

MINUTES
Board of Zoning & Appeals
April 6, 2016

MEMBERS PRESENT: Nathan Kaminski, Rhonda Green, James Dozier, Brenda Bessinger, & John Kester

MEMBERS ABSENT: Johnny Wilson & Sandra Quinn

OTHERS PRESENT: Matt Millwood, Rick Martin, Janet Grant, & Debra Grant

- I. **Call to Order**
- II. **Public Hearing: None**
- III. **Approval of Minutes for February 3, 2016; Mr. Kester made a motion to approve the minutes as written, seconded by Mr. Dozier; the motion carried unanimously.**
- IV. **Variance Request**

V#16-03 **Raymond Owens, representing owners Mr. & Mrs. Hall** at 1021 Duke Street (TMS# 05-0027-189-00-00) R-4; is seeking a variance to Article VIII (setbacks) of the City of Georgetown Zoning Ordinance.

Matt Millwood/City Staff told the Board that the house in question is in the Historic District and does contribute to the district, and the applicants will be required to go to ARB for approvals if this Board grant the variance. Currently the house is .9 ft. from the property line, and in order to build the requested addition they will need a variance to the side, which would be a 7.2 variance. *(Mr. Kester stated that because this is a multi-family home the side setback is actually 10 ft. rather than 8 ft. the application was amended to reflect this)* The requested variance would be 9.2 ft. allowing the side setback to be .8 ft. if granted. This request is to comply with the current building codes for duplexes that will allow each unit to have separate kitchens and bathrooms.

Rick Martin/City Staff told the Board that the home has always been a duplex and has remained a duplex throughout the years. The utilities have been off for a while and all electrical has to be brought up to code.

Mr. Kaminski pointed out that in this zoning district there are several homes that are randomly constructed and some are not within the setback.

Mr. Hall/Owner told the board that he has owned this property for a year and it has remained a duplex. One side has a small kitchen and the other does not have a kitchen, the goal is to renovate significantly and rent one side and possibly live in the other when visiting the area.

Mr. Dozier asked if the footprint was changing. **Mr. Owens** said that it will only change with the small addition and the renovation of the front porch (extending it and installing a cover).

Public Input: None

Motion: Ms. Bessinger made a motion to grant the variance for 9.2 ft. on the Eastern side, with the condition that the owner receives approval from the Architectural

Review Board and that the ARB approvals be made a part of the records, second by Mr. Dozier; the motion carried 5 to 0. (The order was verbally published)

V#16-04

Georgetown Auto Sales of 2520 Highmarket Street (TMS# 05-0007-038-00-00) GC; is seeking a variance to Article VIII (setbacks) of the City of Georgetown Zoning Ordinance.

Matt Millwood/City Staff told the Board that the owner recently built a new portion to the front of his business, the old front area was moved to the rear of the lot. The structure that was moved was done by the setbacks indicated on the 2005 survey plat, later the property was split out to provide a separate parcel because the building was too large to be considered an accessory building, upon starting this project a new survey was done and it showed that the side setback line was not the same as on the 2005 survey, however the building had already been moved and the foundation poured. The Staff told the owner that he would need to come before the Board and request a variance of 3.3 ft. for the side setback.

Rick Martin/City Staff told the Board that the issue came up when the new survey was done. There may also be an issue with underground pipes that may be located on the applicant's property.

Mr. Jeremy Hardwick/Owner said that he has tried to research the location of the pipes but could not find anything.

Mr. Kaminski said that the Board would be voting on the granting of the requested variance, the right of way (pipe line) is not in the Board's control, it would be handled by the owners.

Ms. Green asked if the Staff should have asked for a more recent survey before allowing the moving of the building. **Rick Martin** said there was no reason to question the survey until the new survey was done and showed the changes.

Mr. Kester asked if the City has issued a permit for the moving of the building. **Rick Martin** said no permits have been issued for the project at this point. The owner has hired an engineer that will submit a third party report that will be kept on file for the foundation.

Public Input: None

Motion: Ms. Bessinger made a motion to grant the 3.3 ft. variance for the side setback, for the metal building only, any further structures will have to comply with the 10 ft. setback of the property, seconded by Mr. Kester; the motion carried 5 to 0. (The order was verbally published)

V#16-05

LWTT, LLC (Woody Avant) of 422 South Fraser Street (TMS# 05-0025-055-00-00) is seeking a variance to Article X (Signage) of the City of Georgetown Zoning Ordinance.

