

# BOARD OF ZONING ADJUSTMENT

## AGENDA

July 25, 2017

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## MINUTES JUNE 27, 2017

MEMBERS PRESENT: Chairman, Larry Wayne, Mr. Charles Taylor, Mr. Collis Stevenson, Mr. Thomas Rossi and Mr. Forrest Temple

SUPERNUMERARIES: Mrs. Sally Jo Green  
Ms. Delayne Dean attended the pre-meeting

OTHERS PRESENT: Mr. Wally Terry, Director  
.....and Custodian of Records  
Mr. Herman Marks, City Attorney  
Mr. Chip Alexander, Asst. City Attorney  
Mr. Randy Lee, Building Inspector  
Ms. Judy Bosworth, Recorder

Chairman, Larry Wayne called the meeting to order at 4:00 p.m. in the Council Chambers at City Hall. Mr. Randy Lee called the roll.

Mr. Collis Stevenson moved to **approve** the minutes of the May meeting as printed. Mr. Charles Taylor seconded the motion. On a voice vote, the motion carried.

The Board considered the following applications and appeals.

### CASE NO 1

Application and appeal of Cheri M. Alexander for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office to sell clothing online at 2101 Covington LN SW, property located in a R-2 Residential Single-Family Zoning District.

Ms. Cheri M. Alexander presented this case to the Board. Ms. Alexander stated she would like an administrative office to sell clothing online. Ms. Alexander additionally stated there would be no employees and no customers coming to her home and the merchandise would be delivered to the customers' home.

Chairman, Larry Wayne verified there would be no employees and the business would be strictly online and administrative.

Mr. Lee stated the Building Department would recommend approval.

Mr. Forrest Temple moved to approve this home occupation request as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 2

Application and appeal of Le'Torian Smith for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a mobile detailing business at 2115 Central Parkway Place Apt C-1, property located in an R-4 Residential Multi-Family Zoning District.

This case with withdrawn from the docket at the request of the applicant.

## CASE NO 3

Application and appeal of Dr. Michael Smith for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for freelance writing and adoption home studies at 1406 16<sup>th</sup> Ave SE, property located in a R-2 Residential Single-Family Zoning District.

Dr. Michael Smith presented this case to the Board. Dr. Smith stated he would like an administrative office for a freelance writing business where there would be no signage and no traffic.

Mr. Lee stated the Building Department would recommend approval.

Mr. Charles Taylor moved to approve this home occupation request as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 4

Application and appeal of Mary Harris for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have a quilting business at 1707 Loring Ave SE, property located in a R-3 Residential Single-Family Zoning District.

Ms. Mary Harris presented this case to the Board. Ms. Harris stated she would like an administrative office for a quilting business and there would be no signage or traffic. The Board asked questions about the size of the quilting machine, and how many quilts she would make at a time. Ms. Harris stated the machine was 12 feet long, the quilts were made by special order and there would be no mass production. Additionally, Ms. Harris stated the advertising would be by word-of mouth and she would meet the clients off-site for any exchange of items.

Chairman, Larry Waye verified this business was a craft.

Mr. Lee stated the Building Department would recommend approval.

Mr. Collis Stevenson moved to approve this home occupation request as submitted. Mr. Charles Taylor seconded the motion. On a roll-call vote, the motion carried.

#### CASE NO 5

Application and appeal of Demetrius M. Stevenson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a lawn care service at 1507 17<sup>th</sup> Ave SW, property located in a R-2 Residential Single-Family Zoning District.

This case was moved to the end of the docket because no one came forward to present the case when called.

#### CASE NO 6

Application and appeal of Lourdes Montel for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a commercial janitorial business at 608 Freemont St SW, property located in a R-2 Residential Single-Family Zoning District.

This case was moved to the end of the docket because no one came forward to present the case when called.

#### CASE NO 7

Application and appeal of Charlie W. Johnson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office to provide off-site bounce houses for children at 102 Driftwood CT SE, property located in a R-3 Residential Single-Family Zoning District.

Mr. Charlie W. Johnson presented this case to the Board. Mr. Johnson stated he would like an administrative office to provide a kids bounce house for events off-site .

Mr. Thomas Rossi inquired if Mr. Johnson was going to rent out the bounce house for children's parties, etc.

Mr. Johnson responded he would rent out the bounce house and it would be kept at an off-site storage facility. He stated he would take the bounce house from storage directly to the event; there would be no storing of equipment at his residence.

Chairman, Larry Wayne asked if he would clean the bounce house at the storage facility. Mr. Johnson answered in the affirmative.

Mr. Lee stated the Building Department would recommend approval.

Mr. Collis Stevenson moved to approve this home occupation request as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote, the motion carried.

## CASE NO 8

Application and appeal of David G. Rawlings for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a firearms and personal safety training business at 1546 River Bend Pl SE, property located in a PRD-6 Planned Residential Development District.

Mr. David Rawlings presented this case to the Board. Mr. Rawlings stated he would like an administrative office for a firearms and personal safety training business.

Mr. Thomas Rossi asked the applicant if the training would be held off-site. Mr. Rawlings replied that it would be held off-site as he would go to either the customer's home or meet at the gun range or a gun store to consult with the customer on gun safety, and/or how to use deadly force if necessary. Additionally, Mr. Rawlings stated he would not perform maintenance on other people's guns ;he would not store guns and he would have only a limited amount of ammunition delivered to his home under the guidelines of the allowable amount.

