

MINUTES
Board of Zoning & Appeals
July 5, 2017

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

MEMBERS ABSENT: Johnny Wilson

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

- I. **Call to Order**
- II. **Public Hearing: None**
- III. **Approval of Minutes for December 7, 2016;** Ms. Bessinger made a motion to approve the minutes as submitted, the motion carried unanimously.
- IV. **Variance Request**

V#17-01

1. **Mr. Viles**, property owner of 625 North Hazard Street, is seeking a variance to Article VIII (setbacks) of the City of Georgetown Zoning Ordinance.
Matt Millwood/City Staff said the applicant is seeking a 5 ft. variance from the right side yard of his property, this property is in R-2 zone and is a very narrow lot, approximately 43 ft. wide and over 150 ft. deep. There is a privacy fence on the lot currently and the proposed house would go within the fenced in area. The R-2 zone requires setbacks of 30 ft. on the front, 10 ft. on the sides, and 20 ft. on the rear. The owner is asking for a 5 ft. variance on the right side yard to accommodate a larger driveway and a side door with a stoop coming from the house. **Mr. Kaminski** asked a couple of general questions, first asking if the Zoning Ordinance is used to implement the comprehensive plan of the City as adopted by City Council. Matt Millwood said yes they go together hand and foot. Mr. Kaminski also stated that the Zoning Ordinance speaks to how a variance must be considered by the Board, the law says that a variance of any kind must meet certain criteria's and should not be made lightly. There are 4 different elements in a variance and one of them is undue hardship, which means a problem that is cause by the land itself and one that is a personal preference of the owner. **Mr. Kaminski** asked Matt if the request for a larger driveway would be a hardship due to the property or a personal preference by the owner. **Matt Millwood/City Staff** said it could be viewed as a personal preference because of the size of the house or it could be a hardship with the land if it is too narrow to build on. **Mr. Kaminski** asked it there are other lots similar in size to the applicant's property. **Matt Millwood** said yes there are a few more similar in size on the street. **Mr. Kaminski** said the first hurdle the applicant has to overcome would be the unnecessary hardship, which cannot be related to personal preference, the second would be that the property is unique from any other property in the vicinity, the third hurdle would be that if a

variance was not granted the property could not be effectively used, **Mr. Kaminski** asked Matt if a home could be built without a variance. **Matt** said yes a home could be built, however a may still need at least a one foot variance because the lot is so narrow. **Mr. Kaminski** said in the past the Board have given consideration to the revitalization of the West End, and asked if this property was a part of the West End. **Matt** said technically it was not, however there has been talk of expanding the boundaries of the West End and if that happens this property would be included, and Matt said there have been some phone calls about the variance request, but no objections. **Mr. Kester** asked how Staff calculated the buildable lot size. Matt told him that the lot of record rule allows a 30% reduction in the lot size to make a lot buildable, which is found in the Zoning Ordinance Article IX; Section 900. **Mr. Kester** said the setbacks are designed for a lot at 60 ft. wide minimum, but in this case with the lot being so narrow the setbacks are actually taking up almost half of the lot, and that makes this case out of the ordinary in his opinion. Matt said he hoped there was something that could be done on the Staff level to relieve the required setbacks on smaller lots of record to go along with the reduction of the lot size. **Ms. Green** reiterated that the request is not due to the structure the owner wants to put on the lot but for the preference of a larger driveway for his boat.

Mr. Viles/Applicant said that he plans to retire to the area and would like the ability to take his boat in the rear yard. **Mr. Kaminski** asked when the property was purchased. **Mr. Viles** said he bought the property in February of this year. **Mr. Kaminski** asked if he was aware of the property dimensions and setbacks. **Mr. Viles** said he was aware and just thought he would try to get a variance. **Mr. Dozier** asked about the side porch the applicant mentioned. **Mr. Viles** said it would be a stoop on piers with a platform and approximately 3 ft. in size. **Ms. Bessinger** asked if the side porch could be put on the back. **Mr. Viles** said that was just the design of the plans he bought, which is a 24 x 40 home, not including the side stoop. **Mr. Kaminski** said he likes the revitalization effort that this reflects to the neighborhood, but the Board has difficulty of carrying out the law that has been established. The only entity that has the authority to make changes is City Council and that would change the zoning of the entire area, it cannot be done for one lot. **Mr. Kaminski** ask what was the purchase price of the lot. **Mr. Viles** said \$3,100.00. **Mr. Kester** asked if the proposed home would be Mr. Viles permanent residence. **Mr. Viles** said yes he will be officially living in the area.

Board Discussion: **Mr. Dozier** said he did not see how the Board could grant this variance because of a previous case that was for a similar request. **Mr. Kaminski** said the only angle that could be used is the revitalization of the area.

Motion: **Ms. Bessinger** made a motion to deny the request for a side yard variance of 5 ft. because it does not meet the criteria's established by the law, seconded by **Ms. Green**, the motion carried unanimously.

- V. **Board Elections:** *Mr. Kaminski informed the Board that he has given a letter of resignation to the City Staff and it will go into effect August 1, 2017. Ms. Green also said*

she plans to relocate to Charleston to enroll in law school (Rick said Ms. Green's resignation would not go to Council until a formal letter is submitted). Mr. Kester informed staff that he would be moving to Belle Isle and asked if he would still be able to serve on the Board. Rick said because Mr. Kester has purchased a lot in the City with plans to build, he feels like he would be able to remain on the Board, however Matt said he would look into it and notify Mr. Kester.

Chairman:

Mr. Kester nominated Mr. Johnny Wilson, seconded by Mr. Dozier. With there being no further nominations the nominations were closed.

Vice Chairman:

Ms. Quinn nominated Mr. John Kester, seconded by Ms. Bessinger. With there being no further nominations the nominations were closed.

Councilman Sheldon Butts thanked Mr. Kaminski for his service and said it will be a challenge to replace him and Ms. Green when they officially leave the Board.

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

Submitted By,

*Debra Grant
Board Secretary*