kuhn stated that he would not discuss that, nor will he discuss the other rental that he has in Petersburg with locals in town. Bob Mohr if you have refugee status do you pay taxes? Tyler Kuhn stated that he couldn't answer that, he can't discriminate who rents his apartments, he has no problem and wanted to know why they don't want Pilgrim's workers here. Bob Mohr stated that it isn't that he doesn't want Pilgrim's workers, he doesn't want Petersburg to be a bedroom community to Moorefield that is his opinion. He stated he came to the meeting to express his opinion to share how he feels about his town. Tyler asked if Mr. Mohr knew how many Pilgrim's workers live in Grant County. Tyler Kuhn answered 330 so Pilgrim's has employed 2.5 or 3 percent of our population, so it is wrong to say they are good for our area. Bob Mohr stated that he didn't say they weren't good for the area, he repeated he doesn't think it is good for Petersburg's downtown. Tyler Kuhn stated that he couldn't tell who was going to rent this thing. Bob Mohr stated that Mr. Kuhn was objecting to his objections, but they are his objection and his opinion.

Zoning Board Chairman Jenny Rexrode asked if anyone else had questions or comments.

Zoning Board Member McKenzie Henritz stated that he was open to everyone's opinion and objections, but he feels it is becoming personal and that is not what the meeting is about. He continues to say the decision needs to be made regarding a commercial/ residential business in downtown. He stated he appreciated everyone sharing thoughts about it but the board needs to get down to business and determine what is in black and white and what will be allowed. Mark Geary stated that in black and white the zoning board can decide even with current use with community there, not caring who rents, but taking this building and the Halterman's Hardware building, once you start down this path there is no end, so the zoning board is allowed to make decision based on best practices for the downtown are.

Zoning Board Member Jason Kaposy stated that all these things are valid arguments that should be heard even though the meeting is to decide for Tyler. Jason Kaposy pointed out that the first entry in the zoning manual is The Purpose of the Zoning. *The fundamental purpose of this ordinance is to promote the safety, health, morals, convenience and general welfare to encourage the most appropriate use of land throughout the city to conserve and stabilize the value of property, to prevent overcrowding of land and buildings, to avoid undue concentration of population, lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate open spaces for light and air, to facilitate adequate provisions of street and highways, water, sewage, drainage to conserve life, property and natural resources.*

Mr. Kaposy stated that some of those things fall into what some of the folks are talking about, it is not just – we have a vision for Petersburg and what is happening here. Mr. Kaposy stated that is what the purpose of zoning and he welcomes the comments, and the zoning board should hear. Mr. Kaposy stated that he doesn't feel it is black and white and it is important to hear comments about what we want Petersburg to be.

Tyler Kuhn stated that he felt a lot of that is speculation on who he will be renting the building to, what businesses will be there, he can't tell what businesses will go in and he can't tell who will be renting it in twenty years. Tyler Kuhn stated that he can't who will be renting it next year, just right off the bat it will be Pilgrims because it is the only way anyone can afford to do a project. You can't do it without a game plan, and this is an \$800,000 to \$1,000,000 project and this meeting is about speculation of who is going to rent the apartments. Tyler Kuhn stated that he is trying to stay within the ordinances of having commercial and residential in the same plan.

Mayor Michael asked Tyler Kuhn if he plans to build apartments at his trailer park. Tyler Kuhn stated no he is not. Mayor Michael asked why not that would be the perfect place. Tyler Kuhn stated that if they had \$6,000,000 or \$7,000,000, he said he wishes he could, he inherited the place from his grandfather and realizes it not the best place, it is housing. Mayor Michael asked if the building being discussed will be cared for like the trailer park. Tyler Kuhn stated that he inherited those trailers. Tyler Kuhn stated that anyone can look at the rest of his housing units, they are up to good standards. Mayor Michael shared information about a government lending program for apartments on property like his trailer park, with rules and regulations governing the care of the property. Tyler Kuhn stated that he would agree with the zoning board and city council instilling rules, restrictions and regulations concerning this project. Mayor Michael stated that if he is allowed to put apartments in our downtown there are no rules and regulations that the city or county has as to how many people can live in an apartment. Mayor Michael stated that without these rules and regulations he could legally rent a one-bedroom apartment to three people. Tyler said he has rules regarding how many square feet per person.

Zoning Board Member Bob McCalley asked if anyone present was for this project? Zoning Board Member McKenzie Henritz stated that he is not opposed to the project. McKenzie Henritz asked what everyone wants to see in that building, it has sat empty for two years and we have someone who is going to try to revitalize a building that is serving no purpose. Mayor Michael stated that someone will buy that building sometime, it will not set empty forever.

Grant County Development Authority Executive Director, Callie Dayton and Grant County Commissioner Tyson Riggleman were present. They were not opposing anything and commended everyone for all the good work they do towards making good things happen in Petersburg and Grant County.

Tyler Kuhn reiterated the need for Special Exceptions to fill some of the empty buildings, he stated he has addressed all concerns.

Mark Geary stated that it does not meet the Special Exception, it will be mostly apartments, the property would need to be rezoned. Tyler Kuhn stated you will have people within walking

distance of restaurants and other businesses. Mark Geary stated this will cause a lot more vehicles and traffic congestion.

Tyler Kuhn stated that the front will stay commercial and cause more traffic than apartments.

Zoning Board Chairman asked the committee and audience to stay focused on the issue at hand.

