**Board of Zoning Appeals**

**Meeting Minutes**

**August 7, 2019**

**Call to Order and Roll Call**

**MEMBERS PRESENT:** Grant Adams, Corey Karn, Dan Vail, Jon Horton, Steve Duhamel

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Ryan Crum, Tonya Galbreath, Greg Morelock, Jennifer Pack

**Agenda Consideration**

None

**Approval of Minutes**

Motion by John Horton to approve the minutes from the June 5 meeting as presented. Second by Dan Vail. Motion carried 5/0.

**Old Business**

None

**New Business**

***BZA-19-005; Speedway Gas Station Sign Variance***

Cindy Thrasher representing Advanced Sign and Graphic, which is performing the work for Speedway. Speedway wants to put in a digital price board to replace the current manual price board. This is the only change they are making. The current price board is a safety concern for workers, both with traffic at the corner and securing the store while the employee is changing the board. The EMB will also be more aesthetically pleasing than the current board. The owner agrees with the request from Staff regarding dimming the lights at night.

Mr. Horton asked about the process the CVS across the street needed to go through to get that EMB. At the time CVS applied, it was under county jurisdiction.

Public Comment

None

Staff Comment

Mr. Crum stated that a few years ago, this sign would have been permitted by right. They are safer for the employees and are more aesthetically pleasing. In late 2015, after a Supreme Court ruling, Codes could regulate by content of sign. All signs had to be regulated by type. The variance for EMB’s was to make sure that signs were not distracting or dangerous. Staff does not believe there is any concern in this static sign and is in full support of the variance.

**Motion by Dan Vail if the Variance is approved it is subject to the conditions recommended by staff. Second by Jon Horton. Motion carried 5/0. Ballots were counted and the Variance carried 5/0.**

***BZA-19-006; Wagner Property Side-yard Setback Variance***

Donny Wagner, property owner spoke – They are seeking a variance to the side yard setback in order to build a structure that is 28 ft tall. The structure is designed to match the existing garage and house and will be located adjacent to the driveway. The building will be use for baseball batting cage and golf simulator and will be strictly for family use.

Council members asked if the building needed to be the size as planned, why the site was chosen, and if the building could be rotated. Mr. Wagner responded that the size was to allow for an adequate batting practice area, that the area chosen is relatively flat and if the building is rotated, the line of the buildings won’t be as aesthetically pleasing.

Nick Gallagher, Carrington Homes – He and the Wagner’s had some discussion when project first started about location. Decided to place it where it will be so that it’s like adding on another garage. Carrington plans to frame in garage doors so that it can easily be turned into a garage in the future. By turning the building, it wouldn’t work well as a garage.

Council members asked about rotating the building a different way and about the garage doors. Mr. Gallagher responded that turning it either way would result turning it would make it so that it wouldn’t work as a garage, that is the only way to orient it for future practicality. Responding to the questions about garage doors, said that by rotating the building they would only be able to put in a one-car garage door, so that would be an inefficient use of the building space

Public Comment

Ryan Jennings – Asked if a stake survey has been done or if it will be done.

Tom Strayer – lives at house behind property. Concerned that building a new structure and extending the apron hard surface will create more run-off into his backyard, which has already experienced erosion. Also concerned about having garage doors open during activities and the noise and light that would push into their backyard.

Carol Curran – Proposed that the building is placed behind the pool instead of the suggested location and wants to make sure that a staked survey is performed so neighboring properties aren’t unintentionally encroached. Mr. Morelock clarified, asking if she wanted the building closer to her. Ms. Curran said, no, she doesn’t want it closer, but by having it behind the pool, it won’t be in her line of site when she walks out the door.

John Price – Concerned about the lighting plan because the lighting on the property is already bright, and states that the property owners are not working with the depth of the property, only the width. If they build according to the proposed plan, they’ll have structures going from setback to setback.

Re-address

Carl McIntyre of Carrington Homes. – The land will be professionally surveyed. The garage doors will not be installed at this time, only framed so they can be installed if the structure is ever converted into a garage. The original plan called for a porte cochere between the new structure and home. Have decided to put that plan on hold for now, but it is still a future desire to tie the buildings together. He continued, saying that by placing the garage elsewhere on the property, it won’t work as well as a garage, which will help with resell value. Mr. McIntyre also said that he/Carrington Homes built the original home and he will check the tile system to see why/if the Strayer’s yard is receiving run-off and make need corrections. He said that they do not have a lighting plan, but the current lighting consists of some up lights by trees and post lights with LEDs along the driveway. That those could be bright when the leaves are off the trees.

Mr. Horton asked if the building will be airconditioned. Mr. McIntyre said that yes, it will. While it’s being used as a batting cage, there won’t be garage doors to open for ventilation, so there will be a/c.

Staff Comment

Ryan Crum – The standard setback is 20 or height of the building. This standard was amended in the code earlier this year and was written primarily for smaller lots. The proposed structure is a mirror image of the garage; will be using same brick color and shingles to match. He has spoken to Mark Witsman, Town Engineer about the potential for run-off and Mr. Witsman indicated an engineering study could be done. Staff has proposed the following conditions: 1) that the setback not be less than 20 feet, 2) nothing on the structure can be changed after this meeting, 3) All regulations of R-1 be followed, meaning that this structure can only be used by the family. He observed that these conditions would need to be revised to allow for the addition.

BZA directed staff to revise the language to allow the garage doors at a later date, to perform an engineering review, and to perform a landscape review.

Jon 1st, Dan seconded, 5 ayes. Ballot vote. Variance granted 5/0

**Motion by Jon Horton if the variance is approved it is subject to the conditions recommended by staff. Second by Dan Vail. Motion carried 5/0. Ballot vote. The Variances carried 5/0.**

**Announcements**

None

**Adjournment**

**Dan Vail motioned to adjourn. Multiple seconds. There being no further business, the meeting was adjourned at 7:15.**