

Board of Adjustment

Minutes

City Council Chambers, Lower Level

March 1, 2017

Board Members Present:

Chair Tony Siebers
Trent Montague, Vice Chair
Steve Curran
Wade Swanson
Ken Rembold
Terry Worcester
Kathy Tolman

Board Members Absent:

(none)

Staff Present:

Gordon Sheffield
John Wesley
Lisa Davis
Kaelee Wilson
Cierra Edwards
Charlotte McDermott
Mike Gildenstern

Others Present:

Tim Rasnake
Sake Reindersma

The study session began at 5:00 p.m. and concluded at 5:16 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:33 p.m., the following items were considered and recorded.

Study Session began at 5:00 p.m.

- A. Zoning Administrator's Report – Update on the Sign Code
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:00 p.m.

Public Hearing began at 5:30 p.m.

A. Consider Minutes from the February 1, 2017 Meeting:

A motion was made by Boardmember Rembold, seconded by Boardmember Curran, to approve the February 1, 2017 minutes as written.

Vote: Passed (7-0)

B. Consent Agenda:

A motion to approve the consent agenda as read by Vice Chair Montague with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Worcester and seconded by Boardmember Curran.

Vote: Passed (7-0)

Public Hearing adjourned at 5:33 p.m.

Minutes of the Board of Adjustment – March 1, 2017 Meeting

Case No.: BA16-068 Continuance to April 5, 2017

Location: 463 North Grand Avenue (District 1)

Subject: Requesting Variances to allow: 1) a carport addition and a detached accessory dwelling unit to encroach into the minimum side yard setbacks; 2) deviation from the required building form standard for carports; 3) the floor area of the an accessory dwelling unit to exceed 30 percent of the roof area of the primary dwelling unit; and 4) to allow greater than the maximum floor area for detached accessory buildings all in conjunction with an existing single residence in the RS-6-HP zoning district. (PLN2016-00759) Continued from February 1, 2017

Decision: Continuance to April 5, 2017

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Worcester and seconded by Boardmember Curran to continue case BA16-68 to the April 5, 2017 meeting.

Vote: Passed (7-0)

Case No.: BA17-011 APPROVED WITH CONDITIONS

Location: 536 South Drew (District 4)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow expansion of an existing industrial building in the GI District. (PLN2016-00934) Continued from February 1, 2017

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA17-011 with the acceptance of Findings of Fact and Conditions of Approval as read was made by Boardmember Worcester and seconded by Boardmember Curran to approve with the following conditions:

1. *Compliance with the site and landscape plan submitted, except as modified by the conditions below;*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
3. *As per MZO Section 11-30-9 screening of roof mounted mechanical equipment shall be required.*
4. *The building design shall comply with the building form standards of MZO 11-7-3.A.*
5. *The existing barbed wire at the top of the walls adjacent to the right of way shall be removed.*
6. *There shall be a minimum of 3 bicycle parking spaces provided as per MZO Section 11-32-8.*
7. *The existing 6' high masonry wall adjacent to Drew Street shall be painted.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

FINDINGS:

- A. The .5± acre site was developed in 1968.
- B. The current building is 3,280 SF.
- C. The improvements to the site will include installation of landscape material, removal of the barbed wire from the wall adjacent to Drew Street and a 3,840 SF addition to the existing building.
- D. Full compliance with development standards would require demolition of the existing site improvements.
- E. The modifications requested along with the conditions of approval are consistent with the degree of change requested to improve the site.
- F. The proposed improvements together with the recommended conditions of approval will help bring the site into a closer degree of conformance with current standards.
- G. The proposed improvements will result in a development that is compatible with and not detrimental to the adjacent properties or neighborhood.

Case No.: BA17-019 **APPROVED WITH CONDITIONS**

Location: 1353 East McKellips Drive (District 1)

Subject: Requesting a Development Incentive Permit (DIP) to allow a modification to the Development Standards for a new drive through restaurant in the NC-PAD District. (PLN2017-00032)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA17-019 with the acceptance of Findings of Fact and Conditions of Approval as read was made by Boardmember Worcester and seconded by Boardmember Curran to approve with the following conditions:

1. *Compliance with the site plan, landscape plan and elevations as submitted, except as modified by the conditions below.*
2. *Compliance with all requirements and conditions of approval for Design Review, DR16-035*
3. *Compliance with all requirements and conditions of approval for Planning and Zoning, Z16-053*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

FINDINGS:

- A. The development conforms to the General Plan's description of a Mixed-Use Activity and the Neighborhood Suburban character area.
- B. The site is 46,464 SF (1.067) acres, which is considerably under the 2.5-acres maximum allowed for a DIP application, and the lot has been in its current configuration for more than 10 years.
- C. The proposed building for Andy's Frozen Custard is a single-story, 1,500 SF building, depicted at 26'-2" in height.
- D. The site has direct access to existing utility services.
- E. The RS-9 single residence site to the east is utilized as a parking lot for the golf course.
- F. The proposed drive through restaurant compares favorably with the level of development of existing surrounding residential/commercial uses and developments.
- G. Compliance with the Design Review approval will ensure that the level of architectural detailing and design elements on the building will meet the Design Standards listed in the Zoning Ordinance.
- H. With the recommended conditions of approval, the landscape quantities and materials meet the intent of the development standards listed in the Zoning Ordinance.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. Sheffield', is written over the printed name and title.

Gordon Sheffield, AICP/CNU-a
Zoning Administrator