

MINUTES  
JEFFERSON COUNTY BOARD OF ZONING APPEALS  
APRIL 21, 2005

The Jefferson County Zoning Board of Appeals met on Thursday, April 21, 2005 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Tiffany Hine, David Wiegand, Thomas Trumble, Jeff Bresee and Doug Rockwell. Gregory Jones, Assistant Prosecuting Attorney, Paul Raco, Zoning Administrator and Rebecca Burns, Executive Secretary were also present.

The meeting was called to order by Ms. Hine at 3:00 p.m.

1. Mr. Bresee motioned to accept the Minutes of the March 17, 2005 meeting. Mr. Wiegand seconded the motion which carried with a vote of 3 for and 1 abstention (Ms. Hine since she was not present at the meeting).

Mr. Bresee motioned to take action on the other Minutes given to the Board in their meeting packet at the next meeting. Mr. Wiegand seconded the motion which carried unanimously.

Ms. Burns swore in individuals who indicated they would be speaking.

2. Request by Norbert E. Mathias, Jr. and Garnett L. Mathias for a variance from the side setback requirements from 12' to 6' for an existing storage building (Article 9, Section 9.7). Mr. and Mrs. Mathias were present on behalf of the request and stated they replaced a storage shed that collapsed unaware that a permit was needed to do so. There was no public comment.

3. Request by Keith and Donna Elliott for a variance from the side setback requirements from 8' to 1.5' for a proposed garage (Article 9, Section 9.7). Mr. Rockwell arrived (3:27 p.m.) a Mr. Elliott was beginning to present his request. Mr. Elliott stated due to his wife's disability he would like to limit the distance she has to walk to get in and out of a vehicle. Mr. Elliott had letters from the adjoining property owner in support of the request. There was not public comment.

4. Request by Rexford and Nancy Jackson for a variance from the front setback requirements from 25' to 12' for a proposed in-ground pool (Article 5, Section 5.4b). Rexford Jackson presented the request noting they will put up a 6' high fence and he has letters from each of the neighbors to his sides in support of the request. There was no public comment.

5. Action on the Conditional Use Permit for Town Run Commons (DPZE #Z01-01).

6. Action on the Conditional Use Permit for Edgewood at Cress Creek (DPZE #Z04-05).

Mr. Rockwell excused himself from the meeting room for items 5 and 6. Mr. Bresee stated these were tabled to exhaust the 30 day appeal period at the last meeting. Mr. Raco stated the Planning Commission chose to reopen the public hearing process and that is how the density was reduced for Town Run Commons. Mr. Jones stated Ms. Gutsell, who represents Mr.

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Henry, is asking the Board to ratify the Planning Commission's issuance of the CUP for Town Run Commons. Mr. Raco stated the Planning Commission issued the CUP for each of these projects subject to ratification of their decision by the Board of Appeals. Mr. Raco stated the Board could postpone action on Town Run Common until the Circuit Court renders their decision, but take action on the CUP for Edgewood at Cress Creek since all issues were resolved and publish the decision for thirty (30) days. Mr. Jones recommended the Board hold two new CUP hearings.

7. Rules and procedures for dealing with Conditional Use Permit applications. Mr. Rockwell returned to the meeting room. Ms. Hine suggested the Board receive something in writing on how they should act on CUP applications. Mr. Raco noted the Board cannot change the Ordinance without County Commission approval, the Board needs to write their rules of procedure on how the Board is going to handle CUP hearings on unresolved issues and that they may need a special meeting to discuss the issue.

8. Rules and procedures for designating alternate members. Mr. Jones in a letter to the County Commission he has asked for 3 alternates to be appointed to the Board. Mr. Rockwell stated it is up to the County Commission to do so and they are aware of this. No action was taken by the Board.

9. Correspondence. 1) Petition for Writ of Cert by Edward Dunleavy; and, 2) new Zoning Ordinances with Map.

Mr. Bresee motioned to adjourn for deliberations. Mr. Trumble seconded the motion which carried unanimously. Mr. Wiegand motioned to return to regular session. Mr. Bresee seconded the motion which carried unanimously.

2. Mr. Wiegand motioned to grant the variance request by Norbert E. Mathias, Jr. and Garnett L. Mathias from the side setback requirements from 12' to 6' for an existing storage building (Article 9, Section 9.7). Mr. Bresee seconded the motion which carried with a vote of 4 for and 1 abstention (Mr. Rockwell because he was not present for this portion of the meeting).

3. Mr. Trumble motioned to grant the variance request by Keith and Donna Elliott from the side setback requirements from 8' to 1.5' for a proposed garage (Article 9, Section 9.7). Mr. Bresee seconded the motion which carried unanimously.

4. Mr. Bresee motioned to grant the variance request by Rexford and Nancy Jackson from the front setback requirements from 25' to 12' for a proposed in-ground pool (Article 5, Section 5.4b). Mr. Trumble seconded the motion which carried unanimously.

5. Action on the Conditional Use Permit for town Run Commons (DPZE #Z01-01). Mr. Bresee motioned to take no action on the CUP so the planning and legal process may

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continue. Mr. Wiegand seconded the motion which carried with a vote of 3 for and 1 abstention (Mr. Rockwell because he excused himself from the meeting room when the matter was being discussed).

6. Mr. Bresee motioned to ratify the Planning Commission's issuance of the Conditional Use Permit for Edgewood at Cress Creek (DPZE #Z04-05) and to authorize the Staff to issue the same and publish the decision by the Board. Mr. Wiegand seconded the motion which passed with a vote of 3 for, 1 opposed (Mr. Trumble) and 1 abstention (Mr. Rockwell because he excused himself from the meeting room when the matter was being discussed).

7. Mr. Trumble motioned to hold a special meeting on May 10, 2005 at 3:00 p.m. to discuss rules and procedures for dealing with Conditional Use Permits. Mr. Wiegand seconded the motion which carried unanimously.

9. Correspondence. 3/31/05 Memorandum from Mr. Raco on the LESA score for Thorn Hill; and, 2) Twin Ridge Orchard lawsuit. Ms. Burns noted that the Twin Ridge Orchard suit appears to be moot with the most recent revisions to the Zoning Ordinance.

Mr. Rockwell motioned to adjourn the meeting at 5:05 p.m. Mr. Bresee seconded the motion which carried unanimously.

A transcript of this meeting can be found on CD #60 and #61. These Minutes were prepared by Rebecca F. Burns.