

BZA September 2022

September 7, 2022

Board Members Present Were: Al Hayes, Kathleen Mullins, Doug Jefcoat, Tomeika Farley, Shaun Roberts

City Personnel Present Were: Fred Cobb, Jazmine Scott, Eric Gaunser, Trey Wilkerson

Meeting Called to Order: 2:00pm

First order of business to approve minutes from July 6th hearing. Roberts made motion to approve minutes. Seconded by Mullins. Minutes approved.

BZA-06-22-001194

710 Center Street

Ryan Davis of Moon Meeks & Associates requesting variance for hospital parking lot, advise work is minimal, requesting to reduce parking space depth in 90 degree parking from 20ft to 18ft.

CASE DECISIONS: Jefcoat made a motion to approve the request for the variance because the request is basically keeping the parking lot as it is. Seconded by Farley. Motion carries as approved.

BZA-07-22-001224

1844 Bunker Hill Rd

Michael & Debra Brown presents to request a variance to build a carport on the side of his house. Wants to use metal, and include a drain spout to divert rain towards the street. Mullins states the neighbors have done the same thing. No oppositions. Next door neighbors to the right present advise permission was granted.

CASE DECISIONS: Roberts made a motion to approve. Seconded by Farley. Motion carries as approved.

BZA-07-22-001365 / BZA-07-22-001366

108 5th Street/106 5th Street

Bob Paskin (real estate agent) present state that his client Rudolph (Rudy) Weisz is active duty military and has all ready moved on to next duty station. Previously properties were listed for sale and recently sub divided from one lot to two. Two different parcels and two different loans, once ready to sell two year later both get listed separately. The small house (108) the

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lender did not approve the loan for the buyer because a blurb was added to the appraisal read ..property can not be rebuilt if destroyed by fire or natural disaster. Paskin contact Fred requesting that if property was destroyed by a fire that the same footprint could be built. Buyer still wants to buy the house. Paskin wants variance to allow reconstruction of existing structure in case of damage. Jefcoat question if both cases have the same request. Hayes ask if houses can be sold as is. Farley ask if houses can be insured, Paskin adv that properties can be insured just that properties can not be rebuilt. Jefcoat adv that in 1993 that lot 101 was separately platted, 2017 lot 101 and 102 were combined to one lot. 2020 replated again and went back to the 20.6ft width. Questions from Kathy Evers lives in historic district, adv that houses are shoulder to shoulder and wants to know why the verbiage is needed. Evers wants to rein iterate that properties in the refined in historic district properties can be rebuilt on the footprint. Fred that if more than 50% damage would have to meet the current UDO, setbacks would apply. Fred adv for verbiage to change that has to go through the UDO. Ever adv that they are asking for a blanket to protect future requests. Trey Wilkinson from planning d(BHAR) explain that properties must meet the requirements in order to be rebuilt.

Residing neighbor Gary Kirkman? in district request for board to deny variance, adv that on the map present that because if it passed every house does not fit the requirement, ask to deny to the request. Fred adv that every homeowner has to request a variance. Hayes addresses that the ruling on the case has no effect on anyone else, adv that every person would still have to come before board for request if needed to rebuild. Adv that board is not ruling on zoning, just setbacks. First owner of property present (architect) addresses board says that existing building code should be 50%, Fred adv that it is 50%. Mullins adv that board has no control of appraisals. Roberts asked why in 2017 was the replat an issue. Trey addresses board on background on replat. In 2017 the property was replat to one lot with two structures on it May 2020 lot was replated back into two separates lots, the lot width minimum was missed in the planning department, adv that it was created in error. Fred adv that it missed a step and was approved without meeting the requirements. Fred adv that he will need to know the exact measurement of the original property.

Doris Bishop lives in historic district speaks of concern the process was not followed in 2020 and concerned that it will not happen again. Mullins adv that if case is approved it is only case by case adv that this is not a blanket for the entire district.

Julia Ells addresses board; says she feels like the city is trying to cover up another mistake. Adv that we should follow the process.

Paskin re-addresses the board and adv that measurements are less than 2ft, adv that nothing is closer than what it already is. Chairman Hayes adv again that board is only ruling on the two pieces of property. Chairman Hayes adv that applicant options are for the board to vote yes or no, or table it and go back for the exact numbers. Adv that board can vote, and if voted no the option is to take the matter to city council for appeal. Adv that cannot request another variance until after a year. Fred adv that he would need the numbers by the 10th of August to make next

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hearing. Chairman Hayes asked applicant if he wants board to table it. Applicant requests to have board table decision until next meeting.

CASE DECISION: Farley made motion to table decision. Seconded by Roberts. No opposition. Motion made to table decision.

Meeting Adjourned at 3:10pm.