

BOARD OF ADJUSTMENT
MINUTES of Meeting No. 1261
Tuesday, October 27, 2020, 1:00 p.m.
Tulsa City Council Chambers
One Technology Center
175 East 2nd Street

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Van De Wiele, Chair Bond, Vice Chair Radney, Secretary Brown Shelton		Wilkerson Chapman Sparger	Blank, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on October 22, 2020, at 9:38 a.m., as well as at the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Van De Wiele called the meeting to order at 1:00 p.m.

Mr. Chapman read the rules and procedures for the Board of Adjustment Public Hearing.

The City Board of Adjustment was held in person, by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool. Board of Adjustment members and members of the public were allowed to attend and participate in the Board of Adjustment's meeting via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone using the following link:

<https://www.gotomeet.me/COT5/boa-gotomeeting-in-council-chambers-october-27th>

The staff members attending remotely are as follows:

Ms. Burlinda Radney
Ms. Audrey Blank, City Legal

The staff members attending in person are as follows:

- Mr. Stuart Van De Wiele, Chair
- Mr. Austin Bond, Vice Chair
- Ms. Jessica Shelton, Board Member
- Mr. Steve Brown
- Mr. Dwayne Wilkerson, Tulsa Planning Office
- Mr. Austin Chapman, Tulsa Planning Office
- Ms. Janet Sparger, Tulsa Planning Office

MINUTES

On **MOTION** of **BOND**, the Board voted 4-0-1 (Bond, Radney, Shelton, Van De Wiele "aye"; no "nays"; Brown "abstaining"; none absent) to **APPROVE** the **Minutes** of the September 8, 2020 Board of Adjustment meeting (No. 1258).

UNFINISHED BUSINESS

22996—Nick Puma

Action Requested:

Variance to allow a non-conforming lot to have less than 50% open space (Section 80.020-B). **LOCATION:** 1037 East 39th Street South (**CD 9**)

Presentation:

The application was withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

LT 10, NILES RESUB E/2 L7 BROCKMAN'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

NEW APPLICATIONS

23020—Sherwood Construction Company, Inc.

Action Requested:

Appeal of the Administrative Decision issued by the Land Use Administrator dated September 14th, 2020 that the activity described by the appellant is an Industrial/Mining and Mineral Processing Use (Section 70.140). **LOCATION:** N/A

Presentation:

The application was withdrawn.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

No Board action required; for the following property:

SW/4 of the NW/4 of Section 8, Township 19 North, Range 12 East and Beginning 427.01S NWC SE NW TH E101.97 N146.31 E215.12 S211.59 E498 S825.67 W820 TO SWC SE NW TH N899.08 POB in Section 8, Township 19. Range 12, City of Tulsa, Tulsa County, State of Oklahoma

UNFINISHED BUSINESS

23007—Tom Neal

Action Requested:

Variance to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); Variance of the allowable height of a detached accessory building from one story or 18 feet in height to two stories and 26 feet in height and from 10 feet to 18 feet in height to the top of the top plate (Section 90.090.C); Variance of the minimum required open space in the RS-2 District (Section 5.030, Table 5-3). **LOCATION:** 210 East Hazel Boulevard South **(CD 4)**

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated he has revised the project in coordination with the neighbor to eliminate one of the primary concerns, which was the windows to the south. Those windows have been replaced with shorter fixed frosted

glass windows which the neighbor agreed to. The other windows that are necessary for fire egress and ventilation have been moved to the sides and the height of the project has been reduced to a total of 26'-0" in height. By reducing the top plate to 7'-6" rather than 8'-0" it has been brought down to about 24'-9".

Interested Parties:

Jane Campbell, 211 East 27th Street, Tulsa, OK; stated she lives directly in back of the subject property. The window issue has been addressed. One of her main concerns is the water issue.

Mr. Van De Wiele stated the Board of Adjustment does not deal with drainage issues, but the Board will ask Mr. Neal to give a generic description of how the drainage will be addressed.

