

**THOMASVILLE BOARD OF ARCHITECTURAL REVIEW AND ZONING APPEALS  
OFFICIAL MINUTES  
Wednesday May 13, 2009**

The Thomasville Board of Architectural Review and Zoning Appeals met in a regular session on Wednesday, May 13, 2009, at 10:00 a.m. in the Municipal Building Council Chambers. Members present were Allison Knox, Carol Biggs, Mark Parker and Marvin Dawson. Also present was Duane Treadon Zoning Administrator. Citizens who were present are listed on the meeting sign in sheet.

**Call to Order**

Vice Chairman Marvin Dawson called the meeting to order.

**Approval of Minutes**

A motion was made by Carol Biggs and seconded by Allison Knox to approve the minutes of the February 11, 2009 meeting. The motion passed unanimously.

**New Business-**

**ARZA-09-05-01** Matt Kirkley variance to Section 22-181 Development Standards Side Yard Setback.

Vice Chairman Dawson asked for Mr. Treadon to present the staff report to the Board. Mr. Treadon presented the staff report to the Board (see attached Staff Report ARZA-09-05-01).

During discussion Mr. Treadon explained that to accommodate any future utility activity the City Engineering Department has requested that a 12 foot permanent easement for Right of Way and Utilities be placed on the property along its sides fronting Simeon Street and Park Ave.

Applicant's agent, Matt Kirkley, stated that the house has been placed so as to minimize the portions of the house setting outside the setbacks.

Mr. John Jones of 221 Lucy Street, gave his concerns that part of the applicant's house would be built on his property. Mr. Kirkley assured Mr. Jones that the house would not cross the property line by working with him before construction of the house began to determine the actual property lines.

After discussion, a motion to approve the variance request was made by Allison Knox and seconded by Carol Biggs the following resolution was approved by unanimous voice vote:

**BE IT RESOLVED BY THE ZONING BOARD OF APPEALS, AND IT IS HEREBY  
RESOLVED BY THE AUTHORITY OF THE SAME**  
that the variance to  
**Thomasville Municipal Code Sections 22-181**

**Development Standards Side Yard Setback**

- Allow for a 6.75 foot right side yard setback and
  - Allow for a 15 foot left yard setback

requested for property located at  
**Corner of Simeon & Park Tax ID # 009 029 015** is hereby **approved**.

The grounds for this decision are based on the Board's finding that relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these regulations and that there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.

In addition the Board finds that:

- A utility easement for twelve feet for this property must be recorded at the Thomas County Courthouse before issuance of a building permit

SO DONE this the 13th day of May, 2009.

**ARZA-09-05-02** David & Colleen Phelps variance to Section 22-181 Development Standards Side Yard Setback.

Vice Chairman Dawson asked for Mr. Treadon to present the staff report to the Board. Mr. Treadon presented the staff report to the Board (see attached Staff Report ARZA-09-05-02).

During discussion Mr. Treadon explained that the applicant had gone before the Historic Preservation Commission and received design approval for the project. The extra width would allow for easier movement of people and goods from the vehicle to the house.

Applicant and owner David Phelps, spoke to the Commission regarding a gas meter on the side of the house. Mr. Phelps explained that the extra width would help miss the gas meter as they parked their vehicles.

After discussion, a motion to approve the variance request was made by Carol Biggs and seconded by Allison Knox the following resolution was approved by unanimous voice vote:

**BE IT RESOLVED BY THE ZONING BOARD OF APPEALS, AND IT IS HEREBY  
RESOLVED BY THE AUTHORITY OF THE SAME**

that the variance to

**Thomasville Municipal Code Sections 22-181**

**Development Standards Side Yard Setback**

To allow for a six foot right yard setback  
requested for property located at

**436 S. Hansell Street** is hereby **approved**.

The grounds for this decision are based on the Board's finding that relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of these regulations and that the proposed use will be of such location, size, and character that it will be in harmony with the appropriate orderly development of the surrounding neighborhood.

SO DONE this the 13th day of May, 2009.

ATTACHMENT

**Staff Analysis and Report  
Application #ARZA-09-05-01**

**I. GENERAL INFORMATION**

Applicant/Owner	Matt Kirkley.
Address	Tax ID # 009 029 015 Corner of Simeon and Park
Action Requested	Variance to allow a 6.75 foot right side yard setback Variance to allow a 15 foot left side yard setback
Proposed Use	Single Family Residential Structure
Existing Zoning	R-1
Surrounding Zoning & Land Uses	
North	R-1
South	R-1
East	R-1
West	R-1

Basic Information	Applicant has submitted plans for a new single family residential structure to be placed on a corner lot located at Simeon and Park Ave. Portions of the right and left side of the structure will not fit within the allowed setback necessitating a variance request to allow a 6.75 foot right side yard setback and a 15 foot left side yard setback.
Applicable Regulations	Sec. 22-181 R-1 zoning requires an 8 foot side yard setback and a 22.5 foot corner side yard setback.
Comprehensive Plan	No direct elements related to this application are addressed by the City of Thomasville Comprehensive Plan.

