

Town of Nashville

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TOMMY SASSER, SR.
DENNIS EVANS

TOWN OF NASHVILLE BOARD OF ADJUSTMENT MINUTES - DRAFT September 9, 2021

The Town of Nashville Board of Adjustment held a regular scheduled meeting on Thursday, the 9th day of September at 7:00 PM in the Town Council Chambers located at 114 W. Church Street in Nashville, NC.

Members Present: Ross Strickland – Chairman, Tommy Sasser, Sr., Eddie Thomas, and Al Edwards

Members Absent: Dennis Evans and Willie D. Morris

Staff: Sherry Moss, Planning Director and Fire Chief Chris Joyner

1. CALL TO ORDER:

The meeting was called to order by Chairman Ross Strickland at approximately 7:00pm. Chairman Strickland requested that everyone introduce themselves. A quorum was present.

2. ELECTION OF OFFICERS:

Existing Chairman Ross Strickland called for a nomination of a chairman; Board Member Tommy Sasser motioned to nominate Ross Strickland as Chairman. The motion was seconded by Board Member Eddie Thomas. The motion carried unanimously.

Chairman Ross Strickland called for a nomination of Vice Chairman. Board Member Tommy Sasser motioned to nominate Eddie Thomas as Vice Chairman. The motion was seconded by Board Member Tommy Sasser. The motion carried unanimously.

3. APPROVAL OF MINUTES (August 12, 2021)

Chairman Ross Strickland motioned to approve the August 12, 2021, minutes. The motion was seconded by Eddie Thomas. The motion carried unanimously.

4. HEARING OF THE CASE: V 2021-01

Planning Director Sherry Moss introduced Case V 2021-01 to the Board of Adjustment. Ms. Moss reviewed items of the agenda packet, referring to the agenda report and stating in this case, there are two carports that house fire trucks and fire emergency vehicles behind the fire station. One meets the setback requirements for accessory buildings, and one does not. She added that section 18-60 of the zoning ordinance requires that “no separate accessory buildings shall be erected within five feet of any other buildings or six feet of the side or rear property line”. In this case, the structure is shy of one foot of the property line. Therefore, a variance is being requested. Ms. Moss added that the hardship is due to the layout of the lot, regarding ingress and egress from Boddie Street and Barnes Street. The location of the carports between the driveway and the fence is the best fit for emergency vehicles to

enter and exit the property properly in case of an emergency. Ms. Moss continued introducing the remaining items of the agenda packet, followed by reading the rules of the quasi-judicial public hearing. She also informed the board that the Fire Chief is present.

Chairman Strickland had several questions. On page 13 of the plat, Chairman Strickland questioned who the property owner was between the Todd and Murray properties. Ms. Moss replied the Town of Nashville. Chairman Strickland asked was the setback the concern for the Todd property. Ms. Moss stated it would be on the side of the Manning property. Chairman Strickland asked if Mr. Manning had been contacted. Ms. Moss replied that everyone has been sent a letter and she hadn't received any concerns.

Board Member Tommy Sasser asked if anyone had called the Fire Department. The Fire Chief mentioned that he had one subject that was a former Nash County Building Inspector that questioned him why the shelters were like that. The Fire Chief stated that he submitted everything to the former Planning Director at that time and was told that it shouldn't be a problem since they are temporary shelters. He was told by the former Building Inspector that he couldn't do that, it wasn't right, and it should not have been done that way. The Fire Chief stated he replied to the former Building Inspector, stating that once Fire Station #2 is built, the buildings will be removed. The Fire Chief added this item was brought to his attention and he took it to Planning Director Sherry Moss to go through the process to make sure everything is done right.

The public hearing was open. There was no one present to speak in opposition of the public hearing. There was no further discussion, and the public hearing was closed. Planning Staff recommends approval of the variance due to the layout of the lot.

The Board of Adjustment reviewed and voted on the following findings of facts:

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Staff comments: This particular property is in the B-1 (Highway Business) Zoning District and currently consists of the Police and Fire Departments with several accessory structures on it. The Nashville Fire Department has two car ports located at 501 S. Barnes Street to house fire trucks/emergency vehicles behind the Fire Station. However, one of the carports will encroach the side setback by one foot. Due to the layout of the lot, per the site plan, the proposed location of the petitioned carport is best ingress and egress. Therefore, staff would recommend lesser setbacks for the location; and believes that the above statement is "true" regarding this variance request.

The Board's CONCLUSION: True or Not True? **True**
Unanimous vote of 4-0.

2. That the literal interpretation of the provisions of this ordinance would deprive the applicant of a right commonly enjoyed by other properties in the same district under the terms of this Ordinance.

Staff comments: Accessory buildings are allowed in the B-1 Highway Business District as a matter by right; therefore, staff believes that the above statement is "true" regarding this variance request.

The Board's CONCLUSION: True or Not True? **True**

Unanimous vote of 4-0.

3. That the special conditions and circumstances do not result from the actions of the applicant.

Staff comments: The said property is an existing lot with access from both Barnes Street and Boddie Street.

The Board's CONCLUSION: True or Not True? **True**
Unanimous vote of 4-0.

4. That if granted, the variance will be in harmony with the general purpose and intent of the ordinance and will preserve its spirit.

Staff comments: None

The Board's CONCLUSION: True or Not True? **True**
Unanimous vote of 4-0.

5. That if granted, the variance will secure the public safety and welfare and will do substantial justice.

Staff comments: None

The Board's CONCLUSION: True or Not True? **True**
Unanimous vote of 4-0.

Chairman Strickland stated that THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be **GRANTED** subject to the following conditions (if any), and there are no conditions, on this 9th day of September 2021.

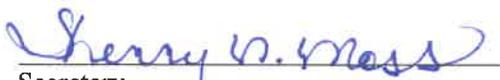
The above finding of facts was voted on separately and each was passed with a 4-0 unanimous vote. Board Member Tommy Sasser motioned that the variance be granted. The motion was seconded by Board Member Eddie Thomas. The motion passed unanimously.

5. NEW BUSINESS

No new business was introduced or discussed.

6. ADJOURNMENT

The meeting was adjourned at 7:35PM with a motion by Al Edwards and a second by Tommy Sasser. The motioned carried unanimously.


Secretary


Chairman/Acting Chairman, Board of Adjustment