

Zoning Appeals Board Meeting

Thursday July 7, 2017 4:00 pm

Present: Gene Hurst
Chad Ashby
Bill Patton
Virginia Hart
George Brown
Sue Wade
Wesley Reynolds
Kevin Blankenship

Gene Hurst opened the meeting.

George made a motion to reappoint Gene Hurst as Chairman. Bill Patton seconded the motion. Motion passed.

Gene Hurst made a motion to appoint Chad Ashby as Vice Chairman. Bill Patton seconded the motion. Motion passed.

George Brown made a motion to appoint Virginia Hart as secretary. Chad Ashby seconded the motion. Motion passed.

Gene Hurst- Mr. Wesley Reynolds is requesting a variance to setback 2-3 regulations for the property located at 106 Terry Drive to attached a carport to this home.

Virginia-The setback regulations must be thirty feet from the town's right of way. I am sure that when those regulations were put into place, part of the concerns were safety. Did Travis not know this was against the zoning requirements?

Chad-Discussed the deed restrictions in the Hidden Valley area and stated that the structure must be attached to the home.

Wesley-I don't know how much room there is between the concrete slab and the hill. My actual property runs in a triangle. I had the black top stop ten to twelve feet from the edge of where I think the property line is. I have tried to get and estimate from Twin Enterprises and move it to the side and they have not returned my call. I have a contract for over \$8,000. They poured the cement before I left to go to California. Travis from Twin Enterprises had told me that they couldn't go ahead and put the carport on the concrete slab because it was too close to the road. In fact he said that he might buy it from me. I was under the impression that they did a lot of things for the town and would know what needed to be done to make it legal. There is a lawn shed which I have in the back, which I understand is illegal, but it has been there for thirty some years. Originally, I was told that if it was attached to the house it would be okay. Travis came out and I asked him what it would cost to attach the carport. The

carport was originally back on the corner of the black top. Right now it is pushed off the edge of the black top because of the cement. They moved it over to pour the cement. When they found out that they couldn't go ahead and attach it to the house, they put it back where it was at and tied it back down. When they poured the cement they didn't raise the cement up. So the cement is poured flat. It is only sixteen feet or so from the roadway.

Gene-You may be able to put gravel in there, put asphalt on it and put that shed back against the house. That is going to be the least expensive thing you can do. It is already sitting there and the only thing that you are going to have to do is take those bolts out and move the whole shed back. He is a contractor so he can do that. You can't build anything on that concrete pad.

Wesley-I know he put a drain on the roadside, from one side to the other.

Gene-Did he tell you that you were obligated for the rest of the contract?

Wesley- I haven't spoken directly to with him but to a receptionist. She tells me she will get in touch with someone and have them call me but I never received a call back.

Virginia- If it were me, I would just question him in why he proceeded to pour the concrete and then say this is not going to work. I mean I would think that would be in violation of the contract.

Wesley- The day I signed the contract I was confused because the guy that came out told me he didn't need a permit. Then I was told by the town that I needed a permit.

Wesley- After I signed the contract, a policeman came by and asked me when I was going to get a permit. I had called Twin Enterprises four times and had never gotten a response back. Then I came to the town and the permit guy called them and I thought they were going to come in and get a permit. I started the permit process and I thought he was going to complete the process.

Virginia- Was he going to take your existing portable building and attach it to the house? Or was he building a new one from scratch?

Wesley-He was going to move it over on the cement pad and attach it. They were going to build out from beside the house two feet to overhang the carport. There would be a structure coming out from the house and then the carport would fit underneath it so it would look like the two were completely attached.

Gene- We measured the footage and length and you can't put it on the pad but you can still park on it.

George-He just needs to add more to his pad to what he has gotten. He can't move the pad back can him?

Gene- He can. There is just bolts in it, there is asphalt where it is now.

If it is on a curve that is more dangerous.

Wesley-Originally, I was told the structure had to be attached to the house. I wasn't told that it had to be thirty feet away from the road. I was told I couldn't attach it on the side because of the windows and the fire place. If I could build a patio, pour some cement or something where the black top was to the fire place and run something over from the fire place and attach it over to it. I was told no, that is not attached.

