

MINUTES
JEFFERSON COUNTY ZONING BOARD OF APPEALS
SEPTEMBER 18, 2003

The Jefferson County Zoning Board of Appeals met on Thursday, September 18, 2003 at 3:00 p.m., in the Jefferson County Meeting Room. Members present were Tiffany Hine, Douglas Rockwell and Thomas Trumble. Stephen Groh and Jeff Bresee were absent with notification. Paul Raco, Executive Director, Michael Cassell, Assistant Prosecuting Attorney and Rebecca Burns, Executive Secretary were also present.

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

Mr. Trumble motioned to correct the Minutes of the August 21, 2003 meeting on page 1 to reflect Ms. Hine not Mr. Hine. Mr. Rockwell seconded the motion which carried unanimously.

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

OLD BUSINESS

1. Postponed from the August 21, 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 August 21, 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). Mrs. Burns stated that Mr. Dorsey asked that the requests be postponed for one more month. Mr. Rockwell motioned to continue the matter until the October 16, 2003 meeting noting this would be the last postponement entertained by the Board regarding these two items. Tom Trumble seconded the motion which carried unanimously.

NEW BUSINESS

3. LESA Point Assessment appeal by Uniwest Sanitary Systems of the Zoning Administrator's Point Assessment for a proposed wastewater treatment plant. The Zoning Administrator assessed 59.91 and the appellant contends the point score should be 40. Mr. Raco noted for the record that in reviewing the appeal the adjacent acreage was cited incorrectly and upon verification by the tax map records the point score was lowered to 55. Mr. Raco noted the appellant when informed withdrew the appeal.

4. Request by Scott and Kelly Meisenzahl for a variance from the rear setback requirements from 20' to 12' for a proposed deck (Article 5, Section 5.4b). Mr. Meisenzahl presented the request noting other variances have been granted for the decks in the area. There was no public comment.

MINUTES - JEFFERSON COUNTY ZONING BOARD OF APPEALS
SEPTEMBER 18, 2003
PAGE TWO

5. Request by Timothy Baxter for a variance from the side setback requirements from 15' to 6' for an existing pole barn (Article 9, Section 9.7). Mr. Baxter represented the request stating due to the size of the barn it would be difficult to move to satisfy the setback. Mr. Baxter stated he has about \$17,000.00 in the barn. Mr. Raco stated that due to the location of the barn that farm animals are prohibited from being in the barn and the building permit was issued with that stipulation. Mr. Raco noted the permit was applied for after the fact by the Baxter's and that they stated on the application the barn was 15' from the property line and that farm animals would not be in the barn. Mr. Baxter stated he has since installed a gate that prevents the animals from entering the barn. Charles Howard speaking on behalf Scott Gordon, an adjacent property owner, stated they contest the issuance of the variance. Mr. Howard stated Mr. Gordon was aware a barn was to be built but not in the location it was placed which blocks Mr. Gordon's view.

6. Request by Doug and Aundrea Humphreys for a variance from the side distance requirements from 75' to 40' for a proposed horse barn (Article 4, Section 4.6b). Mr. Humphreys stated they have a permit for a pole building and they have installed the building pad to date. Mr. Humphreys stated they were given two horses as a gift and they would now like to use the pole building to house their horses. Mr. Humphreys noted he has letters from the Homeowner's Association and developer in support of the request and further noted the lots in the subdivision are large and one lot has a barn with horses and another has a fence around the property with horses. There was no public comment.

7. Continued from the August 21, 2003 meeting discussion and/or action by the Board on adopting rules and procedures for filing timely appeals and requests for consideration by the Board. Mr. Cassell submitted a rule for consideration by the Board (copy attached). Mr. Rockwell motioned to accept the Rule with the changes as discussed by the Board (copy attached). Mr. Trumble seconded the motion which carried unanimously.

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

4. Mr. Trumble motioned to grant the variance as requested by Scott and Kelly Meisenzahl from the rear setback requirements from 20' to 12' for a proposed 12' x 12' deck. Mr. Rockwell seconded the motion which carried unanimously.

5. Mr. Rockwell motioned to deny the variance to Timothy Baxter from the side setback requirements from 15' to 6' for an existing pole barn based on the entire record as presented including all documentation submitted in the Board's packet, comments of the staff, public testimony and no justification being provided by Mr. Baxter. Mr. Trumble seconded the motion which carried unanimously.

MINUTES - JEFFERSON COUNTY ZONING BOARD OF APPEALS
SEPTEMBER 18, 2003
PAGE THREE

6. Mr. Rockwell motioned to deny the variance by Doug and Aundrea Humphreys from the 75' distance requirement to 40' for a proposed horse barn on the basis the request does not do justice to the Ordinance and no special conditions were presented in the request. Mr. Trumble seconded the motion which carried unanimously.

7. By consensus the Board asked the Staff to prepare a Press Release notifying the public of the Rule adopted by the Board for "Submission of Documents and Papers before the Board of Appeals" to become effective September 19, 2003.

8. Correspondence. There was no correspondence.

Mr. Trumble asked that the Board be given the decision by the Judge pertaining to the appeals by Mr. Kletter. Mr. Cassell stated he would make it available to the Staff for mailing to the Board.

Mr. Trumble motioned to adjourn the meeting at 4:37 p.m. Mr. Rockwell seconded the motion which carried unanimously.

A detailed transcript of this meeting can be found on Tape(s) #95. These Minutes were prepared by Rebecca F. Burns.