Mr. Van De Wiele asked Ms. Campbell if the reduced height and the window changes that have been described are a compromise that she approves of. Ms. Campbell answered affirmatively.

Rebuttal:

Tom Neal came forward and stated his client is very concerned about the drainage, it is a pre-existing condition that was there when he purchased the house. There is a garage apartment on the property, so the density is not being increased, it is a slightly larger footprint, but it is still a single occupancy unit as before. Mr. Neal stated there has been discussion about on-site water catchment basins, and his client is particularly interested because it appears that along the fence line there is the possibility of taking a drainage pipe out to the street, west to Cincinnati, for the runoff. Where there were pairs of 3-0 5-0 windows facing into the neighbor's back yard, they have been eliminated with 3-0-1 ½ frosted fixed glass windows up under the eaves on the south side.

Mr. Brown asked Mr. Neal about the height of the windows. Mr. Neal stated the header is about 6'-0" so the bottom will be about 4'-6".

Mr. Van De Wiele asked Mr. Neal about the top plate. Mr. Neal stated the top plate will be 17'-6" rather than 18'-0". Mr. Neal stated he also changed the roof slope from 9/12 to 8/12 trying to be responsive and still have a functional space.

Ms. Shelton asked Mr. Neal to state the hardship for his request. Mr. Neal stated the intention is to create garages that can accommodate contemporary sized vehicles. The hardship is that the original garage was 20 x 20 and built for cars of 1928. The height of the door accommodates the big trucks.

Mr. Van De Wiele asked Mr. Neal if the old garage had the stairwell on the outside. Mr. Neal answered affirmatively, and this design allows the stairwell to be pulled out of the required side yard. The garage is going four feet in each direction for contemporary sized garage, and the last remaining four feet is for the staircase.

Mr. Chapman stated the request for the Variance regarding the open space is not needed, and Mr. Neal agreed to withdraw that request.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Variance to allow more than 25% coverage by an accessory building in the rear setback (Section 90.090-C); Variance of the allowable height of a detached accessory building from one story or 17'-6" in height to two stories and 24'-9" feet in height and from 10 feet to 17'-6" in height to the top of the top plate (Section 90.090.C), subject to conceptual plan submitted today. The south facing windows are to be fixed and frosted. The Board has found the hardship to be the house and the plat of the neighborhood predates the City of Tulsa's Comprehensive Zoning Plan. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

LT 9 BLK 14, SUNSET TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

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NEW APPLICATIONS

23015—Tom Neal

Action Requested:

Special Exception to allow an accessory dwelling unit in an RS-4 District (Section 45.031-D); Variance to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); Variance to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); Variance to allow more than 30% coverage by an accessory dwelling unit in the rear setback in an RS-4 District (Section 90.090-C); Variance to allow a detached accessory dwelling unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C). **LOCATION:** 1129 North Denver Avenue West (CD 1)

Presentation:

Tom Neal, 2507 East 11th Place, Tulsa, OK; stated this project is in the former Brady Heights. The lot is unusually small, 44'-0" wide, and an early 20th Century big four square house. There appears to be a pad that is Model A or Model T size but there is nothing standing, so there is no garage of any kind. His client would like to have proper garage parking as well as an accessory dwelling unit for the homeowner to have for the family or possible rent out. There is alley access so the goal is to make the garage accessible from the rear as well as from the street, there is a very long driveway. The small lot and big long driveway is the reason it is over lot coverage. The client would like to have a three-car garage, two cars for the homeowner and one car for the garage living quarters. Mr. Neal stated he is respecting the five foot setback on the property on the east side. There are two very similar sized structures, both of which have recently been built; two houses to the north there is stucco Dutch colonial house with a similarly sized double story building on it and on the west side of Dener about three houses to the north there is another one. As for privacy concerns there are no windows of significance on the south or north sides. The windows that are there are primarily looking into the homeowner's own garden and as does the porch; there is one window for fire egress in a bedroom and a pair of French doors, and a window over the kitchen sink. The windows to the east, which overlooks the alley, are short and wide so those will not provide much visual oversight into the alley.

