

Smyth County Board of Zoning Appeals

Tuesday, January 6, 2009

The Smyth County Board of Zoning Appeals met Tuesday, January 6, 2009, at 7:00 p.m. in the Smyth County Office Building.

BZA Members Present: Chairman John Saunders, Robert Odum, Newell Johnson, Donald Martin, Alternate Robert Shults, and Alternate Ron Thomason

BZA Members Absent: E. P. Ogle, John DeBusk, Mike May

Staff Members Present: Clegg Williams and Becca Kirk

Chairman Saunders called the meeting to order and Clegg Williams resumed as temporary Chair for the election of Chairman, Vice Chairman and Secretary for calendar year 2009.

Appointment of Chairman: Upon motion of Mr. Odum, seconded by Mr. Thomason, Mr. John Saunders was nominated as Chairman. With no other nominations the nominations for Chairman were closed. With a unanimous vote, Mr. John Saunders was chosen as Chairman for calendar year 2009.

Mr. Williams then turned the meeting over to Mr. Saunders.

Appointment of Vice Chairman: Upon motion of Mr. Saunders, seconded by Mr. Johnson, Mr. Robert Odum was nominated as Vice Chairman. With no other nominations the nominations for Vice Chairman were closed. With a unanimous vote, Mr. Robert Odum was chosen as Vice Chairman for calendar year 2009.

Appointment of Secretary: Upon motion of Mr. Saunders, seconded by Mr. Thomason, Mr. Mike May was nominated as Secretary. With no other nominations the nominations for Secretary were closed. With a unanimous vote, Mr. Mike May was chosen as Secretary for calendar year 2009.

Approval of minutes: Upon motion of Mr. Thomason, seconded by Mr. Johnson, and unanimously carried, the minutes of November 3, 2008, were approved. Mr. Robert Shults did want to point out that he and Mr. Thomason were not absent as reported in the minutes because they were not asked to be in attendance.

Set Calendar for 2009: Meetings for calendar year 2009 were scheduled for the first Tuesday of each month at 6:00 p.m. All other meetings will be held as needed and will be scheduled around holidays or other times the Board room is unavailable.

Operating Procedures: The Board reviewed the Operating Procedures and made the following changes: meeting time is moved to 6:00 p.m. (1. b); and the office of Chairman, Vice-Chairman, and Secretary shall not exceed three consecutive terms.

Available training for members: Mr. Williams reviewed the 2009 CPEAV Training Calendar that each member received in their meeting information packet. He requested any member who wishes to attend any training please contact him in order to make reservations.

Upon motion of Mr. Thomason, seconded by Mr. Saunders, and unanimously carried, the meeting was adjourned at approximately 7:30 p.m.


Board of Zoning Appeals Secretary

Smyth County Board of Zoning Appeals Tuesday, October 6, 2009

The Smyth County Board of Zoning Appeals met Tuesday, October 6, 2009, at 6:00 p.m. in the Smyth County Office Building.

BZA Members Present: Chairman John Saunders, Don Martin, Alternate Robert Shults, Newell Johnson, E. P. Ogle and Mike May

BZA Members Absent: John DeBusk III and Robert Odum

Staff Present: Clegg Williams and Becca Kirk

Public Hearing: At approximately 6:00 p.m. Chairman Saunders read the rules for public hearings, advertisement of the hearing and offered the option of a continuance to the applicant considering the full Board was not present. The applicant stated they wished to continue with the six members present. The Board members then introduced themselves and their respective district. Chairman Saunders opened the public hearing at approximately 6:06 p.m.

Application for Variance from Tootsie Stroupe: Mr. Thomas Stroupe, Tootsie Stroupe's husband, spoke on the application. He stated that they did not know any permits were required unless you were building a house or adding to your house. He stated that he hired Ted Hunt, a licensed contractor, to dig the footers. While digging the footers, Mr. Hunt hit rock and was unable to move the garage back any further from the road than it sits now. He stated they even reduced the size of the garage due to not being able to place the garage further back on the property.

Mr. Williams further explained the application he received from Tootsie Stroupe. He explained that the application was prompted when a complaint came into his office regarding a garage being built without the proper permits. Upon investigation of the complaint, it was discovered that the garage was under construction, without the required permits. He stated Mr. and Mrs. Stroupe contacted him immediately after receiving notice from him to resolve the matter. The building official made an advisory inspection of the garage to measure the distance from the garage to the center of the road, which was 35' instead of the required 40'. At that point, Mr. and Mrs. Stroupe chose to file the variance request. Mr. Williams referenced Sections 3-2.4 a) and Article VII of the Zoning Ordinance. The property is zoned Agricultural/Rural and is identified as being a portion of Tax Map No. 48A2-1D-4.

