

BOARD OF ADJUSTMENT

MEETING MINUTES

February 1, 2018

City Hall – Council Chambers

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

Regular Members Absent: Charles Haubold

Alternate Members Present: David Hinton

Alternate Members Absent: Ray Buhs, Ed Hart

Staff Present: Carol Peters, Ryan Shrimplin

Call to Order

Vice-Chairman Smallwood called the meeting to order at 7:00 p.m. Mr. Hinton served in place of Mr. Haubold.

Approval of Minutes

The minutes of the December 7, 2017 meeting were unanimously approved upon motion made by Mr. Kelley and seconded by Mr. Caldwell.

ZONING CODE VARIANCES

1. A public hearing was held on the request of Ross Conner for a variance from Section 30-323(e)(5)a, R-2 (Single-Family Urban Residential District) front yard setback requirement, at 102 Green Acres Drive. Mr. Ross Conner, applicant, explained that he would like to install a freestanding carport on the east side of the house but there is not enough room to keep it out of the setback.

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 subject property is a corner lot located at the northwest corner of Green Acres Drive and Rand Street. The Zoning Code requires a 25 foot front yard setback from each front lot line/right-of-way line. The property contains a single-family home with an attached carport. The carport is only wide enough for one vehicle. The applicant, who is also the property owner, wishes to place a freestanding carport next to the attached carport to accommodate a second vehicle. Due to the existing house and the width of the lot, however, there is no space to place the carport behind the front yard setback along Rand Street. Most of the lots

on Green Acres Drive have homes that are very close to the side lot lines. Because the house on the subject property faces Green Acres Drive, the yard along Rand Street resembles a side yard. These circumstances constitute a condition which is unique to the subject property and which was not caused by the applicant.

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

Finding: If the variance request is approved, the rights of adjacent property owners and tenants will not be adversely affected due to the unique condition and due to the existing row of trees along the Rand Street frontage, which will help to screen the carport from Rand Street.

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: Most of the homes in the area have a two-car garage or space to provide shelter for two vehicles within the required setbacks. If the variance request is denied, it will constitute an unnecessary hardship because the applicant will be denied the ability to provide shelter for a second vehicle on his property.

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

Finding: If the variance request is approved, the public will not be adversely affected due to the unique condition and due to the existing row of trees along the Rand Street frontage, which will help to screen the carport from Rand Street.

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

Finding: The intent of the requirement to provide a front yard setback along each street frontage on corner lots is to ensure that buildings on such lots in traditional "grid" subdivisions do not disrupt the uniform row of setbacks along either street. In this case, however, Rand Street makes an abrupt angled turn just north of the subject property and then the street pattern changes to a suburban one consisting of free flowing curves and non-rectilinear intersections. As such, there is no uniform row of setbacks that would be disrupted if the carport was located in the front yard setback along Rand Street.

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

Vice-Chairman Smallwood opened the public hearing and seeing no appearances to speak, he closed the public hearing. A motion was made by Mr. Kelley 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, Hinton, Kelley, Smallwood, Whitlock*) Vice-Chairman Smallwood 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. Hinton seconded the motion. The motion passed by a unanimous vote.

Staff Communication

Mr. Shrimplin gave an update on the Cape Vision 2040 comprehensive plan process. He stated approximately forty (40) people attended the January 25th workshop, which expanded on the ideas collected at the November 7th workshop, the Spaghetti Day idea booth, and the quick poll on the project website. The consultant team will now take the results of the latest workshop and begin drafting the plan. He encouraged the Board members to follow the process on the project website.

Adjournment

Upon motion made by Mr. Kelley and seconded by Mr. Caldwell, the meeting was adjourned unanimously at 7:20 p.m.

Respectfully submitted,



William Whitlock
Secretary