
BOARD OF ADJUSTMENT
September 11th, 2012
Minutes

Members Present: Roger Huber
Bob Beerman
Wayne Bradshaw
Scott Hay
Col. Morton Langholtz

Staff Present: Zack Rainbow, Planner II
Ben Bryner, Planning Services Manager
Stephanie Goodrich, Planner I
Dan Santee, City Attorney
Debra Hill, Secretary II (recording)

Others Present: Gary Milliorn #5 Trails End
Steve Senter #5 Cypress Point

Item One: Call the Meeting to Order:

Mr. Wayne Bradshaw called the meeting to order at 8:30 A.M. and declared a quorum present.

Item Two: Approval of the Minutes

Col. Morton Langholtz moved to approve the minutes of the August 21, 2012 meeting. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Hay, Huber, Bradshaw, Langholtz and Beerman) and none (0) opposed.

Mr. Bradshaw read the opening statement for the Board of Adjustment.

Item Three: Variance

a. BA-2012-22

A public hearing to consider a request from Steve and Debbie Senter, agent Epic Construction for an 11'6" variance to the 12' maximum height for a carport/patio cover in PD #4 (Planned Development) zoning. Legal Description being FAIRWAYS, BLOCK R, LOT 21. Located at 5 Cypress Point.

Mr. Zack Rainbow presented the staff report for this case. The property in question is a single family residence. There are other single family residences to the east, north and west. There is Fairway Oaks golf course located to the south. The applicant proposes to construct a 23'6" tall, pitched roof, open patio cover attached to an existing flat roofed patio cover. The proposed patio cover would be 300 sq. ft. in area and would be used for as an outdoor kitchen area. The Land Development Code requires that a patio/carport not exceed 12' in height, except when built into the roof line of the primary structure. Therefore, the reason for this variance request.

The applicant states that they want to match the architecture and roof line of the existing house. They state that the project can be accomplished within the guidelines, but feel the overall look would be less attractive than the proposed.

THE FOLLOWING CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

- 1. STRICT APPLICATION OF THE REGULATION WOULD RESULT IN A NON-FINANCIAL HARDSHIP/ CONDITIONS PECULIAR TO THE LAND:**
Staff was unable to determine a non-financial hardship or a peculiarity in this case.
- 2. APPROVAL OF THE REQUEST WOULD NOT HAVE A NEGATIVE EFFECT ON THE PUBLIC HEALTH, SAFETY, OR WELFARE:**
Staff does not anticipate any negative effects on the public from the request.

Property owners within 200 feet of the request were notified. Eight (8) comment forms were returned in favor and zero (0) in opposition of the request. Staff is recommending denial as staff was unable to determine a non-financial hardship or a peculiarity in this case.

Mr. Bradshaw opened the public hearing.

Mr. Steve Senter (applicant) spoke in favor of this request. Mr. Senter describes the proposed addition to the property. He added that the required maximum height for this PD #4 would only allow for the addition to be 12' in height. Mr. Senter stated this would not compliment the architectural design of the existing home and of the neighborhood.

Mr. Gary Milliorn (agent) spoke in favor of this request. He stated the proposed addition would match the roof line of the existing home and would not be a visual obstruction for the neighbors. Mr. Beerman questioned the material for the roof. Mr. Milliorn stated it would be consistent with the existing roof of the home.

Mr. Bradshaw closed the public hearing.

Mr. Hay moved to approve BA-2012-22 as requested based on the non-financial hardship and peculiarity being: the addition would make a peculiarity with the neighborhood and architectural design of the home; no negative effect on the public health, safety from this request. Col. Langholtz seconded the motion and the motion carried by a vote of five (5) in favor (Bradshaw, Huber, Langholtz, Hay and Beerman) and none (0) opposed.

Item Four: Adjourn

Mr. Bradshaw moved to adjourn the meeting.

Approved: _____, Chairman