



TOWN OF ASHLAND CITY Board of Zoning and Appeals August 01, 2022 5:30 PM Minutes

CALL TO ORDER

Chairman Smith called the meeting to order at 5:30 p.m.

ROLL CALL

PRESENT

Chairman Michael Smith

Committee Member Nicole Binkley

Committee Member Vivian Foston

Committee Member Garrett Mayberry

APPROVAL OF AGENDA

A motion was made by Committee Member Mayberry, seconded by Committee Member Binkley, to approve the agenda. All approved by voice vote.

APPROVAL OF MINUTES

1. May 02, 2022 Board of Zoning and Appeals Meeting Minutes

A motion was made by Committee Member Foston, Seconded by Committee Member Mayberry, to approve the May 02, 2022 Board of Zoning and Appeals Meeting Minutes. All approved by voice vote.

PUBLIC FORUM

None.

OLD BUSINESS

None.

NEW BUSINESS

2. Setback Variance: West Elm Street

Ms. Patsy Smiley stated that she there for a variance at 105 W Elm Street. She stated that she received a building permit and went through all of the proper channels to build a deck and separate entrance for the upstairs apartment in the home. Ms. Smiley stated that this is for the safety of her tenants and the proposed structure was 10ft x 12ft. She stated that there is currently a 3ft x 6ft window there that overlooks the neighbors yard. Ms. Rachel Keaton stated that she is the neighbor of 105 W Elm Street and that she is against the deck being built on the side of the neighbors house because it looks into every window of her home. Mr. Rick Gregory stated that there is currently a pad poured there and the way the ordinance is written is complicated. He stated that this application for a variance does not state the amount of variance requested and that corner lots, by definition, have two front yards and two side yards (reference Sections 3.050 and 4.100 of the Ashland City Zoning Ordinance). Mr. Gregory stated that due to this specific call for setbacks on corner lots, the side yard in question in the R4 High Density Residential District is 35' (equals the front yard in the R4 district). He stated that the oldest listed sales information on the state website goes back to June 29, 1984 and appears to reference Lots 1 and 2 of the Adkinsson Addition subdivision, which could be much older and that in any event, this lot is considered a legal lot of record since it is approximately 7,500 square feet in area in a zoning district that now requires lots to have a minimum of 12,000 square feet. Mr. Gregory stated that is recommendation is that any request for encroachment into a required yard should be viewed with caution and in this particular case, the request appears to be significant. He stated while some relief may be justifiable in certain circumstances for corner lots, staff is hesitant to recommend such an extensive variance unless information can be provided that might help justify such an extensive variance. Mr. Nicholson stated that the building permit was issued out of error and that the the code, we have the right to revoke permits. He stated that Ms. Smiley has done everything she is supposed to do. Chairman Smith stated that the variance ordinance is very plain. A motion was made by Committee Member Mayberry, seconded by Committee Member Binkley, to deny the request for a variance. Voting

Yea: Chairman Smith, Committee Member Binkley, Committee Member Foston, Committee Member Mayberry.

OTHER

None.

ADJOURNMENT

A motion was made by Committee Member Binkley, seconded by Committee Member Foston, to adjourn the meeting. All approved by voice vote and the meeting adjourned at 6:05 p.m.

CHAIRMAN MICHAEL SMITH

CITY RECORDER ALICIA MARTIN, CMFO