

BOARD OF ADJUSTMENT MINUTES

October 1, 2002

7:00 p.m.

Present: Chairman Bud Neslen, Vice Chairman Dean Holbrook, Al Hess, Planning Commission Representative Dick Dresher, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: Leon Thurgood

Bud Neslen welcomed all those present and had the Board Members introduce themselves. Dean Holbrook made a motion to approve the minutes for August 6, 2002 as written. Dick Dresher seconded the motion and voting was unanimous.

1. Consider approval of a variance to allow a 20-foot front yard setback where a 30-foot setback is required at 117 E. Oakridge Drive, First Community Industrial Bank, applicant.

Randy Lewis, real estate agent representing First Community Industrial Bank, was present. Randy Lewis explained that at the mid-point of the property, there is an almost 50% slope from the level portion of the property to the rear property line with an overall of 30+feet in elevation in 75 feet. A reasonable building pad 40' X 60' placed at the 30-foot setback would have between 20% to 25% of that pad located in that severe slope area. The same size pad placed at a 20-foot setback would have less than 10% of the pad into the slope area with that 10% being in an area where the slope is more gentle and not as severe. Using a 30-foot setback will put a large portion of any home in the slope area. A home could be built with the 30-foot setback, but it would be a very shallow, two story home. Using a 20-foot setback will give a larger building pad to build a nice rambler type home with a walkout basement. The property is now under contract to be sold, only if a house can reasonably be placed on the lot because of the extreme slope created by the original ravine and the added fill material. This lot has not been maintained and now has weeds and has become a dumping ground and a fire hazard.

Blaine Gehring explained that he believes that this property has met the five qualifications for a variance. The property is not in the Foothill Zone so there are no restrictions on building on a slope greater than 30%. Building on a slope of 50%, which this property is, would not be desirable. To keep within the zoning objectives and purposes it will be more desirable to pull the home forward to 20 feet. There is a provision in the ordinance that says:

Lots where the elevation of the ground differs ten (10) feet or more from the curb level, as measured at a point fifty (50) feet from the front lot line midway between the side lot lines, said front yard setback may be reduced to twenty (20) feet.

This property misses the measurements by 4 feet. The property comes close to the purpose and intent of the ordinance. Because of the way the fill was placed on the property, to make a landscaped area on top, the slope drops off at the mid-point area of the property to the property

line. By pulling the home forward there is the ability to create an area for a walkout basement. Without the 20-foot setback, the lot will continue to sit vacant or an odd shaped home will be built that does not fit the neighborhood.

There was a discussion between the Board Members and some surrounding property owners. Don Barton, residing at 3667 Oakridge Circle, is not concerned about granting a 20-foot setback, but he has concerns about a home being built other than a rambler. If a two story home is built it will break off his view, which frightens him. Mr. Barton mentioned that the fill, trees, bricks, cement etc., that have been dumped over the years has now settled. Mr. Barton asked, if the neighbors agree to the variance, will there be a stipulation saying that a rambler type home, not a two or three story home will be built? Mr. Gehring explained that the ordinance will allow for any home to be no more than 35 feet high. It is not whether the neighborhood accepts the approval, but if the variance fits the Board of Adjustments criteria. If the variance meets the law, it can be approved.

Dean Holbrook feels that a rambler type home will be consistent with the neighborhood. The variance is very close to meeting the automatic approval by ordinance. Mr. Holbrook has no objections for the approval of the setback.

Al Hess feels that the approval meets the spirit of the ordinance and the neighborhood will be better not having a trashy lot. Moving the house forward is better than the alternatives.

Dick Dresher has walked on the property and feels that a home can be built without a variance. There was a discussion between Randy Lewis and Dick Dresher on adjusting the home to be built on the property without a variance. To build a home that complies with the objectives and purposes of the ordinance and fits the neighborhood, a variance will need to be approved.

Al Hess made a motion for approval of a variance to allow a 20-foot front yard setback granted on the findings of the Board of Adjustment to meet the criteria of State Law. Dean Holbrook seconded the motion and voting passed by majority vote. Dick Dresher voted no.

Meeting adjourned at 8:45 p.m.