

A regularly scheduled meeting of the **Board of Zoning Appeals** was held on Thursday, October 19, 2023, at 5:00 p.m., in the James H. Lewellen Board Chambers in Town Hall.

Staff members present: Assistant Town Administrator, Mr. Adam Hamric; Town Planner, Mr. Jaime Groce; Planner, Mr. Josh Hankins, Planner, Ms. Maria De Mesa; and Administrative Specialist, Sr., Ms. Lynette Denzer.

Chairman Luttrell asked Ms. Denzer to call roll.

Roll Call:

Sledd	Frazier	O'Hare	Floyd	Luttrell
Present	Present	Present	Present	Present

Quorum Present

Approval of the Minutes:

Chairman Luttrell asked if there were any corrections to the minutes from the September 21, 2023, meeting.

Hearing none, Chairman Luttrell called for a motion to approve the minutes as presented.

Motion by Commissioner O'Hare, and seconded, to approve the minutes as presented.

Hearing no discussion, Chairman Luttrell asked for roll call.

Roll Call:

Frazier	O'Hare	Floyd	Sledd	Luttrell
Yes	Yes	Abstain	Yes	Abstain

Motion approved.

Approval of the Agenda:

Chairman Luttrell asked if there were any additions or changes to the agenda.

Mr. Groce stated there are no additions to the published agenda.

Chairman Luttrell asked for a motion to approve the agenda.

Motion by Commissioner O'Hare, and seconded, to approve the agenda.

Hearing no discussion, Chairman Luttrell asked for roll call.

Roll Call:

Floyd	Sledd	O’Hare	Frazier	Luttrell
Yes	Yes	Yes	Yes	Yes

Motion approved.

Citizen Comments

Chairman Luttrell asked if there were any Citizen Comments not related to the approved agenda.

Hearing none, Chairman Luttrell proceeded with the meeting.

Formal Agenda:

6.a Case #233268 – 748 Muirfield Cove – Request approval of multiple variances to allow an accessory structure to encroach into the required setbacks and to allow an accessory structure to not be constructed in a like manner to the principal building.

Mr. Josh Hankins reviewed the Staff Report, which is an exhibit for the record. Exhibit 8, Additional Public Comments, has been added to the report. This case will have two motions, one to address the structure setbacks and the other to address the accessory structure compatibility with the primary structure.

A 12-and-a-half foot tall, 600 square foot, metal accessory structure was constructed without a permit. The applicant has been advised the metal accessory structure will need to be compatible with the principal structure, which the applicant has agreed to do. While reviewing the accessory structure application, staff realized setbacks were too close to the property line.

Town Ordinance requires any accessory structure over 150 square feet be compatible with the principal structure. The principal structure is constructed of board and batten wood siding, brick, and an asphalt shingled roof. Revised drawings for the accessory structure have not been submitted to staff due to the applicant waiting for a BZA decision on the setbacks.

Town Ordinance requires accessory structures to have a setback equal to or greater than its height, located at least five feet from all lot lines, and five feet from any other structure. Accessory structures are allowed in the required rear yard but must have a setback that is equal or greater than the height of the accessory structure.

Possible alternate solutions to a variance were reviewed.

EXHIBITS

Staff Report and the following:

1. Variance #1 Example Conditions & Next Steps (10/13/23)
2. Variance #2 Example Conditions & Next Steps (10/13/23)
3. Cover Letter & Applicant Responses to Standards for a Variance (9/27/23)
4. Staff Analysis of Standards for Variance (10/13/23)
5. Photos (9/27/23)
6. Survey (9/29/23)
7. Public Comment (10/13/23)
8. Additional Public Comment (10/19/23)

Chairman Luttrell asked if there were questions for Staff.

Discussion ensued about the example motions and conditions of approval, accessory structure setback requirements, and how the roof height is measured. The accessory structure was built by a contractor.

Chairman Luttrell asked if there were any further questions for staff. Hearing none he asked the applicant to come forward.

Mr. Rodney Cornelison, 4949 Bird Lane, came forward. Mr. Cornelison stated the home was purchased for his son. A visual survey of other accessory structures near the property was done by the applicant prior to the construction of the accessory structures and was constructed to house vehicles. When the family was contacted by Code Enforcement, work stopped on the accessory structure. Images included in the staff report are of a work in progress. Applicant has plans to brick the building to be consistent with the primary structure.

Chairman Luttrell called for residents to come forward.

Mr. Joel Cameron, 738 Muirfield Cove, came forward. His property is to the east of the applicant's property, He stated he is concerned with the impact to his property value, and the appearance of a residential/commercial design.

Mr. Jim Beck, 754 Muirfield Cove, came forward. His property is to the west of the applicant's property. He stated the structure does not compliment the aesthetics of the neighborhood. He is also speaking on behalf of neighbors (Harpers) who cannot attend tonight. The placement of structure is an issue for them.

Mr. Scott Trexler, 739 Muirfield Cove, His property is across the street from the applicant's property. He stated he is concerned about property values, manner of construction, lack of following town ordinances, and storing commercial vehicles on premise.

Ms. Ann Indocott, 1227 Pinpoint Drive, came forward. She stated she has concerns with encroachment into setback and the height of structure.

The applicant came back to discuss the future looks and height of the structure, landscape plans, and willingness to work within the Town's parameters.

Discussion ensued about storm water flow, views from neighboring properties, and where the required setbacks would allow the structure to be placed without the need for a variance. The existing roof and size meet Town requirements.

Hearing no further questions or discussion, Chairman Luttrell called for a motion.

Motion made by Commissioner Sledd, and seconded, to approve a Variance to allow an accessory structure to encroach into the required side yard setback, and to be closer to the property line than its height, subject to the conditions in Exhibit 1.

Conditions of Approval:

1. Any deviation from the request must be approved by the BZA, as appropriate, prior to commencing work.

2. All required permits shall be obtained from the Building/Codes Division. Failure to do so will result in a Notice of Violation from the Building/Codes Division.
3. The rear setback shall not be less than 6.7 feet.
4. The side setback shall not be less than 7.3 feet.
5. No more than two (2) accessory structures are allowed on the property.

Discussion ensued about comments received, the impact to neighbors with the structure in the current location. Hardship requirements for granting a variance were discussed.

Hearing no further discussion, Chairman Luttrell asked to call roll.

Roll Call:

Frazier	O’Hare	Floyd	Sledd	Luttrell
No	No	No	No	No

Motion denied.

Mr. Groce explained because the first motion did not pass and the structure would need to be removed and rebuilt, there is no second motion related to the aesthetics of the structure.

Announcements

Mr. Groce introduced new Planner Maria De Mesa.

Mr. Groce stated Board and commissions application deadline is November 22. Applications are to be submitted online.

Each commissioner is required to complete the state mandate of four hours of training by December 31, 2023

There are currently no applications for the November or December meetings.

Adjournment

Hearing no further business, Chairman Luttrell adjourned the meeting at 5:54pm.

Secretary Frazier