

PLANNING COMMISSION

Be it remembered that the Oxford Planning Commission did meet in regular session on Monday, April 8, 2013 at 5:00 p.m., in the City Hall Conference Room with the following members present:

Michael Harmon, Chairman
John Bradley
Darryail Whittington
Dr. Gloria Kellum
Walt Bishop
Mark Huelse
Hayden Alexander

Others Present:

Tim Akers, City Planner
Randy Barber, Building Official
Paul Watkins, City Attorney
Reanna Mayoral, Assistant City Engineer
Katrina Hourin, Assistant City Planner
Leigh Norris, Meeting Secretary

1. Call to Order. The meeting was called to order by Commissioner Harmon.

2. Approval of the Agenda. Commissioner Harmon asked if there were any changes to the agenda. It was noted that Case #1696 was postponed. A motion was made by Commissioner Bradley and seconded by Commissioner Whittington to approve the agenda.

All present voting aye, the motion was approved and the agenda was accepted.

3. Approval of the March 11, 2013 Minutes. Commissioner Harmon asked if there were any necessary changes to the minutes. There being none, Commissioner Whittington made a motion to accept the March 11, 2013 minutes as presented, seconded by Commissioner Kellum.

All present voting aye, the minutes were approved.

4. Planning and Building Officials' Reports.

The Building reports were distributed in the meeting packets for each Commission member to review. Randy Barber reviewed the building report stating that thirty (30) single family residential building permits and fifteen (15) condominium residential building permits were issued in the month of March 2013. The condominium permits were the Brighton Village development. The commercial permits were down in March but four hundred thirty seven (437) other permits were issued. The total valuation for all permits for March 2013 was 5.7 million with a collection of fees in the amount of \$58,543.00.

Tim Akers, City Planning, informed the Commission that the zoning of a medical district has been halted. He stated that the annexation case of the property for the proposed new hospital site has been appealed and that the property needed to be annexed by the city before any zoning district was established.

A motion was made by Commissioner Harmon and seconded by Commissioner Kellum to accept the Planning and Building Officials' Reports.

All voting aye, the motion carried.

REGULAR AGENDA

5. Public hearing for Case # 1696 – Request for a fifteen (15') foot front yard setback variance for property located at 160 Breckenridge Drive in a (RA) Single-Family Residential zoned district (Board of Adjustment)

The Case was postponed

6. Public hearing for Case # 1703 – Request for a eighteen (18') foot front (east) yard setback variance for property located at 409 Sisk Avenue in a (RE) Residential Estate zoned district (Board of Adjustment)

Planners Comments: The subject property is a regularly shaped, corner lot located on the northwest corner of Sisk Avenue and McLaurin Drive. Measuring just over half an acre the property is part of the Bramlett Gardens Subdivision circa 1940-50's and is surrounded by homes similar in size and style. The property sits well below street level on the east side and levels off somewhat to the west. By definition a corner lot, abutting two or more streets, consists of two fronts and two sides. As indicated in the Land Development Code; front setbacks in (RE) Residential Estate zoned district are forty (40') feet from the public ROW. By Oxford's 2004 zoning regulations a portion of the existing structure is currently in the front setback and is considered non-conforming.

The applicants are seeking to expand their residence to the north by twenty three (23') feet along the east front building line and are requesting a eighteen (18') foot front yard (east) setback variance, while also bringing the current structure into compliance.

A variance request may be granted when special conditions exist that are peculiar to the land or structures that do not apply to other lands or structures in the same District under the terms of this Ordinance.

Recommendation: Staff recommends approval of the eighteen (18') foot front (east) yard setback variance request based on the following findings and condition:

1. Due to the nature of corner lots special conditions or circumstances exist which are peculiar to the building involved and which are not applicable to other buildings in the same district;

2. the literal interpretation of the provision of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. granting the variance request would not confer on the applicant special privileges that is denied by this ordinance to buildings in the same district
4. The variance applies only to the attached plan

Jeff Williams, present on behalf of owner Stefano Capomazza, is requesting to add a fourteen (14') foot x twenty three (23') foot expansion to the structure located at 409 Sisk Avenue. The adjacent neighbors have written letters in support of the expansion to the structure. Mr. Williams stated that when the home was built in the 1950's or 1960's the setback requirements, if any, were different than what is required by the zoning ordinance today.

With no further questions or comments, a motion was made by Commissioner Bradley to approve the eighteen (18') foot (east) yard setback variance request for property located at 409 Sisk Avenue. The motion was seconded by Commissioner Bishop.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Alexander, Harmon, Huelse, Bradley, and Kellum voting aye.

With unanimous affirmative vote the motion was approved.

