



BOARD OF ZONING APPEALS

Minutes of the Meeting

June 12, 2013

<p>ATTENDANCE</p>	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, June 12, 2013, in the Planning Department Conference Room in the Liberty Center, 12 W. Liberty Street. Seven board members – Mr. J. Seth; Mr. James Price; Mr. Sam Lowery; Mr. John Acken; Mr. Leslie Alessandro; Ms. Betty Clark; Mr. Louis Tisdale and the secretary were present. Mr. Patrick Flaherty and Mr. Jimmy Lowery were absent. The meeting was called to order at 3:00 p.m. by Mr. J. Seth.</p>
<p>MINUTES</p>	<p>The minutes of the May 8, 2013, meeting were approved by acclimation.</p>
<p>NEW BUSINESS</p>	<p>BOA-13-06, 342 Bagnal Drive (City) was presented by Mrs. Donna McCullum. The board reviewed the applicant’s request for a variance of 21 feet from the required 35 foot front yard setback to attach a metal carport to the front of the house per Article 3, Section 3.b.5.b Yard & Building Setback Requirements. The property is located at 342 Bagnal Dr. and is represented by Tax Map #249-02-02-021.</p> <p>Mr. Randy Lomax was present and spoke in favor of the request. Two letters were also presented in support of the request.</p> <p>After little discussion between board members, Mr. Lomax and staff, Mr. James Price made a motion to accept staff recommendation and approve this request. The motion was seconded by Mr. John Acken and carried a unanimous vote. The request was approved.</p> <p>BOA-13-07, 1805 Hwy. 521 South (County) was presented by Mr. George McGregor. The board reviewed the applicant’s request for a variance from Article 8, Section 8.i.6 Freestanding Signs and Exhibit 19 Maximum Total Sign Area and Height to permit the maximum area of a freestanding sign in excess of 150 sq. ft. and a freestanding sign in excess of 15 ft. high in Heavy Industrial Zoning District. The applicant proposes to install a freestanding monument sign +/- 1,300 sq. ft. in</p>

size and 20 ft. high. The property is located at 1805 US Hwy. 521 South and is represented by Tax Map #252-00-05-088.

Ms. Buxton from the Economic Development Board was present to speak on behalf of the request. Mr. Tim Ridgeway and Mr. Steve Parrott were present and spoke in opposition of the request.

After much discussion between board members and staff, Mr. Louis Tisdale made a motion to approve this request with the following condition:

1. No light emissions to escape the property line.

The motion was seconded by Mr. Sam Lowery and carried a unanimous vote. The request was approved.

BOA-13-08, 2600 Broad Street (County) was presented by Mrs. Helen Roodman. The board reviewed the applicant's request for a variance from the number of freestanding signs allowed per zoning parcel in order to have a second freestanding sign along Broad St. at a business per Article Eight, Section 8.i.6.a. Freestanding Signs-Number of Signs. The property is located at 2600 Broad St. and represented by Tax Map#203-08-01-002.

After little discussion, a motion was made by Mr. Sam Lowery to approve this request subject to the finding of facts and conclusions contained in the draft order dated June 12, 2013. The motion was seconded by Mr. John Acken and carried a unanimous vote. The request was approved.

BOA-13-09, 515 W. Hampton Ave. (City) was presented by Mrs. Claudia Rainey. The board reviewed the applicant's request for a variance for an increase of 365 sq. ft. from the maximum sq. ft. (1325sqft) allowed for residential accessory buildings in order to construct a storage building with a covered porch per *Article 4, Section 4.g.2.b.6 and Exhibit 8A Development Standards for Residential Accessory Buildings*. The property is located at 515 W. Hampton Ave. and is represented by Tax Map#228-11-01-017.

Mr. Scott Bell, Architect for the applicant, Malley Jennings and Lynda Parker were present and spoke in favor of the request.

After some discussion, a motion to approve this request was made by Mr. James Price based on the following:

1. The Board concludes that Applicant **has** - **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are extraordinary and exceptional conditions on this property. Lots in this district vary in size, shape and location of structures. This parcel is relatively large in comparison to others on Hampton Avenue.

2. The Board concludes that these conditions **do** - **do not** generally apply to other property in the vicinity based on the following findings of fact:

Surrounding properties vary in size from 0.24 to 1.56 acres, with many different shapes and layouts.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property **would** - **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

Historic Preservation Design Review approved this project due to aesthetics and functions, therefore, to prohibit it would be unreasonable.

4. The Board concludes that authorization of the variance **will** - **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district **will** - **will not** be harmed by the granting of the variance based on the following findings of fact:

The property is secluded and there is no visibility from either the street or adjacent properties into the rear yard.

The motion was seconded by Mr. Leslie Alessandro and carried a unanimous vote. The request was approved.

BOA-13-10, 110 E. Liberty Street (City) was presented by Mrs. Helen Roodman. The board reviewed the applicant's request for a variance of 15 feet from the required 20 foot rear yard setback in order to construct a rear addition to a commercial office building per Article 3, Section 3.i.5.b Yard & Building Setback Requirements. The property is located at 110 E. Liberty St. and is represented by Tax Map #249-16-01-003.

Mr. Ted Wilson and Mr. Bucky Monroe were present and spoke on behalf of the request.

After much discussion between board members, the applicant and staff, a motion to approve was made by Mr. Leslie Alessandro based on the following:

1. The Board concludes that the Applicant **has** - **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

The property is narrow. The rear section of the property is the only practical area to build addition. The owner need to expand the existing insurance office building by app. 2,475 sf. to meet the current business operation space requirements. The proposed expansion could be constructed within the limits of the currently ascribed side and rear setbacks, but would require the owner to build the addition the the limis of the zero side setbacks while not exceeding the rear 20 foot setback limit. Therefore, forcing construction directly againsts the walls of the existing adjacent building and of couse block the building owner access to the only two existing door openings on this side of the building. The addition would also block emergency access around the buildings, restrict routine building maintenance and require 4-hour fire wall for the new addition.

2. The Board concludes that these conditions **do** - **do not** generally apply to other property in the vicinity based on the following findings of fact:

Other area properties are built to a zero distance setback. The conditions of this project are specific to the unique existing layout of the properties and the adjacent warehouse building located west of the property line.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property **would** - **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

The only way to provide enough new area to the office building is to adjust the rear setback by 15 ft. Unless the variance of the rear setback is approved, the layout of the proposed expansion of the office building is unreasonably restricted because the new addition would have to be constructed against the wall of the adjacent building and would not allow the width of the building addition to align with the existing office building and provide the square footage necessary to meet the current business operation space requirements.

4. The Board concludes that authorization of the variance **will** - **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district **will** - **will not** be harmed by the granting of the variance based on the following findings of fact:

The use of the adjacent property will not be affected. Adjacent fence is 7 ft. from the property line. The variance will allow unobstructed access around the building addition for emergency access and allow adjacent property owner access to the side of the building and two existing door openings.

The motion was seconded by Ms. Betty Clark and carried a unanimous vote. The request was approved.

ADJOURNMENT	With there being no further business, a motion to adjourn was made at approximately 4:20 by acclimation. The next regularly scheduled meeting will be held on July 10, 2013.
	Respectfully submitted, <i>Julie A. Scarborough</i> Julie A. Scarborough, Board Secretary