

**TOWN OF WEST POINT  
BOARD OF ZONING APPEALS  
FEBRUARY 16, 2021**

**I. Call to Order**

The West Point Board of Zoning Appeals held its regularly scheduled meeting Tuesday, February 16, 2021. Chairman Redd called the meeting to order.

Members Present: Charles Redd, Chairman  
Chase Evans, Vice-Chairman  
Stuart Daniel  
Garland Jenkins  
Linda Smith

Staff Present: Holly N. McGowan, Director of Community Development  
Shari Carnell, Recording Aide

**II. Review of Agenda**

Chairman Redd asked if there were any changes to the agenda. There were no changes.

**III. Election of Officers**

Chairman Redd opened the floor for nominations for the 2021 West Point Board of Zoning Appeals election of officers.

Mr. Daniel made a motion for Charles Redd to continue as the Board of Zoning Appeals Chairman for the 2021 year. Mr. Evans seconded the nomination. All in favor responded "Aye." No one opposed. Motion carried.

Mrs. Smith nominated Chase Evans to be the Vice-Chairman of the Board of Zoning Appeals for the 2021 year. Chairman Redd seconded the nomination. All in favor responded "Aye." No one opposed. Motion carried.

Mr. Daniel made a motion for Shari Carnell to be the recording aide for the Board of Zoning Appeals and for the meetings to be held on the 3<sup>rd</sup> Tuesday of the month at 6:00 p.m. Mr. Evans seconded the motion. All in favor responded "Aye." No one opposed. Motion carried.

**IV. Citizens Address the Board**

Chairman Redd opened the floor for the Board of Zoning Appeals to receive comments on any town related business. There being none, this portion of the meeting was closed.

**V. Public Hearing**

A. Variance, Jeffrey and Donna Cole, Case # 2021-VAR-01

Jeffrey and Donna Cole submitted an application for a 20.46' variance from the required 25' rear setback to allow for a 4.54' rear yard setback. Currently there is a primary dwelling and an accessory structure on the lot. The accessory structure is 4.54' from the rear yard property line. The applicant is proposing to build a laundry room to connect the primary dwelling to the accessory structure which would require a variance to be allowed in the R-4 zoning district.

The zoning department would not be able to approve this application as submitted. Combining these two structures makes it one single family dwelling and would not meet current setbacks for a single family dwelling in the R-4 zoning district. The variance request is before the Board of Zoning Appeals. The accessory structure has been converted to a studio/ garage. Connecting the house to the accessory structure would give access to the garage without exposure to weather and the addition would be a mudroom/ laundry room.

Chairman Redd opened the public hearing.

Chairman Redd asked Ms. McGowan to present the case and stated he would ask for zoning's input after the public hearing.

Ms. McGowan responded, yes sir.

Ms. McGowan reported, the Community Development office received a variance application from Jeffrey and Donna Cole who live at 407 Lee Street which is a corner lot. It's at the corner of 4<sup>th</sup> and Lee Street. They would like to build an addition from the rear of home to the accessory structure which would make it a one single family dwelling. When this application was submitted, I was not able to approve it and that is why it is before the Board of Zoning Appeals. The accessory structure is currently sitting 4.54 feet from the rear property line. If this connector is built it becomes part of the entire home. A single family dwelling needs to meet a 25 foot rear yard setback in the current zoning regulations if you were to build a single family dwelling in the R-4 zoning district.

Chairman Redd asked, if a variance was given on the garage in the past, does the town have any record if this property had a variance issued for the garage to be built as close as it is to the alley. My question is was there a variance given for the distance to the alley from the garage or was it just built that way?

Ms. McGowan responded, as to date there are no records of any variances.

Chairman Redd stated, there probably was not.

Mr. Jenkins asked, is the studio added on to the garage or was that already there?

Ms. McGowan responded, in my opinion, the studio was part of the accessory structure.

Mr. Cole stated, that is our understanding as well.

Ms. McGowan stated, it is just a separate room like a bonus room inside.

Mr. Jenkins asked, is it part of the garage? I could not tell when I rode by, and I could not tell if it was just one building. It looked like it to me.

Chairman Redd responded, I think it used to be a garage and they made half of it into a studio when they bought it.

Mrs. Smith stated, I think it was a double garage, but there is no record of that.

Ms. McGowan responded, I do not know.

Mr. Evans asked, what is the side yard setback?

Ms. McGowan responded, existing, or if you were to build there today?

Mr. Evans responded, I guess both.

Ms. McGowan responded, on a normal lot 7 and ½ feet.

Ms. McGowan stated, most lots downtown are 50 x 115 or 50 x 120, 50 x 110. The plat that was provided in your packet, the lots downtown are the sizes or 50 x 115. Those that front along Kirby & Lee are 50 x 115. Those that front anywhere between 1<sup>st</sup> and 14<sup>th</sup> streets are 50 x 120. If the owners purchase their alley they will have an extra 5 foot or they could have 10 feet if they purchase the alley.

Chairman Redd asked, that only happens if the Town closes the alley correct?

Ms. McGowan responded, correct, all of the East/West alleys were vacated by council by resolution.

Chairman Redd stated, years ago.

Ms. McGowan stated, owners can have a quit claim deed and prepared to obtain their 5 or 10 feet.

Chairman Redd asked, are there anymore questions for Holly before I open the public hearing for comments?

Chairman Redd stated, I am going to open the public hearing. Anybody wish to speak for or against case # 2021-VAR-01.

