

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

May 2, 2022 - 2:00 P.M.

Auditorium, Government Plaza

I. CALL TO ORDER:
Chairman Sanford Davis

II. ROLL CALL

	William L. Guess, Chairman
X	Sanford Davis, Vice-Chairman
X	Lewis Golden
X	Adam Metcalfe
X	Jeremy B. Milling
	William Carroll, III.
X	Gregory Morris, Sr.

Staff: Doug Anderson, Margaret Pappas, Bert Hoffman, Victoria Burch, George Davis.

III. ADOPTION OF THE AGENDA:

IV. EXTENSIONS:

- #6408**
(Case #BOA-001719-2021)
Howard Sumner
22 Hurlbert Street
(East side of Hurlbert Street 460'± South of Old Shell Road)
Front Yard, Side Yard and Combined Side Yard Setback Variances to allow a building addition within the required front yard and side yard setbacks, with a reduced combined side yards setback, in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with front yard, side yard, and combined side yards setbacks for a building addition in an R-1, Single-Family Residential District.
Council District 1

**BOA RESULTS AGENDA
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Motion to approve made by Jeremy Milling, seconded by Gregory Morris. **Approved.**

After discussion, the Board approved the request for a six (6) month extension.

2. #6413/6362

(Case #BOA-001740-2021)

Reilly Terrell

1704 McGill Avenue

(North side of McGill Avenue, 93'± West of South Reed Avenue).

Parking Surface and Landscaping/Tree Planting Variances to allow an aggregate parking surface and reduced landscaping/tree plantings for an apartment complex in an R-1, Single-Family Residential District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface, and requires full compliance with landscaping and tree planting requirements for an apartment complex in an R-1, Single-Family Residential District.

Council District 2

Motion to approve made by Adam Metcalfe, seconded by Gregory Morris. **Approved.**

After discussion, the Board approved the request for a six (6) month extension, however, it noted that future extensions are unlikely.

3. #6452/6358

(Case #BOA-002008-2022)

Natasha Hill

7160 Old Military Road

(South side of Old Military Road; 204'± South of Gipson Road).

Use Variance to allow ten (10) children in a home-based child day care business in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than six (6) children in a home-based child day care business in an R-1, Single-Family Residential District.

Council District 4

Motion to deny made by Adam Metcalfe, seconded by Lewis Golden. **Denied.**

After discussion, the Board determined the following Findings of Fact for denial:

- 1) Approving the variance will be contrary to the public interest as the proposed commercial use could erode the residential character of the neighborhood and potentially increase traffic within a residentially zoned neighborhood;**
- 2) Special conditions were not illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) The spirit of the chapter shall not be observed, and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the surrounding area is zoned and developed residentially.**

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**4. #6454/6382
(Case #BOA-002019-2022)**

**Bethel Engineering
4103 Ridgelawn Drive**

(South side of Ridgelawn Drive, 215'± West of Ridgelawn Drive West).

Rear Street, Rear Yard Setback and Side Yard Setback Variances to allow a ten-foot rear street, rear yard setback, an eight-foot high wall along the rear street, rear property line, and to allow pool equipment higher than 36 inches within a required side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25-foot rear street, rear yard setback, and requires any structure three feet high or more to meet the required side yard setback in an R-1, Single-Family Residential District.

Council District 7

Motion to approve made by Adam Metcalfe, seconded by Jeremy Milling. **Approved.**

After discussion, the Board determined the following Findings of Fact for **approval** of the request for **Rear Street, Rear Yard Setback and Side Yard Setback** Variances to allow an **eight-foot high wall** along the rear street, rear property line, and to allow **pool equipment higher than 36 inches** within a required side yard setback in an R-1, Single-Family Residential District:

- 1) **Approving the variance request will not be contrary to the public interest in that it will allow for site security which could not ordinarily be provided by a literal interpretation of the Ordinance;**
- 2) **Special conditions appear to exist, specifically higher terrain elevations along the adjacent property, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) **The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.**

The Board **denied** the request to place an **accessory structure within 10-feet** of the rear street, rear yard property line. The Board's denial was based on the following finding of fact:

- 1) **Approving the variance will be contrary to the public interest as the proposed structure was not illustrated on the site plan submitted, thus the Board could not evaluate if there are special conditions illustrating that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship.**

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5. #6455

(Case #BOA-002020-2022)

Puddles & Percys Properties LLC (Mark Gacek, Agent)

720 Hillcrest Road

(West side of Hillcrest Road, 155'± South of Airport Boulevard)

Fence Height Variance to allow a twelve (12)-foot high security fence in a B-3, Community Business District; the Zoning Ordinance limits fence heights to eight (8) feet in a B-3, Community Business District.

Council District 6

Motion to approve made by Adam Metcalfe and seconded by Gregory Morris. **Approved.**

After discussion, the Board determined the following Findings of Fact for approval of the request for a Fence Height Variance to allow a twelve (12)-foot high security fence in a B-3, Community Business District:

- 1) Approving the variance request will not be contrary to the public interest in that it will allow for site security which could not ordinarily be provided by a literal interpretation of the Ordinance;**
- 2) Special conditions appear to exist, specifically higher terrain elevations along the adjacent property, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow for site security which could not otherwise be obtained.**

The approval is subject to the following conditions:

- 1) obtaining of the necessary permit(s) for the fence construction; and**
- 2) full compliance with all municipal codes and ordinances.**

V. OTHER BUSINESS: