

MINUTES

ZONING BOARD OF ADJUSTMENT

April 8, 2013

Members Present:

Linda Chester, Vice Chairman
Rebecca Schlein
Patricia Williams
David Rader
Bryant Lindsay (alternate) observing

Members Absent:

Trey Hatcher, Chairman

Staff Present:

Crystal Reed, Recording Secretary.
Russ Cochran, Senior Planner

Approval of the January 14, 2013 minutes

Mrs. Linda Chester said a correction needed to be made that she was absent and the minutes stated she was present.

Mr. David Rader asked that the minutes be approved.

Mrs. Patricia Williams seconded the motion.

OLD BUSINESS:

NONE

NEW BUSINESS

A variance request to sub-divide a parcel of property containing two homes at 109 and 113 Filter Plant Road which does not front on a publicly maintained street.

Mr. Russ Cochran explained the reason for this variance request was to allow a parcel of land to be divided that is not on a publically maintained road. He continued that , under the current

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ordinance, you can only have one "Primary" residence (in this case, a single family house) on a piece of land and, in addition, this land must be located on a state or city maintained road (Water filter road is private) .

Mrs. Patricia Williams asked if emergency vehicles were able to get to the property.

Mr. Cochran answered yes. He said the access to the property is paved.

Mr. Rader said the road is not a DOT maintained road and that's why the owner is having a problem.

Mrs. Daisy Ross Robinette is the owner of the property at 109 and 113 Filter Plant Road.

Mrs. Chester confirmed with **Mrs. Robinette** the reason she is asking for this variance. She stated her wish is to divide the property because her intention is to sale one or both of the houses.

Mrs. Robinette said they would like to make it possible to sell. She said currently they are not interested in selling but her husband is now 80 years old and she is 74 years old . She continued that it's getting harder to maintain the houses so they might want to sell them or leave them to their children, but don't want to leave them as a problem. She said one house was built in 1959 and the other 1970 so both were built before the city changed the setback requirements.

Mr. David Rader asked if both houses were being rented at the present time.

Mrs. Robinette said yes. She added that the road used to be maintained by the city when the Water Filter Plant was located there but when the plant was moved they stopped maintaining the road so the owners do their own maintenance.

Mr. Cochran asked **Mrs. Robinette** when they had spoken earlier, she had stated they had already talked to DOT about maintaining the road but no decision was ever made.

Mrs. Robinette said there are 17 total homes located on this road and they had a petition signed from each homeowner and all except 2 people were willing to sign the petition so DOT wouldn't even come look at it.

Mrs. Robinette added she brought a survey if the members would like to see it.

Mr. Rader made the motion that the variance request be approved.

Mrs. Williams seconded the motion.

All in favor and motion is approved.

The variance request meets all 3 factors required.