



1 MR. PRICE: Which there is no guarantee that we would have additional  
2 members at the next meeting, so just -

3 MR. RUSH: I guess I can look, you know, we can wait until we, well until the  
4 next meeting and see if we'll have more members and if not then I, I mean, that could  
5 be their chance to, to give input, but, you know, it, it doesn't matter to me, I have -

6 VICE-CHAIRMAN MCDUFFIE: We normally have seven.

7 MR. PRICE: We normally have seven because Mr. Branham is [inaudible] until  
8 the next -

9 MR. RUSH: Don't we have a new member as well?

10 MS. CECERE: Yeah, we have a new member.

11 VICE-CHAIRMAN MCDUFFIE: So I guess if that's, if the Board doesn't have a  
12 preference, I'd prefer to wait until the next meeting when we potentially have a larger, a  
13 larger number of members here to vote.

14 MR. RUSH: Okay.

15 MS. LINDER: We need a motion to defer.

16 VICE-CHAIRMAN MCDUFFIE: And so I'll, I'll go ahead and make a motion to  
17 defer.

18 MS. CECERE: I second.

19 VICE-CHAIRMAN MCDUFFIE: All in favor? Alright.

20 MR. PRICE: Alright.

21 *[Approved: Perrine, Rush, McDuffie, Cecere]*

22 VICE-CHAIRMAN MCDUFFIE: And it's deferred to the next meeting.

23 MR. PRICE: Okay.

1 VICE-CHAIRMAN MCDUFFIE: And we'll move on to the next item of business  
2 and that's the approval of the Minutes from November of 2009. And at this time, I'll  
3 make a motion to, to approve the Minutes. Is there a, is there a second?

4 MR. RUSH: Second.

5 VICE-CHAIRMAN MCDUFFIE: And since only two members were present,  
6 since two members, I guess maybe now three –

7 [Cooke and Smith in]

8 [Inaudible discussion]

9 MR. PRICE: Let's restart the Board of Zoning, of Zoning Appeals meeting at  
10 1:10.

11 VICE-CHAIRMAN MCDUFFIE: Is it's the Board's pleasure to take a vote again  
12 and reconvene? Okay, I'd like, at this point I would, would withdraw my motion on the  
13 approval of the Minutes and, and I'd also like to make a motion to reconsider item three,  
14 the election of, of officers for the Board now that we have a, essentially at this point the,  
15 the full Board.

16 MR. RUSH: Second.

17 VICE-CHAIRMAN MCDUFFIE: All in favor?

18 *[Approved: Perrine, Rush, McDuffie, Cecere, Cooke, Smith]*

19 VICE-CHAIRMAN MCDUFFIE: Okay, the motion carries unanimously and at this  
20 time we can see if there are any nominations for the slate of officers.

21 MS. PERRINE: I would like to nominate Mr. McDuffie as Chairperson.

22 VICE-CHAIRMAN MCDUFFIE: There's one nomination, are there any other  
23 additional nominations? Is there a second?

1 MS. CECERE: I'll second.

2 VICE-CHAIRMAN MCDUFFIE: Are there any other nominations for the office of  
3 Chair at this time? Alright, all in favor, all in favor of myself continuing to serve as Chair  
4 for another, for another term?

5 MR. PRICE: Alright, those in favor, Perrine, Rush, McDuffie, Cecere, Cooke,  
6 and Smith.

7 *[Approved: Perrine, Rush, McDuffie, Cecere, Cooke, Smith]*

8 VICE-CHAIRMAN MCDUFFIE: Motion carries. At this time are there any  
9 nominations for the office of Vice-Chair?

10 MR. SMITH: I nominate Torrey Rush for Vice-Chair.

11 VICE-CHAIRMAN MCDUFFIE: I will, I'll second that, I'll second that motion.  
12 Are there any other nominations for the office of Vice-Chair at this time? At this time, all  
13 in favor of Mr. Rush serving as Vice-Chair for another term?

