

Town of Lake Santeetlah

Public Hearing Minutes- Continuation Johnson (Zoom Meeting)

March 19, 2021

Side Yard Variance Public Hearing for Gary Johnson at 10:30AM:

Mayor Hager called the hearing to order at 10:30AM. This is a continuation of the hearing that was opened on March 11, 2021. Council members Predmore, Simons, Haag, and Carlton were present for the meeting. Town Administrator Matheson, Town Clerk Postell and Town Attorney Justus were also present.

Mayor Hager read the disclosure statement.

Mayor Hager stated he met with the Johnsons when checking a water issue and they pointed out the stakes where the garage is intended to be. Councilmember Haag & Carlton were also on site.

Councilmembers Simons and Predmore have not spoken with the Johnsons, nor made a site visit.

Councilmember Predmore declared professional expertise in construction management.

Town Clerk Postell swore in applicants, Gary & Sherri Johnson, Zoning Administrator Bryan Farley, and Town Administrator Matheson.

Mr. Johnson stated they are planning to build a garage on their property and they are requesting a variance to push the garage back towards the adjoining property so it will be out of the line of sight of the driveway, aligns symmetry with the corner of their house to make the property look more appealing. It will also be out of the line of sight in the street so it will not be visible at all or very little if the variance is granted. It will also create more parking, which has been an issue, so this will help accommodate that.

Zoning Administrator Bryan Farley stated he met with Charles Toomey, the contractor, and the Johnsons and they provided him with the same information. They are looking for a 6 foot variance to build the garage.

Councilmember Carlton asked Bryan if he included the wall of the building or the drip line of the roof when measuring. Farley said he generally uses the hangover- fascia or guttering whichever is furthest out. Predmore asked if Farley did this in this case and Farley stated he assumed in this situation. That is an assumption not a fact.

Councilmember Haag suggested Bryan Farley begin pulling tape to avoid conflict in the future. Carlton stated surveys should be given with every submission that marks specifically where the footers and drip lines are and be as detailed as possible. Matheson stated with the new zoning ordinance this will be resolved.

Mayor Hager asked Farley how many feet the Johnsons were requesting. Farley stated he could not give an exact; it was between five and six feet approximately. Justus stated the application said six feet. Predmore stated the application stated "some of the six feet." Justus stated in the future the applicant will have to be more definitive. Mr. Johnson stated it was six feet.

Councilmember Simons asked Mr. Johnson to explain the hardships. Mr. Johnson stated safety was concern because people were parking on the street. He also would like a place for storage for outdoor equipment. The hardship is the project cannot be done without a variance.

Due to the application ending at question number four, Mr. Johnson was asked the following questions:

1. What items are peculiar to the property that create the unnecessary hardship? Mr. Johnson stated there was nowhere else to build.
2. Explain how the unnecessary hardship is based upon conditions peculiar to the applicant's property? Mr. Johnson answered this question previously.
3. Explain how the unnecessary hardship is not a result of the applicants own actions? Mr. Johnson stated there was no garage and the spot has to be dug out because of the terrain.
4. Explain how the requested variance is in harmony with the general purpose and intent of the zoning ordinance and protects the spirit of the ordinance? Mr. Johnson stated it moves the front of the garage back out of the line of sight from the road. Unless you would rather see the peak than the trees it enhances the view.
5. Will the variance, if granted, allow an increase or extension of an existing nonconforming use? Mr. Johnson stated "no."
6. Will the variance, if granted, allow a use otherwise prohibited in the zoning district containing the property? Mr. Johnson stated "no."
7. List the names and addresses of all abutting property owners and owners of the property immediately across the street from the property affected. The list shall be current according to the most recent tax listing as filed with Graham County. Town Administrator Matheson sent letters to all these people that were abutting the Johnsons property.

Carlton stated he was fine with the asked and answered questions fulfilling the requirements of the form.

Councilmember Simons made a motion to close evidentiary portion of this hearing. Predmore seconded. The motion passed unanimously.

Predmore commented on Item #4 regarding Homeland Security.

Mayor Hager asked the necessary questions as follows:

- The unnecessary hardship results from the strict application of the ordinance? The vote passed four to one; Predmore opposed.
- The unnecessary hardship results from condition that are peculiar to the applicant's property? The vote passed four to one; Predmore opposed.
- The unnecessary hardship is not a self-created hardship? The vote passed four to one; Predmore opposed.

•The requested variance is consistent with the spirit, purpose, and intent of the ordinance such that public safety is secured and substantial justice is achieved? The vote passed four to one; Predmore opposed.

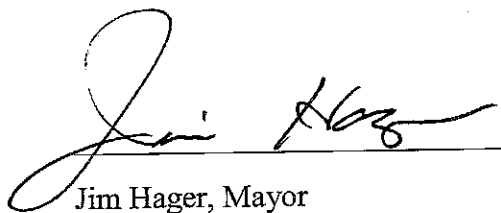
Councilmember Haag made a motion to approve the variance request. Carlton seconded. The motion passed four to one. Predmore opposed.

Announcements:

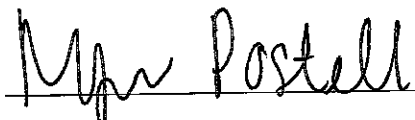
1. We will continue to meet by Zoom due to the current outbreak in our county. We will post notice of all meetings on website, Town Hall, and Front Entrance.
2. The next Council Meeting will be held April 8, 2021 at 10AM. This meeting will be held via Zoom, unless otherwise notified. Information will be sent out at a later date.

Motion to Adjourn

Councilmember Haag made a motion to adjourn the meeting. Simons seconded. The meeting was adjourned at 11:48AM.



Jim Hager, Mayor



Morgan Postell, Town Clerk