

BZA May 2024  
May 1<sup>st</sup>, 2024

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

City Personnel Present Were: Fred Cobb, Isaac Todd

Meeting Called to Order: 2:00pm

First order of business to approve minutes from April 3<sup>rd</sup> hearing. Shaun Roberts made a motion to approve the minutes. Seconded by Kathleen Mullins. All vote in favor, minutes approved.

### **BZA-04-24-000655**

3982 Essex Heights

Yvette Turner present as owner of 3982 Essex Heights. She explains how her lot is landlocked and needs a driveway. Fred Cobb details the variance to the UDO is about frontage, and the creation of a flag lot. Olin Wise speaks when asked who he is. Gary Parrish steps up in support as the contractor. Parrish explains the plans and shows previously approved easements. Cobb inquires about the borders of the flag lot. Parrish replies about the borders and then also states that Moon & Meeks stated a new access from Almond Rd. would cost hundreds of thousands of dollars. Parish shows Yvette Turner sister's house Connie. Located at 3976 Essex Heights. Parish explains the easement again. Kathleen Mullins asks where the concrete driveway is currently located. Parish explains where the driveway is located. Cobb interjects saying this variance is for the lack frontage and not the easement. Deliberation among Cobb and Parish starts. Cobb continues to investigate to determine what the variance the board is looking at. Cobb and Mullins repeat to Parish they need to look at the lack of frontage as the variance. Al Hayes asks for clarity that the flag lot is just a detention pond. Hayes calls for more people in favor of the variance. Parish asks if the two sisters want to speak. Connie Turner steps up and announces that she originally owned all the property there and I splitting the lots for her sisters to build. Geneva Turner of 3982 Essex Heights steps up and states the hardship is building an access from Almond Rd is too expensive.

Hayes calls for opposition. Olin Wise of 3972 Essex Heights steps up. He states the 2 lots 260-C and 260-B came from a separate development off Almond Rd. 3976 Essex Heights was sold as one lot. It's all heavily wooded behind the houses. To his understanding Wise states that the new easement will go by his property line and create flag lots. He is thinking it will be multiple driveways. Wise is concerned that two driveways and a turnaround will create another curb cut. Parish and Cobb both confirm another curb cut will not happen. They will not widen or modify the existing curb cut. Roberts asks to be shown where on the map it will exist. Parish shows him. Roberts then asks Wise where his property line is in relation on the same map. Wise says his objection is it creates two flag lots. Cobb rebuttals that it's not two flag lots. They are easements. Wise then says due to the lot originally being 5 acres and then splitting it goes against the neighborhood design. Parish states a case of a separate neighborhood in which that occurred. Parish then relays he is confused about the UDO.

Wright Wade steps up. He informs the board that he developed this subdivision, and it had a restrictive covenant. They now have a HOA. Wade presents a map and shows on the first page the original plats. He circled the lot in question and had stars on the flag lots. Wade explains the different lots and who owns which. They were created 40 years ago. He states that

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he neither for or against the variance and that he is here only to show how the lots were started. Roberts notes that they have no issue regarding the easement, but he has issue with a potential recorded plat. Cobb states the stamp on Parish plans isn't signed due to it being just a concept. Mullins says she feels the variance should be tabled. Hayes reminds the board not to worry about the easement. The variance is regarding the flag lot and no frontage. Parrish says he thought they had an easement. Cobb replies that it is conceptual. Roberts inquires if the flag lot will be built on. Cobb says more than likely no. Wise states his other concern is drainage due to the added concrete. Cobb says engineering has checked that already for the easement concept. Roberts announces that he has never seen a case this muddy ever before. Parrish informs the board that the previous residential planner Jamal Williams recommended the variance to him when he submitted plans to the building department. Wise inquires about an easement again. Roberts informs Wise that the board is voting on no frontage on lot C. Wise asks if the lot splitting matters. Mullins replies no. Angela Strange inquires about why it doesn't matter. Cobb details why to Strange.

CASE DECISION: Roberts motions to table the vote. Mullins seconds. All vote to table.

Roberts apologizes for having to table to the vote. Hayes suggests the presentation be simplified at the next meeting. Mullins suggests sending the recorded minutes out ahead of time for the board to review for the next meeting.

Hayes mentions Al Johnson and Cathy Williams from BHAR have concerns about the UDO. Hayes asks if he is still going to the city council about potential UDO changes. Cobb replies he hasn't heard anything. Hayes says he referred to the oil change location and how the UDO regarding them might change. Cobb says he will look at the text amendments and will review them. Mullins thanks Shaun for mentioning to Parish to talk less at the next meeting. She states it feels too casual with how the appellants approach the board. Cobb agrees and can see about changing it. Mullins went on to say how there was no chit chatting at the planning commission, and it would help the public if it was more professional. Mullins continues sharing that Parish's case is difficult. Cobb shares that Parish had made it confusing from the start. There are only two things being looked at, the no frontage and width. Hayes welcomes Angela Strange to the board. Mullins suggests to Strange to visit the sites physically ahead of time. See what they want firsthand. Roberts inquires about a board training, "with a new member it would be a perfect time."

Meeting adjourned at 3:13 P.M.