

BOARD OF ZONING APPEALS
December 14, 2006

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON THURSDAY, DECEMBER 14, 2006 AT 7:30 P.M.

Those present were: Raymond Daughtry, Chairman
 Joel Snow, Vice-Chairman
 Bob Runkle, Member
 Richard Herring, Member
 Janet Frye, Member
 Bart Svoboda, Zoning Administrator
 Marsha Alley, Secretary

The Chairman called the meeting to order stating that there would be one public hearing for an appeal request.

PUBLIC HEARINGS:

Carl A. Morris requests an appeal of the Zoning Administrator's determination regarding manufactured housing as it relates to Article 5, R-1, Residential, of the Greene County Zoning Ordinance and as it affects Tax Map #37-(A)-59A. (BZA App#06-002)

Mr. Daughtry asked Mr. Svoboda to give a report.

Mr. Svoboda gave a staff report and a presentation for the request. He explained that the applicant is seeking an appeal of the Zoning Administrator's determination, dated October 13, 2006, that a mobile or manufactured home is allowed only by special use permit in the R-1 (Residential) district. He added that a chronology of the application was included in the staff report. He explained that on August 22, 2006, a building permit application was submitted and on September 19, 2006, the building permit application was denied based on Article 5-1-2.4 that a mobile or manufactured home is allowed only by special use permit in the R-1 district. The Zoning Administrator's conclusion is that the section of the ordinance, Article 5-1-2.4, is clear that a mobile or manufactured home is allowed only by special use permit in the R-1 district. The appellant is stating that they disagree with the Zoning Administrator's decision and that an unclear ordinance is the reason for their appeal.

Mr. Daughtry swore in the speakers.

Rhonda Houchens, representing her father, addressed the Board. She explained that they had spoken with the Planning Department prior to August 22, 2006, regarding restrictions regarding what type of home could be placed at the site. She stated that on August 22, 2006, the application was submitted and the around September 19, 2006, Mr. Svoboda informed them that he would be denying the application. She added that they received the official letter denying the permit on October 13, 2006. She stated that they had sought advice prior to making application but had no ordinance to refer to. She

noted that after reviewing the ordinance, it does address single-family dwellings and lists uses allowed by special use permit and that the definition of manufactured home does mention special use permit. She asked that the fact that they had asked for advise prior to application be taken into consideration. She added that the Building Official would be speaking to the opinion that he gave them in this matter.

Mr. Daughtry asked Stephen Borders, Greene County Building Official, to address the Board. Mr. Daughtry explained that he would like for Mr. Borders to speak at this time rather than in the order that he signed up as he would be speaking on behalf of the applicant.

Mr. Borders addressed the Board. He stated that he was not directly speaking on behalf of the applicant. He explained that manufactured homes meet or exceed state and federal laws governing the construction industry. He stated that they are not inferior to a modular or on-site stick-built home. He added that there is an obligation to the citizens to provide affordable housing, noting that land and housing prices are requiring our youth and elderly to leave the county because they cannot afford to live here. He pointed out that by providing affordable housing, these folks can stay where they have lived and grown up. He stated that in his opinion, denying this request would be considered discrimination against those who cannot afford \$300,000 homes. He explained that the Zoning Ordinance clearly states that single-family dwellings are allowed under uses by-right and that in the definition of manufactured home, single-family dwelling is the only thing that they are allowed for, noting that they cannot be used for other uses such as storage, etc.

