



July 27th, 2021 Board of Zoning Appeals Meeting Minutes

Call to Order

The meeting of the Board of Zoning Appeals was called to order at 5:31p.m., by Chairperson John Wells.

FOIA

The Zoning Administrator read the Freedom of Information Act. Notice of the meeting with an agenda was publicly posted, published and forwarded to the media no less than 24 hours prior to adjournment.

ROLL CALL

Conducted by Planning & Zoning Administrator and quorum was present

Present:

John Wells
Jeremy McKinney
Cecil Hutcherson
Jerry Allen Taylor

Absent:

Tony Axsom

Review and Approval of the June 22nd, 2021 Minutes

Chairperson, Wells, asked for a motion on the minutes of June 22nd, 2021, to be approved. Cecil Hutcherson made a motion, and was seconded by Jerry Taylor Jr., and the board voted unanimously to approve the previous minutes.

New Business

Public Hearing on Variance Application

Variance application 2021-06-25

Phillip Day of Falcon Real Estate Development, LLC on behalf of the property owner, Tyger Oak, Inc., requested variances from the side yard setback requirement of 10' to 5' and to increase the unit's footprint to 40% from 30% in a RPH Zoning Classification (Single-Family Patio Home Residential District for the proposed Brayfield Manor Subdivision. Property located at Foster Road. Phillip Day provided a presentation to the board. Mr. Day explained to the board the proposed development is a unique project in that it is being split into two separate towns, Wellford and Lyman. Mr. Day stated to the board that the proposed development will have cottage style homes with smaller setbacks but would have more green area and would provide amenities such as a pool, playgrounds, walking trails and a dog park. Mr. Day stated that the Town Council of Wellford approved the rezoning. The Town Council of Lyman also approved the rezoning to Patio Homes and was informed by staff to seek the requested variances. Mr. Hutcherson asked Mr. Day how many homes would be built in the Town of Lyman. Mr. Day stated the overall the development would have approximately 280 homes. Mr. Purchase explained to the board that the number of homes in the Town of Lyman would be 128. Mr. Hutcherson asked if the property would be clear cut. Mr. Day said that some of the area would be clear cut and other portions would remain. Mr. Hutcherson asked how large would the homes be. Mr. Day stated that they would be about 2,000 square feet. Jeremy McKinney asked Mr. Day if the purpose of the variances was to match up the proposed homes that Wellford had approved. Mr. Day said that is correct.

Mr. Purchase presented the staff report to the board. He stated that staff is recommending denial of the variance based on insufficient evidence of a hardship unrelated to financial gain or loss. Mr. Purchase explained to the board that staff originally requested denial of the variances due to insufficient evidence of a hardship. However, after acknowledging that Wellford had granted a five foot side yard setback and the need for consistency for the entire subdivision with dual jurisdictions, staff recommended approval of the variances. Mr. Purchase was asked if there was a hardship. Mr. Purchase stated that due to the unique situation and to make the development consistent between the two towns, he believed there was a hardship.

Chairperson, Wells opened the meeting to the general public. No one from the public came up to speak. Chairperson Wells called for a motion on the five foot side yard setback variance. Jerry Taylor made a motion to approve the variance and was seconded by Jeremy McKinney and all were in favor. Chairperson Wells called for motion on the footprint variance of 40%. John Wells made a motion to approve the

variance and was seconded by Cecil Hutcherson and all were in favor.

III Adjourn

Chairperson, Wells made a motion and was seconded by Cecil Hutcherson and all were in favor to adjourn the meeting at 5:51PM.