



**Rome-Floyd Board of Adjustments Agenda & Minutes**

**Location:** City Hall Sam King Room and Zoom

**Date:** Thursday, August 19, 2021

**Time:** 2:30 PM

**CALL TO ORDER**

**Determination of Quorum** (4 of 6 needed)

<b>P – Present A – Absent Z – Zoom</b>	<b><u>MEMBER</u></b>	<b><u>Notes</u></b>		<b><u>STAFF</u></b>
<b>P</b>	Cameron Abney	V. Chair	<b>P</b>	Frank Beacham - City Atty
<b>P</b>	Phil Burkhalter			Brittany Griffin – HP Planning Dept
<b>A</b>	Will Byington			Bruce Ivey – County Special Projects Mgr
<b>P</b>	Jerrold Johnson		<b>P</b>	Chris Jackson – County Atty
<b>P</b>	Von Lambert			James Martin – Bldg Official
<b>P</b>	Terry Williamson	Chair	<b>p</b>	Art Newell – Dir Planning Dept
			<b>P</b>	Meredith Ulmer – Asst City Mgr
			<b>P</b>	Brice Wood – Sr Planner – Planning Dept
			<b>P</b>	Kayla Schaaf - TCC

Public (from sign-in sheet):

Chad Taylor, Joey Loyd, William Stover, Daniel Burton, Rebecca Overby, Paul Stores, Matt Brown, Dwayne & Kathy McGuire, Morgan Ayers, Chris Torino, Shane Gibson, Casey Tuggle, Robert Noble, David Newby, Will Pinson, Ramona Rasmussen. Olivia Morley

**Welcome and Introduction of Visitors**

Chair Williamson welcomed the public to the meeting and requested that all visitors sign in.

**Approval/Modification of Agenda**

Staff requested that the agenda be amended to remove application BOA21-08-02 at the applicant’s request. Phil Burkhalter made a motion to approve the amended agenda, which was seconded by Jerrod Johnson. The motion passed by common consent.

**Approval of Minutes from July Meeting**

Phil Burkhalter made a motion to approve the July 2021 minutes, which was seconded by Jerrod Johnson. The motion passed by common consent.

**ROME/FLOYD ZONING VARIANCE APPLICATIONS:**

**BOA21-07-01**, requests variances to eliminate the vehicle inventory parking requirement found in Article 4.1.2(e), reduce the landscape strip requirement from 20 feet to 10 feet, for the property located at 1954 Shorter Ave, Rome, GA 30165, Floyd County Tax Parcels H13W353. Applicant/Owner: Shane Gibson

Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff report.

Shane Gibson and Morgan Ayers Realty spoke in favor.

There was no one present to speak in opposition.

Chair Williamson asked whether there could be a compromise and Wood explained that there possibly could have been had staff been made aware of the plans and offered some suggestions like a ramp to raise a vehicle higher.

Abney motioned to deny, then retracted & motioned to table; Burkhalter seconded to table;

After Commission discussion, motion to accept & seconded

Chair Williamson closed the public hearing and opened it up for commission comments.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>M</b>	Cameron Abney	<b>X</b>	Will Byington	<b>F</b>	Von Lambert
<b>F</b>	Phil Burkhalter	<b>S</b>	Jerrold Johnson	<b>F</b>	Terry Williamson

Motion Carried/Denied: Carried 5-0, per chart below

**BOA21-08-01**, requests a variance to all for an accessory structure closer to a public right of way than the principal property located at 3020 Old Calhoun Hwy, Rome, GA 30161 Floyd County Tax Parcel L12X051A. Applicant/Owner: David Newby  
Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff report.

David Newby spoke in favor.

There was no one present to speak in opposition.

Chair Williamson closed the public hearing and opened it up for commission comments.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>M</b>	Von Lambert
<b>F</b>	Phil Burkhalter	<b>S</b>	Jerrold Johnson	<b>F</b>	Terry Williamson

Motion Carried/Denied: Motion to approve carried 5-0, based on Staff recommendations

**BOA21-08-03** – requests a variance to reduce the northern side setback from 7 feet to 2 feet for the property located at 21 Bridgeview Drive, Rome, GA 30161, Floyd County Tax Parcel K14Z010. Applicant/Owner: Matt Sirmans,

Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the facts and the application to the commission and the public.

