



Board of Zoning Appeals Minutes August 23, 2022

Members Present: John Wells, Chair
Erik Dabrowski, Vice Chair
Andrew Karas
Jack Bellaire

Member Not Present: Tony Axsom

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

Michael Berry called the meeting to order at 6:45 PM, and read the opening remarks.

II. FOIA and Roll Call by Planning & Zoning Administrator, Establishment of a Quorum

Mr. Berry read the FOIA statement, conducted roll call, and established a quorum for the record.

III. New Business

Mr. Berry opened the meeting with the following item:

-Nomination of Chair and Vice Chair

ACTION- Mr. Berry asked for a motion for nomination of Chair. Erik Dabrowski made a motion to nominate John Wells for Chair. Motion was seconded by Jack Bellaire. All were in favor.

ACTION- Mr. Berry asked for a motion for nomination of Vice-Chair. John Wells made a motion to nominate Erik Dabrowski for Vice-Chair. Motion was seconded by Andrew Karas. All were in favor.

IV. New Business

Mr. Wells opened the Business Meeting for the following item:

A. VA-2022-01

Christine Hall presented to the board her request for relief from the side setback from 10 feet to 3 feet for the construction of a carport and driveway. Mrs. Hall stated she has contacted her neighbors and they have voiced their support. Mrs. Hall also stated her driveway will allow for better drainage for their current neighbor Mr. John. Mr. Compton, the contractor building the carport, then presented to the board field photos showing the approximate locations of the new carport in relation to the existing home structure and the property lines with use of field photos.

Mr. Karas asked if the construction of the carport will resemble the photos provided, Mr. Compton stated it would with Hardie board siding, and rock around the base of the columns.

Mr. Karas then asked where the future fence will be located. Mr. Compton stated the fence will be near the existing door to allow one to go out a gate to the vehicle and also to allow pets access to the fenced in area from this door.

No one from the public in attendance voice any concerns.

Mr. Berry then presented the staff analysis.

ACTION- Mr. Wells asked for a motion. Erik Dabrowski made a motion to approve the variance for side setback relief from 10 feet to 3 feet. Motion was seconded by Jack Bellaire. All were in favor.

B. VA-2022-02

Haley Grau presented to the board her request for relief, based on the current use of the parcel as a daycare, a relief from the side setback from 25 feet to 20 feet and relief from the minimum lot size of 40,000 sq feet to 15,000 sq feet. Mrs. Grau, stated the Welcome Home Foundation is a 501C3 organization, incorporated since 2017, and associated with Middle Tyger Community Center. She stated in 2021, DSS approached Middle Tyger Community Center with a proposal to help the children, that based on a new federal law, prevents children under the age of 12 years old to live in a group home and requires these children to go to foster care. Which means these kids wind up staying in the DSS office day and night, while DSS searches for placements for the them.

Mrs. Grau then stated the home was sold at a reduced rate to Welcome Home Foundation by Mrs. Wanda Fowler, given the home would be used to help children and youth. She then stated Rob and Wendy Miller live at the residence full time and host volunteers throughout the day, to allow the children to come to the home during the day, with no children staying overnight and a max of four children are at the home at any given time. Also, a DSS case worker is on-site at the property while children are present and Welcome Home Foundation has no liability or custody of children.

While the children are at the home they play games, play outside, and are provided a location to wash their belongings, clothing, and are given basic supplies. Mrs. Grau presented a letter from DSS approving such facility, and a demonstration of support from Rep. Rita Allison, and stated the neighbors are in support of the use of the property.

Mr. Andrew Karas asked about the neighbor next door, Mrs. Grau stated multiple attempts have been made to make contact but due to change in ownership she has not been successful in reaching the owner.

Mr. Andrew Karas inquired to who currently occupies the property. Mrs. Grau stated Rob and Wendy Miller live at the property, but do not own the property, but the Welcome Home Foundation owns the property.

Mr. Andrew Karas then asked Mr. Berry, if the current zoning is residential, and applicant does not use the parcel as such, what happens? Mr. Berry stated the daycare is allowed as conditional use within R15 given requirements are met, which applicant has requested relief to conform to side setbacks and minimum lot size.

Mr. Andrew Karas asked Mr. Berry, where did the requirement or the request of relief from the 40,000 sq feet come from? Mr. Berry stated the 40,000 sq feet is a Town of Lyman requirement not DSS requirement.

Mr. Andrew Karas, reaffirmed the Welcome Home Foundation has been approved by DSS. Mrs. Grau stated yes and confirmed and mentioned DSS was present during the ribbon cutting for the house.

Mrs. Grau stated this property is the first in the state and is being looked at as a model for other locations throughout the state and mentioned a similar program is being implemented in Tennessee.

Mr. Andrew Karas, asked if DSS will monitor the site, Mrs. Grau stated DSS is onsite while children are onsite at all times.

Mr. Andrew Karas, then asked about the Hankins family, who currently live at 70 Ridge Road, as mentioned in the DSS letter provided by applicant. Mr. Berry provided information that 70 Ridge Road was presented to staff as non-compliant, but after further investigation and information gathering, it was determined this property is in conformance with current zoning regulations as a single-family dwelling and providing foster care not a daycare.

Mr. Karas commented, in the future will the use change and children stay overnight? Mrs. Grau stated the use will not change and children will not be staying overnight.

No one from the public in attendance voiced any concerns.

Mr. Berry then presented the staff analysis and stated no opposition was voiced by citizens and several phone calls were received by citizens inquiring about this property and status.

ACTION- Mr. Wells asked for a motion. Erik Dabrowski made a motion to approve the variance for side setback relief from 25 feet to 20 feet and minimum lot size from 40,000 sq feet to 15,000 sq feet for use as a conditional use as a daycare in R15 district. Motion was seconded by John Wells. All were in favor.

VI. Adjourn

There being no other business to discuss, Mr. Dabrowski made a motion to adjourn. Mr. Karas seconded the motion. The meeting adjourned at 7:25 p.m.