

**GAINESVILLE PLANNING AND APPEALS BOARD
MINUTES OF MEETING
DECEMBER 8, 2015**

CALL TO ORDER Board Member Martin @ 5:40 p.m.

Members Present: Board Members Connie Rucker, George Hokayem, Eddie Martin, Sr. and Carmen Delgado

Members Absent: Vice-Chair Jane Fleming
There are currently two vacancies to fill the unexpired terms for Zack Thompson and Doyle Johnson.

Staff Present: Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

Others Present: Council Members George Wangemann and Myrtle Figueras

ELECTION OF CHAIRMAN PRO TEM

In the absence of the Chairman and Vice-Chair, there was a motion to elect Board Member Hokayem to serve as Chairman Pro Tem for this meeting only.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 3 favor, 1 abstained (Hokayem), 1 absent (Fleming), 2 vacancies

MINUTES OF OCTOBER 13, 2015

There was a motion to approve the minutes as presented.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 4 favor, 1 absent (Fleming), 2 vacancies

NEW BUSINESS

A. Variance Request

- 1) Request from **Six Eight Capital & Investments, LLC** to vary the left side yard setback requirement on a 0.25± acre tract located on the east side of Senior Circle (a/k/a **188 and 190 Senior Circle**) having a zoning classification of Residential-II (R-II).

Ward Number: Two

Tax Parcel Number(s): 09-125-000-100 and 101

Request: Deck addition

Staff Presentation: Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to vary the side yard setback from ten (10) feet to two (2) feet for the addition of a deck. The Gainesville Unified Land Development Code requires a side yard setback of ten (10) feet for properties located within the

Residential-II (R-II) zoning district. The subject area includes two condominium units and is located within the Clarks Bridge Corners condominium subdivision which is planned for a total of 41 condominium units.

The surrounding uses include residential condominiums located to the north, south and west within the Clarks Bridge Corners subdivision. The area most impacted by the proposal includes undeveloped land to the east which is zoned General Business (G-B) and contains an adjacent earthen berm and storm water detention pond.

At this time, the unit located at 188 Senior Circle is under construction and contains a sunroom that is five feet (5') from the side property line. The property owner desires to build a deck addition as close as 2-feet from the side property line. The unit located at 190 Senior Circle is occupied and contains a sunroom and a small deck that is five feet (5') from the property line. There are no specific plans to expand the existing deck at this time but the property owner may decide to in the future. The existing sunrooms for each condominium unit were previously administratively approved to be located five (5) feet from the side property line.

The applicant is basing the hardship on the limited space to construct a deck and states that there is no room to build a usable deck without a variance as the deck would only be five (5) feet in depth.

The Planning Division staff is recommending **approval** of this variance request based on the size of the property and the sloping topography.

Applicant Presentation: Larry Oldham, 416 Pirkle Ferry Road, Suite K-500, Cumming, stated that he was the owner and manager of Six Eight Capital & Investments, LLC. He stated that they came into a failed condominium development which had 26 units in it and they will finish building out the final 15 units which has been a benefit to the neighborhood. He stated that the subject properties were slated as full basement lots until they took over the development. Mr. Oldham stated that on the backside of the lot there is a detention area which will not be anything but a detention area, in his opinion, because there is a creek at the bottom of the hill. Nevertheless, they are required to build the deck out of a fire rated material because of the proximity to the property line and they have no problem with doing so. He praised the City Staff for their professionalism and help during this process. He stated that he was available to answer any questions.

FAVOR: None

OPPOSE: None

Planning and Appeals Board Comments: None

There was a motion to vary the left side yard setback requirement from 10-feet to 2-feet for a deck addition at 188 and 190 Senior Circle.

Motion made by Board Member Martin

Motion seconded by Board Member Delgado

Vote – 4 favor, 1 absent (Fleming), 2 vacancies

MISCELLANEOUS

Chairman Pro Tem Hokayem recognized Doyle Johnson for his service on the board as a long time member and Chairman, noting he would be missed. Planning Manager Matt Tate stated that the City Council plans to present a proclamation to Mr. Johnson's wife and family during a future Council meeting. Mr. Tate stated that the Board would be notified via email once the meeting date was confirmed and hoped everyone can attend.

ADJOURNMENT

There was a motion to adjourn the meeting at 5:49 PM.

Motion made by Board Member Delgado

Motion seconded by Board Member Rucker

Vote – 4 favor, 1 absent (Fleming), 2 vacancies

Respectfully submitted,

George Hokayem, Chairman Pro Tem

Judy Foster, Recording Secretary