Chairman, Larry Waye outlined the guidelines of a home occupation according to the Zoning Ordinance.

Mr. Roger McWhorter of 1554 River Bend PL SE stated he had concerns about the zoning of the property and asked the Board if the zoning would be changed.

Chairman, Larry Waye replied that the zoning would not be changed and the property would not be affected by a home occupation. Chairman, Waye also stated that there were 4 or 5 other home occupations in the area. Mr. McWhorter then stated that he had no objection to the applicant's request.

Ms. Ella Dickman of 1614 River Bend PL stated there was a petition of multiple neighbors that were in opposition to the applicant's request and further the parking in that area was a concern as it was already a highly dense area. Additionally, Ms. Dickman stated the citizens of the neighborhood were looking to the Board to watch out for their interest.

Chairman, Larry Waye stated the Board had seen the petition and explained that there would be no additional traffic, no classes held at the home and that it would be strictly administrative. Chairman, Waye additionally explained that the applicant was following the law when asking for permission to have an administrative office which the Zoning Ordinance allows. Chairman, Waye also mentioned several cases that had come before the Board previously but had been turned down due to information unveiled during public testimony.

Mr. Norman Roby of 1557 River Bend Pl SE stated he had concerns about live ammunition being delivered to the area because of children and elderly living in the neighborhood. Mr. Roby also asked if the applicant would be advertising his address.

Chairman, Larry Waye explained that the applicant could not advertise his address and that ammunition is allowed to be delivered to one's home by law under certain guidelines. Additionally, Chairman Waye stated that the Board of Zoning Adjustment had no jurisdiction regarding ammunition but that they would take his concern under consideration.

Mr. Ed Lamb of 1615 River Bend Pl SE asked the Board if this home occupation would be considered a business that would need a license?

Chairman, Larry Waye stated it would be a business.

City Attorney, Herman Marks stated that it was a business and the applicant would have to obtain a business license but there would be no activity at his home. Mr. Lamb asked who to call if he did see an increase in activity at the applicant's home.

Assistant, City Attorney Chip Alexander stated he could call the Building Department and file a complaint if it appeared that the applicant was operating outside of an administrative office.

Mr. Josh Nelson of 1553 River Bend Pl SE asked the Board what was to stop the applicant from buying and selling from his home. Chairman, Larry Waye stated that the applicant's integrity would be what would stop him because he had explained all of the applicant's intentions and the applicant was aware that he was asking for an administrative office only.

Assistant, City Attorney Chip Alexander stated the applicant's business could be shut down if he operates outside the realm of an administrative office.

Mr. Lee stated the Building Department would recommend approval.

Mr. Charles Taylor moved to approve this home occupation request as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote, the motion carried.

Chairman, Larry Waye stated he wanted to make sure that Mr. Rollins understood the guidelines of an administrative office. Mr. Rollins read the section from the Zoning Ordinance that applies to home occupations and stated he would be in full compliance. Additionally, Mr. Rollins stated there would be no visitors present pursuant to his business and he would not sell firearms; or ammunition.

#### CASE NO 9

Application and appeal of Natalie Dubach for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a design service for home remodels and new construction at 3211 Mountainview DR SE, property located in a R-2 Residential Single-Family Zoning District.

Ms. Natalie Dubach presented this case to the Board. Ms. Dubach stated she would like an administrative office for a home design service that she would be perform on her computer. Mrs.

Dubach also stated she would meet her clients at the construction site and further that she understood the guidelines of an administrative office.

Mr. Hugh Morgan of 3215 MountainView Dr SE stated he had lived at his address for 34 years and he would like to know if Ms. Dubach owned or rented her home, would she be using a cad program or computer and would she store material samples at her home?

Ms. Dubach stated she would be doing design only and no storage of materials.

Chairman, Larry Way explained that the Zoning Ordinance does not specify that you have to own your home to apply for a home occupation and whether she used her computer or a cad system does not matter but she would be limited to using one room of her house per the Zoning Ordinance.

Mr. Morgan then stated he wanted assurance that the business would be a design business only. Ms. Dubach stated it would be strictly design.

Ms. Rita Birdsong of 2911 Hunterwood DR SE stated she had concerns about additional traffic and people coming to the home after dark.

Chairman, Larry Way reiterated the home occupations guidelines.

Mr. Lee stated the Building Department would recommend approval.

Mr. Collis Stevenson moved to approve this home occupation request as submitted. Mr. Forrest Temple seconded the motion. On a roll-call vote, the motion carried.

#### CASE NO 10

Application and appeal of Chante' Thomas for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a commercial and residential cleaning service at 2217 Lancelot DR SW, property located in a R-2 Residential Single-Family Zoning District.

Ms. Chante' Thomas presented this case to the Board. Ms. Thomas stated she would like an administrative office for a cleaning service. Ms. Thomas also stated there would be no employees.

Mr. Charles Taylor stated that if she did acquire employees, they would need to meet at the jobsite.

Chairman, Larry Way asked the applicant if she understood the guidelines of a home occupation. The applicant affirmed that she understood.

Mr. Lee stated the Building Department would recommend approval.

Mr. Collis Stevenson moved to approve this home occupation request as submitted. Mr. Charles Taylor seconded the motion. On a roll-call vote, the motion carried.

#### CASE NO 11

Application and appeal of Gloria McRae for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for on line jewelry business at 2310 Auburn Dr SW, property located in a R-2 Residential Single-Family Zoning District.

