

Agenda

Board of Adjustments

March 18, 2021

Conducted via Zoom and in Sam King Room

2:30 pm



MEMBERS PRESENT:

Von Lambert, Phil Burkhalter, Will Byington, Cameron Abney, Jarod Johnson

MEMBERS ABSENT:

Eric McDowell, Terry Williamson

STAFF PRESENT:

Brice Wood, Kayla Schaaf, James Martin, Frank Beacham, Mary Catherine Chewning, Chris Jackson

PUBLIC PRESENT:

Olivia Morley, Jennifer Chandler, Jennifer Hughes, Ryan Miller, Anthony T., Robert Noble

WELCOME:

Acting Chair Byington called the meeting to order and welcomed everyone at approximately 2:30 PM

DETERMINATION OF QUORUM:

A quorum was determined via roll call.

REVIEW OF THE MINUTES:

Burkhalter made a motion to approve the February 2021 minutes, which was seconded by Lambert. The motion passed unanimously (5-0).

APPROVAL OF AGENDA:

Abney made a motion to approve the agenda, which was seconded by Burkhalter. The motion passed unanimously (5-0).

BOA21-01-03, requests variances to reduce the eastern side setback and buffer from 20 feet to 15 feet for the property located at 1351 Redmond Circle, Rome, GA 30165, Floyd County Tax Parcel I13X020. Applicant/Owner: Wayne Terry/Doug Clausen. Brice Wood presented the application, staff report and staff recommendation of approval with conditions. Robert Noble and Ryan Miller were present to speak on behalf of the application. There was no one else present to speak in favor or opposition to the application. Von Lambert made a motion to approve the application with the staff recommended conditions. Phil Burkhalter seconded the motion. The motion passed 5-0.

BOA21-01-05, requests a western side setback reduction from seven feet to three feet for the property located at 389 Old Dalton Road, Rome, GA 30165, Floyd County Tax Parcel J11Y199. Applicant/Owner: Cindy Mendoza/Marite Mendoza. Brice Wood presented the application, staff report and staff recommendation of denial. Cindy and Armando Mendoza were present to speak on behalf of the application. There was no one else to speak in favor or opposition to the application. Upon discussion, Von Lambert questioned staff about the location of the fence and carport and whether staff had advised

the applicants about how to correct the issues. Brice Wood showed the location of both via a map within the member's packets. Lambert then questioned if it was possible to move the carport. Wood showed that there is space within the parcel to move the carport away from the property line and out of the setbacks. Cindy Mendoza made a spontaneous comment about not having enough room for the multiple vehicles that are parked at the location. James Martin, Chief Building Official advised that the carports proximity to the property line would require that it be fire-rated and could cause issues for the adjacent neighbor in the construction of any structures on their property. Jarod Johnson questioned staff if the issue of not being able to move the carport forward is because of the multiple vehicles. Wood confirmed that Johnson's assertion is correct. Chris Jackson, County Attorney, questioned James Martin for further information regarding his fire-rating comment. Martin explained further explained the applicable requirements from the IRC (International Residential code). The applicant made a comment about being willing to move the construction materials off the property. Cameron Abney questioned whether the commercial use of the property created another issue if moving the structure would alleviate the issue. Von Lambert stated that he would not want to the construction activity adjacent to him. Chris Jackson confirmed that a variance would not be needed if the structure were at least seven feet off the property line. Cindy Mendoza explained that moving the carport forward wouldn't allow for enough space for the van to move and unload. Will Byington questioned James Martin about how the IRC would affect the permitting of the structure. James Martin stated that it would need serious modification. City Attorney Frank Beacham questioned James Martin about how the proximity to the property would affect the neighbor's ability to build on their property. James elaborated on the IRC. Cindy Mendoza spoke about the neighbor being okay with the carport. Burkhalter made a motion to deny, which was seconded by Abney. The motion to deny passed 5-0.

BOA21-01-06, requests a variance for an eight-foot tall fence instead of the six feet allowed by the Unified Land Development Code for the property located at 389 Old Dalton Road, Rome, GA 30165, Floyd County Tax Parcel J11Y199. Applicant/Owner: Cindy Mendoza/Marite Mendoza. Brice Wood presented the application, staff report and staff recommendation of denial. Cindy Mendoza was present to speak on behalf of the application. There was no one else present to speak in favor or opposition to the application. Burkhalter made a motion to deny, which was seconded by Cameron Abney. The motion failed 2-3. Wood advised that the Board would need another motion. Will Byington made a motion to approve. County Attorney, Chris Jackson, reminded the group that a permit is required at 7 feet and engineered designs are required at 8 feet and asked James Martin to elaborate. James stated that an engineer would have to sign off on the current fence. City Attorney Frank Beacham asked whether it would be possible to inspect the existing fence. James confirmed that it would not be possible, that they typically approve plans ahead of construction. Byington never received a second to his motion. Phil Burkhalter made a motion to deny, which was seconded by Von Lambert. The motion passed 3-2. Prior to voting Jarod Johnson asked if the fence would have to be torn down if the variance gets denied. James Martin explained that the fence could be cut down to six feet instead of being torn down.

BOA21-03-02, requests to reduce the road frontage requirement from 150 feet to zero feet for the property located at 2938 New Rosedale Road, Armuchee, GA 30105, Floyd County Tax Parcel L07063. Applicant/Owner: Jennifer Chandler. Brice Wood presented the application, staff report and staff recommendation of denial. Jennifer Chandler was present to speak on behalf of the application. There was no one else present to speak in favor or opposition to the application. Upon discussion, Cameron Abney requested that Wood show the plat again. Wood again showed the plat. Burkhalter questioned whether the parcel could be divided to give both parcels the necessary road frontage. Wood responded that the minimum road frontage requirement varies dependent upon the public utilities available. Wood explained that because a house was removed from the property that another house could be added and

just have two houses on one piece of land. Chandler spontaneously stated that banks won't loan money with an existing home already on the property. She went on to state that American Home Builders had plans for a new two bedroom home. Cameron Abney made a motion to approve with the condition that they use the existing driveway, which was seconded by Phil Burkhalter. The motion passed 5-0.

Wood then explained that Chair McDowell had stepped down from the Board of Adjustments, meaning that Vice Chair Williams becomes Chair. Wood stated that the Board needs to elect a new Chair. There was discussion amongst the members. Cameron Abney volunteered and was approved by a unanimous vote of 5-0.

Adjournment

There being no further business to bring before this body, the meeting of the Board of Adjustments was adjourned at 3:40 PM by a common consent, after a motion by from Phil Burkhalter and a second by Will Byington.



Eric McDowell
Chairman