

**DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT**



A public meeting of the Franklin County Board of Zoning Appeals was held on October 5, 2021 at 6:00 PM. In the Franklin County Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

William Lee, Chairman
Eric Ferguson, Vice-Chairman
Kevin Hunt
Wayne Worley
Pamela Washington
William Cooper

ABSENT:

Bill Kingery

OTHERS PRESENT:

Timothy Mack, Senior Planner
Tina Franklin, Clerk
Chris Dadak, County Attorney
Mr. Jason Moore – Applicant
Mr. Howard Fuller – Citizen
Mr. Paul Bailey – Citizen
David Stadulis - Citizen

The meeting was called to order by Chairman Lee at 6:00 PM. Chairman Lee asked for approval of the previous minutes from May 4, 2021 and September 7, 2021. Mr. Cooper motioned approval, second by Mr. Lee. The minutes were approved and will stand as written. Mr. Lee announced the first item on the agenda and asked for the staff report.

APPLICATION for VARIANCE:

Application of Jason Moore, Applicant, and Lake Estates, LLC, Owner, requesting a variance to Section 25-226(c), Rear Yard Setback, on an approximate 0.69-acre property currently zoned R-1, Residential Suburban Subdivision, located at 182 Beech Drive in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel #0520000303A. The R-1 zoning district requires a minimum rear yard setback of thirty (30) feet from the rear property line. A rear yard setback variance of fifteen (15) feet is being requested in order for the applicant to build a 30' x 30' detached garage. The applicant's request is due to the topographic constraints of the property (Case # VAR-08-21-17009).

Mr. Mack presented the staff report, which outlined the state statute requirements for granting a variance.

Slides of the property were presented to zoning board of appeal members.

Mr. Eric Ferguson asked if the lots beside and behind the subject lot for the variance are vacant lots. Mr. Moore stated they were drain field lots. Mr. Jason Moore, owner and applicant provided a plot plan of the property showing the drain field locations. He stated if he was unable to obtain a variance, the property would be highly restricted. He indicated the home was constructed on an angle within the property. He showed a photo of the original garage photo was planned at the initial stages of construction. He indicated he needs a larger garage to house the vehicle and a boat. He indicated several neighbors have approached him to state they do not want the 28 x 28 garage and showed a photo of another type of garage with the same type of siding as the home.

Mr. William Lee asked where the garage location would be in relation to the home location. Mr. Moore showed a drawing demonstrating the locations of the home and proposed garage. Mr. Moore stated to meet the 30-foot setback from the drain field, he had to relocate the garage and maintain the 20-foot distance to the home from the garage.

Mr. Moore stated that his requested size of the garage may not be important to some people, but it has a purpose.

Mr. Eric Ferguson stated the application stated the garage would be a 30' x 30'. Mr. Moore explained the need for the size requested.

Mr. Kevin Hunt asked if the construction of the garage would encroach on the gravity fed pipe for the drain field. Mr. Moore explained.

Mr. Lee opened the hearing to public comment.

Mr. Howard Fuller, a resident of the area for twenty-three years stated that he had a similar situation, and to resolve it, he bought a property down the road to be able to store items such as boats.

Mr. Paul Bailey, a resident across from the drain field for Mr. Moore's home, stated the main concern is the aesthetics that would fit with the home and the neighborhood, and he believes it would be more desirable to have the garage further back than closer to the street.

A resident of the area stated that when he first heard of the type of garage Mr. Moore was planning, he was against because it would not be conforming to the area. Mr. Lee asked if they had a Homeowners Association (HOA). The citizen stated they did not, but they are a close-knit neighborhood. He stated if Mr. Moore could construct a garage like the 2nd photo he would be in favor of the variance.

Mr. Stadulis, who owns one of the condos at Lake Forest, indicated they were given a site plan that was provided before and he tried to do some scaling and the home is 32' x 76' and where the

home is located. He has rendered a drawing of what the actual size is, and the home is actually a little further to the left. He stated where the proposed garage is to be located is beyond the county now. He stated they were told the hardship was the topography of the lot and that the driveway is at a 30% grade. He indicated this is not correct. He indicated there is no serious slope to this property and the topography is not a hardship for this lot. He indicated the health department does not have any documentation on where the drain field is located on parcel MAP ID # 0520000303 and it could possibly be closer to Mr. Moore's rear property line. Therefore, it would not be appropriate for the garage to be approved closer to the rear property line.

Mr. Lee asked about the HOA Mr. Stadulis was referring to and they were told there was no HOA. Mr. Stadulis informed the board that at the condo complex they pump to the upper part of parcel Map ID # 0520000303 along-side Jasmine Circle. He asked if it would be possible to obtain a variance for the garage to be constructed closer to the home instead of the rear property line.

Mr. Jason Moore stated all the storm water runoff will not go onto the Lake Forest Homeowner's Association property located behind his lot, as it will remain on his property.

Mr. William Cooper asked if he proposes to build the type of garage presented in the photo. Mr. William Cooper stated he likes to see people work things out and that the applicant has made changes to help with the conformity of the neighborhood.

Mr. Eric Ferguson stated the BZA acts as a quasi-judicial body. He has read the criteria and stated he did not think the property was restricted in such a manner that would not allow the applicant to have a garage at all. He stated he could build a smaller garage that would not hurt the use of the property and did not think that a hardship has been proven. He stated Mr. Moore has indicated the reason he needs a larger garage is to store his boat.

Ms. Pamela Washington stated she would agree to a smaller garage.

Mr. Lee stated he agreed with Mr. Ferguson and do not believe there is a hardship. Mr. Ferguson motioned that the board of zoning appeals deny the application for a variance. Second by Mr. Lee. Mr. Lee asked for a vote from all board members.

AYES: 4 – Ferguson, Lee, Cooper, Hunt

NAYES: 2 – Washington, Worley

ABSENT: 1

The motion for the variance was DENIED.