

BOARD OF ADJUSTMENT MINUTES
Regular Meeting
Partnership for Children Meeting Room
June 9, 2015

Call to Order

Chairman Todd Swaringen called the Board meeting to order at 7:30 p.m. on Tuesday, June 9, 2015, in the Commons Meeting Room.

Roll Call

Board Members Presiding

Todd Swaringen
Richard Cosgrove
Dr. John Eckman
Benton Payne
Michael D. Efird
Kevin Brickman
Houston B. Clark II
Devron Furr, Alternate

Absent

Jennifer Lisk, Alternate

Staff Attending

Linda Evans, Planner, II

Others Present

Mildred Caraway

Chairman Swaringen asked if there were any corrections to the minutes of May 13, 2014, and February 10, 2015. Hearing none, the Board proceeded as follows.

Motion: Richard Cosgrove made a Motion to approve the minutes of May 13, 2014, and February 10, 2015, as written.

Second: Kevin Brickman seconded the motion.

Action: The Board voted unanimously to approve the minutes of May 13, 2014, and February 10, 2015, as written.

Chairman Swaringen asked Mildred Caraway to come forward to be sworn in. Mrs. Caraway was sworn in by the Chairman.

Chairman Swaringen asked the Clerk to present the first case, AR 01-01.

Linda Evans stated that under zoning ordinance Section 407.2, the property owners were granted a temporary zoning compliance to place a doublewide manufactured home on this property in March, 1992, for a medical hardship involving Rayfield Ponds, a family relative and disabled veteran. At the one year expiration of temporary zoning compliances, the ordinance requires that hardship cases be reviewed periodically by the Board of Adjustment to establish continued hardship. The property owners have, within the proper time limits, appeared before the Board on numerous occasions since March, 1992, and have been granted extensions of time, the last one for a period of two (2) years, to expire on June 30, 2015. The property is zoned R-A, and is approximately 1.254 acre (approx. 55,000 square feet). At least one acre per dwelling unit is required when placing more than one dwelling unit on a

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single parcel of land (Section 405.3A), and 40,000 square feet per parcel is required if the property is subdivided (Section 701). This property meets neither of these requirements.

Chairman Swaringen called on the applicant to come forward and present her case to the Board.

Mildred Caraway came forward and stated that Rayfield Ponds still needs someone to take care of him. She asked the Board to extend the time to leave the manufactured home on the property so that she could care for Mr. Ponds.

Chairman Swaringen called on anyone else who would like to speak for or against this case. No one came forward.

Chairman Swaringen stated that, if there were no other questions or comments, the Board would review the finding of fact. Richard Cosgrove read the finding of fact, and the Board found as follows:

That the urgent hardship situation as established by the Zoning Administrator shall be upheld and the home shall be allowed to remain on subject property due to the fact that the hardship remains to exist.

Motion: Dr. John Eckman made a motion to find this true based on the fact that it has been established from testimony given that the hardship still exists.

Second: Michael Efird seconded the motion.

Action: The Board unanimously voted to approve the motion.

Chairman Swaringen asked for a motion for an extension of time to allow the manufactured home on the property under the hardship rule.

Motion: Dr. John Eckman made a motion to allow an extension of time under the hardship rule of two years, until June 30, 2017.

Second: Houston B. Clark seconded the motion.

Action: The manufactured home will be allowed to remain on the property under the hardship rule for two years, until June 30, 2017.

There being no further business, Chairman Todd Swaringen asked for a motion to adjourn. Dr. John Eckman made a motion to adjourn, seconded by Houston B. Clark. The meeting was adjourned at 7:50 p.m.

Todd Swaringen, Chairman

Acting Clerk to the Board