

MINUTES

BOARD OF ADJUSTMENTS

Tuesday, September 19, 1989

10:00 a.m.

Members present: David Wright, Ben Turbeville, James Canaday, Robert Boone, Joyce Rigler and Don Hawkins.

Members absent: Jerry Dietz.

Staff present: Gene Cravens, Pat Payne, and Gilbert Villa.

Visitors: List.

The meeting was called to order at 10:04 a.m by Chairman Don Hawkins.

The **second item on the agenda** was consideration and approval of the minutes from the regular meeting of August 15, 1989 and the special meeting of August 24, 1989. A motion was made by Robert Boone and seconded by Joyce Rigler to approve the minutes of the August 15, 1989 minutes as presented. A motion was made by Robert Boone and seconded by James Canaday to approve the minutes of the August 24, 1989 minutes as presented. Both motions carried by the following votes: Ayes: Wright, Boone, Hawkins, Canaday and Turbeville. Nays: None. Absent: Dietz. Abstentions: Rigler.

The **third item on the agenda** was a request from James Burrus for a 2.5 foot variance to the side yard set back requirements for property at 725 N. Clements Street to extend a carport. Mr. Hawkins asked Mr. Burrus if he would care to speak for his request. Mr. Burrus stated that the property, being rent property, needed to be repaired due to the hail storm in May. He felt that since the house needed to be reroofed and painted, he would extend the carport some eleven feet to the front of the house, as an extension of one that is already built onto the house and is approximately 2.5 feet from the side property line. The present structure has been in place 35 to 40 years, according to Mr. Burrus.

Mr. Hawkins asked if anyone else would care to speak for the request; there was none. He asked if anyone would care to speak in opposition to the request. Mr. Lonnie Bishop stated he owns property next door to Mr. Burrus and across the street. He explained that what concerned him was the fact that if the carport is extended, he feels that if either of the houses were to catch on fire, both would burn, being so close together.

Mr. Hawkins asked Mr. Cravens for his comments. Mr. Cravens explained that the extenuating circumstances are that there is an existing structure already there and the request is for an extension of what is currently in place, which is nonconforming to the set back requirements of the Zoning Ordinance. The area is zoned General Retail, but does not apply to residential structures. The area is deemed a transitional neighborhood.

Mr. Floyd Bishop asked if the GR Zoning applied to both sides of the street in that neighborhood. Mr. Cravens explained that it is only on the west side of Clements Street, which side is adjacent to property on Grand Avenue.

Robert Boone asked if this action, if approved, would set a precedent for the remainder of the neighborhood and the surrounding area. Mr. Cravens reiterated that if a structure is not already in place, then all present zoning regulations must apply and each situation will be dealt with separately if variances are requested.

After no further discussion, a motion was made by James Canaday and seconded by David Wright to grant the 2.5 foot variance to side yard set back requirements for Mr. Burrus' property at 725 N. Clements Street. Motion carried by the following votes: Ayes: Wright, Rigler, Boone, Hawkins, Canaday and Turbeville. Nays: None. Absent: Dietz.

After no further business, the meeting was adjourned at 10:15 a.m.