

MINUTES

BOARD OF ADJUSTMENTS

January 20, 1987

10:00 a.m.

Members present: Don Hawkins, Robert Boone, James Canaday,
and Jerry Dietz.

Staff present: Pat Payne, Barry LeBaron, Don Blanton, and
Steve Boone.

Visitors present: List Attached.

The meeting was called to order at approximately 10:00 a.m. by
Chairman Don Hawkins.

The first item of business was a request from Mr. O. D. Garland for the board of Adjustment and Appeals to consider the denial of a building permit to place a 500-gallon propane tank on his property located at 307 Ashland Court, out of the Wheeler Creek Addition, in order to heat a swimming pool and/or service his fireplace. Mr. Garland spoke first stating that his real intent for the use of the propane tank now is usage for his fireplace, of which he wants to insert a gas log in order to heat his home more efficiently. Mr. Hawkins then asked if there was anyone else to speak in favor of the request. There was none. He then asked if anyone wished to speak in opposition. Ms. Patricia Reedy spoke, voicing her opposition, stating she felt the propane tank would be a hazard and the surrounding neighbors felt as she does. Mr. Hawkins then asked Mr. Don Blanton, Chief Building Official and Fire Marshall, if he had any comment. Mr. Blanton stated that since the lots on Ashland Court, which form a cul-de-sac, are pie-shaped, the propane tank would be setting too close to the neighboring houses, which he felt would be a fire hazard, especially in the summer. He also stated that he felt a twenty-five gallon tank would suffice and would not cause a danger to the surrounding neighborhood, but Mr. Garland stated that that was not enough fuel to last long enough for use as a heating fuel for constant heat in the cold winter months. Mr. Hawkins then asked if anyone on the Board had a comment. Mr. Dietz spoke next asking if Lone Star Gas Company would cooperate to lay a gas line to Mr. Garland's home. But it was brought out in discussion that all avenues with the gas company had been shut off, as they will not lay the line. Mr. LeBaron stated that the easements on the plat for the area might be a possibility, but it was pointed out that due to fences and such, the gas company will not remove fences and the costs were out of line for opening and closing of easements, even though Dr. Wall had a gas line run from the Training School Road to the back of his property. It was pointed out that Dr. Wall paid for the costs of doing the work. Mrs. Ruth Wylie, Mrs. Jane Cagle, and Melba Neu all spoke in opposition. After further discussion among the Board members, the request was denied to place the propane tank on Mr. O. D.

Garland's property, with Robert Boone making the motion for denial and Jerry Dietz seconding the motion. Motion carried unanimously.

The second item of business on the Agenda was the request of Gladys Smith to have the Board of Adjustment and Appeals to consider the denial of her building permit by the Building Inspector to allow construction of an addition to her residence at 1220 Whaley Drive. Mr. Hawkins asked Mr. LeBaron if he had any comments pertaining to the request. He reiterated on the avenues Ms. Smith had already explored to obtain the building permit she requested. He explained her request before the Planning and Zoning Commission to have the property rezoned to a Two-Family zoning classification and her request being withdrawn for resubmission with Ms. Smith applying a second time for a building permit was again denied on the basis that the additional construction plans for her residence did entail a duplex type addition, not just an add-on. He pointed out that during the mid 1950's the deed restrictions were such that the owner could construct either a Single-Family residence or a duplex, which caused a conflict between the deed restrictions and the Zoning Ordinance. The Zoning Ordinance restricts homes in this area to Single Family construction. He further pointed out that the most recent submitted plans for the addition to Ms. Smith's residence, which have been denied by the Building Inspector, had all the amenities of a complete and separate living unit. The unit also had a separate garage with washer and dryer connections. Mr. Tommy Robinson spoke in favor of the request, representing Joe Walters Lumber Company. He pointed out that the plans submitted were essentially no different from other structures in Gainesville where other living units have been added to an already existing residence. He said the entrance was from the main residence. Mr. Hawkins pointed out that there was an outside entrance to the planned addition. Mr. Robinson stated Ms. Smith's intentions are for her brother to occupy the addition because he is unable to basically take care of himself. Mr. LeBaron pointed out that the addition contains close to 1150 square feet of living space. The main concern of the Board was the fact that the structure, if the add-on were built, would someday be changed to a Multi-Family Unit. Mr. Boone pointed out that the "spirit and intent" seemed to be the welfare of Ms. Smith's brother, but someday would change to alter the nature of the neighborhood. Mr. Hawkins asked if there was anyone else who would like to speak either for or against the denied request for the building permit. Mr. Howard Murray spoke stating that he still felt the same as he had stated before the Planning and Zoning Commission previously, as well as the surrounding neighbors, that they all did not want Ms. Smith to add on to her residence in the manner in which she was requesting, due to it being somewhat similar to a Multi-Family dwelling, which they felt it might become someday, altering their neighborhood which they wanted to remain as a Single Family residential area. A letter from Ms. Ila Mae White was presented. In it she stated that she was in opposition to the request. After further discussion among Board members, Mr. Robinson, and Mr. LeBaron, Mr. Hawkins suggested that because there is still some doubt among Board members as to the intent of the proposed add-on to Ms. Smith's residence, he asked Mr. Robinson if he would like to

talk with her and suggest that the plans be drawn to delete the garage area from the plans and design the plans for a Single-Family residence addition, rather than a separate structure, and later resubmitted to the Board of Adjustment and Appeals. Mr. Robinson agreed the request be tabled so he could talk with Ms. Smith to see if she would resubmit new drawn plans to the Board which would not be so complex so as to indicate a Multi-Family residence. A motion was made by Robert Boone and seconded by Jerry Dietz to table the motion. Motion carried unanimously.

The next item of business on the Agenda was the consideration of the Rules and Regulations for conducting business for the Board of Adjustment and Appeals. Mr. LeBaron spoke, reviewing the Rules and Regulations which were passed to the Board members. In review, one item he pointed out was that the members' terms needed to be regulated to specific terms, with a secretary being designated. He also pointed out that maybe regular meetings needed to be set up rather than meeting only whenever someone needed a hearing before the Board. He then pointed out the need for consistent attendance for members. The Rules and Regulations stated that a fee in the amount of \$100.00, rather than \$25.00, needed to be charged because of all the staff and mailing costs involved in sending out the meeting notices. Another point was that of the State law saying there shall be five members on the Board of Adjustments with up to four alternates. Our Zoning Ordinance says we will have five members with two alternates. After further deliberation and suggestions from the Board, it was decided to eliminate the names of Jim Homer and Ed Hinkle from the Board roster, and eliminate the names of Billy Hudspeth and D. L. Tupman from the alternate Board roster. The name of Grace Bartscht was submitted from the alternates to be a permanent member of the Board, with the names of Ben Turbeville and David Wright to serve as alternates, if they agreed. A motion was made by Jerry Dietz and seconded by James Canaday to reelect Don Hawkins as Chairman of the Board. Pat Payne was elected as Secretary for the Board of Adjustment and Appeals. Jerry Dietz made a motion with James Canaday seconded it to adopt the Rules and Regulations as presented and modified. Motion carried unanimously.

There being no further business, the meeting was adjourned by Chairman Don Hawkins, at approximately 11:20 a.m.