

MINUTES
LENOIR CITY BOARD OF ZONING APPEALS
MARCH 4, 2008

The March meeting of the Lenoir City Board of Zoning Appeals was called to order at 6:00 PM. Present were Mr. Ghormley, Mr. Lingenfelter, Ms. Ross, Mr. White, Ms. Watson. Absent were Mr. Simpson, Mr. Wilkerson and Ms. Dunn.

Mr. Ghormley introduced Ms. Leslie Johnson, the new Codes Enforcement Officer for Lenoir City.

Motion to approve the minutes of the February 5, 2008 meeting was made by Ms. Ross, seconded by Ms. Watson and approved 5-0.

Mr. Ghormley asked the Board to consider adding two items:

Discussion of property at 312 E. 2nd Avenue, installation of replacement windows with no Certificate of Appropriateness and Discussion of Certificate of Appropriateness issued for Hill Street property and conditions it was issued with.

Ms. Ross made the motion to add these two items, Ms. Watson seconded, and motion was approved 5-0.

Agenda Item A: Request consideration of approval of 5' front yard setback variance on Pike Street side for addition to Pilot station at 700 E. Broadway, referenced by Tax Map 20L, Group G, Parcel 12.00, Zoned C-3, Highway Commercial District. Owner: Pilot Corporation

Mr. Newman told the Board that Pilot plans to add a cooler on the Pike Street side of their building. It will encroach into the front setback on the Pike Street side of the property. Since the property sits on a corner it is considered to have two front yards. He recommended approval of the request for variance since Pike Street is a side street and side yard designation has been approved on other properties with double frontage lots.

Ms. Watson made the motion to approve, Mr. White seconded, and motion was approved 5-0.

Added Item 1:

Mr. Ghormley told the Board that the owner of the property at 312 E. 2nd Avenue had installed replacement windows without appearing before the Board. He asked if a permit was required to replace windows. He said he had talked to the property owner who had indicated he would bring the request for a COA before the Board.

Mr. Newman asked if everyone in the Historic District was aware of the guidelines.

Ms. Lynda Parker was present and said that the committee had made everyone aware they were in the district and of the guidelines and processes.

Mr. David Dentin, Interim Codes Offices, stated that replacing windows does not require a building permit.

Mr. Newman said that normally it does not, but a permit should be issued for anything that a COA is required for.

Ms. Parker asked if there is a mechanism in place for handling this issue.

Mr. Newman said a stop work order could be issued, but it is hard to get to a property owner before a job like this could be finished. He suggested a letter to the property owner that they needed a COA and would still be responsible for the fee and obtaining a permit. He noted that some type of contact does need to be made with the property owner. Mr. Newman said that the fee could be doubled for the building permit if it was not obtained before the work started.

Ms. Ross asked if the Board could add a penalty for going ahead with work without a COA.

Mr. Newman said that would have to be done through an amendment to the Guidelines and would have to go through City Council also.

After discussion among Board members, it was decided to have an item on the next agenda to discuss fees and penalties.

In addition, Ms. Ross made the motion to have Ms. Johnson contact the property owner in writing about the violation, and require them to pay the fee that would have been required. Ms. Watson seconded, and motion was approved 5-0.

Added Item 2:

Mr. Ghormley told the Board that the property owner at 405 Hill Street had appeared before the board and received a COA which included the use of vinyl siding, and replacement of windows and doors. The windows were supposed to be 3 over 1 windows. The doors and siding have been done, and the windows have been replaced, but 6 over 6 windows were used. There is still work being done on the inside. He asked if a stop work order could be issued for the remaining inside work.

Mr. Newman said that details need to be on the COA or in a letter to the property owner.

Ms. Parker said there has not been a formal meeting to discuss changes but there had been informal discussion about the guidelines being laws with no police force, and the neighborhood was looking for suggestions. She asked if changes could be discussed at the BZA meeting in April.

Ms. Ross suggested the Historic Zoning Committee have a list of sources for property owners to refer to.

Mr. Ghormley asked if Mr. Ledbetter could be asked to come back before the Board regarding the windows.

Mr. Newman said Ms. Johnson could contact him about re-appearing since his COA and his actual work were in conflict.

Ms. Watson made the motion to contact Mr. Ledbetter about re-appearing before the Board, Mr. Lingenfelter seconded, and motion was approved 5-0.

With no additional comments from the Board, the meeting was adjourned.

Signed

Dated