



BOARD OF ADJUSTMENT

April 23, 2020

**City Annex Building, Council Chambers
680 Park Avenue**

Member Present: Wendy Nobles, Gene Hicks, Nathan Kennedy, James Wyatt, Kristi Brower, Ron Johnson

Staff Present: Naysha Foster, Current Planner, Brad Cramer, Director

Call to Order: James Wyatt, Chairman called the meeting to order at 12:18 p.m.

Minutes: Gene made a motion to approve the December 12, 2019 minutes as written. Nathan seconded the motion. The motion carried unanimously.

Kristi made a motion to approve the January 9, 2020 minutes as written. Nathan seconded the motion. The motion carried unanimously.

Variance:

Naysha Foster presented the staff report for the Variance for reduction of front setback located at Lot 1, Block 7, Safstrom Division 5, known as 910 Safstrom Drive. The size of the property is 9,771 square feet and is located on a corner lot. The existing zoning is Residential One (R1), and all surrounding homes are listed as R1. This property is listed as low density on the Comprehensive Plan Map and is on local streets. The request is for the Board of Adjustment to approve the variance to reduce the front setback requirements from fifteen (15) feet, as granted from a previous variance, to thirteen (13) feet to accommodate a twelve (12) foot addition to an existing garage, taking it from a single car garage to a double car garage. A variance was granted for this property in July of 1985 to encroach fifteen (15) feet into the thirty (30) foot required front setback. The Board of Adjustment at the time approved this variance as it would not adversely affect the comprehensive zoning ordinance, the lot is situated on the end of a block as such that it could be two lots on the end of a block which would allow for fifteen (15) foot setbacks, and finally, due to the shape of the lot, to deny the request would be to deny the owners privileges that others in the neighborhood enjoy. Staff comments state that the lot is unique in nature due to the size and shape. The current R1 zoning requires that corner lots be larger than the maximum thirteen thousand five hundred (13,500) square feet to accommodate a twenty five (25) foot setback requirement from each street. The lot is oddly shaped due to the curvature of South Fanning Avenue, the lot averages the same size as the interior lots, other corner lots and cul-de-sac lots are larger than this lot, and there is a twelve (12) foot power line easement in the rear of the property. Due to the easement, the setbacks, and the Clearview triangles a large section of this property is not useable. The garage is currently a single car garage and the majority of the homes in the neighborhood have two car garages. There are three other variances that have been granted to reduce setbacks in this subdivision. A second stall added to the garage would prevent parking on the driveway and blocking the sidewalk. The staff recommends approval of the variance based on the following: undue hardship results from the physical limitation on the development unique to the property, such hardship is not economic in nature and has not been created by the occupant or tenant. Granting a variance will

not be in conflict with public interest and will not create a nuisance or potential harm to the neighborhood. Due to the shape of the lot, to deny the request would be to deny the owner privileges others in the neighborhood enjoy. Gene Hicks asked, "if approving this had any effect on the surrounding properties, roadways or power line system?" Naysha answered no, it would not have an adverse effect. No other questions were asked of staff. The applicant, Jordan Cox, stated his name and address, and informed the Board that the only reason they were requesting the variance is because of the power easement in the backyard and to try not to block the sidewalk. Street parking here is difficult because of the curve of the street. James Wyatt asked if the applicant had any participation in the first variance. The applicant stated that he was not involved. James Wyatt asked, "if they parked in the driveway did it block the sidewalk?" Jordan stated that it came close to the sidewalk and it blocked the clear vision triangle. No further questions were asked. James closed the public portion of the meeting. There was no discussion with the Board and a motion was made to approve the variance as presented.

There was no Public Testimony. James closed the public hearing.

Board Discussion: There was no discussion. Kristi made a motion to approve the Variance as presented. Wendy seconded the motion. Motion carried unanimously.

Reasoned Statement: Kristi made a motion to approve the reasoned statement. Nathan seconded the motion. Motion carried unanimously.

Adjourn: James adjourned the meeting.

Respectfully Submitted,

Ann Peterson, Recording Secretary