
BOARD OF ADJUSTMENT
October 9th, 2012
Minutes

Members Present: Roger Huber
 Bob Beerman
 Wayne Bradshaw
 Scott Hay

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

Others Present: None

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

Mr. Beerman moved to approve the minutes of the September 11th, 2012 meeting. Mr. Huber seconded the motion and the motion carried by a vote of four (4) in favor (Hay, Huber, Bradshaw and Beerman) and none (0) opposed.

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

Item Three: Variance

a. BA-2012-23

A public hearing to consider a request from Gary Goldsmith for an 2'6'' variance to the 12' maximum height for a carport/patio cover and a 3' variance to the 3' interior building setback for a carport/patio cover in PD #4 (Planned Development) zoning. Legal Description being FAIRWAYS, BLOCK Q, LOT 4. Located at 24 Cypress Point.

Mr. Zack Rainbow presented the staff report for this case. The applicant is requesting a 3' variance to the required 3' minimum setback for carport/patio covers and 2'6'' variance to the 12' maximum carport/patio cover height in order to construct a 26' x 26', 14'6'' tall carport towards to rear and side of the existing house. The carport would have a pitched roof built with similar materials as the existing house. The applicant states that the reason for the variances is that he wants to cover the existing driveway. The applicant states that if the carport was built to meet the required 3' interior side setback, the supporting column would be in the middle of the drive. Staff however, feels there is ample buildable space to construct a carport of this size on the lot without the need for a variance.

SECTION AND REQUIREMENT OF ZONING ORDINANCE BEING VARIED:

Section 2.4.4.2 (d) **Maximum Height.** Twelve feet (12), except when built into the roofline and with the same roofing materials as the primary structure, in which case the height may not exceed the height of the primary structure.

Section 2.4.4.2 (b) (2) **Rear and Interior Side Setbacks:** A minimum of three feet (3) unless adjacent to an alley, then one foot (1).

LAND USES:

The property and all of the surrounding properties are developed with large single-family residences.

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.

Property owners within 200 feet of the request were notified. One (1) comment form was returned in favor and zero (0) in opposition of the request. Staff is recommending denial. Staff was unable to determine a non-financial hardship or a peculiarity for either variance in this case. If the Board of Adjustment is inclined to approve the variance, staff recommends including the condition that would require them to mitigate any drainage from the carport onto the neighboring property. This can be accomplished by sloping the roof away from the neighbors’ property or by installing a gutter that directs the runoff onto the subject property.

Mr. Bradshaw opened the public hearing, no one came forward and the public hearing was closed.

Mr. Hay moved to approve BA-2012-23 as requested based on the non-financial hardship and peculiarity being: the hardship being the removal of the existing tree; no negative effect on the public health, safety from this request. Mr. Hay added the condition to implement a drainage system to the addition. Mr. Beerman seconded the motion and the motion carried by a vote of four (4) in favor (Bradshaw, Huber, Hay and Beerman) and none (0) opposed.

Item Four: Adjourn

Mr. Bradshaw moved to adjourn the meeting.

Approved: _____, Chairman