Gene- I think that would be your best to leave it right there and do it.

George- If they can scoot the whole carport back and get it real close to the house, within two feet and attached it there.

Virginia- What about the deed restrictions?

Kevin-The town council can have say over the zoning but not deed restrictions.

Bill-It is going to be cutting it mighty close to regulations. There is no way that he can get thirty feet period, it would be over the hill.

Gene-The carport it twelve feet, right? The length of where it is sitting right now.

Virginia-My concern is about the neighbors. It would be on the side of the house and not the front.

Wesley- I can't remember who told me I couldn't attach it to the house

Kevin-I don't know if Gary said they couldn't do it because it was a fire code issue or if it was Twin. If that is the case, then the building official is not going to let him attach it back there. That is the reason they put it to the front.

George-You can attach a structure to an external structure, right?

Virginia-The reason I thought about that is that at our house which it was built in 1963, we have a chimney from the old heat system and it was like on the porch. It would be the same principal if you have got a chimney on your carport.

Gene-Would we be out of line to bring Gary into the conversation at some time to see if he can indeed scoot that back?

Kevin-It was going to cost quite a bit of money to move it over there because the elevation goes down quite a bit. You may have to build a wall and fill it in. I don't think he will do all that work without charging you for it. This project may go from \$8,000 to \$20,000.

Virginia-My question is did they not know up front that it would not meet the zoning? Was that part of the discussion when you were there and they were talking?

Kevin- We met with Mr. Reynolds and told him the carport must be attached to the house as far as meeting the zoning requirements. Mr. Reynolds spoke with Travis and was going to get a contractor to help him to do this, to move it, be attached, and so forth. That is when he signed a contract with Twin

Enterprise. At that point I think Travis may have called me and said they had gotten a contract with Mr. Reynolds. He asked if I needed to come and take a look at it? I said basically I can, but I don't have to, if it is attached and you are thirty feet off the right of way. I don't necessary have to go over there and look at it to tell him this but I can. That was when it was actually going to go on the back. Originally it was sitting toward the back at the asphalt and they were going to stand it up to the house and connect it. That is where you have the false rafters. One problem was toward the hill where the elevation was bad, or it was where they were going to have to do some build up possibly. I am sure it was either Travis or Gary had said you can't connect it there. I had talked to Gary about this situation as well. We need to verify everything. What happened was that they just went ahead and just moved it to the front. That is when we spoke with Travis and he confirmed that was where they were going to move it to the front and that triggered that they were too close to the street. Travis said if we are going to have to slide it back that far, then we are going to have to build a wall and this is going to cost a lot of money. The only thing left was to ask for a variance. We would have to deny it as it is and you will have to provide us with a letter that you want to precede with the variance.

Let me point something out to you even if we were to give you a variance that it could go back once we get Gary Jackson involved. From what I am hearing, there is somebody that is going to dispute the deed. Even if we give you the variance they may sue you because of the deed restrictions.

Chad-If we gave you the variance, that doesn't clear you for the deed restrictions. Someone can still press the issue and it would have to be taken down. I just want you to be aware of that.

Virginia- Was the town attorney was researching those deed restrictions? He thought that the deed restrictions died after twenty years. Are the restrictions the same on everyone's property?

Virginia- I would hate to see you put money into something and then to come in after the fact. I would encourage you to get your deed and look at your restrictions.

The area coming up the hill was annexed but not in the Hidden Valley deed restriction area. Doug Ratliff's property doesn't have the deed restrictions; along with the Matneys and Buskills.

Gene- I will contact Gary Jackson and get his opinion. In the meantime, try to get a copy of your deed. We are not going to charge you to run another ad in the paper. We will do what we can to help you out and reconvene this meeting and meet again on August 16th at 4:00 p.m.

Wesley-My home phone is 963-5114 and cell phone is 971-6631.

The meeting will reconvene until August 16th at 4:00 pm.



Gene Hurst, Chairman