

MINUTES

BOARD OF ZONING APPEALS

REGULAR MEETING

Tuesday, September 15, 1992

10:00 a.m.

Members present: David Wright, Ben Turbeville Belvin Harris, Don Hawkins, Joyce Rigler, Lewis Ozuna and J. D. McCain.

Members absent: None.

Staff present: Pat Payne.

Visitors: List.

The first item of business was calling the meeting to order at 10:04 a.m by Chairman Don Hawkins.

The second item on the agenda was consideration of and action on the minutes of the regular meeting of July 21, 1992. A motion was made by Ben Turbeville and seconded by Belvin Harris to approve the minutes as presented. Motion carried by the following vote: Ayes: Wright, Harris, Turbeville, Hawkins, Rigler, Ozuna and McCain. Nays: None. Absent: None. Abstentions: None.

The third item on the agenda was consideration of and action on a request by Russell Duncan, Attorney/Agent for Frank A. Humphrey, owner; and Jim and Linda Blankenship, buyer; for a ten-foot variance to the twenty-five foot front yard setback requirements of the Zoning Ordinance for Single Family Two Zoning Districts in order to construct a new residence at #16 Quail Run, Lot 8, Block B, Deerwood Addition, to the City of Gainesville.

Mr. Hawkins asked Mr. Duncan if he wanted to present the request before the Board. Mr. Duncan replied he would because Mr. Blankenship is in California, with Mrs. Blankenship in attendance; and the Humphreys live out of town.

Mr. Duncan began by presenting a copy of the plat of the Deerwood Subdivision. He explained that the lot has been owned by the Humphreys for about eight years. Due to the irregular shape of the lot, they have not been able to sell the lot unless variance(s) were requested in order for placement of a house that would meet the requirements of the subdivision deed restrictions. He continued by saying that the angle of the lot will not allow a house to be placed on it facing the street unless some portion of it protrudes into the front yard setback. He also pointed out that other properties within the neighborhood have had to request variances for building placement due to the topography of the area.

Don Hawkins inquired about the width of the street, which is indicated to be fifty feet. Mr. Duncan replied the street proper is actually thirty feet wide, but there is ten feet either side behind the curb

which is a right-of-way, or parkway. This is all a part of the complete street right-of-way.

Mr. Duncan said that because of the requirements of the subdivision deed restrictions, even though the variance might be approved, ninety per cent of the property owners within the subdivision will have to approve the action of the Board. A petition is being circulated for that purpose.

Mr. Alexander, the contractor, commented that the house cannot be moved further back onto the lot because there is an extreme drop-off to the rear of the lot.

Mr. Hawkins asked if there was further questions or comments; there was none.

After no further discussion, a motion was made by Belvin Harris and seconded by Ben Turbeville to **grant a ten foot variance to the front yard setback requirement for 16 Quail Run.** Motion carried by the following votes: Ayes: Wright, Harris, Turbeville, Hawkins, Rigler, Ozuna and McCain. Nays: None. Absent: None. Abstentions: None.

After no other business to come before the board, the meeting was adjourned at 10:15 a.m.