

UNAPPROVED MINUTES  
PLANNING COMMISSION

May 11, 2016

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on May 11, 2016, there being present all the members of said Commission, to wit: Vicki G. Daulton, Bruce N. Thomasson, Jimmy W. Robertson, Samuel R. Carter, III, and Denise P. King; with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Mary Ellen Wines, Zoning Administrator; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

The April 13, 2016, work session and regular meeting minutes were approved as written.

In re: Hold public hearing to consider the request of Mohamed Hosny, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 10 Point Pleasant Avenue (Tax Map #78-2-2)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Mohamed Hosny, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 10 Point Pleasant Avenue (Tax Map #78-2-2); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the April 28, and May 5, 2016, issues of the Salem Times Register; and

WHEREAS, staff noted the following: the subject property consists of one parcel of about .2 acres located on the east side of Point Pleasant Avenue, just north of the intersection with East Main Street near the border with Roanoke City; it is currently occupied by a non-conforming two family dwelling; the second unit was added at some point in the past but was never approved; when listing the property for sale it was discovered that it was non-conforming since the zoning is for single family; and the property owner is requesting the Special Exception Permit in order to make the property conform to the zoning so it can be sold as a two family dwelling; and

WHEREAS, Chair Daulton noted that there was no one present to represent the

petitioner; and

WHEREAS, Bill Maxwell, Assistant City Attorney, noted that the Commission might want to wait a few minutes and see if the petitioner shows up; he stated he could not remember this happening before; the Commission could send it to City Council without a recommendation; and

WHEREAS, Jay Taliaferro asked if it would be in order for staff to give a report on the item, and Chair Daulton noted that this was fine with the Commission; and

WHEREAS, Ben Tripp, Planner, appeared before the Commission explaining the Special Exception Permit request; he noted that the property exists as a two family dwelling now; it is an older building with two units, has two electric meters, and has operated as a duplex for some time; the second electric meter was installed in 1994, and it may well have been a two family dwelling before that; he further noted that the Zoning Administrator may have more information regarding the history of the property; the request is coming before the Commission because it has never been approved as a two family dwelling; the petitioner is requesting to have the structure conform to the zoning so that it can be sold; and

WHEREAS, Mary Ellen Wines, Zoning Administrator, noted that the structure was built in 1940 but was not in the City of Salem at that time; it is unclear when it was converted to a two family dwelling which is why we are here today; there will not be any changes to the structure, and it will remain a two family dwelling, if approved; further, the petitioner had contacted the City for zoning verification, and this was what started the research process on the property; and

WHEREAS, Commissioner King noted that the petitioner lives in Chesterfield, Virginia; she asked which side of the interstate was the wreck this evening; she stated she wondered if he might be caught in traffic somewhere; Chair Daulton noted that the wreck was on the northbound side; and

WHEREAS, Bill Maxwell asked if there is any requirement that the petitioner show up for the meeting; Ben Tripp and Jay Taliaferro noted that they did not think so; Mr. Maxwell noted if that is true, then the Commission is free to act on the request and give their recommendation to City Council based on what has been presented; and

WHEREAS, there was further discussion regarding the fact that the petitioner was not represented at the meeting; and

WHEREAS, Mary Ellen Wines noted that she spoke to the realtor first and then the property owner on a conference call together; the property owner stated he probably would not be able to come but that he would have someone to appear for him because she told them someone needed to be there to represent; she did not talk to him again but he was very interested in getting this done so he could sell the property; and

WHEREAS, Vice Chair Thomasson asked if it would be appropriate to deny the request and send it to City Council; Bill Maxwell noted that the Commission could recommended denial and send it to City Council, they could continue the request to check into the situation, or they could approve it; Mr. Thomasson noted that without representation, he did not feel comfortable voting; and

WHEREAS, Commissioner Robertson noted that he did not know of any other concerns the Commission has regarding the request that the petitioner could help them with; he feels that the request is really pretty clear; since the Commission does not have the final say, he would recommend approval of the request and let Council have the final say in the matter; several noted that this was reasonable; and

WHEREAS, no other person(s) appeared related to said request; and

ON MOTION MADE BY COMMISSIONER ROBERTSON, SECONDED BY VICE CHAIR THOMASSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Mohamed Hosny, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 10 Point Pleasant Avenue (Tax Map #78-2-2) be approved – the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:07 p.m.

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Executive Secretary

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Chair