



**To:** Mayor Pro-Tem Cindy Aughinbaugh and Town Council Members  
**From:** Wendy Withers, Town Secretary  
**CC:** Jim Shepherd, Town Attorney  
**Date:** 06/05/2017  
**Re:** Request for a Variance

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**ACTION REQUESTED:** Consider and take action relative to a request made by Billy Hart for a variance to the Zoning Ordinance.

**BACKGROUND INFORMATION:** Mr. Hart began construction of an accessory building without a permit. Upon receiving this report, the building inspector issued a stop work on the building and instructed Mr. Hart to submit a building permit. Although Mr. Hart submitted some of the required paperwork a complete building permit has not been submitted to date. The permit was missing a complete set of plans showing the framing and siding materials and indicating compliance with the masonry requirements.

The building was completed and does not conform to the current zoning ordinance for the following reasons:

Carports are not permitted for this lot size. (1.06 acres)

The structure size exceeds the maximum square footage for an accessory building on this size lot; due to the fact that there is an existing building, the maximum structure size for a garage is 1,000 square feet.

**POSSIBLE ACTIONS:**

1. Council could approve the variance request and require Mr. Hart to pay the required building permit fee and submit a complete permit.
2. Council could deny the request and require Mr. Hart to remove the structure.
3. Council could deny the request for the carport and require Mr. Hart to enclose the structure and make it a functional garage; but approve the building size. Mr. Hart would be required to submit a complete permit and pay the required fees.

4. The Zoning Ordinance states that the town may charge double the permit fees if a person starts begins construction without a permit. The building permit fee is \$745, doubling the fee would result in a cost of \$1490