

MINUTES
JEFFERSON COUNTY ZONING BOARD OF APPEALS
JUNE 19, 2003

The Jefferson County Zoning Board of Appeals met on Thursday, June 19, 2003 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Stephen Groh, Tiffany Hine, Douglas Rockwell, Thomas Trumble and Jeff Bresee. Rebecca Burns, Executive Secretary was also present. Sherry Cole was recording secretary for the last 15 minutes of the meeting.

The meeting was called to order by Mr. Groh at 3:10 p.m. Mr. Trumble motioned to accept the Minutes of the May 15, 2003 meeting with a correction to strike the word “not” from the motion on page 3, item #6. Ms. Hine seconded the motion which carried unanimously.

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

OLD BUSINESS

1. Postponed from the May 15, 2003 meeting. Request by the Estate of Thelma M. Koontz, Larry D. Turner and/or the Mecklenburg Heights Recreation Association, Inc., for a variance from the front setback requirements from 20' to 0' for an existing garage (Article 5, Section 5.4b).
2. Postponed from the May 15, 2003 meeting. Request by the Estate of Thelma M. Koontz, Larry D. Turner and/or the Mecklenburg Heights Recreation Association, Inc., for a variance from the side setback requirements from 10' to 0' for an existing garage (Article 5, Section 5.4b). Mr. Rockwell motioned to postpone the matter pursuant to Article 8, Section 8.5 of the Zoning & Development Review Ordinance until the July 17, 2003 meeting. Mr. Bresee seconded the motion which carried unanimously.

NEW BUSINESS

3. Request by Mr. Raco for a continuance of the appeal (item #4 on the agenda) by Jefferson Utilities, Inc., of the Zoning Administrators's interpretation of the word “public” as it specifically relates to water and sewer systems and the LESA Point Assessment (AP03-04). Mr. Groh in his capacity as Chairman, as outlined in Article 8, Section 8.4b of the Zoning & Development Review Ordinance, granted the continuance until the July 17, 2003 meeting contingent upon the Staff re-advertising the appeal for this meeting.
5. Request by Michael and Tamara Cain for a variance from the rear setback requirements from 20' to 14' for a proposed deck (Article 5, Section 5.4b). Mr. Cain presented the request and submitted letters from the adjoining neighbors in support of the request. There was no public comment.
6. Request by Harry and Kathlean Danner for a variance from the front setback requirements from 20' to 8' to replace an existing mobile home (Article 9, Section 9.7).

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7. Request by Harry and Kathlean Danner for a variance from the front setback requirements from 20' to 7' to replace an existing mobile home (Article 9, Section 9.7).

8. Request by Harry and Kathlean Danner for a variance from the side setback requirements from 8' to 7' to replace an existing mobile home (Article 9, Section 9.7). Mr. Danner presented the requests stating their home is a 1964 model and it would be more economical to replace it with a newer model than it would to repair. There was no public comment on any of the requests by the Danners.

9. Request by Twin Ridge Orchards for a variance from the principle permitted uses to allow a commercial warehouse (Article 5, Section 5.7). Peter Chakmakian presented the request noting Wal-Mart would like to use the warehouse for commercial warehouse storage. Mr. Chakmakian stated that due to a steady decline in the apple orchard business funds are needed to stay in business. Mr. Groh stated letters have been submitted for the record from Jim and Barbara McCormack; Frances and Bill Miller; Bryce Timberlake; and, David Ralston. There was no public comment.

10. Request by Christopher G. and Kerrieann S. Hussion for a variance from the rear setback requirements from 20' to 13' for a proposed deck (Article 5, Section 5.4b). Mr. Hussion presented the request and submitted letters from the adjoining property owners in support of the request and photographs of the property. Mr. Hussion stated the actual variance needed is 14' as opposed to 13'. There was no public comment.

11. Findings of Fact and Conclusions of Law for the variance by Frank Buchanan from the rear setback requirements from 20' to 8' for a proposed pool. Mr. Bresee motioned to accept the Findings of Fact and Conclusions of Law for the Chair's signature (copy attached). Ms. Hine seconded the motion which carried unanimously.

12. Correspondence. Mr. Rockwell motioned that the Staff be allowed in the future to advertise all appeals and variances in any paper of general publication in Jefferson County; and, it does not have to be a paper published in Jefferson County. The motion died for a lack of a second. By consensus the Board asked that the matters of legal advertising and rules and procedure for filing timely appeals and requests for consideration by the Board be docketed for the July 17, 2003 meeting of the Board.

Ms. Hine motioned that the matter of Knott v. Meyers case #CA99-C-59 be postponed until the July 17, 2003 meeting when legal counsel is present to discuss it with the Board. Mr. Bresee seconded the motion which carried with a vote of 4 for and 1 abstention (Mr. Rockwell since he represented Mr. Knott in this matter).

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Ms. Hine motioned to adjourn for deliberations. Mr. Trumble seconded the motion which carried unanimously. Greg Kennedy asked if under 8.2c of the Zoning Ordinance if an appeal had to be re-advertised for 30 days. Ms. Hine motioned to return to regular session. Mr. Trumble seconded the motion which carried unanimously. The Board stated that under 8.4c proper notice has been given to any interested party present at this meeting. Ms. Hine motioned to adjourn once again for deliberations. Mr. Bresee seconded the motion which carried unanimously. Ms. Hine motioned to return to regular session. Mr. Bresee seconded the motion which carried unanimously.

5. Mr. Rockwell motioned to modify and grant a variance to Michael and Tamara Cain from the rear setback for a 10' wide x 30' long deck. Mr. Trumble seconded the motion which carried with a vote of 4 for and 1 opposed (Ms. Hine).

6. Mr. Rockwell motioned to grant the variance to Harry and Kathlean Danner from the front setback from 20' to 8' to replace an existing mobile home. Mr. Bresee seconded the motion which carried unanimously.

7. Mr. Rockwell motioned to grant the variance to Harry and Kathlean Danner from the front setback from 20' to 7' to replace an existing mobile home. Mr. Bresee seconded the motion which carried unanimously.

8. Mr. Rockwell motioned to grant the variance to Harry and Kathlean Danner from the side setback from 8' to 7' to replace an existing mobile home. Mr. Bresee seconded the motion which carried unanimously.

9. Mr. Rockwell motioned to grant the variance to Twin Ridge Orchard from the principle permitted uses to allow a commercial warehouse contingent upon the following: variance being limited to a period of eighteen months (18); access to the site by the tenant not be by 18-wheeler; no transport trucks being parked beyond the front exterior of the building; all trucks being parked in the open space between the two buildings; the Board wants to ensure if the variance is granted that it not be taken by the property owner or any tenant that there is an obligation on the Board's part beyond the 18 month time frame granted; and, this is not a defacto rezoning of the property and that the use of the property for commercial warehouse not be considered as a change in character of the neighborhood that would result in rezoning of the surrounding property for anything other than agricultural or rural use. Ms. Hine seconded the motion which carried unanimously.

10. Mr. Rockwell motioned to modify and grant a variance to Christopher and Kerriann Hussion from the rear setback for a 10' wide x 30' long deck. Mr. Trumble seconded the motion which carried with a vote of 4 for and 1 opposed (Ms. Hine).

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Ms. Hine motioned to adjourn the meeting. Mr. Trumble seconded the motion which carried unanimously.

The meeting adjourned at 5:40 p.m. A detailed transcript of this meeting can be found on Tape(s) #68. These Minutes were prepared by Rebecca F. Burns from notes taken by Ms. Burns and Sherry Cole.