

---

**BOARD OF ADJUSTMENT**

**August 8, 2006**

**Minutes**

---

Members Present: Wayne Bradshaw  
Scott Hay  
David Hejl  
Morton Langholtz

Members Absent: Rick Waldruff

Alternates Present:

Staff Present: Jeff Armstrong, Development Services Manager  
Gloria Brownell, Planner I  
Rodney Fletcher, Permit Specialist  
Dan Santee, Assistant City Attorney

Mr. Bradshaw, Chair, called the meeting to order at 8:35 AM and declared a quorum present.

The minutes from the meeting on July 11, 2006 were unanimously approved.

**Agenda Item BA-2006-46, Request for a Special Exception to locate a carport on the front setback on property located at 3750 Concord Drive.**

Ms. Brownell presented the staff report. The applicant proposes to construct a 20' x 24' carport extending from the existing one-car garage. The proposed carport would be 6 feet from the front property line and 18 feet from the curb on Concord Drive. There are two other carports in the notification area and four on the adjacent street to the south. The request is compatible with the area and consistent with the intent of the regulation. Staff foresees no negative effects on public facilities from the request.

Staff recommended approval of the request. Four comment forms were received in favor and two in opposition.

Mr. Bradshaw opened the public hearing. Sandra Cooley, applicant, spoke in favor of the request. Mr. Bradshaw asked if there was an existing garage and she confirmed that there was. Mr. Bradshaw asked when the home was built and she said that it was constructed in 1964. Ms. Cooley stated that she drives a 2004 Dodge pick-up and that it does not fit in the existing garage. Mr. Langholtz asked about the building materials and she said that the carport would be constructed of metal by Metal Mart in Clyde. Mr. Langholtz asked if she would be doing the construction and she stated that a contractor from Clyde would be doing the work. Mr. Santee asked if she understood the paving requirement for the area under the carport and she confirmed that she did.

Mr. Bradshaw closed the public hearing. Mr. Langholtz made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: There are other front carports in the area surrounding the request.

Effect on Public Facilities: There are no negative effects on public facilities.

Relationship to the Intent of the Regulation: The proposal is consistent due to other similar improvements in the area.

Mr. Hay seconded the motion, which passed by a vote of 4 in favor and 0 opposed.

**Agenda Item BA-2006-47, Request for a Special Exception to locate a Bed and Breakfast in Single-family Residential zoning on property located at 212 Berry Lane.**

Ms. Brownell presented the staff report. The applicant proposes to use the structure as a single-unit guest house. The 784 sq. ft. home was originally constructed in 1927. Staff has suggested the possibility of Historic Overlay zoning for the property, which the applicant may initiate at some point in the future. The site already has sufficient off-street parking to meet the requirement of two parking spaces. The thick vegetation on the site virtually shields the use from neighboring properties. Staff foresees no negative effects on public, health, safety, or welfare from the request.

Staff recommended approval. Four comment forms were returned in favor of the request and none in opposition. Ms. Brownell suggested that the Board could consider requiring parking only in the existing driveway or to the rear of the structure to preserve the appearance of the property. Mr. Langholtz asked how it would be enforced and Ms. Brownell explained that the placement of a condition on a motion for approval would make it enforceable through the Zoning Department. Mr. Santee asked about possible expansion of the use. Ms. Brownell stated that the standard policy was that the approval for the Special Exception would only apply to the current request and an expansion would necessitate additional review by the Board.

Mr. Bradshaw opened the public hearing. Amy Mayfield, applicant, spoke in favor of the request. Mr. Bradshaw asked if she only expected to use as a single unit. She stated that she had previously rented the home but felt that this would be a better option. Mr. Santee suggested that she apply for Historic Overlay zoning for the property in order to protect the historic structure. Ms. Mayfield said that she was already considering submitting an application, but wanted to wait until she had completed her request for the Special Exception.

Mr. Bradshaw closed the public hearing. Mr. Hejl made a motion to approve the request based on the following findings:

Compatibility With Surrounding Land Uses: The area appears to be a quiet single-family neighborhood with ample open space and natural vegetation. The home faces a large vacant

field that was originally planned for a large development of recreational uses. There is ample off-street parking and the home is visually secluded from neighboring properties.

Effect on Public Facilities: There are no negative effects on public facilities.

Relationship to the Intent of the Regulation: The intent of the regulation is to allow Bed and Breakfasts where they are compatible with surrounding land uses. The thick natural vegetation at the proposed location secludes the use to some extent from adjacent properties. Furthermore, the limitation of a single unit minimizes the impact and amount of traffic in the neighborhood.

Mr. Hay seconded the motion, which passed by a vote of 4 in favor and 0 opposed.

**Agenda Item BA-2006-48, Request for a Temporary Permit for a Construction Office (temporary) on property located at 201 Sugarloaf Avenue.**

Mr. Armstrong presented the staff report. The applicant developed the subdivision and is selling a number of lots to the agent, who is a homebuilder. The agent intends to build several homes and sell them. This request is to place a construction office on a lot as a base of operations during construction of the homes. The construction office is already located on the lot. The Zoning Ordinance gives the Building Official the authority to allow such a facility to be placed on a lot pending action by the Board of Adjustment. If denied, the structure will need to be removed. If approved the ordinance states that the approval is good for 1 year. The applicant may ask for up to two 6-month extensions if active construction by the agent continues within the subdivision. A Temporary Permit does not require formal findings. However, historically these have been looked at for compatibility or appropriateness in an area and the need for the facility. Staff's opinion is that the construction office would not be detrimental to the area on a temporary basis and that the builder has a legitimate need for it with the number of lots being built on in the immediate area.

Staff recommended approval of the request. All of the parcels within the notification area are owned by the applicant.

Mr. Bradshaw opened the public hearing. Ron Pughes of Qual Tex Homes, agent, spoke in favor of the request. He said that they were planning to construct approximately 70 homes in the new subdivision and they needed a central location for workers and operations. He stated that they have installed a camera system and temporary lighting to provide additional security for materials being stored at the site.

Mr. Bradshaw closed the public hearing. Mr. Langholtz made a motion to approve the request. Mr. Hay seconded the motion, which passed by a vote of 4 in favor and 0 opposed.

There being no further business, the meeting was adjourned at 8:55 A.M.

Approved: \_\_\_\_\_, Chairman