

BOARD OF ZONING APPEALS MINUTES
JANUARY 23, 2013

The Board of Zoning Appeals met in regular session on Wednesday, January 23, 2013, in room 802 Municipal Building.

Members present: Ms. Davis, Chairperson, Mr. Paschal, Mr. Dent, Mr. Slum, Mr. Dukes, Mr. Mitchell, Ms. Chivers, Mr. Sims, , Mr. Jones, Mr. Oliver, Chris Booker

Also present: Bob Austin, Zoning Administrator, Lois Schmidt, Secretary, and Wayne Brown, City Attorney

Absent: Mr. Dickinson, Vice-Chair, Pam Constable, Zoning Enforcement,

Chairperson Davis called the meeting to order at 2:30 P. M.

1. Minutes of meeting.

A MOTION was made by Mr. Slum that the minutes from December 17, 2012 be APPROVED; seconded by Mr. Dukes. MOTION carried.

2. Robert Gropp – Section 8-8 – requesting a variance to allow a residential home addition at 1341 Jackson Road to within 20 feet of the rear property line and 13 feet for the attached garage where 50 feet is required. Tax Map 031-4-036-08-0 Zoned R-1 (One-family Residential)

Mr. Robert (Billy) Gropp and Mr. Russell Winter were present on behalf of the petition. Mr. Gropp stated that they want to construct an addition to the rear of the house and a freestanding garage that will be connected to the main house by a covered walkway. The new construction will encroach into the required setbacks but Mr. Gropp owns the adjoining property. He presented a site plan and building layout to explain this that was the same as was included in the agenda packet.

There were no concerned citizens present.

Mr. Dent asked if the intention was to eventually re-draw the property lines to conform to the required setbacks.

Mr. Gropp said not now due to cost of the survey and he does not want to trigger a re-assessment of the property.

A MOTION was made by Mr. Booker that the variance be APPROVED; seconded by Mr. Paschal. MOTION carried unanimously.

3. Ray O. Newman – Section 33-5 (b) - Hardship request for a manufactured home at 3821 Belair Road as a second living unit. Tax Map 052-0-038-00-0 Zoned R-1A (One-family Residential)

Mr. Ray Newman, who lives at the address, was present on behalf of the petition along with Mrs. Doris Dickens, his mother who owns the property.

Chairperson Davis asked if Ms. Dickens is giving her authority for this request.

Mrs. Dickens said yes.

Mr. Newman explained that his late stepfather had handled this in the past and they were under the belief that it was a permanent approval once Mr. Newman's social security disability was in place.

The Staff explained that SSI does not factor in to the medical hardship process except to help validate it, annual renewal is always needed.

Mr. Newman apologized and asked that the medical hardship be re-instated.

Mr. Oliver asked if any neighbors were in objection.

Mr. Newman said not to his knowledge.

There were no concerned citizens present.

A MOTION was made by Mr. Mitchell that the variance be APPROVED; seconded by Mr. Solum.

After viewing the map attached with the agenda Mr. Dent asked how many buildings were on the property.

Mr. Newman said one house, one mobile home and a couple sheds.

Mr. Dent asked if the buildings could be moved away from the property lines.

Mr. Newman said it was the sheds he was seeing on the map and they are all at least 5 feet away.

Chairperson Davis called the question.

The MOTION was carried unanimously.

4. Budget Buildings, on behalf of Ray Barron – Section 7-1 – requesting a variance for a 600 square foot detached garage addition in the rear yard of 1056 Hancock Mill Lane where this lot's accessory structure floor area limitation is 588 square feet. Also, the property owner wants to retain an existing 160 square foot accessory structure. Tax Map 319-0-051-00-0 Zoned A (Agriculture)

Mr. Steve Scott, Budget Buildings, was present on behalf of the petition.

Chairperson Davis asked if Mr. Scott had authority to speak for Mr. Barron.

Mr. Scott said yes. He stated that Mr. Barron wants to add a 600 square foot 2 car garage and retain a small shed all of which puts him over the allowed square footage of accessory buildings for the lot. He presented the same picture of the proposed building that was included in the packet.

There were no concerned citizens present.

Mr. Oliver asked if the style of garage were typical for the neighborhood.

Mr. Scott said yes.

Mr. Oliver asked if any neighbors had expressed objections.

Mr. Scott said no.

Mr. Dent asked what was on the property to the rear.

Mr. Scott said it was undeveloped wooded land.

Mr. Sims asked if the new building will have power or plumbing.

Mr. Scott said no, not at this time.