Mr. Van De Wiele asked Mr. Neal how does this from a lot width and tract size compare with the standard RS-4 lot? Mr. Chapman stated it is required to have a 50-foot wide lot minimum in an RS-4 District. Mr. Van De Wiele asked what the minimum square footage would be. Mr. Chapman stated it would be 5,500 square feet.

Mr. Van De Wiele asked Mr. Neal how many two-story garages were nearby. Mr. Neal stated that he has not performed a hard count but early 20th Century it was very common to have live in help, so he would say about 1/3 of the garages are two-story.

Mr. Neal stated the hardship for this request is that there is potentially three drivers; two adults in the main house and an adult living in the quarters. Rather than having cars on

the street and with a single lane driveway there are logistics issues. This would provide a garage for each potential adult driver.

Mr. Van De Wiele stated that his concern is the creation of the living space, which then allows for there to be more drivers and more cars, seems to be self-imposed.

Mr. Neal stated the City is encouraging ADUs at this point with the revision in the Zoning Code, and ADUs are common place in this neighborhood and much of midtown.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Mr. Van De Wiele asked Ms. Blank how the Board can square up the Special Exception for the accessory dwelling unit, and that creating a hardship. Ms. Blank stated if the ADU was taken out of the equation there is no hardship by Mr. Neal's explanation; there could be a smaller building, lower height, etc. Mr. Van De Wiele asked Ms. Blank if the Special Exception could create a valid hardship? Ms. Blank thinks the criteria of the Special Exception is that it has to create harmony. If she takes away the creation of the hardship by the Special Exception might negate the keeping of the harmony and the spirit and intent of the Code, not injurious or detrimental. Ms. Blank stated that hardships go with something that is unique about the property, its shape, configuration, etc. Taking affirmative action then creates a hardship which is odd.

Mr. Bond stated that the property has width that is already non-conforming, so if there was a non-conforming garage and garage apartment previously the homeowner would have a right to rebuild the structure within six months if it were destroyed. He thinks that the non-conforming structure on a non-conforming lot is something that the Board sees elsewhere in the City Code. The character of the neighborhood is that it has or originally had quarters and garages in the rear, that was part of the attraction of building houses that way. That is part of the attraction of living there then and living there now. The City is doing a lot of great stuff to try and revamp these houses in a historical appropriate way. He thinks one of them is to rebuild the quarters and rebuild the garage. The City Code has adapted to acknowledge that people have bigger cars, people have more cars than they use to, and a three-car garage is something that is in keeping with the width of driveways in other parts of Tulsa. Because of the historical nature of this house and the neighborhood surrounding it he thinks it is entitled to both the Special Exception and the Variance.

Mr. Van De Wiele stated the homeowner can have the accessory dwelling unit without a garage, but talk about the footprint. There is certainly not issue with having a garage. The size of the principle structure dictates the size of the accessory building. He does not dispute that many of the neighborhood houses had a detached garage with many of them having quarters on top. He does not know that in this case. Mr. Van De Wiele stated the desire to put a bigger garage with an apartment on top of it, he is struggling with that not being self-imposed.

Mr. Bond stated the homeowner is saving the house and maintaining the character of the neighborhood, which is one of the prongs the Board is asked to develop and the question is how does the Board foster that without being necessarily prescriptive. He thinks by allowing a neighborhood to continue to develop as originally designed is part of the original character of the neighborhood.