No one was present to speak in favor or opposition.

Chair Williamson closed the public hearing and opened it up for commission comments.

Burkhalter started to ask if the applicant was aware of the building code requirements associated with such a request. Wood responded that he had not discussed it with the applicant.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>S</b>	Cameron Abney	<b>X</b>	Will Byington	<b>A</b>	Von Lambert
<b>A</b>	Phil Burkhalter	<b>M</b>	Jerrold Johnson	<b>A</b>	Terry Williamson

Motion Carried/Denied: Denied 5-0

**BOA21-08-04** – requests a variance to reduce the front setback from 40 feet to 36 feet for the property located at 1997 Morrison Campground Road, Rome, GA 30161, Floyd County Tax Parcel M14036A. Applicant/Owner: Paula Stover  
Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff report.

William Stover spoke in favor.

There was no one present to speak in opposition.

Chair Williamson closed the public hearing and opened it up for commission comments.

Multiple members of the board and City Attorney Frank Beacham wanted to clarify that the variance would only apply to the existing wooden porch. Wood confirmed that was the intent of the approval.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>F</b>	Von Lambert
<b>S</b>	Phil Burkhalter	<b>M</b>	Jerrold Johnson	<b>F</b>	Terry Williamson

Motion Carried/Denied: Approve with conditions 5-0, the condition being that the variance is limited to the existing size and location of the porch.

**BOA21-08-05** – requests a variance to reduce the rear setback from 25 feet to 16 feet for the property located at 8 Etowah Dr, Rome, GA 30161, Floyd County Tax Parcel K14Z027. Applicant/Owner: Dwayne & Kathy McGuire  
Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff reports.

Dwayne McGuire was present to speak in favor of the application. McGuire provided a letter to be submitted into the record. Von Lambert made a motion to accept the letter, which was seconded by Jerrod Johnson and passed by common consent. There was no one present to speak in opposition.

Chair Williamson closed the public hearing and opened it up for commission comments.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>M</b>	Von Lambert
<b>F</b>	Phil Burkhalter	<b>S</b>	Jerrod Johnson	<b>F</b>	Terry Williamson

Motion Carried/Denied: Approved 5-0

**BOA21-08-06** – requests a variance for a 6.5 fence instead of four-foot fence within a front yard for the property located at 12 Pippin Place, Rome, GA 30165, Floyd County Tax Parcel J11W074D. Applicant/Owner: Ramona Rasmussen  
Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff report.

Ramona Rasmussen was present to speak in favor. Daniel Burton also spoke in favor of the application.

There was no one present to speak in opposition.

Chair Williamson closed the public hearing and opened it up for commission comments.

Chris Jackson asked Wood to explain the ULDC requirements for fences. Wood explained Article 4.2.5.

Chris Jackson questioned whether permits are required. Wood confirmed that no permit was necessary for the fence.

Motion Carried/Denied: Approved with limitations, the limitation being that the fence cannot be expanded further.

After the vote Chris Jackson asked to clarify that the Board’s motion included the staff recommended limitations. Chair Williamson confirmed that was his intent. Multiple members confirmed that was their intent as well.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>S</b>	Von Lambert
<b>M</b>	Phil Burkhalter	<b>F</b>	Jerrod Johnson	<b>F</b>	Terry Williamson

**BOA21-08-07** – requests variances for the following: to reduce the front setback along Gala Drive from 25 feet to 14 feet, to allow for an accessory structure closer to the public right of way than the principal structure, and to allow for a six-foot-tall fence instead of a four-foot-tall fence within a front yard for the property located at 27 Pippin Place, Rome, GA 30165, Floyd County Tax Parcel J11W094. Applicant/Owner: Rebecca Overby/Joey Loyd

Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff report.

Chair Williamson asked whether it was common for the Building Inspection Office to bring ULDC offenses to the Planning Department’s attention. Wood confirmed that many BOA requests start as a code violation identified by the Building Inspection Office.

