

BOARD OF ZONING APPEALS MEETING

JUNE 20, 2024

Members Present

Ann Sasser Evans
Nicole Garrison
Lawrence Meder
Newton Ray
Lonnie F. Jones

Members Absent

John Hiltzheimer
Gus Dyer

Staff

Cynthia Lester
Shanika Williams
Renee Burton
Ryan Dodson

Vice Chairman Meder called the meeting to order at 10:00 a.m.

I. ITEMS FOR PUBLIC HEARING

OLD BUSINESS

1. Variance application PZ24-00196 filed by Bert Sellers requests a variance to Article 10 Section B which requires signs to be located on the lot with the principal use to which they pertain at Parcel 73535.

Mr. Meder opened the Public Hearing

Mr. Sellers stated. I am here to answer any questions.

Ms. Garrison stated. The business you are speaking of is it the far end of the section behind the warehouse.

Mr. Sellers stated. Yes, I am purchasing a piece of land behind the old Commodore building. Which is now operates as IP Solutions where it makes those portable buildings and I'm buying 11 acres back behind it that they are not using right now, I am getting a 40-foot easement that will be a separate gated easement into that property I am buying and they will use one easement and I will use another so we can both lock our property up at night as we see fit. Could be a couple different businesses back there, and these people are going to have to put a sign up to direct them back in there. They will be getting I think Renee can help with them getting a different address when I buy it. So, it going to need a sign out there for 911 purposes. It's going to need an address. I need provisions that will let me take care of that.

Ms. Garrison stated. You don't own that lot right.

Mr. Sellers stated. It is actually I am buying the land. I'm getting a 40-foot easement that will be dedicated to this piece of property. I will be just like owning it.

Ms. Garrison stated. The lot you are designating to put the sign on you don't own that lot right. Is the easement going to be on that property.

Mr. Sellers stated. The sign will be on the easement. Maybe I'm not understanding your question.

Ms. Burton stated. The easement is on the triangle piece which he does not own he will be buying the parcel that's in the back.

Mr. Sellers stated. I have to just get back to it and the 40-foot allow me to get back to it.

Ms. Garrison stated. The easement is between you and the other back there.

Mr. Sellers stated. Yes, I have talked to the people on both of me and also across the road at. Lorillard owns land across the road and have told me they are ok with it. I also spoke to Rick Barker; he owns the land right beside me where I'm going in and he's ok with it and the people at Commodore obviously are okay with it that is who I am buying the land from. Barry Shine is one who own the property. I have no other way, I guess to direct if somebody's have a business in there or a 911 call. I need somewhere to put an address signed and a business sign to get the people into the property.

Mr. Ray stated. Once you find out who's going to be renting from you.

Mr. Sellers stated. I am buying and I will be renting these parcels out and I don't have any ideal of whom will be renting them. I hope someone does. It will be two entrances in. It will be my entrance back into my property and they will and entrance into the IP Solutions property.

Mr. Ray stated. So, you will put your sign in a grouping with the other signs or totally separate.

Mr. Sellers stated. It will have to be a separate sign at the entrance. At the easement right off 729, at the state right away at those 40 feet easements.

Mr. Ray stated. Are the signs that out there now are they lit.

Mr. Seller stated. No signs on this what I am talking about right now. IP Solutions has a little sign out there, but it not lit up. I think its just a little sign that says IP Solutions.

Mr. Ray stated. Ms. Burton are there restrictions on the signs that could be there.

Ms. Burton stated. Yes, you have a maximum square footage of 75 square feet and you location is also specified that it must be 20 feet from your right of way, so it will be setback at least 20 feet to meet code.

Mr. Ray stated. No obstruction to coming in and out. Visual, and traffic wise.

Ms. Burton stated. Shouldn't be that's the design its setback so it doesn't have visual confusion.

Mr. Sellers stated. I certainly wouldn't put it where it would hinder traffic in and out.

Mr. Meder closed the Public Hearing

Mr. Ray stated. I would say things have come a long way from when it used to be as far signs on the easement it is happening more and more now than it used to be. I tried to put one up on my property they said no. in this case, he needs to have some recognition of where his business is going to be.

Ms. Evans made a motion to approve application PZ24-00196. Mr. Ray seconded the motion. The motion was approved by a 5-0 vote.

Mr. Meder stated. Ms. Burton, I assume he can't put the sign up until he owns the property.

Ms. Burton stated. It has to be recorded under his ownership.

NEW BUSINESS

2. Variance application PZ24-00225 filed by Margaret Deak-DeMars requesting a variance from Article 2 Section P item 4 that limits accessory structures to rear yards at 1118 Westover Drive (Parcel 57314).