A MOTION was made by Mr. Dukes that the variance be APPROVED; seconded by Mr. Oliver. MOTION carried unanimously.

5. Budget Buildings, on behalf of Izilla Reynolds – Section 9-1 – requesting a variance to construct a carport in the front yard of 2309 Tudor Drive that would be approximately 8 feet from the right-of-way of Tudor Drive where 25 feet is required. Tax Map 086-2-136-00-0 Zoned R-1A (One-family Residential)

Mr. Steve Scott, Budget Buildings, was present on behalf of the petition.

Chairperson Davis asked if Mr. Scott had authority to speak for Ms. Reynolds.

Mr. Scott said yes. He stated that the owner wants to construct a front carport over the existing driveway. This is a narrow lot and there is not access beside or to the rear of the house.

Mr. Jones asked if any neighbors had expressed objections.

Mr. Scott said no and there are several similar structures in other front yards. He presented one such picture as an example of what he intends to build.

A MOTION was made by Mr. Sims that the variance be APPROVED; seconded by Mr. Mitchell. MOTION carried unanimously.

6. Druid Park LLC – Section 21-1 – requesting a front setback variance for a commercial improvement at 1004 Druid Park Avenue where two buildings are going to be combined and one extended in an easterly direction to within 26 feet of the right-of-way of Emmett Street Lane where 38 feet is required. Tax Map 045-2-073-00-0 & 045-2-074-00-0 Zoned B-1 (Neighborhood Business)

David Brimmer, owner and David Banks, Southern Partners Engineer, were present on behalf of the petition. Mr. Banks explained that Mr. Brimmer wants to repurpose 2 existing buildings and construct an addition that would connect the 2 buildings to accommodate an expansion of his business.

There were no concerned citizens present.

A MOTION was made by Mr. Dent that the variance be APPROVED; seconded by Mr. Booker. MOTION carried unanimously.

7. Pete Verdery, on behalf of Frog Hollow LLC – Section 11-1 – requesting a variance to separate two existing single family residences that are located on one lot known as 1321 Holden Street into two separate lots. The house located on the easternmost new lot that is known as 1321 Holden Street would contain approximately 5,035 square feet in area and the house located on the westernmost lot that is known as 1729 Verdery Street would have approximately 2,805 square feet in area and 55 feet of frontage on Verdery Street. R-1C zoning requires that each lot have 6,000 square feet in area and 60 feet of road frontage. Tax Map 045-3-175-00-0 Zoned R-1C (One-family Residential)

Mr. Pete Verdery was present on behalf of the petition. Mr. Verdery stated that he owns this income property and would like to sell it. He has had more interest in people purchasing each house separately rather than keeping the property as is. Each property already has its owner water and electric meters and their own addresses.

Chairperson Davis asked how long they have had separate meters.

Mr. Verdery said as long as he has owned them.

One concerned citizen was present. Ms. Dortlean Greenlee owns property down the block and received the information letter and wanted clarification. Mr. Verdery's explanation satisfied her and she had no objections.

Mr. Dent asked if the smaller lot has at least 50 feet of road frontage.

Mr. Austin, Zoning Administrator, said at least and maybe as much as 60 feet.

Mr. Dent said it would be similar to others on the block.

A MOTION was made by Mr. Dent that the variance be APPROVED; seconded by Mr. Sims. MOTION carried unanimously.

8. Russell Winter, on behalf of Barney Thompson – Section 8-4 – requesting to replace an existing accessory structure in the rear yard of 3039 Fox Spring Road that lies 4 feet from the west side property line. The required setback off the west side property line is 10 feet and the 4 feet setback off the rear property line appears to conform with the average setback of other accessory structures along Church Road which serves as the rear property line for this block of Fox Spring Road. Tax Map 033-3-204-00-0 Zoned R-1 (One-family Residential)

Mr. Russell Winter was present on behalf of the petition.

Chairperson Davis asked if he has the authority to act on behalf of Mr. Thompson.

Mr. Winter said yes and explained that Mr. Thompson wants to replace an existing metal building with a frame building using the existing concrete slab. A mature oak tree in the yard necessitates the placement.

There were no concerned citizens present.

Mr. Oliver asked if any neighbors had expressed objections to Mr. Thompson or Mr. Winter.

Mr. Winter said no.

Mr. Sims asked the materials to be used to finish the building.

Mr. Winter said wood finished to match the house.

A MOTION was made by Mr. Paschal that the variance be APPROVED; seconded by Mr. Solum. MOTION carried unanimously.

MEETING ADJOURNED