

**Rome-Floyd Board of Adjustments Minutes**

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

**Date:** Thursday, July 20, 2023

**Time:** 2:30 PM

**PLEASE REFER TO THE VIDEO RECORDING FOR FULL DETAIL OF THE MEETING**

**CALL TO ORDER**

Meeting convened: 2:32 p.m. led by Chair Abney.

**Determination of Quorum (4 of 7 needed)**

<b>P – Present Z – Zoom</b>	<b>MEMBER</b>	<b>Notes</b>		<b>STAFF</b>
P	Cameron Abney	Chair	P	Frank Beacham - City Atty
P	Phil Burkhalter		P	Chris Jackson – County Atty
A	Will Byington		A	Bruce Ivey – County Mgr.
P	David Clonts	Vice Chair	A	Meredith Ulmer – Asst City Mgr.
P	Jarrod Johnson		P	James Martin – Bldg. Official
P	Von Lambert		P	Brice Wood – Asst Director - Planning Dept
P	Terry Williamson		P	Michelle Kite – Planning & Zoning Coordinator
			P	Brittany Griffin – Senior Planner

**Public (from sign-in sheet):**

Bill Jones, Gerald Price, Janice Judd, Allen Judd, Angela Garcia, Tonya Tinsley, Mary Becker, Joey Loyd, Ben Vaughn, Brenda Wise, Tom Wise, Cherry Denney, Steve Chumbler, Sarabjeet Sinsh Ricky, Greg Bates, Adam Cary, Robert & Ann Kent, Samantha & Richey Tew, Thurman Morris

**Welcome and Introduction of Visitors**

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

**Approval of Minutes from June 2023 Meeting**

Clonts made a motion to approve the June 2023 minutes, which was seconded by Burkhalter. The motion passed by common consent.

**Approval/Modification of Agenda**

Staff requested to switch BOA23-07-02 from the agenda to be heard first and to hear BOA23-07-01 second. Johnson made a motion to approve the agenda with modifications requested, which was seconded by Clonts. The motion passed by common consent.

**ROME/FLOYD ZONING VARIANCE APPLICATIONS:**

**BOA23-07-02**, for the property at 790 Melson Rd., Cave Spring, GA 30124, Floyd County Tax Parcel D18051, being zoned Agricultural Residential (A-R), requests to reduce the side setback from 10’ to 0’ on the eastern parcel line.

Senior Planner Griffin presented the application, staff report, and staff recommendation. Chair Abney opened the public hearing. No one was present to speak in favor or in opposition of the request. Chair Abney closed the public hearing. James Martin spoke on the zero-lot line and that part of the structure is at the line and will need to be fire rated. He also noted that any structure built on the other side of that property line would have to be 10 feet for the minimum setback since this structure is on zero lot line.

Carey James, property owner arrived at the meeting after the public hearing was closed. Lambert motioned to reopen the public hearing, which was seconded by Johnson. Carey James stated that he bought the property at auction, and it appeared the property went further past the structure. Once he saw it in person, he realized that it was at the property line.

Chair Abney closed the public hearing and opened the floor for discussion amongst the voting members. Clonts made a motion to approve on condition to reduce the setback to 5 feet and that all future structures and buildings meet minimum setbacks, which was seconded by Burkhalter. The motion passed 5-1.

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

**BOA23-07-01**, for the property at 312 E 7<sup>th</sup> St Unit #5, Rome, GA 30161, Floyd County Tax Parcel J14G044, being zoned Multifamily Residential (M-R), requests to reduce the front setback from 20 feet to 10 feet.

Senior Planner Griffin presented the application, staff report, and staff recommendation. Chair Abney opened the public hearing. Bill Jones spoke in favor of the application. The request is to enlarge a bathroom to make it handicap accessible. Since they will use the closet space to enlarge the bathroom, they are asking for the additional space to add back the closet they will lose. Janice Judd spoke as well on behalf of the application. Steve Chumbler spoke in opposition on behalf of the HOA. He brought handouts for the members to review. Lambert made a motion to allow handouts to be presented, which was seconded by Clonts. He stated that the convenience is very specific and referenced Article 7 Section 1 in references to changes. Thurman Morris spoke in opposition as well and stated that he had to make a similar change to his unit but worked within the structure instead of seeking to add on to the structure.

Chair Abney closed the public hearing and opened the floor for discussion amongst the voting members. Citizen Tom Wise requested to ask a question regarding if this a request for the entire street or just this unit and it was confirmed that the request is for this unit only. Williamson made a motion to approve on staff condition that approval from the Historic Preservation Commission will be required for the aesthetic of the addition, which was seconded by Johnson. The motion passed 5-1.

