

MINUTES OF THE BOARD OF ADJUSTMENT

DATE: January 8, 2019

TIME: 1:30 p.m.

The regular meeting and public hearing of the Board of Adjustment was held on the above date and time in City Council Chamber, Historic City Hall with the following members and personnel in attendance: Robert Sweere (Vice-Chair), Shelby Lawhon, Ed Alden, Derek Lee, and Steven Jackson. Absent: Matt Cologna (Chair) and Bryan Fisher. Staff: Daniel Neal, Senior Planner, Harlan Hill, Building and Development Director, Tom Rykowski.

Roll call:

INTRODUCTION OF ZONING ORDINANCE AS EVIDENCE: Daniel Neal introduced the Zoning Ordinance.

APPROVAL OF MINUTES: The minutes of December 4, 2018 were approved.

COMMUNICATIONS: None

PUBLIC HEARING:

Special Exception 1303
1640 South Charing Avenue

Applicant: Scott Roberts

Daniel Neal stated that this is a request to allow an accessory building in excess of the height requirements. The applicant is requesting a special exception to allow a partially constructed garage to be finished with a 20-foot-high gabled roof. This would allow the partially constructed garage to exceed the height requirement of 16 feet by an additional 4 feet. The height of a gabled roof is measured to the mean height level between eaves and ridge. It would also allow a 12 x 12 gabled roof as designed. The applicant has provided photos of the partially constructed building.

The partially constructed accessory building garage is 20 feet at its peak while the existing house is approximately 37 feet tall. The partially constructed accessory building is on a higher grade than the existing house/residence. The applicant approximates that it is approximately 4 feet higher than the existing grade of the house.

In this special exception, the Board of Adjustment has jurisdiction and authority to grant special exceptions from the terms of this article in certain instances. In this case, the Board of Adjustment must determine whether the partially constructed accessory building that exceeds the height requirements can meet the conditions to grant a special exception.

If the special exception is approved; the partially constructed accessory building is allowed to be permitted with a roof that is no greater than feet in roof height.

If this special exception is denied; the applicant must comply with the ordinance and modify the partially constructed accessory structure to meet the height requirement of 16 feet.

Sec. 36-366. - Special exceptions.

(1) Jurisdiction and authority. The board of adjustment shall have jurisdiction and authority to grant special exceptions from the terms of this article in the following instances:

(e) Height of accessory structures. The board of adjustment may grant a special exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided all of the following conditions are met:

- The proposed accessory structure shall not be within the front yard.
- The proposed accessory structure shall be setback as required by subsection 36-450(5), unless a greater setback is required by subsection 36-482(11). The board of adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.

- The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot.
- The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.
- The proposed accessory structure otherwise conforms to all other applicable requirements of this article including section 36-450, accessory uses and structures

Mr. Sweere opened the public hearing.

Mr. Patrick Platter, 1949 E. Sunshine Street, representing the owner and also a resident on South Charing Avenue, noting the accessory building (garage/carriage house) has 20' pitch instead of the 16' pitch that is required by the zoning ordinance. However, he noted that the area is on a slope and the garage/carriage house to be approximately 4' higher than the home with a 12 x 12 pitch, located in backside of East Charing. He also presented a letter from an adjacent neighbor to the south stating that it would be a great addition in the neighborhood.

Mr. Sweere closed the public hearing.

Motion to **approve** Special Exception 1303 (1640 South Charing Avenue). The motion carried as follows: Ayes: Sweere, Lee, Alden, Lawhorn, and Jackson. Nays: None. Abstain: None. Absent: Cologna and Fisher.

Special Exception Findings of Fact and Conclusions of Law:

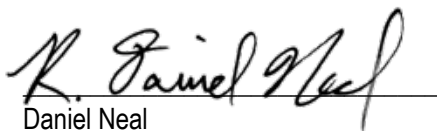
Approved: 5/0 The granting the exception **will not** be injurious or otherwise detrimental to the public health, safety, morals, and general welfare of the general public.

Approved: 5/0 The granting of the exception **will not** be detrimental or injurious to the property or improvements in such zone or neighborhood in which the property is located.

Approved: 5/0 The granting of the exception **will** be in harmony with the general purpose and intent of the Zoning Ordinance.

UNFINISHED BUSINESS: None

OTHER BUSINESS:


Daniel Neal
For Executive Secretary