



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
June 25, 2020**

MEMBERS PRESENT:

Aaron Smith
Roger Clark
Andrew Curry
Mandel Samuels

OTHERS ATTENDING:

Ethan Hunter, City Planner
Chris Robinson, Planner I
Kyle Belt, Planner I
Gloria Garcia, Planning Tech.

Aaron Smith called the meeting to order at 4:11 pm.

NEW BUSINESS

20-09: A request by David Hull for a variance to allow a 12' exterior side setback reduction and a 5.75' rear setback reduction at 1217 S. 12th Street in the city's N-R (Neighborhood Residential) zoning districts.

David Hull represented the request. Staff stated the applicant is requesting a 12' exterior side setback reduction and 5.75' rear setback reduction for a proposed accessory structure. The applicant has stated in the hardship letter that on the north side of the property there are utilities and drainage issues during heavy rain events, necessitating that they need to put the proposed accessory structure on the south side as shown in the diagram. While normally this would present a hardship, there would not be enough buildable area on the north side for the proposed workshop even if this hardship did not exist. Staff does not consider the hardship presented a valid hardship, and is recommending denial of the variance request.

Hull stated that before he purchased the house in 2000 he came down to City Hall to make sure that the setbacks were not going to be an issue. Hull said that he was assured by the surveyor that there was a 7.5' easement on the back because of utilities. Hull stated that the reason for the size of the shed is to provide sufficient space for storage.

Smith opened the public hearing. There were no public comments and the hearing was closed.

Curry asked staff if there is a way to verify the statement made by the applicant about a change to the setbacks after the property was purchased. Staff stated that to their knowledge there are no records of old setbacks and so the only way it would be possible to verify would be to do a review

to see if the property was rezoned. The only setback information available is the current setbacks in the NR zoning district.

Hull stated that he tried to look up information on the setbacks that were given for his lot in 2000 but had no luck and didn't know if what was given to him was correct at the time but it was what he was told.

Staff stated that whenever they are answering a setback question from the public they will refer to the final plat for the subdivision. If there's setbacks that were recorded at the time on the final plat it would supersede the current zoning requirements, but in the case where they're not on the plat, the current zoning standards prevail.

Curry stated that he thinks there is some potential for a hardship if the issue with the right-of-way for W. Ash Street is correct and this doesn't seem like a likely location for a road expansion. Curry said that they have been considerate of this in the past but that does not speak to the rear setback variance request.

Staff asked what in regards to the right-of-way is in question. Curry stated that the diagram shows the distance between the curb for W. Ash Street and the property line is large, 7' in distance.

Hull stated that he pulled two surveys for the lot, one from 2000 and the other from 1988, and said the survey from 1988 shows the 7.5' easement but does not show a setback. Hull stated that he is not wanting to reduce the rear setback to 7.5' and only wants to be 15' from the rear property line.

Smith asked Hull if he's look into any other configurations for the shed. Hull stated that the proposed size of the shed is for storage and he also plans on inheriting a boat which is why he also needs the shed to be the proposed size.

Curry stated that the requested rear setback reduction is made necessary because of the size of the building and does not believe to have heard or seen a hardship for that request that would allow a variance.

Motion by Curry to deny the request as presented. Second by Samuels.

Voice vote: Unanimous *Motion carried*

DENIED

Previous minutes: June 11, 2020

Clark motioned to approve the minutes from June 11, 2020. Second by Curry. Voice vote: (unanimous). Motion carried. **APPROVED.**

Meeting adjourned at 4:46 pm.

Roger Clark, Board of Adjustment Secretary