Joey Loyd, Rebecca Overby, Matt Brown and Daniel Burton were present to speak on behalf of the application. Loyd and Brown spoke about the pool. Overby spoke about the fence. Burton gave a general statement of support.

Joey Loyd asked to submit pictures: Motion to approve by Lambert; seconded by Johnson.

Chair Williamson closed the public hearing and opened it up for commission comments.

Chair Williamson asked staff to explain further. Wood explained that staff didn’t get an opportunity to assist because pool and fence were already built and offered some examples. Johnson asked an inaudible question about the pool. Wood deferred to Loyd to answer. Brown confirmed that it was Inground Pool’s site plan was inaccurate. Wood confirmed that Planning Staff does not believe the site plan was deceitful. Frank Beacham asked for clarification regarding the setbacks associated with pools. The Board then took a five-minute restroom break. During the break Frank Beacham asked about the front setback. Wood explained that the front setback starts at the front property line(s), not the edge of the street. Director Newell announced our Plan-A-Palooza event. Frank Beacham asked for options to make the fence comply and correctly explained his understanding. Wood explained the designation of the property lines and showed the ULDC language. Director Newell explained how some other municipalities measure setbacks from the middle of the road. Lambert asked about the least expensive fixes. Wood explained moving the fence or reducing the height. Chair Williamson asked about the status of the applicant’s fence versus the neighbors. Wood explained that the placement of the fence was the issue. Overby spontaneously explained that her survey showed the setback as measured from the middle of the road.

Chair Williamson decided to divide the motion into three votes. The first being the front setback reduction from 25 to 14 feet

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
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<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>F</b>	Von Lambert
<b>F</b>	Phil Burkhalter	<b>M</b>	Jerrold Johnson	<b>S</b>	Terry Williamson

Motion to approve carried 5-0.

The next vote being to allow a secondary structure closer to the public right of way than the principal structure.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>F</b>	Von Lambert
<b>S</b>	Phil Burkhalter	<b>M</b>	Jerrold Johnson	<b>F</b>	Terry Williamson

Motion to approve carried 5-0.

The last request involves the fence.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>F</b>	Cameron Abney	<b>X</b>	Will Byington	<b>S</b>	Von Lambert
<b>M</b>	Phil Burkhalter	<b>M</b>	Jerrold Johnson	<b>F</b>	Terry Williamson

Motion to approve a six-foot-tall fence in the existing location approved 5-0.

**BOA21-08-08** – requests a variance for a six-foot-tall fence within a front yard for the property located at 14 Applewood Drive, Rome, GA 30165, Floyd County Tax Parcel J11W099B. Applicant/Owner: Debra Butler

Chair Williamson opened the public hearing.

Senior Planner Brice Wood presented the application and staff report.

Chair Williamson asked whether there are any requirements for fence builders. Wood explained that there are not.

Daniel Burton and Rebecca Overby spoke in favor of the application.

There was no one present to speak in opposition.

Chair Williamson closed the public hearing and opened it up for commission comments.

Johnson questioned where the fence would be placed to be in compliance. Lambert stated that the fence may make it difficult to sell the house based on the fence.

	<b>M – Motion S - Second</b>		<b>F – For A - Against</b>		<b>AB – Abstained X - Absent</b>
<b>S</b>	Cameron Abney	<b>X</b>	Will Byington	<b>F</b>	Von Lambert
<b>M</b>	Phil Burkhalter	<b>A</b>	Jerrold Johnson	<b>F</b>	Terry Williamson

Motion Carried/Denied: DENIED 4-1

After the vote, Debra Burton spontaneously commented that she needed everyone's names because she planned to sue the fence company. Staff agreed to speak to her outside of the meeting.

**STAFF REPORTS & UPDATES:**

Brice Wood presented the findings of an intern analysis of the board's records since 2002.

Director Newell announced that Plan-A-Palooza would be held August 20-25<sup>th</sup> and that the members were encouraged to attend and participate.

**ADJOURNMENT:**

There being no further business Chair Williamson adjourned the meeting at approximately 5:15 PM