Jim Cookman stated that he applauds Tyler Kuhn for what he has done in Petersburg. Mr. Cookman stated that he is concerned, the building beside him in downtown that Tyler owns has become somewhat of a salvage yard and he hopes that is not symbolic of what to expect at the Alt building. Mr. Cookman continued to say he has concerns for our school system handling the children of immigrants if they are not English speaking. Mr. Cookman continued to say he is concerned that it will jeopardize the school's resources to teach our children. Mr. Cookman stated that he is recognizing the progress made in Petersburg and the new vision and outlook and hopes we will protect that and whatever is done will be complementary to what is happening in Petersburg. Mr. Cookman complimented what Tyler has done. Tyler Kuhn stated the tenant Mr. Cookman referred to has 6 weeks left on his contract, he contacted the city, and the city gave him more time to move his junk cars. Tyler Kuhn stated that it was an embarrassment to him, and he has kept his properties nicely maintained and kept appearances nice. Tyler Kuhn stated he will have a \$1,000,000 investment and will protect it.

Bob Mohr stated that Hardy County schools have eighteen different languages and English is the second language program he is very concerned about resources being depleted. Bob Mohr stated how does the rest of our infrastructure impose on our schools.

Jim Cookman asked Tyler Kuhn what other projects he has going on in town or near town. Tyler Kuhn stated no just the three apartments at his 3rd Base location. Jim Cookman stated that he has mixed feelings about all of this. Tyler Kuhn stated opinion regarding the lack of progress with the city's zoning.

Mark Geary asked Tyler Kuhn asked how many houses he owns for rentals. Tyler Kuhn stated – a lot. He said he could be buying up more houses.

Tyler stated that the zoning of downtown is all C-1 and the surrounding buildings should be allowed Special Exceptions. Mark Geary stated that he provided the current zoning maps to the city and the maps need to be updated. Tyler Kuhn stated that he tried to be straightforward.

Jim Cookman asked why Petersburg Motor Company building has C-2 application. Tyler Kuhn stated that it had been occupied previously and therefore was allowed. He stated that Icky's building, Kaposy's building, and others all have mixed use.

Zoning Board Member Bob McCalley asked Tyler Kuhn when the permit for the 3rd Base apartment was approved by the city council. Mark Geary stated that it should have gone before the zoning board before approving. Bob McCalley stated Section 18.2 C – application for any Special Exceptions as permitted by this ordinance shall be made to the zoning hearing board

through the zoning officer. Mark Geary stated that is what you are voting on, the zoning board can make decisions on the effects, every time something happens it should be considered by the zoning board. He continued to say it is more than just the C-1 and C-2 wordings, for the sake of argument he said if Tyler gets tired of his car collection and wants to turn the garage into more apartments, and he doesn't think he needs to go before the zoning board again because he was already approved for the apartments on the second floor, the rules are too relaxed, it's not what you do right now it is what happens next, it becomes compounded. Mark Geary continued to say it is reflected in downtown Petersburg right now, it has compounded over a number of years, decades, that is the same thing that needs to be looked at, is this okay for right now and what effects will it have later on.

Tyler Kuhn stated that the ordinances are in place so you take your opinion of him and what he wants to do should have no bearing on anything, but does it meet the criteria. Tyler Kuhn stated that is speculating on the seller of the building and the buyer of what he is going to do in the future, who is going to rent there, it should be spelled out in the ordinance based on the criteria stated. Tyler Kuhn stated that he is putting a million-dollar investment in this thing and to think that he will let it be run down is a major stretch. Tyler Kuhn stated that if the zoning board and city council wanted to stipulate guidelines on occupancy and other regulations, he will respect those guidelines.

Mark Geary referred to page 66 in the zoning manual, section 18, Special Exceptions and suggested the zoning board stipulate conditions, number of people, maybe the zoning board could outline specific guidelines to these exceptions. Tyler Kuhn agreed to guidelines being set forth by the zoning board.

Zoning Board Chairwoman Jenny Rexrode stated that in defense of the Zoning Board, Tyler Kuhn, McKenzie Henritz, Jason Kaposy and Bob McCalley were not on the zoning board for past discussions that Mark Geary had referred to. She continued to say it was her and John VanMeter, everyone else was new.

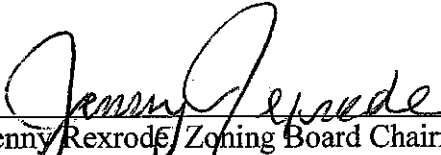
Jim Cookman asked if there was a state agency that sets forth the regulations as far as housing occupancy. Tyler Kuhn agreed but didn't know what it was called. Jim Cookman stated that it might be advantageous for them to look at plans and make recommendations. Tyler Kuhn stated that he intends for one-bedroom apartments to be occupied by a single person or a couple, two-bedroom apartments by a couple and children, he is not going to overcrowd and is comfortable with guidelines but thinks that all rentals should operate with the same guidelines. Bob McCalley asked how he would enforce his opinion of occupancy. Tyler Kuhn stated that should be a state thing.

Mayor Gary Michael stated that the conversation was getting away from the issue at hand, the meeting is to determine if he can put apartments in the 101 Alt Avenue Building. Discussion ensued.....

Zoning Board Chairman Jenny Rexrode called for the deliberation and asked everyone but Zoning Board Members to leave the room.

Zoning Board Chairman Jenny Rexrode reconvened the meeting to order after deliberations. The Petersburg Zoning Board voted 3 – 1 against the request.

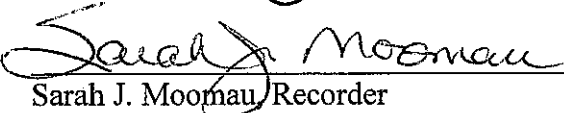
Meeting is adjourned.



Jenny Rexrode, Zoning Board Chairman

11-8-22

Date



Sarah J. Moomau, Recorder

11/8/22

Date