Board of Zoning Appeals
August 26, 2019
6:30 P.M.
Meeting Minutes

I. Invocation — Russ Campbell delivered the 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
Lynette Kirk, Planning Administrative Assistant
Gerald Lawson, Town Attorney

III. Approval of Minutes from the June 25, 2019 Meeting

Motion: Tim Carter made a motion to approve the minutes of the June 25, 2019 meeting. Russ Campbell 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. Ravenson — Variance Request — To consider a variance request in order to divide an existing lot at 12135 Forrest Street.

Chairman Brooks recognized Angela Reeder, Town Planner, who provided the staff report (on file) and stated the applicant is requesting Board of Zoning Appeals (BZA) approval of a Variance Request for reduced lot size at 12135 Forrest Street.

Ms. Reeder said the site is across from Forrest Street Park behind Forrest Grove Subdivision. She said the property is currently zoned RS-18, single family, 0.75-acres in size, 228 feet wide and 144 feet deep.

She said there is one single family home located on the property on the western edge. It is in Depot Square which has a variety of lot sizes and dimensions. Ms. Reeder said adjacent
uses include other single-family homes along Forrest, Forrest Grove subdivision to the south, and the Town’s Property across the street.

Ms. Reeder said the applicant would like to divide the lot in half, keeping the existing home and driveway on one lot, and creating a new lot out of the eastern half to construct a new home. She said the existing home fronts Forrest Street with a driveway that leads to a carport. Ms. Reeder said the intent is to remove the carport and add covered parking behind the home instead. Ms. Reeder said if revised the home should meet lot width, all RS-18 setbacks and have a total a lot size of 15,426 sf. (14.3% below the RS-18 lot size requirements).

She said lot 2 would be a new 118-foot-wide lot fronting Forrest Street. She said it would have the required width and 110ft street frontage and meet all RS-18 setbacks, but would be roughly 16, 483 sq. ft. in total size (9% below the RS-18 lot size requirements.

Ms. Reeder said the location is at the fringe of Depot Square, there are 5 larger lots to the west along Forrest Street and 4 of the lots are between 100-120 feet wide which would be consistent with the proposal. She said east of the site are 4 lots in Forrest Grove PD that range from 14,700 -16,800 sq. ft. in size and 2 lots at 13,068 sq. ft.

She said on the south side there is a buffer between Forrest Grove homes and the site, so overshadowing those lots would be avoided.

She reminded the BZA they may hear a Variance request when an exceptional situation exists where strict adherence to the Ordinance would cause hardship on the owner and when the provided relief would not cause substantial detriment to the public. Ms. Reeder reviewed the list of Specific Standards for consideration of a Variance. She said if strictly applied, the applicant will not be able to subdivide his lot and will end up with a lot that is almost twice the current minimum size and width.

She noted the condition will only be applicable generally to other oversized (oddly shaped) property in the area, the variance will not authorize any use or activity not permitted in the RS-18 zone and financial returns alone are not a basis for granting this request. Ms. Reeder said this proposal will allow the infill of an area that appears to anyone on the street as a vacant lot due to its size and orientation.

Ms. Reeder said a 1995 zoning map showed the same lot designated as R-1 (low density residential). At that time, R-1 lots were required to be 15,000 sf in size and have a 100-foot lot frontage. The Ordinance was later revised to require larger minimum size lots and thus the hardship was not caused by an action by the owner.

She stated the existing home will continue in its current configuration, or be brought more into conformance, and the new lot will meet minimum width and setbacks. There are several lots in the immediate vicinity of similar or smaller size, and thus no detriment to public welfare is anticipated. The proposed Plat shows how the site would be subdivided and could still meet setback requirements of the area. Ms. Reeder also clarified that condition #1 should read that a plat application must be processed, not a minor plat.

Chairman Brooks called for a motion.

**Main Motion:** Samuel Murrell made a motion to approve a Variance Request in order to divide an existing lot at 12135 Forrest Street. Russ Campbell seconded the motion.

Chairman Brooks called for a motion for the public hearing.
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 12, 2019. He asked anyone wishing to speak for or against the request to stand and be recognized by stating his or her name and address. Mr. Brooks mentioned a letter from Mark Ray, 12129 S. Shady Tree Lane, who was not in favor of a variance.

Citizen Comments: There were no comments.

Motion: Samuel Murrell made a motion to close the Public Hearing. Victor Ghosbeh seconded it.

Vote on Motion: The motion carried unanimously.

Discussion: Tim Carter asked if we could add a condition to require the carport be moved to the back of the existing home. Shawn Eavenson, applicant, requested time until the end of May 2020 to start the carport construction due to a renter living in the home. He said part of the existing carport has a laundry area that will be removed. Mr. Carter said that was not a problem being part of the conditions.

Mr. Carter asked the applicant if the new home on lot 2 would be his personal home. Applicant replied yes.

Chairman Brooks asked how many trees would be removed. The applicant said only one tree would be removed at the corner of Walker and Quintard.

Mr. Campbell asked to see the location map and noted the proposal is close in size to several nearby lots, and confirmed it would meet our current zoning setbacks.

Chairman Brooks noted that he felt the proposal would fit into the existing neighborhood and didn’t anticipate any negative impacts on the neighborhood.

Chairman Brooks called for a motion to amend.

Motion: Mr. Carter made a motion to add a condition that when the renter moves out in May of 2020, no new occupants would be allow until after construction of the new parking is complete and setbacks are fixed to meet Code.

Vote on Motion: The motion carried unanimously.

Vote on Main Motion as amended: The motion carried unanimously.

CONDITIONS:
1. A plat application must be processed through the Town for the subdivision of the proposed lot, consistent with plans submitted on July 16, 2019.

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

3. The new driveway proposed for Lot 2 should be aligned with the park entrance across the street, for safety purposes.

4. The existing home must be brought into compliance with side setbacks though removal and/or relocation of the existing carport. These improvements shall be completed prior to a new tenant occupying the home; which will be after May 2020.
B. **Other as Properly Presented**

There was no other business.

VII. **Adjourn**

Chairman Brooks called for a motion to adjourn.

**Motion:** Tim Carter made the motion. Victor Ghosheh seconded the motion.

The motion carried unanimously.

Meeting adjourned.

Chairman  

Date  

Submitted By: Lynette Kirk, Planning Administrative Assistant