

MINUTES  
PUBLIC HEARING  
ZONING APPEALS BOARD  
November 6, 2014 4:00 pm

Present: Gene Hurst, Chairman  
Phillip Horton, Vice-Chairman  
Bill Patton  
Chad Ashby

Absent: George Brown

Others Present: Tim Taylor  
Sue Wade  
Clyde Sparks  
Ralph Street

The meeting was called to order. Mr. Clyde Sparks, 118 Royal Street, requested a variance to regulation 3-5-1, for side yard regulations of the Code of the Town of Richlands to add an addition to his residence. The first zoning hearing on this matter was held on August 28<sup>th</sup>, where Mr. Sparks decided to reduce the size of his addition to meet the zoning requirements. Mr. Hurst asks Mr. Sparks to explain why he requested this meeting.

Clyde Sparks felt he was misled since he thought since no neighbors objected at the last meeting he would get the variance. He had met with Gary Jackson after the last meeting and was told everything was within the state and county code with the exception of the foundation and explained what he would need to do to be in compliance. Since that time he has not done any work on the structure. He was only asking for a 3 ½ foot variance and his neighbor is 20 feet away from this addition. When he decided to reduce the rooms by five feet from the previous meeting, he did not feel the rooms would be large enough and felt this was too much work to redo the structure. He toured the town and noticed that many properties did not meet the code.

It was explained to him that some structural changes were done before the zoning laws were in effect. All zoning laws are enforced to protect the property owner.

Philip Horton wanted to make sure that he met the 5 ft. fire rating and the permanent foundation requirements.

Ralph Street, neighbor, feels that it is okay to build the addition and has spoken with some of the neighbors and they have no problem with this addition.

Mr. Sparks feels like this would be a great hardship on him to have to reduce the structure. With this addition, the town would receive more tax dollars since he is making an improvement. The new addition would have vinyl siding and new windows installed. He will redo the foundation; contact Mr. Jackson to make sure it meets the code and get the proper permits. The structure is being built where the 15 ft. porch was before.

Mr. Horton said that the liability is the problem.

Mr. Hurst asked if there were any more comments.

The committee discussed the e-mail received from Gary Jackson. As of November 4<sup>th</sup> Mr. Sparks had not submitted a permit application at Tazewell County. The items he listed were the need of a permanent foundation installed under structure, some additional headers installed under floor supported by foundation, also some more structural framing needed in ceiling and possible wall framing. He discussed with Mr. Sparks the required R-Value for this structure walls, ceiling, and floor.

At the first meeting with Mr. Sparks, he had agreed to reduce the size of his addition to meet code; therefore there was no need for the committee to vote on the variance. Mr. Taylor said that a permit was issued for the 10 ft structure and then Mr. Sparks decided it was too small, therefore requesting a new hearing.

The Town's zoning permit states that work must start within 30 days and be completed within 6 months. This can be extended according to weather conditions.

Mr. Horton asks the committee to recess the meeting until they discussed this issue with Gary Jackson and reconvene later. Phillip contacted Gary on the phone. Gary said Mr. Sparks must meet the approaches 5 ft or greater including overhang, permanent foundation, floor joist redone with header, additional framing inside.

Phillip Horton made a motion to approve the variance, seconded by Chad Ashby with the stipulation that he meets all the code requirements of the Town and Tazewell County. Motion passed 4/0.

  
Gene Hurst, Chairman