

## MINUTES OF THE MANNING BOARD OF APPEALS

Monday, February 24, 2014  
6:00 P.M.

Council Chambers  
City Hall Bldg.

**Members Present:**

Ted Gardner  
James Zimmerman

**Members Absent**

Levy Young

**Staff Present:**

A. Scott Tanner  
City Administrative

Donna Walker  
Administrative Services Clerk

**Others Present**

Marvin Brewer- Alternate

**I. Welcome/Introductory Remarks:**

Mr. Gardner welcomed all and presented the Board Members. In addition, Mr. Gardner reminded everyone to turn off their cell phones or to put them on vibrate. Furthermore Mr. Gardner stated that everyone speaking needed to state their names and sign in if they were “for” or “against” a request when coming forth.

**II. Invocation:** Mr. J. Zimmerman

**III. Approval of Minutes:**

**Minutes of the Regular Meeting of November 25, 2013.** A **motion** was made by Mr. J. Zimmerman and was seconded by Mr. M. Brewer to accept the minutes. All favored the motion.

**IV. Election of Officers**

A **motion** was made by Mr. J. Zimmerman to postpone the election of officers until the next regular meeting. Motion was seconded by Mr. M. Brewer. All favored the motion.

**V. Request No. V-2014-01 by Ervin L. Davis to be allowed a variance of 10 ft. to the front setback requirement of 35 ft. located at 102 N. Brooks Street, Tax Map#187-01-02-007-00, zoned General Commercial (GC).**

**Mr. Ervin L. Davis**

Mr. Davis stated that he is asking for a variance to re-open the business as a service center along with gas pumps. He stated that he would remodel the existing building and the building will be 40x80 with four bays adjacent to the building for repair work.

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**Proponents**

**Stephanie Black**

Mrs. Black asked how the new addition will be angled and will the church still have access to the driveway.

**Mr. Ervin Davis**

Mr. Davis stated that the new addition will not be angled but will face North Brooks Street. The church will have access to the driveway that is currently in the back of the building.

**The following inquiries were made by the Board:**

**Mr. James Zimmerman**

Mr. Zimmerman asked according to the drawing what is the distance from the back fence to the sidewalk.

**Mr. Ervin Davis**

Mr. Davis stated that the distance between the fence and the sidewalk is about seventy-three feet off the inside of the sidewalk. The variance that I am requesting only is required for the front setback. The rear and the side setback are in compliance with the city's ordinance.

**Mr. James Zimmerman**

Mr. Zimmerman asked if there would be room for parking in front of the building.

**Mr. Ervin Davis**

Mr. Davis stated that the majority of his business is coming and going and if vehicles are required for overnight they will be placed inside the shop. He also stated that he has additional parking in the front of Maxway.

**Opponents**

No one was in attendance to oppose the request.

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Following, a **motion** was made by Mr. M. Brewer to approve the variance to allow 10 ft. to the front setback requirement of 35 ft. The motion was seconded by Mr. J. Zimmerman. All favored the motion.

**VI. Request No. V-2014-02 by Gregory D. Wilson to be allowed a variance to increase the maximum number of vehicles on the property located at 42 Ross Street, Tax Map#169-15-08-008-00, zoned General Commercial (GC).**

**Mr. Gregory Wilson, Representative**

Mr. Wilson stated that he is asking for a variance to increase the number of vehicles on his property instead of the sixteen vehicles permitted to fifty-five vehicles.

**Mr. Brewer**

Mr. Brewer asked why the reason for so many cars.

**Mr. Wilson**

Mr. Wilson stated that certain repairs on domestic cars take about two or three days and foreign cars take about five to six days, so its become necessary to be allowed to keep cars on site an extended period of time.

**Scott Tanner**

Mr. Tanner stated to the Board that Mr. Wilson has until March 10<sup>th</sup> to get in compliance with the zoning ordinance.

**Mr. M. Brewer**

Mr. Brewer asked Mr. Wilson if he was planning to sell cars.

**Mr. G. Wilson**

Mr. Wilson stated that he will repair the vehicles and sell them at some point.

**Mr. J. Zimmerman**

Mr. Zimmerman asked if the variance is denied what would be his next alternative.

**Mr. G. Wilson**

Mr. Wilson stated if the variance is denied he would request a re-zoning on the property.

**Mr. Julien Weinberg**

Mr. Weinberg stated that Mr. Wilson brought the adjacent property to render more space for his business. He also stated that buying this property is very beneficial for his business because it is growing.

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**Mr. M. Brewer**

Mr. Brewer asked where the sixteen vehicle limit came from.

**Scott Tanner**

Mr. Tanner stated to the Board originally the recommendation came from the Planning Officials at the SCCOG but it is a flexible decision. He also stated that the business is allowed as a conditional use on the property.

**Opponents**

**Mrs. Deborah Ridgeway**

Mrs. Ridgeway stated that the property looks like a junk yard. The traffic has increased and they operate until two and three o'clock in the morning. She also stated that if you're going to have this type of business where it's visible to the public a fence needs to be put up.

**Mrs. Deborah Lucas**

Mrs. Lucas stated that she owned three properties on that street and the property is an eye soar to the surrounding properties. He does keep the property clean but it's a lot of cars on the property.

**Mr. Zimmerman**

Mr. Zimmerman asked Mrs. Lucas if she had any complaints from her tenants about the business.

**Mrs. Lucas**

Mrs. Lucas stated that one of her tenant's did complain about how long he operated the business at night.

**Mrs. S. Black**

Mrs. Black stated that she and her husband owned three rental units in the area and the business looks like a junk yard. We always welcome business to improve the city but we also want to keep the city looking attractive.

**Mrs. Joyce Wilson**

Mrs. Wilson stated that she is the wife of Mr. Wilson and is for the request. She also stated that she talked to the surrounding property owners except for one and the renters and no complaints. The shop opens at 9:00 o'clock and closes at seven o'clock.

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Following the discussion, a **motion** was made by Mr. Brewer to grant the variance to increase the number of vehicles up to forty cars with a privacy fence for surrounding properties located on Boundary and Ross Street; Mr. Zimmerman seconded it. All favor the motion.

**VI. Board Comments:**

None

**VII. Adjournment:**

A **motion** was made by Mr. M. Brewer to adjourn and Mr. J. Zimmerman seconded the motion. All favored the motion.

**Time:** 7:13 P.M.

**Respectfully Submitted,**

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**Donna Walker, Administrative Services Clerk**