

**BRISTOL TENNESSEE
BOARD OF ZONING APPEALS
MEETING MINUTES
February 21, 2019**

Members Present:

Jack Hyder, Chairman
Ted Koehner, Vice-Chairman
Joel Staton, Secretary
John Cartwright
Grady Hensley

Staff/Others Present:

Tim Beavers
Jacob Chandler
Cherith Young
Steve Blankenship
Ross Peters
Heather Moore
Christy Justice

Members Absent:

None

I. CALL TO ORDER

The Bristol Tennessee Board of Zoning Appeals meeting was called to order at 11:00 a.m. on Thursday, February 21, 2019 by Chairman Jack Hyder and a quorum was declared present.

II. APPROVAL OF MINUTES

There being no changes to the February 15, 2018 minutes, they were approved as presented.

III. ELECTION OF OFFICERS

Ted Koehner nominated Jack Hyder to remain as Chairman; John Cartwright seconded the nomination. The nomination carried unanimously. John Cartwright nominated Ted Koehner as Vice-Chairman; Joel Staton seconded the nomination. The nomination carried unanimously. Ted Koehner expressed concern that his term would be up this year. Chairman Hyder indicated that if Mr. Koehner's term were not renewed that the Board would nominate a new Vice-Chair at their next meeting. John Cartwright nominated Joel Staton to fill the position as Secretary for the Board; Ted Koehner seconded the nomination. The nomination carried unanimously.

IV. OLD BUSINESS

None

V. NEW BUSINESS

A. Administrative Appeal – 488 Manchester Place

Mr. Tim Beavers presented information on the administrative appeal for property located at 488 Manchester Place. A Board of Zoning Appeals application was received on January 3, 2019 requesting an Administrative Appeal to Chapter 2, Section 225.5 Maximum Access Way Width of the Zoning Ordinance. Mr. Paul A. Neil applied for an access way permit from the City on April 3, 2018 and subsequently received approval from the City for

construction of the access way on April 5, 2018. The approved permit indicated a 20 foot maximum access width and indicated that the applicant should contact the City for inspection after the concrete forms were installed and prior to the pouring of the concrete. Without the City's inspection, Mr. Neil constructed a 24 foot wide access way between October 3, 2018 and November 5, 2018. Subsequently the City observed the constructed access way and notified Mr. Neil that the portion of the access way in the right-of-way would have to be narrowed to 20 feet. Mr. Neil indicated in his application that he felt the decision was unreasonable and that the appeal was due to financial constraints, poor communication and this driveway was similar width to driveway at 513 Manchester Place. Staff recommended that the Board deny the administrative appeal due to the Zoning Ordinance stating that the maximum allowed access was 20 feet.

Ted Koehner questioned how the width was determined. Mr. Beavers indicated that the ordinance file was not clear on how the decision was reached, but he indicated that he felt as though it was because of TDOT standards.

Jacob Chandler, City Engineer, indicated that he had discussions with the owner of the property during the initial permit request. Mr. Chandler indicated that on the original sketch, the access way was proposed to be 24 feet at that time, staff informed the property owner that the maximum allowed was 20 feet inside the right of way. Mr. Chandler then stated later, after the concrete was poured, staff noticed that the driveway exceeded the allowed footage and notified the home owner of the discrepancy.

Mr. Paul Neil, owner of the property, indicated that the developer he hired to construct the driveway was not aware of the restrictive 20 foot access point and Mr. Neil stated that he failed to convey this information to the developer prior to construction. Mr. Neil indicated that it was his argument that a 20 foot access point was a safety hazard and that he felt as though the zoning ordinance needed to be changed to accommodate structures. Mr. Neil asked the Board to consider changing the maximum allowed access point to 24 feet instead.

Chairman Hyder indicated that the Board could not change the way that the Zoning Ordinance was written because it was a duty for the Planning Commission and the City Council. Mr. Beavers indicated that staff was willing to bring the access point item up for discussion for the Planning Commission to review.

Mr. Joel Staton made a motion to grant the appeal because, he indicated, that he did not see an issue with the applicant making a mistake; Mr. Ted Koehner seconded the motion. The motion was denied with a 3-2 vote, with Mr. Cartwright, Mr. Hyder and Mr. Hensley voting against the motion.

Mr. John Cartwright made a motion to reject the appeal; Mr. Grady Hensley seconded the motion. The motion carried with a 3-2 vote, with Mr. Joel Staton and Mr. Ted Koehner voting against the motion.

VI. OTHER MATTERS


None

VII. ADJOURNMENT

With no other business to discuss, the meeting adjourned at 11:38 a.m.



Jack Hyder, Chairman



Joel Staton, Secretary