Ms. Gloria McRae presented this case to the Board. Ms. McRae stated she would like an administrative office to sell jewelry on-line. Ms. McRae also stated there would be no sales meetings and that she understood administrative office completely.

Mr. Lee stated the Building Department would recommend approval.

Mr. Charles Taylor moved to approve this home occupation request as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote, the motion carried.

#### CASE NO 12

Application and appeal of McKenzie Voorhees for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a graphic designer and photographer at 306 Courtney DR SW, Apt 210, property located in a R-4 Residential Multi-Family Zoning District.

Ms. McKenzie Voorhees presented this case to the Board. Ms. McKenzie stated she would like an administrative office for a graphic design and photography business. Ms. McKenzie stated there would be no studio and no one coming to her home. Also Ms. Voorhees stated the owner was aware of her request.

Mr. Lee stated the Building Department would recommend approval.

Mr. Forrest Temple moved to approve this home occupation request as submitted. Mr. Thomas Rossi seconded the motion. On a roll-call vote, the motion carried.

#### CASE NO 13

Application and appeal of Steve Reeves for a 6 foot rear yard setback variance from Section 25-10 of the Zoning Ordinance in order to enclose a patio at 2211 13<sup>th</sup> St SE, property located in a R-2 Residential Single-Family Zoning District.

Mr. Steve Reeves presented this case to the Board. Mr. Reeves stated he was representing the owners of the property in requesting a 6 foot rear yard setback variance in order to add onto the home. Mr. Reeves also stated this house had never had an addition.

Mr. Lee stated the Building Department would recommend approval.

Mr. Thomas Rossi moved to approve this request as submitted. Mr. Collis Stevenson seconded the motion. On a roll-call vote, the motion carried.

#### CASE NO 14

Application and appeal of GBW Architects for three different 35 foot setback variances to Sections 25-10(2)(c)(1) ;25-10(2)(d)(1) and 25-10(2)(e)(1) in order to construct two buildings for a public park at 617 12<sup>th</sup> Ave NW, property located in a R-4 Residential Multi-Family Zoning District.

The Board voted to withdraw this case because the wrong address was advertised.

#### CASE NO 5

Application and appeal of Demetrius M. Stevenson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a lawn care service at 1507 17<sup>th</sup> Ave SW, property located in a R-2 Residential Single-Family Zoning District.

This case was called again and then dismissed because no one came forward to present.

#### CASE NO 6

Application and appeal of Lourdes Montel for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a commercial janitorial business at 608 Freemont St SW, property located in a R-2 Residential Single-Family Zoning District.

This case was called again and then dismissed because no one came forward to present.

The meeting adjourned at 5:00

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Chairman, Larry Wayne

## **AGENDA JULY 25, 2017**

CASE NO 1 – Tabled from last month:

Application and appeal of GBW Architects, for three different 35 foot setback variances to Sections 25-10(2)(c)(1) ;25-10(2)(d)(1) and 25-10(2)(e)(1) in order to construct two buildings for a public park at 631 12<sup>th</sup> Ave NW, property located in a R-4 Residential Multi-Family Zoning District.

CASE NO 2

Application and appeal of Marvin E. Green for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office to sell board games online at 1603 Tower ST SE, property located in a R-4 Residential Multi-Family Zoning District.

CASE NO 3

Application and appeal of Tajwana Willingham-Johnson for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for at 2154 Westbury CT SW, for an off-site community dance team, property located in a R-6 Residential Single-Family Zoning District.

CASE NO 4

Application and appeal of Idelia Gonzalez-Gallegos for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a roofing business at 1408 Locust St SE, property located in a R-3 Residential Single-Family Zoning District.

CASE NO 5

Application and appeal of Lourdes Montiel for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for a janitorial business at 608 Freemont St SW, property located in a R-2 Residential Single-Family Zoning District.

CASE NO 6

Application and appeal of Kristie J. Chambliss for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an office to make jewelry at home and then sell the jewelry online and off-site at 1705 Edgewood ST SW, property located in a R-2 Residential Single-Family Zoning District.

CASE NO 7

Application and appeal of Kisha Bolding for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an online women's clothing boutique at 2101 Galahad DR SW, property located in a R-2 Residential Single-Family Zoning District.

