

MINUTES

Lowell Board of Adjustments Meeting
Tuesday, April 5, 2022, 6:00 P.M.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair John Cantrell called the meeting to order at 7:21pm, immediately after the Planning Board Meeting. Planning Board members present: Troy Roberts Sr., Norris Lamb, and Scott Wilson indicating a quorum is present. Staff members present: Scott Attaway, City Manager and Cheryl Ramsey, City Clerk. City Attorney John Russell was in attendance as well as members of the public.

II. DETERMINATION OF QUORUM

Mr. Attaway noted that the Chair, Vieta Benson is now off the board as her term ended the end of March and she chose not to seek another term. There are four of the five members present as Mr. Jennings had a work emergency and was unable to attend. Since the variance requires 4/5 vote and the only person not voting is Mrs. Benson, we have four members present. Mr. Russell said he believes we have a quorum as an approval requires a 4/5ths vote so a 4-0 vote would be necessary for the upcoming evidentiary hearing and making decisions based on what is heard by the witnesses. Part of that is the conflict-of-interest portion and he began to ask the requestor, True Homes, the line of questioning needed to determine that. With no conflict of interest noted, the meeting continued.

III. CHANGES TO AND APPROVAL OF AGENDA

No changes were made and Mr. Wilson made a motion to accept the agenda, seconded by Mr. Roberts. It was unanimously in favor.

IV. APPROVAL OF MINUTES FROM MARCH 1, 2022 MEETING

Mr. Roberts made a motion to accept the minutes, seconded by Mr. Wilson. It was unanimously in favor.

V. HEARING OF CASE

A. Variance Application V22-02: Request for variance from Sections 12.3-2, 12.3-3 (1), Build-to-Line distance (Article 3), and maximum Cul-de-Sac length (16.2-7 (A))

A five minute recess was taken from 7:29-7:34

Both speakers were sworn in by the City Clerk.

Mr. Attaway noted that this is a continuance of last month's evidentiary hearing for True Homes. Mr. Cantrell then began reading the variance procedures then allowed the first witness, Shaun Gasparini, Representative from True Homes to speak. He was joined John Doster who represents the seller of the property and Stuart Woodard, Project Engineer for McAdams. Mr. Gasparini distributed the modified site plan and gave a brief overview of the plans on the other side of I85 off Groves St to build 179 townhome units. He is requesting three variances:

1. Eliminate alley load requirement for townhomes (LDO Section 12.3-2)
2. Increase build to line from 16' to 20' (LDO Article 3)
3. Increase max cul-de-sac length to exceed 400' (LDO Section 16.2-7(A))

Mr. Lamb asked about the entrances and exits to property. Mr. Gasparini stated they were at Groves St and Avendale.

Mr. Wilson asked about the traffic of cars coming in as it concerns him about Ford Dr? He asked if they talked to the residents or done any type of traffic studies. They stated they have not as this is not a rezoning project and therefore not required to do that. Mr. Ford asked if the exit onto Groves St will be a large exit? They said it will not be. All traffic will not go to one particular point.

Mr. Lamb asked the cost of the homes? Mr. Gasparini said they would be in the low \$300ks with all three bedrooms. There will be no club house amenities but a large amount of open space.

Mr. Wilsono asked about any planned parks. Mr. Gasparini said they do not currently, but would be happy to discuss that. Mr. Attaway stated the LDO has a specific section on open space that they have to improve the property with usable recreation space.

Mr. Russell noted the good questions but reminded the board that the purpose of this variance has already been expressed (noted above) as this is not a zoning issue. Board members have to be specific to the three listed variances at hand. Mr. Gasparini offered a condition for the record to offer to include usable space like a pergola, seating areas, and landscaping. Mr. Attaway said the LDO already requires it.

Mr. Lamb asked how many homes would be lost if the variance was not approved. Mr. Gasparini stated they would lose 69 units and would not do the project at all.

Mr. Russell then explained the purpose of this variance. With no other questions or comments, the board went into the determination of the case.

Mr. Cantrell began reading the Variance request and the findings:

Finding 1: Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate, in the absence of a variance, that

no reasonable use can be made of the property. Mr. Lamb made a motion and stated the reasoning is that unnecessary hardships related to the topography and the easements are already on the property and they would not be able to continue with the project. It was seconded by Mr. Wilson. All four present members voted unanimously in favor.

Finding 2: The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, shall not be the basis for granting a variance. Mr. Lamb made a motion and stated the reasoning was the same as in finding one that the location of the property and easement are already on the property and they would not be able to continue with the project. It was seconded by Mr. Wilson. All four present members voted unanimously in favor.

Finding 3: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting or a variance shall not be regarded as self-created hardship. Mr. Lamb made a motion and stated the reason was the same as before as the hardship is not a result of anything they [True Homes] did. They bought the property and the property is restricting the development. It was seconded by Mr. Wilson. All four present members voted unanimously in favor.

Finding 4: The requested variance is consistent with the spirit, purpose and intent of the ordinance; such that public safety is secured, and substantial justice is achieved. Motion was made by Mr. Lamb with the same reasoning that the variance is consistent with the spirit, purpose and intent of the ordinance; such that public safety is secured, and substantial justice is achieved. It was seconded by Mr. Wilson. All four present members voted unanimously in favor.

Mr. Cantrell asked for a motion to close the Evidentiary hearing. It was so moved by Mr. Wilson and seconded by Mr. Roberts Sr. All four present members voted unanimously in favor.

VI. CONSIDERATION AND DETERMINATION OF CASES

The Board finding in the affirmative, all four findings of fact will now consider the variance. Mr. Wilson made a motion to grant this variance, seconded by Troy Roberts Sr. All four present members voted unanimously in favor.

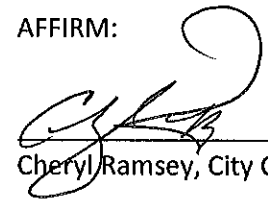
VII. ADJOURN

Mr. Wilson made a motion to adjourn, seconded by Mr. Wilson. It was unanimously in favor. The meeting ended at 8:11 pm.



Scott Wilson, Chair

AFFIRM:



Cheryl Ramsey, City Clerk