Ms. Radney agreed with Mr. Bond. She thinks the Special Exception is in alignment with the current spirit of the Code in that the idea of restoring the density in this historic neighborhood that was already there with the accessory buildings is definitely in keeping with the direction the City envisions for these neighborhoods. She thinks that this being a non-conforming lot means that the ancillary needs that the residents are going to have to be able to park their vehicles off the arterial street, Denver has a double yellow line so the ability to be able to park the vehicles on the property is important. Given that they could have an accessory dwelling unit of some calculable size that would allow an additional resident to be on the property, they too would have to be conforming with the same issue of parking. Ms. Radney stated she does not see the hardship as being self-imposed. The fact that this is a non-conforming lot still remains a hardship and that combined with the location on the arterial street would justify being able to create a garage structure that is a little larger than normally seen. She thinks this should be discussed a little bit more with the neighbors; if the balcony looked down on the alley she might be more generous about that but adding the balcony is a Variance that would be self-imposed.

Ms. Shelton agreed with Ms. Radney and Mr. Bond. Ms. Shelton stated that her only issue is the balcony. The balcony is what is different from all the other applications.

Mr. Van De Wiele asked Mr. Wilkerson how the balcony impacts the open space. Mr. Wilkerson stated typically if there is any kind of roofed structure over a patio that would not be allowed for consideration; it would count against the open space.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **CONTINUE** the request for a **Special Exception** to allow an accessory dwelling unit in an RS-4 District (Section 45.031-D); **Variance** to allow the floor area of detached accessory buildings to exceed 500 square feet and 40% of the floor area of the principal residential structure (Section 45.030-B); **Variance** to allow a nonconforming lot to have less than 50% open space (Section 80.020-B); **Variance** to allow more than 30% coverage by an accessory dwelling unit in the rear setback in an RS-4 District (Section 90.090-C); **Variance** to allow a detached accessory dwelling unit to exceed one story or 18 feet in height and to exceed 10 feet in height to the top of the top plate. (Section 90.090-C) to the November 10, 2020 Board of Adjustment meeting; for the following property:

LT 9 BLK 6, THE POWDER AND POMEROY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23017—LaTonya Exom

Action Requested:

Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit permanently (Section 40.210). **LOCATION:** 1037 East 26th Place North **(CD 1)**

Presentation:

LaTonya Exom, 11824 East 21st Place, Tulsa, OK; no formal presentation was made but the applicant was available for questions from the Board.

Mr. Van De Wiele asked Ms. Exom to tell the Board how old the manufactured home is, if there are other manufactured homes in the area and where they are, and any other pertinent information. Ms. Exom stated the area is mostly vacant lots; on the street there are two houses, and next to the subject property is a vacant house. Ms. Exom stated the manufactured home she has is a 1998 model. Ms. Exom stated the photo she provided the Board of the brick front of a house is what she plans to do to the manufactured home.

Mr. Bond asked staff when does a house go from prefabricated to a permanent structure? Mr. Chapman stated that practically speaking the term “mobile home” is not really used because practically these structures are not considered mobile. This is considered a manufactured home because it is manufactured off-site and brought in, whether it is affixed to the ground or not or has brick on it. It is essentially one piece to be brought to a site. Bricking the exterior is an option and the applicant can do that, but it will still be considered a manufactured home.

Mr. Brown asked Ms. Exom if the roof would be pitched or flat. Ms. Exom stated the roof will be flat.

Ms. Shelton asked Ms. Exom if the parking pad designated in her site plan is existing. Ms. Exom answered no and stated she plans to install a driveway.

Ms. Shelton asked Ms. Exom if she was addressing a topographical issue by placing the manufactured home on the lot as designated in the site plan. Ms. Exom stated she placed in the proposed position to give herself more space and not place the manufactured home close to the neighboring fence lines.

Interested Parties:

There were no interested parties present.

Comments and Questions:

Ms. Radney stated she is extremely torn about this request. She is not opposed to manufactured homes, she thinks there are issues in the resale ability of manufactured homes and she thinks that is the driving factor in terms of impact in a neighborhood if the value of that home is to decline. What concerns her about the subject location is

that it is marked and described as an area of growth, and this home is in the middle of what could be redevelopment. What concerns her is that the applicant's time and investment could come to nothing in the middle of an urban renewal sector. Ms. Radney stated she is the member of a citizen's advisory team that is attached to the subject sector and she is aware of conversations about ways in which this area is going to be changing significantly in the short and in the long term. She is concerned about granting the Variance in perpetuity because she does not think that is in service to the applicant. She also thinks that it would be wrong for herself to cast a vote without saying explicitly that she does not think this is going to be a residential area that is going to look anything like it looks today in perhaps as little as five years. Ms. Radney stated that gives her concern to encourage someone to do something that may not be in their best financial interest.

