

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
NOVEMBER 12, 2013**

CALL TO ORDER Chairman @ 5:30 p.m.

Members Present: Chairman Dean Dadisman, Vice Chairman Doyle Johnson and Board Members Dexter Stanley, Jane Fleming, Connie Rucker, George Hokayem and John Snyder

Members Absent: None

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Member Myrtle Figueras and Public Works Engineer Stan Aiken

MINUTES OF OCTOBER 8, 2013

There was a motion to approve the Minutes as presented.

Motion made by Board Member Snyder
Motion seconded by Board Member Fleming
Vote – 7 favor

NEW BUSINESS

A. Variance Requests

- 1) Request from **Tennent Slack** to vary the right side yard building setback requirement on a 0.70± acre tract located on the south side of the intersection of Heritage Road and Heritage Place, east of the intersection of Riverside Drive and Heritage Road, having road frontage on the northwest side of Blue Ridge Drive (a/k/a **1466 Heritage Road NE**), having a zoning classification of Residential-I (R-I).

Ward Number: One
Tax Parcel Number(s): 01-092-003-044
Request: Carport addition

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to vary the right side yard setback from 10-feet to ½ foot to construct a carport addition. The subject property is zoned Residential-I (R-I) and is 0.70± acre in size and is located on the south side of the intersection of Heritage Road and Heritage Place, having road frontage on Blue Ridge Drive. The property contains an existing 4,000± square foot, two-story over a full basement, single-family home originally constructed in 2006. The surrounding uses consist of single-family homes and the nearby Elks Club Lodge. According to the applicant's documentation, the proposed addition is architecturally consistent with the existing home and will be located no closer than an existing retaining wall that runs parallel with the existing driveway. The applicant is basing the hardship on the location of the house and states the proposed design is the only possible solution for a carport addition on the property.

The Planning Division staff is recommending **conditional approval** of this variance request based on the shape of the subject property and location of the existing home with the following condition:

Condition

The proposed carport addition shall be consistent both in architecture and size with the elevation drawings submitted with the application.

Applicant Presentation: Jack Bailey, 2419 Island Drive, stated that Dr. Slack intended to be in attendance but was detained at another meeting. Mr. Bailey stated that the applicant is in agreement with the staff recommendation and the condition as proposed. He stated that this lot narrows and is located next to a substantial lot and even with the proposed addition there is still approximately 35-feet to the adjacent house. The only place to put the vehicle is in the driveway and the proposed carport would help protect the vehicle as well as improve the aesthetics with having it covered, noting the existing garage has a side entry and is not noticeable from the road.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the request to vary the right yard setback requirement from 10-feet to ½-foot for a carport addition within Residential-I (R-I) zoning at 1466 Heritage Road NE with the following condition:

Condition

The proposed carport addition shall be consistent both in architecture and size with the elevation drawings submitted with the application.

Motion made by Board Member Hokayem
Motion seconded by Board Member Fleming
Vote – 7 favor

- 2) Request from **David and Mamie Coker** to vary the right side yard building setback requirement on a 0.38± acre tract located on the west side of Prior Street, north of its intersection with Park Street (a/k/a **0 and 423 Prior Street NE**), having a zoning classification of Residential-II (R-II).

Ward Number: Two
Tax Parcel Number(s): 01-038-003-021 and 027
Request: Patio cover

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to vary the right side yard setback requirement from 10-feet to ½ foot for the purpose of constructing a patio cover to provide shade. The subject property is zoned Residential-II (R-II) and is 0.38± acre in size and contains Unit 1 and part of the common area of the 4-unit condominium development known as Annie's Place constructed in 2007. The adjacent and surrounding properties include single-

family homes, two-family homes, multi-family apartments, professional offices, child daycare center and the Brenau University Campus. Specifically, the proposed patio cover is to be 9.5-feet deep by 12-feet wide and architecturally compatible with the existing structure. The applicant/owner is basing the hardship on the location of the condominium in relation to the property line and states they were not the original owners of the condominium unit.

The Planning Division staff is recommending **conditional approval** of this variance request based on the width of the subject property and location of the existing condominium unit with the following condition:

Condition

The proposed patio cover addition shall be consistent both in architecture and size with the elevation drawings submitted with the application.

Applicant Presentation: David Coker, 423 Prior Street, stated that he and his wife purchased the condominium during the summer and noted that there was a back patio area with no shade, prompting the variance request to install an awning over the patio. He stated that the Homeowners Association has signed off on the addition. He stated that they want to make sure it doesn't affect the adjacent neighbor's sunlight and asked for approval from the Board.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: None

There was a motion to conditionally approve the request to vary the right yard setback requirement from 10-feet to ½-foot for a patio cover within Residential-II (R-II) zoning at 0 and 423 Prior Street NE with the following condition:

Condition

The proposed patio cover addition shall be consistent both in architecture and size with the elevation drawings submitted with the application.

Motion made by Board Member Fleming
Motion seconded by Board Member Snyder
Vote – 7 favor

- 3) Request from **Georgia Truss, LLC** to vary the stream protection buffer requirement on a 3.65± acres property located on the west side of Murphy Boulevard near its terminus, south of its intersection with Browns Bridge Road (a/k/a **2360 Murphy Boulevard**), having a zoning classification of Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-008 (part)
Request: Expand an existing industrial use

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to vary a portion of the City's 75-foot stream protection buffer to allow for expansion of an existing industrial use. The property is zoned Light Industrial (L-I), is 3.65± acres in size and is heavily wooded with terrain that gradually slopes downward to the stream. The entire development site includes the subject property and an adjacent 3.34± acres tract that is currently located within unincorporated Hall County which together will total 6.99± acres. Adjacent and nearby properties include numerous industrial properties as well as Challenged Child and Friends, Inc. which recently sold the subject property to the applicant/owner.

