



Board of Zoning Appeals Minutes November 22, 2022

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

Member Not Present: Tony Axsom
Jack Bellaire

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

Michael Berry called the meeting to order at 6:00 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. Minutes of the Planning Commission

Mr. Wells asked for a motion to approve minutes from September 27th, 2022. Mr. Dabrowski made a motion to approve the minutes. Mr. Karas seconded the motion. All in Favor.

IV. New Business

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

A. VA-2022-05

No public comments were presented.

Applicant presented the request for a max height of fence from 8 feet to 10 feet based on the request from the tenant and client, TTI Industries.

Mr. Berry presented staff analysis.

Keith Hornsby, on behalf of Clay Corp, has requested a variance for the installation of a 10 foot tall fence perimeter fence in order to comply with Foreign Trade Zone (FTZ) Requirements. Current regulations for industries associated with international trade agreements, require such properties to be enclosed by a 10 foot tall security fence.

Upon further research the most current FTZ regulations are listed below:

“1. Install chain link fencing with at least nine gauge, two-inch mesh, and at least 8 feet high (not including a barbed wire extension). If the level on which the fence is constructed is lower than the area outside the fence line, increase the height of the fence to provide an effective 8-foot fence at all points.

2. Top the fence with a 2-foot barbed wire extension, consisting of 3 strands of barbed wire properly spaced and angled outward.”

Applicant requests to install a 10 foot tall black vinyl coated chain link fence with no barbed wire, similar applications and installation has previously been installed, such as Spartan 1.0, Robinson Road.

Mr. Karas asked if the fence as presented during original zoning approval prior to construction was submitted? Applicant stated a 6 foot or 8 foot fence was originally submitted.

Mr. Karas asked if the fence currently installed is a 10 foot fence. Applicant stated that is correct.

Mr. Karas asked how did the fence get installed without approvals? Applicant stated a miscommunication occurred and was not aware a 10 foot fence was against the ordinance and a stop work was issued by town of Lyman.

Mr. Dabrowski asked what is the input of neighbors? Mr. Berry stated majority of the neighbors is industrial with eastern portion is unincorporated.

Mr. Dabrowski stated, we are tasked with approving a variance, in order to continue to allow tenant to perform business, and conform to FTZ requirements, and be a tax payer in this town and providing jobs for people in this town.

Mr. Wells asked if 10 foot is required for FTZ. Mr. Berry stated a 8 foot tall fence is required with 2 foot extension of barb wire. No barb wire is proposed, only 10 foot black vinyl fence.

ACTION- Mr. Dabrowski made a motion to approve the variance as submitted. Motion was seconded by Mr. Karas. All in Favor.

B. VA-2022-06

No public comments were presented.

Applicant presented the request for a variance for rear setback from 10 feet to 5 feet, due to topography for shed.

Mr. Dabrowski asked what is your neighbors input? Applicant stated the surrounding ones are in support.

Mr. Dabrowski asked what is the intended use of the building? Applicant stated just storage.

Mr. Karas asked what is the size of the building? Applicant stated 12 x 20

Mr. Karas asked if any grading would be needed and any impacts to drainage? Applicant stated no change to grade and would not affect drainage and the structure would be elevated and set on 6x6 posts, and if bricks or blocks would not be used.

Mr. Berry presented staff analysis.

David Mayes has submitted a request for a variance for rear setbacks to construct an accessory structure or shed on the TMS: 5-15-16-003.20, current zoning district is R15, located in the Mill Town District.

Applicant request side setback variance from 10 feet to 5 feet in relation to the construction of a new shed. Topography at this location is severely sloped from the road elevation to the primary structure, and slope continues sharply to rear property lines.

Mr. Dabrowski asked if the topography is the reason for the variance, Mr. Berry commented yes, and if the shed is located further away from the rear property line, the finished floor height above the ground (closest to home) would change to 6 feet or 7 feet in lieu of approximately 3 feet if the shed is located closer to the rear property line.

Mr. Karas asked if the floor at the fence height level? Applicant stated it would not be above the fence line.

ACTION- Mr. Dabrowski made a motion to approve the variance as submitted. Motion was seconded by Mr. Karas. All in Favor.

VI. Adjourn

There being no other business to discuss, Mr. Dabrowski made a motion to adjourn. Mr. Karas seconded the motion. All in Favor. The meeting adjourned at 6:20 p.m.