
BOARD OF ADJUSTMENT
June 13, 2017
Minutes

Members Present: Mr. Scott Hay
Col. Morton Langholtz
Mr. Robert Beermann
Mr. Roger Huber
Mr. Mark Odle

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

Others Present: Councilman Bruce Kreidler Mr. Jess Anderson
Mr. Martin Turentine Mr. Pat Donahue
Mr. Robert Kesper Mr. Kelsey Williams

Item One: Call the Meeting to Order

Mr. Scott Hay called the meeting to order at 8:30 a.m. and declared a quorum present.

Item Two: Approval of the Minutes

Colonel Langholtz moved to approve the minutes of previous meeting, May 9, 2017, and Mr. Huber seconded the motion. The vote to approve minutes was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

Item Three: Agenda Items

a. **Election of Officers**

Mr. Huber moved to elect Mr. Hay to serve as Chairman. Mr. Odle seconded the motion. Mr. Huber moved to elect Colonel Langholtz to serve as Vice-Chair. Mr. Beerman seconded the motion.

Colonel Langholtz moved to elect Mr. Huber to serve as Secretary. Mr. Odle seconded the motion.

b. **BA-2017-15 (Tabled from 5-13-2017)**

A public hearing to consider a request from Mr. Miller (Homeowner) for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being QUAIL PARK SECTION 4, BLOCK G, LOT 34. Located at 15 Woodcock Circle.

Colonel Langholtz made a motion to remove this item from the table. Mr. Huber seconded the motion. The vote to remove this request from the table was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

The applicant is requesting a special exception for an unpermitted carport, which is located within the 15 ft. front setback and approximately five (5) feet from the property line.

Mr. Hay opened the public hearing.

No one was present to speak in favor or opposition of this request; however, Mr. Prescott announced the applicant placed a phone call to request this item remain tabled until the meeting in August.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response were received in favor with two (2) in opposition.

STAFF RECOMMENDATION:

Staff recommends denial of this request.

Mr. Huber made the motion to table this request, as requested by the applicant, until the meeting in August. Colonel Langholtz seconded the motion. **The vote to table this request until the August 8, 2017 agenda was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.**

c. BA-2017-19

A public hearing to consider a request from Martin Turentine for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being WES TVIEW PARK, BLOCK J, LOT 4I, located at 818 Glenhaven Dr.

Agent Leck Matthew is seeking a Special Exception to locate a carport in the front yard in RS-6 (Residential Single Family) zoning.

Mr. Hay opened the public hearing.

Mr. Leck Matthew said the applicant wishes to protect his vehicle. The carport will have a gable roof and will tie into the home. The driveway will also be replaced to compliment the addition.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. Two (2) responses were received in favor with zero (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request, with the condition that the carport be setback a minimum of five (5) feet from the property line.

Colonel Langholtz moved to approve this request, and Mr. Odle seconded the motion. The vote to approve was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

d. **BA-2017-20**

A public hearing to consider a request from Jess Anderson (Agent) for Linda Mc Knight (Homeowner) for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being CASTLEWOOD ESTATES SEC 1, BLOCK C, LOT 10, located at 2357 Brenda Lane.

Agent Jess Anderson is seeking a Special Exception to locate a carport in the front yard in RS-6 (Residential Single Family) zoning.

Mr. Hay opened the public hearing.

Mr. Jess Anderson addressed this request by stating the applicant wants protection from hail. The carport will be all metal with décor to match the house.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. Three (3) responses were received in favor with zero (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval.

Colonel Langholtz moved to approve this request, and Mr. Huber seconded the motion. The vote to approve was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

e. **BA-2017-21**

A public hearing to consider a request from Pat Donahue (Agent for Donahue Enterprises Inc.) for a 3' variance request to the required 6' interior building setback in to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being BUNNY RUN ADDN S EC 2, BLOCK A, LOT 8, ACRES .309. Located at 5158 Bunny Run.

The applicant is requesting a three (3) foot variance request to the required six (6) foot interior building setback (North).

Mr. Hay opened the public hearing.

Mr. Pat Donahue, builder, presented photos to clarify issues. He reiterated the variance was requested due to an honest mistake by his cement contractor. He measured from the radius pin instead of the property pin.

Mr. Donahue said the distance between the two houses is 14 feet. If the request is denied, they will cut off two feet of the garage.

The developer asked that the request be granted. All other houses in the cul-de-sac have been sold, and he has no objections.

Property owners within 200 feet of the request were notified. Four (4) responses were received in favor with zero (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends denial.

Colonel Langholtz moved to approve this request, and Mr. Huber seconded the motion. The vote to approve was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

f. **BA-2017-22**

A public hearing to consider a request from Chris Tracey (Agent, for Ogburn Truck Parts, LP.) for a 20' variance request to the required 30' front building setback in LI (Light Industrial) zoning. Legal description being BAILEY INDUSTRIAL DIST1 CONT2 BLOCK 1 LOT 4 ACRES 1.16. Located at 1117 E HWY 80.

The applicant is requesting a 20 feet variance request to the required 30 feet front building setback to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety.

Mr. Hay opened the public hearing.

The proponent was not in attendance.

Mr. Robert Kesper, Yellowhouse Machinery, stated the applicant's customers currently park in the Yellowhouse Machinery lot. He expressed opposition by his concern that Ogburn Truck Parks is limited with space and this variance will push more of their customers over to the Yellowhouse parking lot.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response was received in favor with two (2) in opposition.

STAFF RECOMMENDATION:

Staff recommends denial.

Colonel Langholtz moved to table this request until the next meeting, and Mr. Odle seconded the motion. The vote to table this item until the next meeting was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

g. **BA-2017-23**

A public hearing to consider a request from Terry Adams for a 40' variance request to the required 50' minimum interior building setback and a 40' variance request to the required 50' minimum rear building setback in LI (Light Industrial) zoning. Legal description being A0681 SUR 45 B A L NW/4, ACRES 3.628. Located at 3358 E Hwy 80.

The applicant is requesting a 25 foot variance request to the required 50 foot interior building setback (East) to maintain proposed parking, traffic and pedestrian flow, with no compromise to public safety.

Discussion revealed the original request had changed to no longer include the rear building setback. The request is only for a 25 ft. variance on the east side setback.

Mr. Hay opened the public hearing.

Mr. Kelsey Williams spoke in favor of this request saying the applicants wants the shop building only for personal use. He confirmed there will still be plenty of room with the decrease from 50 ft. to 25 ft.

Councilman Bruce Kreidler spoke to confirm the trend along Highway 80 rezoning to industrial uses. He stated he is pleased to see the industrial uses grow in that area with private enterprise, and he is in favor of granting this request.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. No (0) responses were received in favor with none (0) in opposition.

STAFF RECOMMENDATION:

Staff recommends approval.

Colonel Langholtz moved to approve this request, and Mr. Odle seconded the motion. The vote to approve this item was carried by five (Huber, Langholtz, Hay, Beerman, and Odle) with none in opposition.

Item Four: Adjourn

Colonel Langholtz moved to adjourn, and Mr. Huber seconded the motion. The meeting was adjourned at 9:35 a.m.

Approved: Scott S. Hay, Chairman

