

BOARD OF ZONING APPEALS
Wednesday, April 18, 2018
5:00 pm
Town Council Chambers
Variance Petition-Public Hearing

Members Present:

Cindy Spears
Jerry Hoffman
Tom Hurley
Mike Raper

Others Present:

Matt Ray
Erin Hurley
Garth Hughes, Petitioner
Nathaniel Taylor, Petitioner

Matt Ray called the meeting to order at 5:00 pm. Members present were Cindy Spears, Tom Hurley, Mike Raper, and Jerry Hoffman.

Cindy Spears moved to approve the minutes from the October 11, 2017 meeting. Second by Tom Hurley. All members voted aye.

Election of Officers:

Cindy Spears nominated Jerry Hoffman for President. Second by Tom Hurley. All members voted Aye. Cindy Spears nominated Tom Hurley for Vice President. Second by Mike Raper. All members voted Aye.

Casey's General Store:

Matt Ray presented a petition from Casey's Marketing Company requesting a parking variance for proposed construction on property located at 8051 Kilgore Avenue, Yorktown. The property is currently owned by Garver's Turf and Landscaping Inc. Mr. Garth Hughes, representing Casey's, presented construction plans for the project. He requested a variance from the development standards which require 20% of parking to be located to the side or rear of the building. Because this is a corner lot, the side of the building is considered a front yard. In order to comply, the side parking and the garbage dumpster would need to switch places which would make the dumpster visible to the public.

Mike Raper made a motion to approve the variance request. Second by Cindy Spears. All members voted Aye. **Variance approved.**

Nathaniel Taylor:

Matt Ray presented a petition from Nathaniel Taylor for the property located at 8305 W. Cooley Street, Yorktown. Mr. Taylor has been converting a large portion of his property to vegetable gardens and has been storing and spreading large quantities of wood chips. Neighbors have been complaining to the Town Council about the visual nuisance and so the matter is being brought to the BZA as a request for a variance for a hobby farm in a residential area. The zoning ordinance does not specifically allow a hobby farm in any zoned area but in the definition portion states that no more than 40% of a property may be used for hobby farming.

Mr. Taylor presented a nine page plan of the proposed gardens and petition for variance from administration decision. He requested that he be allowed to continue spreading mulch for his gardening activities, and asked for clarification of various parts of the Yorktown Zoning Ordinance that govern hobby farms and farming activities.

Matt Ray stated that he is concerned about allowing a hobby farm in a residential area and also about the extent of the mulch which is about 5 inches thick.

Tom Hurley stated that the board's duty is to apply the existing rules; they do not make or interpret the rules. The BZA is only the enforcement arm so they cannot help with Mr. Taylor's request for clarification.

In response to questions from the board, Mr. Taylor said that he plans to grow fruit trees, melons, gourds, corn, sunflowers, tomatoes, peas and beans, strawberries, and also some ornamental plants. The extra produce that is not used by his family he may sell at the farmer's market, but not on-site. The only people working on the garden at this time are his family members. The mulch when spread is about 4 inches thick and it did sit in piles on the property for 2 months. He doesn't plan to have bare dirt in the winter, which is why he needs the mulch. The tallest thing he will be growing, other than the trees, is the corn.

Public Comments:

Scot Southard, 8304 W. Cooley St:

Two big piles of mulch are still sitting on the property and the gardens are already in. He is concerned that property values will be affected due to how bad it looks and smells.

William Wolf, 8231 W. Cooley St:

The pile of mulch is bigger than a 4 car garage. He is also concerned about the property values and the smell.

Mary Eacret, 2610 S. Benegar Ave:

She thinks that the property looks better now than when it had the previous owners and the yard is clean. She wants to make sure that there won't be any animals.

Brian Flowers, 8228 W. Cooley:

He thinks the mulch piles are an eyesore and just wants it cleaned up. The gardens are OK but the scale is big.

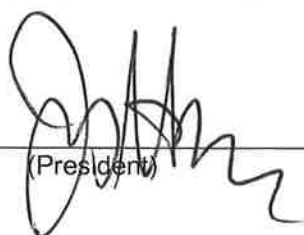
Mike Reiter, 8209 W. Cornbread:

He thinks it is an eyesore and asked the BZA members to look at the property.

Matt Ray suggested that the hearing be stayed for 30 days to allow the BZA to look at the property.

Cindy Spears made a motion to table the variance request until the next monthly meeting. Second by Tom Hurley. All members voted Aye.

Meeting adjourned at 6:15 pm.



(President)