

CITY OF ENTERPRISE BOARD OF ADJUSTMENT MEETING –August 12, 2020

The Enterprise Zoning Board of Adjustment met on Wednesday, August 12, 2020, at 4:30 p.m. in the Council Chambers of City Hall with the following members:

Present: Ann Bridgette- Chairperson  
Jacque Hawkins- Vice Chairperson  
Joddy James  
Steve Nagy

Supernumerary: Becky Hancock  
Christopher Rogers

Absent: Gwen Gilley

Also Present: Staci Hayes- Interim Director of Engineering  
Rainer Cotter- City Attorney  
Celeste Davis- Secretary Recorder

REVIEW OF MINUTES- July 8, 2020

A copy of the minutes from July 8, 2020 meeting was provided to each member of the Board of Adjustment. Being there were no corrections, additions, or deletions, Mr. Nagy made a motion to approve the minutes; Mr. James made the second. The vote being all ayes, motion carried.

OLD BUSINESS

N/A

NEW BUSINESS

DAVID LOWMAN- SIDE YARD VARIANCE- 200 YVONNE DR.

Ms. Bridgette introduced a request by David Lowman for an after the fact 1' side yard variance for a storage shed located at 200 Yvonne Dr.

Mr. Lowman stated he bought the shed two and a half years ago. When he bought it he asked the company he purchased it from would he need a permit and the company told him no he didn't. Since, he has learned that he doesn't have a true back yard due to being on a corner lot. He stated it is behind his house and does not impede traffic so he is asking just for a variance on it. He stated there is no power or water to it and no one lives there.

Ms. Bridgette opened the floor for public comment.

Mr. Hawkins made a motion to approve the request for an after the fact side yard variance for a storage shed located at 200 Yvonne Dr. Ms. Hancock made the second. The vote being all ayes, motion carried.

BARLYN HOLLAND- SPECIAL EXCEPTION- 218 S. MAIN ST. SUITE C

Ms. Bridgette introduced a request by Barlyn Holland for a special exception for Gary D. Lolley to operate a car lot located at 218 S. Main St. Suite C.

Mr. Holland stated that he has the rental building on Main Street and he is already approved to sell cars there. He stated he has come before to get other people approved to sell cars there also. He stated Mr. Lolley wouldn't be in the building and he wouldn't have more than 2 or 3 cars parked there at one time. Mr. Holland stated he has a "you park, you sell" lot at the location already. He stated the name of Mr. Lolley's business is Boll Weevil Motors.

Ms. Hancock asked if Mr. Holland had been before the board already. Mr. Holland stated he had to come every time it's a car lot. He stated he wished there was something the board could do so that if he personally rented it he wouldn't have to come every time. Ms. Hancock asked if there was an end time to his approval. Mr. Holland stated that to his knowledge no. He also stated it is already zoned for car lots and that he didn't have to go through any rezoning. He just had to get approved. Ms. Hancock stated that she is asking because its not zoned for car lots. Ms. Hayes stated no it is a conditional use and requires a special exception because downtown falls under a highway corridor overlay. In 2007 when the zoning ordinance changed they made it a conditional use to the downtown district because it does sit on a highway. The first time Mr. Holland came basically a business is one license. Even though he holds a dealer license anyone else who holds a separate dealer license and is a separate entity would have to get permission. So, he has permission with his active business license, but because it's a new dealer they also have to have permission.

Ms. Bridgette opened the floor for public comment.

Ms. Regena Lacey who owns All About Art and the two adjacent buildings. She is here representing the Downtown Enterprise Business Association as their current president. She stated she was neither in favor or against. But stated the association is very deep into the evaluation of downtown in conjunction with the main street program. The city is invested in that to help the association have great oversight in what is going on downtown. She stated they were hoping to look at zoning issues and things such as that going forward. Her comment is if this is approved that she would like for there to be a time limit placed on it. As the association gets into the design element of what main street is bringing to the table and as a business owner down there also they have all invested a lot in to improve down town. Ms. Lacey stated she doesn't know that a car lot does or doesn't fit into the long-term plan of revitalizing downtown.

Ms. Hancock asked how long Ms. Lacey was requesting. Ms. Lacey stated within a year. She stated by then they should have a firmer plan of what they are planning to do.

Mr. Holland stated he is from Enterprise and has owned that building for over 10 years and owned previous buildings downtown also. He stated he is already approved and he understands what Ms. Lacey is saying. He painted his building to match the church and he doesn't rent it to anyone that would be against that type thing. He stated unless the board was going to tell him he couldn't do it then he did not agree with that request.

Mr. James asked if the cars are parked in front of the building or on the side? Mr. Holland stated he sold the lot beside him so they would just be parked there under the awning of that building. Mr. Holland said he would do what he can to help out main street.

