

**MINUTES OF SPECIAL CALLED SESSION  
PIPERTON BOARD OF ZONING APPEALS  
August 20, 2019, 6:00 P.M.**

The Piperton Board of Zoning Appeals met in a special called session on August 20, 2019, at 6:00 p.m. at City Hall, with Board members: Chairman Mike Binkley, Darryl Dixon and Harry Hartwig present. City Building Official Tommie Johnson, Fire Chief Reed Bullock and City Recorder Beverly Holloway were present along with Mikis and DeMia Mays, Cynthia Johnson and Firefighter Jason Knight in the audience.

**Agenda item 1.** Call to order, establish quorum

**Action taken:** Chairman Mike Binkley called the meeting to order at 6:00 p.m., and established that a quorum was present.

**Agenda item 2.** Any changes to the Minutes of the June 10, 2019; Motion to adopt the Minutes of June 10, 2019

**Action taken:** There were no changes to Minutes of June 10, 2019 and Harry Hartwig moved to approve the Minutes of June 10, 2019 as presented, seconded by Darryl Dixon. The Motion received all affirmative votes.

**Agenda item 3.** Variance Requested for 370 Wright Road - DeMia and Mikis Mays

Tommie Johnson, Building Official, stated on or about the first part of April, Mr. Mays came in and submitted a permit application to build a house, we kind of laid out everything that he would have to do to build on the lot he acquired and he was told we would need a site plan at which time he did submit a site plan, the area is zoned R-C (Rural Conservation) and we have a 50 foot side yard setback and the site plan submitted did comply with the setback requirements on that particular lot, the City always requires site plans and form board surveys, the site plan simply shows where the house is supposed to be and the form board surveys shows where it is on the property, my understanding is Mr. Mays did obtain a form board survey, we did a rough plumbing inspection and passed it but we did not receive a copy of the form board survey until later when he requested a strapping and sheathing inspection and at that time Mr. Mays brought in a copy of the form board survey and that copy instead of showing the house sitting 49 feet off the property line showed the house actually sitting over the property line, and Mr. Mays was under the impression that he bought two acres and the survey showed 1.644 and thought there was a mistake on the property line or with some of the posts corners that were set on the property, what the applicant is requesting is to reduce the side yard setback to a point where he is able to tear down less of his property, we know 6.6 feet has got to be torn down but the question is how much more of it will have to be torn down, this area is non-conforming lot because R-C requires you have a 5 acre lot and most of the lots in this area are less than 1 acre and were there before it was zoned R-C, I told Mr. Mays to come before the BZA to try to get some relief so the whole house doesn't have to be torn down, and based on the area surrounding it and the other lots shown as examples those houses are not 50 foot off the side and also found some that were over the property line and some of those parcels are owned by the same people, but most of the houses have a 25 foot setback and so that is what I told him I would ask for; if the Board would consider granting him some relief Mr. Mays believes he can salvage a lot of the house and redesign it even with 25 feet and he is asking for more than that but in our zoning the subdivision next door to it (Twin Lakes) a lot of areas like that we have setbacks as little as 7 ½ feet but those are different areas than what we are talking about here,

Mr. Mays has tried to acquire the property from the neighbor but has been unsuccessful, the applicants are here tonight.

Mr. Mikis Mays stated when purchasing the lot we were told it was 2 acres, we went to Jim Wiles who actually did the original appraisal in 1984 and it is showing it is 2 acres and the Bray Firm was hired to come out and do a new survey, Mr. Bray pulled a survey that was done in 2008 which no one knows where that survey came from but he used the deeds from 2008 which changed where the location of the pins were but Mr. Wiles still said that everything is close to where it is supposed to be but a little off but when we purchased the land in March there were already stakes out and that is because Ms. Stallion (whom we purchased the land from) had Brays come out and put up stakes, the stakes where put out 50 feet and when I built the house and poured everything those stakes where 50 feet from the house and on page 5, I showed where those stakes were before the house was built and when Bray came back out to do the new slab survey, I asked him what are those stakes set out there and he said he doesn't know, they weren't there before he came out and did the survey, there were no pink stakes out there and but the pictures show where those stakes are, we are \$120,000.00 into this structure, I had asked Mr. Wright if I could purchase 50 feet of land but he will not sell it.

Vice-Mayor Binkley inquired if we gave you a 10 foot or a 20 foot setback how you would rebuild that house and it not cost \$50,000.00.

Mr. Mays stated I'm an unlicensed at the time contractor now, have been doing renovations for the past twenty years, everything that can come out up to 10 to 15 feet basically not load bearing I would have to re-engineer the roofline and take out everything from there and pour a re-footing where ever the line goes.

Vice-Mayor Binkley inquired about moving the master bedroom.

Mr. Mays stated yes sir, if Mr. Johnson agrees to it or whatever we have to do, I also thought of turning the garage into a bedroom just whatever it takes to save as much of the house as I possibly can, at 10 to 15 feet we are still in the bathroom area.

Mr. Dixon inquired what recourse would the neighbor have under the circumstances that he knows that this is going forward even with whatever setback we allow, does he have a right to say that is not acceptable.

Mr. Johnson stated he really doesn't, everything in that area is non-conforming, this Board can grand to him for his property but whatever is over the property line has to come down, the neighbor does have the right to say no, you have to be off my property.

**Action taken:** Mr. Hartwig moved to grant a variance of 40 feet, reducing the side setback to 10 feet based on discussion and information provided from the Building Official, seconded by Mr. Dixon. The Motion received all affirmative votes.

**Agenda item 4. Adjournment**

**Action taken:** Mr. Hartwig moved to adjourn, seconded by Mr. Dixon. The Motion received all affirmative votes, and the meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: \_\_\_\_\_ date: \_\_\_\_\_