Carl A. Morris, applicant, addressed the Board. He stated that he applied for the permit, dug the footers, laid the block, had a lady interested in buying the home, had the home sitting nearby, had the basement ready to set the home, the axles would be disassembled and it would be just like a house sitting on a brick foundation. He added that he thought that he was doing it the right way and that he had a lot of money invested there. He noted that there have been complaints about it but that a lot of the houses in the area came there on a trailer in 2 or 4 pieces. He stated that this one came in 2 pieces but when it is set on the basement, it will be just like a regular house with an A-roof, 1,800 square feet and that once it is finished, you will not be able to tell that it is not a regular house. He stated that someone should have stopped them prior to all of this work being done. He explained that he and the Zoning Administrator had differences in opinions prior to this request and that he had asked the County Administrator not to have Mr. Svoboda involved in his request. He added that a stop-work order was posted while he was out of town. He stated that the Zoning Administrator and the neighbors were going to decide whether or not this single-family home can be placed here for a young mother who has kids. He added that if he is turned down, he will have to put a roof over the basement and rent it. He noted that he would rather have a nice looking home there as opposed to a basement with a chimney through the middle of it. He pointed out that

he has a lot of money tied up in the site and needs to get that back. He welcomed the idea of the neighbors buying him out.

Several neighbors and adjoining property owners voiced their concerns regarding the request. They were:

- Joan Hohenleitner
- Amy Roman
- Alene Roman
- Robert Roman
- Therese Losinski
- Chester Losinski
- Barry Holman
- Mary Anne Holman
- Dale Graves
- Linda Graves

Their concerns included the property values in the area, the function of the permitting process, the zoning requirements and their enforcement, the information provided on the application, the state requirements for manufactured housing versus HUD requirements, and the setting of a precedent. They added that approval of the request would result in the weakening of the integrity of the county officials and that they did not want to see a reckless disregard for the zoning ordinance.

There being no further public comment, the public hearing was closed.

Mr. Daughtry stated that the Board of Zoning Appeals is charged with determining whether or not the Zoning Administrator made the correct decision in this case.

Mr. Herring asked Mr. Borders how he came up with the idea that the manufactured home would be allowed in the R-1 district, noting that the definition of manufactured home states that it is on a permanent chassis. He added that the Board had heard Mr. Svoboda's issues and asked how Mr. Borders arrived at a different idea.

Mr. Borders explained that he does not consider how a building is built but that he considers the use of the building and what it is designed for.

Mr. Daughtry stated that point is not in harmony with the Zoning Ordinance.

Mr. Runkle stated that opinions regarding manufactured homes and affordable housing are not the issues. He stated that the question is, is the property in R-1 and what does R-1 allow. He added that it appears that this would not be allowed or would only be allowed by special use permit in the R-1 district according to the Zoning Ordinance.

Mr. Runkle made a motion to uphold the Zoning Administrator's decision regarding Article 5-1-2.4 of the Greene County Zoning Ordinance (BZA App#06-002).

Ms. Frye seconded the motion.

Mr. Daughtry asked Mr. Svoboda to call for the vote.

Mr. Svoboda called for the vote.

AYE

Mr. Runkle
Mr. Herring
Mr. Daughtry
Ms. Frye

NAY

The motion to uphold the Zoning Administrator's decision carried by a 4-0 vote with Mr. Snow abstaining.

OLD/NEW BUSINESS

Mr. Svoboda informed the Board that Lamar Signs has filed an appeal regarding the BZA decision from last month's meeting.

Mr. Svoboda stated that he had spoken with the Board of Supervisors regarding some sign ordinance revisions.

There will be a variance request for next month and an organizational meeting.

There was discussion regarding the Lamar appeal regarding the moving sign and how to clarify the ordinance.

There was discussion regarding how to change the public's perception that certain people get preferential treatment.

Mr. Svoboda clarified the zoning aspect versus the building aspect in terms of the application process and review.

There was discussion regarding the upcoming expiration of terms. Mr. Runkle's term expires March 31, 2007. He stated that he would be giving that some thought.

Mr. Herring welcomed Nancy Morris of the Town BZA for her attendance tonight.

MINUTES

Mr. Runkle made a motion to approve the minutes of November 16, 2006 as submitted.

Mr. Herring seconded the motion.

The minutes of November 16, 2006 were unanimously approved.

OTHER MATTERS

There were no other matters for discussion.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Respectfully submitted,

Marsha Alley

Marsha Alley, Secretary