

BOARD OF ZONING APPEALS
May 23, 2007

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, MAY 23, 2007 AT 7:30 P.M.

Those present were: Raymond Daughtry, Chairman
 Bob Runkle, Member
 Richard Herring, Member
 Janet Frye, Member
 Bart Svoboda, Zoning Administrator
 Marsha Alley, Secretary

The Chairman called the meeting to order stating that there would be one variance request.

Christopher & Rebecca Anderson request a variance from Article 4 of the Greene County Zoning Ordinance which requires a 75 ft. front yard setback. This request is on property that is identified on the County Tax Maps as 50E-(7)-46 located on Rambling Road containing 2.17 acres and is zoned A-1, Agriculture. (VAR#07-003)

Mr. Daughtry asked Mr. Svoboda for a report.

Mr. Svoboda read the request and reviewed the information. He presented the maps, sketches, and soils information. He explained that the house site seems to be the most suitable location for the house given the topography of the parcel. He added that staff recommends approval of this application in:

- a. That the strict application of the ordinance would produce undue hardship including specifically that the unique soil characteristics limit the location of a building site.
- b. That such hardship is not shared generally by other properties in the zoning district and the same vicinity. Due to the unique soil characteristics that limit drain field and reserve locations.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

He added that this particular lot is a conforming lot unlike many of the others in the area which qualify for non-conforming setbacks. He noted that, therefore, the character of the neighborhood will not be affected.

Mr. Daughtry swore in speakers and opened the public hearing.

Christopher Anderson, applicant, addressed the Board. He stated that Mr. Svoboda had covered the information regarding his request. He explained that

the setback encroachment had been an honest mistake and he apologized to everyone who has been inconvenienced by this mistake. He added that he has started having surveys performed for setback verification. He noted that he had thought that he was doing the right thing.

Mr. Daughtry asked Mr. Anderson if he owns the property.

Mr. Anderson stated that he does own the property. He stated that this was his first house after starting his construction business and that when the mistake was brought to his attention, he stopped any further construction and came to Mr. Svoboda for guidance and direction.

Bernard Mallory, neighbor, addressed the Board. He stated that he lives across from the house that is being built. He stated that he does not have a problem with the encroachment, adding that it is a beautiful home and that Mr. Anderson has done a nice job there.

There being no further public comment, the public hearing was closed.

Mr. Herring asked how big the porch is and if the porch caused the greatest encroachment.

Mr. Anderson stated that the porch extends 10 feet from the house.

Mr. Herring asked if the porch were not there would the variance request be for 4 feet.

Mr. Svoboda agreed.

Mr. Anderson explained that the porch is tied into the roof line of the house.

There was discussion on the porch size and the encroachment distance.

Mr. Daughtry stated that he had visited the site and found that the topography of the property may limit the house location to this site.

Ms. Frye made a motion to approve VAR#07-003 with the recommendation of planning staff.

Mr. Runkle seconded the motion.

Mr. Daughtry asked Mr. Svoboda to call for the vote.

Mr. Svoboda called for the vote.

AYE

Mr. Runkle
Ms. Frye
Mr. Herring
Mr. Daughtry

NAY

The motion to approve carried by a 4-0 vote.

Mr. Anderson thanked the Board for their consideration and time.

OLD/NEW BUSINESS

Mark Edmund Sherrill/Virginia Bowen request a variance from Article 15 of the Greene County Zoning Ordinance which requires a 35 ft. rear yard setback and a 15 ft. side yard setback. This request is on property that is identified on the County Tax Maps as 17-(A)-7 located on Spotswood Trail containing 0.36 acre and is zoned R-1, Residential. (VAR#07-002)

Mr. Daughtry asked Mr. Svoboda if the applicant was present.

Mr. Svoboda stated that Mr. Sherrill was not present and that he had not notified the planning office of his absence.

There was discussion on how to handle the request given that the applicant did not appear. It was determined that Mr. Svoboda would contact the applicant as to his request.

Ms. Frye asked if a response deadline would be included if a letter was sent to the applicant.

Mr. Svoboda stated that if a letter was sent, it would include a deadline.

Ms. Frye made a motion to defer this application VAR#07-002 to the July 25, 2007 Board of Zoning Appeals meeting.

There was discussion on the motion.

Mr. Runkle seconded the motion.

Mr. Daughtry called for a consensus vote.

The motion to defer this application to the July 25, 2007 Board of Zoning Appeals meeting carried unanimously.

MINUTES

Ms. Frye made a motion to approve the minutes of March 28, 2007 as submitted.

Mr. Runkle seconded the motion.

The minutes of March 28, 2007 were unanimously approved.

OTHER MATTERS

Mr. Svoboda informed that Board that there are several Ordinance Revisions pending Board of Supervisors review. He added that the Sign Ordinance and Clustering options would be coming up as well.

Mr. Svoboda stated that two Board of Zoning Appeals members, Janet Frye and Bob Runkle, had been re-appointed.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Marsha Alley, Secretary