**Board of Zoning Appeals**

**Minutes**

**January 31, 2018**

**Call to Order:** Chairman Andy Porter called the meeting of the Zoning Board of Appeals to order at 6:14 p.m.

**Roll Call:** Those present were Chairman Andy Porter, Naeem Thobhani, Pastor Michael Clinkscales and secretary Kierra Smith.

Also present was Fredalyn Frasier, Interim Director of Planning, Building and Zoning and Mike Tuttle.

**Approval of Minutes:** Naeem Thobhani motion to approved minutes of previous meeting and Pastor Michael Clinkscales second the motion. Voting was unanimous.

**New Business:**

**Item 1: Request of variance that would allow the construction of a Church rectory that will serve as the residence for the pastor and priest to live on campus. The subject property address is 4312 Old Jonesboro Road.**

The applicant, John Schiavone, Director of Real Estate and Development for the Archdiocese of Atlanta presented the case by first introducing Father Jock, the pastor of San Felipe De Jesus Church which is adjacent to the proposed rectory and the contractor for the project, Justin Elgin. Mr. Schiavone stated he previously met with the city on the parcel. Their intent was to build a rectory for the Father and several of the priest. When they initially submitted plans they were informed by the city the property was actually zoned C-1, Commercial, with residential use permitted. Mr. Schiavone stated the zoning will only allow for two occupants, but the rectory will have possibly up to four occupants. He informed the board the number varies on the priests who will live in the house. They propose a single family residential structure that is 6,000 square feet. He stated they agree with staff conditions that include the a buffer and a signed affidavit stating the structure will only be used as a rectory for the San Felipe De Jesus Church.

Pastor Michael Clinkscales asked the applicant to verify exactly how many people will occupy the rectory and will it ever be more than 4 people. Mr. Schiavone answered there will never be more than 4 occupants at a time.

Naeem Thobhani posed the question what is the square footage of the proposed structure? The applicant stated it is approximately 6,000 square feet. There will be 2,000 square feet per level, which includes a basement, first level and second level. Naeem Thobhani also asked, if the priest is living at a property near the church currently. The applicant replied there is a home that the pastor is currently occupying near the church but it is not large enough. Naeem Thobhani asked how will the old residential structure be utilized once the pastor and priest actually move into the rectory. Mr. Schiavone answered, at this time they are unsure.

Andy Porter asked the applicant if they are willing to limit the permanent occupancy in the rectory to 4 people? John Schiavone conferred with the pastor and they both are willing to agree to the condition. Andy Porter stated the only other matter at hand is the variance actually pertains to the entire track of land, however the city does not want more residential structures built on the property, therefore would they be willingly to submit an official site plan and if approved, the variance would be subject to the site plan submitted. The applicant asked for more clarification of what is being asked of them. Andy Porter explained, the concern is the building could be expanded even further or replicated and other residential structures could be built on the parcel. John Schiavone answered, he would not want to permanently restrict them from building other structures on the property if needed. Fredalyn Frasier recommended, the variance be conditioned upon the site plan. She explained this will not preclude the applicants to coming back to city if they wish to make enhancements or expansions, they will just go through the same process for the current variance request. Therefore, they will not be limited or prohibited in anyway, but it will allow for a trigger for the applicant to come back before the board if they wish to make any improvements on the property. The applicants stated he agreed to the variance being conditioned to the proposal or site plan at hand as long as it’s not limiting or restricting.

Naeem Thobhani made a motion to approve the variance conditioned on the site plan and drawing presented; going forward in the future the applicant must come back before the board if they wish to make additions or improvements to the site or the structure. He also states the last condition is the rectory is not to exceed more than 4 permanent occupants at a time and in addition to the conditions put forth by staff. Pastor Clinkscales second the motion. Voting was unanimous.

Action: Approval with Conditions

1. Conditioned on final site plan reviewed by staff.
2. Signed affidavit that occupancy will not exceed for occupants.
3. Staff shall review and if appropriate, approve the final plans and documentation.

**Other Business:** None.

**Adjournment:** Pastor Michael Clinkscales made a motion to adjourn the meeting. Naeem Thobhani second the motion. Voting was unanimous.