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**BOARD OF ADJUSTMENT**  
**January 10, 2017**  
**Minutes**

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**Members Present:** Mr. Wayne Bradshaw, Chairman  
Mr. Roger Huber  
Mr. Robert Beermann  
Mr. Scott Hay  
Ms. Dani Ramsay

**Members Absent:** Col. Morton Langholtz

**Staff Present:** Mr. Dana Schoening, Director  
Mr. Taurus Freeman, Assistant Director  
Mr. Zack Rainbow, Planning Services Manager  
Mr. James Prescott, Planner  
Mrs. Kelley Messer, Assistant City Attorney  
Mrs. Melissa Farr, Administrative Secretary

**Others Present:** Mrs. Hope Sandoval  
Mr. Bruce Kreitler

**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**

Mr. Beerman announced the revisions to be made to the minutes from December 13, 2016, and everyone agreed to approve at the next meeting.

**Item Three: Agenda Items**

Before the first item was read, Mr. Zack Rainbow introduced Mr. James Prescott as a new planner to the planning services team. Mr. Prescott will be the planner responsible to oversee the Board of Adjustment meetings and homeowner requests.

**a. BA-2016-45 (tabled from 12-13-2016)**

A public hearing to consider a request from Robert and Hope Sandoval for a Special Exception to locate a carport in the front yard building setback in MD (Medium Density Residential) zoning. Legal description being O T ABILENE, BLOCK 83, LOT WEST 70 FEET OF LOTS 7 AND 8. Located at 1342 S. 5th Street.

Mr. Beerman made a motion to remove this request from the table. Mr. Huber seconded that motion. The vote carried by five (5) in favor (Ramsay, Huber, Hay, Beerman, and Bradshaw) with none (0) in opposition.

Mr. James Prescott presented this request. The applicant wishes to construct a 21' x 18' front carport extending from the garage. The carport would be 3' from the side property line and 27' from the curb on S. 5th Street. The parkway width on S. 5th Street is 22'. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 27' from the face of the curb.

Chairman Bradshaw opened the public hearing.

Mrs. Hope Sandoval presented the signatures from the survey she was requested to conduct after the last meeting. None of her neighbors expressed opposition.

When asked by Mr. Huber, Mrs. Sandoval confirmed the carport will be freestanding with a metal roof on an improved surface. She added that some of her neighbors expressed interest in adding their own carports. They want to know the outcome of this request, and would like to use her notes.

Chairman Bradshaw closed the public hearing.

Property owners within 200 feet of the request were notified. Zero (0) comment forms were returned in favor with none (0) in opposition. Mrs. Sandoval was able to provide signatures from a survey of neighbors that she personally conducted.

**STAFF RECOMMENDATION:**

Denial. From a strict interpretation, the request does not meet the criteria necessary to approve a special exception.

**Mr. Hay moved to approve this special exception request, and Mr. Beerman seconded the motion. The vote carried by five (5) in favor (Ramsay, Huber, Hay, Beerman, and Bradshaw) with none (0) in opposition.**

**b. BA-2017-01**

A public hearing to consider a request from Robert P. Coffman for a 10' variance to the required 10' interior side building setback in RS12 (Residential Single-Family) zoning. Legal description being ELMWOOD WEST SOUTH EXTENSION, BLOCK 2, LOT 10. Located at 1385 S. Pioneer Drive.

Mr. James Prescott presented this request. The current house was built in 1955, setback 10' from the interior property line. The applicant built a carport on to the existing attached garage without a building permit. The carport was later enclosed without a building permit. Therefore, making the structure a building addition. This is enclosed, and is not a carport.

The addition is approximately 11'x 32' and extends towards the south side of the property towards the neighboring property, and might extend over the property line. The existing house was built at a 10' setback on the south side property line. The unpermitted "addition" sits approximately 0' from the interior property line. Therefore, the reason for the request.

The applicant states he did not know he needed a permit to construct the "addition." He is currently trying to sell the house and is seeking the variance in order to keep the structure. The applicant wants to cut the roof overhang from his neighbor's property and replace with guttering to address the main issue of water runoff.

Ms. Messer reminded this is a variance request. This is not the carport standard, as it is an actual variance.

Mr. Prescott said the variance is for the structure, and he would still have to gain compliance. Board members said they would not be in favor, if they were the applicant's neighbor.

Chairman Bradshaw opened the public hearing.

The homeowners were not in attendance.

Chairman Bradshaw closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) comment form was returned in favor, which was the applicant, with two (2) in opposition. One response in opposition was dropped off at Council Chambers before the meeting began by one of the neighbors.

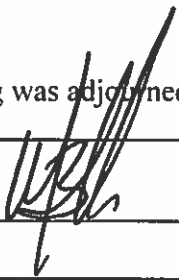
**STAFF RECOMMENDATION:**

Denial, the request does not meet the criteria necessary to approve a variance. If the Board of Adjustment is inclined to grant the variance request, staff feels that a survey needs to be required showing the exact location of the structure, and mitigation of any drainage of water onto the adjacent property.

**Mr. Huber moved to deny this request, and Mr. Hay seconded the motion. The vote carried by five (5) in favor (Ramsay, Huber, Hay, Beerman, and Bradshaw) with none (0) in opposition.**

**Item Five: Adjourn**

Mr. Huber moved to adjourn. The meeting was adjourned at 8:50 a.m.

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