14 MR. PRICE: Those in favor, Perrine, Rush, McDuffie, Cecere, Cooke and Smith.

15 *[Approved: Perrine, Rush, McDuffie, Cecere, Cooke, Smith]*

16 VICE-CHAIRMAN MCDUFFIE: And at this time, we're looking for nominations  
17 for the election of Secretary. Okay, we don't need one? Have we been having one?

18 MR. PRICE: I don't believe we have typically, the, the Staff has been the  
19 Secretary.

20 VICE-CHAIRMAN MCDUFFIE: Okay, so at this time Mr. Price will continue to, to  
21 act as Secretary. And we'll move on to item four on the Agenda, the approval of  
22 Minutes from November of 2009. I believe Mr. Smith, Mr. Cooke, Mr. Rush and myself

1 were here for that meeting and can vote on approval of the Minutes. Is there a motion  
2 to, to approve?

3 MR. SMITH: I make a motion to approve the Minutes from the last meeting.

4 VICE-CHAIRMAN MCDUFFIE: Okay, is there a second?

5 MR. RUSH: I second.

6 VICE-CHAIRMAN MCDUFFIE: Alright, all in favor of approving the Minutes from  
7 November of 2009?

8 MR. PRICE: Alright, those in favor are Rush, McDuffie, Cooke and Smith.

9 *[Approved: Rush, McDuffie, Cooke, Smith; Abstained: Perrine, Cecere]*

10 VICE-CHAIRMAN MCDUFFIE: The Minutes from November, 2009 are  
11 approved. At this point we will not be having the public hearing portion of, of today's  
12 hearing, but we will now move on to housekeeping items.

13 MR. PRICE: The, one of the things that Staff, it looks like we'll have to look at is,  
14 is, as you've noticed that we really haven't had a lot of cases coming in and I think a lot  
15 of that has to do with the Board's, you know, keeping in, keeping up with the, the criteria  
16 in which a lot of cases come. So, because of that it's been, it's really helped staff as far  
17 as they, you know, advising the applicants of what they're looking for and then what  
18 they'll need to bring before you. So what you don't have a lot of, I would like to do a  
19 variance just because or a special exception just because. There are a few items, we,  
20 we do have enough, an Amended Land Development Code, so we would, I would need  
21 to give you copies, it's going to take a while of making, I think we're up to about 500  
22 pages now. So, we'll have to make copies and we'll get those delivered to you. And  
23 the only other issue that I think from the Staff's standpoint that we're looking at, is there

1 are a lot of situations in which applicants need some type of, I don't want to use the  
2 term variance, but I guess that would be the word, from what our Code requires.  
3 Unfortunately, just based on the criteria that we have in the Code, there's just really no  
4 way to grant it. You know, I'll give you an example, say sidewalks, someone says I  
5 don't want it, I would like a variance for sidewalks. Well, if you would just base the  
6 criteria of the Code where they can do it but they don't want to, that's really not grounds  
7 for a variance. So, there will be a few issues that we'll be looking at and very similar as  
8 we do with our landscaping, where Staff would meet with the applicant and we'll try to  
9 work out some type of proposal and alternative plan and if that plan, and if we can't  
10 come to a consensus on it, then it would come to the Board as, essentially as a  
11 mediator to a degree and you would get to make a decision on it. So, but there will be a  
12 few more items coming to you, so just letting you know, there may be a few types of, a  
13 few different types of cases coming before the Board that y'all normally haven't had in  
14 the past. And that's it from a housekeeping standpoint.

