



BOARD OF ADJUSTMENT
MINUTES
Commission Chambers
Regular Meeting
October 28, 2019
5:30 p.m.

Attendees: Chair Young, Vice-Chair Gjergji, Baxter, Davis, Perry

Absent:

PLEDGE

APPROVAL OF MINUTES

Vice-Chair Gjergji offered the following motion:

I move that the reading of the minutes for August 26, 2019 be waived and that the minutes of said meeting, as prepared by the secretary, be approved as written.

The minutes were seconded by Member Baxter and adopted (5). Yea Votes (Chair Young, Baxter, Davis, Gjergji, Perry); Nay Votes (0)

APP2019-211

Property Address: 1117 Oscar Cross Avenue
Applicant/ Owner: Sullivan Glass, LLC
Request: Non-conforming use change for window fabrication

Member Perry offered the following motion:

I move that this Board receive and file the application of Sullivan Glass, LLC for a non-conforming use change from a boys and girls club to window manufacturing at 1117 Oscar Cross Avenue.

I further move that the application be denied.

I further move the following finds of fact be adopted in support of said denial:

- *The Future Land Use Map shows the area to remain Neighborhood Conservation*

- *Window manufacturing is a land use not typically found in residential neighborhoods*
- *The site has the potential for noise due to manufacturing*
- *Delivery vehicles would have to navigate city streets in order to access Kentucky Avenue*
- *Not all residents have a daytime work schedule*
- *The presence of a manufacturing facility would negatively impact the existing residences and thwart the redevelopment of the wider neighborhood in that*
 - a. Truck traffic for which the streets were not designed or intended;*
 - b. Truck traffic can be noisy;*
 - c. Commercial signage and appearance is counter to expected residential design;*
 - d. More waste and potentially more dangerous materials stored on-site and in larger quantities;*
 - e. Absence of neighbors and neighborly engagement;*
 - f. Draws more strangers into the neighborhood which thwarts ownership and protection of neighbors;*
 - g. Generally, lowers the curb appeal of nearby lots*
- *Throughout the southside and the City in general, there are numerous vacant commercial and industrial buildings more appropriately located.*

The motion was seconded by Member Davis.

Mr. Donovan Sullivan, owner of the business, addressed the BOA in favor of approval. He stated several items in relation to business operation that included:

- Windows come in a package;
- It is an assembly operation;
- Once a week a semi-truck will make deliveries;
- Site will be landscaped

Member Davis stated the building has been on the market since 2016. Mr. Sullivan presented the BOA with an exhibit showing zoning and nearby commercial and industrial businesses.

Mr. Mark Foglesong, spoke in favor of the use change.

The motion was denied (5). Yea Votes (0); Nay Votes (Chair Young, Vice-Chair Gjergji; Baxter, Davis, Perry)

Member Perry offered the following motion:

I move that this Board receive and file the application of Sullivan Glass, LLC for a non-conforming use change from a boys and girls club to window manufacturing at 1117 Oscar Cross Avenue.

I further move that the application be approved.

The motion was seconded by Member Gjergji and adopted (5). Yea Votes (Chair Young, Baxter, Davis, Gjergji, Perry); Nay Votes (0)

VAR2019-215

Property Address: 5180 Ogilvie Avenue
Applicant/ Owner: Cheryl Houston
Request: Establish front, rear and side yard setbacks

Member Baxter offered the following motion:

I move that this Board receive and file the application of Cheryl Houston for approval of a 19' front yard variance request on the east side of Ogilvie Court, a three-foot side yard variance request between two existing duplexes, an eight-foot rear yard variance on the east side of the lot and a 15' front yard variance request for the four lots on the west side of Ogilvie Court.

I further move that:

- (a) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone; and*
- (b) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and*
- (c) The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.*

I further move that the variances be approved.

The motion was seconded by Member Gjergji and adopted (5). Yea Votes (Chair Young, Baxter, Davis, Gjergji, Perry); Nay Votes (0)

OTHER:

ADJOURN: 6:13 PM

Minutes recorded by staff: Joshua P. Sommer, Associate Planner, AICP

Typed by staff: Joshua P. Sommer, Associate Planner, AICP