

BOARD OF ADJUSTMENT

MINUTES

August 3, 2023 @ 5:00 p.m.

The Board of Adjustment held a meeting on Thursday August 3, 2023 at 5:00 p.m.

Members Present

Don Jacimore, Vice Chairman

Wayne Cummings

Josh Stroud

Justin Cothren

Members Absent

Wendell Miller, Chairman

Visitors Present: City Planner Sara Jondahl, Planner I Victoria Marchant, Planning Assistant Caden Lemley, Michael Lloyd, and Stanley Lynch.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Board of Adjustment July 6, 2023.

Member Cummings made a motion to approve the minutes as written. The motion was seconded by Member Stroud and passed unanimously.

The Second Order of Business is a Variance from Article 4.1 to allow an 8' fence in the side and rear yard, located at 1112 Laredo Ave. Submitted by Michael W Lloyd.
(VARI-0723-000382)

Planner I Marchant stated that this is a variance for an 8' fence on a portion of the side yard and a portion of the rear yard as well. She stated that they are located at 1112 S Laredo Ave. Planner I Marchant stated that located within the Glenwood Neighborhood, this is an existing Single Family Home. She stated that it is an R-2, Medium Density Residential, zoned property surrounded by other R-2 and R-1 zoned properties. She stated that surrounding properties include other single family homes and an elementary school. Planner I Marchant stated that this application is to allow an 8' fence along W 12th Street and one fence panel on the east and west sides. She stated that staff has found the applicant has demonstrated that special conditions exist due to the topography of the area. She stated that the applicant's yard slopes down quite considerably from the road. She stated that this results in passersby's being able to clearly see into the applicant's backyard resulting in limited privacy and a safety issue due to things getting thrown into the applicant's backyard. She stated that this has caused property damage for the owner. She stated that the applicant has met all other Variance requirements.

It is staff's recommendation that the Board of Adjustment approve this variance request based on the findings below:

1. The applicant has demonstrated that special conditions exist; and
2. The applicant has met all other Variance requirements.

Mr. Lloyd stated that they do not have any privacy and that people throw stuff into his swimming pool. He stated that this fence will deter that. He stated that when someone throws something into the pool, he cannot use it for days because of the bacteria.

Member Cummings made a motion to approve the variance. The motion was seconded by Member Stroud and passed unanimously.

The Second Order of Business is a Variance from Article 4.1 to allow a 4' fence in the front yard, located at the corner of Inglewood and Honeysuckle. Submitted by Patricia Lynch on behalf of Mary Jane Taylor. (VARI-0723-000380)

Planning Assistant Lemley stated that this is a variance from the fence height requirement at the corner of Inglewood and Honeysuckle. He stated that within the Inglewood Neighborhood this is the existing location of the Delphia Cemetery. He stated that it is an R-1, Single-Family Residential, zoned property surrounded by other R-1 zoned properties including single family homes. Planning Assistant Lemley stated that this application is to replace the existing fence around the perimeter of the cemetery with another 4 foot tall fence. He stated that staff has found the applicant has demonstrated that special conditions exist due to the unique nature of the property as it is a cemetery and not a residential property with a typical front yard.

It is staff's recommendation that the Board of Adjustment approve this variance request based on the findings below:

1. The applicant has demonstrated that special conditions exist; and
2. The applicant has met all other Variance requirements.

Member Jacimore asked if the variance was for all sides of the fence. Planning Assistant Lemley stated that the fence will surround the entirety of the perimeter.

Member Cothren made a motion to approve the variance. The motion was seconded by member Cummings and passed unanimously.

Meeting Adjourned

Chairperson