15 VICE-CHAIRMAN MCDUFFIE: Alright, are there any other items of  
16 housekeeping at this time? If not, then, there are no other -

17 MR. RUSH: [Inaudible]

18 VICE-CHAIRMAN MCDUFFIE: Is there, is there any new business at this time?

19 MR. RUSH: Well I, I did want to bring up a point. That, you know, as we, as we  
20 continue to look at cases and, and give rulings on cases throughout the county, what  
21 we're finding as, as we go throughout the county that we're not seeing the, seeing  
22 things carried through, i.e., you know, we've, we've looked at, you know, a hotel that we  
23 did a couple of months back, you know, the, the shed behind the funeral home, there's

1 signages several places and we're just trying to, you know, we want to make sure that,  
2 you know, we're all volunteers up here, but we want to make sure that if, if it's our goal  
3 to enforce the Ordinance as it relates to a Zoning Appeal, we want to make sure that  
4 there's some teeth to that. Because if you can come in and propose something and  
5 there's no follow up of some manner, then, and no teeth to what we're doing, then, you  
6 know, developers or whomever or property owners are gonna do whatever they want to  
7 do. And so we just want to make sure that there's some type of follow-up and can we  
8 be a part of that? You know, as we, you know, because I know it's, you know, you guys  
9 are not a big staff and, and it's hard to be everywhere, but, you know, as we, the, the  
10 Board, you know, travels throughout the county we see issues that we may have ruled  
11 on or, or potential issues that, that is related to the Board of Zoning Appeals, can we  
12 bring that to your attention and, you know, that's, because I would love to have a  
13 dialogue about that because, you know, a few of the Board Members, we've had some  
14 discussions about that and, you know, the best approach.

15 MR. PRICE: Yeah, we have not forgotten them, but there are a number of cases  
16 that are out there that we, we have not forgotten about that we will start our, you know,  
17 our actions regarding, upholding what, the decision of the Board. There are a few  
18 cases and, and I guess I could say this is really more of the Staff's fault where, when it,  
19 when, if someone, and I think we're talking more variance type cases, if someone goes  
20 to, comes to the Board and requests a variance, one of the things that from a Staff's  
21 standpoint is I have to make sure that I outline to you all potential alternatives. And so  
22 what you have seen and I believe that one, one of the cases is the hotel that you're  
23 referring to off of Two Notch Road, right off of, I guess the I-77, I-20?

1 MR. RUSH: Yeah, I-77.

2 MR. PRICE: That was one where upon going back and reviewing it that there  
3 was an alternative that they had, that I don't know if it was actually presented to the  
4 Board, for signage. For example, not necessarily with that case, but, you know, they  
5 may ask you for a variance to exceed the signage. Well, I need to make sure to outline  
6 to you that they could get a larger, a, the, the same signage, exceed the, the signage  
7 that they're looking for by doing something else. You know, so they could give up the  
8 pylon sign in the front to get the larger wall sign on the side, you know, those type things  
9 that make, I need to make sure that, to you, that you understand that they do have other  
10 alternatives before you, in cases like that. And there have been some others that  
11 where, you know, we've had to go back and, you know, do some new calculations and  
12 so that's why they're there, but the other ones that you're referring to, we are initiating  
13 enforcement regarding those, so we can, you know, apprise you of what has happened  
14 if that is your desire.

15 MR. RUSH: Are there, are most of those cases aware of the alternatives before  
16 they even come to us?

17 MR. PRICE: Yes, I would say yes. Now there are some times, I have to be  
18 honest, we, we can sit down, we can talk to the applicants and we can come up with  
19 something and all of a sudden something may pop up later, you know, where maybe we  
20 can try that. We try to make sure that all of those have been exhausted prior to coming  
21 to the Board which, you know, goes back to as long as, if we can outline all possibilities  
22 for the applicant and just let them know you have other options, so going to the Board I



1 don't if it's necessary, it's necessarily going to benefit you because usually when you're  
2 going for a variance, you've, you've exhausted all remedies -

3 MR. COOKE: Yeah, that should be the last resort.

4 MR. PRICE: - you don't have a choice, so that's why, so we, yeah, we actually  
5 sit down with the applicants and we do try to have more of a conference with them prior  
6 to them submitting.

