

BOARD OF ZONING APPEALS  
NOVEMBER 7, 2011  
MEETING MINUTES

Present: Chair John Bradshaw, Members Gifford Childs, Linda Russell, Kim Cash, Goffrey Miles, and Alternate Ron Moyer  
Staff: Fred Boger, Planning Director and Melissa Thompson, Secretary

Call to Order: Mr. Bradshaw called the meeting to order at 7:40 P. M. A motion was made by Ms. Russell to approve Melissa Thompson as the new secretary. Mr. Childs offered the second and the motion passed 5-0.

Minutes of meeting of August 1, 2011: Ms. Cash stated Mr. Lee Albright should have been recorded as Dr. Lee Albright. Ms. Cash made the motion that minutes be approved as corrected. Mr. Childs provided the second and the motion passed 5-0.

Variance #2011-003 S. R. Simpson, Sr.

Chair Bradshaw read the swearing-in statement to Mr. S.R. Simpson, Jr. and Rev. Harold Bare from Hope Foundation.

Mr. Boger reported that Mr. S. R. Simpson, Sr. is appealing the Zoning Administrator's denial of a Zoning Permit to place a single-wide manufactured home in a Residential District, R-1 on property located north of Lovington on Thomas Nelson Highway. The property is identified as Tax Map #58-A-17 and #58-3-1. (On the GIS it is identified as #58-3-1 because the program maps have not been updated.)

Mr. Simpson states in the petition that "the 250' setback would require higher cost in building a road to set a single-wide on the lot. Due to the slope there would be additional cost to build a level pad to set the single-wide on."

The 250' setback Mr. Simpson is referring to is the depth of the R-1 Zoning District. The setback for the front yard is 50 feet from the edge of the right-of-way. Mr. Boger stated that he has tried to explain to Mr. Simpson that this not a building setback. However, he still thinks it is one and this confusion may be the result of talking with a BZA member without first looking at the property's current zoning classification. Form letters from two adjoining property owners were presented. It appeared they were meant for a rezoning request by Hope Foundation but were addressed to BZA and the Board of Supervisors.

Mr. Simpson, Jr. spoke on behalf of his father, S.R. Simpson, Sr., the applicant and stated that he was not sure whether the variance request was the correct process. Mr. Simpson asked if the BZA thought rezoning would be more appropriate.

Mr. Bradshaw explained the philosophy behind rezoning of the Route 29 corridor and the 250' setback.  
Page2

Mr. Simpson stated that his father would like to do the project.

Ms. Russell asked Mr. Simpson if his father had considered purchasing only a single parcel freeing up additional funds to purchase a double wide manufactured home, permitted in R-1. Mr. Simpson said a contract was already in place to purchase two parcels.

Mr. Bare offered information on behalf of Hope Foundation. Sharing the mission of the organization and stating that he would like to see the property rezoned if that would be helpful to Mr. S. R. Simpson, Sr. Chair Bradshaw explained to Mr. Bare that this was not the Planning Commission meeting as he thought. The public hearing was opened. No one came forward to speak and the public hearing was closed. After much discussion; Mr. S. R. Simpson, Jr. withdrew his application for the variance on behalf of his father choosing to wait the outcome of a rezoning request by the Hope Foundation to the Planning

Commission.

Special Use Permit # 2009-005 – Chad Artz:

Mr. Chad Artz made a request for an extension of his special use permit via email after being reminded by letter from Mr. Boger of the expiration date. There was discussion on how old the original request was and if there had been any construction to date. The following motion was made by Ms. Russell:

A one year extension of Special Use Permit #2009-005 has been granted. The one year shall have commenced September 2011 and expire September 2012 at which time Mr. Artz must have started construction of his primary residence.

Ms. Cash offered the second and the motion passed 5-0.

Other Business:

Mr. Boger announced that a new Planning and Zoning director, Tim Padalino, had been hired by the county. He stated that Mr. Padalinos' first day of employment will be November 14, 2011.

Adjournment: Meeting was adjourned at 8:40 P. M.

Next Meeting: December 5, 2011

Respectfully submitted,  
Melissa M. Thompson  
Planning Secretary