

Rome-Floyd Board of Adjustments Minutes

Location: City Hall Sam King Room and Zoom

Date: Thursday, **March 17, 2022**

Time: 2:30 PM

CALL TO ORDER

Meeting convened: 2:30 p.m. by Commissioner Abney.

Determination of Quorum (4 of 7 needed)

P – Present Z – Zoom	MEMBER	Notes		STAFF
P	Cameron Abney	Chair	P	Frank Beacham - City Atty
P	Phil Burkhalter		-	Brittany Griffin – HP Planning Dept
-	Will Byington		-	Bruce Ivey – County Mgr
P	David Clonts		P	Chris Jackson – County Atty
P	Jarrold Johnson		-	James Martin – Bldg Official
P	Von Lambert		-	Art Newell – Dir Planning Dept
-	Terry Williamson		P	Meredith Ulmer – Asst City Mgr
			P	Brice Wood – Sr Planner – Planning Dept
			P	Kayla Schaaf – Transportation Planner

Public (from sign-in sheet):

Jim Givens, Joey & Martha Jacobs, Mitch Bowles, Josh & Clara Glover, Kim Kilgore, Jennifer Merritt, Katie Wilkes, Charles Cowan, Randy Forrister.

Welcome and Introduction of Visitors

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

Approval/Modification of Agenda

Burkhalter made a motion to approve the agenda, which was seconded by Johnson
The motion passed by common consent.

Approval of Minutes from February 2022 Meeting

Chair Abney requested an amendment to the February minutes, correcting her title on the first case. Lambert made a motion to approve the amended February 2022 minutes, which was seconded by Clonts.
The motion passed by common consent.

ROME/FLOYD ZONING VARIANCE APPLICATIONS:

BOA22-03-01, For property at 10 River Place, Rome, GA 30165, Floyd County Tax Parcel H15W102, zoned Suburban-Residential, Applicant/Owner Mitch Bowles requests variance(s) to reduce side setback from seven (7) feet to two (2) feet.

Chair Abney opened the public hearing. Brice Wood presented the facts and the application to the commission and the public, including the staff recommendation of approval with a condition (see the staff report).

In Favor: Applicant/owner Mitch Bowles was present to speak about the project, which will add a garage to his property. Bowles stated that he had considered purchasing a portion of his neighbor’s property allow for the proposed building to meet the setbacks. There was no one present to speak in opposition. Chair Abney closed the public hearing and opened the floor for Commission comments.

Clonts commented on the ability to move the property to resolve this problem without a variance, thus eliminating the hardship. Bowles commented that it would be harder to get a surveyor out there to move the property line. Clonts also commented that the neighbor had complied with the setback. There was some discussion amongst staff and the city and county attorney about any/all effect this would have on the neighbor. Wood confirmed that the building would have to be fire-rated and that the neighbor’s building would not since it is already existing.

Burkhalter made a motion to approve with staff's condition, which was seconded by Lambert. The motion passed 4-1.

	<u>MEMBER</u>		<u>MEMBER</u>		<u>MEMBER</u>
	M - Motion		S – Second		AB – Abstained
Y	Cameron Abney		Will Byington	Y	Von Lambert
Y	Phil Burkhalter	N	David Clonts		Terry Williamson
		Y	Jarrold Johnson		

BOA22-03-02, For property at 485 Crackerneck Rd, Armuchee, GA 30105, Floyd County Tax Parcel J07027, zoned Agricultural-Residential, Applicant/Owner Joey & Martha Jacobs request variance(s) to reduce road frontage to zero (0).

Chair Abney opened the public hearing. Wood presented the facts and the application to the Commission and the public, including the staff recommendation of approval. Joey & Martha Jacobs were present to speak in favor of the application, explaining that they wanted to replace a home that had burned down. Jennifer Merritt and Katie Wilkes were present to voice questions and concerns about the plans for the property and its potential to add additional traffic to the private road. Both expressed concern about the fact that they hadn't had more time to get information. Martha Jacobs offered a rebuttal explaining that they simply wanted to replace a home and there they had documentation of a 1936 easement. A photograph of the document was submitted onto the record. The submission was approved with a motion from Johnson, a second by Lambert and common consent. There were multiple outbursts by the public during the meeting. Chair Abney closed the public hearing and opened the floor for discussion amongst the members.