Jeffrey Cole stated, I would like to speak for it. I am Jeff Cole. My wife Donna could not be here tonight, but I just wanted to say like Ms. McGowan said we are connecting two existing structures. The house has been there since I believe 1930 and I believe the garage/studio has been there for about 30 years so we are not intending to move anything any closer to

any other property lines, we are just trying to create a connector between the two. My family has been in West Point since 1937, so for 83 years now. My wife and I own 2 homes here. This one and another home on Lee Street. My parents also own a home on Lee Street and we want to make it so we can easily traverse from the garage into the house without having to go outside during icestorms and other terrible weather like this. It is really the main purpose as well as moving some things that are currently in the kitchen out into this connector. The intent is simply to create the connector not to move any existing buildings any closer than they already are to the property lines. We do have our architect Bill Loving here if there are any architectural questions that anybody has. I did also speak to all of our neighbors on Lee Street and also on 4<sup>th</sup> Street and I have a signed statement from all of them saying that they reviewed our application and have no issues with the variance.

Mr. Redd asked, are there any questions?

Ms. McGowan stated, Mr. Chairman, I would like to put on record, that I received a phone call from Mrs. Hodges an adjacent property owner. She is unable to make the meeting tonight and she does not have a problem with the variance request.

Chairman Redd asked, are there any questions of Mr. Cole by the board, or the architect?

Mr. Evans asked, does the current house go onto the actual corner lot, the 229 lot?

Mr. Loving responded, yes, they built a great room several years ago. It extends to the left there on the drawing you are looking at. It does go into that side lot.

Chairman Redd asked, Mr. Cole's property includes both lots?

Chairman Redd asked, any other questions? I guess the question I have is if this was a breezeway would it be a problem? The fact that it is totally closed in and their extending the kitchen and the laundry room actually makes it a room as oppose to a connector. If it was a connector with a breezeway would it make it one building?

Ms. McGowan responded, correct. Anything that is 18 inches in height or above is when it becomes a zoning issue.

Chairman Redd stated, This is similar to the other problem we had with two residences on one lot. Any other discussion before I close the public hearing? Any questions? I will close the public hearing. Holly, do you want to give us the zoning office's answer to this?

Ms. McGowan responded, this application would be denied in the zoning official's office. This is why it is before the Board of Zoning Appeals.

Chairman Redd asked, anybody have any comments or discussion?

Mr. Evans asked, is this a unique enough situation that we are not going to create a precedence? That is what I am curious about.

Chairman Redd responded, you will have to ask Holly.

Ms. McGowan responded, the question before the board of zoning appeals would be , is if this is a hardship?

Mr. Evans asked, that the condition of rule is hardship?

Ms. McGowan responded, yes.

Chairman Redd asked, in other words, that is why it is coming to us, it is a hardship.

Ms. McGowan responded, correct.

Chairman Redd stated, this sets a setback precedence like the ordinance that we just passed last year about two residences being on one piece of property.

Ms. McGowan responded, yes sir.

Mr. Jenkins asked, this is not going to be two residences, right?

Mr. Cole responded, no.

Ms. McGowan responded, I cannot answer that for you.

Mr. Cole responded, no.

Mr. Jenkins asked, because it connects to the garage?

Mrs. Smith said, it just becomes one.

Chairman Redd said, it becomes a room. It makes it all one.

Mrs. Smith stated, one dwelling.

Chairman Redd stated, one dwelling.

Ms. McGowan stated, if the Board approves this application, Mr. Cole will have to pull a building permit and then it will be inspected. The building official will inspect it just like he would for anyone else.

Mr. Jenkins asked, inspect what? Just the piece that he is adding?

Ms. McGowan responded, to make sure that it meets building code, yes sir."

Chairman Redd asked, any further discussion? We will call for a vote and someone needs to make a motion either yay or nay, and we will vote from whatever the motion is.

Mr. Jenkins stated, I move we accept the application.

Mrs. Smith stated, I second that. I went and looked at the property and I do not see any reason not to do it.

Chairman Redd stated, the motion is to accept the application for the variance, is that correct?

Mr. Jenkins responded, yes.

Chairman Redd asked Ms. Carnell to call roll for vote.

"Mr. Daniel?" Mr. Daniel responded, "Aye."

"Mr. Evans?" Mr. Evans responded, "Aye."

"Mr. Redd?" Mr. Redd responded, "Nay."

"Mrs. Smith?" Mrs. Smith responded, "Aye."

"Mr. Jenkins?" Mr. Jenkins responded, "Aye."

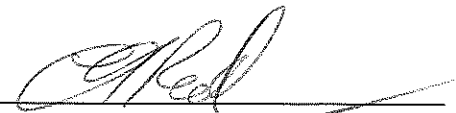
Chairman Redd stated, Motion carries.

**VI. Adoption of Minutes**

Chairman Redd made a motion to adopt the minutes from the February 18, 2020 Board of Zoning Appeals meeting. Mr. Evans seconded the motion. All in favor responded "Aye." Motion carried.

**VII. Motion to Adjourn**

Chairman Redd adjourned the meeting.



Charles T. Redd, III, Chairman  
West Point Board of Zoning Appeals

**Board Members Term's**

Charles T. Redd	804-843-4188	09/30/2024	<a href="mailto:ctredd@cox.net">ctredd@cox.net</a>
Linda Smith	804-843-2144	09/30/2021	<a href="mailto:lvs3750@cox.net">lvs3750@cox.net</a>
Stuart Daniel	804-843-3082	09/30/2021	<a href="mailto:sddaniel14@msn.com">sddaniel14@msn.com</a>
Chase Evans	804-737-9044	09/30/2024	<a href="mailto:chase@eci-inc.com">chase@eci-inc.com</a>
Garland Jenkins	804-843-2974	09/30/2025	<a href="mailto:gjenkins559@gmail.com">gjenkins559@gmail.com</a>