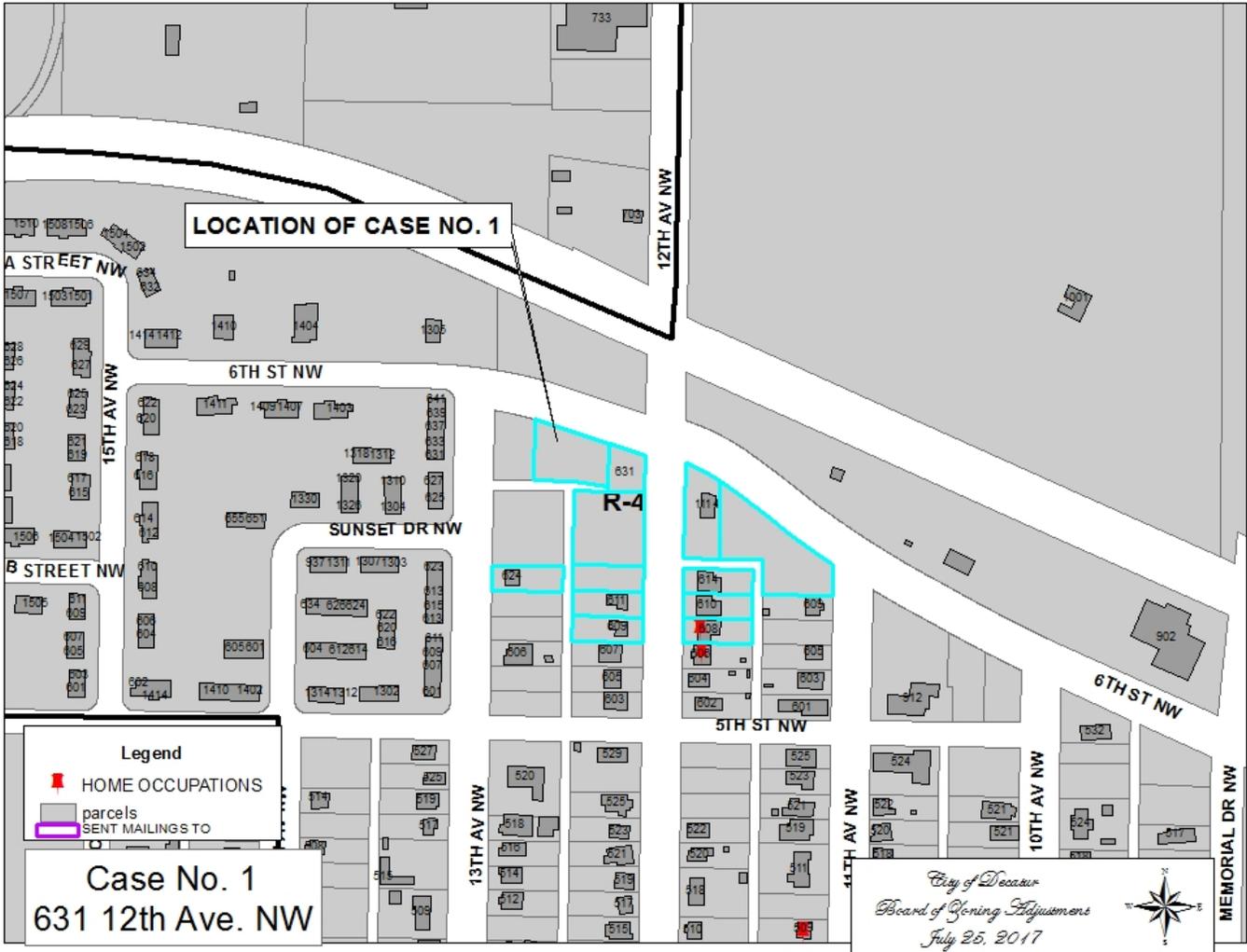
CASE NO 8

Application and appeal of Mario Evans for a determination as a use permitted on appeal as allowed in Section 25-10 and as defined in Article VI, as amended and adopted, of the Zoning Ordinance to have an administrative office for an off-site vehicle seat and headliner repair business at 105 7<sup>th</sup> Ave NW, property located in a R-3 Residential Single-Family Zoning District.