Mr. Meder opened the Public Hearing

Ms. DeMars stated. I am the owner of the gazebo at 1118 Westover Drive at the end of my driveway up close to my deck where the ramp is. I use the gazebo as my bus stop. I have a circular drive and the bus comes right in my driveway and picks me up there. I take the bus at least three times a week. I throw myself on the mercy of the court.

Ms. Garrison stated. Who built your gazabo?

Ms. DeMars stated. My husband purchased the gazabo at Sam's, my brother and two nephews put it together. At the time I mention my husband.

Ms. Garrison stated. Did you check to see if you needed a building permit?

Ms. DeMars stated. No, because it a gazebo not a permanent item. I never thought to check, and my husband died nine months ago right after it was built.

Ms. Garrison stated. Have you considered having it attached in some manner to your resident?

Ms. DeMars stated. I really don't want to spend the money to do that and also there isn't anything else I can do to make it more attractive than it is right now. It would be silly to do that. It is twelve feet from the house and it's not that far from my ramp of my deck which is part of my house, but to have something go up I guess I could do a trellis type thing maybe and attach it but it is over cement and so it not like I could plant something on the trellis to make it look nice. I also would like it some people to come and take a look it's not an eye sore at all.

We tried to get a garage built on that side of the house, but the contractors never got back with us. So, when my husband saw the gazebo, he said I could get my car under there and protect it from the sun, but of course once my chauffeur my husband passed away then I needed transportation, I take the city transit and it a perfect place because my deck doesn't have a covering on it. My front porch has two steps to go down, but I'd rather not mobilize down those two steps because there is not railing, and it doesn't need railing according to code with only two steps. But when you're in a rush to get on the bus, I rather go down my ramp and the gazebo protects me from the sun, wind and rain. I have about four feet to go onto the bus.

Ms. Evans stated. Is it a permanent structure it not cemented in is it.

Mr. Meder stated. It looks like its bolted to the concrete.

Ms. Evans stated. Is it bolted to the concrete?

Ms. DeMars stated. Yes, it very sturdy. One of the suggestions was for me to move it to the back yard. Well, I would never use it in the back yard and that would be a nuisance for my lawn man to mow around and under it and I wouldn't use it back there.

Mr. Ray stated. The thing that concerns me is that you were sent or your husband the letter of violation.

Ms. DeMars stated. That's why I am here at the Courts of Appeals. There is so much on my street even my neighbors that have violations, one of the garages is too close to my lot but it is all grandfathered I tell you that garage looks a lot worse in my back yard than my gazabo to the side of my house.

Mr. Ray stated. Sound like your husband had discussed about some options of what to do to make the code acceptable, obviously the picture there, it not a gazabo it's a storage for your car and if you are not driving where are you parking the car.

Ms. DeMars stated. Well, if I have to go through a lot of trouble to hire someone to draw of plans and build something that's not going to make it look any better, then hopefully the town will except it as a gift for a bus stop somewhere near off of Westover Drive or Park Avenue School, I will donate it but they will have to move it, it is an expensive item but I don't mind donating it. I cannot spend another couple of \$1000 to attach it to my house. I know the plans to draw up would probably cost if I hired someone, if I could find somebody. It was not easy to find somebody to build and addition onto our house.

Mr. Meder stated. We are not trying to add more stress to your day right now.

Ms. DeMars stated. It has been quite stressful. Considering my husband pass nine months ago it has been very stressful.

Mr. Meder stated. Which would have been the time this letter came to you. I would like to point out to the board that on the staff report, item B it says the granting of a variance will not be a substantial detriment to the adjacent properties and nearby properties, and proximity in the geographical area.

Ms. DeMars stated. It doesn't affect any of my neighbor's property it is in my driveway, and I was hoping my direct neighbor to the side of me would show up today. But she said, I don't have a problem with the gazebo, it would b helpful if you show up and tell them that.

Mr. Meder closed the Public Hearing.

Ms. Garrison stated. Staff is this a type of structure that e can put some sort of caveat on that if this house is sold this structure needs to be removed or is that not possible.

Ms. Burton stated. Yes, it is possible it is extremely hard to monitor.

Ms. Garrison stated. Right, I understand that.

Ms. Evans stated. This structure is no different from a structure just looking at it on Lady Astor, but I've reported to staff about and nothing been done. So, I have no problem with it.

Mr. Meder stated. I believe you are talking about the solar cover on the house.

Ms. Evans stated. That would be correct.

Mr. Meder stated. It does appear to be temporary because it is bolted into the concrete, they didn't cement it in. I think it serving a viable purpose it has a car in it but it obvious she doesn't drive.

Mr. Ray stated. She have a table and chairs, the car is not there anymore.

Ms. Garrison made a motion to approve application PZ24-00225. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

III. APPROVAL OF MINUTES FROM May 16, 2024

The May 16, 2024, minutes were approved by a unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting was adjourned at 10:24 AM.

s/Cynthia Lester
APPROVED