

**Board of Zoning & Appeals
Minutes
January 6, 2016**

MEMBERS PRESENT: Sandra Quinn, Brenda Bessinger, Rhonda Green, Nat Kaminski, James Dozier, & John Kester

MEMBERS ABSENT: Johnny Wilson

OTHERS PRESENT: Matthew Millwood, Rick Martin, & Debra Grant

- I. **Call to Order**
- II. **Public Hearing: None**
- III. **Approval of Minutes for December 2, 2015; Ms. Green made a motion to approve the minutes as submitted, seconded by Mr. Kester, the motion carried unanimously.**
- IV. **Variance Request**

V#15-06 **Mr. Andrew Dawson** of 121 Broad Street (05-0029-028-00-00) is seeking a variance to Article VIII (setbacks) of the City of Georgetown Zoning Ordinance. **Mr. Kaminski** informed the Board that this application was a continuance from last month, allowing Mr. Dawson to make adjustments to his submitted drawings, and the applicant and Staff are still under oath.

Matt Millwood/City Staff told the Board that this request is for a side yard variance; changing the required 8 ft. side yard setback to 5 ft. representing a 3 ft. variance on the right side of the property (driveway side). The amended application has new drawings that has the pitch of the roof reduced, and the left setback will be in compliance. The structure will be 22 x 24 sq. ft. and the well-established trees in the rear will not be removed (Oak; not a live Oak and a Magnolia). **Matt** told the Board there are many other lots in the City that has similar situations with accessory structures, having narrow lots. **Mr. Kaminski** asked if this Board grants this variance would Mr. Dawson have to go before the Architectural Review Board, **Matt** said yes it would have to be approved by the ARB. **Mr. Kaminski** asked if the BZA could condition the granting of this variance upon the approval of the ARB for an accessory structure, if Mr. Dawson is denied by the Architectural Review Board the variance from BZA would go away. **Rick Martin/City Staff** said ARB would only view this matter after an approval from this Board, and it would oversee the design of the building. **Mr. Kaminski** said the ultimate goal of the BZA is to have a structure on the property rather than have a variance attached to this property forever. **Rick Martin** agreed with the feelings of the Board.

Mr. Andrew Dawson said he has narrowed the left side of the building and reduced the roof to eliminate the need of three (3) variances, and it will still be a two story structure. The right side variance is still needed, after all reductions and centering the structure between the two trees.

Public Input: Mr. Moody is one of Mr. Dawson's neighbor and said he had no problems with the granting of the variance.

Board Discussion: Mr. Kester noted that if this variance was to be granted it would be pursuant on the approval by ARB for some type of structure.

Motion: Ms. Sandra Quinn made a motion to grant a 3 ft. variance on the right side (driveway side) of the property based upon receiving a Certificate of Appropriateness from the Architectural Review Board, seconded by Mr. James Dozier, the motion carried unanimously. (Mr. Kaminski published an oral order)

V#16-01

Margaret T. Grant of 214 Cannon Street (05-0030-190-00-00) is seeking a variance to Article VIII (setbacks) of the City of Georgetown Zoning Ordinance.

Matt Millwood/City Staff told the Board that the property is in R-4 zoning and the structure in question was burnt approximately 6 months ago. The shed was about 27 x 20 equaling 547.4 ft. which is within the maximum square footage allowed. The side setback in the R-4 zone is 8 ft. and the rear is 5 ft. and because the original structure was built on the property line the applicant would need a variance for the entire side and rear setback. The shed is listed as contributing to the district in the City's historic survey, built in 1900. **Mr. Kaminski** said the applicant stated in her application that the shed was constructed in 1920. **Mr. Dozier** said that the house and shed contributes to district but is not on the national registry. **Matt** said he did not know, and referred it to Rick Martin, who said he would have to look into it, because there are a limited number of homes that are on the National Registry, however Rick did say with any historic structure, if destroyed by fire it is no longer classified as historic, Staff did receive something from Archives of History to this fact. Zoning and ARB will view this as a new structure. Rick said one of the concerns of the City Staff when something is built on the property line, is that there's proper distance for water runoff. There also has to be a minimum of 6 ft. separation between structures on a parcel as stipulated in the Zoning Ordinance. **Mr. Dozier** asked what type of flooring was in the building. The contractor said the floor in the main part of the structure was concrete and the side building was hard pine.

