

Board of Zoning Adjustment
MINUTES OF MEETING

April 19, 2011
7:33 a.m.

Item 1. Roll Call.

PRESENT: Bill Griffey Sr., Rodney Rounkles, Dr. Nick Houk, Richart Andrew, Kenneth Dickey and Chad Taylor

STAFF PRESENT: Nick Pappas, Larry Murry and Kathy Twitchell

ABSENT: Tray Harkins

Chairman Griffey called the meeting to order. A quorum was present.

Item 2. i. Approval of Minutes March 8, 2011

Commissioner Rounkles motioned to approve the March 8, 2011 minutes. Commissioner Dickey seconded. The motion carried.

Item 3. Public Hearing.

3. i. Variance Hearing Case Number BZA-11-002: 733 Magnolia-Application for variance regarding side setback requirements for a deck

Nick Pappas gave the staff report. This request is for a variance of City Code Chapter 400, Section 400.110, Subsecton B (3) for the purpose of constructing a pool deck closer than seven feet from a side property line as required by City Code. All property owners within 185 feet of the applicant's property were notified. Four residents called to inquire about this request and didn't see any

issues.

The property is located at 733 Magnolia in a vast R-2: Two-Family Residential zoning district. The uses of this and abutting properties are that of a single-family nature, with numerous properties violating side setback regulations. Due to the platting of this neighborhood in the early 1900s, the lots contained therein are extremely narrow, with an average width of only fifty feet. (Current standards for a new development in a similar zoning district would require a minimum lot width of ninety feet.) In addition, the topography of the neighborhood is steep with a relief of ten percent on average. This layout facilitates erosion and building instability. All city-owned utilities are located away from the proposed project area.

Based on the standards set forth in the City Code for the Board, staff has come to the conclusion that if this request is granted, it will not set a precedent on setback regulations within an R-2: Two-Family Residential Zoning district for the following reasons:

The plight of the owner is due to unique circumstances, namely topography and antiquated platting. The size of the houses in this neighborhood, combined with the fact that numerous properties violate current setback regulations, attest to an earlier ideal in planning theory: build tighter, more compact, walkable neighborhoods. The houses in this neighborhood were meant to violate current setback regulations.

The variance, if granted, will not alter the essential character of the locality. As previously noted, many properties in this neighborhood violate current zoning regulations, to no fault of their own.

The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. To the contrary, the granting of this variance would likely enhance property values in the neighborhood due to the property no longer eroding. Further, since this is merely a deck, light and air concerns are insubstantial.

The particular physical surroundings, shape, or topographical

conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out. Currently, due to severe erosion along the rear yard of the property, maintenance of the land is very difficult and walking across the property is impossible due to mud. The construction of a deck to the west side lot line would alleviate these conditions.

Commissioner Andrew motioned to approve the variance at 733 Magnolia. Commissioner Dickey seconded. Commissioner Rounkles abstained. The motion carried with four positive votes.

Item 4. Comments of Commissioners/Chairperson

No comments.

Item 5. Adjourn

Commissioner Houk motioned to adjourn the meeting. Commissioner Rounkles seconded. Motion approved. Meeting adjourned at 7:45 a.m.

Kathy Twitchell, Secretary to the Commission