

**BOARD OF ZONING APPEALS**  
**July 25, 2007**

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, JULY 25, 2007 AT 7:30 P.M.

Those present were:            Raymond Daughtry, Chairman  
   Joel Snow, Member  
   Richard Herring, Member  
   Janet Frye, Member  
   Bart Svoboda, Zoning Administrator  
   Stephanie Golon, Planner

The Chairman called the meeting to order stating that there would be no public hearings but one variance request would be reviewed under Old Business.

**OLD/NEW BUSINESS**

**Mark Edmund Sherrill/Virginia Bowen request a variance from Article 15 of the Greene County Zoning Ordinance which requires a 35 ft. rear yard setback and a 15 ft. side yard setback. This request is on property that is identified on the County Tax Maps as 17-(A)-7 located on Spotswood Trail containing 0.36 acre and is zoned R-1, Residential. (VAR#07-002)**

Mr. Daughtry asked Mr. Svoboda for a staff report.

Mr. Svoboda stated that there was no new information and reviewed the variance request listing the setback requirements. He reviewed septic locations and right-of-way issues. He stated that staff continues to recommend approval of the request as it meets the criteria for granting a variance. He added that some conditions could be added to base the improvements on the submitted sketches and right-of-way locations.

Mr. Daughtry reminded Mr. Sherrill that he had been sworn in at the previous public hearing and that the Board had wanted some questions answered from the previous meeting.

Mr. Sherrill stated that the neighbor had agreed to sell a portion of the adjoining parcel so that he could incorporate the well on to his property by a hand shake and a price of \$5,000. He added that when it was time to close, the neighbor wanted \$250,000 for the whole 6 acres. He explained that he and his wife discussed it and decided against it as they could not qualify for that amount. He wondered if the well was put on the wrong parcel and is being currently used by the house on that property. He stated that he would have to install a well which must be grouted and is willing to do that. He added that he is willing to move the road and will do everything possible not to increase the grade. He stated that he is willing to allow access to the cemetery. He added that someone mentioned that the river is moving in conjunction with the location of the septic tank. He discussed the effects that his request would have on the river.

Mr. Daughtry stated that the septic tank would have to be moved.

Mr. Sherrill agreed.

There was discussion regarding the river, erosion, and the movement of the river.

Mr. Sherrill gave a brief history of the property. He added that he spoke with his attorney about the property and was told that the zoning ordinance requirements render the property worthless which is the hardship. He stated that he does not want to raise pigs or chickens, adding that he wants to build a house there and live in it. He stated that he is willing to move the driveway, put in a new well, and plans to pour a solid concrete foundation. He added that he does not want to build a house to be washed away by the river, although it is not in the flood plain.

There was discussion regarding the setbacks as shown on Exhibit A.

There was also discussion regarding the suggested conditions for approval.

Mr. Snow made a motion to approve variance #07-002 with the conditions and recommendations as shown on Exhibit A provided by the Planning Department and Greene County Health Department:

1. The setback is modified as shown on "Exhibit A", dated March 22, 2007:
2. That the "assumed right-of-way" is moved to the eastern edge of the property and is a width of 20 feet. (as shown on "Exhibit A", dated March 22, 2007)
3. That any change to this proposal shall be modified by the BZA only.

Ms. Frye seconded the motion.

Mr. Daughtry asked if there was any further discussion.

Mr. Herring explained that he had been the auctioneer when the land was purchased by the applicant and that he had nothing to do with the representation of the property and that he could not see a reason to abstain from the vote.

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

Mr. Svoboda called for the vote.

AYE

Mr. Snow

Ms. Frye

Mr. Herring

Mr. Daughtry

NAY

The motion to approve carried by a 4-0 vote.

Mr. Svoboda announced that there are no cases to be heard for next month.

Mr. Svoboda informed that Board that there are several Ordinance Revisions pending Board of Supervisors review. He added that the Sign Ordinance would be coming up as well.

## **MINUTES**

Ms. Frye made a motion to approve the minutes of May 23, 2007 as submitted.

Mr. Herring seconded the motion.

The minutes of May 23, 2007 were approved by a 3-0 vote with one member abstaining.

## **OTHER MATTERS**

There were no other matters for review.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*

Marsha Alley, Secretary