



Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

August 16, 2023

MEMBERS PRESENT: Chairperson White, Vice Chairperson Weeks, Board Member Jacquay, Board Member Sebold, Board Member Shelley, Board Member Dittmar, Board Member Williams, Board Member Stepherson, Board Member Price

MEMBERS ABSENT: NONE

STAFF PRESENT: Planner Hargett, Development Services Coordinator Statler, Assistant City Attorney Lindsay, Network Engineer Johnston, Network Engineer Russo

STAFF VIRTUAL: Development Services Director Morris

OTHERS PRESENT: Tim Daniel, Brad Dye, Susan Campbell Hatler

1) CALL TO ORDER/QUORUM PRESENT

Chairperson White called the meeting to order at 3:00 p.m. with a quorum present.

Chairperson White then read the ZBA rules and instructions and explained the procedures of the Board meeting.

Swearing in new board member Price.

2) APPROVAL OF MINUTES

The ZBA July 19, 2023, minutes were approved without objection by the Board.

3) ZBA 2023-012

2828 E. Brainerd

R-1AA

Mr. Bradley Dye the property owner, is requesting a variance to (1) reduce the secondary side yard (Perry Avenue) setback from 10.30 FT to 6.5 FT and 2) increase the rear yard coverage from 25% to 35% to accommodate a shed. The structure was constructed without permits.

Mr. Dye addressed the Board and explained his request. He came to the Planning department once he received a stop work order from the building department. He stated that he did hire a contractor to construct the shed however he did fail to follow up regarding permit requirements. The contracted advised him that a permit was not required for a shed of this size.

Mr. Dye also stated that the shed was needed for extra storage because he could not fit all of this boating equipment in the existing garage and would not be able to lift heavy items higher due to his back surgery. He also stated that the other neighbors' structures were very close to the property lines all along the alleyway. Mr. Dye further stated it was important for the shed to look good.

Chairperson White asked the Board if they had questions for the applicant.

Board Member Shelley asked when the house was built, and Mr. Dye replied 2019. He then asked when was the shed built, Mr. Dye responded a couple of months ago.

Chairperson White then asked if there were any questions for staff. Vice-chairperson Weeks stated the alleyway still active and had not been vacated. Statler responded that was correct. Board Member Jacquay also commented about the alleyway and asked staff what the thought process was on the setbacks from the alley.

Statler replied that rear yard coverage is calculated and the existing garage just is sitting within the 25% allowed so the structure is pulled close to the property line.

Board Member Shelley commented that the neighbor who was not in support of the variance seemed to be complaining more about the existing garage and the excess water going towards the alleyway. He did not see this was an issue with the request and was not valid for this structure.

After further discussion from the Board regarding the alley, traffic and permitting requirements Boyce asked the Board for a motion.

Vice-Chairperson Weeks made the motion to approve; seconded by Board Member Dittmar.

The motion carried 9-0 and the variance was approved.

Vice Chairperson Weeks commented that the property owner was trying to do the right thing and he did not see any issues with the requests.

4) ZBA 2023-013

1931 E. Jackson

R-1AAA

Mr. Tim Daniel on behalf of the property owner, is requesting a variance to reduce the required rear yard setback from 30 FT to 21.11 FT to accommodate a garage addition attached by a breezeway. The proposed garage will have livable space on the second floor.

Mr. Tim Daniel states his name and address for the Board. He then explains his clients reason for requesting the variance. He stated they will need future access for a wheelchair due to the homeowner's degenerate health. Mr. Daniel also stated since the right side of the home has a live sand oak this eliminated the possibility of an addition in that area in order to preserve the tree.

Mr. Daniel further stated they met the side yard setback, but the proposed garage would need to slide into the rear yard. The homeowner was also trying to accomplish having access from the garage to the house. Mr. Daniel then stated if they did not need the breezeway then the garage would be in compliance with the LDC.

Chairperson White asked the Board if they had any questions for staff. Hearing none, he then asked if there were questions for staff. Board member Dittmar asked about stairs encroaching into a setback and Statler responded they must be uncovered open stairs.

Chairperson White asked the audience for any speaker requests and Ms. Susan Campbell Hatler approached the podium. Ms. Hatler stated her name and address for the Board. Ms. Hatler was in support of the variance. She felt the request would not disrupt the character of the neighborhood.

After Board discussions Chairperson White entertains a motion.

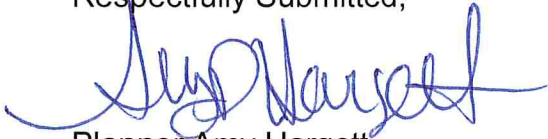
Board Member Shelley motions to approve seconded by Board Member Dittmar. The motion carried 9-0 and the variance was approved.

DISCUSSION –

ADJOURNMENT –

There being no further business, the meeting adjourned at 3:28 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Amy Hargett", is written over the typed name.

Planner Amy Hargett
Secretary to the Board