As well, the subject property contains a 625± linear foot portion of perennial stream that feeds Flat Creek. A perennial stream is a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.

The Gainesville Unified Land Development Code (ULDC) requires a 75-foot protection buffer to be maintained against all streams as a way to minimize the impact of development and to maintain stream water quality.

Specifically, the applicant is asking to vary:

- 6,200 square feet of the third and outermost 25-foot non-impervious buffer to contain a portion of a proposed rear access drive and employee parking area. This area is hatched and shaded orange on the concept plan.
- 5,000 square feet of land disturbance within the second/middle 25-foot undisturbed buffer area for a detention pond. This area is hatched and shaded yellow on the concept plan.
- The pink area shown represents the State 25-foot buffer which is not being disturbed.

The applicant is basing the hardship on the property's topography and states that an alternative plan would require a perpendicular stream crossing that would be more intrusive to the stream. The applicant states that the proposed development will provide for water quality and that disturbed areas will be replanted similar to the mitigation planting plan submitted by the applicant.

The Planning Division staff is recommending **partial approval** of the proposed stream buffer variance request.

Specifically, staff is recommending approval to allow a 5,000 square foot area of land disturbance within *undisturbed buffer area* for the construction of a detention pond, based on the slope of the property and the current need for storm water detention. The Planning Division staff is recommending denial of the proposed 6,200 square foot encroachment of the *non-impervious buffer area* to contain a portion of a proposed rear access drive and employee parking area, based on the overall size of the subject property and adjacent property combined.

Applicant Presentation: Brian Day, 4371 Watley Place, Hoschton, made the following two comments: 1) If they did a perpendicular crossing to access the other side of the stream it would create a larger impact on the stream; and 2) The trusses have to be stored until ready to ship and the proposed site plan would help to maximize storage and allow them to control storm water in a better manner rather than in another location, noting it was a small area they want to disturb.

FAVOR: None

OPPOSED: None

Planning and Appeals Board Comments: Chairman Dadisman stated that Planning Staff is recommending only partial approval of the request to allow them to build a detention pond in one area, but denying the request for the employee parking area.

Upon inquiry by Board Member Hokayem, Planning Manager Matt Tate clarified that the actual parking area is 9-feet in depth and felt that the storage yard area could be shifted back in order to keep the parking area out of the buffer area.

Board Member Hokayem asked Mr. Day if shifting the storage area was feasible as Mr. Tate had recommended. Mr. Day responded that they could shift the storage area, but noted that their goal was to maximize their storage area because the stream poses a hardship on Georgia Truss since their plan was to leave the whole left side of the stream undeveloped. Again he noted that they can make a perpendicular crossing to get use of the land on the other side of the stream, but felt it would have a bigger impact to the stream.

Board Member Fleming asked Mr. Day if they can make it work with what the City is proposing. Mr. Day stated yes, it would just take away a portion of the area that they can use for storage. He stated that there is a fair amount of area within the buffer which has mature trees and Georgia Truss would prefer not to disturb those by utilizing the other side of the stream.

Brandon Dyer, owner of Georgia Truss, stated that they build trusses up to 70-feet long and up to 14-feet wide, which take up a lot of room to store and is the reason that storage is so important to them.

Chairman Dadisman asked for clarification regarding the perpendicular crossing. Mr. Dyer stated that the left side of stream may be needed in the future for employee parking, noting they currently have 50 employees and are growing.

Planning Manager Matt Tate clarified the location for future employee parking could be in the triangular area to the left side of the stream, outside of the stream buffer area.

There was a motion to partially approve the request to vary the stream protection buffer requirement to allow a 5,000 square foot area of land disturbance within undisturbed buffer area for the construction of a detention pond and denial of the proposed 6,200 square foot encroachment of the non-pervious buffer area to contain a portion of a proposed rear access drive and employee parking area in order to expand an existing industrial use within Light Industrial (L-I) zoning at 2360 Murphy Boulevard.

Motion made by Board Member Snyder
Motion seconded by Board Member Fleming
Vote – 6 favor, 1 opposed (Stanley)

Board Member Stanley clarified that he would have voted in favor of both requests.

B. Annexation Request

- 1) Request from **Georgia Truss, LLC** to annex a 3.34± acres tract located on the west side of Murphy Boulevard near its terminus, south of its intersection with Browns Bridge Road (a/k/a **0 and 2384 Murphy Boulevard**) and to establish zoning as Light Industrial (L-I).
Ward Number: Five
Tax Parcel Number(s): 08-007-003-008F, 027 and 028
Request: Sewer to expand an existing industrial use

Chairman Dadisman reported that the applicant has requested to withdraw their annexation request and action from the Board was required to accept the withdrawal.

There was a motion to accept the withdrawal of the annexation request of property located at 0 and 2384 Murphy Boulevard as requested by the applicant.

Motion made by Board Member Stanley
Motion seconded by Vice Chairman Johnson
Vote – 7 favor

ADJOURNMENT

There was a motion to adjourn the meeting at 6:00 PM.

Motion made by Board Member Snyder
Motion seconded by Board Member Stanley
Vote – 7 favor

Respectfully submitted,

Dean Dadisman, Chairman

Judy Foster, Recording Secretary