

**BOARD OF ZONING APPEALS**  
**February 25, 2009**

THE REGULAR MEETING OF THE GREENE COUNTY BOARD OF ZONING APPEALS WAS HELD ON WEDNESDAY, FEBRUARY 25, 2009 AT 7:30 P.M.

Those present were:           Joel Snow, Chairman  
  Bob Runkle, Vice Chairman  
  Richard Herring, Member  
  Raymond Daughtry, Member  
  Bart Svoboda, Zoning Administrator  
  Stephanie Golon, County Planner  
  Shawn Leake, Zoning Officer  
  Marsha Alley, Secretary

The Chairman called the meeting to order stating that there would be one request for consideration tonight as a continuance from last month.

**PUBLIC HEARING**

There were no public hearings for consideration.

**OLD/NEW BUSINESS**

**Kenneth Collier, Sr. requests an appeal of the Zoning Administrator's determination (ZC#08-025) regarding the expansion of a non-conforming structure located on Carpenters Mill Road and identified on County Tax Maps as #66-(8)-A. (BZA App#08-001)**

Mr. Snow asked Mr. Svoboda for a report.

Mr. Svoboda briefly reviewed the request and the background information. He added that the information submitted by the applicant at the last meeting was previously distributed to each BZA member for review. He explained that on July 31, 2008, a building permit was issued for a 36'x50' building or 1,800 square foot building to restore or expand a non-conforming structure. He added that expansion from 1,200 square feet to 1,800 square feet was approved because an expansion of a non-conforming use by fifty percent (50%) is allowed. He agreed that the use itself is non-conforming and is not being disputed. He explained that on October 31, 2008, an application (BP#4239-2008) for a building permit was submitted for an additional 36'x50' or 1,800 square foot structure. He noted, however, that the further expansion beyond the fifty percent (50%) was denied based on the requirements of the Zoning Ordinance found in section 15-5-2. He added that the appeal is regarding the denial of the permit for the second building.

Mr. Snow stated that there were no citizens present to comment and then asked for comments from the Board.

Mr. Herring asked if it would be proper to proceed in the absence of the applicant.

Mr. Svoboda stated that the applicant was notified by mail at his request as to the date of this meeting. He added that there is nothing in the ordinance that would require the Board not to act in the absence of the applicant. He noted that he could not speak on behalf of the applicant but could address factual information.

Mr. Herring asked if no decision was made tonight in the absence of the applicant would the request die.

Mr. Svoboda stated that the request would not die as there is a ninety (90) day term in which to decide.

Mr. Runkle asked when the ninety (90) days began.

Mr. Svoboda stated that the ninety (90) days began as of the date of application which was December 4, 2008.

There was discussion regarding the ninety (90) day timeline.

Mr. Runkle mentioned that, though it is not a large amount, there is an associated cost to the county in order to have meetings of this type. His concern was in regard to another postponement which would require another meeting versus the ability to act on the request tonight.

Mr. Snow explained that the Board has the ability to act on the request tonight, noting that he could not see a reason for delaying a decision.

Mr. Svoboda explained that the information that Mr. Collier presented at the last meeting had been forwarded for review to the BZA and that Mr. Collier had been notified by mail regarding the date of tonight's meeting. He added that a reply had not been received as a result of the notification letter.

Mr. Snow stated that it was his belief that the information that had been submitted at the last meeting was not relevant to this request.

Mr. Svoboda stated that the determination of relevance of the information provided at the last meeting must be made by the Board and that he could not argue relevance but that he could only answer questions in regard to the factual information relating to the appeal.

Mr. Daughtry stated that the submitted information was not considered in the determination that is being appealed.

Mr. Svoboda agreed and added that he did review the submitted information but that the

determination has not changed.

Mr. Daughtry stated that the Board is now faced with the act of determining whether or not Mr. Svoboda made a correct or incorrect determination.

Mr. Svoboda agreed.

Mr. Runkle stated that he was still unsure as to how to proceed with the applicant being absent.

Mr. Daughtry explained that the applicant was present at the last meeting and suggested the postponement of the decision until this meeting. He added that the applicant is not present tonight but believed he had been notified as to the meeting date.

Mr. Snow clarified that Mr. Svoboda made note that the applicant was duly notified of the continuance of the meeting. He added that in the past the Board has ruled on cases when the applicant has not been in attendance.

There being no further comments from the Board, Mr. Snow closed the discussion of the membership.

Mr. Runkle made a motion to uphold the Zoning Administrator's decision regarding Article 15-2 and 15-7 of the Greene County Zoning Ordinance.

Mr. Daughtry seconded the motion.

Mr. Herring suggested that the motion be amended to include section 15-5-2 as well.

There was discussion regarding the proposed revision to the motion and a consensus agreement to amend the motion to include section 15-15-2.

Mr. Snow restated the motion to uphold the Zoning Administrator's decision regarding Article 15-2, 15-7, and 15-5-2 of the Greene County Zoning Ordinance (BZA App#08-001).

The vote was taken.

AYE

Mr. Runkle  
Mr. Daughtry  
Mr. Herring  
Mr. Snow

NAY

The motion to uphold the Zoning Administrator's decision regarding Article 15-2, 15-7,

and 15-5-2 of the Greene County Zoning Ordinance (BZA App#08-001) carried by a 4-0 vote.

Mr. Herring asked if the fee is \$200 or \$500 for Appeals, noting that the application stated \$200 but he thought the fee was \$500.

Mr. Svoboda explained that the appeal fee is \$200 but the special use permit and variance fees are \$500.

Mr. Snow asked if there was any other old or new business.

Mr. Svoboda informed the Board that copies of the by-laws were distributed and suggested that they be reviewed at the next meeting for revision and/or re-adoption.

Mr. Svoboda stated that a meeting guideline booklet had been distributed as well for the Board's review and reference.

Mr. Svoboda stated that there are no current applications for the March meeting.

## **MINUTES**

Since the January minutes were unavailable for review, Mr. Snow stated that the minutes of the January 28, 2009 meeting would be reviewed and voted on along with the minutes from tonight's meeting at the March 25, 2009 meeting.

## **OTHER MATTERS**

Mr. Svoboda stated that the March meeting would consist of the approval of the January and February meeting minutes and the discussion of the by-laws.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*

Marsha Alley, Secretary

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Board of Zoning Appeals, Chairman

Date