



**The City of Weirton's Zoning Board of Appeals Regular Meeting  
TUESDAY January 5, 2021 4:30 pm**

**MINUTES**

**1. Roll Call**

Vice Chairperson Jonathan Curenton and Board members Keith Huntzinger, Bill Frohanapfel, and Mark Rice were present, Chairperson Amanda Alexander was not present. Planning and Development Director Jessica Gumm and Program Manager Kaleb Knowlton were present on behalf of the City.

**2. Approval of the Minutes for December 1, 2020**

**3. Approval of the Minutes for December 15, 2020**

- a) Keith Huntzinger motioned to approve the minutes from both December 1, 2020 and December 15, 2020.
- b) The motion to approve the minutes from both dates passed 4-0.

**4. Communications**

- a) Councilman Fred Marsh sent the following comment to be read at the meeting:

Jessica,

In a previous e-mail to you and the City Manager I reported on a meeting I had on 12/11/20 with representatives of New Life Church and Weirton Christian Center. The issue at hand was a "community" garden to be maintained by the Christian Center on New Life's property. This meeting was driven by concerns of several adjoining neighbors about the garden and its maintenance. During the on site discussions it was noted that skids were stacked on garden beds and outside the garden area. I also pointed out that the fencing material and placement were probably not to code. After some back and forth discussion I asked these representatives to go and talk to their neighbors to see what would be satisfactory to calm their concerns because in essence the residents have to look at the project 24/7/365 while the petitioning representatives are only there for part of the day or week. Whether or not this has been done I can not answer.

Zoning appeals issues are the matter of this board not me, I only want to give background information to the members so that they can make sound decisions. Please read this into the record for tonight's meeting.

Sincerely,  
Fred Marsh  
Ward III Councilman

- b) Planning and Development Director Gumm gave the following response:



Thank you, Fred. I will have Kaleb read your message out loud at the meeting. Per Matt Burskey, the property has been cleaned up. He also took pictures for me to review. There is still the issue with the fence not being installed correctly which Matt will address accordingly depending on the decision of the Zoning Board. The board is hearing the request of a variance for the 6 foot fence, (4 foot fence is permitted without a variance) and I would assume they want 6 foot fence to keep the deer out of the garden beds.

## **5. Citizens Comments**

- a) No Comments were heard.

## **6. Old Business**

- a) No Old Business was heard.

## **7. New Business**

- a) Election of Officers
  - a) Planning and Development Director Gumm stated that they could vote now or wait until all members were present. Mr. Curenton asked about the eligibility of Amanda Alexander to be on the Board since she does not live in Weirton anymore. Planning and Development Director Gumm stated that per the State Code she met all requirements of living in Weirton three years prior to being on the Board.
  - b) Keith Huntzinger made a motion to table the elections until all members could be present.
  - c) The motion to table the elections passed with a vote of 4-0.
- b) New Life Worship Church, 1492 Knight Road, requests a variance to permit a six (6) feet high fence in a front yard. The City of Weirton Unified Development Ordinance (UDO) Section 12.3.8 C (1) permits a fence to be a maximum height of four (4) feet in a front yard. (Tax Map W43M, Parcel 0015, C-2 Regional Commercial/Professional District.). *(Tabled from December 1, 2020)*
  - a) Bob Marino was present to speak on behalf of the request. The Garden is a partnership between the Weirton Christian Center and the New Life Church. They have been on Elm Street for the past five years and have donated approximately 1,200 pounds of produce to various organizations. Due to their concerns with the downtown location regarding pit bulls, fighting, and crime they did not feel it was safe to continue at that location. They moved into the empty lot by New Life Worship Church in the Fall. He stated that as with any new construction it will not look great initially and that they have cleaned it up some and have had a very productive meeting with Councilman Marsh. He said that by the time they get to spring time it will be looking much better than it does now. He stated that they had a complaint about the cardboard but that they needed to have the cardboard to protect the beds from weeds growing over the winter. He stated that they had a meeting with the City about not being able to go over four feet with their fence but that because they did not have the exact fence model as they found was useful



downtown in four feet they chose to go with that model in six feet and go for the variance. He stated that for five years downtown with a six-foot fence they had no issues with deer. He said that even though a deer could jump over the fence that they would take the path of least resistance. They wanted the same type of black wire mesh fence with plastic overtop that they had downtown and that thirty feet away you could barely see the fence. He stated that they had some issues with the soil where they had to ask the gas company and the power company to bring an auger to help them out both companies denied the request. He continued saying that they were forced to use volunteer help and that did not hold up, they have since fixed the metal stakes with four by fours two feet deep with concrete so they would not blow over and once they get to spring, they will be able to place more four by fours. Mr. Huntzinger asked if they knew that they could build a four-foot fence, that they would need a variance for a fence at six feet but that they built the fence anyway without permission to build it. Mr. Marino stated yes. Mr. Huntzinger then asked if there was anything with respect to the shed as well, Planning and Development Director Gumm stated that they only needed a variance for the fence. Mr. Curenton asked if the fence was already erect, Mr. Marino said yes. Mr. Marino said that they built beds, have a water buffalo, have rain barrels and other assets and that they did not want those to just sit there. He searched around in a 100-mile radius for the same fence in a four-foot section but could not find it. He said that if they have to tear it down that they would tear it down if the variance is approved, they will leave it as is.