With her application, Mrs. Stroupe submitted the required affidavit and paid the required fee. Mr. Williams advertised notice of this public hearing in the Smyth County News on Wednesday, September 23 and Wednesday, September 30. In addition, Mr. Williams sent a first class mailing to the adjoining property owners, for which an affidavit is on file. Mr. Williams received one comment in favor of the application from Michael McGhee. Furthermore, the Planning Commission who met on September 24, after discussion, sent the following recommendation for the Board to consider:

Based on Mrs. Stroupe's explanation to the members, Ms. Tuell made a motion to recommend the BZA approve Mrs. Stroupe's request, seconded by Mr. Davidson, and unanimously carried. Additionally, the Commission requested that

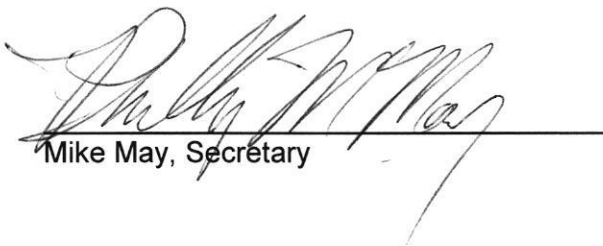
a letter be sent to Ted Hunt by the Building Official reprimanding him for his misconduct as a licensed contractor.

Mr. Williams informed the Board that he has emailed Jeff Buckley who is the local DPOR investigator and explained the case in regards to Mr. Hunt's involvement and requested his advice on the matter. Mr. Williams stated he would forward any correspondence with Mr. Buckley and Mr. Hunt to both the BZA and the Planning Commission.

Chairman Saunders closed the public hearing at 6:17 p.m. at which time he opened the floor for motions. Upon motion by Mr. Saunders, seconded by Mr. Johnson, and unanimously carried, the Board approved Mrs. Stroupe's request for a variance because of the layout of the land, the rock under the foundation and the standards for approval of a variance has been met.

Approval of minutes: At approximately 6:21 p.m., upon motion of Mr. Martin, seconded by Mr. May, and unanimously carried, the Board approved the minutes of September 1, 2009.

With no other business to discuss, Mr. Saunders adjourned the meeting at approximately 6:25 p.m.



Mike May, Secretary

Smyth County Board of Zoning Appeals Tuesday, September 1, 2009

The Smyth County Board of Zoning Appeals met Tuesday, September 1, 2009, at 6:00 p.m. in the Smyth County Office Building.

BZA Members Present: Chairman John Saunders, Don Martin, Robert Odum, Newell Johnson, and E. P. Ogle

BZA Members Absent: John DeBusk III and Mike May

Staff Present: Clegg Williams and Becca Kirk

Public Hearing: At approximately 6:04 p.m. Chairman Saunders called the meeting to order and read the rules for public hearings, advertisement of the hearing and offered the option of a continuance to the applicant considering the full Board was not present. The applicant stated they wished to continue with the five members present. The Board members then introduced themselves and their respective district. Chairman Saunders opened the public hearing at 6:10 p.m.

Mr. Williams explained the application he received from Norma Teaters. James Walter Pratt and Angeline Pratt own approximately 49 acres of land on Nick's Creek Road in Atkins. On the property are four single family dwellings. They desire to deed approximately 1.14 acre to their daughter, Norma, which includes two of the dwellings. Mr. Williams referenced Section 4-4 of the Zoning Ordinance which regulates more than one home on a single tract of land. In this case, the minimum lot size requirement is met, but the average lot width is not. The property is zoned Agricultural/Rural and is identified as being a portion of Tax Map No. 48A2-1D-4.

With her application, Ms. Teaters submitted the required affidavit and paid the required fee. Mr. Williams advertised notice of this public hearing in the Smyth County News on Wednesday, August 19 and Wednesday, August 26. In addition, Mr. Williams sent a first class mailing to the adjoining property owners, for which an affidavit is on file. Mr. Williams did not receive any comments with the exception of the Planning Commission, who met on August 27 and after discussion sent the following recommendation for the Board to consider:

Considering the Planning Commission identified several solutions that would not require a variance and they found no hardship, upon motion of Mr. Sparks, seconded by Mr. Davidson and unanimously carried, they recommended the Board of Zoning Appeals scrutinize the proposal.

Mr. Williams highlighted Sections 4-4) – requirements for two homes on a single tract of land, Section 3-2.3 a) – minimum lot size in the A/R District and Section 7-2.3 – standards that must be met before any variance may be approved.

Jason Pratt and Norma Teaters were present to address any questions from the Board. Mr. Pratt is the grandson of James and Angeline Pratt and spoke on the family's behalf. He stated that the option of demolishing the barn is a hardship on the family because it is an every day working barn and houses hay for the livestock and would be very costly to reconstruct. The houses in this general area were moved when Exit 50 was constructed on I-81 which was

before Zoning was adopted and lot size requirements existed. He stated that Ms. Teaters had paid Mr. and Mrs. Pratt for the property in 1987 but for various reasons, the deed was never drafted and recorded. Due to declining health of Mr. Pratt, the family had the land surveyed and requested Mr. Williams' approval of the survey prior to recording which led to this variance request.

Chairman Saunders closed the public hearing at 6:37 p.m.

After deliberation, upon motion by Mr. Odum, seconded by Mr. Johnson, and duly carried, the Board approved Ms. Teater's request for a variance on the grounds that the standards for approval of a variance has been met, that the intent of the statute was for new construction and doesn't take into account existing structures.

Vote:	4	Yea	(Johnson, Martin, Odum, and Ogle)
	1	Nay	(Saunders)
	2	Absent	(DeBusk and May)

Approval of minutes: At approximately 6:44 p.m., upon motion of Mr. Martin, seconded by Mr. Johnson, and unanimously carried, the Board approved the minutes of January 6, 2009.

With no other business to discuss, Chairman Saunders adjourned the meeting at approximately 6:46 p.m.


Secretary

