

Richlands Board of Zoning Appeals Public Hearing

October 11, 2023

Board Members Present:

Gene Hurst Jr., Chairman

Bill Patton

Barry Alley, Vice Chairman

Phillip Cook

Town Staff Present:

Clarence Monday

Mike Thomas

Nathan Keen

Others Present:

Ron Lowe

Jack Ray

Gene-The meeting was called to order by Gene Hurst. The purpose of the meeting was for a variance request in regard to The Town of Richlands Code of Ordinances **154.094** Setback Regulations which requires 35 feet or more of land from the centerline of any town street and a new structure, also to The Town of Richlands Code of Ordinances **154.095** Frontage and Yard Regulations which requires at least 10 feet space adjoining or adjacent to a residential district. Based on the plans submitted variances would be required to place storage building structures for the property located at Tax Map Number 105A40810 0034-0035. This request was denied by the Zoning Administrator and has been appealed to the Board of Zoning Appeals. Jack, I will let you all speak on this matter.

Jack- I am wanting to build 24 storage buildings. On the front side facing Augusta Avenue I have the required setback of 35 feet from the center of the road and I don't have a problem there. On the rear of the property there is an alley you are calling a 70 feet street which takes too much land for me to make profit and do anything with it. The structures there already are not following the 35 feet setback from the center of Carroll Avenue.

Gene-So you have it set up to drive into your lot from Augusta Avenue. You couldn't go back out Carroll Avenue according to your plans submitted?

Jack-Right. They would have 20 feet from the center of Carroll Avenue to pull in and go back out.

Gene- Looks like you would have to move a power pole as it would be too close to the new storage buildings. According to your plans you will be 5 feet from that metal building which is almost where the old pole is located.

Jack-I am not sure whose electric pole that is, but I plan to be 5 feet inside my property line.

Ron- Are you talking about my power pole?

Gene- I am not sure. Whose storage building is there now?

Jack- That is mine. It came with the lot when I purchased it, but it will be removed.

Gene-Ron, do you have a problem with any of these plans?

Ron-I only wanted to make sure that the water didn't drain to my property. Other than that, I am ok with these plans.

Jack-I will have guttering installed.

Ron-Do you plan on doing any filling in there?

Jack-I don't know until I get in there and see what I got.

Ron-Some how when the previous owner had it the lot was filled 12 to 18 inches in there. I don't know what the Army Corps of Engineers said on the fill. There is an issue there on Carroll Avenue now on the storm drains. There is only a 8 inch drain line coming from up the street down to South Front Street and that size line can't handle the water.

Barry-So Ron, you own the old printing building?

Ron-Yes, it is actually 2 building structures joined together. I am good as long as Jack takes care of the water and he said he would.

Jack-Yes, I will. The water has to go towards the street.

Bill-Is any of the storage buildings going to have doors facing Carroll Avenue?

Jack-There will be 2 units on the ends that will have doors facing Carroll Avenue.

Barry-Will it be all 4 end units facing Carroll Avenue?

Jack-No, just the 2 on the ends. Do you have the plot map I drew?

Nathan-He is saying the 2 center units will have doors facing Augusta Avenue of the 4 end units. The other 2 end units or corners will have doors facing Carroll Avenue. He drew the doors on the site plans to be a little darker which may be hard to see.

Barry-I see it now. So, I do have a question. Beside that building that Ron owns if you go over 5 feet that's where a utility pole is located, we were talking about earlier.

Ron- I know where you are talking about now. Who does own that? I know it is not mine.

Barry-If you were to build these new storage buildings, they would be set directly beside this utility pole.

Jack-Well I will take the pole. I did not know if it was mine.

Gene-Whose pole is it then? Jack, you just said it was on your property.

Ron-Well the light is burning. I am not paying for any dusk to dawn lights there.

Nathan- I believe the pole you are talking about was used by Mr. Horton, the previous owner, to plug in diesel trucks and it has a dusk to dawn light on it. This pole would belong to Jack now.

Ron- That is how the pole got there. Mr. Horton put that pole in.

Jack-Oh that pole will have to be moved. I thought you were talking about the pole on the end of the property.

Gene-That's why I asked about the pole earlier.

Ron-What spacing are we going to have between our buildings Jack?

Jack-I was asking for 5 feet.

Gene-What about that tree beside the block wall who owns that?

Jack-I believe it is on the edge of mine if I'm not mistaken.

Gene-I saw a red flag on the front but nothing on the back.

Jack-It is kindly against the wall. I believe that is my property line. I will build per code. Whatever the code says is what I will do.

Ron-Does anybody know The Army Corps of Engineers recommendation of filling in this area?

Jack-This area is not in a flood zone. If you are in a flood zone, then you have to elevate a home to 1 foot above the flood levels.

Ron-Does anybody know the guy who owns the double-wide beside this property?

Gene-No but we did send out certified letters to all the adjacent property owners as required. Unless anybody has any more questions, I will let you 2 go so we can discuss this matter.

Jack-Will you send me a letter?

Nathan-I will call you in the morning to let you know what they decide.

Ron-Will you check on that storm drain over there?

Nathan-I will do a work order for the street department to check this out for you.

All discussed the issues of allowing structures closer to roadway than the Town Code allows for setbacks. Talked about the difficulties of any utility company to work over a structure. Talked about fire suppression and why setbacks are needed from the roads and other structures. Looked at how long Mr. Ray had owned the property and saw he had purchased it in March of this year. The Board members went over the determination sheet with the Town Attorney. Discussed the possibility of Mr. Ray would be allowed to resubmit plans to meet Town Code requirements in the future.

Gene-Does anyone want to make a motion on this request?

This variance request failed to pass for lack of a motion.

Gene made the motion to adjourn, seconded by Bill Patton; all members present voted "aye" and the meeting was adjourned.

Submitted by: Nathan Keen