**II. ANALYSIS FOR VARIANCE**

**A. Hardship Determination**

The applicant’s plans indicate the construction of a new single family residence on the northwest corner lot of Simeon St. and Park Ave. The lot is of an unusual shape having 37.18 foot wide property line fronting Simeon St. and a 58.26 foot rear lot line. The lot is considered substandard in size at 6352.5 square feet and required current day road frontage standard of 60 foot.

As originally platted (recorded in Plat Cabinet 2, folio 14-B) the lot had 30 foot of frontage on Simeon St. with a 35 foot width at the rear. The original plat shows that there were 19 lots fronting Simeon St. At some point in history these lots were reconfigured resulting in 9 lots fronting Simeon.

In 1998 through the assistance of a Community Development Block Grant Park Ave. was paved by the City. To accommodate the paving a portion of the lot was altered creating the current 37.18 foot front.

**B. Determination of Detriment to Public Health, Safety, and Welfare**

In the event that the Board finds that an unnecessary hardship does exist, the following is an evaluation to determine whether a significant detriment to the public health, safety, or welfare may result if this variance is granted.

With the width of this lot being greater in the rear than the front the applicant has moved the structure as far back as possible. While this is a corner lot the intersection is not a 4 way intersection. Park Ave. makes a 90 degree turn on to Simeon at this site. Traffic

safety and sight visibility is not seen as an issue due to the placement of the structure so far back on the lot. On the one neighboring side the structure is only 1.25 feet into the setback on one corner. The remainder of that side is within the required 8 foot setback.

**IF VARIANCE IS GRANTED - POSSIBLE WAYS TO MINIMIZE IMPACT**

The applicant has taken measures to bring the project into compliance by moving the structure as far back on the property as possible. This has lessened any impact by reducing the length of structure that would not be in compliance with required setbacks. To accommodate any future utility activity the City Engineering Department has requested that a 12 foot permanent easement for Right of Way and Utilities be placed on the property along its sides fronting Simeon St. and Park Ave.

**COMMUNICATIONS-**

Mr. Jones a neighboring property owner did come to our office to review the application file.

**Staff Analysis and Report  
Application #ARZA-09-05-02**

**I. GENERAL INFORMATION**

Applicant/Owner	David & Colleen Phelps
Address	436 S Hansell St.
Action Requested	Variance to allow a 6 foot side yard setback
Proposed Use	Addition of s Porte-cochere
Existing Zoning	R-2
Surrounding Zoning & Land Uses	
North	R-2
South	R-2
East	C-1
West	R-2

Basic Information                      Applicant has submitted plans to construct a porte-cochere on the right side of the structure. The porte-cochere will be open on all sides and

allow for vehicle access to the rear of the property as well as a covered parking area.

Applicable Regulations	Sec. 22-181 R-2 zoning requires an 8 foot side yard setback.
Comprehensive Plan	No direct elements related to this application are addressed by the City of Thomasville Comprehensive Plan.

## **II. ANALYSIS FOR VARIANCE**

### **A. Hardship Determination**

The applicant's plans indicate the construction of an open porte-cochere to the right hand side of the structure measuring 20 feet by 23 feet to accommodate the passage of a vehicle into the rear yard area. The addition will encroach into the required side yard setback of 8 feet by approximately 2 feet.

### **B. Determination of Detriment to Public Health, Safety, and Welfare**

In the event that the Board finds that an unnecessary hardship does exist, the following is an evaluation to determine whether a significant detriment to the public health, safety, or welfare may result if this variance is granted.

The property is located within a local historic district. The applicant has gone before the Historic Preservation Commission and received design approval for the project. The public health safety and welfare impact is considered to be minimal to none.

## **IF VARIANCE IS GRANTED - POSSIBLE WAYS TO MINIMIZE IMPACT**

The project could be built to fit within the required setback however the applicant wishes to have the extra width to allow for easier access to the vehicle when parked under the porte-cochere. The extra width will allow for easier movement of people and good to and from a vehicle given the wider area that doors can be opened.

**COMMUNICATIONS-**

An agent for neighboring property owner Mr. Lanigan did request a copy of the application and plans.

Our officer received no further communications on this application.