

BOARD OF ZONING APPEALS

MINUTES

April 2, 2019

Members Present: Lynne Thomas Roth Glynn Marsh
 John Bruns Mayor O'Callaghan

City Staff Members John P. Applegate
Present: Denise Winemiller

Mrs. Thomas-Roth called the Board of Zoning Appeals meeting to order. Attendance was taken and all of the board members were present.

1. Mrs. Thomas-Roth asked if there were any corrections or additions to the minutes from the September 4, 2018 meeting. There were no comments or corrections so Mayor O'Callaghan moved that the minutes be accepted as prepared. Mr. Marsh seconded the motion. All board members voted in favor of the motion. The minutes were adopted.

2. 19-01 - Application for a variance submitted by Josh Dungan of Josh Dungan Homes, on behalf of the applicant, Gregory and Denise Palmer, to reduce the current setback of 100 feet from the right of way to 50 feet for Lot 4, Stoney Crest South, 892 Old Springfield Road.

Mr. Applegate said that Mr. Dungan was present. He said there were three applications and that they would need to act upon each one individually. He asked if Mr. Dungan wanted to address the Board.

Mr. Dungan said that he was considering the purchase of three lots with the intent of building one, single family home in the 3,000 square foot range for a Veteran with a family of five. He said he was applying for a variance on all three lots to make the lots more buildable. He said there was a spring fed creek on all the lots. On lot 4, it was not so much of a problem but it was for lots 5 and 6.

There was a discussion that for Lot 5, it would be a 3,000 square foot slab, and that a basement in this area would not work. Also, single family homes were his only consideration.

Mr. Applegate showed the location of the creek on a map to give them an idea of the layout of the property.

Mr. Applegate said for Lot 7, about a year ago, they granted a 35 foot set back. Mr. Marsh asked if building a house on these lots was contingent on receiving the variance and Mr. Dungan said yes, that he would not be able to build with the current setbacks.

Mr. Applegate said that in April of 2018, they had told the owner of the house built on Lot 1, after the approval of the first variance on lot 7, that as the variances came up on each lot, getting closer to Mr. Newsad, residing on Lot 1, they would work towards gradually getting the set back to 100 feet so the Newsad's would not be always looking at the backs of homes.

Mr. Applegate asked Mr. Dungan if he would work with a 75 foot setback for Lot 4, which was the closest to the existing home and the deepest lot and then that would be in keeping his commitment to the property owner as discussed last year. Mr. Dungan said that the 75 foot setback for that property would be agreeable to him and that he could work with that.

Mr. Dungan provided Mr. Applegate with additional information on the organization providing the funding for the Veteran and a diagram of the house he was proposing. He said they were raising \$350,000 to pay for the construction of the home.

Mrs. Thomas-Roth asked if Mr. Dungan was aware that the variance was 50 feet from the setback, not the pavement. Mr. Applegate said he was and on the map he showed 50 feet back and 75 feet back. On this lot, 50 to 75 feet was determined not to be a problem but if they went to 100 feet, per the original plan for the subdivision, it would put the house too close to the creek. Mr. Applegate said the zoning required a 2,000 foot square home as the minimum requirement. Any larger, and the house would be setting on the edge of the creek.

Mr. Applegate said as an example, Mr. Newsad's garage was roughly 153 back from the road right of way.

Mr. Marsh verified that there was one more vacant lot between the property Mr. Newsad owned and lot 4. That would be lot 3 and they said they would recommend that that property stay at 100 feet.

On lot 4, Mr. Applegate asked that if they find they can move the house back an additional five or ten feet, please do that to help out the property owner of Lot 1. Mr. Dungan said he was primarily interested in Lot 5 and maybe 6 but not Lot 4. He was just assisting the property owners in submitting for all three variances.

There was a brief discussion about tabling 19-01 but Mr. Applegate said they would modify the existing application to show 75 instead of 50 feet.

Mr. Bruns moved to grant a variance of 75 feet for Lot 4, Stoney Crest South, 892 Old Springfield Road. Mr. O'Callaghan seconded the motion. All concurred and the variance was granted.

3. 19-02 - Application for a variance submitted by Josh Dungan of Josh Dungan Homes on behalf of Bruce Nicholson, Trustee of the Nicholson Revocable Trust to allow a building set back line 50 feet from the right of way. Current recorded set back is 100 feet from the right of way for Lot 5, Stoney Crest South, 896 Old Springfield Road.

Mr. Applegate said that staff recommends the approval of a fifty foot variance due to the creek.

Mr. Bruns moved to grant a variance of 50 feet for Lot 5, Stoney Crest South, 896 Old Springfield Road. Mr. O'Callaghan seconded the motion. All concurred and the variance was approved.

Mr. Marsh asked if the house was handicapped accessible and Mr. Dungan said it was.

Mr. Applegate asked Mr. Dungan if he had a copy of the covenants for Stoney Crest South and he did not. Mr. Applegate gave him a copy.

4. 19-03 - Application for a variance submitted by Josh Dungan of Josh Dungan Homes on behalf of Gregory and Denise Palmer to reduce the current setback of 100 feet from the right of way to 50 feet for Lot 6, Stoney Crest South, 900 Old Springfield Road.

Mr. Bruns moved to grant a variance of 50 feet for Lot 6, Stoney Crest South, 900 Old Springfield Road. Mr. O'Callaghan seconded the motion. All concurred and the variance was granted.

5. Open Agenda

There was nothing for the open agenda.

6. Mayor O'Callaghan moved that the meeting be adjourned. Mr. Bruns seconded the motion. All concurred and the Board of Zoning Appeals meeting was adjourned.