Mr. Van De Wiele stated the bricking of this type structure helps alleviate or address a lot of the concerns the Board hears from interested parties, none of whom are present today. He would be very reluctant to approve this with the condition that it be bricked and then put a time frame on the approval.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 4-1-0 (Bond, Brown, Shelton, Van De Wiele "aye"; Radney "nay"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to allow a manufactured housing unit in an RS-3 District (Section 5.020, Table 5-2); Special Exception to extend the time limit to five years (Section 40.210), subject to conceptual plans 5.13 and 5.14 of the agenda packet. The manufactured home is to be placed parallel or perpendicular to the street. The approval has a five-year time limit, October 27, 2025. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 9 & 10 BLK 2, WAREHOUSING ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23019—Back Land Use Planning – Carolyn Back

Action Requested:

Amendment to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from Community Development Project -53 (Section 30.020-C). **LOCATION:** 4821 South 72nd East Avenue **(CD 5)**

Presentation:

Carolyn Back, 632 East 3rd Street, Tulsa, OK; stated she represents Life Senior Services. Life Senior Services is in a feasibility contingency agreement to purchase the subject property and there is currently a school operating on the property. The children's day care was granted a Special Exception in case BOA-11909 in 1982. The

current Zoning Code does not differentiate between child and adult day care. Day care use is providing care and supervision for children or adults for a fee on a regular basis away from their primary residence for less than 24 hours per day. Day care services means supervised health, social supportive and recreational services in a structured day time program which serves functionally impaired adults who continue to live in their own homes usually with the aid of family caregivers. Ms. Back stated she originally submitted an application requesting a modification to the previously approved community development project, CDP-53, to allow for various senior services not to include over night or living facilities. In the process, Ms. Back believes her client was entitled per the current Tulsa Zoning Code to Section 30.020-C that states proposed changes and amendments to active CDPs require public health hearing and approval by the Board of Adjustment. City staff and City legal teams have decided the application required more, so they require the removal of this parcel from the middle of the active community development project, then a public hearing before the Board of Adjustment and approval of the Board of Adjustment to amend CDP-53 by removing the proposed adult day care from active CDP, not by amending the active CDP to allow for the use again. Ms. Back stated that her client's attorney spoke with City staff and City legal and decided on the following process; the BOA amendment to remove Lot 1, Block 1, Park Plaza 7th amended addition from community development plan CDP-53, TMAPC will perform a rezone and that has been applied for from CDP-53 to rezone to Office Medium to allow for the various senior services to include the adult day care and the active senior social and physical activities on site. The CDPs predate herself and Mr. Van De Wiele so this is an old situation that everyone is trying to figure out. The challenge is, if the Board is inclined to approve this request, when the motion is made making the request affective today this would be a legal non-conforming use. If the Board would approve the requested amendment from the community development project but making the approval to become affective upon City Council approval and the final ordinance being adopted by City Council, she thinks everything would be covered.

Mr. Van De Wiele stated that he has never heard of CDP and asked Mr. Wilkerson to explain what they are. Mr. Wilkerson stated these Community Development Plans were the only way that zoning could be customized before the Planned Unit Development (PUD); a precursor to a PUD. During the process it was determined that many of those were going to expire and it is very clear that the Board of Adjustment has the authority to amend the development plans but it is not clear has the authority to add uses. This use would be in addition to what was approved before 1970. Mr. Wilkerson stated that the abandonment of the CDP will not affect any of the other property owners.

