

MINUTES

Unified Land Management Board of Appeals September 26, 2006 4:30 p.m.

Members Present: Gerald Lawson, Chairman
Craig Sims
Gerald Noe
R Ray Morris
Kerry O'Brien
Ronnie Culbreth

Members Absent: Jackie Moss
Roy Pinckney
Kyle Atkins

Staff Present: Lee Lawson
Savannah Sabo
Freelance Reporting Services, Transcriptions

1. Call to Order

Gerald Lawson, Chairman, called the meeting to order.

2. Approval of Minutes of August 22, 2006

Craig Sims made a motion to approve the August 22, 2006 minutes. Kerry O'Brien seconded the motion. The vote carried unanimously.

3. Old Business

None

4. **New Business**

Franklin Square - Lee Lawson was sworn in and presented the findings of fact to the Board:

The applicant is requesting a variance to reduce the forty –foot (40’) minimum corner lot side yard setback on a collector street, as required by the ULMO, Section 2.02 (Table 3), to six (6’) feet in order to allow an addition to an existing structure.

The subject property is located in Franklin Square Shopping Center west of the intersection of U.S. Highway 29 and Interstate 26, and is addressed as 108 Franklin Avenue. Section 2.02 (Table 3).

The structure was originally built for Wal-Mart. Wal-Mart relocated and the property owner(s) have divided the space into two units.

This is a Commercial Use lot. The lot has a steep drop from the road. From the grade of the street to the grade of the structure is approximately 10’-15’ difference in elevation. The property is 12.54 acres in size. The parcel is bounded on the east, west, and south lot lines by streets. The lots adjacent to the north lot line are vacant.

Staff Recommendation

The Planning Department has no recommendations for the request to allow a six (6) foot side yard setback from Franklin Avenue. The two most important purpose of the setback was 1) to protect the road for future expansions and 2) create separation between the structure and the road. If Franklin Avenue is improved; it would be more feasible to locate all improvements to the west side of the existing road due to topography issues along the subject property (east side). And secondly, when the building was being occupied by Wal-Mart; the side yard was developed and used by the store as a garden center.

Lee Lawson briefed the Board with a power point presentation of the property.

Gerald Lawson opened the public hearing.

Inez Saylor, representing the Nancy Saylor Group, was sworn in. She presented several photos to the Board which was entered into the record as Exhibit #1. She stated that they would construct a new truck loading dock due to the fact that Hobby Lobby took the existing loading dock. The delivery trucks will use the turn around in the Khol's Shopping Center area. She stated that they anticipated only two trucks per week would be coming through the new loading dock. Ms. Saylor showed the Board an enlarged foot print sketch of the property. She also showed the Board a photo of the existing concrete wall, Exhibit #1, which would be removed. She

Cynthia Hicks, with the Nancy Saylor Group, was sworn in. She stated that she worked for a small company based in Ohio. This company would purchase small abandoned shopping centers and redevelop them into new shopping centers. The new tenant would not accept more than two truck loads per week.

Gerald Lawson closed the public hearing.

The Board discussed the fact that there would be less truck traffic than Wal-Mart and the line of sight would be a truck turning lane.

Craig Sims made a motion to grant the variance based on the four criteria and this would be good for the community. Kerry O'Brien seconded the motion. The vote carried unanimously.

5. **Other Business**

None

6. **Adjourn**

Kerry O'Brien made a motion to adjourn. Craig Sims seconded the motion. The vote carried unanimously. The meeting adjourned at 4:50 p.m.

