

**BOARD OF ADJUSTMENT**

**MEETING MINUTES**

January 2, 2020

City Hall – Council Chambers

Regular Members Present: Larry Caldwell, Charles Haubold, Tim Kelley, Skip Smallwood,  
William Whitlock

Regular Members Absent: None

Alternate Members Present: None

Alternate Members Absent: Ray Buhs, Ed Hart, David Hinton

Staff Present: Carol Peters, Ryan Shrimplin

Call to Order

Chairman Haubold called the meeting to order at 7:00 p.m.

Approval of Minutes

The minutes of the December 5, 2019 Board of Adjustment meeting were unanimously approved.

ZONING CODE VARIANCES

1. A public hearing was held on the request of Mark and Kandee Oliver for a variance from Section 30-403(a), accessory structures and uses, for property at 2649 Cobblestone Court. Mr. Mark Oliver appeared before the Board to present the request. He explained that he and his wife will be building a home on the property within a year; they would like to construct an accessory structure on the property in order to securely store the construction materials.

A staff report was submitted to the Board, containing the following findings of fact in reference to the variance request:

Criterion #1: The variance request arises from a condition which is unique to the property in question and which is not ordinarily found, and is not created by an action or actions of the property owner or the applicant.

Finding: The subject property is located at the southwest end of the city and is not in proximity to a facility where materials can be stored in a secure manner. The applicant wishes to construct the accessory structure now in order to store construction supplies (for the future principal structure) in a secure manner.

Criterion #2: Approval of the variance request will not adversely affect the rights of adjacent property owners or tenants.

Finding: The application states that the applicant is willing to commit to commencing construction of the principal structure within one (1) year of the date the variance is approved. If the variance request is approved subject to this condition, it will not adversely

affect the adjacent property owners or tenants because the accessory structure will only be allowed on the lot without a principal structure for a specified period of time, after which it will be required to be removed if construction of the principal structure has not commenced.

Criterion #3: The strict application of the provisions of the Zoning Code from which the variance is requested will constitute unnecessary hardship upon the utilization of the property.

Finding: Denial of the variance request will result in an unnecessary hardship because the applicant will not be able to store the construction supplies for the principal structure in a secure manner.

Criterion #4: Approval of the variance request will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Finding: If the variance request is approved with the aforementioned condition, it will not adversely affect the public.

Criterion #5: Approval of the variance request is consistent with the general spirit and intent of the Zoning Code.

Finding: The unique condition of the subject property, the unnecessary hardship that will result if the request is denied, and the lack of an adverse effect on the adjacent property owners, tenants, and the public form the basis for approving the variance request in keeping with the general spirit and intent of the Zoning Code.

Based on the above findings, staff recommended approval of the variance request, subject to the following condition:

1. The accessory structure shall be promptly removed from the lot if construction of a principal structure on the lot has not commenced within one (1) year of the date of this approval.

Chairman Haubold opened the public hearing. Seeing no appearances to speak, he closed the public hearing. A motion was made and seconded to approve the variance request with the staff recommended condition. The motion passed unanimously. Chairman Haubold called for a motion to adopt the staff report as the Board's Findings of Fact and Conclusions of Law. A motion was made and seconded, which passed unanimously.

#### Adjournment

There being no further business, the Board voted unanimously to adjourn the meeting at 7:15 p.m.

Respectfully submitted by:

  
William Whitlock, Secretary