**CASE NO 1 631 12<sup>TH</sup> AVE NW  
TABLED FROM LAST MONTH**

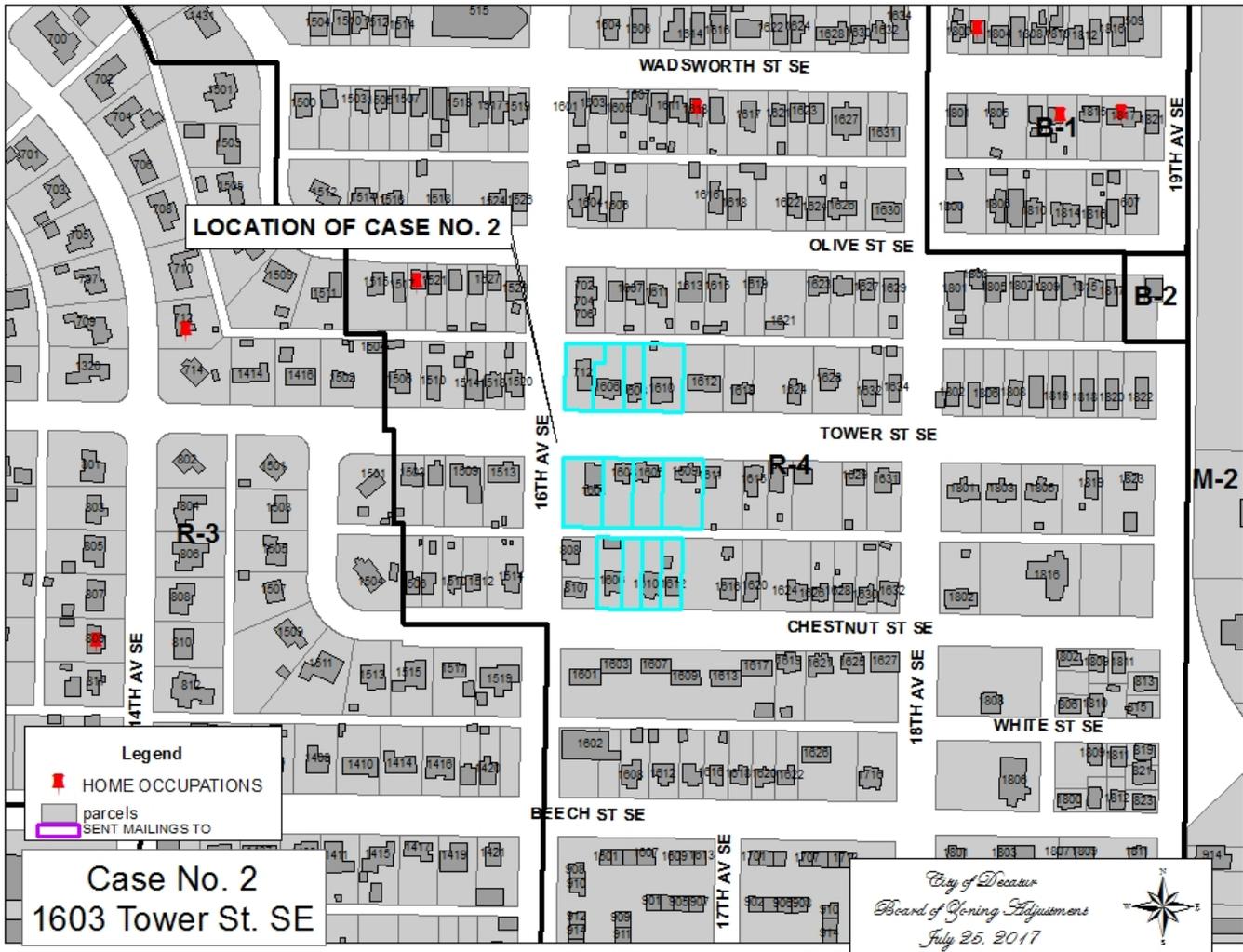
**SURVEY**



LOCATION MAP 631 12<sup>TH</sup> AVE NW

**CASE NO 2 1603 TOWER ST SE**

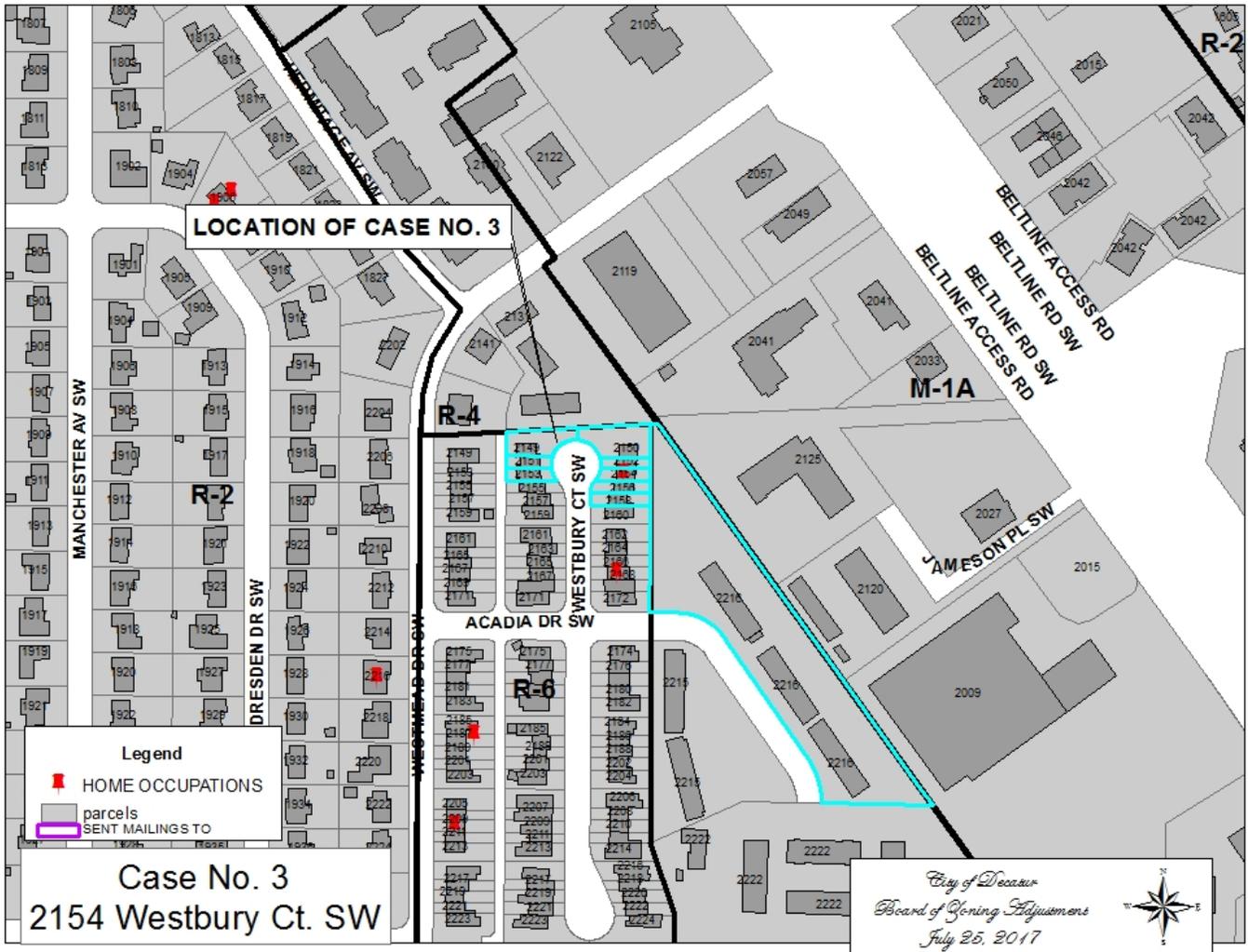