Mr. Jason Grant/Representing the Applicant asked for clarity on the classification of the structure being historic after the fire damage, and Rick Martin said it would not be classified as historic at this point. **Mr. Grant** said because of the narrow driveway and the small area in the back it would be somewhat impossible to be able to use the structure or having a natural driveway. Because their backyard is not large having to move the structure forward or to the right would make it hard to use. The new structure would be built back as close as possible in design to the original building. The building was lost by fire in mid-July of 2015, and it stored tools, furniture, sporting goods, garden equipment, and other things. It was not high enough to park a car in but the boat was stored inside. **Ms. Green** asked if a vehicle could be driven in the backyard. Mr. Grant said at the present time a truck could be pulled in the back yard but you would have to be careful backing up. **Ms. Bessinger** asked if the new structure would be redesigned to accommodate a vehicle. **Mr. Dwayne Camp/CJ Construction** said the center of the building had settled over the years and was not high enough to place a car, however the new design would allow a car to be stored. **Mr. Kaminski** asked that Mr. Grant speak to the statement in the application that says "if this new building is placed several feet from the line it will look inappropriate and will not contribute to the historical value of the neighborhood." **Mr. Grant** said any moving in any direction would not be a nature path of a driveway and it would look awkward. It would be great if we could put

the entire building behind the house but there is no room. **Mr. Kaminski** also asked for a response on the statement in the application that said "If the new building was to be placed several feet forward it would restrict the use of the occupant's privacy use of their backyard." **Mr. Grant** if the building is moved forward any more than 4 ft. you would be more than half way into the backyard. There is not much room to do anything other than sitting by the grill. **Mr. Dozier** said if you move the building forward 5 ft. you would still have 29 ft. of clearance. The plat says the applicant has 54 ft. from the house to the property line. Mr. Grant said he does not believe the dimensions listed on the plat. **Mr. Kaminski** said he is conflicted because the building was contributing before the fire, but now the Zoning laws prohibits the Board from replacing a non-conforming structure back in the same non-conforming location. Also the applicant is seeking more than one variance which the Board does not like to give more than one. The other issue is what Mr. Martin said is that it is no longer contributing, even though you would like to build back as close as possible, you really can't recapture the historic status.

Public Input:

Mr. Clayton Bull owns the adjoining property in the rear and has concerns about the water runoff from the Grant's structure. Mr. Bull said his concern is the shed roof leaving standing water when it rains, if the building is moved forward 5 ft. he would have no problem with the reconstruction.

Mr. John Wallace is the neighbor of the Grants at 210 Cannon Street and he said he has a problem, because he built a 16 x 20 building with a 12 ft. shed and came off the back property line 5 ft. with no problem and can back a boat in with no problem. Mr. Wallace said it would be ridiculous to allow someone to build something that was constructed in the 1900's on the property line and on someone else's property. Mr. Wallace said if some of the bushes on the side yard was cleared out that would give them approximately 4 ft. **Mr. Grant** said that is not his bushes on the side yard. Mr. Wallace said he obtained a 5 ft. variance for his rear yard. **Matt Millwood/City Staff** said at the time of the construction of Mr. Wallace's building the required setback was 10 ft. for the rear, so Mr. Wallace was required to get a variance. Mr. Wallace does not have a problem with a structure being rebuilt, however he does have a problem with the Board allowing the applicant to build back on the property line of both the rear yard and side yard.

Mr. Grant said he does not want to make enemies of their neighbors and would not have a problem of moving off the rear property line to help Mr. Bull with the drainage issues, but would like to be as close to the original footprint as possible. **Mr. Kaminski** told Mr. Grant that the Board can rule on the application tonight but if the application is denied then the money to submit the application would be lost and there is a time period before he could reapply, however there is the option of going back and reconfiguring his location and come back under old business next month. **Mr. Grant** asked if the Board voted tonight it would be for the requested 8 ft. and 5 ft. variance, **Mr. Kaminski** said yes unless he could convince the Board otherwise, he also said since he has been on the Board he has never seen the Board grant a complete variance of the entire side line. **Mr. Grant** agreed to continue his application at the next Board meeting.

Decision: The Board allowed Mr. Grant to come back at the next meeting with reconfiguration, and floor plans showing the dimensions and location of the new building.

Motion: Ms. Bessinger made a motion to continue the application at the February meeting, seconded by Ms. Green, the motion carried unanimously.

V. Board Elections:

Chairman

Nomination: Mr. Kester made a motion to elect Mr. Nathan Kaminski as Chairman, with there being no other nominations Mr. Kaminski will remain Chairman.

Vice Chairman

Nomination: Mr. Dozier made a motion to elect Mr. Johnny Wilson as Vice Chair; with there being no other nomination Mr. Wilson will remain Vice Chair.

VI. Adjournment: With there being no further business the meeting was adjourned.

Submitted By,

Debra Grant

Board Secretary