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**BOARD OF ADJUSTMENT**

**July 11, 2017**

**Minutes**

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**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  
Mr. Chace Craig, Assistant City Attorney  
Ms. Melissa Farr, Administrative Assistant

**Others Present:** Councilman Bruce Kreidler    Mr. Robert Kasper  
Ms. Margie Sherrod                    Mr. Riley Casey  
Mr. William Taff                        Ms. Donna Albus  
Mr. Chris Tracey                         Mr. Monte Sherrod

**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 made the motion to approve the minutes of previous meeting, June 13, 2017 as presented, and Mr. Huber seconded the motion. The vote to approve minutes was carried by five with none in opposition.

**AYES: Huber, Langholtz, Hay, Beerman, and Odle**

**NAYS: None**

**Item Three: Agenda Items**

**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. (Tabled from the June Agenda.)

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.

Colonel Langholtz made the motion to remove this item from the table. Mr. Huber seconded the motion, and the motion carried.

Mr. Hay opened the public hearing.

Mr. Chris Tracey spoke in favor of this request. He addressed issues and answered questions on behalf of the applicant.

Mr. Robert Kasper spoke in opposition on behalf of Yellowhouse Machinery.

Mr. Hay closed the public hearing.

Discussion among the Board included: Safety concerns, access to emergency vehicles, changing rules and the hardship to the landowner, signage attempts for customer parking

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

**STAFF RECOMMENDATION:**

Staff recommends denial.

**Colonel Langholtz made the motion approve this request. Mr. Huber seconded the motion, and the motion carried.**

**AYES: Huber, Langholtz, Hay, Beerman, Odle**

**NAYS: None**

**b. BA-2017-24**

A public hearing to consider a request from Cynthia Jones for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being WYNDROCK ADDN SEC 4, BLOCK 8, LOT 20. Located at 3134 Birch Dr.

Mr. Hay opened the public hearing.

Ms. Cynthia Jones spoke in favor of this item.

Mr. Zack Rainbow added that prefabricated carports usually meet the setbacks.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response was received in favor with none (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**Colonel Langholtz made the motion approve this request. Mr. Huber seconded the motion, and the motion carried.**

**AYES: Huber, Langholtz, Hay, Beerman, Odle**  
**NAYS: None**

**c. BA-2017-25**

A public hearing to consider a request from William Taff for a Special Exception to locate a carport in the front building setback in RS-6 (Residential Single-Family) zoning. Legal description being WEST FREEWAY ESTATES, BLOCK 2, LOT 3. Located at 4517 State St.

Mr. Hay opened the public hearing.

Mr. William Taff spoke in favor of this item.

Mrs. Kathy Taff also spoke in favor of this item.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response was received in favor with none (0) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval.

**Mr. Odle made the motion approve this request. Colonel Langholtz seconded the motion, and the motion carried.**

**AYES: Huber, Langholtz, Hay, Beerman, Odle**  
**NAYS: None**

**d. BA-2017-26**

A public hearing to consider a request from Margie Sherrod for The applicant is requesting a variance to reduce the interior setback from three-feet (3) to zero (0) feet in RS-6 (Residential Single-Family) zoning. Legal description being STONEGATE ADDN SEC 6 CONT 1, BLOCK A, LOT 119 REPLAT. Located at 38 High Life Cr.

Mr. Hay opened the public hearing.

Mrs. Margie Sherrod spoke in favor of this item.

Mr. Monte Sherrod also spoke in favor.

Mr. Casey Riley, Riley Home Improvements, spoke in favor of this item.

Mr. Hay closed the public hearing.

Property owners within 200 feet of the request were notified. One (1) response was received in favor with three (3) in opposition.

**STAFF RECOMMENDATION:**

Staff recommends denial.

Discussion among the Board included: They would have liked to have heard from the neighbors on the south side or seen something in writing.

**Colonel Langholtz made the motion approve this request. Mr. Huber seconded the motion, and the motion carried.**

**AYES: Huber, Langholtz, Hay, Beerman, Odle**

**NAYS: None**

**Item Four: Adjourn**

**Colonel Langholtz moved to adjourn, and Mr. Beerman seconded the motion. There being no further business the meeting was adjourned at 9:48 a.m.**

Approved: , Chairman