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| Members Present: | Wayne Bradshaw- Chairman  Bob Beermann  Roger Huber  Ms. Ramsay  Mr. Waldraff |
| Staff Present: | Zack Rainbow, Planner II  Ben Bryner, Planning Service Manager  Kelley Messer, Asst.City Attorney  Stephanie Goodrich, Planner 1 Historic Preservation Officer  Donna Boarts, Secretary II (Recording) |
| Others Present: | None |
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**Item One: Call the Meeting to Order:**

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

**Item Two: Approval of the Minutes**

No minutes to be approved.

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

**Mr. Huber made the motion to REMOVE ITEM BA-2015-03 from the table. Mr. Beermann seconded the motion. The motion was carried unanimously.**

**Item Three: Variance:**

**a.** **BA-2015-03 (Tabled from 01-20-15)**

A public hearing to consider a request from Michael Meszler, agent Michael Johnson for a 65 foot variance to the 75 foot minimum rear building setback for a new building on property zoned HI (Heavy Industrial). Legal description being BOWYER ADDITION, BLOCK 1, LOT 4-6. Located at 2150 Butternut Street.

Mr. Zack Rainbow presented the staff report for this case. The applicant Mr. Meszler’s previous request was for a 10 ft. set-back as shown. At our last meeting we discussed the property might be considered as *adjacent and not abutting* as listed in our ordinance, this would allow for a 25 ft. rear setback. Mr. Meszler was accepting of the 25 ft. set-back and will modify his plans accordingly. The staff has discussed this matter with our legal department, and they affirmed that the interpretation of the property is being *abutting* which will require the 75 ft. set-back. Therefore the request now is to allow a 25’ rear setback. Staff is now recommending *approval* for the following reasons.

* There is a 20’ ft. alley that provides additional separation.
* The 25 ft. setback is consistent with other blocks along this section of Butternut.
* There are future plans to review zoning within the Butternut corridor.
* The 25 ft. is the setback for the HI (Heavy Industrial) zoning when not abutting residentially zoned properties.

**LAND USES:**

The subject parcel is developed with an auto repair and outside storage facility. The property to the

north is developed with a similar type of business and the property to the east is an auction company.

The properties to the west are developed with single and multi-family homes.

Property owners within 200 feet of the request were notified. One (1) comment form was returned in favor and zero (0) in opposition.

**STAFF RECOMMENDATION:** Approval, based on these facts mentioned.

Mr. Beermann inquired if the 25 ft. is because of the alley?

Mr. Rainbow stated that *abutting and adjacent* in the ordinance are defined separately. We discussed with the applicant *abutting* did not include the alley. Legal had a separate interpretation.

Mrs. Kelley Messer inquired about a peculiarity or hardship.

Mr. Rainbow stated the peculiarity is the area in the Butternut corridor and being consistent with

the other developments, Hardship, the smaller lot sizes that would only allow for a 35 ft. building.

Mr. Beermann inquired if there would be a determination of *no negative effect* from the staff?

Mr. Rainbow stated that due to the change of opinion we feel this is an appropriate decision.

Mr. Beermann stated that the property listed on the County Records shows: 2142 Butternut, City is stating 2150 Butternut. Wanted the correct address to reflect in the minutes.

Mr. Bradshaw opened the public hearing. No one came forward the public hearing was closed.

**Mr. Beermann moved to approve the *50 ft.* *Variance with a 25 ft. setback* as discussed and stipulated in the discussion. Mr. Waldraff seconded the motion and the motion carried by a vote of five (5) in favor (Beermann, Huber, Waldraff, Ramsay, Bradshaw) and none (0) opposed.**

**Item Four: Adjourn**

Mr. Bradshaw moved to adjourn the meeting at 8:40 a.m.

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