Board of Zoning Appeals
September 5, 2018
6:30 P.M.
Meeting Minutes

I. Invocation

II. Call to Order and Establishment of a Quorum

Chairman Brooks called the meeting to order and noted that a quorum was present.

Present
Oscar Brooks, Chairman
Samuel Murrell, Vice Chairman
Russ Campbell
Tim Carter
Victor Ghosheh

Others Present
Angela Reeder, Town Planner
Janet Lucci, Planning Admin Asst.
Mary Helen Carmack, Planning Clerk

III. Approval of Minutes from the April 12, 2018 Meeting

Motion: Samuel Murrell made a motion to approve the minutes of the April 12, 2018 meeting. Tim Carter seconded the motion.

Vote on Motion: The motion carried unanimously.

IV. Old Business

A. Other as Properly Presented

There was no old business to come before the Board.

V. New Business

A. Wallace Dyke – Rezoning Request – to consider a Lot Width Variance request at 6135 Quintard Street, in order to divide an existing lot.

Chairman Brooks recognized Angela Reeder, Town Planner, who provided the analysis (on file) and stated the applicant, Mr. Dyke, is requesting Board of Zoning Appeals (BZA) approval of a Variance Request for a reduced lot width in order to divide an existing lot.

Ms. Reeder stated the property is located at 6135 Quintard Street in Arlington’s older, downtown district. Adjacent lots include single-family homes and the Arlington Methodist Church is next door. The property is currently zoned RS-15, residential.

The applicant, Ms. Reeder stated, is proposing to keep the existing home and detached garage, and subdivide the southern portion of the lot to allow for construction of a new
home. The RS-15 Zoning for this property requires minimum 15,000 square foot lots, with minimum lot width of 100 feet.

Ms. Reeder noted the current lot, at just under one acre, is large enough to divide and would result in a 16,140-sf lot and a 24,453-sf lot. Both lots would exceed the minimum lot size required. However, the current property Ms. Reeder said only has 187 feet of frontage on Quintard Street, which would not allow for two 100 ft wide lots as currently required. In order to maintain the necessary setback for the detached garage, one lot would be 104 ft wide, which meets the requirements, and the new lot would be 83 ft wide. The applicant, Ms. Reeder stated, has identified the new lot width regulations as creating a hardship and a variance is requested for this lot to be subdivided.

Ms. Reeder addressed the 11 Specific Standards for Variance, notably, the BZA may hear a Variance request only by reason of exceptional situation where strict adherence to the Ordinance would cause any undue hardship on the owner and when the provided relief would not cause substantial detriment to the public.

Ms. Reeder emphasized that the physical conditions of the property would result in a hardship if strictly applied. If unable to subdivide, the applicant’s lot would be twice the minimum size for this area. Additionally, it was noted by Ms. Reeder, this variance will not authorize any activity not permitted in the RS-15 zone and it will only apply to this especially oversized lot.

More importantly, Ms. Reeder explained, this hardship has not been created by the applicant. The property in question was much larger at one point. The current frontage on Quintard was originally created when the lot was subdivided into two lots in 2001. At that time, a 90-foot lot frontage was acceptable. If that Ordinance had remained in effect, Mr. Dyke would have left himself enough frontage to further subdivide at a later date. Thus, the Ordinance was revised after his lot creation and the hardship was caused by a change in the Ordinance, not any action from the applicant.

Ms. Reeder referenced various lots in the surrounding area that also have less than 100’ frontage and noted that the Board has granted a request like this before.

Ms. Reeder concluded by stating that Staff recommends approval of the requested Variance at 6135 Quintard Street, allowing for the creation of two lots, one with a width of less than 100 feet.

Chairman Brooks called for a motion.

**Main Motion:** Samuel Murrell made a motion to consider a Lot Width Variance request at 6135 Quintard Street, in order to divide an existing lot. Victor Ghosheh seconded the motion.

Chairman Brooks called for a motion

**Motion:** Russ Campbell made a motion to suspend the Board of Zoning Appeals Meeting and open the Public Hearing. Tim Carter seconded the motion.

**Vote on Motion:** The motion carried unanimously.

Chairman Brooks opened the public hearing which was published in the Commercial Appeal on August 21, 2018. He asked anyone wishing to speak for or against the request to stand and be recognized by stating his or her name and address.
Citizen Comments: Ruby Hannah, 12015 Brown. Ms. Hannah believes the intended new home will be a wonderful addition and an asset to the historic area. She is in favor of Mr. Dyke subdividing his lot.

Destiny Douglas, 6121 Quintard. Ms. Douglas is in favor of Mr. Dyke’s request and is looking forward to having his daughter as a neighbor.

Timothy Lucas, 6116 Greenlee Street. Mr. Lucas has an adjoining lot to Mr. Dyke and he indicated he was in favor of Mr. Dyke subdividing his lot and building another home.

Fay Hoard, 6185 Chester Street is also in favor of the proposal.

Tammy Boucher, 11900 Campbell. Ms. Boucher spoke in favor of the proposal.

Shawn Eavenson, 11903 Walker. Mr. Eavenson has a building project of two homes in the area and has received positive feedback from residents in the area. He believes Mr. Dyke’s proposal will be a nice addition to the area and will help to encourage other families to move to this area of Arlington.

Wallace Dyke, 6135 Quintard Street. Mr. Dyke thanked his friends and neighbors for coming to speak in favor of his application. He reiterated his desire to subdivide his lot is based on his need to have his daughter live nearby and take care of him.

Hearing no further response, Chairman Brooks called for a motion.

Motion: Russ Campbell made a motion to close the Public Hearing and resume the BZA Meeting. Samuel Murrell seconded the motion.

Vote on Motion: The motion carried unanimously.

Discussion: Russ Campbell asked where the driveway for the new home would be located and if the location of the driveway was an issue for the Town.

Ms. Reeder responded there were several options for the location of the driveway. Traditionally, the Town does not require specific driveway placement in a residential neighborhood.

Mr. Campbell asked Ms. Reeder to confirm the date the Ordinance for the new lot width requirement changed from 90 feet to 100 feet. Ms. Reeder responded the Town changed the Lot Width Ordinance in 2006 and clarified that Mr. Dyke subdivided his lot in 2001, before this change in Ordinance. Mr. Campbell commented the Town changed the rules after Mr. Dyke had initially subdivided. The hardship then, Mr. Campbell continued, was created because the Town changed the rules on Mr. Dyke.

Chairman Brooks called for a vote on the Main Motion.

Vote on Main Motion: The motion carried unanimously.

Conditions of Approval

1. A minor plat shall be processed through the Town for the subdivision of the proposed lot, consistent with plans submitted on August 7, 2018.

2. Any deviation from the approved request requires Board of Zoning Appeals approval.

B. Other as Properly Presented
Ms. Reeder announced there were two upcoming training opportunities available to Board members. Next week on Thursday, at the Arlington School Administration Building, there will be a 1 ½ hour seminar on Industrial Development. Next month, October 15th and again on the 16th, there will be a 4-hour MTAS Training course.

Both courses will apply towards the annual 4-hour training requirement. RSVPs may be sent to Janet Lucci at Town Hall, Planning Department.

VII. Adjourn

Chairman Brooks called for a motion to adjourn.

Motion: Tim Carter made the motion. Samuel Murrell seconded the motion.

The motion carried unanimously.

Meeting adjourned.

Oscar Brooks, Chairman

12/30/18

Date

Submitted By: Janet Lucci, Planning Administrative Assistant