## **QUESTIONNAIRE**



**LOCATION MAP 1603 TOWER ST SE**

**CASE NO 3 2154 WESTBURY CT SW**

## **QUESTIONNAIRE**



**LOCATION MAP 2154 WESTBURY CT SW**

**CASE NO 4 1408 LOCUST ST SE**

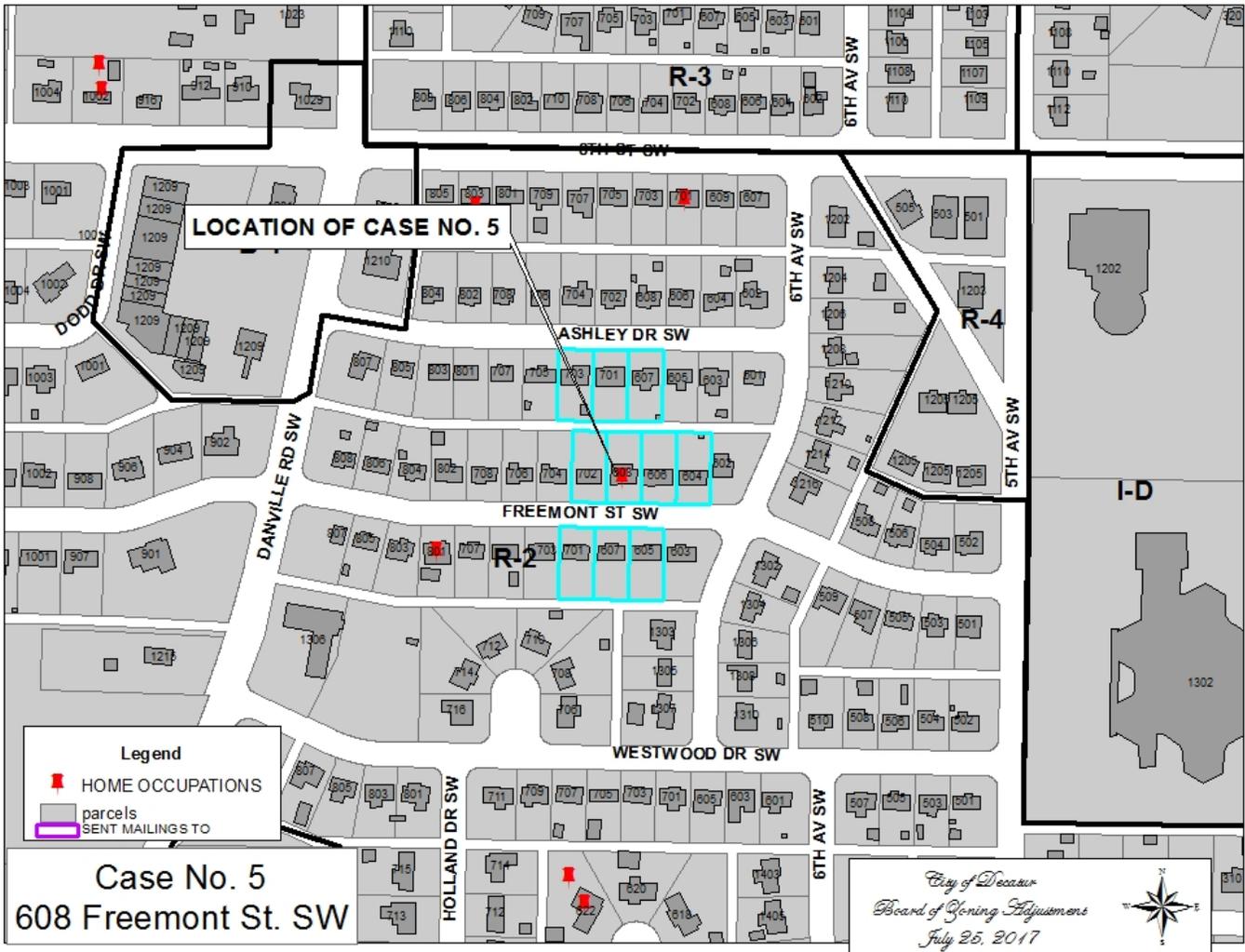
## **QUESTIONNAIRE**



LOCATION MAP 1408 LOCUST ST SE

