

BZA June 2024
June 5th, 2024

Board Members Present Were: Al Hayes, Shaun Roberts, Doug Jefcoat Angela Strange, Kathleen Mullins.

City Personnel Present Were: Fred Cobb, Isaac Todd

Meeting Called to Order: 2:00pm

BZA-03-24-00624

3045 Reese Rd.

Gerry Kennon and Melinda Kennon present for 3045 Reese Rd. Gerry Kennon explains it's a flag lot and difficult to access. They request a variance to split the lot. He continues to describe the dimensions of the lot. Kathleen Mullins asks what the hardship is for the case. Al Hayes clarifies the hardship is no access to the back to be able to build. Fred Cobb comments that it is a standard flag lot. Shaun Roberts inquires how the UDO prevents it. Cobb replies saying the lot size is limited due to the zoning of the lot. Doug Jefcoat clarifies about the UDO's application to zone type SFR2. Al calls for opposition.

CASE DECISION: Jefcoat motions to approve on land use and the lot shape making it difficult to build on. Angela Strange seconds. All vote to approve.

BZA-04-24-000655

3982 Essex Heights Ct.

Al states to conserve time, and due to the previous meeting for the case, he will ask questions first. Geneva Turner, Yvette Turner, Connie Turner, and Gary Parrish present for 3982 Essex Heights Ct. Al asks if anything has changed since the previous meeting? Al inquires about the proposed plat. Cobb speaks regarding that question. He states the plat was confirmed, due to oversight and management change in 2022. If the variance is approved no change to the plat will be needed. If it is denied the plat will need to be changed with the city. Al continues saying the hardship is the issue with the back road potential access and the amount it would cost. He asks the board if there are any other questions. The board agrees it was explained clearly.

Al allows Olin Wise to speak in opposition. Olin announces he has three points to contest. He states the lots used to be separate. Were joined and are now becoming separate again. A portion of the property used to be part of another subdivision that has a covenant. The second is the road frontage is sixty one feet wide at the curb with an egress that supports three houses and three mailboxes. He also states that there is one flag lot in the neighborhood that was deeded. Olin continues saying that his expectations of the neighborhood was to not be subdivided and have bigger lots. Mullins asks about the covenants. Cobb replies saying the covenants would be a civil issue. That they do not know about a HOA. Yvette turner mentions there will be no curb cut and mailboxes can be resolved. Parrish informs about the easement and access

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being flipped from the existing house. Wise continues saying in Essex heights there are one acre lots. The back part of these lots were combined with another subdivision. The parcels are from two different subdivisions. Jefcoat asks Wise if there is no curb cut does it answer his concerns? Wise says no due to the proposed density of the housing. Parrish replies saying the Indian rock subdivision wouldn't be able to see the new houses. Cobb confirms again, when the city has an oversight like this. There are two options, approve or deny and re-plot it. Parrish emphasizes if denied it will cost more money and time to re-plot it again. One of the Turner sisters inquires which house on the map is Olin's. She then asks if his house has access to Almond Rd. Wise replies yes, he can access from both. Al asks board for any additional questions. Al then asks for a motion to vote.

CASE DECISION: Jefcoat motions to approve the plat from 2022. Strange seconds. Mullins votes against, the rest of the board votes for. Case approved.

BZA-05-24-001001

6830 Midland Commons Blvd.

Lisa Witner representing Panda restaurant group present for 6830 Midland Commons Blvd. Witner Describes the location and the relief for the parking. She states the needed capacity between the workers and customers for parking. She describes the dual drive though system and how there is only one shared access which is with the adjacent medical center. Witner emphasizes due to the slope the building is on the drive though board will be obscured. Jefcoat inquires where the building's front door will be. Witner points it out on the plans. Jefcoat then asks about the overlay and if the building is facing J.R. Allen. Cobb replies to Jefcoat stating that it's on Midland Commons. The door will determine frontage not the address. Mullins states she is confused about the layout and the need for the variance. Witner replies saying it's because of the overlay. Witner additionally says they will be adding a five foot wall for the slope and for screening. Roberts inquires about the landscaping for the building, if it will help with shielding for the overlay. Witner replies saying hedges are added. Al calls for opposition. He then restates the variances being requested for clarity.

CASE DECISION: Roberts motions to approve based on parking improvement and the overlay issue will be resolved due to height and landscaping. Mullins seconds. All vote to approve.

BZA-05-24-001002

7041 Whittlesey Blvd

Tim Simpson representing Simpson Construction present for 7041 Whittlesey. Simpson passes out supplemental imagery of location. Simpson is asking for a variance for parking. They developed Kia in 2011 with sixty four parking spaces and 200 for vehicles. Simpson continues stating they want to cut nine spaces for a new maintenance shop. They would hire ten to fifteen new mechanics. Cobb asks if it's on a

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separate lot. Simpson replies yes. Roberts asks about future code changes for oil places. Cobb replies no, it's just an additional function. Al asks for opposition.

CASE DECISION: Mullins motions to approve. Jefcoat seconds. All vote to approve.

BZA-05-24-001003

600 2nd Ave.

Fredd Cobb is presenting for Larry Bussey due to an internal error. Cobb explains how the new property line was created. It also needed a setback change. Cobb state BHAR has pre-approved the set back change as well.

CASE DECISION: Roberts motions to approve. Mullins seconds. All vote to approve.

BZA-05-24-001008

2002 Box Rd.

Mike Avery of Schuster Enterprises present for 2002 Box Rd. Avery passes out a handout and explains he is developing property behind the office. The sewer easement prevents them from attaching a garage to the house. They need to reduce the setbacks to construct a carport.

CASE DECISION: Roberts motions to approve due to improving neighborhood. Jefcoat Seconds. All vote to approve.

BZA-05-24-001009

3800 Masee Ln.

Ginger Hickey representing Pro Signs LLC. Present for 3800 Masee Ln. Fred Cobb also presenting due to a city mistake. Cobb says he misinterpreted the UDO. He issues the permit ahead when it needs a variance. Cobb mentions Hickey has a letter. Hickey says the letter is from old town which is larger than the UDO for the overlay. Roberts states he is reluctant to deny. Many people will see the sign and then think they can make theirs this way too.

CASE DECISION: Jefcoat motions to approve due to it being constructed and a city mistake. Roberts seconds. All vote to approve.

Roberts reminds about voting on the minutes. Al remind members to think about the approval process and how it's like a flow chart on how variances get to them. Al says the concern is there are mistakes. Mullins speaks saying she is concerned when the city is at fault the fee should be waived. Cobb replies saying the variance fee is waived if the city made a mistake.

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Roberts motions to approve the minutes. Mullins seconds. All vote to approve the minutes.

Meeting adjourned 3:05 P.M.