- b) Donna Gialluco was present to make a comment before the Board. She lives at 136 Estes Avenue. She said she was born and raised in that home and that neighborhood has been part of her life for the past 62 years. She stated that Mr. Marino has cleaned it up and that the garden is in her back yard. Mr. Alatis looks at this garden everyday according to Ms. Gialluco and he looks at the garden every day. She stated that although Mr. Marino says that with construction of a new home there would be a mess but she said that this is not a home but a garden. She continued that it is not a family garden and that it is out in the middle of a parking lot. She asked that if she has to look at the garden now that it has a fence that is at least presentable. She stated that she put up a vinyl fence in her yard so she does not have to look at the garden. She stated that four foot or six-foot fence made no difference to her but she asked that the fence be made presentable. Mr. Huntzinger asked if she would prefer that they put up a fence that was not see through. She stated that she would like something that she would not have to look at. Mr. Marino said that they would love to have a beautiful fence and that they are completely self-sufficient relying on donations and grants and that they cannot afford to put up an expensive fence. He stated that it is an empty lot that has been there since the Knights of Columbus used it as a Bacci court and that it has been an empty lot for as long as he can remember, not a parking lot. He said that they cannot grow anything on the soil as it is. Mr. Marino said that he had some pictures of what the garden looked like Downtown; Ms. Gialluco stated that it was not Downtown anymore but in a residential neighborhood.



- c) Stathis Alatis who lives at 115 Ivy Street came to the podium for comment, he stated that although they said they would talk to neighbors he had just found out about this today. He said to give them a plan and if it were decent, they would not argue but not for them to put up a wire fence. He stated that he had been across the street from the church and that there was a trailer sitting there for years now. He stated that once they are given permission for the fence if it isn't decent that he will have to live with it and that he does not want just a wire fence that will be tipping over in a few years.
- d) Code Official Matt Burskey stated that he spoke to Mr. Marino and that he was going to use the cardboard to keep the weeds down and he accepted that but was waiting to see how quickly the cardboard would deteriorate in the weather. They have since removed the cardboard and put plastic down and they originally but the T Post in and with the he proposed that they put the T Post in with some concrete and be done. Instead, they put four by fours in the corners with T Posts in between the corner and with some they put a T Post with the Skid to hold it upright which is not sufficient and others were in the ground only a couple inches. He stated that he had concerns with the gate because they just have four boards screwed together and that they would bend and twist. They still have skids out that is unsightly and he considers to be debris and is not something that should be out on the property. Mr. Burskey stated that the fence materiel did not matter to him but he would not sign off on the fence because of the fence posts only being held up by skids and only being a couple inches in the ground and that he would consider the skids debris. Ms. Gumm asked if he thought their footers were fixable, he responded yes but given the soil he is not sure if they could drive the posts in or not. Mr. Huntzinger asked Mr. Burskey what the City's position would be with the fence with regards to whether the quality of the post affects the height. Mr. Burskey responded that that was their decision as the Board and his job is to enforce. Mr. Curenton asked if how they were standing now would be able to support the fence. Mr. Burskey responded that they would not and would need to be below the ground surface if using T Posts. Mr. Marino commented that he mentioned that in the Spring they would be replacing those T Posts with four by fours and that that would not be an issue. He stated that he was the youngest volunteer at 67 years old and that they would not be digging holes in November so he asks for time until the Spring. He said that the T Posts that are loose right now are what the skids are holding in place. Mr. Frohanapfel asked if there was a 90 day or 6-month timeframe involved when they applied for their permit. Mr. Burskey responded that they never issued a permit because they never received permission to put the fence up. Mr. Marino stated that he talked to Ms. Gumm and that that was not true and that she gave him permission and told him he did not need a permit for the fence. Ms. Gumm responded that the permit for the shed and the fence was based on the fence being four feet and that he put up a six-foot fence which was not permitted. Mr. Frohanapfel stated that the ground up there would be hard as concrete right now and that it would be difficult to do anything to the ground without a drill or jackhammer and that he feels it is all unacceptable to go with a six foot fence



