

## **BOARD OF ADJUSTMENT**

**May 14, 1996**

Present: Vice-Chairman Verlon Duncan, Dean Thurgood, Sydnie Shurtliff, Clarence (Bud) Neslen, Lois Williams; Blaine Gehring, Planning and Redevelopment Director; Connie Feil, Recording Secretary.

Absent: Chairman Paul Summers.

Verlon Duncan welcomed all those present then had the Staff and Board Members introduce themselves. The minutes for April 9, 1996 approved as written by majority vote on a motion made by Sydnie Shurtliff and seconded by Verlon Duncan. Dean Thurgood abstained from voting.

1. Consideration of a variance of 7 feet to a required side yard setback of 8 feet at 1206 N. Main Street, Carlos Robinson, applicant.

Carlos and Betty Robinson were present. Carlos Robinson apologized for not obtaining a building permit to build his carport. The carport was almost finished when the Robinsons were notified to stop work on the carport and file for this variance. The Robinsons have resided at this address for 48 years. Mr. Robinson mentioned that his neighbors, Ira Newsome and Robert Goodfellow, are in favor of this variance. Mr. Gehring noted that letters from these people have been received stating they are in favor of the variance.

Mr. Gehring explained that the compelling factors in this variance are the width of the lot and the location of the gas meter. These are both circumstances created by someone other than the property owner. The house sits only 13.5 feet from the north side yard. Meeting the required side yard setback of 8 feet would mean a structure of 5.5 feet wide could be built. The gas meter is also located on the north side of the house. In order to put a carport on this side an extra 2 feet needs to be given to allow for clearance of this meter. The garage on this home was enclosed and used for living space many years ago. Mr. Robinson is in his 90's and would like a place to park out of the weather, especially on snowy and icy days. Staff recommends granting the variance on this basis.

Dean Thurgood made a motion to grant the request for a variance of 7 feet to a required side yard setback of 8 feet at 1206 N. Main, Carlos Robinson, applicant. Bud Neslen seconded the motion and voting was unanimous.

2. Consideration of a variance to build on ground greater than 30% slope at 465 E. Indian Springs Drive. Jonathan and An Bradshaw, applicants.

Jonathan Bradshaw was present. Jonathan Bradshaw explained that prior to designing the home Mr. Bradshaw met with Jim Stacey, former employee, to understand the City requirements and to get their acceptance on the design. Mr. Bradshaw designed the home to comply with the

requirements at that time. The home has been designed to fit the sloping terrain, and is designed specifically to fit within the 30% slope area of the Hillside Ordinance with the exception that the home encroaches into the 30% slope area on the east side yard about 12 feet. The home has been designed by making the upper floor slightly larger than the lower floor with some structural overhangs, so that the home will fit the existing grades well and to minimize grading. The only area available for the driveway and garage are designed to impact the site in a minimal way as well as to channel surface water away from structures.

The unique circumstances of the lot, which is responsive to the slope and grading of the lot, require a variance from the normal requirements. The circumstances were created when the lot was parceled as it was by the original people who sold the lot. Circumstances were different when this land was parceled because there was no Hillside Ordinance. The slope transition on the east side of the lot, from high to low, limits the available building pad and the design of the structure, driveway and garage that can be placed on the property. The issue is that the grading of this lot has been manmade. Years ago the City placed a street drainage culvert on the site and excavation and fill work was done in the exact area of the 30% slope. The grading in this area is not the natural grade. The drainage culvert was moved by the previous property owner and the fill was left in place. One of the reasons this lot has not been developed is because it is a difficult site.

Mr. Gehring mentioned that the building code requires all drainage from the garage and driveway drain back to the street. Where there is a drainage channel the home has been allowed to be built on the lower elevation so the drainage flows behind the home and into the creek. Mr. Bradshaw will be able to follow the natural slopes for the drainage. On the east side of the property there are some natural 30% slopes and the slopes on the front of the property are manmade. Flood control is handled by the county so the drainage culvert on the property was done by the County not the City. After the floods of 1983 the County had to put rocks along the creek to help prevent any more erosion.

Lois Williams made a motion to grant a variance to build on ground greater than 30% slope at 465 E. Indian Springs Drive, Jonathan and An Bradshaw, applicants. Dean Thurgood seconded the motion and voting was unanimous.

3. Consideration of a 5ft. variance to the front yard setback and a variance to build on ground greater than 30% at 2625 S. Oakwood Dr., Gregg Revell, applicant.

Greg and Marsha Revell were present. Greg Revell explained that his original plan was for a 15 foot front yard setback. The plans have been revised for a 20 foot front yard setback which will meet the ordinance. The variance being requested is to build on ground greater than 30% slope. The 30% slope is on the back corner of the home.

Mr. Gehring explained that the Revells have revised their plans for a 20 foot front setback which meets the ordinance and is no longer an issue with this variance request. The 30% areas on the applicant's topographic survey are patches of 30% or greater slopes and do not extend for the remainder of the lot as on the typical foothill lot. The Staff is not concerned with allowing an

encroachment into these areas.

Richard and Sharon Spratley, owners of the property adjacent to the Revell's property, were present. The Spratleys asked what type of home was going to be built and where will the front of the house be facing on this property? Mr. Revell pointed out on the map where the home will be built and that it will be a rambler style home.

Kent Williams and Mike Quinn had some concerns about the front yard setbacks. It was explained that the original plans were for a 15 foot setback but now have been changed to a 20 foot setback. The City Ordinance will allow a 20 foot setback when the elevation of the ground differs 10 feet or more as measured from the midway point of the lot at the street line going back 50 feet.

Mr. Gehring mentioned that the home will be more than 150 feet away from the street and there will be a fire hydrant required by ordinance. The Staff recommends granting the variance to encroach into the 30% slope area.

Sydney Shurtliff made a motion to grant a variance to build on ground greater than 30% at 2625 S. Oakwood Dr., Gregg Revell, applicant. Motion was seconded by Bud Neslen and voting was unanimous.

Meeting adjourned at 7:40 P.M.