

BOARD OF ADJUSTMENT

MEETING MINUTES

February 6, 2020

City Hall – Council Chambers

Regular Members Present: Larry Caldwell, Charles Haubold, Tim Kelley, Skip Smallwood, William Whitlock

Regular Members Absent: None

Alternate Members Present: None

Alternate Members Absent: Ray Buhs, Ed Hart, David Hinton

Staff Present: Carol Peters, Ryan Shrimplin

Call to Order

Chairman Haubold called the meeting to order at 7:00 p.m.

Approval of Minutes

The minutes of the January 2, 2020 meeting were unanimously approved upon a motion made by Mr. Smallwood and seconded by Mr. Kelley.

ZONING CODE VARIANCES

1. A public hearing was held on the request of Centenary United Methodist Church for a variance from Section 30-403(a), accessory structures and uses, for property at 321 North Ellis Street. Ms. Cherie Henson, Centenary United Methodist Church Trustee, represented the applicant. Ms. Henson explained that the church recently purchased a new bus and would like to install a carport for it. There is no place to park the bus on the property containing the church, so it is parked in the parking lot across the street, which the church owns. The Zoning Code does not allow the carport on the parking lot property because it does not have a principal building. Therefore, the request is to allow an accessory structure (carport) on a lot without a principal structure.

A staff report was submitted to the Board, containing the following findings of fact in reference to the variance request:

Criterion #1: The variance request arises from a condition which is unique to the property in question and which is not ordinarily found, and is not created by an action or actions of the property owner or the applicant.

Finding: The applicant is a church, which owns two properties located at the northeast and northwest corners of North Ellis Street and Bellevue Street. The church building is located at the northeast corner while the church parking lot is located at the northwest corner. The proposed carport is for a bus owned and operated by the church. With the exception of some ADA (Americans with

Disabilities Act)-accessible spaces, there is no room for parking on the property with the building. Therefore, the bus parks in the parking lot across the street, which is where the carport is proposed. This constitutes a unique condition that is not self-imposed.

Criterion #2: Approval of the variance request will not adversely affect the rights of adjacent property owners or tenants.

Finding: The carport is proposed to be installed in an existing parking lot and will be used to shelter a bus that currently parks there. The addition of the carport will not create practical issues for the adjacent property owners or tenants, nor will it adversely affect their rights if the variance request is approved (due to the unique condition).

Criterion #3: The strict application of the provisions of the Zoning Code from which the variance is requested will constitute unnecessary hardship upon the utilization of the property.

Finding: If the variance request is denied, the applicant will have to remove most of its ADA-accessible parking spaces in order to have the bus parking and carport on the same property as the building. Not only will this adversely affect the church's disabled members and guests, it could also violate the ADA, resulting in an unnecessary hardship.

Criterion #4: Approval of the variance request will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Finding: As noted previously, the addition of the carport will not create practical issues for the adjacent property owners or tenants, and approval of the variance will not adversely affect their rights. This is also the case for the general public.

Criterion #5: Approval of the variance request is consistent with the general spirit and intent of the Zoning Code.

Finding: The unique condition of the subject property, the unnecessary hardship that will result if the request is denied, and the lack of an adverse effect on the adjacent property owners, tenants, and the public form the basis for approving the variance request in keeping with the general spirit and intent of the Zoning Code.

Based on the above findings, staff recommended approval of the variance request.

Chairman Haubold opened the public hearing. Seeing no appearances to speak, he closed the public hearing. A motion was made by Mr. Smallwood and seconded by Mr. Whitlock to approve the variance request. The motion passed by a vote of 5 in favor, 0 in opposition, and 0 abstaining (*Aye: Caldwell, Haubold, Kelley, Smallwood, Whitlock*). Chairman Haubold called for a motion to adopt the staff report as the Board's Findings of Fact and Conclusions of Law. Mr. Caldwell made a motion to adopt, and Mr. Smallwood seconded the motion. The motion passed by a unanimous vote.

OTHER ITEMS AND COMMUNICATION

Transportation Trust Fund 6 (TTF6) Presentation

Mr. Shrimplin gave a presentation on the proposed Transportation Trust Fund 6 (TTF6) tax initiative. He explained that TTF6 is a renewal of the current one-half percent (1/2%) sales tax dedicated to funding transportation improvements in the city. The current tax, TTF5, is set to expire on December 31, 2020. If approved by the voters on April 7, 2020, TTF6 will provide funding over the next five (5) years for general maintenance and repair of streets and sidewalks as well as eight (8) specific projects. Mr. Shrimplin noted that over the years, a larger portion of the TTF budget has been allocated to general maintenance and repair due to the high number of miles of street pavement in the city. Of the \$25 million budget for TTF6, \$13 million is being set aside for general maintenance and repair, \$10 million is allocated to specific projects, and \$2 million is being saved for safety improvements/contingency. The Board then discussed the specific projects. Mr. Shrimplin asked the Board members to encourage citizens to vote.

Board Communication

There were no communication items from the Board.

Staff Communication

There were no communication items from the staff.

Adjournment

There being no further business, the meeting was unanimously adjourned at 7:40 p.m.

Respectfully submitted by:



William Whitlock, Secretary