

BOARD OF ADJUSTMENT MINUTES

June 24, 2019

The Board of Adjustment held its regular monthly meeting on Monday, June 24, 2019 at 5:00 p.m., in the Council Chambers at City Hall.

Members Present

Vice-Chair Wendell Miller
Secretary Karen Yarbrough
Justin Cothren
Scott Sanders
At-Large Vacant

Members Absent

None

Visitors Present: Mayor Richard Harris, Contract Planner Kevin Gambrill, City Attorney Trey Smith, Planning Assistant Lequitta Jones, Public Works Director Kenneth Duvall, City Engineer Glenn Newman, Building Official Brian Holstein, Floodplain Manager Ben Gray, Morgan Barrett of Barrett & Associates, and Kevin Boortz.

Welcome Visitors

The First Order of Business was a request to review and approve the minutes of the April 22, 2019 meeting.

Member Cothren made the motion to approve the minutes as written. The motion was seconded by Karen Yarbrough and passed unanimously.

The Second Order of Business was a public hearing requesting approval from 9.3.3 *Special Exceptions* to allow a 10% reduction on the 25-foot front setback requirement making it 22.5 feet on lots 76 and 77 in an R-1, for property located on South Quincy Avenue of the Sunrise Estates. Submitted by Dave Garza of Barrett & Associates. (BOA.05.01.3650)

The staff recommended approval.

Member Yarbrough made the motion to approve the Special Exception to allow the 10% reduction. The motion was seconded by Justin Cothren and passed unanimously.

The Third Order of Business was a public hearing requesting approval for a variance to allow a building to front yard setback of 9.9 feet in lieu of the required 20 feet for a single-family structure in the R-3 zone, located at 1015 North Cleveland. Submitted by Kevin Boortz. (BOA.19.06.3651)

Planner Kevin Gambrill said this request is to allow an existing building to have a front building to property line setback of 9.9 feet in lieu of the required 20 feet and an existing accessory building to have a side building to property line setback of 5.5 feet in lieu of the required 6 feet. *Section 7.2 – Non-conforming Structure – Where a lawful structure exists at the effective date of adoption or amendment of the Zoning Code that could not be built under the terms of these regulations by reason of restricts on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot such structure may continue so long as it remain otherwise lawful, subject to the following provisions:*

7.2.1 – Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition.

7.2.2 – Should a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction. It shall not be reconstructed except in conformity with the provisions of this Zoning Code.

7.2.3 – Such structure, upon the approval of the Board of Adjustment, may be added to, if said addition meets the area requirements of the land use zoning district in which the structure is located, provided said use of structure is in conformance with the Zoning Code.

The building permit issuance should be dependent upon satisfying all off-street parking requirements. Group living quarters is the assumed use of the principal structure. Unless the Planning Commission chooses to decide upon the parking demand created by the use (see section 4.1.1), Staff would recommend applying those parking standards associated with “Bed & Breakfast” or “Motel”, or, one parking space for each two guests or bedroom, whichever is greater.

Mr. Kevin Boortz said this is a proposal to remodel an existing approximate 2250-square foot house (1550 sqsf first floor and 700 sqft second floor). Additional 1000 sqft more or less in the rear for possible future remodel (400 sqft first floor and 600 sqft second floor). This remodel will be done in two phases, first floor to be completed by August 1, 2019 and the second floor to be completed by June 1, 2020. The property is zoned R-3, which requires a 20-foot setback on the front. The current structure is 9’9” to the front of the house according to the last filed improvement for the said property. It looks like there was a porch that was enclosed, which I plan to make a porch again. The setback to the actual house entrance will be approximate 17’3”. I do not plan on making any structure changes other than the front porch and removing some existing decking off the second floor entrance. The possible third phase will be the 1000 sqft rear section. Currently, those areas will be for storage again with no structure changes.

Also I’m requesting approval of the current shed that sits to the right side of the house, current setback for the sides is 6’ and the shed is at 5’3”. I plan on putting a new roof on it and replacing the current doors on the front.

Building Official Brian Holstein said for the record the side building setback is 5 feet.

Member Cothren made the motion to approve as submitted. The motion was seconded by Member Yarbrough and passed unanimously.

Meeting Adjourned

Acting-Chairman Wendell Miller