7. Public hearing for Case # 1704 – Request for a three (3') foot side (west) yard setback variance for property located at 111 Victory Hill Lane in a (RC) Multi-Unit Residential zoned district (Board of Adjustment)

Planner's Comments: The subject property is an irregularly shaped lot (Lot 23) in Community Green Subdivision. Applicant is requesting a three foot side yard variance to construct an attached storage shed. The required side set back is five feet. Applicant does have letters of support from all adjacent property owners and the president of the homeowners association.

Variances from the terms of the Land Development Code may be granted after the applicant demonstrates:

- a. 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;

b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

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

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Further the Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure and that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Recommendation: Due to the irregularly shape of the lot, staff would recommend approval of a three (3') foot side (west) setback variance to construct an 8' x 8' storage shed as depicted on the submitted site plan.

Tim Akers asked the Commission that if the variance was approved that the following condition be added:

- a. The proposed storage facility must be constructed exactly as submitted on the site plan

Julie Spears, present on behalf of owners Andy and Lois Paney, is requesting a three (3') foot side yard variance for the property located at 111 Victory Hill Lane in order to build a storage shed. The five (5) adjoining property owners, as well as the neighborhood association, have given their support of the proposed construction.

With no further questions or comments, a motion was made by Commissioner Whittington to approve the three (3') foot side yard setback variance requests for property located at 111 Victory Lane. A condition of the approval is that the storage facility be constructed exactly as submitted on the site plan. The motion was seconded by Commissioner Kellum.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Alexander, Harmon, Huelse, Bradley, and Kellum voting aye.

With unanimous affirmative vote the motion was approved.

8. Public hearing for Case # 1705 – Request for a ten (10’) foot front yard (north) setback variance request for property located at 132 Oxford Creek Drive in a (PUD) Planned Unit Development (Board of Adjustment)

Planners Comments: The subject property is a small regularly shaped interior residential lot located on southern border of the subdivision. The topography of the subdivision is rolling with severe slopes through-out. Many of the lots are small; in turn producing even smaller home sites. Approved in 2004 and abandoned shortly thereafter, the Oxford Creek subdivision has seen many recent improvements. Under new ownership the subdivision is once again showing progress as the completion of new homes continues.

Measuring approximately 7,400 square feet the lot is somewhat level at the street but rises abruptly only to drop off just as abruptly in the rear. Orwood subdivision is well below the elevation of the subject lot. Rooftops of homes on that street are visible from Oxford Creek Drive.

The applicants are seeking a ten (10’) foot front yard (north) setback variance to increase the buffer between the proposed residence and the existing residences located to the rear in Orwood Subdivision. Existing to the rear of the lot is a stand of established mature trees that the applicants are hoping to retain to that will also aid in buffering between the properties.

A variance request may be granted when special conditions exist that are peculiar to the land or structures that do not apply to other lands or structures in the same District under the terms of this Ordinance.

Recommendation: Staff recommends approval of the ten (10’) foot front (north) yard setback variance request based on the following findings:

1. Due to the sever slope, and existing trees; special conditions or circumstances that exist which are peculiar to the building involved and which are not applicable to other buildings in the same district;
2. the literal interpretation of the provision of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. granting the variance request would not confer on the applicant special privileges that is denied by this ordinance to buildings in the same district

Mac Monteith, Oxford Creek, LLC, was before the commission requesting a ten (10’) foot front yard (north) set back variance for the property located at 132 Oxford Creek Drive, Lot 17 in the Oxford Creek development. The setback for the property is far to the south from Oxford Creek Drive and it pushes into a mature pine tree line. He stated that they would like to preserve the mature pine tree line as much as possible. Mr. Monteith stated that they had support from the adjoining property owners, one of which was Jay Carmean.

Katrina Hourin read a letter received from Jay Carmean, who is an adjoining property owner to the Oxford Creek development, in support of the improvements that Oxford Creek, LLC is making to the Oxford Creek development.

With no further questions or comments, a motion was made by Commissioner Bradley to approve the ten (10') foot front yard (north) setback variance request for the property located at 132 Oxford Creek Drive. The motion was seconded by Commissioner Whittington.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Alexander, Harmon, Huelse, Bradley, and Kellum voting aye.

With unanimous affirmative vote the motion was approved.

9. Public hearing for Case # 1706 – Request for a ten (10') foot front yard (north) setback variance request for property located at 134 Oxford Creek Drive in a(PUD) Planned Unit Development (Board of Adjustment)

Planners Comments: The subject property is a small regularly shaped interior residential lot located on southern border of the subdivision. The topography of the subdivision is rolling with severe slopes through-out. Many of the lots are small; in turn producing even smaller home sites. Approved in 2004 and abandoned shortly thereafter, the Oxford Creek subdivision has seen many recent improvements. Under new ownership the subdivision is once again showing progress as the completion of new homes continues.

