

**MINUTES**

**BOARD OF ZONING APPEALS**

**REGULAR MEETING**

**Tuesday, November 17, 1992**

**10:00 a.m.**

**Members present:** David Wright, Ben Turbeville Belvin Harris, Don Hawkins, Joyce Rigler, Lewis Ozuna.

**Members absent:** J. D. McCain.

**Staff present:** Pat Payne.

**Visitors:** List.

The **first item** of business was calling the meeting to order at 10:00 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 September 15, 1992. A motion was made by David Wright and seconded by Ben Turbeville to approve the minutes as presented. Motion carried by the following vote: Ayes: Wright, Harris, Turbeville, Hawkins, Rigler, Ozuna. Nays: None. Absent: McCain. Abstentions: None.

The **third item on the agenda** was consideration of and action on a request by the Family Dollar Stores, for a 32.5 foot variance to the requirements of the Gainesville Sign Code to place a sign on the front of a business at 1010 E. Highway 82 in the Gainesville, Shopping Center. **NOTE:** The request was withdrawn, per Ann Baker, representative of the company, by phone on 11/16/92; company is not relocating to this area. No action was taken.

The **fourth item on the agenda** was consideration and action on a request by James I. Stodgill, 206 E. Garnett Street, for 1) a one-foot variance to the rear yard setback requirements of the Zoning Ordinance of the City of Gainesville for main structures in a Two-Family Zoning District; and, 2) a variance to the required minimum lot coverage for the main structure and all accessory structures in a Two Family Zoning District.

Mr. Hawkins asked Mr. Stodgill if he wanted to speak in behalf of his request. Mr. Stodgill began by stating that he did not obtain a permit prior to beginning the construction add-on to his residence [NOTE: This helped cause the problem with setback problems, since there was no plan review by a building inspector]. He said he needed a variance to the setback requirements for main structures from the rear property line. The room he has added is only nine feet from the back lot line and should be ten feet.

RE: Item #2 for lot coverage variance-after further review, staff determined that without a certified survey of the property, it was debatable that a sound judgement for total lot coverage and the coverage for the back 50% of the property could not be done adequately

in order to determine whether or not Mr. Stodgill was in violation of total structure lot coverage for a Two Family Zoning District determination.

Mr. Land gave a brief summary of the events leading up to the requests by Mr. Stodgill. He presented different options to deal with the dilemma of the total lot coverage by main structures and accessory buildings.

Mr. Hawkins asked, in the City's assessment of the problem, does the addition to the structure present a fire hazard. Mr. Land said that the main concern staff had with fire safety was with the garage only being three and one half to four feet from the new addition [requirement is to have ten feet between main structure and accessory structure]. However, Mr. Stodgill said he would attach the structures together with a roof line; that will make the garage attached to the main building. Mr. Hawkins said the denseness of the property is indicative of the surrounding area and neighborhood. After further discussion by staff and the Board, a decision was made not to act upon the lot coverage issue due to the lack of information available, and also that after recalculations of all buildings and the lot, the coverage did not appear to be over the allowed coverage according to the Zoning Ordinance.

After no further discussion, a motion was made by David Wright and seconded by Ben Turbeville to **grant a one foot variance to the rear yard setback requirement for main structure at 206 E. Garnett Street.** Motion carried by the following votes: Ayes: Wright, Harris, Turbeville, Hawkins, Rigler, Ozuna and McCain. Nays: None. Absent: None. Abstentions: None.

The Board voted unanimously by same vote (motion by Bill Harris and second by Ben Turbeville) to accept the existing information as is available on the existing plat (unofficial) which cannot accurately determine the size of lot and the size of the structure as recorded by the Cooke County Tax Office and accept that as valid information, with no variance needed.

Mr. Hawkins suggested that the letter of statement which is sent to parties requesting the variance after action by the Board should be granted to "the Applicant and/or his Assigns". Variances run with the property, not with the applicant. This prevents problems when transfers of property are made.

After no other business to come before the board, the meeting was adjourned at 10:20 a.m.