

**MINUTES**  
**Board of Zoning & Appeals**  
**September 7, 2016**

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

**MEMBERS ABSENT:** None

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

- I. **Call to Order**
- II. **Public Hearing: None**
- III. **Approval of Minutes for July 6, 2016;** Ms. Brenda Bessinger made a motion to approve the minutes as written, seconded by Mr. Johnny Wilson; the motion carried unanimously.
- IV. **Variance Request**

**V#16-09**      **Mr. Kevin Boyce/representing Georgetown Kraft Credit Union, 403 Bayview Street (TMS# 05-0037-021-00-00),** is seeking a variance to Article VIII (lot area) of the Zoning Ordinance.

**Matt Millwood/City Staff** told the Board that Mr. Boyce would like to construct a single family home on the property located on 403 Bayview Drive, however the lot is only 6,065 sq. ft. and the required lot size for this zone (R-1) is 10,000 sq. ft. to be a buildable lot (Article VIII of the Zoning Ordinance). Matt told the Board there is a relief to this requirement listed in Section 900 of the Ordinance, giving a 30% relief, this would make the required lot area 7,000 sq. ft. Mr. Boyce would need a 935 sq. ft. Lot Area variance, if this relief is used. **Mr. Kaminski** asked when the sub-division was established and the name of the sub-division. **Matt** said he did not know when it was established and believed it is known as Bayview Sub-division, but was not sure. **Mr. Kaminski** asked if there was a history of this property and how GKCU got possession of it. Matt said he did not know how GKCU got possession of it, but was told that someone else owned the lot and took out a loan and the Credit Union took possession. **Mr. Kaminski** asked if there were any other variances for the lot. **Matt** said he did not know of any variances and there is no any structure currently on the lot, but google map showed a fence previously but it has been removed.

**Mr. Kaminski** asked Staff what other uses this parcel could be used for since it is in R-1. **Matt** said this zone would allow for a single family home, school, or church; but with the size of the lot a single family home would be the only reasonable construction if a variance is given. Mr. Kaminski asked if the lot could be combined, and Matt said only if someone sells because there are houses on both sides of the property. There are other vacant lots in the vicinity, some smaller and some larger. Mr. Kaminski asked what makes this lot different from the other surrounding vacant lots, Matt said nothing because they would require a variance also in order to build. Mr. Kaminski asked if this area should have been zoned R4 because of the size of the lots. Matt said the R4 zone would indeed make it buildable, however the rezoning process would go through the Planning Commission and then recommended to City Council, and would be difficult to rezone because it would require several meetings. **Mr. Dozier** asked if the Fire

Department would have any objections to the allowance of the variance. **Matt** said the applicants are willing to stay within the setbacks if the variance is allowed. **Rick Martin/City Staff** said the Fire Department has the proper equipment to fight fires on small lots. **Mr. Dozier** asked if the variance is allowed would the GKCU be legal owner. **Matt** said the variance goes with the property, no matter who the owner will be. **Mr. Kester** asked about other properties in the area that had plats signed off and houses built. **Mr. Kaminski** said it is reasonable to assume that those houses were there before the current zoning laws were in place. **Ms. Bessinger** asked how high the houses could be built in this zone. **Matt** said that would depend on the flood zone and if it would have to be elevated or a slab home. **Mr. Kester** asked if a variance is not granted would the lot be worthless. **Matt** said they would have to combine another lot, because on its own it would not be useable. **Rick Martin** said it is his belief that all the homes in that neighborhood that were constructed in earlier years were designed just alike to be in keeping. **Mr. Kaminski** said the Board has to make a finding that this property has a hardship that other properties in the area does not have. The zoning classification does not fit the area, however it has to be upheld. **Mr. Kevin Boyce/Agent** told the Board that it is his and his wife's desire to construct a 2 bedroom cottage to live in. Mr. Boyce said they have a bid in on the property that is contingent on the variance being granted. If allowed to build the home would be within the setbacks, he also told the Board that there are two properties in this deal but the other property is not as desirable for building.

**Mr. Boyce** said there is evidence that a structure was on the property in the past, and he did seek to purchase property from the neighbor, but he declined to sell. Mr. Boyce said he was confused about the section of the Ordinance that gave the 30% relief because all the lots in the area is small. **Mr. Kaminski** said that is one of the issues the Board is facing, because the variance process requires certain criteria's be met, that would prove that a particular parcel has a hardship that other surrounding properties do not have. The problem is exactly what was said this situation applies to an entire neighborhood. Mr. Kaminski said he would like to see the process move forward with getting this area rezoned.

**Mr. Kester** asked what would happen if someone in that zone that was on a small lot lost their house to a fire what could be done since the lots are now considered non-buildable. **Mr. Kaminski** said in a case like that the owners would be allowed to build back in the same footprint, as the case that came before the Board in the Historic District.

**Ms. Bessinger** said her concern was if the Board granted this variance everyone in that neighborhood with vacant lots would be coming in for variances because they are all the same. **Ms. Boyce** asked what would be wrong with others wanting to come in and get a variance to construct also. **Mr. Kaminski** said the Board has state laws to follow.

**Public Input: Mr. Garland Martin/neighbor was present and had no objections to the construction of a new single family home on the property, he did not know if a structure was ever on the lot, it was vacant when he bought his property in 1997.**

**Motion: Ms. Brenda Bessinger made a motion to deny the variance request because the Board does not have enough evidence to approve it, seconded by Ms. Quinn; the motion carried 7 to 0. (Mr. Kaminski verbally published the order)**

- V. Board Discussion: Matt told the Board that he has been working on rewording the Zoning Ordinance for Accessory Use, Building, and Structure for residential and commercial properties. It was decided that the members would look it over and email Matt their thoughts and input for the changes. The Board also asked Staff to look into the rezoning of the Bayview area.**
- VI. Adjournment: With there being no further business the meeting was adjourned.**

*Submitted By,*

*Debra Grant  
Board Secretary*