

BOARD OF ZONING APPEALS

Minutes

March 15, 2010

Eron Moore, Chairman	Present
Ronnie Allen	Present
Mark Burson	Present
John Pentecost	Present
Bill Perkins	Present

Chairman Moore called the meeting to order and declared a quorum present.

Motion by Mr. Perkins to approve the agenda. Seconded by Mr. Allen. Approved unanimously 4-0

Motion by Mr. Pentecost to approve the minutes from the August 17, 2009 meeting. Seconded by Mr. Perkins. Approved unanimously 4-0

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. **V-10-01** **Side setback reduction from 10ft to 2ft**
Bob Hoffman
87 Floyd Street
5/148/186

Mr. Moore asked if the applicant was present. Mr. Hoffman was present. Mr. Ferguson gave the report from the Planning Department. Mr. Ferguson stated that due to the applicant's inability to prove an unnecessary hardship coupled with the fact that the need for a variance is in direct relation to the applicant's actions, the Planning Department recommended denial. Mr. Hoffman then gave his presentation. He explained that there was an existing home and many improvements were made, including a carport over an existing driveway. Mr. Hoffman also disputed Mr. Ferguson's claim that a hardship had not been proven by stating the hardship would be the removal of the carport in the event of denial. Mr. Moore then told Mr. Hoffman that the hardship must come before the action takes place. Mr. Burson asked if building permits were obtained for the work. Mr. Hoffman answered that building permits were obtained prior to construction. Mr. Burson then asked questions of Mr. Ferguson regarding the inspections made during the construction and why the new construction was not cited prior to completion. Mr. Ferguson stated that the quality of work and building code compliance was inspected but not zoning ordinance compliance. Mr. Moore then made the statement that the footings would not have been caught by the inspector because the carport was built over an existing driveway.

Mr. Moore then asked for opposition. Mr. and Mrs. Holden of 81 Floyd Street spoke asking clarification as to how this approval or denial would affect their property which adjoins 87 Floyd Street. They also asked when a fence located on their property which was removed by the applicant,

would be replaced. It was conveyed to them by the board that in the event the variance application was approved, it would not affect their property at all. They were asked by Mr. Burson if they had allowed the applicant to use their power during the construction and they stated that they had. Mr. Moore entertained a motion. Mr. Burson made the motion to approve. Mr. Pentecost seconded the motion. The motion carried. 4-0 Mr. Perkins then asked the applicant if he could in good faith, replace the neighboring fence because the neighbors in good faith had allowed him to use their electricity. He said that he would.

Mr. Moore then entertained a motion to adjourn. Mr. Perkins made the motion, seconded by Mr. Allen. The motion carried. 4-0

Eron Moore, Chairman

Josh Ferguson, Interim Director of
Planning and Zoning