7 MR. COOKE: So if there a timeframe? I mean, once the variance is denied and  
8 like say if you have a signage that's over the allotted amount of square footage or the  
9 footage that you need, is there a timeframe that you would say, okay, the variance was  
10 denied, so what's the timeframe that they may have to do, adjust to another alternative?

11 MR. PRICE: Well, I mean, they can, as long as that alternative is permitted by  
12 Code outright then they can use it at any time.

13 MR. COOKE: Okay, but if they have explored all alternatives and they came in  
14 here and they still wanted to say keep their signage or keep their shed up and we  
15 decided no you're, you know -

16 MR. PRICE: It would need to come down.

17 MR. COOKE: - the variance is denied, it needs to come down -

18 MR. PRICE: It would need to come down.

19 MR. COOKE: What's the timeframe?

20 MR. PRICE: Normally what we try to do is at least get the Minutes approved and  
21 it's sometime after that, it just, you know, just depending on the situation, we may be still  
22 talking to them, but it's still on our radar that it needs to be enforced.

23 MR. COOKE: Is it -

1 MS. CECERE: And we, excuse me, should we address it in the motion when  
2 we're denying the motion, saying then, you know, within 60 days, 90 days -

3 MR. COOKE: Upon -

4 MS. CECERE: - or, or -

5 MR. COOKE: It sounds like there isn't a, a cut timeframe, it's just kind of a -

6 MR. SMITH: Is there a penalty behind that?

7 MR. PRICE: No, the, the penalty is that we, we tell them that they have to bring  
8 it down and if they don't, you know, let's say a shed for example or bring it into  
9 compliance, then that, that could be a final, there was a 1,092.50, or what's the fine?

10 MR. SPEARMAN: \$1,092.50.

11 MR. PRICE: Yeah.

12 MR. SMITH: Has that been enforced in the past year?

13 MR. PRICE: There really haven't been many and there are two that are out there  
14 now that we need to go after.

15 MR. SMITH: Oh, yeah, we -

16 MR. PRICE: Because most of, most of the variances that you have, people  
17 have, rather than asking for forgiveness they've been asking for permission, so that, of  
18 course once you deny it it's not gonna be there. But there are at least two of them that  
19 we really, that we will be dealing with in the next couple of weeks.

20 VICE-CHAIRMAN MCDUFFIE: Yeah, I think it would probably nice for the Board  
21 if, at the time that some action is taken just to apprise us of, of -

22 MR. PRICE: I, I have no problems with that, I have no problems with that.

1 VICE-CHAIRMAN MCDUFFIE: We would appreciate that, that would, I mean,  
2 that -

3 MR. PRICE: Yeah, and, and we could actually include that in your Agenda as  
4 kind of a follow-up to a case, so you'll exactly know what happened.

5 VICE-CHAIRMAN MCDUFFIE: On each case?

6 MR. PRICE: Yes, I have no, and, and it would be mostly the cases where they  
7 were asking for forgiveness -

8 VICE-CHAIRMAN MCDUFFIE: Absolutely.

9 MR. PRICE: - but we'll just kind of follow-up on what the status is, I have no  
10 problem with that.

11 MR. COOKE: And again to echo what Mr. Rush said, you know, you guys are a  
12 small staff and you do a great job and -

13 MR. PRICE: There, there, there's no excuse, I mean, from a size standpoint,  
14 that's not a reason for us not to get the enforcement, so I won't, I wouldn't use that as  
15 an excuse.

16 MR. COOKE: But we would like to be, we would like to be involved in any way  
17 we, you know, if need be.

18 MR. PRICE: Okay, I have no problem whatsoever with that.

19 VICE-CHAIRMAN MCDUFFIE: Thank you very much. Are there any other new  
20 business or housekeeping type, type items at this point? If there are none, then I will  
21 move to adjourn. Meeting adjourned.

22

23

*[Meeting Adjourned at 1:19 p.m.]*