

**BZA MEETING MINUTES
WEDNESDAY, JUNE 6, 2018**

Rick Greenfield called the meeting to order at 1:00 pm

ROLL CALL: Attending were Board Members, Julie Weaver, Dawn Whalen, Kathy Arsenault, Mike Garrett and Rick Greenfield. Also present, Clerk Treasurer, Dan McMillan, and Attorney, Craig Wiley.

RULES OF PROCEDURE: The Rules of Procedure were read into the record. Attorney, Craig Wiley swore in those giving testimony.

CONTINUED PETITIONS:

2018-DVB -006 – 653 Buffalo Street

Samantha Wheeler is requesting a variance that would allow them to finish a carport that was previously constructed by previous tenants and is not compliant with D-5 Zoning

Staff: Linda Ahlbrand

Staff recommends approval of the variance.

This is a substandard mod. The back half of an original lot making it difficult to meet any kind of open space requirements, so we are supportive of the 50% reconsideration of open space. The house is non-conforming the set back is 9ft the ordinance allows you to extend the non-conforming by 50%, but this is a little larger than that. The staff does not think it affects negatively any of the surrounding properties.

This request would legally establish a 300-square foot carport attached to an existing single- family detached dwelling. The site is surrounded by single-family detached dwellings all zoned D-5. The existing dwelling has an established setback of nine feet when an 18-foot setback is required. The Ordinance allows a 50% expansion along an existing non-conforming setback. Since the dwelling is 22 feet wide, an expansion of 11 feet would have been permitted without a variance. The expansion was built at a width of 15 feet. The purpose of the front setback requirement is to keep a consistent, open appearance along street frontages. Since no other homes in this area front on Buffalo Street and the setback is consistent with the established side setbacks of adjacent homes, the deviation would be appropriate. This request would also legally establish an open space for the lot of 57% when 60% is required the D-5 classification. Staff believes this is a minor deviation because of the reduced size of the lot. The lot is only 2,622 square feet when 5,000 square feet is the minimum lot size in the D-5 district. It would be practically difficult to locate a dwelling and an off-street parking space on this property without relief from the open space requirement.

Dawn Whalen moved to approve the variance. Mike Garrett seconded the Motion; which was approved by a unanimous voice vote.

NEW PETITIONS

2018-DVB-007 – Matthew Rainbolt 4146 South Emerson

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for C-District permitted uses and offices related to a contracting business (not permitted).

Mr. Rainbolt just recently bought the property and he is trying to get the property legally established to support C-3 businesses. The property line on the southside in the Staff Report list a 10 foot of landscaping, so my property line doesn't extend to the right of the way of the street, so does the to the 10 foot of the right away so does the landscaping need to go the the10 foot of the right away or just to my property line. Linda Ahlbrand commented that it just needs to go to the property line. People use the lot to turn around and he doesn't know how to fix that and it's not his property.

Remonstrators:

Alice Moore lives at 202 Edwards. Years ago, this came up and they had a petition and all the neighbors signed it. She is concerned because their neighborhoods are going down and she is concerned about what kind of businesses will be allowed in there and she is also concerned about the increase in traffic it will cause to that street. That business property empties onto Grovewood, which is already a congested area because Emerson empties onto that street and it is the Main street into the neighborhood.

Petitioner Rebuttal

Mr. Rainbolt explained that the building is small, and the parking spaces are only a few, so he does not anticipate it creating a traffic issue. He commented on the businesses he anticipates using the building; which includes a Maid Company, that is in there now and he is possibly looking to put in a hair salon or massage therapist. He also plans to have his HVAC Company working out of there and he is the only technician and his wife is the only dispatcher.

Remonstrator Rebuttal

She does not want a massage place in her neighborhood.

Staff: Linda Ahlbrand

Staff recommends approval with the following conditions.

Staff recommends approval of the variance petition, subject to the following conditions:

- A 10-foot landscape strip shall be installed along the south property line adjacent to Grovewood Drive.
- Landscaping shall meet the requirements for C-3 standards for quantities, sizing and species.
- There shall be no overnight storage of trucks related to the contracting business.
- There shall be no outdoor storage of materials.

The subject site is improved with a detached single-family dwelling that has been converted for retail, service and office uses. A variance was obtained in 1975 (75-BG-6) that permitted the building to be utilized for Television and Appliance Sales and Service. Since then, the site has been used for multiple commercial establishments. Permits for signs over the years have referenced this old variance petition even though the use was not a Television and Appliance business.

This request would essentially legally establish what has been occurring on site for the past 40+ years. Past tenants in this building have all been C-3 permitted uses and this variance would continue to allow the owner to rent to permitted C-3 uses. This request would also allow for offices related to a contacting business. This request would also be supportable provided there are no fleet trucks or outdoor materials stored on-site. The request would also be consistent with the Comprehensive Plan, which recommends Community Commercial uses. A site visit revealed there is gravel on site adjacent to Grovewood Drive. This gravel has encouraged motorists to drive over the sidewalk to access the site (see photo #5). To better control vehicular movement to and from the site and to buffer the adjacent residential neighborhood, a landscape strip should be installed.

Mike Garret moved to accept the variance. Dawn Whalen seconded the Motion; which was approved by unanimous voice vote.

READING OF MINUTES:

The May meeting minutes will be read at the next meeting.

ADJOURNMENT: Rick Greenfield moved to adjourn. Mike Garrett seconded the Motion. The meeting was adjourned at 1:17 pm.

Dawn Whalen

Mike Garrett

Rick Greenfield

Julie Weaver

Kathy Arsenault

Dan McMillan, Secretary