Clonts asked about the possibility of upgrading the road and turning it over to the county. Joey Jacobs said that it had been discussed multiple times. Lambert asked about the process for upgrading the road. Wood explained the process.

Clonts made a motion to approve the application, which was seconded by Burkhalter.

	<u>MEMBER</u>		<u>MEMBER</u>		<u>MEMBER</u>
	M - Motion	S – Second	F – For	A - Against	AB – Abstained
Y	Cameron Abney		Will Byington	Y	Von Lambert
Y	Phil Burkhalter	Y	David Clonts		Terry Williamson
		Y	Jarrold Johnson		

BOA22-03-03, For property at 724 Mays Bridge Rd, Rome, GA 30165, Floyd County Tax Parcel E14081, zoned Suburban-Residential, Applicant/Owner Jamie Kitchens requests variance(s) to construct an accessory storage building without first building a primary residence.

Chair Abney opened the public hearing. Wood presented the facts and the application to the commission and the public, including the staff recommendation of approval. Jim Givens was present to speak on behalf of the application, stating that the applicant has plans to build a house on the property, but is doing the project in phases so he can pay cash. There was no one else present to speak in favor. Charles Cowan was present to speak in opposition, stating that he owns a rental property across Mays Bridge Rd and questioned why the garage needs to be built first, stating that some people leave projects unfinished. Upon rebuttal, Givens stated that the applicant could submit for a building permit for the house and then go build the proposed garage. Chair Abney then closed the public hearing and opened the floor for discussion amongst the voting members. Wood chimed in to remind Givens and the applicant/owner that accessory buildings cannot be located closer to the public right-of-way so that they can plan accordingly for the layout of the garage and house. Givens asked why they had not been made of aware of this sooner. Wood told him that staff had not received any documentation in the application packet about a house. Givens then said that they can always come back if they need to. Wood also gave Givens and the applicant/owner the alternative to connect the garage to the house and then it would no longer be an accessory building. Lambert made a motion to approve, which was seconded by Burkhalter. The motion passed 5-0.

	<u>MEMBER</u>		<u>MEMBER</u>		<u>MEMBER</u>
	M - Motion		S – Second		AB – Abstained
Y	Cameron Abney		Will Byington	Y	Von Lambert
Y	Phil Burkhalter	Y	David Clonts		Terry Williamson
		Y	Jarrold Johnson		

BOA22-03-04, For property at 586 Barker Rd, Rome, Ga 30165, Floyd County Tax Parcel G13Y045, zoned Suburban-Residential, Applicant/Owner Randy Forrister & Brenda Wigley request variance(s) to reduce road frontage to zero (0).

Chair Abney opened the public hearing. Wood presented the facts and the application to the Commission and the public, including the staff recommendation of denial. Randy Forrister was present to speak on behalf of the application, stating that his in-laws are trying to keep the rear piece of land in a life estate. There was no one present to speak in opposition. Chair Abney closed the public hearing and opened the floor for discussion. Chair Abney asked for clarification about the status of the three parcels. County Attorney Jackson noted that the plat does not show an actual easement, stating that the frontage is enough to allow for 60 feet for all parcels, thus not needing a variance. Chair Abney asked the applicant if they could re-draw the plat to accommodate 60 feet of frontage for each parcel. Forrister claimed that it would work but that this is all contingent upon his in-laws approval.

Burkhalter made a motion to deny, which was seconded by Johnson. The motion passed 5-0.

	MEMBER		MEMBER		MEMBER
	M - Motion S - Second		F - For A - Against		AB - Abstained
Y	Cameron Abney		Will Byington	Y	Von Lambert
Y	Phil Burkhalter	Y	David Clonts		Terry Williamson
		Y	Jarrold Johnson		

After the last application there was discussion about to get neighbors to discuss applications prior to the meeting. Givens said that staff should tell applicants to advise applicants to meet with the neighbors prior to submitting an application. Wood advised that staff does advise applicants to meet with the neighbors in advance.

ADJOURNMENT:

Time adjourned: 3:38 p.m. upon a motion from Clonts, seconded by Lambert. The motion passed by common consent.