

BOARD OF ZONING APPEALS
January 24, 2007

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, JANUARY 24, 2007 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 a variance request. He added that the first order of business would be the election of officers.

ELECTION OF OFFICERS

Mr. Snow made a motion to nominate Raymond Daughtry as Chairman.

Ms. Frye seconded the motion.

Mr. Daughtry was elected as Chairman by a unanimous vote.

Mr. Runkle made a motion to nominate Joel Snow as Vice-Chairman.

Mr. Herring seconded the motion.

Mr. Snow was elected as Vice-Chairman by a unanimous vote.

Ms. Frye made a motion to nominate Marsha Alley as Secretary.

Mr. Snow seconded the motion.

Mrs. Alley was elected as Secretary by a unanimous vote.

PUBLIC HEARINGS:

Ernest & Marjorie Galt request a variance from Article 5 of the Greene County Zoning Ordinance regarding Setback Regulations. This request is on property that is identified on the County Tax Maps as 37C-(9)-36 located on Logtrac Road containing 0.562 acre and is zoned R-1, Residential. (VAR#06-003)

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 a variance to reduce the front setback from the center of the right-of-way from 60 feet to 35 feet and 45 feet in order to construct a single family dwelling on this parcel. He pointed out there are two measurements because there are two points on the structure that will require a variance. He added that the site is served by public water and private septic. He explained that due to the topography of the lot, noting the critical slope and the unique shape of the lot, the variance request is not unreasonable. He noted that the applicant had a boundary line adjusted so that the encroachment would be lessened between the two lots that he owns in order to accommodate the proposal. He added that planning staff recommends approval of this application in:

- a. That the strict application of the ordinance would produce undue hardship including specifically that the topography located between the house site and the lake is sloped such that building in this area would be detrimental to that water resource and possibly a proposed structure.
- b. That such hardship is not shared generally by other properties in the zoning district and the same vicinity due to the unique shape, existing right-of-way and topography.
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

Mr. Daughtry swore in the speakers and opened the public hearing.

Ernest Galt, applicant, addressed the BZA. He explained that he lives on the lot adjacent to this one and that he originally purchased the property as a buffer to his existing home and did not walk the property at the time. He stated that when he began considering building a new home on the lot, he walked the property and found topographical issues that would make building there difficult. He added that the had a boundary line adjustment made in order to aid in meeting setbacks but that there was still a need for the variance due to other property lines and the placement of the proposed home.

Larry Lamb, Greene Mountain Lake developer, addressed the BZA. He stated that the subdivision was developed prior to the zoning requirements being adopted. He added that building a house to conformity on this lot could result in runoff and other environmental issues as well as facing difficult topographical issues. He stated that as the developer, he has no objections to the granting of the variance as it appears to be reasonable.

John Pace, adjoining property owner, addressed the BZA. He voiced his concern regarding the approval of the variance as it could potentially affect the road right-of-way and access to the other properties. He added that having a structure closer to the road than necessary may narrow access to his property. He asked why Mr. Galt did not make the encroachments so that they affected the lot on which he lives instead of encroaching on the road r-o-w and other lots.

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

Mr. Daughtry asked if a house and garage was proposed.

Mr. Galt stated that a house and garage are being proposed.

Mr. Snow asked Mr. Svoboda if the right-of-way is deeded.

Mr. Svoboda stated that it is a deeded r-o-w.

The BZA and Mr. Galt discussed the setbacks for the existing home in relation to the subject lot and the boundary line adjustment that was completed. They also discussed the topography issues on the lot and the proposed location of the house.

Mr. Daughtry asked if a septic field was intended for the lot.

Mr. Galt stated that he intends to have a septic field in the front yard as RSA will not allow him to hook up to the existing sewer.

There was discussion regarding the septic field and driveway and house locations.

Mr. Galt asked if the request was unreasonable.

Mr. Daughtry stated that he had visited the lot and that the request was not unreasonable although there appears to be other alternatives in moving the house.

There was discussion regarding the location of the house within the slope area and the type of house that the applicant's want to build.

Mr. Snow asked Mr. Galt if it would be better for him to have more time to consider other alternatives as opposed to making a decision tonight.

Mr. Galt stated that they had already considered a lot of options and this was their conclusion.

There was discussion regarding the location of the septic field, front yard versus rear yard.

Mr. Galt stated that he would prefer hooking up to the sewer but RSA said that there were no plans to extend the sewer line to this lot.

Mr. Svoboda asked Mr. Galt if more time would allow him to investigate the septic issues and other options.

Mr. Galt stated that he thought more time would allow him to investigate those issues.

There was discussion regarding which information would be needed to make this determination at a later date. It was determined that the septic field location and septic issues and house sites with less encroachment need to be investigated.

Ms. Frye made a motion to defer this application VAR#06-003 to the March 28, 2007 Board of Zoning Appeals meeting.

Mr. Snow seconded the motion.

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

Mr. Svoboda called for the vote.

AYE
Mr. Runkle
Mr. Herring
Ms. Frye
Mr. Snow
Mr. Daughtry

NAY

The motion to defer this application carried unanimously.

OLD/NEW BUSINESS

Mr. Svoboda informed the Board that the Board of Supervisors had forwarded a list of priority issues for the Planning & Zoning Departments to address. He added that the sign ordinance revisions were among them as requested by the BZA. He added that Lamar Signs has filed an appeal regarding the BZA decision and that the Zoning Department had responded by forwarding information to the judge. He noted that he has heard nothing from the judge as of this date regarding that appeal.

There was discussion regarding the priority list and the timeline of addressing the priorities.

MINUTES

Ms. Frye made a motion to approve the minutes of December 14, 2006 as submitted.

Mr. Snow seconded the motion.

The minutes of December 14, 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