without being able to hold a four foot fence up that they will need to get into the ground deeper, and asked if there would be a way to give them six months or ninety days to reconcile the problem since he does not see them getting the work done in the dead of winter. Ms. Gumm stated that compliance would be Mr. Burskey's job and making sure that the property is cleaned up. Mr. Huntzinger stated that he had an issue that the six-foot fence is up and that they cannot hold up the six-foot fence right now. Mr. Marino stated that they are all volunteers and that he does not need the aggravation and that they would just walk away. Mr. Huntzinger stated that that might be what the neighbors want. Mr. Marino stated that there was a history of complaints with the neighbors and the Christian Center and New Life Church. Mr. Huntzinger said they have issues amongst themselves and that it is not their place to decide those.

- e) Mr. Huntzinger made a motion to enter into executive session.
  - f) Upon returning from executive session, Mark Rice made a motion to approve the six-foot fence.
  - g) The motion to approve the six-foot fence passed with a vote of 4-0.
- c) Matt Basil, 1094 Barone Drive, requests a variance to permit the installation of a shed within the side yard. The City of Weirton Unified Development Ordinance (UDO) Table 2 Development requires accessory structures be located behind the rear wall of principal structure. (Tax Map W42L, Parcel 0032, zoned R-1 Single Family Residential).
- a) Matt Basil was present on behalf of the request. Matt Basil is on a corner lot with not much of a back yard and neighbors on either side with a tandem garage with not much space for storage so he would like to build a shed. Mr. Curenton asked if the shed would be impeding the views and Mr. Basil responded that it would not except for the view of his property. Mr. Huntzinger asked if it used to be a dentist's household. Mr. Basil responded that it was Dr. Graff and DiCaprio after that. Mark Rice asked if there were any complaints from neighbors, Mr. Basil responded he has not spoken to his neighbors but would if necessary. Mr. Huntzinger asked about the City's position. Planning Director Jessica Gumm stated that she had no issues with it, he has two fronts with no backyards and that his property comes off pretty substantially from the side.
  - b) Fritz Frohanapfel made a motion to approve the variance.
  - c) The motion to approve the variance passed with a vote of 4-0.
- d) Lea Leas Bakery, 3385 Main Street, is requesting a variance from the City of Weirton Unified Development Ordinance (UDO) Article 18, Table 8 which requires that the aggregate area for all signs is be limited to one (1) square foot per one (1) lineal foot of store frontage in a C3 district for a multi-occupant building. The proposed wall sign to be placed is 36 square feet. The maximum allowable aggregate



area for the store frontage is 20 square feet. (Tax Map W42S, Parcel 0005, Zoned C-3 Mixed Commercial/Professional District).

- a) LeaLea Paugh was present on behalf of the application. She stated that she looked at the Top of WV's sign to gauge requirements and that she had Savannah Gus make the sign for her. She said she later found out that the sign should have been six feet instead of twelve feet. Mr. Huntzinger asked what sign it was covering up, LeaLea stated that it was the previous occupant's sign.
  - b) Keith Huntzinger motioned to approve the variance.
  - c) The motion to approve the variance passed with a vote of 4-0.
- e) Country Crafts, 243 Three Springs Drive, is requesting a variance from the City of Weirton Unified Development Ordinance (UDO) Article 18, Table 8 which requires that the aggregate area for a wall sign is be limited to one (1) square foot per one (1) lineal foot of store frontage in a PDD district for a multi-occupant building. The business is located within the interior of building and does not have store frontage for the proposed sign (Tax Map W3, Parcel 21, Zoned PDD Planned Development District).
- a) Debbie Lawton was present on behalf of the request. In 2018 she asked for a sign variance because Mr. Kirlangitis had his sign on her square of the building and explained the history surrounding the matter with Mr. Kirlangitis saying that he had his sign on her square of the building and that Board approved that he would have to move his sign. She said that Mr. Kirlangitis came up with having water aerobics in the back but that never happened and the Zoning Board said that he could keep the sign up. She stated that following the letter of understanding among the parties' attorneys that Mr. Kirlangitis would move his sign she decided to put her sign up when Casey Sisters Dance Studio put their sign up. Mr. Huntzinger stated that they were there for her sign and asked if her sign was too big. Planning and Development Director Gumm stated that she did not have store frontage for the sign since she was on the inside of the building. Debbie Lawton stated that Paradise Nails is next to her, Code Official Matt Burskey stated that Paradise Nails does have store frontage. Planning and Development Director Gumm stated that the City has no issue with the variance request.
  - b) Keith Huntzinger made a motion to approve the request for a variance.
  - c) The motion passed with a vote of 4-0.

## 8. Adjournment