Ms. Debbie Gaydos who owns Shopaholic downtown stated they were told it was going to be a "you park, you sell" lot. Mr. Holland stated it was, but he owns three suites there at that location. Ms. Gaydos stated there was a time when there was a lot of old cars there in front and that it looked rough. Ms. Gaydos stated there were a lot of people downtown who were concerned because they were coming to a time where they would be spending more money individually as business owners to upgrade downtown. She stated she didn't know how a car lot fit into all of that and agreed with Ms. Lacey on thinking there need to be a limit put on the request.

Ms. Hayes stated Mr. Holland is already approved and there is no time limit on his approval. She stated the way a dealer's license works is its one dealer per dealer's license. So, if he has another dealer there they have to have their own individual dealer license and they have to be approved. Since Mr. Holland owns the building he is here representing Mr. Lolley.

Ms. Hancock asked how much room there was there for cars. Mr. Holland stated there is probably room for 20 cars, but they would not be putting that many there.

Ms. Bridgette asked if there was a limit on the number of cars. Ms. Hayes stated no there is no limit on anything. The only stipulation is if he were to rent it out to someone else they would have to come before the board for approval.

Ms. Lucey asked if the conditional would ever be revisited if it has already been approved. Ms. Hayes stated that the board has the authority to approve a request for any amount of time. Ms. Lucey stated she is asking about what Mr. Holland has now. Ms. Hayes stated what Mr. Holland has now has no limitations on it.

Mr. Nagy made a motion to approve the request for a special exception for Gary D. Lolley to operate a car located at 218 S Main St. Suite C. Mr. James made the second. The vote being all ayes, motion carried.

#### SHERWIN BENDEBEL- SIDE YARD VARIANCE- 123 MOSSWOOD DR.

Ms. Bridgette introduced a request by Sherwin Bendebel for an 18' side yard variance for a covered carport located at 123 Mosswood Dr.

Mr. Bendebel stated he is essentially trying to build a lean-to or carport some type of formal covering. Mr. Bendebel stated if he put the carport on the side of his house he could secure it to his fence post and it would be safer than if it was sitting in the wide-open back yard. If a storm came through it would not blow over. Mr. Bendebel stated that the carport would be out of site and it is very solid.

Mr. James stated he was right on the property line with the frame of the carport. Mr. James stated he was crowding his neighbor. Mr. Bendebel stated it was secluded and that the carport would go behind his house if not approved on the side and it would still be wide open for his neighbor. If it was a question of safety then it is safer on the side of the house because it would be secured to the fence. Mr. James stated its not a question of safety. We have ordinances to go by and for him to have a set back off the property line even if he moves it his back yard he still has to have that setback off of the property line. Mr. James asked if he had access on the other side of his house. Mr. Bendebel stated the front door. Mr. James stated if he had the carport on the side and there were no set backs that if an ambulance or someone had to come help him one day that they wouldn't be able to get through because there are no setbacks. Mr. James stated he is taking up his whole side yard.

Ms. Hayes stated Mr. Bendebel came in and did an accessory structure application and it was denied. She stated when we went out there he had put a fence up without a permit, but he did come in and get a permit for the fence after the fact. Ms. Hayes stated he still protruded the fence out past the house and as you can see looking at the pictures even though he was denied the accessory structure he put up the shell anyway. Ms. Hayes stated if he moves the shell to the backyard he will have to be 10' from the house and 5' from the property line and he will have to have a permit. Mr. Bendebel stated he didn't know that he had to have a permit for the fence. Ms. Hayes stated the initial problem is when we came out and originally looked at it he was denied and he put it up anyway. Mr. Bendebel stated he could take it down that he was putting it up to practice his skills. Ms. Hayes stated the fence isn't the issue. The issue is the structure that is in the side yard.

Ms. Hancock stated when she agreed to be on the board she was told they were looking to help people when they had no other solution, but Mr. Bendebel has a huge back yard. He has another solution so putting a structure like that on the property line would have a huge impact on the neighborhood. She stated he has another opportunity. Mr. Bendebel stated that location is not solid and we have a lot of storms here. He asked how it would affect the neighborhood.

Ms. Bridgette opened the floor for public comment.

Mr. Jason Graham whom lives at 127 Mosswood Dr. on the side of the yard where the carport is. He stated him and Mr. Bendebel talked about what he was going to do and he was okay with it. His understanding was he was going to add something that looked like his house. Mr. Graham stated he has already had to spend \$1300 on a French drain system because he is now holding water on that side of his property and the over hang from the carport is on his property. He stated it looks like it's a sore thumb. Mr. Bendebel stated the carport will have a seamless gutter that would prevent water from going on his side. Mr. Graham stated he doesn't think what Mr. Bendebel is trying to do can be done within code.

Mr. James made a motion to deny the request for an 18' side yard variance for a covered carport. Ms. Hancock made the second. The vote being all ayes, motion carried.

ADJOURNMENT:

There being no further business before the Board, Ms. Hawkins made a motion to adjourn. Mr. Nagy seconded the motion. All votes being ayes, motion carried.

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Anne Bridgette  
Chairperson

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Celeste Davis  
Secretary/Recorder