**CASE NO 5 608 FREEMONT ST SW**

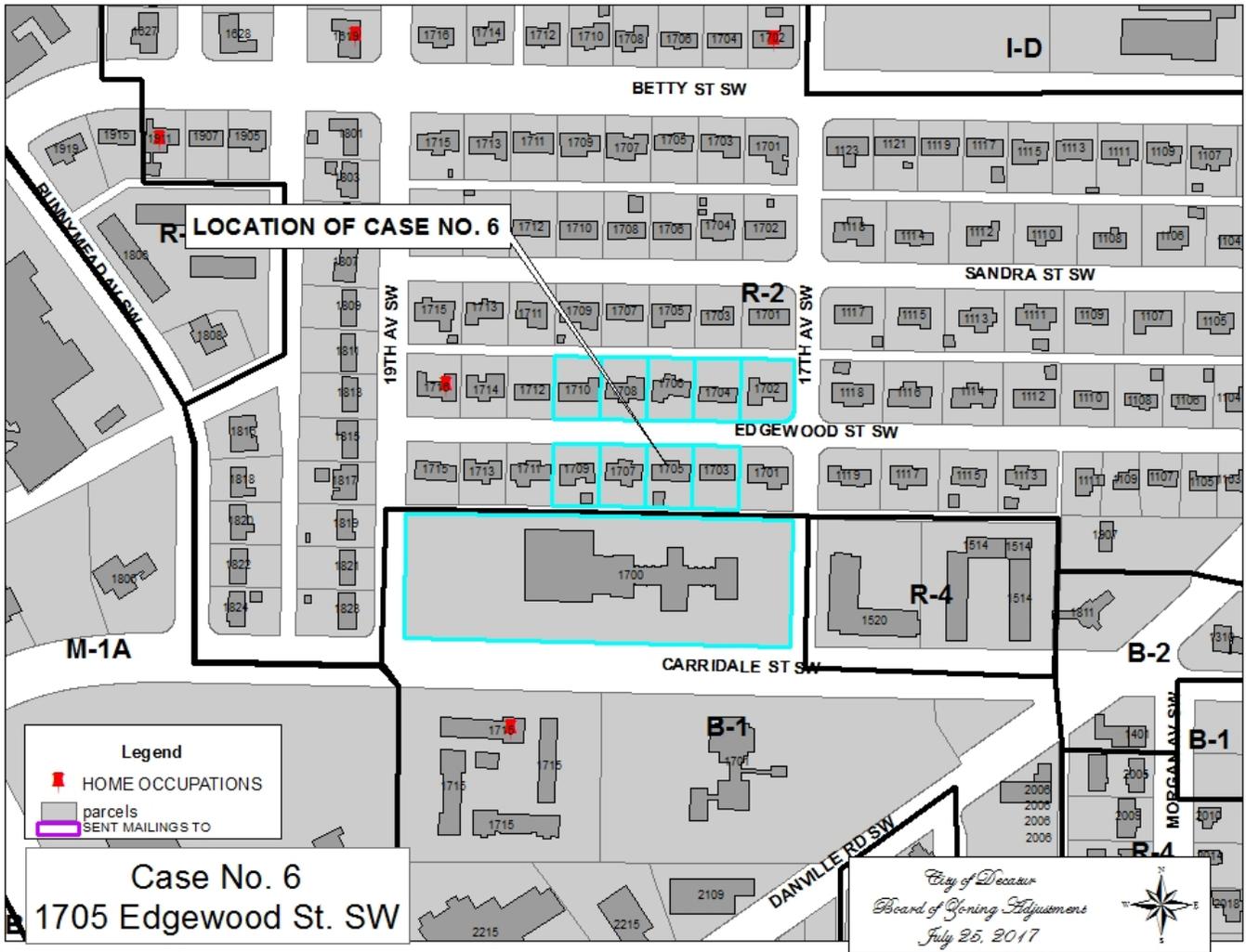
## **QUESTIONNAIRE**



**LOCATION MAP 608 FREEMONT ST SW**

**CASE NO 6 1705 EDGEWOOD ST SW**

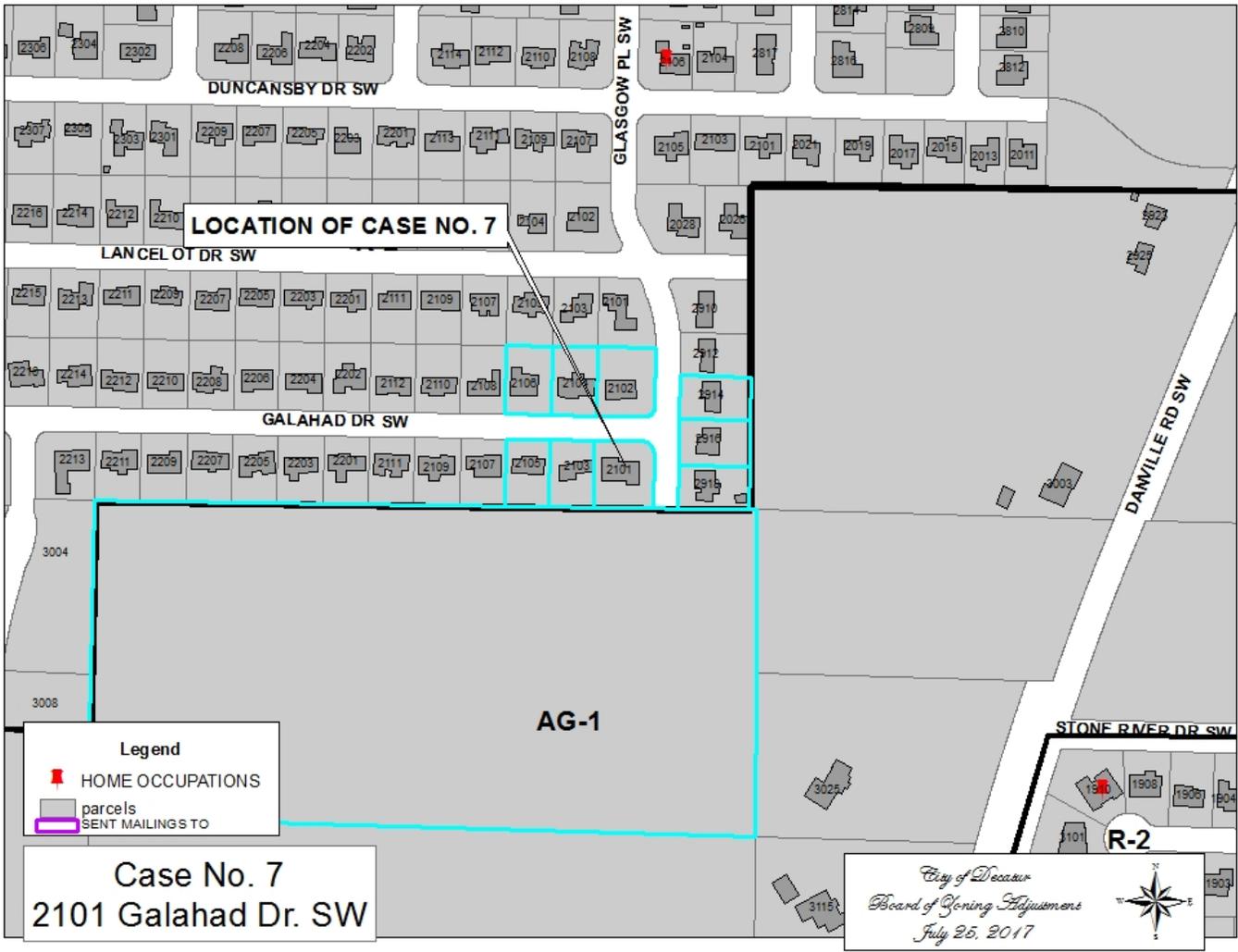
## **QUESTIONNAIRE**



705 EDGEWOOD ST SW