Measuring approximately 6,600 square feet the lot is somewhat level at the street but rises abruptly only to drop off just as abruptly in the rear. Orwood subdivision is well below the elevation of the subject lot. Rooftops of homes on that street are visible from Oxford Creek Drive.

The applicants are seeking a ten (10') foot front yard setback variance to increase the buffer between the proposed residence and the existing residences located to the rear in Orwood Subdivision. Existing to the rear of the lot is a stand of established mature trees that the applicants are hoping to retain to that will also aid in the buffering between the properties.

A variance request may be granted when special conditions exist that are peculiar to the land or structures that do not apply to other lands or structures in the same District under the terms of this Ordinance.

Recommendation: Staff recommends approval of the ten (10') foot front (north) yard setback variance request based on the following findings:

1. Due to the sever slope, and existing trees; special conditions or circumstances that exist which are peculiar to the building involved and which are not applicable to other buildings in the same district;

2. the literal interpretation of the provision of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. granting the variance request would not confer on the applicant special privileges that is denied by this ordinance to buildings in the same district.

Mac Monteith, Oxford Creek, LLC, was before the commission requesting a ten (10') foot front yard (north) set back variance for the property located at 134 Oxford Creek Drive, Lot 18 in the Oxford Creek development. The setback for the property is far to the south from Oxford Creek Drive and it pushes into a mature pine tree line. He stated that they would like to preserve the mature pine tree line as much as possible. Mr. Monteith stated that they had support from the adjoining property owners, one of which was Jay Carmean.

Katrina Hourin read a letter received from Jay Carmean, who is an adjoining property owner to the Oxford Creek development, in support of the improvements that Oxford Creek, LLC is making to the Oxford Creek development.

With no further questions or comments, a motion was made by Commissioner Whittington to approve the ten (10') foot front yard (north) setback variance request for the property located at 134 Oxford Creek Drive. The motion was seconded by Commissioner Kellum.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Alexander, Harmon, Huelse, Bradley, and Kellum voting aye.

With unanimous affirmative vote the motion was approved.

10. Public hearing for Case # 1707 – Request for a ten (10') foot front yard (north) setback variance request for property located at 136 Oxford Creek Drive in a (PUD) Planned Unit Development (Board of Adjustment)

Planners Comments: The subject property is a small regularly shaped interior residential lot located on southern border of the subdivision. The topography of the subdivision is rolling with severe slopes through-out. Many of the lots are small; in turn producing even smaller home sites. Approved in 2004 and abandoned shortly thereafter, the Oxford Creek subdivision has seen many recent improvements. Under new ownership the subdivision is once again showing progress as the completion of new homes continues.

Measuring approximately 7,400 square feet the lot is somewhat level at the street but rises abruptly only to drop off just as abruptly in the rear. Orwood subdivision is well below the elevation of the subject lot. Rooftops of homes on that street are visible from Oxford Creek Drive.

The applicants are seeking a ten (10') foot front yard setback variance to increase the buffer between the proposed residence and the existing residences located to the rear in Orwood

Subdivision. Existing to the rear of the lot is a stand of established mature trees that the applicants are hoping to retain to that will also aid in the buffering between the properties.

A variance request may be granted when special conditions exist that are peculiar to the land or structures that do not apply to other lands or structures in the same District under the terms of this Ordinance.

Recommendation: Staff recommends approval of the ten (10') foot front (north) yard setback variance request based on the following findings:

1. Due to the sever slope, and existing trees; special conditions or circumstances that exist which are peculiar to the building involved and which are not applicable to other buildings in the same district;
2. the literal interpretation of the provision of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. granting the variance request would not confer on the applicant special privileges that is denied by this ordinance to buildings in the same district.

Mac Monteith, Oxford Creek, LLC, was before the commission requesting a ten (10') foot front yard (north) set back variance for the property located at 136 Oxford Creek Drive, Lot 19 in the Oxford Creek development. The setback for the property is far to the south from Oxford Creek Drive and it pushes into a mature pine tree line. He stated that they would like to preserve the mature pine tree line as much as possible. Mr. Monteith stated that they had support from the adjoining property owners, one of which was Jay Carmean.

Katrina Hourin read a letter received from Jay Carmean, who is an adjoining property owner to the Oxford Creek development, in support of the improvements that Oxford Creek, LLC is making to the Oxford Creek development.

With no further questions or comments, a motion was made by Commissioner Whittington to approve the ten (10') foot front yard (north) setback variance request for the property located at 136 Oxford Creek Drive. The motion was seconded by Commissioner Kellum.

Chairman Harmon called for a vote and the results were as followed:

Commissioners Bishop, Whittington, Alexander, Harmon, Huelse, Bradley, and Kellum voting aye.

With unanimous affirmative vote the motion was approved.

The meeting was adjourned by Commissioner Harmon.