Matt Millwood/City Staff told the Board that after further review of the application there has been adjustments so the requested variance is much smaller than originally submitted. The zoning of the business is GC, the building does not have any signs currently. The business does have a monument sign with the change copy underneath. There is a letter in the packet from the Pipeline Plus Program that explains the request. The requested signs are: (1) 100 sq. ft. wall sign facing Butt Street (20 sq. ft. variance is needed), (2) a wall sign facing S. Fraser St. (an allowed sign/ no variance needed), (3) a

wall sign above the door which is a third sign and is not allowed by the ordinance (30.25 sq. ft. variance needed).

Mr. Kaminski read into the record Article X; Section 1009 (Prohibited Signs), *“The following signs are hereby expressly prohibited from erection, construction, repair, alteration, or use within the City, except as otherwise permitted in this Ordinance; (27) Any other type or kind of sign which does not comply with the terms, conditions, and provisions contained in this Ordinance”* and said a third sign is not allowed. **Mr. Kaminski** said the two (2) wall signs are allowed, but asked Staff for input, concerning the Board’s ability to grant a variance for a sign that is not allowed by the ordinance. **Matt/City Staff** said he could not legally advise the Board, but he did recall the signage for McDonald’s restaurant, being more than three (3), but he would have to do some research to verify. **Mr. Kaminski** also read Article 1001; *“Interpretation; In their interpretation and application, the provisions of the Ordinance shall be held to be minimum requirements necessary for the promotion and protection of the public health, safety, comfort, morals, convenience and aesthetics.”* And asked Staff what that meant to them. **Matt** said he interprets that to mean that the Board had the authority to grant more but not less than allowed by the Ordinance. **Matt** told the Board the variances requested again: (1) the Fraser Street wall sign does not need a variance (2) the Butt Street wall sign needs a 20 sq. ft. variance (3) the requested wall sign over the door would need a 30.25 sq. ft. variance. Mr. Kaminski recalled a variance for the Spine Institute that is located down the street from the Napa building, and said the Board did grant a 50 sq. ft. sign for the secondary frontage of the building and the variance was conditioned that the applicant gave up adding additional signs on the opposite side of the building. **Matt** said that building (Spine Institute) was in a different zone (Intermediate), and this zone is GC (General Commercial). **Ms. Green** asked if the monument sign would be moved or remain in place. **Matt** said he would have to let Mr. Avant address that.

Mr. Avant/applicant told the Board that the design of the building was not supposed to have that façade’ over the door, however because of the building scale the design was changed. Because they are a Napa franchisee they have to comply with the signage of the cooperate office to be eligible for the Pipeline Plus Program, which allows the business to be more competitive price wise with the other auto parts stores. **Ms. Bessinger** asked if the sign over the door is not allowed what can be done to help them to comply, perhaps a window or door sign. **Mr. Avant** said he didn’t believe he would be able to substitute the sign by using window signs. **Mr. Kester** asked about the monument sign being used or moved. **Mr. Avant** said it is possible that they would move the monument sign, since they have had issues with it being hit several times. **Mr. Avant** said he would be willing to remove the monument sign if allowed to use the requested wall signs, the removable message board would be missed. **Mr. Kaminski** said the wall signs would be more useful to the public and gives the traffic enough time to see it and turn in.

Public Input: None

Motion: Mr. Kester made a motion to grant the variance, allowing a 20 sq. ft. on the Butt Street sign, a 30.25 sq. ft. variance for the sign over the door, conditioned that the monument sign be removed and with the condition that this variance does not

apply to any other future signage for the business, seconded by Ms. Bessinger; the motion carried 5 to 0 by a roll call vote. *(The order was verbally published)*

- V. **Board Discussion:** Matt gave the Board a copy of some information he gathered about the allowance of accessory structures on General Commercial properties. Matt asked that the Board members look it over and contact him with their input.
- VI. **Adjournment:** With there being no further business the meeting was adjourned.

Submitted By,

*Debra Grant
Board Secretary*