**CASE NO 7 2101 GALAHAD DR SW**

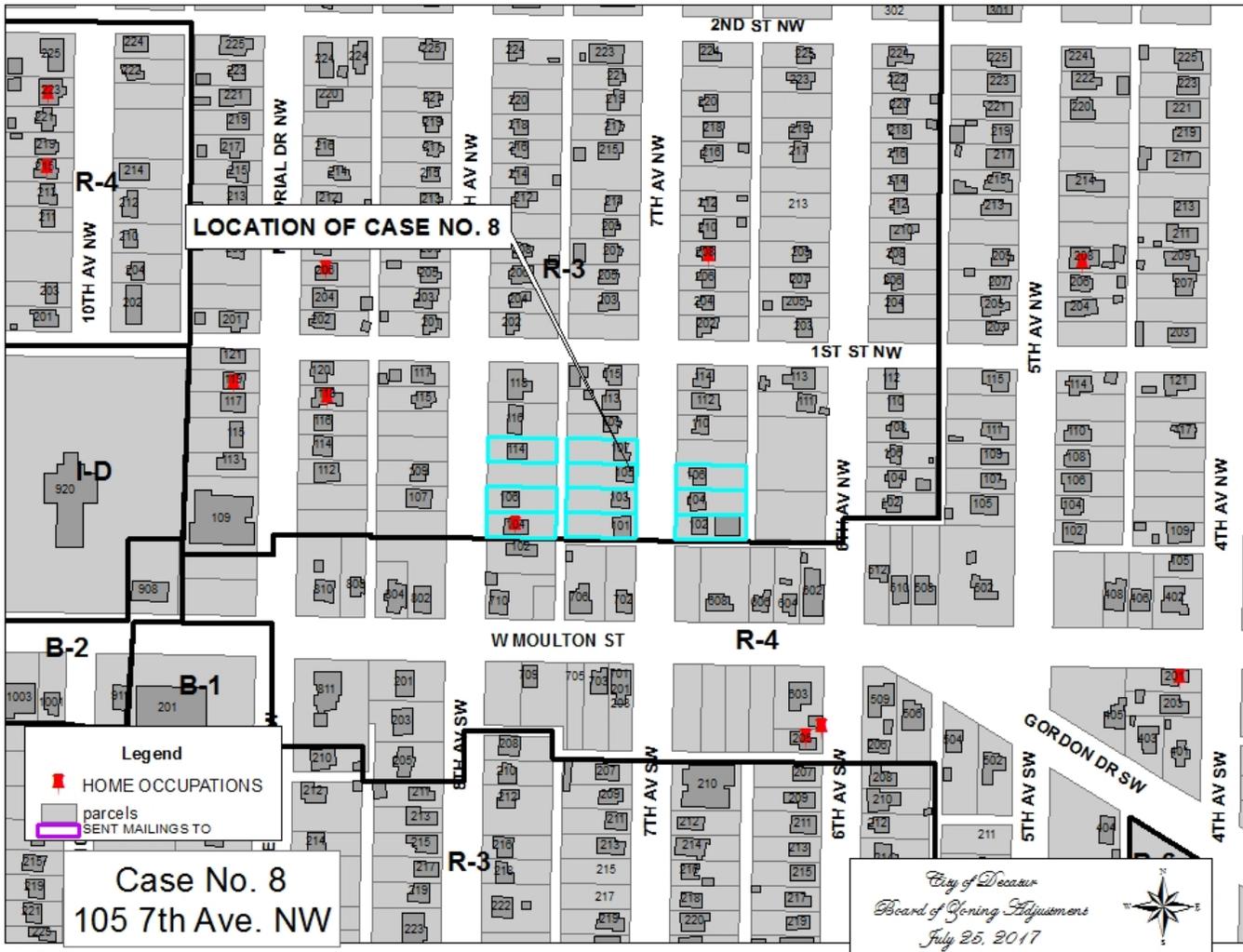
## **QUESTIONNAIRE**



**LOCATION MAP 2101 GALAHAD DR SW**

**CASE NO 8 105 7<sup>TH</sup> AVE NW**

## **QUESTIONNAIRE**



LOCATION MAP 105 7<sup>TH</sup> AVE NW