Mr. Chapman stated that CDPs was specifically a development proposal that included residential and uses that are accessory to residential.

Ms. Shelton stated that she has not heard of CDPs. If CDP is a precursor to PUDs, and PUDs regulated more than just use, it had screening requirements, size requirements, etc., did CDPs include those type of requirements? Is this abandoning more than just the use that it was designated for? Mr. Chapman stated that in the way PUDs regulated density there were specific provisions about how many dwelling units can be in a certain

portion, but what is specifically called out is institutional or school site. Mr. Chapman stated he does not remember seeing anything that was beyond the Zoning Code, and as they redevelop it would actually be more stringent in terms of the requirements.

Interested Parties:

Ed Wagner, 4708 South 70th East avenue, Tulsa, OK; stated he lives west of the subject property. The zoning Office Medium permits quite a few different things, so what if Senior Services decides to sell the property, what could happen? Mr. Van De Wiele stated there is an Optional Development Plan that is part of the application that will be discussed at the Planning Commission meeting on November 4th. That is the meeting of where that process of limiting the OM uses will be discussed and if it is approved it will go to City Council.

Comments and Questions:

None.

Board Action:

On **MOTION** of **BOND**, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for an **Amendment** to remove Lot 1, Block 11 Park Plaza Seventh Amended Addition from the active Community Development Project CDP-53 (Section 30.020-C). This approval will be effective upon the City Council approval in Case #Z-7582 upon the City approval of the final ordinance being approved by the City Council; for the following property:

LT 1 BLK 11, PARK PLAZA SEVENTH AMD, City of Tulsa, Tulsa County, State of Oklahoma

23021—Dan Call

Action Requested:

Variance to reduce the required 20-foot rear setback (Section 5.030-A, Table 5-3).

LOCATION: 1929 South Jamestown Avenue East **(CD 4)**

Presentation:

Kathy Call, 1925 South Jamestown Avenue, Tulsa, OK; stated she lives next door to the subject property. She and her husband purchased the subject property about 1995 and they would like to replace the dilapidated garage. Using the information from 1928 she was told there was a five-foot setback and when she applied for the building permit, they discovered there is a 20-foot setback. The existing garage does not hold a car.

Mr. Van De Wiele asked Ms. Call if the existing garage is detached. Ms. Call answered affirmatively. Mr. Van De Wiele asked Ms. Call if there is a plan for the new garage to be attached. Ms. Call answered no, stating there is a covered walkway. Mr. Chapman stated that physically there will be a connection by the walkway and that is what kicks in the 20-foot rear setback into play.

Mr. Van De Wiele asked Ms. Call if she was going to be any closer to the side than what is there now, and how much closer to the rear line will the garage be? Ms. Call stated that it will be 5'-6" from the rear and the side will remain the same. Mr. Van De Wiele asked how far off the rear line is the current structure. Ms. Call stated that it is about 15 feet.

Mr. Van De Wiele asked Ms. Call if the new garage was going to similarly match the principle house. Ms. Call answered affirmatively.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None.

Board Action:

On **MOTION** of **SHELTON**, the Board voted 5-0-0 (Bond, Brown, Radney, Shelton, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a **Variance** to reduce the required 20-foot rear setback (Section 5.030-A, Table 5-3), subject to conceptual plan 8.11, 8.12, 8.13, 8.14 and 8.15 of the agenda packet. The new garage is to match the character of the principle residence. The Board has found the hardship to be the principle structure was built prior to the adoption of the Zoning Code. In granting the Variance the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

OTHER BUSINESS

Work Session was held. Different topics were discussed with no action taken.

NEW BUSINESS


None.

BOARD MEMBER COMMENTS

Mr. Van De Wiele stated that the State or City provisions relevant to virtual meetings was extended only through November 15th, unless the State does something different. Mr. Chapman stated that applies to Board members. Virtual meetings will still be held for the public.

There being no further business, the meeting adjourned at 4:45 p.m.

Date approved: 12/8/2020



Chair