

MINUTES

BOARD OF ADJUSTMENTS

March 17, 1987

10:00 a.m.

Members present: Robert Boone, David Wright, Jerry Dietz, Ben Turbeville, Grace Bartscht, and James Canaday.

Members absent: Don Hawkins

Staff present: Pat Payne and Barry LeBaron.

Visitors: List attached

The meeting was called to order at approximately 10:00 a.m. by Acting-Chairman Robert Boone.

The first item of business on the agenda was presentation of the Minutes from the February 17, 1987 Board of Adjustment and Appeals meeting. Mr. Ben Turbeville made a motion to accept the Minutes as presented with a second made by Mr. James Canaday. Motion carried unanimously.

The second item of business on the agenda was a request from the Total Petroleum Company, Inc. for a 4 foot, 7 inch variance to construct a small convenience store on the rear of their property approximately five feet, five inches from the rear property line, also being the Vickers Service Station, located at 1003 North Grand Avenue, being Lots 1, 4 & 5, Block 11, Wood-Smith Addition. Mr. LeBaron spoke first, stating that commercial structures are allowed by the Zoning Ordinance to build on 100% on their property, except when commercial property adjoins residential districts. In that case, the 10 foot setback has to be adhered to from the residential district, which in this case is to the West of the Vickers Service Station property. He further stated that the reason for their wanting to build on the rear of the property was to avoid the underground gasoline storage tanks.

Mr. Lewis Pettigrew also pointed out that there was previously an alley between the properties, which had been closed some years ago. Mr. Pettigrew stated that he thought that the nearby church had requested the alley closing. Some discussion ensued as to whether the alley had been closed with an ordinance and a Quit Claim Deed, or had been only declared closed because there was no further use for it.

Mr. Boone asked for anyone who was in favor of the request to speak and Mr. David Seagraves, a representative of Total Petroleum, Inc., and a construction engineer. He also varified that the reason for building to the rear of the property was to avoid the underground storage tanks. Further discussion was presented by Mr. Seagraves regarding a buffer between his property and the residential neighborhood behind the service station. He stated that they would probably either erect a privacy fence and/or trees and shrubbery. A building plan of the proposed building and the area was presented to the Board and the audience for observation as to the location of the proposed store. He explained the exterior walls of the building and also the color scheme. Mr. Canaday asked if the building would be fireproof and Mr. Seagraves explained that all their buildings, such as this one, has a one-hour rating on exterior walls.

Mr. Boone asked if anyone else would like to speak for or against the request. Charlotte Pettigrew spoke stating that she and some of the surrounding neighbors had doubts as to the safety of children crossing the streets in that area to the school which sits directly across the street from the existing property. She said she felt the proposed building would block their view. It was stated that a school crossing guard is always present on the South end of that block. Mr. Boone asked if the business would be a 24-hour operation and Mr. Seagraves stated it would be. Ms. Ellen Bush also presented thoughts about more traffic in the area and consequences from the new building. After further discussion ensued among Board members, the audience and Mr. Seagraves and Mr. Einsuide, also a representative of Total Petroleum, a motion was made by Mr. Jerry Dietz and seconded by Mr. Ben Turbeville to grant the 4.7 foot variance. Mr. Canaday requested to amend the motion to include to include a curb on the rear of the property to direct runoff water and to allow for either erection of a privacy fence and/or shrubbery. Motion carried unanimously as amended.

After no further business, Mr. Boone adjourned the meeting at 10:27 a.m.