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

**BOA23-07-04**, for the property at 1900 Dean Avenue (listed as 1916 Dean Ave and 1912 Dean Avenue on the Parcel Viewer), Rome, GA 30161, Floyd County Tax Parcels J15W142 and J14W144, being zoned Community Commercial (C-C), requests to reduce the front setback and landscape strip along Dean Avenue from 20 feet to 10 feet, requests to reduce the front setback and landscape strip along East 19<sup>th</sup> Street from 20 feet to 3 feet, and requests to eliminate the 5’ landscape strip along south side of property.

Director Wood presented the application, staff report, and staff recommendation. Chair Abney opened the public hearing. Greg Bates was present to speak in favor of the application. Bill Jones also spoke in favor of the application and that the development planned will be an improvement of what is currently existing. No one was present to speak in opposition. Williamson asked for clarification of the recommendation and confirmed that it is two parts. An easement goes between the parcels J15W144 and J15W142.

Chair Abney closed the public hearing and opened the floor for discussion amongst the voting members. Clonts made a motion to approve Parcel J15W144 as submitted and to deny without prejudice Parcel J15W142, which was seconded by Abney. The motion passed 6-0.

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

**BOA23-07-05**, for the property at 1 Quarter Horse Dr., Rome, GA 30165, Floyd County Tax Parcel J10Y353, being zoned Suburban Residential (S-R), requests to have a secondary structure closer to the public right-of-way than the principal structure, requests an eight-foot fence in front and side yards, requests a front setback reduction from 40 to 23 feet along Old Summerville Road.

Director Wood presented the application, staff report, and staff recommendation. Chair Abney opened the public hearing. The applicant, Samantha Tew, spoke in favor of the project. She stated that they do intend to keep the fence at the height of 6 feet and to just replace damaged boards and to extend to enclose the pool. Joey Loyd spoke regarding the sewer easement being well within the fence. There was no one present to speak in opposition.

Chair Abney closed the public hearing and opened the floor for discussion amongst the voting members. Clonts made a motion to approve on conditions: Pool installation: Staff recommends approval of the proposed setback reduction and to allow for an accessory structure closer to public right-of-way than the principal structure due to hardships created by the parcel's irregular shape, corner lot, residential structure placement, and rear sewer easement. Fence Height Increase: Staff recommends denial of the increased fence height to eight feet but will support a variance for the construction of another 6-foot-tall fence as shown on the proposed site plan. This is a platted subdivision. A 6-foot fence is already in place, and this fence falls in front of the residential structure. Any fences in front of residential structures cannot be over 4-feet; therefore, the existing fence is non-conforming as it sits. An increase to 8-feet would increase the nonconformity. 6 feet is in line with the character and style of the neighborhood. Should the commission recommend approval of an 8' fence, then the Building Inspection Department will require engineer-stamped plans and engineered footings. Fence Area Increase: Staff recommends approval of allowing the replacement/expansion of the existing nonconforming fence area to accommodate the requested pool with the following conditions. 1. Any additional increases not shown on the submitted plan will require additional Board of Adjustment approvals., which was seconded by Johnson. The motion passed 6-0.

	<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	M	David Clonts	Y	Terry Williamson
		S	Jarrold Johnson		

**BOA23-07-06**, for the property at 2140 Turkey Mountain Rd. (listed as 0 Turkey Mountain Rd on the Parcel Viewer), Rome, GA 30161, Floyd County Tax Parcel L09067, being zoned Suburban Residential (S-R), requests to create three parcels, with each having 136 feet of lot width, as opposed to the required 150 feet.

Senior Planner Griffin presented the application, staff report, and staff recommendation. Chair Abney opened the public hearing. Gerald Price spoke in favor of the application. He noted that the image submitted did not indicate what they wanted or requested as they just wanted to place manufactured homes on the property. No one was present to speak in opposition.

Chair Abney closed the public hearing and opened the floor for discussion amongst the voting members. Johnson made a motion to deny without prejudice, which was seconded by Burkhalter. The motion passed 6-0.

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

**ADJOURNMENT:**

Johnson made a motion to adjourn the meeting, which was seconded by Clonts. Meeting was adjourned at 3:56 pm by common consent.

**STAFF REPORTS:**

- <https://www.rome.ga.us/DocumentCenter/View/2601/BOA23-07-01>
- <https://www.rome.ga.us/DocumentCenter/View/2602/BOA23-07-02>
- <https://www.rome.ga.us/DocumentCenter/View/2603/BOA23-07-04>
- <https://www.rome.ga.us/DocumentCenter/View/2604/BOA23-07-05>
- <https://www.rome.ga.us/DocumentCenter/View/2605/BOA23-07-06>